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Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, FIRST SESSION

SENATE—*Saturday, July 31, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Reverend Dr. Karl B. Justus, executive director, the Military Chaplains Association of the United States, Washington, D.C., offered the following prayer:

Almighty and most merciful God, Sovereign of the nations and Saviour of men, make Thy presence felt and known in this august Chamber, hallowed by great men living and dead.

For these Senators, we pray, "Grant them wisdom, grant them courage, for the facing of these days."

We pray that Thou wilt keep safely our astronauts exploring the mysteries of the moon this day.

Bless our President, Richard Nixon, and the leaders and Members of the Senate and Congress. May America's interests and the finding of solutions to the problems confronting us within and without our borders, be uppermost in their minds—superseding all political loyalties.

Hasten the day of peace—ending a conflict in Vietnam that has been so costly in life, money, materiel, and division, but let it be peace with justice, dignity, honor, and freedom.

Hear this, our prayer today, and grant a wisdom and a vision to our Senators, that they may do something significant on the issues and problems with which they are now coping.

In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 30, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 308, 309, and 311.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE SMALL RECLAMATION PROJECTS ACT

The Senate proceeded to consider the bill (S. 1026) to amend the Small Reclamation Projects Act of 1956, as amended, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 7, after "(d)," strike out "The term 'project' shall mean (i) any complete water development or features thereof, as could be authorized for construction under Federal reclamation laws and" and insert "The term 'project' shall mean (i) any complete water development having irrigation as a purpose, including features thereof, authorized to be constructed pursuant to the Federal reclamation laws and"; on page 2, line 9, after the word "cost," strike out "indices." and insert "indices determined by the Secretary to be applicable on January 1 for the year in which the application is filed."; in line 14, after the word "project", strike "cost." and insert "cost as set forth above."; on page 3, line 2, after the word "the", strike out "project cost" and insert "maximum allowable estimated project cost as set forth in section 2 (d)"; after line 3, insert:

(4) Paragraph (3) of section 5(c) of such Act is amended to read as follows: "(3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or outdoor recreation, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above;".

And, at the beginning of line 11, strike out "(4)" and insert "(5)"; so as to make the bill read:

S. 1026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended, is amended as follows:

(1) Subsection (d) of section 2 of such Act is amended to read as follows:

"(d) The term 'project' shall mean (i) any complete water development having irrigation as a purpose, including features thereof, authorized to be constructed pursuant to the Federal reclamation laws and (ii) any similar undertaking proposed to be constructed by an organization. The term 'project' shall not include any such undertaking, unit, or program the estimated cost of which exceeds $10,000,000 (January 1956 prices) plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the type involved as shown by engineering cost indices determined by the Secretary to be applicable on January 1 for the year in which the application is filed. No loan, grant, or combination thereof for any project shall be in excess of 65 per centum of the maximum allowable estimated project cost as set forth above. Nothing contained in this Act shall preclude the making of more than one loan or grant, or combined loan and grant, to an organization so long as no two such loans or grants, or combinations thereof, are for the same project, as herein defined.".

(2) The first sentence of section 4(e) of such Act is amended by deleting ", whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation".

(3) Paragraph (a) of section 5 of such Act is amended by deleting "$6,500,000 or" and inserting in lieu thereof "65 per centum of the maximum allowable estimated project cost as set forth in section 2(d) or".

(4) Paragraph (3) of section 5(c) of such Act is amended to read as follows: "(3) in the case of any project involving an allocation to domestic, industrial, or municipal water supply, commercial power, fish and wildlife enhancement, or outdoor recreation, interest on the unamortized balance of an appropriate portion of the loan at a rate as determined in (2) above;".

(5) Section 10 of such Act is amended by deleting "$200,000,000" and inserting in lieu thereof "$300,000,000".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATIONS BY THE BUREAU OF RECLAMATION

The Senate proceeded to consider the bill (S. 24) to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That all costs heretofore or hereafter incurred from funds appropriated to the Bureau of Reclamation and costs transferred to it for (1) investigations and surveys of potential projects or divisions or units of projects which have not been authorized for construction prior to the date of this Act, (2) investigations and surveys of potential units or divisions of the Pick-Sloan Missouri River Basin program requiring amendatory authorization, under terms of Public Law 88–442 (78 Stat. 466), after the effective date of this Act, (3) studies of rehabilitation and betterment and water conservation requirements of existing projects relating to work for which repayment contracts have not been executed prior to the date of this Act, (4) studies relating to the comprehensive plan of development of the Missouri River Basin, and (5) general engineering and research studies shall be nonreimbursable.

The amendment was agreed to.

The bill was ordered to be engrossed

for a third reading, read a third time, and passed.

FISHERY CONSERVATION OPERATION AT THE KORTES UNIT, MISSOURI RIVER BASIN PROJECT

The bill (S. 123) to authorize the Secretary of the Interior to modify the operation at the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, authorized by the Act of December 22, 1944 (58 Stat. 887), to provide for the conservation of fishery resources.

SEC. 2. The Secretary shall operate the Kortes unit so as to maintain a minimum streamflow of five hundred cubic feet per second in the reach of the North Platte River between Kortes Dam and the normal headwaters of Pathfinder Reservoir: *Provided,* That sufficient water is available to maintain such minimum flow, without a resultant adverse effect on other water users who have valid rights to the use of this water: *Provided further,* That when sufficient water is not available to operate in this manner, water will be reserved for hydroelectric peaking power operations on a four-hour daily, five-day-week basis and any remaining water will be released for conservation of the fishery resources.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

APOLLO 15 ASTRONAUTS' FIRST DAY ON THE MOON

Mr. SCOTT. Mr. President, the Motor Vehicle Bureau of Planet Moon is in business today. The vehicle with operating license No. 1 is, I imagine, by this time, beginning its journey opening a new highway on the moon. I do not imagine it will be necessary for Congress to appropriate funds for a highway program up there, but I am very glad that we have opened up traffic in a new area less crowded than we are familiar with.

At the moment, there is no possibility of a collision with other vehicles. Therefore, today the American people are observing a unique situation; namely, traffic where it is not necessary to secure insurance against collision, and traffic where the view is undisturbed and there is no pollution.

This ideal situation on the moon suggests to us that there still remains so much more to be done on earth. I believe that from the fallouts of our scientific progress in moon exploration will come many benefits for earth people, and I hope that all of it can be done without any mark or notable damage to our neighbor planet.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Virginia (Mr. BYRD) is now recognized for 15 minutes.

THE RAILROAD TRANSPORTATION STRIKE

Mr. BYRD of Virginia. Mr. President, I should like to express some concern as to whether Congress should go out on a 4-week recess if the transportation strikes have not been settled.

The shutdown of the entire railroad system of the Nation will have a devastating effect on the economy, affecting every area of the Nation. It has already affected many areas.

In Virginia, a strike against the Norfolk & Western Railroad has adverse effects on the coal fields of southwest Virginia which, in turn, has a major impact on the great Hampton Roads port on the Atlantic coast. So that the ramifications are many.

The distinguished Senator from New York has presented a resolution giving certain powers to the President during the time that Congress is in recess. It has only been in the last few moments that I have had the opportunity to read the resolution, so that I have not reached a conclusion as to whether it will be adequate.

It may be adequate, but I would hope that between now and next Wednesday or Thursday the joint leadership would give a great deal of consideration as to whether Congress should be in recess at this critical time.

FEDERAL DEFICIT

Mr. BYRD of Virginia. Mr. President, the Federal Government on Wednesday announced that the official Federal funds deficit for the fiscal year 1971, which ended in June, was $30.2 billion.

This is greater than any deficit since World War II.

The figures emphasized by the administration are lower than the figures I give, because the administration utilizes the surpluses of $7 billion in social security and other trust funds, to make the deficit appear less, but the trust fund money cannot be used for the general operations of the Government. The so-called unified budget was a gimmick instituted by President Johnson and carried over by President Nixon to give the appearance of a lower deficit than the Government actually is running.

Mr. President, the accumulated Federal fund deficits of the last 3 years of the Johnson administration totaled $49 billion. The accumulated Federal fund deficit of the first 3 years of the Nixon administration will be $73 billion.

Thus, the 3-year Nixon deficit is 50 percent greater than the Johnson deficit.

For the 6-year period from 1967 to 1972, the accumulated deficit reaches the astonishing total of $122 billion. This is a major reason for the severe inflation which is eating so heavily into the wage earner's paycheck and the housewife's grocery money.

During his campaign for the presidency, Mr. Nixon recognized the need for a balanced budget. He rightly blamed President Johnson for President Johnson's huge deficit as the major cause of inflation.

But the Nixon administration now has thrown fiscal restraint to the winds.

I say this sadly, Mr. President. I have given Mr. Nixon strong support, particularly in regard to his foreign policy. I want to see him succeed.

However, I say that it was tragic when he, last January, embraced the philosophy of deficit spending which he had previously eloquently opposed.

Mr. President, when the President submitted his budget this past January, a budget with a built-in deficit for this year, he created a mood in Washington that encourages unparalleled Federal spending.

In one program alone, Mr. President, the new welfare program, the Nixon administration seeks to double the number of individuals drawing public assistance payments. The first year's increase in cost is nearly $6 billion.

The national debt is now $400 billion. And the yearly interest on that debt is a staggering $21 billion.

What does that mean to the individual citizen? It means this: That of all the personal and corporate income taxes paid into the Federal Government, 17 cents of every dollar goes to pay the interest on the national debt.

Dr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve system, last week told the Joint Economic Committee of Congress:

> There is little evidence as yet of any material strengthening in the consumer or business confidence.

That is a fundamental point.

How can there be confidence on the part of the public when the Government is on such a wild spending spree? Indeed, the Government is like a drunk trying to sober up by increasing his alcoholic intake.

I think that the individual citizen of this country is a lot smarter than many of the politicians in Washington give him credit for being.

He realizes that the Government cannot spend itself into prosperity any more than a drunk can drink himself sober.

The lack of public confidence was emphasized in an interview with Mr. John J. Nevin, president of the Zenith Radio Corp., published in the New York Times on July 25.

Mr. Nevin made this observation:

> The decision to buy a new car or a color television set depends on how secure a customer feels about the economy and his own job.
>
> The economists now say that personal savings are at a ridiculous high in this country. This shows a clear lack of confidence, a fear on the part of the workingman. That's got to be overcome.

I agree with Mr. Nevin. And I think the way to overcome the very justified fear of the workingman is to put Government finances back on a sound basis. It is the workingman who must pay the bill for Government spending.

I have been deeply concerned by the reckless deficit spending policies of the Government—and am even more concerned today.

Government spending can be paid for in only two ways; either by more taxation or by more inflation.

In my judgment, our country is in deep financial trouble.

The longer the Government—namely, the Congress and the President—puts off facing this problem, the more difficult it is going to be for everybody.

Our Nation has developed the highest standard of living of any nation in the history of the world. But we can lose it.

Other nations have had a high standard of living and have lost it, because they showed no restraint or fiscal responsibility.

At the end of World War II our Nation had total reserve assets, mainly gold, totaling $20 billion and our liquid liabilities to foreigners were $7 billion.

Last month the U.S. total reserve assets, including gold and convertible foreign currency, fell to the lowest level since August 1938. Our reserve assets total $13.5 billion, of which $10 billion is gold, but our liquid liabilities to foreigners approach $50 billion.

The dollar is devaluing itself, and as a result the American people in June faced the highest increase in the cost of living of any month in several years.

If we are going to save the dollar for the American people, if we are going to save the purchasing power of the housewife and the wage earner, then Congress and the President must work together to get spending under control.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I commend the distinguished Senator from Virginia for his remarks this morning. He has said what should be said. I am pleased that he has called attention in particular to the threat to our economy and to the budget and to the value of our dollar.

If the pending welfare reform bill is passed as it is now presented to the Senate, in view of all of the other tremendous burdens falling upon the Federal Government, we cannot at this time take on a welfare bill that admittedly in the first year will increase the Federal cost by $5.5 billion.

I commend the Senator for his statement and for his leadership.

Mr. BYRD of Virginia. I am grateful to the Senator from Nebraska. I cherish my association with him both in the Senate and on the Finance Committee.

I feel that the Senator from Nebraska has rendered his country outstanding service. He is an outstanding Senator and a Senator of whom the people of Nebraska are rightly very proud. I hope that they will keep the Senator from Nebraska in the Senate for many years to come. He stands solid and does not shift with the political winds.

Mr. CURTIS. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, I want to make just one additional comment in regard to the budget. For years the budget deficit or surplus, as the case may be—but there have been very few surpluses—has been reported on a Federal funds basis. That is the way it should be.

Then during the last year of the administration of President Johnson, they concocted a gimmick and went to what they called a unified budget. By doing that, they threw in the surpluses of the trust fund—mainly social security—which cannot be used for any purpose except the purpose for which it is designated; it cannot be used for the general operation of Government—in order to give the appearance of a smaller deficit.

President Nixon has continued that policy. Now someone in the White House has concocted something new. They have got what they call a full employment budget. No one knows what that means. No one knows what the figures are.

What they say is that we would have had a balanced budget if certain things had happened. I submit that is like an individual saying, "I would not be broke if my uncle had left me $10,000."

I have never heard such nonsense as this so-called full employment budget. No one knows what the figures are. They can make up any figures they want to make up.

This is misleading the people, and I think it is tragic.

Mr. President, I ask unanimous consent to insert at this point in the Record U.S. gold holdings, total reserve assets, and liquid liabilities to foreigners for four separate periods of time.

I ask unanimous consent to insert, also, a table I have prepared showing deficits in Federal funds and interest on the national debt for the 12 years 1961–72.

In addition, I ask unanimous consent to insert a table showing Federal finances in fiscal year 1971.

Finally, I ask unanimous consent to have printed in the Record certain editorials pertaining to this matter.

There being no objection, the material was ordered to be printed in the Record, as follows:

FISCAL TABLES

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[In billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1965	13.7	15.5	29.1
1970	10.7	14.5	43.3
June 1971	10.5	13.5	[1] 48.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.2
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972 [1]	150.0	180.0	−30.0	21.2
12-year total	1,314.6	1,471.9	157.3	168.4

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

TABLE 3.—FEDERAL FINANCES, FISCAL YEAR 1971

[In billions of dollars]

	Revenues	Outlays	Deficit (−) or surplus (+)
Federal funds	133.6	163.8	−30.2
Trust funds	54.7	47.8	+6.9
Unified budget	188.3	211.6	−23.3

Source U.S. Treasury Department.

[From the Chicago Tribune, July 30, 1971]

Bad Days on the Economic Front

Yesterday's papers and Wednesday's brought more than two days' share of bad economic news. The best news, in fact, was the discovery that the worst piece of bad news was not true, but we'll save this until later.

First came the warning from Secretary of Commerce Stans that the United States may have a negative trade balance this year for the first time since 1893. Of course many factors affect the volume of trade temporarily, but as the graph shows, the trend has been for imports to catch up with exports. American industry and labor are increasingly unable to meet foreign competition. The longer this goes on, the more jobs will be lost to American workers and the more profits will be lost to American investors.

Then came the dismal but predictable news that the government ended the fiscal year 1971 with a deficit of $23.2 billion, the second biggest since World War II. This was the year for which Mr. Nixon originally predicted a surplus of $1.3 billion. By last January, this had changed to a projected deficit of $18.6 billion. But this would not be inflationary, we were told, because projected spending was still a hairsbreadth below what the revenue would be if the economy were running at full steam. The administration had adopted the Keynesian concept of the "full employment budget" in order to make an otherwise intolerable deficit more tolerable. Now we find that the actual deficit is higher by another $4.6 billion, but still we're told not to worry, that it satisfies the "full employment" requirements and is therefore not inflationary.

By suggesting that actual revenue doesn't really matter, Mr. Nixon's advisers have taken away the only yardstick by which the average American can judge the government's fiscal performance. We have nothing to go on but hypotheses and guesses at which no one, even in government, can be infallible. Suppose revenue had dropped by another

$20 billion—would the resulting deficit of $43.2 billion still be sound? Obviously this reasoning can be carried to the point of absurdity. We are entitled to a more candid explanation.

On top of these developments, the economic indicators turned down after a three-month rise, confirming the fear of many that the much touted recovery is partly wishful thinking. The increase in food prices speeded up, auguring no good for the cost of living. Strikes and the threat of more strikes are hanging over the economy like a storm cloud, and U.S. Steel's encouraging profit statement was offset by a precautionary dividend cut. The country's gold supply meanwhile declined to a new postwar low, and the corresponding rise in European reserves should serve as a warning of what to expect with the expansion and consolidation of the Common Market.

All of this bad news hits the administration at an embarrassing time, what with many people already complaining about unemployment and calling for more government spending. Aside from restraining these demands, most of which are unrealistic and politically motivated anyway, Mr. Nixon is doing the wisest thing by disengaging from Viet Nam as quickly as is sensible.

The good news of the day is that there seems to be no truth to Tuesday's report that the White House was considering making the Federal Reserve Board an adjunct of the executive department. This would have been inconceivable for a Republican administration committed to the integrity of the money system, and would have been the worst possible thing for the economy. In effect, it would have put the administration in charge of the banking mechanism thru which to finance its own deficits [something which the government tried to do under President Truman], and would have been the surest possible road to inflation.

[From the Richmond News Leader, July 28, 1971]

IT WAS A VERY BAD YEAR

On February 2, 1970, President Nixon delivered his budget message for fiscal 1971 to Congress. In that message, he projected a budget surplus of $1.3 billion: "I have pledged to the American people that I would submit a balanced budget for 1971 . . . The budget I send to you today—the first for which I bear full responsibility as President—fulfills that pledge. . . ."

Fiscal 1971 ended on June 30, and that flimsy $1.3 billion surplus had vanished like a wisp of smoke. Instead, deficit spending for fiscal 1971 totaled $25.5 billion—the most dismaying deficit since the Johnson Administration came up with a $25.2 billion deficit in fiscal 1968. And fiscal 1972, only weeks old, may end with the highest budget deficit since World War II.

The President sent his fiscal 1972 budget to Congress with a projected $11.5 billion deficit, which hardly was a tribute to fiscal responsibility. Even that deficit, however, could look good by the time the fiscal year ends. In early June, estimates for the 1972 deficit had reached $23 billion, not including trust fund surpluses used to disguise the real deficits in the general spending budget. Those surpluses, projected at $11.6 billion for the current fiscal year, would place the actual deficit at $33.6 billion.

But now even $33.6 billion seems an underestimate. George Schultz, who heads the Office of Management and Budget, reportedly has told the President that he could expect a possible deficit of $35 billion. With borrowing from trust fund surpluses, the real deficit for this year may exceed $46.5 billion—under a President who campaigned on a platform of fiscal restraint.

To be sure, President Nixon is not wholly responsible for the fiscal mess over which he presides. Much Federal spending remains beyond the control of the White House, having been authorized by previous Congresses. Interest on the Federal debt, now almost at $400 billion, also fluctuates; it has been increasing at a rate of $2 billion a year in recent years and will cost a total of $21 billion in the current year. Congress also must bear some blame for inflating the Administration's budget requests to ever higher figures.

Nonetheless, the President cannot escape some responsibility for deficits that may exceed $72 billion in two years' time. He has vetoed some bills, citing their inflationary effects on the economy; he could veto more. He also could withdraw his support from the proposed Family Assistance Plan that will cost the taxpayers many additional billions. He occupies a position through which he could exert much more influence for fiscal restraint.

But when Mr. Nixon proposed a budget with a built-in deficit for this year, he created a mood in Washington that permits unparalleled increases in Federal spending. The appalling deficit of 1971 should have suggested that it is time to retrench, and to start slashing away at budget items that can be controlled. A Republication Administration resides in Washington these days, but the sorry fiscal picture shows no improvement over the days when the motto under a Democratic Administration was spend, tax, and elect.

[From the Baltimore Sun, July 30, 1971]

ANOTHER RECORD

President Nixon's administration has chalked up another historic record. During the fiscal year ended June 30, it ran up the largest budgetary deficit recorded by a Republican administration, $23.24 billion. In this feat, of course, the President had the help of a Democratic Congress which specializes in the spending side of federal finance, but since an administration takes its political label from the President, it is only proper to credit this enormous deficit to the Nixon administration. The deficit has been in the works for months, inexorably climbing past the estimates made earlier by the administration, but the final figures are none the less appalling.

What is even worse is the administration's transparent attempt to minimize the significance of the deficit, and the indications that the deficit for the current fiscal year may be as great if not greater.

Thus John B. Connally, Secretary of the Treasury, and George P. Schultz, director of the Office of Management and Budget, joined in a statement declaring that "for the third year in a row, a full-employment balance or surplus has been achieved . . . after three successive years of full-employment deficits totaling more than $40 billion." A deficit of $23 billion is really a surplus, they are asking the public to believe, because in conditions of full employment with larger tax revenues there would be no deficit. This is the kind of theorizing in which economists and politicians may take pleasure, but it is pretty close to nonsense when applied to today's conditions. (Mr. Connally advised us a few weeks back, it may be remembered, that full employment based on a 4 per cent unemployment rate was a myth, anyway, that could not be attained in peacetime without inflation.)

Further, according to the administration's theorizing, the Nixon deficits are not inflationary, unlike the comparable Johnson administration's deficits which set off the inflation from which the country still is suffering, because they are related to a full-employment budget. A conservative approach would be to grasp the fact that the heavy deficit spending during the Johnson administration severely hurt the national economy, and that it is foolhardy to try to cure our economic troubles by engaging in greater and greater deficit spending. One record of this kind ought to be enough.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 8432), an act to authorize emergency loan guarantees to major business enterprises, in which the concurrence of the Senate is requested.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10061), entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes"; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. FLOOD, Mr. NATCHER, Mr. SMITH of Iowa, Mr. HULL, Mr. CASEY of Texas, Mr. PATTEN, Mr. MAHON, Mr. MICHEL, Mr. SHRIVER, Mrs. REID of Illinois, Mr. CONTE, and Mr. BOW were appointed managers of the conference on the part of the House.

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 8432) an act to authorize emergency loan guarantees to major business enterprises, was read twice by its title and placed on the calendar.

PUBLIC WORKS APPROPRIATIONS, 1972

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate H.R. 10090, the public works appropriation bill, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The Chair announces that the time for the consideration of this bill is under control, one hour on the bill, and 30 minutes on each amendment.

Who yields time?

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time limitation begin to run in not less than 15 minutes from now, and that the distinguished Senator from Rhode Island (Mr. Pastore) may be recognized for the purpose of presenting a message from the House. This meets with the approval of the Senators involved.

The PRESIDENT pro tempore. Is there objection?

Mr. PASTORE. Mr. President, reserving the right to object, before the ruling is made, I have been trying to reach the Senators from Kansas (Mr. Dole and Mr. Pearson) who are interested in this matter. We have called their offices, but they have not yet arrived in the Chamber. So if we could take it up a little later, I would appreciate it.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not to be taken out of either side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, will the manager of the bill yield to me 2 minutes from the bill in order that I may call up a message from the House?

Mr. STENNIS. Yes. Mr. President, what is the business pending before the Senate?

The PRESIDENT pro tempore. The pending business is H.R. 10090, the public works appropriation bill.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

The PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

AUTHORIZATION OF APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

Mr. PASTORE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9388.

The PRESIDENT pro tempore laid before the Senate the message of the House of Representatives to concur in the amendment of the Senate numbered 1 to the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and concur in the amendment of the Senate numbered 2 to the aforesaid bill, with the following amendment:

In lieu of the matter proposed by Senate amendment numbered 2, insert the following: *Provided*, That—

(A) Except as provided in subparagraph (E), no funds shall be obligated or expanded (i) for the acquisition of a fee simple interest in land or for the acquisition of any other interest in land which exceeds three years from the date of enactment of this Act, or (ii) for or in connection with the burial of radioactive materials at the proposed site other than for experimental purposes, including demonstrations, and then only when and if such materials are fully retrievable throughout such three year period.

(B) The President of the United States shall appoint an advisory council which shall be composed of nine members at least three of whom shall be from Kansas. The advisory council may report to the Congress from time to time.

(C) The Atomic Energy Commission (acting directly or by contract) shall conduct laboratory and other tests and research (whether onsite or elsewhere) relating to the safety of the project, the protection of public health, and the preservation of the quality of the environment before any high level radioactive waste material is placed in salt mines at the proposed site except as provided in subparagraph (A).

(D) No high level radioactive materials shall be buried or used, other than as provided by clause (ii) of subparagraph (A), at the proposed site until the advisory council reports to the Congress that construction and operation of such project and the transportation of waste materials to the project can be carried out in a manner which assures the safety of the project, the protection of public health, and the preservation of the quality of the environment of the region.

(E) The limitations provided by subparagraph (A) shall not apply after the expiration of sixty calendar days of continuous session of the Congress after the date on which the advisory council submits its report under subparagraph (D). For purposes of the preceding sentence, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

Mr. PASTORE. Mr. President, before I move that the Senate concur with the amendment of the House, I wish to state that the amendment of the House to the Senate amendment accepted by the Senate during its July 20 consideration of the AEC authorization bill for fiscal year 1972 relates to the Dole-Pearson amendment pertaining to the radioactive waste repository at Lyons, Kans. The House amendment is essentially a clarification of the language adopted by the Senate and is the result of careful and intensive negotiations between the Joint Committee and members of the Kansas congressional delegation. The new language accomplishes essentially the same effects but it does so in a more precise and clear manner.

I want to say at this point that, at the time we had before us the authorization for the Atomic Energy Commission, a discussion arose on this matter, and I accept an amendment suggested by my two distinguished colleagues from Kansas. I understand this House modification is acceptable to them.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. DOLE. The amendment is acceptable. It is indeed a clarification of the amendment offered by the distinguished gentleman in the other body, Representative Price.

Mr. President, I would like to address myself to the substitute for Senate amendment No. 2 accepted by the other body last Tuesday.

Since the announcement by the AEC of the tentative decision to locate a nuclear waste repository near Lyons, Kans., members of the Kansas congressional delegation have been working to resolve the problems presented by that proposal. The senior Senator from Kansas (Mr. Pearson) and I offered an amendment to H.R. 9388 last week, precluding land acquisition until an advisory council appointed by the President of the United States reports that the construction and operation of the project and the transportation of waste materials to the site can be carried out in a manner which assures the safety of the project, the protection of public health, and the preservation of the quality of the environment of the region.

The substitute amendment, offered by Congressman Price, is in the nature of clarifying language worked out between members of the Kansas delegation and the Joint Atomic Energy Committee staff last weekend. This language maintains the intent of the original amendment to insure the safety of the project and the environment in Kansas. I commend my colleagues from the other body for their handling of this difficult and important problem and urge the Senate to accept the House amendment.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. PEARSON. Mr. President, I concur in the statement just made. I thank the Senator from Rhode Island for his patience, tolerance, and cooperation in working this matter out.

Mr. President, I am pleased to concur in the amendment adopted by the House. This amendment serves to clarify and to make explicit what was implicitly provided for in the mendment offered by Senator Dole and myself and accepted by the Senate at the time the AEC authorizations were being considered here in this body.

The AEC will be able to lease property at the Lyons site and will be able to carry on onsite experimentation and demonstration programs. However, until the Council appointed by the President reports to the Congress that the storage of solid waste is entirely safe, the AEC will not be able to purchase the land or be able to initiate the permanent storage program.

Within the next 2 or 3 years we should have the answers to many questions that now remain unresolved.

Mr. PASTORE. Mr. President, I thank both Senators for their cooperation on a vital matter.

Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. PASTORE. I thank my colleagues.

PUBLIC WORKS APPROPRIATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes.

Mr. STENNIS. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. STENNIS. Members of the Senate, this is the public works appropriation bill, unanimously approved by the full committee, but, before presenting this measure as chairman of the subcommittee, I want to refer to the fact that for 16 consecutive years prior to this year this bill has been handled and presented to the Senate by the senior Senator from Louisiana (Mr. ELLENDER). During that time, as well as before, he has shown extraordinary knowledge of the public works program and superb dedication to the subject matter on a nationwide basis. He handled it with evenness, fairness, and on a nonsectional basis which was extraordinary, and the Nation, as well as the membership of this body, owe him a great debt for his splendid work.

Here is another bright fact. He continues his very keen interest and activity in this field. He is very diligent, as always, in attending sessions of the hearings and presiding when necessary. His advice and counsel have been invaluable to me as well as other Members during this time as well as in years past, and I want to especially commend him and thank him. I think I voice the sentiments of all Members of this body.

I am moved to make an additional remark, too, and that is with respect to the way the Senator from Louisiana, with his usual alertness, completeness, and attention, has contributed to moving forward all of the appropriation bills this year in such a fine way. All the subcommittee chairmen have felt not only his help but his constant urging, and the entire Nation has benefited because in all these fields he has a very fine knowledge. The Appropriation Committee is establishing a new record this year in the way they have moved the bills that have been sent over from the other body.

I want to mention, also, the Senator from North Dakota (Mr. YOUNG), who is the ranking minority member of the subcommittee as well as the full committee. His attention, service, counsel, and advice have been highly valuable, and ever available, as I have known ever since I have been in the Senate. He has been a tower of strength on the Appropriations Committee, and on this committee particularly no one exceeds his on-the-ground understanding of the work and merit of these many projects.

Mr. YOUNG. Mr. President, I thank the Senator.

Mr. STENNIS. Mr. President, other members of the committee have also served well.

It is a distinct satisfaction to me, frankly, to have been on this committee almost every year since I have been in the Senate, and I look upon this bill as one of the finest and most constructive programs in the Nation. It costs some money, but it produces revenue for the Treasury not only from the sale of power but also in the form of increased taxes resulting from the strengthening of our economy.

Mr. President, we have under consideration H.R. 10090, a bill making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian Regional Development Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes.

Mr. President, the hearings on the bill started on March 9 and continued through July 16. The subcommittee held 38 sessions for the purpose of taking testimony, and two executive sessions for the purpose of marking up the bill. The subcommittee considered the testimony and statements of 1,147 witnesses, which included representatives of various organizations and local communities.

The hearings comprise seven volumes. The volumes are so voluminous we could not put them on each Senator's desk so we have stacked them under each Senator's desk and they are there for reference. The hearings contain 7,287 pages of testimony.

I want to express my appreciation to the members of the subcommittee for their assistance in the lengthy hearings on this bill, and I especially commend the senior Senator from Louisiana, the chairman of the full committee, who handled this bill for the past 16 years. He has been a tower of strength.

In recent years, there has developed a greater public awareness of the deteriorating quality of our environment. Although not identified by the term "environmental considerations", the water resources program has made, and is continuing to make, important contributions to the quality of our environment.

Following the enactment of the National Environmental Policy Act of 1969, the construction agencies have formalized and strengthened their planning staffs to insure greater emphasis on the impact of their projects on the ecology and the environment. For instance, the Corps of Engineers established a new Institute of Water Resources which developed environmental guidelines and evaluation criteria for use by their field planners. The Bureau of Reclamation named an ecologist as an assistant to the Commissioner with primary responsibility as an adviser on environmental and ecological affairs. The Tennessee Valley Authority has created an Office of Health and Environmental Science to better supervise its expanded environmental quality program.

The cost of pollution control measures is staggering, not only in dollars but in the changes we are going to have to make in our daily routine. I doubt if the American people realize the price of the measures being advocated, not just in dollars but in foregoing conveniences that they have become accustomed to accept as necessities. Practically every product we purchase contributes in some manner to air and water pollution or to the growing problem of solid waste disposal. The costs of antipollution measures will, of necessity, be reflected in the products we purchase. If we then ask for increased wages to meet these increased costs, obviously, we are not willing to pay the costs for improving our environment.

One of the pressing problems affecting the quality of our lakes and rivers is the phosphate and nitrate content of household detergents. Pending development of new formulas which are acceptable to the housewives and the Federal Water Quality Administration, the ladies can make their contribution by using the detergents which contain the least amounts of these nutrients. The clothes may not be quite as white or bright—but that may be the price we must pay for improving the quality of our environment. If manufacturers of the detergents which have the highest concentrations of nutrients find that their sales are dropping off, undoubtedly they will redouble their research efforts toward the development of an acceptable product.

Are we willing to purchase our soft drinks in returnable bottles? I note that even in the Senate restaurant on Saturdays use is made of plastic dishes and plastic utensils which contribute to our solid waste disposal problems. There are undoubtedly hundreds of similar conveniences and labor-saving practices which we accept today that must be changed if we are willing to pay the price of improving our environment.

POWER CRISIS

The demands of our society for increased power are continuing to grow. Either we must forgo some of the comforts we now enjoy, such as air conditioning, elevator service, improvement of street lighting to reduce crime in the streets, or permit the construction of additional powerplants. In many sections of the country which are now facing brownouts or blackouts, efforts of the public utilities to provide new facilities are being thwarted by citizen groups opposing the projects—first, fossil fuel plants are opposed from the standpoint of air and thermal pollution; second, nuclear plants are opposed from the standpoint of radiation and thermal pollution; and, third, hydro projects are opposed from the standpoint of their effect on the environment and ecology. Fortunately, many political subdivisons are now giving more consideration than ever before to the siteing of powerplants so as to reduce to the minimum their impact on the surrounding environment and ecology.

Mr. Ellis L. Armstrong, Commissioner of the Bureau of Reclamation, in an address before the National Society of Professional Engineers in Salt Lake City, on August 13, 1970, stated the problem this way:

> Concerned conservationists come out of a smoke-filled room to warn of air pollution. Concerned citizens who look upon the marvel of plentiful light and power as a God-given right, object to a thermal plant which may pollute air and water or a dam to supply power and water which will alter the natural regime of a river or create a lake in a canyon. But they still expect their lights to go on when they turn a switch and they expect pure clean water to flow from their taps.

BILL AS REPORTED

The bill as reported provides new obligational authority of $4,714,877,000, which is $98,932,000 above the budget and $138,704,000 above the amount approved by the House.

TITLE I—ATOMIC ENERGY COMMISSION

For operating expenses the committee has approved a program of $1,962,520,000, which is $36,520,000 above the amount allowed by the House. The principal increase is $27,800,000 for the NERVA program. Congress increased the level of funding for the NASA portion of the program and the increase recommended by the committee will permit the AEC portion of the program to proceed concurrently with the NASA portion of the program. The bill as reported provides full funding of $1,000,000 for the cardiac pacemaker.

The committee recommendation fully funds the authorization for nuclear safety. The committee restored $1,750,000 of the House cut of $3,500,000 for nuclear materials, and $4 million of the $8 million cut in the weapons program.

PHYSICAL RESEARCH PROGRAM

The bill recommends $29,800,000 for controlled thermonuclear research, the amount allowed by the House and $1,400,000 above the fiscal year 1971 level.

CIVILIAN APPLICATIONS OF NUCLEAR EXPLOSIVES

The committee recommends $7,400,000 for this program, the amount allowed by the House and $2,400,000 above the budget. This provides the same level of funding as last year. The increase over the budget is to be used to continue research aimed at gas stimulation, $1,900,000, and initiation of a geothermal research program.

TITLE II—DEPARTMENT OF THE ARMY

RIVERS AND HARBORS AND FLOOD CONTROL

GENERAL INVESTIGATIONS

The committee recommends $51,874,000, an increase of $1,705,000 over the budget and $2,510,000 over the House.

As in the past, the committee prefers not to make specific allocations of its increases to individual investigations. It desires, however, to call to the attention of the Corps of Engineers the testimony concerning the need for initiating unbudgeted surveys and increases in budgeted studies.

CONSTRUCTION, GENERAL

The bill as reported to the Senate provides $936,493,000, which is $77,314,000 above the budget and $47,405,000 above the House.

The recommended increase provides $1,743,000 for planning—including eight new planning starts for which $474,000 is allotted, and restoration of a House cut of $40,000 for planning, and increases in planning on 24 projects including continuation of planning on the Dickey-Lincoln project in Maine.

The recommended increase includes $45,097,000 for construction. The major increases are $3,040,000 for six new construction starts; $45,709,000 for increased amounts on 35 projects under construction where the committee felt additional amounts were required; and reductions of $4,500,000 on two construction projects.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

The committee has recommended $91,501,000, an increase of $10,535,000 over the budget estimate and the amount allowed by the House. The importance of this project can be realized when one considers that the drainage from 41 percent of the area of the United States funnels through the Mississippi River and its tributaries.

OPERATIONS AND MAINTENANCE, GENERAL

The committee has recommended $390 million which is $14 million above the amount allowed by the House and $3,966,000 below the budget estimate.

FLOOD CONTROL AND COASTAL EMERGENCIES

The bill provides $5,000,000, the amount allowed by the House and $2,000,000 below the budget estimate. The Corps had an unobligated balance of $6,667,537 on June 30, 1971. With the appropriation of $5 million, a total of over $11.6 million will be available for this purpose, which should be adequate.

GENERAL EXPENSES

The committee recommends $29,138,000 which is $67,000 below the budget estimate and $238,000 above the amount allowed by the House.

CEMETERIAL EXPENSES

The bill provides $22,588,000, the amount of the budget estimate and the amount allowed by the House.

TITLE III—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

GENERAL INVESTIGATIONS

The committee recommends $22,650,000 which is $625,000 above the budget estimate and $675,000 above the House allowance. The committee has approved the adjustments made by the House in the general investigations programs except for atmospheric research where the committee added $575,000. The committee also added $100,000 to initiate a salinity study of the Colorado River, Colorado, Utah, Arizona, Nevada, and California.

CONSTRUCTION AND REHABILITATION

The committee recommends $206,956,000, which is $16,456,000 over the budget and $1,889,000 below the House allowance.

The principal changes recommended by the committee include $250,000 for one new planning item; $48,000 for one new construction item; $2,450,000 for four construction increases; and a decrease of $4,637,000.

UPPER COLORADO RIVER STORAGE PROJECT

The bill provides $21,219,000, which is $1,463,000 above the budget and $630,000 above the House.

COLORADO RIVER BASIN PROJECT

The committee recommends $33,275,000, the amount allowed by the House and $200,000 above the budget estimate. The increase allowed by the House includes $200,000 for continuation of planning on the Dixie project in Utah.

OPERATION AND MAINTENANCE

The bill as reported to the Senate provides $72,000,000, which is $884,000 below the budget estimate and $2,000,000 above the amount allowed by the House.

LOAN PROGRAM

The bill provides $10,795,000, the amount allowed by the House and $820,000 above the budget estimate. The amount allowed provides $600,000 for two new loans; and $400,000 for increased amounts on two loans; and a reduction of $180,000 in the budget estimate for one loan where the repayment was not approved by the irrigation district.

GENERAL ADMINISTRATIVE EXPENSES

The committee has recommended $15,525,000 which is the budget estimate and the amount allowed by the House.

ALASKA POWER ADMINISTRATION

GENERAL INVESTIGATIONS

The bill provides $500,000, the amount allowed by the House and $118,000 below the budget estimate.

OPERATION AND MAINTENANCE

The committee approved the House allowance of $457,000, which is the same as the budget estimate.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

The committee recommendation is $91,630,000 which is $2,370,000 below the budget and $1,630,000 above the House allowance.

OPERATION AND MAINTENANCE

The bill provides the full budget estimate of $27,825,000, the amount allowed by the House.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

The committee concurred in the House allowance of $870,000, which is $38,000 below the budget estimate.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

The bill provides $1,050,000, the amount allowed by the House and $841,000 below the budget estimate of $1,891,000.

OPERATION AND MAINTENANCE

The committee recommends $5,000,000, which is $500,000 over the amount allowed by the House and $513,000 below the budget estimate.

OFFICE OF THE SECRETARY

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

The committee recommends the full budget estimate of $1,000,000 which is $250,000 above the amount allowed by the House.

TITLE IV—INDEPENDENT OFFICES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

The committee recommends $1,113,000, the budget estimate and the amount allowed by the House.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

The committee recommends $302,000,000 which is $20,000,000 above the budget estimate and the amount allowed by the House.

The Senate increase includes $10,000,000 for the health demonstration program; $5,000,000 for vocational educational facilities; and $5,000,000 for the supplemental grant program.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

The bill provides the budget estimate of $64,000.

CONTRIBUTION TO THE DELAWARE RIVER BASIN COMMISSION

The committee approved the budget estimate of $179,000.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

The committee recommends $22,200,000 for salaries and expense. This is the amount allowed by the House and is $382,000 below the budget estimate.

INTERSTATE COMMISSION ON THE POTOMAC RIVER

The bill provides the budget estimate of $20,000.

NATIONAL WATER COMMISSION

The committee recommends $1,200,000, which is the budget estimate and the amount allowed by the House.

TENNESSEE VALLEY AUTHORITY

The committee recommends $67,650,000, which is $11,050,000 above the budget and $2,700,000 above the House. The committee recommended an additional $1,000,000 of direct appropriations for the fertilizer introduction program, and $1,700,000 for the Mills River Reservoir Unit of the Upper French Broad project.

WATER RESOURCES COUNCIL

The committee recommends $5,960,000, which is the same as the House allowance and $500,000 above the budget. The net increase of $500,000 provides an additional $500,000 for title III grants to States for strengthening the States' water resources staffs. This maintains the same level of funding available for fiscal year 1971. These funds are allocated to States on a 50-percent matching basis. The committee recommendation includes a decrease of $100,000 for the Upper Mississippi River Basin Commission due to unobligated balance available from fiscal year 1971 resulting from a delay in organizing the Commission.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

On the House floor an amendment was adopted which provided $50,000 for the salaries and expenses of the U.S. member of the Susquehanna River Basin Commission, and $75,000 for payment of the U.S. share of the current expenses of the Susquehanna River Basin Commission. The Senate committee recommends the amount allowed by the House.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

Mr. President, we shall be glad to answers questions, to the extent of our ability, on any item in the bill that any Senator wishes to inquire about.

Mr. President, I wish to make the usual request before proceeding further. I make the usual unanimous consent request that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall have been considered to have been waived by agreement thereto.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, at the beginning of line 19, strike out "$1,926,000,000" and insert "$1,962,500,000".

On page 4, line 4, after the word "aircraft", strike out "$344,000,000" and insert "$345,000,000".

On page 5, line 23, after the word "construction", strike out "$49,364,000" and insert "$51,874,000".

On page 6, line 15, after the word "construction", strike out "$889,088,000" and insert "$936,493,000".

On page 7, line 15, after "(33 U.S.C. 702a, 702g–1)", strike out "$80,966,000" and insert "$91,501,000".

On page 8, line 12, after the word "navigation", strike out "$376,000,000" and insert "$390,000,000".

On page 8, line 26, after the word "investigations", strike out "$28,900,000" and insert "$29,138,000".

On page 10, line 20, after the word "expended", strike out "$21,975,000" and insert "$22,650,000".

On page 11, line 12, after the word "expended", strike out "$208,845,000" and insert "$206,956,000"; and, on page 12, line 14, after the word "contract", insert a colon and "*Provided further,* That not to exceed $48,000 of the amount herein appropriated shall be available for repairs on Mann Dam on the Heart River in North Dakota, which shall be repaid in full under conditions satisfactory to the Secretary of the Interior."

On page 12, line 22, after the word "expended", strike out "$20,589,000" and insert "$21,219,000"; and, in line 23, after the word "which", strike out "$19,984,000" and insert "$20,817,000".

On page 13, line 23, after the word "law", strike out "$70,000,000" and insert "$72,000,000".

On page 19, at the beginning of line 11, strike out "$90,000,000" and insert "$91,630,000".

On page 21, line 3, after the word "only", strike out "$4,500,000" and insert "$5,000,000".

On page 21, line 8, after the word "transmission", strike out "$750,000" and insert "$1,000,000".

On page 23, line 10, after the word "expended", strike out "$282,000,000" and insert "$302,000,000".

On page 25, at the beginning of line 7, strike out "$64,950,000" and insert "$67,650,000".

Mr. STENNIS. Mr. President, I offer the following amendment in order to correct a technical error in the printing of the bill.

On page 2, line 9, strike the amount "$1,962,500,000" and insert in lieu thereof the amount "$1,962,520,000". There is a $20,000 correction.

The PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows: It is proposed on page 2, line 19, to strike the amount "$1,962,500,000" and insert in lieu thereof the amount "$1,962,520,000".

The PRESIDENT pro tempore. Does the Senator yield back his time?

Mr. STENNIS. Mr. President, I yield back my time.

The PRESIDENT pro tempore. The time on the amendment having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. YOUNG. Mr. President, I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator from North Dakota is recognized for 5 minutes.

Mr. YOUNG. Mr. President, the public works appropriations bill we are considering today has been the subject of longer, more detailed hearings, and more thoughtful and deliberate consideration, than most of the many appropriations bills I have ever dealt with.

This bill represents an increase of $98,932,000 over the Bureau of the Budget request, and $138,704,000 over the House bill. This is a very small increase in a bill of more than $4.6 billion.

There is every justification for this small increase. In fact, with the serious unemployment situation we have, much larger appropriations for public works projects, of these kinds, could be justified. The Congress has been considering two different versions of legislation, which would provide $1 billion or more a year for jobs, to help relieve the unemployment situation. There is need to provide jobs for the unemployed, and some legislation of this kind is justified.

This job problem can be dealt with far better, however, by increasing funds for much needed public works projects of all kinds—particularly flood control and irrigation and navigation—than spending $1 billion or more for jobs, most of which would not be wealth producing.

Flood control projects will go a long way toward preventing disastrous floods in the future, and the destruction of homes, businesses, employment, and opportunity.

The money appropriated to improve navigation on our rivers and harbors throughout the United States is wealth creating. This makes for more economic transportation, and a more viable economy.

The money spent for necessary and good irrigation projects, not only provides many good jobs, but adds to the wealth, and future growth of the Nation.

Certainly funds are necessary to carry on our atomic energy program. The peaceful uses of nuclear power are almost limitless. Our severe unemployment problem has had even scientists of great ability, as well as our recent college graduates, looking for work. They could hardly be better employed than, in building for the future, by finding new uses in the application of nuclear power. In many areas of the United States, nuclear power may be the only—and probably the best—solution to the already severe electrical energy shortage.

I cannot help but feel strongly, that good judgment and sound fiscal policy dictates that these kinds of programs, can wisely be expanded in this period of unemployment.

Mr. President, I want to commend the chairman of the Senate Subcommittee on Public Works, the distinguished Senator from Mississippi, Mr. STENNIS, for the careful and prudent consideration he has given this bill. He has carried a very heavy load in this session. I also want to commend the chairman of the full Committee on Appropriations, my friend from Louisiana, who for many years has done an outstanding job, in the handling of the Public Works Appropriations bill, and who had a major part, in formulating this bill.

Mr. President, I also have only the highest commendation for Kenneth Bousquet, the able staff member handling this bill. No staff member in my time has worked harder and used better judgment than he.

Too, I want to commend Guy McConnell and Ed King for the very helpful role they had in putting this bill together.

APPALACHIAN PROGRAMS PROVIDED WITH NEEDED FUNDING—IMPORTANT PROJECTS INCLUDED FOR WEST VIRGINIA

Mr. RANDOLPH. Mr. President, I commend the subcommittee chairman and the Senate Appropriations Committee Chairman (Mr. ELLENDER) for bringing this vital appropriations measure to the Senate for consideration. I particularly congratulate the Senator from Mississippi (Mr. STENNIS) for his diligent and thorough efforts in formulating a fair and equitable measure. As chairman of the Senate Committee on Public Works, it is my privilege to serve as an ex-officio member of the subcommittee during consideration of public works items. So I know personally of the extensive work which has been done on this measure. The Senator from Mississippi has had the complete cooperation and assistance of the members of his subcommittee in finalizing this bill.

Mr. President, I comment briefly on some of the provisions of this measure which are of particular interest to me. It is gratifying that the bill contains $302 million for the Appalachian Regional Development program, $175 million of which is dedicated to the continuation of the developmental highway program. And $127 million will be utilized for the nonhighway programs administered by the Appalachian Regional Commission. This latter figure represents a $20 million increase over the budget estimate and the House approved bill. These additional funds will bring the Appalachian appropriations to the level allocated in fiscal year 1971. The budget request for Appalachia was based on authorization legislation proposed by the administration which would have permitted the program to continue until such time as the Congress acted on revenue sharing. The underlying assumption of the administration was that the proposed decrease in Appalachian moneys would be compensated by an injection of rural revenue sharing.

As Senators know, that assumption is not valid today, with no action having been taken on revenue sharing and with a 4-year extension of the Appalachian Regional Development Act on the way to the President for signature—and there is every indication that the President will sign this vital measure. In view of these circumstances, the Appropriations Committee, at the urging of my colleague from West Virginia (Mr. BYRD) and the Senator from Kentucky (Mr. COOPER) and me, approved the additional $20 million. We are hopeful that in conference the House conferees will accept this full amount.

Mr. President, I am encouraged also that the pending measure contains substantial funding for construction, planning, and study of a number of critical water resources projects in West Virginia. Our State with its mountainous terrain and large number of streams and rivers has critical flooding problems in many areas. While some persons may wrongly use the term "pork barrel," I know how very important flood control and water resources can be for protection of life and property, and stimulation of economic development.

In this regard, the appropriations bill provides $1.295 million for continued construction funds in the amount of $1.295 million for Beach Fork Lake in Wayne and Cabell Counties; $3.515 million for East Lynn Lake in Wayne County; and $17.85 million for R. D. Bailey Lake in Wyoming County. Also included in the measure is construction money for Stonewall Jackson Lake in Lewis County, $3.35 million; Burnsville Lake in Braxton County, $880,000; and preconstruction planning funds for West Fork Lake in Calhoun and Wirt Counties $135,000; Coal River in Boone, Raleigh, Logan, and Kanawha Counties, $75,000; and land acquisition funds for Rowlesburg Lake in Preston County, $650,000. Additionally, there is funding of preliminary studies of several vital water resources projects included in the general investigations provisions

The **PRESIDENT** pro tempore. Who yields time?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I would like to express my appreciation to the members of the Senate Appropriations Committee and its Public Works Subcommittee for increasing the appropriation for the Long Island Sound study now being conducted by the New England River Basins Commission under the guidance of the Federal Water Resources Council. The $1,000,000 approved by the Committee is a small amount compared to the many vast projects included in this bill, but this money will allow us to take a major step toward preserving one of America's greatest natural resources, Long Island Sound. The committee's decision, if enacted into law, will mean that the River Basins Commission can complete its preliminary studies and begin to formulate a comprehensive development plan for the sound.

Long Island Sound occupies a unique place in American life. Its protected waters provide a harbor for sailors and a harvest for fishermen. It is the home of innumerable species of fin and shell fish and a way station for migrating birds. Above all, the sound plays a central role in the lives of the 11 million citizens of three States—Rhode Island, Connecticut, and New York—who live within 15 miles of the shore.

Ironically, the very uniqueness of the sound has contributed to its deterioration. Because of the sound's proximity to urban centers, real estate and commercial developers have hacked away at the land. Because the sound contains many important harbors, it is crisscrossed with tankers and freighters which have carelessly dumped their wastes into the once clean waters. As with so many of our great natural resources, the sound has been the victim of man's avarice and carelessness. More importantly, the sound has been the victim of bureaucratic inaction.

The three States which border the sound have never gotten together to even discuss the area's future, let alone take any action. In Washington, no less than 18 agencies and departments have authority over activities on the sound and adjacent shoreline. Even now the people recognize the threats to the sound, intergovernmental rivalry has stymied serious attempts to prevent its becoming another Lake Erie.

Last year my Government Operations Subcommittee on Executive Reorganization and Government Research held 3 days of hearings on the future of Long Island Sound. The people the subcommittee heard, from marine biologists to housewives, expressed with great emotion their deep concern for the sound's future. They told about how the shell fish are dying off or are too riddled with oil and sewage to be edible, about the marshlands and the commercial encroachments upon them, about the industrial and human waste that pollutes the waters of the sound so that swimming and boating can be a hazard to health, about the tankers that dump oil by the ton, and about the Long Island Sound they remember as children and the shoreline they do not even want their children to go near.

More than anything else, however, they conveyed a real cynicism about their Government's willingness or capacity to deal with the problem.

On the pollution front, the Federal Government needs to get itself together. Federal agencies must coordinate their programs. A commitment must be made to preserve and protect and properly develop Long Island Sound—and then all Federal agencies involved must live up to that commitment.

Judging by the conflicting actions and programs of the various Federal agencies, the U.S. Government seems confused, at loose ends, and incapable of helping to solve the pollution and development problems of the sound.

Three recent events have dramatically illustrated the dangers facing the sound and demonstrated the need for coordinated and rational protection and development.

On June 4, I learned that the Federal Aviation Administration was awarding a $390,000 contract to determine the feasibility of building an offshore airport in the sound or the Atlantic Ocean. It is almost impossible to comprehend what the effect would be of such a project on the sound's fragile environment. Not only would millions of tons of landfill and concrete be poured into the water, but bridges and road systems would have to be built to serve the airport.

I objected to the study as it affected the waters of Long Island Sound and urged the FAA to alter the project to examine only the feasibility of a jetport in the Atlantic Ocean. It took the FAA nearly 1 month to review its reasons for sponsoring the study and to then advise me that it would not change the ground rules to exclude the sound.

I ask unanimous consent to have printed in the RECORD at this point the exchange of correspondence in this matter between the FAA and myself.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

JUNE 4, 1971.

Hon. JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. SHAFFER: I understand that consideration is being given to providing approximately $500,000 for a study of an airport to be built in the Long Island Sound. As you may know, I have been concerned for some time about development of the Sound and the New England River Basins Commission is presently undertaking a three-year study of the future of the Sound.

In light of the activities of the New England River Basin Commission, I would appreciate a full report of the status of any proposed study or development of an airport in the Long Island Sound.

Sincerely,

ABE RIBICOFF.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., June 24, 1971.

Hon. ABRAHAM A. RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: This responds to your request for information on the status of the offshore airport study proposed for the New York area.

The New York Offshore Jetport Study project is being undertaken to determine the technical, social and economic feasibility of an offshore airport to serve the metropolitan New York area. The objective is to alleviate air traffic congestion in that area and at the same time explore ways and means of improving the quality of the local environment.

Site considerations are not confined to Long Island Sound. All potentially feasible locations will be considered both in Long Island Sound and the Atlantic Ocean south of Long Island, leading to recommendations for a preferred site based on conclusions derived from the study.

We are just now completing negotiations with the architect/engineer firm of Saphier, Lerner, Schindler Environetics Division of Litton Industries, New York for a $390,000 contract to perform the work of potential site evaluation and airport conceptual design. No actual airport development is authorized. If results of the study should eventually lead to development of an airport, we are certain the authorities in charge would coordinate the project with all interested parties.

Every measure will be taken during this study to assure utmost compatibility in airport/urban environment relations and preservation of the natural environment. We will be glad to keep you advised of our progress.

Sincerely,

K. M. SMITH,
Acting Administrator.

JUNE 29, 1971.

Mr. K. M. SMITH,
Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. SMITH: Thank you for your letter dated June 24 regarding negotiations you were completing for a study of an offshore airport for the New York Metropolitan Area. My office was informed before your letter arrived that the contract for $390,000 had been awarded. I noted with particular interest the fact that the study will examine the feasibility of an airport in Long Island Sound as well as in the Atlantic off the New York-New Jersey shore.

I appreciate your thoughtfulness in keeping me advised of your actions in this matter. However, I want to urge that the contract with Saphier, Lerner, Schindler Environetics be revised and that this firm be instructed to study the feasibility of an offshore airport in the Atlantic Ocean only—and not in Long Island Sound.

I see absolutely no reason why valuable federal dollars should be spent to investigate the feasibility of a project which is, on the face of it, unfeasible, undesirable and disastrous for the already suffering ecology of Long Island Sound.

To examine the feasibility of a jetport on the Sound is comparable to sponsoring a study into the feasibility of creating new ways to pollute our environment. It makes no sense to plan for a contingency that we know is unacceptable.

I am sending to you Volumes I, II, and III of hearings I conducted last year in New London and Norwalk, Connecticut and Kings Point, New York. The people who live along the Sound came forward and testified before my Senate Subcommittee on Executive Reorganization and Government Research. They spoke, frequently with deep emotion, about the pollution problems that threaten Long Island Sound. These hearings reflect the intensity with which the people who live along the Sound care about the growing pollution of this great natural resource.

We don't want a new pollutant in the Sound. No purpose is to be served by planning for it.

Sincerely,

ABE RIBICOFF.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., July 22, 1971.

Hon. ABRAHAM A. RIBICOFF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIBICOFF: This response to your letter of 29 June requesting alteration of our contract with Saphier, Lerner, Schindler Environetics to exclude from the offshore airport study any consideration of Long Island Sound.

The New York Offshore Jetport Study project covered by that contract is a research and engineering study effort to explore the feasibility of using offshore locations to serve future aviation requirements of large metropolitan areas, based on technical, social, ecological and economic considerations. The requirement for this study was generated as a result of our concern that the scarcity of available land coupled with environmental and ecological pressures from within such areas are seriously constraining the establishment of needed new airports.

The New York metropolitan area was selected as a locale for the study as it represents a very striking example of such a situation. Please bear in mind, however, that the data resulting from this study would be applicable to other localities. To exclude from the study any consideration of Long Island Sound would short-change the value of the findings, since the data accumulated would be less than totally comprehensive.

A recent news article reported that this study is being made to *locate* an airport in Long Island Sound. This is definitely not the case. No actual airport development is authorized under this study project. Any future decision leading to an actual site selection will be made independent of this study. To achieve our objective of collecting and analyzing data from the viewpoint of airport feasibility, therefore, we feel at this time that the provisions of the contract shoiuld not be altered.

If you have any further questions we will be glad to discuss them with you.

Sincerely.

K. M. SMITH,
Deputy Administrator.

JULY 26, 1971.

Mr. K. M. SMITH,
Deputy Administrator, Federal Aviation Administration, Department of Transportation, Washington, D.C.

DEAR MR. SMITH: I have your July 22 letter. I am disappointed that the FAA is going ahead with the study to determine the feasibility of building an offshore airport in Long Island Sound.

I would urge that all future actions taken by the FAA regarding the possibility of an airport in the Sound be preceded by public hearings at which time interested citizens would have the opportunity to make their feelings known on this project. The manner in which the current study contract was awarded has foreclosed full public disclosure and discussion. When this feasibility study is completed, I trust that it will be made public.

In addition, I do not understand your logic when you say the on-going study of the Sound as a possible future site for an airport is not related, and will not be related, to any proposal to actually build an airport there. The study is of the feasibility for building an airport. One would assume that if an airport is feasible, the next move would be to build it.

Your letter maintains that the results of the present study would be applicable to other localities. If that is the case, why not conduct the study elsewhere? Ecological considerations in Long Island Sound are unique to the Sound. If the FAA wants to examine the feasibility of a new airport in San Francisco Bay, for example, the logical place for the feasibility study is San Francisco Bay.

Finally, I would very much appreciate your sending me a copy of the actual contract agreement entered into by the FAA and Saphier, Lerner Schindler Environetics. I would also like from you a brief history of this organization and any information you may have indicating that the firm's parent corporation, Litton Industries, has already endorsed the concept of an offshore jetport in Long Island Sound.

Sincerely,

ABE RIBICOFF.

Mr. RIBICOFF. Mr. President, then on July 2, I learned of a mysterious drilling operation in Long Island Sound off the Guilford, Conn., shore.

I asked the Army Corps of Engineers to review the project and to call a halt to it until it was certain that the drilling would not cause ecological damage to the sound. The day has long since passed when any commercial venture can simply go out into these waters and start drilling without first explaining what the purpose of the project is—and without first having the approval of a duly-authorized public body. Anyway, I still have not heard back from the Engineers as to just what the project is about, although I have been assured the agency is working on it. Meanwhile, the drilling goes on. By the time we find out what the drilling is for—and what impact it is having on the environment—the work may be completed and the impact may have been made.

In addition, throughout the past several weeks while the drilling continued and was the subject of considerable interest to persons in the Guilford area, various stories circulated as to what the project was about.

The firm doing the drilling, the Raymond International Construction Co., first announced the purpose was to determine if sand dredged from the ocean bottom could be used in a road-building project. Later the Raymond International Construction Co. issued a second statement, saying it was not sand that interested them but the possibility of building a natural gas terminal off the Guilford shoreline.

One newspaper account said the U.S. Coast Guard, New London Station, had given the company a permit to conduct the drilling. But the Coast Guard here in Washington advised my office that the Coast Guard did not have the authority to issue a permit giving approval to a project of such magnitude.

Somehow the Department of Transportation got into the act as certain officials of that agency gave statements about the drilling.

Meanwhile, from the Waltham, Mass., office of the Army Corps of Engineers came word, according to a newspaper account, that they did not have the authority to involve themselves in this issue—that, in effect, my going to the Army corps for help in this matter was a futile effort.

In short, nobody knew—and nobody knows—for sure just what the drilling is all about, except the Raymond International Construction Co., and they have not been obliged to present to any Federal authority their reasons for the drilling project.

I ask unanimous consent to have printed in the RECORD at this time my correspondence with the Army Corps of Engineers and various newspaper articles about the drilling project.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 2, 1971.

Lt. Gen. FREDERICK J. CLARKE,
Chief of Engineers,
Department of the Army,
Washington, D.C.

DEAR GENERAL CLARKE: The Raymond Construction Company is conducting exploratory drilling operations in Long Island Sound off the Guilford shoreline near Faulkner's Island. I have been advised by the Waltham, Massachusetts Army Corps of Engineers that no permit is required to conduct drilling operations in the Sound—and that prior approval from the Corps is required only when a firm plans to begin actual construction.

I think prior approval should be required by the law and I would like your recommendation as to how the present statute should be amended. Drilling operations most asurredly do affect the ecology of Long Island Sound and before any company initiates such activity prior approval should be received from the Corps.

In the meantime, I recommend that you direct the Raymond Construction Company to stop drilling operations until Corps personnel have had the opportunity to examine these operations and determine their impact on the Sound.

The time has long since passed when we can allow private groups to drill into the floor of Long Island Sound without first explaining to a duly-authorized public body—in this instance, the Army engineers—the exact nature of their proposed project and what they hope to achieve. Then the Corps should decide whether or not the drilling is acceptable.

In addition, I would also appreciate your providing me a list of other drilling operations being conducted in the Sound. These likewise should be halted until they are reviewed by the Army engineers.

I am pleased that since my Senate subcommittee hearings last summer on the pollution problems of the Sound the Army Corps of Engineers and other public agencies have joined with renewed enthusiasm in the pursuit of the goal we all share, preserving and protecting Long Island Sound.

Sincerely,

ABE RIBICOFF.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 14, 1971.

Hon. ABE RIBICOFF,
U.S. Senate, Washington, D.C.

DEAR SENATOR RIBICOFF: This is in reply to your recent letter regarding exploratory drilling being conducted in Long Island Sound off the Guilford shoreline near Faulkner's Island.

I have asked the New England Division Engineer for a report on this matter. Upon receipt of his report, I will communicate with you further.

Sincerely yours,

FRANCIS J. WALTER, Jr.,
Lieutenant Colonel, Corps of Engineers, Assistant Director of Civil Works for Central Divisions.

[From the Norwich (Conn.) Bulletin, July 3, 1971]

DRILLING IN SOUND SETS OFF STATE SPECULATION

GUILFORD.—A "mysterious" drilling operation, currently underway offshore from this coastal community, eventually may turn into the latest battlefied for conservationists trying to maintain the ecological balance of Long Island Sound.

Local residents have viewed the operations, being conducted by Raymond International of New York, for several days and there is much speculation as to the reasons for it.

A spokesman for the Department of Transportation, which has jurisdiction over the U.S. Coast Guard, said the engineering survey is a feasibility study "relative to a proposal to build a liquid natural gas port for compression of gas to liquid."

U.S. Rep. Robert Giaimo (D-Conn.) said Friday there are indications that a natural gas terminal and tanker loading port may be the goal of the drilling.

A spokesman for the Congressman indicated there was no firm information to back up this reasoning.

Joseph Perlano, president of the Raymond Corporation, said the drilling is an attempt to locate a source of sand to be used to offset erosion of the Connecticut shoreline.

Meanwhile, Associated Press is claiming an unidentified spokesman for the company said the project involves boring test holes for a shoreline filling project. This project is in conjunction, reportedly, with a gas terminal and loading port for tankers in the Sound.

Connecticut Public Utilities Commission spokesmen said they heard rumors about the drilling, but also were without definite information.

The Connecticut Development Commission apparently has talked with the New York firm but the conferences were held in "confidence" according to CDC Assistant Commission Director Charles Hills.

There also appears to be some speculation the drillings may have to do with a recently announced $390,000 study grant for the Federal Aeronautics Administration (FAA) to investigate the feasibility of a jetport in the Sound.

Approximately $200,000 of the funds have been awarded to a private firm to study the feasibility problem while the remaining $190,000 will be awarded if the preliminary study comes up with some positive results.

Reportedly, the preliminary contract was awarded last week.

U.S. Sen. Abraham A. Ribicoff has become involved in the controversy by questioning the rights of the Raymond corporation to disrupt the land under the Sound.

Fred Asselin, an aide to Ribicoff said Friday a letter has been sent to Lt. Gen. Frederick Clark, Chief of the U.S. Army Corps of Engineers asking the Army to temporarily stop the operations.

"What right does anyone have for drilling in the Sound," said Asselin.

The aide said, under present law, anyone may probe the ocean's depths and only receive a permit when they are ready to construct a facility.

Ribicoff's letter also requested a list of other drilling operations along the nation's coastline.

A spokesman for the Army Corps of Engineers in Waltham, Mass., said the corps has no knowledge of the engineering operation.

Conversely, a spokesman for the U.S. Coast Guard in New London said the New York City firm was issued a permit to conduct the drilling operation in the vicinity of Faulkner's Island. The permit allows the operation to continue through August but gives no reasons for it.

The area of the drilling is one of the few places on the Sound relatively free of pollution and conservationists have been fighting a constant war for the past few years against a proposed bridge, that would span the Sound from Long Island to the Connecticut shoreline, as well as the proposed jetport.

[From the New Haven (Conn.) Register, July 7, 1971]

HARDLY THE WAY TO "SAVE OUR SOUND"

The lag between mounting public interest in conservation and action to protect the environment shows up in the way that a drilling operation being conducted in Long Island Sound came to pass. Minimal consideration is accorded the movement to "save our Sound" in the procedure that allowed the mystery-shrouded project four miles off Guilford near Goose Island.

Apparently, all it required, despite possible serious ecological consequences, to undertake this enterprise, was authorization from the Third District Coast Guard. And the Coast Guard reported it had granted permission because the drilling company had complied with navigation regulations. But it is all too obvious that the eventual impact involves much more than navigational matters.

Just what is at stake here is not at all clear—certainly not to the public, which hardly has been briefed. Fortunately, some public officials have scrounged around for precious facts that forcefully indicate an explanation and action is in order.

According to information received by the office of Congressman Robert Giaimo, the drilling operation is being carried out to determine whether a natural gas terminal could be constructed. But a spokesman for the drilling company, Raymond International, claimed the operation involved test borings for studying the quality of the sand for a shoreline filling project.

One would expect the State Public Utilities Commission to be aware of what is being contemplated—especially if it is a natural gas terminal plan—but a PUC spokesman reported he had no detailed information about it and had only heard rumors.

The Army Corps of Engineers is supposed to be vitally concerned with the ecology of the Sound yet it seems to have no part in the decision to allow the drilling in the 50-acre area. Thus, Senator Ribicoff, who has been pressing for full protection of the Sound, has asked the Corps to halt the operations until the impact on the Sound can be determined.

The situation strongly suggests that either new laws are urgently needed to disclose the existence of activity that might affect the public's natural resources or that existing laws be strictly enforced.

[From the New Haven (Conn.) Journal-Courier, July 7, 1971]

Selectmen Ask To Be Kept Up To Date On Goose Island Drilling

(By Mary E. O'Leary)

Guilford.—The Board of Selectmen will write to U.S. Sen. Abraham Ribicoff and U.S. Rep. Robert Giaimo and ask that it be kept informed of the preliminary drilling operations off Goose Island now taking place to determine whether a natural gas terminal could be constructed there.

The board was concerned that it had not been informed of the drillings undertaken by a subsidiary of Raymond International, with the permission of the Coast Guard and to the knowledge of Rep. Giaimo's office.

The board will also look into the question of jurisdiction over any construction if the plans proceed to that point. While Goose Island is the property of the federal government and the waters are public domain, the ocean floor is under the jurisdiction of the town and thereby the Planning and Zoning Commission may have some influence.

Because the drilling and test borings are of an exploratory nature, any firm wishing to undertake these preliminary steps need only to receive permission from the Coast Guard. Permission is granted when a firm shows it is not obstructing navigation while the testing is in operation.

Ribicoff has already asked that the Army Corps of Engineers order the drilling operations stopped until it can examine them and determine their impact on the Long Island Sound.

He has also written to Lt. Gen. Frederick J. Clarke, chief of engineers for the corps asking his recommendation amending the present state statute to include prior approval from the corps before preliminary drillings can take place.

Ribicoff noted that: "Drilling operations most assuredly do affect the ecology of the Sound, and before any company initiates such activity, prior approval should be received from the corps."

According to Giaimo's office, there are no concrete plans before any federal agency at this time for construction of a natural gas terminal.

Any construction or dredging in the Sound would be under the jurisdiction of the Army Corps of Engineers.

Raymond International, which is based in New Jersey, claims that the test borings are studying the quality of the sand for a shoreline filling project, and has denied any knowledge of testing for a possible gas terminal.

In other news, Rep. Giaimo has written to the selectmen outlining his continuing support of Guilford's request for a study of the harbor for possible construction of a breakwater to help ease erosion problems.

Rep. Giaimo told the board that the town's request does not need congressional legislation to authorize the Army Corps of Engineers to undertake the study. What is needed is approval from the Committee on Public Works. Giaimo said he has forwarded the request to the chairman of the committee, John Blatnik.

If the committee authorizes the study by the corps, the federal government will pay up to a $1 million in matching funds for a plan approved by the corps.

The study of the harbor was initiated originally through the Community Development Action Plan Agency.

First Selectman H. Milton Bullard also announced that the Council of Elected Officials of the South Central Connecticut Region will meet today in the offices of East Haven Mayor Frank Messina with representatives of Northville Industries Corporation to discuss its plan for construction of a pier at Riverhead, L. I. The pier would extend approximately 7,000 feet into the Sound and would accommodate the docking and unloading of oil tankers.

The council has already opposed the plan as dangerous to the Sound and has informed the Army Corps of Engineers in New York of its objections.

According to Bullard the plans have already been approved by the town of Riverhead but are opposed by a group of citizens. He also added that there is a pipeline in the area which already takes oil from tankers. He felt the construction of the pier would accommodate larger vessels and thereby increase the possibility of spillage.

[From the Norwalk (Conn.) Hour, July 8, 1971]

Why the Action Off Long Island Sound? Ribicoff Asks

Guilford, Conn.—Sen. Abraham A. Ribicoff has asked the Army Corps of Engineers for an explanation of an engineering project now underway in Long Island Sound off Faulkner's Island.

The Raymond Technical Facilities Corp. of New York City has been conducting a series of test borings in the area and several state officials said they feel the work is part of the $390,000 feasibility study recently announced by the Federal Aeronautics Administration for an offshore jetport.

Attempts to fix the purpose of the survey Thursday met with a variety of explanations.

Joseph Periano, president of Raymond, said it was an attempt to locate a source of sand to be used to offset erosion of the Connecticut shore.

Coast Guard and Army spokesmen said a permit had been issued for the summer study but added they had no knowledge of its aim. And Charles Hills, assistant director of the Connecticut Development Commission, declined comment, saying conferences with Raymond on the project were held in "confidence."

Fred Morrison, assistant director of progress coordination for the Department of Transportation, said the work was a feasibility study "relative to a proposal to build a liquid natural gas port for compression of gas to liquid."

Morrison said the gas would then be hauled by tankers to eastern ports "because of the demand for fuel in the east." Long Island Sound currently has two major fuel off-loading points for tankers.

When asked about the possibility of a chlorine storage area, Periano said "I don't know nothing about it."

[From the Danbury (Conn.) News-Times, July 12, 1971]

Drilling Firm Studies Sound Gas Terminal

Guilford.—The mysterious drilling noted recently in Long Island Sound near here could be the beginning of a manmade island to be used as a natural gas terminal.

A spokesman for the company doing the drilling, Raymond International of New York, said an engineering study is being done for the Texas Eastern Gas Pipeline Co.

The spokesman said the drilling is being done to determine the feasibility of building a manmade island and added study should be completed by the fall.

He said "if feasible, the offshore concept would be coupled with the exceptionally clean and pollution-free liquid natural gas and would meet the most stringent tests regarding ecological and environmental aspects."

U.S. Sen. Abraham Ribicoff, D–Conn., has asked the U.S. Army Corps of Engineers to investigate the drilling. He recommended that it be halted until corps personnel could learn the effect of the operations on the ecology of the sound.

[From the Willimantic (Conn.) Chronicle, July 8, 1971]

Mystery in the Sound

Senator Ribicoff has centered attention on a drilling rig that has been stationed off Faulkner's Island in Long Island Sound. The Senator wants the drilling halted until it can be determined what impact it may create in the ecology of the Sound.

A certain amount of mystery has accompanied the setting up of the rig off Guilford, with few inclined to accept the simple explanation given: That borings are being made for samples to determine whether dredging sand of the proper quality exists there for possible commercial exploitation.

If we were to disbelieve the explanation, and prefer mystery, we should guess that the borings might be preliminary to exploration for oil.

It is a fact that oil companies have been interested in exploring the coastal shelf into our latitudes. Off Long Island, it is reported, there has been some exploration activity. So why not within Long Island Sound?

Let the demonstrable facts take on from there.

[From the Hartford (Conn.) Courant, July 10, 1971]

Sound Test Drilling For Island Terminal

(By Charles Marland)

Guilford.—That mysterious drilling operation in Long Island Sound off this town could be the beginning of a 100-acre manmade island.

A spokesman for Raymond International of New York City admitted the reasons for the study of subsurface conditions Friday. He said the island would be a liquified natural gas terminal.

The company had earlier denied that this was the ultimate aim of the operation.

John Cuddihy, the company's public relations manager, said Friday that the study is being conducted for the Texas Eastern Transmission Corp. and the Tennessee Gas Pipeline Co.

The island, Cuddihy said, would amount to a liquified natural gas terminal. His company's study is expected to be completed this fall.

"If feasible," he said, "the offshore concept would be coupled with the exceptionally clean and pollution free liquid natural gas and would meet the most stringent tests regarding ecological and environmental aspects."

When the Courant first learned of the study early last week, a spokesman for Raymond International denied that the survey had any connection with a natural gas terminal and would only say that it was a study to determine the feasibility of dredging for sand to be used to counteract erosion along the Connecticut shoreline.

Fred Morrison of the Department of Transportation in Washington, D.C., said the engineering survey actually amounted to a study into the feasibility "relative to a proposal to build a liquid natural gas port for compression of gas to liquid."

In the meantime, U.S. Sen. Abraham A. Ribicoff, D-Conn., has called on the U.S. Army Corps of Engineers for an explanation of the project and recommended it to be halted until corps personnel had a chance to examine "these operations to determine their impact on the Sound."

In a letter to Lt. Gen. Frederick J. Clarke, chief of the Army Corps of Engineers in Washington, Sen. Ribicoff said he felt prior approval should be "required by law" for such surveys.

He went on to say that "drilling operations most assuredly do affect the ecology of Long Island Sound and, before any company initiates such activities, prior approval should be received from the corps."

[From the New Haven (Conn.) Register, July 13, 1971]

AIM OF PROJECT IN SOUND ADMITTED

The evasive tactics of a company drilling in Long Island Sound off Guilford, an operation that could result in a 100-acre man-made island, should jolt the federal government and the affected states into a more aggressive stance for the protection of a body of water that means so much to millions.

After first denying it, the company, Raymond International of New York City, has admitted, through a spokesman, the true purpose of the project that is being carried out so stealthily. It now is disclosed by the company, after considerable prodding, that exploration of subsurface conditions is being made with the idea of creating the island for a liquified natural gas terminal.

This is a slightly different picture that was painted in response to first inquiries about the nature of the enterprise. The company then reported the aim was to determine the feasibility of dredging for sand to be used for counteracting erosion along the Connecticut shoreline.

Because of all the double-talk, suspicion now must cloud the claim that the offshore concept would be coupled with clean and pollution free liquid natural gas and would meet standards to avoid environmental and ecological damage. If this is so, why all the hocus pocus?

It may be that the contemplated use would be desirable from the public's point of view. But proving this will be all the harder because of the lack of candor.

In any case, a full explanation is in order since the operation might have great impact on the ecology of the Sound. Much more is involved than the navigational considerations that served as guidelines when the Coast Guard perimtted the drilling.

Sen. Ribicoff has called upon the Army Corps of Engineers to halt the project until the corps has had an opportunity to examine it for potential harm to the Sound. And the Senator raises the urgent question of whether the law should not require such surveys to be approved by the Corps to begin with.

What has happened in this instance underscores the need to accelerate the study of the Sound that has been started to determine how it can be best used in the public interest. A three-year timetable has been set for completion of the study but federal funds should be provided to step up the pace. The drilling off Guilford is one more argument for fast and thorough completion of that overdue study.

[From the Hartford (Conn.) Courant, July 17, 1971]

GAS REASON FOR DRILLING IN SOUND

(By Tom Condon)

GUILFORD.—Drilling operations off the Connecticut coast here are part of a worldwide search for new methods of bringing natural gas into the United States, the Texas Eastern Transmission Corp. said Friday.

R. J. Fitzgerald, a spokesman for the Houston-based firm which is co-sponsoring the project with the Tennessee Gas Pipeline Co., said the study is being held to determine whether or not a 100-acre man-made island for the unloading of natural gas from ocean-going tankers could be built near Faulkner's Island in the sound.

Fitzgerald said the fuel is "completely clean," and presents no ecological hazard to the sound.

The drilling project itself, which amounts to a series of soundings and test borings on the bottom of the sound, was cloaked in secrecy for more than a month until an official from the U.S. Department of Transportation admitted two weeks ago that the study involved the possibility of a natural gas port.

The Raymond Technical Facilities Corp., a New York engineering firm which is doing the drilling, claimed it was merely to locate areas from which sand could be dredged. State officials also said they knew little or nothing of the project, as did the Army Corps of Engineers.

The project has caused U.S. Senator Abraham A. Ribicoff to question whether anyone has a right to disturb the ecology of the sound without prior approval by the corps of engineers.

In a letter to the corps, Ribicoff said, "drilling operations most assuredly affect the ecology of the sound, and before any company starts such activities, prior approval should be received from the corps."

A spokesman for Ribicoff said this week that no reply has as yet been received from the corps.

Fitzgerald said the Faulkner's Island study is one of several being conducted in many parts of the world to find new sources and means for increasing this country's supply of natural gas.

He said his firm has allocated $75 million to study the possibility of a pipeline to stores of natural gas in the Arctic region. Also, he said, the firm is experimenting with the possibility of producing natural gas from coal.

An operation similar to the one being considered for the sound is already in operation on Staten Island, N.Y., Fitzgerald said.

Asked if any other fuels besides natural gas would be considered for the project, Fitzgerald said he "did not know of any." He said his company does deliver propane gas to customers in the northeast, but said that is done by pipeline.

He said no decision has been made on the Faulkner's Island project, and said if a decision were reached to go ahead with the project, it would be "four or five years" before any attempt would be made to begin construction.

Mr. RIBICOFF. Finally, a number of concerned citizens and municipal leaders in Southern Connecticut have written me recently about a proposed tanker port they had learned was to be constructed in Riverhead, Long Island. I was able to determine that an application had been filed with the New York District of the Corps of Engineers by a terminal operator to enlarge his facilities. The corps duly notified the towns neighboring Riverhead of the application and asked for their comments. Because Connecticut is across the sound and in the corps' New England District, no officials there were notified. Connecticut residents learned about the proposal only by chance.

What all this means, it seems to me, is that nobody is minding the store—while the store, Long Island Sound, is going bankrupt. When I was a boy you could swim in the sound everywhere—this is no longer possible in a growing number of beach areas. The reason is pollution—oil, sewage, garbage—makes bathing a health hazard and a nuisance. Shellfish were a great eating delight in Long Island Sound. There still are shellfish, to be sure. But the famed shellfish harvesting areas—around New Haven and Norwalk, to name only two—are no longer rich in shellfish and those oysters, clams, and lobsters that remain are frequently too bathed in oil and scum that nobody dares eat them. The once majestic scenery of Long Island Sound is systematically being desecrated by development projects. Amid all these encroachments on this priceless natural resource, the Federal Government is going merrily ahead with a feasibility study to build an airport in the sound—and private industry is allowed to set up a drilling project off the Guilford shoreline without even telling anybody what it is they hope to achieve. It seems to me the people of Guilford, as well as Connecticut, have a right to know if somebody is planning to build a natural gas terminal off their coast.

Because of the lack of coordination in development of the sound, there is no telling what other projects are planned or underway. My hearings last year did find that proposals exist for everything from nuclear power plants and bridges from Connecticut to New York to parks and beaches.

Any number of these projects may be needed. But presently there is no way to determine consistently how these projects relate to the future of the Sound or each other.

Because of the absence of any organization capable of making a comprehensive study of the sound, I had introduced in the 91st Congress legislation calling for a special intergovernmental study.

In April 1970, however, President Nixon, by Executive order, enlarged the jurisdiction of the New England Basins Commission to include all of Long Island Sound and the lands on the north shore of Long Island, N.Y., draining into the sound. The previous jurisdiction included only the lands of Connecticut, and extended only to the middle of the waters of the sound.

The expanded New England River Basins Commission, if provided with sufficient funds, could carry out the comprehensive study envisioned by my bill—and then follow through with recommendations for action.

In January of 1971, at my request and without objection from the Office of Management and Budget, an appropriation of $100,000 was made available to the Water Resources Council for use by the New England River Basins Commission in designing a detailed plan of work for the full study, to organize and assemble staff, and to initiate other first year activities.

It is ironic that the effort to save the sound was begun with only $100,000 while the FAA is spending $390,000 to determine ways of destroying it.

The New England River Basins Commission has estimated that it will require approximately $2.7 million over the next 3 years to complete their assignment.

Their estimated costs of $1,430,000 in fiscal year 1972, $915,000 in fiscal year 1973, and $355,000 in fiscal year 1974, were based on the knowledge that unless ample funds are provided early, the study will take more time than originally expected and will ultimately cost more.

In response to my inquiries, the River Basins Commission has informed me that a plan for action has been devised for this fiscal year and that the $1,000,000 the committee has approved can be used immediately.

The plan, which was prepared with the cooperation and extensive participation of scientists and citizens in the area, will be submitted to the Water Resources Council in Washington next week. The Commission's plan will seek to assure that the entire range of alternative measures for the preservation and proper development of the sound will be taken into account during the course of a full study. Priority will be given to studying ways to protect wetlands, enhance water quality, improve navigation, protect beaches and shorelines, develop new institutional mechanisms to prevent unwise construction, and determine appropriate sites for residential, commercial, and industrial development.

We are in a race against time. The pollution of the sound has not come at a slow, but steady pace, but has accelerated dramatically in the last decade.

The River Basins Commission is off to a good start. It would be unfortunate to falter now. The effect on the sound and on the people along it would be disastrous.

People are looking to this study and to the agencies represented on it to produce an innovative, aggressive program for the sound, a program which uses our existing agencies of government in creative, new ways. I am sure that the people's faith in the ability of our Federal and State water and land agencies will be strengthened if this study gets the solid political and financial support it deserves.

Mr. STENNIS. Mr. President, having promised to yield to the Senator from Kentucky I yield him 2 minutes; then I shall yield to the Senator from Utah.

Mr. COOPER. Mr. President, I thank the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS), the ranking minority member (Mr. YOUNG), and the chairman of our full committee, Senator ELLENDER, for their consideration of projects in Kentucky, and for the funding of the projects.

I wish to direct two questions to the manager of the bill, both of which I raised yesterday in the Committee on Appropriations, of which I have the privilege of being an ex officio member.

One question concerns a joint project of the city of Pikeville, the Corps of Engineers, the State of Kentucky, the Appalachian Regional Commission, and the Department of Housing and Urban Development, to relocate the channel of the Levisa Fork of the Big Sandy River, in eastern Kentucky, relocate the Chesapeake & Ohio Railway, to relocate U.S. Route 23 and construct Appalachian Development Highways U.S. 23 and U.S. 119, at an estimated preliminary cost of $26,275,000. The actual cost will not be better known until they complete plans and specifications.

The Corps of Engineers testified, as shown at pages 134 and 135 of part V of the record of hearings, to a capability in fiscal 1972 of $150,000 for initiating plans and specifications.

I do not ask that any funds for advance engineering and design be added to this bill. The Appalachian Regional Commission has indicated that it can provide from its appropriated funds the $150,000 for the Corps of Engineers. The Corps of Engineers has indicated, orally, to my office, that if the committee and the Senate indicate their willingness, that there are no objections to the corps' use of this fund, it is ready to go ahead.

So I simply ask if the chairman and the manager will say they have no objection to the corps proceeding. If that be the case, the corps may secure the $150,000 from the Appalachian Regional Commission, with no prejudice to any future action of any committee of Congress.

Mr. STENNIS. Mr. President, I can say to the Senator from Kentucky that the committee has looked into this matter, and there is no objection to the Corps of Engineers initiating plans and specifications for the Pikeville, Ky., project to the extent of its capability which is $150,000, as stated by General Groves, on pages 134 and 135, part 5 of the hearings—using funds that may be provided by the Appalachian Regional Commission, without any precedent or commitment for the future.

Mr. COOPER. I thank the Senator. I have one other matter which I raised both before the subcommittee and the full committee. It is very important. $6 million has been approved in the President's budget and by the House and by the Senate committee, for construction of a cofferdam and locks at Smithland Dam on the Ohio River—one of the most important and necessary dams in the full reconstruction of the locks and dams on the Ohio River.

As I told the committee, I have talked with Mr. Shultz, director of the Office of Management and Budget, in company with the Senator from Ohio (Mr. TAFT), and supported also by my colleague from Kentucky (Mr. COOK), and all Senators who live in States along the Ohio River, asking that to this amount $10 million be added to meet the revised capability of the Corps of Engineers. I have been informed that this matter is presently under consideration by the Office of Management and Budget, that it is possible it will be approved. But it is too late now, I assume, for this bill, unless the Senator is willing for the Senate to add the $10 million. However, if it is not provided now, and it comes before the committee and the Senate at the time the supplemental appropriations bill for fiscal 1972 is before the Senate, I would like to know, if I may, what the manager thinks about the proposal.

I know that the Senator from Louisiana (Mr. ELLENDER) is very familiar with it, as is the Senator from North Dakota, and the full committee.

Mr. STENNIS. Mr. President, we regret that the Office of Management and Budget has not completed its consideration of this matter. We appreciate the sentiments of the Senator from Kentucky. We feel that the project has merit, and on the facts we know now, we would strongly lean toward supporting him in a supplemental request, if it comes before the committee.

Mr. COOPER, Mr. President, I wish to take this occasion to thank the committee, the manager of the bill (Mr. STENNIS), and the chairman of the full committee (Mr. ELLENDER), for their courtesy in considering my presentations to the committee—for restoring construction funds for the Martins Fork reservoir, which I believe through a misunderstanding were omitted from the House bill.

The chairman of the Senate Committee on Public Works (Mr. RANDOLPH), on which I serve as the ranking minority member, and I also appeared before the Appropriations Committee to request an additional $20 million for the Appalachian programs. The committee approved the increase—$10 million for health programs, $5 million for vocational education and $5 million for supplemental grants. We appreciate very much this support and expression of confidence for the Appalachian regional development programs, and hope that the additional amount may be maintained in conference with the House of Representatives.

Mr. COOK. Mr. President, I speak today in support of the Senate Appropriations Committee's recommendations for the 1972 fiscal year in regard to Kentucky water resources projects.

I am especially pleased that the committee restored the $400,000 which the President requested for the initiation of construction of the Martin's Fork project in eastern Kentucky. The city of Harlan has been plagued with very serious flooding problems for a number of years and it is of the utmost importance that this project be given the highest priority. Originally it was envisioned that this project would be completed by 1974 but because of various delays the progress has been much slower than anticipated. Therefore, I join my distinguished colleague from the State of Kentucky, Senator COOPER, in urging the House conferees to give their most serious consideration to endorsing the Senate's recommendation of $400,000 for this project.

I also commend the Appropriations Committees of both the House and Senate for their recommendation of planning funds in the amount of $120,000 for Eagle Creek Lake, $100,000 for Falmouth Lake, and $280,000 for the southwestern Jefferson County floodwall.

In addition, I strongly urge the Office of Management and Budget to release all the appropriated funds for Kentucky water resources projects which were approved for the 1971 fiscal year and placed in the budgetary reserve, especially the $240,000 of carryover funds for the Martin's Fork project.

Also, I urge the Office of Management and Budget to come forward with a much needed supplemental request of an additional $10 million for the Smithland locks and dam project to supplement the $6 million which was originally requested and which has been approved by the House and Senate Appropriations Committee. The Smithland project on the Ohio River between Kentucky and Illinois has national significance. That part of the river is the link between the entire Ohio Basin, the Mississippi-Missouri River Basin, the South Central States, and the gulf coast. It is imperative that this project be completed as quickly as possible since at the present time boats using the old facility are delayed by as much as 18 hours. This means that industries such as agriculture, chemicals, iron and steel, petroleum, coal, and electric energy in this multistate area are severely hampered by the acute congestion on this part of the Ohio River.

I believe that upon closer study the Office of Management and Budget will find that providing funds for the Smithland project at the full capability of the Corps of Engineers for 1972 is vital to the economy of this region and that such funding will in the final analysis constitute sound financial management without adding to the total ultimate cost of the project.

Mr. MOSS. I thank the Senator from Mississippi. I, too, commend the Senator for his diligent and detailed work on this bill, which is very complex, and covers a great many facets of our resources development.

I also express my concurrence with the sentiments expressed by the Senator from North Dakota that we would be doing far better to support projects of this sort, and build our country and make wealth as well as provide jobs, rather than putting our money elsewhere and leaving some of these projects to starve.

I did want to say just a word about the appropriation proposal here or the Central Utah project, Bonneville unit, and the other Utah project.

It is with the greatest disappointment that I note that the Senate Appropriations Committee has followed along in the traces of the House and has presented a bill for only $10 million on the Bonneville unit. This means that at this rate of appropriation, we will be 50 years building this project. This is the project by which Utah's water from the river, which we are entitled to by interstate compact, will be made available to the State. This is something we have been trying to get for almost 50 years, and now it seems that it will be 100 years before we can realize the return we need. In our country, we need water.

The same is true with respect to the Jensen unit, following along with $200,000 in construction, and then nothing at all for Upalco, Provo project, and nothing at all for the Dixie project, on which we have been working for almost 40 years, for which we once had funding, but now there is nothing at all.

I express my disappointment because I think that the development of water projects in the West is the single most important thing we need. It is disappointing to find them so underfunded or not funded at all.

I will support the bill. I think it is too late now to offer an amendment, and I will not offer an amendment. I want to express my great disappointment that the funding has been cut so low and is so damaging to us.

The PRESIDENT pro tempore. Who yields time?

Mr. STENNIS. I yield to the Senator from Maine 2 minutes, or as much time as she requires.

Mrs. SMITH. Mr. President, I want to commend the chairman (Mr. ELLENDER) and the ranking minority member (Mr. YOUNG) of the Committee on Appropriations for the remarkable achievement of having 10 appropriations bills completed by the U.S. Senate before August 1. Compared to past performance, this is almost unbelievable.

I think there was considerable skepticism when the senior Senator from Louisiana stated that he intended to have 10 appropriations bills completed by the Senate prior to August 1 or all that the Senate could complete by that time. The Senate could not act on the remaining four appropriations bills because they have not been acted upon by the House and the Senate is now waiting for the House to act on them and send them over.

This is real achievement and I think the Senate should take special note of it with a salute to the chairman of the Appropriations Committee. He has confounded the skeptics. He has done the impossible as compared to the many past years.

This is truly proof not only of the effectiveness of ALLEN J. ELLENDER and his remarkable record of getting things done but as well of his sharp intellect and his remarkably superior physical condition which well compares with even the youngest Members of this body, if not even exceeding them. Certainly no Member of this body regardless of age exceeds his mental and physical capability as a U.S. Senator.

I wish to highly commend the chairman of the subcommittee (Mr. STENNIS) for his excellent work, also to express deep appreciation for the invaluable services of the staff members, Mr. Kenneth Bousquet, Mr. Edmund King, and Mr. Guy McConnell.

The PRESIDENT pro tempore. I thank the Senator for those kind remarks.

Mr. STENNIS. Mr. President, I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, there is an item in this bill of $245,000 for the Four-Mile Run project for flood control at Arlandria. I am pleased to note that the Senator from Louisiana (Mr. ELLENDER) is presiding, because I should like the Senate to know that for more than 2 years he has recognized the gravity and the need insofar as this project is concerned. He was most sympathetic to my request for additional funds at the Senate hearing this year.

Last year, $170,000 was appropriated to begin the planning, for flood control but, unfortunately, this money was frozen. With the addition of this $245,000 to the reserve money, the Arlandria project can now go forward.

On behalf of the people of northern Virginia in the area, I thank the chairman and the Senator from North Dakota, and again I commend the Senator from Louisiana for his long interest in the Four-Mile Run project.

Mr. STENNIS. I thank the Senator from Virginia. I am glad to see that the project is moving along.

The PRESIDENT pro tempore. Who yields time?

Mr. STENNIS. I yield 1 minute to the Senator from Alaska.

Mr. STEVENS. Mr. President, we are deeply indebted to the members of the committee, particularly the chairman of the subcommittee and the ranking minority member, for recognizing the problem of the Snettisham project in our State of Alaska. Through their efforts, the amount of money for the Snettisham project has been raised by $4.2 million, so that the contract will go forward. We will meet the schedule of power on the line for December 1972. It is a very necessary project for our State, and we are extremely grateful to the chairman for his awareness of this matter and for his haste in funding it so that it can be completed on schedule.

Mr. STENNIS. I appreciate the Senator's remarks.

The PRESIDENT pro tempore. Who yields time?

Mr. YOUNG. Mr. President. I yield 2 minutes to the Senator from New York.

The PRESIDENT pro tempore. The Senator from New York is recognized for 2 minutes.

Mr. BUCKLEY. Mr. President, I should like to express my concern about the inclusion of an item on page 24 of the committee report.

It appears that the sum of $50,000 will be made available to the Army Corps of Engineers for a restudy of the Port Jefferson Harbor dredging and channel widening proposal. I see nowhere in the report any elaboration of the specific purposes for which this money will be spent, and I would welcome the assurances of the Senator from Mississippi that the intention of Congress is to direct the Army Corps of Engineers to use these funds solely for a review of alternatives to providing petroleum supply for Long Island.

This clarification is important to me and to my constituents living on Long Island's North Shore.

I also hope the State will fully explore the ecological aspects of all these alternatives.

Mr. STENNIS. I am happy to say to the Senator that we approved the language in the House report. We do not disagree with it in any way. We did not think it was necessary to express our approval.

Mr. BUCKLEY. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield on that point? I do not think the time has been used.

Mr. YOUNG. I yield.

Mr. JAVITS. Mr. President, I have heard what my colleague from New York has brought out. This is a matter of long-standing importance and interest to me and the Long Island community. There is a very widely and strongly divided view in the area, and I agree that the study should not be loaded or prejudiced in either direction.

I hope very much that the colloquy will not be taken to be any approval or disapproval of any course. Whatever course is best for the development of the natural resources concerned, in which the community has a profound interest, and in which it must have the freedom to express itself, will be most desirable, provided we have the basic facts authoritatively. I gather that that is what my colleague is driving at, and I thoroughly agree.

The PRESIDENT pro tempore. Who yields time?

Mr. STENNIS. I yield 2 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I would like to express my deep appreciation to the chairman, the Senator from Mississippi (Mr. Stennis), the ranking minority member (Mr. Young) and the other members of the committee not only for including in this bill those projects which were approved in the House, but also for adding money for the Pattonsburg Lake-Highway Crossing item; for approving an appropriation for planning the relocation of the new town required because, under the dam development in the area the old town of Pattonsburg will be flooded out.

This is a real step forward for the State of Missouri. It is typical of the care and solicitation of the distinguished chairman for the people of this country when it comes to water development. I again express to him and the committee the gratitude of the people of Missouri for including the money for this overall project.

Mr. STENNIS. I thank the Senator very much for his remarks. I am delighted that these projects are moving along. They are worthy.

Mr. President, I yield 1 minute to the junior Senator from Missouri.

Mr. EAGLETON. Mr. President, I join my senior colleague from Missouri in expressing my thanks to the Senator from Mississippi for the attention he has paid to the Pattonsburg Dam project.

As my colleague, Mr. Symington, pointed out, this was an item that was left out in the House version of the bill. The problems at Pattonsburg are severe. The town is destined for ultimate obliteration and the citizens are extremely anxious about their future. I am very grateful to the Senator from Mississippi (Mr. Stennis), the ranking Republican member (Mr. Young), and all the members of the committee, for the attention they gave to include the $500,000 for construction grants for the Pattonsburg Lake Highway I–35 crossing, as well as $50,000 for the Pattonsburg Lake to be applied for town relocation planning.

Mr. STENNIS. I thank the Senator from Missouri very much. I am delighted that these items are in the bill and I hope that they move forward.

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from New York.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I join my other colleagues in great appreciation to the committee which facilitates many of the projects in my State which are critically important and will be helpful.

I wish to call special attention to the $80,000 recommended to close the New York Harbor for the collection and removal of drift. It was originally authorized in the 1970 Omnibus Rivers and Harbors bill. This project is the end result of 8 years of effort and support by the States of New York and New Jersey, and the city of New York and the New York Port Authority. It is as prominent an example as exists in the country of what needs to be done to deal with an ecological situation so long neglected.

We have 2,000 abandoned hulks and piers on the mud flats around the harbor of New York. As this is the leading port of entry to our country, it is an eyesore as well as a great danger to navigation, and a great danger to the city. We hope very much to remedy the situation.

Obviously, this cleanup, standing alone, especially if more structures are abandoned all the time, will not do the job. So we express the hope very much that the Justice Department, in conjunction with the Army Corps of Engineers, will enforce the 1899 Refuse Act which empowers the Federal Government to prosecute owners of deteriorating piers and other rotting shoreline structures that do not keep their property in good repair.

This should help us to control the situation in the future. With the grants now authorized and the beginning of the financing, we are extremely hopeful that this will have great results.

We hope very much that the Office of Management and Budget, appreciating the broad congressional support for this particular program, will allow us to go ahead, first, on the ground of urgent necessity in the port and, second, to improve in so critical a place a measure of the environment and the quality of its water resources and the need to revitalize the waterfront.

I also express my great appreciation to the Senator from Mississippi (Mr. Stennis) and the Senator from North Dakota (Mr. Young) and the members of the committee and their staffs for the inclusion of $1,000,000 for a study of Long Island Sound. This is something which I have been interested in for some time and we certainly need to take affirmative steps to alleviate pollution in the sound. The committee's action is a welcome step in that direction.

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The Senator from Oklahoma is recognized for 2 minutes.

Mr. BELLMON. Mr. President, I rise to express my appreciation and thanks to Chairman Stennis and the ranking minority member, the Senator from North Dakota (Mr. Young), for the consideration they have given to the State of Oklahoma in providing funds for the badly needed projects in our State.

I also wish to express the appreciation of all the citizens of Oklahoma for the long consideration this group has given to our needs.

Over the years, the Corps of Engineers and the Bureau of Reclamation projects have ended floods, stored water for drought, straightened channels, and generally tamed, modified, and improved what once was a hostile environment.

On June 6, the Arkansas Navigational Channel was opened by President Nixon, which marked the conclusion of a $1.2 billion project, the largest ever undertaken by the Corps of Engineers. It is a great tribute to the Corps of Engineers that the project was opened on time, and completed inside the budget estimates which had been made many years earlier. They did this in spite of the fact that we had general inflation. By being able to use improved methods, they were able to make the money reach. This project is a modern engineering miracle, made possible through the long consideration the committee gave to the needs of Oklahoma over the years.

I would particularly like to thank the senior Senator from Louisiana (Mr. Ellender) for his long and effective work on the project, which affects his State as well as ours. The completion of the project will open the Arkansas Basin to accelerated development. It will make the tremendous resources that are presently there available for transportation where needed. It will do a great deal to improve the income on farms whose products and supplies will move through this channel.

I also want to express the profound appreciation of Oklahoma citizens for the continued consideration to the needs of our State as shown in the bill.

I again thank the chairman and the ranking member for taking care of our needs so well.

Mr. YOUNG. Mr. President, I yield 2 minutes to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The Senator from Tennessee is recognized for 2 minutes.

Mr. BROCK. Mr. President, I should like to take this 2 minutes to express my gratitude to the committee, to the distinguished Senator from Louisiana (Mr. Ellender), to the distinguished Senator from Mississippi (Mr. Stennis), and to the ranking minority member (Mr. Young) as well for their support of the Tombigbee project in the bill. This project has finally come to fruition as a direct result of the support of President Nixon.

I cannot think of a project in this decade that will do more for the people of an entire region than this particular one.

The people who inhabit the basin of the Tombigbee River are some of the lowest income families in the United States. They desperately need job opportunities and educational opportunities. This bill will afford them a chance to earn their way and become truly productive members of our society. As a vigorous and long-time supporter of Tennessee Tombigbee, I am delighted to see such progress.

I am, therefore, deeply grateful to the committee, and to the President, for their vigorous support of a developmental program that will be of enormous value to an entire region of these United States.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Georgia.

The PRESIDING OFFICER (Mr. Eagleton). The Senator from Georgia is recognized for 1 minute.

Mr. GAMBRELL. Mr. President, I should like to express by personal gratitude for the work done by the committee on this subject, particularly in reference to the project described as the Trotters Shoals Dam and Reservoir on the Savannah River, Ga., and S.C.

This week, the senior Senator from Georgia (Mr. Talmadge) and the two Senators from South Carolina introduced a resolution to name this project after the Honorable Richard B. Russell, my predecessor in the Senate.

This project will be a fine memorial to former Senator Russell and a great credit to the interest that the chairman of the subcommittee has taken in the project. I wish to thank him at this time.

Mr. STENNIS. I thank the Senator from Georgia very much.

Mr. President, the distinguished Senator from Hawaii (Mr. Inouye) has an amendment that will relate to the items in here for the Atomic Energy Commission.

The distinguished Senator from Rhode Island (Mr. Pastore) is the chairman of the Joint Committee on Atomic Energy. He is also a highly valuable member of the Appropriations Committee, and this subcommittee. I am going to ask him to take the lead in connection with this amendment. Of course, we are backing his position, but I shall ask him now to take the lead and the control of the time.

Mr. PASTORE. Mr. President, I shall be very happy to do so.

AMENDMENT NO. 352

Mr. INOUYE. Mr. President, I call up my amendment No. 352 and ask that it be stated.

The PRESIDING OFFICER (Mr. Eagleton). The amendment will be stated.

The legislative clerk read the amendment as follows:

> On page 5, after line 9, insert the following new section 103:
>
> Sec. 103. None of the funds appropriated by this Act shall be obligated or expended, directly or indirectly, to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska, before May 31, 1972: *Provided, however,* That the President may schedule such a test on the grounds of compelling national security requirements: *Provided further,* That the President shall submit to the Congress no later than sixty days prior to the scheduled test a report on these requirements.

Mr. INOUYE. Mr. President, how much time do I have ?

The PRESIDING OFFICER (Mr. Eagleton). There is 15 minutes on each side.

Mr. INOUYE. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 7 minutes.

Mr. INOUYE. Mr. President, the amendment just offered is very similar to the one offered during the authorization bill by the distinguished Senator from Alaska (Mr. Gravel).

Mr. President, because of the limitation on time, we will not be able to discuss in depth many of the objections against the Cannikin test. However, I would like briefly to touch upon them.

First, it is the contention on our part that the Spartan warhead which is to be tested in the Cannikin test is obsolete. I believe it would be well to note that it has been reported that the President's Office on Science and Technology concurs with this statement.

Second, we contend that the Cannikin test should be postponed until the completion of the strategic arms limitation talks. And incidentally, here again, I am advised that the State Department agrees with this proposition.

Third, it is our strong contention, Mr. President, that this test makes the Senate hypocritical. We have been suggesting to the world that underwater nuclear testing should be banned. And we have proposed a treaty to the effect. Mr. President, the Cannikin test is extremely close to the shoreline and well below sea level. In my mind this can be construed as an underwater test.

Fourth, it is our contention, and our very strong contention, that this test should be held up until President Nixon completes his journey for peace to Peking. Mr. President, if we are sincere in our support of our President's journey, we should do everything possible to remove all obstacles that might hamper his trip.

The fifth argument is an argument that has been offered by many, many citizens of the United States; namely, that this test will contaminate the environment of the Aleutian area.

Mr. President, with the time that I have remaining, I wish to speak as a Senator from Hawaii and as a citizen of the State of Hawaii.

In 1946, as a result of an earthquake in the Aleutian chain, a tidal wave, or tsunami, was triggered, resulting in 159 men, women, and children dying, and the loss of $25 million to the people of Hawaii.

In 1952, 1957, and 1960, we had several tidal waves, resulting in additional dead and a loss of about $30 million.

I think it is well to acknowledge—and I have not heard anyone disagree with this—that the Aleutian area is one of the most seismically active areas in the world. This area is prone to earthquakes. In the past 71 years, eight earthquakes of the magnitude of 8 or more on the Richter scale have occurred. It is very important to note that in 1970, 68 earthquakes in Alaska were registered on the Richter scale. Six days ago, on July 25, a quake registering 6.5 on the Richter scale occurred near the test site.

Mr. President, the test we are discussing is not a minor test. It is one involving a 5 megaton explosive warhead.

Perhaps many Members of the Senate are not aware of the effect of a 5-megaton explosion. The Hiroshima bomb leveled the city of Hiroshima. This 5-megaton bomb is 250 times more powerful than the Hiroshima bomb.

Mr. President, it has been said that the experts appearing before the Atomic Energy Commission indicated that earthquakes resulting from Cannikin were unlikely. In a press release issued from the U.S. Department of Commerce National Oceanic and Atmospheric Administration by Charles A. Whitten, Chief Geodesist, dated—for some reason—August 3, 1971, next Tuesday, he points out that this year we can expect to witness more major earthquakes than any year since 1964. It appears that the world is wobbling around its axis and that every 7 years we hit a peak in earthquakes; 1971 is expected to be the peak year.

In the first 6 months of this year, the Pacific basin area has already witnessed three major earthquakes, all of them of a magnitude of 8 on the Richter scale.

Mr. President, one must be at the scene and witness a tidal wave in order to appreciate the magnitude of this fearsome, natural phenomenon. To see a wave that is of a height of about 45 to 50 feet rush onto the shore and lift cars as though they were little pieces of dust and bend parking meters as though they were matchsticks is a very frightening thing. This fearsome possibility of an earthquake triggering a tsunami or tidal wave is very real to the people of Hawaii. Therefore, we are pleading to the Members of the U.S. Senate to consider us when the decision is made whether we should go ahead with this test.

I should like to point out that the President's science adviser has indicated that the Spartan warhead is obsolete and that, therefore, this test is unnecessary.

I should like also to remind the Members of the Senate that the Commerce Department is against it and that the State Department is against it.

So, I plead with the Senate to listen to our plea. It is a real one.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRAVEL. Mr. President, will the Senator yield me 5 minutes?

Mr. INOUYE. Mr. President, I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. GRAVEL. Mr. President, I thank my friend, the Senator from Hawaii.

Mr. President, there is every reason to believe that no clear consensus or agreement exists within the administration on the need to test a 5-megaton thermonuclear weapon in Alaska.

During debate on the authorization measure many Members of the House and Senate raised the question of divided expert opinion.

Since that debate we have further evidence that the administration is not of one mind regarding either the need for this test or the risks involved for the people of the Pacific rim.

Secretary Packard tells us that the test is essential to development of a vital weapons system. But the Office of Science and Technology advised the President even before the authorization was debated that it considered the weapon to be obsolete.

During debate on the authorization we were assured by proponents of the test that the environmental risks were small.

Yet now we find that the environmental protection agency and the council on environmental quality have recommended either cancellation or postponement of the test because of environmental hazards.

During debate on the authorization we were told that a 1-megaton nuclear test at Amchitka in October 1969 provided clear evidence that a 5-megaton test in October 1971 could be conducted in complete safety.

Yet the Battelle Memorial Institute, which the AEC has hired to review environmental data from the island, tells us that the ability to make predictions from the Milrow test is severely limited.

We have been told that the Cannikin test is a vital link in negotiations with the Russians for arms control.

Yet on July 22 an administration expert testified before a Senate subcommittee that Cannikin was not considered a "bargaining chip" for negotiation. Further we find that the State Department has recommended postponing the test until the completion of the SALT talks.

All of this evidence has accumulated since the debate on the authorization. It adds to the considerable weight of evidence brought forth during our earlier floor debate—evidence that clearly demonstrates that the test poses extreme environmental risks and is not essential to our national security.

I have no wish, Mr. President, to restate all of the arguments presented earlier. I believe that the arguments are well supported by the facts.

There is no risk in cancellation of the test.

There is risk in moving ahead with it.

The people of Alaska do not want this test. Neither do the people of Hawaii or California or Oregon or Washington.

The people of Japan and Canada are opposed to this test.

The scientific community outside of those directly employed by the Department of Defense and the AEC consider the test a ridiculous bureaucratic mistake.

The explosion of a thermonuclear weapon in Alaska will not hasten the day when we reach an agreement with the Russians on arms control. It will not contribute to our ability to defend ourselves from enemy attack. It will not prevent an outbreak of hostilities.

Nearly $200 million will be spent on this project—$200 million in a day when we are searching desperately for funds with which to buy absolutely essential human services, and in a year when the fiscal budget deficit has grown to more than $200 billion.

A decision to go ahead with this explosion is a decision of great folly which would never pass the most cursory cost benefit analysis imposed by the Corps of Engineers for any public project.

I urge passage of this amendment as a means for the Senate of the United States to demonstrate that it will not be a party to such an unsupportable executive decision.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement which refutes the conference report, entitled "Statement by administration officials on SALT talks," as well as an excerpt from a report entitled "Battelle Memorial Institute Report on Milrow," a telegram from the Canadian Coalition to Stop the Amchitka Nuclear Blast, and an article from the Evening Star of July 26, 1971, entitled, "Agencies' Views Differ on Amchitka Test Blast."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY ADMINISTRATION OFFICIAL ON SALT TALKS

"Mr. Farley. We consider this to be a development exercise which is justified in terms of the program and security requirement for such a system as proves to be permitted under a SALT agreement or if we are successful in negotiating a SALT agreement. We consider it to be justified on those security program requirements, not as a *bargaining chip* for negotiation."

Mr. Farley before the Subcommittee on Arms Control, International Law and Organization of the Committee on Foreign Relations, Thursday, July 22, 1971. (Muskie hearing.)

Mr. Philip J. Farley is Deputy Director of the Arms Control and Disarmament Agency.

BATTELLE MEMORIAL INSTITUTE REPORT ON MILROW*

"However, the paucity of MILROW-related ecological changes, as indicated by test-time live-box and holding-pen experiments and by test-time observations, will limit our ability to predict ecological changes if larger nuclear tests are conducted at Amchitka. Further analyses now in progress, especially study of photographs, may provide limited additional information useful in making predictions. But, because the effects of MILROW were so small, it will be necessary to depend heavily on the general knowledge of the ecology of the various ecosystems at Amchitka when predicting the effects of the proposed 'somewhat' larger nuclear test."

Senator MIKE GRAVEL,
U.S. Senate,
Washington, D.C.

The Canadian Coalition to Stop the Amchitka Nuclear Blast calls upon the United States Senate to cancel Cannikin.

The Canadian Coalition consists of representatives from Vancouver and District Council of Churches, United Church of Canada, Roman Catholic, Lutheran, Angelican, Quaker, and Unitarian Churches, United Nations Association, Young Womens Christian Association, Sierra Club, Amchitka II, Don't Make A Wave Committee, British Columbia Environmental Council, SPEC, Canadian Association of Human Environment, Canadian Labor Congress, media and political leaders.

The Canadian Coalition has the support of many thousands of Canadian citizens, teachers, scientists, conservationists, university professors and others who are concerned with the international implications of the proposed Amchitka detonation.

Our appeal is for statesmanship that seeks other alternatives for national security that do not endanger the world and its people.

C. ROBERT PEARSON,
Chairman.
LOUISE BOYCE,
Coordinator, The Canadian Coalition to Stop the Amchitka Nuclear Blast, Vancouver, British Columbia, Canada.

Night Letter.

[From the Evening Star, Washington, D.C., July 26, 1971]

AGENCIES' VIEWS DIFFER ON AMCHITKA TEST BLAST

(By James Welsh)

The White House has received conflicting recommendations from various government agencies on whether to go ahead this fall with an underground nuclear test on remote Amchitka Island.

According to informed sources, two federal agencies, the Department of Defense and the Atomic Energy Commission, favor a go-ahead for the five-megaton test blast.

For a variety of reasons, five other agencies—the State Department, the Office of Science and Technology, the United States Information Agency, the Environmental Protection Agency and the Council of Environmental Quality have recommended either cancelling the test or postponing it until after the SALT arms-limitations talks.

Amchitka is at the southwestern tip of the Aleutian Islands off Alaska, about 700 miles from the Soviet Union.

In October, 1969, the AEC set off a one-megaton hydrogen bomb 4,000 feet deep within the islands without causing any of the earthquakes, tidal waves or environmental damage feared by critics of the testing.

The megatonnage of this fall's planned test, which is code-named Cannikin, is five times as large. The nuclear device is scheduled to explode 6,000 feet underground. Cannikin is a test of a large Spartan warhead designated for use as a component of an ABM system protecting Minuteman missile sites.

The latest recommendations on the proposed test are a product of a departmental undersecretary committee named to investigate the controversy. The recommendations went directly to Henry Kissinger, Nixon's chief foreign policy adviser, and John Ehrlichman, chief domestic adviser.

The Defense Department and AEC, sources said yesterday, continue to favor the testing as important to national security. They minimize the chances that the test will trigger earthquakes or cause other unwanted environmental side effects.

OST, which is the President's scientific advisory arm, reportedly opposes the experiment, not primarily for environmental reasons but because the warhead to be tested has been made obsolete by recent weapons development.

The State Department, sources said, took a middle ground. It did not recommend cancelling the test, but advised postponing it until the completion of the SALT talks. The Council of Environmental Quality took much the same position. The Environmental Protection Agency opposes the test, believing that even a slight possibility of earthquake is too much of a chance to take.

Mr. GRAVEL. Mr. President, the Department of Commerce plans to release on August 3 an important statement regarding earthquakes. The statement reaffirms my belief that the dangers that could result from the Atomic Energy Commission's test on Amchitka Island, Alaska, are greater than were stressed in the AEC's Environmental Impact Statement.

I ask unanimous consent to insert at this point in the RECORD a copy of the Commerce Department's release.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

EVIDENCE RELEASED LINKING EARTH'S "WOBBLE" WITH EARTHQUAKES

The Commerce Department's National Oceanic and Atmospheric Administration

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*Dr. James B. Kirkwood, "Summary of Ecological Effects of Milrow," *BioScience Magazine,* June 15, 1971, p. 711.

made public today further evidence linking the earth's "wobble" with earthquakes.

Charles A. Whitten, chief geodesist of NOAA's National Ocean Survey, cited data from NOAA's National Earthquake Information Center which he said made it clear that there is "a definite correlation" between the earth's wobble and earthquakes.

Whitten pointed out that the wobble is reaching a peak this year in its seven-year cycle and the earth can therefore be expected to witness more major earthquakes this year than any year since 1964. That was the last peak year, when an earthquake devastated Alaska.

According to NEIC seismologist Carl Von Hake, the amount of energy released by earthquakes this year from January 1 through July 26 already exceeds that released in any one year since 1964. Von Hake has been keeping tabs on earthquakes each year since 1954.

The earth wobbles slightly as it spins in space. As it does so, the north-south polar axis on which it rotates shifts. This shift has been measured daily by world astronomers since 1900. They have found that the axis zigs and zags around the geographical north pole in a generally circular motion, shifting as much as six inches per day for a maximum 72 feet over a 14-month period. The daily shift of the pole reaches its maximum every seven years.

Whitten pointed out that four massive earthquakes have already occurred this year. As recorded by the NEIC, these included three earthquakes of a magnitude of 8.1 on the Richter scale (a method used by seismologists to gage the strength of earthquakes), one in New Guinea in January, two others in the Solomon Islands and in the New Britain Island area in the southwest Pacific in July, and a 7.8 shock in Chile, also in July.

Von Hake noted that three 8.1 magnitude shocks—what seismologists term "great" earthquakes—have not occurred within a single year since 1950.

Earlier this year, Whitten prepared a graph portraying the correlation between the total energy released by earthquakes and the daily movement of the pole during the past 70 years. He said then that it showed what he considered to be a definite correlation between earthquakes and polar motion at various periods when the polar shift reached its peak. He pointed out that major earthquakes in 1950, 1957, and 1964 coincided with years of maximum polar motion. Whitten expressed the view then that if there is a correlation between the polar shift and earthquakes, there should be an increase in major earthquakes this year.

The geodesist added that he was not suggesting that the earth's wobble was the sole cause of earthquakes. "Many things undoubtedly enter into it," he said, "including the shifting of the earth as strain builds up beneath the surface and possibly even the pull exerted on the earth by the moon and sun. But when you add to this the earth's wobble as it reaches its maximum, you have another apparently tremendous force which may trigger earthquakes."

Von Hake said his computations on the amount of energy released between January 1 and July 26 were based on eight earthquakes of magnitude 7 and above, including the four already noted. The NOAA seismologist added that all other earthquakes with a magnitude less than 7 were estimated, but noted that, taken together, they were roughly comparable to the earthquake which struck Chile July 9.

Von Hake based his computations on a standard established by the late Dr. Beno Gutenberg, director of the Seismology Laboratory at the California Institute of Technology, and Dr. Charles F. Richter, also of the California Institute of Technology. In their authoritative book, "Seismicity of the Earth," published in 1954, the two seismologists computed the energy released by earthquakes from 1904 through 1952.

The source of the polar wobble is a mystery. Whitten said the motion of the earth's molten core against the otherwise fairly rigid structure of the earth might be a contributing factor. Other geophysicists have speculated that it is due to the melting of the ice caps, the movement of the seas, or the unevenness of the earth's land masses.

A connection between earthquakes and the motion of the pole was first postulated by British scientist John Milne in 1893. The American geophysicist Helmut Landsberg suggested in 1933 and again in 1948 that the strain associated with the wobble might trigger earthquakes. in 1967, Lalantendu Mansinha and D. E. Wylie of the University of Western Ontario said their studies showed a definite correlation between the two. They said the wobble was increased by major earthquakes.

Mr. STEVENS. Mr. President, will the Senator from North Dakota yield?

Mr. YOUNG. Mr. President, I yield 3 minutes on the bill to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, I, too, made my comments about the substance of the amendment at the time the authorization bill was passed. I would like to point out two things at this time.

First, I am still firmly convinced that if the SALT talks are successful the Spartan warhead will be unnecessary, and if the Spartan warhead is unnecessary certainly the Cannikin test is a folly. Second, after the last debate some of my colleagues asked me, if Alaska is so opposed to this test, why were we not opposed to the drilling of the hole and the work that went on at Amchitka. I told them I was in private practice at that time and that I represented one of the contractors that got a contract to drill a mystery hole. To Alaskans these were known as mystery holes. We did not know what was going on. If we had we certainly would have voiced objection at the time. But the real problem is that before we realized what was going on we had the Milrow test. The Milrow test disturbed some people, but it was a mild one and most people had no basic objection at that time and I was one of them.

Now, the 5 megaton test has us disturbed just as the Hawaiians and the west coast people are disturbed, because of where it is located in the Aleutian chain.

Mr. President, I would urge everyone to consider the fact that had it not been for the total secrecy involved in these plans we would have had this fight 4 or 5 years ago. Under the circumstances it was not until the debate on the authorization bill—and to the great credit of the Senator from Rhode Island (Mr. Pastore) he did obtain the total declassification of the proposal—that the world knew the whole history.

Mr. President, I understand the Senator from Rhode Island is going to modify the amendment. I urge that it be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, this is no new problem before us today, one might even say it is an old chestnut. We had it before us on July 20, 1971, and we debated it at length and from every angle. The Senate made its decision and expressed its will then and there. The vote was decisive—57 to 37.

I do not question the sincerity of my very distinguished colleagues from Alaska and Hawaii. They have every right to express their feelings and their fears. In all matters scientific there are always the pros and cons. It has been my responsibility, as chairman of the Joint Committee on Atomic Energy, to manage this measure on the floor of the Senate and to bring forth the position of the administration and also of the scientists we have consulted with in reference to this test.

I went out of my way to talk to Mr. Packard, the Deputy Secretary of Defense. I received from him a letter very, very brief but to the point. It declared that this test is absolutely necessary for the Safeguard System, that without it the Safeguard System would be imperiled. Mr. President, I ask unanimous consent that the letter from Mr. Packard may be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Deputy Secretary of Defense,
Washington, D.C., 19 July 1971.

Hon. John Q. Pastore,
Chairman, Joint Committee on Atomic Energy, Congress of the United States, Washington, D.C.

Dear Senator Pastore: This is in response to your request for my views on the importance of the CANNIKIN nuclear test to the national defense.

The nuclear device to be tested in the CANNIKIN event is for the development of a warhead for the Spartan missile of the Safeguard ballistic missile defense program, a program that Congress approved. The measurements of device performance which will be obtained from the tests are essential in my view, to the optimum defensive deployments of Safeguard for protection of the Minuteman missile sites.

Sincerely,

David Packard.

Mr. PASTORE. Mr. President, I likewise conferred with the Atomic Energy Commission. They not only substantiated what Mr. Packard said but they went extensively into the matter of the ecology, the environment, tidal waves, and earthquakes. My goodness gracious, no one wants a tidal wave. I would be the last person to propose anything that might cause a tidal wave. If I thought there were likelihood of that peril, I would be the first to oppose it. But that would not prove that I would be right and that my friend from Hawaii might not be wrong. We did seek and receive the best obtainable advice.

The suggestion that this weapon is obsolete is pure nonsense. The Defense Department certainly has never said so and neither has the Atomic Energy Commission. If there were any evidence that it is obsolete, I would certainly be against it.

I realize that there have been views

expressed by various departments of the administration views that are conflicting or at least confusing. They not only confuse the issue but they create a quandary on the floor of the Senate.

I notice that my very alert colleagues from Hawaii and Alaska have leaned very heavily on this confusion. I do not blame them. It does credit to their advocacy.

Mr. President, in order to resolve all these misgivings I have been discussing with my colleagues what I am willing to accept as a modification for the amendment. I will read it:

> None of the funds appropriated by this act shall be obligated or expended to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska, unless the President gives his direct approval for such test.

This pinpoints authority and responsibility.

Let all departments concerned, whether it be the State Department, the Office of Science and Technology, let them bring their causes to the Oval Room of the White House and then let the President of the United States, who is the first responsible citizen of this country, make the decision.

I see nothing questionable in that. I have checked this solution with the Secretary of Defense. He does not seem to object to it. I do not want to say that he would not prefer to have it the way we have reported it from the committee, but I think, all things considered, this would be the proper way to handle the matter, and I would be perfectly willing to take it to conference.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, on my time I yield to the Senator from Hawaii (Mr. INOUYE).

Mr. INOUYE. Mr. President, I thank my distinguished colleague for his statesmanship. I believe this will resolve many of the problems and the quandaries that many of us have faced in the U.S. Senate. If I may, as the prime sponsor, I would indicate to the Senator that I would be very pleased to accept this modification, and accordingly I would wish to modify my amendment.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PASTORE. Let me yield first to the Senator from Alaska.

The PRESIDING OFFICER. Will the Senator please send the modified version of the amendment to the desk?

The amendment, as modified, is as follows:

> On page 5, line 11, insert the following new section 103:
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> SEC. 103. None of the funds appropriated by this Act shall be obligated or expended to detonate any underground nuclear test scheduled to be conducted on Amchitka Island, Alaska, unless the President gives his direct approval for such test.

Mr. GRAVEL. Mr. President, I would like to say——

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield, on my time, to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I think I also am prepared to accept the modification to the amendment. I do not say I do it with great relish. I do it only because I do not think we have the votes to put through a stronger amendment. But let me underscore the point that this is nothing new, because under the present law the President is the final person to make the decision on detonation and also on the environmental question, because the test would come under EPA or the Environmental Agency. So we are not doing anything other than pointing our finger at the President and saying we do not feel prepared to make the determination. I am prepared to accept that modification, because I do not think we could get the votes to cancel the detonation.

Mr. PASTORE. It is not a question of whether we have the votes or not; it is a matter of resolving a very thorny problem that involves the security of the country. There is not a Senator here who would not vote tomorrow for complete disarmament if we knew the world would be safe and peace would be guaranteed. But we are living in an anxious and tortured world, we have continuously worked for peace—but many, many times we have been disappointed by our adversaries reaction to our good faith.

They have met our sincerity with deceit—our peaceful efforts with violence. Berlin walls and Iron Curtains are the evidence of that. World anxiety is their stock in trade.

That being the state of the world today, we have to be realistic. I do not relish the responsibility of asking money for weapons and for atomic weapons. May I say it was a cursed day the day the atomic bomb was born. But it was and it is here to stay and spread. We are not the only country that has it. There are four other countries in the nuclear club—and other nations wait in the wings. Here we are, the envy and the hope of the world in the same breath. That is the realism we face.

I would be the first to vote against these weapons and against the defense budget if I felt the world was safe and sane. We learned that it is not. We learned it in Cuba in 1962. If we had not been strong at that time, Khrushchev would have come through with his atomic weapons. That is a fact.

And we keep learning there are breeding places of violence—the seeds of war in every corner of the globe.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to my colleague from Alaska.

Mr. STEVENS. Mr. President, I indicated previously that the Senator from Rhode Island discussed this matter with us. We appreciate the spirit in which he has offered the modification to the amendment.

For myself, it is disappointing to some degree, and I am sure the Senator from Rhode Island understands this. I would like the Congress of the United States to get involved in making some of this policy. I really do not think the amendment changes the realistic situation at all. The President, as President of the United States, certainly had the power and the duty, I believe, without regard to this amendment, to personally see to it that the Amchitka test was necessary. As I indicated previously, I assumed this would be done. I have reason to believe it was being done, and that really the amendment, in total, does not change the plans with regard to the Amchitka test.

What is more, it does not have the Senate of the United States bite the bullet. The bullet really is whether we are going to be involved in making policy for these agencies that exercise secret power and whether we believe that something like this test should not occur.

What we do is, in effect, solidify the chain of command by this amendment and make it clear that the Senate desires the personal expression of the President on this matter. Whether that would have occurred under the previous situation, I do not know, but I am sure he and his office would be involved, anyway.

So I have no objection to the amendment, but I do want to express my feeling that I would have preferred the situation whereby the Senate expressed itself either that the test should not occur or that the test should be postponed until completion of the SALT talks. It seems to me that, while this amendment goes an inch, it should have gone the full mile.

I thank the Senator for yielding.

Mr. FONG. Mr. President, will the Senator yield?

Mr. President, I rise in opposition to the test at Amchitka.

I regret that within an 11-day period it is once again necessary to ask my colleagues to withhold funding for the 5-megaton nuclear test scheduled to be held on Amchitka Island, Alaska, in October, while the necessity for this enterprise can be reexamined.

The amendment which I am cosponsoring will amend the Public Works and Atomic Energy Commission appropriations bill to provide that none of the funds appropriated by the act shall be obligated or expended for a nuclear test on Amchitka Island unless the President gives his direct approval for the test.

Let me make it clear that I am utterly opposed to the holding of a multimegaton nuclear test on Amchitka at any time, unless the Atomic Energy Commission can assure us, which it so manifestly cannot now do, that such an experiment can be conducted without human or environmental risks. But I am asking now only for this amendment, because I am a realist as to what this body may now consent to, and because I believe that with time for reflection and analysis the president will come to the realization that this test is not worth the risks involved.

The Commerce Department has just released a report by Charles A. Whitten, chief geodesist of the National Oceanic and Atmospheric Administration's National Ocean Survey, citing a definite correlation between the wobble of the earth on its axis and the incidence of earthquakes. This year the wobble reaches a peak in its 7-year cycle, and we accordingly can expect to witness more major earthquakes in 1971 than in any year since 1964, the year of the disastrous quake in Alaska. Four major earthquakes have already occurred this year in the Pacific basin, including three of a magnitude of 8.1 on the Richter scale and one, the earthquake in Chile, of 7.8.

During what is fulfilling its promise as a peak year of earthquake activity, therefore, the Cannikin test is scheduled to be held in the most seismically active area of the world.

Let me address myself again to a particular risk involved in the Cannikin test. This experiment could in fact cause multiple tsunamis, that is, seismic tidal waves, first, from the initial shock of the blast, which will have a body-wave magnitude on the Richter scale of about 7.0; second, from earthquake activity triggered by the blast; and third, from landslides in the ocean prompted by the shock or by earthquakes.

A major tsunami, rushing unpredictably at 400 to 600 miles per hour through the Pacific basin, would devastate the coast of the Pacific State of Hawaii and every other low-lying area within its reach. We can be sure, from tragic past experience, that such destruction would not be confined to property damage alone. Human lives could be lost—the lives of people of my State, the lives of other Americans, of Canadians, Japanese, Russians, and others.

The shores of my State of Hawaii have been struck by tsunamis four times in the last 25 years. During that time, we have experienced devastating property damage, and over 200 lives have been lost. We must not by a deliberate act increase this tragic toll.

Does the Atomic Energy Commission wish to take the responsibility for such a disaster? Does the U.S. Senate wish to run the risk of such a catastrophe?

I find it highly significant that the experts within the administration are in disarray on the question of whether we should go ahead with Cannikin now. Seven agencies were asked for comments on the question by the President. The State Department favors postponement until completion of the strategic arms limitation talks. The Office of Science and Technology—which is headed by the President's science adviser—opposes the test because it considers the Spartan warhead that is to be tested to be obsolete. The Environmental Protection Agency opposes Cannikin because of the possibility, which the AEC admits, of the blast triggering a severe earthquake. The Council on Environmental Quality advises postponement until after the SALT talks. The U.S. Information Agency is also in opposition. Only two of the seven agencies on the President's review committee, the Department of Defense and the Atomic Energy Commission, favor a test this fall.

I strongly urge my colleagues to support the amendment.

Mr. President, I wish to ask the manager of the bill a very brief question. Am I correct that this is a $25,000 item for a comprehensive study of Kaneohe Bay, Oahu, Hawaii, under Army Engineers Rivers, Harbors, and Flood Control General Investigations?

Mr. STENNIS. The Senator is correct in this respect: We made a lump-sum increase in the amount of money available for that purpose, and the increase recommended is sufficient to include the $25,000 for the study the Senator has referred to in that appropriation.

Mr. FONG. I thank the Senator.

Mr. DOMINICK. Mr. President, will the Senator from Rhode Island yield me a couple of minutes?

Mr. PASTORE. I yield to the Senator from Colorado.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Rhode Island has 4 minutes remaining.

Mr. DOMINICK. Mr. President, do we have in the RECORD a date when it is anticipated that the Cannikin test will take place?

Mr. PASTORE. I think it was set for some time in the fall.

Mr. DOMINICK. Is it not true that this period was selected in order to have the least possible environmental and ecological impact?

Mr. PASTORE. Yes. Under the modified amendment, that time is to be determined by the President.

Mr. DOMINICK. Is it not also true that if it were done after that date it would not only be highly expensive but would require almost a year before another window was available?

Mr. PASTORE. Yes; in the modified amendment there is no date set for the test.

Mr. DOMINICK. I thank the Senator.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Alaska.

Mr. GRAVEL. In the amendment as modified there is no provision that the President shall submit to Congress, within a certain number of days, a report if he decides to go ahead with the test?

Mr. PASTORE. No; the President does not have to do that.

Mr. GRAVEL. That language was taken out?

Mr. PASTORE. Yes.

Mr. GRAVEL. The only requirement is that the President has to give his direct approval?

Mr. PASTORE. He has to give his direct approval.

Mr. GRAVEL. He has to give no logic beyond that direct approval?

Mr. PASTORE. Well, the President is the Commander in Chief. He is the President of the United States. I do not want to begin to question the President of the United States on the floor of the Senate today.

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute?

Mr. PASTORE. I yield a minute to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I commend the Senators for the way they have made a satisfactory solution, as I see it, of this difficult problem. It protects their interests and puts the power and discretion where it belongs.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, as a member of the Joint Atomic Energy Committee, I congratulate the able chairman for agreeing to this compromise and also respectfully commend the distinguished Senators from Alaska and Hawaii for their interest in this subject. In due course, the matter in which this test is involved will be discussed in considerable detail on the floor of the Senate, and I believe that the compromise agreed to by the able chairman will turn out to be quite logical, and I think it is in the interest of the country.

Mr. INOUYE. Mr. President, in concluding, once again I want to commend my distinguished friend, the senior Senator from Rhode Island, for his reasoned compromise.

In behalf of the people of Hawaii, I thank him for his understanding of our problems. I shall pray that the President of the United States will take the time to scan over the record of the U.S. Congress and listen to the pleas of the people of Alaska, Oregon, Washington, California, and Hawaii.

Mr. GRAVEL. Mr. President, may I have just a moment?

Mr. INOUYE. I yield.

Mr. GRAVEL. Mr. President, I also appreciate the spirit of conciliatory compromise put forth by the Senator from Rhode Island, and I commend him for it; but I also want to make clear the fact that though this is a compromise on the Senate side, it is not a compromise with respect to the problems in my State and other States.

I ask unanimous consent to have printed in the RECORD at the time a statement by Representative NICK BEGICH with respect to the AEC's past record on environmental protection statements, as enunciated by the U.S. Court of Appeals.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 29, 1971, p. 28083]

NICK BEGICH'S STATEMENT ON CANNIKIN

Mr. BEGICH. Mr. Chairman, I am pleased to again join the gentlewoman from Hawaii (Mrs. MINK) in an effort to delay the Project Cannikin underground nuclear test by denying the funds necessary to carry out the test.

It seems completely unnecessary at this time to repeat the innumerable points which have been made regarding this test, and the many unanswered questions which remain. As far back as the Anchorage hearings on Cannikin on May 28 of this year, the AEC became aware of questions put forward by myself and a great many others in Alaska. I believe those questions were responsible and needed positive answers. For the record, I made those questions clear when H.R. 9388 was debated here only a few days ago. In my view, and the view of many who are professionally more qualified in the area of nuclear testing, the questions are still unanswered.

I think that three events which have occurred since the House last debated this question are of special interest here, and I would call your attention to them as this issue is reconsidered today.

First, on July 8, 1971, a U.S. court of appeals delivered some severe criticism to the Atomic Energy Commission for its planning and environmental impact statement relating to the Calvert Cliffs nuclear powerplant. In nearly unprecedented candor, the court said that the AEC's "crabbed interpretation of the National Environmental Policy Act makes a mockery of the act." The court also accused the AEC of a "total abdication of responsibilities," and said its judicial duty was "to see that important legislative purposes heralded in the Halls of Congress are not lost or misdirected in the vast hallways of the Federal bureaucracy."

I do not for a moment wish to confuse the Calvert Cliffs case with the Cannikin project, or to confuse the technical issues involved. I would also not make the same blanket accusations of irresponsibility toward the AEC as the Calvert Cliffs court does. On the other hand, it must be made clear that the AEC has not been without fault in this area, and it is not unreasonable to suggest that perhaps some important questions remain unanswered about Cannikin. When the unanswered questions relate to an underground nuclear test five times larger than any previously attempted by the United States, they become very critical omissions, in my view.

Second, on July 19, 1971, a report entitled "U.S. Underground Testing: Cannikin as a Case in Point" was released under the auspices of Members of Congress for Peace Through Law. This report, several months in preparation, presents a comprehensive case on Cannikin which challenges the need for such a test and describes the risks involved even if need could be demonstrated. The report was released by the gentleman from Maryland (Mr. Gude) and U.S. Senator Mike Gravel, of Alaska, and I commend it to all those interested in a thoroughgoing treatment of this issue, both from foreign policy and environmental viewpoints.

Third, on July 23, 1971, before the Arms Control Subcommittee of the Senate Foreign Relations Committee, chaired by Senator Muskie, the attorney general of Alaska, Mr. John Havelock, offered strong testimony on Cannikin and entered a letter on the record which made clear the thinking of Gov. William A. Egan of Alaska on this project as well.

I continue to believe that the concern being expressed by all these responsible groups and officials is justified. My support of the Mink amendment is based on my continuing concern that the Cannikin test should not proceed until all questions are answered. I urge you to join me in supporting this amendment.

I include both the testimony and the letter at this point as a further indication of the response of Alaska's public officials to this proposed test:

Mr. INOUYE. I yield to the Senator from Alaska (Mr. Stevens).

Mr. STEVENS. Mr. President, again one of our colleagues has said he is not clear about my position, so I would like to state very clearly how I feel about this proposal.

I am still opposed to the Cannikin test, so long as the SALT talks continue. I think this compromise amendment, stating that we feel the President has a clear responsibility in the matter, is a step forward toward that goal, but I would still object and still press for the concept that this test is unnecessary as long as the SALT talks continue. If we do not achieve the goals we seek in the SALT talks, we should then, as Congress, review the necessity for the Cannikin test.

But I understand the situation. I have expressed our position to the Senator from Rhode Island as to his proposal. But I would again say that this does not go to the extent to which I would like the Senate to go today.

Mr. MUSKIE. Mr. President, on July 22 and 23, the Arms Control Subcommittee of the Foreign Relations Committee held hearings on the subject of current possibilities for a comprehensive nuclear test ban treaty. We also heard testimony on the proposed Cannikin test by the distinguished Senator from Alaska, Senator Gravel, and the attorney general of Alaska, Mr. John Havelock. It was my great privilege to chair these hearings and to listen to these men, who presented a most persuasive case against the proposed test. I ask unanimous consent that their complete statements be inserted in the Record at this point.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement by Senator Mike Gravel, Before the Subcommittee on Arms Control of the Senate Foreign Relations Committee, July 23, 1971

Mr. Chairman, nearly two years ago, at my request, Chairman Fulbright called a special public hearing of the Senate Foreign Relations Committee to consider the Alaska underground nuclear test program.

I was deeply grateful for that courtesy. The record written at that hearing has served as a base point for all subsequent public discussion of the underground test program in Alaska.

Today's hearing demonstrates once again this Committee's leadership in dealing with the implications of our nation's underground test series.

I want to thank you personally, Chairman Muskie, for devoting this hearing of your Subcommittee on Arms Control to the Cannikin test and for your generous invitation to the Governor and myself to present the Alaska case against the test.

I know all Alaskans appreciate your continuing concern, a concern that dates back to the Milrow test in 1969.

I believe it is worth noting for the record that as Chairman of the Air and Water Pollution Subcommittee of Public Works, you held hearings on the environmental effects of underground testing in November, 1969.

Those hearings represented the first serious Senate exploration of the effects of underground nuclear testing on the environment and were an extremely valuable and pioneering service.

Despite this Committee's work, and your personal efforts, today the people of Alaska and the Pacific Rim are confronted with the spectre of the mightiest nuclear test ever detonated by our nation.

The test site is in one of the most seismically unstable regions on earth—Amchitka Island, at the western tip of the Aleutian Chain. The test will have a yield estimated at five megatons and create a shock wave about equivalent to a seven point earthquake reading on the Richter Scale.

For comparison, the destructive February 9 earthquake in Los Angeles earlier this year registered 5.6 on the Richter Scale.

As you so clearly described it in your Senate Floor Statement Tuesday, as long as there is any possibility of a major disaster, the concern of those who live in the affected area can hardly be dismissed as emotional or irrelevant.

There is cause for concern, Mr. Chairman. No one can reasonably argue that there is not.

In November, 1968, an ad hoc panel of eminent scientists met under the auspices of the President's Office of Science and Technology to review questions of safety related to underground testing.

That Committee, headed by the distinguished scientist Dr. Kenneth Pitzer, concluded:

"There does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site.

"This possibility is more serious for tests of greater than a megaton since the larger initial explosion would lead to greater alteration of the regional stress pattern. . . .

"The recent evidence indicates that the risks of damaging side effects from megaton tests are larger than were estimated when the proposed tests were planned."

That is a portion of the Pitzer Report's conclusion. Certainly, that conclusion should cause concern to those who would have to bear the loss resulting from earthquake or sea waves.

Recently I wrote to Dr. Frank Press, Chairman of the Department of Earth and Planetary Sciences at M.I.T., and a member of the Pitzer Panel, asking whether the advancement of the science since 1968 would lead to different conclusions. Dr. Press said the conclusion would be the same.

Here is his reply:

"There is really not much I can add to the debate about the Cannikin test that has not already been said in the Pitzer Panel report.

"I believe that the chances of a catastrophe are very small but not zero. The consequences of an unanticipated destructive aftereffect of the explosion are very great indeed.

"Under these circumstances one must raise the question of the importance of Cannikin to this country's security. A very compelling case must be made on this basis to justify experimentation of this type. I have not been privy to such a justification."

"Compelling necessity", as Dr. Press so ably states it, should be the ultimate test of whether to proceed with Cannikin.

Surely none of us here today would oppose the test if its importance to our nation's survival were obviously compelling. The risk would be a necessity forced upon us by greater danger.

There is ample evidence, however, that the test is not a compelling necessity and has little to do with our survival as a free people.

Cannikin is a test of the large Spartan warhead. Its designated use is as a component of the ABM system, for the protection of some Minuteman missile sites.

There is reason to question just how important a function this type of Spartan may perform.

Recently, in Senate Committee testimony, Dr. Harold Agnew, of the Los Alamos Scientific Laboratory of the AEC said high yield Spartans would be useful in only a limited way. He said:

"I said that they would be useful in a limited way, as I said in my previous testimony, with regard to breaking up high rate attacks and to provide a mechanism for high altitude attacks against very large yield weapons which might be used in a particular role which the Soviets might employ."

A new, improved, lower yield Spartan warhead—a device that does not require Cannikin—will take over many of the basic Spartan functions.

Dr. John Foster, Director of Defense Research and Engineering for the Defense Department, has said the improved Spartans, ". . . will carry a smaller warhead but to much greater velocities. This missile will enable the system to more effectively intercept SLBM's and depressed trajectory ICBM's. They have a larger area capability than the standard Spartan and reduce the nuclear effects on the system."

So rather than being an integral part of the system itself, we see that the basic Spartan is of only marginal importance, for use only under certain conditions and in certain specific contingencies.

And these arguments are only important if one accepts the notion that the ABM itself is a weapon that will prevent war. All ABM protects is one aspect of our deterrent—the Minuteman system, and that system, once safely protected, can only take lives, not save them.

I no not believe the ABM will prevent a war. I do not believe it would help us "win" a nuclear exchange.

I certainly do not believe Cannikin is a compelling factor in the ABM picture.

Consequently, I do not believe Alaskans and others who reside along the Pacific Rim should be forced to take the risk to life and property that will be required if Cannikin is detonated.

Let me just outline some of these risks.

First, and most obvious, there is the risk of a triggered earthquake. Dr. James Brune, who will testify before the Committee this morning, certainly is far more competent than I to describe the suspected triggering mechanism of earthquakes.

A vast body of scientific opinion views the earthquake in itself as a triggering mechanism.

The great Alaska earthquake of 1964 began with a shock of about 6.5 and triggered itself to a peak of 8.4. The Aleutian Islands earthquake of September 11, 1969, began with a shock measured at 5.2 and peaked at 6.6.

Cannikin may provide a trigger of between 6.8 and 7.2. What type of energy can be released with that kind of trigger? No one knows.

Suppose there is an imminent earthquake very near Amchitka, for which Cannikin is the trigger. Would Cannikin's 7 point natural earthquake remain a harmless 7 point event?

The AEC believes the magnitude of shock would be slightly greater if both events occurred together. At 7 points on the Richter Scale we are already courting the birth of a tsunami wave. If 7 and 7 add up to 7.5, such a wave is a certainty.

The AEC's own literature lists 7.5 as the level of shock at which a dangerous tsunami is certain to occur.

To support its conclusion of minimal risk, the AEC offers the results of the 1969 Milrow test and experience at the Nevada test site.

Any competent statistician would question either the use of the Nevada experience of the one megaton Milrow test in calculating the odds for a five megaton test in Alaska.

Our nation has never before conducted a five megaton test anywhere. Certainly, the Nevada tests, in a seismically quiet area, cannot be applied to the experience in Alaska where the earth is violently unstable.

With the triggered earthquake there is the related danger of sea waves.

The entire Pacific Rim is vulnerable to these destructive waves, so often born in the Aleutian Trench area from natural earthquakes.

Most of the deaths resulting from the terrible Alaska earthquake March 27, 1964, were caused by sea waves generated by the earthquake, rather than the earthquake itself.

Despite the AEC's attempts at assurance in the Cannikin environmental impact statement, not enough is known about the origin of characteristics of sea waves to flatly predict that one will not result from Cannikin itself or an earthquake triggered by Cannikin.

Another danger is that of radioactive contamination of the water around the island, either dynamically or through absorption into the groundwater system of massive quantities of radioactive byproducts.

The Cannikin impact statement also includes what the AEC terms an "unlikely possibility" that the water within the cavity chimney system created by the blast will flow through a system of inter-connecting rock fractures.

This model is likened to an "open crooked pipe" through which radiated water would reach the surface within two or three years and flow into the ocean concentrations of radioactivity 1,200 times the level considered safe by the Federal Radiation Council.

That process would continue for 130 years. Rapid migration and ocean contamination is the most grotesque and worrisome possible consequence from Cannikin.

The AEC in its impact statement fails to mention the possibility that Longshot, Milrow and Cannikin could all three start discharging radioactivity concurrently around Amchitka. What would that do to the dilution factors and the accumulation factors?

The AEC downgrades the possibility of groundwater contamination and downgrades the effects if it should occur. But the risk is taken seriously by Alaskans and others who have an enormous economic stake in the resources of the sea.

In these days when the nation is deeply concerned about mercury poisoning and the market for seafood products has fallen off sharply, even the suspicion that radioactive water is leaking to the surface could devastate the market for all fishery species of the North Pacific.

It is not at all certain that radioactive waste is diluted by seawater. Radioactivity reconcentrates in seafood. Those who dumped mercury in seawater said it was safely diluted.

Now it is found that larger fish concentrate mercury at levels dangerous for those who eat them.

DDT is such a problem it is being outlawed by some states. Comparatively, certain radionuclides like Strontium and Cesium have fabulously greater reconcentration features in the food chain.

The danger that radioactivity will escape is no less than the danger that an earthquake may be triggered. Indeed, these two actions could inter-react, the earthquake affecting the cavity; not only the cavity caused by Cannikin, but the cavity caused by Milrow.

The Milrow test produced an enormous amount of radioactive waste that could still be brought to the surface by groundwater, or through an unsuspected fault opened by a natural earthquake or the Cannikin test itself.

State Commissioner of Fish and Game Wallace H. Noerenberg spelled out the risk to the fisheries quite clearly in his statement at recent hearings in Alaska. He said:

"Amchitka Island lies in an ocean zone used extensively by important segments of the North Pacific anadromous salmon fisheries. Chum salmon from Honshu and Hokkaido Island of Japan and pink, chum and sockeye salmon from eastern Kamchatka Peninsula pass through the surrounding water of the island during both mature and immature stages of their life history. Aleutian and Bering Sea stocks of U.S. sockeye, pink, coho and king salmon also are known to be present in waters near the island as maturing and immature stages.

"The 'ownership' of salmon passing by Amchitka is thus international in scope and the consequences of any contamination of these animals would be worldwide in regard to marketing and human consumption problems.

"The Bristol Bay sockeye fishery of Alaska is the world's single most important fishery in value; these fish are particularly vulnerable at Amchitka since they migrate past the island on feed and/or spawning migrations up to four times during their ocean life (i.e., first at a post-smolt stage, recently emerged from the Bristol Bay river and lake systems, once and often twice during their immature feeding migrations and finally while enroute to the Bay on their final spawning migration at the end of their second or third year in the ocean).

"Should contamination of these salmon occur, the economic disaster to one of Alaska's largest industries would be of very large magnitude. The value of pack from Bristol Bay salmon in some years, e.g. 1970, approaches 50 percent of the total Alaska pack value.

"Further, the implications among the native people in and north of Bristol Bay, i.e., Kuskokwim, Yukon, Norton Sound and Kotzebue Sound districts, is also extreme since between one-third and one-half of the salmon catch in those districts is used for vital subsistence food by the people."

In conclusion, Mr. Chairman, let me reaffirm some key points:

First, there is no compelling necessity for this test.

Second, eminent scientists who have studied problems of safety associated with high yield nuclear tests caution that because of potential risks, any decision to test must be based on the most compelling national necessity.

Third, Alaskans do not wish to accept the associated risks of this test and have strongly urged the President to cancel Cannikin and restore Amchitka Island to its wildlife refuge status.

The people of Alaska are grateful, Mr. Chairman, for this opportunity to discuss the proposed Cannikin test. I sincerely hope that the test will be cancelled so that no one will have to bear the threat or suffer the consequences of experimentation with natural forces about which we know so little.

Statement by John Havelock, Attorney General for the State of Alaska, Before the Subcommittee on Arms Control of the Foreign Relations Committee, Senate, July 23, 1971

It is my understanding that this Committee is considering an extension of the treaty banning atmospheric nuclear testing to include all testing of nuclear weapons. It is probably beyond the competence of the state government of Alaska to express an opinion on the broad, theoretical issue: it is certainly beyond my personal capacity. But it might be of interest to the Committee to hear some observations on how the present American policy on testing is administered by the Executive Branch of government, under the present arrangement of only limited legislative instruction and broad executive authority as seen from the perspective of a state within which the largest test is to be conducted.

My comments will not extend as such to the desirability of exploding the giant device, the last in the series currently undertaken by the Atomic Energy Commission, code named Cannikin and scheduled for Amchitka, Alaska this autumn. For reasons which I will indicate, we do not have sufficient information to offer a definitive opinion on that issue. My comments will be addressed to the method by which the decision to hold a test has been arrived at, a method which is the subject of substantial concern among the elected leadership and the people of our state.

I suppose, whatever we may view as the shortcomings of discretionary executive decision-making on nuclear testing, the situation was a lot worse before the adoption of the National Environmental Policy Act by the 91st Congress. The Atomic Energy Commission has conceded in principle the application of this act and a copy of the final environmental statement purporting to satisfy the requirements of the act was furnished us late last month.

At risk of instructing the Committee on matters it already well knows, let me briefly recite the five points which the Congress required to be covered in detail in the environmental statement: 1. The environmental impact of the proposed action, 2. Any adverse environmental effects which cannot be avoided should the proposal be implemented, 3. Alternatives to the proposed action, 4. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and 5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

While on paper these requirements constitute a substantial step forward in exposing the grist of analysis that feeds the policy mill, as administered by the AEC, this process is little short of sham.

In saying so, I do not mean to impeach the good faith or integrity of the scientists and generals who have attempted to direct the AEC in conformity with the Environmental Policy Act. The problem is not personal, but broadly systematic; the same problem which brought the country to the brink of constitutional calamity just a few weeks ago. That problem is the persistence of unwarranted official secrecy in governmental decision making.

The National Enivronmental Policy Act is based on assumptions diametrically opposed to the mystique of the superior wisdom of high science or high office which nurtures secrecy in government. The act requires that an agency considering an action having a significant effect on the environment lay out the rationale or the proposed decision, including the cons as well as the pros, for public scrutiny and participation through debate, prior to making a final commitment on the proposed action.

Though in the extremes of the practical applications of the act, there are dangers of administrative chaos, in the main, the act can be used as a quiet instrument of revolution in the struggle to avoid the total isolation of the people from their government and the government from the consent of the governed.

As Mr. Justice Stewart remarked on June 30, in the *New York Times* against the United States,

"In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can protect the values of democratic government."

It is this ultimate bulwark of the decision making process of a democracy which the National Environmental Policy Act was designed to strengthen. The government itself, as well as the press, has a solemn obligation to quench the people's thirst for knowledge, not by assuring us of the integrity and wisdom of our leadership, not by marshalling the supporting arguments for a position taken, but by telling us in detail, the bad with the good, the impact of a proposed decision on the human environment.

The reference to the "human" environment in the National Environmental Policy Act is one of its nicer features, not "natural" environment, but "human." This distinction, among others, the Atomic Energy Commission has missed, or is perhaps incapable of sensing after a pinch of secret national security spice scents the policy stew.

The National Environmental Policy Act calls for a cost-benefit analysis, but the AEC has rung up numbers of bald eagle nests dislocated, sea otters affected and fish killed, inferring incorrectly that the standard imposed by the act is an atomic absolute such as extinction of a species or a level of "safe" radiation dosage. The AEC is in much the same position as the unfortunate oil industry spokesman after the Santa Barbara spill who asked why all the fuss over a few dead birds?

The National Environmental Policy Act envisions a relative standard: Whether, considering the costs or risks and the benefits, the action is worth it, "in balance". But the AEC shows us only half the scale with some dispensable otters and eagles on it.

The effect on the human environment of the decision to hold a test itself and the advantages and disadvantages of the testing program on this particular test are a brooding omnipresence unidentified in the impact statement. Secrecy has made a charade of the Act. But one sentence in the Environmental Impact Statement covers the point: "Cannikin is a vital part of the U.S. weapons development program."

Although the effect of the Environmental Statement is to minimize every adverse impact, these innuendos should be weighed against the warning of the report prepared for the President's Office of Science and Technology in 1968 by the ad hoc panel on the safety of underground testing:

"The need for these tests as planned should be compelling if they are to be conducted in the face of the possible risks that have been identified."

When, at the urging of Governor Egan, the Atomic Energy Commission generously agreed to hold public hearings last May under the National Environmental Policy Act, I quoted Dr. Harold Agnew, Director of the Los Alamos Scientific Laboratory to the panel as stating on April 20 in public testimony before the Senate Armed Services Committee that tests of the Spartan missile were to be carried out at Amchitka, Alaska. Since Dr. Agnew spoke, I asked the panel, has the President reviewed the need for continued national security on the general purposes of the test explosion? Though I was promised an answer, I have not yet received it.

What are the people of Alaska to think when they really do not know what the test is for, yet the press and the Congress itself debate the test question, pro and con, as if it were a fact that the test is part of the development of the first generation Spartan missile. Official secrecy has denied the general public the right to debate this issue except in a house of mirrors.

I have asked myself (and having no special access to information I do not know what the test is for) what harm would there be if this were the true purpose and the fact were officially confirmed? Since it has already been as much as stated by a number of people who have access to official secrets, then the harm is surely done already, but even then, what was the harm?

Has it caused "the death of soldiers, the destruction of alliances, a greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate?" fears cited by Mr. Justice Blackmun in his dissent in the New York Times case, or has this secrecy, on the contrary, impaired the ability of this country, sensibly and democratically to make policy both external and internal to our boundaries?

It can be argued that the permanent officers of the AEC are today's battleship admirals at bay, their vision limited by the specialization of professional experience, protected in a last redoubt by the armorplate of official secrecy. If this is not so, let free debate determine the issue.

I hold no brief for breach of any official secrets act, but who is to bell the cat in another ten or twenty years if the government then reveals what so many now purport to know, that Cannikin tests the Spartan missile system? If it is a crime to make public the government's secrets, should it not also be a crime to make secret facts rightfully the public's? Spartan secrecy should not subvert America's Athenian democracy.

It is an irony of some poignancy that the men who, in their ways laid the foundation for the National Environmental Policy Act by introducing systematic analysis into public policy decision making have taken the brunt of the criticism of the nation's wayward course abroad the past several years. If there are lessons to be learned from the history recited in the Pentagon Papers, one is surely that secrecy is a long-term course to public policy making is sometimes a short-term boon.

The value to the nation of shrouding the purpose of the CANNIKIN test of Amchitka from our enemies must be weighed against the damage done in disguising its purpose from ourselves.

In its preliminary calculus, the AEC should weigh the damage done to the quality of a public decision against the speculative values of secrecy. A debate carried on in a closed bureau of government or in the artificial atmosphere of suppositions does not produce as true a result as a public decision on the same subject publicly arrived at. Despite the semantic confusion between national security interests and national security secrets, the larger issues of national security are surely only in the rarest instance issues also for secrecy. In the sense that Congress looks for guidance to an informed public, the secrecy attaching to the test program also chills the ability of Congress to make effective decisions.

Another lesson of recent times is that moods and character of a people may be more important weapons in international relations than the hardware of war. This Committee is at the center of the exploration of this principle in its applications both home and abroad. The choice of weapons systems, the creative design of our politico-military structure in the world contest is an environmental issue of great delicacy. I do not envy this Committee its share of the responsibility for weighing the relevance of nuclear diplomacy to the needs of the world.

If that issue is to be weighed in keeping with our traditions, if we pursue the best chance of deciding these questions aright, the process must take place, in the words of the first *New York Times* case, *New York Times against Sullivan,* after "open and robust debate," having in mind, as the National Environmental Policy Act puts it, that "proposed action must be assessed from the perspective that each generation is trustee of the environment for succeeding generations."

Mr. Chairman, as an additional exhibit to my testimony, I would like to submit for the record a copy of a letter from Governor Egan to Secretary of Defense Laird urging at least a year's delay in arming the Amchitka device.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense, Washington, D.C.

DEAR MR. SECRETARY: It is my understanding that, though the decision is ultimately the President's, the Atomic Energy Commission is still planning to go ahead this fall with the testing at Amchitka, Alaska of by far the largest underground nuclear device ever fired in North America.

The plan for an early detonation has not been disturbed despite considerable recent scientific testimony as to the environmental risks involved in such a test.

Even more disturbing has been testimony to the effect that the test is not even really necessary, but results from a definition of American security interests which has been overtaken by the march of events.

The only explanation given by the AEC for pushing ahead now is that the test is a "vital part of the U.S. weapons development program," an explanation which is years old and reveals nothing.

Mr. Secretary, Alaskans would be among the first Americans to assume any risk if it really was in the national security interest. But many Alaskans are troubled today that no current statement has been made by yourself or any member of the Executive ultimately charged with the protection of the national security. Nor has any explanation been given as to what that national interest is.

Despite the debate which has raged in the Congress and the public press on the assumption that the Amchitka test is intended to test the warhead for a first generation Spartan missile system, the Department of Defense has been officially silent on what the test is really supposed to prove.

At the environmental impact hearings held this May before the Atomic Energy Commission, in Anchorage, we quoted Dr. Harold Agnew, Director of the Los Alamos scientific laboratory as publicly stating that the Spartan test was to be carried out at Amchitka, Alaska. Alaska Attorney General John Havelock then asked the Commission, "Has the President since the April 20 statement of Dr. Agnew, reviewed the need for continued national secrecy on the general purposes of this test explosion?"

Though a response was promised, to this date, Mr. Secretary, we have not received a reply, underlining the inference that neither the official secrecy surrounding the purposes of the test nor possibly even the purposes of the test itself have received a review of the highest level in recent months.

I understand why such a recent review might not have taken place. There are many other events such as the President's call on Wednesday for endorsement of a treaty banning the placing of nuclear devices under the ocean floor which might bear upon an armaments decision with as many ramifications as this nuclear explosion project. Under the circumstances, it would seem prudent to give active consideration to postponing the arming of the Amchitka device for at least one year. This would give time for a complete review of the issue, preferably a public review, in keeping with the traditions of decision making in a democracy.

Only when the government has made available information on all possible aspects of the test which do not infringe upon secrecy interests in national security can the public, including the Alaskan public and its elected representatives make an independent evaluation of the wisdom of this major governmental action. Your frank explanation of these issues would be of great value to the American people and concerned Alaskans.

Sincerely,

WILLIAM A. EGAN,
Governor.

Mr. MUSKIE. Mr. President, this defense of Cannikin was challenged in a letter of July 22, which was addressed to me, as chairman of the Arms Control Subcommittee, by three recognized authorities in the field of strategic policy and arms control: Dr. Herbert Scoville, Jr., Dr. Marvin Goldberger, and Dr. Morton H. Halperin.

I ask unanimous consent that the statement by the AEC and the response by these distinguished scholars be inserted at this point in the RECORD. I also ask unanimous consent that a covering letter from Dr. Jeremy Stone, director of the Federation of American Scientists, also be inserted into the RECORD.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT BY AEC: THE NECESSITY FOR THE CANNIKIN EXPERIMENT

The nuclear device to be tested in the Cannikin event, scheduled for the fall at Amchitka Island, is related to the optimum development of a warhead for the Spartan missile of our Safeguard Ballistic Missile Defense Program. The measurements of device performance which will be obtained from the test are essential to our optimum defense deployments of safeguards for protection of our Minuteman missile sites. Several nuclear tests have been conducted in the program leading to this requirement, but they did not have the hardware improvements incorporated in the present design nor were they at the yield level to demonstrate proper final performance. This device is the most intricate and complicated configuration ever undertaken in the weapons program and incorporates a design that is different from any other nuclear weapon ever produced.

Nuclear weapons produce energy output and effects in various forms such as thermal radiation, neutrons, fission products, x-rays, gamma rays, and shock waves. In the Cannikin experiment, it is vital that these various outputs be measured to be certain that the constituent parts satisfy the requirements of the device design.

This system is designed for exoatmospheric intercept with x-rays as the kill mechanism. This intercept mode puts two important constraints on the warhead: (1) it must have a low fission output in order to reduce radar blackout effects and (2) a large fraction of its output should be x-rays to increase lethality and make it more difficult for the attacker to harden his reentry vehicles. Full understanding of the x-ray output spectrum is important to successful operational planning. Cannikin objectives include determining the yield of the warhead and making extensive x-ray output measurements.

The principal reasons for the full yield test are:

To minimize the possibility of stockpiling a defective design. There is a chance that there is some deficiency in the warhead which has not been found in spite of extensive design calculations and testing of the warhead at partial yield. There is no way to demonstrate that such a defect does not exist other than by testing at full yield. Theoretical calculations indicate a good physics packags, but a design as complicated as this could provide serious surprises. Although it is difficult to lay out a history of all past test failures, a recent example in 1967 was the full yield proof test of the Minuteman III warhead which produced only 40% of the predicted yield and resulted in a redesign before final proof test and production. Therefore, failure to do the Cannikin test would result in a drastically reduced confidence in the performance of the system.

To measure the yield. The test should permit the yield to be measured to an accuracy of plus or minus 15%. Without a test of the fully fueled design, one would have to rely on calculations and extrapolation of the results of testing at lower yields. The uncertainty of the calculations is difficult to estimate but in the absence of a full yield test, it would probably be possible to specify the yield only to plus or minus 25–30 percent.

To measure the x-ray flux and spectrum. The main uncertainty in x-ray output is the uncertainty in yield. If Cannikin were not conducted, one would be forced to rely on theoretical calculations to determine x-ray flux and spectrum without the benefit of any meaningful experimental data.

I would like to comment on some safety aspects of Cannikin.

A number of individuals and private organizations have recently questioned whether it is safe for the AEC to go head with the detonation of the Cannikin device at Amchitka. Some have charged that the AEC is acting with disregard for safety in its planning for Cannikin. These are serious charges which have led me to look into the AEC's study and investigation about the safety of Cannikin. I have found that the AEC has been conducting active investigations of all aspects of the Cannikin test safety since early 1967, studying these matters with extraordinary thoroughness. An important part of these investigations was the Milrow experiment which was conducted at Amchitka in 1969 for the sole purpose of verifying whether the larger Cannikin test could be conducted safely. This experiment accomplished the purpose of confirming preshot predictions as to the minimal effects of that megaton explosion.

Throughout its test operations the AEC utilizes the best advice and counsel that it can obtain in regard to safety. In planning for Cannikin the AEC has obtained the services of appropriate Federal agencies, of scientists at several universities and of several independently recognized experts from a variety of scientific disciplines. For Cannikin, a Standing Panel of Consultants for the AEC has performed a review of the effects predicted on the geology, groundwater, ecology, and natural and man-made structures from ground motion and radiation hazards. In addition, because of the seismic nature of the Aleutians, the Special Panel for Seismology has reviewed and advised upon programs which the AEC has conducted to study the seismological effects of Cannikin. For the most part, these experts were selected from candidates recommended by the National Academy of Sciences.

The Panel of Consultants as well as the Special Panel for Seismology was made up of individuals from the U.S. Geological Survey, University of California, University of Illinois, St. Louis University, University of Nevada, Washington State University, University of Michigan, Columbia University, California Institute of Technology, Palo Alto Medical Clinic, Scripps Institution of Oceanography, Sheppard T. Powell and Associates, and Shannon and Wilson, Inc. They represent such disciplines and subdisciplines as radiobiology, soil mechanics, structural engineering, geophysics, hydrology, radiation medicine, ecology, geology, oceanography, tsunaminology, seismology, and hydrogeology. All told the talents of some 60 recognized scientific and technical advisors and participants have been involved to varying degrees with deliberations on these subjects for the AEC's conclusions as to the safety of the Cannikin test. In addition, several hundred AEC and AEC contractor personnel have been engaged in direct performance of studies.

It is on the basis of these extensive investigations that the AEC has been able to state in its environmental statement for Cannikin that the Cannikin test can be fired without important detrimental impact. I am personally convinced that this conclusion is amply supported by facts, the most important of which are reported within the environmental statement.

The decision on the requirement for this system was made some time ago. Until such time as intelligent international understanding can be reached which makes such weapons developments unnecessary, we have no other choice. If we are to develop and deploy an effective system, we must have this test.

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., July 22, 1971.

Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Arms Control, International Law and Organization of the Senate, Foreign Relations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: For your possible information and use I list some of the credentials of the members of the Federation's Strategic Weapons Committee, signers of the attached letter:

Dr. Herbert Scoville, Jr., Chairman of the Committee, was formerly Deputy Director of the Central Intelligence Agency under Presidents Eisenhower and Kennedy, and Assistant Director of the Arms Control and Disarmament Agency under President Johnson.

Dr. Marvin L. Goldberger, presently Chairman of the Federation of American Scientists, was a member of the President's Science Advisory Committee (PSAC) and Chairman of its Strategic Weapons Panel during years in which Cannikin was considered by the President's Committee. He is now Chairman of the Department of Physics of Princeton University, and was for seven years Chairman of the Jason Division of the Institute for Defense Analyses.

Dr. Morton H. Halperin was a Deputy Assistant Secretary for Policy Planning and Arms Control under President Johnson and a member of the senior staff of the National Security Council under President Nixon.

Respectfully,
JEREMY J. STONE,
Director.

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C. July 22, 1971.
Hon. EDMUND S. MUSKIE,
Chairman, Subcommittee on Arms Control, International Law and Organization of the Senate Foreign Relations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In a letter to Senator Pastore, Secretary Packard stated that the measurements of device performance which will be obtained from the Cannikin test (of the so-called basic or first generation Spartan missile warhead) are "essential in my view to the *optimum* defensive deployments of Safeguard for the protection of the Minuteman missile sites." (Italics added.)

It is highly significant that Secretary Packard did not say that Cannikin was essential to the *deployment* of Safeguard but only that it was essential to the "optimum" deploymen of Safeguard. This assertion avoids completely the critical question raised by the Pitzer report and, indeed, by common sense: is Cannikin sufficiently important to the deployment of Safeguard to justify the risks of the test.

In this connection, we wish to point out that Secretary Packard neglected to add that the first generation Spartan interceptor missile adds only marginally to the overall capability of Safeguard—which is in any case low—to protect the Minuteman sites. The primary purpose of the Spartan component of Safeguard was always one of light area defense against a Chinese threat or accident. Indeed, the Spartan component of Safeguard is ignored by the DOD experts in calculations of Safeguard's projected effectiveness—these calculations have always referred only to the number of Sprints.

Furthermore, Secretary Packard neglected to point out that Cannikin is testing the first generation Spartan. An improved Spartan with superior capabilities achieved without such a high yield warhead is being procured. Development of this advanced Spartan was begun in 1970 and Dr. Foster has testified that it could be deployed by 1976—ample time to cope with the threat of an attack against our deterrent forces.

We feel constrained to note that the specific data which support the relative unimportance of Spartan to Minuteman defense is classified unjustifiably since the necessary information would be readily available to the Soviet Union. The Defense Department has been so loath to permit the public to debate this test that it was only in this letter of Secretary Packard's—the day of the Senate vote—that the Department admitted the *purpose* of Cannikin.

In summary, the Cannikin test is for the Spartan ABM interceptor which plays only a minor role in the defense of Minuteman and which would be inferior to a more advanced Spartan which will be available in time to meet any possible Soviet threat. Therefore, Cannikin would hardly meet the criteria of the Pitzer report that "the needs for tests as planned should be compelling if they are to be conducted in face of the possible risks that have been identified."

Indeed, it is even hard to rationalize Secretary Packard's view that Safeguard would be optimized by the use of the first generation Spartan when a more advanced Spartan will be available in its stead.

We hope this information may be useful to you in connection with the hearings on Cannikin of the Subcommittee on Arms Control, International Law and Organization of the Senate Foreign Relations Committee.

Respectfully,
Dr. HERBERT SCOVILLE, Jr.,
Chairman, Strategic Weapons Committee Federation of American Scientists.
Dr. MARVIN GOLDBERGER,
Member, Strategic Weapons Committee.
Dr. MORTON H. HALPERIN,
Member, Strategic Weapons Committee.

Mr. MUSKIE. Mr. President, when this subject was being debated in the Senate in connection with the AEC authorization bill on July 20, the distinguished Senator from Rhode Island, Senator PASTORE, chairman of the Joint Committee on Atomic Energy, placed into the record a memorandum which he had requested from the AEC entitled "The Necessity for the Cannikin Experiment." This statement was circulated to all Senators together with a supporting letter from Deputy Defense Secretary David Packard.

Mr. President, it continues to be my hope that the administration will decide to cancel the Cannikin test altogether. It was reported in the Washington Star of July 26 that various Government agencies have forwarded conflicting recommendations to the White House on whether to proceed with this nuclear test. The Defense Department and the AEC are already on record favoring the test. But, according to the Star, five agencies have recommended that the test be postponed or canceled. These agencies are: the Department of State, the Office of Science and Technology, the U.S. Information Agency, the Environmental Protection Agency, and the Council of Environmental Quality.

It is significant that the test has evidently been opposed by these five agencies on a variety of counts. The Environmental Protection Agency is reportedly opposed on grounds that even a slight possibility of earthquake is too much of a chance to take. The Office of Science and Technology, which is the President's scientific advisory arm, is apparently opposed because the warhead to be tested is designed for the basic Spartan antiballistic missile which is said to be obsolete. The State Department and Council of Environmental Quality were reportedly in favor of postponing the test until the completion of the SALT talks.

Mr. President, we should postpone this test, about which so many serious doubts have been raised. A postponement will not tie the hands of the administration and prevent them from carrying out the test next year if, after further reflection, it is still considered in the national interest to do so. But in view of conflicting advice going to the President on this question, it seems to me that further discussion of this matter within the administration is necessary.

We must guard against any irrational momentum that can build up within Government bureaucracies to carry out a project even when the original purpose may no longer be justified. There is convincing evidence that Cannikin may no longer be necessary for our military security, and it certainly carries with it at least some danger of environmental disaster. Therefore, I hope this test will be postponed.

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Massachusetts (Mr. KENNEDY), who is necessarily absent, I wish to state that he would want the record to show that he would vote for the amendment of the junior Senator from Hawaii (Mr. INOUYE).

The PRESIDING OFFICER (Mr. EAGLETON). The time of the Senator from Hawaii has expired.

All time having expired, the question is on agreeing to the amendment of the Senator from Hawaii (Mr. INOUYE), as modified.

The amendment was agreed to.

Mr. STENNIS. Mr. President, I understand that the Senator from Wisconsin has an amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with. I shall explain it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON'S amendment is as follows:

At the end of the bill, add the following new section:

"SEC. 502. No part of any appropriation contained in this Act shall be expended for construction in connection with any of the following projects until after review and comment by the President's Council on Environmental Quality of the environmental impact statement made with respect to any such project pursuant to section 102(C) of the National Environmental Policy Act of 1969, including a review of alternative measures for flood control and a sound area economy:

"(1) Tennessee-Tombigbee Waterway, Alabama and Mississippi;

"(2) La Farge Lake and Channel Improvement;

"(3) Normandy Dam, Duck River Projects;

"(4) Columbia Dam, Duck River Projects; and

"(5) Tellico Dam and Reservoir."

Mr. STENNIS. Mr. President, may we have it quite? This is a matter of considerable importance.

The PRESIDING OFFICER. The Senate will be in order, so that we may hear the Senator from Wisconsin.

Mr. NELSON. Mr. President, this issue involves several projects in the bill: the Tennessee-Tombigbee Waterway in Alabama and Mississippi, the La Farge Lake and Channel improvement project in Wisconsin, the Normandy Dam, Duck River projects, the Columbia Dam, Duck River projects, and the Tellico Dam and Reservoir, all three in Tennessee.

Mr. President, this amendment would provide that no money is to be spent on construction for these projects until an adequate environmental statement, in compliance with the law, is filed with the President's Council on Environmental Quality and commented on by them.

The Normandy Dam, Duck River projects, the Columbia Dam, Duck River projects, and the Tellico Dam and Reservoir are TVA projects. The TVA has filed a draft statement, but not a final statement, on each of the three projects, and in fact final commentary by the appropriate Federal agencies is not due until late September. So clearly the law, the Environmental Policy Act, is not being complied with, with respect to those three projects.

As for the Tennessee-Tombigee Waterway and the La Farge Lake and Channel improvement project in my State, both of those cases are in court, challenged on the same ground, that the Environmental Policy Act is not being complied with.

I think this is a serious matter. Congress decided, in enacting that legislation, that projects that have a significant impact on the environment have to meet certain standards of evaluation, comprehensive studies are required and the implications of the environmental impact have to be evaluated and comments on the project must be made, by all the appropriate Federal agencies. So far as I know, no agency is complying with the spirit or clear intent of the law.

This law is being honored in the breach. At best there is technical compliance, and in three of these projects, there is not even technical compliance.

I intend to raise the question about compliance with section 102 of the Environmental Policy Act on every single authorization bill and every appropriation bill which comes to this floor and contains any project which is covered under the provisions of the Environmental Policy Act, until such time as Congress begins to require compliance with the law, which is not now being done.

Let me read what the law says:

> The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—
>
> (A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;
>
> (B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;
>
> (C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
>
> (i) the environmental impact of the proposed action,
>
> (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
>
> (iii) alternatives to the proposed action,
>
> (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
>
> Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

As I stated a moment ago, as to the three last projects listed on the amendment, the final environmental report has not yet been filed, and the comments of the agencies have not been received. The comments of the agencies are not required until sometime near the end of September. Yet Congress is proceeding to make appropriations in violation of the clear intent of the law we passed last year.

All this proposal provides is that those statements must be filed, with comments on them by the President's Council on Environmental Quality, prior to the expenditure of any money for construction.

It is a perfectly reasonable proposal. Certainly Congress ought to be prepared to comply with any law it passes.

Mr. STENNIS. Mr. President, I will be brief in response to the Senator from Wisconsin, because I intend to make the point of order with respect to this amendment that it is legislation on an appropriation bill.

With the greatest deference to the Senator from Wisconsin, I cannot agree with his conclusion that it is in violation of law to proceed here with construction of a project, unless there is a court order to the contrary. I cannot agree that it is a violation of law for us to appropriate the money and let the building agency start before there has been approval by the Council on Environmental Quality, because the law does not go that far in its requirements.

The Environmental Policy Act is a very involved, far-reaching act. It is experimental to a degree, and the Environmental Protection Agency does have to learn to walk before it runs. They are learning a great deal about the implementation of that act now, as it relates all these projects. But there is no requirement in the law that the Council on Environmental Quality approve or disapprove the statement or submit its comments.

Some of these projects, as Senators know, extend over a period of 8, 10, 12, or 15 years, or even more. There are changing facts as they go along, from time to time that could give rise to questions as to environmental violations. But to get it from the beginning so that everything is going to be clear for the next 10 or 15 years is impossible and unreasonable.

I believe that the only thing the law requires is that the construction agency has to file its statement, and they have to include the comments of the other agencies that are involved with their statement. Construction agencies would be the Corps of Engineers in most of these projects, or TVA, and others. Then they have to file the complete statement including the comments of other agencies with the Council on Environmental Quality.

But to delay construction until they get the comment or the ruling or the conclusion of the Council on Environmental Quality is not required by law, in my humble opinion.

If we are going to strike out the appropriations, for all the projects in this bill, just because someone has filed a lawsuit or because someone thinks the statements filed are not adequate and that the law has not quite been complied with, we can get around to the 50 States quite fast that way. It is not practical, and it was not a part of the original plan.

I respectfully submit to the Senator from Wisconsin that it could work this way, that it would work this way, and this body never intended a situation in which a project could be stopped simply because all the possible requirements now and in the future had not been completed with reference to environmental matters.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SPARKMAN. Is it not true that money has been appropriated in the past for some of these projects?

Mr. STENNIS. Yes.

Mr. SPARKMAN. Actually, bids have been put out, money has been spent, and they are in the process of starting construction.

Mr. STENNIS. Yes.

Mr. SPARKMAN. That happens to be the case with the Tennessee-Tombigbee project.

Mr. STENNIS. That is correct. That project was started 15 or more years ago and was finally authorized, and then all the planning was done and the planning money has been spent. They are right down to the contract now, and it is pending in court. Someone has filed a suit in the district court in Washington against the construction down there. Now we are legislating on a matter that is in court, in the first place. But wave that aside.

Mr. SPARKMAN. Does that not point up the fact that this proposal is out of order, because it certainly would be legislation—it would have to be—relating to appropriations that already have been made and construction projects that are already underway?

Mr. STENNIS. I think the Senator is eminently correct. But even a stronger ground is that the environmental protection law does not require that everything can be stopped in its tracks until all these matters have been decided to everyones satisfaction and everything has been approved.

I have great respect for the Senator from Wisconsin and the fine work he has done in this field, but I have to make the point of order.

The point of order is that the Senator's amendment——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield back his time? The point of order would not be in order until he yielded back his time.

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 6 minutes remaining.

Mr. NELSON. Mr. President, I would like to make some further comment.

No construction has been started on Tennessee-Tombigbee, La Farge Lake, the Normandy Dam-Duck River Projects, or the Columbia Dam-Duck River Projects, unless all my information is erroneous. Appropriations are in the bill for construction to begin on Tennessee-Tombigbee Waterway, but no construction has yet begun.

The objective here is to require that the intent of the statute be complied with. The specific intent of the statute is to require an adequate environmental statement covering all the points enumerated in the law be filed prior to appropriations for construction. If the law does not mean that it does not mean anything.

The distinguished Senator from Mississippi, of course, is a very fine lawyer. He knows, as all lawyers know, that a statute may be interpreted in a half-dozen different ways.

I think that if one reads section 102, it is perfectly clear what the intent of Congress was. I do not know how the court might rule on this point of whether moneys could be appropriated for construction prior to the filing of the appropriate studies and the reports, and I do not suppose we ever will know until that issue is tested in court. But the fact is that if it does not mean that the provisions in this section be complied with before we appropriate money, then the Environmental Policy Act is a farce, and we ought to say so. We ought to say so now. We ought to decide whether we are going to have a law that has some teeth in it or whether we are going to have a law that all the highway departments in this country can violate—and I think all of them are—and the Corps of Engineers or any other Federal agency can violate when they want to, because they can get the authorization, they can get the appropriation and they can proceed to construction without meeting the requirements of the law. And finally, of course, they are the agency that makes the study. And I can just see some agency, after spending millions of dollars, coming in and saying, "It is all a mistake. We have finally made a study in compliance with the intent of the law, and now we find that there is irreparable environmental damage of significant consequence; we are sorry we spent the money in the first place and now recommend termination of the project. No agency is ever going to make such an admission.

That is nonsense. That is not what that law means, and everybody here knows that that it not what that law means. All I am saying in this proposal is this: Make them comply with the intent and the spirit of this statute before they begin construction, none of which has started thus far.

Mr. President, I yield back the remainder of my time.

Mr. BROCK. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I decline to yield. I yield myself 1 minute.

Mr. President, I am advised that probably this point of order would be sustained and another amendment would be filed. I think that under the circumstances we will proceed now.

Mr. President, if I yield back my time, will I be recognized to make a point of order?

The PRESIDING OFFICER. The Senator from Mississippi may state his point of order on his own time. The point of order may be raised now.

Mr. STENNIS. Mr. President, I raise the point of order that this amendment constitutes legislation on an appropriation bill and therefore is out of order.

The PRESIDING OFFICER (Mr. EAGLETON). The Chair sustains the point of order raised by the Senator from Mississippi. Under rule XVI, legislation on an appropriation bill is not in order and the language of this amendment is obviously legislation.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972.

Mr. NELSON. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and I shall proceed to explain it.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD as requested.

The text of the amendment is as follows:

At the end of the bill, add the following new section:

SEC. 502. No part of any appropriation contained in this Act shall be expended for construction in connection with any of the following projects until February 1, 1972.

(1) Tennessee-Tombigbee Waterway, Alabama and Mississippi;

(2) La Farge Lake and Channel Improvement;

(3) Normandy Dam, Duck River Projects;

(4) Columbia Dam, Duck River Projects;

(5) Tellico Dam and Reservoir.

Mr. NELSON. Mr. President, I was aware that the provisions in my first amendment were subject to a point of order. I had hoped that the point of order would not be raised since it made good sense to proceed with the method provided in that amendment. I offered it so as to make it perfectly clear that the intent was not to cut off the money for the planning of the projects as this time, or to hold up the projects, but simply to require the filing of the statements first, so that Congress will have an opportunity and the specialists in the scientific disciplines will have the opportunity to evaluate the environmental statements to see whether they comply with the law. There is no way we can do that now. Thus we are legislating while not knowing whether section 102 and other provisions for protecting the environment are being complied with.

I now offer the pending amendment which states:

No part of any appropriation contained in this Act shall be expended for construction in connection with any of the following projects until February 1, 1972.

Then is listed the five projects previously read in the previous amendment.

That is a period of 6 months in which the opportunity will be afforded the TVA to complete its environmental statement and file it, and for the Corps of Engineers to file an adequate statement in compliance with section 102.

The four projects and the amounts of money for each in this bill are: The La Farge Dam on the Kickapoo River in Wisconsin, $1,730,000; the Tennessee-Tombigbee Waterway in Alabama and Mississippi, $6 million; the Duck River dams in Tennessee, $11.8 million; and the Tellico Dam on the Little Tennessee River in Tennessee, $8 million.

The Kickapoo River and Tennessee-Tombigbee dams are U.S. Army Corps of Engineers projects; the Duck River and Tellico Dams are projects of the Tennessee Valley Authority.

In every one of these projects, the Federal agencies involved have fallen far short of meeting the requirements of the National Environmental Policy Act. For instance the Corps of Engineers has not even consulted the Federal Water Quality Office of the Environmental Protection Agency on the important water pollution questions raised by the $25 million Kickapoo River Dam and Reservoir. And the corps is proceeding with plans for construction on the $346 million Tennessee-Tombigbee project that would connect two river basins spanning two States and pose ecological implications for an entire southern region, in the face of grave water quality and resource use questions raised by the Environmental Protection Agency.

And on the Duck River and Tellico Dams in Tennessee, the Tennessee Valley Authority has even failed to file completed environmental impact statements, putting Congress in the position of appropriating funds blindfolded for projects posing great potential damage to these unique, scenic riverways.

For Congress to appropriate funds for these projects without the full and public environmental review required under its own laws would be making a mockery of the National Environmental Policy Act signed into law just last year.

There can be no question about the intent of the Environmental Policy Act to require advance review of all major Federally aided projects posing significant environmental effects. Section 102c of the act says all Federal agencies shall "include in every recommendation or report on proposals for legislation and other Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official" on the environmental impact of the proposed action, the relationship between local short-term uses of the environment and maintenance of an enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources.

Further, prior to making any such detailed statement, the responsible Federal official "shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved."

On each of these four projects, the failure to comply with this Act and give Congress and the American public the benefit of a complete environmental assessment before the further expenditure of the taxpayer's money is dramatically clear:

On the Kickapoo River project in Wisconsin, I was surprised to learn recently that the Corps of Engineers apparently does not have comments on this project from the Federal Water Quality office either when it was in the Department of the Interior, or now in its position in the Environmental Protection Agency.

Yet the scale of project is in itself enough to justify an intensive review of its water quality implications alone. Involved is the planned expenditure of $25.3 million for a 103-foot dam and 1,780-acre reservoir pool, flooding approximately 12 miles of scenic river.

Moreover, major water quality questions have yet to be resolved, even though the corps just recently initiated the first contracts for construction. Highly enriched run-off from surrounding farmland may cause overfertilization of the reservoir in a short period of time, stimulating the growth of algae and other aquatic plantlife, speeding up the eutrophication process, and damaging the substantial recreational potential which the corps argues the project will create.

Further, fluctuations in reservoir levels may well accelerate bank erosion, creating excessive siltation into the reservoir itself.

And although the Corps of Engineers acknowledges that there will be substantial sedimentation in the reservoir over time, the environmental impact statement as it now stands contains no discussion of this potential environmental and economic problem .

I am aware that a water study was conducted on the Kickapoo proposal in 1965 by the Department of Health, Education, and Welfare. However, the purpose of this study was not to evaluate water quality problems of the reservoir, but rather the possible need for and value of the reservoir for water supply and water quality control.

Moreover, this study was conducted prior to corps' major revisions of the project in 1967 when the planned reservoir level was raised from 822 to 840 feet and the proposed inundated area increased to 1,780 acres. Even then, the study concluded that current waste discharges could cause an immediate pollution problem in any proposed impoundment.

Thus, it seems to me that the Environmental Protection Agency and its Federal Water Quality Office—which is charged with protecting the quality of our national waterways—should be vitally concerned with the potential environment problems posed by the La Farge Dam and Reservoir and should very carefully review the project immediately and submit an environmental report.

And for compliance with the National Environmental Policy Act and to assure the careful review by all possible Federal expertise of all aspects of the projects, including possible alternative measures for flood control and sound economic development, my amendment would require the President's Council on Environmental Quality to review and approve the corps' final environmental impact statement on the Kickapoo.

As it demonstrated with its recommendations accepted by the President for a termination of the Trans-Florida Barge Canal Project on environmental grounds, the President's Council on Environmental Quality properly can and should adopt a role of vigorous defense of environmental values, requiring full assessment of environmental concerns in Federal activities and full review of all the alternatives.

If my amendment requiring this review and approval of the Kickapoo environmental study is adopted, there should be no delay in the project if it can stand on its merits as both an environmentally and economically sound effort that would merit its flood control and other objectives, or if there are alternatives.

The amendment would only require an adequate environmental review before further construction moneys are spent on the Kickapoo. Of the $1.7 million in this bill for the Kickapoo, only $350,000 is designated for construction—and the next construction contract is not scheduled to be let until sometime next spring, 8 months away.

Thus, the full $1.7 million could be appropriated now, and if environmental concerns are satisfied by next spring, the next moneys for construction could be spent then, just as planned.

On the Tennessee-Tombigbee Waterway project in Alabama and Mississippi, it appears that as has happened so often in the past, the Federal Government is rushing headlong into a massive project whose environmental damages could outweigh any possible benefits.

While Congress has been asked to appropriate $6 million this year for the Tennessee-Tombigbee, partly for starting construction, comments under Federal law by the regional Environmental Protection Agency indicate the 253-mile waterway could well turn out to be an environmental disaster and an economic flop.

The environmental defense fund has filed suit based on the glaring inadequacies in the corps' environmental review of this $346 million project.

In the face of the grave environmental questions that have been raised, the corps says it will do further environmental studies, yet wants to begin construction on the project in the meantime, and has submitted what it considers a final impact statement.

In brief, the EPA regional office review found that the construction of the Tennessee-Tombigbee would have a "profound and lasting effect" on the water quality and the ecology of the entire area. Among other things, it argued that the waterway's cut across river basins could expose waters in the Tombigbee River system to the pollution of Pickwick Pool of the Tennessee River, which has been closed for fishing because of mercury contamination.

Further, the EPA report pointed out that the waterway will lead to a massive new influx of pollution from a wide range of sources—barges, industries, and cities among them—that will be difficult if not impossible to effectively treat with current pollution control requirements and technology.

Citing even broader concerns of economy and land use, the EPA report urged a reevaluation of the basic question of whether the project should ever be built.

In conclusion, the regional EPA report said:

> In view of the rapidly changing public opinion with regard to such areas and the questionable economic value of the project, the EPA believes that a reevaluation of the project should be made taking into consideration the fact that the project may not bring the commercial and industrial development to the area originally anticipated, particularly northeast Mississippi, and a scenic and natural area will be irreversibly damaged for all time.

Yet despite the overwhelming environmental concerns that have not even begun to be settled, Congress is being asked to appropriate millions of dollars to boost this project along.

Regarding the Tennessee Valley Authority's Duck River project in Tennessee, two dams would be built, creating 71 miles of reservoirs. Among other things, the plan is to attract major water using industries and supposedly provide reservoir-oriented recreation, even though there are already nine major reservoirs within a 50-mile radius of the project.

Now, the Duck River is the longest free flowing stream in central Tennessee, with unique and irreplaceable recreational and wild and scenic values. With the dam projects, much of the river's present fishing, canoeing, and camping would be destroyed forever. And the project would flood the homes and farms of 400 families and cover historic Indian areas.

Despite the major ecological impact of the proposed dams, TVA's environmental studies under the National Environmental Policy Act are only at the draft stage and are not due as final statements until this fall.

In the same State, the TVA's Tellico Dam on the Little Tennessee River will create a 33 mile reservoir inundating 16,500 acres of land flooding areas of key Indian history, destroying trout fisheries, eliminating about 10,000 acres of prime water fowl and small game habitat, and requiring some 350 families to relocate.

What is the cost-benefit ratio on the damming of one more river, the loss and potential pollution of one more scenic waterway? Yet as with the Duck River project, the TVA's environmental impact report required by law is only in draft stage. Meanwhile, we are being asked to appropriate $8 million more for the Tellico project.

Conservationists are planning lawsuits on both the Duck River and the Tellico projects.

In sum, the sad state of affairs with environmental assessment on these four projects is a warning that without tough, continuous demands by Congress for effective implementation, the National Environmental Policy Act will become just a meaningless series of words on a sheet of paper.

We must firmly establish now the principle that Congress will require completed environmental impact studies before it will authorize or appropriate moneys for Federal projects with significant environmental impact. It is here, at this key decisionmaking point, that environmental review is so important. In the congressional process, the public has perhaps the best opportunity too to review the implications of such projects and assert its view of how to balance the values involved.

Thus I urge the Senate to adopt this amendment requiring adequate environmental assessment under the law before further funds can be spent out of this bill for any further construction on these projects.

Mr. STENNIS. Mr. President, I yield myself 10 minutes or so much thereof as I may use.

Mr. President, I want to call attention to the fact that the law we are talking about provides that the Attorney General of the United States shall be the legal adviser and shall represent these agencies that are in charge of construction of projects like this, and also shall represent and be an adviser to other agencies on environmental quality. Certainly there is nothing in here with reference to any complaint from the Attorney General's office.

The Tennessee-Tombigbee project went right down to the wire for the letting of a construction contract. The President of the United States went to Mobile, Ala., and dedicated the entire project.

The bids were to be opened in just a few days and suit was filed in the District Court of Washington, D.C., challenging the project and that suspended all operations.

We are here today being called on to legislate with reference to an appropriation, holding up this money. Suppose the suit should be decided within 30 or 60 days and decided favorably to the project. Then, in accordance with the amendment, the money would be stalled until that date, February 1 of next year, and then someone else, perhaps, could file a suit and stop it again.

We have to have a reasonable and practical plan of development. It can be stopped if there is a violation of the law. There is no question about that. The Attorney General can stop it. He is the agency that has this power and authority under that law, with the Federal Government behind him.

I say, we just did not pass a law that required comment on the ruling or the approval or disapproval of an entire project of this kind before construction started. There are just too many practical considerations to be considered. A law like that could not possibly have been passed. I do not know how many other projects are in the bill that could be condemned in the same way as the five which have been picked out. We heard witnesses testify in committee for months. The Senator from North Dakota (Mr. YOUNG) heard them day after day after day.

We understand fully the good faith involved on the part of the Corps of Engineers, the Tennessee Valley Authority, and others. They are moving along and making progress. They are meeting these requirements. However, if we come here with a hatchet and cut off one project after another, we can get all around the country very fast.

There is no statement here that the Senators have been through the entire bill.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, the Appropriations Committee listened for very nearly 3 months to testimony from the Atomic Energy Commission, Corps of Engineers, Bureau of Reclamation, and other agencies involved in the bill. There is hardly a project in this bill on which there was not some opposition from ecologists, and environmentalists. This is understandable.

If this precedent proposed by the Senator from Wisconsin were established, it would open a Pandora's box. There is not a project in the bill that would not be in jeopardy. Lawsuits could be filed, if nothing else to stop them.

The Bureau of the Budget has considered very carefully environmental objections to all projects. I doubt if there is a project in this bill where there was not some objection by environmentalists. I am sure the Budget Bureau does not approve projects now where there is reasonable objection from environmental interests.

Mr. STENNIS. I think the Senator has made a very fine statement. There are projects involved in the bill that are vital. The Bureau of the Budget has studied them, approved them, and has sent them to the Senate.

Mr. President, I understand that the Senator from Tennessee wanted me to yield him some time.

Mr. BROCK. Mr. President, will the Senator yield me 3 minutes?

Mr. STENNIS. I yield the Senator from Tennessee 3 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 3 minutes.

Mr. BROCK. Mr. President, first of all, I wish to correct an apparently erroneous impression. The Senator from Wisconsin questioned whether a project was under construction, the Tellico Dam and Reservoir. That project has been under construction for some time. It is not in the planning stage.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. BROCK. The Senator from Mississippi has the floor. I regret I cannot yield on his time, too. I do not believe the implication should be left that the Tennessee Tombigbee project has not filed an environmental statement. They have filed it, and to my knowledge that statement is acceptable to the Council on Environmental Quality.

The problem is that it is in the Federal Court, as the Senator from Mississippi has stated. However, insofar as meeting the requirements of the law, the Tennessee Tombigbee project has done so to the best of my knowledge. Under these circumstances, and given the assurances of the council and the Corps of Engineers, it is imperative that construction proceed now.

Let me illustrate another problem that would be raised by this particular amendment. In the case of the Columbia Dam, the area of Columbia, Tenn., is afflicted by unemployment and it is getting worse.

One of the most important benefits envisioned in the Columbia dam is alternative opportunities for employment. Columbia is primarily dependent upon the phosphate industry, an industry under growing pressure as a result of other environmental questions about the use of phosphates. Thus the area is in great need of new employment opportunities, new industries which could result from this project.

Yet the Senator's amendment would strike this project from the bill on environmental grounds. I have talked with environmentalists and conservationists in the area. They find little to fault in the Columbia dam, and they recognize a demonstrable economic need.

I agree with the Senator from Wisconsin that the Environmental Quality Act of 1969 should be adhered to. I was sympathetic with his earlier amendment on the grounds that we, as a Congress, as well as the executive branch, should take into consideration the statements that are required to be filed. His efforts have raised a fundamental question as to the effect of the law as it is written. Apparently it is adequate for the purposes of the law for a statement to be filed, regardless of its applicability or logic.

Even so, the Senator's amendment does not correct that condition. Rather, it is simply a lumping of "apples and oranges," of widely different projects under different circumstances and conditions. Thus I cannot support the amendment.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. Mr. President, I thank the Senator from Tennessee.

Mr. President, may I have the attention of every Senator? I request that they listen to this statement of facts as to the Tennessee-Tombigbee project.

The Secretary of the Army, under which the Corps of Engineers operates, forwarded an environmental impact statement on the Tennessee-Tombigbee project to the Council of Environmental Quality on April 20 of this year. There followed a 30-day grace period during which the Council could study the statement and rule adversely if it so desired.

The Council elected not to rule adversely, and the project became eligible for construction on May 20.

Some of these funds have been lying here since last year awaiting a start of construction. That project became eligible for construction on May 20 under the environmental law.

The President of the United States participated in the ground breaking for the project at a ceremony in Mobile, Ala.

Let me quote from an AP newsletter of June 2 in part:

> The Council on Environmental Quality, which recommended work be halted on the across-Florida barge canal, had no such opposition to the Tennessee-Tombigbee waterway, a Council spokesman said today . . . It is obvious we have no objection to the waterway that would prevent the President from participating in the ceremony said the CEQ spokesman.

There is no question about the facts. We know that the President of the United States would not go to Mobile and dedicate the project unless it had the clearance of the appropriate agency of the Government. The quotation I have just read is from a member of that agency. So, let us not wander off here as to what someone thinks the law might imply. It is a law that has had no court interpretation as yet.

So, I submit that in spite of all the good faith involved here, the pending amendment is mischievous in its operation and would hold up projects in this way in spite of the facts we have before us.

If we are going to do that, we ought to stop and go through the entire bill and see how many more we could pull out that would come under this amendment.

Mr. SPARKMAN. Mr. President, will the Senator yield if he has time?

Mr. YOUNG. Mr. President, I yield the Senator from Alabama 3 minutes on the bill.

Mr. SPARKMAN. Mr. President, I thank the Senator from North Dakota.

Mr. President, I wish to ask the Senator from Mississippi if it is not true that the Army Engineers has a policy of checking carefully the ecology involved on any project under that agency, aside from the passage of this Environmental Act of last year. And may I add to that an inquiry as to whether it is not also true that the Tennessee Valley Authority has had a wonderful record in the improvements that they have made in giving regard to all things that the environmentalists recommended.

Mr. STENNIS. Mr. President, we found on that point that they had been leaning over backward and moving forward all at the same time. Each of these agencies has been very cooperative. The Senator knows that they would not give a green light to a project that they had not checked.

Mr. SPARKMAN. Mr. President, I do not think that anyone is more interested in the environment than I am. As a matter of fact, I am a member of a conservationist group in the State of Alabama. They are very strong for upholding the environment.

Mr. President, I grew up in that area of the country. Malaria was rampant at that time. I was a malaria victim. For many years. I suffered from malaria, as a great percentage of the people in that area did. I would say that there has not been a case of malaria in the Tennessee Valley in the last 15 or 20 years, and perhaps longer.

They went at it systematically. I remember a protest meeting that was held at one time when I was a Member of the other body. A group of people who were interested in the environment and wild life protested the practice of the Tennessee Valley in raising and lowering water level because it would kill the malaria-carrying mosquito. They actually opposed that because the fish and wildlife fed on the mosquito.

I believe in environmental control and giving it close attention, but I think we can go to extremes, just as those people were going to extremes. Of course, it would be another matter if growing children had suffered from a mosquito bite from which they had gotten malaria, but that group of people said that nothing should be done because those mosquitoes feed the fish. So the matter can be carried to extremes.

I know studies have been made on the Tennessee-Tombigbee project, and I know they are prepared to abide by actions that will protect the ecology. I have absolute confidence that those protections will be carried out. A statement has already been filed. I believe the Senator from Wisconsin said the TVA had filed a statement and that it is not correct.

It seems to me it would be very bad and unreasonable to expect us to hold up these projects because of some technicality. If there is something wrong it can be solved as we go along.

Mr. STENNIS. Mr. President, the Senator made a fine statement.

If problems come up they can be solved as we go along. There is no question about the facts. The Army Engineers filed their statement. There has been no protest. The spokesman for CEQ said they have nothing adverse.

Mr. President, on an earlier occasion, on June 4 of this year, the distinguished Senator from Wisconsin (Mr. NELSON), voiced objection on the Senate floor to the Tennessee-Tombigbee Waterway, on environmental grounds. He stated at that time his intention of introducing an amendment which would deny funds, in this bill, for construction of the project.

The Senator apparently based his objection on one critical letter, written last winter by a man in the Atlanta office of a Federal agency. The letter was written, as comments on the preliminary draft—the preliminary draft—of the environmental impact statement. This is an obsolete letter, now disowned by its parent agency, and ruled out as a valid criticism by the Council on Environmental Quality, the agency which by law has jurisdiction of these matters. So that the facts will be very clear, let me review the sequence of events.

Under the Environmental Quality Act of 1969, every expenditure of Federal funds that has any significant effect on the environment must be preceded by the preparation of an environmental impact statement. This states all the pros and cons and arrives at a judgment whether the gains are worth the losses.

These impact statements are presented to the Council on Environmental Quality, an independent council in the Office of the President. They are also made public. The Council may accept or reject the conclusions reached in the impact statements.

The District Engineer in Mobile prepared a draft of an environmental impact statement on the Tennessee-Tombigbee Waterway, and sent it to State and Federal agencies for comments, as he is required to do by the Council on Environmental Quality. The comments must be responded to by the impact statement in its final form, and the letters containing the comments became part of the appendix to the impact statement.

The letter placed in the RECORD by the Senator from Wisconsin was a comment from a man in the Atlanta office of the Environmental Protection Agency, then newly established to take over all of the pollution control programs. It was signed by a man from the Federal Water Pollution Control Administration, as acting director of the EPA office. The critical allegations in the letter are completely undocumented and unreferenced. That they are irresponsible is attested to by the fact that he took it upon himself to criticize the project economics, a subject entirely outside the knowledge and jurisdiction of his agency, which deals with water and air pollution.

The impact statement in its final form responded to all the points the letter raised, as well as to points raised by any other agency. The letter also said that if a formal response on the final statement was desired, it should be obtained from the Washington headquarters of his agency. In response to this, EPA headquarters was given an opportunity in writing to protest the project formally, if it desired, but did not respond.

The Secretary of the Army forwarded the impact statement to the Council on Environmental Quality on April 20. There followed a 30-day grace period, during which the Council could study the statement, and rule adversely if it desired to do so.

The Council elected not to rule adversely, and the project became eligible for construction on May 20. The President participated in the groundbreaking for the project, at a ceremony in Mobile.

Let me quote from an AP news release of June 2, in part:

> The council on Environmental Quality, which recommended work be halted on the Cross-Florida Barge Canal, had no such opposition to the Tennessee-Tombigbee Waterway," a Council spokesman said today. It is obvious we had no objections to the Waterway that would prevent the President from participating in the ceremony, said the CEQ spokesman.

My remarks include an explanation of the great care with which the environmental aspects of this waterway project are being handled. I also have a list of the issues that have been raised and the answers to those issues. They are all answered, and have been for some time, in the body of the final environmental impact statement, which is a public document, available to all who want answers, and not merely issues.

I will not take the Senate's time to cover the issues and answers, but I ask unanimous consent that it be placed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, the statement has been made that in undertaking construction of the Tennessee-Tombigee waterway the Government is rushing headlong into a massive project that could very well be an environmental disaster and an economic flop. I consider this statement unfounded on both counts.

Naturally an undertaking of this magnitude will have an effect on the water quality and the ecology of the region. But a careful assessment of its expected environmental impact has discovered no potential environmental problems for which present science and technology cannot be expected to develop satisfactory solutions.

The economic feasibility of the project has already been reevaluated twice since its authorization in 1946, the latest analysis having been submitted to the Congress in 1967. Both of these studies confirmed the economic justification of the waterway.

The claim that it would be far wiser to take a thorough look now, than to wait through years and tens of millions of dollars of construction before deciding the water's environmental destruction would be too high a price to pay sounds valid when taken out of context. It is not valid, however, in reference to this project, because it fails to recognize the environmental evaluations which have been made and are still being made in connection with planning the Tennessee-Tombigbee Waterway. Withholding funds for construction of the project while another complete reevaluation is made and submitted to Congress would only delay realization of the benefits to be derived from the project, risk increases in construction costs, and result in failure to disclose any environmental concern for which appropriate solutions are not available.

As a part of the preconstruction planning already accomplished for this project, the Corps of Engineers has undertaken a major study of the impact on the environment that development of the Waterway would have. This study is a comprehensive program dealing with fish and wildlife, air and water quality, mineral and energy resources, and many other environmental concerns.

A board of consultants, composed of 3 members having special expertise in the fields of ecology, environmental planning and hydrogeology, has been engaged to provide guidance, consultation, and evaluation of the study. The distinguished members of this Board are: Dr. Daniel J. Nelson, ecologist, assistant division director, Ecological Sciences Division, Oak Ridge National Laboratory, Oak Ridge, Tenn.; Dean Gerald J. McLindon, environmental planner, dean, school of environmental design, Louisiana State University; and Prof. Philip E. LaMoreaux, hydrogeologist, international consultant, Alabama State geologist, and professor of geology, University of Alabama. Cooperation with educational institutions and Federal, State, and local agencies is being utilized to provide complete and comprehensive coverage in assessing the environment of the project area.

The study is being accomplished in three phases.

A major complaint of those who fear an "environmental disaster" resulting from the construction of the waterway is that only phase I of the environmental study of the project area has been completed and that all phases of the study should be completed before a decision is made for or against the project. It is understandable that today's public, so acutely aware of environmental concerns, should wish that a thorough environmental study be completed before initiation of construction of a project as large in scope as the Tennessee-Tombigbee Waterway. But I believe that those who are clamoring for preconstruction completion of all three phases of the Tenn-Tom environmental study have a basic misunderstanding of the three-part study by the Government. The first phase of the study, which has been completed, was a thorough environmental research program which investigated the effects of the proposed project and concluded that there would be no detrimental effects serious enough to warrant foregoing development of the project, and moreover the project could be implemented in such a way that the over-all environment of the area would actually be benefitted. During this phase, a detailed environmental statement was filed with the Council on Environmental Quality. The second phase of the environmental study, now under way, was planned to be executed as designing of the waterway progressed. This phase consists of sustained environmental research which will allow the Corps to make ecologically desirable design changes and project modifications. The final phase of the environmental study is planned to be implemented as project construction proceeds and after actual operations being.

The main point I wish to make in answer to those who feel that all three phases of the environmental study should be completed before a proper evaluation of the project can be made is that phase I of the study has provided comprehensive data sufficient to show that the project can be economically and ecologically desirable. Phases II and III of the study—to be executed as design, construction, and operation proceed—are merely parts of a continued effort to assure that the project will be implemented in the way most compatible with the natural environment of the area.

Some sources have complained of the anticipated population increase in the project area. The fallacy of this complaint is that many of the people who migrate to the rural project area will come from overcrowded urban areas where the rate of unemployment is high. The implementation of the project will not cause a population problem; it could actually bring about a desirable population redistribution, relieving overcrowded cities of at least a part of their overpopulation and related unemployment problems.

In addition to lowering production and marketing costs by affording cheaper transportation between the gulf coast and much of the midcontinental United States the project will provide recreation and esthetic benefits. Recreational and associated natural areas will be developed at each of the project's five lock and dam sites.

The majority of the objections to the waterway are without basis and the benefits of the project outweigh any possible adverse effects. The Government is not "rushing headlong" into an economically and environmentally disastrous project. Rather, it is carefully planning the implementation of a waterway which will benefit the region and the entire Nation both economically and environmentally.

EXHIBIT 1

ISSUES AND ANSWERS

The issues and answers are as follows:

Issue: Channelization and loss of natural shallow water areas, flood plains, pools, sand bars and riffles with their associated aquatic vegetation conducive to stream purification and a balanced water quality.

Answer: Principal areas involving channelization outside the impounded river section will be on the East Fork of the Tombigbee River adjacent to canal section. This channelization will consist of several cut-offs on the East Fork to alleviate encroachment on the canal. The stream has numerous cut-offs as a result of channel work performed in the past and the additional cut-offs are not expected to create any water quality problems. The majority of cut-offs within the river section will be submerged and will not present water quality problems.

Issue: Assimilative capacity of streams will be lessened and the pollution will be carried farther downstream.

Answer: The increased flow provided to the Tombigbee River will supplement the waste assimilative capacity of this stream. The absence of pollution from the major portion of the project area, particularly the Yellow Creek embayment, raises a question as to the basis of this issue.

Issue: The impoundments created by the locks and dams will increase the overall water temperature and decrease the water's capacity for absorption of oxygen.

Answer: Increases in water temperatures, if they occur, will not be of a magnitude which will cause concern about the maintenance of a quality of water capable of supporting all requirements. The total available oxygen due to larger volumes, the large surface areas, and other reservoir dynamic factors will more than offset any reduction in re-oxygenation capacity due to higher temperature and slower velocities. The Black Warrior-Tombigbee River system is an excellent example of this. Those lakes and their spillway discharges result in recovery from large pollutional loadings in much shorter distances downstream than would occur under free-flowing stream conditions.

Issue: The change from a free-flowing stream to a semiquiescent reservoir environment will alter the dominant fish species and organisms in the fish food chain.

Answer: Those species dependent upon flowing water will be reduced in number and those not dependent upon flowing water will increase. This change will not necessarily be bad or good, but it will be different. The waterway will constitute a more diverse, stable, and productive ecosystem than the existing river. Sport fishing opportunity and success should increase above present levels. Many tributaries will become more accessible by boat.

Issue: Pickwick Pool on the Tennessee River, which will supply water to the proposed waterway, is presently closed for fishing because of mercury contamination. This mercury contamination will be transferred to the Tombigbee River.

Answer: This possibility is remote due to several factors. Pickwick Lake was closed to fishing due to concentrations of mercury found in fish taken from these waters. Although the water may contain small concentrations of mercury, T.V.A. found no detectable concentrations of mercury in the waters of Pickwick Lake. The fish and bottom organisms concentrate the mercury which is introduced to them primarily from the bottom sediments which release soluble methylated mercury compounds. The principal mercury concentrations are in the sediments of the main channel of the Tennessee River and the chances of it migrating up the Yellow Creek arm and through the divide cut to Bay Springs Lake are remote. In addition, principal sources of mercury contamination have significantly reduced the mercury being discharged to the Tennessee River. The actual connection of the waterways will not take place for about ten years and the mercury problem in the Tennessee River should be lessened to a great extent by that time. An oddity of a sort is the fact that although the upper Tombigbee has no known sources of mercury, this metal has been found in fish taken from this stream. State water quality standards for the Tombigbee River will not be violated.

Issue: Stratification will probably occur in the impoundment at Bay Springs and there may be a deficiency in oxygen in the waters received by the canal section through lockages.

Answer: Stratification will occur in Bay Springs Lake and measures will be incorporated to assure acceptable oxygen levels in releases. In addition, lockage water from the Bay Springs lock in excess of the requirements of the canal will be diverted to the East Fork to sustain low flows.

Issue: The cumulative long-term overall effect of the project on the environment will be one of overall degradation of water quality values in spite of the presently known techniques which can be applied to help maintain water quality.

Answer: It is considered that overall degradation will not occur as a result of project implementation. Present heavy silt loads in the Tombigbee River will have to be reduced by erosion control measures and state and Federal authorities must enforce established controls and standards to minimize potential adverse effects. The net effect of these actions will be the maintenance of the water quality within the Tombigbee Basin and will not result in degradation. In fact, it is believed that project implementation with its several lakes will result in enhancement of water quality in some areas to the extent that existing stream classifications can be upgraded. Minimum continuous releases will be made throughout the waterway to assure that the water quality is maintained above the standards prescribed for its designated use. These uses include public water supply, fish and wildlife propagation and water contact recreation.

Issue: The joining of two separate ecosystems, the Tennessee and Tombigbee Rivers, will cause potentially serious ecosystem disturbances and consequences.

Answer: This is highly unlikely. A study has indicated that fish species shared by the two river systems will not be altered to a great degree. The fish species in the two river systems are very similar and no species are known to occur in either system which would cause problems upon introduction into the other system. Mixture of botanical or other zoological forms is unlikely to result in an ecological imbalance. Aquatic species comprising these broad taxa tend to be distributed regionally and it is unlikely that significant difference in species composition exists. This is particularly true for the microscopic phytoplankton and zooplankton communities since most species are readily transported by wading birds or even the wind when in resistant stages in the life cycle.

Larval insects are a major constituent of the stream benthos. Since adults are relatively widespread, this community is expected to be similar in both river systems. Even if some species in the two river systems are different, the effect of their mixing is expected to be minor.

The waters of the Tennessee River in Pickwick Lake, particularly the Yellow Creek embayment area, and in the Tombigbee River have similar chemical characteristics. Although the values for alkalinity, total hardness and chlorides are slightly higher in the Tennessee River than the East Fork of the Tombigbee, both would be excellent for public water supplies based on these parameters. As an item of interest, the waters of the West Fork of the Tombigbee River have higher total hardness, alkalinity and chlorides than the Tennessee River. The additional alkalinity provided to the Tombigbee from the Tennessee will be beneficial to the water quality by incerasing its buffering capacity or resistance to change in pH.

Radiological determinations on samples collected on a monthly basis in Pickwick Lake indicated that the radioactivity level was well below the permissible limits in drinking water.

Issue: Introduction of Tennessee River water into the Tombigbee River will result in degradation of water quality of the Tombigbee River.

Answer: This item has been discussed at length in some of the above issues. However, it should be pointed out that the Tombigbee River is not pristine. Although the existing water quality of the Tombigbee River is generally good overall, portions of the river exhibit conditions which are less than desirable. For the most part, the worst conditions occur during critical low-flow periods. Bacterial levels have been reported which exceed the accepted standards for swimming and other water contact recreational activities. Also a progressive decline in dissolved oxygen concentration occurs as the natural assimilative capacity of the river is exceeded. Values range from about 68 percent saturation (6.2 mg/l) in the upper reaches of the East Fork to less than 50 percent saturation (4.1 mg/1) below Gainesville, Alabama.

The color of the Tombigbee has a natural brownish hue and is subject to becoming highly turbid following rains. This turbidity drops off after the flow has stabilized for a period of about five days.

Issue: Construction of the project is about to commence before the environmental studies have been completed.

Answer: The environmental statement was based on existing information and concluded that the construction of the waterway would not result in unacceptable environmental degradation. Consider two boundary conditions, the upper limit representing maximum enhancement and the lower limit representing the onset of serious degradation of the environment. Studies to date indicate that construction and operation of the project fall between these two boundary conditions. The environmental study is continuing during the advanced planning and design phases to assure that the project moves toward maximum enhancement of the environment. Although the Corps of Engineers has complied with the National Environmental Policy Act by filing a detailed environmental statement, the environmental study, which is not required, has environmental enhancement as its major goal.

Issue: The area from the Tombigbee River along the East Fork, Mackeys Creek and over the divide to the Yellow Creek is one of the most picturesque and unspoiled areas still remaining in Mississippi. Its value as a recreational, hunting, fishing, and scenic area is of immeasurable importance.

Answer: Apparently this view is not shared by all concerned. For example, this area was not included in a bill introduced in the 1971 regular session of the Mississippi Legislature to establish the Mississippi Natural and Scenic Waterway System. This act, House Bill No. 302, was for the purpose of preserving and developing the natural and scenic quality of designated rivers and streams and for related purposes. However, certainly as much of the scenic attractiveness of the area will be retained as possible and aesthetics and beautification, important considerations in Corps projects, will be given full consideration during project design. Non-structural measures such as land use plans and zoning will aid in preserving much of the picturesqueness of the area.

Aesthetics are, more often than not, a matter of personal preference. Much of the scenery in the Tombigbee Basin may look conspicuously like an impenetrable swamp to some persons. The lakes created by the project will be landscaped and placid. There will be more opportunity for varied public recreation and sport fishing. The Tombigbee River will become a more valuable resource to a larger segment of the public.

Issue: The project should be re-evaluated in view of its questionable economic value and the rapidly changing public opinion with regard to environmental aspects.

Answer: The project has been considered for years and studies to date do not show that it is of questionable economic value. The economic justification has been re-evaluated in accordance with criteria approved by the Office of Management and Budget and was found to have a favorable benefit-to-cost ratio of 1.6. In addition, the project will be built with environmental enhancement as a major item. This will result from the detailed environmental study now underway.

Mr. NELSON. Mr. President, the distinguished Senator from Tennessee made the point that the Tellico Dam and Reservoir was under construction. I did not intend to say that it was not, but that construction of Tombigbee, La Farge Lake, Normandy Dam, and Columbia Dam have not been commenced.

The point has been repeatedly made here that this amendment would stop construction. It would not stop construction of those first four projects at all. It would simply require a filing and compliance with the intent and the spirit of the law by February 1972.

I might point out as an aside that it is correct as stated by the Senator from

Mississippi that the President went down to dedicate the Tennessee-Tombigbee Waterway, and I am sure not knowing that the Environmental Protection Agency regional office was filing a strong criticism of the Tennessee-Tombigbee project saying it would cause irreparable damage and that it should not be built. I will read some of their comments about that in a moment.

Also, I would like to point out that Congress made a tragic blunder in authorizing the Cross-Florida Barge Canal. We spent millions of dollars in some 15 years cutting a canal across Florida without gathering to study the environmental effects in advance. It was a preposterous project that was never justified on any ground.

Finally, a lawsuit was filed citing the irreparable damage that would result. The final court issued an injunction and the Council on Environmental Quality recommended to the President that he terminate that foolish project. To his credit, the President did terminate it. It is unfortunate that the canal was ever authorized and that millions were wasted on it but at least the President had the courage to face the issue and recommend termination of the project.

Why do we not have the good judgment now to require comprehensive environmental studies on these projects before we become too deeply committed? Why do we not require that the studies be made before we make the financial commitments? That is what I do not understand. The law is absolutely clear in this regard, if the law is logically interpreted.

There has been talk here about what a fine project Tennessee-Tombigbee is. The day after the President was there dedicating it the regional EPA report was made public. It said:

> In view of the rapidly changing public opinion with regard to such areas and the questionable economic value of the project, the EPA believes that a reevaluation of the project should be made taking into consideration the fact that the project may not bring the commercial and industrial development to the area originally anticipated, particularly northeast Mississippi and a scenic and natural area will be irreversibly damaged for all time.

This is the EPA evaluation of Tennessee-Tombigbee. All I am saying is: Construction has not been started; for heaven sake, do not give them construction money prior to February 1972 until we can get further information. Certainly we should not permit conservation to start until we have the environmental studies required by law.

We are not even following the recommendations of our Federal agencies and the EPA regional office in Atlanta.

A few weeks ago I placed in the RECORD a summary of the regional office report. At this time I wish to read a summary of it for the RECORD:

> In brief, the EPA review found that the construction and the operation of the channels, dams, and impoundments of the waterway, plus the associated changes in the region, would have a "profound and lasting effect" on the water quality and the ecology of the entire area.
>
> Channelization and cut off of river bends would cause a loss of natural shallow water areas, flood plains, pools, and sandbars.
>
> The ability of the streams to absorb wastes would be diminished and any pollution would be carried farther down river.
>
> The impoundments would increase the water temperature, decrease the water's capacity to absorb oxygen, and, with the changed water environment that would result, would alter the food chain and fish life.
>
> The cut across river basins would expose waters in the Tombigbee River system to the pollution of Pickwick Pool on the Tennessee River, which is already closed for fishing because of mercury contamination.
>
> In addition, the 9 years of construction will subject the river systems to extensive turbidity and silting, with some materials probably going all the way to Mobile Bay.
>
> The EPA report also points out that the waterway will lead to a massive new influx of pollution from a wide range of sources—barges, industries, cities among them—that will be difficult if not impossible to effectively treat with current pollution control requirements and technology.
>
> In view of these grave environmental questions, the regional EPA report strongly recommended further pollution control studies and urged adoption of a tough, comprehensive plan of pollution abatement for the entire project. Even with this, the EPA expressed serious doubts as to whether overall degradation of the area's water quality values could be avoided.

Mr. President, I ask unanimous consent that the statement I made on June 4, 1971, on this matter to which I have just referred, may be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Mr. NELSON. In brief, the EPA review found that the construction and the operation of the channels, dams, and impoundments of the waterway, plus the associated changes in the region, would have a "profound and lasting effect" on the water quality and the ecology of the entire area.
>
> Channelization and cut off of river bends would cause a loss of natural shallow water areas, flood plains, pools, and sandbars.
>
> The ability of the streams to absorb wastes would be diminished and any pollution would be carried farther down river.
>
> The impoundments would increase the water temperature, decrease the water's capacity to absorb oxygen, and, with the changed water environment that would result, would alter the food chain and fish life.
>
> The cut across river basins would expose waters in the Tombigbee River system to the pollution of Pickwick Pool on the Tennessee River, which is already closed for fishing because of mercury contamination.
>
> In addition, the 9 years of construction will subject the river systems to extensive turbidity and silting, with some materials probably going all the way to Mobile Bay.
>
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>
> In view of these grave environmental questions, the regional EPA report strongly recommended further pollution control studies and urged adoption of a tough, comprehensive plan of pollution abatement for the entire project. Even with this, the EPA expressed serious doubts as to whether overall degradation of the area's water quality values could be avoided.
>
> Citing even broader concerns, however, the EPA report urged reevaluation of the basic question of whether the project should ever be built.
>
> In making this key recommendation—which I strongly support—the EPA report noted the picturesque and unspoiled nature of much of the waterway area, its current recreational value to already industrialized areas in the region, its historic and geologic values, the questions as to whether the original commercial and industrial development promise of the project would ever be fulfilled, and the probably massive environmental impact of the project.
>
> As the regional EPA report so aptly noted, these broader concerns are reflected in the changing public opinion nationwide with regard to the development of such areas and the construction of such projects.
>
> In arguing for the waterway, the Army Corps of Engineers claims a cost-benefit ratio of 1.6 to 1, supposedly promising a return of $1.60 for every $1 invested.
>
> However, it has become dramatically clear in the last year that the American public has awakened to some of the hidden long-range environmental and economic implications of such projects and is raising tough new questions in view of these concerns. In fact, I believe we are on the way to establishing as a society new cost-benefit ratios more accurately reflecting the values and the problems of new technology and the building of massive public works.
>
> Fortunately, there is still time to take account of these important new factors in the decisionmaking on the Tennessee-Tombigbee project.

Mr. NELSON. Mr. President, I think the questions involved here are very simple. The EPA says the study should be made. The EPA has grave reservations about going ahead with the project at all. The Corps of Engineers has said it is going to make these environmental studies as construction proceeds.

The EPA report says the environmental hazards are serious and that adequate studies have not been made. Nevertheless Congress is going to appropriate the money and authorize full speed ahead. Then the corps, which is committed to the project is going to make a study as the project proceeds. How is that study going to come out? Everyone knows the answer. I can give it to them. No matter what the evidence is, the Corps of Engineers is not coming back to the Congress of the United States, after spending millions of dollars on Tombigee, and say, "We have now made studies and found out that the project is a big blunder and that the regional EPA office was right in the first place. We know they are not going to come back with anything but an affirmative report no matter what the studies disclose.

If Senators want to support this kind of project, go ahead. It is another tragic and foolish commitment on the part of Congress. When in Heaven's name will we wake up?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The letter to which the Senator referred, dated February 12, 1971, was a part of the impact statement filed by the Corps of Engineers, and it went to the Council that really passes on these matters.

As I said a few minutes ago, after that was filed with the Council, the following facts happened: The Secretary of the Army forwarded the impact statement to the Council on Environmental Quality on April 20. It included the letter that the Senator referred to, along with many letters from other agencies and many other pages of the impact statement, containing all the facts. The letter was just one of many pages in the impact statement.

After the Secretary had forwarded all of that, there followed a 30-day grace period, during which the Council could then study it and rule adversely if it desired. The Council elected not to rule adversely. The project became eligible for construction on May 20. The President then appeared at the groundbreaking for that project in a ceremony at Mobile. Then again came the report of the EPA of June 2 that I have already read, that is, the quotation from one member of the Council, in which he said the Council on Environmental Quality, which recommended work be halted on the Cross-Florida Barge Canal, had no such opposition to the Tennessee-Tombigbee. It was obvious they had no objection to the waterway, which would prevent the President from participating, and so forth.

That is the state of the matter today. It is pending in court. I trust that the facts are clear. It would be highly premature and set a dangerous precedent for every project in progress in the whole United States if the Senate should vote to adopt the amendment.

Mr. President, I am ready to yield back my time.

Mr. NELSON. Mr. President, has my time expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield the Senator from Wisconsin a couple of minutes.

Mr. NELSON. Mr. President, the distinguished Senator from Mississippi said the President's Council on Environmental Quality did not rule against the project. The law does not give the Council the authority to rule against it. However I think it ought to be pointed out that the President did go down to dedicate Tombigbee, and after he dedicated it, the story came out of Atlanta, Ga., that the EPA was critical of the project.

The Senator from Mississippi read a comment from one of the members of the council saying that they did not have objection. I would only point out that I think it would be doubtful that the Presidential appointee, serving at the pleasure of the President was going to come out against the project after the President went to dedicate Tennessee-Tombigbee.

Mr. ALLEN. Mr. President, I hope the amendment of the Senator from Wisconsin (Mr. Nelson) is defeated. There is no need to delay the construction of these projects. They are much overdue; and delay could only cause added expense, confusion; and loss of benefits that can be obtained by the construction of the projects.

Now, Mr. President, speaking with reference to the Tennessee-Tombigbee Waterway specifically—

This mighty waterway has been the objective of farsighted men for more than a century. From a look at a map, one is impressed by the fact that from the point where the Tennessee River turns north, the Tennessee and Tombigbee Rivers together form an almost direct line between the port of Mobile and Paducah, Ky., where the Tennessee joins the Ohio River. It is as if providence had preordained a connecting link between the two rivers.

For decades, however, a manmade link, consisting of a canal and locks to enable boats and barges to pass over the strip of high ground which separates the Tennessee River from the headwaters of the Tombigbee River was considered by the Army Engineers as economically unsound. It was not until the Tennessee Valley Authority built the Pickwick Landing Dam, which raised the water level in the Tennessee River by 55 feet, that the Army Engineers determined that the benefits to shippers and receivers on the two river systems and the benefits to industry, business, and agriculture in the regions would exceed the cost of constructing a waterway link to connect the Tennessee and Tombigbee Rivers.

The Congress authorized the construction of the Tennessee-Tombigbee Waterway in the Rivers and Harbors Act of 1946, but the first construction funds, in the amount of $1 million, were not appropriated until last year. The budget for the coming fiscal year earmarks $6 million in construction funds for the Tennessee-Tombigbee Waterway and these moneys will be used for the construction of the channel and lock near Gainesville in Sumter County, Ala.

When the Tennessee-Tombigbee Waterway is completed, it is abundantly clear that the benefits to the people of the Nation will be incalculable. This waterway will tie together in one protected inland waterway system the Tennessee, the Cumberland, the Ohio, the Illinois, the Monongahela, the Allegeny, the upper Mississippi, the Missouri, the Tombigbee, the Warrior, the Alabama-Coosa, and the Chattahoochie-Apalachicola-Flint Rivers. All will be connected by the Intracoastal Canal with such great gulf ports as Mobile, New Orleans, Galveston, and other port cities along the gulf coast from Texas to Florida. All will be tied to the Great Lakes.

Barge trains descending south to such cities as Mobile and New Orleans, carrying the products of midwestern farms and such midwestern cities as Minneapolis, Chicago, Detroit, St. Louis, Cincinnati, and Kansas City, may take advantage of the swift current of the Mississippi River.

Such barge trains may, along with other ascending traffic, return with the products of southern farms, forests, mines, factories, and oil fields, via the slack water route of the Tennessee-Tombigbee Waterway.

The new route will shorten the distance between Mobile, Birmingham, and other points on the Warrior-Tombigbee system to the Tennessee River and the entire midwestern waterway empire by from 800 to 1,000 miles. Shorter hauls and the avoidance by ascending traffic of the swift current of the Mississippi River can cut the cost of transportation up to 75 percent. This means that producers, shippers, and consumers will enjoy millions of dollars a year in savings from lowered transportation costs.

From the foregoing, Mr. President, we see that construction of the Tennessee-Tombigbee Waterway will play a vital role in the continued economic growth of our Nation. Areas now denied the benefits of low-cost water transportation will enter a new day of industrialization. New businesses and industries will be established and existing ones will be expanded. A more favorable balance between industry and agriculture will be achieved. Such a balance means new and better markets for the farmers' products, more and better jobs for our men and women, and a stronger, better, and more prosperous economic life for all our people.

Mr. President, on May 25 of this year President Nixon came to Mobile and participated in ceremonies celebrating the start of construction on Tennessee-Tombigbee Waterway.

After more than 100 years of waiting, the project is now getting underway, thanks to the recommendations of the President and action of Congress.

Let us not delay the matter further. The amendment should be defeated.

Mr. STENNIS. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. NELSON. Mr. President, I request the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on the adoption of the amendment by the Senator from Wisconsin to H.R. 10090.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Tennessee (Mr. Baker). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Jackson), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Jackson) would vote "nay."

Mr. SCOTT. I announce that the Senators from Ohio (Mr. Saxbe and Mr. Taft) and the Senator from Vermont (Mr. Prouty) are absent on official business.

The Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Massachusetts (Mr. Brooke), the Senator from New Hampshire (Mr. Cotton), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), the Senator from Nebraska (Mr. Hruska), and the Senator from Illinois (Mr. Percy), are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), and the Senator from Illinois (Mr. Percy) would each vote "nay."

The pair of the Senator from Tennessee (Mr. Baker) has been previously announced.

The result was announced—yeas 17, nays 56, as follows:

[No. 183 Leg.]

YEAS—17

Buckley
Case
Chiles
Cook
Cranston
Gravel
Harris
Hartke
Hollings
Hughes
Javits
Mathias
Nelson
Proxmire
Roth
Spong
Stevenson

NAYS—56

Aiken
Allen
Anderson
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cooper
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hansen
Inouye
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Montoya
Moss
Packwood
Pastore
Pearson
Randolph
Ribicoff
Schweiker
Scott
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Weicker
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Stevens, for.

NOT VOTING—26

Allott
Baker
Bayh
Bentsen
Brooke
Cotton
Goldwater
Griffin
Hart
Hatfield
Hruska
Humphrey
Jackson
Kennedy
Long
McGovern
Miller
Mondale
Mundt
Muskie
Pell
Percy
Prouty
Saxbe
Taft
Tunney

So Mr. Nelson's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I understand that the Senator from Florida has an amendment to which the Senator from Kansas wants to offer an amendment.

I yield myself a half minute.

As I understand, there are a few minor amendments that probably can be considered favorably, and then we expect to ask for the yeas and nays on final passage. It may not take more than a few minutes.

Mr. ALLEN. I hope the Senator from Mississippi will yield to the junior Senator from Alabama at some time.

Mr. STENNIS. I will.

The PRESIDING OFFICER (Mr. Montoya). The yeas and nays have been ordered on final passage.

The Senator from Florida is recognized.

Mr. STENNIS. Mr. President, may we have quiet, so that we can all hear? We probably can dispose of these matters very quickly.

The PRESIDING OFFICER. Senators will take their seats. The Senate will be in order.

Mr. CHILES. Mr. President, I call up my amendment which is at the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CHILES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 6, lines 15 and 16, strike out "$936,493,000" and insert in lieu thereof "$936,568,000".

On page 7, line 10, strike out the period at the end of the sentence and insert in lieu thereof the following: ": *Provided further*, That $75,000 of this appropriation is used for preconstruction planning of a shore protection project in Duval County, Florida."

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. CHILES. I so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, this amendment would add $75,000 for engineering work in regard to a beach erosion project in Duval County, Fla. The amendment was not included.

The project, authorized by the River and Harbor Act of October 1965, provides for Federal participation in the cost of artificial placement of fill to form a protective and recreational beach for about 10 miles of shore in the reach between St. Johns River and Duval County-St. Johns County line, and periodic nourishment of the restored beach for the first 10 years of project life. The improvement would provide a beach with a level berm 60 feet wide at elevation 11 feet above mean low water. Stability of the restored beach would be accomplished by periodic replenishment of losses.

The estimated cost of this project is $10.2 million, of which $4.5 million is non-Federal cost. No funds were requested in the budget for this project; however, the Florida Department of Natural Resources has recommended, and I concur, that $75,000 is needed for preconstruction planning to permit initial work on the Atlantic beaches.

As Senators may know, this area suffered extensive damage in 1964 during Hurricane Dora. Following that, the Federal Government provided funds for temporary emergency protection works that were placed on the beaches, and the Government told Duval County that permanent works would have to be installed in the near future.

The temporary protection works are no longer effective. The citizens of Duval County have been placing funds in escrow for several years so as to have their matching money. This fund now has several hundred thousand dollars in it, and all that needs to be done is for the Federal Government to fulfill its responsibility. Unless permanent protection is soon provided, the beaches will be eroded to their previous condition.

Mr. GURNEY. Mr. President, this amendment offered by my distinguished colleague from the State of Florida and myself to provide $75,000 to begin to combat increasing erosion problems in Jacksonville, Fla., is an extremely important one.

An indication of that importance is the fact that the local government of Jacksonville has already placed in escrow $500,000 to prepare to meet this problem. It is anticipated that this fund will be augmented by $200,000 per year.

The Jacksonville area is essentially a waterfront community with a lengthy shoreline which is experiencing increasing erosion problems. In 1964, Hurricane Dora devastated an area extending from the mouth of the St. John's River to the southern boundary of St. John's County, Fla. While temporary protection of the shoreline was established at that time, it has not been effective.

With the addition and expansion of harbors and inlets all along the southeastern coast of the United States, Florida can no longer depend on the natural redistribution of sand along its shoreline.

The proposal to restore and protect the beach areas has been strongly urged by the State of Florida's Department of Natural Resources. Remedies for this problem must be found and found quickly. The funds provided for in this amendment are an important step in that direction.

I am glad the floor manager of this bill, the distinguished Senator from Mississippi (Mr. Stennis), and the distinguished Senator from North Dakota (Mr. Young), are willing to accept this amendment.

Mr. CHILES. Mr. President, I believe the distinguished Senator from Kansas would like to amend the amendment to include an item with which he is concerned.

Mr. DOLE. If the Senator will yield, I believe my amendment is a separate amendment, which would follow the adoption of the Senator from Florida's amendment.

Mr. CHILES. Would the Chair advise the Senator from Florida as to whether his amendment can now proceed, or whether the Senator from Kansas needs to amend the amendment of the Senator from Florida?

The PRESIDING OFFICER. It can proceed, by unanimous consent.

Mr. CHILES. I so request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Kansas may offer his amendment.

Mr. DOLE. Mr. President, I call up my

amendment at the desk, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, lines 15 and 16 strike out "$936,493,000" and insert in lieu thereof "$936,918,000".

Mr. DOLE. Mr. President, this amendment is offered by myself and the senior Senator from Kansas (Mr. PEARSON). It refers to the Blue River project, which is near the border of Kansas and Missouri. It adds $350,000 to the appropriation bill. In effect, it is an amendment to the amendment offered by the Senator from Florida (Mr. CHILES).

Mr. President, I commend the chairman, Mr. ELLENDER, and members of the appropriations committee for their work on this important bill. I particularly want to express my appreciation to the subcommittee chairman (Mr. STENNIS), and the senior Senator from North Dakota (Mr. YOUNG), for their gracious treatment of the many individuals interested in water projects from throughout the Nation.

We are all aware of the many demands on the tax dollar, but water resource development must be given greater attention. Appropriations for water projects have dropped to less than one-half of 1 percent of the Federal budget.

Kansas has benefited tremendously from construction of multipurpose water projects, but there is much left to be done. The threat of damaging floods and a shortage of water during the summer months still exists in parts of Kansas.

The appropriations provided in H.R. 10090 by your committee for Kansas projects is greatly appreciated. But there is one project that is of major importance with which I am very familiar, and it is not contained in this bill. I speak of the Blue River basin project containing three reservoirs in Johnson County, Kans. As a member of the Flood Control Subcommittee of the Senate Public Works Committee, and because three of the four reservoirs are to be in Kansas, I attended the authorization hearings on this project and have studied its implications and discussed the project at great length with many people in Johnson County, Kans.

The need for flood protection is important to both Kansas City, Kans. and Kansas City, Mo.; in addition, the recreational benefits for the metropolitan area will be invaluable. The Senate Public Works Committee recognized the need to move quickly on this project and authorized the four reservoirs last year. Because of the fact that the three reservoirs in Johnson County, Kans., are in an area that is undergoing rapid urban growth, land prices are escalating rapidly. If we do not act this year, the entire cost of the project will be greatly increased. It is for this reason—because the three reservoirs are in an area experiencing rapid urbanization—that I feel the Blue River project deserves the special attention of Congress, and I have therefore offered this amendment.

I might say, in addition, that while there is great support for the Blue River basin project, there has been opposition to Tomahawk Reservoir from citizens of Leawood, Kans. In order to determine if the Tomahawk Reservoir is necessary to the feasibility of the Blue River basin project, the Senate Public Works Committee included a requirement that prior to the initiation of the project, the Secretary of the Army was to be assured by the Chief of Engineers that the most feasible combination of improvements having the most favorable impact upon the environment and future development of the Tomahawk Creek watershed has been assured. While the Corps of Engineers initially interpreted this provision to require a restudy of the Blue River basin project, I am now informed that they are prepared to proceed with the project including all four reservoirs, and that the necessary investigations are to be done in conjunction with the initial design of the four reservoirs. In order to allow them to initiate the planning on the three reservoirs in Kansas, my amendment provides $350,000 to be divided as follows:

Indian Lake	$100,000
Tomahawk Lake	150,000
Wolfe-Coffee Lake	100,000

I urge the Senate to support this amendment.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial published in the Johnson County Scout of May 12, 1971, entitled "Reservoirs Need Funding."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RESERVOIRS NEED FUNDING

The Blue River Basin flood control project, which has confronted challenge upon challenge in its struggle to survive, will encounter another stern test in late May in the nation's capital.

The 4-pool reservoir system goes before the House and Senate public works appropriations subcommittees May 24 and unless the authorized but unfunded project receives congressional financing, its future will become clouded.

A delegation of more than 100 persons from Kansas and Missouri, including Johnson Countians and the Scout-Sun's editor, will fly to Washington by chartered jet to endorse the reservoir project. It is expected the delegation will push for $900,000 to 1 million dollars in first-year planning and land acquisition funds.

"It's extremely critical that we get some funding this year," David Owen, president of the 150-member Johnson County Water Resources association, said last week. "We got to get the project started because of increasing land values, and expenses will just continue to grow unless we can move now."

Although there are 450 authorized but unfunded projects across the nation, we hope the delegation can convince Congress the Blue River reservoir must have key priority. Unless first-year funding is granted, the controversial 2,500-acre Tomahawk pool could be swept away by Northeast Johnson County's suburban sprawl.

Without the Tomahawk pool, long opposed by Leawood city officials, the complete Blue River project could be endangered from a feasibility standpoint and on the basis of water quality and flood control service benefits.

Tomahawk reservoir and its sister pools are important to Johnson County and Greater Kansas City. We wish the delegation well as it faces the most important challenge in the history of a battle-worn reservoir system.

Mr. PEARSON. Mr. President, I concur in the views expressed by my distinguished colleague. He has worked very hard on this project. He is a member of the Public Works Subcommittee. This project happens to be in my home county. It has been authorized, we seek about half of the corps capability on these projects. These are projects that, really should go forward.

Mr. STENNIS. In response to the amendment now offered by the Senator from Kansas, which was for $350,000, the only reason the committee left them out was our information that there was considerable contest, opposition, and division about the project. We have found from experience that when those conditions prevail, it is better to let it settle down before we move forward.

However, the two Senators from Kansas who are the ones that know about this in their area—one is in the home county of the Senator from Kansas (Mr. PEARSON), as he just stated— he has assured us that this matter has been essentially cleared up now. I will let them speak for themselves on that point, but under those conditions, we would reccommend that the amendment be agreed to.

Mr. DOLE. Mr. President, there is often some opposition to water projects, and in this case we have worked with the opponents to give them the opportunity to present their views on the Tomahawk Creek Reservoir to the Congress. We have resolved some of the questions concerning the project and the appropriation provided by our amendment will allow the Corps of Engineers to further investigate the feasibility of the Tomahawk Creek Reservoir. In addition, as my senior colleague knows, there has been a municipal election, and the Tomahawk Creek Reservoir was the major issue, and the proponents prevailed. So although I would not say all the problems have been resolved, this amendment provides funds to find the proper solutions.

I appreciate very much the comments of the Senator from Mississippi.

Mr. STENNIS. I think the election was significant when that was the chief issue.

We recommend that the amendment be agreed to.

Mr. President, on the Florida project for erosion control, we think that is a worthy matter. It is for $75,000 to initiate planning. The committee would recommend that that be approved.

Mr. YOUNG. Mr. President, this meets with my approval. I think the committee would have accepted it at the time it was discussed, had we had all the facts.

Mr. GURNEY. Mr. President, I want to take just a few seconds to express my appreciation to the distinguished senior Senator from Mississippi (Mr. STENNIS) who is handling the bill, as well as the distinguished ranking minority member, the Senator from North Dakota (Mr. YOUNG), for their understanding of this serious problem in Florida and their approval of the amendment.

The PRESIDING OFFICER (Mr. MON-

TOYA). The question is on agreeing to the amendment of the Senator from Kansas to the amendment offered by the Senator from Florida.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida as amended, by the Senator from Kansas.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I call up my amendment now at the desk, submitted on behalf of myself and my senior colleague (Mr. SPARKMAN), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 5, line 23, strike $5,873,000," and insert in lieu thereof the following: "$52,094,000,"

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

Mr. President, the purpose of the amendment proposed by my distinguished senior colleague, Mr. SPARKMAN, and myself, is to add $220,000 in survey funds for a model study by the Army Engineers of the authorized Mobile Harbor complex, including the Theodore Ship Channel project.

The model investigation will be carried on by the Corps of Engineers Waterways Experiment Station at Vicksburg, Miss.

The study is authorized under a resolution adopted by the House Public Works Committee on June 24, 1965, pursuant to a recommendation of the Department of Interior contained in House Document 91–335 to determine the environmental impact of the authorized Theodore Ship Channel. Among other things, the investigation would involve a determination of the effects of the Theodore project and spoil islands on tides, currents, salinities, circulation patterns, and flushing in Mobile Bay.

Mr. President, the Theodore Channel was authorized as a part of the plan of improvement of Mobile Harbor pursuant to section 201 of the 1965 Flood Control Act. This project is badly needed for new industry in the Mobile area, whose economy has continued to suffer as a result of the shutdown of Brookley Air Force Base some years ago and the result of loss of some 15,000 jobs.

The Theodore Channel would provide deep-draft navigation and connect the Theodore Industrial Park to the main ship channel in Mobile Bay. This 4,000-acre industrial park was established in 1965 and State, county, utilities, and private industries already have invested many millions of dollars in the Theodore facility. It is vital to the realization of the full industrial potential of the Theodore Industrial Park, however, to provide deep-draft navigation for dockside delivery of raw materials by oceangoing vessels.

I should like to emphasize that the benefit-to-cost ratio on the Theodore Ship Channel project is a most impressive 2.1 to 1.0. I hold in my hand a letter I have received from the office of the Chief of Engineers advising me that the Army Engineers have the capability during fiscal 1972 to utilize $295,000 to carry out the model study of Mobile Harbor. I ask unanimous consent to have this letter presented in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, this amendment would provide the full $295,000, and I can safely say that nothing will contribute so much in the immediate future to the economic well-being of the people of southwest Alabama than the improvement and deepening of the channel from the Theodore Terminal to the main ship channel in Mobile Bay.

Mr. President, the reason the amendment is directed to a larger item is that there is no line item on this appropriation. It is the intention of the junior Senator from Alabama, by this statement, to indicate that the appropriation is being increased for the purpose of utilizing funds as requested in the remarks of the junior Senator from Alabama.

EXHIBIT 1

DEPARTMENT OF THE ARMY,
Washington, D.C., May 17, 1971.

Hon. JAMES B. ALLEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLEN: This is in response to a telephone request from your office for the Corps of Engineers Fiscal Year 1972 capabilities for a model study of Mobile Harbor and for the Mobile Harbor (Theodore Ship Channel) project.

The model study of the harbor has been incorporated into the study of Mobile Harbor which was scheduled to be completed with available funds. With the addition of the model study, however, we can express a capability of $295,000 for Fiscal Year 1972.

The Mobile Harbor (Theodore Ship Channel) project was recently authorized under Section 201 of the 1965 Flood Control Act. The current estimated Federal cost is $8,090,000. No funds were requested in the Fiscal Year 1972 Budget. The Corps of Engineers capability for Fiscal Year 1972 is $75,000 to initiate preconstruction planning.

Corps capabilities are stated from a strictly engineering standpoint considering each study or project by itself without reference to our overall program, our overall capability or fiscal considerations.

Sincerely yours,

LEONARD EDELSTEIN,
Colonel, Corps of Engineers, Assistant Director for Civil Works for Atlantic Divisions.

Mr. STENNIS. Mr. President, that study is well known to the committee. We approved the study, but we find additional facts, which show that this relatively small additional sum is necessary to what we originally approved and, therefore, we support the amendment and recommend its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. YOUNG. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page six, line 15, strike out $936,493,000 and insert in lieu thereof $937,118,000.

Mr. YOUNG. Mr. President, this is an increase of $200,000. It is required for the McGee Creek Levee and drainage project in Illinois. The Senator from Illinois (Mr. PERCY) is unable to be here today.

The PRESIDING OFFICER (Mr. MONTOYA). The Chair wishes to inform the Senator from North Dakota that the amendment would not be in order because that figure has already been amended. It would be in order, however, by unanimous consent.

Mr. YOUNG. Mr. President, I ask unanimous consent that we may do so.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator may offer his amendment now. The clerk will please report the amendment.

The Senator from North Dakota may proceed with his statement pending reformation of the amendment.

Mr. YOUNG. Mr. President, this is an increase of $200,000 and is required for the McGee Creek Levee and drainage project in Illinois. The Senator from Illinois (Mr. PERCY) is unable to be here today—and that was so when we marked up the bill in the full committee yesterday—because of an important engagement, and he asked that I propose this amendment in his behalf.

Mr. President, I ask unanimous consent that at an appropriate place in the bill the $200,000 be added.

The PRESIDING OFFICER. The amendment has been corrected so that it is in order and the clerk will report it.

The LEGISLATIVE CLERK. The Senator from North Dakota (Mr. YOUNG) offers an amendment as follows:

On page six, line 15, strike out $936,493,000 and insert in lieu thereof $937,118,000.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

Mr. YOUNG. Mr. President, the $200,000 would be used to initiate construction. It is for just such an occasion as this. The existing levy offers only partial protection to 12,080 acres, of which 11,200 acres are highly developed agricultural lands.

The maximum flood of record, that of 1943, caused damages estimated at three-quarters of a million dollars. The benefit-to-cost ratio is 1.21 to 1. The average annual benefits, all flood control, are presently estimated at $340,000.

Mr. President, I have discussed this with the chairman of the committee. I believe he would be willing to take it to conference.

Mr. STENNIS. Mr. President, this is a relatively small sum. It is to initiate construction of a worthy project. The amendment was not presented to us at the time of the markup of the bill, as has been said. I am sure that if it had been, the amendment would have been adopted. I am glad to join with the Senator from North Dakota and will accept the amendment.

Mr. President, I yield back the remainder of my time.

Mr. YOUNG. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER (Mr. MONTOYA). The question is on agreeing to the amendment of the Senator from North Dakota. (Putting the question.)

The question was agreed to.

The PRESIDING OFFICER. The bill is open to third reading.

Mr. GRAVEL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The Chair informs the Senator from Alaska that his amendment is not in order. The figure he refers to has already been amended. In the absence of unanimous consent, he cannot offer the amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent that I may offer my amendment.

Mr. STENNIS. Mr. President, reserving the right to object, and I do not expect to object, this is a matter that comes under the Atomic Energy Commission. As I said before, the Senator from Rhode Island (Mr. Pastore) is a member of that committee and also of our committee. I yield to him on the matter. I do not object.

Mr. PASTORE. Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered. The Senator may offer his amendment.

Mr. GRAVEL. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> On page 2, line 19, to strike out the figure $1,962,520,000 and to replace it with $1,963,720,000.

HOW TO HELP THE FUSION PROGRAM

CONGRESSIONAL ACTION THIS YEAR

Mr. GRAVEL. Mr. President, on July 20, the Senate amended the AEC authorization bill specifically to increase the budget for controlled nuclear fusion research, by $1.2 million. Senator Pastore called this, "a reasonable amount"—Congressional Record, page 26090.

The amount of $1.2 million would permit a meager 2 or 3 percent increase in fusion effort over last year. Without the amendment, the important and peaceful fusion program would have to be curtailed by 1 percent, due to inflation.

[In millions]

1971 appropriation; some reports say $28.61	$28.41
1972 authorization before amendment; this is a 4.9 percent dollar-increase over 1971, but a 1 percent net reduction in real work, due to inflation	29.80
1972 authorization after amendment; this is an 8 percent dollar-increase over 1971, meaning a net 2 percent to 3 percent increase in possible work	31.00
Request from AEC fusion division	34.30

On July 27, the House agreed to the amendment. Consequently both Senate and House have authorized a $31 million operating budget for fusion.

On July 29, the House voted on the appropriation. The final mark-up and committee report on the appropriation had occurred before the final action on the authorization. Therefore, the Appropriation Committee was unable to appropriate more than the $29.8 million which had been authorized for fusion before approval of the amendment.

However the House Appropriations Committee stated in its report dated July 26, 1971—page 8:

> The committee has approved $29.8 million, the full amount budgeted for (fusion). . . . The committee continues to be concerned at the slow pace of the development of this program which, if successful, could be the answer to the long range energy problems facing the Nation and the world. . . . The production of energy from the controlled fusion process has certain unique characteristics which make it extremely attractive from the safety and environmental points of view. . . . The committee expresses the hope that future budget submissions will make more adequate provision for acceleration of this research and development effort in the public interest.

Furthermore, I have been assured that the House committee would happily agree in conference to an increase in fusion, if the Senate will only deliver it.

Therefore, I was particularly shocked this morning to discover that the Senate Appropriations Committee has not recommended the full $31 million authorization for fusion.

I hope the committee chairman will take a favorable position on my amendment to add $1.2 million to the fusion appropriation, as authorized.

COMPARATIVE VALUES

I am really at a loss to understand the reasoning of the Appropriations Committee when it failed to recommend the full authorization for fusion.

Let us compare the $2.6 million authorized increase over 1971 for fusion, with some of the dollar increases over 1971 which the committee did recommend:

First. $26.1 million for "nuclear materials."

Second. $15.4 million for nuclear warheads.

Third. $46 million for nuclear powerplant development.

Fourth. $6.5 million for administration.

First. The committee recommended a $26.1-million increase in "nuclear materials." Apparently that is the line which contains about $20 million net, annual, Government cost to reactivate the "N-Reactor" at Hanford—JCAE authorization hearings, page 2461.

The decision to reactivate the N-Reactor apparently represents a welfare substitute for that part of Washington. The administration's decision to shut down the N-Reactor would have put about 750 people out of work there, according to the Wall Street Journal—February 1, 1971. The reversal of that decision, according to Representative Price of the JCAE, represents a reconsideration of "the impact on the community" of shutting it down—Congressional Record, July 15, 1971, page 25213.

Now, Alaska is an economically depressed State, so I can fully sympathize with decisions which keep jobs going. But $1.2 million for fusion would also maintain and create jobs—the kind of jobs which would contribute to accelerating a magnificent achievement for all mankind: abundant, safe energy. By comparison, the $20 million for the Hanford N-Reactor produces an unparalleled risk for that community and all communities on the Columbia River or downwind from Hanford.

According to the New York Times—February 7, 1971, "An authoritative administration official" described the reactor as "a possible safety hazard," "a sloppy engineering job," and a reactor which does not even possess the safety features of commercial nuclear powerplants.

The fact is that the Hanford N-Reactor was able to operate only 42 percent of the time in 1970, is subject to frequent breakdowns, and came close to having a major accident on September 30, 1970. There was double trouble.

First, there was a blockage of coolant, which can be extremely dangerous, so the reactor had to be scrammed.

Second, the primary automatic shutdown system did not work "because of a malfunction of an electrical component"—AEC official release.

But fortunately the backup safety system had all circuits working, and the reactor was shut down before it went out of control.

Now, what makes the committee recommend $20 million to perpetuate this particular radioactive hazard, while denying $1.2 million to increase our effort in fusion?

It seems just about crazy to cut fusion, which was described last year by the late AEC Commissioner Theos Thompson as—

> The ultimate source of energy here on spaceship earth . . . (fusion) would provide the world with enough energy for over 3 million years. One can thus recognize the truly dramatic promise which fusion power holds—Nov. 5, 1970.

Can we actually allow such a program to be reduced this year? And yet that is exactly what will happen unless we amend the appropriations bill now before us—see testimony JCAE authorization hearings, page 2490, about reduction of fusion manpower.

Second. How can we refuse fusion a $2.6 million increase over last year, when we are giving a $15.4 million increase for more nuclear warheads? We already have enough warheads to give us 30,000 pounds of TNT for each man, woman, and child on earth.

Third. How can we refuse a $2.6 million increase for fusion research over last year, when we are increasing the fission research by $46 million over last year? We should compare the merits of the two programs:

FUSION AND FISSION CHARACTERISTICS

FUSION

Cheap, safe fuel such as seawater—deuterium—lithium, helium.

Little or no radioactivity.

Inherently safe anywhere.

Potentially 90 percent efficient; no thermal pollution.

Potential for fusion torch solving the solid waste recycling problem.

No fissionable material which could be diverted for proliferation of atomic bombs around the world.

FISSION, BREEDER OR CONVENTIONAL

Breeders fueled by plutonium, the most dangerous substance known to man; both breeders and conventional nuclear plants creating immense quantities of plutonium.

Immense radioactive legacy for the next 50 generations.

Inherently dangerous anywhere.

Only 33 to 40 percent efficient; tremendous thermal pollution.

Potential for permanently poisoning the planet with radioactive pollutants, and massive increases in cancer, genetic mutations, mental retardation, deformities, and all kinds of diseases.

Probability of atomic bomb proliferation, and growth of a plutonium black market.

Massive increase in security checks to prevent plutonium thefts and sabotage.

Vulnerability of powerplants to sabotage, attack, earthquakes, and accidents whose consequences could practically bring this country to its knees and impair its national security.

Fourth. How can we refuse a $2.6 million increase for fusion research over last year, when we are willing to give a $6.5 million increase over last year to AEC "administration," paperpushers, and overhead? If I were a scientist in the fusion program, I would be sick with disgust.

IS FUSION BEING SACRIFICED?

When I compare the $1.2 million which the committee is denying to fusion, with the many, many millions by which the committee is increasing other AEC programs—especially fission—I can not help fearing that there must be an effort somewhere deliberately to postpone the success of fusion.

Everyone knows that progress in fusion is now tied to dollars. In the last 18 months, our fusion experts have made exciting breakthroughs, largely as a result of initial breakthroughs made by the Russians—whose fusion program is three times larger than our own.

Now our fusion people have good reason to think they are on the brink of real fusion success. They know what they need to try next, and they do not have the money to do it. They asked for $34.3 million for next year. When they could make good use of a 100-percent increase, is this Congress actually going to reduce their capabilities by 1 percent?

I believe there are fission enthusiasts who want to do exactly that. They know that the moment fusion succeeds, their nuclear powerplants will be obsolete. That is not only obvious, but even the experts admit it:

On May 13, AEC Chairman Glenn Seaborg testified to the JCAE as follows:

> I suppose if you went into the breeder reactor program and were well launched on that kind of economy and then somehow the fusion reactor came in before you thought it would as an economic proposition, you would, despite your investment, begin to move in that direction. . . . You would not hold off on the fusion reactor. You would begin to use it.—(p. 2485).

On November 5, 1970, AEC Commissioner Thompson admitted the same thing:

> I believe it is likely that the fusion process will provide sufficient advantages so that it will naturally replace fission reactors whenever it becomes available and economic.

Clearly, the breeder could look like a better investment if fusion could be delayed. Representative CHET HOLIFIELD came close to saying it explicitly on May 13:

> I personally do not believe that it (fusion) should be escalated within, let us say, the next few years . . . I do not want it escalated to the point where it in any way detracts from the urgent work that we need to do on the fast breeder reactor—(JCAE Authorization Hearings, p. 2489).

With all the merits of fusion, and the hazards of fission, how can we explain a 47 percent net increase in this bill for fission research, and a 1 percent decrease in fusion research—unless there is a deliberate decision to sacrifice successful fusion?

The omission from this bill of the $1.2 million authorized for fusion simply can not be explained in terms of dollar-shortages and economy—not after we notice the following dollar-increases:

About $20 million for the n-reactor at Hanford, $15 million for more nuclear warheads, $46 million for fission, and $6.5 million for "administration."

If democracy still means anything, we will stand here and ask ourselves "what would the people want us to do? Would they want us to delay fusion, or accelerate it?" The only answer to that question, in my opinion, is to accelerate it. I urge my colleagues to vote for this modest amendment, which matches our full authorization for fusion.

Mr. President, the pending amendment was accepted on the authorization bill by the distinguished chairman of the committee and by the Senate.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. PASTORE. Mr. President, I think that Senators will recall that during the discussion and debate on the authorization bill, a much larger amount than the $1.2 million was requested to be added to the authorization. We compromised and kept the total figure at $31 million. The administration requested $29.8 million. This falls short by $1.2 million of the authorized amount. This would bring it up to the authorized amount. If the amendment is agreeable to the Senate, it is certainly agreeable to me to accept the amendment.

Mr. STENNIS. Mr. President, it is the Senator's judgment that the amendment should be accepted.

Mr. PASTORE. I believe that it should be accepted and taken to conference.

Mr. STENNIS. Mr. President, will the Senator from Alaska yield for a question?

Mr. GRAVEL. Mr. President, I would be happy to yield to the Senator from Mississippi for a question.

Mr. STENNIS. Mr. President, is the Environmental Agency in approval of this project?

Mr. GRAVEL. Mr. President, I can say that I have worked harder than anybody to get an environmental statement on this whole nuclear area.

Mr. President, if the Senator would accept an amendment in that regard, I would be very happy to offer it right now.

Mr. PASTORE. Mr. President, I think the wrong question was asked. If it is clean, it is clean.

Mr. GRAVEL. Mr. President, I thank the Senator for asking the question.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. GRAVEL. Mr. President, I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska. (Putting the question.)

The amendment was agreed to.

Mr. BOGGS. Mr. President, I wish to express my support for H.R. 10090, the public works appropriations bill.

The bill appropriates $65,000 in order to begin, during fiscal 1972, the design and engineering work on the Delaware Bay-Chesapeake Bay Inland Waterway project. This project has been vigorously supported by the people of southern Delaware, and it will create, for residents and vacationers along the Delmarva Peninsula, new recreational opportunities.

Under this project, authorized by the Congress last year, a number of existing waterways will be deepened and widened and new waterways dredged along the Atlantic coast of the peninsula. This will create a safe, protected waterway running from Roosevelt Inlet at Lewes, Del., to Cape Charles, Va., a distance of 145 miles. The channel would have a minimum depth of 6 feet and a width of no less than 100 feet along most of the route.

While the estimated Federal cost of the project will ultimately be $7,267,000, the $65,000 appropriated in this legislation is the sum the Corps of Engineers can, as a practical matter, use in fiscal 1972 for design and engineering. As construction will not begin for 3 years after the design work is initiated, I am very pleased that the committee has voted to move this project forward as rapidly as possible.

My colleagues are aware of the great increases that have occurred in recent years in recreational boating in our Nation. This project will serve that need well. But I would be derelict if I did not point out that safety represents another vital facet of the waterway project.

At a number of locations along the eastern shore of the Delmarva Peninsula, owners of recreational and small commercial boats now have no route behind the barrier islands for use and protection at times of heavy seas and strong winds. A voyage down the coast necessarily involves long detours into the open sea. The completion of this new link in the Intercoastal Waterway system will hasten the day when a safe, protected passage is available to all boaters in that area of Delware, Maryland, and Virginia.

Mr. President, this is an excellent project, and I commend the committee for its decision to include it in the bill.

May I point out for the benefit of my colleagues that this bill contains several other items of importance to the people of Delaware.

The bill, for instance, appropriates $150,000 to continue the planning work, initiated in fiscal year 1971, for a beach protection and improvement project along Delaware's Atlantic coastline, from Cape Henlopen to Fenwick Island. When construction work begins a year or two hence, this project would rebuild many of the beaches to the width that existed before severe erosion and storm damage.

The bill further provides $4,624,000 for additional improvements to the Chesapeake and Delaware Canal. This new commitment would raise the total appropriation on this work to $92,143,000; the total Federal cost will eventually be $105,300,000.

Mr. President, another $4,574,000 is appropriated in this bill for the operation and maintenance of various projects in Delaware: $3,900,000 for the Chesapeake and Delaware Canal, $663,000 for Wilmington Harbor, and $11,000 for existing inland waterway sections near Rehoboth Beach.

There is $50,000 for an investigation on the dimensions of the Delaware River Channel from Philadelphia to the sea, $2,300,000 for an investigation of water supply needs in the Northeastern part of our Nation, including Delaware, and $95,000 for operation, maintenance, and other work along the Nanticoke River.

One final aspect of the bill I want to touch on is an appropriation of $243,000 to assist the important work of the Delaware River Basin Commission. Most of this money—$179,000—will be the Federal contribution to the operation of the Commission itself. As my colleagues know, the four basin States—Delaware, Pennsylvania, New York, and New Jersey—are partners with the Federal Government in the running of the Commission and its activities, such as the establishment of strict water pollution control standards. An appropriation of $64,000 is also made for the expenses of the Federal representative to the Commission.

In closing, Mr. President, I wish to commend the chairman of the Subcommittee on Public Works Appropriations (Mr. STENNIS) and his colleagues on the subcommittee for their lengthy and thoughtful evaluation of the issues and projects involved in this legislation. The result is a most beneficial one for our Nation.

Mr. MATHIAS. Mr. President, as always the distinguished Committee on Appropriations, in considering the public works budget for this fiscal year, has faced the difficult challenge of promoting fiscal responsibility and at the same time advancing those projects which are necessary to our Nation's health and growth. In general, the committee has done its work well.

In examining this bill I found myself in the painful, but not unusual posture, of being both glad and sad at the same time. While I appreciate the inclusion of some recognition of the national interest in saving the Chesapeake Bay, I am deeply disappointed that this bill does not include the full amount requested by the President for one vitally important project, the Chesapeake Bay hydraulic model and associated technical center to be built by the Corps of Engineers at Matapeake. The President, recognizing the immediate need for this great research tool, recommended appropriations of $4 million, including $1,575,000 for technical studies, design work and the collection of prototype data, and $2,425,000 for the initiation of construction. This bill does contain the $1,575,000 to continue research and development, but funds for the actual construction have unfortunately been cut.

In my view this is a clear case of false economy. Every year of delay on the Chesapeake Bay model, in the midst of rising construction costs, means that this project will cost us more in the long run. Even more important, every year of delay is another year in which the people and officials of Maryland and the Nation are denied the benefits and understanding of the bay which this model alone can bring. Every year of delay means 1 more year in which crucial decisions about the bay will have to be made with inadequate facts and only partial comprehension of the delicate ecology of the Nation's greatest estuary.

The hard fact is that we cannot defer the growing pressures on Chesapeake Bay. We cannot postpone the surging population growth in the bay country and the metropolitan areas of Baltimore and Washington. We cannot put off until a more convenient time the booming growth in water-based recreation, the increases in commercial traffic on the bay, or the competing demands for bay water for new powerplants and other uses. These pressures are mounting now. Although the bay has been remarkably resilient so far, we must not rely on good luck and piecemeal decisions to insure its future health.

The hydraulic model of Chesapeake Bay was first authorized by Congress in 1965, and its full estimated cost, about $15 million, was authorized last year. The scope of the project, which will be the size of 13 football fields, does not appear excessive in relation to the great expanse of the bay itself and the need for a model large enough to reflect accurately all of the intricacies of currents, tides, water inputs and diversions, salinity, and other elements. Engineers have concluded, in fact, that the proposed model is actually quite modest in relation to the resource and the sophistication of the research planned. Arbitrary reductions in its size could easily prove to be counterproductive, saving pennies in the short run but denying us knowledge worth millions in the years to come.

Again, I deeply regret that the Congress did not agree with the President that the construction of the bay model should begin this year. I intend to seek a reconsideration of this project at the earliest possible time with a view toward obtaining funds for construction next year.

In regard to other projects, this bill does contain $4,624,000, as requested by the President, to continue the widening and deepening of the C. & D. Canal; $6,220,000, as requested, for construction of the Bloomington Dam and Reservoir; $50,000 to resume work on the Baltimore Harbor channel connecting with the C. & D. Canal; $65,000 for planning for the inland waterway from the Chesapeake Bay to the Delaware Bay; and funds for flood control studies of the Nanticoke River and tributaries, $20,000; the Patuxent River and tributaries, $35,000; and the Youghiogheny River Basin, $110,000.

In a statement submitted to the Subcommittee on Public Works on May 26, I fully supported these efforts, and urged additional appropriations to advance the completion date of the C. & D. Canal project and connecting channel, to insure that the Bloomington Dam will remain on schedule, and to begin preconstruction planning of the 50-foot channel from Baltimore Harbor to the mouth of the Chesapeake Bay. While the funds contained in this bill do not fully meet those goals, the pending appropriations will bring great benefits to Maryland and the Nation's economy.

Mr. FULBRIGHT. Mr. President, regarding the pending public works appropriations bill, H.R. 10090, I wish to express my appreciation to the Appropriations Committee for the inclusion of a number of items which will benefit the State of Arkansas. Most of these projects are ongoing, and I shall not discuss them separately at this time, except to say that in behalf of many interested Arkansans, I would like to particularly thank both the subcommittee and the full committee for adding $375,000 to initiate planning on the Felsenthal lock and dam. In addition to improving navigation on the Ouachita River in southern Arkansas, these funds will significantly contribute to the realization of a recently proposed national wildlife refuge. This refuge was authorized in the Rivers and Harbors Act of 1970, with the cooperation of the Department of the Interior and the Corps of Engineers. The benefits expected to accrue to our State were expressed recently in a letter of Mr. H. K. Thatcher, executive vice president of the Ouachita River Valley Authority. I quote as follows from Mr. Thatcher's letter:

> Construction expenditures will in the long run be only a small portion of the benefits from this federal work project. It is estimated by the U.S. Army Corps of Engineers and the ORVA that the full operation of the 9-foot navigation project in the Ouachita River will yield approximately $6,000,000 annually. The U.S. Department of the Interior estimates that the state's income from sportsmen expenditures and the tourist business from the project, when fully developed, will exceed $100,000,000 annually.

ATOMIC ENERGY APPROPRIATIONS

Mr. GRAVEL. Mr. President, this $4.6 billion appropriation bill contains $2.3 billion for atomic energy. This is the bill which funds what is widely acknowledged to be the most dangerous process known to man: nuclear fission, both in warheads and powerplants. Therefore, this is the bill which makes misery for life on earth into a real possibility or perhaps a probability. This is the very bill which could make all other bills irrelevant.

Furthermore, this is the bill which starves a program which could provide overwhelming benefits, instead of dangers, to all mankind. I am referring to controlled nuclear fusion for the production of abundant, safe, electrical energy. This bill gives it about 3 percent of the amount which it gives to overkill weapons. If this bill reflects the values of this country, then I am ashamed.

I do not mean that as a criticism of my esteemed colleagues on the Appropriations Committee. They alone are certainly not making the nuclear policies of this country. Every Member of Congress is responsible, mostly for doing nothing about this supremely important subject.

Why are we almost automatically passing the bill which funds nuclear fission? We are passing it—and I shall vote for it too—because the money for atomic energy is in the same bill with public works projects desired by the people we each represent. If we vote "No" because of atomic energy, we would also be voting against other projects which our States desire. Who among us wishes to go back to our State and say, "I just helped defeat a bill which would have put $8 or $9 million in this State"? Politically, we feel helpless to oppose any program which would produce dollars and jobs—even if the dollars and jobs are part of a dangerous program.

The dangers of the nuclear arms race are obvious; I shall not describe them now. According to the Gallup poll, July 25, 1971, 43 percent of the public says that "war is an outmoded way of settling differences between nations." Perhaps 43 percent wish we would vote "No" on more nuclear weapons. There is nearly a billion dollars in this bill just for warheads. That budget item makes me think of President Eisenhower's remark that—

> People want peace so much, that one of these days, governments had better get out of their way and let them have it" (August 1956).

Mr. President, I ask unanimous consent to have the July 25, 1971 Gallup poll printed at the end of these remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. GRAVEL. Mr. President, the dangers and obsolescence of the civilian nuclear electricity program—which accounts for about $400 million in this bill—also are becoming obvious to a growing number of people. In this one week alone, a group of nuclear engineers and physicists in Cambridge warned that the licensing of nuclear powerplants with dubious, untested emergency core cooling systems may result in a "catastrophe and loss of life exceeding anything this Nation has seen in time of peace," while a Federal court ruled that AEC licensing policy is making "a mockery" of the National Environmental Policy Act.

Mr. President, I ask unanimous consent that the paper entitled "Nuclear Reactor Safety: An Evaluation of New Evidence," by the Union of Concerned Scientists, July 1971, and the Washington Post story "A-Plant Safeguards Held Faulty by Court," July 24, 1971, be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 2.)

Mr. GRAVEL. In spite of these warnings and many others, most of my colleagues today will approve funds for the civilian nuclear electricity program, on the grounds that they are not "expert" enough to defend or even hold a dissenting opinion.

I have a cheerful message: The problem is blazingly simple. It centers around the unavoidable production of potentially lethal radioactive garbage inside nuclear powerplants. That is a fact of physics, and the quantity of radioactivity is determined by nature, not by man. Every time we hear about the startup of one more 500-megawatt nuclear plant, it means that we are irrevocably committed to controlling and guarding about 250 megatons' worth of long-lived fission products for a few hundred years. That is 200 times more long-lived fission than will be produced if we do the "Cannikin" weapon test, and about 40 times greater than the entire amount of radioactive fallout which clobbered this country from the pretreaty atmospheric bomb tests.

In other words, every single nuclear powerplant inevitably creates a giant radioactive legacy. It runs equivalent to exploding about 1,000 Hiroshima-size bombs per year, per 1,000-megawatts of electrical capacity. The arithmetic is in the July 8, 1971, CONGRESSIONAL RECORD, page 24013.

If our 22 operating nuclear plants, which combined produce about 9,000 megawatts, each operate for 25 years, they will leave behind as much long-lived radioactivity as the explosion of about a quarter of a million Hiroshima bombs.

The risk is positively grotesque when you do the arithmetic on the 80 additional plants which the AEC expects to license for operation in the next 9 years, and the additional 900 plants before the year 2000. The inevitable radioactive garbage would be so enormous—equivalent to a million Hiroshima bombs per year—that even 99.99 percent success in its perpetual control and guardianship would produce not a success, but rather a catastrophe in terms of radioactive contamination, cancer, mental retardation, physical deformities, heart disease, and many other serious afflictions.

When the AEC assures us all that nuclear electricity is less hazardous than leaning against a granite wall or wearing a luminous wrist watch, the AEC is postulating a miraculous human infallibility when it comes to handling radioactivity.

How many of us have the slightest confidence in human infallibility? Yet today, we will all vote as if we did, indeed, have that foolish feeling. Today we will all vote "yes" on a bill which accelerates a radioactive future and provides a 53 percent increase for "breeder" reactor development.

Why do we do it? We vote "yes" because we share a mentality which will vote for just about anything, provided it brings jobs and dollars to our constituents. We think we know what they want. Have not we all seen locatities so desperate for jobs that they have wooed nerve-gas depots, radioactive reprocessing plants and dumps, and even reactivation of one of the country's most dangerous nuclear plants? It is pathetic to see a so-called free people forced to sacrifice their own safety in return for jobs and the privilege of a roof over their heads.

I refuse to believe the creativity of Congress is so limited that we cannot start thinking of useful, productive activities instead of hazardous ones to fill the "pork barrel" and to gladden the hearts of our constituents. I believe we do have a responsibility to see that people have jobs or other opportunities to live decently, but the responsibility does not end there. We have a moral responsibility to replace death-oriented "opportunities" with life-oriented ones.

The connection between appropriation bills and jobs is obvious. The Federal budget is about one-fifth of our gross national product. Military activities alone are creating about 1 job out of every 10 in this country. This particular appropriations bill secures thousands and thousands of jobs in atomic energy. If today, we simply said "no" to nuclear electricity, thousands of people would be out of jobs.

No one wants that. So we vote for jobs. We hardly stop to think that today we are voting also for substantially increasing our radioactive legacy and for escalating the nuclear arms race. We hardly stop to use our heads on the alternatives—like giving the same people in the same States the same money to do something else besides split atoms.

For instance, it might actually be better for this country and mankind, to vote $130 million for the "breeder" nuclear power program with one proviso: "Do not do it." Such a scenario might sound fanciful, but actually it would not be very different from paying farm owners not to grow crops.

We who essentially create one job out of every five with our annual appropriation bills, should not be too prissy about admitting that we regard appropriation bills as a form of welfare, in the literal sense, for our constituents. Since we all agree to give it, I think we should pay far more attention to finding out what sort of work the people want to do, and to have done, with their tax dollars. Perhaps nuclear fission is not one of their favorites. Perhaps we are forcing it on them.

This country is fast getting unstuck from its 1954 vision that nuclear fission would be the only possible source of electricity for the future. In 1954 and in 1957, Congress made the encouragement of the atomic energy industry part of the law of the land. But in those years, there was no sputnik yet, no space program to provide breakthroughs in solar electricity, and no program providing breakthroughs in controlled fusion energy. So our vison was limited to fission.

Seventeen years later, it is clear that nuclear fission is not the only possible source of electricity for the future: it is becoming clear that our 1954 vision may be the worst possible choice today.

However, I know that an automatic "yes" today for nuclear fission dollars is inevitable. Therefore, I am wasting no one's time with an amendment on the civilian nuclear electricity program. A year from now, the situation will be different.

EXHIBIT 1

THE GALLUP POLL: WAR SEEN "OUTMODED" BY 43 PERCENT OF U.S. PUBLIC

(By George Gallup)

PRINCETON, N.J.—President Nixon's recent announcement that he will visit China to promote peaceful relations comes at a time not only of widespread disillusionment over our involvement in Vietnam, but of belief among many Americans that war is an outmoded way of settling differences between nations.

In a late June survey, nearly half of Americans interviewed (46 per cent) say war is outmoded. However, almost as many (43 per cent) hold that wars are sometimes necessary to settle differences between nations, with a significant proportion specifying, "when our survival is at stake."

A total of 1,501 adults, 18 and older, were interviewed in person to obtain the results of this survey, which was conducted in more than 300 scientifically selected localities across the nation during the period June 25–28. This question was asked:

Some people feel that war is an outmoded way of settling differences between nations. Others feel that wars are sometimes necessary to settle differences. With which point of view do you agree?

	Outmoded	Sometimes necessary	No opinion
National	46	43	11
Under 30 years	43	45	7
30–49 years	43	46	11
50 and older	46	41	16
College background	52	43	5
High school	45	45	10
Grade school	43	40	17
Men	43	49	8
Women	48	38	14
Republicans	41	46	13
Democrats	48	42	10
Independents	48	43	9
East	50	39	11
South	35	52	13
Midwest	46	45	9
West	55	34	11

NUCLEAR REACTOR SAFETY: AN EVALUATION OF NEW EVIDENCE

(By Ian A. Forbes, Daniel F. Ford, Henry W. Kendall, and James J. MacKenzie; of the Union of Concerned Scientists, Cambridge, Mass., July 1971)

(NOTE.—Copies of this report are available from the Union of Concerned Scientists, P.O. Box 289, M.I.T. Branch Station, Cambridge, Massachusetts, 02139. Please include $1 to help cover costs of printing, handling, and postage.

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(The Union of Concerned Scientists is a Boston area coalition of several hundred scientists, engineers, and other professionals who are concerned with the impact and effects of uncontrolled technology on society. UCS was founded on March 4, 1969 and has been most active in the areas of arms control and environmental pollution.

(UCS is an advocate organization dedicated to the protection of the long-term public interest. Its Committee on Environmental Pollution has worked on problems related to nuclear power, air and water pollution, oil spills, highway construction, and unrestricted pesticide uses.

(The Union of Concerned Scientists is the Boston Chapter of the Washington-based Federation of American Scientists.)

"Our safety lies, and lies exclusively, in making public decisions subject to the test of public debate. What cannot survive public debate—we must not do."—John Kenneth Galbraith

I. INTRODUCTION

The nation faces a growing electric power shortage whose roots lie in an ever increasing per capita demand for electricity to support our rising standard of living and in a burgeoning population whose size is expected to grow by 50% in the next thirty years. Our electric power problems are aggravated by an increasing reluctance on the part of the public to permit the construction of environmentally damaging fossil-fuel plants. To help alleviate this power shortage the nation is turning to nuclear power: the controlled release of the enormous energies available from the atomic nucleus. Widely heralded as 'clean power' because its production generates no sulfur oxides, smoke, or other visible pollutants so much in evidence from coal or oil generating plants, it has come, so its proponents say, just in time to augment and ultimately dominate as the national source of electricity.

Recent tests, carried out under the sponsorship of the United States Atomic Energy Commission, however, have indicated that emergency systems incorporated in presently operating and planned reactors might not function adequately in the event the reactor should lose its cooling water (loss-of-coolant accident). In such a circumstance the reactor core would be expected to melt down and breach all the containment structures, very likely releasing some appreciable fraction of its fission product inventory. The resulting catastrophe and loss of life might well exceed anything this nation has seen in time of peace. The nation cannot move to dependence on nuclear power until the possibility of such an accident is totally negligible.

Our deep concern over this situation has led us to study the technical nature of a loss-of-coolant accident and the emergency core-cooling systems designed to prevent meltdown. We have evaluated the possible consequences of a major fission product release and have assessed in some detail what the lethality and range of the radioactive cloud might be from an accident involving a large modern reactor.

In the United States, the reactors in almost all nuclear power plants are cooled by the circulation of ordinary water. These reactors are called "light water reactors", and it is this type that we shall be concerned with in this document. There are presently 21 operating light-water power reactors in the United States, 56 more under construction, and 44 others are in planning and design stages. By the year 1980 there will be more than 100 reactors operating singly and in clusters across the country, with a total electrical generating capacity of 150,000 megawatts of electricity.

Nuclear reactors have some unique problems associated with their operation that are unlike those accompanying any other source of energy. These problems are generally related to containing the potentially lethal nuclear radiation that accompanies the power developed by the fissioning (splitting) of uranium atoms. There are two major sources of this radiation. The first accompanies the release of energy by the atomic nuclei as they are split or fissioned. This energy is the source for generating the steam to drive the turbine. If the reactor were to be deliberately shut down or if its cooling water were lost through a pipe rupture or other accident, the levels of this radiation, and the principal energy release, would be quickly reduced.

The second source of radiation is the spent fragments of the fissioned atoms. These fission products are the nuclear ashes that result from the 'burning' of uranium. They are intensely radioactive and accumulate in great abundance as a reactor continues to run. This source of radiation persists at very high levels even when the reactor has been shut down. Under normal circumstances these fission products remain within the fuel elements where they are formed.

Fuel elements, composed of small ceramic-like cylinders of uranium dioxide enclosed in long thin tubes of an alloy of Zirconium and Aluminum (Zircaloy), must be periodically replaced. The highly radioactive waste products that have accumulated in them must then be removed by chemical processing and stored safely away for thousands of years until the radioactivity has died away.

A nuclear reactor employs heavy shielding of steel, water, and concrete to absorb the radiation from the fissioning nuclei and from the fission products. Very substantial precautions are taken to prevent the escape of more than the most minute quantities of radiation or radioactive materials. Multiple sensor systems detect improper operation and initiate emergency procedures designed to prevent an unwanted release. Should one level of reactor containment be breached, others, still effective, are there to prevent major releases.

Nevertheless, as we shall see, there is an enormous potential for damage from a large release of fission products. Accordingly, there is a great burden on the designers of reactors to understand fully all aspects of potential accidents and have known and proven facilities to prevent or largely mitigate the consequences of a major accident. We have grave concerns that this is not presently the case with regard to the consequences of a loss-of-coolant accident.

In the following sections we describe: first, the consequences of a loss-of-coolant accident that releases a substantial amount of radioactive material into the environment; second, how such an accident could occur through the failure of inadequate safeguards; and, finally, our urgent recommendations. The aim of these recommendations is to lead to nuclear power generation that is as secure from a hazardous accident as human ingenuity and care can provide.

II. THE CONSEQUENCES OF A MAJOR REACTOR ACCIDENT

"If the emergency cooling system did not function at all, the core would melt and the molten mass of Zircaloy and UO_2 would collapse and probably melt through the pressure vessel in 30 minutes to 1 hour."—C. G. Lawson, *Emergency Core-Cooling Systems for Light-Water-Cooled Power Reactors,* Oak Ridge National Laboratories, 1968 (ORNL–NSIC–24), p. 52.

"It seems certain that melt-through will be a catastrophic event in that large quantities of molten material will be discharged suddenly."—Report of the Task Force Established by the U.S. AEC to Study Fuel Cooling Systems of Nuclear Power Plants, *Emergency Core Cooling,* 1967, p. 145.

The emergency core-cooling system is the reactor safety feature whose reliability is our pressing concern. Although the nature and sequence of events accompanying reactor accidents is subject to much speculation and conjecture, owing both to the fortunate lack of experience with major reactor accidents and the unfortunate lack of extensive experimental data on reactor safety systems, it is clear that the emergency core-cooling system is a vital safety system in currently operating reactors. As the statements from the two AEC reviews of emergency core cooling quoted above affirm, emergency core-cooling performance determines whether a loss-of-coolant accident can be terminated without a major catastrophe. To facilitate an understanding of the seriousness of the recent indications of emergency core-cooling system unreliability, we describe in this chapter the consequences of emergency core-cooling system inadequacy in a loss-of-coolant accident. The evidence of this inadequacy is presented in the following chapter.

If through equipment malfunction or failure, human error, or an externally initiated event such as sabotage or severe earthquake, one of the major cooling lines to a large reactor core were ruptured, the water circulating through the primary cooling system would be discharged from the system through the rupture and the reactor core would be without coolant. As stated earlier, the absence of water (which normally serves as a 'neutron moderator' as well as coolant), plus emergency insertion of the control rods, would prevent the continuation of uranium fission. That is, the reactor would become, and would remain, subcritical and the primary source of reactor energy would be removed.

There is, however, the other source of heat which could not be turned off by reactor shutdown—the heat generated by the intense radioactivity of the fission products in the fuel rods. In a 2000 Mw (thermal) reactor (allowing generation of about 650 Mw of electricity), which is typical of many now operating, the heating provided by this source 3 seconds after control rod insertion amounts to approximately 200 Mw; after 1 hour, 30 Mw; after a day 12 Mw; and would still be appreciable for some months.

Under normal reactor operating conditions, the external surfaces of the fuel cladding is at a temperature of about 660° F, while the interiors of the fuel pellets are very much hotter, typically 4000° F, near the melting point of the material. After coolant loss, the pin surfaces begin to heat rapidly both from the higher temperatures inside and from the continued heating by the fission products. In 10 to 15 seconds the fuel cladding begins to fail and within one minute the cladding has melted and the fuel pins themselves begin to melt. If emergency core cooling is not effective within this first minute, the entire reactor core, fuel and supporting structure, begins to melt down and slump to the bottom of the innermost container. Emergency cooling water injected at this stage may well amplify the disaster as the now-molten metals can react violently with water, generating large quantities of heat, releasing steam and hydrogen in amounts and at pressures that can themselves burst the containers (see Battelle Memorial Institute Report BMI-1825). Approximately 20% of the fission products are gaseous and the meltdown has released them entirely from the now fluid core. If the containment vessels do not burst, the molten mass of fuel and entrained supporting structure continue to melt downward, fed by the heat generated by fission-product radioactivity. At this point in the accident there is no technology adequate to halt the meltdown—it is out of control (cf *Emergency Core Cooling*, Report of the Task Force Established by the U.S. Atomic Energy Commission to Study Fuel Cooling Systems of Nuclear Power Plants, 1967). This meltdown situation has been referred to as a 'China Accident.' How far down the core would sink into the earth and in what manner the material would ultimately dissipate itself are not entirely understood, but what is close to certain is that virtually all the gaseous fission products and some fraction of the volatile and non-volatile products would be released to the atmosphere.

The released radioactive material would be transported and dispersed in the atmosphere. Unlike the fission products of a nuclear weapon explosion which are distributed in an immensely hot bubble of gas that rises rapidly, the gases here are relatively cool. Accordingly, they rise little at best and may easily be trapped under temperature inversions common at night. The cloud can be lethal at dozens and, in some circumstances, at close to one hundred miles.

In 1957 the Atomic Energy Commission published a detailed and thorough report entitled "Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants", frequently referred to by its document code designation: WASH-740. It presented the results of a detailed analysis of the dispersion of radioactivity, amounting in one of their examples to 50% of the fission products contained in a reactor, and of the human exposure to radiation that would result if these fission products were released from a reactor in forms easily dispersed by the winds. We have studied the report in detail and it forms the basis for our evaluation of the accident hazards.

The implications and conclusions of WASH-740 are generally discounted by the Atomic Energy Commission and the nuclear power industry on the grounds that (1) no mechanisms exist that would disperse 50% of the reactor fission product inventory through a breach in all the containment vessels, as was assumed in the report, and (2) it is essentially impossible to breach all the containment vessels, anyway, in view of the elaborate safety equipment incorporated in modern reactors. We discuss these two criticisms next.

The fission product inventory of a modern 2000 Mw(t) reactor after a long period of operation can be as much as 15 times greater than that assumed in WASH-740. Accordingly, the consequences of the worst accident discussed in WASH-740 could be duplicated by the release of barely more than 3% of the radioactive material in a modern reactor. This much material represents less than 1/7 of a reactor's volatile or gaseous fission products, all of which (and more) could well be expected to be released after a complete core meltdown.

With reference to the second criticism of WASH-740, we shall see in the next section in more detail that it is not at all impossible to breach the containment vessels.

There are other assumptions in WASH-740. They concern the mechanisms of radiation exposure from the cloud of radioactivity released by the reactor; the deposition of radioactive materials on the ground (fallout); and the mechanisms of transport and dispersion by the atmosphere for a variety of commonly occurring meteorological conditions. We have examined these assumptions and the calculations based on them and have concluded that they represent an adequate basis for estimating the consequences of a major accident.

We have considered in this example an accident just prior to refueling in a reactor generating 2000 Mw of thermal power, typical of many now operating. We have assumed that one third of the fuel is removed for reprocessing each year, as is customary, and replaced with fresh fuel. The quantity of fission products in the reactor core reaches a maximum just before refueling. We consider an accidental release of a portion of these products to the atmosphere. The manner and speed with which the material spreads will depend on a number of parameters. These include the particle size (for the non-gaseous fission products), the temperature of the emitted materials, and the then-existing weather conditions: wind speed and direction, rain, temperature stratification, and so forth.

A release that involves primarily highly volatile or gaseous materials is more likely than one that involves dispersal of substantial solid material as a smoke or dust, although the latter may certainly occur. The volatile and gaseous radioactive materials are the halogens and noble gases and include the Xenons, Kryptons, Bromines, Iodines and Strontiums and comprise some 20% of the fission product inventory. These and the semivolatiles—Ruthenium, Cesium, and Tellurium—are released in an uncontrolled core meltdown. The Iodines and Strontiums are biologically the most hazardous.

As in WASH-740, we have considered hot clouds (3000° F), cold clouds, fumes, dust and gaseous emissions, and a range of commonly occurring meteorological conditions including rain, no-rain, daytime and nighttime lapse rates (that is, the presence or absence of temperature inversions) and various cloud rise distances from zero to several hundred meters. The larger cloud rises depend on initial temperatures that appear improbably high, and the most probable situation appears to be the emission of a ground level cloud. This latter case unfortunately results in the greatest damage.

In the case of emissions from the reactor of purely gaseous radioactive products, the biological effects are dominated by radiation exposures from cloud passage. If, in addition, there is radioactive particulate matter, as dust or smoke, then one expects deposition of radioactive materials quite similar to nuclear weapons fallout. Unlike weapons fallout, which decays rapidly from the first, reactor 'fallout' decays rather slowly for some time. Some of the radioactive materials have half-lives in the years or tens of years and evacuation, land denial, or land restrictions may thus persist for appreciable periods of time. Substantial uptake and ingestion of radioactive materials would occur in humans exposed to clouds containing radioactive dusts or smokes.

We shall summarize a number of cases from our study in terms of maximum distances at which various consequences of cloud passage and radioactive deposition might occur. The effects refer to a person exposed to cloud passage with no shielding or protection. The cloud would be increasingly difficult to see after it had moved away from the accident site, and would be invisible long before it had lost its lethality. Persons inside structures at the time of cloud passage would receive substantially less initial exposure from cloud passage but would receive continuing exposure from material finding its way into the structures and only slowly dispersing.

Under daytime conditions, with no temperature inversion, a cold, ground-level cloud, and an 11.5 mph wind, lethal injuries might be expected to a distance of 2.5 miles, injuries likely to 5 miles, and possible but unlikely effects no further than 20 miles, assuming 20 percent of the fission product inventory is released. If 5% is released, these distances become 1 mile, 2.5 miles, and 12 miles, respectively. The region affected is a strip, extending downwind and as wide as ¾ mile across.

Injury here means radiation sickness and other prompt effects in addition to increased susceptibility to many other diseases throughout the lifetime of the exposed persons. In particular, enhanced incidence of leukemia and other cancers would be expected in addition to genetic damage.

If, however, the radioactive materials are released under a temperature inversion, by no means an uncommon nocturnal condition, with a 6.5 mph wind, the meteorological trapping greatly extends the range of possible death or damage. Assuming a 20% release, lethal effects can extend 75 miles downwind in a strip of maximum width up to 2 miles. Injuries would be likely at up to one to two hundred miles, the presence of moderate rain yielding the lower figure. For release of 5% of the fission products these numbers are reduced to 40 miles and 80 to 100 miles, respectively, in a strip up to one mile wide.

Non-gaseous, particulate fission products might be generated in chemical explosions arising should molten reactor core material contact water in appreciable quantity or if the core meltdown generated high temperatures. These products will, in part, be deposited on the ground as fallout. If they are initially borne aloft in a hot cloud, the point of maximum deposition may be some distance down wind, but if emitted in a cloud at essentially ambient temperatures, deposition would be expected to be a maximum at the reactor site and decrease downward. Rain, depending on its rate, can substantially increase the rate of deposition, and by depleting the cloud, much reduce the range of fallout, at the cost of increased local concentrations. Non-volatile particulate material would include entrained amounts of Cesium-137 with a half-life of 30 years, and of the partially volatile Strontium-90 with a half-life of 28 years. The latter material is an especially noxious contaminant for, in addition to its long half-life, it is chemically similar to calcium and when ingested, lodges in the bones. Low concentrations of Strontium-90 on arable land require agricultural restrictions for it can move through various food chains into humans.

The estimates of the distances at which evacuation (urgent or merely necessary), severe land restrictions, or agricultural use restrictions would occur, are particularly sensitive to the particle size, emission mechanism from the core, and meterological conditions during transport. It is presently not possible to refine these estimates and select among them owing to a lack of knowledge of the nature of possible accidents. If we assume 4% of the non-volatile core products are released then urgent evacuation might be required out to 15 to 20 miles, within 12 hours, or might not be required anywhere. Necessary evacuation might be required on a less urgent basis out to 80 to 100 miles, or possibly not at all. Land use restrictions would be inevitable, however, for this postulated release, and would extend a minimum of fifteen miles and could reach to distances of 500 miles or more. Denial or land use restriction might persist for some years.

Some idea of the hazardous nature of the materials involved comes from recognizing that the Strontium-90 inventory in the reactor we are considering is sufficient to contaminate more than 1000 *cubic miles* of water in excess of permitted AEC tolerance levels.

Many of the power reactors now operating are sited near metropolitan areas and a very large number are planned to be similarly sited. One reactor under construction near Boston is within 50 miles of close to 3,000,000 persons, and is 6 miles from a town of 15,000 persons.

We should emphasize that in making these estimates, we have considered only commonly occurring meteorological conditions and the release of no more than one-fifth of the hazardous materials from the core. Uncommon, but by no means rare, weather conditions might appreciably extend the range of lethal or damaging effects.

G. W. Keilholtz, C. E. Guthrie, and G. C. Battle, Jr. (*Air Cleaning as an Engineered Safety Feature in Light-Water-Cooled Power Reactors,* ORNL–NSIC–25, September 1968, page 4) state that:

"Several power reactors with outputs of over 1000 Mw(e) each are scheduled for Startup in 1970–71, and reactors of about 1500 Mw(e) are being designed. The increase in numbers is increasing the probability that a major accident might occur, the increase in size is increasing the fission-product inventory in the average power reactor, and increases in both number and size are increasing the total amount of fission products that must be contained, within reason, to prevent excessive contamination of the earth's atmosphere."

Reactors of 1000 Mw and 1500 Mw electrical power are respectively 1½ times and 2¼ times larger than the reactor we considered in our calculations on the consequences of reactor accidents. For these larger reactors the ranges of accident effects would be greater than our estimates.

It is certainly conceivable that more than one fifth of the fission products might be released in a wholly uncontrolled core meltdown. The range estimates for lethal or damaging effects we have made should be regarded as conservative and by no means considered extreme distances that could not be exceeded in particularly unfortunate circumstances.

Quite aside from the direct and indirect damage and loss of life that might ensue from a drifting, lethal radioactive cloud, there is the fear and anxiety that its existence would entail. It is probably not possible to evacuate a major city, near the accident site, exposed to the threat of cloud passage and radioactive fallout, and little could be done aside from warning the majority of the inhabitants to seek shelter from the invisible materials moving toward them. It is hard to doubt that the warning alone would initiate a great urban dislocation and panic even if the cloud were diverted by the wind.

It is abundantly clear from our study that a major nuclear reactor accident has the potential to generate a catastrophe of very great proportions. The full scale and consequences of a catastrophe cannot fully be reckoned, yet it is against such an ill-understood but awesome event that the scale of, and confidence in, the reactor safeguards must be weighed.

We next turn to the question of how emergency core-cooling system inadequacies may lead to a major catastrophe in the event of a loss-of-coolant accident.

III. EMERGENCY CORE COOLING AND A LOSS-OF-COOLANT ACCIDENT

We have already pointed out that in the unlikely event that the primary coolant flow is interrupted, as through a break in one of the recirculating lines causing ejection of the primary coolant from the core, a simple shut down of the reactor (that is inserting the control rods and halting the chain reaction) may be insufficient to prevent a release of core radioactive materials into the environment. Even though fissioning ceases when the reactor 'scrams' or shuts down, the heat generated by the decay of fission products produced during normal operation is sufficient, in a large reactor, to cause meltdown of the core within a minute or so.

The function of the emergency core-cooling system is to resupply the core with coolant water in the event of the loss of primary coolant in a loss-of-coolant accident. If the emergency cooling system did not function at all, the core would melt and the molten mass of fuel cladding and uranium dioxide fuel, weighing a few hundred tons for a large reactor, would collapse to the bottom of the inner containment vessel and would be expected to melt through the vessel in 30 to 60 minutes. Other containment might still prevent loss of radioactive material (if none had not already escaped through the rupture) but, driven by fission product heating, the mass would continue to melt downward, through all man-made structures. The possibility of avoiding the release of radioactive materials once this happens appears negligible and the stage is then set for the kind of catastrophe discussed earlier.

In the course of reviewing this paper, Prof. James A. Fay, of M.I.T.'s Mechanical Engineering Department, has made some preliminary estimates of the rate of descent of the molten mass of fuel, fission products and supporting structure following core meltdown. From this we have made some crude estimates of the nature of last stages of a melt-down accident. Although melting of the fuel elements themselves requires very high temperatures (of order 5000° F), it would appear likely that the core and supporting material after meltdown and after melt-through of the steel containment structures would be appreciably cooler. If the mass were at a temperature of 3000° F it would sink through rock at nearly 200 feet per day. As it continued to cool from melting and entrainment of rock, from loss of its heat source through radioactive decay and by loss to the environment, its rate of descent would slow. At 2100° F it would be melting downward at 50 feet per day and when at 1300° F descending no more than one foot per day. Radioactive decay alone diminishes the heat source by about ninety percent by the end of a week, compared to its strength at the time of meltdown, so the sinking would be nearly arrested after a few weeks or a month, with the hot mass expected to have descended no more than a fraction of a mile. Ejection of substantial amounts of radioactive materials would have ceased much before this time, unless the mass encountered ground water on its trip down. Chemical reactions of explosive violence could, in this instance, cause more hazardous material to be spewed forth. Ultimately the mass would cool off slowly, entombed well underground. Extensive deposition of fallout at and near the accident site and possible contamination of groundwater would be a reminder for many tens of years of the core meltdown accident.

It is clear why a reliable emergency core-cooling system is, therefore, such an important component of nuclear reactor safety equipment.

A series of tests of a simulated emergency core-cooling (ECC) system were conducted during the period of November 1970 through March 1971 at the National Reactor Testing Facility in Idaho. In these tests, the simulated emergency core-cooling system failed in a particularly disturbing manner and, accordingly, we have carried out a detailed examination of the test results and a systematic evaluation of the issues thus posed. We have examined the technical documents pertaining to the Idaho experiments, talked with some of the investigators who performed the tests and to other reactor experts, and examined data on reactor safety systems contained in internal AEC reviews of the issues, in an effort to form a sound judgment as to the Idaho tests' implications for the safety of nuclear reactors.

The tests of the ECC system, part of the Loss-of-Fluid Test (LOFT) program, were performed on a small semi-scale reactor mockup. The ECC system on the mockup was of the type common to pressurized-water reactors, i.e., it was designed to flood the core from the bottom.

The mockup consisted of a small, cylindrical core (about 9 inches high and 9 or 10 inches in diameter) with upper and lower plenum, inside a pressure vessel and a single coolant loop.[1] The core contained Zircaloy, or, in other tests, stainless-steel rods, which were electrically heated.

Operating power was about 1.1 Mw, yielding a typical commercial reactor power density. Core pressure and temperature were likewise typical of a large pressurized-water reactor, about 2180 psig and 575° F, respectively. All but the first two tests used orifices on the core inlets to simulate the pressure drop across a large core.

The tests were intended to study the effects of ECC after a rupture of the primary coolant loop piping. The system was generally made in the cold (inlet) leg at a point higher than the core top. The break area-to-system volume ratio was varied between 0.007 ft^{-1} and 0.0007 ft^{-1}. In one test, a break was made in the hot (outlet) leg. The emergency coolant was introduced into the inlet plenum. Between 3 and 10 seconds (depending on break size) were required to depressurize the system to the 660 psig level required for ECC flow to commence.[2]

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[1] Three coolant loops are generally employed in power reactors.

Only a negligible fraction of the emergency core-cooling water reached the core in any of these tests, even in those tests where a quick-closing valve on the ECC line, or other fast-acting bypass systems, was added. In fact, no appreciable difference in post-break core temperatures was observed when the tests were conducted *without* the emergency core cooling utilized.

The official reports of the Idaho Nuclear Corporation, which performed the experiments for the Atomic Energy Commission, express the test results: "The first semi-scale test involving emergency core cooling (EEC), test 845, was performed in which EEC was injected into the annulus between the flow skirt and vessel wall. Early analysis of test data indicates that essentially no emergency core coolant reached the core." Subsequent tests were performed with ECC fluid injected directly into the inlet plenum to reduce the "potential for entrainment of ECC coolant in the escaping primary fluid". Similar behavior of ECC fluid was observed in these subsequent tests: ". . . no significant amount of ECC fluid reached the core". A further test was conducted ". . . with a high-inlet break configuration with a nozzle in place of an orifice in the blowdown line. A quick-opening value was installed in a bypass line around the system low point to determine whether pressure buildup due to a water seal was responsible in previous tests for emergency coolant expulsion through the break. ECC liquid was ejected from the system in test 849 as in previous tests and at no time did ECC liquid reach the core".

The ECC fluid was observed in the tests to escape through the same break in the primary coolant loop as the primary coolant. As noted in the official test reports, "On the basis of these data, the conclusion was reached that the ECC fluid entered the inlet annulus and was swept out of the vessel to the inlet nozzle and external downcomer, and out the break". Thus the ECC system would fail at the same time as the primary cooling system and would be, therefore, of no assistance in a loss-of-coolant accident.

The Idaho test results raise a major *prima facie* uncertainty about the reliability of the emergency core-cooling system. To develop a full interpretation of the experimental data, we have carefully considered numerous technical issues related to the use of the semi-scale test data in the analysis of the emergency core-cooling system of commercial-size power reactors. On the basis of our analysis we conclude that there are no convincing grounds upon which the *prima facie* problem with the ECC system indicated by the Idaho data can be dismissed. In our judgment the results of the Idaho tests clearly demonstrate the basic inability of current pressurized-water reactor emergency core-cooling systems to perform the functions for which they were designed.

The fact that the mockup used in the tests was very small detracts little from the apparent unreliability of the emergency core-cooling system for pressurized-water reactors. It is said that similar tests will be run with a larger core: the results will shed light on this question.

The situation for boiling-water reactors is somewhat different, inasmuch as the ECC system for these reactors consists of a spray arrangement located at the top of the core (sometimes in conjunction with a lower plenum flooding arrangement—which might now be considered useless), rather than of the bottom-flooding system used in the semi-scale test system. The spray arrangement *ought* to provide at least *some* core cooling in the event of a break. It is not apparent, though, whether it could be expected to provide *sufficient* cooling in view of the facts:—

a) The Idaho tests, the only ECC tests under simulated accident conditions conducted to date, failed completely;

b) The Idaho tests demonstrated a severe lack of knowledge of the mechanics of emergency core cooling;

c) The Idaho reports (February 1971) include the statement that ". . . parameters used in the G.E. (General Electric) model for top spray cooling used for accident evaluation require modification".

We have concluded, from an extensive study of data available on various aspects of the problems of emergency core cooling, that several mechanisms exist in a loss-of-coolant accident situation that would very likely render the emergency core-cooling system ineffective. These mechanisms (discussed in detail below) tend to force emergency core coolant away from the core hot-spot (at the center) and propel coolant around, rather than through, the center of the core, to the cold leg break, so that there is a loss of emergency coolant through the same break as the primary coolant.

Any tendency for coolant to be forced away from the center of a reactor core would greatly diminish the efficiency of the emergency core coolant since it is the center of the core which is hottest and most requires emergency coolant in an accident situation.

The following mechanisms could produce this kind of effect:

a) Flow Blockage—with a loss of primary coolant as the result of a break, the temperature of the fuel rods will rise. For temperatures above about 1400° F. the fuel rods will swell and buckle, restricting or preventing normal flow. The greatest swelling and blockage would occur in the hottest part of the core, and would force diversion of ECC around the hot-spot through the cooler core region.

b) Steam Expansion—with loss of pressure as the result of a break, much of the primary coolant in the reactor will flash to steam. Expansion of the steam will tend to prevent emergency core coolant from entering the core. Also the steam expansion will be greatest in the hottest core region, again preventing the emergency core coolant from reaching the point where it is most needed.

c) Leidenfrost Migration—during emergency core coolant injection, steam-entrained water droplets, behaving like drops of water in a hot frying pan, can cool the fuel rods many feet above the water surface. These droplets are forcibly repelled from hot surfaces by a rapid buildup of steam between the droplet and the surface. Since the forces exerted on the droplets by cool surfaces are less than the forces exerted by hot surfaces, there is a tendency for the droplets to migrate from the hot central core regions to the cooler periphery (Liedenfrost migration). This produces hot-spot flow starvation.

The mechanisms described above may diminish drastically the amount of emergency coolant reaching the reactor core's center. Far more serious than this, however, is the possibility that only part or none of the emergency core coolant reaches any portion of the core. Accumulation of steam in the core or steam generators after a break may form a pressure head which the emergency core-coolant injectors cannot overcome (i.e. a steam 'bubble' which prevents the emergency core coolant from entering the core). In this event, part or perhaps all of the emergency core coolant will bypass the core and merely flow out the ruptured pipe.

A good *experimental* knowledge of both emergency core coolant flow starvation and bypass effects is required if the ability of emergency core cooling to prevent core meltdown is to be relied upon. Our review of AEC and industry safety research, however, indicates that almost no attempt has been made, up until the last few months, to obtain this information, even though, of course, it relates in a vital way to the safety of currently operating and planned reactors.

This palpable lack of engineering knowledge obtained through experiments under realistic accident simulations was emphasized in the Oak Ridge National Laboratory report, *Emergency Core-Cooling Systems for Light-Water Cooled Power Reactors,* 1968, by C. G. Lawson. (ORNL–NSIC–24) The purpose of the report was "to identify inadequacies in assumptions, available data, or general basic knowledge" with regard to emergency core cooling so that "areas of meaningful research and development" can be determined.

The Lawson Report's major findings were:

"Tests of emergency cooling equipment have never been performed in the environmental conditions of the dynamic pressure, temperature, and humidity that might prevail in a loss-of-coolant accident." (p. 6)

Parameters used to calculate the design-basis criteria for ECCS safety margins were based on "insufficient data" and were to be judged "tentative and arbitrary" (pp. 7–8)

So little engineering information existed on the behavior of the Zircaloy-clad fuel rods during a loss-of-coolant accident "that a positive conclusion of the adequacy of these emergency systems would be speculative". (p. 9)

The swelling of Zircaloy cladding during blowdown was indicated by existing data, but "additional information is required to determine how much and whether cooling would be prevented." (p. 59)

Emergency power for the ECCS was found unreliable ("The emergency diesels failed to operate 1% of the time they were tested."), from which it is concluded, "The relatively poor showing of the emergency power supply makes the effectiveness of emergency cooling systems questionable." (p. 63)

"The emergency core-cooling systems of several boiling- and pressurized-water reactors, were reviewed, the design basis and backup data were examined, and the need for certain additional data was established. Generally, the design approach used by the manufacturers is conservative when evaluating the energy released or the cladding temperature. Occasionally there is an absence of experimental data that is inconsistent with the apparent sophistication of the calculational procedures." (p. 88)

The basic criticisms in Lawson's report are not out of date, as the remarks of George M. Kavanagh, AEC Assistant General Manager for Reactors on May 13, 1971 before the Joint Committee on Atomic Energy, demonstrate:

"Heavy reliance has been placed on engineering safety features such as the ECCS, which technology is complex . . . Some of the information needed to confirm convincingly the adequacy of such systems, which are intended to arrest the course of hypothetical large primary system failures, is not yet available." (quoted in *Science,* May 28, 1971, p. 191)

Further comment on the basic lack of engineering data pertaining to ECCS reliability was made in February 1970 in an important document by the AEC Division of Reactor Development and Technology:

"If the primary coolant system fails at elevated temperature and pressure, there will inevitably be a loss of some fraction of the primary coolant by the blowdown, or depressurized process. Forces resulting from the depressurization may cause mechanical core damage, and the loss of primary coolant may lead to a loss, or at least a significant lowering, of cooling capacity. The safety features interposed at this point include adequate design of the core structure to resist such blowdown forces and the use of emergency core cooling systems such as sprays or core-flooding systems to ensure that the cooling capacity remains great enough that fuel cladding will remain intact. *Since little experience with such systems is available,* the principal problems are those related to the performance of emergency core cooling systems; i.e., *whether* they will operate as planned under the postulated accident situation, with respect to the time of initiation and the rate of flow." (p. I–10; emphasis added)

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[2] This is probably fast enough, but the topic warrants further examination.

The Division of Reactor Development and Technology's comment was made as it presented its *Water-Reactor Safety Program Plan* February, 1970 (AEC Document WASH–1146) whose "general objective is to present a comprehensive plan for the timely and effective solution of water-reactor safety problems" (p. I–11). The report identified "major problem areas" in nuclear power reactor safety and emphasized that determination of "all the factors affecting the performance and reliability of ECCS" as "the most urgent problem area in the safety program today". The Safety Program Plan gave priority ratings to dozens of items on its safety research agenda. What was surprising was the length of the list of "very urgent, key problem areas, the solution of which would clearly have great impact, either directly or indirectly, on a major critical aspect of reactor safety."

These AEC documents and others we have examined, indicate the palpable lack of experimental proof of ECCS reliability. *The Safety Program Plan* indicates that basic safety research has yet to be completed and is, instead, scheduled over the next decade. These reports bring to light the AEC's manifest failure to adhere to the vital and important procedure of establishing the safety of nuclear power plants *before* initiating its full-scale program for nuclear power plant construction, a program which today has produced 21 operating plants and 53 under construction.

IV. CONCLUSIONS AND RECOMMENDATIONS

The grave weaknesses apparent in engineering knowledge of emergency core-cooling systems and the strong implications that these systems would fail to terminate safely a loss-of-coolant accident makes it clear that in the event of a major reactor accident, the United States might easily suffer a peacetime catastrophe whose scale as we have seen might well exceed anything the nation has ever known.

The gaps in basic knowledge concerning the effectiveness of the safety features of large power reactors, the surprising scarcity of adequate tests—amounting nearly to a total lack—has astonished our group, especially in view of the large number of reactors of apparently hazardous design that are already operating. Not until 14 years after the publication of WASH–740 do we see experimental tests of an emergency core-cooling system, tests carried out on nothing larger than a nine inch model, described by the AEC as not meant to simulate a reactor fully. It is now over eleven years since the first reactor for the commercial production of power was brought into operation.

The hazards inherent in the present situation have not gone entirely un-noticed by the AEC; the Commission was evidently disturbed by the Idaho test results and appointed a Task Force to assess them. The Task Force report has not yet been released but "interim" criteria for determining the adequacy of emergency core cooling systems were published in the FEDERAL REGISTER. In an unusual move the AEC waived the normal 60-day waiting period, noting, "In view of the public health and safety considerations . . . the Commission has found that the interim acceptance criteria contained herein should be promulgated without delay, that notice of proposal issuance and public procedure thereon are impracticable, and that good cause exists for making the statement policy effective upon publication in the FEDERAL REGISTER."

In the delicately chosen words of AEC Chairman Glenn T. Seaborg, "The use of recently developed techniques for calculating fuel cladding temperatures following postulated loss-of-coolant accidents, and the results of recent preliminary safety research experiments, have indicated that the predicted margins of ECCS (Emergency Core-Cooling System) performance may not be as large as those predicted previously".

The Chairman has failed to indicate why obviously critical preliminary safety tests have not, until this year, been carried out in view of the potential hazards associated with the 21 power reactors authorized by the AEC and now operating.

We have concluded that there are major and critical gaps in present knowledge of safety systems designed to prevent or ameliorate major reactor accidents. We have further concluded that the scanty information available indicates that presently installed emergency core-cooling systems would very likely fail to prevent such a major accident. The scale of the consequent catastrophe which might occur is such that we cannot support the licensing and operation of any additional power reactors in the United States, irrespective of the benefits they provide to our power-shy nation.

We do not believe it is possible to assign a reliable numerical probability to the very small likelihood of a loss-of-coolant accident in a power reactor. There are too many sources of uncertainty whose importance cannot be adequately assessed. The acquisition of this information by trial and error, in the absence of safeguards that would mitigate or prevent core meltdown, could be extremely costly to the nation.

While it appears that the probabilities are not very large we do not believe that a major reactor accident can be totally or indefinitely avoided. The consequences of such an accident to public health are too grave to assume anything more than a very conservative position. Accordingly we have concluded that power reactors must have assured safeguards against a core meltdown following a serious reactor accident.

We have grave concern that reactors now operating may at present offer unacceptable risks and believe these risks must be promptly and thoroughly assessed.

Accordingly, we recommend:

1) A total halt to the issuance of operating licenses for nuclear power reactors presently under construction, until safeguards of assured performance can be provided.

2) A thorough technical and engineering review, by a qualified, independent group, of the expected performance of emergency core-cooling systems installed in operating power reactors to determine whether these reactors now constitute an unaccepable hazard to the population.

It is apparent that a major program will be required to develop, through both theoretical studies and experimental measurement, information adequate to design reactor safety features that will ensure protection against core-meltdown following a loss-of-coolant accident.

We believe that a complete and adequate understanding of loss-of-coolant accidents can be gained. Moreover, there appear to be no technical difficulties so acute that adequate protection from the consequences of a major accident cannot be assured. The United States will become increasingly dependent on nuclear power. Nuclear power can be both clean and safe but it will not be, in years to come, if the country is allowed to accumulate large numbers of aging reactors with flaws as critical and important as those we now see. It is past time that these flaws be identified and corrected so the nation will not be exposed to hazards from the peaceful atom.

Exhibit 2

A-Plant Safeguards Held Faulty by Court

(By Bart Barnes)

In a decision that could force changes in plans for 55 nuclear power plants across the nation, the U.S. Court of Appeals here ruled yesterday that the Atomic Energy Commission has failed in its duty to implement environmental safeguards in projects it oversees.

The court directed the AEC to overhaul its procedures for insuring protection of the environment against potential damage from the operation of nuclear installations.

Specifically, the court ordered the commission to conduct a "full and fruitful" environmental review of the Baltimore Gas & Electric Company's nuclear power plant under construction at Calvert Cliffs, on the shore of the Chesapeake Bay in Calvert County.

And it suggested the Commission "should consider very seriously the requirement of a temporary halt in construction pending its review."

Deciding two cases that combined objections to the Calvert Cliffs project with a broad attack on AEC environmental protection procedures, the court said the Commission's "crabbed interpretation of the National Environmental Policy Act makes a mockery of the act."

It accused the AEC of "total abdication of responsibility" to act positively to protect the environment and it assailed the commission for allowing a "shocking" time lag between the effective date of the act and the date it instituted procedures to require compliance.

"The very purpose of the National Environmental Policy Act was to tell federal agencies that environmental protection is as much a part of their responsibility as is protection and promotion of the industries they regulate," the court held.

Yesterday's decision has broad implications not only for the Calvert Cliffs plant but also for the 55 other nuclear generating plants under construction around the nation.

They may have to be held to stricter measures for protection of their environments than are now contemplated before they can receive AEC authorization to install or operate nuclear reactors. The 22 nuclear power plants already in operation are presumably not affected.

Both Baltimore Gas & Electric and the AEC declined to comment on the court's ruling yesterday, saying they needed time to study it.

Suits challenging AEC environmental procedures were brought by the Calvert Cliffs Coordinating Committee—a collection of civic groups in Maryland—the Sierra Club and the National Wildlife Federation.

The decision is one of several on environmental issues by courts at the District and Appeals level here during the 18 months since the Environmental Policy Act went into effect. Other rulings have blocked a proposed oil pipeline in Alaska and a canal in Florida and paved the way for possible elimination of the pesticide DDT.

In the introduction to yesterday's ruling, Judge J. Skelly Wright said the cases are "only the beginning of what promises to become a flood of new litigation—litigation seeking judicial assistance in protecting our natural environment.

"Our duty, in short is to see that important legislative purposes heralded in the halls of Congress are not lost or misdirected in the vast hallways of the federal bureaucracy," he continued.

Wright was joined in the opinion by Judges

Edward A. Tamm and Spottswood W. Robinson III.

In the Calvert Cliffs generating plant and in other nuclear power plants under construction, the court said that once construction permits had been issued, the AEC refused to consider requiring changes in construction plans to account for environmental concerns.

Staff members produce, as a matter of course, reports on the environmental impact of projects under construction "but nothing will be done with them," the court said.

The commission does provide for an environmental review once construction is completed and an operating license is applied for but by the time any alterations to minimize the environmental impact may be prohibitively expensive, the court said.

"Either the licensee will have to undergo a major expense in making the alteration or the environmental harm will have to be tolerated. It is all too probable that the latter result would come to pass," the decision held.

In the Calvert Cliffs plant, construction of the $300 million facility is about 45 percent complete and operations are set to begin in 1973.

Since its inception it has been under fire from environmental groups who fear not the possibility of a nuclear accident but a potential threat to the Chesapeake Bay.

The plant, about 45 miles southeast of Washington on the western shore of the bay, will use more than a billion gallons of bay water a day to cool its equipment.

The water will be returned to the bay as much as 10 degrees warmer than when it was taken out. Critics of the plant have argued that this heat will damage marine life.

Baltimore Gas & Electric officials have said the 1,600-megawatt facility is essential if they are to continue to provide uninterrupted service to their more than 700,000 customers in central Maryland.

In yesterday's ruling, the appellate court remarked that the AEC had not demonstrated "overenthusiasm" in drawing up its environmental policy rules.

It was especially critical of a rule prohibiting any consideration of environmental issues by AEC hearing boards if the notice for the hearing had appeared in the Federal Register before March 4, 1971.

This was more than 14 months after the Environmental Policy Act went into effect, the court noted.

The decision also criticized the AEC for accepting certifications of other federal and state agencies that certain environmental standards were being met, without making its own evaluations.

And it attacked the commission for failing to require that hearing boards consider environmental issues although staff members are required to consider such matters in making evaluations.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 10090) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from California (Mr. TUNNEY), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from California (Mr. TUNNEY), the Senator from Washington (Mr. JACKSON), the Senator from Indiana (Mr. BAYH), and the Senator from Massachusetts (Mr. KENNEDY), would each vote "yea."

Mr. SCOTT. I announce that the Senators from Ohio (Mr. SAXBE and Mr. TAFT) and the Senator from Vermont (Mr. PROUTY) are absent on official business.

The Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON) the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 72, nays 2, as follows:

[No. 184 Leg.]

YEAS—72

Aiken
Allen
Anderson
Beall
Bellmon
Bennett
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hansen
Harris
Hartke
Hollings
Hughes
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Montoya
Moss
Packwood
Pastore
Pearson
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—2

Nelson
Proxmire

NOT VOTING—26

Allott
Baker
Bayh
Bentsen
Brooke
Cotton
Goldwater
Griffin
Hart
Hatfield
Hruska
Humphrey
Jackson
Kennedy
Long
McGovern
Miller
Mondale
Mundt
Muskie
Pell
Percy
Prouty
Saxbe
Taft
Tunney

So the bill (H.R. 10090) was passed.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. GRAVEL). The question is on agreeing to the motion of the Senator from Mississippi.

The motion was agreed to; and the Presiding Officer appointed Mr. STENNIS, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. BIBLE, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG, Mr. HRUSKA, Mrs. SMITH, and Mr. ALLOTT conferees on the part of the Senate.

Mr. STENNIS. Mr. President, before I leave the Chamber, and on behalf of the Public Works Appropriations Subcommittee and every member thereof, I wish especially to thank our fine staff, which did so much in the preparation of this bill. The three members of the staff on appropriations for the bill were Mr. Kenneth Bousquet, Mr. Guy McConnell, and Mr. Edmund King.

Mr. President, an unusual amount of work goes into the preparation for the hearings, the holding of the hearings, the getting out of the printed record of the hearings and the report, and the bill itself, bringing it to the floor and following it on through to conference, and then back to the floor for final consideration. There are many involved matters here that require unusual amounts of professional knowledge, understanding, and skill, and firm and sound experience, in handling these many, many projects, involving not only flood control, navigation, and rivers and harbors, but also including all the funds for the Atomic Energy Commission, funds for the Tennessee Valley Authority, and also the Bureau of Reclamation funds, a great number of the power administration authorities, and a number of other important items.

Most of these are national programs. It is impossible to fully evaluate the worth of their services and their many long hours of work on weekends and evenings, many times far into the night. The schedules that they meet are remarkable.

The chief of the staff is Mr. Kenneth Bousquet, who has been with this subcommittee for many years, and I have found him one of the most capable men

I have ever known. He is one of many outstanding men here on Capitol Hill. The other two gentlemen are also outstanding, and I want to especially thank them.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Mississippi (Mr. STENNIS) consistently applies his astute judgment on difficult legislation and today was certainly no exception. The mannerful way he guides his legislative proposals through the Senate is most conducive to making this body more effective in fulfilling its responsibilities.

The Senator from North Dakota (Mr. YOUNG) as ranking minority member helped the distinguished chairman with the heavy workload. The range and diversity of problems handled by this committee demands a quick and yet accurate judgment of needs faced by diverse parts of this great country. Senator YOUNG ably fulfills this demanding role.

Ably representing their constituencies the Senator from Utah (Mr. MOSS), the Senator from Kentucky (Mr. COOPER) and the two Senators from Missouri (Mr. SYMINGTON and Mr. EAGLETON) raised various questions about particular parts of this appropriations bill. Their comments on a wide range of subjects again reflect the tremendous differences in needs that exist in this country.

We thank these Senators for their thoughtful comments today.

The Senator from Hawaii (Mr. INOUYE) and the distinguished Senator from Alaska (Mr. GRAVEL) brought before this body important questions of policy. Their intelligent and focusing comments are most appreciated by the Senate.

Senator PASTORE again showed his remarkable legislative talents by gaining agreement to a potentially devisive issue. His wise shepherding of legislative proposals leads consistently to improved legislation. His contributions are most appreciated.

The distinguished and able Senator from Wisconsin (Mr. NELSON) should be thanked for his contribution concerning various aspects of ecological balance. His amendment brought up many important questions which I am sure were most informative to the Senate as a whole. The junior Senator from Florida (Mr. CHILES) also through his contributions to the Senate today provided a base of information that made this Chamber's business more easily done. I thank both of these Senators for their interesting comments.

Again, Mr. President, the Senate as a whole owes the chairman and the ranking minority member of this Appropriations Subcommittee a sincere note of thanks. Also the tremendous contributions of the various Members of the Senate today are much appreciated.

EMERGENCY LOAN GUARANTEE ACT

Mr. BEALL. Mr. President, Senate bill 2308, a bill to authorize emergency loan guarantees to major business enterprises and more commonly known as the Lockheed bill will probably be coming to a vote next week.

Several attempts have been made, through cloture petitions, to bring the debate on this matter under some time limitations. In each instance I have voted for cloture because I believe, that in fairness to all sides, the question should be put to a vote and I believe all parties to the dispute have had adequate time to present their arguments.

I have listened and read the arguments on this case with a great deal of interest and reasonable presentations have been made on each side of the question.

The bill under consideration in the Senate would establish a precedent for aiding any major corporation which, for whatever reason has suffered economic misfortune on a scale which cannot be cured at the private marketplace. This legislation does not apply exclusively to one firm. Once this precedent is established, there will be the inevitable pressures to extend such assistance to other enterprises, large and small, whatever their impact might be on the national or local economy. There may be no surer road to governmental domination of major sectors of our economy than by permitting the Federal Government to come to the aid of business firms in distress regardless of reasons for the difficulties. One might logically be led to the conclusion that firms will not survive on the basis of efficiency or if the firm is producing a product in demand, but rather on the basis of influence with those empowered to make the loan guarantees. Additionally, the country will be put in an extremely bad position as a purchaser because the business will be able to say that we do not care how we bid because the Government will always be available to bail us out.

It seems to me, therefore, that on its merits this all encompassing legislation should not receive favorable consideration at this time.

Senate bill 2308, however, emerged in reality as a cover for the original loan guarantee bill submitted applying only to Lockheed. That bill would have guaranteed loans up to $250 million exclusively for the Lockheed Corp. However, after some weeks of hearings, the bill was in serious trouble and Senate bill 2308 emerged providing for the total guarantee authority up to $2 billion, which had the effect of giving a cloak of respectability to the Lockheed loan guarantee proposal because it now became potentially one of many.

But had the original legislation guaranteeing the loan to Lockheed only come from the committee, I would still be opposed to such a bill. My objections go to several areas of unease.

The first is that it is simply an improper role for the Government, I believe, to aid a specific industry to survive what has amounted to an unsuccessful commercial venture—something that was, basically, a private undertaking. Lockheed entered the civilian airplane market with eyes wide opened. The taking of commercial risks is basic to the survival of the free enterprise system. Lockheed took such a risk. I do not feel that the people, through their hard earned tax money, should be required to guarantee the success of such risks. The eventual consequence of such governmental guarantees would be only to encourage mismanagement or poor management. Lockheed after full investigation of the consequences, I would hope, entered into agreement with the Rolls-Royce Co. for engines for their L–1011 airbus—a civilian airliner. This brings me to my second objection to the guarantee.

We are to an extent, I feel, reacting to British pressure owing to recent Rolls-Royce difficulties. The Lockheed/Rolls-Royce arrangement was just that: a Lockheed/Rolls-Royce arrangement. A matter of private business. To react to British pressure brought to bear on a wholly commercial undertaking is in my view altogether unwarranted and inappropriate. The fact that Rolls-Royce has failed presents a problem that must be dealt with exclusively by the British Government and should not require reassurances in the form of loan guarantees from the American public.

In the third place, there is the question of heavy Government interference in the competitive marketplace. McDonnell Douglas has developed and is producing an airbus in direct competition with the Lockheed 1011. The implications of Government intervention on the side of one manufacturer to the expense—and obvious detriment of another is awesome. I just do not think we can let it happen. McDonnell Douglas has produced its aircraft. It is already there. It has succeeded. Why should we subsidize the unsuccessful?

My fourth objection goes not so much to the issue of whether to guarantee or not, but rather, to one of the key arguments that is being continuously made in behalf of the legislation. That argument, is essentially that if Lockheed does not get the loan, and soon, it will go bankrupt, and if it goes bankrupt, thousands of people will be out of jobs. I think the debate has shown this is unlikely. Under the bankruptcy statutes as presently written, Lockheed would simply go into a receivership under new management charged with the very objective of saving the company and saving its jobs. It is no secret that the company has had problems. The objective for the trustees in bankruptcy will be to provide the leadership and make the decisions necessary in order to make the company a viable and healthy competitor in the marketplace, and as a result, save the jobs for the people now employed and protect the investments for the stockholders. The results, therefore, do not necessarily mean that the company will go out of business.

So Mr. President, I am opposed to the Lockheed loan on its merits. As an issue standing by itself, I am opposed.

But as I said at the outset, the scope of the legislation now before the Senate goes far beyond the Lockheed question and simply renders the particulars of the Lockheed case irrelevant to an extent. We are now being asked to approve a program which would have a lasting adverse impact on the basic concept of the proper relationship between Government and business. We are now presented with a bill of broad application which would simply institutionalize the practice of governmental guarantees and I am opposed to that.

EMERGENCY LOAN GUARANTEE ACT — UNANIMOUS - CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request which has been, to the best of my knowledge, cleared all around, and I ask that the clerk read it.

The PRESIDING OFFICER. The clerk will read it.

The legislative clerk read as follows:

Ordered, that effective on Monday, August 2, 1971, at 12:00 noon, the Senate proceed to the consideration of H.R. 8432, to authorize emergency loan guarantees to major business enterprises, with time for debate thereon to be limited to two hours, to be equally divided and controlled by the Majority and Minority Leaders or their designees and time on any amendments, motion or appeal (except a motion to table) to be limited to 20 minutes to be equally divided and controlled by the mover of the amendment and the manager of the bill and

Provided further, that the vote on final passage shall occur at 3:00 p.m. on August 2, 1971, or if an amendment is pending at 3:00 p.m., immediately after the disposition of the amendment pending at 3:00 p.m.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive rule XII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent request?

There being no objection, the unanimous-consent request was agreed to.

Mr. MANSFIELD. Mr. President, is the House bill referred to in the unanimous-consent agreement on the calendar?

The PRESIDING OFFICER. It is on the calendar.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Mr. President, will the Senator include or propound a unanimous-consent request relating to order for the vote on the motion for cloture?

Mr. MANSFIELD. Yes. I understand it is not necessary, but this will nail it down.

Mr. President, I ask unanimous consent that the order for a vote on the motion for cloture on Monday next be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, if the majority leader will yield, I indicate now that I will designate as in charge of the time on this side the distinguished senior Senator from Texas (Mr. TOWER).

Mr. MANSFIELD. Mr. President, I will designate the distinguished Senator from Wisconsin (Mr. PROXMIRE).

CONSTRUCTION AT MILITARY INSTALLATIONS—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader—after having consulted with the distinguished senior Senator from Missouri and the leadership on the minority side of the aisle—to propound the following unanimous-consent request:

I ask unanimous consent that debate on H.R. 9844—an act to authorize certain construction at military installations, and for other purposes—be limited to 1 hour on the bill, to be equally divided and controlled by the Senator from Missouri (Mr. SYMINGTON) and the Senator from Texas (Mr. TOWER).

Ordered further, that time on any amendment thereto be limited to one-half hour, to be equally divided between the mover of such amendment and the manager of the bill (Mr. SYMINGTON); provided further, that no amendment not germane be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, during the consideration of the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the manager of the bill (Mr. SYMINGTON): *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill and the Senator from Texas (Mr. TOWER): *Provided*, That the time on the passage of the said bill, may be allotted to any Senator during the consideration of any amendment, motion, or appeal.

THE CONFERENCE REPORT ON H.R. 6531, THE DRAFT EXTENSION BILL

Mr. STENNIS. Mr. President, I want Members of the Senate to know that, after a long and frustrating delay, Senate-House conferees have reached agreement on the draft bill. We expect the House will send the conference report to us in due course. I hope we will receive it before the scheduled recess, but I cannot be sure of that.

I want to take a moment, Mr. President, to acquaint Senators with a sharply disputed portion of the conference report. That is the compromise version of the so-called Mansfield amendment, which deadlocked the conference committee for about a month.

Mr. President, I have been asked by other Senators and by the press, "what is left"—what remains—of the Mansfield amendment. That question arises because House conferees, in the month-long deliberation, simply would not entertain the specific 9-month withdrawal deadline proposed by the distinguished majority leader.

I think the answer to this question is that a good deal remains of the Mansfield amendment, of its substance and of its philosophy.

In the first place, Mr. President, there is clear language with respect to withdrawal by a date certain in this selective service bill. The House did not want it. Powerful interests opposed it, but it is there.

If approved, it will stand as the first congressional mandate with respect to winding down the tragic war in Vietnam.

In the second place, the language ties a withdrawal of U.S. troops to the release of U.S. prisoners of war. That, of course, was a central feature of Senator MANSFIELD's proposal.—Third, Mr. President, the provision for troop withdrawal and POW release is quite separate from the additionally stated goal of a cease-fire in Indochina.

Finally, Mr. President, Congress says in the revised amendment, that it wants to end the U.S. involvement in this war at "the earliest practicable date." It urges the President to negotiate withdrawal and POW release "at a date certain." That surely reflects a desire for expeditious action.

Mr. President, I need not tell the Senate, again that the extension of the draft law is vital to national security. Final congressional action is overdue.

The deadlock, which has delayed this bill reflected a situation in which the Senate advocated a course of action which had been rejected by the House. Therefore, the conference was, as I have said, very difficult.

Therefore, Mr. President, I urge all Senators to study the conference agreement very carefully. I think close examination will show that the conference report goes a long way toward expressing the position of the Senate.

I fully appreciate the position and the problems of House conferees and their work in this conference. It was an unusual and, in many ways, an extraordinary situation.

On the subject of the war in Vietnam, there was only one amendment in the Senate bill, and the House did not have an amendment of any kind in its bill. The House conferees did not have a position to defend, except the negative position of the same question having been voted on adversely in the House of Representatives more than once.

So for that reason it was hard to get off an immovable position for either group. But I want to make it very certain that the RECORD shows I fully appreciate the very fair, sincere work on the part of the conferees from the House of Representatives, and I certainly am indebted to each Member of the Senate conferees for their own work on this matter in conference.

Also, Mr. President, the other items in the bill were fully and carefully considered by the conferees, and I feel that a sound and practical bill has been agreed to in conference. Early passage is needed, and I hope we can present the conference report to the Senate and get it agreed to before the August recess.

Of course, that is uncertain, due to the short time remaining; but I urge again, with emphasis, that there is no substitute prepared for taking care of providing the manpower that is needed for our own national security, except through the Selective Service Act, and that will be true for the next 2 years at least. Regardless of what may be the chances of the so-called volunteer services, it will take time—at least 2 years—to build them up. Unless we can get this bill passed, we will face a dire and distressing emergency for the necessary manpower to protect our own security here at home, and I am not referring to the war in Vietnam or any prospect of things in Western Europe; I am talking about our own protection, of our 50 States and our own people.

Mr. President, I yield the floor.

PRESIDENT NIXON'S PROPOSED VISIT TO MAINLAND CHINA

Mr. BYRD of Virginia. Mr. President, one of the most thoughtful appraisals of President Nixon's decision to visit mainland China was the commentary today by Columnist William S. White published in the Washington Post and many other newspapers throughout the United States. Mr. White begins his column with this paragraph:

> If two weeks of random chatting with a wide assortment of people in New England may be said to form any guide, this country is aware neither of the hope nor the danger lying in President Nixon's project to visit leaders of China.

Mr. President, I might say that the assertion I just quoted from Mr. White's column bears out the reaction I have received in Virginia in the 2-week period that has elapsed since the President made his nationwide television address.

During that 2-week period, I have received only four letters on this subject. I have been around the State somewhat, but not too much, during that 2-week period. A heavy workload has kept me in Washington. But wherever I have gone, I have found, just as Mr. White found in his visit to New England, that there is little discussion and apparently little real interest in this matter on the part of the individual citizen.

Mr. White's column suggests, and I think justifiably so, that while the Presidents' proposed trip has opportunities for good, it also holds immense dangers—both for our Nation and for Mr. Nixon politically.

I ask unanimous consent to have printed in the RECORD the article written by William S. White, published in the Washington Post of July 31, entitled: "Nixon's Trip: Huge Enigma." His column is well balanced and thought provoking.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON'S TRIP: HUGE ENIGMA

(By William S. White)

If two weeks of random chatting with a wide assortment of people in New England may be said to form any guide, this country is aware neither of the hope nor the danger lying in President Nixon's project to visit leaders of China.

In all that fortnight not one person voluntarily mentioned the subject, despite the vast amount of publicity about it, and when it was broached by this columnist the response was almost always either tepid or, quite simply, uninterested. Barber or banker (no butchers or bakers having been encountered it was all the same: A yawn and a turn in the talk to other matters.

All this, parenthetically, seems to have confirmed the finding of a recent Gallup poll, from a survey made immediately upon the President's dramatic announcement of his intentions, that his popularity rating showed no significant change after the fact.

In any country in Europe, a step so vast and possibly so fateful would have been universally and correctly seen as a deliberate "opening to the left," or appeal to left-wing sentiment, by the leader involved. The speculation of many observers here that Mr. Nixon had some such motive, among others, would seem to be well off the mark.

This is said because Richard Nixon, agree or disagree with him and like him or not like him, has one striking tactile quality to a degree never exhibited by any other national politician known to me. This is a capacity to sense and almost to feel, in advance, the probable public reaction to any given issue.

The assumption therefore follows that he was not surprised by the nature of the Gallup conclusions and that in this matter he was acting not so much above as simply outside domestic politics. And if any domestic political consideration was indeed involved, it was surely not any idle presidential hope that warming up toward Red China would placate or convert Mr. Nixon's liberal, and especially his ultra-liberal, adversaries. Their current softening toward him will never last until election day.

In short, even if one cannot accept the view that this business was nonpolitical in the home sense, then the most that can be made of it is that the President did hope to strengthen himself among the political centrists of the country.

This he may have done. The ultra-liberals are, for the moment, saying and writing relatively kind things about him, all this being accompanied by a good deal of instant-expert journalistic analysis to the effect that the Red Chinese are pretty good fellows after all. At the same time, the attack opened upon the President from ultra-conservatives, mainly in the Conservative Party of New York State, is going nowhere.

So much, then, for the domestic side of this huge turn in American policy toward mainland China. What is really important, anyhow is the wisdom of Mr. Nixon's audacious and extremely risky moral concession to China, whose prison camp society is even more frightful than was Russia's under Josef Stalin.

Nothing so far has come to light to indicate that the President's gesture of open arms has assisted him in any material way—in honorably settling the Vietnam war, for example—though of course not more than half a dozen men in the United States know what may be going on in deepest privacy between Washington and Peking.

What is perfectly plain, however, is that the Asian allies of the United States along with Australia and New Zealand, have been deeply shaken; and that is all to the bad. But so has the Soviet Union on its side and that is all to the good. If the President actually goes through with his China visit (and it is after all possible that future events may change his mind) he must extract genuine and substantial Chinese concessions in return.

If he does, he will be a national hero; if he does not, he will be in profound trouble, and so will this nation. This is the immense and broadening enigma of today.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PUBLICATION OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a publication entitled "All Electric Homes in the United States, 1970" (with an accompanying document); to the Committee on Commerce.

NOTICE AND STANDARD TO BE PUBLISHED IN THE FEDERAL REGISTER

A letter from the Assistant Secretary of Commerce, transmitting, for the information of the Senate, a notice and standard to be published in the Federal Register, relating to a final promulgation of a flammability standard under the Flammable Fabrics Act (with accompanying papers); to the Committee on Commerce.

REPORT ON EFFECT OF THE RAILROAD STRIKE, MAY 1971

A letter from the Secretary of the Department of Labor and the Secretary of Transportation submitting, pursuant to law, a report entitled "Effect of the May 17–18, 1971, Signalmen's Strike Against the Nation's Railroads" (with accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

H.R. 7586. An act to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years (together with individual views) (Rept. No. 92–335).

By Mr. ERVIN, from the Committee on the Judiciary, with an amendment:

S. 215. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution (together with separate views) (Rept. No. 92–336).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. INOUYE:

S. 2385. A bill for the relief of Domingo Q. Garcia, Romana Q. Garcia, Rita T. Garcia, Ruben B. Garcia, Irma B. Garcia, Merlinda B. Garcia. Referred to the Committee on the Judiciary.

By Mr. BELLMON:

S. 2386. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90–542) to include certain rivers with the State of Oklahoma as potential components of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 1734

At the request of Mr. Metcalf, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1734, to provide for comprehensive management of the Nation's forest lands through application of sound forest practices, and for other purposes.

S. 2348

At the request of Mr. Inouye, the Senator from Virginia (Mr. Spong) was added as a cosponsor of S. 2348, a bill to increase the penalties with respect to the commission of a crime of violence in the District of Columbia while armed with a firearm.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 353 THROUGH 355

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted three amendments, intended to be proposed by him, to amendment No. 308 proposed by Mr. Pastore (for himself and other Senators) to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 356

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON (for himself and Mr. Hartke) submitted an amendment intended to be proposed by them, jointly, to amendment No. 308, supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 342

At the request of Mr. Scott, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of amendment 342, intended to be proposed to S. 382, the Federal Election Campaign Act of 1971.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS

Mr. HUGHES. Mr. President, on Monday, Wednesday, and Thursday, August 2, 4, and 5, the Subcommittee on Alcoholism and Narcotics, which I chair, will hold hearings on several pieces of legislation relating to drug abuse. We will be considering S. 2217, which I introduced on June 30 along with Senators Javits, Muskie, and Williams, Senator Humphrey's bills, S. 2146 and S. 2155, and we will take testimony on two bills which will shortly be referred to the Labor and Public Welfare Committee from the Government Operations Committee, S. 2097, the administration's drug-abuse proposal, and Senator Muskie's S. 1945. Although these last two measures have not yet been referred to us, they relate directly to S. 2217 and we will hear statements discussing the relative merits of these three differing proposals.

On Monday, we will hear testimony from the Department of Health, Education, and Welfare, the National Institute of Mental Health, Mayor Alioto, of San Francisco, and California State Senator Moscone. On Wednesday, the President's special consultant on drug abuse, Dr. Jaffee, will be our lead witness. Following him will be the Governor of my own State of Iowa, Governor Ray, Mr. Graham Finney, New York City's narcotics commissioner, and NARCO, a Detroit-based drug abuse treatment organization. On Thursday, we will have questions for the Office of Education, the Food and Drug Administration, and the distinguished junior Senator from Minnesota, Senator Humphrey.

The purpose of these hearings is to prepare for passage of legislation designed to give coordination, direction, and purpose to the Federal Government's efforts to deal with drug abuse. These are elements which have too long been missing from the Federal effort. I feel strongly that they are needed, if our efforts are to succeed.

ADDITIONAL STATEMENTS

RETIREMENT OF AMBASSADOR DAVID K. E. BRUCE

Mr. MANSFIELD. Mr. President, a government like ours, that is dependent on talented citizens making a commitment to governmental service, is fortunate in having people of the caliber of David K. E. Bruce serving it. Ambassador Bruce retires this week from his post in Paris, where he has been the chief U.S. negotiator at the Vietnam peace talks. I am sure that he, like so many Americans, is disappointed that his difficult task could not end on a more complete note. But his untiring dedication to the service of this country is an example every American should take to heart.

Mr. President, I ask unanimous consent that an article published in the Los Angeles Times and an editorial appearing in the Baltimore Sun of July 30, 1971, be printed in the Record.

The being no objection, the articles were ordered to be printed in the Record, as follows:

David Bruce: a Top Diplomat, Gourmet

(By Don Cook)

Paris.—When David K. E. Bruce arrived in Paris on his first official mission for the United States in August, 1944, he had the unhappy duty of ordering the interment of the proprietor of a famous three-star Paris restaurant who had shown excessive zeal in serving the Germans in more ways than one during the Nazi occupation.

Bruce at that time was the head of the French section of the wartime Office of Strategic Services in Europe, the forerunner of today's Central Intelligence Agency. Operating first in London, he then moved to France and entered Paris in the wake of the liberating Allied armies.

For a man who has always managed to combine serving his country with a gourment's appreciation of food and wine, it was painful to have to lock up one of France's leading restaurateurs.

FAITH RESTORED

But Bruce's faith in French cuisine as well as French resistance was more than restored by the fact that the proprietor of a superb two-star restaurant in the heart of Paris had sheltered an Allied radio operator and his radio in his wine-cellar throughout the occupation, while Nazi officers were eating upstairs.

Bruce has never been back to the three-star restaurant, but the two-star place remains one of his favorites and the vigorous owner an old friend.

Amassador Bruce is now leaving his fifth and least productive, official assignment in Paris for his country—chief U.S. negotiator at the Vietnam peace talks. After his wartime and postwar days as OSS chief in France, he came back to serve as Marshall plan administrator for France in 1948–49; ambassador to France with ambassadorial rank during the organization and launching of the European Coal and Steel Community in 1953 and 1954.

LONG PUBLIC SERVICE

Not only that, but in a remarkable diplomatic career under six presidents, Bruce is the only man in United States public service to have served as ambassador to Germany and Great Britain as well as France. Moreover, his eight-year tenure as ambassador in London from 1961 to 1969 was the longest in that post since the legendary Walter Hines Page during the first World War.

Although Bruce ostensibly leaves the Vietnam peace talks at the age of 73 for reasons of health, there is nothing that has yet impaired either his gourmet appetite and consumption of fine food and judiciously chosen vines, or his conversational wit and analytical powers. He has a circulatory problem which needs watching, but the Vietnam peace talks have scarcely risen much above the level of boredom.

Even the pleasures of life in Paris have been restricted for Bruce in the past year—for the simple reason that he has to be accompanied round-the-clock by French security officers who follow his official car wherever it goes, wait outside restaurants while he dines, walk with him across the street from the Crillon Hotel, where he has been living, to the American Embassy, and stay up all night outside his hotel suite while he sleeps.

Going for a walk in the Bois or driving out to the country or dropping into a theater or casual calls on friends have to be turned into security production jobs under such circumstances. The tedium of weekly meetings in the non-negotiation at the Hotel Majestic has not been much relieved by easy social life, and Bruce has frequently escaped to London for long weekends at the small suite which he has kept at the Albany on Piccadilly since he retired as ambassador in 1969.

Now a full and active official life is finally over for this courtly, soft-spoken, witty, gay, wise and prudent Maryland gentleman. He could write a wonderful book but he won't for the simple reason that he enjoys talking and conversation a great deal more than the discipline of writing.

INTERESTING WOMAN

But he can switch easily from recalling his days as a young Foreign Service officer in Rome in 1926 to the personality of Harold Wilson and why Mrs. Nguyen Thi Binh of the Viet Cong delegation at the peace talks is an "interesting woman."

Bruce and his tall, striking, energetic wife, Evangeline, have three children in schools in the United States. They own a farm in Virginia which Bruce has not seen for two years, a home in Georgetown and the London apartment, with a more than adequate wine cellar at each.

He leaves Paris after a year at the Vietnam talks, first for a few weeks in London, then a stay in Italy and then along to the Virginia farm.

But he will be back in Paris again before the winter is out, and there are dozens of restaurateurs who will be flattered to welcome him—except, of course, that three-star place where tourists always go.

Ambassador Bruce

David K. E. Bruce is retiring from the United States diplomatic service, for the second time. He had thought he had ended his career in 1969, at the conclusion of eight years as ambassador to Great Britain, but President Nixon called him back last year to serve as the chief United States representative to the Paris talks on the war in Vietnam. The past year has been a fruitless one for Mr. Bruce, in that no peace negotiations ever were held and that the progress which was made toward ending the war was taking place at other points. He has carried out his assignment with patience and, so far as known, without complaint, but anyone who has followed the course of the weekly Paris meetings can understand why, at 73, he has had enough.

President Nixon, in a letter accepting Mr. Bruce's resignation, noted that his willingness to come out of retirement last year was but the latest demonstration of the dedication and unselfishness that marked his many years of public service. He told the ambassador that "you have shown once more your giant stature as a diplomat and as a man. You have my deep appreciation and admiration."

This newspaper wishes to join the President in expressing a deep appreciation and admiration of Mr. Bruce's service. In Rome, in Bonn, in London, in Washington, in Paris—he has worked with intelligence and professional skill. We count him as a Marylander of the first rank, and wish him well, once more, as he retires.

DO EXAGGERATED NUMBERS HELP?

Mr. SCOTT. Mr. President, we Americans have a tendency to accept at face value any number or statistic presented by a responsible organization or printed in a responsible newspaper. Once printed these statistics are given wide credence and through usage soon become part of our so-called conventional wisdom.

Seldom does anyone sit down with a piece of paper and a pencil and analyze such figures. Their accuracy is accepted and public bodies use them as the basis for planning and developing new programs.

Because these figures gain importance through usage and are used as the basis for planning, it hardly seems a service to anyone when the figures are outrageously wrong.

An example of this type of inflated figure is pointed up in the summer 1971 issue of the Public Interest. The magazine examines carefully a story published in the New York Times of April 27, 1971, reporting a study done on the cost of Harlem crime attributed to drug addiction. The report states that annual cost of crime to central Harlem is about $2 billion a year, $1.8 billion of it in the form of thefts to support the narcotic habit.

Even a cursory examination of this statistic indicates it is hugely overstated. Such an overstatement does little to serve the poor in Harlem; nor does it do much to help develop a wise drug or crime control program for the area.

Because of these factors, I think it is important for Senators to read this short but penetrating analysis. I ask unanimous consent that it be printed in the Record.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

The Public Interest: Summer 1971

Harlem, officially one of New York City's four "poverty areas," is unquestionably a neighborhood of the poor and the very poor. According to a study reported in the April 27, 1971 issue of *The New York Times,* however, it must be the richest area in the nation. How is this possible? Well, consider the evidence from the *Times:*

A sharp increase in crimes in central Harlem during 1970—attributed primarily to a rise in narcotics addiction—raised the cost of crime to more than $2 billion for residents and property owners there, a study by the Small Business Chamber of Commerce disclosed yesterday. . . .

The $2 billion figure includes the costs of crimes against persons and property, gambling, narcotics and loan-sharking. Thefts to support the narcotic habit were calculated at $1.8 billion. Property loss, not linked to narcotics, was estimated at $92 million. Crimes against persons—such as muggings and holdups—were estimated to have totaled $12 million, including hospital costs, loss of income, etc. . . .

Conclusions were based on interviews with 100 businessmen representing a cross section, along with data from . . . national reports. . . . The [co-author] said that by updating the data and interpolating two variables—price index and population—and by using the comparative crime rates, the Chamber had been able to come up with "pretty accurate figures" on the cost of crime in central Harlem.

Now the population of central Harlem is well under 200,000, and the total number of business establishments less than 1,000. If losses due to crime are shared equally by individuals and businessmen, it follows that, if Harlem's total loss from crime is $2 billion, then each resident of Harlem is losing at least $5,000 per year, and each business establishment an average of $1 million a year. Assuming a family of four members, it turns out that average family income in Harlem is at least $20,000 a year—because that is the amount each family loses as a result of crime. And the wealth of all those businessmen who sustain yearly losses of $1 million must be astronomical.

Only two conclusions seem possible. Either Harlem is the wealthiest community in America—or else the $2 billion figure is among the more grandiose of the "mythical numbers" that infest public discussion these days.

RETIREMENT OF JEROME S. ADLERMAN, CHIEF COUNSEL, PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCLELLAN. Mr. President, the Chief Counsel of the Permanent Subcommittee on Investigations, Jerome S. Adlerman, is retiring from his active duties. A reception was held in the Caucus Room of the Senate on July 27, 1971, to observe Mr. Adlerman's retirement. Among the guests were the Secretary of State, Hon. William P. Rogers, and Senators Carl T. Curtis, Abraham Ribicoff, James Allen, Sam Ervin Jr., Jacob Javits, Stuart Symington, and Edward Gurney, and I was pleased to be in attendance myself. At the reception Mr. Adlerman was presented with a resolution signed by the present members of the Permanent Subcommittee on Investigations and former members including the President of the United States, Richard M. Nixon. The resolution and the signers follow:

Resolution of the Permanent Subcommittee of Investigations of the United States Senate

Whereas Jerome S. Adlerman has retired from his duties as Chief Counsel of the Senate Permanent Subcommittee on Investigations and,

Whereas Mr. Adlerman directed the staff of the Subcommittee with distinction and perseverance in some of the most significant investigations in the history of the United States Congress, and

Whereas Mr. Adlerman, through his years of dedicated public service, has established a record which merits the highest praise from the Members of the United States Senate who have observed him in the performance of his duties and responsibilities, and

Whereas Mr. Adlerman, through his skill and through his application of that skill, has helped to bring about justice where justice would not have been accomplished otherwise: Now, therefore, be it

Resolved, That the present and former Members of the Senate Permanent Subcommittee on Investigations express their appreciation and admiration to Mr. Jerome S. Adlerman for his achievements and his effectiveness in advancing justice, fairness, and compassion for those who have been or will be affected by the outcome of his efforts.

John L. McClellan, Henry M. Jackson, Sam J. Ervin, Jr., Abe Ribicoff, James B. Allen, Karl E. Mundt, Charles Percy, Jacob Javits, Edward J. Gurney, George D. Aiken, Fred Harris, Carl T. Curtis, Barry Goldwater, Margaret Chase Smith, Frank Church, Tom McIntyre, Stuart Symington, Robert P. Griffin, Lee Metcalf, Richard Nixon.

Mr. President, to the self-evident sentiments expressed in this resolution, I should like to add excerpts from brief comments I made on the occasion of the reception for Jerry Adlerman's retirement. Among other things I said:

> The committee has had some very difficult and unpopular investigations, we have had many unpleasant tasks to perform and there are two people who usually get the brunt of any complaints and criticisms. They are the Chairman of the Committee and the Chief Counsel. But Jerry has escaped with the very minimum of criticism as its Chief Counsel. He has been above reproach in masterful handling of the duties of his position.
>
> As the result of his supervision and guidance, the staff which has worked under him, has definitely been devoted to him. They have been at all times most complimentary and I have felt that he had from them a loyalty comparable to that which he has given to me and the Committee through all these years.
>
> Jerry, in his letter of resignation, said to me "no Committee can be better than its Chairman." That is hardly as accurate as what I am about to say now and that is "no investigating committee can be better than its staff." * * * Jerry, your ability and loyalty and the ability and loyalty of those on the staff who worked with you * * * by your fidelity to duty and fairness, you have enabled this Committee to avoid any scandal

or any criticism of any consequence which had any foundation whatsoever. I attribute that to your leadership on the staff and to the fine people you have had on the staff associated with you.* * *

I shall always have pleasant memories of our association together, memories that I shall always cherish as we continue the work of the Committee. It has been a great comfort and has added much to the richness of my experience here, to have one of your qualifications and dedication associated with me in the work of this investigation subcommittee.

Every one of us wish you and Mrs. Adlerman in your retirement many, many years of contented happiness and enjoyment. We wish for you every blessing that can be expected of life during your retirement years.

COMMITMENT OF U.S. TROOPS IN ASIA

Mr. MANSFIELD. Mr. President, the debate over the U.S. involvement in Southeast Asia will, I am sure, continue for many years to come.

In yesterday's New York Times there was a letter to the editor from a Prof. Herbert S. Parmet of the Queensboro Community College. Mr. President, I ask unanimous consent that this letter be printed in the Record following my comments.

The events referred to in that letter demonstrate the great shadow that falls between the perception of reality and the action that is undertaken by government. It demonstrates the momentum of policies of the past and the difficulties in changing their course. I think it is time that we begin to admit the mistakes of the past, correct our world image of what ought to be and get this country working together again. I think Professor Parmet's comments are well taken.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committing U.S. Troops in Asia

Theodore Sorensen's excuse that the Pentagon papers provide the modern citizen with hindsight that was unavailable to those responsible for the Vietnamese escalation [Op-Ed July 13] is another attempt to perpetuate a pernicious myth—that American leadership was unaware of the idiocy of such involvement. The advice against committing troops on the Asian mainland that was offered by such diverse generals as Eisenhower, MacArthur and Ridgway is well known; but perhaps forgotten by Mr. Sorensen was a perceptive speech on the Senate floor made on April 6, 1954, by Senator John K. Kennedy.

Far from lacking foresight, Mr. Sorensen's future ally declared that 'to pour money, materiel and men into the jungles of Indochina, without at least a remote prospect of victory, would be dangerously futile and self-destructive . . . such assumptions are not unlike similar predictions of confidence which have lulled the American people for many years and which, if continued, would present an improper basis for determining the extent of American participation."

He then added, "I am frankly of the belief that no amount of American military assistance in Indochina can conquer an enemy which is everywhere and at the same time nowhere, an enemy of the people' which has the sympathy and covert support of the people." It was, Kennedy pointed out, an analysis shared "by most American observers" and then he detailed the perniciousness of a French colonialism that was winning strength for Ho Chi Minh.

Such realities, he said, fly "in the face of repeated assurances to the American people by our own officials that complete independence has been or will be granted." One of those responsible for such misleading was, Senator Kennedy cited, an Assistant Secretary of State in 1951 named Dean Rusk.

'The hard truth of the matter," the Senator from Massachusetts went on to say, is that without a reliable and crusading native army with a dependable officer corps, a military victory, even with American support, in that area is difficult if not impossible of achievement. . . ." His words were heartily endorsed, that same day, by such colleagues as William Knowland, John Stennis and Mike Mansfield. And that was one year after Barry Goldwater had introduced an amendment making financial aid to France contingent upon her willingness to grant independence to Indochina.

To plead at this late date that the Pentagon papers had to be read to discover the truth is as misleading as the attempt to cover up the basic reason why Mr. Kennedy, once he became President, ignored his own insights: He, like the others, lacked the wisdom and courage to cleanse the American people of the mythology that others had induced and risk during his Administration the installation of governments that did not conform to a United States view of what the world should be like.

NEWS CENSORSHIP BY THE MEDIA

Mr. GURNEY. Mr. President, the past several weeks have been filled with public discussions, congressional hearings, and court decisions with regard to the public's right to know in terms of the New York Times Pentagon papers case and the CBS filming and showing of the program "The Selling of the Pentagon." Spokesmen for the media have taken the position that any publication, any statement, should be expressed freely and without any limitation. They have exerted massive efforts to prevent any revelations concerning their method of obtaining, selecting, and portraying events. They have contended that they and they alone should judge their own performance.

One of the most interesting and very disturbing aspects of this issue is highlighted by yesterday's cavalier treatment of one of America's most widely respected community leaders, Mr. George Jessel. During an interview on the "Today Show," George Jessel, was in fact kicked off the public airwaves after critical references to certain of the meida. I am not so sure that the same thing would have happened had the guest been a revolutionary attacking the United States, an activity which, judging from the kind of exposure given by some of the media, is deemed to be the height of responsible commentary.

When NBC decided they did not agree with Mr. Jessel, they also decided the public had no right to listen to his case. This has often been the attitude of the media. In effect, it might be said, the people have the right to hear criticism of Government but the people do not have the right to hear criticism of the press. This is yet another example of the medias' two approaches to the guarantee of the first amendment.

I ask unanimous consent to have printed in the Record an article published in the Washington Post of July 31, 1971.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, July 3, 1971]

Newspapers Accused

(By William Greider)

Jessel: "I've read a lot of things that look like the publishers don't like the United States."

Newman: "One does not accuse newspapers of being Communist, which you have just done."

George Jessel, the Hollywood comedian, made a little joke on television yesterday equating The Washington Post and The New York Times with the Soviet newspaper Pravda, only NBC interviewer Edwin Newman wasn't laughting.

Newman, hosting the Today show, abruptly ended the interview and dismissed Jessel from the program.

"I don't think we're obliged," the TV newsman said afterwards," to invite anyone on to maligan or slander anyone he pleases."

"I meant it as as gag," Jessel complained. "I was on a show a few weeks ago and a woman damned Christianity and all the religions of the world but they didn't throw her off. So why can't I rap newspapers? God doesn't publish the newspapers."

Jessel, wearing a USO military uniform decorated with a general's three stars, appeared on the show to discuss his recent tours of U.S. bases in Europe and his upcoming visit to Vietnam, his seventh during the war there. The 73-year-old entertainer complained about "wildly exaggerated" press reports about the Army's troubles and stumbled on "Pravda" before naming The Times and The Post, a rhetorical gimmick which the late Sen. Joseph McCarthy popularized in his anti-Communist speeches.

"I am happy to report and that's why I asked your permission to get on here," Jessel told Newman, "that the moral of our men in Europe is very high and we're strong on the borders of Czechoslovakia and strong on the borders of Eastern Germany. If they start on anything there, they'll get in a real you-know, regardless of McCloskey and Muskie and Mansfield. They'll fight and they'll lick these other guys. But, of course, when you pick up Pravda—The New York Times—you generally see, oh, they're all full of dope and killing children, drunk."

Newman and his fellow interviewer, Joe Garagiola, let that pass, but Jessel tried the gag again a moment later.

"We have a habit, some strange new thing, with the communique (sic) being anti-American with everyobdy negative," he complained. On a recent tour of America, he was impressed by the beautiful weather—"then you pick up a paper, you know, Pravada—The Washington Post—and you see, 'Hundreds Die Of Pollution.'"

Newman was not amused.

"You are a guest here," he told Jessel, "but I don't really think very much of this talk about Pravda—excuse me, The New York Times; Pravda—excuse me, The Washington Post. I think that's silly, I do."

"Edwin, you have your opinion and I have mine," Jessel replied. "But the point that I want to make—"

Newman: "No, no, hold on a second."

Jessel: "Surely."

Newman: "I think what you're saying, if you mean it, is extremely serious. It's not the kind of thing—"

Jessel: "Surely."

Newman :"It is not the kind of thing one tosses off. One does not accuse newspapers of being Communist, which you have just done."

Jessel: "Oh, I didn't mean it that way, Edwin."

Newman: "What did you mean?"

Jessel: "Oh, I just . . ."

Newman: "What did you mean when you said it?"

Jessel: "Oh, it's a newspaper. I didn't mean it quite that way."

Newman: "You didn't mean it quite that way?"

Jessel: "I won't say it again."

Newman: "I agree that you won't say it again. Thank you very much, Mr. Jessel."

Jessel: "I just want to say one thing before I leave."

Newman: "Please don't."

At that point, Newman interrupted for a commercial, three minutes before the interview was scheduled to end. When he returned to the screen, Jessel was gone. Newman told the audience:

"Well, I'm a little sorry about that incident. I hope I did the right thing and I guess the best thing to do at the moment is to forget about it."

Newman, who was filling in for Hugh Downs as host on the program, said afterwards that, besides the derogatory references to the press, he was upset because "the interview was barely coherent, rambling, meandering."

"Certainly, it's not my intention to say anything unkind about Mr. Jessel," Newman said. "I'd never even met him before this. But if you read the transcript, you'll see that interview made very, very little sense."

Television, he said, must enforce "certain standards of conduct" in its interviewing. "It didn't seem to me we have any obligation to allow people to come on to traduce the reputation of anyone they want, to abuse people they don't like," the broadcaster explained.

Jessel said afterwards he was treated poorly, but he forgives Newman.

"He should have been a little bit kinder to a man whose only vice is that he loves his country," Jessel said. "And I don't consider that a vice."

While the comedian said he did not intend to imply that The Post and The Times are Communist, he does feel strongly that the two newspapers dwell on the bad news about America in the same way that Pravda would.

"If you have a delinquent child, you don't go to the window and holler to the world, 'Hey, I've got a delinquent child,' do you?" Jessel asked. "In these bad times, our virtues should be emphasized, not our vices."

Jessel said that during his recent tour of Europe, "people say to me, 'Oh, your soldiers shoot children and they're full of dope.' It isn't so . . . I think somebody should stick up for our soldiers instead of knocking them all the time."

As for The Post and The Times: "I've read a lot of things that look like the publishers don't like the United States."

That negative outlook, Jessel added drolly, is also reflected in the Paris Herald-Tribune, which is owned jointly by The Post and The Times.

"The baseball scores look like nobody ever wins," he cracked.

Jessel said that, if his comments offended Newman, the interviewer should have switched the conversation to another subject rather than kicking him off the air.

"But I forgive him," the comedian said. "Mr. Newman is a newspaperman and he defends newspapers. I'm in show business and sometimes I defend show business."

Newman's boss, NBC News President Reuven Frank praised the interviewer.

"He acted wisely and in the best possible taste to correct a live broadcast situation which seemed to be getting out of hand."

NBC reported a flurry of telephone calls from viewers—running 3-to-1 in support of Newman's action. It was Newman's last day on the show and he left on vacation.

The New York Times and The Washington Post declined to comment on the episode.

Pravda, however, was offended by the comparison. "I can testify," said Thomas Kolesnichenko, the newspaper's New York correspondent, "that there is a big difference between the way you publish the news and the way we do."

THE COMPLEXITIES OF WELFARE REFORM

Mr. RIBICOFF. Mr. President, for 2 years, Congress has been struggling to reach agreement on a reform on the Nation's welfare system. Some are concerned about the proper level of benefits, others about the necessary work incentives. But most of us agree that something must be done and done now.

With this agreement, why have we not moved faster? Alice Rivlin's article, published in this morning's Washington Post, sheds great light on the problem.

As she notes, it is relatively easy to argue the simple question of whether or not the Federal Government should be involved in issues such as welfare, education, and health. The difficulty comes once it is decided that action is necessary and we are then faced with developing an effective program. It is here that imaginative thought and leadership are vitality needed but are all too often missing.

The problem of welfare reform presents the Senate with a great challenge. It is a complex issue that takes time and thought and promises little in the way of political gain. The poor and downtrodden do not write their Senators, or even vote, very often. In my 2 years of work on this issue, I have received fewer than 10 letters from the poor about this matter. I am sure that that is the case for other Senators, as well. Nonetheless, the 25 million Americans living in poverty need and deserve our help.

I hope we are ready to move beyond the myths and stereotypes of welfare problems and jointly devote our best efforts to developing an improved and more effective system of welfare for this country. Alice Rivlin's article helps to place this issue in perspective. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONFLICTING OBJECTIVES HOBBLE THE ATTACK ON POVERTY

(By Alice M. Rivlin)

On the face of it, there is no good reason for poverty to persist in the United States. Why should there be destitution in a country in which not just the few but the many can afford the luxury of a second car, a color television or a pleasure boat?

The very poor are a small portion of the population. About 26 million people or 13 per cent of the population have incomes below the government's official definition of poverty (just under $4,000 a year for a family of four). It would take about $11 billion or approximately 1 per cent of the Gross National Product to make up the difference between the incomes of the very poor and the official poverty level. Of course, the government level is too low, but why can't we at least get everyone up to that level and work from there?

The easiest explanation of why we do not eliminate poverty is that the majority of the population does not want to—at least not badly enough to make the necessary sacrifices. Most people do not want to give up even a fraction of their material well-being to ease someone else's misery. Moreover, the comfortable part of the population has its own theory of why poverty persists: poverty is the fault of the poor. If "they" would just work and save and not have so many children, they could make it like everyone else.

This view of the haves and have-nots as opposing political forces is certainly partly right. One reason we have not eliminated poverty is that the haves enjoy more power, as well as more money, and they use the power to make sure they hang on to the money.

But there is another explanation which may go further toward explaining our current inaction; namely, that we have not eliminated poverty because we have not figured out how to do it. The problem is hard, not so much because it involves conflicts between rich and poor, but because designing solutions reveals conflicts between objectives held by rich and poor alike.

The debate over welfare reform, which has tied up the Congress for two sessions without resolution, provides an example. A better welfare system is certainly not the complete answer to poverty, but it would help. The paralysis of our legislators may reflect the unwillingness of their constituents to give aid to the poor but it also reflects the sheer difficulty of constructing a workable welfare system that meets several objectives at once.

What are the objectives? First, there is pretty general agreement that we ought to have a welfare system that assures everyone at least a minimum adequate level of income. No one ought to be destitute, certainly not children. Second, there is general agreement that a welfare system ought to encourage people to work. Everyone ought to have an incentive to better himself and be allowed to keep at least a substantial part of his earnings. Third, a good welfare system should be "fair." Equally needy people should receive equal treatment, no matter where they live or who they are.

It is obvious that our present welfare system meets *none* of these objectives. It fails to ensure everyone an adequate income—millions are not covered at all. Those who are covered have little incentive to work, and unequal treatment abounds. Can't we do better?

In the last several years a consensus has emerged about the general characteristics of a better welfare system. To satisfy the fairness criterion it should be a general system, not restricted to certain categories of people, as the present welfare system is, and it should be national, not subject to the whims of state legislatures. To satisfy the adequacy criterion it should guarantee every family a minimum income based on family size. To satisfy the incentives objective, families which increase their earnings should have their payment reduced by less than the amount they earn (the fruits of their labor should not be subject to a 100 per cent tax).

The basic idea is appealing—indeed it has appealed to persons as different as George Wiley, Milton Friedman and Richard Nixon—but designing such a system is tricky and moving to it from our present welfare mess is even harder. To satisfy the adequacy criterion and get everyone out of poverty it would seem necessary to set the minimum guarantee at least at the official poverty level ($4,000 for a family of four, rather than the $2,400 or the administration's Family Assistance Plan), although many spokesmen for the poor regard this as inadequate. Even the $4,000 level, however, may endanger incentives to work, especially in parts of the country where wages are low. A family of four would have a hard time living on $4,000 in Washington or Detroit and it is not likely that many would quit jobs to live on the government minimum. In Mississippi, however, a large portion of the full-time labor force earns less than $4,000 a year and one might expect substantial defections from the labor force if the guarantee were set that high. Maybe one should recognize this fact by setting a lower guarantee in Mississippi, but would this violate the fairness criterion and how would one decide on the appropriate differential?

One would not have to worry about incentives so much if people were allowed to keep a large fraction of their earnings. Then they would still have plenty of reason to work. How about setting the guarantee at $4,000 a year for a family of four and reducing the payment by only 20 cents for each dollar a family earned? Then a family could keep 80 cents out of each dollar—which is about what lower-bracket income-tax payers get to keep. This solution sounds reasonable—why should the poor be subject to a higher tax rate than moderate income people?—but it turns out to be prohibitively expensive. One cannot operate the system only for the benefit of poor persons who start working for the first time. Fairness dictates that people who are already working be treated in the same way. But if one sets up a general system with a $4,000 guarantee and reduces the payment by 20 cents for each dollar earned, one has to make payments to everyone who earns less than $20,000 a year, which is almost everybody in the whole country. A family earning $15,000 a year, for example, would have $3,000 (20 per cent) deducted from its $4,000 guarantee and still receive a payment of $1,000. Apart from the obvious impossibility of financing such a system, one would surely question the fairness of giving public aid to families earning $15,000 while other families with no earnings were forced, perhaps through no fault of their own to live on $4,000.

It is for this reason that even generous welfare reform plans reduce benefits fairly rapidly as earnings rise. Under the not-so-generous Nixon Family Assistance Plan, a family would have its benefits reduced by 2 dollars for each 3 dollars earned; they would be subject to a 66⅔ per cent tax rate. The effective tax rate would actually be higher—more like 80 per cent—because they have to pay Social Security tax and might lose medical and other benefits as their income rose. Getting to keep 20 cents out of each dollar earned is hardly much of an incentive to take an unpleasant low-paid job.

Why not compromise and move the guarantee to $4,000 and the "tax" rate to 50 per cent? This may well be a good solution, but it would cost at least $30 billion more than the present welfare system and would involve payments to people with incomes up to $8,000 or well into the middle income bracket. This may be worth it, but it should be recognized as a much more complex and expensive undertaking than appeared when we first asked. "Why can't we cure poverty?"

Other options have been suggested to help resolve these dilemmas—perhaps the rate at which earnings are taxed should increase as earnings rise to the poverty level, or perhaps there should be different arrangements for families with no employable members, whatever that means. But the point is that the problem is complicated and finding a solution that satisfactorily resolves the conflicting objective is no easy task. If Congress has not managed to do so it may not be because of a standoff between the anti-poor and the pro-poor forces, but because the average congressman is just plain confused.

The welfare problem is just one example of conflicting objectives that make it difficult to solve a social problem. Another example is population growth. One objective that seems likely to gain more adherents in the future is that of reducing the rate of over-all population growth—perhaps to zero. If people turn out to want an average of two children per family, a zero rate of growth can be accomplished without any difficulty. But suppose they want more? One way to encourage people to want fewer children is to put more of the costs of child-rearing onto parents. Parents who had to bear the full cost of educating their children instead of relying on tax-supported schools, for example, might be more reluctant to have an additional child. At the very least one could reduce the income tax exemption for third and subsequent children. But this whole set of anti-natalist policies runs counter to another widely and strongly held objective, that of ensuring the fullest development of all children once they are born. Indeed current policy—preschool programs, child health services, compensatory education—moves in the direction of increasing the ratio of public to parental resources.

Until quite recently historical accident saved national political figures from having to face up to the difficulties of reconciling conflicting objectives in designing social programs—the accident of the constitutional reservation of almost all social concerns to the states. Until the 1930s, education, welfare, health and social services were simply not national issues. Politicians built their campaigns around trust-busting, free silver and keeping out of war. Then the necessity of coping with the great depression forced the federal government into social programs and provided liberal politicians with a simple set of issues good for 30 years of almost uninterrupted political success. The big question at the national level became: should federal resources be devoted to particular social objectives? Should there be a social security program or a welfare program or an unemployment insurance program? Should there be Medicare? Should there be federal aid to education? Should there be a "war on poverty?" The liberals said "yes" and the conservatives said "no."

Once the federal programs were enacted the liberals were for spending more money on them. The problems were great; state and local resources were inadequate and unequally distributed; it seemed reasonable that spending federal money would help. It was not necessary to worry about exactly how the money would be spent.

Now we are running out of "yes" or "no" issues. National health insurance may be the last one available. Moreover, the liberals have lost their innocence. By the end of the 1960s it was evident that just spending more federal money was not necessarily going to produce results. Money for education would not automatically teach children to read. It would be necessary to find out what was preventing children from learning, perhaps to redesign the whole education system; to attract different sorts of people to teaching and to give them different incentives, not just more pay and better buildings. More money for health might just escalate the price of health care, or put more people in hospitals who need not be there. To improve health care it would be necessary to redesign the whole health system, to introduce new incentives and new ways of reimbursing doctors and hospitals. More money for welfare would just perpetuate a badly constructed system. It would be necessary to set up a new system which did a better job of reconciling the objectives as to adequacy, incentives and equal treatment.

All these design problems are hard to think about and even harder to explain to the public. They are unsuitable for campaign oratory which almost of necessity must deal with simple questions of "yes" and "no" and more or less. This is why being a liberal leader in the 1970s is so much harder a job than it used to be. It may be why we seem to have so few real leaders.

MISTREATMENT OF JEWS IN THE SOVIET UNION

Mr. PACKWOOD. Mr. President, earlier this summer an interfaith delegation led by Seymour Graubard and Ben Epstein presented United Nations Ambassador George Bush with a "Statement of Conscience" decrying the mistreatment of Jews in the Soviet Union. The statement was signed by over 8,000 Christian clergy and church officials from every State in the Union.

The "Statement of Conscience" calls on the Soviet Union to grant permission to those Soviet Jews who desire to do so to emigrate to Israel or to any other country and to insure the unhindered exercise of this right. I earnestly hope that the Soviet Union will implement this policy. Those who wish to leave the Soviet Union should be free to do so. This is a fundamental human right.

A number of Oregon's Christian clergymen joined in this statement. Mr. President, I ask unanimous consent that the text of the "Statement of Conscience," and a list of the Oregonians who signed it be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF CONSCIENCE

Profoundly disturbed by the discriminatory treatment of Jews in the Soviet Union and the suppression of their rights under the Soviet Constitution to practice their cultural and religious heritage, and in full affirmation of the universal principles of justice and brotherhood, I hereby join with other Christian spokesmen in an urgent call to the Soviet authorities:

1. To extend to Jews in the Soviet Union the full measure of equality to which they are entitled under the Soviet Constitution.
2. To permit Jews to live in accord with their cultural and religious heritage freely and openly.
3. To eradicate every vestige of anti-Semitism and to institute a vigorous campaign against all anti-Semitic manifestations.
4. To grant permission to those Jews who desire to do so to emigrate to Israel or to any other country and to insure the unhindered exercise of this right.

The dignity, freedom and equality of all men is a basic religious and moral principle. So long as his principle is violated I cannot in good conscience remain silent. I therefore solemly subscribe to this urgent appeal.

OREGON—STATEMENT OF CONSCIENCE

Br. Bernard J. Kerula, Mt. Angel Abbey, St. Benedict.

Very Rev. Martin Pollard, O.S.B., Prior—VIP, Mt. Angel Abbey, St. Benedict.

Rev. Joseph Wood, O.S.B., Dean—VIP, Mt. Angel Seminary, St. Benedict.

Rev. Boniface Lautz, O.S.B., President—VIP, Mt. Angel Seminary, St. Benedict.

Rev. Donald E. Kay, Mt. Angel Seminary, St. Benedict.

Rev. Bradley Kehog, Mt. Angel Seminary, St. Benedict.

Rev. Father C. K. Trewhella, Dir. of Pastoral Services, Good Samaritan Hosp. & Medical Ctr., Portland.

Rev. Joseph E. Haley, C.S.C., Director of International Students—Campus Ministry, Portland.

Father Cosmas White, O.S.B., Tillamook.

Sr. Elizabeth Beuder, S.S.M.O., Tillamock.

Sr. Mary Peter, S.S.M.O., Tillamook.

P. J. McMermy—Teacher T.C.H.S., Tillamook.

Sr. M. Caroline Ann Gimpl—Professor, Maryhurst College, Maryhurst.

Sr. Barbara Gfeller, Assoc. Prof., Maryhurst Coll., Maryhurst.

Sr. M. Claudia Foltz—Asst. Prof., Maryhurst Coll., Maryhurst.

Sr. Joseph Mary Basick—Postmaster, Maryhurst Coll., Maryhurst.

Sr. Adele Maureen Bresnahan, Registrar, Maryhurst Coll., Maryhurst.

Sr. Maneta Joan Jones—Coordinator, Maryhurst Coll., Maryhurst.

Dr. L. Edwards—Minister, Church of the Nazarene, Canby.

Fr. Benedict Driesemer, Trappist Abbey, Lafayette.

Br. Fabian Brodeur, Trappist Abbey, Lafayette.

Br. Alan Philip James McHale, Trappist Abbey, Lafayette.

Br. Alberie Gerard, Trappist Abbey, Lafayette.

Br. Bernard Hefner, Trappist Abbey, Lafayette.

Br. Phillip Wertman, Trappist Abbey, Lafayette.

Br. John Joseph Russill, Trappist Abbey, Lafayette.

Fr. Jerome Ebacher, Trappist Abbey, Lafayette.

Rev. R. Feemstra—Pastor Methodist Church, Falls City.

Marie O. Allen—S.S. Supt., Falls City Methodist Church, Falls City.

Mrs. Ed Hewitt—Lay leader, Dallas.

Gordon G. Frazee—Chm. Dept. Rel. Studies, Linfield Coll., McMinnville.

John A. Day—Professor, Linfield Coll., McMinnville.

Robert E. Jones—Professor, Linfield Coll., McMinnville.

Wesley Caspers—Professor, Linfield Coll., McMinnville.

Joseph D. Ban—Assoc. Professor & Chaplain, Linfield Coll., McMinnville.

Stephen D. Beckman—Professor, Linfield Coll., McMinnville.

John E. Hanson—Dean of the Coll.—VIP, Linfield Coll., McMinnville.

Paul E. Howard—Professor, Linfield Coll., McMinnville.

William A. Mahler—Professor, Linfield Coll., McMinville.

James A. Duke—Professor, Linfield Coll., McMinnville.

Vincil D. Jacobs—Professor, Linfield Coll., McMinnville.

Levi J. Carlile—Assoc. Professor, Linfield Coll., McMinnville.

Edmund P. Geyser—Asst. Professor, Linfield Coll., McMinnville.

Dr. Gordon C. Bjork—President—VIP, Linfield Coll., McMinnville.

Oscar W. Payne—retired Minister, United Presbyterian Church, Portland.

Robert C. Patten—Pastor, United Presbyterian Church, Portland.

Don L. Henry—Minister, Disciples of Christ, Salem.

Norman Huffman—Professor, Willamette University, Salem.

Ruth S. Haskins—Chairman, Mission Work Area, United Methodist Church, Salem.

Jon S. Haskins—Minister, Presbyterian, Portland.

G. Douglas Straton—Professor of Religion, University of Oregon, Eugene.

Alan L. Stephenson—Professor of Religion, University of Oregon, Eugene.

Stephen C. Reynolds—Professor of Religion, University of Oregon, Eugene.

Jack T. Sanders—Associate Professor—Religious Studies, University of Oregon, Eugene.

Richard L. Rohrbaugh—Pastor, St. Mark Presbyterian Church—USA, Portland.

Norman P. Allen—I & S Consultant, UPC-USA, Portland.

Burton Alvis—Clergyman, UPC-USA, Portland.

The Rev. Charles C. Barnes, Presbyterian Pastor Emeritus—Willamette Presbytery, Salem.

David Ward—Pastor, Westminster Presbyterian Church, Salem.

C. Todd Martin—Pastor, Westminster Presbyterian Church, Salem.

Rev. Vernon A. Grooves, United Methodist, Portland.

Rev. Alan G. Deale, First Unitarian Church, Portland.

Rev. Karl A. Bach, First Unitarian Church, Portland.

Mary C. Rowland—Local Director, Stella Maris House, Portland.

THE CONSTITUTION

Mr. ERVIN. Mr. President, Dr. James O. Baird, president of Oklahoma Christian College, and Dr. Robert H. Rowland, director of the American Citizenship Center of Oklahoma Christian College, recently established a project which contemplates that seminars upon the Constitution of the United States will be conducted by the American Citizenship Center of Oklahoma Christian College, at some appropriate place on an annual basis for the benefit of teachers.

The distinguished columnist James J. Kilpatrick and I had the honor of attending and participating in one of these seminars which was recently held by the Citizenship Center at Dallas, Tex.

Dr. Baird and Dr. Rowland deserve the thanks of the country for originating this project which can be of incalculable value to our country.

Mr. Kilpatrick made some comments upon this project in his column "A Conservative View," some days ago. His comments merit wide dissemination. I, therefore, ask unanimous consent that the article be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

THE CONSTITUTION

(By James J. Kilpatrick)

DALLAS.—Summer is the seminar season for teachers. A thousand classes in intellectual calisthenics must be in session this week, and doubtless most of them merit a word of praise. A recent gathering here in Dallas, at the law school of Southern Methodist University, calls for a special salute.

Nearly a hundred high school teachers of history and social studies got together last week for two days of hard listening and lively discussion. They met to consider, of all things, the Constitution of the United States, how to teach it today. Who ever heard of such a thing?

The seminar was organized by the American Citizenship Center of Oklahoma Christian College, up in Oklahoma City. A Texas donor put up the modest sum required to finance the affair, and teachers were invited from both large and small high schools in the two states. Senator Sam Ervin of North Carolina, one of the nation's foremost constitutionalists, served as principal speaker, but with deference to Senator Sam, the teachers themselves provided the real meat and potatoes. For persons who love the Constitution—simply love it, and love to talk about it—these were two happy days.

Dr. James O. Baird, president of Oklahoma Christian College, and Dr. Robert H. Rowland, director of the Citizenship Center, were the prime movers in bringing the teachers together. Their principal concern in recent years has been the failure, as they view it, of so many young people really to learn the fundamental principles and values of their country. In a small but effective way, working first with high school students and now with their teachers, they are trying to rekindle old fires of dedication and understanding.

It is a tremendously important task. As President Nixon remarked the other day, in a brooding moment out in California, the most casual study of the decline of Rome will turn up some striking analogies with conditions in the United States in recent years. Nixon did not want to be misunderstood: He was optimistic that our old Roman virtues would reassert themselves. He was not about to acknowledge the onset of some new barbarianism, with new Dark Ages to follow.

Others may be less optimistic. Look around. At the public level, we surely are witnessing a decline in what Gibbon used to describe as the "martial spirit." The tendency in Congress, not only as to Vietnam but in every other respect, is not to strengthen our military forces but to make them weaker. Senator Barry Goldwater says the critical moment has passed without our knowing it. The U.S. is already a second-rate power. Our welfare rolls increase; our debt piles up; inflation undermines the value of our money.

In the private sector, one marks other declines—the decline in civility, the decline of manners, the slipping of moral restraints, the faltering discipline of church and family and school. The decline that most troubles such educators as Dr. Baird and Dr. Rowland is the decline in understanding of those great concepts the Constitution was meant to preserve such as limited government, responsible freedom, due processes of law.

How does one "teach the Constitution"? To listen to the teachers as they talk among themselves, students have little interest in textual analysis. James Madison does not exactly grab them. They do not groove upon the doctrine of enumerated powers. "My students," one instructor remarked, "think of the Constitution in terms of just one word: 'rights.' They say, 'I know my rights.' But they don't know their rights. And it's not easy to talk to them of 'ordered liberty' when most of our time in the classroom has to be spent in just keeping order."

One approach suggested in the Dallas seminar is to concentrate without ignoring historical background on what the constitution means today. A student who may yawn at 18th Century prohibitions upon an "establishment of religion" may be awakened by last month's Supreme Court decision on aid to parochial schools. Is the Fourteenth Amendment dull stuff? Then talk about the Constitution in terms of the compulsory busing of students to achieve racial balance. It's a hot topic in Texas today. The point is: The Constitution lives. Effective teaching, by knowledgeable teachers, will not let it die.

EXTRADITION AND THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, the Senate Committee on Foreign Relations has just acted on the U.N. Convention on Genocide. I believe the time has come for the Senate to do likewise, and I speak today to urge this body to act as soon as possible to approve this vital document.

Some opponents of the ratification of this treaty have recently suggested that there is some danger that after we do sign the treaty, other nations will be empowered to extradite American citizens on charges of genocide. This claim has been specifically related to American soldiers in Vietnam. I wish to speak to this point today, and to demonstrate beyond a doubt that the ratification of the genocide treaty will in no way subject Americans to extradition on trumped-up charges, nor will we be forced to provide foreign governments with such power.

The genocide treaty will not by itself expand the extradition powers of any nation. In order for American citizens to be extradicted on charges of genocide, there must be an extradition treaty in force between the United States and the nation requesting extradition, and that treaty must designate specifically genocide as an extradictable crime. As Mr.

George Aldrich, deputy legal adviser to the Department of State, testified in hearings before the subcommittee of the Foreign Relations Committee:

> There are at present no such treaties in existence with any country.

For any American to be extradicted for genocide, then, the Congress would have to, after lengthy deliberation, pass specific amendments to existing extradition treaties, providing for the crime of genocide.

Even should we pass such specific legislation, safeguards would still exist to protect the rights of all Americans under the law. For example, in an extradition proceeding, the courts of the country of which the accused is a citizen, plus the executive of that jurisdiction, must both agree, according to Mr. Aldrich—

> That the person sought would be held for trial under U.S. law if the offense had been committed here.

In addition, the accused would be guaranteed all the rights under such extradition procedures as he would be accorded in any other type of trial in an American court.

Thus, the genocide treaty will not weaken any of our constitutional guarantees. We now have the opportunity to act on the genocide treaty. I hope we will not let this opportunity pass.

A DISTORTED BEDTIME STORY

Mr. CHURCH. Mr. President, until early this month, the Department of State explained to primary school children in this country our unfortunate military involvement in Indochina as a bedtime story. No explanation was given regarding the President's withdrawal policy, nothing was noted concerning the tragic impact our participation in the war has had on American society. As the title suggests and as the Pentagon papers confirm, no indication was given that this so-called bedtime story has turned out to be a national nightmare.

After a constituent from Idaho pointed this distortion out to me, I wrote the Secretary of State. In response, it was agreed that this propaganda for children was "over-simplified to the point of factual distortion," and the paper was withdrawn from circulation.

The Intermountain—Idaho—Observer reprinted the State Department's bedtime story, together with its own reply, which is well worth reading.

I ask unanimous consent that the material be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Intermountain Observer, June 5, 1971]

Vietnam: A Bed-Time Story—The State Department's Explanation for School Children of Why We Are There

(Editor's Note.—The following is entitled "An explanation of the war in Vietnam for primary school children." It was prepared by the U.S. State Department Bureau of Public Affairs a few months ago as a response to young school children who had written to the President and State Department about Vietnam. It is reprinted here with a supplement which we recommend for any child who might receive the State Department letter.)

Vietnam is a very old country in Asia, about 8,000 miles away from the United States. About 17 years ago, part of the Vietnamese people called Viet Minh were fighting against France which had ruled Vietnam for many years. Many of the Viet Minh wanted Vietnam to be a communist dictatorship rather than a free country. The Vietnamese communists are especially dangerous because they believe in the use of armed force and terror.

The Viet Minh finally won a big victory over the French forces. The French and officials from some other countries who were interested in Vietnam sat down to talk with the Viet Minh in the city of Geneva in Switzerland. They agreed to make peace and to divide Vietnam into two parts. The northern part is held by the communists and is called North Vietnam. South Vietnam is held by those Vietnamese who do not want to live under communist rule. It is also called the Republic of Vietnam. Many people in the North went to live in the South to get away from the communists. Many more wanted to go too but the communists broke the rules of the agreement made at Geneva and would not let them go.

A few years went by. The North Vietnamese were planning to take over all of South Vietnam by elections because there were more Northerners to vote than Southerners and because the communists would make sure, by force if necessary, that more people would vote for the North than for the South. The leaders of South Vietnam refused to take part in elections that they knew would not be fair. This made the communist leaders of the North very angry, and they decided to take over South Vietnam by force.

When the country was divided into two parts, the communists had left some men in the South who pretended to be like the Southerners. These men received orders to dig up the guns which they had hidden and to kill people in the South so the men in the South would be afraid to fight against the communists. These communists in the South, called guerrillas, would often go into villages at night and kill important people such as the mayor and the school teacher. This would make the villagers afraid to tell the South Vietnamese soldiers where the guerrillas were hiding. The guerrillas did not wear uniforms and it was easy for them to hide in the jungle or to pretend they were villagers. During this time we were sending guns and supplies to the South Vietnamese so they could fight back. We also sent some soldiers to advise them how to fight.

As time went on, the North Vietnamese sent more and more men from the North into South Vietnam. They began to send soldiers who attacked the soldiers of the army of South Vietnam and soon there was a real war going on. The soldiers from the North and the guerrillas were well trained to fight. Things were going badly for the people of the South. They wanted to be able to decide how to run their country for themselves. So they asked us to help them fight the North Vietnamese. The South Vietnamese had showed that they were brave people and we know that if the North Vietnamese were not stopped from trying to take over another country by shooting and killing, the other countries in Asia would be in danger too from the communists. So we decided to help the South Vietnamese people, and some other countries also decided to help. That way we hoped to keep the war in Vietnam from becoming a big war that might put the whole world in danger.

America promised to help the South Vietnamese and we sent soldiers, ships and airplanes to Vietnam. Five other countries also sent soldiers. Over 30 countries gave food, medical supplies and many other things to help the South Vietnamese. We have been fighting very hard for six years to help the South Vietnamese soldiers. Together we have done well and the soldiers from the North are not winning any more. They are still trying to take over the South but they know that the South with our help is stronger than they are. The South Vietnamese are becoming such good soldiers that we are bringing some of our men back to America. In May and June last year American and South Vietnamese soldiers destroyed the communist bases in the next-door country of Cambodia. We did this because the bases gave the communists a chance to attack our men in South Vietnam and then to run and hide in Cambodia. Our action in Cambodia made it safe to go on bringing our men home. This year some South Vietnamese forces, with the help of U.S. air power, have moved into the nearby country of Laos to cut the supply lines the communists need to carry on the war in South Vietnam.

We and South Vietnam do not want to take over the North and we do not want to make the war bigger. All we want to do is to stop the communists from taking South Vietnam. President Nixon has said that if the communists go back home to the North and leave the South alone, the war will end. We are having talks with leaders from the North in the city of Paris in France. At these talks, we are telling them that if they will take all of their soldiers out of South Vietnam, we will too. But if we take all of our soldiers out of South Vietnam before peace is made or before we are sure that the South Vietnamese can take care of themselves, we would be breaking our promise to them. Other countries which are our allies would then believe that our word was no good and they would not respect us. Also, President Nixon is very concerned about our men held prisoner by the enemy. He has said that as long as North Vietnam holds a single American prisoner, we will have forces in South Vietnam.

We are sorry the North Vietnamese are not ready to pull back their soldiers, but we think they will come to see that peace is better than to go on killing. President Nixon and all of us believe that a good and just peace is possible. Until the North Vietnamese agree, we must have lots of patience and grit to go on with the talks in Paris and with the fighting in Vietnam.

Some Things that Were Left Out

Dear Children: The story you have just heard was made up by people in the American State Department. They are part of the government, and their job is to tell the government's side of the story. In Vietnam there is a war and our government is on one side of the war. A war is like a fight between two people, only much bigger. When someone who is in a fight tells you what the fight is all about, you must remember that you are getting only his side of the story. Here are some of the important things the State Department left out of the story it just told you:

The people of Vietnam, like the people of America, want to govern themselves. That is why they fought so hard for so many years against the French, who were from a far-off country. They have many differences among themselves, just as we do, but most of them were united in their opposition to the French, just as most of us were united in opposition to the British during our own Revolutionary War. When the French were finally defeated about 17 years ago, all of Vietnam would probably have been united under their leader, Ho Chi Minh, who has often been called the George Washington of Vietnam. But the man who was then the head of our State Department, with the help of the French, persuaded Ho Chi Minh to accept a temporary division of the country into north and south. Ho's enemies then fled to the south, took control there, and tore up the agreement to hold free elections.

Naturally, the people in the north were very angry about this. And so were many people in the south. They felt that the Americans and the French and Ho's enemies had played a trick on them. Many people in the south complained about what had happened. Most of them were put in jail, and some of them were shot. Then the people in the south took up arms, and that is how the war began. The government of South Vietnam was not very popular with the people because its leaders were rich and corrupt and friendly with the foreigners who had once controlled the country. So the people who ran the South Vietnam government had to get more and more help from the Americans.

In the early days of the fighting, a few soldiers from the north came down to help the South Vietnamese people who were fighting for a better government. But they were outnumbered 5 to 1 by troops of the South Vietnam government. Nevertheless, the South Vietnam troops were on the verge of being beaten, so America sent many, many soldiers. Two years ago we had more than 500,000 soldiers there. Plus lots and lots of artillery, tanks, planes, bombs and napalm, which is a jellied gasoline that burns everything it touches. Despite all this help, the South Vietnam government still was not able to crush all the people who were fighting it.

A very important thing to remember is that Vietnam has been badly hurt by the war. More than one third of a million people have been killed. More than one million people have lost their homes. Most of the cities and villages have been destroyed. More than one-tenth of all the farmland has been ruined by chemical spray. Vietnam has suffered more loss of life and damage (for its size) than any other country since the history of the world began. Most of this damage was done by Americans.

Most Americans thought at the time that they were doing good. But most of them now believe it was a mistake and that we should leave and let the people of Vietnam—north and south—bind up their wounds and settle their own arguments. That is why President Nixon is bringing some of the troops home. But the President has taken a long time to do this. And he says it may be a very long time before America stops fighting and killing people in Vietnam. Every day that America keeps fighting, more boys and girls and their mothers and fathers in Vietnam will continue to die. There is a way that you can help if you really care. Sit down today and write a letter to President Nixon in Washington, D.C. Tell him you are against the war, tell him why, and ask him to please stop it now!

Department of State,
Washington, D.C., July 9, 1971.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: Secretary Rogers has asked me to reply to your letter dated June 21 regarding one of the papers in our *Public Information Series*, "An Explanation of the War in Viet-Nam for Primary School Children."

This paper was developed to reply to mail from elementary school children when the number of such inquiries became substantial (about 6,000 in two years). In some cases children indicated that they were writing as classwork assigned by their teachers. This paper was sent to each young writer with a brief cover letter which also enclosed adult material and suggested that the child discuss the subject with his parents.

While this paper was necessarily, in view of its purpose, a highly simplified statement, we agree that it contains statements which are over-simplified to the point of factual distortion, and have therefore withdrawn it from any further use.

Please continue to call on me whenever you believe we may be of assistance to you.

Sincerely yours,
David M. Abshire,
Assistant Secretary for Congressional Relations.

June 21. 1971.

Hon. William P. Rogers,
Department of State,
Washington, D.C.

Dear Mr. Secretary: A constituent of mine recently sent me a copy of an explanation which the State Department sends to the children of this country regarding our involvement in Indochina. Considering the President's policy of withdrawal, revelation of the McNamara Papers in the New York Times, and other recent events in regard to the results of the war such as refugees and drugs, I look at this statement as highly distorted.

I hope that you and your staff can review its contents and present a more realistic appraisal to American primary school children of our involvement in Indochina.

With best wishes,
Sincerely,
Frank Church.

Boise, Idaho.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: I obtained the enclosed document through a simple request mailed to the State Department of what I had assumed was the United States of America. After reading the returned material I find myself wondering if perhaps I wrote to the wrong address.

Senator Church, primary school students are very impressionable children. At that young age they learn quickly to absorb what is presented to them. Rarely do they question. It should therefore behoove the government to proceed with extreme caution when presenting an official "explanation" of policy to this age group.

The inclosed document, however, written expressly for these children, falls into the shadowy realm that would be condemned as "propaganda" if published by our enemies. Were this document printed earlier in German, or today in Russian or Chinese, our judgment would be swift and complete as to its "merits." I would hope that no less scrutinizing standards would be applied to our own publications.

As a citizen of this nation, with a deep respect for what I believe this nation is, I object to this printed distortion presented as "explanation of policy." I hope that you will do all within your power as a United States Senator to rectify what I feel has been a very serious error on behalf of the State Department.

Sincerely yours,
David Morrissey.

THE PSALM OF THE ADDICT

Mr. ERVIN. Mr. President, the Morganton, N.C., News-Herald of May 12, 1971, contained an editorial commenting upon an article, entitled "The Psalm of the Addict," clipped by a heroin addict. The editorial was found in an automobile of the addict who committed suicide by carbon monoxide poisoning. This "Psalm" portrays in a drastic manner the tragedy of addicts, and for this reason merits wide dissemination.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

She Left Her Own Sermon

Sometimes what appears to be one of the routine life-and-death stories to be seen in newspapers daily contains a message more eloquent than a minister's sermon from his pulpit or a medical professor's lecture to an arena full of young physicians.

The other day in Rockingham County the body of a young woman was found in an automobile parked in a rural spot with its motor still running. A hookup with the exhaust sent carbon monoxide fumes into the closed vehicle in what was ruled to have been suicide, with death due to carbon monoxide poisoning.

An investigation, the report said, revealed that the 23-year old woman had been put on probation in Greensboro last October on charge of possessing heroin.

This didn't tell the entire story, but it apparently pointed in the direction of the cause of her will to die.

Here, quoted intact, is part of a Reidsville newspaper's story of the investigation:

With her when she was found were six handwritten legal pages, one newspaper article concerning her arrest on heroin possession and one other short newspaper article called "The Psalm of the Addict." The psalm reads as follows:

"King Heroin is my shepherd, I shall always want. He maketh me to lie down in the gutters. He leadeth me beside the troubled waters. He destroyeth my soul. He leadeth me in the paths of wickedness for the effort's sake. Yea, I shall walk through the valley of poverty and will fear all evil for thou, Heroin, art with me. Thy Needle, and capsule try to comfort me. Thou strippest the table of groceries in the presence of my family. Thou robbest my head of reason. My cup of sorrow runneth over. Surely heroin addiction shall stalk me all the days of my life and I will dwell in the House of the Damned forever."

Included in the article were several lines which were underlined in pencil: "Jail didn't cure me. Nor did hospitalization help me for long. The doctor told my family it would have been better, and indeed kinder, if the person who first got me hooked on dope had taken a gun and blown my brains out. And I wish to God she had. My God how I do wish it."

Who can add anything to describe the pitiable plight of a wretched girl who could see no solution to life but death?

Who, indeed, could issue a stronger warning to young people who are inclined to think they can experiment from various drugs with impunity, confident that they can take it or leave after they have sampled whatever so-called thrills they offer?

It is a more effective message than any which could be delivered by a fuddy-duddy oldtimer.

TRIBUTE TO HILL CUMORAH PAGEANT AND MORMON PIONEERS

Mr. MOSS. Mr. President, this week more than 100,000 people are witnessing the 34th presentation of the Hill Cumorah Pageant, near Palmyra, in the beautiful Finger Lakes region of New York State.

I have had occasion to thrill to this spectacular presentation described by the New York Times as "the most elaborate religious pageant in the world."

For six evenings, with Hill Cumorah shrouded in darkness, 500 young Mormons dressed in costumes of Greek, Roman, Hebraic, Mayan, and Aztec design take their places on 25 stages on the wide western slope to present an epic drama of the rise and fall of an ancient American civilization.

The pageant tells three basic stories—the story of a band of Israelites who sailed to the New World to escape the destruction of Jerusalem 600 years before Christ; incidents in the life of Christ in America as recorded by the Book of Mormon; and the description of the founding of the Mormon Church.

This religious spectacle is based upon the Book of Mormon which Mormons believe is a history of ancient inhabitants of the American continents. They regard the Book of Mormon as complementary to the Holy Bible. In 1823, Joseph Smith said he was led to the Hill Cumorah by a heavenly messenger named Moroni and shown the place where a history of the inhabitants of ancient America had been buried for safekeeping. Later he was allowed to take the records, in the form of thin metal pages, from their depository in the hill. Young Joseph Smith translated the engraved religious and secular writings. The resulting book is named after one of the ancient prophets who centuries ago deposited the records in the hill.

More than 20,000 spectators come each evening from all parts of the country to relive with the 500 performers the moving scenes of the pageant. The pageant is preceded by a recorded concert by the famed Mormon Tabernacle Choir. Music for the pageant is composed by Dr. Crawford Gates, and the pageant director since its inception is Dr. Harold I. Hansen of Brigham Young University. All members of the cast and technical crew pay their own expenses to participate.

On the basis of the Book of Mormon record dramatized by the Hill Cumorah Pageant and other revelations, Joseph Smith organized the Church of Jesus Christ of Latter-day Saints in 1830 in New York. The church then moved to Ohio, then to Missouri, and then to Illinois where the city of Nauvoo was founded. Persecution of the Mormons culminated in the assassination of Joseph and his brother, Hyrum Smith. Thereafter, Brigham Young became president of the church and led his followers on their historic covered wagon trek across the plains to the desert land of the Great Salt Lake Valley.

This week, 124 years ago, the Mormon pioneers entered the valley, I find Brigham Young's simple journal account of the entry of my pioneer ancestors and their industry very moving:

> July 24th: I started early this morning and after crossing Emigration Canon Creek eighteen times, emerged from the canon. Encamped with the main body at 2 p.m. About noon, the five-acre potato patch was plowed, when the brethren commenced planting their seed potatoes. At five, a light shower was accompanied by thunder and stiff breeze.

Then 21 years later with the memories of the first migration still fresh. Brigham Young declared in the Salt Lake Tabernacle:

> We made and broke the road from Nauvoo to this place. Some of the time we followed Indian trails; some of the time we ran by the compass; when we left the Missouri River we followed the Platte. And, we killed rattlesnakes by the cord in some places.
>
> We made roads and built bridges till our backs ached. Where we could not build bridges across rivers we ferried our people across, until we arrived here where we found a few Indians, a few wolves and rabbits, and any amount of crickets; but as for a green tree or a fruit tree, or any green fields, we found nothing of the kind, with the exception of a few cottonwoods and willows on the edge of City Creek.

Mr. President, the creators of the inspired Hill Cumorah pageant are to be commended. And the sacrifice and perseverance of the Mormon pioneers deserve our tribute.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. PROXMIRE) may be recognized for not to exceed 20 minutes after which the period for the transaction of routine morning business with a 3-minute limitation therein, will be resumed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

Mr. PROXMIRE. Mr. President, the Senate, on Monday next at 3 p.m. will have the opportunity, at long last, to vote on the real Lockheed issue.

We have had a provision in the bill which has cloaked the issue. It has been a bill not only for Lockheed but also for other corporations. It was a bill which, as we know, contained some $2 billion. That bill, fortunately, has been laid aside and we now have before us the question of whether we should provide a loan guarantee to the Lockheed Corp.

GUARANTEE WILL NOT SAVE JOBS

The principal argument made in favor of this, certainly the most persuasive argument to those Senators to whom I have talked who intend to or may vote for it, is that it will save jobs.

I think we can argue convincingly that the pending bill on which we will vote next Monday at 3 p.m., if it is voted on favorably, will not save jobs.

In fact, I think we can make a strong case that it would cost jobs.

In the first place, there is a very strong case that can be made that, in the event the Lockheed Corp. does not get this guarantee, the banks may very well provide the $250 million it needs without Lockheed's having to go through bankruptcy.

I think there is an overwhelming argument for the banks to do this on the basis of the way the banks have testified.

Given their testimony, if I were a stockholder in any of these banks, I would be very unhappy if the bank did not provide this loan without the guarantee, and I will tell you why, Mr. President.

The banks have now invested $400 million in Lockheed. The record is clear that if Lockheed goes into bankruptcy, it will only be able to collect, on the basis of its collateral, about $100 million.

The top counsel in the Treasury Department who has studied this very carefully says that, in his view, that is all they would be able to get. They may be able to get the other $300 million eventually, but they would be in a contest with other creditors and that could go on for some years. So that the banks would be in a position to lose $300 million if they did not provide this additional $250 million loan.

The banks have testified to the committee that once the $250 million is made available, Lockheed will in all likelihood be over the hump, out of the woods, and in a position to proceed to make money and pay its debts.

If the bankers' testimony and the Lockheed testimony can be accepted, there is every reason to feel that the banks will go ahead and provide the funds.

In the second place, there is the possibility that London banks may provide the $250 million, in the event the loan guarantee is not provided. I have seen this proposed, and I have talked with people in England about this by telephone within the past few days, and there is serious consideration being given on the part of the London banks. Of course, they have a stake in the Rolls-Royce Co. which would build the engines for Lockheed, and they have reason, therefore, to provide funds in the amount of $250 million because they would lose a great deal if Lockheed went into bankruptcy.

But, Mr. President, even under bankruptcy, even if Lockheed does have to go through chapter X bankruptcy, No. 1, it should be made clear that all of Lockheed's defense operations would continue. They would lose no defense jobs. If I have said that once, I have said it a number of times on the floor. It has never been challenged—not challenged on the floor or in committee.

It was so testified by Under Secretary of Defense Packard and by the Secretary of the Treasury, the principal administration proponent of the bill, that there would be no loss of defense jobs. Defense jobs constitute 85 percent of their jobs. The only part of their operation that would be in jeopardy would be the L–1011 program.

But even the L–1011 program would survive bankruptcy, if the trustee who took over the firm should find the L–1011 is viable, if in his judgment it would bring in more money than it would cost, then he could continue the L–1011 program—and there is no reason in the world why he should not.

As a matter of fact, he would be required to, under any kind of interpretation of the responsibilities of a trustee. So, even those jobs might continue.

TRANSPORTATION DEPARTMENT STUDY NIXES L–1011

If the plane is unviable, that is, if the plane is not going to be a success—and we have argued that it may not be and other competent people have argued that it would not be—the Department of Transportation has a study indicating that the wide-bodied jet field can support only one producer. Anyone who picks up the paper these days, or rides in an airplane, knows the trouble the airlines are in as well as the aircraft manufacturers. We know how difficult it must be, these days, to sell new airplanes. There have been cancellations of the DC–10. There has been an announcement by TWA that they intend to mothball their 747's. The demand may well not be there for the L–1011. In that event, the guarantee will do the workers very little good. As a matter of fact, what would happen is that more workers may be recalled temporarily. But soon the L–1011 would fold, so that if the L–1011 fails because of a dried up market, more people would be laid off.

LOCKHEED MISJUDGMENTS

Lockheed has a long record of making bad judgments on break-even points. We know this from the C–5A, the Cheyenne helicopter, the SRAM missile and the shipbuilding programs. On the L–1011 they have estimated that they could break even if they sold 250 airplanes, but they have orders for only 103 so that there is a real possibility some of those may be canceled. They have options for another 75. There is every reason to expect that some of them may be canceled. So they are very short of their own break-even points.

The Department of Defense a year ago estimated that in order for Lockheed to break even, they would have to sell not 103, for which they have orders now, not the 250 that Lockheed claims necessary to break even, but 390. That study was made more than a year ago. If brought up to date the break-even point would likely be 450 or more.

I think that the best break-even study we can get is the one made by McDonnell Douglas for their own plane, the DC–10. They found, for their own plane, and we all know that is an efficient operation, on an almost exactly similar plane, that their break-even point is 438 planes. A realistic break-even for Lockheed on this plane we are underwriting would probably be around 430 to 450. To expect that Lockheed would sell this number of planes is to expect the impossible. They cannot do it.

Mr. President, if they cannot do this, if they cannot break even, obviously they will have to drop out of this field.

Then far more workers will be in trouble. They will have to discharge people. There will be more unemployment under those circumstances than there would be if we did not go ahead with this.

FEWER JOBS WITH LOCKHEED THAN DOUGLAS

Furthermore, Mr. President, if we go ahead with this particular guarantee, what we do is simply provide that instead of producing and selling as many DC–10's—a plane that is now in the field and a plane that is now being produced, the first two planes having been delivered this week—airlines might buy some L–1011 and fewer DC–10's.

Now, one might say so what? Would there then be any difference in the number of jobs? Yes, there would be. We have American workers employed on the DC–10 as we do on the L–1011. Moreover, Mr. President, it does make a difference. The difference is that the foreign labor content in the L–1011 is a whopping 40 percent if we include the foreign labor content on the engines and the spares for the engines. The reason is that the engines are built in Britain. Those would have to come from Britain. There is not any doubt that the foreign labor content is very high.

On the other hand, the foreign labor content on the DC–10 is about 10 percent. They have their wings fabricated in Canada. However, virtually everything else on the plane is built in this country.

So, I think, with the finite demand for the airplanes, we will sell about the same number of American-built airplanes either way. The question is whether we will sell a plane with a 90-percent American labor content, the Douglas DC–3, or a plane with a 60-percent American labor content, the Lockheed plane, the L–1011.

Mr. President, by defeating the House bill, by defeating the Lockheed guarantee, we would provide more jobs, because by doing that we would create a situation in which the American-built wide-body jetbus will be a plane with less foreign labor content and more American labor content employed in it.

IMMEDIATE EMPLOYMENT IMPACT

Mr. President, there have been some exaggerations on the immediate labor impact of Lockheed's going into bankruptcy. And I say that there is a good prospect that they will not, even if the bill is not passed.

According to the latest Lockheed records, there are 16,000 people altogether at the present time employed on the L–1011. That is not 30,000, but 16,000. That includes the number of people working directly for Lockheed, the number of suppliers and subcontractors, and so forth.

It is true that they had more people working earlier. However, they have cut back on the number of workers, and the number of people whose jobs are in jeopardy is 16,000. That figure has been erroneously exaggerated to 30,000 or even 60,000. Of course, what would happen is that the jobs lost there would be picked up on the DC–10, which is the competitive plane. That would take 6 or 9 months. But nevertheless in less than a year Douglas would pick up all these jobs. And because of the difference in foreign labor content, because General Electric, an American company, produces the engine for the DC–10—we would have, instead of 16,000 jobs lost, the employment on the DC–10 of 20,000 people. So more jobs would be available.

COMPETITIVE ARGUMENT DOES NOT APPLY TO L–1011

Mr. President, one of the other arguments—frequently advanced—in favor of the Lockheed guarantee is that it would allegedly increase competition. It has been said that if we have only one manufacturer of the wide-body jet, we would have a monopoly and that if we had two, it would create more competition. This is a superficially appealing argument.

I point out that the only analysis and the only study done on this matter was done by the Department of Transportation, and the Space Agency, NASA. It made a study that was completed last March. That study showed the limited field of wide-body jets could accommodate only one American producer. It showed that if there were two firms, they would both be weak and would both lose money. One firm can do the job well. Two firms is one too many.

From a theoretical and philosophical standpoint it might be argued that there ought to be two firms engaged and not one. How about it?

I submit that we can find no man with a stronger record in the fight against competition than Donald Turner, the former Assistant Attorney General in charge of antitrust for the previous administration. He testified before our committee. And he testified against this guarantee.

I specifically asked him whether the failure to provide this guarantee and the subsequent failure of Lockheed in the field would not result in a monopoly. He said that he had studied the matter and because of the nature of the wide-body jet industry in his judgment it could not economically support two firms. The situation would be unstable. It would be a misallocation of resources. It would be an unfortunate situation for both firms. It would not be good from the standpoint of competition or economic strength.

There were no independent experts who supported the view that competition would be better served by this guarantee which would make it possible for Lockheed Corp. to get into the wide-body jet field.

Mr. President, as I have said, the market is not big enough for two firms. As a result, the prices would have to be higher to cover cost.

Mr. President, I discussed a little earlier the break-even point in the market.

I pointed out that Lockheed would probably have to produce 430 to 450 planes to break even.

If the market is big enough, we could have two firms. If it is not, it would be difficult for both firms.

I pointed out that the Department of Transportation study found that the market would only be big enough for one manufacturer and not for two manufacturers.

The banks are very enthusiastic supporters of this guarantee, because they get a free ride and a big advantage from this guarantee. But the banks' projections of the markets are only 60 percent of the Lockheed projections.

If we accept the banks' projections, it it is almost impossible to imagine that Lockheed could make money. Maybe that is why the banks categorically decided they would loan the $250 million to Lockheed without the guarantee. If Lockheed could make money, it would mean that McDonnell Douglas would lose a bundle. It is possible that with one firm in the field McDonnell Douglas might do a little better than break even. With both in, they would both be losers.

Why bail out bad management?

We also ought to recognize the fact that one unfortunate fallout consequence in connection with this bill is that the guarantee would perpetuate bad management. Mr. Haughton appeared before our committee. He is a very fine man. He is a good man. He is a man who has worked hard. And undoubtedly he is a man of fine qualities as an executive and manager.

But, Mr. President, no one can look at the record of the company that has failed not once, twice, or three times, but four successive times in producing equipment for the Department of Defense.

They failed by a huge margin again and again and again. They missed over and over.

There is an old saying, "Fool me once, shame on you; fool me twice, shame on me."

The firm has failed repeatedly. It seems to me that if Congress is going to go ahead with this record and guarantee this kind of management, it is our shame and not theirs that we proceed with it.

This firm lost $480 million on four Government contracts all at the same time.

The last time Lockheed was in the commercial field with the Lockheed Electra—which was a commercial disaster—it lost $60 million on it. This is not exactly the kind of record that should encourage Members of Congress to feel that they are betting on the winning horse.

LOCKHEED GUARANTEE, A BAD PRECEDENT

Mr. President, above all, the most significant objection in my view to this bill is the fact that this is a bad precedent. It is true we no longer have a generic bill before us; we just have one company. But there is no way Congress can avoid the fact that if we are going to guarantee the Lockheed Corp., we are going to be asked in the future to guarantee other corporations that are in trouble. And when we turn them down, they will say, But how about Lockheed?

The essence of our free enterprise system is that if one works hard and has good judgment, and is able to hold cost down, and is able to price and sell the product well, then one can succeed and there will be a good payoff. In our system one can become wealthy; stockholders can be rewarded; and that is the way it should be. But that is only one part of this carrot and stick system of ours. That is the carrot, and it is less than half the reason our system works.

The other reason the American system is so strong—and I think the most important reason—is that if one does not produce, if one cannot come through, if one cannot cover his costs, if one is inefficient, then one faces the specter of failure and he has to pay the price. The minimum price that ought to be paid is that management ought to be removed and the stockholders who make the investment ought to bear some of the brunt of the failure. That is part of the risk the stockholder takes. That is all that bankruptcy would require—that the firm get new management, and that the stockholders be required to bear the cost of the failure. Of course, the creditors would also have to pay for the risk which they took when they loaned their money.

SENATORS FACE A WEEKEND OF PRESSURE

Mr. President, I do hope that when this bill comes before the Senate on Monday that Members of the Senate will recognize the merits of this issue. It is not easy for a Senator to do this. There has been very great pressure on Members of the Senate from organized labor, the big banks, and organized Lockheed employees and suppliers. They brought great pressure on my State, and I know they have on many Members of the Senate. It is a very difficult decision, I am sure, for many Members to make.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that I may be allowed to continue for 1 additional minute.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **PROXMIRE**. Mr. President, I do hope that Senators will consider these matters very, very carefully and will recognize that under the circumstances the interests of our country and of our economic system that have served us so very well would be better served by saying no on this guarantee and resisting the enormous pressure that undoubtedly is going to be brought to bear over this weekend on Members of this body.

Mr. **TOWER**. Mr. President, I think that the basic issue we are considering in this bill is employment, and there is no question that the United States will lose jobs if Lockheed fails.

I think the Senate will benefit from studying the testimony of the Secretary of the Treasury before the House Banking and Currency Committee on this issue. There will be further discussion on both this question and all other aspects of the bill on Monday before the vote on the House bill, but all aspects of this bill eventually yield to the importance of employment to the thousands of people affected by the bill.

Mr. President, I ask unanimous consent that the text of Secretary Connally's testimony on employment to the House Banking and Currency Committee be printed at the conclusion of my remarks.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SECRETARY CONNALLY

What then are the reasons behind my decision to recommend assistance to Lockheed?

Foremost in my mind is the imperative need to protect and foster the rising confidence that will gradually restore the jobs and growth lost in recent months. There is no need to recount in detail for this committee the chain of events which led to the current economic slack—massive increases in Federal spending, without adequate tax increases in the late 1960's, as a result, an economy captured by inflation and inflationary expectations, and, finally, the firm application of strict fiscal and monetary policies to restrain the boom and restore stability.

The costs of these necessary restraints have been high—the human costs in terms of unemployment and the material costs in terms of lost output. Moreover, these costs have been even greater to our defense industry. While the overall activity was being restrained, large amounts of resources were being withdrawn from the defense and space industries, resources which could not be immediately utilized elsewhere.

The opposite of confidence is fear. Restoration of confidence means, in effect, the elimination of fear. At this time, with the economy moving ahead and unemployment topping out, the failure of the Nation's largest defense contractor—with 72,000 employees earning $830 million a year, 35,000 suppliers, and $2½ billion in annual sales—would, beyond any shadow of doubt, generate deep-seated fears.

Workers throughout the aerospace industry—not just those thrown out of work by the bankruptcy—would face heightened competition for their own jobs. Thus, a new wave of anxieties would be created.

Stockholders throughout American industry—not just those of Lockheed—might well question the future values of their own investments. The result would be market repercussions that could severely dampen and perhaps even thwart the business recovery. Consequently, Mr. Chairman, the basic motivation for our recommendation is not simply a concern for a particular company or a particular industry and, I might say parenthetically, that we seem prone to forget the tremendous contributions made by the defense and aerospace industries to our security and progress. Rather, the primary motivation is a deep concern for the well-being of the American people.

Let me now turn to the specific consequences of the loss of the amounts already invested in the Lockheed L–1011 Tri-Star airbus. At this point in time, only a few months from the date Lockheed has expected to begin delivering planes to the airlines, its investment—and that of its subcontractors—amounts to about $1.3 billion. Only a small fraction of this investment could be salvaged if the L–1011 program is terminated. In fact, the company estimates that more than $1 billion of this investment would have only scrap value in such circumstances.

Underlying this investment in physical inventories are outside financial commitments that would have to be largely written off. In addition to the net equity of Lockheed's 55,000 shareholders, which now amounts to about $235 million, subcontractors are estimated to have invested $350 million in the program, a consortium of 24 banks has loans outstanding to the company of $400 million, airlines have made prepayments amounting to about $240 million, and debenture holders have claims of another $135 million.

Now it's very hard to predict each and every consequence which would attend a Lockheed failure. But one thing is certain, the L–1011 would be dead. The stockholders almost certainly would see the value of their shares wiped out. Among the company's suppliers, most, probably, would be able to survive, but perhaps others would not.

Similarly, the airline purchasers of the L–1011 could ill afford to lose the sums they have deposited with Lockheed as prepayments. These deposits, for example, amount to $90 million for TWA, $68 million for Eastern, and $32 million for Delta. At a time when most airlines are beset by rising costs, shrinking revenues, and severe operating losses, this added burden should not lightly be thrust upon them.

Another loser from a Lockheed bankruptcy would be the Federal Government itself. Our own economic analysis is that the termination of the Tri-Star project may impose a social cost on the private economy of $260 to $380 million, depending on the duration of the adjustment period. This social cost is the result of lost disposable income of workers and the forgone gross product of idle capital. Included in this aggregate economic loss is a Federal income tax loss estimated to be $65 to $95 million. However, in addition to this aggregate cost, loss recognition by creditors, shareholders, and suppliers will result in estimated shortrun Federal revenue losses of $275 to $340 million. Finally, additional unemployment compensation paid out to displaced workers will amount to $50 to $75 million, depending on the duration of the adjustment period.

So far, I have been describing the potential losses from a Lockheed bankruptcy in terms of dollars and cents. But there is an even more important consequence of the L–1011's demise, namely, the unemployment it creates. Prior to the Rolls-Royce receivership, there were approximately 17,800 workers employed by Lockheed on the L–1011 program. Since February nearly 8,000 have been temporarily furloughed. The remaining 10,000 will lose their jobs as well if the L–1011 program is scrapped.

Similarly, Lockheed's suppliers, who were estimated to have been employing some 16,000 people in 21 States directly on L–1011 work in January have had to reduce their work forces to only about 6,500 at present because of the curtailment of work following the Rolls-Royce bankruptcy.

Moreover, though it is more difficult to estimate, it is evident that for every employee directly laid off, others in communities where their income was spent will also suffer. It is estimated that counting this indirect impact, a total of 60,000 employees will end up without jobs if the L–1011 is shut down. Even on a direct basis, the cost is heavy, as the reductions that have already taken place show.

Additionally, I believe that a Lockheed failure would adversely affect other employees, both of Lockheed and its suppliers, who are now employed in the performance of Lockheed's many defense contracts. I do not mean to imply that those contracts would not be performed ultimately—for I believe they would. However, it is my judgment that an enterprise of Lockheed's magnitude, involving many thousand contractual relationships with suppliers and subcontractors, could not go into either a chapter X reorganization of a liquidation in bankruptcy without the inevitable creation of delays and dislocations. This probably would mean increased costs on those defense contracts, but more importantly, it would mean human hardships through furloughing of employees until legal and financial uncertainties were resolved.

The cost of this added unemployment has to be measured in terms of the impact on particular geographic areas where unemployment is already well above the national average and on the aerospace industry that has already suffered a disproportionate reduction in employment as a result of (1) the winding down of military orders, (2) cutbacks in the space program, and (3) the cancellation of the SST.

From a peak of over 1.4 million jobs in 1967, total aerospace employment declined to less than 1.1 million jobs at the end of last year and has been projected to be down to 943,000 by the end of this year. This would represent a cumulative decline of about one-third in 4 years. Moreover, of the major metropolitan areas with substantial unemployment, at least six are in this category primarily because of aerospace unemployment.

At a time when the Government is spending $1½ billion annually on job training programs, and is about to initiate a new public service jobs program with a 2-year cost of $2½ billion, it would be ironic to withhold authority for guarantees—guarantees we believe will be costless—that could preserve the jobs of fully trained aerospace workers.

ORDER OF BUSINESS

The **PRESIDING OFFICER.** The Senate will proceed to further consideration of routine morning business with a 3-minute limitation on speeches by Senators.

Is there further morning business to be transacted at this time?

Mr. **PROXMIRE.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. ON TUESDAY, WEDNESDAY, THURSDAY, AND FRIDAY OF NEXT WEEK

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, Tuesday, Wednesday, and Thursday of next week it stand in adjournment until 10 o'clock a.m. on Tuesday, Wednesday, Thursday, and Friday, respectively.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. **BYRD** of West Virginia. Mr. President, I believe the final quorum call of the day has already occurred, so I shall proceed to outline the program for Monday.

The Senate will convene at 11 o'clock a.m. Following recognition of the two leaders there will be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond 12 o'clock noon. At 12 o'clock noon the Senate will proceed to the consideration of H.R. 8432, the emergency loan guarantee—Lockheed—bill, with debate on the bill limited to 2 hours.

Debate on any amendment, motion, or appeal, with the exception of a motion to lay on the table, will be limited to 20 minutes.

A rollcall vote on the final passage of the bill shall occur at 3 o'clock p.m., with this caveat: If an amendment or amendments are pending at 3 o'clock p.m., the vote on the bill will occur immediately after the disposition of the amendment or amendments. The vote on the pending cloture motion is vacated.

Following the disposition of the Lockheed bill on Monday, the Senate will proceed to consider S. 382, the Federal elections campaign bill. Under the agreement previously entered, time will be limited thereon to 16 hours. Time on any amendment thereto will be limited to 30 minutes to be equally divided, with the following exceptions as to time: Three hours on an amendment by Mr. DOMINICK; 3 hours on each of two amendments by Mr. PROUTY; 2 hours on an amendment by Mr. FANNIN; and 2 hours on an amendment by Mr. STEVENS.

During consideration of the Federal election bill, the Senate may act on a dual-track system from time to time, with approval of the leadership and manager of the bill, Mr. PASTORE.

There will undoubtedly be several rollcall votes on amendments, and tabling motions, to the Federal election campaign bill.

As far as the situation can be determined at the moment, the picture is not clear with respect to the program for Tuesday, Wednesday, Thursday, and Friday of next week. However, this much can be said for the general guidance of the Members of the Senate:

The Senate will convene at 10 o'clock a.m. daily. This hour, of course, is subject to future change; but if there is any change, the change will be to an earlier hour, not to a later hour.

There are presently no orders for recognition daily of Senators, but such may be entered from day to day. There will be a period for the transaction of routine morning business daily for not to exceed 15 minutes. The Senate will resume consideration daily of S. 382, the Federal elections campaign bill, until that bill is disposed of—keeping in mind the two-track procedure where necessary and advisable.

So there is a prospect of rollcall votes on amendments to that bill—and on tabling motions—each day, and of course, there will be a rollcall vote on the final passage of that bill whenever passage comes.

Other calendar measures and conference reports may be brought up at any time from day to day with rollcall votes always possible. Such other calendar measures, for example, would be the continuing appropriations resolution, the $1 billion employment assistance appropriations bill, the economic opportunity bill, the military construction authorization, and so on.

Conference reports which may be brought up from time to time on any day of the week next week include, but are not limited to, the following: The Transportation appropriation bill, the Interior appropriation bill, the HEW appropriation bill, the HUD appropriation bill, the State-Justice-Commerce appropriation bill, the Public Works appropriation bill, and the military selective service bill—on any of which rollcall votes may occur.

So, suffice it to say that the Senate should be prepared to stay in session into the evening daily next week.

Also, the Senators will want to be prepared for rollcall votes daily through Friday—repeat, through Friday.

The Senate has a very, very busy schedule to complete before the 1-month recess begins at the close of business next Friday. Hence, the anticipated busy schedule through Friday—repeat, through Friday next.

And there is a caveat: The railroad situation may create some additional problems which cannot now be anticipated, but, in any event, there is no question that the Senate is in for a very busy week next week—long hours, long days, and rollcall votes through Friday.

ADJOURNMENT UNTIL MONDAY, AUGUST 2, 1971, AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. on Monday.

The motion was agreed to; and (at 2 o'clock and 35 minutes p.m.) the Senate adjourned until Monday, August 2, 1971, at 11 a.m.

EXTENSIONS OF REMARKS

PATRIOTISM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, July 30, 1971

Mr. BYRD of Virginia. Mr President, the Virginia Gazette, of Williamsburg, Va., has published a fine statement on patriotism written by Mr. Richard E. Baughman, editor of the magazine "Rural Living."

The statement makes the important point that if we are to foster patriotism in the Nation, all citizens must realize that they have both rights and responsibilities. I think this is a point which needs emphasizing today.

The Ruritan Clubs of the Chesapeake District of Virginia sponsored "Salute to America" programs on the State Capitol grounds in Richmond on the 4th of July both in 1970 and 1971. These programs, which are mentioned in Mr. Baughman's statement, had the purpose of giving each citizen a chance to demonstrate his patriotism. I commend the Chesapeake District Ruritans for their splendid action.

I ask unanimous consent that the text of Mr. Baughman's statement be printed in the Extensions of Remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the Virginia Gazette, Friday, July 30, 1971]

THE STRENGTH OF AMERICA

American society seems to have very few patriots in the old sense of the word. Too few people today fit the mold of Nathan Hale and John Paul Jones and even the late Audie Murphy. It seems out of fashion to be patriotic and wave the flag. We have too many critics among ourselves who make mockery of our patriotism. So, thus we stew and waste our energies against ourselves.

The reasons for our fractured society are complicated and diverse, but they all add up to one inescapable flaw. Americans today have lost that sense of unity and common purpose. We need a feeling of oneness that will bind us together.

We have settled our land and fought our wars; and we have achieved the distinction of the number one nation in the world. We have done more good for more people than any other nation in the history of the world, but in the process we have created problems which have caused an increasing number of Americans to turn their backs on our shores and migrate to new lands.

Our courts seem not to work properly under modern pressures, and our legal processes are so cumbersome that we often seem to be giving aid and comfort to our very enemies. We seem like middle-aged parents who stand and wring their hands in dismay because their teen-aged son has not lived up to expectations.

The paramount problem before America is America itself. We have lost the dream that led us through the years, and now we flounder in a sea of frustration. Our domestic criminals assault us on our streets, while our foreign ones taunt us in every conceivable manner, and our young even fly the flag of our opponents.

America needs goals which will recapture the imagination of our people—meaningful goals that will provide a sense of hope and justice for all our citizens. Only hope and faith in the future can reunite our society.

Nothing succeeds like success. No matter if it be football, business, or government, there is pride in being number one. We are number one now, but to remain there we must be more demanding of our citizens.

We must demand that laws be fair, but that they be obeyed. We must demand that all citizens have both rights and responsibilities. We must demand that our government be responsive to the needs of our country. And finally, we must demand that each of us have the moral courage to stand up and be counted in defense of our country. As individuals we may be weak, but in unity toward a common goal there is strength.

The Ruritan Clubs of the Chesapeake District are leading the way in a renewed interest in patriotism. Last Independence Day, and again this 4th of July, the Ruritans presented a Salute to America program on the state capitol grounds in Richmond, Va. The purpose of the program was to voice support of America and to give the individual citizen a chance to demonstrate his patriotism.

To maintain the greatness of America, we individual citizens must be united in a common love for our homeland; for despite the faults and shortcomings, America stands head and shoulders above the rest of the world. United, we can make this Union live up to its potential greatness; and then respect will follow our actions as surely as night follows day.

RUSSIANS GAIN IN MEDITERRANEAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. CRANE. Mr. Speaker, while many in Washington discuss what they call a "reordering" of our priorities, by which they mean, essentially, a cut in defense spending and the transferring of defense funds to such domestic areas as pollution, housing, and education, the fact is that our strategic position in the world is rapidly deteriorating. In no part of the world is this deterioration more evident and more shocking than in the Middle East.

How we can fulfill our commitment to defend the integrity of Israel at the same time that the Russians are gaining ascendancy in the entire Mediterranean area is a question which the advocates of lower defense spending and strategic preparedness have yet to answer.

That our position in the Mediterranean is in a serious state of decline is beyond question. In an important report in the July 19, 1971, issue of Newsweek magazine, Senior Editor Arnaud de Borchgrave states that—

> There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

Looking forward to the possible "Finlandization" of all of Western Europe, Mr. de Borchgrave points out:

> With the proliferation of Soviet power in the Mediterranean and along Europe's oil supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism.

Looking to the future, and aware of the danger of the growing neo-isolationism in the United States, not only among the new left but even among more allegedly responsible spokesmen, Mr. de Borchgrave notes:

> The combination of neo-isolationism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

Because of their fear of an imminent American withdrawal from the Mediterranean, the Newsweek editor reports:

> Even Franco Spain and the colonels in Greece are doing what they can to improve relations with Moscow. For by conveying the impression that over the next few years domestic affairs will enjoy priority over foreign affairs, America is, in effect, telling Moscow: "This is your round in the Mediterranean. Make the most of it."

Our Government cannot be both sincere in its commitment to Israel and our NATO allies in the Mediterranean and be equally committed to the kind of "reordering" of priorities which places defense in a lesser position. At some point, a real choice must be made.

I wish to share Mr. de Borchgrave's article with my colleagues, and insert it in the RECORD at this time:

A MEDITERRANEAN TIDE RUNS FOR THE RUSSIANS

(By Arnaud de Borchgrave)

Aboard the U.S.S. Springfield last week, a young naval intelligence officer could hardly contain his admiration for the latest Soviet warships steaming in the Mediterranean Sea. "That's a beauty," he said, pointing to a photographic blowup of a Kresta-class guided-missile cruiser. "There's nothing like it on our side." Standing nearby, Vice Admiral Isaac C. Kidd, the commander of the U.S. Sixth Fleet, readily agreed. "A humdinger," he said of the Soviet ship. "Only 3,500 tons. But it's got the punch of a pocket battleship."

Nowadays, the Soviet Union packs quite a wallop in the Mediterranean. On a typical day last week, the wall-to-wall situation room (map) at NATO's surveillance headquarters in Naples bristled with symbols for Soviet men-o'-war: 55 versus 44 in the Sixth Fleet (map). And Russian political influence in the strategically important inland sea has grown apace with its fleet. Last week, the Kremlin dispatched Ambassador Mikhail Smirnovsky to the Maltese capital of Valletta in hopes of securing an embassy in the one-time British possession. Both British and American spokesmen professed to see no threat to the NATO installation on Malta, doubting that its newly elected leftist Premier will turn over those naval facilities to the Russians. But there was no mistaking their fear—expressed also by Israeli Defense Minister Moshe Dayan last week—that the successful Soviet penetration of the Mediterranean is bringing about a fundamental change in the balance of power in the area.

There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

U.S. admirals in the Mediterranean claim to be confident that, in the event of a military showdown, the Sixth Fleet could still overwhelm the Soviet fleet and fulfill its "second strike" nuclear mission against assigned targets in East Europe and southern Russia. This claim to naval superiority is evidently based on the American fleet's two aircraft carriers, ships whose firepower the Soviet fleet cannot match on a ship-to-ship basis. But it is worth remembering that the newly installed Russian tactical air force in Egypt—which has recently been dug into 220 hardened sites—can fly cover for the Soviet fleet in the Mediterranean and, if need be, attack the U.S. flattops. Moreover, some military experts are convinced that the two U.S. carriers have already been effectively neutralized by the latest Soviet guided-missile cruisers to arrive in the sea. Finally, the ships of the U.S. fleet are of much older vintage than the Russian vessels, and at the present rate of deployment, these experts believe, the Soviet Mediterranean fleet will clearly surpass the American armada in potency by mid-1972.

In the eyes of West Europeans, this expansion of Soviet power is directly related to critical changes in the American home front. The Europeans realize that the bitter taste of the Vietnam war has soured the U.S. on overseas commitments, and they are coming to believe that they may soon have to fend for themselves. But with the proliferation of Soviet power in the Mediterranean and along Europe's oil-supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism. The combination of neo-isolationism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

Raymond Cartier, one of Europe's most widely respected journalists, recently wrote: "America has given Europe a quarter of a century of invulnerability but Europe has not had the foresight to transfer some of its opulence to the problem of its own security. The withdrawal of American forces in the relatively near future is a certainty. The Mediterranean is now blanketed by Soviet naval power lapping against Europe's southern coastline. The northern front has also been outflanked by the same Soviet naval power reaching into the Atlantic."

DISARRAY

If Europe existed as more than a geographic expression, there might be an alternative to U.S. power. But many countries that now might wish to reduce their dependence on one or the other of the two superpowers regretfully conclude that there will be no European alternative for a long time to come. The European monetary union project, a prerequisite for an integrated European defense community, was dealt yet another blow in the Franco-German summit meeting last week when Chancellor Willy Brandt and President Georges Pompidou failed to reach agreement on the status of the floating Deutsche mark (page 69). This kind of European disarray, coupled with the fact that the U.S. is already in retreat—at least psychologically—means that things will continue to go Russia's way in an area of vital concern to the entire Western world.

Many Western officials and commentators, convinced that gunboat diplomacy is dead in an age of multi-headed nuclear missiles, have dismissed the Soviet effort in the Mediterranean as wasteful and useless. But the Soviets know better. When Egyptian President Anwar Sadat purged pro-Soviet plotters from his entourage two months ago, Moscow managed to more than offset its losses; it swiftly extracted from Sadat a new fifteen-year treaty that tied Egypt even closer to the Soviet Union. Among the many reasons that led Sadat to sign the treaty, presumably one was his belief that the massive Soviet presence in the Mediterranean was visible proof of Moscow's commitment to the Arab cause.

VACUUM

The same kind of gunboat diplomacy, Europeans fear, might be used in countries all along the North African and European littorals of the Mediterranean in the years to come. Nonalignment is tantamount to a power vacuum in the Soviet book, and with the withdrawal of Western influence from North Africa, the Soviets are making a determined effort to move in. Morocco, the last remaining monarchy in North Africa, is ripe for revolution—as last week's attempt to remove King Hassan showed—and the Soviets would be happy to help. Europe-oriented Tunisia, squeezed between revolutionary regimes in Algeria and Libya—and heavily dependent on ailing President Habib Bourguiba—would be another likely target.

This Soviet power in the Mediterranean basin will also make itself felt in the critically important Persian Gulf area once the Suez Canal is reopened. The gulf area supplies 60 per cent of West Europe's and 90 per cent of Japan's fuel needs. The British are phasing out of the gulf later this year and the U.S. has no intention—or desire—to fill the power gap. Moreover, London's plan for a gulf federation has collapsed and the oil sheikdoms are about to opt for independence. "A few modern Soviet warships calling regularly at these ports and entertaining impressionable sheiks will work miracles," a longtime gulf resident told me. "Especially if there is no countervailing U.S. force."

It won't be long before the sheiks realize where the real power lies. The Soviets already have twenty new warships on station in the Indian Ocean (as against two U.S. ships). Anticipating the reopening of the Suez Canal, they have also just completed construction of a new naval base at Port Sudan on the Red Sea (in return for free MIG's and tanks for the Sudanese), halfway between the Mediterranean and the Persian Gulf. Should the Soviets successfully expand their Mediterranean presence into this part of the world, they would be able to exercise additional political leverage on Western Europe by controlling its sources of oil.

DEDENTE

No one suggests that the Soviets don't have a right to be in the Mediterranean in whatever force they wish, and in the Indian Ocean and Persian Gulf for that matter. But what is needed is a credible countervailing force. Instead, America is pulling out, and Europe is dithering. In the past five years, NATO forces in Central Europe have been allowed to run down by 25 per cent (including the loss of 500 aircraft). During the same time, Soviet forces alone, on the same front, have increased by six divisions. Despite U.S. pledges to maintain and improve its strength in Europe, it was revealed two weeks ago that two Air Force squadrons were pulled out of Europe in 1970 without a word being said to America's European allies. "The very prospects of détente," commented the outgoing NATO civilian chief, Manlio Brosio, last week, "have created a climate in Western opinion in favor of unilaterally reducing NATO force levels." Moscow, of course, remains unencumbered by the restraints of public opinion, and whenever anyone in the West tries to halt the drift toward a lax defense posture, the Russians fire off accusations that such talk impedes détente.

Even more important than Soviet intentions, however, is the American trend toward introspection and isolation. "The steady encroachment of Congress on the President's ability to conduct foreign policy," one of Europe's leading policymakers told me recently, "means that a formal pledge isn't what it used to be." Moreover, the release of the Pentagon papers has, in a sense, vindicated those in the U.S. who regard power politics as evil and un-American. But that doesn't mean that the power realities will oblige us by simply disappearing.

Under these circumstances, Europeans are keeping their options open. Even Franco Spain and the colonels in Greece are doing what they can to improve relations with Moscow. For by conveying the impression that over the next few years domestic affairs will enjoy priority over foreign affairs, America is, in effect, telling Moscow: "This is your round in the Mediterranean. Make the most of it." It is an absolute certainty that the Russians will do just that.

SOVIET EXPANSION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. SCHMITZ. Mr. Speaker, U.S. News and World Report of July 26, 1971, contained a realistic assessment of the Soviet Union's continuing drive for global conquest. There are many who account for the lack of appropriate U.S. response to this fast-moving expansion as simply the Chief Executive's thinking that he will not be able to secure the congressional support necessary to successfully counter the Soviets.

After a close reading of the state of the world message, delivered last February by the President, it is possible to account for the lack of U.S. response in another way. On page 123 of this policy the President says—

> Historically, international adversaries have demonstrated a compulsion to seek every gain, however marginal, at the expense of their competitors. In this classical competition, the accumulation of gains over a period of time could alter the balance of power. This may have been realistic in the past; at least it was the essence of international affairs. But it is folly for the nuclear powers to conduct their policies in this manner. For if they succeed, it can only result in confrontation and potential catastrophe.

In other words, the President is saying that the incremental advances of the Soviet Union are really nothing to worry about. The balance of power cannot be altered by piecemeal expansion and incremental accumulation of geopolitical gains. It is obvious that the Soviets do not accept this 20th century foreign policy application of a fallacy commented upon by Plato. Plato said:

> The mind is deceived, as in the fallacy which says that "if each part is little, then the whole is little." And this is true in one way, but not in another, for the whole and the all are not little, although they are made up of littles.

Is there anyone who cannot understand that marginal gains made by the Soviets, such as a nuclear submarine base in Cuba, airbases on the northern littoral of Africa menacing the 6th Fleet, a pro-Soviet Government in Chile, and so forth, are not important? Can anyone fail to grasp the menace posed to the United States by incremental advances of this type? Is there anyone who cannot see that the balance of power can be drastically and irrevocably altered by continuing Soviet advances of this type?

The article from U.S. News and World Report follows:

RUSSIA'S "GAME PLAN": HAS IT REALLY CHANGED?

Of all long-range worries confronting U.S., it's the Soviet Union that is far and away No. 1. A close look at Russia's latest moves makes it clear that Kremlin has never deviated from its drive for world supremacy.

Ever since World War II, Russia has been investing billions of dollars a year in promoting strife and revolution around the world, hoping to profit from resulting disruption and destruction.

All the while, other tens of billions annually have gone into building up the Soviet war machine—matching the U.S. in nuclear striking power, expanding Russian naval fleets, modernizing Soviet armies.

Over the years, that massive effort hardly seemed to be paying off for the Kremlin.

American military might thwarted Joseph Stalin's aims in Korea. Later, in 1962, Nikita Khrushchev was forced to back away and abandon plans to transform Cuba into an atomic-missile base. Soviet power plays in the Congo and Ghana went down the drain. Russia's plot to dominate Indonesia was crushed.

SHATTERED HOPES

The split with Red China shattered Soviet hopes to create a monolithic Communist empire of more than 1 billion people. Trouble for Russia soon erupted in East Germany, then Hungary, and later in Czechoslovakia and Poland.

In a bid for power in the Mideast, Russia gambled billions on arms for Egypt. It all went up in smoke when Israel swept to victory in the Six Day War of June, 1967.

Question in the West was: Would Moscow continue to play this barren game, or would Soviet signals be switched?

The answer is now clear.

Russia never deviated from its "game plan." And today, Moscow is starting to show different results.

The map on page 19 (not printed in RECORD) gives graphic indication of how widespread Russian influence now is. A global map drawn at the end of World War II would have shown sharp constrictions of Soviet might and influence.

Only one power in the world set out to halt this Communist expansion.

For the U.S., the cost of that role has been staggering. To counter Russian ambitions since the cold war started, the U.S. has invested 1.2 trillion dollars in national defense spending, including military assistance to other nations. During the same period, foreign economic aid—at least partially based on military considerations—has cost the U.S. 87 billion dollars, a net figure after repayments and interest on loans. In terms of opposing Russian-supported enemies fought by American forces in Korea and Vietnam, the U.S. has lost 79,000 dead in combat and more than 403,000 wounded.

TURNING POINT

As Western analysts see it, Moscow's drive for world power entered a new and dynamic phase after the humiliating Soviet retreat in the 1962 Cuban missile crisis.

Since then, the Russians have achieved appromixate nuclear parity with the U.S. Massive military aid has opened the way to impressive advances in the Middle East and to strategic footholds in Africa and the Far East. The Soviet Navy—second in size only to America's—operates worldwide to counter U.S. seaborne nuclear muscle.

Since 1955, the Russians have sent nearly 13 billion dollars' worth of arms to Red countries—much of it to North Vietnam—while 8 billion has gone to non-Communist states. Egypt has been a main recipient. Economic aid from Russian and its East European satellites—ladled out selectively—has helped to fuel the drive for greater influence.

The Soviet Union has had to increase its own military power to tighten its grip on restive Eastern Europe and to counter the threat posed by a nuclear-armed China. But Kremlin leaders appear confident that they can handle these problems without slowing expansionist moves.

This confidence, Western experts say, stems from the Kremlin view that America curb the global role of the U.S.

The Soviet objective is to wrest global primacy away from the U.S. without risking a nuclear confrontation. In pursuit of that objective, the Russians are orchestrating military power, arms and economic aid, diplomacy and subversion.

Area by area, this is the game the Soviets are playing in the world today—the stakes and the strategy—as seen by top intelligence authorities of the West:

MIDEAST: PRIME TARGET

Nowhere have the Russians made greater gains since the Cuban missile crisis than in the Midle East—and nowhere have they taken greater risks.

In the aftermath of the crushing defeat of the Arabs by Israel four years ago, the Soviets have converted Egypt into what Britain's Institute for Strategic Studies calls a "virtual protectorate."

Besides military equipment poured in on a vast scale to rebuild shattered Egyptian and Syrian armed forces, the Kremlin sent some 15,000 combat personnel to Egypt—air-defense missile crews, MIG pilots and security units. This is unprecedented support for a non-Communist ally. But Egypt is much more than an ally dependent upon Moscow for military and economic aid. It provides important military bases that could facilitate Soviet advances southward into the Indian Ocean and Africa and westward across North Africa and into the Western Mediterranean.

The Russians are operating air bases at Aswan, Inshas, Mansura, Beni Suef, Glyan Klis and Cairo West. Based at Cairo West is a Russian reconnaissance squadron for surveillance of the U.S. Sixth Fleet. Five Soviet fighter squadrons are said to operate from the other bases. In addition, Soviet warships in the Mediterranean—now a permanent force of more than 60 vessels—use Egyptian base facilities at Alexandria and Mersa Matruh.

CALCULATED RISKS

This deep Soviet involvement in Egypt poses risks. If fighting between Egypt and Israel resumes, it will be difficult for the Russians to escape participation—and the danger of escalation. But Soviet leaders appear to believe they now hold sufficient control to prevent the Egyptian armed forces from dragging them into an unwanted war with Israel.

SPREADING INFLUENCE

Elsewhere in the Arab Middle East and North Africa, Russia has exploited the Arab-Israeli war and strong nationalism to gain influence, using military aid as the chief lever.

Syria's armed forces now are equipped almost exclusively with Soviet aircraft, surface-to-air missiles, tanks and other weapons. Russian military advisers in Syria now number about 750.

Iraq—switching from past dependence on Britain—has turned to Russia as its main military supplier, acquiring 250 Soviet military advisers. In North Africa, both Libya and Algeria are receiving Soviet military aid.

Russia's gains are not limited to Arab states. After a long period of hostility, the Soviets have scored advances in two non-Arab nations which have Western ties—Iran and Turkey.

Turkey, in the past several years, has obtained Soviet credits totaling 364 million dollars—the latest a 263-million-dollar loan to help finance construction of a steel plant in Iskanderun.

In Iran, Russian inroads have been even greater since the Shah gave assurance that he would not let his country be used for political or military pressure against the Soviet Union. With Soviet aid, Iran has just built a 760-million-dollar gas line to the Russian frontier. Moscow has signed an agreement for a 15-year supply of natural gas valued at 920 million dollars, in exchange for which Russia has built a steel mill and machine-tool plant. The yearly trade total between the two countries has jumped from 5 million dollars in 1962 to more than 100 million.

Analysts say that Russian moves in the Mideast have three immediate goals:

1. Access to the region's oil resources, which now supply 80 per cent of Western European needs.
2. Neutralization of the nuclear striking power of U.S. aircraft carriers and submarines in the Mediterranean—which hold much of Russia within missile range.
3. Advancement of the traditional Russian aspiration of a major thrust toward the warm waters of the Indian Ocean.

INDIAN OCEAN: THE DRIVE SOUTH

Step by step, the Soviets are building up a presence in a part of the world Russians have eyed longingly since the days of the czars.

More and more Soviet warships are operating in the Indian Ocean. Russians are developing a network of harbor facilities at Mauritius, Aden, Hodeida in Yemen and Berbera in the Republic of Somalia.

A large Soviet Embassy is maintained in Mauritius. The Russians have landing rights in Mauritius for aircraft carrying relief crews for the Soviet fishing fleet. Also on this island, Russia operates a permanent tracking station for its space program.

Military and economic aid to the military council that seized power in Somalia in 1969 has given the Soviets a foothold in that republic on the East African Coast.

Sudan, which dominates the Red Sea approaches to the Indian Ocean, is another target in the Soviet drive. Russian arms and advisers are being sent to the leftist military regime that grabbed control two years ago.

In Ceylon, Moscow took advantage of another opportunity to reinforce the Soviet presence in the Indian Ocean. When Maoist students staged an insurrection earlier this year and Ceylonese Prime Minister. Sirimavo Bandaranaike asked for outside help, the Russians sent 6 old MIG fighter planes, 2 helicopters and 20 armored cars.

The Soviets are said to be angling for naval facilities on India's Andaman and Nicobar islands and at the submarine base which the Russians are helping the Indians to build at Vishakhapatnam on the Bay of Bengal. In addition to large-scale economic aid, Russia is increasing its leverage in India with a billion dollars in military assistance.

COUNTERMOVES

One objective of Russia's build-up in the Indian Ocean is to counter the nuclear threat created by U.S. submarines in the Arabian Sea, equipped with Polaris and Poseidon missiles.

The Soviets also are eager to counter the influence of Communist China, which is stepping up its activities in Africa and South Asia.

Further, as Britain withdraws from its "east of Suez" military role, the Russians presumably see opportunities to influence political developments in the area with a readily available show of military power.

Reopening of the Suez Canal would give the Soviets yet another motive for a naval presence in the Indian Ocean. They could reestablish and take over Britain's old route from the Mediterranean, through the Suez, across the Arabian Sea to the Indian subcontinent.

Some strategists believe Moscow is determined to do this in line with the Kremlin policy of supporting India as a counterweight to the Soviet Union's archrival, China.

RED CHINA: THE REAL ENEMY

The Kremlin, Western experts say, now looks upon China as an adversary at least as dangerous as the U.S. and perhaps more dangerous in the long run.

Over the past five years, the Soviets have built a powerful force to face the other giant of the Communist world. Western intelligence authorities say the Soviets have deployed roughly 41 divisions along their 4,500-mile frontier with China—supported by nuclear missiles and air power.

In addition, Russia has given high priority to a policy of "containment" of Red China elsewhere in Asia. This is reflected in Soviet aid to both India and Pakistan.

GLOBAL AMBITION

Soviet policy in Vietnam also is said to be based on the double objective of containing Red China while competing with the U.S. for global supremacy. Alhough Russia has sent even more aid to Hanoi than China has provided, many Western intelligence specialists believe that Soviet leaders do not want to see a total humiliation of the U.S. in Vietnam, because they would regard this as leading to an extension of Chinese power and influence in Asia.

What seems to worry Russia's rulers most of all, however, is the fear of "collusion" between Washington and Peking at Moscow's expense—a fear now heightened by President Nixon's impending visit to China.

Kremlin concern over danger of a two-front conflict, growing out of Red China's emergence as a potentially powerful enemy, has influenced Soviet behavior in Europe.

EASTERN EUROPE: POWDER KEG

Nothing is more vexing to the Kremlin than the problem of keeping a tight military and political grip on Eastern Europe.

Russia today has 31 divisions holding down the Iron Curtain satellite countries, five more than were stations in these countries only three years ago.

The expanded army of occupation in Eastern Europe, at a time of large-scale build-up on the Chinese frontier and of an acute manpower shortage in Soviet industry, is significant of Kremlin anxieties.

The bloodless revolution crushed by Russia and its allies in Czechoslovakia in 1968 and last December's uprising of Polish workers are not only explosions that have rocked the Soviet empire in Eastern Europe—nor the last, in the opinion of most Western experts.

Since World War II, Yugoslavia and Albania have completely broken away. Every other country in this empire has demonstrated hostility to Soviet rule by rebellions the Kremlin has had to put down or by other actions. Rumania, while not in open revolt, has defied Moscow by adopting an independent foreign policy. Says a leading Western authority:

"There is no reason to assume that the Russians are immune in their empire to the forces of nationalism that swept Britain and France from their empires in the past 25 years."

This goes far to explain such turns in Moscow's policy toward Western Europe as the still-unratified nonaggression treaty with West Germany, negotiations for a Berlin settlement and the recent offer to negotiate mutual balanced force reductions in Europe in an effort to mobilize support for Soviet calls for a European security conference.

All of the Russian moves have a common aim: international recognition of the *status quo* in Eastern Europe, which would make it easier for the Soviets to consolidate their hold and give them greater freedom to concentrate on undermining the Atlantic Alliance and extending their influence into Western Europe.

Western analysts point out also that Russia's drive for world power would be enhanced if it could nail down concessions from the United States in strategic-arms-limitation talks.

LATIN AMERICA: RUSSIA MOVING IN

A low-key strategy, capitalizing on rising nationalism and antagonism toward the U.S., is paying dividends for the Soviets in Latin America.

Shunning the policy of revolutionary violence urged by Cuba's Fidel Castro, Moscow now seeks to develop and improve relations with established governments, including military dictatorships.

A big plus for the Soviets was the election last October of a Marxist-dominated coalition in Chile—the first time a Marxist regime has been elected by a democratic vote.

Quick to exploit this gain, the Russians have sent experts to help run the formerly American-owned copper mines that the Chilean regime of President Salvador Allende is nationalizing. Moscow also is expanding aid, trade and development assistance.

Bolivia and Peru, ruled by left-wing military dictatorships, are two other principal targets of the new Soviet drive into Latin America. Russian economic aid to both countries is being stepped up rapidly.

SHOWING THE NAVY

Along with economic penetration, the Soviets are trying to expand their strategic presence in this area. Russian missile submarines and other warships are increasingly active in waters off Latin America.

Despite emphasis on economic measures and diplomacy in their push into the Western Hemisphere, the Soviets have not ruled out terror tactics. This was shown last March in Mexico when the Government expelled five Russian diplomats accused of conspiring in a plot to train terrorist guerrillas.

In Latin America, as elsewhere, the aim of the Soviet game is to undercut U.S. influence and further the Russian drive to become the world's dominant power.

THE CHALLENGE TO U.S.

Leading Western specialists on Soviet affairs say this:

Significant change has occurred since the Cuban missile crisis of 1962. The enormous nuclear advantage the U.S. then held over the Soviet Union no longer exists. The Mediterranean then was an "American lake"—but now U.S. sea power is being challenged there by Russia. The dynamic defense and foreign policies which Washington pursued then have been modified, partly as a result of U.S. weariness with the long and costly war against Soviet-supported Communist forces in Vietnam.

Now, as the Soviets push their expansionist policies and the U.S. moves to curtail its overseas commitments, this question is asked:

What new dangers does Russia's strategy pose for America and its allies?

The answer depends, Western authorities say, almost solely on the U.S. response to the growing Soviet challenge and on the extent to which the U.S. continues to reduce its global role.

SPREAD OF SOVIET INFLUENCE AROUND WORLD

Egypt: Russia has poured in more than 2.5 billion dollars in military supplies, upward of 15,000 "advisers." Moscow has gained access to key air and naval bases, won a foothold in the oil-rich Arab world.

Syria: Russia regards Syria as its "fall back" country in Mideast in event Soviet venture in Egypt fails, has sent military advisers and weapons to Syria's armed forces.

Iraq: Soviet Union has replaced Britain as the main supplier of arms.

Algeria and Libya: Two more Arab nations getting Soviet military aid.

Iran: Russia has built a steel mill, helped finance a 760-million-dollar gas line. Trade has jumped to 20 times its volume of 10 years ago.

Turkey: Overcoming traditional Turkish hostility toward Russia, Moscow has granted Turkey credits totaling 364 million dollars.

Somalia: Military and economic aid have given the Russians a voice in this East African nation.

Sudan: Russia has sent arms and advisers to the military regime that seized power in 1969—for a mortgage on the nation's cotton crop.

Indian Ocean: First Russian naval ship appeared in Indian Ocean in 1967. In 1970, at least 29 were reported. New agreements give Soviet ships entry to ports of India, Ceylon, Mauritius, Singapore, Yemen.

Mauritius: Russia has large Embassy here, operates harbor and air facilities, has a permanent tracking station for its space program.

Ceylon: Moscow gained favor in Colombo by sending MIG's, helicopters and armored cars to help crush Maoist student revolt.

India: Russia is making its influence felt in India through 1 billion in military assistance, plus economic aid.

North Vietnam: Hanoi gets more weapons, oil, food, other supplies from Russia than from all other sources combined. In last three years, Soviet aid totaled 1.4 billion dollars.

Communist China: Hoping to "contain" its major enemy in the Communist world, Russia has deployed about 41 divisions along the 4,500-mile border with Red China.

Eastern Europe: Russia controls its satellites—Poland, Hungary, East Germany, Czechoslovakia, Rumania, Bulgaria—with a permanent garrison of 31 divisions, plus the "Brezhnev Doctrine," threatening military force against any East European nation that strays from Moscow's line.

Berlin: After 10 years, the Berlin Wall still seals off Communist East Germany. Four-power talks on easing West Berlin's isolation drag on.

Latin America: Thirteen of the 24 fully independent countries now have relations with the Soviets.

Cuba: Russians have spent more than 5 billion dollars in economic and military aid over last 10 years to retain an operational base in the Americas. Warships, including nuclear submarines, now use Cuban ports.

Chile: While the country swings toward Russia under the Marxist Allende Government, Soviet trade and technical assistance are increasing.

Bolivia: Russia is exploiting Bolivia's "revolutionary nationalism" at the expense of the U.S. by providing economic aid and technical advice.

Peru: Striving to profit from anti-U.S. sentiments within non-Communist military junta, Moscow has agreed to build a fishing port.

Mexico: Russia's low-key strategy in Latin America does not rule out subversion. Five Soviet diplomats were expelled from Mexico after authorities broke up a ring of Mexican terrorists recruited by the Soviets and trained in North Korea.

SENIOR CITIZEN TRANSPORTATION ACT

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I commend my colleague from

California (Mr. CORMAN) and support his bill which would allow elderly persons 65 years and older to travel in interstate commerce for half fare during nonpeak periods.

Senior citizens, living on very meager fixed incomes, have very often been forced to live with no communication with their families. The submission and passage of this bill would offer great relief to our long suffering and neglected senior citizens.

Families should be together as often as they wish and the U.S. Government and this country's transportation system must make this dream a reality.

Senior citizens have for too long been overlooked by the mainstream of society. We must work for meaningful programs of economic development and social growth for our senior citizens.

We, as a nation, can no longer tolerate situations that permit millions of our fellow Americans to plead for small improvements in their daily life. They have worked too long and too hard throughout their lives to not be allowed to participate fully in American Society during their retirement years.

CHARLOTTE MORRISON'S EFFORTS TO SAVE EUGENE O'NEILL HOME

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. WALDIE. Mr. Speaker, a recent article by Dick Davis in the Contra Costa Times described the efforts of many of us who are concerned with preserving the Eugene O'Neill homesite and giving it national historical site status. One of the indomitable spirits leading the fight in California is Mrs. Charlotte Morrison. Both ALAN CRANSTON and JOHN TUNNEY in the Senate and I in the House are also deeply committed to this goal and have introduced legislation of the same purpose.

Mr. Davis' article well explains what is involved if the Congress does not soon take up this important matter—important not only to California, but to the historical sense of all Americans. I sincerely hope that the Congress does not delay any longer.

I insert Mr. Davis' article in the RECORD, and I request the attention of my colleagues to its text:

DEMOCRATS, REPUBLICANS SHOULD UNITE ON THIS!

In a day we hear a great deal of lip service given to concern over ecology and the environment, few appear to be paying much attention to the campaign being waged single-handedly by a most aware Roosmoor resident.

For years now, Charlotte Morrison, 73 years young and with vitality enough for several younger people, has been concerned—deeply concerned—about seeing to it that national legislation is enacted to give National Historical Site status to the Eugene O'Neill home in Danville.

Her latest request is that Contra Costa County residents write Gov. Ronald Reagan asking him to use his influence on President Richard M. Nixon to move pending bills on the proposal out of committee.

We would suggest, however, that in drafting the letters it might be a good idea to make two carbon copies and send them along to Congressman Jerome Waldie and U.S. Senator Alan Cranston. The place for a request for immediate action should be directed to both houses of Congress.

House Resolution 5490, authored by Waldie, and S-737 by Cranston and Sen. John Tunney, are companion bills that would provide for the establishment of the O'Neill House as a National Historical site and Las Trampas Ridge as a national park, both most commendable and vital projects.

This is one instance, we believe, where a Republican Governor and our Democrat representatives in the Congress can certainly work together on a critical piece of legislation that will preserve a great deal of acreage in Contra Costa County for the enjoyment of future generations.

For two years now we have commented on a number of occasions on the worthiness of Mrs. Morrison's one-woman campaign and like Charlotte we simply can't understand the attitude of many of our lawmakers in failing to pass this urgently-needed legislation.

It's true that the O'Neill home has been entered into the National Register of Historic Places by the National Parks Service. But this is simply not enough to achieve the goal that Mrs. Morrison has been working on for six years.

As to the letter-writing campaign, conservationists, environmentalists, the Mentally Gifted Minors (MGM) participants at Los Cerros School in Danville, the San Ramon Valley Historical Society and San Ramon Valley Chamber of Commerce, along with thousands of concerned citizens throughout the San Francisco Bay Area could be of much help by joining in this drive to persuade Congress to act.

As we suggested, it might be well to write letters to the governor with carbon copies of letters to Waldie and Cranston, possibly even the President. A coordinated effort among these groups and individuals would have, we are convinced, a major impact on efforts to move the proposed bills out of committee.

But then we won't know, will we, until and unless we try? This, in essence, is what Mrs. Morrison is proposing—that at least we give it a good try this time.

Stated simply, it would appear the National Park Service is more aware of the dangers of losing the O'Neill home than the governor or the Congress. For although O'Neill died in 1953, only 18 years ago, the park service thought it was sufficiently important to make an exception to its 50-year rule to name the O'Neill home in the national register of historic places. By custom, the park service will not make such an entry until the celebrity has been dead for at least 50 years.

Adding a question mark to the Danville landmark's future is the fact that it is up for sale for $1.8 million, including its 1,013-acre site. It is possible that if these two bills are not enacted soon, the O'Neill home and this acreage will be lost for all time.

It is sad that after six years of efforts on Mrs. Morrison's part that despite all her energies expended we should have to report these visionary bills in Congress are consigned merely to committees for study.

Youngsters charge that the establishment, in many cases meaning their government, is simply not responsive to their pleas for action or change. We can't help but wonder how they would feel and just how angry they would have become by this time if they had been forced to wait patiently as Mrs. Morrison has over the past six years.

Those letters, we would hope, will begin hitting the mail this week on their way to Gov. Reagan, Waldie and Cranston in hopes that action will be taken before it is too late to preserve the O'Neill home and its acreage for future enjoyment of all of us.

WE HAVE MET THE ENEMY AND THEY ARE US

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. STEIGER of Arizona. Mr. Speaker, on May 16 my distinguished colleague from Ohio, the Honorable CLARENCE E. MILLER, was awarded a doctor of public service degree during the spring commencement exercises of Rio Grande College, Rio Grande, Ohio. In conferring this honor on Congressman MILLER, the president of Rio Grande, Dr. Alphus R. Christensen, praised our colleague for his conscientious service in the U.S. House of Representatives. Dr. Christensen, himself an outstanding public servant, has since delivered a very well-reasoned address to the 1971 graduating class of Vinton County High School, in McArthur, Ohio. It is with pleasure that I insert into the RECORD at this time, the remarks of Dr. Christensen for the interest of all our colleagues in the Congress:

WE HAVE MET THE ENEMY AND THEY ARE US

(Commencement address by Dr. Alphus R. Christensen)

Thank you, sir.

Good evening, ladies and gentlemen.

I am conscious of the fact that this is a rather temperamental microphone; that it is rather directional, so I will be sticking pretty close to it. If it looks like I am swallowing it, I am just sucking it to stay with it. You know, using a microphone is pretty much like courting a girl through a picket fence. Everything that is said can be heard but there is very little contact.

Initially this evening I want to congratulate this class for its accomplishment and for whatever it may mean to each individual. Particularly I want to congratulate Diana and Cynthia, because I am going to reiterate some of their remarks.

I delivered my first Commencement address in the Spring of 1938 as a senior in college—that is 33 years ago. Literally I have delivered hundreds of Commencement addresses since that time to all types of Commencement audiences. My friends, during that period there were two breaks. I took out a little bit of time for World War II and then I did not deliver a Commencement address last year—the Spring of 1970—not because I didn't have the opportunity, but because I felt that I had very little to contribute either to comfort, or to stimulate, or to inspire any graduates. I knew that the worn-out cliches and the meaningless platitudes would be useless. But, I feel that I have something to say to graduates this year.

Equally I am confident that some of you will disagree with some of the things I say this evening. Some of you may hate me for saying what I am going to say; some of you may brand me as a heretic; some may say that I am too much of the establishment; others may say that I am anti-establishment. But, be that as it may, I have to say what I think, I have to say what I believe, I have to say what I feel. I don't know how many of you remember that comic strip Pogo. Maybe it runs in some newspapers yet, I haven't seen it for a number of years, but I remember a comment that Pogo made one time. It stuck with me, in fact it impressed me so much it is the title of my address this evening. Pogo said, on one occasion, "We have met the enemy and they are us."

Now, in this audience we have at least three generations present—the younger generation—in fact, when I delivered my first Commencement I was in your group, too, the younger generation. The parents of these students constitute another generation, the grandparents still another generation and if there are any great-grandparents present that accounts for still another generation. Now I can't speak for any generation but my own. As I look at this audience I see a few of you who are walking with me. I can remember the "Dirty Thirties"; I can remember the era of the Great Depression; I can remember when you were lucky to have enough to eat on the table; I can remember when you had to scratch around to get enough clothes to cover your back; I can remember no matter how hard you worked you might not be able to provide adequate housing. My generation can remember those things and consequently it did something to us. I'm not saying it is good or it is bad but it did do something to us. It made us "things" oriented. We became enamored with the material aspects of life and I know if you think about us, you will understand why.

When you have nothing, things have a tendency to become important. Now, this younger generation has been reared in an era of affluence. And, because they have been reared in an era of affluence they have had an opportunity to do more thinking and thank God for that, we didn't have time to do much thinking—we just had to work. But, through thinking they have become "people" oriented which in my estimation is very fine. But you see what happens: here we are, my generation, over here. "things" oriented; here is the younger generation—anyone under 25 in that category—"people" oriented. Consequently, we are poles apart.

This younger generation is an "instant" generation. They want everything now. They want change now; they don't want to wait, but they must understand that man is essentially an inert animal. He doesn't like to be moved. You sometimes have to push him but once you get man to move, he has a tendency to stay in motion. And possibly this generation, if they are willing to work with us just a little bit, maybe they can get us to do some of the things they want done—things we know should be done if we are honest with ourselves.

Now I hope there isn't any one of my generation, or any other generation, who is still harboring the idea that you judge a person by the length of his hair. I hope you have gotten over that hang-up because there is nothing to it. The length of the hair doesn't indicate the type of an individual. History shows there have been some very fine people who had some very long hair and, by the same token, there have been some very fine people who had no hair or practically no hair at all. So hair in itself is not an index of an individual. The same is true as far as mode of dress. Just because someone dresses a little bit differently doesn't make that person better or worse than you and again it is no basis for judging an individual. So I hope we have dispelled those notions because I think long hair is here to stay for awhile. I just wish I could grow more but I am getting a bald spot up there and it is a little difficult for me to do it.

This younger generation too has had a problem in respect to drugs. And it is unfortunate that they have been unwilling to accept conventional evidence and conventional advice. If you read the newspapers and if you study the situation a little bit you appreciate the fact that sometimes people who play around with drugs pay a pretty dear price for that experience, but sometimes that is the only way individuals will learn and, as I said, sometimes that is a terrible, terrible price to pay. Of course we can't denounce this generation—the younger generation—for the obscenities that are scrawled on walls or screamed at demonstrations, or riots, or confrontations because they didn't concoct them. In fact, any one over 30 in this audience probably could tell them some new ones they haven't used as yet because these obscenities have been developed by other generations—not this generation. The point of it is this younger generation is extremely honest, forthright, and aggressive, and above all, my friends, they're not afraid of us and that sometimes shocks and frightens us. They will look you straight in the eye and call you a hypocrite. And you know, sometimes you have to flinch a little bit and admit that you probably are a hypocrite because sometimes we, the older generation, operate under the philosophy of "don't do as I do but do as I say." Now if we operate that way, what else are we but being hypocritical.

My friends, I think this is a fine generation; in fact, I believe it is probably the best generation we have ever developed in this country. However, they lack a couple of things and they lack them, not because they are they, but they lack them because they just haven't been around long enough and the two things that I am talking about are education and experience. Now when I mention education, I am not necessarily talking about formal education. It could be, but it could be informal education. I am just saying this—I don't care who is sitting in this audience there is going to be a time when that person, in one way or another, through the development of a skill or the development of a talent must be able to put bread and butter on the table, to buy clothes, and to provide shelter. Sometime each is going to have to do that for himself or for a family. Consequently it is quite essential that a person develop a talent or skill. Now in respect to experience, they just aren't old enough to have had too much experience. Oh, they have crowded a lot of experience into those 17, 18, 19 years, but they haven't been around long enough to get ample experience.

Now, young people, don't get me wrong. Just because a person is over 30 don't think he is experienced and has developed wisdom. That isn't necessarily true because I know 30-year-olds, 40-year-olds, 50-year-olds, 60-year-olds, 70-year-olds who have been making the same mistake over and over again but have not developed any wisdom. They have had the experience but haven't profited from the errors they have made. That is what I say when I mean by experience that a person has got to make these mistakes but you must profit by them so that you do not repeat them. Therein lies wisdom and the only way you can get that is through being on this earth for a certain length of time. All the other generations present here this evening have the knowledge that some day these graduates will be over 30 too. Isn't that wonderful! They too are eventually going to move into that category of being the older generation—that happens to everyone.

Remember, Cynthia made reference to communication and I agree it is important. Remember, too, we are poles apart because we are "things" oriented and you're "people" oriented. Now I think I can help Cynthia resolve her problem because you see when you talk about communication you must remember that there has to be a sender and a receiver. Now the receiver has to be doing something that is extremely important to complete the communication. The receiver has to be listening. You see that is what happens all too often—whether it is the older generation or the younger generation—we forget to listen. You have to listen! And you know what may happen if you do listen, you may begin to understand and if you begin to understand then you may begin to appreciate each other. So, we want to remember that in communicating we have to listen so that we can learn to understand; if we learn to understand, we will, at least, learn to appreciate.

Now, I know this is an intelligent group of young men and young women and I know they don't disagree with me because I know they know their history—there has never been a society that has ever existed in recorded history wherein anarchy reigned. It just can't happen because when anarchy is imminent, or if anarchy exists, the people accept totalitarianism—complete and total dictatorship. Now we have a group in this country, a small group granted—mostly young but there are some older people too, who would like to see anarchy reign in this country but I assure you that it isn't going to happen because just as sure as anarchy is imminent we will accept dictatorship first. And if we do that, my friends, it is going to be unfortunate because in dictatorship there are no freedoms except those spelled out by the dictator. If you think there is an absence of freedom today in this country in any shape, manner, or form, you just try living under a dictatorship for a while.

Well, I have preached quite a bit tonight, philosophized quite a bit, and now I would like to get down to something that is very specific and concrete. Briefly I am going to lay out an action plan for these young men and young women. An action plan, if it is implemented, can attain some of the things they want. The action plan is not too difficult. There is only one aspect of it that may be a little bit radical.

Now Congress did something a few months ago. Congress made it possible for 18-year-olds to vote. Oh, I know it has to be ratified by the several states but that job will be done and here in Ohio we are anticipating it and trying to move it along a little faster; some of the other states are, too. In fact, four states had voting rights for less than 21-year-olds long before Congress got around to it—they were Hawaii, Alaska, Kentucky, and Georgia. But when you get that right to vote, as an 18-year-old, for heavens' sake, use it because that is the reasonable, lawful way of doing things. Nominate the people who will do your bidding and with whom you agree. Get out and work for them and vote for them. You know that when we have the 1972 elections that there will be 23 million eligible voters under the age of 25, and between the ages of 18 and 21 there will be 11 million eligible voters. Now, for heavens' sake, do better than we have done with that franchise. Use it! Vote every time that you have an opportunity—in every election that you are eligible. My generation can't brag too much—our record has not been too good but you can do better with it; get out there and vote and work. That is a simple thing to do—all I am asking you to do is to exercise your franchise.

Secondly, some of you are going to be legislators some day. You are going to be law makers, you are going to be school board members, you're going to be administrators in schools, you're going to be classroom teachers, you're all going to be tax payers, you're all going to be patrons of a school district, you're all going to be citizens of our country and of a specific community. I am suggesting this—that you work to see there is instituted in every high school in this country a course that studies objectively all forms of government, past and present—all forms. There is no better way to understand your enemy or to understand yourself than by objective analysis, and by that

I mean learning the strengths and weaknesses of the various forms of government. Our form of government has great strengths; it has weaknesses, too. No use denying it—they're there. The thing for us to do is to reinforce the strengths and to eliminate or alleviate those weaknesses.

Now, thirdly, in that plan of mine is this—and you have an obligation to do this—again I can't brag about our generation. We made a little start but I hope that you will move it along with a great deal more speed than we have. I believe that every person who is a citizen of this country and I don't care what church he attends, or if he attends church at all for that matter, what color his skin may be, what his ethnic background may be, I think he deserves the right to develop himself to his highest potential. I think that is a right that is ours as citizens of this country and I think we should work to see that everyone has that opportunity.

Finally, and this is that part that you may not buy—I won't be too disappointed, but I would like to have you think about it anyhow because I think it has some merit. I would recommend, and I want you to hear me through—I would recommend the repeal of the Selective Service Act. I would recommend its repeal, and in its place I would institute a law such as this: Whenever an individual reached the age of 18, male or female, and unless physically incapacitated, that individual should give two years of his life in service to his country. I don't think that is asking too much. Now this service could be in hospitals, it could be in parks, it could be in Vista, it could be in the Peace Corps, it could be in the Job Corps, it could be in the Armed Services—but there would be two years of that individual's life given to his country. There would be many who would choose the Armed Services; there would be others who would choose other aspects of service, but I think this is a far better law and I'll tell you why I think it is better. I have a feeling, and it has grown over the years, there are too many Americans who have the idea that freedom is our birthright and, my friends, that is not true. There have been too many generations in the past which have made the supreme sacrifice in order to maintain those freedoms. I don't think it is ours to take, it is ours to earn. That is why I say that in service to our country we would have an opportunity to earn that freedom. Further, I am confident that a 20-year-old, and I have helped rear three of them myself—a girl and two boys—that a 20-year-old is a little bit more mature, has a little bit better idea what he wants to do.

Well, there are the four steps in my plan—my action plan. Vote—you have the franchise, now use it—100%. Secondly, see that there is an objective course in all our secondary schools teaching the strengths and weaknesses of all forms of government. Thirdly, see that every American citizen has an opportunity to develop himself to his highest potential. And then finally, if you like the idea, or you think it has any merit, look into this suggestion of mine—the idea of everyone serving his country for two years to help pay for the space you occupy and your freedom. Well, will you buy all four of them? Would you buy three of them? How about two, or maybe one? I would like to see, personally, all four of them implemented, but I would take one or any combination of the four from this younger generation of ours. As I said a moment ago, I think this is an excellent generation. I think it is probably the best qualified generation that we have ever developed. Some day we are going to be extremely proud to sit back and say I knew him when. Ladies and gentlemen:

Here, as a child I stand
Lifting up an eager hand.
One is dirty, one is clean,
I am the problem in between.

Yes, my friends, we have met the enemy and they are us.

THE VIETNAM PAPERS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. SMITH of New York. Mr. Speaker, the Buffalo Evening News, one of the outstanding newspapers in New York State and in the United States, recently ran a series of six editorials discussing the validity as history of the leaked Pentagon papers about Vietnam, pinpointing the roles of our last five Presidents and underlining the lessons which emerge from these papers. I think this series of editorials is one of the best that I have read, and I take this occasion to pay tribute to the Buffalo Evening News for their publication. I am proud, Mr. Speaker, to set forth here these editorials for the edification of my colleagues in the Congress and of the people of the United States. They read as follows:

HOW VALID THIS HISTORY?

The point has been repeatedly made that the once-secret Pentagon Papers on the Vietnam war are by no means a final or definite history but just one large part of the raw material out of which that history will eventually be written.

The material, as leaked to the New York Times and finally published in nine installments so huge that one emerges bleary-eyed from a full reading of them, is described accurately in the Times' own summary by Max Frankel: "Massive but incomplete, comprehensive but by no means exhaustive, remarkably honest but undoubtedly warped by perspective and experience."

In this and several subsequent editorials, it will be The News' purpose not to reargue the legal issues involved in leaking and publishing the Vietnam papers but to learn what we can from them and to draw from them such judgments about the history of this period as we think they support. Some of the judgments must be tentative. Others may be flawed by our own viewpoints toward this war, for there is so much documentation here that some of it could be cited to support almost every preconception from ultra-dovish to ultra-hawkish.

Right there, of course, lies the greatest danger to our national peace-of-mind as we face an era of angry recriminations over both the launching and the stalemating of this bitterly divisive war. The fact that the story is so incomplete, that its tangled threads lead in so many controversial directions, seems likely to feed a generation of post-Vietnam demagogues with ingredients for a spate of scapegoat theories—some of them akin to the McCarthy era's "treason theory" of a World War II sellout at Yalta.

The dangers implicit in such a poisonous orgy of vindictiveness should not be minimized. But against such poison, the thousands of pages of documentation in the Pentagon Papers may offer the best antidote available.

For they point us toward truth, and they do it in a way that will force more and more of the full truth to emerge far sooner than it has from any previous ordeal of the sort. The answer to the claim that these papers tell only a fragment of the whole story, after all, is to bring forth other and answering fragments. Whoever thinks he looks bad in these papers has the chance and the challenge to correct the record with his own account.

That process, in fact, is already well advanced. A number of the principals, silent until now, have come out with their own sometimes angry, sometimes philosophical replies, for example: Dean Rusk, Gen. Maxwell Taylor and George Ball. Former President Johnson has his memoirs at the printers. Nearly all of the others are still alive and fully able to flesh out the story with their own recollections, notes, memoirs to the extent they feel their roles have been distorted.

This much bootleg declassification, too, is already giving powerful impetus to a drive for a further surge of declassification in all the other agencies having custody of portions of this same history. And it also now seems certain to trigger one or more thorough and deep-digging congressional inquiries which will both bring more data to light and cause it to be put in a much better historical perspective than any of the leaks to date.

Thus the raw history of this longest American war is being forced from the archives and thrust before the public sooner and more fully than during any previous war period. It is all coming out while the war is still on; indeed, while some basic decisions about its future course are still under public debate, while some of the lessons of the recent past can still be applied and while most of the principal characters are alive and fully capable of participating in the debate. Those having faith in the people—and believing, as we do, in the public's right to know—must share our belief that the more enlightened the citizens of this self-governing democracy are, the more wisely they can chart the nation's future course.

SCORECARD ON FIVE PRESIDENTS

When it comes to pinpointing basic errors or pointing basic blame, the Vietnam papers may start more arguments than they settle. That may be particularly true of any effort now to draw a retrospective scorecard on the five Presidents who, in one way or another, had to bite the Vietnam bullet; Truman, Eisenhower, Kennedy, Johnson and Nixon.

For if you believe that the whole effort to keep South Vietnam out of Communist control was a mistake, then they all share in the bit-by-bit pattern of our present over-involvement. Or if you believe that "dirty tricks" and devious paramilitary tactics are never justified in modern statecraft, then you say a plague on all their houses for that.

But if you accept, as we do, the premise that the world's power balance was in serious jeopardy in the late 1940s and 1950s, and that America's interests required us to take some reasonable risks to try to contain the spread of Communist control in Southeast Asia after the fall of China, then it is hard to pin any major blame for today's Vietnam war on HST or Ike.

The JFK story is more complicated, but history will still have to call it mainly "Johnsons' war."

Truman, to be sure, can be faulted for vacillating five years when asked for help by Ho Chi Minh and later by the French. Far from being a stooge of French imperialism as some New Left historians portray him, he didn't know which way to jump. He knew Ho as both a legitimate nationalist and a man with "direct Communist connections" but his top advisers had "no solution to suggest." It was only after China's fall that Truman declared it U.S. policy "to block further Communist expansion in Asia," and we have no quarrel with him for that.

Eisenhower, too, might be faulted for countenancing some "Ugly American" tactics in creating and then propping up the Diem regime. But he evidently did not, as often alleged, connive in Diem's torpedoing of the Geneva promise of 1956 elections—even though he regarded the whole Geneva agreement as a "disaster." Nor did he yield to any of the intense pressures to intervene militarily to save the French in 1954. In helping Diem consolidate his hold, Ike left Kennedy with a "special commitment" but nothing binding. The papers summarize Ike's role as a decision to "gamble with very limited resources because the potential gains seemed well worth a limited risk."

Then what of Kennedy's role? He escalated that limited risk gamble into a "broad commitment," but he did not, the papers show, commit ground troops and he did, at the end, show some disillusionment with the whole venture, even telling some sources (in 1963) of a firm intent to withdraw completely (in 1965).

The worst Kennedy faults were an excessive fascination with "counter-insurgency" tactics, and his most fateful decision was his acquiescence in the 1963 coup which ended in Diem's assassination. This left America responsible for the incompetent cabal of generals he had encouraged to dump Diem, and the assassination of JFK himself three weeks later left Lyndon Johnson stuck, as caretaker, on a course he would have been very hard put to reverse.

It was unquestionably the Johnson presidency, however, that pushed us past the point of no return and into full-scale war. Each Johnson step up the escalator, however, is easier to forgive than was LBJ's utter lack of candor with the public along the way. He was determined to fight "on the cheap," hoping vaguely to end the war somehow before it disturbed the homefront enough to sidetrack his Great Society. It was only when he had scraped the barrel's bottom and could raise no more troops without calling up reserves that he finally refused, in 1968, to escalate it any more.

On Nixon's role, this history is silent since it ends with 1968. But there is much in it to warn him against such perils as squandering his credibility, or putting wishful optimism above the realism of his top intelligence agencies, or of treating the civilian populations of remote countries as pawns in a great-power confrontation. If Nixon inherited "Johnson's War," he has put his own stamp on it—and not only by gradually de-escalating but also by widening it to Laos and Cambodia while he keeps the U.S. people as much in the dark as the enemy about his true price and timetable for complete withdrawal.

Any final judgment on Nixon's effort to end the war would be highly premature. If he succeeds, he can still emerge the hero of the story. But in a sense he is now the war's No. 1 prisoner and will remain so until he ends it or it ends his presidency, as it did Johnson's.

Where Did We Go Sour?

Much of the youth anti-war movement in this country is founded on the conviction that, in Vietnam, we have been fighting from beginning to end an immoral war. Under that theory, there is no point in looking for telltale clues along the way as the way as to where the U.S. commitment started turning sour, for the whole policy is seen as a ghastly mistake.

We have rejected that view of Vietnam, holding instead that there was indeed validity in the effort to contain Communist expansion in Asia. We would even assert for the most part, a conspicuous success—everywhere except in Indochina. The free world has maintained a tolerable stability, somehow, in the whole great arc of Asia from Korea and Japan through Taiwan and the Philippines to Malaya and Indonesia and around through Thailand and Burma to India.

And even in Vietnam, where Communists would have taken over long ago but for massive American intervention, the price in the early stages did not seem excessive and does not appear so to us now in retrospect.

When it started turning visibly sour was in the early 1960s, as the Kennedy administration grew more and more impatient with the excesses of the Ngo Dinh Diem regime in Saigon and finally supported the military coup that ended in Diem's assassination. This whole fiasco left South Vietnam with a crumbling political structure in a swiftly deteriorating military situation.

So the really pivotal period that emerges from the Pentagon Papers was, by tragic coincidence, the immediate aftermath of the Kennedy assassination—when the new caretaker President was being pushed by all the holdover Kennedy advisers and by the threatened collapse of our wards in Vietnam to take one fateful step after another.

This was the period—from early 1964 through early 1965—when what had been a tolerably limited involvement started its cancerous growth into an intolerable overcommitment. But it was well after that—in 1967, for the most part—before any massive disillusionment began to set in among those who had initially supported the war but later turned dovish.

Even before the so-called unprovoked attack on our ships in the Tonkin Gulf in August 1964, the papers show, we had been mounting clandestine and provocative attacks in that same area. And even while LBJ was picturing Barry Goldwater as a dangerous warmonger and promising not to widen the war, or send bombers against the North, or send American boys to fight Asian boys' battles, he was being pushed in the highest strategy councils to do all these very things, as in fact he did do within the next few months.

The Pentagon Papers make LBJ look terrible for his manipulating and misleading of public opinion during this period. But they do not make it easy to fault him in retrospect for any of the specific decisions he felt obliged to make. Kennedy, at this stage, might have grimly decided to "cut his losses." Eisenhower, faced with a somewhat similar crisis in 1954, had decided against intervening militarily to save the beaten French in Indo-China. But Johnson felt largely trapped, by the necessity to salvage a commitment he had inherited from an assassinated predecessor. The measure of his frustration was expressed to his wife in early 1965: "I can't get out. I can't finish it with what I have got. So what the hell can I do?"

What he did do was escalate our troop commitment, launch the futile bombing campaign in the north (while keeping the targets tightly restricted), and start what rapidly turned into a ground war of attrition in which every division we added was matched by an increased enemy commitment. So we were no nearer victory in 1968, with 500,000 American troops in Vietnam, than we were in 1963 with 16,000 men.

The Most Tragic Figure

With good reason, the whole Vietnam story has been likened to a classic Greek tragedy. But who, among its cast of thousands, emerges as its most tragic figure?

A good case could be made for nominating Robert McNamara, the very architect of the war who later turned into a "disillusioned dove." But as we read the Pentagon study—which McNamara authorized as the war's failure to achieve expected results got more and more under his skin—he will have to settle for runner-up. The leading character of this tragedy is clearly Lyndon Johnson.

Mr. McNamara's credentials are impressive. This was, after all, his kind of war; it was even popularly known as "McNamara's War" during most of the time it was gathering momentum. It was just the sort of "flexible response," measured application of military power, that his computers and whiz-kids told him would accomplish the limited aims sought. And yet each new move somehow kept failing to work as programmed.

And so McNamara himself turned intensely pessimistic, and during most of his final year before being relieved as defense secretary in early 1968 (fired, some say), McNamara was locked in running battle with the Joint Chiefs of Staff over his strong urge to de-escalate and theirs to expand both the air war and our troop commitment in Vietnam.

Thus there was quite a contrast between the McNamara of July 1965 who confidently predicted public support for further escalation "because it is sensible and courageous" and "likely to bring about a success in Vietnam"—and the "disenchanted" McNamara of May 1967 who told LBJ: "The picture of the world's greatest superpower killing or seriously injuring 1000 non-combatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly contested, is not a pretty one."

But the greater tragedy in the Vietnam story is Johnson himself, the man who, pushed by the McNamaras and all the other Kennedy holdovers during the early phases of the escalation, held the bag at the end after many of them had grown disillusioned.

Stewart Alsop has charitably described Johnson in Newsweek as "trying to fool not the people but himself—and temporarily succeeding." He offers the picturesque image of "a deeply troubled man resisting the awful pressures to plunge deeper into the Vietnam quagmire—resisting them as instinctively as an old horse resists being led to the knackers. The President bucks, whinnies and shies away, but always in the end the reins tighten—the pressures are too much for him."

As he moved on in, LBJ found the doubts rising among many of his civilian subordinates. But when even McNamara started urging de-escalation, there was LBJ stuck with the angry counter-pressure of the entire military for an enlarged bombing campaign and still more troops to back up Gen. Westmoreland in the field. In the end, they demanded not only a few reinforcements but a substantial mobilization of 280,000 reserves—which would have sidetracked the Great Society.

LBJ in his 1966 State of the Union message had pledged that "this nation is mighty enough" to "continue the Great Society while we fight in Vietnam." Throughout the 1966–67 escalation, he kept desperately hoping it was so. He "hoped and prayed," as Alsop put it, "that a bit more air power, a few more troops" would bring Hanoi to the table to "reason together." And yet every negotiation overture, too, turned into purest charade as each side kept angling for a climate more favorable to itself.

So the war went on and the stakes got higher, and when LBJ finally knew it wasn't working as planned, he asked the troop-hungry Westmoreland: "When we add divisions, can't the enemy add divisions? If so, where does it all end?" And the only answer he got was a glum concurrence that the enemy would indeed raise the ante if we did, and the war might go on five years. Reinforcements, said Gen. Westmoreland, might shorten it—to three years, if he could have 565,000, maybe to two with 665,000.

That's when even LBJ finally reached the top of his escalator—and decided to check the bombing, stop enlarging the war, and prepare to go home to Texas to write his memoirs. They'll tell his side this fall.

NO VILLAINS, NO HEROES?

The authors of the secret Pentagon history of Vietnam found "no villains or heroes." They just told who recommended what while the decisions were being made. When a TV interviewer asked Daniel Ellsberg, the source of the big leak, if there were any heroes, he replied: "I hate not to find it easy to answer," but he said he couldn't actually name any "who have lived up to the responsibilities of their office in terms of not only what they did but of what they could have done, should have done."

We agree that no villains emerge full blown from the papers, and probably no heroes either, in the beyond-the-call-of-duty sense that Ellsberg means. They were all honorable men, trying urgently to do their duty by their lights. But in place of villains, there were a lot of goats; and in place of heroes, some prescient observers who offered much better advice than was taken.

Among the latter, no whole category of advisers emerges looking better than the "intelligence community"—the CIA, as well as State and Defense intelligence agencies. Almost uniformly, their realistic estimates of what would follow from a given course of action were on-target—but usually ignored in favor of the wishful optimism of other advisers, to the later repeated regret of the Presidents who made the decisions.

Probably the most prescient single voice was that of former Undersecretary of State George W. Ball. He warned in July 1965 that the only alternative to limiting our liabilities and cutting our losses—the course he kept recommending—was "almost certainly a protracted war involving an open-ended commitment, mounting U.S. casualties, no assurance of a satisfactory solution and a serious danger of escalation at the end of the road." That wasn't, unfortunately, the kind of advice that was wanted at the time.

At the presidential level, the one who emerges in best command of his own establishment is Eisenhower. He let matters go as far as he intended and wished them to go; no further. He did not get overawed by either military or civilian advice to plunge in deeper than he deemed prudent. All his successors got caught up in one way or another as prisoners of events; Ike didn't.

Of the other key figures in the story, the military come out looking generally bad. For example, Gen. Maxwell Taylor to JFK in November 1961: "The risks of backing into a major Asian war by way of South Vietnam are present but are not impressive. North Vietnam is extremely vulnerable to conventional bombing." Or Gen. Westmoreland; four days before the 1968 Tet offensive, he reported that the enemy was "increasingly resorting to desperation tactics . . . and he has experienced only failure in these attempts." The Joint Chiefs of Staff, too, pushed constantly for more men and bombing despite continual intelligence warnings that these efforts would have little net effect on the enemy's will or capacity.

There are civilian "goats," too. Both former Ambassador Lodge, the architect of the Diem coup, and White House aide McGeorge Bundy took the same crass, end-justifies-the-means view of that sorry chapter without noting its commitment-enlarging consequences. And Walter Rostow was not only more hawkishly over-optimistic than any general, but he even says he would repeat all the same recommendations today. But Dean Rusk, who defended the escalation throughout, now admits he continually "underestimated the persistence and tenacity of the North Vietnamese."

Probably the most interesting character of all was John T. McNaughton, the No. 3 Pentagon civilian (killed in a 1967 plane crash) who sounded as cold as a computer during some earlier sessions but emerged as one of the first and most outspoken of the high-level doves. In 1964, he coolly measured U.S. aims in Vietnam: "70 per cent to avoid humiliating defeat, 20 per cent to keep South Vietnam from Chinese hands, 10 per cent to permit people to enjoy a better life." But by January 1966 he saw the U.S. strategy as an "enormous miscalculation" and said bluntly: "We are in an escalating military stalemate . . . At each decision point we have gambled; at each point, we have upped the ante . . . The ante is now very high." But it kept going higher until, in March 1968, the "escalating military stalemate" stopped escalating.

LESSONS OF OUR LONGEST WAR

Looking for lessons in the Vietnam papers is not like looking for a needle in a haystack. It's more like looking for hay in a haystack. The lessons pop out all over, and everyone can find as many as he can handle. There are lessons for presidents and generals, diplomats and senators, historians and ordinary voters.

Some are complicated and technical. Others are downright elementary. Daniel Ellsberg, who is under indictment for leaking the papers, thinks the most glaring lesson was that no one in all these documents ever really worried much about the effect of our policies on the Vietnamese.

For us, the top lesson is that the President, who is chosen by and answerable to the people, really ought to trust the people instead of conning them, especially if he feels he has to lead them into war. He should beware of inching in with baby steps to avoid worrying the public about how serious it might later become.

If it's important enough to justify our being there at all, it's important enough to be defended—openly, frankly and fully— before Congress and the people. And it's worth leveling with the country about just what home-front sacrifices are likely to be required.

Here, as we read the Vietnam story, are some of its other key lessons:

1. Beware of overreacting to inflammatory incidents. They may turn out to have been exaggerated to provoke just such overreactions—like the "unprovoked" Tonkin Gulf attacks of 1964.

2. Beware, if you're a policy-maker, of brushing off a realistic intelligence estimate just because it sounds pessimistic and there are less-well-informed optimists offering advice you'd rather hear.

3. Beware of policy-making by oversimplified historical analogy. Vietnam in 1964, for example, had some similarities to Korea in 1950, but the differences turned it into a very different kind of war. Likewise, Paris is not Panmunjom, and when it comes to ending this conflict—or seeking a prisoner release while leaving "residual forces" behind—we may learn to our chagrin that Vietnam 1971 should not be confused with Korea 1953.

4. Beware the consequences of such a moral confusion of ends and means as "destroying a village (or a country) to save it"; or of imagining that we can help get rid of an unwanted ruler by coup without bearing a heavy responsibility afterward for the conspirators who did the deed; or of helping an ally invade two smaller neighbors without incurring serious obligations to the people of the invaded countries.

5. Beware of treating divisions and bombers like poker chips, and human beings like punch-cards in a computerized war game. No matter what the programmers say, it doesn't necessarily follow that when we ante three more divisions and a hundred more sorties, the other side is going to fold his hand and drop out of the game.

6. Beware of making too many arrogant assumptions about far-off lands where we have committed American power to counter communist expansion. Let us remember that our local ally in such a conflict is likely to have no interest in the cold-war considerations that motivate us, while the local enemy may be far more motivated by intensely nationalistic aspirations than by international communism. Let us beware especially of the peril of over-dependence on sheer military might in a strife-torn, underdeveloped land where the only real alternative to violent revolution is fundamental internal reform.

Finally, the most pressing lesson is the urgent necessity to finish winding down this tragic war and start binding up the nation's wounds as rapidly as possible. But in the aftermath, let us beware of letting the disillusionment of either doves or hawks touch off either an orgy of scapegoating recriminations or an overreaction of blind isolationism more damaging to our true interests than the war itself.

America must, as soon as possible after this war, regain its morale, its unity and its sense of purpose and proportion—and keep on playing its responsible leadership role in a very troubled, dangerous and complex world.

THE TENNESSEE VALLEY AUTHORITY PROVIDES NEW OPPORTUNITIES FOR THE PEOPLE OF THE AREA

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. DAVIS of Georgia. Mr. Speaker, the results of the 1970 census show a continuing movement of population from the central areas of our country to coastal and Great Lakes States. This migration not only strips rural communities of population needed to maintain a viable economy but places increasing burdens upon the already overcrowded major urban areas of our country.

However, these same 1970 census figures reveal the beginnings of a counter trend in one area of our country—the Tennessee Valley region. These figures show that the previous massive outmigration of people from the Tennessee Valley region was sharply reduced by the economic growth and resulting job opportunities which occurred in the 1960's.

Moreover, the greatest population growth in the Tennessee Valley during this period was in and near cities of 10,000 to 50,000 population. This trend, if continued and expanded, may slow the flow of people into the big cities enough to give them some chance to deal with their mounting problems.

A close look at the 1970 census results

shows that between 1960 and 1970 the population of the 201-county Tennessee Valley region grew by about 9 percent to a total of 6,730,000. This was less than the national growth rate, but more than the regional growth rate in either the 1940's or 1950's.

In those two decades, net outmigration from the region had totaled more than 1,300,000 people, as a substantial part of its population moved elsewhere to seek job opportunities. In the 1960's, however, net outmigration dropped to a total of 120,000 people.

In the 1960's the region's manufacturing employment grew at three times the national rate, more than a half-million new nonfarm jobs were created, and average personal income increased from 64 percent to 75 percent of the rising national average.

An analysis shows this breakdown of population changes in the past decade, grouped by counties according to the size of each county's largest city or town:

Counties with city of more than 50,000 people—total 1970 population of these counties was 2,126,160; growth since 1960 was 14 percent.

Counties with city of 10,000 to 50,000—total 1970 population of these counties was 1,899,528; growth since 1960 was 34 percent.

Counties with city of 2,500 to 10,000—total 1970 population of these counties was 1,923,145, a drop of 1 percent since 1960.

Counties with no town as large as 2,500 people—total 1970 population of these counties was 780,890, a drop of more than 18 percent since 1960.

Growth of job opportunities in the medium sized counties means much to the average worker. For example, he can probably find housing closer to his job than if it were in a major urban center. This means he has to spend less time commuting and has more time available to spend with his family or work in community service programs.

Job opportunities in these medium sized counties also mean much to those engaged in marginal farming activities. In years past when the level of income from farming dropped too low they faced the prospect of giving up their land and trekking to the city to seek work—work that they often could not find.

Now there are numerous cases where such families find work in the vicinity of their farm. In this way they can keep farming while holding an industrial type job. The combined incomes enable them to provide better housing for their immediate use and, for the future, to provide a better education for their children.

The Tennessee Valley Authority has had much to do with providing these new opportunities for the people of the area. TVA built the modern navigable waterway that has attracted over $2 billion of private investment. TVA provided the abundant supply of electric power that modern industry demands. But perhaps more important, TVA has recognized that its effort is only a framework upon which State and local governments, citizens' associations, and individuals, through their initiative and work, can build a better future for the region.

ROGER SPAULDING ADDRESS ON LOW-COST HOUSING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. WALDIE. Mr. Speaker, I have recently received a copy of the text of remarks of Roger Spaulding, executive director of the Contra Costa County Housing Authority in California, to the League of Women Voters in the Richmond area, and as I believe his observations of the situation in Contra Costa County as regards federally assisted low-cost housing, are indicative of the situation prevalent in the United States, I am requesting his statement be included in the RECORD.

As Mr. Spaulding has observed, the administration is inconsistent in its approach to the housing crisis for low-income Americans. While Congress has authorized construction of 100,000 units for this fiscal year and while that number is unfortunately still only one-sixth of the Nation's yearly need, the Department of Housing and Urban Development is slowing the approval of even these units and reneging in its responsibility to the Nation's poor and to carrying out the mandate of the Congress.

I am sure Contra Costa County is not alone in its predicament. I am sure other housing authorities share equally their sense of frustration over the inaction of HUD. I am calling upon HUD to assure that the full number of units authorized are approved and the money appropriated is spent so that the poor will no longer bear the brunt of the administration's lack of concern for them.

I earnestly request the attention of my colleagues to Mr. Spaulding's remarks as it has implications for us all:

REMARKS OF ROGER B. SPAULDING

Congress over 34 years ago declared as national policy "the right of every American citizen to a decent home in a suitable environment"—and recognized this as a Federal responsibility by passing the Housing Act of 1937. This is a Federal-local partnership based on the following principles:

1. Ownership and operation by local authorities.
2. Federal loans for 100% financing.
3. Subsidy in form of level debt service covering capital costs.
4. Tenant rents based on ability to pay.
5. A local contribution for conventional housing represented by an agreement to accept 10% of shelter rent as payment for provision of all services. (In the case of Section 23 leased housing, where properties are privately owned and pay full real estate taxes, there is no local contribution. The entire amount of subsidy making up the difference between economic rents paid the owner and the rent that is paid by low-income families comes directly from Washington—a true example of revenue sharing.)

After 34 years operation the basic principles remain virtually intact—and there have really been only two major changes:

1. The subsidy that took care of only capital costs proved inadequate due to inflation, and costs accelerated much more rapidly than poor people's ability to pay rent. All housing authorities faced bankruptcy. Congress is still struggling with this one, and has applied band-aide relief by such temporary devices as an extra $10 per unit per month subsidy for unusually low-income groups such as the elderly, outright payment to housing authorities for the difference between costs and rents reduced by so-called Brooke Amendment to 25% of net income, and grants for modernization and rehabilitation of older citizens.

2. In 1965 the National Association of Home Builders successfully amended the Housing Act of 1937 to create Section 23 Leasing Program. In essence all the same ground rules apply as previously except subsidy is paid on the theoretical capital cost of a unit—and the housing authority instead of building more projects leases existing housing from a private owner.

Its major advantages:

It's non-inflationary.

Instantly available.

Pays full taxes, requires no local cash contribution or an election.

Helps with modernization and rehabilitation.

Provides economic mix of families and removes so-called stigma of project living.

Its disadvantages, obviously:

There is an inadequate supply of standard rental units.

Hasn't added new housing to a critical shortage up to date.

Well, how are things going? Despite the potpourri of Federal programs enacted to meet the housing crisis, a severe gap still exists between the promise and performance, and the gap widens daily. We have 6.7 million families in this affluent society occupying substandard housing. We need 2.6 million new homes a year of which 600,000 should be for families of low-income.

The Housing Act of 1971 allocated the public housing program about 100,000 units for this fiscal year, which by itself sounds significant. While still only one-sixth of the national goals, it is still over three times the puny allocations of the past when construction of public housing averaged about 35,000 units a year.

The Administration attaches great importance to the significant increase in the number of low-rent units placed under contract annually, but no mention is made of the fact that never before have we had such a sick society that there were applications for 535,000 units on file. Neither is the fact mentioned that despite a backlog that will take over five years to clear up at the present rate, or that the administration refused to release funds appropriated by Congress which would have provided another 45,000 units which were lost forever on June 30, 1971, the end of the fiscal year.

At the County level, the Housing Authorities of Pittsburg, San Pablo, Richmond, and Contra Costa County have 1,530 units in operation for all age groups and 330 specially designed for elderly under the conventional Authority-owned program; and 1,799 units for all age groups and 89 specially designed for elderly under the Section 23 housing program.

The aggregate waiting list of eligible low-income families is 4,894 which is not very revealing as there are over 35,000 families on welfare and probably a like number who would qualify. The administration of the program is governed by State and Federal regulations, which provide among other things for the appointment of Five Commissioners by the duly elected officials of the community who serve four-year terms. In the case of Richmond, the City Council elected to constitute itself the Housing Authority Commission under State legislation passed last year.

The local Board of Commissioners is a policy group who hire an Executive Director as their administrator to carry out their sole responsibility of the provision of decent, safe, and sanitary housing for families of low-income at rents within their financial means. Operations are circumscribed by the provisions of a contract for financial assistance with the Department of Housing and Urban Development which specifies the manner and amount of Federal contributions provided to the Authority to keep rents non-competitive with the private market. HUD also annually reviews and decides how much money a local housing authority can spend through the device of an operating budget and HUD is required by Federal statute to determine the prevailing wage rate for each locality for maintenance employees which the Authority must pay. Although autonomy in establishment of occupancy policies was written into the Housing Act by Congress, HUD arbitrarily mandated a tenant selection policy a couple of years ago that neither works nor can be defined. Six months ago they mandated a tenant lease and grievance procedure that is headed for the Courts. About the only autonomy that a Housing Authority really enjoys is the selection of its administrative employees, but here again the salary ranges, qualifications and fringe benefits must by contract comply with local pertinent public comparability which in our case is the County of Contra Costa. HUD also periodically audits financial, management, engineering, and occupancy functions to see that an Authority is in compliance with Federal statutes. If an authority's operation encompasses housing in which there is no Federal interest, State law requires an annual audit, usually performed by a private firm. The State law also requires the filing of an Annual Report with the clerk of the local public agency having jurisdiction.

OCCUPANCY

Despite our waiting list of nearly 4,000 eligible low-income families, no applicant is ever turned away although many give up in despair because of the obvious length of the waiting period. Preferences for admission are extremely complicated with five priorities based on degree of need, and in each of these categories five more order of preference involving displaced persons, the elderly, veterans, etc. Before any tenant is admitted, their annual income is verified with the employer and this is rechecked annually for non-elderly and every two years for the elderly. Families who have become over-income are asked to move only if there is available standard housing within their financial means. In our case, the single qualification for admission is that the family be of low-income and we feel a social responsibility to take care of any family on the basis of housing need and make no credit check or even a home visit. Of course this results in housing some families who are unable to comply with norms. If we are unable to accomplish rehabilitation through our home counselors, the family is asked to move. If they don't move, action is taken for eviction. We ask tenants to move for non-payment of rent, unacceptable behavior patterns, and poor housekeeping. No tenant is evicted without proper notice. Other than for non-payment of rent, they are given an opportunity of a grievance hearing before an objective committee and are advised that they may be represented by Legal Counsel if they so desire.

Of the tenant body, approximately 80% receive their principal source of income from some sort of welfare. Roughly these break down to 38% elderly and handicapped, and about 42% Aid to Families with Dependent Children, leaving some 20% gainfully employed. About half of these are in the military and the other half are young kids that got married in high school and are attempting to keep their families intact on low-paying jobs that do not require much skill.

THE PROBLEMS OF PUBLIC HOUSING

There is no way to generalize attitudes of the poor toward their housing desires. Some applicants specify they will accept housing in no program except leasing, and others in leasing have requested transfers to our projects. The great problem of the "project" in this day and age is not the problem of communal living but rather the grouping together by the forces of our society of families having many problems other than lack of income. Because of the small size of our projects, I resent the use of the term ghetto which seems to be rather loosely applied to all public housing these days. By my definition, a ghetto is considered a place where a large number of people live very poorly. With one possible exception, which is a direct result of the local political climate dominated by racists, I do not believe any of the projects operated by this authority can be characterized as ghettos. A great many of our resident feel they are living very well indeed, particularly since they are receiving standard accommodations at a rent substantially less than one-half of what they would be paying for comparable private accommodations.

Also it is only by building projects that the Authority can provide those services over and above shelter that are so necessary when you're in the "people business." More sophisticated public housers acknowledged long ago that housing by itself did not solve all social woes. Recognizing that lack of money permits little education and little education causes the poor to be unemployed or underemployed, the Authority has continued to encourage and expand many programs in the fields of education and employment by providing rent-free space for Concerted Services Project of Pittsburg, Neighborhood House at North Richmond, four Head Start programs, three tenant councils, two teen centers, and five elderly clubs. In addition, it provides year around on-job training through Neighborhood Youth Corps for 20 to 30 young men and women and employment to project tenants through contracts with WIN, STEP, and other Federally funded work programs.

Despite these many supportive services going far beyond the provision of physical shelter, we do continue to have families who do not regard it as a privilege to live in public housing at reduced rents. Our operating costs are being inflated each year by vandalism, non-payment of rent, and special legal expenses. However, we are philosophical and consider the creative consequence of violence, problems of law enforcement, and the deliberate encouragement of non-conference by outside forces are sympathetic of the general ills of our society but are by no means peculiar to public housing.

RACIAL OVERTONES

Ever since the Housing Authority was organized some 29 years ago, it has had a policy of open occupancy. In the past six years that I have been the Director this has been the practice as well as the policy. Charts indicating racial breakdown by project indicates that integration has been achieved in all our projects, including leasing, at a rate commensurate with the pattern of the particular locality. There is complete freedom of choice and any applicant irrespective of the ethnic background can specify the project in which they wish to live. Just as soon as they are reached on the waiting list they are housed.

I must say that we have been unable to develop any leadership from HUD in this field. One week Secretary Romney releases a statement to the effect that the hope of the inner cities is to integrate the suburbs. The next week the President jerks the rug and says flatly it is not the role of the Federal government to force its will upon the suburban communities. In a few days we hear from the Attorney General that he will move in court against economic discrimination in housing in the suburbs and at the same time intimating that if suburban communities want any further help on planning, sewer and water grants, Urban Renewal and Model Cities, they better by-golly be providing some housing for all economic groups. The inference is obvious since the greatest need lies with the minority groups. This was followed by the filing in the Federal Register of a new set of eligibility criteria for low-rent housing with high scores for such HUD tests as nondiscriminatory location, environmental impact, opportunities for training and employment, and relationship to total community planning.

This Authority's long-standing policy of open occupancy and freedom of choice was rejected by HUD a couple of years ago because "there is no reason to believe the continuation of the plan is likely to result in a greater degree of desegregation." Since a greater degree of desegregation in our projects reaching the "tip point" could only mean all black projects, I formally raised such related questions as:

1. Is HUD subscribing to separatism and pushing for all black projects?
2. If not, and integration is intended, does this mean we can impose quota systems to prevent projects from going all black?
3. How do we bring about reverse integration in all black projects in Negro communities?

These are not rhetorical questions. I have all of these combinations to face in the 19 communities in which we operate. To date they have been unwilling to answer my questions.

In the field of Affirmative Action we were pursuing an employment policy long before Executive Order 11246 was issued and currently over 30% of staff working at all levels of administration and maintenance come from the minority groups. This is in a county with a total minority population of only 17%.

If the balance of my speech sounds political, it is only because it is. No one concerned with the housing plight of the poor can keep from becoming a political creature. As far as I am concerned, the greatest problem faced by public housing is the inept stewardship of the program by the Department of Housing and Urban Development.

By administrative fiat or legislation they have substituted minimum construction standards and prototype costs of Federal Housing Administration for new public housing, raising serious problems of future maintenance costs. They have also mandated the occupancy policies of local authorities with the result of increasing costs, emasculated the leasing program, dictated the type and size of units in the conventional program requiring at least 60% of the elderly to live in one-room studio units, and failed to release appropriated money necessary to continue the planning and construction of public housing necessary to meet national goals.

The possibility of California housing authorities developing conventional projects was dealt a severe blow recently when the Supreme Court over-ruled the finding of the three-man Federal court and sustained the requirement for a local election before authorities could proceed with construction of any public housing units in the State of California. The Supreme Court apparently was not impressed with the fact that if you are too poor to live in FHA subsidized 235 or 236 housing, you must ask the voters of the community to decide whether or not you are entitled to a decent home in a suitable environment. The sad thing about this is that it has been demonstrated over and over again that elections that are lost are because of racial overtones and effectively throttle the attempts of the minorities to better their housing conditions through the election process.

Since certain elected high State and National officials have in the last six months deliberately created in the public mind a feeling that the main reason for the highest taxes in history is the demands of the "undeserving poor" who are somehow lumped into the welfare mess, and there is not the slightest chance of winning a referendum in this county. While there might be a slight chance of winning an election exclusively for the elderly, this really does no good as by administrative fiat HUD has established a whole new set of criteria which requires a superior rating to get approval. The policy of my Board is to neither build nor lease any studio units and they prefer to use their limited allocations to maximize amenities for elderly through use of the leased housing program which pays full real estate taxes.

The City of Richmond Housing Authority did win an election for 200 elderly housing units over two years ago and are still waiting for a contract. They apparently are lost somewhere among the unapproved applications for 535,000 units which Secretary Romney referred to as his "balanced program" in justifying his refusal to release funds appropriated by Congress. The 500 units which we applied for over a year ago apparently are also lost in this pipeline.

To sum up; the direct affect of the Supreme Court ruling is to completely preclude any possibility of construction by the Authority under the conventional program and make it impossible for us to ever exercise our option to acquire any of the Section 23 leased elderly projects although this was probably dubious at the best because of the necessity of taking the property off the tax rolls. Lack of adequate funding and special criteria eliminating public housing from so called WASP communities makes a complete farce out of the administration's commitment to integrate the suburbs and the requirement of the housing element in most communities' master plan.

Currently the prospects of the public housing program fulfilling the great unmet need are hopeless.

The question is how much worse must the current contrived housing shortage become before the poor and the minorities rise up and forcefully demand as their right the achievement of the national goal of a decent home in a suitable environment!

REPORT ON OCCUPANCY, JULY 1, 1971

Project, CAL—	Location	Total units occupied	Racial composition					Elderly by age, disability, or handicap	Displaced by Government action or natural disaster
			White	Black	American Indian	Spanish American	Oriental		
11-1	Martinez	52	46	2	0	4	0	25	0
11-2	West Pittsburg	85	58	15	0	12	0	32	0
11-3	Antioch	35	32	0	0	3	0	18	0
11-4	Brentwood	44	24	0	0	19	1	25	0
11-5	El Pueblo	168	4	164	0	0	0	48	3
11-6	North Richmond	76	0	76	0	0	0	23	1
11-8	Oakley	30	7	0	0	22	1	10	0
11-9A	North Richmond	90	0	90	0	0	0	32	0
11-9B	Do	60	0	60	0	0	0	8	0
11-10	Rodeo	250	177	53	0	13	7	58	3
11-11	Martinez	50	49	1	0	0	0	50	0
11-12	Oakley	40	31	0	0	8	1	39	0
11-13	West Pittsburg	50	41	8	0	1	0	50	0
11-14	Concord	463	436	4	0	22	1	167	0
11-14	West Pittsburg	150	115	19	0	14	2	42	9
11-14	Antioch	220	202	0	0	16	2	54	2
11-14	Oakley	90	81	0	0	9	0	57	2
11-14	Martinez	287	268	5	0	13	1	121	3
11-14	Rodeo	95	79	11	1	4	0	25	1
11-14	North Richmond	83	0	83	0	0	0	44	0
	Total	2,418	1,650	591	1	160	16	928	2

Note: Tenant body—38 percent elderly; 20 percent black; 32 percent minority races.

TRADE WITH THE SOVIET BLOC

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. SCHMITZ. Mr. Speaker, an article concerning U.S. trade policy with the Soviet bloc, by the late Senator Everett M. Dirksen appeared in the June 1969 issue if Reader's Digest. At this time when we are considering increasing trade with the Communists, it might be well to take another look at Senator DIRKSEN'S arguments.

The article points out that trade does not necessarily promote friendly relations. The Senator gives several examples to illustrate this point. One example he uses is that of Poland:

Consider Poland, the recipient of more than $550 million in U.S. aid and the only member of the Communist bloc awarded our "most favored nation" tariff status. American assistance was supposed to mean a better life for the Polish people and to help Poland win independence from Moscow. Instead, the Polish hard-liners in control beefed up their 250,000 man army, tripled their rocket forces and quintupled their armored divisions. Exports to North Vietnam have been stepped up sharply; the regime's second-ranking official visited Hanoi to brag that Polish anti-aircraft batteries have shot down or damaged 40 U.S. planes. Not only did Polish troops march with the Red Army into Czechoslovakia, but Warsaw has promised volunteers to Ho Chi Minh if needed in the "struggle against the imperialist aggressor."

Following Senator Dirksen's article, I insert an extremely interesting table taken from Anthony C. Sutton's excellent work "Western Technology and Soviet Economic Development, 1930–45"—Volume II of a three volume series. This table details the technical assistance given the Soviets between 1929 and 1945. We should recall that in spite of this munificence on the part of the West, the Soviets proceeded to annex Eastern Europe. Technological assistance did not provide the Soviets with a motive for acting in a more peaceful fashion, but rather supplied them with the material and technological basis for successful aggression against the peoples of Central and Eastern Europe.

The articles follow:

NEEDED: A REALISTIC EAST-WEST TRADE POLICY

(By Senator Everett M. Dirksen)

Seven years ago, a Senate subcommittee on which I served conducted an exhaustive probe of East-West trade and found that the United States and its allies were making a direct contribution to communist military and industrial strength.

What was then a serious situation has now degenerated into a critical one. Since 1962, American exports to the Soviet bloc have increased 56 percent, and those of U.S. allies 68 percent—to a total of $3.9 billion a year. Even more ominously, these shipments include material of undeniable military significance.

At a time when the Soviet Union and its satellites were keeping the Vietnam war going, the Johnson Administration unilaterally removed from the Commodity Control List more than 500 items previously barred for sale to the Soviet bloc without a special license. All were said to be "non-strategic"—"peaceful goods which may be freely exported without any risks to the United States' national interests." But a reading of the fine print turns up the following: rifle-cleaning compounds, properties, industrial chemicals, crude rubber, aluminum and magnesium scrap.

Top Washington officials defended their decision to export $35 million worth of machine tools for a Soviet auto plant, on the ground that it will make the Kremlin more "consumer-goods minded" Senators protested in vain that there is nothing to stop the Russians from using these tools for making armored trucks and vehicles.

"As far as computers are concerned," a communist journal admits, "we are still living in primeval times. We are 50 times worse off than the United States, 15 times worse off than West Germany and Scandinavia." Yet, encouraged by Washington, top U.S. firms, including IBM and Sperry Rand, peddle their sophisticated electronic wares throughout the Soviet bloc.

Concern over such developments runs deep. "American policy on East-West trade is contradictory and self-defeating," reports Dr. Robert Strausz-Hupe, director of the University of Pennsylvania's Foreign Policy Research Institute.

"A complete policy revision is necessary to curb the enemy's military-industrial build-up," says Rep. Glenard P. Lipscomb (R., Calif.), one of Congress' top experts in the field.

"The United States must recognize the value of trade as a major cold-war weapon." says Samuel F. Clabaugh, research associate of Georgetown University's Center for Strategic and International Studies.

When the U.S.S.R. and its Warsaw Pact allies invaded Czechoslovakia last year, I called upon our government to institute an economic embargo of the Soviet Union. "It's the only weapon we have," I said. And I remain convinced that the Soviets have real reason to fear it.

EAST DEPENDS ON WEST

Actually, the communists are in desperate need of Western technological assistance. Spectacular Soviet achievements in rocketry and space exploration have distracted many from the fact that the Soviet economy is in dire straits. "We have the worst and most backward productive structure among the industrially developed countries," says Russian economist Abel G. Aganbegian. Industrial output per worker is one fourth that in the United States (agricultural output per worker, one twelfth), and the crisis is worsening.

The solution to the crisis lies with the West. The Soviet textile industry, for instance, is a severe drain on the economy, with its obsolete equipment and fantastic waste of manpower. Not surprising, Soviet agents have fanned out across the free world to purchase what they term "turnkey" factories. (Such factories are designed, built and installed by Westerners, who also train local people to run them, and thus turn over to Soviet managers the key to a complete, functioning plant.)

The Russians could, of course, build the factories themselves. But, as experts at the Foreign Policy Research Institute spell it out, "If they can procure the model from the West, mediocre technicians can copy it. Meanwhile, their best engineers need not be diverted from more important work."

As the State Department has concluded, "it is only with the infusion of Western technology, capital equipment and managerial and marketing support" that the communists can raise their productivity. Clearly, this dependence on Western technology represents a vulnerability that should be capitalized upon.

Bridge-Building? In recent years, President Johnson sought repeatedly to woo the communist bloc with promises of economic assistance. Trade delegations were dispatched to the U.S.S.R., Poland, Romania and Bulgaria. Lists of embargoed goods were slashed, and communist credit was guaranteed. American firms were encouraged to trade with bloc countries as a patriotic gesture, that could lessen international tensions. Meanwhile, provisions of the Mutual Defense Assistance Control Act—designed to bar U.S. aid to nations supplying the communists with strategic goods—were simply not enforced. By word and deed, Washington demonstrated its faith in "bridges of friendship" to the East.

Not surprisingly, Soviet bloc trade with Western Europe boomed. An Italian firm has contracted to supply the communists with $90 million worth of computers and calculators. Dangling credits before the East Germans, Bonn hopes to increase its trade here 150 percent by 1975.

But Washington has been unalarmed. Indeed, the director of the State Department's Office of East-West Trade, Robert B. Wright, suggested in a remarkable speech last year that the government felt that increased trade could end the cold war, that "we have nothing to fear, nothing to lose." But Wright and other advocates of expanded East-West trade are laboring under two delusions:

1. *That trade, by definition, promotes friendly relations.* History tells us otherwise. Germany and Russia were trading up to the very day that Nazi panzer columns rumbled across the Soviet borders in 1941. Scrap iron sold to the Japanese by business-as-usual Americans was fashioned into the bombs dropped on Pearl Harbor.

The argument is made that "winds of change" are blowing across the communist empire, and that American assistance can encourage liberalization. But does it?

Consider Poland, the recipient of more than $550 million in U.S. aid and the only member of the communist block awarded our "most favored nation" tariff status. American assistance was supposed to mean a better life for the Polish people and to help Poland win independence from Moscow. Instead, the Polish hard-liners in control beefed up their 250,000-man army, tripled their rocket forces and quintupled their armored divisions. Exports to North Vietnam have been stepped up sharply; the regime's second-ranking official visited Hanoi to brag that Polish anti-aircraft batteries have shot down or damaged 40 U.S. planes. Not only did Polish troops march with the Red Army into Czechoslovakia, but Warsaw has promised volunteers to Ho Chi Minh if needed in the "struggle against the imperialist aggressor."

2. *That "non-strategic" trade constitutes no danger to the United States.* The distinction between strategic and non-strategic trade is largely imaginary. Western goods of any kind relieve production bottlenecks and enable Soviet planners to shift from domestic to military production patterns.

At the same time, many "peaceful" items sold to the communists have clear military application. Consider the technical data supplied the Soviets for the production of polystyrene—a chemical used in air conditioners and other "non-strategic" items, according to the Commerce Department. Polystyrene has other uses: as a binder for explosives, as a rocket igniter, as a component for intercontinental ballistic missiles.

OIL WAR

Merely cutting off the export of strategic goods is not enough. The United States must begin fighting the cold war with the same weapons as its adversaries, recognizing that trade can be a powerful, perhaps crucial, weapon.

The Soviets themselves make no bones about it. "Trade policy is an integral part of our foreign policy," says top Soviet economist P. A. Chervyakov, and the record bears him out. In 1932, Stalin drastically cut purchases from the West—at great cost to Soviet economic development—in an attempt to intensity the free world's Great Depression. And a critical need for Western goods immediately after World War II did not deter the Soviets from holding such purchases to a minimum, in the belief that this would hamper Allied conversion to a peace-time economy.

Economic blackmail and political retaliation are practiced shamelessly. In 1949 when the Australians broke up a Soviet spy ring, Soviet purchases of badly needed Australian wool were immediately cut off. When Yugoslavia moved toward independence, the Soviets disregarded existing agreements and slapped a total embargo on all Russian-Yugoslav commerce. In 1958, the Russians shut off crude-oil deliveries to Finland, canceled orders and delayed trade negotiations there until certain conservative members of Finland's cabinet resigned. Such communist economic warfare is global. Prices are rigged, goods are dumped—all as part of the strategy to disrupt Western economies, to ensnare emerging nations and promote friction within the non-communist world.

Nothing demonstrates this quite so effectively as the "oil offensive" that the U.S.S.R. has waged for more than a decade. Kremlin strategists believe that the American oil industry is the "foundation of Western political influence" throughout the underdeveloped world. "If this foundation cracks," a Soviet theoretician has written, "the entire edifice may come tumbling down."

To this end, Soviet oil is dumped in Western markets at ridiculously low prices. While Czechoslovakia is forced to pay 18 rubles per ton, for instance, Italy pays less than eight rubles. Result: the Russians acquire badly needed Western currency, and the economies of the United States and its oil-producing allies are threatened.

Despite this, Washington has on numerous occasions approved the export of petroleum drilling equipment, even of an entire oil refinery, to the Soviet bloc.

BEST WEAPON

It is time for the United States to tie its trade to global politics, to insist on getting from the communists something in return—a quid pro quo—for the scientific and technological genius they need so desperately from us. By demanding political concessions for economic favors, as Georgetown Prof. Lev E. Dobriansky suggests, the United States will be following a practical alternative to complete embargo or haphazard liberalization.

Such a policy would allow for credits and cash payments, consumer goods and producer goods. Adaptable to changing conditions, it would infuse a consistency and a rationality into our trade relations with the entire communist bloc. The list of concessions would be graded. It could include the payment of long-standing Lend-Lease debts, guaranteed access to Berlin, a hands-off attitude by the Soviets toward Latin America and the Middle East.

Such a policy, to be effective, requires what is now tragically lacking—a sense of unity among the Western industrial powers. There must be established a free-world trade organization that would supervise all exchanges with the Soviet bloc, protect free countries against the disruptive tactics of communist economic strategists, and outline effective countermeasures.

The need for a bold new policy on East-West trade is clear, as President Nixon is well aware. As long ago as 1962, he demanded that the Western powers adopt a solid trade front in the struggle against communism. "Trade and economic sanctions must be wielded as a lever at the bargaining table to move the Russians from their intransigent positions," he said. "The Berlin Wall might have crumbled in a week if we had threatened a complete economic embargo on East Germany. The Soviet Union's support of guerrillas in South Vietnam might well have been traded for the right to buy Western goods. Western productivity, technical know-how and trade add up to one of our best weapons. We must use it in the cold war."

That was true then. It is even truer today.

APPENDIX C

TECHNICAL-ASSISTANCE AGREEMENTS BETWEEN THE SOVIET UNION AND WESTERN COMPANIES, 1929-45

Western company	Country of origin	Technical transfer to Soviet Union
Accounting and Tabulating Machine Co.	United States	Power machines.
Akron Rubber Reclaiming Co	do	Rubber-plant reclamation; training Soviet nationals.
Aktiebolaget Vallenbyggnadsbyran	Sweden	Construction of Svir Dam.
Alco Products, Inc. (Division of American Locomotive).	United States	Petroleum refineries.
Allen & Garcia Inc	do	Coal mine development.
Allgemeine Elektrizitats Gesellschaft	Germany	Electrical machinery.
American Can Co	United States	Canning processes.
Ansaldo	Italy	Shipbuilding.
Ansonia Clock Co	United States	Clocks and watches.
Audio-Cinema, Inc	do	Sound film technology.
Austin Co	do	Automobile plant construction; design of Gorki city.
Babcock & Wilcox, Inc	do	Boiler design.
Badger, E. B., & Sons	do	Wood distillation, oil refineries.
Bagley & Sewell Co	do	Newsprint manufacture.
Baldwin Locomotive Works	do	Locomotive repair shops.
Baltimore & Ohio Railroad	do	Railroad operations.
Birdsboro Steel Foundry & Machine Co.	do	Hydraulic presses.
Birmingham Small Arms Co	England	Bicycles.
Bliss, E. W., Co	United States	Power-plant design; small arms ammunition.
Blom and Kamroth	do	Meat-packing plants.
Boeing Aircraft Co	do	Aircraft.
Borsig, A	Germany	Refrigeration technology.
Brandt, Arthur J	United States	Reconstruction of AMO works.
British Thomson-Houston Co., Ltd	United Kingdom	Power stations.
Brown-Boveri Co	Switzerland	Gas blowers; aluminum mill equipment.
Brown Instrument Co	United States	Electrical recording instruments.
Brown-Lipe Gear Co	do	Gear manufacture for automobile industry.
Bucyrus-Erie Co	do	Excavating equipment.
Budd Manufacturing Co	do	1934 auto model change (21S).
Burd Piston Ring Co	do	Tractors.
Burrell-Mase Engineering Co	do	Expansion and management of Grosneft.
Casale Ammonia S.A	Italy	Nitrogen fixation; manufacture of synthetic ammonia.
Caterpillar Tractor Co	United States	Training Soviet nationals.
Cellulose de Bourges	France	Chemicals.
Chain Belt Co	United States	Conveyors.
Chase, Frank D., Inc	do	Design of foundry projects.
Cheretti & Tonfani	Italy	Design and construction of conveyors.
Chicago Kitchen Co	United States	Design of community kitchens.
Cie de Produits Chimiques et Electrométallurgiques Alais, Troques et Camargue.	France	Aluminum.
Clark, Wallace & Co	United States	Gantt methods.
Cleveland Tractor Co	do	Training Soviet nationals.
Cooper, H. L. & Co., Inc	do	Dniepr Dam.
Craven Bros. (Manchester), Ltd	United Kingdom	Special machine tools.
Curtiss-Wright Corp	United States	Aircraft engine manufacturing license.
Davy Bros., Ltd	United Kingdom	Forging manipulators.
Deere & Co	United States	Agricultural equipment.
Deilmann Bergbau	Germany	Design of mines at Solikamsk.
Demag Aktiengesellschaft	do	Manufacture of cranes, hoisting equipment and blooming mills.
Deutsche Tiefbohr A-G	do	Drilling deep water wells.
Deutz Motorenfabrik A-G	do	Construction of Deutz diesel engines.
Dewey & Almy Chemical Co	United States	Crab meat containers.
Diebold Safe & Lock Co. (Diebold, Inc.).	do	Watch factory.
Disticoque S.A	France	Coke ovens.
Douglas Aircraft Co., Inc	United States	Aircraft: DC-3.
Dow Chemical Co	do	Styrene.
Dueber-Hampden Watch Co	do	Construction and equipment of watch plant.
Du Pont (E. I.) de Nemours & Co	do	Synthetic ammonia, nitric acid and fertilizer technology.
Eastman Construction Engineering	do	Construction.
Electric Auto-Lite Co	do	Electrical equipment in autos and tractors.
Elektrokemisk	Norway	Manufacture of Soderberg electrodes.
Ericsson, L. M., A/B	Sweden	Telephone equipment.
Ex-Cell-O Aircraft and Tool Corp	United States	Stated by Soviets as agricultural implements.
Fairbanks Aviation Corp	do	Aircraft manufacture.
Farben, I. G	Germany	Chemicals.
Farrel-Birmingham Co., Inc	United States	Sykes machines.
Ferguson, Hardy S., & Co	do	Paper-mill technology.
Fiat s.p.a	Italy	Automobiles, aircraft, ships.
Ford Motor Co	United States	Automobile plant construction and auto tire plant.
Foster-Wheeler Corp	do	Petroleum refineries.
Freyn Engineering Co	do	Iron and steel plants.
Frolick & Knupfel	Germany	Design and construction of mines.
Gaillard-Parrish	United Kingdom	Sulfuric acid.
Gibbs. Harry D	United States	Chemical processes; phthalic anhydride.
Gogan Machine Co	do	Automobile bumpers.
Goodman Manufacturing Co	do	Coal cutters.
Graver Corp	do	Refineries.
Great Northern Telegraph	Denmark	Telegraph operations.
Grusonwerk, Friedrich Krupp	Germany	Manufacture of equipment for crushing plants.
Hahn, A. W	United States	Aluminum powder.
Harburger, Eisen, and Bronzewerke, A-G.	Germany	Manufacture and design of equipment for oil-crushing mills.
Heinkel	do	Aircraft.
Henshien, H. G	United States	Meat packing plants.
Hercules Motor Corp	United States	Reconstruction of Yaroslavl truck engine plant.
Hercules Powder Co	do	Nitrocellulose; cotton linters.
Hilaturas Casablancas, S.A	Spain	Coal cutters.
Houdry Process Corp	United States	Catalysts.
Humboldt-Duetz Motoren, A-G	Germany	Diesel engines (all sizes).
Imperial Chemical Industries, Ltd	United Kingdom	Chemical manufacture.
International General Electric Co., Inc.	United States	Electrical equipment (all types).
International Harvester Co	Canada	Agricultural implements.
Do	United States	Training Soviet nationals.
Irving Air Chute Co., Inc	do	Parachutes.
Isacco, Vittorio	Italy	Helicopters.
Jenkins Co	United States	Petroleum refineries.
Kahn, Albert, Inc	do	Supervision of 5-year plan design and construction.
Kallitt Products, Inc	do	Electrical equipment.
Karlstad Mechaniska Verkstaden A/B.	Sweden	Construction of turbines, Svirstroi.
Klhorn, Oskar, & Co	Germany	Production of artificial silk by viscose process.
Koppers Construction Co	United States	Coke ovens and by-products.
Krupp, Friedrich, A. G	Germany	Manufacture of special grades of steel, cement.
Kugellager, Vereinigte	do	Ball bearings.
La Compagnie Générale de Télégraphie.	France	Radios.
Lockwood, Green & Co., Inc	United States	Textile-plant construction.
Loeffler	Czechoslovakia	High-pressure boilers.
Longacre Engineering & Construction Co.	United States	Apartment buildings.
Lucas & Luick	do	Gas plants and pipelines.
Lummus Co	do	Refinery construction.
Lurgi Gesellschaft für Chemie and Hüttenwesen m.b.H.	Germany	Sulfuric acid process.
Maatschappi	Holland	Saccharification of wood pulp for production of fodder and glucose.
Macchi	Italy	Flying boats.
Manchu Machine Works	Manchuria	Machine-tool plant.
Manchurian Machine Tool	do	Do.
Marietta Manufacturing Co	United States	Carbon-black plant unit.
Marshall & Sons, Ltd	United Kingdom	Locomotives for lumber industry.
Martin, Glenn L., Co	United States	Bomber design.
Maschinen und Bronze-Waren Fabrik A-G.	Germany	Machine tools.
Maschinenbau A-G	do	Manufacture of compressors.
Maschinenbau-Anstalt 'Humboldt'	do	Installation of concentrator equipment.
Mashinenfabrik Augsburg-Nürnberg A-G.	do	Construction of MAN—Diesel engines, simple 4-cycle motors, simple and double 2-cycle motors with and without compressors, and machines and equipment for cold storage plants.
McClintock & Marshall Construction Co.	United States	Building erection for Stalingrad Tractor Plant.
McCormick Co	do	Baking-plant design.
McDonald Engineering Co	do	Industrial plants, cement, elevators.
McKee, Arthur G., & Co	do	Magnitogorsk iron and steel plant; petroleum refineries.
Mechanical Engineering (Chicago)	do	Meat-packing plants.
Merritt Engineering & Sales Co., Inc	do	Manufacture of rolled-steel railraod-car wheels.
Messer Co. A-G	Germany	Construction of autogenous welding equipment.
Metropolitan-Vickers Electrical Co., Ltd.	United Kingdom	Construction of steam turbines; plants.
Midwest Rubber Reclaiming, Co	United States	Assistance in rubber-plant construction; training Soviet nationals.
Miller, Max B., and Co	do	Petroleum refineries.
Moisseiff, Leon S	do	Bridge consultation.
Multibestos Co	do	Design and technical assistance in construction of factory for asbestos products.
National Rubber Machinery Co	do	Tire-building machines.
Newport News Shipbuilding & Dry Dock Co.	do	Turbine construction.
Nickel, Arthur, Co	do	Iron-ore mining.
Nitrogen Engineering Corp	do	Ammonia-fertilizer plant construction and operation.
Nobile, General Umberto	Italy	Airships.
Nordberg Manufacturing Co	United States and United Kingdom.	Railroad equipment.
Oglebay, Norton Co	United States	Iron-ore mine development.
Ohio Locomotive Crane Co	do	Operation and servicing of cranes.
Oliver Farm Equipment Co	do	Tractor plows.
Otis Elevator Co	do	Moscow subway elevators.
Owens Bottle Co	do	Bottle-closing patent and machinery for silicate industries.
Parke, Davis & Co	do	Pharmaceutical products.
Passburg, Emil, and Berthold Block	Germany	Design of vacuum plants.
Penick & Ford, Ltd., Inc	United States	Construction of corn production and refining plants.
Pennsylvania Railroad	do	Railroad operating methods.
Peterson, Hugo	Germany	Peterson sulfuric acid process.
Petroleum Engineering Corp	United States	Petroleum refineries.
Pflanzennamme	Germany	Manufacture of peat products.
Polakov, W. N	United States	Management consultants.
Pontiac Engineering Co	do	Smelter construction.
Power-Gas Corp., Ltd	United Kingdom	Gas generator plant.
Pratt & Whitney Aircraft Co	United States	Stated by Soviets as agricultural implements.
Radio Corp. of America	do	Exchange of patents and information, radio and TV.
Radiore Co	do	Prospecting assistance.
Remington Rand, Inc	do	Office equipment.

APPENDIX C—Continued

TECHNICAL-ASSISTANCE AGREEMENTS BETWEEN THE SOVIET UNION AND WESTERN COMPANIES, 1929–45—Continued

Western company	Country of origin	Technical transfer to Soviet Union
Republic Aviation Corp	United States	Aircraft.
Richard Bros	do	Tractor manufacture.
Riedinger Maschinen- und Bronzewarenfabrik A-G.	Germany	Metals manufacture.
Roberts & Shafer Co	United States	Detailed designs and plant drawings, Donetz coal trust.
Rockwell, W. S., Co	do	Furnace technology at Stalingrad.
Rosoff Subway Construction Co	do	Subway construction (probably not implemented).
Rust Brothers	do	Rust cotton-picking machine.
Safety Mining Co	do	Manufacture of Cardox.
Suerman Bros., Inc	do	Equipment operation.
Savoia	Italy	Flying boats.
Sayer, E. Y., Engineering Corp	United States	Steam electric plant.
Scintilla A-G	Switzerland	Manufacture of magnetoes and ignition equipment.
Seabrook, C. F., Co	United States	Road construction.
Seiberling Rubber Co	do	Sale of rubber tire plant.
Seversky Aircraft Corp	do	Aircraft.
Sharples Specialty Co	do	Petroleum centrifuge equipment.
Siemens-Schukert	Germany	Electrical equipment.
Smidth, F. L., A/S	Denmark	Cement plants.
Smith, C. V.. Co., Thetford	Canada	Asbestos milling.
Societe de Prospection Electrique Procedes, Schlumberger.	France	Electrical prospecting for oil.
Societe Francaise Anonyme 'Lumiere'	do	Manufacture of films.
Societes du Duralumin	do	Duralumin.
Sociereis de Strasbourg S. A	do	Production of artificial silk by viscose process.
Southwestern Engineering Co	United States	Design, cnstruction and operation of metal plants.
Sperry Gyroscope Co., Inc	do	Marine instruments, bomb sights.
Standard Alcohol Co	do	Rubber technology.
Standard Oil Co. of New York	do	Operation of Batum refinery: synthetic ethyl alcohol.
Stockholms Superfosfat Fabriks Aktiebolaget.	Sweden	Construction, equipment, and operation of plant with annual production of 20,000 tons calcium cyanamid and 3,000 tons carbid (Chernorechensk Plant); manufacture of yellow prussiate of potash; construction of equipment and operation of Karabliss Cyanamid and Carbide Plant.
Stuart, James & Cooke, Inc	United States	Coal industry; grain elevators.
Sullivan Machinery Co	do	Mining equipment.
Sulzer Gebruder A–G	Germany	Construction of 2-cycle Sulzer diesel engines.
Swasey, Warner P	United States	Tractor manufacture.
Szepesi, Eugene	do	Accounting systems in textile mills.
Taft, Pierce Manufacturing Co	do	Manufacturing of tools, jigs, etc.
Telefunken Gesellschaft A–G	Germany	Manufacture of long-distance receiving sets.
Thew Shovel Co	United States	Dragline operation.
Timken-Detroit Axle Co	do	Automobile industry.
Torfplattenwerke A-G	Germany	Construction of plant for manufacture of peat insulation plates.
Tube Reducing Co	United States	Tubemill installations.
Union Construction Co	do	Drawings and specifications for dredges.
Union Switch & Signal Co	do	Railroad automatic block signals.
United Engineering & Foundry Co	do	Hot and cold wide-strip mills in stee and aluminum industries.
Universal Oil Products Inc	do	Refinery construction.
U.S. Wheel Track Layer Corp	do	Christie tanks.
Verband Deutscher Werkzeugmaschinfabrik Ausfuhr.	Germany	Organization of joint technical office bureau in Berlin for execution of designs for equipment of metal manufacturing plants; organization of machine display room in Moscow.
Vereinigte Carborundum & Elektritwerke A–G.	do	Manufacture and design of plant for artificial abrasives.
Vereinigte Kugellager Fabriken A–G	do	Manufacture of ball bearings.
Veritas S.A	France	Technical assistance on tanker construction.
Vickers-Armstrongs, Ltd	United Kingdom	Tanks.
Villar-Perosa Officine (RIV) s.p.a	Italy	Manufacture of ball bearings.
Vom Bauer	United States	Electric furnaces.
Vultee Aircraft (Div. of Aviation Manufacturing Corp.).	do	Bombers.
Webber & Wells, Inc	do	Food processing.
Westinghouse Electric and Manufacturing Co.	do	Powerplant design, aviation test equipment.
Westvaco Chlorine Products Corp	do	Chemical industry.
Wheeler, Archer E., Engineering Co	do	Nonferrous metals.
White, J. G., Engineering Corp	do	Technical assistance on Svir Dam
Wilson, M. L	do	
Winkler-Koch Engineering Co	do	Cracking technology.
Yukon Fur Farms, Inc	do	Organization of animal farms.
Zahn A–G	Germany	Carbon disulfide.

Note: These are equivalent to the type III concessions described in vol. I.

NIX HEARINGS ON POSTAL SQUALOR COVERED IN JOE YOUNG STORY IN WASHINGTON STAR, JULY 29, 1971

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. NIX. Mr. Speaker, the Postal Facilities and Mail Subcommittee of which I am chairman has been holding hearings on the squalid working conditions in the Postal Service.

Yesterday, we heard the strongest indictment of the Postal Service to come to my attention in all the years I have been in Congress.

Jim Rademacher, president of the National Association of Letter Carriers, listed scores of post offices around the United States in each postal region in which conditions are so bad that it is a matter of degradation for postal employees to work in them.

I would like to insert the Joseph Young story and the testimony of Jim Rademacher into the RECORD at this point.

I hope that Members of Congress will note this testimony because post offices in their districts may have been discussed.

Jim Rademacher deserves the thanks of the Congress for preparing this testimony. It is thorough. It is damning.

The material follows:

POST OFFICE "SQUALOR" HIT

(By Joseph Young)

Postal employes are working in "squalor and degradation," with conditions in some area post offices worse than in other parts of the country, the president of the AFL–CIO National Association of Letter Carriers has told Congress.

Testifying before the House Post Office Facilities subcommittee, which is investigating postal working conditions, James Rademacher described the situation in many post offices as "pestilential" and "revolting."

"In some, it is a wonder that one or another of the more repulsive epidemics has not made an appearance," Rademacher said. "In some communities elected officials and health authorities have said that if the post office were not being operated by the federal government, they would have condemned the post office building as being unsafe and unsanitary," he added.

POOR MORALE, APATHY CITED

He said the Postal Service's excuse has always been lack of money. To this, he responded "Nonsense. In the richest and strongest nation in the world there simply has to be enough money to prevent federal employes from having to work in squalor and degradation."

The result is poor morale and apathy by some employes toward their jobs, Rademacher said. "It is a wonder that in some areas the mail gets delivered at all," he added.

Rademacher listed these conditions at the main city post office here and in at least 11 stations—Anacostia, Benning, Brightwood, Brookland, Chevy Chase, Columbia Heights, Georgia Avenue Garage, Friendship Heights, Georgetown, Parcel Post Annex and Woodridge.

Overcrowding, rundown facilities, filthy toilets, insufficient room for lockers, inadequate swing rooms and loading platforms, bad ventilation and no air conditioning.

Arlington, Va., south station: 62 employes in a facility built to accommodate 20; inadequate toilet facilities, with raw sewage constantly seeping onto the floor. Employes' eating facilities adjoin the toilet. No air conditioning, with temperatures of 100 degrees frequently recorded in the summer. Electrical system overloaded and dangerous.

Arlington, Va., north station: Inspection service recommended the bulding be replaced seven years ago, but no action taken. Floors weak and sagging. Overloaded electrical system. No lockers. Last winter employes were without heat for a week because a boiler burned out. Only two toilets for 60 people and one sink for washing.

Arlington, Va., Shirlington station: Dirty building with rats and "armies of cockroaches." Overloaded electrical system.

Arlington, Va., Rosslyn, Court house and Preston King stations: Serious overcrowding and inadequate loading space.

Alexandria, Va.: Filthy toilets. Floors and cases are seldom cleaned. Ceilings leak. Plaster rots.

Unusual offer—In what he termed an "unprecedented offer." Small Business Administrator Thomas Kleppe has offered all central office SBA employes an opportunity to transfer to a nonsupervisory job in the regional or district office of their choice anywhere in the country.

No matter which geographical locale the employes choose, they will be guaranteed a job at the same salary they now have, and all travel and moving expenses will be paid.

Kleppe said he was making the offer in a move to provide maximum services to the small businessman in all parts of the country and to also help further the career opportunities of employes by giving them a chance to work in the area of their choice.

STATEMENT OF JAMES H. RADEMACHER

Mr. Chairman and Members of the Committee: For the record, my name is James H. Rademacher and I am President of the National Association of Letter Carriers, with headquarters at 100 Indiana Avenue, Northwest, Washington, D.C. We have almost 220,000 members in more than 6,000 Branches throughout all the 50 States and all our possessions.

I want to thank you, Mr. Chairman, for permitting me to come here and testify concerning the revolting working conditions which prevail throughout the postal establishment.

The leadership and most of the membership of the National Association of Letter Carriers are convinced that through the years management of the Postal Establishment has completely ignored the physical needs of the postal service and its employees.

Certainly, as you can see by reading this report, working conditions in many post offices in the nation are pestilential. In some, it is a wonder that one or another of the more repulsive epidemics has not made an appearance. In some communities elected officials and health authorities have said that if the Post Office were not being operated by the Federal Government, they would have condemned the Post Office Building as being unsafe and insanitary.

The excuse has been—(as it always has been)—that there is no money available to make the improvements necessary.

Nonsense.

In the richest and strongest nation in the world there simply *has* to be enough money to prevent Federal Employees from having to work in squalor and degradation.

Mr. Chairman and Members of the Committee, if you have delicate stomachs, you may have difficulty reading this report in its entirety. We hope this difficulty can be overcome, since the sordid story running through these pages is both true and important. The facts were gathered through our making an honest survey of conditions in the field. We stand by the findings of our men in the field.

Throughout this report the reader will find evidence—gathered directly from the employees themselves—of primitive conditions, insensitive and stupid supervisory attitudes and, on the part of management, a total disregard for the service or the convenience of the American people.

And still management wonders why morale is poor—why the employees are restive—why some employees are apathetic about their jobs.

We suggest that it is very difficult to be enthusiastic about a job that requires a man to work in dark and airless rooms filled with the stink of human wastes and supervised by persons who have no concern for the service.

It is a wonder that in some areas the mail gets delivered at all.

I suggest that the attitudes and the enthusiasm of working men are directly affected by the conditions under which they work. In many of the facilities described in the following pages it is impossible to believe that a man or a woman could operate efficiently or happily.

Some of the places in which postal employees must work are so disgusting they would turn the stomach of a not-too finicky baboon. They have to be seen—and smelt—to be believed.

There is no need for me to elaborate on these conditions. They are all spelled out in these following pages, where I have cited hundreds of specific cases where conditions are not only subnormal but subhuman.

I am submitting herewith the Agreement reached by the seven exclusive postal unions and management of the United States Postal Service during negotiations on the subject of safety and health. To attempt to correct all of the unsafe and unhealthy practices existing in the Postal Establishment today merely by a written agreement is totally inadequate. Immediate attention must be given to the needs for appropriations earmarked specifically to eliminate and terminate unsafe and unhealthy conditions especially those we have made reference to in this testimony. I trust that your Committee, Mr. Chairman, will be instrumental in seeing that these intolerable conditions are corrected in short order.

AGREEMENT

ARTICLE XI—SAFETY AND HEALTH

Section 1. It is the responsibility of management to provide safe working conditions and to develop a safe working force. The Unions will cooperate with and assist management to live up to this responsibility.

Section 2. The Employer and the Unions insist on the observance of safe rules and safe procedures by employees and insist on correction of unsafe conditions.

Section 3. To assist in the positive implementation of the program, there shall be established:

A. At the Employer's Headquarters level, a joint Labor-Management Safety Committee to consider and make recommendation on the various aspects of the Employer's Safety Program. Representation on the Committee, to be specifically determined by the Employer and the Unions, shall include one person from each of the Unions and representatives from appropriate Departments in the Postal Service. The chairman will be designated by the Employer. The Committee will be scheduled to meet quarterly and at such other times as the Committee may deem necessary.

B. The Employer will make Health Service available for the treatment of job related injury or illness where it determines they are needed. This Health Service will be available from any of the following sources: U.S. Public Health Service; other government or public medical sources within the area; independent or private medical facilities or services that can be contracted for; or in the event funds, spaces, and personnel are available for such purposes, they may be staffed at the installation. Determination of source of service shall be made by the Employer.

C. At each postal installation having 100 or more employees, a joint Labor-Management Safety and Health Committee will be established. Similar committees may be established upon request of the Installation Head in installations having fewer than 100 employees, as appropriate.

Section 4. There shall be equal representation on the Committee between the Unions and management. The representation on the Committee to be specifically determined by the Employer and the Unions shall include one person from each of the Unions and appropriate management representatives. The Chairman will be designated by the Employer.

Section 5. Individual grievance shall not be made the subject of discussion during Safety and Health Committee meetings.

Section 6. It is the intent of this program to insure broad exposure to employees, to develop interest by active participation of employees, to insure new ideas being presented to the Committee and to make certain that employees in all areas of an Installation have an opportunity to be represented. At the same time, it is recognized that for the program to be effective, it is desirable to provide for a continuity in the committee work from year to year. Therefore, except for the Chairman and Secretary, the Committee members shall serve three-year terms but shall not be eligible to succeed themselves.

Section 7. The Safety and Health Committee shall meet at least quarterly and at such other times as designated by the Chairman. The meeting shall be on official time. Each Committee member shall submit agenda items to the Secretary at least three (3) days prior to the meeting. A member of the Health Unit will be invited to participate in the meeting of the Labor-Management Safety and Health Committee when agenda item(s) relate to the activities of the Health Unit.

Section 8. The Committee shall review the progress in accident prevention and health at the installation; determine program areas which should have increased emphasis.

The Committee shall at its discretion render reports to the Installation Head and may at its discretion make recommendations to the Installation Head for action on matters concerning safety and health. The Installation Head shall within a reasonable period of time advise the Committee the recommended action has been taken or advise the Committee as to why it has not. If the Committee is not satisfied as to why the action was not taken, it may refer the matter to the Committee at Headquarters' level which shall review the subject and undertake to see to it that appropriate action, if any, is taken.

When approved by the Chairman of the Committee, on the spot inspection of particular troublesome areas may be made by individual Committee members or a Sub-Committee or the Committee as a whole. When so approved, the Committee members shall be on official time while making such inspection.

FORMER PHILADELPHIA REGION

In this region there are major problems with antiquated facilities in which working conditions are not only sub-standard but sub-human. In some cases, regional management seemed willing to correct glaring deficiencies but, somehow, never got around to it. In other cases, as we shall see below, management seems apparently indifferent to the fact that employees are living under impressively foul conditions.

Scranton, Pa. (South Side Station): For more than a year, the letter carriers have been complaining that the carrier section of this station has no ventilation, no circulation of air. In the summertime it is a Black Hole of Calcutta and the odors are intolerable. In winter it is cold. The file on this case is more than half an inch thick, and the answers from regional officials are obviously form letters, indicating no real human concern. The employees are asking for adequate fans to move the air around. A new summer has come and still nothing has been done.

Ridgewood, N.J.: The carrier section is located in a dark, dank and airless basement with a concrete floor. When complaint first was made, in 1970, 46 employees were forced to use a washroom that consisted of one urinal, one stool and one wash basin. The combination of monstrous overuse of these inadequate facilities and a deficient ventilation system made the air throughout the entire work area nauseating. The work area itself was dangerously filthy.

Management did arrange for one more toilet bowl and a wash basin and promised an additional urinal. It also promised rubber mats on the floor in front of the cases. The Postmaster's "solution" to the bad circulation problem was to forbid the carriers to smoke at their cases!

Rutherford, N.J. (Lyndhurst facility): The Postmaster at Rutherford, in a letter dated January 19, 1970, to this regional director complained that employees "are required to work in an atmosphere of cold, falling ceilings, rotting floors and window sashes and poor lighting". Regional officials proclaimed the facility as the worst they ever encountered. Both the Mayor and the representative of the Department of Health intimated they would have condemned the building out of hand if it were not being operated by the Federal Government. (The latter found conditions so unsanitary and unsafe that he recommended the building be demolished.) Money for replacing the Post Office was denied.

Woodbury, N.J.: The carrier section here is located in the cellar and was not only poorly ventilated but also a fire trap, there being only a ladder type stair case leading out of the cellar on to the main floor. When the employees filed a grievance concerning these intolerable conditions, the Postmaster said their complaints had no merit. He did agree to cut a fire door in the cellar when funds were available.

Tom's River, N.J.: There the facility is new but the complaint concerns invasion of privacy. Despite the admonitions of Congress and the promises of management, inspectors' peep-holes were built into the facility, overlooking both the men's and women's locker rooms. The Postmaster's only reply to complaints was that the policy was to provide maximum surveillance everywhere except in toilets.

FORMER MINNEAPOLIS REGION

The Minneapolis Region (Minnesota, Wisconsin, North and South Dakota) suffers from weather conditions as severe as, if not more severe than, any other region in the land. Adequate facilities are absolutely essential in an area where climatic conditions vary from one extreme to another, or, so one would think. The fact is that facilities generally are badly overcrowded, inadequate, in many cases unsanitary, poorly heated and decrepit. Significantly, in many instances, plans for replacing inadequate facilities have suddenly been dropped without sufficient reason given. Postal employees are convinced that the plans have been held up until the US Postal Service is officially installed. Then, the plans will be dusted off and the new corporation will get all the credit for their improvement. Meanwhile, the postal employees are forced to put up with intolerable conditions.

Milwaukee, Wis. (Main Post Office): This $30 million edifice is comparatively new. The architect and the planners, however, forgot to provide any space for the carrier section. The entire carrier operation has been jammed into the little area originally allotted to the special delivery messengers. There simply isn't room enough to work efficiently or to think straight.

Milwaukee (Federal Station): No ventilation; minimal heating. The toilet stalls have no doors, no privacy. There is no employee parking. Loading facilities are very poor. Management says nothing can be done because "they" are going to build a new building. But "they" never seem to get around to it.

Milwaukee (Bay View Station): Badly overcrowded. Carriers must work right next to platform doors, which are always open. This means severe cold in winter; heat in summer. The toilet facilities are very poor (3 stools, 90 men). There is no employee parking.

Milwaukee (Layton Park Station): So crowded it is a health and safety hazard. Dock space most inadequate. Plumbing is primitive. Employee parking non-existent.

Milwaukee (Fairview Station): Built in 1956 to house 50 routes. Now houses 75 routes, and 117 employees. Most overcrowded of all Milwaukee stations. Plumbing most inadequate; so is dock space.

Milwaukee (Wautatosa Station): Seriously overcrowed. Poor docking facilities.

Milwaukee (Parklawn Station): Scheduled for $80,000 remodeling job, but the job has been postponed. Heating is almost non-existent. Lighting is poor. Floors are rough; doors are drafty. Skylight leaks onto carrier cases, and has done so for years. Bad ventilation.

Milwaukee (Teutonia Station): Poor toilets; poor docking. Roof always leaks onto carrier cases. No employee parking.

Milwaukee (Hilltop Station): This facility should be closed down because of its unsanitary condition.

Milwaukee (Whitefish Bay Station): New facility badly needed. The present station is terribly overcrowded, the loading area inadequate, the sanitary arrangements inadequate and there is no employee parking.

In addition, the following Milwaukee stations report no employee parking: Harbor, Western, Mid-City, West Allis, Greenfield, Villard, Hampton, Fred John, Bradley, Upper Third, Shorewood. Most of these also report inadequate toilet facilities. Almost all stations have either no swing room at all or a very small and poor swing room. It should in fairness be added that Milwaukee NALC leaders do report very friendly and satisfactory labor-management relations at the local level.

Worthington, Minn.: Facility was built 35 years ago when the city had one-third of its present population and about one-fifth of its present mail volume. Conditions are desperately crowded. Men work back to back. Carriers have no place to put excess mail except on the floor, hoping nobody will walk by and step on it. A new building has been promised, but has been postponed.

Manitowoc, Wisc.: In this city the complaints are about the service, not the facilities. Perishable goods transported by Parcel Post from Ohio have taken 11 days and have arrived 60% spoiled. Perishable goods from South Dakota have taken 14 days and have been 75% spoiled. Perishable goods from Miami have taken 15 days and have been 95% spoiled. Parcel Post has taken 8 days from Milwaukee, 86 miles away, and 11 days from St. Louis. The men are embarrassed by these constant service failures because, inevitably, they, the men who deliver the tardy goods, are unfairly shouldered with the blame. Besides, the men want to be proud of the service and are frustrated when they cannot be proud.

Black River Falls, Wis.: Facility crowded. Men stack mail on floor and on heat registers. The Assistant Postmaster and sometimes the Postmaster do clerical work, depriving temps of work hours. Management policies in this Post Office seem antediluvian and very anti-labor.

Durand, Wis.: The workers in this crowded little Post Office have been promised a new building time and time again but nothing has happened, nor will happen until July 1. The present building has practically no heating and no air conditioning.

Menomonie, Wis.: Seriously crowded conditions. There is no air conditioning, and the carriers' cases are placed up against the east wall, cutting out all ventilation from that end, and much light. Management will not consider rearranging the floor plan so as to make conditions more fitting for humans.

Kaukana, Wis.: Management is so curtailment happy they even held back the telephone bills because the Postmaster says the phone company doesn't rate first class service. When the janitor died in December of 1968 management did not hire a successor for several months—while the dirt mounted high. There is a custodian now but he works only a 35 hour week and cannot do the job in that time. Parcel Post is a disgrace in Kaukana. The men are ashamed of the service. The Postmaster and Assistant Postmaster each clerk about two hours every day.

Superior, Wis. (annex): This is the largest facility in town and it is badly overcrowded. Toilet facilities are inadequate for the male employees. There are no facilities for women employees. They must make their own arrangements elsewhere.

Superior (South End Station): The windows in this station cannot be opened so there is no ventilation at all. There is no loading dock. Mail must be dragged in a hamper to an alley and only one vehicle at a time can be loaded.

Minneapolis, Minn. (Camden Station): Crowded, insufficient lockers, tiny and inadequate swing room. No dock facilities. Bad ventilation. No air conditioning. The one toilet is co-educational.

Minneapolis (Columbia Heights Station): Overcrowded. Minute loading dock with no protection from the weather. Inadequate swing room. Insufficient lockers. No ventilation, no air conditioning. One toilet. This also is co-educational.

Minneapolis (University Station): Inadequate dock. The station is a fire hazard of serious proportions; it has insufficient exits and no windows for ventilation.

Moorhead, Minn.: Very poor heating (in one of the coldest towns in the northern hemisphere). There are no plug-ins for engine heaters—a circumstance that wastes a great deal of time in Moorhead and is a source of frustration.

Rochester, Minn.: This is a brand new facility, only a year old. Already the furnace cuts out completely on the coldest days and the men sort mail in their mittens. Electric doors don't work and haven't worked for months. Nobody seems anxious to fix things up and maintain them properly.

Aberdeen, S. Dak.: Heating is very poor. Ventilation is worse. There is very inadequate dock space. No employee parking.

Rapid City, S. Dak.: The heating is atrocious, the lighting is low in candle power and poorly located. There are no exhaust fans and no cooling fans. Management is tyrannical and insists on almost constant street observation. This is a very unhappy office.

Carrington, N. Dak.: Here the complaint is bad service and lack of interest on the part of management in improving service. Only the *Wall Street Journal* gets priority treatment. Mail (first class) from Chicago regularly takes three to four days.

Grand Forks, N. Dak.: Management is not interested in service. It is also most arbitrary in dealing with labor. (Example: It is almost impossible to get off work to attend national or state conventions.) Supervision bullies the men who ask for sick leave. This is a very unhappy postal community. Facilities are inadequate. In the Air Base Station females are not permitted to use the one toilet and must go elsewhere.

La Crosse, Wis.: Ancient building, not adaptable to modern postal operations. Washroom facilities most inadequate for both sexes. Carrier cases are in basement with bad light and worse ventilation. Floor is so bad it swells into rolling hills during summer. Employees park in a mudhole.

Kenosha, Wis.: The new wing of the Post Office is only seven years old, but it was badly planned. Heating system is totally unreliable. There is no ventilation of any kind in the washroom. It is necessary to keep the door open in order to survive while using it. To make matters worse, supervision in this Post Office tends to be tyrannical and arbitrary, driving employees morale even further downwards.

FORMER WASHINGTON, D.C. REGION

The Washington Region is the headquarters region of the postal service. It contains the nation's capital, as well as Maryland, Virginia and West Virginia.

One would think, with all that going for it, that this region would be the show case of the postal establishment, the area with the best facilities, the happiest employees, the most efficient service. Unfortunately, this is very far from true. Conditions in this region are as bad as they are in any other region, and worse than they are in some.

Baltimore, Md. (Clifton Station): The only "show case" detail in this filthy hole concerns the toilets which face plain glass windows at the street level so the public can look in on the men on the stools. Quite a showcase. Clifton Station is rat infested. It is dark and dirty, without air conditioning and without parking.

Baltimore, Md. (Raspeburg Branch): This Branch Office is a converted bakery. There are fifty employees in this Branch Office and they are hideously crowded. The Supervisor and his Assistant do not have offices, so they operate from a table in the middle of the floor. Sometimes the office becomes so crowded that sacks of mail have to be left on the sidewalk outside. There is no loading dock and no platform.

Baltimore, Md. (Main Post Office): A new building is being erected. However, the plans do not call for parking spaces for employees.

Washington, D.C.: The following conditions are common to the main Post Office and at least eleven stations (Anacostia, Benning, Brightwood, Brookland, Chevy Chase, Columbia Heights, Georgia Avenue Garage, Friendship Heights, Georgetown, Parcel Post Annex and Woodridge): Overcrowding, run-down facilities; filthy restroom conditions, insufficient room for lockers; inadequate swing rooms, inadequate loading platforms, bad ventilation and no air conditioning.

Arlington, Va. (South Station): There are 62 employees in this facility, which was designed to accommodate 20. There is only one urinal and 3 commodes. All three of the latter leak, so raw sewage is constantly seeping out onto the floor. The only place the employees can eat is a table right next to this restroom. With the evil smells permeating the atmosphere, the men's appetites are not too strong. There are only 30 lockers for 62 employees. There is no air conditioning and temperatures of over 100 degrees are often recorded on the workroom floor. During the summer cases of employees fainting from heat prostration are common. The plaster is peeling off the walls and ceiling. The electrical system is overloaded and constantly blowing fuses. Someday a fire will result. The newspapers and the public have been demanding this eyesore be torn down, but the employees of the richest and most powerful nation in the world must still work in it.

Arlington, Va. (North Station): The Inspection service recommended this building be replaced seven years ago, but no action has as yet been taken. The floors are weak and sagging. There are serious holes in the floor. The electrical system is overloaded, creating a fire hazard. There are no lockers, no swing room. During last winter employees were without heat for a full week because a boiler burned out. The building was built to accommodate 14 employees; there are now 60 employees working in it. There are only two toilets for these sixty people and only one sink for washing up.

Arlington, Va. (Shirlington Station): This is a dirty building with rats and armies of cockroaches. The electrical system is overloaded and dangerous. Very little loading space.

Arlington, Va. (Rosslyn, Courthouse, Centra, Preston King Stations): All these facilities report serious overcrowding and inadequate loading space.

Alexandria, Va.: The reports from this Post Office and its stations are depressingly similar. Through them runs the obvious theme: management has lost pride in the Post Office and this melaise is spreading to the employees. Rest rooms are almost universally filthy. Floors and cases are seldom cleaned. Jeeps and trucks are hardly ever washed. Ceilings leak and nothing is done about it. The plaster rots in the restrooms and nobody replaces it. Management has not seen fit to put either air conditioning or heat into the rest-rooms. However, this Post Office also suffers from serious management failings, resulting in poor service and bad morale. Management, for example, has decided that all mail boxes, except those on main streets, will be collected only once a day. Active union members are placed under special surveillance when they work. Complaints from patrons are never investigated; instead, they result in disciplinary action against the letter carrier whether the complaint has substance or not. Carriers cannot get help on busy days. Second and Third Class Mail is left in Stations over week-ends and not worked to carriers until the Monday. There has to be a great deal of re-organization in Alexandria before morale and service can be improved.

Woodbridge, Va.: Approximately six months ago, about 90% of the houses in Woodbridge were re-numbered. This has created a terrible problem for substitutes and new carriers, and mistakes are endemic. Management does not help. It has refused permission to send the Form 3579 on magazines addressed according to the old numbers. Management tells carriers to forget about write-ups if they cannot be done within the 8-hour period. First class write-ups in this office remain untouched for a week or more. Management-labor relations in this office are very strained and unsatisfactory. Woodbridge has a new post office building but employees say heating and lighting are inadequate and badly planned. There are no lights on the cases, for example, and the overhead lights are not nearly strong enough.

Roanoke, Va.: All stations and the main post office report overcrowding. Hollins Branch also reports badly leaking roof, which has leaked for months. Williamson Road station reports no ventilation, no air conditioning. Main Post Office reports the same.

Norfolk, Va.: Here the complaints are mostly about service curtailments which have crippled the service in Norfolk. In this city management has cut back collections drastically and the collections are performed for the benefit of post office schedules, not the convenience of the patrons.

Salem, Va.: The usual complaint: Very cramped quarters, inadequate plumbing (one urinal for all carriers) and one basin for wash-up. The parcel post is processed in a neighboring shoe store because there is no room in the Post Office.

Charleston, W. Va. (Marmet Station). Lighting inadequate, and electric wiring grotesque. (Coffee pot, water cooler, time clock and floor fan all plug into the same outlet.) There are frequent fuse problems. Security is poor at all Charleston stations and loading is often done in public areas where the mail is in no way protected.

Wheeling, W. Va.: The Main Post Office was built in 1966 but it has never had proper heating or air conditioning during the five years it has been in operation. Management seems to have given up any ideas of remedying the situation.

Wheeling, W. Va. (Elm Grove Station). This is a flat-roofed building which contains the heat. There is no air conditioning and no windows in the work area. Temperatures ranging from 97 to over 100 degrees have been recorded in this building during summer months. It's a terrible place to work.

Huntington, W. Va.: The Main Post Office was built in 1907. There is no off-street parking for patrons, government vehicles or employees. Every morning the police block off one lane of Highway U.S. 60—the busiest street in town—to provide some parking for patrons. This causes a monster traffic jam, but it's the best solution anyone has come up with. The rest room in this Post Office is beyond belief. It is crawling with dirt. The toilet stools are out in the open, without partitions, without doors. They (and those using them) can be seen from the work room floor whenever anyone opens the door of the rest room. The men feel this arrangement dehumanizes them.

Huntington, W. Va. (Guyandotte Station). There is no parking for patrons, government vehicles or employees. The patrons are very upset about the inconvenience, but nothing is done. At Guyandotte it has been impossible to motorize the routes because there is no place to park the vehicles. There are no facilities for docking, either, so loading has to be done the hard way on a hit or miss basis. In other words, the entire operation is a mess. Management in Huntington has done its best to reduce morale to a minimum. For instance, it insists on the right to conduct street supervision of letter carriers at all times, without consultation and without warning.

FORMER NEW YORK REGION

The State of New York is called "The Empire State", and this name is intended to be a compliment. But, as far as many postal facilities and as far as postal management are concerned, conditions are reminiscent only of the Mongol Empire of the thirteenth century: primitive, ignorant, nasty and cruel.

Physical conditions in the New York Region are as bad as they are anywhere else, and management seems just as reluctant to make improvements as it is anywhere else.

Rochester, N.Y.: Five times in recent years teams of investigators have come in to look over the Rochester Post Office. Five times they have recommended either remodeling or building a new facility. Nothing has been done. The area where 125 carriers work is dirty, dark, crowded and badly ventilated. For five years, now, "temporary" wiring has been hanging down over the workroom floor causing a serious fire hazard. This is a most depressing and dangerous place to work.

Rochester, N.Y. (Panorama Station): This facility was built to accommodate 8 carriers. There are now 25 carriers working out of the station. Conditions are over-crowded and work space is dirty.

Gansevoort, N.Y.: This, admittedly, is a very small office but the people working in it are just as important as those working in a major office. The office has no running water, and no toilet facilities. One rural carrier brings an electric heater from home to keep warm.

Schenectady, N.Y. (Crane St. Station): The building here should be condemned. Every Congressman and every Inspector who has looked over the premises agrees that it should be abandoned, but the men still must work there. The main beam in the cellar is badly cracked, making use of the facility hazardous. The water "system" in the building is grotesque. For at least 6 months there has been no water in the urinals! The stench is overpowering. If one flushes a toilet, the pressure in the water cooler goes down to zero and remains there for some while. Every time it rains, the lobby is flooded because of a sieve-like roof. This has to be one of the most disgusting postal facilities in America—but postal employees are still there.

Pittsford, N.Y.: The men complain bitterly about the almost complete lack of ventilation and the inadequate custodial work which has permitted the Post Office to become a pig-pen. The loading facilities are so inadequate that minor accidents are numerous, yet there are no first aid equipment handy. The working areas are overcrowded, the rest room facilities scanty.

Elmira, N.Y.: The carrier cases have been set up so they block the windows and cut off ventilation. Almost no circulation of air. The office is so jammed with equipment that movement is constricted and hazardous. There is no parking space for the public or for employees.

Yonkers, N.Y. (176 Annex): The building is crumbling into dilapidation. Bricks are falling from the walls. The window cleaning contractor refuses to send his men up to clean the windows because the building is unsafe. The Regional Health and Safety people once made an inspection and were horrified at what they found. They promised to condemn the building and build a new one. Nothing has happened.

Yonkers, N.Y. (Centuck Station): Very poor heating. Very crowded conditions. Some routes which should work out of this Station are working out of Tuckahoe, six miles away. There is no room for them in Centuck, and management refuses to rent a vacant store to handle the crisis. This puts an unnecessary burden on the employees.

Throughout Yonkers there are complaints about arbitrary supervision. Management, for example, hardly ever accepts an employee's statement about being sick. It automatically marks the man as AWOL. Management also insists on the right of maintaining strict street supervision over carriers at all times.

Dunkirk, N.Y.: Greatly overcrowded. It is very difficult to move around on work room floor. Management is addicted to harassment of employees. New Postmaster insists on almost constant street observation of carriers.

Brooklyn, N.Y.: The roofs are leaky in Brooklyn. Brownsville, Stuyvesant, Blythbourne and Green Point all complain about this irritating defect. Management does nothing to correct. Poor lighting is also reported at Gravesend, Adelphi. The facility for Green Point Station is evidently decaying day by day. The exhaust fan doesn't work. Roof leaks, mentioned above, are numerous and steady. Swinging doors are unhinged, concrete is crumbling. The building is a mess and management seems to have lost interest in it.

East Northport, N.Y.: Management is evidently interested in economies, not at all in service. Drivers are told to take out postal vehicles that have obvious and dangerous defects, and are more or less told they will be in trouble if they don't go along. (One driver had a steering wheel which consistently "locked" when he was cornering. He was still ordered to use it.) Also, substitutes are very badly treated in East Northrup. Parcel Post here is more of a swindle than it is, even, in most other places.

Shirley, N.Y.: The Postmaster here is so tyrannical that at least three letter carriers have had nervous berakdowns, and have undergone psychiatric treatment, because of his policies and attitudes. His performance became so weird that his own Assistant wrote to the Region describing the unbearable conditions he was creating. The Region keeps saying something will be done—but nothing is done. This is a Post Office in turmoil.

Pearl River, N.Y.: There is no swing room. There is no air conditioning. The conditions are extremely crowded, and there is no fire exit from the basement where Parcel Post personnel work. There is only one urinal for 43 employees (and 2 bowls). Facilities for loading are totally inadequate. There is no employee parking. The area around the Post Office is metered, so employees must park a long way off.

Levittown, N.Y. (North Station): The North Station is supposed to be temporary. So it has been in operation more than two years, and no relief in sight. There is one toilet bowl for the men. It is in a small and dirty room without a lock on the door. There is no facility for female carriers. The men are thinking in terms of building a "wildcat" outhouse behind the Post Office.

Jericho, N.Y.: This Post Office has finally received air conditioners after a long period of sweltering. The building was planned to accommodate six routes; now it has 16. Ventilation is terrible. Toilet facilities are disgusting, but management turns a deaf ear to all pleas for relief. Alterations and remodeling won't do the job in Jericho. They need a new Post Office.

Mamaroneck, N.Y.: Ventilation is terrible. Lighting is terrible. There is no swing room for the men, and the women's has been "Incomplete" for a full year. There are no First Aid Facilities. The place is a mess.

Nanuet, N.Y.: In Nanuet the carriers don't complain about the physical facilities; they complain about the service. Management often curtails first class mail and sometimes delays third class as much as nine days. It will do anything to prevent an hour's overtime. Very slack supervision here, with apparently little regard for the needs of the people they are supposed to serve.

Deer Park, N.Y.: In Deer Park, management does not seem to worry itself about agreements, national or local. It does what it pleases. It is particularly eager to mix the crafts which causes considerable resentment as well as indignation among proud unionists.

Oswego, N.Y.: A local publisher has too much influence with local management and has postal employees doing work they should never do. (For instance, going over to the publisher's office, on the clock, to correct his mailing list for him). Employees could not use parking lot this winter because Postmaster said it cost too much money to clear off the snow. For a long while now, Parcel Post has been loaded through a window. The window could be made into a door and everyone would be happier. Management says this would cost too much money.

Jamaica, N.Y.: There is no housing for Post Office vehicles. This winter they were parked in a monster mudhole. Carriers were up over their ankles trying to reach the trucks and jeeps.

Cabo Rojo, Puerto Rico: The Post Office is more than a hundred years old. It does not come near meeting minimum requirements There is no swing room, no place to take lunch, no lockers for personal belongings. The roof leaks badly, and nobody fixes it. There is one toilet and one wash basin for the entire employee force.

San Juan, Puerto Rico: (General Post Office) No swing room. No place to eat or relax. The so-called Fire Exit door has been locked because it was a safety hazard! There are two toilet bowls and two urinals to serve 265 employees. All parking privileges were suddenly stopped, without previous consultation, causing great inconvenience.

Management in San Juan is capricious. A mail sack with a small burned hole in it was found. Consequently, all carriers are forbidden to smoke in the small and disgusting men's room. Management shoots off letters of warning at the slightest provocation, without listening to the employee's side of the story. This is an unhappy office.

FORMER WICHITA REGION

The Wichita Region is the least populated of all the postal regions. By and large, it is an approximation of "Marlborough Country", wide open spaces, reasonably clean air, uncrowded cities. It is the heartland of America, or the breadbasket, depending on which way your fancy takes you.

In any case, it is not an area where one envisions slums. Not as a general rule. Nowhere, that is, except in the Post Office, where slumishness is a way of life.

Kansas City, Kans. (Bethel Station): Out in Marlborough Country they cannot find parking spaces for the customers, let alone the employees. The one toilet overflows regularly and is never competently fixed. The water pipes freeze each winter, leaving the station without water. When the warm weather comes around nobody thinks to insulate the pipes because nobody needs insulation *then*.

Kansas City, Kans. (Northwest Station): The Station consists of two buildings, both of which are disgusting. The mail has to be pushed from one building to the other via the sidewalk. The smaller Annex building has no fresh drinking water and has no urinals—only two toilet bowls in different locations. The larger building's walls are so cracked one can see right through them and temperatures inside vary by as much as 20 degrees at any given time. The washroom facilities for the men are inadequate but there are no such facilities for the female employees. When a female employee wants to use the facilities a scout must proceed her and clear the men out of the washroom. Many floor tiles are broken. The place is absolutely under siege from cockroaches and, in summer, fleas. The building is not air conditioned and the place in summer can be an inferno. Paint hangs from the walls. There is no parking for employees. Although 10 mounted routes and numerous scooters must load from this Station, the dock can handle only two vehicles at a time. There is no swing room in either of these two buildings.

Kansas City, Kans. (Fairfax Station): Inadequate loading dock, inadequate employee parking. The wiring is plagued by dangerous short circuits. Supervision solves this problem by turning off the electricity. Someday there is going to be a serious fire here unless some constructive steps are taken. There is no hot water laid on in the building, a circumstance which makes janitorial services inadequate.

Kansas City, Kans. (Packer Station): The building is old, unsafe, dirty and dilapidated. It should be abandoned.

Kansas City, Kans. (Rosedale Station): The present structure is in horrible condition but, in this case, a new building is in the works. Meanwhile the employees work in squalor.

Oklahoma City, Okla. (Village Station, Lakeside Station): No air conditioning.

Oklahoma City, Okla. (Shartel and Britton Stations): No loading docks.

Omaha, Nebr. (Offutt Branch): This is an old army barracks, not designed for postal work, totally inadequate.

Omaha, Nebr. (Ralston, Ames Avenue, Millard, West Dodge): All facilities inadequate. All have either (1) No parking facilities or (2) very inadequate parking facilities.

Omaha, Nebr. (West Omaha): Inadequate building. Parking lot is a mud hole overlooking a 15 foot drop into a creek. There is no guard rail. This lack of a guard rail has been a safety item on the agenda for four years but nothing has ever been done about it.

Omaha letter carriers also say that the leased vehicles they must use are "junk". They are not only dangerous to drive but, in appearance, they are a disgrace to the US Postal Service.

Stillwater, Okla.: In this Post Office the air conditioning broke down in June 1970. Despite all kinds of managerial promises, no repairs were made and the employees are still waiting for repairs while another summer has come. Stillwater in summer can be as hot as any community in America.

FORMER DENVER REGION

The Denver Region is the land of wide-open spaces and great distances. In the Post Office, unfortunately, it is the land of crowded facilities and exceedingly bad working conditions. Here are some of the more obvious examples:

Colorado Springs, Colo: Conditions are so crowded that Parcel Post must be stored on the dock, unprotected from the elements.

Pueblo, Colo.: Here, too, the parcel post must be stored outside because there is no room inside. However, in Pueblo the Postmaster has curtailed Parcel Post deliveries, even though substitutes are not getting 40 hours a week. Thus, instead of moving the Parcel Post as rapidly as possible through his Post Office he is adopting policies which slow up its movement and prolong its delays.

Fort Collins, Colo.: Carriers work in a basement under intolerable conditions.

Longmont, Colo.: The carriers work in a crowded Quonset Hut. The nearest toilet is a long block away.

Green Valley, Ariz.: Here the complaint is against the service. The region is denying city delivery to residents who should be getting it, solely for budgetary reasons.

FORMER SAN FRANCISCO REGION

To most persons the San Francisco Region sounds like a delightful place to work, even for postal employees. Unfortunately, as far as the postal employees are concerned, the region is just as bad as any other. The San Francisco Region has its horror shops (Milpitas, Alta Loma, Buena Park and others), and they are just as bad as their counterparts in other regions. Most facilities are crowded; employee parking spaces are almost non-existent; plumbing is scarce and inadequate.

Los Angeles, Calif.: All stations except Briggs and Broadway-Manchester are inadequate—and the latter has a deficient ladies room. Dockweiler Station is antique, uncomfortable, inefficient and should be replaced. East Los Angeles and Barrington have wretched lighting; candlepower reading at carriers' desk is only 35. Oakwood, Westburn and Wilshire-La Brea suffered structural damage during the earthquake and are now unsafe. But they are being used.

Garden Grove, Calif.: The heating and the air conditioning are practically non-functional but no effort has been made to fix them. West Garden Grove station is enormously overcrowded and unpleasant to work in.

San Diego, Calif.: The Post Office consists of the main office and 22 stations. Most stations are simply old stores or decrepit old buildings. They are dirty and inadequate and few have any parking at all.

El Cajon, Calif.: The main office is a new building, but carriers are not permitted to work there. They are housed in an old abandoned building with no parking. Bostonian Station has inadequate plumbing.

Chula Vista, Calif.: The Rancho Del Rey Station's cesspool has overflowed and is overflowing. The soil, evidently, can no longer handle the action. Therefore the toilets in the station cannot be used.

Vista, Calif.: Post Office is so crowded as to be unsafe. Ventilation is a scandal. There is no parking here.

Oceanside, Calif.: The Main Office is very overcrowded and inadequate. The Annex is an old, abandoned store. No one should be asked to work in it.

El Centro, Calif.: *Very* old building, very inadequate.

Claremont, Calif.: The building is unsafe. There is no hot water. No lounge for women. Heating is poor and there is no air conditioning. The roof leaks. Concrete floors rough on the legs of employees.

Covina, Calif.: Custodial service highly inadequate. The office is a pigpen.

La Puenta, Calif.: Management reduced the size of the locker room to provide space for a lunch room. In doing so they created crowded and unsatisfactory conditions in both rooms.

Pasadena, Calif.: Poor parking is endemic here. So is poor lighting. The Main Station is unsafe because of inadequate exits. It also has inadequate plumbing. Rose Bowl Station is sadly deficient in plumbing: three toilets for 75 male employees.

Pomona, Calif.: Diamond Bar Station has a highly inadequate restroom which is shared by the men and the women.

Montclair, Calif.: Does have two restrooms but there is no partition between the man's and the women's, and no exhaust fans.

West Covina, Calif.: This office has 150 employees and not a single available parking place. Emergency exits are poor and create a hazard.

Chowchilla, Calif.: Management has been promising a new post office for quite some while but plans have been postponed. Present building very inadequate. Lighting is terrible.

Stockton, Calif.: The Post Office has an air conditioner on the roof which hasn't worked for years. (Stockton gets very warm indeed in summer.) Restrooms have no vents. Management here insists that unassigned substitutes wait in the swing room in case an assignment becomes available. This is greatly resented by subs.

Oakland, Calif.: Main office has dirty, inadequate toilet facilities and totally inadequate lighting. The ladies' toilet facilities in all fifteen stations are deplorable.

Walnut Creek, Calif.: This is a new office but the arrangement of cases is so bad that ventilation in the carriers' section is impossible. The cases are lined up to coincide with the inspectors' peep-holes in the ceiling, instead of vice versa.

Marina, Calif.: Old building. Bad lighting. No air conditioning. Bad ventilation.

Monterey, Calif.: Facilities are poor in every respect and the labor-management relations are worse.

San Luis Obispo, Calif.: The carrier annex is an abandoned second-hand tire shop which is falling apart. It has very low ceilings, terrible ventilation and excessively crowded conditions.

Seaside, Calif.: Present building is old and decaying. The public and the employees have been promised a new building. Once again, the new building has been mysteriously delayed. There is no air conditioning in this office and very poor ventilation.

Watsonville, Calif.: Very crowded; no air conditioning. The interior planning is faulty but management will not listen to reason.

Napa, Calif.: Management is anti-union, and particularly anti-NALC. Heating is poor during winter and ventilation is faulty.

Sebastapol, Calif.: Heating is bad; no air conditioning; no employee parking.

Petaluma, Calif.: A new building to replace the present old horror has been promised for a long while. For some reason it has not been started. Meanwhile employees work in crowded, unventilated misery, and without parking facilities.

St. Helena, Calif.: Crowded, ineffective air conditioning (St. Helena is a hot spot in summer) and practically no parking.

Ukiah, Calif.: Men's restrooms are abominable. There are no women's restrooms. The office is crowded and unventilated. Lighting is poor. Parking is very awkward.

Sonoma, Calif.: The restroom situation is bad. The heating is bad. The parking is bad.

Crockett, Calif.: Dirty building, dirty office, dirty workroom; dirty restroom. Bad lighting. Poor management at this office.

Rodeo, Calif.: Dirty office with paint peeling off the walls. No heat; bad lighting; very crowded; inedequate swing room.

Richmond, Calif.: Main office and all stations complain about toilet facilitities, and particularly the women's arrangements. Mar Vista Station has placed its toilets (which are always crowded) right off the lunch room. Mar Vista has no loading dock. The vehicles are loaded at a friendly gas station, two blocks away.

Berkeley, Calif.: All stations complain about the plumbing, especially the plumbing for women. Elmwood Station is old, dirty, dark and abominable.

Fowler, Calif.: Ancient building, no heat, no air conditioning.

Woodlake, Calif.: Old, non-equipped, decrepit, unusable.

San Bruno, Calif.: This is a new building. Nonetheless, the heating and the air conditioning are bad. The restrooms are poor. The dock is inadequate. The parking is atrocious.

Mountain View, Calif.: The Annex is a dangerous old monstrosity; no fire exits despite overcrowding; no air conditioning; bad ventilation. The building is a former warehouse. Management is highly unreasonable here and morale is noexistent.

Saratoga, Calif.: New building, but a mess. Badly planned. Badly constructed. Poor air conditioning; poor heating; poor lighting. No parking space.

San Mateo, Calif.: Bad ventilation. Bad heat. Bad cooling. Overcrowded. Bad parking.

Menlo Park, Calif.: Five Stations, all overcrowded. In most stations there is not enough space for parking government vehicles let alone employees' cars.

Milpitas, Calif.: Though it has competition, this is very possibly the worst Post Office in California. For all-around wretchedness, it should be ranked nationally. The Annex is an old warehouse without windows or ventilation. It *has been officially condemned by the City of Milpitas* on the grounds that it is (1) a fire trade; (2) unhealthy and (3) hazardous. (With dangerous dangling electric wires all over the place, management didn't even provide a fire extinguisher!) There is not a more dangerous or more disgusting facility in the entire Postal Establishment—but still it is used.

Campbell, Calif.: It is amazing how so many new Post Offices in California are inadequate. Campbell is a case in point. It is overcrowded already; it has poor heat and inadequate ventilation. Surely something must be wrong with regional planning to have so many new post offices suffer from the same complaints.

Morgan Hill, Calif.: Small building is overcrowded. Dock is much too inadequate. There is no air conditioning, and very poor ventilation. Interior planning is wretched. No parking.

Gilroy, Calif.: Air conditioning very substandard (Gilroy is *hot* in summer, and sometimes in other seasons). Building is crowded and so is the dock. Bad parking.

Los Gatos, Calif.: Management is the trouble here; very arbitrary and dictatorial. Lighting is inadequate.

Cupertine, Calif.: Poor heating; poor ventilation; poor interior planning.

San Francisco, Calif. (Station F): Overcrowded to the point of being hazardous. Toilet facilities very inadequate. Ventilation is wretched.

San Francisco, Calif. (Station J): This Station was so overcrowded that management moved eleven routes out and put them in an abandoned and condemned building. It is still overcrowded and hazardous.

San Francisco, Calif. (Station O): This station is the complete headache. It is an abandoned bank on some of the most expensive property in the city, and is in no way suitable for postal work. Carriers work on mezzanine and main floor. Elevator is unsafe. Conveyor belt has no safeguards on the sides. Relays fall off belt and it's a wonder no one has been maimed for life. Supervision is very poor here.

San Francisco, Calif. (Diamond Heights Station): Here the complaints are against the leased vehicles, which are perilous. (They were bought at a GSA auction and then leased to the Post Office.) The Highway Patrol has cited the vehicles several times for being unsafe but management still insists on their use.

San Francisco, Calif. (Sunset Station): This building is old, crowded and inadequate. Supervisor is notorious throughout the service for his unreasonable attitudes.

San Francisco, Calif. (West Portal Station): This building has been remodeled by the owner. It still meets none of the minimum standards. It is crowded, unsafe and insanitary.

San Francisco, Calif. (Mission Station): The Supervisor here is considered the worst in the city, totally devoid of respect for those who work for him. Leased vehicles here are all unsafe. Morale is very poor.

San Francisco, Calif. (North Beach Station): Small, crowded, archaic office. Owner refuses to remodel or change and management still does business with him.

San Francisco, Calif. (Parcel Post Station): Needs complete re-organization. No Parcel Post route has been examined in five years. Crowded, insanitary. Unsafe. A bad situation.

San Francisco, Calif. (Rincon Annex): Four stations under one roof. Extra crowded conditions. One urinal and three stools for more than 200 employees.

San Francisco, Calif. (Station P): The very worst of a bad lot of stations. The building is rat infested. It is archaic, inadequate, dark, overcrowded and dangerous. Health is a constant problem here. Owner refuses to do anything about conditions and management still lets him get by with it. A dreadful place.

Buena Park, Calif. (Main Office): The postal system in California should be a happy hunting ground for the Women's Lib people—particularly in regard to plumbing. Buena Vista has one toilet for 35 female employees. The heating and air conditioning units are located on the roof. Neither of them works, and nobody is fixing them. During the rainy season the loading dock is constantly under water—12 to 14 inches of it at a time. The carrier cases are badly lighted. Locker space is limited and so is space for carriers to change their clothes. The vehicle entrance to Post Office is very dangerous. Several accidents have occurred here, still nothing is done about it.

Buena Vista, Calif. (Station A): There is only one toilet here. The carriers are crowded and there is almost no ventilation. The smell in summer is quite something. There is no dock space. Vehicles are parked on a mud field and must be loaded on the street.

Ontario, Calif. (Annex): One commode for more than 59 employees. Swing room far too small. Heating is poor. Conditions are crowded.

Upland, Calif. (Main Office): Bad lighting. Leaking roof. Air conditioning ineffective. Not enough lockers. Men must share with others.

Upland, Calif. (Annex): Bad lighting. Leaking roof. No toilet for women employees. Shortage of clothes lockers. Dock can handle only two vehicles, though there are 20 routes in the Annex.

San Jacinto, Calif.: Cooling and heating quite inadequate. Windows should have blinds; the glare is intense. Conditions are crowded and planning is almost nonexistent.

Alta Loma, Calif.: For bad planning, inadequate facilities and general wretchedness, Alta Loma is just about as bad as any other post office in the State. The two restrooms, for example, are what seem to be converted closets and can handle only one person at a time. To make matters more sporting, the water heater is right next to the women's commode. This makes going to the bathroom quite exciting. There is no swing room, but then, there's no Postmaster's office, either. This condition means that it is impossible for employees to have a private conference with their boss. Storage space is so scarce that supplies and equipment are jammed behind doors and under tables. Heating is not circulated, so one end of the building is broiling and the other freezing. There is no loading dock. Mail is unloaded at the back of the building and then hauled through the entire Post Office to be worked. No parking lot. Trucks are stuck in a muddy lot next door and are not protected. Thieves strip them almost at will. Space is so limited it is necessary to move things around two or three times just to receive the mail, work it and get out to deliver it. This is a grotesque operation.

Brea, Calif.: Management is very antilabor here. Only two carriers in the past three years have received quality step increases; all supervisors have received them. Postmaster says there is no such thing as a good carrier. He insists that carriers run their routes.

Fullerton, Calif.: Management is tyrannical. Carriers are "counselled" and warned after only two misdelivered or misforwarded letters. Supervisors are intimidating. They practically insist, for example, that carriers take their defensive driving lessons off the clock.

Van Nuys, Calif. (Irvin Street Station): This building is an abandoned meat market. It is inadequate in every sense. There is one toilet for thirty employees and one must go outside to get to it. Bad parking here as at all three other stations in Van Nuys.

North Hollywood, Calif.: Conditions are wretched now but understandable. Present quarters are temporary because of earthquake damage to the Post Office. However, conditions will be overcrowded in the old office when it is reopened for business. Sixty employees are working where only thirty were intended.

Beverly Hills, Calif.: Carriers work in the basement. The exhaust from the trucks outside come right inside the work area. Sometimes this gets dangerous and someday somebody is going to get too much carbon monoxide. Exits are inadequate. There is no parking.

The following other Post Offices in California report extreme overcrowding because of the mushrooming growth in their areas:

Canoga Park (3 Stations).
Thousand Oaks.
Simi.
Santa Paula.
Glendale.
Redondo Beach.

In addition, at least 100 other Post Offices in California report no parking space or a very limited parking area.

FORMER DALLAS REGION

The entire story of how the Blount Administration raped the postal service in Texas is told admirably by Victor Smiroldo, Counsel for the House Committee on Post Office and Civil Service, and his colleague, Albert C. Briggs, in a *"Staff Investigative Report on Postal Service in the State of Texas"*. (Committee Print No. 7, U.S. Government Office, 1971). It is unnecessary to add anything here to the grim story that Messrs. Smiroldo and Briggs have already told.

We shall therefore concentrate on the physical conditions prevailing in a few (selected out of many) key post offices in the states of Texas and Louisiana.

Houston, Tex. (Genoa Station): The septic tank for handling human wastes is small and inadequate. Consequently, effluvia constantly seeps upward, soaking the ground and poisoning the atmosphere. In warm weather the smell is beyond belief and management has done nothing helpful to correct it.

Houston, Tex. (Roy Royal Station): Bad lighting. Drafty and exceedingly cold in winter time.

Houston, Tex. (Sharpstown Annex): This building is a mess. It has low (eight foot) ceilings which frustrate the circulation of air and hinder air conditioning and heating. There is no hot water, and no swing room for the employees. There are only two toilet bowls (no urinals) for more than 50 employees.

Houston, Tex. (Southmore Station): The roof leaks and has leaked for a long while. It leaks so badly the wash room floor was being flooded with every sizeable rain. Management went to the heart of the matter in this case. It placed a 24 gallon can in the wash room to catch the rain. (Good thinking! Right on!) Sheet rock has fallen throughout the station and now the insulation is pushing through the ceilings.

Garland, Tex.: Ninety male employees and the washroom has two toilets. It is neither air-conditioned nor heated and has no ventilation fan. There are 26 carrier cases jammed into an area 30′ by 36′. Lighting is abominable but management refuses to put lights on the cases because this would make it too difficult to move the cases around. The controls for heating and cooling are locked and the Assistant Postmaster is the only one who has a key. In case of a change in the weather, the employees must suffer until the Assistant Postmaster arrives at 8:30 with his key.

Waco, Tex. (Baylor Station): This is a terribly overcrowded facility. There is insufficient room for lockers, and many employees must share a locker with someone else. There is no swing room, so the coffee pot is kept in the toilet. The loading dock is inadequate and unsafe. Accidents have occurred there, but no changes have been made.

Metairie, La.: Post Office was built in 1955 and was overcrowded the day it opened. A new office is on the drawing board but employees must continue to work under present intolerable conditions. The roof is presently being held up by jacks because it has been weakened by the weight of collected water and of the many layers of roofing that have been added over the years.

Metairie, La. (Park Manor Station): This is a new and permanent building. It has one stairwell and no fire escapes. Management refuses to believe this is dangerous because the building is supposed to be fireproof.

Alexandria, La. (South Park Station): This is a leased building. There is talk of a new Post Office in the near future, but employees must now work under most primitive conditions. The air conditioning is antiquated and goes out several times each summer. There are no windows which can be opened, so heat becomes intense. There is no loading dock, so loading must be done in all weathers on a blacktop surface.

Alexandria, La. (Main Post Office): Parcel Post trucks have to load from an old wooden building that was condemned 15 years ago. This is a very unsafe facility. For example, just recently an overhead door collapsed and shattered an employee's arm.

FORMER SEATTLE REGION

Frankly, it is amazing to us how little concern postal management has for the provision of and maintenance of basic plumbing and sanitation. As one can readily see from the examples listed from the Seattle Region, below, management is almost monumentally insensitive to the desire for human dignity among postal employees, particularly in the smaller communities.

In the larger cities (Portland and Seattle) management does better with toilets, but falls down on service. (Throughout the region, almost inevitably, one or the other stinks—and often, both.)

Port Angeles, Wash.: There are 12 carrier cases and 3 clerk cases in less than 950 square feet. Ventilation is bad; lighting is worse. Rest rooms are in the basement.

Kent, Wash.: The Carrier Annex Station is a reformed bakery. There are 35 employees and just one toilet bowl, which is shared by both male and female employees. There is no swing room, and no telephone, official or otherwise. Lighting and ventilation are abominable.

Renton, Wash: Conditions abominable. Overcrowding, wretched ventilation, impossible lighting.

Spokane, Wash. (Station B): The whole station can be described as a slum going somewhere to happen. The work room is dangerously filthy; the swing room is too squalid to use. There are 20 carrier cases (with wings) in an area of 1200 square feet.

Anchorage, Alaska: The city engineer has declared the building unsafe. It is still being used.

Missoula, Mont.: Another filthy post office with bad lighting and ventilation. Office is far too crowded for comfort or safety.

Billings, Mont.: Carrier Annex is a warehouse with a tin roof. In winter it is freezing; in summer it is broiling. There is no loading dock, a deficiency which makes loading and unloading very hard. The building was never designed for postal operations and no attempt has been made to adapt it.

Seattle, Wash. (Riverton Station): Forty-five men and twelve women work in this Station under highly primitive conditions. The work area is filthy; the ventilation and lighting bad. Washroom facilities are inadequate.

Seattle, Wash. (Magnolia Station): Magnolia is overcrowded, with 22 carrier cases and wings and 2 clerk cases jammed into 950 square feet. Conditions are no better than at Riverton (above). At Magnolia there is also a most inadequate loading dock.

Seattle, Wash. (Broadway Station): The Station consists of two former grocery stores. Neither converted store is adequate for postal work. Toilets are given to overflowing; they flush out, not down.

Seattle, Wash. (Wallington Station): This dirty old building should have been condemned years ago. The floor is badly rotted and will soon give way. Lighting and ventilation, as usual, are bad.

Seattle, Wash. (Georgetown Station): After eight years of constant protest, a new Station is on the drawing board. Meanwhile employees continue to work in this monstrous old firetrap.

The Seattle Post Office operation generally is known for making arbitrary curtailments of service without discussing them in advance with local NALC leaders, as the contract says they must do. For example, in the past six months the number of collections in almost 700 letter boxes was reduced, without warning, to one a day. This, of course, means that a patron who does not make the deadline on time has no chance of getting overnight service on his letter. The letter spends the first day *en route* inside the letter box, going nowhere.

FORMER CINCINNATI REGION

The Cincinnati Region was the first postal region to be created (1954). The whole purpose of regionalization was to move management out into the field where the problems are and where meaningful decisions can be made on the spot. The decentralizers boasted that they would be able to prevent "thousand dollar problems from becoming million dollar catastrophes".

One of the helpful things they would be able to do, it was thought, was to anticipate growth and plan the development of facilities to accommodate such growth. This is precisely what did not happen. Post offices in the Cincinnati region are among the most crowded in the nation and, in terms of rebuilding or enlarging them, they have become a billion dollar catastrophe.

Fort Wayne, Ind.: Desperately overcrowded. Forty letter carriers work in the old swing room in the basement of the Post Office. The windows are barred and there is only one door. In case of a fire, explosion, earthquake or some similar disaster the trapped men wouldn't have a chance.

Youngstown, Ohio: Main Office is very crowded. Poor lighting, poor ventilation, no parking for patrons or employees.

Youngstown, Ohio: West Side Station is almost collapsing with age. This facility is shamefully overcrowded. No parking for patrons or employees.

Youngstown, Ohio: Northside Station is intolerably crowded. Plaster is falling off the walls. Ventilation is bad. No loading space for vehicles. This station did have a parking lot but it is now torn up.

Youngstown, Ohio: The Annex is also greatly overcrowded. There are no toilet facilities for females and they must walk a full block to find a rest room. Parking exists but is poor and scanty. In bad weather this facility is surrounded by a sea of mud.

Akron, Ohio: Ellet Station is not only overcrowded, but the carriers have not been assigned their proper share of what space is available. They work in congested squalor and Third Class Mail is usually stored all over the building, wherever there is a flat area. Dock facilities totally inadequate (only two vehicles can be loaded at one time). Ventilation is horrible. The building is hot and stuffy in summer, freezing in winter. Toilet facilities are dirty and inadequate.

Cleveland, Ohio: Very overcrowded, so much so that it abrades the tempers of employees and causes ill feeling and low morale. The parking facilities are worse than poor.

South Bend, Ind.: Installation much too small. Employees are overcrowded. Parking is poor.

Gary, Ind.: The authorities have been promising a Post Office for more than four years. Nothing has been done. Very badly overcrowded.

Valparaiso, Ind.: Here the new Post Office has been promised for three years. Nothing has been done. Facility is inadequate, conditions fantastically crowded.

Richmond, Ind.: The employees and patrons have been promised a new Post Office for two years. Nothing has happened. Conditions are poor. Employees are overcrowded.

Cuyahoga Falls, Ohio: The State Road Station in this community reputedly the richest *per capita* in the land, has very little ventilation and no air conditioning. It stands next to the loading dock of a super market. When the trucks make deliveries the drivers keep the motors running and carbon monoxide keeps flooding the work room. Some employees have fainted, others have become nauseated. Still, nothing is done and nobody seems to have any intention of doing anything.

Columbus, Ohio (Beechwold Station): Vastly overcrowded, with aisles only 1½ feet wide. Empty mail tubs litter the floor, making movement hazardous. Lighting is most inadequate and heating is a farce. There is no parking. Loading dock is for midgets. Building is also a firetrap.

FORMER ST. LOUIS REGION

Complaints in the St. Louis Region seem to center around managerial attitudes at the regional and the local levels. There is a great deal of complaint concerning the breaking of agreements, violation of time limits in Grievance and Adverse Action cases and the refusal to adjust routes, even when apartment houses have been built on them.

Our Regional Field Director intimates that in smaller towns letter carriers are timid about reporting on poor facilities and obnoxious policies because of reprisals.

One perfectly ridiculous situation continues to be a bother throughout the region. On about 50% of the new Kaiser Jeeps in the region, the locks will not work. Management refuses to change or fix them. So letter carriers are receiving letters of charges for not locking their vehicles, which cannot be locked in the first place.

Des Moines, Iowa: The facility in Des Moines is awful and the service is worse. The local newspapers have been writing indignant stories but the Postmaster keeps curtailing service and reducing services to the public. The toilet facilities in the Carrier Annex are disgusting and the work room itself is revolting. The tops of the eating tables are filthy. The stairs are almost never swept. The lighting is inadequate. It is also inadequate in the new postal facility which will be opened for use next December.

Fort Dodge, Iowa: The complaints from this city concern the service. The Postmaster insists upon eliminating afternoon delivery to business areas without even a semblance of consultation with the carriers. The carriers have successfully resisted the attempt, but they feel it is only a matter of time.

Sioux City, Iowa (North Side Station): The loading facilities here are grotesque. In order to load relays, pouches and parcel post the men must pass through the front lobby. At the back exit the drivers have to throw their pouches down two flights of stairs to the work room floor. The men then must drag the mail into the Station. The Station is overcrowded and the ventilation is execrable. (The lighting is bad, too.) The restrooms are awful. The Safety experts from the region examined the Station and admitted its inadequacy and dangerousness. However, nobody's talking about a new facility here.

FORMER ATLANTA REGION

The Atlanta Region is plagued by poor facilities, lack of adequate air conditioning, lack of adequate heating in winter and the usual managerial insensitivity to the comfort of the employees. Here are some glaring examples:

Pinella Park, Fla.: The facility is overcrowded to such an extent that work is hazardous. In winter heat is supplied by an old one-burner Duo-Therm heater. In summer coolness is supplied by three small wall fans and three undersized, underpowered window air conditioners. All doors but one, leading to the carriers' work room area, are kept locked thus creating a real hazard in case of a fire or other calamity. There is one commode (no urinal) to accommodate thirty employees. Also one wash basin and one drinking fountain.

Miami, Fla. (Ocean View): The facility is filthy. On occasion employee complaints cause a general cleaning but this is always considered as a one-time thing. Nobody cleans again until the employees' complaints grow loud enough. The Superintendent here works at clerical jobs to save overtime or use of subs. She also has mail handlers doing the work of carriers and clerks.

Miami, Fla. (Olympia Heights): Another typically dirty facility. This station has no janitor. Somebody "does" it once every two weeks, which is not nearly often enough.

Miami, Fla. (Coconut Grove): This is a new facility, but it has been in operation for some while. Still, no one has seen fit to assemble the employees' lockers which are lying around on the floor and getting in everyone's way while many of the men have no place to hang their clothes.

Marietta, Ga. (Station A): Badly crowded, dirty and poorly ventilated. It is rumored that a new facility will be acquired soon, but not till after July 1.

Columbus, Ga.: Bad ventilation and inefficient air conditioning. This is still another overcrowded facility.

FORMER MEMPHIS REGION

Primitive working conditions, primitive facilities and primitive managerial attitudes are widespread through the Memphis Region. Nashville, Tennessee is generally considered one of the most up-to-date communities in this area and yet the working conditions in the Post Office there would disgust a ring-tailed baboon. Conditions elsewhere in the region tend to be worse than they are in Nashville.

Nashville, Tenn. (Uptown Station): This building, which dates from the Civil War, has been condemned by the city several times, but the Post Office just continues to use it. Uptown Station is located in an arcade and serves mid-town Nashville. It is one of the busiest stations in the entire South. The basement is below sewer level and in the rainy seasons the water seeps in, runs across the floor and into a well where a sump pump pushes it into the sewer. The men's toilet is also below sewer level and is equipped with a pump. The pump often leaks, permitting the sewage to run across the floor unto the well. The headroom in the basement is only 5 feet, 6 inches. To get to the toilet a man has to walk the whole length of the basement, doubled up. Also the lockers until very recently were in the basement. (They have been temporarily moved upstairs, but only until the space is needed for mail processing.) The personnel in the Uptown Station are almost equally divided between those with permanent stoops and those with very sore heads.

Nashville, Tenn. (Melrose Station): Up until last month this Station was located in an abandoned fruit stand. The building was several times condemned but postal management paid no heed. The station was finally moved to new quarters only because it was necessary to make room for a highway.

Nashville, Tenn. (Woodbine Station): In 1958, when the present building was first occupied, it held nine routes. Today there are 31 routes and one rural route, and a total complement of 58 employees. There are two one-fixture wash rooms. These are reserved for the men. The women employees must use a service station about half a long block away. This is one of the most crowded and most uncomfortable stations in the country.

FORMER CHICAGO REGION

For some reason or other, Chicago has always been a by-word for inadequate postal facilities. Around about the turn of the century the basement of the Main Post Office was called "The Tomb" because so many people who worked there contracted tuberculosis and died. During the first decade of this century the Illinois State health authorities inspected the Chicago facilities (without informing the postal authorities) and declared them filthy and far below minimum standards in private industry. The postal authorities refused to improve the facilities and fired the postal employees who complained to the health authorities.

Chicago, Ill.: Our correspondents tell us that half the stations of the Chicago Post Office are rat infested, AUBURN PARK being the worst. (There they sometimes try to nest in the pigeon holes.) All stations have inadequate loading space. Some (particularly RAVENSWOOD and IRVING PARK) have crumbling masonry making it very hazardous to work or stop near any of the walls. The toilet facilities are generally horrible and, for the female employees, totally inadequate.

Montgomery, Ill.: The Post Office is in a building that has been condemned. It is totally inadequate.

Royal Oak, Mich. (Annex): The carriers have been moved down into the basement where they share the area with a huge boiler and an old fashioned furnace. When the men get to work at 6 a.m. in the winter the temperature in the basement is in the eighties, and by the time they leave for their routes at 9 a.m., it is in the mid-nineties. A more unhealthy situation cannot be imagined. The Annex is also a fire trap and the means of exit are limited.

ADVERTISING PROGRAM

HON. ROBERT T. STAFFORD

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. STAFFORD. Mr. Speaker, on March 1, 1971, the Army began an experiment to measure the effect of advertising on new enlistments. The $10.6 million program, completed June 15, is now under intensive review by experts both in and out of Government. This is an interim report, with recommendations, on the success of that program and the future of paid advertising in the effort to attract volunteers to the military services:

THE PURPOSE OF THE ADVERTISING PROGRAM

A Defense Department Fact Sheet lists the purposes of the advertising program as follows:

(a) To test and determine what messages and media will increase inquiries at the recruiting stations and subsequently increase the number of enlistments.

(b) To provide current data to assist in designing the most effective advertising plan.

(c) To test and determine what broadcast medium or a combination thereof will most effectively reach the primary target audience of 17–21-year-olds and the secondary audience of influencers.

(d) To increase the awareness and knowledge of the primary target audience of those opportunities available in the Army by means of the television and radio media.

DESCRIPTION OF THE PROGRAM

Over ten million dollars was reprogrammed from the Army budget for use of the advertising program from March 1st through June 15, 1971. This effort included seventy-two weekly spot commercials on the country's top one hundred stations with at least thirteen in prime time, and at least twenty-four weekly radio spots in one thousand selected markets. Eight cities were singled out for more intensive efforts where the number of spots was doubled.

The advertisements were directed at 17–21-year-olds. The nature of the ads, however, were important to a secondary group—parents, older friends, guidance counselors and others—who influence the potential recruit. General in content, the ads in the first phase emphasized the modern Army, with opportunities for advancement and training. The second phase of the program concentrated on new enlistment options, notably the guaranteed sixteen-month tour in Europe for those enlisting into the combat arms branches.

PRELIMINARY RESULTS

Early data shows an over-all positive increase in recruitment. For instance, there was a steady number of calls received by Listfax Service—contracted to receive inquiries resulting from the advertising. The first 120,000 responses produced nearly 7,000 live leads. Magazine coupon returns increased from a monthly average of 3,000 before the campaign to approximately 22,000 during the campaign. Walk-in traffic at local recruiting stations increased by an estimated thirty to forty percent.

Total enlistments are up from the same period last year by approximately fourteen percent. In addition, delayed enlistments are up approximately six hundred a month over last year's figures. In the delayed entry program, an individual actually enlists in the service, with an entry date sometime in the future.

As a result of advertisements for the combat arms emphasizing the guaranteed tour in Europe, enlistments in those military specialties are up about six hundred percent.

INTERPRETATION OF PRELIMINARY DATA

It is, of course, true that increases in enlistments during the advertising campaign are not exclusively nor directly the result of the advertising campaign. On the one hand, publicity surrounding such manpower reforms as the elimination of KP at some bases, permission for longer hair, and new privileges on leave and dress have no doubt contributed to the increase.

Furthermore, there has been an intensified recruiting effort, notably an expansion of the number of recruiters, improvement in recruiting practices and the innovative use of recruiting assistants.

On the other hand, however, there are several reasons to have expected enlistments to have dropped substantially rather than have risen during this period.

First, the Army is suffering from its worst image in decades, reeling from the My Lai incidents, scandals involving PX's and NCO clubs, and increased eagerness to terminate the war in Vietnam. It is hardly a time when there is universal encouragement for young men to sign up in the Army.

Secondly, the pressure of the draft has dropped significantly with the institution of the lottery. Steps taken to make the draft more equitable and to reduce the period of exposure has focused the threat of the draft on only a small portion of a single age group. Draft calls themselves are down some twenty percent as the size of the military is returning to roughly its pre-Vietnam level.

Third, talk of the impending volunteer army is widespread. The prospect of ending the draft in the near future, is, to be sure, causing second thoughts for those who might enlist under the threat of the draft.

The above reasons, coupled with the general turbulence of society, the hesitancy to commit oneself to a course of action which cannot voluntarily be terminated within a set period, and skepticism of the institutional nature of the military contributes to a general climate not conducive to an increase in voluntary enlistments.

Finally, activities this spring, running from the Laos invasion to the May-Day demonstrations, must have put a damper on wavering prospects.

EVALUATION

The advertising program was an experiment. It is fully appropriate to review the program before committing the government to a major permanent advertising program which may not pay off. Such review is underway—within the government—by Rome Arnold contracted to the advertising agency who handled the program, and by two independent analytical research outfits under contract to the Army and of the Office of the Assistant Secretary of Defense.

If the analysis is to be useful, it must answer the following questions:

1. What is the most effective media for reaching the prime audience of 17–21-year-olds? What media mix, time period, style, content, and credibility factors are the most effective?

2. What is the role of secondary influences on the enlistment decision and how are these influences themselves affected by the advertising? What thrust of advertising content is best for these purposes and to what extent is advertising desirable for influencing the secondary group?

3. What was the effect of the advertising program on those not directly concerned with enlistment? What was the effect on those who will be eligible for enlistment in several years? How were women and older generation males affected? How has the public image of the services been affected and what relationship does this have to enlistment?

4. What surrounding circumstances must be considered in interpreting the effectiveness of the advertisement program? Those who are contracted to do an analysis for the Army have indicated their intention to consider the broad range of issues and circumstances facing the recruitment of young men into the service and the effect of these issues and circumstances on the development of future advertising programs. Factors both inside and outside the government are relevant here and include such items as public opinion, economic conditions, structure of military pay and manpower objectives.

There is no single outside factor more important than the effectiveness of the recruiting delivery system. Extensive advertising is meaningless unless recruiters can build on the initial interest sparked by the ads. How effective this process was during the experiment must be looked at intensively. Were telephone calls answered? Were live leads followed up? Did recruiters have up-to-date information on new programs and initiatives in the military? Questions on the effectiveness of the recruiting command are endless. Nevertheless, short of a major review of the recruiting system (overdue anyway) some relevant information would be valuable in judging whether the recruiting system can take advantage of any advertising campaign.

5. What was the response of the media themselves to the advertising campaign? Special attention must be given to the experiment's effect on public service advertisements? Will stations continue to run public service ads whether or not they are carriers of the paid ads? Is the proportional discontinuation of public service ads significant?

6. How effective was the advertising agency who conducted this program in the technical aspects of their business? It is understood, naturally, that the Army's ad agency for the past four years, N. W. Ayer, had very little time to prepare for a contract which was six-fold increase over previous Army contracts. Nevertheless, if future contracts are to be effective, two more questions must be answered about the advertising agency.

First, what are the industry's standards for efficient application of advertising principles, avoiding waste, maximizing impact, cost effectiveness of media purchase time, and the like? And second, how well did N. W. Ayer carry out is functions based on these industry-wide criteria?

At first glance, such an examination might seem unfair. But if the United States government is to get its money's worth, the Army should be prepared in future bidding to demand the highest levels of competence and expertise. The above analysis can provide the Army with the tools to make such a judgment.

7. What is the best method for selecting advertising agencies in the future? While much of the controversy surrounding the selection of N. W. Ayer for the experiment has been eliminated by the revelation of efforts by the Army to solicit bids from several major agencies, there is still room for improvement. There is no reason why a full scale presentation and bid process similar to that conducted in the private sector should not be undertaken in selecting the next agency. The amount of funds involved suggests that there will be a high-quality bidding process, which can only enhance the final product sold.

8. What on-going analysis of recruiting advertising is appropriate and how should this be carried out? Attractive manpower reforms will continue, and the image of the military will change, as will the domestic climate in which recruiting takes place. New factors develop which may well require a shift in advertising emphasis, revised media selection, new formats and other changes. A program for regular, intensive surveillance of the advertising program to insure maximum effectiveness is necessary.

Analysis of the advertising program for the Army cannot disregard its effect on the other services. It would be foolish to consider a ten million dollar advertising campaign in the vacuum of one service. For instance, there has been a slight increase in Marine enlistments over the last six months compared to 1970; Navy enlistments are relatively constant; but Air Force enlistments have dropped significantly enough to warrant close scrutiny. Are the Army ads increasing interest in the military generally, or is it instead taking men who would have enlisted into another service anyway? This question can be answered partially by use of surveys of young men who have enlisted in the last six months and those who are expected to enlist over the next several months.

Great care must be given to avoid encouragement of competition among services. This is true both in terms of money and of content of advertising. It may be necessary for the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs to assume responsibility for the advertising program. Coordinating a combined advertising effort designed to help each service would prevent counterproductive and wastefully individualistic efforts. This is not to ignore, to be sure, the individual quality of each of the services and their respective emphasis in attracting those who might be more interested in their services. Advertising can increase the over-all enlistment potential without jeopardizing the specific attraction of each service.

THE FUTURE OF ARMY ADVERTISING

The results of the current investigation, if complete, should provide a sound basis for determining the effectiveness of radio and television advertising. During the first quarter of fiscal year 1972, the Army advertising program is expected to continue at a rate substantially above that of previous years.

It would be fully appropriate to consider a second major radio and television advertising program when the results of the first program are in. At that time, the practical experience of the first program could be applied, and with new and detailed measurement of results, a policy determination could then be made on the future of the program.

GREEKS HAVE WORD FOR IT: FOOL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. EDWARDS of California. Mr. Speaker, before the military coup of 1967, all Greek Governments and the great majority of the Greek people were bound to the United States by firm ties of friendship. But the military aid and apparent political support which the present dictators have received from the United States, while destroying their country's liberties, have undermined that friendship and threaten to create a permanent rift between the United States and the people of Greece. To avoid this, it is imperative that the United States take a clear position on the side of Greek democracy and the Greek people, and against their oppressors. A major step in this direction is the amendment to the foreign aid authorization bill, proposed by Congressman WAYNE HAYS and adopted by the House Foreign Affairs Committee, cutting off military aid to Greece.

The dangers inherent in the present situation are well described by Rowland Evans and Robert Novak in a report from Athens which appears in the Washington Post of July 29, 1971.

The report follows:

GREEKS HAVE WORD FOR IT: FOOL

(By Rowland Evans and Robert Novak)

ATHENS.—Orders from the Nixon administration to the U.S. embassy here to do nothing that might antagonize Prime Minister George Papadopoulos' vise-like dictatorship would be ludicrous if they weren't so damaging to long-range U.S. interests.

Thus, until very recently, when Ambassador Henry Tasca began long-overdue conversations with the foremost parliamentary leaders ousted by the Junta in the 1967 colonel's coup, these leaders were seeing far more of envoys from the Soviet Union (and major European countries) than they were of Tasca.

Calculating political dividends at some future time, the Soviet ambassador has been lunching regularly, on cozy terms, with most of the ex-parliamentary leaders for the past four years, particularly those left of center. With the sizeable (but distinctly minority) Communist Party unnaturally quiet, Moscow obviously bargains for a violent, spontaneous explosion in which the U.S. universally regarded as the Junta's friend, will suffer consequences only slightly less damaging than Papadopoulos himself.

When that happens, the Russians will have useful contacts with the Junta-hating underground world of politics. At the proper time, they will also unleash their guerrilla apparatus, kept silent to avoid a premature buildup of Papadopoulos as an anti-Communist hero. The Russians view Papadoupoulos as an asset to be cashed in at the proper time.

Perhaps the fact of Greek politics is now coming home to Washington. Tasca, a tidy, unimaginative diplomat who obeys the letter of Washington's law, has until recently shunned contacts with top leaders of the two major parties now outlawed: the conservative radical-union and the moderate-left center-union (irrationally regarded by zealous American military men as quasi-Communist).

Moreover, Tasca has been on so short a leash that he can say nothing out loud about the embassy's genuine efforts with Papadopoulos on behalf of jailed politicians or civil liberties, now buried in the dust below the Acropolis. It would offend the Junta.

Several weeks ago, Tasca held his first meetings with top-ranking political ex-leaders, after leaving them in cold storage for 15 months. Then he journeyed to Porto Ercole, north of Rome, to see King Constantine, loathed by the Junta, for the first time.

None of these encounters would have occurred without an order from Washington, whose policy has been to treat Greece as a chunk of geography vital to U.S. security, not as the home of 10 million Greeks.

Whether Tasca's burst of diplomacy marks a genuine turning-point is still questionable as this is written. Top figures in the Junta, along with cynics among the old-pro politicians, believe his new orders suited only one purpose: to appease U.S. congressmen angry over the snuggle-bunny relationship between the U.S. and the dictatorship. Tasca testifies in Congress next Tuesday.

But even if Tasca's cautious overtures signal more than that, it may now be too late. Papadopoulos' police-state machinery, although invisible to the tens of thousands of tourists swarming Greece, is now in place and working. True, he confronts two immediate hazards: a soaring foreign debt, which has forced him to slow imports (which raises another hazard—inflation) and growing divisions within the Junta, the extent of which is unknown.

Neither of these is yet at the crisis stage. Papadopoulos' truculent self-confidence, in fact, has reached such a point that on July 16 he virtually dared President Nixon to stop military aid (resumed last fall with much false fanfare about an imminent return to parliamentary government). He hinted that such a radical shift in U.S. policy would rally the country around him, making him the hero of anti-U.S. chauvinism.

Thus, the chickens hatched by the grievous error of arms resumption last year have now come home to roost, and Papadopoulos finds himself in position to make thinly veiled blackmail maneuvers against the U.S. which, if successful, guarantee the continuation of both arms aid and dictatorship.

Playing the Junta's game, the U.S. has been played for a fool. As the Soviet charge d'affaires commented privately to a friend at Tasca's July 4 lawn party, "I think we are back in business." For President Nixon, NATO, and the people of Greece, the remark had ominous overtones.

WAIT A MINUTE

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. HALL. Mr. Speaker, on July 15, 1971, the Secretary of Commerce, the Honorable Maurice H. Stans, addressed the 25th anniversary meeting of the National Petroleum Council.

In his remarks, Secretary Stans discusses the problem: How do we develop public and private policies in which economics and technology are factored into every environmental assessment? His reasoning and analysis are noteworthy, and offer much food for thought to those individuals who oft times replace reason with emotion.

The speech follows:

WAIT A MINUTE

Mr. Brockett, members of the National Petroleum Council, I am very pleased to be with you this morning, to share this podium with my Cabinet colleague, Secretary Morton, and to talk to you about one or more of the matters affecting your industry.

You are the leaders of a great industry which is a very key element in the American economy and as Secretary of Commerce during the last two years I have regarded it not only as a duty of my office but as a special privilege to work with you, your associates and members of the industry in many matters of importance to the country.

I suppose your relationships with the Interior Department are more direct than those with Commerce, but my interest in your industry is no less for that fact. The oil matters in which I have participated in one way or another, and the general prosperity of your industry, are both part of the total overall economy.

America runs on oil, so you and the country have concerns and responsibilities that inevitably interrelate and intertwine.

When I was asked to speak today, I was told I could talk on any subject of my choice. I realize that Secretary Morton has already covered many of the topics that would be of interest to you—energy policy and matters of that type—and for that reason I would like to take a broader subject to explore, one that is of direct interest to your industry but that also has an extension far beyond the oil industry and relates to American business throughout the economy.

I am speaking of the matter of environment and the antipollution movement in the country. It is a very emotional one in many quarters. It is a political one in many quarters. The public is demanding action; actively, vocally, impatiently, demanding immediate action. And this is what presents the difficulties.

Now, we all know that the environment ultimately has to be cleaned up, that pollution has to be dealt with.

President Nixon has declared that the nation has been long overdue in halting its abuses of the air, land and water. He has made a commitment to eliminate pollution and to cleanse the atmosphere and conditions in which we live.

The question is, how do we go about doing this? And in the most sensible way?

PRIORITIES

Understandable as the public's interest is for immediate solutions, and justified as the impatience of the public may be, we have the obligation to see the problem in the whole, not just piecemeal.

We cannot have single track minds in which the environmental issue overrides everything. But that is how some of the people would have us look at our problems.

If we settle for quick, immediate solutions to one set of problems, we can catapult ourselves into others that are much more serious, and we are beginning to find that out.

So we have to begin to look a little farther down the road.

I think it is high time for the entire nation to weigh the needs against the demands and say: "Wait a Minute, what are our priorities?"

We need to weigh the requirements against our resources and say: "Wait a Minute, which can we afford? Which can we achieve?"

We need to weigh technological capabilities against the timetables and the options and say: "Wait a Minute, how can we get there from here?"

We need to weigh environmental goals against economic reality and say: "Wait a Minute, how do the benefits compare with the costs?"

PROBLEMS

In other words, the problem is: how do we develop public and private policies in which economics and technology are factored into every environmental assessment?

Let me start at this point.

Industry has been indiscriminately accused by some of ignoring the pollution problems of our times and being responsible for most of them.

The charge is dead wrong and it is unfair.

The fact is, without denying industry's share of the blame, that many of the worst polluters are outside of industry—municipalities, other governments, agriculture, and the public itself. Witness the fact that hundreds, perhaps thousands of American communities pour untreated sewage into waters every day.

RESPONSE

Moreover, American industries, almost across the board, have launched vastly complex and expensive efforts to help clean up the air, water and landscape of the country.

For example:

The chemical industry in 1970 spent $600 million for pollution abatement.

The iron and steel industry has spent more than a billion dollars on air and water facilities, and almost two-thirds of that in the last two years.

The automobile industry currently is investing a quarter of a billion dollars a year in pollution research and development.

The electric industries will spend two-thirds of a billion dollars on pollution control this year alone.

Your own petroleum industry is spending more than $500 million in pollution control this year, and in addition is developing expensive facilities in other countries to reduce the sulphur content of fuel oils being shipped here.

The oil and tanker industries are working closely with the government to eliminate oil discharges and accidental spills into the oceans.

The fact is that, on average, American companies will have increased their pollution control spending by almost 50 percent this year over last year. They will spend some $18 billion over the next five years to meet the requisite standards.

Unfortunately business has failed to make these achievements credibly known to the American people, and the idea still persists in many quarters that business is doing nothing and what it does do is only because it is being dragged across the line. Neither is true. Business has been working at pollution control for a long time.

PRESSURES

So we have come to a troubled time by a very direct route.

Critics press the public to insist upon quick solutions to these complex problems.

The people, in turn, press the Congress. Timetables have been imposed, and regulations applied, giving some people a false feeling that the problems will all go away if we only put enough squeeze on business to act.

The trouble is that in the development of these pressures reason sometimes get lost and extremes become the result.

Many of the results have been beneficial to be sure, but some have been ill-conceived and harmful to people, to business, and to the country.

PHOSPHATES

I would like to give you a few examples, starting with detergent phosphates—the washday ingredient that has recently come to typify the pollution villain.

State and local governments all over the country have begun to ban the sale of detergent phosphate on a crazy-quilt basis, geographically.

But in the rush, perhaps someone should say: "Wait a Minute, what are we really doing here?"

Laws to ban phosphate detergents may give the public the notion that the problem is solved, while nutrients, including phosphates, continue to flow into the lakes and rivers from other sources—agricultural and natural as well as manmade. And some of these cannot be controlled.

So if people assume that just a legal ban on phosphate detergents will do the job, they may only lull themselves into neglecting far more significant scientific efforts to help purify our waters through phosphate removal techniques in municipal waste treatment plants.

DANGERS

Then—and this is perhaps even more important—some hastily devised phosphate substitutes can be more harmful and dangerous than many people believe the phosphates are.

One substitute developed by manufacturers at a cost of many, many millions of dollars, was temporarily put aside at the request of the government because there were concerns it might create some health hazards. Additional safety tests are now being completed and the situation may be changed.

But some of the other substitutes now reaching the public contain caustic materials that are dangerous, especially to children. If those products get in their eyes, they can blind—or if they are accidentally ingested, they can maim or even kill.

To limit these risks, the FDA has instituted labeling requirements for caustic detergents.

Unfortunately, the fact is that small children creeping on the floor next to the washing machines can't read those labels.

Some chemical substitutes for phosphates also wash out the flame-proofing in children's cotton sleepers which the textile industry has been working hard to develop.

Now, my purpose in citing these points is not to defend phosphates, or the industries that use them, or the products that contain them.

Instead, it is a way of saying:

"Wait a Minute." Before we rush helter-skelter into immediate responses to such problems of nationwide concern, isn't it prudent first to take the time to know what we are doing? To weigh all the factors and the consequences involved?

POWER PLANT SITINGS

For another example, take the siting of new electric power plants.

It is all too familiar to many of you, I am sure. If anything, it is even more difficult than siting new refineries.

The nation's need for more electric power is rapidly outrunning our capacity to generate it. The answer would seem to be simply to build more power plants.

But in many areas of the country it has become almost impossible to do so. As many as 40 approvals may be necessary, many of them involving environmental grounds, and even the last one can be reversed as easily as the first.

We all know that New York City has had these troubles for years.

Houston is another case in point. It has all the ingredients of growth except enough electric power. But it can't start to build a new generating plant it urgently needs because the effluents, even after a costly cooling, would raise the temperature of the waters that receive it some two degrees above the temperature that would support present marine life.

Isn't it time someone said: Wait a minute.

If we fix the right priorities—if we integrate our environmental, technological and economic interests—all of them can be served without one dominating the other.

The President has urged the Congress to enact legislation to resolve the power plant siting problem, and wants public agencies designated to assure public discussion of plans, proper resolution of environmental issues and timely construction of the facilities.

DDT

Another case at point is insecticides.

We all know there are valid arguments against some of them, but in the rush away from them, we can create massive new problems.

For example, in New Jersey, without DDT, more than one million oak trees have been blighted and face destruction by the Gypsy moth.

Without DDT, forest insects are running rampant in Sweden, eating away the raw material of that country's biggest industry.

In Ceylon, without DDT, malaria cases have become far more prevalent, involving 10 percent of the population. Without DDT in India there would be 100 million cases of malaria each year instead of a few hundred thousand.

In parts of the United States, without DDT, insects have made it increasingly difficult to grow lettuce, lima beans, sweet corn, and so on.

Now, in time, perhaps, substitutes for present insecticides can be developed and proved out. But in the meantime, most of the substitutes are uncertain or don't even exist.

The whole question is whether by precipitous action we will create an expensive gap between the present means and the later solutions.

Again, this is not a brief for DDT. This is just a way of saying:

Wait a Minute. Before we act precipitously and ban products for one reason, shouldn't we at least be certain that the cure is not worse than the disease?

ONE-INDUSTRY TOWNS

What about one-industry towns? Today a growing number of small communities across the country are fearful that they will lose their economic life if their single sustaining industry is forced to close, either because of rigid environmental protection controls or because they can't cope with the economic cost of complying.

Isn't it time for someone to say "Wait a Minute"?

Are the environmental dangers so imminent, so critical, that we have to throw thousands of productive people out of work? Are the dangers so great, so immediate, that whole communities must be run through the economic wringer?

Isn't it time that we first measure all the evidence, recognizing legitimate concerns on the one hand, weighing them fairly against valid considerations on the other, then act reasonably and carefully to protect both the environment and the jobs? It may take a bit longer but the end result would be far more satisfactory.

SST

For another example, Congress killed the SST.

But shouldn't we as a nation have said "Wait a Minute"? Are we so afraid to build just two experimental airplanes that we would willingly sacrifice thousands of jobs, jeopardize the economic health of an entire city, forego the technological advantage of an entire industry, and deny major benefits to our balance of payments?

Isn't it time we weigh our potential against the risk in every reasonable case?

PIPELINE

What about the Trans-Alaska Pipeline? Some of you have an interest in that.

Again, people have said, "Let's not build it because of the possible adverse consequences to the environment."

No one suggests that we ignore these possible dangers. Everyone agrees that we must take every known precaution to protect the environment.

But there is another side of the coin, the nation's need for the oil and the benefits to Alaska.

Isn't it time somebody says on things like this, "Wait a Minute"?

We already have the technological means to provide reasonable protection against dangers to the Alaskan environment. Are we so afraid of what might happen that we will sacrifice the enormous new sources of oil we need for our homes, our cars, our jobs, our country? Will we sacrifice potential jobs for thousands of people who would be employed in the shipping industries, in Alaska and elsewhere? Will we turn our backs on all of the economic benefits to that state and to the country?

The risks are recognized, but isn't it time we recognize that other considerations also must be taken into account in the national interest?

EMISSION STANDARDS

And what about the tougher emissions standards for transportation? Certainly they should be sought and should be achieved.

But—wait a minute—in the past decade the amount of hydrocarbons given off by an automobile has already been reduced by 80 percent, carbon monoxide emissions by 70 percent. And with existing capabilities, these improvements can continue.

But a mandatory standard of the Clean Air Act demands a 90 percent reduction below the remaining emission levels by 1975.

For hydrocarbons, that level is as much as foilage gives off in the average yard of the American home in the average suburb.

One person has estimated that every car would have to be parked for two days after getting its tank filled—literally—because gasoline going from the pump to the car gives off at least twice the daily allowable hydrocarbons for that car.

Spreading one ounce of house paint uses the same daily quota of hydrocarbons.

Burning up two logs on the fireplace likewise uses the daily quota.

The list of examples could go on.

The Environmental Protection Agency report to Congress last week said that we do not have the technology to comply with some of the standards that have been set in accordance with law.

To try to achieve these standards will result in millions of dollars of added costs, which inevitably have to go into higher consumer prices.

If we try to solve our environmental problems more quickly than our technology permits, not only will we raise costs sharply and suddenly, but we will also increase the number of false steps that we take along the way. The incomplete state of our knowledge leads directly to pitfalls that can't be foreseen.

So isn't it time to say: Wait a Minute. Let's weigh each need against the technological realities and let's not impose any more arbitrary deadlines that can't be met with the technology in sight.

Let's do the things we can do first, while making orderly progress against the others.

OFFSHORE DRILLING

What about offshore drilling? Certainly we should take every possible practical step to stop polluting the oceans.

But—wait a minute.

Before we make offshore drilling too difficult let's recognize that by the end of this decade, offshore wells will have to provide 30 percent of our oil. And it will also provide much of the low-sulphur fuel that is urgently needed for clean air.

PROPOSALS

As all of you know so well, there are many other matters which we could cite and say "Wait a Minute." These examples make the point.

Let me give you some specifics as to guidelines in dealing with these matters in the future.

First, a determination of the economic impact should be required before environmental acts are mandated.

The public must know what the costs will be, what the alternatives are, and whether it will get its money's worth.

Second, a technological determination should be prepared in connection with any governmental action, indicating the time required to carry it out.

Third, we must avoid panicky, ad hoc approaches to the problems of air, land and water pollution, and develop feasible, long-range plans to deal with them on a balanced basis of regular, gradual improvements, always with consideration of the public interest and of the economic and technological factors involved.

Fourth, government should study whether companies and industries can finance the improvements that they are being required to make without prejudice to their financial security or their normal capital improvements, and consider whether assistance might be required.

Fifth, the Congress should be urged to support all of the President's environmental improvement plans relating to other than the business areas, so that industry's progress will be matched by progress in municipal disposal and other nonindustrial pollution problems.

Sixth, coordinated methods should be developed for governments to reach prompt and conclusive decisions on power plant locations, as proposed by the Administration, in order to end those critical delays.

And finally, antitrust attitudes should be reviewed to determine the possibility of cooperative industry attempts, working together to resolve environmental problems.

OBSERVATIONS

Let me add this set of simple observations before I finish.

First, none of the major problems we face can be resolved instantly. All of them are too complex. They call for long-range programs and careful consideration of priorities and financing.

Second, business alone cannot be held responsible for all of our pollution. The burdens of responsibility and cost must be shared by all levels of government, by agriculture and by the public.

And third, the technology we need in order to solve our problem must still be developed in many fields. We have a tremendous flow of uncoordinated, uncertain, imprecise data about the environment, and industry faces a severe shortage of environmental engineering specialists.

Fourth, we have to achieve greater conformity of state and local actions dealing with pollution control before we bog down the whole country in conflicting regulations and deadlines.

MANKIND

Finally, we have to recognize that even our manmade problems, in some instances, are essential to satisfying human existence on this planet. After all, every new birth brings us instantly a new polluter. But even the most ardent of the environmentalists have yet to call for "no new starts" there.

Here again I suppose we could say, "Wait a minute."

But what I am talking about is the necessity to recognize that the pollution problem exists in a real world, and it calls for balance and objectivity.

I can reduce it all to absurdity:

If we had no cars on the street, there would be no automobile pollution.

If we built no power plants, we would have no pollution from utilities. If we had no phosphate detergents, we would have no pollution of our waterways, and so on.

But what kind of country would we have left?

The line between that kind of nonsense and the kind of sense we need to resolve the problem requires a sense of reality in dealing with the economic and technological factors, and the impatience of those who would like to clean up the country overnight.

CONCLUSION

The time has come to bring these things into focus and stop overheating the view that we are killing ourselves today.

Without pause or equivocation, we must continue to halt pollution of the world, but we must do it realistically, soundly.

I have support for this point of view from people like Dr. Philip Handler, President of the National Academy Sciences, who just a few weeks ago said this: "My special plea is that we do not, out of a combination of emotional zeal and ecological ignorance, romanticizing about the 'good old days' that never were, hastily substitute environmental tragedy for existing environmental deterioration. Let's not replace known devils by insufficiently understood unknown devils."

So all we seek fundamentally in all these considerations is a balancing of values, a weighing of proper priorities, a measuring of the costs against benefits.

And, gentlemen, if we approach our problems in that spirit of balance and fairness, we can meet our ecological needs, clean up the country, and do so without undue economic risks for anyone, all within the framework of continued technological progress.

That is the way I think we ought to do it.

THE INDIANA DUNES NATIONAL LAKESHORE BRINGING PARKS TO PEOPLE

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. ROUSH. Mr. Speaker, today, I am introducing legislation that would expand the present boundaries of the Indiana Dunes National Lakeshore. Five years ago, this body approved the first legislation creating that national lakeshore, but at the time certain important pieces of land were not included; and since then, it has become obvious that certain other additions are necessary to protect the original investment that has already been made in land purchases for the present national lakeshore.

The proposed legislation reflects my intention to save some of the irreplaceable dunes and wetlands surrounding the present park boundaries, which are now threatened by urban and industrial development.

Thus, I would include certain buffer zone additions, wooded dunes parcels, in the West Beach area; certain semideveloped lands, such as the remaining sections of the town of Beverely Shores still outside the park where there are many valuable dunes; wooded and moving dunes in the Ogden Dunes region.

This bill would include a unique Blue Heron nesting haven in the Little Calumet Wetlands area, an important wildlife refuge and potential recreation spot for hikers and wildlife enthusiasts; also cattail marshes, dune ridges and oak groves in the Old Glacier Lake Dunes unit which is an area that provides a unique display of successive stages of the old lake bottom and shoreline dunes.

Presently, there are small areas surrounded by but not included in the boundaries of the national lakeshore in Porter County; these I believe should be included. Toward Gary, we need to add a Long Lake extension unit, in order to control the entire watershed of Long Lake to prevent future pollution damage to the waters in the present park area. To preserve the flood plain and adjacent slopes of Little Calumet River and a tributary, known as Salt Creek, in unspoiled condition, I am recommending a conservation easement. This bill would also seek to protect Pinhook Bog from pollution, a region of intense botanical and ecological significance, by enlarging its boundaries.

These areas and others, involving some 6,900 acres are included in the bill I am today introducing. About 4,520 of these acres are to be acquired by purchase, some 2,300 are in the form of an easement. Throughout, the effort has been to avoid including areas where there has been a great deal of improvement.

It is impossible to assess the value of these lands for our present and for the future. What we are dealing with here is an area with rare scenic, geological, ecological characteristics; a region that should serve as a prime recreational area, an area in which to learn firsthand about nature and observe unimpeded ecological balances in operation. Such an area cannot be replaced or reproduced. Unless we act now, some of the lands involved, the land forms, and the wildlife will disappear permanently, for other uses will be made or proper care will not be used to make sure the flora, the animal life, the dunes themselves, are preserved.

This then is a very unique, a special kind of recreational area; one with scientific interest and ecological value. Those of you who live in or near the Midwest are aware of the importance of this national lakeshore as a prime recreational area for a highly urbanized region. Some 10 million people live and work within easy access to the present and the proposed additions to the Indiana Dunes national lakeshore area.

In February of this year, President Nixon talked about the importance of bringing "parks to where the people are" in his environment message to the Congress. I could not agree with him more, in fact that was the whole intent of the original Indiana Dunes legislation passed 5 years ago for the area served by this first urban national park. By 1980, it is estimated that population figures within a 100 mile radius of this area will reach more than 11 million people, and by that time or possibly sooner, annual visitation to the lakeshore is expected to reach 2 million.

For these millions of Americans who might enjoy the many natural advantages offered by this area, I hope the Congress will approve these additions to the Indiana Dunes national lakeshore, thereby conserving this area for the present and the future.

DISTINGUISHED ALUMNI AWARDS MADE BY PENNSYLVANIA STATE UNIVERSITY

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. GOODLING. Mr. Speaker, each year Distinguished Alumni Awards are made by Pennsylvania State University. Just recently these awards for 1971 were issued.

Two individuals prominent in public life were the recipients of this award, one of which was Mr. Benson L. Dutton, Director of Federally Assisted Construction in the U.S. Department of Health, Education, and Welfare, the other being Brig. Gen. Walter R. Tkach, White House physician.

Because the pertinent citations reveal some interesting dimensions with respect to these two important personalities, I insert these citations in the CONGRESSIONAL RECORD and recommend them to the attention of my colleagues:

BENSON L. DUTTON

Citation: *To Benson L. Dutton, a builder of bridges both structural and human, for his distinguished accomplishments in not one but three professions—engineering, education, and government service; and for his award winning bridge designs; for his equally effective molding of young minds; and for his dedication and concern for his fellow man which have earned him rsepect and recognition from the community.*

All men are shaped by their pasts, but some prefer to forget the struggles and trials of earlier years. Benson L. Dutton, his career established, his reputation secured by his distinguished accomplishments in engineering, education, and government service has not forgotten.

Responding to his selection as a Distinguished Alumnus of the University, he recalled in a letter "the sacrifices of my parents (whose income during the 1929–33 depression years barely kept us in food, clothing, and shelter) in providing me with funds and encouragement to complete my undergraduate work."

And he found time to pay thanks to his undergraduate advisor (the late Julius E. Kaulfuss) and to the family "in whose home I lived and received kindness (Professor Eugene Bischoff). To all of these—my parents my Alma Mater, and my friends—I am appreciative of the help and inspiration they have given me."

Today, Mr. Dutton is director of Federally Assisted Construction in the U.S. Department of Health, Education, and Welfare, and lives and works in Washington, D.C. But he was born in Philadelphia and matriculated in its public schools before obtaining his bachelor of science degree in civil engineering in 1933. (He also holds the professional degree of civil engineer which was awarded him by Penn State in 1949.)

After his graduation, Mr. Dutton found a job as chief of surveys in Philadelphia, later becoming a construction engineer at the Naval Ammunition Depot and a project engineer with the National Park Service. Then in 1940 he turned to education and accepted an assistant professorship in engineering at Hampton Institute, where he also spent a year as acting business manager. Eight years later he moved to Tennessee State University as a professor, and from 1950 to 1956 he served as dean of their School of Engineering.

During these years, Mr. Dutton maintained a private engineering practice and in 1956 returned to Philadelphia to become chief design engineer of bridges for the city. His plans for the Spring Garden Street Bridges over the Schuylkill River won him a third prize award for structures from the Lincoln Arc Welding Foundation and an Award of Merit for Bridges from the American Institute of Steel Construction.

In 1965, Mr. Dutton went to work with the U.S. Office of Education, first as a construction management engineer and later as chief of the Operations Branch of the Construction Services. He has held his present post since last year.

A fellow of the American Society of Civil Engineers and a member of the American Public Works Association, Mr. Dutton has played a prominent role in civic and community activities. He has been particularly interested in the YMCA and was honored with a Philadelphia YMCA Membership Award Plaque and the Germantown YMCA Service Award Plaque.

During his years in the Quaker City, Mr. Dutton served as a trustee of the Bureau of Child Care, as a director of Fellowship House, and on the North Area Board of the Health and Welfare Council.

Brig. Gen. Walter R. Tkach

Citation: *To Walter R. Tkach, physician to the President, for his distinguished medical and military careers which earned him appointment as White House Surgeon; for his devoted care of the nation's First Family and Cabinet Officers; and for his skill, performance, and professional dedication in the service of humanity.*

As a doctor, Brig. Gen. Walter R. Tkach has rather an exclusive office setting—not to mention a highly selective list of patients. For General Tkach is the physician to the President of the United States and heads the White House Clinic which is responsible for the health of the First Family, Cabinet members, and White House staff.

Born in LaBelle, Pa., General Tkach was graduated from Penn State in 1941 with a bachelor of science degree in chemistry. He obtained his medical schooling at the University of Pittsburgh and interned there at Mercy Hospital.

At the same time that he received his doctor of medicine degree, the young physician was granted a commission as a lieutenant in the U.S. Army Reserve and upon completion of his internship in 1946 began active duty in the U.S. Army Medical Corps as a student in the Basic Doctor of Medicine course at Fort Sam Houston, Tex. His first assignment took him to Japan, where, until 1948, he was a medical inspector and later a general duty medical officer with the occupation forces. Transferred to Washington, D.C., he joined the 7004th Area Service Unit (General Dispensary) as a medical officer.

In 1949 General Tkach decided to switch services and became an officer in the U.S. Air Force. He attended the Basic Aviation Medicine course at the School of Aviation Medicine, Randolph Air Force Base, Tex., for nine months and was then assigned as flight surgeon to the 314th Medical Group at Sewart Air Force Base in Tennessee. Returning to Washington in January 1951, General Tkach went to Headquarters, United States Air Force, with the Deputy Chief of Staff for Operations, Intelligence. While there, he took courses in strategic intelligence and medical aspects of nuclear energy.

A tour of duty at the White House followed in 1953 when General Tkach was reassigned to the Medical Officer Staff in the dispensary there. He later became assistant to the personal physician to President Eisenhower.

It was May 1961, when General Tkach reported to the 818th Medical Group at Lincoln Air Force Base, Neb., as assistant to the commander. Later, he himself became commander. The following year he was named chief of the Professional Division and deputy surgeon at Strategic Air Command Headquarters, Offutt Air Force Base, Neb. From 1965 to 1968, he was assigned to Pacific Air Forces Headquarters, Hickam Air Force Base, Hawaii, as director of professional services and deputy surgeon. Remaining in the Far East, he went to Vietnam as command surgeon for Headquarters, Seventh Air Force, until in January 1969, President Nixon asked him to become White House Surgeon.

General Tkach holds the aeronautical rating of chief flight surgeon. His military decorations include the Legion of Merit, Bronze Star Medal, Air Medal, Air Force Commendation Medal, and the White House Service Medal.

REPORT FROM CONGRESSMAN ED ESHLEMAN

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. ESHLEMAN. Mr. Speaker, I have just recently sent my constituents a newsletter. I am including the contents of that newsletter in the RECORD at this point:

Report From Your Congressman, Ed Eshleman

GOOD INTENTIONS, BAD RESULTS

The welfare issue is discussed quite forcefully in a recent issue of the *Atlantic* magazine. The article is based on Alexis de Tocqueville's thoughts on "pauperism" in 1835. Tocqueville wrote, "There are two incentives to work: the need to live and the desire to improve the conditions of life. Experience has proven that the majority of men can be sufficiently motivated to work only by the first of these incentives. The second is only effective with a small minority. . . . A law which gives all the poor a right to public aid, whatever the origin of their poverty, weakens or destroys the first stimulant and leaves only the second intact." The Atlantic article goes on to show how this reasoning applies to our present welfare problems and concludes with this very interesting observation: "The family is, in our society, a vital economic institution. Welfare robs it of its economic function. Above all, welfare robs the head of the household of his economic function and tends to make of him a 'superfluous man.' Welfare, it must be remembered, competes with his (usually low) earning ability; and the more generous the welfare program, the worse he makes out in this competition. It is surprising, then, that—unmanned and demoralized—he removes himself from family responsibilities that no longer rest on his shoulders? That he drifts out of his home—or is even pushed out of his home—into the male street-corner society of the slum? . . . To raise such questions is to point to the fundamental problems of our welfare system, a vicious circle in which the best of intentions merge into the worst of results.

STAMPS FOR STARTERS

On July 1 the Post Office Department became the new, independent U.S. Postal Service. To commemorate that occasion, Postmaster General Winton M. Blount came over to Capitol Hill to present a special album of stamps featuring the official insignia of the Postal Service. The above picture was taken at that ceremony.

FEDERAL TAX WARNING

The tax law passed two years ago gave tax cuts to most Americans. However, due to the way the law was written, your present withholding may not be covering your tax obligation. You could find that you still owe a sizeable chunk of cash come next April 15. The reason is this: The tax cuts were aimed chiefly at low income groups. The withholding tables were not adjusted to reflect the impact of those cuts on middle income people. Therefore, those with salaries of $10,000 or more who take standard deductions, or itemized deductions which total less than 13 percent, won't have had enough withheld from their earnings to cover their tax liability for this year. If you're a wage-earner who might be affected by this situation, you are urged to check into either cutting your exemptions or adding to your withholding to avoid having to make a lump-sum payment in April of 1972.

QUOTE FROM CAPITOL CORRIDORS

Treason cannot be justified on the grounds of "freedom of the press" any more than rape can be justified on the grounds of "pursuit of happiness."

POLLUTION: A CRISIS FOR EVERYONE

A major issue

In Washington, when an issue begins getting a great deal of public attention, it is said to have a "high profit." Today pollution and the effort to save the environment are high profile issues. Just about everyone is aware of and concerned about the huge task we face of cleaning up our polluted air and water. In addition, we have become aware of other assaults on our environment such as noise, radiation, solid waste and population growth. The stream of information which has poured forth since pollution became a high profile issue has left no doubt that better control is essential if mankind is to enjoy a tolerable future—or, in the opinion of some, any future at all. Although there may be room for dispute on the degree of urgency, virtually all of us agree that current pollution controls are inadequate and the improvement is mandatory.

It's a personal thing

Too often, I'm afraid, we think of saving the environment in terms of what someone else should do. But the responsibility for cleaning things up cannot be delegated to just government, or just industry, or just some other segment of society. What ordinary people do and don't do is of vast importance. The war on pollution, if it is to be successful, must be waged by everyone, everyday, everywhere.

Why me?

Each of us must bear part of the responsibility in the great clean-up because each of us contributes greatly to the problem. When we drive our cars, turn on an electrical appliance, utilize our community's sewage facilities, fill our garbage cans or do one of the thousand other things which make up our daily lives, we become polluters. Last year, for instance, each man, woman and child contributed about one ton of pollutants to the air. Household wastewaters carried off by municipal sewage disposal systems amounted to approximately 100 gallons per day for each person, or 20 billion gallons each day nationwide. And because our Nation has a consumer economy, it is also a throw away economy which means that we are being buried under an avalanche of solid waste. Last year we threw away 50 billion cans, 30 billion bottles and jars, 4 million tons of plastics and 7.6 million television sets. Those are rather starting figures, but they help point out why we must each face up to our own roles in the environmental crisis before there is any hope of dealing with it.

The problem we face

In a crime, when the criminal is identified and prosecuted, the victim gets some satisfaction. But in the case of pollution, the "criminals" and the victims are one and the same. Just as we all contribute to the problem, we all suffer from the problem too. It is a part of our daily lives. To go from one place to another in our cities is to pass through an unhealthy cross-section of pollution—through the exhaust fumes of motor vehicles, across dirty and sluggish streams, under the intense noise of construction projects, and past the belching smokestacks of industry. Even getting beyond our urban centers and out into the country does not mean escape from pollution. In rural America one finds littered highways, lakes and streams that are victims of industrial and municipal waste, and wildlife that are the prey of man's indiscriminate use of pesticides. Whereas environmentalists were once fighting remote battles to save some trees or conserve some other natural resource, today their fight has come into everyone's life. It is a fight not just to conserve what we have left, but to restore what we have lost.

Some sense and nonsense

Faced with nearly any crisis, our general reaction is to ignore it as long as we can. Then, when we do acknowledge it, we inevitably tend to overreact and magnify the problem to incredible proportions. That's exactly what has happened in the case of the pollution problem. It is beyond question that we are faced with an environmental crisis. But, despite the claims of some scientists and some public officials, the world isn't coming to an end yet. The absurd exaggerations that the planet is about to become a vast wasteland if every speck of pollution is not cleaned up have caused some needless fears and some unrealistic emotionalism. The fact is that if we stopped pollution of all kinds, it would be as disastrous as continuing the present pattern of uncontrolled pollution. There are so many people on earth today that lacking transportation, electric power, mechanized and chemicalized agriculture, heat and other causes of pollution, we would plunge into chaos with starvation at the end of the road. The key to dealing with environmental deterioration is balance. Pollution control must be achieved without pollution hysteria. That means programs aimed at a cleaner environment which also recognize that there is probably an irreducible level of pollution below which we cannot go. Such programs will stress development of a new concept of man's relation to nature, learning to control our own numbers, development of effective land-use policies, and finding new measures of public and private success which emphasize quality rather than mere quantity.

Cost of cleaning up

Cleaning up the environment—even keeping its present unhappy state from growing worse—will be a long-term, very expensive undertaking. Very often that the cost has been expressed in terms of dollars, billions of dollars—$100 billion to $125 billion over the next several years. This kind of spending could mean, of course. higher taxes. But the cost to the individual citizen may be even greater than an increased tax bill. Pollution control could shrink the consumer dollar. A considerably quieter aircraft engine, for example, could bring higher air fares. For the electric power industry to install equipment sufficient to prevent thermal pollution of waterways, higher electric bills will have to be charged. Pollution control could mean lower product performance. A slightly grayer washday collar might be the price of getting a pollution-free detergent. A little less getaway power might be the price of a pollution-free auto engine. And it might not go as far on a gallon of gas. Pollution control may mean inconvenience—a return to returnable soda bottles or traveling to airports sufficiently removed from populated areas to avoid the worst of the air and noise pollution of the big jets. Pollution control could mean a further shift of governmental power toward the center. More and more governmental centralization probably will be used to assume control of air and water standards and regulations for land use. Pollution control could mean tighter restrictions on what industry and people are free to do. And, pollution control could mean something as dramatic as a set of measures calculated to slow down or bring to a halt the growth of the American population.

The congressional job

Congress, of course, can translate public concern about pollution into legislative action. In fact, for more than a decade, an increasingly tougher anti-pollution program has been formulated on Capitol Hill. The Environmental Protection Agency was created to wage the battle against pollution. A series of Water Quality Acts have been passed in an effort to save our lakes, streams and oceans. Air quality laws, in particular the new and tough Clean Air Act Amendments of 1970, are designed to make our air breathable. But all of this action, and future action which is certain to come, will mean nothing if individual citizens do not support the environmental efforts. My sponsorship of anti-pollution bills, and I have sponsored and co-sponsored several, is almost meaningless if each American does not resolve to take some action himself.

Okay, what can I do?

Because pollution is a personal thing, there must be some individual effort and sacrifice to combat it. Here are some suggestions of experts about what you might do: Help cut waste by selecting products wrapped in a minimum of packaging; by substituting cloth for paper in towels, napkins, handkerchiefs and diapers; by buying milk in returnable glass bottles; by carrying reusable shopping bags; and by installing and using a litter bag in your car. Help clean and save water by using no color-dyed tissue; by cleaning with low- or no-phosphate soaps and detergents; by consciously trying to cut personal water usage; and by avoiding use of pesticides. Help clean the air by burning low- or no-lead gasoline in your car; by keeping your car engine well tuned; by traveling as much as possible on mass transit; and by using fireplaces and outdoor grills sparingly. It's a matter of doing what Teddy Roosevelt once described as "dealing intelligently with what we have."

THE NEED TO ACT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. DANIELS of New Jersey. Mr. Speaker, 2 days of hearings held by my subcommittee on H R. 1264, the Youth Camp Safety Act, has generated concern for recreational safety. From the testimony presented, it becomes apparent that legislation to establish safety standards in summer camps is urgently needed. Last year, the Select Subcommittee on Labor, which I chair, was largely responsible for the formulation and passage of the Occupational Health and Safety Act which covers approximately 58 million working men and women in this country. Professional camp personnel are covered by this public law. Yet, the thousands of young children who each year are entrusted to these people are not protected by comparable health and safety laws.

Few parents are aware that only a handful of States regulate the health facilities of camps and in fact, some States do not even require that qualified medical personnel comprise the supervisory staff of a camp. Many more States do not hold camp directors responsible for the administrative operation of their own camps. My colleagues would be shocked to learn of the inadequacy of camp standards in their States. In my own State of New Jersey, we have not even established basic sanitation laws for camps.

The problem is essentially one of enforcement. Voluntary standards, which provide the only form of safety regulation in some States, do not insure that the conditions of a camp are safe. Standards must be mandatory and strictly enforced. Although several national organizations, such as the American Camping Organization, certify camps, compliance with requirements cannot be enforced and a noncertified camp can still operate on a profit basis.

Unfortunately, tragedy often brings to our attention the need for prevention and remedy. I would like to call to the attention of Congress the following article which recently appeared in the Washington Daily News. The senseless death of a young boy is, in itself, sufficient reason for us to immediately act upon youth camp safety

The article follows:

SON NEEDN'T HAVE DROWNED, HE SAYS: FATHER FIGHTS FOR SUMMER CAMP SAFETY

(By Joseph Volz)

Mitch Kurman, a Connecticut furniture salesman, has been conducting a one-man crusade for a camp safety law since his son was drowned six years ago in an accident which could easily have been prevented.

Yesterday, Mr. Kurman testified before a sympathetic Rep. Dominick Daniels, D–N.J., chairman of the House Select Subcommittee on Labor, who has introduced a safety bill giving the Health Education and Welfare secretary broad regulatory powers,

Mr. Kurman presented a bleak picture of ill-trained counselors, unsafe camp buses and operators who would rather save money than lives. He admitted there are many fine facilities among the nation's 10,000 camps but said "one bad camp can leave a scar in the form of a haunting reminder."

MAINE SLUICE

Mr. Kurman's tortured crusade for a federal law goes back to a dangerous logging sluice in Maine. A New York YMCA camp counselor had taken Mr. Kurman's son to the state on a canoeing trip. The counselor had limited knowledge of canoeing and had never been to the creek before. The canoe was smashed in the frothy water and Mr. Kurman's son drowned.

Mr. Kurman listed other avoidable camping accidents:

A Baltimore school teacher led a camp group to the Canadian Rockies but dropped out at 8,000 feet because of altitude sickness, sending the boys up the mountain without him. An avalanche buried the group at 9,000 feet killing seven.

In California, a YWCA camp rented an open flatbed trailer for a trip to the beach. Five children were killed when the truck, driven by an inexperienced operator, somersaulted.

Seven Long Island children died after their chartered bus—the operator did not have a license—went off a rain-slicked road near Allentown, Pa.

Mr. Kurman wants counselors to prove they are knowledgeable woodsmen before they are hired. He also urges that a Red Cross representative be present at camp waterfronts and camps should frequently be inspected.

BILL STALLED

But Congress, so far, has not been aroused by camping accidents. Sen. Abraham Ribicoff, D-Conn., has been introducing a bill, largely because of Mr. Kurman's persistence, since 1966 and it has never cleared the Senate Labor Committee.

This year, the bill appears to have a better chance because Sen. Harrison Williams, D-N.J., new chairman of the committee, is a co-sponsor of the measure. Altho the bill would give government officials broad regulatory powers, it does not spell out Mr. Kurman's proposals.

NIXON'S LATEST ACHIEVEMENT: MORE PROTESTORS THAN EVER BEFORE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. WILLIAM D. FORD. Mr. Speaker, the Nixon administration is constantly and proudly announcing its major accomplishments and goals as the biggest, the best, or the most revolutionary in history.

As I picked up my newspaper this morning, I learned that the administration has announced its two most recent accomplishments. The first did not come as much of a surprise. The administration announced that the budget for the fiscal year which ended last month showed a $23.2 billion deficit—the second highest since World War II.

However, I was somewhat amazed to learn of the administration's second achievement. According to Deputy Attorney General Richard G. Kleindienst, more protesters have come to Washington to protest under the Nixon administration than under any of its predecessors. This may well be true, but I am surprised that the Nixon administration actually takes pride in this accomplishment.

At this point, Mr. Speaker, I would like to insert into the Record an article about the Deputy Attorney General's speech at the Hotel Washington yesterday which appears today in the New York Times.

The article follows:

Kleindienst Sees Protests Ebbing

MITCHELL AIDE SAYS YOUNG FEELS THEY ARE HEARD

Washington.—Deputy Attorney General Richard G. Kleindienst said today that he thought the wave of youthful protest was subsiding "because our young people feel they are being heard."

Mr. Kleindienst also told a Rotary Club luncheon at the Hotel Washington that President Nixon regarded the drug problem "as second only to war and peace."

ADMINISTRATION PRAISED

Mr. Kleindienst attributed the widespread use of drugs to the frustrations of young people resulting from the war in Vietnam and social problems at home.

He said the war had been "badly explained."

"We are sending people off to fight without understanding why they are going," he asserted, "and we are not asking many sacrifices from those who are left behind."

In his speech, titled "The Programs and Priorities of the Justice Department in the Seventies," Mr. Kleindienst praised the way this Administration had handled the mass protest demonstrations in Washington. He said that more protesters came to Washington to protest under the Nixon Administration than under any of its predecessors.

A Rotarian asked him why there had been so much dissent under this Administration. Mr. Kleindienst blamed "what this Administration inherited—the war, the economy" and "more interest, particularly by young people, in some of the controversial political questions."

"The temper is subsiding," Mr. Kleindienst maintained, because youth feels it is being listened to.

REPRESSION CHARGED

He said the Administration had taken pains to ensure that radicals advocating violence "get a full public hearing" so that it was clear that "they have no viable alternatives for America."

"You won't see much of that in the future," Mr. Kleindienst predicted. "I think they've discovered that if they're really freely permitted to speak, they don't gain any allies."

Some liberal observers have said the Nixon Administration is anything but open to mass demonstrations in the capital. Several of them called the Administration's handling of the Mayday protests here last May "repressive." Thousands were arrested at that time and confined in temporary jails.

Mr. Kleindienst said "the concept of this President and this Attorney General" is to drive the issue of crime into two categories: "The long-range solution [involving] the elimination of poverty and racism and the ennoblement of man's soul; and enforcement of the law."

It is "a fundamental difference" from the last Administration, he said, that the Justice Department deals only with the second.

Mr. Kleindienst identified the department's priorities as anti-trust enforcement, civil rights, organized crime and drugs.

THE CASSANDRAS IN AMERICA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. DRINAN. Mr. Speaker, I attach herewith a perceptive article by a most distinguished American citizen. Its author, Corliss Lamont, was a professor for many years at Columbia University and the author of many volumes on philosophy and humanism.

It is encouraging to note that Mr. Lamont, born in 1902, possesses an abiding faith in the fundamental love of freedom of American citizens.

The article entitled "The Cassandras in America" appeared in the New York Times on July 25, 1971. The article follows:

The Cassandras in America—Fears of Facism Are Not Realistic Despite New Threats to Civil Liberties in the United States

(By Corliss Lamont)

The cry of calamity is contagious. Repeatedly in the public prints and in conversation, we have read and heard that fascism or neofascism is just around the corner for the United States. This shadow flung across the immediate future portends a police state with rigid censorship, suppression of all opposition, a one-party system and complete nullification of our democratic procedures.

It is true that during the last two or three years American democracy has been disgraced by a number of recent events: the wholesale jailing, for instance, of some 13,000 antiwar demonstrators, most of them illegally arrested, in Washington, D.C., in May, 1971; the widespread brutality of city police; the shooting of students at Kent State, Ohio, and Jackson, Mississippi; the proliferation of lists of "subversives" by government agencies, both Federal and local, and the passage of repressive new laws such as the antiriot provisions of the Civil Rights Act and the clearly unconstitutional provisions in the Crime Control Act and the Drug Control Act.

But are these the symptoms of a creeping or leaping fascism? I think not.

The Cassandras who respond to such dismal facts by crying "fascism is coming" are forgetful or ignorant of American history. Certainly the civil-liberties crisis today is serious. But as a vigorous supporter of the Bill of Rights for some forty years, I am aware that some sort of civil-liberties crisis is almost always with us. The current situation is not nearly as grim as after World War I and the Russian Revolution, when the notorious Palmer raids took place; or as during the fifties when there was a spate of antifreedom legislation and McCarthyism was blighting almost every area of our culture.

Those fearful of a fascist take-over also overemphasize the negative and overlook the considerable gains American democracy has achieved in recent years. The witch-hunt investigating committees of Congress, typified by the House Un-American Activities Committee (now the House Internal Security Committee), are less of a menace today. Much progress has been made toward full constitutional rights for the Negroes and other racial minorities, including the all but total disappearance of lynching. The courts, especially the U.S. Appeals Courts and the Supreme Court, have in general lent support to the Bill of Rights over the last decade.

It is possible that an Appeals Court or the Supreme Court, even with Mr. Nixon's appointees, will reverse the conviction of the Chicago Seven and declare unconstitutional the antiriot statute under which they were held guilty. Indicative of the Supreme Court's stance on civil liberties was its recent decision that The New York Times and The Washington Post could not be restrained by the United States Government from publishing the Pentagon Papers on the Vietnam war.

In New York City in May, 1971, a jury acquitted thirteen Black Panthers of conspiracy to murder policemen and to commit other violence, while in New Haven the same month the Government dropped its prosecution of Panther leader Bobby Seale for conspiracy to murder.

Those who are haunted by the specter of fascism also do not consider that certain rightist tendencies may well represent out of those temporary swings of the political pendulum typical of our history. Much of today's reactionary legislation is an overreaction to student riots and the seizure of college buildings, to the senseless bombings by the Weathermen and right extremists, and to the murder of considerable numbers of policemen year after year.

Finally, the capitalist class in the United States does not need a fascist regime in order to maintain its dominance. The radical and revolutionary movements are weak and disunited. A large majority of the trade unions are conservative, and are actually part of the Establishment. We shall always no doubt have with us crackpot rightist and superpatriotic groups yelling about the "Communist conspiracy," but I do not see in the offing any constellation of forces that could put fascism across here.

With all the factors in American life that violate or threaten democratic principles, they still do not add up to a clear and present danger of fascism. True, things could change drastically. But crying wolf meanwhile dangerously confuses the situation. If the conviction grows that facism is here or almost here, unrealistic retreat may spread. The sound position is for us never to quail in fright of an alleged fascist threat, but always to stand fast and do battle for freedom.

Corliss Lamon, author of "Freedom Is As Freedom Does: Civil Liberties Today," is Chairman of the National Emergency Civil Liberties Committee.

HECKLER EULOGIZES DOROTHY ANDREWS KABIS

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to express my deep sorrow at the recent death of Dorothy Andrews Kabis, the 33d Treasurer of the United States. Mrs. Kabis was both a personal friend of mine and an outstanding citizen of the United States, and this country has truly suffered a loss at her death.

I first came to know Dorothy Kabis when she served as president of the National Federation of Republican Women, a post she held longer than any other woman. She brought a dimension of warmth and sincerity to this office, and touched those who came in contact with her with her radiance, joy and devotion. In addition to these great human qualities, she was undoubtedly one of the most dynamic and unifying leaders of this organization, and a prime force in making the National Federation of Republican Women the effective and viable organization it is. The strong and respected position of the National Federation of Republican Women in today's political world is a tribute to the efforts of Dorothy Kabis.

Today's government at all levels is striving to include women, but when Dorothy Kabis began her political career, extraordinary skill and perserverence were demanded of a woman. Mrs. Kabis never failed to demonstrate these qualities.

Through her political activity, Dorothy Kabis made a very significant contribution to the efforts of women to achieve equality in public life. Contributing to many social and political endeavors, she impressed all who knew her with her diligence, warmth and loyalty. It is through women like Dorothy Kabis that the cause of women will be most effectively advanced, for by her work she demonstrated how valuable a woman can be in the political field.

In the late 1940's, Mrs. Kabis entered politics to work for honest elections procedures in Delaware, and throughout her career continued to be an example of integrity, honor and responsibility in political field. In her work as a Grange official, she devoted her efforts to the establishment of voting machines and other election reforms. She then became involved in Republican Party politics in Delaware, and was active in campaigning and organizing women's groups.

A charter member and cofounder of the Delaware Federation of Republican Women, Mrs. Kabis was president of the State federation in 1954. As a delegate from Delaware to the Republican National Convention in 1956, 1960, and 1964, she was also a speaker at the convention in 1964. She served on the Finance Committee of the Republican National Committee and the Republican Senatorial and Congressional Campaign Committees in 1968.

In addition to her political activities, Dorothy Kabis was active in many worthy social and community functions.

Mrs. Kabis was devoted to her church throughout her life. She served as financial secretary of St. Paul's Methodist Church in Odessa, Del., where she was a past assistant lay leader, a steward and trustee, and chairwoman of several committees.

Dorothy Kabis received many honors for her activities. In 1964, the League of Women Voters chose her as one of the twelve outstanding Women in American Politics. She was honored by the Delaware State Federation of Women's Clubs as Woman of Achievement for the year in 1966. Proclaimed "Woman of the Year" by the GOP in 1967, she more than lived up to the meaning of that title by her personality, activity, and achievement.

In 1969, Mrs. Kabis was appointed Treasurer of the United States by Richard M. Nixon, a position she filled competently and honorably until her death. Her enthusiasm and genuine love for her work made her a most popular figure in Government. This was one of the President's finest appointments, and in this position, Dorothy Kabis was truly happy.

Mr. Speaker, as a woman, a Republican, and an American, I would like to express my deep sense of loss at the death of Dorothy Kabis. Her contribution to the Government of this Nation should long be remembered and honored.

NIX COMMENTS ON TESTIMONY OFFERED ON PHILADELPHIA POSTAL WORKING CONDITIONS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. NIX. Mr. Speaker, Mr. Al Rosen, president of the Philadelphia Postal Union, testified before my Subcommittee on Postal Facilities and Mail on the 21st of July.

As a local and distinguished labor leader, he explained the problems experienced by postal unions in trying to protect postal workers from the deplorable working conditions in the Postal Service.

It appears from Mr. Rosen's testimony that local Philadelphia postal management cannot or will not respond to the need for correcting conditions which are blighting any hope of reviving a dedicated Postal Service.

It is often said that the spending of more money should be sufficient for the correction of the condition of the Postal Service.

I think it is a shame that the Postal Service cannot or will not today keep up even a housekeeping function. I doubt whether we can expect much from a postal management which will not perform minor repairs. The spending of billions by such a management is not the answer because new buildings will quickly become postal slums without proper maintenance.

I want to thank Mr. Rosen for coming to Washington, D.C. and giving us the benefit of his views.

The statement of Mr. Rosen follows:

STATEMENT OF ALBERT ROSEN, PRESIDENT, PHILADELPHIA POSTAL UNION

Mr. Chairman, Members of Congress, I am Albert Rosen, President of the Philadelphia Postal Union, an industrial local union formerly an affiliate of the National Postal Union and now affiliated with the American Postal Workers Union, AFL–CIO. We have about 5,500 members representing all Postal Crafts, and we are the exclusive representative for the clerks, motor vehicle operators, maintenance employees and the special delivery messengers in that office.

Mr. Chairman, Members of Congress, thank you for offering me this opportunity to bring to your attention for possible correction, some of the serious problems that we face in the Philadelphia Post Office. There are many problems that exist here, some of them are universal, some are unique I believe, with the Philadelphia Post Office. I will, however, limit myself to the most pertinent.

Let me begin with the one I feel is most important, and which I have pursued with total failure to resolve, up to the Regional Level, the elimination of substitute employees in our office. The use of substitute workers in the Postal Service is a labor anachronism. These employees are not guaranteed an income of any kind. If they are scheduled to report for duty, they are then assured of two hours work, they are not, however certain of being scheduled. When they are hired, they listen to an enhanced version of the job's potential while its disadvantages are toned down. Many of these newly hired employees give up full time jobs on the outside because of what seems to be an excellent job with great potential for improvement, only to find, to their regret, that they gave up a living wage for a starvation income.

A worker, when hired, should be able to relax in the knowledge that his job will assure him a living. The guaranteed annual wage is a reality in many industries in the civilian sector. Here in the Postal Service, Federal employees quite often must live on subsistence income only. The cure is an easy one. Legislation must be proposed, outlawing substitute service in all Federal employment. This legislation should instruct the applicable Federal agencies to immediately convert all such substitute employees to full time positions, and outlaw the hiring of such workers in the future. If any of these agencies find themselves overstaffed as a result of such legislation, this condition will quickly correct itself by normal attrition. We have known employees in the special delivery messenger craft who worked for over 15 years as substitutes earning a precarious living in this capacity until finally achieving regular status via the death, retirement, removal or quitting of the incumbent regulars.

This is no way for a supposed model employer to maintain a work force. We have known other substitute employees who were confronted with punitive action for letting a second job in the private sector interfere with their duty in the Postal Service. Yet, it was essential for these workers to hold this second job in order to meet their family obligations. It is a strange commentary regarding this situation that these employees are also subject to punitive action by their agency for failure to pay their just debts, yet they will deprive them of an opportunity to earn enough money to pay these debts by first, not guaranteeing them a living wage and secondly, making it difficult for them by poor scheduling, to maintain outside employment.

Another major problem facing Philadelphia Post Office employees and which for 36 years, the U.S. Post Office Department and now the U.S. Postal Service, has made no effort to correct, is parking for postal workers at the 30th Street Post Office Complex. This comprises three buildings, the General Post Office, the Truck Terminal Annex and the Post Office Vehicle Garage. Between nine and ten thousand people work in these buildings, seven days a week, 24 hours a day, every day in the year. Absolutely no provision was made for parking any of their vehicles that they use, to convey themselves to and from work. As a matter of fact, no provision was made for customer parking, an item that is first on the drawing boards when private business plans to open a new establishment. It goes even beyond this. Post Office vehicles are being parked illegally on the sidewalk interfering with and endangering pedestrians every day because there just is no available parking space in this tremendously busy area. Even worse, and costing money that could be better spent for employee salary, for comfort, or to improve mail handling processes; trucks, tractors and trailers are being parked on leased property about a mile from where they are needed because of this parking lack.

Employees must park, when parking can be found, blocks away from the Post Office. These places are dark and often lack police protection. Employees have been assaulted and robbed, and cars have been stolen and broken into, all in the vicinity of the G.P.O. Complex. Night time travel, by public transportation, to and from their work, is a hazard for all workers, but more so for our female employees. This category of postal worker is increasing every year. To subject them to the alternative of using dangerous public transportation or to hazardous highway parking, is nothing less than criminal.

The correction for this was brought to everyone's attention by myself on two separate occasions. The Post Office sloughed it off in their usual off-hand fashion, agreeing to the need, but begging off for some reasons that were totally unacceptable. When business needs parking space, it gets this space because not to have it becomes too expensive a luxury. I have attached copies of all of the correspondence involved in this matter and it is self-explanatory, except of course, why it has not been given consideration. My only hope in bringing this to the attention of the members of this Committee, is that your prodding will be more effective than my writing in helping Philadelphia acquire this most urgent facility.

My third and final appeal to you is to help provide us with a new Postal Facility, one which is planned and built to efficiently and economically process mail in accordance with modern concepts and to provide employee comforts and necessities that should be expected to be found in any Government Building for its employees.

The present General Post Office was completed in 1935. At that time, the inner platform was still being used to load horse and wagon routes for center city delivery. I sometimes think that I still detect the odor of horse manure from the inner driveway, although it has been about 30 years since the last horse drawn vehicle took out parcel post. Loading platforms lack the space and the equipment for modern mail handling. Vehicles frequently must be loaded or unloaded in hazardous fashion because of a lack of the properly designed conveyor belts, overhead conveyors, adjustable ramps, etc., etc. Exhaust fumes drift from the driveway to the work floors and are a constant annoyance to the workers on the platforms.

The volume of mail on the inner platform frequently necessitates hazardous, snakelike passage for the small electric tractor, pulling a loaded platform truck to its destination. These conditions must be seen to be properly appreciated.

On the work floors which were originally planned for a much smaller work force, distributing mail at the old-fashioned pigeon hole cases, there is more peril than should be found. I don't know how likely it is for fire to break out at this office. I do know that if this ever happened, it would result in many more deaths and injuries than would result if the building had been erected to meet the requirements of a modern postal facility. Workers are blocked off from fire exits on three sides and must take a circuitous route, losing many precious minutes to reach the fire exits. In an over-zealous, if thoughtless effort to improve security, fire exits have been protected to such a degree that people trying to escape during a blaze, could be killed trying to get through a closed door. With an eye on economy rather than on job safety, far too few fire drills are held so that all workers around the clock should familiarize themselves with the devious route that must be followed in case of fire. I have attached a copy of an article written by one of our locals' representatives which describes, in graphic detail, his own experience in a mistaken emergency. Can you picture the horror that could have resulted in a real emergency?

Air-conditioning was installed as an afterthought to provide the proper atmospheric conditions for the new machinery which was also a case of fitting a round peg in a square hole. The General Post Office was never built to accommodate so much machinery, nor was it planned to process mail by today's concept. Lighting is far from sufficient for workers' health and comfort by accepted standards and the noise level often requires shouting to make yourself heard.

In brief, the 36 year-old Philadelphia Post Office Complex has outlived its usefulness as a mail-processing facility. If mail is to be moved safely, efficiently and economically, a new properly planned, properly located, and properly engineered facility must be erected. One that utilizes modern machinery, materials, and concepts, and that takes into account the needs and comforts of the workers who will be required to staff this plant. The present building was erected when women in postal service was a novelty. There wasn't one women's toilet on any of the work floors. In fact, when women first started to work in the Philadelphia Post Office, they were provided with a toilet and locker room on the fifth floor and some had to travel quite a distance during emergencies.

Though this has been corrected to a degree, much still remains to be done. Rest rooms, locker rooms, drinking fountains, the cafeteria, all are in either short supply or outdated.

Postal employees who perform a unique and essential service for every segment of the American public, deserve the best working environment available. The mail-using public deserves the best service it can get and that it is paying for. Both could be achieved through a new Mail Processing Plant.

On behalf of myself, our entire membership, and the mailing public, I beseech you to formulate the necessary legislation to accomplish the correction of the three most important problems that I have brought to your attention in this statement. Thank you, gentlemen, for permitting me to take up your time and to bring these problems to your attention.

PUZZLE IN PANAMA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. WALDIE. Mr. Speaker, consistent with my previously expressed concern about the repressive Government manifesting itself in Panama, I now put before the eyes of the Members of Congress comments on the most recent developments there. The article, entitled "Puzzle in Panama," which appeared in the June 17 Wall Street Journal paints an accurate overview of the Panamanian situation. I also have included for the information of the Congress my correspondence with the State Department and related articles pertaining to particular situations in Panama brought to my attention by Mr. Phillip Harman, of Los Angeles. All of these are self-explanatory. As a final word, I would add that this serious situation deserves our constant observation and reevaluation.

The material follows:

PUZZLE IN PANAMA: TORRIJOS BRINGS CALM, PROSPERITY TO NATION AT EXPENSE OF FREEDOM

(By James C. Tanner)

PANAMA CITY.—Over lunch of chicken and rice in the sprawling white headquarters of the National Guard, Brig. Gen. Omar Torrijos, the nation's dictator, tells this story: While visiting peasants recently, he tried to explain his agrarian-reform plan. But they talked and talked and wouldn't let him get a word in. Finally, he exploded, "For Pete's sake, who's the dictator here?"

Actually there's no doubt who the dictator of Panama is. The only doubt is the direction in which this country may be headed under the 42-year-old strong man. The U.S. is concerned, of course, because of key U.S. military bases here and the strategic Panama Canal.

That U.S. stake in Panama will come under scrutiny this month, when the U.S. and Panama begin negotiations in Washington covering controversial treaties in effect since 1903. The talks will concern replacing these pacts with new ones governing the operation of the bases and the canal.

Aided by a heavy flow of U.S. financing, Gen. Torrijos has brought a goodly measure of prosperity and what he calls "social peace" to this volatile S-shaped isthmus since the National Guard took over in a bloodless coup in late 1968.

The general, supported by the powerful paramilitary guard he commands, controls Panama's provisional president and a puppet cabinet. For the moment, at least, he has silenced all opposition by jailing or driving into exile major foes and by abolishing the national assembly, banning political parties and muzzling the press.

But now Gen. Torrijos is setting out on a bold new course to build popular support and possibly to put new pressure on the U.S. as the treaty negotiations approach. He openly admires the leftist military regimes of Peru and Bolivia, and he is beginning to steer his government to the left also.

Observers see in the trends ominous hints of an anti-U.S. campaign designed to wring new concessions from Washington regarding the 50-mile-long canal, which splits Panama geographically and psychologically. For the coming talks, Gen. Torrijos handpicked the three negotiators, whom he decribes as "the new intellectual aristocrats" of Panama. Some Americans here fear that major demonstrations against the U.S. will follow, perhaps leading to mob violence and riots similar to those that began in 1964.

A PROBLEM OF JURISDICTION

Gen. Torrijos agrees that there may be violence. But he says this will occur only if the U.S. again balks on the hot issues of jurisdiction over the 10-mile-wide canal zone and of Panama's share of the waterway's growing revenues. The U.S. has repeatedly refused Panamanian demands to give up its control of the zone and to increase the flat royalty of $1,930,000 that Washington pays annually to Panama.

Gen. Torrijos insists, however, that he has been making sweeping changes among top governmental officials not because he wants to pressure the U.S. but because he is looking to the poor of Panama for the power base he lacks. With some success he is wooing peasants, workers and students. At the same time he has decreed stiff new taxes and other measures equally distasteful to the oligarchy—the wealthy families who traditionally have owned most of Panama's resources and, until the National Guard assumed power, its politics.

In the process, some known Marxists are finding work in key government agencies, and critics of the government contend they are being encouraged to do so by the leftists Gen. Torrijos named to top government posts. Indeed, the Moscow-leaning Communist Party in Panama is operating openly although all political parties and politicking are outlawed by the Torrijos government. (But a Peking-oriented Communist group has been smashed by the National Guard.)

MAJOR CAUSE FOR CONCERN

It was a recent cabinet shakeup by Gen. Torrijos, however, that is causing the most concern among businessmen, who worry that the backgrounds of some of the new ministers are a clear indication of the government's leftist push.

Most of the new ministers term themselves pragmatic nationalists. "I believe in a social reordering that will bring justice," says Jose Guillermo Aizpu, the new finance minister. "If it's necessary to call that socialistic, then I may be a little bit to the left."

Even some of the dictator's most avid supporters have been saddened by his appointments of Juan Materno Vasquez to the prime post of minister of government and justice and of Romulo Echobar Bethancourt as rector of the University of Panama. Vasquez is a brilliant but controversial jurist known to have been a Marxist, and Escobar is an extreme leftist who numbered among his friends Cuba's late Che Guevara.

Both are former classmates of Gen. Torrijos, who praises their political expertise and staunchly defends them. "As an adolescent one gets to be an anarchist by virtue of social injustice," the dictator says. "But if after reaching 30 he still follows that line, he is a fool."

Gen. Torrijos firmly declares: "Those who oppose us brand us Communists. But the humble classes of people who make up nine-tenths of our population are more concerned with the intentions of the government than its origin." Then he adds, "The first rule of government is not to fall."

Following this rule, the dictator stumps the interior by helicopter to increase his popularity among peasants and workingmen. To keep the oligarchy in hand, he exercises an old tactic of dictators—fear.

Even if critcism of the government weren't a crime—and it is—there wouldn't be any place to voice it. The six daily newspapers are run by publishers appointed by the government. All political meetings are banned. Former politicians are afraid even to be seen talking with a foreign newsman. Through an intermediary a meeting is arranged with a former president. But on the way to the site the reporter is taken on a twisting path through back streets so that anyone following will be thrown off the trail.

Many Panamanians insist that their phones are tapped and complain of harassment by the government. It is well-known that the government has built a network of informants. The investigative arm of the National Guard openly appeals for additional informers. In a series of newspaper ads, it urged that "suspicious persons" and "important information" regarding "security of the country" be reported to the Guard.

Government spokesmen insist that no political prisoners are being held. Other sources maintain that at least 200 are in Panama's jails. Just after the 1968 coup, there were an estimated 1,600.

WELL-TRAINED, LEAN, AND MEAN

But plotting against the government continues despite arrests and other harsh restrictions imposed by the Guardsmen, whom one U.S. military analyst describes as "well-trained, lean and mean." One recent plan to topple Gen. Torrijos was postponed at the last moment. But many Panamanians opposed to the dictator say any change in government depends largely on the U.S.

Some are bitter because the U.S. hasn't at least choked off funds that help the general stay in power. And a former holder of a high Panamanian political post says the U.S. is "morally obligated to intervene."

Except for a handful of Congressmen who charge that the Soviet shadow is beginning to reach across the Panama Canal, U.S. officials generally disagree with the theory that Washington should intervene. These officials note that President Nixon's approach is to deal with governments as they are.

Because of the restraints against politicking and criticism, there apparently isn't anyone closer than Miami who has a chance of overthrowing Gen. Torrijos. The most likely prospect is Arnulfo Arias, the legally elected president of Panama.

BATTING AVERAGE: THREE FOR THREE

Mr. Arias is perhaps the most popular and controversial political figure ever to emerge in Panama. A former wealthy plantation owner and Harvard-trained surgeon, he has always drawn strong support among the nation's poor. But some in the oligarchy scorn him, and the National Guard has always fought him. He has been elected president three times, only to be ousted by the Guard on each occasion. The last time he served as president for only 11 days. Now nearing 70, Mr. Arias lives in exile in Miami.

Mr. Torrijos, a major in a province garrison at the time, surfaced as one of the instigators of the October 1968 Guard revolt against President Arias. Subsequently, Mr. Torrijos emerged as the leader. In December 1969 while the general was on a trip to Mexico, a group of colonels in the Guard staged a countercoup—brief and unsuccessful. Gen. Torrijos hustled back to Panama, marching triumphantly into the capital just in time to intercept telegrams intended for his would-be successors.

Moving to strengthen his political base, Gen. Torrijos appointed as provisional president Demetrio B. Lakas, a Panama contractor and trusted friend. Speaking in a Texas accent after seven years spent in that state, President Lakas bridles at talk that the general now is turning to the left. "I will never follow a Communist," the president declares, "but I will follow a man with social sensibility."

A suggestion of this "social sensibility" came a year ago. In a letter to Sen. Edward Kennedy, Gen. Torrijos predicted the emergence of "a new type of military" in Latin America "convinced of the value of peaceful changes that promote the replacement of old structures."

EXCEDRIN HEADACHE—LATIN STYLE

Today Gen. Torrijos doesn't give any indication he plans to restore constitutional government any time soon. "One thing proved in the Americas," he says, "is that the parliamentary systems and political parties are obsolete museum figures." He contends that "every country has to look for its own brand of aspirin to cure its own headaches."

Indications that the general was setting out on a deliberate course to cross the U.S. began appearing months ago. First, he refused to renew an agreement on U.S. use of the Rio Hato air base, from which Americans now have withdrawn. Then he told the Peace Corps to go home. And he recently announced that Japan was interested in bidding on construction of a new sea-level canal across Panama, a waterway that many authorities believe will soon be needed to handle increasingly larger ships.

Whatever his differences with the U.S., Gen. Torrijos is getting some plus marks at home. His government attracts bright young men with advanced degrees from U.S. universities who are pleased at the social challenges and the lack of bureaucratic red tape. To get laws passed, all they have to do is persuade the general to issue a decree. "Technicians and intellectuals disappear from the political arena when a government is dangerous. Here there is a remigration of brains," says Hernan F. Porras, the minister of commerce and industries.

The streets of the capital are free of garbage—long a political issue—and the gross national product of Panama has reached $1 billion and grows in real terms at a rate of 4% to 5% a year. Per-capita annual income approaches $625, ranking third or fourth in Latin America.

THE ROLE OF THE CANAL

The canal is a big contributor. In payrolls and purchases, it adds about $160 million a year to the Panamanian economy. The U.S. has lent Panama $100 million in the past 10 years, much of it since Gen. Torrijos has taken power.

How much of the prosperity is due to government pump-priming isn't known. It has borrowed heavily from abroad, and some observers suggest that Panama may be nearing a credit crunch. "What happens when the money runs out?" one observer asks.

The government, however, is beginning a push for tourists and is trying to attract more foreign investments. A wave of such investments is coming in from South America, Europe and Japan, and U.S. companies have already invested $1 billion here.

"For peace and prosperity we are giving up certain intangibles, like freedom of speech and the other political rights," a Panamanian businssman says. "How soon we get to the point where the sacrifice of intangibles no longer is equal to the tangibles we have gained is the big question."

PANAMANIAN GOVERNMENT ORDERS MILITARIZATION OF STUDENTS

(English translation of an article that appeared in the PATRIA newspaper on April 23rd, 1971, Miami, Florida.)

(Meeting of the heads of Isthmian Communist Party to proclaim violent action against the cattlemen, industry, and merchants. Special information direct from Panama.)

Continuing the line that the Panamanian government has established, which is the imitation of Castro, they have just passed a decree into law whereby students are obligated to have 2 hours a day of military training, to create a students' militia. The new cabinet of April 13th, 1971, made possible this decree inasmuch as the cabinet members all have open and frank communistic tendencies.

THE COCAINE CASE

The press released last Tuesday the information related with the confiscation of cocaine by the United States authorities in which Joaquin Him Gonzalez was involved. The Panamanian Secretary of State came to his defense with the nationalistic issue.

Everything indicates that Him Gonzalez has talked openly and now the Panamanian Government accuses him. Concerning this we can say the scandal will be very big. "Patria" published this news long before the press picked it up.

OFFICIAL COMMUNIST MEETING

At the Elks Club at II Rio Abajo in the City of Panama, a meeting of more than 200 members of the Communist Party, took place to celebrate the 41st anniversary of the Communist Party in Panama. At this meeting the strength of the Communist Party and what it has accomplished in Panama was brought up. The fact that this meeting took place publicly is evident demonstration of the Government's approval.

At this meeting were present all the former members of the Communist Party that Torrijos had made prisoners and later sent in exile. He later invited them back and gave them important positions in the government.

Representatives came from Chirqui, Bocas del Toro, Veraguas, Los Santos, Herrera, Cocle, Colon and the well known leaders were Martha Matamoros, Angel Gomez, Juan Nieto, Domingo Barria, Moises Carrasquilla, Adam Castillo, Pedro and his wife, Euribadies Herrera and his wife, Ramiro Vazquez Chambonett, Florencio Munoz, Roberto Gomez, Rafael Garcia, Cesar Carrasquillo, Filiberto Morales, Pipo Sanchez, Guillermo Mass, Emilio Peralta, Pedro Pereira, Rolando Armuelles, Julio Bermudez, and Romulo Escobar Betancourt, a magistrate.

The meeting was initiated according to the International. Documents were given to members of families that had disappeared and to those who have distinguished themselves in the "fight against Yankee imperialism."

It was agreed to demand from General Torrijos that newer and important positions be given to them in the government. Also, the control of the students through the creation of a militia (Torrijos has just pleased them with this and the organization of the National Confederation of Farmers).

It was discussed concerning the necessity to have a stronger control of the press so that they could stop all free opinions and to increase the radio propaganda against the cattlemen, industry, farmers, and the merchants who were all accused of being against the revolution.

In this Torrijos has also pleased them with the official accusation against the executives of private enterprises, and the Cattlemen's Association whom he accuses of "plotting against the Revolution."

It was also agreed to be in a state of alert in regards to all "popular organizations" in view of a possible overthrow. It must be remembered that Castro always announced an invasion everytime he imposed new restrictions.

Answering the demands from the meeting at the Elks Club, Torrijos surprised the country with a change of cabinet as a form of "purge" by announcing the admission in the government of stronger communists and taking out those he qualified as "weak ones."

In Panama, they are living in days of expectation. Although the agreement is not to move too fast until they feel more powerful.

CIRCUMSTANCES FAVOR PANAMA IN THE NEGOTIATIONS

(Translation of speech of Fernando Manfredo, Panamanian Negotiator, June 2, 1971, Panama City, Republic of Panama.)

Fernando Manfredo, Panamanian negotiator for the new Panama Treaty, said yesterday that the virtual saturation of the capacity of the Canal and the inability of the U.S.A. of realizing the third lock project for lack of water resources, favor Panama in the negotiations to eliminate the conflicting causes of exploitation of an interoceanic canal by the U.S.A.

Speaking before a large group of residents of the San Miguelito district, Manfredo the negotiator, explained the actual canal has practically reached its saturation point of 18,000 transits annually and that the inclination of the U.S.A. for a third lock addition, instead of negotiating a new treaty, cannot be realized because of lack of water facilities. This is the first speech to the people in regards to the negotiations.

Manfredo said the actual capacity of water barely supplies the maximum capacity of the actual locks. The North American project will need the creation of new hydrographic dredgings, he explained.

It was stated by Dr. Carlos Lopez Guevara, the other negotiator, who with the Ambassador Jose a. de la Ossa and Mr. Manfredo for the Panamanian negotiating team—Ratify the International legal justification of Panama to demand the abolishment of the 1903 treaty.

Dr. Lopez Guevara said that Panama is aided not only by reason of the classic international law but also by the new international law that was endorsed at the San Jose conference. "The treaty of 1903 is contrary to the United Nations charter", Lopez Guevara said in a previous speech before a meeting of the business executives where he had explained the legal points that favor Panama in her arguments with the U.S. in regard to the canal treaty.

The explanations of Manfredo and Lopez Guevara were presented to an attendance that included the U.S. Ambassador, Robert M. Sayre, Lt. Col. Armando Contreras, representing General Omar Torrijos, and provincial and municipal authorities.

It is the first of a series of meetings with the people of Panama that will be held by the Panamanian negotiators, to explain the position that will defend Panama in the new treaty negotiations.

Manfredo indicated that the existing treaty does not concede the right that the U.S. has taken in a unilateral interpretation of the same. He mentioned among other things, the exploitation of civilian services and the defense system with which the U.S. "has interpreted the 1903 treaty for their exclusive benefit."

The ex-minister of Commerce and Industry said the defense of the Panama Canal should not be located in Panama. He made reference to modern missiles of great power and said that this practice could affect Panama.

"We are going to end with that of Panama giving everything and receiving practically nothing", he added.

Another point that will be emphasized, Manfredo explained, is the relation of Panamanian participation in regards to the administration of the new sea-level canal. Panama, he said, should have the right to be heard with the purpose of avoiding conflicts and arbitrations, in regard to problems that could be solved in the administrative structure.

"The Treaty should have clauses in regard to Panama's rights. All that is returned to Panama should be in good shape and this country should reserve the right to receive it or not", he added.

Manfredo said that the Panamanian aspirations face difficulties, "We are conscious that we will not get (our aspirations) because they want to be just to Panama . . . the policy of the U.S. is to give something in return for something else."

Manfredo added, "On this occasion we will not be imposed to a treaty like in 1903."

Lopez Guevara said, explaining the negotiating mission in one sentence: "We represent the aspirations of a treaty that will be just to Panama for her contribution to the canal; only there is one negotiator and that is the people of Panama."

MAY 26, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
State Department,
Washington, D.C.

DEAR MR. SECRETARY: Recently, the enclosed articles—the original and its translation—were brought to my attention, concerning the militarization of Panamanian students.

I would appreciate a report from you relative to this potentially explosive situation in the Canal Zone.

Thank you.

Sincerely yours,

JEROME R. WALDIE,
U.S. Congressman, Fourteenth District.

DEPARTMENT OF STATE,
Washington, July 2, 1971.

Hon. JEROME R. WALDIE,
House of Representatives,
Washington, D.C.

DEAR MR. WALDIE: This is a follow-up to our interim reply of June 7, 1971 to your letter dated May 26, 1971. The U.S. Embassy in Panama has reported that it has heard of no decree or plans to militarize students in Panama. It would appear that the article in PATRIA was in error.

I hope that this information has been responsive to your inquiry. Please continue to call on us whenever we can be of assistance.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

ECOCIDE AND THE GENEVA PROTOCOL

HON. HOWARD W. ROBINSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. ROBISON of New York. Mr. Speaker, President Nixon's recent announcement that he will travel to the

People's Republic of China has produced considerable optimism throughout the country. I am encouraged by Mr. Nixon's new initiative, and I know that the overwhelming majority of my colleagues share this sentiment.

There exists yet another opportunity for the President to promote peace and understanding among the nations of the world. I am speaking of the 1925 Geneva Protocol which prohibits the use of chemical and biological methods of warfare, a document which the United States has, unfortunately, failed to endorse.

The following article by Craig Johnstone, found in the recent edition of Foreign Affairs, gives a lucid account of the problems we have had interpreting this protocol with respect to the use of tear gas and herbicides. Mr. Johnstone's conclusions are worthy of note and I highly recommend them to my colleagues:

ECOCIDE AND THE GENEVA PROTOCOL

(By L. Craig Johnstone)

In fighting the Indochina war, the United States has made extensive use of two chemical agents: tear gas and herbicides. As debate on the Geneva Protocol banning chemical and biological warfare continues within the U.S. Senate and the Administration, two highly charged issues—Vietnam and man's destruction of his environment—are likely to merge. For it is the Administration's contention that the United States should ratify the Protocol with the understanding "that it does not prohibit the use in war of riot-control agents [tear gas] and chemical herbicides." A large number of Senators, however, consider that the Protocol prohibits the use of both, and feel that the Administration understanding dilutes the significance of U.S. ratification. Consequently, the members of the Foreign Relations Committee are not likely to vote the Protocol out of committee in its present form. And until the President replies to their criticism it appears that no action will be taken on it.

Although debate both within the Administration and before the Senate Foreign Relations Committee has centered around the wording of the Protocol and how it is to be understood, partisans on both sides of the question admit that the issues involved are considerably broader and more complex. In addition to the question of the use of herbicides and tear gas in South Vietnam, the progress of current chemical and biological warfare discussions at the Conference of the Committee on Disarmament in Geneva may hinge on the outcome of the current "understanding debate" and the ultimate fate of the Protocol.

To date, the Nixon Administration has compiled an excellent record in limiting chemical and biological weapons. In November 1969 the President reaffirmed the renunciation by the United States of the first use of lethal chemical weapons and went beyond previous policy statements by including incapacitating chemicals as well. The President also unilaterally renounced all possession and use of biological weapons even on a retaliatory basis and went so far as to impose limitations on research in this field. In February 1970 the President extended these renunciations to include toxins (biologically produced chemical agents). Elaborate plans for destruction of existing stocks of various agents are presently being put into effect.

After the President submitted the Geneva Protocol to the Senate in August 1970, the Military Assistance Command in Vietnam ordered an end to the crop destruction program and a phase-out of the defoliation program. The momentum of this sequence of moves has contributed significantly to international efforts to reach agreement on prohibiting chemical and biological warfare. Much of this momentum will be threatened should the President be unable to obtain ratification of the Geneva Protocol or if the ratification should be obtained with understandings or interpretations which would bring the United States into dispute with many of the nations already parties to the Protocol.

Ironically the United States first proposed the Geneva Protocol in 1925 and now stands as the only major nation which is not a party to it. The substantive provisions of the Protocol read as follows:

"Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world; and

"Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

"To the end that this prohibition shall be universally accepted as a part of International Law, binding alike conscience and the practice of nations;

Declare:

"That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration."

The Protocol was submitted to the Senate for advice and consent in 1926. After extensive lobbying by the U.S. Army Chemical Service, chemical manufacturers and veterans' organizations and others, it was sidetracked and never brought to a vote. It was returned to the President as part of a housecleaning effort during the Truman Administration many years later. No further action was taken until it was resubmitted to the Senate by President Nixon.

II

Although much could be said about the legal interpretation of the Protocol, the history of negotiations indicates that it is not possible to come to a definitive legal conclusion. Therefore, it seems more important to evaluate the alternative understandings on the basis of their contribution to the national interest. The following components of U.S. interests must be considered: the military consequences of alternative policies, both now and and in the future; the impact of the current understanding on the intrinsic strength of the Protocol as an arms-control mechanism; the impact of the current understanding on other U.S. policies and objectives; and finally, but most significantly, the ethical and moral considerations.

Despite the American use of tear gas in Vietnam since 1964 there has been no systematic study of its utility in that country. (President Nixon recently ordered such a study but results are not expected until early 1972.) Almost all the data presented on the subject, both pro and con, have been anecdotal, and in Vietnam anecdotal information can be found to support or refute almost any contention. Clearly, in some circumstances, tear gas has proven to be operationally effective. Military commanders have noted that the use of tear gas had some beneficial effects initially, but has had less effect as enemy forces have become increasingly familiar with the tactic. Tear gas cannot be used effectively against disciplined armies provided with gas masks except when surprise plays an important role. Masks in use by the National Liberation Front (NLF) in South Vietnam include the Soviet Shlem mask, a Chinese mask and various field expedients. It is well within the logistical capability of the NLF and North Vietnamese Army (NVA) to provide masks, and recently, according to one U.S. military commander in the Delta, almost all main-force enemy troops have been so equipped. Despite its acknowledged utility in some circumstances, the use of tear gas in Vietnam has recently decreased to only a small percentage of the previous rate.

A desire on the part of the United States to keep options open for the use of tear gas and herbicides implies that these weapons will be more useful to the United States than to any potential enemy in future wars. Many military experts have questioned this assumption. First, in view of the superiority of the United States over potential enemies in conventional warfare it is doubtful that the use of tear gas or herbicides would markedly change any balance of military power. Second, enemy use of such weapons against the United States or its allies might well create as many difficulties for the United States as its own use would impose on the enemy.

In guerrilla or insurgency warfare, where the United States would most likely find itself in the semi-state counter-guerrilla role, gas would probably be a tactical asset to the guerrilla because of his greater mobility and lesser vulnerability to surprise. Gas has considerable potential for use in situations where a guerrila force surpises and attempts to overrun a fixed defensive position. Tear gas was used for this purpose in a recent successful attack on a U.S. fire support base in Vietnam. It is unlikely that it will play a significant role in major power confrontations or large-scale conventional wars. Certainly American use of gas would be precluded altogether if allied nations interpreted the Protocol to prohibit such use.

Chemical herbicides are used in war for defoliation and for crop destruction. Defoliation is used to facilitate observation of enemy troop movements and to deny areas to such troops. In cases of defoliation for observation purposes, once an area is defoliated and while it is undergoing regular surveillance, it is unlikely that the enemy will use it. There are frequently many alternative routes by which guerrillas or other forces can reach most destinations, particularly in a country like South Vietnam. The defoliation of one area merely forces the enemy to change his habits of movement, at most a logistical inconvenience. The use of defoliation for area denial has been more effective. An example can be found in the extensive defoliation of the Rung Sat Special Zone, south of Saigon. Here the defoliation program destroyed most of the mangrove forest in the area, effectively denying its use to large enemy units. The area, however, remains partially under the control of smaller enemy units.

Although defoliants have been used to clear roadsides, their effectiveness for this purpose has been disputed by many military commanders who have argued in favor of the use of Rome Plows and other methods. Evidence from enemy documents indicates that the primary concern of the Vietcong with respect to the defoliation program deals with the effects the defoliant might have had on personal health, not on strategic considerations.

Herbicides have also been used in the crop destruction program, considered by many to be the least effective U.S. program in the war. Long after food denial ceased to be a serious strategic objective the crop destruction program continued. The generally effective logistical structure of the Vietcong made efforts to control rice production and distribution ineffective.

Neither the crop destruction program nor the defoliation program was anything but a liability to pacification. Surveys conducted by local interview teams demonstrated that the use of defoliants was a matter of major concern to South Vietnamese peasants. A wide variety of real or imagined ills were generally attributed to their use. Accidents involving defoliants were not unusual and the bureaucratic procedure of the Vietnamese government in settling claims was not able to cope with the problems when they arose. In short, the use of herbicides in South Vietnam has carried with it several negative consequences which significantly outweigh their limited utility. This factor as much as any other led to the Administration's decision earlier this year to discontinue the crop destruction program and to phase out the defoliation program.

While the effectiveness of tear gas and herbicides in advancing U.S. objectives in South Vietnam may be open to further debate, it seems certain that neither chemical has played a major role in the war. Clearly the military need for the use of these agents in South Vietnam is not, in itself, sufficient justification for the U.S. position on the Geneva Protocol. This becomes increasingly true with each withdrawal of ground combat forces and the resulting decline in tear gas use.

III

The strength of the Geneva Protocol as an arms-control mechanism depends largely on the degree to which the parties to the Protocol agree on the nature of its prohibitions, and the extent to which the prohibitions can be clearly defined. In December 1969 a resolution in the United Nations General Assembly, designed to include both tear gas and herbicide use within the meaning of the Geneva Protocol, passed by an 80 to three margin with 36 abstentions. (Portugal joined the United States and Australia in voting against the resolution probably because of Portugal's use of herbicides for crop destruction and defoliation in Angola.) There can be little doubt as to where the majority of nations stand on this issue. If the United States ratifies the Protocol with the present understanding, the socialist nations, the majority of neutrals, and a sizable number of allies will not agree with the American position. However, if the United States took the initiative in interpreting the Protocol to include the prohibition of these chemical agents there is no doubt that a near unanimity of opinion could be obtained. This would greatly strengthen the Protocol.

In the interest of making international agreements enforceable, boundaries, prohibitions and limitations must be easily definable and conform as much as possible to natural dividing points. For this reason it has proven most desirable for international boundaries to be along rivers, mountain peaks, even clearly defined international geodesic lines, etc. When this principle is applied to the prohibition of gas in warfare, it dictates that a line should be drawn at a clearly definable point on the scale between "no gas" use and "total gas" use. It is argued by some proponents of the noninclusive Protocol interpretation that the distinction between the use of lethal gas and riot-control agents in warfare is a sufficiently clear distinction to allow all parties concerned to understand and abide by it.

This, however, is a dubious proposition. First, it must be understood that there is no agent which can be used in war with military effects which is nonlethal under all circumstances. Even the highly perfected tear gas, CS, used by the United States in South Vietnam, can be lethal where the victim is very old, very ill, or unable to escape the immediate area. While mortalities are very rare with the use of CS, there is no assurance that an enemy will necessarily use this form of tear gas. Therefore, some agreement would have to be reached on the exact degree of lethality which would be permitted. If, in fact, an agreement could be reached, it would be extremely difficult to determine whether a gas was causing three percent or five percent fatalities, or whether increased fatalities were due to stronger gas or increased quantitative use.

Another argument used by proponents of the U.S. interpretation is based on the "domestic-use" criterion; they argue that the Protocol should not prohibit for use in war chemical agents which are commonly used in time of peace. Domestically, tear gas is used for civil law enforcement and herbicides are used for agriculture. This argument has been widely used but it breaks down when we consider that the use of these chemicals in time of peace is quite different than it is during war. Nowhere in peacetime is tear gas used indirectly as a means of inflicting lethal casualties. Herbicides are not used for crop destruction or systematic forest defoliation in their normal domestic applications. In Vietnam, tear gas is delivered by mortars, artillery, helicopters, fixed-wing aircraft and mechanical blowers, none of which is used in domestic applications. In Vietnam, herbicides have been used to kill crops; in domestic use the purpose is to kill weeds in order to grow crops.

Problems associated with a less than comprehensive definition of gas restrictions can be seen by considering the difficulties of the U.S. Government in its attempt to enforce a tear gas policy in Vietnam. The public outcry over the use of tear gas in March 1965 led to a temporary ban on the use of such agents in South Vietnam. The weapons were not removed from the field, however, and it was only a short time before the use of gas began again. When the policy review on the matter was undertaken the same year, the State Department agreed that gas could be used in Vietnam if its use was confined to criteria set by Secretary Rusk. In a news conference on March 23, 1965, the Secretary stated: "These weapons will be used only in those situations involving riot control or in those situations analogous to riot control." Military expediency eroded the restrictions, however, and the attempt to limit the use of tear gas was a failure. The "riot-control" criterion was ineffective because it was ambiguous. Just as efforts to limit the use of tear gas at other than the "no tear gas" level broke down under the strain of combat, so, too, will the efforts to limit gas as a whole be severely strained under anything but the "no gas" interpretation. As Thomas Schelling notes in "The Strategy of Conflict": " 'Some gas' raises complicated questions of how much, where, under what circumstances: 'no gas' is simple and unambiguous . . . there is a simplicity to 'no gas' that makes it almost uniquely a focus for agreement."

While the potential for escalation of gas warfare is essentially qualitative, the potential for escalation of herbicide use is quantitative. In South Vietnam the United States has perfected the use of herbicides as anticrop agents to a sufficiently high level that further qualitative efforts would not seem necessary. The techniques used in South Vietnam to destroy large quantities of crops can be used by other nations on almost any scale, including the systematic destruction of a nation's food production capability. Herbicides are used and manufactured for agricultural purposes in many countries of the world. It is well within the economic and technical capability of almost any nation to produce chemical herbicides as instruments of war, and to develop methods for delivering them. Using simple crop-dusting aircraft or converted military aircraft, a small nation can create enormous devastation in an opposing country at a fraction of the cost of other mass destruction techniques (except perhaps bacteriological warfare). Without benefit of "no first use" taboos such as those associated with the use of nuclear weapons, it is difficult to distinguish a level at which herbicidal escalation could be stopped or reversed.

The use of herbicides raises important environmental questions. Does the United States wish to be identified with a program which can so drastically affect environmental balances where it is used? Some of the forests of South Vietnam have been seriously damaged by the use of herbicides. Over large areas, the dead trees are quickly replaced by bamboo, making reforestation difficult. The herbicide-treated mangrove forests of the Rung Sat Special Zone and other areas have been completely destroyed. Many scientists have expressed concern over the possible effects of herbicides on humans. The principal military herbicide, Agent Orange, was banned from further use in 1970 due to preliminary evidence of the possibility that it produced birth defects after it had been used extensively in Vietnam. Of the two remaining agents used there today, neither is allowed for general agricultural use in the United States because of possible environmental and toxic effects. At a time when the United States is experiencing a growing environmental consciousness and can be expected to embark on a campaign for worldwide attention to environmental problems, the extension of a policy allowing systematic environmental destruction is both inconsistent and counterproductive.

IV

Ethical arguments have been advanced on both sides of the Protocol issue. Proponents of the Administration's understanding have argued that tear gas is basically a humanitarian weapon which should not be prohibited for use in war. In most domestic cases tear gas is used by police because the offenses committed do not warrant the use of potentially lethal weapons. The Geneva Protocol by any interpretation would not limit the use of tear gas in normal police activities, even within a country at war. At the time of the policy debates on the tear gas issue, many felt that there were some unique humanitarian applications possible in war. It was argued that in cases where civilians were being used as a screen by the enemy, tear gas could incapacitate all parties involved, allowing time for separation and identification. In addition, it was felt that tear gas could be used to capture prisoners from tunnel complexes or caves. It was these humanitarian uses of tear gas which formed the most compelling arguments in the interagency debate in 1965, leading to Secretary Rusk's declaration that year.

The policies of 1965, however, have not proven realistic. Unfortunately, the use of tear gas in Vietnam has demonstrated conclusively that rather than being a humanitarian weapon of warfare, tear gas is most frequently used as a conventional military weapon to bring about indirect lethal effects. Since the Rusk statement in 1965 the use of tear gas in riot-control situations and in situations analogous to riot control has represented only a small fraction of the total use.

The use of herbicides to destroy crops also involves highly significant ethical considerations. In the course of investigations of the program in Saigon and in the provinces of Vietnam, I found that the program was having much more profound effects on civilian noncombatants than on the enemy. Evaluations sponsored by a number of official and unofficial agencies have all concluded that a very high percentage of all the food destroyed under the crop destruction program had been destined for civilian, not military, use. The program had its greatest effects on the enemy-controlled civilian populations of central and northern South Vietnam. In Vietnam the crop destruction program created widespread misery and many refugees.

It must be asked whether such a policy does not violate the nation's basic ethical standards. I believe it is a fair assumption that the national security is not only involved with physical security but also embraces the democratic and ethical concepts which form the basic raison d'etre of the nation. It is important that the tactics used by the nation to preserve its security not come into conflict with the basic concepts which these tactics seek to secure. It is contrary to the broader meanings of the U.S. national purpose to perpetuate the use of tactics such as crop destruction in warfare.

It is important that the future of the Geneva Protocol not be solely dependent on the complex arguments relating to the immediate national interest. At this time, more so than at any other, the United States is in a position in which it can have a profound effect on the future of mankind. Historically, this era will be judged according to its ability to advance its technological capabilities for growth and development and to retard or restrict these same abilities for destruction. The Geneva Protocol of 1925 was a relatively small effort to achieve these objectives, but it was an important one. In this spirit the United States has recently taken the lead in efforts to prevent the proliferation of nuclear weapons, to propose negotiations which could lead to arms limitations, and to take a stand in opposition to the use of biological and lethal chemical weapons. It is in keeping with this historical trend that the present Administration must decide the fate of the Geneva Protocol. The alternatives facing the President are clear. If the current U.S. understanding is reversed or modified to include prohibitions against tear gas and herbicide use or if a concrete means can be presented to the Senate whereby the issue might be resolved among the parties, the Protocol would likely move to prompt Senate ratification. If not, there is little likelihood that the Protocol will be ratified during this session of the Congress. In making its decision the Administration must balance short-term military expediency against the long-term objective of prohibiting chemical and biological warfare.

In recognition of the dangerous consequences of eroding the meaning of the Protocol, and in recognition of the rapidly decreasing requirements for chemical herbicides and tear gas in South Vietnam, there is little question that the United States should now strive to obtain a unanimous interpretation of the Geneva Protocol to prohibit the use in war of all gases, bacteriological weapons and herbicides.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. SCHWENGEL. Mr. Speaker, still another of our Nation's leading newspapers has editorialized in favor of my position on the big bus bill, H.R. 4354. The following editorial appeared in the July 29 edition of the Wall Street Journal:

BIGGER BUSES

The government has been doing a lot of talking about highway safety; but not all the agencies of the establishment appear to be getting the message.

At any rate, the House has passed a bill to permit wider buses on interstate highways. We don't know exactly what effect such vehicles would have on safety, although we'll admit that even the existing ones make us a bit uncomfortable as they roar past at 65 miles an hour or more.

That, in fact, is just the point: no one knows what the buses would mean to safety. In Public Works Committee hearings on the bill, the Transportation Department, and the National Transportation Safety Board objected to the measure because of a lack of safety research.

But the committee approved the bill anyway. "By so acting," said Rep. Fred Schwengel (R., Iowa), "the committee has shown a callous disregard for the safety of the motoring public. The committee in effect has voted in favor of special interest groups, the bus owners, and against the general public."

Perhaps members of the Senate, unlike their House colleagues, will remember whom they're really supposed to represent.

OHIO'S PARTICIPATION IN THE SMITHSONIAN'S FESTIVAL OF AMERICAN FOLKLIFE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. VANIK. Mr. Speaker, one of the memorable events of the Washington year has come to be the Smithsonian Institution's annual Festival of American Folklife. This Festival brings to the Mall all that is best in American life. The Festival is a lively illustration of the diversity of our culture and the various ethnic and regional traditions which weave together to make up "American folklife." I am happy to say that this year the featured State of the Festival was Ohio. More than 50 Ohioans came to Washington to present their skills and talents, ranging from dulcimer making and stained glass cutting to such unexpected arts as bagel making. The richness of what Ohio had to offer was most impressive and, I think, an education in Ohio life for the many thousands who visited the Festival. Participation of Ohio was made possible by the leadership of our Governor, John Gilligan, and the bipartisan cooperation of the Ohio delegation. It was a happy task to help to bring this fine presentation of Ohio folklife to Washington.

Mr. Speaker, in the program of the Festival of American Folklife appeared an excellent article by Mack McCormick entitled, "Glimpses of Ohio Folklife," and I include it in the RECORD at the conclusion of my remarks. Mr. McCormick expresses the philosophy of the Festival of American Folklife well when he says—

It is based on the deeply held conviction that folklife, with all its concomitant lore and art and skills and other riches passed from one person to another, is found inevitably and invariably in every community of people. One need not sail to an exotic island nor venture into far hills to find this ritual sense of life. It exists at the corner grocery store.

So the Festival helps us to look at ourselves and to see the beauty and richness of even the simple tasks of daily life.

A visit to the Festival is a valuable and rewarding experience. Our thanks go to the Secretary of the Smithsonian, S. Dillon Ripley, to Jim Morris, Director of the Division of Performing Arts, and Ralph Rinzler, Festival Director, for bringing the Festival into being. I hope it will continue as an annual event for many years to come.

GLIMPSES OF OHIO FOLKLIFE

(By Mack McCormick)

The Festival of American Folklife has no strict operative definition. The best statement of its character is the festival itself. A sign at one of the first festivals suggests what I mean. It reads: "Folklife is what the people do."

Each year, the gathering of the Festival—the practical organization behind it and the search for participants—begins early. It is based on the deeply held conviction that folklife, with all its concomitant lore and art and skills and other riches passed from one person to another, is found inevitably and invariably in every community of people. One need not sail to an exotic island nor venture into far hills to find this ritual sense of life. It exists at the corner grocery store.

Consider, as examples, some random glimpses of the state of Ohio, glimpses in which any casual passer-by sees not only the fabric of tradition but also the tension and interchange that occurs as one tradition, one kind of ritual, one way of life, touches another:

Steubenville, Ohio: in a window above Kuntz's Kosher Food Mart hangs a Christmas wreath

Superior Avenue, in Cleveland: a neon restaurant sign advertises Hungarian & Soul Food

A factory suburb in Cincinnati: one of the finest bluegrass bands thrives in an easygoing neighborhood tavern called the Minute Man Inn

Blocks from the state capitol in Columbus: a unique black jazz band plays every Friday and Saturday evening at the Elks Franklin Lodge No. 203, not jazz for tourists but music for the people of the community

Holmes County, Ohio: a horse drawn buggy carrying an Amish family shudders sideways as an eastbound truck roars past

Take the case of the buggy and the truck. Theirs is not just a matter of new ways shoving aside old ways, but, rather, of coexistence. The Amish family have their traditions: plain, buttonless, dark clothes; thick beards on married men; a fierce striving to go about life without mechanization.

And in his fashion, too, the truck driver in his eastbound rig has traditions. At coffee stops, he'll trade stories with other drivers, stories that grow out of the work. The drivers talk about accidents, near-accidents, and bad equipment. They add to the legend of the driver who jackknifed his rig to avoid hitting a small dog in the road. They tell about the driver who lost his brakes and died on a steep grade in the Ohio hills but managed to slow his truck enough so that his helper could leap to safety. The drivers' lives, too, are bound in ritual.

"First thing you do, you got to blow up the salamander. Now you probably don't know what the salamander is, but that's the residue in a blast furnace, the steel at the bottom that cools and hardens when the furnace is shut down. That salamander might be ten feet thick and it's got to be dynamited out before you can go in there and rebuild that furnace."

So it is in all people's lives. Food, speech, memories, day-to-day activities—all give a group its character, its points of identity. Folklife is a suburban baby shower as well as an Amish barn raising. The festival sign said it best: "Folklife is what the people do."

There are 150 participants at the festival from the state of Ohio. Who are these people? And why were they and not others included? Examples are better than any general answer to that question.

The two men pictured playing dulcimers, a father and son, were invited. The older man makes and plays his own dulcimers. He plays banjo in a fine frailing style and sings a treasury of songs that are in the heart of the American country music tradition. He was invited because the newspaper editor at Quaker City, Ohio, mentioned him to us and because, in turn, a string of friendly neighbors directed us to his isolated house on RD #4 outside Carrollton, Ohio.

Another man was invited because someone began leafing through the Yellow Pages one night in Cleveland and started to wonder about the artists who do gold leaf lettering. This wondering led us to the man whose gold leaf work is seen on banks, cigar stores, and lawyers' offices all over Cleveland's business district. You might have seen this artist at work there, surrounded by a crowd of watchers, his brush flicking up to his hair to pick up a charge of static electricity which, in turn, picks up the delicate sheet of hammered gold and carries it to the surface of a plate glass window.

The dulcimer player is from a rural area; the other, from the center of a big city. We do not maintain that either is typical, but, rather, that each is important. The same applies to the baker whose specialty is bagels and to the family who comes to make cheese. To the Moravians with their sacred "love feast" ceremony and to the venerable craftsmen who design and construct stained glass windows. To the lady who makes buckeye-head dolls and to the gunsmith. Each is important and together they make a statement about the variety of life in one of the fifty states.

Even though our field work in Ohio spanned seven months time, we do not imagine our results to be definitive. Our choices were necessarily influenced by a field worker's intuition causing him to drive down a certain street to ask the right question at the right time, which led him to a particular person's door. Yet, while admitting this element of chance, we have to note that one Friday night in Norwood, Ohio, one of our people, feeling a bit self-satisfied for having discovered a neighborhood tavern full of rich, living music, looked up from his table to see another field worker walk in the door. Both had arrived at the tavern for the same reason, but by wholly different routes.

In a sense, it is the function of the Festival of American Folklife to show the American people to themselves. In this, it both succeeds and fails. Over the months of traveling in Ohio, through all the looking and selecting of people to invite to Washington for five hot days in July, we are constantly aware of that which is omitted.

Many things cannot be brought to the Mall in Washington. Some elements of life cannot make the journey without suffering damage or significant change. There are, for example, several important kinds of traditional music and song that are not meant to be taken as a performance. The commonplace lullaby that you might hear from a front porch rocking chair is one; a child's skiprope rhyme is another. Only rarely do such things come in a form that can be carried to Washington and put before an audience.

Each year the festival takes on a bit more. Each year it becomes a broader representation of what people do and involves more of the special folklife of large communities of people. At this year's event, for example, there are several important industrial craftsmen from glass factories in the Ohio River valley. There is a man who cuts glass in traditional patterns with such names as the Fan, Hobb's Star, and Strawberry Diamond. There's also a mold maker—a man who chisels these or similar patterns into the heavy steel molds from which pressed glass is made.

The gathering of each year's festival is an incremental process: one event or development suggests in turn something further to incorporate, the results of one field trip amplify or expand upon the possibilities suggested by the earlier visits to Ohio.

Yet we concede the possibility that we could do it all over again and come up with 150 different people from the state of Ohio, equally as appropriate as the 150 Ohioans who are taking part in the festival. Not only do we concede the possibility, we delight in it. America is too vast a place to let any one flow become the mainstream. The human community is infinitely varied in its possibilities and prospects. The 150 at the festival comprise those whom, we thought, as a group, could suggest and represent the 10.5 million people who could not be present but whose ways and traditions make up Ohio folklife.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

RAY ZAUBER, EDITOR OF THE OAK CLIFF TRIBUNE, WRITES ON THE PENTAGON PAPERS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an editorial from the July 21 edition of the Oak Cliff Tribune relating to the editor's opinion with respect to the Pentagon papers.

[From the Oak Cliff Tribune (Tex.), July 21, 1971]

PENTAGON PAPERS POINT TO CLASH IN BASIC ISSUES

(By Ray Zauber)

The Pentagon papers decision has created mixed emotions for this typewriter.

As a newspaperman we are deeply concerned with freedom of the press. As an American citizen who cherishes freedom, we realize that our defense establishment and state department must conduct a considerable amount of their business in secrecy.

However, our bureaucracies have mushroomed to unwieldy proportions and Scratchpad is incensed when two-bit public servants classify what should be routinely released as public information.

Since the days of Franklin Delano Roosevelt, the executive department has continually increased its tendencies to hide behind classified labels on matters of public interest.

Much of what we have read in releases from the Pentagon papers should have never been secret to begin with. Rather than military strategy or foreign policy, the report seems to be a harsh analysis by one group of men judging some of their peers.

Since the New York Times and The Washington Post spent so much time sorting material, we feel reasonably certain that these liberal newspapers did show enough responsibility to withhold any information which might prove damaging to United States interests.

However, if The Oak Cliff Tribune had been the recipient of documents marked Top Secret, we believe we would have reacted differently. Scratchpad thinks he would have asked the justice department to help him find the culprit who stole them and the courts to decide whether or not we would jeopardize our national security by publishing them.

The issues in this case are so tremendously important that we were amazed to see the Supreme Court render its quickie decision. Those justices who wanted to remand the case to the lower court for full development of the facts, were, in our own opinion, treading on sound ground.

While our journalistic instincts run counter to secrecy in government—and some of the classification decisions are absolutely ludicrous—we still doubt that the First Amendment is absolute.

Chief Justice Oliver Wendell Holmes once observed that 'free speech does not include the right to shout 'fire' in a crowded theater."

Nor does free speech include the right to slander, libel, threaten, intimidate or blaspheme our fellow man. Albeit the court has stretched the limits out of proportion in some of these issues.

Another thing that bothers us is the political philosophy of the newspapers involved in these test suits. The Times and The Post are two of the most anti-war publications in the land.

And although the editors and writers might try earnestly to present excerpts from the 47 volumes with balance, we would suggest that a dovish summary would be inevitable.

Scratchpad recalls in 1964 and 1965 that The New York Times was among the more militant hawk voices. While it is no sin to change positions, some of the men who assimiliated materials for the documents on the war in Vietnam may have also changed their opinions.

There seems to be little chance for rebuttal by the principals in this drama. Jack Kennedy is dead and many other key defense and state department leaders have long since left government service. Many of the military spokesmen are retired.

In our humble opinion, the Supreme Court should look into the matter at greater length during the fall session and draw guidelines for future filching of secret government documents.

In the meantime, the justice department should throw the book at Daniel Ellsberg who is a traitor and a thief in the opinion of this scribe. No man has the right to substitute his conscience or his judgment for the government. And the Rand Company's security clearance should be weighed by the courts.

There are better remedies for the flaws in our system than stealing government secrets.

CAPTIVE NATIONS WEEK

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. NEDZI. Mr. Speaker, this annual congressional observance reminds us that the world map remains stained with too many dictatorships in which people are denied the right of self-determination.

It also reminds us that despite our own problems, much of the world still looks to us to provide moral leadership and direction not only against communism but in favor of the blessings of liberty. I therefore welcome this opportunity to speak for self-determination and freedom of individual expression.

When we consider the term "captive nation" we think most readily of Eastern Europe, for here is where genuine aspirations of people contrasts most dramatically with the oppression fastened upon them. It is here where the "Czech Spring" of 1968 took place only to see the hope of "communism with a human face" sink under a ruthless Russian invasion and reversion to the dullest dogmatism.

In the long run, we must believe that the greatest moving force in the world must be a man's craving for freedom and for a just share of the blessings of life. It is apparent, moreover, that the strongest "ism" may well prove to be nationalism. And that these forces will, in the long run, free the "captive nations."

All this, of course, is of little consolation to this generation in Czechoslovakia, Poland, Hungary, the Ukraine, and elsewhere. Theirs is a deep personal and national tragedy. We should never allow ourselves to forget it.

NIX SUBCOMMITTEE HEARINGS ON SQUALID WORKING CONDITIONS IN THE POSTAL SERVICE COVERED BY FEDERAL TIMES

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. NIX. Mr. Speaker, the Federal Times carries a story on my subcommittee's investigation of working conditions in the Postal Service, based on testimony before the subcommittee.

Patrick Nilan, the legislative director of the American Postal Workers Union, gave testimony to our subcommittee which should shock the conscience of the Congress as to the deplorable working conditions in which postal workers are employed. His union will later offer a supplementary statement which will spell out these conditions in even greater detail.

Mike Conlan, the Federal Times reporter, who so ably covers the Hill for the Federal Times, summarized the testimony of Mr. Nilan and Mr. Al Rosen of Philadelphia, the president of the Philadelphia Postal Union.

At this point, I would like to submit Mr. Nilan's testimony for the RECORD, so that all the Members may have a chance to read it:

POSTAL UNIONS ASSAIL WORKING CONDITIONS

WASHINGTON.—Branding working conditions in the postal service as "deplorable," a union spokesman has warned a House subcommittee that the situation is getting worse, not better.

Patrick J. Nilan, legislative director of the American Postal Workers Union (APWU), told the subcommittee on postal facilities and mail:

"Next to wages and fringe benefits, the accomplishment of reasonable and satisfactory working conditions are of tremendous importance to the more than 300,000 postal workers we represent here today.

"We are confident in some post offices the absolute need for improved working conditions may even equal or exceed the need for improved wages and other compensations."

Also urging quick rehabilitation of the U.S. Postal Service before Rep. Robert N. C. Nix's subcommittee was Albert Rosen, president of the Philadelphia Postal Union.

The hearing, conducted July 21, promises to be the first in a long series.

Nilan, who could not be fully candid because of the continuation of collective bargaining with the USPS, told subcommittee members that a more detailed statement would be filed with the unit sometime in the week ahead.

At that time, Francis S. Filbey, APWU national president, is expected to testify. Other union leaders are scheduled to appear before the group, which is part of the Post Office and Civil Service Committee.

During the hearing, Nix introduced his own statement, which in part said:

"I believe that the last resource of the declining postal service is the dedication of postal workers.

"That resource has been long wasted by postal management which comes and goes like Christmas help with the political tide. It has been abused to such an extent that postal management brought the first nationwide strike of federal employees in 1970 and had to go through the motions of using the Army in order to break the strike.

"The strike came about because postal management insisted on delaying a much needed postal raise until it obtained by legislation an all powerful postal corporation."

However, Nix asserted that the new USPS, with its many powers, has not become "more responsible to the public or to its employees."

Nilan, who cited numerous abuses at postal facilities around the nation, complained that along with decaying buildings, unsafe working environments that management has arbitrarily instituted a host of unfair personnel policies.

One of his illustrations concerned the Chicago Post Office. "Postal workers there in many instances were immediately denied requests for sick leave, even when supported by a medical certificate," he said.

"Coffee breaks were immediately denied and tables and chairs were removed from the areas."

Turning to another subject, Nilan said, "We continue to wonder when we can expect the 100,000 reduction in force that spokesmen for the new U.S. Postal Service said is possible under efficient management."

Nix said the subcommittee would pursue the questions of occupational health and safety "until we get action in behalf of postal employees."

Nilan and Rosen had much to say on these issues.

For example, the APWU legislative director noted that the increased noise brought about by automation is a problem that to date has not drawn serious concern from postal management.

"As a matter of fact," Nilan said, ". . . the entire subject of health and safety is one in which the USPS can take little, if any, pride.

"Great promises often emanate from the 'ivory towers' of the postal service in Washington. However, convincing postmasters in the field to effectively and realistically police these promised programs is another thing entirely.

"Unfortunately, everyone in postal management is dollar conscious to the extent that safety and health is a good place to 'save' and we are getting more and more evidence from the field that this is altogether the case."

Nilan suggested that the subcommittee "investigate and if necessary legislate" a program that would force the USPS to eliminate the noise problem from post offices.

He said with the introduction of automation overcrowding has become the norm in many postal facilities, noting:

"Such situations, basically, are brought on by poor planning in physically locating mechanized facilities in the nation's post offices by postal management." He mentioned that facilities in Pittsburgh, New York, Washington and other areas would be worth investigating.

LEGISLATION TO AUTHORIZE THE MERGER OF THE AMERICAN AND NATIONAL BASKETBALL ASSOCIATIONS

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. BROTZMAN. Mr. Speaker, I am pleased to join a number of my distinguished colleagues in introducing legislation to authorize the merger of the American and National Baseketball Associations. The bill is a simple one which permits two or more professional basketball leagues to combine their operations in an expanded single league, if such an agreement does not decrease the number of professional basketball clubs.

The proposed bill would not give the merged league immunity from any Federal antitrust prohibitions now applicable to the activities of the two leagues as separate entities. No subject other than permission to form a single league is involved.

At the present time, the entire future of professional basketball is being threatened by a war for players between the two leagues. Without a merger, no team in either league can afford to stop the bidding war. At the same time, none of the teams can afford to continue the bidding war for much longer. Meanwhile, salaries and bonuses are being paid which in no way reflect the economics of professional basketball. Some estimates are that as few as three of the 28 teams in the two leagues operated at a profit last year. And, this is true despite an amazing increase in attendance of 238 percent during the past 5 years.

I am aware of the fact that some professional basketball players are determined to prolong the bidding war as long as they can. True, this might be to their short-term economic benefit, but in the long run the players, as well as the fans and the teams themselves, would be better off with the proposed merger. Merger would mean economic stability and continued job opportunities for the players. A merger would restore a balance to the earning capacities of untried rookies, who now make the big money, and proven veterans. Moreover, the collective bargaining power of the players would be strengthened by their combination into a single industrywide bargaining unit. This is evidenced by the results obtained by the combined professional football players association.

Of course, Mr. Speaker, it goes without saying that the fans of professional basketball would be the biggest winners of all in a merger. They would have the opportunity to see the stars of both leagues competing against one another. They would be assured that their now shaky local franchises might be stabilized, and they would be given the chance to have an undisputed champion of the sport.

Mr. Speaker, I believe the bill I join in sponsoring is fully in the public interest, and I hope it will win early approval.

"HI-HO, IT'S THE SAME OLD AGNEW"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. CLAY. Mr. Speaker, in an editorial in yesterday's Washington Star, Frank Getlein discussed Agnew's recent jaunt around the world and the Vice President's ill-conceived remarks about black leaders at home. Mr. Getlein poignantly observed how:

> Carping and criticizing by our leaders throughout history has proved beneficial to our Nation. The carping and criticizing that so distress the Vice President are the American genius. In other lands or other times, the oppressed and exploited eventually are driven to bomb the palace or to take to the hills with rifles. The suggestion that American black leaders model themselves on those of Africa is a blueprint for disaster.

The editorial concluded:

> Around Washington, the rumor persists that Agnew will be replaced in the second heat, not by the administration but by himself, to take advantage of what are said to be irresistible offers from television to do his thing for pay. His easy way with words, attractive physical appearance and total ignorance of elementary distinctions of thought, all qualify him for the tube.

I commend Getlein's remarks to the attention of my colleagues.

[From the Washington Star, July 28, 1971]

WASHINGTON CLOSE-UP—HI-HO, IT'S THE SAME OLD AGNEW

(By Frank Getlein)

In the permanent paranoia that much of the press has declined into, journalists often look over their shoulders to see if Spiro Agnew is gaining on them.

This is a waste of time because he never is, having made his total mark in the race with his first sprint, and because, if he overtook them altogether, he couldn't lay a glove on them.

John N. Mitchell, as an attorney general without any serious idea that the Bill of Rights may actually mean something is indeed a clear and present danger to the press and to more than the press. But Agnew is a joke and one that gets a little less funny with every retelling.

One recent retelling took place while he was being kept safely out of the country so that the grownups could execute the Chinese gambit with as little embarrassment as possible. En route from Africa to assist at the anniversary celebration of the murder of the Spanish Republic, Agnew, serving as our goodwill ambassador to the chief murderer, took time out from these weighty concerns to give the press a penetrating analysis of black leadership in the United States and to offer a formula for improvement.

The trouble with American black leaders was that they were always carping and criticizing. (You could tell Agnew was off-duty because, had he been in full fig, their carping and criticizing would have been captious and contentious.) The way they could get improved, in the Agnewian analysis, was to take a lesson from the black leaders of Africa, some of them the vice president had just been visiting.

It's hard to choose between examining the suggestion from the point of view of the interests of the United States and from that of the interests of Spiro Agnew himself. Either way, the suggestion that American black leaders model themselves on those of Africa is a blueprint for disaster.

Broadly speaking and allowing for the occasional exception, black leaders of Africa fall into two categories, primary and secondary. The primary leaders are those who have led their nations into independent existence, chiefly by Mau Mau-ing the colonialists.

The secondary leaders are those who have taken over, almost always as commanders of armed forces who have betrayed the republics they were sworn to defend.

The carping and criticizing that so distress the vice president are the American genius. In other lands or other times, the oppressed and exploited eventually are driven to bomb the palace or to take to the hills with rifles.

In America, we have a different way. It's called carping and criticizing. It began with people like Samuel Adams and Thomas Jefferson carpingly criticizing George III and has continued to Eugene McCarthy carping Lyndon Johnson right out of the White House, to say nothing of Martin Luther King Jr. criticizing the country into the beginnings of racial justice.

Around Washington, the rumor persists that Agnew will indeed be replaced in the second heat, not by the administration but by himself, to take advantage of what are said to be irresistible offers from television to do his thing for pay.

His easy way with words, attractive physical appearance and total ignorance of elementary distinctions of thought, all qualify him for the tube. In the meantime, he is the only vice president we have. Let us pray for Richard Nixon.

PRESIDENT RICHARD M. NIXON EXHIBITS HIS CONCERN FOR PRISONERS OF WAR AND MEN MISSING IN ACTION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. TEAGUE of Texas. Mr. Speaker, as many in this body know, I have been vitally interested in the welfare and the future of our prisoners of war and missing servicemen ever since my first trip to Vietnam some 6 years ago. I have worked at great lengths with the wives and families of these men as well as all of our major veteran organizations.

Recently, I had the opportunity of discussing with Mr. Bill Timmons of the White House staff my great concern for these men during the present negotiations and I think the following letter which I have received from President Nixon should be of tremendous assurance to their families and to those in the country who might have felt that they have been abandoned.

WESTERN WHITE HOUSE,
San Clemente, Calif., July 9, 1971.

Hon. OLIN E. TEAGUE,
U.S. House of Representatives,
Washington, D.C.

DEAR TIGER: Bill Timmons has told me of his recent conversation with you concerning our prisoners of war and missing servicemen in Southeast Asia.

The plight of these brave men and their families is of the deepest concern to me, as it is to all Americans. Throughout our negotiations with the North Vietnamese and the Viet Cong, this issue has played a prominent part. In addition to our formal negotiations, we have also endeavored to enlist the assistance of many other nations throughout the world to intercede on behalf of these men on compassionate grounds. I am most hopeful that through these intensive efforts, we can soon achieve not only an honorable peace, but also the welcomed release of these valiant men and a true accounting of all those still missing.

I am proud and inspired by the courage and faith shown by the families of these men. Despite the anguish of separation and uncertainty, they have remained steadfast in purpose and have worked unceasingly to awaken the humanitarian concern of men of all nations. Their dedication has been a source of great spiritual strength to me and the country can indeed be proud of them.

I would like to assure you, as I have assured the families publicly, that our men will not be abandoned. My Administration shall persevere in this cause, sparing no effort to obtain the release of the prisoners and a strict accounting of those who are missing at the earliest possible time.

With every good wish,

Sincerely,

RICHARD NIXON.

THE LOCKHEED BILL IS NOT FOR SMALL BUSINESS AND DOES PROVIDE FOREIGN JOBS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. MOORHEAD. Mr. Speaker, two issues on which a good deal of confusion has been generated are: Does the Lockheed bill really aid small businesses? Is more foreign employment generated by the L–1011 than by the DC–10?

Fact Sheet No. 1 makes it abundantly clear that this bill is not a small business bill but is simply a smokescreen for bailing out not only the Lockheed Aircraft Corp., 24 of the largest commercial banks in the United States and some of the major air carriers in the country, but is also a bailout for additional major industrial corporations. In fact, very few small businesses are substantially affected by the Lockheed program.

Fact Sheet No. 2 concludes that ironically, the structure of the L–1011 program has provided in foreign countries nearly twice the number of jobs that it now is sustaining in the United States.

The two issues follow:

FOREIGN SUBCONTRACTORS SHARE OF THE L–1011

Both Lockheed and the Administration contend that the company's L–1011 airbus program holds such a prominent place in the nation's economy that irreparable damage would result from termination of aircraft production.

However, Lockheed displayed far less concern about the benefits the L–1011 could bestow on the nation's economy when it launched its airbus program. Data supplied by the company itself during the House Banking and Currency Committee hearing on the Lockheed loan guarantee legislation shows that foreign subcontractor costs amount to at least 24 percent of the overall price of each L–1011 produced.

Lockheed's Board Chairman, Daniel J. Haughton, testified that L–1011's will be priced at about $15 million when the planes go into production. Of that total $3.5 million will represent foreign subcontractors' share of the cost.

These findings have been confirmed by aerospace and civil aviation executives, engineers and technicians who conducted an exhaustive study of economic consequences of eliminating the L–1011 program. In addition to verifying the Lockheed data, their study showed that only 12 percent of the overall price of the McDonnell-Douglas DC–10, Lockheed's chief competitor in the airbus market, is reflected in foreign subcontractor costs. The group found that $1.8 million of the DC–10 cost will go to foreign subcontractors—almost entirely to one subcontractor, a McDonnell-Douglas subsidiary in Canada.

Moreover, Lockheed-supplied data shows that not only will a large part of the revenue generated by L–1011 sales flow out of the country, but in addition Lockheed's foreign subcontractors employ almost as many people as are directly and indirectly working on the L–1011 in the United States.

Haughton testified that a total of 33,800 people are working on the L–1011 or employed by that program's domestic subcontractors. Rolls Royce of England employs 30,000 persons alone to produce the L–1011 engines.

Ironically, the structure of the L–1011 program has provided in foreign countries nearly twice the number of jobs that it now is sustaining in the United States. Haughton has said that direct and indirect domestic L–1011 employment has been reduced to 15,800 since the beginning of the year. By the same token, production of the L–1011 will automatically mean a substantial division of employment between the United States and foreign countries. In sharp contrast with this, McDonnell-Douglas's DC–10 program work force is comprised almost entirely of United States taxpayers.

Obviously, termination of the L–1011 program and the switch of wide-bodied airbus orders to McDonnell-Douglas will mean increased employment in the United States.

DOES THE LOCKHEED BILL (H.R. 8432) REALLY AID SMALL BUSINESS?

Statements have been made that the Lockheed loan guarantee proposal, with its $2 billion potential commitment of the taxpayers' money, is a big business bailout bill. Others have claimed that this is not true, that H.R. 8432 is a bill to assist thousands of small businesses who are Lockheed suppliers. Figures have ranged from 1500 subcontractors on the L–1011 program to 35,000 for all of Lockheed's business.

The facts clearly indicate that practically all of the assistance being given Lockheed's subcontractors by keeping the L–1011 commercial jet program afloat would go to big businesses, not small businesses. In fact, this aid would go to a relatively small group of large industrial corporations who supply the bulk of Lockheed's subcontracting needs.

Information submitted to the House Banking and Currency Committee by the Treasury Department indicates that there are only 66 companies involved as subcontractors providing "developmental type equipment costing in excess of $2,500 per airplane" and providing "raw materials or non-development parts costing in excess of $10,000 per airplane." These 66 suppliers are currently furnishing $687 million worth of supplies to Lockheed for the L–1011 program. This is an average of $10.3 million per company. Clearly, this does not fall into the category of small business as most people understand the term.

This situation is even less "small business" than indicated above when one looks in more detail at the breakdown of subcontracting for the L–1011. The top 10 Lockheed subcontractors account for 75 percent of the total for the 66 principal suppliers. Of these top ten suppliers, seven are among the 300 largest corporations in the United States, and nine of the ten are in the top 1000. The contracts with these 10 companies range from $11.7 million up to $300 million.

It is abundantly clear from the above data that the claim that H.R. 8432 is a small business bill is simply a smokescreen for bailing out not only the Lockheed Aircraft Corporation, 24 of the largest commercial banks in the United States and some of the major air carriers in the country, but is also a bailout for additional major industrial corporations. In fact, very few small businesses are substantially affected by the Lockheed program.

LOCKHEED'S 10 LARGEST U.S. SUBCONTRACTORS

Name of company	Rank by assets [1]	Total commitments to Lockheed as of May 24, 1971
AVCO Aerostructures Division	81	$299,293,100
Menasco Manufacturing Co	(2)	56,722,000
Hamilton-Standard Division (United Aircraft Corp.)	67	38,732,600
Collins Radio	225	32,567,800
Sundstrand Aviation (Sundstrand)	250	25,423,500
Murdock Machine & Engineering Co., (CCI)	654	17,847,600
Sperry-Rand Corp	75	13,299,000
Curtiss-Wright Corp	300	13,027,000
Aluminum Co. of America	30	11,860,400
Instruments Systems Corp	912	11,784,000
Total		[3] 530,557,000

[1] Fortune Magazine, May 1971.

[2] Not available.

[3] 75.8 percent.

PREDATOR PROTECTION ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. ANDERSON of California. Mr. Speaker, I am reintroducing legislation today which would restrict the use of poisons—such as thallium, 1080, and strychnine—for predator control of our public lands.

Very briefly, the problem is this: wildlife, including endangered species, is being poisoned at an alarming rate on our public lands.

The Department of Interior presently conducts a poisoning program which last year killed 73,093 coyotes, 8,403 bobcats, 121 mountain lions, and 403 black bears.

However, many more animals were killed by State officials and local ranchers or were not discovered by Interior officials, and, thus, were not tabulated.

In addition to the Department of Interior poisoning program, States and local organizations conduct mass poisoning campaigns. Over the last 3 years, total sales of compound 1080 have averaged approximately 2,600 pounds annually. While the Interior Department uses 24 pounds, which when diluted in bait is sufficient to kill 73.4 million coyotes, a large part of the remainder goes to private individuals.

The poisons placed on public lands are not selective. Any bird or animal that consumes the tainted bait may die. Moreover, any bird or animal which consumes the vomitus or the carcass of an animal that fell prey to compound 1080 may also die. Thus, endangerd species, such as the eagles and the California condor, which feed on dead animals, are likely to succumb to deadly poisons that do not break down chemically.

Mr. Speaker, fortunately, there are other ways in which to protect livestock from predators. According to the League of Conservation Voters:

> Kansas and Missouri have programs to teach farmers and ranchers to trap the specific animal doing the damage, and those programs have proved more effective and less costly than efforts to wipe out an entire species. Predator losses in Missouri have been cut 80% since this program began, but cost only 5% as much as the Division of Wildlife Services program in Oklahoma.

This legislation would prohibit the placing of certain poison on public lands—lands owned by all the people of the United States. The public lands are not intended to be the private reserve of the ranchers to carelessly poison the wildlife that many of us would hate to see eliminated from the face of the earth.

If, in a specific instance, the Secretary of Interior, in conjunction with the Administrator of the Environmental Protection Agency, determines that it is necessary to set poison on public lands in order to kill an individual predator—such as a rabid coyote—they would have this authority.

I appreciate the support, the counsel, and the advice of many of my colleagues who have offered to cosponsor this legislation. A list of cosponsors follows:

Mr. Bingham of New York, Mr. Brademas of Indiana, Mr. Burton of California, Mr. Dennis of Indiana, Mr. Dellums of California, Mr. Edwards of California, Mr. Goldwater of California, Mrs. Grasso of Connecticut, Mr. Halpern of New York, Mr. Harrington of Massachusetts.

Mr. Hawkins of California, Mr. Hechler of West Virginia, Mr. Horton of New York, Mr. Kastenmeier of Wisconsin, Mr. Koch of New York.

Mr. Kyros of Maine, Mr. Lent of New York, Mr. Long of Maryland, Mr. Mazzoli of Kentucky, Mr. Mikva of Illinois.

Mr. Obey of Wisconsin, Mr. Peyser of New York, Mr. Preyer of North Carolina, Mr. Rees of California, Mr. Reid of New York, Mr. Rodino of New Jersey, Mr. Roe of New Jersey, Mr. Rosenthal of New York, Mr. Roybal of California.

Mr. Ryan of New York, Mr. Sarbanes of Maryland, Mr. Saylor of Pennsylvania, Mr. Tiernan of Rhode Island, Mr. Waldie of California, Mr. Wyman of New Hampshire.

REMARKS OF MR. TED JOHNSON TO THE KIWANIS INTERNATIONAL CONVENTION

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. BROTZMAN. Mr. Speaker, on June 28, 1971, Mr. Ted Johnson of Colorado gave his president's address to the Kiwanis International Convention in San Francisco. Because I have had occasion to talk with Mr. Johnson about the Kiwanis program during the past year, I was most interested to read his message on his year as the head of one of the world's fine voluntary service organizations.

The speech contains considerable food for thought; not only for Kiwanians, but for all Americans. Consequently, I am pleased to insert some of the highlights of the speech into the Record for the benefit of my colleagues.

The speech follows:

Address of the President, June 28, 1971

President-elect Wes; my colleagues on the Board; Distinguished Past International Presidents; Gentlemen and Ladies of Kiwanis; my own family; and guests at this great San Francisco Convention.

A year has passed since I stood before you in Detroit, accepted the responsibility of this office and promised that, God willing, I would do my best. The proof of any pudding is in the eating, and you must be the judge if this year is to your liking. Three-fourths of our administrative year is now past, and it is only fair that you should know what has transpired.

On two occasions it has been my honor to visit with President Nixon. In February a private discussion in his office at the White House, and again in April as a member of the Board of the National Center for Voluntary Action. The President is well aware of what we are doing, and his interest in Kiwanis has not waned in spite of the pressures of his office. Plans are proceeding to meet with the Premier of Canada in Ottawa during September.

It is thrilling to stand before you tonight and address each of you as dear, dear friends—friends who travel the same path of community service, determined to "reverse the trend" and to improve the quality of life. A president has never served with such tremendous support as has been mine this year. Every one of our thirty governors and each member of the International Board has worked overtime to make this an unprecedented year for all to remember.

As one pursues this course he is constantly reminded of the tremendous effort that is expended in the name of Kiwanis, and in the interest of the community. From our newest club and the youngest member to our founder Harry Young and the "daddy of us all" the Detroit #1 Club, there is devoted interest in seeing that the impact of Kiwanis is felt and recognized. We have taken on a new vitality and a reason to exist with our Major Emphasis Programs, with an increasing pride in Kiwanis membership as we experience a rebirth of dedication to and respect for our objects and what they mean to Kiwanians and Kiwanis everywhere.

We have learned that to succeed we must be relevant—and in that relevancy we are no longer just giving lip service, we are practicing what we preach. We have had the initiative to start, and the ability to back up and support programs that are meaningful, not only to our own communities but to the whole world. Why did fate dictate that we should get into Operation Drug Alert and the Environmental Programs? Was it that we knew deep down in our hearts what was good for all of mankind? And, that there was no better time to start than—right now? It is interesting to note that Drug Abuse and its treatment is of the highest priority at National Government level today. One could, if so inclined, get heady over the accolades that have been heaped upon us in recognition of our collective efforts to improve the quality of life. The lessons learned and the manner in which information is disseminated is superb, and millions, not yet born, will benefit by what we have started.

We might ask—what then remains to be done? Well, my friends, we have just begun the task—a task that will be with us as long as we live. The behaviour of man is unpredictable, and the future we can only guess, so while the best we can do is probably not enough, with determination and resolve—we can and we will make this a better world in which to live.

Proudly I have waved the flag this year because world wide we are confronted with incidents. Incidents that could happen only in our great lands where Freedom is a birthright. Too many are mistaking freedom for license of self expression, with everything being permitted under its guise. Recently it has been brought to our attention that to require respect for our flag and to pledge allegiance to it violates a person's rights under the Constitution. Well—I am only one voice— but I say that if any member of Kiwanis, Key Club or Circle K refuses to pay respect and homage to the flags of our nations, then he has no place in our great family of organizations. To me it is not old fashioned to be patriotic and I hope that I would be struck down dead when I do not thrill at our anthems, or the flags passing in review, or if chills no longer run up and down my spine when our colors are posted as they were last night.

Many, many times you have expressed your alarm at what our children are being taught. We all must ask—Are they getting a good liberal education? Or, are they getting a superb education in liberalism? There is a big difference and that difference may very well dictate the future of our countries. Kiwanians everywhere are concerned that many public and tax supported educational institutions not only condone, but teach anarchy and disloyalty, upheaval and overthrow. Think about that.

Even though we have done much to combat indifference and apathy there is still much to be done. We see our countries torn by strikes and disturbances of every kind. Is this necessary? Or have we been reduced in our thought processes to the point where we rationalize and permit anything just so long as it doesn't interfere, disturb or interrupt our own selfish way of existence? My friends, our existence is at stake as every day we see more and more of our freedoms eroded. All of us must be willing to stand up for what we believe and speak out. I have represented Kiwanis this year in sessions where it was plainly said that—the family, the basic unit of society is passé, and that some agency can raise our children better than we. Where was it that this same line was propagated and applied? Remember—it was not too long ago that we decried such action as inhuman—yet right here we are being exposed to such ideology. For some old fashioned reason I still believe that the best government is one that is servant to the people and not vice versa, and I will always believe that the family is the basic unit of society and that this generation and others to follow will be better for parental guidance and discipline. It is in the home that children should first be taught respect, love and the dignity of man.

The incidents created and the problems we face are ours to solve. As long as we stay strong, keep informed on issues and face them we have no reason to fear for the future. Here we are—a sleeping giant—and we are only one of the many Voluntary Organizations whose principles are based on the fatherhood of God and the brotherhood and dignity of man. The world is crying for Leadership to deliver us from this age of rationalization—where every ill can be rationalized and permitted under the banner of Freedom. Where else could such be permitted except here in our lands of precious freedoms?

Kiwanians have always been doers; we have made our reputation by rolling up our sleeves and digging in, with no task too small or too large.

Well—we have our work cut out for us, and I appeal to you to put first things first, as we "Reverse the Trend." Let us assume our rightful place as leaders of men in our communities. Let us exert and practice Parent Power, where the family is the source of discipline, respect and dignity.

Let us stand up and speak out for what we believe.

God Speed you Leaders of Men. There is much to do and little time to do it.

CLOSING SCHOOLS FOR BUSING DOES NOT MAKE LOGIC

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. COLLINS of Texas. Mr. Speaker, this morning's mail brought a typical letter that is hard to answer. With the busing issue on in Dallas, it has been suggested that different schools be closed.

This young man, who wrote me, graduated 2 years ago. He is proud of Tech, just as all of our citizens are. Read this letter and if you have any logical explanation, I would appreciate your expression. Here is this morning's letter from John L. Fulce of 2116 South Harwood, Dallas, Tex.:

> When I graduated in 1969, from Crozier Tech High School, you sent me a certificate and a letter, saying if I ever needed you just write you a letter. Well, Mr. Collins, I now need your help very much. It was proposed by Dr. Nolan Estes, Superintendent of the School Board, that Crozier Tech would be closed down.
>
> Mr. Collins, I most definitely am not the type to just stand by and let this terrible thing happen.
>
> Crozier Tech right now has an almost perfect balance in races, blacks, whites, and browns. It also has had no great things said about it, only heresay bad things. It has an almost perfect unity between the races, and a fellowship to each and everyone of the students.
>
> Mr. Collins, as you probably know, Crozier Tech is the first and oldest of all high schools in Dallas. It is such a place, that should be honored, not torn down, and especially for some very unfactual reasons.
>
> The point I'm trying to make is . . . on July 26th, I called your Dallas office. I talked to a young lady who works for you, and also admires you a great deal. She also agreed to what I was saying. She told me to get in touch with you, and see if you can help *us*.
>
> On August 8, 1971, at 2:00 p.m., in front of Crozier Tech High School, there will be a rally held in protest of closing down Crozier Tech and various high schools.

CONGRESS MUST ACT FOR METRICATION

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. McCLORY. Mr. Speaker, the final report on the U.S. metric study conducted by the National Bureau of Standards of the Department of Commerce reached me today. As one who has supported a program of conversion to the metric system, I want to commend this report to my colleagues and to the people of the Nation. The recommendations of the Secretary of Commerce set forth in this report deserve our early attention and prompt action.

Mr. Speaker, as I have noted on this floor at other times, ours is one of the few remaining nations in the world today which does not now utilize the metric system as a basic system of weights and measures—or which has not yet established a program for conversion to the metric system.

Mr. Speaker, the development of international agreements on uniform standards suggests the need for our early action in order that we may fully participate in such international agreements and fill a complete role in world trade and commerce in accordance with those international standards which apply in virtually every other nation of the world.

Mr. Speaker, the cost of conversion to the metric units of measurement has been the roadblock to conversion at earlier periods. The cost will be greater today than if we had converted at an earlier time but delay will contribute to even greater costs. At any rate, the added costs which will result will be shared by all. They may cause temporary diminution of profits in some cases but in general the consumer, the purchaser, will pay for the temporary added costs which will be incurred. Indeed, there are many reasons to believe that in the long run costs will be reduced and many long range economic advantages will be secured. It should be pointed out that in many cases of conversion in Great Britain new methods of manufacturing and modern techniques have been adopted which have resulted in reducing the costs of manufactured products. To some extent this is bound to follow in our Nation.

Mr. Speaker, I have not yet completed reading the full report. However, my initial examination leads me to the conclusion that it is objective, realistic, and deserving of early attention and action by the Congress.

In accordance with the letter of communication from Secretary of Commerce Maurice H. Stans, it would appear incumbent now upon the Congress to devise the legislative means by which a program of metrication may be carried out within a time frame with which American business and industry can comply and which can serve the best interests of our Nation and of the world.

WATER POLLUTION CONTROL LEGISLATION NEEDED IMMEDIATELY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. VANIK. Mr. Speaker, recent newspaper articles have reported that the increasing pollution of many of the Nation's waterways is beginning to threaten the health quality of the water on which we all depend. It is obvious that we must do more, immediately, to stop pollution and clean up our waterways.

As an example of the type of pollution control legislation which we need, I would like to enter in the Record at this point my testimony, presented today, to the House Public Works Committee. The committee is in the process of developing a comprehensive water pollution control bill, and it is my hope, Mr. Speaker, that this Congress can enact a truly strong water pollution control law which will meet and solve the environmental crisis facing our Nation. The statement follows:

Statement of Congressman Charles A. Vanik

Mr. Chairman, members of the committee, I appreciate this opportunity to appear before this distinguished committee.

I have several points I would like to briefly raise before your committee.

First, *I believe that the waste treatment construction grant formula should be changed. The Federal Government's share of each project's cost should be increased.*

I have introduced legislation, H.R. 4010, to increase the maximum level of Federal grants from 50 or 55% to 70%. This would leave 30% of the cost on a project which meets state water quality standards to be borne by a combination of state and local governments.

I believe that this legislation is necessary because the burden of constructing necessary and demanded waste treatment plants is becoming more and more onerous—and this is particularly true in urban areas where antiquated and inadequate sewer and pollution control facilities desperately need up-grading but are prohibitively expensive.

This can be seen by the fact that up to now sewage control construction has not gone to the areas with the largest sewage problems. According to the Environmental Protection Agency, between the inception of the waste treatment constuction program in 1956 and last November 30, cities of more than a quarter of a million—which in 1970 accounted for about 21% of the population—received only 29% of the total number of construction grants and 12.2% of the construction money. At the very moment when our large cities face their most critical financial crisis, they are being instructed to construct new and improved pollution control facilities.

A typical nightmare example of the financial situation facing the large cities can be seen in the urban area which I represent, Cleveland, Ohio.

On December 10th, 1970, the Administrator of the Environmental Protection Agency gave Cleveland, Detroit, and Atlanta 180 days to take necessary action toward stopping water pollution. There is no doubt that the City of Cleveland is a major polluter and that it needs to take action. As Mr. Ruckelshaus noted in his 180 day warning, "Cleveland—is behind the implementation schedule with regard to primary and secondary treatment facilities. The combined sewer system of the City of Cleveland is a major contributor of pollutants into Lake Erie, pouring raw and partially treated sewage from 700 points of overflow into the lake and area streams." On June 11th, EPA announced that Cleveland had agreed to take necessary steps to correct its deficiencies. The agreement calls for advanced waste treatment capable of removing between 95 and 99 percent of impurities from wastes at Cleveland's Southerly plant as well as 92 percent phosphorous removal by May 1, 1972. A high degree of secondary treatment will be required at the city's other two plants—Easterly and Westerly—with 89% phosphorous removal required at Easterly by December 31, 1971, and Westerly by 1973. All plant construction in Cleveland is to be completed by September 1, 1975, with the final hook-up of sewer extensions to 32 suburban communities set for December, 1977.

Since that announcement was made, Cleveland has suffered another expensive set-back in its pollution control efforts. On June 25th, the Cleveland Easterly Treatment Plant, a $30 million facility under-going a $13 million up-grading experienced a water back-up which flooded the plant to a level of 14 or 15 feet. Expensive machinery was damaged, but even worse, 5 million gallons per hour of raw, untreated sewage was by-passed directly into Lake Erie for nearly a week. Despite round the clock efforts, the plant was not able to return to full treatment of wastes until about July 13th. The coliform count at some neighboring beaches went up to 1300—over four times the level permitted by the Ohio Health Department. Beaches as far East as Erie, Pennsylvania were closed. The cause of the accident is still unknown but part of the problem probably lies in the fact that this facility is nearly 35 years old. It has reached the age where breakdowns can occur anytime—thus Cleveland not only has to expand its facilities, it must improve its existing ones.

But the City is incapable of financing the needed facilities by itself. In the next four years alone, Cleveland and its suburbs' primary and secondary treatment needs are estimated at $226 million with an additional $311 million for desperately needed interceptor and storm sewer needs.

Yet Cleveland, which has approved a $100 million bond issue for water pollution control construction, faces a budget shortage of $6.5 million in this year's operations. The taxpayers of Cleveland, who have had a recent drastic increase in the assessed value of their property, have seen the tax rate escalate beyond toleration. The people are up to their ears in taxes. As a result, a vote on increasing the city income tax from 1% to 1.8% was defeated last November, and in a special election this February 2, an attempt to increase the tax from 1% to 1.6% was again defeated. Because of this defeat, from the beginning of the year, nearly 1500 employees of the City have been laid off. Vital, fundamental city services are being curtailed; sanitation service is deteriorating; 193 policemen were laid off July 1st; recreation services are being cut—yet we are being asked to spend over half a billion dollars on pollution control.

I might add, Mr. Chairman, that there is virtually no help coming from the State in the foreseeable future.

The need for the Federal Government to assume a larger burden in meeting these pollution control costs is self-evident—and immediately needed.

At the present time my Committee on Ways and Means is in executive session considering revenue sharing. A number of witnesses who appeared before the Committee suggested that instead of revenue sharing, the Federal government should assume a larger proportion of the cost of constructing such items as treatment works. They pointed out that additional Federal aid in this area would be one of the most helpful things that the Federal government could do in meeting the fiscal crisis facing localities all across the Nation.

While the present—and proposed Administration—grant formula ranges, on the average, from 30% to 55% of cost, Federal aid has fallen far below this level. The National League of Cities and the U.S. Conference of Mayors has noted that in fiscal year 1970, cities over 50,000 in population received only $234 million in Federal assistance toward $1.3 billion in eligible project costs. This comes out to an average Federal participation of only 18 percent. Late in fiscal year 1971, Federal participation had risen to about 23 percent—"far below that assumed when the grant-in-aid program was initiated." EPA in testimony before the House Appropriations Committee said that under new legislative proposals, the cost to the Federal government of the Administration's proposed $12 billion dollar construction program would average 48.5 percent—hardly adequate when one considers the financial problems of our cities.

I might add that there is a corollary to this point. If the Federal Government picks up a larger share of the cost of constructing each plant as a form of *directed revenue sharing,* then it follows that the authorization for Federal construction money must be higher.

Starting with fiscal year 1972, the Administration, in H.R. 5962, is requesting an authorization of $6 billion divided equally over each of the next three fiscal years. The Administration says that at the end of 1970 they surveyed the Nation's municipal waste treatment needs and found a need for $15 billion through 1974. I believe that a more adequate statement of need is provided by the National League of Cities and U.S. Conference of Mayors. The groups' survey covered 1105 communities covering about 95 million persons. Interpolating from this figure and taking account of factors such as inflation, the storm water overflow problem, and the need to extend sewage service to 45 million Americans in urban areas that are not served by sewers, the group finds that between $33 and $37 billion is needed in the next five years. Given the stiffening of water quality standards and increased pressures on local communities to conform to these tough standards, I am sure that this figure is closer to reality than the Administration's study.

To meet this need, I urge that your Committee report a higher level of authorization than is provided by H.R. 5962. I am a co-sponsor of a bill introduced by Representative Dingell (H.R. 6722) which would provide $5 billion over each of the next five years. Assuming a better Federal grant level of 70% and a need of $35 billion in construction, H.R. 6722's $25 billion authorization would meet the Nation's needs and indicate our commitment to truly meeting the pollution crisis.

In addition, I am concerned about the new formula proposed by H.R. 5962 for allocating grant money among the respective states. The new formula provides up to 25 percent of the appropriation to be allotted to those States which have "existing reimbursables" for which full grants have not been made because of lack of Federal funds under current and prior appropriations.

These reimbursements are "due" to the States which have moved ahead on their own to meet their pollution problems. We ought to provide an authorization and an appropriation to pay these states and localities immediately. I hope, however, that it does not become part of the grant formula. If it does it will relatively reduce—often substantially—the level of funds available to 41 of the 50 states—including all of the lower income states which have not been able to independently finance construction projects. Under the Administration's authorization-appropriation level of $2 billion, there will be 2.25 times as much money available in this fiscal year as compared to the last fiscal year. In fiscal year 1971, Ohio received $40.8 million. In fiscal year 1972, it should receive 2.25 times as much or $92 million. Because of the reimbursement factor in the Administration's proposed allocation formula, however, she will only receive $79.5 million. Again, let me repeat that the states which have moved ahead on their own should be reimbursed. I would simply hope that it could be done all at once or through the excess money which might be provided by the proposed $5 billion authorization contained in H.R. 6722.

The second point I would like to make relates to Pollution Disaster Areas. I have introduced legislation (H.R. 6898) to provide for a pollution disaster fund to deal with pollution accidents—such as the Santa Barbara and San Francisco Bay spills—and pollution disaster areas—such as Lake Erie, San Francisco Bay, and New York City Harbor.

I first introduced this legislation in the 91st Congress with 29 co-sponsors. This year I introduced it with a number of changes. Basically the bill creates a revolving fund of $1 billion to be spent on areas where there has been a pollution accident or where it is declared that there is a pollution disaster area. A pollution disaster area is defined as any area of the United States, the continental shelf, or the Great Lakes, in which the water is in immediate danger of becoming unsuitable or harmful for the uses to which it has been traditionally put because of the accumulation of pollutants or other human-induced changes in the environment and ecology, and which is beyond the clean-up capability of any community or the individual states. Under the bill, such an area would be eligible for waste treatment construction grants at a Federal support level of 90%, and low-interest loans to small business would also be available. In addition, to this assistance, and immediate clean-up assistance, other forms of aid might be available.

For example, to save Lake Erie, which certainly deserves to be called a disaster area and which needs a massive input of assistance, it might well be worthwhile to provide massive aeration of the major tributaries flowing into it—such as the fire hazard known as the Cuyahoga River.

There are any number of rivers, lakes, bays and estuaries that could be eligible for assistance and must be saved if we are to save our Nation's environment. There can be no question that whole areas are becoming dead seas. The Eastern basin of Lake Erie is only one example. Presently, approximately 8% of the Nation's shellfish grounds have been declared unsafe for harvesting and human consumption purposes. As of January 10th of this year, the Environmental Protection Agency listed some 91 beaches in the United States as closed or posted as polluted. These are areas that can be and should be called environmental disaster areas. To solve the problems of these areas will take a special commitment. We need to make that commitment now.

My third and final point relates to assistance under EPA programs to cities which need to separate storm and sewer systems. I have introduced legislation, H.R. 9764, which has been referred to this Committee, which would allow a fifty percent grant by the Federal government "for a project for separation of storm and sewage facilities so as to prevent the flow of untreated or partially treated sewage into any of the navigable waters of the United States during or after heavy storm flows." The separation of storm and sanitary sewers is an important—and expensive—aspect of combatting the problem of pollution. As I indicated earlier, the cost of constructing such facilities in my county alone may be over $300 million. The present basic water and sewer grant program in the Department of Housing and Urban Development is totally inadequate.

In the last year, HUD funded only forty separation grants for a total cost to the Federal government of $28.2 billion. The water and sewer assistance program of HUD has been consistently underfunded. The National Association of Counties estimated that in June of 1970 there were 4,308 unfunded grant applications with a total project cost of $5.5 billion. Not all of these, of course, are separation proposals, but the figures give an indication of the need. The fiscal year 1972 appropriation for HUD basic water and sewer grants will probably be $700 million—but new applications are coming in all the time. In addition, very few of these grants go to the big cities which generally have the most serious combined storm and sewer problem. For example, since fiscal year 1968, $660 million in water and sewer grants have been made, but only $35 million of this amount has gone to cities of half a million and over—this amounts to 5.2 percent of the total grants. I would hope that the Committee could consider extending EPA assistance to this type of project so that we might truly attack all aspects of the pollution problem.

Thank you for your time.

"LEST WE FORGET"

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved.

I insert the name of one of the missing.

Maj. John Wayne Held, U.S. Air Force, FR49874, San Antonio, Tex. Married and the father of four children. The son of Mr. and Mrs. John Held, Elwood, Ind., 1958 graduate of the U.S. Naval Academy. Officially listed as missing in action April 17, 1968. As of today, Major Held has been missing in Southeast Asia for 1,198 days.

CUSTOMS SEIZES $500 MILLION IN NARCOTICS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1971

Mr. ROBISON of New York. Mr. Speaker, I have reported before, here in the RECORD, on the fine job that the Bureau of Customs has been doing in combating illegal drug traffic. I was very pleased, therefore, to note in the New York Times of July 26 that nearly $500 million in narcotics has been seized by U.S. Customs in the year ended June 30. Again, the Customs Bureau is to be commended for its fine record, and I am pleased to call the following article to my colleagues' attention:

$500 MILLION IN NARCOTICS SEIZED BY CUSTOMS IN YEAR

(By Felix Belair, Jr.)

WASHINGTON, July 25.—Narcotics worth nearly half a billion dollars were seized by United States Customs in the year ended July 30 and included 937 pounds of heroin worth $409 million on the street, the Bureau of Customs announced today.

The heroin, taken in 503 separate seizures by Customs inspectors and investigators, was more than the total intercepted in the preceding eight years, according to Commissioner Myles J. Ambrose. In the preceding 12 months, there were 200 seizures totaling 46 pounds.

"These record-breaking figures point up the fact that intelligence operations by our special agents, coupled with the intensified inspection of persons, baggage and cargo by the Customs Service at ports of entry, are bearing fruit on an escalating scale," Mr. Ambrose said.

"We are hopeful that the combined actions by Customs, other Federal agencies and state and local police will further tighten the squeeze on drug smuggling and eventually choke off the supply."

In the same 12 months ended last June 30, Customs agents seized in 176 hauls 360 pounds of cocaine that had a street value of $49.2 million. In the preceding year, there were 88 seizures of 108 pounds of cocaine. Customs figures the street value of heroin at an average of $6 a dose and cocaine at about $7.50 a dose.

Marijuana and hashish seizures also jumped during the 1971 fiscal year and brought to $492,512,598 the street value of the four major types of narcotics taken during the period. The value of opium and other seized drugs like LSD brought the total to nearly the half-billion-dollar marks.

The 1971 fiscal year saw the first expansion of the Customs Service since the Presidency of Calvin Coolidge. The number of inspectors at ports of entry was increased from 2,500 to 4,500 and the number of investigators from 334 to 800. Another 1,500 inspectors and 250 investigating agents will be added by the end of this calendar year.

Seizures of marijuana increased from 4,115 for the fiscal year 1970 to 5,953 in the year ended June 30, and the volume taken jumped from 104,304 pounds to 176,408 pounds. Hashish seizures went from 646 to 1,395 and from 3,121 pounds to 3,163 pounds, Customs figures showed.

Opium seizures had been declining in recent years, but in the period ended last June there were increases in the number of seizures and the volume taken. The volume was 38.2 pounds in the latest period from 141 seizures compared to 42 seizures and 20.6 pounds in the fiscal year 1970.

Several factors contributed to the increased capability of Customs to crack narcotics smuggling operations during the year. One was an adminstrative agreement restoring its ability to work with foreign enforcement agencies and develop its own intelligence sources overseas.

But the most important contributing factor was the increased manpower voted by Congress, which permitted inspectors and agents to devote more attention to individual travelers, baggage and cargoes.

More intensive inspection techniques paid off only two weeks ago in New York when the son of a Panamanian diplomat was apprehended while attempting to push several suit-cases containing 175 pounds of heroin through J. F. Kennedy International Airport on a diplomatic passport.

An alert inspector noticed that the passenger was ticketed through to Paris while his baggage had been tagged for unloading at Kennedy. He was seized on the spot, and a confederate who already had been passed through the line was observed on the balcony level taking in the proceedings.

Customs officials arranged with the telephone company to delay any calls to Panama City for an hour and to report the location of the calls. Twenty minutes later the company reported a call placed from a public phone at Eighth Avenue and 42d Street. Agents arrived at the scene in seven minutes and took the confederate into custody.

The two implicated four others, who were arraigned the next day. The heroin had a street value of up to $27-million and was the largest suit-case seizure on record.

The largest heroin haul in the fiscal year 1971 was made in San Juan, Puerto Rico, and was also the largest in the 182-year history of the Customs Service. A search of an automobile uncovered 247.5 pounds of pure heroin in hidden compartments.

"CHANGE, ANYONE?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. ASHBROOK. Mr. Speaker, it is total self-deception, in my opinion, to expect that the opening of contacts between the United States and Red China portends true friendship or cooperation in the future. Certainly President Nixon's acceptance of the invitation to visit Red China can be viewed as a breakthrough, but whether the proposed meeting will bear fruit is another matter.

Quite frankly, I am not convinced that normalization of relations with China should be our goal, given the history of Red China and the true posture of the Chinese Communist Government. Unfortunately, those who hail the President's upcoming visit as a dramatic coup laden with hope must fail to recognize that the Peking Government still represents a self-selected, self-imposed and self-perpetuating tyranny over 800 million Chinese people.

Strange indeed that the United States would disregard the tyranny that exists under the Red Chinese regime at the same time it allows its relations with other countries to be governed by internal political conditions in those nations. Look, for example, at our refusal to recognize or deal with Rhodesia. Yet the fact remains that Communist China is one of the most repressive nations in the world.

Most puzzling to me is this question: On what concrete change in the position of the Communist Chinese is President Nixon predicating his reversal of policy? Surely, it cannot be based on a few ping-pong games.

Let us look at what presidential candidate Richard Nixon said in New Hampshire on February 28, 1968:

> Why do we resist the Chinese coming into the United Nations? It is because they at the present time are engaged in a course of aggression against members of the United Nations and they do not qualify as a peace loving nation, in effect, as the United Nations charter does require.

In September of that same year, candidate Nixon said over a Milwaukee, Wis., radio station:

> Any American policy toward Asia must come urgently to grips with the reality of China. This does not mean, as many would simplistically have it, rushing to grant recognition to Peking, to admit it to the United Nations and to ply it with offers of trade—all of which would serve to confirm its rulers in their present course . . .

I can understand when a public official changes his position in light of changed circumstances. Although personally steadfastly dedicated to sticking by principles, I do not advocate nor do I practice blind adherence to what might become a fossilized position in the face of progress or changed conditions. But what changed conditions can the President point to in justifying his 180 degree turn from isolating Red China to friendly, conciliatory gestures? What evidence is available showing that Red China is any less aggressive and anti-American than it was when Richard Nixon was running for the Presidency? There has been no change whatever in the bitter Communist Chinese attitude toward the United States.

China remains an unpredictable, aggressive and dangerous country, consistently flouting international law. The implacable antagonism of Red China's regime toward the United States is clear to anyone who does not have his head in the sand. Ping-pong diplomacy notwithstanding, the country is drenched in anti-American propaganda. Two weeks after the smiling welcome given the American table tennis team, virulent anti-American slogans were shouted in the streets of dozens of Chinese cities on May Day. Every Chinese Communist propaganda organ denounced "U.S. imperialism" as the "common enemy."

Perhaps the massive propaganda assault in this country from the left and from Red China has deluded some into believing the situation has changed. The climate may be improved, but the basic situation has not changed. The leaders of Red China hate the United States. If they do in fact want U.S. recognition, it is only for whatever advantage would accrue to them. Peking's leaders have merely decided that Chinese national interests supersede ideology for the moment. Those who are banking on any benefits to our country stand to be sorely disillusioned.

VIEWS OF UNITED METHODIST CHURCH ON ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. HOGAN. Mr. Speaker, there recently appeared in the CONGRESSIONAL RECORD a statement issued by the Methodist Board of Social Concern. This statement called upon the United Methodist Church to advocate the removal of all restrictions governing abortion.

Because of the serious split in many Protestant denominations and because of my own strong feelings with respect to the basic humanity of the unborn child, I would like to take this opportunity to present the other side of the coin.

Paul Ramsey, a Methodist theologian, wrote an article for the summer, 1970, issue of Religion in Life. "Feticide/Infanticide upon Request" deftly parries the remarks of the Methodist Board of Social Concern. Mr. Ramsey has made a strong defense against the liberalization of abortion laws—both from the medical and from the moral point of view.

I insert this article in the RECORD at this point for the perusal of my colleagues.

1. FETICIDE/INFANTICIDE UPON REQUEST

(By Paul Ramsey)

We as United Methodists affirm the sacredness of persons. Personhood develops as one is loved, responds to love, and in that relationship comes to fullness as a child of God.

Since personhood is more than physical being, we affirm that the fetus is not a person, but rather tissue with the potentiality, in most cases, for becoming a person, also recognizing that personhood is not possible without physical form.

We call upon The United Methodist Church, its Boards and Agencies, and our common society to: . . . Assist the states in removing the regulation of abortion from the criminal code, thereby placing it under regulations relating to other procedures of standard medical practice. The decision, then, would be solely in the hands of the patient and her licensed doctor.—Statement on Responsible Parenthood, adopted by the Methodist Board of Christian Social Concerns, October 8, 1969.

What do these statements mean? What do they now entail? What practices do they lead to? What are the Christian warrants for making any such statements? What, if any, are the medical reasons on which to base them?

These questions need urgently to be pressed—since this must be the first time in the history of religion (certainly of Christianity) that some of its leading spokesmen have endorsed the "tissue" interpretation of unborn human life.

Perhaps the remaining states should "liberalize" their abortion laws, following the 13 that have already done so. Perhaps the law should simply absent itself from the regulation and control of abortion. But when did it become the church's chief business to assist the states in so doing on the narrow grounds that this is solely a medical problem to be decided by a woman and her physician? Wiser were the words of Dr. E. Fuller Torrey of Stanford University in the introduction to the book he edited on *Ethical Issues in Medicine:* "Abortion is no more purely a medical problem just because the physician wields the curette than chemical warfare is purely a problem for pilots because they press the lever releasing the chemical."[1]

Perhaps the woman and her physician should have the casting voice in this matter, or alone be the persons to decide. Even so, unless we mean still further to evacuate a Christian view of things from this civilization and from our churches, our chief concern should be to address and clarify the question of the morality or immorality of abortion. How else will physicians and their patients, if they are striving to lead a Christian life have sustained or formed in them a proper conscience on the matter?

This the "tissue school of thought" can never do. That viewpoint simply declares that there is no moral problem because there is only one patient of medical care. Instead of "traditioning" to ourselves, our congregations, and our children some Christian comprehension of the fact that life at its maximum helplessness, which exists wholly at the mercy of others, most claims protection, are we now systematically to go about brainwashing sensitive women and physicians, our fellow churchmen, with this grossly miscalled "liberal" opinion?

In this connection, it was refreshing to read recently a scientist (biophysicist) at Michigan State, the late Leroy G. Augenstein, who was able to write quite simply that "as a practicing *Protestant* I believe that a fetus is a life."[2] That was a man whose knowledge of his religious and moral heritage was not taken from the newspapers, nor gathered from committee morality.

There is no Protestant theologian who has given prolonged attention to the morality of abortion, and brought to bear on that question the whole idea of God and man as we Christians know it, who could believe his eyes upon reading the statement on responsible parenthood now issued in the name of one denomination of Christ's people. Karl Barth in *Church Dogmatics*, (III/4, pp. 415–23), Helmut Thielicke in *The Ethics of Sex* (pp. 226–47), and Dietrich Bonhoeffer in *Ethics* (pp. 173–83), may be instanced to

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Footnotes at end of article.

show that never before has Protestant theological ethics subscribed to the nethermost estimate of nascent life which we are now invited to hold as truth. That dreadful premise does not even underlie the defense of a more extended practice of abortion made in an excellent study pamphlet issued by the Church of England several years ago.[3]

If I had the "gift" of "teaching" (I Cor. 12:28), I would urge that these documents and others within hailing distance of the common Christian respect for the sanctity of nascent life are the ones that should be studied in the churches, if ever there is hope of moral renewal. Then might our officebearers be able to speak for us, and to us, a lively ethical word, even when there is a drought of the faithfulness of God in the land generally.

It may also be asked, "What became of the ecumenical age and spirit?" Should not the call be for United Methodists, their boards and agencies, to seek together with, say, Baptists, Lutherans, and Catholics until together we find, if possible, a common Christian word to speak on the matter of the morality of abortion? Instead, new fissures are being opened that will not soon be bridged with our fellow Christians.

In the unlikely event that United Methodists come to believe what is here proposed to us, it would thereafter be impossible for us to be ecumenically open to the best even of Jewish teachings. True, Judaism teaches that only after birth is there certainly a human life, certainly a *nefesh adam*. Before that, the fetus is not certainly a *nefesh adam*, or even is certainly not. True, Jewish teaching speaks of the fetus as a "part" of the woman's body; but a most unusual and a precious part, not "tissue." There was rather a holy awe in the presence of unborn life, signally expressed in the fact that to save a fetus was, no less than saving a conscious, breathing human being, sufficient reason to violate the most holy days of Jewish celebration, the Sabbath and Yom Kippur.[4] If the fetus title to be born is so weighty, then some of the not unimportant claims of breathing lives (of "persons") may not be morally overriding. At least, there is a possible conflict of duties in deciding about abortion.

Churchmen seem to have a penchant for saying today what the surrounding culture said twenty-four hours earlier. Clearly, that word is "feticide upon request." It has already been spoken. Possible warrant for this position, however, in Christian morality—the law's permission ought not primarily to concern us—cannot be imagined. Instead, one cannot imagine a clearer case of acculturated Christianity, or rather the abolition of Christian teachings and their replacement by secular timeliness and social problem-solving (i.e. solving other problems by means of abortion) in a medical-technological and an increasingly pagan age.

I

Here are some of the facts that are obscured or ignored in our contemporary attempts to justify the discretionary liberty of conscious human beings to destroy unborn human lives. The fetal heartbeat can be heard by an ordinary stethoscope between the sixteenth and twentieth week of gestational life. Heartbeat can be monitored via the mother as early as twelve weeks, and it is known that heart pumping starts by the end of four weeks, at about the time the mother begins to wonder whether she is pregnant or not. While "quickening" may occur to the mother's perception between the twelfth and sixteenth week, the fetus is capable of its own spontaneous motion at ten weeks and it responds to external touch or stimulation much earlier. All essential organ formations, except limbs, are present at eight weeks; the human being in the womb is by then an integrated human organism. All that comes later is growth of these essential features of the human being within the womb, not the development of something new.

Tissue, anyone?

Notably, there is a readable electrical activity of the fetal brain at eight weeks. "Thus, at an early prenatal stage of life," writes Dr. Hannibal Hamlin, "the EEG [electroencephalogram] reflects *a distinctly individual pattern that soon becomes truly personalized,*" in contrast to readings of heartbeat and other tests for life.[5]

We must surely insist upon a reasonable consistency in the criteria of life and death that should regulate disposal of fetuses and of terminal cases in this age when many people want to get rid of both. If the "breath of life" (respiration) is today taken to be the crucial evidence that a woman has a child or that a man and a woman have become parents (i.e. at "birth"), why should breath be more and more minimized among the tests for telling whether that same child grown up and now terminal is still alive? If EEG is to determine the moment of death, it would seem that EEG should be decisive in determining the moment of life's beginning. (We know the unborn child's brain to be active at eight weeks.) If respiration should ever be discounted as an indication that a brain-damaged patient is still alive, why then count the respiration that begins at birth as of crucial importance?

Only tissue—at the first of life for one reason (absence of respiration in the presence of long-established human brain activity) and the same at the last of life for the opposite reason (total absence of brain activity in the presence of continuing respiration)?

Comes the outcry: by human life we mean "personhood" and that develops "as one is loved and responds to love." That only is sacred. Well now, from quickening the mother feels and cherishes the unborn child's self-movements, and the fetus in turn hears the lower tones of its mother's voice and somehow may limitedly respond. Long before birth the fetus sucks its thumb "at will." If the last two words are a sentimental attribution, so are most of our projections of humanity upon the infant after birth. (By valuing him so, he becomes so.) If we wait for proof of personhood, we shall have to wait, well beyond birth, until the child at about one year of age enters upon the power of speech which is the unique glory of mankind. That only then does he, in the continuum of biological development, achieve the sacredness of personhood has, in fact, independent scientific confirmation. At about age one an EEG reading of the child's brain shows the rhythmicity which indicates the full activation of the higher (cortical) capacities of the human brain. Otherwise, the human brain was there and active at eight weeks *in utero*.

This explains, and justifies, the startling title of this article. The word "abortion" is already a prejudgment. It is the woman who is aborted, i.e. her uterus is emptied, her pregnancy terminated ("interrupted" is even more of a euphemism). Thus, the word "abortion" and the expression "interruption of pregnancy" beg the question as to who is the human being and whether there is only one human being "most immediately involved" in a decision to have or to perform this operation. If only the woman is "aborted," of course she is the only one most immediately concerned.

I grant that the word I adopt may err on the other side, because of its association with "homocide," "infanticide," etc. I use the word "feticide," however, rather more descriptively, to indicate that there is another "life" of some sort "immediately involved." As homocide may be justified, so might feticide be justified. This we will never know unless the question is raised, or if it is allowed to be foreclosed by speaking always only of abortion as solely a gynecological operation.

"Birth" is a comparatively unimportant point in the development of the life God calls into being. No one can say otherwise, unless he has first resolved simply arbitrarily to limit his concern to conscious lives: the mother, the family, population problems, etc. "Birth" is mainly a statement about where the child is. However, we cannot even bring up the question of the morality of abortion except by making statements about the child itself, based on an accurate description of who or what it is. In that case, the difference in the child before and after birth assuredly will not sustain the moral gulf proposed between only potentially human tissue and an actual human life. Beyond that, the view that only personhood is sacred—personhood that comes into existence through the *post*natal process of being loved and loving—would plainly justify discretionary infanticide no less than abortion.

By birth, of course, we mean "viability." Every "viable" baby, it is said, will be given protection like any other conscious human life. Here again, "viability" is not a statement about the child, based on an accurate description of who or what it is. It is rather a statement about the present stage of medical progress, about the capacity of medical science to save prematurely born infants ("wanted" or "unwanted"). In the time span between twenty and twenty-eight weeks of gestational life, a baby has a 10 percent chance of survival, 10 percent viability. Since some of the proposed liberalized abortion laws permit abortion up to twenty-four weeks (e.g. the law recently enacted in New York), and since the Maryland law permits abortion up to twenty-six weeks, we already may be practicing infanticide and not feticide while still proclaiming that we mean to protect every "viable" human life, like any other, from destruction.

The proponents of abortion upon request have not yet been heard from on this question. Indeed, the silence of the Methodist statement on this point is golden, in comparison with the draft of a statement that may soon be issued in the name of another denomination. This affirms the right of a woman to decide to abort at any stage in the child's prenatal development (this can "safely" be done—safely, that is, for the woman—by other than instrumental methods).

If we seriously mean to insure an unborn child's title to be protected if in its development it has reached the age that counts as "viability" (according as this line may be drawn in the present and future practice of medicine), we would have to say "the time of viability, *minus* thirty days." In this way alone could we keep from arbitrarily decreeing the death of actually viable babies whose gestational life has been miscalculated (a not uncommon occurrence). Thus, as we have seen, the traditional Jewish teaching was that only after birth does nascent life become certainly human. That in practice required the additional stipulation; birth *plus* thirty days. The laws of mourning, for example, do not apply until the thirtieth day.[6]

These are all moral problems that arise as we move toward feticide/infanticide upon request. Why bring up these details that make the difference between "murder" and "not murder" in proposals that attempt to draw the line at the movable, penetrable

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Footnotes at end of article.

borderline called "birth" or "viability"? The reason is simply to direct attention to the question of who or what the fetus is before viability or birth. That is crucial if one wants to discuss the morality of abortion, and not some other question instead.

What morally important difference is there between a child at age "v" (for viability) plus two weeks and a child at age "v" minus two weeks? At age "v" plus one month and at age "v" minus one month? Fetology, a practice of medicine whose patients are all unborn, knows no difference that would warrant less care for the fetus. David M. Rorvik describes in detail operations in which unborn children were partially removed from the uterus, their blood replaced, and catheters inserted for subsequent transfusions before being returned to their "underwater refuge"—there to grow until "viable."[7] One nonviable fetus was removed entirely from the womb for two hours; yet it lived to reach the later point ("v") when we arbitrarily choose to say a child attains the sanctity of a human being! Dr. Sheldon Cherry, fetologist at Mount Sinai Hospital in New York, says that fetology "has humanized the fetus." Against this, the call of the Methodist statement is that the fetus be dehumanized!

Albert Rosenfeld, science writer for *Life* magazine, reports that "many readers of *Life* who saw Lennart Nilsson's marvelous photographs of fetuses in their sacs, especially in the later stages of development, wrote in to say that they could never again think of their babies as disposable things."[8] Rosenfeld ponders the question: What will happen to our present feelings about the fetus (our view that feticide is intrinsically different from infanticide) as medical progress makes the human fetus visible from the test tube onward, or in artificial placentas? In the continuum of life from embryo through infancy to childhood, will we all become disposable things? Or will nascent life again, through the fellow feelings awakened in us, be endowed with sanctity?

Good morality, however, ought not to depend on visual aids. Ethical judgments are not constructed out of sentiment or emotions or feelings of identification stimulated by pictures. They are based on the nature of things—not on heighted imagination, however important that may be in strengthening right behavior. Medical science, as we have seen, knows the babies to be present in all essential respects, save breathing, earlier in fetal development than the women who wrote in to *Life* magazine perceived them in the pictures. It is this rational account of fetal development that matters most.

Instead, the call to Methodists is that we begin with a tissue interpretation of nascent life and from this draw our conclusions about the morality of abortion. The call is that we declare sacred only the personhood which springs from the process of socialization after birth.

The latter admits, almost in so many words, discretionary infanticide into Christian ethics and the mind of the church, while the former affords no protection against it.

II

But, it is said, the woman should have the right to determine the use of her reproductive powers. Above, I allowed that perhaps the law should get out of the business of regulating abortion. The reason for this concession is because law-making is not the same as right-making. Even if we should be more concerned with the former than with the latter, in seeking to clarify and proclaim the church's moral message, we still ought not to sweeten our ventures into law-making by calling abortion a medical question only and not primarily a moral dilemma. Evidently the American Medical Association knows that "abortion upon request" has other ends in view than medical ones: it turned aside a proposal that it endorse this view by saying that, if the argument is that a woman has this "constitutional right," then as medical men they had no special competence to speak on that subject.

Nor should we imagine that placing the decision "solely in the hands of the patient and her licensed doctor" is going to lead to the practice of abortion for medical reasons. Nothing now in actual practice (whatever the old laws may say) prevents abortion on sound medical grounds, e.g. to care for the life and health of the mother. Still, upon the premise of "utmost"[9] or "fair to middling" respect for nascent life, the mother's psychological health can become overriding, provided the state of the science and the judgments of men are secure. No moralist would value physical life over mental life. The only question is whether the threat to the latter is knowable no less than threats to the former. The question is whether having a child is as certainly casually connected with the impairment or destruction of psychological integrity as it is (in rare cases) with the destruction of physical integrity.

It is therefore important to know that judgments concerning the "psychological indication" are soundly grounded; that they are not rather frauds upon medical practice and upon our newly enacted laws; that the psychological indication is a good reason in its own right and not only when the physician or psychologist adds in the weight of his particular bourgeoin judgment about a woman's social or economic needs.

These are nonmedical "reasons," and more such reasons are coming. One manifestation of the "tissue" school of thought is going to be that we will have plenty of longitudinal studies showing that a woman suffers no particular harm from having an abortion, but few longitudinal studies demonstrating whether or not she suffers harm from having a baby in admittedly grave predicaments in which the "psychological indication" is said to hold true. In other words, the medical-psychological grounds will not be the reasons for more freedom in the practice of abortion; instead, these will be nonmedical social reasons.

Is it possible to believe that going through PTA again is so much more psychologically unendurable in Baltimore and in Stanford than it is in the rest of the country? Can the suspicion be removed that under the pretext of the psychological indication, there is showing at these centers a greater part of the iceberg of abortion for family limitation or population control or for genetic goals? (Soon to follow will be abortion for the purpose of obtaining fatal "tissue" to use to grow organs for transplant. Drug companies will need no longer go to Japan and pay women to be allowed to experiment on their still living fetuses.) The psychological indications need to be secure if the ethics of the medical profession is not to be brought finally to adopt one or another version of "nethermost" respect for nascent life.

Such, indeed, is the position recommended by the Methodist statement. We ought not to sweeten the use of abortion as a means of solving other problems, social or economic, by calling that by the name of a procedure within standard medical practice. Moreover, there are other means to be preferred. It is a saving feature of the Methodist statement that one of these is mentioned. The call was also for "provision in law and practice for voluntary sterilization as an appropriate means of conception control and family planning." If the Board of Christian Social Concerns had wanted really to pioneer, to be a voice rather than an echo, it could have called for a national program of sterilization instead of abortion! Since 80 to 90 percent of abortions are performed on married women, it is in order to ask: Why pitch upon the "tissue" that is (only) potentially human rather than upon the tissue that is cut in vasectomy upon the male? Is there reason to unfurl the banner of feticide upon request, any reason except that our abortifacient culture is more ready to adopt that proposal?

On July 22, 1969, the *Christian Science Monitor* reported a poll of five thousand British doctors, nearly two thirds of whom wanted the recently enacted abortion law modified or repealed. One of the modifications most often mentioned would provide that the "social ground"—certainly not a medical matter—be assessed by local nonmedical committees or authorities. It is sometimes proposed in the United States that if abortion is in fact a procedure for preventing birth, or is to become a matter of social policy on other nonmedical grounds, then paramedical technicians ought to be trained by the state to carry out these societal decisions.

I do not know whether such a separation of medical from social policy decisions would prove finally desirable. But clearly that would be one way for medicine to guard its ethics and practice from finally being grounded in a nethermost respect for the individual unborn human life. The Methodist statement has chosen rather to dignify a nethermost view of nascent life under the protective covering of the pro-expression, "standard medical practice," no discrimination made between the few medical reasons and the many nonmedical reasons alleged to justify abortion.

I shall not take up the crucial question whether the so-called "fetal indication" can ever be a medical reason for abortion, i.e. if the child is likely to be born seriously defective. That should be profoundly problematic for any Christian ethics; yet the question to be raised about ever deciding that life is not worth living is simply avoided by declaring that life to be in no sense human, in no sense that claims our protection and care. Peripheral to the central question, however, we may ask: Should the medical profession, supported by church statements, proceed to systematically brainwash a woman in this grave crisis in her life by encouraging her, for her own health and welfare, to adopt a nethermost view of the child, by counseling her to "keep in mind all the time that it was only abnormally growing tissue within you"? And: Should doctors place themselves in the position of having systematically to lie to women after an abortion on grounds of "likelihood" that the child may be born seriously defective, by telling them in all cases that the fetus was in fact defective and not one of the large statistical minority who may be quite normal? (I mean to say, justifiably to lie verbally in all these cases—if doctors allow themselves to get in this jam, with the assistance of The United Methodist Church, its boards and agencies!)

III

But, it is said, every child born should be a wanted child. That, to say the least, is an unclear and enigmatic pronouncement. It is unclear whether a child has a right to be wanted, independent of whether he is wanted or not. It is unclear whether human "wants" are the source of his title to be wanted, or only of the fact that he actually is wanted. Is the objective value of the child controlling? Or the subjective wants of those responsible for him? On one reading, being

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Footnotes at end of article.

wanted by us is more important than being a child who claims us. On another, a child simply by being who he is requires wanting and care. In one case, one should "minimize" the children so that more of them shall be wanted. In the other, one should maximize the care so that more of them shall be wanted. Thus, in an age that celebrates sexual irresponsibility we manage to think this unthinkable thought: that unborn babies should be destroyed when they are not wanted in order that the children we have shall all be wanted ones. In order for us to be responsible for all for whom we are responsible, we are resolved to be responsible largely only for wanted children. Thus do we make ourselves *by definition* responsible, i.e. people who want wanted children; for who can deny that every child should be a wanted child?

There is more to come from such slack reasoning. Dr. Charles F. Westoff of Princeton University's Office of Population Research estimates that "unwanted births" account for 35 to 45 percent of population growth in the United States in recent years. If only we could prevent those unwanted births our population growth could be brought under control. But only some of the "unwanted births" were due to "unwanted fertility," which Westoff defines as occurring while contraception was used or was intended to be used, but was inadvertently omitted. That is a clear enough category. The unwanted births, however, included children "unwanted at any time either by the father, mother or by both parents." Westoff estimates that from 1960 through 1965, there were 750,000 "unwanted births," if this means unwanted by both parents, or 1,000,000 if this means unwanted at any time by at least one parent.[10]

This is an acme of confusion between the wanted and the wanters, between the objective claims of a life for whom one is responsible and the subjective wants of those needed by that life, even while worthily thinking of every child's right to be a wanted child. Moreover, if the target in population control can be births unwanted by at least one parent at any time — "v," there is no reasonable argument for not including the target of destruction any children unwanted by one or both parents at times "v" +. If to unwanted fertility can be added the killing of a fetus that at any time has the quality of "unwantedness," then nothing prevents us from correcting the forsakenness and forlornness of many a childhood and solving the population problem as well by including infants who also have the quality of "unwantedness" attributed to them.

Recently 125 people—physicians, social workers, lawyers, and most of them women—filed suit in Federal Court to declare the New York state abortion laws unconstitutional. One of the lawyers is reported to have said that several hundred more plaintiffs might be added: action may even be brought in the name of unborn children who might not want to be brought into the world "unless they could be born to rich parents" and thus enjoy all the benefits of life.[11]

That proposal is worth pondering, because the addition to the case of these unborn plaintiffs would contradict the plea entered in behalf of all the conscious plaintiffs. The latter are contending that the only interested party is the woman (and her physician) seeking an abortion, and that any laws on the subject violate her constitutional rights. Of course, lawyers representing fetuses would in this instance also be claiming a fetal "right" to be aborted rather than to be poorly born. Still, the mere presence of fetuses as plaintiffs in the case would be enough to show that there is always another party besides the woman primarily interested in the matter. On another occasion, the representative of a fetus might plead its right not to be aborted, and a court might have to adjudicate between competing claims! For this reason, I judge that 125 plaintiffs will be deemed enough, and that action will not be brought in behalf of any unborn children. That would admit the principle of contrary action on behalf of the rights of the unborn.

This is an interesting reminder of the fabric of protections of the unborn in our law that must surely fall if abortion upon request becomes the rule. To assert that there is only one party (one patient) in cases of abortion would be to reverse the development of case law in recent decades that in case after case has declared the fetus to be a legal person. A fetus can inherit. He is as much a person susceptible of damage (and of collecting monetary recompense) as his mother is, if together in pregnancy they are both in the path of an onrushing automobile. Recently, oxygen in the blood of Jehovah's Witness mothers has been declared to "belong" to the unborn child. She, if alone, would be allowed to die rather than violate her conscience by forcing her to receive a blood transfusion. But she is not alone. She can no more deny oxygenated blood to the fetus than she can deny a blood transfusion to an infant or minor child; our courts protect both from even the conscientious decisions of adults.

All this will surely be reversed if the woman alone is the interested party, if the fetus is simply tissue having only potential humanity, if the unborn child is in no sense a person. Churchmen should be aware that to be a legal person, to be deserving of the law's protections, does not require proof of personhood in the psychological sense—or in the novel theological sense that reserves to conscious persons all measures of sanctity.

IV

Federal Judge Gerhard A. Gesell, in a recent District of Columbia case, said that "a woman's liberty and right of privacy . . . may well include the right to remove an unwanted child at least during the early stages of pregnancy." He stated that "a sound, informed interest of the state must affirmatively appear before the state infringes unduly on such rights." This decision, with the suits now going forward raising the constitutional question, brings the question to the doors of the Supreme Court.

"Nine old men" in Washington are apt to decide this public policy question, bypassing the legislatures and without much reasonable and unemotional debate within our normal political processes for deciding such questions of law. Jubilant will be many office-bearers in the churches, who would like to determine the Christian position without first invoking a churchwide, openminded, value-traditioning discussion of the moral issue. How much better it would have been if the Board of Christian Social Concerns had (with no conclusion prejudged) asked the General Conference to mandate a churchwide study of the question of the morality of abortion, in Christian and not legal terms, in which Christian doctors and nurses would take a lead, but not only they. That would take a lot of faith in the Holy Spirit, the spirit of Christ, whose sphere of operation is the church at large and not either theologians or boards. This is worth mentioning, since once the public policy decision is taken in our society, altogether too many Christian leaders will suppose that this settles the moral issue.

The state, of course, cannot have any affirmative interest in limiting abortions because it needs future soldiers or citizens. If anything, the state today has apparent sound and informed interest in limiting births. Still, even the state has an interest in the morality of how this is to be done. It has an interest in directing the legal order so that the value of human life will not be further eroded. It has an interest in ensuring that feticide/infanticide does not become the common practice. It has an interest in rules of law and medical practice that will oppose the dictum of one extreme feminist, who said: "Any reason a woman gives for an abortion that is sufficient reason for her should be sufficient for law." Doctors and women generally have an interest in preventing this from becoming the prevailing legal and ethical assumption.

The church also has an interest in preserving in our ethos prohibitions against the utter abandonment of the worth of nascent life, as long as we are at all Constantinian and presume to offer the state any advice. If feticide/infanticide should prevail, then the church has an interest in becoming a sect in this particular regard, in order to preserve in the world some remnant witness to the fact that God's hand covered us in the womb and called us when we were only specks (a weak and negligible and nameless people like Israel in Egypt).

The Roman Catholic lawyer, Dean of the Boston College Law School, Robert Drinan, S.J., has argued for abortion upon request in many addresses he has given across this country in recent years. He does not believe that the law should specify sets of circumstances (e.g. likelihood of being born defective) in which unborn life may be killed. He does not want this done because he knows the law is pedagogical: what is said to be legal will come to be believed to be right. For the first time in Anglo-American law, Drinan argues, the liberalized abortion laws would designate situations in which it is permissible for life to be taken by private individuals (the so-called "primary" patient and her doctor). Rather than have this done, he prefers to take the state and its criminal statutes altogether out of the business of prohibiting or regulating (or allowing) abortion. Then the law would teach no one that abortion for these generally nonmedical reasons may possibly be right.

The answer to Drinan, of course, and to other proponents of abortion upon request, is that this would mean, for the first time in Anglo-American law, that the entire decision when human life shall be killed, and who to kill, who to save, would be placed entirely in the hands of private individuals. Whether a defective child that can never know it is human or a Downs that would lead a comparatively happy existence; whether a child following rape (where a preventive D and C is the preferred and a standard remedy) or one of the 17,000,000 abortions estimated to be needed in the next forty years to eliminate both the carriers and those afflicted with cystic fibrosis once "interuterine screening" of that recessive genetic disease is perfected; whether to achieve zero population growth or as a partial solution of the economic problems of a poverty family or to eliminate a male or a female fetus the parents happen not to "want"—all these life and death decisions will be given into the hands of private individuals for the first time in our legal and moral history.

Perhaps we've come to that. Then the sole interest of the church in such a society would be to discover how still to live and witness to the sanctity of each individual human life, especially the weakest and most vulnerable.

A year or so ago, the present writer would have said that the proposed "liberalized" abortion laws and, even more, the availability of abortion upon request would bring upon women (wed and unwed) often unbearable pressure from husbands or boyfriends to abort children to whom otherwise they would be inclined to give birth and care,

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Footnotes at end of article.

in the face of inconvenience or even embarrassment and graver difficulty. I still would say this, and believe it to be a prediction that is beyond dispute. The victimization of women is evident on any college campus today, all in the name of female emancipation. And getting the girls to abort to get rid of unborn fetuses has, on some campuses, become practically a part of the "campus fund drive."

Such a movement toward patriarchalism—the ascendency of male wishes—is, however, only a moment in a larger movement in the tendencies of our age. The overarching movement is toward a matriarchal society. The ebb and flow of male and female influence in their interrelation through history is not of much consequence. More signally important is the absolute sway of either over the child.

Roman civilization, before Christianity began to exert a saving and a shaping influence, was patriarchal. The father of the family had a power of life or death over infants; according to his wishes babies were aborted or exposed to die. This was believed to be a proper part of the *patria potestas*, the authority of a father.

The society of the future is likely to be matriarchal in many respects. The mother of the family is going to have the power to decree feticide/infanticide. This will be believed to be a proper part of the *matria potestas*, the authority of the mother.

Between ancient patriarchalism and the coming matriarchalism, historians will record that there was a Chsistian existence. That there was a time when mankind made the audacious experiment of surrounding with utmost protection those lives, infants unborn and born, who are not yet "capable of independent existence" as a sign of the mercy of God and the mercy of others by which all men live.

It is, of course, an obligation of citizenship to engage in law-making to decide whether feticide upon request shall become a fundamental ingredient in our civilzation. Christians, too, must decide as to this. We must decide this question more by what we do than what we legislate, more by what we teach as churchmen than what we say as citizens. As churchmen, our first responsibility is to decide as to the morality of the matter, and so to inform the ethos that comes to expression in law, and also to be prepared to break with at least some civilizations that may come to prevail. If churchmen as such, churches and their boards and agencies, are to engage in exercises in law-making, we can readily think of a better part to play than to echo the demand for *matria potestas* over nascent life. Granting that this is coming to be, we could call attention to the fact that after abolishing all laws regulating abortion there should still be laws providing for "conscientious objection" on the part of physicians, nurses, and other hospital staff members who may as Catholic or Protestant Christians (or other people) believe that a fetus is a life. Such persons ought not to be required by "standard medical practice," or at pain of being discharged, to violate their consciences.

Once abortion is placed solely in the hands of the patient and her licensed doctor, once it is simply regulated like any other procedure of standard medical practice, doctors can successfully be sued for medical malpractice if they refuse an abortion. A doctor is legally guilty of malpractice if he does not extend medical care and skill up to the standard that is customary among physicians in the community of which he is a part. In such suits heretofore, the doctor's protection has been our present laws, plus the fact that because of the pedagogy of these laws abortion is not yet "standard medical practice" in all the many cases in which the operation will be demanded in the future. If churches and their boards are to venture into law-making, they might at least call attention to the need to protect the integrity of medical judgments as well as the integrity of personal consciences.[12]

Absent this, and in the light of what the statement of the Board of Christian Social Concerns positively says, one can only conclude that unqualified endorsement is placed behind the abortifacient social policies that are coming to ascendency in our day.

This is glaringly evident in the call to The United Methodist Church, its boards and agencies, and our common society to: "assist the states in making provision in law and practice for treating as an adult a minor who . . . thinks she is pregnant, thereby eliminating the necessity for involving parents or guardians prior to care and treatment."

That is one way to do away with the "family church."

First you do away with the family! And with the need for appropriate parental concern!

Is this "bypass" tc be taken as evidence that the Board of Christian Social Concerns does not really believe that an overwhelming majority of their fellow churchmen are going to accept the proposition that a fetus is only tissue having potentiality of becoming human? If so, the proposal to set a gulf between daughters and parents also suggests that the Board was not speaking for the church, or even to the church in distinctly Christian terms. It was rather addressing the world—the culture generally—with a conclusion has already reached.

FOOTNOTES

[1] (Boston: Little, Brown, 1968), p. viii.

[2] *Come, Let Us Play God* (New York: Harper, 1969), p. 6.

[3] *Abortion: An Ethical Discussion* (Church Information Office, 1965). The writings of one who is only an abortion of a theologian may perhaps be mentioned also: Paul Ramsey, "The Morality of Abortion," in Daniel H. Labby, ed. *Life or Death: Ethics and Options* (Seattle: University of Washington Press, 1968), pp. 60–93; and my chapter in John T. Noonan, Jr., ed., *The Morality of Abortion: Legal and Historical Perspectives* (Cambridge: Harvard University Press, 1970).

[4] David M. Feldman, *Birth Control in Jewish Law* (New York: New York University Press, 1968), pp. 623–6.

[5] *Journal of the American Medical Association*, October 12, 1964, p. 113 (italics added). "Becomes truly *individualized*" might better express Hamlin's meaning, if we reserve the word "person" for the outcome of the *postnatal* process of socialization (being loved and responding to love).

[6] Felman, *Birth Control in Jewish Law*, p. 275.

[7] "The Brave New World of the Unborn," *Look*, Nov. 4, 1969.

[8] Rosenfeld, *The Second Genesis: The Coming Control of Life* (Englewood Cliffs, N.J.: Prentice-Hall, 1968, pp. 125–26.

[9] This word was used in the revision of the Hippocratic Oath adopted by the Third General Assembly of the World Medical Association at Geneva, Switzerland in 1948: "I will maintain the utmost respect for human life from the time of conception."

[10] New York Times, Oct. 29, 1969.

[11] New York Times.

[12] The 1970 Maryland law provides that "no person shall be required to perform or participate in medical procedures which result in the termination of pregnancy . . . [or be liable] for any disciplinary or any other recriminatory action against him." Whether such a protective provision is a part of the New York law could not be learned from reading every word of the accounts of the debate over this issue in *The New York Times*. It is fair to ask whether the aim of churchmen in their interventions is to encompass as many abortions as possible or to instruct and protect the consciences of people who may still be listening.

UNITED STATES CANNOT GUARANTEE FAIR ELECTIONS IN VIETNAM, SAYS PROFESSOR MARR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. FRASER. Mr. Speaker, it is doubtful that the United States could guarantee the fairness of the elections this fall in South Vietnam, according to David G. Marr, assistant professor of Vietnamese studies at Cornell University.

One of the candidates for president in South Vietnam, Gen. Duong Van Minh, has asked the United States to insure the fairness and honesty of the election October 3. Professor Marr's analysis of this request should be of interest to Members of Congress and is set out in the RECORD at this point:

GENERAL MINH'S PROPOSAL TO AMERICANS

(By David Marr)

As the news media reported in early July, General Duong Van Minh is asking for U.S. pressure on the Thiu regime to "assure fair elections" for the South Vietnamese presidency this coming October. At first sight, many Americans will see this as a legitimate request, given our democratic ideas, given our actual involvement for a long time already in the political affairs of Viet-Nam, and especially given General Minh's accurate portrayal of just how badly the 1967 elections were rigged—with U.S. knowledge and consent.

Indeed, even some Americans who favor setting a date for our total withdrawal from Indochina will react favorably to General Minh's idea, perhaps because they think that as president General Minh could help us extricate ourselves more gracefully from that area. A few will hope too that by somehow "guaranteeing" these elections we can wipe the sordid past clean and do a single, last, beneficial thing for the Vietnamese people.

It won't work. It makes sense in the American political environment, but it bears little or no relationship to political realities inside Viet-Nam. Most importantly, we must ask *why* General Minh has to make these pleas to an American constituency? After all, it is Vietnamese, not Americans, who are going to be doing the voting or non-voting in October.

For a variety of reasons, not all of their own making, the "Third Force" in South Viet-Nam has failed over the years to develop a viable, independent political base between the NLF on the left, and the established Saigon regime on the right. Thus, as it stands today, the NLF remains the only major political organization that can compete and succeed in South Viet-Nam without some form and degree of U.S. support. This has induced Vietnamese, as General Minh himself admits, to choose repeatedly between association with the NLF on the one hand, and dependence on the Americans on the other.

This is why General Minh is following the path of his predecessors, Ngo Dinh Diem, Nguyen Khanh, Nguyen Cao Ky, and Nguyen Van Thieu by asking for help from the U.S. He wants the U.S. to remove its support from those sitting in power in Saigon. And he wants this done prior to the elections, thus putting the province and district chiefs, the regimental and battalion commanders, the local security personnel, etc. into such quandry that many or most will transfer their personal allegiance to him. They will then proceed to "get out the vote" for Big Minh in the same fashion that was planned for President Thieu, using techniques that make Boss Tweed and Tammany Hall look like rank amateurs. If General Minh wins, he has already said that he will oppose a coalition government with the NLF, hardly surprising given the essential similarity of his political base with that of President Thieu.

In short, the October elections in South Viet-Nam are not likely to solve anything, with or without U.S. support to one candidate or another. There is no reason to think that one last adventurous fling in Vietnamese domestic politics will produce anyone better than our previous "friends": Diem, Khanh, Ky, and Thieu.

On the other hand, if we immediately set a firm date for total withdrawal of U.S. forces, then no Vietnamese presidential candidate can claim that the U.S. is either supporting him or rejecting him. Each will be on his own, for the first time in his entire lifetime. And America will have assimilated its most important lesson from Viet-Nam: dabbling constantly in the internal political affairs of another country usually ends up making things worse rather than better.

[From the Washington Daily News, July 15, 1971]

WANTS U.S. TO INTERVENE: MINH SAYS VOTE RIGGED

(By Don Tate)

SAIGON.—The top challenger for South Vietnam's presidency, up till now a reluctant dragon, fired a pre-election broadside at President Nguyen Van Thieu today, charging that "widespread election rigging is already happening."

Retired Gen. Duong Van "Big" Minh said it is going on under the noses of the Americans and that he is "waiting to see the American attitude" before he commits himself to the race.

"I have to run . . . for the sake of the people," he said. "But what gambler sits down at a table knowing he is going to lose?"

Gen. Minh stressed in an interview that the fairness and honesty of the Oct. 3 election largely depended on the firmness of the Americans.

THIEU—BY DEFAULT

He contended a hands-off U.S. policy was tantamount to handing the election to Mr. Thieu by default. Said Gen. Minh:

"If Ambassador (Ellsworth) Bunker gives a knife to President Thieu and Thieu uses the knife to kill someone, is Ambassador Bunker responsible or not? Bunker should take away the knife."

The knife in this case would be the vast machinery the United States has placed at Mr. Thieu's disposal to win the war. Gen. Minh fears the whole military and administrative apparatus—from helicopters to propaganda teams—is being cranked up to re-elect Mr. Thieu.

Already, he charged, Thieu-appointed province chiefs are passing down orders for provincial councils to sign petitions only for President Thieu. Some officials are being directed to sign blank forms for Mr. Thieu (the message to be written in later) "otherwise their security cannot be guaranteed," Gen. Minh said.

Asked why he was helping Vice President Nguyen Cao Ky muster enough signatures of provincial councilors to qualify as a candidate for the presidency, he replied:

"Because it is ridiculous that a vice president cannot run for president in a supposedly democratic country."

How deep does his alliance with Mr. Ky run? He smiled and replied that "the oppressed tend to get together."

PRESIDENT NIXON: "SENIOR POWER" ADVOCATE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. MYERS. Mr. Speaker, President Nixon again demonstrated his concern for the 20 million senior citizens of this Nation in a speech to a joint conference of the National Retired Teachers Association and the American Association of Retired Persons meeting in Chicago last month. I would like to share those remarks with my colleagues. As you will note from the President's speech, he realizes and appreciates the necessity for a completely new approach to aging and the need for bringing back our older population into the mainstream of American life.

The remarks of the President follow:

REMARKS OF PRESIDENT NIXON

There is an old story about a man who went to his doctor one day and asked what he should do so he would live to be 100. The doctor's response was that the man should give up everything and he should do absolutely nothing that would cause him to exert himself.

Then the man asked, "Then you can promise me I will live to be 100?"

"No," said the doctor, "but it sure will seem like it."

Well, you know, the doctor had a point. For nothing ages a person faster than the feeling that he is unneeded, unwanted, and he is unproductive. Senator Percy and I both remember a grand old man in the Senate, Senator Green of Rhode Island. He served in the Senate until he was over 90. He used to put it this way: "Most people," he said, "say that as you get old you have to give up things." He said, "I think you get old because you give up things."

I think most of you, and most Americans, would agree with that. What I would like to talk about today, however, is the frequent failure of our society to put this wisdom into practice, for we have not, in fact, been doing a very good job of involving older people in the life of our American society.

This is a great tragedy. It means that old age, which should be a time of pride and fulfillment—looking back and looking forward—is too often a time of isolation and withdrawal. Rather than being a time of dignity, it is often a time of disappointment, and the growing separation of older Americans also means that we are not taking full advantage of a tremendous reservoir of skill and wisdom and moral strength that our Nation desperately needs at this moment in its history.

There is one thing I know about the older generation in America. They believe in this country. They have faith in this country. They have the moral strength and character that we need, that all Americans need.

Now, all of you know we are engaged in a great venture in America, and that is to bridge the gaps which have developed between geographic parts of this Nation, to bring the North and South and East and West together; between the economic classes, to bring the workers and management and others together; to bridge the gap between racial groups and religious groups, and lately we have done a great deal of soul-searching about the place of the younger generation in our national life.

But while the generation gap between the young and their parents has captured our attention in the recent years, as it should, the generation gap between the older Americans and the rest of our people has often just been ignored. It has been slighted.

The time has come for a new attitude toward old age in America. The time has come to close the gap between our older citizens and those who are not old. The way to do this, I believe, is to stop regarding older Americans as a burden and start regarding them as a resource for America.

Even while science has made it possible for people to live longer, the trend toward earlier retirement, the growing mobility of society, the loosening of family ties mean that large numbers of senior citizens now have neither families nor jobs to give a focus and a foundation to their daily existence. That is why I say that the generation over 65 is a very special group which faces very special problems—it deserves very special attention. That is why we have been moving to insure that our older citizens get that special attention they deserve.

Let me talk about that special attention for a moment, if I can.

First, we are making determined efforts to improve the financial position of our older citizens. Despite the fact that overall American expenditures on the aging has just about doubled in the last five years, despite the fact that Social Security has gone up 25 percent in the last two years alone—and it will probably go up another five percent—old age is still a time of great social insecurity for too many of our citizens. One out of every four older Americans lives at or below what is called the "poverty line" in America.

To begin to deal with this problem, we have proposed that the Federal Government place a floor under the income of every senior citizen in America. We have proposed that Social Security benefits for widows be raised. We have called for a system—and this, it seems, is extremely important; I campaigned on it in 1968; I support it now; I believe it is time that we do it: We find that in Social Security we are always catching up with the increase in the cost of living, and that is too late. That is why I say that we need an automatic cost-of-living increase in Social Security to make certain that monthly payments will keep up with inflation, keep up with those which it hits so hard—older citizens.

The fact that many older people may not be active members of the labor force does not mean that they should be denied a fair share of our growing productivity.

I would like to talk about another initiative which probably at first glance doesn't seem to have much to do with the problems of older people—revenue sharing. This is an issue that Senator Percy is supporting very, very strongly. It is supported on a bipartisan basis by a majority of the members of the Senate and a majority of the members of the House. I believe it is going to pass.

Let me tell you why I believe it has a direct relationship to the budgets of senior citizens and retired people in this country. Only through revenue sharing, where the Federal Government shares its revenues with the States, are we going to stop the rise in local property taxes in this country, which is eating into the budget of every retired person who owns his own home.

I found in a meeting in Washington—you will remember, Mrs. Pearce and Mr. Faassen—at that meeting I asked about the various problems older citizens had. One thing they were unanimous on was that property taxes, going up and up and up, was a tremendous problem for every budget of older citizens, because they have no increase in their income, and they find those property taxes going up.

It is significant to note that of people over 65, over 70 percent own their own homes or their own apartments. So you have a stake in seeing to it that those property taxes don't continue to go up.

I had a letter from a woman in Long Island, not yet retired. She, however, had the problem, and she pointed it out very interestingly. She said she bought her house five years ago. At that time the monthly mortgage payments were $100 a month, which was more than she could afford, but it was $100 a month. She said in the past five years the mortgage payments have gone up to $150 a month because of the rise in property taxes. She said there is a new provision, a proposal being considered by the voters of the county in which she lives, which will increase them again. She sain, "If they go up again, I am going to have to sell my house, because I can't afford to live in it any longer."

We have to stop the rise of property taxes in this country, and revenue sharing in the best way we can do it. That is why we ask your support of that proposal.

Now, I come to something that I think is particularly close to the hearts of this organization, because all of those who represent this organization have spoken to this problem when we have met in the White House, and I want to speak to it now, to you and all of the older people in America.

We have to stop discriminating in this country against older people who want to work. The time has come to raise the ceiling on how much a person can earn while receiving Social Security. The time has come to increase the amount of Social Security he can keep when his earnings exceed that ceiling.

You know what the problem is today. If you receive Social Security and if you are able to and want to work, the amount that you can earn is limited, or it cuts into your Social Security. When people are able to work, when people want to work, there is no excuse for government programs which give them a strong incentive not to work. That is why I believe we need to move in this field.

Discrimination that is based on age—what some people call age-ism—can be as wrong as discrimination based on race or religion or any other irrelevant test. For in all of these cases the individual is judged on some arbitrary category rather than his value as a unique human being.

Old age should not be a time of endings, but a time of new beginnings—not a time for stopping, but a time for new starts.

For many, of course, retirement comes as a long awaited reward at the end of a full career. I am sure many of you read with great interest the press conference that that great lady of the American stage, Helen Hayes, had when she retired after 65 years of acting. She was happy, she said, that she would not have to face the pressures of a live performance again. But then, I noticed at the conclusion of her interview that she said. Listen to this: "Yes, other pressures will come along," she acknowledged. "That's life, isn't it? And I'm not about to retire from living."

So, that is the key to the matter. What we must build in this country—among all of our people—is a new attitude toward old age; an attitude which insists that there can be no retirement from living, no retirement from responsibility, and no retirement from citizenship.

There are countless ways in which the experience and the energy of retired persons can continue to be tapped. I received a letter the other day from an 80-year-old man who knew me as a small boy when he delivered milk to my father's grocery store. He lives in Southern California still. He has gone to work in a hospital as a Foster Grandfather. This is what he wrote: "This has been a tremendous experience for me, not only in being able to supplement my Social Security, but in the thrill of helping mentally retarded children." He cares. He brings to that position something that money wouldn't buy: commitment and caring.

Where older people are willing to do that, where they want to do that, we have to give them a chance. The country needs them. His testimony is echoed by thousands of other older Americans, older people who find that their work in hospitals and schools, in churches and parks and penal institutions not only makes a tremendous contribution to the lives of others, but also gives a new pride and purpose to their own existence. You know what your own slogan is, "to serve and not be served." It expresses that same principle.

I am happy to say that Federal efforts to promote such activities are expanding. This week marks the inauguration of the first 10 projects in the Retired Senior Volunteer Program, known as RSVP. If the Congress approves my budget, this program will be greatly expanded next year.

The RSVP and Foster Grandparents Programs have been recently transferred to the new ACTION agency. I have noted that some have been fearful that this program will be de-emphasized as a result of that transfer. I assure you that just the opposite is going to take place. We are going to put more emphasis on those particular programs.

Now, these are some of the things we are doing. Other steps are going to follow. In this connection, I am particularly looking forward to the White House Conference on Aging later this year. You have heard from Mr. Martin and others who will be working on that conference. This conference promises to provide the most valuable of all resources for policy making: new and fresh ideas. We want your ideas, the ideas of this organization. That is why I met with the leaders of your organization in preliminary sessions. But we want you in this convention and in other conventions to give us the ideas so that those who meet in the White House will represent the whole country, not just their own views.

All who take part in this conference and in the State conferences which, as you know, are going to go forward beforehand can be sure that we will welcome recommendations. We are going to give them our closest consideration.

Now, I would like to speak with regard to that conference on one issue that I have directed be given special attention, perhaps more attention than any other, if one issue has to have priority. I refer to the need to reform the regulations with regard to nursing homes in this country.

Let's look at the figures. 900,000 at the present time, people over 65, live in nursing homes. Some of them are very fine homes. I saw one yesterday just by accident. I was driving back from my mother's home in Southern Indiana to Indianapolis. As we went along, I saw some older people on the side of the road waving. So, I stopped the car and right back to where they were waving was a Presbyterian Home for the Aging.

I said, "How do you like it?" They said, "It is a wonderful place." I could see why, because of the Presbyterian minister who was in charge, a young man who obviously loved the people he was working with, was there. Some of the nurses and others were there. You could see they were all proud of being there. A new building was being built and I could see that this was one of the nursing homes where people who went to them could be sure they would get the proper care, not only in terms of food, but in terms of having people who were really concerned about them.

However, if there is any single institution in this country that symbolizes the tragic isolation and shameful neglect of older Americans, it is not that kind of a home, but it is the substandard nursing home, and there are some. Some are unsanitary. Some are ill-equipped. Some are overcrowded. Some are understaffed.

I am going to be quite blunt. Many of our nursing homes in this country, as I have indicated, are outstanding, like that Presbyterian Home I saw, and like others I have seen in California. My 90-year old aunt, my mother's sister, is still living in one in Riverside, and it is a wonderful home.

But I have been to others that are not. You have been to some. You have seen them. That is why many of these substandard ones are described as little more than warehouses for the unwanted, as dumping grounds for the dying. I have even heard of doctors who refuse to visit some nursing homes because they get too depressed.

So often it seems that nursing homes seem to keep older people out of sight and out of mind so that no one will notice their degradation and despair. Just think, if a doctor gets depressed visiting the home, how depressing it must be for the people who are in it.

I think we should take notice of this problem. I am confident that our Federal, State, and local governments, working together with the private sector, can do much to transform the nursing home—for those who need it, and of course, there are those who do no need it or want it—transform it into an inspiring symbol of comfort and hope.

I have asked the White House Conference to give particular attention to it. One thing you can be sure, I do not believe that Medicare and Medicaid funds should go to substandard nursing homes in this country and subsidize them.

The ancient Greeks said that we could count no man's life happy until the end of it. For if any man is to live a good life in the most complete sense, then his later years must also be years of fulfillment. As we pursue this goal and break away the barriers to full participation for those who are old today, we will also break them away for those who will be old tomorrow.

Our Nation has a high obligation to a generation which has given so much to its service. I think of so many in this audience who have given. I mentioned this wonderful teacher, 42 years of teaching. You can think of, frankly, some of the students she probably had to teach. They were probably as difficult as I was, and I was not very good at music.

I think, for example, of the mother of George Romney, who is here, and what she has contributed in raising a son who is now a member of the President's Cabinet, and has been Governor of the State.

I think of what others have contributed, in your various capacities, to this Nation. The Nation's commitment to its older citizens also grows out of a more selfish consideration that is this: We need you. We need your experience. We need your perspective. Above all, we need your sense of values, because you know this can be a strong nation militarily, it is the strongest in the world; it can be a strong nation economically. It is. We are the richest nation in the world. And it can be an empty shell if we forget that those moral and spiritual values, to which your generation is so deeply committed, are also there.

I have always felt rather fortunate, particularly fortunate that my own parents lived long lives. My father lived until he was 75, died in 1956 when I ran for Vice President the second time. My mother lived until she was 82. They shared a lot with me when I was young, growing up in a family of five boys, two of whom died when I was young.

But when we went through those periods,

their strength, of course, built strength in the other boys. But also, they shared a lot with me when I was older. One little incident proves it. In 1962 I ran for Governor of California and lost, after having lost for President in 1960. I then moved to New York. A couple of years later my mother had a very serious operation. She was not expected to live. I flew to California to see her. The doctor in the hospital said, before I went into the room, "The best thing you can do is to cheer her up. Let her know that there is still something worth living for."

So I went in and talked to my mother, and she was under heavy sedation, but she perked up, as she always did when somebody came in to see her. Just as I was ready to leave to go back out to New York, I said, "Now, mother, don't you give up." Her eyes flashed, she sort of leaned up in the bed, and she said, "Don't you give up."

I didn't give up. That is why I am here today. Let me tell you something. It was very tempting to give up—two defeats, making a lot of money as a lawyer in New York, not the problems and vicissitudes of politics. If my mother hadn't said that, I might have given up. She didn't live to see what her advice did.

But that shows what the older generation can do to younger people who have not been through as much who might give up. You can see why we need you, why younger people need you, your advice, your wisdom, your strength, your perspective.

If we allow our society to become fragmented, so that younger Americans are cut off from older Americans, and each member of our society will also become fragmented, with young people cut off from the past and older people from their future.

I spoke last January to an assembly of young people from the University of Nebraska, young people like the people in this band. I called for a new alliance between the generations—between youth on the one hand and adults on the other. But, you know, when I come to think about it, that is not enough. Today I want to go a step further. I call today for a new alliance in this country between Americans who are under 65 and those who are over 65.

The American community will be incomplete without the full participation of every American. For each generation has its unique role to play in the unfolding drama of America.

Let us then put aside the things which would divide us—suspicion, condescension, resentment, and indifference. Let us join together across the Nation and make ourselves an even greater America as we move forward together.

I have met many world leaders in my travels to over 70 countries in the world. I did not agree with all of them, but I learned from all of them, young and old. I remember seeing President de Gaulle of France after he had become President of France. I had been defeated for office. This was in the year 1963. He was talking about his own life, the fact that he had led the Free French, kept up the spirit of France when it was ready to die, after their defeat in World War II, after he was then repudiated by the French people and had gone into retirement and then called back into the service as President of France.

Then, and perhaps he was speaking to me as my mother had spoken to me, he said something about his favorite quotation from Sophocles, the Greek poet. He said, "One must wait until the evening to see how splendid the day has been." I want all of you in this audience to know that we want the evening of your lives and the evening of all lives of older Americans to be good evenings, fine evenings. We want you in the evening of your lives to be able to look back and say, "How splendid the day was."

AFL–CIO CONFERENCE ON JOBS

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. BLATNIK. Mr. Speaker, despite all the rhetoric President Nixon's "economic game plan" has failed to hold back the rising tide of inflation and has not shored up our economy with badly needed jobs. While Congress has kept the lights burning late into the night to give the President effective economic troubleshooting tools this administration has been turning its back on the problem hoping it will somehow go away by itself.

It is hard to know just what this administration is planning when they proclaim their concern about joblessness but veto a bill that would provide 170,000 people with useful, constructive jobs on community projects that will enhance the quality of life and stimulate our national economy.

This administration's persistent mismanagement of the Nation's economy recently brought more than 600 union leaders together in Washington at the AFL–CIO conference on jobs. The Nation read about the conference in the newspapers while it was underway but shortly afterward we were also treated to a brilliant summary and analysis of the conference and of the country's jobs and economic crisis by the AFL–CIO's director of research Nat Goldfinger on the Labor News Conference radio program on July 22, 1971.

Mr. Speaker, for those who may have missed it, I would like to take this opportunity to commend to the attention of my colleagues the transcript of this fine program as broadcast by the Mutual Broadcasting System:

LABOR NEWS CONFERENCE

Although unemployment has nearly doubled since President Nixon took office 2½ years ago, the Administration still has "nothing in sight" to create jobs and spur the economy to reverse the worsening trend, organized labor's top economist declared day.

Pointing out that since January, 1969, the nation's jobless rolls have shot up from 2.7 million to more than 5 million, AFL–CIO Research Director Nathaniel Goldfinger said that only a "sharp shift of (Administration) policies" can ease the "breadline unemployment" situation. But, he said, the recent comments of President Nixon's top economic advisors hold out no hope that "the Administration intends to quickly turn this thing around."

Goldfinger said the recent national AFL–CIO Conference on Jobs showed that the heavy impact of imports on American production and jobs "is the most serious problem that the U.S. government has to face up to." He said that "if the current trend is permitted to continue, we could well wind up with a low-wage economy—the kind of low-wage, service-type economy in which the American standard of life is destroyed." Goldfinger appeared on the network radio interview, LABOR NEWS CONFERENCE, produced as a public service by the AFL–CIO, and broadcast Tuesday at 9:35 p.m. (EDT), over the Mutual Broadcasting System.

The union economist renewed organized labor's call for federal action to curb and supervise the flow of U.S. capital to foreign companies and subsidiaries of American companies that are producing heavily for U.S. markets and "displacing large proportions of American production and American jobs." He added that "because of the recession and the continuing sluggishness of the economy . . . only about 75% of (U.S.) industrial capacity is being utilized," and urged establishment of quotas to "slow down the very sharp rise of imports."

Turning to continuing inflation, Goldfinger said that "equitable, across-the-board, even-handed" controls on "all forms of prices, costs, income and profits, as well as wages," would be "workable . . . if the Administration had the determination" to make them work.

Reporters questioning him were Tom Joyce, of Newsweek magazine, and Donald Finley, of United Press International. The interview was rebroadcast over WAVA–FM in the Washington, D.C. area.

THE JOB CRISIS

Mutual ANNOUNCER. The following time is presented as a public service by this station and the Mutual Broadcasting System.

HARDEN. Labor News Conference. Welcome to another edition of Labor News Conference, a public affairs program brought to you by the AFL–CIO. Labor News Conference brings together leading AFL–CIO representatives and ranking members of the press. Today's guest is Nathaniel Goldfinger, director of the AFL–CIO's Department of Research.

More than 600 union leaders from around the nation gathered in Washington recently for a national Conference on Jobs called by the AFL–CIO. Delegates to the two-day conference explored both the severe economic problems gripping the nation and solutions to those problems with top congressional leaders. Here to question Mr. Goldfinger about the results of the national AFL–CIO Conference on Jobs and the recommendations it made to put America back to work, to create new jobs, and to preserve existing jobs and industries, are Tom Joyce, economic correspondent for Newsweek magazine, and Donald Finley, labor correspondent for United Press International. Your moderator, Frank Harden.

And now, Mr. Joyce, I believe you have the first question?

JOYCE. Mr. Goldfinger, at the Conference on Jobs, AFL–CIO President George Meany referred to unemployment as "breadline unemployment." Is it really that severe? If it is, can you explain how it got that way?

GOLDFINGER. Well, the unemployment situation, as we see it, Mr. Joyce, is severe.

And unfortunately, it's getting worse.

According to the Labor Department's official figures for the April-June quarter of this year, there were 5 million unemployed—that's 6% of the labor force.

That's a sharp increase from January '69, when the Nixon Administration took office. At that time, there were 2.7 million unemployed—or 3.4% of the labor force. So, in the 2½ years since January '69, unemployment has almost doubled.

Another indication of how serious this is and how much more serious it's getting, is that 53 major industrial areas were hit by substantial unemployment in June. That's up from six in January '69. Moreover, in June—according to the Labor Department—there was substantial unemployment in 724 smaller industrial communities throughout the country.

So as we look at it, even according to the official government reports, this is a most serious situation.

JOYCE. Beyond the 5.6% in the last government figure—or the 5 million—how much hidden unemployment is there—people who have quit looking for jobs, are on short work-weeks—things like that?

GOLDFINGER. Well, Mr. Joyce, one of the difficulties with these government reports is that they are statistics.

But behind the government reports are human beings—human beings with family responsibilities and so forth.

When you look at the human aspect of this problem, you find that in addition to the 5 million unemployed—according to the official government statistics—other government statistics point out that a lot of people today are working only part-time, because there are no full-time jobs for them—they are forced to work part-time.

That means their incomes are cut, despite their desire for full-time work.

In addition to all of that, there is clear indication that there are several hundred thousand people—perhaps well over that—an unknown number of people—who aren't counted at all—who are out of the labor force—a kind of statistical pariahs—they don't exist in the government statistics. Yet they are out of work, but they are not out looking for jobs, because they are discouraged—and there are no jobs for them, in their occupations, within their own communities.

So the overall unemployment situation, in terms of human impact, is much more severe than the government statistics indicate.

FINLEY. Mr. Goldfinger, what do you feel the unemployment rate will get up to during the remainder of President Nixon's term—and also, if he is elected to another term—unless there are some basic changes in his policies?

GOLDFINGER. Well, Mr. Finley, on the basis of current trends, it clearly looks like the unemployment rate is creeping up and will go toward 6.5% in the next several months.

Beyond that, you'd need a crystal ball, or you'd have to be a prophet, to get involved in those predictions. But, there is nothing in sight to indicate any substantial reduction in the unemployment rate within the next 12 months, on the basis of the Administration's policies.

Now, of course, if the Administration makes a sharp shift in its policies and adopts measures to create jobs—to increase economic activity—to step up job-creating public investment, such as public works and so forth—then, of course, we could get improvement in the situation.

But, nothing like that is in sight.

The Administration has vetoed the Accelerated Public Works bill—they have turned down all kinds of suggestions for increased public investment to create jobs. So, on the basis of current trends and the way things look now, unfortunately, for the next few months, the unemployment rate is heading up.

FINLEY. Just what is organized labor's answer on how to create all the new jobs that are needed to give employment for the people who are now unemployed, as well as those who are going to be entering the labor force in coming months?

GOLDFINGER. Well, Mr. Finley, no single measure is going to work, because the job of turning the economy around to anything that approaches full employment, at this point, is really a great one—the task is very substantial.

The labor force is increasing about 1.5 million per year—that's the normal growth of the labor force. In addition, GI's are returning from Vietnam. And on top of that, as I mentioned before, there are at least several hundred thousand people who are not now counted in the labor force, but may well come back into the labor force, if jobs are available.

So, in order to make even a small dent in the current level of unemployment—that is, to reduce unemployment and provide jobs for the growth in the labor force and for the returning GI's—it would be necessary to creat about 2.5 to 3 million new jobs within the next 12 months. That's more new jobs—more increased employment—than developed in any single year in the decade of 1960's.

Now, in order to create that large number of new jobs we need considerable step-up of government investment in public facilities, public works, needed public services. We also need the kind of lift to the economy and life to consumer buying power that the new jobs would create—to turn this thing around, so that the private economy will respond, as well.

But, there is nothing in sight, as I said before—on the basis of the Administration's own comments within the past several weeks—comments of both Treasury Secretary Connally and the Chairman of the President's Council of Economic Advisers, Dr. Paul McCracken—there is nothing in sight, on the basis of their comments, that indicates the Administration intends to quickly turn this thing around.

JOYCE. Mr. Goldfinger, when we talk about the need for new jobs, we must also consider—I would assume, anyway—the changing composition of the work force.

We seem to be getting into more service jobs and into more so-called "knowledge jobs," with less emphasis on blue-collar and traditional kinds of employment. What does the AFL–CIO think of this changing pattern? What can be done to provide these kinds of jobs?

GOLDFINGER. Well, once again, it is our view that the increase in public investment that we believe is sorely needed—both in terms of needed public facilities and public services that the American people need, and the jobs that would be created, in terms of both of these needs—we think that what's required is a sharp step-up of public investment—in education, in health care, recreational facilities, pollution controls, and so forth.

Now, those kinds of activities would utilize considerable numbers of skilled, and technical and professional employees.

Furthermore, we have proposed, on numerous occasions in recent months—in connection with the reduction defense expenditures—that the government place increased emphasis on research and development in such needed activities as mass transit. There is a real need for development of new techniques of mass transit, and so forth. That would also require sizeable numbers of professional, engineering, scientific and technical employees.

Now, we think that the work is there to be done. We are convinced of that. There is plenty of work to be done in this country.

The issue is, how to get these things going.

We think the crucial place is Washington, D.C.—the crucial place is the government. But, the government has not been moving in these areas.

JOYCE. Mr. Goldfinger, the Administration has talked repeatedly about improving manpower training programs. In your view, has it improved these programs? Do we have an adequate manpower training system?

GOLDFINGER. Well, we have had a proliferation of various programs in the past 10 years, Mr. Joyce, but, I don't think we have a national manpower training policy, as yet.

We have various programs—scattered all over the map—scattered from one government agency to another.

Some are good. Some aren't so good.

But, there is no coordinated or comprehensive national manpower policy. At this late date, we certainly need one.

FINLEY. Mr. Goldfinger, much of the discussion at the AFL–CIO Conference on Jobs dealt with the problem of imports, and American firms building plants overseas. Hopefully, the present business slump in this country is temporary. But, the loss of American jobs, because of imports and U.S. plants overseas, appears to be more permanent. Isn't this the more serious problem on a long range basis?

GOLDFINGER. Well, in the long run, Mr. Finley, this could well be the serious problem over the next decade.

That was one of the issues that we hoped to call to the attention of the American people and to the attention of the Government.

Mr. Meany, in his opening remarks to the Jobs Conference, pointed out that imported autos are now 20% of the United States market—TV receivers, 30%—glassware, over 40% and sewing and calculating machines, nearly 60%.

Furthermore, as the AFL–CIO has pointed out to the public and to congressional committees on numerous occasions, nearly all radios now sold in the U.S. are imported. Similarly, large portions of U.S. sales of steel, tires, shirts, work clothes, shoes, knit goods, and so on, are imports.

We've been inundated, in the past five to 10 years, by a floodtide of imports which is absorbing large portions of our domestic markets, and displacing large portions of U.S. production, and displacing American jobs.

We think that this is the most serious problem that the U.S. government has to face up to.

FINLEY. Mr. Meany recently accused the Administration of trying to impose a low-wage economy on the United States. Do you foresee eventual leveling of wages between American workers and those in places such as Japan, Hong Kong, Taiwan, and Europe—where we do most of our trading?

GOLDFINGER. I don't see that kind of leveling in anything like the near future, Mr. Finley.

But, there is the danger that Mr. Meany pointed to—that if the current trend is permitted to continue, we could well wind up with a low-wage economy—the kind of low-wage, service-type economy in which the American standard of life is destroyed. That is what the AFL–CIO is concerned about, and why we have been calling this issue to the attention of the Congress, the Administration, and the public.

We have been asking for action—for the government to curb and supervise the flow of American capital and American technology to foreign companies, to foreign subsidiaries of American companies. And also, urging establishment of some kind of quota arrangements on imports that would slow down the very sharp rise of imports of goods into the U.S.—imports that are displacing large proportions of American production and American jobs.

JOYCE. Mr. Goldfinger, if we are going to achieve the "American dream," we are going to have to have a vastly growing economy. That means capital formation. Do you see an effect on U.S. capital formation by overseas investment?

GOLDFINGER. Well, in connection with your question on business investment and capital formation, the immediate problem is that only about 75 percent of industrial capacity in the United States is being utilized, because of the recession and the continuing sluggishness of the economy.

On top of that—in the past decade in particular—American companies have been investing vast amounts of money—billions and billions of dollars—in plants, and warehouses and other facilities overseas. One Harvard professor pointed out recently that 8,000 subsidiaries of American companies were established in foreign countries over the last 25 years, and most of those 8,000 subsidiaries are engaged in manufacturing.

Now, that means that a good deal of what could have been capital formation and business investment in new plants and machines here in the United States has gone overseas—to foreign countries. This is American money, American technology, and American know-how.

JOYCE. Mr. Goldfinger, next to jobs, the most troubling aspect of our economy seems to be inflation. On the one hand, the Administration and one school of economists blames labor for this, because of recent large settlements. On the other hand, other economists, like Paul Samuelson, say that this is not so—that other factors are responsible. How do you view the origins of inflation?

GOLDFINGER. Well, the origins of the inflation that we see now go back to the early 60's—they are rooted in a profit inflation during that period and in a capital goods boom that wasn't sustainable.

It built up a lot of idle productive capacity that is still troubling the American economy at this point.

On top of all of that, there were accelerated expenditures in connection with the Vietnam war from the end of '65 and into the middle or end of '68—a period of years. Then, we got a credit-squeeze and credit-inflation, with soaring interest rates.

However, I think that in order to solve this problem, we certainly need some strong measures.

One is low interest rates. High interest rates are a cost. They create price-pressures throughout the economy.

We also need, very badly, a rapid expansion of the economy not only to create jobs for the unemployed and for the growing labor force, but also to provide improved productive efficiency and increased productivity. That in turn would mean reduced pressures on unit costs, and therefore, reduced pressures on prices.

Those kinds of measures, I think, are absolutely essential to get the economy moving again and also to reduce the inflationary pressures.

JOYCE. Mr. Meany suggests that we might have to go to wage and price controls. Do you think this is a possible solution?

GOLDFINGER. Well, Mr. Joyce, the AFL–CIO has repeatedly stated—ever since February '66—that if the President determines a necessity for overall economic stabilization measures, the AFL–CIO would cooperate with mandatory government controls—provided that they are equitable—across-the-board and even-handed—on all forms of prices, costs, incomes, and profits, as well as the wages and salaries of workers.

FINLEY. Mr. Goldfinger, can you really expect wage and price controls to work, and work equitably? Wouldn't there be widespread violations—loopholes? Wouldn't the administration of wage and price controls be very difficult?

GOLDFINGER. It wouldn't be easy but, I don't think it would be so difficult as to be insurmountable.

I think that it could work—it could be done—if the Administration had the determination to make it work.

We don't have shortages. We don't need rationing. We don't need the kind of things we had during World War II.

Yes, I think that such controls are workable, at this point.

FINLEY. Short of wage and price controls, do you have any other solutions for inflation in your hip pocket?

GOLDFINGER. Well, I suggested earlier that one would be a reduction of interest rates, which would reduce the cost and price pressures throughout the economy.

Second, I would strongly urge an expansion—a rapid expansion of the economy. That would create jobs for the unemployed and the growing labor force.

Also, this would increase productivity and reduce cost and price pressures throughout the economy.

These things, I think, are badly needed.

HARDEN. Thank you, gentlemen. Today's Labor News Conference guest was Nathaniel Goldfinger, director of the AFL–CIO's Department of Research. Representing the press were Donald Finley, labor correspondent for United Press International, and Tom Joyce, economic correspondent for Newsweek magazine. This is your moderator, Frank Harden, inviting you to listen again next week. Labor News Conference is a public affairs production of the AFL–CIO, produced in cooperation with the Mutual Broadcasting System.

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TRIBUTE TO ROBERT J. SMITHDAS, HUMANITARIAN

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. CAREY of New York. Mr. Speaker, twice within a 10-month period Robert J. Smithdas has been singularly recognized by two outstanding institutions of higher learning: On June 18, 1970, he was awarded an honorary doctor of letters degree by Gallaudet College, Washington, D.C.; on April 17, 1971, he was granted an honorary doctor of humanities degree by Western Michigan University, Kalamazoo, Mich.

Robert Smithdas is a poet, author, and lecturer, the director of community education program for the new federally funded National Center for Deaf-Blind Youths and Adults. Robert Smithdas has been both deaf and blind since the age of seven.

Along with the Members of the Congress of the United States, I am humbly proud to bask in the reflections from the honors and acclaim bestowed on this 45-year-old man. It was through the persistent efforts of Dr. Peter J. Salmon, administrative vice president of the Industrial Home for the Blind in Brooklyn, N.Y., that Congress was made aware of the plight of thousands of almost-forgotten and lonely deaf-blind persons in this country; it was through the action of Congress that the National Center for Deaf-Blind Youths and Adults was created and established and funded. We in Congress will share in the restoration and reclamation of each and every deaf-blind man and woman who is rehabilitated to fruitful lives through the services of the national center which, directed by Dr. Salmon, is operated under the aegis of the Industrial Home for the Blind.

I am proud to have given my full support and encouragement to this most worthwhile and desperately needed program. In addition, I have had a personal interest and admiration for Dr. Smithdas, whom I first met when we both attended St. John's University in Brooklyn. He was an inspiration to me, as he was to all of the students of the college, and he fitted in admirably, not only with respect to his academic achievements—he was on the dean's list—but because he was an all-around fellow and was even on the wrestling team.

The honors bestowed on Dr. Smithdas were truly in recognition of his humanitarianism. Not content to rest on his laurels as an author and as a lecturer much in demand, he has devoted the last 10 years of his life to actually working hand in hand with other deaf-blind men and women, helping them to break down the barriers of silence and darkness.

POLLUTION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. HANNA. Mr. Speaker, those of us in this body who have been concerned with the problem of the pollution of our environment by the most pervasive yet vitally necessary energy conversion operations have been facing a seemingly insurmountable obstacle in finding, first, an equitable method of enforcing pollution standards on all potential polluters and, second, a means of reducing pollution that was economically viable.

Many localities and States have enacted legislation replete with an ofttime abused grandfather clause which exempted existing polluters from the more stringent emission standards placed on new construction. Not only has this practice failed to reduce air pollution but it has had the even more drastic effect of spreading pollution as this industry has invaded heretofore untouched—and therefore unregulated—areas of our Nation with new, uncontrolled energy production facilities in its efforts to escape economically prohibitive and patently inequitable regulations.

In other areas, legislation and regulations taxing or fining polluters has been attempted, also with notable and regrettable failure. Either the tax or fine was so insignificant as to place no coercive burden on the polluters or, as in my first observation, the industry simply moved away from the regulated areas into virgin territory where the rape of our environment has continued unabated.

Given this background, I am confident that most of my colleagues in this esteemed body were encouraged, as I was by the recent introduction by our colleague from Wisconsin (Mr. ASPIN) of legislation taxing, on a national basis, the emission of air pollutants by all—new and old—energy conversion plants. This legislation would, to my mind, overcome the objections many of us have had to the inequities—both in principles and in economics—embodied in most local regulatory efforts. No advantage is given to either new or existing plants—all are taxed equally—and the tax called for is realistic—harsh enough to make it too costly to continue to pollute yet mild enough to permit acceptance by the ultimate arbiter, the consumer.

Yet even Mr. ASPIN's proposal, meritorious though it may be, is not enough by itself. We must have a reasonably priced method of removing the pollutants, either at the smokestack—which is extremely costly—or at the refinery or even earlier—less expensive both in processing and in the eventual sale and use elsewhere for other purposes of the removed polluting ingredient, in most cases sulfur. It is to this last point which I address myself today in the hope that what has been made available to me will add the number two punch to the first embodied in Mr. Aspin's bill.

Air pollution from the burning of fossil fuels is comprised generally of two materials, sulfur oxides and nitrogen oxides. The two activities which pollute the most are energy conversion plants and the gasoline internal combustion engine. As we are concerned here with Mr. Aspin's bill, I will confine my analysis to the pollutants emitted by energy conversion plants.

The general breakdown, for a number of reasons, of pollutants produced by energy conversion plants is approximately 80 percent sulfur oxides and 20 percent nitrogen oxides. The major effort in this area must obviously be directed toward the removal of the source of pollution, that is, either the use only of sulfur-free fuel oil or the extraction of sulfur from the oil before use in the plants.

Now, the problem we face in this regard is the availability of sulfur-free, or sweet crude oil. This oil is the least available and the highest priced. On the other hand, sour crude, or sulfur-laden oil, is in the greatest supply and, logically, the least expensive.

We are then, to my mind, left with but one option—we must develop a means of making sweet crude out of sour. I am in possession of a proposal, prepared and submitted to me by one of my constituents, which delineates an inexpensive yet guaranteed method of removing the major pollutants—sulfur oxide—from fossil fuels prior to their use in plants and, in certain circumstances, prior to delivery to the refineries. In his proposal, my constituent estimates the cost of this removal as being from $0.0002 per kilowatt-hour—at the best—to $0.0008 per kilowatt-hour—at the worst, an increase of approximately 5 percent in the average electrical bill in my district.

If, as I have mentioned, this process is employed in the prerefining stage, that is, on the tanker ships, the cost and inconvenience can be further offset, first, by the immediate sale of the extracted minerals—which, at present market rates, may even be profitable—and by the elimination of processing time at the refineries. With adequate equipment, the time consumed in transit on the tankers can be fully utilized.

Thus it is with great hopes, Mr. Speaker, that I today call on our oil companies, our energy conversion industry, and our citizenry to demonstrate their professed desire to stop pollution of our air and to join together in this vital cause. It is, I believe, a commitment essential to our survival and one we must unhesitatingly make.

UNITARIAN UNIVERSALIST ASSOCIATION OPPOSES PROPOSED PRAYER AMENDMENT

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. CELLER. Mr. Speaker, I direct the attention of the Members of Congress to the following letter sent to me by the Unitarian Universalist Association. I call particular attention to the statement in the letter which reads:

> We in the churches and fellowships of the Unitarian Universalist Association have long been satisfied that these decisions were in the best interests of religious pluralism and religious freedom in America.

The text of the letter is as follows:

Unitarian Universalist Association,
Boston, Mass., July 23, 1971.

Hon. Emanuel Celler,
Chairman, House Committee on the Judiciary, Washington, D.C.

Dear Mr. Chairman: It has come to our attention that an attempt is currently being made to circumvent the House Committee on the Judiciary and discharge by petition a prayer amendment to the United States Constitution.

I would like to record with you the opposition of the Unitarian Universalist Association to this move and to the concept of amending the Constitution to provide public prayer.

We had thought the Supreme Court had decided this issue long ago in the case of Engel v. Vitale, 1962; and the Schempp and Murray cases of the following year. We in the churches and fellowships of the Unitarian Universalist Association have long been satisfied that these decisions were in the best interests of religious pluralism and religious freedom in America. We deplore any move to raise again this old issue and urge that Members of the House of Representatives not sign the discharge petition and that Members who have signed it remove their names.

There are many defects in the proposed prayer amendment. The primary defect and one that cannot be overcome in any satisfactory way, in our judgment, is the inescapable question of who determines what the nondenominational prayer will be and who prescribes the prayer for use in the public schools. Though the amendment does not directly allude to public schools, its thrust is certainly that of returning prayer to the public schools. In Engel v. Vitale, prayers prescrbed by state authority, i.e. the public school authorities, were unconstitutional as violative of the First Amendment Establishment of Religion clause.

We stand with the majority opinion in that landmark case which said:

"We think that the constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government."

There are other defects in the proposed prayer amendment's language such as what it meant by "lawfully assembled" and whether or not specifying "public buildings" does not, in effect, rule out other places where prayer might be held. The definition of prayer in the New York Regents case was found to be impossible. Any prayer, no matter how it is worded, will include some, and exclude others. Just the fact of praying to a deity divides the theistic from the nontheistic religious person.

Prayer is a very personal thing and should be an entirely voluntary religious act. This proposed constitutional amendment would violate that spirit and practice.

We urge you, Mr. Chairman, and the Members of Congress to defeat this unsound, unworkable and unnecessary proposed constitutional amendment.

Sincerely yours,
Raymond C. Hopkins.

TRIBUTE TO AVIATION PIONEER HENRY FORD ON 45TH ANNIVERSARY OF FORD TRIMOTOR PLANE

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. WHALLEY. Mr. Speaker, exactly 45 years ago this month, there appeared in the skies, for the first time, an aircraft called, officially, the "Ford Trimotor Plane"—a product of the Ford Motor Co. Unofficially, the aircraft became fondly known as "The Tin Goose." She was probably the noisiest plane ever built, and everybody who rode in her early models came back complaining that they had almost frozen to death. But for all that, the Ford Trimotor was a thing of beauty in the eyes of everyone concerned for the future of aviation. It was the first all-metal, high-wing, trimotor passenger transport plane in the history of man, and the forerunner of the air transportation system we know today.

Much has been written of Henry Ford's contribution to the world of wheels, but little is known about the farsightedness, encouragement, and financial support he supplied to the world of wings. And yet, in a period when the airplane was still regarded by most people as a dangerous, noisy, bothersome, winged intruder on society, Henry Ford saw in this machine a whole new concept in transportation for everyone.

It truly can be said that he took the airplane out of the cow pasture, put it in the hangar, obtained for aviation prestige and public confidence, and, in so doing, launched the air age. The Ford Trimotor, by virtue of its metallic construction, its three great engines, its commodious interior, and broad wingspan, had the look of safety and security. With the Ford name emblazoned on its side, public acceptance came inevitably. The Ford Trimotor soon became the most sought-after transport plane in the world, and its reputation was wholly deserved.

In the 7 years from 1926 to 1933, 198 Ford Trimotors were produced and sold, the selling price being $42,000 each. Newer models made coast-to-coast trips possible, and America was embarked on a new era.

The Trimotor was capable of landing in unbelievably small fields and of carrying a good payload of passengers and mail 100 miles-an-hour faster than any other form of transport. On the ground at Dearborn, Mich., the Ford Co. constructed an airport of unprecedented capability and convenience, complete with paved runways, passenger-terminal building, restaurant, hotel accommodations, radio communications shack, weather bureau, and traffic control center. It was a model for all future airport construction.

At this time, on the 45th anniversary of the Ford Trimotor plane, I wish to express my admiration for Henry Ford and the Ford Motor Co. who made a stunning contribution to aviation progress.

SOVIET MILITARY RESEARCH AND DEVELOPMENT

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. HARRINGTON. Mr. Speaker, the question of comparative Soviet and U.S. military research and development spending and output has attracted considerable attention this year. At issue is whether or not an "R. & D. Gap" is emerging and what the resulting implications for U.S. security might be. Many complex problems are involved in coming to conclusions on this important subject. Complicating the matter for the public and Congress is the unfortunate fact that much of the needed information about Soviet developments and Defense Department and CIA methodological techniques remains secret.

Senator Thomas McIntyre, the chairman of the Senate Armed Services Subcommittee on Research and Development, asked the General Accounting Office in April 1971 to conduct an evaluation of the data and methodology on which the Department of Defense based its conclusion that the Soviet Union's expenditures for military R. & D. are about $10 billion annually compared with U.S. expenditures of about $7 billion. On July 23, 1971, the GAO published its report, "Comparison of Military Research and Development Expenditures of the United States and the Soviet Union," together with two backup staff studies, one of which is classified.

The GAO report concludes that:

> On the basis of the limited information available to us, we believe that extreme secretiveness by the Soviet Union results in data which are insufficient for a realistic measurement of its military R&D efforts. At best, dollar valuations of Soviet Union military R&D programs are only rough guides to the Soviet Union's relative level of effort. In our opinion the general technological assessments as developed by DOD can provide only general support for those rough guides; they cannot refine them. Consequently, although we believe that the DOD methodology with its limited data base may be useful in indicating trends and the apparent magnitude of the Soviet Union military R&D threat, we have reservations as to its usefulness in quantifying relative efforts or spending gaps between the countries.

The unclassified staff study, which examines research and development expenditures in the United States, concludes that DOD understates U.S. expenditures.

> Although the total amount is not determinable, it is evident that the amount of defense-related R&D in the United States is substantially higher, at least $1 billion higher, than the amount reported by DOD.

The second staff study, classified "Secret," is a determination of the data and methodology used by DOD in calculating comparable Soviet Union military R. & D. expenditures. I would hope that a declassified version of this study will be released. As a member of the House Armed Services Committee, I have been pressing the Defense Department to reveal as much as possible concerning how it estimates Soviet military R. & D. expenditures. A list of my questions on this subject, together with Dr. John Foster's answers, were printed in the hearings on the military procurement authorization bill—pages 3690.1–3690.18. The Director of Defense Research and Engineering did reveal more information than previously but we need to know much more in order that independent experts may be able to evaluate DOD's estimates. It is simply impossible to accept these estimates, and the alarmist conclusions based on them, at face value. Too many doubts and questions have been raised.

Deplorably, the GAO investigators were denied access to much of the information and analysis on which DOD bases its assertions.

> We were not permitted to review the intelligence community's supporting documentation for its estimates of the Soviet Union's military-related R&D budgets or the equivalent costs of Soviet Union efforts in civil space technology.

Considering the limitations of time and information, the GAO did an admirable job in preparing its report. The concealing of studies on the grounds of security on the part of DOD and the CIA makes it almost impossible, however, to subject DOD's analysis to the kind of impartial and intensive scrutiny that is clearly required.

I intend to place in the Record materials pertaining to comparative United States and Soviet military R. & D., particularly papers from the Stockholm International Peace Research Institute, which has pioneered in undertaking open and independent evaluations of Defense Department and other studies in this field. At this point in the Record I wish to insert Senator McIntyre's letter to the Comptroller General of the United States, Elmer Staats, requesting the GAO study, and the resulting GAO report and unclassified staff study:

April 1, 1971.

Hon. Elmer B. Staats,
Comptroller General of the United States, Washington, D.C.

Dear Mr. Staats: In recent testimony to the Senate Armed Services Committee, Dr. John S. Foster, Jr., Director of Defense Research and Engineering, warned of the existence of a $3 billion gap between U.S. and U.S.S.R. expenditure levels for defense-related research and development:

". . . it appears that this year the Soviet Union will be devoting about 40 to 50 per cent more in equivalent effort to military R&D than the U.S. This additional effort amounts to about 3 billion in equivalent U.S. dollars." (Statement of March 18, 1971, p. 2–5)

The clear inference to be drawn from this statement is that U.S. expenditures of about $7 billion for military R&D are now exceeded by Soviet expenditures of about $10 billion annually.

Such a statement has obvious national security implications. Because it is important that we neither underestimate nor magnify Soviet expenditures in this area, I am writing to request your assistance in evaluating both the data and the methodology on which the Defense Department's conclusion is based.

How was the conclusion reached? How much confidence should be placed in this or any other study which attempts to compare U.S. and Soviet expenditure levels for military R&D? A study by the General Accounting office is the best means I can think of for obtaining at least tentative answers to these questions.

The study I envisage would have four parts:

1) *Dollar evaluation of U.S. research and development expenditures:*

Defense-related research and development expenditures constitute only a part of our total R&D expenditures as a nation, yet expenditures in other areas also contribute to differing degrees both to the strength of our overall technological base and to our military potential. It is important, therefore, that there be made available to the Congress a comprehensive picture of our total R&D effort as a nation, together with an indication of its allocation into component parts. Because of their close relationship to military technology, I am especially interested in the amount of money being directed annually to the fields of space and atomic energy research, both by the government and private industry.

Moreover, not all of our clearly defense-related research and development expenditures are funded through the annual R.D.T. & E. budget of the Department of Defense. The following should also be included in an accurate assessment of our total annual expenditures in this field:

a) the annual costs of defense contractors' independent research and development, bid and proposal, and other technical effort programs, both that fraction financed directly by the Department of Defense and that defense-related fraction financed by the contractors themselves under cost-sharing provisions now in force;

b) the annual salaries of military and civilian government personnel working on defense-related research and development efforts whose salaries are not included in the R.D.T. & E. appropriation;

c) the annual construction, equipment, testing, and other operating costs of defense-related research and development installations to the extent not funded in the R.D.T.&E. appropriation; and

d) defense-related costs of an R&D nature often funded in the procurement or other appropriations, such as the costs of many modernization programs, work done pursuant to Engineering Change Proposals, and many Advance Production Engineering expenditures.

The above list is, of course, illustrative rather than all-inclusive. Other costs which should be included in a calculation of our total defense-related R&D expenditures might well turn up during the course of your study. It is important, however, that the Congress be given as accurate a picture of these expenditures as possible, together with a clear indication as to which of the component items, and at what levels of expenditure, have been included in the Defense Department's study and your own, respectively.

2) *Ruble evaluation of Soviet research and development expenditures:*

Due to the extreme secrecy surrounding Soviet defense activities and the low reliability of officially published Soviet data, it would seem extremely difficult to gauge the precise magnitude of Soviet research and development activities at any time. If the Congress is to put any reliance on the Defense Department's estimates in this area, it will have to have a clear indication of how these estimates are derived.

The following are among the questions to which answers are urgently needed and should be possible:

a) What *are* the Defense Department's estimates of overall Soviet research and development expenditures, Soviet expenditures on defense-related R&D, and Soviet expenditures on R&D in the fields of space and atomic energy?

b) Where in the official Soviet budget categories are these expenditures believed to be funded?

c) To what extent are Defense Department estimates of these expenditures *actually based upon* published Soviet budget data, and to what extent on other means of what kinds?

d) What range of error can realistically be expected to be associated with these estimates?

e) To what extent has the Defense Department attempted a break-out of its aggregate estimate of Soviet defense-related R&D expenditures into component parts? What is the nature of this break-out, how was it accomplished, and how reliable can it be expected to be?

3) *Evaluation of potential biases due to structural differences between the U.S. and Soviet economies:*

Ours is a largely private enterprise economy, while the Soviet economy is state-controlled. Consequently, many types of research and development privately financed in the U.S. will be financed directly by the Soviet government.

In the U.S., for example, the great bulk of basic and applied research in such fields as computers, instrumentation, and micro-electronic technology is conducted by private enterprise. Much of this research has obvious potential for military applications yet except for the relatively small portion financed under defense contracts or associated with the Defense Department's independent research and development and related programs, it would not be included normally in a calculation of overall U.S. defense-related R&D expenditures. In the Soviet Union, on the other hand, similar research will be government funded and might more readily be included in a calculation of Soviet expenditures.

One important part of your study must be to examine the composition underlying the aggregate Defense Department estimates of U.S. and Soviet defense-related expenditures, respectively, to ensure that structural differences in the two economies are not allowed to bias the results. An accurate comparison would require additions to the U.S. total to offset all inclusions in the Soviet total of defense-related work funded by the Government in the Soviet Union but by private industry in the United States.

(4) *Evaluation of ruble to dollar conversion methodology*:

One of the most crucial aspects of any comparison between Soviet and U.S. expenditures is the choice of an exchange rate for translating rubles into dollars. The artificial nature of the official exchange rate prevents its being used, but the choice of an alternative rate is difficult.

This section of your study might address the following questions:

(a) What was the exchange rate used by the Defense Department in its calculations, and by what precise methodology was this rate derived?

(b) Is there any way of deriving such a rate without, in effect, estimating directly how much it would cost to do in the United States the Soviet work which is being costed? Do we know enough about the precise nature of the Soviet work in question to be able to make such a calculation? If such a procedure was utilized by the Defense Department with respect to the present comparison, what different rates were chosen for the different categories of Soviet effort underlying the total, and how was the rate for each of these categories derived?

(c) What range of error can realistically be expected to be associated with the exchange rate chosen by the Defense Department?

I fully recognize the complexity of the study I am requesting you to make, but I would appreciate an interim report on your investigation by June 1, 1971. It should be possible within the next two months at least to identify the rough magnitude of overall U.S. expenditures for defense-related R&D and to determine the date and methodology used by the Defense Department in calculating comparable Soviet expenditures. Due to the sensitive nature of some of the information on which your study will have to be based, I would like to receive both a classified and an unclassified version of your interim report. When that report is received, consideration as to the practicality and advisability of a more detailed, in-depth study of the Defense Department's comparisons of U.S. and Soviet efforts will be in order.

Your cooperation in undertaking at least the initial phases of the investigation I have outlined would be deeply appreciated. My staff will be available to consult with personnel of your office as to any questions you may have.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senator.

COMPARISON OF MILITARY RESEARCH AND DEVELOPMENT EXPENDITURES OF THE UNITED STATES AND THE SOVIET UNION

(By the Comptroller General of the United States)

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., July 23, 1971.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: As requested in your letter of April 1, 1971, the General Accounting Office has evaluated the data and the methodology on which the Department of Defense (DOD) based its conclusion that Soviet Union expenditures for military research and development (R&D) are about $10 billion annually compared with United States expenditures of about $7 billion.

As you have recognized, this is a very complex matter involving many abstract issues. Furthermore the data available for such a study are very limited. According to DOD officals, their conclusion regarding increased Soviet Union R&D funding was based primarily on intelligence reports. With one exception, these reports were not available to us.

Alhough our study was necessarily restricted in scope, we have covered the two areas mentioned on page 5 of your request; namely (1) identification of the rough magnitude of overall U.S. expenditures for defense-related R&D and (2) determination of the data and methodology used by DOD in calculating comparable Soviet Union expenditures.

Although we did not have time to obtain DOD's formal comments, we did discuss the report informally with DOD officials.

PROBLEM OF COMPARABILITY

Our limited study indicates that any comparison of United States and Soviet Union R&D efforts is complicated by such factors as:

The sparseness of published information on the Soviet Union budget.

The inability to accept the limited published Soviet Union budget data at face value.

The inclusion in the Soviet Union budget of outlays for activities financed in the United States largely by the private sector and State and local governments.

The uncertainties in converting rubles to dollars.

The differences in methods of performance, especially in the use of manpower and equipment.

The differences in innovative approach between a centrally planned economy and a competitive market economy.

The reportedly inferior facilities and equipment of Soviet Union scientists (with the likely exception of some space and military research facilities), especially the lack of computers for R&D.

U.S. DEFENSE-RELATED R&D EXPENDITURES

In the past several years, DOD officials most often have mentioned defense-sponsored R&D as being in the area of $7 billion. As long as the figure is not more precise, it can represent (1) the RDT&E (research, development, test, and evaluation) appropriation in DOD's budget request, (2) DOD's part of the R&D program contained in the Special Analyses section of the Budget of the United States, or (3) DOD's R&D program as published in National Science Foundation reports, which includes RDT&E appropriations plus some support received by R&D activities from other appropriations.

The expenditure figure of $7 billion used by DOD in its recent statement included, in addition to DOD's RDT&E expenditures, costs for military atomic energy. The amount in current dollars was close to $8 billion but was converted to 1968 dollars for comparison with Soviet Union expenditures.

We found in our study that expenditures for defense-related R&D in the United States were higher than any of the figures recorded in the above-named sources. Although we were unable to determine the exact amount, we believe that the additional effort exceeds $1 billion. There are two principal areas in which these defense-related R&D costs are incurred: (1) expenditures are made by DOD that are not recorded as part of its RDT&E appropriations or its R&D program and (2) private industry finances R&D ($10 billion to $11 billion annually), some of which is related to defense. These two areas are discussed in further detail subsequently.

Because of the nature of R&D there is no generally accepted definition of the activities which constitute R&D, especially when it comes to defining the point at which development ends and production begins. DOD believes that many of the so-called unrecorded R&D costs fall within the "gray areas" which border on the line between development and production and that there is a further definition problem involved in determining the part of industry's R&D efforts that is defense related.

DOD believes also that designation of these two types of costs as defense-related R&D costs would increase the amount recorded as U.S. defense-related R&D expenditures by about 15 percent—20 percent at the most—and that these add-on costs become important only if the Soviet Union is handling its similar expenditures in a different manner. DOD states that its comparisons were intended to make the Soviet Union RDT&E estimates functionally comparable to those of the United States and that such costs in the Soviet Union were outside the budget for its RDT&E. In our study we were unable to determine the handling of such expenditures in the Soviet Union budget.

Some DOD R&D-related expenditures not recorded as R&D

DOD's accounting system discloses some costs of RDT&E activities funded from appropriations for military personnel and military construction and from other appropriations. These costs are included in National Science Foundation reports on R&D. Other amounts relating to R&D however, are not funded with

RDT&E appropriations or otherwise recorded as R&D.

1. As explained in our report to the Congress ("Allowances for Independent Research and Development Costs in Negotiated Contracts—Issues and Alternatives," B–164912, February 16, 1970), DOD's share of contractors' costs for independent research and development (IR&D (including other independent technical effort, such as bid and proposal) is generally absorbed as overhead on contracts. Such contracts are funded from appropriations for procurement, RDT&E, and to some extent operations and maintenance. On the basis of our knowledge of the funding of defense contracts, we estimate that 20 percent of such IR&D costs were funded from RDT&E appropriations. Therefore, using Defense Contract Audit Agency reports for 1970, we calculate that about 80 percent of such costs—more than $550 million—represents additional defense R&D costs not included in RDT&E or otherwise recorded as R&D.

DOD informed us that it had included about $300 million for IR&D in computing the $7 billion of United States defense-related R&D costs for comparison with the Soviet Union R&D expenditures.

2. Certain expenditures, related to development of weapons systems and components, are funded from other than RDT&E appropriations and are not recorded by DOD as R&D costs. These include such areas as "product improvement" or "component improvement," "major modification," and "advanced production engineering."

DOD does not maintain separate records of product improvement or component improvement costs financed by the procurement or operations and maintenance appropriations. At our request DOD estimated that R&D costs for programs in this gray area amounted roughly to $100 million in procurement appropriations for fiscal year 1972. We believe that the amount may be higher, because DOD has planned to approve $113 million in calendar year 1971 and $126 million in calendar year 1972 for aircraft engines, a single-component improvement program.

DOD informed us that Soviet Union expenditures for product improvement were made by Soviet Union production enterprises and were not included in estimates of the Soviet Union RTD&E budget. We were unable to corroborate this information and therefore are unable to comment on the statement.

DOD had not made a study of the engineering and testing costs funded from procurement appropriations for major modifications of weapons systems and consequently did not provide us with an estimate of such amount. Our limited review indicated that modification programs involved substantial costs and, when implemented as modifications to production contracts, were not funded from RDT&E appropriations. The extent to which such modifications involve R&D efforts is not known.

DOD considered advanced production engineering as another gray area and estimated R&D effort involved $50 million financed from 1972 procurement appropriations.

3. Expenses of R&D management and administrative organizations at DOD departmental headquarters levels were not financed from RDT&E appropriations and were not recorded by DOD as R&D program costs. DOD estimated these costs at $42.3 million for fiscal year 1972.

R&D financed by private industry

Inasmuch as all activities in the Soviet Union are funded and controlled by the Soviet Union Government, we believe that it is necessary to recognize that a part of all United States R&D expenditures, private as well as governmental, must be considered in comparing defense-related R&D expenditures of the two countries. DOD contends that industry R&D performed in the civilian sector of the Soviet Union does not appreciably benefit the Soviet Union defense R&D effort. Nevertheless the Director of Defense Research and Engineering informed the House Committee on Armed Services on May 25, 1971, that, in making funding comparisons between the United States and the Soviet Union:

"* * * an attempt was made to estimate the equivalent RDT&E value to the U.S. military RDT & E budget of U.S. non-defense, non-space R&D items which the Soviets might have to include in their military and space budget in the interest of secrecy. Computer manufacturing technology was a major item. The estimate for such civilian-furnished RDT&E to Defenses was between $500 million and $1 billion per year in 1970 * * *."

The National Science Foundation, which has the statutory responsibility for collection and analysis of data on R&D in the United States, does not attempt to determine how much R&D financed by industrial companies is defense-related. This could be because of the inherent problem in trying to arbitrarily distinguish between ultimate uses for defense as opposed to civil applications. However, we have identified two areas involving R&D in the private sector where it appears that the defense-related R&D is significant.

These areas are:

1. Contractor's unreimbursed IR&D

According to Defense Contract Audit Agency reports, major defense and space contractors incurred $1,294 million of IR&D costs in 1970. Of this amount, $1,087 million was accepted by the Government for allocation to all the contractors' work. To be acceptable for allocation, such work generally must be related to product lines for which the Government has contracts. Consequently it seems reasonable to assume that the difference between the amount accepted for allocation ($1,087 million) and the DOD-National Aeronautics and Space Administration share ($791 million), or approximately $300 million, represented unreimbursed costs incurred for defense-related research.

We believe that the IR&D costs incurred in excess of the amount accepted for allocation also represented—to an undetermined degree—costs incurred for defense-related research. Such costs, amounting to $207 million in 1970, were incurred by major defense and space contractors as a means of meeting anticipated customer needs, and consequently it appears that such unreimbursed cost would represent a substantial amount of defense-related research financed by private industry.

2. Computer technology

The importance of considering computers when assessing the relative R&D positions of the United States and the Soviet Union is evidenced by reports that there is a serious lack of computing power for scientific and other purposes in the Soviet Union. Since computers have a high potential for military application, it is reasonable to assume that much of industry R&D in the computer field has a definite relationship to defense.

The National Science Foundation reported that in 1968 the office-, computing-, and accounting-machine industry performed $658 million of applied R&D. About 90 percent of this effort, largely related to computers, was attributed to industry financing. DOD believes that these figures do not reflect indirect Government financing. DOD reported that:

"In the United States, the total computer R&D effort, civilian and military, is estimated at about $1 billion per year. The major fraction of this is supported by Defense and space, indirectly or directly."

Although the two sets of figures are not in agreement, they substantiate that there is an undetermined, but possibly significant, amount of industry R&D in computers that would benefit the Nation's defense activities.

DOD METHODOLOGY AND DATA

In general the methodology used by DOD quantified the Soviet Union military R&D efforts according to dollar equivalents for comparison with United States efforts. This was accomplished in four steps.

1. Intelligence community estimates of R&D expenditures

The intelligence community analyzed the Soviet Union budget to estimate financial inputs into military R&D efforts. DOD officials informed us that the unitemized, or secret, part of the all-union science budget was considered the primary funding source for military-related R&D (R&D for military weapons, space, and atomic energy). Soviet Union data since 1958 do not show this breakdown; consequently the intelligence community's estimates of Soviet Union military-related R&D were extrapolated upwards on the basis of the 1950–57 trend. The intelligence community converted rubles to dollars by using a $2 conversion rate.

The financial input data were further refined by costing, in dollars, the relatively open Soviet Union civil space program. The intelligence community based its estimates on what it calculated the United States would have had to spend to duplicate the Soviet Union civil space facilities and accomplishments. These estimates were then subtracted from the estimated military-related R&D expenditures. The residual represented, in dollars, the Soviet Union military R&D, including atomic energy. Because of Soviet Union secrecy, there is no direct way to reasonably estimate the R&D expenditures for weapons systems under development or for civil atomic energy.

2. DOD's Technological Assessment of Outputs

In fiscal year 1970 DOD initiated a study to compare the military and space technological outputs of the United States with similar outputs of the Soviet Union from 1960 to 1968. The study estimated the time required for technological improvements and the number of years the Soviet Union took to reach given levels of United States weapons technology.

From intelligence data, discussions with specialists, and subjective judgments of DOD officials, technological-lead assessments were made of the two countries' space achievements and about 100 of their military weapons systems. The technological-lead assessments for individual weapons and space systems were then summarized into five major system categories. DOD states that the technological-lead assessment summaries for the five categories do not represent specific weighted averaging of the individual systems but are consistent with them and correlate with the broader impressions and experiences of informed persons.

The study revealed that, during the period from 1960 to 1968, the United States maintained its 2- to 3-year lead in weapons technology and established a 2- to 3-year lead in space technology. DOD reasoned that, since technological leads were increased by greater relative effort, the United States military R&D effort must have been equivalent to that of the Soviet Union and the United States space effort must have been 10 to 20 percent greater than that of the Soviet Union.

3. Comparison of Estimated Expenditures With Output Results

DOD compared the results of its technological-lead assessments with its estimates of the United States military R&D expenditures, the National Aeronautics and Space Administration's estimate of the United States civil space program, and the intelligence community's estimates of the Soviet Union military R&D and space expenditures for the period from 1960 to 1968. DOD reasoned that, if comparative estimates of the two countries' financial inputs were generally in agreement with the assessments of their comparative outputs, the reliability of the intelligence community's estimates of the Soviet Union financial inputs, as expressed in dollar equivalents, would be validated. In addition, the cause-and-effect relationship between financial inputs and technological outputs would be demonstrated.

DOD claimed that it was able to find a clear correlation between the relative inputs and outputs. DOD added that the intelligence community's estimates of Soviet Union R&D inputs could vary as much as plus or minus 20 percent and still fit observed technological outputs. DOD reasoned that greater variances in estimates of Soviet Union expenditures would be outside the bounds of observed results.

Because of the reported correlation between the estimated financial inputs and technological outputs, DOD expressed confidence in the intelligence community's dollar estimates of the Soviet Union military R&D budgets.

4. Projection of current and future budgets based on 1960–68 analyses

DOD used the intelligence community's estimates of the Soviet Union's military R&D funding from 1968 to project current and possible future Soviet Union R&D results. DOD compared the Soviet Union budget estimates with similar United States financial data that DOD had developed and found that the Soviet Union military R&D expenditures had been exceeding those of the United States in ever-increasing amounts from 1968.

OBSERVATIONS

Secrecy concerning the nature of the Soviet Union science data requires a number of assumptions in estimating Soviet Union military-related R&D expenditures. We were not permitted to review the intelligence community's supporting documentation for its estimates of the Soviet Union's military-related R&D budgets or the equivalent costs of Soviet Union efforts in civil space technology. Therefore we are unable to comment on the reasonableness of such estimates. However, as noted in the Stockholm International Peace Research Institute's SIPRI Yearbook of World Armaments and Disarmament 1969–70, experts who have made detailed studies of Soviet Union science data either make no estimates or make rough order-of-magnitude estimates. Those experts making rough estimates differ among themselves by as much as 50 to 100 percent.

The difficulty in estimating Soviet Union military-related R&D expenditures is further complicated by the fact that the Soviet Union budget is stated in rubles and consequently, for comparative purposes, it is necessary to convert the rubles into their dollar equivalents. There is no generally accepted rate for converting rubles expended for R&D into their dollar equivalents. The yearbook states that the exchange rates used in the various private studies, where conversion was attempted, ranged from $1.30 to $3.50 a ruble.

Many experts, however, believe that a reasonable conversion rate for Soviet Union military R&D work would be from $2 to $3 a ruble. Consequently the $2 rate which was used by the intelligence community may understate the Soviet Union R&D efforts.

As reported previously, technological-lead assessments for 1960–68 were based upon intelligence data, discussions with specialists, and subjective judgments of DOD officials. The Delphi method[1] was used to arrive at a consensus regarding weapon comparisons. Subjective judgments were used when the data were incomplete or controversial. Disagreements, when they occurred, were reported to be seldom larger than plus or minus 1 year. We had neither the expertise nor the time to independently test and evaluate the technological-lead assessments and therefore cannot comment on their reasonableness.

In comparing the two countries' financial inputs with their hardware outputs, we found that the degree of correlation varied significantly, depending on the choice of deflators used to adjust for inflationary pressures in the U.S. economy over the 9-year period. Inflationary pressures and effects on the Soviet Union R&D expenditures are not known, but DOD has stated that it is generally assumed that, because of the Soviet Union system of controlled prices and wages, rubles do not inflate. Effects of inflation on U.S. R&D expenditures, however, are well known and are adjusted for by using either (1) the gross national product (GNP) deflator which applies to the economy as a whole or (2) a special deflator derived for R&D goods and services.

According to DOD's technological assessment "Soviet RDT&E produced about the same number of major weapons systems prototypes at about the same rate of improvement as the U.S." Consequently, on the basis of comparable outputs, the United States military R&D expenditures (financial inputs) should have been equivalent to those of the Soviet Union. Over the 9-year period, however, United States military R&D expenditures, as estimated by DOD, exceeded comparable Soviet Union expenditures, as estimated by the intelligence community, by 11, 23, or 31 percent, depending on the use and choice of deflators.[2]

The difference of 11 percent results from comparing expenditures on the basis of current dollars in lieu of constant dollars, i.e., without applying a deflator. This comparison assumes that both economies experienced the same relative amount of inflation over the 9-year period. The difference of 23 percent results from applying the GNP deflator to express the United States expenditures in constant 1968 dollars before comparing them with Soviet Union expenditures. The difference of 31 percent results from applying a special R&D deflator to the U.S. military R&D expenditures in lieu of the GNP deflator.

In regard to the above comparisons, DOD officials have stated that use of current dollars:

"* * * is hardest to justify on economic grounds. The R&D deflator leads to the maximum difference but implies that there is no inflation in the Soviet R&D sector. The GNP deflator would seem to account for the differences in the general U.S. and Soviet economic systems and would imply an inflation in Soviet RDT&E relative to the general Soviet economy comparable to that in the U.S."

CONCLUSION

On the basis of the limited information available to us, we believe that extreme secretiveness by the Soviet Union results in data which are insufficient for a realistic measurement of its miltiary R&D efforts. At best, dollar valuations of Soviet Union military R&D programs are only rough guides to the Soviet Union's relative level of effort. In our opinion the general technological assessments as developed by DOD can provide only general support for those rough guides; they cannot refine them. Consequently, although we beleive that the DOD methodology with its limited data base may be useful in indicating trends and the apparent magnitude of the Soviet Union military R&D threat, we have reservations as to its usefulness in quantifying relative efforts or spending gaps between the countries.

As you requested, we are making available to you a General Accounting Office staff study entitled "Comparison of Military Research and Development Expenditures of the United States and the Soviet Union," which contains detailed information obtained during our limited survey. Part I, entitled "Introduction" and "Research and Development Expenditures in the United States," is unclassified. Part II, entitled "Department of Defense Methodology for Assessing United States and Soviet Union Miltiary Research and Development Efforts," is classified "Secret" as it is based, to some extent, on classified information.

In accordance with the agreement reached with your office, copies of this report are being sent today to the Chairmen of the Senate and House Committees on Armed Services, the Senate and House Committees on Appropriations, and the Senate and House Committees on Government Operations. Copies of the report are also being sent today to the Director, Office of Management and Budget. Copies of the report, together with copies of the staff study, are being sent to the Secretary of Defense.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

FOOTNOTES

[1] Usually consists of a series of reported interrogations of persons whose opinions or judgments are of interest. After the initial interrogation of each person, each subsequent interrogation is accompanied by information regarding the preceding round of replies. The person is thus encouraged to reconsider and, if appropriate, change his previous reply in the light of the replies of other members of the group.

[2] Both the GNP and the R & D deflators attempt to convert into constant 1968 dollars the funds expended for U.S. military R & D and civil space in the period from 1960 to 1971. The GNP deflator is based on the general purchase value of the dollar during 1968; the R & D deflator is based on what the dollar would have bought in R & D goods and services during 1968. The two values tend to inflate at different rates.

Because the U.S. economy in general and the R & D costs in particular have been inflating steadily from 1960 to the present, the use of either deflator to convert the less inflated 1960 through 1967 dollars into constant 1968 dollars increases the total amount of reported expenditures; conversely, converting the more inflated 1969 through 1971 dollars into constant 1968 dollars decreases the reported expenditures. Consequently, since DOD and the intelligence community report that United States expenditures exceeded those of the Soviet Union from 1960 to 1968 use of either deflator would increase these differences by increasing the reported United States expenditures.

COMPARISON OF MILITARY RESEARCH AND DEVELOPMENT EXPENDITURES OF THE UNITED STATES AND THE SOVIET UNION

(By the Comptroller General of the United States)

ABBREVIATIONS

AEC—Atomic Energy Commission.

CIP—Component Improvement Program.

DOD—Department of Defense.

IR&D—independent research and development.

NASA—National Aeronautics and Space Administration.

NSF—National Science Foundation.

OECD—Organization for Economic Cooperation and Development.

OASD/Comptroller—Office of Assistant Secretary of Defense (Comptroller).

R&D—research and development.

RDT&E—research, development, test, and evaluation.

CHAPTER 1

Introduction

This is part I of a General Accounting Office staff study made in response to a request dated April 1, 1971, from the Chairman of the Subcommittee on Research and Development, Senate Armed Services Committee. This staff study, in two parts, is issued in conjunction with our letter report of this date to the Chairman (B-172553). Part II is classified "SECRET."

Department of Defense testimony

In March 1971 Dr. John S. Foster, Jr., Director of Defense Research and Engineering, testified before the Senate Armed Services Committee regarding the comparative United States and Union of Soviet Socialist Republics military research and development (R&D) efforts. Dr. Foster, noting his past concern about the increase in the Soviet Union R&D expenditures at a time when United States spending was leveling out and then declining, said that the trends were continuing. He stated:

"We must now realistically acknowledge that their effort in military R&D is significantly larger than ours. Our best estimates are that this differential is now equivalent to some $3 billion a year in terms of 1968 dollars."

Dr. Foster commented that, although the U.S. level of R&D effort is now smaller, it is his belief that the United States is still technologically ahead of the Soviet Union—ahead on quality of weapons—by perhaps 2 to 3 years on the average. He believes, however, that, if present trends continue, the larger and increasing Soviet Union effort could result in the Soviet Union's assuming technological superiority in military R&D in the latter half of this decade, which, along with the trend toward improved Soviet Union quality, could seriously jeopardize the U.S. margin of security in the 1975–85 period.

Dr. Foster explained that the most serious concern with the United States defense RDT&E (research, development, test, and evaluation) effort is the apparent Soviet Union challenge in outright investment rate in defense RDT&E. He said that the Soviet Union RDT&E investment rate, considering military and space investments together, is unchanged. He reported, however, that, since 1968, the Soviet Union has been allocating RDT&E growth to the military sector in contrast to the previous period of about 6 years during which time the growth went into the space sector.

In the United States, meanwhile, according to Dr. Foster, R&D growth has gone into the civilian sectors, and there has been a steadily widening difference in the military RDT&E investment rates of the United States and the Soviet Union since 1968. Dr. Foster stated that "the Soviet RDT&E effort is now apparently sufficiently high that, without further increases, the Soviets could pass us in military technology by the mid-1970's."

Dr. Foster compared Soviet Union and United States resources allocated to military RDT&E. He noted a disparity between the number of qualified scientists and engineers employed in research and development by the United States and by the Soviet Union. According to National Science Foundation (NSF) and Department of Commerce information, the Soviet Union employed 745,000 scientists and engineers in 1968 whereas the United States employed 515,000 scientists and engineers in 1968. Dr. Foster stated that the disparity is continuing to increase.

Dr. Foster also reported that studies performed by the Air Force indicate that the Soviets have continued to improve the quality and number of their major research facilities. Conversely Dr. Foster stated that many of the U.S. laboratory and other R&D facilities are declining because of lack of effective use.

The third major resource discussed by Dr. Foster was funding. He based his conclusions largely on the results of studies which analyzed Soviet Union budgets in terms of United States dollar equivalents for space- and defense-related research and development. Dr. Foster stated that these studies showed "* * * a steady increase in Soviet RDT&E investment, *military plus space*, beginning in the early 1950's. Through 1965 the average annual growth exceeded 10 percent, and since 1965 it has averaged about 8 percent."

Dr. Foster said that, in the early 1960's, the growth was applied:

"* * * to civil space technology, until the latter reached a level of roughly 5 billion in equivalent U.S. dollars, after which the growth was again applied to military technology. The 8 percent growth in total RDT&E in 1968, when applied only to the military portion which was in equivalent U.S. dollars about $7 billion, means about a 15-percent growth rate per year in military RDT&E alone. U.S. military RDT&E funding during the post-1968 period has been approximately constant.

"As a result of the divergent trends, it appears that this year the Soviet Union will be devoting about 40 to 50 percent more in equivalent effort to military R&D than the U.S. This additional effort amounts to about 3 billion in equivalent U.S. dollars."

Dr. Foster termed the analytic work leading to these conclusions a pioneering effort in resolving questions about comparative United States and Soviet Union R&D and noted that, even with the problems associated with converting rubles to dollars and the Soviet Union budget concealments, the data were believed to be accurate within 10 to 20 percent.

Dr. Foster also informed the Committee of a study initiated to compare the relative military and space technological outputs of the two countries. He reported that the findings of this net technical assessment were that (1) both countries had about the same number of major systems developed to the point of visibility, (2) on the average, the United States retained its 2- to 3-year technological lead in military systems, and (3) in space technology, the United States advanced its technological lead by several years.

Dr. Foster pointed to a clear correlation between this net technical assessment and the resources comparisons for the same time period, which showed that both countries had the same military RDT&E budgets and that the United States had the greater space RDT&E budget. He therefore concluded that, after development lead time was considered, the payoff in weapons quality seemed commensurate with the level of effort in both countries.

Dr. Foster acknowledged that there was still a lot of work to do to refine these comparisons. But it was Dr. Foster's opinion that, give or take 10 to 20 percent, the funding picture reflected expected results and that this had led to his serious concern about the post-1968 period. Although judging that the United States was still technologically ahead of the Soviet Union, by perhaps 2 to 3 years in most major areas, Dr. Foster indicated that, if present relative trends were to continue:

Starting about 1971 we could reasonably expect several technological surprises from the Soviet Union.

The Soviet Union would assume technological superiority in military research and development in the middle of this decade.

United States recovery from such a loss of technological leadership would not be feasible without enormous expenditures over many years and without grave risk meanwhile of losing our national margin of safety.

Problem of comparability

Our limited study indicates that any comparison of United States and Soviet Union R&D efforts is complicated by many factors. The basis of most comparisons is the budgetary data of the two countries. The difficulties of analyzing the United States budget are amplified many times over in analyzing the Soviet Union budget. The secrecy surrounding the Soviet Union budget results in a general lack of knowledge of its true makeup. There is little similarity in the construction of the two budgets, and the sparseness of published information on the Soviet Union budget makes it necessary to speculate as to the location of the funds for critical programs, those which the Soviet Union does not want known.

Soviet Union budget line items cannot be taken at face value. It must be recognized that comparable types of costs may be contained in one or more of the several categories of expenditures. Often the significance of specific expenditures can be guessed at only through comparisons of changes of previous years. Department of Defense (DOD) reasons that these conditions are overcome in its studies because development results, observed over many years, obviously involved expenditures.

The structural differences in the economies of the countries are reflected in the construction of their respective budgets. The Soviet Union budget contains outlays for activities financed in the United States largely by the private sector and State and local governments. These include expenditures for financing the national economy, such as industry, agriculture, and transportation, and for social and cultural programs, including public health, education, science, and social security.

The uncertainties involved in using budgetary evidence to estimate Soviet Union expenditures for a particular area, such as R&D, are further magnified by the uncertainties in the use of an exchange rate for converting rubles to dollars for comparison purposes. The official exchange rate of 1.1 dollars per ruble has no basis in Soviet Union purchasing power, and it is generally conceded that this rate would underestimate the magnitude of the Soviet Union R&D effort.

We note that many unofficial rates have been derived to represent the ruble's purchasing power in the various sectors of the Soviet economy and range from 1.3 dollars to 3.5 dollars. Therefore, in any comparison, the selection of an exchange rate can result in a wide variance in the result being used to compare with U.S. expenditures.

The use of studies to analyze Soviet Union budgets in terms of United States dollar equivalents for observed Soviet Union space efforts is subject to the same inherent incomparabilities of the two economies. Great care would have to be exercised to eliminate or minimize assumptions that the Soviet Union would perform in the same manner and with the same manpower that the United States would.

During hearings in March 1971 before the Senate Committee on Aeronautical and Space Sciences, the Acting Administrator of the National Aeronautics and Space Administration (NASA) was questioned concerning his testimony that the Soviet Union was spending more on R&D than the United States was spending in the total science and technology area. He made the following statement.

"First, I would like to point out that we have no easy way to compare the total R.&D. programs of the U.S. and the U.S.S.R., much less the specific elements which make them up, such as the space program; the economies of the two societies are far from parallel and we have little solid information from the Soviets about their internal program structure, objectives, or decision-making framework. Therefore, we have to rely on what are often subjective assessments and scattered data points for our comparisons."

In noting that there appears to be a well-defined, long-term Soviet Union investment policy that has been consistently supported over the past decade, the Acting Administrator stated that the Soviet Union space program, both civil and military, with the apparent Soviet Union policy of steadily increasing R&D investment, will soon match and then surpass the United States in both program size and accomplishment. He explained that:

"For this comparison, I am dealing with the combined civil and military space programs of both nations; to try to differentiate between civil and military activities of the U.S.S.R. would be speculative at best.

"The most difficult comparison to try to make between the U.S. and U.S.S.R. economies or programs is in terms of absolute costs: each national economy is geared and motivated to produce a different, non-parallel mix of goods and services. * * *"

In our study we utilized a widely recognized publication of the Organisation for Economic Co-operation and Development (OECD)[1] to try to determine how the philosophies of public versus private economies would affect the R&D efforts of the two countries. According to OECD the main organizational differences between Western and Soviet Union industrial R&D are grounded in the differences between a competitive market economy and a centrally planned economy. OECD reports that, in spite of the increasing importance in Western R&D of the Government sector, for a substantial part of private industry it is the spur of competition on the market which presses firms to develop improved products and to cut costs by developing new production processes.

By contrast, according to OECD, the drive for technical progress in the Soviet Union system comes from the central Government. To impose advanced technology, the Government established centrally controlled research and development facilities for each major industry. The system undoubtedly facilitated the rapid introduction of Western technology into existing Soviet Union industries and the establishment of new industries utilizing technology adopted from advanced Western firms; it also proved capable of successfully mobilizing resources for major R&D projects concerned with weapons and the space program and of carrying them through to completion.

OECD points out that much of the large-scale resources devoted by the Soviet Union to R&D, as in the United States, is likely to have been directed toward the military and space programs. The spin-off to civilian industry in the Soviet Union is considered to have been small because all invention and innovation of military application, while in principle available for civilian use, is surrounded by a somewhat impenetrable security blanket. Consequently the strain produced by this substantial R&D effort has been much greater for the Soviet Union economy than for the richer United States economy.

OECD reports that the technological level of Soviet Union R&D is influenced by the inadequacy of its R&D facilities, and a research-development imbalance in favor of development which has led to a shortage of testing facilities. Soviet Union accounts have suggested that, in general, the technical equipment of research institutes is of poorer quality and less in quantity than in the United States. Western scientists report that, in spite of much first-rate equipment, even in major civilian research institutes much time is spent in producing minor items of equipment and materials and in obtaining supplies. Computer facilities in many Soviet research institutes are reported to be scarce and inadequate. OECD cautions that the level of equipment and other facilities is better in some Soviet civilian research establishments and that there is no doubt that the facilities for space and military research are likely to be at a higher standard.

A recent report[2] notes the serious lack of computing power for scientific and general-purpose applications in the Soviet Union although it recognizes that Soviet computing capability for high-priority, special applications in space and military is probably higher. The report observes that our lead in space and military applications of computer technology and usage will be less than our comfortable lead in general-purpose computing.

In a 1969 paper[3] DOD compared various United States and Soviet Union military technology areas. In the area of computer technology, the United States was found to have maintained a significant superiority in components, systems, and software. Although the Soviet Union was increasing its level of R&D activities and the high quality of its specialists, DOD concluded that there appeared to be a United States superiority of at least 3 to 5 years.

Two writers associated with the Center for Advanced International Studies, in an article in the September 1970 issue of Science magazine, reviewed the administering and managing of the United States and Soviet Union space programs. They found that the management of the programs reflected the differing political, social, and economic systems of the two countries. One of the differences discussed was computer technology upon which both programs were dependent.

Soviet Union sources were described as having frankly revealed grave shortcomings in computer technology and hardware available for use in the economy as a whole. The vice president of the Academy of Sciences of the Soviet Union cited the lack of computer resources as a factor inhibiting long-term planning for Soviet Union science. Although, as OECD indicates, Soviet Union space and military activities may have better computer facilities than Soviet civilian organizations, the wide disparity between the reported overall capabilities of the two countries seems to indicate that the Soviet Union's military and space capabilities would not be on a parity with that of this country.

The organizational framework for the conduct of research and development in the Soviet Union appears to prevent easy transfer of innovation to production. The OECD describes the central feature of the Soviet Union R&D system as the separation between the R&D network on one hand and production enterprises on the other hand. The centralized organizations which bear the major responsibility for applied research in each industry; their attendant design bureaus; and, in important cases, their own experimental production facilities are controlled by a separate chain of command and by separate channels of finance from the mass of production enterprises. In the United States, R&D, with some important exceptions, is conducted by the production enterprises.

According to OECD the main success indicator for Soviet Union enterprise has been the extent to which it could fulfill or, if possible, overfulfill its production plan. The earnings of the workers and the bonuses and promotion prospects for the managerial staff are dependent on production. This production-oriented system of planning is reported to inhibit the willing participation of the enterprise in technical innovation.

The sum of all of the enumerated differences in budget structures, ruble conversion rates, and economic approaches, plus the lack of visibility of Soviet Union expenditures, highlights the difficulty of realistically comparing United States and Soviet Union R&D expenditures.

Scope of study

The Chairman of the Research and Development Subcommittee in his letter to the Comptroller General noted the national security implications of Dr. Foster's statement and requested assistance in evaluating both the data and the methodology on which DOD's conclusion concerning the relative R&D positions of the United States and the Soviet Union is based. The Chairman recognized the complexity of such a study and asked for an interim report which would identify the rough magnitude of overall U.S. expenditures for defense related R&D and would describe the data and methodology used by DOD in calculating comparable Soviet Union expenditures.

For this report we obtained data on U.S. expenditures for R&D for a period covering approximately the past 20 years, primarily from NSF reports. These reports cover four sectors of national R&D effort—Federal Government; industry; universities and colleges; and other nonprofit institutions. For the same period we attempted to identify the portion of national R&D generally considered to be military related, that is, R&D in defense, space, and atomic energy. We presented R&D expenditures that, over the years, have been identified as being sponsored by DOD.

To the extent possible we also identified certain areas of DOD expenditures which related to defense R&D but which were not funded from DOD's RDT&E appropriations. For some of these areas we were able to approximate the amount of expenditures; for other activities the lack of records made estimating impossible.

We considered statements on U.S. R&D expenditures made by Dr. Foster in the past several years so that we could relate them to the various categories and sources identified in our study.

In the limited time available to us, we attempted to identify the statistical estimates of Soviet Union efforts and other analyses of Soviet Union R&D available to DOD so that we could explain the methodology underlying these estimates. We were unable to obtain all of the reports to which DOD had access. To this extent, we are not in a position to comment on the basis by which DOD claims greater accuracy in its estimates of Soviet Union R&D expenditures than has heretofore been claimed for private studies of such expenditures.

CHAPTER 2

Research and development expenditures in the United States

An accurate picture of the total R&D effort of the United States is difficult to ascertain. Because of R&D's nature, there is no generally accepted definition of its activities, especially as to the point at which development ends and production begins. Also data from the various sectors are not always available on a consistent basis.

The Federal Government is the chief supporter of R&D in the Nation and provides about one half of the total R&D. About 50 percent of the Federal Government expenditures are those of DOD. As explained on page 41, the accounting system used by DOD does not identify all R&D-related expenditures. Also idustry R&D figures are considered proprietary and are submitted only on a voluntary basis. Thus the completeness of data on U.S. R&D expenditures is questionable.

Furthermore a clear, concise picture of total national R&D in the United States is complicated by the manner in which the different performers report their efforts. Industry usually records R&D program investments in terms of expenditures. On the other hand, U.S. Government agencies usually report their effort in terms of budgeted amounts or obligations; only occasionally are expenditure data used. Some sources use fiscal years for gathering data; other sources accumulate data on the basis of calendar years. Also, depending on whether the data are from industry or Government accounting records, treatment of investment costs and depreciation of R&D facilities differs.

NSF has the statutory responsibility for collection and analysis of data on the funding and performance of R&D in the United States. We have used three series of NSF reports in our study. These are described briefly below.

1. One publication series of NSF, entitled "National Patterns of R&D Resources" (hereinafter referred to as R&D Resources) reports the total funds and manpower in

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Footnotes at end of article.

the United States. The latest in the series covers the period 1953 through 1971. The national totals are based on expenditure data reported by performers in and out of Government.

2. Another series of NSF reports, "Federal Funds for Research, Development, and Other Scientific Activities" (hereinafter referred to as Federal Funds), annually reports the latest data on Federal obligations and expenditures for R&D programs appearing initially in the Budget of the United States. These reports do not include funds provided by the private sector.

The data shown in both the R&D Resources and the Federal Funds series of NSF reports are obtained by means of voluntary responses to questionnaires. Agency input is used only as a basis for Federal intramural R&D in R&D Resources and is the sole source for Federal Funds reports.

3. NSF is also the prime compiler of data on industry R&D through surveys conducted by the Bureau of Census, and it publishes annually a report entitled "Research and Development in Industry." NSF states that its 1968 survey represented the entire industry sector of the U.S. economy except for organizations performing less than 1 percent of the Nation's annual volume of industrial R&D. Companies actually participating in the survey performed more than 95 percent of the industrial R&D.

In the following sections of this report, we present available data on R&D in the various sectors in the United States, primarily from NSF publications. As the NSF data are presented, the methods used and the coverage obtained by NSF for each of these publications are described in detail.

Total U.S. research and development expenditures

NSF, through periodic surveys, has developed detailed information on the funding and performance of research and development in the United States between 1953 and 1971.[4] In NSF's surveys for its R&D Resources series, respondents in four sectors (Federal Government, industry, universities and colleges, and other nonprofit institutions) indicate the amounts they spend on R&D in their own sector and the sources of these funds. In general, the Federal Government and industry have been surveyed annually; other surveys have been less frequent.

The R&D Resources reports cover expenditures for research and development reflecting current operating costs—consisting of both direct and indirect costs including depreciation—insofar as this report information is available to respondents. Capital expenditures are excluded by definition in the industry and nonprofit institution (other than universities and colleges) sectors. Under the accounting practices of some Federal agencies, however, particularly DOD, data on Federal R&D funds, (available in detail only in terms of obligations rather than expenditures) include some obligations for capital items but do not include an allowance for depreciation. Also NSF data include a small amount of capital outlays in the universities and colleges sector.

NSF states that its reports on national R&D expenditures are based on data as reported by respondents because such organizations are in the best position to (1) indicate how much they spend in the actual conduct of R&D in a given year, (2) classify their work as basic research, applied research, or development, and (3) identify the sector of the economy in which the financing orginated. NSF believes that the use of respondents' reporting reduces the possibility of any double counting which might occur if figures were cumulative by sources because contracting or subcontracting within industry could result in duplication of reported funds.

Because the R&D Resources series is based on expenditures reported by organizations which have actually performed R&D, it differs from the Federal Funds series on agency obligations for R&D to be performed in non-Federal sectors. Federal agency obligations are used in the R&D Resources reports for only intramural performance in agency laboratories where they are treated as the equivalent of expenditures. Expenses of Federal personnel engaged in planning and administering intramural and extramural R&D programs are also included in the intramural performance total.

Other differences between these NSF reports series are due to the fact that Government agencies reporting for Federal Funds attribute the entire cost of an R&D contract to research and development, whereas industry respondents supplying off-the-shelf items under such a contract (for example, rocket fuel and other materials for a space experiment) consider these to be routine sales and not connected with R&D. Also R&D Resources data represent expenditures on a calendar-year basis, whereas most Federal Funds data are based on obligated funds for a fiscal year.

NSF's latest R&D Resources report summarizing the accumulated data puts the total national R&D funds for 1968, the latest year for which actual figures are available, at $25.1 billion. Preliminary or estimated figures for 1969, 1970, and 1971 are $26.2 billion, $26.9 billion, and $27.9 billion, respectively. For more detailed information on R&D funds, by sources of funds, for 1953 to 1971, see table 1. For summary data on the performers using these funds, see table 2.

Footnotes at end of article.

TABLE 1.—SOURCES OF FUNDS, BY SECTOR, USED FOR R. & D., 1953–71

[In millions]

	Total	Federal Government	Industry	Universities and colleges	Other nonprofit institutions
Year:					
1953	$5,207	$2,759	$2,239	$151	$58
1954	5,738	3,138	2,367	167	66
1955	6,279	3,509	2,513	185	72
1956	8,483	4,859	3,336	204	84
1957	9,912	6,119	3,460	230	103
1958	10,870	6,791	3,700	257	122
1959	12,540	8,059	4,057	290	134
1960	13,730	8,752	4,508	328	142
1961	14,552	9,264	4,749	371	168
1962	$15,665	$9,926	$5,114	$424	$201
1963	17,371	11,219	5,449	485	218
1964	19,214	12,553	5,880	555	226
1965	20,439	13,033	6,539	615	252
1966	22,266	13,992	7,317	673	284
1967	23,642	14,449	8,134	753	306
1968	25,083	14,972	8,941	841	329
1969[1]	26,175	14,979	9,957	895	344
1970[2]	26,850	14,650	10,910	930	360
1971[2]	27,850	14,735	11,780	960	375

[1] Preliminary.
[2] Estimated.

Source: NSF 70–46.

TABLE 2.—USE OF FUNDS, BY SECTOR, FOR R. & D. 1953–71

[In thousands]

Year	Total	Federal Government intramurally	Industry	Universities and other nonprofit institutions
1953	$5,207	$1,010	$3,630	$567
1954	5,738	1,020	4,070	648
1955	6,279	905	4,640	734
1956	8,483	1,040	6,605	838
1957	9,912	1,220	7,731	961
1958	10,870	1,374	8,389	1,107
1959	12,540	1,640	9,618	1,282
1960	13,730	1,726	10,509	1,495
1961	14,552	1,874	10,908	1,770
1962	15,665	2,098	11,464	2,103
1963	17,371	2,279	12,630	2,462
1964	19,214	2,838	13,512	2,864
1965	20,439	3,093	14,185	3,161
1966	22,266	3,222	15,548	3,496
1967	23,642	3,395	16,415	3,832
1968	25,083	3,493	17,393	4,197
1969[1]	26,175	3,498	18,367	4,310
1970[2]	26,850	3,600	18,910	4,340
1971[2]	27,850	3,650	19,800	4,400

[1] Preliminary.
[2] Estimated.

Source: NSF 70–46.

DOD statements on total U.S. R&D expenditures

In testimony early in 1970 before the House and Senate Armed Services Committees and the House and Senate Appropriations Committees, Dr. Foster presented data in support of the fiscal year 1971 RDT&E budget request. Dr. Foster stated that the national technical base, which is assumed to be the sum total of all R&D completed and being carried out in the country, amounted to $27 billion in fiscal year 1970. About 55 percent of this R&D was being financed by Federal Funds and 45 percent being financed from non-Federal sources.

These figures were published by NSF in September 1969[5] and are cited as the basis for Dr. Foster's testimony. NSF projected that total R&D expenditures would reach $27.2 billion in 1970, with the Government providing $15 billion, or 55 percent.

Dr. Foster also stated that, from 1960 to 1968, U.S. R&D amounted to about $173 billion. Although no source was given, this statement coincides with NSF figures on funds expended for national R&D for this period, more than $172 billion.

Dr. Foster stated in March 1971 that the United States will invest some $28 billion in R&D nationally in fiscal year 1971. This estimate is compatible with NSF's estimate of $27.85 billion. (See table 1.)

U.S. R&D by type of effort

For its R&D Resources reports, NSF asks the performer respondents to report expenditures for basic and applied research in the sciences, including medical sciences, and in engineering and other development activities. In terms of fields the natural sciences—life, physical, and engineering—as well as the social and psychological sciences, are covered in the Federal, universities and colleges, and other nonprofit sectors. Industry coverage is limited, at present, to the natural sciences.

NSF defines each of these endeavors to guide the respondents in reporting. Research is defined as a systematic, intensive study directed toward fuller scientific knowledge of the subject studied. The term "research" includes basic and applied research. For three of the sectors—Federal Government, universities and colleges, and other nonprofit institutions—the definition of basic research stresses that it is directed toward increases of knowledge in science for its own sake, rather than toward a practical application thereof.

The definition for the industry sector recognizes the industrial company's commercial goals by indicating that, although basic research projects representing original investigations for the advancement of scientific knowledge do not have specific commercial objectives, they may be in fields of present or potential interest to the reporting company.

Applied research is defined as research oriented toward practical applications of knowledge rather than toward investigation for its own sake. For the industry survey, the definition recognizes research projects which have applications toward specific commercial objectives with respect to either projects or processes.

NSF defines development as the systematic use of knowledge and understanding gained from research and directed to the production of useful materials, devices, systems, and methods; such work includes the design, testing, and improvements of prototypes and processes. Development is directed to generally predictable and very specific ends, and, because such work results so often in tangible products, it can be readily associated with distinct national goals.

Respondents using these definitions have furnished NSF with expenditure data for R&D efforts of each type, as shown in table 3.

TABLE 3.—ANNUAL R. & D. EXPENDITURES BY TYPE OF R. & D.

[Total of Federal Government, industry, university, and nonprofit organizations, in thousands]

Year	Total	Basic research	Applied research	Development
1953	$5,207	$489	$1,317	$3,40[1]
1954	5,738	548	1,430	3,760
1955	6,279	608	1,525	4,146
1956	8,483	747	1,938	5,798
1957	9,912	857	2,429	6,626
1958	10,870	973	2,757	7,140
1959	12,540	1,155	2,965	8,420
1960	13,730	1,326	3,093	9,311
1961	14,552	1,543	3,156	9,853
1962	15,665	1,886	3,775	10,004
1963	17,371	2,196	3,881	11,294
1964	19,214	2,559	4,300	12,355
1965	20,439	2,853	4,537	13,049
1966	22,266	3,127	4,817	14,322
1967	23,642	3,363	5,041	15,238
1968	25,083	3,638	5,426	16,019
1969 [1]	26,175	3,735	5,655	16,785
1970 [2]	26,850	3,800	5,850	17,200
1971 [2]	27,850	3,900	6,050	17,900

[1] Preliminary.
[2] Estimated.

Source: NSF 70-46.

Federal expenditure for R&D in the United States

A report entitled "special analyses" is published annually in conjunction with the Budget of the United States. This report includes an analysis identifying Federal obligations and expenditures for the conduct of R&D and for facilities related to such activities (Special Analysis J for fiscal year 1969; Special Analysis Q for fiscal years 1970 and 1971, and Special Analysis R for fiscal year 1972). These data are subject to subsequent appropriation and apportionment actions.

NSF publishes an annual volume on Federal support of R&D, and each report covers obligations and expenditures over a 3-year period.[6] Data for the current year reconcile with the amounts shown in the budget and do not reflect subsequent congressional action or changes made by executive apportionment. Data for the prior year reflect subsequent modifications for appropriation and apportionment actions but are still estimates. Data for the earliest year have been refined to actual agency obligation and expenditure figures.

The Federal Funds series includes data on the R&D plant, which is the acquisition, construction, and major repair or alteration of R&D facilities and fixed equipment, but excludes expendable equipment and office furniture and equipment.

NSF obtains its statistical data from Federal agencies through the use of a questionnaire. Generally the budget "special analyses" and NSF's Federal Funds reports use the same definitions for research and development and R&D plant. NSF assists agency respondents in interpreting the survey concepts and definitions, but ultimate decisions on classification of activities and the amounts reported are made by the responding agencies.

NSF states that its Federal Funds reports reflect the full costs of research, development, and the R&D plant.

Such costs include direct costs of specific R&D projects and applicable overhead costs. The amounts reported include the costs of planning and administering R&D programs, laboratory overhead, pay of military personnel, and departmental administration. (However, see our comment in the next paragraph on DOD's costs). Therefore NSF's Federal Funds reports are intended to represent all direct, indirect, incidental, or related costs resulting from, or necessary to, research, development, and R&D plant, regardless of whether performed by a Federal agency intramurally or by private organizations and individuals under contract or grant.

Differences which prevent reconciliation between the Federal Funds reports and the R&D Resources reports, which are performer based (table 1), have been noted previously. It must also be noted that the Federal Funds reports are based solely on agency input, and there is evidence that the total R&D effort of DOD is greater than the amount of funds reported by DOD to NSF. (See p. 41.)

Figures for Federal expenditures and obligations from 1953 to 1971 taken from NSF's Federal Funds reports are shown on table 4.

TABLE 4.—FEDERAL FUNDS FOR R. & D.

[In thousands]

Year	Expenditures total	Obligations: Total	Obligations: R. & D.	Obligations: R. & D. plant
1953	$3,101.0	$3,361.4	$3,106.0	$255.4
1954	3,147.9	3,039.0	2,875.0	164.0
1955	3,308.3	2,744.7	2,532.8	211.9
1956	3,446.0	3,266.9	2,988.2	278.7
1957	4,461.9	4,389.2	3,932.0	457.2
1958	4,990.6	4,906.0	4,569.7	336.3
1959	5,806.4	7,122.6	6,693.5	429.1
1960	7,744.2	8,080.0	7,551.7	528.3
1961	9,284.3	9,607.1	9,058.6	548.5
1962	10,381.1	11,069.1	10,289.9	779.1
1963	11,999.3	13,663.0	12,494.7	1,168.3
1964	14,707.0	15,323.9	14,225.4	1,098.5
1965	14,888.8	15,745.9	14,614.3	1,131.6
1966	16,017.9	16,178.8	15,320.4	858.3
1967	16,841.7	17,149.4	16,529.3	620.1
1968	17,030.2	16,525.3	15,921.4	603.8
1969	16,374.6	16,306.2	15,637.2	669.0
1970 [1]	16,154.0	16,392.4	15,699.6	692.7
1971 [1]	16,160.8	16,198.4	15,637.8	560.5

[1] Estimated.

Note: Total obligations may differ slightly from the sum of R. & D. obligations and R. & D. plant obligations due to rounding.

Source: op. cit.

Fields of industrial R&D in the United States

NSF reports that, in recent years, industrial firms have performed about 70 percent of all R&D in the United States.[7] In 1968 for the first time since 1956, industrial firms reported that they financed over one half of their R&D work with their own funds ($8.9 billion of $17.4 billion). As pointed out by NSF, Federal Funds for R&D performance in some industries may have been understated because some firms reported as company funds, rather than Federal financing, overhead payments that were allowed on Federal contracts and used to finance a portion of company-initiated R&D projects (commonly referred to as independent research and development). Of the $8.5 billion in R&D funds reported by industry as furnished by Federal agencies in 1968, 90 percent came from DOD and NASA.

NSF's industry reports segregate R&D by industrial fields. In 1968 five industries accounted for 83 percent of all-industry total of R&D work. Table 5 gives a breakdown of expenditures by fields of industry. There is no comparable analysis for Federal intramural R&D to consider in conjunction with industry figures to get a complete national picture.

Footnotes at end of article.

TABLE 5.—R. & D. EXPENDITURES IN INDUSTRY, BY FIELDS, 1956-71

[In thousands]

Year	Total	Source of funds		Fields of industry					
		Federal Government	Industry [1]	Aircraft and missiles	Electrical equipment and communication	Motor vehicles and transportation equipment	Machinery	Chemicals and allied products	Other
1956 [2]	$6,605	$3,328	$3,277	$2,138	$1,516	$688	$543	$641	$1,079
1957	7,731	4,335	3,396	2,574	1,804	707	669	705	1,272
1958	8,389	4,759	3,630	2,609	1,969	856	781	792	1,382
1959	9,618	5,635	3,983	3,090	2,329	866	930	891	1,512
1960	10,509	6,081	4,428	3,514	2,532	884	949	980	1,650
1961	10,908	6,240	4,668	3,829	2,483	936	901	1,101	1,658
1962	11,464	6,434	5,029	4,042	2,639	999	914	1,175	1,695
1963	12,630	7,270	5,360	4,712	2,866	1,090	958	1,239	1,765
1964	13,512	7,720	5,792	5,055	2,952	1,176	1,051	1,300	1,978
1965	14,185	7,740	6,445	5,098	3,168	1,223	1,128	1,390	2,178
1966	15,548	8,332	7,216	5,447	3,586	1,339	1,300	1,461	2,413
1967	16,415	8,395	8,020	5,570	3,798	1,376	1,457	1,569	2,645
1968	17,435	8,559	8,876	5,651	4,038	1,530	1,619	1,640	2,957
1969	18,367	8,551	9,816	5,783	4,287	1,639	1,732	1,729	3,197
1970 [3]	18,910	8,160	10,750						
1971 [3]	19,800	8,200	11,600						

[1] Includes all funds for industrial R. & D. performed within company facilities except funds provided by the Federal Government. The data do not include company-financed R. & D. contracted to outside organizations, such as research institutions, universities and colleges, or other nonprofit organizations. In 1968 industrial firms contracted $213 million in company-financed R. & D. projects to outside organizations.

[2] Source of data for 1956-68: NSF 70-29; 1969: NSF 70-47; 1970 and 1971: NSF 70-46.

[3] Estimated.

U.S. Military-Related R&D Expenditures

In comparing the United States and the Soviet Union, DOD generally considers expenditures for R&D to be military-related if they are for defense or space. Therefore in the United States such expenditures include those made by DOD and NASA and at least a portion of the Atomic Energy Commission (AEC) expenditures. Considering Federal financing alone, expenditures in recent years would amount to:

[In millions]

	R.D.T. & E. of DOD, all of AEC, and all of NASA	R. & D. of DOD, all of AEC, and all of NASA [1]
Year:		
1967	$14,052	$14,573
1968	14,065	14,482
1969	13,363	13,774
1970	[2] 12,793	[2] 13,242
1971	[2] 12,387	[2] 12,836

[1] Includes R.D.T. & E. appropriations plus funds from military personnel, military construction, and other appropriations in support of R. & D.

[2] Estimated.

Inasmuch as all activities in the Soviet Union are funded and controlled by the Government, and because of the uncertainty of the location of all military R&D in the Soviet Union budget, we tried to identify all United States defense-related R&D expenditures, those in the private sector as well as the Government sector. (As explained in ch. 3, such information for Soviet Union expenditures must be arrived at by analysis and judgment.) In our analysis, however, we did not find any information readily available as to how much of the $10 billion to $11 billion financed by industry (table 5, p. 24) is defense related.

In compiling industry information, NSF does not determine how much R&D financed by industrial companies could be considered to be defense related, possibly because of the inherent problem in arbitrarily having to distinguish between potential uses for defense and space activities as opposed to civil Government and commercial applications. Some part of industry R&D could benefit both areas; however, the relationship to defense would undoubtedly be greater in some industries than in others.

The extent to which such relationship could vary is illustrated by the different product fields represented in the following summary of funds for applied R&D performance and by industry in selected product fields in 1968.[8]

(In millions)

Industry product field:	*Company-funded R&D*
Ordnance, except guided missiles	$ 44
Guided missiles and spacecraft	424
Textile mill products	61
Chemicals, except drugs and medicines	1,119
Machinery	1,235
Aircraft and parts	1,183
Professional and scientific instruments	390
Total selected product fields	4,456
Total industry funds for applied R&D	8,407

NSF reported that the office, computing, and accounting machine industry (shown above as part of the machinery field) performed $658 million worth of applied R&D in 1968. Of this amount $601 million was reported to be financed by the industry and $57 million by the Federal Government. It is estimated that the large percentage of this effort related to computers.

The lack of reliable data is illustrated by the significant difference between the NSF data and DOD's estimate of total computer R&D effort. In a response to Representative Michael J. Harrington on May 26, 1971 (question 7), DOD stated that:

"In the United States, the total computer R&D effort, civilian and military, is estimated at about $1 billion per year. The major fraction of this is supported by Defense and space, directly or indirectly."

Thus the DOD estimate of total computer effort is substantially greater than the NSF report covering the entire office computing and accounting machine industry. DOD has informed us that its estimate is deliberately conservative and includes software. Although the amount reported by private firms to NSF as Government financed is less than 10 percent, DOD believes the major portion is Government financed directly or indirectly. NSF's figure, according to DOD, would not reflect indirect Government payments for company R&D included in the purchase price of computer equipment.

Since computers have a high potential for military application, it is reasonable to assume that much of industry R&D in the computer field has a definite relationship to defense. The importance of computers in the relative R&D positions of the United States and the Soviet Union is evidenced by reports that there is a serious lack of computing power for scientific and other purposes in the Soviet Union.[9] Within the Soviet Union there is evidenced a need for coordination between the research institutes and industry and for more user-orientation in the design, production, and servicing of computer systems. The Soviet Union state-oriented system has produced no counterparts to computer user-groups such as in the United States.

In summary, our limited examination did not identify any readily accessible data indicating the amount of R&D funded by industry that could be considered to be defense related. DOD believes the amount to be less than $1 billion, including computer manufacturing technology. The Director of Defense Research and Engineering stated in a response to Representative Harrington on May 26, 1971, that in making funding comparisons between the United States and the Soviet Union:

"* * * an attempt was made to estimate the equivalent RDT&E value to the U.S. military RDT&E budget of U.S. non-defense, non-space R&D items which the Soviets might have to include in their military and space budget in the interest of secrecy. Computer manufacturing technology was a major item. The estimate for such civilian-furnished RDT&E to Defense was between $500 million and $1 billion per year in 1970 * * *."

DOD statements on military-related R&D expenditures

In its fiscal year 1971 budget request, DOD included a statement that U.S. expenditures for defense, space, and atomic energy R&D in 1970 were estimated to be about $13 to $14 billion. Special Analysis Q of the Budget of the United States for fiscal year 1971, issued in February 1970, estimated the R&D programs for 1970, as follows:

Defense, Space, and Atomic Energy
(Amount in millions)

DOD	$7,910
NASA	4,004
AEC	1,623
Total	13,537

At that time NSF was estimating the 1970 national R&D effort at $27,250 million, with defense-space outlays represented by 43.2 percent of the total (NSF 69-30). This would come to about $11,772 million for defense and space R&D. This figure understandably is lower than budget estimates because (1) by NSF's definition, expenditures for AEC's civilian-oriented programs are not included and (2) NSF's figure is based on performer-furnished data which do not include Federal R&D funds used for purposes which are not considered by the performer to be strictly R&D.

We could not relate Special Analysis Q for fiscal year 1970 with the figures given by Dr. Foster in his 1969 testimony on the fiscal year 1970 budget. Dr. Foster estimated the U.S. expenditures in military, space, and atomic energy R&D at $16.4 billion in fiscal year 1969 and $16.7 billion in fiscal year 1970. Special Analysis Q estimates for DOD, NASA and AEC were $13.9 billion for each of those years.

DOD-sponsored R&D

Funds are authorized and appropriated by the Congress to the Army, Navy, Air Force, and defense agencies for research, development, test and evaluation (RDT&E). Funds provided separately under other congressional appropriations furnish support to the RDT&E programs, and in recent years efforts have been made by DOD to record more of these costs.

When DOD officials have mentioned defense-sponsored R&D in the past several years, it has usually been in the area of $7 billion. So long as the figure is not more precise, it can represent the RDT&E appropriation request in the DOD budget, the DOD portion of the R&D program in the special analysis of the President's budget, or DOD's R&D program (RDT&E plus supporting appropriations) reported to NSF in either obligations or expenditures.

We have attempted to also identify DOD expenditures for R&D which are not funded as RDT&E or accounted for by DOD as supporting its R&D program.

R&D costs funded through RDT&E appropriations

DOD divides the RDT&E program into six categories: research, exploratory development, advanced development, engineering development, operational systems development, and management and support. The makeup of the RDT&E appropriation is discussed more fully on page 33 of this report in connection with its correlation to the defense R&D program.

The RDT&E figure is subject to many changes as the appropriation request progresses from a budget submission to the Congress, through enactment into law, to represent actual obligations and expenditures. A look at RDT&E funds for recent years illustrates the problems in using such funds as an accurate portrayal of DOD R&D expenditures.

[In thousands]

	Fiscal year—		
	1969	1970	1971
Authorization acts	$7,794	$7,296	$7,102
Appropriation acts	7,551	7,369	6,976
Special analyses (budget): R.D.T. & E. obligations	7,281	6,972	[1] 7,043
NSF reports on R. & D.:			
R.D.T. & E. obligations	7,491	[1] 7,426	[1] 7,337
R.D.T. & E. expenditures	7,457	[1] 7,280	[1] 7,344

[1] Estimated.

Footnotes at end of article.

DOD's Reported R&D Expenditures

Both the special budget analyses and NSF reports show DOD's contribution to the Federal R&D program to be larger than the amount of the RDT&E appropriations.

The latest of the NSF Federal Funds reports shows Federal expenditures for research, development, and the R&D plant (facilities) by agencies for fiscal years through 1971. (See NSF 70-38, table C-88.) DOD reported expenditures, in addition to RDT&E for pay and allowances for military R&D personnel starting in fiscal year 1953 and for support from procurement appropriations starting with fiscal year 1954. Overall DOD expenditures for R&D include those of defense agencies, such as the Advanced Research Projects Agency, Defense Atomic Support Agency, and Defense Communications Agency; expenditures include also the R&D portion of funds for military assistance (special foreign currency program), civil defense, and emergency funds. Military construction for R&D installations is reported for inclusion with applicable RDT&E funds as R&D plant.

Total DOD figures, in relation to total Federal figures, for fiscal years 1953 through 1971 appear in table 6. A more detailed breakdown of the latest 3 years follows.

[In thousands]

	Fiscal year—		
	1969	1970	1971
Special analyses (budget):			
R.D.T. & E. appropriations	$7,281	$6,972	$7,043
Other appropriations	391	366	357
R. & D. facilities	197	140	162
Total military R. & D. obligations	7,869	7,478	7,562
Total military R. & D. expenditures	7,850	7,566	7,707
NSF reports on R. & D.:			
R.D.T. & E. appropriations	7,457	7,280	7,344
Direct support from procurement appropriations	18	20	9
Housing for military personnel in R. & D	3	13	18
Pay and allowances of military personnel in R. & D	295	322	305
Military construction	77	57	60
Civil defense	9	10	13
Special foreign currency program			1
DOD-wide funds	9	27	43
Total military R. & D. expenditures including R. & D. plant	7,868	[1]7,729	7,793
Total military R. & D. obligations including R. & D. plant	7,890	[1]7,931	7,788

[1] Estimated.

DOD furnished us with expenditures and obligations reported to NSF as estimates for fiscal year 1972, as follows:

[In thousands]

	Expenditures	Obligations
R.D.T. & E. program (6 categories)	$7,379	$7,946
Emergency fund (R.D.T. & E.)	45	50
R.D.T. & E., supporting military construction (R. & D. plant)	80	77
Subtotal	7,504	8,073
R. & D. portions:		
Special foreign currency program	1	3
Army civil defense	4	4
Military personnel	317	317
Military construction (R. & D. plant)	73	83
Total	7,899	8,480

The following section will discuss more broadly the relationship of the RDT&E appropriation to DOD's total involvement in R&D.

TABLE 6.—DOD EXPENDITURES FOR RESEARCH, DEVELOPMENT, AND R. & D. PLANT—1953 TO 1971—Continued

[In millions]

Year	Total all agencies	Total DOD
1953	$3,101.0	$2,454.8
1954	3,147.9	2,487.2
1955	3,308.3	2,630.2
1956	3,446.0	2,639.0
1957	4,461.9	3,371.4
1958	4,990.6	3,664.2
1959	5,806.4	4,183.3
1960	7,744.2	5,653.8
1961	9,284.3	6,618.1
1962	10,381.1	6,812.0
1963	11,999.3	6,848.8
1964	14,707.0	7,517.0
1965	14,888.8	6.727.6
1966	16,017.9	6,734.6
1967	16,841.7	7,680.1
1968	17,030.2	8,163.6
1969	16,347.6	7.868.4
1970 [1]	16,154.0	7,729.3
1971 [1]	16,160.8	7,793.6

[1] Estimated.
Source: NSF 70-38.

R&D costs, not funded through RDT&E, identified in DOD's accounting system

Over the years the annual RDT&E appropriations have been subject to refinements and clarifications. When the present RDT&E appropriation structure was established by the Congress for fiscal year 1958, the areas of coverage between RTD&E and those for procurement and for operations and maintenance were clarified. Subsequently funds providing for the operation and management functions at R&D installations and activities were included in the RDT&E appropriations, together with the funds to support the related direct R&D program effort.

In 1968 DOD formulated a system, effective for fiscal year 1969, to improve the accounting for the cost of R&D work. The R&D accounting system was to include all costs financed by RDT&E appropriations plus any costs financed by separate appropriations applicable to R&D.

RDT&E budget activities that relate to the corresponding budget activities of the President's budget are: Military sciences; Aircraft and related equipment; Missiles and related equipment; Military astronautics and related equipment; Ordnance, combat vehicles, and related equipment; Other equipment; and Programwide management and support.

DOD's programming system centers on the Five Year Defense Program which organizes defense activities in DOD-wide programs. Research and development is program 6. As explained below, this program and the RDT&E budget activity are not identical.

The RDT&E budget activity is divided into six categories of effort which are: Research; Exploratory development; Advanced development; Engineering development; Operational systems development; and Management and support.

All of these RDT&E categories except operational systems development[10] are included in program 6, R&D. On the other hand, program 6 includes additional elements for separately identified amounts of research and development cost covered in the military construction, family housing,[11] and military personnel appropriations. These additional elements represent construction identified as primarily supporting R&D installations or activities, family housing construction, operation and maintenance at R&D installations and activities, and pay and allowances of military personnel assigned to R&D.

To implement the R&D accounting system, the Secretary of Defense published instructions (DOD Instruction 7220.5, Jan. 24, 1968, as revised) specifying in detail the kinds of costs to be financed from RDT&E appropriations. The DOD policy set forth the treatment for major costs of the R&D program. The RDT&E appropriation is to provide for (1) the costs of RDT&E activities performed by contractors and Government installations, including the procurement of equipment and materiel required for development, test, or evaluation of equipment or materiel under development, and (2) the operation of R&D installations or activities engaged in the conduct of the R&D program, including direct and indirect efforts, expense, and investment cost, except in certain situations.

The instruction codified existing policies which had been in use and was not expected to result in any significant changes in the content of the RDT&E appropriations. The fiscal year 1969 RDT&E budget included relatively small amounts to be financed through stock funds and services to be financed through industrial funds. These items had previously been furnished without charge to RDT&E.

As the R&D accounting system was implemented and reimbursable arrangements were established, charges were added to RDT&E for tenant R&D activities[12] whose support was formerly furnished free, and RDT&E was relieved of expenses for support of tenant activities at R&D installations. DOD believes that the few cases of R&D tenants currently not reimbursing the hosts are offset by the non-R&D tenants on RDT&E installations who do not reimburse their hosts.

DOD's policy on R&D accounting specifies that certain costs supporting R&D work, but financed from appropriations other than RDT&E, would be recorded on a memorandum basis in the accounts of R&D program 6. To this extent, estimated costs are obtainable through the DOD accounting system. These costs are discussed below.

Military personnel—The costs of military pay and allowances of personnel working in R&D are financed out of military personnel appropriations but identified with program 6.

The R&D operating budget of each DOD component involved in R&D work reflects as an unfunded cost the estimate of military personnel costs at standard rates expected to be incurred during the fiscal year for R&D work. Standard rates are specified for all pay grades of the four services. These are composite rates which identify amounts for the following four elements: pay, quarters allowances, incentive and special pay, and miscellaneous expenses.

Pay includes the increments for longevity of service. Quarters allowances do not include overseas station allowances. Incentive and special duty pay includes supplements for hazardous duties and certain specialized fields. Miscellaneous expenses cover subsistence, uniforms and clothing, reenlistment bonuses, overseas station allowances, life insurance, social security taxes, and other allowances. Not reflected in the standard rates are permanent-change-of-station costs, support of allies, and quarters allowance forfeitures due to occupancy of Government quarters. Standard pay rates do not consider other costs associated with military personnel, such as medical care, retirement, and commissary privileges.

Analysis of military personnel costs reported to NSF indicates that refinement of the accounting system in 1968 did not significantly alter the amounts. NSF reports published in September 1970 and prior to this show the following expenditures.

Fiscal year:	*Amount in millions*
1967	$307.9
1968	302.2
1969	295.0
1970	[a] 322.0
1971	[a] 305.3

[a] Estimated.

Footnotes at end of article.

For NSF's forthcoming publication, DOD reported by letter dated April 3, 1971, more recent expenditure figures.

Fiscal year:	*Amount in millions*
1970	[a] $361.8
1971	[b] 350.2
1972	[b] 316.6

[a] Actual.

[b] Estimated.

At our request the OASD/Comptroller estimated costs for R&D-related military personnel in the fiscal year 1972 Five Year Defense Program to be $331.7 million.

Military construction—The costs of construction required at Government owned and operated R&D activities, financed by military construction appropriations, are shown as memorandum information in applicable R&D operating budgets. These costs are reported to NSF annually as part of the "R&D plant" for DOD. Analysis of amounts reported to NSF in recent years indicates that no major change took place as a result of the 1968 R&D accounting revisions. Figures published through September 1970 show:

Fiscal year:	*Amount in millions*
1967	$73.5
1968	62.1
1969	76.7
1970	[a] 57.6
1971	[a] 60.0

[a] Estimated.

DOD furnished NSF with these expenditure figures in April 1971.

Fiscal year:	*Amount in millions*
1970	[a] $43.1
1971	[b] 80.6
1972	[b] 73.5

[a] Actual.

[b] Estimated.

We were informed that expected costs for fiscal year 1972 for R&D construction were $98.6 million.

Family housing—Family housing construction, operation and maintenance at R&D installations and activities funded from family housing appropriations were to be identified to program 6 according to DOD Instruction 7220.5. Expenditures for family housing appearing in NSF reports through September 1970 indicated this change.

Fiscal year:	*Amount in millions*
1967	------
1968	$17.8
1969	3.1
1970	[a] 12.9
1971	[a] 17.9

[a] Estimated.

When we inquired of DOD about fiscal 1972, we were informed that family housing costs are no longer reflected in the Five Year Defense Program 6 (R&D) and the DOD instruction is being revised to reflect the change in policy regarding programming costs of family housing at RDT&E installations. No reason for the change in policy was stated other than to inform us that, because of their nature, all family housing costs hereinafter will be accounted for in DOD's program 8 (training, medical, and other general personnel activities).

We noted that DOD's submission to NSF in April 1971 did not include R&D expenditures for family housing for fiscal years 1970, 1971, or 1972. We were given a rough estimate by DOD of $20 million for 1972 R&D family housing costs.

Civil defense—The R&D accounting system identifies, without change in 1968, the R&D portion of the Army's civil defense program. NSF reports added to the RDT&E figures the following amounts for this program.

Fiscal year:	*Amount in millions*
1967	$7.9
1968	7.3
1969	9.3
1970	[a] 10.0
1971	[a] 12.8

[a] Estimated.

DOD's recent figures showed:

(Amount in millions)

Fiscal year:	
1970	[a] $5.9
1971	[b] 4.6
1972	[b] 3.8

[a] Actual.

[b] Estimated.

The OASD/Comptroller estimated fiscal year 1972 expenditures for civil defense R&D to be $3.5 million.

Other costs—In recent years the R&D portion of the Special Foreign Currency Program has been identified as a separate item. This program appears in the NSF statistics as $0.2, $0.2 and $1.3 million for 1969 through 1971. DOD's estimate for the R&D portion of the program for fiscal year 1972 is $2.9 million.

Other types of DOD expenditures for R&D, as reported by NSF, apparently were affected by the 1968 accounting purification. For example, in 1967, the Navy and the Air Force reported expenditures totaling $22.3 million in support of RDT&E from the operations and maintenance appropriations. In 1968 $10.8 million was reported. Starting with fiscal year 1969, however, no such amounts have been reported. DOD Instruction 7220.5 provides that the RDT&E appropriation will finance the expenses for the operation and maintenance of R&D organization, facilities, equipment, and installations or activities engaged in RDT&E activities—or in the management, administration, or direct support thereof—except for the salaries and expenses of R&D organizations within the departmental headquarters level of DOD components.

Another expenditure published annually by NSF is the support to RDT&E from procurement appropriations. In fiscal year 1967 expenditures of $5.9 million were reported by the Army, $64.8 million by the Navy, and $28.1 million by the Air Force; a total of $98.8 million. In 1968 the Navy reported expenditures of $2 million and the Air Force $6.8 million from procurement appropriations. NSF's 1970 Federal funds reports shows expenditures by the Air Force for 1969 of $17.5 million from procurement in support of R&D plant. Estimated for 1971 and 1972 are $19.7 million and $9.3 million, respectively for the same purpose. The other services reported no expenditures.

DOD Instruction 7220.5 provides that the costs of specialized equipment, instrumentation, and facilities required in support of—and investments in operation and maintenance of—RDT&E activities should be financed from RDT&E appropriations. We noted that expenditures reported by DOD to NSF in 1971 for fiscal year 1972 did not identify separately any procurement appropriations supporting R&D plant.

R&D costs not identified in DOD's accounting system

The changes from year to year in the content of the RDT&E appropriations and of the R&D program illustrate the problems in using the figures for precise comparisons. Also of significance in consideration of defense R&D are the funds which are in the nature of R&D, but which are neither in the RDT&E appropriation nor in the program 6 R&D accounting system.

In many major programs millions of dollars are spent out of production funds in "get well," "fix," "correction of deficiencies," "product improvement," and "modernization" programs. For example, it took the Air Force 3 years, primarily with procurement funding, to develop the A-7D aircraft and its complex avionics system to the point when the first operational aircraft was received from production.

The Navy ordered three different models of the AN/SQS-26 sonar system when design and performance problems existed on the original model and the test and evaluation program had not been completed.[13] Each of these models incorporated changes over the previous models, and many of the changes were made to overcome numerous system problems revealed during test and evaluation. After the Navy became aware of the problems with the earlier models, an improvement program was initiated. None of the funds for the three follow-on models came from RDT&E appropriations, even though the contracts were, in effect, for design and development programs.

It is difficult without accounting data to measure the amount of R&D-type expenditures which are not included in the RDT&E appropriation or reported in the program 6 R&D accounting system.

The following sections discuss some of the major areas. We have given estimates where they were available or could be calculated.

Contractors' independent research and development

Independent research and development (IR&D)[14] is defined as that part of a contractor's total research and development program which is not conducted under a direct contract but is undertaken in areas at the discretion of the contractor. In establishing prices and profit margins for commercial products, a company includes a factor for its planned IR&D costs to the extent competitively feasible. Government contracting officers negotiating contract prices, however, do not include as a profit factor the contractor's planned costs for IR&D. Instead, the Government shares the cost of IR&D, generally in proportion to the contractor's sales to the Government as compared with the contractor's total sales. Frequently special cost-sharing arrangements are made or ceilings are established limiting the amount of IR&D which will be recognized as allocable to both Government and commercial work. The acceptable amount of IR&D is then included in overhead costs and charged to the contracts involved.

As pointed out in our report to the Congress in February 1970,[15] DOD has separate appropriations for procurement and for R&D activities, and DOD's share of contractors' IR&D costs generally is absorbed by the procurement appropriation. AEC and NASA, on the other hand, each use a single annual appropriation for their contract operations and, therefore, such appropriation is charged with all R&D work performed under direct contracts as well as the agencies' share of the cost of contractors' IR&D work.

Consequently to determine the total amount of U.S. Government-furnished R&D effort which is military related, it is necessary to add the cost of the DOD share of IR&D costs which is not included in the RDT&E appropriation.

According to Defense Contract Audit Agency reports, DOD's share of IR&D costs was about $695 million in 1970. We believe that most of this amount would have been included as overhead on contracts funded from procurement appropriation. On the basis of our knowledge of the funding of defense contracts, we estimate that about 20 percent would have been funded from RDT&E appropriations; therefore about $556 million of contractors' IR&D represents additional DOD R&D costs not included in the RDT&E appropriations.[16]

Footnotes at end of article.

According to DCAA reports, major defense and space contractors incurred $1,294 million of IR&D costs in 1970. One thousand eighty seven million dollars of this amount was accepted by the Government for allocation to all of the contractors' work. To be acceptable for allocation, such work generally must be related to product lines for which the Government has contracts. Consequently it seems reasonable to assume that the difference between the amount accepted for allocation ($1,087 million) and the DOD/NASA share ($791 million), or approximately $300 million, represents unreimbursed costs incurred for defense-related research.

We believe the IR&D costs incurred in excess of the amount accepted for allocation also represents—to an undetermined degree—costs incurred for defense-related research. Such costs, amounting to $207 million in 1970, were incurred by major defense and space contractors as a means of meeting anticipated customer needs, and consequently it appears that such unreimbursed cost would represent a substantial amount of defense-related research financed by private industry.

In summary, we believe that, in 1970, companies performed about $850 million of defense-related research which is not funded from DOD's RDT&E appropriations. Any consideration of these data in conjunction with national R&D based on NSF's performer data must recognize that much of this research presumably would be reported by the companies as their own funded research although some may have been reported as federally funded.

Product Improvement

DOD Instruction 7220.5 outlines the types of cost to be financed from the RDT&E appropriation, the types to be financed by other appropriations, and those where the appropriate appropriation to finance the cost "will depend upon the actual program circumstance involved for each case for each annual Program/Budget cycle."

The instruction provides in paragraph IV. B.3.c. that:

"'Product improvement' of major end items (such as weapons, military equipment, and major components thereof) currently in production or in the operational inventory (excluding the costs of resulting modification of items in the operational inventory) is subject to the following:

"(1) Redesign of an item for the purpose of extending the useful military life of such item by *increasing* the then current performance envelope, including related development, test, and evaluation effort; will be financed by RDT&E appropriations.

"(2) Engineering services and related effort by the producing contractor or manufacturing installation applied to an item currently in production for the purpose of extending the useful military life of such item *within* the then current performance envelope; should be financed by Procurement appropriations.

"(3) Engineering services and related effort by a manufacturing or operations type installation applied to an item no longer in production but still in the operational inventory for the purpose of extending the useful military life of such item within the then current performance envelope; should be financed by Operations and Maintenance appropriations."

We have been informed by an OASD/Comptroller official that separate records are not maintained of "product improvement" costs financed by the Procurement or Operations and Maintenance appropriations. We were furnished, however, with "a very rough estimate of a 'grey' area between RDT&E and production." The fiscal year 1972 amount estimated by the OASD/Comptroller for such product improvement (also called "Component Improvement") is $100 million.

On the basis of studies previously made by this Office, indications are that the estimated amount of R&D cost incurred for product improvement may be substantially greater than the $100 million estimate.

For many years the Air Force and the Navy have used substantial amounts of procurements funds for developing or upgrading aircraft engines. Such funding efforts were referred to as "component improvement" and "contributing engineering" methods. Following hearings before the House Appropriations Committee in 1966, budgeting and funding procedures were changed and it was expected that the guidance in DOD Instruction 7220.5, January 24, 1968, quoted above, would correct the funding practice.

Our work in the area indicates that the cost of "contributing engineering" is now included as company independent research and development, discussed previously. (See p. 42.) The cost of component improvement, however, is still charged to procurement appropriations.

The work to be performed in the Component Improvement Program (CIP) for aircraft engines involves substantial R&D effort. For example, the stated objectives of the CIP for an aircraft engine now in production are:

"* * * to increase the performance margins of the TF39 engine by adapting high temperature turbine and combustor technology which has become available since the original designs of the TF39 engine. An increase of approximately 80°F in the T4 temperature is expected at the end of three years effort which consists of a three phase program.

"A. Phase I—Design (completed).

"B. Phase II—Demonstration (scheduled complete 1971).

"C. Phase III—Qualification Program (starts Jan. 1, 1971).

"The effort following Phase II is to develop and qualify an advance high pressure turbine and high temperature combustor to improve the operational capability of the TF39-1 by obtaining additional performance margin. The additional margin will be obtained by improvements to the high pressure turbine combustor, and changes to other components as required by the temperature increase. This includes consideration to allow for flat rated thrusts up to ambient temperatures of standards plus 15°F during climb and cruise operation."

Although this work obviously involves substantial R&D effort, the cost of this work ($4,000,000) was charged to the procurement appropriation rather than RDT&E.

According to an Air Force memorandum on the July 1970 Tri-Service Engine Review, an amount of $113 million was recommended by the Tri-Service Group [17] for the CIP of aircraft engines for calendar year 1971 for all military services, all of which amount was to be funded by either procurement funds or operation and maintenance funds. For calendar year 1972, $126.5 million was similarly recommended.

Inasmuch as these amounts involve product improvements in aircraft engines only, it seems likely that greater amounts are being spent from other than the RDT&E appropriations for research and development for product improvement of other major end-items.

Major modifications

DOD states that the technical analysis, engineering design, and testing costs necessary to produce new models of weapons systems—including cases where significant increases in performance or changes in mission envelope have been achieved—have sometimes been included in procurement appropriations. DOD made no estimate of these amounts since a study had not been made of the area.

We estimated that the total cost of engineering changes for DOD aircraft ran between $390 million and $410 million during fiscal years 1967 and 1968.[18] Engineering changes are frequently made to military aircraft in operational use or in production to improve their safety, performance reliability, or maintainability. Engineering change proposals require R&D efforts, which in some instances are very extensive. Since the proposals are generally implemented as modifications to production contracts, our limited review indicates that RDT&E funds are not used. Although we did not verify their statements, DOD procurement officials informed us that procurement funds were used.

Substantial amounts are presently included in the procurement appropriations for the cost of modifications. For example, we were informed that $535.6 million was included in the fiscal year 1971 appropriation request of the Air Force. Of this amount, $361.6 million represented Class V Modifications designed to (1) provide a new or improved operational capability or (2) remove an existing capability that was no longer required.

Another $139 million covered Class IV Modification designed to (1) ensure safety of personnel, systems, or equipment, (2) correct a deficiency including one that affects reliability and maintainability, and (3) provide required logistic support.

Presumably most of this cost involves replacement of parts, kits, etc., but the cost of developing and testing the proposed modification also may be included. Such R&D costs are not so identified and are absorbed in the procurement appropriation. We are unable to estimate the portion of such costs which are R&D in nature.

Advanced production engineering

The DOD instruction on R&D program costs indicates that costs associated with advanced production engineering and other efforts to establish and test the capability of production facilities to produce items approved for deployment will be financed by appropriations other than RDT&E. This is another area not identified in program accounts which may involve R&D activities. DOD's rough estimate of this "grey area" between RDT&E and production for fiscal year 1972 was $50 million of R&D in procurement appropriations.

DOD has informed us that decisions are made for each annual budget on a case-by-case basis and take into account special characteristics of the program being considered and its development/production progression status. The budgeting of the first 10 complete main battle tanks in the Army procurement appropriation was cited as a current example.

R&D management and administration

Expenses of R&D management and administration organizations at DOD departmental headquarters levels are financed by operations and maintenance appropriations. After a May 1971 study, OASD/Comptroller estimated the costs of civilian personnel funded by the operations and maintenance and military personnel appropriations that had not been reflected in accumulated military personnel costs at R&D installations and activities. Departmental administrative costs of $42.3 million for 1972 were estimated for the offices of the Director of Defense Research and Engineering, the Advanced Research Projects Agency, the Defense Atomic Support Agency, the assistant secretaries of the services for R&D, and similar organizations.

DOD-sponsored research and technological base

In view of the concern expressed as to the portion of the defense RDT&E budget which is aimed at maintaining an active technological base as distinguished from the much larger portion for weapons systems and other equipment, we attempted to classify the defense-related R&D into such categories.

Footnotes at end of article.

For budget purposes DOD categorizes the progression of its R&D program in elements called research, exploratory development, advanced development, engineering development, operational systems development, and management and support. The DOD budget request for fiscal year 1971 states that the categories of R&D which constitute our technological base—research, exploratory development, and some areas of advanced development—account for about 15 to 20 percent of the total R&D costs.

The Director of Defense Research and Engineering, in his testimony on DOD's research and technology base, stated that research and exploratory development are directed at meeting the goals of fulfilling recognized requirements in military technology and making possible new and superior technology through the exploitation of new technical opportunities. He provided the following figures for technical effort.

[In millions]

[000,000 omitted]

	Fiscal year			
	1968	1969	1970	1971
Research	$368	$404	$368	$370
Exploratory development	906	875	857	897
Total technological base	1, 274	1, 279	1, 225	1, 267
R.D.T. & E. appropriation	7, 288	7, 756	7, 439	7, 346
Technological base expressed as a percent of R.D.T. & E.	18	16	16	17

A DOD official estimated for us that about 40 percent of advanced development funds go into furthering the technological base. (This percentage has been variously estimated from 30 to 45 percent.) If an assumption of 40 percent is accepted, the technology base portion of RDT&E appropriations for recent years would be:

[000,000 omitted]

	Fiscal year				
	1968	1969	1970	1971	1972
Research	$368	$404	$368	$370	$322
Exploratory development	906	875	857	897	1, 006
Advanced development (40 percent)	281	386	376	446	564
Total technological base	1, 555	1, 665	1, 601	1, 713	1, 892
Technological base expressed as a percent of R.D.T. & E.	21	21	22	23	24

As indicated, the figures for 1968 through 1971 were taken from the DOD financial summary presented by the Department of Defense to the Congress at the time of the submission of the fiscal year 1971 budget estimates. The figures for 1972 are estimates furnished by DOD.

No information is available as to how much of the defense-sponsored expenditures supporting R&D, but not included in the RDT&E appropriation, is applicable toward developing DOD's technological base. It might be assumed that such expenditures as military personnel and military construction contribute to the technological base in the same proportion as the ratio of the technological base to the RDT&E appropriations, i.e., between 20 and 25 percent.

A rough estimate of the portion of contractors' IR&D directed towards advancing the technological base also can be made. As shown on p. 42, we believe that $850 million of defense-related IR&D was not included in DOD's report of defense-related R&D. This amount primarily involves those projects specifically identified by the contrators as IR&D and those closely related projects identified as bid and proposal expenses.[19] The latter activities are more likely to be directed toward development of end products than those labeled as IR&D. Consequently, as the proportion of company-labeled IR&D to total IR&D is about 6 percent, we believe that a comparable portion of the $85 million funded from other than the DOD RDT&E appropriations, or about $578 million, represents costs directed at advancing the technological base.

Conclusion

Although the total amount is not determinable, it is evident that the amount of defense-related R&D in the United States is substantially higher, at least $1 billion higher, than the amount reported by DOD. (See table 7.) This difference is attributable to two factors.

1. The unreported amount of R&D financed from defense funds other than the RDT&E appropriations.

2. The defense-related R&D performed in the private sector which is not federally funded.

DOD believes that designation of these two types of costs as defense-related R&D costs would increase the amount recorded as United States defense-related R&D expenditures by about 15 percent—20 percent at the most—and that these add-on costs become important only if the Soviet Union is handling its similar expenditures in a different manner. DOD states that its comparisons were intended to make the Soviet Union RDT&E estimates functionally comparable to that of the United States, and such costs in the Soviet Union are aside from the budget for the Soviet Union RDT&E. We were unable in our study to determine the handling of such expenditures in the Soviet Union budget.

TABLE 7.—ESTIMATE OF DEFENSE-RELATED R. & D. EXPENDITURES NOT RECORDED BY DOD

R. & D. costs not identified in DOD's accounting system	Estimate (million)	Comments
I.R. & D.[1]	$550	Estimated by GAO on the basis of 1970 figures (p. 42).
Product improvement	100	DOD estimates $100,000,000 for fiscal year 1972; GAO believes figure is higher (p. 44).
Major modifications	Undetermined	DOD made no estimate; some R. & D. costs are incurred (p. 47).
Advanced production engineering	$50	DOD's rough estimate (p. 48).
R. & D. management and administration	$42.3	Estimate based on DOD study (p. 48).
Industry:		
I.R. & D	$300	Estimated by GAO on the basis of 1970 figures (p. 42).
Other R. & D. (approximately $10,000,000,000 to $11,000,000,000.	Undetermined [2]	No data available on industry-financed R. & D. which is defense related (p. 25).
Total	In excess of $1,000,000,000.	

[1] DOD informed us that it included $300,000,000 for I.R. & D. in computing U.S. defense-related R. & D. costs for comparison with Soviet Union R. & D. expenditures.

[2] DOD estimates between $500,000,000 and $1,000,000,000 in 1970, including computer manufacturing technology. (See p. 25.).

FOOTNOTES

[1] "Science Policy in the U.S.S.R.," Paris 1969.

[2] "Soviet Computing Technology: Some Observations From a Visit to Soviet Computing Centers," B. W. Boehm (RAND, December 1970).

[3] Submitted by DOD to the Senate Armed Services Committee in connection with the fiscal year 1970 hearings.

[4] NSF 70–46.

[5] NSF 69–30.

[6] The most recent is NSF 70–38.

[7] NSF 70–29.

[8] Source: NSF–29.

[9] "Soviet Computing Technology: Some Observations from a Visit to Soviet Computing Centers," B. W. Boehm (RAND, December 1970).

[10] Operational systems development is included in the program for which the associated system is reported, such as Strategic Forces, General Purpose Forces, Intelligence and Communications, or Airlift and Sealift, as appropriate.

[11] Not identified starting with fiscal year 1972. (See p. 37)

[12] A tenant R&D activity or organization is one located at an installation having a primary function other than R&D.

[13] GAO report to the Congress entitled "Adverse Effects of Producing the AN/SQS–26 Surface Ship Sonar System for Service Use Before Completion of Development and Testing," (B–160877, March 1971).

[14] The term "IR&D," as used in this report, includes all independent technical effort, such as bid and proposal effort.

[15] "Allowances for Independent Research and Development Costs in Negotiated Contracts—Issues and Alternatives" (B–164912, Feb. 16, 1970).

[16] DOD informed us that it included $300 million for IR&D in computing the United States defense-related R&D costs of $7 billion for comparison with Soviet Union R&D expenditures.

[17] Representatives of the Army, Navy, and Air Force meet twice each year to review component improvement programs and recommend funding levels for each engine program.

[18] GAO Report to the Congress, "Opportunity to Reduce Costs and Improve Aircraft Through Prompt Processing of Engineering Change Proposals," (B–152600, January 1971).

[19] This matter is discussed in greater detail in our report "Allowances for Independent Research and Development Costs in Negotiated Contracts—Issues and Alternatives," (B–164912, Feb. 16, 1970).

INTRODUCTION OF DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT AMENDMENTS OF 1971

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. FRASER. Mr. Speaker, I have introduced H.R. 10219, to make certain amendments to the District of Columbia law on unemployment compensation.

Of special importance is the extended benefits program provided in section 2 (37) of the bill. Congress adopted this program last year and many States have put it into effect already. It provides up to 13 weeks of additional benefits for workers who have used up their benefits under present law.

The letter from the city government requesting Congress to pass this bill explains the support of the U.S. Department of Labor for the bill.

A summary of the bill prepared by the city government is submitted for the RECORD.

The summary follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., June 18, 1971.

The Commissioner of the District of Columbia has the honor to submit a draft bill "To amend the District of Columbia Unemployment Compensation Act in order to conform to Federal Law, and for other purposes", which may be cited as the "District of Columbia Unemployment Compensation Act Amendments".

The proposed bill, drafted in consultation and with the approval of the U.S. Department of Labor, is designed to implement provisions of the Employment Security Amendments of 1970 (84 Stat. 695) which require that certain provisions be included in State unemployment compensation laws. In addition, the draft bill incorporates the recommendation made by the President in this area.

Each substantive amendment contained in the draft bill is explained in the attached "Summary of Substantive Amendments to the District of Columbia Unemployment Compensation Act".

The Commissioner urges early and favorable consideration of this draft bill by the Congress. He believes action on this legislation is imperative in order to provide an adequate compensation program for the unemployed in the District of Columbia.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,
GRAHAM W. WATT,
Assistant to the Commissioner.
For: WALTER E. WASHINGTON,
Commissioner.

Attachment.

SUMMARY OF SUBSTANTIVE AMENDMENTS TO THE DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

The attached proposed "District of Columbia Unemployment Compensation Act Amendments of 1971" is designed to implement provisions of the Employment Security Amendments of 1970 (Public Law 91-373). This Act required that certain provisions be included in all State unemployment compensation laws. In addition, the draft bill incorporates the recommendation of the President in this area.

An explanation of each substantive amendment of the District of Columbia Unemployment Compensation Act proposed by the bill and the section of present law to which it refers is summarized below.

Section 1(b) (1). The Employment Security Amendments of 1970 amended section 3306(i) of the Federal Unemployment Tax Act and goes beyond coverage of individuals who were employees under common law rules of master and servant. Accordingly, the District law is also amended to cover as "employment", services of commission drivers and salesmen, services for nonprofit organizations with certain exclusions, services for State hospitals and institutions of higher education, and services of American citizens employed outside of the United States by American employers. *Section 1(b) (1) (F)* is amended by the draft bill to cover certain domestic services as requested by the President and urged upon the District by the Secretary of Labor. It is patterned after the law of New York and is designed primarily to cover individuals providing substantial domestic servive and not just day workers.

Section 1(b) (2). The proposed amendment consists of language contained in a resolution unanimously adopted by the Interstate Conference of Employment Security Agencies to cover a loophole found in all State laws and which heretofore generally has been handled administratively.

Section 1(b)(7). Automatic coverage will be provided for organizations not taxable under the Federal Unemployment Tax Act, but required to be covered for certification of a State law by the Secretary of Labor.

Section 1(c)(3). Dismissal payments were excluded from the term "wages", but are now included as wages under the Federal Unemployment Tax Act.

Section 1(d). Back pay is specifically included as earnings within the meaning of the Act in accordance with a Supreme Court decision.

Section 1(q). Inclusion of Puerto Rico as a State is mandatory. The Virgin Islands are also included because most States treat the territory as a State and it has an on-going compensation program.

Sections 1(w) and 1(x). These are new subsections defining "institution of higher education", and "hospital" as required by the Federal law.

Section 3(c)(2). This amendment excludes employer charges for benefits paid to claimants undergoing training and for extended benefits paid to exhaustees of regular benefits. Though not mandatory, the proposed amendment is desirable because the Unemployment Trust Fund is sound. It is also unfair to charge an employer for benefits paid to a former employee who is in training and not subject to the availability provisions of the law.

Section 3(c)(3). This is a desirable provision because the number of employers in the District is steadily shrinking and those in the nearby counties growing. It is believed likely that our neighboring States will adopt such a provision and the District should be competitive.

Section 3(c)(4). The proposed amendments provide desirable changes of the peril points at which contribution rates would be automatically increased for all employers. The Unemployment Trust Fund has been steadily growing and now amounts to over $73,500,000, but employer reserve ratios are slowly receding.

Section 3(c)(8)(A). When the taxable wage base is increased from $3,000 to $4,200, employer reserve ratios will go down and, consequently, rates will go up. This is undesirable in view of the size of the Unemployment Trust Fund, and is corrected by reducing each step in the rate table by three-tenths of one percent.

Section 3(c)(11). It has been necessary to carry accounts of employers who have been inactive unless information was received that the employer was deceased or out of business. These accounts are credited with their share of Trust Fund interest and cause the District Unemployment Compensation Board considerable extra work. The proposed amendment would abolish an employer's reserve account after he has been inactive for three full calendar years.

Section 3(e). The taxable wage base is raised to $4,200 and is mandatory under Federal law. An additional provision allows a successor to count as taxable wages the wages paid by a predecessor. Most States have a similar provision.

Section 3(g). Employers with isolated employment in the District sometimes report such employment to the State where their main office is located. When it is discovered, it is necessary to go back for many years which is burdensome on the Board and the employer. In the meantime, the workers have had full protection. It is desirable to limit employer liability to the last three years when contributions were paid to another State erroneously but in good faith.

Section 3(h). Nonprofit organizations are given the option to pay contributions or be self-insurers and make payments in lieu of contributions. This proposed amendment is mandatory, with the exception of paragraph 3 thereof. The proposed paragraph (3) authorizes the filing of a surety bond or the deposit of money and thereby provides the Board with safeguards to ensure that organizations electing to become self-insurers will make the payments required.

Section 3(i). This new subsection gives nonprofit organizations who elect to be self-insurers and who were already covered, the option of exhausting their reserve balances before making payments. This is a transition provision to equalize the treatment of nonprofit organizations previously covered and those newly covered.

Sections 4(c)(2), 4(i), and 4(1). These sections as presently written are cumbersome because they require action by one or more other District agencies to carry out certain functions. As amended, section 4(c)(2) will eliminate prior approval of the Commissioner in waiving penalties. The amendment of section 4(i) will eliminate the need for audit by the District Auditor prior to refunding overpaid contributions. As amended, section 4(1) deletes the need for prior approval of the Corporation Counsel and the District Auditor in order to compromise an outstanding employer indebtedness.

Section 7(c). The minimum weekly benefit amount was increased from $8 to $14 and the minimum qualifying wages are correspondingly increased by this amendment from $130 to $300 in one quarter and from $276 to $450 in two or more quarters of the base period. At present only Missouri, Canada, Puerto Rico, and the Virgin Islands have a minimum weekly benefit amount of $8 or less. The increase to $14 is believed to be more realistic under current wage scales. The requalifying provision is mandatory under Federal law and requires a claimant to have had some work subsequent to a prior benefit year. Disability retirement pensions at present are not deductible from benefits. The proposed amendment will equalize treatment of annuities other than Social Security which are not deductible.

Section 7(g). The proposed subsection (g) provides an extended benefits program for the District. A Federal-State extended unemployment compensation program is now mandatory.

Section 9(f). This new subsection contains a mandatory restriction on payment of benefits for services rendered in an instructional, research, and principal administrative capacity in an institution of higher education under certain conditions.

Section 13(e). This amendment provides Federal-State cooperation in administering District law, and brings up-to-date references to Federal law.

Section 14(a). Field Examiners have been allowed a maximum travel allowance per month of $40 since 1954. Were there no limitation, they would average over $65 per month. The proposed amendment of this section raises the limitation to $65.

Section 14(b). The proposed addition of subsection (b) to section 14 authorizes a Special Administrative Expense Fund. Forty-five States have such a fund for extraordinary administrative expenses into which are paid, generally, all interest and penalties collected from employers and claimants. Those

States have found a fund of this kind useful for purchasing equipment or paying for travel for which the Federal Government cannot or will not provide funds. The fund is also used as a revolving fund when the Federal Government is late in supplying administrative funds.

Section 15(c). The per diem allowance for Board members has remained at $25 since 1954. It would be increased by the proposed amendment to $50. The Board has been faced with an increasing number of contested hearings, some of which require the study of transcripts of several hundred pages.

Section 16. This section is amended primarily to comply with a Federal directive requiring the Board to participate in combined wage arrangements with other States and Federal agencies.

Proposed amendments of sections of the District's Act not specifically discussed above are made to conform to Federal requirements, to make editorial changes, and to redesignate various sub-parts of the present statute for reasons of clarity and accuracy.

GIVE LOCKHEED A SECOND CHANCE

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. GOLDWATER. Mr. Speaker, this week we should cast our vote on the $250 million loan guarantee to Lockheed Aircraft so that they can continue as a viable American corporation.

If Lockheed was to fold the implications would be horrible. Immediately, 30,000 persons would be out of jobs on the L–1011 program. These persons now work directly for Lockheed or its suppliers.

It is critical for us to think about the effect on our national defense or posture in the field of aviation. However, it is much more important to consider the effect on the human lives involved.

I wish to present the following material in the hopes that it will provide some additional information for the Members to consider before they cast their vote:

[From Fortune Magazine, June 1971]

GIVE LOCKHEED A SECOND CHANCE

The Administration's proposal to rescue Lockheed's 1011 TriStar airliner with a government-guaranteed bank loan confronts Congress with an unhappy choice between certainty and uncertainty. The certainty is that if the loan guarantee is voted down, Lockheed will go bankrupt. With the guarantee, Lockheed would have a fighting chance to survive, but might still fail. Under the circumstances, there is a lot to be said for choosing uncertainty.

The guarantee would cover a $250-million loan to be put up by twenty-four banks, which have already loaned the company $400 million. The government-backed portion of the total loan would be the first to be repaid, and if Lockheed should still go bankrupt, the government would have first claim on the company's total assets of $1.3 billion.

The fact that the taxpayers' potential liability is limited does not in itself justify a government bailout for a private company. Nor is it enough to say that government-guaranteed loans have become a familiar aspect of our economic life, through the activities of agencies like the Export-Import Bank and the Federal Housing Administration. The case for the Lockheed guarantee rests on the fact that it is an exceptional measure to deal with an unusual emergency that befell a corporation especially vulnerable to circumstances beyond its control. There may be an element of bad management in Lockheed's predicament, but there is much more to the situation than can be explained away by accusations that the company was ineptly run.

The article on page 66 details the interlocking disasters that overtook Lockheed. Much that may have helped produce these disasters is not yet known. It is already amply clear, however, that the government itself bears some responsibility for the company's present plight. During the early 1960's, for high-minded reasons, the Pentagon adopted a new form of defense contracting that proved to be unworkable. It called for firm commitments years in advance to produce weaponry that had yet to be invented. In trying to anticipate the unforeseeable, the Pentagon wrote contracts so intricate that they lent themselves to misunderstanding and legal disputes. Lockheed was unlucky—or perhaps unwise—enough to win several of those contracts, and is now paying for its success.

Lockheed itself may have been partly to blame for the battering it took in the C–5A contract; the evidence is highly ambiguous. But the misfortune that threatened the life of its prime commercial product, the TriStar, seems clearly to have been beyond the company's power to foresee or avert. After the collapse of Rolls-Royce, Lockheed's management performed a heroic job in bringing together banks, airlines—and the British Government—to save the plane. Only one link remains to be put in place—the loan guarantee. In the circumstances, we believe Congress should approve it.

THE COST OF FAILURE

The case is strengthened by a consideration of what it might cost if Lockheed were to give up the TriStar for want of financing. More than 30,000 jobs would be put in immediate jeopardy. In addition to the human anguish of the jobless, there would be real cost to the taxpayers—in terms of income taxes no longer collected, as well as in payments for unemployment compensation, retraining programs, and other government efforts to minimize the impact on individuals and the economy.

A Lockheed bankruptcy would exact its own high price. In a letter to Congressman William S. Moorhead of Pennsylvania, to which Lockheed is giving wide distribution, the Controller General of the U.S. has pointed out that the cost to the government of the C–5A program could "increase substantially" if Lockheed went bankrupt. This is so because subcontractors on the C–5A might be able to renegotiate prices they agreed to six years ago, before the onset of inflation. Lockheed's other uncompleted government contracts, which total about $1.9 billion, might also have to be reopened. Essential projects doubtless would be continued, one way or another, but the disruption would be bound to be costly.

In the congressional debate, proposals will surely be made that the loan guarantee be tied to a requirement that Lockheed abandon Rolls-Royce and put U.S.-made engines in the TriStar. Fred Borch, chairman of General Electric, has already made this point with the obvious aim of getting Lockheed to use the G.E. engine that is going into the McDonnell Douglas DC–10.

The airlines and Lockheed have twice studied the available engines, however, and twice they have chosen Rolls-Royce's RB.211. Their decision may prove wrong or shortsighted, but it should be left to them, not Congress, to decide—especially since a change of engines would increase costs and delay deliveries to such an extent that it is probably no longer a practical alternative. It is also worth noting that use of the Rolls engine might enhance chances of selling the TriStar to foreign airlines, thereby benefiting the U.S. balance of payments.

A SORRY SEQUENCE

The Lockheed guarantee should not be regarded as a precedent for further government rescue missions, but it can serve as a useful warning. Unless the system of defense procurement undergoes fundamental change, other defense companies could well fall into difficulties like Lockheed's. In the future, military projects will become fewer but bigger and riskier. The idea that competitive bidding assures the best product at the lowest price is proving to be a delusion. What it actually has done is impel companies to make unrealistically low cost estimates in order to grab off contracts, setting off a sorry sequence of cost overruns, congressional inquiries, and financial trouble for the contractors themselves.

Secretary of Defense Melvin Laird's "fly before you buy" policy represents a big improvement in procurement procedures, but it is only a first step. Congress ought to convert its indignation over past deficiencies in the system into pressure for constructive reform that will assure the nation the best defense for the least money. But meanwhile, Congress should give Lockheed one more chance to survive.

STATEMENT OF JAMES L. QUILLIN, PRESIDENT, OF DISTRICT LODGE 727 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS, BURBANK, CALIF. BEFORE THE SENATE BANKING, HOUSING AND URBAN AFFAIRS COMMITTEE OF THE U.S. SENATE, WEEK OF JUNE 21, 1971

I welcome the opportunity to appear before this Committee of distinguished United States Senators. As head of the major union whose members produce the L–1011 TriStar and one who must live with the consequences of the cancellation of the L–1011 program and subsequent Lockheed bankruptcy, I would very much like you to consider our viewpoint as it is our future that you hold in your hands.

RECAP OF EMPLOYMENT HISTORY ON L–1011 SINCE R.R. BANKRUPTCY

On February 4, 1971 the day Rolls-Royce declared bankruptcy there were nearly 18,000 Lockheed employees in Burbank and Palmdale, California working on the L–1011 program. The following week 6,500 employees were laid off. Within three weeks the announcement of the bankruptcy of Rolls-Royce a total of 9,000 employees had been laid off. Simultaneously with their loss of jobs—many of these same employees had their homes either destroyed or severely damaged by the violent earthquake which shook Los Angeles on Tuesday, February the 9th. The greatest damage was centered in an area only 10–12 miles from the Lockheed plant in Burbank.

After negotiations between Lockheed and the Rolls-Royce receivers resulted in an agreement to continue production of the RB.211 engine, Lockheed called back 1,200 of the 9,000 laid off in February bringing the L–1011 work force to a current level of 10,000 employees.

What has happened to the 8,000 on layoff? My investigation reveals that only about one in ten have found work. A few have moved to other parts of the country hoping to find work (Note: Many of these employees were recruited by Lockheed from other depressed aerospace centers such as Seattle, Wichita and from as far away as Marietta, Georgia) others are working at any work that is available. Most are collecting unemployment hoping to be recalled to Lockheed while some unable to survive on unemployment benefits are collecting welfare.

Since we have available to us the experience of 8,000 L–1011 workers already on layoff is it reasonable to expect that those additional thousands who would be laid off if the loan guarantee fails would fare any better in finding jobs? For the following reasons my answer is an emphatic *No!*

AGE OF LOCKHEED WORK FORCE

The average age of the Lockheed California Company workforce stands at 44.4 years. While the average seniority is 13.5 years. There are 9,900 employees over 50 years of age; 5,830 are over age 55; and 4,000 over age 60. Granted many of these older workers have greater seniority and might manage to keep their jobs. However can anyone seriously suggest that those older workers who would lose their jobs in event of bankruptcy would be able to successfully compete for jobs in a depressed industry that is already glutted with surplus labor? . . . I think not.

Unemployed workers who are at an advanced age find it difficult to obtain work when jobs are plentiful. Under employment conditions now present in the aerospace industry it is next to impossible for these workers to find jobs.

PROBLEM OF UNEMPLOYMENT IN THE AEROSPACE INDUSTRY

There are 130,000 unemployed aerospace workers in California at the present time, 40,000 of which are in Los Angeles County. The rate of aerospace unemployment in Los Angeles County stands at an incredible 15% of the total aerospace employed. Unemployment figures outside aerospace in California are equally dismal—601,000 workers statewide are unemployed with 247,000 of this figure being from Los Angeles County. In the 5 County Southern California area there are 350,000 unemployed workers. Cancellation of L–1011 program would add 10,000 direct Lockheed workers plus several thousand workers employed by subcontractors to the rolls of the unemployed driving these gloomy statistics even higher.

These statistics, as bleak as they are, still do not reflect the many thousands of aerospace workers in Southern California who have exhausted their unemployment benefits and/or are now underemployed. From the foregoing statistics one can conclude that a Lockheed shutdown would be calamitous to those workers involved.

PROSPECTS FOR REEMPLOYMENT OF LOCKHEED WORKERS WITH MCDONNELL-DOUGLAS

Some have suggested that Lockheed workers who lose their jobs if the L–1011 program is cancelled could go to work for McDonnell-Douglas on the DC–10 since it is produced in the same area. This is a cruel hoax and should be branded for what it is . . . a complete distortion of the facts. In the first place such a proposition completely ignores the geography of Southern California. The DC–10 is assembly in Long Beach which is 35 miles from Burbank, the home of the L–1011. It is possible to commute from Burbank to Long Beach on a twice daily basis; however, considering the Los Angeles traffic and freeway system, it is a hair-raising experience at best.

Next, the proponents of this suggestion blithely ignore another salient geographical fact, that is, the L–1011 is assembled in Palmdale, California, utilizing nearly 4,000 Lockheed employees. This final assembly facility is 100 miles from Long Beach, California. It stretches the bounds of credulity to suggest that these workers could commute the 200 miles a day round trip to Long Beach. Assuming for the sake of argument that laid-off Lockheed workers could get to these "jobs" on the DC–10, which pre-supposes, of course, that all airlines will switch to the DC–10, is there any guarantee that they would stand in front of the 40,000 other unemployed aerospace workers in Los Angeles County who would be in line for these same "jobs" on the DC–10?

Finally, and representing perhaps the most blatant disregard of the facts by those who suggest that terminated Lockheed workers can be hired for the DC–10 is the fact that McDonnell-Douglas has an estimated 9,000 employees on layoff right now while they are producing DC–10's at full production rate. These employees in Southern California must be recalled before other workers could be considered for openings. Consequently, Lockheed workers could not be hired for DC–10 production even if they lived across the street from the plant in Long Beach.

UNEMPLOYMENT AND WELFARE

Lockheed employees want work not welfare. Yet, it seems to me that if the loan guarantee fails in Congress they will be inexorably driven to unemployment lines, and then, perhaps, welfare. In that connection I would like to quote in part a letter I received from Congressman Chet Holifield the Dean of the California Congressional Delegation regarding the Lockheed loan guarantee request.

"Unemployment now stands at 6.1 percent of the labor force nationally, and at 7.5 percent in the five-county area of Southern California. More than 345,000 people are out of work in those five counties—265,000 in Los Angeles County alone. Unemployment is still rising.

"More than 907,000 persons in Los Angeles County were receiving welfare assistance—one out of every eight persons.

"More than 30,000 workers' jobs are dependent upon the Lockheed L–1011 program, which would collapse without this Federal assistance. About 17,000 of these jobs are in California—and most of them in Southern California.

"I have calculated that each additional welfare recipient caused by unemployment and the exhaustion of unemployment benefits represents an additional cost; to the county of $365 per year; to the state of 698 per year; to the Federal government 1,163 per year, totaling $2,326 per welfare case.

"The collapse of the L–1011 program and probable collapse of the Lockheed company might well result in the addition of 60,000 additional welfare cases (individuals) in Southern California at a staggering cost to the local taxpayer in additional local property taxes and state and federal income taxes.

"The assistance to Lockheed in the form of Federally guaranteed loans should not result in a loss to the Federal Treasury. The proposed legislation authorizing these loans provides ample protection against losses. No corporate dividends to stock holders or existing indebtedness can be paid, until after these Federally guaranteed loans are paid.

"Because of the serious blow which would be delivered to the national economy, and the economy of our area, the suffering which would occur to unemployed workers and their families, and the potential great financial loss to the federal government, I am supporting the loan guarantee legislation.

"Sincerely yours,

"CHET HOLIFIELD."

IMPACT ON PENSION BENEFITS OF A LOCKHEED BANKRUPTCY

I am advised by legal counsel that in the event Lockheed was forced into bankruptcy by the failure of the loan guarantee request, the Trustees appointed by the Court could set aside the labor contract including the Pension Plan and other negotiated fringe benefits. Although the monies already paid into the Pension Fund are in an irrevocable trust and could not be touched by Court-appointed Trustees, there is still insufficient funding to pay off all liabilities of the plan if liquidation as a result of bankruptcy occurs. According to calculations by the Actuaries all those with less than 10 years credited service, regardless of age, would not receive a penny. Those who have vested but have left the company and who planned on drawing pension benefits on a deferred basis at age 65 would also lose all benefits.

Those on the payroll now who have vested and are under age 55, and incidentally, there are several thousand employees in this category, would receive an estimated 50-60¢ on the dollar. Those employees over age 55 who have vested and those already drawing benefits would receive 1 hundred cents on the dollar.

It should be apparent that because of the advanced age of Lockheed's skilled craftsmen, this represents, in most instances, the last opportunity they will have to earn a meaningful pension since normal vesting requirements are 10 years with a company. Therefore, it would be next to impossible for one over age 55 to earn a pension by the normal and in some cases mandatory retirement age of 65.

OBSERVATIONS ON OTHER ISSUES RAISED DURING THE COURSE OF THIS HEARING

There has been voluminous testimony and exhibits placed in the records of this hearing on other important considerations bearing on the question of whether the loan guarantee should be approved.

I do not wish to burden the record but it would be appreciated by my membership if you would consider our views on certain of these subjects.

1. There is an investment in time, materials, facilities, parts and tooling on the L–1011 of 1.4 billion dollars. If the L–1011 Program fails this immense investment would have only scrap value and could do inestimable damage to the financial structure of many small companies who are sub-contractors on L–1011.

2. There is no credence to the charge that nearly all the DC–10 is produced in the U.S. and that, therefore, continued production of the L–1011 is harmful to the international balance of payments. My information is that 15% of the DC–10 is produced outside the U.S. while 17% of the L–1011, which includes the engines, is produced outside the U.S. Considering that 50 planes were purchased by Air Holdings Ltd., it would appear to me that the L–1011 helps the balance of payments more so than the DC–10.

3. Without considering the merits of Lockheed's disputed contracts with the DOD, it seems apparent that three significant factors led to the current Lockheed financial difficulty. 1. The inordinately high cost of developing a new airplane such as the L–1011. 2. Lockheed was forced to eat 480 million dollars in disputed claims in DOD contracts. 3. The completely unexpected bankruptcy of Rolls-Royce, the engine supplier for the L–1011, days after Lockheed agreed to accept the $480 million loss on disputed DOD contracts. I submit that few companies in this country have the financial wherewithal to survive this 1–2–3 punch simultaneously.

4. With the winding down of defense expenditures Lockheed has and is attempting conversion to commercial from military work. This has been done at the Government's urging. With one program (L–1011) Lockheed reduced reliance on military work by 50% in the Lockheed-California Company. Failure of the Government to guarantee the loan request in this instance could dissuade other defense producers from converting to commercial ventures from strictly military work.

5. Considering the continuing problems faced by the Trustees in the Penn Central case, I am not convinced that bankruptcy for Lockheed, as some have suggested, is a viable alternative to continued operation of the company. The point I am making is that bankruptcy would not make the Lockheed problem go away for Congress, but it could be a troublesome problem for some time to come especially considering all the defense contracts now in progress if Lockheed proceeded into bankruptcy.

We recognize that public issues must be publicly debated—that's democracy. The question of a Congressional loan guarantee to the banks makes this such a public issue.

We do ask, however, that those who are debating this issue be mindful that the hopes, families and futures of many thousands of workers ride on the outcome of this vote.

Lockheed L-1011 Suppliers by State

(Dollar of 181 Plane Subcontract by State)

Alabama:	
*Reynolds Aluminum Co., Lister Hill	$1,571,080
Total	1,571,080
Arizona:	
Hexcel, Casa Grande	3,258,000
Sperry Rand, Phoenix	13,325,000
Total	16,583,000
California:	
*Anadite, Inc., Adelanto	1,118,037
*Harvey Aluminum, Torrence	12,670,000
*Fortin Plastics, Valencia	474,200
*Weber Aircraft, Burbank	1,153,000
*Talley, Newbury Park	1,184,500
*Bertea, Irvine	7,793,000
*Sierracin, Sylmar	7,767,000
*Weston, Van Nuys	2,269,900
*Task Corp., Anaheim	1,463,000
*Monogram, Venice	1,364,300
*Northrop, Hawthorne	2,445,212
*Bowmar/Tic, Newbury Park	942,300
*Sherwood Ind., Bell Gardens	682,900
*Parker-Mannefin, Irvine	867,000
*Pacific Scientific, Anaheim	706,000
*Bobrick, No. Hollywood	88,690
*Accessory Products, Pacoima	50,137
*General Cable, Los Angeles	1,357,500
*Electroforms, Inc., Gardena	543,543
*Haveg, Santa Fe Springs	388,779
*Purolator, Newbury Park	821,412
*Federal Mogul Corp. (Arrowhead), Los Alamitos	1,357,500
*J. A. Bozung, El Monte	934,322
*Automation Industries, Torrence	198,420
*Prime Engr., So. El Monte	292,094
*Tru-Bor Mfg., Los Angeles	610,332
*Aeronca, Torrence	663,546
*Ace Industries, Santa Fe Springs	35,476
*Railee, City of Industry	1,178,773
*Precision Tube, Santa Fe Springs	155,298
*Tridair Industries, Torrence	16,290
*Adams Rite Mfg. Co., Glendale	22,806
*W. S. Shamban & Co., Newbury Park	23,530
*Sonfarrel, Inc., Compton	18,100
*Fansteel Inc.—Hi Temp Div., Newbury Park	47,639
*Fiber Science, Inc., Gardena	401,639
*Sabre Industries, Burbank	397,700
*HiShear Corp., Torrence	18,100,000
*Dumont Aviation, Lakewood	3,620,000
*Voi-Shan Corp., Culver City	4,525,000
*Chevron, Los Angeles	181,000
*Alcoa, Los Angeles	1,357,500
*Standard Pressed Steel, Santa Ana	452,500
Bergman Mfg., San Rafael	452,500
Shick Products, Belmont	687,800
*Polyplastix, Chico	832,600
*Aero Mechanisms, Van Nuys	322,180
*Voltron Products, Pasadena	207,245
*Jay-El, Gardena	796,400
*Janco, Burbank	69,862
*Electro Adapters, No. Hollywood	28,960
*ITT-Cannon, Los Angeles	1,596,601
*Deutsch-Elect Comp. Div., Banning	6,848,316
*Thermal Systems, Los Angeles	814,500
*Sterer Engr., Los Angeles	554,693
*Crissair, El Segundo	58,049
*Sprague, Gardena	35,838
*Adel, Burbank	443,993
*PneuDraulics, Monteclare	135,188
*ITT/CC, Burbank	386,640
*Flex Metal Hose Mfg., Costa Mesa	$82,181
*Electronic Specialties (EEM CO), Los Angeles	135,214
*Sargent Industries, Huntington Park	273,934
*Stainless Steel Products, Burbank	1,612,674
*Peterson Jones Mfg., Van Nuys	118,300
*Robintech Inc., Burbank	488,019
*California Plastek Inc., Resedo	452,500
*Hadbar, El Hambra	26,969
*Arrowhead Products, Los Alamitos	159,280
*Olympic Plastics, Los Angeles	54,300
*Seaman Products, Sylmar	467,819
*MSL Industries—Glove Div., No. Hollywood	543,000
*Aeroquip—Marmon Div., Los Angeles	1,524,940
*Hollingshead-Pryor, Santa Fe Springs	543,000
*Resistoflex Corp., Santa Ana	452,500
*Wemac, Santa Ana	415,300
*Dyna Sciences, No. Hollywood	400,500
*Western Gear, Lynwood	5,358,000
Total	108,119,670
Colorado:	
*Sundstrand, Denver	12,377,000
Total	12,377,000
Connecticut:	
*Norco, Georgetown	109,545
*Mite Corp.-GAR Electroforming, Danbury	161,090
*Electronic Specialty Co.-Conn. Div., Thornaston	16,712
*Lewis Engr., Naugatuck	29,784
*Consolidated Controls, Fairfield	65,890
*Helicoil (GAR-Kenyon), New Haven	20,952
United Oil Products, Greenwich	3,252,000
Hamilton-Standard, Windsor Locks	35,652,000
Total	39,307,973
Florida:	
Polyplastics, Pinellas Park	7,493,400
T. A. Edison, Ft. Lauderdale	523,992
Grimes Mfg. Co., Del Ray Beach	896,000
Total	8,913,392
Georgia: None.	
Illinois:	
Singer/Vapor Corp., Chicago	278,740
Calco Mfg., Addison	132,130
Licon, Chicago	192,086
Pyle National Co., Chicago	1,144,644
Vapor Corp.-Vap-Air Div., Chicago	166,521
Reynolds Alum. Co., McCook	2,244,700
*Sundstrand, Rockford	13,079,000
Total	17,237,821
Indiana: None.	
Iowa:	
Bendix, Davenport	251,200
Alcoa, Davenport	6,733,200
Collins Radio, Cedar Rapids	31,649,000
Total	38,633,400
Massachusetts:	
*Wyman-Gordon, Worcester	1,810,000
Texas Instruments, Attleboro	3,077,000
Fenwall, Inc., Ashland	1,103,574
General Electric, Wilmington	1,458,000
Total	7,488,574
Michigan:	
*Aeroquip Corp., Jackson	$362,000
*Harvey, Adrian	1,393,700
*National Water Lift, Kalamazoo	7,747,000
Total	9,507,700
Minnesota:	
Hitchcock Industries, Minneapolis	$416,300
Rosemount Engr., Minneapolis	860,112
Total	1,276,412
Mississippi:	
Vickers, Inc., Jackson	$1,184,500
Total	1,184,500
Missouri: None.	
New Jersey:	
Reststoflex, Roseland	$2,705,000
Walter Kidde & Co., Inc., Bellville	1,001,095
TIA Electric Co., Trenton	331,822
*Bendix, Tetersboro	108,800
Weston Instruments, Newark	308,937
*Air Cruisers, Monmouth	2,805,800
Curtiss-Wright, Caldwell	13,018,000
*Gulton Ind., Metuchen	508,900
Total	20,788,354
New York:	
Deutsch, E. Northport, LI	631,000
Arkwin, Westbury	278,856
Tensolite, Tarrytown	1,357,500
Aircraft Purus Media, Glen Cove	613,200
Safe Flite Instruments, White Plains	327,500
Instrument Systems Corp., Huntington	10,807,000
Total	14,015,746
Ohio:	
*Alcoa, Cleveland	$7,602,000
Westinghouse, Lima	242,077
Reactive Metals Corp., Niles	8,079,840
Lear-Siegler, Cleveland	2,833,300
Goodyear, Akron	2,110,100
Goodrich, Akron	1,591,200
Grimes, Urbana	5,841,000
Total	28,299,517
Pennsylvania:	
Standard Pressed Steel, Jenkintown	18,100,000
Libby-Owens-Ford, Brakenridge	102,935
Snap-Tite, Union City	226,296
Clark & Burchfield, Philadelphia	821,740
Prestolite, Hazelton	1,357,500
Total	20,608,471
Tennessee:	
AVCO, Nashville	297,357,000
Total	297,357,000
Texas:	
Aerospace Optics, Ft. Worth	343,900
Ling-Temco-Vought, Arlington	2,477,000
Texstar, Grand Prairie	1,241,200
Menasco, Ft. Worth	53,517,000
Murdock, Irving	17,426,000
Total	75,005,100
Vermont:	
Haveg, Colchester	1,357,500
Simmons Precision, Vergennes	710,600
Total	2,068,200

Lockheed L-1011 Suppliers by State—Con.
(Dollar of 181 plane Subcontract by State)

Washington:	
*Pacific Electro Dynamics, Bellevue	$294,487
*Pacific Electro Dynamics	99,880
*Kaiser, Trentwood	3,815,480
*Heath-Tecna, Kent	12,971,000
*Electro Developments, Lynwood	183,000
*Decoto Acft, Yakima	738,700
	18,102,547
Wisconsin:	
Cutler-Hammer, Milwaukee	84,165
Total	84,165
Grand total	738,489,622

*Areas of Substantial Unemployment.

THE NEED FOR A NATIONAL POWER GRID

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. HARRINGTON. Mr. Speaker, on July 21, H.R. 9970 was introduced by Congressmen TIERNAN, ABOUREZK, and BADILLO to establish a national power grid system. Today, the bill was reintroduced and I am pleased to be a cosponsor. This bill deals with one of our most serious problems, the energy crisis, in a constructive and far-reaching manner. I congratulate the Congressmen for the fine job they have done in preparing this excellent piece of legislation.

That a severe energy crisis exists is a little-known fact among most Americans. Flicking an electric light switch and expecting the lights to go on is second nature to us but little thought if any is given to the complex of activities needed to make this response so automatic and convenient. But in 1965, we flicked the electric switch and were left in the dark. The lights went out in the Northeast and since then hundreds of blackouts and brownouts have occurred. These failures can no longer be viewed as isolated or freak occurrences; rather, they are indicative of an electric power system so fragile and fragmented that it cannot adequately meet today's needs, much less the future needs of a country whose consumption of electric power is doubling every 10 years.

There are 144 separate utilities serving the consumers of New England. The majority of these firms are investor-owned utilities. There are no Federal electrical projects in the area, and the private utilities have fought hard, expensive campaigns, the cost of which are passed on to the public in rate increases, to make sure that the Federal Government is not permitted in the region.

These 144 utilities are so poorly interconnected that, while New England has a high power "reserve rate"—the amount of excess power available to be used in emergencies—its reliability is very low because the excess power of one plant cannot be sent to another plant in need of emergency power.

What has been the result of this almost feudal ownership situation of many small utilities and a few large investor-owned corporations? The result is that New England consumers pay 30 percent more for electricity than the average American. In addition, because the price of electricity is so high, New Englanders consume less electricity than the national average, about 24 percent less. Since electricity is one of the key factors necessary for orderly economic growth, the situation of high prices and low usage cannot help but retard New England's economic growth in comparison with the rest of the Nation.

By enacting the proposed national-grid legislation, many of the problems facing New England, and many other regions of the country, would be alleviated. With the centralized power-generation facilities of the proposed Naadequate high-voltage grid, connecting waste caused by New England's inefficient power-generation facilities could be overcome. Utilities would be buying from one source, rather than producing it themselves in smaller, hence inefficient, quantities.

In addition, regional corporations would be empowered to construct an adequate high-voltage grid, connecting all the New England utilities among themselves and linking the New England region with other regions. When this is accomplished, every kilowatt of electricity generated can be used to its fullest advantage.

Aside from the advantages a national grid would accrue in terms of efficiency, the national grid would have additional value. I am referring to environmental protection. Only recently have Americans begun to realize the enormous impact that large electric generating facilities have on the environment. Powerplants are one of the prime polluters of both air and water. While all plants inevitably do some environmental damage, present siting policies aggravate the situation. Private companies build plants where they own the land, not where the plant will be least harmful to the environment. The Con-Ed plant in Astoria, Queens, is a perfect example. Also, the plants must be close to the area it serves since transmission interconnections are so poor.

Many regions of the country are not well suited for powerplant siting. New England, because of its small area and large population, is one of these areas. The New England Regional Commission which has thoroughly investigated the New England power situation, estimates that at least 26 additional powerplants must be built before 1990 in order to serve the area's needs. Clearly, this massive construction of new facilities could wreak havoc with the environment.

The national grid could help solve this problem. As Senator LEE METCALF pointed out at a recently held press conference, areas in Idaho and Washington are environmentally well suited for large powerplants. Conceivably, through adequate interconnections, plants in these areas could provide New England's power, alleviating much of the need for construction within New England itself.

Numerous other benefits could result from the establishment of a National Grid Corporation. The Corporation would be mandated to provide the best system to serve the public, not the most profitable system to serve the stockholders. This means that environmental considerations, which, in private industry cut out of profits, would be paramount in the construction of the Corporation's facilities. In addition, massive research and development efforts would be undertaken; efforts which are not being undertaken now.

The energy crisis in the United States is growing worse with each passing day and New England particularly continues to suffer. We are literally skating on the brink of disaster. I sincerely hope that comprehensive hearings will be held on this bill as soon as possible. The National Grid Corporation represents a constructive and practical solution to the energy problem. Let us give it every possible consideration.

OSAGE INDIANS OF OKLAHOMA

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mrs. ABZUG. Mr. Speaker, today I introduce two bills which if enacted will do much to correct inequities among one group of disenfranchised Americans—the Osage Indians of Oklahoma. Some will ask why a Member of the House of Representatives from New York would be concerned about the plight of one tribe of American Indians in faraway Oklahoma. To this I would point out that not only does the State of New York have a considerable population of American Indians—many of them living in very poor communities in the State and some even in the midst of Manhattan—but more importantly as a Member of the Congress I believe that I have a national responsibility to help represent the unrepresented—whether they are women, Puerto Ricans, blacks, Chicanos, or in this instance American Indians. To the limits of my physical capacity I will seek to respond to this truly national constituency of people who in many ways have come to feel alienated from the institutions which should be working for them.

The Osage Nation is today going through a most difficult but critical period in its history as a sovereign people. It is a period marked by demands for greater sharing in the vital decisions affecting the tribe—decisions which no longer purely concern disposition of oil, gas, and mineral estates in trust, but which now touch on health, welfare, and education as well—and these demands cannot be ignored much longer. No better description of what is at stake can be found than in the official Bureau of Indian Affairs evaluation report for the Osage Agency, dated January 1971:

> The present tribal council for the Osage Tribe was established by a 1906 statute which provides for the election of a tribal council by headright share holders. There are many questions today as to the validity of the original roll which was created under the 1906 Statute. As it presently stands, it would be futile to challenge the roll. Aside from

> the questions which were raised as to the original roll, part of the dividedness which exists among the tribal members is the allegation that the present tribal council is not in fact truly representative of the Osage Tribe. In some respects these allegations may have merit. The 1906 Statute franchized the original headright holders but the present devolution of headright shares has caused the vote to become fractionalized, and further *the headright voting system has created the condition where a proportion of Osage Indians who may be of one-quarter blood or more, but who do not own a headright interest, cannot therefore vote for the tribal council.*
>
> The present tribal council procedurally elected under the method delineated by the 1906 Statute is actively seeking to expand its functions in areas other than the mineral trust interest. These areas are education, housing, employment, and economic development. However, under the Statute the tribal council's powers are limited to actions taken within the purview of the mineral trust estate.
>
> The tribal council now finds itself in a legal quandry [sic] since their powers under the Statute are limited to the mineral trust estate but the needs of the Osage Tribe certainly extend beyond the mere management of that estate. The tribal council has recognized the shortcoming, but has not as yet accepted the limitation of the Statute and the lack of a formal constitution and by-laws. It finds itself in a legal dilemma since the tribal council enjoys the majority support of the headright holders [Osage Census roll in June 1970 numbered total of 8,200; in December 1970, 3,120 living persons with headrights, of whom 2,178 were eligible to vote for tribal council if over 21; 42% of headright owners live outside Oklahoma; one-third of all headright owners are non-Osage, since an Osage deemed "competent" to sell his headright may do so to non-Indians] while at the same time it may not necessarily enjoy the majority of the non-headright holders who are Osage Indians.
>
> The Evaluation Team did discuss the situation with the tribal council and it is our present recommendation that the Commissioner consider presenting to the council various alternative methods to provide equal representation among all the Osage Indians, headright as well as non-headright holders. For instance, this could be accomplished by diverting the mineral trust estate from the general functions normally embodied in a tribal council by separating the mineral estate through a corporate trust structure and by establishing a tribal government governed by a constitution and by-laws. Another method could be to provide for an expansion of the tribal council and to allow the new members to be elected by the entire community while at the same time preserving the integrity of the mineral estate by the continuation of the present tribal council operation. These are not exclusive recommendations and they should be considered merely for discussion purposes. The underlying purpose of this recommendation is for the Commissioner to consider various alternatives wihch could be presented to the present governing body whereby representation of this [sic] unfranchised Osage Indians could obtain representation on a tribal governing body. [pp. 20–22] [emphasis added]

Unfortunately, Mr. Speaker, these very sensible recommendations made last January have yet to be acted upon by the Commissioner of Indian Affairs. This makes it all the more important for these bills to be introduced in the Congress—partly to stimulate the administration to take action available to it through administrative channels, and partly to stimulate discussion within the House Committee on Interior and Insular Affairs. Other bills pertaining to the Osage Tribal government and to the payment of the Indian Claims Commission settlement have apparently missed the important points made in the evaluation, so it is all the more essential that I act today to see that legislative consideration of these issues is well-rounded and balanced in the committee.

The first of my bills would amend the Osage Allotment Act of 1906 (34 Stat. 539, as amended) referred to in the quoted passage as the "1906 Statute," to provide for a new elected Tribal Council. It would also create an Osage Minerals Board as a separate entity under a principal chief who would preside over both the council and the board, and the present members of the Tribal Council would be transferred to become the initial members of the Osage Minerals Board. This device implements basically the proposal outlined in the evaluation report. Other provisions of my bill would permit broader participation of all Osages of one-fourth degree Osage blood or more in the election of the Tribal Council—this to assure that non-Indians no longer control internal tribal governance.

The second bill provides for distribution of the Indian Claims Commission settlement of $13 million using a formula similar to that set forth in the Tribal Council measure. My bill seeks to assure that funds appropriated by Congress for the Osage Indians go to Osage Indians and not to persons who are being given a free ride due to the imperfections of the 1906 Allotment Act. The commonly accepted standard of one-fourth Indian blood, which is used by the Bureau in making many determinations of who is an "Indian," seems to be the most sensible approach and also has the advantage of seeking to encourage the cultural heritage of a great sovereign people.

It is time for the old system to end. It is undemocratic and perhaps even un-Indian in many ways, and it is not surprising to me as I learn more about the colonialist policies with which the United States has dealt with Indians that the Bureau has in many places erected sham tribal governments which are totally untrusted by the people themselves. But such is the hallmark of colonialism, and we need not go to the annals of English history to see how a sovereign people can be subjugated and virtually exterminated by Government paternalism. It is one of the tragic ironies of our policy toward the American Indians that they fear termination of the Bureau of Indian Affairs, because such termination would immediately expose them to exploitation. As their "trustees," we have managed to make them so dependent on the BIA that they are child-like in their inability to avoid exploitation in the world outside that which the Bureau has created for them. What a mockery our treatment of the American Indian makes of our crusades to save the Asian people from "enslavement" by world communism.

In conclusion, Mr. Speaker, let me add that the Osage Nation is but one of the many great indigenous and sovereign Indian nations seeking to achieve real self-determination within a country which professes to believe in self-determination. The struggle for self-determination is not easy, particularly when the U.S. Government is allied with the status quo in most Indian tribes. Small but courageous groups are daring to bring legal challenges to the existing tribal governing structures—groups like the Osage Nation Organization headed by Judge Charles Lohah, LeRoy Logan, Raymond Lasley, and Hazel Harper These people, often a small minority at present, are working long hours to bring about a future of dignity for the people of the Osage Nation, and I am happy to lend my moral and legislative support to their cause and that of other voices for reform within the American Indian community.

The materials follow:

H.R. 10212

A bill providing for the election of the tribal council of the Osage Nation of Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 9 of the Act of Congress approved June 28, 1906 (34 Stat. 539) as amended by Section 7 of the Act of Congress approved March 2, 1929 (45 Stat. 1478) and further amended by the Act of Congress approved August 28, 1957 (71 Stat. 471) be, and the same is hereby, amended to read as follows:

(A) That the tribal government of the Osage Tribe of Indians, shall consist of one tribal council having the following officers: A principal chief, an assistant principal chief and eight members of the tribal council; said officers to be elected in a general election to be held in the city of Pawhuska, Oklahoma, on the first Monday in June, 1972, and on the first Monday in June each four years thereafter and said officers shall be elected for a period of four years commencing on the first day of July following said elections; that the Osage Tribal Council shall have or exercise all delegated or residual powers of tribal government excepting only management of the oil, gas, coal and other minerals underlying the area formerly known as the Osage Indian Reservation.

(B) The persons now holding office as councilmen of the present Osage Tribal Council shall, upon the election of officers to the tribal council in accordance with "A" above shall be thereafter members of the Osage Minerals Board and said board shall thereafter have all powers of management of the oil, gas, coal and other minerals that have prior to the date of passage of this act. been vested in the Osage Tribal Council by law.

(C) That person elected to the office of Principal Chief in the election provided for in "A" above shall be the presiding officer of the Osage Tribal Council and the Osage Minerals Board and in the absence of the Principal Chief the Assistant Principal Chief shall serve as presiding officer; the presiding officer shall vote only in case of a tie vote of the council or board.

(D) The person elected to the office of Assistant Principal Chief in the election provided for in "A" above shall have no vote in the proceedings of the Tribal Council or the Minerals Board unless he is presiding by reason of the absence of the principal chief; in the event that the office of Principal Chief becomes vacant, the person serving as Assistant Principal Chief shall assume the office of Principal Chief.

(E) No person may serve as Principal Chief or Assistant Principal Chief who is not an adult full-blood member of the Osage Tribe; no person may serve as a member of the Osage Tribal Council who is not an adult member of the Osage Tribe and possesses 1/4th degree or more of Osage Indian blood;

and no person may serve as a member of the Osage Mineral Board who is not an allottee or a descendant of an allottee enrolled pursuant to the act of June 28, 1906 (34 Stat. 539) and who owns not less than one full Osage headright or mineral share.

(F) Voting for officers of the Osage Tribal Council shall be held at the Osage Agency and qualifications of voters shall be the same as qualifications for the office of tribal councilman; each person shall have one vote and voting shall be conducted by regulations, established by the Commissioner of Indian Affairs; Provided, that the use of absentee ballots are prohibited for elections of tribal officers.

(G) Only adult persons who are allottees or descendants of allottees enrolled pursuant to the act of June 28, 1906 (34 Stat. 539) and whose names appear on the quarterly annuity roll at the Osage Agency may vote for members of the Osage Minerals Board; voting shall be conducted by regulations established by the Commissioner of Indian Affairs; Provided, that each ballot shall have exactly the same value as the voter's headright interest shown on the last quarterly annuity roll.

(H) Filling of vacancies in the office of Assistant Principal Chief, in the tribal council and in the mineral board shall be provided for by regulations by the Commissioner of Indian Affairs.

(I) The Commissioner of Indian Affairs is hereby authorized to remove from any office in the tribal council or minerals board any person for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself.

(J) The powers and duties of the Osage Minerals Board shall continue in full force and effect to January 1, 1984 and thereafter until otherwise provided by Congress.

(K) That nothing herein shall be construed as in any way changing the rights of the Osage Tribe in oil, gas, coal, and other minerals as fixed in the act of June 28, 1906 as amended be construed to change or amend any valid mineral lease entered into prior to 1 July 1968.

H.R. 12013

A bill providing for the distribution of judgment funds of the Osage Nation of Indians.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to prepare a roll of persons who possess Osage Indian blood of the degree of one-fourth or more and were living on the day that judgment against the United States became final in the Indian Claims Commission in docket numbers 105-106-107 and 108.

Such persons must have been enrolled on the allotment roll prepared pursuant to the Osage Allotment Act of 1906 (34 Stat. 539) or must be a descendant of a person enrolled on the allotment roll prepared pursuant to the Osage Allotment Act.

Applications for enrollment must be filed with the Superintendent of the Osage Agency, Pawhuska, Oklahoma, within six months of the date of this act or be forever barred. For a period of three months thereafter, the Secretary shall permit the examination of the applications by the Osage governing body and any interested persons for the purpose of lodging protests against any application. The burden of proving eligibility for enrollment under this act shall be upon the applicant and the determination of the Secretary regarding the eligibility of any applicant shall be final.

SECTION 2

(a) Eighty-five percent of the funds on deposit in the Treasury of the United States, (with accrued interest thereon, less deductions for attorney's fees and litigation expense) which have been appropriated to pay a judgment against the United States obtained in the Indian Claims Commission in docket number 105, shall be distributed by the Secretary in equal amounts per capita to all persons whose names appear on the distribution roll provided for in section one of this act.

(b) The balance of such funds, after making payment of or provision for such per capita payment, shall be advanced or expanded for any purpose that is agreed to by the Osage governing body and the Secretary and approved by a majority vote of the enrollees, which may more properly serve the long-term interest of the enrollees than would a per-capita payment.

(c) A share payable to a person under twenty-one years of age or under a legal disability shall be paid in accordance with such procedures as the Secretary determines will adequately protect the best interests of such persons.

(d) A share payable to a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

SECTION 3

No part of any of the funds distributed in accordance with this act shall be subject to any State or Federal tax.

SECTION 4

No part of any of the funds distributed in accordance with this act shall be subject to any debt or debts created prior to the date of this act.

SECTION 5

Any other law or laws relating to funds paid or accruing to the Osage Nation or Tribe of Indians shall not apply to the funds distributed, expended or advanced under this act.

SECTION 6

The Secretary is authorized to prescribe regulations necessary to carry out the provisions of this act.

EVALUATION REPORT: OSAGE AGENCY, JANUARY 11-15, 1971

INTRODUCTION

The Osage Agency evaluation was conducted on the premise that the Agency is to be service-oriented to the needs of the Indian people while it performs the trust duties of the United States, which are substantial at Osage. Within this premise, the evaluation aimed at determining the degree and extent of implementation of the Commissioner's policies and programs. These included tribal involvement in preparation of the 1973 Program Memorandum, tribal opportunity for contracting for services, and the general relationship of the Agency to the tribe, and the tribe with the surrounding community. In addition, the manner in which the Indian Business Development Fund is being utilized.

The Osage Agency serves Indians in Osage County, corresponding to the original reservation area. The minerals of the entire county are held in trust for the tribe. Trust status also applies to the surface rights of 230,000 acres in the county, nearly all of which belongs to individuals.

The population of the county includes 2,565 Indians according to the 1970 Census. About half of these are Osages. The Osage tribal roll includes about 8,200 members.

The Bureau of Indian Affairs maintains a permanent staff of 38 persons. Their grades and Indian descent are shown in the section on findings. The tribe pays for 10 of the BIA employees who are concerned with minerals; in addition the tribe at the present time pays for 4 members of the Interior Department Solicitor's Office who are stationed at Osage.

PROCEDURE

The team consisted of:

BIA Central Office

Arthur J. Gajarsa, Chairman (Assistant to the Commissioner).

Raymond Butler (Social Services).

Donald Maynard (Real Property Management).

Louis Conger (Statistics).

Department of Interior Central Office

Linda K. Bemis (Program Analyst, Bureau of Land Management).

Osage Tribal Council

John Shaw (Councilman).

Other Osage

Joseph Shunkamolah, Jr. (served on January 14).

The schedule follows:

Monday, January 11, 1971

Day—Meeting with Sylvester Tinker, Tribal Chief, and John Pappan, Agency Superintendent.

Evening—Meeting with Osages for Action at Hominy. John Shaw did not attend. Commissioner Bruce had met with this group in the morning, but not as a part of the evaluation effort.

Tuesday, January 12, 1971

Day—Meeting with BIA branch chiefs and chief of tribe in tribal council chamber.

Evening—Meeting of BIA team members with Agency Superintendent.

Wednesday, January 13, 1971

Morning—Interviews with individual Indians and community representatives in Osage Museum.

Afternoon—Part of team met with Osage Nation Organization; rest of team continued interviews with public.

Thursday, January 14, 1971

Day—Part of team attended a special meeting of the full council in the afternoon. The rest interviewed individual BIA employees and continued the public interviews throughout the day.

Friday, January 15, 1971

Morning—Wrap up with Agency Superintendent.

FINDINGS

A. Past economic situation

Until recently, everything at Osage revolved around the wealth of the mineral trust.

1. Those Osages with one or more headrights were wealthy and had a continuous quarterly income. Osages could afford higher education, and many did so.

2. The BIA program was funded by the tribe, and confined itself largely to mineral and land rights. Indians without headrights or trust land were not served. The tribe also funded a field office of the Solicitor at Osage, and does so today, but has requested Government funding.

3. There is a corpus of Federal legislation applying only to Osages. For example, 25 CFR part 73 specifies the tribal council and limits voting to Indian headright owners. Other parts of 25 CFR applying to Osages are 17 (wills), 74 (government of Osage villages), 108 (IIM accounts and budgets), 123 (tribal roll and competency), 127 (lands), 175 (mineral), and 183 (oil and gas). Osages are excluded from the IRA and Oklahoma Welfare Acts.

4. An outsize population of lawyers grew up in Pawhuska, depending on Indian probates, guardianship actions, and other actions concerned with trust property, and competency status. In 1953, the BIA published a 192-page report "The Osage People and Their Trust Property" describing the situation and detailing abuses.

B. Current economic situation

In recent years income from the mineral trust has declined, and now stands at $2,800 a year, about one-half the 1960 figure.

This situation is bringing about changes and particular stresses.

1. Older Osages accustomed to living on headrights income can no longer do so. Many who never worked face a difficult adjustment late in life. Jobs are not always open to Osages because the community still thinks of Osages as wealthy. Heirship fractionalization further reduces the amount received by individuals with only part of a headright.

2. Headright owners have a keen interest in raising oil and gas revenues. This tends to put the tribal council in the predicament to produce more income. When there may be little they can do about it. Whatever the prospect may be for secondary and tertiary recovery methods, and this is a major technical study in itself, there will be disagreements about the proper course of action. As an example, debate still goes on about a referendum taken years ago concerning reduced royalties for the waterflooding method of secondary oil recovery.

3. Other ways to increase tribal income are being pursued by the council:

(a) Reaffirming established water rights, charging for their use, and recovering just compensation for past and future condemnation actions. The tribe sees a Federal conflict of interest between the BIA and the Corps of Engineers in this field.

(b) Getting the BIA and the Department to take over the $250,000 in Agency and Solicitor expenses still funded by the tribe (until 1968 the tribe paid all costs; now BIA pays about half the Agency cost).

(c) Legislation, which was introduced but lapsed with the 91st Congress, covered a number of issues. It included transfer of probate from State to Federal jurisdiction, so as to reduce legal fees and provide better protection to Osage property. (The Bar Association of Osage County, on the other hand, feels that the present fee schedule set by the Secretary for certain actions is too low).

(d) Eliminating certain kinds of taxation on trust income, by legislation, litigation, or regulation.

4. *Agricultural leases.* The Superintendent and the BIA Appraiser (Couch) were frequently praised by Indians for substantially raising grazing lease rates on trust property, over the opposition of the cattlemen's association. The BIA appraisal policy is to include non-Indian land values as the comparable sales or lease standard; apparently a considerable change from previous practice. Most Indians lease out their surface rights; there are 88 restricted Indian operators but only five are of economic size. About 16 percent of Osage County surface is in trust status.

A troublesome case mentioned by various Indian people concerned a white rancher (Morrison) with a 1/27th interest in a parcel adjoining other land he holds, who run cattle on the whole parcel and brought suit against the principal owners when they sought to fence their land. The owners are receiving no lease money while the case is in court.

5. A tribal judgment of $13,000,000 has been appropriated by Congress. There are, of course, basic differences of opinion among the Osages on who should share and how the money should be programmed. Legislation is now being prepared for Congressional action.

6. The present council is moving into areas beyond the mineral trust by organizing committees for education, employment and industrial development, health and community services, and housing. A tribal housing authority is being established. The tribe has for some time been involved with OEO, especially in the NYC program. This expansion of the scope of council activity is resisted by the ONO group, which views the council as limited to dealing with the mineral estate.

7. In the last few years, the Agency has extended its services beyond the mineral and trust land functions. Such programs as social services, employment assistance, and scholarships have been added, as well as the Indian Business Development Fund. These services are also available to non-Osage Indians living in Osage County. There were complaints about the one-quarter Indian blood requirement in some of these programs, especially scholarships.

8. *Trust status of the mineral estate.* The Act of October 6, 1966, states that minerals are reserved to the Osage Tribe until April 8, 1983, and thereafter until otherwise provided by Act of Congress. Osage opinion was virtually unanimous that the trust status must be continued beyond 1983 to permit secondary and tertiary recovery of oil and gas remaining in the ground (estimated presently to equal one-half the original total). Related to this is the fear that Osages who have competency forced on them are not yet ready to protect themselves and their property.

9. *Credit.* Osages do not participate in the Revolving Loan Fund, by statute. Need for Indian credit was mentioned, but not as a major problem. Local banks apparently are restrictive in loans, but this may be a general local policy not confined to Osages. Tulsa banks are stated to be more cooperative.

10. *Housing.* The Council is setting up an Indian Housing Authority. Three tracts of land for Osage Indian villages were established by 25 CFR part 74—Pawhuska, Hominy, and Grayhorse (at Fairfax). Members of the Pawhuska village community council mentioned needs for roads and utilities (the water pipes are old and tend to break). The county has started putting in streets, curbs, gutters, and signs. Housing did not surface as a major issue in the interviews.

C. Osage Tribe

1. Of 8,200 on the Osage Census roll in June 1970, 4 percent were fullbloods and 70 percent were less than one-quarter Indian blood. Apparently a number of mixedbloods were carried on the original 1906 roll, in addition to much intermarriage since. So far as can be determined from the addresses on the census roll, admittedly incomplete, 30 percent live in Osage County, 30 percent in other parts of Oklahoma, and 40 percent live outside Oklahoma.

2. In December 1970 there were 3,120 living persons with headrights (i.e., owners of the mineral estate) plus 122 estates of deceased persons not yet distributed to heirs. Owners of headrights may be original allottees from the 1906 roll, their heirs, and purchasers of headrights from competent Indians. Of these, 2,178 were Osages and thus eligible to vote for the tribal council if over age 21. The geographic distribution of headright owners resembles that for the Osage census, but the data are much more accurate. There are 31 percent in Osage County, 27 percent in other parts of Oklahoma, and 42 percent outside the state.

Since headrights usually pass by inheritance, older persons predominate—25 percent are 61 or older, and 68 percent are 41 or older. Headright owners tended to feel, though not unanimously, that exclusion of younger members of the family from the headright was not a major problem because parents could and did share the income. The Osages interviewed supported voting rights for younger Osages more than income rights.

3. In June 1970 the tribal council was elected by headright owners as prescribed by statute, to serve from July 1970 to June 1974.

4. Dissension in the tribe centers in two relatively small groups. The basic issues are the powers of the council beyond the mineral estate, eligibility for voting and holding office and the resulting effect on the representativeness of the council and judgment fund distribution. The two groups are:

(a) *Osage Nation Organization (ONO).* Their leaders include Charles Lohah (whom the team did not see), LeRoy Logan, Raymond Lasley, and Hazel Harper. Their basic principle is control by persons of one-quarter or more Osage blood, regardless of headright interest. They view the present council as essentially a business committee representing only mineral affairs. All other Osage affairs should be under a different council elected by Osages. Similarly, the judgment distribution should be to descendants of one-quarter Osage blood or more, rather than being based on headrights and the 1906 roll which they feel included many persons of little or no Osage blood. ONO has an Oklahoma charter, a constitution, and by-laws, which were provided to the evaluation team. They have developed a program plan, copies of which have been given to Commissioner Bruce, and before him to Commissioner Bennett. They claim 800 members, but others dispute this. The Osage census lists about 2,500 persons with one-quarter or more Osage blood out of a total of 8,200. Although many of the ONO group have headrights, their general support must lie outside judging from the 1970 election in which Logan and Lasley ran last in a field of 14 candidates for councilman, receiving votes equal to 250 headrights. Such a vote from headright owners is not surprising considering that many of them have less than one-quarter Osage blood.

(b) *Osages for Action Organization (OAO).* Joe Shunkamolah is leader of this active but apparently small group. It is centered at Hominy. They feel the Council and the Agency are mismanaging tribal funds and are not furnishing information on the transactions. Accordingly, they want the tribal council suspended or removed, the Superintendent rotated, and a GAO audit of the Agency, particularly trust money. While they favor an Osage blood quantum requirement, the ONO group refuses to be associated with OAO. The OAO program was not made clear to the evaluation team, except for removal of incumbent officials and judgment distribution.

In response to OAO charges, the team determined that GAO conducts an audit of the Agency every two years, the latest in June 1970 with no adverse findings. Another issue, concerning the investment of mineral royalties while waiting for the quarterly distribution, is controlled by Federal regulations for trust money and is under BIA rather than the Council. The reasonableness of expenditures by the Council for its own activities is a matter of judgment, but less than one percent of the mineral receipts for this purpose does not seem excessive to the evaluation team.

The charge of inadequate information about Council business has substance and may partly explain other charges, or the acceptance of such charges by the Osages, as based on lack of information. The Council has no constitution or by-laws. Its sessions are recorded on tape, but this not transcribed, and the only minutes are summaries prepared by the Superintendent's secretary, an Osage who sits as secretary to the tribal council in open meetings. Closed meetings are held on occasion, but the bulk of the meetings are open. Tribal financial accounts are kept by the BIA, and an annual report is made to headright owners, but it appears that the monthly tribal account reports are made available only to headright owners on request.

In interviews the team held with individual Osages, a predominant attitude was that OAO was a small group that did not represent any considerable group of Osages, that it had publicity beyond its importance, (partly as the result of the Commissioner's meeting), and was critical, but not constructive. Even some Indians who attended the Hominy meetings made such comments in private. Associated with this was frequently the comment—the Council was elected; now let them do their work and quit harassing them. On the other hand, in the June 1970 election, Joe Shunkamolah, who was one of two candidates for Assistant Principal Chief, received 40 percent of the headright vote for that office.

D. Other Indians in Osage County

It is estimated that about one-half the Indians in Osage County are not Osage. Many come from other Oklahoma tribes. It is safe to say that until the last few years these Indians, along with Osages who had no headright or trust land, received almost no services from the Agency.

Now the Agency has other programs, such as employment assistance, social services, and scholarships, that are available to Indians regardless of tribal or trust status (although there may be an Indian blood quantum requirement).

The staff members concerned with these programs make a point of serving all eligible Indians; however, the fact that they are eligible may be unknown to many Indians because of the long history of the Agency in serving only Osages with trust interests.

E. BIA agency

1. *Rotation.* Most Osages interviewed objected in principle to rotation every two years because it takes longer for a Superintendent to learn the situations so he can make a contribution. Support for the present Superintendent (Pappan) was extensive. Typical remarks, heard over and over again, were: "He is the best superintendent we have had in years. He understands Indians and really tries to help." The Agency staff also got good marks in general.

OAO definitely wants the present Superintendent rotated, and ONO is agreeable to rotation.

2. *Takeover.* The tribal council is not interested in takeover; quite the reverse. They want the BIA to take over funding of the remaining programs which the tribe is supporting, and feel that any takeover proposal by the tribe might jeopardize this goal. Very few interviews commented on tribal takeover.

3. *Tribal involvement with 1973 Program Memorandum.* The council was satisfied with their involvement. At a council meeting, the Superintendent and Agency branch heads explained their programs and proposals. Meetings were also held with individual council members concerned with a particular program area. The Agency and the council maintain close cooperation in the operating program.

4. *Indian Business Development Fund.* There were 7 applications received. Of these, 5 were funded at the Agency for a total of $14,100 as follows:

$4,800 Bates Shaw for leasing and managing tribal golf course.

3,000 Raymond Redcorn for a food processing facility.

2,500 Aaron Bighorse for a gas station lease and inventory.

2,000 George-Ann Robinson to expand Indian craft shop.

1,800 Lillie Page McGuire to expand beauty shop.

One project received from Osage Indians was outside the Agency jurisdiction and was funded from the Central Office. The amount was $13,800 for a haberdashery shop in Albuquerque.

One project was disapproved because outside financing failed. It concerned a gas station, but the gas company rejected the lease because the applicant wanted to have his son run it for him.

Additional inquiries have been received, and the Superintendent felt that eligible projects would be available in 1972, even though $4,000 of the 1971 money was returned to the Central Office.

5. *Employment of Indians in Osage Agency.* Of the 38 permanent BIA employees, 25 (66%) are Indians. Fifteen are Osage and 10 are from other Oklahoma tribes.

The distribution by grade is:

	Indian	Non-Indian
Grade:		
14	1	
13		1
12	1	5
11	3	4
9	1	
8	1	
7	2	
6	1	
5	6	2
4	5	
3	3	
Wage Board	1	1
Total	25	13

6. *Questionnaire for BIA employees.* Each permanent classified BIA employee was asked to complete a confidential questionnaire and return it to the team in a sealed envelope. The envelopes were opened in Washington and the answers were tallied. Highlights of the returns follow:

There were 32 respondents (91% of the 35 eligible, not counting the Superintendent):

Median age, 47 years.

Average service in BIA, 15 years.

Average Federal service, 16½ years.

Do you plan to continue working for BIA? 94% yes.

Do you like working for BIA?, 78% yes; 22% so-so; 0% no.

How would you rate employee morale at the Agency?, 34% good; 52% indifferent; 14% poor.

Do you think your fellow workers are satisfied with the opportunity for promotion in the Bureau? 34% more yes; 63% more no; 3% no answer.

Formal training in last 12 months? 38% yes.

Could you do better job with more training? 94% yes.

Are you satisfied with training opportunities offered by and through the Bureau?, 47% more yes; 53% more no.

Does job description show what work you do? 100% all or most.

Is person who tells you what to do most of the time shown as your supervisor in your job description?, 97% yes.

Are you ever idle because you have no work to do?, 78% seldom or never.

7. *IIM Accounts.* For many restricted Osages, contact with the Agency centers on their IIM accounts, consisting mainly of head right payments and agricultural lease rentals. There are special statutes for Osages, including Agency approval of individual expenditures above a certain basic allowance, and budgets where the Agency considers it necessary. A system of advance commitment of quarterly headright payments exists, whereby banks and merchants advance credit to Indians with Agency approval (purchase order) against the next headright payment, which the Agency in due course pays directly to the merchant. Some Indians regularly commit 80 percent (the maximum) of their headright in advance and are wired into a cycle that is hard to break. The banks and merchants are charging regular interest rates against what are really secured loans.

On its face the system smacks of undue paternalism. However, in the interviews only a few complaints were made—for example, that some Indians were afraid to come to the Agency to ask about their accounts (although less so than formerly), that information about one's account was not provided (a ledger on each account is sent out each January but had not gone out when we were there), and that one person was treated like a baby.

On the other hand, inability of some Osages to manage their funds was frequently mentioned, and alcoholism is a significant problem among Osages which may be restrained by IIM controls.

8. *Time Sheets.* On three different occasions Indians complained about some BIA staff members keeping their own time sheets. These were not specified, except for one in the Administrative Services branch. Another complaint concerned moonlighting by a BIA employee who had an accounting business downtown (we were informed later that written permission had been given and the time was being watched).

F. Other agencies

1. *Health.* Indian Health Service provides biweekly clinics at the Agency, there are community health representatives, and hospital services at Pawnee. Diabetes, alcoholism, and mental health are reported as problems. There is a difference of opinion between the tribe and IHS on who should fill a vacant doctor slot at Pawnee.

2. *OEO.* The Osage Tribe is sponsor of the NYC program, which serves Indians and non-Indians in a number of counties. The program was one of the first in the country and is regarded as a model. The tribe is pleased with other OEO services.

3. *Other agencies.* Relations appear to be generally good with county welfare, police, and public schools. On the other hand, there was a tendency to see the following as noncooperative with Indians: local banks, courts and lawyers, and cattlemen.

RECOMMENDATIONS

1. The BIA is currently defining its trust responsibility. We recommend that when this is completed, the BIA should plan to take over funding of Agency activities now funded by the tribe which fall within the scope of the trust responsibility as defined.

2. We recommend that the BIA expedite the review and adoption of the new oil and gas regulations for Osage.

3. We recommend assistance to the tribal council in establishing Osage water rights.

4. The present tribal council for the Osage Tribe was established by a 1906 Statute which provides for the election of a tribal council by headright share holders. There are many questions today as to the validity of the original roll which was created under the 1906 Statute. As it presently stands, it would be futile to challenge the roll. Aside from the questions which were raised as to the original roll, part of the dividedness which exists among the tribal members is the allegation that the present tribal council is not in fact truly representative of the Osage Tribe. In some respects these allegations may have merit. The 1906 Statute franchized the original headright holders but the present devolution of headright shares has caused the vote to become fractionalized, and further the headright voting system has created the condition where a proportion of Osage Indians who may be of one-quarter blood or more, but who do not own a headright interest, cannot therefore vote for the tribal council.

The present tribal council procedurally elected under the method delineated by the 1906 Statute is actively seeking to expand its functions in areas other than the mineral trust interest. These areas are education, housing, employment, and economic development. However, under the Statute the tribal council's powers are limited to actions taken within the purview of the mineral trust estate.

The tribal council now finds itself in a legal quandry since their powers under the Statute are limited to the mineral trust estate but the needs of the Osage Tribe certainly extend beyond the mere management of that estate. The tribal council has recognized the shortcoming, but has not as yet accepted the limitation of the Statute and the lack of a formal constitution and by-laws. It finds itself in a legal dilemma since the tribal council enjoys the majority support of the headright holders while at the same time it may not necessarily enjoy the majority of the non-headright holders who are Osage Indians.

The Evaluation Team did discuss this situation with the tribal council and it is our present recommendation that the Commissioner consider presenting to the counc'l various alternative methods to provide equal representation among all the Osage Indians, headright as well as non-headright holders. For instance, this could be accomplished by diverting the mineral trust estate from the general functions normally embodied in a tribal council by separating the mineral estate through a corporate trust structure and by establishing a tribal government governed by a constitution and by-laws. Another method could be to provide for an expansion of the tribal council and to allow the new members to be elected by the entire community while at the same time preserving the integrity of the mineral estate by the continuation of the present tribal council operation. These are not exclusive recommendations and they should be considered merely for discussion purposes. The underlying purpose of this recommendation is for the Commissioner to consider various alternatives which could be presented to the present governing body whereby representation of this unfranchised Osage Indians could obtain representation on a tribal governing body.

5. The Agency has only recently begun to offer programs in the community services sector, and these may not yet be effectively reading eligible non-Osage Indians living in the county. Although the BIA role is largely coordination, advice, and referral in such fields as social services, education, and housing, we judge that additional services are needed. We recommend that BIA strengthen its support in these fields. The eligibility of all Indians in Osage County needs to be emphasized as there appears to be misunderstanding on this point despite the efforts of BIA staff concerned.

6. Present legislation bars Indians in Osage County from BIA credit services available to Indians in other parts of Oklahoma. We recommend legislation and other necessary action to extend credit services to Indians in Osage County on the same basis as to other Indians in Oklahoma. If legislation cannot be filed forthwith, the BIA should assist the tribe in obtaining and/or establishing other credit sources, such as credit unions.

7. In accordance with Indian wishes and need, we recommend that BIA support legislation to improve the protection of Osage Indian interests during probate and similar actions.

8. Considerable misunderstanding of the handling of trust money was evident. We recommend Agency efforts to improve communication with the Indians on these matters, including (a) explanation of the procedure and regulations for handling trust receipts pending the quarterly distribution, the interest received, etc., (b) quarterly reports on the amounts of mineral receipts and disbursements by object to be printed and available to the public, and (c) distribution of IIM ledgers more than once a year, to be accompanied by an explanation of the procedures employed and the meaning of entries on the sheet.

9. The council apparently operates without official minutes or formalized by-laws of procedures. Because of the importance of its actions, we suggest that the council consider formalizing its operating procedures, establish official minutes, and make them available to the public upon request.

10. In view of the many discrepancies with regard to the handling of the Osage estates and other legal affairs by the private attorneys of Pawhuska, it is recommended that the Bureau, in cooperation with the Office of Hearings and Appeals of the Department of the Interior, review the procedures for descent and distribution of Osage Indian trust or restricted estates and determine what steps need to be taken to more fully protect the members of the Osage Tribe from the possibility of unscrupulous actions.

11. Recommend further evaluation of the petroleum engineer position with respect to the incumbent's effectiveness in his relationships with the tribe.

12. Recommend the Agency examine current procedures for keeping time records and institute needed changes, if any are called for.

13. The tribal council and a large proportion of the individual members of the tribe indicated that they would prefer to keep the present Superintendent in his post so that the overall Bureau program can be expanded and developed. One concern seems to be that the Superintendent should remain in his position with the Osage Agency until the Judgment legislation has been enacted. It is the recommendation of the evaluation committee that the tribal council be consulted and that its wishes be taken into account.

PAWHUSKA, OKLA.
January 19, 1971.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

MR. PRESIDENT: Recently, as president of the Osage County, Oklahoma, Bar Association, I was called upon to visit with the evaluation team that was studying the Osage Indian Agency. Several points were discussed which, although are important, should be capable of decision within the Bureau.

There was one point, however, that was discussed which I submit must have action at the highest levels. This question involves the import of 25 C.F.R. § 73.21 as it relates to the voting rights of the several members of the Osage Tribe of Indians. Said section reads as follows:

"Only members of the Osage Tribe who will be twenty-one years of age or over on election day and whose names appear on the quarterly annuity roll at the Osage Indian Agency as of the last quarterly payment immediately preceding the date of election will be entitled to hold office or vote for any tribal officers. Each such voter shall be entitled to cast one ballot and each ballot shall have exactly the same value as the voter's headright interest shown on the last quarterly annuity roll. Any fraction of a headright, however, shall be valued as to the first two decimals only unless such interest is less than one one-hundredth of a share, then it shall have its full value."

A perusal of the hereinabove set out section clearly indicates that one must have an ownership interest in an Osage Indian annuity headright in order to cast a vote.

It is the considered opinion of myself and other members of the Osage County Bar Association that this section is in violation of the 1968 Indian Civil Rights Act. 25 U.S.C. §§ 1301, 1302. This statute, in our opinion, gives each Indian the equal protection of the laws and regulations in intra-tribal matters. Therefore, the attempt of the Osage Tribal Council at self-government, as constituted in 25 C.F.R. § 73.21, denies Osage Indians who do not have headright interests the equal protection of the laws.

As a result of the above recited regulation, the ratio of those eligible to vote is less than one (1) to four (4). This writer's wife is a one-half Osage Indian, and the great granddaughter of a hereditary chief of the Osage Tribe of Indians. Because she has no annuity interest, she is ineligible to vote in tribal elections. Obviously, this is a deplorable situation and while there is nothing wrong with annuity interest holders controlling matters relating to the mineral estate, purely tribal governmental matters should be controlled by a council elected by a vote of all members of the Tribe.

I submit that the Code of Federal Regulations should be amended and all requirements of the ownership of property omitted, thereby giving all Osage Indians a right to vote in tribal governmental matters. This proposal, I believe, would be in keeping with the Nation's effort to reassure the protection of civil rights to all American citizens.

Very truly yours,

KELLY DEE YOUNG,
President, Osage County Bar Association.

THE WHITE HOUSE,
Washington, D.C., January 25, 1971.

KELLY DEE YOUNG, Esq.,
Pawhuska, Okla.

DEAR MR. YOUNG: The President has asked me to thank you for your letter of the 19th and for pointing out the special problems of Osage voting.

I am going to take a special look at this situation and see what are the possibilities to correct any injustices. Legislation may be necessary, but I shall investigate.

Sincerely yours,

LEONARD GARMENT.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 5, 1971.

Mr. KELLY DEE YOUNG,
President, Osage County Bar Association,
Pawhuska, Okla.

DEAR MR. YOUNG: I have been asked to reply to your letter of January 19 to President Nixon in which you raised the question of whether voting procedures of the Osage Tribal Council violates the equal protection provision of the Civil Rights Act of 1968.

We have made a preliminary review of this matter and find that the history and development of the authorities of the Osage Tribal Council involves, it appears, an amalgamation of property right with tribal governmental procedures. Whether there is here involved a conflict between constitutional principles protecting private property and the equal protection provision of the 1968 Civil Rights Act requires further study. We have partially completed information on the matter at this writing. As soon as we have completed the compilation and considered the matter, we shall write you further.

Sincerely yours,

HARRISON LOESCH,
Assistant Secretary of the Interior.

REPUBLICAN NATIONAL COMMITTEE ENDORSES EQUAL RIGHTS AMENDMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. McCLORY. Mr. Speaker, I am proud to inform my colleagues that the Republican National Committee, meeting in Denver, Colo., on July 24, 1971, endorsed the equal rights amendment as set forth in House Joint Resolution 208. This action is particularly significant in view of the fact that the members of this body soon will have an opportunity to express themselves in favor of full equality for all citizens—regardless of sex.

Mr. Speaker, the action taken by the national committee represents the type of bipartisan support which the amendment is currently receiving. I urge my colleagues to consider this notable expression by the leadership of the Republican Party and to vote to strike all crippling amendments which shall be offered to nullify the basic concept of full equality.

Mr. Speaker, the resolution follows:

RESOLUTION

Whereas The Equal Rights Amendment, House Joint Res. 208, and Senate Joint Res. 108 and 109 as presented to the House and Senate respectively in January 1971, reads:

Sec. 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Sec. 2. The Congress shall have the power to enforce by appropriate legislation, the provisions of this article.

Sec. 3. The Amendment shall take effect two years after the date of ratification, and

Whereas This Amendment would grant first class citizenship to women of the United States by eliminating inequities and discrimination on the basis of sex;

Therefore be it resolved, That the Republican National Committee, officially assembled in Denver, Colorado on July 24, 1971, hereby endorses the Equal Rights Amendment as worded above, without nullifying amendments and urges its adoption by the Ninety-Second Congress.

LANGUAGE OF HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. Res. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on—

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

JUSTICE FOR ULSTER

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. CAREY of New York. Mr. Speaker, the situation in Northern Ireland has long concerned not only Americans of Irish heritage but many others who share our love of justice, fairness, and freedom.

I believe the time is approaching when the friends of Great Britain in the world community may find it in the interest of governmental stability to urge that country to seek a settlement to this tragic situation.

The killing of young men and soldiers as well as the maiming of the minds of children by chronic outbreaks of violence is an intolerable condition in a land of great culture and enormous courage. Both sides have grievances deeply rooted in poverty and social unrest aggravated by those who purvey prejudice as their shoddy stock in trade.

In the weeks and months ahead it is my purpose to place in the RECORD those matters of information which I hope can lead to a peaceful solution of this problem. I shall do this not only because I owe my love of freedom to an Irish ancestry, but because my American sense of justice is outraged by the killing of innocents and the increased level of violence throughout Ulster. Such tragic action does not serve the purpose of Ireland, England, America, or any human ideal.

I submit for the RECORD an editorial which appears today in the New York Times as well as an Op-Ed article by William V. Shannon entitled "Light in Ulster," in the same newspaper.

[From the New York Times, July 29, 1971]

ULSTER: THE GAP WIDENS

Every moment of light and hope in Northern Ireland seems to be followed inexorably by fresh bloodshed that intensifies the sectarian strife and polarizes further the politics of the volatile province. Discussion of Prime Minister Faulkner's plans for revamping the Stormont Parliament to give the Catholic minority a share in policy-making was halted abruptly by new outbreaks that took the lives of two Catholic youths and two British soldiers.

Now eleven of the twelve opposition members have walked out of Parliament, and six of these, from the usually responsible Social Democratic and Labor party, have said they will set up a rival House of Commons to protect Catholic interests. They are angry at the British Government's refusal to order an independent inquiry into the shooting of the two youths in Londonderry.

Meanwhile, Irish Republican Army terrorists have stepped up their campaign of violence, bringing the predictable reaction. British troops have assumed police functions and launched a series of predawn raids in what Home Secretary Reginald Maudling calls "the beginning of a new phase in the battle against the I.R.A.," aimed at catching "the men and the organizations responsible."

It has long been the strategy of the I.R.A. on one side and Protestant extremists on the other to wreck any progress toward accommodation between Ulster's two communities. What is alarming in this situation is the threat of Catholic moderates to contribute to that strategy by giving up on the parliamentary system.

The rival Parliament idea is obviously unrealistic. The hope must be that the Catholic members, who have not resigned their seats at Stormont, will have a change of heart before Parliament reconvenes in October and decide to support Mr. Faulkner's reforms, some of which they suggested in the first place.

[From the New York Times, July 29, 1971]

LIGHT IN ULSTER

(By William V. Shannon)

WASHINGTON, July 28.—Ireland was the first British colony and the first to break free. When the British gave independence to Southern Ireland in 1922, after four years of terrorism and guerrilla warfare, they started down the long road of imperial withdrawal that was to wind through India, Palestine, Kenya and Cyprus.

Now, a half-century later, Britain again finds itself entangled in Ireland, deploying thousands of troops, hunting down rebels and trying to find a compromise for the insoluble.

As in every other colonial situation, the logic of history as shown in the trend of political events and attitudes points inexorably in one direction—toward total British withdrawal. The remaining Protestant settlers will have to make their own terms with the Catholic natives.

There is no way that the British can alter the history and sociology of the six counties of Northern Ireland and make them into a viable, peaceful corner of Britain. They are Irish and there will be no lasting settlement until they are reunited with the rest of Ireland.

A quasi-independent Northern Ireland has always been a creature of artifice, not a natural entity. Geographically, historically, culturally, Ulster—to use Northern Ireland's ancient name—is as much an integral part of Ireland as New England is of the United States.

Autonomy for Northern Ireland, which was part of the 1922 settlement, could only have worked if the Protestant ruling faction had shown magnanimity and imagination toward one-third of the population that is Catholic. Those qualities were not forthcoming.

Most Americans, accustomed to thinking of British fairness and the excellence of the British law, assumed that the Catholics suffered nothing more in Ulster than mild social discrimination, inability perhaps to get into the best clubs or to advance in certain professions. The realities were much more bleak and oppressive.

While the rest of Britain, weary of Irish quarrels, resolutely turned its mind to other things, the ruling clique in Northern Ireland systematically discriminated against Catholics in the allocation of public housing, in the administration of social services and in police work. During the Depression of 1932, a leading Northern Ireland politician publicly urged employers to hire "good Protestant lads and lassies." The City of Londonderry, which has a Catholic majority, was gerrymandered to produce a Protestant-controlled city government.

The violence of the last three years was the inevitable result of this drab tyranny.

As usually happens when an unjust equilibrium begins to shift, each concession to the rebels whets the appetite for change. Every reform short of total surrender seems too little or too late. Now the Catholic members have withdrawn from the Northern Ireland Parliament entirely, and the popular mood of the Catholics is clearly to settle for nothing less than reunion with the south.

Two years ago when British troops were first sent to Ulster, Peregrine Worsthorne wrote in The London Sunday Telegraph: "But how many of us, truth to tell, care or feel genuinely involved? It is part of a make-believe world to pretend that Ulster, in any meaningful sense, is part of the United Kingdom. We do not feel its agony, share its sentiments, understand its history, suffer its tearing rages.

"Imagine what would be happening today if rioting and insurrection were taking place on a comparable scale in some area of Britain itself. Is it conceivable that Parliament would stay in recess or the monarch on holiday? There would be anxious crowds in Downing Street and around the Palace. The national atmosphere would be fundamentally different—as different as death in the family is from death down the street."

Mr. Worsthorne warned that only the Irish could settle their own quarrel.

"We can no more do it for them than for the Indians and the Pakistanis, the Israelis and the Arabs, the Cypriot Turks and the Greeks. Few thought at one time that we would wash our hands of any of these responsibilities. But we did, and we will do so again."

What Mr. Worsthorne, a leading Conservative commentator, wrote then is now being taken up across the British press. John Whale, writing in the politically independent Sunday Times, has urged a constitutional conference bringing together the Government of London, Belfast and Dublin to negotiate the terms of Irish reunification.

In the left-wing New Statesman, Paul Johnson wrote last week: "In Ireland, over the centuries, we have tried every possible formula: direct rule, indirect rule, genocide, apartheid, puppet parliaments, real parliaments, martial law, civil law, colonization, land reform, partition. Nothing has worked. The only solution we have not tried is absolute and unconditional withdrawal. . . . It is time the crutch of British "peacekeeping" was removed and the Irish forced to come of age."

What the journalists are writing today will be the policy of the British Government tomorrow. And sooner, rather than later.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

A PROUD MOMENT—LOST

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. PICKLE. Mr. Speaker, recently I learned of a new citizen who came face to face with one of the ironies, an inexcusable oversight of our American freedoms.

This woman was an immigrant fulfilling a lifetime dream. She had worked, studied, and waited until she could finally become an American citizen.

Before the ceremony of initiating a new citizen, a judge reminded all in the courtroom that no pictures were to be taken during the actual ceremony. This immigrant and all the others in the room waited patiently until the end. Afterwards the beaming grandmother gathered her grandchildren to be photographed with the certificate showing that she is now a citizen in this great, free country. However, she quickly learned of one of the many ironies of democracy when a courtroom officer informed the photographer that he was not allowed to photograph the document. She was bewildered and perplexed. If she had stepped outside she could have remained beaming and proud. The photo could have been taken.

Perhaps the citizen would not have been as skeptical of her new freedoms if the officer had given the full or clear reasons for the restriction. It is a rule of U.S. Federal courts that no pictures of any kind are allowed to be taken in any courtroom. This rule was instituted to cover all proceedings of Federal courts. The main impetus of this ruling concerns criminal trials in which photographs may be prejudicial to the defendants. If photographs were allowed in such cases, the defendant would be denied a fair trial which is guaranteed him under the Constitution.

The freedoms we possess are not absolute, nor should they be. The question is where do we draw the line between necessary restriction to prevent an absolute freedom and unnecessary redtape imposed by a constantly growing bureaucracy? Our basic freedoms are precious to us. We should not permit these basic freedoms to be threatened by allowing lesser but nevertheless important ones to be chipped away unnoticed. How much restriction can we have and still have "freedoms"? It is time we step back and take a good look at our remaining freedoms and those we have carelessly lost.

Therefore, I propose that citizenship cases where there is no danger of prejudice, be excluded from this rule.

Mr. Speaker, this is an oversight that should be corrected and should be corrected now. I know of no better way to graphically illustrate what I mean than to reprint an editorial from the Austin American Statesman. This is a daily newspaper in the State Capital of Texas. Understandably its news columns are filled with the larger stuff of government, of city hall, and all the major events that fill a news day. However, this paper, too, is concerned and has spoken editorially on the issue—directly to the point. I join in voicing objections to the untimely procedure, and ask that the editorial be printed, as follows:

[From the Austin-American Statesman (Tex.), June 27, 1971]

A PARADOX OF FREE AMERICA

The paradox of America.

The greatest moment in the life of an immigrant is when he or she holds up the right hand as a symbol of fidelity and swears allegiance to the United States of America, the land of the free and the home of the brave. . . .

It is that moment in a person's life when the shadow of tyranny is erased by the beauty of the American flag. It is when a person seeking a new life becomes part of that great amalgamation of peoples, and can take a deep breath without fear and say aloud, "I am a new man . . . I am a citizen of the United States of America."

Only those who have been there can realize the paradox.

Judge Jack Roberts, U.S. district judge, a fine man by any standard, obeying the rules of the federal court system of this free country, reminds photographers that they can't make a picture during the actual ceremony, which means there can be no record of an immigrant taking the oath of allegiance.

A hawk-eyed marshal or his deputies stand guard over the occasion, alert to any infraction of the strict federal rules.

The ceremony is concluded and a grandmother beaming with pride that she is now a citizen of the United States gathers her grandchildren around her, holding tight in her fist the certificate showing that she has been made a citizen.

The photographer, free of his directions from the judge that no picture can be made of the ceremony, eager to picture the pride, the happiness, the face glowing with love and loyalty, raises his camera.

A court attache, a deputy marshal or a clerk, brash and authoritative, confronts the cameraman. The woman is startled.

"You can't make a photograph of that document," the court official asserts to the cameraman. The photographer is told he will have to surrender the film or promise to destroy it.

The photographer, comparatively new in the business, returns to the office somewhat puzzled and shaken.

The new citizen of the United States departs in silence. She must have thoughts of her own, even in this moment of exhilaration.

And we wonder why young people in this country are losing confidence.

This newspaper can't change the rules of the court, or the conduct of the attaches of the court, but we can apologize to the new citizen. It really is a free country. You have been the victim of an American paradox of which there are too many these days.

RETIREMENT OF COL. JOSEPH E. O'LEARY

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Friday, July 30, 1971

Mr. EAGLETON. Mr. President, after 29 years of distinguished service to his country in the U.S. Army, Col. Joseph E. O'Leary will retire at the end of this month. For the last 2 years, Colonel O'Leary has served as chief of legislative liaison in the Senate and has done, in my opinion, a magnificent job.

During those 2 years I have had an opportunity to work and travel with Joe O'Leary. He represented the Army with honesty and distinction. His cooperation was superb. He was dedicated to honest answers, not semantical hair-splitting.

The Army is losing a good officer. I wish Colonel O'Leary every success in the future.

Mr. President, I ask unanimous consent that a brief digest of Colonel O'Leary's record be printed in the RECORD.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

COL. JOSEPH E. O'LEARY, CHIEF SENATE LIAISON DIVISION OFFICE, CHIEF, LEGISLATIVE LIAISON

Colonel O'Leary will retire from the United States Army in July of this year with credit for 29 years in the service of his country. He entered the Army in October 1942 from Texas A & M University, College Station, Texas, where he was awarded a Bachelors Degree. Although he had served as a Major in the ROTC Cadet Corps, he was required, along with his fellow graduates, to attend the Infantry Officers Candidate School at Fort Benning before being commissioned. Colonel O'Leary graduated number one in his class and was assigned to Fort Benning as a member of the 124th Infantry, the school troops brigade. In 1944 he attended the Advanced Infantry Officers Course at Benning and in early 1945 he completed the Command and General Staff College course at Ft. Leavenworth, Kansas. Following this he was transferred to the 41st Infantry Division in the Pacific Theater where he participated in the Southern Philippines campaign.

When World War II ended he was assigned to the 24th Infantry Division in Japan and for the next two years served as Aide-de-Camp to the Commanding General, 24th Infantry Division. Now holding the rank of Captain, he greeted with enthusiasm the first boatload of dependents to arrive in Japan, for among the passengers was his fiance, Miss Rosemary Walker, daughter of Colonel and Mrs. I. G. Walker, also stationed in Japan. Captain O'Leary and Miss Walker were married in Kyoto in September 1946. Two sons and two daughters blessed this marriage; Joseph E. III, now serving as a 1st Lt. in the 172d Infantry, Terry O. Dittman, married to David Dittman and living in Anchorage, Alaska with daughters Danny and Dana; Kathleen who is a high school senior and an employee of Senator Mike Gravel of Alaska; and Michael who attends school in Alexandria.

Colonel O'Leary finished his tour in Japan as a battalion commander in the 19th Infantry Regiment. Upon his return to the United States he was assigned as an instructor in the Junior ROTC Program for four high schools in St. Joseph, Missouri. With the outbreak of the Korean War, he became an advisor to the Korean Army, serving in Korea from October 1950 until March 1952. He participated in six campaigns with the 30th Regiment, 9th Division ROK and served as the director of training at the Korean Infantry Officer Candidate School. For the next three years he served in the Pentagon in the Office of the Assistant Chief of Staff G-2 (Intelligence). From June 1955 until 1958 he served in the Intelligence Division of the Supreme Headquarters Allied Powers Europe (SHAPE), Paris, France. Returning to the United States he was assigned to the staff of the Command and General Staff College at Fort Leavenworth where he received an award as outstanding instructor from the Commandant, the then Major General Harrold K. Johnston.

For the next 39 months, Colonel O'Leary commanded units of the 1st Infantry Division at Fort Riley, Kansas, and was cited by Major General Jonothan O. Seaman for outstanding performance as Deputy Commander and later Commander of the 16th Infantry. He served seven months in Germany during the 1st Division's participation in the reinforcing of US Troops in Western Europe and Berlin.

While in Europe he received orders for Vietnam. He arrived in MACV in June 1964 and was assigned as the Senior Advisor to the Province Chief of Go Cong Province in the Mekong Delta, at a time when 95 percent of this province was controlled by the Viet Cong. Eight months later this control had been reduced to 60 percent and Colonel O'Leary was again cited for outstanding service by General Westmoreland. He was assigned to Saigon and served the remaining portion of his tour in the Office of J-3 (Operations) where he was once again cited for outstanding performance.

He attended the Army War College at Carlisle Barracks, Pennsylvania, in 1965 and 1966 and during this same period received his Masters Degree in International Relations from George Washington University.

He assumed Command of the 172d Infantry Brigade (Mechanized) at Fort Richardson, Alaska, in July 1966 and was cited for outstanding leadership by Major General J. Folda, the C.G. of U.S. Army Alaska. During 1967 and 1968 he served as the G-3 (Operations) officer, U.S. Army Alaska and was again cited for outstanding performance by Major General Kelly Lemon who was then C.G., USARAL.

In December 1968 he received word of his forthcoming assignment as the Chief of the Senate Liaison, Office of the Chief of Legislative Liaison, and has served in that position since July 1969.

Colonel O'Leary has been awarded the Legion of Merit with cluster, the Bronze Star Medal, the Air Medal, the Army Commendation Medal, the American Campaign Medal, the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the Army of Occupation Medal (Japan), the Korean Service Medal, the Armed Forces Expeditionary Medal, the Combat Infantryman's Badge (two awards), the Expert Infantryman's Badge, the Republic of Korea Presidential Unit Citation Badge, the Chungmu Military Service Medal with Gold Star from the Korean Government, the Distinguished Military Service Medal from the Korean Army, the Vietnamese Medal of Honor, first class, the Vietnam Service Medal, and the Vietnam Campaign Medal.

Colonel O'Leary intends to remain in the Washington area as a consultant and will reside at 416 Underhill Place, Alexandria, Virginia 22305.

VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. LONG of Maryland. Mr. Speaker, a constituent who is fighting in Vietnam has written me why he feels the war should be terminated. I would like to share his observations with my colleagues.

He believes in aiding the Vietnamese, but he is tired of seeing "American flour, rice, canned goods, and so forth in enemy hands." He states further:

> We have lost and can't win a guerrilla war. They have to win it for themselves. Just they know who the corrupt people are and we don't.

He says the South Vietnamese have the resources to defend themselves, but—

> The people as a whole don't have the will to be free . . . They have accepted help for so long they can't accept the fact that they will be on their own.

Although President Nixon said offensive operations would end by May 1, he has seen "more offensive action since May 1 than before."

My constituent feels that our men are dying in Vietnam for politics and no other reason. The delay in withdrawing troops, he writes, is endangering men in the field, and we should bring the men home now.

THE SUPREME COURT AND ITS RECORD OF DISCRIMINATION IN LAW CLERK SELECTIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. RARICK. Mr. Speaker, the present members of the Supreme Court of the United States—the noble champions of minorities against discrimination—do not practice what they preach. They are flagrantly discriminatory, and in doing so, must accept their responsibility for the judicial movement to the left.

Black's Law Dictionary defines "discrimination" as:

> That which confers particular privileges on a class arbitrarily selected from a large number of persons, all of whom stand in the same relation to the privileges granted and between whom in those not favored no reasonable distinction can be found.

For some reason or other, the members of the Supreme Court have not recognized this legal definition as binding on their own practice of selecting law clerks—those law graduates who do the basic research for the Justices and in effect present them with the alternative rulings possible in a judicial decision. These law clerks have a similar relationship to the Justices as Henry Kissinger has to President Nixon—they control the decisions because they not only offer the solution, but also suggest possible alternatives.

This immense hidden power in the judiciary is concentrated in the law schools of the Ivy League; of the 361 law clerks appointed by the Justices who have served on the bench for the past 10 years—including those law clerks appointed by the older justices prior to 10 years ago—over half of the total came from Harvard and Yale. Harvard alone accounted for 125 law clerks, or 35 percent of the total of the legal minds who have researched and written the celebrated "landmark" decisions of the Supreme Court over the past 10 years.

Other law schools represented by 10 or more law clerks were Yale—60; Stanford—18; California—15; Chicago—13;

Michigan—14; and Columbia—16. Yale and Harvard combined accounted for 51 percent of the legal "expertise" behind the Supreme Court decisions of the past 10 years.

Concentration of this judicial power and privilege among graduates of our more liberal colleges must be considered a primary reason for the judicial trend to the far left.

One thing, however, is certain; it is discrimination, pure and simple. Many good law schools were not represented at all.

This begs the question—Why do not all law school graduates have the same opportunity to serve? Why do not all young law graduates deserve an equal chance?

The record is clear—the Justices of the Supreme Court of the United States have been guilty of rank discrimination which has had an effect on every aspect of American life.

Steps must be taken by the Congress to insure that the Supreme Court Justices start practicing what they preach and adopt a policy of equal opportunity for graduates of all of the 173 law schools in the United States.

TOWARD ENVIRONMENTAL HARMONY

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, July 30, 1971

Mr. TUNNEY. Mr. President, millions of Americans feel that only an environmental disaster, "a killer smog," perhaps can jolt the Government into taking the steps necessary to clean up, protect, and improve the environment.

But that feeling need not prevail. Congress is on the threshold of significant environmental legislation. We owe it to ourselves, but most of all to our children, to act swiftly. That is why I have so heavily committed my time and energy to this challenge. I have sponsored more than 50 bills to improve the quality of our environment during my first 6 months in the Senate. I have introduced significant legislation to enable additional parks and open spaces in California. I am fighting for a tough water pollution bill, with incentives and requirements to clean many of our waters to strict recreational standards. All this is part of my campaign commitment to the aims and philosophy of the Santa Barbara Declaration of Environmental Rights, which states:

> It is manifest that centuries of careless neglect of the environment has brought mankind to the final crossroads. The quality of our lives is eroded and our very existence is threatened by our abuse of the natural world.

Unquestionably, we must seize the opportunities offered by the great variety of legislation now before Congress.

AIR POLLUTION

I am proud to have supported the Clean Air Act of 1969, while I was a Congressman. It applies new and stringent standards of vehicle emission for the 1972, 1973 and 1974 model years. The 1970 amendments to the act specify that all 1975 models will achieve a 90-percent reduction of carbon monoxide and hydrocarbon emissions from the 1970 levels. They further specify that all 1976 models will achieve a 90-percent reduction of nitrogren oxide emissions from the levels of the 1971 model years. And, perhaps, most importantly, they provide the Environmental Protection Agency with authority to control or prohibit the sale of vehicles which endanger the public health or welfare. I stand by strict enforcement of these laws, and I urge assembly line inspection of vehicles to insure they meet these standards. I will participate in hearings to insure tough administration of this law.

WATER POLLUTION

Industrial, municipal and agricultural wastes are the chief sources of water pollution. I am proud to have joined Senator MUSKIE in introducing the key bill in this area: the Omnibus Water Quality bill, S. 523. I joined in extensive hearings on this legislation and am working on it extensively in the Air and Water Pollution Subcommittee of the Public Works Committee. It authorizes funds for a national program of construction of waste treatment plants and extends water quality standards. I have introduced amendments to this legislation to establish by 1976 a national minimum water quality standard, with strict procedures for extensions of times, to make the Nation's waters safe for swimming and to protect fish and wildlife. This legislation will be the major structure for our efforts to clean up the Nation's waterways, and I am proud to have helped draft it during my first months in the Senate.

I am sponsoring several other bills to clean up our waters. One such bill would give special aid to the one-third of the Nation not served by sewer systems and the 5 percent of existing systems which discharge waste directly without any treatment. Other legislation, the Clean Lakes Act of 1971, S. 1017, calls for a coordinated program of increased waste treatment and lake cleansing for freshwater lakes. I have offered—and Senator CRANSTON has joined me—legislation to aid the fight to save Lake Tahoe.

To fight oil pollution, I support legislation that would establish bridge-to-bridge communications for all ships flying the American flag. This would, I believe, sharply lessen the chances for collision of the type that resulted in the recent oil spill in San Francisco Bay. I have also joined in offering S. 673, which would put a moratorium on drilling in the Santa Barbara Channel.

Thermal pollution, the discharge of heated effluent from electrical powerplants and other sources, is another threat to our aquarian environment. I favor tough and strictly enforced standards curbing thermal pollution, as approved by the Administration of the Environmental Agency.

In all of these areas, I am working, as a member of the Air and Water Pollution Subcommittee, for solid legislation this year.

PESTICIDES

Mounting evidence shows the use of pesticides can cause injury and death to a variety of life forms. Consequently, I am supporting S. 1794, which develops biological and cultural methods of pest control, and S. 513 which gives the EPA authority to regulate the use of hazardous substances.

NOISE POLLUTION

An estimated 10 to 20 million Americans have some degree of hearing impairment caused primarily by overexposure to excessive noise. I am supporting Senator HATFIELD's S. 1016, the Noise Control Act, which would control the generation and transmission of noise detrimental to the human environment. I hope that tough aircraft noise controls can also be adopted.

SOLID WASTES

Bottles, cartons, cans, paper, and other refuse fill our dump sites and litter our countryside and cities.

I am sponsoring several amendments to commit the Federal Government to use recycled materials. In addition, I am sponsoring S. 856 which provides Federal assistance to the States to carry out programs to remove abandoned or junked cars.

RADIATION

I support the tightest controls on the utilization of nuclear power to produce electrical energy. However, the heart of this problem is the need to understand and meet the growing demands for energy. Power production in California has doubled every 8 years. We must remove needless incentives in public law and policy which overstimulate growth; we must educate ourselves as consumers to the need for changes; and we must find new sources of "clean" energy.

Three percent of the man-made radiation to which we are exposed today has resulted from past nuclear testing. Underground testing offers no absolute assurance that radiation leaks will not occur. Therefore, I stand opposed to unnecessary testing of nuclear devices, such as that scheduled for Amchitka Island, Alaska.

ANIMAL PROTECTION

To protect endangered species, I have sponsored Senate Joint Resolution 84, to establish a Tule Elk National Wildlife Refuge; S. 2141, to create a Desert Pupfish National Monument; S. 1116, to protect wild horses and burros on public lands; S. 1315, to protect ocean mammals; and S. 2241, to create a San Francisco Bay National Wildlife Refuge.

PARKS

The annual overcrowding of Yosemite National Park and the lack of public access to California's beaches clearly demonstrates the need for more park areas.

I have introduced S. 689, which creates a Channel Islands National Park. I will incorporate this in my future legislation to create a California Coastline National Park. In addition to the Channel Islands, this park could include coastal portions of the U.S. Marine Base at Camp Pendleton, the ocean frontage at Vandenberg Air Force Base, the Los Padres National Forest along the Big Sur Coast, and the Point Reyes National Seashore.

I am also joining in legislation to create a Golden Gate National Recreation area and to provide balanced recreational development of Angeles National Forest.

PUBLIC LANDS

To protect and preserve our lands, I have sponsored a number of bills including S. 1017, to increase Federal funding for reclamation projects in 17 Western States; S. 1245, to protect archeological sites threatened by Federal projects; S. 1920, to acquire lands and interests within the San Bernardino National Forest; and S. 1592, to establish a commission to study clear-cutting of timber resources of the United States on Federal lands.

POPULATION

I have sponsored Senate Joint Resolution 108 which would declare it U.S. policy to achieve population stabilization by voluntary means. I also advocate legislation to provide birth control information and devices to those who need but cannot afford them.

I also feel that medical doctors should be permitted to use therapeutic abortions on women whose mental or physical well-being would be endangered by birth.

I do think family planning must ultimately be a private decision.

ENVIRONMENTAL TECHNOLOGY AND SCIENCE

The pace of innovation in science and technology has surpassed our ability to control their detrimental byproducts. We must regain control. Consequently, I favor S. 1113 which creates a National Environmental Laboratory with a $1-billion program for research and development related to environmental protection. This national commitment would provide research and development opportunities for many of our presently unemployed, highly trained scientists, and it could make new gains in the fight to save our environment.

I look forward to sponsoring and supporting more legislation in this vital area. And I trust that Congress, at the crossroads of environmental crises and environmental harmony, will choose the road that will make all the difference. This should be no romantic attempt to restore the environment to the State the Indians knew—we have cleared and developed, paved and polluted too much for that. Rather, Congress should embrace and implement the sense of ecological balance of the first Americans by enacting legislation consonant with their environmental wisdom, a wisdom indispensable to our survival and to improving the quality of our lives.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an out-of-sight, out-of-mind attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten and I would hope that my colleagues in Congress and countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing: Sgt. Timothy Bodden, U.S. Marine Corps, 1980396, Downers Grove, Ill. Single. Attended Southern Illinois University. Officially listed as missing June 3, 1967. As of today, Sergeant Bodden had been missing in action in Southeast Asia for 1,517 days.

DAYLIGHT SAVINGS TIME—4 MONTHS LONG ENOUGH

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. SEBELIUS. Mr. Speaker, under the current Uniform Time Act, daylight savings time is observed from the last Sunday in April to the last Sunday in October.

Recently, the Senate Commerce Committee reported a bill limiting daylight savings time from Memorial Day to September 30. I have introduced a bill that would limit daylight savings time from the first Sunday after Memorial Day to the first Sunday after Labor Day.

Anyone who is familiar with the time situation in Kansas knows that, because of daylight savings time farmers, housewives, children and businessmen are forced to awake, travel and work in darkness. A reduction in the length of the daylight savings time provision is a measure that has been heartily endorsed by my constituents and is also evidenced in this recent editorial by Fred Brooks of the Garden City Telegram. I submit this editorial for consideration by my colleagues:

[From the Garden City Telegram, June 21, 1971]

FOUR MONTHS LONG ENOUGH

Something may yet be done about the too long period of daylight time which begins during the school term in the spring and ends after school has resumed in late summer.

Daylight time now stretches over nearly six month, from the last Sunday of April until the last Sunday in October. That's overdoing a good thing.

The period would be considerably shortened under a bill recently ordered reported by the Senate Commerce Committee. Sponsored by Senator Marlow Cook (R-Ky.) the bill would set a new date for the beginning of the daylight saving period—Memorial Day—and would end daylight saving on Sept. 30 lopping about two months off the present period.

Look for Cong. Keith Sebelius to take up the cudgel in the House. Coming from agricultural country, Sebelius knows the problems of the extended period of daylight time and has long been in favor of shortening it.

Put simply, it is a pain in the neck to rural mothers who must put their children on school buses while it is still dark then struggle with them at bedtime because it is still light. And it is no help to farmers who must begin their work in darkness, or to drive-in theatre operators who have to delay their starting hour.

Opposition will probably come from the tourist industry, which argues that to cut two months from the fast time period would lessen the opportunities by one hour each day of those two months. Those who feel they are being deprived of an extra hour of daylight for recreation may not look too kindly to the measure.

But the disadvantages of the lengthy period of daylight time far outweigh the advantages. And the bill would only shorten the duration of daylight time, not eliminate it. The bill deserves the careful consideration of Congress.

MARTIN LUTHER KING, JR., BIRTHDAY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. FAUNTROY. Mr. Speaker, I am introducing today a bill to make Martin Luther King, Jr.'s birthday a legal holiday in the District of Columbia. This bill would also conform the legal holidays of private employees with those now observed by Federal employees.

Under this measure, the third Monday of each January will be a legal holiday to mark the memory and the ideals for which Dr. King, my beloved friend and colleague, stood. I think it is appropriate that this city, where Dr. King fought many of his important battles and gained so many of his great successes, should pause 1 day each year to remember this noble man and the nonviolence he espoused.

When he addressed the thousands assembled at the Lincoln Memorial that day in 1963, he expressed the dream of justice and equality that must underpin our society if we are to survive as a great Nation. The observance of Dr. King's birth as a legal holiday offers to our children the opportunity to see that our Nation honors not just the past but the present, and to demonstrate that we are able to respect justice, nonviolence, and equality and those who advocate it.

In addition to establishing Dr. King's birthday as a holiday, this bill would conform the holidays observed by the private sector with public holidays. The need for such legislation comes about because Public Law 90-363 provides that legal holidays shall be observed by officers and employees of the Federal and District Governments. But the act does not directly affect section 28-2701 of the District of Columbia Code which governs the establishment of holidays for the purposes of private employment. As a result, employees in the private sector observe holidays at different times from those in the public sector. Some 45 States have enacted remedial legislation to bring local law into conformance with Public Law 90-363. I think that the Congress should do the same for the District of Columbia.

I set forth below a letter from the District government transmitting this legislation to the Speaker:

THE DISTRICT OF COLUMBIA,
Washington, D.C., February 5, 1971.

The Honorable The SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Commissioner of the District of Columbia has the honor to submit herewith a draft bill "To designate the legal public holidays to be observed in the District of Columbia."

Section 6103 of title 5, United States Code, relating generally to officers and employees of the Governments of the United States and the District of Columbia, as amended by the first section of Public Law 90-363, approved June 28, 1968 (82 Stat. 250), establishes the legal public holidays to be observed by those employees, beginning January 1, 1971, as follows:

New Year's Day, January 1;

Washington's Birthday, the third Monday in February;

Memorial Day, the last Monday in May;

Independence Day, July 4;

Labor Day, the first Monday in September;

Columbus Day, the second Monday in October;

Veterans Day, the fourth Monday in October;

Thanksgiving Day, the fourth Thursday in November; and

Christmas Day, December 25.

However, section 28-2701 of the District of Columbia Code, applicable exclusively within the District, and affecting persons in private employment and all commercial and financial transactions, provides that the legal public holidays in the District shall be the following:

New Year's Day, January 1;

Washington's Birthday, February 22;

The Fourth of July;

Decoration Day, May 30;

Labor Day, the first Monday in September;

Christmas Day, December 25;

Every Saturday after 12 o'clock noon;

Any day appointed or recommended by the President of the United States as a day of public feasting or thanksgiving; and

The day of the inauguration of the President in every fourth year.

As a result, employees of the Governments of the United States and the District of Columbia will now officially observe certain holidays (Washington's Birthday and Memorial Day) in the District of Columbia on days different from those authorized for the private sector, and particularly the commercial and financial establishments and institutions, and will also observe two holidays not now specified in local law (Columbus Day and Veterans Day).

The Senate Committee on the Judiciary, in reporting on the bill (H.R. 15951, 90th Congress) later enacted as Public Law 90-363, stated in its report (S. Rept. No. 1293) that—"the committee anticipates that the States generally will follow the lead established by H.R. 15951 by enacting consistent legislation."

Forty-five States have now enacted legislation generally consistent with Public Law 90-363, including Maryland and Virginia. Therefore, unless section 28-2701 of the District of Columbia Code is also made consistent with Public Law 90-363, the private sector in the District will be observing certain legal public holidays on dates different from those observed in the neighboring jurisdictions of Maryland and Virginia and in the great majority of the other States.

Consideration of the situation respecting legal public holidays in the District of Columbia also brings into the foreground the very considerable amount of sentiment among the people of the District that there should be set aside, as a legal public holiday, a day commemorating the birth of Dr. Martin Luther King, Jr. In recognition of this sentiment, the Commissioner strongly recommends that one of the legal public holidays in the District of Columbia be "Dr. Martin Luther King, Jr., Memorial Day", to be the third Monday of January.

Accordingly, in order to make the law in the District of Columbia respecting legal public holidays consistent with Public Law 90-363 and with the laws of most of the States, to commemorate the birthday of Dr. Martin Luther King, Jr., and also to make it possible to observe as legal public holidays Saturdays after twelve o'clock noon, Columbus Day, Veterans Day, and any day declared to be a public holiday by the President of the United States, the Commissioner urges the enactment of the attached draft bill. The District of Columbia Council has expressed its support for this legislation.

Sincerely yours,
GRAHAM W. WATT,
Assistant to the Commissioner.
(For Walter E. Washington, Commissioner.)

BILL TO ACCELERATE TAX REDUCTION

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. BROOMFIELD. Mr. Speaker, the stagnation of our economy—its high levels of unemployment and its weak record of business expansion—owes more to a lack of confidence in the Nation's financial future than to any other single factor. Understandably, Americans today are playing their finances close to the vest, holding onto their cash until our imbalanced and unpredictable economy works itself out of its present slump. The problem is that, as long as consumers refuse to spend their money, as long as they are skeptical of our financial future, there can be little progress in coping with America's economic difficulties.

It is clear the U.S. economy must be stimulated, but in a way which will not at the same time intensify inflationary pressures. That is the tricky problem awaiting our solution.

One such solution, Mr. Speaker—one which we have so far overlooked—is the tax break. A gradual and carefully timed series of cuts for the middle-income taxpayer would go a long way toward bolstering citizen confidence in the economy, and it would do so without sending prices sky high. That, in fact, is the purpose of the bill I am introducing with my colleague, Mr. COUGHLIN of Pennsylvania. Under our proposed legislation, Federal income tax reductions included in the Tax Reform Act of 1969 would be accelerated to occur 1 year earlier than originally scheduled, with maximum benefit going to those now suffering the most from our strange combination of recession and inflation.

The minimum standard deduction is now 13 percent of yearly adjusted gross income, with a ceiling of $1,500. In January of 1972 the minimum standard deduction will become 14 percent with a ceiling of $2,000 and in January 1973, it will become 15 percent with a ceiling of $2,000. The legislation I am introducing makes changes scheduled for January 1, 1972 effective as of January 1, 1971, and the changes scheduled for January 1973 effective January 1972.

This, of course, is of major importance to the middle-income taxpayer, who does not have sufficient expenses to make the itemization of his deductions worthwhile. Necessarily, he must use the standard deduction, and this is just what my bill increases.

The second key feature of this legislation is its requirement that the Secretary of the Treasury promptly make adjustments in the Federal income tax withholding tables to reflect this step-up in tax reductions. So, instead of waiting 2 or 3 years for the force of these tax breaks to hit the Nation, consumers will be treated at once to a major increase in their buying power. Considering the present state of the economy, that will be a most useful development.

This bill, Mr. Speaker, demands the utmost attention of the Congress, for it provides not only long-sought relief for the middle class taxpayer, but a major stimulus for our economy as well. Now that these are so desperately needed, the tax cuts planned in the 1969 Reform Act should be put to use immediately.

HEALTH CARE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. RHODES. Mr. Speaker, on July 20 the Washington Post carried the last of a series of articles on health care. That article was devoted to the Samaritan Health Service, a confederation of nine hospitals in central and northern Arizona, and the prototype for the American Hospital Association's Ameriplan. Ameriplan is an effort to find new methods of providing medical care, through private rather than Federal organizations, for residents of rural and urban areas. Samaritan Health Service has been highly successful and carefully followed by health and hospital officials across the country who are searching for ways to give better health care to our citizens. Mr. Stephen M. Morris of Phoenix, Ariz., is president of the Samaritan Health Service, president-elect of the American Hospital Association, and one of the authors of Ameriplan. In the article of July 20 Mr. Morris sets forth the needs, purposes, and operation of this program in a most knowledgeable and understandable way. I found it most interesting and enlightening, and I am glad to share it with my colleagues.

The article follows:

CITY-COUNTY HOSPITAL CONFEDERATION AIDS RURAL CARE

(By Stuart Auerbach)

PHOENIX, ARIZ.—On a Thursday morning this spring, Mrs. Alvin Reidhead gave birth to premature triplets in the small hospital at Holbrook, 200 miles from here.

As births of premature triplets go, the delivery was routine. But the infants were all high-risk babies—weighing less than the 5½ pounds the doctors feel is necessary for survival.

All three Reidhead triplets—Vikki, Nikki and Ricki—survived, thanks to a unique hospital network that provided them with the newest, most sophisticated care available anywhere.

They were born in the 25-bed Holbrook Hospital under the care of Dr. Robert Joseph Haley Jr., an oldtime general practitioner who has helped deliver three sets of triplets in his lifetime.

But he had a backup in this case that went far beyond what is available to most GPs practicing in remote, small-town hospitals.

For Holbrook Hospital is part of Samaritan Health Service, a confederation of nine Arizona hospitals stretching from the booming suburbs of Phoenix to the rim of the Grand Canyon, 250 miles from here.

Good Samaritan Hospital in downtown Phoenix, a leading medical center, is the focus of this two-year-old experiment to find new ways of providing medical care to both rural and urban residents of one of the nation's fastest-growing states.

The experiment is being watched with growing interest by hospital officials and health planners across the country who see it as a way to insure that the hospital remains the center of health care delivery.

It is the prototype of Ameriplan, the American Hospital Association's program to reform health care in the country.

Under Ameriplan, hospitals would change from institutions that only care for people who arrive at their doors to ones that reach out into the community to find the sick and that run programs of preventive medicine.

They would emphasize out-patient care as well as in-hospital treatment. And they could be easily converted to the prepaid group practice-health maintenance organization concept that is so popular with health reformers.

"It's a direction in which the voluntary hospital and private medical systems can go to save themselves," says Stephen M. Morris, president of Samaritan Health Service. He is also president-elect of the AHA and an architect of Ameriplan.

"I think if we continue to go the way we are now," he adds, "we're going to lose the whole ballgame. The public is simply not satisfied with either our financing mechanism nor our delivery mechanism."

Ameriplan would establish a national network of hospital-based corporations that would provide medical care to all residents of a given area in much the same way that Samaritan Health Service helps hospitals in outlying communities such as Holbrook.

For example, when the Reidhead triplets were born, Samaritan Health Service mobilized its full facilities to keep them alive.

Mary Flemons, the head nurse at Holbrook Hospital, had just returned from a refresher course at Good Samaritan and was up to date on the care of high-risk newborns.

To bolster her, Joanne Junasz, a pediatric nurse at Good Samaritan; drove to Holbrook with extra supplies. And the health corporation rushed three Isolettes—baby-sized incubators—from Phoenix to Holbrook.

Meanwhile, Dr. Haley at Holbrook conferred twice daily by phone with experts in the care of the newborn at Good Samaritan.

The triplets thrived on the round-the-clock care they received at Holbrook. But the hospital's small staff was physically overtaxed; doctors and nurses there couldn't maintain the care the infants needed and still treat their other patients.

So the Reidhead triplets were flown to Good Samaritan in the health system's ambulance plane. They stayed there until they gained enough weight and strength to go home.

Samaritan Health Service has done more than just take care of cases too complicated for the smaller hospitals. Indeed, a good part of consortium's job has been keeping these hospitals supplied with doctors and nurses.

One man, David W. Graef, spends much of his time recruiting doctors for the outlying hospitals.

"Some Friday nights when there are no doctors I get one by Saturday. I call everybody I know who has the weekend off," says Graef.

The big problem is the isolation of the small towns. And when the doctors like it, the wives usually don't.

"I'm convinced if they'd stay there a while, they'd love it," says Graef, who has even tried advertising for doctors in conservation magazines.

The problem of finding doctors to locate in small towns is a national one, with vast stretches of rural America without medical help. In many towns, the only physician is elderly and unable to find a replacement so he can retire.

Morris thinks a hospital-based network, such as Samaritan Health Service, could help solve the problem of getting more doctors for rural America.

"I kept two hospitals open in northern Arizona by being able to move doctors there and relieve them when needed," he says.

Samaritan Health Service also improves the ability of the small hospitals to practice sophisticated, quality medicine.

Now they can offer medical tests that are impossible to perform in a small hospital laboratory. A car now makes a circuit of each hospital daily and picks up samples to be tested in the Good Samaritan laboratory. The results are telephoned back to the individual hospitals.

Dieticians from the health service's headquarters here travel to the smaller hospitals and help them plan their meals. Other experts help set up better billing systems and community relations campaigns—services that the small hospitals couldn't afford on their own.

And all the doctors and nurses at the outlying hospitals can take refresher courses at Good Samaritan, is much the same way that Mrs. Flemons from Holbrook had done before the birth of the Reidhead triplets.

Bringing sophisticated medical care to the vast, sparsely populated regions of Arizona is only one part of Samaritan Health Service's activities.

The consortium also has taken three hospitals in the suburbs of Phoenix, one of the fastest growing areas of the nation, under its wing.

Doctors at these small suburban hospitals also have the benefit of backup from the specialists at Good Samaritan. For example, they can get the complicated analysis of blood gas levels done in minutes through Good Samaritan's laboratories, and experts at Good Samaritan can diagnose from electrocardiographs transmitted from one hospital to the other over telephone lines.

"It's helped upgrade the quality of medical care—at least in my hospital," says Raymond L. Tate, administrator of the 62-bed Northwest Hospital in nearby Glendale.

"Major benefits have ensued to the small hospitals. The strengths of Good Samaritan have been made available to us."

Meanwhile the corporation is saving money by centralizing training, purchasing, insurance coverage and administrative functions.

Morris says that the 1970 budget for all the hospitals together was $40 million. If the nine hospitals had been operating separately, he says, their total budgets would have been $44 million—10 per cent higher.

Furthermore, he says, costs at his hospitals are rising slower than the national average. In 1969, the first year of the health service's operation, its bills increased 8 per cent compared to the national average of 12 per cent. In 1970, the Samaritan Health Service increase was 9 per cent; the national average for hospitals, 15 per cent.

Although the idea of a coordinated network of hospitals had been in Morris' mind for years, Samaritan Health Service got its start in the spring of 1968 when Southside Hospital, in a nearby suburb, was in such dire financial shape that Good Samaritan bought it at a bankruptcy sale.

Northwest Hospital, also in financial trouble, asked to join the system next.

Other hospitals asked to join in; Samaritan Health Service officials say they have not solicited other hospitals to join.

While health experts from all over the country come here to study Samaritan Health Service, local doctors and hospital officials have greeted the experiment with some reserve.

At local hospital administrator meeting, says Tate, "I don't get a lot of praise or support. They just say, 'Don't rock the boat. Don't rock the boat'."

Morris has alienated many Arizona doctors, who are especially conservative, by saying publically that Samaritan Health Service's concept will end the traditional fee-for-service practice of medicine for a single doctor.

The system also lost some medical allies who feared that too many of the strengths of Good Samaritan were being drained to help the smaller hospitals. "This hurt," says Nelson.

While Samaritan Health Service continues to gain strength here, other hospitals around the country are trying their own versions of the idea.

George Washington University Medical Center in Washington, for example, has taken a section of the city and promised to provide full medical care for anyone who lives there.

And in Chicago, Rush-Presbyterian-St. Lukes Medical Center announced last month that it is forming a unified health care system that will tie 20 community hospitals to it.

The plan includes the reactivation of Rush Medical College and the use of Presbyterian Hospital as the backup facility for the community hospitals. The network will cover 1 million to 1½ million residents of Chicago.

Morris says these experiments are important.

"If we can demonstrate to Congress that the private sector can deliver health care, the public will accept," he says, "I think that Congress will give us a chance."

COLOR TV LIFT-OFF FROM LUNAR SURFACE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

UNIQUE COLOR TELEVISION TECHNIQUE TO TRANSMIT FIRST LIVE PICTURES OF SPACESHIP LIFT-OFF FROM LUNAR SURFACE

STAMFORD, CONN., July 23, 1971.—A television transmission technique that beams full color pictures 238,000 miles through space will provide world audiences with man's first televised coverage of a spaceship lift-off from the moon's surface August 2 as Apollo 15 astronauts David R. Scott and Alfred M. Worden wind up a record 67 hours of lunar scientific explorations.

The high-resolution color technique that sends pictures sequentially first in red, then in blue and finally in green, will be used in a compact RCA camera to send closeup scenes of the lunar excursion module as it powers its way from the moon from a linkup with the orbiting command ship Endeavor. Color pictures sent from the moon will be collected at NASA ground receiving stations and converted instantaneously for standard network television transmission to home receivers. The camera will be operated on the moon's surface electronically by NASA flight controllers in Houston, and remain in operation for several days after the astronauts have left the lunar atmosphere.

The field-sequential technique, developed by Dr. Peter C. Goldmark, President of CBS Laboratories, a division of Columbia Broadcasting System, Inc., employs a tri-colored transparent disk that rotates at high speeds to form a color picture field.

Full-color results are achieved with the disk spinning at 600 revolutions per minute and passing red, blue and green filters in rapid sequence before a single camera tube. As the pictures are beamed to earth, a magnetic scan-conversion technique developed by CBS Laboratories produces color frames at the rate of 30 frames per second for instantaneous broadcasting to viewers' homes.

During lunar excursions by Scott and Worden, the system will be mounted atop the "lunar buggy" scheduled to explore more than 22 miles along the floor of the moon's Apennine Mountains and Hadley Rille Canyon.

The field-sequential system—which is the only television transmission technique able to send color pictures at the low light levels of the lunar atmosphere—was inaugurated three decades ago to transmit man's first successful color television broadcast. The 1940 broadcast took place from atop the Chrysler Building in New York City. Viewers described the 1940 colorcast as "startlingly clear with vivid color in the landscapes, flower gardens and beaches" of the travelogue program which was presented.

Shrunk by modern technology to a fraction of its original size of more than 100 pounds during its inaugural broadcast, the field-sequential system has also forged the way for closed-circuit television in medicine and industry, and now enables physicians to transmit color pictures from inside the human body.

Medical institutions are now using the high-energy system for medical education and clinical diagnosis to detect cancer and other diseases.

"It is exciting to experience the results of a 30-year-old concept being used on the moon in 1971. But equally exciting, is the use of this same system in the science of medicine," Dr. Goldmark said.

"The ability of the field-sequential system to function so successfully in miniaturized form at extremely low light levels has made it possible for physicians to put it to invaluable use in clinical diagnosis and medical education," he added.

"There is no doubt," Dr. Goldmark concluded, "that increasingly valuable applications of field sequential color television will be uncovered as a result of the Apollo space mission for the betterment of mankind."

NASA officials expect the Apollo scientific expedition to provide scientists with more information about the moon and its origin than all previous Apollo missions.

Television coverage from the lunar rover will include some of the most spectacular scenery man is ever likely to see, according to NASA, including a cluster of craters which may have been formed nearly two billion years ago by the impact of rock splattered about from meteorites. The lights of earth and a solar eclipse as seen from the moon are also expected to be televised by the tiny camera.

THE UMW MYSTERY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. BRADEMAS. Mr. Speaker, one of the ablest and most courageous Members of the House of Representatives is our distinguished colleague, Congressman Ken Hechler of West Virginia.

I have had the privilege of knowing Ken Hechler for some 15 years, since the time we both served on the staff of the late Adlai E. Stevenson during his campaign for the presidency of the United States.

Over that period of time, I have come to have great respect for the dedication and ability of Congressman Hechler and that respect has only increased as I have observed his service in Congress and in particular his struggle on behalf of the coal miners of West Virginia.

Naturally, therefore, Mr. Speaker, I was pleased when one of the Nation's outstanding journalists, William V. Shannon of the New York Times this week paid tribute to Congressman Hechler's courage in this struggle.

I insert in the Record the text of Mr. Shannon's article, "The UMW Mystery," from the New York Times of July 27, 1971:

The U.M.W. Mystery

(By William V. Shannon)

Washington.—We all talk about justice, but few of us are ever in a position to seek justice at the risk of our lives. Jock Yablonski was one who did.

A little more than two years ago, Mr. Yablonski announced his candidacy for president of the United Mine Workers. He had been a well-paid member of the U.M.W. hierarchy, but at 59 he decided to challenge W. A. (Tony) Boyle and the rest of the union's entrenched leadership.

The coal miners' union had long been notorious for its autocratic ways and the cynical, financially self-serving style of its top officials. The late John L. Lewis set the pattern, and Mr. Boyle, who took over as president in 1963, continued it but without Mr. Lewis's flair. Until Jock Yablonski broke ranks, there was no leader to express rank-and-file frustration.

The campaign lasted six months. It was a rough affair. Before it was over, Mr. Yablonski would not travel alone, and there were a few districts he considered too dangerous to visit. He and his supporters filed with the Department of Labor over 100 charges of fraud, intimidation and violence on the part of the Boyle faction. To his lasting discredit, Secretary of Labor George P. Shultz ignored these alarm signals.

On Dec. 9, 1969, the Boyle slate won, 81,000 votes to 46,000. The Yablonski forces moved to set aside the election.

On the night of Dec. 30–31, 1969, Jock Yablonski, his wife and his daughter were shot to death in their home.

In the year and a half since the murder of his family, Joseph A. (Chip) Yablonski Jr. has devoted himself to carrying on his father's fight for reform of the U.M.W. He is an attorney, not a miner. By legal actions, lobbying on Capitol Hill and counseling with his father's followers in "Miners for Democracy," he keeps alive the hope that the U.M.W. can be renewed from within.

The Boyle faction is still in control of the union, but it has suffered some grievous blows, Mr. Boyle has been indicted for embezzlement of union funds. The Controller of the Currency compelled him to resign as a director of the National Bank of Washington which is controlled by the U.M.W. He has also been forced out as the union trustee on the mine workers' welfare and retirement fund.

A week ago, Chip Yablonski won a major legal victory that may have wide implications in other battles for intra-union democracy. The Court of Appeals for the District of Columbia ruled unanimously that lawyers for Mr. Boyle could not also represent—and be paid by—the U.M.W. because the interests of the union and its embattled president are not necessarily identical. Too often, union rebels discover—as Jock Yablonski did—that in fighting the incumbent officers they are taking on the massed power of the union treasury, the union newspaper and the union lawyers.

In his long battle, young Chip Yablonski has had very few allies. One is Joseph L. Rauh, a Washington attorney active in behalf of civil liberties. Another is representative Ken Hechler, the West Virginia Democrat who has shown great courage in bucking the politically powerful U.M.W.

But he has had no help from organized labor or the Nixon Administration. During the 1969 contest, A.F.L.–C.I.O. president George Meany could see no issue of principle. It was just, he said, that "one of the boys of the kitchen is trying to move into the living room."

Since the Yablonski murders, the A.F.L.–C.I.O. has actually used its influence with friendly members of the Senate Labor Committee to discourage an extensive inquiry into the U.M.W.'s messy affairs.

Secretary of Labor James D. Hodgson has no more enthusiasm than his predecessor, Mr. Schultz, for aggressive pursuit of possible wrong-doing. Although the Landrum-Griffin Act of 1959 gives the Labor Department a clear mandate to champion the ordinary worker against the union bureaucracy and to uphold strict standards of union honesty, Secretary Hodgson has refused to petition in the courts for the appointment of a monitor to conserve the U.M.W.'s assets.

Last week, Senator Robert Griffin of Michigan, the assistant Republican floor leader in the Senate and coauthor of the 1959 law, criticized Labor Department passivity and urged the appointment of a monitor.

There is real danger that dues of the members may be squandered. Moreover, because the U.M.W. has a long tradition of dictatorial control, it is virtually impossible to have a genuinely democratic election campaign if Mr. Boyle and his associates are left in charge.

The mystery remains. Why is an Administration pledged to law and order so reluctant to intervene on behalf of ordinary workers against union bosses who treat the U.N.W. as their private preserve?

PROJECT SANGUINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. ASPIN. Mr. Speaker, many Members are aware of the Navy's Project Sanguine—a program intended to provide survivable, shore-to-ship communications in the Extremely Low Frequency—ELF—band for positive control of the Polaris submarine fleet. Those of us in Wisconsin are particularly aware that the program calls for large cables buried over a 150 square mile area of Wisconsin's National Forest land to form an enormous grid antenna and would require more power than any other communications system in existence.

There has been considerable discussion of the high cost and questionable reliability of the system and the damage it would cause to the environment. However, there has been no discussion to date of alternatives to Sanguine.

In a report earlier this year, the Defense Market Survey—DMS—asserts there are alternatives to Sanguine and concludes, that:

> A year ago DMS forecast that LF and VLF (low and very low frequency) would eventually replace ELF (which is Project Sanguine) in the survivable communications concept. We see no reason to change that projection.

The Defense Market Survey is a private concern which monitors Defense programs and contracts. DMS is in a position to reflect expert opinion in the field of telecommunications, in this case, as well as express their own expertise.

Alternative systems can use airborne and possibly satellite vehicles to house the transmitters. In fact an airborne VLF system is already in operation and is providing reliable communications to submerged Polaris submarines.

The availability of alternatives is particularly important because there is clearly no longer any justification for continued funding of Project Sanguine. Since Sanguine is not the only means of improving communications with submerged Polaris submarines, the limited funds available should be spent on research and testing of alternative systems.

The report follows:

DEFENSE MARKET SURVEY MARKET—INTELLIGENCE REPORT ON PROJECT SANGUINE

(February 1971)

DESIGNATION

Project Sanguine.

EXECUTIVE

Naval Electronic Systems Command, Special Communications Project Office, Sanguine SPO, Washington, D.C., overall program management.

Naval Material Command, Naval Facilities Eng'rg Command, Washington, D.C., phase 1 test.

PRIME

Communications Systems Inc., Falls Church, Va., feasibility study.

General Electric Co., Syracuse, N.Y., feasibility study.

Radio Corp. of America, RCA Laboratories, Princeton, N.J., exploratory R&D.

Defense Communications, Systems, Camden, N.J., phase 1 test facility engineering & equip.

RCA Service Co., Camden, N.J., O&M of Sanguine test facilities.

Westinghouse Electric Co., Baltimore, Md., feasibility study.

TRW, Inc., Hawthrone, Miss., ecological studies.

STATUS

Advanced Development.

MISSION

Provide survivable, shore-to-ship communications in the Extremely Low Frequency (ELF) band for positive control of Fleet Ballistic Missile submarines under all circumstances (including nuclear blackout and jamming).

TYPE

Communications transmission and receiving equipment; antenna system.

FUNDING

R.D.T. & E.:	*Millions*
Through fiscal year 1968	25.0
Fiscal year 1969	15.7
Fiscal year 1970	3.2
Fiscal year 1971	4.6
Fiscal year 1972 (request)	5.6

TIMETABLE

Exploratory development contract: April 1966.

Feasibility study contracts: current year, 1967.

Construction of Phase 1 Test Facility started: August 1968.

Phase 1 Test Facility completed: August 1969.

Phase 1 Test Program started: August 1969.

Phase 2 Test Program scheduled for: current year, 1972.

System operational: current year, 1976*.

GENERAL

Project Sanguine has received 38 per cent of the total funding for the Fleet Ballistic Missile Command and Control System over the past three years with Tacamo (airborne VLF system) a distant second at 23 per cent. Other subelements and their percentages of the overall program include Ship mobile VLF (6); Network analysis (2); Fixed VLF (1); Pilgrim (6); Coverage prediction (5); Modulation coding and compression (2); Submarine antenna system (7); integrated radio room (4); and Supporting research (6). A significant difference between Sanguine and Tacamo (other than the obvious frequency distinctions) is that Tacamo is operational.

Sanguine was initially conceived to exploit the ELF band (below 100 Hertz) for the purpose of communicating with U.S. Naval vessels on or below the ocean's surface, anywhere in the world. It was estimated that the system would require more power than any other communications system in existence, and a transmitting antenna complex that would traverse 150 square miles of Wisconsin's National Forest land. Cables were to be buried along parallel lines, six miles apart in East-West and North-South directions to form an enormous grid antenna that would remain operational until each individual square was severed by enemy bombing attacks. Above this grid, 240 compact buildings were envisioned, each housing a generator and two transmitters (one above and one below ground) for maximum redundancy.

To initiate Project Sanguine the Navy awarded several exploratory development contracts in 1966, one of which was to RCA's David Sarnoff Research Laboratories for approximately $500,000. Tractor, Inc., received a related award, believed to be a communications study for Poseidon submarines. Others receiving early contracts were General Electric, Communications Systems, Inc., and Westinghouse.

Northern Wisconsin was selected as the site of the Phase 1 test facility because of its natural rock formations that provide the low electrical conductivity essential to an ELF transmitting capability. Constructed on 225 acres of forest land, and resembling a typical electrical utility pole complex, the test site is designed to study the effects of ELF transmissions on local RF communications systems such as telephone and television, and on the ecology, as related to human environment. Phase 2 of the program will use buried coaxial cables for an antenna network and will require 450 additional acres. The expanded test facility will then be utilized to perform "exhaustive" tests to ensure that all potential problems are solved before an operational system is seriously contemplated. The completion of the Phase 1 test program was delayed for a year while the Navy investigates a technological breakthrough that may permit the use of a much smaller antenna system at a new site location. Wisconsin residents and members of Congress have objected to the present Sanguine location, resulting in the consideration of Washington, Oregon, California, North and South Carolina, Georgia, Texas, Arizona and New York as alternates.

Additional firms receiving Sanguine-related contract awards include the RCA Service Company (operation and maintenance of the Phase 1 test facility); Lincoln and Bell Telephone Laboratories (early feasibility studies); Donovan, Inc. (site construction); and TRW (biological effects studies).

COMMENT

The Sanguine appropriation for Fiscal 1971 was $4.6 million (compared to the $20 million request) and the Navy will request only $5.6 million in FY 72, making it obvious that the project will not be operational in 1975 as originally anticipated. Phases of the program that were postponed because of FY 71's reduced funding were contract definition, the beginning of engineering development, and electrical ground design research. The remaining objectives for Fiscal 1971 include continued research in electromagnetic interference mitigation (affecting the local utility systems in Wisconsin), operation of the Phase 1 test facility, biological and ecological effects studies, receiver and natural parameter studies, system engineering and technical/program management support.

In April 1969 RCA received an estimated $1.0 million to investigate Sanguine instigated telephone noise. In July 1969 TRW received a Navy contract to examine biological hazards to humans, animal and plant life due to ELF radiations. In April 1970 the Navy voiced concern over the effects of ELF communications on humans, animals and plant life, making it known that further research into the Sanguine Project was possible. In October 1970 Western Electric began a study of telephone interference, and in November 1970 the Navy solicited contractors to conduct biological research on Sanguine's ELF radiations. This suggests that the Navy could decide that the ELF band is not such a good idea after all and resort to the Very Low Frequency range for Sanguine transmissions.

One of the existing branches of the FBM Command and Control network, TACAMO (Take Command and Move Off), operates in the VLF range. It is installed aboard EC-130Q aircraft to relay messages from operational commanders to submerged SSBN's. The system was developed by Collins Radio and uses the AN/USC-13 radio and a trailing wire antenna (can be trailed up to 30,000 feet) to establish reliable communications with submarines.

A year ago DMS forecast that LF and VLF would eventually replace ELF in the survivable communications concept. We see no new reason to change that projection.

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*Assuming program continuance; see Comment.

AN EXCITING NEW BUILDING IN MINNEAPOLIS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. FRASER. Mr. Speaker, architectural history is being made in Minneapolis with the construction of the new Federal Reserve Building in our city's Gateway Redevelopment Area.

The Federal Reserve's unique new 11 story office building will hang 30 feet above an open plaza, supported like a suspension bridge by huge metal cables.

This exciting structure, when completed next year, will be an important addition to Minneapolis' already successful downtown urban renewal project.

The building is described in more detail in the following bulletin from the Federal Reserve Bank of Minneapolis:

NEW RESERVE BANK SUSPENDED OVER PLAZA

Minneapolis Federal Reserve Bank employees will be setting two records when they move into their new building—it is the first completely new home office for a Federal Reserve Bank since the twelve original banks were constructed in the 1920's, and the building's office tower is the first occupied structure in the world to have a column-free span of 275 feet.

Because the Federal Reserve Bank has two distinctly different types of activities—administrative-clerical work and custody of large amounts of money and security—architect Gunnar Birkerts designed the building in two separate parts. The three-level secure area, which covers an entire block, is hidden under a sloping plaza, and the 11-story office structure is suspended over the plaza. The two parts are connected only by a free-standing elevator tower on the Marquette Avenue side of the building and two end supporting towers. The suspended design of the office structure frees the subplaza levels of pillars which a more conventional design would have required and thus, provides appropriate space for the vault area, money handling operations and truck ramps and loading facilities. Parking space for employees is on the third level beneath the plaza.

The office structure "hangs" thirty feet above the plaza, supported by cables enclosed in a steel beam and hung from the towers at each end of the building to form a catenary. Two 90-ton steel weldments have been placed on each tower to anchor the catenaries. A steel truss, erected across the top of the building between the two towers, acts as a resisting force against the tendency of the towers to pull together at the top because of the weight load on the catenaries. If the building were actually a suspension bridge, this load would be relieved by anchor cables extending away from the towers. The area enclosed by the truss houses mechanical equipment for the building.

In addition to freeing the subplaza levels of pillars, this unique design also allows all of the floors in the office structure to be completely open and free of columns or pillars. Private offices are located to permit the free entry of light through the special heat-absorbing glass that faces the building on both sides.

Located in the Gateway redevelopment area, the new Federal Reserve Bank occupies the entire city block bounded by Washington and Marquette Avenues, the Nicollet Mall and South Third Street. Because it is part of an urban renewal project, the Housing and Redevelopment Authority set strict limitations on the number of square feet of building that could be constructed on that site. However, the permissible number of square feet could be increased by having a large open space or plaza on the site. The 2.5 acre plaza, included as part of the new Bank building, is more than adequate to overcome the square footage limitations so that the 11-story office tower could be built and an additional six floors added if necessary.

The plaza slopes from sidewalk level on the Mall to a height of 20 feet on Marquette Avenue. It is being developed as a public place for various outside activities—concerts, exhibits or whatever. Because there is no pedestrian entrance to the building from the plaza, it will be more of a public place that the conventional plaza surrounding an office entrance. Landscaping on the plaza will include a large number of trees, benches and several pieces of sculpture.

General contractor for the project is the Knutson Companies, Inc.

CHINA POLICY IN BRIEF PERSPECTIVE

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. ZION. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

"President Nixon's dramatic announcement that he would travel to Mainland China sometime prior to May of next year has produced strong reverberations from the camps of both the American political Right and Left.

"The latter divides itself into those who charge the President with crass political opportunism and those who offer some grudging admiration that a 'thaw' in the Bamboo Curtain cold war seems to have been generated.

"The American Right, including both responsible conservatives and some who are less so, has arisen in horror to indicate a 'sell-out to World Communism' at worst or, at best, 'deplorable, unilateral Red-wooing without any reciprocal national gain.' To many quite responsible and intelligent spokesmen for the political Right, the President has been marked for ostracism without a real examination of the issues at hand.

"Perhaps it behooves us to take a brief look at what the President has not announced. He has *not* announced an end to our two-China approach that would result in a lessening of our security commitments to Nationalist China. In fact, he has reaffirmed those commitments. He has *not* announced any program of aid or trade with the mainland. He has not entered into any military or diplomatic pacts with Red China nor has he expressed an intention to do so. Yet all of these courses of action have been implied by otherwise level-headed conservatives as a 'gut' reaction to the President's brief announcement following Henry Kissinger's short meeting in Peking with Chou En Lai.

"I believe our President is on the right track where our China policy is concerned.

"I harbor no illusions about Red China or its leadership. That leadership has come to power, as have most Communist governments, through countless bloody purges that have resulted in mass murder to a degree which approaches genocide in many parts of Asia. The directives of this godless, immoral ruling junta have been directly responsible for the loss of thousands of American lives on the slopes of Korea and the jungles of Southeast Asia. I could not take effective issue with any spokesman or group who labels Red China's power structures as criminal or brigand.

"Nevertheless, mainland China exists. Turning our diplomatic backs on 800 million people and a land mass third only to the Soviet Union and Canada may instill us with smug feelings of righteousness, but such a course has done little to provide us with information and intelligence about a major world power.

"In past China policy, America has led the way in isolating mainland China from contact with the free world. This policy has neither lessened world tensions, nor has it reaped us any particular dividends with the unaligned nations of this planet. This diplomatic 'isolation school' has only served to make it exceedingly difficult to interpret Red China policy and accurately predict the future courses of action for that Power in Asia and the world.

"The President's announcement in no way carries a lightening of the moral judgment of a civilized people regarding Red China's rulers. President Nixon's planned trip to the mainland *does* imply a realistic approach to dealing with a major world power, and the proposition that nations willing to talk with each other are not as likely to be lobbing nuclear weapons at each other.

"I believe the President's approach deserves a fair hearing. It may represent a significant break-through towards a genuine era of reduced tensions and world peace."

"I shall reserve the right, as would any responsible legislator, to disagree with any future announced course of action that I do not believe to be warranted by the accumulated facts at hand. I will take strong issue with the President for any Administration avenue of action which does not seem to serve the best interests of this nation and her people. But, until such time as the national interest is clearly NOT served by high-level talks with mainland China, I do not intend to lend myself to any continued policy of 'Ostrich Diplomacy' which ill serves the cause of lasting peace for our people and the other free peoples of our shrinking planet."

COUNCILMAN MYRON BUSH

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. KEATING. Mr. Speaker, Cincinnati has lost a distinguished public servant, a man who made tremendous contributions to our community.

Myron B. Bush, who passed away earlier this week at the age of 60, was more than an elected city official. He was a leader in the effort to give black and poor residents of Cincinnati a voice in government affairs.

I was fortunate enough to share his friendship for the past 20 years. We met when we were both young attorneys in the Hamilton County courts.

I respected his judgment, his intelligence, his keen wit and his ability.

While we were not always in agreement, his positions were well reasoned, well motivated and respected.

I wish to share with my colleagues the following editorials from the Cincinnati Post and Times Star and the Cincinnati Enquirer which appeared on July 29:

[From the Cincinnati (Ohio) Post, July 29, 1971]

MYRON BUSH

The death of Myron Bush, Cincinnati city councilman, is an unexpected and shocking personal loss to a large number of people who knew him, worked with him, or voted for him.

His death, after such a sudden and brief illness, is an untimely loss to the Cincinnati community as well.

Throughout the 60 years of his life, he was admired for his perseverance—as a football player at Withrow High School, as a student at the University of Cincinnati, at law school, in the early years as a teacher and a federal government lawyer.

When later he entered politics and became a council member, he was liked and appreciated for his good will, reasonable attitude, pertinent questioning and good humor.

But what really marked his role in council—and in the city—was his intelligent and constructive concern directed at forging stronger ties of community in Cincinnati, across the boundaries of neighborhood, race, generation and economic well being.

Myron Bush was a chamipon of policies and programs to give due attention and resources to people who often get brushed aside, or trampled under, by the dollars-and-cents, asphalt-and-bricks business of running a big city.

He spoke up for greater official concern for the small neighborhoods and their residents and shopkeepers, whether black or white, who felt themselves by-passed in the name of downtown progress.

He was a persistent and effective advocate of such reforms as the broadening and enlarging of the health board (which is being considered now.)

He tried to stir the conscience of the City Hall administration to follow hiring and promotion practices toward women, blacks and other disadvantaged persons, and to show some real concern for people displaced by housing rehabilitation.

He fought for better training for police officers that would foster improved police-community relations.

The combination of his community concern, his charm and his faith that change can take place peacefully made him much more than a purely mathematical one-ninth of city council.

He was a solid man, a gentle man, a tough man who seemed to be growing in stature and strength as a community leader.

In 1969, he polled enough ballots to make him the third-highest vote-winner in that council election. Indeed, it may have been that he was destined to be Cincinnati's next mayor.

In any event, the death of Myron Bush is a deeply regrettable loss.

TO MYRON BUSH

(Note.—Miss Marianna Brown, supervisor of education and training for the Cincinnati Human Relations Commission, wrote this tribute to Myron Bush after the Cincinnati city councilman died Tuesday night. She called it: "To Myron Bush, an elegy, from Marianna Brown, a friend.")

"Blessed is he that considereth the poor: the Lord will deliver him in time of trouble . . . He shall be blessed upon the earth: and thou wilt not deliver him unto the will of his enemies."

That psalm, my friend Myron, is yours.

How can a friend write an elegy to a man known to many as a politician when that term to many means evil and corrupt?

Let us remember, with Aristotle, that politics is the master science of the good and the aim of politics the highest good attainable by action. That made you, Myron, one of the few pure practitioners of your craft, and those who knew you thank you for it.

For the hungry, the dissaffected, the infirm, the elderly, the alienated, the poor, the unable—you were always the advocate. You reminded us relentlessly of our responsibilities to them. And for your special constituency—the blacks—you grew up in Council through the awakening of black pride to become a model, a spokesman, and a leader.

How amused you used to be that some considered you cantankerous and testy because you forced them to make their actions conform to their sincere pronouncements about equality, love, and brotherhood. How right you were not to be polite about the disparities between our stated values and our practices.

More personally, for those of us who knew you well, how we will miss your earthiness, your zeal, about your work, your incorruptability, the laughs we had while planning strategies, that marvelous voice of yours, your delight in telling a good story, that sense of humor as dry as Beefeater's, that tender sensitivity behind the toughness, and above all, your love of life.

I miss you, Myron. From Shakespeare, from "Cymbaline," may I say:

> No exorciser harm thee
> Nor no witchcraft charm thee
> Ghost unlaid forbear thee
> Nothing ill come near thee,
> Quiet consummation have,
> And renowned be thy grave.

Peace, Bunny.

[From the Cincinnati (Ohio) Enquirer, July 29, 1971]

MYRON B. BUSH

Every Cincinnatian has reason to mourn the passing of Councilman Myron B. Bush. He brought to city government a dedication to the people that earned him a deserved reputation for genuine concern for the public interest.

Mr. Bush served the city on council for six years, having been appointed to the seat vacated by Theodore Berry in April, 1965. He assumed his duties with a confidence and vigor that usually come only with years of experience and his popularity grew in proportion to his efforts. He was elected to a full term in 1965, running ninth in the poll; he finished fifth in 1967 and third in 1969.

A firm believer in the right of the people to control the agencies of local government, Mr. Bush was a courageous and articulate spokesman for that cause. He argued with emphatic conviction for direct citizen participation in a police-review board and worked tirelessly to continually upgrade the scope and quality of the city's health services.

Mr. Bush was truly a people's representative. He was equally at home debating an issue in council chambers or informally gauging the feelings of the people whenever the opportunity arose. His deep, resonant voice was commonly associated with, and lent a certain authority to, the Charter-Democratic posture in municipal policy.

We did not always agree editorially with Mr. Bush's proposals for attaining the goals he sought. But we concurred entirely in his resolute quest of good government for a better city. And we admired him for his unwavering stand on the issues.

Mr. Bush's passing leaves a void in the government and life of Cincinnati that will not be easily filled. But his memory will not fade and his character will stand as a model for those who carry on his good work.

THE SACB AND EXECUTIVE ORDER 11605

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. ASHBROOK. Mr. Speaker, I believe some clarification is in order concerning the function and limitations of the Subversive Activites Control Board—SACB—and the recently issued Executive Order 11605.

On July 19, 1971, following the defeat of Senator PROXMIRE's amendment to delete the appropriation for the Subversive Activities Control Board previously approved by the House, the Senate passed an amendment introduced by Senator ERVIN reading as follows:

> *Providing however,* That none of the funds appropriated in this paragraph shall be made available for the Board to execute any of the additional functions, duties, or powers which Executive Order 11605, dated July 2, 1971, purports or undertakes to confer on the Board.

The result of the passage of this amendment does not in any way curtail Board activities under existing law. The Board still has the power to hear cases presented by the Attorney General on Communist-action groups, Communist-front groups and Communist-infiltrated groups.

Executive Order 11605, signed by President Nixon on July 2, is basically an amendment and refinement of Executive Orders 9300, 9835, and 10450, issued respectively by Presidents Roosevelt, Truman, and Eisenhower in 1943, 1947, and 1953, for the purpose of establishing loyalty-security criteria for Government personnel employment. These orders have been the basis for the compilation of the Attorney General's list of so-called "subversive" organizations. Pursuant to these orders, Attorneys General Francis Biddle, J. Howard McGrath, Tom Clark, and Herbert Brownell cited almost 300 organizations in the United States as falling into one of the following categories:

First. Totalitarian.

Second. Fascist.

Third. Communist.

Fourth. Subversive.

Fifth. Advocating force and violence to deny others their constitutional rights.

Sixth. Seeking to change the U.S. form of government by unconstitutional means.

Under the above-mentioned Executive orders, affiliation with groups on the Attorney General's list has been a possible bar to Government employment. The head of each Government agency has had the responsibility of investigating the circumstances of affiliation to determine whether it was of such nature as to make a person unfit for Government service on loyalty or security grounds.

The courts have repeatedly upheld the constitutionality of Attorneys General compiling such a list pursuant to Presidential directive and also their utilization in the Federal personnel security program.

President Nixon's Executive Order 11605 makes the following basic changes in the compilation of the list:

First. It establishes criteria which must be met for a finding that a group falls into one of the six kinds of organizations on the list—something no previous Executive order has done.

Second. It specifies that affiliation or membership in any such group must be "knowing" before it can be weighed as a negative factor in considering a person's fitness for Government employment—under previous Executive orders mere membership or affiliation of any kind, whether knowing or not, was considered.

Third. It bars the Attorney General from placing any organization on the list unless, after a public hearing, the SACB finds that the organization in question, as charged by the Attorney General, falls into one of the above-mentioned categories. In 1955, the courts held that the Attorney General had to grant a group a hearing before placing it on the list. This new provision not only conforms with this court decision, but goes beyond it by bringing in an independent, quasi-judicial body as the hearing agency.

Fourth. A stricter definition is provided for the sixth type of group on the list. The previous Executive order referred to groups which seek to "alter the form of government" of the United States by "unconstitutional" means. The new order requires that the organization must actually seek to "overthrow" the U.S. Government by "unlawful" means.

In addition, the President has sent to Congress legislation that would make certain parts of section 13 and all of section 14 of the Subversive Activities Control Act apply to Board hearings held pursuant to the Executive order. If enacted, this means that in all such hearings, the accused organization will have the right to representation by counsel who can present witnesses in its behalf, cross-examine adverse witnesses, and so forth. Further, that a finding of the Board can be appealed to the U.S. Court of Appeals for the District of Columbia and, upon certiorari, to the Supreme Court—this legislation has already been introduced by Senators EASTLAND and HRUSKA and myself.

In summary, the recently issued Executive order not only gives the SACB additional duties but introduces into the method of placing groups on the Attorney General's list much stronger constitutional guarantees and due process procedures than have existed under any previous order.

Senator ERVIN challenges the constitutionality of the President's assigning to the congressionally created SACB a responsibility previously exercised by the Attorney General.

Title III, United States Code, section 301, is the general authorization for the President to delegate functions. It reads, in part, as follows:

> The President of the United States is authorized to designate and empower the head of any department or agency in the executive branch, or any official thereof who is required to be appointed by and with the advice and consent of the Senate, to perform without approval, ratification or other action by the President (1) any function which is vested in the President by law, . . .

Rejecting a challenge to the constitutionality of the Attorney General's list, the District of Columbia Court of Appeals has held—

> It is the President's duty to take care that the laws are faithfully executed (Article II, Sec. 3 of the Constitution). It is his right and his duty to protect and defend the Government against subversive forces which may seek to change or destroy it by unconstitutional means. (JAFRC v. Clark, 177 F. 2d 79.)

In view of the above and the fact that the Subversive Activities Control Board is an executive branch agency, it would appear that Senator ERVIN's position is open to question. In addition, there are many precedents for Presidential Executive orders that transfer functions of executive branch agencies:

Executive Order 8843 of August 9, 1941, authorized the Board of Governors of the Federal Reserve System to establish consumer credit controls. These controls included licensing system and administrative hearings for revocation of licenses.

Executive Order 11423 of August 16, 1968, delegated authority for granting permission for certain facilities at U.S. borders. Ultimate authority is placed in the Secretary of State, but he is directed to request the views of the Interstate Commerce Commission on such matters.

Executive Order 10530 of May 10, 1954, authorized the Federal Power Commission to conduct hearings and issue permits for the construction and operation at U.S. borders of gas and electric transmission facilities.

The same Executive order delegated to the Federal Communications Commission the power of the President to issue and revoke licenses concerning submarine cables and states the delegation to be made under the authority of title 3, United States Code 301.

The above citations of precedent are not to be considered all inclusive. Many other such delegations of authority under Executive order exist but are not cited here for reason of brevity.

A substantial amount of Government regulation is delegated under Executive order, most recently and particularly in the civil rights field in the area of equal rights for minority groups. To allow Senator ERVIN's amendment to stand, restricting the activities of an independent executive agency under its legally delegated authority from the President, would subject to charges of illegality that substantial part of the Government's operations conducted under similar Executive orders.

Most criticism of the Board during the past 5 years has been based on the small number of cases and workload given it by the Attorneys General. Since Congress did not grant the Board the power to investigate or initiate cases, the Board could do nothing to correct the situation.

Executive Order 11605 will correct it by giving the Board work that will materially assist the national security. Testimony of Government officials before congressional committees has indicated weaknesses and gaps in the personnel security program due to the fact that the Attorney General's list is outdated, no groups having been added to it for 16 years. Board hearings under the Executive order will update the list and make it representative of subversive groups operating today. This will close existing loopholes in the security program.

Assistant Attorney General Robert C. Mardian told the Senate Appropriations Committee on July 6, 1971, that there were 25 organization cases presently under study by the Department of Justice for submission to the Board for findings warranting their inclusion on the list. This, by the way, is nearly as many organization cases as the Board has heard since its inception in 1950. Second, Mr. Mardian testified that they had approximately 260 organizations to refer to the Board for removal from the list. This would provide more cases for the Board than it has had in its 21-year history.

In the event the Ervin amendment stands, however, the Board will be restricted in its workload to the two cases on which it has been holding hearings and to any others the Attorney General may submit this fiscal year.

RARICK REPORTS TO HIS PEOPLE: BUSING DECISION RATIFIED BY CONGRESS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. RARICK. Mr. Speaker, I include my newsletter in the RECORD, as follows:

BUSING DECISION RATIFIED BY CONGRESS

On July 28th the House passed H.R. 10061, authorizing over $83 billion in 1972 for varied labor, health, education, and welfare programs.

Almost hidden in the 36-page money tree bill were five lines which read:

> For expenses necessary for the Office for Civil Rights, $10,830,000, together with not to exceed $1,049,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

To determine why this nearly $12 million was sought it was necessary to read the testimony given at the subcommittee hearings.

J. Stanley Pottinger, Director of the Office for Civil Rights, outlined the purposes for which he sought funding, saying, "In FY 1972 we will be focusing attention on the following areas of enforcement:

1. Renegotiation where necessary of Title VI, voluntary desegregation plans now in effect which do not meet the principles enunciated by the Supreme Court in *Swann vs. Charlotte-Mecklenburg Board of Education*, a landmark decision handed down on April 20, 1971.

2. Provide assistance to the Office of Education on questions of eligibility and civil rights compliance in administering the Administration's proposed $1.5 billion Emergency School Aid Act, if and when the legislation is enacted by Congress.

3. Continue the program of compliance reviews of school districts throughout the country and investigate cases of possible in-school discrimination, including alleged discriminatory treatment of black teachers."

4. Enforce the May 25, 1970 memorandum and its policies of non-discrimination in districts with national origin group minorities.

Important to most is the proposal to enforce the Swann decision. The Swann case was the latest Supreme Court decision to torture liberty by ordering the busing of school children to achieve some mystical and theoretical proportions of racial balance in public schools. In other words, Congress was being asked, unbeknown to many, to ratify the Supreme Court busing decision and to put up the money to enforce that judicial fiat.

Those parents and taxpayers already weary of financing the destruction of their community school systems should be even more upset upon learning that their social security trust funds are now subject to being used to pay for the busing of their children across town to a neighborhood that they don't choose to live in.

Cities which already wail about financial woes resulting from racial experimentation will find enforcement of the Swann case will further aggravate their financial plight by requiring cities to finance massive numbers of buses and additional employees. Soon Congress can be expected to be asked to appropriate money to buy buses and pay drivers.

Even those who were so laudatory in praise of the Civil Rights Act of 1964 recall that definition (b) of 42 U.S.C. 2000 C reads: ". . . but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance"

This portion of the civil rights bill has never been declared unconstitutional, although the matter has been to the Supreme Court; therefore, it is the law of the land as provided in the Constitution:

> This Constitution and the Laws of the U.S. which shall be made in pursuance thereof . . . be the supreme law of the land.

In the same appropriation hearings, the Civil Rights Director announced his intent to also use these funds to extend the busing concept to higher education, thereby denying to some college students the right to choose their campus.

Support for in excess of $11,000,000, which funds would be used to violate the laws of the land, must be considered a breach of the oath of office voluntarily assumed by each Congressman to support and defend the Constitution. To approve of the busing appropriation, knowing in advance that the taxpayers' dollars were to be used in carrying out the de facto busing laws of the Supreme Court was not only a direct contravention of the law of the land, but also a mockery of existing laws already enacted.

Unfortunately, so few Congressmen expressed an interest in the appropriation to the Office for Civil Rights for busing—14 Members of the 435 stood—that no recorded vote could be obtained so that people at home would know who the busing Congressmen are.

As the opening of school this fall grows nearer and parents are confronted with unrealistic busing plans facing their children as a price of public education, they can anticipate their Congressman's reply that the Supreme Court has spoken and there is nothing that can be done.

How right the Congressmen will be, because their chance has passed with little fanfare and little or no publicity. Congress alone has the power of the purse. If the elected officials defy the Constitution and betray their trust to the people, then it remains to the people to defend the Constitution.

This people can do on election day by reminding their elected officials that there was something that could have been done to stop busing and to prevent taxpayer-financed enforcement of de facto Supreme Court decisions.

After all, with the maverick members now serving on the Supreme Court, there is no need for an Office for Civil Rights.

CALENDAR OF EVENTS OF THE NATIONAL GALLERY OF ART

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is with pleasure that I rise to introduce into the CONGRESSIONAL RECORD the excellent calendar of events for August 1971 of the National Gallery of Art.

The calendar follows:

CALENDAR OF EVENTS FOR AUGUST 1971 OF THE NATIONAL GALLERY OF ART

CONSTRUCTION ON THE EAST BUILDING

The foundation for the East Building of the National Gallery of Art, presently under construction, will be started in August. The six-foot-thick concrete base will rest on a primeval seabed subsoil.

Work on the East Building project this summer also involves temporarily rerouting Fourth Street to permit excavation below ground for the connecting link, placing soldier beams to brace the sides of the excavation for the foundation, and constructing a field office for the Gallery staff at work on the project, the architects, and the contractors.

An exhibit on the East Building, designed by the architects I. M. Pei & Partners of New York, has been installed in the Rotunda area on the main floor of the Gallery, to remain on view throughout construction. The East Building is scheduled to be completed in 1975.

THE INFLUENCE OF REMBRANDT ON 19TH- AND EARLY 20TH-CENTURY LANDSCAPE PRINTS

An exhibition of etchings with drypoint, by Rembrandt van Rijn (1606–1669) and 19th- and early 20th-century French, British, and American artists, is installed in the prints and drawings gallery (G–19) on the ground floor of the Gallery, where it will remain on view through September 12. The exhibition was organized to point out specific relationships between prints by Rembrandt and those of later artists under his influence.

SUMMER AUDITORIUM LECTURES

The August Sunday lectures continue the series, begun in July, on European and American cities which have nurtured artistic creation at particular periods. Besides covering social backgrounds, artistic concepts, and architectural monuments, the lectures include many of the National Gallery's paintings and sculpture produced in these cultural centers. The chronologically arranged series forms a history of western art from the late Middle Ages to modern times. Illustrated by slides, the talks are given by members of the National Gallery education staff on Sundays at 4 o'clock.

SUMMER EVENING FILMS

In response to the overflow crowds at the Gallery's first showing of *Gertrude Stein: When This You See Remember Me* and to the many requests for repeat performances, the film will be shown again this month. Also to be shown are *The World of Andrew Wyeth, Art Is . . . , Alberto Giacometti,* and *Five*—a film on five black artists. For details see calendar pages.

The BBC film series, "Civilisation," can be seen on Tuesdays, Thursdays, and Saturdays at 6:00 and 7:15 p.m. A different film is being shown each week.

SUMMER EVENING HOURS

Until Labor Day the Gallery will be open Monday through Saturday 10 a.m. to 9 p.m. and Sunday 12 to 9 p.m. The cafeteria will be open Monday through Saturday 10 a.m. to 7:30 p.m. and Sunday 1 to 7 p.m.

MONDAY, JULY 26, THROUGH SUNDAY, AUGUST 1

Painting of the week: Vermeer. *A Woman Weighing Gold.* (Widener Collection) Gallery 44. Tues. through Sat. 12:00 and 2:00; Sun. 3:30 and 6:00. 11" x 14" reproductions with texts for sale this week—25 cents each. If mailed, 35 cents each.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 and 3:00. Sun. 2:30 and 5:00.

Sunday lecture: *Seventeenth-Century Rome. Speaker:* Jeffrey Ruda, Staff Lecturer, National Gallery of Art. Auditorium 4:00.

Films: *Gertrude Stein: When This You See Remember Me,* Mon., Wed. and Fri. 6:30. "Civilisation," VII—*Grandeur and Obedience,* Tues., Thurs. and Sat. 6:00 and 7:15.

MONDAY, AUGUST 2, THROUGH SUNDAY, AUGUST 8

Painting of the week: Copley. *Watson and the Shark.* (Ferdinand Lammot Belin Fund) Gallery 64. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Eighteenth-Century Paris. Speaker:* Elizabeth Lang, Summer Staff Lecturer. National Gallery of Art. Auditorium 4:00.

Films: *Gertrude Stein: When This You See Remember Me,* Mon., Wed. & Fri. 6:30. "Civilisation," VIII—*The Light of Experience,* Tues., Thurs. & Sat. 6:00 & 7:15.

(For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.)

MONDAY, AUGUST 9, THROUGH SUNDAY, AUGUST 15

Painting of the week: Rubens. *Daniel in the Lions' Den.* (Ailsa Mellon Bruce Fund) Gallery 41A. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Eighteenth-Century London. Speaker*: William J. Williams, Staff Lecturer. National Gallery of Art. Auditorium 4:00.

Films: *The World of Andrew Wyeth* and *Art Is . . .,* Mon., Wed. & Fri. 6:00 & 7:15. "Civilisation," IX—*The Pursuit of Happiness,* Tues., Thurs. & Sat. 6:00 & 7:15.

(Inquiries concerning the Gallery's educational services should be addressed to the Education Office or telephoned to (202) 737-4215, ext. 272.)

MONDAY, AUGUST 16, THROUGH SUNDAY, AUGUST 22

Painting of the week: Soutine. *Portrait of a Boy.* (Chester Dale Collection) Gallery G–11. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00. Color postcards with texts for sale this week—10¢ each, postpaid.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Nineteenth-Century Paris. Speaker:* Carleen B. Keating, Staff Lecturer. National Gallery of Art. Auditorium 4:00.

Films: *Alberto Giacometti* and *Five,* Mon., Wed. & Fri. 6:00 & 7:15. "Civilisation," X—*The Smile of Reason,* Tues., Thurs. & Sat. 6:00 & 7:15.

MONDAY, AUGUST 23, THROUGH SUNDAY, AUGUST 29

Painting of the week: Turner. *Keelmen Heaving in Coals by Moonlight.* (Widener Collection) Gallery 57. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour: *Introduction to the Collection.* Rotunda. Mon. through Sat. 11:00, 1:00 & 3:00. Sun. 2:30 & 5:00.

Sunday lecture: *Twentieth-Century New York. Speaker:* Richard Saito. Staff Lecturer. National Gallery of Art. Auditorium 4:00.

Films: *Artists at Work—Picasso, de Kooning, Pollock, Appel,* Mon., Wed. & Fri. 6:00 & 7:15. "Civilisation," XI—*The Worship of Nature,* Tues., Thurs. & Sat. 6:00 & 7:15.

INTRODUCTION OF LEGISLATION PROVIDING FOR ABORTION SERVICES IN MILITARY FACILITIES

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mrs. ABZUG. Mr. Speaker, today I am introducing legislation to correct what I consider to be an outrageous and untenable exercise of Presidential influence. I am referring to President Nixon's directive of April 3, 1971, reversing the established medical policy of the Department of Defense regarding abortions.

Over a year ago, several surgeons general requested from the Department of Defense clarification as to their authority to provide abortion services in military facilities. With much advice from the Public Health Service, Health, Education, and Welfare, and other qualified parties, and serious consideration of the issues involved, the Department of Defense directed last summer that military facilities should perform abortions and sterilizations on women in the armed services and on dependent women, without regard to the law of the State in which the facility is located. DOD had decided that this policy, which provides consistent quality medical care to all military women, regardless of the State in which they find themselves, is in the best interest of the armed services.

I have been informed that the Department of Defense currently transports women who desire an abortion to military facilities in States which currently have liberal abortion laws. This practice, while necessary after the President's regressive interference, is a great waste of military funds, which have already been wasted in Indochina and in other areas. More importantly, it is a great physical and psychological strain upon the woman, who is already burdened by an unwanted pregnancy. The amount of time that may be wasted awaiting transportation to a military hospital with the necessary facilities, space, and authority to perform abortions, will increase the dangers and difficulties of what is initially a simple operation. The psychological repercussions of the woman's uncertainty and fear as to her future cannot be measured. The President has done nothing but add to the immeasurable burden which is placed upon women associated with the military.

Mr. Speaker, there is no reason for the President to single out abortions, a standard medical procedure, to be subjected to State regulations even though performed on a military installation. Military bases, including military hospitals, are commonly regulated by Federal law rather than State law to avoid the very situation which the President has now created—that is, to facilitate smooth and consistent operation of Federal reserves without interference from the various quirks and burdens of State laws. With 50 States now with 50 different laws regulating abortion, ranging from abortion virtually on demand to abortion only to preserve the life of the mother, the President can hardly justify his directive on the basis that it will facilitate consistent and smooth operation of the military. Nor can it be said that the President's personal views are consonant with the Federal interest in population control, nor with the flexibility required of military personnel. His religious views, of course, are of no concern to a nation that cherishes a separation between church and State.

The President's assertion that abortion has traditionally been a State concern is puzzling in view of the rationale for applying Federal law to Federal reservations. It is especially puzzling as military personnel commonly have no input into the State law: they are not domiciliaries of the State to which they are assigned; they do not vote in that State; nor are they taxed there. Indeed, they have no contact with the State except that they have been assigned there by chance. This is especially hard on women who are domiciled in a State with a liberal abortion law, but who must comply with a strict abortion law in the State of assignment because they had the bad luck to be pregnant in a restrictive State.

Mr. Speaker, my bill would alleviate this absurd situation by authorizing all military facilities to perform abortions and sterilizations without regard to the law of the State in which the facility is located. The bill provides safeguards to assure that the operations are completely voluntary, and are not coerced as prerequisites to further medical care or eligibility for any other service.

The bill also provides that a physician whose moral and religious beliefs oppose abortions or sterilizations may not be required to perform such an operation. This provision seems to me to be unnecessary, as no physician can be compelled to perform any operation or medical act. Furthermore, physicians, including many Catholic physicians, overwhelmingly desire the authority to perform abortions and sterilizations. I include the provision, however, to allay the fears of some of my colleagues who are solicitous of physicians' rights.

I wish to make a final comment, Mr. Speaker, regarding abortion laws in general. Abortion and sterilization are medical procedures, and as such should be, like all other medical procedures, solely between the doctor and the woman. Neither Congress nor the States should restrict access to abortions or sterilizations in any manner. Such restrictions are based almost exclusively on religious and moral objections, and therefore constitute laws respecting the establishment of religion in violation of the first and 14th amendments. Such restriction is equally intolerable coming from the Executive. I regret that it is even necessary for me to introduce this bill.

Mr. Speaker, I ask unanimous consent that the text of my bill be printed in the RECORD. I ask unanimous consent that an accompanying letter to President Nixon from an Air Force gynecologist-obstetrician also be printed in the RECORD.

A bill to amend title 10 of the United States Code to proivde that abortions, sterilizations, and family planning services be performed in facilities of the uniformed services, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended—

(1) by adding at the end of section 1074 thereof the following new subsections:

"(c) Medical care provided under this section shall include abortions and sterilizations. Such care shall be rendered without regard to the requirements of the laws of the State in which treatment is performed or to local medical practices. The performance of abortions and sterilizations under this section shall require only the written request of the patient and the decision of the operating surgeon, and no concurring medical opinions are necessary unless medically indicated. Nothing in this subsection shall be construed to require any physician to perform abortions if such performance contradicts his religious or molal beliefs.

"(d) Medical care provided under this section shall include family planning services and suppiles including counseling and guidance, in accordance with sound medical practice.";

(2) by adding at the end of section 1077 (a) thereof the following new paragraphs:

"(15) Abortions and sterilizations the performance of which—

"(A) shall be rendered without regard to the requirements of the laws of the State in which performed or to local medical practices; and

"(B) shall require only the written request of the patient and the decision of the operating surgeon, and no concurring medical opinions are necessary unless medically indicated;

except that nothing in this paragraph shall be construed to require any physician to perform abortions if such performance contradicts his religious or moral beliefs.

"(16) Family planning services and supplies (including counseling and guidance) in accordance with sound medical practice.";

(3) by adding at the end thereof the following new section:

"§ 1089. Acceptance of certain services not a prerequisite to receipt of other services or treatment

"The acceptance by any individual of abortion, sterilization, or family planning services provided under this chapter shall be voluntary and shall not be a prerequisite to eligibility for, or receipt of, any other service or treatment under this chapter."; and

(4) by adding at the end of the analysis thereof the following:

"1089. Acceptance of certain services not a prerequisite to receipt of other services or treatment."

APRIL 21, 1971.

RICHARD M. NIXON,
Commander-in-Chief and President of the United States, Washington, D.C.

MR. PRESIDENT: I do not know how to begin. I have many angry thoughts but few words to express my extreme dismay over your recent action in regard to therapeutic abortion in the Armed Forces but I do not know what pressures prompted you to speak out on this issue or to act apparently without the wise cousel of Secretary Rousselot. I am concerned about my role in caring for members and dependents of the Armed Forces.

There are many people who feel that the question of abortion is not a matter of "States Rights" but a basic constitutional question. How can you so casually overlook the cases now pending in the Federal Courts or to the statement of the California Supreme Court that to deny any patient an abortion is to deny her her constitutional right to LIFE? Normal pregnancy in itself involves a risk of maternal death.

Members of the military Medical Corps have not been attempting to solve world population problems by abortion. To intimate that anyone of us feels that the approximately 200 abortions done at this, the world's largest Air Force Base, are being done to solve world population problems is absurd. When any obstetrician does an abortion in the military he is simply thinking of his patient, not solving the problems of the world population. All thinking physicians, I believe, agree that abortion is no solution.

As for the specific problems created for us at Eglin, we, under your directive, will now be subject to Florida law that is vague and felt by State Representative Hoades of Tampa, among others, to be unconstitutional. Representative Hoades is a leading Catholic layman who is seeking a change in the Florida law so that Florida will not be without an abortion law if a Federal Court rules the law unconstitutional as is the case in the District of Columbia. Military dependents pregnant and needing abortion here at Eglin now must be aborted by those of us willing to challenge interpretation of a Florida law in a military court-martial. That or send our poor patients commercially at their expense to New York where Federal funds through CHAMPUS will be put into the pocket of some who are using abortion as a profitable venture. That is to say, we will be forced to utilize the Abortion Information Agency of Mr. Settles.

The second question—when a military *member* (not dependent) needs an abortion, do we apply the law of their home State (with a battery of lawyers advising us of their interpretation) or that of the State of Florida? Do we fly her at government expense and pay for her abortion since this is necessary medical care not available in a military facility?

What do I do with the thirteen-year-old daughter who is pregnant while her father is in Vietnam? Put her on a plane to New York? He can't pay the bill. Who will go with her—her mother, who obviously didn't have time to supervise her?

What do I do with the Vietnam widows and MIA wives who find themselves pregnant in their loneliness?

What do I tell the retired corporal's wife who conceived with an intrauterine device in place? He is 22, with one leg and two children and a pregnant wife!

What do I do with the Catholic wife whose rheumatic heart disease and thrombophlebitis made the chaplain tell this lady abortion was a matter of conscience? Will the New York abortion facilities provide her with Mass prior to the abortion, a Catholic nurse to baptize the embryo? Under strict interpretation of the Florida law she does not qualify for abortion at Eglin Air Force Base.

Since Florida law allows no abortions for fetal indications, what do we do for the pregnant dependent with two hydrocephalic children at home? She was refused sterilization three years ago becaus her physician said, "Air Force regulations didn't allow this."

What do we do for the lady taking a cancer drug known to cause abnormalities?

How can you place our military men in the position of attempting to change the laws of Florida when very few are natives or are allowed the prerogative of speaking out on State political issues? The Soldiers and Sailors Relief Act of 1942 recognized the problems of disenfranchised citizens in the military being subject to the whims and fancies of the individual tax laws. Your directive sets us back 30 years.

I might also add that Secretary Rousselot was probably the only hope of an all volunteer Medical Corps. No amount of pay will induce reputable physicians to stay in service when medical practice is dictated by political expediency.

Under current Air Force regulations no physician or other member may be forced to participate in an abortion if their moral, professional, or religious beliefs dictate otherwise. What recourse do military obstetricians have when they feel that an Executive Order from the Commander-in-Chief is immoral, unconstitutional, in violation of their religious beliefs and interfering with direct patient care?

Sincerely,

SAMUEL M. ATKINSON, Jr.,
M.D., FACOB,
Eglin AFB, Fla.

ANNOUNCING SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA: A NATIONAL COALITION

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. FAUNTROY. Mr. Speaker, it is with great pleasure that I announce today the establishment of a national coalition to secure self-determination for the people of the District of Columbia. It is with equal pleasure that I announce that my good friend, Senator EDWARD BROOKE, a native Washingtonian, will serve with me as national co-chairman of the coalition.

Last week, I sent a letter to national organizations, including labor unions, farm organizations, women's groups, student organizations, and professional societies, asking that they meet with me on Tuesday, July 27, 1971, to discuss the prospects of home rule legislation this session of Congress and how we can best organize to make our dream of self-determination a reality. We held that meeting last Tuesday and 46 national organizations sent representatives. Almost unanimously, they agreed that the time was right for forming such a national effort. Twenty-nine organizations made definite commitments on the spot to participate as members of the Coalition, and the remainder have made commitments to seek the necessary authorizations from their governing boards to take part in the effort. Among those making commitments on Tuesday were Common Cause; Americans for Democratic Action; American Civil Liberties Union; Association of Student Governments; National Alliance of Postal and Federal Employees; National Farmers Union; U.S. Conference of Mayors; League of Cities; United Auto Workers; National Council of Churches; National Education Association; The Newspaper Guild; American Federation of State, County, and Municipal Employees; American Jewish Committee, and the League of Women Voters. We expect the list to grow every day as organizations obtain approval from their boards and as other groups find out about our efforts and seek to join.

The National Coalition is a nonpartisan drive that is open to all who wish to help the people of the District gain self-government. The formation of the Coalition reflects our deep belief that self-government and voting Congressional representation will only happen when American citizens across the country ask their Congressman to enact such measures. This requires the efforts and commitment of a fulltime office and staff in Washington and an organized national program. With the formation of the Coalition, the first historic steps have been taken. Through initial fund raising efforts, we have been fortunate to secure the services of Mr. Michael Beard to serve as executive director for the Coalition. Mr. Beard, former Executive Director and lobbyist for World Federalist Youth, has been active in local and national political organizations in Washington over the past decade.

The Coalition will have many functions to carry out in this drive. We will be calling on groups to educate their memberships, to provide staff time for talking to Senators and Representatives, to prepare statements and testimony for hearings, to assist in raising funds, to hold legislative workshops, and other tasks that might be useful. In addition, the Coalition is laying plans for "educational seminars" to bring our message to religious, labor, farm, peace, and student groups in select congressional districts.

We are not relying on this National Coalition alone. We have begun work on forming a parallel group made up of local organizations and individuals who have been involved in home rule efforts over the years. In addition, we will be seeking to involve the many people of this city who have never been directly involved before so that we can demonstrate to the Congress the enormous passion for self-government that exists among our people, black and white, rich and poor.

Finally, I have today reintroduced my home rule bill (H.R. 9499). Forty of my colleagues have joined to cosponsor this vital legislation. These Congressmen, who have expressed their support for the people of this city, come from every region in this Nation and represent both parties.

The road ahead is still long and arduous, but the steps that we are announcing promise a new hope that justice can finally be done for the long-denied people of the District of Columbia.

I am including below for the information of my colleagues a list of the original 29 organizations who have joined to form this coalition, the statement of the Coalition Cochairman, Senator EDWARD BROOKE, and statements from the American Veterans Committee and the National Alliance of Postal and Federal Employees:

MEMBER ORGANIZATIONS

SELF-DETERMINATION FOR D.C., A NATIONAL COALITION

American Association of University Women.
American Civil Liberties Union.
American Federation of State, County and Municipal Employees.

American Federation of Teachers.
Americans for Democratic Action.
American Jewish Committee.
American Veterans Committee.
Association of Student Governments.
B'nai B'rith Women.
Common Cause.
Delta Sigma Theta, Inc.
Democratic National Committee.
General Board of Christian Social Concerns, The United Methodist Church.
Jewish Community Council.
League of Women Voters.
Legislative Affairs Project, United Methodist Council on Youth Ministries.
National Alliance of Postal and Federal Employees.
National Council of Churches.
National Education Association.
National Farmers Union.
National League of Cities.
The Newspaper Guild.
Southern Christian Leadership Conference.
United Auto Workers.
Urban Emergency Action Committee, Christian Church (Disciples of Christ).
U.S. Conference of Mayors.
Women's International League for Peace and Freedom.
World Federalist Youth, U.S.A.
Young Democratic Clubs of America.

BROOKE AND FAUNTROY PROPOSE NATIONAL COALITION FOR D.C. HOME RULE

At a joint news conference in the United States Capitol on Thursday, July 29, Senator Edward W. Brooke (R-Mass.) and Congressman Walter Fauntroy (D-District of Columbia) proposed the establishment of a National Coalition to promote home rule for the District of Columbia.

The National Coalition plan announced by Senator Brooke, a native of the District of Columbia, and Congressman Fauntroy, calls for headquarters to be established in Washington, D.C. The aim of this group would be to gather bi-partisan support in and out of Congress for home rule for the Capitol City.

The text of Senator Brooke's remarks at the conference follow:

"I am particularly pleased to appear here today with my good friend and colleague, Delegate Walter E. Fauntroy, to launch a new and long-needed education effort on behalf of self-government for the District of Columbia.

"I was born and raised in the District of Columbia, and many of my closest ties are still with this Capitol City.

"When the founding fathers first established a separate jurisdiction to be the seat of this nation's government, I am sure they had no idea that, nearly two hundred years later, the city would contain more people than any of the original 13 states. Nor could they have anticipated that it would ever be the eighth largest city in the nation, a city which by itself has more people than eleven of our present states.

"I believe our forebears would have been appalled, and rightly so, by the fact that the most powerful democratic nation on earth denies to the nearly one million inhabitants of its capitol city, the fundamental right of representation and self-government.

"We have made some progress in recent years: we have an elected school board; a Mayor-Commissioner appointed by the President, and a city government also appointed by the President and the Mayor-Commissioner. For ten years the citizens of the District have been able to vote in Presidential elections. And this year, for the first time, we have an elected, albeit nonvoting delegate to the U.S. Congress.

"But the people of Washington, D.C., do not elect their own government. They do not levy taxes, distribute revenue, settle their own affairs. And their delegate in Congress does not have a vote, nor is their representation distributed on the basis of population.

"Today we are launching the first concerted drive to correct this incredible flaw in our governmental system. We have the backing of a number of national organizations, including the National League of Cities, the League of Women Voters, Common Cause, Americans for Democratic Action, the Conference of Mayors, and a multitude of labor, religious and educational associations.

"We intend to bring this issue constantly to the attention of the American public, until this last great wrong is righted and democracy is truly made the hallmark of all our land."

AMERICAN VETERANS COMMITTEE JOINS NATIONAL COALITION FOR REPRESENTATION FOR DISTRICT OF COLUMBIA

WASHINGTON, D.C.—The American Veterans Committee has joined a group of national organizations in a national coalition dedicated to achieving the objective of voting representation for the District of Columbia.

The AVC has long been on record in favor of home rule for the District of Columbia, Executive Director June Willenz stated. The AVC National Affairs Platform states:

AVC stands for just legislative representation of the people of the United States, the States and their subdivisions, without poll taxes or other property qualifications for voting, with equal weight for each vote, and on a geographically fair basis, within the framework of the Constitution of the United States.

For some years AVC has had a standing resolution on home rule for the District of Columbia as follows:

District of Columbia: We urge that the District of Columbia receive by legislation or by constitutional amendment where the matter cannot be handled by legislation:

A. The right to local self-government and;

B. The right to elect Senators and Representatives in Congress;

C. An equitable annual Federal contribution in lieu of taxes.

AVC is pleased to associate itself with the other major organizations called together by Congressman Walter Fauntroy in this national coalition to support the objective of legislative representation for the people of the District of Columbia.

AVC is an organization of veterans from World War I, World War II, the Korean Conflict and the Vietnam War, whose motto is "Citizens First, Veterans Second." The present National Chairman is Raymond Bramucci and the National Vice Chairman is Dr. F. J. Pepper.

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HOME RULE SUPPORT URGED BY NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES

The National Alliance of Postal and Federal Employees representing some 45,000 postal and federal employees, with many thousands located in the District, has instructed its 141 locals throughout the nation to make immediate contact with their senators and local congressmen, urging them to support home rule for the District of Columbia.

It is the belief of Mr. Robert L. White, Alliance National President that home rule is needed to give first class citizenship to the residents of the district. It is further believed that home rule is needed to perpetuate the American way of life in the will of the majority, determining its own destination under the guidelines of the constitution.

The Alliance will therefore support District Representative Walter Fauntroy and all other interested parties in the adoption of legislation giving home rule to the District of Columbia.

DISTRICT OF COLUMBIA HOME RULE TESTIMONY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. RARICK. Mr. Speaker, I include the text of my testimony before the Subcommittee of the Judiciary Committee on the varied proposals to grant home rule to the District of Columbia in the RECORD at this point:

STATEMENT OF JOHN R. RARICK

JUNE 20, 1971.

Mr. Chairman, Members of the Committee: Many Americans are aware that various bills have been introduced in Congress to grant "Home Rule" for the occupants of Washington, D.C., nerve center of the United States.

These proposals extend from the election of Representatives in Congress to Statehood with two Senators and Representatives.

Many Americans are sympathetic or apathetic because they have been conditioned to believe such action is right or imminent because of emotional propaganda movements.

The present promotion of home rule for the District of Columbia is generated by two basic forces—the right to vote, and local self-government.

On the other hand, the only reason for the creation of, and therefore necessity for a Federal City, Washington, D.C. was and is a neutral, nonpolitical sanctuary for the seat of our Government where Federal representation from every State and of every political persuasion could meet in safety to legislate the laws of our Republic.

The framers of the Constitution were aware of the threat to republican government which existed in Philadelphia when the Continental Congress was surrounded and imperiled by a mob from which it was powerless to protect itself.

The Constitution, therefore, provided for the creation of a Federal district, the District of Columbia, over which the Congress should have plenary and exclusive legislative power. This requirement was simply to make us masters in our own house, that Congress have home rule over its own environment and domicile. The men who wrote our Constitution knew what they were doing. They had seen Congress, sitting where it did not rule, surrounded and besieged by a mob demanding back military pay.

In the very same sentence of Article 1, Section 8, Clause 17, requiring Congress "to exercise exclusive Legislation in all cases whatsoever, over such District . . ." Our Constitution requires us to "exercise like authority over all forts, magazines, arsenals, dockyards, and other needful buildings."

The framers of the Constitution recognized that the Nation's Capital belonged in the same category as these other essential properties. It serves the people of the Nation, is supported and maintained by the people of the Nation, and must be controlled and governed by the people of the Nation. The District of Columbia never has been self-supporting, it is not now able to pay its own way, and it never will be able to do so. It has no more entitlement in logic or in morality to "home rule" than do Fort Polk, Redstone Arsenal, the Brooklyn Navy Yard or the Chicago Post Office, or for that matter the Navajo Indian Reservation located in Arizona, New Mexico and Utah.

Unfortunately, Congress in its wisdom never saw fit to proclaim the District a reservation granting residency as a privilege limited solely to people in Government and those having legitimate business with the agencies of the Government or its facilities.

Learning nothing from the failures of the radicals who made the same mistakes a hundred years ago, we again experiment with "home rule."

Such shibboleths as "home rule," "democracy," and "government by the people" "one-man-one vote" have caused us to forget this lesson and to relinquish step by step our responsibility and authority over our home—our Nation's Capital to residents whose inability to operate a city of this size and complexity has made Washington an international laughing stock.

We would not be surprised to find that the capitals of certain undeveloped or emerging nations were regarded as hazardous posts by civilized foreign service people. But it is a little disturbing to find that our own Capital—the seat of government of the foremost nation in the world—is regarded as a hazardous duty station by the personnel of many of the foreign embassies resident here.

It is pointless to recite again the weekly report of armed robberies, assault, and other crimes of violence which have occurred within the city.

It is important for us to take note of the fact that the so-called government of the District of Columbia is obviously unable to do anything to reduce this shameful toll.

The recent announcement of a slight crime drop in the District of Columbia is unimpressive and nonconvincing. There is no decrease in crime, but rather the victims of crime are not reporting the incidents. The victims have learned that reporting crime accomplishes nothing but to compile statistics for the local authorities, while they in turn are intimidated and harassed, and the judicial establishment does not punish the offenders, possibly feeling the greatest deterrent is to turn the offenders loose in Washington.

Education-wise, the District of Columbia is Exhibit One that the government cannot raise intelligence levels by massive marshal aid to schools and programs. There are now 51 completely black schools without one white student, and as late as June 3, 1971, Superintendent Hugh Scott announced that the average reading achievement by 8th graders in Washington, D.C., is equivalent to 6th grade standards nationwide. This is comparable to saying that by national tests, the average 18 or 19 years old D.C. youth who has completed his high school education has the ability or training of a 15 year old or high school freshman nationwide.

And the situation becomes worse, not better, as the progressive education program force more and more whites and intelligent negroes to flee to the suburbs.

The apologists and interpretative analyzers seek to explain the exodus of decent Americans on the failure to pour in more and more taxpayers' money for more giveaways and more free public accommodations. Few dare to comment on the obvious reasons for the migration; that is, the fear of violence, the concern for one's personal safety and the national desire to be with people of one's own choice and kind. Such truths are still suppressed under free speech and free press as not being popular because they are regarded as being out of the mid-stream of rapport for our free society.

The District of Columbia problems cannot be solved by money alone. There are but two solutions: first, to remove all the people from the Federal district who are not here on the business of our country and resettle them in States and areas that have sparse population and living room. Moreover, public housing is cheaper in Montana, South Dakota, Minnesota, and Kansas than in Washington, D.C.; or second, for our many liberal and moderate citizens who profess to have dedicated their lives in the cause of integrated brotherhood, permissiveness, and tolerance, to return to the District to live and to place their children in the District of Columbia public schools. It may be asking a lot for some to admit their mistakes, but if they do not put up and demonstrate through personal example and leadership, they admit the utter fallacy of their theoretical goals.

Lest we forget, during the month of May of this year, the entire Nation smarted with indignation in observing the wild disorders in our Capital City, requiring not only the use of local police, but also the U.S. Army, U.S. Marine Corps, and the District of Columbia National Guard as backups for the Metropolitan Police in preventing a shutdown of normal activities of Government.

Despite the dedicated and untiring efforts of police, some Government buildings were closed and defaced, among them the Municipal Center and the Washington Monument.

The May scenes in Washington emphasize better than anything I could say, the imperative necessity for the Congress to retain its Constitutional powers over the District of Columbia and should end for alltime any further consideration of converting this turbulent city into a self-governing State with representatives in the Congress. It is, and should remain, a Federal reservation under the exclusive control of the U.S. Congress.

For the freedom and safety of Congress, it is better that Congress retain the right to self-govern and self-determination than squatters on this Federal reservation.

No legislator can say that the District of Columbia is an independent, impartial community, nor a safe place to work in the interests of his constituents. Nor is the District any model city, nor is it indicative of a cross-section of the American society since it is overwhelmingly disproportionately out of racial balance.

If Washington, D.C. no longer qualifies as a neutral sanctuary for those about the business of our country, then the purpose for it being an open city, detached from a State, no longer exists.

Sympathy for transients and migrants who have been induced by many causes and promises to settle in Washington, D.C. certainly cannot be considered as serious grounds for granting of statehood and Congressional representation. Nor would any serious legislator approve of such action merely to satisfy block votes or ill-informed people at home simply to get the crusaders off their back. This would even be true when the majority of the legislators know it would be possible to make promises and give false encouragement to some people when they know that it is next to impossible to ever get 75% of the State Legislatures of the United States to approve of such legislation.

After all, what would home rule for the District solve? Who would possibly benefit from it? Where would there be any expected change, except to the detriment of the American taxpayers and the threat to the personal safety of those of us in Congress and their staffs and families? At most the American people could expect but a few more radical votes in either body of Congress to be controlled and exploited by pressure groups.

I find it difficult to believe that this Committee is seriously considering altering our basic structure of government by creating a State from seceded areas of States.

If such is the case, then I recommend the Committee give further serious consideration to the establishment of new States from each of our several Indian reservations which presently house tribal Indian nations who have been represented in this Congress and who have never never had home rule nor the independence of self-determination. The Indian nations can be well defined and many also live on a federal reservation, just as do the natives in Washington, D.C.

The major Indian tribes are Navajo, Sioux, Apache, Cherokee, Creeks, and Choctaw.

If this Committee in its wisdom should see fit to pass out a D.C. home rule bill for the blacks of Washington, I intend to introduce a home rule bill for each of the major Indian nations to give the American Indian a voice and representation in the United States Congress.

The pending issues of home rule and voting rights can easily be disposed of by retroceding that portion of Washington, D.C. back to Maryland from whence it came. District of Columbia citizens will then be able to vote and as a city of Maryland will enjoy home rule just as exercised by the citizens of Maryland, Virginia, and any other State.

Attached is a copy of my bill, H.R. 355, to retrocede a portion of the District of Columbia to the State of Maryland, which I ask be made a portion of my testimony.

H.R. 355

A bill to retrocede a portion of the District of Columbia to the State of Maryland

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of that portion of the District of Columbia ceded to the United States by the State of Maryland and not included within the Federal area described in section 3 of this Act, and all the rights and jurisdiction ceded to the United States by the State of Maryland in connection therewith, are hereby retroceded and relinquished to the State of Maryland effective as of the date of the acceptance thereof by the State of Maryland.

SEC. 2. (a) Nothing in this Act shall be construed to vest in the State of Maryland any property right in any real or personal property situated in that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act and held by the United States or by any person, except as such property may be transferred to the State of Maryland by the United States or by such person, as the case may be.

(b) The jurisdiction of the United States and of the government of the District of Columbia, and the laws in effect in the District of Columbia as of the date of acceptance by the State of Maryland of the retrocession provided for by the first section of this Act, shall remain in full force and effect until the State of Maryland shall provide by law for the extension of its jurisdiction and judicial system over that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act.

(c) The United States shall retain jurisdiction over the real and personal property held by it, and situated within that portion of the District of Columbia retroceded to the State of Maryland under the first section of this Act, in the same manner and to the same extent as the United States exercises jurisdiction over property held by it situated within the various States.

SEC. 3 (a) The Federal area referred to in the first section of this Act is more particularly described as that portion of the District of Columbia situated within the boundary line described as follows:

Beginning on the east side of Rock Creek where it meets the Potomac River and running generally north and east to a point where P Street Northwest intersects Rock Creek;

thence east on P Street Northwest to Florida Avenue;

thence following Florida Avenue to Fifteenth Street Northeast;

thence south on Fifteenth Street Northeast to C Street Northeast;

thence east on C Street Northeast to the East Capitol Street Bridge;

thence east on the East Capitol Street Bridge to the point where it intersects the middle of the Anacostia River channel;

thence generally south and west down the midchannel of the Anacostia River to that point in the channel that is due south of Hains Point;

thence due west to the present Virginia-District of Columbia boundary at the shoreline of Washington National Airport;

thence generally north and east up the Potomac River along the Virginia-District of Columbia boundary to a point parallel to the northernmost projection of Theodore Roosevelt Island;

thence east to the confluence of Rock Creek and the Potomac River.

(b) Where the Federal area described in subsection (a) is bounded by streets such streets shall be under the exclusive jurisdiction of the Federal City and the Federal jurisdiction shall extend to the sidewalks of the distant side of the street.

SEC. Effective as of the date of the acceptance by the State of Maryland of the Federal area retroceded to it under this Act, the State of Maryland shall be entitled to one Representative in addition to the number of Representatives to which it is otherwise entitled, until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives, as now prescribed by law. Until otherwise provided by the State of Maryland, such additional Representative shall be elected from the Federal area retroceded under this Act. Such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the Eighty-third Congress and each Congress thereafter.

THE BREAK-EVEN POINT FOR THE JET AIRBUS

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. KEATING. Mr. Speaker, there has been a lot of discussion and comparison between the ill-fated L–1011 jet airbus built by Lockheed and the DC–10 airbus built by McDonnell Douglas Corp.

On July 29, 1971, McDonnell Douglas delivered the first two DC–10's to American Airlines and United Airlines.

The DC–10's are fully certified by the Federal Aviation Administration for commercial aviation and are flying today.

James F. McDonnell, chairman of the McDonnell Douglas firm, according to a report in the New York Times this morning, says his company will have to sell 438 of the wide-body trijets to break even.

I would like to point out to my colleagues that the chairman of the board of the Lockheed Corp., in testimony before the House committee said Lockheed's break-even point would be the sale of 255 aircraft.

I believe these different estimates deserve our consideration.

I would like to share with my colleagues the following article from the New York Times, written by Robert E. Bedingfield:

AIRLINES RECEIVE FIRST DC–10 JETS—AMERICAN AND UNITED ACCEPT TRIMOTOR PLANES ON COAST

(By Robert E. Bedingfield)

LONG BEACH, CALIF.—The first two DC–10's were delivered here today by the builder, the McDonnell Douglas Corporation, to American Airlines and United Airlines.

James F. McDonnell, chairman of McDonnell Douglas, presented Marion Sadler, vice chairman of American and Edward E. Carlson, president of United, with gold keys to the two planes.

At a news conference shortly before the ceremony, Mr. McDonnell said his company had orders for 133 of the new planes and options on 120 others from 19 airlines in this country, Europe, Africa and New Zealand. "It's enough to take us into mid-year 1974," Mr. McDonnell said.

But, he said, McDonnell Douglas would have to sell 438 of the wide-body trijets to break even.

Mr. McDonnell parried a question as to the competitive advantage his company would have for wide-bodied trijets if the Lockheed Aircraft Corporation became bankrupt and was unable to proceed with the production of its three-engine airbus.

"I think it would be nice if we could confine our discussion here today to the delivery of the first two DC–10's," said Mr. McDonnell. Then, very slowly and softly, he said:

"Our sympathies are deeply with our hard working creative people in all their trials and tribulations.

"I think the industry deserves a better fate than has been happening to it. Our sympathy also is with our friends in government working so hard over a difficult situation. The DC–10 has been created in the private competitive enterprise system and it's an illustration of what can be done."

BROWNE VOICES DISMAY

Secor D. Browne, chairman of the Civil Aeronautics Board was among officials from Washington and the aircraft industry here for today's ceremonies. He expressed dismay that the DC–10 may mark the end of the United States dominance in the commercial aircraft field unless the supersonic transport program is resurrected.

"After the DC–10 what is going to be built?" asked Mr. Browne rhetorically. He then pointed out how under Defense Department expenditures this country has been able to finance the research and development required for new aircraft engine production.

"You always develop the engine first and then the airplane around it," said Mr. Browne.

He stressed that there was no new research and development work for new aircraft engines under way at this time and that the Department of Transportation had indicated that it was not prepared to pick up the bill for such expenditures.

NO WORD ON FARE CUT

Without a government-financed research and development program, the United States isn't "going to be able to sell" aircraft throughout the world, Mr. Browne said.

When asked if the operating economies of the DC–10 would permit the airlines to lower their fares, and whether the C.A.B. would push for such a move, Mr. Browne replied that he could not answer. He then described airline travel as "a tremendous bargain, even with new fare increases" that have gone into effect.

John H. Shaffer, administrator of the Federal Aviation Administration, said the DC–10 made half the noise of present jet aircraft and he emphasized that the DC–10 engine was smokeless.

SMALL BUSINESS FAILURE

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. BROOMFIELD. Mr. Speaker, last year witnessed a 25-percent rise in the rate of failures for small businesses, with a total of 11,000 firms going under. This alarming increase stems from discouraging changes in those economic variables which so vitally influence the life or death of these companies. With the awareness that these firms comprise 99 percent of our Nation's corporations, I am introducing legislation which will provide substantial tax reductions and incentives for small business.

At a time of rising interest rates, a shrinking money supply and reduced profits, the strain on the small businessman to maintain a competitive stance has grown heavier than ever before. As a consequence of their size, these companies are most susceptible to changes in the economic climate and are the first to suffer from them, often going out of business before they can recover.

This bill by reducing taxes and creating investment incentives, will provide these firms with greater flexibility to face short term financial and economic crises. In addition, they should serve to encourage the formation of new small businesses in the years ahead.

Recent tax proposals have served to benefit only the largest corporations, often at the expense of small business. An illustration of the above was a 1970 move to eliminate export income as a taxable item. Estimates are that 50 to 90 percent of those benefits would accrue to the largest 125 corporations, leaving very little for the small businessman. Another example is the accelerated depreciation deduction program, designed to give 80 percent of its deductions to less than 1 percent of all U.S. firms.

Before I address myself to some of these specific tax reforms, I want to make it clear that they will result in no loss in revenue for the Federal Government. The thrust of this bill is designed to shift 1 percent of all corporation taxes away from small business and onto the shoulders of the wealthier, more established corporate giants. By this yardstick, all firms whose earnings are below $1 million would benefit from the tax cuts.

Mr. Speaker, let me enumerate the revisions called for in this bill: First, the first year depreciation allowances for small business property would be increased from $10,000 to $20,000. Increased revenue resulting from this change would serve to restore stability to this sector.

Second. A 7 percent investment credit previously repealed, would be renewed with the purpose of creating expansion and growth.

Third. The time period for loss carryover provisions would be extended to 10 years. As a result, losses could be spread over a longer period of time and thus indirectly provide smaller firms with a wider financial base.

I wish to remind my colleagues that this body is presently considering legislation, the Emergency Loan Guarantee Act, which would provide for the relief of large corporations. By definition, small businesses are restricted from participation in that program. The time has come for us to recognize that these companies are important contributors to our economic well-being and, as such, are worthy of the same considerations which we have extended to major enterprises. I feel that this bill will aid in the realization and development of that concept.

REVENUE SHARING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. HAMILTON. Mr. Speaker, the central domestic concern of the Congress in recent years has been to find ways of strengthening and reinvigorating the federal system, to give it the ability and flexibility to deal with the problems which are growing more complex and more demanding with each passing day.

Many approaches have been considered, including expanded Federal categorical grants to State and local governments, tax credits, the federalizing of welfare programs, aid to cities, and revenue sharing.

I have long supported the concept of revenue sharing. But as I have studied the issue, I have found myself asking more and more questions about the capacity of State and local governments to handle effectively large infusions of Federal funds. Revenue sharing, I believe, must be combined with thorough reforms in State and local governments. Without modernization and reform, revenue sharing will serve only to underwrite a system which is badly in need of change.

YOUTH VOTE

When the 25th amendment was ratified, 11 million 18- to 21-year-olds became eligible to vote—303,000 of them Hoosiers.

My observations are that the young people today are not so interested in labels—Democrat or Republican, liberal or conservative—and are more pragmatic and independent. They look with skepticism on the politician's instinct to compromise. They are impatient, less apt to agree to gradual change, and more insistent on immediate progress.

The new voters could bring our political process to facing a fundamental reshaping, shifting the grounds upon which elections are fought. Hopefully, they will help to upgrade the process.

PENTAGON PAPERS

I agreed with the Supreme Court's ruling that the Pentagon papers could be published. While the Government argued that irreparable damage would come from their publication, in my view, greater damage would result from continued secrecy. The Pentagon papers deal with some fundamental questions which need answers if we are going to avoid future Vietnams: What went wrong in Vietnam? How did we get involved? How did we lose our way?

The task before us is to learn from the Pentagon papers. We must improve the decisionmaking process, opening more of it up to public debate. The Government's classification system must be revised. Congress must become more effective in the foreign policy process, assuming more of a partnership with the Executive in policymaking.

The Pentagon papers have shown us the Government did not act in a manner in which to earn the confidence of the people, but there is another side to the issue. The people must act in a way to earn the confidence of the Government, to be informed, and not react by instinct to complex questions, or engage in careless rhetoric and namecalling.

HIGHER EDUCATION

Few families can now afford to send their sons and daughters to college without financial aid in some measure. Costs have increased rapidly in recent years and they show no signs of leveling off.

The Federal Government's response to rising costs of higher education has triggered one of the major debates in this session of the Congress. I believe the costs of higher education today require a broad range of improved student assistance programs for those from low- and middle-income families, including grants, direct loans, insured loans, and work-study payments. I believe, too, that our institutions of higher learning need direct, institutional aid.

TAXES

The American taxpayer can be excused if he gets a little numb. He pays taxes to local, State, and Federal governments on what he earns—income tax—on what he spends—sales tax—and on what he owns—property tax.

He is probably unaware, however, that Federal income taxes--which seem to get most of the blame for high taxes—have been declining over the last 20 years.

Perhaps the most significant development in taxation is occurring without much public attention or complaint. Federal payroll taxes, such as the social security tax, are becoming an increasingly important part of our revenue system. Unlike the income tax, which is a progressive tax, payroll taxes have little relationship to the wage-earner's ability to pay and the burden hits hardest the low- and middle-income wage earner.

FARMERS

Few Americans realize, I suspect, the gamble the farmer takes each year with the weather, the market, the cost-price squeeze, or the possibility of disease or damage to his crops. It is in this atmosphere of uncertainty that the farmer must exist.

This year, he was faced with the return of the corn blight, a new farm program, a hog market crash, and a continued cost-price squeeze which has chipped a little more away from his net income.

With all of these factors in the picture, most farm economists are predicting little, if any, improvement in the farm income in 1971. The watchword for feed grain and livestock farmers this year is uncertainty. High risks are normal for the farmer. This year, however, may be one of super-high risks.

INFLATION

I have come to believe that in order to make significant progress against increases in wages and prices, we must pursue not only appropriate fiscal and monetary policies, but also an active incomes policy, one which is marketed-oriented and aimed at reducing the pressures on spiraling costs and prices.

The classical remedies have not worked well enough, or fast enough, to deal with this new problem in economics—persistent inflation in the face of substantial unemployment.

THE LOCKHEED LOAN

Should the Federal Government provide financial backing to major industries which find themselves unable to pay their debts? This was the theme of the debate before the Congress as it considered the "Lockheed Loan Bill."

I opposed the bill. It was so hurriedly drafted that adequate hearings could not be held to determine the validity and the need for such legislation. More importantly, such legislation is damaging to our economic system, rewards bad management, and, in a time of severe domestic needs, it would be a misallocation of our financial resources.

If the rescue of Lockheed and other major companies is to become a Federal obligation, it should be ranked among all government obligations, such as health needs, urban and rural development, or education.

It simply is not the function of a democratic government to pick up the tab for the failure of a private enterprise, or to decide which firms are important or deserving enough to continue to operate.

CANCER

As the Congress sifts through the Nation's priorities, renewed emphasis in the fight against cancer is coming to the top. There is no question about Congress' determination to step up efforts to control this dread disease.

I have introduced legislation—and I support all efforts—to increase significantly funding for cancer research.

TRAVEL FOR ELDERLY, HANDICAPPED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. ROSENTHAL. Mr. Speaker, I am reintroducing today my bill to provide free or reduced travel rates for the elderly and the handicapped.

The response to this bill since first introduced this spring has been overwhelmingly enthusiastic. People across the country see it as a sign that Members of Congress care about our elderly and handicapped citizens.

I am inserting in the RECORD at this point a letter I received from Edwin W. Martin, Associate Commissioner of the Department of Health, Education, and Welfare's Bureau of Education for the Handicapped:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 8, 1971.
Hon. BENJAMIN S. ROSENTHAL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ROSENTHAL: We at the Bureau of Education for the Handicapped of the U.S. Office of Education wish to applaud you and your colleagues for your efforts on behalf of the handicapped. The bill to permit the elderly and the handicapped to travel free or at reduced rates on the nation's commercial air, rail, and bus lines is inspiring.

Assisting groups such as the handicapped and elderly to live fuller, more productive lives will ultimately benefit the entire nation.

Our thanks.

Sincerely,

EDWIN W. MARTIN,
Associate Commissioner, Bureau of Education for the Handicapped.

TOCKS ISLAND DAM

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. DU PONT. Mr. Speaker, in view of the lateness of the hour yesterday during debate on the public works appropriation bill, I was unable to bring to the attention of the Members a letter from one of our colleagues, Congressman SAYLOR of Pennsylvania, concerning the Tocks Island Dam. I would like to insert this letter at this point in the RECORD because I believe it states very well the issue of funding projects with taxpayers' money before their environmental impact is fully understood:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1971.
Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: The House will be considering today the Public Works Appropriation Bill (H. R. 10090) and I am requesting your assistance in having deleted from this bill the 3.7 million dollars planned for construction funds of the Tocks Island Dam in the State of Pennsylvania.

The Tocks Island Project was approved in 1962 and provides for the construction of a comprehensive reservoir, pump-storage electric facility and recreation complex on the Delaware River in Pennsylvania. Over the years no money has been appropriated for construction of the facilities, and the project has become involved in local and national environmental problems. Under the provisions of the Environmental Policy Act of 1969, the Corps of Engineers has submitted an environmental impact statement pursuant to Section 102 (2) (c) of that Act.

This impact statement has been rejected by Chairman Russell Train of the Council on Environmental Quality, and he has advised the Department of the Army that the Corps' impact statement is inadequate in five major areas and has called upon the Corps to undertake a study to seek viable alternatives, and not just justification of existing plans.

I strongly believe that funding for initial construction of the Dam should be withheld until a comprehensive environmental impact statement has been approved by the Chairman of the Council on Environmental Quality, and I fully concur with Chairman Train's recommendation that the Corps of Engineers undertake a coordinated and multidisciplinary study of the Project with other participating agencies.

To authorize the construction of the Tocks Island Dam after the Corps of Engineers environmental impact statement has been rejected, would be a serious breach of the letter and spirit of Section 102 of the Environmental Policy Act. The responsibility for the protection of the environment rests in the hands of Congress—to allow that responsibility to pass to the Corps of Engineers would be catastrophic.

The matter before the House constitutes a test of the willingness of Congress to follow-through on its commitment to a clean environment. Rarely has the issue been presented in such clear-cut manner. If the House gives the Corps a "go-ahead" for this project without having at its disposal a complete "environmental impact statement" not only is the will of Congress subverted, but the future credibility of all Congressional efforts to control the environmental damage will be compromised. We must not allow that to happen!

I am well aware of the fact that this project was authorized back in 1962 but I must point out that that was during an era when concern of our natural environment was at a low or non-existent level. Times have changed, the awareness of the Congress has changed, but the mission of the Corps of Engineers has not changed. Their mission in building has, until now, never seriously been questioned by the public and Congress. The National Environmental Policy Act has brought that policy into question.

I do not object out-of-hand to the construction of any major Corps project such as the Tocks Island Dam. However, I do object to the use of the public's money for a facility which may be damaging to the public. For this reason, I would appreciate your support of the amendment to strike $3.7 million from the Corps of Engineers budget until such time as an authoritative inter-agency environmental impact report is completed and accepted as emminently sound. I feel that the Congress could not in good conscience make the initial commitment for a $259 million construction project without first determining the propriety and feasibility of that commitment.

This amendment will not halt the project; rather, it will allow for continued land acquisition and design funds pending approval of the environmental report contemplated by the Environmental Act and by the Chairman of the Council on Environmental Quality.

I believe approval of this amendment would be a significant action by the Congress which would put all planners of large Federal projects on notice that any such major construction must first meet the desires and expectations of a public concerned with our environment. Again, I strongly urge your support of this amendment and to inform my colleagues of my position.

——— ———,
Member of Congress.

During debate last evening three Members stated that all four Governors of the region affected were in support of construction of the Tocks Island Dam. That is not correct. I insert in the RECORD a letter dated June 9, 1971, in which the director of New Jersey's Department of Environmental Protection indicates that Governor Cahill has adopted a wait and see attitude:

STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION
Trenton, N.J., June 9, 1971.
Mr. HAROLD A. LOCKWOOD, Jr.,
Land Title Building,
Philadelphia, Pa.

DEAR MR. LOCKWOOD: Governor Cahill has noted and referred to our attention your letter of April 22, 1971 concerning the merits of the Tocks Island Project. A number of studies of environmental effects of the project are continuing. In our opinion, final judgment as to whether the benefits outweigh the disadvantages should not be made until we have at hand the results of all these detailed inquiries.

The whole project is now being re-examined by private groups and responsible federal agencies, and we are looking forward to reviewing the Environmental Impact Statement of the Army Corps of Engineers, and the results of the review and recommendations of the President's Council on Environmental Quality.

We are not taking a position on this project until all the facts and opinions are in. I hope we are wise enough to come to the right conclusion.

Very truly yours,

CHARLES M. PIKE,
Director.

It was also stated during debate that Mr. Russell Train, Chairman of the Council on Environmental Quality, supported construction funds for the Dam. This morning I personally talked with Mr. Train to clarify his position. He replied that "I neither support nor oppose construction funds" for the dam.

Finally, there appeared in the New York Times this morning an editorial which I recommend to the Members, as follows:

TOCKS ISLAND—LAST CHANCE

The highly controversial Tocks Island Dam is to be given a fresh look. It should. Originally conceived as an ideal combination of water conservation, flood control and recreational facility, this project for a 37-mile-long lake in the beautiful Delaware River Valley evoked doubts among some environmentalists soon after it was authorized by Congress a decade ago. Those doubts have grown into fierce opposition.

In the light of what has been learned these last few years, even well-planned river development, unless absolutely essential, must be considered subordinate to the aim of leaving great waterways as far as possible in their natural state. The serious question about the Tocks Island project is whether the water to be conserved, the power to be generated, the recreation to be provided are necessary enough, or even significant enough, to warrant the possible damage to the beauty and ecological fabric of the area.

Under the new Environmental Protection Act, the Army Corps of Engineers was required to file an environmental impact statement for the dam. It did so in February, but the statement was inadequate, as Army officials have since conceded. To his credit, Chairman Russell Train of the Council on Environmental Quality returned it with demands for more thorough study.

The Corps did not have to comply, since the C.E.Q. is without enforcement power, but the Council's influence with President Nixon in the cancellation of the Cross-Florida Barge Canal may have set a healthy precedent. In any case, the two agencies have now agreed on a procedure for further evaluation of the project's potential effects on the environment. No construction will begin until this is completed.

The study should be made as quickly as possible out of consideration for property owners who are unable either to plan for their future in the area or to sell their property. But the fact that it will now be made is a significant victory for those whose concern goes beyond both property rights and the short-term rewards that the project promises.

REPRESENTING PUBLIC SENTIMENT

HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. STAGGERS. Mr. Speaker, time moves on. The Supreme Court decision in the stolen Pentagon papers case and the House vote in the CBS citation matter are now history.

However, the atmosphere has changed in the corridors of the news agencies. Paralyzing fear of intimidation by the Federal Government moves them to man the barricades in the big city dailies and television stations.

The news as it comes from various papers and other media not dependent on the big dailies and the television networks is not necessarily in close harmony with the latter. I offer a few more excerpts in support of this contention.

The sort of news media I offer is close to the people. They can be depended on to represent public sentiment. It is to public sentiment that I am responsible—and to my conscience. Further, these media are not deluded by specious issues. They come surely and directly to the point.

The material follows:

[From the Martinsburg (W. Va.) Journal, July 1, 1971]

EDITORS TO BE JUDGES

The principal position of The New York Times and The Washington Post in regard to publication of secret papers stolen from the Pentagon is that the people have a right to know what their government is doing.

There is definitely a certain amount of validity to this argument but it then becomes a question of how far a newspaper or any other medium of publicity can go without harming the nation's security.

There is, to us, however, still another big question. As we understand it, the papers being quoted have been taken from a 47-volume set of books containing millions of words. Even The New York Times is not in a position to print all of the words of these many volumes. Thus it comes down the decision of which of the excerpts shall be published and which shall remain unknown to the public.

In other words, The New York Times and the Washington Post editors will be making the decision on what the American people should know. These editors will be deciding what to excerpt and publish and what not to publish. They will be deciding what is "important" and what is not.

If it is bad for the government to withhold publication of all information, isn't it just as bad to have a couple of admittedly biased editors deciding what shall be made known and what shall not?

As we have watched these two newspapers over the years, their editors will not be likely to pick out portions of the voluminous reports which will make any of the war decisions look good.

Another point we think should be made is that now that Daniel Ellsberg has admitted stealing classified material from the government and is now being so criminally charged, why shouldn't The New York Times be criminally prosecuted for having knowingly received stolen property? The average citizen who knowingly buys or other wise accepts property known to have been stolen is guilty of a crime.

It will be interesting to see whether there are two sets of laws—one for the big corporation and one for the average citizen. It would seem the type of thing the American Civil Liberties Union would want to grab hold of immediately but we sort of doubt we'll be hearing from the ACLU on this issue.

[From the Hampshire (W. Va.) Review, July 14, 1971]

FREEDOM OF TELEVISION

The Washington Post and some other papers are rather gleefully reporting this morning that Congressman Harley O. Staggers suffered defeat yesterday in his efforts to abrogate the First Amendment which guarantees freedom of the press. Like so many things that happen these days, this is a considerable overstatement of what actually happened and what was really involved in what Staggers was trying to do.

Mr. Staggers is the chairman of the Commerce Committee of the House of Representatives. His Committee has been making an investigation of the program produced and presented by the Columbia Broadcasting System entitled "The Selling of the Pentagon." This program has been the subject of considerable controversy and the object of numerous charges not only that it gave a distorted picture of its subject matter, but also to the effect that there had been some deliberate misrepresentations. The Commerce Committee had asked CBS President Frank Stanton to produce the unused portions of the film so that the Committee could determine whether or not these charges had any basis in fact. When President Stanton refused, the Committee voted to cite him for contempt of Congress.

When this contempt citation came before the House for a vote yesterday, the substance of it had long since become lost in the argument as to whether or not it would be in violation of the free press portion of the First Amendment. Instead of facing this issue squarely and letting it be decided by the courts, which could have been done by approving the citation, the House ducked the issue and voted 226 to 181 to send the citation back to the Commerce Committee. This, in effect, puts the citation and the whole question it raises in a sort of limbo. Inasmuch as Congressman Staggers did not get his contempt citation, he can be said to have been defeated as the Post and its political cartoonist, Herblock, describe it.

As we understand it, what Mr. Staggers was after was an answer to the question of whether or not there was any way that Congress could look into broadcasts to determine whether or not the public was being told the truth when it was being told its news. We have heard a great deal lately about the public's right to know and this newspaper agrees with that right in principle, but there is a lot to be said for Congressman Stagger's idea that the public has a right to know when it is being told the truth and when it is being fed information in the form of "news" or documentary programs that are slanted or distorted to substantiate a particular point of view.

[From the Beckley (W. Va.) Post-Herald, July 17, 1971]

CONGRESS SURRENDERS TO NETWORK NABOBS!

Probably the beginning of the end of true freedom in our nation came in a recommittal vote by the House of Representatives Tuesday.

Our congressmen were afraid of the power of CBS and its cozy competitors who were standing by to help scalp those who would demand that responsibility be imposed on the television networks.

Rep. Harley Staggers of West Virginia lost the battle and in conceding defeat said it was "a sad day for the American people." We agree with the Eastern Panhandle congressman.

Now that CBS has ignored its responsibilities and "made it stick" with Congress, there is nothing to stop the network nabobs from their insidious perversion of facts on the air to try to sell Americans on anything from Communism or the devil to feminine hygiene deodorants.

CBS clearly was at fault in twisting and distorting men's words in taped interviews. This is awfully easy to do, as the "Selling of the Pentagon" program proved. Of course, just eliminating the word "not" from a video tape can reverse a man's statement. But CBS was never that harsh and unsubtle. Rather they are now masters of "influence"—influence with a lifted eyebrow or a sneer or a snicker.

And 226 members of the House of Representatives are gutless wonders who are afraid to do anything about the situation!

[From the Bluefield (W. Va.) Daily Telegraph, Apr. 22, 1971]

THE IRRESPONSIBLE NETWORKS

No responsible newspaper would deliberately employ a newspaper reporter to interview a public figure, then write an account of that interview in which he deliberately juggled the victim's statements, placing false answers in the speaker's mouth.

No responsible television network would either, but that adjective does not seem to apply to either the Columbia Broadcasting System or the National Broadcasting Co.

This statement can be supported by examining the recent highly controversial CBS "news" program entitled "The Selling of the Pentagon," which purported to be a report on the U.S. military's expenditures for what the military would call public education and what CBS would call propaganda.

In the process of "exposing" the Pentagon, it turns out that the CBS "news" crew took a film of a news conference by Assistant Defense Secretary George Henkin and altered it in the most vicious and indefensible manner. What these clever newsmen did—and they don't deny it, for they can't—was "rearrange" Henkin's answers. In other words viewers of the program would see and hear a question asked, then hear Henkin's "answer," but there was one catch. They didn't always use the real answer Henkin gave to the specific question, but chose another answer which helped CBS make its point about the military's "propaganda" practices.

And as if this were not sufficiently incredible, both the presidents of the CBS and NBC news operations have protested that this is a perfectly legitimate tactic. Both also seem to believe that their reporters have the right, under the "freedom of the press" doctrine, to do what CBS did.

Columnist Bruce Biossat wrote, quite correctly, "In the light of what CBS actually did with the Henkin interview, this amounts to demanding the right to distort and deceive. The comments by (CBS News President Richard Salant) especially, as the man in charge, represent one of the most cynical exercises in recent years in the name of 'press freedom.'"

CBS, incidentally, is the network which not long ago got caught paying a group of would-be Haitian revolutionaries for the right to film and report their proposed invasion and revolution in Haiti. Since the revolutionaries had no means of financing their revolution except with the money CBS paid, this obviously was a case of a "news" operation making its own news by financing its own revolution against a foreign government. The invasion fell through, unluckily for CBS, but it wasn't for lack of trying on the part of the network.

Many newsmen can recount instances, not just by CBS, of television "reporters" who have no compunction whatever about setting up any sort of phony "news" shot their masters may require, such as the TV crew which hired some white southern kids to chase and throw rocks at Negro youngsters, to provide interesting film footage for their report on a tense racial situation in one of the southern states.

Recent polls have shown that Americans are putting increasing faith in the accuracy and truthfulness of TV news presentations. It is a sad and frightening situation that this should be the case, considering the general reputation of these "news" organizations among responsible, honest reporters.

Americans who believe all of what they see and hear on the TV screens are seriously shortchanging themselves, and conceivably could be endangering their country. It really is folly to hand such power to people like this.

"FINE JOB"

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. McCLOSKEY. Mr. Speaker, I must respectfully disagree with President Nixon's assessment of the recent trip by Vice President SPIRO AGNEW as a "fine job."

It does no honor to America to have its second highest elected official praise the black leaders of Africa at the expense of black leaders in America. If we are to "bring this Nation together," there is no need for expressing personal criticism of individual leaders with whom we disagree.

To refer to American black leaders as "querulous" was to offer a gratuitous insult at a time when we badly need to reconcile differences between the races in America and to redress the historic grievances which have accumulated during the 350 years since black men were first brought to America in chains.

The Vice President's comments, and the President's tacit approval of them, point up one of the major issues which should be debated in the Republican Party in next year's primary campaign.

In my judgment, the Republican Party, founded 117 years ago in opposition to racial inequality, can never hope to hold a national majority until we abandon that "Southern Strategy" which the present administration pursues; which led to the attempted emasculation of the Voting Rights Act last year, which continues to reflect an underlying deemphasis on enforcement of equal opportunity in housing, education, and employment.

No black leader in America today can feel comfortable in a Republican Party which places the pacification of George Wallace and Ronald Reagan above respect for the dignity of leaders of minority races. Our black colleagues who serve in the Congress of the United States give us a great deal of hope that we will finally solve this great tragedy of racial discrimination in our own lifetimes. This hope is increased by the idealism and expression of most of our young people. An end to racial discrimination, however, will require moral leadership from the White House in the manner of our first Republican President, Abraham Lincoln, rather than in the form of expression adopted by the Vice President on his recent trip abroad.

That the President finds Mr. AGNEW's comments to have been part of a fine job is difficult for me to accept as the philosophy of the Republican Party.

PRAYER AMENDMENT

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. SCHWENGEL. Mr. Speaker, as one who is deeply interested in the religious community and as one who believes that a moral base is important to the preservation of the basic freedoms we know in America and are necessary to the growth and well-being in America, I have had a great interest in the so-called Prayer Amendment.

It is my conviction, Mr. Speaker, that the moral forces in America are great and more significant here because of the wise decision of our forefathers for separation of church and state, and, therefore, I am completely and utterly opposed to the proposal offered in the discharge petition designed to bring the prayer legislation to the floor.

The forces of religion and morality can only grow stronger if they remain separate and independent. The discharge petition would lead us in the wrong direction.

It is of great significance and encouragement to me to note that many of the church conventions, religious conferences, and church leaders are taking a strong stand on this question. I have collected a number of references to the subject that are significant and I invite all my colleagues to read the impressive statements and positions of various church leaders and church groups.

(From the NCWC News Service, May 2, 1964)

KNOTTY LEGAL PROBLEMS SEEN IN BECKER AMENDMENT

(By George E. Reed)

(NOTE.—This is the first in a series of three articles analyzing implications which stem from a proposal to amend the Constitution to permit prayer and Bible reading in public schools. The series has been prepared for the Catholic press by George E. Reed, associate director of the Legal Department of the National Catholic Welfare Conference, who is an authority on the question of church-state relations in constitutional law.)

A proposal to amend the Constitution to permit prayer and Bible reading in public schools has become the subject of sharply divided debate in congressional hearings.

The prayer amendment, as it is commonly called, has much popular appeal. But it also raises difficult constitutional problems.

These problems are now being exposed and discussed by the House Committee on the Judiciary. The committee actually has 147 resolutions before it. They reflect about 35 different forms of amendment to nullify the Supreme Court's 1962 and 1963 decisions.

But most testimony has centered on House Joint Resolution 693, sponsored by Representative Frank J. Becker of New York. Becker has campaigned vigorously for action on his proposal, including an effort to have the House take it out of the hands of the Judiciary Committee.

The Becker amendment has three major sections. These are:

"Nothing in this Constitution shall be deemed to prohibit making reference from, or listening to prayers or biblical scriptures, if participation therein is on a voluntary basis, in any governmental or public school, institution, or place.

"Nothing in this Constitution shall be deemed to prohibit making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, schools, institution, or place, or upon any coinage, currency, or obligation of the United States.

"Nothing in this article shall constitute an establishment of religion."

A great deal of popular support has been mustered for the prayer amendment. This would be expected, particularly in the wake of the Supreme Court decisions which made many citizens irate. Besides, who could possibly be opposed to prayer?

The hearings, however, are throwing a more penetrating light on the proposed amendment. Serious and difficult constitutional questions are emerging. There are, for example, problems of nondenominational prayer in a pluralistic society and the rights of parents regarding the education of their children.

The proposed amendment does not apply to any specific provisions of the Constitution. Some contend that it would supersede anything in the Federal Constitution so that there would be no basis for eliminating prayer from public schools or public life. Others wonder if parts of the Constitution would have to be repealed and the new provision substituted. There is no consensus among committee members.

A major question is this: How would the proposal affect the language of the first amendment, which pertains to the establishment of religion?

The Supreme Court has declared that recitation of prayer and reading of Bible verses violate the establishment clause of the first amendment. While this declaration of the court has been challenged, students of history know that the Founding Fathers rejected many formulations and drafts before agreeing on the present simple language: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof * * *"

There are State laws which provide that there shall be no religion in public schools. Would the amendment invalidate these laws? Some proponents of the amendment say that it would, but Becker himself believes differently.

Aside from legal considerations, there is the question of the nature of the school prayer. Some feel it must be nondenominational and Becker has indicated a willingness to accept that idea. Will such a prayer, however, satisfy the wide range of religious beliefs in this Nation?

Furthermore, if the amendment should ultimately become a part of the Constitution, some say prayer and Bible reading would be a matter of constitutional right rather than a reflection of community desire. This right would be vested in the school board and in the children. The school board, then, would be empowered to authorize prayer in the public schools; or, at least there would be no court bar to this.

The involvement of public school officials should give all pause for thought.

If these officials recommend recitation of prayer during the schoolday is this not an implicit form of coercion? Could the recitation be considered voluntary? And most important, how does the involvement of school officials affect parents' rights?

Ironically, only one witness has mentioned the relevancy of parental rights. The hearings disclose an attitude which gives to the State and its subdivisions all authority over matters relating to the school. Yet, this country has always vested that right in the parents. The State must be regarded as an educator, but not to the exclusion of the primary right of the parents.

The hearings have certainly brought many issues under scrutiny. To that end they are rendering a great service to the American people. It is hoped that the final findings of the hearings will help to balance the genuine concern of the American people for the place of religion in public life and for the preservation of the Constitution which has served the people so well.

(From the NCWC News Service, May 8, 1964)

Court Tried To Recognize New U.S. Culture

(By George E. Reed)

Note.—This is the second in a series of three articles analyzing implications which stem from a proposal to amend the Constitution to permit prayer and Bible reading in public schools. The series has been prepared for the Catholic press by George E. Reed, associate director of the Legal Department of the National Catholic Welfare Conference, who is an authority on the question of church-state relations in constitutional law.

"Let us return to the status quo before June 1962."

This is the theme of many persons testifying before the House Judiciary Committee in favor of a proposed constitutional amendment to negate the 1962 and 1963 decisions of the U.S. Supreme Court against prayer and Bible reading in public schools.

Like many slogans and facile phrases, the current one loses much of its thrust when carefully scrutinized and when put into historical perspective.

The House hearings are disclosing a deep and significant change in the historic religious-cultural pattern of the United States.

Many witnesses have testified to the historical fact that the reading of verses from the Bible and recitation of prayer in public schoolrooms are a product of the Protestant culture which dominated our educational institutions and American society in general during the 19th century.

The first amendment of the Federal Constitution did not affect growth of religious exercises in schools because during this period the amendment was not considered applicable to the actions of a State. It was solely a limitation on action by the Federal Government.

The religious practices in the schools, therefore, were a reflection of dominant Protestant attitudes rather than an implicit interpretation or construction of the first amendment.

Because of this, for example, Catholic children who were required to participate in sectarian prayers and practices could not appeal through their parents to the Federal courts. Their only recourse was the State courts which, with a few exceptions, declined to enforce the rights asserted by Catholic parents.

Furthermore, as protests against religious practices in public schools mounted, the States, at the turn of the century, began enacting laws to protect Bible reading. The historically dominant Protestant cultural tradition was thus translated into law in many States.

This was a paradoxical development since at the same time the culture that gave rise to this tradition was losing its prominence and religious pluralism was gaining ascendancy.

This important social change coincided with a revolution in constitution law which resulted in the extension of the first amendment and the principles embodied in the Bill of Rights to State action. Since the 1930's, the first amendment has served as a limitation on State as well as Federal action.

There were, therefore, two new factors affecting American life—a different culture, pluralistic in nature, and a new body of applicable law.

The Supreme Court decisions were made against this background and the court applied the first amendment to this new social condition.

In ruling out prayer and Bible reading as devotional exercises, the Court endeavored, though awkwardly, to react realistically to the new culture, rather than to perpetuate the Protestant tradition in American culture.

In addition, the plea for a return to the status quo before 1962 raises two important questions:

First, why return only to June 1962, the month when the Court held unconstitutional recitation of a 22-work prayer in New York public schools? Why not return to the status quo before 1948 when the basis was laid for the prayer and Bible reading decisions?

It was the *McCollum* decision of 1948 that served as legal precedent for these later decisions by ruling out any involvement of public schools and public school officials in religious instruction. The Court held unconstitutional the holding of religious instruction classes on public school property.

If, therefore, a constitutional amendment limited to prayer and Bible reading is adopted, it might be validly argued that the *McCollum* decision is irrevocably recognized as an acceptable part of constitutional law.

This could put one in a rather anomalous position because on the one hand, schools would be permitted to conduct religious exercises, while on the other hand, use of school property for voluntary religious instruction is denied.

The second important question is this: Would the proposed prayer amendment actually restore the status quo?

The amendment would certainly not restore the old culture which has yielded to religious pluralism. Moreover, prayer and Bible reading in public schools would derive from the authority of constitutional law, rather than community consensus.

Admittedly, these two factors, constitutional law and parental will, would coincide in many instances. The fact would remain, however, that Federal law would underlie this practice—a law which would reestablish a practice which was a product of a culture that no longer exists.

This is the rub; this is the stumbling block which confronts the advocates of the prayer amendment. And this is the reason why so many religious bodies are opposing it·

(From the NCWC News Service, May 14, 1964)

Parental Right Submerged in School Prayer Debate

(By George E. Reed)

(Note.—This is the third and final article in a series analyzing implications stemming from a proposal to amend the Constitution to permit prayer and Bible reading in the public schools. The series has been prepared for the Catholic press by George E. Reed, associate director of te Legal Department of the National Catholic Welfare Conference, who is an authority on the question of church-state relations in constitutional law.)

One of the disturbing aspects of the House Judiciary Committee's hearings on the prayer amendment is the submergence of the parential right to educate.

Neither side in the controversy has taken full advantage of the importance of this right as a factor in solving the vexatious problem of religion and education.

Arguments in behalf of an amendment to nullify the U.S. Supreme Court's 1962 and 1963 decisions against prayer and Bible reading in public schools have focused on government.

The stress has been on the right of government acting through public school boards, to provide religious exercises by virtue of the authority of the Constitution.

Opponents of an amendment have on several occasions advanced arguments based on the right of parents, but this approach has not dominated their testimony.

Occasionally, the proposition was put forward that a prayer amendment would conflict with the Supreme Court's famous Oregon School Case decision in 1925. The Court held then that the parental right prohibits the State from preventing operation of private schools.

The Court stated that the 14th amendment "excludes any general power of the States to standardize its children by forcing them to accept instruction from public school teachers only."

Some witnesses have contended that a prayer amendment will authorize the state to "standardize" the religious attitudes of schoolchildren by permitting adoption of a particular prayer or version of the Bible—regardless of the desire of parents.

They had said that freedom of religion and freedom from religion are essential parts of the fundamental parental right guaranteed by the Constitution.

No attempts have been made by amendment supporters to refute this argument. One factor in this failure is possibly a tendency to see the state as the primary educator. Or, to put it more moderately, to look upon the public school system as the executive agency of the state.

Consequently, the parental stake has not drawn the attention it deserves. One result has been to stifle development of the argument that the Supreme Court, by banning prayers and Bible reading, is not really taking a neutral attitude toward parents, but helping to erect a psychological wall of resistance to parental inculcation of religion.

The child whose schoolday is exclusively structured along secular lines tends to develop an attitude of indifference toward religion. This reaction is well documented.

On the other hand, the majority of parents may not coerce the minority to adhere to a designated form of prayer.

Had arguments stemming from parental right received more attention at the hearings, the problem of religion and education would have been emphasized in terms of the religious freedom of two groups of parents, rather than dealt with as an issue between one group and government.

The legal debate would have been cast in terms of religious freedom, rather than in terms of doctrinaire establishment, and thus open the door to a different approach to the problem.

For example, would not an acceptable solution be a system of religious instruction classes conducted after the schoolday and on school premises?

Instructors would be other than public teachers. The program would not be integrated or enmeshed with the public school machinery.

There would be no coercion on students if the plan was properly administered. Moreover, religion would still be associated with the school to an extent that would accommodate the religiously minded parent.

Such a plan would not put government in the business of imparting religious education. Rather, this system would accommodate the facilities of the public school system to the interests of parents.

It would reflect the mutual character of the public school system as designed to implement the interest of both parents and the state in education.

This approach has been explored tentatively by the Judiciary Committee. One difficulty seen was the use of public school property.

The Supreme Court, in the *McCollum* case, has condemned such use, but the circumstances were different. Religious instruction was given during the schoolday and with substantial involvement of the school, in matters such as keeping attendance records.

Undoubtedly the committee will give additional attention to this approach. In its careful weighing of the proposal, the committee may take up the possibility of an amendment which would end the constitutional uncertainty concerning the use of public school property.

Such a system of religious instruction, in addition to reflecting the mutual concern of parents and state, would be an application of principle enunciated by the Supreme Court in the *Zorach* case. The Court upheld in that case the constitutionality of released-time religious instruction held off public school premises. It said:

"When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our tradition for it then respects the religious nature of our people and accommodates the public service to their spiritual needs."

PRAYER AND BIBLE READING IN THE PUBLIC SCHOOLS

(Note.—A statement of the Friends Committee on National Legislation approved by the Executive Council, September 12–13, 1964, after opportunity for study and comment by the General Committee. This Statement was reconsidered and reaffirmed by the FCNL Administrative Committee on November 14, 1970.)

The recent decisions of the Supreme Court on prayer and Bible reading in public schools have evoked widespread discussion and caused many to suggest that the original Bill of Rights be amended.

Friends and others can make a real contribution to public understanding by describing the Supreme Court's decisions accurately, by interpreting the reasons for the Constitutional doctrine of separation of church and state, and by focusing attention on the fundamental question of how moral and religious values are communicated to children and advanced in our society. We urge all concerned Friends to obtain and read the testimony given before the House Judiciary Committee, April 22 to June 3, 1964 on various proposals to amend the Constitution.

WHAT DID THE SUPREME COURT SAY?

The First Amendment to the Constitution says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." The Supreme Court in three cases decided in 1962 and 1963 held that, under the First Amendment, state or local governmental units cannot *require* the reading of a nondenominational prayer, the recitation of the Lord's Prayer or the reading of scripture from the Bible as a part of a devotional exercise in a public school.

Teachers in our public school system, the Supreme Court indicated, cannot be required, as a part of the regular school program, to conduct religious devotions or indoctrinate students in a particular set of religious beliefs. The Court opinion in the Schempp case stated:

"While the free exercise clause clearly prohibits the use of state action to deny the rights of free exercise to anyone, it has never meant that a majority could use the machinery of the state to practice its beliefs."

However, the Supreme Court specifically said that its decisions do permit the study of the Bible and of religion when presented objectively as part of a secular program of education. It is here that great deal more can be done to interpret the great significance of the Bible and religion in the history of our civilization and their place in art, literature and music. Some states and localities are actively working on programs to infuse moral and spiritual values in their educational systems within the Constitutional framework.

The Court's decisions were confined to prescribed religious exercises in public schools. Nothing was said about the use of mottoes on our coins, chaplains in the military services, opening prayers in Congress, or other similar practices. The fear that these may also be prohibited soon has led to much of the drive for enactment of a Constitutional amendment. But we question the wisdom of attempting to establish the appropriate line between church and state by means of a detailed amendment to the Constitution.

WHY SEPARATE CHURCH AND STATE?

In the early days, Friends suffered much from laws favoring the established church which required compulsory tithes, compulsory church attendance, and compulsory oaths. They felt these laws violated their religious convictions. Friends were among the first to advocate a greater measure of religious toleration and religious liberty for people to worship God according to their own consciences.

The Supreme Court has noted that "The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church, and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade the citadel, whether its purpose or effect be to aid or oppose, to advance or retard."

Political decisions are generally taken by majority rule in this country. But religious observances are not properly determined in this manner. If the school authorities were to be permitted to require certain religious exercises, on this premise the devotions would be Quaker, Catholic, Mormon, Jewish, or other depending on the majority religious view in a given school district. Or religious exercises would be so watered down and generalized as to become relatively meaningless in purpose or content. A religious liturgy designed to appeal to all and offend none lacks the note of commitment which is an essential part of religion.

The Court's decisions underscore that religious instruction is the sacred responsibility of the family and the churches. The state and its agencies should not be expected to carry out this task.

HOW IS TRUE RELIGION ADVANCED?

Young minds become aware of the glory of God and the needs of their fellow men, not by recitation at routine exercises, but through the example of a committed life, the inspiration of a gathered meeting for worship, the constant nurturing of a tender spirit, and experiences which stimulate growth toward spiritual maturity.

We are gravely concerned about the erosion of the moral base of our national life and the increasing secularization of our country, but we do not believe such trends can be stopped by Constitutional amendments.

We cannot be satisfied with form or symbols in the absence of substance, and no child or parent should be encouraged to believe that perfunctory exercises in the classroom are the substance of religion. Friends have always insisted that religion is a matter not only of belief but of experience.

Nor does the example of European countries with established churches, where only a small percentage of the population participates in church life, give us any encouragement that official sponsorship of religion will stimulate real religious growth. Indeed, this experience seems to confirm the wisdom of the First Amendment's provision that freedom of worship shall be maintained unhampered by state interference or favoritism.

COMPLEX ISSUE REQUIRES STUDY

We encourage Friends and others to think deeply about the complexities of the church-state issue. While the state must not establish any religion, it must also refrain from interfering with the free exercise of religion. These two objectives are difficult to attain simultaneously. The majority group, prohibited from holding its religious exercises in the public schools because this is an "establishment of religion," is prevented at that moment from "freely exercising" its religion within the public school system. But free exercise can be expressed by the voluntary acts of the religious groups, without the compulsion or the interference of the state.

In the light of the serious issues raised, we urge that Congress not take action until there has been more time for full public discussion and consideration of this difficult question.

In reconciling differences, both majority and minority groups need to be more sensitive to the faith and cherished beliefs of the other. Only in a spirit of mutual understanding and toleration can we hope to achieve the freedom of religion for all which is the Constitutional ideal.

EXCERPT FROM "RELATIONS BETWEEN CHURCH AND STATE IN THE UNITED STATES OF AMERICA"

(Adopted by the 175th General Assembly The United Presbyterian Church in the U.S.A. May 1963)

The General Assembly redeclares its conviction that church and state must be organically separate.

C. In order to implement the principle of organic separation of church and state, the General Assembly adopts the following guidelines for study and action by all the judicatories of our Church:

1. The celebration of religious holidays, Bible reading and prayer in public schools.

Public schools are creations of the whole society operating through civil authority and justify their existence solely in terms of their usefulness to the society. Their role is to nurture the cultural, social, and material advancement of all citizens by a special system of instruction through intellectual and social disciplines and to stimulate a free search for truth within this discipline.

In the fulfillment of this role, public schools should not ignore the personal beliefs in God which are a part of the life of its pupils, but should recognize and respect such beliefs. Public schools should neither be hostile to religious beliefs nor act in any manner which tends to favor one religion or church over another.

In this light the Special Committee on Church and State *recommends* that:

a. Churches recognize the administration of religious training and observance as the domain of church and family.

b. United Presbyterians actively strive to recapture from popular custom the observance of religious holidays in order to restore their deepest religious meaning.

c. Since the association of seasonal activities with religious holidays in the public schools tends to pervert their religious significance, such association be discouraged as foreign to the purpose of the public school.

d. Religious holidays be acknowledged and explained, but never celebrated religiously, by public schools or their administrators when acting in an official capacity.

e. Whenever possible, students of various religious faiths should be allowed sufficient time to permit the celebration of their religious observances away from public school property. However, organized religious groups should avoid jeopardizing the integrity of the public educational process by unreasonable demands for time away from public school for any reason.

f. Religious observances never be held in a public school or introduced into the public school as part of its program. Bible reading in connection with courses in the American heritage, world history, literature, the social sciences, and other academic subjects is completely appropriate to public school instruction. Bible reading and prayers as devotional acts tend toward indoctrination or meaningless ritual and should be omitted for both reasons. Ministers, priests, and rabbis should be free to speak in public schools, provided their speaking does not constitute religious indoctrination or their presence for a part of a religious observance.

A STATEMENT CONCERNING CHURCH-GOVERNMENT RELATIONS AND EDUCATION

(Adopted by the General Conference of the United Methodist Church, May 1968)

1

"The fundamental purpose of universal public education at the elementary and secondary level is to provide equal and adequate educational opportunities for all children and young people, and thereby insure the nation an enlightened citizenry.

"We believe in the principle of universal public education and we reaffirm our support of public educational institutions. At the same time, we recognize and pledge our continued allegiance to the U.S. constitutional principle that citizens have a right to establish and maintain private schools from private resources so long as such schools meet public standards of quality. Such schools have made a genuine contribution to society. We do not support the expansion or the strengthening of private schools with public funds. Furthermore, we oppose the establishment or strengthening of private schools that jeopardize the public school system or thwart valid public policy.

"To fulfill the government's responsibility in education, sometimes it and non-public educational institutions need to enter a cooperative relationship. When public funds are utilized, it should be only when it is in the best interests of the whole society. Extreme caution must be exercised to see that religious institutions do not receive any aid directly or indirectly for the maintenance of their religious expression or the expanding of their institutional resources. Such funds must be for the expressed purpose of fulfilling a strictly public responsibility subject to public accountability.

"Public schools have often been an important unifying force in modern pluralistic society by providing a setting for contact at an early age between children of vastly different backgrounds. We recognize in particular that persons of all religious backgrounds may have insight into the nature of ultimate reality which will help to enrich the common life. It is therefore essential that the public schools take seriously the religious integrity of each of the children entrusted to their care. Public schools may not properly establish any preferred form of religion for common exercises of worship or religious observance or study. At the same time, however; education should provide opportunity for the examination of the religious traditions of mankind in the normal course of study.

2

"We believe that every person has a right to an education, including higher education, commensurate with his ability. It is society's responsibility to enable every person to enjoy this right. Public and private institutions should cooperate to provide for these educational opportunities.

3

"Freedom of inquiry poses a risk for established ideas, beliefs, programs and institutions. We accept that risk in the faith that all truth is of God. Colleges and universities can best perform their vital tasks of adding to knowledge and to the perception of truth in an atmosphere of genuine academic freedom.

"We affirm the principle that freedom to inquire, to discuss, and to teach should be regulated by the self-discipline of scholarship and the critical examination of ideas in the context of free public dialogue, rather than by supervision, censorship, or any control imposed by churches, governments, or other organizations. In the educational process, the individual has the right freely to appropriate for himself what he believes is real, important, useful and satisfying.

4

"Experience has demonstrated that freedom to inquire, to discuss, and to teach is best preserved when colleges and universities are not dependent upon a single base or a few sources of support. When an educational institution relies upon multiple sources of financial support, and where those sources tend to balance each other, the institution is in position to resist undue pressures toward control exerted from any one source of support. In the case of church-related colleges and universities, we believe that tuitions, scholarships, investment returns, bequests, payments for services rendered, loans, government grants, and gifts from individuals, business corporations, foundations, and churches should be sought and accepted in as great a variety as possible. Care must be exercised to insure that all support from any of these sources is free from conditions which hinder the college or university in the maintenance of freedom of inquiry and expression for its faculty and students.

"We recognize that the freedom necessary to the existence of a college or university in the classical sense may be threatened by forces other than those which are involved in the nature and source of the institution's financial support. Institutional freedom may be adversely affected by governmental requirements of loyalty oaths from teachers and students; by public interference with the free flow of information; or by accreditation and certification procedures and requirements aimed at dictating the content of college and university curricula.

"With respect to church-related institutions of higher education, we deplore any ecclesiastical attempts to manipulate inquiry or the dissemination of knowledge; to use the academic community for the promotion of any particular point of view; to require ecclesiastical 'loyalty oaths' designed to protect cherished truth claims; or to inhibit the social action activities of members of the academic community. We call upon all members of The United Methodist Church, in whatever capacity they may serve, to be especially sensitive to the need to protect individual and institutional freedom and responsibility in the context of the academic community.

5

"We are persuaded that there may be circumstances or conditions in which the traditional forms of tax immunities granted to colleges and universities may be a necessary requirement for their freedom. Therefore, we urge a continuation of the public policy of granting reasonable and non-discriminatory tax immunities to all private colleges and universities, including those which are related to churches.

"We believe that colleges and universities should consider the benefits, services, and protections which they receive from the community and its governmental agencies, and examine their obligations to the community in the light of this support. We believe it is imperative that all church-related institutions of higher education determine on their own initiative what benefits, services, and opportunities they ought to provide for the community as a whole as distinct from their usual campus constituencies.

6

"In situations where the continued existence of church-related colleges and universities seems dependent upon the availability of direct public grants, those responsible for the administration of such institutions—including the judicatories of the church to which they are related—may have to give serious consideration to several possibilities:

"1. Merger with similarly threatened institutions in order to produce a stronger united institution.

"2. Relinquishing church ownership or control to become public or nonsectarian private institutions.

"3. Establishing schools, departments or chairs of religion adjacent to the public or non-sectarian institutions permitting interchangeable credits.

"In making provision for church-related educational institutions, churches should avoid spreading their resources so thinly that their ability to maintain the integrity of their mission in higher education may be undermined.

"The hazards which confront church-related institutions of higher education in becoming involved in programs supported by government are that such participation may:

"1. compromise academic freedom or divert the institution from its basic philosophy of education;

"2. develop into dependence or lead to adaptation of program in order to insure continued government support;

"3. inhibit the right and responsibility of social criticism, including criticism of governments;

"4. create imbalances in program that will make of education a narrowing rather than a liberalizing experience;

"5. interfere with the right of the institution to be innovative and experimental in program, method, and procedures;

"6. require secrecy with respect to the development, reporting, or proposed application of results of research, which secrecy violates the scholarly norm of free search for and sharing of knowledge;

"7. deny the right to emphasize those values and commitments which it shares with its sponsoring religious body."

STATEMENT OF NATIONAL COUNCIL OF THE PROTESTANT EPISCOPAL CHURCH, ADOPTED MAY 27, 1964

Opposition to Amendments to the Constitution of the United States Designed to Permit Devotional Exercises in Public Schools.

Whereas, Recent decisions of the United States Supreme Court relate only to prayers and Bible-reading which are part of official exercises in public schools; and

Whereas, We believe that these decisions are not hostile to religion, and that it is no proper function of government to inculcate religious beliefs or habits of worship; and

Whereas, We are advised that nothing in these decisions prevents voluntary expressions of reverence or religious sentiments in the schools, nor forbids the offering of prayers on public occasions, such as inaugurations; and

Whereas, The Court clearly allows for the objective study of religion, and particularly of the Bible, in public schools, and suggests the possibility of including within the public-school curriculum an understanding of the role of religion in society, culture, and history; and

Whereas, We believe that worship and religious education are the responsibility of Church and home, and not of the public schools or governmental institutions; and

Whereas, There are no easy solutions to the task of infusing all of life with God's purpose without, at the same time, violating the religious liberty of citizens; now, therefore, be it

Resolved, That the National Council of the Protestant Episcopal Church record its considered opinion that amendments to the Constitution of the United States of America which seek to permit devotional exercises in our public schools should be opposed.

Adopted by the Council.

RELIGION AND THE PUBLIC SCHOOLS

(Adopted by the Council for Christian Social Action of the United Church of Christ, June 10, 1963)

Since the recent decisions of the Supreme Court of the United States declaring unconstitutional certain religious activities in public schools, for a long time sanctioned by law and custom, raise important questions concerning the nature of education, the place of religion in education, and the relation of the public schools to the churches; and since these questions are of great importance to parents and children and to the churches as well as to those agencies of government concerned with education, the Council for Christian Social Action of the United Church of Christ recommends the following as guiding principles in formulating policies concerning the place of religion in education and the relation of the churches to the public schools.

1. The aim of education is the fullest possible development of the person's capacities as a human being created by God.

2. The responsibility for education of the child is shared by parents, the church, and the government and, therefore, parents, church and government each have rightful interests in the education of the child.

3. The people of the United States have, as a matter of fact, various religious loyalties: Protestant, Roman Catholic, Orthodox, Jewish. Some are not adherents of any religious body or do not profess any religious beliefs. The fact of this religious pluralism cannot be disregarded in formulating policies concerned with the relation of education and religion in public schools and of the churches to the public schools.

4. The religious pluralism, characteristic of the United States, and the disavowal of societal compulsion in religious activities and observances have in many communities undermined traditional relations between the public schools and the church. These facts have confronted both the church and the public school with the need to devise new ways through which their respective responsibilities for the development of children can be best discharged.

5. Recognition and awareness of the vital part played by religion in the shaping of our history and culture is an important part of education. Hence, information about religion, objectively presented, is an essential part of many school subjects and should be so treated.

6. Responsibility for religious education and worship belongs primarily to the church and to the home.

7. Devotional activities or religious teaching directed to commitment should not be included in the curriculum or program of the public schools. In the setting of the public school, there is no satisfactory way of escaping the association of compulsion with such teaching and activities.

8. Members of the churches are encouraged to participate in efforts to strengthen and improve public education through such positive steps as:

(1) Keeping informed about the needs of the public schools and the issues relating to public education as a basis for intelligent action as citizens;

(2) Engaging in intelligent appraisal and responsibile ciriticism of programs of public education;

(3) supporting qualified candidates for boards of education and being willing to serve as members of such boards;

(4) Working for improved financial support of public schools;

(5) Emphasizing public school teaching as a profession through which the Christian can express his Christian vocation.

9. The churches and instrumentalities serving the churches are encouraged to explore and develop new ways to provide for children of school age adequate opportunities for worship and for instruction directed towards Christian commitment. The Christian education program carried on by the churches should be supported by such positive steps as:

(1) More adequate provision and use of facilities for Christian education;

(2) More and better qualified teachers in Christian education on part-time or full-time basis;

(3) Adequate textbooks and other teaching aids for enlarged program of Christian education;

(4) Exploration of such proposals as "shared time;"

(5) Improvement of such established means of Christian education as Sunday church schools, confirmation instruction, and pastor's membership classes along with new experimental procedures.

STATEMENT ON THE SUPREME COURT DECISION INVOLVING THE NEW YORK REGENT'S PRAYER—(ENGEL V. VITALE)

(Adopted by the Council for Christian Social Action of the United Church of Christ, July 10, 1962)

The Council for Christian Social Action of the United Church of Christ declares its support of the United States Supreme Court in its decision in *Engel* v. *Vitale* for the following reasons—

1. The decision upholds the principle of church-state separation. The Council for Christian Social Action believes that because the New York State Regents' prayer was created, adopted, and administered by state officials and used as a religious exercise in the public schools, it violated the Establishment Clause of the First Amendment of the Federal Constitution. The fact that the prayer was non-denominational and its recitation voluntary does not alter the fact that the State prescribed a particular form of prayer to be used as an official prayer in a program of governmentally sponsored religious activity. Thus the State was carrying out a function which is not its business to perform.

2. We believe that the responsibility for religious education and worship belongs to the church and home where it can be most effectively performed. Significant prayer is an expression of deep religious faith and conviction which cannot be appropriately expressed corporately in a public school setting where there is a wide variety of belief and non-belief.

3. There is nothing in the decision which bans private prayer. Nor is there anything in the decision which restricts teaching about the contributions religious leaders, movements, and ideas have made in the shaping of our history and culture; and we would encourage the public school to do this more effectively.

The Council for Christian Social Action calls upon the members of our churches to support the Supreme Court decision. It urges those concerned about the spiritual development of children to use and improve the opportunities for religious training in the church and the home and not to look to other agencies to do the job.

STATEMENT OF THE BOARD OF PARISH EDUCATION, LUTHERAN CHURCH, MISSOURI SYNOD, JULY 29, 1966

The Dirksen Prayer Amendment seeks to encourage the opportunity for a voluntary participation of students in prayer without prescribing the form or content of any prayer. To encourage prayer is a laudable objective. The public school, however, does not seem to provide appropriate circumstances for joint prayer.

The amendment would forbid any authority to prescribe the form or content of prayer. Yet in any group situation prayer without imposed form or content is impossible. One possibility of avoiding imposing form and content is in providing a time for meditation and prayer where each in his own words and in his own way prays privately. Such private prayer is already a possibility, although it might be desirable to provide a time-slot for a moment of private prayer.

While the public school is not the place for group prayer or worship, there are some things that it can do with respect to religion. The public school can take a positive attitude toward religion and point to the large role that religion plays in the lives of many people, and it can point to the influence that religion has exerted on individuals and on society in general. The public school can study religious art, religious music, and religious literature. More of this ought to be done. In all this, however, the public school must show respect for all religious faiths, and respect the rights of those who are irreligious to hold their opinions.

We are sympathetic to public school teachers and administrators in their problem of dealing with religion in the public school program. We support the idea that community representatives must work with public school educators to define the proper role of the public school in teaching about religion.

The Board of Parish Education of The Lutheran Church—Missouri Synod, feels that the Dirksen Amendment fails to recognize fully the religious pluralism of the American scene. We believe that Christians cannot join with non-Christians in addressing God in circumstances that deny Jesus Christ as Saviour and Lord. We believe likewise that non-Christians should neither be expected to participate in Christian prayer nor should they expect Christians to join them in prayers that deny Christ.

The concept of voluntary participation in prayer provides either a coercive force or an embarrassing situation for both Christians and non-Christians. Under these circumstances we believe that it is best for the public school not to engage in prayer or other religious worship exercises.

We support the idea that home and church have the responsibility for a religious education which seeks commitment and provides time for prayer or devotional exercises.

PRAYER AND BIBLE READING IN THE PUBLIC SCHOOLS

(Adopted by the Second Biennial Convention, Pittsburgh, Pennsylvania, July 2–9, 1964)

(Note.—In June, 1963, the Executive Council of the Lutheran Church in America adopted a brief statement on prayer and Bible reading in the public schools in the light of decisions on those matters by the United States Supreme Court (Engel and Schempp cases, 370 U.S. 421 and 374 U.S. 203).

The Biennial Convention of the LCA in July, 1964, received an interpretive memorandum attached by the Executive Council to the prior statement. The significance of the memorandum was in its fuller analysis of the Court's decisions and in the attention it gave to related proposals to amend the Constitution of the United States.

The convention ratified the statement of the Executive Council (in the words of the pertinent resolution) "as amplified and interpreted by" the memorandum.

The statement of the Executive Council (I) "as amplified and interpreted by" the memorandum (II) constitutes the official position of the Lutheran Church in America on prayer and Bible reading in the public schools and the question of constitutional amendment.

I. STATEMENT BY THE EXECUTIVE COUNCIL, 1963

We do not believe that much has been lost in terms of the specific points covered by the recent decisions of the United States Supreme Court in the school prayer and Bible reading cases. If the Lord's Prayer were to be recited in schoolrooms only for the sake of the moral and ethical atmosphere it creates, it would be worth nothing to the practicing Christian. The Lord's Prayer is the supreme act or adoration and petition or it is debased. Reading the Bible in the public schools without comment, too, has been of dubious value as either an educational or religious experience. The more we attempt as Christians or Americans to insist on common denominator religious exercise or instruction in the public schools, the greater risk we run of diluting our faith and contributing to a vague religiosity which identifies religion with patriotism and becomes a national folk religion.

At the same time, in candor, these decisions must be seen as a watershed. They open an era in which Christianity is kept separate from the state in a way that was foreign and would have been repugnant to the minds of our ancestors at the time when the Constitution was written and ever since. They signalize the fact that the United States of America, like many other nations, is past the place where underlying Christian culture and beliefs are assumed in its life.

This event intensifies the task of the church. It heightens the need of the church for strength to stand alone, lofty and unshaken, in American society. It calls for greater depth of conviction in all Christian men and women.

II. INTERPRETIVE MEMORANDUM, 1964

The United States Supreme Court has declared it unconstitutional for states to require religious exercises such as prayer recitation and the reading of the Bible without comment in the public schools. (Engel and Schempp cases, 370 U.S. 421 and 374 U.S. 203.) It is natural that the Court's decisions have created controversy and have aroused misgivings and questions on the part of those who have both an interest in the public schools and a concern for the religious and moral nurture of our children. To some it has seemed that the Federal Constitution should be expressly amended to nullify these decisions and otherwise restrict the application of the religion clauses of the First Amendment.

Criticism of the Court's rulings has been directed to the following points: that prayer exercises and Bible reading in the public schools have the sanction of historical usage, that to call these practices a form of religious establishment is to carry constitutional interpretation to an unwarranted extreme, that to invalidate these practices at the request of a minority is to deny majority rights, and that exclusion of such religious practices has the effect of conferring a constitutional blessing upon secularism as an official philosophy.

The Church is properly concerned about these questions. The validity, the meaning and the effect of the Court's decisions touch on matters of vital interest to Christians, both in terms of their responsibility under God for the good of the public order and their special calling in Christ for the sake of the Gospel.

It does not appear, however, that the church need be alarmed over the results reached by the Court in these cases. Persons of goodwill may have differences of opinion on the correctness or desirability of these decisions. At the same time believers and nonbelievers alike may share the view that in the end these decisions may have a wholesome effect in clarifying the role of the public school with respect to religious matters.

The Executive Council statement of June 1963 recognizes that from a religious point of view not much is lost as a result of the decisions of the U.S. Supreme Court in the school prayer and Bible reading cases. Recitation of prayers when prescribed by public authority easily becomes a formal, mechanical exercise that neither reflects nor contributes to genuine religious piety and reverence. Bible reading without comment may take on the form of a ritualistic exercise that contributes little to a genuine educational program or to understanding of the Bible.

Moreover, both the Lord's Prayer and the Bible belong to a particular religious tradition, and their use in religious exercises in the public schools does result in a religious preference and invites the risk of sectarian divisiveness in the community. In turn, any devotional use of the Bible designed to avoid or minimize the sectarian aspect results in a distorted conception of the Bible and a dilution of its religious message.

Furthermore, any religious exercise designed to minimize the sectarian element, whether it be a nonsectarian prayer or Bible readings that ignore religious teachings, serves to promote a vague or a syncretistic religion that conveys none of the substance, the depth, and cutting edge of the historic Christian witness.

The nature of our contemporary pluralistic and democratic society requires a re-evaluation of practices which though sanctioned by historical usage had their origin at a time when the Protestant influence was dominant in the shaping of many public practices including the public school program. A due regard for all religious faiths and also for nonbelievers and nonconformists of all kinds makes it imperative that the public schools abstain from practices that run the risk of intrusion of sectarian elements and divisiveness. The public school serves a unique and valued place in helping to build a civic unity despite the diversities of our pluralistic culture.

It should also be noted that when the state deeply involves itself in religious practices in the public schools, it is thereby not only appropriating a function properly served by the church and the family but subjecting the freedom of believers and unbelievers alike to the restraint that accompanies the use of governmental power and public facilities in the promotion of religious ends. This construction is particularly relevant in the case of religious exercises in the public schools. Children are required to be in school by compulsion of public law, the religious exercises are prescribed by public authority, public school facilities are used, and the teacher—the symbol of authority in the classroom—supervises the exercises. These factors combine to operate with indirect coercive force on young and impressionable children to induce them to take part in these exercises, despite a freedom to be excused from participation. Even persons with a genuine regard for prayer and the Bible may object to having their children engage in these exercises when they are supported by the compulsion of law.

Having said this, however, does not foreclose the legitimacy of having any reservations about the Supreme Court's decisions. The legal question whether the establishment clause of the First Amendment is properly interpreted to apply to religious practices in the public schools is a matter on which scholars disagree. It is quite valid to ask whether the Fourteenth Amendment should be used to make the First Amendment apply to every school community in the United States, regardless of the religious character of the local community.

A more serious question, moreover, goes to the concept of neutrality respecting religious matters, which played a central part in the Court's decision handed down in 1963. Clearly public school programs must be directed to secular purposes, and yet the schools cannot be absolutely neutral in regard to religious matters. Any education premised on indifference to the religious factors in history, in American life and in the life or the individual, is an inadequate education. Furthermore, the vacuum introduced by the exclusion of religion opens the door to the cult of secularism. The Constitution prohibits the establishment of all kinds of religion—whether theistic or secular in character.

Recognizing these considerations, the Court has wisely stated that schools may properly present programs for the objective study of the Bible and of religion. How successfully this can be done, without the intrusion of sectarian elements, remains to be seen. This points up the challenge to the churches and to the public schools to give serious attention to ways of studying the Bible and religion that will do justice to the religious factor and at the same time serve the larger neutrality which an even-handed interpretation of the Constitution requires. The LCA Commission on Church and State Relations in a Pluralistic Society is currently exploring this question and will report its conclusions to the Church in due time.

Christians should realize, however, that not too much may be expected of the public schools in dealing with religious matters. The schools must be careful to abstain from practices and teaching programs that involve commitment to ultimate truth or values. On the other hand, it should be possible for the public schools to teach respect for the spiritual and moral values that reflect the community consensus and which for most citizens have their roots in the Christian, and in the antecedent Hebrew tradition.

Our democratic society rests on certain moral assumptions. But even here the public schools must be careful. In teaching respect for the ethics of a democratic society, they cannot commit themselves to either a theistic or a humanistic philosophy respecting the sources and motivation for ethical conduct. The nurture of an informed, vital and relevant religious faith remains the responsibility of parents and the churches.

In view of these considerations it does not seem that anything of importance is to be gained through an amendment to the Constitution that would sanction prayer and Bible reading in the public schools. The Supreme Court has not held that there can be no prayers in public schools. Nothing in the Court's decisions precludes school authorities from designating a period of silence for prayer and meditations or even for devotional reading of the Bible or any other book during this period. Opportunity for voluntary participation in prayers of the student's own choice is not governed by these decisions which dealt only with situations where school authorities were directly involved in prescribing the kind of prayer and in giving direction to it. Moreover, the Court's recognition that the objective study of religion and the Bible in the public schools is consistent with the First Amendment gives promise to a constructive approach to neutralizing secularistic tendencies in public education.

Furthermore, the Supreme Court has not outlawed reference to God in public documents, proceedings or ceremonies. No constitutional amendment is necessary to assure the freedom of the federal and state governments to give appropriate expression to the religious factor in our history and in the lives of our people.

On the other hand, there is disadvantage in using the amendment process to deal with the present issue and there is risk in the results that would be achieved by it. The proposed amendments would represent only a piece-meal way of dealing with religious practices in public schools and in public life. It would be a use of the amendment process not to state general and fundamental principles but to sanction certain specific and detailed practices. This is, to say the least, a questionable use of the amendment process. Moreover, such an amendment would raise new problems of interpretation and could lead to unintended and unsuspected results in areas vitally touching on religious liberty. Finally, and this is most important, the proposed amendments in their substance would give constitutional sanction to distinctively sectarian practices in the public schools with all the risks involved of impinging upon freedom of conscience and belief and creating religious divisiveness in the community.

The Constitution should not be amended except to achieve large and important public needs and purposes consistent with the basic nature of our constitutional system. The current proposals for constitutional amendment do not meet these standards. Parents, churches and school authorities would be better advised to direct their efforts to programs for study of religion and the Bible in the public schools and to the formulation of types of programs which coordinate the secular educational programs of the public schools with programs of a strictly religious nature conducted by the churches themselves, rather than to seek constitutional sanctions for devotional exercises in public schools that have at most a minimal religious value, which invite the intrusion of sectarian influences into the public school system, risk the violation of the rights of religious freedom and are a potential source of conflict in the community.

Section on "Religion in the Schools" From Church-State Relations in the U.S.A.

(A Statement Commended by the Second General Convention of the American Lutheran Church, October 21–27, 1964)

RELIGION IN THE SCHOOLS

27. Reading of Scripture and addressing deity in prayer are forms of religious expression which devout persons cherish. To compel these religious exercises as essential parts of the public school program, however, is to infringe on the distinctive beliefs of religious persons as well as on the rights of the irreligious. We believe that freedom of religion is best preserved when Scripture reading and prayer are centered in home and church, their effects in the changed lives of devout persons radiating into the schools and into every area of community life. It is as wrong for the public schools to become agents for atheism, godless secularism, scoffing irreligion, or a vague "religion in general" as it is for them to make religious rites and ceremonies an integral part of their programs.

28. It is a distortion of the constitutional principle of neutrality of the state toward religion to insist that public schools ignore the influence of religion upon culture and persons. A rounded education ought to include knowledge of major religious groups and their emphases, the influence of religion upon the lives of people, and the contributions of religion to society, taught in history, literature, social science, and other courses at levels consistent with the maturity and comprehension of the pupils. The objective for the public schools in this direction is understanding rather than commitment, a teaching *about* religion rather than a teaching *of* religion. Churches ought to offer their assistance to the public schools in preparing for and in supporting the teaching of such courses.

29. Whether and how distinctive religious holidays should be recognized in the public schools, and whether public property may be used for religious displays and ceremonies, we believe are matters best decided by the responsible authorities in each community in light of (a) the interests and desires of the people of that community, (b) government's obligation to benevolent neutrality in religious matters, (c) the protections and opportunities for redress guaranteed any minorities, and (d) the possibility that the religious significance of the holiday will be lost as it becomes simply a seasonal rite or ceremony.

30. Released time, dismissed time, and shared time are means deserving of greater exploration so that the churches can give religious education, competently and in accord with their distinctive doctrinal emphases, to pupils enrolled in the public schools. Such programs would require rejection of the dogmatic and inflexible approach fostered by the slogan "separation of church and state." Such study might result in encouraging genuinely benevolent neutrality on the part of government and a fresh approach to the free exercise of religion in education not otherwise attainable.

Prayer in the Public Schools

(A Statement Commended by the Church—The American Lutheran Church, October 26, 1964)

Voted by the Second General Convention, The American Lutheran Church, October 26, 1964 (GC64.26.118) to adopt the following resolution:

Whereas, The president of the church in his message has called attention to the deep concern among our people regarding the Supreme Court decision on prayer in the public schools; and

Whereas, There are attempts from many sources to achieve changes via legislative process and constitutional amendment; and

Whereas, The president of the church has indicated the desirability of guidance by the church for its people; and

Whereas, Dr. Paul Kauper, a professor of constitutional law, has prepared a statement at the request of the president of the church (Report of the President, Exhibit A, pages 89 and 90); therefore be it

Resolved, That this convention commends the president of The American Lutheran Church for his concern relative to the Supreme Court decision regarding prayer in the public schools and the events following the decision; and be it further

Resolved, That the statement by Professor Kauper concerning proposals to amend the United States Constitution to give constitutional sanction to certain types of religious practices in public institutions be commended as a carefully reasoned document for study by the members of The American Lutheran Church.

Supreme Court Decision on Prayer in the Public Schools

(A Statement by Professor Paul Kauper Concerning Proposals to Amend the United States Constitution to Give Constitutional Sanction to Certain Types of Religious Practices in Public Institutions.)

Proposals are now pending before the Congress of the United States to amend the Constitution in order to give constitutional sanction to certain types of religious practices in public institutions and in the public life. Some of these proposals are directed only to the matter of prayer and Bible-reading in the public schools and are designed to overcome the effect of the Supreme Court's decisions dealing with these practices. Others go further and would give constitutional sanction also to references to God and to expressions of belief in God in public ceremonies, in public documents and on the coins or obligations of the United States.

We believe that it would be unwise for the Congress to give its approval to any such amendment. Without attempting to pass judgment on the soundness of the Supreme Court's decisions in declaring officially prescribed prayer and Bible-reading practices to constitute an establishment of religion in violation of the First and Fourteenth Amendments to the Constitution, we do recognize that such practices are essentially ritualistic in character, that any form of religious practice opens the way for sectarian intrusion into the public school program, that such practices offend minority groups, and that in the end religion suffers and religious liberty in its fullness is threatened when government uses the power of its laws and the public school program to prescribe an official faith. Devotional exercises for the cultivation and nurture of religious faith belong in the home and the church.

Insofar as some of these proposed amendments are directed to the further purpose of validating references to God on public occasions, and in public ceremonies, proclamations, and documents, they are unnecessary since neither the holdings nor the chief opinions in the cases decided by the Supreme Court support the view that the Constitution outlaws reference to God and to expression of belief and dependence upon him whether it be in the public school or on various public occasions. Moreover, any attempt to deal with these matters by constitutional amendment creates problems and difficulties of draftsmanship and may open the door to practices which encroach upon freedom of belief and conscience.

The Constitution as the basic law of the land should not be amended, particularly in the vital and sensitive areas of religious liberty and of church-state relations, except to achieve some great and compelling public purpose or need. For the reasons stated above, we believe that it would be a step in the wrong direction to amend the Constitution in order to achieve the purposes of the proposals now pending before Congress.

This expression of our disapproval of these proposals for constitutional amendment does not mean that we disapprove of reference to God and to belief in and dependence upon him as found in various aspects of our public life. On the contrary, we believe that these are appropriate practices, not because they contribute to the vitality of the nation's religious life, but because they are a legitimate expression of our religious heritage. Indeed, to say that the Constitution requires the deletion in the public life of all such references rooted in the history and life of our people is to interpret the Constitution as manifesting hostility to religion. It is important also that our public schools recognize the relevance of religion and afford opportunity for study of the Bible and of religion as essential to the purposes of public education.

The Supreme Court's decisions do not outlaw prayer and study of the Bible in the public schools. They prohibit only officially prescribed religious exercises calling for corporate participation. Unfortunately, the Supreme Court's decisions have been relied upon in some instances to furnish pretext and license for the use of the public school classroom both to discredit religion and to deny opportunity for the voluntary expressions by students of their faith. This is a gross distortion of the Supreme Court's decisions. The Constitution assures the free exercise of religion. The schools must see to it that this freedom is fully respected.

Commission on Research and Social Action, The American Lutheran Church, 422 South Fifth Street, Minneapolis, Minnesota 55415.

THE CHURCHES AND THE PUBLIC SCHOOLS

(A policy statement of the *National Council of Churches* adopted by General Board on June 7, 1963 in New York City)

As Christians we acknowledge God as the ground and source and confirmer of truth, whose Spirit is ever ready to respond to men's and children's search for understanding by correcting their fumbling misapprehensions and leading them into larger and fuller truth. Teaching and learning at their highest are pursued within this recognition. As Americans we are firmly committed to the right of freedom of conscience and freedom of religion, that is, the freedom of each citizen in the determination of his religious allegiance, and the freedom of religious groups and institutions in the exercise and declaration of their beliefs.

The American tradition with respect to the relations of government and religion, often described as "separation of church and state" does not mean that the state is hostile toward, or indifferent to, religion. On the contrary, governments—national, state and local—have prevailingly acknowledged the importance as well as the autonomy of religion and have given expression to this principle in many ways.

In present-day American society, with its diversity of religious conviction and affiliations, the place of religion in public education must be worked out within this recognition of the prevailingly positive attitude of the American people as a whole toward religion and safeguarding of religious liberty.

As Christians we believe that every individual has a right to an education aimed at the full development of his capacities as a human being created by God, his character as well as his intellect. We are impelled by the love of neighbor to seek maximum educational opportunities for each individual in order that he may prepare himself for responsible participation in the common life.

CONCERN FOR THE PUBLIC SCHOOLS

We reaffirm our support of the system of public education[1] in the United States of America. It provides a context in which all individuals may share in an education which contributes to the full development of their capacities. It serves as a major cohesive force in our pluralistic society. We also recognize that significant value derives from the fact that this system is financed by public funds, is responsive to the community as a whole, and is open to all without distinctions as to race, creed, national origin, or economic status.

DEFINITION OF ROLES

Religious ideas, beliefs, values, and the contributions of churches are an integral part of our cultural heritage as a people. The public schools have an obligation to help individuals develop an intelligent understanding and appreciation of the role of religion in the life of the people of this nation. Teaching for religious commitment is the responsibility of the home and the community of faith (such as the church or synagogue) rather than the public schools.

We support the right of religious groups to establish and maintain schools at their own expense provided they meet prescribed educational standards.

We support also the right of parents to decide whether their children shall attend public or non-public schools. The parent who chooses to send his children to a non-public school is not excused from the responsibility of the citizen to support and seek to improve the public schools.

Neither the church nor the state should use the public school to compel acceptance of any creed or conformity to any specific religious practice.

It is an essential task of the churches to provide adequate religious instruction through every means at their disposal. These include both those activities which individual churches provide within their own walls and also various joint ventures of churches involving cooperation with the public schools. Christian nurture and the development and practice of Christian worship are inescapable obligations of the congregation and the family. We warn the churches against the all-too-human tendency to look to the state and its agencies for support in fulfilling the churches' mission. Such a tendency endangers both true religion and civil liberties. At the same time, we call the churches to renewed worship, study, work, and sacrifice to fulfill their mission as God's people in the world.

PLACE OF RELIGION IN THE PUBLIC SCHOOLS

No person is truly educated for life in the modern world who is not aware of the vital part played by religion in the shaping of our history and culture, and of its contemporary expressions. Information about religion is an essential part of many school subjects such as social studies, literature and the arts. The contributions of religious leaders, movements, and ideas should be treated objectively and broadly in any presentation of these subjects. Public school administrators and textbook producers are to be commended for the progress made to date in including objective information about religion in various subject matter fields. Teachers should be trained to deal with the history, practices, and characteristics of the various religious groups with competence and respect for diverse religious convictions. Their greatest influence will be through the life and attitudes they reflect in the classroom. They should be free as persons to express their own convictions in answer to direct questions from pupils when appropriate to the subject matter under study.

The full treatment of some regular school subjects requires the use of the Bible as a source book. In such studies—including those related to character development—the use of the Bible has a valid educational purpose. But neither true religion nor good education is dependent upon the devotional use of the Bible in the public school program.

The Supreme Court of the United States in the Regents' Prayer case has ruled that "in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as part of a religious program carried on by the government." We recognize the wisdom as well as the authority of this ruling. But whether prayers may be offered at special occasions in the public schools may well be left to the judgment of the board responsible for the program of the public schools in the local community.

While both our tradition and the present temper of our nation reflect a preponderant belief in God as our Source and our Destiny, nevertheless attempts to establish a "common core" of religious beliefs to be taught in public schools have usually proven unrealistic and unwise. Major faith groups have not agreed on a formulation of religious beliefs common to all. Even if they had done so, such a body of religious doctrine would tend to become a substitute for the more demanding commitments of historic faiths.

Some religious holidays have become so much a part of American culture that the public school can scarcely ignore them. Any recognition of such holidays in the public schools should contribute to better community understanding and should in no way divert the attention of pupils and the community from the celebration of these holidays in synagogues and churches.

We express the conviction that the First Amendment to our Constitution in its present wording has provided the framework within which responsible citizens and our courts have been able to afford maximum protection for the religious liberty of all our citizens.

CHURCH SUPPORT OF PUBLIC SCHOOLS

American public education should have the full and conscientious support of Christians and Christian churches. Therefore, we urge our constituency to continue efforts to strengthen and improve the American system of public education through positive steps such as the following:

1. Providing intelligent appraisal and responsible criticism of programs of public education;
2. Keeping informed about the needs of the public schools and studying issues related to public education as a basis for intelligent action as citizens;
3. Supporting able candidates for boards of education and being willing to serve as members of such boards;
4. Working at local, state, and national levels for improved legislative and financial support of public schools;
5. Emphasizing to prospective and present teachers the profession of public school teaching as a vocation that is worthy of the best service a Christian can give;
6. Exploring cooperative arrangements of the churches and schools whereby the church's teaching of religion may be improved.

In American education, there is a substantial inter-relation between primary, secondary and higher education.

It needs to be stressed that, in a substantial majority of publicly-maintained institutions of higher education, provision is offered for the voluntary election of courses in religion on a parity with all other subjects of the curriculum, and not infrequently for publicly-supported chaplains and other services of religion.

The question should be explored whether these arrangements through which religious instruction and services are provided within state institutions of higher education without infringement of law or offense to individual conscience may not offer suggestion for more adequate provisions within the public schools of opportunities for the study of religion where desired, fully within the constitutional guarantees of freedom of conscience and of religious expression.

The vote of Board members was: 65 for, 1 against, 1 abstention.

Note—The Greek Orthodox Church of

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[1] In this document the terms "public education" and "public schools" are taken to mean the system of public elementary and secondary education in the United States.

North and South America has indicated that it disclaims and dissociates itself from this pronouncement.)

On Voluntary Prayer

Whereas, There is a continuing national discussion on the relationship between public agencies and the advancement of religion, and

Whereas, Baptists have made a major contribution to the world by insisting on religious liberty for all and by emphasizing that a genuine religious experience is a voluntary response to God, and

Whereas, Prayer is one of the most intimate and sacred relationships to God and must be kept free from governmental or ecclesiastical intrusion, and

Whereas, Prayer is not a genuine response to God unless it is voluntary. Therefore, be it

Resolved, that the Southern Baptist Convention in session at St. Louis, Mo., June 2, 1971, reaffirm its resolution on Religious Liberty approved by the Convention at Atlantic City, N.J., May 22, 1964 (see page 80, SBC Annual 1964), and

Be it further *Resolved*, that we do hereby reaffirm our belief in voluntary prayer on the part of all people and that we urge the churches to teach their members the true nature of prayer and the role of the Holy Spirit in helping people to pray, and

Be it further *Resolved*, that the Southern Baptist Convention encourage its constituency to participate in prayer experiences that are voluntary and uncoerced by governmental or ecclesiastical authorities.

Resolution No. 2—Religious Liberty

In this anniversary year we are grateful for the witness which our Baptist movement has been privileged to bear. The discernment of the call of God in Christ has led us to a glorious experience of evangelism and missionary outreach through the power of the Holy Spirit.

Our leaders and our people have firmly rejected the use of the coercive powers of government in the realm of religion. Baptists had much to do with writing the First Amendment into the Constitution of the United States and have been in the forefront in preserving the religious liberty that our nation has enjoyed. We have unflinchingly declared our desire for separation of church and state in resolutions, in sermons and in policies and practices.

1. We, the messengers of the Convention hereby affirm our support for the concepts and the vocabulary of the First Amendment, including both its prohibition upon government roles in religious programs and its protection of free exercise of religion for the people.

2. We enunciate our concern that public officials and public servants of all types shall have the same free exercise of religion as other citizens, but that this freedom does not entitle them to use public or official powers for the advancement of religious commitments or ideas. In applying this principle to the field of public education, we affirm the historic right of our schools to full academic freedom for the pursuit of all knowledge, religious or otherwise.

3. We appeal to the Congress of the United States to allow the First Amendment of the Constitution of the United States to stand as our guarantee of religious liberty, and we oppose the adoption of any further amendment to that Constitution respecting establishment of religion or free exercise thereof.

4. We urge all our channels, leaders, and churches to involve themselves throughly in study of the biblical, the historical, and the contemporary issues related to religious liberty to the end that our heritage of freedom and responsibility under God may be clearly understood and appreciated by the next generation and by ever larger proportions of the world's peoples.

A Statement on Religious Freedom and Voluntary Prayer

The people called Baptists have always believed in and contended for the principle of religious liberty for all and the fact that prayer, to be genuine, must be voluntary . . . for prayer is communion with God.

The Progressive National Baptist Convention, Inc. adheres to this principle and believes further that prayer should neither be hindered nor compelled by any governmental or ecclesiastical authority.

We believe that the First Amendment to the Constitution which states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," is a sufficient guarantee of religious liberty for all. The Supreme Court of the United States has rendered decisions which fairly and adequately interpret this amendment.

We believe further that another amendment to the Constitution relative to religion in general and prayer in particular could becloud the clear statement of the First Amendment and afford an opportunity for courts in the future to interpret the First Amendment differently. Therefore, we oppose a prayer amendment to the Constitution.

S. S. Hodges,
Executive Secretary.

Progressive National Baptist Convention, Inc., Washington, D.C.

CHOU EN-LAI MESSAGE TO FIDEL CASTRO

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. SCHMITZ. Mr. Speaker, at this point in the Record I would like to insert copy of a message from Chou En-Lai to Fidel Castro which appeared in the Foreign Broadcast Information Service Daily Report of July 26, 1971.

Chou informs Fidel that—

> The Chinese Government and people will, as they always have in the past, resolutely fight together with the Cuban people, and we will learn from each other, support each other and carry the struggle to defeat the U.S. aggressors and all their running dogs through to the end.

The Chinese Communists are making great efforts to assure the various contingents of the world Communist movement that they have no intention of deviating from their stated goal of helping to destroy the free world and, in particular, the United States.

The message follows:

Chou En-Lai Greets Fidel Castro on Cuban Anniversary

Premier Chou En-Lai sent a cable today to Prime Minister Castro of the Revolutionary Government of the Republic of Cuba, warmly greeting the 18th anniversary of the Cuban national uprising. Following is the text of Premier Chou's cable:

To Prime Minister Fidel Castro Ruz, Cuban Revolutionary Government, Havana:

On the occasion of the 18th anniversary of the Cuban national uprising, on behalf of the Chinese Government and people I extend to you, the Cuban revolutionary government and the fraternal Cuban people, our warm greetings.

The heroic Cuban people, under the leadership of Prime Minister Castro, overthrew by armed struggle the rule of U.S. imperialism and its running dogs, and they have, since the victory of the revolution, continued to wage heroic struggles against U.S. imperialism's aggression, interference, blockades and subversion, to defend national independence and state sovereignty and to build the fatherland. They have overcome many difficulties, won great victories and made great achievements.

The (?success) of the Cuban people is a great support for the Chinese people and the people of the whole world in their struggle against U.S. imperialism and all its running dogs. The Chinese Government and people will, as they always have in the past, resolutely fight together with the Cuban people, and we will learn from each other, support each other and carry the struggle to defeat the U.S. aggressors and all their running dogs through to the end.

May the militant unity and fraternal friendship between the Chinese and Cuban people live forever.

[Signed] Chou En-Lai, premier of the State Council of the People's Republic of China.

25 July 1971, Peking.

GOVERNMENT REGULATIONS AND THE ICC

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. SEBELIUS. Mr. Speaker, whether regulations impede or expedite has long been a controversial subject, especially when it is a question of Government regulations. Certainly this applies to the Interstate Commerce Commission. An agency that has been the topic of much conversation and criticism by Members of Congress. However, considering the magnitude of our transportation problems and their complexity, political conversation and criticism, while easy to offer, is not really pertinent to finding answers to these problems.

George Stafford, first permanent chairman of the Interstate Commerce Commission, with his positive leadership, is trying to find workable solutions to the ICC's problems and protect the public's rights, letting the chips fall where they may.

Chairman Stafford gives his opinions on regulations in a recent interview in the Commercial Car Journal, which I commend to the attention of my colleagues:

Feisty ICC Balks

The Interstate Commerce Commission, timid old lady of regulation, is getting feisty in her 85th year under her first permanent chairman, George Stafford.

A World War II combat veteran and graduate of the rough-and-tumble statehouse school of politics, Stafford is one of the most outspoken foes of deregulation of the Transportation industry.

"If you want rag-tag, tail-end transportation service in this country, you can end federal regulation. That's what the result would be. If you want a good system, you have to pay the price," Stafford said in an exclusive interview with CCJ.

Stafford, still showing the effects of a leg wound suffered in the recapture of the Philippine Islands, is convinced that without regulation, large shippers and large carriers would soon drive smaller competitors out of business. The results would be poor service, undercapacity and higher rates.

"Without regulation, no effort would be made to worry about the small communities," Stafford insists. This theme runs throughout his defense of government regulation of transportation.

Regulation has been the only force that has maintained service to small communities, he insists. "Through our jurisdictional powers and with the use of the present antitrust immunity for carriers, we have required large line-haul fleets to drop off shipments as they pass through each state, although many of them don't want to.

"Without this 'forced pooling', hundreds of areas would not be served. Without protection from antitrust laws, large and small carriers would be unable to enter into agreements as to who serves where," Stafford argues.

"Often overlooked in the arena of transportation regulation is the fact that a license to serve carries with it the duty to serve. Were it not for this duty, carriers would be free to select that traffic most desirable from the economic and operational standpoint, ignoring that which is not as remunerative. The entire transportation structure within the United States is based upon that proposition.

"Regulation ensures to the small shipper the same availability of services as are available to major users. It guarantees to the remotely located user services which otherwise would be unavailable."

Regulation, Stafford contends, protects a carrier's investment from the potentially disastrous power of the big shippers to force rates even below the breakeven point. He cited as an example the National Cattleman's Association request to the U.S. Agriculture Department to reconsider present exemptions for livestock in order to have rates for their shipments regulated.

Both carriers and shippers in the cattle industry are seeking regulation, Stafford says, because shippers have been so successful in gaining low rates that profits to carriers have evaporated. As a result, shippers are having difficulty finding carriers who will handle their freight.

Commenting on Assistant U.S. Attorney General Richard McLaren's charge that regulation has contributed to over-capacity in transportation, Stafford says:

"Yes, but he also advocates free entry into the transportation field."

"Free entry would break down the entire system. There are not enough big carriers to handle all the business, while smaller carriers without some protection would go out of business and service would quickly deteriorate."

Stafford points out that President Nixon is urging people and industry to move out into the country, away from overcrowded cities.

"To do this, we need service to more distant, widespread points. Without the regulatory power and the incentive to get this service, this migration would be impossible," the ICC chairman continued.

Stafford denies the existence of any concerted drive within the ICC to effect some deregulation by easing the rules. But he does admit that some regulations are not productive and waste the commission's time because they are too limited or personal. For instance, the ICC recently removed regulations involving the transportation of race horses.

Stafford admits some changes in regulatory law and policies are needed to keep the system up to date—along with additional money and staff to handle a burgeoning workload. But he insists the answer to current problems is not deregulation.

"The bedrock of regulation is and must continue to be protection of the public by setting and enforcing standards of service, price and entry—all without discrimination and preference. The development and preservation of a national transportation system, available to all without discrimination, at rates openly arrived at and publicly known, and at predictable times, is essential to the effective and efficient movement of people and goods," he says.

Transportation, Stafford asserts, because of its size, complexity and economic and social impact, "cannot be left to wander aimlessly, according to the dictates of competing private self-interests and without regard to the public need."

At the same time, Stafford is not entirely happy with certain present industry practices and notes that the commission is now seeking added powers over such trends as carrier acquisitions by financial holding companies whose principal business is not common carriage; the industry trend to accept only the most lucrative freight while rejecting small shipments; tariff restrictions which limit through service to two-or-three connecting lines and industry's refusal to handle C.O.D. shipments.

But bitter condemnation of the ICC's actions . . . or inactions . . . "obscures" the blame that must be shared by all who are involved with transportation—carriers, shippers and labor—who have pursued their own self-interests without regard to the public welfare, he insists.

Stafford firmly opposes the Ash Council's proposal to abolish the ICC and combine it into a super transportation regulatory agency consisting of the ICC, Civil Aeronautics Board and the Federal Maritime Commission, all under a single administrator.

"Neither the abolition nor the dismemberment of the regulatory agencies—nor the recommended rearrangement of the structure under which they operate—will improve transportation in America," he argues.

He disagrees with the Council's proposal that reorganization be accomplished first, followed later by Congressional action to change or alter the nation's basic transportation laws. As a consequence, the ICC supports a proposal by U.S. Senator Howard Baker (R.-Tenn.), to create a commission to conduct a three-year study of transportation problems.

Chairman Stafford is probably the strongest advocate of even stronger regulation within the government. But his battle is going to be a tough one.

As the first permanent chairman of the little old lady of transportation, Stafford obviously isn't sitting idly by, presiding over the demise of his own house of regulation.

ACTIVITIES OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1971

Mr. MITCHELL. Mr. Speaker, the Senate amendment to which the gentleman from California (Mr. EDWARDS) has moved to agree has the effect of nullifying Executive Order No. 11605 issued July 2, 1971. That order empowers the Subversive Activities Control Board to "Conduct appropriate hearings to determine whether any organization is totalitarian, Fascist, Communist, subversive, or fully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means." A positive finding by the Board would, in effect, place an organization on the old "Attorney General's list" of subversive organizations, thus sharply limiting the eligibility of members of that organization for Federal employment.

That order is a grossly unconstitutional usurpation of congressional powers. The act establishing the SACB grants the Board no such authority as is given it by the Executive order, and the President has no authority to expand the functions of that agency, or of any agency of Government, beyond statutory limits. Issuance of the order on July 2, after this House had considered the bill which has now come back to us from the Senate, is a calculated insult to our right to make ourselves heard when policy is made in the name of the American people.

But let us imagine for the moment that we had a President who believed in the strict construction of article I, section 1, of the Constitution, which vests "All legislative powers" in the Congress. Let us imagine that we had been presented in correct fashion with legislation expanding the role of the Board to include updating the old Attorney General's list of subversive organizations. Would that be good legislation?

No, Mr. Speaker, I believe that it would be bad legislation, dangerous legislation. The Attorney General's list and the SACB are the products of the fit of hysteria which gripped this Nation at the onset of the cold war. Their only function is to intimidate Americans in the exercise of the rights of opinion, expression, and association. To revitalize them would make no contribution to the security of this Nation: it would merely contribute to the paranoiac mood which colors much of American radical politics and which, according to the Media, Pa., documents, it is the policy of this Government to encourage.

Euripides wrote, "Whom the gods would destroy, they first make mad." But we are none of us gods. The deliberate production of madness in one's opponents is a tactic reserved to the gods and the great tyrants; it is a tactic unsuited to ordinary mortals, and to democratic governments.

It is said that, as presently constituted the SACB is a useless body; and so it is. But we should not be hasty to trade uselessness for destructiveness. A disarmed bomb is useless; but I have never heard rearming one called a public service. At best, we should dismantle the SACB; at least, we can disarm it. I will vote for the motion to instruct.

CAPTIVE NATIONS WEEK

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. RHODES. Mr. Speaker, but a few short weeks ago we celebrated the 195th birthday of these United States. For us that celebration brought to mind the efforts of the fathers of our country to establish a government with respect for the individual, a government guaranteeing justice and liberty. Our Independence Day is a day for celebration.

Sadly, however, the same month of July also brings to our attention the grim reminder that not all countries enjoy the same freedoms we so often take for granted. Captive Nations Week brings to mind the harsh Communist rule in many nations, which is sternly backed by Soviet military power.

We cannot afford to forget the courageous peoples of the Captive Nations. Captive Nations Week gives us the opportunity to rededicate ourselves to the right to self-determination for all men.

ESSAYS ON CITIZENSHIP AND PATRIOTISM—ELYSIAN HEIGHTS ELEMENTARY SCHOOL

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. DANIELSON. Mr. Speaker, there is something inspirational in the sincerity and commitment of the very young. The truths they utter are pure, simple, and profound.

The Elysian Heights Elementary School, in my district, Beverly Mason, principal, annually invites students to express their thoughts about our country in an essay contest.

One sixth grader wrote this year:

America is a great and beautiful country. Even though America has its defects, they can be taken care of with time, thought, and money.

Another concludes:

Since the United States is all for us, we should be all for it.

I would like to place the winning essays for this year in the RECORD at this point and commend them to my colleagues as "must" reading:

[Fourth grade—first place]

How Can We Show Love for Our Country?

(By Laima Sturonas)

We can show love for our country by respecting the American flag when it is being raised before and after school. There are some children who do not stand still while the flag is raised. They are not showing respect.

I love my country because of what it does for its people. I love my country for what it is, and I hope it will never change. Everyone who lives in America should be proud of their country.

[Fourth grade—second place]

What Are the Responsibilities of a Good Citizen to His School, His Family, His Country?

(By Amanda Prentice, Age 9)

The responsibilities of a good citizen are very important to his school, his family, and his country. There are certain responsibilities that each citizen must do, such as: keep his school and his country clean, have loyalty and respect for his flag, and have love forever for everybody and everything.

Love is a very major responsibility, and I think it is the most important thing because it shows that we care about people and our country.

[Fourth grade—third place]

Why Is It Our Duty to Keep Our Country Beautiful?

(By Elena Moses, Age 9)

Why must we keep America beautiful? America is our country, and it is not right to dirty her. We must keep her grounds as beautiful as they were before man appeared. I have been seen people that finish eating, then look around for a trash can, then seeing that one is too far away for them they just throw their litter on the ground and walk away. That is wrong. We must not litter the world just because a trash can is too far away!

But there are people who care, people that will not litter just because a trash can isn't close enough for a group that is too lazy to walk.

We must learn to respect America's beauty and not ruin it by littering. So keep America clean.

[Fourth grade—fourth place]

How Does Good Sportsmanship Help Us Become Good Citizens?

(By Steven Said, Age 9)

Good sportsmanship helps our country to be fair to others. We learn good sportsmanship when we play a game on the playground or at our house. We learn to do our best and not cheat. Cheating is a bad thing and can hurt a game you play or your country. Good sportsmanship will help you be fair to your mother and father, your friends, your school, and your country.

[Fifth grade—first place]

How Can We Show Love For Our Country?

(By Mike Munoz, Age 10)

Love and pride are the two main things that you have to have for your country. Think about the word, "love." Do you stop and wait when the flag is being raised or lowered? Do you say the pledge to our flag when the class is saying it? These are two things you will have to remember.

Pride is another thing everybody has to have for our country. Look in a book of the colonial days and see how men died for our country and how they worked hard too. Another way to show pride is not to wear clothes made of our flag and tee shirts showing people in politics.

Love, pride—I'm sure if I have sons, I will make them show it because I know I will never forget I live in America, the greatest and the freest country to me.

[Fifth grade—second place]

The Qualities of a Leader

(By Ricky Allen, Age 11)

What are the qualities of a leader? The qualities of a leader, I think are first wanting to be the leader of whatever it is. A leader is someone who usually is ahead of the rest.

Leading the rest of the group doesn't mean you are braver or stronger or even handsomer. All it means is that the rest thought you had the responsibility to be their leader.

Now everyone may not have wanted you for their leader. So that's why today we, in the United States, have a chance to vote for the person we think has the best qualities for president.

The United States chooses not only the president for his qualities of leadership but also the governor and representatives. Businesses also have men of leadership as president. There are many names for leaders, such as king, majesty, your honor, and president.

Leaders do their job in games, schools, banks, forts, etc. These people work hard. In games, they make sure there is no cheating. In schools, the teacher makes sure the children learn. In banks, the bankers make sure the money is safe. In forts, the general makes sure the men are in good shape.

I'm sure we all have had a chance to be a leader. If you haven't, I'm sure one day you will. When you become this leader, I hope you will think carefully about your job. I hope what I have written will help you be a better leader.

[Fifth grade—third place]

What Can You Do For Your Country?

(By Kevin Dashiell, Age 11)

President John F. Kennedy spoke these words, "Ask not what your country can do for you—ask what you can do for your country."

I can respect and love the flag. I can stick up for my country when others talk badly about it. I can stand high and tall when saying the Pledge and be proud of my country. When drafted, I can go with speed and try to go even when sick. I can write a letter about pollution and try to have the government do something to help the country. I can give to organizations that help with people, and I can join organizations and help them, such as the U.S.O.

[Fifth grade—fourth place]

How Can We Show Love for Our Country?

(By Lori Self, Age 11)

Some people are careless about our country. They throw papers on the ground and write on public property. Some commit crimes and some murder others.

I would like to stop people from littering the grounds. I would like to help people know that they should not write on school property. I would like to have the privilege of carrying our beautiful flag in our assembly and showing our people that I love and respect our flag and our country.

So you see, if we try our hardest to make this country a better one, we would all be able to live much better lives. I love our flag and our country, and I am proud to be an American girl.

[Sixth grade—first place]

You Can't Have Freedom Without Having Responsibility—What Does This Mean?

(By Brenda Kanno, Age 11)

You can't have freedom without having responsibility. This means that with freedom comes responsibility, and it is to us to fulfill this responsibility.

When our forefathers founded this country, they had many responsibilities. They had to fight for their country if they wanted to keep it. They also had to govern and guide it. Our forefathers did all this because they knew that it was their responsibility.

Now it is our turn, our responsibility, to guide, govern, and guard this country—our country. The United States is a country that is of the people, by the people, and for the people. This means that the United States' government is made of United States citizens, that it is governed by the people and it is for the people not against them.

Since the United States is all for us, we should be all for it. It is our responsibility to study and think, and if we feel that some laws should be different, we vote. We do not have to vote as someone else wants us to.

We have many other rights, but we also have an accompanying responsibility for each right. We, as our country, should at least try to fulfill those responsibilities and not abuse the laws.

[Sixth grade—second place]

What Are the Responsibilities of a Good Citizen to His School, His Family, His Country?

(By Linda Sadakane, Age 11)

Our responsibilities to our school are to respect everyone's belongings. We should also respect the students, the teachers, and our principal. Out on the yard we should play the games that we are assigned, play properly, and fairly.

Our responsibilities to our family are to respect them. After all, they raised us to what we are today. They fed us, gave us shelter and clothing, and gave us their love and kindness.

To our country we should all respect the people, nature and our beautiful red, white, and blue flag. We should try our best to do no harm to the animals and to keep from destroying our trees and flowers.

We are really lucky to live here; and as long as I do, I will try to respect my school, family, and country. I hope other people will do the same!

[Sixth grade—third place]

What Are the Responsibilities of a Good Citizen to His School, His Family, His Country?

(By Christine Miyagishima, Age 11)

A good citizen has many responsibilities and is capable of using them well. One responsibility a good citizen has at school is respecting his teacher, other teachers in the school, and his principal. A good citizen respects these people because he or she knows that these people work very hard to teach them.

At home, a good citizen has the responsibility of helping his parents as much as he can. He should help his little brothers or sisters if they need help.

Some responsibilities a citizen has to his country are obeying the laws made by his government, not littering so that his country can stay clean and beautiful, and helping his country whenever possible.

These are just a few of the responsibilities a good citizen has to his home, his school, and his family. I think every citizen should be a good citizen and happy that they are one.

[Sixth grade—fourth place]

How Can I Show Appreciation for the Freedoms I Enjoy as an American?

(By Renata Di Liscia, Age 11)

America is a great and beautiful country. Even though America has its defects, they can be taken care of with time, thought, and money.

I appreciate America for what it is. I appreciate it for what it has gone through to be free. I appreciate the rights and freedom that America has given me. I am very proud to be an American.

FROBISH HONORED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. WALDIE. Mr. Speaker, Voltaire once proclaimed:

Arguing with a fool proves there are two.

No one I know has had the sense nor the stamina to disagree with Nestle J. Frobish, a former constituent of mine who today receives a rare honor.

Mr. Frobish, known for his deep croaky voice and sudden leaping style of motion has been recognized by his peers as a symbol of high standards in literary creativity and the dramatic arts. The Students for a Better Society, a group of committed young writers from the University of California at Santa Cruz, has adopted a resolution urging the appropriate authorities to name the fifth college of their campus after Mr. Frobish. No longer will Mr. Frobish be the biggest frog in a small pond. The resolution follows:

Resolution

Whereas: College V has operated for two years without an official name

Whereas: The college's main emphasis includes the literary and dramatic arts

Whereas: Nestle J. Frobish has consistently been associated with great works of fiction

Be it Resolved: That College V of the University of California at Santa Cruz take the name, Nestle J. Frobish, to honor Lyndonville, Vermont's most favorite son.

Attest:

John Laird,
President.
Charles Koppelman,
Vice-President I.
Bob Bilek,
Vice-President II.
Dave Tenzer,
Vice-President III.
Sue Grabowski,
Ex-Officio member.

KANSANS HARVEST HISTORIC WHEAT CROP

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. ROY. Mr. Speaker, Kansas farmers recently completed harvesting the greatest wheat crop in history. As Kansas Wheat Month draws to a close, I would like to take this opportunity to point out to my colleagues the importance of the wheat industry to the physical health and economic well-being of the Nation.

For thousands of years, bread and other wheat products have nourished civilizations. The importance of these products continues today, as those of you who enjoyed a piece of toast for breakfast or a delicious roll for lunch can testify.

Kansas has been America's leading wheat-producing State throughout the 20th century. It was in Kansas that our major wheat crop was introduced to this country. In 1874, Ukranian immigrants in central Kansas planted Hard Red Winter wheat for the first time. Their work began what is today a multibillion-dollar industry which feeds much of the world.

The Kansas wheat crop this year exceeds 308 million bushels. This is 20 percent of total U.S. wheat production, including spring wheat, and 27 percent of the total Hard Red Winter wheat crop.

In terms that are more easily comprehensible, this means that Kansas is supplying one of every five loaves of bread baked in the United States.

This year's crop surpassed the previous record of 307 million bushels, set in 1952. The true significance of this achievement is shown by the fact that there were 5 million fewer acres planted this year than there were 19 years ago. In 1952 the crop averaged 21 bushels per acre on 14 million acres. This year the average was 34 bushels on only 9 million acres.

This year's crop had a protein average of 12 percent, which is exceptionally high for a crop this size. The average weight per bushel set a new record of 62.4 pounds, compared to the previous high of 62.1 pounds in 1966.

These figures form a tremendous tribute to the advanced practices employed by Kansas farmers. Farmers today are more efficient than ever before in their use of both labor and capital. The proper use of fertilizer has become a science in itself.

Another important cause of increased productivity is the constant development of new varieties of wheat. This year a new type called Centurk made its first appearance. Developed by agricultural researchers at Kansas State University and the University of Nebraska, it promises to boost yields still further in the future.

It is estimated that this year's Kansas wheat crop will pump more than $400 million directly into the Kansas economy. With the multiplier effect, the net worth to Kansas and the Nation reaches several billion dollars.

The importance of wheat increases when allied fields are included. For example, Kansas leads the nation in flour milling and mill-feed products. This is a $230-million business in itself.

In 1974 we will celebrate the centennial of the introduction of hard red winter wheat into the United States. I hope that in July of that year we will be able to point with pride to another recordbreaking crop.

Let us not wait until that centennial year, however, to recognize the achievements of our farm population. Forced to operate in the face of a tremendous cost-price squeeze, the Kansas farmer continues to supply the nutritional needs of much of the world and provide a basic source of strength for our economy.

I congratulate him on his accomplishments.

HARTFORD FIREFIGHTERS DONATE BLOOD

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. COTTER. Mr. Speaker, I would like to bring to the attention of my colleagues an act of unparalled unselfishness which I feel is more than deserving of the recognition of this distinguished body. Forty Hartford firemen are today being bused to New York to donate their blood in a continuing effort to save the life of the wife of a fellow Hartford firefighter.

Mrs. Diana Pogg, mother of three, is in New York's Memorial Hospital where she is undergoing therapy for leukemia. She is in constant need of transfusions to replace the very important platelets, responsible for blood clotting, which are destroyed by leukemia.

This group of Hartford firefighters is

the second group to travel to New York in an attempt to save the life of Mrs. Pogg. On June 24, 75 members of the Hartford Firefighters Union, Local 760, International Association of Firefighters also went to donate their blood.

The donating of blood is such a simple gesture that it seems strange that so few people are willing to go out of their way to help someone in need. For this reason I cannot commend highly enough the unselfish dedication displayed by Hartford's firefighters at a time when it is so desperately needed.

BUSING CRISIS BRINGS OUT TRUTH ABOUT WHO RUNS NAACP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. RARICK. Mr. Speaker, today's announcement that a local Maryland school board has refused to further integrate its schools—which means busing of 7,532 students from nine predominantly black schools as well as from 31 mainly white schools—has brought forth a threat from the NAACP to file suit. The Nation over, Americans are becoming more and more conscious that it is an organization calling itself the National Association for the Advancement of Colored People that is constantly agitating by the use of courts to promote unpopular and unwanted causes behind the smokescreen that the NAACP is a Negro organization and knows what is best for Negro progress and advancement. In fact, it is because of this image and the fear of many good people of hurting the Negro that many who know the truth about the NAACP have hesitated to speak out.

The truth about the NAACP is that its original organizers in 1910 were all white people with the exception of W. E. B. DuBois who was a mulatto of French, Dutch, and Negro ancestry.

Since its founding in 1910, there has never been a Negro who held the position of national president of the NAACP. In fact, there have only been four presidents of what has been a very tightly knit white inner cell, controlling and exploiting its colored members. The four presidents were Morfield Storey, 1910–29; J. E. Spingarn, 1930–39; his brother, Arthur B. Spingarn, 1940–65; and Kivie Kaplan, 1966 to present.

Many Americans should find it interesting to learn that the organization which the Federal courts of this land permit to bring class actions on behalf of colored citizens does not even trust the colored people to run their own organization and to seldom handle any of the money.

With the fall school term drawing near accompanied by many threatened law suits by highly paid NAACP lawyers to demand busing of schoolchildren to achieve some imaginary goal of racial balance, the American people should look more and more at the true role of the NAACP and who is guiding its activities rather than at its many colored hired hands who are being highly paid to do the dirty work of antagonizing the white people against the colored people.

Mr. Speaker, I would like to insert in the RECORD several related news clippings; the biographies of the four NAACP presidents; the story of "How the NAACP Began," by Mary White Arrington; biographies of original NAACP founders for the information and perusal of our colleagues:

[From the Washington Daily News, July 30, 1971]

NAACP TO SUE PG SCHOOL BOARD

The National Association for the Advancement of Colored People plans to file a suit today to force the Prince Georges School Board to desegregate county schools, according to Roy Lincoln, president of the NAACP Prince Georges chapter.

The group's action follows the refusal of the school board to adopt desegregation plans in a meeting last night, even tho the board was faced with a cutoff of federal funds after the federal officials concluded that Prince Georges is violating the 1964 Civil Rights Act by not further desegregating.

Mr. Lincoln said that the suit will attempt to force the school board to desegregate the entire county school system, rather than a few schools as the board had been considering.

"If, as they say, the education were equal in so many schools, we wouldn't be doing this," Mr. Lincoln said. "But the education is not equal for blacks in Prince Georges."

SCHOOL BOARD DEFIES HEW: PG WON'T INTEGRATE FURTHER

(By Phil Hilts)

The Prince Georges School Board has refused to further integrate its schools despite demands from federal civil rights officials, the threat of a federal fund cutoff and a lawsuit.

In a damp, smoky room packed with some 600 county residents last night, the school board dumped, in a 4-4 vote, a proposal to desegregate several secondary schools, and failed to take action on the school superintendent's plan to desegregate nine elementary and secondary schools.

TIES LOSE

The board took the action after receiving a letter from Stanley Pottinger, director of the Office of Civil Rights in the Department of Health, Education, and Welfare, in which he said, "I have regretfully determined that the Prince Georges County public schools are not in compliance with the Civil Rights Act of 1964. . . . We will have no alternative but to take formal enforcement action."

After nearly three hours of debate, discussion, and the board's action last night, board attorney Paul Nussbaum said, "As of 10:10 p.m. tonight, the next move is up to HEW. Next they may issue the formal certificate of non-compliance with the law, then we will head up the long ladder of administrative procedure before it is determined whether federal funds will be cut off."

Of the county's $150.9 million 1971-72 school budget, $12 million would come from federal sources.

Mr. Nussbaum said that the administrative proceedings, involving several appeals hearings, will take "at least a year," and thus current funds are not threatened.

FEDERAL SUIT

HEW may also begin a federal lawsuit to force Prince Georges to comply with the law.

During the night's action, the board also rejected 6–2 a proposal to ask for an immediate judicial review to determine whether the schools are violating the law.

In its July 13 meeting, the board directed the superintendent to draw up a plan to desegregate the nine predominantly black county schools which the county attorney determined are likely to be considered by a court as de jure segregated, that is, segregated by acts of an official body.

HOOTS AND MOANS

To the hoots and moans of a predominantly anti-busing crowd, Supt. Carl W. Hassel last night described the plan, which would call for busing 7,532 students from the nine schools as well as from 31 mainly white schools.

The plan noted that schedules at some 84 schools would have to be altered to accommodate the extra busing load. Since enough buses are not available to handle the load the present buses would have to double up. The new schedules would get some children to school at 7 a.m., while others would go to school at 11 a.m. and finish at 6 p.m.

. . . R-Md., said to the shouting, cheering and footstomping crowd: "We should not allow a handful of bureaucrats to dictate what we know is ridiculous . . . the desegregation plan should be rejected."

IN COMPLIANCE

Board Chairman A. James Golato said, "We have felt that we are in compliance with the law. We have no need to go to court, no need to go anywhere. If HEW does take it to court, we will fight it."

And board member Susan Mills added, "What have our children done to deserve this? Today, as a result of the insatiable appetite of a bureaucratic arm of the federal government, we as a board are considering tossing away all the positive progress made during the last 17 years."

Speakers who favor more integration and busing to achieve balance also spoke against the proposed plan.

NOT ENOUGH

J. Harrison Ager, a member of the Coalition for School Desegregation, said: "The plan should be rejected. It is the right direction, but it does not go far enough."

Last year, following intense debate and an unsuccessful lawsuit by white parents to block it, the school board, under HEW pressure, ordered desegregation of two mostly black schools, Fairmont Heights Senior High and Mary Bethune Junior High.

Since then, statistics indicate, the board has allowed so many transfers that white enrollment at Fairmont Heights, which was projected under the desegregation plan to be approximately 50 per cent white, has dropped to 21 per cent.

BIOGRAPHICAL SKETCH: KIVIE KAPLAN, NATIONAL CHAIRMAN NAACP LIFE MEMBERSHIP COMMITTEE

Residence: 75 Hammond Street, Chestnut Hill 67, Mass.

Business Address: Colonial Tanning Co., Inc., 195 South Street, Boston 11, Mass.

Education: English High School, Byrant & Stratton.

Born: April 1, 1904

Married: Emily Kaplan (nee Rogers)

Children: Sylvia Kaplan Grossman (Mrs. Morton S.,), Jean Kaplan Green (Mrs. Albert I.), Edward Kivie Kaplan.

FACILITIES BEARING FAMILY NAME

Admissions Office, Newton-Wellesley Hospital.

Emily R. and Kivie Kaplan Building of the Jewish Memorial Hospital.

Emily R. and Kivie Kaplan Lincoln Hall at Brandeis University.

Emily R. and Kivie Kaplan Wing of the Jewish Memorial Hospital.

Reception Hall Boston Dispensary Rehabilitation Institute.

NAACP Boston Branch Building named the Kivie Kaplan Building.

Emily R. and Kivie Kaplan Religious Action Center of the Union of American Hebrew Congregations at Washington, D.C.

CIVIC

Honorary Treasurer, Jewish Memorial Hospital.

Director for Life, Jewish Memorial Hospital.

Chairman Endowment Fund Committee Jewish Memorial Hospital.

Finance Committee and Member of Board of Trustees Newton-Wellesley Hospital.

Member National Panel of Arbitrators, American Arbitration Assoc.

Past Board Member and Fund Co-Chairman Newton Community Chest.

Member Social Action Commission Union of American Hebrew Congregations.

Member Executive Committee of Union of American Hebrew Congregations.

Member of Board of Trustees of Union of American Hebrew Congregations.

Past Member National Health Planning Committee Council of Jewish Federations and Welfare Funds.

Recipient of the Modern Community Developers' First Annual Averell Harriman Equal Housing Opportunity Award.

Recipient of the Temple Reyim Brotherhood Man-of-the-Year Award.

Treasurer of B'nai B'rith Vocational Commission.

CULTURAL AND PHILANTHROPIC

Board of Directors Hebrew Free Loan Society.

Member Executive Committee and Board of Trustees Combined Jewish Philantropies.

Past Treas. & Asst. Treas. Combined Jewish Appeal.

Past Treas. & Honorary Member Shawmut A.F. & A.M.

Director—National Board NAACP.

Member Budget Committee NAACP.

National Chairman NAACP Life Membership Committee.

Executive Committee — Boston Branch NAACP.

Past National Executive Committee Member of Legal Defense & Educational Fund of the NAACP.

Co-Founder & Life Trustee Temple Emanuel, Newton, Mass.

Life Member of the Board Brandeis University Associates.

Fellow of Brandeis University.

Trustee—The Emily R. and Kivie Kaplan Family Charitable Trust.

Past President 210 Associates, Inc.

Recipient of T. Kenyon Holly Award for outstanding humanitarian services in Civic, Cultural and Philanthropic Fields.

Past Treasurer Roxbury Cemetery Asso.

Men of Vision Award from Bonds for Israel Committee.

Honorary Degree of Doctor of Humane Letters, Portia Law School.

Honorary Degree of Doctor of Laws, Wilberforce University, Wilberforce, Ohio.

Honorary Degree of Doctor of Humanities, Lincoln University, Lincoln, University, Pennsylvania.

[From Current Biography 1965]

ARTHUR BARNETT SPINGARN

Mar 28, 1878—Attorney; former organization official.

Address: b. 36 W. 44th St., New York 36; h. 60 Gramercy Park, New York 10010.

Many of America's most significant gains in integration have been achieved through court rulings obtained by the National Association for the Advancement of Colored People, whose president from 1940 through 1965 was Arthur B. Spingarn. A New York lawyer, Spingarn for many years directed the legal defense work of the NAACP. He was vice-president of the 500,000-member biracial organization from 1911 to 1940.

A native New Yorker, Arthur Barnett Spingarn was born on March 28, 1878 into a wealthy and socially prominent Manhattan family. His father, Elias Spingarn, born in Austria, had been in the tobacco business since 1861 and was a member of the New York Chamber of Commerce. His mother was the former Sarah Barnett. There were three other sons in the family. Arthur's older brother was Joel Elias Spingarn, the noted scholar, author, and literary critic. Deferring to his father's wishes, Arthur Spingarn prepared for the practice of law. He was awarded his B.A. degree in 1897 from Columbia College and his M.A. degree in 1899 from Columbia University. In 1900, after obtaining his LL.B. degree from Columbia Law School, he was admitted to the New York bar.

Early in his career as a New York attorney, Spingarn was asked to try a civil rights case that was destined to shape the course of his entire life. The indecency, inhumanity, and injustice he witnessed during the progress of this trial filled him with an indignation that he has felt repeatedly in his almost sixty years of service in the cause of the American Negro. Both he and his brother Joel Spingarn were active in the National Association for the Advancement of Colored People from its founding.

The NAACP, the most influential and the oldest civil rights group in the United States, came into being in 1909, the centennial year of Abraham Lincoln's birth. Its formation was prompted by Mary White Ovington, a white woman who had carried on extensive research into the plight of Negroes in New York's slums. Miss Ovington, with William English Walling, a Southern liberal journalist, and Henry Moskowitz, a social worker, took the first step toward organizing the national Negro committee. This committee became the National Association for the Advancement of Colored People when, on Lincoln's birthday in 1909, a "Call to Action" was issued by a group of distinguished political, educational, and social leaders. The purpose of the new association was "to promote equality of rights and eradicate caste or race prejudice among the citizens of the United States . . . to advance the interest of colored citizens." Its immediate aim was to stem the spread of Jim Crow laws, lynching of Negroes, race riots, and mob violence, all of which had reached frightened dimensions at that time.

During the first years of the NAACP, there was no money for paid employees, including a legal staff. Arthur Spingarn offered his services as the association's counsel and contributed his time, knowledge, and experience without cost. The first case he tried before the Supreme Court, shortly after he became affiliated with the new organization, was a white primary case. In winning it, he succeeded in establishing the right of Negroes to vote in primary elections in the state of Texas. From 1911 to 1940 he was chairman of the national legal committee of the NAACP, and for seventeen years, beginning in 1940, he served without salary as president of the NAACP Legal Defense and Educational Fund, Inc. He won many Supreme Court victories in civil rights cases that made legal history and contributed significantly to establishing racial equality.

In discussing his early years with the NAACP, Spingarn recalls that the newspapers of the time were largely unsympathetic and used to describe the meetings of the association as wild sex orgies.

For almost thirty years, from 1911 to 1940, Arthur Spingarn was also a vice-president of the NAACP. His brother meanwhile was serving as treasurer, from 1919 to 1930, and as president, from 1930 until his death in 1939. Joel Spingarn had founded the Spingarn Gold Medal in 1913 to honor annually an American Negro for outstanding accomplishment. The award is supported by a fund that Joel Spingarn set up "to perpetuate the lifelong interest" of his wife, Amy E. Spingarn, his brother, and himself in the achievements of the Negro.

When Arthur Spingarn was elected president of the NAACP by the association's board of directors on January 2, 1940, he was the third person to hold the office. The president preceding Joel Spingarn had been the well-known Massachusetts attorney and former head of the American Bar Association. Moorfield Storey, who led the NAACP from 1911 until 1929. In his acceptance speech President Arthur Spingarn said that he took office "with mixed feelings of humility and pride; humility at the thought of the impossibility of measuring up to the high standards set by my two illustrious predecessors . . . and pride at succeeding such great champions of human justice and at being given the opportunity of heading what I conceive to be one of the most constructive forces in American life today." He said that the real test of American democracy was the manner in which minority groups were treated throughout the country, and he expressed the fear that the democratic ideal was facing serious threats around the world.

"I trust," the new president went on, "that so long as I shall be its president, the National Association for the Advancement of Colored People will never in the slightest degree swerve from its courageous, militant and intelligent struggle to obtain for the Negroes of the country their full manhood rights and each and every privilege awarded to all Americans by the Constitution of the United States."

Spingarn's leadership of the NAACP became increasingly nominal and was challenged by militant factions in the association, who wanted a Negro in office. Bowing to what he called "the temper of the times," he agreed to remain in office only through the end of 1965.

Although Arthur Spingarn's major interest has always been the NAACP, he has held positions of importance in other organizations and has distinguished himself in other fields. His book, *Laws Relating to Sex Morality in New York City,* was first published in 1915 by the Century Company and was republished in a revised edition in 1926. He is the author of many articles on both legal and racial subjects and of an introduction to the book *African Saga* (Payson & Clarke, 1927), a translation by Margery Bianco of *L'anthologie Nègre.* He has been chairman of the legal committee of the social hygiene division of the New York Tuberculosis and Health Association, a member of the Mantattan council of the New York State Commission Against Discrimination, and a member of the legal committee of the New York Probation Association. He is a member and past post commander of the American Legion, having served as a captain in the United States Army from 1917 to 1919.

On January 27, 1918 Arthur B. Spingarn married Marion Mayer, a social worker and an enthusiastic supporter of the NAACP. They worked together in behalf of Negro equality until her death in 1958. Spingarn, an octogenarian, is white-haired and portly; he stands five feet seven inches tall and has brown eyes. His political party is the Democratic. In 1941 Howard University awarded him an honorary degree in recognition of his service to the American Negro.

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[From the New York Times, July 27, 1909]

J. E. SPINGARN DIES; AUTHOR AND CRITIC—OUSTED HEAD OF COMPARATIVE LITERATURE DEPARTMENT AT COLUMBIA ALSO A POET—FOUGHT FOR NEGRO RIGHTS—SOLDIER DURING WAR, FOUNDER OF PUBLISHING FIRM AND NOTED HORTICULTURIST

Joel E. Spingarn, former Columbia University professor, died yesterday in his home, 110 East Seventy-eighth Street, after a long illness.

In a lifetime of sixty-four years, he had established careers not only as university professor and literary scholar, but also as poet, soldier, horticulturist and uncompromising critic in diverse fields.

He was one of the post-war leaders in the critical attack on "academic dry rot," but before the war, as head of the Department of Comparative Literature at Columbia in 1911, he came into conflict with President Nicholas Murray Butler after publicly defending the right of faculty members to a private life. The particular application which Professor Spingarn made of this principle was to the embarrassing situation in which a faculty colleague then found himself in a breach-of-promise suit.

Dr. Butler denied that his dispute with Professor Spingarn had anything to do with this defense of a colleague, as he notified Professor Spingarn that he was "relieved from further academic duties." A man of independent wealth, Professor Spingarn accepted the dismissal with little apparent reluctance, and, in 1936, he gave a cocktail party to celebrate the twenty-fifth anniversary of the occasion.

CAMPAIGN FOR NEGRO RIGHTS

Among his other advocacies was full manhood rights for Negroes. He helped to organize the National Association for the Advancement of Colored People. He was chairman of the board, 1913–19; treasurer, 1919–30, and president since 1930.

In 1913 he established the Spingarn Medal, which has been awarded annually since then to "the man or woman of African descent and American citizenship who has made the highest achievement during the preceding year in any honorable field." The latest award, earlier this month, was to Marian Anderson, Negro contralto, in a presentation made at Richmond, Va., by Mrs. Franklin D. Roosevelt.

It was largely through Mr. Spingarn's efforts that the training camp for Negro officers at Des Moines was established and about 1,000 Negro officers commissioned during the World War. It remained one of his great satisfactions that the "social emancipation" of the Negro had progressed so noticeably that he could make a speech about Negroes in the City Club of St. Louis in 1935 and have the Mayor follow him; whereas he could remember that in 1914 his attempt to make such a speech resulted in a walk-out of all the members, stamping their feet.

At the outbreak of the World War he was commissioned a major at the first officers' camp in Madison Barracks, and served two years both in the United States and in the A.E.F. At his death he was a lieutenant colonel of the reserve. He was a delegate to the first convention that established the American Legion and was the first commander of the Legion post at Amenia, N.Y., where Troutbeck, his country home, is located.

RESTORED CLEMATIS TO FAVOR

He pursued another of his ardent causes at Troutbeck—the cultivation of the clematis. This climbing vine, which he called "incomparably suited to drape a trellis or hide the bareness of a new house," attracted his attention during a visit to England in 1927. On his return he tried to get some of it in the United States to plant it in his garden.

He was infuriated, as he said, or at least disgusted, to find that this vine, which used to be the American favorite in the middle of the last century, had been allowed to disappear. He thereupon set out to make the United States clematis conscious once more—and, as his campaign grew successful, he added a supplementary educational effort to have clematis pronounced properly, with the accent on the first, not the second, syllable.

His present collection of clematis at Troutbeck is recognized as the largest in the world. It contains more than 250 species, more than twice as many as the Royal Botanical Gardens at Kew, England. He exhibited them at horticultural shows throughout the country, and seldom delivered a lecture or a speech without slipping in a reference to clematis. The Garden Clubs of America gave him a gold medal. The Massachusetts Horticultural Society awarded him the Jackson Dawson Medal. He was a member of the board of managers of the New York Botanical Garden.

In the field of scholarships, he was chiefly responsible for introducing to the American critical conscience the Italian, Benedetto Croce, and his principle that art is not a limited form of expression, but all expression is art.

NEWSPAPER PUBLISHER

J. E. Spingarn, as he preferred to call himself, without "Professor" or "Doctor" before the name, was born in New York on May 17, 1875, son of Elias Spingarn, a merchant, and of Mrs. Sarah Barnett Spingarn. He attended Columbia and Harvard Universities, receiving the degrees of A.B. and Ph.D. He became assistant in comparative literature at Columbia in 1899, adjunct professor in 1904, professor in 1909 and head of the department in 1911.

He was a newspaper publisher from 1911 to 1926 as owner of The Amenia Times. In 1919 he was one of the founders and literary adviser of Harcourt, Brace & Co., publishers, from which firm he retired in 1932.

His first book, "A History of Literary Criticism in the Renaissance," appeared in 1899 and has been frequently reprinted. His other published writings include "The New Criticism," "The New Hesperides and Other Poems," "Creative Criticism" and "Poetry and Religion." He edited several other works and contributed to "Civilization in the United States," the Dictionary of American Biography, the Cambridge History of English Literature, Taylor's Garden Dictionary and wrote the American chapter in Ernest Markham's "Clematis." He also founded a movement for rural recreation, 1905–10.

In 1908 he was an unsuccessful Republican candidate for Congress from the Eighteenth New York District. He was also a delegate to the Progressive National Conventions of 1912 and 1916. Despite his lifelong association with the Republican and Progressive parties, he became an enthusiastic supporter of the New Deal and made countrywide addresses on behalf of Franklin D. Roosevelt.

Surviving are his widow; two sons, Stephen J. and Edward D. W.; two daughters, the Misses Hope and Honor Spingarn; his mother and three brothers.

[From the Dictionary of American Biography]

Moorfield Storey

(Mar. 19, 1845–Oct. 24, 1929), lawyer, author, publicist, was born in Roxbury, Mass., the son Charles William and Elizabeth (Moorfield) Storey. Both his parents were of colonial stock, his earliest paternal ancestor having come to Ipswich about 1635. About 1800 the spelling of the name was changed to agree with the spelling of an English branch of the family with which relationship was assumed. Storey attended the Boston Latin School and Harvard College, receiving the degree of A.B. from the latter institution in 1866, and proceeding to its law school. In October 1867, however, he was offered the position of clerk to the United States Senate committee on foreign relations in effect the office of secretary to its chairman, Charles Sumner [*q.v.*] and, as the duties of this post were considered technically equivalent and superior as training to the methods usual at that time of preparing for the practice of law, he accepted it. As a result he was closely connected in an official capacity with the attempt to impeach President Andrew Johnson [*q.v.*]. In May 1869 he left Washington to study law in the office of Brooks and Ball in Boston, also securing an appointment as clerk in the office of the district attorney of Suffolk County.

He qualified as a member of the bar on Aug. 28, 1869, and in October, when the position of assistant district attorney fell vacant, he was promoted to that office. From June 1871 until October 1873 he practiced law with his father; he then returned to the office of Brooks and Ball as a partner. The firm he joined was regarded as the most active one in Boston in the practice of commercial law, and he quickly acquired a reputation that eventually grew to be international in range. Firms with which he was associated as a leading member were in the front rank for nearly fifty years. His own branch was the management of litigation, in which he was conspicuously successful, but his office also achieved high repute for the value of its opinions and the thoroughness with which its instruments were drafted. He once stated that he could remember only one instance in which an opinion given by his office as to the validity of bonds was overruled, and that was by a Texas decision that overruled nearly every lawyer in the country and had to be corrected by the legislature.

Though he was eminently successful as a lawyer, in politics he usually met with failure, indifference, or a success that earned him much dislike and suspicion and little in the way of gratitude or popularity. He was a crusader against political corruption, and because he attributed it to them, he attacked Benjamin Franklin Butler and James Gillespie Blaine [*qq.v.*], even opposing a memorial statute to Butler years after his death, and leading the Mugwumps in their desertion of Blaine for Cleveland in 1884.

He was a leader in the Anti-Imperialist League that opposed United States ownership of the Philippines; he espoused the cause of the colored people (*Guinn* vs. *United States, 238 United States Reports, 347; Buchanan* vs. *Warley, 245 United States Reports, 60; Moore* vs. *Dempsey, 261 United States Reports, 86*), and defended the rights of the American Indian. He served many years (1877–88, 1892–1910) on the Board of Overseers of Harvard, and successfully opposed the granting of honorary degrees to Governor Butler and President McKinley. In 1900 he dallied with the possibility of running for president or vice-president on the third party ticket, and when that came to nothing, he was a candidate for Congress as an independent, but received only a few votes. He wrote something like eighty pamphlets or articles, and innumerable public letters, in addition to seven books, which include *Charles Sumner* (1900), *Ebenezer Rockwood Hoar* (1911) with E. W. Emerson, *The Reform of Legal Procedure* (1911), *Problems of Today* (1920), *and The Conquest of the Philippines* (1926). With the exception of some that were legal, historical, or biographical, most of his writings were on subjects on which feeling ran high or in which only a minority was interested. But not all his opinions, even when they were severely critical, were neglected or coldly received, for a speech before the American Bar Association in 1894 on the inefficiency and corruption of American legislatures made such a favorable impression that he was elected president of the organization the next year, and he was on the conservative side in the controversy over Nicola Sacco and Bartolomeo Venzetti [*qq.v.*].

Though he was often called a Puritan, he did not deserve that designation if being a Puritan means, as some say it does, frantic striving to abolish everything the dour cannot trust themselves to indulge in moderately or to practise gracefully, for he lacked neither social nor intellectual accomplishments, and he had a sense of the ridiculous, which the true Puritan never has. He advocated unpopular causes effectively, being a good lawyer, and, though he may have attached more importance to the abstract than to the actual, he was honest and courageous in public affairs. He unquestionably exerted considerable influence on the development of commercial law in America. On Jan. 6, 1870, in Washington, D.C., he married Gertrude Cutts, who died in 1912. There were five children, four of whom, with grandchildren and great-grandchildren, survived him. He died in Lincoln, Mass., and was buried in Mount Auburn Cemetery.

[*Who's Who in America*, 1926–27; M. A. DeWolfe Howe, *Portrait of an Independent, Moorfield Story, 1845–1929* (1932); J. T. Morse, in *Harvard Grads.' Mag.*, Mar. 1930; J. W. Allen, in *Am. Bar Asso. Jour.*, Feb. 1930; obituary in *Boston Transcript*, Oct. 25, 1929.]

HOW THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE BEGAN

(By Mary White Ovington)

[As originally printed in 1914]

(National Association for the Advancement of Colored People, 20 West 40th Street, New York 18, N.Y.)

The National Association for the Advancement of Colored People is five years old—old enough, it is believed, to have a history; and I, who am perhaps its first member, have been chosen as the person to recite it. As its work since 1910 has been set forth in its annual reports, I shall make it my task to show how it came into existence and to tell of its first months of work.

In the summer of 1908, the country was shocked by the account of the race riots at Springfield, Illinois. Here, in the home of Abraham Lincoln, a mob containing many of the town's "best citizens," raged for two days, killed and wounded scores of Negroes, and drove thousands from the city. Articles on the subject appeared in newspapers and magazines. Among them was one in the *Independent* of September 3d, by William English Walling, entitled "Race War in the North." After describing the atrocities committed against the colored people, Mr. Walling declared;

"Either the spirit of the abolitionists, of Lincoln and of Lovejoy must be revived and we must come to treat the Negro on a plane of absolute political and social equality, or Vardaman and Tillman will soon have transferred the race war to the North." And he ended with these words, "Yet who realizes the seriousness of the situation, and what large and powerful body of citizens is ready to come to their aid?"

It so happened that one of Mr. Walling's readers accepted his question and answered it. For four years I had been studying the status of the Negro in New York. I had investigated his housing conditions, his health, his opportunities for work. I had spent many months in the South, and at the time of Mr. Walling's article, I was living in a New York Negro tenement on a Negro street. And my investigations and my surroundings led me to believe with the writer of the article that "the spirit of the abolitionists must be revived."

So I wrote to Mr. Walling, and after some time, for he was in the West, we met in New York in the first week of the year 1909. With us was Dr. Henry Moskowitz, now prominent in the administration of John Purroy Mitchell, Mayor of New York. It was then that the National Association for the Advancement of Colored People was born.

It was born in a little room of a New York apartment. It is to be regretted that there are no minutes of the first meeting, for they would make interesting if unparliamentary reading. Mr. Walling had spent some years in Russia where his wife, working in the cause of the revolutionists, had suffered imprisonment; and he expressed his belief that the Negro was treated with greater inhumanity in the United States than the Jew was treated in Russia. As Mr. Walling is a Southerner we listened with conviction. I knew something of the Negro's difficulty in securing decent employment in the North and of the insolent treatment awarded him at Northern hotels and restaurants, and I voiced my protest. Dr. Moskowitz, with his broad knowledge of conditions among New York's helpless immigrants, aided us in properly interpreting our facts. And so we talked and talked voicing our indignation.

Of course, we wanted to do something at once that should move the country. It was January. Why not choose Lincoln's birthday, February 12, to open our campaign? We decided, therefore, that a wise, immediate action would be the issuing on Lincoln's birthday of a call for a national conference on the Negro question. At this conference we might discover the beginnings, at least, of that "large and powerful body of citizens" of which Mr. Walling had written.

And so the meeting adjourned. Something definite was determined upon, and our next step was to call others into our councils. We at once turned to Mr. Oswald Garrison Villard, president of the N.Y. Evening Post Company. He received our suggestions with enthusiasm, and aided us in securing the cooperation of able and representative men and women. It was he who drafted the Lincoln's birthday call and helped to give it wide publicity. I give the Call in its entirety with the signatures since it expresses, I think, better than anything else we have published the spirit of those who are active in the Association's cause.

"The celebration of the Centennial of the birth of Abraham Lincoln, widespread and grateful as it may be, will fail to justify itself if it takes no note of aid, makes no recognition of the colored men and women for whom the great Emancipator labored to assure freedom. Besides a day of rejoicing, Lincoln's birthday in 1909 should be one of taking stock of the nation's progress since 1865.

"How far has it lived up to the obligations imposed upon it by the Emancipation Proclamation? How far has it gone in assuring to each and every citizen, irrespective of color, the equality of opportunity and equality before the law, which underlie our American institutions and are guaranteed by the Constitution?

"If Mr. Lincoln could revisit this country in the flesh, he would be disheartened and discouraged. He would learn that on January 1, 1909, Georgia had rounded out a new confederacy by disfranchising the Negro, after the manner of all the other Southern States. He would learn that the Supreme Court of the United States, supposedly a bulwark of American liberties, had refused every opportunity to pass squarely upon this disfranchisement of millions, by laws avowedly discriminatory and openly enforced in such manner that the white men may vote and black men be without a vote in their government; he would discover, therefore, that taxation without representation is the lot of millions of wealth-producing American citizens, in whose hands rests the economic progress and welfare of an entire section of the country.

"He would learn that the Supreme Court, according to the official statement of one of its own judges in the Berea College case, has laid down the principle that if an individual State chooses, it may 'make it a crime for white and colored persons to frequent the same market place at the same time, or appear in an assemblage of citizens convened to consider questions of a public or political nature in which all citizens, without regard to race, are equally interested.'

"In many states Lincoln would find justice enforced, if at all, by judges elected by one element in a community to pass upon the liberties and lives of another. He would see the black men and women, for whose freedom a hundred thousand of soldiers gave their lives, set apart in trains, in which they pay first-class fares for third-class service, and segregated in railway stations and in places of entertainment; he would observe that State after State declines to do its elementary duty in preparing the Negro through education for the best exercise of citizenship.

"Added to this, the spread of lawless attacks upon the Negro, North, South, and West—even in the Springfield made famous by Lincoln—often accompanied by revolting brutalities, sparing neither sex nor age nor youth, could but shock the author of the sentiment that 'government of the people, by the people, for the people; should not perish from the earth.'

"Silence under these conditions means tacit approval. The indifference of the North is already responsible for more than one assault upon democracy, and every such attack reacts as unfavorably upon whites as upon blacks. Discrimination once permitted cannot be bridled; recent history in the South shows that in forging chains for the Negroes, the white voters are forging chains for themselves. 'A house divided against itself cannot stand'; this government cannot exist half-slave and half-free any better to-day than it could in 1861.

"Hence we call upon all the believers in democracy to join in a national conference for the discussion of present evils, the voicing of protests, and the renewal of the struggle for civil and political liberty."

This call was signed by: Jane Adams, Chicago; Samuel Bowles (Springfield *Republican*); Prof. W. L. Bulkley, New York; Harriet Stanton Blatch, New York; Ida Wells Barnett, Chicago; E. H. Clement, Boston; Kate H. Claghorn, New York; Prof. John Dewey, New York; Dr. W. E. B. DuBois, Atlanta; Mary E. Dreier, Brooklyn; Dr. John L. Elliott, New York; Wm. Lloyd Garrison, Boston; Rev. Francis J. Grimké, Washington, D. C.; William Dean Howells, New York; Rabbi Emil G. Hirsch, Chicago; Rev. John Haynes Holmes, New York; Prof. Thomas C. Hall, New York; Hamilton Holt, New York; Florence Kelley, New York; Rev. Frederick Lynch, New York; Helen Marot, New York; John E. Milholland, New York; Mary E. McDowell, Chicago; Prof. J. G. Merrill, Connecticut; Dr. Henry Moskowitz, New York; Leonora O'Reilly, New York; Mary W. Ovington, New York; Rev. Dr. Charles H. Parkhurst, New York; Louis F. Post, Chicago; Rev. Dr. John P. Peters, New York; Dr. Jane Robbins, New York; Charles Edward Russell, New York; Joseph Smith, Boston; Anna Garlin Spencer, New York; William M. Salter, Chicago; J. G. Phelps Stokes, New York; Judge Wendell Stafford, Washington; Helen Stokes, Boston; Lincoln Steffens, Boston; President C. F. Thwing, Western Reserve University; Prof. W. I. Thomas, Chicago; Oswald Garrison Villard, New York *Evening Post;* Rabbi Stephen S. Wise, New York; Bishop Alexander Walters, New York; Dr. William H. Ward, New York; Horace White, New York; William English Walling, New York; Lillian D. Wald, New York; Dr. J. Milton Waldron, Washington, D. C.; Mrs. Rodman Wharton, Philadelphia; Susan P. Wharton, Philadelphia; President Mary E. Woolley, Mt. Holyoke College; Prof. Charles Zueblin, Boston.*

It was thus decided that we should hold a conference, and the next two month were busily spent arranging for it. Among the men and women who attended those first committee meetings were, Bishop Alexander Walters, Mr. Ray Stannard Baker, Mr. Alexander Irvine, Dr. Owen M. Waller, Mr. Gaylord S. White, Miss Madeline Z. Doty, Miss Isabel Eaton, besides many of the New York signers of the Call. It was agreed that the conference should be by invitation only, with the one open meeting at Cooper Union. Over a thousand people were invited, the Charity Organization Hall was secured, and, on the evening of May 30th, the conference opened with an informal reception at the Henry Street Settlement, given by Miss Lillian D. Wald, one of the Association's first and oldest friends. The next morning our deliberations began.

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*Since the first printing in 1914 it has been discovered that the following persons were also signers of the original call:

Roy Standard Baker, New York; Rev. Walter Laidlow, New York; Rev. Jenkin Lloyd Jones, Chicago; Mrs. Mary Church Terrell, Washington; Mrs. Henry Villard, New York; Mayor Brand Whitlock, Toledo; and Rev. M. St. Croix Wright, New York.

We have had five conferences since 1909, but I doubt whether any have been so full of a questioning surprise, amounting swiftly to enthusiasm, on the part of the white people in attendance. These men and women, engaged in religious, social and educational work, for the first time met the Negro who demands, not a pittance, but his full rights in the commonwealth. They received a stimulating shock and one which they enjoyed. They did not want to leave the meeting. We conferred all the time, formally and informally, and the Association gained in those days many of the earnest and uncompromising men and women who have since worked unfalteringly in its cause. Mr. William Hayes Ward, senior editor of the *Independent*, opened the conference, and Mr. Charles Edward Russell, always the friend of those who struggle for opportunity, presided at the stormy session at the close. The full proceedings have been published by the Association.

Out of this conference we formed a committee or forty and secured the services of Miss Frances Blascoer, as secretary. We were greatly hampered by lack of funds. Important national work world present itself which we were unable to handle. But our secretary was an excellent organizer, and at the end of a year we had held four mass meetings, had distributed thousands of pamphlets, and numbered our membership in the hundreds. In May, 1910, we held our second conference in New York, and again our meetings were attended by earnest, interested people. It was then that we organized a permanent body to be known as the National Association for the Advancement of Colored People. Its officers were:

National President, Moorfield Storey, Boston; Chairman of the Executive Committee, William English Walling; Treasurer, John E. Milholland; Disbursing Treasurer, Oswald Garrison Villard; Executive Secretary, Frances Blascoer; Director of Publicity and Research, Dr. W. E. B. DuBois.

The securing of a sufficient financial support to warrant our calling Dr. DuBois from Atlanta University into an executive office in the Association was the most important work of the second conference.

When Dr. DuBois came to us we were brought closely in touch with an organization of colored people, formed in 1905 at Niagara and known as the Niagara Movement. This organization had held important conferences at Niagara, Harpers Ferry, and Boston, and had attempted a work of legal redress along very much the lines upon which the National Association for the Advancement of Colored People was working. Its platform, as presented in a statement in 1905, ran as follows:

Freedom of speech and criticism.

An unfettered and unsubsidized press.

Manhood suffrage.

The abolition of all caste distinctions based simply on race and color.

The recognition of the principle of human brotherhood as a practical present creed.

The recognition of the highest and best training as the monopoly of no class or race.

A belief in the dignity of labor.

United effort to realize these ideals under wise and courageous leadership.

In 1910 it had conducted important civil rights cases and had in its membership some of the ablest colored lawyers in the country, with Mr. W. Ashbie Hawkins, who has since worked with our Association, on the Baltimore Segregation acts, as its treasurer.

The Niagara Movement, hampered as it was by lack of funds and by a membership confined to one race only, continued to push slowly on, but when the larger possibilities of this new Association were clear, the members of the Niagara Movement were advised to join, as the platforms were practically identical. Many of the most prominent members of the Niagara Movement thus brought their energy and ability into the service of the Association, and eight are now serving on its Board of Directors.

Our history, after 1910, may be read in our annual reports, and in the numbers of THE CRISIS. We opened two offices in the *Evening Post* building. With Dr. DuBois came Mr. Frank M. Turner, a Wilberforce graduate, who has shown great efficiency in handling our books. In November of 1910 appeared the first number of THE CRISIS, with Dr. DuBois as editor, and Mary Dunlop MacLean, whose death has been the greatest loss the Association has known, as managing editor. Our propaganda work was put on a national footing, our legal work was well under way and we were in truth, a National Association, pledged to a nation-wide work for justice to the Negro race.

I remember the afternoon that THE CRISIS received its name. We were sitting around the conventional table that seems a necessary adjunct to every Board, and were having an informal talk regarding the new magazine. We touched the subject of poetry.

"There is a poem of Lowell's," I said, "that means more to me to-day than any other poem in the world—'The Present Crisis.' "

Mr. Walling looked up. "The Crisis," he said. "There is the name for your magazine, THE CRISIS."

And if we had a creed to which our members, black and white, our branches North and South and East and West, our college societies, our children's circles, should all subscribe, it should be the lines of Lowell's noble verse, lines that are as true to-day as when they were written seventy years ago:

[From the New York Times, July 16, 1951]

MARY W. OVINGTON, 86, AIDED NEGROES IN U.S.

BOSTON, July 15.—Miss Mary White Ovington, a leader in the fight for equality for Negroes, died today in Auburndale at the home of her sister, Mrs. E. W. Kingsbury. She was 86 years old.

Miss Ovington was a founder of the National Association for the Advancement of Colored People. During her life, she traveled extensively, lecturing on behalf of the Negro. She retired in 1947, when she published an autobiography, "The Walls Came Tumbling Down," a record of her work.

Born in Brooklyn, Miss Ovington attended the Brackett School and Parker Institute. She studied for two years at Radcliffe College and then opened a settlement house in the Greenpoint section of Brooklyn. Her work with the N.A.A.C.P. began in 1909.

Her other published works include "Half a Man," a novel about Negroes, and "Portraits in Color," a collection of biographies of outstanding Negroes.

Miss Ovington was a daughter of the late Theodore T. Ovington, co-founder of the 105-year-old firm of Ovington's at Fifth Avenue and Thirty-ninth Street.

She was chairman of the board of directors of the N.A.A.C.P. for ten years, and served as treasurer for several terms.

[From the Dictionary of American Biography, supplement II]

WILLIAM ENGLISH WALLING

(Mar. 14, 1877–Sept. 12, 1936), labor reformer and socialist, was born in Louisville, Ky., the first of two sons of Willoughby and Rosalind (English) Walling and a grandson of William Hayden English [*q.v.*], Democratic vice-presidential candidate in 1880. Walling was educated in private schools in Louisville and Edinburgh, Scotland, where his father, a physician, was for four years United States consul. In 1897 he received a B.S. degree for the University of Chicago. He studied briefly at the Harvard Law School and then took graduate work in economics and sociology at Chicago.

A man of independent means, Walling devoted his life from the age of twenty-three to the labor movement. In 1900–01 he was a factory inspector of the State of Illinois, and for the next four years he was a resident of the University Settlement in New York City's lower East Side. At the 1903 convention of the American Federation of Labor he joined with Jane Addams [*q.v.*], Mary O'Sullivan, and others in founding the National Women's Trade Union League.

From immigrant friends in New York Walling acquired an interest in the Russian revolutionary movement. In 1905 he went to Russia to study it and remained there for the better part of two years, interviewing most of the leading revolutionary figures, including Lenin and Gorky. Upon his return to western Europe he wrote *Russia's Message* (1908). While in Europe he married Anna Strunsky, a socialist and writer who had collaborated with Jack London [*q.v.*], at Paris in June 1906. They had four children who grew to maturity: Rosamond English, Anna Strunsky, Georgia, and William Hayden English.

In 1908 Walling and his wife observed a race riot in Springfield, Ill., and soon afterwards Walling published two articles on race relations in the North in the *Independent*. At the suggestion of Mary White Ovington, a social worker interested in the problem of the Negro, he called a series of meetings in his New York apartment to discuss the formation of an organization to work for Negro rights. From these meetings there grew the National Association for the Advancement of Colored People, which was in time to become the foremost Negro organization in the United States.

Meanwhile Walling had become active in Socialist circles, though he did not actually join the party until 1910. In 1909 he set off a sharp fight between the radical and conservative wings of the party when he accused a group of Socialist conservatives—Victor Berger, Morris Hillquit [*qq.v.*], Algie M. Simons, and Robert Hunter—of secretly planning to convert the party into a reformist labor party. His charges, which apparently had some foundation, plunged the party into a quarrel that did not abate until the most radical group was expelled at the 1912 convention. Walling himself remained a member of the Socialist party until 1917, when he resigned because of its antiwar policy. Although he declined President Wilson's offer of a place on the special diplomatic mission to Russia headed by Elihu Root [*q.v.*] in 1917, Walling vigorously supported the war and was extremely critical of the Socialist pacifists.

Even when he had been in the left wing of the Socialist party and associating with syndicalists, Walling had devoted considerable time to assisting the American Federation of Labor. He did whatever was asked of him, perhaps because he believed it would have been arrogant of him as a middle-class person to try to tell labor leaders how to conduct their affairs. After the war he worked full-time for the A.F.L., writing for the *American Federationist* and ghost-writing speeches and articles. In 1924 he ran for Congress in Connecticut on the Democratic and Progressive tickets. In 1935 he became executive director of the Labor Chest, an organization for the relief and liberation of workers in fascist countries. He died in 1936, of pneumonia and endocarditis, in Amsterdam, Holland, where he had insisted on going, despite a serious heart attack, to keep an appointment with a group of underground anti-Nazi Germans. His ashes were returned for burial in Laurel Hill Cemetery, Indianapolis, Ind.

World War I and the Bolshevik Revolution had a profound and conservative effect upon Walling as they had upon many other progressives of his generation. Early in his career he had believed that trade unionism and reform were sufficient to bring the kind of society he thought America needed. By the time he wrote *The Larger Aspects of Socialism* (1913) and *Progressivism—And After* (1914) reform had become to him only a necessary, but desirable, step toward socialism. The failure of the Second International, however, and the anti-democratic and anti-libertarian aspects of the communist revolutions led him back to his earlier reformist position. By 1921 Walling was collaborating with Samuel Gompers [*q.v.*], whose labor reformism he had once held insufficient, in an anti-Soviet book, *Out of Their Own Mouths.*

[Other books by Walling include: ***Socialism as It Is*** **(1912),** ***Whitman and Traubel*** **(1916),** ***Am. Labor and Am. Democracy*** **(1926), and** ***The Mexican Question*** **(1927); see also his "The Founding of the N.A.A.C.P."** ***The Crisis*****, July 1929. Anna Strunsky Walling,** ***et al.*****,** ***William English Walling: A Symposium*** **(1938);** ***N. Y. Times*****, Sept. 13, 1936; interviews with Mrs. Walling.]**

DAVID A. SHANNON.

[From Current Biography, 1940]

OSWALD GARRISON VILLARD

Mar. 13, 1872—Journalist.

Address: h. Thomaston, Connecticut.

On June 29, 1940 Oswald Garrison Villard's valedictory to *The Nation* was published nearly 47 years after his first contribution appeared in that magazine. His retirement was precipitated he says, "by the editors' abandonment of *The Nation's* steadfast opposition to all preparations for war, to universal military service, to a great navy, and to *all* war, for this in my judgment has been the chief glory of its great and honorable past."

In the 47 years that Oswald Garrison Villard has been associated with *The Nation* he has fought for peace, he has fought for civil liberties, he has fought for the rights of the underprivileged. His platform has been "to be opposed to war, to hold no hate for any people; to be determined to champion a better world; to believe in the equality of all men and women; and to be opposed to all tyrants and all suppression of liberty of consciense and beliefs."

A list of the causes for which Villard battled covers most of the major controversies of the late nineteenth and of the twentieth centuries. He worked to improve the status of the Negro and was one of the founders of the National Association for the Advancement of Colored People; he lifted his voice for the emancipation of women; he struggled to keep America out of the Spanish-American War; he fought long and hard to keep America out of the First World War and later sought to secure just treatment of Germany; he battled for the conscientious objectors in that War and for the victims of the Espionage Act and Palmer's Red Raids; always he attacked tariffs, trusts, Wall Street, corrupt politics. Today he is again fighting to keep America at peace.

More often than not Villard was fighting a lost cause—one commentator said that "Villard had a genius for choosing the unpopular side of every issue." More often than not it cost him dearly to fight it. To some there has always been a touch of the dilettante reformer about him—he is "the aristocrat of liberalism." To others he has been a surviving voice of an "old fashioned democratic liberalism, a genuine liberalism which they feel can alone preserve democracy through the ominous and regimented years ahead." But this liberalism to which Villard has been devoted has also been called "an inadequate weapon, for pacificism and passivism are not enough," and Max Lerner says that hard as he fought, Villard had "no clear outlines of a conception of social causation, a theory of history, a program of action."

Most of Villard's outspoken liberalism appeared in *The Nation*, which he received from his father, Henry Villard. Henry Villard came to America as a refugee from Germany unable to speak a word of English. Within five years he was reporting the Lincoln-Douglas debates. He became one of Horace Greeley's bright young men on the New York *Tribune*, explored the West and married the daughter of the famous abolitionist, William Lloyd Garrison.

Within thirteen years Henry Villard had become president of the Oregon Railway and Navigation Company and two years later of the Northern Pacific Railroad which he completed in 1883. He and his wife gave their son Oswald, born in Wiesbaden, Germany, a legacy "compounded of New England abolitionism, the German Revolution of '48 and Northern Pacific Railroad shares."

Oswald Garrison Villard's was a "boyhood of wonder and hope," made up of New York in the '80s, country life at Dobbs Ferry, trips across the wild West on the Northern Pacific, journeys to Europe and Harvard from which he received his B.A. in 1893 and his M.A. in 1896, and at which he was an assistant in the history department from 1894 to 1896. From Harvard young Villard went to Philadelphia where he spent half a year as reporter for the Philadelphia *Press*. From there he went, in 1897, to the New York *Evening Post* which his father had bought, together with *The Nation* which thereafter served as its weekly literary supplement, in 1881.

As editorial writer and president of the *Post*, Villard had "a sharp nose for news and an extraordinary talent, amounting almost to genius, for presenting it in a manner that would attract attention in places of power." He and his paper came out strongly against the Spanish-American War and played a large part in uncovering the insurance scandals and corruption in the New York legislature. "Single handed he drove Senator Allds, acting Lieutenant Governor of the state, out of public office." He and his paper came out strongly for Wilson. Villard who was an early admirer of Wilson, also supported him for the Governorship of New Jersey and in 1912 and in 1916 for the Presidency. When Wilson was nominated Villard said "my joy was greater than that I have ever felt over any political happening."

In Wilson, Villard saw the best promise of the liberal spirit and in Wilson, Villard found his greatest disillusionment. "I have long since come to believe," he said once, "that it would have been better for the country had Champ Clark been nominated." Always a strong pacifist, Villard fought against our entrance into the War and as late as 1921 had to be smuggled out of Cincinnati by the police after a speaking engagement before the American Legion of the town could get him. His wife, Julia Breckinridge Sandford, whom he married in 1903, and his children suffered all the discomforts of ostracism.

A staunch independent like Villard, running a staunchly independent paper like the New York *Evening Post*, making no concessions to the popular mood of the moment, had a hard row to hoe. By July 1918 Villard had sold the *Post*, while retaining *The Nation* which he edited and owned until 1932.

The Nation under Villard in the 1920's was avowedly and outspokenly a fighting, muckraking magazine. Villard wrote then: "I had the complete satisfaction of molding my historic journal according to my exact wishes and beliefs." After the War *The Nation* worked at getting the Allies out of Russia; it called for a just peace of reconciliation and for tolerance and fair play. Villard dashed into Germany in 1919 and furnished his magazine with evidence of starvation under the blockade; it denounced the Versailles Treaty; it urged the freedom of Eire. This was called "treason" and "Bolshevism" by many and there were batches of cancellations from "grieved and scandalized oldest subscribers."

Villard's financial and intellectual independence made him a thorn in the side of other journals. The *Times* and the *Tribune* "pursued him with inveterate hate," and the *Times* went so far as to describe *The Nation* as "if not actually Bolshevik, so near it that the distinction is not visible to the naked eye." Villard was unperturbed. He continued his "infectious moral indignation," and his paper had then, and continued to have, a power far beyond its circulation.

In 1932 he and others contributed to *The Nation's* support and in 1935 it was sold. But from 1933 until June 1940 each week, "in sickness or health, whether I was here or in Europe," Villard's *Issues and Men*, was a weekly feature of the journal.

During these years of editorship Villard wrote a number of books, three of them about Germany. *Germany Embattled* appeared in 1915; *The German Phoenix* in 1933 and in 1940 he wrote *Within Germany*, a firsthand account of conditions under Hitler in which he pulled no punches. He has written *John Brown, 1800–1859: a Biography Fifty Years After* (1910); *Some Newspapers and Newspaper-men* (1923); *Prophets True and False* (1928). In 1939 two books by him appeared: *Our Military Chaos*, a sharp criticism of our defense policy, and *Fighting years*, a personal narrative and a record of contemporary history, a "brave, fine story," which has been compared by some with Lincoln Steffens' *Autobiography*. In it is a record of his life as a fighting liberal; in it is his philosophy. And part of his philosophy is this: "I have never been able to work happily with men or women who are incapable of hot indignation at something or other—whether small or big, whether it stirred me personally or not, if only it was *something*."

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[From Who Was Who In America, vol. 1]

JOHN ELMER MILHOLLAND

Businessman, writer; b. Lewis, N.Y., May 30, 1860; s. John and Mary Ann (Moore) M.; student New York U.; m. Jean Torry. Was with New York Tribune 12 yrs. as reporter, corr., polit. adviser, business rep. and editorial writer. Organized 1st Nat. Conv. for placing primary elections under the law; settled strike difficulty between New York Tribune and the typographical unions after 15 yrs. duration; an organizer of the McKinley League and the Hughes League; with others established International Union Club, London, 1898, which championed the Boers' cause; speaker and writer in presenting measures for defense of negroes' constitutional rights, prison reform, federal aid to edn., cutting down of Southern representation in Congress; etc. Active in World's Race Congress, London, 1911; helped to inaugurate Saturday half holiday in America; built systems which carried first mail and parcels underground in New York and other cities; started movement that led to the saving and rebuilding of old Ft. Ticonderoga. Supervising insp. of immigration at New York under President Harrison. Republican, Presby. Home: New York City and Lewis, N.Y. Died June 29, 1925.

[From the Library of Congress, Washington, D.C.]

William Edward Burghardt DuBois

Walter White, former Executive Secretary of the National Association for the Advancement of Colored People, stated in 1932 that Dr. W. E. Burghardt DuBois was one of the "chief molders of modern thought regarding the Negro."

DuBois was born on February 23, 1868, in Great Barrington, Massachusetts, of French, Dutch, and Negro ancestry. He entered Fisk University, a Negro school in Nashville, Tennessee, in 1885. Admitted as a sophomore, DuBois studied philosophy, the classics, and physical science. After graduation from Fisk in 1888, he continued his studies at Harvard. A grant made it possible for DuBois to study history and sociology at the University of Berlin from 1892 to 1894. He received the Ph.D at Harvard in 1895. His dissertation was *The Suppression of the African Slave-Trade to the United States of America, 1638–1870*. It was published in 1896 as the first volume in the *Harvard Historical Studies*.

Dr. DuBois taught classics at Wilberforce University at Xenia, Ohio, from 1894 to 1896. He was on the faculty of the University of Pennsylvania from 1896 to 1897, where he made a study of Negroes in Philadelphia. He taught sociology at Atlanta University from 1897 to 1910. During this period of teaching, DuBois published widely his research findings in Negro sociology.

* * * * *

In 1961, Dr. DuBois joined the Communist Party. His letter of application to the Party's General Secretary opens as follows:

"To Gus Hall,
"Communist Party of the U.S.A.,
"New York, N.Y.

"On this first day of October, 1961, I am applying for admission to membership in the Communist Party of the United States. I have been long and slow in coming to this conclusion, but at last my mind is settled."

DuBois proceeds to review the development of his political perspectives.

After mentioning earlier periods in his life he continued:

"Finally in 1926, I began a new effort: I visited Communist lands. I went to the Soviet Union in 1926 [1928?], 1936, 1949, and 1959; I saw the nation develop. I visited East Germany, Czechoslovakia and Poland. I spent ten weeks in China, traveling all over the land. Then, this summer, I rested a month in Rumania.

"I was early convinced that Socialism was an excellent way of life, but I thought it might be reached by various methods. For Russia I was convinced she had chosen the only way open to her at the time. I saw Scandanavia choosing a different method, half-way between Socialism and Capitalism. In the United States I saw Consumers Cooperation as a path from Capitalism to Socialism, while England, France and Germany developed in the same direction in their own way. After the depression and the Second World War, I was disillusioned. The Progressive movement in the United States failed. The Cold War started. Capitalism called Communism a crime.

"Today I have reached a firm conclusion:

"Capitalism cannot reform itself; it is doomed to self-destruction. No universal selfishness can bring social good to all.

"Communism—the effort to give all men what they need and to ask of each the best they can contribute—this is the only way of human life. It is a difficult and hard end to reach—it has and will make mistakes, but today it marches triumphantly on in education and science, in home and food, with increased freedom of thought and deliverance from dogma. In the end Communism will triumph. I want to help to bring that day.

"The path of the American Communist Party is clear: It will provide the United States with a real Third Party and thus restore democracy to this land. It will call for:

"1. Public ownership of natural resources and of all capital.

"2. Public control of transportation and communications.

"3. Abolition of poverty and limitation of personal income.

"4. No exploitation of labor.

"4. Social medicine, with hospitalization and care of the old.

"6. Free education for all.

"7. Training for jobs and jobs for all

"8. Discipline for growth and reform.

"9. Freedom under law.

"10. No dogmatic religion.

"These aims are not crimes. They are practiced increasingly over the world. No nation can call itself free which does not allow its citizens to work for these ends."

In 1962, Dr. DuBois moved to Ghana, where he settled at Accra and became director of the *Encyclopedia Africana*. He became a citizen of that country the following year. DuBois and Kwame Nkrumah, President of Ghana, had been associated in the Pan-African movement. DuBois died on August 27, 1963.

Early in 1963, shortly before DuBois died, Ralph McGill, editor of the Atlanta *Constitution*, visited him at Accra. McGill reported their conversation. Dr. DuBois gave no indication in this conversation that he had changed his mind about Communism since joining the Party.

H.R. 10174, TO REQUIRE THE USE OF RECYCLED PAPER IN THE PRODUCTION OF THE CONGRESSIONAL RECORD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. ANDERSON of California. Mr. Speaker, on Wednesday, July 28, I introduced H.R. 10174, a measure which would require the use of recycled paper in the production of the Congressional Record.

The Congressional Record, which is published each day that Congress is in session, uses approximately 5,000 tons of newsprint each year. Since 17 trees are required to manufacture 1 ton of paper, 85,000 trees would be saved by switching to recycled paper.

Not only would this measure save our forest, it would save the Government money. One hundred percent recycled newsprint costs $7.50 a ton less than virgin newsprint.

Many prestigious newspapers have already taken this step. The McClatchy Newspapers, the Washington Post, the Baltimore Sun, and the New York Daily News are among those newspapers which have switched to recycled paper.

I have begun filling my stationery needs with recycled paper, and will use it as much as possible for news releases, questionnaires, and other purposes.

By using recycled paper, we are also reducing the solid waste problem. Tons of paper clog our dumps, litter our highways, and are burned to fill the air with noxious smoke.

Thus, Mr. Speaker, in order to save a portion of our forests, reduce government expenses, and eliminate a part of our solid waste problem, I urge the Congress to switch to recycled paper for the production of the Congressional Record.

THE PUBLIC'S RIGHT TO KNOW

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. ASHBROOK. Mr. Speaker, the July 25, 1971, issue of the New York Times carried a guest column by the veteran supporter of Communist causes, Corliss Lamont, entitled "The Cassandras in America." Although stating the self-evident fact that fears of a trend toward fascism in the United States are unrealistic and unfounded, as was to be expected Mr. Lamont manages to get in his licks against "the widespread brutality of city police," the witch-hunt investigating committees of Congress, typified by the House Un-American Activities Committee—now the House Internal Security Committee—and other issues which are discussed by the Daily World, the Communist publication, on a regular basis.

Mr. Lamont is identified as an author and as chairman of the National Emergency Civil Liberties Committee which is the present name of the old Emergency Civil Liberties Committee, cited as a Communist front in 1959 by the House Committee on Un-American Activities. The committee's citation reads:

National Emergency Civil Liberties Committee

The Emergency Civil Liberties Committee is an organization with headquarters in New York, whose avowed purpose is to abolish the House Committee on Un-American Activities and discredit the FBI. "* * * The committee finds that the Emergency Civil Liberties Committee, established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party. It has repeatedly assisted, by means of funds and legal aid, Communists involved in Smith Act violations and similar legal proceedings. One of its chief activities has been and still is the dissemination of voluminous Communist propaganda material."

"Frank Wilkinson was called as a witness when he appeared in Atlanta as a representative of the Emergency Civil Liberties Committee to propagandize against the Committee on Un-American Activities and to protest its hearings. In 1956 Wilkinson was identified as a Communist Party member by a former FBI undercover agent within the party. Summoned at the time to answer the allegation, his reply to all question was, 'I am answering no question of this committee.' This also became his stock reply to questions when he appeared during the Atlanta hearings. * * * Wilkinson has since been convicted of contempt of Congress and sentenced to one year in jail."

"Disputing the non-Communist claim of the organization, the committee finds that a number of other individuals connected with the ECLC also have been identified under oath as Communists. * * *"

(*Committee on Un-American Activities, Annual Report for 1958, House Report 187, March 9, 1959, pp. 34 and 35.*)

The ECLC was but one of a long list of Communist fronts and causes to which Mr. Lamont has lent his name. His writings have been carried and advertised by Communist publications dating back to the 1930's. Regardless of any legitimate claims that can be made for the NECLC at the present time in the area of civil liberties, the bias and lack of objectivity of Mr. Lamont is readily apparent.

In the interest of the public's right to know—a cause fervently expoused by the New York Times in the issue of the Pentagon Papers—it is indeed unfortunate that the Times could not have appraised the public of Mr. Lamont's long history of radical and leftist propensities.

The column, "The Cassandras in America," follows:

THE CASSANDRAS IN AMERICA

(By Corliss Lamont)

The cry of calamity is contagious. Repeatedly in the public prints and in conversation, we have read and heard that fascism or neofascism is just around the corner for the United States. This shadow flung across the immediate future portends a police state with rigid censorship, suppression of all opposition, a one-party system and complete nullification of our democratic procedures.

It is true that during the last two or three years American democracy has been disgraced by a number of recent events: the wholesale jailing, for instance, of some 13,000 antiwar demonstrators, most of them illegally arrested, in Washington, D. C., in May, 1971; the widespread brutality of city police; the shooting of students at Kent State, Ohio, and Jackson, Mississippi; the proliferation of lists of "subversives" by government agencies, both Federal and local, and the passage of repressive new laws such as the antiriot provisions of the Civil Rights Act and the clearly unconstitutional provisions in the Crime Control Act and the Drug Control Act.

But are these the symptoms of a creeping or leaping fascism? I think not.

The Cassandras who respond to such dismal facts by crying "fascism is coming" are forgetful or ignorant of American history. Certainly the civil-liberties crisis today is serious. But as a vigorous supporter of the Bill of Rights for some forty years, I am aware that some sort of civil-liberties crisis is almost always with us. The current situation is not nearly as grim as after World War I and the Russian Revolution, when the notorious Palmer raids took place; or as during the fifties when there was a spate of antifreedom legislation and McCarthyism was blighting almost every area of our culture.

Those fearful of a fascist take-over also overemphasize the negative and overlook the considerable gains American democracy has achieved in recent years. The witch-hunt investigating committees of Congress, typified by the House Un-American Activities Committee (now the House Internal Security Committee), are less of a menace today. Much progress has been made toward full constitutional rights for the Negroes and other racial minorities, including the all but total disappearance of lynching. The courts, especially the U.S. Appeals Courts and the Supreme Court, have in general lent support to the Bill of Rights over the last decade.

It is possible that an Appeals Court or the Supreme Court, even with Mr. Nixon's appointees, will reverse the conviction of the Chicago Seven and declare unconstitutional the anti-riot statute under which they were held guilty. Indicative of the Supreme Court's stance on civil liberties was its recent decision that The New York Times and The Washington Post could not be restrained by the United States Government from publishing the Pentagon Papers on the Vietnam war.

In New York City in May, 1971, a jury acquitted thirteen Black Panthers of conspiracy to murder policemen and to commit other violence, while in New Haven the same month the Government dropped its prosecution of Panther leader Bobby Seale for conspiracy to murder.

Those who are haunted by the spector of fascism also do not consider that certain rightist tendencies may well represent one of those temporary swings of the political pendulum typical of our history. Much of today's reactionary legislation is an overreaction to student riots and the seizure of college buildings, to the senseless bombings by the Weathermen and right extremists, and to the murder of considerable numbers of policemen year after year.

Finally, the capitalist class in the United States does not need a fascist regime in order to maintain its dominance. The radical and revolutionary movements are weak and disunited. A large majority of the trade unions are conservative, and are actually part of the Establishment. We shall always no doubt have with us crackpot rightist and superpatriotic groups yelling about the "Communist conspiracy," but I do not see in the offing any constellation of forces that could put fascism across here.

With all the factors in American life that violate or threaten democratic principles, they still do not add up to a clear and present danger of fascism. True, things could change drastically. But crying wolf meanwhile dangerously confuses the situation. If the conviction grows that fascism is here or almost here, unrealistic retreat may spread. The sound position is for us never to quail in fright of an alleged fascist threat, but always to stand fast and do battle for freedom.

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. SCHWENGEL. Mr. Speaker, the number of editorials in favor of my position of opposition to the big bus bill, H.R. 4354, is increasing. The latest one I have received is the one contained in today's Washington Evening Star. The editorial follows:

OBESE BUSES

The country is having to learn the painful way that bigger isn't necessarily better, and Congress has been of little help in controlling the grotesque inflation of about everything. It has, for example, allowed trailer trucks on the nation's highways to grow much too large for the safety and sanity of the motoring public. (The truckers disagree and want authorization for still larger ones.) And now the House has passed a bill that would permit the operation of wider buses on interstate routes.

Some practical-sounding arguments were offered by the proponents. It seems for instance that about 22,000 buses wider than the present interstate limit have been manufactured and already are operating on many state roads and city streets (including District of Columbia streets). Perish the thought that all those shall be denied the use of the interstate highways, some congressmen said.

Also, the advocates maintained, buses must be wider so that wider seats can be installed, so that the highway congestion problem can be solved. "We have but one purpose, and that is to make bus travel more comfortable and convenient for commuters, so they will leave their cars at home," said Representative James C. Wright Jr. of Texas. But surely a seat an inch or so wider wouldn't make all that much difference to a short-haul commuter.

Then there was the argument that the bill only calls for six-inch widening of buses, and who is going to quibble about six inches? Representative Schwengel of Iowa did, explaining that this would add 13,000 pounds to the weight of the vehicle. Nor, he said, is the potential road hazard factor to be sniffed at.

Anyway, this would undeniably be more of the creeping congestion that has advanced by two inches here and six inches there until it has become almost suffocating. If this bill passes, will the bus manufacturers begin making a dream cruiser six inches wider than the new legal interstate limit, and when enough of those accumulate will their very numbers be used to justify another stretching of the limit? That seems almost predictable.

And is this just a prelude to another attempt to increase truck sizes and weights? That's denied, but some of the House pleaders for larger buses are among those who have in the past advocated bigger trucks. A truck-enlargement bill was squelched in the last Congress, and we hope the Senate will give similar treatment to this bus proposition.

NIXONOMICS: THIRD VERSE: THINGS GET BETTER WHEN THINGS GET WORSE

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30. 1971

Mr. FULTON of Tennessee. Mr. Speaker, permit me a few moments to express my appreciation to our able Secretary of the Treasury and that fascinating young storyteller at the White House, the President's news secretary.

This week we received more than our usual share of depressing news on the economy; the 1971 budget deficit will be $23.24 billion when the President earlier predicted a surplus of more than a billion dollars; our foreign trade posture is slumping faster than the stock market; economic indicators fell last month for the first time since last October.

Now, all this impressed me as a pretty dark picture especially since the White House has again underestimated Federal revenues, this time by nearly $6 billion for fiscal 1971.

Therefore, you can understand my profound sense of relief when our Secretary of the Treasury spoke to assure all that these figures were, in fact, good news.

That is right, good news.

He said in a joint statement with our distinguished Secretary of Labor that—

> For the third year in a row, a full-employment balance or surplus had been achieved . . . after three successive years of full-employment deficit totaling more than $40 billion.

What this means is that if we had full employment in the economy instead of 6 percent unemployment, we would not have run a $23.24 billion deficit, but would actually have had a surplus of $2.5 billion.

Now, I really do not understand why this is good news, but if it satisfies the Secretary of the Treasury, a man who is supposed to know these things, then it should certainly be reassuring to those of us who thought the economy was steadily deteriorating.

Then, just in case there might be slight doubt lingering in my mind as to how well things are going, that able young advertising executive of the White House Press Office immediately removed this possibility.

He termed, according to a report in the July 29 Wall Street Journal, the 1971 budget picture "a healthy thing."

Thus, with this reassurance, despite every outward indication that the administration has demonstrated an ineptness at handling national fiscal and monetary policy that has not been evident since the Hoover administration, I am certain that we will all sleep better at night knowing that the classical economic theory, "Nixonomics," is working smoothly.

Mr. Speaker, I include the article "Fiscal 1971 Deficit of U.S. Budget was $23.24 Billion" in the RECORD at this point. I commend it not only to the attention of my colleagues, should any of them have missed the "good" news from the administration this week, but also to those millions of Americans who are currently enjoying this Republican prosperity on extended vacations made possible by the disappearance of their jobs under the policies of this administration. It will also be reassuring to the millions of other Americans who are faced with the possibility of similar Republican prosperity vacations; to the millions of Americans who live on fixed incomes which are being eaten up weekly by inflation, and to the millions of investors in the market where confidence in the economy is so great that the bottom has not dropped, at least not yet.

Hopefully, we will all remember and express our proper gratitude in November of 1972.

The article follows:

FISCAL 1971 DEFICIT OF U.S. BUDGET WAS $23.24 BILLION

WASHINGTON—The federal budget ran a whopping $23.24 billion deficit in the fiscal year that ended June 30 as revenue fell almost $6 billion short of the Nixon administration estimate.

This fiscal 1971 shortfall follows a deficit of $2.85 billion the previous fiscal year and is the second largest budget deficit since World War II, trailing only the $25.16 billion of red ink in fiscal 1968.

Top administration officials, however, emphasized that if the economy had been operating at "full employment" throughout the last fiscal year, the budget would have run a surplus of $2.5 billion. Officials generally consider "full employment" to mean a jobless rate of about 4%, but throughout fiscal 1971 the unemployment rate exceeded 5% and rose as high as 6.2%.

FULL-EMPLOYMENT BALANCE

"For the third year in a row, a full-employment balance or surplus had been achieved . . . after three successive years of full-employment deficit totaling more than $40 billion," Treasury Secretary John B. Connally and George P. Shultz, Director of the Office of Management and Budget, said in a prepared statement.

At the White House, Press Secretary Ronald L. Ziegler called the fiscal 1971 budget results "a healthy thing." Mr. Ziegler said that the important thing was "not the deficit per se" but the fact that the budget was in "full-employment" balance.

But Democratic National Chairman Lawrence F. O'Brien said the "tremendous increase" in the deficit is "another indication of the abysmal failure of the Nixon economic policy. Caused primarily by a shortfall in tax revenue resulting from the sluggish economy, the Nixon deficit will do little to help get the economy moving and could do much to push up interest rates and kill off what little economic recovery we already have," Mr. O'Brien charged.

Revenue in fiscal 1971 totaled $188.33 billion, down nearly $5.9 billion from the administration's January estimate of $194.19 billion and even below the $193.74 billion in fiscal 1970. Outlays for the past fiscal year totaled $211.57 billion, below the January projection of $212.76 billion but up from the previous year's $196.59 billion.

DEFICIT IS PLAYED DOWN

Despite the optimistic official pronouncements, it was evident the administration sought to play down the budget deficit. Unlike last year, no press conference was held to announce the results.

When President Nixon first submitted the fiscal 1971 budget, in February 1970, he noted that he "pledged to the American people that I would submit a balanced budget for 1971," and he went on to project a slim surplus of $1.3 billion. But several months later the administration changed this to an estimated $1.3 billion deficit for fiscal 1971, and then last January forecast an $18.6 billion deficit.

The final budget figures show that fiscal 1971 spending was almost $11 billion higher than the initial administration estimate of $200.77 billion while receipts fell almost $14 billion short of the $202.10 billion forecast in January 1970.

THIS YEAR'S OUTLOOK

The administration also has shown a general reluctance to discuss this fiscal year's budget outlook. Although the official deficit estimate for the year that started July 1 is still $11.6 billion; many congressional and other analysts believe the deficit will reach at least $20 billion. Thus, the administration seems almost assured of registering the largest two-year deficit total since World War II.

One high budget official, however, said the administration is still aiming for a full-employment budget balance in fiscal 1972, although many economists doubt even this is possible. This budget official also said it should be possible to "substantially reduce" the deficit in the fiscal year beginning July 1, 1972, because the administration expects the economy will be moving closer to so-called full employment by then, which would produce a spurt in receipts.

More than 90% of the revenue shortfall for the January estimate, the administration said, was due to a lag in income-tax receipts. Corporate income-tax receipts fell $3.3 billion below the January estimate, while individual income-tax revenue was $2.1 billion lower than expected.

This resulted primarily from a more sluggish economic performance in the first half of this calendar year than had been anticipated, some administration officials conceded.

A number of small reductions in spending more than offset a $1.2 billion increase in defense outlays from the January estimate. The largest reductions were $441 million less in outlays by the Department of Housing and Urban Development (net mortgage purchases by the Government National Mortgage Association, urban renewal outlays and Model City grant disbursements all were lower than expected), and a $387 million reduction in outlays of the Agriculture Department's Commodity credit Corp.

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART II

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. HARRINGTON. Mr. Speaker, I have previously discussed the recently released General Accounting Office report on "Comparison of Military Research and Development Expenditures of the United States and the Soviet Union." An article in the July 30, 1971, Washington Post, "Pentagon Claim of Arms Gap Is Questioned," describes some of the major conclusions of the report.

The GAO report refers to the Stockholm International Peace Research Institute's SIPRI Yearbook of World Armaments and Disarmament 1969–70. The SIPRI Yearbook, published in November 1970, contains a very informative and perceptive section on "US Estimates of Soviet Expenditures for Military Research."

In March 1971 I requested Dr. John D. Holmfeld of the Science Policy Research Division of the Congressional Research Service to comment on the SIPRI analysis. Additional memoranda by Randall Forsberg, the author of the SIPRI section, and Dr. Holmfeld have helped to clarify some of the problems involved in trying to estimate Soviet military research and development and highlighted the difficulties of making meaningful comparisons between the Soviet Union and the United States.

During the House Armed Services Committee hearings on the military procurement authorization bill I asked Dr. John Foster, the director of defense research and engineering, for his comment on the SIPRI Yearbook's critique of DOD's estimates. Dr. Foster replied that the SIPRI analysis is—

> Based on data available to the author as of mid-1970. The data consisted of published budget data and unclassified statements by various officials up to that time. As such, the analysis should be expected to have significant limitations. The SIPRI conclusion that valid estimates of Soviet research and development are not possible—with that data base—is probably correct. Missing data includes the dollar pricing of the space program, the quantification of technological positions with time for space and military R.D.T. & E., the manpower and facilities crosschecks, and an appreciation of the overall magnitude of the Soviet effort. The analysis is remarkable in its deduction of the U.S. estimating techniques, however. The techniques had not been published as of that date.

I agree with Dr. Foster that the SIPRI

study is "remarkable for its deduction of the U.S. estimating techniques" and I have seen nothing that convinces me that SIPRI's criticism of these techniques is not essentially correct. Much of the "missing data" that Dr. Foster refers to is still under a veil of secrecy and its accuracy and pertinence remains to be independently evaluated and publicly discussed. Until, for example, the Defense Department and the CIA are willing to declassify their studies of the dollar pricing of the Soviet space program, one should retain a skeptical attitude toward DOD's data and methodology.

Today and on subsequent days I will place in the RECORD studies that may indicate grounds for continued skepticism about the alleged "R&D Gap." I insert Michael Getler's article in the July 30, 1971, Washington Post and the Stockholm International Peace Research Institute Yearbook study and additional papers by Dr. John Holmfeld of the Congressional Research Service and Randall Forsberg of SIPRI:

The articles follow:

[From the Washington Post, July 30, 1971]

PENTAGON CLAIM OF ARMS GAP IS QUESTIONED

(By Michael Getler)

The General Accounting Office has told military committees in Congress that it has "reservations" about Pentagon claims that the Soviet Union is outspending the United States by $3 billion a year on new weapons research.

The Congressional investigative agency was asked on April 1 by a House Armed Services subcommittee to look into a new Pentagon analysis presented during budget hearings in March. It warned of a potentially dangerous gap in military research and development (R&D) work opening up between the two nations.

The results of an unreleased GAO investigation, sent to the chairmen of seven congressional committees this week, indicate that the agency was hampered in its attempt at independent analysis by Pentagon secretiveness as well as the scarcity of reliable budget information published by the Soviets.

"According to Department of Defense officials," the GAO study notes, "their conclusion regarding increased Soviet Union R&D funding was based primarily on intelligence reports. With one exception these reports were not available to us."

Summing up its findings for the legislators working on the Pentagon's own R&D budget request, GAO reported two main conclusions:

"On the basis of the limited information available to us," GAO said, "we believe that extreme secretiveness by the Soviet Union results in data which are insufficient for a realistic measurement of its military R&D efforts."

Commenting on the techniques used by the Pentagon to make its comparison, GAO concluded that "Although we believe the Defense Department methodology with its limited data base may be useful in indicating trends and the apparent magnitude of the Soviet Union military R&D threat, we have reservations as to its usefulness in quantifying relative efforts or spending gaps between the countries."

Attempts to estimate how much money the Russians are really putting into secret military research have been a source of considerable but generally quiet attention and dispute for many years among Kremlinologists here.

The new Pentagon analysis, presented publicly to Congress, touched off considerably more debate and brought the issue more into the open. The Pentagon analysis estimates that the Russians are now pumping $10 billion a year into military R&D, compared with about $7 billion annually in this country.

The Pentagon's chief scientist, Dr. John S. Foster Jr., calls the new study "an impressive pioneering attempt" to resolve these questions. Even with the problems of accurately converting rubles to dollars and of Soviet budget concealments, Foster maintains that the Pentagon figures are accurate within 10 to 20 per cent.

If the Pentagon is correct, then the United States could conceivably be surprised by a new weapon gap suddenly opened by the Russians. If the Pentagon is wrong, as the GAO suggests it might be, then millions of dollars in future defense expenditures might be safely spent in other areas.

Testifying before Congress, Foster said he was not presenting the new analysis to make the Soviets look "10 feet tall" or to ask Congress to match the $3-billion difference. Rather, Foster said, "all this is presented as background to provide an understanding of the current situation and give some indication of what the U.S. has to do in the future if it is to cope with the problem."

The Pentagon's most immediate goal is to stop a three-year downtrend in military R&D. This year's budget includes an $800 million increase in this category.

The GAO says that any Soviet-American R&D budget comparisons are also complicated by several other factors:

Inclusion in the Soviet budget of funds for activities that are largely financed in the United States by private corporations and sources other than the federal government.

The GAO disputed the Pentagon's assessment of the level of defense-related research in this country. GAO estimates that when these other sources of finance are counted, the total should be increased by about $1 billion.

Uncertainties in converting rubles to dollars. GAO cited unclassified estimates of realistic exchange ratios which range from $1.30 to $3.50 a ruble. The Pentagon used a $2 rate.

Differences in methods, especially in the use of manpower and equipment.

Differences in innovating approach between a centrally planned economy and a competitive market economy.

The reported inferiority of some scientific facilities and equipment in the Soviet Union, especially the lack of highly advanced computers for research work.

SIPRI YEARBOOK OF WORLD ARMAMENTS AND DISARMAMENT 1969/70

U.S. ESTIMATES OF SOVIET EXPENDITURES FOR MILITARY RESEARCH—INTRODUCTION AND SUMMARY

No official information about expenditure for military research and development (R & D) is published in the Soviet Union. However, US Department of Defense officials have recently presented estimates of the level of Soviet spending on defence-related R & D and of the trend in this expenditure over the past decade. They have suggested, on the basis of these estimates, that the United States defence research and development effort has been overtaken by the Soviet effort.

No sources are given for the official US estimates. This section therefore looks at the unofficial studies published in the United States which have either dealt with the problem of estimating Soviet military R & D expenditure, or simply attempted to provide an estimate. The problem is raised in studies which attempt to estimate total Soviet military expenditure because many US experts believe that R & D expenditure is partially or entirely excluded from the official Soviet defence budget. They therefore try to identify the non-defence budget sources of finance for military R & D, and to get an estimate to add on the official defence expenditure figure. The question of military R & D expenditure is also raised in studies of Soviet science statistics, and of the total Soviet R & D effort, civil as well as military.

All the unofficial US studies which estimate Soviet military R & D expenditure derive their estimates from the Soviet science statistics. It is noticeable that the authors who make a detailed analysis of these statistics[1] give either no estimate at all, or a rough order-of-magnitude estimate only. Furthermore, the difficulties of the Soviet science data are such that the two order-of-magnitude estimates given by these authors diverge considerably: one is twice as great as the other. The conclusion drawn from the evidence presented in the unofficial studies is that reliable estimates of Soviet military R & D expenditure cannot be inferred from Soviet science data.

It seems probable, however, that the official US estimates are in fact derived from the Soviet science statistics. The trend in the US estimates parallels almost exactly the trend of the official Soviet figures for science expenditure. The implication of this is that these estimates have a very wide margin of error—much wider than that which is claimed for them.

The unofficial US studies and official US statements examined in this section are set out in table 1D.1. The evidence given in three of the studies (sources [1]–[3]), on the likely channels of finance and magnitude of Soviet military R & D expenditure, is reviewed first, in some detail. These studies draw on statements of Soviet budgetary authorities, and on Soviet scientific manpower data, for their conclusions about the portion of Soviet science expenditure which goes to military R & D. The remaining unofficial studies, which use the Soviet science data without detailed analysis of the original Soviet materials, are then treated more briefly.[2] The last part of this section discusses the question of the sources and methods of the official US estimates of Soviet military R & D expenditure.

Unofficial studies with detailed analysis of Soviet science data: Nimitz (1963), Korol (1965), Lee (1969)

THE SOURCES

Nimitz, Korol and Lee (table 1D.1, sources [1], [2] and [3]) are concerned with Soviet military R & D outlays from different points of view. Only Nimitz is interested in military R & D expenditures per se; most of her study is concerned with certain Soviet science expenditures which are presumed to consist largely of expenditures for defence-related R & D. Korol's book on *Soviet research and development* discusses primarily data on the organization and manpower of Soviet R & D; and only one chapter out of eight deals with science expenditure data. Here Korol touches on the financing of military R & D briefly in a discussion of Soviet expenditures for science and in a "speculative digression" on total Soviet R & D expenditure. Lee is concerned to construct an estimate of total Soviet expenditures for "national security"; and he attempts to locate military R & D expenditures not included in the official defence budget, in order to include them in his total national security expenditure estimate.

Footnotes at end of article.

TABLE 1D.1.—ANNOTATED LIST OF SELECTED U.S. SOURCES GIVING ESTIMATES OF SOVIET MILITARY R. & D. EXPENDITURE

Sources	Estimate
A. Unofficial studies giving estimates based on detailed analysis of original Soviet data:	
1. Nimitz, Nancy. Soviet expenditures on scientific research. (Rand memorandum RM–3384–PR, prepared for the U.S. Air Force.) Santa Monica, Calif: Rand Corp., 1963	Expenditure for "classified" R. & D. (rubles) 1950–1961; supposed to be largely defence R. & D. expenditure.
2. Korol, Alexander. Soviet research and development: its manpower, organization and funds. (Prepared under the auspices of the U.S. National Science Foundation.) Cambridge: M.I.T. Press, 1965	Minimum level of expenditure for "secret" R. & D. (rubles) 1950–1962 and possible total military-space R. & D. expenditure 1950 and 1956.
3. Lee, W. T. and S. A. Anderson, Probable trend and magnitude of Soviet expenditures for national security purposes. (Strategic Studies Center research memorandum SSC-RM 5205–54, prepared for Office of the Chief of Research and Development, U.S. Army.) Menlo Park, Cal: Stanford Research Institute, 1969	Military-space R. & D. portion of total Soviet science expenditures (rubles) 1956–65; supposed to be a part of total Soviet military-space R. & D. expenditure.
B. Other unofficial studies:	
4. Godaire, J. G. The claim of the Soviet military establishment. In Dimensions of Soviet economic power, studies prepared for the use of the U.S. Congress Joint Economic Committee. Washington: Government Printing Office (GPO), 1962	Military-space R. & D. portion of total Soviet science expenditures (rubles) 1950–62; supposed to be a part of total Soviet military-space R. & D. expenditure.
5. Sosnovy, Timothy. The Soviet military budget In Foreign affairs, 42:3 (April 1964)	Expenditure for research in the military field (rubles) 1964.
6. Becker, Abraham. Soviet military outlays since 1955. (Rand memorandum RM–3886–PR, prepared for the U.S. Air Force.) Santa Monica, Calif.: Rand Corp., 1964.	Military R. & D. expeditures (rubles) 1955–62.
C. Official statements by Dr. John S. Foster, U.S. Director of Defense Research and Engineering:	
7. Statement on the fiscal year 1970 Defense research, development, test and evaluation program. [Nonclassified version.] (Reprinted in Department of Defense appropriations, Part 5; Hearings before the Committee on Appropriations, House of Representatives, 91st Cong., 1st sess., Washington: GPO, 1969, pp. 729–825.)	Military-space R. & D. expenditure (dollars) 1969, and recent trend in military-space R. & D. expenditure.
8. Testimony in Hearings on military posture 1969, part 1. Hearings before the Committee on Armed Services, House of Representatives, 91st Cong., 1st sess. Washington: GPO, 1969. Pp. 2224–2226	Military-space R. & D. expenditure (dollars) 1969–70.
9. Statement on the fiscal year 1971 Defense research, development, test and evaluation program. [Non-classified version.] (Reprinted in Hearings on military posture 1970, Part 2: Hearings before the Committee on Armed Services, House of Representatives, 91st Cong., 2d sess., Washington: GPO, 1970, pp. 7945–7963.)	Military-space R. & D. expenditure (dollars) 1970; and trend in military-space R. & D. expenditure 1960–1970 and recently.
10. Speech before the American Newspaper Publisher's Association, 23 April 1970, New York. (Extracts reprinted in Aviation week and space technology, 97:17 (27 April 1970), p. 13.)	Military-space R. & D. expenditure (dollars) 1970; recent trend in military space R. & D. expenditure, and share of total R. & D. and space expenditure.

THE ESTIMATES

None of the three investigators attempts to give a precise estimate of total Soviet military R & D expenditure. Korol, who is least concerned with these particular outlays, is most vague: he suggests that a certain Soviet series may represent the "minimum level" of outlays for "secret" R & D, and that there are additional expenditures for "secret" development work. Nimitz gives an estimate for "classified" R & D expenditures, which explicitly cover some "civilian research of the highest priority" in addition to defence-related R & D. Lee estimates the military-space R & D component within Soviet expenditures for science, and he says that substantial military R & D outlays are excluded from this estimate. Both Nimitz and Lee explicitly state, furthermore, that there is not sufficient evidence to warrant a precise estimate of Soviet military R & D outlays. Lee introduces his study with the following reservation:

"The study does not provide insight into Soviet expenditures for major military missions . . . No information on the allocations of the USSR explicit defence budget to missions, forces, procurement, . . . and so forth, is published, and there appears to be no way to arrive at such a distribution from the open source data. The best one can hope for is a reasonable approximation of *total* outlays for all explicit and implicit national security purposes. (Italic added.)"

Nimitz, who is directly concerned with defence R & D outlays, concludes her discussion of "classified" R & D expenditures with the brief comment: "The type of evidence considered in this memorandum does not permit us to estimate how much [of the "classified" R & D outlays] is addressed to defence problems."

With careful reservations, the three studies do, nevertheless, suggest upper and lower limits to total Soviet military R & D expenditure. All three examine various categories of expenditure in the Soviet State Budget and the national science expenditure data; and all identify certain categories as likely channels of finance for military R & D, and other categories as unlikely channels. The categories identified as likely channels set an upper limit to total military R & D expenditures if they are assumed to cover all military R & D, and a lower limit if they are assumed to cover some but not all. The main categories of expenditure in the consolidated State Budget of the USSR and in the published Soviet series of total national science expenditure are outlined in table 1D.2: the italized categories are those identified, in one or more of the three studies, as likely channels of finance for military R & D.[3]

Nimitz, Korol and Lee agree that at least some military R & D expenditure is channeled through "budget expenditures for science", and, within this category, through "All-union" rather than "Republican" expenditures. Nimitz and Korol present series of All-union military-related R & D expenditure for 1950–1961 and 1950–1962 respectively. These series are based on the division of All-union expenditures between "itemized" and "unitemized" expenditures which can be derived from Soviet data for the period 1950–1957 (see the note to table 1D.2). Nimitz and Korol conclude, on the basis of different evidence, that unitemized All-union expenditures represent outlays for "classified" or "secret" R & D, while itemized outlays cover civil R & D only. The estimates from 1958 on are extrapolated, on the assumption that expenditures for "classified" R & D take the same portion of All-union science expenditures in later years as in 1957 (75 per cent).[4] Lee suggests that, within All-union science expenditures, both civil and military R & D outlays are included both in the unitemized and in the itemized parts; and he presents a series of All-union military-related R & D expenditures for 1956–1965, which is derived by taking an arbitary percentage (70 to 80 per cent) of All-union science expenditures (both itemized and unitemized).

Nimitz suggests that the series of All-union expenditures for classified R & D represents an upper limit to total Soviet military R & D expenditures.

Footnotes at end of article.

TABLE 1D.2.—CATEGORIES OF EXPENDITURE IN (1) THE SOVIET STATE BUDGET AND (2) THE SOVIET SERIES OF NATIONAL SCIENCE EXPENDITURE

Main categories	Subsections	Subdivisions
(1) Soviet State Budget:		
1. Defense.[1]		
2. Financing the national economy:[1]	A. Industry.[1] B. Agriculture. C. Transportation etc.	
3. Social-cultural measures:	A. Health. B. Social security etc. C. Enlightenment:	i. General education. ii. Vocational education. iii. Higher education [1] etc. iv. Science.[1]
4. Administration.		
(2) Soviet expenditures for science:		
1. Budget expenditures for science (= 3.C.iv,):	A. All-union expenditures:[1] B. Republican expenditures.	(i. Itemized outlays). (ii. Unitemized outlays).[1]
2. Other expenditures for science:[1]	A. Enterprises' and economic organizations' own funds. (?B. Other expenditures: Possibly expenditures through other State Budget categories than "science").	

[1] Category is identified by either Nimitz, Korol, or Lee as a possible source of finance for defense R&D.

Note: 'Budget expenditures for science' are the outlays shown in the State Budget under the heading 'science'. For the period 1950–57, 'Republican expenditures for science' and a part of 'All-union expenditures for science' are distributed among a number of type-of-expenditure categories in a 1958 Soviet Ministry of Finance publication (Rashody na social 'nokul'turnye meroprijatija po gosudarstvennomu bjudzetu SSSR [Expenditures for Social and Cultural Measures In the State Budget of the USSR]): 'unitemized' All-union expenditures for science are the residual All-union expenditures which are not included in the type-of-expenditure breakdown given in this publication. 'Other expenditures for science' are obtained by subtracting announced Budget expenditures for science from announced total science expenditures. The composition of these 'other expenditures' and the extent to which they may be financed through other State Budget categories than 'science' are uncertain. A portion of 'other expenditures' is definitely financed not through the Budget, but through deductions from enterprises' incomes and funds.

Very small additional military R & D expenditures may be included, according to Nimitz, in "other expenditures for science" and in State funds budgeted to "higher education"; but the bulk of defense-related R & D is covered by All-union unitemized expenditures for science. Both Korol and Lee conclude that there are very substantial additional military R & D expenditures, not included in the all-union science budget at all. Korol suggests that the series of All-union expenditures for secret R & D represents the minimum level of military-related R & D expenditures, and that the major nonwage costs of military development work—the costs of the expensive equipment, prototypes and testing—are probably excluded altogether from the published series of total science expenditure. Total military-related R & D expenditures are suggested to be 50 to 100 per cent greater than the military-related expenditures assumed to be included in All-union expenditures. Lee gives a higher estimate than Korol for the minimum amount of military-related expenditures, including, in addition to the portion which he assumes to be found in All-union expenditures, 50 to 80 per cent of "other expenditures for science" as well. Lee suggests that further substantial military R & D expenditures are entirely excluded from the published series of science expenditures, and are channeled through the two major State Budget categories "defence" and "financing the national economy". The upper limit to total military-related R & D expenditures implied by Lee's discussion is a level two or three times as great as his assumed proportion of All-union expenditures. He thus suggests an approximate level for these expenditures two or three times as great as that of Nimitz.

THE EVIDENCE

The main points at issue in the order-of-magnitude estimates of Soviet military R & D expenditures presented in the three studies are the following:

1. Is any military R & D financed through All-union science expenditures or through "other expenditures for science"?

2. Are there substantial, additional military R & D expenditures, which are excluded from the published series of total science expenditures? The three studies present the following evidence in answer to these two main questions.

1. Evidence that military R & D is financed through All-union science expenditures and "other expenditures for science":

Nimitz gives several brief citations from Soviet financial authorities who have "explicity mentioned defence in discussions of allocations to 'science' ". The quotations and their context as specified by Nimitz are reproduced in table 1D.3.

TABLE 1D.3.—SOVIET STATEMENTS ON MILITARY RESEARCH AND THE FINANCING OF SCIENCE, AS CITED BY NIMITZ [1]

Date	Person and source of authority	Context of quotation	Quotation
1946	A. G. Zverez, Minister of Finance.	Speech on 1945 State Budget plan	"creative work of our scientific institutions contributed considerably to the military might of the Soviet Union"
1947	Great Soviet Encyclopedia.	Account of the activities of "research institutes" during the War	"[Research institutes], like industry, were evacuated [to the rear] so that they might be mobilized to the maximum and better serve the Soviet Army"
1948	K. N. Plotnikov, formerly in Ministry of Finance.	Discussion of science expenditures, 1928–1945	"The enormous creative enthusiasm which in the war years gripped scientists in absolutely every area of science enriched our country with discoveries of great importance, which helped us to overcome the enemy."
1954	K. N. Plotnikov, formerly in Ministry of Finance.	Discussion of post-War science expenditures	[Soviet scientific achievements include] "the discovery of methods of producing atomic power and the achievement of a powerful thermonuclear reaction".
1957	V. V. Lavrov (Soviet economic writer).	(In Finance and the building of socialism	Soviet scientific achievements include "[the development of an intercontinental ballistic missile and the launching of earth satellites]"

[1] The quotations are presented in illustration of the point that "Soviet authorities on budgetary matters have explicitly mentioned defense in discussions of allocations to 'science' ": this point is one of the reasons given by Nimitz for supposing that "defense research [is] among projects supported by the budget allocation to 'science' " (table ID.1, source [1], pp. 12–13).

Although the statements do not say explicitly that military R & D is financed through budget expenditures for science, they are taken by Nimitz to provide strong grounds for believing that at least some military R & D expenditures are financed through the science category, rather than the defence category, within the State Budget. In suggesting that All-union, rather than Republican, budget expenditures for science cover military R & D, both Nimitz and Korol refer to the official description of All-union science expenditures as the expenditures which support scientific research of national, as opposed to local, significance. Both Nimitz and Korol support the conclusion that *unitemized* All-union expenditures cover primarily military-related R & D with several separate calculations; the calculations suggest that the itemized and unitemized portions of All-union science expenditure represent not two different sets of expenditure categories, but the same kinds of expenditure being distributed to two different groups of research institutions. The inference is drawn that the groups of institutions financed by the unitemized outlays are those which perform military-related R & D. Lee, suggesting that unitemized expenditures cannot be equated with outlays for military-related R & D, finds evidence that these expenditures finance, among other things, R & D performed by agricultural research institutes. Lee also finds evidence, however, that some major military R & D expenditures are included in unitemized All-union science expenditures: in the list of type-of-expenditure items among which the itemized expenditures are distributed, the conventional Budget category for "above plan investment" is missing; and Lee suggests that this category is likely to cover substantial military R & D costs, and that it may account for a large part of the unitemized outlays. Implicit in this conclusion is the suggestion that some other types of expenditure for military R & D wages, investment in equipment, etc.) are included among the itemized outlays. In supporting the estimate of 70 to 80 percent of All-union science expenditures for military-space R & D, Lee says that there is "no empirical basis" for the percentages taken, but that "they are conservative compared with the assumptions routinely made elsewhere".

The strongest evidence that some military R & D outlays are included in All-union science expenditures is a calculation by Nimitz showing a sharp rise in All-union *outlays per scientist* within the industrial R & D sector, over the period 1950–1961. This calculation relies on several preliminary inferences and estimates which (*a*) distribute Soviet R & D scientists between All-union and Republican jurisdiction, and further, between industrial and nonindustrial R & D, and (*b*) assume that All-union science expenditures are the main source of financial support for the establishments performing industrial R & D of national significance. The calculation therefore supports, but does not prove, the hypothesis that military R & D expenditures are included in All-union science outlays. Nimitz concludes that the rise in outlays per industrial scientist "is probably explained by a shift toward projects where investment and/or prototype and testing costs are extremely high", and infers from this: "There can be little doubt . . . that defense research . . . must be largely responsible for the shift."

Both Nimitz and Lee suggest that all military R & D must be financed through the State Budget, and that "other expenditures for science" may include some expenditures originally channeled through the State Budget categories for "defence", "financing the national economy" (particularly the "industry" subsection), or "higher education". From this they infer that it would be possible for some military R & D outlays, channeled through these Budget categories, to be included in "other expenditures for science".

2. Evidence that some military R & D expenditure is not included in science expenditure:

Korol presents a calculation of outlays per professional R & D employee, similar to the calculation of outlays per R & D scientist given by Nimitz, but based on different Soviet data for qualified R & D manpower, and different assumptions about (a) the R & D institutions supported by Soviet expenditures for science and (b) the R & D institutions performing nationally important industrial R & D. Korol finds constant outlays per professional R & D employee over the period 1950–1962, taking the entire R & D establishment; and declining outlays per professional employee in the industrial R & D sector. He also finds that even in 1950, outlays per industrial employee are no higher than outlays per non-industrial employee. Korol concludes that the published Soviet series of total science expenditures excludes altogether the increasingly expensive equipment, prototypes and testing for industrial R & D, and in particular, for defence, space and atomic R & D. He thus comes to a conclusion essentially opposite to that of Nimitz.

Lee supports his suggestion that substantial military R & D expenditures are included in the defence budget, and not covered by the series of expenditures for science, by reference to two Soviet budgetary authorities, who specifically say that the defence budget finances R & D establishments. For one of these authorities he gives the following citation:

"In expenditures for defense there are certain peculiarities. In the composition of these expenditures there is a place for expenditures for social-cultural measures for the Armed Forces . . . To these expenditures belong expenses for political-educational work, printing, publication, *maintenance of scientific research institutes,* higher and secondary military schools, worker training, physical education, medical service, maintenance of a large network of sanatoria, rest homes, and so on.[5] (Italics added.)"

"Social-cultural measures" is the budget-

Footnotes at end of article.

ary category under which expenditures for science are subsumed. Lee points out that "scientific research institutes" are a special class of large and important R & D establishments; and he infers from the statement that the defence budget may include large outlays for military R & D, which could not be accommodated within "other expenditures for science".[6]

CONCLUSIONS

On the basis of the evidence presented by Nimitz, Korol and Lee, it is not possible to determine whether the bulk of military R & D expenditure is in fact included in the science series. The statements of Soviet financial authorities cited by Nimitz and Lee leave open the possibility that while some military R & D may be covered by the science expenditure series, the bulk of military R & D may be financed through the defence budget, and excluded from the science series. Lee's citation says explicitly that R & D institutions are financed by defence budget, while the citations given by Nimitz simply mention the military and space accomplishments of Soviet scientists and scientific establishments, without describing the sources of finance for the scientific work. It is certainly not possible to infer from the wording in any of the citations whether most military R & D is financed through the defence budget or through expenditures for science. To turn to some "outside" evidence on this point, one of the OECD studies on the Soviet R & D effort suggests, with reference to Soviet financial authorities, that while defence R & D institutions could be financed by the All-union science budget, or partially by some outlays included in "other expenditures for science", it would not violate normal budgetary practice if military R & D institutions were financed through the defence budget.[7]

The budgetary and manpower evidence used to estimate the portion of published science expenditures which may go to military-related R & D appear equally inconclusive. The uncertainties involved in interpreting the Soviet science data, and in trying to identify the channels of finance for military R & D, are best shown in the demonstrations by Nimitz and Korol of opposite trends in science expenditures per industrial R & D employee. The data on professional R & D employees presented in the two OECD studies suggest that calculations of science expenditures per employee in industrial R & D cannot be made with any confidence. The OECD studies give an original, lower estimate (1965) and a revised, higher estimate (1969) of total Soviet professional R & D employees. Both estimates fall between the low professional manpower base on which Nimitz calculates high and rising science expenditures per professional industrial R & D employee, and the high professional manpower estimate with which Korol demonstrates low and falling science expenditures per professional industrial R & D employee. Furthermore, neither of the OECD studies attempts to divide professional R & D manpower between industrial and non-industrial R & D; so that no estimate of science expenditures per industrial employee—and no inference on whether military R & D expenditures are likely to be included in or excluded from science expenditures—can be derived from the OECD data.

The deliberate avoidance of a precise estimate of total Soviet military or military-related R & D expenditure, in the three studies examined here, seems well founded. The combined evidence given in the three studies leaves wholly uncertain what the relationship might be between Soviet military R & D expenditure and Soviet outlays on science.

Other unofficial US studies: Godaire (1962), Sosnovy (1964), Becker (1964).

Godaire, Sosnovy and Becker (table 1D.1, sources [4], [5], and [6]) are all concerned to provide an estimate of total Soviet military expenditure; and all three treat Soviet R & D expenditure much more briefly than Nimitz, Korol or Lee.

Godaire introduces his discussion of Soviet military expenditure with a table of "Selected Soviet published information of possible defence significance", in which he shows, among other things, the Soviet science expenditure series. Godaire points to the very rapid rise in science expenditures over the period 1953 to 1962 (400 per cent), and he suggests that there are "institutional reasons for believing that this allocation encompasses a considerable amount of research and development for complex military equipment such as aircraft and missiles and for nuclear energy and space activities." In constructing his estimate of "Possible total Soviet defence and space allocation" for 1950–1962, Godaire includes estimates of the military-space portion of science expenditures. The estimates represent "unitemized" budget expenditures for science, which are derived from the 1958 Ministry of Finance publication for 1950–1957,[8] and extrapolated to 1962 "on the basis of the 1956 relationship between the unitemized amount and the published total allocation for science." In this he agrees with Nimitz and Korol.

Godaire then suggests that not all Soviet military R & D expenditures are included within budget (or "other") expenditures for science. In particular, he says, "substantial end-product development, test and evaluation of national significance (considerable amounts of which are undoubtedly military and space) seem to be covered elsewhere in the [State] budget." Further on, Godaire suggests that the excluded R & D expenditures may be channeled through two unexplained expenditure residuals within the State Budget: these residuals are obtained by subtracting expenditures listed under the various categories from announced total expenditures within (*a*) the State Budget as a whole, and (*b*) the Budget category "financing the national economy". Godaire includes these residuals in his estimate of total Soviet military expenditures, saying that they "may cover some or all of the following: The development, test and evaluation of military and space hardware and systems; . . . procurement of some, if not most, major military and space equipment; . . .", and so on. Godaire does not give any further evidence for his assumptions about the portion of military-space R & D expenditures included in and excluded from published science expenditures.

In estimating total Soviet military expenditures for 1964 only, Sosnovy suggests that military R & D expenditures are excluded from the defence budget, and included in budget expenditures for science. He estimates the division of budget expenditures for science between military and non-military expenditures with the caution that "no direct information for such a division is available". Apparently referring to "unitemized" budget expenditures, Sosnovy says, "If we assume that the percentage of concealed allocations for science in the years 1958–1964 is the same as in 1957, this means that in 1950–1964 expenditures for military research increased from 0.3 billion rubles in 1950 to 2.2 billion rubles in 1964, representing a sevenfold increase. This increase lay primarily in the field of atomic energy." Sosnovy includes the figure of 2.2 billion rubles in his estimate of total military expenditures for 1964, labelling it "Scientific research in the military field".

In constructing estimates of Soviet military expenditure for 1955–1962, Becker relies, for the military R & D component, on the figures and analysis published by Nimitz. Becker does, however, give some further evidence that military R & D is not financed through the defence budget: he introduces a number of citations from Soviet budgetary authorities, which give apparently exhaustive lists of the kinds of expenditure included in the defence budget—and these lists omit military R & D expenditure. Becker assumes that most military R & D is financed through expenditures for science; and he gives a short description of Nimitz's evidence for the hypothesis that unitemized All-union expenditures for science represent largely defence R & D expenditures. Including the unitemized All-union expenditures, which are extrapolated to 1962, in his estimate of total Soviet military expenditures, Becker justifies the possible inclusion of some civil R & D expenditures (within unitemized outlays), by commenting that these small expenditures are likely to be off-set by small military R & D expenditures included in "other expenditures for science" and in "higher education" budget expenditures.

The firm estimates of Soviet military (or military-space) R & D expenditure presented by Godaire, Sosnovy and Becker are, thus, essentially the same as the order-of-magnitude estimates presented somewhat more cautiously by Nimitz, Korol or Lee. In all of the six studies it is assumed that unitemized expenditures for science are largely expenditures for military R & D. Like Nimitz, Sosnovy and Becker suggest that unitemized expenditures (or about 60 per cent of budget expenditures for science) represent total Soviet military R & D expenditures. Godaire, like Korol and Lee, suggests that substantial military R & D expenditures are not included in the published science series at all.

Although these studies attempt to be more precise than the three more detailed studies examined in the first section, this greater precision does not seem to have any warrant The basic Soviet data relied on here is the same as that for the other studies: that All-union expenditures are those which finance R & D of national importance, and that a large and rising proportion of All-union expenditure was not accounted for in the itemized breakdown for the early 1950s given in the 1958 Ministry of Finance publication. The studies examined here do not add any new, conclusive evidence. Indeed, to some extent they add to the conflict of evidence; for whereas Lee presents a citation listing scientific research institutes as one of the objects of defense budget expenditure, Becker produces a number of quotations which appear expressly to exclude R & D from the list of items covered by the defense budget. These three studies thus serve to increase rather than reduce the uncertainty of the whole matter.

Official US estimates of Soviet military R & D expenditure (1969–1970)

THE ESTIMATES

Estimates of the magnitude and trend of recent Soviet military R & D expenditures have been given, in 1969 and 1970, in official statements made by Dr John S. Foster, US Director of Defense Research and Engineering.[9] The estimates have been presented in the context of descriptions of the Soviet military R & D "threat", in statements supporting the US military R & D budget and programme. Four official statements by Dr. Foster are examined here: two from 1969—the official statement on the 1970 US defense R & D budget and programme (table 1D.1, source [7]), and answers by Dr. Foster to questions asked in Congressional hearings on the defense R & D budget (source [8]); and two from 1970—the official statement on the 1971 defense R & D budget and programme (source [9]), and a speech before the American Newspaper Publisher's Association on "the Soviet technological threat" (source [10]). The estimates of Soviet military-space R & D expenditures given in these statements may be summarized as follows:[10]

Footnotes at end of article.

Magnitude: Estimates of Soviet military-space R & D expenditures for 1969 and 1970 are given in a 1969 statement [8] as $14.8 billion and $16.1 billion. In a 1970 statement [9], the estimate of Soviet military-space R & D expenditures for 1970 is given as $16–17 million.

Trend rate of growth: In 1969, Dr. Foster observes that military-space R & D expenditures have shown "an increase of about 10 per cent per year . . . during the last few years" [7]. In 1970, Soviet military-space R & D expenditures are said have risen at about 13 per cent per year "for the entire decade of the 1960's", and to be still rising at this rate [9, 10].

Share in total R & D outlays: Firm estimates of total Soviet R & D and space expenditures are given in 1970 statement [9], for five years: 1955, 1960, 1965, 1968 and 1970. These estimates show a slower rate of rise, over the period 1960–1970, than the rate given for military R & D expenditure (10.6 per cent for total R & D and space, 13 per cent for military-space R & D). Estimated military-space R & D expenditures must therefore be assumed to have taken a rising share of estimated total R & D expenditure during the 1960s. In 1970, military-space R & D expenditures are suggested to take 80 per cent of total R & D and space expenditures [9, 10].

THE SOURCES AND METHODS

In the four statements, Dr. Foster makes only two brief comments concerning the sources and methods of the estimates of Soviet military R & D expenditure. At one point he says (concerning the rise in military-space R & D outlays): "These *budget data* have been found to be consistent, on a general program basis, with the resources required to support the growing number and types of aircraft, missiles, ships and other equipment which the USSR has been developing in recent years" (italics added) [9]. And at another point Dr. Foster says that his US dollar estimates allow for the problem of the appropriate dollar-ruble exchange rate, and represent Soviet expenditures in terms of US costs [8]. These statements suggest that Dr. Foster's estimates have been derived from Soviet financial data and converted to dollars at special R & D exchange rates; and that some check on the estimates has then been made by valuing Soviet hardware programmes at US costs. Whether or not this inference is correct, Dr. Foster's estimates show a trend so close to the trend in the published Soviet science expenditure series that it must be assumed that Soviet science data have been used in their construction.

TABLE 1D.4.—SOVIET STATISTICS OF SOVIET SCIENCE EXPENDITURE AND OFFICIAL U.S. ESTIMATES OF SOVIET R. & D. EXPENDITURE

	Soviet expenditure for science (billions rubles, current prices)				Official U S. estimates of Soviet R. & D. expenditure (billion US $, constant (1966) prices)	
	All-union Budget expenditure for science (1)	Total Budget expenditure for science (All-union + Republican) (2)	Total science expenditure (Budget + other) excl. cap. invest. for science (3)	Total science expenditure including capital investment for science (4)	Soviet military R. & D. and space expenditure (5)	Total Soviet R. & D. and space expenditure (6)
1960	1.9	2.3	3.3	3.9	NA	7.8
1961	2.2	2.7	3.8	4.5	NA	NA
1962	2.5	3.0	4.3	5.2	NA	NA
1963	3.0	3.5	4.9	5.8	NA	NA
1964	3.5	4.0	5.4	6.4	NA	NA
1965	3.7	4.3	6.0	7.1	NA	13.9
1966	NA	(4.6)	(6.5)	7.7	NA	NA
1967	NA	NA	(7.2)	(9.0)	NA	NA
1968	NA	NA	(7.9)	NA	NA	17.7
1969	NA	(6.3)	(9.0)	NA	14.8	NA
1970	NA	NA	(10.2)	(11.0)	16–17	(21.3

Note: ( )=planned or estimated rather than actual expenditure. NA=not available.

Sources: Cols. (1), (2), (3) and (4), 1960–1968: OCED, Science Policy in the USSR (Paris, 1969), pages 98–99, 100, 105; 1969: "On the U.S.S.R. State Budget for 1969 and on fulfillment of the U.S.S.R. State Budget for 1967", Report by Deputy V. F. Garbuzov, USSR Minister of Finance, in Pravda 11 Dec. 1968, pages 4–5, translated in Current Digest of the Soviet Press XX (51), pages 4 ff; 1970: "On the U.S.S.R. State Budget for 1969 and on fulfillment of the U.S.S.R. State Budge for 1968", Report by Deputy V. F. Garbuzov, USSR Minister of Finance, in Pravda 17 Dec. 1969 pages 4–5, translated in Current Digest of the Soviet Press XXI (51), pages 15 ff. Col. (5), 1969: table 1D.1, source [8], page 2224; 1970: table 1D.1, source [9], page 7957, Col. (6): table 1D.1, source [9], page 7957.

Dr. Foster's estimates of the level and trend of Soviet R & D expenditure are compared to the official Soviet science expenditure series in tables 1D.4 and 1D.5. (The figures of total science expenditure shown in column (4) of table 1D.4 represent a new Soviet series, introduced in 1967, which is not dealt with in any of the unofficial US studies. This series includes, in addition to the old series of total Budget and other science expenditure, expenditure under the "Capital Investment Plan for the Development of Science".) [11] The trend in total Soviet science expenditure (new series) over the period 1960–1970 matches almost exactly the trend in Dr. Foster's estimates of total Soviet R & D and space expenditure (columns (4) and (6) in table 1D.4, and part (A) in table 1D.5). Both series show an average annual increase slightly under 11 per cent over the period 1960–1970, with a sharper rise in the first half of the period than in the second. The small difference between the trends of the two series could be entirely accounted for by an allowance for a slight inflation in Soviet R & D costs, over the period 1960–1970, since the US figures are in constant prices. Dr. Foster's estimates of Soviet military-space R & D expenditure follow roughly the same pattern; and for the periods 1964–1968 and 1968–1970, when the complete old series of Soviet science expenditure is available, they parallel this series very closely (table 1D.5, part (B)). It is to be expected that Dr. Foster's military-space R & D expenditure estimates would show a somewhat faster rate of rise than the Soviet science expenditure series, since it is implied that military-space R & D expenditure has represented a rising share of total R & D and space expenditure in 1960–1970.

TABLE 1D.5.—COMPARISON OF TRENDS IN OFFICIAL U.S. ESTIMATES OF SOVIET R. & D. EXPENDITURE WITH TRENDS IN SOVIET SCIENCE EXPENDITURE

	Average annual percent increase		Average annual percent increase
A. Official U.S. estimates of total Soviet R.&D. and space expenditure (at constant prices):		A. Total Soviet science expenditure, including capital investment for science (at current prices):	
1960–70	10.6	1960–70	10.9
1960–65	12.3	1960–65	12.7
1965–70	8.9	1965–70	9.1
B. Official U.S. estimates of Soviet military R.&D. and space expenditure (at constant prices):		B. Soviet science expenditure, excluding capital investment for science (at current prices):	
1960–70	"about 13"	1960–70	12.0
1970 statement: "this vigorous rate of growth"—about 13—"appears to be continuing".		1968–70	13.6
1969 statement: "about 10 percent a year . . . during the last few years".		1964–68	10.0

Source: Trends in Soviet science expenditure and in U.S. estimates of total Soviet R. & D. expenditure calculated on the basis of data presented in table 1D.4, cols. (3), (4) and (6). Trends in U.S. estimates of Soviet military R. & D. and space expenditure: 1960–70 and 1970 statement: table 1D.1, source [9], p. 7957; 1969 statement: table 1D.1, source [7], p. 733.

Dr. Foster's estimates cannot be compared directly with the Soviet science expenditure estimates because he does not indicate what exchange rate has been used; and there is no generally accepted rate for converting ruble-expenditures for R & D performed in the Soviet Union into dollars which would buy a comparable R & D effort in the United States. It is generally agreed that the official exchange rate ($1.10 per ruble) would underestimate the magnitude of the Soviet R & D effort. At the official rate, the average pay of a Soviet R & D employee is only 20–30 per cent of the pay of a comparable US employee; and the same amount of money, at the official rate, would therefore hire many more R & D workers in the Soviet Union than in the United States. R & D exchange rates, in current expert use, which attempt to allow for the differences in wages and other costs in the two countries, vary between $1.30 per ruble and $3.50 per ruble. The uncertainty of the appropriate exchange rate is such that most studies drawing on Soviet data, including all of the unofficial studies examined in this section, do not attempt to convert ruble estimates into dollars at all.

Dr. Foster's estimates of total Soviet R & D and space expenditure can be made to equal total Soviet science expenditures (new series) if an exchange-rate of about $2 per ruble is used. (Judging from the range of exchange rates chosen by experts, this is not an unreasonable exchange rate, and does not exaggerate the dollar equivalent of Soviet science expenditure.) It therefore seems possible that Dr. Foster's estimates are drawn directly from the science expenditure data, and that the estimates of military-space R & D expenditure have been obtained simply by taking a large and rising percentage of total science expenditures and converting the estimates at $2 per ruble (with some allowance for inflation). In this case, practically all capital investment, All-union and "other" expenditures for science would be included in the estimates of military-space R & D expenditure. It is also possible, however that higher or lower exchange rates have been used. If a higher rate has been used, for example $2.50 per rouble, some Soviet science expenditures would have to have been excluded—as non-R & D expenditures—for example $2.50 per ruble, some Soviet R & D and space expenditure. If a lower rate has been used, on the other hand, Dr. Foster's estimates would have to include, in addition to total Soviet science expenditures, some additional R & D expenditures, assumed to be financed outside the science expenditure channels. In either case, Dr. Foster's estimates of the trends in total Soviet R & D and space expenditure and in military-space R & D expenditure have almost certainly been based on the assumption that the trends in these expenditures are accurately reflected by the trends in the Soviet science expenditure series.

CONCLUSIONS

Dr. Foster's apparent use of the Soviet science expenditure data to derive the trend and possibly the level of Soviet military-space R & D expenditure does not seem to be warranted by published data or analysis. It has not been shown that the bulk of military R & D expenditure is included in announced science expenditures, or that the level or trend of military R & D outlays can, with any confidence, be inferred from the science data. Current disagreement over an appropriate ruble-dollar R & D exchange rate suggests that exchange rate uncertainties alone make it impossible to give dollar estimates of Soviet R & D expenditures which can be considered at all reliable. Dr. Foster says in the official statements for 1969 and 1970 ([7] and [9]) that his estimates of Soviet R & D expenditure are "probably accurate within about 10 to 20 per cent". This margin might well be considered a narrow allowance either for the uncertainty involved in estimating Soviet military R & D expenditures in rubles, or for that involved in converting any ruble estimates to dollar estimates: it can hardly accommodate both kinds of uncertainty.

It is possible to argue in a general way that, because the Soviet figures of defence expenditure appear low and because total Soviet science expenditure, converted at R & D exchange rates, is comparable in magnitude to total US R & D expenditure including military R & D, therefore some Soviet military R & D may be excluded from the defence budget and included in the science budget or in other science expenditures. This does not mean, however, that there is any way of deriving estimates of either the level or the trend of Soviet defence-related R & D expenditure from the science figures. Among the industrialized countries for which R & D expenditure data is available, the proportion of total R & D expenditure which goes to military R & D varies very greatly—in general, between 5 and 50 per cent; and in almost all of these countries, including the United States, military R & D has represented a declining share of total R & D in the latter half of the 1960s. The US estimates of Soviet military-space R & D expenditure do not, thus, reflect some pattern which may be observed generally among industrialized countries. Even if the new Soviet science series does represent total Soviet R & D expenditure, including military R & D, no published evidence has been found which would permit an estimate of the military portion.

FOOTNOTES

[1] Among the experts whose work is examined in this section, Nimitz and Korol (see table 1D.1, sources [1] and [2]); and, in addition to these, the authors of two studies of the Soviet R & D effort published by the OECD: C. Freeman and A. Young, *The Research and Development Effort in Western Europe, North America and the Soviet Union* (Paris, 1965); and E. Zaleski, J. P. Kozlowski, H. Wienert, R. W. Davies, M. J. Berry and R. Amann, *Science Policy in the USSR* (Paris, 1969). Neither of the OECD studies attempts even an order of magnitude estimate of Soviet military R & D expenditure.

[2] There are other unofficial US studies which discuss or estimate Soviet military R & D expenditure in the context of discussions of Soviet defence expenditure. These are not examined here because they do not appear to add to the body of evidence on the level or channels of finance of Soviet military R & D. Some of these, for example the studies by Benoit and Lubell ("The world burden of national defence", in E. Benoit, ed., *Disarmament and World Economic Interpendence*, Oslo/New York/London, (1967) and by Bloomfield et al. (*Soviet Interests in Arms Control and Disarmament*, Cambridge, Mass., 1965) derive precise estimates of defence R & D directly from the unofficial studies which are examined in this section. Others discuss the likely level and sources of finance of Soviet military R & D quite briefly, giving similar conclusions to those arrived at in the studies examined here, but without reference to either Soviet or US sources. These include, for example, the testimony of several experts on "The economic basis of the Russian military challenge to the United States", presented in *The Military Budget and National Economic Priorities*, Hearings before the Subcommittee on Economy in Government of the Joint Economic Committee (US Congress, Washingon, 1969; Part 3); and *Soviet Economic Performance: 1966–67*, Materials prepared for the Subcommittee on Foreign Economic Policy of the Joint Economic Committee (US Congress, Washington, 1968).

[3] A new series of total national science expenditure has been published in the Soviet Union since these studies were prepared. This series includes, in addition to the two main categories of expenditure shown in table 1D.2, a third category, capital investment for science. Total science expenditures as given in the old series and the new series are shown in columns (3) and (4) of table 1D.4. Throughout the discussion of the unofficial US studies, "total science expenditure" refers to the old series, excluding capital investment for science.

[4] Two per cent of Republican science expenditures—a fraction of a per cent of budget expenditures for science—are unitemized, in addition to All-union unitemized expenditures: Korol includes the Republican unitemized expenditures in his estimate, and extrapolates on the basis of the unitemized portion of total budget expenditures in 1957. The difference is negligible.

[5] The source, K. N. Plotnikov, *Gosudarstvennyi Byudzhet SSR* (Moscow, 1959), page 332, is also cited in *The research and development effort*, page 120; the author is one of the financial authorities cited (twice) by Nimitz, to show that military R & D expenditures are included within budget expenditures for science (table 1D.3).

[6] "Other expenditures for science" account for only 20–30 per cent of total science expenditures, with budget expenditures for science accounting for the remainder.

[7] *The Research and Development Effort*, page 120. In a brief discussion of the possible channels of finance of military R & D, this study gives, independently, an excerpt from the citation which is given by Lee (page 297 and note 5 above); it also provides a description of some of the statements from financial authorities cited by Nimitz (given here in table ID.3). No firm conclusion on the channels of finance is drawn, although it is suggested, with reference to the work of Nimitz and Korol, that "some research relevant for military purposes comes under civilian research establishments".

[8] See the note to table 1D.2.

[9] The same estimates have been presented by Dr. Foster in a number of different statements, of which the most detailed are examined here. The estimates have also been quoted by other Department of Defense officials and by military spokesman, and they are included in part in the official statement on the 1971 defence budget and programme by US Secretary of Defense Melvin Laird.

[10] At various times Dr. Foster refers to his estimates as estimates of "defense, atomic energy and space" R & D, "military/space/atomic" R & D, "military and space" R & D, and "defence-related" R & D: the estimates remain the same, however, and for convenience, they are referred to here as estimates of "military-space" R & D. At only one point—in the official statement for 1970 ([9])—does Dr. Foster make a separate statement about "the military component alone", when he suggests that it has risen "60 per cent during the 1960's". The rise Dr. Foster shows, in the same statement, in total Soviet military/atomic/space R & D over this period is 240 per cent. From these figures, it can be inferred, first, that the growth rate in Soviet military R & D only is estimated at about 5 per cent per year in 1960–1970, which is very much lower than the rates given most publicity—the 10–13 per cent per year for total R & D and for military plus atomic and space R & D. Secondly, on the basis of Dr. Foster's estimates of the level of Soviet R & D spending, these various growth rates can be shown to imply a figure for the Soviet military component alone, in 1970, which is significantly lower than the comparable figure for the US military component alone.

[11] This series, with estimates for the period 1959–1967, was apparently published for the first time in the UNESCO study *Science policy and organization of research in the USSR* (Paris, 1967).

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., March 24, 1971.

To: Hon. MICHAEL HARRINGTON.

From: John D. Holmfeld, Analyst, Science and Technology.

Via: Charles S. Sheldon, II, Chief, Science Policy Research Division.

Subj: Comments on SIPRI Analysis of U.S.S.R. Expenditures for Military R & D.

In accordance with your request we have performed an analysis of the section entitled "U.S. Estimates of Soviet Expenditure for Military Research" pp. 288–306 in the 1969/70 *SIPRI Yearbook of World Armaments and Disarmament*. Our analysis is general in nature and does not, due to the limitations of time, include detailed references to the literature.

The general conclusion of the SIPRI analysis is that DOD's estimates of Soviet military R&D expenditures is based almost exclusively on the Soviet budget figures for "science." This conclusion is suggested by the observation that variations in the announced Soviet science budget in recent years correspond to variations in DOD's military R&D estimate, and by the fact that the rare statements about what is included in the Soviet Defense budget does not explicitly confirm that the cost of military R&D is paid for out of this budget category.

In undertaking an analysis of Soviet military R&D expenditures or in commenting on such an analysis, it must first be said that this subject necessarily involves a high degree of uncertainty. The lack of substantive information and data means that the inferences and educated guesses of one analyst often differ from those made by another analyst without a definitive resolution being possible. Nevertheless, in the present case some general observations can be made.

1. It has long been recognized that the explicit Soviet budget category for "defense" probably does not include all the rubles actually being devoted to the defense effort. Two other budget categories are generally considered to contain sums for the defense program. They are (1) the budget item for science, and, (2) the so-called "residuals" arising from the fact that the sum of the stated budget items never adds up to the total budget amount given, leaving an unexplained residual.

2. There is no evidence that the military R&D funds are concentrated in any of these three budget categories. Furthermore, based on knowledge of the studies cited in the SIPRI analysis, none of them have assumed that this is the case. Hence the assumption of the SIPRI analysis, to the effect that the budget category for science contains the bulk of the military R&D funds is difficult to justify. Nor is there any indication that DOD is making that assumption. Such an assumption appears unduly simplistic and it is difficult to believe that it forms the basis of DOD's analysis as suggested by SIPRI. Some of the reasons for this view follow.

(a) The science category in the budget undoubtedly includes a number of funds for non-military R&D. Specifically, the substantial effort of the U.S.S.R. Academy of Sciences, which, unlike its U.S. counterpart, operates a large number of research institutes, is in all likelihood a part of the science budget. Thus variations in the civil component must be taken into consideration in evaluating how much of the total goes for military R&D.

(b) Performance of the bulk of the military *development* work is the responsibility of a small group of ministries within the so-called Machine-Building sector. These are under the close control of the Defense ministry and their funding flows directly from the Council of Ministers, the top governmental body. Notably, while the State Committee for Science and Technology, a staff agency to the Council of Ministers, has control of R&D funds to both the Academy of Sciences and most of the ministries performing any kind of R&D, the Machine Building Ministries which are under the Defense Ministry are specifically exempted from this control. Thus the likelihood is that funding of military development in large part is channelled via the Defense Ministry and is part of the explicit defense budget, or, perhaps in some special cases such as atomic weapons, is found within the residual.

(c) The conclusion that little or no R&D is financed through the explicit defense budget is also difficult to reconcile with the known structure of Soviet industry. Large numbers of research institutes and design bureaus are incorporated into the organizational structure of each ministry, and they perform basic and applied research as well as development related to their special branch of industry. For example, the Ministry of Aircraft Construction has under it a number of aircraft research and development organizations, many of them well known to Western observers (Tupolev, Ilyushin, Mig, etc.) Other ministries are similarly structured. The Ministry of Shipbuilding, for example, can be assumed to have a number of development organizations which perform the R&D for new types of Soviet naval vessels. Funding of these integral R&D efforts comes in all likelihood through the ministerial budgets, or in some cases through the growing system of interministerial contracting.

The Economic Reform, initiated since the accession of the Brezhnev-Kosygin leadership, has placed emphasis on the use of a portion of retained earnings, in addition to funds from the state budget, for the conduct of scientific research and development. The magnitude of these funds is on the order of several percent of the budgets of individual ministries, permitting an effort corresponding to what in the U.S. is known as "Independent Research and Development." This adds a further degree of uncertainty to the concept of using the science or any other budget figure to estimate the R&D effort.

3. The indications available in the open literature, including the studies and statements cited in the SIPRI analysis appear to be that DOD does not have any firm figures on the absolute magnitude of the military R&D funding *based on budget figures*. Whatever can be concluded from analysis of budget data appears to be highly tentative and speculative. It is probably for this reason that a number of efforts to analyse the output side of the R&D effort have been undertaken. Dr. Foster's inclusion of parts of such an analysis in his 1972 posture statement is one such attempt, in this case utilizing the total output of new weapon systems which have emerged from recent Soviet R&D. Another approach is taken in a study performed by the Stanford Research Institute. They analyzed the total output of the entire Machine Building Sector, deducted the civil, non-military outputs which were identified through a careful and very detailed analysis of Soviet plan-fulfillment reports, and concluded that the remaining, unidentified output was made up of military/space hardwere and the associated R&D.

Such analyses serve to complement the low-confidence estimates arrived at through input, or budget analysis. Taken together these two types of analysis are apparently used by DOD to estimate the Soviet expenditures for military R&D.

4. Additional rough indicators of the use made of total defense budget are also used to estimate how much goes for various purposes. For example, the very large manpower levels maintained at the time of the Korean conflict must have absorbed a large fraction of the total defense expenditures. Since manpower levels have since been reduced, it can be concluded that funds for R&D, procurement, stockpiling, etc. absorb a larger fraction of the total budget.

In sum, it is difficult to avoid the impression that the SIPRI analysis has been somewhat hasty in concluding that the U.S. Defense Department estimates of Soviet military R&D expenditures is based only on an analysis of the Soviet budget category labeled "Science," and that the reliability of the estimates therefore must be questioned. There are too many indications in the unclassified literature alone to suggest that other methods of analysis are also used, and that the combination of these diverse methods produce a higher, but perhaps still far from satisfactory degree of confidence in these estimates. On the other hand the SIPRI analysis properly has called attention to the high degree of uncertainty which attaches to any attempt to arrive at an estimate of Soviet military R&D figures.

We hope this brief anaylsis will contribute to your study of Soviet military R&D expenditures. Please do not hesitate to call on us if we can be of further assistance.

SIPRI STOCKHOLM INTERNATIONAL
PEACE RESEARCH INSTITUTE,
Sweden, April 3, 1971.

To: Hon. MICHAEL HARRINGTON.
From: Randall Forsberg, SIPRI.
Subject: Reply to the comments of John Holmfeld, Congressional Research Service, on the SIPRI Yearbook analysis of U.S. estimates of Soviet expenditure for military research.

The main line of the argument in the SIPRI analysis is somewhat different from that implied by Mr. Holmfeld. Before replying to his comments directly, I think it would be useful to outline the argument briefly:

(1) It is not known how the DOD estimates of Soviet military-space R&D expenditure have been obtained.

(2) However, almost all of the unofficial studies which attempt to estimate Soviet military R&D expenditure examine data on the magnitude, uses and channels of finance of Soviet expenditure for defence and for 'science' (including R&D), and conclude with estimates derived entirely or in part from the Soviet series for national science expenditure.

(3) Turning back to the DOD estimates, one finds that the annual per cent increases of Soviet military-space R&D expenditure, as shown and described in these estimates, parallel almost exactly the increases in the Soviet series for national science expenditure.

(4) The conclusion is therefore drawn that the year-to-year movement shown in the DOD estimates of Soviet defence-related R&D expenditure is in fact derived primarily from the movement in the Soviet science expenditure series.

(5) Published analyses of Soviet data on the financing of the Soviet science effort provide, however, considerable evidence to show that Soviet science expenditure data *do not provide a basis for reliable estimates* of the trend in the Soviet military R&D effort.

(6) In addition, these analyses show that the conversion of ruble estimates of Soviet R&D expenditures—derived from Soviet financial data—to equivalent dollars is a matter of great uncertainty: the highest and lowest ruble-dollar R&D exchange rates in current expert use differ by *50 per cent* from the *midpoint* of the various exchange rates used. (A 50 per cent difference in the exchange rate used would produce a 50 per cent difference in the dollar estimate given.)

(7) The further conclusion is therefore drawn that the margin of error of the DOD estimates of Soviet military-space R&D expenditure is probably considerably greater than that claimed for them (10 to 20 per cent.)

To turn now to Mr. Holmfeld's comments:

1. Holmfeld suggests that the SIPRI argument rests in some way on the assumption that the bulk of military R&D expenditure is included under the Soviet budget category for science, and not under the defence budget or other parts of the budget. (Point 2, sentences 3 and 4.)

Reply: The SIPRI paper attempts, on the contrary, to show that, on the basis of published evidence, it is not possible to identify the channels of finance for the bulk of military R&D funding.[1] The SIPRI paper is in complete agreement with Holmfeld's statement: "There is no evidence that the military R&D funds are concentrated in any of these three budget categories [science, defence, budget residuals]."[2] It is one of the main intentions of the SIPRI paper to show this; and the information provided by Holmfeld under point 2, parts (a)–(c) serves, thus, to support the argument of the SIPRI paper.

2. Holmfeld says that the SIPRI paper comes to the conclusion that the DOD estimates are "based only on an analysis of the Soviet budget category labeled 'Science'." (P. penultimate para, sentence 1; also p. 1, para 2, sentence 1; point 2, sentences 3–4.)

Reply: (1) The SIPRI paper comes to the conclusion that the trend of the DOD estimates is derived from the trend of the Soviet series of *total* science expenditure which includes expenditures outside the budget category for science, as well as those within it. (See the headings and sources in table 1D.5 and the text which accompanies this table, pp. 303–304.)

(2) The SIPRI analysis does not assume, or attempt to show, that the DOD estimates are based *solely* on an analysis of the Soviet

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[1] SIPRI: p. 297, last para; p. 299, first para; p. 306, first complete para.

[2] Holmfeld: point 2, first sentence.

science expenditure data. Most of the unofficial estimates reviewed in the SIPRI study rely on evidence concerning the Soviet defence effort, as well as the Soviet science effort. In addition Dr. Foster's 1971 posture statement says that the DOD estimates have been found to be consistent with recent Soviet weapons output (Yearbook, pp. 302–303). An attempt was therefore made in the SIPRI paper to be careful not to imply that the analysis of science data was assumed to have provided the *only* basis for the estimates. In drawing conclusions on the connection between the DOD estimates and the Soviet science expenditure series, the paper focuses clearly on the yearly movement, rather than the absolute magnitude, of the estimates.[3] There is no attempt to identify the evidence which may have led the DOD analysts to use the Soviet science data in estimating the trend of the Soviet military R&D effort. The point at issue is not whether additional methods have been used in making the estimates, but rather whether any combination of methods in which the Soviet science data play an independent role can produce reliable estimates of the Soviet military R&D effort.

3. Holmfeld suggests that none of the unofficial studies cited in the SIPRI analysis assumes that Soviet expenditure for military R&D is concentrated in the budget item for science, or in any of the other budget categories generally assumed to be possible sources of finance for military R&D. (Point 2, sentences 2 and 3.)

Reply: (1) It seems to me to be clear, from the evidence cited in the SIPRI analysis, that Nimitz, Sosnovy and Becker do conclude that the bulk of military R&D expenditure is concentrated in the budget item for science.

(2) The point is, however, not important to the main line of the SIPRI argument, since we did not argue that the DOD estimates identify the bulk of military R&D expenditure with the budget item for science. We argued with reference to the Soviet series for total science expenditure. Furthermore, we do not imply that the DOD estimates have been derived specifically on the basis of the kind of reasoning and evidence given by Nimitz, Sosnovy, Becker or any of the other unofficial analysts cited in the study.

(3) To the extent that some of the unofficial analysts conclude that it is not possible to identify a single channel of finance for the bulk of Soviet military R&D expenditure, these analysts support the conclusions of the SIPRI paper.

4. Holmfeld says, under point 3, that:

"DOD does not have any firm figures on the absolute magnitude of the military R&D funding *based on budget figures.*"

"Whatever can be concluded from analysis of budget data appears to be highly tentative and speculative."

Budget analysis, along with output analysis, is "apparently used by DOD to estimate the Soviet expenditures for military R&D".

Reply: These points serve to confirm the conclusions of our analysis. It is among the main intentions of our paper to show that estimates based on analysis of the financing of the Soviet defence effort and the Soviet science effort—in Holmfeld's words, on budget analysis—are indeed highly speculative; and that the science expenditure data have, nevertheless, been used to derive at least one important part of the DOD estimates—the part which shows movement over time.

5. The only point at which it appears that there may be some real disagreement between Holmfeld's comments and the SIPRI paper concerns how much confidence to place in the DOD estimates, as a result of the fact that they are based on "output analysis" as well as budget analysis. The following remarks of Holmfeld are relevant to this point:

"Whatever can be concluded from analysis of budget data appears to be *highly tentative and speculative*. It is probably for this reason that a number of efforts to analyse the output side of the R&D effort have been undertaken. Dr. Foster's inclusion of parts of such an analysis in his 1972 posture statement is one such attempt. . . ."

"[Output] analyses serve to complement the *low-confidence* estimates arrived at through input, or budget analysis."

The combination of these diverse methods produces "a higher, but perhaps still *far from satisfactory* degree of confidence in these estimates." (Italics added. Point 3 and penultimate para, p. 4)

Reply: The last of these statements implies a low level of confidence in the DOD estimates, even when it is assumed that the estimates are supported by output analysis. Holmfeld's comments do not, thus, directly challenge the conclusions of the SIPRI paper.

Dr. Foster's 1972 posture statement, just released, provides the first published evidence of the way in which output analysis might be used to support financial estimates of the Soviet military R&D effort. The main points arising from a brief examination of the new posture statement are:

First, the DOD estimates of the resources devoted to military R&D by the Soviet Union are now *explicitly described* as having been based on *budget analysis*.

Second, there is no suggestion that the financial estimates based on budget analysis are "highly tentative". Output analysis is not said to have been undertaken in order to confirm or support these estimates. It is suggested only indirectly and in passing that the assessment produced by a comparative analysis of U.S. and Soviet technological outputs serves to support the financial estimates produced by budget analysis.

Third, an assessment of relative technological outputs of the kind described in the posture statement cannot, even in theory, be used to provide estimates of relative resource inputs with no more than a 10-to-20 percent margin of error—since, as far as is known, efficiency in the use of R&D resources—i.e., output per unit input—can vary by more than this from country to country.

Fourth, an assessment of relative technological outputs cannot be used to provide or support any estimates whatsoever of relative R&D inputs, for say, the last three years, due to long lead times in weapons development.

Fifth, in addition to these theoretical difficulties, it appears likely that the particular output analysis described in the DOD posture statement may have produced results with a very wide margin of error. The output results as described tend, thus, not to provide any support whatsoever for the DOD estimates even for earlier years.

In sum it may be said that, on the whole, Mr. Holmfeld's remarks support the conclusions of the SIPRI analysis; that it is not possible to identify the bulk of military R&D expenditure in the Soviet Union with any specific categories of the Soviet budget or of other Soviet data on expenditure for science—that, for this reason, financial analysis, taken alone, cannot provide a basis for anything but highly speculative estimates of the Soviet military R&D effort—and that the DOD estimates are, nevertheless, based in part on financial analysis.

Mr. Holmfeld does not comment on the parallel observed in the SIPRI study between the rate of increase shown in the DOD estimates and the Soviet science expenditure series; and it is not clear whether, on the grounds of this parallel or for other reasons, he would accept the inference drawn in the SIPRI study that the final DOD financial estimates are derived *in large part* from Soviet science expenditure data.

Concerning the confidence which may be placed in the DOD estimates as a result of their being based on output analysis as well as financial analysis, Mr. Holmfeld is cautious, referring to "a higher, though perhaps still far from satisfactory degree of confidence": again, it is difficult to tell whether or not he agrees with the SIPRI statement that the DOD estimates probably have a much wider margin of error than that which is claimed for them (10 to 20 percent).

In conclusion, I would like to draw attention to an additional point: Mr. Holmfeld states a good deal more explicitly than the SIPRI study that it simply is not possible to give firm estimates of Soviet military R&D expenditures, on whatever basis. I cite:

"In undertaking an analysis of Soviet military R&D expenditures or in commenting on such an analysis, it must first be said that this subject necessarily involves a high degree of uncertainty. The lack of substantive information and data means that the inferences and educated guesses of one analyst often differ from those made by another analyst without a definitive resolution being possible. . . .

"[T]he SIPRI analysis properly has called attention to the high degree of uncertainty which attaches to any attempt to arrive at an estimate of Soviet military R&D figures."

I would suggest that these statements should be set against the 1972 DOD RDT&E posture statement, in which a proposed $500 million increase in RDT&E funds is based, in part, on precise estimates of the relative level and trend of the *current* Soviet military R&D effort—and in which these estimates are presented with the casual qualification "give or take 10 to 20 percent".

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., April 22, 1971.

To: Hon. MICHAEL HARRINGTON.
From: John D. Holmfeld, analyst, Science and Technology.
Via: Charles S. Sheldon II, Chief, Science Policy Research Division.
Subject: Further comments on SIPRI analysis of U.S.S.R. expenditures for military R. & D.

We have received from you a copy of the April 3rd letter from SIPRI which provides detailed comments on our previous analysis of March 24th. In accordance with your request we are glad to respond to the SIPRI letter and to comment further.

The SIPRI analysis makes a sharp distinction between, on the one hand, the DOD estimates as given by Dr. Foster and, on the other hand, certain other analyses and estimates. Based on its own analysis SIPRI arrives at the conclusion the DOD estimates are "almost certainly" based on the variations in the Soviet budget item for science. This conclusion runs through the SIPRI discussion of the DOD estimates as shown by the following citations:

It seems probable, however, that the official U.S. estimates are in fact derived from the Soviet science statistics. The trend in the U.S. estimates parallels almost exactly the trend of the official Soviet figures for science expenditure. (p. 289)

Dr. Foster's estimates show a trend so close to the trend in the published Soviet science expenditure series that it must be assumed that Soviet science data have been used in their construction. (p. 303)

The trend in total Soviet science expenditure (new series) over the period 1960–1970 matches almost exactly the trend in Dr. Foster's estimates of total Soviet R&D and space expenditure . . . (p. 304)

It therefore seems possible that Dr. Foster's estimates are drawn directly from the science expenditure data, and that the estimates of military-space R&D expenditure have been obtained simply by taking a large and rising percentage of total science expenditures and converting the estimates at $2 per ruble (with some allowance for inflation). (p. 305)

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[3] SIPRI: p. 289, penultimate para; pp. 303–304; p. 305, last sentence; p. 306, first sentence.

Dr. Foster's estimates of the trends in total Soviet R&D and space expenditure have almost certainly been based on the assumption that the trends in these expenditures are accurately reflected by the trends in the Soviet science expenditure series. (p. 305–306)

The SIPRI analysis does not suggest that other methods could possibly have been used to arrive at the estimates themselves. It briefly notes that "some check on the estimates has then been made by valuing Soviet hardware programmes at U.S. costs." (p. 303)

In the light of this it is somewhat astonishing to find the SIPRI comments asserting that "the SIPRI analysis does not assume, or attempt to show, that the DOD estimates are based solely on analysis of the Soviet expenditure data," and that "an attempt was . . . made in the SIPRI paper to be careful not to imply that the analysis of science data was assumed to have provided the only basis for the estimates."

The SIPRI analysis does not find that other methods of analysis has been used by DOD, and does not undertake to investigate what the results of other methodologies might have been, had they been employed by DOD. Furthermore, the entire thrust of the SIPRI analysis is that since the DOD estimates are based on the science budget and its variations, and since other studies have shown that the science based estimates are not reliable, or at best produce estimates within very large ranges of accuracy, then the DOD estimates of both size and accuracy must be questioned.

Thus, it does not seem inaccurate or unfair to state that SIPRI arrives at the conclusion that DOD's estimates are based on the Soviet budget item for science and that its further analysis is based on this conclusion.

The suggestion that, somehow, the DOD analysis is focused on the yearly variation in the Soviet data rather than the absolute magnitude of these expenditures is unclear. The SIPRI conclusion that a Dollar-Ruble conversion rate of $2 has been used by DOD appears to be based on absolute magnitude figures.

The questions raised in our original comment have to do with the validity of the SIPRI conclusion regarding how DOD arrived at its estimates. We suggested that the SIPRI conclusion attributed to DOD an oversimplified methodogy. On re-reading the original SIPRI article while searching for an explanation for the apparent discrepancy between our own comments and the SIPRI comments, one is struck by the emphasis in SIPRI's analysis on the difference between 1) the studies cited and analyzed, and 2) the conclusions presented by Dr. Foster on behalf of DOD. The former are referred to as "Unofficial Studies" while the latter are called "Official Statements."

This suggested distinction, which in our evaluation is false, may well be what lies behind the differing interpretations of the data available to outsiders such as SIPRI and ourselves, who attempt to determine how the DOD estimates have been arrived at. Our analysis takes the view that the so-called "Unofficial Studies" are all well-known to the analysts, both those working within DOD and those working elsewhere, who attempt to estimate the Soviet military R&D expenditures. In fact, the six "Unofficial Studies" cited by SIPRI were all done with the support of U.S. Government funds and three of them with DOD funds.

The SIPRI analysis, after making the distinction between "Unofficial Studies" and "Official Studies" attributes a sophisticated, in-depth kind of analysis to the studies and a crude, simplistic kind of analysis to the statements. The SIPRI analysis makes the implied assumption that the DOD analysts who prepare Dr. Foster's statements are either unaware of the studies, or for some reason have chosen to ignore them in favor of the type of analysis attributed to them by SIPRI. Either eventuality appears remote, in our view, and it is on this point that we appear to differ with SIPRI. In our previous comment we cited a number of general items of information which are well known to analysts in this field. We suggested that the DOD analysts were highly unlikely to be making their estimates in ignorance of these. In the present comments we suggest that the specific studies cited by SIPRI are also common knowledge and in some cases have specifically been sponsored by DOD. Since some of these studies deal specifically with the question of the validity of using the science budget figures we suggest that it is highly unlikely that they form the prime basis for DOD's estimates, as suggested by SIPRI.

Our original comments on the SIPRI analysis suggested that it was unlikely that DOD was relying on budget figures in arriving at its estimates. On further consideration this observation should be modified to include the word "published" budget figures. SIPRI correctly has noted that one of Dr. Foster's recent statements suggests that DOD's estimates are based on analyses of Soviet budget data, or "fiscal input." Thus the possibility can not be excluded that DOD or its sources has available to it from non-published sources more detailed budget breakdowns. One of the studies cited by SIPRI (T. Sosnovy) has pointed out that in the 1920's information concerning Soviet military expenditures was available in considerable detail. Nine major expenditure groups such as salaries, technical supply, etc. were identified and these were in turn subdivided into 79 individual budget entries. Such breakdowns undoubtedly still exist as part of the Soviet budget, and although not made public, they may be available to DOD through other channels.

We hope that these brief comments will be of use in your further analysis of this question. If we can be of further assistance, please do not hesitate to call on us.

PREVENTION OF CARGO CRIMES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. PICKLE. Mr. Speaker, one of the most costly menaces to the American economy, and most devastating threats to the free flow of interstate commerce, is the rising tide of cargo crimes. Today I am pleased to introduce a bill that will help curtail this growing parasite on the shipping industry.

Cargo crimes are not an easy foe to combat. To date we have waged a futile war against a clever and well-organized opponent; a war without any substantive knowledge as to the areas of concentrated enemy activity or even the approximate magnitude of our annual losses. The flowing nature of commerce makes it easy to conceal the time and place of criminal acts, and inconsistent loss reporting prevents an accurate assessment of the total value of goods stolen. Thefts are not discovered until hundreds of miles and several days have elapsed, and even then the crime may not be reported in fear that insurance premiums will subsequently increase.

But who is responsible for our failure to respond to this growing criminal menace? As I pointed out in a recent address to the Joint Conference on Cargo Crimes, the burden of responsibility rests on many shoulders.

Business is at fault for its reluctance to adopt strong cargo security measures. It seems they would rather pass the cost of the cargo thefts on to the consumer through rate hikes, rather than spend a little more money to tighten security precautions. And their hesitancy to report losses is a welcome blessing to felons.

Insurance companies must also share the blame. They are too highly motivated by profits from low-risk policies and too willing to abandon high-risk cargoes. They are sometimes too quick to cancel policies and too fast with an increase in premiums.

Unions, too, are responsible for their overconcern with make-work in opening containers rather than in protecting cargoes, and their reluctance to screen questionable characters from union roles. They, too, encourage pilferage through their anxiety to report thefts.

And governmental agencies cannot be excluded from the list of those that are derelict. Their fragmentation, overlapping jurisdictions, and lack of an overall approach leaves them impotent against a well organized enemy. I cannot in good faith say that government is doing its best.

The bill which I am introducing today is aimed at halting the surge of cargo crimes. This bill, with a few exceptions, is identical to a bill introduced by Senator Bible which has already been introduced out of the Senate Commerce Committee. Much time has gone into the preparation of this bill, and Senator Bible should be commended for his fine work.

This bill will create a "Commission on Security and Safety of Cargo" to act as a "Joint Chiefs of Staff" in the war against cargo crimes. Through the enforcement of uniform loss reporting, and by centralizing the compilation and analysis of data, the Commission will eradicate the camouflage concealing cargo crimes. And by developing enforcement guidelines for the public and private agencies involved, the Commission will coordinate the activities of the independent groups to create an effective crime prevention network.

In addition, the Commission will serve a valuable research function in the development of new and more effective cargo theft prevention techniques. It is time that the transportation industry cash in on the application of modern technology to criminal deterrence. The Commission will act much as the LEAA does in supporting such research.

This bill, in itself, is not adequate to withstand the rising tide of cargo thefts. Supplemental measures shall undoubtedly be necessary, and the Commission will provide valuable assistance in determining areas of legislative need. The passage of this bill, however, will mark a powerful step twoard the conquest of cargo crimes.

AMBASSADOR USHIBA HONORS MACARTHUR

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. WHITEHURST. Mr. Speaker, the district I am privileged to represent, the Second Congressional District of Virginia, was honored recently by a visit of the Honorable H. E. Nobuhiko Ushiba, Japan's Ambassador to this country.

During his tour of port facilities he took the time to pay a special call at the MacArthur Memorial in Norfolk. Ambassador Ushiba made a brief statement at the memorial which reflects the Japanese respect and love for General MacArthur, and the growing friendship between Japan and the United States based on outstanding service of one of this Nation's greatest military men.

I include Ambassador Ushiba's statement at this point in the Record:

REMARKS BY H. E. NOBUHIKO USHIBA, AMBASSADOR OF JAPAN TO THE UNITED STATES

Mayor Martin, President Duckworth, friends:

This pilgrimage is a deeply moving experience for me as a Japanese. It is a mission my countrymen will warmly understand and share with me. For according me this opportunity, I am deeply grateful to the City of Norfolk, the MacArthur Foundation and Congressman G. William Whitehurst.

Douglas MacArthur, General of the Army, Marshal of the Philippines, and Supreme Commander Allied Powers, is a giant in Japanese history and legend. The great achievements of the Occupation period, including the rebirth of Japanese democracy, are interwoven with his towering personality. There is no ambiguity in Japanese recollections of General MacArthur as proud soldier, idealistic reformer, decisive administrator and, above all, chivalrous gentleman.

From the moment General MacArthur stepped off his plane at Atsugi airfield—virtually unescorted, unarmed, without decorations or pomp, dressed in his working khakis with open collar—the mission of the Occupation was assured of national acceptance and cooperation. The general's cool courage and expression of trust and confidence disarmed the Japanese people and bound them to him in duty. In place of the arrogance of a conqueror we got understanding and considerateness. In particular, we Japanese shall never forget the unfailing courtesy His Majesty the Emperor received from the Supreme Commander.

Thus the impossible was accomplished through a collaboration between victor and vanquished that has had no parallel in history. It was a time when each side discovered, after the bitterness of war, that the other was not as he had imagined, and the reality was far better than the myth. We, for example, came to understand the essential humanity of America, and the inspiring tradition of dedicated service which animates the American professional soldier.

Out of this experience has come a restored Japan, truer to its own best traditions because of the Occupation interlude. Out of this same experience has come the indestructible friendship and firm alliance which binds our two countries in our pursuit of common goals.

These happy results were implicit in General MacArthur's vision of his task.

I am also reminded that he saw this task as a professional soldier in the service of democracy. His code was noble. We Japanese understood it, and found it deep in our own hearts. It is the motto of West Point, which General Douglas MacArthur adopted as his own: "Duty, Honor, Country."

In that spirit he served Japan as well as his own country.

ARTICLE CONCERNING SELF-HELP AND THE VOLUNTEER WORKER

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. SEBELIUS. Mr. Speaker, One of the great feelings a person can have is that of knowing he has done a job well. An even greater feeling is in knowing the job he has done will benefit others—such is the case of the volunteer worker who is the backbone of most organizations.

The volunteer is the one who organizes and gets the work going instead of waiting for someone else or the Government to do it—the epitomy of "self-help is the best help."

In a recent issue of the Kansas Farm Bureau News, Mrs. Victor Haflich wrote this inspiring article concerning self-help and the volunteer worker. I commend this article to the attention of my colleagues:

[From the Kansas Farm Bureau News, June 1971]

A minister in Wichita told this story awhile back and it teaches us a very valuable lesson. It's a true story about the bears in Yellowstone Park, and goes like this, "It seems that every year after the tourist season is over and the snow comes the bears die by the dozens along the side of the roads.

"Why do they die? They are still waiting for the handouts from the tourists—the cookies, the candy and the bread. But the tourists have gone; there are no more handouts.

"The bears have forgotten how to prepare for winter; to dig for food and eat the things they must if they are to survive the winter."

This can happen to people, too. There are some things in life that can't be given to you. No one can prepare your mind or study for you. No one can develop your talents for you nor your relationship with God.

The most important things in life you must do for yourself. If you sit idly by for your parents, or your government, or your church to give you handouts, you are not any different than the Yellowstone bears.

In the 1970's there will be new policy formulations and programs which will call for many volunteer workers. The concern in every community for environmental improvements, the elimination of drug abuses, and the establishment of better schools and social services will call for dedicated volunteers whose compassion and skill will be necessary for success.

Farm Bureau has many good strong leaders who do a good share of the volunteer work in every community. Dr. Daniel Thursy, Dean of the School of Social Work at the Maryland University, gives us this list of "Ten Commandments for Volunteers." Paste it up where you can see it often as it is a good guide:

1. Understanding the job you undertake;
2. Accept training appreciatively, and contribute your own experience;
3. Match your interests to the needs about you and the job;
4. Serve faithfully, and report new insights about your work;
5. Discover its meaning to the total program of which it is a part;
6. Open yourself to opportunities for growth in skill, sympathy, self-confidence, and responsibility;
7. Value your special two-way role as community interpreter;
8. Contribute to supervision by self-evaluation and a willingness to ask;
9. Give loyalty to your institution and its program;
10. Take pride in the volunteer's career. It pays handsomely in treasures of the spirit.

CIVILIAN MISTAKES IN THE WAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. MICHEL. Mr. Speaker, as anyone who reads the Congressional Record and the local press here in Washington knows, one of the most troubling problems on the domestic scene today is the growing "antimilitary" mood around the country. Fortunately, the farther one gets away from the Washington-New York axis, the less you hear or read about this rather peculiar philosophy and in that regard I would like to call the attention of my colleagues to an editorial appearing in the July 24, 1971, edition of the Peoria Journal Star, entitled "Civilian Mistakes in the War." I include the text of the editorial in the Record at this point:

CIVILIAN MISTAKES IN THE WAR

When four British stenographers put together the "history" of World War II while so working for the War Cabinet, they described it with rare perspective as "the history of the war as it was fought—on paper" in London.

Now that we have the "purloined papers" coming out in book form, as strung together in 47 volumes originally by 30 or 40 "whiz kids", we begin to realize that this, too, is only one piece of the real history involved.

The "real war" is not included, and more than half of the paper war is also left out (state department and White House files were not available, and not all Pentagon files).

Finally, there is yet another essential element missing. A definitive history of the "peace movement."

Future historians will be a good deal more comprehensive in their studies, and much more succinct in their writing, no doubt. When that happens, the really unique feature of this conflict over other U.S. conflicts is obvious.

It is bound to get heavy emphasis in the future.

That is the role played by the "peace movement." Dean Rusk has recently said that the mistake he recognizes "personally" is that he "underestimated the tenacity of the North Vietnamese," and "over estimated the capacity of the American people" to cope with "protracted war."

The statement and situation will inevitably be a keystone of the situation which sets this war apart from others.

The "peace movement" must then emerge as an organized activity from the first which had, indeed, significant influence in both Washington and Hanoi.

Clearly it served in Hanoi to strengthen the "tenacity" of the North Vietnamese beyond otherwise normal estimates, and it served in Washington to delay and to whittle decisions to half-measures while eroding "the capacity of the American people" to cope . . . beyond otherwise normal estimates.

It is the genuinely "freak element" in this "freak war", and it is hard to believe that these two unique circumstances in our history will not be linked as basic to what has happened.

It is beginning to be widely recognized that the "peace movement" did indeed have a crippling influence on the U.S. effort, at a time when a dyed-in-the-wool politician and a group of bright "armchair experts" were calling the shots.

These people bent, partly because they were convinced that "traditional" military doctrines were no longer valid in the age of instant communication, and technological weapons.

I, personally, have heard the top advisors of that time ridicule the "admirals and generals" as being blind to the fact that some of their fixed doctrines were obsolete—and specifically, the settled military doctrine of decentralization of operational decision-making.

I, personally, have heard top civilian hotshots boast how they bypassed the livid professional commanders to give direct orders of detailed operational nature even to individual ships of the fleet.

The military doctrine that you cannot run a war from the White House in Washington is not based, however, on the speed of communications. It is based on the nature of organized decision-making processes at the theater command level versus those in Washington.

Timing is life or death to military operations, and regardless of the speed of radio, neither the National Security Council nor the Foreign Relations committee can run a war and react on the kind of schedule reality demands.

The old axiom, most succinctly spoken by Bedford Forrest, ("Get there firstest with the mostest") was grossly violated.

Trying to soften the "peace protesters", the government in Washington systematically delayed—often for months—responding to estimates of the situation. When they did respond it was not to the situation of the moment, as a result, but usually to a situation as it had been months before.

This is a fundamental error in the business of applying killing force against somebody applying killing force to your people, and it was compounded by the fact that we advertised such response in advance during those delays and debates.

Those two errors, capital sins in professional military doctrine, were compounded a third time by the "parting down" arbitrarily of the military estimates by the "armchair experts."

Each such error was to assess its future cost in an ever longer and more costly war.

It has reached the point where some people are tired of paying the cost of these past mistakes and are eager to cancel such costs. The problem is that this is a "gut reaction" rather than a reasoned one.

Hence, there are potent reasons to believe that it would bring this thing full circle "ending it" with one last additional whopping mistake—also to be paid for later.

What is urgent is to end it in a way that works, and not perpetuate the "mistake" habit, and project future "costs" for fresh errors into the limitless future.

This is the only method that would really "break the chain."

No such activity in this world can be arbitrarily ended once and for all. Every action taken or not taken on this scale has its future consequences inescapably.

It is dangerously irresponsible to defy the future and act in the present as if one could arbitrarily cancel the past.

You just can't get away with it.

And we've made enough mistakes in this war without one more lulu!

HAPPY? NOT ON YOUR TRADE DEFICIT

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. MANN. Mr. Speaker, on June 11 of this year, I commented in these pages that:

> If America is to remain a happy country, Americans must continue to sense that their country remains strong as they look outward toward the world. At the same time they must understand the purpose and see the opportunity of individual advancement as they look inward toward their lives. If we can preserve these feelings—that America is secure and that individual initiative within it still produces the best results, Americans will continue to cherish the idea of living in America.

Having written this prescription for the preservation of a happy Nation, I was shocked to discover in last evening's Washington Star the gloomy prospects of a trade deficit this year. One does not get the full impact of this probability until one also realizes that this may be the first full-year deficit since before the turn of the century, the year 1893, 78 years ago. Certainly this gives one food for thought concerning America's changing position in the world.

Mr. Speaker, since coming to Congress, I have attempted, in these pages and elsewhere, to direct official and public attention to the worsening condition of America's textile industry. I have watched our favorable balance of trade shrink as the influx of foreign textile products grew to a flood. I have witnessed inaction on the part of Congress and the administration, as year by year more textile plants have closed and more textile jobs have been lost.

Is this inaction in the face of the above developments an effective way to assure Americans of the strength of their country's economy? Is this how we would persuade them to take heart in what remains of the purpose and the opportunity of individual advancement in this country? Is this how we would insure the public happiness, Mr. Speaker? I think not. I would like to direct attention to the following article from the Evening Star of July 29, 1971. I believe it indicates a need for a reexamination of America's economic and trade policies, not only as they relate to textiles but as they concern all sectors of our Nation's economy:

TRADE DEFICIT REPORT DARKEST OF THEM ALL

(By Lee M. Cohn)

The government has ground out another batch of gloomy economic statistics, but the Nixon administration contends that only one of the reports—on foreign trade—really is bad news.

Imports exceeded exports by $363 million in June, raising the cumulative foreign trade deficit to $803 million for the April-June quarter and $373 million for the first half of the year, the Commerce Department said.

This was the first time since 1950 that the United States has had a trade deficit for any calendar quarter. Commerce Secretary Maurice H. Stans has warned that there may be a deficit for all of 1971, which would be the first full-year deficit since 1893.

While admitting the trade picture is bleak, administration officials looked at the bright side of two other reports yesterday—that the federal budget deficit soared to $23.2 billion last fiscal year, and that the index of "leading" economic indicators declined in June.

THEORETICAL SURPLUS

Although the budget showed a big actual deficit, the administration expressed satisfaction that the theoretical "full-employment budget" registered at $2.5 billion surplus.

That is, there would have been a surplus if the economy had operated at full capacity—with consequently increased tax revenues for the government—instead of slogging through a recession.

On the leading indicators, which usually foreshadow ups and downs in the economy, the administration discounted the 0.5 percent decline in June as only a temporary break in a string of seven consecutive rises.

The $363 million foreign trade deficit in June compared with deficits of $205 million in May and $236 million in April. Last month's deficit was the biggest since February 1969.

With a trade surplus of $430 million in the first quarter and a deficit of $803 million in the second, there was a cumulative deficit of $373 million in the first half. Available records indicate this was the first deficit for a six-month period in this century.

INFLATION HURTS COMPETITION

The administration is not optimistic about any sharp improvements during the rest of this year, largely because inflation makes it difficult for the United States to compete against foreign producers for sales here and abroad.

Trade troubles have inspired demands in Congress for import quotas and other legislation to protect American companies from foreign competition, and to stimulate exports.

Last year's $2.7 billion surplus was far below the previously normal range of about $4 billion to $6 billion.

Apart from fundamental problems, a Commerce Department spokesman said, the U.S. trade deficit has been aggravated by "special situations," notably strikes and threatened strikes in steel and other industries.

Exports declined 3.2 percent to $3.66 billion in June, while imports increased 0.9 percent to $4.02 billion. From the first quarter to the second, exports declined 2.4 percent to $10.97 billion and imports increased 8.8 percent to $11.77 billion.

The $23.2 billion budget deficit reported for fiscal 1971, the year ended June 30, topped President Nixon's January forecast of $18.6 billion. When Nixon first sent the fiscal 1971 budget to Congress in January 1970, he predicted a $1.3 billion surplus.

RECESSION CUT TAXES

Revenues fell short of last January's projection by $5.9 billion because the economic recession cut into taxable profits and individual incomes.

Spending was held $1.2 billion below the January estimate, limiting the deficit's rise.

Revenues totaled $188.3 billion, down from $193.7 billion in fiscal 1970. Expenditures rose to $211.6 billion from $196.6 billion. The fiscal 1970 deficit was $2.8 billion.

Concern over big deficits is the key reason behind Nixon's decision last month against proposing tax cuts to spur the economy. Officials fear still bigger deficits would aggravate inflation psychology and undermine financial markets—hurting rather than boosting the economy.

Despite the actual $23.2 billion deficit for fiscal 1971, the administration cited theoretical calculations of a "full-employment budget" in an effort to show that the budget was kept under control.

Treasury Secretary John B. Connally and George P. Shultz, director of the Office of Management and Budget, said that if the economy had operated at full capacity, tax revenues would have been $214.1 billion instead of the actual $188.3 billion, producing a surplus of $2.5 billion above actual expenditures.

JOBS IN ECONOMICALLY DEPRESSED AREAS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. WALDIE. Mr. Speaker, I have today joined in sponsoring the Economic Disaster Area Assistance Act which would provide jobs in economically depressed areas.

I have sponsored this bill as an alternative to the accelerated public works bill which was vetoed by the President and because I believe it is urgent that we extend prompt and sufficient relief to areas of high unemployment.

This bill would authorize the President, at the request of the Governor, to designate certain areas as economic disaster areas which would then ask for assistance to be used to relocate the unemployed, as loans to businesses and individuals to present foreclosures and repossessions, as unemployment assistance and food and housing grants to State and local governments to enable them to pay the State share of Federal matching programs, and as assistance to accelerate local projects already underway.

I hope that the House will act promptly on this proposal as the unemployment problems, which I might add are not only caused by faulty administration policy, but which have recently been aggravated by their lack of concern for the growing statistics, will only be solved by a concerned congressional effort. I do not foresee any leadership in this field from the administration.

The bill follows:

H.R.—

A bill to amend the Public Works and Economic Development Act of 1965, as amended to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Disaster Area Assistance Act of 1971".

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress hereby finds and declares that—

(1) the human suffering, the loss of income, the dislocation of families, and the national economic loss caused by regional unemployment and economic downturns is a matter of critical national concern;

(2) the personal suffering caused by fiscal and monetary policies which result in high levels of unemployment and stagnant regional economies cannot be distinguished from the suffering caused by natural disasters such as floods, hurricanes, and fire; and

(3) there is a direct Federal responsibility to provide economic disaster assistance to individuals in regions of the country experiencing high unemployment and faltering economies to enable them to maintain their residences and to support their families without the human degradation, the loss in self-respect and the decline in confidence in the American Government which are caused by persistent unemployment, mortgage foreclosures, evictions, repossession of personal goods, business failure, and bankruptcy.

(b) It is the purpose of this Act to authorize the President of the United States to provide a direct program of Federal assistance to individuals, to State and to local government to alleviate the wasteful economic disruption and loss resulting from regional economic disasters by—

(1) establishing within the Department of Commerce an Office of Aid to Economic Disaster Areas;

(2) providing for a coordinated Federal response;

(3) authorizing extension and, in some cases, forgiveness of all or part of obligations due the Federal Government; and

(4) waiving certain administrative and procedural requirements of Federal programs to facilitate an early and coordinated program of relief.

SEC. 3. The Public Works and Economic Development Act of 1965, as amended, is further amended by adding a new title VI and by redesignating and renumbering subsequent titles and section numbers as appropriate:

"TITLE VI—EMERGENCY ECONOMIC DISASTER AREA RELIEF

"OFFICE OF AID TO ECONOMIC DISASTER AREAS

"SEC. 601. (a) There is hereby established within the Department of Commerce an Office of Aid to Economic Disaster Areas (hereinafter referred to as the "Office"). The Office shall have a Director who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate.

"(b) The Director of the Office may employ such officers and employees as may be necessary to carry out the Office's functions under this Act. In addition, the Office may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

"(c) The Director of the Office shall be compensated at the rate provided for grade GS–18 in the General Schedule contained in section 5332(a) of title 5, United States Code.

"(d) It shall be the duty and function of the Office and the Director—

"(1) to carry out the purposes of this Act;

"(2) to assist and advise the President on methods, policies, and programs designed to reduce unemployment and to stimulate the economies of areas designated as economic disaster areas pursuant to section 602;

"(3) to train and have available a professional staff of Federal coordinating officers for assignment to areas designated as economic disaster areas;

"(4) to review and appraise the various Federal assistance programs for the purpose of determining the extent to which such programs and activities do or can contribute to reducing regional unemployment and stimulating regional economies; and

"(5) to make such studies, reports, and recommendations as the President may request.

"(e) There are authorized to be appropriated for the administration of the Office not to exceed $2,500,000 for each fiscal year.

"DESIGNATION OF ECONOMIC DISASTER AREAS

"SEC. 602. (a) The President, on the request of the Governor of a State is authorized to designate as an economic disaster area an area or community, without regard to political or geographical boundaries, if due to the loss, removal, curtailing, or closing of a major source or sources of employment—

"(1) the average unemployment in the area for at least three consecutive months is 150 per centum of the national average for the preceding calendar year; or

"(2) the current unemployment rate in the area is in excess of the national average for the prior month and has increased by an least 100 per centum within the past twelve months; or

"(3) there is a current unemployment rate in the area of 6 per centum or more and there are such other critical economic conditions as the President determines warrant assistance under this title.

"(b) Any designation under this section shall continue for a minimum period of one year.

"FEDERAL COORDINATING OFFICER

"SEC. 603. (a) Immediately upon the President's designation of a major disaster area, the Director of the Office shall assign a Federal coordinating officer to the designated area. The coordinating officer shall coordinate the administration of all Federal programs authorized under this title.

"(b) The Governor of a State in which an area has been designated an economic disaster area shall appoint a State official to serve as a State coordinating officer to work with the Federal coordinating officer.

"ASSISTANCE OF OTHER FEDERAL AGENCIES

"SEC. 604. (a) At the direction of the President, and under the management of the Director and the Federal coordinating officer, all Federal agencies are hereby authorized to provide assistance to an economic disaster area by—

"(1) utilizing or otherwise making available with or without reimbursement therefor, personnel, equipment, supplies, and other resources; and

"(2) donating or lending real and personal property determined to be surplus to the needs of the Federal Government to State and local government;

"(b) Federal agencies may be reimbursed for expenditures made under this title from funds appropriated for the purposes of this title. Any funds received by Federal agencies as reimbursement for services or supplies furnished under the authority of this section shall be deposited to the credit of the appropriation or approriations currently available for such services or supplies.

"(c) In carrying out the purposes of this title, the Federal coordinating officer is authorized to accept and utilize the services or facilities of any State or local government, or of any agency, office, or employee thereof, with the consent of such government. Any Federal agency, in performing any activities under this section, is, with the approval of the Federal coordinating officer, authorized to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to employ experts and consultants in accordance with the provisions of section 3109 of such title, and to incur obligations on behalf of the United States by contract or otherwise to achieve the purposes of this title.

"AUTHORITY TO REPROGRAM FUNDS TO DEAL WITH ECONOMIC AND EMPLOYMENT PROBLEMS

"SEC. 605. (a) To create new employment opportunities and to improve the economies of areas designated as economic disaster areas pursuant to section 602, the President is hereby authorized to reprogram up to 15 per centum of any federally appropriated funds scheduled for expenditure in an economic disaster area into other programs which are better able to relieve economic distress and reduce unemployment, and respond to the condition presented in that area.

"(b) Sixty days before exercising authority granted pursuant to section 605(a) to reprogram funds, the Director of the Office shall transmit to the Congress a report identifying the source of funds proposed to be reprogramed, the proposed use of the funds, and the economic and employment benefits which are anticipated. The reprograming shall become effective unless either the House or the Senate by resolution disapproves within sixty calendar days of receiving the report: *Provided*, That if Congress is not in session the reprograming authority granted pursuant to section 605(a) shall not be exercised.

"FEDERAL GRANT-IN-AID PROGRAMS

"SEC. 606. The President, with the concurrence of the Director of the Office, is hereby authorized to direct any Federal agency charged with the administration of a Federal grant-in-aid program to modify or waive, such administrative or procedural conditions for assistance which impede, frustrate or prevent the granting of timely assistance under such programs to individuals and governmental units in areas designated as economic disaster areas.

"FEDERAL ECONOMIC RECOVERY FUND

"SEC. 607. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Federal economic recovery fund (hereinafter called the 'economic recovery fund') which shall remain available until expended as hereinafter provided.

"(b) There is hereby authorized to be appropriated to the economic recovery fund $1,250,000,000 and such funds as are necessary in subsequent years to maintain the fund at a level of $1,250,000,000, to be used by the President for the purposes set forth in this section and in this title.

"(c) The Director of the Office, together with the heads of other Federal agencies, are directed to review existing Federal grant-in-aid, loan and loan guarantee programs, and prepare a report identifying those programs eligible for assistance from the economic recovery fund. In addition, assistance may include, but shall not be limited to—

"(1) loans to businesses and individuals to enable them to meet business and residential mortgage payments and to prevent foreclosure, eviction, and repossession of personal property;

"(2) unrestricted grants to State and local governments to implement local initiatives and projects designed to relieve unemployment and stimulate the economy, but which are not eligible for existing grant-in-aid programs;

"(3) grants to accelerate Federal, State, or local projects which are underway or on which the planning is completed or substantially completed;

"(4) relocation assistance for unemployed individuals and their families;

"(5) unemployment assistance, without regard to the maximum duration of benefits available under the unemployment compensation program of the State in which the economic disaster area is located, but such assistance shall not exceed the maximum amount set by the State and shall be reduced to the extent benefits are available under State law;

"(6) housing assistance and any necessary assistance to assure that all individuals in the designated area have a balanced diet of nutritious food;

"(7) grants to States and units of local government to enable them to pay the State share of other Federal grant-in-aid programs which would assist economic recovery;

"(8) grants or loans to nonprofit organizations and loan guarantees to private profitmaking organizations for job creation and holding major employers who would otherwise substantially reduce employment in the area; and

"(9) such other assistance which the Director of the Office, with the concurrence of the President, determines to be necessary and best suited to meet the needs of persons living within an economic disaster area.

"REVOCATION OF ELIGIBILITY

"SEC. 608. Any region designated as an economic disaster area shall remain eligible for Federal assistance under this title for a minimum period of one year. After that time, the Director of the Office may recommend the continuation of an area on the designated list of eligible areas only after a full review of the local economy, the area's employment level, and the improvements resulting from assistance made available under this title. Benefits made available under this title shall be phased out over a reasonable period of time, not to exceed one year from the time when the area is determined to be ineligible for further assistance under this title.

"DEFINITIONS

"SEC. 609. As used in this title—

"(1) 'Director' means the Director of the Office of Aid to Economic Disaster Areas;

"(2) 'economic disaster area' means a geographical area which the President has designated as meeting the criteria of section 602 of this title;

"(3) 'Federal agency' means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government;

"(4) 'Federal coordinating officer' means an employee of the Office of Aid to Economic Disaster Areas who shall serve as the chief Federal officer in dealing with areas designated as economic disaster areas;

"(5) 'Federal economic recovery fund' means the fund established in section 607 of this title to finance the programs authorized by this title;

"(6) 'Governor' means the chief executive of any State;

"(7) 'local government' means any country, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village, and, for the purposes of this title, shall include any Indian reservation or Indian community which enjoys a trust relationship with the United States;

"(8) 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands; and

"(9) 'United States' means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

THE PEOPLE'S VOICE

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. RIEGLE. Mr. Speaker, too many citizens today are frustrated because they believe that the Government is no longer representative of their views. Some weeks ago, I distributed a questionnaire to the people of the Seventh District of Michigan so that they could express their views on the issues.

Today, I would like to insert into the RECORD the results of this questionnaire—based on the returns from over 10,000 citizens:

I NEED YOUR ADVICE

THE ECONOMY

The nation's economy affects everybody. It involves prices, wages, taxes, government spending and every citizen's pocketbook. Few things have such far-reaching effects on both the individual and the nation.

Here are several important questions on economic issues. How do you feel about each?

A. Listed below are seven possible problem areas of the economy. Please rank each of them by putting a #1 next to the area that you think is the most serious problem and continue until you have put a #7 next to the area causing the least serious problem.

(Number represents the % that ranked each as greatest problem.)

Inflation	34
Government spending	30
Taxes	21
Prices	7
Wages	4
Unemployment	11
Interest rates	2

B. 1) Are the Administration's economic polices clear to you?

	Percent
Yes	22
No	58
Not sure	21

2) Do you think these policies are working?

	Percent
Yes	8
No	58
Not sure	33

C. What do you think should be done to create a more healthy economy?

Please rank the following courses of action in the order that you feel would help the economy the most—starting with a #1 next to the action you feel would do the most good and continuing through to a #8 next to the action you feel would do the least good.

(Number represents the % that ranked each as greatest problem).

Tax reductions for business to invest and expand	12
Reduced interest rates and expanded money supply for mortgages and other loans	26
Wage and price controls for selected industries	15
Wage and price controls across the board	35
Informal government pressure and voluntary restraints on wages and prices	14
Increased government spending	2
Deficit spending by the government (spending more than tax income to stimulate the economy)	5
Do nothing	2

D. Compared to last year, do you expect to save more or spend more money during the coming year?

	Percent
Save more	18
Spend more	48
About the same	35

E. One very important factor in the economy is the public psychology, in other words, the level of individual confidence, or lack of it, in the economic outlook.

What is your economic "feel" or prediction for 1971 and 1972? Check one for each year.

[In precent]

	Good	Fair	Poor	Not sure
1971	11	49	34	6
1972	25	33	23	18

REVENUE SHARING

State and local governments collect about 33 percent of all taxes. These governments are fast running out of money for needed programs and problem solving—partly because needs keep rising, and partly because people are fed up with higher taxes.

As one method of meeting this need the Administration is proposing a new concept called "Revenue Sharing." Under this plan, the federal government would distribute some of the federal income tax money that it collects, directly to the state and local governments to use any way they see fit. For the first year, the amount of federal revenue to be shared in this way would be approximately $5-10 billion.

Here are some questions which will help you and the Congress to make these judgments. How do you feel about each one?

A. Do you feel that the federal government should distribute federal tax revenue to state and local governments to use however they wish—with no strings attached?

	Percent
Not sure	13
Agree	30
Disagree	57

B. In addition to revenue sharing, there are other ways to meet the crisis of financing state and local needs. Here are some of the alternatives. Please grade each one.

[In percent]

	Excellent	Good	Fair	Poor
Raise State and local taxes and lower Federal taxes proportionately	20	31	18	32
Revenue sharing with clear guidelines on how to spend the dollars	25	33	20	22
Fully Federal financing and control of the welfare program	29	23	13	34

C. How much confidence do you have in the ability of each level of government to spend your money wisely and to perform effectively? Please grade each one.

[In percent]

	Excellent	Good	Fair	Poor
Federal Government	3	17	36	45
State Government	3	22	37	37
Local government	6	22	28	44

D. There are many arguments for and against revenue sharing. How do you feel about each one below?

1) Revenue sharing will decrease the public responsibility of state and local governments because these governments will no longer be accountable to the people for raising the money they spend.

	Percent
Agree	32
Disagree	44
Not sure	24

2) Revenue sharing won't make any difference because $5-10 billion is not anywhere near enough money to make a large impact on the problems we face—no matter which level of government spends the funds.

	Percent
Agree	28
Disagree	47
Not sure	25

THE DRAFT

A. Do you feel the draft should be ended as soon as possible and converted to an all-volunteer professional military, except when there is a formal declaration of war?

	Percent
Yes	63
No	30
Not sure	7

B. Do you support a plan where all young men would put in a year of national service either right after high school or any time before age 23, serving in their choice of the following range of programs—military, Teacher Corps, VISTA, Peace Corps, community development, etc.

	Percent
Yes	64
Disagree	28
Not sure	8

C. If you feel a year of national service makes sense, should it also be required of young women of the same age as long as they do not have children?

	Percent
Yes	44
No	45
Not sure	11

ENVIRONMENT

Everyone sees the many man-made threats to our environment, and everybody is for eliminating pollution of all kinds. But now the issues are *how* to do it, *how* to pay it, and *who* will pay for it. Where do the responsibilities lie, where do the dollars come from and what trade-offs are we willing to make between individual freedom on the one hand and restriction in the public interest on the other hand?

How do you feel about each of the following statements?

(1) There should be strong penalties for individuals who pollute and I am willing to accept these penalties if I am a violator.

	Percent
Agree	89
Disagree	5
Not sure	6

(2) There should be strong penalties for corporations and private organizations who pollute.

	Percent
Agree	93
Disagree	3
Not sure	3

(3) Consumers should be willing to pay the price increases which will result from corporations spending more to comply with strong environment pollution regulations.

	Percent
Agree	54
Disagree	36
Not sure	10

(4) Government at all levels should take on the responsibility of cleaning up the environment even though this may mean higher taxes or cutting other services.

	Percent
Agree	56
Disagree	31
Not sure	13

(5) Public education, along with voluntary restraints for individuals and corporations, is a better approach than immediate and strongly enforced regulations.

	Percent
Agree	33
Disagree	51
Not sure	15

(6) Should we set up a substantial portion of federal income tax revenues for environment matters only—much like the way the Highway Trust Fund is used to build highways.

	Percent
Agree	61
Disagree	22
Not sure	17

CITIZENS' VOICE

1) Do you feel that new citizen organizations and processes, in addition to the political parties, are needed to give citizens a more effective voice in governmental decisions?

	Percent
Badly needed	58
Slightly needed	24
Not needed	18

2) Would you be willing to participate actively (you volunteer time, energy, $15 per year dues) in one of these new efforts (for example, Common Cause, being formed by John Gardner)?

	Percent
Yes	30
No	31
Not sure	39

SPENDING PRIORITY

The federal government collects almost 67 percent of all taxes. How that money—over $200 billion—is spent is important to every citizen.

Listed below are some of the major areas where federal tax money is spent, along with the amount the Administration wants to spend for each area this coming year. Congress must consider each proposal and decide if it agrees, then vote to accept the plan or to change it.

How would you allocate the money in our national budget? Would you spend more, less, or the same on each of the items below?

Please keep in mind that $229 billion is near the limit taxpayers will send to the federal government. If you increase some programs, you must be willing to decrease others. Or, you must be willing to increase taxes and/or the national debt.

This budget table is not complete. Only the most important items are listed and therefore the numbers will not add up to $229 billion or any other figure. The first column of figures is the Coming Year's Budget Request in Billions of Dollars (1.0=1,000,000,000). The second column of figures is the Percent of Total Budget ($229 Billion).

Budget area	Billions	Percent	We should spend— More	Less	Same
Defense	$77.5	33.8	6	73	21
Vietnam	15.0		5	81	14
ABM program	1.3		26	43	31
Military pay raises	3.9		44	27	30
Atomic Energy Commission	1.9		18	40	43
Foreign aid	4.0	1.8	3	77	19
Environment	3.6	1.9	72	6	22
Water quality	1.1		77	3	20
Air quality	.2		75	4	21
Natural resources	4.2		65	6	29
Land management	.83		53	14	33
Recreation	.62		45	19	37
Transportation and commerce	$10.9	4.8	20	27	54
Highway program	4.9		29	21	50
Air transportation	1.8		12	47	42
Post office	1.3		21	27	53
Education and manpower	8.8	3.8	55	13	32
Elementary and secondary education	1.8		58	10	33
Higher education	1.1		43	20	37
Vocational and adult education	.49		53	14	33
Poverty—OEO programs	1.0	.5	28	39	32
Social Security	34.2	14.5	49	10	41
Veterans' benefits	11.0	4.6	34	9	57

Budget area	Billions	Percent	We should spend— More	Less	Same
Peace Corps	0.07		21	34	45
Space research	3.2	1.4	13	60	27
Manned flights	1.3		12	64	24
Health programs	16.0	7.5	43	13	39
School lunch	.56		32	29	39
Food stamps	2.0		20	53	27
Medicare-medicaid	12.4		43	17	41
National institutes of health	1.7		45	14	41
Cancer research	.01		74	4	22
Civil rights	.46	.2	19	48	31
Housing and community development	4.4	2.0	25	44	31
Anticrime	0.7	0.3	76	4	20
Department of Labor	7.2	3.0	12	39	49
Department of Agriculture—Farm program	9.5	4.0	21	42	37
General Government costs—Agencies, etc	4.9	2.2	3	66	32
Executive department—Presidency	.07		3	56	41
Judicial—Courts	.14		22	42	36
Congress	.41		4	53	43
Interest on national debt	19.6	8.6	17	36	47
Revenue sharing with States	5.0	2.2	51	21	29

HEALTH AND MEDICAL CARE

The cost of medical and health care, like many things, continues to increase. In 1970 Americans will spend a total of $58 billion in health care—about twice as much as in 1960.

Adequate health care is a financial problem for many citizens, and the quality and accessibility of health and medical care vary widely. There is a new national debate about these issues.

The Congress is evaluating several different proposals for national health insurance. The problem is how to strike a more equitable and efficient balance between growing health care needs on the one hand and limited medical, professional and financial resources on the other—without compromising the integrity and initiative of the medical profession or the needs and rights of individuals.

I need your help in evaluating this complex issue. The fundamental questions underlying any approach to national health insurance are: What are the problems and priorities, who should be covered, what scope of benefits should there be, where does the money come from and who pays it, how involved should the government become in the administration of health insurance, health services and medical care?

Please answer each of the following questions and mark all of the answers to each question.

Please rank the following items in order of priority from the biggest problem to the smallest—as you see them. Put a #1 next to the item you think is the most serious problem and deserves the highest priority and move down to #6, the one you feel is the least problem and the smallest priority.

A. What are the problems and priorities?

	Percent
Availability of doctors	18
Quality of health care	9
Cost of health care	54
Availability of medical service for the poor and needy	14
Adequacy of present medical insurance plans (e.g. Blue Shield, Blue Cross)	6
Adequacy of existing medical facilities	3

B. Who should be covered in a new national health insurance plan?

Just those who cannot afford it—the needy and poor—with everyone else covered by existing plans and programs.

	Percent
Yes	37
No	62

Those who can afford some, but perhaps not the entire, amount of their health care needs—basically the large group of working Americans who are striving to make ends meet.

	Percent
Yes	66
No	34

Everybody—even if they can afford complete private health care.

	Percent
Yes	32
No	67

C. Where should the money come from to finance a national health insurance plan and who should pay for it? (Remember a combination of these sources is possible, so remember to mark each answer either yes or no.)

Employers should cover the cost, in which case the cost will be passed along to the consumer in the form of price increases or it may substitute for increased direct wages to the employee.

	Percent
Yes	46
No	54

Citizens should pay increased social security taxes to get new health insurance coverage.

	Percent
Yes	38
No	62

The Federal government should pay out of general income tax revenues.

	Percent
Yes	55
No	45

Everybody else should contribute to their health premium according to their ability to pay.

	Percent
Yes	71
No	29

D. How involved should the government become in the administration of health insurance, health services, and medical care?

Should the government regulate or control doctor and medical fees?

	Percent
Yes	62
No	38

Under a national health plan, which covers those who cannot afford private insurance, should the individual be willing to accept an available or assigned doctor at a group or public clinic as opposed to going to the particular doctor of his choice?

	Percent
Yes	59
No	41

The United States still faces several basic strategic issues in Southeast Asia. How do you feel about each of the questions below? First, the background data:

During the last two years, American troop level has been reduced from 535,000 to 350,000. Certainly, we are spending about $1 billion every three weeks in Southeast Asia. About 70 American soldiers die in S.E. Asia each week. Over the last eight years, over 50,000 Americans have died, and over 400,000 have been wounded. We have spent a total of $140 billion.

A. A proposal has been made in Congress to require the U.S. government to bring home all U.S. troops before the end of this year. Would you like to have your Congressman vote for or against this proposal?

	Percent
For	70
Against	30

B. Are you satisfied that President Nixon is keeping his campaign commitment to end the war in Vietnam?

	Percent
Yes	32
No	49
Not sure	19

C. How soon do you think U.S. forces should be out of Vietnam?

	Percent
By the end of this year	63
By mid-1972	14
By the end of 1972	14
1973 or later	10

D. Should the Congress

1. Vote to terminate the President's power to use U.S. helicopters, air support, and bombing in Laos and Cambodia—effective immediately?

	Percent
Yes	47
No	53

2. Vote to declare war on North Vietnam?

	Percent
Yes	17
No	83

3. Permit the President to conduct the war in Southeast Asia as he alone determines without full Congressional authorization?

	Percent
Yes	15
No	85

SUPERSONIC TRANSPORT

The government has been funding research and development of the SST, a supersonic transport plane that would fly 1500 miles per hour if built.

Do you feel that the $290 million for the SST is a justified expenditure at this time?

	Percent
Agree	12
Disagree	76
Not sure	12

SUPPORT FOR A FEDERATION OF DEMOCRATIC NATIONS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. FINDLEY. Mr. Speaker, yesterday 47 Members of this body, together with four Members of the Senate, joined in urging their counterparts in North Atlantic Assembly nations to participate in forming a multinational association to promote public support for a federation of democratic nations.

Representative Morris K. Udall represented the group with this statement:

STATEMENT

Democratic civilization and perhaps human survival are threatened by a tidal wave of global problems: the nuclear arms race, explosive population growth, the prospect of widespread famine, environmental degradation, a succession of currency crises threatening economic stability, and many more. Problems such as these transcend national boundaries. It is not yet clear how any of them can be solved, but it is clear that all of them would be much easier to solve if most of the world's problem-solving power, now divided among the advanced democratic nations, were united by common democratic institutions. The division of this power among existing national governments may not only render them unable to cope effectively with these problems, but may in some cases be a reason that the problems exist. We believe, therefore, that the time has come when free people must work together to develop a more just and lasting framework for world peace and stability.

We cannot expect this to occur without broad support from the people who comprise the major democratic nations of the world. In the end it must be the people who decide whether they are to be united under common government or to continue under the present, however inadequate, system of divided and disparate decision making.

It has been suggested that progress is best achieved through a series of small, pragmatic steps and that the most effective course of action is to strengthen functional forms of cooperation among national governments. This may have been true in the past, but let us recognize that such forms of cooperation are not adequate for the solution of the grave problems we face today. We believe that, without federal political institutions, groups of independent nations will be unable to mobilize adequate resources, make plans, establish priorities, or act rapidly enough to save themselves and the world from ultimate catastrophe.

Believing this to be true, we have given our support to the formation of a multinational association to promote public support for a federal union of the democratic nations of the world. The proposal for such an association already has 186 sponsors in the parliaments of 12 nations as well as the endorsement of many private citizens in various of these countries.

In view of this evidence of a growing constituency for some kind of federal union, we believe it is now time for such an association to be formed, and we have taken steps to arrange a meeting for this purpose during the 1971 meeting of the North Atlantic Assembly to be held in Ottawa, September 23–29. We urge all the members of parliaments sending delegations to the Assembly to join us in sponsoring formation of this association and, where possible, to attend the organizing meeting of the association.

Formation of such an association is only one small step, but we believe it holds the promise of a quickened pace toward the goal of federal union, so long pursued but so long unattained. With your help this movement can become a vital force in each of our countries, building the popular support so necessary to any meaningful change in the structure of government. With time running out, we believe we must unite against our problems before our problems unite against us. This can be a start.

Joining in the statement were the following members of this body:

Joseph P. Addabbo, Thomas L. Ashley, Herman Badillo, Edward P. Boland, Tim Lee Carter, Don H. Clausen, Ronald Dellums, John D. Dingell, Bob Eckhardt.

Don Edwards, Joshua Eilberg, Frank E. Evans, Paul Findley, Edwin B. Forsythe, Donald Fraser, Richard Fulton, Martha Griffiths, Gilbert Gude, Seymour Halpern.

Henry Helstoski, Frank Horton, Hastings Keith, Edward I. Koch, Robert L. Leggett, Spark M. Matsunaga, Paul N. McCloskey, Jr., Joseph G. Minish, William S. Moorhead.

Bradford Morse, John E. Moss, Lucien N. Nedzi, Robert N. C. Nix, James G. O'Hara, Bertram L. Podell, Richardson Preyer, Melvin Price, Albert H. Quie, Charles B. Rangel, Thomas M. Rees.

Howard W. Robison, Peter W. Rodino, Jr., Edward R. Roybal, James H. Scheuer, Morris K. Udall, Jerome R. Waldie, Jim Wright, John W. Wydler.

Also joining were the following Members of the Senate: Harold E. Hughes, Daniel K. Inouye, Jacob K. Javits, and Robert W. Packwood.

In a press conference announcing the statement, it was also announced that Representative Udall has agreed to serve as acting chairman of the Ottawa organizing conference, and that Dr. Harold C. Urey, one of the developers of the atomic bomb, will be among those participating. Urey, who is serving as honorary chairman of the organizing effort, personally recruiting Udall for the organizing assignment on behalf of an ad hoc leadership committee including Harry Golden, North Carolina newspaper publisher; Jerry Voorhis, former California Congressman and former national chairman of the United World Federalists.

Others who have so far agreed to participate in organizing the Association are Turkish Senator Kasim Gulek, Canadian Senator Paul Martin, Representative Donald Fraser, and myself. Gulek is a former president of the North Atlantic Assembly. Martin is Government leader of the Canadian Senate.

Among the sponsors of the proposed association are: Luiz Maria da Camara Pina, vice president of the Portuguese Corporative Chamber; Romain Fandel of Luxembourg, president of the North Atlantic Assembly; Pierre Gregoire, president of the Luxembourg House of Representatives; Senator Jacob Javits, chairman of the NAA Political Committee; Dr. Cahit Karakas, Minister for Public Works in Turkey; Dr. Helmut Lemke, 1970 leader of the NAA German delegation; Kenneth Lomas of the United Kingdom, rapporteur of the NAA Committee on Education, Cultural Affairs, and Information; Ivan Matteo Lombardo, former Minister of Industry in Italy; Roberto Lucifredi, vice chairman of the Italian Chamber of Deputies; Heinz Pöhler, chairman of the NAA Committee on Education, Cultural Affairs, and Information; Senator Georges Portmann, leader of the NAA French delegation; and Senator William Proxmire, chairman, U.S. Joint Economic Committee. Altogether, 69 present Members of the U.S. Congress and 106 legislators from other nations are included among the sponsors.

In addition to those signing the statement, the following are also sponsors of the proposed association:

SPONSORS

Nuri Ademoglu—Turkish Senate
Mualla Akarca—Turkish Assembly
Orhan Akca—Turkish Senate
W. Albeda—Netherland 1st Chamber
Joaquin Alexandre—Portuguese Corp. Chbr.
Raffaele Allocca—Italian Chamber
Aldo Amadeo—Italian Chamber
Huseyin Balan—Turkish Assembly
Salvatore Barberi—Italian Chamber
Antonio Baslini—Italian Chamber
Nihat Bayramoglu—Turkish Assembly
Hüseyin Baytürk—Turkish Assembly
Cornelis Berkhouwer—Netherland 2nd Chbr.
Karl Bewerunge—German Bundestag
Fausto Bisantis—Italian Senate
Roland Boudet—French Assembly
Fredi Breidbach—German Bundestag
Edward W. Brooke—U.S. Senate
George E. Brown, Jr.—U.S. House (ret)
Daniel E. Button—U.S. House (ret)
Ahmet Çakmak—Turkish Assembly
Antonio Costa Silva Carvalho—Portuguese Corp. Chbr.
Manlio Cassandro—Italian Chamber
Angelo Castelli—Italian Chamber
Vittore Catella—Italian Chamber
Joseph Chabert—Belgian Chamber
Eduardo Augusto Arala Chaves—Portuguese Corp. Chbr.
Adriano Ciaffi—Italian Chamber
Frank M. Clark—U.S. House
Jorge L. Códova—Puerto Rican Comsnr.
André Cornu—French Senate
Marcel Coucke—Belgian House
Luiz Maria da Camara Pina—Port. Corp. Chbr.
Carl Damm—German Bundestag
C. De Clercq—Belgian Senate
Paul De Keersmaeker—Belgian Chamber
Guy de la Vasselais—French Senate
Pierre de Montesquiou—French Assembly
Roger Dekeyzer—Belgian Senate
Paul Delforge—Belgian Chamber
Ignacio de Oliveira Camacho—Portuguese Corp. Chbr.
Jose De Oliveira Marques—Port. Corp. Chbr.
Roger de Vitton—French Assembly
K. de Vries—Netherland 1st Chamber
Musa Dogan—Turkish Assembly
Robert F. Drinan—U.S. House
Albert Ehm—French Assembly
Marvin L. Esch—U.S. House
Roman Fandel—Luxembourg Chamber
Per Federspiel—Danish Folketing
Ludwig Fellermaier—German Bundestag
Samuel N. Friedel—U.S. House (ret)
Karl Gatzen—German Bundestag
Giovanni Giraudi—Italian Chamber
Pierre Gregoire—Luxembourg Chbr. (Pres.)
Kasim Gulek—Turkish Senate
Ali Riza Güllüoglu—Turkish Senate
Fevzi Güngör—Turkish Assembly
Fred Harris—U.S. Senate
Margaret M. Heckler—U.S. House
Jaak Henckens—Belgian House
Georges Housiaux—Belgian Senate
Hubert H. Humphrey—U.S. Senate
Dieter Hussing—German Bundestag
Mauro Ianniello—Italian Chamber
Hans Edgar Jahn—German Bundestag
Cahit Karakas—Turkish Assembly
Oral Karaosmanoglu—Turkish Senate
Ignaz Kiechle—German Bundestag
Evelyn King—British Commons
Egon A. Klepsch—German Bundestag
Yigit Koker—Turkish Senate
Orhan Kor—Turkish Senate
Gottfried Koster—German Bundestag
Erik Kragh—Danish Folketing
Charles Laurent-Thouverey—French Senate
Helmut Lemke—German Bundestag
Ian Lloyd—British Commons
Kenneth Lomas—British Commons
Ivan Matteo Lombardo—Italian former Minister of Industry
Roberto Lucifredi—Italian Chamber (V. Chm)
Giuseppe Lupis—Italian Chamber
E. L. Mallalieu—British Commons
Michel Marquet—French Assembly
Louis Martin—French Senate
Richard McCarthy—U.S. House (ret)
George McGovern—U.S. Senate
Giuseppe Medici—Italian Senate

Lee Metcalf—U.S. Senate
André Monteil—French Senate
Frank E. Moss—U.S. Senate
Antonino Murmura—Italian Senate
Arnold Olsen—U.S. House (ret)
Ibrahim Öktem—Turkish Assembly
Özer Ölçmen—Turkish Assembly
Richard L. Ottinger—U.S. House (ret)
Yilmaz Öztuna—Turkish Assembly
A da Palma-Carlos—Portuguese Corp. Chbr.
Vincenzo Pavone—Italian Chamber
Carl D. Perkins—U.S. House
Gabriel Peronnet—French Assembly
Peter Petersen—German Bundestag
F. H. Piket—Netherland 1st Chamber
Winfried Pinger—German Bundestag
Jacques Pohl—Belgian Senate
Heinz Pöhler—German Bundestag
Georges Portmann—French Senate
William Proxmire—U.S. Senate
Graham Purcell—U.S. House
Lucien Radoux—Belgian House
Dietrich Rollman—German Bundestag
Kamil Sahinoglu—Turkish Assembly
Franco Servello—Italian Chamber
B. F. Sisk—U.S. House
Daniel Duarte Silva—Port. Corp. Chbr.
Henry P. Smith, III—U.S. House
Giorgio Spitella—Italian Chamber
Adlai Stevenson III—U.S. Senate
Allen Sulatycky—Canadian Commons
Michel Toussaint—Belgian Senate
Ahmet Musret Tuna—Turkish Senate
Alparslan Türkes—Turkish Assembly
Mehmet Unaldi—Turkish Senate
Ragip Uner—Turkish Senate
Robert G. Vandekerckhove—Belgian Senate
H. van Riel—Netherland 1st Chamber
Jerry Voorhis—U.S. House (ret)
Henk Vredeling—Netherland 2nd Chamber
Karl-Heinz Walkoff—German Bundestag
Patrick Wall—British Commons
Franz Weigl—German Bundestag
G. William Whitehurst—U.S. House
Lester L. Wolff—U.S. House
Adil Yaça—Turkish Assembly
Friedrich Zimmerman—German Bundestag

The basic aim of the association will be to establish a Federal union of democratic nations of the Atlantic Community, as the logical beginning for an even broader federation of nations acceptable under the union's constitution. The principal function of the association will be to inform and educate the people in all these nations concerning the implications of such a federation, with a view to stimulating their support for the political changes required.

Because this enterprise bears a close relationship to legislation under consideration by this body, I insert in the Record at this point an excerpt from the proposal to create a new association and an historical sketch of the movement of which this enterprise is a part.

The historical sketch follows:

Introduction to Proposal for an Association To Develop Widespread Popular Support for a Federation of Democratic Nations

Federal union of the North Atlantic Treaty nations has been responsibly advocated for about 20 years. Federal union of the experienced democracies was advocated even before that, having been proposed more than 35 years ago.

Advocates of such union, only a few thousand strong, have devoted their efforts mainly to persuading the U.S. Government to call a convention of delegates from the NATO nations to explore the possibility of federating. Resolutions with this aim have been introduced in almost every U.S. Congress since 1949. One of these resulted in the Atlantic Convention of 1962 but the convention's recommendations have been ignored.

During this time, the concept or the resolutions for exploring it have been endorsed by hundreds of statesmen, scholars, and leaders from all walks of life in most of the NATO nations. Among these are several heads of state. Several of the resolutions have been supported by about a fourth of the U.S. Congress.

Simultaneously, people throughout the world have suffered from increasingly violent and more frequent wars, widening and worsening racial strife, rapidly spreading environmental degradation, and severe economic instability.

Despite dedicated advocacy and much prestigious support, and confronted by a tidal wave of global problems, the prospects for success see dim. What is the reason? Is the strategy the best? Will it suffice to seek action only in the United States? Is it sufficient to seek support only among elites? Is an enterprise which would affect the politics, economics, and welfare of the entire population of many nations likely to succeed without wide and strong acceptance by the public? Can it be successfully promoted without numerous and various initiatives?

Believing the answers to all these questions to be negative, it is proposed to begin the development of significant public support, and the encouragement of widespread initiatives throughout the Atlantic Community nations by an organization directed by a multi-national group of persons who are dedicated to the purpose.

Progress Toward a Federal Union of Democratic Nations: 1922–1971

This sketch omits many important developments and personalities in favor of some with which the reader may be less familiar. A more complete history is planned, and contributions are welcome.

1. 1922: European Movement. Count Coudenhove-Kalergi of Austria organized an association to promote a confederation of the European peoples. The cause was supported by such statesmen as Briand of France, Adenauer of Germany, and Churchill of the United Kingdom. It was revived after World War II in such organizations as the United Europe Movement and the European Union of Federalists and it led to the formation of such associations as the Council of Europe and the European Economic Community.

2. 1939 March: Union Now. First publication of the book Union Now by C. K. Streit, former League of Nations correspondent for The New York Times. More than 250,000 copies were sold, It was later published in the United Kingdom, France, and Sweden. Streit argued that intergovernmental associations, such as the League of Nations, are structurally incapable of keeping the peace, and he proposed a federal union of the democratic nations of the world. He argued that such a reform could not be achieved through diplomacy, and proposed a constitutional convention like the one at Philadelphia in 1787 that produced the US Constitution.

3. 1939 July: Federal Union Inc. Readers of Union Now formed a US organization, incorporated the following year with the name Federal Union, to promote a federal union of the democratic nations by gaining the support of national leaders for a constitutional convention. C. K. Streit was designated its President. It acquired tax-deductible status to attract contributions, but thereby relinquished support of political activity. After the formation of the UN in 1945, a group split away to form the United World Federalists. Federal Union began publication of the monthly magazine Freedom & Union 1946 October with Streit as editor. The organization and magazine still continue under this arrangement.

4. 1940: British-French Union proposed. With the German invasion of France threatening its collapse, Winston Churchill proposed to the French Cabinet that the United Kingdom and the French Republic unite under a constitution. This proposal had been urged by General Charles de Gaulle, then in Britain as French Undersecretary of State for National Defense. He had received the proposal from members of the French Staff in London, including Jean Monnet and Emmanuel Monick, both of whom were familiar with Streit's proposal.

5. 1948: European intergovernmental cooperation. Belgium, Luxembourg, and the Netherlands formed Benelux to coordinate their trade policies. France, the United Kingdom, and the Benelux countries signed the Brussels Pact for common defense. The Organization for European Economic Cooperation (OEEC) was formed to allocate US Marshall Plan aid and to work together for post-war recovery. In May, the Congress of Europe at the Hague called for the establishment of common institutions with the aim of political and economic union.

6. 1949 May: Council of Europe. Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden, and the United Kingdom formed the Council of Europe to facilitate cooperation in every area but defense. Its principal organs are a Committee of Ministers and a Consultative Assembly of national parliamentarians. Austria, Cyprus, the German Federal Republic, Greece, Iceland, Malta, Switzerland, and Turkey later joined.

7. 1949 January: Atlantic Union Committee (AUC). Advocates of federal union formed this US organization to promote a US inititive for a federal convention of the allied democracies of the North Atlantic. Justice Owen J. Roberts resigned from the US Supreme Court to promote federal union, and he became the first President of the AUC. Former Undersecretary of State William L. Clayton and former Secretary of War Robert P. Patterson were designated Vice-Presidents. Similar committees were later formed in other countries: in the German Federal Republic, the Union Atlantischer Foederalisten led by Dr. Rudolph Wagner and the Deutsche Atlantische Gesellschaft led by Dr. Otto Lenz; the Nederlands Comite voor Atlantische Unie led by Baron Michiels van Kessenich; in France, the Mouvement pour l'Union Atlantique led by Firmin Roz; and in the United Kingdom, the Friends of Atlantic Union led by Sir Hartley Shawcross.

8. 1949 April: North Atlantic Treaty. Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, and the United States signed the North Atlantic Treaty. It was primarily for defense, but Article II called for cooperation in political and economic matters. The North Atlantic Treaty Organization (NATO) was later formed to implement the treaty. Greece and Turkey acceded to the treaty in 1952 and the German Federal Republic in 1955.

9. 1949 July: Atlantic Convention Resolutions. US Senator Estes Kefauver and 26 other senators introduced the first resolution calling for a convention to discuss federal union. It was opposed by the US State Department under Dean Acheson, and did not come to a vote. Similar resolutions were introduced in both houses of the US Congress in 1951, 1955, and 1958 with the same result. State Department opposition continued under Secretary John Foster Dulles, who called it "premature", even though he had supported it when he was a candidate for the Senate in 1950.

10. 1950 June: Canadian response. The Canadian Senate unanimously adopted a resolution which approved the calling of a con-

vention by the US to discuss federal union. In 1952, the Canadian Parliament, led by Alistair Stewart, voted to accept an invitation from the US to the NATO nations for a convention to discuss federal union.

11. 1952 May: European Defense Community. Belgium, France, the German Federal Republic, Italy, Luxembourg, the Netherlands, and the United Kingdom signed a treaty for the unification of their defenses. A plan for a European Political Community was prepared at the same time. Both proposals collapsed when the French Parliament rejected the treaty in 1954. The Brussels Pact was then converted into the Western European Union.

12. 1952 July: European Coal and Steel Community (ECSC). Belgium, France, the German Federal Republic, Italy, Luxembourg, and the Netherlands formed the supranational ECSC at the instigation of such statesmen as Jean Monnet and Robert Schuman of France.

13. 1954: Bilderberg Meetings. HRH, Prince Bernhard of the Netherlands, organized a meeting of statesmen, scholars, businessmen, and labor leaders from the North Atlantic countries to discuss their common political, economic, and military problems. He has annually chaired such meetings since.

14. 1954 June: Atlantic Treaty Association. An association of national organizations from each NATO country was formed to promote public support for NATO. It has since held conferences annually. The US affiliate was called the American Council on NATO.

15. 1954 October: Declaration of Atlantic Unity. First open letter released, signed by 244 leaders from 9 NATO countries, which called for a conference of parliamentarians from the NATO countries. Led by federalists Christian Herter, Joseph Grew, William Clayton, and Lithgow Osborne of the US, it had held a meeting in New York in 1952 to promote such a conference. Walden Moore was designated Director.

16. 1955 July: North Atlantic Assembly. NATO Parliamentarians Conference organized in Paris by a meeting of parliamentarians from the 15 NATO countries. It had been instigated by a parliamentary group in Canada led by Wishart Robertson. It established a permanent secretariat and annual meetings. The name was changed to North Atlantic Assembly in 1966.

17. 1956 December: Committee of Three. The North Atlantic Council of NATO ministers approved the report of Foreign Ministers Halvard Lange of Norway, Gaetano Martino of Italy, and Lester Pearson of Canada. They recommended reforms in NATO procedures, including better consultation. They declared that the long-range aim of NATO is "the development of an Atlantic Community as a vital and vigorous political reality" and that the nation-state is no longer adequate for progress or even survival.

18. 1957: European Economic Community (EEC). Belgium, France, the German Federal Republic, Italy, Luxembourg, and the Netherlands formed the EEC, a supranational organization to eliminate barriers to trade, investment, employment, and corporate organization among its members whose ultimate aim is political union.

19. 1958: International Movement for Atlantic Union (IMAU). The IMAU was founded in Paris to coordinate the activity of its national affiliates for a federal union of the Atlantic Community. Federal Union became the US affiliate. Those who have served as officers include: Gen. Pierre Billotte, Count Robert de Dampierre, and Maurice Schumann of France; Sir Hartley Shawcross and Sir Geoffrey de Freitas of the United Kingdom; Frans van Cauwelaert of Belgium, Wishart Robertson of Canada; Dr. Kurt Birrenbach of the German Federal Republic; Ivan Matteo Lombardo of Italy; Baron Michiels van Kessenich of the Netherlands; and C. K. Streit, Mrs. Chase Osborn, Representative Paul Findley, and Percival Brundage of the US. (A partial list of other leading figures in the IMAU is attached.)

20. 1959: Atlantic Congress. Sir Geoffrey de Freitas and other leaders of the Third NATO Parliamentarians Conference organized a six-day convention in London of 650 eminent citizens from the NATO countries. It recommended an Atlantic Convention, an Atlantic Institute, and an organization that was later realized as the OECD.

21. 1959: Atlantic Convention Resolution. The fifth Atlantic Convention Resolution was introduced in the US Congress. Secretary of State Christian Herter withdrew State Department opposition. In 1960 February the Senate Foreign Relations Committee reported by a vote of 8–7 a modified version which called for a convention of the NATO countries "to explore means by which greater cooperation and unity of purpose may be developed." In 1960 September the modified resolution passed the Senate 51–44 and the House of Representatives 288–103 and was signed by President Eisenhower.

22. 1960 December: Organization for Economic Cooperation and Development (OECD). The treaty to establish the OECD was signed and it was formally organized 1961 September. By 1970, its members included the NATO countries plus Austria, Finland, Ireland, Japan, Spain, Sweden, and Switzerland, with limited participation by Australia and Yugoslavia.

23. 1961: Atlantic Council of the US (ACUS). Having won adoption of the Atlantic Convention Resolution, the Atlantic Union Committee, whose President was then Elmo Roper, was dissolved to form a new organization which was intended to promote federal union through the convention and ratification phases. However, to obtain the endorsement of former President Eisenhower and former Vice-President Nixon, Christian Herter led the new organization into a merger with the American Council on NATO and the US Committee for an Atlantic Institute. The result was the present ACUS, which has not yet agreed to support Atlantic federation or an Atlantic Convention.

24. 1962 January: The Atlantic Convention. 91 officially appointed but uninstructed delegates from every NATO nation except Portugal met in Paris as "The Atlantic Convention". Portugal sent one "observer". Christian Herter was elected Chairman. Many delegates favored federal union but were not prepared to draft a constitution. The Turkish delegation proposed that the Convention recommend to the governments of the NATO nations that they call a "Constituent Assembly to work out a Federal Constitution and submit it to the NATO peoples for ratification." Others were not prepared to go that far. The Convention met only 10 days, and unanimously adopted The Declaration of Paris which called upon the governments of the NATO countries to appoint a "Special Governmental Commission . . . to propose such reforms . . . and such new institutions, as may be required." Its recommendations have been ignored.

25. 1962: Atlantic "Partnership". In July, President Kennedy called for an Atlantic "Declaration of Interdependence" based on a "partnership" between the US and a European Federation. The US State Department urged the EEC to admit the United Kingdom and the other countries of Western Europe. At the same time, it pushed for passage of the Trade Expansion Bill, which was passed and authorized the President to negotiate mutual tariff reductions between the US and an expanded EEC. Shortly thereafter, President De Gaulle vetoed British entry into the EEC, and thus prevented application of the Trade Expansion Act in this way. De Gaulle continued to block British entry until he resigned in 1968.

26. 1965, 1967, 1969, 1971: Atlantic Union Resolutions: In 1965 a sixth resolution was introduced in both Houses of the US Congress which provided for the appointment of an uninstructed delegation of US citizens "to explore the possibility of agreement on: (a) A declaration that the eventual goal of their peoples is to transform their present alliance into a federal union; (b) A tentative timetable for the transition to that goal; and (c) Democratic institutions to expedite the necessary stages and achieve the objective in time to save their citizens from another war, depression, or other man-made catastrophe." In 1966 hearings were held on the resolution in both houses. The State Department opposed it on the grounds that a federal initiative from the US seems unwise until the West Europeans make more progress toward union among themselves. Endorsements of it were received from such eminent national leaders as Richard Nixon, Eugene McCarthy, Barry Goldwater, Nelson Rockefeller, Dwight Eisenhower, William Scranton, and George Romney of the US; Baron van Kessenich of the Netherlands; Paul van Zeeland of Belgium; Sir Michael Wright of the United Kingdom; and Prof. Georges Portmann of France. The resolution was not reported out of committee, so a seventh resolution was introduced in 1967, sponsored or supported by more than 100 representatives and 20 senators. Despite continued opposition from the State Department, the House Foreign Affairs Committee reported the resolution favorably without modification, but the House did not vote on it. The resolution received additional endorsements from Hubert Humphrey and Robert Kennedy after they announced their candidacy for President in 1968. The eighth resolution was introduced in the House 1969 June. By the end of the session, it had accumulated an all-time high of 93 cosponsors and 17 announced supporters, but hearings were not held. A ninth resolution was introduced in the House in 1971 February. By the time hearings were held in July, the number of sponsors had reached 117, an all-time high.

27. 1971 May: Initiative by parliamentarians. Forty-seven members of the US Congress invited parliamentarians of the other NATO nations to join them in sponsoring a multinational open membership association to develop widespread popular support for a federation of democratic nations and to organize local political activity by advocates of international federal union. By July, 186 legislators (a few former) from the parliaments of 12 nations had become sponsors.

SOME ENDORSEMENTS

Richard M. Nixon, 1966: It is fitting that the United States, the world's first truly federal government, should be a main force behind the effort to find a basis for a broad federation of free Atlantic nations. . . . By adopting a measure such as the Atlantic Union Resolution we could give new impetus to the spirit of federalism in Western Europe. . . . The Atlantic Union Resolution is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption.

Paul-Henri Spaak, 1968: We are now at the crossroads. Those who are in favor . . . of an Atlantic Federation are beyond all doubt . . right . . . But today we no longer live on a national scale nor on a continental scale but on a world scale. . . . And since a world organization and world government are not yet in the realm of reality, one should at least attempt that which appears possible—such as an Atlantic Federation evolving from geography and history.

The Earl of Avon: If you can get an Atlantic solution it is even better than a European solution, and you take a European solution only if you cannot get an Atlantic one.

Franz Josef Strauss: Europe, in the future, cannot be anything else but the European component of an Atlantic system which includes the US and Western Europe. This Atlantic system must develop into an Atlantic Community, maybe even into an Atlantic Federation.

Jean Monnet: Just as the United States . . . found it necessary to unite, just as Europe is now in the process of uniting, so the West must move toward some kind of unity.

Hubert Humphrey, 1968: While a senator I was among the sponsors, from 1949 on, of all the resolutions for an Atlantic Convention to explore with our NATO allies a federal union answer to the challenge of how to unite effectively and democratically the great moral and material strength of these free peoples. And so I heartedly welcome the impressive support the pending resolutions to do this have gained.

Pope Pius XII: Only a close union of free nations could defend peace or defeat aggression.

Adlai Stevenson: We believe that nothing less than an effectively integrated Atlantic Community . . . will in the end adequately meet the challenge of the times.

Nelson Rockefeller, 1966: I am wholeheartedly in favor of the purposes set forth in these resolutions . . . a practical first step toward forging a Union of the Free.

Robert Kennedy, 1968: The Atlantic Union Resolution affords us the opportunity to study this intriguing concept. . . . Our own Constitutional Convention in 1787 sprang from a desire to banish obstacles to trade . . . among the 13 . . . American states. To fail to study this concept . . . would be to turn our back on the lessons of history.

Dwight Eisenhower, 1966: I strongly favor your undertaking; let there be no mistake about this.

Paul van Zeeland: There is no conflict . . . between the efforts to achieve European union and . . . Atlantic unity.

(Written by Jon Roland with the advice and consent of the Organizing Committee for FNFA: Gertrude Brock Clark, John A. Mathews, Stella Brunt Osborn. 1971 February 4)

OTHERS INTERESTED IN UNION OF THE FREE

The following are some of the prominent persons in the NATO countries who have since World War I identified themselves in one way or another as favoring movement towards union of free peoples. Many are members of IMAU (see Item 19). This list aims not to include those mentioned in the preceding text or in the other enclosures.

Theodore C. Achilles, Count Raban Adelmann, Adm. Constantinos Alexandris, Virginia Allan, Maurice Allais, George V. Allen, H. C. Allen, B. M. de Almeida, F. A. M. Alting von Gesau, Franz Amrehn, Sir Norman Angell, Raymond Aron, Eugenio Artom, Max Ascoli, Eleanor and Leon Bazin, Marcel Bazin, Rt. Rev. Stephen F. Bayne, Jr., Gen Andre Beaufre, Joseph Bech, Richard A. Bell, Bjarni Benediktsson, Sir John Benn, William A. C. Bennett, Marver Bernstein, Gen. A. Bethouart, Giuseppe Bettiol, E. H. van der Beugel, Walter Bigiavi, Eugene R. Black, Erik Blumenfeld.

Lord Boothby, Heinrich von Brentano, D. W. Brogan, Karl J. Brommeland, Alastair Buchan, Arthur F. Burns, Cass Canfield, Frank Carlson, Hodding Carter, Sir George Catlin, James C. Charlesworth, Arthur H. Compton, Gardner Cowles, George Daskalakis, Rt. Rev. Ralph S. Dean, Peter J. W. Debye, Karl W. Deutsch, Etienne de la Vallee Poussin, Angiola Denti di Piraino, Mrs. M. Dettmeijer, John Dos Passos, Lewis W. Douglas, Jean-Eudes Dube, A. Davidson Dunton, Sigurbjorn Einarsson, Ellmann Ellingsen, Marie Th. C. Van der Ent, Ahmet Sukru Esmer, Franz Etzel, Gaston Eyskens, J. J. Fens, John J. Fitzpatrick Jr., Gustav-Adolf Gedat, Chloe Gifford, Arnold Gingrich, Gylfi Gislason, Arthur J. Goldberg, Pierre Gregoire, Martha Griffiths, Joseph Grimond, G. van Hall, Urban Hansen, Vance Hartke, Mark O. Hatfield, Paul T. Hellyer, Daniel K. Inouye, Lord Ismay, F. Cyril James, Jacob K. Javits, Alexander Johannesson, Herman Kahn, Klaus Knorr, Ole Bjorn Kraft, Judy La Marsh, P. O. Lapie, Joshua Lederberg, Marie-Helene Lefaucheux, John V. Lindsay, Most Rev. Robert E. Lucey, Norman A. M. MacKenzie, Salvador de Madariaga, Alexandre Marc, Paul Martin, Charles Mathias, Jr., Alfred Max, Gale W. McGee, Ralph McGill.

George McGovern, W. Alexander Menne, Yehudi Menuhin, Livingston T. Merchant, Pietro Micara, Finn Moe, Mario Montanari, Henri Moreau de Melen, Reuben H. Mueller, Herbert J. Muller, Gaylord A. Nelson, Margrethe Nevald, Allan Nevins, Constantine Papaconstantinou, James Patton, R. E. Powell, Dowager Marchioness of Reading, Charles S. Rhyne, Gen. Matthew D. Ridgway, David Riesman, Jr., Paul Rijkens, Mrs. Louis Robbins, Eugene V. Rostow, Adm. Friedrich Ruge, Francis B. Sayre, Adolph W. Schmidt, Bernadotte E. Schmitt, Klaus Schuetz, Mitchell Sharp, Kurt Sieveking, James T. Shotwell, Hans Christian Sonne, Giovanni Spadolini, F. E. Spat, Dirk U. Stikker, Barbara Stuhler, Edward Teller, Baron Thomson of Fleet, Mrs. Thor Thrors, Arnold Toynbee, Harold C. Urey, Frans Van Cauwelaert, Giuseppi Vedovato, H. Jerry Voorhis, Barbara Ward, E. B. White, W. Vierda, Joseph C. Wilson, Willson Woodside, Sr. Evelyn Wrench, Ahmed Emin Yalman, Clement Zablocki.

BUSINESSMEN COMMENT ON THEIR SOCIAL RESPONSIBILITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. HAMILTON. Mr. Speaker, I have often spoken of my concern that the business community become more deeply involved in providing the leadership to solve the pressing problems of urban decay confronting our Nation. I am therefore pleased to have recently received a copy of "Review of Recent Public Statements by Major Business Leaders on the Social Responsibilities of Business," compiled by Owen Kugel, coordinator for Urban Affairs, of the Chamber of Commerce of the United States.

I think this compilation illustrates an impressive trend of business leadership in this direction. I commend this to the attention of my colleagues.

The compilation follows:

Review of Recent Public Statements by Major Business Leaders on the Social Responsibilities of Business, July 12, 1971

(Compiled by Owen Kugel, Coordinator for Urban Affairs, Chamber of Commerce of the United States)

L. W. Moore, President, American Oil Company: "While we are in business to make a profit, we cannot abdicate our responsibility to help create and maintain a society that will enable us to operate profitably. Because the industrial sector of our country has demonstrated the capability to bring the country to the position of unprecedented affluence that it now enjoys, I think that business must assume the obligation to use its unique capabilities, in connection with other segments of society, to help eliminate the remaining inequities that exist."

Chester M. Brown, Chairman, Allied Chemical: "Businessmen everywhere must become submerged in community problems and involved in their solutions."

Neil McElroy, Chairman, Procter & Gamble: "An encouraging development in the attack on urban problems is the fact that American business and industry are fully accepting the idea that the business community can and should contribute to solutions. Business is displaying in its concern about the urban crisis the kind of corporate citizenship responsibility that is demanded of all citizens in times of national crisis."

B. R. Dorsey, President, Gulf Oil: "Maximum financial gain, the historical number one objective of American business, must move into second place whenever it conflicts with the well-being of society."

Joseph F. Cullman, 3rd, Chairman, Phillip Morris, Inc.: "The corporations which are strongly committed to an enlightened course of social responsibility are also the ones who are most successful in business. I am most reluctant about a management that fails to see and exercise its responsibility to society. This would indicate a lack of understanding of today's world. I would assume such an executive group also lacks understanding about modern business management."

Joseph Wilson, Chairman, Xerox Corporation: "At Xerox we have rapidly grown in organization—and a vital thread runs through it—the thread of responsibility to society. We have deliberately sought to attract those who believe in this principle."

Frank Koch, Director, Syntex Corporation: "We believe that corporations can do many good things—for themselves, for their stockholders, for their employees, and for many other people. We even have a feeling that the most successful corporations of the future will be those that clearly sense the changing needs and priorities of our society and respond to them."

1970 Report, Dayton Hudson Corporation: "Business exists to serve society. The commercial aspects of business make an important contribution to the well-being and progress of society. But just doing 'business' is not enough. Society provides business with great opportunities for growth and profit. Hence, business has the responsibility to respond to its social obligations by helping that society improve and grow. Business has unique capabilities to help society and therefore has an obligation to use these capabilities in the service of society."

1970 Annual Report, Quaker Oats: "We believe in a dual responsibility to shareholders: To earn a return on their investment that compares favorably with the return of other leading companies in our industries; and, to apply our corporate resources wherever practical to the solution of public problems in which the interests of shareholders, employees, customers, and the general public are fundamentally inseparable."

Augustine R. Marusi, Chairman and President, Borden, Inc.: "Business must seek goals that will help ease tensions and burdens now pressing down on this land, even if those goals may temporarily reduce profits or slow corporate growth. Businessmen have a clear responsibility to lead.

"The separation between broad public issues and gut questions that go to the heart of our businesses and their profitability is no longer possible. In short, the public issues have become gut issues.

"If business leaders surface only to defend threatened points here or litigate there, we forfeit any chance for leadership or serious participation in the change that is upon us all."

James M. Roche, Chairman, General Motors Corporation: "Business today, as never before, is expected by the public to take a hand in resolving major national concerns. Every executive must recognize that social progress throughout the nation in the long run is beneficial to his business. The modern businessman and his company are expected to engage in activities that are beyond the traditional concerns of a business. Profits and social progress must go hand in hand."

Edward B. Hinman, President, International Paper Company: "If the United States is to continue to grow and prosper, it must solve the serious social and environmental problems it now faces. Along with every corporation and citizen, International Paper has a vital role to play in seeking permanent solutions to such problems as hardcore unemployment, the improvement of education, and air and water pollution. International Paper considers the efforts it is making toward seeking these solutions to be a necessary cost of doing busines."

Dr. Louis K. Eilers, Chairman, Eastman Kodak Company: "If one seeks an economic reason for business involvement (in urban problems), it is frankly the undeveloped marketing opportunities waiting to be grasped. Obviously, if the income of the poor rises, their purchasing power grows too. The positive impact on business can be great indeed.

"When business gets involved, it is a sincere expression of its corporate conscience, but it also is enlightened self-interest. Kodak is committed to being involved."

Robert W. Sarnoff, Chairman and President, RCA: "Your management recognizes RCA's continuing responsibility to the larger society in which we all participate. Efforts to solve social problems are basic to the RCA we are shaping for the future. In the decade ahead, we shall utilize our resources of people, funds, and expertise for two purposes: to develop a sound and profitable growth pattern on a diversified base; and to maintain the highest standards of excellence in our contributions to the society in which we live."

Fred Borch, Chairman, General Electric: "As we head into the seventies, we sense a new wave of community involvement by industry that goes far beyond its own walls. We expect to participate in that wave. We expect to lead it."

Stephen F. Keating, President, Honeywell, Inc.: "If we are ever to reverse the trend and solve the problems of our cities, it will require a strong, concerted attack by every group that can make a contribution—including business.

"It is important to understand that in this instance the profit motive of our free enterprise system and the social objectives of government are parallel."

Special Report, Shell Oil Company: "Management's responsibility today is, as it has always been, the successful and profitable operation of the Company's business. An important part of this responsibility today is to identify changing and intensifying social and business problems which affect us, and react constructively to help solve them."

W. B. Murphy, President, Campbell Soup Co.: "To operate a business successfully today, there is the virtual necessity for involvement in community affairs, environmental controls, equal employment opportunity, urban-suburban-rural balance and consumer reactions."

1970 Annual Report, Pillsbury: "Important as it is, we recognize that there is more to the measure of a corporation than the return on its shareholder investment. We expect sharp measure also to be taken of corporate accomplishments in the public interest. Contrary to contentions that the profit motive is incompatible with service, in fact, the two are interdependent. If business fails to attain its profit goals, it will also fail in meeting its social responsibilities; and a firm that is indifferent to its public obligations will be denied the economic success it seeks by an indifferent public."

Harrison F. Dunning, Chairman, Scott Paper Co.: "There must be much effort by individual companies in their own communities if we are to develop the understanding and solutions to the problems that plague our society."

Henry Ford, II, Ford Motor Company: "It is clear that public opinion expects industry to contribute to the quality of life as never before. Your Company's goal is to continue to prosper and grow by serving public expectations effectively and efficiently."

W. W. Keeler, Chairman, Phillips Petroleum Co.: "I believe that the responsibility of management people, generally, in our society today includes more than simply making a profit. This responsibility also involves helping to provide people with work opportunities, the right kinds of places in which to live and play, clean water and air and proper use of the land."

1970 Annual Report, Reynolds Metals: "Companies are being judged not only on profit performance but on their ability to serve the public interest in an age of changing social values and economic priorities. These activities . . . help to earn the public acceptance which will be increasingly vital to business of all types in our changing society."

1970 Annual Report, Chase Manhattan Bank: "The essential task, as we see it, is to reconcile what happens in the marketplace with what is happening in our society. This will mean taking a longer range view of our corporate activities and objectives. Our success will have to be measured not only in terms of profits but also in terms of the steps we take to help shape an environment in which banking can continue to prosper 10 or 20 years into the future."

1970 Annual Report, Standard Oil Company (New Jersey). ". . . the company's management is motivated by a conviction that the interests of the shareholders are served best by promoting the social, educational, and cultural progress of the countries in which the company's affiliates operate. Only by becoming committed and involved in the shaping of tomorrow's environment can we ensure the continued validity of the enterprise."

Jack M. Tharpe, Vice President, Standard Oil of Indiana: "Participation in urban problem-solving is not new to our company. We have recognized for many years that if business is to continue to make a profit, it must help to maintain an environment in which profit is possible."

J. Lester Blocker, Public Affairs Director, First Pennsylvania Banking & Trust Company of Philadelphia: "All of our bank's efforts . . . have resulted from a fundamental business consideration: a city bank does business with the city and its people. We decided that we had to develop the kind of public affairs program which would make for change in our city of Philadelphia. We felt that we had to find ways to put the ingenuity, the flexibility and the creativity of our business to work in solving the problems of our city . . . not the Negro problem, but the urban problems . . . so that we might see a much different city in the next few years. We do not say that we have succeeded . . . but we have begun."

STEADY AS YOU GO

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. CONABLE. Mr. Speaker, Milton Friedman of Chicago is an economist to whom people listen. In the July 26 edition of Newsweek he has a column commenting on the administration's economic policies and the difficulty of steering a steady course in an atmosphere of short-term crisis.

I want to present this column for the consideration of those colleagues who have not already seen it.

[From Newsweek magazine, July 26, 1971]

STEADY AS YOU GO

(By Milton Friedman)

My title is taken from the title of an important but little-noticed talk made in Chicago some months ago by George P. Shultz, director of the Office of Management and Budget.

It is also an apt description of the policies that President Nixon has been following—not only in economic matters but also in Vietnam and other aspects of foreign and domestic policy. In every area, he has taken the long view, set long-range objectives and policies, and sought to steer a steady course.

This is a major achievement for which the President has not received the credit he deserves. Washington generates an atmosphere in which it takes great will power and moral courage to look very far ahead, to sacrifice transitory gains for long-term advantage. The horizon is at most two years—the period between Congressional elections—and generally much shorter—tomorrow's headlines.

A THREEFOLD POLICY

The major defect in the economic policy of the prior Administration was the tendency to swing too far from one side to the other, to follow a go-stop policy as a result of trying to fine-tune the economy without the requisite knowledge, understanding, and tools. Impatience with steady but undramatic improvement in the economy in the early 1960s produced a series of highly expansionary measures (tax cuts, spending increases, rapid monetary growth) that started an accelerating inflation. The early stages of the inflation produced a sharp overreaction by the Fed that caused a credit crunch in 1966 and a mini-recession in 1967. Overreaction to that mini-recession set us off on the accelerating inflation of 1967 to 1969. Fine-tuning with a sledge hammer!

Mr. Nixon adopted a threefold policy to slow inflation without a severe economic decline: (1) moderate fiscal restraint, (2) moderate monetary restrain, (3) preservation and strengthening of free markets. The first and third elements required cooperation of Congress; the second, of the independent Federal Reserve.

His aim was not complete steadiness, but more severe restraint initially and, as the initial restraint slowed down inflation, an easing off to a path that could be continued indefinitely.

In the main, Mr. Nixon has stuck to this policy. The full-employment budget moved to a surplus initially and then to rough balance—too much spending for my taste, yet not the wild gyrations of earlier years. The most unsteady element has been monetary policy—the area least subject to control by the President. Yet even here, except for the recent monetary explosion, hopefully now being corrected, policy has been steadier than in earlier years. There has been mild jaw-boning yet no extensive intervention into price and wage decisions.

. . . THAT HAS WORKED

And the threefold policy has worked. Inflation has slowed, although less than all desired and many expected. There was a recession—but it was one of the mildest in U.S. history. The recession is now over and the economy is again expanding. The expansion, like the recession, is moderate, but it is solid and widely based. Moreover, moderation is desirable so that continued tapering off of inflation can go along with reduced unemployment. As Mr. Shultz said, what we now need to complete the treatment is "time and the guts to take the time, not additional medicine."

Just when this policy is producing demonstrable results, there is increasing pressure on the President to alter course—to recommend lower taxes, higher spending, and even more rapid monetary growth, to establish a wage-price review board, or to freeze wages and prices. Unabashed by their own failures, the fine-tuning Kennedy-Johnson economists are in effect saying, "We produced an accelerating inflation, why shouldn't you?"

Mr. Nixon has not given in to the pressure. Instead, he has announced that he is sticking with his policies. Once again, he has shown the vision and the courage to pursue long-run stability rather than short-term gains.

Mr. Shultz ended his talk: "Those of you familiar with sailing know what a telltale is—a strip of cloth tied to a mast to show which way the wind is blowing.

"A captain has the choice of steering his ship by the telltale, following the prevailing winds, or to steer by the compass.

"In a democracy, you must keep your eye on the telltale, but you must set your course by the compass. That is exactly what the President of the United States is doing. The voice from the bridge says, 'Steady as you go'."

POSTAL SLUMS

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. NIX. Mr. Speaker, an independent investigation in the Washington, D.C., area by William Holland, a Washington Evening Star reporter, supports the testimony given to the Nix Subcommittee on Postal Facilities and Mail by James Rademacher, president of the National Association of Letter Carriers, on the squalor in the Postal Service.

I have seldom seen such instant verification of hearing testimony. I note however, that postal officials have submitted the defense that it is all a matter of money, instead of the constant attention to immediate needs and the most simple kind of housekeeping.

No housewife would ignore deficient plumbing.

No housewive would ignore broken windows or inadequate ventilation.

No housewive would turn her home into a firetrap.

Yet, this is exactly what has happened. Present facilities are filthy because postal management will not take the time each day to make sure that buildings are clean.

No one, for instance, forced the Washington, D.C., postmaster to close the cafeteria in the District of Columbia Post Office 2 years ago. It is still closed. There is no place for postal employes to eat.

No one has forced postal management to ignore the need for fire doors in postal buildings.

Broken plumbing, broken windows, the lack of fire doors do not require the spending of billions.

Postal management's position has always been that nothing can be done unless a massive project is involved.

If the Congress does not take action soon to compel the Postal Service to act every day in the matter of decent working conditions, new buildings will be of no avail because they will become massive postal slums within a year after they have been erected.

I will continue our investigation. We will get action.

I would like to have entered into the RECORD the Holland article as well as yesterday's article by Mr. Joseph Young, Washington Star civil service columnist, and the testimony of Mr. James Rademacher before my subcommittee:

OVERCROWDED POST OFFICES

(By William Holland)

A Star reporter who took a random tour of five area postal facilities blasted for poor working conditions in congressional testimony by Letter Carriers Union President James Rademacher, found a common problem: overcrowding.

The five post offices were among two dozen mentioned by Rademacher.

The reporter also found antiquated sorting and carrier rooms in all the facilities and found that some facilities even lacked the basic necessities for decent working conditions.

In addition to overcrowding, the most common failings were bad lighting, undersized loading and docking platforms and decent locker rooms.

POOREST EXAMPLE

Conditions at the Arlington South Station at 3532 Columbia Pike were by far the poorest. The building, painted avacado and outfitted with forest green window shutters, looks charming from the outside, but inside it resembles an old dank, dirty auto parts store.

The employes seemed to maintain good morale, although they spoke about their conditions with grim humor.

"Why didn't you come in on a hot day?" one asked, referring to the lack of air conditioning in the one-story building. Temperatures often hover around 100 degrees in summer, the workers said.

"We keep the fuse company in business," another said, alluding to be overloaded and obsolete electrical system.

20 YEARS OLD

Built 20 years ago for 20 carriers, there are now more than 60 workers there. They service 16,696 residences and 411 businesses.

The plaster is falling down in several parts of the building, and the station hasn't been painted in years. Only a few of the overhead flourescent lamps were on, and the place was dark and oppressive. The bathrooms were in need of major restoration, and plaster was falling down from the ceiling of the small ladies' room.

Outside, loading trucks must vie with customers for parking spaces to deliver loads to the small platform.

Asked if the station received word about the national cleanup campaign last May, the assistant superintendent replied: "Oh, yeah, we heard about that." Workers in hearing distance laughed aloud.

At the 31st Street station in Georgetown, 81 postal employes are squeezed in an old converted stone house. Up to 50 persons are present on some shifts.

"Our biggest problem is lack of space," said Cecil Diggs, the superintendent.

"The carriers work so close their rear ends almost touch, and by postal law they are supposed to have at least 10 feet between routes," Diggs added.

He said that there have been many improvements in the brightly-lighted, air-conditoned station, including a recent paint job. But, as with the others, the loading platform is small—so small, in fact, that small trucks have to be sent to the station instead of standard 10-ton trucks.

MYSTERIOUS SYSTEM

The employes have also had to invent a unique, if mystifying, bathroom system involving knock signals, closed doors and locks, since there are no signs on the doors.

The postal facility at 1217 Good Hope Road in Anacostia was in such dilapidated condition that operations were transferred to a new building at 2650 Naylor Road SE. "That building was falling down," said Supervisor William H. Andrews. He said the shift had been contemplated for the last five years "and we finally made it."

A Postal spokesman said the squalor and overcrowding will be corrected within the next five years with the construction of large, modern facilities and a new concept of processing mail in a regional office rather than in numerous substations.

MONEY SQUEEZE

Information Officer Herb Wirth said that until now, funds for new construction were a low-priority item. It was a question of a "good defense or a good post office," he said, and the result was a continuing buildup of personnel and mail in old facilities.

In addition to "going all out on construction," he noted that work is under way on a Northern Virginia facility at Merrifield in Fairfax County where mail for most of the Northern Virginia area will be processed instead of in each suburban substation. A similar central office is in operation at Baileys Crossroads.

Wirth said the Postal System has been making the same complaint as Rademacher for years but "we haven't been able to get a Page One story like he did."

POST OFFICES "SQUALOR" HIT

(By Joseph Young)

Postal employes are working in "squalor and degradation," with conditions in some area post offices worse than in other parts of the country, the president of the AFL-CIO National Association of Letter Carriers has told Congress.

Testifying before the House Post Office Facilities subcommitte, which is investigating postal working conditions, James Rademacher described the situation in many post offices as "pestilential" and "revolting."

"In some, it is a wonder that one or another of the more repulsive epidemics has not made an appearance," Redemacher said. "In some communities elected officials and health authorities have said that if the post office were not being operated by the federal government, they would have condemned the post office building as being unsafe and unsanitary," he added.

POOR MORALE, APATHY CITED

He said the Postal Service's excuse has always been lack of money. To this, he responded "Nonsense. In the richest and strongest nation in the world there simply has to be enough money to prevent federal employes from having to work in squalor and degradation."

The result is poor morale and apathy by some employes toward their jobs, Rademacher said. "It is a wonder that in some areas the mail gets delivered at all," he added.

Rademacher listed these conditions at the main city post office here and in at least 11 stations—Anacosita, Benning, Brightwood, Brookland, Chevy Chase, Columbia Heights, Georgia Avenue Garage, Friendship Heights, Georgetown, Parcel Post Annex and Woodridge.

Overcrowding, rundown facilities, filthy toilets, insufficient room for lockers, inadequate swing rooms and loading platforms, bad ventilation and no air conditioning.

Arlington, Va., south station: 62 employes in a facility built to accommodate 20; inadequate toilet facilities, with raw sewage constantly seeping onto the floor. Employes' eating facilities adjoin the toilet. No air conditioning, with temperatures of 100 degrees frequently recorded in the summer. Electrical system overloaded and dangerous.

Arlington, Va. north station: Inspection service recommended the building be replaced seven years ago, but no action taken. Floors weak and sagging. Overloaded electrical system. No lockers. Last winter employes were without heat for a week because a boiler burned out. Only two toilets for 60 people and one sink for washing.

Arlington, Va., Shirlington station: Dirty building with rats and "armies of cockroaches." Overloaded electrical system.

Arlington, Va., Rosslyn, Court house and Preston King stations: Serious overcrowding and inadequate loading space.

Alexandria, Va.: Filthy toilets. Floors and cases are seldom cleaned. Ceilings leak. Plaster rots.

STATEMENT OF JAMES H. RADEMACHER, PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS, TO SUBCOMMITTEE ON POSTAL OPERATIONS

Mr. Chairman and members of the committee, for the record, my name is James H. Rademacher and I am President of the National Association of Letter Carriers, with headquarters at 100 Indiana Avenue, Northwest, Washington, D.C. We have almost 220,000 members in more than 6,000 Branches throughout all the 50 States and all our possessions.

I want to thank you, Mr. Chairman, for permitting me to come here and testify concerning the revolting working conditions which prevail throughout the postal establishment.

The leadership and most of the membership of the National Association of Letter Carriers are convinced that through the years management of the Postal Establishment has completely ignored the physical needs of the postal service and its employees.

Certainly, as you can see by reading this report, working conditions in many post offices in the nation are pestilential. In some it is a wonder that one or another of the more repulsive epidemics has not made an appearance. In some communities elected officials and health authorities have said that if the Post Office were not being operated by the Federal Government, they would have condemned the Post Office Building as being unsafe and insanitary.

The excuse has been—(as it always has been)—that there is no money available to make the improvements necessary.

Nonsense.

In the richest and strongest nation in the world there simply *has* to be enough money to prevent Federal Employees from having to work in squalor and degradation.

Mr. Chairman and Members of the Committee, if you have delicate stomachs, you may have difficulty reading this report in its entirety. We hope this difficulty can be overcome, since the sordid story running through these pages is both true and important. The facts were gathered through our making an honest survey of conditions in the field. We stand by the findings of our men in the field.

Throughout this report the reader will find evidence—gathered directly from the employees themselves—of primitive conditions, insensitive and stupid supervisory attitudes and, on the part of management, a total disregard for the service or the convenience of the American people.

And still management wonders why morale is poor—why the employees are restive—why some employees are apathetic about their jobs.

We suggest that it is very difficult to be enthusiastic about a job that requires a man to work in dark and airless rooms filled with the stink of human wastes and supervised by persons who have no concern for the service.

It is a wonder that in some areas the mail gets delivered at all.

I suggest that the attitudes and the enthusiasm of working men are directly affected by the conditions under which they work. In many of the facilities described in the following pages it is impossible to believe that a man or a woman could operate efficiently or happily. Some of the places in which postal employees must work are so disgusting they would turn the stomach of a not-too finicky baboon. They have to be seen—and smelt—to be believed.

There is no need for me to elaborate on these conditions. They are all spelled out in these following pages, where I have cited hundreds of specific cases where conditions are not only subnormal but subhuman.

I am submitting herewith the Agreement reached by the seven exclusive postal unions and management of the United States Postal Service during negotiations on the subject of safety and health. To attempt to correct all of the unsafe and unhealthy practices existing in the Postal Establishment today merely by a written agreement is totally inadequate. Immediate attention must be given to the needs for appropriations earmarked specifically to eliminate and terminate unsafe and unhealthy conditions especially those we had made reference to in this testimony. I trust that your Committee, Mr. Chairman, will be instrumental in seeing that these intolerable conditions are corrected in short order.

AGREEMENT, ARTICLE XI—SAFETY AND HEALTH

Section 1. It is the responsibility of management to provide safe working conditions and to develop a safe working force. The Unions will cooperate with and assist management to live up to this responsibility.

Section 2. The Employer and the Unions insist on the observance of safe rules and safe procedures by employees and insist on correction of unsafe conditions.

Section 3. To assist in the positive implementation of the program, there shall be established:

A. At the Employer's Headquarters level, a joint Labor-Management Safety Committee to consider and make recommendation on the various aspects of the Employer's Safety Program. Representation on the Committee, to be specifically determined by the Employer and the Unions, shall include one person from each of the Unions and representatives from appropriate Departments in the Postal Service. The chairman will be designated by the Employer. The Committee will be scheduled to meet quarterly and at such other times as the Committee may deem necessary.

B. The Employer will make Health Service available for the treatment of job related injury or illness where it determines they are needed. This Health Service will be available from any of the following sources: U.S. Public Health Service; other government or public medical sources within the area; independent or private medical facilities or services that can be contracted for; or in the event funds, spaces, and personnel are available for such purposes, they may be staffed at the installation. Determination of source of service shall be made by the Employer.

C. At each postal installation having 100 or more employees, a joint Labor-Management Safety and Health Committee will be established. Similar committees may be established upon request of the Installation Head in installations having fewer than 100 employees, as appropriate.

Section 4. There shall be equal representation on the Committee between the Unions and management. The representation on the Committee to be specifically determined by the Employer and the Unions shall include one person from each of the Unions and appropriate management representatives. The Chairman will be designated by the Employer.

Section 5. Individual grievance shall not be made the subject of discussion during Safety and Health Committee meetings.

Section 6. It is the intent of this program to insure broad exposure to employees, to develop interest by active participation of employees, to insure new ideas being presented to the Committee and to make certain that employees in all areas of an Installation have an opportunity to be represented. At the same time, it is recognized that for the program to be effective, it is desirable to provide for a continuity in the committee work from year to year. Therefore, except for the Chairman and Secretary, the Committee members shall serve three-year terms but shall not be eligible to succeed themselves.

Section 7. The Safety and Health Committee shall meet at least quarterly and at such other times as designated by the Chairman. The meeting shall be on official time. Each Committee member shall submit agenda items to the Secretary at least three (3) days prior to the meeting. A member of the Health Unit will be invited to participate in the meeting of the Labor-Management Safety and Health Committee when agenda item(s) relate to the activities of the Health Unit.

Section 8. The Committee shall review the progress in accident prevention and health at the installation; determine program areas which should have increased emphasis.

The Committee shall at its discretion render reports to the Installation Head and may at its discretion make recommendations to the Installation Head for action on matters concerning safety and health. The Installation Head shall within a reasonable period of time advise the Committee the recommended action has been taken or advise the Committee as to why it has not. If the Committee is not satisfied as to why the action was not taken, it may refer the matter to the Committee at Headquarters' level which shall review the subject and undertake to see to it that appropriate action, if any, is taken.

When approved by the Chairman of the Committee, on the spot inspection of particular troublesome areas may be made by individual Committee members or a Sub-Committee or the Committee as a whole. When so approved, the Committee members shall be on official time while making such inspection.

CONDITIONS AT DIFFERENT REGIONS IN THE COUNTRY

FORMER PHILADELPHIA REGION

In this region there are major problems with antiquated facilities in which working conditions are not only sub-standard but sub-human. In some cases, regional management seemed willing to correct glaring deficiencies but, somehow, never got around to it. In other cases, as we shall see below, management seems apparently indifferent to the fact that employees are living under impressively foul conditions.

Scranton, Pennsylvania: (South Side Station): For more than a year, the letter carriers have been complaining that the carrier section of this station has no ventilation, no circulation of air. In the summertime it is a Black Hole of Calcutta and the doors are intolerable. In winter it is cold. The file on this case is more than half an inch thick, and the answers from regional officials are obviously form letters, indicating no real human concern. The employees are asking for adequate fans to move the air around. A new summer has come and *still* nothing has been done.

Ridgewood, New Jersey: The carrier section is located in a dark, dank and airless basement with a concrete floor. When complaint first was made, in 1970, 46 employees were forced to use a washroom that consisted of one urinal, one stool and one wash basin. The combination of monstrous overuse of these inadequate facilities and a deficient ventilation system made the air throughout the entire work area nauseating. The work area itself was dangerous filthy.

Management did arrange for one more toilet bowl and a wash basin and promised an additional urinal. It also promised rubber mats on the floor in front of the cases. The Postmaster's "solution" to the bad circulation problem was to forbid the carriers to smoke at their cases!

Rutherford, New Jersey (Lyndhurst facility): The Postmaster at Rutherford, in a letter dated January 19, 1970, to his regional director complained that employees "are required to work in an atmosphere of cold, falling ceilings, rotting floors and window sashes and poor lighting". Regional officials proclaimed the facility as the worst they ever accounted. Both the Mayor and the representative of the Department of Health intimated they would have condemned the building out of hand if it were not being operated by the Federal Government. (The latter found conditions so unsanitary and unsafe that he recommended the building be demolished.) Money for replacing the Post Office was denied.

Woodbury, New Jersey: The carrier section here is located in the cellar and was not only poorly ventilated but also a fire trap, there being only a ladder type stair case leading out of the cellar on to the main floor. When the employees filed a grievance concerning these intolerable conditions, the Postmaster said their complaints had no merit. He did agree to cut a fire door in the cellar when funds were available.

Tom's River, New Jersey: Here the facility is new but the complaint concerns invasion of privacy. Despite the admonitions of Congress and the promises of management, inspectors' peep-holes were built into the facility, overlooking both the men's and women's locker rooms. The Postmaster's only reply to complaints was that the policy was to provide maximum surveillance everywhere except in toilets.

FORMER MINNEAPOLIS REGION

The Minneapolis Region (Minnesota, Wisconsin, North and South Dakota) suffers from weather conditions as severe as, if not more severe than, any other region in the land. Adequate facilities are absolutely essential in an area where climatic conditions vary from one extreme to another, or, so one would think. The fact is that facilities generally are badly overcrowded, inadequate, in many cases insanitary, poorly heated and decrepit. Significantly, in many instances, plans for replacing inadequate facilities have suddenly been dropped without sufficient reason given. Postal employees are convinced that the plans have been held up until the US Postal Service is officially installed. Then, the plans will be dusted off and the new corporation will get all the credit for the improvement. Meanwhile, the postal employees are forced to put up with intolerable conditions.

Milwaukee, Wisconsin (Main Post Office): This $30 million edifice is comparatively new. The architect and the planners, however, forgot to provide any space for the carrier section. The entire carrier operation has been jammed into the little area originally allotted to the special delivery messengers. There simply isn't room enough to work efficiently or to think straight.

Milwaukee (Federal Station): No ventilation; minimal heating. The toilet stalls have no doors, no privacy. There is no employee parking. Loading facilities are very poor. Management says nothing can be done because "they" are going to build a new building. But "they" never seem to get around to it.

Milwaukee (Bay View Station): Badly overcrowded. Carriers must work right next to platform doors, which are always open. This means severe cold in winter; heat in summer. The toilet facilities are very poor (3 stools, 90 men). There is no employee parking.

Milwaukee (Layton Park Station). So crowded it is a health and safety hazard. Dock space most inadequate. Plumbing is primitive. Employee parking non-existent.

Milwaukee (Fairview Station): Built in 1956 to house 50 routes. Now houses 75 routes, and 117 employees. Most overcrowded of all Milwaukee stations. Plumbing most inadequate; so is dock space.

Milwaukee (Wautatosa Station): Seriously overcrowded. Poor docking facilities.

Milwaukee (Parklawn Station): Scheduled for $80,000 remodeling job, but the job has been postponed. Heating is almost non-existent. Lighting is poor. Floors are rough; doors are drafty. Skylight leaks onto carrier cases, and has done so for years. Bad ventilation.

Milwaukee (Teutonia Station): Poor toilets; poor docking. Roof always leaks onto carrier cases. No employee parking.

Milwaukee (Hilltop Station): This facility should be closed down because of its unsanitary condition.

Milwaukee (Whitefish Bay Station): New facility badly needed. The present station is terribly overcrowded, the loading area inadequate, the sanitary arrangements inadequate and there is no employee parking.

In addition, the following Milwaukee stations report no employee parking: Harbor, Western, Mid-City, West Allis, Greenfield, Villard, Hampton, Fred John, Bradley, Upper Third, Shorewood. Most of these also report inadequate toilet facilities. Almost all stations have either no swing room at all or a very small and poor swing room. It should in fairness be added that Milwaukee NALC leaders do report very friendly and satisfactory labor-management relations at the local level.

Worthington, Minnesota: Facility was built 35 years ago when the city had one-third of its present population and about one-fifth of its present mail volume. Conditions are desperately crowded. Men work back to back. Carriers have no place to put excess mail except on the floor, hoping nobody will walk by and step on it. A new building has been promised, but has been postponed.

Manitowoc, Wisconsin: In this city the complaints are about the service, not the facilities. Perishable goods transported by Parcel Post from Ohio have taken 11 days and have arrived 60% spoiled. Perishable goods from South Dakota have taken 14 days and have been 75% spoiled. Perishable goods from Miami have taken 15 days and have been 95% spoiled. Parcel Post has taken 8 days from Milwaukee, 86 miles away, and 11 days from St. Louis. The men are embarrassed by these constant service failures because, inevitably, they, the men who deliver the tardy goods, are unfairly shouldered with the blame. Besides, the men want to be proud of the service and are frustrated when they cannot be proud.

Black River Falls, Wisconsin: Facility crowded. Men stack mail on floor and on heat registers. The Assistant Postmaster and sometimes the Postmaster do clerical work, depriving temps of work hours. Management policies in this Post Office seem antediluvian and very anti-labor.

Durand, Wisconsin: The workers in this crowded little Post Office have been promised a new building time and time again but nothing has happened, nor will happen until July 1. The present building has practically no heating and no air conditioning.

Menomonie, Wisconsin: Seriously crowded conditions. There is no air conditioning, and the carriers' cases are placed up against the east wall, cutting out all ventilation from that end, and much light. Management will not consider rearranging the floor plan so as to make conditions more fitting for humans.

Kaukana, Wisconsin: Management is so curtailment happy they even held back the telephone bills because the Postmaster says the phone company doesn't rate first class service. When the janitor died in December of 1968 management did not hire a successor for several months—while the dirt mounted high. There is a custodian now but he works only a 35 hour week and cannot do the job in that time. Parcel Post is a disgrace in Kaukana. The men are ashamed of the service. The Postmaster and Assistant Postmaster each clerk about two hours every day.

Superior, Wisconsin (Annex): This is the largest facility in town and it is badly overcrowded. Toilet facilities are inadequate for the male employees. There are no facilities for women employees. They must make their own arrangements elsewhere.

Superior (South End Station): The windows in this station cannot be opened so there is no ventilation at all. There is no loading dock. Mail must be dragged in a hamper to an alley and only one vehicle at a time can be loaded.

Minneapolis, Minnesota (Camden Station): Crowded, insufficient lockers, tiny and inadequate swing room. No dock facilities. Bad ventilation. No air conditioning. The one toilet is co-educational.

Minneapolis (Columbia Heights Station): Overcrowded. Minute loading dock with no protection from the weather. Inadequate swing room. Insufficient lockers. No ventilation, no air conditioning. One toilet. This also is co-educational.

Minneapolis (University station): Inadequate dock. The station is a fire hazard of serious proportions; it has insufficient exits and no windows for ventilation.

Moorhead, Minnesota: Very poor heating (in one of the coldest towns in the northern hemisphere). There are no plug-ins for engine heaters—a circumstance that wastes a great deal of time in Moorhead and is a source of frustration.

Rochester, Minnesota: This is a brand new facility, only a year old. Already the furnace cuts out completely on the coldest days and the men sort mail in their mittens. Electric doors don't work and haven't worked for months. Nobody seems anxious to fix things up and maintain them properly.

Aberdeen, South Dakota: Heating is very poor. Ventilation is worse. There is very inadequate dock space. No employee parking.

Rapid City, South Dakota: The heating is atrocious, the lighting is low in candle power and poorly located. There are no exhaust fans and no cooling fans. Management is tyrannical and insists on almost constant street observation. This is a very unhappy office.

Carrington, North Dakota: Here the complaint is bad service and lack of interest on the part of management in improving service. Only the Wall Street Journal gets priority treatment. Mail (first class) from Chicago regularly takes three to four days.

Grand Forks, North Dakota: Management is not interested in service. It is also most arbitrary in dealing with labor. (Example: It is almost impossible to get off work to attend national or state conventions.) Supervision bullies the men who ask for sick leave. This is a very unhappy postal community. Facilities are inadequate. In the AIR BASE STATION females are not permitted to use the one toilet and must go elsewhere.

La Crosse, Wisconsin: Ancient building, not adaptable to modern postal operations. Washroom facilities most inadequate for both sexes. Carrier cases are in basement with bad light and worse ventilation. Floor is so bad it swells into rolling hills during summer. Employees park in a mudhole.

Kenosha, Wisconsin: The new wing of the Post Office is only seven years old, but is was badly planned. Heating system is totally unreliable. There is no ventilation of any kind in the washroom. It is necessary to keep the door open in order to survive while using it. To make matters worse, supervision in this Post Office tends to be tyrannical and arbitrary, driving employee morale even further downwards.

FORMER WASHINGTON, D.C., REGION

The Washington Region is the headquarters region of the postal service. It contains the nation's capital, as well as Maryland, Virginia and West Virginia.

One would think, with all that going for it, that this region would be the show case of the postal establishment, the area with the best facilities, the happiest employees, the most efficient service. Unfortunately, this is very far from true. Conditions in this region are as bad as they are in any other region, and worse than they are in some.

Baltimore, Maryland (Clifton Station): The only "show case" detail in this filthy hole concerns the toilets which face plain glass windows at the street level so that public can look in on the men on the stools. Quite a showcase. Clifton Station is rat infested. It is dark and dirty, without air conditioning and without parking.

Baltimore, Maryland (Raspeburg Branch): This Branch Office is a converted bakery. There are fifty employees in this Branch Office and they are hideously crowded. The Supervisor and his Assistant do not have offices, so they operate from a table in the middle of the floor. Sometimes the office becomes so crowded that sacks of mail have to be left on the sidewalk outside. There is no loading dock and no platform.

Baltimore, Maryland (Main Post Office): A new building is being erected. However, the plans do not call for parking spaces for employees.

Washington, D.C.: The following conditions are common to the main Post Office and at least eleven stations (Anacostia, Benning, Brightwood, Brookland, Chevy Chase, Columbia Heights, Georgia Avenue Garage, Friendship Heights, Georgetown, Parcel Post Annex and Woodridge): Overcrowding, rundown facilities; filthy restroom conditions, insufficient room for lockers; inadequate swing rooms, inadequate loading platforms, bad ventilation and no air conditioning.

Arlington, Virginia (South Station): There are 62 employees in this facility, which was designed to accommodate 20. There is only one urinal and 3 commodes. All three of the latter leak, so raw sewage is constantly seeping out onto the floor. The only place the employees can eat is a table right next to this restroom. With the evil smells permeating the atmosphere, the men's appetites are not too strong. There are only 30 lockers for 62 employees. There is no air conditioning and temperatures of over 100 degrees are often recorded on the workroom floor. During the summer cases of employees fainting from heat prostration are common. The plaster is peeling off the walls and ceilings. The electrical system is overloaded and constantly blowing fuses. Someday a fire will result. The newspapers and the public have been demanding this eyesore be torn down, but the employees of the richest and most powerful nation in the world must still work in it.

Arlington, Virginia (North Station): The Inspection service recommended this building be replaced seven years ago, but no action has as yet been taken. The floors are weak and sagging. There are serious holes in the floor. The electrical system is overloaded, creating a fire hazard. There are no lockers, no swing room. During last winter employees were without heat for a full week because a boiler burned out. The building was built to accommodate 14 employees; there are now 60 employees working in it. There are only two toilets for these sixty people and only one sink for washing up.

Arlington, Virginia (Shirlington Station): This is a dirty building with rats and armies of cockroaches. The electrical system is overloaded and dangerous. Very little loading space.

Arlington, Virginia (Rosslyn, Courthouse, Centra, Preston King Stations): All these facilities report serious overcrowding and inadequate loading space.

Alexandria, Virginia: The reports from this Post Office and its stations are depressingly similar. Through them runs the obvious theme: management has lost pride in the Post Office and this melaise is spreading to the employees. Rest rooms are almost universally filthy. Floors and cases are seldom cleaned. Jeeps and trucks are hardly ever washed. Ceilings leak and nothing is done about it. The plaster rots in the restrooms and nobody replaces it. Management has not seen fit to put either air conditioning or heat into the rest-rooms. However, this Post Office also suffers from serious management failings, resulting in poor service and bad morale. Management, for example, has decided that all mail boxes, except those on main streets, will be collected only once a day. Active union members are placed under special surveillance when they work. Complaints from patrons are never investigated; instead, they result in disciplinary action against the letter carrier whether the complaint has substance or not. Carriers cannot get help on busy days. Second and Third Class Mail is left in Stations over week-ends and not worked to carriers until the Monday. There has to be a great deal of re-organization in Alexandria before morale and service can be improved.

Woodbridge, Virginia: Approximately six months ago, about 90% of the houses in Woodbridge were re-numbered. This has created a terrible problem for substitutes and new carriers, and mistakes are endemic. Management does not help. It has refused permission to send the Form 3579 on magazines addressed according to the old numbers. Management tells carriers to forget about write-ups if they cannot be done within the 8-hour period. First class write-ups in this office remain untouched for a week or more. Management-labor relations in this office are very strained and unsatisfactory. Woodbridge has a new post office building but employees say heating and lighting are inadequate and badly planned. There are no lights on the cases, for example, and the overhead lights are not nearly strong enough.

Roanoke, Virginia: All stations and the main post office report overcrowding. Hollins Branch also reports badly leaking roof, which has leaked for months. Williamson Road station reports no ventilation, no air conditioning. Main Post Office reports the same.

Norfolk, Virginia: Here the complaints are mostly about service curtailments which have crippled the service in Norfolk. In this city management has cut back collections drastically and the collections are performed for the benefit of post office schedules, not the convenience of the patrons.

Salem, Virginia: The usual complaint: Very cramped quarters, inadequate plumbing (one urinal for all carriers) and one basin for wash-up. The parcel post is processed in a neighboring shoe store because there is no room in the Post Office.

Charleston, West Virginia (Marmet Station): Lighting inadequate, and electric wiring grotesque. (Coffee pot, water cooler, time clock and floor fan all plug into the same outlet.) There are frequent fuse problems. Security is poor at all Charleston stations and loading is often done in public areas where the mail is in no way protected.

Wheeling, West Virginia: The Main Post Office was built in 1966 but it has never had proper heating or air conditioning during the five years it has been in operation. Management seems to have given up any ideas of remedying the situation.

Wheeling West Virginia (Elm Grove Station): This is a flat-roofed building which contains the heat. There is no air conditioning and no windows in the work area. Temperatures ranging from 97 to over 100 degrees have been recorded in this building during summer months. It's a terrible place to work.

Huntington, West Virginia: The Main Post Office was built in 1907. There is no off-street parking for patrons, government vehicles or employees. Every morning the police block off one lane of Highway US 60—the busiest street in town—to provide some parking for patrons. This causes a monster traffic jam, but it's the best solution anyone has come up with. The rest room in this Post Office is beyond belief. It is crawling with dirt. The toilet stools are out in the open, without partitions, without doors. They (and those using them) can be seen from the work room floor whenever anyone opens the door of the rest room. The men feel this arrangement dehumanizes them.

Huntington, West Virginia (Guyandotte Station): There is no parking for patrons, government vehicles or employees. The patrons are very upset about the inconvenience, but nothing is done. At Guyandotte it has been impossible to motorize the routes because there is no place to park the vehicles. There are no facilities for docking, either, so loading has to be done the hard way on a hit or miss basis. In other words, the entire operation is a mess. Management in Huntington has done its best to reduce morale to a minimum. For instance, it insists on the right to conduct street supervision of letter carriers at all times, without consultation and without warning.

FORMER NEW YORK REGION

The State of New York is called "The Empire State", and this name is intended to be a compliment. But, as far as many postal facilities and as far as postal management are concerned, conditions are reminiscent only of the Mongol Empire of the Thirteenth century: primitive, ignorant, nasty and cruel.

Physical conditions in the New York Region are as bad as they are anywhere else, and management seems just as reluctant to make improvements as it is anywhere else.

Rochester, New York: Five times in recent years teams of investigators have come in to look over the Rochester Post Office. Five times they have recommended either remodeling or building a new facility. Nothing has been done. The area where 125 carriers work is dirty, dark, crowded and badly ventilated. For five years, now, "temporary" wiring has been hanging down over the workroom floor causing a serious fire hazard. This is a most depressing and dangerous place to work.

Rochester, New York (Panorama Station): This facility was built to accommodate 8 carriers. There are now 25 carriers working out of the station. Conditions are overcrowded and work space is dirty.

Gansevoort, New York: This, admittedly, is a very small office but the people working in it are just as important as those working in a major office. The office has no running water, and no toilet facilities. One rural carrier brings an electric heater from home to keep warm.

Schenectady, New York (Crane St. Station): The building here should be condemned. Every Congressman and every Inspector who has looked over the premises agrees that it should be abandoned, but the men still must work there. The main beam in the cellar is badly cracked, making use of the facility hazardous. That water "system" in the building is grotesque. For at least 6 months there has been no water in the urinals! The stench is overpowering. If one flushes a toilet, the pressure in the water cooler goes down to zero and remains there for some time. Every time it rains, the lobby is flooded because of a sieve-like roof. This has to be one of the most disgusting postal facilities in America—but postal employees are still there.

Pittsford, New York: The men complain bitterly about the almost complete lack of ventilation and the inadequate custodial work which has permitted the Post Office to become a pig-pen. The loading facilities are so inadequate that minor accidents are numerous, yet there are no first aid equipment handy. The working areas are overcrowded, the rest room facilities scanty.

Elmira, New York: The carrier cases have been set up so they block the windows and cut off ventilation. Almost no circulation of air. The office is so jammed with equipment that movement is constricted and hazardous. There is no parking space for the public or for employees.

Yonkers, New York (176 Annex): The building is crumbling into dilapidation. Bricks are falling from the walls. The window cleaning contractor refuses to send his men up to clean the windows because the building is unsafe. The Regional Health and Safety people once made an inspection and were horrified at what they found. They promised to condemn the building and build a new one. Nothing has happened.

Yonkers, New York (Centuck Station): Very poor heating. Very crowded conditions. Some routes which should work out of this Station are working out of Tuckahoe, six miles away. There is no room for them in Centuck, and management refuses to rent a vacant store to handle the crisis. This puts an unnecessary burden on the employees.

Throughout Yonkers there are complaints about arbitrary supervision. Management, for example, hardly ever accepts an employee's statement about being sick. It automatically marks the man as AWOL. Management also insists on the right of maintaining strict street supervision over carriers at all times.

Dunkirk, New York: Greatly overcrowded. It is very difficult to move around on work room floor. Management is addicted to harassment of employees. New Postmaster insists on almost constant street observation of carriers.

Brooklyn, New York: The roofs are leaky in Brooklyn. Brownsville, Stuyvesant, Blythbourne and Green Point all complain about this irritating defect. Management does nothing to correct. Poor lighting is also reported at Gravesend, Adelphi. The facility for Green Point Station is evidently decaying day by day. The exhaust fan doesn't work. Roof leaks, mentioned above, are numerous and steady. Swinging doors are unhinged, concrete is crumbling. The building is a mess and managment seems to have lost interest in it.

East Northport, New York: Management is evidently interested in economies, not at all in service. Drivers are told to take out Postal Vehicles that have obvious and dangerous defects, and are more or less told they will be in trouble if they don't go along. (One driver had a steering wheel which consistently "locked" when he was cornering. He was still ordered to use it.) Also, substitutes are very badly treated in East Northrup. Parcel Post here is more of a swindle than it is, even, in most other places.

Shirley, New York: The Postmaster here is so tyrannical that at least three letter carriers have had nervous breakdowns, and have undergone psychiatric treatment, because of his policies and attitudes. His performance became so weird that his own Assistant wrote to the Region describing the unbearable conditions he was creating. The Region keeps saying something will be done—but nothing is done. This is a Post Office in turmoil.

Pearl River, New York: There is no swing room. There is no air conditioning. The conditions are extremely crowded, and there is no fire exit from the basement where Parcel Post personnel work. There is only one urinal for 43 employees (and 2 bowls). Facilities for loading are totally inadequate. There is no employee parking. The area around the Post Office is metered, so employees must park a long way off.

Levittown, New York (North Station): The North Station is supposed to be temporary. So it has been in operation more than two years, and no relief in sight. There is one toilet bowl for the men. It is in a small and dirty room without a lock on the door. There is no facility for female carriers. The men are thinking in terms of building a "wildcat" outhouse behind the Post Office.

Jericho, New York: This Post Office has finally received air conditioners after a long period of sweltering. The building was planned to accommodate six routes; now it has 16. Ventilation is terrible. Toilet facilities are disgusting, but management turns a deaf ear to all pleas for relief. Alterations and remodeling won't do the job in Jericho. They need a new Post Office.

Mamaroneck, New York: Ventilation is terrible. Lighting is terrible. There is no swing room for the men, and the women's has been "Incomplete" for a full year. There are no First Aid Facilities. The place is a mess.

Nanuet, New York: In Nanuet the carriers don't complain about the physical facilities; they complain about the service. Management often curtails first class mail and sometimes delays third class as much as nine days. It will do anything to prevent an hour's overtime. Very slack supervision here, with apparently little regard for the needs of the people they are supposed to serve.

Deer Park, New York: In Deer Park, management does not seem to worry itself about agreements, national or local. It does what it pleases. It is particularly eager to mix the crafts, a policy which causes considerable resentment as well as indignation among proud unionists.

Owege, New York: A local publisher has too much influence with local management and has postal employees doing work they should never do. (For instance, going over to the publisher's office, on the clock, to correct his mailing list for him.) Employees could not use parking lot this winter because Postmaster said it cost too much money to clear off the snow. For a long while now, Parcel Post has been loaded through a window. The window could be made into a door and everyone would be happier. Management says this would cost too much money.

Jamaica, New York: There is no housing for Post Office vehicles. This winter they were parked in a monster mudhole. Carriers were up over their ankles trying to reach the trucks and jeeps.

Cabo Rojo, Puerto Rico: The Post Office is more than a hundred years old. It does not come near meeting minimum requirements. There is no swing room, no place to take lunch, no lockers for personal belongings. The roof leaks badly, and nobody fixes it. There is one toilet and one wash basin for the entire employee force.

San Juan, Puerto Rico: (General Post Office) no swing room. No place to eat or relax. The so-called Fire Exit door has been locked because it was a safety hazard! There are two toilet bowls and two urinals to serve 265 employees. All parking privileges were suddenly stopped, without previous consultation, causing great inconvenience.

Management in San Juan is capricious. A mail sack with a small burned hole in it was found. Consequently, all carriers are forbidden to smoke except in the small and disgusting men's room. Management shoots off letters of warning at the slightest provocation, without listening to the employee's side of the story. This is an unhappy office.

FORMER WICHITA REGION

The Wichita Region is the least populated of all the postal regions. By and large, it is an approximation of "Marlborough County", wide open spaces, reasonably clean air, uncrowded cities. It is the heartland of America, or the breadbasket, depending on which way your fancy takes you.

In any case, it is not an area where one envisions slums. Not as a general rule. Nowhere, that is, except in the Post Office, where slumishness is a way of life.

Kansas City, Kansas (Bethel Station): Out in Marlborough Country they cannot find parking spaces for the customers, let alone the employees. The one toilet overflows regularly and is never competently fixed. The water pipes freeze each winter, leaving the station without water. When the warm weather comes around nobody thinks to insulate the pipes because nobody needs insulation then.

Kansas City, Kansas (Northwest Station): The Station consists of two buildings, both of which are disgusting. The mail has to be pushed from one building to the other via the sidewalk. The smaller Annex building has no fresh drinking water and has no urinals—only two toilet bowls in different locations. The larger building's walls are so cracked one can see right through them and temperatures inside vary by as much as 20 degrees at any given time. The washroom facilities for the men are inadequate but there are no such facilities for the female employees. When a female employee wants to use the facilities a scout must proceed her and clear the men out of the washroom. Many floor tiles are broken. The place is absolutely under siege from cockroaches and, in summer, fleas. The building is not air conditioned and the place in summer can be an inferno. Paint hangs from the walls. There is no parking for employees. Although 10 mounted routes and numerous scooters must load from this Station, the dock can handle only two vehicles at a time. There is no swing room in either of these two buildings.

Kansas City, Kansas (Fairfax Station): Inadequate loading dock, inadequate employee parking. The wiring is plagued by dangerous short circuits. Supervision solves this problem by turning off the electricity. Someday there is going to be a serious fire here unless some constructive steps are taken. There is no hot water laid on in the building, a circumstance which makes janitorial services inadequate.

Kansas City, Kansas (Packer Station): The building is old, unsafe, dirty and dilapidated. It should be abandoned.

Kansas City, Kansas (Rosedale Station): The present structure is in horrible condition but, in this case, a new building is in the works. Meanwhile the employees work in squalor.

Oklahoma City, Oklahoma (Village Station, Lakeside Station): No air conditioning.

Oklahoma City, Oklahoma (Shartel and Britton Stations): No loading docks.

Omaha, Nebraska (Offutt Branch): This is an old army barracks, not designed for postal work, totally inadequate.

Omaha, Nebraska (Ralston, Ames Avenue, Millard, West Dodge): All facilities inadequate. All have either (1) No parking facilities or (2) very inadequate parking facilities.

Omaha, Nebraska (West Omaha): Inadequate building. Parking lot is a mud hole overlooking a 15 foot drop into a creek. There is no guard rail. This lack of a guard rail has been a safety item on the agenda for four years but nothing has even been done about it.

Omaha letter carriers also say that the leased vehicles they must use are "junk". They are not only dangerous to drive but, in appearance, they are a disgrace to the U.S. Postal Service.

Stillwater, Oklahoma: In this Post Office the air conditioning broke down in June 1970. Despite all kinds of managerial promises, no repairs were made and the employees are still waiting for repairs while another summer has come. Stillwater in summer can be as hot as any community in America.

FORMER DENVER REGION

The Denver Region is the land of wide-open spaces and great distances. In the Post Office, unfortunately, it is the land of crowded facilities and exceedingly bad working conditions. Here are some of the more obvious examples:

Colorado Springs, Colorado: Conditions are so crowded that Parcel Post must be stored on the dock, unprotected from the elements.

Pueblo, Colorado: Here, too, the parcel post must be stored outside because there is no room inside. However, in Pueblo the Postmaster has *curtailed* Parcel Post deliveries, even though substitutes are not getting 40 hours a week. Thus, instead of moving the Parcel Post as rapidly as possible through his Post Office he is adopting policies which slow up its movement and prolong its delays.

Fort Collins, Colorado: Carriers work in a basement under intolerable conditions.

Longmont, Colorado: The carriers work in a crowded Quonset Hut. The nearest toilet is a long block away.

Green Valley, Arizona: Here the complaint is against the service. The region is denying city delivery to residents who should be getting it, solely for budgetary reasons.

FORMER SAN FRANCISCO REGION

To most persons the San Francisco Region sounds like a delightful place to work, even for postal employees. Unfortunately, as far as the postal employees are concerned, the region is just as bad as any other. The San Francisco Region has its horror shops (Milpitas, Alta Loma, Buena Park and others), and they are just as bad as their counterparts in other regions. Most facilities are crowded; employee parking spaces are almost non-existent; plumbing is scarce and inadequate.

Los Angeles, California: All stations except Briggs and Broadway-Manchester are inadequate—and the latter has a deficient ladies room. Dockweiler Station is antique, uncomfortable, inefficient and should be replaced. East Los Angeles and Barrington have wretched lighting; candlepower reading at carriers' desk is only 35. Oakwood, Westburn and Wilshire-La Brea suffered structural damage during the earthquake and are now unsafe. But they are being used.

Garden Grove, California: The heating and the air conditioning are practically non-functional but no effort has been made to fix them. West Garden Grove station is enormously overcrowded and unpleasant to work in.

San Diego, California: The Post Office consists of the main office and 22 stations. Most stations are simply old stores or decrepit old buildings. They are dirty and inadequate and few have any parking at all.

El Cajon, California: The main office is a new building, but carriers are not permitted to work there. They are housed in an old abandoned building with no parking. Bostonian Station has inadequate plumbing.

Chula Vista, California: The Rancho Del Rey Station's cesspool has overflowed and is overflowing. The soil, evidently, can no longer handle the action. Therefore the toilets in the station cannot be used.

Vista, California: Post Office is so overcrowded as to be unsafe. Ventilation is a scandal. There is no parking here.

Oceanside, California: The Main Office is very overcrowded and inadequate. The Annex is an old, abandoned store. No one should be asked to work in it.

El Centro, California: *Very* old building, very inadequate.

Claremont, California: The building is unsafe. There is no hot water. No lounge for women. Heating is poor and there is no air conditioning. The roof leaks. Concrete floors rough on the legs of employees.

Covina, California: Custodial service highly inadequate. The office is a pigpen.

La Puenta, California: Management reduced the size of the locker room to provide space for a lunch room. In doing so they created crowded and unsatisfactory conditions in both rooms.

Pasadena, California: Poor parking is endemic here. So is poor lighting. The Main Station is unsafe because of inadequate exits. It also has inadequate plumbing. Rose Bowl Station is sadly deficient in plumbing: three toilets for 75 male employees.

Pomona, California: Diamond Bar Station has a highly inadequate restroom which is shared by the men and the women.

Montclair, California: Does have two restrooms but there is no partition between the man's and the women's, and no exhaust fans.

West Covina, California: This office has 150 employees and not a single available parking place. Emergency exists are poor and create a hazard.

Chowchilla, California: Management has been promising a new post office for quite some while but plans have been postponed. Present building very inadequate. Lighting is terrible.

Stockton, California: The Post Office has an air conditioner on the roof which hasn't worked for years (Stockton gets very warm indeed in summer.) Restrooms have no vents. Management here insists that unassigned substitutes wait in the swing room in case an assignment becomes available. This is greatly resented by subs.

Oakland, California: Main office has dirty, inadequate toilet facilities and totally inadequate lighting. The ladies' toilet facilities in all fifteen stations are deplorable.

Walnut Creek, California: This is a new office but the arrangement of cases is so bad that ventilation in the carriers' section is impossible. The cases are lined up to coincide with the inspectors' deep-holes in the ceiling, instead of vice versa.

Marina, California: Old building. Bad lighting. No air conditioning. Bad ventilation.

Monterey, California: Facilities are poor in every respect and the labor-management relations are worse.

San Louis Obispo, California: The carrier annex is an abandoned second-hand tire shop which is falling apart. It has very low ceilings, terrible ventilation and excessively crowded conditions.

Seaside, California: Present building is old and decaying. The public and the employees have been promised a new building. Once again, the new building has been mysteriously delayed. There is no air conditioning in this office and very poor ventilation.

Watsonville, California: Very crowded; no air conditioning. The interior planning is faulty but management will not listen to reason.

Napa, California: Management is anti-union, and particularly anti-NALC. Heating is poor during winter and ventilation is faulty.

Sebastapol, California: Heating is bad; no air conditioning; no employee parking.

Petaluma, California: A new building to replace the present old horror has been promised for a long while. For some reason it has not been started. Meanwhile employees work in crowded, unventilated misery, and without parking facilities.

St. Helena, California: Crowded, ineffective air conditioning (St. Helena is a hot spot in summer) and practically no parking.

Ukiah, California: Men's restrooms are abominable. There are no women's restrooms. The office is crowded and unventilated. Lighting is poor. Parking is very awkward.

Sonoma, California: The restroom situation is bad. The heating is bad. The parking is bad.

Crockett, California: Dirty building, dirty office, dirty workroom; dirty restroom. Bad lighting. Poor management at this office.

Rodeo, California: Dirty office with paint peeling off the walls. No heat; bad lighting; very crowded; inadequate swing room.

Richmond, California: Main office and all stations complain about toilet facilities, and particularly the women's arrangements. Mar Vista Station has placed its toilets (which are always crowded) right off the lunch room. Mar Vista has no loading dock. The vehicles are loaded at a friendly gas station, two blocks away.

Berkeley, California: All stations complain about the plumbing, especially the plumbing for women. Elmwood Station is old, dirty, dark and abominable.

Fowler, California: Ancient building, no heat, no air conditioning.

Woodlake, California: Old, non-equipped, decrepit, unusable.

San Bruno, California: This is a new building. Nonetheless, the heating and the air conditioning are bad. The restrooms are poor. The dock is inadequate. The parking is atrocious.

Mountain View, California: The Annex is a dangerous old monstrosity: no fire exits despite overcrowding; no air conditioning; bad ventilation. The building is a former warehouse. Management is highly unreasonable here and morale is non-existent.

Saratoga, California: New building, but a mess. Badly planned. Badly constructed. Poor air conditioning; poor heating; poor lighting. No parking space.

San Mateo, California: Bad ventilation. Bad heat. Bad cooling. Over crowded. Bad parking.

Menlo Park, California: Five Stations, all overcrowded. In most stations there is not enough space for parking government vehicles let alone employees' cars.

Milpitas, California: Though it has competition, this is very possibly the worst Post Office in California. For all-around wretchedness, it should be ranked nationally. The annex is an old warehouse without windows or ventilation. It *has been officially condemned by the City of Milpitas* on the grounds that it is (1) a fire trap; (2) unhealthy and (3) hazardous. (With dangerous dangling electric wires all over the place, management didn't even provide a fire extinguisher!) There is not a more dangerous or more disgusting facility in the entire Postal Establishment— but still it is used.

Campbell, California: It is amazing how so many new Post Offices in California are inadequate. Campbell is a case in point. It is overcrowded already; it has poor heat and inadequate ventilation. Surely something must be wrong with regional planning to have so many new post offices suffer from the same complaints.

Morgan Hill, California: Small building is overcrowded. Dock is much too inadequate. There is no air conditioning, and very poor ventilation. Interior planning is wretched. No parking.

Gilroy, California: Air conditioning very sub-standard (Gilroy is *hot* in summer, and sometimes in other seasons). Building is crowded and so is the dock. Bad parking.

Los Gatos, California: Management is the trouble here: very arbitrary and dictatorial. Lighting is inadequate.

Cupertine, California: Poor heating; poor ventilation; poor interior planning.

San Francisco, California (Station F): Overcrowded to the point of being hazardous. Toilet facilities very inadequate. Ventilation is wretched.

San Francisco, California (Station J): This Station was so overcrowded that management moved eleven routes out and put them in an abandoned and condemned building. It is still overcrowded and hazardous.

San Francisco, California (Station O): This station is the complete headache. It is an abandoned bank on some of the most expensive property in the city, and is in no way suitable for postal work. Carriers work on mezzanine and main floor. Elevator is unsafe. Conveyor belt has no safeguards, on the side. Relays fall off belt and it's a wonder no one has been maimed for life. Supervision is very poor here.

San Francisco, California (Diamond Heights Station): Here the complaints are against the leased vehicles, which are perilous. (They were bought at a GSA auction and then leased to the Post Office.) The Highway Patrol has cited the vehicles several times for being unsafe but management still insists on their use.

San Francisco, California (Sunset Station): This building is old, crowded and inadequate. Supervisor is notorious throughout the service for his unreasonable attitudes.

San Francisco, California (West Portal Station): This building has been remodeled by the owner. It still meets none of the minimum standards. It is crowded, unsafe and insanitary.

San Francisco, California (Mission Station): The Supervisor here is considered the worst in the city, totally devoid of respect for those who work for him. Leased vehicles here are all unsafe. Morale is very poor.

San Francisco, California (Parcel Post Station): Needs complete re-organization. No Parcel Post route has been examined in 5 years. Crowded, unsanitary. Unsafe. A bad situation.

San Francisco, California (North Beach Station): Small, crowded, archaic office. Owner refuses to remodel or change and management still does business with him.

San Francisco, California (Rincon Annex): Four stations under one roof. Extra crowded conditions. One urinal and three stools for more than 200 employees.

San Francisco, California (Station P): The very worst of a bad lot of stations. The building is rat infested. It is archaic, inadequate, dark, overcrowded and dangerous. Health is a constant problem here. Owner refuses to do anything about conditions and management still lets him get by with it. A dreadful place.

Buena Park, California (Main Office): The postal system in California should be a happy hunting ground for the Women's Lib people—particularly in regard to plumbing. Buena Vista has one toilet for 35 female employees. The heating and air conditioning units are located on the roof. Neither of them works, and nobody is fixing them. During the rainy season the loading dock is constantly under water—12 to 14 inches of it at a time. The carrier cases are badly lighted. Locker space is limited and so is space for carriers to change their clothes. The vehicle entrance to Post Office is very dangerous. Several accidents have occurred here, still nothing is done about it.

Buena Vista, California (Station A): There is only one toilet here. The carriers are crowded and there is almost no ventilation. The smell in summer is quite something. There is no dock space. Vehicles are parked on a mud field and must be loaded on the street.

Ontario, California (Annex): One commode for more than 59 employees. Swing room far too small. Heating is poor. Conditions are crowded.

Upland, California (Main Office): Bad lighting. Leaking roof. Air conditioning ineffective. Not enough lockers. Men must share with others.

Upland, California (Annex): Bad lighting. Leaking roof. No toilet for women employees. Shortage of clothes lockers. Dock can handle only two vehicles, though there are 20 routes in the Annex.

San Jacinto, California: Cooling and heating quite inadequate. Windows should have blinds; the glare is intense. Conditions are crowded and planning is almost non-existent.

Alto Loma, California: For bad planning, inadequate facilities and general wretchedness, Alta Loma is just about as bad as any other post office in the State. The two restrooms, for example, are what seem to be converted closets and can handle only one person at a time. To make matters more sporting, the water heater is right next to the women's commode. This makes going to the bathroom quite exciting. There is no swing room, but then, there's no Postmaster's office, either. This condition means that it is impossible for employees to have a private conference with their boss. Storage space is so scarce that supplies and equipment are jammed behind doors and under tables. Heating is not circulated, so one end of the building is broiling and the other freezing. There is no loading dock. Mail is unloaded at the back of the building and then hauled through the entire Post Office to be worked. No parking lot. Trucks are stuck in a muddy lot next door and are not protected. Thieves strip them almost at will. Space is so limited it is necessary to move things around two or three times just to receive the mail, work it and get out to deliver it. This is a grotesque operation.

Brea, California: Management is very antilabor here. Only two carriers in the past three years have received quality step increases; all supervisors have received them. Postmaster says there is no such thing as a good carrier. He insists that carriers run their routes.

Fullerton, California: Management is tyrannical. Carriers are "counselled" and warned after only two misdelivered or misforwarded letters. Supervisors are intimidating. They practically insist, for example, that carriers take their defensive driving lessons off the clock.

Van Nuys, California (Irvin Street Station): This building is an abandoned meat market. It is inadequate in every sense. There is one toilet for thirty employees and one must go outside to get to it. Bad parking here as at all three other stations in Van Nuys.

North Hollywood, California: Conditions are wretched now but understandable. Present quarters are temporary because of earthquake damage to the Post Office. However, conditions will be overcrowded in the old office when it is reopened for business. Sixty employees are working where only thirty were intended.

Beverly Hills, California: Carriers work in the basement. The exhaust from the trucks outside come right inside the work area. Sometimes this gets dangerous and someday somebody is going to get too much carbon monoxide. Exits are inadequate. There is no parking.

The following other Post Offices in California report extreme overcrowding because of the mushrooming growth in their areas:

Canoga Park (3 Stations), Thousand Oaks, Simi, Santa Paula, Glendale, Redondo Beach.

In addition, at least 100 other Post Offices in California report no parking space or a very limited parking area.

FORMER DALLAS REGION

The entire story of how the Blount Administration raped the postal service in Texas is told admirably by Victor Smiroldo, Counsel for the House Committee on Post Office and Civil Service, and his colleague, Albert C. Briggs, in a *"Staff Investigative Report on Postal Service in the State of Texas"*. (Committee Print No. 7, U.S. Government Printing Office, 1971). It is unnecessary to add anything here to the grim story that Messrs. Smiroldo and Briggs have already told.

We shall therefore concentrate on the physical conditions prevailing in a few (selected out of many) key post offices in the states of Texas and Louisiana.

Houston, Texas (Genoa Station): The septic tank for handling human wastes is small and inadequate. Consequently, effluvia constantly seeps upward, soaking the ground and poisoning the atmosphere. In warm weather the smell is beyond belief and management has done nothing helpful to correct it.

Houston, Texas (Roy Royal Station): Bad lighting. Drafty and exceedingly cold in winter time.

Houston, Texas (Sharpstown Annex): This building is a mess. It has low (eight foot) ceilings which frustrate the circulation of air and hinder air conditioning and heating. There is no hot water, and no swing room for the employees. There are only two toilet bowls (no urinals) for more than 50 employees.

Houston, Texas (Southmore Station): The roof leaks and has leaked for a long time. It leaks so badly the wash room floor was being flooded with every sizeable rain. Management went to the heart of the matter in this case. It placed a 24 gallon can in the wash room to catch the rain. (Good thinking! Right on!) Sheet rock has fallen throughout the station and now the insulation is pushing through the ceilings.

Garland, Texas: Ninety male employees and the washroom has two toilets. It is neither air-conditioned nor heated and has no ventilation fan! There are 26 carrier cases jammed into an area 30′ by 36′. Lighting is abominable but management refuses to put lights on the cases because this would make it too difficult to move the cases around. The controls for heating and cooling are locked and the Assistant Postmaster is the only one who has a key. In case of a change in the weather, the employees must suffer until the Assistant Postmaster arrives at 8:30 with his key.

Waco, Texas (Baylor Station): This is a terribly overcrowded facility. There is insufficient room for lockers, and many employees must share a locker with someone else. There is no swing room, so the coffee pot is kept in the toilet. The loading dock is inadequate and unsafe. Accidents have occurred there, but no changes have been made.

Metairie, Louisiana: Post Office was built in 1955 and was overcrowded the day it opened. A new office is on the drawing board but employees must continue to work under present intolerable conditions. The roof is presently being held up by jacks because it has been weakened by the weight of collected water and of the many layers of roofing that have been added over the years.

Metairie, Louisiana (Park Manor Station): This is a new and permanent building. It has one stairwell and no fire escapes. Management refuses to believe this is dangerous because the building is supposed to be fireproof.

Alexandria, Louisiana (South Park Station): This is a leased building. There is talk of a new Post Office in the near future, but employees must now work under most primitive conditions. The air conditioning is antiquated and goes out several times each summer. There are no windows which can be opened. so heat becomes intense. There is no loading dock, so loading must be done in all weathers on a blacktop surface.

Alexandria, Louisiana (Main Post Office): Parcel Post trucks have to load from an old wooden building that was condemned 15 years ago. This is a very unsafe facility. For example, just recently an overhead door collapsed and shattered an employee's arm.

FORMER SEATTLE REGION

Frankly, it is amazing to us how little concern postal management has for the provision of and maintenance of basic plumbing and sanitation. As one can readily see from the examples listed from the Seattle Region, below, management is almost monumentally insensitive to the desire for human dignity among postal employees, particularly in the smaller communities.

In the larger cities (Portland and Seattle) management does better with toilets, but falls down on service. (Throughout the region, almost inevitably, one or the other stinks—and often, both.)

Port Angeles, Washington: There are 12 carrier cases and 3 clerk cases in less than 950 square feet. Ventilation is bad; lighting is worse. Rest rooms are in the basement.

Kent, Washington: The Carrier Annex Station is a reformed bakery. There are 35 employees and just one toilet bowl, which is shared by both male and female employees. There is no swing room, and no telephone, official or otherwise. Lighting and ventilation are abominable.

Renton, Washington: Conditions abominable. Overcrowding, wretched ventilation, impossible lighting.

Spokane, Washington (Station B): The whole station can be described as a slum going somewhere to happen. The work room is dangerously filthy; the swing room is too squalid to use. There are 20 carrier cases (with wings) in an area of 1200 square feet.

Anchorage, Alaska: The city engineer has declared the building unsafe. It is still being used.

Missoula, Montana: Another filthy post office with bad lighting and ventilation. Office is far too crowded for comfort or safety.

Billings, Montana: Carrier Annex is a warehouse with a tin roof. In winter it is freezing; in summer it is broiling. There is no loading dock, a deficiency which makes loading and unloading very hard. The building was never designed for postal operations and no attempt has been made to adapt it.

Seattle, Washington (Riverton Station): Forty-five men and twelve women work in this Station under highly primitive conditions. The work area is filthy; the ventilation and lighting bad. Washroom facilities are inadequate.

Seattle, Washington (Magnolia Station): Magnolia is overcrowded, with 22 carrier cases and wings and 2 clerk cases jammed into 950 square feet. Conditions are no better than at Riverton (above). At Magnolia there is also a most inadequate loading dock.

Seattle, Washington (Broadway Station): The Station consists of two former grocery stores. Neither converted store is adequate for postal work. Toilets are given to overflowing; they flush out, not down.

Seattle, Washington (Wallingford Station): This dirty old building should have been condemned years ago. The floor is badly rotted and will soon give way. Lighting and ventilation, as usual, are bad.

Seattle, Washington (Georgetown Station): After eight years of constant protest, a new Station is on the drawing board. Meanwhile employees continue to work in this monstrous old firetrap.

The Seattle Post Office operation generally is known for making arbitrary curtailments of service without discussing them in advance with local NALC leaders, as the contract says they must do. For example, in the past six months the number of collections in almost 700 letter boxes was reduced, without warning, to one a day. This, of course, means that a patron who does not make the deadline on time has no chance of getting overnight service on his letter. The letter spends the first day *en route* inside the letter box, going nowhere.

FORMER CINCINNATI REGION

The Cincinnati Region was the first postal region to be created (1954). The whole purpose of regionalization was to move management out into the field where the problems are and where meaningful decisions can be made on the stop. The decentralizalizers boasted that they would be able to prevent "thousand dollar problems from becoming million dollar catastrophes".

One of the helpful things they would be able to do, it was thought, was to anticipate growth and plan the development of facilities to accommodate such growth. This is precisely what did not happen. Post offices in the Cincinnati region are among the most crowded in the nation and, in terms of rebuilding or enlarging them, they have become a billion dollar catastrophe.

Fort Wayne, Indiana: Desperately overcrowded. Forty letters carriers work in the old swing room in the basement of the Post Office. The windows are barred and there is only one door. In case of a fire, explosion, earthquake or some similar disaster the trapped men wouldn't have a chance.

Youngstown, Ohio: Main Office is very crowded. Poor lighting, poor ventilation, no parking for patrons or employees.

Youngstown, Ohio: West Side Station is almost collapsing with age. This facility is shamefully overcrowded. No parking for patrons or employees.

Youngstown, Ohio: Northside Station is intolerably crowded. Plaster is falling off the walls. Ventilation is bad. No loading space for vehicles. This station did have a parking lot but it is now torn up.

Youngstown, Ohio: The Annex is also greatly overcrowded. There are no toilet facilities for females and they must walk a full block to find a rest room. Parking exists but is poor and scanty. In bad weather this facility is surrounded by a sea of mud.

Akron, Ohio: Fleet Station is not only overcrowded, but the carriers have not been assigned their proper share of what space is available. They work in congested squalor and Third Class Mail is usually stored all over the building, wherever there is a flat area. Dock facilities totally inadequate (only two vehicles can be loaded at one time). Ventilation is horrible. The building is hot and stuffy in summer, freezing in winter. Toilet facilities are dirty and inadequate.

Cleveland, Ohio: Very overcrowded, so much so that it abrades the tempers of employees and causes ill feeling and low morale. The parking facilities are worse than poor.

South Bend, Indiana: Installation much too small. Employees are overcrowded. Parking is poor.

Gary, Indiana: The authorities have been promising a Post Office for more than four years. Nothing has been done. Very badly overcrowded.

Valparaiso, Indiana: Here the new Post Office has been promised for three years. Nothing has been done. Facility is inadequate, conditions fantastically crowded.

Richmond, Indiana: The employees and patrons have been promised a new Post Office for two years. Nothing has happened. Conditions are poor. Employees are overcrowded.

Cuyahoga Falls, Ohio: The State Road Station in this community, reputedly the richest *per capita* in the land, has very little ventilation and no air conditioning. It stands next to the loading dock of a super market. When the trucks make deliveries the drivers keep the motors running and carbon monoxide keeps flooding the work room. Some employees have fainted, others have become nauseated. Still, nothing is done and nobody seems to have any intention of doing anything.

Columbus, Ohio (Beechwold Station): Vastly overcrowded, with aisles only 1½ feet wide. Empty mail tubs litter the floor, making movement hazardous. Lighting is most inadequate and heating is a farce. There is no parking. Loading dock is for midgets. Building is also a firetrap.

FORMER ST. LOUIS REGION

Complaints in the St. Louis Region seem to center around managerial attitudes at the regional and the local levels. There is a great deal of complaint concerning the breaking of agreements, violation of time limits in Grievance and Adverse Action cases and the refusal to adjust routes, even when apartment houses have been built on them.

Our Regional Field Director intimates that in smaller towns letter carriers are timid about reporting on poor facilities and obnoxious policies because of reprisals.

One perfectly ridiculous situation continues to be a bother throughout the region. On about 50% of the new Kaiser Jeeps in the region, the locks will not work. Management refuses to change or fix them. So letter carriers are receiving letters of charges for not locking their vehicles, which cannot be locked in the first place.

Des Moines, Iowa: The facility in Des Moines is awful and the service is worse. The local newspapers have been writing indignant stories but the Postmaster keeps curtailing service and reducing services to the public. The toilet facilities in the CARRIER ANNEX are disgusting and the work room itself is revolting. The tops of the eating tables are filthy. The stairs are almost never swept. The lighting is inadequate. It is also inadequate in the new postal facility which will be opened for use next December.

Fort Dodge, Iowa: The complaints from this city concern the service. The Postmaster insists upon eliminating afternoon delivery to business areas without even a semblance of consultation with the carriers. The carriers have successfully resisted the attempt, but they feel it is only a matter of time.

Sioux City, Iowa (North Side Station): The loading facilities here are grotesque. In order to load relays, pouches and parcel post the men must pass through the front lobby. At the back exit the drivers have to throw their pouches down two flights of stairs to the work room floor.

The men then must drag the mail into the Station. The Station is overcrowded and the ventilation is execrable. (The lighting is bad, too.) The restrooms are awful. The Safety experts from the region examined this Station and admitted its inadequacy and dangerousness. However, nobody's talking about a new facility here.

FORMER ATLANTA REGION

The Atlanta Region is plagued by poor facilities, lack of adequate air conditioning, lack of adequate heating in winter and the usual managerial insensitivity to the comfort of the employees. Here are some glaring examples:

Pinella Park, Florida: The facility is overcrowded to such an extent that work is hazardous. In winter heat is supplied by an old one-burner Duo-Therm heater. In summer coolness is supplied by three small wall fans and three undersized, underpowered window air conditioners. All doors but one leading to the carriers' work room area, are kept locked thus creating a real hazard in case of a fire or other calamity. There is one commode (no urinal) to accommodate thirty employees. Also, one wash basin and one drinking fountain.

Miami, Florida (Ocean View): The facility is filthy. On occasion employee complaints cause a general cleaning but this is always considered as a one-time thing. Nobody cleans again until the employees' complaints grow loud enough. The Superintendent here works at clerical jobs to save overtime or use of subs She also has mail handlers doing the work of carriers and clerks.

Miami, Florida (Olympia Heights): Another typically dirty facility. This station has no janitor. Somebody "does" it once every two weeks, which is not nearly often enough.

Miami, Florida (Coconut Grove): This is a new facility, but it has been in operation for some while. Still, no one has seen fit to assemble the employees' lockers which are lying around on the floor and getting in everyone's way while many of the men have no place to hang their clothes.

Marietta, Georgia (Station A): Badly crowded, dirty and poorly ventilated. It is rumored that a new facility will be acquired soon, but not till after July 1.

Columbus, Georgia: Bad ventilation and inefficient air conditioning. This is still another overcrowded facility.

FORMER MEMPHIS REGION

Primitive working conditions, primitive facilities and primitive managerial attitudes are widespread through the Memphis Region. Nashville, Tennessee is generally considered one of the most up-to-date communities in this area and yet the working conditions in the Post Office there would disgust a ring-tailed baboon. Conditions elsewhere in the region tend to be worse than they are in Nashville.

Nashville, Tennessee (Uptown Station): This building, which dates from the Civil War, has been condemned by the city several times, but the Post Office just continues to use it. Uptown Station is located in an arcade and serves mid-town Nashville. It is one of the busiest stations in the entire South. The basement is below sewer level and in the rainy seasons the water seeps in, runs across the floor and into a well where a sump pump pushes it into the sewer. The men's toilet is also below sewer level and is equipped with a pump. The pump often leaks, permitting the sewage to run across the floor unto the well. The headroom in the basement is only 5 feet, 6 inches. To get to the toilet a man has to walk the whole length of the basement, doubled up. Also the lockers until very recently were in the basement. (They have been temporarily moved upstairs, but only until the space is needed for mail processing). The personnel in the Uptown Station are almost equally divided between those with permanent stoops and those with very sore heads.

Nashville, Tennessee (Melrose Station): Up until last month this Station was located in an abandoned fruit stand. The building was several times condemned but postal management paid no heed. The station was finally moved to new quarters only because it was necessary to make room for a highway.

Nashville, Tennessee (Melrose Station): In 1958, when the present building was first occupied, it held nine routes. Today there are 31 routes and one rural route, and a total complement of 58 employees. There are two one-fixture wash rooms. These are reserved for the men. The women employees must use a service station about half a long block away. This is one of the most crowded and most uncomfortable stations in the country.

FORMER CHICAGO REGION

For some reason or other, Chicago has always been a by-word for inadequate postal facilities. Around about the turn of the century the basement of the Main Post Office was called "The Tomb" because so many people who worked there contracted tuberculosis and died. During the first decade of this century the Illinois State health authorities inspected the Chicago facilities (without informing the postal authorities) and declared them filthy and far below minimum standards in private industry. The postal authorities refused to improve the facilities and fired the postal employees who complained to the health authorities.

Chicago, Illinois: Our correspondents tell us that half the stations of the Chicago Post Office are rat infested, Auburn Park being the worst. (There they sometimes try to nest in the pigeon holes.) All stations have inadequate loading space. Some (particularly Ravenswood and Irving Park) have crumbling masonry making it very hazardous to work or stop near any of the walls. The toilet facilities are generally horrible and, for the female employees, totally inadequate.

Montgomery, Illinois: The Post Office is in a building that has been condemned. It is totally inadequate.

Royal Oak, Michigan (Annex): The carriers have been moved down into the basement where they share the area with a huge boiler and an old fashioned furnace. When the men get to work at 6 a.m. in the winter the temperature in the basement is in the eighties, and by the time they leave for their routes at 9 a.m., it is in the mid-nineties. A more unhealthy situation cannot be imagined. The Annex is also a fire trap and the means of exit are limited.

GOVERNMENT AND PRIVATE ENTERPRISE ALINE FOR THE ARTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. BINGHAM. Mr. Speaker, I am pleased to take note of a recent article in the New York Times of July 18, 1971, discussing the "doings at Wolf Trap Farm," the new cultural center just outside Washington, D.C. The story reports how the Federal Government and private individuals have joined to create a summer festival of ballet, jazz, opera and symphonic music, all in a stunning setting. This is the kind of alliance which benefits all Americans.

The article follows:

[From the New York Times, July 18, 1971]

Doings At Wolf Trap Farm

(By Harold C. Schonberg)

Summer festivals have become a way of life in the United States and new ones are being added every year. The latest is named Wolf Trap Farm Park for the Performing Arts. In one respect it is very similar to the other ambitious American summer festivals—a shed, a pastoral atmosphere, a summer-long mixed program (ballet, jazz and opera in addition to symphonic music), a school, a student resident orchestra, various visiting ensembles. But in another respect it is different. For it is an alliance of Government and private enterprise, and that sets it off a bit.

Mrs. Jouett Shouse, heiress to the Filene Department Store fortune, donated 117 acres of her summer home in Vienna, Va., to the Department of the Interior. The land, with the lovely name of Wolf Trap Farm, was gladly accepted and placed under the administration of the National Park System. It will be up to Interior to maintain the property which, according to an Interior handout, is "dedicated to the preservation and pursuit of artistic achievement." In the meantime, Mrs. Shouse put up over $2-million of her own money to have an auditorium built. But the land and building belong to the people, as part of the National Park System under Public Law 89-671 of Oct. 1966.

The Federal Government, however, is not prepared to go into the concert business. Therefore a nonprofit corporation, the Wolf Trap Farm Foundation, was set up. It is headed by Joseph Leavitt, the former executive director of the New Jersey Symphony. Leavitt and his associates work up the program, engage the artists and so on. A third element in the program is the school, the Wolf Trap American University Academy for the Performing Arts. This is under the direction of Eugene B. Kassman, and its work is implemented by the American University through the Wolf Trap Farm Foundation in cooperation with the National Park Service of the Department of the Interior.

Arrangements have been made for students at the academy to receive college credits for their work. The program is elaborate. There will be a large orchestra and chorus, conducted by such faculty members as Eleazar de Carvalho, Frederick Fennell, Alexander Schneider and Izler Solomon. Master classes in violin (with Rafael Druian and David Nadien), chamber music (Raphael Hillyer and the Tokyo String Quartet) and piano (Earl Wild, Alan Mandel and Leonard Shure (will be given. A playwright's center is included and that will be directed by Kenneth Baker. And the composition faculty has such prominent adornments as Pierre Boulez, Milton Babbitt and Morton Subotnick.

In an effort to bring the academy closer to the public, the programs include "interpretive" mornings and afternoons at which various art forms will be discussed and explained. This is a good idea, and one not found in most music festivals. Getting close to musicians and theater people on an informal basis, with the give and take of questions and answers, can be a very valuable experience for the layman.

In short, the entire program at Wolf Trap Farm has been carefully worked out, and the result is one of the most ambitious attempts of its kind. As for the festival itself, there is a great deal going for it. John MacFadyen and Edward F. Knowles have created a fine building in the Filene Center. It lies at the bottom of a natural amphitheater, is huge without appearing so, has all kinds of backstage facilities for opera, ballet and theater (very few summer festival buildings have been designed for anything but symphony orchestras), and is landscaped beautifully into the surroundings.

Seating capacity is 3,500, with provision for another 3,000 on the grass outside the hall. The acoustics are good. Paul Veneklasen, the acoustician, has achieved a tonal quality that has clarity and color. Upstairs, in the balcony, the second is especially vital. Downstairs at the rear it tapers off just a bit, or so it seemed at the opening concert, where everything could be heard without effort but where there was a lack of that mysterious thing known as "presence." Closer to the stage there could be no complaint.

Only one thing marred the opening. The festival people say that they had checked out the airplane situation, and that Wolf Trap Farm is outside the National Airport and Dulles Airport flight patterns. (Dulles Airport is almost adjacent to the festival grounds.) That may be, but at the July 1 inaugural there was a great deal of activity upstairs, some of it so loud that one wondered if airplanes were going to use the roof of Filene Center as a landing strip. It was, however, an evening with intermittent showers, and perhaps aircraft had to be diverted. It would be a shame if the music at the Wolf Trap Festival had the constant competition of passing aircraft. For it is no pleasure to listen under such conditions. Indeed, it is distracting in the extreme.

As the first national park for the performing arts, with its beneficent relationship between Government and private enterprise, the Wolf Trap project is going to be watched with a great deal of interest. Perhaps it is an augury of the future—a future in which this country has solved some of its problems, with Federal money going into helping the arts rather than the armament manufacturers. The amount of money involved is, after all, minuscule in relation to the Federal budget; and the benefits are all out of proportion to the outlay.

Ideas like this should spread. Any rapprochement between private enterprise and Government in the cultural sector deserves support. Our Government, after all, is only beginning to do what other governments in civilized countries all over the world take as a matter of course. What our legislators have to learn is that it is not too expensive to provide a cultural ambience for the American people. On the contrary, it is too expensive not to.

THE NEW ERA

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. JAMES V. STANTON. Mr. Speaker, since coming to Congress last January, Jim Abourezk has impressed all of his colleagues with his ability to make realistic arguments for the needs of his constituents in South Dakota. Instead of demanding assistance for his State while completely ignoring the needs of people from the more urban areas of our Nation, Abourezk has been willing to work with his urban colleagues on programs of importance to city areas. In return he has argued forcefully that city Congressmen must begin to understand that so long as thousands of young men and women pour out of our rural areas into our overcrowded cities, the explosive problems of the cities will continue to get worse.

I am particularly pleased to place into the Record today an article from a fine South Dakota newspaper, the Watertown Public Opinion, which shows that Congressman Abourezk's efforts in Congress have been appreciated not only by those of us who work with him, but also by those in South Dakota who benefit from his work here.

[From the Watertown (S. Dak.) Public Opinion, July 22, 1971]

The New Era

Rep. James Abourezk of South Dakota has expressed a truism in his latest newsletter to constituents which signals the new era in farm state status and strategy in Congress. He says:

"As much as we wish it were not so, the day when rural representatives could ram anything they wanted through Congress are gone. Urban congressmen outnumber us badly in Washington. Their votes are vital to any legislation we rural people want passed."

Abourezk made the observation in explaining why he voted for a House amendment to the agriculture appropriations bill to put a $20,000 ceiling on farm subsidy payments to any single producer. Essentially, his explanation boils down to this one sentence:

"Without the bogeyman of huge payments to rich farmers, it will be easier to convince urban members that a decent parity price is an investment for them in keeping farm families in South Dakota and out of the overcrowded cities of their own districts."

Passage of the $20,000 subsidy limit will, in the western South Dakotan's opinion, provide a powerful farm tool for those who are seeking to improve farm programs, serving as "trading stock" by enabling farm state congressmen to say, to their urban colleagues, "you had our vote for limiting huge farm payments to rich producers. Now where is yours for a better deal for the average guy in our rural states?"

The logic is difficult to argue. Moreover, it serves as an illustration why Abourezk is such a strong possibility within his party for the U.S. Senate nomination next year. He is, as a matter of fact, easily the No. 1 contender at the moment, one principal reason being the forthright manner in which he has acted during this first term and the equally forthright communication to the voters back home of his reasons for having so acted. He has shown a definite knack for anticipating and answering questions before they are asked.

Meanwhile, he has also quite realistically pinpointed the changed balance of legislative power in Washington, why it is necessary for farm state lawmakers to stick together, and why the urban bloc must be constantly proselyted for support. Without it, the rural congressman is largely out of luck; with it, the farmer still has a chance.

DISSENTING VIEWS OF HON. EDWARD I. KOCH ON H.R. 8432

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. HARRINGTON. Mr. Speaker, I would like to bring to the attention of our colleagues the cogent remarks of our colleague from New York (Mr. Koch) in dissenting from the committee's report on this bill. They follow:

Dissenting Views of Representative Edward I. Koch

STATEMENT OF FACTS

H.R. 8432 introduced by the distinguished Chairman of the Banking and Currency Committee at the request of the Administration originally provided for a $250 million loan guarantee specifically tailored for Lockheed Aircraft Corporation. In the marking up of this bill the Committee, adopted an amendment substituting the provisions of S. 2308 for the original bill. S. 2308 was originally introduced in the Senate and authorizes $2 billion in emergency loan guarantees to major business enterprises with a limitation of $250 million for any one company. The substitute amendment was adopted through the joint efforts of the majority of Republican Members and a minority of Democratic Members of the Committee. The substitute amendment was approved by a vote of 18 to 16.

ARGUMENT

This dissenting view will attempt to analyze the major arguments that were offered in support of both the $250 million loan guarantee originally proposed and the bill finally approved by the Committee for the $2 billion guarantee.

The witnesses appearing for the bill, in support of either or both versions consisted of Daniel J. Haughton, Chairman of the Board of the Lockheed Aircraft Corporation, 24 Presidents and chairmen of those banks which have heretofore lent a total of $400 million to Lockheed, as well as representatives of the International Association of Machinists, Deputy Secretary of Defense David Packard, Secretary of Treasury John Connally, and Chairman of the Board of Governors of the Federal Reserve Board Dr. Arthur Burns. Opposing the loan guarantee in any form was a single witness, a representative of the UAW.

Those supporting the bill do so on the ground that if the United States fails to provide the guarantee which would permit these 24 banks to increase the credit to Lockheed by $250 million, the banks would not make such a loan and Lockheed would be forced into bankruptcy. The consequences the loan's proponents allege would be devastating to our economy, bearing a particular hardship on employment.

The Committee heard 30 witnesses, 29 of whom testified in support of the loan. On July 16th the Committee cut short the time period of the hearings, consequently precluding several witnesses against the loan from appearing. These included Norton Simon, a well known industrialist familiar with loan transactions of this magnitude, and Henry M. Durham, a former Lockheed assistant manager who had advised the Committee that he had information bearing upon mismanagement and deception practiced by Lockheed.

Much has been said about the commitments of various airlines to purchase the Lockheed airbus, but the Committee did not call a single airline witness before it for cross-examination on this very important factor. The Committee has subpoena power, but it did not use it to obtain badly needed information from the prime competitors of Lockheed—Boeing and McDonnell-Douglas.

The failure to call these vital witnesses so as to provide the Committee with all of the arguments and information on this major legislation makes the hearing held one not to be cited in the future as a model of objectivity.

TESTIMONY OF THE BANKERS

The presidents and Chairmen of the Boards of Directors of the 24 banks to which Lockheed is indebted represent banks having ⅓ of the banking assets in these United States. Their contention is that these banks, absent a United States loan guarantee, will not make the additional loan of $250 million now allegedly required by Lockheed and that the result of their failure to do so will be Lockheed's bankruptcy. These banks, in advocating that the United States provide a loan guarantee which will permit their making the $250 million loan without risk and with interest to be paid to them by Lockheed, advanced several arguments. One was that there is little or no risk to the United States in providing such a loan guarantee because the banks are subordinating their outstanding $400 million loans to the government's guaranteed loan. Thus, they asserted the security for the United States is more than adequate. On the other hand they stated that the banks themselves could not lend the additional $250 million without the government guarantee because it was not a bankable loan. When the shoe was on their foot they said that the security offered by Lockheed really isn't worth anything because it is difficult to sell a plane design or parts, which compose a major portion of the company's inventory. Finally, if the additional $250 million was not provided, Lockheed would go into bankruptcy—and they would allow this to happen before independently providing the additional money to protect the $400 million they had already extended to the corporation.

During testimony on July 14, I had the following dialogue with Mr. Chauncey J. Medberry, III, Chairman of the Board of Bank of America concerning the bankability of the loan:

Mr. Koch. What you say to us is, we should come in and pick it up because you are going to give us a privileged position. I am asking you, and I ask the question of everybody here, are there not banks here today who, if they were given the privileged position of having a preferential situation for the additional $250 million, which would come in and offer that $250 million?

Could I ask for an expression of opinion on this question. Is there a bank here, if it were given a preferential position with respect to this new money, the $250 million, that would come in and accept that offer? Is there no bank here that would want such a preferential position?

No.

I assume by your silence that you would all turn down the possibility of coming in as a preferential creditor for the additional $250 million. Would you agree, Mr. Medberry, that apparently is the situation?

Mr. Medberry. Yes, I agree.

Mr. Koch. Let's assume for the moment that everybody at this table agreed to subordinate their loans to the bank or banks that come in and offer the additional 250 to continue this. Wouldn't you jump at that offer?

Mr. Medberry. No, I certainly would not.

Mr. Koch. Tell me why not.

Mr. Medberry. Because of the risk involved. And I tried to put that into my testimony.

Mr. Koch. Risk in the new $250 million loan?

Mr. Medberry. I stated that the government still had some of the continuing risk on its guarantee. The bank, however, would have no risk on that $250 if the U.S. government would guarantee it.

Mr. Koch. Let me ask you this. Do you see any appreciable risk if all other loans were subordinated to your making an additional $250 million loan which had a preference in the situation?

Mr. Medberry. Yes, Mr. Koch, I do.

TESTIMONY OF DEPUTY SECRETARY OF DEFENSE DAVID PACKARD

The testimony of Deputy Secretary of Defense David Packard was enlightening, because of what he failed to say as much as what he said. Originally, Mr. Packard filed a statement with the Committee supporting a $250 million loan guarantee specifically limited to Lockheed while opposing the $2 billion loan guarantee. Before appearing the Deputy Secretary excised from his remarks the last 2¼ pages which contained his opposition to the $2 billion program proposed.

The argument was advanced by Deputy Secretary Packard and others that what is proposed here is similar to the assistance given to small businesses by the Small Business Administration.

In response to a question I put before Mr. Packard on whether the SBA provides assistance to a small firm at the edge of bankruptcy, he responded:

"Yes, they come in on the edge of bankruptcy. This is one of the purposes, to help small business, and among other things to keep them from going into receivership."

A very fundamental question should be asked at this point: Is it the function of government to bail out bankrupt business—large or small? Because I was surprised at Deputy Secretary Packard's response and reference to SBA procedures, I wrote to the SBA to ascertain its policy on loans to small businesses on the verge of bankruptcy. I received the following response from the Administrator of the Small Business Administration, Thomas S. Kleppe, which speaks for itself:

U.S. Government,
Small Business Administration,
Washington, D.C., July 22, 1971.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: This letter will reply to yours of July 20, 1971, requesting information relating to whether the Small Business Administration would make loans to small businesses to avoid bankruptcy.

The prohibitions which you cite in your letter would not necessarily preclude such loans, although they might, depending on the circumstances of a particular case.

Normally, we would not consider as eligible for a business loan an applicant which is facing bankruptcy, as we must find under our statute a reasonable assurance of repayment ability. This would obviously be difficult to do in most cases.

We do not have a record of loans made to firms facing bankruptcy, if there ever were any at all.

I hope that this information is helpful. Please let us know when we can be of further service.

Sincerely,

Thomas S. Kleppe,
Administrator.

In his prepared remarks, Deputy Secretary Packard made it clear that the Nation's security did not pivot on whether the government guarantees the loan or whether Lockheed goes into bankruptcy.

Packard stated on July 19 before our Committee:

As I have said many times, we do not think the L-1011 is a Defense Department responsibility.

* * * * *

It is my understanding, Mr. Chairman, that the desirability of a broader bill, a larger bill, is not related to the requirements for the Defense industry, it is related to requirements for a broader cross-section of industry.

TESTIMONY OF SECRETARY OF TREASURY JOHN CONNALLY

The Secretary of the Treasury's philosophy with respect to loans and guarantees by the United States government to corporations like Lockheed was expressed in a dialogue he had with me during his testimony. We were discussing the philosophical problems raised in the government's involvement in this matter in free enterprise.

I asked,

"I wonder if you have some thoughts . . . as to why you think it (the government's guaranteeing this loan) is not an assault on the free enterprise system."

He responded:

"Mr. Congressman, let me put it in this context. I have great regard for Mr. Medberry. I think he is a very able and distinguished man. I have heard this expressed by a large number of business people, well, we are afraid this is an assault on the free enterprise system. This frankly leaves me cold; I don't understand this argument. I don't recall that this argument was very persuasive in the case of the RFC, when these same businessmen came in and said, we want to sell X-products to Y-company, but we want an export-import loan. So what are we doing? We are loaning the money and we are guaranteeing the payment for the sale of their commodity or their product. I don't see any great difference between guaranteeing the sale of their product and the sale of this product. When they come in and they want a guarantee against commercial loss on overseas operations, as we are now doing to the tune of $8 billion under OPIC, we don't say that this violates the free enterprise system, but we sure want it."

Mr. Koch. Let me ask, how far down the road to Socialism do you want to take us?

Secretary Connally. I am not taking you down the road to Socialism at all. If you are embarked on that course, the direction was set long before I came here. (July 20, 1971)

All of us must recognize that the economy of the United States is not laissez-faire in the orthodox sense—not should it be. Yet, we can rightfully say that our economy embodies the principle of "free enterprise." There is indeed a role for government to play in every area of our economy and it does so with subsidies and other assistance. Yet until this point, I do not believe that it has been the policy of the United States to have the government so manage the economy that it will provide the businesses of this country and in particular the giant corporations with loans or loan guarantees when they are on the brink of bankruptcy. If this legislation is passed we shall have crossed that Rubicon and placed the United States in the position of deciding what businesses, whether mismanaged or not, shall be saved from bankruptcy with government loans or loan guarantees and what businesses shall not. Last year, more than 11,000 businesses in this country went into bankruptcy. Next year, if this bill is passed, among a similar or even larger number there will be a special favored few who will be bailed out by the U.S. Government—and I for one am opposed to the government's extending financial assistance to that point.

TESTIMONY OF DR. ARTHUR BURNS

Dr. Arthur Burns, Chairman of the Board of Governors of the Federal Reserve Board, was the last witness to be called. His support of the $2 billion loan guarantee legislation came as no surprise since he had advocated similar bail-out legislation for the Penn Central Railroad. What was surprising was his hindsight on this matter.

On July 20, Dr. Burns told the Committee in response to a question as to whether he would have approved a Federal loan guarantee to Penn Central:

Well, I can answer partly by way of hindsight but I am still speculating because your question is of that character. I think that if this legislation had been on the statute books and if I served as a member of the emergency loan guarantee board I think that I would have voted in favor of the guarantee.

Dr. Burns conceded that there are reputable economists who disagree with his position on this legislation but he supports the legislation because, in his judgment, Lockheed, without the loan, will go into bankruptcy.

His advice on the Penn Central Railroad was clearly erroneous and I submit should not be followed in this legislation before us.

CONCLUSION

The legislation pending before the Congress, originally to provide Lockheed a $250 million bail out now extended so as to permit as many other giant corporations to come in and apply for $250 million loan guarantees, is a rerun of what the Administration sought to do slightly more than a year ago when its position was that a $200 million Federal guarantee to the Penn Central Transportation Company was essential to the economy. At that time, an official of the United States Treasury Department stated:

If a big railroad like the Penn Central failed, the psychological impact would be extremely damaging to the financial markets.

Despite the scare tactics, the Congress did not agree to the rescue plan. The Penn Central filed for bankruptcy on June 21, 1970 and the Republic still stands. The railroad continues to run, the workers continue to work and there has been no financial panic. Had the Congress followed and believed the propaganda and emotional statements of the Administration officials last year, the mismanagement, deceit and illegal activity of Penn Central would have continued. There are few people today who would question that the Federal government—the taxpayers—would have lost hundreds of millions of dollars in that ill-conceived scheme. The Nixon Administration was saved a monumental embarrassment when Congress rejected the effort to provide that slush fund. This Congress should again save the Nixon Administration from itself.

Loans and loan guarantees of this nature would perpetuate overpriced defense contracts. As stated by the Deputy Secretary of Defense, the Honorable David Packard, in testimony filed with this Committee, "Past policies have encouraged defense contractors, large and small to take on programs beyond their means. That is what happened with the L-1011. Lockheed could assume ways to cover large overruns which might occur on their defense programs . . . For this reason, we in the Department of Defense, do not need nor want a broad loan guarantee bill which will only encourage a continuation of these practices which have caused this trouble."

The bill rewards corporate mismanagement. There exists unrefuted evidence of mismanagement by Lockheed which, until explained, should disqualify the company for federal assistance. I refer to the public statements of Henry H. Durham, a former Lockheed assistant manager, who was asked to testify before the Committee but was not heard within the time limitations set. Such unrefuted allegations raise the spectre of another Penn Central scandal with all its evidence of mismanagement and fraud. If Penn Central had been given a loan guarantee these facts might never have come to light.

It shortchanges the taxpayer. Under the terms of H.R. 8432 as approved by the Committee, the taxpayers bear a substantial risk of $250 million depending on the future survival of Lockheed. The legislation does not, however, assure that the interest on this $250 million loan will be paid to the federal treasury to compensate the taxpayers for this risk. Instead the legislation in its ambiguous construction allows for the payment of additional interest to the banks which have refused to advance Lockheed more money, without a federal guarantee. There is nothing in the bill to compensate the government for the risk it is taking. I believe there are substantial hidden costs to the taxpayer under this legislation. It will establish an unhealthy relationship between subsidized defense contractors and federal officials, and an unfair competitive position for other corporations managing with their own resources and doing business with the federal government. Once a guarantee has been awarded to a contractor, this fact will unavoidably be taken into consideration in awarding and administering federal contracts. The result will be substantial additional costs for already high-priced government weapons and other purchases.

The unmet needs of this nation cry out for resolution. They include schools, hospitals, housing and a better environment. We cannot afford this costly diversion.

The dire warnings of the Administration and the witnesses who appeared in support of this legislation, is reminiscent of the dire prediction of Henney-penny in the story of Chicken Little.

"Goodness gracious me!" said Henney-penny; the sky's a-going to fall; I must go and tell the king." So she went along and she went along and she went along til she met Cocky-locky. "Oh! I'm going to tell the king the sky's a-falling," says Henney-penny. "May I come with you?" says Cocky-locky. "Certainly," says Henney-penny. So Henney-penny and Cocky-locky went to tell the king the sky was falling."

If this bill fails to pass, the sky will not fall. I believe it was incumbent upon the Committee to hear the witnesses opposed to the bills. It well may be that had it had all of the facts before it, it would have come to a different conclusion.

I respectfully recommend that this bill be recommitted to the Banking and Currency committee with instructions for the Committee to complete its hearings.

In conclusion I would like to make it clear that I oppose both the $250 million loan guarantee proposal and the $2 billion proposal.

ACCOMPLISHMENTS OF THE CALIFORNIA NATIONAL GUARD

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. JOHNSON of California. Mr. Speaker, too often in recent months we have had complaints and comments about the military, the National Guard and the Reserve Forces. I would like to take this opportunity to bring to the attention of my colleagues the other side of the story.

The California National Guard has for the past several years been deeply involved in community and youth-oriented programs. Since the National Guard from the days of Concord has been traditionally rooted to the community in which it is located, it is felt that each unit must share the responsibilities of the community, and must initiate and participate in the various community programs. These programs are conducted entirely on a voluntary basis; no pay is involved; the participants contribute from their extra time and sometimes entirely fund from their own pockets the costs of food and recreation, where underprivileged children are concerned. This organization and much of its equipment are peculiarly well suited to these programs. The costs of such, gasoline, lubricants, and so forth, are minimal. They cannot, of course, support all activities brought to their attention, as they are bound by certain Federal regulations relating to use of equipment and all programs must be consistent with the maintenance of their training and readiness levels.

A compilation of the accomplishments of the California National Guard in this area, which is referred to as domestic action programs, for the calendar year 1970 indicates a broad and varied spectrum of service involvement at the local level.

For the purpose of simplicity, statewide unit activities in these areas have been divided into five categories: ecology and reclamation projects; support to needy and underprivileged; support to community service organizations; support to governmental agencies; and miscellaneous assistance and service programs. Listed below are the five major categories and the involvement of the California National Guard in each.

First. Ecology and reclamation projects—1,335 California National Guardsmen and townspeople on 12 different occasions participated in these projects. This activity includes such programs as recycling waste material, cleanup projects and reseeding wilderness areas.

Second. National Guard support to needy and underprivileged—a total of 2,154 guardsmen sustained varied programs on 11 different occasions. National Guard support included such activities as delivering clothes and medical supplies to three Indian sites, distributing food and toys to needy children and providing campouts for underprivileged children.

Third. Support to community service organizations—The overall involvement of the National Guard in support of community service organizations was the most far-reaching and largest category. The Guard supported local civic groups 73 times during 1970 which encompassed activities ranging from construction of little league baseball fields to active involvement in all segments of the Boy Scout program. Approximately 47,000 participants and Guardsmen were involved in this category.

Fourth. Support given to governmental organizations—The California National Guard was requested on 21 occasions to assist governmental agencies that are primarily engaged in sustaining community and youth programs. In this respect local governmental and Guard personnel numbered approximately 25,500 in projects which included medical treatment and consultation with inmates at the San Francisco County jail to providing personnel and equipment in support of repair of flood-damaged roads, snow removal, construction, and cleanup assignments.

Fifth. Miscellaneous—The California National Guard participated in several programs which were initiated and conducted solely on the local unit level. These activities involved over 23,500 local citizens and Guardsmen on 11 separate occasions. Examples of their involvement in this area are safety classes on the care and use of hunting weapons and visits to veterans' hospitals.

I would like to note further that many of the above-mentioned programs are continuous year-round projects Additionally, many of the community relations events participated in by the California National Guard did not fall into the categories listed above. The Guard's involvement in these areas was, however, substantial. These included parades, concerts, radio broadcasts, providing speakers to civil clubs and seminars. For example, during 1970, 22 events of Guard involvement in color guard presentations, parades and radio broadcasts were either witnessed or heard by 1,800,000 citizens.

In conclusion, Mr. Speaker, it would seem to me that Maj. Gen. Glenn C. Ames, commanding general of the California National Guard, and the thousands upon thousands of dedicated young men who devoted their spare time to prepare for the defense of this Nation, and then on top of meeting this first and foremost responsibility have added hundreds of thousands of hours of volunteer service to their fellow man, deserve the highest of commendations. Thank you.

A COLLEGE STUDENT'S VIEWS ON THE IRRESPONSIBLE INCREASE OF FEDERAL LARGESS

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. FLYNT. Mr. Speaker, a day or two ago I received a letter from a young college student constituent which clearly expresses a feeling shared by a great many serious-minded students and others who see the consequences of an ultraliberal and irresponsible never-ending increase of Federal largess from an already empty larder.

Clearly recognizing and supporting a responsibility to assist those who cannot help themselves, I join this constituent in the firm conviction that idleness and indolence encouraged by a "spend and spend, tax and tax, elect and elect" attitude can only lead to a decaying society.

Mr. Speaker, at this point I enter this constituent's letter in the RECORD.

JULY 24, 1971.

The Honorable JOHN J. FLYNT, Jr..
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FLYNT: On last night's news program on WAGA-TV it was reported that the federal food stamp program is now open to students and hippies, who, prior to the publicity afforded to such announcement, were not participating in the program to any large extent. I would like to know *why* the government is allowing this to happen.

I am a resident of Butts County. I am now attending Law School at the University. I graduated from Georgia Tech in September, 1970, and during the four years I was at Tech I became acquainted with many of the students and hippies in Atlanta. Although not an "expert" on them, I feel that because I was a student in Atlanta and the same age as many of those who are seeking to be fed by the government that I can speak for a large number of people in my age group.

There is no logical or valid reason for the government subsidizing this scum. There are many people in the State and in your district who, when their money ran low or out, had to give up the pursuit of their education in order to feed themselves and their families. Now these same people are being taxed heavily (and the news media tells of another tax increase for next year) to pay for the food this scum consumes. No one *gave* them food while they were in school, and I believe that even if it would have been available that their pride and honor would have kept them from taking it. Will these so-called "students" become self-reliant, develop any self-pride when they realize that when things are rough and they become financially distressed that the federal government will step in, give them a shoulder to cry on, lead them by the hand and develop a cure for every social and personal ill? I think not. The only result possible is that these people will lean more and more heavily on the government. They will not be able to solve their problems by themselves. They will not take the initiative, nor even look toward others for help. They will only cry, "Big Brother; do something, give me some money, give me this, give me that!" And of course Big Brother, bleeding at the heart, will stretch out his left hand and respond. "Give me your abused, discriminated-against hand, and I will do everything for you from your birth to your death." With his other hand he will reach out to those who work hard, and do not wish him to run their lives and make their decisions, and steal their money.

Of course, all of this is done in the name of "take from the haves and give to the have-nots", which could be more adequately described as "take from the industrious and reward the shiftless". It seems that the former phrase was the underlying basis of the government's taxation system at it inception and up to today, while the latter phrase has come to characterize the government's performance in relation to the scum in our society.

I cannot readily understand why I should be taxed to feed those students and especially the trashy hippies. My father and mother, who incidentally went to high school with you, have worked long and hard to be able to send me to Georgia Tech. I appreciate their efforts more than words can describe. My wife and I are both working now in order that I can go to Law School. We are not rich and are unable to afford any small luxuries. One reason for this is that we do not make a lot of money at our jobs and the other reason is that a large percentage of the money we do make is taken away, stolen if you will, by the federal government in order to subsidize those who are too damn lazy to work.

In short we are sick and tired of working hard and then having the government give a reward to those who won't work. Even more aggravating than the government's action is the basis for their action. The people of this State, and I believe the nation as a whole, are not fooled by the statements the leaders make when an announcement is made that the government is going to extend its rewards into a new area. So many times we hear that the poor, oppressed and downtrodden will be helped by showers of dollars. This is a farce. The social scientists can think up any reason for justifying government spending. But they fool no one any more. The taxpayer happens to live with the downtrodden souls and he, better than anyone else, knows the problem!

I have lived and still am living with the poor, helpless students and hippies. In the government's view they should be rewarded. Why? They have no money and therefore are unable to buy food. See how easily that follows. No money, no food. On the other hand, the government views me as having a little money, so therefore I should be willing to give part of it away to those who have no money. How logical! How neatly it fits into the mold that the social scientists have developed. That is the result which exactly coincides with the conclusions of their hypotheses.

But, other people, including myself, view the whole matter through a different pair of glasses. We keep focusing on leeches! No matter how much we keep trying to adjust our focus and expand our range of vision we continue to see the same thing—leeches. Try as we may, we cannot detach ourselves from the very real fact that we have to pay the ticket for those around us who will never try to buy their own.

Is this as it should be? To some, especially those on the receiving end, the answer is yes. To those on the giving end the answer is no.

I would like to urge you, as my Congressman, to use your efforts to have the government refrain from helping those who don't help themselves. If the students and hippies don't want to work, then why should I feed them. I work hard and if they want to sit around on their back sides, then by all means let them. If they get hungry enough, then maybe they will go to work. The government has not given me anything but less money than I earned. Where does the logic lie when a government penalizes those who try hard and then rewards those who don't? If you can give me an answer, then please do for somewhere in my education, I have missed it.

With kindest regards, I remain

Sincerely,

——— ———.

ECONOMIC DEVELOPMENT IN HILL CITY, KANS.

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. SEBELIUS. Mr. Speaker, for the past several years, there has been an overriding concern on the part of this body and the Government as a whole, regarding the pressing problems of urban America. Too often we have ignored the indirect cause of many of these problems—low farm income and a lack of opportunity in rural and small-town America.

During the decade of the 1960's, my congressional district, the First District of western Kansas, had a net population loss of 36,000. The rural State of Kansas ranked 41st on the list of the 50 States in total growth of payroll jobs from 1960–70. This outmigration and loss of job opportunity in our rural areas has, of course, caused many of our rural citizens to look for employment in our overcrowded cities. However, this has not been the case in one city in my congressional district, the community of Hill City.

In Hill City a small group of concerned citizens banded together to create an economic development group to try to improve their community's future. The result of this alliance of self-help enthusiasts including farmers, bankers, businessmen, and low income laborers was Kansas Food Products, Inc., a plant to slaughter and process rabbits, an idea conceived by Dr. Karl Kobler.

The farmers in the area produce the domestic rabbits and sell them to the plant. The rabbit meat and meat products are then marketed for domestic use. The byproducts and other portions of the rabbit carcass are sold on contract to medical research facilities. This plant has stimulated the local economy through jobs for unemployed citizens and provided an additional source of income for farmers with sagging farm profits.

The management wisely chose to build the plant to USDA meat inspection specifications, so the consumer would be assured of wholesome meat. Their participation in USDA inspection is strictly voluntary and costs over $15,000 annually.

I have introduced legislation to provide for the mandatory inspection of rabbits slaughtered for human food, H.R. 8714. Since rabbit meat and rabbit byproducts have the lowest cholesterol and the highest protein value of any meat, it seems reasonable to provide USDA inspection for rabbit processors on the same basis as Federal inspection of meat and poultry processing plants as authorized by the Federal Meat Inspection Act.

This would insure a constant supply of low cost, nutritive rabbit meat so important to the treatment of certain health problems and for medical research. It would also maintain the viability of Hill City's self-help initiative in providing new opportunity in rural America.

Mr. Speaker, I insert the following articles in the RECORD to illustrate the value of the Kansas Food Products, Inc., rabbit processing plant and the importance of prompt, favorable consideration of H.R. 8714:

[Norton Daily Telegram (Kans.), April 19, 1971]

RABBIT PLANT PROSPECTS IMPROVE IN HILL CITY

HILL CITY.—Kansas Food Products, Inc., a rabbit processing plant here, has a new opportunity to grow as result of a stockholders decision.

The stockholders voted to allow a holding company to be formed from within their own membership and buy control of the company for $100,000.

This would enable the firm to qualify for a $200,000 loan from the Kansas Development

Credit Corporation, which would be 90 percent guaranteed by the Small Business administration.

Formation of the 10 to 15-member holding company, purchase of the 38 percent of stock necessary for control and the other arrangements are to be completed within 3 weeks.

Other changes are expected to place the company in a better situation to take advantage of potential markets. The total $300,000 in new working capital would permit the company to buy new equipment and embark on an advertising campaign to encourage more area persons to raise rabbits.

The plant began operations June 1, 1969, with capacity to slaughter about 2000 rabbits daily, but hasn't been able to obtain that many. Present operations are 800 to 1000 rabbits daily, according to Kevin Kobler, manager.

Rabbit seems more expensive in dollar-per-pound cost until buyers recognize its high-protein, low-fat content, high percentage of edible meat and other factors, Kobler said, and more rabbit would be eaten if it were available.

Company officials are negotiating for 2 new marketing outlets which should help expand business. They want to wholesale their processed rabbits on fresh basis to Thompson Poultry Co., Iola, instead of marketing it on fresh, frozen basis. Kobler said the fresh meat market is more profitable than frozen.

Also, the company hopes Munns Medical Supply Co., Topeka, will market its biological products from processed rabbits, such as blood serum and brain.

Kobler said the Hill City firm has done some of this, but the Topeka firm has better knowledge of the market available through pharmaceutical, hospital and medical uses.

Finally, the change by May 1 will include the arrival of Arkie Hudkins, now at Munns, as new KFP plant manager, and re-assignment of Kobler as his assistant. Kobler, 23, said the loan agency recommended that a manager with more marketing experience would help the plant.

Another factor in the KFP growth prospect is the announcement that the state Office of Economic Opportunity considers opening a Single Purpose Action agency here to loan funds to rabbit producers.

[From the Ulysses News, May 20, 1971]

EWING LYLE KIDS RAISE RABBITS—"HARE-RAISING EXPERIENCE" GOOD FOR YOUNGSTERS

Get four kids and about 50 white rabbits together and you have—well, what you have depends on the kids, and it depends on the rabbits.

The children of Mr. and Mrs. Ewing Lyle began a rabbit-raising project a year ago, after purchasing breeding stock from the Vernon Koehn's, who have a full-scale rabbit venture in operation. The kids and the rabbits seem to be doing fine, though, like all stockmen, they have to have help sometimes.

The venture is paying to the extent that the youngsters are now beginning to pay for the equipment. They have only about $200 invested in the business, and when this is paid off they will put the money in a savings account. Penny, 12, Dan, 11, Kevin, 10 and Lyn, 9, all have a hand in the business. But Joan, 2, merely loves the rabbits.

They have 12 does and three bucks, and plan to remain at about this number in breeding stock, although the plans are to continue to boost the litter size by culling out the low producers. Rabbits produce about three litters a year, and there is a litter of 20 ready to go to market now. About 240 is Mrs. Lyle's estimate of a typical year's production.

The rabbits, when they reach the market size of four to 4½ pounds, go the Hill City Rabbitry. This takes about eight weeks. They stay in the cages with the does until they are four to six weeks old, and after that go into cages for weanlings.

The old chicken house that the youngsters took over for the project now has 15 cages full of thriving bunny life, and 15 more cages have been ordered. "They'll be put to use just as soon as they get here," Mrs. Lyle said.

The rabbits are fed on commercial feed mixed with milo and wheat straw, the breeding stock getting four ounces in the two daily feedings, and the growing rabbits all they want.

Mrs. Lyle praised the Koehns for their help in emergencies, and in giving advice on the project.

[From Midway, May 23, 1971]

LIKE THE MAN SAYS, "RABBITS ARE WHERE IT'S AT, BABY"

(By David Arnold)

(Note.—The table was a large one, but the three were crowded together at one corner of it. "No room! No room!" they cried when they saw Alice coming. "There's plenty of room!" said Alice indignantly, and she sat down in a large arm-chair at one end of the table.

"Have some wine," the March Hare said in an encouraging tone.

Alice looked all around the table, but there was nothing on it but tea. "I don't see any wine," she remarked.

"There isn't any" said the March Hare. . . .

"Your hair wants cutting," said the Hatter. He had been looking at Alice for some time with great curiousity, and this was his first speech.)

HILL CITY.—Arkie G. Hudkins acted a little like Alice in Wonderland when he arrived in Hill City recently to manage Kansas Food Products Inc.

Only Arkie, whose hair wants cutting, too, and who favors seven-inch ties that scream like a light show, saw much more than a cup of tea on the Western Kansas prairie.

Arkie saw a nice wine sauce, dripping lavishly over a boned, rolled and roasted rabbit—"a gourmet item."

Arkie, you see, loves rabbits. Not the wild variety, but the all-white meat kind that are ranch bred.

And Kansas Food Products is in the unlikely business of processing rabbits for the nation's dinner tables.

You might call it the Great Hill City Bunny Boom.

To Arkie, 32—with a background in stomping French grapes, selling motorcycles, working for a baroness, making ties like the ones he wears, planning cities, consulting with Kansas businessmen and advertising Topeka industry—the rabbit business can do no wrong.

"Rabbits are where it's at, baby!" he says, his eyes widening behind tinted glasses, his hands drawing enormous volumes of space into his grasp. Images are his business and selling is his trade. So Arkie wants to put a rabbit on every dinner table, a lucky charm in every kid's pocket, and a fur hat on every woman's head.

Kansas Food Products is one of only three U.S. Dept. of Agriculture-inspected rabbit processing plants in the United States. Each is surrounded by a few full-time rabbit growers and hundreds of backyard entrepeneurs who see the fun and profit of raising rabbits. The processor buys and collects the young rabbits by the truckload to kill, dress and package as fryers or roasters for the dinner table. The processors then can sell just about anything else as a biological byproduct for research.

A week ago a man from Missouri pharmaceutical firm called Arkie.

"How much do you charge for rabbit urine, to use the biological term?" The man asked.

Arkie sat in silence, about to say he'd give the stuff away. Who ever heard of selling rabbit urine? he thought.

But he threw a number into the receiver, "Ten dollars a liter."

From the earphone came words of agreement.

"They don't know what they're talking about in this business and I don't either," the domesticated rabbit man said, "but the whole business is gonna boom.

"I've talked to people in research at the University of Southern California and just the other day a woman called me from Dow Chemical in New York.

"Man, I've never gotten a call from Dow before, have you? Wow! Why, I've never even gotten a letter from them before. This gal asked all sorts of questions like how many rabbits can we process in a day and how many raisers have we got and how far away are they. You know, the kind of information they can feed into one of their little computers and come up with an answer on.

"So I didn't tell her. I just wrote a letter asking what they wanted to know.

"Man, there's something going on when Dow Chemical calls you up like that.

"I come in here at six in the morning and I just sit here and grin.

"We're writing to all of the hospitals in the United States. Why do you know that rabbit meat is 85 per cent digestible and the next closest one is, I believe pork?", he added.

"How often do you serve your family rabbit, lady?"

"Have you bought rabbit here before?"

He got stares and puzzled faces, a few no's.

A few days later he got a call from the bank vice president. Do you want the job, the vice president asked: general manager of Kansas Food Products?

Arkie put him off a few days, designed the campaign and went to Hill City to Lem's Chinese Cafe to say yes to the vice president over sweet and sour pork.

"They're going to put rabbit on their menu at Lem's," Arkie says proudly.

He is pushing rabbits. Stewed, braised, fried, in spaghetti, pot pies, salad, in devil sauce, stuffed with sesame-thyme, or in the old country Hasenpfeffer recipe.

First, there were the letters to hospitals offering contracts for an 85 per cent digestible, all-white meat rabbit at low prices. Then, he shot a letter off to Swanks, the cuff link people. Want a few thousand rabbit feet a day? he asked.

Then the other day he talked to a Kansas City food broker and said he wanted Kroger's national rabbit account.

A week later, the broker agreed.

"It's gonna be like a snowball, now," Arkie said.

The meat of the rabbit should put the company's books in the black soon, Arkie believes. Then he'll go big in the biological byproducts. One pharmaceutical company lists prices for everything in the rabbit from carotid arteries, eyes, and livers to tongues, mammary glands, tonsils and a few other things that make amateur rabbit men blush.

Arkie has a glass tube the size of a fat pencil that is filled with a rabbit's crushed brains. Enough of the greyish-red powder to cover a little fingernail is worth $1.75.

And Swank sells lucky rabbit's foot charms for $7.50.

"I've got four letters in to them and I can give them about 8,000 feet a day," he said.

"Everybody I call on the phone, even the telephone operators, I ask, 'Have you ever eaten rabbit?' and they say 'Rabbit?' "

Kansas Food Products is now doing less than $500,000 a year in business. But Arkie sees the day when that will jump to maybe $1 million.

Arkie talks like the bunny business is going to boom any day now and he's worried. Ever since he got the call from Dow he has been saying to himself, "I think what's gonna happen is Dow or somebody might just come in and gobble us up."

Until he gets gobbled up, Arkie is going to push rabbits.

The rabbit business, of course, is no get-rich-overnight scheme. There are all the pitfalls present in any livestock business. The industry faces the task of convincing a T-bone generation that rabbit is just as good as beef or pork.

Still, there is the increasingly urgent question of producing more food for more people. And a few men like Arkie Hudkins see rabbits as playing a larger role in that increased food production.

"In any game the longer you kick on that door, the quicker you'll get in," he says without doubt. And he is kicking on doors in Houston and Denver, keeping an ear open for the Dow foot that might come through his own door.

It's a fast business with doors being kicked, while white California does deliver litters of seven or eight baby rabbits five times a year.

As one rabbit raiser in Hill City said, "You never quite catch up with rabbits."

Arkie will try because he saw wine sauce, dripping lavishly over a boned, rolled roast of rabbit, where Alice in Wonderland only saw tea.

Rabbit men deal in statistics. They have to prove what is mathematically fantastic, but has not yet caught the public's fancy. They say rabbit production is sure-fire—the old fun and profit motive. They say it is the most nutritious meat available and everybody should want to eat it. It tastes good. It's good for you. The processor can make money. Everything on the rabbit can be sold, even the ears.

Arkie has been a statistically minded rabbit industry spokesman four weeks now, ever since he accepted an offer to come to Hill City and take over the local industry, make a marketing and a promotional miracle out of a local man's dream.

The dream was Dr. Karl Kobler's. He is the town's general practitioner, the one who can trace his medical practice to delivering just about every baby in town and his family tree to most of the store front signs. The doctor and his family fell into the rabbit raising hobby many years ago and, as rabbits will do, the hobby exploded beyond the confines of the doctor's backyard.

So he built a company that today has about 300 mostly local stockholders and about 25 employes. The company and its board operate the rabbit processing plant.

Dr. Kobler wanted to go big in the rabbit business, but more than that, he wanted to create a few jobs in Hill City and he had this dream of putting highly nutritious, all-white, domesticated rabbit on America's dinner tables.

In a proposal that received some attention from legislators, Dr. Kobler said the poor, unemployed, and unskilled in the rural and depressed areas of the nation—the Indians on reservations, the Mexcan-Americans in migrant camps, the blacks in city ghettos—could raise the rabbits. Jobs for the jobless, income for the poor, the proposal seemed to give somethig to everybody. It could boost the gross national product by $70 million and exports to South America and Europe by $20 million, Dr. Kobler said.

There are about 1,400 rabbitries supplying Kansas Food Products with rabbits to process.

Most of them are backyard, part-time operations. Some are professionally run and full-time. Rabbitry experts have an economic formula: a brood doe (which costs about $7) and six litters will consume about $30 worth of food a year and produce about $50 worth of fryers. That is a paper net profit of about $1.70 per doe per month. If a rabbit raiser sells part of his litter for breeding and the rest for laboratory animals, the per doe profit can jump to $2.50. Some raisers have as many as 1,000 does in a herd.

A raiser can produce a thousand pounds of rabbit meat in a year on 40 or 45 square feet of land. It takes two acres to produce that much beef.

Smaller operations only take a couple of hours a day to maintain. Lea Worcester the owner of 200 does in Hill City, has running water and circulated air in the hutches and spends no more than two hours a day taking care of them, he said.

With clean hutches, bigger raisers claim the biggest problem with rabbits isn't disease, but nerves. And selective breeding produces calm does and offspring.

Some raisers like Worcester are putting beds of Texas hybrid worms underneath the rabbit cages to cycle the rabbit manure and help keep the place clean. What goes on beneath the pens of the breeding does is becoming big business, too. Some raisers are producing more worms than they can handle and are selling the extras, by the boxes, to other breeders and fishermen.

One of the biggest problems for the processor is collecting rabbits. Raisers are often far apart and the trucking operation is expensive.

Kansas Food Products slaughters about 2,000 rabbits a day three times a week. It can slaughter four times that many daily if the supply from raisers and the demand from the supermarkets increases.

Now, a two-pounder frozen roaster in a Topeka supermarket sells for $2.59.

But the young business isn't booming yet. The company is still running below capacity and below profit. The dream until Arkie came to town was no bigger than Hill City.

Then one day two men from a medical supply company in Topeka come to Hill City to talk rabbits. Arkie was one of them.

They sat in Lem's Chinese Cafe, talking to the local bank president and his vice president, a member of the rabbit company's board of directors. Over sweet and sour pork they talked about the rabbit and its biological byproducts. Arkie sat quietly, listening to the talk of intestines, and things, his mind drawing packages—bunnies on every dinner table. If you can eat pigs, chickens and ducks, why can't you eat rabbit? This is the Rabbit Revolution, he was thinking.

When the dinner was finished, the agreements made, Arkie's mind was churning out rabbit promotions.

The men shook hands and said goodby.

Arkie pushed rabbits in his mind. He hustled hutches and roamed supermarket meat counters in his head and his mind was sold on the rabbit industry. He was becoming one of the adventurous few souls who have put their future in rabbits.

Back in Topeka, he rushed to meat counters, stopping housewives and asking, "Hey, ma'am, have you ever had rabbit?"

[From the High Plains Journal, Mar. 1, 1971]

GRAHAM COUNTY BUCKS THE TREND

During the 1960s, much was said and little done about the decline of rural America—including much of rural Kansas. The prevailing attitude was that rural areas were dying and that fate was cast in that direction.

But the winds of fate didn't carry that message to Graham County, Kans. Folks in that northwestern Kansas county got a different message—that hard work and planning could stabilize, and maybe even improve, their area.

The 1960s brought many accomplishments to Graham county. They led to only a 50 person drop in county seat Hill City's population of 2,300 and a 500 person drop in the county population of 5,100.

Judging from community spirit, progress made to date, and a number of aggressive programs in the planning stages, the decade of the '70s promises to be even more exciting for Graham countians.

Graham county enjoyed an oil boom during the late '50s and early '60s that helped the area set the stage for the upcoming push in the '70s. Many new community services buildings were built at that time which will continue to serve the area in the future.

In Hill City a list of buildings less than 10 years old includes: courthouse, high school (including new FFA building and athletic facilities), 42-bed hospital, senior citizens center and nursing home, medical center, board of education building (built by high school carpentry class), Elks Club and golf course, fire station, U.S. Department of Agriculture Building, center for retarded children, and several new business establishments.

James Scott, Graham county Extension agricultural agent who is deeply involved in all the county's development plans, points out that a change in thinking has led county planners in a new direction.

"We used to think it was each community's responsibility to draw up its own development plan. Now we've seen the need for county-wide and even area-wide planning," he explains.

To get the development ball rolling, county officials have established a number of advisory groups to work with Hill City mayor Bob McCauley, the county commissioners, and city governing bodies or representatives in Hill City and the other county towns of Bogue, Nicodemus, Penokee, Morland, and St. Peter.

Advisory groups include a City-County Joint Planning Commission, a Hill City Planning Commission, and a USDA Committee for Rural Development.

In addition to establishing these county and local groups, Graham countians have recently joined Greater Northwest Kansas, Inc., (GNWK)—a non-profit area development corporation for 18 northwestern Kansas counties.

Tom Starns, the county's representative to GNWK and a member of the Joint Planning Commission, says Graham county decided to join GNWK because "we saw immediately that too often any single town or county lacks the necessary authority or resources to deal effectively with development. We believe small twons and rural areas must pool manpower and mobilize resources on a regional basis to survive."

"We've begun to think of our trade area in terms of travel time to Hill City rather than actual miles to the city," Sarns explains. "It only takes an hour to drive 60 miles in this area and it takes that long to go just a few miles in a large city. That's what we mean by a regional approach."

He say "Greater Northwest Kansas plans to pool resources and work as a unit to bring industry to the area and perhaps even more importantly develop what we already have going for us."

Graham county has already made strides in local development. The pride of Hill City is the new Kansas Food Products, Inc. plant. The plant processes domestic rabbits into a multitude of products ranging from attractively packaged rabbit meat to hides, blood serum, medicinal products and mink food.

The plant, which employ 29 persons, has a gross annual sales of $225,000 and an annual payroll of $90,000. It buys rabbits from Kansas and five surrounding states and has nation-wide sales. The plant has been a genuine boost to the local economy.

The town of Bogue in eastern Graham county has an industry that adds to the economic outlook of the county—the Bogue Cheese Inc. The cheese plant—a branch of a corporation with five Kansas and two Missouri plants—employs 12 to 15 persons and processes 70,000 pounds milk daily, five days a week. It buys milk in an area bordered by Hoisington, Hays, Stockton, Seldon, and Garden City.

Manager Fred C. Johnson and his son and plant foreman Fred R. Johnson report that they manufacture five kinds of cheese—Long-horn, Monterey Jack, white cheddar, regular cheddar, and Daisy.

Extension agent Scott notes that the Bogue plant is a major factor in the county's number five ranking in the state on amount of dairy products sold.

Jim Smith, a member of the Hill City Planning Commission, say Hill City is capable of supporting additional industry and is vigorously seeking new industry by its own initiative and through GNWK.

Alvin Scranton, postmaster and chairman of the Hill City Planning Commission, which meets once a month to make recommendations to the city council, notes a number of activities designed to make Hill City an attractive place for business to locate and persons to live.

The Commission has proposed business and residential zoning as far as three miles from town.

The city has passed an ordinance to dispose of old cars, machinery and other blight, has set standards for trailer courts, standardized the civil defense program, and is looking into possibilities for low-cost housing.

Civic groups have joined in the task by encouraging merchants to engage a new store front campaign.

Cecil Fabricus of Bogue, chairman of the Joint Planning Commission, says the commission is in the process of completing a county-wide sewer and water survey and a community facilities survey. "We've got to know what we have to offer before we try selling ourselves to someone else," he relates.

In addition the county has three ambulances and a rural fire department that encompasses all the county except two townships.

The USDA Committee for Rural Development has as its task the job of developing the county's bountiful agricultural resources and working with the county's rural population.

Scott, who is a member of the committee, says one big goal is to develop the county's 30,000 acres with irrigation potential. "Our big problem is that the land with underground water for irrigation is hilly and rough. We've had a hard time coming up with an irrigation system that works but I think we've found one."

Eugene Worcester, who farms north of Hill City, has installed a low-pressure, irrigation system that has done a good job of irrigating rough ground the past two years. Scott believes Worcester's system has great potential throughout the county. "We can reap great dividends from increased livestock production once we get our irrigated acreage established," he emphasizes.

Extension home economist Rebecca Simpson, another member of the USDA committee, works in areas of human development that complement the economic development in the county.

Others on the USDA committee are Leo Frazey, ASC; Kelso Williams, SCS, and Charles Neighswonger, FHA, Stearns, Scranton, and Fabricus.

Imaginative ideas keep cropping up as Graham countians continue searching for new projects to enhance their community. For instance, C. E. Walts, Hill City airport manager and an aerial spray pilot, has established the Solomon Valley Air Service which will give training in FAA approved flight schools for private pilots, commercial pilots, flight instructors, and agricultural pilots.

Francis Davignon, a Brogue machinist, has built and reserved patent rights on a baseball pitching machine. He spent 1,200 to 1,800 hours developing the pitching machine which he says "is virtually indestructible, can pitch a ball up to 100 miles per hour, and even throw a curve."

Davignon has applied for a Small Business Administration loan for building a plant to manufacture the pitching machines.

Plans are well under way for hosting a New Ideas Fair in Hill City this spring. Jim Scott describes it as an event where people with new ideas or new products can display them. Graham countians naturally hope some of the persons and some of the new ideas will eventually settle in the county.

Cecil Fabricus sums up the county's development strategy this way: "We know we've got something to offer. We're enthused about our opportunities and we've already made progress in enthusing others about us. We think we can keep more of our young people here, bring in some new folks, and at least maintain our present population."

GULF HOTEL'S FINEST HOUR

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. BOGGS. Mr. Speaker, Sunday, July 25, marked the passing of a landmark much beloved by the people of the Mississippi gulf coast. On that day, the historic Edgewater Gulf Hotel, midway between Gulfport and Biloxi, Miss., fell victim to a demolition crew.

The Edgewater Gulf, during two hurricanes, provided a safe haven for members of my family and for literally thousands of others.

In a recent article in the New Orleans Times Picayune, a Mississippian and an outstanding journalist as executive editor, George W. Healy, Jr., recalled the happier days of this fine old hotel.

I am inserting his article in the Record and calling it to the attention of my colleagues:

Gulf Hotel's Finest Hour

(By George W. Healy Jr.)

They dynamited the Edgewater Gulf hotel, midway between Gulfport and Biloxi, on Sunday.

Gulf Coast residents talked of the time former President Harry Truman was a guest there. New Orleans sailors regretted the removal of an aid to navigation. Sentimentalists lamented the end of an era.

I thought of the finest hour of the Edgewater Gulf, an hour that almost never arrived.

In the autumn of 1928 the future of the fine hotel was in doubt. Chicago promoters who raised money to build it had no money to promote it—particularly through advertising.

Mississippi's most popular and most courageous politician put his fortunes on the line to try to save the Mississippi Gulf Coast from humiliation and possible collapse. The Florida boom was bursting.

Sen. Byron Patton Harrison placed all his strength behind the candidacy of Gov. Alfred Emanuel Smith of New York for the presidency of the United States. In Mississippi in those days, his action involved great risk. "Pat" Harrison's state was predominantly Protestant. "Al" Smith was the first serious candidate for the Presidency who was a Roman Catholic.

Herber Hoover defeated Gov. Smith for the Presidency, but from "Pat" Harrison's point of view—all was not lost. Mississippi was the banner Smith state in the election, and "Pat" had "Al's" promise to visit Mississippi.

On the morning of Nov. 17, 1926, Governor Smith and his friends John J. Raskob and William Kenny detrained in a cold drizzle at Edgewater Park. With them were newspapermen, including Albert Warner of the New York Times and Ernest Lindley of the New York Herald-Tribune. "Al" Warner later went into radio as its finest voice before World War II and as the genius behind "The Army Hour" during that conflict. Ernest became a columnist for many newspapers and for Newsweek Magazine.

The Times-Picayune's reporter who met Gov. Smith was W. Boyd Gatewood. Boyd was one of the finest writers in journalism, also temperamental. He was not mean, but his pen could drip vitriol.

Tired, bitter after his defeat, "Al" Smith refused to talk with Gatewood.

Boyd, in turn, described without compassion the defeated candidate as he was. In his dispatch "Al" Smith was transformed from The Happy Warrior to The Harried Warrior.

"Pat" Harrison was a close friend of Leonard K. Nicholson, publisher of The Times-Picayune, who had a home at Waveland. He telephoned to tell Mr. Nicholson that "Al" Smith was packing his bags to leave the Gulf Coast, thanks to Boyd Gatewood's caustic report. "Do something," pleaded the senator.

Mr. Nicholson told me to get to the Edgewater Gulf hotel as soon as possible to replace Gatewood. "But I'm not in the same league with Boyd as a reporter," I protested.

"We don't need a fancy writer on the Gulf Coast right now," responded Mr. Nicholson. "We need somebody who can smooth Gov. Smith's ruffled feathers. Get going."

My mission was accomplished, but I claim no credit for it. That credit belongs to two little girls.

Soon after talking with "Pat" Harrison and with "Al" Warner, I realized it would do no good to make a direct approach to Gov. Smith. I had met him only once, at Houston shortly after former assistant secretary of the Navy, Franklin D. Roosevelt, placed his name in nomination.

I told "Pat" that I thought we'd have to play our problem by ear. His distinguished guest hadn't packed up to leave, and a reception on the Edgewater Gulf front lawn, scheduled Nov. 23, still was on. Despite my published reports describing the governor as "a tired but still happy warrior" on fishing trips and golfing expeditions with the senator, as well as improvement in the weather, Gov. Smith still was testy. He told "Pat" Harrison that he wasn't going to attend the reception in his honor.

Early on the morning of the scheduled reception I went to the front lawn. A line of several hundreds had formed where they expected to get first chance to shake "Al" Smith's hand. At the head of the line were two little girls, one 13, the other 8. They told me they had been there all night.

I went to Sen. Harrison's suite. "Look out the window," I said. He did, and the long line with the little girls in front impressed him.

He went to Gov. Smith's suite and asked him to look at the line. The harried warrior became, at once, the happy warrior. He melted. When he walked out of the hotel to step into the receiving line, he was the smiling, affable, jovial "Al" Smith of brown derby fame. He shook thousands of hands, made Sen. Harrison happy and probably saved the Edgewater Gulf hotel—at least until 1971.

After the reception the governor violated a pledge he had made the day he arrived and granted me an interview. He apologized for having thought that he could go anywhere "without anyone wanting to see me." Being barely 23, I brashly told him that he should have known that Mississippi was the worst place he could have chosen to "get away from it all."

"Pat" Harrison told me years later he thought I "planted" the two little girls at the head of the line waiting to shake hands with Gov. Smith. I didn't. I didn't even know until after the reception that they were

Cherry Blossom and June Preisser of New Orleans, genuine "Al" Smith fans.

Cherry and June went on to attract millions of admirers of their own. They were stars of the Ziegfeld Follies half a dozen years. In night clubs and vaudeville they were headliners. They played command performances for European royalty.

Their great act stayed on the boards until Cherry broke up the sister team by eloping to Gretna to marry David Hopkins, son of Harry Hopkins, President Franklin D. Roosevelt's closest adviser. The last time we were with Cherry and David was in Beverly Hills, when they were preparing to move to Australia to represent America's largest advertising agency. Cherry died there in 1964.

"Al Smith is gone. "Pat" Harrison is gone. Cherry Blossom is gone. Now, the Edgewater Gulf hotel is gone.

But not forgotten.

A SIMPLER CREED

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. HALL. Mr. Speaker, Dr. Donald J. Glasser, a former major, U.S. Medical Corps, is now on the staff of the Hennepin County General Hospital in Minneapolis, Minn.

In September of this year, Dr. Glasser's book entitled "365 Days" will be published. An excerpt from the book was recently printed in Harpers magazine. It vividly describes the daily hazards faced by our young medics in Vietnam, and eloquently reveals their devotion to duty and the men with whom they serve.

I recommend that this article be read by my colleagues, and I look forward to the publication of Dr. Glasser's book.

The article follows:

A Simpler Creed

(By Ronald J. Glasser)

Watson had been a troublemaker since he was six. He was a bitter, imaginative, hate-filled kid who had been drafted and somehow had survived basic training without ending up in prison. He was assigned to the medics at an evac hospital and then to the field. When he went on line, the hospital personnel gave him a week to be busted and sent back to the States in irons.

When I met him he had been up front with his unit for almost five months. He was soft-spoken, but marvelously animated and alert. The old abusiveness was gone; even the adolescent arrogance I'd been told had for so long been the central pillar of his personality had disappeared. He was perfectly at ease and open. Those who had known him before were pleasantly surprised, if still a bit leery.

Watson didn't mind talking. "Why not go all out, man? They need me, and I know what I'm doing out there. Hundreds of cases—hundreds. The big-shot dermatologists, they come down once a week. They look at all that rotting skin and shake their heads and leave. Know what we did? We got a Mixmaster, threw in a couple of quarts of calamine lotion, a few kilograms of Mycolog for the fungus, and figured some tetracycline and penicillin couldn't hurt, just in case there was any bacteria around. Called it jungle mix and bottled it and handed it out. Dermatologists couldn't believe it. Wanted to know where we'd read about it, what medical journal. Sure, I take chances. That's my job—to save lives. The VC—well, I ain't got nothing against 'em. Guess they're doing their job, too."

On a routine sweep through Tam Key, a squad of the Americal Division was ambushed. Watson was hit twice, both rounds shattering his leg. He kept helping the wounded, dragging himself from soldier to soldier until he was hit in the neck by a third round and paralyzed.

All the medics talk the same and they all act the same, whether they come from the ghetto or the suburbs. No one planned it this way. It was the kids themselves caught between their skeptical seventeenth or eighteenth years, and the war, the politicians, and the regular Army officers. Growing up in a hypocritical adult world and placed in the middle of a war that even the dullest of them find difficult to believe in, much less die for, very young and vulnerable, they are suddenly tapped not for their selfishness or greed but for their grace and wisdom, not for their brutality but for their love and concern.

The Army psychiatrists describe it as a matter of roles. The adolescent who becomes a medic begins after a very short time to think of himself as a doctor, not any doctor in particular, but the generalized family doctor, the idealized physician he's always heard about.

The excellent training the medics receive makes the whole thing possible, and the fact that the units return the corpman's concern and competence with their own wholehearted respect and affection makes the whole thing happen.

Medics in the 101st carried M & M candies in their medical kits long before the psychiatrists found it necessary to explain away their actions. They offered them as placebos for their wounded who were to broken for morphine, slipping the sweet between their lips as they whispered to them over the noise of the fighting that it was for the pain. In a world of suffering and death, Vietnam is like a Walt Disney true-life adventure, where the young are suddenly left alone to take care of the young.

A tour of Nam is twelve months; it is like a law of nature. The medics, though, stay on line only seven months. It is not due to the goodwill of the Army, but to their discovery that seven months is about all these kids can take. After that they start getting freaky, cutting down on their own water and food so they can carry more medical supplies; stealing plasma bottles and walking around on patrol with five or six pounds of glass in their rucksacks; writing parents and friends for medical catalogues so they can buy their own endotracheal tubes; or quite simply refusing to go home when their time is over.

And so it goes, and the VC know it. They will drop the point, trying not to kill him but to wound him, to get him screaming so they can get the medic too. He'll come. They know he will.

HANOI SHOULD ACT NOW ON PRISONERS OF WAR

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. McCLORY. Mr. Speaker, 7 years and 126 days ago today the first American serviceman in Vietnam was captured. His name is Capt. Floyd Thompson, and he is still in captivity.

There are many others, Mr. Speaker, who have been living an empty existence somewhere in North Vietnamese prison camps. And the suffering which they and their families have endured should cause each of us to daily renew our efforts to obtain their release. In the case of my own constituents, I have three particular examples which have caused untold sorrow and distress.

Maj. Crosley Fitton, Jr., the brother of Mrs. George W. Stone, Jr., of Libertyville, Ill., has been missing in action since February 9, 1968, when he was shot down over North Vietnam. His parachute was seen to open and there is convincing evidence that he landed safely in enemy territory. However, no reported information regarding his welfare has been forthcoming from the North Vietnamese authorities.

Special Forces Sgt. John Young, the husband of Mrs. Erica Young of Lake Villa, Ill., has been missing in action since January 1968. His family has repeatedly sought information about Sergeant Young—but to no avail.

Navy Comdr. Robert Doremus, radar officer on a phantom jet, was shot down over Vietnam on August 24, 1965. After being declared dead in October 1965, Commander Doremus was seen by a visitor to North Vietnam. Later, his parents received brief letters from him. Last year his sister, Mrs. James Courter of Deerfield, Ill., identified him among the prisoners of war shown in a film released by North Vietnamese authorities.

Mr. Speaker, no problem facing our national leaders is fraught with more human compassion—nor greater personal frustration—than the prisoner-of-war issue. I hope and pray that the efforts of all of us will soon succeed and that the government of North Vietnam will act swiftly in what would surely be the most conciliatory act in the history of this terrible war.

DEFERMENT OF STUDENT LOAN PAYMENTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 30, 1971

Mr. WALDIE. Mr. Speaker, we are now in a period of sustained unemployment due to the administration's poor economic policies. Since this administration seems somewhat unconcerned about those unemployed and has thwarted congressional efforts to relieve unemployment, I think it is only right that the Congress take the next step and provide relief for those whom the administration has ignored.

One of the groups most severely affected is the recent college graduates who went through school under the aid and encouragement of the national defense loans. Once having completed their education, they are under obligation to repay those loans. But there are now no jobs, or few jobs, available to these graduates.

I am, therefore, today introducing legislation to suspend the obligation to repay national defense loans during periods of unemployment or underemployment when the borrower is unemployed or underemployed commensurate with his education, experience, and capacities for a substantial period. The borrower must, however, be actively seeking employment and his situation must be due to factors beyond his control.

It is unfortunate that legislation of this purpose is necessary, but it obviously is. I am requesting the serious attention of the Congress and the committees to the following bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(a) (2) (A) of the National Defense Education Act of 1958 is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause: "(iii) during any period the borrower is determined under subsection (e) to be unemployed or underemployed,".

SEC. 2. Section 205 of such Act is further amended by adding at the end thereof the following new subsection:

"(e) The Commissioner shall prescribe by regulations criteria for determining when a borrower is unemployed or underemployed for purposes of subsection (a) (2) (A) (iii). Such regulations shall prescribe that a borrower shall be deemed to be unemployed or underemployed when (1) he has been unemployed or without employment commensurate with his education, experience, and capacities for a substantial period, (2) he is actively seeking employment, and (3) his unemployment or underemployment is due to factors beyond his control."

SENATE—*Monday, August 2, 1971*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Shepherd of our souls, who has watched over our going out and our coming in and hast brought us to this place and the tasks of a new week, may we shut out the busy world until we find Thee anew within, until our thoughts are reverent, our work is hallowed, and faith reconsecrates all common things as sacraments of love. Pour in upon our consciousness the sense of Thy nearness not only when we pray but moment by moment while we work.

Teach us the meaning of true greatness—that it is not in getting but in giving, not in being served but in serving, that it is in giving self to find a new self, that it is in walking in the way of the Man of Nazareth.

Lead us beside the still waters and through the green pastures of divine truth. May Thy rod and staff comfort and strengthen us. When evening comes may we lie down in safety and rest in the peace of those whose work is well done and whose souls are at peace with Thee. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, July 31, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of, first, Calendar Nos. 312, 313, and 317; and then Calendar Nos. 322 through 327.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PEACE CORPS AUTHORIZATIONS, 1972

The Senate proceeded to consider the bill (S. 2260) to amend further the Peace Corps Act (75 Stat. 612), as amended, together with minority views, which had been reported from the Committee on Foreign Relations with an amendment, at the beginning of line 7, strike out "$82,200,000" and insert "$77,200,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act (22 U.S.C. 2502 (b)), which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1971" and "$98,800,000" and inserting in lieu thereof "1972" and "$77,200,000", respectively.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–318), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 2260, as proposed to be amended, is to authorize an appropriation of not to exceed $77,200,000 for the fiscal year 1972 operations of the Peace Corps. This compares with a fiscal year 1971 authorization of $98,800,000 and appropriation of $90 million of which $4,900,000 was estimated to be unobligated as of June 30, 1971. No other amendments to the Peace Corps Act are proposed.

BACKGROUND

On April 13, the Peace Corps submitted an authorization request for $72,300,000, which was introduced by Senator Fulbright (by request) on May 5 (S. 1711). Subsequently, on June 9, the revised request for $82,200,000 was submitted because "the recruiting program has been most successful" and a higher training input was anticipated. This proposal likewise was introduced (by request) as S. 2260.

On June 30, 1971, by Executive Order 11603, the Peace Corps was transferred to Action, an agency created by Reorganization Plan No. 1 of 1971, which in the absence of congressional disapproval became effective on July 1, 1971. At the same time, Joseph H. Blatchford, Director of the Peace Corps, was designated acting Director of Action and his nomination to be Director of Action was submitted to the Senate. While all the details of the reorganization are not completely agreed upon, the committee was told that the Deputy Director of the Peace Corps will also be the Deputy Director of Action in charge of international operations. The Peace Corps name and organization overseas will be kept according to assurances given to the committee. Certain offices and functions of the Peace Corps headquarters in Washington, on the other hand, have been combined with those of domestic voluntary programs—such as those of the General Counsel, public, minority, and congressional affairs, recruiting, training, placement, finance and accounting.

Appropriations made pursuant to the Peace Corps Act, which are subject to an annual authorization, are allocated to the Director of Action but available only for the purposes of the Peace Corps Act. The Committee on Foreign Relations expects strict accountability for these funds, especially in the administrative overhead categories.

COMMITTEE ACTION

Hearings on S. 2260 were announced on July 12 and took place on July 16. Mr. Joseph H. Blatchford, Director of the Peace Corps, accompanied by senior officials from the Peace Corps, was the principal Government witness on behalf of the bill. Thomas J. Scanlon, a former Peace Corps volunteer, testified not in opposition to S. 2260, but in opposition to the merger of the Peace Corps with Action. The hearings have been printed for the information of the Senate and the general public. On July 21, by voice vote, the committee ordered S. 2260 reported favorably to the Senate, with the amendment.

Mr. MANSFIELD subsequently said: Mr. President, I move to reconsider the vote by which S. 2260, a bill to amend further the Peace Corps Act, was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ASSISTANCE TO RADIO FREE EUROPE AND RADIO LIBERTY

The Senate proceeded to consider the bill (S. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty, which had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 9, after the word "department", strike out "$30,000,000" and insert "$35,000,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Information and Educational Exchange Act of 1948 is amended by inserting after section 702 the following new section:

"AUTHORIZATION FOR GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY

"SEC. 703. There are authorized to be appropriated to the department $35,000,000 for fiscal year 1972 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated under this section, no funds appropriated after the date of enactment of this section for any fiscal year, under this or any other provision of law, may be made available to or for the use of Radio Free Europe or Radio Liberty."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–319), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

WHAT THE BILL DOES

As reported by the Committee on Foreign Relations, Senate bill 18 amends the United States Information and Educational Exchange Act of 1948 to authorize for fiscal year 1972 a $35 million appropriation to the Department of State for grants to Radio Free Europe and Radio Liberty. The Secretary of State is given the authority to determine the terms and conditions of the grants. The bill prohibits any other appropriated funds from being used to finance these radio operations.

BACKGROUND

Senator Case introduced S. 18 on January 25, 1971. In his introductory remarks, he stated the bill's principal objective was "* * * to bring Radio Free Europe and Radio Liberty under the authorization and appropriation process of the Congress."

By way of background, Senator Case pointed out.

During the last 20 years, several hundred million dollars in U.S. Government funds have been expended from secret CIA budgets to pay almost totally for the costs of these two radio stations' broadcasting to Eastern Europe. In the last fiscal year alone, over $30 million was provided by CIA as a direct Government subsidy; yet at no time was Congress asked or permitted to carry out its traditional constitutional role of approving the expenditure.

The full text of Senator Case's statement is contained in the appendix to this report.

Radio Free Europe (RFE) was established in 1950 and Radio Liberty (RL) in 1951. The former operates under the auspices of the Free Europe Committee, Inc., and the latter under the auspices of the American Committee for Freedom for the Peoples of the U.S.S.R., Inc. RFE broadcasts to five Soviet Bloc countries: Bulgaria, Czechoslovakia, Hungary, Poland and Rumania. RL's broadcasts are limited to the Soviet Union.

The Department of State describes the two Radios as "private broadcasters" which "report and comment extensively on internal developments in their target areas and do so in an objective fashion."

The cost of doing this, according to the State Department, is "approximately" $36.2 million annually. Of this amount, the Department says, less than $2 million comes from private contributions, almost entirely U.S. corporations. (See appendix.)

The gap between private contributions and actual budget expenditures—some $34 million in this instance—has been filled by funds from the Central Intelligence Agency, although Executive Branch officials refuse publicly to acknowledge the Agency's participation or role in maintaining and operating the two Radios. Following this policy, the Department declined to supply additional financial data for this report on Government funding of RFE and RL.

From the current budget of $36.2 million, the two Radios employ a staff of 2,614 with RFE employing 1,652 and RL, 962. (See appendix for further breakdown.)

Both Radios maintain separate broadcast headquarters and research facilities in Munich, Germany. In addition, Radio Free Europe has offices, studios, or other facilities in the following cities: New York, Athens, Berlin, Bonn, Brussels, Geneva, London, Paris, Rome, Stockholm, Vienna and Lisbon. In a similar fashion, Radio Liberty is located in New York, Barcelona, Lampertheim, London, Madrid, Paris, Playa del Pals and Taipei.

RFE's and RL's combined budget of $36.2 million may be compared to the Voice of America's budget of $41 million for its worldwide operations during FY 1971. For further comparison, an estimated $37 million was spent in FY 1971 on official educational and cultural exchange programs. By way of comparison with domestic programs, the FY 1972 budget request for educational T.V. and radio was $31 million.

On July 1, 1971, Congress approved H.J. Res. 742 providing continuing appropriations for Federal agencies and programs through August 6, 1971. As a result of action taken by the Senate Appropriations Committee, which was approved by the Congress as a whole, the authority to fund Radio Free Europe and Radio Liberty was shifted and restricted to the United States Information and Educational Exchange Act of 1948.

In its report (No. 92–240) on H.J. Res. 742 the Senate Appropriations Committee stated,

"The Committee recommends the inclusion of a provision to provide interim funding for the support of Radio Free Europe and Radio Liberty pending the enactment of legislation to provide for open funding of these organizations."

COMMITTEE ACTION

On February 1, 1971, the Committee forwarded copies of S. 18 to the Department of State and requested "coordinated Executive Branch comments * * * at an early date." On March 12, the Committee wrote again to the Department stating tentative hearings on the bill had been scheduled for April 28. The State Department responded on April 22 requesting a delay in the hearings until the "latter part of May."

In an effort to accommodate the Department, the Committee agreed to change the hearing date from April 28 to May 24. A public hearing was held at that time and the Committee heard from three witnesses: the Honorable Congressman Ogden R. Reid, who introduced a similar bill in the House of Representatives; the Honorable Martin J. Hillenbrand, Assistant Secretary of State for European Affairs; and Mr. Paul C. Bartlett, former President of Radio New York Worldwide, Inc.

In place of commenting on S. 18, Assistant Secretary Hillenbrand presented the Administration's views on a substitute bill, S. 1936. Senator Case introduced this bill on the day of the hearing. (See appendix.)

This alternative would establish an American Council for Private International Communications, Inc. Although publicly funded, the Council would be a "non-governmental, private, non-profit corporation" with headquarters in the District of Columbia. While the primary purpose of the corporation would be to channel Government funds to Radio Free Europe and Radio Liberty, the Administration's bill would also make eligible for financing any "private American organizations with established programs of broadcasting to other countries, or other . . . selected activities in the international mass media field * * *"

S. 1936 contained an open-ended authorization and provided that sums appropriated shall remain available until expended. In addition to this funding flexibility, the bill did not specify an agency or department to which the funds would be appropriated.

The Committee first considered both of these proposals in Executive Session on June 8, at which time it decided that, before making any definitive, long-term decisions on future funding of the Radios, the Committee should have available some in-depth, background studies on them. Following this decision, the Chairman of the Committee wrote to the Library of Congress and the General Accounting Office requesting separate studies from each of them on the two Radios. Senator Fulbright's letters are included in the appendix to this report.

The Committee considered these bills again in Executive Session on July 21, at which time it rejected, by voice vote, a slightly modified version of S. 1936 (see appendix) and then adopted S. 18 with an amendment increasing the authorization level from $30 to $35 million for fiscal year 1972.

COMMITTEE COMMENTS

The Committee on Foreign Relations views Senate bill 18 as stop-gap legislation—designed primarily to bring into the open the Government's role in financing both Radio Free Europe and Radio Liberty.

The Committee deplores the fact that this financing—covering some 20 years—has been kept secret from the American people and their elected representatives. It is indeed regrettable that the Executive Branch of Government under five administrations deceived the taxpayers with respect to the expenditure of these public funds. Indeed, as one of the witnesses who testified during the Committee's hearing of May 24 reminded the Members, we "* * * had been led to believe that Radio Free Europe was financed by dimes from school children and voluntary gifts from concerned citizens anxious to keep truth alive behind the Iron Curtain."

The connivance of both public and private officials to lead the American public to believe this fantasy is to be regretted. Not only did the government officials and others involved in these radio stations mislead the American public but they also deceived those who listened to the Radios and relied on them as the products of private enterprise. How ironical and tragic it is that such practices have been used in the name of getting "the truth through to the peoples behind the Iron Curtain!" And, even at this late date, Executive Branch officials refuse to discuss this matter openly or to disclose to the American public how many of its tax dollars have been used in this highly questionable activity.

Senate bill 18 is intended to terminate this deception; it is intended to let the people know what they are paying for and how much.

This assumes, of course, that both Radio Free Europe and Radio Liberty perform useful broadcast services and, although the Committee is divided in its thinking on this point, a majority of the Members believe that the Radios should be given the benefit of the doubt—a serious doubt indeed in view of the public's repeated reluctance to provide through private contributions the amount of financial support the Radios say they need. But, in adopting S. 18, the Committee indicated its unwillingness to give the Radios the benefit of the doubt beyond the current fiscal year or to give them the kind of organizational and financial flexibility contained in S. 1936, the Administration-approved bill.

The background studies on Radio Free Europe and Radio Liberty being prepared by the Library of Congress and the General Accounting Office will be available to the Committee some time this Fall. Hopefully, these studies will provide the kind of analysis that will permit the Committee to make a more informed judgment as to whether or not these radio stations are in the public interest.

Estimated program costs

The following information in provided pursuant to section 252 of the Legislative Reorganization Act of 1946, as amended: For the current fiscal year, the executive branch estimates the Radio Free Europe and Radio Liberty programs will cost $36.2 million. Over the next 5 fiscal years, the executive branch estimates the total cost of these programs to be $200–$210 million.

For the reasons which are obvious in this report, the committee is unable to evaluate these estimates. In the final analysis, of course, the Congress could fund these programs in accordance with the executive branch estimates or it could, at any point, terminate them.

PARALYZED VETERANS OF AMERICA

The bill (H.R. 2894) to incorporate the Paralyzed Veterans of America was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–323), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 2894 is to grant a Federal charter of incorporation to the Paralyzed Veterans of America.

HISTORY

The bill passed the House on April 27, 1971, and was referred to the District Committee on April 29, 1971. Hearings were held by the Subcommittee on Business, Commerce, and Judiciary on June 11, 1971, receiving favorable testimony from representatives of the District of Columbia Government and the Paralyzed Veterans of America. No testimony was received in opposition to the bill and the Committee has not received any objection to the proposal.

BACKGROUND

Founded in Chicago in February of 1947, the Paralyzed Veterans of America is an organization consisting of some 5,500 active members from every State in the Union, who comprise 21 chapters located in various parts of the United States. The organization is nonpolitical and nonsectarian, with the sole qualification for membership being that the individual be a service veteran and that he have a spinal cord injury or disease. There are presently 12,000 to 15,000 veterans suffering from this type of disability, including those from Vietnam. Hence, the membership of the Paralyzed Veterans of America includes 40 to 50 percent of its total potential. Its national headquarters is located at 3636 16th Street NW., in Washington, D.C.

Prior to World War II, few persons afflicted with paraplegia lived beyond 6 months. The advent of the so-called miracle drugs, however, accompanied by newly discovered medical techniques, gave the paraplegic limited health and increased his lifespan. Thus, medical science had devised the means to prepare him physically for the outside world, but more was needed. For the paraplegic was a new kind of human being. Few realized the appalling extent of his injury or the many problems he must conquer to again become a part of the mainstream of our society. Many customs, laws, and usages were at variance to the paraplegic's way of life. Ways had to be found to modify, to liberalize, and to acclimate this new way of living so that these men could become a useful part of our society.

In 1946, the 2,500 living paraplegics and quadriplegics were grouped in Veterans' Administration hospitals located in Boston, Mass., New York, N.Y., Chicago, Ill., Richmond, Va., Memphis, Tenn., and Van Nuys, Calif. They were quick to recognize the new problems their presence created in the physical, social, and industrial worlds. For this reason, these groups formed local organizations to face these problems as best they could.

This was the situation which led to the meeting of representatives of these local groups the following year, and the founding of the Paralyzed Veterans of America.

WORK OF THE ORGANIZATION

The principal aim of the Paralyzed Veterans of America is to promote research in the area of paraplegia and its rehabilitative problems. During the 21 years of its life, this organization has accomplished an outstanding record of service in this area, both to its members and to civilian paraplegics. A few examples are the following:

1. Created the National Paraplegia Foundation, a separate and independent organization to promote medical research in the several fields connected with injuries and diseases of the spinal cord.

2. Contributed over $200,000 from its meager resources to that organization for spinal cord research, and for the development, printing, and distribution of several publications designed to inform, assist, and educate all those persons afflicted with similar disabilities.

3. Provided the funds necessary to conduct a joint study, under the administration of the National Paraplegia Foundation and the then Vocational Rehabilitation Administration, on the service needs of paraplegics and quadriplegics.

4. Established in 1961 a national service program for its members, and has served them at an annual cost averaging $30,000. This year, the organization's budget for the service program amounts to $28,000.

In addition, the Paralyzed Veterans of America has cooperated with the President's Committee in its program of employment of the handicapped. It has conducted its own intensive program, in cooperation with the National Commission on Architectural Barriers, in the elimination on architectural barriers to the handicapped. They are an active member of the United States Council of the World Veterans Federation, the mission of which is to assist the veterans of other nations and to promote international peace and security through support of the United Nations Charter. Also, they have cooperated with many other Federal and private agencies on problems of the handicapped.

As a means of raising funds, as well as providing a needed recreational outlet for its members, the Paralyzed Veterans of America promotes wheelchair basketball teams. The team in Boston, known as the New England Clippers, is now in its 20th year of continuous play, and three of its members are paraplegic veterans of World War II.

In short, this organization has been unstinting in its efforts to assist in and promote programs on both the national and the international level, in an earnest desire to serve these most seriously disabled veterans who have fought to preserve our national heritage.

NEED FOR LEGISLATION

The Federal charter which H.R. 2894 will grant to the Paralyzed Veterans of America will accredit that organization with the Veterans' Administration and enable their national service officers to represent their members before that agency. The organization will also acquire the respect and stature which accrue only to organizations with congressional recognition.

THE PINE MOUNTAIN WILDERNESS, PRESCOTT AND TONTO NATIONAL FORESTS IN ARIZONA

The bill (S. 959) to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Pine Mountain Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Pine Mountain Wilderness," dated April 1, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Pine Mountain Wilderness within and as a part of the Prescott and Tonto National Forests, comprising an area of approximately nineteen thousand five hundred acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Pine Mountain Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Pine Mountain Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Pine Mountain Primitive Area is hereby abolished.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–329), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

This bill would establish the Pine Mountain Wilderness in Arizona embracing an area of 19,569 acres. The proposal is one submitted to the Congress pursuant to the provisions of the Wilderness Act.

LEGISLATIVE HISTORY

The Pine Mountain Primitive Area would have been designated a wilderness area by S. 710 of the 91st Congress, which was approved by the committee and the Senate, but the area was left out when the House passed S. 3014, an omnibus wilderness bill.

DESCRIPTION

The proposed Pine Mountain Wilderness would encompass 19,569 acres, including most of the Pine Mountain Primitive Area and some contiguous national forest lands. There is no mining production and no known deposits which could be mined profitably. Located near the center of Arizona, the area is generally rugged and mountainous, and ranged by elk, antelope, desert bighorn sheep and mountain lion, with fishing for black bass and rainbow trout. During hearings on S. 710, the Forest Service was asked to provide additional data regarding water yield improvement opportunities within the proposed wilderness as it might affect the Maricopa Water Conservation District. This was subsequently provided, indicating that the proposed wilderness would include only 2.6 percent of the district's watershed, that conversion for water yield would contribute only 185 acre-feet per year, and that conversion outside the wilderness would be more favorable.

RECOMMENDATION

The Senate Committee on Interior and Insular Affairs unanimously reports S. 959 and urges early enactment.

SYCAMORE CANYON WILDERNESS, COCONINO, KAIBAB, AND PRESCOTT NATIONAL FORESTS IN ARIZONA

The bill (S. 960) to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Sycamore Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Proposed Sycamore Canyon Wilderness," dated April 15, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Sycamore Canyon Wilderness within and as a part of the Coconino, Kaibab, and Prescott National Forests, comprising an area of approximately forty-six thousand five hundred acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Sycamore Canyon Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Sycamore Canyon Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. The previous classification of the Sycamore Canyon Primitive Area is hereby abolished.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–330), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

This bill would designate 46,500 acres as the Sycamore Canyon Wilderness under provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890).

LEGISLATIVE HISTORY

The Sycamore Canyon Primitive Area would have been designated a wilderness area by S. 710 of the 91st Congress, which was approved by the Committee and the Senate, but the area was left out when the House passed S. 3014, an omnibus wilderness bill.

DESCRIPTION

This is a deep and colorful canyon on the south edge of the Colorado Plateau. It is located 20 miles southwest of Flagstaff. Elevations range from 7,000 feet on the highest part of the canyon rim to 3,600 feet on Sycamore Creek, 2 miles north of the Verde River. Geologic forces that carved the canyon left massive formations of red and white sedimentary rock. The canyon winds for 20 miles along Sycamore Creek and spreads as much as 7 miles from rim to rim.

The proposed wilderness includes 45,492 acres of the existing Syracuse Canyon Primitive Area and 1,050 acres in the three adjacent areas not now in the Primitive Area. Also within the proposed boundary is a 15-acre portion of a privately owned tract. The Forest Service hopes to acquire this by exchange or purchase.

RECOMMENDATION

The Senate Committee on Interior and Insular Affairs unanimously reports S. 960 and recommends early enactment.

CONVEYING CERTAIN REAL PROPERTY OF THE UNITED STATES TO UNIVERSITY OF NORTH DAKOTA, STATE OF NORTH DAKOTA

The bill (S. 74) to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to the University of North Dakota, State of North Dakota, that tract of land situated on the campus of the University of North Dakota at Grand Forks, North Dakota, which is a portion of a tract of land which was heretofore deeded to the United States by the University Memorial Corporation. The tract being hereby conveyed is more particularly described as follows:

That part of the south half of the southwest quarter of section 4 township 151 range 50 bounded as follows: Commencing at a point on the north boundary line of the Great Northern Railway right-of-way which is 913 feet east of the west line of said southwest quarter, thence east along said north boundary line a distance of 150 feet; thence north and parallel to the west line of said southwest quarter a distance of 376.10 feet thence east a distance of 107 feet; thence north and parallel to the west line of said southwest quarter a distance of 350 feet; thence west a distance of 257 feet to a point 913 feet east of the west line of said southwest quarter and 726.10 feet north of the point of beginning; thence south to the true point of beginning.

The north boundary of the above described tract lies along a line which commences at the northeast corner of lot 20 in block 2 of the University Park Addition, Grand Forks City, according to the plat on file in the Office of the Register of Deeds, Grand Forks County, North Dakota, and recorded in book 87 of deeds, page 12, and which continues west along the south line of the alley in said block 2, extending to a point described above as the northwest corner of the tract.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–328), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

This bill would transfer a strip of land from the U.S. Bureau of Mines to the University of North Dakota for the construction of a winter sports arena.

DESCRIPTION

A square of land amounting to 11.7 acres was deeded to the Federal Government in 1940 by the university at no cost for use by the Bureau of Mines as a buffer zone to protect existing coal research facilities against overexpansion in that vicinity. The land in question is 3.6 acres which is now greatly needed for expansion of the university's education and recreation program. It is no longer needed by the Federal Government.

COST

No Federal expenditure will result from the enactment of this bill.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee unanimously reports S. 74 and recommends early enactment.

AUTHORIZATION OF DISPOSITION AND DISTRIBUTION OF JUDGMENTS FOR CLAIMS OF CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONT.

The Senate proceeded to consider the bill (S. 602) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 8, insert a new section, as follows:

Sec. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

So as to make the bill read:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of judgments awarded in paragraphs 7 and 10 in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

Sec. 2. Any part of such funds that may be distributed to members of the tribes shall not be subject to Federal or State income tax.

Sec. 3. Sums payable under this Act to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–334), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 602, introduced by Senators Mansfield and Metcalf, is to authorize disposition and distribution of judgments, when appropriated, for claims of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont. The two judgments were awarded in paragraphs 7 and 10 in docket No. 50233 U.S. Court of Claims.

On March 8, 1971, the Court of Claims entered a net final judgment of $6 million in paragraph 7 of docket No. 50233. This paragraph is a general accounting claim for all tribal lands of the Confederated Salish and Kootenai Tribes which the United States has handled. Funds to cover the award were appropriated by Public Law 92–18, May 25, 1971 (85 Stat. 55); the net appropriated funds, after attorneys' fees, have been invested at the highest possible rate in 90-day Federal Treasury notes.

The claim in paragraph 10 is for damages resulting from the sale and other disposition of reservation land pursuant to the act of April 23, 1904. In a decision of January 22, 1971, the Court of Claims settled the claim in paragraph 10 by awarding the tribes $5,626,451, plus interest of 5 percent per annum from January 1, 1912, to January 1, 1934, and at 4 percent per annum thereafter until paid. The time within which the United States could have sought review of the court's opinion by a petition for a writ of certiorari to the Supreme Court expired on July 22, 1971, and therefore the case is final and conclusive and subject to appropriation in the next supplemental appropriation bill. The amount involved in this judgment, computing interest today is approximately $21.7 million.

NEED

The judgments, when appropriated, may not be used until the purpose has been approved and authorized by Congress.

The Confederated Tribes are organized under the act of June 18, 1934. Their constitution was approved on October 28, 1935. The tribal governing body is a council of 10 members who elect a chairman and a vice chairman from within its membership. It is estimated that the membership of the tribe is 5,600.

In view of the size of the judgments, and the current economic needs and individual requirements of tribal members, the tribal council adopted on January 22, 1971, Resolution No. 4027, requesting authorization for a 90-percent distribution of the judgment funds to tribal members and retention of 10 percent for use in the tribal credit, land acquisition, and educational programs of the tribes.

The tribal council adopted Resolution No. 4104 on July 20, 1971, and modified the position set forth in Resolution No. 4027. As modified, the tribes request authorization for a per capita distribution of 80 percent of the net funds available, with 20 percent retained for land acquisition, credit education, industrial development, hydroelectric development, and other related tribal projects, subject to approval by the Department of the Interior or the Bureau of Indian Affairs.

Through a formal resolution, the tribes requested authority to distribute to each tribal member who is 18 years of age and over his per capita share direct, unless he is certified incompetent. Ordinarily, such payments are limited to those members 21 years of age and over unless they are incompetent. The administration supports the tribes' request and offered an amendment to S. 602 to protect the per capita shares of those under 18 years of age.

At the hearing on S. 602 held by the Subcommittee on Indian Affairs on March 24, 1971, two enrolled members of the tribes testified in support of a current movement on the Flathead Reservation for the optional withdrawal of those members who desire their pro rata shares of tribal assets and a full per capita distribution of the judgment funds.

AMENDMENTS

The committee adopted the technical amendment recommended by the Department of the Interior to protect any sums payable to minors or those under legal disability.

COST

Enactment of S. 602 will involve no additional appropriation of funds.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs unanimously recommends that S. 602 be enacted.

BILL PASSED OVER

The bill S. 447, to modify the boundaries of the Sante Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

NATIONAL ADVISORY COMMITTEE ON THE OCEANS AND ATMOSPHERE

The Senate proceeded to consider the bill (H.R. 2587) to establish the National Advisory Committee on the Oceans and Atmosphere which had been reported from the Committee on Commerce with amendments on page 1, line 3, after the word "of", strike out "twenty-one" and insert "twenty-five"; in line 5, after the word "on", strike out "the"; on page 2, line 8, after "(1)", strike out "seven" and insert "nine"; in line 10, after "(2)", strike out "seven" and insert "eight"; in line 12, after "(3)", strike out "seven" and insert "eight"; on page 3, line 19, after the word "recommendations.", insert "The comprehensive annual report required herein shall be submitted on or before June 30 of each year, beginning June 30, 1972."; on page 4, after line 6, strike out:

Sec. 6. The Secretary of Commerce shall make available to the Advisory Committee such staff, information, personnel and administrative services and other expenses and assistance as it may reasonably require to carry out its activities.

And, in lieu thereof, insert:

Sec. 6. The Secretary of Commerce shall make available to the Advisory Committee such staff, information, personnel and administrative services and assistance as it may reasonably require to carry out its activities. The Advisory Committee is authorized to request from any department, agency, or independent instrumentality of the Federal Government any information and assistance it deems necessary to carry out its functions under this Act and each such department, agency, and instrumentality is authorized to cooperate with the Advisory Committee and, to the extent permitted by law, to furnish such information and assistance to the Advisory Committee upon request made by its Chairman, without reimbursement for such services and assistance.

And, after line 23, insert a new section, as follows:

Sec. 7. There is hereby authorized to be appropriated to the Secretary of Commerce $200,000 for the fiscal year ending June 30, 1972, and each succeeding fiscal year to carry out the purposes of this Act.

H.R. 2587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, There is hereby established a committee of twenty-five members to be known as the National Advisory Committee on Oceans and Atmosphere (hereafter referred to in this Act as the "Advisory Committee").

Sec. 2. (a) The members of the Advisory Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President and shall be drawn from State and local government, industry, science, and other appropriate areas.

(b) Except as provided in subsections (c) and (d), members shall be appointed for terms of three years.

(c) Of the members first appointed, as designated by the President at the time of appointment—

(1) nine shall be appointed for a term of one year,

(2) eight shall be appointed for a term of two years, and

(3) eight shall be appointed for a term of three years.

(d) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(e) The President shall designate one of the members of the Advisory Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

SEC. 3. Each department and agency of the Federal Government concerned with marine and atmospheric matters shall designate a senior policy official to participate as observer in the work of the Advisory Committee and to offer necessary assistance.

SEC. 4. The Advisory Committee shall (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, and (2) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. The Advisory Committee shall submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities and shall submit such other reports as may from time to time be requested by the President. Each such report shall be submitted to the Secretary of Commerce who shall, within 90 days after receipt thereof, transmit copies to the President and to the Congress, with his comments and recommendations. The comprehensive annual report required herein shall be submitted on or before June 30 of each year, beginning June 30, 1972.

SEC. 5. Members of the Advisory Committee shall, while serving on business of the Committee, be entitled to receive compensation at rates not to exceed $100 per diem, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

SEC. 6. The Secretary of Commerce shall make available to the Advisory Committee such staff, information, personnel and administrative services and assistance as it may reasonably require to carry out its activities. The Advisory Committee is authorized to request from any department, agency, or independent instrumentality of the Federal Government any information and assistance it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized to cooperate with the Advisory Committee and, to the extent permitted by law, to furnish such information and assistance to the Advisory Committee upon request made by its Chairman, without reimbursement for such services and assistance,

SEC. 7. There is hereby authorized to be appropriated to the Secretary of Commerce $200,000 for the fiscal year ending June 30, 1972, and each succeeding fiscal year to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, that concludes the call of the Calendar.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time under the previous order.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 o'clock noon today, with each Senator having 3 minutes.

Is there any morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TENTATIVE SETTLEMENT OF THE RAILROAD STRIKE

Mr. SCOTT. Mr. President, I seek recognition for the purpose of announcing that the Secretary of Labor, in about 5 minutes, is expected to hold a press conference to announce a tentative settlement of the rail strike.

Mr. President, following hard upon the settlement of the steel strike, it would appear that the economy is enjoying some good news, which is surely welcome, and that the efforts of the administration have been useful and helpful.

I am delighted that these developments have occurred so hard upon each other. And I welcome this announcement.

QUORUM CALL

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order Nos. 314, 315, 316, 318, 319, and 326.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

FARE SUBSIDY FOR SCHOOLCHILDREN

The bill (H.R. 6638) to amend the act of August 3, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-320), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The sole purpose of H.R. 6638 is to extend the present subsidy for transportation of school children in the District of Columbia, established by an Act of Congress approved October 18, 1968 (Public Law 90-605, 82 Stat. 1187), which will expire in August of this year, for a period of three years to August, 1974.

BACKGROUND

For many years, transit companies operating in the District of Columbia have been required by law to carry school children at a fare not exceeding one-half the established adult fare. The Regulatory Commission having jurisdiction over such carriers in the city is responsible for determining the amount of such reduced fares for school children. This reduced rate has never been sufficient to cover the cost of carrying the school children, and up until three years ago, the Regulatory Commission was compelled to set the adult fare at a level which was high enough to cover the entire cost of the carrier's operation, including the cost of transportation of school children in excess of the receipts from their reduced fares. Thus, the economic effect was that the adult bus-riding public had to make up the uncovered cost resulting from the reduced fares for transportation of the school children.

In 1968, however, the Congress enacted Public Law 90-605, which made it possible for the cost of carrying school children in the District to be borne by the community as a whole. Under the provisions of this Act of 1968, the Washington Metropolitan Area Transit Commission is required to certify to the Commissioner of the District of Columbia for each calendar month, with respect to each bus company transporting school children in the city, an amount representing the difference between the total of all reduced fares paid to such carrier by school children and the amount which would have been paid if such fares had been at the lowest adult fare set by the Commission for regular route transportation. Upon receipt of such certification, the Commissioner of the District of Columbia is required to pay each carrier the amount so certified by the Transit Commission.

At the time of enactment of this law, in October 1968, the reduced fare for school children was 10 cents, and has remained at that level to the present time. The lowest adult fare in 1968 was 25 cents, and since that time has increased to the present level of 40 cents.

The following table, submitted to your Committee by the Washington Metropolitan Area Transit Commission, shows the amount of this subsidy paid to the carriers affected, during the three-year period since the enactment of Public Law 90-605. It will be seen from these figures that whereas a total of 7,686,711 school passenger rides were subsidized during the first year under this system, at a certified subsidy amount of $1,402,552.33, during the third such year, ending August of 1971, it is estimated that 10,041,741 school passenger rides will have been certified, at a total subsidy cost of $3,010,052.00. The increase in the cost shown is attributable not only to the increase in the number of school passenger rides, of course, but also to the increases in the adult fares which have accrued since 1968.

TABLE 1.—SCHOOL FARE SUBSIDY PAID UNDER PUBLIC LAW 90-605

Month	D.C. Transit System, Inc.		WMA Transit Co.	
	School passengers	School subsidy certified	School passengers	School subsidy certified
September 1968	640, 825	$96, 123. 75	17, 614	$2, 642. 10
October 1968	934, 545	141, 234. 82	23, 413	3, 511. 95
November 1968	751, 954	122, 192. 53	17, 799	2, 669. 85
December 1968	600, 842	97, 676. 73	10, 142	1, 521. 30
January 1969	822, 608	164, 512. 60	18, 019	2, 702. 85
February 1969	789, 920	157, 984. 00	18, 082	2, 712. 30
March 1969	854, 555	170, 911. 00	19, 689	2, 953. 35
April 1969	672, 860	134, 572. 00	15, 640	2, 981. 40
May 1969	791, 341	158, 268. 20	16, 392	3, 278. 40
June 1969	350, 918	70, 183. 60	5, 965	1, 193. 00
July 1969	267, 898	53, 579. 60	2, 348	469. 60
August 1969	43, 112	8, 622. 40	230	46. 00
Total Sept. 1, 1968, through Aug. 31, 1969	7, 521, 378	1, 375, 870. 23	165, 333	26, 682. 10
September 1969	654, 522	130, 904. 40	17, 339	3, 467. 80
October 1969	999, 623	204, 442. 24	21, 374	4, 274. 80
November 1969	759, 379	167, 063. 38	12, 330	2, 466. 00
December 1969	779, 601	171, 512. 22	11, 573	2, 314. 60
January 1970	903, 422	198, 752. 84	13, 714	2, 742. 80
February 1970	897, 486	197, 446. 92	16, 516	3, 303. 20
March 1970	937, 607	206, 273. 54	16, 256	3, 251. 20
April 1970	904, 065	198, 894. 30	15, 957	3, 191. 40
May 1970	914, 376	$210, 162. 72	14, 848	$2, 969. 60
June 1970	462, 331	101, 712. 82	6, 620	1, 382. 05
July 1970	437, 998	120, 959. 08	3, 817	954. 25
August 1970	144, 376	43, 312. 80	570	142. 50
Total Sept. 1, 1969, through Aug. 31, 1970	8, 794, 786	1, 942 437. 26	150, 914	30, 460. 20
September 1970	701, 627	210, 488. 10	15, 023	3, 755. 75
October 1970	1, 182, 114	354, 634. 20	21, 796	5, 449. 00
November 1970	1, 044, 342	313, 302. 60	14, 121	3, 530. 25
December 1970	797, 097	239, 129. 10	12, 803	3, 200. 75
January 1971	1, 008, 709	302, 612. 70	13, 495	3, 373. 75
February 1971	1, 022, 897	306, 869. 10	13, 980	3, 495. 00
March 1971	1, 272, 523	381, 756. 90	[1] 16, 256	[1] 4, 876. 80
April 1971	904, 065	[1] 271, 219. 50	[1] 15, 957	[1] 5, 584. 95
May 1971	[1] 914, 376	[1] 274, 312. 80	[1] 14, 848	5, 196. 80
June 1971	[1] 462, 331	[1] 138, 699. 30	[1] 6, 620	[1] 2, 317. 00
July 1971	[1] 437, 998	[1] 131, 399. 40	[1] 3, 817	[1] 1, 335. 95
August 1971	[1] 144, 376	[1] 43, 312. 80	[1] 570	[1] 199. 50
Total, Sept. 1, 1970, through Aug. 31, 1971	9, 892, 455	2, 967, 736. 50	149, 286	42, 315. 50

[1] Estimate—based on 1970 passenger figure for month.

SCHOOL TICKET SYSTEM

Your Committee is advised that each school child who requires bus transportation gets a form signed by his teacher, stating that he is a bona fide pupil. He must present that form in order to buy a book of school bus tickets, either ten tickets for one dollar or twenty rides for two dollars. These ticket books can be purchased either from the D.C. Transit office or from certain banks in the city; or in some instances, they may be obtained at the schools themselves. The child deposits one such ticket in the fare box, of course, when he gets on the bus.

These tickets are counted as they pass through the fare box, and that count is audited by personnel of the Washington Area Transit Commission. There are two such auditors on the premises of the D.C. Transit Company each day, who conduct at least a spot check on the fare box tallies each day and also check the procedures by which the company keeps track of the school tickets. The school tickets themselves are turned over to the Transit Commission once each month.

Your Committee is further informed that the D.C. Public School System provides these school bus tickets free of charge, to high school students less than 18 years of age who reside more than one and one-half miles from the school but within the school zone, and whose parents have corresponded with the high school principal indicating their financial need for such help.

We are advised that the costs per year of these free ticket distributions have been as follows:

School year:	*Cost of tickets distributed*
1968–69	$60, 048
1969–70	287, 632
1970–71	[1] 250, 375

[1] As of April 8, 1971.

In addition, the Public School System provides transportation for some 950 special education students, in 53 vehicles owned and operated by the School System. The cost of this operation, however, is in no way involved in the school bus fare subsidy which is the subject of this proposed legislation.

PROVISIONS OF THE BILL

The bill, H.R. 6683, provides a three year extension to the provisions of the Act of August 9, 1955 (69 Stat. 616) as amended by the Act of October 18, 1968 (82 Stat. 1186). The bill amends present law (D.C. Code, Sec. 44–1214a) by extending the expiration date of the provisions of the section to the year 1974. The Washington Metropolitan Transit Commission will continue, under the proposed extension, to certify each month to the Commissioner of the District of Columbia the number of school fares on which the District of Columbia is to reimburse the D.C. Transit Company the difference between the school fare paid and the lowest adult fare.

CONCLUSION

On the basis of the experience during the past three years and the testimony received at the public hearings, your Committee concurs with the views favoring extension of the subsidy expressed by the District of Columbia Commissioner and the Transit Commission. The Chairman of the Transit Commission summed up the agency's position as follows:

"Philosophically, we at the Commission believe that the 1968 law places the burden of providing transportation for school children where it properly belongs, on the community at large rather than on only those members of the community who happen to ride the bus. Speaking from the standpoint of the practical result, we can report that the shift of that burden has resulted in substantial benefit to the city's bus riders and to the city itself."

The basic desire of all parties is that the citizens of the District of Columbia continue to receive the best possible transportation service at the lowest possible cost to the user of that service. This bill is designed toward that purpose.

ADMINISTRATION OF SMALL ESTATES

The bill (H.R. 7931) to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–321), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES OF THE BILL

The purposes of the bill, H.R. 7931 (which if enacted will be cited as the "District of Columbia Administration of Estates Act") are to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates.

The bill is the embodiment of legislation which was proposed by the Commissioner of the District of Columbia and recommended for approval by the Congress.

HISTORY

On January 28, 1971, the Commissioner of the District of Columbia wrote a letter to the President of the Senate, transmitting and recommending the proposed legislation. S. 1369, the Senate companion bill to H.R. 7931, was introduced in the Senate on March 24, 1971. Hearings were held by the Subcommittee on Business Commerce, and Judiciary of the District Committee on June 11, 1971, on S. 1369 and H.R. 7931, the latter of which passed the House of Representatives on May 10, 1971. A representative of the District of Columbia Government, the Register of Wills, and the Bar Association of the District of Columbia testified in support of the legislation. No testimony was received in opposition to the bills, nor has any expression of opposition to the legislation been received by the Committee.

SMALL ESTATES ACT

Under existing law dealing with the settlement of small estates in the District of Columbia (D.C. Code, Title 20, sec. 2101, *et seq.*), the surviving spouse or minor children of a person who dies leaving an estate consisting only of personal property of a value not to exceed $500, may petition the Probate Court for an order which, among other provisions, eliminates the necessity of a formal administration of the estate or the probate of a will.

Also under existing law, the person entitled to be preferred in the appointment of an administrator may, in the case of a person who dies intestate leaving an estate consisting only of personal property of a value not in excess of $500, and there is no surviving spouse or minor child, similarly petition the Probate Court for an order waiving formal administration and permitting the expeditious settlement of the estate.

For some time, the Register of Wills of the District of Columbia, and the Bar Association of the District of Columbia, have considered proposals to increase the size of the estate which might be processed as a small estate, thus saving formality, time and money. After prolonged consideration of the problem, they jointly agreed that $3,000 would be a reasonable amount to fix as the size of an estate which could be handled as a small estate under the Small Estate Act. However, the Commissioner of the District of Columbia, after reviewing the matter, recommended to the Congress that the limit for small estates be increased from $500 to only $2,500, and that is the figure contained in Section 2 of the reported bill.

Such increase, the Committee is advised, is in conformity with the trend of other states; for example, the limit for small estates in some other jurisdictions is as follows: $5,000 in Illinois; $3,000 in Ohio; $3,000 in New York; $2,500 in Pennsylvania; $2,500 in Virginia; and $2,000 in Maryland.

FAMILY ALLOWANCE

Present law (D.C. Code, Title 19, sec. 101) fixes $500 as the amount of the family allowance to which a surviving spouse is entitled out of the personal estate of a decedent for the personal use of such spouse and any minor children. This same provision also provides $200 as the maximum amount to which the family allowance may be subjected for the payment of funeral expenses. Also, at present the family allowance is exempt from all other debts and obligations of the decedent.

Since the family allowance is interrelated with the Small Estates Act, both the D.C. Commissioner and the Bar Association recommend that the family allowance be increased to the same amount as the top limit for small estates, namely, from $500 to $2,500, and Section 5 of the bill so provides. In addition, it is recommended by them, and Section 5 of the bill so provides, that the liability of the exempted family allowance for funeral expenses be raised from $200 to $600.

The small estates and family allowance provisions were enacted into law by the Act approved June 24, 1949 (63 Stat. 269). The Committee agrees with the D.C. government that changes in economic conditions since that time have acted to make the present amounts of $500 unrealistic in terms of present-day values and requirements.

Further, it is the view of the Committee that the proposed increase in these jurisdictional amounts to $2,500 would materially aid in relieving the Probate Court as well as the Office of Register of Wills of the detailed procedures and time-consuming processes now required in administering estates having assets of more than $500. Thus, if the reported bill is enacted into law, a greater number of persons will be able to use the relatively inexpensive and expeditious method of winding up the affairs in a decedent's estate, and the increase to $2,500 should prove to be of significant benefit not only to the surviving spouse but to the dependent children whose needs are most immediate and pressing.

As indicated, the maximum amounts as fixed in this reported bill, namely, $2,500 for both small estates and family allowances, are in line with the maximum amounts in other jurisdictions.

TRANSFER OF MOTOR VEHICLES WITHOUT ADMINISTRATION

Section 6 of the reported bill also permits the transfer of title to not more than two automobiles registered in the name of a decedent, without the necessity of formal adminitration of an estate in cases where the automobiles are the only assets of the estate requiring administration. The bill provides, however, for the submission of satisfactory proof that all debts and taxes owed by the decedent have been paid or provided for prior to the transfer of title to such motor vehicles, and for the protection of the rights of a minor who may be entitled to the transfer of title.

Similar legislation is already in effect in the neighboring jurisdictions of Maryland and Virginia.

NO PREFERENCES IN APPOINTMENT OF ADMINISTRATOR

The law at the present time (D.C. Code Tit. 20, Sec. 334) prefers a male over a female and a femme sole over a married woman, within the same class, whenever the court is required to appoint an administrator of an estate of a person dying intestate. The reported bill provides for the elimination of this preference and creates equality among the sexes in this regard.

SALE OF DECEDENT'S REALTY FOR PAYMENT OF DEBTS

Existing law (D.C. Code, Tit. 20, Sec. 1106) authorized the Probate Court to require the sale of the realty of a decedent whenever necessary for the payment of funeral expenses, debts, costs of administration, taxes, and legacies. Prior to the approval of the sale of such realty, however, the auditor of the court must have ascertained and reported the debts and legacies, the deficiency of personal assets, and the real estate necessary to be sold for the payment of such charges and legacies.

Sections 8 and 9 of the reported bill eliminates the necessity of a reference to the auditor in those cases where it is satisfactorily shown to the court that there is a deficiency of personal estate to pay debts, expenses, taxes, and legacies. Thus, if a proper showing is made by the fiduciary of the need of such sale, and consents to the sale are obtained from all interested parties (and such interested parties must be *sui juris*), such sale may be had.

The proposed amendment to existing law is permissive, and should the court or the Register of Wills entertain any question as to the allegations of the parties involved, reference to the auditor would be required in accordance with the present law.

DISCRETIONARY APPOINTMENT OF GUARDIAN AD LITEM

Under existing law (D.C. Code, Tit. 18, Sec. 511) the appointment of a guardian ad litem (who must be an attorney) is mandatory when an infant or a person of unsound mind is an interested party to the proceedings. The function of the guardian ad litem, of course, is to protect the interest of his ward and to contest the will if he deems it necessary and proper.

Often the appointment of guardians ad litem are not only burdensome and time-consuming but expensive as well to the estates involved, and it is desirable that the appointment of a guardian be made only when the court finds that it is necessary to protect the interest of a ward, rather than in all cases.

Section 10 of the bill as reported amends existing laws to authorize the court, in its discretion, to appoint a guardian ad litem to represent an infant or a person of unsound mind when a will is offered for probate.

By thus permitting the exercise of the court's discretion, the appointment of a guardian may be avoided in cases where it is unnecessary. Examples would be where it is obvious that the interest of the ward is protected by admitting the will, such as (1) where a minor or incompetent is the sole beneficiary and hence takes the entire estate and whereas, by intestacy, he would take either less than the entire estate or nothing; or (2) where a minor or incompetent takes the same or a greater share by will than he would by intestacy. In such cases, the appointment of a guardian ad litem to advise the court that it would not benefit the ward to contest the will is unnecessary. The estate would thereby save the expense of a fee for the guardian ad litem and the time required by him to file his report to the court.

CRIMINAL PENALTIES FOR ASSAULT ON POLICEMEN AND FIREMEN

The bill (H.R. 5638) to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-322), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 5638, which was requested by the District of Columbia government, is to provide the same criminal penalties for assaults on firemen in the District of Columbia, and for interfering with such firemen in the performance of their official duties, as are presently provided by law for assaults on and interference with police officers in the city.

HISTORY

The substance of this legislation was included in S. 3749, which passed the Senate on October 13, 1970, during the Second Session of the 91st Congress. Hearings were also held on the legislation on July 27, 1970, during the 91st Congress.

On May 10, 1971, H.R. 5638 passed the House and was referred to the District Committee on May 11, 1971. Hearings were held by the Subcommittee on Business, Commerce, and Judiciary of the District Committee on June 11, 1971, on the House bill. Testimony in favor of the measure was heard from a representative of the D.C. Government, the D.C. Fire Department and subsequent support was transmitted by the District of Columbia Fire Fighters Association. No testimony was received in opposition to the bill, nor has any expression of opposition been received by the Committee.

PROVISIONS OF THE BILL

The bill amends subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, section 22-505), presently applying to assaults and other interference with police officers and employees of penal and correctional institutions, so as to extend the penalties provided in this subsection to cover such assaults on officers and members of the Fire Department of the District of Columbia and any other fire department operating in the District of Columbia. These penalties are a fine of not more than $5,000, imprisonment for not more than five years, or both.

NEED FOR LEGISLATION

The harassment of firefighters in the District of Columbia, and the deteriorating climate between the firefighter and the citizen in this city, has become a very real and menacing problem in recent years, and is steadily growing more serious.

In 1965, for example, there were 4,000 false alarms sounded in the District of Columbia; and in 1970, this number rose to 17,000. The Committee is advised that drastic measures are being considered to combat this situation, including the recommended discontinuance of fire alarm boxes in areas of the city which have proved to be particularly perilous to the firemen, and which boxes have been used in recent years almost exclusively for the sounding of false alarms.

At the present time, there is no law in the District of Columbia making it a crime to assault or otherwise interfere with a fireman while he is performing his official duties. For this reason, any prosecution for such an offense would presently have to be made under the general statutes relating to assault, disorderly conduct, or rioting. The Committee is advised that these statutes not only do not provide sufficiently severe penalties for assaults on firemen engaged in their hazardous work, but also they are not broad enough to permit adequate prosecution for this most serious offense. For example, the existing statutes referred to would require a direct assault by a person upon a fireman, whereas the provisions of H.R. 5638 would facilitate prosecution also for resisting, opposing, impeding, and interfering with a fireman while in the performance of his duties.

Thus, the problem existing in this area at the present time is not the subject of a specific statute, a condition which the enactment of this proposed legislation would alleviate.

MINOR'S SHARE IN PERSONAL ESTATE

The bill (H.R. 2594) to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-324), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The purpose of this bill (H.R. 2594) is to facilitate the distribution of a minor's share in the personal property of an estate, whenever such share is of the value of $1,000 or less, and the minor is not otherwise under a legal disability and does not have a duly appointed and qualified guardian.

Distribution under the provisions of the bill, would be made directly to the minor if he is 18 years of age or older, or to his custodian if he is under 18 years of age.

HISTORY

H.R. 2594 passed the House of Representatives on May 10, 1971. Hearings were held by the Subcommittee on Business, Commerce, and Judiciary of the Senate District of Columbia Committee on June 11, 1971, on the legislation. A representative of the District of Columbia Government, the Register of Wills, and the Bar Association of the District of Columbia testified in support of the bill. No testimony was received in opposition to the bill, nor has any expression of opposition to the legislation been received by the Committee.

REASON FOR LEGISLATION

The reason for the proposed change in law made by H.R. 2594 is to avoid the necessity of creating a guardianship estate for the minor where his inheritance is not more than $1,000. Experience has shown that the creation of a guardianship for property of this modest value is impractical and expensive. The expenses incurred in opening the estate and administering the estate through the years of minority, together with the attendant formalities of a court-supervised estate, indicate a need for the expeditious and less expensive distribution and management of an interest having a value of $1,000 or less.

PRESENT LAW

Under existing law in the District of Columbia, if at the end of the administration of a decedent's estate any assets remain which are due and payable to a distributee who is under the age of 21, such assets must be paid or delivered to a duly appointed and qualified guardian. This means that the decedent's personal representative must go to court and secure the appointment of a guardian of the minor's estate. In the case of small estates, the cost involved may exceed any ultimate benefit that the minor receives.

Guardianships in the District of Columbia are initiated by the filing of a petition and order. Since most persons are unable to prepare the documents, it is necessary to engage the services of an attorney. Upon appointment, the guardian must qualify by posting a bond. Thereafter, a 60-day report is required, followed by annual accounts until the minor attains the age of 21 years. Any disbursement for the care of the minor can only be made upon order of the court, after a petition therefor has been filed by the guardian. Not only must the surety of the guardian be approved by the court, but the guardian must file an annual report with the court and retain all assets intact until the minor reaches his majority, at which time a final account is filed and distribution is made to the minor.

Under the present procedure in the District of Columbia, the Committee is advised, the costs incurred in the case of a $1,000 guardianship would be approximately as follows: original court costs, $10–$12; initial bond premium, $10; attorney's fees, $50; and expenses of travel to the court house. Any additional court costs and fees, if incurred, as for petitions for expenditures or other relief, of course, would be deductible. Finally, court costs for auditing the usual accounts would be between $5 and $10, plus the annual renewal bond premium of $10.

EFFECT OF THE BILL

H.R. 2594 is intended to eliminate the need for the protracted and expensive procedures referred to above in the cases of personal property in the amount of not more than $1,000, distributable to a minor. The Committee is well aware that the court costs and other fees referred to could easily render the guardianship estate less valuable at termination than at its inception, despite constant court supervision. Likewise, in many cases, the minor may be either socially, economically, or physically much more in need of his funds during his minority than when he reaches the age of 21.

NATURAL GAS PIPELINE SAFETY

The bill (H.R. 2591) to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-325), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSES OF THE BILL

The purposes of H.R. 2591, which amends section 8 of the Act approved March 4, 1913 (37 Stat. 974; D.C. Code, Title 43, section 603), as amended, are as follows:

(1) It standardizes procedures for the testing of utility meters.

(2) It adds a penalty provision in order to enable certification to meet the requirements of the Natural Gas Pipeline Safety Act of 1968.

(3) It authorizes joint cooperative action by the District of Columbia Public Service Commission with State and Federal regulatory bodies on matters of joint interest.

The bill is similar to draft legislation submitted to the Congress in the last session by the Public Service Commission of the District of Columbia, but which was not reached for action at that time.

HISTORY

On February 17, 1971, the Chairman of the Public Service Commission of the District of Columbia wrote a letter to the Senate transmitting and recommending the proposed legislation, S. 1370, the Senate companion bill to H.R. 2591, was introduced in the Senate on March 24, 1971, and hearings were held by the Subcommittee on Business, Commerce, and Judiciary of the District Committee on June 11, 1971, on the bill. Representatives of the Public Service Commission of the District of Columbia testified in support of the bill and the Washington Gas Light Company submitted supporting testimony. No testimony was offered in opposition thereto, nor has any communication been received by the Committee in opposition to the bill. H.R. 2591 subsequently passed the House on June 14, 1971, and was referred to the District Committee on June 15, 1971.

PROVISIONS OF THE BILL

(1) Meters

Section 1(a) of H.R. 2591 eliminates costly and unecessary procedures under present law, which now requires that every gas meter in the District of Columbia shall be inspected, proved and "sealed" by an inspector of the Public Service Commission before being placed into service.

The proposed amendment retains the present law requirement that a meter shall be inspected and proved for accuracy before being set or put into use and places those duties directly on the utility in question, but at the same time eliminates the requirements that these procedures be performed by an inspector and deletes the requirement of sealing meters.

Neither Maryland nor Virginia requires gas meter sealing, and the District of Columbia does not require inspection and sealing of electrical meters.

The Committee was advised that the seal required by present law serves no particular useful purpose; it is merely attached to gas meters which are used for measuring gas furnished within the District of Columbia; and the elimination of the requirement that an inspection be performed by a Commission inspector who must seal the meter after such inspection, would allow inspectors to better utilize their time in checking apparatus used by utilities in the physical testing of the gas meters and in spot-checking meters in accordance with accepted practice.

Elimination of this sealing requirement, the testimony brought out, would result in a substantial savings of approximately $20,000 per year to the utility in question.

The bill was recommended for approval by the Chairman and by a Member of the District of Columbia Public Service Commission, who testified that the elimination of the seal requirement on gas meters would result in a more efficient operation, a substantial savings in expenses, and the same protection would still be afforded the public under Commission regulations.

Meters would continue to be tested, as at present, by company personnel at the company's meter shop, and the company keeps permanent records of the test on each meter, repairs made thereto, and the results of the accuracy tests of all meters likewise will continue to be made and recorded on the Meter History Card kept on file with the company.

(2) *Penalty provisions*

A civil penalty for violation of safety regulations is required by the Natural Gas Pipeline Safety Act of 1968 (Public Law 90–481; 49 U.S.C. 1674(a)), in order that the District of Columbia may be certified. Certification cannot be granted by the Federal government unless civil and injunctive penalties are authorized by local law. The District of Columbia already has injunctive powers but no civil penalty provisions.

Hence, there is included in the bill section 1(b) which would impose a civil penalty on any person who violates any Commission regulation governing safety of pipeline facilities and the transportation of gas. The penalty would be up to $1,000 for each such violation for each day that such violation persists, with the maximum penalty not to exceed $200,000 for any related series of violations. The Commission would be authorized to compromise any such civil penalty.

Both Maryland and Virginia already have local enforcement of the Natural Gas Pipeline Safety Act of 1968, and the adoption of section 1(b) would create a uniform policy of local enforcement in the three jurisdictions served by the utility.

(3) *Joint action*

The gas and electric utilities regulated by the Public Service Commission of the District of Columbia cross State lines and serve other jurisdictions, such as Maryland and Virginia. However, the Public Service Commission has jurisdiction over these utilities only with respect to their operation within the District of Columbia. Testimony on behalf of the Public Service Commission pointed to the need, especially with respect to electric service within the Washington Metropolitan Area, for interconnection and interchange of energy with other sources of power, and hence the necessity for cooperative arrangements with the regulatory commission in adjacent and nearby States, in order to insure long-range planning and adequate service to residents of the District as well as to the other jurisdictions concerned.

Section 1(c) of the bill thus authorizes the Public Service Commission to act jointly or concurrently with any official Board or Commission of the United States or of any State in any proceeding relating to the regulation of any public service company. This language is substantially the same as that contained in Maryland law (Annotated Code of Maryland, 1957, Article 78, Section 59), which authorizes the Maryland Commission to participate in joint action with other regulatory agencies.

(4) *Effective date*

Section 2 of the bill makes it effective upon the date of enactment.

SANTA FE, GILA, CIBOLA, AND CARSON NATIONAL FORESTS, NEW MEXICO

The Senate proceeded to consider the bill (S. 447) to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments.

On page 2, line 12, after the word "through", strike out "4, inclusive, west half northeast quarter, and east half northwest quarter" and insert "8, inclusive"; on page 3, line 10, after the word "southwest", strike out "quarter" and insert "quarter,"; on page 4, line 10, after "18", strike out "1964" and insert "1894"; on page 5, after line 23, insert:

Section 5, all.

After line 24, insert:

Section 8, all.

And, on page 9, after line 6, insert:

SEC. 5. Funds appropriated and available for acquisition of lands, waters, and interests therein, in the National Forest System pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 903), shall be available for the acquisition of any lands, waters, and interests therein, within the area described in section 1 of this Act.

So as to make the bill read:

S. 447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests, in New Mexico, respectively, are modified to include the following described lands:

SANTA FE NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. The Sandon de San Diego Grant, situated in townships 16, 17, 18, and 19 north, ranges 1, 2, and 3 east, and known in the Office of the United States Surveyor General as Report numbered 36, confirmed by Congress of the United States of America on the 21st day of June 1861, and patented by the United States of America in accordance with said Act of Confirmation of the 21st day of October 1881.

2. Township 18 north, range 1 east.
Section 6, lots 1 through 8, inclusive.
Township 18 north, range 1 west.
Section 1, lots 1 through 4, inclusive, west half northeast quarter, and east half northwest quarter.

3. Township 17 north, range 2 east.
Section 25, lot 1.
Section 36, lots 1, 2, and 4.
Township 17 north, range 3 east.
Section 19, lots 1 and 2 in accordance with G.L.O. plot approved April 28, 1919.
Section 30, lots 1 through 4, inclusive.
Section 31, lots 1 through 3, inclusive and lots 5 to 9, inclusive.
Section 32, lots 1 through 4, inclusive.
Township 16 north, range 3 east.
Sections 5, 6, 7, and 8.

4. Township 15 north, range 12 east.
Section 29, lots 3, 4, and 5, southwest quarter southeast quarter.
Section 33, lots 1, 2, 3, and 4, southwest quarter southwest quarter.

5. Township 15 north, range 12 east.
Section 12 east half southwest quarter, southeast quarter.
Township 15 north, range 13 east.
Section 5, all.
Section 6, all.
Section 7, all.
Section 8, all.
Section 9, west half southwest quarter.
Section 16, west half west half.
Section 17, east half east half.
Section 20, east half northeast quarter.
Section 21, west half west half.
Section 28, west half.
Section 32, all.
Section 33, all.

6. A tract or parcel of land situated in the counties of Sandoval and Santa Fe in the State of New Mexico, known as the Caja del Rio Grant, as shown upon the plat of said grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on November 23, 1894, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on April 15, 1895, and representing a survey of said grant as made by Sherrard Coleman, United States Deputy Surveyor, May 8 to 18, 1894, under Contract Numbered 280, dated March 26, 1894, which tract of land is intended to include all that portion of the said grant extending westward to the Rio Grande, but exclusive of the conflict with the Cochiti Pueblo Grant and which was more particularly described in a deed from the General American Life Insurance Company to the United States of America dated November 13, 1935, and recorded in Sandoval County in book 4, DR, pages 503–515, on December 20, 1935.

7. A tract or parcel of land situated in the Counties of Sandoval and Santa Fe in the State of New Mexico, known as the La Majada Grant, as shown upon the plat of the grant on file in the United States Public Survey Office in Santa Fe, New Mexico, which plat was approved by the United States Surveyor General of New Mexico on January 23, 1896, and approved by the Court of Private Land Claims, through its Deputy Clerk Irene L. Chavez, on March 25, 1896; and representing a survey of said Grant as made by Albert F. Easley, United States Deputy Surveyor, June 28 through July 7, 1895, under Contract numbered 292, April 29, 1895, which tract of land is intended to include all of that portion of the said grant exclusive of the conflicts with the Cochiti Pueblo Grant, the Mesita de Juana Lopez Grant, and the Caja del Rio Grant, and a portion of the said La Majada Grant lying south of the Corps of Engineers' Road numbered 90, more particularly described as a line beginning at a point on the south boundary of the Cochiti Pueblo Grant which lies south 89 degrees 54 minutes west 18.35 chains from the half mile corner; thence south 44 degrees 15 minutes west 125.65 chains; thence south 51 degrees 50 minutes east 14.59 chains; thence south 43 degrees 50 minutes east 101.91 chains; thence south 49 degrees 35 minutes east 24.35 chains to a point on the south boundary of the La Majada Grant which lies north 73 degrees 48 minutes west 18.18 chains from the 4½-mile corner on the south boundary of the said grant.

8. Township 14 north range 13 east.
Section 35, north half.

9. Township 16 north range 14 east.
Section 5, all.
Section 8, all.
Section 27, lot 5, east half southeast quarter.
Section 34, east half east half.

GILA NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

A tract or parcel of land situated in Grant County, New Mexico, in township 17 south, ranges 12 and 13 west, as shown in the office of the United States Surveyor General on Supplemental Plat of Retracements and Resurveys, approved by the Surveyor General on July 7, 1908, excepting that portion of the said military reservation lying south of a line described as follows: Beginning at a point which is the intersection of the north right-of-way line for State Highway 180 with the east boundary of the reservation; thence southwesterly along the highway right-of-way to the south line of section 25; thence westerly along the section line between sections 25 and 36 to a point lying 735 feet west of the quarter corner between said sections; thence north 47 degrees 03 minutes east 585 feet; thence north 18 degrees 18 minutes west 2,380 feet; thence west 4,110.34 feet; thence south 01 degree 43 minutes east 2,661.24 feet to the quarter corner between sections 26 and 35; thence westerly along the section line to the west boundary of the said military reservation.

CARSON NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. Township 25 north, range 13 east.
Section 28, lots 4 and 12.

CIBOLA NATIONAL FOREST, NEW MEXICO PRINCIPAL MERIDIAN

1. Township 10 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Township 11 north, range 11 west.
Sections 1 through 3, inclusive.
Sections 10 through 15, inclusive.
Sections 22 through 27, inclusive.
Sections 34 through 36, inclusive.
Township 12 north, range 11 west.
Sections 31 through 36, inclusive.

2. A tract of land in township 14 north range 16 west which was originally a portion of the Fort Wingate Military Reservation as established by Executive order of February 18, 1870, more particularly described as: Beginning at a point which is the quarter corner common to section 2 of township 14 north range 16 west and section 35, township 15 north range 16 west; thence southerly along the Cibola National Forest boundary approximately 3 miles to the quarter corner common to sections 14 and 23 in unsurveyed township 14 north range 16 west; thence westerly along the Cibola National Forest boundary approximately 4½ miles to a point on the east boundary of the Fort Wingate Ordnance Depot, designated 361+00 south and 20+00 east Wingate Ordnance Depot coordinating system; thence northerly along the Wingate Ordnance Depot east fence approximately 10,285 feet to a point designated 258+15 south and 20+00 east Wingate Depot coordinating system; thence in a random northeasterly direction along the Wingate Depot fence system approximately 8,500 feet to a brass cap set in concrete which is the northwest corner of the Navajo Indian School tract; thence due south 6,293.84 feet to a brass cap set in concrete which is the southwest corner of the school tract; thence due east 7,728.15 feet to a 3-inch pipe which is the southeast corner of the school tract; thence due north 6,716.00 feet to a brass cap set in concrete which is the northeast corner of the school tract; thence easterly approximately 1⅜ miles to the point of beginning, containing 6,810 acres, more or less.

SEC. 2. The exterior boundaries of the Carson National Forest in New Mexico are modified to exclude section 16, township 24, north, range 11 east, New Mexico principal meridian.

SEC. 3. The lands proposed to be added to the Gila National Forest, in section 1 above of this Act, will not be subject to appropriation under any of the public land laws including the mining laws unless specifically authorized by the Secretaries of Agriculture and Interior.

SEC. 4. Subject to valid claims so long as these are maintained, all lands owned by the United States in the area described in section 1 of this Act are hereby added to the national forests as listed in that said section, and shall be administered in accordance with the laws, rules, and regulations applicable thereto, except as provided in section 3 of this Act with respect to appropriation under the public land laws.

SEC. 5. Funds appropriated and available for acqusition of lands, waters, and interests therein, in the National Forest System pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 903), shall be available for the acquisition of any lands, water, and interests therein, within the areas described in section 1 of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Oklahoma.

(The remarks of Mr. BELLMON when he introduced S. 2388 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMENDATION FOR THE PRESIDENT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I call up Calendar No. 329, Senate Concurrent Resolution 38, and ask for its immediate consideration.

The PRESIDENT pro tempore. The concurrent resolution will be reported.

The legislative clerk read as follows:

S. Con. Res. 38, a concurrent resolution commending the President for initiating a proposed "journey for peace".

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 38) was considered and agreed to as follows:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be and is hereby commended for his outstanding initiative in furtherance of the foreign relations of the United States and world peace by deciding to undertake "a journey for peace" to the People's Republic of China.

Resolved further, That the Congress offer and does hereby offer its full support to the President in seeking the normalization of relations with the People's Republic of China.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I am particularly grateful to the distinguished majority leader for having proposed this resolution, and I was very pleased to be the original cosponsor with him.

We believe the resolution expresses the full sense of the Senate, and I am very hopeful that it expresses the full sense of the other body. It is the hope of all mankind that peace may be brought nearer by this "journey for peace," and this bold, daring, and incisive decision of the President. We are all very glad the decision has been made. Our hopes go with him. We wish for him the very best of success. We are well aware of the risk involved and the difficulty. The passion and understanding of the American people are obvious in this situation where, after some 22 years, there has been little movement in this regard and now there is movement and from movement we hope will come action.

At noon today, I believe, the Secretary of State will have an announcement to make regarding the posture of the United States with relation to the position of the Republic of China and the United Nations, and the People's Republic of China and the United Nations. I make no further reference to that at this time. A statement will be made by the Secretary and it will be a definitive statement.

I thank the Senator for yielding.

Mr. MANSFIELD. Mr. President, I wish to join with the distinguished Senator in what he has just had to say. To my way of thinking the initiative of President Nixon in respect to his desire to attempt to establish a normalization of relations with the People's Republic of China is one of the outstanding initiatives undertaken by any President in this century. It may well mark the end of an old era based on hatred and distrust. It may possibly begin the opening of a new era based on a normalization of relations between the two countries.

As the President said in Iowa last week, you just cannot ignore a country of 800 million people, which has an increase in population of approximately 12 million or 15 million people a year, which is one of the largest countries in the world, and which is a great nation in its own way and certainly the dominant power on the continent of Asia.

As the Distinguished minority leader has pointed out, there will be many difficulties and many obstacles. Our hopes should not be raised too high, but at least the President has made a start, and the least any of us can do, Republicans and Democrats alike, is to give him our full support on this hazardous journey which he will undertake some time between now and the first of May 1972.

So we wish him well. With him go our best wishes for good luck.

Mr. SCOTT. Indeed, we do. I thank the distinguished majority leader.

Mr. President, I wish to announce that former Gov. Alf M. Landon announced today the backing of 11 leaders of business, labor, education and State government for his statement strongly supporting President Nixon's planned visit to Communist China.

The statement, written by Landon, 1936 Republican presidential nominee, specifically supports a resolution introduced in the U.S. Senate by Majority Leader MIKE MANSFIELD of Montana and concurred in by minority leader HUGH SCOTT of Pennsylvania.

In making the statement public, Landon said it had received the endorsement of Gov. John Love of Colorado; James A. McCain, President of Kansas State University; David Rockefeller, chairman of Chase Manhattan Corp., New York; Leonard Woodcock, president of the United Auto Workers; Oscar Stauffer, chairman of Stauffer Publications, Inc., Topeka.

John Cowles, Sr., chairman of the Minneapolis Star and Tribune and the Des Moines Register and Tribune; Norman Cousins, editor of the Saturday Review;

W. W. Baker, editor and executive vice president of the Kansas City Star; Preston Wolfe, president of the Columbus, Ohio Dispatch and Director of Banc Ohio Corp.; Tony Dechant, president of the National Farmers Union, and John Scott, national master of the Grange.

Landon, 83, has long advocated U.S. recognition of Communist China and its admission to the United Nations.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MONTOYA, from the Committee on Public Works, without amendment:

S. 2393. A bill to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which could become available to economic disaster areas, and for other purposes (together with individual views) (Rept. No. 92–337).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

David Luke Norman, of the District of Columbia, to be an Assistant Attorney General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. BYRD of West Virginia:

S. 2387. A bill to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America. Referred to the Committee on the District of Columbia.

By Mr. BELLMON:

S. 2388. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to authorize long-term cost-sharing agreements. Referred to the Committee on Agriculture and Forestry.

By Mr. SCOTT:

S. 2389. A bill for the relief of Jean-Patrice Courtauld. Referred to the Committee on the Judiciary.

By Mr. CHURCH (for himself and Mr. Metcalf):

S. 2390. A bill to designate the Upper Selway Wilderness in the State of Idaho. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON:

S. 2391. A bill for the relief of Maria Alicia Tinoco Cahue. Referred to the Committee on the Judiciary.

By Mr. BROCK (for himself and Mr. Baker):

S. 2392. A bill for the relief of Leticia Ramos. Referred to the Committee on the Judiciary.

By Mr. MONTOYA (for himself, Mr. Baker, Mr. Bayh, Mr. Bentsen, Mr. Brooke, Mr. Cook, Mr. Eagleton, Mr. Gravel, Mr. Hart, Mr. Jackson, Mr. Jordan of North Carolina, Mr. Kennedy, Mr. Magnuson, Mr. Muskie, Mr. Pearson, Mr. Randolph, Mr. Ribicoff, Mr. Tunney, and Mr. Weicker):

S. 2393. A bill to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes. Referred to the Committee on Public Works.

By Mr. BROCK (for himself, Mr. Schweiker, Mr. Humphrey, and Mr. Stevens):

S. 2394. A bill to establish an improved international economic policy structure in the Federal Government, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MILLER (for himself and Mr. Tower):

S. 2395. A bill to amend the Act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; and

S. 2396. A bill to amend the Act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with Central American countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States. Referred to the Committee on Agriculture and Forestry.

By Mr. COOK:

S. 2397. A bill to amend the Airport and Airway Development Act of 1970 in order to provide that the Federal share shall not exceed 70 per centum of allowable project costs except with respect to landing aids. Referred to the Committee on Commerce.

By Mr. BROOKE:

S. 2398. A bill to amend the Airport and Airway Development Act of 1970 in order to provide for more effective control of aircraft noise. Referred to the Committee on Commerce.

By Mr. WILLIAMS:

S. 2399. A bill to require under the supervision of the Federal Trade Commission a full and fair disclosure of the nature of interests in business franchises, to provide increased protection in the public interest for franchises in the sale of business franchises and to provide for fair competitive practices in the operation of franchise businesses and the termination of franchise agreements. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 2400. A bill for the relief of Arnold J. Follett and his wife, Elsie M. Follett. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BELLMON:

S. 2388. A bill to amend the Soil Conservaton and Domestic Allotment Act, as amended, to authorize long-term cost-sharing agreements. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, this morning I introduce a bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide cost-sharing agreements between the United States Department of Agriculture and cooperating farmers. The purpose of the act is to give more continuity to the present annual agreements that are worked out between cooperators and the agencies of the United States Department of Agriculture.

I should like to make it possible for farmers to take a long range approach to the problems they have concerning soil erosion and generally improving the rural environment. This act will not increase the cost of the programs, but will decrease their costs and make it possible for farmers to approach the problems in a more orderly and constructive manner.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163, 16 U.S.C. 590a), is further amended by adding a new paragraph at the end thereof as follows:

"In carrying out the purposes of subsection (a) of section 7, the Secretary may enter into agreements with agricultural producers for periods not to exceed ten years, on such terms and conditions as the Secretary deems desirable, creating obligations in advance of appropriations not to exceed such amounts as may be specified in annual appropriation acts. Such agreements may be modified or terminated by mutual consent if the Secretary determines such action would be in the public interest. The Secretary also may terminate agreements if he determines such action to be in the national interest and provides public notice in ample time to give producers a reasonable opportunity to make arrangements for appropriate changes in the use of their land."

By Mr. CHURCH (for himself and Mr. Metcalf):

S. 2390. A bill to designate the Upper Selway Wilderness in the State of Idaho. Referred to the Committee on Interior and Insular Affairs.

THE MAGRUDER CORRIDOR

Mr. CHURCH. Mr. President, on behalf of myself and my colleague from Montana (Mr. Metcalf), I introduce for appropriate reference, a bill to designate the Upper Selway Wilderness in north-central Idaho. This bill is designed to protect a key wilderness area in the United States, the area known as the Magruder Corridor.

This remote and beautiful mountain area is the upper watershed of the Selway River in Idaho, one of the rivers designated by the National Wild and Scenic Rivers Act for immediate, or instant, inclusion in the wild and scenic river system. This corridor, still in wilderness condition, separates two major established wilderness areas, the Selway Bitterroot Wilderness containing most of the Selway River and the Salmon River Breaks Primitive Area.

In 1963, then Secretary of Agriculture Orville Freeman by administrative decree designated the 1,243,659-acre Selway Bitterroot Area as part of the wilderness system. He excluded from this designation, however, 240,000 acres of the primitive area, known as the Magruder Corridor, which contains the Upper Selway watershed, Upper Bargamin Creek and other tracts of land shown on the Forest Service map of the area as "Area E." The Forest Service subsequently revealed plans to build roads and permit logging in the Magruder Corridor. The justification for the exclusion of the corridor from the Selway-Bitterroot Wilderness was based on the contention that a road running from Darby, Mont., through Magruder, Idaho, to Elk City, Idaho, had altered the wilderness character of this area.

Many individuals and groups, including local, regional, and national conservation organizations opposed Secretary Freeman's decision to exclude the Magruder Corridor from the Selway Bitterroot Wilderness. They organized and submitted petitions urging the inclusion of the Magruder Corridor in the Wilderness area. They asked that the road from Darby to Elk City be treated as the boundary between the Selway Bitterroot Wilderness Area and a new Upper Selway Wilderness Area—comprised of what is now the Magruder Corridor—to the south of the road. They further asked that any development for visitors and hunters be limited to about 2,000 to 3,000 acres along the Elk City-Darby Road.

Aside from the wilderness values inherent in the Magruder Corridor by itself, there are two main reasons for including this tract of land in the Wilderness System. The corridor is the heart of a major block of wilderness area and if excluded from the wilderness system would detract from the surrounding wilderness. The corridor also contains the upper watershed of the Selway River, one of the last wild, unspoiled watersheds in the Columbia River Basin. Logging and road building would lead to the pollution of the Upper Selway with silt endangering the spawning beds of the salmon in the Selway, an important fishery resource, and change the character of the area.

The Magruder Corridor is the heart of a large block of wilderness area, possibly the largest single block of national forest land in the United States, excluding Alaska. The corridor forms the southern boundary of the Selway Bitterroot Wilderness. Flowing through this 1,243,659 acre wilderness area is the Selway River. This river casts a spell upon those who visit it, being one of the last wild, unspoiled rivers in the Columbia River Basin. It sings its way through this vast wilderness to its junction with the Lochsa, also a river in the wild river system. Evergreen forests gird the shorelines of the Selway, sheltering large herds of deer and elk. At its headwaters, the Selway flows out of the Selway Bitterroot Wilderness and through the Magruder Corridor, excluded from wilderness designation at present.

The Magruder Corridor also forms the northern boundary of the 200,000 acre Salmon River Breaks Primitive Area which in turn borders on the north edge of the 1.2 million acre Idaho Primitive Area.

The eastern border of these areas is marked by the peaks of the Bitterroot Range, forming here the Continental Divide. On the northern edge of the Selway Bitterroot Wilderness, the Lewis and Clark expedition crossed the divide at Lolo Pass in the year 1805. Most of these wilderness areas have not changed since Lewis and Clark passed through almost two centuries ago. In this wilderness, we can discover anew the natural heritage that we first explored under President Jefferson. In this wilderness, we can see the West as Lewis and Clark saw it on their daring expedition.

The Magruder Corridor, originally the trail of the Nez Perce Indians on their treks from western Idaho over the Rockies to the buffalo country in Montana, is the core of this Idaho wilderness.

If the Magruder Corridor is not designated as wilderness, the recently prepared Forest Service management plan indicates that logging and related road building will be permitted in the area. Although the Forest Service recommends that logging be delayed for 5 years in order to determine its possible effects on the Selway fishery, the danger of logging to the Selway seems clear to me. The likelihood of siltation and other forms of pollution pose a real threat to the river. As the Forest Service management plan states it:

> Considering the apparently small margin of safety and the economic and intrinsic value of the anadromous fisheries, the development program for the Corridor should be delayed until more data are available.

The Selway River is an important part of the Nation's fisheries. The Idaho Fish and Game Department, in cooperation with the Federal Government, has been conducting a program of restoring runs of spring and summer chinook salmon in the Selway and more than a million dollars have been invested in this successful project.

I, for one, do not want to gamble on the future of the fishery in the Selway River. The river is now included in the wild river system and under the terms of the act, Congress shall take any necessary steps to prevent the pollution of wild rivers. If there is a "narrow margin of safety" as indicated in the management plan, we should act now to insure the purity and preserve the fish runs of the Selway River by placing its watershed in the national wilderness preservation system.

In reviewing the potential for the Magruder Corridor, I found that the management plan prepared by the Forest Service shows that the long term recreational use and the wild and scenic values of the Magruder Corridor, if designated as the Upper Selway wilderness, far outweigh the negligible returns that might be obtained from logging in the area. The Forest Service estimates that the annual allowable cut of timber would only be 6.4 million board feet per year, most if not all to be milled in Montana. I understand that this amounts to a 4-month supply of logs for one small western Montana lumber mill. So modest a cut cannot possibly justify altering the character of the Magruder Corridor, endangering the Upper Selway and its fishery. In my judgment a comparision of the values argues conclusively for the designation of the Magruder Corridor as the Upper Selway wilderness, making it a permanent part of our wilderness system.

Mr. METCALF. Mr. President, I am pleased to join the distinguished senior Senator from Idaho (Mr. CHURCH) in sponsorship of legislation to place the Upper Selway watershed in the national wilderness system.

This area is referred to as the Magruder Corridor. It is located in Idaho. There are, however, principal points of access to the area from Montana.

Citizens of Montana and Idaho have worked tirelessly for this important addition to the wilderness system. They have challenged opponents, met arguments, and done their homework.

As Senator CHURCH has pointed out, the most recent Forest Service studies show that logging this area would not produce much in the way of revenue or jobs. It could, however, cause serious ecological damage, and diminish the value of a great recreation resource.

I join Senator CHURCH in urging prompt consideration of this legislation which will provide a significant addition to our wilderness system

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By Mr. MONTOYA (for himself, Mr. BAKER, Mr. BAYH, Mr. BENTSEN, Mr. BROOKE, Mr. COOK, Mr. EAGLETON, Mr. GRAVEL, Mr. HART, Mr. JACKSON, Mr. JORDAN of North Carolina, Mr. KENNEDY, Mr. MAGNUSON, Mr. MUSKIE, Mr. PEARSON, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TUNNEY, and Mr. WEICKER):

S. 2393. A bill to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes. Referred to the Committee on Public Works.

ECONOMIC DISASTER AREA RELIEF ACT OF 1971

Mr. MONTOYA. Mr. President, today I report for the Committee on Public Works a bill intended to alleviate one of the most persistent and serious problems facing the people of our country.

This legislation will establish the legal authority for aiding the far too many people who are suffering from the continuing unemployment that is undermining our once strong and healthy economy.

I am pleased to be joined in sponsorship of this bill by Senator HOWARD BAKER, the ranking minority member of the Subcommittee on Economic Development, which I chair, and by other Members of the Senate.

The bill we report today would amend the Disaster Relief Act of 1970 by expanding the authority of the Federal Government so that it can deal expeditiously and effectively with economic as well as natural disasters.

This bill would provide stopgap measures to directly assist people in those areas of the United States where unemployment has reached high levels. Following the pattern established for assistance resulting from natural disasters, it would authorize such necessities and food and medical care, rent and mortage payment assistance, and expanded unemployment compensation. Communities would be provided with funds to continue essential public services in the face of reduced revenues.

The Committee on Public Works intends later this year to begin development of comprehensive new legislation relating to economic improvement in all areas of the country.

There are, however, situations so serious that they require approaches outside the normal scope of long-term economic development which is aimed at avoiding or at the very least, minimizing the impact of economic disasters.

The situations—which exist today in communities like Los Angeles, Seattle, Detroit, Wichita, and others—demand immediate attention. The legislation which I report today is designed to provide that immediate attention to the immediate and pressing needs of individuals and families who are without jobs.

Mr. MONTOYA subsequently said: Mr. President, I ask unanimous consent that the bill which I previously introduced today dealing with the Disaster Relief Act of 1970 and the amendments thereto be referred to the Committee on Public Works.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

By Mr. BROCK (for himself, Mr. Schweiker, Mr. Humphrey, and Mr. Stevens):

S. 2394. A bill to establish an improved international economic policy structure in the Federal Government, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

INTERNATIONAL ECONOMIC POLICY ACT OF 1971

Mr. BROCK. Mr. President, last Wednesday I addressed this Chamber at length concerning the international financial position of the United States. I also suggested some possible solutions.

Regardless of the specific remedies used to solve our payments problem, our Government will need organizational reform and expert help in establishing and coordinating international economic policy. Through the systematic development of long-term U.S. Government policies, the strength of the dollar can be maintained and expert evaluation of various monetary mechanisms can be completed.

To maintain the strength of the dollar, to improve our economic policy structure and to provide for a coordinated Federal policy on matters affecting the U.S. balance of payments, I introduce today, on behalf of myself and the Senator from Alaska (Mr. Stevens) and the Senator from Pennsylvania (Mr. Schweiker), the International Economic Policy Act of 1971.

Title I of this act gives the short title, International Economic Policy Act of 1971 and a statement of purpose. Among these purposes are to assist in the better coordination and long-range development of all Government actions and policies affecting the balance of payments, trade, investment, and aid; and to provide the President with long-term analyses and expert advice on areas relating to the balance of payments.

Title II establishes by statute what the President has already done by administrative action. It establishes the Council on International Economic Policy in the Executive Office of the President. The Council's function is to be the same as contained in the President's announcement of January 19, 1971; namely, to aid in the coordination of all federally adopted policies dealing with the international economic policy of the United States.

Title III establishes the Foreign Economic Policy Board in the Executive Office of the President. This Board is to be made up of five individuals of professional excellence appointed for 7-year terms with no more than three from the same political party. This would assure the vital elements of continuity and bipartisanship. These experts will be under the direction of the President, with each President being able to choose his own chairman from among the members of the Board. The Board shall analyze all matters relating to the international economic policies of the United States. It will assist and advise the President on these matters and shall help the President in the preparation of the International Economic Report called for in title IV of this bill. In essence, this Board shall be the President's "Council of Economic Advisor's" in the international field generally, and specifically where the U.S. balance of payments is concerned.

To assure maximum coordination with the Council of Economic Advisers and their objectives as outlined in the Employment Act of 1946, the Board will be required to maintain close contact with the Council of Economic Advisers. In addition, the Board is required to maintain close contact with the Federal Reserve Board and the National Security Council. The chairman, and one other member of the Board designated by the President, shall be ex officio members of the Council on International Economic Policy, thus assuring maximum cooperation between the Board and the coordinating Council.

A certain degree of presidential control is maintained over the Board by means of the Chairman who is appointed by the President. Yet, it is hoped that professional, academic, and business experience, of a bipartisan nature, will exist on the Board by virtue of its 7-year tenure. Lest this feature detract from this legislation, calculations show that all Presidents to the year 2036 would appoint at least three members of the Board except the Presidents taking office in 1977, 2005, and 2033, who would appoint only two new members during their term.

The purpose of this bill is to move the complicated international economic policy structure of the U.S. Government partly out of the political arena. We need an expert, analytical discussion of the problems facing the United States. Too often, one agency indicates one policy while another agency goes off on another track. Internationally, we must have one track on which all the "cars" of Government ride. The Board is to help the President lay the foundation—the track—while the Council will help the President keep the "cars" on the track as an intergovernmental coordinating mechanism.

The Board is required to file an annual report with the President by January 15 of each year.

Title IV requires the President to transmit to Congress, no later than March 1 of each year, an International Economic Report. This report is structured along the lines of the report required in H.R. 8180 and is intended to act as a guide for the Federal Government and the Congress in establishing a measure of the demands on U.S. foreign exchange. It seeks honesty in the presentation of U.S. trade figures by requiring statistics both including and excluding Government-financed exports. In addition, it requires a review of foreign economic developments and actions by trading blocs and nations which might affect U.S. international receipts. The President retains the authority to classify, for national security reasons, certain information requested provided that he notifies the Congress of his reasons for doing so.

Finally, the President is given the option to use this report as a vehicle for his report to the Congress on U.S. foreign policy.

The International Economic Report is to be referred to the Joint Economic Committee for review. This committee is required to report to the Congress on its findings—a report similar to their review of the President's Economic Report—by May 1 of each year. In addition, the International Economic Report is to be referred to the banking committees of both Houses for further study of any recommendations affecting the value and stability of the dollar including any monetary mechanisms that may be developed.

Mr. President, after World War II we applied the lessons of the past to the challenges of the future by unifying—more or less—our Armed Forces and creating a National Security Council. The bill I am introducing is intended to apply the implications of the future to the organizations of today. Those implications add up to the preponderance of economic issues on the scales of national survival—and indeed, of the survival for the free world. We can do no less than to adapt our governmental structure to reflect this reality.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE; STATEMENT OF PURPOSE

SHORT TITLE

Sec. 101. This Act may be cited as the "International Economic Policy Act of 1971."

STATEMENT OF PURPOSE

Sec. 102. (a) The purpose of this Act is to strengthen the machinery of the Federal Government in order to—

(1) assist in better coordination and long-range development of all Government actions

and policies affecting United States international trade, investment, and aid;

(2) assist in the establishment of priorities in the expenditure of United States foreign exchange or dollars abroad for all purposes; and

(3) provide for the orderly, long-term analyses and development, on the basis of independent, expert advice, of all Federal policies related to the international economic position of the United States, including, but not limited to, policies relating to trade, foreign aid, United States direct investment abroad, the balance of payments, monetary policy, foreign tax treaties, international tourism and aviation, and international agreement affecting any such policy.

(b) The objectives of such policies should include, but not be limited to—

(1) strengthening the competitive position of the United States in world trade;

(2) balancing the international payment accounts;

(3) increasing exports of goods and services;

(4) protecting and improving the earnings of foreign investments, and

(5) achieving the free movement of people, goods, capital, information and technology on a reciprocal and worldwide basis.

TITLE II—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

ESTABLISHMENT OF COUNCIL

Sec. 201. There is established in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to as the "Council") whose function shall be to assure coordination in the development and executive of all Presidentially-approved Federal policies affecting the international economic relations of the United States. The Council shall operate at the pleasure of the President and under such rules as he shall prescribe and shall be composed of such members as the President deems necessary, except that the Chairman and at least one other member designated by the President of the Foreign Economic Policy Board established under title III of this Act shall be an ex officio member of the Council.

EXECUTIVE DIRECTOR AND STAFF

Sec. 202. (a) The Council shall have a staff to be headed by an Executive Director who shall be appointed by the President. His duties shall be prescribed by the President.

(b) The Executive Director, subject to the direction of the Council, is hereby authorized to appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

(c) Section 5314 of title 5, United States Code (relating to level III of the Executive Schedule), is amended by adding at the end thereof the following new item:

"(58) Executive Director, Council on International Economic Policy."

APPROPRIATION OF FUNDS

Sec. 203. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE III—FOREIGN ECONOMIC POLICY BOARD

ESTABLISHMENT OF BOARD

Sec. 301. There is established in the Executive Office of the President a Foreign Economic Policy Board (hereinafter referred to as the "Board"). The Board shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate, each of whom shall be a person who, as a result of his training, experience and attainments, is exceptionally qualified to analyze and interpret international economic developments, to appraise programs and activities of the Federal Government related to foreign economic policy, and to formulate and recommend foreign economic policy to strengthen the international financial and economic position of the United States with respect to those purposes enumerated in section 102(a) of this Act not more than three members shall be from the same political party. The President shall, from time to time, designate one of the members to serve as Chairman.

TERMS OF MEMBERS AND SALARY LEVELS

Sec. 302. (a) The members of the Board first appointed under section 301 shall be appointed for terms as follows:

(1) one for a term of two years;
(2) one for a term of three years;
(3) one for a term of four years;
(4) one for a term of six years; and
(5) one for a term of seven years.

Each member thereafter appointed shall be appointed for a term of seven years commencing on the day after the expiration of the preceding term, except that a member appointed to an unexpired term shall be appointed for the remainder of that term.

(b) The Board shall meet at the call and under the direction of the Chairman.

(c) A quorum of the Board shall consist of three members. A vacancy shall not affect the power of the Board and shall be filled in the manner provided by section 301(d)(1). Section 5312 of title 5, United States Code (relating to level I of the Executive Schedule), is amended by adding at the end thereof the following new item:

"(13) Chairman, Foreign Economic Policy Board."

(2) Section 5313 of such title (relating to level II of such schedule) is amended by adding at the end thereof the following new item:

"(21) Members, Foreign Economic Policy Board."

EMPLOYMENT OF PERSONNEL

Sec. 303. The Board is authorized—

(1) to appoint and fix the compensation of such specialists and other experts as may be necessary to assist the Board in carrying out its functions under this title, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapters III and VI of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of compensation may exceed the rate of basic pay received by an individual paid under level IV of the Executive Schedule contained in section 5315 of such title; and

(2) to appoint and fix the compensation of such other personnel as may be necessary to assist the Board in carrying out its functions under this title.

FUNCTIONS

Sec. 304. It shall be the function of the Board, under the direction of the President—

(1) to assist and advise the President in the preparation of the International Economic Report provided for under title IV of this Act;

(2) to gather timely and authoritative information concerning international economic developments and international economic trends, both current and prospective; to analyze and interpret such information for the purpose of determining whether such developments and trends are interfering, or are likely to interfere, with the United States foreign trade, travel, and investments, and other policies enumerated in section 102(a) of this Act; and to compile and submit to the President studies relating to such developments and trends;

(3) to establish priorities on the use of United States foreign exchange earnings consistent with a policy to maintain the strength of the dollar by increasing such earnings through recommended actions;

(4) to appraise the various programs and activities of the Federal Government for the purpose of determining the extent to which such programs and activities are contributing, and the extent to which they are not contributing, to the achievement of the objectives set forth in section 102(b) of this Act, and to make recommendations to the President with respect thereto;

(5) to develop and recommend to the President international economic policies to foster and promote United States international trade and investment; to further the purposes of the International Travel Act of 1961; to maintain the strength of the dollar through positive actions which will increase the United States foreign exchange earnings; and to further the objectives set forth in section 102(b) of this Act; and

(6) to make and furnish such studies, reports and recommendations with respect to matters of Federal international economic policy and legislation as the President may request.

ANNUAL REPORT

Sec. 305. The Board shall make an annual report to the President by January 15th of each year concerning its activities during the preceding year.

CONSULTATION WITH OTHER GROUPS AND AGENCIES: UTILIZATION OF GOVERNMENT SERVICES PRIVATE RESEARCH AGENCIES, ACCESS TO INFORMATION

Sec. 306. (a) The Board may establish such advisory committees and may consult with such representatives of industry, agriculture, labor, consumers, State and local governments, and other groups, as it deems advisable.

(b) The Board shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of other Government agencies as well as of private research agencies, in order that duplication of effort and expense may be avoided.

(c) The Board shall have access to all information of the Federal agencies related to United States foreign trade and investment, and national employment related thereto, and to all information relating to the expenditure of foreign exchange or expenditure abroad of dollars by the Federal Government.

(d) The Board shall consult with all agencies of the Federal Government and any other individual or organization it deems necessary in the consideration of its recommendations to the President.

(e) The Board shall consult regularly with the National Security Council, the Council of Economic Advisors, the Federal Reserve Board, and the Council on International Economic Policy.

(f) The Board shall have access to all information of the Federal Government relating to the international monetary position of the United States including actions of the exchange stabilization fund and any information relating to any obligations of the Federal Government which involves guarantees or repayments in gold, foreign exchange, or the expenditure of dollars abroad.

SAFEGUARDING OFFICIAL INFORMATION

Sec. 307. The Board shall take all appropriate steps to safeguard confidential information as outlined in Executive Order 10501 (Nov. 5, 1953, 18 F.R. 7049), as amended, or as may from time to time be provided by the President.

AUTHORIZATION OF FUNDS

Sec. 308. To enable the Board to exercise its powers and functions under this title, there are hereby authorized to be appropriated such sums as may be necessary.

TITLE IV—INTERNATIONAL ECONOMIC REPORT

REPORT BY THE PRESIDENT

Sec. 401. The President shall transmit to Congress not later than March 1 of each year a report on the international economic position of the United States during the preceding year (hereafter referred to as the "International Economic Report").

The Report shall set forth the following—

(1) a comprehensive foreign exchange budget for the Federal Government which shall include all foreign exchange received and expended during the previous year and all expected foreign exchange receipts and expenditures in the coming year divided so as to delineate separately all commercial transactions (as opposed to government transactions) and all special financing transactions engaged in by the Federal Government which have the effect of reducing or increasing any measure of the balance of payments surplus or deficit. Such foreign exchange budget shall in no way limit the Federal Government in its expenditures abroad but shall be used for information purposes in establishing United States priorities in the use of foreign exchange and dollars abroad. In addition, the foreign exchange budget shall include, but not be limited to, a separate breakdown of the receipts and expenditures involved in United States aid to foreign countries and organizations (bilateral and multilateral), the actual dollar outflows and all income of United States direct private investment abroad, the receipts and expenditures on the United States international trade account (both excluding and including government-financed exports), the receipts and expenditures on the tourism account, and the receipts and expenditures on the service and capital accounts, so as to indicate the United States balance of payments position;

(2) a review of the priorities involved in the projected uses of United States foreign exchange and dollars abroad in all sectors, both government and private;

(3) a review of significant matters affecting the balance of payments and the international trade and investment position of the United States including, but not limited to, matters discussed and actions taken by international institutions and assemblies such as the United Nations, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Organization for Economic Cooperation and Development, and under the General Agreements on Tariffs and Trade;

(4) a review of foreign economic developments and actions by trading blocs and individual nations which appreciably affect the United States balance of payments, international trade and investment;

(5) a review of international monetary matters affecting the United States balance of payments and the strength of the dollar;

(6) a review of all significant matters affecting, or likely to affect, the United States balance of payments or the strength of the United States dollar abroad, including, but not limited to, the balance of payments effect of United States bilateral and multilateral aid (including any loss or gain in United States exports resulting from the use of any United States aid monies for procurement outside of the United States), international commodity agreements, and restrictions of trading blocs or nations on United States trade (including United States agricultural exports) and investments;

(7) a review of the net expenditure of foreign exchange or dollars abroad (exclusive of any special financial transactions) for the cost of United States peaceful defense forces and establishments and a review of any burden sharing provided by host nations to the foreign exchange costs involved.

(8) recommendations as to the positive actions, if any, that need to be taken to increase the foreign exchange earnings or foreign dollar earnings of the United States; and

(9) at the discretion of the President, a statement on the foreign policy of the United States. For national security reasons, the President may classify any information requested in paragraphs (2) through (8), but shall notify the Congress of his reasons for doing so.

SUPPLEMENTAL REPORTS

SEC. 402. The President may transmit from time to time to the Congress supplementary reports to the International Economic Report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and objectives declared in section 102 of this Act.

REFERRAL TO COMMITTEES

SEC. 403. The International Economic Report, and all supplementary reports transmitted under section 402 of this Act, shall, when transmitted to Congress, be referred to the Joint Economic Committee, the Banking and Currency Committee of the House of Representatives, and the Banking, Housing and Urban Affairs Committee of the Senate. Such committees shall make a continuing study of matters relating to the International Economic Report and such supplementary reports.

REPORT BY JOINT ECONOMIC COMMITTEE

SEC. 404. As a guide to the committees of the Congress considering legislation relating to the International Economic Report, the Joint Economic Committee shall, not later than May 1 of each year (beginning with the year 1972), file a report with the Senate and House of Representatives containing its findings and recommendations with respect to each of the main recommendations made by the President in the International Economic Report, and from time to time make such other reports and recommendations to the Senate and House of Representatives as it deems advisable.

By Mr. MILLER (for himself and Mr. TOWER):

S. 2395. A bill to amend the Act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; and

S. 2396. A bill to amend the Act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with Central American countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States. Referred to the Committee on Agriculture and Forestry.

Mr. MILLER. Mr. President, I introduce for myself and the senior Senator from Texas (Mr. TOWER) two bills to amend various provisions of existing law in order to authorize the Secretary of Agriculture to cooperate with Mexico and the Central American countries in the control and eradication of any communicable disease of animals in order to protect livestock and poultry industries in the United States.

All of us are very much aware of the outbreak of Venezuelan equine encephalomyelitis. Since the first case of this disease was confirmed on July 9, over 1,300 horses have died and over 1,800 have been reported sick with the suspected VEE since the disease moved across the border from Mexico. Presently horses in 11 States from California to Florida are being vaccinated to establish a coast-to-coast barrier against the northward spread of this disease. Also, extensive mosquito spraying is being carried out to try to contain the spread of the disease.

Another disturbing piece of information to the livestock producers is that African swine fever has recently been found to be present in Cuba. This is a highly contagious animal disease for which there is no known vaccine or cure.

Under present law the Secretary of Agriculture has the authority to cooperate with Mexico and the Central American countries in carrying out measures to eradicate or control certain animal diseases, but VEE and African swine fever are not included. It seems to me that the Department should have the authority to do all it can to prevent the spread of these diseases to the United States once they are detected in Mexico or Central America. The two bills I am introducing today would give the Department that authority. No effort should be spared to prevent the spread of the very dangerous African swine fever and hopefully cooperative programs with Mexico and Central America can accomplish this objective.

By Mr. COOK:

S. 2397. A bill to amend the Airport and Airway Development Act of 1970 in order to provide that the Federal share shall not exceed 70 percent of allowable project costs except with respect to landing aids. Referred to the Committee on Commerce.

Mr. COOK. Mr. President, the 91st Congress enacted H.R. 14465, the Airport and Airway Development Act of 1970 (Public Law 91-258). In the declaration of policy, the Congress stated—

> That the Nation's airport and airways system is inadequate to meet the current and pojected growth in aviation.

The Congress further declared—

> That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and national defense.

These statements are as true today as they were a year ago. Under current law they will be just as valid, 5, 10 or even 20 years from now. The reason is simple—the States and municipalities cannot match the Federal funds available under this act on a 50–50 formula.

However, the act itself does provide exceptions to the 50–50 Federal-State matching formula. Projects in the Virgin Islands and in those States where the Federal Government owns at least 5 percent of the land may qualify for up to 75 percent of Federal funds. All States—and rightly so, I believe—are eligible to receive up to 82 percent of allowable costs for landing aids, such as land acquisition for the installation of approach light systems, centerline runway lighting and high density lighting. These Federal benefits should be extended.

Mr. President, today I am introducing a bill which would allow all States to receive up to 75 percent of Federal matching funds on approved airport development projects. This puts the primary burden of financial responsibility where it should be—on the Federal Government.

Aviation is not a State or local problem; it is truly a Federal one. Through the instrumentalities of the Federal Aviation Administration and the Civil Aeronautics Board, Air Transport is one of the most federally regulated industries in the country.

Also, the present matching fund formula makes even less sense when viewed in terms of other Federal programs. The Interstate Highway System is constructed with 90 percent of Federal funds. Only last year the Congress increased the Federal share of noninterstate Federal highways to 70 percent. Our Nation's airways deserve no less.

Another factor in favor of my bill is the Federal Government's usurpation of air-related revenue sources. Under the 1970 act, the Federal government levies a tax on gasoline and aviation fuel. A domestic and international passenger tax, an air freight and cargo tax, and a year fee on certain civil aircraft. This further contributes to the unfavorable tax situation that local authorities are increasingly confronted with.

When the Airport and Airway Development Act was under consideration by the Senate, I proposed an amendment which would have increased the Federal share to 75 percent. At the request of the distinguished manager of the bill, Senator Cannon, I withdrew the proposal. At that time he felt that additional time would be required in order to give the States an opportunity to submit detailed views of their needs.

I ask unanimous consent that my remarks of February 26, 1970 and the colloquy with Senator Cannon be printed in the Record at the conclusion of my statement.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered).

(See exhibit 1.)

Mr. COOK. Mr. President, under section 51 of the 1970 Act, the FAA is authorized to issue operating certificates to airports serving air carriers and to establish minimum safety standards for the operation of these airports. Pursuant to this authority the FAA recently issued a notice of proposed rulemaking which dramatically illustrates not only the need for this bill, but possibly further corrective legislation as well.

Mr. B. E. Ashby, airport manager at Barkley Field in Paducah, Ky., has responded to the proposed rules in a very direct, dollars and cents manner. Without going into the merits of the rules, I would like to summarize the improvements necessary, the costs thereof, and the financial condition of the Paducah Airport Corp.

Improvements necessary under the rule are: Pavement overlay; emergency lighting; firefighting service equipment; hiring of firefighting personnel; and fencing of airport perimeter.

The hardware cost, excluding the pavement, is estimated at $115,000 plus $36,000 per year for personnel. Also, the airport has a ADAP project request for $213,000 and a general 5-year improvement plan—which includes pavement overlay—of $2 million.

Juxtaposed against these figures and 1970 operating revenues of $71,000 is a projected indebtedness of $126,000 for 1971 which will increase to $200,000 by 1972.

The local governments contribute over $20,000 per year. As with most communities an increase is unlikely. Moreover, the airport does not generate enough revenue to utilize municipal bonds.

I ask unanimous consent that Mr. Ashby's letter to me and his response to the proposed rules be printed at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. COOK. Mr. President, this small "non-hub" airport in the far western part of Kentucky is merely illustrative of the problems that airports across the Nation are experiencing. The American Association of Airport executives in a letter to the Federal Aviation Administration, said in regard to the proposed rule—

> It is important we believe that all concerned appreciate the fact that out of the approximate 540 air carrier airports, only 25 are in large hubs, 38 in medium; 88 in small, and some 375 in the non hubs. These 375 make up 70 percent of all airports receiving air line service yet combined enplane only about 4 percent of the entire passenger enplanements in the country. Many of these airports have an operating budget below $150,000.

Mr. President, a national problem, which is federally regulated and federally taxed should be primarily federally financed.

I urge my colleagues to actively support this measure.

Exhibit 1

Amendments No. 530

Mr. Cook. Mr. President, I call up my amendments No. 530.

The Presiding Officer. The clerk will state the amendments.

The assistant legislative clerk read the amendments (No. 530), as follows:

"On page 72, line 10, strike '50' and insert in lieu thereof '75'.

"On page 72, line 18, strike '25' and insert in lieu thereof '10'."

Mr. Cook. Mr. President, let me very simply state what the amendment does. It proposes to increase the program from a 50–50 basis to a 75–25 basis. As we all know, the Federal highway program operates on a basis of 9–1 or 90–10.

The reason I feel this way is that the bill itself almost usurps all the sources of revenue. So we will find local airports and local agencies really without the wherewithal to participate on a 50–50 basis. We will have the revenue within the agency, but we will not be able to share it on that basis, because of a lack of local funds.

For a few minutes I will read the position this would put my State in. Then I want my colleagues to consider the position their States may be in.

On an area-population ratio, Kentucky's share would be $1.213 million per year.

Under the hub-enplanement ratio, Kentucky's share will be $.648 million, of this Lexington-Frankfort will receive $.072 million and Louisville will receive $.576 million. No prediction for the discretionary fund share but using the foregoing figures as a yardstick Kentucky might receive an additional $600,000 according to the Department of Aeronautics.

What that means is that as a total for the year, we would receive $2.461 million. These figures are derived from pages 29 and 30 of the Senate committee report on S. 3108.

The Presiding Officer. The Senate will be in order. The Senator will suspend until order is restored.

Mr. Cook. The Greater Cincinnati Airport is apparently not listed under the Kentucky figures, although it is in the commonwealth. On page 31 of the committee report, Cincinnati, Ohio, is given $846,000 under the hub-enplanement ratio. The figures are not broken down as to what the Greater Cincinnati will receive on the area-population formula. Roughly speaking, Kentucky's total may be increased by the Greater Cincinnati Airport's share by approximately $1.5 million—this is a rough guess—according to the Department of Aeronautics.

As to the needs of our State, according to the Kentucky Department of Aeronautics, estimates for the total funds needed for the next decade total $462,816,250. Of that amount, $233 million is eligible under the present Senate bill for matching funds. The remainder, $239 million, is for terminal facilities and other items such as access roads, parking lots which are ineligible for Federal matching funds under this Senate bill.

However, the local airports are going to have to raise and spend this money, besides having to raise about $117 million so that they can be on a matching basis.

I asked the respective airports in our area just exactly what the impact on them would be, and received the following replies.

Mr. Dicky says the Greater Cincinnati Airport, which is located in Boone County, Ky., will require, for land acquisition, new taxiways, runway extension, ramps, and terminal facilities. Cincinnati has a $11.5 million bond indebtedness, and, as we all know, the bond market right now is so tight that they probably could not sell any more.

This is another point I wish to stress, because these funds will have to be raised, and if the funds are not raised through local efforts or as a result of activities at the State level, any bond issues in the near future will find it difficult to find a buyer.

For the Lexington airport, Mr. Gray says the need is for overlaying and improving runways and ramps. The terminals handles one-quarter million people a year, whereas it was built to handle 75,000 a year. They will need approximately $1.5 million for a new terminal, and will have no way to get any money from the bill.

Louisville, in the near future, will need $8 million for expansion and repair and overlaying of existing runways to bring it up to Boeing 747 standards, and for the C–5A, which the Department tells us will have to come into Louisville because of the situation at Fort Knox.

By 1975 Standiford Field will reach a saturation point and new jetport will be needed. The Department of Aeronautics estimates that another $120 million will be needed by 1990 in addition to the $316 million already estimated.

At the moment Louisville has no bonded indebtedness, but has outstanding notes of over a half million dollars.

As to the Owensboro-Davies County airport, although not listed under major projects, Mr Adams informs me that they will need approximately $2.2 million over the next 10 years. Of that amount, $1.3 million—for land acquisition. runway extension, ramp extension, and navigational aids—will be eligible. A balance of $900,000 for terminal facilities will not be eligible.

At Paducah-Barkley Field they say that they can use $3 million in 10 years for land acquisition, runway extension, ramps, and navigational aids. All of this eligible for Federal matching funds.

I am proud to say that our State legisature, in its budget just passed, appropriated for airport and airway development, for fiscal year 1970–71, $875,000, and for fiscal year 1971–72, $1,575 million. This amount is to be matched on the local level, with 25 percent State and 50 percent Federal participation.

So in conclusion, Mr. President, over the next 10 years the State of Kentucky will be eligible to receive approximately $2.4 to $3.9 million—depending on whether the Cincinnati figures in the Senate report are correct—per year for the next 10 years. Total 10-year Federal aid will be approximately $24 to $39 million. Kentucky needs a total of $462 million, of which $239 million is eligible for Federal matching funds.

So, Mr. President, if we talk about this and make up our minds that we should be on a 50–50 basis, I am only saying that when you create an agency and set up a trust fund, and usurp all the basic sources of revenue, you are not likely to find very much participation on a 50–50 basis. For Senators who think they can sell this bill as a panacea for the total airport facilities situation throughout the country, I am afraid it is not going to be that way at all.

I ask unanimous consent to have printed in the RECORD at this point a table showing the estimated financial needs for airport and airways development in the Commonwealth of Kentucky during the next decade.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FINANCIAL NEEDS OF AIRPORT/AIRWAYS DEVELOPMENT IN KENTUCKY DURING THE NEXT DECADE
KENTUCKY DEPARTMENT OF AERONAUTICS

	Eligible for Federal aid under H.R. 14465	Ineligible for Federal aid	Total
I. Major projects:			
1. Greater Cincinnati	$32,000,000	$55,000,000	$87,000,000
2. Lexington, Blue Grass Field	9,025,000	2,310,000	11,335,000
3. Louisville:			
(a) Standiford Field	3,000,000	12,000,000	15,000,000
(b) Bowman Field	None	500,000	5,000
(c) Proposed jetport	168,824,916	147,390,000	316,214,916
4. Pikeville	7,743,000	580,500	8,323,500
Subtotal	220,592,960	217,780,500	438,373,460
II. All other projects	18,850,190	5,592,600	24,442,790
III. Total Kentucky project needs	239,443,150	223,373,100	462,816,250
IV. (1)			

[1] Of the total financial needs which are ineligible ($223,373,100), approximately 90 percent are for terminal facilities and 10 percent for access and miscellaneous.

Mr. COOK. Mr. President, this is the reason for my amendment. Perhaps many Senators feel that something may be accomplished in their States on a 50–50 ratio. But I think Senators need to understand that the major airports are in a position, right now, where they are bonded up to the hilt, or have borrowed every dime they can borrow, and they are not in any position to participate on a 50–50 basis.

The end result will be that they will not be able to raise the funds, because, while they are raising 50 percent of the matching funds, they also have to raise 100 percent of all funds for terminal facilities, parking facilities, and all other facilities necessary to go along with the airport, where no Federal aid will be available in any way, shape, or form.

Mr. President, I yield the floor.

Mr. CANNON. Mr. President, I yield myself 3 minutes.

The distinguished Senator from Kentucky does make a very persuasive case, and certainly well states the plight of many airport authorities around the country today.

As he stated, this bill is not a panacea. It will not solve everyone's problems. But it will get us started along the road at taking some long overdue action, and that will hopefully help us catch up by the end of this 10-year period. It certainly will not catch us up in 1, 2, or 3 years.

The Senator points up the very serious problem among the local authorities. They have to go to their various concessionaires to try to raise revenues from their concessions, or go to bonding to try to raise the funds to carry out their part of the improvements.

But I think it would be very ill advised for us, at this time, on the floor of the Senate tonight, to try to change a formula we have had in effect for a long period of time. We have had no hearings on your amendment or the impact of it, and I think we would be much better advised to pass the bill in its present form, and get the wheels in motion, and then come along with a hearing to determine whether or not the sponsors are getting a fair share of the pie, let us say, under this 50-percent Federal matching formula.

I, for one, would be perfectly willing, as a member, and in fact vice chairman, of the Aviation Subcommittee, to say that we could schedule hearings to go into the problem, explore it with the various airport authorities, States, and communities around the Nation, study the findings, and then come up with a considered judgment on the matter.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield.

Mr. COOK. Is the Senator saying he would be willing to have hearings during this fiscal year on the matter, before his subcommittee?

Mr. CANNON. I think this fiscal year is just about over. That means between now and July 1.

Mr. COOK. What I am really talking about is between now and adjournment.

Mr. CANNON. I would be willing to assure the Senator we would make every effort to try to get a hearing in this calendar year on the subject he is so concerned about, that is, the proper Federal share of the matching formula. This is something that will require study. We are going to have to get some reports, and give some of these States and communities the opportunity to prepare and come up with some kind of a recommendation.

Mr. COOK. I might say to the distinguished Senator that I know that probably, under normal circumstances, and the hour being what it is, a vote on this amendment would probably not be successful. I believe in it firmly, because I believe we are starting off on something we will find will be far less attractive to the aviation industry as a whole, the airports, and the airport authorities, than we really think.

But under the circumstances, if the Senator will agree to do everything in his power to have hearings in this calendar year, I think I would be willing to withdraw the amendment, purely and simply because the hour is late, and I would hate to have such a thing considered and voted on with no more than a 12-minute debate, because I think it is far more serious than that. If that is the agreement of the distinguished Senator——

Mr. CANNON. Mr. President, as I have said, I am willing to give that assurance. The chairman of our committee is in the Chamber, and I am sure he can speak for himself, but I am sure that he would agree that we will try to make every effort possible to give the Senator a hearing sometime during this calendar year on this matter.

Mr. COOK. Mr. President, under the circumstances, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

EXHIBIT 2

PADUCAH AIRPORT CORP.,
Paducah, Ky., July 1, 1971.

Senator MARLOW COOK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR COOK: As you know, Congress recently enacted into law the Airport and Airway Development Act of 1970. Section 51 of this Act added a new Section 612 to the Federal Aviation Act of 1958 which authorizes the Administrator to issue airport operating certificates to airports serving air carriers and to establish *minimum* safety standards for the operation of these airports.

The Administrator of the Federal Aviation Administration has just issued a Notice of Proposed Rule Making for airport certification which, if adopted unchanged, will impose unrealistic, unjustified and financially impossible burdens on small "non-hub" type airports such as ours.

Please study the attached correspondence and, if you feel as we do, lend your support to providing some measure of relief. I can not believe that Congress intended to inflict these requirements on small airports.

Very respectfully,
B. E. ASHBY,
Commander, U.S. Navy (Retired),
Airport Manager.

PADUCAH, KY., *July 1, 1971.*

Subject: Docket No. 10607, Notice 71-14, Airport Operating Certification.

To: Federal Aviation Administration, attention: Rules Docket, GC-24, Office of General Counsel, Washington, D.C.

GENTLEMEN: 1. *Purpose.* To respond to the Notice of Proposed Rule Making for Airport Certification.

2. *Background.* The subject Notice has been reviewed, its provisions applied to this airport and its impact thereon evaluated. Barkley Field was constructed (landing area) in World War II. The primary runway is 6,500 feet in length with 5,000 feet of this being original concrete 6 inches in thickness. The airport serves Ozark and Delta Air Lines who operate FH-227 and DC-9 aircraft. Currently Delta has 2 DC-9-14 and Ozark 2 DC-9-30 departures daily except that one Ozark DC-9 does not operate on Sundays. There are 8 FH-227 departures in addition daily. Barkley Field is a "non-hub" airport, enplaning approximately 39,000 passengers annually. The airpot is City/County owned and leased to a non-profit, non-stock corporation which operates and maintains it. The airport board members serve without pay and all revenues generated are used in airport development and operation. Since air carrier service was initiated in 1946 there have been no fire or animal on the runway incidents. There was 1 incident involving hydroplaning. Additional Ozark Air Line DC-9-30 operations are expected to start prior to May 1972.

3. *Factors Considered.* The following factors were considered in reviewing and evaluating the proposed safety standards:

a. *Present Deficiencies Under Proposed Standards.*

(1) *Pavement Areas.* Will not meet standards imposed. The pavement is breaking up on all old concrete areas where DC-9 aircraft are slow moving and in the touchdown area. These stressed areas require frequent repair. An overlay is needed now but funds

are not yet available. A 3 inch overlay could be funded in Fiscal Year 1973 if no new and unavoidable expenditures are encountered. There is no equipment or service known for measuring runway friction coefficient. Cost for this requirement is not available.

(2) *Lighting.* No emergency lighting for the primary runway exists. Equipment would have to be purchased.

(3) *Firefighting Service and Equipment.* Current requirement would be for Index I airport with the "fewer than an average of 5 departures per day of Index II aircraft" exception. However, by May 1972, Index II equipment and service is anticipated. With the elimination of volunteer personnel and Index II items the airport must hire a minimum of 6 additional men and purchase 1 more vehicle. Note: this is a very conservative estimate. There have been no fire incidents involving air carrier aircraft at this airport. If 1 vehicle became inoperative for a period in excess of 72 hours the airport would lose all DC–9 service or 50%.

(4) *Public Protection.* Three sides of the airport perimeter will require fencing. There have been no incidents of animals on the operating areas involving air carrier aircraft.

b. *Cost to Correct Deficiencies.* Excluding the pavement overlay, hardware cost is estimated at $115,000. Personnel costs estimate is $36,000 annually with an additional annual increase of approximatey $10,000 in operating expense.

c. *Safety Record of Airport.* There have been:

No fire incidents involving air carriers

No animals on the runway incidents involving air carriers

1 hydroplanning incident involving air carriers

d. *Airport Development Underway with Funds Committed.* An ADAP Project has been requested in the amount of $213,000 to acquire land and prepare sites for ILS/MALS installation this fall.

e. *High Priority Airport Development Projects Planned.* The following items of improvement are needed now or will be in the next 5 years:

Pavement overlay

Taxiway overlay, widening, lighting, marking.

Taxiway extension to end of primary runway (1500 ft short)

Ramp extension

Terminal expansion

Land acquisition for clear zones

Estimated cost for these items is $2,000,000.

f. *Current and Projected Revenues.* Revenue (operating) for 1970 was $71,000. Projected revenue for next 5 years will average $75,000 annually. Operating expenses in 1970 were $50,000 with the excess revenue used to reduce indebtedness and pay interest costs.

g. *Current and Projected Indebtedness.* Current indebtedness is $86,000. Projected indebtedness for 1971 is $126,000—1972 and future is $200,000 continuously since this is limit to line of credit. The airport does not generate enough revenue to utilize bonds. The City/County each contribute $10,000 annually until the FAAP projects of 1969–70 are paid. A continuation of this source of revenue is hoped for but an increase is considered most unlikely.

h. *Benefits Deriving from Compliance with Proposed Standards.* None—considering past safety record and expenditures required.

4. *Comments and Opinions.* The following comments and opinions are offered for possible action regarding the establishment of safety standards:

a. Part 139.3. Deadline of May 1972 can not be met. Assuming standards are published for compliance in August, there will be insufficient time to identify, estimate costs, and process ADAP requests and get approval much less have hardware in place.

b. Part 139.43. Right angle to centerline measurement is least critical and should be assigned a more tolerant variance.

c. Part 139.47(b). Considering cost to acquire equipment, time factor in placing fixtures after failure, frequency of night operations and history of lighting failure this requirement is unrealistic. Aircraft would overfly and by morning failure could be corrected.

d. Part 139.49. This entire section on firefighting equipment and service should be eliminated from any proposed safety standards for the following reasons:

(1) Statistics reveal 1 fire incident per every 850,000 operations. (This airport has 8,000 air carrier operations per year)

(2) Very few airports have ever experienced a fire incident

(3) Crash/fire equipment is never needed until an aircraft suffers a mechanical failure or the pilot is guilty of error. Neither of these causes is a factor subject to airport operator control.

(4) Crash site is inaccessible to equipment because crash usually occurs off pavement or off airport. Response time and vehicle capability off pavement prevents effective life saving. Crash is survivorable and occupants walk out or it is not and some or all perish.

This problem of aircraft accidents and life saving needs a completely new approach. Relying on conventional techniques and equipment is not, can not and will not produce the desired results. Funds should be expended to correct the factors causing the accidents which are pilot error and aircraft mechanical failure. If life saving capability is desired at the crash site and in time to be effective than fire suppressant equipment should be installed on the aircraft. Crash resistant fuel cells (long required in military aircraft) should be installed also. More intensive pilot training, more frequent check rides, and more stringent penalties imposed on the carrier and pilot guilty of pilot error, better maintenance and inspection with emphasis on safety of flight items are some of the areas where expenditure of funds could be better justified.

e. Part 139.49(i). If Part 139.49 is adopted there appears to be no reason (at this time) for eliminating volunteer firefighters. Substantial training investments have been made and these personnel should be retained in the system until proven by experience evaluation to be ineffective.

f. Part 139.67. Fencing is not justified where there is no problem.

g. Part 139.83(b). Statistics reflect 16 air-carrier (in U.S.) incidents in 1969 attributable to runway slipperiness. Requirement not justified for friction coefficient measurements.

h. *Part 139.89(a)(3).* Maintenance on these specialized vehicles is not available in some areas and once a vehicle becomes inoperative repair will not be effected within 72 hours.

5. *Recommendations.* The following recommendations are submitted for consideration:

a. Go to Congress for relief on the May 1972 deadline.

b. Re-define the mandate given FAA by Congress—that is establish *minimum* safety standards. These appear to be Utopia.

c. Consider airport size and revenue generating ability and individual airport needs vs. deficiencies and tailor any safety standards to these criteria. The FAA and airport operators, working together, could establish minimum safety standards for each airport and stay within the airport's funding limits.

d. Be more realistic in establishing safety standards. Compliance with any standards is senseless if such compliance siphons funds from other needed projects. A runway overlay project is more important than purchasing fire fighting equipment.

e. Provide for flexibility in establishing a deadline for compliance. A fixed date, arbitrarily set, without consideration for funding ability or other planning factors operates to the detriment of the airport and the public. Each airport should be assigned a date for compliance only after a joint FAA and operator review of safety standards needed, cost involved and revenue generating ability considered. F & EP items are funded by FAA. These items are as important to airport safety as the proposed standards yet no deadline date is set for their installation. FAA places this equipment on the airports *when funds become available.* Arport operators should be accorded this safe flexibility.

f. Eliminate firefighting service and equipment from the proposed safety standards.

6. *Conclusion.* The estabilshment of any safety standards will have very significant effects on the operators of airports. Most operators are extremely safety conscious and impatiently await funds for airport improvement. FAA can, by a more realistic, human and practical approach to the problems, render a lasting and appreciated service to the public. An approach which incorporates a joint FAA and operator effort to establish safety standards, list deficiencies, program corrections within funding limits, and set flexible deadlines for compliance will best benefit all concerned. Other needed airport development must be fitted into all planning around safety standards. All of this *can* be accomplished without the public criticism and outcry which will result when airports cease operations because they cannot comply with unreasonable, and arbitrarily imposed FAA safety standards.

Very respectfully,

B. E. ASHBY,
Airport Manager.

By Mr. BROOKE:

S. 2398. A bill to amend the Airport and Airway Development Act of 1970 in order to provide for more effective control of aircraft noise. Referred to the Committee on Commerce.

AIRCRAFT NOISE ABATEMENT ACT OF 1971

Mr. BROOKE. Mr. President, anyone of the many millions of people living near our Nation's major commercial airports can readily testify to the fact that the advances of the jet age of aviation have brought with them some very serious discomforts. Constant bombardment by the intolerable noise given off by arriving and departing aircraft has plagued many neighborhoods located close to our larger airports.

Almost every major commercial airport has encountered steadfast and vociferous citizen opposition to further expansion of airport runways, terminal buildings, and other facilities. Nowhere is airport noise louder or the citizen-airport confrontation more acrimonious than at Logan International Airport in Boston. Recent attempts by the Massachusetts Port Authority, the operator of this facility, to gain approval of its application to build additional runways have met with bitter opposition from local citizens' groups who find themselves already detrimentally affected by airport noise. I have joined with many people in opposing the port authority's application, because I felt that its objective of expanding the airport's operating capacity could not be accomplished without dramatically increasing the already unbearable noise that suffuses local neighborhoods.

Even though the port authority has withdrawn its application pending further study and the immediate battle over the expansion of the airport has somewhat subsided, jets still land and take off with the same frequency as before the expansion of the airport was enjoined, and sideline, landing, and takeoff noise is felt in undiminished intensity in nearby neighborhoods. It is obvious that present aircraft noise abatement procedures simply are not working. Greater frequency of landings and takeoffs over water, as well as reductions in power by pilots following initial takeoff and climbing, have not provided the desired noise reduction. Such noise reduction cannot be accomplished until existing jet fleets, the most egregious source of noise, can be adequately soundproof.

The purpose of the Aircraft Noise Abatement Act of 1971 and of the Airport and Airway Revenue Amendments of 1971 is to evidence a national commitment to modification or replacement of existing jet aircraft so as to decrease the noise levels of the existing jet fleet to the extent possible under existing technology. The bill also accepts the principle that a significant portion of the cost of modifications and some portion of the cost of replacements should be borne by users of the aircraft through an increase in the excises laid upon tickets for domestic air travel, international air travel beginning in the United States, the transportation of property by air within the United States, and the use of jet aircraft.

While the Federal Aviation Administration is presently authorized to promulgate noise standards for existing aircraft, the economic burden which would be placed on air carriers by stringent standards will pose a serious deterrent to the imposition of strict requirements. In these circumstances it is appropriate that existing law be changed to make noise abatement modifications or replacement of existing aircraft economically feasible.

To this end, this bill would increase the excises upon domestic air travel, international air travel beginning in the United States, the transportation of property by air within the United States, and the use of jet aircraft. The excise upon general aviation fuel—general aviation has not contributed significantly to increased noise levels surrounding metropolitan airports—and the excise upon tires and tubes—which does not produce substantial revenue—would not be increased.

This bill will authorize expenditures from the trust fund created by the Airport and Airway Development Act of 1970 for the purpose of retrofitting the existing fleet with available equipment designed to decrease existing noise levels. The expenditures for this purpose would take the form of grants of up to two-thirds of the expenditures made by domestic air carriers for noise abatement modifications. Such modifications might include acoustic treatment of nacelles, replacement of engines, installation of sonic inlets, or installation of devices to permit use of steeper glide paths.

In addition, this bill would authorize grants to encourage the replacement of existing aircraft with less noisy aircraft. Such grants would not exceed two-thirds of the unamortized cost of the aircraft retired. They could be made only if the aircraft replaced are retired before the end of their then remaining useful lives, and only if the probable use of the aircraft retired will significantly decrease the exposure of citizens to the noise generated by the aircraft. In addition, any grant to encourage the replacement of an existing aircraft would not exceed the grant which would have been made to retrofit it. To implement the bill, the Secretary of the Department of Transportation could require air carriers to file and comply with comprehensive plans with respect to the modification or replacement of the existing fleet so as to decrease present noise levels. The bill also provides that any expenditure attributable to such a grant may not be deducted for Federal tax purposes or increase the adjusted basis of property acquired with the grant.

The FAA presently has power to promulgate noise standards under Public Law 90–411 with respect to existing aircraft. It would be expected that in view of the grant program, the FAA would either use this authority to promulgate stringent standards applicable to the existing fleet, combine a program of standards with a program of incentives to replace existing aircraft, or concentrate its efforts on the program of incentives. To insure that a program is rapidly and effectively implemented, the bill requires annual reports to Congress concerning progress under the program.

The proposed bill does not require any particular program of modifications or replacements, since changing technology may give rise to more effective or more economical noise abatement methods and a broad range of options should be open to the Secretary. To estimate revenue requirements, however, it has been assumed that a program of modifying or providing suitable incentives for the replacement of the existing domestic fleet of approximately 2,000 turbine-powered jet aircraft would cost approximately $550,000 per aircraft. While this amount is less than the maximum estimates of the cost of retrofitting the existing fleet, it takes into account hoped for economies. The aggregate estimated cost of the program would thus be approximately $1,200,000,000.

To fund a program of grants equal to approximately two-thirds of this amount over a 4-year period, the proposed bill would increase the existing 8-percent excise tax upon domestic air travel by 2 percent, the $3 excise tax upon international air travel beginning in the United States by 75 cents, the 5-percent excise tax upon the transportation of property by air by 1.25 percent, and the $25 plus 3½ cents per pound of maximum certificated takeoff weight excise tax upon the use of turbine-powered jet aircraft by 1 cent per pound of maximum certificated takeoff weight. The increases other than the increase of the tax on the use of jet aircraft would take effect on October 1, 1971, and would remain in force through June 30, 1975. As a consequence, the present and proposed rates for the foregoing excises would be as follows:

	Present law	Proposed bill
Domestic ticket	8 percent	10 percent from Oct. 1, 1971, through June 30, 1975, 8 percent thereafter.
International departure	$3	$3.75 from Oct. 1, 1971, through June 30, 1975.
Cargo	5 percent	6.25 percent from Oct. 1, 1971, through June 30, 1975, 5 percent thereafter.
Registration	$25 plus 3½ cents per pound maximum certified takeoff weight.	$25 plus 5 cents per pound maximum certified takeoff weight from July 1, 1972, through June 30, 1975. $25 plus 3½ cents per pound maximum certified takeoff weight thereafter.

It is estimated that the foregoing increases would yield $726.2 million of revenue over the 4-year period as follows:

REVENUES FROM INCREASED AVIATION USER TAXES

[Dollars in millions]

Additional user tax	1972	1973	1974	1975	Total
2 percent ticket	$105.9	$155.6	$170.0	$184.0	$615.5
75 cents international departure	5.6	8.4	9.2	9.9	56.9
1.25 percent cargo	9.4	14.2	15.8	17.5	103.1
1.5 cents registration		6.6	6.9	7.2	20.7
Total	120.9	184.8	201.9	218.6	726.2

The revenue thus developed would approximately equal the estimated revenue requirements for the program. The revenue would be paid into the trust fund created under the Airport and Airway Development Act of 1970 and would, as under present law, be available under appropriation acts for use as authorized in this bill.

Mr. President, it is my hope that with an aggressive program controlling aircraft engine noise at its source, we can make substantial strides toward improving the environment of all citizens living near our major airports.

I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2398

A bill to amend the Airport and Airway Development Act of 1970 in order to provide for more effective control of aircraft noise

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AIRCRAFT NOISE ABATEMENT ACT OF 1971

SECTION 101. This title may be cited as the "Aircraft Noise Abatement Act of 1971".

Sec. 102. Section 3 of the Airport and Airway Development Act of 1970 is hereby amended by adding at the end thereof the following new subsection:

"(c) Special Report on Noise Abatement to President and Congress.—One year from the date of enactment of this subsection, and each year thereafter until such time as the application of noise abatement regulations to existing aircraft has been completed, the Secretary shall submit to the President and to the Congress a special report on the progress of the program to control and abate aircraft noise initiated under section 611 of the Federal Aviation Act of 1958, and on the expenditure of funds allocated thereto under section 14 (d) of this Act."

Sec. 103. Section 14 of the Airport and Airway Development Act of 1970 is hereby amended by redesignating subsection (d) as subsection (e), and by inserting before such subsection the following new subsection:

"(d) Aircraft Noise Abatement—

"(1) In order to achieve a rapid reduction of noise resulting from transport category aircraft operating in flight paths near public airports, and in order to abate and alleviate the disturbance and annoyance of citizens exposed to such aircraft-generated noise, the Secretary, after consultation with the Administrator of the Federal Aviation Administration, is authorized within the limits established in appropriation Acts—

"(A) to make grants to air carriers for such sums as he may deem appropriate up to two-thirds of the direct costs required for the modification of existing transport aircraft, including the replacement of engines, to meet the noise abatement standards, rules, and regulations issued pursuant to section 611 of the Federal Aviation Act of 1958; and

"(B) to make grants to air carriers to encourage the replacement, before the end of their then remaining useful life, as determined by the Secretary, of existing transport aircraft by transport aircraft which meet more stringent noise abatement standards, rules, and regulations issued pursuant to section 611 of the Federal Aviation Act of 1958 than those applicable to the aircraft replaced, except that (i) said grants shall not exceed two-thirds of the unamortized cost, as of the date of its retirement from service, of the existing transport aircraft which is replaced, (ii) any air carrier seeking such a grant shall satisfy the Secretary that the probable use, if any, of the existing transport aircraft which is replaced will significantly lessen the exposure of citizens to noise generated by such aircraft, and (iii) any such grant shall not exceed the amount of the grant in respect of that aircraft to which the carrier would have been entitled under clause (A) if the aircraft were not replaced.

As a condition of making grants under this section, the Secretary may require any air carrier to file, and thereafter to comply with, a comprehensive plan, satisfactory to the Secretary, demonstrating a workable program for the modification or replacement of the existing transport aircraft of the carrier to meet the standards, rules, and regulations promulgated under section 611 of the Federal Aviation Act of 1958. The Secretary is authorized to make grants to domestic air carriers under this section for the fiscal year ending June 30, 1972, and the succeeding four fiscal years in a total amount not to exceed $725,000,000, except that such total shall not exceed two-thirds of the anticipated direct costs required for the modification contemplated by clause (A) of all existing transport aircraft which the Secretary anticipates will, but for the award of grants authorized by clause (B), be owned by air carriers and be in service in the United States and its territories on April 30, 1975.

"(2) As used in this subsection—

"(A) the term "existing transport aircraft" means (i) subsonic transport aircraft powered by turbojet engines with bypass ratios of less than two, for which an application for type certification was made pursuant to section 603 of the Federal Aviation Act of 1958 before December 1, 1969, and (ii) subsonic transport aircraft powered by turbojet engines with bypass ratios of two or more for which original application for type certification was made before January 1, 1967, and

"(B) the term "air carrier" has the same meaning as in the Federal Aviation Act of 1958.

"(3) The Secretary, after consultation with the Administrator of the Federal Aviation Administration, may prescribe such regulations as he deems necessary to carry out the purposes of this subsection."

TITLE II—AIRPORT AND AIRWAY REVENUE AMENDMENTS OF 1971

SHORT TITLE, ETC.

Sec. 201. (a) Short Title.—This title may be cited as the "Airport and Airway Revenue Amendments of 1971".

(b) Amendments of 1954 Code.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

GRANTS FOR AIRCRAFT NOISE ABATEMENT

Sec. 202. (a) Exclusion From Gross Income.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by renumbering section 124 as 125, and by inserting after section 123 the following new section:

GRANTS FOR AIRCRAFT NOISE ABATEMENT

"Sec. 124. "(a) General Rule.—Gross income does not include any amount received pursuant to a grant made under section 14 (d) of the Airport and Airway Development Act of 1970.

"(b) Treatment of Expenditures.—For purposes of this title, expenditures paid or incurred to meet the noise abatement standards, rules, and regulations issued pursuant to section 611 of the Federal Aviation Act of 1958, to the extent defrayed with amounts excluded from gross income under subsection (a) as determined under regulations prescribed by the Secretary or his delegate, shall not be taken into account."

(b) Conforming Amendment.—The table of the sections for part III of subchapter B of chapter 1 is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 123. Grants for aircraft noise abatement.

"Sec. 124. Cross-references to other Acts."

TAX ON TRANSPORTATION OF PERSONS BY AIR

Sec. 203. Section 4261 (relating to imposition of tax on transportation of persons by air) is amended by adding at the end thereof the following new subsection:

"(f) Temporary Increases in Rates.—Effective with respect to transportation which begins after September 30, 1971, and before July 1, 1975—

"(1) the rate of the taxes imposed by subsections (a) and (b) shall be 10 percent in lieu of 8 percent, and

"(2) the rate of the tax imposed by subsection (c) shall be $3.75 in lieu of $3."

TAX ON TRANSPORTATION OF PROPERTY BY AIR

Sec. 204. Section 4271 (relating to imposition of tax on transportation of property by air) is amended by adding at the end thereof the following new subsection:

"(c) Temporary Increase in Rate.—Effective with respect to transportation which begins after September 30, 1971, and before July 1, 1975, the rate of the tax imposed by subsection (a) shall be 6.25 percent in lieu of 5 percent."

TAX ON USE OF AIRCRAFT

Sec. 205. Section 4491 (relating to tax on use of aircraft) is amended by adding at the end thereof the following new subsection:

"(f) Temporary Increase in Rate.—Effective with respect to the period which begins on July 1, 1972, and ends on June 30, 1975, the rate of the tax imposed by subsection (a) (2) (B) shall be 5 cents a pound in lieu of 3½ cents a pound."

AIRPORT AND AIRWAY TRUST FUND

Sec. 206. Section 208(f) (1) of the Airport and Airway Revenue Act of 1970 is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) incurred under the Airport and Airway Development Act of 1970, as amended by the Aircraft Noise Abatement Act of 1971, or incurred at any time before July 1, 1970, under the Federal Airport Act (49 U.S.C., sec. 1101 et seq.);", and

(2) by inserting "and research" before "expenses" in subparagraph (C).

By Mr. WILLIAMS:

S. 2399. A bill to require under the supervision of the Federal Trade Commission a full and a fair disclosure of the nature of interests in business franchises, to provide increased protection in the public interest for franchises in the sale of business franchises and to provide for fair competitive practices in the operation of franchise businesses and the termination of franchise agreements. Referred to the Committee on Commerce.

THE FRANCHISE FAIR PRACTICES ACT

Mr. WILLIAMS. Mr. President, as its sheer size and spectacular growth amply attest, franchising is one of the most important factors in our economy. If franchising is defined to include automobile dealers, service stations, tire dealers, and soft drink bottlers, it contains roughly 20 percent of our Nation's small businessmen and accounts for over 12 percent of our gross national product.

Franchisees have been going into new or established systems at the rate of 40,000 per year and the number of companies offering franchises has more than tripled during the past 5 years. This industry which has been experiencing an annual growth rate of about 15 percent now accounts for 25 percent of all retail sales.

Last year, in hearings before the Subcommittee on Urban and Rural Economic Development of the Senate Select Committee on Small Business we explored franchising and its problems in depth. In our report—Senate Report No. 91–1344—on those hearings, we described franchishing as a dynamic and rapidly growing feature of our business economy. With respect to legislative needs in this field, we stated:

> The rapid growth of franchising in recent years has left the way open to unscrupulous utilization of this marketing concept. Franchise abuses of a fraudulent and deceptive character are significant enough to warrant Federal legislation designed to eliminate them.
>
> There may be need for a Federal full disclosure regulation to safeguard the franchise method of doing business. Legislation now pending in the U.S. Senate, S. 3844 . . . was an outgrowth of the franchise hearings and was intended to remedy some basic franchise abuses. The franchise marketing concept has grown to the extent that it is unwieldy and

> without firm ethical standards. Accordingly, Federal regulation would bring stability and a sense of fairplay to franchising.

No action was taken on S. 3844 during the 91st Congress, but the need for a workable, practical Federal standard in franchising remains clear. In the absence of Federal action a number of States are now considering the enactment of varying legislative proposals. The possibility that multi-State regulation will result in a crazy quilt of franchise regulation looms very large on the horizon.

The legislation which I introduced in the last Congress would have required a franchisor to file business information with the Securities and Exchange Commission—SEC—prior to the lawful sale of any franchise. The sale of a franchise could have been canceled at the option of the franchisee if he was not given a copy of the registered information at least 2 days prior to the time he signed the contract. The bill would also have made it unlawful for a franchisor to make false and misleading statements in attempting to sell a franchise and would have required the disclosure of any financial arrangements made with a celebrity or public figure for the use of his name.

In addition, that legislation would have provided a private right of action to any person acquiring a franchise where the registration statement contained an untrue statement of a material fact or omitted to state required material facts. It would have allowed franchisees to recover up to three times the cost of the franchise, including attorney's fees and reasonable court costs.

Although this legislation specifically disclaimed any intent to preempt State or local regulation of franchising, I believe it was a step in the right direction. It seems reasonable to assume that if the Federal Government enacts a workable standard governing franchising, the incentive for the States to enter the regulatory arena will be reduced, if not eliminated.

Mr. President, I have not reintroduced S. 3844 in this Congress since I am not convinced that this particular bill is the most expeditious way to proceed.

Currently the Federal Trade Commission is completing regulations in the franchise field which could eliminate many of the abuses to which S. 3844 was directed. I have met with individual Commissioners of the Federal Trade Commission and a member of their senior staff officials, and I have coordinated my legislative efforts with the regulatory efforts of the Commission. In my opinion, this approach is in the best interests of both franchisors and franchisees. Such coordination will lessen any possible confusion in this area which could have resulted from an ongoing Federal Trade Commission trade regulation rule proceeding and contemporaneous hearings in the Congress on a varying legislative proposal.

Mr. President. I am, therefore, introducing legislation which compliments the efforts now being made by the FTC. This proposal will provide needed regulation of franchising and at the same time insure its growth and success. Under my bill, it would become an unfair or deceptive act or practice under the Federal Trade Commission Act for any franchisor to sell or offer for sale any franchise unless a disclosure statement with respect to that franchise complied with rules and regulations promulgated by the Federal Trade Commission. Under the bill, a prospective franchisee would have to be furnished such a disclosure statement at the inception of the negotiations or discussions for the sale of that franchise.

The bill provides that the disclosure statement shall contain such information as the Commission may by rules and regulations require, and indicates that it may include such things as:

First. The name of the franchisor, the trade name(s) or trademark(s) under which he intends or is doing business, and the name of any parent or affiliated company that will engage in transactions with franchisees;

Second. The name of the State or other sovereign power under which the franchisor is organized and the location of the franchisor's principal place of business;

Third. The names and addresses, educational and business background, and biographical data, stated individually, of the directors, or persons performing similar functions, the chief executive, and the financial, accounting, and principal executive officers, chosen or to be chosen, if the franchisor is a corporation, association, or other entity, of all partners, if the franchisor is a partnership, and of the franchisor if the franchisor is an individual;

Fourth. A statement as to whether the franchisor or any of its directors, stockholders owning more than 10 percent of the stock, or chief executive officers:

Has been convicted of a felony, or pleaded nolo contendere to a felony, or has been held liable in a civil action which involved fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

Is subject to any currently effective injunctive or restrictive order or ruling relating to business activity as a result of action by any public agency or department; or

Has filed bankruptcy or been associated with management of any company that has been involved in bankruptcy or reorganization proceedings;

Fifth. The business experience of the franchisor, including the length of time the franchisor has conducted a business of the type to be operated by the franchisee; has granted franchises for such business; and has granted franchises in other lines of business;

Sixth. Recent financial statements of the franchisor. The Commission may by rule or regulation prescribe the form and content of financial statements required under this act, the circumstances under which consolidated financial statements may be filed, and the circumstances under which financial statements shall be certified by the independent certified public accountants or public accountants;

Seventh. A description of the franchise offered or to be sold, and a general description of the franchise business.

Eighth. A copy of the franchise agreement proposed to be used;

Ninth. A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases;

Tenth. A statement describing any payments or fees other than franchise fees that the franchisee or subfranchisor is required to pay to the franchisor, including royalties and payments or fees which the franchisor collects in whole or in part on behalf of third parties, markups on land, buildings, leases, signs, equipment or supplies and all other terms of the offer for sale, including a full disclosure of the total investment to be made by the franchisee;

Eleventh. A statement of those fees which may be refunded in full or in part, and the circumstances under which such refunds may be made;

Twelfth. A statement of the conditions under which the franchise agreement may be terminated or renewal refused, or repurchased at the option of the franchiser, and any limitations as to the right to sell, transfer, move, renew, or terminate the franchise;

Thirteenth. A statement as to whether, by the terms of the franchise agreement or by other device or practice, the franchisee or subfranchisor is required to purchase from the franchiser or his designee services, supplies, products, fixtures, or other goods relating to the establishment or operation of the franchise business, together with a description thereof, including the cost;

Fourteenth. A statement as to the goods, products, services, training programs, supervision, advertising, promotion, and other management services to be provided by the franchiser;

Fifteenth. A statement of the length of time it will take to obtain the franchise, and the average length of time between the signing of a franchise agreement and the opening of the franchisee's outlet;

Sixteenth. A statement as to whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services offered by him to his customers;

Seventeenth. A statement whether the franchiser requires the franchisee to participate personally in the direct operation of the franchise;

Eighteenth. A statement of the terms and conditions of any financial arrangements when offered directly or indirectly by the franchiser or his agent;

Nineteenth. A statement of any past or present practice or of any intent of the franchiser to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee in whole or in part;

Twentieth. A statement of the number of franchises presently operating and the number proposed to be sold, indicating which franchises, if any, can be owned and their addresses;

Twenty-first. A statement of the number of franchisees, if any, that operated at a loss during the previous year;

Twenty-second. A list of at least 10 representative operating franchisees, with their addresses and telephone numbers, situated similarly to the franchise being offered and located, to the extent possible, in the same geographic area;

Twenty-third. Subject to any limitations imposed by the Commission, a statement of available earnings of past and present franchises and a fair analysis of their performance, including records of failures, and resales to the franchisor;

Twenty-fourth. A statement as to whether franchisees and subfranchisors receive an exclusive area or territory;

Twenty-fifth. A statement as to the methods and responsibilities of the parties in determining the site for the franchisee's outlet;

Twenty-sixth. A statement setting forth such other information as the Commission may require;

Twenty-seventh. A statement setting forth such information as the franchisor may desire to present, subject to any rules as to format as the Commission may prescribe;

Twenty-eighth. A statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from the use of the public figure in the name or symbol of the franchise;

Twenty-ninth. When the person filing the disclosure statement is a subfranchisor, the statement shall include the same information concerning the subfranchisor as is required from the franchisor pursuant to this schedule.

The disclosures which may be required under my proposal are extensive and will go a long way toward eliminating many of the abuses that now exist in the franchising field. In addition, the bill would authorize private action for treble damages, including attorney's fees and reasonable court costs, for those who are injured as a result of a failure to comply with the rules and regulations promulgated by the Commission.

Mr. President, I believe that my proposal provides a timely and thoughtful solution to many of the problems which now exist in the franchising field. I urge the Congress to give it expeditious consideration. The time for action is now, if franchising, an unparalleled marketing tool and opportunity for small businessmen throughout our country, is to be preserved.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 674

At the request of Mr. Eagleton, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 674, a bill to control amphetamines and other stimulant substances.

S. 2135

At the request of Mr. Kennedy, the Senator from New Hampshire (Mr. McIntyre) was added as a cosponsor of S. 2135, to amend title V of the Social Security Act.

S. 2258

At the request of Mr. Griffin, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 2258, the Motor Vehicle Air Pollution Control Acceleration Act of 1971.

S. 2266 AND S. 2267

At the request of Mr. Moss, the Senator from Kansas (Mr. Pearson) was added as a cosponsor of S. 2266 and S. 2267, bills relating to the use of recycled paper by the Public Printer.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 357

(Ordered to be printed and lie on the table.)

Mr. CHILES submitted an amendment intended to be proposed by him to amendment No. 308 proposed by Mr. Pastore (for himself and others) to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 358

(Ordered to be printed and to lie on the table.)

Mr. CHILES submitted an amendment intended to be proposed by him to the bill (S. 382), supra.

AMENDMENT NO. 359

(Ordered to be printed and to lie on the table.)

Mr. SCOTT (for himself and Mr. Bayh) submitted an amendment intended to be proposed by them, jointly, to amendment No. 340 intended to be proposed to the bill (S. 382), supra.

AMENDMENTS NOS. 360 AND 361

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted two amendments intended to be proposed by him to the bill (S. 382), supra.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 337

At the request of Mr. Humphrey, the Senator from Alaska (Mr. Stevens) and the Senator from Alaska (Mr. Gravel) were added as cosponsors of amendment No. 337 to S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

ANNOUNCEMENT OF HEARINGS ON POPULATION STABILIZATION

Mr. CRANSTON. Mr. President, for the information of my colleagues, I wish to announce that the Special Subcommittee on Human Resources of the Labor and Public Welfare Committee has scheduled an open hearing on Thursday, August 5, 1971, in room 4232 of the New Senate Office Building, at 9:30 a.m. on Senate Joint Resolution 108, a joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means.

Among those testifying will be former Senator Joseph Tydings; Congressman John Conyers of Michigan; David Brower, president, Friends of the Earth; Rufus Miles, president of the Population Reference Bureau of Washington, D.C.; and Cynthia Epstein, sociologist, of Columbia University.

Senate Joint Resolution 108, which I introduced on June 2, 1971, has the bipartisan cosponsorship of 33 Members of the Senate. Because I feel we should proceed promptly with this vitally important issue, I have called this hearing before the recess. Subsequent hearings will be scheduled in the fall.

EXECUTIVE SESSION OF CONSTITUTIONAL AMENDMENTS SUBCOMMITTEE TO CONSIDER EQUAL RIGHTS AMENDMENT THURSDAY, AUGUST 5, 1971

Mr. BAYH. Mr. President, I want to take this opportunity to inform my colleagues once again that on Thursday of this week we will be making another try to obtain a quorum of the Constitutional Amendments Subcommittee, to consider the equal rights amendment. Every member of the subcommittee knows how extraordinarily difficult getting a quorum can be. In the past only two or three members have appeared. Last week five members—out of the necessary six—showed up.

As I announced at that meeting, I intend to try once more. Last Thursday I checked with each member's office and was told that there would be no conflicts on Thursday, August 5, 1971, at 10 a.m. Therefore, as I informed each member's office last Thursday, I have scheduled a meeting for that date and time in room 457 of the Old Senate Office Building. I do hope to see every subcommittee member there so that at long last we can consider—and hopefully report out—this most important proposal.

ADDITIONAL STATEMENTS

REVITALIZATION OF SMALL TOWNS

Mr. TALMADGE. Mr. President, it is an unfortunate fact that small towns around the Nation are dying. In all too many small towns there is a loss of economic activity, an absence of hope for the future. This is unfortunate for America, not only because the people who leave these small towns are being pushed into the urban congestion of our metropolitan areas; it is unfortunate because the loss of the Nation's small towns means a loss of balance with nature. A prosperous small town is in ecological balance with nature. It has such ecological balance because in small towns there is still an element of serenity, of neighborliness, and of closeness to the earth. In a small town one is able to enjoy the benefits of open spaces and the advantage of air and water that is relatively free of pollution.

In the Committee on Agriculture and Forestry, of which I am chairman, we are attempting to find ways to revitalize the Nation's small towns. The Rural Development Subcommittee is attempting to give Americans a choice—a real choice between living in urban congestion or in small town America. Clayton C. Denman in his article "Ecology of Towns" which appears in the August edition of the publication Not Man Apart points out the benefits of small town living, as well as the problems that many small towns are facing.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Ecology of Towns

(By Clayton C. Denman)

Near the center of Kansas is a decaying town that would fail to catch the eye of most tourists or travelers who pass along the highway. Its tree-shaded streets remain unpaved, and most of the platted lots show only traces of houses long razed or burned, their silent gardens a strange tangle of dead trees and green bushes.

It's hard to make a census there because the edges of town blend raggedly into the last remains of poor subsistence farms, and man-made boundaries are outlined only by the skeletons of fences and the remnants of quiet lanes. Perhaps 50 people live there: maybe only 30 now, as when I last visited it two years ago many were old, others too poor to survive there long. Few families have children, and those who do know nothing of birth control or family planning. An eroded yard, the playground of a dozen human badgers, seemed out of place among the quiet houses of the elderly.

A single wooden building stands on Main Street, its sides flanked by lean-to sheds and its porch strewn with the merchandise of a dying way of life. A gas station fronts on a crescent of dirt road, a long -abandoned curve of the relocated highway. It is seldom open now, and serves local residents only when the owner can find money to buy a small supply of gasoline.

A junk dealer occupies a field along a side street, his house fully hidden from view by a tangle of saplings, vines, and bedsprings, all decorated with the blossoms of entwining morning glory. The son of a prosperous farmer of homestead days, he did not make his escape before Education became the gatekeeper. Down the same street ending at the junkyard stands a six-room house identified only by a small red and black sign partly curled among the dead files in the front window. The house is "for sale by owner," and he is asking $500. The nearest school is 10 miles, likewise stores for food and clothing.

Everything in this town is on a smaller scale than in the urban centers; yet there are reminders of the decay of a civilization—the kind of decay described in books on European history. A house of hand-cut stone stands monument to the permanence so valued in the past, a permanence that was surely intended to be the foundation of the future; its stony sanctity is now guarded by a cow peering importantly through a shattered window still arched in stone. Elsewhere, in a brick-strewn field, a eulogy to a long-forgotten college is inscribed on polished granite quarried for a tombstone.

Compared to much of expanding suburban America, this dying Kansas town is not an ugly place. In one sense, its ecology is returning to that of the prairie river valley of the last century (though there are no longer herds of bison to winter there). Perhaps the conservationists of the past would let it revert, but that impulse denies man a place in the balance of life. The buffalo are dead. The men who built this town and produced children to succeed them have gone elsewhere. They have gone to the cities and the suburbs, to urban slums and retirement towns, where they may exploit the land for profit and convenience, where they consume and pollute the resources of the rural landscape, but where, as individuals, they can contribute very little to maintaining these resources for future generations.

Dying towns are everywhere from Kansas to the coastal valleys of America. And even as the seaside is carved into urban lots as a fringe is cut on leather, there are fishing towns that die because fewer men can make from the sea a living that matches the models that mass media set for them.

A dying town is not ecologically balanced because it has lost its human resources. This is not because men no longer have an ecological niche there (as is so often said of the family farmer), but because men have been seduced by the plastic gold whose mother lode is somewhere in the city. This is not a rhetorical analogy, for men of the nineteenth century left the city to find gold in the wilderness, and always with the dream of returning home or building a mining town into a vital city. Thus it is not strange that as many as 86 out of every 100 city dwellers express a hope that someday they might live comfortably in a small town; meanwhile, they try to capture the spirit of rural life on a large suburban lot. But the dream of retirement to the past, like the intention of the immigrant to return in wealth to his native village, is seldom fulfilled. There is only one way to build a town, and that is with the process of living an active life there.

Not all small towns are dying, even in Kansas; but most are headed for illness, or aging into tiny urban failures. For the small town is not an embryonic city, though the popularity of that assumption has led many rural villages on a psychedelic trip (complete with flashing neons of prosperity), only to face later the reality that the urban systems can withhold the drugs of continuity. The scars of dependency are not beautiful.

Many kinds of towns are bewitched by the prospects of economic growth. In some, it is possible to predict that the wages of growth will be a devastating collapse of the local economy. Sometimes this will happen when the city-dominated system turns downward, as it did when urban population began to disperse in the 1950's. Urban political representatives from these most populous areas have expended all available tax funds to shore up the sagging city. They have been doing this for 20 years, and billions have been spent on city programs with only leftovers for small towns. In some ways, this has allowed the sense of comunity to survive in rural villages. For federal programs of the past have not stressed building on what has already been accomplished but have used the bulldozer approach, destroying both the foundations of social community and the foundations of old buildings (which are a storehouse of human energy of past generations) in a single cut of the blade.

Other towns do not react rapidly to national crises because they are insulated by the stored wealth of past generations—not a bad condition by either economic or ecological standards, but such towns die rapidly if the functions of old instiutions are not continued in the actions of younger people. These are towns whose populations invest in material and economic comforts, then die without encouraging others to take over.

All these kinds of towns can avoid the perils to which they have thus far been blind if they will only look at what is happening to them. Most do not.

Cornsmith is this kind of town. (Its residents call it by a different name, but it is a real town that today lies in painted prosperity in the corn and sorghum country of the midwest prairies.) It is an active, growing town, bulging with an affluent population far beyond its capacity to provide housing or public services for. More than 600 people moved there from 1955 to 1965, and Cornsmith now boasts 2800 people.

I don't remember the prairie states when the countryside was dotted with farmsteads and schoolhouses as well as towns. Old people tell me that the farmland around Cornsmith was once settled with at least two houses for every section of land. By 1950, that population was cut in half; today, the visitor driving along the sun-cracked concrete leading eastward into Cornsmith rarely passes houses at all, though most of the land is still in sorghum or corn and grain elevators rise from the oases of deciduous trees that are evidence of the region's small towns. Most of these communities have been bypased by modern high-speed roads, even by those narrow two-lane highways built more than 20 years ago.

The first time I passed through Cornsmith was a late summer evening in 1965, and the town seemed like a reasonable waystation before a distant destination. In many prairie towns, the main highway gives the traveler the impression that there is nothing more than residential blocks behind the trees; and among outsiders, it is only the curious or the historian who discovers that the highway facilities are a special province of the traveler, offering higher prices than the farmer's co-op on Railroad Street or the dining room behind the chamber of commerce office at the hotel. Cornsmith was no exception; its highway businesses were established in recent years by regional investors stretching their facilities from town to town like a trap line along a meandering stream. Fur trappers of another century, these investors come from distant cities and remove their green-back pelts with litle benefit to the community.

There are five blocks of quiet old houses and well-tended lawns between the highway and the main business district. It is a heavily shaded street, widened to match the breadth between the high concrete curbs that front the nineteenth-century buildings. The blocks between the highway and downtown were deserted in spite of their width; there is little local traffic between the old town and the highway since nearby farms and other outskirts could more readily be reached by older roads than by the passing highway.

There are only three short blocks of old, two-story, brick business buildings, then a large feed store, a lumber yard, and a string of grain elevators along the railroad switchyard. South of the tracks, the road narrows into highway and becomes a black ribbon of asphalt arching convexly over the wide plain to bundle Cornsmith with the prairie river villages three townships away.

The ground floors of most of the downtown buildings are occupied, giving an illusion of prosperity that is reflected in the rows of angle-parked cars with their bumpers crunched against the high concrete curbs like a rainbow of hogs waiting to consume some strange synthetic food. A turreted corner building dominates the first block, its upper floors inhabited by pigeons and sparrows who have a private entrance in the corner of a broken window. A rusted cornice, still clinging to eroding brick, reveals itself as iron and not the stone whose texture is stamped on its plates. In a windstorm, patent shingles fall from the turret dome and expose stavelike sheeting, which, until it weathers, will still prevent the frequent early-summer rains from disturbing the shops below.

In spite of this description of decay, there are neither vacant stores nor empty lots on the main street now. But more buildings, like the turreted corner, are neglected showpieces of an older and unappreciated technology. These buildings were originally designed for use both as living quarters and as commercial establishments. It is strange to realize now that a hundred years ago, when open space abounded, men found this crowding to be both financially rewarding and convenient. Towns differed from one another, but often one-fourth of the population lived in such central districts where shopping meant merely going down a flight of stairs to the street. Land use in small towns was compact and efficient because even those who lived in surrounding houses were well within walking distance of both stores and recreation facilities. It was not unusual for a town of 2500 population to have five or six social halls in downtown buildings in addition to apartments and hotel rooms.

Some of Cornsmith's finest examples of nineteenth century brick architecture are its lodge halls and public meetings facilities. One is tempted to say that social institutions of the past, unrestricted by dreams of infinite profits, could put their surpulus into beauty and technological creativity—into harmonious combinations of brick and stone, iron and steel, most of which could be fabricated to local tastes in nearby brickyards or foundries. At least the little businesses in the little towns contributed in ways that indicate that part of the profits were taken in pride and integrity. For no one could be part of such a community then and cheat his neighbors with false advertising and shoddy goods merely to brag of a profit donated to the cure of mental illness or to feed the poor (who had been persuaded to consume beyond their means). Somehow, today, men have separated their business and community contributions; too often they felt justified in deceiving their neighbors in business so that they can amass profits and use them to make the world a better place.

But we have drifted too far into the realities of the past. Cornsmith today can never be the same as it was then because its people have changed. They now want their town to grow at all costs. They want their town to become an urban metropolis and still retain the good things of the small town of the past. They begin by covering the town with an urban facade. They have faced many of the old brick buildings with corrugated aluminum in gaudy colors that hide the integrity of vertical styling and make rows of adjacent buildings look as if they were built to stand alone in a shopping center. Flashing signs are hung, vying with each other like rows of giant lighted semaphores, each flying a conflicting signal. The Parthenon, with a different lighted sign projecting from each gracefully fluted column, would be akin to this scene.

A block north of the IOOF hall is the Cornsmith State Bank. It occupies a newer building, probably constructed in the late 1940's when rising land values followed agribusinesses (which now have bought most of the family farms for 50 miles around). The bank is curiously conservative and cautious in little things, perhaps because its major ventures are so blatantly foolish. The Cornsmith banks have financed new businesses and buildings to accommodate the 600 farmers who recently sold their land to corporate owners and retired to towns. This influx of retired farmers, each with $25,000 to $75,000 in cash, has stimulated Cornsmith to unexpected prosperity. It gave the banks money to lend and encouraged promoters to open new subdivisions on the eastern edge of town. Within a few years, 200 houses were built, a new supermarket took the half block behind the old turreted building, vacant storefronts vanished from Main Street, a new post office and a new addition to the hotel were built, and more old buildings were shrouded in aluminum. Cornsmith was growing!

But so was the number of its citizens past 65 years of age. There are few young people in town, and consequently, few demands for even a mediocre school system. The town had been caught with only a small hospital-clinic whose single aging doctor has no special training in treating the elderly. The nearest nursing home is in Bricktown, some 38 miles away.

While medical facilities might still be a good investment for Cornsmith banks, they seem to have exhausted their liquid resources and their enthusiasm on projects that served the social needs of bygone years. Neither banks nor citizens have looked ahead to contemplate their town as it will be only 10 years from now; a place one-fifth of the population will be over 80, where deaths and out-migration have *already* reduced the maximum population of 1965, where most of the older people will live (without transportation or delivery services) in subdivisions more than a mile away from stores, where there is still no nursing home or adequate hospital, where the present doctor will also be 80, and where none of the expansion of the 1960's will yet have been fully paid for.

Two years ago, I returned to Cornsmith. I was anxious to observe the town more closely and try to understand why decline and death seemed to haunt such serene and often beautiful places, no matter how diligently local residents (or even expert consulants) tried to save them.

Approaching from the west, I followed the railroad line that parallels the highway until it cuts obtusely through the rectangular blocks of Cornsmith's south side. Entering the town by this road gives one a quite different perspective from that of the highway approach. An older section of town, it houses the poor and some of the retired who have failed to prosper throughout their lives. Some live in shacks, others in larger, run-down houses, which, during less populous days before the influx of farmers, had at one time been abandoned and empty. I talked with some of these people during my stay. They are neither very old nor very young; neither are they minorities, or a social class. They are merely failures, for the most part, victims of an economic system that failed to appreciate the harmony of the land and the way of life than man can successfully live on it if he but takes a portion of his profit in serenity and beauty and neighborliness instead of first expending the energy and years to accumulate enough money to buy serenity and beauty and neighborliness.

Perhaps the poor in Cornsmith are different from the poor in other towns. Perhaps the life-long poor or the victims of discrimination have long ago moved to urban bondage. But these people of Cornsmith had all tried to farm, to operate a business, to do those things which are supposed to bring prosperity and reward hard work. I wonder what the merchants of today will think when their turn at trying is ended by their failure to plan for such an obvious and natural occurrence as an aging population?

Cornsmith is a town surviving in an accumulation from the past, but it will soon enter the kind of senility it started into after World War II. It has lost its ecological balance with the countryside around it. Cornsmith has neither industry nor farms to bring a steady income to many people. The agrofactories around it employ few people and do not buy locally. And new industries would need a much younger population as a stimulus to locate there.

The social ingredient missing amid the new prosperity of towns like Cornsmith is continuity—continuity built into their social order. This continuity seems to be vital to the survival of small towns, whether prosperous or already on the decline. Such continuity should imply neither change nor stagnation, but an on-going process whereby the future is built on the social and material resources of both the past and the present. For the ecology of towns, or of any community, is a recycling of the human and natural resources that are basic to each social order. Human resources are a part of this recycling because human efforts can be stored in the lasting and worthwhile products of man's creativity. There is no continuity when towns decay into bleached and windswept skeletons. Nor is there continuity for towns like Cornsmith whose young people have left to make their way in the maze of urbia, whose elderly reject the traditional life style of the town they helped to build (instead creating a weird illusion of surburban estates on its outskirts), and whose businessmen work to make their town a bad copy of the city instead of an ecologically sound town.

The ecologically balanced town is one that is able to adapt to modern conditions in order to survive; but in doing so, it must neither copy those conditions nor depend upon what was adaptive in the past. Ultimately, adaptation is very much an individual responsibility. The small businessman must learn to draw patronage from other towns and to relate his management to the goals of the community he serves. Local governments must begin to cooperate with one another so that competition does not undercut and make mediocre the efforts of each. Some towns may be excellent sites for industry. But neighboring towns may not, and efforts there should discourage anything that would disturb their serenity; for here are potential sites for hospitals, nursing homes, schools, or purely residential communities.

Towns should not strive to become alike. If they do, all become vulnerable to plagues that periodically afflict the economy and the social order. To survive in an era when it is popular to praise unbounded growth and to decry limitations on development, the small town must place its community values first and size up the consequences of becoming a part of mass culture. The bare ground of what was once a Kansas town is an example of the result of failure to do so. Its most important assets have become a part of the mirage created by the city for the small town to follow. Its people have gone, its sense of community has been obliterated, and even its physical remnants are fading. Cornsmith is not far behind.

Conservationists are sooner or later asked to explain why they are attempting to save those parts of our world that others find it profitable to destroy. There is always someone to condemn the sentiment of those who would save the wilderness, or to question the motives of those who would ban the noise and belching of technology. So it is not unexpected for the Modern Citizen to challenge the efforts of those few of us who praise small towns, branding our efforts to revitalize the countryside community as "silly sentimentality in the face of hard facts." Most Americans have been led to believe that the future of mankind is urban, and that the countryside will be transformed into one continuous agrifactory for the production of food, timber, minerals, and other consumable resources. Most of us are apt to believe that what *is* is an expression of the inevitable.

I will readily admit to a great measure of sentiment in my feeling for small towns, but not because I long for some vanished glory of my youth. I was born and reared in a great city, and there experienced the reciprocity between city and countryside. If anything, it is the city of my youth that has vanished, having changed from an orderly, convenient, hospitable environment into one overcrowded and unpredictable. Small towns have not yet changed that much. They still have many of the values implicit in a true community; they still value many of the treasures of a less demanding technology; they are still free from many of the disorders that have plagued cities in recent decades.

Small towns in Kansas, or anywhere else

should not be left to die; the Cornsmiths, the Coal Valleys, and the Oakdales should be given every opportunity to retain their vitality as communities. To the many critics who ask "Why oppose the inevitable death of small towns?" I can always answer, "Why believe in the inevitable?"

But scientifically, it is not a philosophical choice between the survival of small towns and the future dominance of cities. Too many studies have already shown that cities and small towns are functionally linked into an interdependent ecological system. Just as great cities are dependent upon farms for food, so are they dependent upon small countryside towns for many of their most creative and innovative citizens. It is likely that if small towns continue to decline as viable communities, cities will fall into decay also. For cities, small towns, farmlands, and wilderness are all parts of a single ecological system. Although we have not yet proved the extent of the linkages between town and city functions, we should be increasingly concerned to discover whether it is only a coincidence that the inner city and the small town should be losing, simultaneously, both their sense of community and their economic viability.

TRIBUTE TO THOMAS FRANKLIN WATKINS

Mr. THURMOND. Mr. President, today, August 2, 1971, a distinguished American, Thomas Franklin Watkins, of Anderson, S.C., is observing his 90th birthday anniversary, and I want to pay tribute to him now for his years of outstanding service.

A lawyer, Mr. Watkins has practiced his profession with honor and distinction since 1904. During that period he served 4 years as a State senator and several times as a special circuit judge and once as a special justice of the South Carolina Supreme Court.

In addition to a number of community interests, this distinguished man also has served as president of the Anderson County Democratic Convention and was president of the South Carolina State Democratic Convention in 1928.

Active for years in the American Bar Association and the South Carolina Bar Association which he served as president, he is also a Fellow of the American College of Trial Lawyers.

Mr. President, the interests of Thomas Franklin Watkins have run deeply into the fiber of South Carolina. He served for many years as a member of the board of trustees of the Anderson, S.C., School District and as its chairman. Mr. Watkins also served as a trustee of Presbyterian College and of Anderson Memorial Hospital in his home city.

A graduate of Wofford College, in Spartanburg, S.C., in the class of 1902, Mr. Watkins received his LL.B. degree from the University of Virginia in 1904. From that year until his retirement from active practice in 1966, Mr. Watkins was a lawyer in Anderson. He remains today as counsel to the firm of Watkins, Vandiver, Kirven, Long & Gable.

Mr. President, Thomas Franklin Watkins has served his State and Nation well, and today, at 90, still provides his wise counsel in a broad array of projects. A lawyer of extensive interests, he has been a public official, a jurist, and a policymaker in the fields of health and education.

The example of Mr. Watkins' long and distinguished life and career is one worthy of emulation by all citizens.

Mr. President, I commend this outstanding American and pay special tribute to him in observance of his 90th birthday anniversary.

MENTAL RETARDATION AMONG DISADVANTAGED SLUM CHILDREN

Mr. CRANSTON. Mr. President, the July issue of American Education magazine, published by the U.S. Office of Education, has a very important and timely article that explodes some of the myths of so-called mental retardation among disadvantaged slum children.

The article describes a research project by a group under the direction of Prof. Rick Heber at the University of Wisconsin which has been working with infants and children for 5 years in a slum section of Milwaukee.

The project shows that children of mentally retarded parents need not themselves become mentally retarded, although there has always been a close relationship between the two.

Heber's group, through intensive work with infants and children, raised IQ's of disadvantaged children by more than 50 percent and in some cases as high at 135.

What may be even more important, they found that the children they taught retained their abilities and continued to advance at a faster rate than their peers.

The Heber study shows that we must intensify our efforts to reach children in the ghettos at a very early age and that we must continue to reexamine our concepts of education and learning abilities of all children.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN SLUM CHILDREN LEARN?

(By Stephen P. Strickland)

Disadvantaged children may be capable of educational achievements far beyond anything heretofore imagined if a remarkable project in Milwaukee is the guide it clearly seems to be.

In the project, now in its fifth year, children from poor, illiterate parents living in the city's most depressed section have shown sustained high performance on a variety of tests administered from infancy through their fourth year. During that period the youngsters' intelligence quotients jumped by better than 50 percent, with some of them achieving as high as 135.

This and other evidence gathered during the project seems to demonstrate that while early environmental circumstances have a powerful impact on a child's intellectual growth, the slum environment in and of itself does not necessarily form a lifetime trap for the disadvantaged.

Taken alone, that finding may not seem novel—although convictions about the success of various educational "intervention strategies" sometimes have appeared to be based more on hope and sympathy than on scientific evidence. The Milwaukee Project provides hard data to support the belief that, under the right circumstances, intervention can be successful even in the most difficult situations. Beyond that, the project suggests that some factors affecting learning capability and intelligence quotients which at first glance could be interpreted as matters of inheritance are instead matters of environment.

The implication of the latter finding is one of the things that makes the Milwaukee Project important. In fact, the project's implications relate to several educational concerns from compensatory education to mental retardation. Broadly, they justify our paying greater attention to the availability, the kind, and the quality of education programs for the very young child.

The Milwaukee Project was launched in 1964 when a multidisciplinary team from the University of Wisconsin under the direction of Rick Heber, Professor of Education and Child Psychology, began a series of surveys designed to learn more about the relationship of poverty to mental retardation. The team included professionals from the fields of psychology, psychiatry, sociology, and speech therapy as well as education.

The Wisconsin group knew that by some estimates more than six million persons in the United States are considered to be mentally retarded and that, although the great majority of them have no identifiable pathology of the nervous system, all have exceptionally low I.Q.'s and are functionally if not physiologically retarded. They also knew that mentally retarded persons are found in particularly large numbers among the populations of economically distressed urban and rural areas. What had not been documented was a view that was nevertheless gaining increasing acceptance: that the retardation so frequently encountered in the slum was produced by the overall environment characteristically found there—a combination of ignorance, illiteracy, malnutrition, and economic, mental, and psychological depression.

That view overlooked two rather obvious facts: by far the great majority of disadvantaged persons living in slum areas are not retarded, and the majority of children reared by economically disadvantaged families develop and learn in a relatively normal fashion. These facts suggested that the heavy concentrations of mentally retarded persons in slum areas were related to certain specific factors rather than the general environment, and the Wisconsin group set out to find them.

The area selected for the surveys was that residential section of Milwaukee which, according to census data, had the lowest median family income, the greatest population density per housing unit, and the most dilapidated housing in the city. It was, in short, a classic urban slum. And predictably, it yielded a much higher rate of mental retardation among school children than any other area of the city.

The first survey was conducted in 1964, with all families in the area whose children included a newborn child being invited to participate. The most important finding to emerge from that initial study was that maternal intelligence was the most reliable single indicator of the level and character of intellectual development of the children. Although mothers with an I.Q. below 80 made up less than half the total group of mothers in the study, they accounted for about four-fifths of the children with I.Q.'s below 80. The survey data further showed that the lower the mother's I.Q., the greater the possibility of their children's scoring low on intelligence tests.

Fathers were not evaluated in the first survey. In a second survey, focused on 519 newborn infants in the area, intelligence tests were given to fathers, mothers, and children over two years of age. While the results showed that the father's intelligence level tended to be strikingly close to that of the mother, members of the team felt that the constant proximity of infant and mother and the fact that often the father did not reside in the home made maternal I.Q. a more dependable gauge.

As a result of their surveys and analysis, the University of Wisconsin group became convinced that the exceptional prevalence of mental retardation in the slums of American cities is not randomly distributed or randomly caused. Rather, it is concentrated within individual families that can be identified on the basis of maternal intelligence. In other words, the reason for the unusually high concentration of mental retardation in slum areas is not the slum environment generally, but the retarded parent residing in that environment.

Examined superficially, the population survey data from the Milwaukee study could be taken as suggestive evidence that "cultural-familial" mental retardation is more a matter of heredity than of environment. But what the team of educator-scholars actually observed in their repeated visits with hundreds of families was that the mentally retarded mother creates a social environment for her offspring that is distinctly different from that created by her neighbor of normal intelligence level.

Challenged by that observation, Heber and his associates determined to discover whether the kind of retardation that perpetuates itself from parent to child in the slum-dwelling family could be prevented, and if so, how.

Under the auspices of the university and with grant support from the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare, the multidisciplinary team established an Infant Education Center in 1966 in the area where their surveys had been conducted. Knowing that only children of mothers with I.Q.'s less than 80 show a progressive decline in mean intelligence as they grow older, the Wisconsin group decided to focus their attention and their efforts on such youngsters. They wanted to work with children who, according to the record, were virtually certain to show characteristics of mental retardation as they grew older.

The challenge was to see whether intellectual deficiency might be prevented—as opposed to cured or remediated later—by introducing an array of positive factors in the children's early life, displacing factors that appeared to be negative or adverse. The Wisconsin team knew that any sound conclusions would have to be based on data developed over a peirod of years and for a relatively stable population group.

The teachers in the Milwaukee Project are both men and women and come from many different backgrounds. Not all of them are teachers by training. Indeed, not all of them have college degrees. They are chosen by the project directors from many applicants on the basis of personal interviews as well as comprehensive written information. What is sought is an ability for sensitive interaction with infants and small children and an ability to work within a system of special instruction that is both structured and flexible, requiring both discipline and initiative. Each teacher undergoes eight months of training before beginning work at the Infant Education Center. At present, six of the nine teachers teaching the two-to-four-year-olds have been with the program from its early days.

For the last four years some 40 mothers with I.Q.'s of less than 70 have, with their newborn children, participated in the Infant Education Center Project. When asked if they wished to have their children take part in such a program, all mothers who were offered the opportunity seized it quickly. The newborn babies of these mothers were divided into two groups, with two-thirds of them being placed in the experimental program and the remaining one-third in a control group. Beginning in the first few weeks of life, the project team launched a comprehensive "intervention" into the lives of those infants in the experimental program.

Shortly after the mother returned from the hospital, teachers began visiting the home for several hours each day, focusing most of their attention on the baby. Some weeks later, as soon as the mother and the teacher together decided that the time was right, mother and child joined programs at the Infant Education Center. The infant child, usually three to four months old, was exposed to mental stimulation of a wide variety for several hours each day under a one-to-one ratio with trained adults. Meanwhile the mother was encouraged—but not required—to take part in a center program designed to teach her improved homemaking and baby-care techniques and in some cases to provide basic occupational training.

The oldest children are now moving toward their fifth birthdays. For the last four-and-a-half years they have been picked up early each morning at their homes and brought to the Infant Education Center. Each child in the school has his own teacher until he is 24 months old. At that point small group learning begins, with two-year-olds being placed in a class with five other youngsters. When the children are three years old, the size of the class is increased to eight; when they are four, it's increased to 11. Throughout, three teachers are assigned to each class. This formula enables every teacher to specialize in a given area—reading, language development and expression, or mathematics—while providing a constant relationship between each child and several adults and constant relationship among the children.

ACTIVITIES ARE STRUCTURED

The education program is made up of a series of activities including important aspects of sensory and language stimulation. These activities are precisely structured though the setting is arranged to encourage flexibility and initiative by both the infant and the teacher.

The schedule during four days of each week is firmly set for the children two years old and older. They arrive at the center by 9:00 a.m., and after they are given breakfast, they begin their classes at 9:30. Each of the three teachers engages a third of the pupils in learning activities in his or her special areas, using both standard equipment and techniques, materials, and methods that have been developed at the center. For example, the Peabody Language Development Kit for primary level is used for children two, three, and four years old in their afternoon group language class. In the more individualized morning language class, the teacher usually uses equipment and methods developed over the last several years by Heber and his colleagues, and she may occasionally adapt variations from standard methods and equipment for particular purposes.

In his language class, which lasts a half hour, a child is guided by the teacher for 20 minutes of stimulatory exercises; in the remaining 10 minutes he may use the equipment or materials or continue in any way he wishes the activity the teacher began. His second class, also of a half-hour's duration, is likewise divided into 20 minutes of structured activity and 10 minutes of unstructured continuation of that activity. After a half-hour of free play, a third half-hour class brings the children to 11:30, when they decide whether they wish to watch "Sesame Street" on television—which the Milwaukee Project professionals rate highly—or to continue one of the activities begun previously that morning.

After lunch and a nap, there are two additional classes in the afternoon, once more of a half-hour each. For these two classes, each age group is divided into two sections with one teacher working with three to six children. The group language class emphasizes communication and problem-solving. The teacher might ask, for example, "What if you woke up in the morning and could find only one shoe?" The point is to stir the children's imagination and encourage free verbalization of thought.

A second teacher engages her section in lessons on topics that vary from week to week and include science, art, and music. As in the morning classes, there are 20 minutes of free use of equipment or free exploration of topics introduced earlier. Meanwhile, the third teacher uses this period to work individually with any child needing special help in any subject.

Both the morning and afternoon class groupings are based on a combination of ability and behavior. Hence there is, once more, flexibility within the structure. A child may have his language class at 9:30 on some days and at 11 on other days. For children less than two years old, the day's activities are not as structured as they are for the older youngsters. And on Fridays, the day is less structured for all the children, often allowing for such special occasions as field trips.

The program for mothers continues after the children have begun their classes at the center. Following the initial emphasis on child care and homemaking, the program offers opportunities for vocational training and has assisted a number of mothers to secure steady employment for the first time. The center does not employ any of the mothers but supports an active parents organization in which the majority of them participate.

From the very beginning of their participation in the infant education program the youngsters have been tested as well as taught. At given intervals a number of experimental measures of learning and performance—in language development and motor skills, among other areas—have been applied and standardized tests of intelligence and intellectual development administered.

DIFFERENCES IN PERFORMANCES

Starting when they were 18 months old and continuing at six-week intervals thereafter, the children have been given a series of language performance tests, including both "free speech samples" (recordings of their conversations made at random intervals) and formal language tests. Over a period of three years, striking differences have developed in the performances of children in the experimental group and those in the control group. When the children in the experimental group reached 19 to 25 months of age, their vocabulary production began to accelerate rapidly. For those in the control group, vocabulary production did not begin in any instance until the child was 28 months old, and a number of the control group children still could not speak at that age.

On interesting phenomenon the University of Wisconsin team observed was that at approximately 28 months the children in the experimental group seemed to reach a vocabulary plateau lasting for one to two months. At that stage, as the children began to concentrate on grammatical structure, they produced fewer new words. Three or four months later, however, the children in the active program were able to express themselves in full sentences, some relatively complex, while most of the children in the control group were for the most part still producing unconnected words.

The children in the active stimulation program advanced rapidly not only in expression but in comprehension as well. A test given first at 36 months and thereafter at three-month intervals measured the children's comprehension of 16 different grammatical features or rules of the English language. At every point, the children in the experimental group showed significantly superior performance.

Indeed, on a whole range of tests—from simply matching and sorting to comprehension and motor skills to tests of intellectual development and intelligence quotient—the children who have been exposed since infancy to the daily routine of mental stimulation have shown remarkable development in contrast with the children in the control group. This holds true even when the performance of the experimental group is measured against the norms established by age peers generally.

Naturally it was hoped and expected that the concentrated, carefully constructed program of stimulation of which one group of children was to be exposed would result in some noticeable differences. But the original specific goal was to test ways of preventing decline in intellectual development in children for whom such decline was predictable on a variety of grounds. What was not anticipated by Heber and his colleagues was the marked acceleration in a range of intellectual skills that has in fact occurred over the last four years on the part of the children in the experimental program.

Those differences are dramatized in the finding that at 42 months of age, the children in the active stimulation program measured an average of 33 I.Q. points higher than the children in the control group, with some of them registering I.Q.'s as high as 135. Equally remarkable, the children in the experimental program are learning at a rate that is in excess of the norm for their age peers generally.

The results of four years of effort and analysis that have gone into the Milwaukee Project obviously are extremely promising. The professional educators, social scientists, and teachers involved are nevertheless cautious in their interpretation of those results. For one thing, they want to collect and analyze data on the children participating in the project for another two years or more.

Further, the children have doubtless become "test wise," and the project team would like more time to assess the possible effect of this kind of sophistication. Nevertheless, the children in the control group have been tested as often as those in the experimental porgram, and so the difference in their performance obviously results from differences in their educational environment.

Whatever their caution, members of the University of Wisconsin group do say that, as far as they know, the intellectual stimulation and training given the children in the Milwaukee Project have been more comprehensive and intensive than that to which any comparable groups of infants have ever been exposed. In the course of their efforts, members of the team have developed particular techniques—especially in the area of verbal skill development and reading comprehension—that seem to have affected the progress of the children, though team members are reluctant to suggest that those techniques and approaches are unique or even completely novel. They are, in any case, planning a series of instructional materials based on their research and teaching experience in infant education.

Despite the scientific caution and personal modesty of the Wisconsin group, their excitement at the possibilities they have developed shows through.

"We have seen a capacity for learning on the part of extremely young children that previously I would not have believed possible," says Heber. "While the results are by no means fully conclusive and must continue to be tested, the least that I am willing to say is that it is difficult to conceive of the children in the experimental program ever falling back to the level of their age peers in the lagging control group."

In any case, the trend of the data being developed in the Milwaukee Project engenders real hope that mental retardation of the kind that occurs in children whose parents are poor and of poor ability can be prevented. If the effort is begun early and remains constant in the early years, even very serious kinds of mental and intellectual disadvantage can possibly be forestalled.

GRIEVANCE PROCEDURES IN THE FOREIGN SERVICE

Mr. HUMPHREY. Mr. President, last month I introduced, along with Senators Bayh, Cooper, and Scott, a bill to establish a formalized grievance procedure in the State Department similar to what already exists in other departments of our Federal Government. It is my understanding that the Committee on Foreign Relations intends to hold hearings on the bill, S. 2023.

I sincerely hope that plans for such hearings will not be delayed unnecessarily, because the longer we wait, the more risk is involved in the breakdown of management-employee relations within the Foreign Service. The basic rights of employees within this most important service of our Government, which is supposed to serve as an exemplary institution of American society both at home and abroad, must not be neglected. These rights must be insured, and they will be if S. 2023 is passed.

I have received since the time the bill was introduced numerous letters of support and encouragement from members of the Foreign Service. The American Foreign Service Association, which is the representative organ of employees within that service, has endorsed S. 2023 in the form of a resolution adopted at a meeting of the association's board of directors. I ask unanimous consent that the resolution and an article by Mike Causey be printed in the Record. The resolution represents the concerted opinion of the association and many others who have called attention to the startling lack of individual protection and justice within the Foreign Service.

An example of the bureaucratic bungling at the sacrifice of devoted and talented employees of the Foreign Service is the case of FSO Miss Allison Palmer. The Senator from New Jersey (Mr. Case) has helped to bring Miss Palmer's case before the public. I think Mike Causey's article in the Washington Post explains very well the incredible situation involving Miss Palmer and the larger issues involved.

I for one would prefer not to read about these cases but would like to prevent them from ever occurring. I think the bill I am cosponsoring with Senators Bayh, Cooper, and Scott would do just that. I, therefore, ask Senators to join us in having the bill passed.

There being no objection, the resolution and article was ordered to be printed in the Record, as follows:

Resolution Adopted at Meeting of the Board of Directors, June 15, 1971

Whereas, the American Foreign Service Association has as one of its principal purposes the promotion of the welfare of members of the Foreign Service of the United States; and,

Whereas, the absence of due process for Foreign Service employees to obtain protection from injustice, unfair treatment, career damage, reprisals, or arbitrary administrative actions must be rectified; and,

Whereas, S. 2023 embodies the basic principles the Board of Directors of the American Foreign Service Association believes necessary for a fair and impartial system of grievances and appeals;

Now, therefore, be it resolved that the American Foreign Service Association Board of Directors, on behalf of the more than six thousand actively employed members of this Association, express their deep appreciation to Senators Bayh, Humphrey, Cooper and Scott for sponsoring S. 2023, and pledge their firm support for its enactment at the earliest possible date.

[From the Washington Post, July 31, 1971]

Foreign Service Offers a Surprise

(By Mike Causey)

It may be just a coincidence, but last Tuesday the State Department offered a surprise, immediate job transfer to a post 9,000 miles away in Africa to a woman Foreign Service officer who has charged department officials with sex discrimination.

Tuesday, it happens, was also the day this column outlined details of a speech Sen. Clifford Case (R-N.J.) was about to deliver on the Hill. In it, Case roasted the State Department for unfair treatment of FS Officer Allison Palmer.

State personnel people who made the transfer offer to Africa told Miss Palmer they had seen the column and knew all about Case's forthcoming blast. They deny, however, that the transfer was made for any reason other than that she was needed overseas.

Miss Palmer was called into State's personnel section, and asked how she felt about taking a job in the Malagasy Republic. She was told her reporting time, if she were to accept, would be within two weeks. Miss Palmer turned down the offer, saying she had only been back in this country for about a year.

Earlier, the personnel section called the Office of Intelligence and Research, where Miss Palmer now works, and asked if it would agree to the transfer. The office told personnel it wanted to keep her.

Miss Palmer told this column that she has served in various posts—from Vietnam to Ethiopia—but that she was normally given six months' notice of a new assignment. State generally does this, although it can and does assign FS officers on shorter notice in emergency situations. A "normal" tour of duty here after overseas service is from two to four years.

Miss Palmer, an FS 4 officer ($17,761 to $21,313) joined the Service in 1960. State officials replying to her grievance complaint, said her promotion progress has been better than average. Her last promotion came in 1968.

Her complaint alleges that she was denied better jobs and assignments in some posts because several ambassadors didn't think a woman could handle the work. A finding by the department's legal office said there was "evidence" of past discrimination in her case.

Officials have told interested congressmen that Miss Palmer would probably come out the victor in a grievance hearing. But before that, she was advised by the equal opportunity office at the State Department that her career might be damaged if she pressed the charges.

Meanwhile, she apparently isn't going to the Malagasy Republic. And the State Department apparently ought to take some lessons in diplomatic timing.

THE DEPARTMENT OF STATE AT SEA

Mr. CHURCH. Mr. President, the conclusion of the recent meeting of the International Whaling Commission in Washington has left our Department of State, so to speak, at sea. Although the Senate has passed Senate Resolution 115 proposing a 10-year moratorium on the killing of whales, our Department of State came away from the meeting having accomplished, according to one observer, nothing. The result will be 1 more year of the destruction of these magnificent ocean mammals and perhaps the extinction of some species of whales.

Although we have adopted regulations in the United States that prohibit American fishing vessels from taking whales, we have not been able to gain agreement from the other major whaling countries, Russia and Japan, on the need for greatly restricting the harvest of whales. The result, according to the experts, is that the very existence of many species of whales is threatened.

This is a situation which requires active, firm pressure on those countries that continue a destructive whale harvest. It requires an active, firm diplomatic policy on the part of the United States. It requires that we put the control of whaling high on our international priority list. It is my impression that the Department of State has not done this to date. I would hope that we might see the Department of State take a much more forceful role in pursuing limitations on the whale harvest than it has in the past.

Lucia Mouat, of the Christian Science Monitor, has written an excellent article summarizing the latest developments concerning the killing of whales. I ask unanimous consent that her article, dated Friday, July 30, 1971, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Blunting the Whaling Industry's Harpoon

(By Lucia Mouat)

Washington.—The romantic whaling days of Melville's "Moby Dick" are no more. The whaling industry has combed the world's seas with such efficiency that several species of the giant mammal are close to extinction.

A vivid case in point is the now-rare blue whale, largest member of the whale family. While 30,000 were killed in a single year some 40 years ago, today only an estimated 600 to 3,000 of the creatures still exist.

The problem has intensified in recent years. In the 1960's more whales were killed—for oil and meat processed into pet food, cosmetics, candles, and fertilizer—than in any decade in the history of the world.

So scarce are they becoming that whale hunters can barely fill the generous quotas the industry is allowed. While hunters snared 30,000 large fin whales for instance, from the Antarctic in 1961, taking nearly three times the sustainable yield, they now catch closer to 2,500 fins a year because there are far fewer to be found. They could have taken 10,000 to 12,000 a year in the early 1960's indefinitely without depleting the stocks.

ALTERNATIVE CATCH

As alternatives, younger whales, and smaller species, such as sei, minke, dolphins, and porpoises, are being sought. Any semblance of sport in the venture (if ever there was any) is long gone since whale hunters use such sophisticated aids as helicopters, radar, noise devices to scare the mammals, and explosive harpons.

"It's a hideous triumph of efficiency—the whales don't stand a chance," says Mrs. Christine Stevens, president of the Animal Welfare Institute.

While some whale protection measures have been taken, most conservation groups feel the action to date falls far short of the need.

Main regulatory body for the whaling industry is the International Whaling Commission (IWC), founded in 1946 by 17 interested nations. Though charged with conservation of whales, it is—in the eyes of environmentalists—noticeably more interested in the short-term profit of the industry.

I. Fujiat, head of industrial fishing interests in Japan, has been chairman of the IWC for the past three years. Many of the other member governments are represented by fishery or agricultural officials.

QUOTAS SET HIGH

Although the group sets annual quotas on whale catches, they are generally much higher than its own scientific advisory committee recommends in the interests of preserving the various species. IWC meetings, held every June and most recently here in Washington, are conducted in secret though a handful of international-environmental-group representatives are allowed to sit in as observers (but only if they keep mum about details of proceedings).

This year the United States took a strong conservationist stand at the IWC meetings. U.S. Commissioner Dr. J. L. McHugh, a professor of marine resources at the State University of New York and the man elected as IWC's chairman for the next three-year term, forcefully urged reforms which the commission had talked about in a casual way for years.

Top on his agenda was agreement to an international observer scheme (to ensure that whalers stick honestly to allotted quotas, spare protected species and adhere to other IWC regulations) and to abolition of the so-called blue-whale unit, a measurement system devised in 1937 which sets quotas on the basis of whale oil rather than by species. Today a unit is considered the equivalent of two fin or six sei or six Bryde's whales.

LITTLE ACCOMPLISHED

In the end, by most assessments, the U.S. put on an impressive show but accomplished little. Although an international-observer plan was agreed to in principle, the all-important details have yet to be worked out. These are due to be discussed soon and the possibility for agreement prior to the next Antarctic season still exists.

The commission also agreed that next year it would consider abolition of the blue-whale unit. In setting quotas the IWC cut last year's allowance in the North Pacific by 20 percent but approved Norway's proposal for a substantial 2,300 blue-whale units (the U.S. had recommended 1,800) in the Antarctic. With this quota, the fin-whale population will be further reduced.

"There were some encouraging signs but there's still a long way to go," says a spokesman for the U.S. Department of the Interior on the subject of this year's IWC meeting. "We're cautiously hopeful to the point where we're going to stick with the Commission for at least another year."

IWC ON TRIAL

At the opening plenary session U. Alexis Johnson, Undersecretary of State for Political Affairs, had observed that the very concept of the IWC as an effective way of dealing with conservation of whales was on trial.

Mrs. Joan McIntyre, representative of the Friends of the Earth who sat in on most of the commission's deliberations, was less generous than the government in her appraisal: "Essentially the commission accomplished nothing. It promised to do more next year, and that's about it."

The United States, which has virtually no whaling industry of its own but has been importing 25 to 30 percent of the world's whale products has recently taken the lead in a number of strong whale-conservation moves.

Despite the objections of furriers and other commercial interests, Congress in 1969 managed to pass into law an endangered-species bill. With this as his backstop, former Interior Secretary Walter J. Hickel late last fall put eight whale species (including the sperm and major baleen whales) on the "endangered" list, thus effectively barring any imports with those ingredients. Criticized by commercial interests, he held firm on grounds that the law charged him with "preventing conditions" that lead to extinction.

EARLY POSITIVE ACTION

"We're not going to wait until all these species are on the brink of extinction before we take positive action," he insisted.

Secretary of Commerce Maurice H. Stans followed up the Hickel action a few months ago by taking steps to end the last whaling in the United States. San Francisco's Del Monte fishing company, which takes in about 100 whales a year in addition to its main fishing activity, will lose its whaling license at the end of December.

Currently there is a widespread move in this country to secure a 10-year moratorium on all whaling. A joint resolution requesting the Secretary of State to call for such action passed the Senate without debate June 29 and is under consideration in the House. In introducing the bill there, Rep. William S. Broomfield (R) of Michigan, observing that "the whale has no lobby," termed the ban "the only possible solution" to the problem.

Such groups as the Environmental Defense Fund, New York Zoological Society, Friends of the Earth, and the Society for Animal Protection Legislation have been working hard to build public pressure for such a moratorium.

Supporters point to the return of the gray whale (on the IWC protected list) to the California coast as an example of what a moratorium might accomplish. They also point out that female whales only produce calves once every four or five years and usually one at a time. Moratorium advocates also stress that research into whale intelligence and social behavior has only begun to be tapped.

Dr. Roger S. Payne of the Institute for Animal Behavior, whose research into whale sounds recently has led to a remarkable record titled "Songs of the Humpback Whale," calls the animals the "most beguiling, gentle creatures on earth."

Much of the research data to date, including census figures, are based on whale carcasses. Biologists are eager to study them as living creatures in their natural habitat. A moratorium would give them that opportunity.

"We've been killing whales much faster than we've been learning about them," says Mrs. McIntyre.

KEYS TO CONSERVATION

In the final analysis, those concerned with whale conservation consider public opinion and the pocketbook key turning points in their effort. Unilateral U.S. moves, they know, are not enough. Observers are encouraged that at least the awareness of growing public concern is there to act as a pressure agent. They point to the precedent set by the Soviet Union's ban on killing polar bears (1956), and dolphins (1966).

Also when Sen. Fred Harris (D) of Oklahoma, author of a sweeping ocean-mammal protection bill, visited recently with a Russian fishery official in Moscow, he was told that the Soviet Union wouldn't stop killing whales until other nations did. (Together Japan and the Soviet Union account for 85 percent of all whales killed.) Compared to the usual retort of whaling nations that there are plenty of whales still in the seas, this comment cuts to the heart of the matter and points up anew the need for international accord.

Economically, whaling is considered a small business. In all, it may bring in $150 million for all nations taking part in it. Substitutes for all whale products are available. If these facts in addition to the U.S. move to have a moratorium do not encourage whalers to turn to other more profitable ventures, some observers suggest a boycott of other goods from whaling nations may suffice as the extra prod needed.

NATIONAL ASSOCIATION FOR MENTAL HEALTH

Mr. HUMPHREY. Mr. President, I invite the Senate to take note of the opening on August 2 of the new headquarters of the National Association for Mental Health in the Washington area.

The association is moving its headquarters from New York to Washington. It has made great strides since its beginning in 1908 in promoting improved programs in health care for persons suffering from mental illness. I ask unanimous consent that a brief history and background of this organization be printed in the RECORD, together with other noteworthy information about the association's program.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A BRIEF HISTORY AND BACKGROUND

ORIGIN AND PURPOSE

The primary function of the National Association for Mental Health is to promote citizen interest and activity on behalf of the mentally ill and for the cause of mental health. The Association dates its origin from 1909 when Clifford Beers, an ex-mental patient and author of *A Mind That Found Itself*, founded the National Committee for Mental Hygiene. In 1950 the Committee merged with two other organizations, The National Mental Health Foundation and The Psychiatric Foundation, to form a united front as The National Association for Mental Health. The original and continuing purposes of the Association are:

(1) to improve attitude toward mental illness and the mentally ill;

(2) to improve services for the mentally ill;

(3) to work for the prevention of mental illness and to promote mental health.

PROGRAM

Soon after the merger of the three organizations in 1950, the Association defined broad functions designed to move the Association more quickly toward the fulfillment of its goals.

It was determined that the Association's resources and energy would be devoted to these basic programs.

Research into the causes, prevention, treatment and cure of mental illness;

Social action to bring about humane legislation, sound administrative policies, adequate facilities and sufficient financing to offer the best possible prevention detection, treatment and rehabilitation programs;

Education aimed at both the general public and professional groups about mental illness and mental health and what can be done about it;

Service to patients and the community.

Early in the decade of the 60's, the Association selected specific activities within these broad programs to be given special emphasis:

Improved care and treatment for mental hospital patients

Aftercare and rehabilitation

Treatment, education and special services for mentally ill children

Community mental health services.

STRUCTURE AND FINANCING

The Association is comprised of 950 Chapters serving a city, county, metropolitan area, or combination of counties, 49 Divisions (forty-eight State Associations and the District of Columbia), and a National headquarters.

The gross income of the Association at all levels in recent years has been in excess of $9,000,000, but less than $10,000,000. About one-half of the income is derived, from United Fund allocations, and one-half from independent sources. The National Program and Operational budget is $1,300,000 of which 70% is derived from State Divisions and Local Chapters. A complete financial statement is available from the National Office.

RESEARCH

The National Association for Mental Health supports important research studies on the causes, treatment and prevention of mental illness. Seed money is granted for projects in their initial and exploratory stages—projects not sufficiently developed to receive major grants. Investments are made in projects directed by young, promising research scientists concerned as much with the training value of the project as with specific findings. Interim grants are made to research projects seeking larger and longer term grants from governmental and other sources. Since its beginning in 1960, the national research program has invested more than one million dollars in studies aimed at finding causes, new treatments, cures and means of preventing mental illness.

SCOTTISH RITE

The NAMH research program is essentially an extension of the significant studies sponsored and funded by the Supreme Council 33° Scottish Rite Northern Masonic Jurisdiction, U.S.A., and administered by the national office of NAMH or its predecessor since 1933. This research group, probably the most prestigious in the field of mental illness, has been a pioneer in funding important studies in the field of schizophrenia. Concentrating on schizophrenia since its inception, it has an important focus on biological work. It has had a hand in most of the important discoveries made in the field in the last three decades. Nearly $2,500,000 has gone into this research program. For many years, until the Federal Government began to take an active role in psychiatric research, this was the major source of funds for studies in schizophrenia. It still fills an important niche as the oldest and the most highly effective funding agency devoted entirely to schizophrenia.

The national research program renders a unique service meeting several special conditions and needs:

1. Diversification of research support.

2. Making "seed money" grants for projects in their initial exploratory stages.

3. Making small investments in projects directed by young, promising research scientists, ensuring their continuation in the field.

4. Involvement of additional scientists in the allocation of research funds, thus stimulating the exchange of research information and the wider identification of fruitful areas of research.

In keeping with our policy of adaptability to meet immediate needs, the Association is exploring greater dissemination of information about research achievements toward the goal of greater use of these achievements to benefit the mentally ill.

IMPROVED CARE IN HOSPITALS

State hospitals for the mentally ill continue to provide essential services to large numbers of patients, and new and imaginative treatment programs are reducing the patient population of these hospitals.

However, the shortage of trained personnel and the lack of adequate treatment facilities continue to be major, haunting problems in many of our states. Consequently, many State Divisions of the National Association for Mental Health still devote much effort toward the resolution of the critical issues underlying the problems—insufficient staff, inadequate funds, and persistent public apathy.

In addition, to protect patients from infringement on their rights during admission and discharge procedures, the Association has continued to emphatically urge the adoption of the "Interstate Compact on Mental Health." The Compact, a uniform code, provides for patient treatment in the area requested by the patient, regardless of legal residence, and for hospitalization near relatives and friends whenever possible.

A number of Chapters give assistance to patients and families during court procedures relative to admissions, and returning patients are often aided by local Association volunteers to make certain their rights are protected.

Thousands of volunteers provide numerous services to patients across the nation. These include person-to-person recreation, personal services, and many imaginative activities created by volunteers—fashion therapy programs, patient art and drama programs, trips to town, attendance at sporting events, holiday gifts and programs, sports participation, creative writing, music therapy, and other forms of activity which bring contact with out-of-the-hospital life to the hospitalized patients.

Aid is provided to families also through transportation, information and education services. A classic publication for families and for all concerned with an individual patient and his hospital progress is the NAMH publication "Mental Illness—A Guide for the Family." The book was rewritten in 1967 by the author, Edith Stern, and now includes a chapter on community mental health and community mental health centers, and on psychiatric facilities in a general hospital. This publication and others regarding the hospitalized patient and his treatment are given wide distribution by the Association.

AFTERCARE AND REHABILITATION

The percentage of patients who return to hospitals because of inadequate aftercare and rehabilitation services in the communities to which they return continues to challenge the Association. In cooperation with vocational rehabilitation agencies and other appropriate communitiy agencies, NAMH Divisions and Chapters assist returning patients in their adjustment to the social life of communities and in finding appropriate employment and living opportunities.

Some of the programs developed to meet these needs are sheltered workshops offering re-training opportunities, social clubs where returning patients can comfortably regain social confidence and participate in group activities, re-employment programs aimed at finding employment appropriate to the skills of the patients, and halfway houses designed to provide the patient with a living and learning experience that bridges the gap between hospital and community.

Divisions and Chapters tailor their aftercare and rehabilitation services to fit local community and hospital situations. Among such personalized services are the "Adopt-A-Patient," "First Friends," and "Homecoming" programs. Through programs like these, volunteers bring patients back to normal community life and experience.

Successful program experiences are shared throughout the Association so those programs which have proved most effective may be extended to as many patients as possible.

Community Mental Health Services

Following the report to Congress and to the country by the Joint Commission on Mental Illness and Health in 1961, governmental and private agencies began planning a "bold new approach" to provide treatment for the mentally ill. At that time, the National Association for Mental Health began to encourage the establishment of psychiatric services in general hospitals so more and more patients could be successfully treated without going to state hospitals—hospitals that are all too frequently located in isolated areas, and which are generally overcrowded and understaffed. The new approach, formulated by the National Institute of Mental Health and supported by funds appropriated by Congress, is designed to provide early treatment at the first signs of break-down, without the patient having to leave family or community.

In recent years, Association volunteers and other interested citizens have served on statewide planning and information-gathering committees to develop plans for providing these new services in each of the fifty states. During the planning period which ended June 1965, Congress acted to provide funds for the construction and staffing of community mental health centers. The regulations governing the distribution of these funds were written in such a way as to guarantee the right and opportunity of every citizen to receive the type of care he needed when he needed it. All levels of NAMH began serious and careful study of the regulations and proceeded to work on the community organization, education, and social action needed to plan for such services and to apply for funds to develop them.

Planning for a cooperative community mental health service mandated the involvement of many public and private agencies. In most instances, Divisions and Chapters of the National Association for Mental Health provided the vehicles for these exchanges. In those areas of the country where centers are now established, Divisions and Chapters continue to work with the centers to help refine their programs and overcome unexpected problems in the development of the full spectrum of services for the community. One of the more serious handicaps to the growth of the number of centers is the need to provide local matching funds in order to qualify for federal aid. Divisions and chapters are consequently deeply involved in planning and seeking ways to provide tax support for the matching funds.

Childhood Mental Illness

Children are the hope of the future. They will be tomorrow's leaders. They will be the educators, the scientists, the industrialists and the factory workers.

An important part of this future is the mentally ill child who is too often forgotten. A few facts that point up the critical need for better services for the mentally ill child include:

10% of all school age children have emotional problems requiring psychiatric help.

About 473,000 children under 18 years of age received some service in a psychiatric facility in the United States last year.

Suicide is the second leading cause of death among college students.

The number of boys ages 10 to 14 in mental hospitals has increased six-fold since 1950 compared with a two-fold increase in this population group.

CURRENT ACTIVITIES

Through efforts at Chapter, Division and National levels, the Association is striving to insure these basic services:

Developmental and psycho-educational assessment of each child's special treatment and educational needs.

Treatment for the child and his family when indicated. Psychiatric, psychological, social work and other support services should be available as needed.

Special education programs in the schools.

Special day care (and treatment services) in the schools and in the community.

Special residential facilities for emotionally disturbed children and adolescents.

Separate facilities and treatment programs for children in general and mental hospitals.

Utilization of community resources to keep families of the mentally ill intact.

Rehabilitation facilities including special education, vocational training, and organized recreational and social experiences.

Treatment resources to meet the inability of one family's, the school, and the community to provide essential supportive services such as partial hospitalization care, halfway houses, and social habitation programs.

NITROGEN SUPERSATURATION

Mr. HATFIELD. Mr. President, last year an estimated 75 percent of the seaward migration of juvenile salmon and steelhead from the upper basin of the Columbia and Snake Rivers were killed. The major cause of this devastating loss of fish was nitrogen supersaturation.

Nitrogen supersaturation is caused by water picking up air as it plunges over the spillway of a dam into the basin below. The nitrogen creates gas bubbles in the blood vessels of fish, impairing or destroying them. If the level of nitrogen supersaturation is about 110 percent, it kills the fish, young and adult, whether they are upstream or downstream migrants. During the peak runs last May and June, these levels were over 130 percent.

These facts have spelled disaster for my State of Oregon as well as for Washington and Idaho.

Because of the urgency of the problem, I appeared before the Senate Appropriations Subcommittee on Public Works to propose emergency measures to alleviate the nitrogen supersaturation problem. The U.S. Army Corps of Engineers has designed a slotted bulkhead, which is a gate full of rectangular holes, that is installed in the intake gate of the skeleton powerhouse bays in the dams designed for future turbine-generator units. The slotted gate allows water to pass through, rather than over, the dam, thereby decreasing the volume of water exposed to the air to pick up nitrogen.

This plan was developed after the fiscal 1972 budget program was formulated, so no funds were included in the President's 1972 budget requests for construction and installation of the slotted bulkheads. That is why I asked the committee for emergency measures. Under the normal process of appropriations additions for unbudgeted items are not usually allocated until late fall. This would not have allowed sufficient time to complete installation of the slotted bulkheads in the three Snake River dams before next year's fish runs.

I am extremely grateful to the members of the Senate Appropriations Committee, including the Senator from Mississippi (Mr. STENNIS), chairman of the Subcommittee on Public Works, the Senator from Louisiana (Mr. ELLENDER), chairman of the full committee, and the Senator from North Dakota (Mr. YOUNG), who serves as the ranking Republican on the committee. I know that I reflect the views of my fellow Oregonians in thanking the committee for including the emergency measures necessary for the installation of the slotted bulkheads at the Ice Harbor, Little Goose, and Lower Monumental Dams.

I would also like to reiterate my support for the continuation of a highly intensified research and development program to provide the best possible long-term solution to the nitrogen supersaturation problem as soon as practicable.

IS LEISURE A THREAT?

Mr. FULBRIGHT. Mr. President, the New York Times of August 2 contains an interesting article from Moscow about the views of Dr. Pyotr Kapitsa, one of the finest minds in Russia.

His news about the modern society are worthy of our most serious considerations.

I commend the article to my colleagues and ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Russian Sees Threat in Leisure

(By Bernard Gwertzman)

Moscow, August 1.—Dr. Pyotr L. Kapitsa, the Soviet physicist, says civilization is threatened by the increase in wealth and leisure time in advanced industrial countries. He advocates a more liberal education that would turn out independent-minded, creative thinkers able to cope with the new life style of the future.

In an article in the monthly journal Voprosy Filosofii (Questions of Philosophy), Dr. Kapitsa warns that the technological revolution already has produced signs of social decay among youth in highly developed capitalist countries and he suggests, by implication, that the Soviet Union will not be immune to similar social problems.

He finds that the gloomy prognosis of Aldous Huxley in "Brave New World" is coming true in some capitalist countries. People, with free time and secured financial situations, have turned, he said to sex, narcotics and cheap entertainment to keep busy.

YOUTH LACKS INCENTIVE

"Young people, not having to fear for tomorrow, lack the necessity to fight for their existence and this gives rise to a situation in which they face no problems that requires their strength and will," he says. "All this, taken together, deprives the life of young people of any permanent inner substance.

"Different forms of narcotics, which are more and more common among young people as a way of escaping reality, of course, provide only temporary escape. But, as is known, they lead to breakdown in the nervous system and deepend spiritual depression. Crime is on the rise among young people."

Dr. Kapitsa, who is 77, has been regarded as a liberal intellectual, who has objected to narrow aspects of Soviet ideology. He has publicly supported the views of his colleagues, Andrei D. Sakharov, who has called for closer cooperation between the United States and the Soviet Union to solve the world's problems.

COMMON PROBLEMS SEEN

The latest article by Dr. Kapitsa, originally read as a speech in Hungary last year, is unusual in the Soviet context because it does not contend that the problems faced by the United States are unique. In effect, he endorses the view of many scientists that all developed industrial societies have common problems, regardless of social system. This is loosely known as the "theory of convergence."

It turns out that society is still not prepared to make profitable use of the material wealth and leisure time with which it has been endowed by the scientific-technological revolution." he said.

He added that some Western sociologists already find signs of "social decay" in developed capitalist countries, see no way out of the situation and have come to the conclusion that mankind is in "the final cycle of modern civilization."

"It is stated that an inability to make use of wealth and leisure time can become no less of a danger to man than death from a nuclear world war," he said.

He called such conclusions "exaggerated and premature," and he suggested that the way out was to give people, especially young people, a "sense of existence," to instill in them an interest in solving social problems, to educate them with spiritual qualities necessary for an understanding science and art."

Dr. Kapista said the crucial problem in education was to bring out the creative instinct in man. Everything he does, would then be more interesting and better for society, he adds, criticizing the utilitarian approach to education aimed at making a person effectively only in a particular area of activity.

"I think, and life demonstrates, that people who are most pleased with their work are those in creative endeavors, such as scientists, writers, artists, actors, directors, etc," he said. "It is well known that people in these occupations do not usually divide their time into working and nonworking segments. They live for their occupation and find their 'sense of existence' in their work.

"We have observed that any kind of work can be made exciting and interesting if there is an element of creativity in it," he said.

He said that work on modern production lines was "boring and uninteresting," and the problem was therefore to make leisure time as creative as possible so that man "will enjoy it and make wise use of it."

USEFULNESS OF HISTORY

Dr. Kapitsa urged that a higher education be made universal because only with sufficient background can people sufficiently understand what is going on around them.

As an example, he noted that many people spend their leisure time traveling. But, he added, this can be made more interesting if the traveler is trained, say, in history.

"He deserves much greater pleasure if he can independently interpret what he sees and compare it with the history of other countries," Dr. Kapitsa said.

"The problem before education is therefore not only to provide man with the broad knowledge necessary to become a useful citizen, but to develop the independence of thought needed to develop a creative understanding of the world around him."

Dr. Kapitsa's view on the need for universal higher education contrasts with the conservative opinion that too many Soviet children are seeking higher education for prestige and too few are prepared to study the skills needed for industrial work.

The physicist suggested reforms in education, with more emphasis on problem-solving to develop independent thought and more use of prominent scholars on high-school instructors.

DETERIORATION OF EVENTS IN EAST PAKISTAN

Mr. SAXBE. Mr. President, the rapidly deteriorating events in East Pakistan are continuing their downward spiral to epidemics, communal violence, and war. Refugees are pouring across the border at a rate of 40,000 to 50,000 a day with an imminent total of 7,350,00 refugees in India.

Yahya Khan, President of Pakistan, says:

> We are very near to war with India. Let me warn them (India) and the world, it means total war.

Indeed, this may be correct. C. L. Sulzeburger wrote in the New York Times on July 18:

> The Kissinger trip produced an impression that the greatest immediate danger to peace lies in steadily worsening India-Pakistan relations and a possibility that war might explode between these South Asian neighbors, respectively supported by Russia and China. This would destroy Washington's effort to create a new international equilibrium improving relations with Moscow while developing fresh contact with Peking.

Yet, why should Yahya threaten war? Abulmaal A. Muhita, economic adviser to the Pakistan Embassy and former deputy secretary to the Yahya cabinet, defected here in New York maintaining that the Yahya regime has "lost all claim to legitimacy." He predicted that up to 15 million East Pakistanis might die of starvation in the next 3 months. India has accepted 7 million refugees from Yahya's reign of terror. Yet, Yahya says there is a limit to his patience." What patience?

I am pleased that the United Nations may send to East Pakistan a team of 156 civilian relief and rehabilitation experts and that the United Nations Children's Fund is opening 1,000 centers in Eastern India on August 15 to distribute high protein foods.

The New York Times editorial yesterday stated:

> It is time all American aid to the Yahya regime, excepting relief assistance, was unequivocally stopped. The reported American-backed plan to station United Nations observers in East Pakistan could help ease the plight of the Bengalis, but it falls far short of the political accommodation that is needed to head off an explosion on the Indian subcontinent that could precipitate an American-Chinese-Soviet confrontation in the Himalayas.

Now is the time to turn our policy around. I urge the House to approve the language of its Committee on Foreign Affairs suspending aid to Pakistan and the Senate to adopt the Saxbe-Church amendment of a similar nature.

Mr. President, I ask unanimous consent that a number of articles on Pakistan be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WHY THEY FLED PAKISTAN—AND WON'T GO BACK

(By Khushwant Singh)

"It is going to be hell for us."—INDIRA GANDHI.

CALCUTTA.—This is my third visit to the India-Pakistan border 60 miles east of Calcutta. The countryside has not changed. It is the same lush, emerald green of the paddy and the darker green of the jute, the stretches of swamp with snow-white egrets hunting for frogs and the limpid ponds encircled with hyacinth or bright with pink water lilies. It is the same avenue, flanked on either side by massive banyan and rain trees loud with the chatter of mynas and the dulcet notes of magpie robins. The only evidence of conflict on this peaceful, drowsy landscape is slogans painted on tree trunks: "Long Live Mao," read some, and "Long Live Indira," the others.

Then there is the almost unbroken succession of thatched huts, tents and shelters made of bricks and canvas that line the road on either side. Every town and village I pass through is crammed with people. Schools, colleges and other public buildings have been turned into reception offices, ration depots, clinics or homes for a large number of the seven million refugees from East Pakistan who have streamed into the country in the last four months. The monsoon season normally brings material benefits to India. This year it brings tides of hungry newcomers—and with them the threat of epidemics, communal violence and war.

I ask the cab driver to pull up at a small encampment near the village of Mandalpara. As soon as I step out of the car a crowd collects around me. They tell me they are about a thousand families of fisherfolk and thatchmakers from the Jessore and Khulna Districts of East Pakistan. I start with the question I had put to the refugees when I came this way in 1957 and 1964: "Why did you leave Pakistan?"

They are very eager to tell of their experiences. "Yahya's soldiers raided our village, killed many young men and burned our huts . . . Biharis [people from the Indian state of Bihar who migrated to Pakistan] looted our homes and took our cattle. . . . My daughter was raped in front of me and I was told if I did not get out they would rape my wife and mother as well."

My eye falls on a fair, doe-eyed girl being pushed toward me by an old woman. "What happened to you?" I ask her. The girl continues to gape at me without replying. "This is my daughter-in law, Tarabala Dasi," said the old woman behind her. "We are from Village Murari Kalbi, Police Station Kalarua, District Khulna." One of their fellow villagers takes up her tale. "It was on a Sunday afternoon when the Pakistani soldiers came for her. When we heard the sound of jeeps approaching, we told our daughters to run away and hide in the fields. The soldiers surrounded our village and ordered us out of our huts. 'Where are all the girls?' they asked. 'Where is that Terabala?'

"You see, they had heard of her. How could we suffer them to dishonor any one of our daughters? We told them that Tarabala had gone out with her friends into the fields.

They did not believe us. They beat us with the butts of their guns. They stuck bayonets into our chests. They set fire to our huts. They picked six of our boys, including Tarabala's husband, Anil, tied their hands behind their backs and made them stand in a line. Then they mowed them down with their guns.

Tarabala Dasi, who has listened without showing a trace of emotion, begins to tear her hair and beat her breast. "I did it! I did it!" she screams. "It was all because of me." Her mother-in-law soothes the girl in her arms. The crowd pushes them back.

A young Moslem, sprouting a goatee, steps in front. He is Anees Mian, a brickmaker from the village of Bhukti in Jessore. He shows me a gash across his chest inflicted, he says, by the bayonet of a Pakistani soldier. "'*Shala*! [a term of abuse insinuating that a man has had sex with his sister] You voted for Mujibur Rahman!' the soldier shouted. 'You are a *namak haram* [a person false to his salt] and *haram jada* [bastard].' With each insult he slapped me. I said I had not voted for *Banga Bandhu* [Bengal's friend, a term of affection for the captive East Pakistan leader, Sheik Mujibur Rahman]. That made him mad. 'This is for your *Banga Bandhu*!' And he cut me with his bayonet."

A Hindu lad of 11 from the same village holds up a crooked arm that he says has been fractured by the butt end of a gun. Mandhari Dasi, also from the village of Bhukti, sobs as she tells me how the soldiers first raped her in front of her husband and then killed him. She holds up her 1-year-old child and asks, "Who will look after her now?" Women cover their faces when they are unable to talk of what happened to them. Some say they have been ravished by four or five men; some have had their nipples bitten off. Almost every one has been beaten, punched and spat upon. Those who escaped manhandling were terror-stricken. When they saw what the soldiers and their Bihari collaborators had done to the others, they fled because of *bhoy*—fear. In the four days I am with the refugees, I hear that one word, *bhoy*, a thousand times.

As we proceed along the road toward Petrapole, we pass truckloads of Sikh soldiers going in the same direction. At many places there are military encampments, with their eastern approaches guarded by trenches. Armored cars and antiaircraft guns are concealed under camouflage nettings.

The car pulls up at a barricade. A sentry in the uniform of the Indian Border Security Force walks up to us. "You can't go any further. That's Pakistan," he says, pointing the muzzle of his Sten gun toward a yellow building a couple of hundred yards away. "The border is sealed."

I step out of the car and look over a scene that is as lush green and peaceful as the one I had passed. No barbed-wire fences separate the two countries which have waged cold war (and twice hot ones) for the 24 years of their existence as independent states. I cannot detect any sign of troop movements on the other side, only bulbous clouds floating in a blue sky and the monotonous crying of barbets in banyan trees. A peasant is driving his cattle along the road toward Pakistan. "Where is he going?" I ask the sentry.

"His home. His land is on our side of the partition line. Nothing is very clear here. People come and go as they please."

Similar confusion prevails all along India's border with East Pakistan, which is 1,750 miles long and touches on five Indian states—West Bengal, Bihar, Assam, Megnalaya and Tripura. At some places, it is demarcated by rivers, but, for the most part only stones mark a paddy or jute field in one country from cropland next to it in the other. The boundary crosses dense tropical jungles, swamps and mountains, and runs through the habitations of aboriginal tribesmen who are more conscious of tribal loyalties than of being Indian or Pakistani. On the Indian side, the only guardians of the frontier are the 70 battalions (about 70,000 men) of the Border Security Force, a paramilitary organization equipped with small arms. The B.S.F. not only guards this frontier but the entire stretch of more than 9,000 miles of India's borders, extending from Sind and the Junjab in the west, Kashmir and Chinese-occupied Tibet in the north, to East Pakistan and Burma in the east.

Petrapole and Hasnabad, a village a few miles away, are on the most favored routes taken by refugees fleeing from East Pakistan, because they are the shortest way to Calcutta. I had been told that on certain days more than 100,000 people had come by these routes. This day there is not a soul to be seen anywhere; only the peasant driving his cattle toward Pakistan.

"The Pakistani Army has blocked the roads," the sentry explains. "But they come all the same—over fields and across the rivers. I don't know how many have come. The radio first said 70 lacs [7 million], then 50 lacs; now it says 60 lacs. You work out how many that makes per day, spread out over four months."

Surveying the tranquil landscape again, I note: "The papers say you have been trading shots with the Pakistanis. It looks very peaceful."

"It flares up suddenly and as suddenly dies down. But something goes on every day. Yesterday we had quite a *tamasha* [show]. Bombs fell right across that field," he says, pointing to a spot not far from where we stand. The *Mukti Fauj* [literally, Salvation Army of the Bangla Liberation Movement] tickles Yahya's Pakistanis and the trouble begins. The Pakistanis have tanks and automatic weapons; the Banglas only have small arms they have captured. Pakistanis chase the Banglas to our border and, when they can't get them, they start firing at us. They shoot. We shoot. A bullet is the only answer to a bullet, isn't it? You look like an educated man. You tell me what else one can do with a man who shoots at you."

I parry his question. "One bullet for one may be all right. But a hundred bullets for a hundred becomes a battle. You think there will be a war?"

"How should I know?" he replies truculently. "I am only a sentry. And I am not supposed to talk to strangers. You come back when the *tamasha* begins in right earnest."

"When will that be?"

"That is known only to Yahya Khan and Indiraji." Pointing to the sky, he suggests that another consideration is Indradev, the rain god. "When the monsoon breaks right and proper, and the Pakistanis are asleep in their tents and their tanks can't move, these Banglas will fix them. It rains a lot here, you know."

We adjourn for tea to the shed of the ubiquitous *chaiwala*. Sant Ranjan Ghosh has had his tea stall on the border post for the last 24 years. He has made enough money serving cups of tea for a little over a cent apiece to the B.S.F. boys and the incoming refugees to buy a small house and half an acre of land, on which he grows bananas and vegetables.

"I can't recall a day since partition when there weren't some refugees coming out of Pakistan," he recalls. "At first they came, saw conditions here and went back. But for the last 20 years it has been one-way traffic—from Pakistan into India. One autumn, I think it was in 1952, more than a thousand came by this route every day. I know because I am the first *chaiwala* on the Indian side."

"Good business!"

He points to the thatched roof above him. "*Bhagwan* [God] gives. I only take money from those who have money to give. I never refuse a cup of tea to anyone—money or no money. And I have never refused shelter to anyone who asks for it. In 1955 there was another big influx of refugees. I had whole families squatting on my land. I have three families staying with me now—one of them is Moslem. And I am a *baidya* [one of the upper Hindu castes, who would normally shun contact with Moslems].

Other men take up the theme. "No difference between Hindus and Moslems this time," says one. "We are Bengalis; they are one of us."

This is new to me: All previous migrations had been triggered by Hindu-Moslem conflicts. I recall that from 1949 to 1957 more than four million Bengali Hindus had fled East Pakistan—each wave following discriminatory action or agitation against Hindus, or actual violence. In 1955, for example, the exodus was due to the imposition of Urdu, which few Bengali Hindus can speak, as the national language of Pakistan, followed by the adoption of a Constitution declaring Pakistan an Islamic state. In 1964, Pakistani Moslems were agitated over the theft of the Prophet's hair from a shrine in Srinagar, India. Once more, there were rioting and forcible evictions. This time the migrants who crossed into the Indian State of Assam included large numbers of Christians and Buddhists.

Likewise, anti-Moslem riots in several cities of India, chiefly Calcutta and Ranchi in Bihar and some towns in Madhya Pradesh, forced thousands of Indian Moslems to flee to the eastern wing of Pakistan, which was nearer to them than the western wing. But, beginning last March, for the first time in the history of Indo-Pakistan refugee movements, migration was taking place not because of riots between Hindus and Moslems but because of the violent suppression of a democratic movement by the Pakistani Army. And thousands of Moslems from the Islamic state of Pakistan were seeking sanctuary in predominantly Hindu India.

What made the Moslems and Hindus of East Pakistan overcome their traditional religious animosity toward each other was exploitation by West Pakistan. Although East Pakistan had a larger population—72 million against West Pakistan's 58 million—and earned most of the country's foreign exchange, West Pakistan pre-empted 70 per cent of the foreign-aid imports and 80 per cent of the funds set aside for development. Consequently, the Westerner, who was always richer than the Easterner, more than doubled the income gap in two decades: His per capita income, which was 17.9 per cent higher than an East Pakistani's in 1949–50, was 37.9 per cent higher by 1969–70. West Pakistanis controlled all the big industries and held most of the senior executive posts in business and the bureaucracy. The army was almost entirely drawn from the West; the Bengali was considered fit only to serve in the armed constabulary or the police (both of which eventually went over to the Bangla Desh revolutionaries). A strong factor in the unification of East Pakistani Moslems and Hindus was their common language, Bengali. Sheik Mujib's fervent support of Bengali against Urdu as the language of East Pakistan was an important factor in his emergence as leader of the movement for Bangla Desh, a Bengali homeland.

Grievance over language and the economic exploitation thus gave birth to East Pakistani nationalism, which soon crystallized as a demand for a autonomous homeland. Once when Mujibur Rahman was asked why he wanted to break away from a Moslem state, he is reported to have replied: "If the only reason for our continuing to be with West

Pakistan is that we are both Moslem, why shouldn't we join some other Moslem state, like Kuwait, from which we might get more money?"

Bangla Desh nationalism isolated non-Bengali residents of East Pakistan. Indian Moslems who had fled from Indian in the wake of anti-Moslem riots in Calcutta and towns in Bihar and Central Indian found themselves living in separate colonies in big cities such as Dacca, Chittagong and Khulna. Their language was Urdu, and they never bothered to learn Bengali. In their new country they threw in their lot with such linguistic minorities as the Punjabis, Pathans, Sindhis and Indian Moslems from Uttar Pradesh, groups that were well established in businesses, the civil service and senior echelons of the police. All these non-Bengali minorities were lumped together and described as "Biharis." (Their total number is hard to determine, though estimates range from about half a million to around two million.)

The "Biharis" did not participate in the movement for an autonomous Bangla Desh. They did not support Sheik Mujib's Awami League, which demanded an end to the economic exploitation of East Pakistan and the loosening of its relationship to West Pakistan. After a sweeping victory of the Awami League in last December's general elections (it won 167 of the 169 seats assigned to East Pakistan in the National Assembly), tension between Biharis and Bengalis exploded into violence in many cities. The Biharis took a terrible beating. Not until the army took full control of the situation and the Awami League was outlawed did the Biharis come out in the streets to settle their scores. While the West Pakistan army cracked down on the Awami League's leaders and Bengali intellectuals, the chief target of the Biharis were Hindus—who had enthusiastically supported the Awami League.

The Bengalis considered their grievances mainly political, but the Pakistani Army was soon giving the rebellion a religious twist. The military began concentrating on ridding the country of only Hindu Bengalis (Hindus make up 90 per cent of the seven million refugees.)

Will the refugees ever return to East Pakistan? Most of those I met were landless peasants, shopkeepers, fisherfolk, thatch-makers, potters, weavers, cobblers, ironsmiths or just unskilled laborers. The holdings of those who had land was seldom more than one acre. And this they know has been acquired by the Pakistani Army and given away to Moslem peasants to win their support. I asked all those I interviewed whether they would go back to Pakistan. The Moslems replied, "Yes, when Bangla Desh is liberated." Hardly any of the Hindus thought of returning. They have nothing to return to. India's promise of one square meal a day and a tent over their heads is more than they expect to get in Pakistan. Even if Bangla Desh comes into being, it will take a lot to persuade the locals to part with properties grabbed by them, and for the Hindus to feel secure enough to return. "Why should we go back?" many replied. "This is our country." To the Pakistani Hindu, India has always been *Amar Desh*—"my homeland."

Eventually, it is estimated, the refugee migration will add a total of nine million to India's teeming population. Mrs. Gandhi was right when she said in Parliament: "It is going to be hell for us." But she was being wishful when she added, "We are not going to allow them to stay here."

On the way back to Calcutta we stop at many refugee camps and hear he tales of violence, rape, killing, looting and vandalism. Most people seem to be in a daze, not knowing what the future holds for them. Men spend many hours a day queuing up for the family ration of a few handfuls of coarse rice and vegetables; women cook, feed their families and brood; children play as if on an endless vacation from school and homework. But in every camp the most common sight is men and women sitting on their haunches in groups, looking vacantly into space and sighing.

We stop on the outskirts of Barasat, 12 miles short of Calcutta. It is a warm afternoon and a passing monsoon shower has washed everything clean. At the roadside, three fishermen sit hunched under broad-brimmed straw hats, their lines suspended motionless in a pond. In the same pond are a couple of water buffaloes eying the fishermen. I ask the men if they have had a bit. One looks up and dolefully wags his head in a negative gesture. I watch them for a while. Suddenly the silence is broken by the muezzin's call to prayer, *"Allah-ho-Akbar*—God is great." A heron raises its head in alarm and flies away, the fishermen rouse themselves, wind their reels and pick up baskets to go to the mosque. They are Moslems. I accost them:

"Are you from Barasat? I heard there was some trouble there last week."

They eye me suspiciously; on the subject of religious confrontations, Moslems distrust Sikhs like me as much as they distrust Hindus. I encourage them:

"Hindu refugees occupied your mosque?"

"It is the house of God. It's meant for prayer," answers one.

"If they had been Moslem refugees, would you have let them stay?"

They fidget uneasily. Then one answers:

"It was not like this at all. These fellows forced their way in and told us to get out and go to Pakistan. Why should we go to Pakistan? We are Indians. They should go back to wherever they come from. Besides, how can we be sure they won't defile our mosque by cooking unclean food? If they had come and like gentlemen asked for shelter, do you think we would refuse them?"

Barasat is one town where an ugly situation was averted by the police. This very week newspapers have reported outbreaks of communal violence between locals and refugees in towns in Assam and Meghalaya. Many Hindus of the right-wing Jan Sangh party have begun to say openly that they will not let the refugee migration be a one-way traffic. "If Pakistan dumps nine million Hindus on us, we should dump nine million Moslems on them," said one party member. "We have 50 million Moslems in India. What right have they to stay here if Pakistan throws out all its Hindus, Christians and Buddhists?" Communal tensions will be yet another legacy of the refugee influx.

The next morning I visit a hospital with a maximum capacity of 230 patients that has been stretched to more than 600. Every bed has one patient on top and at least two lying on the floor underneath. All verandas are crammed with the sick. Those who have died of cholera in the morning are laid in a corner with only their faces covered. In the clinic I see a doctor pour the remains of white powder from a bottle marked "cholera" into the open mouth of a woman. A few minutes later I see her throw up and collapse in her husband's arms. She is laid alongside the corpses, which by now include a dead child with his eyes open. The morning papers give the official figure of cholera deaths as 5,000. Another thousand or two have died of dysentery or typhoid or fatigue. As I leave the encampment, a three-wheeled minitruck called a "tempo" is being loaded with the corpses of three adults and three children, piled on top of one another.

Shahara Camp next to Calcutta's Dum Dum Airport has more than 40,000 refugees under tarpaulin, tent, thatch and open sky. The camp, which is well below the level of the road, is known to turn into a lake after a heavy downpour. I see men and women defecating in the open and ask the social worker on duty why he has not forbidden this. "How can I?" he pleads. "The pit latrines are full. One smart shower and all the night soil will be floating into the tents." He covers his nose with his handkerchief. "When the monsoon breaks, there will be real disaster."

On the last day of my visit, I call on officials in the Bengal state government who are entrusted with the handling of the refugees. Nirmal Sen Gupta, chief secretary of the government, exclaims: "Our tragedy is that as soon as we begin to make headway in any direction, we are pulled back by some catastrophe or other. No sooner have we made plans to supply villages with drinking water and more schools than we have to put them in cold storage and make arrangements for refugees. For the last four months we have done nothing except feed, clothe and house these refugees. The refugees are costing us more than $13-million a day. We have no money left for anything else.

"In 8 of our 16 border districts the number of refugees is higher than that of local inhabitants. It is the same in the border districts of Assam; the Assamese don't like Bengalis. And in Meghalaya the tribals don't like any outsiders. Tripura has doubled its population in two months. This creates a real law-and-order problem. You must have read of the trouble we had in Barasat and with the tribals in Assam and Meghalaya. When the monsoon forces the refugees to seek shelter in temples, mosques and churches, there will be more trouble. For the first time, pray that there be no rain."

"How long do you think we will be able to go on like this? Do you think it will lead to war?"

He waves his hand in despair. "War is a luxury we cannot afford. Our best bet is a political solution which will force Pakistan to take back these people. That only the big powers can do. You think Pakistan could last a single day if the United States and the United Kingdom withdrew their support?"

A few rooms away in the secretariat building of the state government is Dr. Zainul Abedin, until recently Minister in Charge of Relief and Rehabilitation. A Moslem, he is, like most Indian Moslems, inclined to express his loyalty to India through verbal abuse of Pakistan: "Barbarous savages, uncivilized brutes who spared neither Moslem nor Christian, neither Buddhist nor Hindu. Never, never, has the world seen such *bonyata* [the Bengali word for savagery]."

He draws a graph of the refugee exodus, rising from 25,000 in March to 200,000 a day in the last week of May. "It is difficult to explain why," he admits. "It is like a river. When the summer comes, snow melts on the mountains. It takes a few days before the flood gets to the lower reaches of the river. People living in the interior were subjected to violence. As they trekked toward the frontiers, other villages joined them. By the time they crossed to India, it was like the bursting of a dam."

"What do you think will happen? Will there be a war?"

Dr. Abedin is a doctor but has a lawyer's habit of listing his points: "First, we must remember that except for a mild protest from Soviet Russia, the world has remained indifferent to our plight. Second, we Indians were so scared of world opinion that we failed to interfere when we could have done so in the earlier stages. Third, knowing that China will support West Pakistan, how can we now use force on them and risk a world war?" And he too ends with a note of warning: "India has not yet seen the last of the refugees; the worst is yet to come."

In the afternoon, I call on Mr. Hossein Ali, who defected from the Pakistan Government and is now the chief representative of

Bangla Desh in India. He is ensconced in a massive, three-story mansion which was once the office of the Deputy High Commissioner of Pakistan. The green-and-gold flag of Bangla Desh now flies from the mast.

"*Joy Bangla*—victory to Bangla Desh," I say upon meeting him. He gracefully acknowledges the greeting. "It will be so soon, *Inshallah*—if Allah wills. We are giving our liberation forces extensive military training. We'll throw out the Pakistani Army," he says with confidence. He is discreet and does not tell me how many are being trained, where and by whom. But I have picked up the information from my journalist friends, who report that 15,000 are undergoing regular army training and many more are being put through a three-week course in guerrilla tactics—how to dynamite bridges and roads, how to throw hand grenades, and so on. The target is a force of 50,000 in a few months.

"When will your forces go into action,"

"They harry the Pakistanis all the time. Go to any point of the border and you'll hear sounds of rifle and mortar fire. Now the monsoon is on and Pakistani tanks are immobilized. Our liberation forces have stepped up their operations. It won't be too long—*Inshallah*."

[From the Baltimore (Md.) Sun, July 31, 1971]

40,000 REFUGEES A DAY ARE SWARMING INTO INDIA

(By Pran Sabharwal)

NEW DELHI.—India's serious problem of how to accommodate Bengali refugees grows graver as they continue to pour across the border at the rate of 40,000 to 50,000 a day.

There are over 100,000 recent arrivals, trudging from camp to camp in the monsoon rains in search of shelter and food, and the number is swelling rapidly.

With an imminent total of more than 7,350,000 refugees, there is not enough high land left in the Gamses plain of West Bengal, where most of them are staying.

DAMAGE TO CROPS

And in eight of the 17 districts of West Bengal, heavy rains followed by floods have caused widespread damage to crops, property and livestock.

For the weary and exhausted refugees from the interior of East Pakistan the present ordeal—after their 10-to-12 day trek—has added to their misery.

If the refugees do not find shelter soon, there is a danger of more severe outbreaks of bronchitis and pneumonia, which are already on the increase.

While food has not yet become a problem in the states of West Bengal, Assam and Meghalaya, it is a major problem for landlocked Tripura, where the refugee population is 1,170,000 and the local population 1,556,882.

This isolated area needs about 8,000 metric tons of food a month to feed the refugees. The United States airlift in four weeks flew 23,165 refugees out of the state and brought in 1,758 tons of food. Now that the American airlift has ended, the state administration is using all available transport but still remains short of essential supplies.

ON THE LOW SIDE

In New Delhi, the Indian minister of relief and rehabilitation, R. K. Khadilkar, told Parliament yesterday that the entire refugee budgetary allocation of $86 million has been spent. He admitted the government calculation that there would be only 6 million refugees and these would go back home in six months has proved false.

Now the government expects there will be 8 to 10 million refugees by the end of the year and they will stay longer, Mr. Khadilkar said.

To meet the increased cost, the government will seek next week additional funds for the refugees, he added.

Like Prime Minister Indira Gandhi, Mr. Khadilkar also complained that international aid for refugee relief "is very, very meager."

NO OBSERVERS

Of the total estimated cost of $400 million for 6 million refugees for six months a little over $133 million has come from abroad. Of this, $73 million is the United States contribution.

According to an Indian government decision, foreign relief workers are to be replaced by local people tomorrow. This step is being taken because "India has sufficient members of medical personnel."

Last night, the Indian government again reiterated that it will not be pressured by any one, including the United Nations, to accept U.N. observers on Indian soil.

The suggestion was proposed by the United Nations high commissioner for refugees, Prince Sadruddin Agha Khan, and was supported by the United States. Later, U Thant, the Secretary General, in a letter to the president of the Security Council, supported the measure and asked for Indian and Pakistani co-operation.

U Thant's fear is that the war in East Pakistan is having international consequences, and hence it is no longer an internal matter.

India's opposition to the proposal is backed by the East Pakistan Bengali Liberation force which fears that the presence of the 60 observers, proposed by the United Nations would demoralize the Bengali population in East Pakistan.

Liberation force commanders threaten physical liquidation of "any foreigner daring to come on behalf of" General A. M. Yahya Khan's regime. He is the president of Pakistan.

They charge that the flurry of activity in the United Nations now is designed to contain the liberation forces, who, they claim, are achieving success in their fight against the Pakistani Army.

ARMY HUNTS FOR REBELS NEAR DACCA

Sharikar, East Pakistan. — Plodding through monsoon rains, muck and paddyfields 18 inches underwater, the Pakistani Army is searching this heavily Hindu countryside south of Dacca for the elusive Bengali "freedom fighters."

Far from dampening the spirits of the peasants who backed the banned Awami League and its jailed leader, Sheik Mujibur Rahman, the Army action seems to be fueling rebellion.

Sharikar is a cluster of tinroofed houses inhabited by family groups on high ground among the paddyfields. The area is in Barisol district about 150 road miles from Dacca, to the east of a predominantly Hindu area from which a renewed exodus of refugees recently has started toward the Indian border, about 80 miles away.

5 DEATHS REPORTED

An Army sweep July 24 killed five men, villagers said, and left hardly any baris, or houses, without a charred timber skeleton, and scorched pile of corrugated tin sheets.

Attacks have been going on since the Army arrived in the area around the end of April, about one month after the military cracked down in Dacca against the Awami League and Sheikh Mujib.

Villagers said the attacks intensified after a band believed to be Mukhti Banini—freedom fighters—attacked the nearby village of Mahilara and killed a former soldier named Kadam Ali Akan and seven of eight members of his family. He was suspected of collaborating with the Army.

ATROCITIES TOLD

At one flattened square of red slate and charred wood, the widow and the wrinkled mother of Mr. Akan mourned a Muslem killed 48 hours earlier. His son said four soldiers came to the bari, beat his father and held his head in the mud with their boots while they bayonetted him.

Not far from Mr. Akan's house was the scorched home of a Hindu victim, Probat Mistri, a contractor. His son Deban said the father was ill and unable to flee with the rest of the family at the approach of troops. The son said soldiers piled bedclothes over his father and burned him to death with the rest of the house.

YAHYA TO VISIT EAST PAKISTAN

Karachi, Pakistan (Reuter)—President A. M. Yahya Khan indicated that he would visit East Pakistan in the next few days when he was interviewed by television teams from six countries at the president's house here yesterday.

The president invited the television teams informally to accompany him to East Pakistan. When pressed for dates, he replied cryptically "stick around a day or two."

President Yahya has not returned to Dacca, the East Pakistan capital, since leaving the province unannounced March 25 after the breakdown of talks with Sheik Mujibur Rahman, the Awami League leader.

[From the New York Times, Aug. 1, 1971]

U.N. TO SEND TEAM TO EAST PAKISTAN

(By Benjamin Welles)

WASHINGTON, July 31.—The United States, working behind the scenes, has won the agreement of both Pakistan and the United Nations to station an international group of 156 civilian relief and rehabilitation experts under United Nations sponsorship in East Pakistan, officials said today.

Moreover, they said, the United States has notified U Thant, Secretary General of the United Nations, that it will contribute $1-million at once as an initial payment to help the group organize and fly necessary equipment to Dacca.

Among the United Nations staff will be 73 monitors, who will be stationed at four area offices in Dacca, Chittagong, Rajshahi and Khulna and at 69 other locations. Each monitor will be linked by radio with a United Nations headquarters in Dacca, qualified informants said.

"The presence of 73 U.N. monitors, each reporting on conditions in his area, may cool off passions and damp down military reprisals," one informant said. "It's not the U.N. function to do this—but it will be an important side effect."

On March 25, President Agha Mohammad Yahya Khan ordered the Pakistani Army—predominantly composed of troops from West Pakistan—to intervene in predominantly Bengali East Pakistan and suppress widespread demands for political autonomy. Since then, the army's actions have led to the widespread loss of life, property damage and economic dislocation and the flight of some seven million refugees into adjoining India.

One official today described the agreement of Mr. Thant and of President Yahya to the proposals for a United Nations group, in East Pakistan as "the only ray of sunshine in an otherwise gloomy situation."

Pakistan's agreement to the United Nations force is said to have been inspired largely by unremitting but unpublicized United States pressure. In recent years the United States has contributed about $200-million out of the $450-million a year in economic aid to Pakistan by an international consortium headed by the World Bank.

REQUEST FROM PAKISTAN

On May 24, President Yahya asked the United Nations for recommendations. His formal approval to the plan is expected momentarily.

World Bank and other sources said today that recruiting for the new group has been under way for several weeks. According to these sources, the first contingent will comprise 38 members of a headquarters staff to be sent to Dacca.

A second contingent will comprise 45 members of specialized agencies. Unicef, the United Nations children's agency, for example, will send 18; the food and agriculture organization, 2; the World Food Program will send 13 and the world health organization 12.

The third contingent—the radio-equipped monitors—will be made up of what are being being called the United Nations "field Personnel."

Ismet Kittani, an Iraqi national who is Assistant Secretary General for Inter-Agency Affairs, is Mr. Thant's deputy in charge of recruiting and dispatching the new force from United Nations headquarters in New York. Baghat el-Tawil, an Egyptian who is Mr. Thant's personal representative in Dacca, will direct the operations in East Pakistan.

THANT "OUT ON A LIMB"

The U.N. has no formal machinery and no budget for international disaster relief operations," one source said: "U Thant has gone out on a limb. That's why the U.S. has agreed to contribute an initial $1-million to get this thing moving."

Other sources said that the expenses for the group might reach $3-million to $4-million in its first six months of operation. The United States is hoping that other nations will contribute.

The Agency for International Development was said to have radios and other equipment on hand for dispatch by air once the Pakistani Government's formal approval is received. The agency has six staff members based in Dacca and is also reported ready to contribute technical assistance to the United Nations force.

Informants stressed that the United Nations force would concern itself primarily with helping the Pakistani authorities alleviate the threat of starvation and disease and with rehabilitating homes and shelter for millions who have either fled into the countryside to escape the army's reprisals or whose homes have been wrecked.

They will also help Pakistan restore communications and remobilize the province's private fleet of 40,000 river boats and 10,000 trucks.

"The U.N. itself won't operate anything, but it will provide coaching and technical assistance and help restore confidence in the East Pakistani administration," one informant said.

UNICEF To Give Food to Refugees in India

Calcutta, India, July 31.—To stave off the threat of widespread deaths from malnutrition among refugee children from East Pakistan, the United Nations Children's Fund is opening 1,000 centers in eastern India on Aug. 15 to dispense high-protein foods.

"The situation is very serious," said J. Gullmar Andersson, the Swedish director of a new emergency section set up by UNICEF.

Mr. Andersson, who is 35 year old, said two million refugees—children below 9 and expectant mothers—would be given about 3½ ounces of high-protein food a day, including food made from milk powder, a special high-protein flour preparation and soya milk.

Called Operation Life Line, the program will be administered by the Indian Red Cross. UNICEF and the World Food Program will provide the food and equipment.

Mr. Andersson stressed that the new feeding centers by themselves could not save about 300,000 children who already have acute malnutrition. He said they require special medicines and infusions. Plans are being worked out to set up special "sick bays" near refugee camps to treat the children.

[From the New York Times, Aug. 1, 1971]

Himalayan Confrontations

Pakistan's role as the jumping off point for Dr. Henry Kissinger's recent secret flight to Peking may help to explain—though not to excuse—the Administration's shocking support for the Yahya Khan Government during the first few months of the vicious military crackdown in East Pakistan. But now that the door to China has been opened, it is impossible to excuse or explain Washington's continuing supply of arms to Islamabad and its persisting ambiguity in the face of a deepening tragedy that threatens to erupt before the year is out into a major international conflict.

Reports from Pakistan indicate that President Yahya and his military supporters are still determined to pursue their policy of military repression in the East, having failed to rally any significant number of Bengali politicians to their side. President Yahya has threatened to try in a secret military court and possibly execute Sheikh Mujibar Rahman, the imprisoned Bengali leader who remains the best hope for a political settlement of the civil conflict.

Meanwhile, there is imminent threat of widespread famine in the stricken eastern province, where planting has been neglected and shattered communications lines hamper the movement of available food stocks. Refugees continue to pour over the Indian border by the tens of thousands daily, creating problems that a Red Cross official has described as catastrophic.

Resistance in East Pakistan continues, with bombings a daily occurrence in the capital of Dacca and communications throughout the province seriously disrupted. The Bengalis are said to be training tens of thousands of guerrilla fighters in camps along the Indian border in preparation for a major effort in the fall when the monsoon rains end. If this should occur, the guerrilla activity almost certainly would lead to a confrontation between India and Pakistan, even if Indian Prime Minister Indira Gandhi succeeded in the meantime in resisting rising pressures for immediate military intervention.

It is not necessary to agree wholly with India's over-righteous attitude to recognize that President Yahya's ruthless policies in Bengal are putting New Delhi in an increasingly difficult position. India simply cannot support—economically, socially or politically—a flow of refugees from Pakistan that already exceed seven million. Even more serious, the systematic slaughter, rape and expulsion of Hindus from East Pakistan could touch off communal violence throughout India, with its substantial Moslem minority. It is no wonder that Indians are appalled and angry over United States Government policies that give aid and comfort to the Yahya regime while seeming to disregard the horrible implications of events in East Pakistan.

Under persistent prodding of members of Congress, the Administration appears to be altering its position somewhat. There have been vague assurances that no new arms or economic aid will be granted to Islamabad for the present. The planned dispatch of an American police adviser to Dacca has reportedly been canceled. But American arms continue to flow to Yahya's troops under old licensing agreements and the exact Washington position on other aid is by no means clear.

It is time all American aid to the Yahya regime, excepting relief assistance, was unequivocally stopped. The reported American-backed plan to station United Nations observers in East Pakistan could help ease the plight of the Bengalis but it falls far short of the political accommodation that is needed to head off an explosion on the Indian subcontinent that could precipitate an American-Chinese-Soviet confrontation in the Himalayas.

[From the Washington Star, Aug. 1, 1971]

India's Ambiguous View of Pakistan's Troubles

The Indians, who are easily irritated by American policy at the best of times, are reported to be hopping mad over the continuing flow of arms aid and economic support for the government of West Pakistan.

Since the disclosure that new shipments were on the way, the tide of anti-Americanism in India has risen to an almost hysterical pitch. There have been almost daily denunciations of the Nixon administration in the press and the parliament, calls from the government opposition for a break in diplomatic relations, demands for the confiscation of American assets in India.

The government of Prime Minister Indira Gandhi, while not going along with the more extreme critics, has made no secret of its extreme displeasure. According to Foreign Minister Swaran Singh, Washington's policy "amounts to condonation of genocide," since the aid helps West Pakistan in its savage repression of its rebellious eastern province.

With this, a good many Americans, including this writer, might be inclined to sympathize. It is, to say the least, a little strange for the United States to be helping a government which has killed hundreds of thousands of its own people and driven more than 7 million more out of the country. And yet one suspects that the Indians may not be wholly horrified by what is happening—and what is likely to happen—across their borders.

The Indians, to be sure, have plenty to complain about in the immediate situation. The millions of Pakistani refugees who have poured into West Bengal create an enormous and potentially very dangerous human problem.

The cost of simply feeding them comes to more than $1 million a day, of which two-thirds at present is being supplied by India. In some parts of Bengal, the influx of a huge new labor force has cut wages in half in a province which already is desperately poor and politically unstable. Communal tensions between Moslems and Hindus are rising, and a potential for serious trouble exists.

But though the war in East Pakistan is a large problem for India, it is a much larger one for the government of General Agha Mohammed Yahya Khan in West Pakistan. And whatever is bad for India's bitterest enemies in Asia may not seem wholly bad for the Indians over the longer range.

For the fact is that in the view of most observers in Asia, this is a war which West Pakistan cannot win in the long run. The resources of the country already are strained to the breaking point to maintain an army of some 60,000 in the eastern wing of the country, separated from West Pakistan by over 1,000 miles of Indian territory. To hold down an embittered population of 75 million against growing guerrilla resistance is, on the face of it, well-nigh impossible.

India, furthermore, is openly supporting the guerrilla cause and providing a haven where the resistance forces can be recruited, armed and trained. Although the effort still is somewhat disorganized, it could make the position of West Pakistan's army untenable in time.

Nor is there any reasonable prospect at this stage that the West Pakistan government will throw in the sponge and try to reach some kind of political compromise with the rebel leadership. On the contrary, with the passage of time and the growth of resistance, Yahya Khan's determination to crush the rebellion by force has grown stronger.

Recently he has been threatening "general war" if India supplies the guerrillas with arms. Sheikh Mujibur Rahman, the East Pakistani leader who headed the move toward autonomy, is in jail awaiting trial for treason. On both sides, the possibility of reconciliation can be virtually ruled out.

At the same time, Yahya's own position is not as solid as it might be. The leadership of the military establishment that he represents is under challenge by disgruntled civilian political leaders. There are clear signs of unrest in three provinces of West Pakistan against the domination of Punjab, and the political cohesion of the country is showing signs of disintegration.

In these circumstances, the leaders in New Delhi may not be quite as gloomy as they sound in reading the long-term prospects for India. Granted all of the problems and dangers that exist today, some Indians may not be too distressed by the possibility that their principal enemy may be in the process of falling apart. Indeed, they may be expected to do what they can to hasten the trend. Which may explain their extreme indignation over continuing American aid to Pakistan.

[From the New York Times, Aug. 1, 1971]

Shades of the Vietnam War

Dacca, Pakistan.—The Government's army is largely confined to the towns and roads. The guerrilla rebels in the countryside get help from across the border. A clandestine radio transmitter reports "liberation army" successes and predicts eventual victory.

A visitor to East Pakistan can drive through much of the region without observing anything abnormal. Yet many foreign diplomatic observers have been tempted to compare the Bengali situation with the opening phase of the Vietnam war, and some of the parallels—such as those listed above—are unmistakable.

Neighboring India from the outset has provided a haven, training and material support for the Bengali rebels, as North Vietnam did for the Vietcong. Even the lush, rice-growing terrain of the Ganges River Delta, making up most of East Pakistan, is similar to that of the Mekong River delta in Vietnam. Rebel posters blossom briefly in Dacca and other towns, warning civilians to leave before the Liberation Army Mukti Bahini opens a bloody new offensive.

But if a guerrilla war in East Pakistan is under way, it has a long way to go before reaching the level of effectiveness seen in East Asia during the past few decades. Behind the volume of propaganda on all sides, not very much seems to be happening.

Some kind of war is unfolding in East Pakistan. At least a few people are getting killed and many others are suffering. But in this passion-wrenched land it is as difficult to verify a fact as it is to find a dry place to stand in the current monsoon rains.

Along East Pakistan's eastern border, Pakistani and Indian artillery thunder away at each other, and both sides have augmented their forces in the region during the past week. Military men and ordinary people expect a surge in violence during the next few weeks, possibly timed to coincide with Pakistan's national day of Aug. 15.

The 60-mile road between Dacca and the important frontier garrison of Comilla is open. There is little to show that the Government is having any difficulty maintaining this strategic link. One mine was planted on the road recently, and the rebels dynamited a key bridge on the road, but traffic was detoured over a rickety wooden bridge a few hundred yards away.

In Dacca, guerrillas have made their presence felt during the past two weeks by knocking out the city gas supply and damaging the electricity supply badly enough so that there are frequent blackouts. There are nightly sounds of explosions and gunfire. Neighborhoods that were blasted and burned out in March are still flat. But Dacca is again full of people, rickshaws and commerce and looks as though it is nearly back to normal.

In many populous areas in the countryside crops are growing, and if there are serious food shortages they are not evident.

The political background to this strife is easy enough to trace. East and West Pakistan, separated from each other by 900 miles of Indian territory, share a belief in the Muslim faith but little else. The Bengalis of the east speak a different language from the Urdu of the west; they have different cultural and social traditions and even look different. The Bengalis have long regarded the Bunjabi of West Pakistan as economic exploiters of the eastern region.

Latent Bengali yearning for autonomy from West Pakistan came to a head last March and some Bengali leaders called for outright secession and the creation of a new Bengali nation, Bangla Desh. On March 25, West Pakistan's army—East Pakistani military units had joined the rebels—moved into Bengal as an invasion force. They have applied an iron hand to the administration of the region ever since.

Just how many persons were killed in the process remains one of the many persisting controversies. The Government forces have never disclosed their own estimates, saying only that "enemy dead are not counted, they are thrown into the river." Estimates range all the way from 10,000 to several hundred thousand killed. In any case, West Pakistan's three regular divisions now control every aspect of life in East Pakistan, apart from hinterland zones they do not take the trouble to occupy.

And the prevailing impression remains one of despair on the part of the Bengalis rather than challenge. For many observers here, the saddest and most significant fact is that somewhere near seven million people have fled to India, and the refugee flood continues.

[From the Washington Post, July 31, 1971]

India Tells Foreigners To Stop Refugee Work

The Indian government has started ordering foreign volunteers to quit their work among East Pakistani refugees within 48 hours, official sources in New Delhi said yesterday.

"The least possible number of foreign volunteers should be permitted for a variety of reasons," said one high-ranking Indian official familiar with the relief program. "If none at all are there, that would be the best possible alternative."

The first foreign volunteers affected—six from Britain and one from Canada—were those working for "War on Want," a British social service organization operating a hospital that treats 300 refugees a day near Calcutta's airport.

The Indian government said last week it does not want foreign relief workers, unless specifically requested, because it reported the number of Indian volunteers was sufficient.

It said foreign workers also added to administrative burdens, such as the need to arrange translators for them and to find housing.

In New York, U.N. Secretary General U Thant appealed to India and Pakistan to permit U.N. agencies to facilitate the return of an estimated seven million East Pakistani refugees who fled to India after the outbreak of civil strife in East Pakistan last March.

Thant also urged the U.N. Security Council to take up the India-Pakistan dispute, warning that the U.N. can no longer ignore "the potential threat to peace and security."

Meanwhile in Karachi, Pakistan President Yahya Khan accused India of continued shelling of East Pakistan and warned war could soon erupt in the Indian subcontinent.

"We are very near to war with India," Yahya told newsmen of six foreign television teams invited to Karachi for an interview.

"I am watching the situation. If the Indians have the idea of taking a chunk out of East Pakistan, it would mean war," the president said.

"Let me warn them (the Indians) and the world, it means total war," he said.

[From the Washington Star, July 31, 1971]

"Very Near War With India," Pakistan's President Says

Karachi.—President Agha Mohammad Yahya Khan of Pakistan today accused neighboring India of continued artillery attacks along the border with rebellious East Pakistan and said: "We are very near to war with India."

Yahya told newsmen of six foreign television teams invited to Karachi for a 2½ hour interview, "I am watching the situation. If the Indians have the idea of taking a chunk out of East Pakistan, it would mean war.

"We are very near to war with India," he said. "Let me warn them (India) and the world, it means total war."

"I am not looking for war and am trying to avoid it," he said. "But there is a limit to my patience."

Yahya referred to the five-month-old civil war in which the rebels in East Pakistan, separated from West Pakistan by more than 1,000 miles of Indian territory, have established the so-called government of Bangla Desh.

Yahya said India, whose northeastern section has been the refuge of some 7.5 million Bengalis fleeing from an army crackdown in East Pakistan, is continuing to shell the borders of East Pakistan.

Yahya said he will not be pressured by nations threatening to cut aid to Pakistan to force a political settlement in East Pakistan.

He said the cutting or slowing down of economic aid would affect 70 million East Pakistanis for the "sake of a few millions who had been used as political pawns."

Yahya charged foreign countries which had offered aid but are now withholding it have done so for ulterior and not humanitarian motives.

Yahya said there still is food for three months to feed East Pakistan but transportation is needed to move it to needy areas.

Although the United Nations has promised aid, Yahya said, Pakistan is still waiting for it to come.

Thant Warns Council on War

United Nations.—Secretary General U Than has warned the Security Council in a secret memorandum that the festering border situation between India and Pakistan could lead to a war beyond the subcontinent, it was disclosed yesterday.

The memorandum was sent July 20 to Ambassador Jacques Kosciusklo-Morizet of France, this month's council president, for circulation to the other members.

[From the Washington Star, Aug. 1, 1971]

India Begins To Tackle the Slums of Calcutta

(By Henry Bradsher)

Calcutta, India.—Municipal toilets and a bath house were recently built in one of Calcutta's worst slum shanty areas. It was part of a program to provide small improvements on the slum problem that is too big to be tackled with new housing.

But toilets did not work. It turned out that sewage connections had not been made. Sewage lines were supposed to run through one of the most violently lawless areas of this crime-ridden city but no contractor was willing to build them.

The fact that money is now available for such programs, much of it from the Indian government in New Delhi, means the long neglected problems of India's largest city and one of its leading industrial states are being tackled. But many obstacles to overcoming these problems still remain. Seven million East Pakistani refugees who have come into this state of West Bengal in the last four months are not yet a direct problem for Calcutta or most of the state. The national government is trying to take care of them.

PRESSURE MAY BUILD

But the pressure of so many people in border areas could build up into a major problem.

Some refugees have settled on reclaimed land which had been earmarked for Calcutta municipal housing.

The Bengal Chamber of Commerce and industry recently published a study of city and state problems of "This sprawling slum that is the city of Calcutta today." Summarized, they were an "inadequate and polluted water supply, garbage heaps strewn all over, stagnant pools of effluent overflowing streets, potholed roads, overcrowded transport, congested and unsanitary housing conditions" and others.

In the state as a whole problems include, the study said, deterioration of the river system on which the port of Calcutta depends, survival of "inequitable and unproductive agrarian framework, growing unemployment . . . and the near collapse of the education system." To this may be added the law and order problem, political instability, bureaucratic inefficiency, and general economic decline.

VITAL TO ECONOMY

Calcutta, a city of more than 7 million and West Bengal remain vital to India's economy.

The state contains 15 percent of the nation's factories and produces 21 percent of the total factory output. Its coal and steel are the basis of all heavy industry and its port, although declining, is the hub of eastern India.

While the state's population increased 27.4 percent in the last decade, job opportunities failed to keep pace. The percentage of population engaged in work slipped by 3 percent.

Every year there are another 7-800,000 new job seekers in the Calcutta area.

But industry is offering fewer jobs. Many factories have closed because of both economic and labor problems. Few industrialists are willing to make new investments here; most are investing profits earned here in other parts of India.

EASTERN RAILWAYS

One of the most appalling examples of trouble is the condition of India's Eastern Railways. It is the essential mainstay of the industrial transport system and it is unable to handle traffic.

Thefts of electrified overhead wires, theft from freight cars and even major pieces of cars themselves, and loss of other railroad property have severely hampered traffic.

Thievery from the railroad is only part of the lawlessness. Much of it is political.

According to conservative calculations of the national government there were 1,124 murders in West Bengal in the first five months this year and 451 of them were politically motivated.

POLITICAL MURDERS

Murder, usually by stabbing, has become the weapon of many political parties after the Maoist splinter of India's divided Communist parties started it on a large scale in recent years.

The leader of the largest political party in the State, the Communist party of India (Marxist), which stands between Moscow and Maoists, charges that 500 of his workers have been murdered since the party lost state government power last October.

The leader, Jyoti Basu says murders are by a Maoist group called Naxalites, but they are encouraged by ostensibly peaceful and legal political parties. These include, he says, the Congress party of Prime Minister Indira Gandhi.

Basu's party increased its share of state votes from 20 percent in 1969 to 34 percent in March.

But it lost power to a coalition led by Mrs. Gandhi's Congress party even though its vote percentage dropped from 41 to 29.

The coalition lasted only a few months and now West Bengal is back under direct rule from New Delhi.

One of the central governments major efforts is to check lawlessness. It has a long way to go before the confidence of citizens in public security can be restored.

Calcutta police have been bolstered by Central Reserve Police. They are noted for toughness.

There are persistent reports of reserve police beating up criminals—both political and ordinary kinds—before they turn them over to ordinary police, who the reserves feel are too politically infiltrated to punish troublemakers adequately.

[From the Washington Post, Aug. 1, 1971]

PAKISTANI ENVOY HERE DEFECTS

NEW YORK, July 31.—A Pakistani embassy official in Washington, maintaining that his country's ruling regime has "lost all claim to legitimacy," says he has defected from the government of President Yahya Khan to join the secessionist forces of Bangla Desh, the National Broadcasting Co. reported today.

In a statement taped for broadcast at 2 p.m. Sunday on the NBC television program "Comment," Abulmaal A. Muhith, economic adviser to the Pakistan Embassy and former deputy secretary to the Yahya cabinet, predicted that up to 15 million East Pakistanis might die of starvation in the next three months.

Muhith said the famine would kill three times as many Pakistanis as died in the famine of 1943. That famine claimed 2.5 million to 5 million lives.

"The government of Pakistan has made the fact of staying alive the greatest luxury in East Pakistan," Muhith said.

Muhith continued: "In East Pakistan today, the extent of human misery is simply incomprehensible, leaving aside the death toll and destruction of property on account of armed strife. The specter of famine is horrifying. Total disruption of the communication network coupled with the gripping sense of terror, has virtually halted all economic activities and movement of food, grains and other necessities."

FLOODS SWAMP FIVE STATES IN INDIA, 25 ARE KILLED

Floods inundated sections of five states in India yesterday, causing at least 25 deaths, loss of more than $30 million worth of crops and making thousands of persons homeless.

According to official reports reaching New Delhi, the heaviest flooding was in West Bengel, Bihar and Uttar Pradesh states in northern and eastern India along the course of the rain-swollen Ganges river and its tributaries. Most of the seven million East Pakistan refugees are in these three states.

Officials in Patna, capital of Bihar state reported that the level of the Ganges had reached more than 32 inches, the highest point ever recorded and that flood waters had entered the city's outskirts through several gaps in protective levels. The city has a population of about 364,000.

In Karachi, Pakistan—President Yahya Khan has accused neighboring India of continued artillery attacks along the border with rebellious East Pakistan and said: "We are very near to war with India."

Yahya told six foreign television teams: "I am watching the situation. If the Indians have the idea of taking a chunk out of East Pakistan, it would mean war.

"I am not looking for war and am trying to avoid it, but there is a limit to my "patience."

[From the Washington Post, Aug. 2, 1971]

UNITED STATES IS HOPING PAKISTAN WILL ADMIT DISASTER RELIEF TEAM FROM U.N.

(By Michael Getler)

U.S. officials said yesterday they were hopeful—but not certain—that Pakistan President Yahya Khan would soon agree to let a team of United Nations disaster relief workers into war-ravaged East Pakistan.

Both United Nations Secretary General U Thant and U.S. officials from the State Department and the Agency for International Development have been pressing the Pakistani central government to accept such help to alleviate widespread famine and disease.

Since March 25, when government troops moved into East Pakistan to crush an alleged secessionist movement, reports from the scene have told of widespread loss of life and property, and some seven million refugees have fled into India.

President Yahya had previously expressed a willingness to accept an earlier U.N. proposal by Thant for setting up a United Nations "presence" along the India-Pakistan border, but that plan was turned down by the Indians who said they refused to be "equated" with Pakistan in the way that country was handling its internal problems.

Under the proposal which U.S. and U.N. officials now hope to consummate with President Khan, a team of civilian relief workers—mostly food distribution experts and medical teams—would be set up within East Pakistan.

U.S. officials say they expect the most the Pakistanis would probably agree to let in would be "a couple of dozen" workers, all operating under United Nations auspices.

Some U.S. officials believe that the presence even of a small group of U.N. workers inside East Pakistan would also help reduce the remaining military activity in the area.

The U.S. has considerable economic leverage on Pakistan, providing by far the largest amount of economic aid that comes to that nation annually. Nevertheless, U.S. officials said yesterday that agreement by Yahya to a U.S.-backed U.N. aid plan still could not be taken for granted.

In a related development yesterday, a Pakistani diplomat in Washington formally dissociated himself from his government for its actions in East Pakistan.

Appearing on the NBC News television program Comment, Abulmaal Muhith, who has been serving as an economic counsellor in the embassy here, said it had become "impossible to go on working for a self-destructive government."

Predicting that 15 million East Pakistanis may die within the next three months, Muhith accused his government of "desperately trying to establish a colony in East Pakistan through a reign of terror and a massive transfer of officials and laborers from the West."

The central government, he charged, "is bleeding East Pakistan white, and at the same time ruining the economy of West Pakistan."

40,000 CHEER TWO BEATLES IN DUAL BENEFIT FOR PAKISTANIS

(By Grace Lichtenstein)

Two of the four Beatles, the rock group that came out of Liverpool to make musical history in the nineteen-sixties, were reunited on stage for the first time in more than four years yesterday at two sold-out benefit concerts in Madison Square Garden.

Performing some of the hit songs they had never played before a live audience, George Harrison and Ringo Starr thrilled more than 20,000 cheering, well-behaved fans at the afternoon concert when they brought out an unannounced guest: Bob Dylan.

Those who had hoped for an appearance by a third Beatle, John Lennon, were disappointed. But most of the concertgoers seemed more than satisfied by the 2-hour 15-minute show, which featured some of the most famous musicians on the pop music scene.

"I'm shaking like a leaf; it's the thrill of a lifetime," said a 17-year-old girl in the uppermost reaches of the Garden balcony who identified herself only as Debby of James Madison High School in Brooklyn.

Like an unknown number of others at the afternoon show, Debby was a gatecrasher. She and two of her friends had paid $18 each to an unidentified official who sneaked them past the tickettakers.

"I've waited 8 years for this," she said, adding that she had been "too young" to see the Beatles when they last appeared in August, 1966, at Shea Stadium.

The performers, all of whom donated their services, hoped to raise at least $250,000 from the concerts for the benefit of refugees from East Pakistan. Mr. Harrison and Allen Klein, manager of the Beatles, had organized the concert at the suggestion of Ravi Shankar, the sitar player, who opened the shows with a set of Indian music.

* * * had waited in line overnight at the Garden nine days before in order to buy tickets, showed up in droves early yesterday for the shows. Dressed for the most part in dungarees and T-shirts, they seemed a few years older than the screeching Beatles fans of old who had often drowned out the group when it played.

Although the overflow crowd cheered wildly when Mr. Harrison appeared to introduce Mr. Shanker at the show's opening, it was quiet and almost reverent during the musical numbers themselves.

The police and Garden security guards, who were out in force, had no trouble and there were no arrests. "No incidents at all," said Inspector Irving Roth, who has covered many rock concerts. "They look entranced."

When Mr. Harrison, Mr. Starr and the band took the stage at 3:37 P.M., the crowd jumped to its feet with a roaring, stomping ovation.

Mr. Harrison, slender, bearded and dressed in a luminous white suit, then led the band right into "Wah-Wah" a number from his three-record solo album that has sold a reported total of 3 million copies.

The band, which included such stars as Leon Russell on piano and Eric Clapton on guitar, next did "Something," a Beatles number written by Mr. Harrison, which had been recorded on the album "Abbey Road" but never done in live concert.

As their fans shoved and clapped its approval Mr. Starr, in a black suit and beard, took the microphone beside his band of drums for "It Ain't Easy," a hit he recorded after the Beatles broke up in 1970.

Garden security guards were kept busy keeping a swarm of amateur photographers away from the area directly in front of the elevated stage at the east end of the hall. Mr. Harrison asked the crowd between numbers to give the band a hand because "some people even canceled a few gigs to make it," and the audience responded warmly.

Then, at 4:24 P.M., after Leon Russell had led the group through a pounding version of the Rolling Stones' hit "jumping Jack Flash," and Mr. Harrison had done an acoustic-guitar rendition of the Beatles' "Here Comes the Sun," a slight, curly-headed young man wearing a dungaree jacket wandered out to join Mr. Harrison and Mr. Russell at the front of the stage.

"I'd like you to meet Bob Dylan," Mr. Harrison said with a grin, as the audience went wild.

Mr. Dylan had not appeared in concert since his date on the Isle of Wight two years ago and he had never performed live with any of the Beatles. The audience buzzed about the historic significance of the moment, but Sal Prevete, a Garden security guard was mystified.

"Who is that guy? he asked a reporter, "Is he one of the original Beatles or something?"

With Mr. Harrison and Mr. Russell as his back up guitars and later with Mr. Starr providing some tambourine rhythm, Mr. Dylan sang and played some of his most famous songs, including "A Hard Rain Is Gonna Fall," "Blowing in the Wind" and "Just Like a Woman," during a 23-minute set.

Then, he wandered off with a little wave at the crowd, the full band returned, and the group did several of Mr. Harrison's big solo hits, finishing with his plea for East Pakistan, "Bengala Desh."

As the crowd struggled out into the rain, there were murmurs of "fantastic," "wonderful," and "oh wow."

"It was so terrific to see Bob Dylan there. He was cool—right? I mean, no one really expected him," said 23-year-old Carmella Caridi.

[From the Washington Post, Aug. 2, 1971]

George, Ringo, Help From a Friend

(By Tom Zito)

New York.—One half of the Beatles turned out for two Madison Square Garden concerts yesterday, but a local boy wound up stealing the show.

"I want to introduce a friend of yours and mine," said Beatle guitarist George Harrison, and out walked Bob Dylan for his first public appearance since the Isle of Wight Festival in the fall of 1969.

Yesterday's performances—one in the afternoon and the second last evening—brought together many of the giants of rock music's superstar galaxy. They volunteered their services along with Indian musicians Ravi Shankar and Ali Akhvar Khan to raise funds for the relief of refugee children of Bangla Desh (East Pakistan), victims of the Pakistana civil war.

More than 40,000 music fans crowded into the Garden for the doubleheader concerts—mostly young people who seemed to be in search of some vestige of the Beatle magic.

"I missed them on tour in 1964, and I've been waiting ever since to make it up," said Dave Farzalo of Meadville, Pa., who had hitched 500 miles to get here.

Farzalo's main problem—and that of hundreds of others who milled around outside the Garden—was finding a ticket. He was prepared to pay $30, but scalpers were easily commanding between $50 and $100 for tickets which sold at original prices ranging from $4.50 to $10.

Penn Station-center-turned-concert-hall, swarmed with thousands of long-haired, blue-jeaned, hot-pantsed, wine-drinking, dope-smoking, back-packing commuters, some of whom had come from as far as San Francisco and Seattle to relive the days of Liverpool glory.

The program itself began with Harrison introducing Shankar and Khan, both natives of the Bangla Desh region.

"This is a totally nonpolitical event," said Shanker as he, Khan, and their two accompanists seated themselves on a large red Indian carpet. "We just want you to think about what is happening in this civil war."

They began with a duet for sitar and sarod and then played a traditional Pakistani folksong. The audience responded with warm, polite applause.

But when the lights dimmed for the second set of music, 20,000 people rose to their feet as Harrison, Beatle drummer Ringo Starr, guitarists Eric Clapton and Jesse Edwin Davis, pianist Leon Russell, organist Billy Preston, bass player Klaus Voorman, second drummer Jim Keltner, as well as a chorus of back-up singers, a rhythm section of acoustic guitars, and a horn ensemble came out on stage.

The band members had arrived in New York on Saturday and practiced for the show until 3 a.m., Sunday.

Harrison, in a white suit, stood in center stage with Preston, Davis and Voorman on the left and Clapton and Russell stage right. Behind him, on an elevated platform, sat Ringto and Keltner.

The band opened with "Wah Wah" and moved through a nostalgic set of late Beatle and solo Harrison tunes—composed by him—including "Something," "Watch Out Now" and "While My guitar Gently Weeps." During "While My Guitar. . ." Clapton took a beautifully stated solo, as he had done—without credit—on the Beatle's white album.

Billy Preston sang "The Way God Planned It," and Ringo performed his recent solo hit, "It Don't Come Easy." Later Russell performed a Medley of "Jumpin' Jack Flash" and "Young Girl."

Harrison picked up an acoustic guitar to perform "Here Comes the Sun" and then introduced Dylan. The entire audience rose to its feet for a second time as Dylan began "A Hard Rain's A-Gonna Fall" and followed with four other old compositions "Blowin' in the Wind," "It Takes a Lot to Laugh; It Takes a Train to Cry," "Love Minus Zero/No Limit," and "Just Like a Woman", accompanying himself on acoustic guitar and harmonica, with Harrison on electric guitar, Russell on bass and Ringo on tambourine.

The band then returned to perform "Help Me Lord," "My Sweet Lord" and "Bangla Desh," a song Harrison had composed for the concert, which was recorded and filmed.

"Thanks very much for coming and goodbye," said Harrison as he walked offstage with the band still playing. As the other musicians left, the audience cheered wildly for an encore for at least 10 minutes, but the stars of the show were already en route to their hotels.

[From the Washington Post, Aug. 2, 1971]

Colonialism Comes Back—With a West Pakistani Accent

(By Colin Smith)

Dacca, East Pakistan—In the downstairs bar at the Intercontinental Hotel a table of West Pakistani officers in civilian dress raise their glasses and, breaking into English, solemnly drink to "Home Sweet Home."

At the other side of the room a dinner-jacketed pianist was playing "I Should Care" from a U.S. special services "hit kit" published in 1944.

Bengali waiters marched at light infantry pace from table to table, making a great show of their anxiety to serve the masters of the new Raj.

There can now be little doubt that the Pakistan government is determined to rule the secessionist eastern wing and its Bengali people in a thoroughly colonial manner.

Most of the Bengalis who held key positions in the administration before the army went into action against secessionism last March have now been replaced by West Pakistanis. These include the inspector-general of police, and the information, home and education secretaries.

At present almost all the armed police are West Pakistanis, mostly Pathans. New policemen are being trained, but as a visiting British Member of Parliament discovered recently, these are Urdu-speaking Biharis whose loyalties lie firmly with the western half of the country.

COLONIAL DAYS

The idea of Punjabis and Pathans of West Pakistan trying to pick things up where the British left off when Pakistan became independent in 1947 is as sad as it is ludicrous. Some quite well-meaning West Pakistanis are already strangely reminiscent of those last colonial Britons of the mid-1950s, who used to try and blow back the winds of change with quotes of empire-worship from their houseboy.

An officer in the Pakistani police, surrounded by admiring businessmen from the western wing, says that he thinks they've got the situation safely under control now.

"Saw an old woman on the road the other day. Stopped my jeep and asked her: 'What do you think of this Sheikh Mujibur Rahman chap?' Do you know what she said" (breathless pause.) "She said she thought he was a rotter," the policeman said.

The anyone-for-tennis English, like the mothballed songs, is all rather elegiac, but nobody can deny that some sort of love affair does exist between the big, arrogant fighting men from the northwest of the subcontinent and the people who ruled over them for 200 years.

There are constant statements of the kind that "you British knew how to handle the Bengalis" and of course it would be naive to think that the British Raj, even in its last years, was run without bayonets.

The west Bangalis who rioted in Calcutta in 1942, when the British had just been chased out of Burma by the Japanese, were quite bloodily put down. A former regular soldier in a Scottish regiment who was there at the time—he has since become a tea planter and married a Bengali girl—said there were cases in his unit of men killing Bengalis without orders to fire. "How do you think we kept India with 60,000 troops?" he added.

BRITISH RULE

But there the comparisons must end. Britain never really relied on force alone. When things were working well it was always the last resort, locked firmly away in the cantonments—as military camps on the subcontinent are still called—and hidden behind the benign smile of the Colonial Office.

The task of ruling India would probably have been impossible without the Indian Civil Service and Britain never seemed to have much difficulty in finding willing collaborators to man it, men who had taken the salt of the Raj and would work loyally against their own countrymen, if necessary.

The Pakistanis think they can do without these people. Their army's brutal, heavy-handed tactics are contrary to every known principle of counterinsurgency warfare where the good will of the local population is one of the first requirements. They do not seem to be making any real attempt to win the hearts and minds of the people.

ATROCITIES CONTINUE

Instead, repraisals are commonplace. A single sniper's bullet can mean a burning village, and for an incident in Sylhet district a tea garden worker was dragged screaming through his estate at the end of a rope tied to a jeep because it was felt that he might have known the whereabouts of guerrillas.

At best the army can expect to find apathy among the local population when they try to find out the movements of the "miscreants" as the secessionist guerrilla are officially known. The atrocities, for there is no other word for them, continue and absolutely no attempt is made to restore the confidence of the people in the government.

Even if it were possible to hold 70 million Bengalis at gunpoint, the military does not have the strength or the equipment in East Pakistan to do it. They do not have sufficient helicopters, which might compensate with mobility for what they lack in numbers, and even their motor transport is mostly a crazy hodge-podge of commandeered vehicles. (UNICEF's entire 400-vehicle fleet is missing.)

They are facing bigger and better organized bands of Mukti Bihani (East Pakistan Bengali freedom fighters) who have introduced the terror of mines to the countryside and learned that even a Punjabi soldier cannot withstand odds of ten to one. They are well organized on the eastern border with the Indian state of Tripura where a determined effort is being made to immobilize the Sylhet tea industry.

From safe bases in India the Mukti Bihani come across the border at night to attack factories and mine roads. They might never reach Vietcong standards, but then they do not have to. A fairly modest increase in guerrilla activity might stretch the army to breaking point. It just does not have the men to be everywhere at once.

There is never any sensation of civil war here, but always the feeling of invasion and an army of occupation. Even in West Pakistan the army is removed from the people. The soldiers live in their cantonments, little islands of good order and hygiene with little in common with the real Pakistan.

All around them they see chaos, corruption and filth. In the end the civilians' sloppy behavior becomes too much to bear and they decide that, for the sake of Pakistan, they must take over. Usually the first thing they do is clean the drains and order all food shops to use fly nets. Their difficulties come later when they get involved with politics.

The gap between the army—which since March 25 is almost entirely from West Pakistan—and the East Pakistanis is even more enormous.

Physically, the difference is startling. Big, fair-skinned Punjabis, Kashmiris, and Pathans with forearms as thick as the branches on a young oak ordering about small, dark-skinned, Oriental-looking Bengalis whose limbs tend to be reed-like even when they have managed to get enough food inside them.

Although most foreign observers have seen evidence of the kind of ruthless behavior the Pakistan army is capable of, Europeans and Americans tend to feel closer links with the cricket-playing colonels than with the Bengalis, who sometimes behave in an obsequious and cringing manner unless gathered in great numbers.

In return, no amount of protests by their government and threats to withdraw from the British Commonwealth seems to daunt the senior members of West Pakistan's officer corps in their determination to be as British as possible.

DECLINING FORTUNES OF THE AIRLINE INDUSTRY

Mr. MAGNUSON. Mr. President, in recent months we have heard much about the declining fortunes of the airline industry. Through this prolonged and unfortunate period of economic recession, the air carriers have been particularly hard hit at a time when they were undergoing a vast new equipment and modernization program to meet the growth in air transport in the future.

Recently, my committee has conducted lengthy hearings on the economic problems facing the airlines and has heard much testimony on the nature of the difficulty and how to bring the airlines back to a state of better health. In that regard I have had occasion to read a recent speech of Edward E. Carlson, president of United Airlines, the Nation's largest air carrier. Mr. Carlson's remarks are of interest for several reasons, including the fact that he is the newest chief executive among the Nation's large air carriers and he comes to United after a long and successful career as the president of Western International Hotels.

Mr. Carlson's remarks provide insight into how he views the problems confronting airline management today.

I ask unanimous consent that Mr. Carlson's remarks be printed in the RECORD. I know they will be of interest to Senators.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF EDWARD E. CARLSON, AT THE DEAUVILLE CONFERENCE, JUNE 4, 1971

Gentlemen: As a newcomer to the airline industry, I sincerely respect the professional competence and expertise of those who are assembled here. As one who has traveled extensively for many years throughout the United States and abroad, I have often said that airline service generally has to be considered one of the marvels of modern technology in business. The standards of airline service throughout the world are uniformly excellent.

Until a few months ago I had no knowledge of the airline vocabulary of ASM's—RPMs—load factors—wet leases or—WOP time. The latter really confused me. In case the term is unfamiliar to some of my other colleagues here, I can tell you that in United it means "with out pay." We were quite interested in that term a few months ago when many employees volunteered to take time off without pay as a means to relieve the necessity for reductions in force.

Another word you may be interested in which I introduced to the United Air Lines vocabulary was "NETMA." It means "Nobody ever tells me anything." The problem of communications is one that is always with us, and particularly so in our rapidly moving, rapidly changing business.

Although the vocabulary was new to me, one aspect of the airline industry was identical to that of my former business career.

For approximately 35 years I had been selling a very perishable product, "bed nights." As. Mr. Thurston, the long-time president of Western International Hotels whom I succeeded a number of years ago, told me when I was about 19 years old, "If that hotel room isn't sold tonight, the earning is lost forever," In the airline business, the same philosophy applies. So, after selling "bed nights" for so many years, I am most conscious of why it is important to sell "seat miles."

However, whether one is concerned with "bed nights" or "seat miles," the important thing is the commitment that management makes to the profit concept. A company with a poor balance sheet and inadequate earnings is no comfort to its employees—its bankers—its shareholders or its customers. Strong earnings are essential if adequate service is to be provided to the passenger, and shipper who really are why we are in this business. In other words, the same motivating factor of profit which applies to other service industries is equally essential in the operation of an airline.

While there are similarities between the airline and hotel businesses, there are also important differences. Perhaps it would be of interest to examine some of these differences while I am still new enough to the airline industry to offer what may be a relatively fresh and perhaps different point of view.

In approaching my assignment as the chief executive officer of United and in our search for profits, I often asked, "Why do we do this?" or "why do we do it this way?" Occasionally, I received the answer, "because we have always done it that way." This may be a good answer on occasion, but there are times when a practice developed in the past and carried on by tradition flies in the face of common sense. At such times, tradition should be challenged in the light of changing conditions and made to justify itself.

In attempting to understand management's role, it is necessary to recognize our three basic relationships which must be kept in finely tuned balance. First, the customer—what does he really want? He wants to fly or ship goods on airplanes that represent the latest in technology and comfort—scheduled at times that fit his plans. He wants to receive the maximum amount of attention and amenities in cabin service. Furthermore, he wants all of these things at the lowest possible rate. In other words, he wants "all he can get."

Next, we must look to the employee who serves the customer. The airline business is a labor intensive business. United Air Lines in 1971 will pay approximately 47 percent of its total revenue for salaries and benefits which means that labor and management really are partners. But when we analyze what the employee wants, whether management or non-management, we find that the employee wants good working conditions—good pay—adequate benefits for himself and his family—excellent pass privileges—good vacation schedules—in other words, he wants "all he can get."

Now let's consider the third partner—the shareholder. In the free enterprise system it is essential to have the confidence of those with dollars to invest in common stocks. The airline industry is a great consumer of capital, both equity and long-term credit. When the shareholder approaches the marketplace to invest his money in common stocks, he is interested in a company which has a good history of earnings and is completely solvent—a company with a consistent dividend record—a company that has sustained growth over a period of years with appreciation in the value of its shares—a company that has liquidity—in other words the shareholder "wants all he can get."

This is a big order in any business. In the airline business it's even more difficult because this is a regulated industry which, I acknowledge, is essential in the public interest. However, government regulation adds important factors to the challenge of managing an airline. We must satisfy not only our shareholders, customers and employees—but an array of local, State and Federal agencies as well.

In the United States, the airline industry and government are partners. Parenthetically, I would add that in the airline industry one has many partners. The government of the United States is a senior partner. It appears to us in United Air Lines that when one has partners, it is essential that the partners work together for mutual understanding. It is also essential to respect your partner's point of view. Granted, adversary positions will be taken at times yet it does seem desirable to resolve these differences in an atmosphere of cooperation recognizing the responsibilities that both airlines and government have to those whom they represent.

United's senior management team is dedicated to good partnership. We attempt to maintain close communication with the Civil Aeronautics Board, the Department of Transportation, and the Federal Aviation Administration, as well as the United States Congress, State Legislatures, city councils, and airport commission. All of these groups have a strong interest in the service provided by United Air Lines. We have a responsibility to provide them with the information necessary to discharge their public obligations fully.

So, with all the various interests to be served—the public, the customer, the shareholder, the employee, the government official and the banker—it becomes an exciting challenge to maintain a competitive posture, to survive and, hopefully, to find time to smile.

As a freshman, I would observe that the regulated airline industry is also highly competitive. Because we must respond to government regulations, as well as the competition of the marketplace, our successes and failures are constantly being monitored by others. I was conscious of this recently when a long-time banker friend arranged a small dinner party for me in New York. When I arrived, there were approximately 16 senior executives of some of America's largest banks and insurance companies in attendance. I had known some of these men for years. Others I was meeting for the first time. My interest in the dinner was heightened just before leaving our office in Chicago when I was told by the senior financial officer of United Air Lines that he had seen the guest list and those in attendance had made available to United—through loans, leases, debentures and so forth—a total of $1.1 billion. I knew that after the pleasant amenities of cocktails, an excellent dinner and cognac—I would be asked to speak. I was not disappointed—but at the same time I was not prepared for a number of these men immediately to take out their pencils and begin making notes on my comments.

Now, this particular occasion was important to United Air Lines. However, these same banking and insurance executives work with a number of other representatives of the airline and aerospace industry as well as the business community in general. Thus, our actions as spokesmen for individual companies are monitored in the light of how our other associates and competitors perform.

As competitive as many of us are, it has also been fascinating to note the mutuality of interest among carriers in cost savings. During the past few weeks, American Airlines, TWA and United each have designated a senior officer to explore areas where through joint action cost savings can accrue to the advantage of all. It was interesting to note that this same idea of achieving savings through joint effort was advanced by our good friend, Bob Timm, who has recently been named to the C.A.B. In a speech before the association of local transport airlines, Mr. Timm suggested greater consolidation of ground operations and sharing of equipment.

We agree that anything which can be undertaken to maximize the use of common equipment and facilities is advantageous to the three primary parties noted earlier—the employee, the shareholder and the customer.

Now, I should like to comment on some facts of life which all of us in airline management face today:

1. The pressure of continuing inflation will not lessen substantially in the near future. Therefore, even if the travel growth curve once again approaches the annual increases of some 15 per cent experienced in the mid-sixties, we must remain conscious of the need for holding costs down. In the airline industry, the major cost is labor. Therefore, I should like to make a personal observation on this important element of the cost equation. I believe in the labor movement. The strength of the labor movement has created today's high standard of living. Yet there must be restraint on the part of both management and labor. Management must be sensitive to the inflationary trends which have been an agonizing problem for all employees in recent years. Labor must respect the importance of maintaining adequate profits to attain sufficient earnings to attract investors, along with a balance sheet strong enough to warrant the credit needed to finance the capital requirements of a company as large as United. Statesmanship on the part of both management and labor is necessary in the years ahead if this is to continue to be an effective partnership.

2. Public pressure for maintaining low fare levels will continue and we must recognize that this pressure is not without some justification. In a business which depends on mass travel, the lowest possible fares, consistent with good service and a reasonable profit, clearly are in the public interest. We share the public desire to widen the travel market with attractive pricing.

3. As a regulated industry, in an inflationary world economy, it is probable that we will face a continuing need for price increases. Under our regulatory system price adjustments almost always lag behind cost increases. This weakens the individual carrier. In the hotel business by comparison, we can respond immediately with price adjustments to compensate for rising costs. This is not so in the airline industry. Therefore, it is extremely important to achieve mutually satisfactory machinery for communication between airline management and our partners in government. A delicate balance must be preserved between the public interest in low fares and the national interest in maintaining a financially strong industry.

If I were asked to make one over-riding observation concerning profitability in our business, I would single out this historical pattern of playing "catch up" in our pricing policies. The past pattern is clear. In the free world, inflation is a fact of business life. Great efforts are made by government, but it is difficult to achieve control. Looking ahead, all signals point to continued inflation. We hope this trend will be more moderate in the future than in the recent past. However, salaries and benefits will increase and these increases will be reflected in the cost of all the items which we purchase.

If we accept the premise that profitability is essential, would it not be practical to develop some type of formula which would peg price adjustments to an accepted cost of living index. Such a formula could enable consideration of price adjustments provided that the carriers in question are not earning more than the prescribed rate of return at the time of an increase in the cost of living index. We might well develop a special "airline cost of living index" that would include all of those elements which determine our unit cost levels. Many labor contracts now provide that there should be an upward adjustment in salaries based upon the cost of living index. If airline management could anticipate that a cost of living index formula would apply, then the swing in earnings for our industry might be less dramatic. In the United States, the civil aeronautics board has indicated that the carriers are entitled to a 12 percent return. If we are to recognize the interests of the shareholder, employee and customer as discussed earlier, then it would seem in the best interest of the industry and the public to provide for a means of price adjustment based upon the inevitable forces of inflation subject, of course, to standards of honest, economic and efficient management. This would not alter the competitive nature of this highly competitive industry, but it would allow for better financial planning and would dampen the economic cycles that beset us.

4. Finally, it is a fact of life that we in airline management must do a better job of anticipating trends than we have done in the past. Economic planning and market forecasting deserve the concentrated attention of top management. Economic forecasts are the basis upon which long range capital commitments are made. If the traffic fails to grow at predicted levels, the industry faces serious problems.

Scheduling restraints to reduce excessive capacity will help (restraints may well be primarily in the form of unilateral rather than industry-agreed actions), but the real cure will be a resumption of the airline-market growth, signs of which we are beginning to see.

Meanwhile, the air carriers have the dual job of prudent cost management and agressive marketing. Whatever we can do to accelerate increased air travel through better service, more effective selling, advertising and promotion will hasten the industry's recovery from its current doldrums.

Although we have temporarily fallen on bad times, we have developed the finest and most advanced system of air transportation in the world. Our system has produced the most modern machine known to man. The system has produced a safety record that could hardly have been contemplated by the pioneers in this business. We have on-time dependability that was scarcely imagined 35 years ago. We may have temporary problems of excess capacity, congested airways and airports, but these problems will be solved by the same ingenuity that produced the system of air transportation which permits people to move across the world at close to the speed of sound.

While it is not a perfect system, it is, like our governments, a system in which change can be accomplished without destroying the strong foundation upon which a government, or in this case, an air transport system, was built. We in the United States are continually working with our partners in government and our friends in other nations toward improving the present system while always keeping an open mind to new ideas for change.

COMMERCIAL PRODUCTION OF CATFISH IN ARKANSAS

Mr. FULBRIGHT. Mr. President, the development of the commercial production of catfish in the State of Arkansas was described by Mr. Roy Reed in the New York Times of July 26.

In less than 10 years, the new industry is producing not only jobs and profit, but also an unusually succulent delicacy for our table. The Federal Government assisted this industry with research and advice, but primarily it is the result of imagination and hard work by many enterprising farmers.

In these days of even more depressing stories of overruns and waste in other industries, it is refreshing to read about an industry which really contributes to the economy and the pleasure of our people. I ask unanimous consent that an article on the subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 26, 1971]

THEY'RE FARMING CATFISH BY THE ACRE, BUT SUPPLY IS STILL SHORT

(By Roy Reed)

DUMAS, ARK.—On top of all its other troubles, New York is outside the catfish belt.

But help is on the way. Catfish are now being raised on the farm just like corn, wheat and potatoes, and as soon as the farmers get the kinks out of their marketing system, at least one of the city's problems will be solved.

The catfish was once despised and avoided everywhere except in the South. But during the last three or four years, thanks to the genius of American agriculture, people have learned to love it in Los Angeles, Chicago, Kansas City, Peoria and many other places where it was once considered unfit to eat because of its scavenging diet.

INADEQUATE SUPPLY

Only the formidable size of the population of New York has kept the catfish out of that city. New Yorkers may think the reason is their taste, but that is not it. Catfish farmers feel that it would be morally wrong and economically unsound to tease New York with an inadequate supply of their irresistible product.

Meanwhile, down on the farm, men like Edgar Farmer and his two sons, Harold and Kelly, are working night and day to raise enough fish to close the gap between supply and certainly demand.

"We've got about 800 acres of catfish and we're building another 300 acres of ponds this summer," the father said this week, sitting in the air-conditioned living room of his large, expensive brick house—the house that catfish built.

In speaking of catfish, farmers use the same language that they use in discussing their rice, cotton, soy beans or cattle, all of which Edgar Farmer raises on his 3,000-acre farm.

Ask a farmer how many catfish he is raising and he will reply in acres. Mr. Farmer has one pond that is populated by an estimated half a million six-inch catfish, but he refers to it as 6½ acres of fish. The fish are "fed" like chickens, "harvested" like rice, and eventually "skinned" and "dressed" like cattle. When ready for harvesting they weigh about a pound.

Mr. Farmer's acreage is part of about 50,000 acres that will produce 36 million pounds of catfish and bring $20 million to farmers in several states this year. The industry has almost doubled in size during the last five years.

Most catfish farms are in Mississippi and Arkansas, but they are moving rapidly into Louisiana, California and even beyond the nation's border.

Farmers in these warm regions are attracted to catfish farming because it can be more profitable than any other crop, if managed properly. Only the more substantial farmers can get into the business because large capital is necessary to build the ponds and buy equipment.

Once in, shrewd farmers have found that they can make up to $700 an acre in gross returns on the fish. That is about twice the return on rice.

Most don't make that much on the new crop because they have not learned to raise and market the fish efficiently. Many have tried and lost money.

Raising fish as a crop is considerably more complicated than throwing a hook into the Arkansas River, as the catfish lovers around here traditionally have done.

Mr. Farmer was one of the first to discover, in the late nineteen-fifties, that fish fed with a high-protein food, such as soy beans, would grow much more rapidly than fish left on their own to feed on smaller fish, crayfish and insects. That discovery made the industry possible.

After that, however, the farmers found that every step called for techniques they had never had to think about in raising cotton and other crops.

For example, feeding the fish by hand would have been impossible. Now there is a machine that blows soy bean pellets across a pond.

Harvesting is still a headache. One afternoon last week, when the temperature was a little more than 100 degrees and the sun was spinning vapors on the harsh, flat Delta land, Kelly Farmer and a crew of two other men and four boys waded into a six-acre pond 12 miles west of Dumas and began fishing in earnest.

First they spread a 150-foot seine in a wide semicircle across the middle of the pond. With one end tied to a tractor and the other to a pickup truck, they pulled the seine slowly to the bank. Then they went into the tightened crescent with a smaller seine, and wading in water to their armpits, pulled the trap closer to shore.

DELIVERED LIVE

Finally, a metal scoop swinging from a mechanical boom was lowered into the muddy water, and the floundering fish were lifted into a tank truck. They would be delivered live in carefully cooled tank trucks to markets around the South.

Dr. Fred P. Meyer, chief of the Interior Department's fish farming experiment station at Stuttgart, Ark., said recently that perhaps the fish farmers' major problem was marketing: Where should the major outlets be, how many sizes of fish should be sold, should they be "breaded, steaked or fileted," how can the farmers provide large quantities with every fish the size of every other fish to a tolerance of half an ounce? These and other questions may take 10 years to answer, he said.

Leaders of the new industry and their allies in the Federal Government are confident that catfish will gain in popularity not only because of its taste—which is rather delicate, if the fish has had the proper diet—but also because of the increasing attractiveness of foods low in saturated fats.

Farm-raised fish generally are less polluted with pesticides and industrial wastes than wild fish, Dr. Meyer said.

LESS POLLUTED

"The levels in farm-raised fish are far lower than in those taken from the major natural streams," he said.

Farmers have to be careful not to build ponds on land used for long periods to grow cotton because cotton for many years has been treated with long-lasting pesticides. The fish will die in such ponds, Dr. Meyer said.

The farmers are trying to get a bill through Congress to have all phases of catfish farming regulated by the Department of Agriculture. They now have to deal with Agriculture, Interior and Commerce. The farmers feel more at home with the Agriculture Department and, some say, it would be easier to get Agriculture to approve new chemicals and drugs that might be used raising the fish.

But the Agriculture Department reportedly is not keen to take on this new job with little background of personnel and expertise. And, Government sources point out, setting standards for chemicals and drugs has been removed to the new Environmental Protection Agency.

For the inevitable invasion, New Yorkers should be prepared with an elementary knowledge of how to cook and eat catfish. It can be cooked many ways, but the most popular in the South has always been frying it in deep fat after coating it with corn meal. It is often served with hush puppies, small fried corn meal sticks that used to be tossed into the yard to quiet the dogs at meal times.

The Catfish Farmers of America held a fish fry in Washington last month for members of Congress. Senator J. William Fulbright's wife, Betty, explained for the visiting Congressmen and a skeptical press the proper way to eat catfish.

"You eat them with your fingers, like a chicken leg," she said, and then demonstrated with smiles and greasy fingers that she was right.

NATIONAL POWER GRID SYSTEM

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "National Power Grid Sounds Good," published in the Nashville Tennessean of July 25. The editorial deals with S. 2324, introduced by me and cosponsored by the Senator from South Dakota (Mr.

McGOVERN), and the House companion measure, H.R. 9970, introduced by Representative TIERNAN and cosponsored by Representatives ABOUREZK and BADILLO, which would establish a national power grid system.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIONAL POWER GRID SOUNDS GOOD

A bill has been introduced in Congress that would establish a national power grid—an interstate hookup system for electricity which sponsors say would curb pollution and reduce the danger of blackouts.

The grid—which would be financed by tax-exempt bonds and run by an independent nonprofit corporation—would connect major power systems so that when one region of the nation ran short of power it could call on regions that may be generating a surplus of power at the time.

Almost every region has a peak season of power consumption, and the peak seasons vary from region to region. With the national grid, the peaks could be evened out so that the chances of a power shortage in a certain region at any particular time of year would be reduced.

The system would also permit the location of power plants at some distance away from population centers, since a plant would not have to be near its service area.

The need for such a grid has been in the discussion stage for several years, but the idea has always been opposed by the private power industry. The industry is likely to fight the proposed legislation now.

A grid would seem to be an advantage to the private power companies since it would furnish them with electricity at periods when they are running low.

Private power companies say the grid would unfairly force them to compete directly with lower cost public power, because both public and private utilities would be connected.

How this would be unfair competition is not clear. Private companies would not need to accept any public power until all of their power was being sold at the private companies' own high prices.

It seems more likely the power companies are afraid to have their customers find out how much cheaper public power is than private power. The idea of a national grid also sounds too much like a federal power system to suit the private industry.

The proposed grid sounds like a good plan to ease some of the energy problems now plaguing the nation. It is clear the private power industry is failing to meet the needs of the consumer. The bill should be given fair and thorough consideration on its merits.

NEED FOR A COORDINATED TRANSPORTATION POLICY

Mr. MAGNUSON. Mr. President, the harsh truths about the lack of a coordinated transportation policy in the country are showing up with increasing frequency. The scars on our landscape, the wide expanses of concrete ribbons, and the general inefficiency of transportation are glaring examples of our failure to plan, coordinate, and cooperate in this field.

In Traffic World for July 26, 1971, Mr. Carlo J. Salzano writes with considerable insight into this problem and some potential solutions.

Mr. President, I ask unanimous consent that the text of Mr. Salzano's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. NEEDS TRANSPORTATION "CONSTITUTION"

(By Carlo J. Salzano)

The formulation of a national transportation policy that could be looked on as a "constitution" embracing regulatory law and practice has been recommended by a group of lawyers and laymen charged with the responsibility of ferreting out possible legal impediments to transportation innovation.

The researchers, working through the National Academy of Sciences' Maritime Transportation Research Board, also recommended that the United States regulatory system be made the subject of a careful study that would encompass those features of the legal and regulatory structure that, in effect, embody basic transportation policies.

These and many other recommendations climaxed a year-long study sponsored and funded by the Department of Defense and the Maritime Administration. The project, titled "Study of Legal Aspects of Intermodal Transportation" and dubbed "SLAIT," was directed by H. B. Mutter, an attorney for the Federal Maritime Commission (T.W., April 4, 1970, p. 17). The title of the report is "Legal Impediments to International Intermodal Transportation."

Announcing the scope of the study group's work early in 1970, Mr. Mutter said that, in order to identify and define legal impediments to transportation innovation, it would be necessary to develop answers to three broad questions: (1) Is there a national transportation policy that guides the transportation regulatory agencies or other government entities in the solution of intermodal problems? (2) Is the current structure for regulating transportation by the federal government accommodating intermodal concepts? (3) Are prevailing anti-trust prohibitions, including those against multi-mode ownership, still valid today, or should they be relaxed to facilitate intermodal systems?

Before discussing the study group's answers to the first and second questions, it should be noted that the researchers decided that the third broad question could not be answered without additional study.

The group conducted no economic study, either to measure the potential benefits or to assess the potential dangers of intermodal common ownership. It was apparent, however, the group said, (1) that intermodal joinders could have desirable effects and (2) that the reasons for the statutory prohibitions on merger, while they may still be valid, are ripe for re-examination. In other words, the group said, the statutory barriers may be impediments to better service.

Still on the question of anti-trust prohibitions, the group recommended that the Interstate Commerce Commission, the Federal Maritime Commission and the Civil Aeronautics Board, together with the Department of Transportation and the Department of Justice, undertake a thorough study of the potential benefits and potential dangers of modifying present restrictions on common ownership of carriers of different modes.

As to a national transportation policy, the group found that the United States does not have "a sufficiently meaningful statement of policy . . . with respect to international intermodal transportation." The only available guidelines, the group said, are national transportation policies which deal separately with the various modes. As a result, the study group said, the respective regulatory agencies find themselves with "an expression of overriding congressional intent and are left to promote and preserve the particular interests left to their jurisdiction."

The problem today, the group said, remains much the same as it was prior to the 1940 transportation act which "actually has done little to improve the national transportation system."

"Despite all the legislation, all the intentions, all the studies, the U.S. transportation system is still regulated by three separate agencies, each operating independently in its own sphere of interest," the group said. ". . . There is no single, well-defined statement of national transportation policy governing the independent regulatory agencies."

Even if it is conceded that the declarations of policy in some of the statutes represent some sort of working national policy, the group said, "it cannot by any means be claimed that such policy is being uniformly followed."

"The fault is obvious," the researchers said. "No workable set of rules governs the entire transportation industry, and there is no agency or department with power to apply such a policy (if there were one) to all the various sectors of the industry. In short, granting that there are certain stated objectives (e.g. coordination of the entire transportation system), in the best interests of the nation, there are no effective means to put these objectives into practice."

"The proper role of government," the group said, "is to identify and promote the long-range national interest. A national transportation policy, the study team added, should establish unmistakably the principle of pre-eminence of the national interest."

POLICY NEEDS CLARIFICATION

Continuing, the group said that national transportation policy, as it exists today, "(1) lacks sufficient clarity and force to determine issues arising within the jurisdiction of the several regulatory agencies, and (2) has no applicability to the activities of the various executive departments such as the Departments of Defense (the nation's largest shipper), Agriculture, State, Commerce, Treasury (Customs) and Interior.

The group said a national transportation policy cannot cover every contingency but should "specify broad national objectives, providing a framework and guidelines against which specific laws and regulatory actions should be tested by legislative, regulatory, and judicial agencies at all levels of government."

"There must be, however, a realization that national policy, to be effective, must be responsive to changing conditions in a dynamic industry," the group said. "This entails a willingness to make changes promptly when justified in the national interest."

The study group said it is important that the existing regulatory structure should not, in itself, act as a barrier to innovation. The group believes that "clear statements of national transportation policy can, and should be utilized as a more effective legal tool to assist full development of better transportation systems. The group suggested that the following elements should be part of a successful policy:

Distinction between promotion and regulation, both legitimate and well-recognized objectives of national transportation policy.

Guidelines to promote international intermodal transportation, with greater emphasis on performance of transportation systems, as opposed to a modal approach.

A strong effort to anticipate, permit and encourage innovations, both technological and institutional "with careful monitoring, that can improve the efficiency of the national transportation system and enhance the position of the United States as a trading nation. Such policy should vest authority in the regulatory agencies to authorize innovations in the public interest."

Continuous review of the policy by an advisory committee appointed by the Secretary of Transportation or operated independently with funds authorized by Congress.

Discussing the difference between the primary and ancillary purposes of a national transportation system, the study group said:

"The vital role of the national transportation system, and of its component modes and industries, is well recognized. There can be little question but that the main purpose of this system is to move goods and people at the 'lowest cost that is consistent' with 'fast, safe, efficient, and convenient transportation,' and with a fair rate of return on transportation investment. However, many other objectives also are classified as being in the public interest and, since they conflict substantially with one another, it follows that any unified and coherent national transportation policy must specifically identify, weigh, and reconcile all the desirable objectives.

"In developing and applying a national policy, all the desired and conflicting benefits of the national transportation system should be identified explicitly, potential costs and benefits should be measured, and their interrelationships should be thoroughly examined. Trade-offs should be considered, including the possibilities of (1) abandoning some of the less important objectives and (2) explicitly recognizing and directly subsidizing the accomplishment of some secondary objectives."

"Particular emphasis should be placed on efficiency in allocation of transportation resources. In this regard, one criterion to be stressed is that, when unprofitable carrier services are required by the government in the public interest, their costs should be directly subsidized, explicitly recognized, and separated from charges for other carrier services." The study group declared that "failure to do so results in some degree of cross-subsidization of these services by other transportation users and, perhaps more important, may well impair the long-term financial ability of the carriers to develop and adopt innovations that would provide broader public benefits."

The study group said that changes in the basic design of economic regulation should not be undertaken lightly but that, if the U.S. is to realize its full trading potential, basic questions and new developments in transportation cannot be ignored.

The group noted that it had no mandate and made no attempt to study the broad economic effects of regulation. The group believes, however, that such a study should be made in an effort to determine:

"(1) the existing regulatory scheme's effects on the volume, variety, and facility of international trade, and on resource allocation in the economy with respect to international intermodal transportation;

"(2) the most appropriate regulatory approach to individual and group rate making, entry control, intramodal and intermodal mergers, and problems of rate discrimination in international transportation and related domestic transportation; and

"(3) what form of government administration should be provided for such regulatory standards as are recommended."

LIMITED JURISDICTION

The question of whether the current federal structure for regulating transportation is accommodating intermodal concepts drew a resounding "no" from Mr. Mutter. He pointed to sections of the study that showed that the jurisdiction of each transportation regulatory agency over international trade is limited, "though limited in a different way under each statute."

". . . When international intermodal traffic is under consideration, the three agencies, find both that their (1) individual jurisdictions are limited, and (2) that their statutory powers vary on each leg of the through movement, thus compounding the already complex problems of intermodal transportation," the study group said.

Under a section titled "Lack of Intermodal Coverage," the study group said:

"No agency does the complete intermodal job. Even the three agencies with regulatory powers, and a new Department of Transportation without such powers, do not cover the intermodal front. Each agency is actively concerned with intermodal transport, but far more actively concerned in other fields. No regulatory agency is charged with studying over-all transportation needs. The Department of Transportation may in the future fill this role.

"The mere existence of three agencies raises the question of whether one would be better. An increasing number of serious suggestions are being made for consolidation of the three. The existence of only one agency would plainly permit the solution of some, but not all, intermodal problems. Whether there should be a merger is another question, and a complex one. International intermodal transportation is by no means the principal concern of each agency. Thus, it may well be that a merger of the three agencies could create more problems for the individual transport modes than it would solve for international intermodel shippers and carriers.

"There is no dearth of suggestions for improving regulatory processes, either with the specific aim of facilitating international transportation or with the broader goal of improving transportation conditions generally. Quite often these suggestions, although possibly of great merit, are not adequately supported with data.

"As a matter of fact, even the portion of traffic which is international intermodal traffic is not known. Discussions of intermodal problems, including regulatory problems, thus take place largely in a statistical high vacuum. Within the available time and with the available resources, the study group has attempted to assemble the views of a wide variety of knowledgeable participants. Never the less, the recommendations for improving regulatory procedures . . . must be read with the understanding that hard facts are often difficult to come by."

The researchers said that they considered a wide variety of approaches to regulatory impediments, including the proposal that the three regulatory agencies increase voluntary cooperative action among themselves.

While recognizing the many views collected in the year-long study, the researchers said the "majority of the study group would concur with the FMC and the ICC conclusion that through transportation should be facilitated in international trade; that it is a benefit to shippers to permit the making of a transportation contract with the originating carriers that covers the movement through to destination at a total charge published in a single tariff and that commerce would be encouraged and our national transportation policy objectives served by encouraging the establishment of economical, integrated transport services in our foreign trade."

In its survey, the study group identified 11 types of problems relating to the adoption and use of joint international intermodal rates, and related regulatory matters. A review of the problems resulted in the following recommendations:

That the ICC, FMC and CAB adopt, publish, and employ precise common definitions of terms descriptive of all aspects of international intermodal rate arrangements.

Better coordination among the existing regulatory agencies; a program of common rule-making to resolve regulatory conflicts, under congressional directive if necessary; a merger of the three agencies into one "would clearly assist in resolution of jurisdictional conflicts among the agencies—but this is only one of many factors to be considered."

If the agencies fail to adopt a working program of interagency cooperation sufficient to resolve most questions of jurisdiction and proper forum, and if a single transportation regulatory agency is not created, Congress should enact new legislation creating mandatorily invoked joint board jurisdiction over international intermodal traffic.

New legislation to spell out common legal standards applicable to joint international intermodal route and rate arrangements. Such issues as reasonableness, unlawful discrimination, tariff adherence, control of divisions, mandatory or permissive participation in joint rates, and similar matters of substantive law must be considered.

Adoption of explicit new statutory language to require that all through transportation offered or provided in U.S. foreign commerce must be covered by tariffs filed with the appropriate agencies under uniform rules. Such legislation should require (1) that the tariffs filed specify the through charges for all such transportation as is offered or provided, including any foreign-to-foreign segments of the through movement, and (2) that the tariff must be observed. With or without enactment of such new legislation, the ICC, the FMC and the CAB should proceed at once to adopt and publish common and consistent rules for the filing and observance of through and joint internation intermodal rates, clearly specifying the intended application of these rules to foreign-to-foreign segments.

The ICC, FMC and CAB should proceed at once to agree on and publish a common tariff circular, prescribing both a common format for filing tariffs in international trade and uniform procedures for filing.

The ICC, FMC and CAB, in conjunction with the Department of Transportation and existing shipper and carrier organizations, should proceed as rapidly as possible to develop standard commodity codes to be used by carriers of all modes.

The ICC, FMC and CAB, together with the DOT and the Department of Justice, should undertake a thorough study of the potential benefits and potential dangers of modifying present restrictions on common ownership of carriers of different modes.

The ICC and the FMC should proceed at once to study the desirability of the present legal requirements governing terminal area service of ocean carriers. Their findings should be presented for congressional action with minimum delay.

DISAGREEMENT IN THREE AREAS

The study group was unable to agree on a common recommendation in three major problem areas.

As to publication of divisions of international intermodal rates, the study group said only that some members would recommend authorizing the filing of joint ocean-land international rates without any requirement that the divisions thereof be disclosed and published at the time of filing. On the other hand, other members, the study group said, would recommend strict adherence to the present requirement that each carrier's share of a joint ocean-land intermodal international rate be disclosed.

The study group also was unable to reach agreement on the extent, if any, to which domestic (Part IV) freight forwarders, non-vessel operating common carriers (NVO's), and air freight forwarders should be permitted to participate in international joint rates with underlying carriers—even on the limited question of their participation in "end-to-end" joint rates, with the forwarder or NVO providing service for a segment for which it is regulated by the ICC, FMC, or CAB, and for which it is paying the underlying carrier whatever rate is required under applicable law. On this subject, the study group recommended that:

"The ICC, the FMC, and the CAB should proceed jointly to determine whether the differences in the statutory bases and the functions of the domestic surface (Part IV) freight forwarder, the non-vessel operating common carrier by water, and the air freight forwarder are, or are not, so great that a common rule for all three would not be justified with respect to the extent of their participation in international joint rates with the underlying carriers of the several modes.

"If such a common policy does appear justified, the ICC, and FMC, and the CAB should proceed at once to develop a joint position on the subject, and to recommend to the Congress any legislative changes necessary to implement the recommended common policy."

The third area in which the study group failed to reach a common recommendation dealt with anti-trust aspects of joint rate agreements among groups of carriers of different modes.

Under present regulatory statutes for land, sea and air carriers, groups of each mode are permitted to establish rate conferences. Within those conferences, carriers are permitted to agree to fix their rates at a common level. Such conference agreements are subject to filing with and approval by the individual agency. Agency approval of a conference agreement carries with it an exemption from operation of the anti-trust laws.

There is no explicit statutory provision that covers the filing, approval and antitrust exemption of such conference arrangements between carriers of different modes. After considering arguments for and against extending such conference procedures to carriers of different modes, the study group could not agree on a common statement of the problem or on a common set of recommendations. The study group merely set forth the opposing views with the recommendations of each. Those favoring extension of anti-trust immunity to joint rate agreements among groups of carriers of different modes would recommend:

New statutory authority for the filing, consideration, approval, and exemption from operation of the antitrust laws of agreements among one or more of another mode (or between conferences of carriers in different modes.).

That such agreements be filed at one place, for consideration by one regulatory body, either the new single transportation regulatory agency (if one is created) or a joint board.

That agreements be filed with each regulatory agency for separate approval if only both the single agency and the joint-board approach are rejected by Congress.

Those taking the position that antitrust immunity should not be extended to joint rate agreements among groups of carriers of different modes concluded that:

". . . facilitating group rate-making would be of no benefit if the result were a rate structure higher and less related to costs regime. Conversely, if a more competitive regime could facilitate innovation in container transport, develop greater diversity of rate and service offerings, and bring rates into close relationships with costs, it would stimulate, not impede, foreign trade.

"These considerations counsel strongly against facilitating inland group-ocean group rate-making by affording additional anti-trust immunities; rather, they would suggest curtailing group rate-making. Chapter 8 of this report recommends that a major study of regulatory policies be undertaken. If such a study were to show, as some contend, that justifications for group rate-making have been overstated and that its effects have been more harmful than useful, initiatives to provide more independence of carrier rate activity might follow. Such action should not be prejudiced by recommendations for, or steps to grant, additional antitrust immunities at this time."

PAPERWORK CITED

Discussing intermodal documentation, the study group said that the volume of paperwork now necessary to accomplish international movements of cargo "is massive."

"Requirements of statutes, regulations, and commercial practice lead to production of documents estimated to cost the shipping public 10 per cent of the gross value of international traffic," the researchers found. "The documents include ocean and inland bills of lading, customs declarations, consular documents, dock receipts, certificates of inspection and measurement, certificates and binders for insurance banking documents, forwarders' receipts, and a host of other documents, including those produced for the business uses of the carrier, such as invoice and billing forms, manifests, tracers, and the like."

The use of a through bill of lading for an international intermodal shipment, the group said, appears to offer several significant commercial advantages, such as fewer bills of lading and other documents, a single statement of charges and reduced delays in payment to shippers.

The group then went on to identify two general approaches to the development of an acceptable common form of through bill of lading. The first would be the treaty approach, such as that adopted for air transportation by the Warsaw Convention of 1929 where, by international agreement, the specific terms of the document were prescribed in detail. The second would be a permissive one, under which the regulatory agencies and affected parties could consult and develop substantive provisions (terms and conditions of carriage) for one or more standard bills of lading.

Concluding the discussion, the group made these recommendations:

One single U.S. government agency should be assigned full responsibility for coordinating government and private efforts to simplify the documentation required in international transportation, and should receive the necessary funds, authority, and cooperation required to proceed with this work.

The ICC, FMC and CAB, with the participation of the Department of Transportation and interested carrier and shipper groups and the cooperation of other interested government agencies, should proceed at once to develop and publish substantive provisions (terms and conditions of carriage) for one or more standard bills of lading for use in international intermodal transportation. By formal action of the regulatory agencies, such forms should receive approval for use, thus removing possible questions of their regulatory and legal propriety. Their use, however, should be voluntary and not be required, thus leaving sufficient flexibility to develop new forms and to adapt existing forms to specific commercial needs.

The U.S. government should use the recommended standard form or forms of international intermodal bills of lading, and the deliberations leading up to their adoption, as the basis for its participation in efforts to obtain international standardization of transportation documents.

Devoting one chapter to existing modal differences in the treatment of responsibility and liability, the study group said that an international intermodal shipment is subject to risks of loss or damage when in the custody of several carriers operating in several countries, and subject to widely varying rules as to responsibility and limits of liability.

"It is often difficult or impossible to determine when, where, or how the loss or damage occurred," the group said. "Further, while container shipments offer protection against pilferage, the use of containers can create difficult questions of fact if a shortage or damage is discovered only when the container is opened at destination."

Continuing, the study group said:

"Under the present laws governing international intermodal shipments, a shipper or consignee who has a claim for loss or damage may face problems which can be classified under three headings: burden of proof, forum, and substantive law. The extent of each problem depends upon whether the facts of when, where, and how the loss occurred are: (1) undisputed, (2) disputed but ascertainable, or (3) unascertainable (as when a shortage or concealed damage is discovered when a container is opened at destination)."

The study group said that under present laws, there is an apparent lack of simplicity, predictability and certainty in assessing responsibility and liability for international intermodal shipments. Such uncertainties, the group said, are identifiable impediments to international trade and must be resolved.

The study group was not able to agree on a common set of recommendations for future efforts to resolve questions of responsibility and liability for international intermodal shipments but did agree on these four limited propositions:

1. The traditional doctrine that, as a matter of public policy, carriers should not be permitted to contract away all liability for cargo loss or damage retains its validity and should be maintained for intermodal shipments, as well as for single-mode traffic, since this provides an incentive for safe and careful service.

2. Because available data on claim costs, insurance rates, loss experience, administrative costs, and all other aspects of cargo insurance are inadequate for the sound judgments required of government and industry, a detailed study of cargo insurance should be undertaken.

3. The ICC, the FMC, and the CAB, in cooperation with the Department of Transportation, should develop and publish one or more approved standard forms for inter-carrier agreements on apportionment of liability for intermodal shipments.

4. In any national or international efforts to restructure the rules relating to responsibility and liability, a principal goal should be to achieve settlement of claims without resort to litigation, including subrogation litigation among carriers. Litigation contributes substantially to the cost of handling claims, and savings here should result ultimately in lower rates to shippers.

CRIME IS COMMONPLACE IN THE NATION'S CAPITAL

Mr. EASTLAND. Mr. President, the recent wave of crime on Capitol Hill is alarming to all of us. The terror of the criminal now stalks the Halls of Congress and the fear of assault and armed robbery has invaded the offices of the U.S. Senate.

The shadow of lawlessness hangs as a sickening sign of a national illness affecting all America. The specter of crime and its consequences is an ever-present danger for all citizens.

Nowhere is this more graphically documented than here in the Nation's Capital. It is a chilling sight to look at night upon the floodlit majesty of the U.S. Capitol—shining with all the glory of freedom for which it stands—while many, many uniformed police officers walk in pairs, heavily armed and escorted by police dogs. This display of police authority is not only an attempt to combat crime; it is an absolute necessity to protect the lives of those who now must stand guard over the Capitol and its occupants.

Only last week, a pair of thugs walked boldly into the office of the distinguished Senator from Arkansas (Mr. MCCLELLAN), who is recognized as one of the chief opponents of crime in this country. In his office, these two men brazenly pointed a gun into the face of the Senator's personal secretary, stole her money, threatened to take her watch and ring, bound and gagged her—and calmly walked out. This bizarre scene took place shortly after 5 o'clock in the afternoon while the Senator himself was attempting to contact his secretary from a telephone in an adjacent office. It is appalling that such an outrageous incident could take place in open daylight, in the office of a U.S. Senator, and here in the Capital of the Nation. It is appalling, but not shocking, for crime is commonplace in the Capital.

This spectacle preceded by only a day the armed holdup of a member of my own staff. This young man was returning to his apartment after a dinner engagement. Two blocks from his home—and the same distance from the Capitol—two Negroes approached him, rammed a gun in his face, demanded money, and then fled with his wallet.

Mr. President, it is fortunate that in both of these crimes no one was hurt and the amount of money involved was relatively small. But, this significance is magnified when you consider that these robberies took place within a stone's throw of the U.S. Capitol. Other victims of Capital crime have not been so lucky.

Earlier in the month, five men broke into a Capitol Hill apartment and took turns at assaulting two coeds while their two men friends were held at gunpoint. The attackers—their horrible deed done—ransacked the apartment and took whatever struck their fancy. This crime occurred within sight of the Capitol Building.

Each summer, many young Americans come to Washington to work in the offices of their home State Senators and Congressmen. They gain valuable insight into the legislative process—but this lesson in Government is too often coupled with gruesome and sometimes deadly lessons about crime in the Capital.

Only last summer, a young man working in the office of the junior Senator from Indiana (Mr. BAYH) was locked in the trunk of his own automobile while his kidnappers used his car for a holdup. It began when the young man attempted to park his car on a Capital street. His attackers struck him, jabbed a gun in his face and later forced him into the trunk where he remained for 4 hours. In the interim, a service station was held up and the youth escaped only after the car was abandoned and his shouts alerted passersby. It was a frightening experience, but not a fatal one.

This was not the case of another summer employee who came to Washington to work in the office of a Member of the House of Representatives from New York. He was opening the door of his car for his date, when three attackers attempted to take her purse. She refused to give in and they began to beat the young lady with their fists. The young man attempted to defend her and was rewarded for his heroic efforts with a fatal gunshot wound in the chest. This incident took place only blocks from the Capitol.

Shortly before that, a Member of the House stopped by a grocery store near Capitol Hill during his lunch hour—only to find himself in the midst of a holdup and caught in a crossfire between the robbers and a security guard. He followed the escape car, took down the license number, and gave it to police, who arrested those involved.

Just a few months preceding that, a relative of the former Speaker of the House was attacked leaving a Capitol Hill restaurant. This young man suffered a fractured skull when three young thugs, swinging a hatchet, struck him in the head.

Mr. President, this is only a brief account of the major incidents that have taken place in the vicinity of the Capitol—and my recounting covers only a span of less than 18 months.

I am ashamed, dismayed, and embarrassed for my country. Our own Capital City, the seat of this great Government, is not safe for visitors or for its own residents. It is a disgrace to say that no citizen is safe in the Capital of his own country, but it is the frightening truth to say when a person comes to Washington he takes his life in his hands.

No capital city in the world finds itself in such a state of lawlessness. Here are we, the great United States of America, the leader of the free world, the great bastion of freedom—yet no man is free to walk alone on our streets. To call this the land of freedom is a mockery, because we are not free—we are prisoners of crime. We must live in fear, restricting our lives, controlling our very existence. We are shackled and bound by the illegal and ungodly acts of the criminal.

The crime wave which now has reached the Halls of Congress is merely an indicator of the serious and steadily mounting problem which confronts the entire Nation. Crime is on the increase in almost every sector of America, and the spiraling statistics stagger the imagination. No citizen is immune to crime and all are victims of its frightening consequences.

I am convinced that this disregard for law and man is a direct result of the conduct of some Federal judges during the past few years. This judiciary has been afflicted with a permissive liberalism which penalizes the righteous and rewards the wicked. The decent, honest American is now a second-rate citizen, taking a backseat to the criminal and this new system of justice. The scales are heavily weighted on the side of the criminal, while the victim of his crime must bear the crushing consequences of this strange twist of the law. In our great rush to protect the rights of the accused, we have trampled underfoot the rights of the accuser.

Mr. President, no American is more dedicated than the courageous police officer who stands in the forefront of this life-and-death struggle with the criminal. Our men in blue bear the awesome burden of America's battle against crime. The professional lawman is our only hope for victory in this war with lawlessness.

Yet today, some Federal courts of this land are practicing a system of topsy-turvy justice. These judges have bound and gagged the dedicated lawman in a web of tangled and twisted legalities—so that he is better armed with a law book than a nightstick. They have stripped the policeman of his shield of authority, leaving him with a tin badge to serve as a target for every two-bit thug with a notion to take the law in his own hands.

On the other side of this two-headed coin, some misguided and miscalculating Federal judges are weaving loopholes in the Constitution. They have unlocked legal doors for the criminal—smoothing a path to easy street for the lawbreaker. They have pinned on the gangster the badge of permissiveness and handed to the criminal the sidearm of the so-called rights for the accused.

The real loser in this crazy house of justice, on this merry-go-round of lawlessness, is the American citizen. In the final analysis, the Nation itself will bear the terrible consequences of this era of crime.

Mr. President, there is one way—and only one way—to stem the crime wave in America. That is to insure swift, stern, and certain punishment for those guilty of breaking the law. The criminal must know beyond any reasonable doubt that he faces a police officer who has the unqualified support of the citizenry, the courts, and the law. The criminal must have evidence that he will stand before a judge and a court that believes in punishment as well as the eradication of crime. The criminal must be finally and firmly convinced that if he breaks the law he will surely and certainly and shortly sit in a prison cell to pay a full and complete debt to society.

All the citizens of the Nation must stand united and dedicated to a peace which begins first in our hearts and minds and our homes, then in streets of our cities and finally spreads across all the land—a peace that shall stem forever the tide of lawlessness and restore full meaning to the great and cherished phrase which laid the solid foundation of freedom in America:

> That all men . . . are endowed by their Creator with certain unalienable rights . . . among these are life, liberty, and the pursuit of happiness.

THE PRESIDENT'S RESPONSIBILITY AT AMCHITKA

Mr. GRAVEL. Mr. President, President Nixon has the responsibility for the decision of whether or not to go ahead with this fall's Cannikin thermonuclear blast.

Many of us have expressed our concern about the blast and our dismay that it has not been postponed or canceled. A growing number of people share those concerns.

This morning's lead editorial in the New York Times urged that under the present circumstances, "the argument for postponing the test is persuasive."

I received a telegram this morning from four prominent Alaska geologists recommending that the test be halted.

I also received a plea from the Canadian Coalition To Stop the Amchitka Nuclear Blast. The coalition represents various environmental groups—whose membership includes thousands of Canadians—and they are adamantly against the blast.

Yesterday's destructive earthquake on Hokkaido Island, Japan, underscores the risk we would be taking if the blast goes ahead.

That earthquake rate 7 on the Richter scale. The AEC estimates that the proposed Cannikin test would have a similar Richter scale measurement. The Japanese have issued a sea wave warning to alert people of the Pacific rim area. There is a distinct possibility that the same damage could exist following the 5-megaton Cannikin test.

I urge President Nixon to take these warnings seriously and to initiate actions to halt the proposed test.

I ask unanimous consent that the New York Times editorial and the two telegrams urging the President to halt the blast be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Choice on Amchitka

The decision on whether to go ahead with the underground nuclear test on Amchitka Island in the Aleutians rests with President Nixon. It is very much a personal decision. His advisers are divided. Congress is uneasy but reluctant to take the responsibility.

The risks are both ecological and diplomatic—and almost equally incalculable. The test would explode a nuclear device with a force of five million tons of TNT which is 250 times larger than the bomb dropped on Hiroshima.

The ecological risks are threefold. There is the possible contamination of the surrounding waters with consequent damage to commercially valuable fisheries. If venting should occur as it has in some Nevada underground tests, radiation would escape into the atmosphere. Finally, there is the chance that an enormous explosion of this magnitude would trigger an earthquake which in turn might produce a disastrous tidal wave. Because Alaska and Hawaii have both had tragic experiences with earthquakes and tidal waves, the four Senators from those states—two Republicans, two Democrats—are united in vehement opposition to the test.

The A.E.C. naturally insists that it has taken every conceivable precaution and that the test will have none of these adverse consequences. But this will be the biggest underground nuclear test ever conducted by the United States, and Amchitka lies in a critical zone of earthquake activity.

Dr. Kenneth Pitzer, former president of Stanford University, headed a committee of scientists to investigate the safety of underground tests. The Pitzer committee report expressed "serious concern" with the problem of earthquakes resulting from large-yield nuclear tests and concluded that there is no way to eliminate the small but definite risk that "a large explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site."

The purpose of the Amchitka test is to learn technical details about the large Spartan warhead which might be used as part of the antiballistic missile system to protect Minuteman missile sites. The Defense Department asserts that the Spartan is "essential" and must be tested. The Soviet Union has already exploded a device of comparable size.

But there is keen dispute among scientists as to whether it makes sense to use high-yield warheads for the ABM because they would saturate the atmosphere with radioactiviy and knock out this country's radar as well as incoming enemy missiles.

Meanwhile, there are the diplomatic imponderables. The ABM system is the subject of active negotiations with the Russians in the Strategic Arms Limitations Talks (SALT). The ABM has also been considered a "light defense" against future nuclear attack by Communist China. The President has to decide how a huge test occurring in October would affect the progress of the SALT talks and of the developing détente with China.

To examine this problem, Mr. Nixon requested seven agencies to submit their views. This so-called "committee of under-secretaries" has reportedly split 5-to-2 in favor of canceling or postponing the test. A.E.C. and Defense wish to go ahead. But the State Department, the Office of Science and Technology, the United States Information Agency, the Environmental Protection Agency and the Council of Environmental Quality raise objections.

The Office of Science and Technology believes that Spartan warhead is obsolete and not worth testing. The State Department wants to postpone the test at least until the SALT talks are concluded. The Environmental Protection Agency believes that even the small risk of a major earthquake makes the test unacceptable.

Under these circumstances, the argument for postponing the test is persuasive. A unilateral American ban on atmospheric testing helped lead the way to the partial Nuclear Test Ban Treaty of 1963. In making his decision, President Nixon has an obligation to take Congress and the public into his confidence. He has to explain fully his judgment on a weapon of disputed merit which can only be tested with accompanying ecological risks and to relate his decision to this nation's disarmament goals and diplomatic objectives.

[Telegram]

Senator Mike Gravel,
U.S. Senate,
Washington, D.C.

The Canadian coalition to stop the Amchitka nuclear blast calls upon the U.S. Senate to cancel Cannikin. The Canadian coalition consists of representatives from Vancouver and District Council of Churches, United Churches Canada, Roman Catholics, Lutheran, Anglican, Quakers, and Unitarian, YWCA Sierra Club, Amchitka Two, Don't Make a Wave Committee, British Columbia Environmental Council, SPEC Canadian Association of Human Environment, Canadian Labour Congress, media and political leaders. The Canadian coalition have the support of many thousands of Canadian citizens, teachers, scientists, conservationists, university professors and others who are concerned with the international implications of the proposed Amchitka Detonation. Our appeal is for statesmanship that seeks other alternatives for national security that do not endanger the world and its people.

C. Robert Pearson,
Chairman,
Lois Boyce,
Co-Ordinator,
The Canadian Coalition to Stop the Amkitka Nuclear Blast.

[Telegram]

Anchorage, Alaska,
August 1, 1971.

Senator Mike Gravel,
Senate Building,
Washington, D.C.:

Because with present knowledge as reflected in impact statement. Is impossible to insure that explosion of five megaton bomb at Amchitka will not have disastrous effect with consequent result of tsunamies, earthquake, or contamination of sea and ground waters; and because the impact statement correctly reflects this doubt that makes very superficial evaluation of these extremely serious consequences; and because it is our belief setting and seismic and volcanic conditions of the region, additional research conducted at test site will never be able to fortell exactly potential damage which may result from the blast to the region, water, land, air, and sea and the magnitude of international physical damage that could result from possible large submarine land slide, displacement along faults, changed groundwater conditions, increased seismic potential and volcanic activity, the undersigned Alaska geologists urge the Congress to recommend to the President the halt of the Amchitka test project. More signatures will follow.

Jerald Ganopole,
Dr. Lydia Selkrigg,
Dr. R. Schmidt,
Dr. Joyce MacBethe.

NO-FAULT AUTO INSURANCE

Mr. MAGNUSON. Mr. President, as the Committee on Commerce continues its investigation of the automobile insurance system, I think it may be useful to place in the Record an editorial appearing in the July 19 issue of Business Insurance. The editorial addresses itself to the question of whether the public wants an automobile insurance mechanism that pays benefits without regard to fault.

The editorial reports that more than 300 corporate insurance buyers spoke out on reform of the auto victim reparation system. These buyers spend more than $2 billion annually on motor fleet insurance. Sixty-seven percent of the respondents to this survey opted for national standards set by Congress instead of a hodgepodge of State laws requiring provisions that could cause costly confusion for commercial vehicle operators as well as for private passenger car owners who cross State lines.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Reader's Mandate

More than 300 corporate insurance buyers spoke out on reform of the auto victim reparations system in the poll conducted in *Business Insurance* and reported in our July 5 issue. Federal and state legislators as well as state insurance commissioners ought to pay close attention to the results of the poll, the most significant consumer statement yet made on what changes should be made in the way we compensate auto accident victims.

Corporate insurance buyers, who spend more than $2 billion annually on motor fleet insurance, made clear through the survey that they want federal standards for auto insurance reform. Fully 67% of respondents to the survey opted for national standards set by Congress instead of a hodgepodge of state laws with varying provisions that could cause costly confusion for commercial vehicle operators as well as for private passenger car drivers who cross state lines.

This clear call for federal standards for the auto reparations system is at odds with recent pronouncements by Transportation Sec. John Volpe and Mrs. Virginia Knauer, President Nixon's consumer affairs adviser. Mr. Volpe, in announcing the results of a $2 million study of auto insurance by the DOT, called upon the states to "experiment" with various auto reparations systems. Mrs. Knauer echoed this call but she, like Mr. Volpe, later acknowledged that federal standards might eventually become necessary.

We think that the 67% of buyers who opted for immediate enactment of federal standards are a lot wiser than the Administration officials. If the states continue to "experiment," as Mr. Volpe puts it, we can get into a gummy situation in which there are 51 sets of laws incompatible with each other and impossible to cope with for those companies and individuals who use interstate highways. Why let the states go off in all directions when federal standards will be needed eventually? Neither Mr. Volpe nor Mrs. Knauer has an adequate answer for that question.

Meanwhile, state legislators are going with consideration and adoption of at least 28 separate proposals, most of them loosely described as "modified no-fault plans." One drawback to having state legislators decide upon plans is that most of them do not understand the complexities of auto insurance reform proposals and those who do not understand are frequently plaintiff's lawyers whose vested interest is to retain the aspects of the system that provide them with lucrative legal work.

Ignorance and special interest were at work in Illinois where the legislature adopted a "modified no-fault" plan that is nothing more than a system of advance payments for injured victims with the old tort system piled on top of it. The Illinois program, adopted in response to Mr. Volpe's call for experimentation, will result in higher costs for consumers because it keeps the plaintiffs' lawyers in business while providing a weak undergirding of first-party payments.

Fifty-seven percent of *Business Insurance* survey respondents favored "a modified no-fault system with direct first-party payments to injured parties up to a certain amount, but victims would retain the right to sue." We cannot know just how far these readers would modify the no-fault concept, but we presume that they want a system quite advanced from the present tort system which was favored by only 5% of our readers. Thirty-eight percent favored adoption of a broad no-fault system similar to the Magnuson-Hart plan now pending before Congress.

We were especially encouraged that 33% of respondents to the survey favored a concept advanced by this magazine: That auto insurance reform measures embody an equalizing liability factor that would take into consideration the greater potential for damage of large commercial vehicles. No state reform law yet offered has included the concept. Rather, the laws proposed call either for absolute liability for commercial vehicles (as in New York) or make no distinction (as in Massachusetts). A majority of our readers (63%) favors making no distinction between private and commercial vehicles. But this system as proved in Massachusetts, is inherently unfair to operators of private passenger cars. We believe that an equalizing liability factor based on actuarial analyses is the only fair way to distribute the costs of auto accidents.

Everybody who bears a share of the horrendous cost of our highway carnage should get intelligently involved in the effort to reform the reparations system. Our readers have taken a strong first step by calling for national standards.

THE SENATE'S DUTY: TO MAKE GENOCIDE ILLEGAL

Mr. PROXMIRE. Mr. President, I feel certain that all Senators are fully aware of our people's concern about law and order. In our profession we talk about law and order often, and sometimes we even do something about it.

This is not always an easy task. Discussions of law often lead to beatific visions of a Utopia which runs like a self-winding clock, without irregularities or departures from accepted norms. It is our job as lawmakers to reinforce these norms, to lend some substance to these visions by supporting them with the force of law.

Certainly if a man's property were plundered, we would want appropriate action to follow. If a man's house is burned down, it is natural human instinct to want some kind of action to redress the situation. In short, we want to see justice done. The function of law is the institutionalization of justice in such a way that justice flows in regular, predictable channels. The members of a community respect this system of justice as the price of receiving benefits from the community.

So it is with the world community, the community of nations. Offenses against a group of individuals are just as reprehensible as offenses against one individual. As with individuals, there are certain offenses which the nations recognize as punishable crimes. It is the job of the lawmakers of the world to lend substance to these common beliefs by supporting them with the force of law.

Mr. President, genocide is a crime among nations. That is why the U.S. Senate should ratify the Convention on the Prevention and Punishment of Genocide.

AN ICEBERG OF FAILURE

Mr. BAYH. Mr. President, the problem of total and functional illiteracy in this country is staggering and from it emerges a vicious cycle of public and personal degradation.

More than 60 percent of our inmates in prisons around the country cannot read. Our schools have not been able to meet this basic need of our children. And in failing to do so, they have passed on millions of people who cannot read. This has led to more crime, and more people in jail.

The largest expenditure of tax dollars in a municipality is for local education. As a nation we spend on public education $40.6 billion annually. Yet, according to Dr. James Allen, a former U.S. Commissioner of Education, one out of every four students has a serious reading deficiency.

If one out of every four planes would crash between takeoff and landing; if one out of every four automobiles went out of control; the customers, we the public and the Government, would never tolerate it. Yet, our schools are failing drastically in the area of their professional responsibility—teaching our children their most basic educational need, the ability to read.

Mr. Kenneth Wooden, Executive Director of the Institute of Applied Politics, has known the degradation and vicious cycle that comes from the inability to read.

In the fifth grade Ken came home with 17 F's on his report card. His eighth grade teacher said he would end up in prison. In high school he stole a car and beat up a classmate. Somehow, he managed to get through 12 years of grammar and high school without ever reading a book. But two roads diverged, and Ken, unlike many young people, was rescued from his vicious cycle. He joined the Army, volunteered for a job as assistant librarian on the base, and that good fortune made all the difference.

Shortly after his stint in the Army he graduated with honors from a State College and returned as a teacher to the school where he received the 17 F's and worked with the same teacher who said that he would probably end up in prison.

His experiences and his knowledge of the incredible need to help children who like himself were unable to cope with their reading deficiencies, led to the conception of the Institute of Applied Politics.

Mr. President, I ask unanimous consent that Mr. Kenneth Wooden's report, "An Iceberg of Failure—Reading in our Public Schools," be printed in the RECORD at the conclusion of my remarks.

Without question, the country has the financial and individual resources to irradicate illiteracy. Do we have the desire? Mr. Wooden has come a long way in his personal struggle. Now he is trying desperately to come to grips with one of our Nation's core problems. He needs our support.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AN ICEBERG OF FAILURE—READING IN OUR PUBLIC SCHOOLS

(By Kenneth M. Wooden)

In 1647, the Commonwealth of Massachusetts passed a revolutionary law which stated:

"It is therefore ordered by this court and Authority thereof; that every township within this jurisdiction, after the Lord hath created them to the number of fifty householders, shall then forthwith appoint one within their towns, to teach such children as shall report to him to write and read. . . . that communities with 100 or more families shall, out of their own taxes, establish grammar schools to carry out the educational mandate of the state."

This Massachusetts law provided the cornerstone for American education, and, in a significant way, made it possible for thirteen small colonies to emerge as a powerful and extremely wealthy nation by the end of the 19th century.

Three hundred and twenty-two years later, however, as the United States established its unquestionable leadership in science and technology when Neil Armstrong stepped on the moon's surface, one quarter of our school children and more than one half of our adult population could not read the story of man's monumental feat!

Incredible as this statement may seem, the United States Public Educational System is rapidly appearing as a giant iceberg of failure.

The facts are these:

According to the report of the National Advisory Committee to the Secretary of Health, Education and Welfare (August 1969), "Of the 51,500,000 children in schools today, about one fourth or almost 14,000,000 are classified as having some kind of reading disability."

In the 1970 April edition of "The Reader's Digest," former United States Commissioner of Education, Dr. James E. Allen stated the following regarding the national reading problem:

"25% of our pupils suffer from significant reading deficiencies; of these, 3 in 5 have problems so severe that they cannot be corrected in today's classroom.

"Two thirds of all problem readers turn out to have average or above average intelligence.

"The shocking presence of 11 million crippled readers contaminates virtually every aspect of education. Quite obviously, it is at the heart of our nation's inability to educate the deeply deprived child of the ghetto, the backwoods or the isolated reservation. *But it also strikes hard at children of our privileged middle class.*"

The American Association of Junior Colleges observes that a "sizable percentage of our students read at a level far below what we might expect of a high school graduate. . . . We have estimated that from one third to one half of our new students, particularly in our urban colleges, need some type of remediation in order to have some reasonable probability of success in degree level courses. As many as 20% of our new students in the disadvantaged areas are unable to profit from our present remedial programs, so severe is their handicap."

David Harman, adult education expert now at Harvard, stated in a recent study that as high as "one half or more adults in the United States are functional illiterates."

The common definition of a functional illiterate is a person who cannot read above the 5th grade level, but who can function adequately in society. However, literacy has a changing meaning, and Mr. Harman is challenging the old definition of "functional illiteracy." Harman insists, "Essential reading material requires at least 10th grade education." This means that millions of Americans cannot read newspapers, driver's manuals, traffic signs, job applications, merchandise labels and prices, bank credit forms, and even applications for marriage licenses.

Just as we have found that the present problem of drug usage is not confined to the ghetto, so are we learning that illiteracy is not strictly a perplexity of the poor. Student and adult reading deficiencies plague every school district and neighborhood in the United States. From highly affluent communities to the most economically depressed areas, parents are no longer hiding the child's reading problem (as was done in years gone by) and, indeed, as the realization occurs that many, many children suffer the same deficiency, taxpayers and government officials at all levels are now questioning the credibility of our schools.

Statistics, shocking as they may be, cannot tell the whole story.

Private Donald Beistline, age 19, from the coal regions of northern Pennsylvania, mandatorally enrolled at the Fort Dix Preparatory Training Center with a reading level of grade one. Fort Dix is the smallest of eleven other army bases involved in the same program called "Project 100,000," which is hoping to teach draftees how to read. The young soldier, one of 15,029 men between April 1968 and April 1970 to take the six week remedial reading course prior to basic training at Fort Dix, was so handicapped that after a few days in the program had to shyly ask his teacher, Mrs. Marilyn Cavanaugh, to read him the love letters from his girlfriend

On the impoverished Gila River Indian Reservation in Sacaton, Arizona, Mrs. Peggy Hosteller tells of another statistic. A strong, sixteen year old boy, frustrated by his inability to read, quit public school because it "was nothing more than a white man school," thereby joining three generations of Pima Indians with an average dropout rate of 90%.

In Washington, D.C., Miss Susan Blumreich teaches sixth grade at the Monroe Elementary School and finds half her class reading at the 1st and 2nd grade level. A full time "Crisis Teacher" walks the halls breaking up the endless fist fights.

In Newark, New Jersey, a 52 year old man, unable to read street signs or instructions for taking medicine was the subject of a film by the State Department of Education for 750,000 other New Jerseyans who cannot read.

President Richard M. Nixon learned to his great surprise that his favorite All-American star quarterback from Texas University, Jim Street, postponed his final exams because he discovered, "I couldn't read a lick."

In Flint, Michigan, a 48 year old man read his first three consecutive words under the patient tutorship of Byron E. Chapman, and tearfully realized his dream to read.

Dr. Vasant Vadav of the Jefferson Medical College in Philadelphia, Pennsylvania, discovered that many of his clinic patients could not read the instructions for taking medicine only after one woman went blind from drinking medication she was to put on her skin.

Being unable to read essential material is most degrading and demoralizing to an individual. It destroys all sense of worth and leaves one crippled in spirit. For this reason, many adults hide the fact. The Greater Columbia Literary Council of South Carolina reported a story of an old man who would daily buy the newspaper, put on his glasses and read the paper. He was a total illiterate! A 35 year old hospital orderly in Mount Holly, New Jersey, took and recorded patient temperatures for years until it was discovered he could not read and was making up his temperature readings. In Baltimore, Maryland, a young lady who frequented diners would scan the menu and always order ham on rye. If the diner did not have it, she would leave because she could not read a word on the menu.

The educational profession has an amusing story concerning who is to blame for the poor performance of a student. The graduate school blames the undergraduate school; the college in turn fixes the burden on the high school; the high school accuses the junior high school and so on. Soon the charge is pushed out of the jurisdiction of the school system right into the laps of the parents, and the mother moans, "What can you expect of the poor child when you consider what he comes from on his father's side." So one must ask—where or with whom does the fault really lie?

Modern technology, specifically the television set, has felt the finger of guilt. As America enters the electronic age of centralized computer television programming, some educators believe the "tube" has alienated the child from the written word, while others question the need to teach reading at all to some children. Indeed, the TV cassette, which will soon be on the market and provide the home with its own video cartridge programming from entertainment to instructional education will, in the words of Marshall McLuhan, "affect every aspect of our lives—will give us new needs, goals, and desires, and will upset all political, educational and commercial establishment."

This, however, will not be in the very immediate future, but it is interesting how some educators are quickly ready to write off reading as a needed skill for some children. Surely these children of the electronic age should have the option to be able to master both worlds—the televised image and the printed word. TV will be explored further later in the article.

The home, contends some leading educators in private and sometimes public comments, is the real culprit for the reading problem in the United States. Giving those who espouse that theory added weight and a ring of authority was The Coleman Report, named after its chief author, Dr. James S. Coleman, a professor of social relations at Johns Hopkins University. In 1965, after surveying nearly a million pupils in 6,000 schools, the Coleman study group found that "family background and social environment were the basic determinates of how well a child did in school." The study went on to state, "That whatever the amount of money spent on a given child, the schools, as currently operated, were unable to modify significantly the intellectual patterns established in the home."

An 800 page re-evaluation of The Coleman Report by leading scholars at MIT and Harvard University, headed by Patrick Moynihan, and Frederick Mosteller, a Harvard mathematician, will soon be published and is expected to confirm the Coleman findings.

However, it is this writer's opinion that the major share of blame for such large scale failure in our schools must rest in large part squarely on the shoulders of the entire educational establishment. For too long, teacher associations, both state and national, have sought higher salaries from state legislatures and local school boards with little interest for improved instruction and/or teacher performance. School systems constantly cry for more operating money, and yet American tax expenditures totalled 65 billion dollars last year alone for our academic needs at all levels. This is more than the entire rest of the world spends for education.

In 1961, the New York City teachers made a promise to eradicate reading deficiencies if funds were doubled. Dr. James Allen, the then Commissioner of Education of New York State, responded and over the next six years expenditures were doubled. Unfortunately, New York City reading scores continued to go down. Since 1965, the Congress, through Title I of the Elementary and Secondary Education Act, has poured $4.3 billion into state and local programs to improve the educational skills of poverty stricken children. But, after conducting a study in fifteen states on the effectiveness of these efforts, a special federal survey concluded:

"The national largest Federal aid to education program has improved the school performance of some poor children dramatically, but in most cases has produced minimal or uncertain results."

At a "think tank" session held this past June in New Brunswick, New Jersey, a group of lay people and professional educators met for a day to discuss reading and its related problems. At that session, a young teacher stated, "We are all told to individualize our education—to take the kid from where he is. The trouble is, we don't know where the kid is!"

In the words of this New Jersey teacher lies the crisis of credibility now facing the educational profession. There is no systematic, intelligent plan, based on extensive research, for utilizing this great nation's material and mental wealth. President Nixon touched on this critical point when he delivered his educational message to the Congress on March 3rd.

"We must stop pretending that we understand the mystery of the learning process, or that we are significantly applying science and technology to the techniques of teaching—when we spend less than one-half of 1 per cent of our educational budget on research, compared with 5 per cent of our health budget and 10 per cent of defense."

Even if more funds were made available, would the educational profession be capable of doing meaningful research on how children learn? According to one of the leading reading experts in the country, Dr. Mary Austin, current Director of the Reading Clinic at the Universty of Hawaii, the answer is a firm "No". Dr. Austin said, "We in education do not know how to do the research and must be retrained on new research skills and techniques."

This honest and candid remark was backed fully by Francis Keppel, former United States Commissioner of Education and now Chairman of the Board for General Learning Corporation, by Professor Warren Ziegler of the Educational Policy Research Center, Syracuse University, and by Dr. Nicholas Silvaroli, Director of the Reading Center, Arizona State University.

As a recent Harvard University Graduate School of Education study stated:

"Athough there has been extensive research in reading, it has been primarily concerned with teaching methods, and we still have much to learn about the reading process itself. In fact, we are almost entirely ignorant about the more advanced levels of reading performances. It is hoped that the work of a new and well-trained generation of researchers interested in reading problems will yield answers to some of the perplexing questions in the field."

In private conversations, the majority of leading experts in education agree with Dr. Austion, but do not want to be quoted! This silence serves only to mislead the public and compound the problem. How can educators expect public monies to continue to flow without giving the taxpayer confidence it will be spent wisely through better research?

State colleges and schools of education at the university level, which are supposedly training qualified classroom teachers, are not doing the proper job in the reading area. Trenton State College, New Jersey, the School of Education at Brooklyn College, Washington State University, Arizona State University and Sacramento State College, to name a few teacher training centers, require only one reading course (in some instances none) for their future elementary teachers. A young graduate student left Trenton State College a few years ago to teach English at Trenton Central High School. Armed with Shakespeare and an assortment of literature courses, she quickly discovered her 12th graders were between the 2nd and 5th grade reading levels. She returned to the college for assistance from the education department and got none. This is not an isolated case by any means.

A faculty committee, School of Education, New York University, headed by Dr. Josephine R. Ives documented the need for better teacher training in reading when they reported, "The average classroom teacher does not know enough about language structure (either phonological or syntactic) to teach reading intelligently. College English departments, too often, offer little or nothing in phonology and grammar. Reading courses at the undergraduate level are rare and may be taught by unqualified personnel. As a result, the average beginning teacher is hopelessly unprepared to teach reading."

Two million, two hundred thousand Spanish-speaking school children have an acute reading problem which is compounded by culturally biased school systems. Unable to understand English, they are given a sink-or-swim ultimatum and flounder badly in schools which are insensitive to their language, their culture, and finally to them, the sons and daughters of a proud ancestry. The IQ test, like a judge in a court of law, is branding untold thousands of Spanish-speaking youngsters as unteachable and defective in learning abilities. (In reality the test is geared to white, middle class, English-speaking citizenry.)

Some schools attempt to bridge the problem by "teaching English as a second language." For 45 minutes they teach in Spanish, but then return these youngsters to regular classes. Small wonder programs like these are called a "fraud" by Dr. David J. Sanchez, a member of the San Francisco Board of Education. Mr. Diego Castellanos of the New Jersey Department of Education claims it takes two to three years to master a language and 45 minutes a day is far from meaningful.

In New Jersey there are about 40,000 Puerto Rican children in the public school system where there are only 56 certified Puerto Rican teachers. There is not one Puerto Rican principal in the state. One superintendent of schools in South Jersey recently refused to hire a fully qualified Puerto Rican as principal of an elementary school with 65% Puerto Rican enrollment because "he has an accent." And so not for lack of but because of our standard American education, a people are being detained.

CORPORATIONS AND AMERICAN EDUCATION

The business world's concern and preoccupation with education can probably be best expressed in a statement published by the President's Commission on Instructional Technology which was formed under President Johnson in 1968.

"Industry has not helped. It has developed too little equipment specifically designed for education, trying instead to spin off its regular, ill-suited business prototypes at the same "what the commercial market will bear" profits. Teaching materials from television presentation to programmed instruction—have often been inferior, following in the same unsuccessful grooves as the old-fashioned textbook."

Corporation vice presidents, textbook market directors and sales representatives for education-oriented companies use key words such as "Behavior", "Developmental", "Research", and "Educational Laboratories" within their corporate titles. However, these words bear little resemblance to what is actually included in services or materials. Most of them are pure rhetoric with little substance beneath the smooth veneer of their sales pitch. Some employ public relations staffs to work with district superintendents who are clientele. Others even assist school districts in applying for the federal funds which in turn will pay their fees. In actuality, other than personally enhancing the superintendent's reputation in the community, the corporation has little, if anything to do with implementing the program it is sponsoring, once the sale is made.

For example, at the Patrick Henry School in San Francisco, Miss Lang teaches her fifth graders a well-publicized reading method. Eighty-five per cent of the class are Chicanos (Mexican-Americans), bused in from the mission district of the city. According to Miss Lang, a disturbing number of the youngsters fail because they are unable to continue on an individual basis what appeared to be success in group participation and because they cannot relate sound with word recognition.

An "educational consultant" from this particular reading firm, probably realizing the increased Chicano population in the bay area schools, assured the teachers that "if used correctly, the method would not only teach the Spanish-speaking students how to read but would indeed make them lose their accent."

"Not so," says Mrs. Susan Trout, Director of a Learning Disabilities Center which is part of the Institute of Neurological Sciences in San Francisco. According to all available research in neurology, if a child has not learned a foreign language by the age of ten, he will almost without exception, never speak it without an accent. This is but one example where a firm blatantly used the word "research" in its sales pitch, but either is not doing any or sadly lacking knowledge of new trends and/or facts.

One important executive of a large corporation deeply involved in education said privately, "Don't think for one minute that the business world bothers to conduct research in connection with our reading materials or products. Profits in the education market are too small. We rely on our salesmen completely to move our services." Could it be with this knowledge that President Nixon said in his educational reform message to Congress, "Expensive equipment may not make as much difference as its salesmen would have us believe"?

THE COST OF DOING NOTHING

The problem of total and functional illiteracy in this country is staggering and from it emerges a vicious cycle of public and personal degradation. The following statistics compile a costly social and financial ledger.

Close to one million pupils dropped out of school before graduation in 1968.

One of the best predictors of potential dropouts is retardation of two or more years in reading ability.

Approximately one-half of the unemployed youth, ages 16–21, are functionally illiterate.

In 1966, the rate of unemployment among dropouts was 17.4% while the national unemployment rate varied between 4 and 5%.

The 1962 Cook County study in Chicago revealed that 51% of the people receiving public assistance had a reading ability below 5th grade level. Cook County pays eight million dollars per month to functional illiterates.

Three-quarters of the juvenile offenders in New York City are two or more years below their normal reading level.

Juvenile delinquency is 10 times more frequent among dropouts than high school graduates.

The average national cost of keeping and teaching a pupil in a public school is under $700. Some comparisons for the year 1968 are worth noting:

Federal prison: $7,000 per juvenile delinquent per year.

Welfare: $1,500–$3,800 per family per year.

Crime: $25,000 per individual per event.

Institutionalization: $150,000–$200,000 per individual lifetime.

These statistics are made public from the Office of Education in Washington, but fail to mention or show what we lose as a nation when such a large mass of human potential is not developed to the fullest capacity. One will never know how many of these youngsters could have invented, cured, wrote or composed great works of art—the loss is immeasurable, irreversible, and tragic.

WHERE DO WE GO?

As the nation slowly begins to recognize the dilemma in which we find ourselves, there is also a growing determination to find workable solutions. Under the leadership of former United States Commissioner of Education, Dr. James E. Allen, a program called "The National Right to Read Effort" was initiated and endorsed by President Nixon. Its goal, to mobilize the country and make literacy a right and reality for all Americans by the end of the 1970's, was recently expedited when Mr. Nixon named a National Reading Council, headed by Mr. Walter W. Straley, Vice President of AT&T. Mrs. Richard Nixon is honorary chairman. The Council, composed of well-known figures from every walk of life, will work closely with public and private organizations and educators to innovate new and improved reading programs.

One new concept causing keen interest among reformers of our educational system but much apprehension within the profession is "Accountability".

ACCOUNTABILITY

A good example of accountability is a "guaranteed performance contract" between the Texarkana Public Schools and Dorsett Educational Systems, an Oklahoma teaching-machine company. Funded by the U.S. Office of Education, the program is designed to teach remedial reading and mathematics to 200 underachievers who are considered potential dropouts. Dorsett has assured student advancement to agreed levels or the school board doesn't pay the company in accordance to its contract. Though the success of this program is somewhat clouded by charges that Dorsett is teaching to the test, the U.S. agreed to refund the program and recently the San Diego School Board signed a guaranteed performance contract with the Educational Developmental Laboratories, a division of McGraw-Hill Publishing House for 1.4 million dollars. The City of Philadelphia has also entered into a guaranteed performance contract to improve reading levels at their schools.

These experiments are having an effect at the highest levels of state and federal government. Again quoting from the President's message to Congress, he said, "School administrators and school teachers alike are responsible for their performance, and it is in their interest as well as in the interest of their pupils that they be held accountable."

Shortly after a Chicago newspaper published the 1968–69 test scores of all the city's public schools, revealing that school by school the scores were not only lower than the national norms but also lower than the city's own scores two years earlier, Superintendent James F. Redmond indicated that school principals might be judged on how well their pupils learned.

The concept of accountability in public education is here to stay. But in the words of Mrs. Edith W. Jensen, Director of Education for the South Carolina League of Women Voters, "Communities and educators must establish and define educational goals on a consensus basis. Otherwise it will be impossible to hold anyone accountable or even judge his performance."

Recently, a young high school graduate, unable to pass his army induction tests, civil service employment test, or any other employment examination, filed suit against his local school officials for their failure to prepare him for the labor market. Though it is impossible to predict what action, if any, the courts will take, the Harvard University Center for Law and Education is studying the question. Mr. C. David Kirp, Director of the Harvard Center, observed, "An affirmative answer to this question requires construction of a set of criteria for such fundamental rights by drawing on earlier equal-protection and due-process cases decided by the Supreme Court. Then education can be tested against these criteria. If the criteria are found to fit education, then it is necessary to find judicially manageable standard of educational adequacy." In short, accountability—making the educator directly responsible for the failure of our children—may have a base in due process of law!

While many school districts, federal agencies, state departments of education and private educational firms are desperately searching for effective reading programs which will quickly solve the complex problems of reading deficiencies, it is fitting we mention here some of the thousands of individually dedicated teachers throughout the country who share the fine human quality of truly caring for all their students and teaching them well.

In their own diverse approach, the following "educators" are uniquely able to relate to their subjects and assist them toward better reading.

Rog Spriggs, a teacher at Eaststep, a one-room school in the Bradshaw Mountains of West Virginia, has all his pupils, from 1st to 8th Grade, at the proper reading level.

A bright-eyed first grader at the Morton Street School in Newark, is teaching his sixty-seven year old grandfather to read.

Mrs. Eunice W. Bowman, who heads up the Columbia, South Carolina Literacy Council, trains volunteers to teach reading to the non-reader on a one to one basis, commonly referred to as the "Laubach System".

Mrs. Marilyn Cavanaugh, teaching remedial reading at the Army Preparatory Training Program at Fort Dix, New Jersey, to young soldiers from the Ohio Valley, Pennsylvania, Virginia and New York, said, "No one ever took the time to break their backs caring about these men."

Mrs. Edith Schwartz tutors children who can't be taught by the other teachers at the Greenwood Elementary School in Sacramento, California. If it were not for Mrs. Schwartz, these children would be in "special classes" and retarded for life.

Miss Shirley McNeal, Director of Reading for the Detroit Public Schools, has developed a practical, no-nonsense, and extremely professional program to train and/or retrain teachers and para-professionals in the art of teaching reading effectively.

In a Philadelphia, Pennsylvania, junior high school, black students who are poor readers help teach nonreaders at the elementary schools during the summer. By fall, "the non-readers are reading and poor readers are reading better."

Mrs. Max Bard, first grade teacher at the Fisher Elementary School in Ewing Township, New Jersey, says:

"I believe in the fine arts, in music, and I love the beauty about us. I think there is so much beauty in life. For instance, I introduced children in the first grade to Carl Sandburg. They don't have to know all the words or the meaning but they get a beauty. I introduced them to Van Gogh. I asked them what they liked about these. And so they learn to like the words. They learn to speak well and they write their own stories. As far as I'm concerned, you can toss the McMillans out."

THE ARTS AND READING

Where public education has failed to stimulate black and other minority children into a positive attitude toward education, many private community schools, street academies, etc., have, through the arts, had great success in motivating students toward academic achievement.

There is no stronger force than the arts for unlocking the motivative power which must lie dormant in so many people, young and old alike.

The importance of the arts can be illustrated in Santa Fe, New Mexico, where a special boarding school for American Indians, supported by Federal funds, is engaged in blending the arts and the three R's. According to a report, the Indians usually arrive "silent, repressed, uneasy, and by accepted academic measures—retarded." But, "immersed in a curriculum rich in art work of all kinds and keyed, but not limited, to their Indian heritage, the students blossomed into individuals, developed self-esteem and pride, and gradually transferred their new-found confidence to mastering the routines of arithmetic and English and the other standard school subjects. "

With full respect for the Coleman Report, educational differences can be made in an individual if he is properly motivated, regardless of his home environment. Every person has some degree of talent which can be brought to light by concentrated use of the arts. The arts can also serve as a vehicle to make education a welcome visitor in the person's mind who heretofore has associated classrooms and teachers with failure and a sense of personal degradation. The arts can give worth to a man and with belief in that worth, man can conquer any obstacle.

LEARNING DISABILITIES

It is estimated that 10–20 per cent of all public school children with average or above average intelligence have learning disabilities. Though many children have normal intelligence, coordination, sight and hearing, they simply cannot learn as most people do. Their brain does not receive, integrate and transmit information in the usual ways. They have what is called "Learning Disabilities".

Recently, the Pacific Medical Center's Institute of Neurological Sciences in San Francisco, established a non-profit Learning Disability Center under the directorship of Mrs. Susan Trout. Its purpose is to diagnose, treat, and research specific learning disabilities. Each child referred to the center is given an extensive neurological examination to seek and/or rule out causes for his learning disorder followed by an evaluation of the findings. Standardized tests are administered which reveal the child's learning patterns—how he relates and understands. These results are then coordinated to devise a remedial teaching program tailored to meet each child's particular needs.

The center believes it can help more people by training teachers so offers them intensive seminars, workshops, and consultation along with physicians and psychologists. It also provides valuable research opportunities and facilitates new studies into the Neuro-Chemistry of learning. Dr. K. Finley, INS Director, believes that neurology has much to contribute to education and suggests it would be advantageous for all concerned to integrate teacher preparation training, professional in-service training, etc., with a comprehensive study of neurological sciences. It is too valuable to be left strictly to the medical profession and ignored by educators.

Testing for learning disabilities in children should be as common as TB testing. If we know what is wrong with a child, we can work from his strengths and not his weaknesses.

THE PARA-PROFESSIONAL

Another exciting and selfless development in the reading area is the "Para-professional." The volunteer or paid non-professional, working on a one-to-one basis with the slow reader, is perhaps best described by Mr. Glenn Hatcher, a principal of an elementary school in War, West Virginia, one of the few schools where children have made marked progress with the assistance of Federal funds (Title I). Mr. Hatcher said, "We are like old country doctors, generalists, who still makes house calls." And so in the mountains of West Virginia, para-professionals work quietly and effectively with the children of coal miners, self-assured with the knowledge that they are making a meaningful contribution toward a better life for a new generation of economically deprived citizens.

TELEVISION—A REVOLUTION?

"Seseame Street," a new program sponsored by the Children's Television Workshop, and under the capable leadership of Mrs. Joan Ganz Conney, is quickly bringing off its own revolution. As it starts its second year of programming, it has perhaps generated more excitement among pre-schoolers and their parents than any other educational endeavor to date. Preliminary test results in New York, Maine and Tennessee, show that poor children who view Sesame Street's six week, one-hour presentation, made gains two and one half times greater than those poor children who did not view the program. Other studies show that more than 5 million youngsters are steady viewers of the show.

With the exception of "Sesame Street," unfortunately, our public schools have not even begun to tap the potential of TV in the classroom. The average student graduating from high school has watched approximately 15,000 hours of television as opposed to spending 11,000 hours in the classroom. Yet, according to the President's Commission on Instructional Technology, which was started by President Johnson in 1968, "In our sixteen largest cities, instructional TV fills less than 3% of the elementary and secondary schools' total classroom hours." It also mentioned that out of the total operating budget of schools and universities, no more than 4% per pupil expenditure in the public schools is spent on instructional material of all kinds, including books, maps, charts, laboratory items as well as the new media—TV. Salaries, however, range somewhere between 60% and 70% of the total school budget. "In most school television," the panel goes on to say, "the screen time is filled with the face of the studio teacher, who is almost certain not be one of the great minds working on the frontiers of the subject."

How easily this could be remedied by visionary creativity! The combined effort of industry and education could make giant strides toward wiping out the serious inequities of affluent suburbs, inner city ghettos and poverty stricken hinterland alike. In the words of former Secretary of Health, Education and Welfare, John Gardner, "The pieces of the education revolution are lying around unassembled."

THE JUNGLE OR THE CHALLENGE?

While leaving an elementary school in Kansas City, Mrs. Jimmie Thomas, Supervisor for Reading from K to 12, glanced toward the southern part of town with its high-rise public housing, saying almost to herself, "And there is the jungle, the Woodland Elementary School. Maybe someday we'll go over there and visit." A Trenton, New Jersey Central High School student who was directly involved in the trouble at the school last year said, "We want to be treated as human beings, not animals. We want to be addressed in the same tone of voice as Whitey, man. We want dignity and we better get it."

In schools such as these, chaos is the rule and not the exception. Here is where the battle of American education must be fought, for a school system which fails a child pays for it in many ways. Vandalism is almost consistently in proportion to the number of failures. The academic outcast, the classroom misfit, thwarted in all attempts for personal success, turns to the last alternative—violence—to express his poignant message. This is a cry for help. This is where new reading programs should be tested for merit. This is where the para-professional should be utilized in large numbers, not just for reading, but also related problems such as drug usage. This is where street academy workers should be hired by inner city school systems, for unlike most teachers and school officials, these workers who live and work on the streets, and who can relate to the community, can help youngsters suffering from those same streets.

For many Americans, our educational system is second to none, providing the greatest wealth and opportunity known in the history of man. But for far too many of our Blacks, our Spanish-Americans, our Indians, and our middle class and poor Whites, American education has only reinforced their individual and collective degradation and despair.

It is, therefore, absolutely essential that the growing problem of illiteracy in America be acknowledged. Regardless of apathetic parents, political motivated school boards or low budgets, there can be little justification for a child's inability to read after completing eight to twelve years of public instruction. Public officials and concerned people must take the initiative and inform our citizenry through the mass media, which in turn can be mobilized to force and/or encourage educators and public officials toward workable solutions. The first consideration should not be the reputation and careers of friends and colleagues in education, but rather the millions of youngsters who go out to a demanding labor market crippled in the most basic skill, reading. (Projected studies show that automation will reduce the unskilled labor market to 5% from 17% by 1975!)

As our country drifts into perpetual illiteracy for millions, while others bask in unparalleled affluency, then, in the age of instant communications, the chemistry for social unrest and revolution is inevitable. Forceful leadership is needed, not careful timidity. This is a crisis. A crisis precipitated by technology and an outdated educational system. A crisis that will not abate but will grow more severe.

Without question, this country has the financial and individual resources to eradicate illiteracy. Anyone who can read, can help another person to read. It is that simple. But do we, as a people and as a government, have the desire? If we do, millions of Americans will have a new world of opportunity and enrichment from which the whole nation will benefit immensely. If we do not, this iceberg of failure in American education may well sink the Ship of State—The Republic. For Democracy and Literacy are inseparable.

THE NEED FOR SEPARATE LEGISLATIVE AND FISCAL SESSIONS

Mr. MAGNUSON. Mr. President, now that fiscal year 1971 is behind us and we are beginning into fiscal year 1972, we might take a look at where we stand in the appropriation process.

As has often been mentioned, in the past 2 fiscal years, fiscal year 1970 and fiscal year 1971, none of the major appropriation bills were adopted by July 1, the start of the new fiscal year. The effect that this delay has had on the effective management of Federal funds is obvious. Yet now, with fiscal year 1972 having begun, we once again witness the fact that again not a single one of the regular appropriation bills has been enacted.

Recently, an analysis was completed by the American Enterprise Institute for Public Policy Research on legislation that I have been proposing for the past 20 years. The bill, S. 1875, which creates a separate legislative and fiscal period and changes the fiscal year to coincide with the calendar year, is a necessary step if we are to rectify the existing situation.

With fiscal year 1971 starting, I could think of no better time to bring this article to the attention of Senators.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

LEGISLATIVE ANALYSIS NO. 8

June 25, 1971.

INTRODUCTION

Background

Congress enacted 86 regular appropriation bills in the years 1964–1970. Only six of these bills became law before July 1st, the beginning of the government's fiscal year. All the rest, plus deficiency and supplemental appropriations failed to clear Congress until well after the June 30 deadline, some of them as late as December and January. In the last two years not a single appropriation measure has been enacted before the deadline. This pattern of delay seems likely to continue in 1971.

Every year federal departments and agencies have started the new fiscal year in the dark, budgetarily speaking, not knowing whether their programs eventually would be funded fully, reduced or eliminated altogether. "Continuing resolutions," by which Congress permits the departments and agencies affected by the appropriation delays to continue operating at the previous year's levels, have become routine stopgaps. State and local governments, and other recipients of federal grants and subsidies, have been adversely affected by the delays in annual appropriation bills. School districts and state agencies have had to borrow funds at prevailing commercial rates of interest while awaiting congressional action on appropriation legislation.[1] Construction projects dependent on federal funds have been postponed for a full year in northern areas, as funding delays dragged on into the fall and winter.

Members of the executive and legislative branches have voiced increasing concern over the problem. Groups and organizations interested in budgetary and congressional reform have suggested reforms.[2] Last January, President Nixon, in his annual budget message, gave vent to his own frustration over the situation:

> Reform of the budget process is long overdue. Fifty years have passed since the federal budget system currently in use was adopted. The system was a major step forward in 1921. Because of congressional inaction, it has become a travesty a half-century later.
>
> Enactment of appropriations six months or more after the start of the fiscal year they are supposed to cover is evidence of a major weakness. I have sent two budgets to the Congress. In each, I have had to formulate budget proposals for the year ahead without knowing what the Congress would provide in its action on the prior year's budget, which was terminated 11 months earlier. Even now, as this message is written, action on last year's appropriations request for one department has not been completed.
>
> I have, therefore, had to act on parts of the budget without knowing the totals that would result. This is an intolerable situation, but one that the Congress seems to accept as the normal way of doing business. It completes action on appropriation bills over a 10- to 12-month period without any goal or determination of the total expenditure that will result after the last bill is passed.
>
> Excess in the number and detail of appropriations often diverts attention to minutiae. It also impairs the ability of agency heads to manage their agencies responsibly and economically.
>
> The budget is our principal instrument for coordinate management of federal programs and finances. Close cooperation between the executive and legislative branches is needed now to make the budget an efficient and effective instrument for this purpose. Therefore we must seek a more rational, orderly budget process. The people deserve one, and our government, the largest fiscal unit in the free world, requires it.

Senate Majority Leader Mike Mansfield (D., Mont.) spoke to the problem April 19, 1971, on the floor of the Senate:

> In the end, under the constitutional tradition, the Senate does not act on appropriations legislation until the House has sent the bills here. As of April 14, two and a half months from the end of the fiscal year, only one out of 13 major appropriations bills has even reached the Senate. That is said not in criticism of the House which, I am sure, is doing its best nor even of the executive branch, but rather to emphasize that which is largely at fault in this situation—the antiquated concept of the fiscal year and the ineffective procedures in all branches which flow therefrom. It seems to me that a fiscal year which begins, out of the blue, on July 1, no longer fits the needs of a government whose costs have grown from far less than a billion at the time when the government began ending the year on June 30 to well over $200 billion a year at present. Nor does it dovetail with a 12-month Congress.
>
> So long as this obsolete practice continues, therefore, it ought not to come as a surprise if all of the appropriations bills again do not make the fiscal year deadline and pile up for consideration in the Senate in the closing months of the year. If the Senate is to do its work conscientiously, adequate time must be available for a careful examination of these public expenditures, not only in Senate committees but on the floor of the Senate.[3]

Addressing the House during debate on the 1970 legislative reform bill, Rep. George Mahon (D., Texas), chairman of the Committee on Appropriations, appealed for careful examination of the ramifications of a new fiscal year:[4]

> Before we undertake to change that fiscal year, we need to go into this question very exhaustively.
>
> What would happen, in my judgment, if

Footnotes at end of article.

we changed the fiscal year without taking other remedial action is that we would not be completing most of our work until the last several weeks of the session. We would, I am fearful, have more and more delays, and too often we perhaps would not finish our work in the calendar year and thus would have to go over into the following year in order to finalize necessary legislation. Our interest is in trying to move the entire legislative program as rapidly as we reasonably can in the session. I would say that until substantial changes are made otherwise in our legislative system or habits, we certainly should not consider changing the fiscal year as the entire remedy to our problem of timeliness. I would think that that would be the proper stance to take at the moment if the Congress can work its will otherwise at a later date.

In 1969 testimony before the Subcommittee on Congressional Reorganization of the House Committee on Rules, Phillip S. Hughes, then deputy director of the Bureau of the Budget, said: [5]

> In summary we favor a change in the fiscal year, but believe that the complexities and ramifications of such a change should be carefully explored and planned for.

Hughes told the subcommittee that a change in the fiscal year would be "one step which will help unscramble the present situation of hesitancy, confusion, and uncertainty over the government's programs and budget that characterizes the start of every fiscal year." But, he added: "A change in the fiscal year will not in itself solve all of the problems along this line, and it will create some additional problems."

HISTORY

The problems involved in preparing the budget and making appropriations to run the government are not new. Difficulties have arisen from time to time since the founding of the Republic and have been dealt with through legislation and changes in the House and Senate rules. Reform has come slowly, and only after the near-collapse of the budgetary-appropriations machinery.

As early as 1825, Secretary of the Navy Samuel L. Southard complained that "one of the most serious inconveniences under which the Department labors . . . is the time at which the appropriation bills are passed by Congress." [6] A major reform came some years later, in 1843, when Congress ceased using the calendar year as the government's fiscal year and adopted instead a July 1–June 30 fiscal year. The calendar fiscal year had been in use since 1789. For nearly a decade prior to the adoption of the new fiscal year, Congress had found it increasingly difficult to enact the necessary appropriation measures before the start of the budget year, January 1. But at that time Congress convened in December, giving itself barely a month to pass all the funding legislation.[7]

With Congress convening in December and usually adjourning in March, the adoption of a July 1–June 30 fiscal year made sense. Congress could consider, in an orderly, unhurried fashion, the appropriations for the coming year, which would not begin for two or three months after all the funding bills were enacted. The system functioned reasonably well until the adoption of the 20th Amendment in 1933, which provided for the convening of Congress in January. Thus the Congress had less time to consider the President's annual budget, hold appropriations hearings and vote on the individual funding bills.

The growth in the amount of complex federal legislation competing for congressional attention, and the spectacular expansion of the federal establishment, have also greatly complicated the appropriations process, delaying funding bills later and later into the year. Only two of the last 20 fiscal years have begun with at least half of the major appropriation measures enacted.[8] The trend in the passage of appropriation legislation is shown in the following table:

TABLE I [9]

Fiscal year	July 1	Oct. 1
1967 (14 bills):		
Passed House	9	12
Passed Senate	2	7
Signed by President	1	4
1968 (13 bills):		
Passed House	8	13
Passed Senate	3	11
Signed by President	1	9
1969 (13 bills):		
Passed House	3	7
Passed Senate	1	3
Signed by President	0	1
1970 (14 bills):		
Passed House	12	13
Passed Senate	3	9
Signed by President	0	7

PROPOSALS FOR A NEW FISCAL YEAR

For the past several years support has been growing in Congress for a proposal that would change the United States fiscal year from July 1–June 30 to one that would coincide with the calendar year. Numerous bills to accomplish this have been introduced in the House and Senate. Sen. Warren G. Magnuson (D., Wash.) has advocated such legislation since 1950, as part of a two-pronged reform of the appropriations process. The second Magnuson reform calls for splitting the annual session of Congress into two separate periods, legislative and fiscal. The adoption of a "fiscal period," during which Congress could consider appropriation measures and nothing else, would be contingent upon adoption of a new U.S. fiscal year coinciding with the calendar year. The split-session proposal is discussed in more detail in another section of this analysis.

In the House, legislation for a calendar fiscal year has gained fairly wide support. The House Committee on Rules considered including such legislation as part of the Legislative Reorganization Act of 1970, but decided against it.[10] Rep. Robert H. Michel (R., Ill.) explained why: [11]

"Basically it was felt that the present system should be given another chance—that perhaps if we made another concentrated effort to get the bills through on time, we might be able to make it work.

Congressman Michel has continued to advocate changing the fiscal year and is the chief House sponsor of legislation for this purpose. Additional support for changing the government's fiscal year to coincide with the calendar year has come in recent months from the Comptroller General of the United States and such non-government organizations as the Committee for Economic Development (CED)." [12]

Pending bills

On January 21, 1971, Rep. Michel introduced his bill (H.R. 1458), to provide that the fiscal year of the United States coincide with the calendar year. As of June 1, there were 110 House members listed as cosponsors of the legislation. The Michel bill has been referred to the House Committee on Government Operations.

Sen. Magnuson on May 14, 1971, re-introduced his bill (S. 1875), to have the United States fiscal year coincide with the calendar year, and to provide for separate legislative and appropriation periods during the annual sessions of Congress. The bill, as of June 1, had 53 co-sponsors. It is pending before the Senate Committee on Government Operations.

Hearings

The Joint Committee on Congressional Operations is now holding hearings on the appropriations process generally, with particular emphasis on the proposals by Senator Magnuson and Rep. Michel. The Joint Committee, created by the Legislative Reorganization Act of 1970, does not have the authority to report legislation. I can, however, report findings and make recommendations which may be the basis of action by the House and Senate Committees on Government Operations.

Arguments for adopting a calendar fiscal year

The principal arguments made for changing the government's fiscal year to coincide with the calendar year are these:

Executive departments and agencies could operate more confidently and efficiently with actual appropriated funds, rather than having to mark time after a new fiscal year has begun, while Congress still struggles at midyear with a backlog of appropriation legislation. Under current conditions, departments and agencies must begin the fiscal year not knowing when or whether Congress ultimately will provide the future operating funds that were requested in the President's annual budget.

Speaking in 1969 before the Special Subcommittee of the House Committee on Rules, Rep. Charles W. Whalen, Jr. (R., Ohio) focused on the problems caused by such delays: [13]

> First, the planning of the hundreds of federal departments and agencies is virtually destroyed. Most, as yet, do not know what their final 1970 budget will be. However, they were required to present to the Bureau of the Budget their fiscal year 1971 requests two months ago.
>
> Second, while a continuing resolution easily fulfills congressional responsibility to keep the government operating, it often creates hardships for federal agencies and their employes. For example, the Community Action Agency in my own district had to borrow money last month to finance its activities. I am sure that from time to time many of you have received urgent telephone calls from your Civil Service constituents inquiring whether they will be paid.

While withholding his own full endorsement of changing the fiscal year, House Appropriations Committee Chairman Mahon in 1965 urged the Joint Committee on Congressional Organization to examine the feasibility of such reform. He said that when appropriations are delayed past July 1, there is "lost motion and waste of time" as departments and agencies await the final passage of their funding legislation. "That," he added, "means wasted money." [14]

Rep. Odin Langen (R., Minn.) testified before the Special Subcommittee of the House Committee on Rules in 1969 on the adverse effect of the July 1 fiscal year on construction programs:[15]

> Having the fiscal year begin on the first of July . . . makes programs subject to certain physical environmental factors which can cause delay in the execution of the program. Construction projects, particularly in the northern states, cannot be started in the winter months—which may last as long as from October to April. Some of these projects, such as road construction and the construction of buildings, require a substantial part of the primary construction to be completed before the winter months if the whole project is not to be started anew in the spring. In fact, they may not be started until the following spring, even if the appropriations were finalized by the first of July, since considerable advance planning is needed and sometimes the primary construction itself cannot be completed in four months. However, in all of these cooperative efforts there would be adequate time for advance planning to be completed and for construction to be started if the funds were made available on a calendar fiscal year. Seasonal problems and delays could then be avoided.

Orderly financing of state and local governments would be restored. State and local governmental units, which generally operate

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Footnotes at end of article.

on a July 1-June 30 fiscal year, have increasingly found themselves well into their own budgetary year without knowing how much money they will receive from Washington under the various aid and grant programs. In fiscal 1970, federal grant-in-aid to these governmental units totaled $27.6 billion, equal to one-third of all state and local tax collections. If Congress, working on a calendar fiscal year, completed all its appropriation legislation before January 1, the state and local governments, with their July 1 fiscal years, would know several months in advance how much federal money they would have in the coming fiscal year.

The office of the Comptroller General, while pointing out[16] that "a change in the fiscal year could present problems in the transitional year in which the change takes place," concluded that "for the longer term, it could have positive advantages in providing definite forward commitment to state and local governments in connection with federal grant-in-aid programs and therefore permit better planning." The Comptroller General added:

Reviews made by this office (General Accounting Office) lead us to believe that delays of notification and allocation of funds to state and local governments and other grantees lead to poor planning, program delays and waste in the administration of grant-in-aid programs.[17]

Congress would have more time to enact authorization and appropriation legislation each year before the beginning of a new fiscal year. Theoretically Congress could devote the time necessary to study and debate the required authorization bills, and then consider in an orderly fashion the regular appropriation bills and supplementals. Congress would have a full 12 months to enact all the necessary funding bills, instead of the current six months.

A calendar fiscal year would help to reduce some of the current public confusion over government finances. Income taxes, as well as Social Security taxes and numerous other federal, state and local taxes, are now collected on a calendar year basis. The public, which pays taxes on a calendar year basis, is confused by the government's mid-year fiscal year.

Arguments against adopting a calendar fiscal year

The principal arguments made against changing the government's fiscal year to coincide with the calendar year are these:

Sen. Magnuson's bill[18] proposes April 15 as the date for submission of the budget, as well as the President's Economic Report, which is closely related to the budget and also is now required in January. Submitting the budget in April, however, would create new problems, as Mr. Hughes noted:

Frankly, we see problems in this. If the President retains the practice of presenting a State of the Union message shortly after the convening of Congress, some of the budget policy task may still have to be done on the present schedule.

Also, in order for Congress to act expeditiously on the renewal of expiring authorizations, as well as on new legislative proposals, it will probably be desirable for at least a portion of the administration's legislative proposals to reach Congress well ahead of the budget—perhaps in January, or February.

Thus, the character of the budget may change. At present it is one of the first presentations of much of the President's proposed legislative program, in more detail than the State of the Union message, but consistent with it. In the future, it may become more of a summing up, in the context of fiscal policy, of some program items already presented publicly and to the Congress.

At another point in his testimony, Mr. Hughes said:

What the President would want to do about this State of the Union message, I just don't know at this point. But conceivably he could speak in general terms, the legislation could come forward and the budget in April could wrap up the administration's legislative proposals and its fiscal situation, and so on.

The President's budget, which already takes up to two years to prepare, would have to project government spending needs an additional six-months into the future (from January to the next January, instead of, as at present, from January to July). Charles L. Schultze, director of the Bureau of the Budget in the Johnson Administration, in 1965 opposed shifting to a calendar fiscal year largely on these grounds. Testifying before the Joint Committee on Congressional Organization, he said:[19]

In the case of going to the calendar year, it does have some advantages, but it seems to me that the disadvantages probably outweigh the advantages. Primarily because what it would do is to force even further into the future the forecasts that would have to be made in presenting a budget; in other words, what you would find is that the President was coming forward with a budget in January which had been prepared before the end of the fiscal year a whole year before the budget year. Remember, that this would then be a whole year ahead before any information on the current year could be available, so that it would make the problem of making the budget and the program choices much more difficult because you would lose at least six months of information. Instead of coming up with a budget beginning in the middle of the year, you have to shove that back. You also can think of a new President coming in, and it would be the third year of his being in office before his own budget would go into effect, which does not mean that he could not by supplementals and the like change the other, but it would make it somewhat more difficult.

Other economists and economic historians have observed that the longer the time from conception of a budget to its execution the greater the chance for miscalculation and imbalance.[20]

A change in the fiscal year will not solve the problem of delays in enactment of authorizing legislation, which, in most cases, must precede appropriation legislation. Some 30–35 percent of the federal funds portion of the budget in recent years was dependent on renewal or extension of authorization legislation.[21] There has been an increasing trend toward limiting authorizations to one year, a technique which gives the legislating committees of Congress increased oversight control of the departments, agencies and programs within their respective jurisdiction. The increase in annual authorization bills has been a major contributor to the congressional workload. Changing the fiscal year to begin in January would not affect the authorization workload.

An outgoing Congress would have influence over the government's spending policy for a full year after the November elections, rather than the six-month influence it currently has. While adjustments could be proposed and enacted, an incoming Congress, or a new Administration, would be saddled, more or less, with a budget not of its making for the first year.

Adoption of a calendar fiscal year would require amendments to existing authorization and appropriation legislation, which is now timed for the July 1–June 30 fiscal year, and cause other changes in current governmental practice that can only be guessed at. Problems, currently unanticipated, that would be created throughout government could outweigh the expected benefits of revising the fiscal year.

Forty-seven states have fiscal years that begin July 1 and end June 30. Only New York (April 1–March 31), Texas (September 1–August 31) and Alabama (October 1–September 30) have fiscal years that do not coincide with the federal fiscal year.

Proponents of changing the federal fiscal year to coincide with the calendar year express considerable uncertainty over what the total effect would be on other governmental units. Some states would be forced, perhaps, to change their fiscal year to match the new federal year, while others might find that they could keep their present fiscal year and benefit by knowing several months in advance of their budget deadlines how much in actual appropriations Congress has made available to them.

PROPOSALS FOR A "FISCAL SESSION" OF CONGRESS

Senator Magnuson and others have proposed that, in addition to changing the United States fiscal year, Congress divide its annual session into two separate periods—legislative and fiscal. Only regular legislation and authorization measures could be considered during the "legislative period" and only appropriation bills could come before the lawmakers during the "fiscal period." The split session, proponents contend, would greatly assist Congress in providing orderly and expeditious consideration of authorization and appropriation legislation.

Title I of the Magnuson bill (S. 1875) provides for changing the federal fiscal year to coincide with the calendar year.

Title II provides for separate consideration of appropriation legislation by Congress. It would create:

1. A "legislative period" beginning January 3 and ending August 15. Either House could terminate its own "legislative period," with respect to its own business, before the deadline.

2. A "fiscal period" beginning on the day after a "legislative period" has ended, and ending on December 1, or upon adjournment *sine die* of that regular session of Congress.

During a "legislative period," the House or Senate could not consider "any measure or matter making an appropriation for the support of the government." The House and Senate Committees on Appropriations could not report during the "legislative period" any appropriation legislation, but such bills could be introduced, and the committees could proceed with hearings, studies and investigations with respect to such measures. The two Houses could consider at any time supplemental or deficiency appropriation legislation for the current year only.

During a "fiscal period," the House and Senate could consider only measures and matters making appropriations for the support of the government for the next fiscal year and supplemental or deficiency appropriations for the current fiscal year. Legislation not relating to appropriations could be introduced, and legislative committees could hold hearings or conduct studies and investigations, though they could not report bills. The President, upon declaring that an emergency exists, could submit for immediate consideration any legislation, treaty or nomination affecting that emergency.

Arguments in favor of a split congressional session

The following arguments have been made for a split congressional session:

A legislative period of seven and one-half months would give Congress more time to pass all authorization legislation before it takes up any appropriation legislation. A neat separation of the authorization and appropriation business would help Congress to legislate more responsibly. The Committees on Appropriations could have before them all the authorization laws before they recommend the next year's funding bills. Sen. Magnuson has described the current, often chaotic, situation:[22]

Sandwiching work on money bills into

Footnotes at end of article.

ordinary legislative business makes it almost impossible to meet (our) national responsibility. By contrast, the "fiscal session" plan will permit Congress periodically to devote its entire energies to these important matters without the pressure, haste, and confusion which has become too often associated with the consideration of money matters.

Congress would have up to three and one-half months (or longer if the "legislative period" terminated before August 15) to enact appropriation measures. Concentrating only on money matters, delays could be avoided. Also, Congress could keep the federal budget in clearer perspective and spending could be kept more in balance with revenue projections.

With more time for hearings and for study of spending requests, Congress could take a more critical look at executive needs. Some proponents predict significant savings. "I think," Sen. Magnuson said, "we would save all kinds of money with this proposal." [23]

The Committees on Appropriations, with more time in which to work, could question witnesses at greater length and could even conduct hearings outside of Washington to "learn what the people think." [24] The need for more time to study appropriations requests was illustrated in this 1965 colloquy between Sen. Magnuson and then Sen. A. S. Mike Monroney (D., Okla.) co-chairman of the Joint Committee on Congressional Organization:

Sen. MAGNUSON. And then the hidden amounts. I have sat in the Appropriations Committee and looked at an item and asked a question and five guys with briefcases will stand up in the back of the room and give me the answer.

Co-Chairman MONRONEY. The same answer?

Sen MAGNUSON. The same answer; yes.

Co-Chairman MONRONEY. Sometimes they are not the same.

Sen. MAGNUSON. How are we going to know? But give us a little time to let the dust settle, and we will know a lot more of what is going on. The people will have more to say about it than they have now.[25]

A split session would eliminate the current practice of appropriating money for a project or program before the required authorization legislation has been enacted. This backwards arrangement—the authorization must eventually be passed before the appropriation becomes effective—has been used, fairly frequently of late, as a time saver, particularly in funding public works, defense and foreign aid programs. In Senator Magnuson's opinion "this is not a way to run a business of the government."

The number and size of supplemental and deficiency appropriation bills, which consume congressional time and energy, would be reduced.

Arguments against a split congressional session

Critics of the split session proposal generally raise these arguments:

Congress would not observe the deadline dates, just as it has largely ignored the July 31 deadline for congressional adjournment on the books since 1946. A deadline fixed by one Congress is not binding on future Congresses. Rep. Robert P. Griffin (R. Mich.), now a Senator, brought up the point in a colloquy [26] with Sen. Magnuson:

Rep. GRIFFIN. I am just a little bit concerned that you set up the fiscal sessions beginning in the fall, and the legislative session will run right up to it and we would just keep on going.

Sen. MAGNUSON. Well, that could happen, but we would still have some fiscal division. Instead of appropriating at the same time that we are passing bills on the same subject, we would have a chance to legislate and take a look at it and then appropriate. I think that makes much more sense.

In an election year, a "lameduck" Congress would be voting in November and December on appropriations for the next fiscal year, and under which the incoming Congress, and perhaps an incoming administration, would have to live. It is possible that some members of the House and Senate Committees on Appropriations would have been defeated in the election, yet would retain for the two post-election months considerable power and influence over funding legislation.

The split session would tend to reflect the public mood—for economy, or for spending—during a brief period. Richard F. Fenno, professor of political science at the University of Rochester, raised this question in a letter to Sen. Magnuson.[27] Dr. Fenno wrote:

> When, for example, strong economy moods strike the country they now affect only a few appropriation bills and then generally peter out as Congress and the public think about the consequences of deep cuts in spending. If the two month fiscal session happened to come at the height of an economy mood tremendous damage could be done to a great many programs in one fell swoop and without chance for a sober second thought. I'm not arguing that the fiscal session should or should not be economy-minded. I'm just arguing that a session devoted only to spending decisions could produce a spasm in either direction—a spasm that is less likely when spending decisions are more protracted in time. I assume that pressure groups would and could gird themselves pretty effectively for a brief November-December push each year—distorting the appropriations results up or down depending on the happenstance of events and mood that prevailed in those two months.

Proposed deadline for authorization bills

As a general rule congressional procedures do not permit action on an appropriation for a program not previously authorized by law. Thus where the law authorizing a program expires annually it must be extended each year before action can be taken on an annual appropriation for the program. In order to expedite appropriations it has been suggested that Congress set a deadline for the consideration of authorization legislation. Rep. Langen proposed in 1969 that in conjunction with a shift to a calendar fiscal year the House rules be changed to provide that "all major authorization legislation be reported to the House prior to July 1 each year." [28]

John S. Saloma III, professor of political science at Massachusetts Institute of Technology, suggested in his analysis of the congressional budget process [29] that Congress accept year-round sessions as normal and necessary, and that "on the basis of a year-round session, the congressional leadership should then project a schedule for authorization and appropriation bills. The current pattern might be regularized with major authorization bills (NASA, foreign aid, etc.) to be completed by the first of September; appropriation bills between then and adjournment. This would, in effect, shift the fiscal year back six months to coincide with the calendar year, while adding six months to the period of budget formulation and congressional review."

FOOTNOTES

[1] *Hearings of the Special Subcommittee on Legislative Reorganization of the House Committee on Rules*, 91st Congress, 1st Session, p. 194.

[2] See *Making Congress More Effective*, a statement by the Research and Policy Committee of the Committee for Economic Development, Sept. 1970, pp. 34–40.

[3] *Congressional Record*, April 19, 1971, p. 10659.

[4] *Congressional Record*, Sept. 15, 1970, vol. 116, pt. 23, p. 31858.

[5] *Ibid.*, pp. 2–20. The Office of Management and Budget said on June 1, 1971, it was reexamining the administration's position.

[6] *Ibid.*

[7] *Fiscal Year of the United States Government and Some Proposals to Change It*, a study by George K. Brite, Economics Division, Legislative Reference Service, August 1969, pp. 1–6.

[8] *Hearings of the Special Subcommittee on Legislative Reorganization of the House Committee on Rules*, 91st Congress, 1st Session, p. 287.

[9] Ibid., p. 195.

[10] See House debate on Legislative Reorganization Act of 1970, *Congressional Record*, Sept. 15, 1970, vol. 116, pt. 23, p. 31858.

[11] *Congressional Record*, April 22, 1971, p. 11599.

[12] In its statement, *Making Congress More Effective*, the Research and Policy Committee of CED said:

"We strongly urge that the federal fiscal year be changed to coincide with the calendar year and that all congressional and executive patterns be revised in conformity. Congress should establish its own deadlines for adoption of authorization and appropriation bills. After some specific date each year the House of Representatives should be free to consider appropriations for purposes recommended in the executive budget, even in the absence of any other statutory authorization. If it becomes necessary, legislation should be enacted to give automatic effect to each appropriation proposed in the annual executive budget on which Congress has taken no formal action before January 1. Pp. 39–40."

[13] *Hearings of the Special Subcommittee on Legislative Reorganization of the House Committee on Rules*, 91st Congress, 1st Session, p. 194.

[14] *Hearings of the Joint Committee on the Organization of the Congress*, 89th Congress, 1st Session, Part 11, p. 1659.

[15] *Hearings of the Special Subcommittee on Legislative Reorganization of the House Committee on Rules*, 91st Congress, 1st Session, p. 287.

[16] Letter from Elmer B. Staats, Comptroller General of the United States, to Sen. John L. McClellan, chairman of the Committee on Government Operations, April 1, 1970.

[17] Mr. Staats went on to say:

In light of this situation, we believe that whether or not the fiscal year is changed, consideration should be given to more frequent use of the practice of authorizing and making appropriations for the fiscal year next following the usual budget year. This type of advance funding has already been authorized for certain programs such as Title I–A of the Elementary and Secondary Education Act; and by the Economic Opportunity Amendments of 1969. While we believe that advance funding is particularly important for grant-in-aid programs to states and local agencies, it would also be desirable for many other types of programs and activities of the federal government where firm planning prior to the beginning of the appropriation year is a significant factor in the successful execution of such programs and activities.

[18] S. 1875.

[19] *Hearings of the Joint Committee on the Organization of the Congress*, 89th Congress, 1st Session, part 12, pp. 1813–14.

[20] *Fiscal Year of the United States Government and Some Proposals to Change It*, a study by George K. Brite, Economics Division, Legislative Reference Service, August 1969, pp. 8–9.

[21] *Hearings of the Special Subcommittee on Legislative Reorganization of the House Committee on Rules*, 91st Congress, 1st Session, p. 3.

[22] *Hearings of the Joint Committee on the Organization of the Congress*, 89th Congress, 1st Session, p. 1877.

[23] *Ibid.*, p. 1882.

[24] *Ibid.*, p. 1885.

[25] *Ibid.*, p. 1885.

[26] *Ibid.*, p. 1886.

[27] The letter, dated Feb. 4, 1971, was in response to Sen. Magnuson's invitation to comment on the bill.

[28] *Hearings of the Special Subcommittee on Legislative Reorganization of the House Committee on Rules,* 91st Congress, 1st Session, p. 287.

[29] Weidenbaum, Murray L., "Federal Budgeting: The Choice of Government Programs" and Saloma, John S. III, "The Responsible Use of Power: A Critical Analysis of the Congressional Budget Process," published jointly as *Congress and the Federal Budget* (Washington: American Enterprise Institute for Public Policy Research, 1965).

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EXCELLENT MCPL REPORT ON NATO TROOP STRENGTH BY REPRESENTATIVES ROBERT F. DRINAN AND BILL FRENZEL

Mr. PROXMIRE. Mr. President: Members of Congress for Peace Through Law has prepared a series of research papers on a variety of military subjects this year. They have included reports on the B–1 bomber, the F–14 fighter, the Amchitka test, among others.

On Saturday, July 31, a further report on the subject of U.S. Troops in Europe was released. This research paper was prepared by two distinguished Members of Congress, the Honorable Robert F. DRINAN and BILL FRENZEL.

The report urges that the United States reduce its troop strength in NATO from 300,000 to 150,000 by June 30, 1972. It calls on our allies to bear a much fairer proportion of the burden of NATO defense. Furthermore, it proposes a number of legislative vehicles on which an amendment to achieve this goal can be added.

I commend this excellent report to both Congress and the public and ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON U.S. TROOPS IN EUROPE, A RESEARCH PAPER PREPARED BY CONGRESSMEN ROBERT F. DRINAN AND BILL FRENZEL

CONCLUSIONS

United States troop strength in Europe should be reduced from 300,000 to 150,000 by June 30, 1972. In addition, we should seek through consultation with our NATO allies to reduce U.S. troop strength in Europe to approximately one division by the mid-1970's.

We should not re-deploy our troops with inadequate preparation, and need not do so. In the past two years we have seen highly persuasive evidence that our government can alter its military policies and logistics abroad without giving any impression of headlong panic. What is essential is that Congress make the explicit and unreserved judgment that a quarter of a century after World War II we will not continue to spend more than $3 billion each year to sustain 300,000 American troops in an economically revived and viable Europe, each constituent nation of which has committed proportionately less of its national wealth to defense than has the United States.

Congress will have several opportunities during the balance of this year to enact legislation to scale down our military presence in Europe. Appropriate legislative vehicles include the Foreign Assistance Act, the Military Construction Authorization, and the Defense Appropriation bill. Each of these bills deals with an important aspect of our NATO commitment and could be used to help bring about the vital change in policy.

Having announced our intention to reduce our participation in NATO ground forces, we should consult with our NATO allies with respect to the precise timing of the reduction and the means for implementing it. Force reductions need not jeopardize the unity of Western Europe, our own security, or the security of the NATO nations—they can, in fact, enhance them.

The goal on which we should concentrate is a clear one: to deter aggression or the threat of aggression without unwarranted expense of national resources. This goal can be achieved through a two-step process: first, a near-term reduction of U.S. forces within the present NATO structure, accompanied by our renewed nuclear pledge and by intensified redeployment preparations; secondly, further reductions made possible through a more tightly integrated alliance.

We should undertake the first program now. The second is a longer range plan. In both, we shall be addressing the security of Western Europe in light of what United States interests require and what would be effective for our allies.

Each arrangement responds to the important changes which have occurred within the context of NATO's operations and purposes in the two decades since its birth, and each accounts for the possible military contingencies involving the West and the Soviet bloc in Europe, namely:

(1) all-out or limited thermonuclear attack or its threat by the Soviet Union against NATO or a NATO member.

(2) all-out or probing conventional attack or its threat by the Soviet Union against NATO or a NATO member.

THE COLD WAR AND THE BIRTH OF NATO

On April 4, 1949, the United States reacted to what it then perceived as a growing, indeed an imminent threat to Western Europe by the Soviet Union and the Red Army: we joined the North Atlantic Treaty Organization, declaring along with our NATO allies that "an armed attack against one or more of them in Europe or North America shall be considered an attack against them all."

A communist-engineered coup in Czechoslovakia in 1948 had catalyzed our NATO role. We were also much aroused by the unexplained death of the Czech foreign minister, Jan Masaryk, who had been known as a firm friend of the West.

The real intensity of our frightened reaction to the Czech crisis is reflected by the war scare within the government at that time and by, for instance, a CIA intelligence estimate sent tothe President five days after Masaryk's death to reassure the President that war was "not probable within sixty days."

Not all of our government's key policy makers were completely sanguine about the likely consequences of our new European stance. George Kennan, who eventually was appointed chairman of the working group which negotiated the language of the NATO pact, was the most sceptical and also the most prophetic. He has recently written of his unsuccessful efforts in 1948 to persuade his government that the threat facing the nations of Western Europe was and would remain primarily political and economic:

> . . . their best bet was still the struggle for economic recovery and internal political stability. Intensive rearmament represented an uneconomical and regrettable diversion of their effort—a diversion that not only threatened to proceed at the cost of economic recovery but also encouraged the impression that war was inevitable and thus distracted attention from the most important tasks.

Twenty years later, it is obvious that Western Europe is economically robust, even awesome. Politically it is stable, and well along the road toward integration. The primary threats have been effectively countered. The economic and political revitalization of Europe reinforces the criticism, now heard with increasing frequency, that this country should not, and need not, provide a military super-guarantee for Western Europe at a time when we are struggling to provide a barely minimal standard of living for millions of poor citizens and, indeed, a just and abundant life for all Americans.

The most recent outward signs of Congressional dissatisfaction with the troop levels in Europe were the May 19th vote in the United States Senate on the Mansfield amendment, which sought to limit to 150,000 the U.S. troops stationed in Europe as of December 31, 1971, and the May 26th Report of the House Armed Services Committee. The House Report pointed to the continuing presence in NATO of 300,000 U.S. troops, stated that "reexamination of the level of that contribution may be in order," and concluded:

> The Committee believes, therefore, that a greater share of the burden of providing funds and personnel for NATO-committed forces must be assumed by European members of the alliance. The Committee will be prepared to examine NATO defense expenditures in more detail in the future if present trends continue.

HISTORY OF U.S. TROOP LEVELS IN EUROPE

Immediately following World War II, during the period 1946–1950, United States troop strength in Europe declined from 3.5 million men to 200,000. Then, impelled by the

North Korean attack on June 25, 1950, President Truman approved and the Senate authorized the deployment of four additional divisions in Europe.

From the 1955 level of 405,000 American troops, the number declined slightly until the 1961–1962 Berlin crisis, when it reached a peak of 434,000. Today, total United States troop strength in Europe stands at 300,000 (See Table I).

During the past ten years, Soviet deployment in Europe has increased by approximately 75,000, the additional units having been introduced in connection with the 1969 Soviet invasion of Czechoslovakia (See Table II).

OUR CURRENT POLICY DEFINED

NATO's strategy has shifted in the past ten years from reliance on conventional ground forces to greater emphasis on strategic and tactical nuclear weapons, and back again toward the current stress on conventional capability.

In 1967, NATO adopted the position that, in view of approaching nuclear parity between East and West, total nuclear war was no longer the most likely form of conflict. A new strategy, labelled "flexible response," was designed to provide NATO members with a non-nuclear "breathing space" in the event of conventional attack. Its purpose was the avoidance of what had become known as the "red or dead" choice between surrender and immediate resort to general nuclear war.

In his most recent Foreign Policy Report, the President restated the basis for the continuing large United States contribution to NATO's "flexible response" strategy:

> No token presence could serve our purpose. Our substantial contributions of U.S. forces —about 25 percent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found Alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our Allies' confidence in us. It links European defense to a common strategy and to the nuclear power of the United States.

Those who doubt the wisdom of this policy question not so much our basic commitment to Europe as its size and apparently open-ended nature at a time when our allies are making limited defense efforts, and our needs at home are acute. General Andrew Goodpaster, the Supreme Allied Commander in Europe (SACEUR), has stated that the conventional forces now at his disposal are the minimum feasible to employ the "flexible response" strategy in the event of non-nuclear attack.

ARGUMENTS FOR PRESENT POLICY

While those who challenge the present policy maintain that our NATO partners can and should fill the breach, others believe that even if Europe might one day be prompted to do more for its own defense, this can only occur after close consultation within NATO over some unstated period of time. They argue that any "unilateral" determination on our part would be unwise and dangerous. Thus on December 3, 1970, President Nixon told NATO that the U.S. would not reduce its troop levels in Europe "unless there is reciprocal action from our adversaries."

1. "U.S. forces in Europe protect basic American security interests there and in the Middle East."

Some believe a major reduction in United States forces would threaten current European economic stability, brought about in large part by the American military presence in Europe over the past 22 years. They argue that substanstial forces, including the Sixth Fleet, are needed in Europe to counter the growing Soviet threat in the Middle East.

2. "Now is the worst possible time to begin unilateral troop reductions."

In recent weeks the Soviet leadership have expressed a willingness to discuss mutual force reductions. Some argue that these overtures, which they believe to be sincere, together with the current Berlin Talks and the SALT negotiations, would be seriously undermined if we were unilaterally to withdraw our troops without obtaining substantial concessions from the Russians in return. Our best hope, they contend, is to negotiate with the Russians from a "position of strength."

3. "Our allies are carrying an increasing share of the burdens of their own defense."

This argument goes as follows: There are approximately 300,000 United States troops in Europe. Other NATO countries collectively have more than 2,000,000 troops. The United States has recently persuaded its allies to undertake a $1 billion multilateral European Defense Improvement Program in addition to their normal defense expenditures. The annual United States budget cost associated with the deployment of our forces in Europe is $3 billion. The yearly cost to our allies of their men under arms is $24 billion.

Those who are reassured by these figures maintain that a United States troop decrease would not prompt the NATO nations to undertake a larger share of their own defense.

4. "Our NATO commitments contribute only modestly to our balance of payments problem."

The gross balance of payments cost of military expenditures in Europe for 1970 was estimated at $1.8 billion, while the total balance of payments deficit from all sources was $10 billion. $1.1 billion of the total outflow is incurred in Germany. Since 1962 the Germans have partially offset these deficits through payments to the U.S. of $6.5 billion, while other NATO allies made purchases of almost $4 billion during the same period. Further offset agreements with the Germans are possible in Fiscal Year 1972.

5. "Unilateral reductions would divide our allies at a time when efforts are being made to encourage closer economic and political bonds."

Europe at the moment is in the process of expanding the European Economic Community from 6 to 10 members with the full support of the United States. But there is nothing inevitable about this process, and some believe that a United States troop "shield" in Europe, together with our nuclear "sword" have provided a necessary shelter behind which the moves toward integration could mature. They feel that to reduce American troop strength at this time could undercut current moves toward European economic and political integration.

FALLACY OF THE CONVENTIONAL ARGUMENTS

Essentially then, the defenders of the *Status quo* assert that until there are fundamental changes in the European security scene or in our assessment of our security interests and perils, the time will not be right for a substantial and unilateral troop reduction.

Yet there remains much evidence to show that whatever the realities upon which NATO was founded, these have already changed. The two major phases and occasions for this change are widely known: communism has fractionalized, and the United States has both lost its nuclear exclusivity and discovered that other nations may successfully differ with us as to what constitutes an appropriate form of government.

We have also suffered the internal combustion of long unfulfilled domestic and foreign economic and social needs. Any random comparison of the relative dimensions of our military and social commitments will yield indicting results. Two examples:

1. To aid India, the only stable parliamentary democracy in Asia, a key to our hopes for peaceful development in the Eastern hemisphere a country where 15 of every 100 children born do not survive their first year—the United States will spend $400 million this year.

To maintain United States troops and facilities in Europe, with emphasis on allocations in West Germany and other highly industrialized nations, the United States will spend $3.2 billion this year.

2. In our own country during this fiscal year, the government intends to spend $22 billion on education, $14 billion on health, $5 billion on urban renewal.

To maintain United States general purpose and support forces in NATO and NATO-related forces outside Europe for use in a European emergency we spend approximately $12 billion annually.

It is against this background that we must consider again what are our "most important tasks," and this time determine to accomplish them.

FORCE REDUCTIONS WITHIN THE PRESENT NATO FRAMEWORK

Whenever troop reductions are proposed, one fully expects to see hauled into battle the familiar warhorses of the military establishment: 'the present troops in NATO are insufficient'; 'the allies will panic and go neutral'; 'Germany will slide toward a new version of the Nazi-Soviet Nonaggresssion Pact.'

In fact, what the manpower figures show is that the present conventional force alignments of Western and Eastern European nations are either in numerical balance, or, according to certain experts, substantially favor the West.

The British Institute for Strategic Studies, which is probably the most objective and authoritative observer of international military deployment, has reported that the troops in West Germany, including the United States component, total 627,000. Soviet and Eastern European troops facing them in East Germany and Czechoslovakia total 565,000.

Those who favor maintaining or even increasing our NATO troops like to portray the Alliance as being ominously outmanned by the Warsaw Pact. This is a familiar approach, but also a curious one, since if NATO is really so disadvantaged in conventional forces, why should the United States retain any but token troops in Europe?

It is true that the Pact figures are greatly increased if we include the 60 Soviet divisions which are stationed, according to the Institute for Strategic Studies, in European USSR, west of the Urals and north of the Caucasus. But a policy based on inclusion of those divisions is not coincident with a policy related to defense against limited attack. Massive reinforcement operations would be required in the former instance. Let us first, then, consider the possibilities for limited, probing conventional attacks.

Even if U.S. troop levels were reduced substantially, the remaining NATO forces in West Germany could thwart a purely conventional attack by the Soviet Union and its allies, short of a massive invasion on the scale of World War II. NATO, after all is a *defensive alliance*. It is an accepted rule of conventional warfare that the enemy needs at least a two to one advantage in forces to mount a successful offensive. The Soviet Union enjoys no such advantage by any reputable estimate.

It is misleading in any event to compare opposing forces without considering such important variables as troop morale, logistic support, and the quality of armaments.

We are considering the capability of Western Europe to resist a conventional attack, which it would defend on its own familiar ground, a key advantage. Also, as events in

Poland, Hungary, and Czechoslovakia have shown, the Soviets could not rely confidently on the contribution of their Eastern European contingents.

Warsaw Pact forces do not match NATO's qualitative strengths. This was forcefully pointed out in a recent analysis in the respected journal *Foreign Affairs,* by Alain C. Enthoven, a former Assistant Secretary of Defense for Systems Analysis, and K. Wayne Smith, of the RAND Corporation and formerly Assistant Professor at West Point. NATO's forces are superior to Warsaw Pact forces, they conclude, "both qualitatively and quantitatively in such important areas as logistic support, ammunition, weapons, vehicles, artillery and engineers." They also state that:

> NATO aircraft are far better qualitatively by almost every measure of relative capability and far better suited for conventional operations than Pact aircraft. This advantage in tactical air power adds to the confidence that NATO's land forces could not be readily overwhelmed in a conventional attack.

As for the possibility of a more massive attack, the Soviet Union could increase its own forces to 840,00 and could expand this to 1,290,000 with reinforcements from Poland, Czechoslovakia and East Germany.

These mobilization advantages enjoyed by the Soviet Union are well-known and important. But do they make the case for our keeping 300,000 troops at their posts in Western Europe? No, for two reasons. First, as Enthoven clearly demonstrates, Pact advantages in terms of overall strength are not large enough to constitute a decisive force ratio. He stresses two facts in that context: "1) worldwide, the NATO countries have 30 percent more men under arms (and even slightly more men in land forces) than the Warsaw Pact, excluding U.S. increases for Viet Nam; and 2) NATO consistently has a larger defense budget than the Pact—50 percent greater in 1968 for example—measuring both in terms of U.S. price and excluding U.S. expenditures for Viet Nam."

A second factor in the weight to be accorded the Soviet reinforcement ability is that these reinforcement operations are, in the term used by a NATO publication, "elephantine." A decision to attack massively is not made in tranquil times. Political tensions, diplomatic signals precede it. There are invariably strategic warnings: submarine contacts near NATO missile launch areas, cancelled enemy troop leaves, ponderous shifting of armored divisions into forward areas.

This type of operation would become apparent to the allies well enough in advance for them to mobilize their own reserves. NATO has established and maintains large supply depots in Europe, such as the one at Kaiserslautern in Germany, to make possible the quick transfer of whole divisions from the United States. The transfers are frequently rehearsed, and a United States declaration of intention to withdraw troops from Europe might make the rehearsals even more determined and impressive to prospective enemies than in the past.

The Czech invasion gives us a classic and quite embarrassing example of warning time. In that case, the Western press reported Warsaw Pact Maneuvers of unusual size and sophistication months before the invasion. One day after the attack, the allies consulted each other. The failure of NATO to act decisively in a crisis underscores a fact relevant to NATO's present needs: given a basic troop force, the success of an action is less a matter of quantity of troops than of timing, determination and teamwork.

We should also remember that the necessity for a potentially explosive mobilization would itself be a powerful deterrent to massive invasion.

With respect to the question of nuclear deterrence, a reduction of United States troops should be accompanied by a reaffirmation of our nuclear pledge. NATO would continue to meet any nuclear threat with its own presently awesome deterrent, which includes the Polaris missile system and 7000 nuclear warheads. Our own pledged nuclear shield is independently staggering. The approximate total of deliverable United States individual warheads is 7500, according to the Institute for Strategic Studies report, *The Military Balance, 1970–1971.* For the Soviet Union, the estimated total is 5662. Approximately 2000 of the Soviet warheads are associated with vehicles having the range to strike at the continental United States. Approximately 6000 of the American warheads are fitted to vehicles capable of reaching Soviet territory.

Do we really need 300,000 troops to make all this megatonnage believable? The credibility of the NATO nuclear deterrent, to the extent that it depends at all upon the continued presence of American manpower, does so only symbolically. The stationing of a certain number of United States troops in Europe reassures some that we have a stake in European security. But it would seem certain that if the survival of Europe in a nuclear crisis with the Soviet Union, and surely therefore our own survival as well, could not by itself move the United States to action, then the presence of American troops in Europe would not make the difference. If, on the other hand, some American force is required as a hostage to nuclear bargaining, 50,000 or even 10,000 American lives ought to serve that purpose satisfactorily.

We have been talking so far about contingency requirements as though the present U.S. forces in NATO operate at top efficiency, with no manpower squandered. That is a highly vulnerable assumption. A recent series of articles by a former lieutenant colonel in the United States Army analyzing the organization of America's 1.4 million-man standing army demonstrates that a very substantial fraction of the $12 billion allocated for American troops oriented to the defense of Europe finances an extraordinarily large overhead of noncombatant, administrative, supervisory and support personnel. The author, Edward L. King, who has served with the Office of the Joint Chiefs of Staff, concludes that no more than 7500 of the 16,350 troops in an Army division are actual combat troops who might be called upon to fire on the enemy. Each division also requires another 32,700 soldiers in sustaining roles. Thus, of the 49,050 soldiers required to populate and field a United States Army division, less than 25 percent could engage in combat. International political and strategic considerations aside, the management of the United States army in Europe should be much improved.

Some have conceded the urgency of the need to reduce American troop levels in Europe, but assert that we ought not to act unilaterally, without a mutual agreement with the Soviet Union. History certainly does not justify inaction based on expectations that we and the Soviet Union will suddenly be willing to negotiate smoothly and quickly questions which have been stalemated for years.

There is a further reason why in 1971 the call to "persist" in Europe so that we may "negotiate from strength" rings hollow. Advocates of that stance try to persuade us that we should not act when we might be able to use our troops to strike a bargain with the Soviet Union. But to project every issue of United States foreign or even domestic policy as primarily another element of international game theory has been the distracting, bedevilling, and futile temptation of our cold war history. Our point in urging a stand-down is precisely that we can no longer afford this game.

As we should know from experience with our military policy in Southeast Asia, there are almost as many rationalizations for the maintenance of American troops in Europe as there are parties to the *status quo:* now as a hostage for our nuclear deterrent, now as a psychologically stabilizing "presence" in the alliance, now as one more blue chip in the bargaining of the superpowers. There is every rationale, it seems, but the essential, relevant one, that Europe could not defend itself but for the presence of 300,000 American troops. We believe it could. At present there is a compelling incentive for Europe to abdicate its defense responsibilities to the United States. Our nation provides and guarantees that incentive. The precedents of other such incentives to abandon responsibility should be highly instructive: they have often, if not invariably, become self-fulfilling prophecies.

To summarize: NATO forces including a much smaller United States component and backed by our valuable nuclear pledge will remain adequate for any conventional attack short of all-out attack. A massive invasion would compel the mounting of a reinforced army whose mobilization would give ample alert to the West.

FORCE REDUCTIONS WITHIN A MORE FULLY INTEGRATED ALLIANCE

In considering longer range approaches to the problems of European security, we need to recall NATO's cold war origins, how the alliance arose to confront the perceived implications of Stalin's domestic policies, and the tyrannies he imposed in Eastern Europe.

The respects in which the circumstances of its birth have enthralled NATO to its institutional detriment and the detriment of its member nations are discussed at length in *The Atlantic Fantasy: The U.S., NATO, and Europe,* a recent study by David P. Calleo, Director of European Studies at the Johns Hopkins University School of Advanced International Studies. Professor Calleo describes America's and NATO's response to the Soviet threat as initially sound, but, he says, the "prudent policy of containment gradually was translated into a new world order. The soaring rhetoric of the Truman Doctrine committed the United States all around the world to 'support free people who are resisting attempted subjection of armed minorities or by outside pressures.'" Those who suggest the imperative for changes in NATO, Calleo shows, must confront the inertia of this history: "Nothing, it seems, paralyzes the imagination so much as an old and decaying success."

It is necessary for the United States to reduce its military presence in Europe, but for us to do only that is not enough.

To make NATO a more coherent and credible deterrent, we must begin to relocate the responsibility for European defense within the nations whose security is directly at stake. We must find ways to make the NATO membership less dependent on the United States and more meaningfully interdependent. The impetus of American troop reduction will help, but our political and diplomatic leadership will also be required.

The NATO treaty stresses consultation and interdependence, but in fact NATO has always been almost completely dominated by the United States:

(a) Two of the three principal NATO commands have always been held by an American; the third is British.

(b) Eleven of the thirteen subordinate commands have always been held by the United States and Britain.

(c) Seven United States officers in Europe hold four-star NATO jobs; no other country holds more than two.

General André Beaufre, who brought the nominal influence of France to bear on NATO's Military Standing Group, has described the Group as "a system of wheels without power revolving almost endlessly around questions of routine."

Anyone could predict the result of this arrangement: our NATO allies do not credit our insistence on burden-sharing. They fail to keep their force contributions at full strength and readiness.

Compared with its NATO allies, the United States has nearly twice as large a percentage of its population in the armed forces. The United States spends more than twice the percentage of its gross national product on defense than most of the other NATO nations: more than three times the percentage of Canada; more than twice that of West Germany, Belgium and Denmark; one-and-a-half times that of Britain and Greece (See Table III).

Suppose our own defense and spending efforts were scaled to a level more nearly comparable to that of our allies; and suppose theirs were increased to more closely parallel our own. Enthoven and Smith made these calculations, and they found that we would reduce our annual defense spending by more than $25 billion, and could demobilize more than a million troops. They did not endorse such a reduction, but the comparison is instructive as to what our allies are doing in the interests of their own security. Conversely, Enthoven calculated the Germans alone "could replace half of our divisions in Europe and half of our air wings besides, and still keep expenditures under 6 percent of their GNP, less than the percentage they were spending in 1963, and still less than the percentage we are spending now."

Even in these unequal circumstances, the allies express doubts about how the United States might react to a nuclear crisis in this present era of approximate Soviet-American parity. They wonder whether we would actually put our national existence on the line for their security.

We should scarcely be surprised at their misgivings. We have known in Southeast Asia many of the same difficulties with allies whose confidence has been undermined by economic and military dependence on us. In Europe, as long as NATO countries, particularly Germany, have to mount large offset costs for United States troops, they will not pool the necessary resources to manufacture their own deterrent.

To strengthen NATO, Germany and Britain must share more equitably in its strategy and decision-making. This may be effected under circumstances in which Germany would continue to have no nuclear weapons on its territory, and the United States would continue to maintain custody of the nuclear explosives stockpiled in Western Europe.

A NATO conference on joint deterrence should be held as soon as possible to work out political arrangements which would develop the roles of Germany and Britain in the alliance. We should attempt to bring France into a closer relation with this more integrated alliance. The United States should, for example, take the initiative in preparing for the appointment of a European Supreme Commander.

Would we by these measures be risking an involvement not in our interests and initiated by events we could not influence? In fact, this is a risk we have been facing in our complex of commitments in Asia and the Middle East since World War II. We believe the risk would not be measurably increased. Often we have been mistaken in thinking we could direct events in those areas. At least in Western Europe, where we have the longest standing cultural and historical ties, with allies who have stable governments and who do not pretend to empire, we ought to be most prepared to forgo the illusions of hegemony.

A more integrated European nuclear defense would encourage further steps toward European unity to a greater and more reliable extent than the present American economic and strategic umbrella ever can, and it would do this because it would be based on shared responsibilities.

The question at issue with regard to troop reductions is not whether we need to deploy American troops to keep our European allies calm and loyal. Rather, the question is whether—in view of our limited resources—the evidence of our critical domestic needs outweighs the evidence for continuing to deploy a huge American garrison in an economically revived Europe. We believe it does.

TABLE I.—U.S. DEPARTMENT OF DEFENSE PERSONNEL IN EUCOM GEOGRAPHICAL AREA, END OF CALENDAR YEAR (DEFENSE BRIEF)

[Nearest thousand, approximate]

	U.S. military	Civilian employees (appropriated funds)		Dependents of U.S. military and of civilian employees (appropriated funds)
		United States	Foreign	
End—				
1950	145	(1)	(1)	(1)
1951	346	(1)	(1)	(1)
1952	405	(1)	(1)	(1)
1953	427	9	144	(1)
1954	404	10	169	182
1955	405	11	161	222
1956	398	12	149	281
1957	393	11	146	(1)
1958	380	11	129	269
1959	380	11	122	300
1960	379	12	123	335
1961	417	12	122	341
1962	416	12	124	352
1963	380	12	117	323
1964	374	12	99	310
1965	363	13	94	326
1966	366	14	92	264
1967	337	14	84	264
1968	316	14	82	245
1969	300	15	70	225

(1) No data.

NOTES

Includes both EUCOM and non-EUCOM personnel and dependents.

End of year figures unavailable for civilian employees and dependents for 1953 and 1957–59; June or September figures used instead.

Large 1966 drop of dependents caused by: (1) extraordinary military personnel turnover and (2) revised accounting procedures.

TABLE II.—CONVENTIONAL FORCES IN EUROPE: NATO AND THE WARSAW PACT[1]

Country	Total Regular Armed Forces	Army	Army forces on central front[3]	Total trained Reserves and paramilitary forces
NATO COUNTRIES[2]				
Federal Republic of Germany	466,000	326,000	326,000	681,500
France	506,000	328,000	[4] 34,000	505,000
Britain	390,000	190,000	53,500	270,000
Italy	413,000	295,000	None	706,000
Portugal	185,500	150,000	None	515,000
Greece	159,000	118,000	None	223,000
Turkey	447,500	390,000	None	610,000
Netherlands	121,250	80,000	80,000	193,000
Belgium	94,900	70,000	70,000	37,800
Canada	93,325	35,350	3,100	22,900
Denmark	44,500	27,000	27,000	90,000
Luxembourg	550	550	550	350
Total	2,921,525	2,009,900	594,150	3,854,550
United States	3,161,000	1,363,000	[5] 200,000	1,023,500
Total	6,082,525	3,372,900	794,150	4,878,050
THE WARSAW PACT COUNTRIES				
Poland	242,000	195,000	195,000	495,000
Czechoslovakia	168,000	150,000	150,000	535,000
Rumania	181,000	165,000	None	300,000
Bulgaria	149,000	130,000	None	167,000
German Democratic Republic	129,000	92,000	92,000	273,500
Hungary	101,500	90,000	90,000	160,000
Total	970,500	822,000	527,000	1,930,500
U.S.S.R.	3,305,000	2,000,000	[6] 400,000	2,330,000
Total	4,275,500	2,822,000	927,000	4,260,500

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[1] Unless otherwise noted, this information was drawn from the military balance 1970–71, prepared and published by the Institute for Strategic Studies, London, 1970.

[2] These include the total forces of the NATO countries, on the assumption that an attack upon them would invoke a response from all forces and not merely from those assigned formally to NATO. Likewise for the Warsaw Pact.

[3] The central front is taken to include West Germany, Denmark, and the Benelux countries on the NATO side, and East Germany, Poland, Czechoslovakia, and Hungary on the Pact side.

[4] The military balance 1970–71 indicates that France has two mechanized divisions in Germany plus 2,000 men in West Berlin. According to the military attaché at the French Embassy in Washington, a French mechanized division normally includes 16,000 men, which suggests that France may have a total of 34,000 men stationed in Germany.

[5] There are an additional 100,000 American military personnel in Western Europe and related areas. U.S. Defense Department. Directorate of Information. Telephone conversation, Mar. 31, 1971.

[6] Military Spending Committee of Members of Congress for Peace Through Law. Report on military spending, July 9, 1970. Table I, sec. 9, pp. 4–5. According to this source, there are an additional 450,000 Soviet troops in European U.S.S.R. Figures contained in the military balance 1970–71 suggest that there are fewer than 300,000 Soviet Army forces (14 tank and 17 infantry divisions) deployed in Central and Eastern Europe. Other current sources indicate, however, that there may be as many as 520,000 Soviet "troops" stationed in Eastern Europe, but these figures probably include support and air force personnel. See Newsweek, May 31, 1971, p. 5 and the National Observer, May 24, 1971, p. 4.

TABLE III.—MILITARY BUDGET AS A PERCENTAGE OF-GNP FOR EACH OF THE NATO NATIONS—DEFENSE EXPENDITURES—NATO COUNTRIES

Country	Military budget	Percent of GNP
Belgium	$721,538,000	3.0
Canada	1,676,000,000	2.0
Denmark	365,187,000	2.5
France	4,899,000,000	3.6
Western Germany	5,990,928,000	3.2
Greece	471,000,000	5.5
Iceland	None	
Italy	2,650,841,600	3.0
Luxembourg	8,592,000	1.0
Netherlands	1,113,304,000	3.6
Norway	369,400,000	3.7
Portugal	367,117,000	6.5
Turkey	429,992,363	3.8
United Kingdom	5,471,959,200	5.0

Note: U.S. Defense expenditures are estimated at 7.4 percent of GNP in fiscal year 1971 and 6.8 percent in fiscal year 1972.

AID FOR EAST PAKISTANI REFUGEES

Mr. KENNEDY. Mr. President, the civil war in East Pakistan has produced a tide of human misery and death unequalled in modern times. There are currently some 7,000,000 East Pakistani refugees in India. With the number continuously mounting as tens of thousands of refugees enter India daily. The breakdown of civil administration and normal government services in East Pakistan threatens major famine for millions over the coming months.

One of the many national and international voluntary agencies assisting the Government of India in conducting relief programs for these unfortunate people is the Americans for Childrens Relief, formerly Americans for Biafran Relief. This past June, ACR announced the launching of a nationwide drive to raise money and materials to aid the refugees in India. Most recently, ACR sent 29 tons of food, materials, and medicines to Calcutta. And the drive continues.

Americans for Childrens Relief is doing a magnificent job, Mr. President, and because of the broad public and congressional interest in the human tragedy being produced by the civil war in Pakistan, I ask unanimous consent to have printed in the RECORD recent press releases of the ACR, announcing their emergency appeal.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

ACR PRESS RELEASE

GREENWICH, CONN., July 22.—A mercy cargo of 29 tons of baby foods, shelter materials, and medicines, arrives in Calcutta today aboard a special charter relief flight co-sponsored by Americans for Childrens Relief (ACR) and Catholic Relief Services (CRS). The cargo, valued at $214,554, will provide aid to thousands of Pakistani refugees who have fled their homeland into India.

The 25,000 jars of baby food donated by ACR will feed 1,000 babies for one month. The 15 miles of polyvinyl shelter material sent by CRS can house 75,000 refugees from the monsoon rains. The 1400 pounds of injectible antibiotics provided by the Catholic Medical Mission Board total 25,000 doses.

There are currently just under 6 million Pakistani refugees in India, nearly all of whom brought with them no extra food, extra clothing or provisions to shelter them from the seasonal rains.

Monsignor Andrew P. Landi (Deputy Executive Director, CRS) and ACR sponsors Dave Brubeck (jazz pianist and composer), Dr. A. R. T. Denues (director, Old Trinity Church) and Rabbi Charles Mintz (Union of American Hebrew Congregations) led interfaith services at JFK International Airport in New York on Monday afternoon at loading time.

ACR Chairman Cliff Robertson announced ACR's nationwide appeal last month to raise funds for support of U.S. voluntary agencies, such as Catholic Relief Services, in their aid programs with refugees.

[From the Westport (Conn.) News, July 9, 1971]

AMERICANS FOR CHILDREN'S RELIEF LAUNCHES DRIVE TO AID PAKISTANIS

"Our children are all children. Our race is the human race," Cliff Robertson, Chairman of Americans for Childrens Relief told a press conference gathered in New York City as he launched the emergency drive to help refugees from East Pakistan.

Sharing the dais with Mr. Robertson was Executive Director of ACR Mrs. Candice Jordan of Quentin Road. She is organizing the nationwide appeal aimed at developing grassroots support for the voluntary agencies working in India.

"There are upwards of 6 million refugees from East Pakistan now in India, and they have just about exhausted all available supplies of food, clothing, shelter and medicines," Mr. Robertson pointed out.

"Feeding alone will cost from $2.5–$4 million monthly for just one million refugees," said Mrs. Jordan. "This does not cover the cost of medical supplies, transport of materials and most important tents for shelter during the cold monsoon season."

"While the cholera epidemic has been held in check for the moment, the monsoon rains raise the threat of widespread typhoid infection and all disease," she said.

Mrs. Jordan also pointed out that barely six months after the devastating cyclones and floods in East Pakistan, once again the vulnerable children, women and old people are exposed to the cold driving monsoon rains; drinking from contaminated pools and walking barefoot 300 miles without adequate food or water.

All funds raised in the national drive will be channeled to the field operations through Catholic Relief Services and Church World Service's ecumenical effort.

Donations should be sent to Americans for Childrens Relief, P.O. Box 4030, Church St. Station, New York, N.Y. 10049.

EMERGENCY APPEAL

DEAR FRIEND: Today children all over America are getting ready for Summer vacation. Bathing suits are coming out of closets. Camp trunks are being packed. Parents and grandparents are proudly attending graduation or wedding ceremonies.

Today, barely six months after the devastating cyclones and floods in East Pakistan, 6 million refugees are huddled along the 1,350-mile India-Pakistan border, exposed to the cold driving monsoon rains. The vultures hover over the abandoned corpse of a child, his hand reaching for an empty bowl. "There is no wood for the Hindu burial ceremony of cremation," says Newsweek.

"Cholera is rampant," says Life. "They are dying in such numbers we can't even keep count. Many have walked barefoot for 300 miles without adequate food or water. They drink from contaminated pools, and the cholera spreads. Now the wet season will create a perfect breeding ground for typhoid, small pox and polio." As always, it is the children, women and old people who are most vulnerable.

What can we do? At this moment ACR's emergency medical personnel is not needed by the World Health Organization. The priorities are:

1. Shelter—tents and tarpaulins.
2. Medical supplies and equipment.
3. Milk stations, children's food and special care.
4. Clothing and domestic utensils.

ACR is appealing for cash donations for these priorities.

When the Nigeria/Biafra war ended eighteen months ago, we fervently hoped never to see such human suffering again. At that time ACR pledged "whether children are yours or mine, black or white, Buddhist or Catholic, we will act as their advocates and bring them relief from disasters made by man or nature." We ask you now to help us keep that pledge.

We cannot speak in numbers. There is no way of knowing how many lives can be saved. But if all of us reach out together, we know we shall save *some*. You cared before . . . we ask you to care now. Reach out and give whatever you feel you can. It will make the difference between life and death for some innocent victims of this staggering human disaster.

CANDICE JORDAN,
Executive Director.

GEORGE SHULTZ ADDRESSES NATIONAL URBAN LEAGUE

Mr. GRIFFIN. Mr. President, last week the Honorable George Shultz, Director of the Office of Management and Budget, delivered an important address before the National Urban League Conference in Detroit. I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FORMULA FOR PROGRESS: STEADINESS OF PURPOSE, EMPHASIS ON RESULTS

I am very pleased to have been invited to speak to you today. I come with a particularly high regard for Urban League. Yours is a tradition which has won great respect from successive national administrations. This administration is no different from those which have gone before in its esteem for your work.

The League's tradition, of course, owes a great deal to the personal style of Whitney Young. He always prided himself on speaking the truth to the mighty. And he did. Although the truth was not necessarily what policymakers wanted to hear, they always listened to Whitney Young. Why was this so? Well, I believe there are two reasons. First, the Urban League has acquired a reputation for persistent, professional application to the job on hand.

Whitney Young sought less to make news than to bring about change, and he was willing to bear the criticisim of those who valued public confrontation over quiet accomplishment.

Second, when dealing with government, Whitney Young always acknowledged a range of complex, multiple interests in the making of national policy. He didn't oversimplify, and he didn't expect Nirvana. Consequently, he was taken seriously. And, I might add, he never knew the despair of some who for a time had seemed to give way to a euphoric vision of consummated struggle, and then lost their staying-power when they discovered to their disillusion that many people today are behaving very much as they did yesterday. The Urban League now has a new Executive Director, Mr. Vernon Jordan. The President and I have met with Mr. Jordan and conveyed our warm, good wishes for the continued success of the League under his direction.

I am not here to tell you how much we in this Administration have done, nor to present advertisements for ourselves. There is a kind of reflex that government spokesmen sometimes yield to, of approaching their audience narrowly and saying, in effect, "this is what we've done for you." It is not my purpose to give that kind of speech, for I find it both condescending and inconsistent with this Administration's philosophy of letting our performance speak for itself. I am here to talk about the functions of government in a troublesome time.

We in the national Administration must somehow chart an orderly path through an ambivalent, disorderly time. Our duty in these times is to provide leadership and purpose in the face of manifest complexity. We must acknowledge at the outset the disenchantment which people feel towards government—not, I might add, just towards the American government, for the same skepticism is felt by people throughout the world towards governments which have disappointed lofty hopes, failed to provide a sense of security, and let things get out of control. There was a time when throughout the western world there was, if anything, too much faith in government, based upon a conviction that government would smite the interests, curb selfishness and care for basic needs at no cost. Now we are perhaps reaping the whirlwind for daring to expect so much. Excessive belief in government, as Peter Drucker has pointed out, can be a romantic escape, a kind of irresponsibility.

Well, how can we best proceed from here—what are the tasks of leadership today?

The first task of leadership is to light the way. We need a combination of vision, realism, and determination not only at the top, where we have it, not only in the Urban League, where we have it, but all through the many centers of power and influence that characterize the United States.

A second task of leadership is to recognize at home, as we have in the Nixon Doctrine abroad, that our centralized government is not super-competent and that we must be selective and restrained about where we direct the energies of national government. The experience of the 1960's has taught us, for example, that there are things the Federal government can do for the cities and there are things that cities, when provided with flexible funds, can best do for themselves. When the din of crisis and the rhetoric of disaster are heard, the Federal Government is too often inclined to respond with a new bureaucracy. No sooner is a new problem discovered than a new national program is created to deal with it.

This impulse led to a tenfold increase in Federal grant programs from a total of 44 in 1960 to nearly 500 by 1970. National government should resist the temptation to devise new bureaucracies, new regulations, and more Federal controls, where money will do. This is the philosophy behind welfare reform, revenue-sharing, and contracts with an outstanding and sometimes critical organization like the Urban League.

A third task of leadership is to cut the rhetorical overkill. Of course, national affairs can become partisan and occasionally acrimonious, and it is sometimes difficult for officials—and not just Government officials—to avoid claiming too much for their efforts and proposals for making too much of their criticisms. But we in the Administration are making the attempt to keep our promises in line with the possibilities at hand and to build credibility by delivering the goods.

A fourth task of leadership is to comprehend the many interests which are affected by national policy and let all know that they are heard, considered, and, if possible, accommodated. No group interested in participating in our national life will be frozen out.

We sometimes hear it said that changes come about very slowly in the United States. Yet, who could have predicted ten or even five years ago that an American President would propose a system of income supplements designed through incentives as well as requirements to move people off welfare rolls and onto payrolls? Now, we are very close to enacting such legislation. Who could have imagined less than a decade ago, when Medicare was a burning controversy, that a consensus to complete a system of health insurance on a national scale would emerge, making it very likely to come about within the near future? Who, looking back upon an unhappy legacy of bitterness, resistance and even violence would have predicted that in the 1970–71 school year more than 4 million Southern children would make the transition from dual to unitary educational systems—largely without fanfare and without turmoil?

The American people are more open to change than many are willing to acknowledge. But they are unwilling to be ignored by their government in devising the changes *they* will have to live with. Mechanisms of change must acknowledge the pluralism of the American process, and must build in means of participation, consultation and conflict resolution. The new leadership recognizes that many people will cooperate in change if they are not angered or threatened, if they are honestly informed of objectives, and if they are assured about their own status and well-being.

In a climate of pessimism and negotiation we must concentrate on instruments of affirmation. There was a time when the language of guilt and anger was perhaps appropriate in creating the moral and emotional climate necessary to pass long overdue legislation. A sense of guilt can induce a useful catharsis and a momentarily deep commitment. However, guilt is less effective in instilling the sustained resolution necessary day in and day out to making equality an accepted fact of American life. This Administration is motivated to act forcefully in the field of civil rights not out of a feeling of guilt but from a sense of responsibility, a steady-as-you go commitment to civil rights as an enduring priority of national concern.

The Nation is committed by its laws and conscience to eliminating racial discrimination and overcoming its effects. The President fully shares this commitment. In the words of his inaugural address: "No man can be free while his neighbor is not. To go forward at all is to go forward together. This means black and white together, as one nation, not two."

We further believe that in this area, as in others, lasting success depends upon adherence to the principles of leadership I have mentioned: setting the goals, making sure the Federal programs already in place work effectively, avoiding inflammatory rhetoric, and involving all affected people in the process of building a better life.

Thus, in acting to assure equitable employment of minorities in federally financed construction, the Labor Department prefers voluntary "hometown plans," which give all parties a stake in success, to federally imposed plans of the type originally used in Philadelphia. But there must be a willingness, if the hometown solution doesn't work, to develop and implement a federal plan, as we have done in Washington, Atlanta, St. Louis, and San Francisco.

In working with the large-scale transition from dual to unitary school systems in the South last fall, the Administration encouraged local participation by establishing biracial, broadly representative State Advisory Committees in seven of the affected states. The Committees will be active again this fall and, I am sure, will continue to be helpful to all concerned—white and black, parents and teachers, but most especially students. For, as the President has emphasized many times, the students are the ones who count, the name of the game is a first-class education available to everyone.

In the area of social services, we have entered into a partnership with the Urban League involving commitments for contracts that will draw on the special talents of the men and women of the Urban League in opening up new opportunities throughout America. Your independent judgment and your impartial, constructive criticism can serve the national interest not necessarily by approving of all we do, but by objectively evaluating our performance.

We believe that for the most part we have the civil rights legislation we require. The need is not for new programs or prohibitions but for the will and the managerial strength to make the ones we have work. Where new legislation is required, the President has not hesitated to propose it, as in the case of his request for $1.5 billion to lend a helping hand to communities engaged in school desegregation, not just in the South, where progress has been remarkable, but in the North as well.

The leadership which I have described recognizes that we will not reach our national goals overnight. To do that is not within the power of government. In part because it turns away from the rhetoric of unattainable objectives, our approach seems unexciting. A posture of restraint, responsibility and quiet application to the national business is difficult to maintain in a climate charged with passion. But the President believes, as I do, that it is the only approach that will enable us to move firmly and steadily forward together.

We fully understand the scope of the challenge and the responsibilities imposed by it. We are going to carry out those responsibilities—not by exhortation, not by public relations, not by wishful thinking, but by consistent policies toward a lasting peace, toward economic growth with stability, and by a steady determination that equal opportunity be given genuine meaning in this nation.

Those of you familiar with sailing know what a telltale is—a strip of cloth tied to a mast to show which way the wind is blowing.

A captain has the choice of steering his ship by the telltale, following the prevailing winds, or to steer by the compass.

In a democracy, we must keep our eye on the telltale, but we must set our course by the compass.

In gaining new horizons of opportunity for all Americans, working closely with the people who know best how to make genuine progress, we will hear and heed the voice that says, "steady as you go."

OPPOSITION TO THE ADMINISTRATION'S TWO-CHINA POLICY

Mr. KENNEDY. Mr. President, I am deeply disappointed by the administration's decision today to pursue a "Two China" policy with respect to the representation of the People's Republic of China in the United Nations.

This is yet another instance of "too little, too late" in our China policy. Again, we failed to recognize the reality of China in the modern world.

The government of Chiang Kai-shek on Taiwan does not represent China. Since 1949, the People's Republic of China has controlled the overwhelming bulk of China's people and territory. It is the only legitimate government of China, and it should be the exclusive representative of China in the United Nations. Surely, the United States cannot expect the People's Republic of China to enter the United Nations and sit side by side with representatives of the government that was overthrown in the Chinese revolution a generation ago.

Now we claim to welcome Peking into the United Nations, but only on terms that are incompatible with its own obvious existence as the Government of China. I do not regard that as a genuine welcome. Neither will Peking, nor the very large number of states that have come to realize that the government that controls the world's largest population and its third largest land mass must be represented in the United Nations if that organization is to play a meaningful role on all the vast problems confronting the world community, especially in the area of nuclear arms control. Tragically, by what ever formula of dual representation today's policy is labelled—whether "Two Chinas" or "One China-One Taiwan"—it will be seen as yet another tactic designed by the United States to keep Peking out of the United Nations.

The administration's tactic of seeking to resist the departure of Taiwan from the United Nations by declaring it an "important question" will probably not prevail—at least for long. If it should prevail, it will succeed in keeping the real government of China from entering the United Nations. If the tactic fails, then Peking will take its rightful place in the U.N. against the will of the United States. We will have suffered a defeat, with all the risks that such a defeat would represent for the attitude of the American public toward the United Nations and the People's Republic of China.

In either event, the administration's decision will surely jeopardize our evolving relations with Peking, relations that the administration has been striving to improve. If this is the kind of decision we make on the relatively straightforward question of China's representation in the U.N., how can we expect a realistic solution to the much more difficult questions of normalizing our own diplomatic relations with Peking?

For more than two decades, the United States has rigidly pursued a one-China policy, but always it was the wrong China. Now, at last, when we are within reach of our goal of embracing a one-China policy that has the right China, we cannot allow ourselves to be lured astray by the illusory appeal of a two-China policy.

REPORT ON WORLD REFUGEE PROBLEMS

Mr. KENNEDY. Mr. President, the U.S. Committee for Refugees—USCR—recently issued its annual report on world refugee problems. As in past years, the report contains a census of the homeless throughout the world, which dramatically underscores a simple fact—that the troubles of our time are taking a growing toll in the flight of people from conflict and oppression. All over the world people are on the move.

The report goes on to describe the particular problems facing refugees in different areas around the world, the many governmental and private efforts being made to solve them, and the continuing need for even greater efforts in behalf of our suffering fellow man. It also calls special attention to those national and international voluntary agencies which are devoting a major portion of their efforts to assisting these refugees.

In issuing its annual report, the USCR performs an important public service. I want to commend the organization—and its executive vice president, Dr. R. Norris Wilson—for their continuing efforts in a significant area of international concern.

I think the current report of the USCR will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

WORLD REFUGE REPORT

A WORLD IN CONFLICT

Since 1945, the year when the United Nations was organized, there have been seventy-five wars. To most of us, violence and enmity have become so large a part of our daily life that we are almost unaware of it. Most of us have now forgotten most of the wars in this awful catalogue, but their victims have not forgotten.

Not counting the dead and wounded, not counting the uncountable casualties of the fighting itself, we know that there remain today 17,587,406 refugees who are, in very large part, the casualties of a world in conflict. Of course, many millions of refugees have been resettled and are no longer refugees, but from the wars' awful toll others have been forced to take their places in this grim roster of human suffering. In the last seven years since 1964, the total refugee population of the world has grown from 7,910,309 to 17,587,405.

If, because violence has become a part of our daily environment, we have forgotten most of the wars of the last twenty-five years, we now recall, even more painfully, that most of us have forgotten their victims. We believe that there is a relationship between our warring and the number of refugees in the world.

In any event, the shocking number of refugees on every continent is tragic evidence of man's inability to manage himself, his religion, his politics and his hungers with due concern for his fellow man.

THE U.S. COMMITTEE FOR REFUGEES

1. Provides through its World Refugee Report, current comprehensive and authoritative data on refugee situations throughout the world;

2. Maintains a referral service for refugees, former refugees, relatives or refugees, and citizens interested or involved in individual refugee situations;

3. Acts as an information, liaison and service agency for the more than 70 American Voluntary organizations engaged in Refugee Assistance Programs;

4. Seeks financial support for the Refugee service activities of The United Nations and the work of American non-governmental agencies;

5. Assists the United Nations refugee agencies by providing them publicity assistance in the United States;

6. Serves as an information center for the mass media;

7. Furnishes individual students, colleges, universities, and secondary schools with educational materials on the world refugee problem;

8. Makes financial grants to operating agencies according to the availability of its funds for special emergency projects proposed by the agencies.

1970 WORLD REFUGEE POPULATION

17,587,405 HOMELESS—VICTIMS OF WAR, INTOLERANCE AND SOCIAL UNREST

Country of asylum	Country of exile	1969	1970	Source
East Asia:				
Australia	Eastern Europe	44,000	[1] 46,000	USCR.
Do	Czechoslovakia	992	1,200	USCR.
China	Russia	[2] 10,000	1,000	ORM.
Hong Kong	China	2,035,000	2,000,000	ORM.
Do	Eastern Europe		1,000	ORM.
Macau	China	73,000	65,000	ORM.
New Zealand	Eastern Europe	3,000	3,000	[4] UNHCR.
Territory of Papua and New Guinea	West Irian	[3] 6,000		
Southeast Asia:				
Bhutan	Tibet	6,000	6,000	Office of Tibet, United States.
Cambodia	Nationals		[5] 500,000	Senate subcommittee.
Do	South Vietnam detainees	20,000	200,000	Do.
India	East Pakistan	2,000,000	[6] 4,450,749	USCR.
Do	West Pakistan	[6] 1,000,000		USCR.
Do	Tibet	55,000	56,000	Office of Tibet, United States.
Indonesia (West Borneo)	China	60,000	40,000	USCR.
Do	Nationals	40,000	[5] 40,000	USCR.
Laos	do	260,000	[5] 300,000	Senate subcommittee.
Nepal	Tibet	8,000	8,000	Office of Tibet, United States.
Pakistan	India	260,000	260,000	ORM.
Sikkim	Tibet	5,000	5,000	Office of Tibet, United States.
South Vietnam	Nationals	1,197,143	[7] 3,500,000	Senate subcommittee.
Do	Cambodia (repatriates)		200,000	Do.
Thailand	Burma	30,000	30,000	USCR.
Do	China	7,300	7,300	ORM.

Footnotes at end of table.

1970 WORLD REFUGEE POPULATION—Continued

17,587,405 HOMELESS—VICTIMS OF WAR, INTOLERANCE AND SOCIAL UNREST—Continued

Country of asylum	Country of exile	1969	1970	Source
Southeast Asia—Continued				
Thailand	North Vietnam	10,000	40,000	ORM.
Various counties in Asia	Europe	2,000	2,000	USCR.
Total, Asia		7,162,435	11,762,249	
Middle East:				
Dubai	Zanzibar	200	256	UNHCR [4]/USCR.
Gaza Strip	Palestine	307,714	311,814	UNRAW.
Israel	Poland	[8] 2,000		
Do	Various countries	[8] 52,000		
Jordan (west bank)	Palestine	271,796	272,691	UNRWA.
Do	do	489,762	506,038	UNRWA.
Lebanon	Armenians	[9] 253		
Do	Palestine	171,517	175,958	UNRWA.
Do	Middle East and Europe		5,200	UNHCR.[4]
Syrian Arab Republic	Circassians (U.S.S.R.)	8,000	8,000	USCR.
Do	Palestine	154,285	158,717	UNRWA.
Turkey	Eastern Europe	10,000	10,000	USCR.
Various Middle East countries	Europe	10,000	10,000	USCR.
Do	Various Middle East countries	350,000	350,000	USCR.
Total, Middle East		1,819,527	1,800,674	
North Africa:				
Morocco		3,000	3,290	UN mission, Morocco.
United Arab Republic	Palestine	45,000	3,000	UNRWA.
Do	Middle East and Europe	500	4,800	UNHCR.[4]
Do	Various South African countries	500	500	USCR.
Northeast Africa:				
Ethiopia	Mozambique	11	[10] 11	USCR.
Do	Somali Republic	70,000	70,000	UN mission, Ethiopia.
Do	Sudan	20,000	20,000	League of Red Cross Societies.
Do	Southern Africa	30	[10] 30	USCR.
Somali Republic	Ethiopia (Eritrea)	189,000	189,000	Conf. Document Addis Ababa 1967 (unconfirmed).
Do	French Somaliland	12,000	12,000	
Do	Kenya	218,000	218,000	
Sudan	Congo	7,500	6,500	ORM.
Do	Ethiopia (Eritrea)	38,000	48,000	ORM.
Central and East Africa:				
Angola	Congo	2,000	3,000	ORM.
Do	Zambia	4,500	4,500	ORM.
Burundi	Congo	20,000	10,000	ORM.
Do	Rwanda	72,000	36,000	ORM.
Central African Republic	Chad		1,500	ORM.
Do	Congo	5,000	5,000	UNHCR [4].
Do	Sudan	19,500	21,000	UNHCR [4].
Congo, Democratic Republic of	Angola	475,000	553,000	WCC.
Do	Haiti	1,500	2,000	USCR.
Do	Rwanda	24,000	24,000	ORM.
Do	Sudan	66,000	75,000	WCC.
Do	Zambia	15,000	15,000	IORD.
Kenya	Rwanda	50	[10] 50	USCR.
Do	South Africa	450	[10] 450	USCR.
Do	Sudan	200	[10] 200	USCR.
Do	Uganda		[11] 5,000	USCR.
Malawi	Mozambique	15,000	15,000	ORM.
Do	South Africa	30	[10] 30	USCR.
Rwanda	Burundi	12,600	12,500	CRS.
Tanzania	Congo	6,000	2,000	ORM.
Do	Kenya	2,500		
Do	Malawi	600	600	CRS.
Do	Mozambique	33,000	43,500	ORM.
Do	Rhodesia	20	[10] 20	USCR.
Do	Rwanda	14,000	13,500	ORM.
Do	Sudan	600	[10] 25	USCR.
Uganda	Congo	34,000	34,500	ORM.
Do	Rwanda	70,500	71,000	UNHCR.[4]
Do	Sudan	71,500	71,500	UNHCR.[4]
Zambia	Angola	8,000	10,000	ORM.
Do	Congo	300	500	ORM.
Do	Mozambique	3,600	4,000	ORM.
Do	Other South African countries	350	[10] 350	USCR.
Southern Africa:				
Botswana	Angola	4,000	4,000	UNHCR [4].
Do	South Africa; South West Africa; Rhodesia	200	200	USCR.
Lesotho	South Africa	200	400	UN mission, Lesotho.
Swaziland	South Africa; Mozambique	90	92	UN mission, Swaziland.
South Africa	Czechoslovakia	612	612	USCR.
West Africa:				
Cameroon	Nigeria	[12] 500		
Dahomey	Ivory Coast; Senegal; Mali	12,000	12,000	USCR.
Do	Nigeria	[12] 700		
Equatorial Guinea	do	[12] 40,000		
Gabon	do	[12] 1,000		
Ghana	Cameroon	50	[10] 50	USCR.
Nigeria	Nationals	[12] 3,500,000		
Senegal	Portuguese Guinea	63,000	68,000	ORM.
Togo	Nigeria	[12] 20		
Various African countries	South Africa	2,500	2,500	ORM.
Other refugees in Africa [4]			[13] 51,000	UNHCR [4].
Total, Africa		5,206,213	1,748,710	
Europe and United Kingdom:				
Austria		24,000	25,000	UNHCR [4].
Do	Czechoslovakia	11,834	8,000	USCR.
Belgium	Eastern Europe	47,000	47,000	UNHCR [4].
France	Brazil		40	CIMADE.
Do	Eastern Europe/North Africa	187,000	150,000	USCR.
Do	Greece		40	CIMADE.
Do	Portugal		60	CIMADE.
Do	Spain	100,000	[14] 10,000	SRA.
Do	Tunisia	23,000	23,000	JDC.

Footnote at end of table.

Country of asylum	Country of exile	1969	1970	Source
Europe and United Kingdom—Continued				
Germany	Czechoslovakia	4, 652	4, 117	UN observer, Germany.
Do	Eastern Europe	110, 000	110, 000	UNHCR.[4]
Greece	do	8, 000	8, 000	UNHCR.[4]
Italy	Czechoslovakia	1, 793	1, 500	USCR.
Do	Eastern Europe	13, 000	13, 000	UNHCR.[4]
Do	North Africa	2, 500	2, 500	ORM.
Netherlands	Eastern Europe	8, 000	8, 000	UNHCR.[4]
Norway	do		6, 200	UN mission, Norway.
Spain	Cuba	23, 740	15, 000	ICEM.
Sweden	Eastern Europe	17, 000	17, 000	UNHCR.[4]
Switzerland	Czechoslovakia	10, 000	12, 300	Swiss Government.
Do	Eastern Europe	20, 500	20, 000	
Do	Tibet	600	700	
U.S.S.R	China	70, 000	(3)	
United Kingdom	Various countries	161, 000	161, 000	U.N. mission, United Kingdom.
Yugoslavia	Albania	26, 000	26, 000	UNHCR[4].
Total, Europe and United Kingdom		869, 619	668, 457	
Western Hemisphere:				
Argentina	Chile		17, 000	USCR.
Do	Chile, Bolivia, Paraguay	1, 000, 000	(16)	
Bahamas	Haiti	15, 000	15, 000	AHC.
Canada	Eastern Europe	10, 000	15, 175	U.N. mission, Canada.
Do	Tibet		250	Office of Tibet, United States.
Dominican Republic	Haiti	5, 000	300, 000	AHC.
El Salvador	Honduras		40, 326	U.N. mission, El Salvador.
Puerto Rico	Cuba	14, 938	7, 500	USCR.
Do	Haiti	5, 000	5, 000	IRC.
United States	Czechoslovakia	1, 800	2, 000	USCR.
Do	Cuba	493, 300	[17] 457, 494	USCR.
Do	Hong Kong	[18] 918		
Do	Haiti	6, 000	50, 000	USCR.
Do	Tibet	70	70	Office of Tibet, United States of America.
Do	Various countries	550, 000	[19] 550, 000	USCR.
Various Latin American countries	Cuba	48, 500	37, 500	ORM.
Do	Eastern Europe	110, 000	110, 000	UNHCR[4].
Total, Western Hemisphere		2, 260, 528	1, 607, 315	
Grand total world refugee population		17, 318, 320	17, 587, 405	

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[1] Refugees in many countries are not distinguished from other immigrants and are, therefore, not officially known as "refugees."

[2] The figure for 1969 should have been 1,000.

[3] Refugees repatriated.

[4] These figures represent the estimated number of refugees in each country (whether resettled or not) subject to the protection and/or assistance of the Office of the United Nations High Commissioner for Refugees.

[5] Refugees in their homelands who, because they have not crossed an international border, retain citizenship.

[6] Migration from East Pakistan into India from partition in 1947 to the beginning of the fighting March 1971 was 2,450,749. New refugees March 1971 [1] to the present—2,000,000. This estimated total includes all Paikstani refugee movements into India, both East and West.

[7] U.S. State Department-AID asserts that the number of refugees in the official registeries total 500,000. There are, however, at least 3,000,000 refugees not registered who remain in camps or urban slums according to a staff report of the Senate Subcommittee on Refugees and Escapees.

[8] Data from the Israel Information Services does not distinguish between refugees and immigrants.

[9] These refugees are included with the 10,000 in various Middle East countries.

[10] These are, in the main, refugee students from South African states.

[11] It is reported (January 1971) that "in recent months thousands of refugees from Uganda have fled into Kenya." Our figure is a minimal estimate.

[12] The presumption is that with the end of fighting in Nigeria, these refugees have been repatriated and resettled.

[13] Algeria, Cameroon, Dahomey, Gabon, Ghana, Ivory Coast, Liberia, Sierra Leone, Togo, Morocco, and Tunisia.

[14] Most Spanish refugees in France are now fully integrated. There remains, however, a painful residual problem of more than 10,000 persons still needing specific assistance.

[15] No current information available.

[16] See the "Uncounted," p. 9.

[17] The total refugee migration from Cuba to the United States is now nearly 500,000. Most of this group since their admission as refugees have adjusted their status and are now "permanent residents" and are entitled to the privileges of all other permanent residents. The Office of Refugee and Migration Services believes that there are 175,000 whose status has not been adjusted and who are, therefore, still regarded as refugees.

[18] Included in the total of 550,000 from various countries.

[19] Strictly speaking, a refugee remains a refugee until he becomes a citizen in his country of asylum. However, most of the persons included in this total have now become permanent residents—if not citizens—and are fully integrated into their American communities. This note would also apply to the United Kingdom and to most Western European countries.

KEY TO ABBREVIATIONS

AHC—American Haitian Committee.
CIMADE—Comité des Intermouvements aupres des Evacués.
CRS-USCC—Catholic Relief Services, United States Catholic Conference.
ICEM—Intergovernmental Committee for European Migration.
IORD—International Organization for Rural Development.
IRC—International Rescue Committee.
JDC—Joint Distribution Committee.
ORM—Office of Refugee and Migration Affairs, Department of State, U.S. Government.
SRA—Spanish Refugee Aid.
UNHCR—Office of the United Nations High Commissioner for Refugees.
UNRWA—United Nations Relief and Works Agency for Palestine Refugees.
USCR—United States Committee for Refugees.
WCC—World Council of Churches.

AFRICA—1969: 5,206,213—1970: 1,748,710

During the fighting in Nigeria, responsible officials said that there were 3,500,000 persons displaced from their homes and fields—in other words refugees, within Nigeria. It was also true that large numbers of persons fled or were transported to neighboring states where they sought asylum.

Now the fighting is over. Strictly speaking, these people are no longer refugees and the total number of refugees in Africa in the 1971 Report is reduced by this number. We do not assume that all of those displaced by the fighting are now resettled. There continues to be wide-spread need for relief and rehabilitation services. The Nigerian Government, together with church organizations and others within Nigeria and from abroad, are maintaining a wide range program of *emergency* nutritional, and medical as well as *long range* reconstruction.

As to the Sudan, a strong effort on the part of the Sudanese Government to encourage and effect the repatriation of Southern Sudanese to their former homes remains ineffective. The flow of refugees out of the Southern Sudan into Ethiopia, Uganda, Congo and the Central African Republic has radically decreased but continues.

Elsewhere in this Report ("The Uncounted," page 9), we have referred to the new forced exodus of non-Ugandian urban workers from Kenya to Uganda. The deportation of non-nationals from Ghana is also noted.

Southern African student migrants, many of them in the capital cities of East Africa, while their numbers are small, are increasingly demoralized. Strong efforts are being made to meet the needs of these young men and women in such a way as to prevent an increasing flow from Southern Africa.

It is a source of deep satisfaction that the programs of the United Nations High Commissioner for Refugees in rural resettlement continue to provide homes and self-support for many thousands of rural refugees. Detailed information about these programs is available from both the United States Committee for Refugees and the Office of the United Nations High Commissioner for Refugees, United Nations Plaza, New York, N.Y. 10017.

The marked and tragic increase in the number of refugees in Asia is due to the new fighting in Laos and Cambodia. We also have a more accurate appraisal of the war's effect on the entire civil population in South Vietnam. We all now have some solid reasons for hope that peace may come to Indochina, and the disruption of life in the countries of that area may cease.

When the fighting stops, there will be immense need for relief and reconstruction services of all kinds—needs now estimated to involve an expenditure of, perhaps, two billion dollars a year.

Another major factor in the increase of refugee population in Asia is the terrible tragedy in East Pakistan. Within the period under review, a typhoon in the Bay of Bengal took 300,000 lives and left 3,000,000 homeless. Civil war, which began in March 1971, has so far resulted in the flight of more than 2,000,000 into Eastern India.

EUROPE—1969: 869,619—1970: 668,457

During the period under review, we note some increases in the flow of refugees from Eastern Europe to the West, particularly from Hungary.

France, according to our reports, is now receiving refugees from Brazil, Argentina and Greece. Refugees from these countries have also found asylum in other countries of Western Europe. A special problem in France, which has always been hospitable to refugees and now has a total of 150,000, is the arrival of very young Portugese (16 years of age) who migrate in order to avoid conscription in the Portuguese forces.

A major factor in the reduction of the total number of refugees reported in Europe is our adjustment in the number of Spaniards in France who were refugees from the fighting in 1937. Other adjustments downward reflect the integration and resettlement of refugees during the past year.

MIDDLE EAST—1969: 1,819,527—1970: 1,800,674

The change in numbers of refugees in the Middle East while not marked, does show a continuing increase in the numbers of Palestinian refugees reported by the United Nations Relief & Works Agency. These figures however, do not show the tragic fact that in East Jordan, many refugees have become refugees for the third and fourth time.

The fighting in Jordan, which is the reason for this tragic fact, is a new factor in the Middle East scene. It was a frustrated effort to gain recognition of the fact that the Palestinians are a people whose right to self determination has been ignored.

The refugee problem is a Palestinian problem and the Palestinians are trying to establish the right and propriety of speaking for themselves. The effort was rooted in despair and its effect mostly nullified by the shock tactics employed. Attention was focused on the hijacking and not on the substance of the message. The unheard message was simply that the Palestinians regard themselves as a people with a historic identity, which is neither Jordanian, Egyptian, Syrian or Lebanese, and that their right to speak for themselves and share responsibility and honorably in the determination of their future had been denied them.

Israel continues to receive migrants from many parts of the world. The Israeli Government's yearbook for 1969 and 1970 states that there were, between January and September 1969, 27,021 migrants from all continents. The yearbook does not refer to these persons as refugees. On the other hand, we know that many of them have migrated to Israel as a result of persecution and the loss of civil rights in their former homelands.

We know also that there are a good many persons of Jewish descent, who are in the process of migration to countries other than Israel.

WESTERN HEMISPHERE—1969; 2,260,526—1970: 1,607,315

The total refugee population in the Western Hemisphere in this Report, is the result of our judgment in respect to urban migrants in the Argentine (see "The Uncounted," page 9). It is also affected by new information in regard to the number and location of refugees from Haiti.

The 40,326 refugees reported by the Government of El Salvador are of El Salvadorean ethnic origin. They had lived in Honduras for years, if not generations, and they recently have been driven out of that Country as a result of civil strife.

There are reported to be approximately 15,000 young American men who have been accorded "landed immigrant" status in Canada. We do not list these persons as refugees because we believe the reason for their migration is not recognized in any definition of refugee status of which we are aware.

"THE UNCOUNTED"

The statistical review of refugees in all parts of the world takes no account of several groups of people whose plight and need is as grievous as the plight of the refugees enumerated. The private voluntary agencies in the United States and around the world, as well as governmental and intergovernmental organizations, are engaged in meeting human need arising from whatever cause. In addition to the refugees listed in the report, relief services are extended to the following groups:

Disaster relief victims

The current and most useful definition of refugees includes persons who are out of their "usual place of abode" and cannot or will not return thereto. The victim of an earthquake, flood or other natural disaster is, therefore, just as much a refugee as is the person who has fled from his homeland because of military operations or persecution.

Refugees from natural disasters are not included in the statistical tabulation. One reason for this is that their dispossession from their homes is less permanent, and they have not lost their citizenship. Nevertheless, their need for emergency relief services is urgent, and the same agencies concerned with the long range problem of resettling political refugees are deeply involved in meeting the needs of refugees from natural disasters.

In 1970, the Disaster Relief Division of the Agency for International Development (U.S. State Dept.) and the private agencies were involved in fifty-one major disasters—earthquakes, floods, droughts. There were a total of 72,915 persons killed in these disasters and 11,743,000 victims needing emergency relief. The earthquake in Peru alone killed 66,794 and left 3,139,703 homeless or otherwise in need of emergency help. These figures do not include that East Pakistan typhoon which left over 300,000 dead and 3,300,000 victims homeless and in need.

Returnees

There is an increasing number of persons who are being deported to the countries of their ethnic origin. Indians who have lived in Burma—some for several generations—or have lived in Ceylon or the countries in East Africa, are being returned to India. Often their properties are confiscated before their deportation and they arrive in great need. The question of their citizenship is not involved, but their relocation and integration is a difficult and painful process in view of their economic hardship.

India, which has probably the most complicated refugee problem in the world, does what it can to be helpful to these returnees, but India is a poor country which has opened its hand and heart to many thousands of refugees from Tibet and East Pakistan in spite of the poverty of its own people. We believe that the number of persons in this return migration for India alone is probably close to one-half million.

In Africa a similar problem exists. It is reported that many thousands have been expelled in recent months from Uganda into Kenya. They are persons who may have lived for generations in Uganda and now come into Kenya as forced repatriates. The Ugandan nation has been very generous and accommodating to many thousands of refugees. The country has ample unsettled land and has welcomed refugees for rural resettlement. For example, there are almost 70,000 Rwandese of the Watusi Tribe, who fled from tribal wars in their own nation some years ago. Uganda has also welcomed Sudanese refugees into rural resettlement projects. They are an agricultural people and have become quickly self-sufficient. But the persons of Kenyan descent now being forced out of Uganda are competitors in the struggle for urban employment. Uganda has a population of 8,000,000 and an urban work force of only 300,000, so that competition for jobs is severe.

Before the anti-foreigner campaign began last fall, Kenyans held approximately ten percent of the available jobs in industry and construction—jobs which are envied by the thousands of unemployed Ugandians.

Our nations in Africa because of economic necessity, or perhaps more important, because of a new feeling of national consciousness, have been expelling non-nationals. Ghana has been making forceful efforts to expel 1,500,000 black foreigners living in that country. According to reports, hundreds of thousands have already been forced to depart to homelands in Nigeria, Dahomey, Ivory Coast and elsewhere. The Government of Ghana justifies this policy by pointing out that one in every four Ghanians is out of work.

Mr. Ray Vicker, staff reporter for the Wall Street Journal, who has surveyed this problem in Africa, has recently described the plight of these deportees in poignant terms. Their need, for the most part, is surely as serious as that of many political refugees.

MIGRANTS

All over the world there is movement of rural population to the cities. They are attracted by the hope of economic improvement and opportunity for a better life. Other reasons for their migration often run very deep. The lure of the city is, perhaps both cause and effect of the breakdown of the family system in many countries. In any event, in Latin America, Africa and Asia the great cities have been flooded by people for whom, in many cases, there was no employment, and the extent of great and terrible poverty and need is a common fact of modern life. No one can reckon the number of millions of persons and the human waste involved in this migration, but these people—men, women and children—have become in many countries a problem of gigantic proportions.

The World Refugee Report last year included one million persons who had moved from Chile, Bolivia and Paraguay to the outskirts of Buenos Aires in Argentina. We called them refugees because they had no proper documents, had moved across international borders and were, and are, needing most of the services normally thought appropriate and necessary for refugees. Because the problem of urban migration is so common all over the world, and because of the impossibility of estimating its size and seriousness, we no longer note it in our statistics, but we stress that the millions of persons involved in this movement are a part of the immense burden of need to which the voluntary agencies and governments are addressing themselves.

WHO IS A REFUGEE?

This survey is, at most, a fragment of the story of over 17,587,405 refugees. They are on every continent and in more than 80 countries. We need to remember that they became refugees one by one. Statistics are a useful if sometimes misleading convenience—and we must not let our statistics blind us. A refugee is a homeless, hopeless and hungry person.

Whether man, woman or child, the refugee is the tragic result of the violent pace and ferment that characterizes our time. Wherever the refugee is—whether Africa, Europe, Asia, Latin America, or in our own country—he, by his rootlessness and need personifies modern man's inability to cope with his personal life, his religion, his ambitions and his hungers, with due concern for his fellow man.

Each refugee group, while it bears some similarities to other groups, is unique. The reasons for their flight differ in each case; the circumstances of their asylum differ in each case; the opportunity for and/or rate of resettlement and integration differ in each case. Moreover, while the human situation for the refugee is always grievous, the political significance of the refugees' predicament varies in importance according to a host of circumstances.

Taking into account the many varied legal, political, economic and religious considerations which bear upon his status as a refugee, we think the most comprehensive and precise definition is that formulated by the Committee on Migration and Refugee Problems of the American Council of Voluntary Agencies for Foreign Service:

"A refugee is a person who—

"(a) on account of persecution or fear of persecution because of race, religion, nationality, or membership of a particular social group or political opinion or belief, or as a result of military operations or natural calamity, is outside of his usual place of abode; and

"(b) cannot return thereto or will not return thereto because of such persecution or fear of persecution or military operations or natural calamity;

"(c) provided, however, that a national who is out of his usual place of abode and has found refuge in the country of which he was technically a national and cannot or will not return to his usual place of abode for fear of persecution, on account of race, religion, nationality, membership of a particular social group or political opinion or belief, or as a result of military operations or natural calamity, shall not be precluded from consideration as a refugee.

"(d) notwithstanding any other provisions of law."

WHEN PEACE COMES TO INDOCHINA . . . WHO WILL BE OUR PEACEMAKERS?

Our statistical review of refugee problems in the countries of Indochina give ample evidence of the deep seated and far-ranging disruption of civilian life in these countries. No facet of human life is untouched. The whole fabric of society—economic, religious, educational—has been crippled by the awful to-and-fro of the incessant fighting.

Now we judge, in the Spring of 1971, that it is not foolish to hope that the fighting will end. We cannot really assess the meaning of the phrases "winding down," "getting out" and so on, but the avowed purpose of the United States and of its President cannot be gainsaid.

So we foresee the day when the immense task of reconstruction can be begun, and on that day we believe that millions of Americans will raise their prayers of thanksgiving for the end of this venture and the beginning of a new and more peaceful life for the people of Indochina. Because it is our way, we will seek immediately ways in which we can help in the huge and long task of reconstruction.

When that moment arrives, we should remember that all during the war a great and untold story was being written by the representatives of more than thirty American charitable organizations working in Vietnam. Through it all, they did their work "under the gun" so to speak. It is heroic work, unsung.

We should remember these organizations in the day of peace because they will still be there doing our job and representing the humane spirit of the American public.

We will not have to create new organizations and find new personnel to minister to the needs of the people in Indochina. We already have them and they will, then as now, be seeking our support, our money, for the much larger task which they will then be able to undertake.

With this in mind, we are publishing a directory of the agencies representing the interest of American private citizens which are now at work in Vietnam. They have been there working for us through the days and years of bloodshed, and they will be there working with and for us, and in our names, in the days of peace.

VIETNAM SERVICE DIRECTORY

Agricultural Cooperative Development International, 1430 K Street, N.W., Washington, D.C. 20005: Program initiated May 1967, *Farm Organization Development.*

AMA Vietnam Medical School Project, American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610: Program initiated July 1966, *Medical Education.*

AMA Volunteer Physicians for Vietnam, American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610: Program initiated June 1965, *Medicine and Public Health.*

American Dental Association, 211 E. Chicago Avenue, Chicago, Illinois 60611: Program initiated March 1967, *Dental Education.*

*†American Friends Service Committee, Inc., 160 North 15th Street, Philadelphia, Pa. 19102: Program initiated June 1966, *Child Welfare, Medical Rehabilitation, Social Welfare.*

American National Red Cross, 18th and D Streets, N.W., Washington, D.C. 20006: Program initiated July 1966, *Social Welfare.*

The Asia Foundation, P.O. Box 3223, San Francisco, California 94119: Resident program initiated 1956, *Education, Law, Public Administration, Social Welfare.*

Asian-American Free Labor Institute, Inc., 1775 K Street, N.W., Washington, D.C. 20006: Program initiated February 1968, *Cooperatives, Material Aid & Relief, Vocational Training, Union Leadership.*

*†CARE—Cooperative for American Relief Everywhere, Inc., 660 First Avenue, New York, N.Y. 10016: Program initiated 1954, *Construction, Cooperatives, Credit Unions & Loans, Education, Equipment & Material Aid, Medicine & Public Health, Population & Family Planning.*

*†Catholic Relief Services—U.S. Catholic Conference, Inc., 350 Fifth Avenue, New York, N.Y. 10001: Program initiated 1954 *Communications, Education, Material Aid, Medicine, Social Welfare.*

Children's Medical Relief International Inc., 228 E. 48th Street, New York, N.Y. 10017: Program initiated 1967 *Medicine and Public Health.*

Christian and Missionary Alliance, 260 W. 44th Street, New York, N.Y. 10036: First Mission established in 1911 *Child Welfare, Cooperatives, Education, Material Aid, Medicine and Public Health.*

*Christian Children's Fund, Inc., 203 E. Cary Street, Richmond Virginia 23204: Program initiated 1953 *Social Welfare.*

Committee of Responsibility, Inc., 1621 Connecticut Ave., N.W., Washington, D.C. 20009: Program initiated October 1967 *Child Medical Care.*

*†Community Development Foundation, Inc., Boston Post Road, Norwalk, Conn. 06852: Program initiated November 1966 *Social Welfare.*

Eastern Mennonite Board of Missions and Charities, Oak Lane and Brandt Boulevard, Salunga, Pa. 17538: Program initiated 1957 *Social Welfare.*

*Foster Parents Plan, Inc., 352 Park Avenue South, New York, N.Y. 10010: Program initiated 1957 *Child Welfare/Social Welfare, Medical Aid.*

*International Educational Development, Inc., 924 West End Avenue, New York, N.Y. 10025; Program initiated 1969, *Communications.*

*†International Rescue Committee, Inc., 386 Park Avenue South, New York, N.Y. 10016: Program initiated 1965, *Child Care, Community Development, Food for Peace, Medical Services.*

International Voluntary Services, Inc., 1555 Connecticut Ave. N.W., Washington, D.C. 20038: Program initiated 1957, *Agriculture, Education.*

*†Project Concern, Inc., 440 West B Street, P.O. Box 2468, San Diego, Calif. 92112: Program initiated 1964, *Medicine & Public Health.*

*†Salvation Army, The, 120–130 W. 14th Street, New York, N.Y. 10011: Program initiated 1968, *Education, Material Aid, Medicine & Public Health, Social Welfare.*

*†Save the Children Federation, Inc., Boston Post Road, Norwalk, Conn. 06852: Program initiated July 1966, *Family Welfare-Community Development, Medicine & Public Health.*

*†Seventh-Day Adventist Welfare Service, Inc., 6840 Eastern Avenue, N.W., Washington, D.C. 20012: Program initiated 1955 (Mission established 1937), *Education, Medicine & Public Health, Social Welfare.*

*Summer Institute of Linguistics, Inc., P.O. Box 1960, Santa Ana, California 92702: Program initiated 1957, *Research/Education & Public Health.*

*†Unitarian Universalist Service Committee, Inc., 78 Beacon Street, Boston, Mass. 02108: Program initiated December 1968, *Social Work Education.*

†United Seamen's Service, 17 Battery Place, New York, N.Y. 10004: Program initiated 1966, *Education, Social Welfare.*

United World Mission—United Welfare & Relief Services, P.O. Box 8000, St. Petersburg, Florida 33738: Program initiated 1934, *Child Welfare, Education, Medicine & Public Health.*

Vietnam Assistance Program, Dept. of Health Affairs, U.S.C.C., 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005: Program initiated June 1968, *Medical Services.*

Vietnam Christian Service (Administered by Church World Service), 475 Riverside Drive, New York, N.Y. 10027: Program initiated 1954, *Child & Social Welfare, Community Development, Equipment & Material Aid, Housing, Medicine & Public Health.*

World Rehabilitation Fund, Inc., 400 E. 14th Street, New York, N.Y. 10016: Program initiated 1965, *Medicine & Public Health.*

•†World Relief Commission, Inc., P.O. Box 44, Valley Forge, Pennsylvania 19481; Program initiated 1961, *Education, Material Aid, Public Health, Social Welfare.*

World Vision Relief Organization, Inc., 919 West Huntington Drive, Monrovia, Calif. 91016: Program initiated 1965, *Child Welfare, Education, Medical Aid, Social Welfare.*

A more detailed description of the programs, budget and personnel of these organizations is available by writing to the United States Committee for Refugees or the American Council of Voluntary Agencies for Foreign Service, Inc., 200 Park Avenue South, New York, N.Y. 10003.

GIVING FOR FOREIGN AID

The Advisory Committee on Voluntary Foreign Aid lists 82 voluntary agencies registered to send food, clothing, medical supplies and other products around the world. Of these agencies, 72 reported income estimated at over $557 million in cash and gifts in kind for 1970, about the same as for 1969.

Nearly $467.7 million of this was distributed in approximately 129 countries. Most of this aid—over 56 percent—went to the Near East and South Asia.

Five voluntary agencies receiving the largest contributions of cash and gift in kind during 1970 distributed 71 percent of the supplies and equipment sent overseas: United Israel Appeal, $129 million, up from $107 million; Catholic Relief Services-USCC, $125 million, down from $133 million; CARE, $90 million, down from $107 million; Church World Service, $32 million, down from $37 million; and American Jewish Joint Distribution Committee, $24 million.

EAST PAKISTAN REFUGEES: 3,500,000 PEOPLE IN 335 CAMPS . . . PLUS CHOLERA

As this issue of the World Refugee Report goes to press, revised figures as to the number of East Pakistan refugees in India come to hand. There are now reported to be a total of 3.5 million. The most perilous concentration appears to be in the Tripura area due east of Dacca on the frontier. It is estimated that there are 500,000 there facing serious shortages of food, shelter and medical supplies.

In response to an Indian request to the

•The agency's program in Vietnam has been registered with the Advisory Committee on Voluntary Foreign Aid.

†Member of the American Council of Voluntary Agencies for Foreign Service, Inc.

United Nations, the American Government has organized an airlift to help move 50,000 persons from this overcrowded area to camps in Assam in the extreme northeast corner of India.

The Government has established 335 refugee camps, and in a coordinated effort United Nations agencies, together with American and other voluntary organizations, are arranging emergency food distribution, housing and medical services. An indication of the staggering size of this problem is the reported continued daily flow into India from Pakistan of 60,000 persons.

India has appealed to the international community for assistance, and it is reported that the United States, Great Britain, Germany and the Netherlands have made initial contributions totaling 7 million dollars. It is estimated that just keeping the current total of refugees alive for three months, disregarding added numbers, may cost nearly 40 million dollars.

The Office of the United Nations High Commissioner for Refugees is the coordinating point for the world-wide appeal made on May 19 by Secretary-General U Thant. Representatives of the High Commissioner's office have returned from a six day survey of West Bengal and Assam where they visited the camps, hospitals, schools and other public places where the refugees are temporarily accommodated.

The Mission reports that food is supplied to those under the direct care of the authorities, either in the form of cooked meals or of dry rations distributed periodically. Others are being temporarily lodged and fed by friends and relatives among the local population, but it is presumed that many of these may soon have to turn to public relief. Foodstuffs have been procured from buffer stocks which will need to be replenished.

However, a most urgent problem is arising in respect of transportation of food and other supplies to remote areas, especially in view of the imminence of the monsoon season. Weather conditions also make it imperative that shelter facilities be provided for all those who have none, and for those who will have to vacate the schools and public buildings where they are accommodated at present.

News reports in early June brought word of further tragedy—Cholera had broken out in epidemic proportions. On June 2, it was reported that more than 1,000 refugees had died in the last six days in the Nadia District of West Bengal state. Reports of further deaths, according to officials, were still coming in.

If you want to help—American voluntary agencies working with refugees in East Pakistan and in India are:

CARE: 660 First Avenue, New York, N.Y. 10016.

Catholic Relief Services, U.S. Catholic Conference, 350 Fifth Avenue, New York, N.Y. 10001.

Church World Service, 475 Riverside Drive, New York, N.Y. 10027.

Lutheran World Relief, Inc., 315 Park Avenue South, New York, N.Y. 10010.

Funds are urgently needed. Contributions to these organizations are tax deductible.

REFUGEE SERVICE AND RELIEF ORGANIZATIONS

77 Agencies are joined in a cooperative effort extending a helping hand around the world.

Agencies working with refugees all have distinctive forms of service. The Voluntary Agencies are at work in 119 countries and on every continent, often in active partnership with Governmental and Intergovernmental bodies. All agencies invite the reader's further inquiry.

I. Intergovernmental agencies

Office of the United Nations High Commissioner for Refugees, United Nations Plaza, New York, N.Y. 10017 (212) 754–1234.

United Nations Relief and Works Agency for Palestine Refugees, United Nations Plaza, New York, N.Y. 10017 (212) 754–1234.

Intergovernmental Committee for European Migration, 370 Lexington Avenue, New York, N.Y. 10017 (212) 689–8930.

II. U.S. Government

Department of Health, Education and Welfare, Welfare Administration, Washington, D.C. 20201 (202) 963–1110.

Department of State, Office of Refugee and Migration Affairs, Washington, D.C. 20520 (202) 737–5600.

Department of State, Agency for International Development, Voluntary Foreign Aid Service, Washington, D.C. 20503 (202) 737–5600.

III. Voluntary agencies

American Baptist Convention, Valley Forge, Pennsylvania 19481; Matthew R. Giuffrida, Refugee Resettlement Officer (215) 768–2000.

American Council for Emigres in the Professions, Inc., 345 East 46th Street, New York, N.Y. 10017, Mrs. Lenore Parker, Executive Director (212) 687–0520.

American Council for Judaism Philanthropic Fund, 386 Park Avenue South, New York, N.Y. 10016, Mrs. Anna Walling Matson, Executive Director (212) 684–1525.

American Council for Nationalities Service, 20 West 40th Street, New York, N.Y. 10018, Harry W. Morgan, Executive Director (212) 279–2715.

American Council of Voluntary Agencies for Foreign Service, Inc., 200 Park Avenue South, New York, N.Y. 10003 (212) 777–8210.

American Federation of Labor and Congress of Industrial Organizations, 815 16th Street, N.W., Washington, D.C. 20006, George Meany, President (202) 628–3870.

American Foundation for Overseas Blind, Inc., 22 West 17th Street, New York, N.Y. 10011, Robert M. Barnett, Executive Director (212) 924–0420.

American Friends of the Middle East, Inc., 1717 Massachusetts Avenue, N.W., Washington, D.C. 20036, Orin D. Parker, Executive Vice President (202) 234–7500.

American Friends Service Committee, 112 South 16th Street, Philadelphia, Pa. 19102, Roger G. Frederickson, Director—Overseas Refugee Program (215) 563–9372.

American Fund for Czechoslovakia Refugees, Inc., 1790 Broadway, New York, N.Y. 10019, Dr. Jan Papenek, President (212) 265-1919.

American Immigration & Citizenship Conference, 509 Madison Avenue, New York, N.Y. 10022, Mrs. Ruth Murphy, Executive Vice President (212) 688–0084.

American Jewish Joint Distribution Committee, 60 East 42d Street, New York, N.Y. 10017, Samuel L. Haber, Executive Vice-Chairman (212) 687–6200.

American Korean Foundation, Inc., 345 East 46th Street, New York, N.Y. 10017, Miss Dorothy L. Irvine, Executive Director (212) 697–1960.

AMA Volunteer Physicians for Vietnam—American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610, Dr. Charles Moseley, Director (312) 527–1500.

American Middle East Rehabilitation, Inc., 777 United Nations Plaza, New York, N.Y. 10017, Mary Ann Kolidas, Director (212) 661–0178.

American National Red Cross, 17th and D Streets, N.W., Washington, D.C. 20006, Meyer Mathis, Director (202) 737–8300.

American Near East Refugee Aid, Inc., 900 Woodward Building, 733 15th Street, N.W., Washington, D.C. 20005, John P. Richardson, Executive Director (202) 347–2558.

American ORT Federation, 222 Park Avenue South, New York, N.Y. 10003, Paul Bernick, Executive Director (212) 677–4400.

Baptist World Alliance, 1628 16th Street, N.W., Washington, D.C. 20009, Dr. Robert S. Denny, Acting General Secretary (202) 265–5027.

Catholic Relief Services—United States Catholic Conference, 350 Fifth Avenue, New York, N.Y. 10001, Most Rev. Edward E. Swanstrom, Executive Director (212) 594–9300.

Christian Children's Fund, Inc., Richmond, Virginia 23204, Dr. Verent J. Mills, Executive Director (703) 644–4654.

Church World Service, 475 Riverside Drive, New York, N.Y. 10027, James MacCracken, Executive Director (212) 870–2257.

John Schauer, Director, Immigration & Refugee Program (212) 870–2078.

Committee on Resettlement Services, 475 Riverside Drive, Room 1062, New York, N.Y. 10027, Mrs. Margaret G. Shackford, Executive Secretary (212) 870–2104.

Community Development Foundation, 49 Boston Post Road, Norwalk, Conn. 06852, Glenn Leet, Executive Director (203) 847–4524.

Cooperative for American Relief Everywhere, Inc. (CARE), 660 First Avenue, New York, N.Y. 10016, Frank Goffio, Executive Director (212) 686–3110.

Direct Relief Foundation, 27 East Canon Perdido Street, Santa Barbara, Calif. 93101, Dennis G. Karzag, Executive Secretary (805) 966–9149.

The Thomas A. Dooley Foundation, 422 Post Street, San Francisco, Calif. 94102, Verne Chaney, M.D., President (415) 397–0244.

Foreign Service Committee, General Council, Assemblies of God, 1445 Boonville Avenue, Springfield, Mo. 65802, J. Philip Hogan, Executive Director (417) 862–2781.

Foster Parents' Plan, Inc., 352 Park Avenue South, New York, N.Y. 10010, Gloria C. Matthews, Executive Director (212) 685–0700.

Hadassah, 65 East 52nd Street, New York, N.Y. 10022, Miss Hannah L. Goldberg, Executive Director (212) 355–7900.

Heifer Project, Inc., 45 Ashby Road, P.O. Box 278, Upper Darby, Pa. 19084, Dale Barnard, Director of Operations (215) 352–6750.

Industrial Union Dept. AFL–CIO, 815 16th Street NW., Washington, D.C. 20006, Jacob Clayman, Administrative Director (202) 628–3870.

International Rescue Committee, 386 Park Avenue South, New York, N.Y. 10016, Charles Sternberg, Executive Director (212) 679–0010.

International Social Service, American Branch, Inc., 345 East 46th Street, New York, N.Y. 10017, Wells Klein, General Director (212) 687–2747.

International Voluntary Services, Inc., 1555 Connecticut Avenue, N.W., Washington, D.C. 20036, Richard Peters, Executive Director (202) 387–5533.

Iuliu Maniu American Romanian Relief Foundation, Inc., 55 West 42nd Street, New York, N.Y. 10036, Mrs. Veturia Manuila, Executive Secretary (212) 244–8266.

Lutheran Immigration & Refugee Services, 315 Park Avenue South, New York, N.Y. 10010, Donald E. Anderson, Secretary (212) 677–3950.

Lutheran World Relief, Inc., 315 Park Avenue South, New York, N.Y. 10010, Bernard A. Confer, Executive Secretary (212) 677–3950.

Meals for Millions Foundation, 1800 Olympic Boulevard, Santa Monica, Calif. 90406, Neal J. O'Donnell, Acting Executive Director (213) 451–0777.

Mennonite Central Committee, 21 South 12th Street, Akron, Pennsylvania 17501, William T. Snyder, Executive Secretary (717) 859–1151.

Migration and Refugee Services—United States Catholic Conference, 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005, John McCarthy, Director (202) 659–6625.

National Council of Catholic Women, 1312 Massachusetts Avenue, N.W., Washington, D.C. 20005, Margaret Mealey, Executive Director (202) 659–6810.

National Council of Jewish Women, 1 West 47th Street, New York, N.Y. 10019, Mrs. Leonard H. Weiner, National President (212) 246–3175.

Nationalities Service Center of Philadelphia, 1300 Spruce Street, Philadelphia, Pennsylvania 19050, Mrs. Melba Hyde, Executive Director (212) 545–6800.

New York Association for New Americans, Inc., 15 Park Row, New York, N.Y. 10038, Philip Soskis, Executive Director, (212) 964–0800.

Polish American Immigration & Relief Committee, Inc., 17 Irving Place, New York, N.Y. 10003, Hilronim Wyszynski, Executive Director, (212) 254–2240.

Project Concern, Inc., 440 West "B" Street, San Diego, Calif. 92112, James A. Skidmore, Jr., President, (714) 235–6411.

Project Hope, 2233 Wisconsin Avenue, N.W., Washington, D.C. 20007, William B. Walsh, M.D., President and Medical Director, (202) 338–6110.

Refugee Immigration Service, Home Mission Board/SBC, 1350 Spring Street, N.W., Atlanta, Ga. 30309, Dr. L. D. Wood, (404) 873–4041.

Salvation Army, The, 120 West 14th Street, New York, N.Y. 10011, Commissioner Edward Carey, National Commander, (212) 243–8700.

Save the Children Federation, Inc., Boston Post Road, Norwalk, Conn. 06852, Melvin Frarey, Program Director, (203) 847–4524.

Seventh-Day Adventists Welfare Service, Inc., 6840 Eastern Avenue, N.W., Takoma Park, Washington, D.C. 20012, Rev. Theodore Carcich, President, (202) 723–0800.

Spanish Refugee Aid, Inc, 80 East 11th Street, New York, N.Y. 10003, Mrs. Nancy Macdonald, Executive Secretary, (212) 674–7451.

The Office of Tibet, 801 Second Avenue, New York, N.Y. 10017, Phintso Thonden, Permanent Representative of His Holiness, the Dalai Lama, (212) 686–7294.

The Tibet Society, Inc., Goodbody Hall 101, Indiana University, Bloomington, Indiana 47401, Thubten Jigme Norbu, Executive Director (812) 337–4339.

Tolstoy Foundation, Inc. 250 West 57th Street, New York, N.Y. 10019, Miss Alexandra Tolstoy, President, (212) 247–2922.

Unitarian Universalist Service Committee, Inc., 78 Beacon Street, Boston, Massachusetts 02108, Harold J. Bejeck, Executive Director (617) 742–2100.

United Church Board for World Ministries—United Church of Christ, 475 Riverside Drive, New York, N.Y. 10027, Rev. B. Kenneth Anthony, General Secretary, Division of World Services, (212) 870–2704.

United Hias Services, Inc., 200 Park Avenue South, New York, N.Y. 10003, Gaynor I. Jacobson, Executive Vice President, (212) 674–6800.

United Lithuanian Relief Fund of America, Inc., 105 Grand Street, Brooklyn, N.Y. 11211, Rev. Francis Geisciunas, Executive Director, (212) 387–1422.

United Methodist Committee for Overseas Relief, 475 Riverside Drive, New York, N.Y. 10027, Dr. James Thomas, Secretary for Specialized Ministries (212) 749–0700.

United States Committee for Refugees, 20 West 40th Street, New York, N.Y. 10018, R. Norris Wilson, Executive Vice President, (212) 564–3272.

United Ukrainian American Relief Committee, Inc., 5020 Old York Road, Philadelphia, Pa. 19141, Dr. Walter Gallan, President (215) 455–3774.

Volunteers for International Technical Assistance, Inc. (VITA), College Campus, Schenectady, N.Y. 12308, Lloyd J. Hughlett, President (518) 374–3581.

World Ministries Commission, Church of the Brethren General Offices, 1451 Dundee Avenue, Elgin, Ill. 60120, H. Lamar Gibble, Peace & International Affairs Consultant (312) 742–5100.

World Rehabilitation Fund, Inc., The, 400 East 34th Street, New York, N.Y. 10016, Howard A. Rusk, M.D., President (212) 679–3200.

World Relief Commission, Inc.—N.A.E., P.O. Box 44, Valley Forge, Pa. 19481, Everett S. Graffam, Executive Vice President (215) 265–4479.

World University Service, 20 West 40th Street, New York, N.Y. 10018, Leon O. Marion, Executive Secretary (212) 563–1736.

World Vision International, 919 West Huntington, Monrovia, Calif. 91016, Dr. W. Stanley Mooneyham, President (213) 357–1111.

Young Men's Christian Association's International Committee of the United States and Canada, 291 Broadway, New York, N.Y. 10007, James F. Bunting, Executive Director (212) 349–0700.

Young Women's Christian Association, 600 Lexington Avenue, New York, N.Y. 10022, Edith M. Lerrigo, Executive Director (212) 753–4700.

NO ONE WANTS TO BE A REFUGEE

The United States Committee for Refugees issues this annual compilation of information about the numbers and whereabouts of refugees around the world because we feel strongly that this world-wide problem—so easily forgotten—should be kept in view.

We try to be as accurate and comprehensive as we can, but we know that in a very real sense the problem is immeasurable.

It is immeasurable because *only those who suffer it really know it*. So our statistical analysis is mainly symbolic. It has the merit of indicating something of the size and complexity of the world's refugee problems, and *that* we think is important as one symptom of the malaise of our time.

No refugee wants to be a refugee. Every refugee everywhere became a refugee as the end, and perhaps, the unforeseen result of political decisions or indecision. *His* decision to leave his home and seek asylum, with all the pain and courage which that involves for himself and his family—his decision was his response to something that happened, something that was decided outside himself which frightened or repelled him irrevocably. He may be in flight from a fire bombing of his village in Vietnam or Cambodia or Laos or the Sudan, and is running in mortal fear of his very life. His decision may be more measured because of a prolonged harassment of his spirit, as in Eastern Europe or China or Haiti. In either case, he has been violated as a person and has the right to asylum and to any help he can get.

Tragically, he cannot assert this right for himself in any persuasive way. Refugees do not vote, except with their feet. Also tragically, we who try to assert his right for him are painfully aware that we are involved in the decision or indecision which caused his flight. The Indochina refugee and war victim is the most obvious case in point. The Palestinians, the Haitians, the Tibetans, the Hungarians and Sudanese if less obviously, are also victims of decision and indecision in which responsibility—perhaps remote but nonetheless real—belongs to us all.

It is our world—troubled and wounded as it is. God put us here, all of us, to enjoy and to mend and heal it as need be. We don't need to "establish" guilt—it is there, but guilt is not the point.

The point is that beneath the statistics and arguments about cause and effect there are people—children and men and women who eat and breathe and pray and hope like us, and their right to our help in their circumstances can only be denied, if we deny the God who gave us life and embrothered them to us.

What can we do about it? What power have we? Given the size and complexity of such a problem, given the endless shuffling ambiguities of time and distance and purpose what *can* we do?

The first, and perhaps most important consideration, is a negative one. We must *not* be *discouraged or intimidated* by the size of the problem. Many refugee problems have been, and are being solved.

The Office of the United Nations High Commissioner for Refugees observes its 20th Anniversary this year. Since 1951, with increasing effectiveness and international support, this office has offered protection to, and facilitated the resettlement of many thousands of refugees in Europe, Africa, Asia and Latin America.

Last year, 1970, American religious and non-sectarian agencies were at work in nearly one hundred countries in co-operation with government and intergovernmental groups, meeting the needs of refugees and others.

Their programs involved contributions in cash and kind of over half a billion dollars, and the devoted face-to-face and hand-to-hand service of many thousands of workers. It is a great story of generous, loving, if unspectacular, service to people in need.

We are all a part of that story and gratefully so, because we have learned that we can help—that we *do help*—with our sympathy, our prayers and our contributions. We need only be reminded that it is a continuing story—and that we must continue to share in it as faithfully and generously as we can.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 11:15 a.m. today.

The motion was agreed to; and at 11:33 a.m. the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 11:53 a.m. when called to order by the Presiding Officer (Mr. GAMBRELL).

THE STATE OF THE ECONOMY

Mr. MANSFIELD. Mr. President, as the distinguished minority leader announced a few moments ago, it appears that a tentative agreement—if not a final agreement—has been reached in the railroad strike.

As we all know, an agreement was reached late last evening or early this morning which precluded the possibility of a strike.

I noted on the ticker, however, that one of the results—the immediate results—of the steel settlement is the announcement by the steel companies that there will be an 8-percent increase in steel prices.

It appears to me that what we are doing is, in effect, pricing ourselves out of not only the world's markets but also the domestic markets. We know that shipments have been made into this country of high-type grade steel products, at a reasonable price, from Japan, West Germany, South Africa, and perhaps other nations. I mention that only to indicate that the inflationary situation is not getting any better but is, in effect getting worse.

It appears to me, based on the figures of the last 2 months, that we are in what is approximately a 6-percent inflation period. The dollar is going down in value in Western Europe. I think what has been happening in Vietnam, likewise, has been responsible for the decline in the value of the dollar.

The present unemployment figure is around 6 percent, and I would hazard the guess that the total unemployment figure quantitatively is in the vicinity of 5 million, if we include the returning servicemen and the students who graduated from high school and college this summer and did not find jobs available.

For the past fiscal year, we are faced with a $23.2 billion deficit, the second highest in history, the highest having been under the previous Democratic administration, which I believe amounted to between $26 billion and $28 billion. No one can laugh off this $23.2 billion deficit by referring it to as a "full employment surplus" of $2.5 billion. The figures just do not add up.

Furthermore, we have been informed by Secretary of Commerce Stans that we will have a trade deficit for this year, unless conditions change for the better, for the first time since 1893.

It has been bandied about that 4 percent is the figure at which "full employment" is technically possible, but I would disagree with that statement and hope that this Government will as such be content with unemployment of anyone seeking work. The stock market is going down. Steel imports are increasing. Hog prices are down 25 percent. Parity is below 70 percent. Interest rates are up. The increase in social security payments, the decrease in the income tax by the end of the tax surcharge, and the wage increases obtained through collective bargaining have not kept up with the inflationary process. The faster we run the further we fall behind.

Particularly tragic are the citizens of this Nation who live on fixed incomes, fixed salaries, and fixed annuities. We make an effort to increase social security payments, but there are many who live on fixed income other than social security that keep falling behind.

What about the strikes, not those which have just been averted or settled, but those which are still in existence? What are we to do? I am afraid it is too late for jawboning—2½ years too late. Letting the participants work it out neglects the largest interest—the public interest—in these negotiations. The Federal Government has an essential responsibility to assure a settlement fair to the parties and the consumer.

So I would suggest once again, most respectfully, that the President call in the chairmen and the ranking Republican members of the Labor Committees of both Houses and of the Banking and Currency Committees of both Houses and formulate an incomes policy; that he give consideration to the proposal made by Arthur Burns, the chairman of the Federal Reserve Board, to create a wage-price review board and to institute a temporary wage-price freeze, on the basis of the congressional authority granted to the President not once but twice, and granted to him unanimously.

The times call for drastic action. Otherwise, the economic situation will get further out of control.

Mr. SCOTT. Mr. President, I am not going to discuss the economy generally. There will be time for that. A UPI dispatch says that I will have some statements to make later, but that is not in itself correct. I have no plans for any formal speech on the economy.

I rise only to make several points. One is, whether it be temporary or not, the stock market is, today, going up, and we hope it will continue to go up, rather than go down.

We also hope that unemployment will decrease, and that this raging monster of inflation will be brought under control. That is what the President is trying hard to do. However, if we are going to keep unemployment down, we should not add to unemployment. In my judgment, a vote against the loan guarantee program for Lockheed will do just this. It will not cost the Federal Government 1 cent. The Federal Government simply lays its credit alongside the credit of the banks and the company, thereby enabling Lockheed to continue to employ people.

EMERGENCY LOAN GUARANTEE ACT

The PRESIDING OFFICER (Mr. GAMBRELL). The hour of 12 o'clock having arrived, and under the previous order, the Chair now lays before the Senate Calendar No. 330, H.R. 8432, an act to authorize emergency loan guarantees to major business enterprises, which the clerk will report.

The second assistant legislative clerk read as follows:

> H.R. 8432, an act to authorize emergency loan guarantees to major business enterprises.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. On this bill time is limited to 2 hours, to be equally divided between the distinguished Senator from Texas (Mr. TOWER) and the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. I thank the Senator from Texas very much for yielding me this time.

Mr. President, I believe that those who want the unemployment rate to come down will want to vote for the Lockheed loan guarantee so that we can prevent additional and severe unemployment.

I think that the true tragedy in the so-called Lockheed case is the threatened loss of 60,000 jobs.

Now I refer to a statement by Bill McGruder, director of the SST development of the Department of Transportation. He stated this morning that—

> The unemployment caused by the termination of the SST program is worse than was anticipated. All of the people whom we thought would be unemployed are unemployed. In addition, Boeing was forced to fire an additional 2,000 people in order to keep its overhead competitive with the rest of the industry and GE not only had to lay off additional people but also had to raise the prices on some of its military projects. In Boeing's case, unemployment occurred within three days and in GE's case within two weeks.
>
> The figures used for the unemployment derived from the termination of the TriStar are not only defensive but are quite conservative based on our prior experience with unemployment in the aerospace industry.

The true tragedy in the Lockheed case is the loss of 60,000 jobs.

This is unnecessary unemployment. All of these people can be gainfully employed if the Tri-Star program remains healthy. Most importantly the families dependent upon such a program—over 200,000 persons—will not be thrown into economic despair, but may continue in their normal style of life.

It is also significant that these jobs are not mere labor hours but are a real and significant contribution to our economy. They are not marginal jobs barely able to pay their own way, but rather these jobs will convert otherwise worthless material into a useful product—in fact, a product which in terms of our international balance of trade is one of our most significant products.

Of course, unemployment of any variety should be discouraged; but unnecessary unemployment due to the neglect of the Senate is unjustifiable.

A few people would suggest that there is no market for this airbus and thus that these jobs serve no useful purpose. They contend that society and economics dictate that these vast resources be allocated elsewhere. I do not support this view. I think that a worthwhile market exists and that these people's labor has not been in vain.

However, I do recognize that perhaps someday, maybe even after the Tri-Star, the talents of the aerospace industry may need to be deployed elsewhere. But this should not be done under panic conditions, but rather it should be accomplished in an orderly and systematic manner. A reallocation of effort of this magnitude, if it is to be in the best interest of the Nation and the economy, requires well-researched and well-thought-out decisions. These decisions should be made from a position of strength—from an ongoing concern, not from a position of weakness or bankruptcy.

If these jobs are saved, if an avoidable bankruptcy is staved off, and if these otherwise huge capital losses, useless losses, are avoided, then a reallocation of jobs and capital can be accomplished in an organized manner.

I do not believe that such realinement is demanded at this time. The resources already invested, both human hours and money, can be productively employed in the airbus market. To allow such a restructuring, a needless restructuring, through planned neglect is not defensible.

If given the choice between, first, unnecessarily paying unemployment compensation, and, second, granting a loan guarantee, I choose the guarantee.

If given the choice between, first, a panic-struck industry desperately searching for ways to utilize its talents, and, second, an industry systematically moving into new areas from a position of strength, I choose the orderly process.

If given the choice between, first, idly accepting the inadequacies of the capital markets where large amounts of risk capital are required, and, second, facilitating the capital markets in extending worthwhile credit, I choose the latter.

Unnecessary bankruptcy serves no useful purpose to our society or to economy.

This is our choice today—it is left up to us.

Do nothing and witness an untimely and unnecessary bankruptcy.

Assist a fundamentally sound company, its employees, and its suppliers regain their strength and continue to be productive members of our economy and our society.

This is our choice—I choose to vote for the positive approach. I shall vote yes.

In concluding, Mr. President, let me say that the executive department has succeeded, through its interposition, to play a great part in helping avoid the steel strike and, immediately thereafter and within 24 hours, in helping to avoid the rail strike, either of which would have had an impact on the economy and would have been doubly so in the case of both. It would have caused increased unemployment.

The executive department has been responsible. It is time now for the legislative department also to be responsible, and avoid the adverse effect on the economy, by action of the Executive, in refusing to take a position which, I repeat, will not cause the Federal Government any expenditure of money, but is merely laying alongside the credit of the company and the banks the credit of the Federal Government, so that employment can continue and additional unemployment will be avoided.

I would suggest that the legislative branch would do well to follow the lead of the executive branch in this regard this week where so much of importance to the economy has been affected and where so much more will be affected by action on the bill.

Mr. YOUNG. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. YOUNG. I should like to support further the position the distinguished Senator from Pennsylvania has taken.

There is something far more important that I have not even heard mentioned, that 80 percent of Lockheed's business is in defense. It has many contracts, such as the Poseidon missile, which we have to have. If the company went into receivership, this and other contracts could be subject to renegotiation again, which could cost the Department of Defense much more money if the company goes broke and into the hands of a receiver. This is only one of many defense contracts that Lockheed has which could be subject to renegotiation and far more costly in the future. The C–5A airplane would be another example should we need more of these planes.

Mr. TAFT. Mr. President, will the Senator from Wisconsin yield me time to correct the impression that——

Mr. PROXMIRE. I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 3 minutes.

Mr. TAFT. Mr. President, I think it is very important to correct the impression that has been given with regard to the negotiation, so far as Lockheed is concerned.

As I put in the RECORD the other day, with regard to the possible bankruptcy of Lockheed, it is not true that there is any right on the part of the trustee in bankruptcy to recommend, or the court to approve in bankruptcy, the renegotiation of a defense contract which is in existence. Beyond that, I would say that some of the difficulties which have arisen within the administration itself results from the impression that was given to that effect, an impression that somehow our Defense Establishment could not stand a reorganization in bankruptcy of the Lockheed Corp.

The reason there is some resentment by the Secretary of Defense and the Deputy Secretary of Defense is, very correctly, that part of their duty is to be able to take care of that contingency. I feel sure that any Deputy Secretary of Defense of the United States would recognize that factor and have contingency plans to go ahead and deal with the matter with or without renegotiating the contract.

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from South Dakota.

Mr. YOUNG. Mr. President, if Lockheed were to go broke, a receiver would be appointed to take care of the interest of the stockholders. If the receiver thought they were losing money on the Poseidon missile, I certainly think that the Department of Defense might well have to negotiate a new contract for this very important weapon and at far greater cost to the Government.

These are only two examples. Certainly, whoever handles it for the stockholders, he would be under the obligation to salvage as much as he could out of the assets of the corporation.

Mr. TAFT. Mr. President, I understand that $39 million was spent last year on the Poseidon missile. I wonder if the Senator heard what I said about business, about there being no right, absolutely no right, on the part of the trustee in bankruptcy to void a contract.

Mr. YOUNG. If the receiver for the Lockheed Corp. could prove they were losing money on any defense contract he might well refuse to continue production unless a price increase were granted. I know something about these contracts as ranking minority member for defense appropriations.

Mr. TAFT. Mr. President, if it is a solvent subsidiary, I am sure that is the case.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 7 minutes to the Senator from Oklahoma (Mr. BELLMON).

The PRESIDING OFFICER (Mr. WEICKER). The Senator from Oklahoma is recognized for 7 minutes.

Mr. BELLMON. Mr. President, I rise to express my opposition to H.R. 8432, a bill to authorize a $250 million emergency loan guarantee for the Lockheed Corp. I take this position only after long and careful consideration.

The industrial progress of this Nation has occurred largely because of the discipline of the marketplace. This discipline requires companies to produce goods that are in demand, that are competitively priced, desirable in quality, and backed up by necessary service. When the management of a company meets these tests with its products, the investors reap a reward through dividends. When the management of a company fails to meet the requirements, the investors suffer losses and unless corrections are made, the company fails.

Over the years thousands of American businesses have disappeared. The survivors are those whose management and workers are able to compete. According to information furnished by Oklahoma bankruptcy courts, 37 Oklahoma companies have filed for bankruptcy so far this year. In every case the closing of these businesses and the loss of jobs by their employees will have an adverse effect on the economy of the communities in which they are located.

Dun & Bradstreet reports that 4,708 American firms filed bankruptcy proceedings during the first 5 months of 1971. None of these would be helped by the passage of H.R. 8432. Yet the total economic impact of these closings would exceed the effect of the end of the L–1011 project.

If the Congress is to provide a crutch for an industrial giant, how can we be less compassionate toward hundreds of smaller concerns when they run into trouble?

In the American tradition our Government has long provided a helping hand to beginning entrepreneurs through the Small Business Administration, the Farmers Home Administration, the Economic Development Administration, and other agencies. These programs I strongly support. But there is a great difference between helping a new enterprise to get on its feet and propping up a giant which has had every opportunity to grow strong but which is dying because it failed to compete.

During the debate on this measure, two arguments have been emphasized by its proponents: First, that without this loan guarantee, Lockheed will fail and substantial unemployment will result, and second, that it is in the national interest to keep Lockheed in business to promote more competition in the aerospace industry.

Neither of these arguments are valid.

In the first place, the fact is that viable segments of the company will go on under new management and the bulk of the jobs will not be lost. Neither will this Nation's security suffer if the Lockheed corporate structure ceases to exist.

For the aerospace industry as a whole, there will be more jobs in this country without the L–1011 than with it. Fully 42 percent of the components of the L–1011 will be imported. Less than 20 percent of the components of competing wide-bodied trijets are imported.

Studies have shown that, for example, McDonnell Douglas and its suppliers on the DC–10 project will have 20,000 more people working within a year if the L–1011 is not built.

Mr. President, the argument that the country needs Lockheed in the air transport business is fallacious. Over the last 15 years, 97 percent of all transport planes built in this country have been built by Boeing and McDonnell Douglas. These two companies have met our country's air transport needs well and in addition have supplied 26 percent of the Nation's total export sales.

The fact is that a third company in the air transport business would likely have the result of weakening and perhaps destroying the traditional air transport builders.

Mr. President, the real question in my mind is whether the $250 million in the bill would in fact keep Lockheed alive and assure delivery of the L–1011. McDonnell Douglas and its subcontractors have already invested more than $2 billion in the DC–10. The first DC–10's were delivered, fully certified, on Thursday of last week. Early and regular deliveries are anticipated. And yet the company estimates that the infusion of another $650 million of company money will be necessary before the program becomes profitable. In the case of the L–1011, which is months or even years away from deliveries, it is absolutely certain that far more than $250 million would be needed.

Lockheed's policy of refusing to face economic realities in the past is apparently still being followed. If we took action to prop up the company now, it would almost certainly be back within a few months asking for more money.

Proponents of this legislation have stated that there is a precedent for this loan guarantee, but the facts are to the contrary. In 1966, prior to its merger with McDonnell, the Douglas Corp. received a $75 million Government loan. This was a standard V-loan to finance military work for the U.S. Government. It had nothing to do with commercial business. Also security for the loan was actually work in process by the company, and the loan was paid off in less than 4 months.

There is an even bleaker side to this picture than anyone has faced to date. This comes from the fact that because of declining passenger business airlines have reduced near-term orders for wide-bodied trijets 30 to 60 percent from previously planned levels.

Mr. President, the Lockheed story is a classic example of economic malpractice. This company has lost more than $430 million on four military contracts. It is now following the same cutthroat pricing policies in the commercial field.

For the Congress to pledge tax dollars to bail it out and thus weaken Lockheed's legitimate competitors would be an act of bad faith toward the responsible aerospace companies.

Lockheed has not earned the right to survive at the expense of the American taxpayer.

QUORUM CALL

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

SMALL BUSINESS AND THE LOCKHEED LOAN GUARANTEE

Mr. McINTYRE. Mr. President, as we approach final decision in the matter of H.R. 8432, the bill to authorize an emergency loan guarantee of $250 million to the Lockheed Corp. I feel compelled to make some comments on the small business aspects of this emergency loan.

As chairman of the Small Business Subcommittee of the Senate Banking, Housing and Urban Affairs Committee and a member of the Senate Select Committee on Small Business I am naturally concerned about the interests of small business when we are considering action which seems, on the surface, to be so definitely directed at assistance for a giant corporation. I participated fully in the consideration of the loan guarantee in the Banking, Housing and Urban Affairs Committee. I have studied masses of material on this proposal. I have followed the debates on the floor in detail.

I believe, in this case, that small business has much at stake.

High technology companies, such as Lockheed, have a tendency to parcel out far more of their subcontracts and purchases to small businesses than do other kinds of manufacturers. This is because there are literally thousands of small businesses that design and manufacture specialty items that are high in technical content and which are badly needed by the prime contractor. These items can be made better and cheaper by small business than by the giant prime contractor.

For example, on Lockheed's total list of some 35,000 subcontractors and suppliers, on all Lockheed programs, about 70 percent are small businesses.

On the L–1011 program alone, there are 1,012 small businesses which have direct contracts with Lockheed—that is, in the first tier of L–1011 suppliers. These 1,012 small businesses are located in 24 States, and up to June 1 of this year they had received subcontracts valued at $120 million on the L–1011 program.

In the first 4 months of 1971, this first tier of small business subcontractors on the L–1011 received in direct awards from Lockheed 33 percent in dollars of all the awards made by Lockheed in that period. This 4 months 33 percent figure is not typical of all first tier subcontracts, but it is expected that about 33 percent of all L–1011 subcontract dollars eventually will flow through the various tiers to small business firms.

Much larger percentages of small businesses are represented in second, third, and lower tiers of L–1011 suppliers. It is estimated that about 22,000 small businesses are among the second, third, and lower tiers of subcontractors, performing work for the larger first and second tier subcontractors. Their contract awards are estimated to total about $400 million at this time, with more to come when and if normal production is resumed on the L–1011.

In many of these small firms, the L–1011 subcontract is by far the largest part of their business. One listing of second tier small business subcontractors described 14 small companies where 75 percent or more of their total business was attributable to L–1011 contracts. They were located in five different States. Obviously, cancellation of the L–1011 would be disastrous to these 14 firms and to the thousands of men and women who are employed by them.

These particular cases were described in testimony to the Senate Banking Committee.

We cannot be certain as to how representative such cases might be without a massive, case by case survey, and it is obvious that many of the small businesses involved have only a relatively small stake in the L–1011 program, and would only be affected in a relatively minor way.

A quick random sampling of a few first tier L–1011 small business subcontractors was made to determine how big a part of their total business was attributable to L–1011 contracts. There was a small firm in Yakima, Wash., where the percentage was 83.4 percent. One in South Pasadena, Calif., showed only a 3-percent effect. One in Chester, N.J., showed an 11.9 percent of L–1011 business. One in Compton, Calif., only showed eight-tenths of 1 percent effect but another in Culver City, Calif., showed an L–1011 impact of 33 percent of its total business.

But, simple arithmetic would indicate that in the case of the 1,000 plus small businesses which are in the first tier, the average contract with Lockheed at this time is worth about $130,000. A contract with a value of $130,000 is of very substantial importance to many small businesses. But it is when the contracts are in the high hundreds of thousands and millions of dollars that it can be critical to a small businessman, who probably has little capital, but who has substantial overhead costs to meet and has made substantial investments in his plant and his machinery.

Also, it should be remembered that these thousands of small firms are not in the consumer goods market. In all of the small companies we have described, we did not include those which sell to Lockheed and other major companies their office and factory supplies like pencils and paper—or office equipment, furniture, and the like. They are subcontractors who contribute directly to the production of airplanes.

These thousands of small firms are not able to turn their operations easily and quickly from high technology business to other products. Their machines make excellent aircraft or electronic components, but they are useless for manufacturing shoes or furniture or kitchenware or even automobile parts.

They are fiercely proud, and rightfully so, of their competence in their chosen field of specialty. But it could be deadly if suddenly there is no demand for their product.

This is why I have chosen to speak on this subject. It is not an effort on my part to defend a big corporation, or even its stockholders, who took their gamble when they bought the stock of the big corporation.

Instead, it is to remind all of us that it is not just the big corporation that is at stake here, it also is the severe ripple effect on thousands of small businesses. They are the innocent bystanders in this game, and yet all the evidence we have shows that they are the ones who could suffer the most. It could kill some of them, and others could be damaged severely for years to come.

In fairness, and to give balance to this debate, I believe we must understand this side of the emergency loan guarantee. In my view, these facts regarding the impact of a Lockheed failure on the small business of the Nation coupled with the possible adverse effects on jobs, worker security, and the general economy call for support of this legislation.

Mr. President, I intend to vote for H.R. 8432.

Mr. PROXMIRE. Mr. President, I yield 7 minutes to the Senator from Connecticut.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, almost everything has been said during the past 10 days that could be said on this subject. My comments are directed toward wrapping up my own thoughts on this matter.

First, this little poop sheet that has been placed on the desks of Senators is inaccurate. There is listed on that sheet Hamilton-Standard—which happens to be in my State—$78.7 million. That figure is inaccurate. The figure should be $36.5 million. This is on the basis of both the firm orders and the second round of options, not on some fictitious figure—of what the Lockheed Corp. thinks they can get in the airline market.

Mr. President, whether the figure is $36.5 million or $78.7 million, as listed on this sheet, it would not make any difference to me, even though the corporation is in my State. Because frankly if this legislation goes through, the price to the industries of my State will be far higher than any $36.5 million. They will lose the advantage quality has in a free market. It is not a good bargain.

When I was in Connecticut this past weekend, I had someone indicate to me that I was all wet on the subject of the Lockheed loan; that I did not know what I was talking about. I expected to be assailed on the basis of some principle, some principle on which I had somehow gone astray. But, then, the reason came out. This individual who criticized my stand said:

> I have already written up two of the contracts as between the Lockheed Corp. and several of the airlines that have been involved and, believe you me, the Senator from Connecticut is wrong in the position he takes.

It boils down to exactly what I have been saying over the past several weeks: The only people that I meet or that I hear from that are in favor of this legislation are either in Lockheed, or the airlines, or some subcontractor to Lockheed, or the banks.

That is it. No disinterested person wants anything to do with this legislation.

I did not notice the Lockheed Aircraft Corp. coming to the people of this country and asking for their advice at the time of making the decision that led us to where we are today. The people of the United States were not asked as to what kind of engines to go on the plane. The people of the United States were not asked as to the airframes, and they were not asked as to delivery dates. Nobody asked the people of the United States a single question as to the project when it was being conceived.

And yet today the people of the United States are being told what they must contribute. They are being asked to turn a calculated gamble—and it was known to be such at the time it was taken—which lost into a winning proposition.

The history of Lockheed in defense is spotty. The history of Lockheed in commercial experience is spotty. And the history of the L–1011 is so disastrous as to have it come before the Congress at this time.

I agree that sometimes the Government should break the rules. I do not think we should just go ahead and write a rule and stick to it regardless of the consequences or circumstances. But if we are going to break the rules, I suggest that perhaps it should be done on behalf of those who believe in excellence, and that we do not break them for the inefficient, for the devious, for the undercutter. If we do not make people in this Nation live with the consequences of mediocrity, then excellence becomes a forgotten standard. It becomes a forgotten standard here in the United States just as it has become in Great Britain and with Lockheed.

Again I realize there are times when we can make exceptions, except that these times happen to be exceptionally tight insofar as the money we have to allocate to other endeavors.

People who argue for this proposal say, "Well, wouldn't you rather have all the people at Lockheed working and getting paid rather than being on welfare?" May I add that the majority of the people of this country are not either on the welfare rolls or behaving like Lockheed and, quite frankly, I do not think there is any difference between those who are actually slothful and those who are using other means to try to gain through the backdoor. It is one and the same thing. I do not believe in rewards in either instance.

The fact is that at the present time the people of this country are on a treadmill both in the earnings they have to take home and in the quality of life around them.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. WEICKER. May I have 2 additional minutes?

Mr. PROXMIRE. Mr. President, I yield 2 additional minutes to the Senator from Connecticut.

Mr. WEICKER. I think that to ask the people to sacrifice and to exercise patience under those circumstances is not fair. The people of this country do not mind paying—perhaps they mind, but at least they have exercised patience in being on the treadmill as far as their earnings are concerned and their quality of life. They do not mind doing it for their country, but they certainly object—and rightfully so—to doing it on behalf of Lockheed.

Since no questions were asked of the American people at the outset as to what they wanted in this area, at least let us let the American people decide what the order to their priorities is going to be. Let us not tell them that Lockheed is high on the list and takes precedence over matters that are so in need of accomplishment around us. At least in difficult times let us emphasize the best of our national traits and principles, not the worst.

And this in effect is what the bill calls for—to go ahead and subsidize mediocrity, to go ahead and reward the inefficient, to go ahead and reward the calculated gamble. If you reward mediocrity—whoever will aspire to the standard of excellence? And this is what has separated the United States of America from the history of Great Britain and from the history of Lockheed.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired. Who yields time?

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I am grateful to the manager of the bill for yielding me this time.

Mr. President, let us remember that this is a guarantee, not an appropriation, and let us remember that the people who are fixing the priorities are the Members of the Congress of the United States, the people's representatives, if they do so.

I am minded now to state, subject to answers to some colloquies I am going to have with the managers of the bill, that I feel that the danger of not doing what we are asked to do is greater than the advisability of doing what we are told by the opponents; that is, to vote against the bill.

I have had some correspondence with the Secretary of Treasury on this matter, and I briefly report it to the Senate.

Mr. President, I ask unanimous consent that my letter to the Secretary and the two letters I have received from him be made a part of my remarks.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., July 28, 1971.

Hon. John Connally,
Secretary of the Treasury,
Department of the Treasury,
Washington, D.C.

Dear Mr. Secretary: Thank you very much for responding to my request on the conditions that have already been agreed to with respect to the loan guarantee for the Lockheed Corporation if the Congress decides to act favorably on this matter.

In all except one point, your letter does reassure me that the U.S. Government has taken steps to protect the interest of the American taxpayer and the U.S. Government against the possible default on the loan repayments. This point concerns the management of Lockheed. I think that you will agree with me that the Lockheed management team is a crucial factor which will determine whether the granting of a loan guarantee to Lockheed will indeed insure that a serious blow is not dealt to our domestic economy.

My concern over such a default is precisely that which you mention in your letter of July 28—namely that a Lockheed failure could deal a serious blow to our national interest.

I therefore ask your assurance as to the Lockheed management team or whether—if you are not satisfied—how you are planning to deal with any management problems in connection with the guarantee. And since a three man Board will be involved in the making of such loan guarantee decisions, I also would appreciate your giving me a reading as far as you can of this prospective Board's view of the Lockheed management.

With best wishes,

Sincerely,

Jacob K. Javits.

The Secretary of the Treasury,
Washington, D.C., July 28, 1971.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: Pursuant to your request, I shall outline the terms of the loan guarantee we expect to enter into with Lockheed Aircraft Corporation and the twenty-four banks that have been financing the L–1011 (Tristar).

To date, Lockheed Aircraft Corporation has borrowed $400 million from the twenty-four banks. If the pending loan guarantee legislation is passed, these banks will loan up to $250 million more to Lockheed. The schedule of borrowings (including the $400 million already borrowed by Lockheed) will be approximately as follows:

On or before:	*Amount*
September 30, 1971	$450, 000, 000
December 31, 1971	550, 000, 000
March 31, 1972	575, 000, 000
June 30, 1972	600, 000, 000
September 30, 1972	650, 000, 000
December 31, 1972	650, 000, 000
June 30, 1973	630, 000, 000
December 31, 1973	595, 000, 000
December 31, 1974	470, 000, 000
December 31, 1975	220, 000, 000

The banks have agreed to subordinate $400 million to that portion of the loan guaranteed by the United States. This means that any amount of the loan guaranteed by the United States up to $250 million must be paid off before the banks can collect anything on their original loan of $400 million.

It is expected that the guaranteed portion of the loan will be completely paid off before the end of the first quarter of 1975—immediately after the 101st aircraft has been delivered. In this connection, it should be noted that the portion of the loan guaranteed by the United States should be paid off long before Lockheed manufactures enough Tristars to break-even financially. In short, repayment of the amount guaranteed does not depend on Lockheed's L–1011 program being a financial success.

The original $400 million loan and any additional amount loaned under Government guarantee will be secured by a single collateral pool. It is estimated that this pool would have in it property which could be sold in case of Lockheed's bankruptcy for at least $450 million. The banks have agreed that in the event of a bankruptcy proceeding, the United States would have first call on the collateral. In short, the claim of the United States against the collateral would come ahead of that of the banks. In view of the value of the collateral, the risk to the United States in undertaking the guarantee of $250 million in loans to Lockheed is minimal.

One further point should be made. Lockheed has outstanding secured debentures in the sum of approximately $10 million. The banks have agreed to pay off these debenture holders so that their claims will not interfere with the Government's claim against the collateral.

As a result of the unique agreement which the Treasury has negotiated with Lockheed's creditor banks, the risk to the Government in undertaking to guarantee a loan to Lockheed of $250 million would be extremely small. However the benefits to this Nation would be great. Over 60,000 jobs could be saved. More than $1 billion in otherwise almost useless inventory would be converted to usable equipment. The Nation's largest defense contractor would be able to continue as a going concern. The world market for airframes, which is expected to be substantial, would benefit from additional competition, and our future export position would be strengthened.

Moreover, there would be the avoidance of the blow to confidence which a Lockheed failure would surely produce. At this stage of a promising and broad-based economic recovery, the maintenance of confidence of both investors and consumers is the highest priority.

Under these circumstances, I sincerely hope that you will strongly support the loan guarantee legislation that is pending before the Senate.

As to the specific rate of interest and guarantee fee on the contemplated loans to Lockheed, I feel strongly that the interest rate should be at a level so as not to unjustly enrich the banks and, when combined with the guarantee fee, would not provide Lockheed credit at a preferential price relative to its competitors.

You understand, of course, that the legislation reported by the Senate Committee vests final authority on the terms of loan guarantees in a Board consisting of the Chairman of the Federal Reserve Board, a President of a Federal Reserve Bank, and the Secretary of the Treasury, as Chairman. Consequently the terms I have described above must be viewed as the recommendation I now intend to make to the Board, when constituted.

Sincerely yours,

John Connally.

The Secretary of the Treasury,
Washington, D.C., July 30, 1971.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: This is in response to your letter of July 28 in which you ask my views concerning the adequacy of the management of Lockheed Aircraft Corporation. This question has been raised from time to time in the course of the hearings on the proposed legislation. In considering this question, I believe it most useful to look, in the first instance, to those who have had a great many business dealings with the company—in this case the banks and Lockheed's airline customers. Both the banks and the airline customers are on the record in support of the present management and, indeed, have stated that they would be troubled if the present management were replaced.

As to my own views on this subject, I have been impressed by favorable statements of the banks, the airlines and others concerning Lockheed's management. Also as I stated on July 20 before the House Committee on Banking and Currency, management's performance can be measured by the quality of the company's products. On this basis, I observed that over the years Lockheed has produced fine aircraft and has made valuable contributions to our defense establishment. In short, while I would not presume to pass final judgment on Lockheed's management efficiency and capacity, I believe on the basis of the available information that management's performance has been satisfactory.

Finally, as you know, the bill presently before the Senate would require that if the Board determines the need for a guaranteed loan stems from a failure of management to exercise reasonable prudence in the conduct of the company's affairs then the Board shall require such management changes as it deems necessary to establish a sound management base. With respect to your last question on this point, if the proposed legislation is enacted into law the Board would review management performance as required by the statute. While I will not speculate as to what the Board's decision might be, my own approach on this question would be to rely in the first instance on the judgment of those persons who have dealt extensively with management. The Board, of course, would be required to reach its own determinations and I can assure you the whole question of management's performance would be carefully reviewed.

Since S. 2308 would place the Chairman of the Board of Governors of the Federal Reserve System on the Emergency Loan Guarantee Board, you also might find it helpful to review Dr. Burns' testimony before the House and Senate Committees, particularly, his most recent testimony on July 20 in response to questions from Congressman Blackburn.

Sincerely yours,

John B. Connally.

Mr. JAVITS. Mr. President, the first point is that the $250 million loan guarantee by the United States, will have a priority to the $400 million owed to the banks, and that the 24 banks will agree to that subordination. I have a calendar or chart of repayment from Secretary Connally which shows that the Government should be out of the woods here by the beginning of 1975.

Second, the Board, as affirmed by its respected Chairman, John Connally, is committed to a review of management, and the legislation itself provides that the Board would have a right to insist on a management change. I shall be asking both the manager and the ranking minority member of the committee questions relating thereto.

If I may have the attention of both gentlemen, I have the following questions I would like to put them.

First, Mr. President, would my understanding be correct that the Board—and I refer to the Loan Guarantee Board—would have the authority to make recommendations to the Congress as to the need for additional loan guarantee authority to meet future economic contingencies coming within the stated objectives of the legislation?

May I state that the reason for this question is that I am committed to a generic bill, though I am not yet committed to this particular bill, which is only for Lockheed.

So the question is, Would the Board have the authority to recommend an increase of the guarantee amount if it felt that the economic situation required it?

As the language of the bill does not say so, the legislative history, in my judgment—if the manager feels that the Board could and should do that kind of thing and the occasion should call for it—should make that clear.

Would the chairman care to reply?

Mr. SPARKMAN. Mr. President, let me say that I have been impressed by the argument made by Arthur Burns, Chairman of the Federal Reserve Board, all along that we ought to have some kind of generic legislation, and the Senator knows that I introduced a generic bill.

I strongly supported the concept of the generic bill, and our committee reported one. Let me say that in connection with the present bill, the board, in my opinion, certainly has the right, and I think the obligation, to keep Congress informed as to economic conditions, particularly if they should get to the point where there would be a threat to the economic welfare of the country to such an extent that action ought to be taken. In such case, I would expect the board to make recommendation to Congress.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Texas.

Mr. TOWER. I associate myself with the remarks made by the chairman of the committee that we would expect this board to make recommendations about when additional corporations, that might be perfectly sound but yet caught in a liquidity squeeze, might require such assistance. The board would be expected to make such recommendations to Congress as they became necessary.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. TOWER. I yield the Senator 2 additional minutes.

Mr. SPARKMAN. I have stated to the Senator from Texas, and he has agreed with me, that when this measure becomes law and the board is appointed—or legislated, in this case—we would write the board a letter asking them to stay in touch with the economic situation throughout the country, and be prepared to make recommendations to Congress at any time.

Mr. JAVITS. I thank the Senator from Alabama and the Senator from Texas.

The next question is this: Would the Senators not agree that the key criteria is not whether a firm is required to go into receivership or not but rather that the Congress should not allow production to be endangered that is essential to the national interest or a region thereof? Would they also agree that there is nothing in the bill which would keep a company out of reorganization or bankruptcy if the board determined that such reorganization procedures were a necessary condition of the loan guarantee?

Mr. SPARKMAN. The Senator is absolutely correct. This is a matter that must be decided by the board on a case-by-case basis, and the board must be left, and is left under the terms of this legislation, with absolute freedom to determine what conditions should be attached to the loan guarantee.

Mr. JAVITS. I thank the Senator.

I have one final question. There has been much discussion about the management of Lockheed. Would the Senators both agree that it would be within the board's authority to require management changes if the board were convinced that existing management could not adequately protect the interests of the United States in effective production and the repayment of the guaranteed loan?

Mr. SPARKMAN. Let me refer the Senator to section 6(b) of the bill, which reads:

> If the Board determines that the inability of an enterprise to obtain credit without a guarantee under this Act is the result of a failure on the part of management to exercise reasonable business prudence in the conduct of the affairs of the enterprise, the Board shall require before guaranteeing any loan to the enterprise that the enterprise make such management changes as the Board deems necessary to give the enterprise a sound managerial base.

I believe that answers the Senator's question.

Mr. JAVITS. I thank the Senator. May I ask the viewpoint of the Senator from Texas on both points?

Mr. TOWER. I agree with the chairman in both instances. I believe the board does have the power to compel a reorganization, and certainly the language read by the chairman speaks for itself, and it is my expectation that the board would be required to make such a judgment.

Mr. JAVITS. I thank my colleagues.

To bear out that the majority of the board would be able to insist on management changes, I ask unanimous consent to have printed in the RECORD the testimony of Federal Reserve Board Chairman Arthur Burns on this bill on June 20, 1971, at pages 471 and 472 of the House Banking and Currency Committee hearings record.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

FROM HEARINGS BEFORE THE HOUSE BANKING AND CURRENCY COMMITTEE ON H.R. 8432, A BILL TO AUTHORIZE EMERGENCY LOAN GUARANTEES TO MAJOR BUSINESS ENTERPRISES, JUNE 20, 1971

The CHAIRMAN. Mr. Blackburn.

Mr. BLACKBURN. Thank you, Mr. Chairman.

Dr. Burns, it is always a privilege and pleasure to have you appear before our committee.

The term "bad management" has been used frequently and I think rather loosely as applied to Lockheed; I suspect it has been used by persons who are really not in a position to judge the management capability of Lockheed. We must take into consideration the very valuable contributions that Lockheed has made to our defense establishment; we must take into account that they have developed an airplane, the C–5A which is literally the envy of every air force in the world. These contributions have been most important to our Nation, and I think that those who loosely use the term "bad management," would do well to reconsider their terms.

I think one of the things the Board would have to consider, if you are on the Board or a member of the Federal Reserve System, is the conclusion of the reports on the airplane now under discussion, the L–1011 Tri-Star. The reports now in front of me, were submitted by the various airlines. They show that the L–1011 is competitive in price with the DC–10, show that it has certain attributes of efficiency, of quietness of operation, of nonpollution factors, which give it an advantage over the DC–10.

Now, a company that can develop an airplane that can meet these criteria obviously is not practicing bad management. I think the product is the proof of the pudding, so to speak. And these are factors that you would have to consider on that Board.

Mr. BLACKBURN. But don't you think we should distinguish between liquidity problems and problems of profitability? For example, if a firm has a continuing history of losses, it is one thing to consider subsidizing continuing losses; however, it is another factor entirely to consider solving a temporary liquidity problem. Would you elaborate on that?

Dr. BURNS. Well, I think that the distinction that you draw is a very important one. The bills that you have been considering are concerned with the liquidity problem; that is, a temporary financial difficulty on the part of a firm. I think every bill that you have before you proceeds on the explicit assumption that the firm must be credit worthy and that, of course, means that it faces not so much a profitability problem, as you so well put it, but a liquidity problem; that is, a temporary financial difficulty.

Mr. BLACKBURN. And, furthermore, shouldn't the Board take into account or the committee that considers such a loan application, should it not take into account the fact that the liquidity problem has arisen due to factors beyond the normal capacity of management to anticipate?

Dr. BURNS. When that is the case, the committee should consider it.

Mr. BLACKBURN. So that here again we are drawing a distinction between temporary crisis and continuing loss of profits on the part of a concern.

Dr. Burns, I have no further questions. Again I thank you for appearing before us.

I have no further questions, Mr. Chairman.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being taken from either side. I expect a speaker here shortly.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

AMENDMENT NO. 319

Mr. STEVENS. Mr. President, I call up my amendment No. 319.

The PRESIDING OFFICER. The amendment as drawn applies to S. 2308. Does the Senator wish to modify the amendment to make it applicable to the pending bill, which is H.R. 8432?

Mr. STEVENS. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVEN'S amendment is as follows:

Amendment intended to be proposed by Mr. STEVENS to H.R. 8432, a bill to authorize emergency loan guarantees to major business enterprises, viz: The end thereof, add the following new title:

TITLE II

SHORT TITLE

SECTION 1. This title may be cited as the "Emergency Loan Guarantee Act for Small Business Enterprises".

SEC. 2. The Administrator of the Small Business Administration is hereby authorized to consider and act upon an application for guarantee of a loan to any business enterprise which qualifies as a small business concern under section 632 of the Small Business Act, as amended (15 U.S.C. 631), and regulations promulgated thereunder.

AUTHORITY

SEC. 3. The Administrator, on such terms and conditions as he deems appropriate, may guarantee, or make commitments to guarantee lenders against loss of principal or interest on loans that meet the requirements of this title.

SEC. 4. (a) A guarantee of a loan may be made under this title only if—

(1) the Administrator finds that (A) the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely affect the economy of a particular city, locale, or other political subdivision, (B) credit is not otherwise available to the borrower under reasonable terms or conditions, and (C) the prospective earning power of the borrower, together with the character and value of the security pledged, furnish reasonable assurance that it will be able to repay the loan within the time fixed and afford reasonable protection to the United States; and

(2) the lender certifies that it would not make the loan without such guarantee.

(b) Loans guaranteed under this title shall be payable in not more than five years, but may be renewable for not more than an additional three years.

(c) Loans guaranteed under this title shall bear interest (exclusive of guarantee fees and service charges, if any) at rates not to exceed a rate determined by the Administrator to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risk assumed.

SECURITY AND LOAN GUARANTEES

SEC. 5. In negotiating a loan guarantee under this title, the Administrator shall make every effort to arrange that the payment of the principal of and interest on any loan guaranteed will be secured by sufficient property of the business enterprise to collateralize fully the amount of the loan guarantee.

REQUIREMENTS APPLICABLE TO LOAN GUARANTEES

SEC. 6. (a) A guarantee agreement made under this title with respect to an enterprise shall require that while there is any principal or interest remaining unpaid on a guaranteed loan to that enterprise the enterprise may not—

(1) declare a dividend on its common stock; or

(2) make any payment on its other indebtedness to a lender whose loan has been guaranteed under this title.

The Administrator may waive either or both of the requirements set forth in this subsection, as specified in the guarantee agreement covering a loan to any particular enterprise, if he determines that such waiver is not inconsistent with the reasonable protection of the interests of the United States under the guarantee.

(b) If the Administrator determines that the inability of an enterprise to obtain credit without a guarantee under this title is the result of a failure on the part of management to exercise reasonable business prudence in the conduct of the affairs of the enterprise, the Administrator shall require before guaranteeing any loan to the enterprise that the enterprise make such management changes as the Administrator deems necessary to give the enterprise a sound managerial base.

(c) A guarantee of a loan to any enterprise shall not be made under this title unless—

(1) the Administrator has received an audited financial statement of the enterprise; and

(2) the enterprise permits the Administrator to have the same access to its books and other documents as the Administrator would have under section 7 in the event the loan is guaranteed.

(d) No payment shall be made or become due under a guarantee entered into under this title unless the lender has exhausted any remedies which it may have under the guaranteed agreement.

(e)(1) Prior to making any guarantee under this title, the Administrator shall satisfy itself that the underlying loan agreement on which the guarantee is sought contains all the affirmative and negative covenants and other protective provisions which are usual and customary in loan agreements of a similar kind, including previous loan agreements between the lender and the borrower, and that it cannot be amended, or any provisions waived, without the Administrator's prior consent.

(2) On each occasion when the borrower seeks an advance under the loan agreement, the guarantee authorized by this title shall be in force as to the funds advanced only if—

(A) the lender gives the Administrator at least ten days' notice in writing of its intent to provide the borrower with funds pursuant to the loan agreement;

(B) the lender certifies to the Administrator before an advance is made that, as of the date of the notice provided for in subparagraph (A), the borrower is not in default under the loan agreement: *Provided*, That if a default has occurred the lender shall report the facts and circumstances relating thereto to the Administrator and the Administrator may expressly and in writing waive such default in any case where he determines that such waiver is not inconsistent with the reasonable protection of the interests of the United States under the guarantee; and

(C) the borrower provides the Administrator with a plan setting forth the expenditures for which the advance will be used and the period during which the expenditures will be made, and, upon the expiration of such period, reports to the Administrator any instances in which amounts advanced have not been expended in accordance with the plan.

(f)(1) A guarantee agreement made under this title shall contain a requirement that as between the Administrator and the lender, the Administrator shall have a priority with respect to, and to the extent of, the lender's interest in any collateral securing the loan and any earlier outstanding loans. The Administrator shall take all steps necessary to assure such priority against any other persons.

(2) As used in paragraph (1) of this subsection, the term "collateral" includes all assets pledged under loan agreements and, if appropriate in the opinion of the Administrator, all sums of the borrower on deposit with the lender and subject to offset under section 68 of the Bankruptcy Act.

INSPECTION OF DOCUMENTS: AUTHORITY TO DISAPPROVE CERTAIN TRANSACTIONS

SEC. 7. The Administrator is authorized to inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of any enterprise which has received financial assistance under this title concerning any matter which may bear upon (1) the ability of such enterprise to repay the loan within the time fixed therefor; (2) the interests of the United States in the property of such enterprise; and (3) the assurance that there is reasonable protection to the United States. The Administrator is authorized to disapprove any transaction of such enterprise involving the disposition of its assets which may affect the repayment of a loan that has been guaranteed pursuant to the provisions of this title.

MAXIMUM OBLIGATION

SEC. 8. The maximum obligation of the Administrator under all outstanding loans guaranteed by it shall not exceed at any time $200,000,000 of the $2,000,000,000 authorized in title I of this Act, but in no event shall the Administrator guarantee loans to any one borrower in an amount greater than $500,000.

EMERGENCY LOAN GUARANTEE FUND

SEC. 9. (a) $200,000,000 of the Emergency Loan Guarantee Fund established in section 9(a) of title I shall be administered by the Administrator. The funds shall be used for the payment of the expenses of the Administrator and for the purpose of fulfilling the Administrator's obligations under this title. That portion of the $200,000,000 authorized for use by the Administrator which is not needed for current operations may be invested in direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency therof.

(b) The Administrator shall prescribe and collect a guarantee fee in connection with each loan guaranteed by it under this title. Sums realized from such fees shall be deposited to the Administrator's credit in the Emergency Loan Guarantee Fund.

(c) Payments required to be made as a consequence of any guarantee by the Administrator shall be made from the $200,000,000 authorized to the Administrator from the Emergency Loan Guarantee Fund. In the event that moneys in the fund are insufficient to make such payments, in order to discharge his responsibilities, the Administrator is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Administrator with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations.

PROTECTION OF GOVERNMENT'S INTEREST

SEC. 10. (a) The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States or any officer or agency thereof as a result of the issuance of guarantees under this title. Any sums recovered pursuant to this section shall be paid into the Administrator's portion of the Emergency Loan Guarantee Fund.

(b) The Administrator shall be entitled to recover from the borrower, or any other person liable therefor, the amount of any payments made pursuant to any guarantee agreement entered into under this title, and upon making any such payment, the Administrator shall be subrogated to all the rights of the recipient thereof.

REPORTS

SEC. 11. The Administrator shall submit to the Congress annually a full report of its operations under this title. In addition, the Administrator shall submit to the Congress a special report not later than June 30, 1973, which shall include a full report of the Administrator's operations under this title together with its recommendations with respect to the need to continue the guarantee program beyond the termination date specified in section 12. If the Administrator recommends that the program should be continued beyond such termination date, he shall state his recommendations with respect to the appropriate board, agency, or corporation which should administer the program.

TERMINATION

SEC. 12. The authority of the Administrator to enter into any guarantee or to make any commitment to guarantee under this title terminates on December 31, 1973. Such termination does not affect the carrying out of any contract, guarantee, commitment, or other obligation entered into pursuant to this title prior to that date, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this title.

Mr. STEVENS. Is my understanding correct that we have a 5-minute time limitation on each side?

Mr. TOWER. Ten.

The PRESIDING OFFICER. Ten minutes to a side.

Mr. STEVENS. I yield myself 5 minutes.

Mr. President, I submitted this amendment in order to address the problem of small businesses in connection with the bill as it came out of the committee, addressed to a guarantee for major business enterprises. As I now understand the situation, we are to vote on a bill that is directed solely to the Lockheed guarantee, and I will say it is not my intention to bring this amendment to a vote. I should like to discuss the matter, however, with the managers of the bill, and to ask some questions concerning the problem of small business. Knowing the distinguished background of the Senator from Alabama in connection with the Small Business Act and the total development of assistance for small business, I should like to ask him if it is possible that we might have a hearing directed toward the problems of small business in this particular area of postcrisis financing.

We have now some major strikes throughout the country, and, as a result of those strikes, small businesses in my State which have exhausted their financial capability in terms of borrowing find their supplies are waiting in a railroad car or on a dock, and they are going to face substantial financial crises unless we can find some way to put the SBA into the picture of financing or guaranteeing loans, at least of small businesses, after the crisis has arrived.

I have attempted to obtain statistics on the number of small businesses that are in this circumstance, and unfortunately I was told that the Department of Commerce stopped carrying those statistics in April of this year. So we have no way of obtaining that type of statistics. I do have the figures for the number of small businesses each year since 1961, and the number of small businesses since 1961 that have gone out of business on an annual basis, and I ask unanimous consent that those figures be printed in the RECORD at this point.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

STATISTICS ON SMALL BUSINESS

I. Number of small businesses

1961	4,477,000
1962	4,517,000
1963	4,557,000
1964	4,617,000
1965	4,684,000
1966	4,750,000
1967	---------
1968	5,050,000
1969	5,150,000
1970	5,200,000
1971	5,280,000

II. Number of small businesses to go out of business each year

1961	17,075
1962	15,782
1963	14,374
1964	13,501
1965	13,514
1966	13,061
1967	12,364
1968	9,636
1969	9,154
1970	10,748
1971	NA

Mr. STEVENS. I ask the chairman of the committee, would it be possible for us to explore before his committee the total problem that small business is getting into, not unrelated to the Lockheed problem in many ways, which I think is probably the most pressing problem occurring in my State today?

I call attention to the fact, for instance, that the permit for the trans-Alaska pipeline has not been issued.

It has been delayed now for 14 months, and we have had a complete rash of bankruptcies in small businesses related to the fact that they had letters of intent from the major oil industries. They had every reason to believe that they were going to be involved in a rapidly expanding economy, and now, through no fault of their own, they are beyond the scope of their ability to finance their operations and are very much in need of assistance of some type of operation.

I wonder whether the Senator would explore pushing the SBA into this postcrisis financing some time during this Congress. Would that be possible?

Mr. SPARKMAN. I am fully aware of the problem the Senator from Alaska has presented. As a matter of fact, in previous discussions on the floor of the Senate, I have said that it would be my purpose to schedule hearings before the committee on these small business problems.

We have had some discussions with some officials, and we feel that we have the administration's commitment to double the present lending ceiling of the Small Business Administration. The problem is that many need loans.

Incidentally, practically all these loans now are guarantee loans, the same as we are working on here today. But there is a ceiling beyond which they cannot go. We propose to double that ceiling, and I believe we have the administration's support for it.

The Senator from New Hampshire (Mr. MCINTYRE) is chairman of the subcommittee. I had hoped that he might be on the floor at this time and that I could get him to say that he would be willing, but I know he will. I look forward to committee hearings in the very near future.

Senator TOWER not only is the ranking minority member of the full committee, but I believe he also is the ranking minority member of the Subcommittee on Small Business.

Mr. TOWER. No, not of the Subcommittee on Small Business. But I do have a deep and abiding interest in this matter, and I concur with the chairman's view that we should hold hearings. I appreciate the Senator from Alaska bringing this to our attention.

Mr. STEVENS. The real problem to which I should like to invite my colleagues' attention is not that the guarantee program has not worked but that it does not go far enough. It does not take the SBA into the area of postcrisis financing, and I am talking about financial crisis financing.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. I yield myself 1 additional minute.

I believe that unless we do that, unless we go into that area, more and more small businesses will end up in the same situation that Lockheed is in today.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. CHILES). The amendment is withdrawn.

Mr. DOMINICK. Mr. President, I cannot support the pending legislation authorizing the Federal Government to guarantee a $250 million loan to the Lockheed Aircraft Corp. as I feel deeply that the proposal violates the basic principles of free enterprise and would establish a precedent unacceptable to the economic system of our country.

It has been argued that the plight of Lockheed is special and should, therefore, be exempted from those penalties normally expected when one fails to meet the demands of the market system. But the only thing special about the Lockheed situation is that the company is very big and has a large number of defense contracts which might be injured. However, the proposed guarantee affects only loans for the commercial transport L-1011 conceived and developed wholly outside the defense perimeter.

Mr. President, if the national security of the country were at stake the pending legislation would take on new meaning. However, Secretary Packard testified that—

> Continuation of existing programs (defense programs) probably could be worked

out satisfactorily with a bankruptcy receiver, or a trustee in reorganization.

So the only issue at stake is whether the size of a company should determine whether the Government steps in with remedial help. On that issue I dissent.

Mr. President, this unique legislation raises other questions. Last year it is reported that 11,000 businesses in the United States failed. A similar number may suffer the same fate this year. How then can we justify special treatment of Lockheed to these businessmen? If we want to be equitable we should not neglect this group merely because of their size. But if we should take that course we would violate our age-old concept that in a competitive system the right to succeed must have as a corollary the right to fail.

Furthermore, the financial wisdom of the proposed action is doubtful. Lockheed's current financial condition is at least tenuous. The proof of the pudding is the combined judgment of 24 banks that have, to date, loaned Lockheed a total of $400 million for the L–1011 program. This group is obviously concerned over the wisdom of this investment and state that they are not willing to assume the additional risk of another $250 million. Thus, they have insisted on the Government guarantee saying publicly that their combined judgment is that they are not willing to throw good money after bad. If they felt otherwise, the pending legislation would not be before us. So from a businessman's point of view, Lockheed's L–1011 program is a bad risk.

Mr. President, if the financial community believes the risk is too great, why then should the American taxpayer be asked to take on the risk? I find it impossible to justify that kind of recklessness with the taxpayers' money.

Mr. President, in rejecting this legislation I wish to stress I harbor no ill will toward the Lockheed Aircraft Corp. Over many, many years Lockheed has made extraordinary contributions to both civil and military aviation. It has been a giant in the aerospace industry and its overall financial position has certainly been hurt by the C–5A contract entered into Under Secretary McNamara; the financial problems of Rolls-Royce; and the British Government pressures for prompt U.S. governmental action. Despite these facts the present proposal revolves solely around a commercial transaction and on principle I cannot support it.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

Mr. BENNETT. Mr. President, would the Senator withhold the request?

Mr. PROXMIRE. I withhold the request.

Mr. BENNETT. I yield myself 30 seconds. I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BENNETT. Does the yielding of time charged to neither side have any effect on the agreement that the final vote will occur at 3 p.m.?

The PRESIDING OFFICER. No, it does not.

Mr. BENNETT. I thank the Chair.

Mr. BYRD of West Virginia. Mr. President, I do not believe that is precise, if I may suggest. It depends upon how much time is consumed without its being charged and at what point.

Mr. BENNETT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BENNETT. Whose responsibility is it to notify the Senate at the time that it is no longer possible to yield time chargeable to nobody and still vote at 3 p.m.?

The PRESIDING OFFICER. The agreement provides that the vote on final passage shall occur at 3 p.m. The Chair fails to realize how yielding time will affect that part of the agreement.

Mr. BENNETT. It also provides that each side will have 1 hour on the bill, and it could be that yielding time charged to nobody could deprive one side or the other of its time on the bill.

The PRESIDING OFFICER. The agreement provides that the time for debate shall be limited to 2 hours. That puts an outside maximum on the time, rather than a minimum requirement on the time. So it is the Chair's opinion that the agreement providing that it would be limited to 2 hours and a specific time for the vote, the yielding of time, if it exceeded a certain amount, would be cutting down that requirement, but there is an outside limit on a minimum.

Mr. BENNETT. Then, in effect, the Chair would have to reject a request to yield time for a quorum chargeable to either side or both sides if, in effect, that would reduce the time under the agreement available to each side for debate.

The PRESIDING OFFICER. The Chair does not know that it would have to reject that request, but the unanimous-consent agreement would in no way affect the previous agreement that the vote would come at 3 o'clock.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. Suppose an amendment is pending at 3 o'clock and, under the agreement, there is 20 minutes on any amendment. Suppose time has been yielded at that point without its being charged against either side on that amendment.

The PRESIDING OFFICER. The agreement provides, further, that debate on an amendment shall be limited to 20 minutes. That is a limitation, not a requirement that there shall be a minimum of 20 minutes.

Mr. BYRD of West Virginia. But the question is with respect to the possible impact of yielding of time without its being charged to either side. Suppose an amendment is pending at 3 o'clock together with an amendment to an amendment and a substitute amendment, 20 minutes on each, and if Senators may yield without time being charged to either side, does not this possibly create a problem, the kind of problem the Senator is contemplating?

The PRESIDING OFFICER. An amendment to an amendment is not in order until time has been yielded back on an original amendment.

Mr. BENNETT. As I see the situation, it is up to us, then, to watch the passage of time, to protect the right of each side to its hour against somebody who asks for the yielding of time to be charged to both sides or neither side.

The PRESIDING OFFICER. The Chair believes that the Senator is correct, and the Members of the Senate should take that into consideration in connection with the unanimous-consent agreement.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Who is yielding time for this discussion?

Mr. SPARKMAN. I yield the Senator 1 minute.

Mr. BYRD of West Virginia. By virtue of what rule or what section of the agreement is it required that all time on an amendment must have expired or be yielded back before an amendment to that amendment may be offered?

The PRESIDING OFFICER. In Senate Procedure, page 666:

> AMENDMENTS—CONSDERATION OF, UNDER UNANIMOUS CONSENT AGREEMENTS
>
> Under a unanimous consent agreement limiting debate and controlling time, an amendment cannot be proposed to a pending amendment until time on the latter amendment has been exhausted or relinquished, except by unanimous consent.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. BENNETT. Mr. President, I yield 2 minutes to the Senator from New York.

Mr. JAVITS. I thank the Senator for yielding. The only reason I have asked him to yield is that I have just seen a chart which Senator Scott has distributed showing the various corporations which have an interest in the contract. I wish to disclose to the Senate that a family trust of which I am the trustee owns a small amount of stock in Northwest Industries, a public corporation, which is listed here as a beneficiary. In addition, the law firm with which I am presently connected but will no longer be connected before very long has represented a moving picture company affiliated with AVCO, and also has done real estate work for the First National City Bank of New York. I wish this statement to appear of record, but I see nothing in these peripheral connections, or in my own conscience, to prevent me from voting on the bill.

While I am on my feet, Mr. President, there are many New York banks involved in this issue which are all very anxious, naturally, to have this legislation passed. It would be foolish and unwise for a Senator to vote against what he thinks is in the best interests of the country, because there are such banks who are very much interested and are undoubtedly contacting people, including me, to vote for the bill. Similarly, it would be foolish and unwise to vote for it on that ground.

Right now, Mr. President, as I have said in my original statement, I am inclined to vote for it, but I wish all these facts to appear of record.

Mr. PASTORE. Mr. President, will the Senator from Wisconsin yield to me?

Mr. PROXMIRE. I yield to the Senator from Rhode Island the time he requires.

Mr. PASTORE. Mr. President, if it is agreeable to my colleagues, I should like to suggest the absence of a quorum—this is a conference report——

Mr. PROXMIRE. Oh, I did not understand that. How long will that take?

Mr. PASTORE. I think we should have a quorum call for about 2 minutes so that Senators can be alerted as to what is coming up and then for about 5 or 10 minutes we could discuss the conference report, if there are any questions. Is that too long?

Mr. SPARKMAN. Mr. President, my only misgiving is that we can hardly control debate on a conference report of that kind.

Mr. PASTORE. The point is, if we get into debate, we will lay it aside——

Mr. PROXMIRE. Why not ask unanimous consent for a time limitation on the conference report?

Mr. SPARKMAN. Mr. President, may we get a check on time? How much time does each side have remaining on the pending bill?

The PRESIDING OFFICER (Mr. Eagleton). Thirty-two minutes to the Senator from Texas, and 43 minutes to the Senator from Wisconsin.

Mr. SPARKMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alabama will state it.

Mr. SPARKMAN. Do I correctly understand that the fixed time on debate ends at 2 o'clock, or is it permitted to go on?

The PRESIDING OFFICER. The time set for the vote is at 3 p.m.

Mr. SPARKMAN. That would include not only amendments but would also include the fixed time?

The PRESIDING OFFICER. With the exception that if an amendment is pending at 3 p.m., debate would continue on the amendment then pending.

Mr. SPARKMAN. I ask unanimous consent that we may be allowed to yield to the Senator from Rhode Island (Mr. Pastore). For how long?

Mr. PASTORE. Ten minutes.

Mr. SPARKMAN. For 10 minutes, without the time being charged to either side, in order that he may present the conference report.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on July 29, 1971, the President had approved and signed the following acts and joint resolution:

S. 108. An act for the relief of Kyung Jo Min and Kyung Sook Min;

S. 145. An act for the relief of Esther Catherine Milner;

S. 161. An act for the relief of the West Fargo Pioneer and Dale C. Nesemeier;

S. 421. An act to amend title 10, United States Code, to provide special health care benefits for certain surviving dependents;

S. 566. An act for the relief of Maria Grazia Iaccarino;

S. 672. An act for the relief of Nicholaos Demitrios Apostolakis;

S. 991. An act to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes; and

S.J. Res. 111, Joint resolution extending for 2 years the existing authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. Goodell) laid before the Senate a message from the President of the United States submitting the nomination of James F. Campbell, of Maryland, to be an Assistant Administrator of the Agency for International Development, which was referred to the Committee on Foreign Relations.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1972—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9382) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices, for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Eagleton). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of July 26, 1971, at page 27184.

Mr. PASTORE. Mr. President, the committee on conference has returned a bill that provides $18,339,738,000 to operate the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the National Science Foundation, the Veterans' Administration, and various other independent offices and corporations for the fiscal year 1972. This amount is $882,721,000 above the budget estimates, $224,535,000 over the sum recommended by the House, and $358,780,000 under the Senate version of the bill. While on the surface it may appear that the conferees have returned a bill far in excess of the budget estimates, closer scrutiny of the items comprised in this measure reveals that the sum recommended is just barely in excess of the President's budget estimates.

The bill provides full funding for fiscal year 1972 for certain categorical grant programs of the Department of Housing and Urban Development—namely, model cities, the urban renewal programs, the rehabilitation loan fund, and the grants for neighborhood facilities. For these programs, the President requested only 6 months of funding and proposed for later transmission to the Congress a budget estimate of $850,000,000 to fund the special revenue-sharing program, which was to replace the aforesaid categorical grant programs for the latter 6 months of fiscal year 1972.

As a matter of fact, Mr. President, the special revenue sharing program has not been approved by the Congress and, as of this date, its chances of being approved are slight. Nonetheless, in order to make a true comparison, the $850 million budget estimate proposed by the President to fund the special revenue sharing program must be added to the budget estimates considered in this bill in order to obtain an adjusted budget estimate. When this is done, the amount agreed to in the conference exceeds the budget estimates by only $32,721,000—the difference between the total of $882,721,000 and the $850 million added for the special revenue sharing program to the budget estimates considered by the Congress.

In title I of the bill, which contains the items for the Department of Housing and Urban Development, the conference committee has recommended a sum of $3,274,824,000. This amount is $717,647,000 above the budget estimate; however, when the previously mentioned $850 million for special revenue sharing is added to the budget estimates for the Department of Housing and Urban Development, the conference committee recommendation will then be under the budget estimates by approximately $133 million.

For the National Aeronautics and Space Administration, the conference committee recommends a total of $3,298,035,000, which is $2,600,000 below the budget estimates.

For the National Science Foundation, $622 million is provided, which is $1,150,000 below the budget estimates.

For the interest adjustment payments of the Federal Home Loan Bank Board, the amount recommended is $62,500,000, which is $22,500,000 below the budget estimates.

In fact, Mr. President, there is only one section in the bill where the conference committee is recommending appropriations in excess of the budget estimates, and it occurs in the budget of the Veterans' Administration. For the Veterans' Administration, the Administration requested $10,744,363,000. The conference committee is recommending a total of $10,935,756,000, or $191,393,000 above the budget estimates.

That is where we went over the budget. As a matter of fact, the bill was more than $130 million over the budget estimate for the Veterans' Administration when it came over from the House at the end of June. However, because of the fine claim made by the Senator from California (Mr. CRANSTON) the Senate Appropriations Committee added $100 million over the sum recommended by the House. That is where the increases are. We added funds to take care of our veterans including the paraplegics who have come back from Vietnam. We added the funds to modernize certain hospitals, and to give to the veterans what they deserve from the taxpayers of America.

In particular, the increase by the Senate included $89,000,000 for medical care of our veterans, $8,000,000 for medical and prosthetic research and $3,000,000 for the construction of hospitals and domiciliary facilities. In the conference, the Senate retained $63,00,000 of its increase in medical care; $4,000,000 of the increase for research, and the entire $3,000,000 for construction and modernization was retained in the full amount.

The conference report presently being considered by the Senate is a responsible measure. It provides funds to make available increased benefits and better medical care for our Nation's veterans; it insures decent and safe housing for the elderly and handicapped, as well as for families into the low- and moderate-income categories; it provides funds for the continuation of the basic and applied research programs of the National Science Foundation, which includes support for both institutions and education; and, finally, it permits the continuation of a modest space program.

Mr. President, I want to say that for Section 236, namely rental housing assistance, we want $25 million over the budget estimates. We did that to provide more housing for the elderly of this country. I do not think anyone can find fault with that. I think it is one of the best programs we have.

We went below the budget estimate on the National Science Foundation, but we did earmark funds for the support of institutions and education programs.

Mr. President, unless there are some questions, I urge that the conference report be adopted.

Mr. JAVITS. Mr. President, would the Senator yield for a question?

Mr. PASTORE. I yield.

Mr. JAVITS. Mr. President, on the rent supplement programs, I note that for all practical purposes the conference committee split. On the homeownership assistance program and the rental assistance programs, I gather that all of those funds were compromised in the usual bargaining between the Senate and the House.

Mr. PASTORE. But not with any damage. We did split the amount of the Senate committee recommendation and the House allowance. However, for section 236, we were able to keep $200 million which was recommended by the Senate Appropriations Committee. The House had recommended only $165 million for rental housing assistance, so the amount recommended by the committee on conference is $35 million more than the sum allowed by the House.

Mr. JAVITS. Mr. President, may I ask one last question?

The PRESIDING OFFICER. The 10 minutes have expired.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senators might continue for 2 additional minutes under the same arrangement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I am sorry to take the time of the Senate. However, I did want to be sure that we all understand each other. With respect to revenue sharing, if it comes, we will accommodate ourselves to it. However, until it comes, we will not blow up any of the programs that we must have.

Mr. PASTORE. That is precisely the position taken by the conferees.

Mr. ALLOTT. Mr. President, I want to comment briefly on a couple of items. As the distinguished Senator from Rhode Island has said, we did add funds above the budget in the section 236 funds. When we are putting it in, as we did, and earmarking it for housing for the elderly, I think it is one of the best things we did.

I must comment and say very briefly that under the Federal Home Loan Bank, the interest adjustment payments, the budget estimate was $85 million. The House put in $40 million, and the Senate put in $85 million. That was compromised out at $62.5 million. These are for those persons in the section 235 loans and 236, who are just above the earnings limit which the Federal Government has set upon them. They might be just below $1,000 or $500 in income, and these interest adjustment payments are made. So this was to make it possible for them to receive some benefits from section 235 and 236 funds.

I sincerely hope that we have a need for this and that the Senate will give sympathetic consideration to adding the balance of this.

The PRESIDING OFFICER. The additional 2 minutes have now expired.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest a quorum call without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I have just been informed that the Senator from Massachusetts (Mr. BROOKE) would like to ask some questions. For that reason, I ask unanimous consent that this measure be temporarily laid aside until called up again later in the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE subsequently said: Mr. President, previously today, I called up a conference report. We had to interrupt it because, as I understand, word came that the Senator from Massachusetts had several questions to ask. I therefore call up again the conference report on H.R. 9382, an act making appropriations for the Department of Housing and Urban Development and various independent agencies.

I yield to the Senator from Massachusetts.

Mr. BROOKE. I thank the senior Senator from Rhode Island.

Mr. President, as sponsor of the amendments in the 1969 and 1970 Housing and Urban Development Act, which extended annual contributions assistance to cover operating and maintenance costs in public housing, I would like to make clear the intent behind the passage of these amendments—and express concern over the statement in the report of the Senate Appropriations Committee of July 15, 1971, relative to these contributions. Unfortunately, I was unable to attend the appropriations committee's executive session on H.R. 9382 because of a recent illness.

The reason for the crisis in public housing operating costs is well known, and has been documented by independent research. Over the past several years, the expenses of management operations and routine expenses has increased at a greater rate than rental income. The income of low income families has not kept pace with the costs of inflation. The independent study by the urban institute covering the period from 1965 through 1968 for 23 large housing authorities concluded that four-fifths of the rise in routine operating costs was directly attributable to inflation. The impact of this fiscal crisis was further documented in the hearings of the Senate Committee on Banking, Housing, and Urban Affairs in July 1970. Local housing authorities and numerous other witnesses presented solid evidence of the need for additional Federal assistance to help maintain both solvency and adequate services in public housing in many localities.

The purposes of the 1969 HUD amendments were threefold: first, payments to make up the amount of rental loss to local housing authorities due to the establishment of the 25 percent ceiling on the amount of income a tenant could spend for rent; second, payments to cover the existing deficits of local housing authorities; and third, payments to enable housing authorities to establish and maintain adequate operating and maintenance services and reserve funds. In addition, the amendments in the 1970 act added a new definition of income relative to the 25 percent ceiling, which had the effect of reducing the rent contribution of a substantial number of existing tenant families.

While it was not possible, in 1969, to present detailed figures on the anticipated reduction in local housing authority income due to the 25 percent ceiling, it was estimated at $30 million. The change in income definition in the 1970 act was estimated to reduce local authority annual rental income by an additional $18 million. Thus, the need for additional Federal contributions to absorb only the rent-related amendments was $48 million.

A further and important purpose of the amendments was to eliminate existing deficits of local housing authorities, restore reserve funds, and meet the backlog of deferred maintenance. The deficiency in operating reserves was estimated at $92 million, and the maintenance backlog at $178 million. While it was recognized that these problems could not be overcome in a single fiscal year, it was also recognized that some firm effort should be made in the fiscal years immediately ahead to begin these activities, so that eventually they could be completed on a 100-percent basis.

For the fiscal year 1972, it was estimated that the total operating deficit in public housing—before provision for reserves—was approximately $99 million: a total of $44 million was anticipated from the special subsidies for elderly, large and low income families, leaving a balance of $55 million to be met by the new authorization relating to annual contributions for operating and maintenance expenses. This was exclusive of restoring reserve funds, or taking action on the maintenance backlog. The estimates were also based on existing rather than adequate levels of operating and maintenance services. To raise management and operating services, including security and tenant services, to adequate levels was anticipated to cost an additional $80 million.

Congress provided contract authority in the amount of $150 million to cover operating and maintenance costs as part of the 1969 and 1970 HUD Acts. This authority was intended to be in addition to the special subsidies for elderly, large families, and very low-income families as was made completely clear on the Senate floor during the passage of the 1969 act. (See CONGRESSIONAL RECORD, Sept. 23, 1969.) The extent of the need for additional annual contributions for operating and maintenance in public housing was well in excess of the $150 million figure. It was the intent of the amendments that the Department of Housing and Urban Development, together with local housing authorities would move quickly to institute the rent changes, to eliminate deficits, to restore reserves, to take action on deferred maintenance, and to raise services to adequate levels. While some progress has been made, the full action remains a long way from completion.

I bring this background to your attention in the light of the comments in the committee report of July 15, 1971, which appear to question the need for $75 million in annual contributions for operating and maintenance, and which make no reference to the full purposes for which the $150 million was intended, including restoration of reserve funds, action on deferred maintenance and an adequate level of services. I recognize the need for some objective standard by which to judge the level of local housing authority operating services. It was the intent of 1969 and 1970 legislation that such standards of adequate services would be determined by the Department of HUD, with the assistance of local housing authorities.

I hope that the committee will make clear to the Department of HUD that the administrative controls called for in the committee report will be concerned with adequate standards of services, and reflect the full purposes of the 1969 and 1970 amendments.

Mr. PASTORE. I say to the Senator from Massachusetts that there was no intent to inhibit the force of law. We were quite disturbed about the administrative aspect of the fact that it had become an open-ended thing, and we are only asking for a study so that we will be in a better position to know the efficiency of the administration of the program.

I yield to the Senator from Colorado, who was very instrumental with respect to this language.

Mr. ALLOTT. Mr. President, the Senator from Rhode Island, the manager of the bill, is entirely correct. We have one of those anomalous situations in which the local control is at the local level, and the only thing the Federal Government does is to pick up the tab. Obviously, we cannot go on forever without looking at how efficient and how realistic the local control is.

I think the Senator will note in this language that we did appropriate the full amount of $75 million, but, because of the disparity between the control and management at the local level, plus the fact that all we could do was pick up the ultimate tab, we felt that we ought to ask HUD to take a hard look at the management and see what we could do to be sure that we were not doing more than should be done in this instance and that we were getting the kind of management and control at the local level that we should get.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BROOKE. I am particularly grateful that the committee did not cut back the appropriation, and I am pleased with the assurances of the distinguished chairman of the subcommittee and the ranking minority member of the subcommittee that it is not their intent to change or circumvent the law at all, but that they merely want to study for controls, and I agree with that. But I was disturbed by the language. I appreciate the clarification.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

VA MEDICAL AND HOSPITAL PROGRAM APPROPRIATION FOR 1972

Mr. CRANSTON. Mr. President, I rise to urge my colleagues to approve the conference report on H.R. 9382, the Department of Housing and Urban Development, Space, Science, Veterans, and certain other independent agencies appropriation bill, 1972. As a result of the extremely effective advocacy of the Senate position by the conferees on behalf of the Senate led by the distinguished Senator from Rhode Island (Mr. PASTORE) and his highly able counterpart, the Senator from Colorado (Mr. ALLOTT), the conference report includes $70 million of the $100 million which the Senate voted to add to the House-passed bill for the VA hospital and medical program.

As I indicated when this bill came before the Senate on July 20, the $100 million that we added was generally in accord with the recommendations that I made to the HUD, Space, Science Subcommittee of the Appropriations Committee in extensive testimony on June 29. I believed then and I continue to believe that considerably more than $100 million additional was needed, but I was delighted to have the committee's support in adding on to the level approved by the other body.

Mr. President, I want to express my deep appreciation to all of the Senate conferees, especially Senators PASTORE and ALLOTT for having prevailed upon the other body to accept 70 percent of the Senate-passed increase. I know that all of America's sick and disabled veterans and their families join me in this tribute.

The total amount which approval of this conference report will make available for the VA hospital and medical program will be $204.1 million greater than the President originally requested for the VA fiscal year 1972 appropriation for medical and hospital programs. When this amount is added to the $163 million which we were able to add last year to the President's initial request for fiscal year 1971, a 2-year total of $367.1 million results. This is more than a 20-percent increase in appropriations for VA medical care over the President's budget request 2 years ago.

Mr. President, I think all will agree that this $367 million increase is indeed a substantial one which should enable the VA hospital and medical program to move forward to provide quality care to all eligible veterans. For example, the 8,645 new VA hospital employees recently hired as a result of the $8 million we added in the VA fiscal year 1971 supplemental appropriation—an amount which is annualized for fiscal year 1972 in the funds we are adding in this conference bill—has already lead to staffing increases in the hard-pressed VA spinal cord injury units. Over 400 new health workers have been added to care for these most gravely disabled quadriplegic and paraplegic veterans, raising the staff-to-patient ratio to 1.7 to 1 right now—based in 95 percent of operating beds—an increase of 50 percent over the 1.1 to 1 ratio when we began our investigations 18 months ago.

Finally, I wish to note the language in the conference committee report as follows:

> The managers agree that both objectives, the minimum of 97,500 operating beds and the average daily patient load of 85,500, must be met and funds are to be apportioned accordingly.

This makes clear the proper construction of the minimum requirements included in the medical care item and accords with the interpretation that I presented to the Senate in my July 20 statement during consideration of this bill. In that statement I said:

> The two limitations on apportionment of medical care appropriation set forth in the foregoing language, in effect, establish two separate, independent requirements—for both an operating beds minimum and an average daily census minimum—before apportionment can be made. Both minimums must be met before apportionment can be made.
>
> The use of the word "or" between the two limitations in the bill means that, in the negative sense, there is to be no apportionment as long as either minimum is *not* maintained.
>
> On the other hand, if we turn these limitations around and state them as two positive requirements they would be explained with an "and" between them to account for switching from the negative to the positive method of statement.
>
> Nevertheless, the though remains the same, that they are both required to be avoided or satisfied, as the case may be.

Now the task is to move on to revise and reform the basic VA hospital and medical enabling legislation, to which end I have already introduced S. 2219, the proposed "Veterans' Administration Health Manpower Training Act of 1971," S. 2354, the proposed "Veterans Health Care Reform Act of 1971," and S. 2355, the proposed "Veterans' Administration Continuing Medical Education Act." The Health and Hospitals Subcommittee, which I am privileged to chair, of the Veterans' Affairs Committee will begin hearings on these bills and related veterans medical legislative measures on August 4 beginning at 9:00 a.m. and running through the day in room 6202, New Senate Office Building.

Mr. President, again, my personal thanks to the Appropriations Committee so ably led by the Senator from Louisiana (Mr. ELLENDER) and the Senator from North Dakota (Mr. YOUNG) and Senator PASTORE and Senator ALLOTT for their great and passionate dedication to the cause of providing high-quality medical care for our nation's ill and wounded veterans.

Mr. PASTORE. Mr. President, I move the adoption of the conference report.

The conference report was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that the provision of law requiring that the conference report be printed as a Senate report be waived, since the report is identical to the report of the House of Representatives which has already been printed as required by the rules of the House.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent to have incorporated by reference the comparative scale which is included in the action of the House of last Thursday and contained in the RECORD of that date.

The VICE PRESIDENT. Without objection, it is so ordered.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (H.R. 8432) to authorize emergency loan guarantees to major business enterprises.

Mr. HUMPHREY. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, rather than take the time of the Senate on the amendment I send to the desk, I ask unanimous consent that further reading of the amendment be disposed with and that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, ordered to be printed in the RECORD, reads as follows:

At the end of the bill add the following new title as follows:

TITLE II—UNEMPLOYMENT COMPENSATION

SHORT TITLE

SEC. 201. This title may be cited as the "Full Benefit Emergency Unemployment Compensation Act of 1971".

SEC. 202. (a) Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking out "4.5" wherever it appears therein and inserting in lieu thereof "4".

(b) Section 204(a) of such Act is amended—

(1) by striking out, in paragraph (1), "one-half" and inserting in lieu thereof "the Federal share (as defined in paragraph (3))"; and

(2) by adding at the end thereof the following new paragraph:

"(3) For the purposes of this subsection the term 'Federal share' means—

"(1) in the case of compensation (referred to in subparagraph (A) or (B) of paragraph (1)) with respect to which amounts would not (except for the existence of a State 'on' indicator) be payable to a State under this title, 50 per centum; and

"(2) in the case of compensation (referred to in subparagraphs (A) or (B) of paragraph (1)) with respect to which amounts would (in the absence of a State 'on' indicator) be payable to a State under this title, 100 per centum.".

(c) (1) (A) Section 207(a) (1) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the first day of the first calendar month which begins after the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted".

(D) Section 207(a) (2) of such Act is amended by striking out "December 31, 1971" and inserting in lieu thereof "the last day of the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted".

(2) (A) Section 207(b) (1) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the day referred to in subsection (a) (1)".

(B) Section 207(b) (2) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the day referred to in subsection (a) (1)".

(3) Section 207(c) (2) of such Act is amended by striking out "January 1, 1972" and inserting in lieu thereof "the first day of the first calendar month which begins after the calendar month in which the Extended Unemployment Compensation Amendments of 1971 is enacted".

(d) The amendments made by subsection (a) of the first section of this Act shall be applicable only in determining national "on" and "off" indicators under section 203 (d) of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to weeks which begin after the calendar month in which this Act is enacted, and the amendments made by subsection (b) of such first section shall be applicable only with respect to payments under section 204(a) of the Federal-State Extended Unemployment Compensation Act of 1970 made on account of compensation (referred to in subparagraph (A) or (B) of paragraph (1) of such section 204(a)) which is paid for weeks which begin after such calendar month.

SEC. 203. (a) Any State which desires to do so may enter into an agreement with the Secretary of Labor (hereinafter referred to as the "Secretary") under this Act, if the State law of such State contains (as of the date such agreement is entered into) a requirement that extended compensation be payable thereunder as provided by the Federal State Extended Unemployment Compensation Act of 1970.

(b) Any such agreement shall provide that the State Agency of the State will make payments of emergency compensation—

(1) to individuals who—

(A) have exhausted all rights to compensation (including both regular compensation and extended compensation) under the State law;

(B) have no rights to compensation (including both regular compensation and extended compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law; and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada;

(2) for any week of unemployment which begins in—

(A) an emergency extended benefit period (as defined in subsection (c) (3)); and

(B) the individual's period of eligibility (as defined in section 5(b)).

(c) (1) For purposes of subsection (b) (1) (A), an individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(B) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(2) For purposes of subsection (b) (1) (B), an individual shall be deemed to have exhausted his rights to extended compensation under a State law when no payments of extended compensation under a State law can be made under such law because such individual has received all the extended compensation available to him from his extended compensation account (as established under State law in accordance with section 202(b) (1) of the Federal-State Extended Unemployment Compensation Act of 1970).

(3) (A) For purposes of subsection (b) (2) (A), in the case of any State, an emergency extended benefit period.—

(i) shall begin with the third week after a week for which there is a State "on" indicator; and

(ii) shall end with the third week after the first week for which there is a State "off" indicator.

(B) (i) For purposes of subparagraph (A), there is a State "on" indicator for a week if the rate of unemployment (including both insured and uninsured unemployment) in the State (as determined by data published monthly by the Bureau of Labor Statistics of the Department of Labor) for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 4 per centum, and if there is a State or National "on" indicator for such week (as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970).

(ii) For purposes of subparagraph (A), there is a State "off" indicator for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of unemployment (including both insured and uninsured unemployment) in the State (as determined by data published monthly by the Bureau of Labor Statistics of the Department of Labor) is less than 4 per centum.

(d) For purposes of any agreement under this Section—

(1) the amount of the emergency compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowance) which would have been payable to him under the State law if he had not exhausted his rights to regular compensation under such law; and

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall (except where inconsistent with the provisions of this section or regulations of the Secretary promulgated to carry out this section apply to claims for emergency compensation and the payment thereof.

(e) Payments of emergency compensation under an agreement entered into under this section may not be paid to any individual for more than 26 weeks.

(f) No emergency compensation shall be payable to any individual under an agreement entered into under this section for any week prior to the week after the week such agreement is entered into, or if later, the week after the week in which such agreement becomes effective.

(g) (1) There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 per centum of the emergency compensation paid to individuals by the State pursuant to such agreement.

(2) No payment shall be made to any State under this section in respect of compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than this section.

(3) Sums payable to any State by reason of such State having an agreement under this section shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(h) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security (Act) of the Unemployment Trust Fund shall be used by the Secretary for the making of payments to the States having agreements entered into under this section.

(i) For the purposes of this section—

(1) the terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law," and "week", shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

(2) the term "period of eligibility" means, in the case of any individual, the weeks in his benefit year which begin in an extended benefit period or an emergency extended benefit and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period or in such emergency extended benefit period; and

(3) the term "extended benefit period" shall have the meaning assigned to such term under section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

(j) There are hereby authorized to be appropriated such sums as shall be necessary to carry out the purposes of this section.

Mr. HUMPHREY. Mr. President, this particular amendment to H.R. 8432 was introduced originally on July 24, 1971, to the bill that was then under consideration, S. 2308.

I have revised the amendment to make it apply to the House bill that is now pending before the Senate.

This amendment concisely provides for an extension for 26 weeks, and the immediate implementation of the full Federal financing, of additional unemployment compensation benefits for the 26 weeks.

I offer this amendment because I am deeply concerned about the lives of those who are out of work, cannot find employment, or are facing the possibility of being released from their jobs.

I offer this amendment also because I do not detect any improvement in the condition of our economy. And, I for one, do not believe that we can ask families to suffer for the sake of the administration's failure to act or dependence on policies that do not work.

Our Nation is faced with a dreadful and massive crisis of unemployment. In May the unemployment rate was 6.2 percent. In June the announced rate was said to have declined to 5.6 percent but an additional 1.1 million were out of work. And, it is estimated that the hidden unemployment may total as much as 1.5 percent, making a total of around 7 million American men and women unemployed, or an unemployment rate of between 7.5 and 8 percent.

Mr. President, I ask unanimous consent to have printed in the RECORD Table I entitled "Selected Measures of Unemployment and Part-Time Employment."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—SELECTED MEASURES OF UNEMPLOYMENT AND PART-TIME EMPLOYMENT

[The seasonally adjusted unemployment rate declined from 6.2 percent in May to 5.6 percent in June. The unemployment rate for married men dropped from 3.3 to 3.1 percent]

Period	Unemployment rate (percent of civilian labor force in group)				Persons at work in nonagricultural industries by hours worked per week [2]						
							Under 35 hours				
								Part time for economic reasons		Part time for economic reasons	
	All workers	Experienced wage and salary workers	Married men (wife present)	Labor force time lost [1]	Over 40 hours	35 to 40 hours	Total	Usually full time [3]	Usually full time [4]	Usually full time [3]	Usually full time [4]
	Percent				Thousands of persons 16 years of age and over						
1966	3.8	3.5	1.9	4.2	21,334	32,008	12,034	871	793		
1967	3.8	3.6	1.8	4.2	20,920	32,616	13,290	1,060	853		
1968	3.6	3.4	1.6	4.0	20,600	32,658	14,785	895	820		
1969	3.5	3.3	1.5	3.9	20,608	34,201	15,210	955	855		
1970	4.9	4.8	2.6	5.4	18,925	33,537	18,222	1,201	995		
	Seasonally adjusted				Unadjusted					Seasonally adjusted	
1970:											
May	4.9	4.8	2.5	5.5	19,928	35,898	15,737	1,116	835	1,235	993
June	4.9	4.6	2.5	4.9	19,263	36,354	14,182	1,321	1,250	1,145	979
July	5.0	4.9	2.7	5.4	18,529	34,686	13,402	1,204	1,559	1,248	1,058
August	5.1	5.0	2.8	5.5	18,459	34,782	13,004	1,390	1,307	1,392	967
September	5.4	5.2	2.9	5.9	12,872	17,072	40,209	1,071	973	1,005	1,070
October	5.5	5.4	3.0	6.1	19,639	34,154	18,177	1,253	920	1,347	1,062
November	5.9	5.7	3.2	6.4	18,647	31,704	21,993	1,250	1,103	1,249	1,164
December	6.2	6.1	3.4	6.4	20,233	36,249	16,433	1,309	1,020	1,382	1,151
1971:											
January	6.0	5.8	3.3	6.4	19,070	35,687	16,576	1,442	973	1,377	1,107
February	5.8	5.6	3.2	6.3	18,463	33,881	18,966	1,267	1,123	1,227	1,231
March	6.0	5.8	3.2	6.5	19,448	35,830	16,267	1,284	1,093	1,242	1,213
April	6.1	5.7	3.1	6.4	18,207	35,767	16,650	1,242	988	1,309	1,185
May	6.2	5.8	3.3	6.8	19,505	36,540	16,041	1,102	1,081	1,219	1,285
June	5.6	5.4	3.1	5.6	19,069	36,723	14,646	[5] 1,142	[5] 1,515	990	1,186

[1] Man-hours lost by the unemployed and persons on part time for economic reasons as a percent of potentially available labor force man-hours.

[2] Differs from total nonagricultural employment (p. 10), which includes persons with jobs but not at work for such reasons as vacation, illness, bad weather, and industrial disputes.

[3] Includes persons who worked part time because of slack work, material shortages or repairs, new job started, or job terminated.

[4] Primarily includes persons who could find only part-time work.

[5] Average hours worked: usually full time, 24.1; usually part time, 18.4.

Source: Department of Labor.

Mr. HUMPHREY. Mr. President, table I indicates the unemployment rates since 1966. These figures show that unemployment has increased from a low of 3.8 to a high of 6.2. The 1970 figure was 1.1 percent over that of 1966. In 1970, 5.4 percent of potentially available work man-hours were lost. On a seasonally adjusted scale, this total loss in man-hours went to 6.8 percent in May of 1971 and dipped to 5.6 percent when statistical figures were rearranged for the June 1971 reporting.

Among specific groups in our population, the workless figures are appalling. For construction workers—and we hear much about construction workers these days, the wages they are paid and their working conditions—the unemployment rate is 11.2 percent. Among blacks, the jobless rate reached 10.5 percent. Vietnam veterans faced a similar no-job situation with 14.6 percent looking for work. Youth unemployment is alarming; in some areas of the country, the rate reaches 40 percent.

These are the latest statistics I have been able to get from the Department of Labor.

In addition, these same unemployed workers face reduced purchasing power. Recent Bureau of Labor Statistics figures indicate that during June the consumer price index rose 0.6 percent or an annual rate of more than 7 percent—the sharpest increase in 14 months.

The biggest increase was in the food sector—showing a 0.8 percent upward movement. Other consumer goods prices increased also: Home ownership, 1.1 percent; gasoline, 0.9 percent; public transportation, 1.9 percent.

So we have continuing inflation with little or no sign of its abatement; continuing high unemployment with little or no sign it will be reduced.

Mr. President, there are about 65 million persons covered and protected by the unemployment insurance program. The 1970 amendments added some 2.3 million employees of nonprofit organizations, some 1.1 million workers who hold jobs in small firms, and about 1 million employees of State hospitals and State institutions of higher learning.

These programs are designed to provide cash benefits to regularly employed members of the labor force who become involuntarily unemployed and who are able and willing to accept suitable jobs.

Federal law provides that State unemployment insurance programs must meet certain national requirements if the States are to receive the matching Federal funds. The State though, has the responsibility for the content and development of laws. The State decides for itself what the coverage and contribution rate will be, what eligibility requirements and disqualification benefits will be and what the amounts and duration of benefits will be.

Benefits are available as a matter of right to those unemployed workers who have demonstrated a specified amount of work and/or earnings in the covered employment period. In most States, the compensation formula for these unemployed workers is a fraction of the full-time week wage.

In addition to benefits paid under the previously described program, in 1970, Congress passed the Federal-State Extend Unemployment Compensation program. This new law provided for extended benefits during periods of high unemployment to workers who have exhausted their basic entitlement to regular State unemployment compensation. These benefits will be paid whenever an "extended benefit" period exists. Such a period can exist first, either after December 31, 1971, when national or State's unemployment rate goes above 4.5 percent or second, when a State legislature makes the program operative earlier as a result of the unemployment situation within that particular State.

The 1970 bill provided for a system of national and State "on and off" indicators. The national indicators go into effect if unemployment is above 4.5 percent. The State indicator goes into effect when the—

> Rate or insured unemployment for the State equalled or exceeded during a moving 13 week period, 120 percent of the rate for the corresponding 13 week period in the preceding two calendar years and when such rate also equalled or exceeded 4 percent.

During the time in which there is a State or National "on" indicator in effect, the covered unemployed are eligible for additional benefits totally not more than 13 weeks, with an overall limitation of 39 weeks of benefits.

Yet, approximately 20 to 25 percent of all workers who receive benefits are not able to find employment by the time the compensation period ends. And, in recessionary periods, in periods of rapid and uncontrolled inflation, in periods of sluggish economic growth and decreasing capital investment, almost 45,000 eligibles exhaust their benefits every week. Thus, in March of 1971, the last date for complete available data from the U.S. Department of Labor, over 182,234 workers lost coverage. In Minnesota, 4,627 workers lost eligibility for the same month.

I was informed recently another 8,000 have lost their eligibility.

Other information from the Manpower Administration indicates that in the eight large States which provide preliminary weekly data 18,744 workers exhausted their unemployment insurance benefits. The totals for these States were: California, 5,153; New York, 3,644; Michigan, 2,493; Massachusetts, 1,939; Illinois, 1,628; New Jersey, 1,545; Pennsylvania, 1,446; and Indiana, 906.

Mr. President, I ask unanimous consent to have printed in the RECORD table 2 entitled "Unemployment Insurance Programs."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—UNEMPLOYMENT INSURANCE PROGRAMS

Period	All programs			State programs						
	Covered employment (thousands)	Insured unemployment (weekly average) (thousands)	Total benefits paid (millions)	Weekly average (thousands)			Insured unemployment as percent of covered employment		Benefits paid	
				Insured unemployment	Initial claims	Exhaustions	Unadjusted	Seasonally adjusted	Total (millions)	Average weekly check
1967	56,342	1,270	$2,220.0	1,205	226	17	2.5		$2,092.3	$41.25
1968	57,976	1,187	2,191.0	1,111	201	16	2.2		2,031.6	43.43
1969	60,003	1,177	2,298.6	1,101	200	16	2.1		2,127.9	46.17
1970		1,932	4,143.5	1,805	296	25	3.4		3,848.5	50.31
1970:										
May		1,778	315.5	1,667	246	24	3.2	3.6	293.6	49.46
June		1,696	315.4	1,583	248	25	3.0	3.7	292.3	49.68
July		1,897	340.8	1,761	333	24	3.3	3.5	314.2	49.57
August		1,855	340.5	1,710	248	26	3.2	3.7	312.3	50.63
September		1,746	328.5	1,607	244	26	3.0	4.1	299.2	50.64
October		1,886	332.0	1,724	278	26	3.2	4.4	304.2	51.45
November		2,233	372.9	2,017	335	30	3.7	4.5	342.1	52.24
December		2,632	484.1	2,369	398	33	4.4	4.0	461.5	52.43
1971:										
January		3,198	567.2	2,799	427	38	5.3	3.7	524.4	52.83
February		3,214	579.5	2,751	321	40	5.2	3.8	536.1	53.12
March		3,091	605.3	2,582	275	40	4.9	3.9	565.9	52.94
April		2,756	599.6	2,283	257	42	4.5	4.0	559.7	53.37
May		2,500	547.8	2,001	238	42	3.8	4.2	501.3	53.49
June		2,336	545.2	1,893	250	45	3.6	4.4	499.7	53.68
Week ended:										
1971:										
June 5		2,393		1,949	233		3.7			
June 12		2,340		1,901	244		3.6			
June 19		2,325		1,884	250		3.5			
June 26		2,310		1,870	247		3.5			
July 3		2,270		1,844	288		3.5			
July 10					335					

Source: Department of Labor.

Note.—For definitions and coverage, see the 1967 Supplement to Economic Indicators.

Mr. HUMPHREY. Mr. President, table II indicates that the seasonally adjusted insured unemployment rate rose from 4.2 percent to 4.4 percent. In 1970, over $4.143 billion was paid in benefits. So far, in 1971, paid out benefits averaged around $550 million per month. In my home State of Minnesota, the unemployment compensation program covers some 25,086 on regular program and 8,384 on the extended program. It pays out an average of $885,000 in regular benefits a week and around $320,000 for extended.

Significant questions remain: What does a man do once his benefits have been exhausted? How does he live, how does he feed his family?

What usually happens is that his wife ends up working when she might rather stay at home, being a mother to the children. In other cases, the jobless male will take anything he can get at whatever wage is being offered. But temporary, unsatisfactory jobs are hardly the answer. They provide little income and no security for the family.

Or, the unemployed person may find that he must reorient himself toward a different life career—to work as a policeman or teacher or in local and State government.

Or, as another option, they take a salary cut—as indicated in an article recently published in the Wall Street Journal. Thus, taxicab drivers in Cleveland voted to reduce their pay by giving up a bonus of 5½ cents per trip. And 2,000 salaried and union employees of Hamilton Watch Co. in Lancaster agreed to a pay cut of 10 percent during the first half of this year in order to conserve cash. Yet, as one worker said:

> They want us to take a pay cut, and I can't see that. That is going backwards.

Or, finally, workers just give up and go on welfare. This is often a last resort, but it is becoming more and more the only resort.

This amendment to the Emergency Loan Guarantee Act adds a new title, title II, the Full Benefit Emergency Unemployment Compensation Act of 1971. It is designed to give the unemployed worker 26 additional weeks of compensation and to immediately bring these benefits into being.

Section 202 of this title reduces the automatic triggering provision of the 1970 Federal State Extended Unemployment Compensation Act from 4.5 to 4 percent. Thus, whenever the State or national unemployment equals 4 percent the "on" indicator will be operative, and benefits will be available.

This section also provides full Federal funding of both the extended and emergency compensation programs.

Section 203 of this new title allows the Secretary of Labor to enter into agreement with the States providing for the payment of additional emergency compensation benefits. It provides that whenever a national or State "on" indicator is in effect, an eligible unemployed worker who has exhausted his regular or extended benefits will be allowed an additional 26 weeks of compensation. Thus, an unemployed worker is allotted a total of 65 weeks of benefits.

Mr. President, I believe that the changes in this amendment made in our unemployment compensation system, though not as adequate as full employment for the worker, will help ease some of the burden of being without a job.

I urge the Senate to give this amendment its sympathetic attention.

At a time when we are providing guarantees for private business, it is only fitting that we provide compensation for workers who want to work, who want a job, but because of adverse economic conditions cannot find employment.

I ask the Senate to join with me, to help the 5.5 million persons unemployed.

Mr. President, I ask that an article from the Wall Street Journal, "Some Workers Accept Pay Cuts as an Alternative to Losing Their Jobs," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BITTER CHOICE: SOME WORKERS ACCEPT PAY CUTS AS ALTERNATIVE TO LOSING THEIR JOBS

(By Jim Hyatt)

AKRON, OHIO.—William Yakubik's union and his boss have been talking about wages, and Mr. Yakubik doesn't like the direction the conversation is taking.

"They want us to take a pay cut and I can't see that. That's going backwards," insists Mr. Yakubik, a tire builder and a 21-year veteran at a Firestone Tire & Rubber Co. plant here.

Wage cuts? With inflation still driving prices upward? That's the theme Firestone is pushing here as the key to bringing new rubber industry jobs to town. Last month, the company wrote Local 7 of the United Rubber Workers that in order to locate a new radial truck tire plant here, a longer work week and a lower hourly wage rate would be necessary. "We can locate at any number of places at wages rates at or below Akron rates," says J. V. Cairns, Firestone's vice president-labor relations. "The union wanted to know what would have to be done to increase our capacity in Akron, so we told them."

Wage cuts are usually an explosive topic for any management and any union. But the squeeze on productivity has forced many employers these days to raise the issue openly at last as one way to save jobs and avoid layoffs. Perhaps more significantly, some unions are responding to the idea with less than absolute horror. Reluctant as they might be to consider such an idea, they figure work at a reduced wage is better than no job at all.

JOINING THE LIST

In recent months, such diverse groups as taxi drivers in Cleveland, paper mill employes in New York, and watchmakers in Pennsylvania have taken pay cuts, some on a temporary basis. Now there's talk of wage-cutting among many of the 11,000 hourly workers at General Motors Corp.'s Frigidaire division in Dayton. It's still too early to call wage-cutting a trend. But both union officials and corporate labor experts in a number of industries concede that if the economy stays in the doldrums, they may be forced to join the list of businesses that have already whittled pay checks.

Even some union officials themselves are adjusting their own wages due to financial problems. At the United Auto Workers, more than 800 international representatives have volunteered to delay until next January a 7% wage increase that would have been effective Aug. 1.

Wage cuts in industry can affect employes at all levels ranging up to the executive suite, where cuts may be felt either as outright pay reductions or as reduced bonuses as profits evaporate. Usually, in fact, it's easier to cut executive and white-collar salaries than it is production-line salaries.

In some instances, at least, the cuts are only temporary. For about four months recently, some 2,000 salaried employees of Wheeling-Pittsburgh Corp. took a 10% pay cut, a move executives said made a "significant contribution to the well-being of the corporation." The money was restored in February. In late 1970, executives and key employes at Warner & Swasey Co., the Cleveland machine tool concern, took pay cuts of up to 35%. Chairman James C. Hodge received aggregate remuneration of $100,000 in 1969, but only $86,577 in 1970, according to proxy materials.

While no less painful, achieving pay cuts for hourly workers is considerably more difficult. Hourly rates usually are set by lengthy contracts, and changes require approval by often skeptical rank-and-file union members. "The union leader who proposes a pay cut is putting his head on the block," says one corporate labor relations official.

A SUSPENDED CAB BONUS

Nonetheless, in cases where the employer pleads economic distress, such agreements can be worked out. Cleveland-taxi drivers in June voted to reduce their pay by giving up a bonus of 5½ cents a trip. The bonus had been won during 1966 negotiations. Yellow Cab Co. said it was losing money and would restore the bonus once profitable level are reached.

In Lancaster, Pa., about 2,000 salaried and union employees of Hamilton Watch Co. agreed to a 10% pay cut during the first half of this year to conserve cash. And in one widely noted instance, about 450 employees of Wear-Ever Aluminum Inc., the cookware subsidiary of Aluminum Co. of America, voted last year to forgo wage and fringe benefits increases during the third year of a contract, John S. Hamilton, president of the Chillicothe, Ohio, concern, says that partly as a result of the move, operations by year end "could be close to a profit for the first time in many years."

In Mechanicville, N.Y., a group trying to reopen a shut-down paper mill, formerly operated by Westvaco Corp. has asked workers to accept a new contract providing for a 10% pay cut and reduced benefits. The 550-man union local was "very co-operative and receptive to the plan," says an official of the new management group, called M-7 Papers Inc. The new management had argued that the mill couldn't be economically reopened unless wages were cut. The mill is slated to reopen next month.

AN UNHAPPY FACTION

Wage cuts proposed by less financially troubled concerns, however, often put union leadership on the defensive. With Firestone's wage proposal, grouses one union leader in Akron, "the company wins either way." He theorizes that if workers turn down the lower hourly wage rate for the new plant, the company can make the union the scapegoat for taking the jobs out of town. If the union accepts, of course, the company secures the lower rates without moving.

Thus one political faction of Local 7 at Firestone has been handing out leaflets labeling the wage cut, and other rubber company proposals to improve productivity, as "a nationwide conspiracy" and an effort to "break the chain of union strength."

Firestone specifically seeks to establish a new job classification called Radial Tire Assembler. The worker would be paid $5 an hour for five eight-hour days a week. At present, tire assemblers work a six-hour day for six days a week and make $6.14 an hour. The company insists that overtime under the new arrangement would bring average earnings near the present level. Because workers would put in more hours, there would be one less work turn daily.

The other major rubber companies are also seeking to change work rules and to institute the eight-hour day. Simply changing shifts four times a day loses much work time, they insist. (Some proposed changes are a little more unusual. B.F. Goodrich Co. is seeking to pay workers by check instead of cash, a practice the other tire companies abandoned several years ago. One worker explains that B.F. Goodrich employes like to be paid in cash so they can throw away the pay envelope and squirrel away a few dollars before handing the money over to the family.)

Firestone's proposed new truck fire operation is only the tip of the controversy, the union asserts. At best, only a few hundred workers would be employed at the new venture, at least in the beginning. The union worries however, that the company soon will try to spread the lower rates to other, already-existing jobs. "We can't put ourselves in a position where we'd buy a pig in a poke," says Local 7 President G. D. Gelvin. "We would insist any negotiations be pointed specifically at radial truck tires and not at the rest of the plant."

On such a limited basis, however, he says the union might consider the proposal. And some workers agree. "We want the production in Akron," says tire builder Julius Garman, 47. "Without a guarantee that the jobs will stay in Akron, it puts us behind the eight ball."

At some companies, it's difficult even to get the idea of a wage cut officially on the table. At Dayton, for instance, officials of GM's Frigidaire division have bluntly said that without vast, dramatic improvements in productivity, the appliance business' future is bleak. But in "state of the company" talks to workers, Vice President and General Manager Harold W. Campbell has stopped short of suggesting a wage cut. "GM is a proud company," says one observer close to the situation. "They aren't going to get down on their knees and beg."

Still, company officials pointedly note that Frigidaire pays electrical workers as much as $2 an hour more than competitors such as General Electric Co. and Westinghouse Electric Corp. And as a result, down on the assembly line and in the general community, prospects of a pay cut are the number one topic of conversation.

An ad hoc "Committee to Save Frigidaire for the Community" has asked in newspaper ads for suggestions on how to do so, and many of the 1,200 responses have called for a wage freeze or cut, says Frank G. Anger, head of the committee and chairman of Winters National Bank and Trust Co. "A retired man from Frigidaire wrote in saying he had just received a $22-a-month increase in his disability pension," Mr. Anger says, "and he said he'd be glad to give it up. Another person, who didn't work at Frigidaire, said he's willing to take a cut and buy a major Frigidaire appliance. A senior citizen wrote in: 'Pray, pray, pray!' "

Such talk, of course, has the union at Frigidaire, Local 801 of the International Union of Electrical Workers, on the defensive. "They've got public opinion to the point where we're the bad guys," moans Joe Shump, president. Still, he recalls, "we signed our contract last Nov. 23 and there was no indication then they couldn't choke down the package." Frigidaire pays wage rates comparable to those negotiated by the United Auto Workers at GM's auto plants.

Mr. Shump himself last Monday suggested reopening contract talks between Local 801 and Frigidaire as a way to get the situation "off dead center" after announcing that he plans to resign soon and become Ohio's state industrial relations director. Mr. Campbell of Frigidaire says, "We are willing to talk with the union" on the matter of new negotiations.

A little over half of Frigidaire's 11,000 employees in Dayton do appliance work. The others build auto air conditioning compressors. More than 3,100 appliance workers at the plant have been laid off in the last year, and another 126 are due to be laid off today.

Making a convincing case for a wage cut at Frigidaire may not be easy, despite the community uproar. The company won't say whether its appliance business is profitable, and adamantly refuses to open its books to the union. Without such information, Mr. Shump insists the union wouldn't know how big a wage cut would be needed to save jobs.

Mr. Campbell, the general manager, will only say that "our competitive problem is very serious. The other appliance manufacturers have a big competitive advantage." He admits Frigidaire has investigated such alternatives as subcontracting work outside of Dayton, moving elsewhere, and even building appliances in Japan.

Some Dayton observers are convinced GM originally planned to move Frigidaire out of town or even cease appliance manufacturing entirely until such movements as the "save Frigidaire" committee evolved. The Dayton business community is deeply concerned over the prospect of losing Frigidaire, which started work in the city more than 55 years ago and which in 1970 produced its 70-millionth product.

In any case, labor relations experts view the Frigidaire situation as highly significant. Rising imports, they assert, will put a similar wage squeeze on other manufacturers sooner or later, and the resolution of Frigidaire's wage dilemma could set a pattern for other employers.

Some Frigidaire workers already say they would consider a wage cut if one were absolutely necessary. "When another raise comes up in September, most are willing to forget about that one," says Fred McKenzie, 47. "I wouldn't mind a little cut—not more than a dollar an hour," adds Doug Limes, 29, a refrigerator assembly line worker.

Still, other union men view wage cuts as sheer "union-busting" tactics. "They're trying to put fear into the working man so he'll submit," asserts cigar-chewing Tom Miller, a union representative at Frigidaire. "They want the union to take credit for screwing up the deal," adds another Frigidaire worker, a veteran of 27 years.

Among the unions that have agreed to cuts elsewhere in the nation are construction trade unions, whose large wage settlements previously have symbolized the nation's wage spiral. Union electricians near Cleveland have agreed to trim rates for work on one and two-family dwellings by $4 an hour, or about 50%, to stimulate home building and generate jobs. In Pittsburgh, the building trades council and Mellon-Stuart Co., a large commercial builder, have agreed to a one-year, 10% wage cut and reduction of double-time and overtime provisions for some work.

"I put the cards on the table and they were totally in agreement," says P. N. Peters, executive vice president of Mellon-Stuart. "They wanted to be part of the market, and could see the writing on the wall that nonunion people were getting a larger share of the market. It's better to have a percentage of the market than none at all." Some crafts in the area are 45% unemployed, and the agreement should lead to more work, agrees an official of the building trades council. The agreement might even be extended beyond one year, he adds.

Some workers are finding they can exchange a wage cut for other job improvements. In Middletown, Ohio, the teachers association in May approved a one-year contract with no salary increase in exchange for reduced classroom sizes. The school system had tried to keep classroom sizes under 30, an official says, but wasn't always successful. Under the new contract, some classes will have as few as 18 students, and most will be in the 22 to 24 pupil range.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. Mr. President, does the Senator desire additional time?

Mr. HUMPHREY. It is not necessary. I understand that there is objection to this amendment on the basis of the rule of germaneness. I want very much that this amendment be added to this particular bill.

May I have 1 minute?

Mr. TOWER. Mr. President, on behalf of the manager of the bill, I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. It seems to me that if we are going to help the company—which I intend to try to do; I am going to vote for this bill because I believe that it has merit—I also believe that there is great merit in taking into consideration the needs of thousands of workers in this country who are literally out on the relief lines, their unemployment compensation benefits having been exhausted. There have been many attempts in the Senate to do something about it. It is my opinion that the particular measure before us, known as the Lockheed bill, offers an appropriate vehicle of this type of amendment, which I believe to be not only germane, but relevant and directly to the point.

Mr. TOWER. Mr. President, I yield myself 2 minutes.

Let me say that I raise an objection not based on the merits of what the Senator from Minnesota proposes, but under the order I believe it would not be considered germane and so would be out of order, without addressing myself to the merits of the amendment.

Mr. HUMPHREY. Mr. President, I understand that on Friday the germaneness rule had been applied to the unanimous-consent request. The Senator from Minnesota was necessarily absent on Saturday. I understand that there was a unanimous-consent agreement arrived at at that time. I merely state for the record that I had no previous information about it, even though I had an amendment at the desk which is identical to the amendment which I now wish to attach to the House bill which is presently before the Senate.

Mr. TOWER. Mr. President, I am sorry the interests of the Senator from Minnesota were not protected. If I had been aware of that, I would have done so myself.

Mr. HUMPHREY. I shall offer this amendment in the Senate at some other time. I do point out that I shall be here to make sure that the rule of germaneness permits me to do so.

Mr. TOWER. Does the Senator from Minnesota withdraw his amendment?

Mr. HUMPHREY. No, I do not withdraw it. If the Senator wishes to raise a point of order, that is his privilege, but I think the amendment should be adopted.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Is the amendment of the Senator from Minnesota in order?

The PRESIDING OFFICER. Has a point of order been raised?

Mr. TOWER. A point of order has been raised.

The PRESIDING OFFICER. Does the Senator from Texas raise it?

Mr. TOWER. Yes.

The PRESIDING OFFICER. Under the unanimous-consent agreement, all amendments offered to the bill are required to be germane. The language of the amendment proposed by the Senator from Minnesota is not germane to the bill. The Chair, therefore, sustains the point of order which has been raised by the Senator from Texas.

Mr. HUMPHREY. Mr. President, the Senator from Minnesota objects.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield the junior Senator from Illinois 8 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 8 minutes.

Mr. STEVENSON. Mr. President, this bill proposes to subsidize and prop up the Nation's largest and most cost-overrun prone defense contractor. Lockheed's last venture into commercial airframes ended in a multimillion dollar disaster. Its present venture is floundering because of its mistakes, the failure of Rolls Royce, and vigorous competition from McDonnell-Douglas in an industry surfeited by competition.

So far as I know, no one has contended that Lockheed should be protected from the consequences of its own bad judgment. I have heard no one contend that Lockheed should be rescued because it is the innocent victim of circumstances beyond its control. To the best of my knowledge, no one has pretended that failure of the Tri-Star project would leave the airlines without a sufficient supply of good wide-bodied airbuses. McDonnell-Douglas and its European competitor could supply the market and at such time as the market could itself support a third manufacturer, others—Boeing, North American, and General Dynamics included—could jump in. Competition would be maintained in the market for this particular aircraft.

The Defense Department has made it clear that the national security would not be adversely affected by failure of the Tri-Star project and the reorganization of Lockheed. The evidence indicates, on the contrary, that Lockheed left as any other corporation to the processes of the marketplace and the law, would emerge from reorganization a trim, better managed corporation. The reorganization procedures available under the Bankruptcy Act are for this purpose—to put corporations back on their feet. They were resorted to recently by Penn Central. That railroad is the better managed for it. And the taxpayers are the wealthier.

The stockholders, the banks, the airlines, the suppliers, and other creditors may benefit from this attempt to break with American tradition and bail out a large, failing corporation. But few if any witnesses have been so indelicate as to suggest that these interests, too, must be protected from the consequences of their business judgments.

I have followed the matter closely from its inception and I still do not know what the reason is for this extraordinary attempt to bail out a big, powerful corporation—unless, of course, that is it. It is big and powerful. I have heard all the veiled and unsubstantiated hints that air transportation would suffer from a loss of competition among its suppliers and that the whole economy would collapse if Lockheed went through reorganization. But those arguments are carefully hedged and qualified and, it would seem, not aimed so much at the observer's reason as at establishing a climate of fear and caution congenial to this extraordinary effort by the Government to rescue one big corporation.

No, Mr. President, in the end only one argument withstands the light of day. And it is the argument most frequently and loudly advanced in support of the guarantee. It is argued that at a time of high unemployment and in an industry particularly hard hit the Government must come to the rescue in order to save jobs, many of them highly skilled. That is an argument with which we can all sympathize. And, if indeed it were true that tens of thousands of jobs hung in the balance, extraordinary steps by the Government would be justified. Many of us have been ready to take extraordinary steps to save, not thousands, but millions of jobs in all parts of the country and in all walks of life. We have urged tax cuts. We have pleaded for the release of impounded funds for water and sewers, mass transit projects, highways, and model cities programs. We have voted for the accelerated public works and emergency employment programs, only to have them vetoed by Mr. Nixon—and our entreaties ignored. And now we are expected to believe that this bailout for a big and powerful corporation is intended to save jobs. One might forgive a bit of skepticism. And when one looks at the facts, the skepticism becomes amply justified. Some jobs will be lost in the politically important States of California and Texas and in Georgia. Other States will be affected. Mr. Haughton, the Lockheed chairman, admitted that many of the jobs lost at Lockheed and at its suppliers will be filled by McDonnell and at its suppliers, including its American engine manufacturer. As a matter of fact, the McDonnell-Douglas DC–10 has a smaller foreign labor component than the L–1011. Failure of the L–1011 would lose jobs in England at Rolls-Royce. It is doubtful that it would cause a net loss of jobs in this country. We never have received a firm estimate of the net loss in the United States. But it is probable that the number of jobs lost and unreplaced would be at worst very small. Mr. Charls Walker, the Under Secretary of the Treasury, stated before the Senate Banking Committee that any such net loss would be temporary. It is possible as the Senator from Wisconsin has pointed out, that the loan guarantee will cause a loss of more jobs than it would save. Production would be diminished at McDonnell-Douglas and at its suppliers, including General Electric. Credit to the tune of $250 million will be artificially diverted in the marketplace to a failing company and away from prosperous, taxpaying firms.

Credit will be effectively diverted from small businesses, farms, schools, and the construction of homes to a big, failing corporation for a commercial airplane project that is in no way vital to the Nation.

So, Mr. President, I see no real purpose, nothing to be gained, from this unusual intervention by the Government in the workings of the market place. Jobs would as likely be lost as saved. Credit put to other uses could yield more wealth, more jobs and tax revenues, and more human welfare. And I do not consider the financial interests of investors and creditors, such as the banks, sufficient to warrant this intervention on their behalf. I do not want it said that those interests have shared Lockheed's profits and let the taxpayers share its losses.

Mr. President, there is nothing to be gained and much to be lost from this ill-advised proposal.

First, it is quite clear that $250 million may not be enough to assure the success of the Tri-Star project. And if indeed that is the case will we not be asked to provide additional guarantees? If we are placed in that situation, everything that is true now—possible job losses, the reorganization of our largest defense contractor, possible loss of competition in the wide-bodied trijet market—will be true then. And in addition $250 million of the taxpayers money will be on the line. If the administration believes that the guarantee is in the public interest now, it will believe that it is in the public interest then.

This possibility is by no means remote. Secretary Connally has repeatedly emphasized that the administration does not guarantee that the $250 million will assure the survival of Lockheed.

All he will say is that the guarantee will keep Lockheed alive long enough to turn its otherwise worthless inventory into valuable airplanes, thereby reducing the loss which the banks, the airlines, the suppliers, Rolls-Royce included, would otherwise suffer.

The market for the wide-bodied trijet will develop, and it will be a large market, but the critical question for Lockheed is how soon. The airlines will not need many more trijets—and they will not be able to finance many more trijets—unless the domestic airline traffic rebounds sharply from the doldrums in which it now finds itself. The prospect of that happening soon is not bright. It is dimming with each additional fragment of information about air traffic and the economy generally.

Even if airline traffic does rebound as sharply as the Lockheed supporters hope, it is questionable whether Lockheed will be able to secure many new orders for the 1011. Expert witnesses are unanimous in their praise of both the L–1011 and McDonnell's competing plane, the DC–10. Given two good planes, competitively priced, one produced by a thriving company and one by a company which may go under at any time, why would an airline buy from the weak company? What assurance will the customers have that Lockheed will be here 5 years from now to supply parts and know-how to them? Unless the administration has given the airlines assurances that have not been made public, it is difficult to see why any airline would gamble on Lockheed rather than going with McDonnell. If it is true that the customer buys a company as well as an airplane, Lockheed is not going to get a very large share of the trijet market.

If Lockheed does get a large share of the market, it may be that McDonnell Douglas will be faced with financial difficulty. Having subsidized a competitor, the Government might then feel obliged to bail out McDonnell and others who lose business with it. One of the most disturbing features of this proposal is that it is impossible to know how far this chain will extend, or how much of the taxpayers' money, over and above the $250 million, is on the line.

The British have demanded and received assurances from the U.S. Government that the $250 million will be enough to finance a 220-plane program, and that there are enough actual and potential orders to assure the completion of a 220-plane program. If the trijet program collapses, leaving the British with engines from planes that do not exist, is it not likely that the British will turn to us and say, "We relied on your estimates about the prospects for your plane, and we took a beating, so you have a moral obligation to help us absorb the loss"? I do not criticize the British for protecting themselves by setting a deadline for this loan and demanding assurances, but I cannot support a bill which may cause us to end up subsidizing inefficient British companies, as well as their inefficient American counterparts.

The ultimate problem with this bill is that if Lockheed is deserving—with all the allegations about mismanagement, deliberate underbidding, and the like—so is every other business which falls upon hard times. The loss of 10,000 jobs at one company—Lockheed—is not different from the loss of 10 jobs at each of 1,000 small businesses. Yet the small businesses are allowed to go under, while the big ones are bailed out. Only a very large and very well-connected corporation has the political muscle necessary to bring a special bailout bill before the Congress. In an age where the size and complexity of the American corporation—to say nothing of other institutions—may have reached the point of diminishing returns, the last thing we should do is encourage inefficient bigness—as the bill does.

It is not surprising that an administration which impounds funds for housing and mass transit; which vetoes emergency public works and manpower legislation; and which pushes the SST and the ABM would be willing to divert $250 million of credit away from deserving recipients and toward Lockheed. That $250 million could be used to build 10,000 new houses, to create 25,000 new jobs, to lift 250,000 families out of poverty or to finance hundreds of water quality projects. Instead, it is being used to shift the risk of loss from the banks to the Government, from Lockheed's stockholders and creditors to the taxpayers.

Mr. President, this bill cannot be justified on national security grounds or on economic grounds. This bailout only serves as a gesture to aerospace employees who have lost their jobs or who fear that they will lose them. The problems of these innocent people are real, but they will not be solved by empty gestures. The fact is that there is excess capacity in the aerospace industry, and that as budgetary constraints increase the squeeze will get even worse. To pass this bill is to create false hopes and false expectations. If we vote for this bill, we must in my view take some of the responsibility for the bitterness and disillusionment which will result when the hopes we create are dashed on the rocks of economic reality.

The Lockheed guarantee is opposed by economists from Milton Friedman to John Kenneth Galbraith—and with good reason. If we tamper with the free market for short-term political gains, we will pay a high price in the long term debilitation of the economy. With unemployment and inflation high, with productivity increasing slowly, and with stiff foreign competition confronting us, we simply cannot afford that price.

Mr. BUCKLEY. Mr. President, the senior Senator from California tells us that Lockheed is entitled to special help, because of certain circumstances which attended the reorganization of certain of its defense contracts. This may be so, and I shall address myself to this aspect shortly, but it does not justify the kind of assistance provided for in the legislation now before us.

My concern over the establishment of an unwise precedent involved in the Senate's emergency loan guarantee bill is not diminished by the fact the loan guarantee proposal has been reduced in scope to cover only one firm—the Lockheed Corp. If the bill is enacted, a precedent will in fact have been created which will come to haunt us.

The establishment of a Federal program to guarantee loans to business corporations—whether one, or many, is an unwise intrusion of the Federal Government into the free market mechanism. While some federally guaranteed loans may go to firms which could have been aided through free-market lenders, it is almost certain that firms which would not survive the test of free market competition would be aided to the detriment, not only of other firms, but of the entire economy because of the effect of the misuse of scarce economic resources.

As the Senator from California has suggested, there is strong, but not yet conclusive evidence, that the Federal Government does incur a moral obligation to Lockheed in some of the defense contracts negotiated with Lockheed between 1965 and 1969. The evidence suggests that Lockheed may have been induced to participate in defense contracts such as the C–5A because of an unwritten agreement or agreements which led Lockheed to believe it would be compensated for at least some kinds of cost overruns. The contracting procedure has since been dropped by the Department of Defense, but the problem for Lockheed remains. I have previously expressed my willingness to vote for a congressional appropriation to reimburse Lockheed for any moral obligation the Federal Government may have incurred in its defense contracting procedures with Lockheed.

To this end, I would support the establishment of a Board of Arbiters by the Congress to examine the nature and extent of any moral obligation which may have been incurred by the Federal Government in this regard. If the findings of such a board indicate that Lockheed is owed funds under its defense work for the Government, the Congress should support a proposal to reimburse Lockheed for its expenditures made in good faith.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Ohio.

Mr. TAFT. Mr. President, I take this time merely to summarize the various arguments that have been made in connection with this project, and to attempt to lay at rest some of the representations that have been made as to the dire dangers that will occur to the country if we do not pass the legislation before us today.

Earlier the minority leader (Mr. SCOTT) talked with regard to employment and the effect upon employment. I have talked about that matter at length during the discussion on this bill, and I do not care how you slice it, it seems to me that it is perfectly clear that an aircraft made entirely or in great part in this country, rather than abroad, in the long run, if it prevails over the L–1011 program, is going to result in more employment in this country than would otherwise be the case.

However, I think that with regard to employment there are several alternatives we might talk about.

First of all, we could talk about the alternative of no bankruptcy and performance of the contract by the Lockheed Corp. Second, we could talk about bankruptcy of the Lockheed Corp. and a reorganization in bankruptcy under chapter X of the bankruptcy laws, and performance by the trustee in bankruptcy of the contract.

The third alternative seems to me to be bankruptcy and nonperformance of the contract. While I do not think this is particularly likely, let us review the various alternatives from the point of view of employment.

First, with no bankruptcy and performance of the contract, obviously there would be no effect upon employment, for no changes in employment by Lockheed would occur. I should like to point out the likelihood, in my opinion, of this circumstance occurring, because of the very real economic interest the British Government would have in coming forward with the guarantee the U.S. Government is here asked to come forward with. Since the bankruptcy, early last spring, of the Rolls-Royce Corp., the

British Government has been pouring literally millions of dollars a day into support of the engine operation of Rolls Royce, to provide engines for the L-1011. Having made that investment, and continuing to make it daily, it seems to me the prospect of their allowing the project to go under, and thus making their inventory totally worthless, is negligible and for all intents and purposes could be ignored. And if that occurred, as I have stated, it would have practically no effect upon employment.

Let us take the second alternative, bankruptcy and performance of the contract. Again, there would be no immediate impact upon employment in the United States if that occurred. Under those circumstances, the trustee in bankruptcy would merely take up where the management of the corporation left off, retain the same people in employment, with the same subcontracts for performance throughout the entire program for the building of the L-1011, and the same people would remain employed in the same areas of the United States.

I have suggested that, because of the buildup of inventory of airframes and engines that has continued to go on even with the bankruptcy of Roll-Royce, as an economic choice that is probably the decision that a trustee in reorganization of the Lockheed Corp. would make.

But let us consider the third alternative. As I have indicated, I think either of the first two alternatives is more likely. But take the third alternative: Bankruptcy and nonperformance of the contract. The trustee decides he is going to wash out the entire deal, junk the inventory, and perhaps sell it abroad—this has been suggested at times—at a fraction of its former price. Japanese concerns, for example, are reported to have offered to bid it in for as low as 5 percent of the actual book value of the inventory involved.

This is very unlikely to occur, but let us see what would happen if we should have bankruptcy and nonperformance of the contract.

Obviously, there would be many people who would lose their jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PROXMIRE. Mr. President, I yield the Senator an additional minute.

Mr. TAFT. Not as many, obviously, as would be the case if the McDonnell Douglas Corp., which manufactures the DC-10, were to go under, but nevertheless a sizable number of jobs.

But let us face it from this point of view: There is just so much market for the airbus type of aircraft. It is being manufactured by McDonnell Douglas in this country. The 747, being manufactured by Boeing with Pratt and Whitney engines, also is going to be, to some degree, competitive in this market, and I feel there is no question but that, in the long run, if the present orders for the Lockheed plane involving Roll-Royce engines were canceled, those same orders, sooner or later, and I think sooner, would be replaced with orders from American manufacturers, and basically there are more American jobs covered, with more American manufacturers involved, in the case of McDonnell Douglas Aircraft than in the case of Lockheed.

The PRESIDING OFFICER. The additional minute has expired.

Mr. PROXMIRE. I yield the Senator 1 more minute.

Mr. TAFT. It is said that some of these orders might go to the European airbus, the A-300D. If that is the case—I think it is unlikely, in the first place, because the history of the purchase of foreign aircraft by American airline companies is not a very sanguine one—again we would have a question of the A-300D European airbus being built in Europe, but nevertheless using an engine propulsion system manufactured in this country, so here again we would have an offset or balancing of the jobs involved.

All in all, then, on the jobs argument that has been made, which of course is one of deep concern to all of us, I think we have to weight the scales very heavily in favor of saying that whatever we do here will not affect the employment situation to any great degree.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, when this issue first arose, I had deep questions about the advisability of guaranteeing a loan for Lockheed, even though Lockheed has its headquarters in my State and employs many Californians. I did not hesitate to express publicly my doubts and concerns over the issue. I particularly had concerns about the quality of Lockheed's management, and what failure by the management of Lockheed had contributed to the plight in which Lockheed found itself.

I had other questions as well. The management matter has been dealt with to some extent by an amendment I introduced, which was adopted by the committee and is now in the bill, authorizing changes in management if the board that gives or does not give loans deems a change advisable. Lockheed has also made very substantial management changes, recognizing its inadequacies. Lockheed will make more changes.

In contrast to the many failures—and there have been many failures recently at Lockheed—Lockheed does have a remarkable record of success in contrast to its failures. It produced the Poseidon and Polaris. Polaris, incidentally, is on display at the Smithsonian Institution, as is the Agena satellite and other parts that Lockheed has produced for planes. So Lockheed has played a dramatic role in the development of man in flight.

I finally came to the conclusion that we would not be setting a dangerous precedent if we granted a loan guarantee to Lockheed. The RFC granted direct loans and guarantees to companies needing help in past days. The Department of Defense, through "V" loans, has given up to $20 million in loans to defense companies in difficulty, and more can be given with the consent of Congress.

The Small Business Administration, despite many statements to the contrary on the floor of the Senate during this debate, does help companies that get into the sort of difficulty Lockheed is in. Testimony has been given by Mr. Sandoval in the House to that effect, and I have documentation, which I will submit for the RECORD following these remarks, making plain that SBA does give, in the smaller scale where SBA operates, the help that we seek to give now for troubled Lockheed.

I finally decided to support this effort basically because of several reasons. One, the U.S. Government, itself, bears considerable responsibility for the plight of Lockheed through the total procurement package contract, which was experimented with between DOD and Lockheed.

Second, Lockheed and its many employees and subcontractors responded, in effect, to a call to arms to help equip this Nation for national defense. Now that the situation is shifting, we have some responsibility for the welfare of those people.

Third, inflation stemming from the mistaken policies in Vietnam and the mistaken policies of this administration in seeking to fight inflation have helped put Lockheed in its plight.

All this adds up to a responsibility to help Lockheed in its situation.

In the matter of employment, vast numbers of people will be put out of work if Lockheed goes under. I do not believe that Lockheed's competitors will pick up enough plane orders to provide work for them or for an equivalent number of other people. Many employees of subcontractors will be put out of work.

In the matter of money, we are simply risking $250 million, and the risk is very slight if we underwrite this loan. I am utterly convinced, through the hearings and through studies, that the Government may lose more than $500 million in lost tax revenues, in renegotiated contracts, in money spent for unemployment compensation, and in other ways, if Lockheed goes under.

One other point has a considerable impact upon my thinking: We have spent a good deal of time seeking to find ways—some of them very complicated formulas that have been suggested—to help defense companies diversify so that they will be less dependent on the arms race. Those plans have not particularly worked. Government aid to defense industries for diversification into peacetime production may offend some people who vehemently oppose the war in Southeast Asia, who are against the arms race, and who do not like the influence of the so-called military-industrial complex in our society.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TOWER. I yield 1 additional minute to the Senator.

Mr. CRANSTON. But any move to decrease dependency—and hence pressures—on behalf of defense expenditures that, however well intentioned, may actually weaken rather than strengthen us, should win wide support. No one can in good conscience, oppose providing those who are dependent on defense work another set of economic interests equally compatible with their abilities and their continued economic well-being, particularly if those interests are also compatible with the well-being of our Nation.

The fact is that the vast defense industry, and the binding of towns and people to it in a kind of national technological serfdom, did not spring full-blown from the breasts of malefactors of great wealth hellbent on creating international crises and wars from which they could profit. Rather, it was produced by official Federal policy and by industrial advocacy believed to be truly responsive to our Nation's needs.

Lockheed is the major contractor in America working in defense. This loan guarantee would help Lockheed diversify in its production of its commercial aircraft, and it would reduce the dependency of Lockheed on the arms race in weapons contracts. It would, therefore, be a healthy move for our society, and it would be healthy for all those dependent upon Lockheed.

For these and other reasons, I urge support of this measure.

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I had determined after reading and listening to the arguments for and against the bill, to support the loan guarantee for Lockheed.

For myself, I prefer to vote on the straight and clear issue of the Lockheed guarantee rather than on the Senate generic bill, though I am appreciative of the purposes and work of the Committee on Banking and Currency.

I am concerned, as are many others, that the enactment of this bill would set a precedent which could cause a rash of similar applications for guarantees. But I believe this can be avoided by appropriate legislation, as I will indicate later.

Our country is afflicted with chronic unemployment which has persisted in many areas since at least 1960. But unemployment such as has recently occurred in our defense and aerospace industries has had a hard and shattering effect upon the total economy.

The senior and junior Senators from Washington, Senators MAGNUSON and JACKSON, testified a few days ago before the Senate Public Works Committee that the unemployment rate in Seattle had reached approximately 18 percent, with unemployment across the board, an increase of 100,000 in the unemployed, reaching scientists and engineers, skilled and unskilled labor.

The senior and junior Senators from California, Senators CRANSTON and TUNNEY, have spoken of the high rate of unemployment in the Los Angeles area, an increase of over 100,000 chiefly due to the problems in the aerospace and defense industries. All this has had a terrific impact and a shattering effect upon the total economy.

Under these circumstances, I think it infinitely better to vote for the guarantee, with a minimum risk to the United States being charged with payment of the loan, rather than to vote hundreds of millions, which we may be called upon to do, to provide even a welfare existence for thousands who would become unemployed. In the Lockheed case, it is said that 30,000 would be unemployed, with perhaps additional thousands of employees of Lockheed's suppliers.

Confidence is an important consideration today. It affects the willingness of industry to expand. The confidence of consumers is important. I believe the failure to act would have another adverse effect upon confidence and our economy.

I see no point in sending this company and perhaps some of its suppliers through the wringer of bankruptcy.

I voted against the SST because I saw no reasonable hope for its production, but I do not think it is comparable to this situation. The SST depended almost entirely on Federal appropriations, but it is my understanding that in this case, the banks are providing $400 million and aircraft companies are providing additional sums up to $1.4 billion. And as I have said, there is little prospect that the Government will be called on to pay this loan, unless the company fails entirely.

I return to the matter of precedent. I would hope that before any similar applications are approved, the appropriate committee would provide strict regulations to oversee and regulate, even as to management—in a very more comprehensive way—the companies which depend in great measure upon defense contracts. They may be considered, in a way, as quasi-governmental companies, as they depend largely upon defense production contracts. But our country is dependent upon them, in this world of deadly, sophisticated weapons, for national defense, and security.

Today, the managers of the bill, responding to the questions of the Senator from New York (Mr. JAVITS) indicated the measures they would take to protect this loan guarantee, insure good management, and strengthen procedures with respect to any future applications. I suggest that it is also possible, in examining the Defense Production Act, and the powers that the President has under that act, and the powers that can be conferred by Congress, that very strict measures in overseeing the companies which depend on defense contracts, can be established, even controls, which I have previously opposed, but which I think may be necessary.

My support also grows from my experience in the Public Works Committee as ranking Republican member. A few days ago, we reported to the Senate, and it was passed, the Public Works Development Act which provides a maximum of $800 million for accelerated public works, it is to help those who are unemployed.

Today, a bill will be reported to the Senate from our committee—the Economic Disaster Act, which will provide, an open-ended authorization, for areas in this country, such as those in the State of Washington, Los Angeles, Michigan, and other areas, providing certain benefits unemployed in the aerospace industry, and other industries.

Weighing the precedent, it seems to me it would be foolish to refuse to take action which may lose 30,000 jobs and perhaps additional thousands in supply companies when it will cost the Federal Government nothing whatever, and then pass bills appropriating millions of dollars to provide benefits for the same people.

I support the bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a report from the Congressional Library on the Defense Production Act and the capabilities of Congress and the President under that act. It is an old report, made in 1967 and I will later bring it up to date.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

GOVERNMENT WAGE AND PRICE CONTROL: A BACKGROUND ANALYSIS

(By Edward Knight)

The most recent time the President had wage and price control authority was during the Korean conflict. Following the sudden flare-up of hostilities in Korea in June of 1950, consumers and businessmen, fearing inflation and shortages resulting from a sharp increase in defense demand, greatly stepped up their spending for a wide range of durable and nondurable goods. Still fresh in the minds were the memories of wartime shortages and the effect that inflation during the immediate post World War II period had had on the purchasing power of their incomes. This marked acceleration in consumer and business spending placed extraordinary pressures on industrial production and forced prices (both wholesale and retail) up sharply, especially during the first nine months of hostilities. From June of 1950 through March of 1951, two consecutive waves of forward buying forced wholesale prices up by 16.2 percent (or at an annual rate of 20 percent) and consumer prices up by 8.3 percent (or at an annual rate of 10.5 percent).

With inflationary pressures mounting at an accelerating rate, Congress enacted into law the Defense Production Act of 1950 (64 Stat., 798 September 8, 1950), which gave the President explicit authority to impose wage and price controls generally over a substantial portion of the national economy, if he deemed it to be necessary. According to Section 401 of Title IV of the Act:

It is the intent of Congress to provide authority necessary to achieve the following purposes in order to promote the national defense: To prevent inflation and preserve the value of the national currency; to assure that defense appropriations are not dissipated by excessive costs and prices; to stabilize the cost of living for workers and other consumers and the costs of production for farmers and businessmen; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal market conditions or scarcities; to protect consumers, wage earners, investors, and persons with relatively fixed or limited incomes from undue impairment of their living standards; to prevent economic disturbances, labor disputes, interferences with the effective mobilization of national resources, and impairment of national unity and morale; to assist in maintaining a reasonable balance between purchasing power and the supply of consumer goods and services; to protect the national economy against future loss of needed purchasing power by the present dissipation of individual savings; and to prevent a future collapse of values.

Additionally, the President was given the authority to establish an independent agency for the purpose of administering such controls in the event that they were imposed.

Following the enactment of this law, the President, as provided for in the Act, initially sought to control wages and prices through voluntary action. It soon became apparent, however, that prices and wages could not be stabilized by voluntary action or by means of selective controls. Accordingly, the President, under the authority of Section 402 of Title IV of the Defense Production Act, instructed the Director of Price Stabilization (appointed November 30, 1950) to issue a general ceiling price regulation (16 F.R. 808), on January 26, 1951.[1] This action was followed by a general wage stabilization regulation (16 F.R. 816), issued by the Wage Stabilization Board (appointed October 10, 1950) on January 29.

Immediately upon the issuance of the general ceiling price regulation, the prices of most goods and services were frozen at the highest level charged during the period from December 19, 1950, to January 25, 1951 (16 F.R. 810). In the case of wages, it was provided that:

No employer shall pay any employee and no employee shall receive "wages, salaries and other compensation" at a rate in excess of the rate at which such employee was compensated on January 25, 1951, without the prior approval or authorization of the Wage Stabilization Board. New employees shall not be compensated at rates higher than those in effect on January 25, 1951, for the jobs for which they are hired. (16 F.R. 817).

The principal agency concerned with the enforcement of price ceiling regulation was the [Office of Price Stabilization] which began operations on January 29, 1951, with 13 regional and 42 district branch offices throughout the country. Wage ceilings were administered by the Wage Stabilization Board which had been in existence since October 10, 1950. These two regulatory authorities in turn fell under the jurisdiction and supervision of the agency concerned with all matters relating to economic stabilization, the Economic Stabilization Agency (15 F.R. 6105).

Although wage and price controls no doubt played a significant role in reducing inflationary pressures in 1951 and 1952, price trends were moderated by two other influences as well: (1) restrictive monetary and fiscal policies; and (2) the economy's ability to adjust—particularly in 1951 and 1952—to the growing demands of the Korean conflict and the domestic market. Once prices showed definite signs of stabilizing, price ceilings on many types of goods sold at the retail level were suspended. However, at the wholesale level about 76 percent of the market transactions remained under active control through 1952.[2]

Authority to stabilize prices and wages under Title IV of the Defense Production Act was finally terminated April 30, 1953, pursuant to Executive Order 10434 of February 6, 1953, and provisions of the Defense Production Act Amendments of 1952 and 1953 (66 Stat. 296, 67 Stat. 131; U.S. Code App. 2166, 2071). Thus, if the President should find it necessary to impose ceilings on wages and prices in the future, he would have to request such authority from Congress.

Despite the fact that the President today does not have explicit authority to declare a freeze on wages and prices, the view is generally held that the President as Commander-in-Chief would have the authority to take such action if a national emergency should arise while Congress is out of session. Nevertheless, the President undoubtedly would call Congress into special session explicitly to authorize such controls, particularly since the Congress has the power to forbid the continuance of such action if in its view such action is deemed unnecessary. The whole question of the powers of the President in times of national emergency is subject to various interpretations among students of the Presidency. Nevertheless, the following commentary should shed some light on the matter:

In time of peace, the President performs the normal functions of chief executive in connection with defense interests and activities substantially as in relation to other government services. *It is when war comes that he rises to the full stature implicit in the sources and forms of authority above described.* Subject to restrictions by Congress (which almost certainly would not be imposed in the midst of conflict), he can send all branches of the armed forces anywhere that he chooses, and use them as he desires. He can take as much part as he likes in mapping out strategy and directing campaigns; indeed there is nothing to prevent him from taking the field in person if he so desires. Like any other supreme commander, he can terminate hostilities by agreeing to an armistice. He can set up military governments in conquered territory, and, directly or through appointed agents, exercise all legislative powers as well until Congress makes different arrangements. Meanwhile, availing himself of broad grants of emergency authority already on the statute book, or voted by Congress in response to White House requests unfailingly made, he can carry out sweeping programs of armed recruitment, civilian mobilization, and economic controls. Indeed, the object in modern war being to discover and make effective all national potentialities as speedily as possible, and at the same time to break down the enemy's power of resistance, control over the use of the armed forces inevitably broadens into the general function of taking whatever measures may be found necessary to those ends. As a former secretary of war phrased it, the commander-in-chief's duty is nothing less than to prosecute a war "to the fullest extent."[3]

Despite the fact that manpower, armament and materiel requirements of the Vietnam conflict today are somewhat in excess of those required in the Korean period, the Congress has not taken any action which would give the President statutory authority to control the level of wages and prices. Although the nation since the beginning of the Vietnam build-up has had to contend with "creeping inflation," such inflationary pressures have not been nearly of the magnitude of those experienced during the Korean build-up. During the period of greatest build-up—June 1950 to June 1951—prices increased sharply at the annual rate of 8.8 percent. In the first year of the Vietnam build-up—July 1965 to July 1966—prices increased by 2.8 percent. Likewise in the second year—July 1966 to July 1967—prices increased by the same rate. And since July of this year, prices have been increasing at a slightly higher annual rate of about 3.0 percent.

Moreover, although our involvement in Vietnam has been an unsettling influence in our economy—especially over the past year—the build-up so far has not been as much of a shock to the nation's economy as was the case during the Korean build-up. From fiscal year 1950 through fiscal year 1952, for example, total defense spending as a percentage of total gross national product increased sharply from 4.9 percent to 13.1 percent. In contrast, the ratio of such spending to GNP from fiscal year 1965 through fiscal year 1967 increased from 7.7 percent to 9.2 percent. And based on current projections, the ratio will range somewhere between 9.3 percent to 9.5 percent for fiscal year 1968.

Although currently there is deep concern over whether the economy can keep inflationary pressures within reasonable limits, no one, based on our current knowledge, is thinking in terms of a Korean type of inflation—that is, a rise in the price level in the vicinity of 8 percent (at the retail level). Most of the projections of consumer prices for next year range between 3 and 4 percent.

The Administration currently can be seen to take the position that inflationary pressures can be effectively contained and hopefully reduced by adjustments in monetary and fiscal policies (both in terms of increased taxes and reduced Federal spending). To date the Administration has consistently looked upon wage and price controls as a last resort.

Congressional activity in the area of wage and price controls has been rather limited and, therefore, does not enable one to gain an insight into the general feeling of the Congress on this matter. To date only one bill—H.R. 922—has been introduced specifically for such controls. This was introduced on January 10 by Congressman Multer of New York. This bill, cited as the "Anti-Inflation Act of 1967," would authorize the President ". . . to freeze the entire economy of the United States for a period of not to exceed ninety days in the event of an emergency during which time Congress shall have time to consider adequately the further necessity for such controls and the form they shall take." On the matter of wages and prices, the President under such circumstances would have the authority to issue a general freeze order making it unlawful for any person:

"(1) to sell or deliver or in the regular course of his business or trade to buy or receive any commodity, service, or property at a price, rental, commission, margin, rate, fee, charge, or allowance higher than that at which such person generally sold or delivered or brought or received the same or any similar or comparable commodity, service or property in any base date or dates, or base period, not more than one month prior to such order; and

"(2) to pay or receive a salary, wage, or other compensation higher than that paid by the employer for the same or comparable services in any base date or dates, or base period, not more than one month prior to such order."

At the time of this writing, the Committee to which this legislation was referred—the House Banking and Currency Committee—has taken no action on this matter. Thus, given the current economic setting, the question of wage and price control is not a pressing issue at the moment. Nevertheless, should inflationary pressures substantially exceed current expectations, and should conventional policy measures prove ineffective in containing such pressures, the Administration and the Congress may have no alternative to giving serious consideration to proposals calling for the institution of governmental controls over wages and prices.

APPENDIX

THE FULL TEXTS OF STATUTES, EXECUTIVE ORDERS AND REGULATIONS CITED IN THIS REPORT

The Defense Production Act, September 8, 1950 (64 Stat. 798), Title IV—Price and Wage Stabilization.

SEC. 401. It is the intent of Congress to provide authority necessary to achieve the following purposes in order to promote the national defense: To prevent inflation and preserve the value of the national currency; to assure that defense appropriations are not dissipated by excessive costs and prices; to stabilize the cost of living for workers and other consumers and the costs of production for farmers and businessmen; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal market conditions or scarcities; to protect consumers, wage earners, investors, and persons with relatively fixed or limited incomes from undue impairment of their living standards; to prevent economic disturbances, labor disputes, interferences with the effective mobilization of national resources, and impairment of national unity and morale; to assist in maintaining a reasonable balance between purchasing power and the supply of consumer goods and services; to protect the national economy against future loss of needed purchasing power by the present dissipation of individual savings; and to prevent a future collapse of values. It is the intent of Congress that the authority conferred by this title shall be exercised in accordance with the policies set forth in section 2 of this Act, and in particular with full consideration and emphasis, so far as practicable, on the maintenance and furtherance of the American system of competitive enterprise, including independent small-business enterprises, the maintenance and furtherance of a sound agricultural industry, the maintenance and furtherance of sound working relations, including collective bargaining, and the maintenance and furtherance of the American way of life. Whenever the authority granted by this title is exercised, all agencies of the Government dealing with the subject matter of this title, within the limits of their authority and jurisdiction, shall cooperate in carrying out these purposes.

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[1] Price and wage ceilings had already been established by the Office of Price Stabilization on the automobile industry in December of 1950 (15 F.R. 9061 and 15 F.R. 9326).

[2] Harold Underwood Faulkner. American Economic History. (8th ed.). 1960. p. 717.

[3] William H. Young. Ogg and Ray's Essentials of American Government. (Eighth ed.). New York, Appleton-Century-Crofts, Inc., 1961. pp. 488–489.

SEC. 402. (a) In order to carry out the objectives of this title, the President may encourage and promote voluntary action by business, agriculture, labor and consumers. In proceeding under this subection the President may exercise the authority to approve voluntary programs and agreements conferred on him under section 708, and may utilize the services of persons and agencies as provided in section 710.

(b)(1) To the extent that the objectives of this title cannot be attained by action under subsection (a), the President may issue regulations and orders establishing a ceiling or ceilings on the price, rental, commission, margin, rate, fee, charge, or allowance paid or received on the sale or delivery, or the purchase or receipt, by or to any person, of any material or service, and at the same time shall issue regulations and orders stabilizing wages, salaries, and other compensation in accordance with the provision of this subsection.

(2) Action under this subsection may be taken either with respect to individual materials and services and to individual types of employment, or with respect to materials, services, and types of employment generally. A ceiling may be established with respect to an individual material or service only when the President finds that (i) the price of the material or service has risen or threatens to rise unreasonably above the price prevailing during the period from May 24, 1950 to June 24, 1950, (ii) such price increase will materially affect the cost of living or the national defense, (iii) the imposition of such ceiling is necessary to effectuate the purposes of this Act, (iv) it is practicable and feasible to impose such ceiling, and (v) such ceiling will be generally fair and equitable to sellers and buyers of such material or service and to sellers and buyers of related or competitive materials and services.

(3) Whenever a ceiling has been imposed with respect to a particular material or service, the President shall stabilize wages, salaries, and other compensation in the industry or business producing the material or performing the service.

(4) Whenever ceilings on prices have been established on materials and services comprising a substantial part of all sales at retail and materially affecting the cost of living, the President (i) shall impose ceilings on prices and services generally, and (ii) shall stabilize wages, salaries, and other compensation generally.

(5) In stabilizing wages under paragraph (3) of this subsection, the President shall issue regulations prohibiting increases in wages, salaries, and other compensation which he deems would require an increase in the price ceiling or impose hardships or inequities on sellers operating under the price ceiling.

(c) So far as practicable, in exercising the authority conferred in this section, the President shall ascertain and give due consideration to comparable prices, rentals, commissions, margins, rates, fees, charges, and allowances, and to comparable salaries, wages, or other compensation, which he finds to be representative of those prevailing during the period from May 24, 1950, to June 24, 1950, inclusive, or, in case none prevailed during this period or if those prevailing during this period were not generally representative because of abnormal or seasonal market conditions or other cause, then those prevailing on the nearest date on which, in the judgment of the President, they are generally representative. The President shall also give due consideration to the national effort to achieve maximum production in furtherance of the objectives of this Act. In determining and adjusting ceilings on prices with respect to materials and services, he shall give due consideration to such relevant factors as he may determine to be of general applicability in respect of such material or service, including the following: Speculative fluctuations, general increases or decreases in cost of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the material or by persons performing the service, subsequent to June 24, 1950. In stabilizing and adjusting wages, salaries, or other compensation, the President shall give due consideration to such relevant factors as he may determine to be of general applicability in respect of such wages, salaries, or other compensation. Any regulation or order under this title shall be such as in the judgment of the President will be generally fair and equitable and will effectuate the purposes of this title, and shall be accompanied by a statement of considerations involved in the issuance of such regulation or order. The President, in establishing and adjusting ceilings with respect to materials and services, and in stabilizing and adjusting wages, salaries, and other compensation, shall make such adjustments as he deems necessary to prevent or correct hardships or inequities.

(d)(1) Regulations and orders issued under this title shall apply regardless of any obligation heretofore or hereafter incurred, except as provided in this subsection; but the President shall make appropriate provision to prevent hardships and inequities to sellers who have bona fide contracts in effect on the date of issuance of any such regulation or order for future delivery of materials in which seasonal demands or normal business practices require contracts for future delivery.

(2) No wage, salary, or other compensation shall be stabilized at less than that paid during the period from May 24, 1950, to June 24, 1950, inclusive. No action shall be taken under authority of this title with respect to wages, salaries, or other compensation which is inconsistent with the provisions of the Fair Labor Standards Act of 1938, as amended, or the Labor Management Relations Act, 1947, or any other law of the United States, or of any State, the District of Columbia, or any Territory or possession of the United States.

(3) No ceiling shall be established or maintained for any agricultural commodity below the highest of the following prices: (i) The parity price for such commodity, as determined by the Secretary of Agriculture in accordance with the Agricultural Adjustment Act of 1938, as amended, and adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials, or (ii) the highest price received by producers during the period from May 24, 1950, to June 24, 1950, inclusive, as determined by the Secretary of Agriculture and adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials, or (iii) in the case of any commodity for which the market was not active during the period May 24 to June 24, 1950, the average price received by producers during the most recent representative period prior to May 24, 1950, in which the market for such commodity was active as determined and adjusted by the Secretary of Agriculture to a level in line with the level of prices received by producers for agricultural commodities generally during the period May 24 to June 24, 1950, and adjusted by the Secretary for grade, location, and seasonal differentials, or (iv) in the case of fire-cured tobacco a price (as determined by the Secretary of Agriculture and adjusted for grade differentials) equal to 75 per centum of the parity price of Burley tobacco of the corresponding crop, and in the case of dark air-cured tobacco and Virginia sun-cured tobacco, respectively, a price (as determined by the Secretary of Agriculture and adjusted for grade differentials) equal to 66⅔ per centum of the parity price of Burley tobacco of the corresponding crop. No ceilings shall be established or maintained hereunder for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to producers of such agricultural commodity a price for such agricultural commodity equal to the highest price therefor specified in this subsection: *Provided*, That in establishing and maintaining ceilings on products resulting from the processing of agricultural commodities, including livestock, a generally fair and equitable margin shall be allowed for such processing. Whenever a ceiling has been established under this title with respect to any agricultural commodity, or any commodity processed or manufactured in whole or in substantial part therefrom, the President from time to time shall adjust such ceiling in order to make appropriate allowances for substantial reduction in merchantable crop yields, unusual increases in costs of production, and other factors which result from hazards occurring in connection with the production and marketing of such agricultural commodity; and in establishing the ceiling (1) for any agricultural commodity for which the 1950 marketing season commenced prior to the enactment of this Act and for which different areas have different periods of marketing during such season or (2) for any agricultural commodity produced for the same general use as a commodity described in (1), the President shall give due consideration to affording equitable treatment to all producers of the commodity for which the ceiling is being established. Nothing contained in this Act shall be construed to modify, repeal, supersede, or affect the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, or to invalidate any marketing agreement, license, or order, or any provision thereof or amendment thereto, heretofore or hereafter made or issued under the provisions of such Act. Ceiling prices to producers for milk used for distribution as fluid milk in any marketing area not under a marketing agreement, license, or order issued under the Agricultural Marketing Agreement Act of 1937, as amended, shall not be less than (1) parity prices for such milk, or (2) prices which in such marketing areas will bear the same ratio to the average farm price of milk sold wholesale in the United States as the prices for such

fluid milk in such marketing areas bore to such average farm price during the base period, as determined by the Secretary of Agriculture, whichever is higher: *Provided, however,* That whenever the Secretary of Agriculture finds that the prices so fixed are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk and its products in any such marketing area, he shall fix such prices as he finds will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest, which prices when so determined shall be used as the ceiling prices to producers for fluid milk in such marketing areas.

(e) The authority conferred by this title shall not be exercised with respect to the following:

(i) Prices or rentals for real property;

(ii) Rates or fees charged for professional services;

(iii) Prices or rentals for (a) materials furnished for publication by any press association or feature service, or (b) books, magazines, motion pictures, periodicals, or newspapers, other than as waste or scrap; or rates charged by any person in the business of operating or publishing a newspaper, periodical, or magazine, or operating a radiobroadcasting or television station, a motion-picture or other theater enterprise, or outdoor advertising facilities;

(iv) Rates charged by any person in the business of selling or underwriting insurance;

(v) Rates charged by any common carrier or other public utility: *Provided,* That no common carrier or other public utility shall at any time after the President shall have issued any stabilization regulations and orders under subsection (b) make any increase in its charges for property or services sold by it for resale to the public, for which application is filed after the date of issuance of such stabilization regulations and orders, before the Federal, State or Municipal authority having jurisdiction to consider such increase, unless it first gives 30 days' notice to the President, or such agency as he may designate, and consents to the timely intervention by such agency before the Federal, State or Municipal authority having jurisdiction to consider such increase;

(vi) Margin requirements on any commodity exchange.

(f) The President, in or by any regulation or order, may provide exemptions for any materials or services, or transactions therein, or types of employment, with respect to which he finds that (1) such exemption is necessary to promote the national defense; or (2) it is unnecessary that ceilings be applicable to such materials or services, or transactions therein, or that compensation for such types of employment be stabilized, in order to effectuate the purposes of this title.

(g) The powers granted in this title shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry, except where such action is affirmatively found by the President to be necessary to prevent circumvention or evasion of any regulation, order, or requirement under this title.

(h) Nothing in this title shall be construed (1) as authorizing the elimination or any restriction of the use of trade and brand names; (2) as authorizing the President to require the grade labeling of any materials; (3) as authorizing the President to standardize any materials or services, unless the President shall determine, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to such materials or services; or (4) as authorizing any order of the President establishing price ceilings for different kinds, classes, or types of material or service, which are described in terms of specifications or standards, unless such specifications or standards were, prior to such order, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another Government agency.

(i) No rule, regulation, or order issued under this title shall require any seller of materials at retail to limit his sales with reference to any highest price line offered for sale by him at any prior time.

SEC. 403. At such time as the President determines that it is necessary to impose price and wage controls generally over a substantial portion of the national economy, he shall administer such controls, and rationing at the retail level of consumer goods for household and personal use under authority of Title I of this Act (when and to the extent that he exercises such authority), through a new independent agency created for such purpose. Such agency may utilize the services, information, and facilities of other agencies and departments of the Government, but such agency shall not delegate enforcement of any of the controls to be administered by it under this section to any other agency or department.

SEC. 404. In carrying out the provisions of this title, the President shall, so far as practicable, advise and consult with, and establish and utilize committees of, representatives of persons substantially affected by regulations or orders issued hereunder.

SEC. 405. (a) It shall be unlawful, regardless of any obligation heretofore or hereafter entered into, for any person to sell or deliver, or in the regular course of business or trade to buy or receive, any material or service, or otherwise to do or omit to do any act, in violation of this title or of any regulation, order, or requirement issued thereunder, or to offer, solicit, attempt or agree to do any of the foregoing.

(b) No employer shall pay, and no employee shall receive, any wage, salary, or other compensation in contravention of any regulation or order promulgated by the President under this title. The President shall also prescribe the extent to which any wage, salary, or compensation payment made in contravention of any such regulation or order shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation.

SEC. 406. Nothing in this title shall be construed to require any person to sell any material or service, or to perform personal services.

SEC. 407. (a) At any time within six months after the effective date of any regulation or order relating to price controls under this title, or, in the case of new grounds arising, after the effective date of any such regulation or order relating to price controls, within six months after such new grounds arise, any person subject to any provision of such regulation or order may, in accordance with regulations to be prescribed by the President, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections. Statements in support of any such regulation or order may be received and incorporated in the transcript of the proceedings at such times and in accordance with such regulations as may be prescribed by the President. Within a reasonable time after the filing of any protest under this section, but in no event more than thirty days after such filing, the President shall either grant or deny such protest in whole or in part, notice such protest for hearing, or provide an opportunity to present further evndence in connection therewith. In the event that the President denies any such protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the President has taken official notice.

(b) In the administration of this title the President may take official notice of economic data and other facts, including facts found by him as a result of action taken under section 705 of this Act.

(c) Any proceedings under this section may be limited by the President to the filing of affidavits, or other written evidence, and the filing of briefs: *Provided, however,* That upon the request of the protestant, any protest filed in accordance with subsection (a) of this section shall, before denial in whole or in part, be considered by a board of review consisting of one or more officers or employees of the United States designated by the President in accordance with regulations to be promulgated by him. Such regulations shall provide that the board of review may conduct hearings and hold sessions in the District of Columbia or any other place, as a board, or by subcommittees thereof, and shall provide that, upon the request of the protestants and upon a showing that material facts would be adduced thereby, subpenas shall issue to procure the evidence of persons, or the production of documents, or both. The President shall cause to be presented to the board such evidence, including economic data, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. The protestant shall be accorded an opportunty to present rebuttal evidence in writing and oral argument before the board and the board shall make written recommendations to the President. The protestant shall be informed of the recommendations of the board and, in the event that the President rejects such recommendations in whole or in part, shall be informed of the reasons for such rejection.

(d) Any protest filed under this section shall be granted or denied by the President, or granted in part and the remainder of it denied within a reasonable time after it is filed. Any protestant who is aggrieved by undue delay on the part of the President in disposing of his protest may petition the Emergency Court of Appeals for relief; and such court shall have jurisdiction by appropriate order to require the President to dispose of such protest within such time as may be fixed by the court. If the President does not act finally within the time fixed by the court, the protest shall be deemed to be denied at the expiration of that period.

SEC. 408. (a) Any person who is aggrieved by the denial or partial denial of his protest may, within thirty days after such denial, file a complaint with the Emergency Court of Appeals specifying his objections and praying that the regulation or order protested be enjoined or set aside in whole or in part. A copy of such complaint shall forthwith be served on the President, who shall certify and file with such court a transcript of such portions of the proceedings in connection with the protest as are material under the complaint. Such transcript shall include a statement setting forth, so far as practicable, the economic data and other facts of which the President has taken official notice. Upon the filing of such complaint the court shall have exclusive jurisdiction to set aside such regulation or order, in whole or in part, to dismiss the complaint, or to remand the proceeding: *Provided,* That the regulation or order may be modified or rescinded by the President at any time notwithstanding the pendency of such complaint. No objection to such regulation or order, and no evidence in support of any objection thereto, shall be considered by the court, unless such objection shall have been set forth by the complainant in the protest or such evidence shall be contained in the transcript. If application is made to the court by either party for leave to introduce additional evidence which was either offered to the President and not admitted, or which could not reasonably have been offered to the President or included by the President in such proceedings, and the court determines that such evidence should be admitted, the court shall order the evidence to be presented to the President. The President shall promptly receive the same, and such other evidence as he deems necessary or proper, and thereupon he shall certify and file with the court a transcript thereof and any modification made in the regulation or order as a result thereof; except that on request by the President, any such evidence shall be presented directly to the court.

(b) No such regulation or order shall be enjoined or set aside, in whole or in part, unless the complainant establishes to the satisfaction of the court that the regulation or order is not in accordance with law, or is arbitrary or capricious. The effectiveness of a judgment of the court enjoining or setting aside, in whole or in part, any such regulation or order shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (d) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the case by the Supreme Court.

(c) The Emergency Court of Appeals is hereby continued for the purpose of the exercise of the jurisdiction granted by this title, with the powers herein specified, together with the powers heretofore granted by law to such court which are not inconsistent with the provisions of this title. The court shall have the powers of a district court with respect to the jurisdiction conferred on it by this title; except that the court shall not have power to issue any temporary restraining order or interlocutory decree staying or restraining, in whole or in part, the effectiveness of any regulation or order relating to price controls issued under this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction under this title.

(d) Within thirty days after entry of a judgment or order, interlocutory or final, by the Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. The Supreme Court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this subsection. The Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Emergency Court of Appeals, shall have exclusive jurisdiction to determine the validity of any regulation or order relating to price controls issued under this title, and of any provision relating to price regulation or order. Except as provided in this section, no court, Federal, State, or Territorial, shall have jurisdiction or power to consider the validity of any such regulation or order realting to price controls, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of such regulations or orders, or any provision of any such regulation or order, or to restrain or enjoin the enforcement of any such provision.

(e)(1) Within thirty days after arraignment, or such additional time as the court may allow for good cause shown, in any criminal proceeding, and within five days after judgment in any civil or criminal proceeding, brought pursuant to section 409 or 706 of this Act or section 371 of title 18, United States Code, involving alleged violation of any provision of any regulation or order relating to price controls issued under this title, the defendant may apply to the court in which the proceeding is pending for leave to file in the Emergency Court of Appeals a complaint against the President setting forth objections to the validity of any provision which the defendant is alleged to have violated or conspired to violate. The court in which the proceeding is pending shall grant such leave with respect to any objection which it finds is made in good faith and with respect to which it finds there is reasonable and substantial excuse for the defendant's failure to present such objection in a protest filed in accordance with section 407 of this title. Upon the filing of a complaint pursuant to and within thirty days from the granting of such leave, the Emergency Court of Appeals shall have jurisdiction to enjoin or set aside in whole or in part the provision of the regulation or order complained of or to dismiss the complaint. The court may authorize the introduction of evidence, either to the President or directly to the court, in accordance with subsection (a) of this section. The provisions of subsections (b), (c), and (d) of this section shall be applicable with respect to any proceeding instituted in accordance with this subsection.

(2) In any proceeding brought pursuant to section 409 or 706 of this Act or section 371 of title 18, United States Code, involving an alleged violation of any provision of any such regulation or order, the court shall stay the proceeding—

(i) during the period within which a complaint may be filed in the Emergency Court of Appeals pursuant to leave granted under paragraph (1) of this subsection with respect to such provision;

(ii) during the pendency of any protest properly filed by the defendant under section 407 of this title prior to the institution of the proceeding under section 409 or 706 of this Act or section 371 of title 18, United States Code, setting forth objections to the validity of such provision which the court finds to have been made in good faith; and

(iii) during the pendency of any judicial proceeding instituted by the defendant under this section with respect to such protest or instituted by the defendant under paragraph (1) of this subsection with respect to such provision, and until the expiration of the time allowed in this section for the taking of further proceedings with respect thereto.

Notwithstanding the provisions of this paragraph, stays shall be granted thereunder in civil proceedings only after judgment and upon application made within five days after judgment. Notwithstanding the provisions of this paragraph, in the case of a proceeding under section 409(a) or 706(a) of this Act the court granting a stay under this paragraph shall issue a temporary injunction or restraining order enjoying or restraining, during the period of the stay, violations by the defendant of any provision of the regulation or order involved in the proceedings. If any provision of a regulation or order is determined to be invalid by judgment of the Emergency Court of Appeals which has become effective in accordance with section 408(b) of this title, any proceeding pending in any court shall be dismissed, and any judgment in such proceeding vacated, to the extent that such proceeding or judgment is based upon violation of such provision. Except as provided in this subsection, the pendency of any protest under section 407 of this title, or judicial proceeding under this section, shall not be grounds for staying any proceeding brought pursuant to section 409 or 706 of this Act or section 371 of title 18, United States Code; nor, except as provided in this subsection, shall any retroactive effect be given to any judgment setting aside a provision of a regulation or order issued under this title.

SEC. 409. (a) Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of section 405 of this title, he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the President that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

(b) Any person who wilfully violates any provision of section 405 of this title shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than $10,000, or to imprisonment for not more than one year, or both. Whenever the President has reason to believe that any person is liable to punishment under this subsection, he may certify the facts to the Attorney General, who may, in his discretion, cause appropriate proceedings to be brought.

(c) If any person selling any material or service violates a regulation or order prescribing a ceiling or ceilings, the person who buys such material or service for use or consumption other than in the course of trade or business may, within one year from the date of the occurrence of the violation, except as hereinafter provided, bring an action against the seller on account of the overcharge. In any action under this subsection, the seller shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is greater: (1) such amount not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, but in no event shall such amount exceed the amount of the overcharge, or the overcharges, plus $10,000, or (2) an amount not less than $25 nor more than $50 as the court in its discretion may determine: *Provided, however,* That such amount shall be the amount of the overcharge or overcharges if the defendant proves that the violation of the regulation or order in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation. For the purposes of this section the word "overcharge" shall mean the amount by which the consideration exceeds the applicable ceiling. If any person selling any material or service violates a regulation or order prescribing a ceiling or ceilings and the buyer either fails to institute an action under this subsection within thirty days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the President may institute such action on behalf of the United States within such one-year period, or compromise with the seller the liability which might be assessed against the seller in such an action. If such action is instituted, or such liability is compromised by the President, the buyer shall thereafter be barred from bringing an action for the same violation or violations. Any action under this subsection by either the buyer or the President, as the case may be, may be brought in any court of competent jurisdiction. A judgment in an action for damages, or a compromise, under this subsection shall be a bar to the recovery under this subsection of any damages in any other action against the same seller on account of sales made to the same purchaser prior to the institution of the action in which such judgment was rendered, or prior to such compromise. The President may not institute any action under this subsection on behalf of the United States—

(1) if the violation arose because the person selling the material or service acted upon and in accordance with the written advice and instructions of the President or any official authorized to act for him;

(2) if the violation arose out of the sale of any material or service to any agency of the Government, and such sale was made pursuant to the lowest bid made in response to an invitation for competitive bids.

SEC. 410. Each contract providing for the purchase of processed chickens or turkeys by any department or agency of the United States from any contractor, entered into at any time when ceiling prices are in effect under this Act for whichever or such fowl is covered by such contract, shall contain the following provision (with such change as may be necessary to describe the fowl covered by the contract):

"The contractor represents that the contract is based upon an estimated price paid to the producers for live chickens or live turkeys to be processed hereunder. In the event and to the extent that the actual price paid to the producers of live chickens or live turkeys purchased for the performance of this contract is less than such estimated price, the contract price shall be reduced by the same number of cents or fraction thereof, per pound."

Mr. **PROXMIRE.** Mr. President, I yield myself 8 minutes.

The **PRESIDING OFFICER.** The Senator from Wisconsin is recognized for 8 minutes.

Mr. PROXMIRE. Mr. President, at long last, the Senate is debating the real issue behind the Emergency Loan Guarantee Act. That issue is whether or not the Federal Government should bail out the Lockheed Aircraft Corp. The administration has attempted to disguise the Lockheed bailout by including it in a so-called generic bill to assist other ailing corporations. But finally, these pretenses have been stripped away and we are down to the fundamental issue of Lockheed.

Mr. President, any one who has followed the debate over the last 10 days will realize that most of the discussion has focused on the Lockheed situation. I believe all of the arguments for and against the Lockheed bailout have been adequately stated. It is difficult to add anything new to this record. Nonetheless, I believe it would be useful to summarize the main arguments for and against the Lockheed bailout.

There are two principal reasons why the Senate should reject the Lockheed loan guarantee. No. 1, the Federal Government should not tamper with our free enterprise system by rescuing large corporations from the consequences of their own mistakes; No. 2, the proposed guarantee is far too risky and it is the American taxpayer who is likely to foot the bill.

The principal arguments in favor of the Lockheed loan guarantee are that it will save jobs and preserve competition. However, I believe a convincing case can be made for just the opposite conclusion —the Lockheed loan guarantee will result in fewer U.S. jobs and will decrease competition.

Mr. President, my first reason for opposing the Lockheed rescue effort is that it runs directly counter to our system of free enterprise which has produced the highest standard of living the world has ever known. The success of our system is founded not only on the opportunity for profit but on the freedom to fail. The threat of failure is the discipline which causes firms to continually strive for efficiency and product improvement. Once we erode this principle we subvert the very foundation of our economic prosperity.

In the case of Lockheed, the proposed loan guarantee will perpetuate inept management which has led the company to an incredible string of fiscal disasters. As Fortune magazine put it—

> Whenever a firm manages to lose money on four Government contracts all at the same time, one must suspect the management is to blame.

We are told that Lockheed is the innocent victim of Government procurement policies and an overly harsh settlement on its defense contracts. Other defense contractors have managed to live under these same procurement policies. Moreover, Lockheed's immediate troubles stem from its commercial plane—the L–1011 Tri-Star—and not its defense contracts.

The fact of the matter is that Lockheed has no one to blame but itself for its present predicament. It has engaged in a deliberate and calculated policy of financial brinkmanship. Time after time it has bid unrealistically low to obtain Government contracts in anticipation of a friendly Government bailout. It repeated the same pattern on the L–1011 Tri-Star by reducing the price of the plane below cost in order to capture sales.

A Government loan guarantee to help Lockheed will inevitably sanction the company's imprudent financial practices. The word will quickly get to other defense contractors—"do not worry about cost or performance. Bid low and ask for a bailout if you cannot perform."

There are those who say we cannot afford to let our largest defense contractor fail. This is nonsense. Lockhed became our largest defense contractor by deliberately underbidding other companies. Our defense procurement system will be drastically weakened if we let Lockheed off the hook. A Lockheed bankruptcy would not destroy the firm—it would merely bring in new management to run the company on a sounder basis. The recent Penn-Central bankruptcy affords an excellent example of the therapeutic effects of reorganization under the Bankruptcy Act.

The Under Secretary of Defense was clearly worried about this point when he testified. He said he would be for the Lockheed loan guarantee only if it did not constitute a precedent. He strongly opposed the $2 billion generic bill on the grounds that it would cause other firms to seek Government bailouts and thus weaken our defense procurement system.

Mr. President, with all due respect to Mr. Packard, the Lockheed bailout cannot help but constitute a precedent. If we approve this guarantee, there will be at least nine dozen large defense contractors knocking on our door demanding similar consideration. Other firms will seize upon the precedent if we pass this bill. If we vote "Yes" on Lockheed, how do we tell another firm "No"? On what basis do we single out Lockheed? Most aerospace executives would agree that of all defense contractors, Lockheed is the least deserving of Federal aid. If we bail out the least deserving, how can we say "No" to the others?

Mr. President, one of the most knowledgeable Members of Congress on defense procurement is the chairman of the House Appropriations Committee, GEORGE MAHON. He can hardly be considered to be weak on a strong American defnese. And yet he voted "No" on the Lockheed bailout. Our national security depends upon an efficient defense industry. Because of the precedent created, the Lockheed bill will not strengthen our defense; it will weaken it.

Last year, over 10,000 small business firms failed with aggregate liabilities of $1.9 billion. No one rushed a bill to Congress to save these firms even though their collective failure had a greater impact on the economy than would a Lockheed failure. Why single out Lockheed for corporate immortality? Are we to guarantee large firms from failure simply because they are large? Are we to have socialism for the big but free enterprise for the small?

Mr. President, the principles of free enterprise go well beyond the theories of Adam Smith and the somewhat arid discussions of academic economists. Free competition maximizes economic efficiency as any economist knows. But above all, free enterprise is a system of values. The notion of profit and loss is a deep-seated, moral belief of millions of Americans. Those who bear risk and produce a superior product are rewarded with profits. Those who cannot cut it, face the prospect of failure.

The belief in free enterprise keeps our economic system together by providing an ethic that spurs men to action. The Lockheed bailout will erode this ethic. It undermines the basic morality behind American business enterprise. It subverts the beliefs which have been the keystone of our economic success.

How many Senators have received mail from businessmen in their States asking "If Lockheed gets a Federal guarantee, why can't I?"

How can those who vote for the Lockheed guarantee explain to small businessmen that a Government loan guarantee is only for the big guy, but not for the little guy? How can they answer the complaints from well-managed firms who protest subsidizing bad management?

The Lockheed bailout does far more than undermine economic efficiency. It undermines the basic morality of American life. It is bad legislation and should be defeated.

Mr. President, the second reason for rejecting the Lockheed loan guarantee is that the risk is too great. Lockheed cannot possibly avoid financial disaster on its L–1011 Tri-Star commercial jetliner and when this happens, the U.S. taxpayer will wind up footing the bill.

Last year, the Defense Department estimated the breakeven point on the Lockheed Tri-Star to be 390 planes. Just last week, McDonnell-Douglas announced that its breakeven point on the

DC-10, a nearly identical plane to the Tri-Star, is 438. However, Lockheed has only 103 so-called firm orders for the Tri-Star and even these are by no means certain. If Lockheed sells as much as 250 planes, the Defense Department estimates that well over a half billion dollars will be lost by Lockheed and its suppliers.

It is perhaps no wonder that Lockheed's bankers refuse to loan the company any more money despite their current investment of $400 million. The bankers say they cannot prudently ask their stockholders to assume this risk. And yet the taxpayers of America are now being asked to bear that very same risk.

Lockheed cannot make money on the Tri-Star because there are too many firms competing for a dwindling amount of commercial jet business. Excess capacity in the airlines industry is at an all time high. Just last week, TWA announced it was mothballing some of its Boeing 747's and United canceled some of its options on the DC-10.

Lockheed has estimated a market for 775 intermediate range wide-bodied jets over the next 10 years; however, Lockheed's principal banker is only estimating a market for 400 to 500 jets. This is about 60 percent of the Lockheed estimate. A difference of this magnitude spells the difference between success and financial catastrophe. If the bankers are right in their projections, Lockheed will lose a bundle since they must share the intermediate range Tri-Jet market with McDonnell Douglas.

Because of this, $250 million guarantee is only the first step in a permanent subsidy program for Lockheed. The firm will soon be back asking for still more money if its previous inaccurate financial projections are any guide.

Rather than let Lockheed go bankrupt following a guaranteed loan, it is likely that the Federal Government will keep the company alive by rewarding it with sweetheart defense contracts. The ultimate cost to the taxpayer in noncompetitive defense contracts could far exceed the $250 million guarantee. However, this added cost will be buried in the Defense budget so that the taxpayer will never know how much it is really costing to keep Lockheed alive.

Mr. President, let us examine the main argument for the bailout of Lockheed. First, it is alleged that failure to obtain a federally guaranteed loan will bankrupt the company and throw 60,000 people out of work. That is as phony as a $3 bill.

First, there are only 16,000 men at work on the Tri-Star, not 60,000, and many of the 16,000 are working part time according to the records of the Lockheed Corp.

If the L-1011 program is as good as the administration says it is, if there is a minimum risk involved, as the Senator from California indicated earlier, then there is no assurance that Lockheed will go bankrupt without a Federal loan guarantee.

In that event, Lockheed's bankers could hardly afford to turn down the additional $250 million, because the record is clear that if Lockheed goes bankrupt, the banks will lose the $300 million or the $400 million that they have already invested.

So, if it is a matter of getting over the hump, or we can assure the taxpayers that they will not take any risk, why is it that the banks do not come up with the money themselves?

Third, even if the bankers refuse to put more money into Lockheed, thus precipitating the company's bankruptcy, it does not automatically follow that the L-1011 program would be canceled. The trustees appointed by the court to run the company would take a close look at the project. If they thought it was viable, they could continue it. The top management at Lockheed would be unemployed, but the vast majority of workers would keep their jobs. It should be emphasized that 85 percent of Lockheed's employees work on defense contracts which the Defense Department says would be continued even under bankruptcy. There has been no contrary testimony about that point.

Fourth, even if Lockheed went bankrupt and canceled the L-1011 project, unemployment would not increase. Assuming a demand for jumbo jets, any increase in unemployment at Lockheed would ultimately be offset by increased employment at McDonnell Douglas, maker of the DC-10, and at Boeing, maker of the 747.

It should be noted that because the L-1011 uses a British engine produced by Rolls-Royce, the foreign labor content of the Lockheed plane is 42 percent counting spare parts needed over the life of the plane. On the other hand, the foreign labor content of the DC-10's is about 10 percent.

By keeping Lockheed alive we are subsidizing a plane that uses only 60 percent American labor and discriminating against a firm that uses 90 percent American labor. More U.S. jobs would result if the L-1011 program were canceled and the orders given to McDonnell Douglas.

As a matter of fact, more United States jobs would result if the L-1011 project were canceled and the orders given to McDonnell Douglas. An American built DC-10 would add over $6.5 billion to our gross national product over the next 10 years compared to the L-1011.

McDonnell Douglas has announced last week that it and its subcontractors will employ a minimum of 20,000 additional firms over the next 6 to 9 months if the L-1011 program is canceled. When this figure is compared to the 16,000 L-1011 employees at Lockheed, it becomes evident that employment will actually increase if the L-1011 program is terminated. Many of the L-1011 workers could be employed by McDonnell Douglas, since both firms have their main assembly plants in the Los Angeles area. In fact, McDonnell Douglas has already begun hiring Lockheed workers who were laid off on the L-1011 program.

Admittedly, there will be some short term transitional problems in adjusting to a Lockheed failure. But in the long run, any job loss will be more than offset. Moreover, if the L-1011 program is proposed up with temporary Federal subsidies, its ultimate demise will result in the loss of still more jobs. If the L-1011 cannot pass the test of the market, a Federal loan guarantee will not save the jobs involved.

Despite all the rhetoric about jobs, the real beneficiaries of the Lockheed loan guarantee are the banks. If Lockheed can be propped up for another year or two, the banks stand a chance of collecting on their outstanding loans. Once they have their money back, it is doubtful the banks will shed many tears for the Tri-Star workers laid off because of inadequate market demand. Unless the Federal Government is prepared to provide massive additional subsidies for Lockheed, the $250 million loan guarantee cannot save jobs—it can only postpone the ultimate loss.

All the economists who testified, without exception, stated that they were against the legislation. They argued that it would not save jobs. They argued that we have a finite demand for the airbus and if we do not go ahead with the L-1011, that demand will be met by McDonnell Douglas, and the jobs will go to McDonnell Douglas.

The second argument frequently used by the bill's proponents is that we need to save Lockheed in order to preserve competition in the aircraft industry. It is alleged that Lockheed's failure would leave the field to only one company—McDonnell Douglas.

Actually, there are two companies making wide-bodied jets—Boeing and Douglas. It is true that the Boeing 747 is designed for longer flights than the DC-10 or L-1011. Nonetheless, there is a considerable overlap between the two types of planes. The 747 is now flying from Washington, D.C. to Atlanta, which indicates it is competitive in flying shorter routes. Moreover, Boeing has a short range version of the 747 which it would surely produce if Lockheed left the field.

Lockheed's failure would not reduce the number of firms already in the commercial jet field, it would merely fail to add a new one. During the 1960's Boeing and Douglas supplied 95 percent of all commercial jets sold. There is no evidence that a two firm industry has caused high prices, technological stagnation, or other detrimental effects commonly associated with monopoly, or that the market is big enough to support a three firm industry. We have had technological advances in speed and safety, and air fares have not gone up, they have gone down.

A study released by the Department of Transportation last March concludes that there are too many firms in the commercial jet field competing for a limited amount of business. Under these circumstances, no firm can sell enough planes to cover its costs. As a result, prices will have to increase and these higher prices will be passed on to the traveling public.

Moreover, there is too much financial strain placed on the airlines in attempting to absorb the cost of the new jumbo jets which are being pushed by the three airplane manufacturers.

Mr. President, any objective observer must think we are out of our minds to be pressing a new competitor into that field. Because of this financial strain, airline mergers are likely to increase thus reducing the amount of competition.

Mr. President, one can pick up the

paper and read about the fact that the airlines' orders are being canceled.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 additional minutes.

The VICE PRESIDENT. The Senator from Wisconsin is recognized for 2 additional minutes.

Mr. PROXMIRE. Mr. President, TWA has canceled a number of their DC–10 orders. They have announced that they will mothball some of their 747's this winter. This is the kind of market in which we should not by Government subsidy enable another producer to enter.

Because of the heavy investment required, it is doubtful that two firms can make any money in the intermediate range wide-bodied jet market. We do not serve the cause of competition by propping up one of the two companies with Government subsidies. This was the conclusion reached by Donald Turner, former head of the Antitrust Division and an outstanding authority on antitrust matters. Other scholars agree with Turner. In fact, the administration did not produce a single independent witness who supported the Lockheed bailout.

Mr. President, I believe an overwhelming case has been made against the Lockheed bailout. Our vote today could set a precedent for years to come. Once we adopt the principle that the Government will not permit large corporations to fail, we have lost much of our economic vitality.

A Lockheed bankruptcy does not mean the firm will disappear from the face of the earth or that all its employees will be fired. Bankruptcy is a frightening word It connotes total liquidation. But in reality, large firms are never liquidated, they are reorganized. New management is brought in and the financial structure of the company is improved.

The Penn Central is actually doing better under bankruptcy and there is no reason to assume the case would be the same for Lockheed. I urge the Senate to defeat the Lockheed bailout.

Mr. President, most of the country's small- and medium-size businessmen are looking at this case. We shall draw the line at permitting a Lockheed bailout.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 1 additional minute.

The VICE PRESIDENT. The Senator from Wisconsin is recognized for 1 additional minute.

Mr. PROXMIRE. Mr. President, here is a firm that has a missile plant unencumbered and unpledged that they can sell for $250 million. They can raise money by issuing convertible debentures. They have a substantial amount of collateral that is unpledged. Yet, we are proposing to provide a guarantee for them.

Mr. President, as I say, this would be a precedent which, it seems to me, would return to plague Congress for years to come.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial entitled "The Lockheed Fund: Rewarding Inefficiency," printed in the Washington Post on July 27, 1971, and an article entitled "Lockheed's Trijet Market Begins to Crumble," printed in Business Week of July 24, 1971.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE LOCKHEED FUND: REWARDING INEFFICIENCY

Its defenders have long admitted that there were a lot of things wrong with capitalism as an economic system. But it is supposed to have one overriding virtue: it provides strong incentives for corporations to produce efficiently. The theory is that, driven by the hope of profit and the fear of failure, capitalists will compete fiercely to create the best products with the least waste. The most efficient will be rewarded with great gain and the least efficient will be weeded out through bankruptcy. It is because of these incentives to efficiency, which socialist systems seem unable to duplicate, that we are urged to pay the heavy price of capitalism—the inequalities in income, the human agony of failure, the ugly materialism, and the neglect of longer run public values like the preservation of the environment. If one removes these incentives to efficiency one removes the major argument for capitalism as a system.

It is for this reason that we have grave doubts about the wisdom of the proposed $2 billion loan guarantee fund for major corporations whose failure would "seriously and adversely affect the economy or employment in the nation or any region thereof." Such a fund would greatly weaken the incentives of major corporations to cut waste and hold down costs. Senator James Buckley gave voice to our doubts last week when he said that the proposed fund "would pioneer a form of government intervention that would erode the market disciplines required by a healthy system of free and competitive enterprise."

Government action of some sort may well be appropriate in the Lockheed situation. If it can be proved that the government misled Lockheed or that government mistakes were responsible for a portion of the corporation's cost over-runs, then some specific relief for Lockheed may be in order. If there are effective management and scientific teams within Lockheed producing items essential to the national security—such as the Poseidon program, for example—then the government should take steps to preserve these parts of the company intact. If the demise of Lockheed would produce severe local unemployment then strong efforts should be made to find jobs for the people affected.

But none of these specific problems for which there seem to be specific remedies justifies a general measure to use public resources to prevent bankruptcy among major corporations. As Senator Buckley so well put it:

"If the inefficient or mismanaged firm is insulated from the free-market pressures that other business firms must face, the result will be that scarce economic and human resources will be squandered on enterprises whose activities do not meet the standards imposed by the marketplace—standards which have assured us of the efficiency on which our industrial supremacy has been built."

It is apparent, despite the President's attempt to cover up a family quarrel, that there are strong misgivings within the administration about the wisdom of rescuing Lockheed by setting up a general fund for failing giants. Deputy Secretary of Defense David Packard, who could hardly be more versed in the ways of big corporations, evidently prefers specific help for Lockheed to the more general guarantee fund. We believe Mr. Packard's instincts are correct. Indeed, in moving from the specific to the general the administration moved in the wrong direction. A wiser course would be to return to the particular problem posed by Lockheed and devise a package of measures to (1) salvage those parts of Lockheed that are both well managed *and* important to national security and (2) reduce the unemployment effects of a Lockheed collapse. Achieving these objectives would not necessarily imply rescuing the entire Lockheed corporate entity as such. But there is no governmental obligation to do that—for Lockheed, or anybody else—and there are persuasive arguments for not taking on any such obligations as a matter of public policy. It is our hope that the defenders of free enterprise in the Congress will heed the clear call of their conservative colleague and the muffled protests of the Deputy Secretary of Defense (who seemed for a while to have the support of the Secretary of Defense as well) and reject a proposal so antithetical to basic principles which have served us pretty well for quite a long period of time.

LOCKHEED'S TRIJET MARKET BEGINS TO CRUMBLE

Lockheed Aircraft Corp. this week was fast approaching two critical deadlines:

The Congressional recess in early August, before which the legislators must approve a loan guarantee.

An Aug. 15 date by which Trans World Airlines, a major customer for the troubled L–1011 wide-bodied trijet craft, must confirm a letter of intent with General Electric Co. for engines to power DC–10s that would replace the 44 L–1011s it has ordered.

A TWA switch to the Douglas DC–10 would sound the death knell for the L–1011 by further damaging airline confidence. One U.S. airline president is already comparing buying the financially ailing L–1011 to buying a Studebaker car. When airlines buy jets that cost $16-million, they need assurance that the plane will be built, developed, and improved for as long as 20 years. Lockheed is counting on meetings with the presidents of every major airline to sell such assurances as soon as Congress guarantees its loan.

FINDING BUYERS

Lockheed's fate as a viable company rides on the L–1011. And whether the government and Lockheed's 24 bankers ever get back the $400-million already advanced and the additional $250-million Lockheed is seeking depends on Lockheed's ability to sell at least 77 more airplanes than the 178 it has orders for. Only 103 of these are considered sold.

Finding buyers is an eye-straining job. The next big purchase is likely to be made by All-Nippon Airlines, a domestic Japanese carrier. But the order will not be placed until next year, and All-Nippon is reported to be leaning toward a short-range version of the Boeing 747 rather than either trijet.

Lockheed has high hopes that British European Airways will buy a big fleet of L–1011s because they are powered by Rolls-Royce engines and because pressure is being brought on BEA by the British government to do so. But BEA has run into the doldrums, and Chairman Henry Marking has launched a cost-cutting campaign. He says: "BEA will not reach any decision for a while on buying airbus-type aircraft."

Even if BEA were to buy the L–1011, this would not immediately represent net new orders. A British consortium, Air Holdings, Ltd., previously ordered 50 L–1011s for resale. These are included in the 178 on Lockheed's books, and only 12 of the 50 have been sold so far. If BEA were to buy 38 L–1011s or less, the planes would simply come out of the Air Holdings backlog.

Of big U.S. scheduled carriers, only Braniff, Northeast, Pan Am, and Western are uncommitted, and Braniff and Pan Am order the long-range, wide-bodied trijet that only Douglas is making at present.

MORE SNAGS

Another obstacle is that Pan Am and TWA are talking merger. Because Pan Am cannot use the L–1011, a merger could persuade TWA to drop its orders for the L–1011. By choosing the DC–10, the resulting airline could use different versions of the same airplane for short and long hauls.

Northeast, in desperate financial trouble which it hopes merger with Delta will relieve, is not likely to buy anything, and Western's proposed merger with American, a DC–10 customer, is before the Civil Aeronautics Board. "We have only one choice now, the DC–10," Western Chairman Fred Benninger told the CAB.

Most of the major European airlines have already ordered the DC–10. Iberia and TAP are said to be leaning that way. The biggest one so far uncommitted is Air France, which appears likely to settle on a mixed fleet of Boeing 747s and a wide-bodied twin jet of European manufacture, the A–300B.

No South American airline is considered ready to buy wide-bodied trijets yet except Varig, which reportedly favors the DC–10. Among the African lines, Air Afrique has already ordered DC–10s. In Asia, Japan Air Lines has been shopping, but it does not seem disposed toward the L–1011.

DRAGGING

Without a family of airplanes, Lockheed—unlike Boeing and McDonnell Douglas—carries a severe handicap. It has only six customer airlines, excluding the two leasing companies and Air Holdings in contrast to Boeing's 29 customers for the 747 and Douglas's 19 for the DC–10. This will put it behind in the race for reorders.

In Congressional testimony, Lockheed Chairman Daniel J. Haughton earlier had upped to between 255 and 265 the number of L–1011s he figures the company would need to sell in order to break even. Many aircraft manufacturing specialists scoff at this figure. "There's no way he can break even at less than 450 planes," says one. But assuming Haughton is right, that still leaves Lockheed with at least 77 more planes to sell.

Lockheed says that it expects to sell 409 planes in all. It estimates that there is a market for 1,375 wide-bodied trijets of all types, of which about 600 would be the long-range version. Lockheed's claim that the L–1011 will get 409 of the 775 potential orders for short-range, wide-bodied trijets in competition with the DC–10 is based on projections that, in addition to 178 orders (vs. 223 for the DC–10), it will get:

New orders—61 of a total of 304 from airlines that have not yet selected such a plane.

Reorders—73 from original L–1011 customers, based on an estimated 10% annual growth rate for airlines.

"High-potential" customers—97 of a total of 125 planes to be bought by a group that includes airlines aligned with Britain, tour operators who favor the extra seats the L–1011 would offer, and airlines with a long-term customer relationship with Lockheed.

If TWA, the most pressing problem child, stays with the L–1011—and concern over angering the Administration reportedly is what has been holding the carrier in line so far—the L–1011 program will continue, assuming the loan guarantee is passed. But even then, the airline community is wondering where Lockheed will find the 77 more orders it needs just to break even.

Lockheed's view of the trijet market, L–1011 orders

Eastern	50
TWA	44
Delta	24
Pacific Southwest	5
Air Canada	19
Air Jamaica	2
Air Holdings	29
Haas-Turner	2*
Air Finance	3*
Total orders	178

Lockheed's market projections

Airlines that have not yet ordered a trijet	61
*Airline reorders	73
"High-potential" customers	97
Total orders and projections	409

* Purchase for resale or lease

Mr. TAFT. Mr. President, I oppose this scheme to have the American taxpayers rescue Lockheed and other large corporations from the consequences of their own misadventures. I do so for eight basic reasons:

First, this proposed legislation will not protect the jobs of Lockheed employees.

The supporters of this legislation apparently forget that there is an inelastic demand for aircraft of this type. There are only so many planes which the airlines, in their present economic state, and in view of their present load factors, can and will purchase. In March of this year the Department of Transportation and the National Aeronautics and Space Administration issued a joint study on Civil Aviation Research and Development policies in which they discussed the problems of excess capacity.

I would like to read the Senate a portion of that report:

> Through 1966 and 1967, the airlines ordered enough 747's, L–1011's, and DC–10's to launch all three programs. Competitive pressures have forced many air carriers into reluctantly ordering this new generation of equipment before they adequately digested the 707's, DC–9, 727's and DC–7's. [Sic.]
>
> The air bus market, which could probably support one manufacturer in comfort, is being shared between Lockheed and McDonnell Douglas, both of whom have such large sums at risk and are far short of a break-even level of sales.
>
> Furthermore, there is considerable overlap in range and productivity among the wide-bodied jets on many routes, and the availability of the trijets at appreciably lower prices, $16 million versus $23 million, has contributed to a slowdown of 747 sales.
>
> To summarize the situation, too, many manufacturers are extensively committed to aircraft which the airlines are not really ready for, either financially or in terms of capacity. The suppliers and users appear to have overstimulated each other, and the result is disruption and financial strain to both parties.

All of the loan guarantees in the world will not save these jobs if the Tri-Star cannot be sold. Either in reorganization or out, only market demand will ultimately determine how many of these aircraft employees can be kept on the job. Legislation of this type will only generate false hope on the part of Lockheed employees.

The artificial stimulation of Lockheed by the Federal Government may, however, result in a deterioration of the employment picture at McDonnell Douglas. On July 22, the McDonnell Douglas Corp., issued a statement saying that its employment and the employment of its 3,000 suppliers could vary by as much as 20,000 by March of 1972 depending on whether or not the Tri-Star program continues.

I ask unanimous consent that the news release be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

NEWS FROM MCDONNELL DOUGLAS CORPORATION

ST. LOUIS, 1971.—McDonnell Douglas Corporation said in a statement issued today that employment generated by the DC–10 tri-jet program for the company and its three thousand suppliers could vary by as much as twenty thousand employes by March 1972, depending on whether the Lockheed L–1011 program continues.

The company statement came in response to news queries resulting from a General Electric press release issued Wednesday which projected the layoff of seven thousand of its personnel and cited, as one factor, that several airlines have not exercised options for the DC–10 while others have delayed decisions to buy pending an improvement in the depressed airline industry.

McDonnell Douglas said that changes in its DC–10 order book had forced it to restudy production planning, and that these conditions presently preclude a planned early recall and hiring program involving substantial numbers of aerospace workers now on layoff status, and may result in some additional layoffs in the future.

The company said it would reappraise the situation after it becomes clear whether the L–1011 program will continue. According to company estimates the minimum orders it might reasonably expect to receive if the L–1011 is not produced would generate for McDonnell Douglas and its three thousand suppliers a level of employment in March 1972 approximately twenty thousand personnel higher than is now anticipated, principally in California, Arizona, Texas, Oklahoma, Missouri, Minnesota, Illinois, Michigan, Ohio, Maryland, New Jersey, New York, Connecticut, Massachusetts and Ontario, Canada, and to a lesser extent in many other communities.

Mr. TAFT. Mr. President, with this legislation we may end up with two sick companies instead of one.

Let us not forget that this legislation will have the effect of subsidizing jobs of foreign workers making jet engines, at the very time when GE is laying off 7,000 of its employees in the United States and Pratt & Whitney has curtailed its employment.

This measure will help the British Government keep the Rolls workers employed in Britain while GE workers are being laid off in America. That is the employment effect of this legislation and nothing more.

The United States Steel Corp., recently shut down its Ohio Works in Youngstown, the second largest steel plant in the State of Ohio. That facility would not be eligible for these loans because the corporation itself is in sound financial condition. How ironic that we should pretend to be saving the jobs of foreign workers and workers in companies which have had poor management and do nothing for the employees of GE, United States Steel, and other corporations which are being laid off.

The plain fact is that this bailout may not be designed so much to save the jobs of Lockheed employees at all, as to save the management, stockholders, and creditors.

Second, a reorganization of Lockheed under chapter X of the Bankruptcy Act would not necessarily result in layoffs, with the possible exception of Lockheed's top management.

I think that many Senators have the impression that a reorganization of Lockheed would eliminate thousands of jobs. That assumption is just absolutely untrue. In fact, reorganization under chapter X might have a very therapeutic effect upon operations at Lockheed.

Just as the reorganization of Penn Central did not result in major unemployment, the reorganization of Lockheed would not mean the loss of jobs. It is the number of Tri-Stars which can be sold which will determine employment levels, either in reorganization or out.

The history of reorganization has shown that companies can and do emerge as viable enterprises, where there is a market demand for their goods and services. Some of America's leading corporations have emerged successfully from reorganization.

Companies which have successively undergone reorganization include RKO, Paramount, Fox, Liggett Drugs, the Erie Lackawanna Railroad, McCrory, Whelan Drugs, and United Cigar.

The free enterprise system needs both the promise of profit and the possibility of bankruptcy if we are to maintain our productivity.

We are in a race for world markets. Productivity and efficiency are the keys to that race. It is, Mr. President, a race that we will never win if we give our companies prizes for last place.

Third, this measure is not needed for our national defense. Apparently, even the most enthusiastic boosters of this legislation have abandoned that claim. Secretary Packard has testified that—

> Continuation of existing programs probably could be worked out satisfactorily with a bankruptcy receiver, or a trustee in reorganization.

No doubt he is well aware of the pressures that may be generated on the Department of Defense to keep Lockheed afloat through sweetheart contracts, so that it will have sufficient cash flow through defense procurement to pay off the guaranteed loans.

Fourth, despite protestations to the contrary, these loans will not improve the position of the banks which have already extended credit to Lockheed. Prof. Vern Countryman of the Harvard Law School, and one of the Nation's leading authorities on bankruptcy law, pointed out the difficulty of following the reasoning of these bankers. Sec. 6(f)(1) of S. 2308 provides that—

> A guarantee agreement made under this Act shall contain a requirement that as between the Board and the lender, the Board shall have a priority with respect to, and to the extent of, the lender's interest in any collateral securing the loan and any earlier outstanding loan.

If the banks are going to extend an additional $250 million in credit to Lockheed that credit will be secured by the next $250 million of Lockheed assets. The assets at the top of the priority ladder will go to the U.S. Government in the event of liquidation. This means that the banks will have to look for their protection to the lower $250 million in assets which are precisely the same assets that they would look to in the event that there were no Federal guarantee at all.

The question is thus posed as to why the banks are beating the drums for the Federal guarantee? An answer suggests itself. The banking system has advanced more than $8 billion to the aerospace and airline industries. In this context, the banks may be hoping to enlarge the Federal presence in the aerospace industry so that they can have a strong precedent for taxpayer bailout in the event that their loans prove to be shaky.

The interest and enthusiasm of the bankers is commendable from the standpoint of their own stockholders. It is of questionable wisdom from the standpoint of the American taxpayer.

Fifth, even if these guarantees are made, there is strong evidence that Lockheed will have to return to the well. The company has based its position on an estimate that it can recover its initial investment and projection costs by selling only 195 to 205 Tri-Star jets. This rosy projection is of questionable value. An independent study made in May 1970 by the Office of Systems Analysis in the Office of the Secretary of Defense concludes that Lockheed must sell at least 390 Tri-Stars before it can break even. Even more ominous, the DOD study projects that if Lockheed only sells 252 Tri-Stars, Lockheed would lose $535 million, which is over double the net worth of that corporation. In other words, the Department of Defense 1970 study concluded that if Lockheed sells 50 planes more than its own estimate, it will still face ruinous financial losses.

Let us also remember that Lockheed's estimate of the airbus market over the next decade is 60 percent greater than that of the Civil Aeronautics Board.

Mr. Willard F. Rockwell, Jr., chairman of the board of North American Rockwell Corp., has said that his company would be interested in taking over Lockheed if Lockheed were forced into bankruptcy. He added, however, that North American would not be interested in continuing the Tri-Star project which he said "has got to go down the drain."

I would like to insert at this point in the RECORD an article entitled "Rockwell Voices Interest in Takeover of Lockheed," which appeared in the June 18, 1971 issue of the Washington Post, together with an article published in the Economist.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 18, 1971]

ROCKWELL VOICES INTEREST IN TAKEOVER OF LOCKHEED

Willard F. Rockwell, Jr., chairman and chief executive officer of North American Rockwell Corp., said Wednesday that his company would be keenly interested in a takeover of the ailing Lockheed Aircraft Corp. if Lockheed were forced into bankruptcy.

However, he added that North American would not be interested in continuing the Lockheed L-1011 jumbo jet commercial airliner project, which, "has got to go down the drain," he said.

He indicated some sort of Lockheed receivership as inevitable and said that even if Lockheed got its requested $250 million loan guarantee more money would be needed later to complete the L-1011 project.

Rockwell said he had been saying for a long time that consolidations were necessary in the defense-aerospace industry and he repeatedly quoted David Packard, Deputy Secretary of Defense, in his Senate testimony last week that there were too many aerospace companies in existence.

Rockwell said that North American Rockwell held merger talks with Lockheed a year ago.

Of the $250 million loan guarantee for Lockheed, Rockwell said "the guarantee is really only the first go and they're going to need more money after that" and that they're still going to "lose their shirts," on the project. "The only way that Lockheed could conceivably break even on the project," he added, "is by getting the entire market for the airbus," estimated at 300.

[From the Economist, June 12, 1971]

IF WE GUARANTEE THE TRISTAR, CAN YOU SELL IT?

Behind the political smokescreen, the American Congress is worried about much the same two aspects of the Lockheed company's finances that have troubled the British Government. This came out very plainly in the first few stormy days of the Senate debate over whether to guarantee the $250 million loan Lockheed needs to stay out of bankruptcy. There are real doubts about whether it is enough to see the company through. Calculations about Lockheed's cash flow, particularly if some airlines ask for deliveries to be stretched out to 1973 and 1974, suggest that it could be another four years before Lockheed starts getting in more money than it is paying out. In that case, even with another $100 million from customer airlines, the company will be back asking for more.

Some pessimistic estimates made in New York consider that Lockheed will need at least a further $500 million to see it over the hump. This is not, of course, what the Lockheed board is saying; the company has maintained all along that its needs were pitched at $350 million ($250 million guaranteed by Congress, $100 million from the airlines) in order to be quite sure that there would be no need for further financing, and the sum includes a $100 million contingency margin anyway. To which other aircraft manufacturers would answer that, if this is the case, Lockheed is a great deal cleverer than they.

Lockheed can probably talk itself out of the corner as it has talked itself out of others in the past, provided the company convinces Congress that the Tristar airliner will in the end sell in quantity and that profits will ultimately be made out of it. This is much harder to demonstrate. How many Tristars does Lockheed need to sell before the company breaks even? The company told the Senate committee "about 200." Mr. David Packard, deputy defence secretary, said 300. The auditors who prepared a paper for the Securities and Exchange Commission merely said that "orders for a substantial number of additional aircraft are required to cover all programme costs."

Nationally, Lockheed has sold 139 Tristars (but 34 of these are booked to Air Holdings, and have yet to be bought by any airline) with options on another 39. This compares with 126 firm orders and 88 options for the competing, and so far trouble-free, McDonnell-Douglas DC 10. But the market has turned very sticky. There have been sizeable cancellations of DC 10s; and no Lockheed order can be considered firm until new and legally binding contracts have been signed. Most customers have renewed their options pending new negotiations, but the Canadians have been markedly reluctant to do so.

> Air Canada has several times postponed a decision; its final answer was expected on Thursday of this week, but was put off "indefinitely"—i.e. until it is clear what Congress will do. This is just one step better than outright cancellation. Because there is only a limited amount of growth in the Rolls-Royce RB 211 engine, there is also only a limited amount of stretch in the Tristar, and Lockheed is not going to be able to offer as many different versions as McDonnell-Douglas can of DC 10s. All of this makes its ability even to double its present order book a matter of conjecture. To treble it in the foreseeable future, given the state of the medium-range jet market, looks out of the question. What Mr. David Packard was therefore saying is that Lockheed is unlikely, on his calculation, to see its money back.

Mr. TAFT. In this factual context it is dubious to suggest that this guarantee scheme can save jobs and create a healthy corporation.

Sixth, the Lockheed management brought on its own difficulties by selecting a "paper" engine from Rolls-Royce. When the hypothetical cost savings from the Rolls turbine blades never materialized, the increased costs sank that company and increased the pressures on Lockheed. Had Lockheed purchased its engines from an American producer and thereby increased American employment, about which the Lockheed management now expresses such grievous concern, Lockheed could have avoided many of its present difficulties.

Unfortunately, the management blunders at Lockheed were not limited to the Rolls-Royce fiasco. A former Lockheed assistant division manager has offered voluminous documentary evidence revealing wasteful procedures and lax practices. As reported in the Washington Post on July 18, 1971:

> A survey of 5 C–5As showed that from 65% to 87% of the parts issued, and presumably installed before final assembly, in the month ending April 6, 1970, were reported missing.

A considerable part of the $2 billion in cost over-runs on the C–5A project seem to have been directly related to inadequate quality control practices at Lockheed.

The financial community has become acutely aware of the management performance at Lockheed. Forbes on January 1, 1971, printed a chart entitled "Aerospace & Defense: Yardsticks of Management Performance." On this chart Lockheed was below the industry median in each of the five categories listed. McDonnell Douglas by contrast was ahead of the median average in four of the five categories.

If performance such as this is encouraged, America will surely lose the productivity race with foreign competitors. Unless we weed out the unproductive and the inefficient, American industry will not long retain its dominant position in world trade.

Seventh. This measure would further erode the control of the Congress over the expenditure of Federal dollars. Let no one misunderstand the effect of this legislation. It would entirely circumvent the appropriations process by not requiring any action whatever by the appropriations committees of the Congress.

Eighth. In the case of Lockheed it hardly seems reasonable to ask the American taxpayer to guarantee the $250 million loan in question, even if such a sum would provide sufficient to rescue that troubled concern from its financial difficulties.

If Lockheed and their creditors feel they must find a guarantor for their loan they should look to the British Government rather than the American Government.

Had the British Government, after entering the engine business, lived up to the original provisions of the Rolls-Royce contract with Lockheed and advanced the necessary late delivery payments, there would be no need now to ask the U.S. Government to come to the aid of Lockheed. I would like to point out to the Senate that this fact is widely recognized, even in Britain.

After the Heath government repudiated responsibility for the RB–211 last winter, opposition leaders were quick to denounce the action in the House of Commons. In an emergency debate in that body, Anthony Wedgwood Benn, Minister of Technology, in the former labor government, accused the Tories of defaulting on the American company. He said:

> There must be a quick and honorable settlement with Lockheed for, of course, the RB–211 is still the future of the Rolls Royce Company, whether under private or public ownership.

Jeremy Thorpe, leader of the Liberal Party, suggested that the British Government had reneged on its responsibilities and said the engine should be continued to discharge a "moral obligation" and to restore his country's commercial credibility.

In and article for the Manchester Guardian, financial writer Anthony Harris denounced Britain's handling of the Lockheed matter as "blind stupidity," and called on his government to make a "genuinely generous" offer of support for the Rolls/Lockheed project.

At this point I would like to insert in the RECORD this March 13, Guardian article and a related story from the February 8 issue of the New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ECONOMICS OF THE DUST-BOWL

The alarming thing about this Government is not so much its malice as its blind stupidity. The damage which is intended is painful, but may prove salutary in the end: in any case, we were warned. The damage that is not even intended is harder to forgive. The first victim of this blundering is likely to be the British aerospace industry.

The occasion of this outburst is the so-called "offer" which has been made to Lockheed to save the RB–211 project.

The Government has offered to put up £60 millions to launch a joint project to develop and build the engine. The Government and its faithful clique of commentators seem to think this is a generous gesture of faith in the project: yet what it means in fact is that the Government does not care two hoots whether it goes on or dies.

This is so because—as I will show in a little more detail below—the sum which the Government has "offered" is money which will have to be spent either way—whether the project goes ahead or is closed down.

When in the ordinary course of business we find a man prepared to pay as much for one thing—a car or a house, or a business—as for another, we conclude that he sees little to choose between them. So if the Government is not prepared to spend more to keep the RB–211 going than to shut it down, this shows indifference about whether it goes or not.

The necessary sums can now be done with some confidence.

The Government has offered to put up £60 millions towards the balance of launching costs of the RB–211. In fact, the offer is less than this, because the price demanded for production engines—nearly £500,000 each instead of the £350,000 contract price—includes a "levy" to recover some of the £47 millions of Government money which is already invested in the project.

Let us assume that this levy brings in £10 millions: then the Government would be £50 millions out of pocket when the Tri-Star contract was complete. This might or might not be recouped out of the profits the engine might make on future sales. The sum of £50 millions is the maximum loss.

The costs of ending the project are not quite so easy to estimate, but one can get quite near. On the Government's own admission, some 40,000 redundancies would be caused.

The bulk of redundancy money, even where the employer is solvent, comes from public funds: the total involved here is likely to be about £1,000 for each man, or 40 millions. Let us conservatively cut it down to £30 millions, of which £20 millions comes from public funds and £10 millions from private employers. The private enterprise contribution is a charge on profits, so the Government loses corporation tax on the sum. The total cost to public funds: £24.25 millions.

Once the men are dismissed, they are entitled to unemployment benefit: these are highly skilled men, and their wage-related benefit is likely to average at least £20 a week. So there is a running charge of £800,000 a week on public funds.

The loss of income tax on their earnings must cost the revenue another £160,000 a week (this implies an average tax liability of 10 per cent, which is on the low side). So the initial £24.5 millions will go on mounting at nearly £1 million a week until alternative jobs are found.

How long will it take them to find jobs? If the economy was booming, then this skilled workforce might be absorbed in a few weeks. But in fact, unemployment is already rising fast, and engineering orders for home and export have fallen alarmingly. Machine tool orders, for example, are down by 42 per cent.

There is little sign that labour shortage is any constraint on engineering employers at the moment—let alone in Derby and in Scotland, where the redundancies will occur. On top of this, the decline in power investment is likely to cause further unemployment.

Even last October—the last month for which full analysis seems to be available—one third of all men out of work had been unemployed for six months or more, and that figure must now be getting rapidly worse. Of these, more than half had been out of work for more than a year. (Not many of these are "unemployables": the number of long-term unemployed has doubled since the height of the Wilson squeeze in 1967.)

In the light of all this, it would appear highly optimistic to assume that the 40,000 would find work in an average of three months, and probably still optimistic to put it at six months.

This would only be invalid if the Government is planning such a reflation on March 30 that present trends would be reversed; since the National Institute calculates that it would take £500 millions of help from the Budget simply to arrest the decline, this does not seem likely.

So at nearly £1 million a week, the period of unemployment is going to cost the revenue something between 12 millions and 24 millions.

Add together these direct consequences alone, and we get a total of £36.25 millions and £48.25 millions to set against the net contribution offered of £50 millions.

We have still taken no account of profit lost by RB–211 subcontractors, and the probability seen by the Rolls-Royce creditors that the cancellation of the project will produce not just more redundancies, but a wave of bankruptcies, which would again result in loss of revenue and charges on welfare funds. That is what I mean by saying that the Government is offering nothing.

When the Rolls-Royce bungle started, we argued in this newspaper that the Government had failed to do sums of this kind, measuring the cost of one alternative against another, and had failed to explore the possibility of renegotiating the contract: events have proved that this interpretation was correct.

Now, however, the sums must have been done. The Cabinet has studied a paper spelling out the consequences of shutting down the RB–211: it has accurate estimates for the costs guessed here. It is pretty clear that these estimates led to a change of policy, and the Cabinet decided to have a real try at saving the project.

Why, then, is the backing offered no more than the probable cost of shutting down? The most hopeful interpretation is that they are bluffing, and are prepared to offer more generous backing to secure agreement. There is, unhappily, nothing in the present briefing from Whitehall to encourage this idea, but that too might be part of the Government's negotiating game. Otherwise, what are they playing at?

It is apparently reliably reported that the experts believe that the RB-211 and its derivatives would have a commercial life of up to 30 years: it is widely agreed that if Rolls-Royce backs out of this one, it is out of the big jet business.

What is at stake is not just the Tri-Star contract, but the most attractive asset that Rolls-Royce would have to bring to a European jet consortium, not to mention a contribution of about £250 millions to the balance of payments on the Tri-Star contract alone. It must surely be worth something to have these benefits rather than not having them.

If the Government means what it says, and is not prepared to pay for these benefits, it means either that it values them at nothing, or that it still has not grasped the principle behind a decision of this kind.

The Cabinet has reluctantly accepted that it cannot shrug off this disaster at no cost, but still insists on costing its support for the RB–211 as a gross figure, not as the net sum required to save the project rather than scrap it. If this is the case, we would be throwing away the RB–211 for nothing.

Of course, that is not the end of the story. The real risk in the present situation is that the Government might provide effective backing for the RB–211, only to find that within a few months the only present customer for the engine is bankrupt. The risk that a Lockheed bankruptcy might destroy the RB–211 was clear and alarming for months before Rolls-Royce failed.

It is reasonable, then, that the Government should ask for some guarantee of Lockheed's future before committing itself to support the RB–211 (although it is not reasonable to ask Mr. Daniel Haughton for such a guarantee).

This is essentially a Government-to-Government matter, and there is depressingly little sign that the United States Government will play. If it does, it may well be on the basis of converting the TriStar to an American engine, and thus sparing the American balance of payments.

The only counter-arguments are Anglo-American goodwill, and an attempt to make sure that an RB–211 solution for the TriStar is cheaper than any other way of saving Lockheed.

Goodwill on this subject is already dangerously eroded by the bungling which has marked the whole affair so far—the bad legal advice, the failure to hold frank consultations at the right time, and the appearance of meanness and of attempted blackmail.

It might be restored by a genuinely generous offer of support—and such an offer might also ensure that the RB–211 solution was economically attractive. An offer to put up another £50 millions on top of the sum that will have to be spent on winding up would probably be enough to do both tricks, and in addition it would show a genuine concern with Britain's commercial reputation.

Surely it is worth a try: and surely, too, £50 millions spent in this way on a successful project would provide better value for money than most aerospace investments.

It would still be a long shot, because of the difficulty of assuring a future for Lockheed: but if the attempt failed, it would at least be fairly clear who was to blame, and also clear that the Government had learned something from a vile experience.

As it is, it seems likely that Mr. Heath will show what is his characteristic reaction to any challenge, and put on a display of "toughness" for its own sake.

The blow to the aerospace industry will be bitter, but may be unavoidable: what will be far more depressing will be to realise that the Government still does not understand how to analyse such major problems.

If that is so, it can only be a matter of time before Britain opts out of another bit of the future because it has a Government which cannot see the difference between current spending and investment.

It will be like an improvident farmer who refuses to condition or protect his soil in the name of "economy," thereby practising the economics of the dust-bowl.

OPPOSITION URGES THAT BRITAIN CONTINUE WORK ON AIRBUS ENGINE

(By John M. Lee)

LONDON.—The Conservative Government came under pressure from the Opposition today to continue the costly jet engine that Rolls-Royce, Ltd., was developing for the Lockheed Corporation's Tristar airbus.

It was the huge, unforeseen costs of the RB–211 engine that drove Rolls into bankruptcy last week. The Government has decided to continue Rolls's other aeroengine projects under public ownership. But it has repudiated responsibility for the RB–211 and left its future in doubt.

The uncertainty has raised severe problems for the Lockheed Aircraft Corporation, the big United States defense contractor, which has major financial problems of its own.

STILL THE FUTURE

In an emergency debate in the House of Commons, Anthony Wedgwood Benn, Minister of Technology in the former Labor Government, accused the Tories of defaulting on the American company.

"There must be a quick and honorable settlement with Lockheed," he said, "for, of course, the RB–211 is still the future of the Rolls-Royce company whether under private or public ownership."

Jeremy Thorpe, leader of the Liberal party, suggesting that Britain had reneged on her responsibilities, said the engine should be continued to discharge a "moral obligation" and to restore this country's commercial credibility.

Enoch Powell, the right-wing Conservative member of Parliament, condemned the Government's stand, saying that it was an extraordinary proposition that state ownership had become "the natural instrument, the chosen method, for restoring unprofitable assets to profitability."

However, Anthony Barber, Chancellor of the Exchequer, was undaunted by the attacks and reaffirmed the Government's position by saying, "If the project is to continue, there must be a competely new arrangement."

Mr. Barber said that President Nixon told Prime Minister Heath in a telephone conversation last week that the United States was prepared to cooperate with the British Government and Lockheed in exploring the future of the RB–211.

ASSISTANCE NECESSARY

The implication is that if Lockheed still wants the engine, as is generally believed, it will have to reduce or forgo the financial penalties payable for non-fulfillment of the contract. In addition, substantial financial assistance from British and American sources would have to be forthcoming.

However, the chances of arranging such a deal appear slim. One consideration mentioned here is that Washington would probably be unwilling to finance engine work for a foreign company at a time when the United States aerospace industry is plagued by unemployment.

Mr. Barber told the House that Rolls would have been subject to financial penalties of $120-million if it had delivered the engines six months late. Deliveries had been scheduled to begin next November but a delay of six to 12 months was forecast last week.

He also recalled that development costs for the engine, originally estimated at $156-million in 1967–68, had risen to $324-million by last November, and $408-million by last month.

The cost of each of the 540 engines on order at a fixed price of $840,000 had risen to $984,000 by last November and $1.1-million by last month. The loss on the engines would have totaled $144-million, Mr. Barber said.

The Government was unwilling to provide the huge sums of public money needed to maintain such a project under the present contracts, Mr. Barber added.

However, Mr. Benn, who did much to promote the Rolls contract while he was the minister responsible, accused the Government of withholding this investment out of a desire for "an exemplary bankruptcy" and to save the Tory commitment of an income-tax reduction this spring.

Mr. Benn also questioned the effect that abandonment of the RB–211 would have on sales of other aircraft dependent upon Rolls engines, particularly the British-French supersonic Concorde, which uses a Rolls Olympus–593 engine. "We must save the RB–211 to save, in part, the Concorde," he said.

CALLED A "WORKHORSE"

Mr. Benn disputed suggestions that the RB–211 was a prestige project and described it as "the workhorse engine of the nineteen-seventies and nineteen-eighties. Without the RB–211," he said, "there is no future for the British aeroengine industry."

Discussing Rolls's failure to estimate its costs realistically, Mr. Benn referred to Rolls's United States competitors and said, "It was General Electric, fat on their defense contracts, and Pratt and Whitney, fat on theirs, that squeezed Rolls down."

Replying for the Government, Frederick Corfield, Minister for Aviation Supply, questioned assertions that Rolls was essential to Britain's engineering and commercial credibility or that the company was the last chance for Britain to remain in the aeroengine league. The alternative to the Government's action, he said, was a company constantly coming back to Parliament for more money, "is that really going to create confidence in that company abroad or even at home? he asked.

The nationalization bill, which was published today, gives the Government a blank check by allowing the acquisition of any part of the business and assets of Rolls and any subsidiary. No mention was made of the purchase price or the assets and divisions that are to be nationalized.

BRITISH ENVOY SEES NIXON

(By Neil Sheehan)

WASHINGTON.—President Nixon and Lord Cromer very briefly discussed the Rolls-Royce bankruptcy and its potential impact on the beleagured Lockheed Aircraft Corporation when the new British envoy presented his credentials at the White House today British sources said.

The brief mention of the issue in the course of a general discussion of relations between the two countries contrasted with the urgency with which the Nixon Administration, and the commercial banks and airlines that are Lockheed's principal creditors, are seeking to assess the damage to Lockheed's planned production of a new airliner—the L-1011 Tristar airbus.

Rolls was to have provided the first 540 engines for the airliner project until production costs and potential losses on its contract with Lockheed—amounting to hundreds of millions dollars—finally drove the British engine-maker into bankruptcy. The British Government has said it would not be responsible for the contract unless Lockheed, or the Nixon Administration, or the commercial banks and airlines, or a combination of all, agreed to absorb a portion of the production costs and loss.

The White House had no comment on a statement in Parliament today by Anthony Barber, Chancellor of the Exchequer, that Mr. Nixon had promised Prime Minister Heath in a telephone conversation last week that the Administration would cooperate with the British Government and Lockheed in seeking a solution.

Senior Defense Department officials were known, however, to be urgently attempting to estimate the full ramifications of the problem and to decide on what options the Administration may have.

ARRANGEMENT IMPERILED

They are also now operating on the assumption that unless some solution can be found to the crisis caused by the Rolls collapse, the previous financial rescue arrangement for Lockheed, carefully negotiated by David Packard, the Deputy Secretary of Defense, may turn out to be just the salvage of the military-production projects of a bankrupt corporation, informants familiar with the situation said.

Lockheed officials said the corporation's top management is scheduled to meet in New York tomorrow with representatives of the airlines who have agreed to purchase the Tristar. The meeting is being called to try to define the full extent of the problem for the airlines managements, Lockheed officials said.

The British Government is known to believe that at least $240-million in additional financing will be needed to resume productions of the engines. A delay of six months to a year in delivery is also involved.

Higher costs of the RB-211 engine and a delay in delivery would both affect airlines directly in a greater purchase price for the planes and the unknown expenses of a delay.

DOWN PAYMENTS MADE

The airlines have already made down payments of about $100-million for L-1011s through bank loans. Those chiefly involved are believed to be Eastern Air Lines, Trans-World Airlines and Delta Air Lines.

Fred J. Leary, the senior vice president of the Bankers Trust Company in New York who has been acting as spokesman for a consortium of 24 commercial banks, said that no general meeting of these main Lockheed creditors has yet been called. The 24 banks have lent Lockheed another $250-million in direct loans.

"We've been talking constantly on the telephone on an informal basis," Mr. Leary said in a telephone interview today. "The idea has been to keep talking; the more you talk, maybe somebody will come up with an idea," he added.

Knowledgeable sources believe that a solution will probably have to be found quickly if Lockheed is to be saved from bankruptcy. The corporation is reported to have already spent most of the $450-million in credit it had previously received from the banks and airlines.

Mr. TAFT. As this indicates if there is to be a bail out it should be undertaken by the British Government rather than the American taxpayer.

The VICE PRESIDENT. Who yields time?

Mr. TOWER. Mr. President, I yield 5 minutes to the distinguished Senator from Georgia.

The VICE PRESIDENT. The Senator from Georgia is recognized for 5 minutes.

Mr. TALMADGE. Mr. President, let us get the issue in the proper perspective. This is not a loan. The bill authorizes a Government guarantee, for which the Government would be paid a fee for its risk.

What about the risk? It is limited in scope. The Government would take a first lien on assets worth $285 million. The lien would take priority over other loans totaling $480 million, loans already made by banks to the corporation.

What about precedent? We hear time and time again that it would set a bad precedent for us to guarantee a loan to a private corporation. We have guaranteed loans to individuals, banks, and small businesses, through the Veterans' Administration, Federal Housing Administration, Farmers Home Administration, and the Export-Import Bank for many years.

There would not be any precedent whatsoever.

As a matter of fact, the Export-Import Bank has already guaranteed deliveries of almost $1 billion worth of aircraft to a competitive corporation.

Just this week the conferees of the House and Senate agreed to guarantee an export loan for goods, materials, and commodities that would go to Communist nations.

So, when we talk about a new precedent, I think that is entirely unrealistic. Why should Congress guarantee a loan to a private corporation, and, in particular, Lockheed? Lockheed has admittedly suffered a $484 million loss in the production of defense materials for the Government.

I do not believe it is a policy of the United States of America to bankrupt everyone that tries to provide for our national security and our national defense. Certainly the corporation has a high claim from the standpoint of equity, since it has suffered a $484 million loss at the hands of this Government. It is, therefore, encumbent on the Government to help Lockheed avoid bankruptcy.

What about the employment situation? We have 60,000 jobs on 35 States involved in the main contract, the subcontracts, and the suppliers. Those workers would be thrown out of jobs. What would that amount to? Treasury officials and others testifying before the committees holding hearings on this matter said that there would be a loss of some $500 million in revenue if these corporations go bankrupt and their employees are thrown out of work.

It seems to me that it is awfully good business to guarantee a $250 million loan if it will save the Treasury $500 million in revenue. That is a return of some 200 percent on an investment over a period of 1 year. That, it seems to me, would be good business for us.

Congress has authorized appropriations of some $1 billion to create jobs for people who are now unemployed. Those jobs do not exist. The funds are appropriated for the purpose of trying to create jobs to give to people who are now unemployed.

The situation we are talking about does not concern people who are unemployed. It concerns people who are presently working and earning paychecks and who would be unemployed if this corporation were to go bankrupt.

I think that given these highly serious economic times in which we live, we should try to protect every job we possibly can. At the present time, unemployment is about 6 percent in this country. All of the leading economic indicators are down. The stock market is going down. We have just finished a fiscal year with a deficit of some $30 billion of Federal funds. In the next fiscal year, we are projected to again have a deficit of some $30 billion in Federal funds.

It seems to me that we should do everything we can to protect the jobs in this country and to protect the sources of revenue in this country. That is one of the reasons that the Senator from Georgia is strongly in favor of the bill.

It is easy to talk about big business. But what we are talking about here is jobs. We are talking about 60,000 jobs in 35 States in this Union.

I may be somewhat parochial, but some of those jobs are in Georgia. I make no apologies for trying to protect the jobs of the citizens in my State.

I think all Senators should do likewise.

I thank the Senator for yielding.

Mr. PROXMIRE. Mr. President, I yield 8 minutes to the Senator from Arkansas.

The VICE PRESIDENT. The Senator from Arkansas is recognized for 8 minutes.

Mr. FULBRIGHT. Mr. President, I just came in the Chamber in time to hear the last of the remarks of the distinguished Senator from Georgia. Of course, we are all interested in jobs. We have programs for jobs.

As I said before, when the Penn Central matter was up for consideration, if we are going down that road toward Government intervention why do we not just take over these companies and nationalize them and furnish the jobs like the governments in socialistic countries furnish jobs. That is a possible way to do it. That would require, I think, considerable hearings and prolonged consideration by the Congress.

If we are going to depart from our traditional private enterprise system, if we believe in the free enterprise system—as I do, and it has served us well—then I think this bail out of Lockheed is utterly inconsistent.

This is a question of some substance were we to nationalize this type of organization which is so large that it has plants in 35 States and employs so many people, and the Government provides such a large part of their orders.

If we are not going to nationalize the company I submit the way to proceed would be to allow the company to go into bankruptcy in the usual manner, assuming it really is bankrupt.

In other words, I do not think we should subsidize it in this manner in which we the public assumes the risk for the stockholders. If this company should be profitable—and it could be profitable if it had decent management—then the principal benefits would go to the stockholders. Under reorganization in bankruptcy the company would continue to function and the employees would work.

I do not think the question of jobs is the real question; it is whether or not the Government is going to underwrite the investment of the stockholders and the banks who have made loans and the management which has mismanaged its affairs.

The stockholders have put in their money and they have taken their profits, such as they have been, and they have been very large from time to time, and they have taken them out in dividends.

I think the function of Senators is very much like the function of a board of directors. I feel as if the constituents of my State are similar to stockholders and that I should look after their interests.

Mr. President, the management of Lockheed was elected by the stockholders and they served them badly. Obviously, the company suffered from gross mismanagement. They had an enormous number of Government contracts, about the largest number of any company. Those Government contracts obviously have been very improvident for the Government as has been proven to anyone's satisfaction by the hearings before the Joint Economic Committee, under the direction of the Senator from Wisconsin (Mr. PROXMIRE).

I think we have a most unusual situation. I think either we should nationalize this kind of company, which I am not for at this time, certainly; or we should allow it to go through the traditional form of reorganization under the Bankruptcy Act. I do not have the slightest doubt that this company would continue to function. Certainly, from its defense point of view, administration witnesses themselves said they do not believe the defense activities would suffer. It is only this private contract for the trijet commercial airplane that is seriously endangered by the refusal of underwriting this guarantee.

Mr. President, if we believe, as we profess to believe, that this is a free enterprise country, we should not vote for this bill. We have a great many bankruptcies each year. I think there are about 250 a week or so. Even in good times there are a great many bankruptcies. This is the element considered to be the incentive for good management.

Nobody is saying we should do as we did with small business in the depth of the depression. I favored that legislation then, but we are not in the depths of a Nationwide depression yet, at least. However, here we are picking out a single mismanaged company and giving them a political loan guarantee. We would be setting a precedent that any other company would be entitled to follow.

The Senator from Georgia makes the argument that jobs are involved. That would apply to any company. I do not know of any company that operates that does not have some jobs. Under that precedent we could be called upon to bail out any company that has enough political influence to get votes in both Houses. They just barely got enough votes in the other body on this matter. It carried by three votes.

Mr. President, I hope that after seeing the result in the House and seeing how the country reacted, the Senate will not be the body which goes down that road, that hybrid road of neither nationalizing nor allowing this matter to follow the normal course. Perhaps this is a new theory of economics. Perhaps it should be developed, but it has not been demonstrated to be in our interest yet.

It would seem to me this is a hybrid manner of proceeding, in which the taxpayers take the risk and the stockholders take the gain, if any; it is the worst possible way to run our public and private business.

Mr. President, a number of editorials have been written about this matter, which I think add to this discussion. I will not read them all. I do ask unanimous consent to have printed in the RECORD at this point a very perceptive editorial from the Baltimore Sun. Since the President of the Senate has been out of the country and perhaps has not seen this editorial from his hometown newspaper, I recommend it to him. The editorial was published in the Baltimore Sun today, August 2, 1971.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LOCKHEED CASE

The weeks of discussion in Congress of the proposed $250 million loan guarantee for the Lockheed Aircraft Corporation, which the company is seeking and the Nixon administration is supporting, have left the subject about where it was when the discussion began. That is, serious doubt still exists as to whether the federal government should intervene in this case—a doubt that applies both to the merits of the Lockheed loan guarantee as such and to the precedent that would be established by a rescue operation of this magnitude.

Last Friday's vote in the House of Representatives was a measure of the still-divided opinion. The guarantee was approved by a vote of 192–189. Before its action the House sensibly limited itself to the Lockheed proposition, thus deciding against a general and larger bill which might have been more palatable to some legislators but would have opened a new federal door to other corporations if and when they ran into financial trouble. Today the Senate, which has been stalled over the issue of a broadened $2 billion bill, is scheduled to vote yes or no on the Lockheed guarantee alone, as provided for in the House bill.

As was the House, the Senate is closely divided, but at this point it seems preferable to have the vote taken on the Lockheed issue alone. Moreover the Senate, in coming to its decision, should keep in mind the fact that the federal government is being asked to guarantee credit that the commercial banks have decided against, and that senators have roughly the same responsibilities to their constituents that bankers have to their shareholders. Senator Beall of Maryland, announcing his intention to oppose the guarantee, put the case succinctly: "It is simply an improper role for the government, I believe, to aid a specific industry to survive what has amounted to an unsuccessful commercial venture, something that was, basically, a private undertaking."

Mr. FULBRIGHT. Mr. President, I shall read one paragraph from the editorial. The paragraph states:

> Moreover, the Senate, in coming to its decision, should keep in mind the fact that the federal government is being asked to guarantee credit that the commercial banks have decided against, and that Senators have roughly the same responsibilities to their constituents that bankers have to their shareholders.

Mr. President, I think that is a very good way to sum up the situation.

I ask unanimous consent to have printed in the RECORD a very good editorial entitled "Packard's Testimony on the Lockheed Loan," published in the Arkansas Gazette of June 15, 1971, referring to the same matter. The Arkansas Gazette is one of the best newspapers of this country.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PACKARD'S TESTIMONY ON THE LOCKHEED LOAN

As might have been expected, Deputy Secretary of Defense David Packard has supported the proposed Lockheed loan guarantee in testimony before the Senate Banking Committee, saying that bankruptcy was indeed inevitable if federal aid was not forthcoming, and that the effect upon an already ailing aerospace economy would be a "profound" one.

As possibly might not have been expected, Mr. Packard stopped somewhat short of saying that the effect upon the economy as a whole would be as serious as some less cautious backers of the bail-out operation have tried to suggest, admitting under questioning that "the long-term problem, I agree, would not be a serious one." He also conceded that the proposed Lockheed loan agreement would set a dangerous precedent if approved by the Congress, which is what opponents have been insisting all along.

Most important, the high-placed spokesman for the Pentagon said he was confident that Lockheed—which is the country's single largest defense contractor—still would be able to meet its contractual obligations to the military under a court-supervised trusteeship arrangement, which opponents also have been insisting all along. Honesty will kill the golden goose yet!

In fact, the Packard testimony is reminiscent of the cheerfully volunteered estimate by Boeing's Chairman of the Board that restart costs on the SST would run right at $1 billion—a piece of candor that by itself would have been enough to finish off the administration's desperate attempt to revive that proposed Treasury grab.

The Lockheed thing is a real bummer, as

Lockheed itself, increasingly, appears to be a real loser. For example, the loans Congress is being asked to underwrite total $250,000,000 which is a sizable enough amount, considering that in the likely event of yet another Lockheed default it would be we—the taxpayers—who would be paying the piper and not the stockholders or the bankers, who naturally extract their interest in bad times as well as good.

Yet the quarter-billion, impressive as it sounds, is only half the amount being asked in *each* of eight damage suits filed recently against the Lockheed Corp., in the series of Starfighter crashes that have plagued the German air force in recent years. (If we had deliberately planned things to guard against a revival of the fearsome *Luftwaffe* of old, we scarcely could have done better than we have with some of the military aircraft we have supplied the Bonn Republic.)

The commercial production model at stake in the bid for federal loan support—the F1011 Tristar airbus—is supposed to be airworthy enough. The catch here, however, is that it would be in direct competition with a comparable carrier being produced by McDonnell-Douglas—the DC–10—for which, not at all incidentally, substantially more airline orders already have been placed. (The DC–10 program also would absorb a substantial number of the increased aerospace unemployment that is being projected as the "scare" argument for Congress to rush into the Lockheed loan without more careful scrutiny.)

McDonnell-Douglas in fact is already past the break-even point in firm orders with which the commercial success of the DC–10 can be reasonably inferred, while Lockheed is not, which is the point of the whole business—or a good part of it. The bankers are no longer willing to gamble their own money on the proposition that the F1011 will ever be a commercial success. Lockheed, for its part, is praying, and if Congress votes the loan guarantee, we taxpayers will be praying, too. Desperately.

More, even Treasury Secretary John B. Connally—whose first major assignment has been to try to "sell" enough congressional Democrats to put the Lockheed grab across—has been obliged to admit to the Proxmire Committee that the company's continued viability can by no means be guaranteed even with the $250 million in new loans, which is not exactly the most glowing prognosis in the world.

At the time of the SST's original defeat last March, Mr. Nixon's Maritime Commission chairman—Mrs. Helen D. Bentley—digressed from a speech on the problems of American shipping to say angrily that too many Americans think their country owes them a living, and that unless the traditional American virtues of hard work and pride in worksmanship are restored "our nation can't help decay." The sentiment was unexceptionable, but the words somewhat inexplicable in the context of the SST, since the people the speaker was denouncing were the people who had headed off the Boeing Treasury grab rather than the subsidy seekers themselves.

Somewhat more apropos—though also delivered against a shipping rather than an aeronautical background—were some words used by Representative Leonor K. Sullivan (Dem., Mo.) after hearing two solid weeks of poor-mouthing before the House Merchant Marine Committee by representatives of the American shipping industry. "Foreign countries," she said, "can run their ships efficiently. Why not us?" What, she wondered aloud, had ever happened to the classical "shrewd American businessman?"

Mr. FULBRIGHT. Mr. President, finally, I ask unanimous consent to have printed in the Record an editorial which was published today in the New York Times entitled "Subsidizing Lockheed."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

SUBSIDIZING LOCKHEED

The Senate is due to act today on a proposed $250-million loan guarantee bill designed to save the Lockheed Aircraft Corporation from bankruptcy. The measure was endorsed by the House in a close vote on Friday.

Although proposals for a broader $2-billion guarantee to make Federal help available to other ailing companies as well have been set aside, a Locheed bail-out would establish a precedent which would make it difficult to resist similar pleas for public aid in the future. It would serve to reduce the independence and competitiveness of American industry and encourage inefficiency.

Administration officials have testified that the collapse of Lockheed would not endanger the national economy or defense. There is no sense in subsidizing excess capacity in the aerospace industry when American priorities are shifting to other areas. The local problems that would be generated by Lockheed's demise can be met through other measures directed toward these new priorities.

Mr. TOWER. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The VICE PRESIDENT. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. Mr. President, it is my hope that the Senate might be able to vote on S. 2308, which I think is a far superior bill than the bill before us because it takes into consideration what I am confident will be other emergency situations in our country.

It is most unfortunate that the organization known as the Reconstruction Finance Corporation, which had such an enviable record of public service and a record of no stain or corruption, was abolished. That Reconstruction Finance Corporation did in many instances what the particular bill before us is called upon to do. It helped industries that were unable to get commercial credit to the full extent of their needs. Those industries were faced with almost insuperable problems, yet most of them came through and most of them came through and made a great contribution to our country.

Mr. President, when I listened to the choice between doing nothing and nationalizing, I think we have twin evils: To do nothing would be to let this company and other great companies fail; to nationalize means to deny tax revenues to the country.

If this company is able to maintain its solvency—and, I think it can, it is producing products which are needed—it will be paying taxes.

The loan guarantee is a first claim on any of the dividends and profits for the Government of the United States. The public has been led to believe this is a grant. It is not. They have been led to believe it is a loan. It is not It is a guarantee. The funds will be financed from private banks; there will be a Government guarantee, and that Government guarantee, I predict, will never have to be called upon because this is a great company that can perform, that has had many problems, and some of those problems are not of its own making.

Mr. President, I intend to cast my vote for this measure, not because I think it is the best of all worlds, but because I think it is the best of any alternative that has been offered.

Mr. TOWER. Mr. President, I yield 4 minutes to the Senator from Iowa.

The VICE PRESIDENT. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, by a narrow margin, the House of Representatives passed the bill that is now before the Senate. Most of the reasons for and against the measure have been expressed, but for some unaccountable reason, little emphasis has been placed on what should be a decisive factor is voting for the bill. I refer to the cost to the taxpayers of our country if the loan guaranty of $250 million to Lockheed is not approved.

Commencing on page 77 of the hearings report—June 7 through June 10, 1971—of the Senate Banking Committee, the Secretary of the Treasury included a memorandum entitled "Estimated Aggregate Economic Costs, Including Tax Revenue Losses, Associated with Bankruptcy of the Lockheed Corp." This is the Treasury Department's analysis of what would happen if this bill is not enacted—what the cost to the Treasury Department would be if Lockheed does not receive the loan guaranty and goes into bankruptcy. A more direct way of putting it is—what the cost to the taxpayers of our country would be, because they are the ones who have to make up the costs to the Treasury Department.

Here are the tax loss estimates:

Loss of income taxes paid on wages and salaries of employees thrown out of work, $65 to $95 million.

Loss of income taxes paid on wages writeoffs of stockholders, $25 million.

Loss of income taxes through tax loss writeoffs of airlines on advances made to Lockheed on purchase orders for the new L–1011 "airbus," $15 to $20 million.

Loss of income taxes through tax loss writeoffs by banks—which have $400 million in loans outstanding against Lockheed, preceded by rights of debenture-holders, $95 to $125 million.

Loss of income taxes through tax-loss writeoffs of Lockheed subcontractors, $140 to $170 million.

All of these total between $340 and $410 million in losses to the Federal revenue. Some of the losses may be recouped several years in the future. For example, profits might someday be realized by McDonnell Aircraft Corp. building and selling the airplanes that otherwise will be built and sold by Lockheed, and this would mean more tax revenues. But the tax losses from writeoff of advances made by the airlines, from writeoff of losses by the banks, from loss of withheld income taxes on 10,000 Lockheed employees and 25,000 employees of Lockheed subcontractors during their period of unemployment, and much of the tax loss from writeoffs by subcontractors—these will be gone forever and will not be recouped.

An additional adverse impact on the Federal Treasury—not from loss of revenue, but from increased payouts—is the unemployment compensation that will be paid to employees of Lockheed and its subcontractors during their period of unemployment. This period is estimated at from 6 to 9 months, and the costs to the Treasury would be from $50 to $75 million all gone forever.

The analysis of tax costs furnished by the Treasury Department indicates that the Department's estimators have done a careful job. For example, they have taken into account the profit or loss positions of the affected airlines. They have used recent market valuations of Lockheed stock. They have estimated that debenture holders would have no tax loss writeoffs because they are amply secured. They have estimated recovery by the banks of up to 50 percent on their loans to Lockheed in event of bankruptcy. And they have taken into account the profit or loss positions of the subcontractors.

Some of the members of the Senate Banking Committee were reportedly surprised when the Secretary of the Treasury estimated that the adverse impact on the revenue of the Federal Government resulting from bankruptcy of Lockheed would exceed the amount of the $250 million loan guaranty itself. The foregoing analysis more than substantiates the Secretary's statement.

As I have said, the cost to the taxpayers resulting from the failure to pass this bill should be a decisive factor in voting for the bill. I do not believe it should be the only consideration. The adverse and serious impact on employment—especially at a time when unemployment has been seriously affected by cutbacks in defense and space contracts and by heavy reductions in members of the armed services, the adverse and serious impact on business psychology at a time when the upward momentum of the economy is less than it needs to be, the potential adverse effect on our balance of trade by forcing domestic airlines to purchase "airbuses" overseas if they do not wish to buy from McDonnell Aircraft Corp., the additional cost to the Federal Government on defense procurements which will occur if Lockheed subcontractors are given the opportunity to raise their contract prices—as they would have if Lockheed goes into bankruptcy—these are all cumulative factors lending support for the bill now before us.

I might also point out that on page 1094 of the hearing record of the Senate Banking Committee are listed three Iowa subcontractors of Lockheed having total purchasing commitments as follows: Collins Radio Co. of Cedar Rapids, $40,522,000; Bendix Corp. at Davenport, $481,000; and Aluminum Corp. of America at Bettendorf, $4,304,000. These purchasing commitments and the jobs generated by them would all be placed in jeopardy if this bill is not approved.

Mr. JORDAN of Idaho. Mr. President, the basic issue involved in the legislation designed to bail out the Lockheed Corp. is whether the U.S. Government should rush to the aid of a major business enterprise which finds itself in financial difficulty as a result of economic reverses and bad business judgment. It seems to me that doing so would set a dangerous precedent, wholly at odds with our free enterprise system.

The key to American economic success which has given us the highest standard of living in the world is the efficiency of our private sector. There have been basically two factors which have worked together to bring about this business efficiency—profits for good business performance and losses or bankruptcy for inefficient business practices or bad business judgment. As the distinguished Senator from Ohio (Mr. TAFT) characterized it:

> The carrot and the stick of profits and losses are the goals that keep business and our economy efficient and productive.

If the U.S. Government steps in to insulate business from the consequences of mistakes or bad judgment it will reduce the incentives for efficiency in business. It seems to me that this would impair the viability of our free enterprise system. It would tend to distort the efficient allocation of resources to productive enterprises.

My review of the evidence indicates that the current economic position of Lockheed is due in large part to mismanagement and bad business judgment. The junior Senator from Ohio (Mr. TAFT) has done an excellent job of outlining Lockheed's error in contracting with Rolls-Royce for an engine which it apparently lacked the experience to make. The failure of Rolls-Royce to produce a workable engine within the terms of the original contract and its repudiation of that contract precipitated the current Lockheed crisis.

However, Lockheed was in shaky condition prior to the Rolls-Royce failure as a result of earlier mismanagement. The gigantic cost overruns on the C–5A cargo aircraft are a matter of record. An unrealistically low bid by Lockheed was a prime factor in that case. The company has experienced similar cost overruns on the Cheyenne helicopter program and the SRAM rocket motor.

Yet, despite all the evidence of poor management by Lockheed officials, the U.S. taxpayers are now being called upon to guarantee a loan so that these business practices may be perpetuated.

It has been argued that the Government is already in a position of guaranteeing many types of loans and that the guarantee provided in the present legislation would not be a great departure from present policy. I am not aware, however, that the current guarantee programs would allow the guarantee of loans for inefficient or badly managed businesses. Indeed, it is difficult to understand why the Government would wish to perpetuate such enterprises. One would think that a better allocation of resources would be achieved if efficient and productive businesses were encouraged instead.

It should be pointed out that Lockheed would not disappear if this legislation is rejected. If the firm is indeed forced into bankruptcy it can be reorganized under new management. The trustee in bankruptcy could objectively review the affairs of Lockheed and decide whether the L–1011 project is economically viable. If so, he could then proceed with its production.

If the project is viable the dire predictions of wholesale job losses would not come about. If the project is not viable some jobs may be lost but I think it is unwise to keep uneconomic projects afloat simply to preserve jobs. Such action would merely postpone the inevitable job losses. If a company is producing the wrong product it is clearly wasteful for the Government to aid it to continue to waste resources and produce unwanted goods. If it appears that too great a burden of readjustment of resources is being borne by individuals in the aerospace industry then facilitating the individuals' relocation and reemployment in other areas and sectors of the economy would be more useful and less wasteful than perpetuating their employment in producing unwanted products.

Mr. President, I think we should look at this legislation with an eye to the long-range effects it may have on our system of free and competitive enterprise. If we remove the threat of bankruptcy for badly managed business enterprises such as Lockheed, I think we will set a bad precedent which will encourage inefficient practices and the production of unwanted goods by other companies. This would be a severe blow to the economic system that has given us so much. Therefore, I urge the rejection of H.R. 8432.

Mr. THURMOND. Mr. President, it is my fervent hope that this distinguished body will not go down in history a second time this year by taking another disastrous step in helping destroy American industry. A fatal error in judgment against progress which we will live to regret was taken by many of my distinguished colleagues this year when funds for the SST were denied. It is even more shocking now that many are thinking of going a step further by not even allowing an emergency loan guarantee to major business enterprises.

One of our Nation's major corporations is asking the U.S. Government to guarantee a loan with interest to help it over a financial crisis. From all the opposition to help an American firm, one would think that the Lockheed Aircraft Corp., is the villain, or an enemy. At least, that is the impression many Americans are getting from opponents of S. 8302.

Mr. President, I have examined all facets of this legislative proposal. I have studied the bill, and reviewed hundreds of letters from Americans across the Nation. I have talked with financial experts on the subject and studied the committee report, especially the opposing viewpoints of some of the members of the Committee on Banking, Housing and Urban Affairs. My conclusion is that the benefits to our country so far outweigh the alleged disadvantages that I cannot understand those who would oppose this financial guarantee.

S. 8302 contains every possible safeguard against what some opponents mistakenly label "socialism for big business" to scare the public. The bill contains strict checks and balances to protect the Government and taxpayer. The loan is being made by banks under the direction of some of our Nation's most competent financial experts. It is not the Government that would make the loan. Bank loans are to be repaid in a relatively short time period with interest. The lifespan of legislation is very short since the uncommitted loan period ends

October 1, 1971. A nonpolitical and legally independent board will be established by this legislation to insure that sound financial procedures are adhered to for loan guarantees. This board will still be required to approve the Lockheed application.

Mr. President, some opponents of S. 8302 have alleged that this bill sets a dangerous precedent. The record of American history, including the present day, clearly refutes such allegations. The Federal Government has assisted and subsidized many free enterprises since the beginning of our Nation.

Mr. President, I would like to highlight a few instances of this in our history. The railroad industry is a prime example. Since the first railroads pushed westward to the present day, the Government has come to their assistance in time of crisis.

The farming industry in our country has been subsidized for almost 40 years. Over $400 billion has been provided to keep thousands of farmers in operation.

Our airlines have received financial assistance by the Government to help cover losses on unprofitable routes. It has been reported that this aid has come to $353 million in the past 7 years.

During the existence of the Reconstruction Finance Corporation until it closed the books in 1953, over $40 billion was dispersed by the Federal Government to keep thousands of businesses from going bankrupt. Since 1953, the Small Business Administration has guaranteed loans up to more than $7 billion.

Mr. President, it is difficult for me to understand why Members of Congress are so vehemently opposed to helping American industry, while on the other hand, the United States has been giving financial aid for supporting aid to our allies and friends overseas for 25 years, including foreign private business enterprises. A pertinent example of this financial aid is directly related to the Lockheed problem, and it demonstrates that our country assists foreign business while denying similar aid to American business.

The financial transactions of the Export-Import Bank loans represent the case in point. Among their loans has been $600 million for purchase of 71 Boeing 747's, $190 million for purchase of 29 McDonnell Douglas DC-10 aircraft and $3.5 million for purchase of the Lockheed L-1011 which is directly involved in the current dilemma. These are loans to foreign buyers for the purchase of U.S.-made products. In my judgment, these are related precedents.

Mr. President, since 1945 the United States has handed out over $45 billion in economic aid to foreign countries. In military loans and grants, the figures come to another $40 billion. Yet, some would deny Lockheed a guarantee for a loan of $250 million which is to be paid back to banks with interest.

In my view, this legislation must be approved to prevent the failure of enterprises which could be extremely costly in terms of jobs destroyed and losses in tax revenues and goods produced. Lockheed is one of but three air frame producers; the aerospace industry is already depressed; and large losses which would be suffered by airlines and by suppliers would severely impair their ability to adjust.

Mr. President, the estimates on job losses range from 11,000 to 60,000. Some opponents of the legislation have manipulated the figures to show that only 11,000 people will lose their jobs. In my view, this is 11,000 too many in the midst of a critical unemployment problem facing our Nation.

In conclusion, Mr. President, I strongly urge my colleagues to approve this guarantee loan legislation which is sound business in the public and national interest.

Mr. SPONG. Mr. President, I am opposed to the pending bill because I believe it would establish an unwise precedent for Federal interference in the free market economy.

This bill singles out the Lockheed Corp. for special treatment to rescue it from the consequences of its own management failures. Its competitors in the industry would thus be deprived of the rewards of superior performance and the market incentive for continued high performance would be seriously deflated. No longer would a corporation have to worry about paying the price for bad judgments, waste or mismanagement. If it is big enough and important enough, the Federal Government will bail it out.

Mr. President, the Small Business Administration loan program frequently has been cited as a parallel instance of Federal aid to business, but there are vast differences in the yardsticks employed. To qualify for a Federal loan, a small businessman must meet strict requirements. Among other things, he must demonstrate the commercial feasibility of his operation and the financial ability to repay any assistance he receives. These are tough standards and more than 10,000 small businessmen went bankrupt in the past year because they could not meet them.

Today, we are asked to establish a lesser standard for big corporations. I think it is unjustified and would result in a further loading of the scales against small business in this country.

Mr. President, even with this loan guarantee, I am not convinced that the Lockheed Corp. will escape its present financial difficulties. The cause of its trouble goes much deeper than a temporary exhaustion of its bank credit. It is involved in a competition for the sale of an aircraft which has limited sales potential and, in that competition, Lockheed is far behind. I am persuaded that no matter what we do today, the marketplace will be the final arbiter of this issue.

Mr. KENNEDY. Mr. President, I rise to oppose the Lockheed loan. This is not an easy issue. I have studied the debate and the hearing record of the Senate Banking, Housing and Urban Affairs Committee. Obviously, I find it difficult to vote against this measure knowing of the impact that it will have on many Lockheed workers. And this is particularly disturbing when the administration's game plan already has resulted in 5.5 million men and women on the jobless rolls. Also, I feel that there are certain unusual events which have forced Lockheed into the difficult economic position it is in today, particularly past defense procurement practices and the bankruptcy of Rolls-Royce.

However, after examining this matter at length, I find that I cannot in good conscience endorse a $250 million loan guarantee backed by taxpayer dollars. This would be an unwise intervention by the Government into the free enterprise system, preventing it from operating to rule out uneconomic ventures. And it would undoubtedly place Lockheed at a competitive advantage with the other competitors in the airframe industry.

Perhaps most compelling is that I find the $250 million loan guarantee to Lockheed to be an unjustifiable commitment by the Federal Government when we consider the overwhelming social needs of the Nation in so many other more urgent areas. I, therefore, cast my vote against the Lockheed loan guarantee.

Mr. HRUSKA. Mr. President, my decision to support the loan guarantee to the Lockheed Aircraft Corp. was made after a careful study of the voluminous detail available on the subject. There are valid arguments on both sides of the issue. But, in my judgment, those in favor carry greater merit.

One of the most important reasons for approval is the adverse effect upon our economy which would be brought about by bankruptcy of Lockheed. It does appear that bankruptcy will be the direct result if the guarantee is not made.

Such bankruptcy would cause a major disturbance to the national economy, without question. Evidence in the hearings is to the effect that it would impose a social cost on the private economy of $260 to $380 million, depending on the duration of the adjustment period.

This cost is equal to the GNP lost through the unemployment of aerospace workers and capital during the extra period which is necessary to effect their reemployment. This extra period is required because, First, Lockheed is one of but three airframe producers; second, the aerospace industry is already depressed; and, third, large losses which would be suffered by airlines and by suppliers would severely impair their ability to adjust.

Included in this aggregate economic loss, in addition to lost disposable income of workers and the gross product of capital, is a Federal income tax loss estimated to be $65 to $95 million, depending on the duration of the excess adjustment period. Additionally, loss recognition by creditors, shareholders, and suppliers of Lockheed will result in short-run Federal revenue losses. Although these may be expected to be recovered in the long run, they will aggregate from $275 to $340 million, depending on the realization rate of creditors and their tax status, in the few years immediately following the bankruptcy of Lockheed. Finally, additional unemployment compensation paid out to displaced workers will amount to $50 to $75 million, depending on duration of the excess adjustment period.

It is plain that the loss thus incurred, would be greater than the Government would lose even if it is ultimately forced to pay out on the loan in case of default.

Of course, it should be noted that the Government is not advancing or loaning any money. It is not a grant or a loan. It is a guarantee, which will be invoked only in case of default. It should be recalled that when a similar arrangement was made in a similar guarantee to the Douglas Aircraft Co., 4 years ago—1967—in the amount of $75 million, that no occasion arose for invoking the guarantee. The loan was paid by the company completely.

Another severe impact on the economy would be the creation of a monopoly for this type of plane, the TriStar. Only one other company—McDonnell Douglas—is making this type of plane. With Lockheed out of the picture, there would be no competition in this area. In 1950, there were five producers of commercial aircraft. Boeing, Convair, Douglas, Lockheed, and Martin. Now there are three: Lockheed, Boeing, and McDonnell Douglas. But Boeing is restricting its output to a long range, transoceanic type of plane. So that would leave only McDonnell Douglas.

This would certainly be a severe blow to the position of superiority the United States has held in the aeronautics industry.

Furthermore, Lockheed is one of the Nation's large and major defense contractors. Its impairment by bankruptcy would also be a serious setback. It has some 31,000 employees. Its subcontractors have about 35,000 employees. Now is not a time to be adding to the unemployment rolls of the Nation.

No one has to be reminded what the unemployment situation is in the aircraft industry at the present time. Many thousands of workers have fallen victim of our transition from heavy wartime expenditures to peace-oriented production. The figures show we are weathering the changeover. We are beginning to come out of it. But the effects of another major blow are bound to have grievous results for the entire economic picture.

The proposed loan guarantee is an unusual action. But the circumstances and conditions are unusual. These are unusual and difficult times for a large segment of our economy. Hence, the necessity to take unusual steps.

THERE ARE MANY PRECEDENTS

The point has often been raised about this guarantee being a precedent. Also, that if it is done for Lockheed, it should be done for many others who become hard pressed, and threatened with failure or bankruptcy.

Mr. President, the fact is that there are specific precedents. Also there are literally hundreds of thousands of loans now outstanding where guarantees by the Government have been made and are outstanding.

Precedent: In 1967, Douglas Aircraft received a Government guarantee of $75 million because it was in severe straits and would not be able to survive. Not long after this the company merged to become McDonnell Douglas Co. It is ironical that it would be the company coming out as having a monopoly in this field, if Lockheed fails. Ironical, because without a similar Government guarantee 4 years ago, it would have failed itself and would not be in existence to become the only one surviving.

Another precedent: A few years ago American Motors Co. was given what in effect was an outright grant in tax refund.

Payment of the tax was required by the income tax law of the time. Amendment of that law was made so as to make refund possible. Some of the same Senators arguing against the Lockheed guarantee now, argued for American Motors on the ground of bad reverses which that company had suffered. And argued that because of the bad economic impact, the amendment and refund should be made. And that was in taxpayers' dollars, not only a guarantee.

Further precedents are to be found in a number of programs of Government guarantee on a massive scale.

Federal Housing Administration has over $75 billions in contingencies.

Small Business Administration as of June 30, 1971 had a total of about 2.3 billions of dollars. In May of this year, its authorization was increased by $900 millions, to make a total authorization of $3.1 billions.

Veterans' loan guarantee fund, $19.3 billion in contingencies (guarantees).

Low-rent housing, $8 billion.

Farmers Home Administration, almost $4 billion.

Student loan insurance, $1.3 billion.

Urban renewal fund, $2.96 billion.

Mr. President, we have heard often in recent days the argument that if the bankers of the Nation will not support Lockheed by further loans, that the U.S. Government would engage in bad business by extending a guarantee. That to do so is a denial of the free enterprise system.

Consider well, that in most of the programs listed above for Government guarantees, one of the conditions for making the loan or the guarantee is that no credit is available to the borrower on reasonable terms from other sources. That is, that resort to Government loan or guarantee is necessary because of that fact.

Do the opponents of Lockheed want to revoke and repeal the vast system of guaranteed loans now in effect? They affect hundreds of thousands of borrowers. If the opponents want to repeal or revoke them with the argument that since banks will not make loans the Government should not, let them say so. We are safe in assuming they will not do so.

The listing of these Government guarantee programs is not to be construed as a criticism of them. They are useful. They are in fields in which the Government has a strong and legitimate interest. They have prevented much hardship among businesses, farmers, homeowners, veterans, students, and others.

Certainly the massiveness and seriousness of Lockheed problems are basis for strong and legitimate interest of the Government. Especially since it is widely recognized that had the British Government honored the provisions of the Rolls-Royce contract and if it had made late delivery payments as called for, this Lockheed situation would not be before Congress today.

Under all the circumstances, Mr. President, there comes the conclusion of this Senator to support the requested guarantee.

Mr. TOWER. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the time being charged to either side.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. TOWER. Mr. President, the distinguished Senator from Washington has made two arguments that absolutely do not hold water. He has made the suggestion, which seems to me to be ridiculous on its face, that the collapse of Lockheed will result in increased employment in this country.

I do not know how anybody can arrive at that particular conclusion. The Treasury Department has looked into this question in great detail and has concluded that it could affect up to 30,000 jobs in this country.

The Senator from Wisconsin has suggested that McDonnell Douglas plants in California could very easily absorb the employees that would be laid off by Lockheed in the event we failed to pass this legislation; but that suggestion has been labeled by an expert as a "cruel hoax."

Referring to the testimony before the committee by James L. Quillin, president of the Aeronautical Industrial District Lodge 727, International Association of Machinists & Aerospace Workers, I read the following:

> Some have suggested that Lockheed workers who lose their jobs if the L-1011 program is canceled could go to work for McDonnell-Douglas on the DC-10 since it is produced in the same area. This is a cruel hoax and should be branded for what it is, a complete distortion of the facts. In the first place such a proposition completely ignores the geography of southern California. The DC-10 is assembled in Long Beach which is 35 miles from Burbank, the home of the L-1011. It is possible to commute from Burbank to Long Beach on a twice daily basis; however, considering the Los Angeles traffic and freeway system, it is a hair-raising experience at best.
>
> Next, the proponents of this suggestion blithely ignore another salient geographical fact, that is, the L-1011 is assembled in Palmdale, Calif., utilizing nearly 4,000 Lockheed employees. This final assembly facility is 100 miles from Long Beach, Calif. It stretches the bounds of credulity to suggest that these workers could commute the 200 miles a day round trip to Long Beach.

Another factor, Mr. President, is the fact that McDonnell Douglas has already laid off thousands of its workers. It is reasonable to assume that they would be picked up long before any of the laid-off employees of Lockheed would be employed.

A second argument made by the Senator from Wisconsin is that we do not need the L–1011 Tri-Star to maintain a competive market in this country.

Both Eastern and TWA, in their testimony before the Senate committee, stated that competitive bidding as between the L–1011 and the DC–10 reduced the price of each aircraft by at least $1 million while at the same time providing improved aircraft.

Beyond that, I might state, Mr. President, that both McDonnell Douglas and Lockheed have made surveys and found that there is an adequate market for both airplanes in this country, and this is sustained by a study by the FAA.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 19. An act to provide for a coordinated national boating safety program; and

S. 2317. An act to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The enrolled bills were subsequently signed by the Vice President.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 2, 1971, he presented to the President of the United States the enrolled bill (S. 2317) to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

EMERGENCY LOAN GUARANTEE ACT

The Senate continued with the consideration of the bill (H.R. 8432) to authorize emergency loan guarantees to major business enterprises.

The VICE PRESIDENT. Who yields time?

Mr. PROXMIRE. I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, this has been a very difficult decision for all of us. I have the highest regard for my colleagues who serve on the Banking Committee. I have had the distinct pleasure of serving with our distinguished chairman and ranking minority member for a number of years. But with great reluctance, after a tremendous amount of thought and research in the field, and talking with managers of the banks and managers of the manufacturers involved, outside of my State and inside, I have finally come to the conclusion that I am opposed to the Emergency Guarantee Act, as amended, because in principle I believe it is unwise to exempt this particular enterprise from the discipline of the marketplace, which is the effect of this bill. A number of specific reasons lead me to the conclusion that the loan guarantee for Lockheed is unwise.

One is that the demand for an airbus, such as Lockheed's L–1011 or the McDonnell Douglas DC–10, seems to be adequate, based on the present predictions of market demand during the remainder of the decade, for only one form in this field. The aerospace industry is in a period of demand contraction. The real market for both the L–1011 and DC–10 is shrinking as airlines cancel orders. Propping up Lockheed may very well mean that neither the DC–10 nor L–1011 become profitable. It seems at best unfair that the Federal Government should choose to support one commercial airplane manufacturer over another.

There was ample testimony during the hearings to show that if the L–1011 is not manufactured, the airlines will place orders for the DC–10 or a modified version of the 747, both of which use engines made in this country. The effect of increased orders for these two planes will mean more employment at McDonnell Douglas, Boeing and General Electric. I feel that the effect of the discontinuation of the Lockheed commercial jet will not result in significant net unemployment over the long haul. Indeed, because both of its competitors use American engines, a net increase in employment may occur.

I have a deep concern about the effect of this loan on the defense industry. Even though the L–1011 is a "commercial" venture, Lockheed is known principally as a defense contractor. Its problems with the C5–A transport have been widely discussed and, in fact, may have contributed to the financial crisis in which Lockheed now finds itself with the L–1011. A main concern of many of us interested in efficiency and economy in Government is a continuing history of seemingly unmanageable cost overruns and mismanagement by defense contractors—including the General Dynamics F–111 and the Grumann F–14.

By aiding Lockheed, we are in effect indicating to the defense industry that we will condone poor management of defense contracts. In "bailing out" the country's largest defense contractor, are we not removing the major tool the Government has to demand efficiency and financial accountability in the aerospace and other defense-related industries? And in shoring up the major defense contractor, are we not making it more difficult for other, smaller, perhaps more efficient business to compete?

I am also concerned about the bankruptcy provisions of this bill. It assures the Government of the recovery of $250 million from the unencumbered assets of Lockheed, but it thus removes any protection Lockheed's employees and other creditors normally would have in bankruptcy proceedings.

Also, if bankruptcy occurred, it would take place under chapter X of the Bankruptcy Act and Lockheed would be operated by receivers. These new managers could also decide to continue the L–1011 if they found it a commercially sound operation. Bankruptcy of Lockheed under receivership—contrary to the impression widely given by the bills' proponents—would not mean the demise of Lockheed. As in the case of the reorganization of the Penn Central under receivers, new management would be given time to "clean house," and get the company on a sound financial footing. The result could potentially be entirely healthy for the company, as well as the country.

I would also like to establish the differences between Penn Central and Lockheed. Penn Central is essential to the transportation system of the United States, but the L–1011 is not. Thus, the Congress decided to lend to Penn Central after it was reorganized under receivers.

These specific reasons indicate to me that the loan guarantee is unwise. In general, I think this is a bad precedent, a poor loan. The banks are not limited in resources nor have most of them even reached their legal limit. Yet even banks refuse to make further loans without a 100-percent guarantee. A bad investment is a bad investment. If the banks will not take the risk, why should we ask the taxpayers to take it? I do not think we should. Because of the current demand picture for airbuses, and the high number of sales Lockheed's L–1011 must have before a breakeven point is reached, it seems doubtful that the L–1011 can ever become a commercially sound venture.

The aerospace industry is in the next several years going to go through a period of inevitable readjustment resulting from a downturn in the war and the defense and aerospace business. It would be imprudent to distort further the economic future of this major economic sector by introducing massive Federal subsidy.

In conclusion, Mr. President, because this specific loan guarantee is unwise from an economic point of view, because it would be a bad precedent to set for companies by seeming to reward inefficiency, because it may well weaken other companies in the aerospace industry, because bankruptcy provisions would seem to give too little regard to protecting the rights of workers and other creditors, because ultimately only market conditions can protect employees jobs, because we have been assured that Lockheed's ability to fulfill its defense contracts does not depend upon this loan guarantee, because reorganization of the Lockheed management is desirable and would be delayed or prevented if the loan is made, because granting this loan would seem like a cruel hoax to the 10,000 small businesses that failed last year at a loss of $1.9 billion, I oppose this Government-taxpayer loan guarantee.

AMERICAN JOBS ARE AT STAKE

Mr. BYRD of West Virginia. Mr. President, I have listened with great interest to the lengthy debate which has occurred on the emergency business loan guarantee bill, and I note that some very fundamental questions regarding the relationship between Government and private enterprise in this country have been raised.

If the special circumstances which made this bill necessary did not exist, there would, of course, be no bill. I am reasonably certain that under normal circumstances most Members of this body would reject any suggestion that Government has an obligation to save a failing corporation in a free enterprise system. I believe that precisely the opposite view would prevail: that Government has no business, in a normal situation, propping up an inefficient private company; that the marketplace alone should determine which firm succeeds and which one fails.

As the Washington Post said in its lead editorial on last Tuesday:

> The theory is that, driven by the hope of profit and the fear of failure, capitalists will compete fiercely to create the best products with the least waste. The most efficient will be rewarded with great gain and the least efficient will be weeded out through bankruptcy. It is because of these incentives to efficiency, which socialist systems seem unable to duplicate, that we are urged to pay the heavy price of capitalism. . . . If one removes these incentives to efficiency one removes the major argument for capitalism as a system.

I subscribe to that statement as a general proposition, as I believe most Senators would. But we are dealing with a special and unusual situation here in which I have come to the conclusion, after listening to the arguments of able Senators on both sides, that not only is it proper for Government to act in this instance, but also that Government has an obligation to act.

It is fallacious to argue, in my judgment, that the American taxpayers are about to be bilked out of $250 million, and that tax moneys should not be used for such a purpose.

There are too many unemployed persons at all levels already—about five and a half million, in fact, the most in 10 years—from blue collar to executive. By guaranteeing the loan to Lockheed we can avoid eliminating another 35,000 to 60,000 jobs, and adding thousands of Americans to the already-swollen unemployment lines. It is significant to note that the committee report states that, if the loan guarantee is not approved, additional unemployment compensation paid out to displaced workers will amount to $50 to $75 million, depending on the duration of the adjustment period.

There will be other losses to the economy as well, Mr. President. In addition to lost disposable income to workers and the gross produce of capital, there is a Federal income tax loss estimated at $65 to $95 million. Also, loss recognition by creditors, shareholders, and suppliers of Lockheed will result in short-run Federal revenue losses. And, although these may be expected to be recovered in the long run, they will total from $275 to $340 million, depending on the realization rate of creditors and their tax status in the few years immediately following the bankruptcy of Lockheed.

Additionally, Mr. President, an estimated $350 million in inventory investment is held by suppliers because of the advanced state of Lockheed's L–1011 program. These suppliers' financial resources would be stretched to the limits if Lockheed fails; and some would face bankruptcy themselves if they wound up holding a worthless inventory.

There is also an all-too-distinct possibility that financial disaster will strike the creditors of Lockheed if the aircraft corporation goes bankrupt. Among these creditors are three major airlines which have made advance payments of $240 million toward the purchase of L–1011 aircraft. The questionable value of these unsecured claims against Lockheed would obviously hamper efforts of the airlines to make alternative arrangements, and this could endanger their competitive position among domestic air carriers.

The committee report notes that evidence when the bankruptcy of Lockheed and the termination of the L–1011 program are viewed as an abnormal business disturbance, they are estimated to impose a private cost on the economy of $260 to $380 milion, depending on the duration of the adjustment period. We must remember, Mr. President, that there is already a $1.3 billion investment in Lockheed's L–1011 air bus program and that, only through this guaranteed loan, can this investment be turned into usable equipment.

But saving jobs—jobs for Americans who want to work—is what I am most concerned with.

Even in my own State, Mr. President—a State which surely has as little in the way of defense work, military installations, and so on as a State can have—even in West Virginia, some 250 jobs in two Lockheed-Georgia plants could be lost. We have a small Lockheed-Georgia plant at Clarksburg and another at Martinsburg. They produce subassemblies for the C–130 and the C–5A, and add about two-and-a-half million dollars a year to West Virginia payrolls. So we are not talking about some remote, impersonal corporation which the Government is being asked to save. We are talking about jobs and people, and we are talking about the national interest.

Mr. President, I think that too little has been made of the fact that where we now have three major aircraft producers in the United States, that number would be reduced to two if Lockheed is forced out of the picture, with a concomitant reduction in the competition that is so necessary in our system.

The Federal Government, Mr. President, has acted many times before and in many ways to help people, to help business, and to help the economy. Such subvention has dozens of precedents in recent history. All manner of loans are guaranteed or made by government—business loans, home loans, educational loans; the list could go on and on.

Only recently, for example, the Federal Government awarded almost $7.6 million in loans and grants to build a black-owned hotel in the District of Columbia. The Federal funds included a $3.5 million grant, and a loan of an equal sum. In addition, there was a Government loan of $445,000 to furnish the hotel.

This is a small figure, to be sure, compared with the $250 million loan guarantee to Lockheed. But the principle seems to me to be the same. In fact, while 50 percent of the hotel's funds will be in the form of a grant, none of the Lockheed funds will be given on such a no-strings basis—the $250 million for Lockheed will be a guarantee for a loan to be made from the private sector of the economy.

When he announced the funds for the hotel, Commerce Secretary Maurice H. Stans said it would revitalize the black inner city in the District of Columbia. The inner city does need revitalizing, and the hotel may prove to be a good investment in the long run.

By the same token, however, the entire economy of the United States—including the aircraft industry—needs revitalization. And I believe that saving 60,000 jobs, protecting a huge investment, avoiding a sizable Federal revenue loss, and maintaining the level of competition within this vital industry, could provide the needed economic boost.

For the reasons stated, I have come to the conclusion that it is clearly in the national interest that the loan guarantee bill now before us should be approved, and I shall vote for it.

I ask unanimous consent to insert in the RECORD a Washington Post news story by Paul W. Valentine carrying the headline, "United States Grants $7.6 Million To Build Black-Owned Hotel in Inner City."

There being no objection, the news story was ordered to be printed in the RECORD as follows:

UNITED STATES GRANTS $7.6 MILLION TO BUILD BLACK-OWNED HOTEL IN INNER CITY

(By Paul W. Valentine)

In what he called a new effort to revitalize the black inner city here, Secretary of Commerce Maurice H. Stans announced approval yesterday of almost $7.6 million in grants and loans for construction of a community-owned hotel near Howard University.

Construction of the nine-story, 168-room hotel at Georgia Avenue and Bryant Street NW, just south of the Howard campus, is scheduled to begin in about one year.

Owner of the hotel and recipient of the federal funds will be the Peoples Involvement Corporation (PIC), a nonprofit community improvement organization founded in 1967 and directed by a 39-member board of elected and appointed residents.

The corporation will oversee general planning of the hotel and let bids for its construction, according to PIC Executive Director Arnold T. Jones.

After construction, PIC will lease the building to a firm called Murph's Hotel Corporation for operation and maintenance.

Murph's corporation is headed by Ed Murphy, who operates Ed Murphy's Supper Club, one of two buildings on the site of the proposed hotel in the 2200 block of Georgia Avenue. The other building is vacant.

In a press conference at the Commerce Department yesterday, Murphy, Jones, Stans, D.C. Del. Walter E. Fauntroy and City Council Chairman Gilbert Hahn Jr. praised the hotel project.

Stans noted the hotel will be called "The Harambee" (Swahili meaning "unity"). Murphy said the hotel "will have decor reflecting the very best in black styles."

He added: "Just as a good Hungarian restaurant is for all people and just as a good Chinese restaurant is for all people, this hotel is for all people."

He said the hotel will be "owned and operated by black people," employ about 200 people, and create a $1 million annual payroll. "The profits will stay in the community," he said.

The federal funds approved yesterday include a $3,569,000 grant and a $3,569,000 loan to PIC to meet the total cost of building the hotel.

Another $445,000 loan goes to Murph's Hotel Corporation to help furnish the hotel. The PIC loan is payable in 40 years at 5½ per cent, the hotel corporation loan in 10 years at 6 per cent.

Preliminary plans call for the hotel to have a six-level, 300-car underground garage; banquet and conference rooms for up to 700 people; restaurant and lounge facilities; a coffee shop, and ground-level space for small retail shops.

Murphy said the hotel expects to attract visitors, conferees and conventioneers at nearby Howard University, Washington Hospital Center, the Veterans Administration Hospital and Freedmen's Hospital, and tourists in general.

Since its creation, PIC has been organizing assistance in a variety of social services in an inner-city area bounded roughly by 16th and Harvard Streets and Massachusetts Avenue NW and the B & O railroad tracks in Northeast.

In housing, it has one ongoing project, renovation of 51 houses on 8th and 9th Streets between S and T Streets NW. Other projects are in the planning stage.

PIC is directed by 39 board members: 36 elected from PIC-area precincts or at large and three appointed by the mayor.

The VICE PRESIDENT. All time of the Senator from Wisconsin has expired.

Mr. TOWER. Mr. President, I yield the remainder of my time to the distinguished Senator from Alabama.

Mr. TALMADGE. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

Mr. SPARKMAN. Mr. President, this has been a long and arduous task that all of us have had, particularly those on the Committee on Banking, Housing and Urban Development, through all the hearings, the executive sessions, and, then, by a vote of 10 to 5, we voted out a generic bill. The House did not take the generic bill.

Incidentally, some reference was made to the close vote in the House. It should be borne in mind that the vote was not on the bill up or down. It was on the choice as between a generic bill and this one-thrust bill. The House bill is before the Senate now.

Many things have been said. I think that one of the real factors in this situation is the matter of unemployment. George Meany, the head of the AFL–CIO, who certainly is interested in jobs—and I believe we all will admit that he knows what he is talking about—said that the bankruptcy of Lockheed would have an extensive reaction throughout the country, not simply because of Lockheed, but because of the other companies that would be affected by Lockheed's bankruptcy. He said that it would increase unemployment in this country. He said, in effect that if we took into consideration the full impact, it would add about 90,000 people to the unemployment rolls in this country.

We must consider not only the Lockheed Corp., which I believe has approximately 30,000 employed on the L–1011 project, including those they have already laid off, but we must also consider 3,500 companies, small and large, throughout this country which are contractors, subcontractors, suppliers, down to the fourth layer, and many of those companies are facing ruin.

During the debate we have related to small business on numerous occasions. I would have been glad to see some stepping up of small business relief in this bill. But we have the Small Business Administration, and the Administration already has agreed, I understand, to double the credit authorization—the guarantee authorization, if you will—of the Small Business Administration.

We have $3 billion guaranteed to the small businesses in this country in that way.

With respect to helping small business, if Lockheed crashes, we will see the greatest wave of distress and destruction to small business that we have seen in a long, long time in this country.

Mr. President, I wish I had time to analyze this situation. Reference has been made to what some people have said on both sides of this matter. I invite the attention of Senators to the fact that perhaps the two best financial minds in this country—Dr. Arthur Burns, the chairman of the Federal Reserve Board, and Bill Martin, his predecessor as chairman of the Federal Reserve Board—endorse this bill without qualification.

I hope the Senate will pass the bill.

The VICE PRESIDENT. Under the unanimous-consent agreement, and the hour of 3 o'clock having arrived, the clerk will read the bill for the third time.

The assistant legislative clerk read the bill as follows:

H.R. 8432, an act to authorize emergency loan guarantees to major business enterprises.

The VICE PRESIDENT. The question is on final passage of the bill, H.R. 8432. The yeas and nays have not been requested.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on final passage of the bill, H.R. 8432.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN) and the Senator from Washington (Mr. JACKSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 49, nays 48, as follows:

[No. 185 Leg.]

YEAS—49

Allen
Allott
Baker
Bennett
Bible
Boggs
Brock
Byrd, W. Va.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Dole
Eastland
Ellender
Fannin
Fong
Gambrell
Gravel
Gurney
Hansen
Hollings
Hruska
Humphrey
Inouye
Javits
Long
Mathias
McIntyre
Metcalf
Miller
Moss
Packwood
Pearson
Prouty
Randolph
Roth
Scott
Sparkman
Stennis
Stevens
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—48

Aiken
Anderson
Bayh
Beall
Bellmon
Brooke
Buckley
Burdick
Byrd, Va.
Chiles
Church
Curtis
Dominick
Eagleton
Ervin
Fulbright
Goldwater
Griffin
Harris
Hart
Hartke
Hatfield
Hughes
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McClellan
McGee
McGovern
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Smith
Spong
Stevenson
Symington
Taft
Weicker

NOT VOTING—3

Bentsen
Jackson
Mundt

So the bill (H.R. 8432) was passed.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. TALMADGE and Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that S. 2308 be indefinitely postponed.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints the following Senators to attend the Fourth International Conference on the Peaceful Uses of Atomic Energy to be held at Geneva, Switzerland, September 6–16, 1971: The Senator from Rhode Island (Mr. PASTORE) and the Senator from Utah (Mr. BENNETT).

The Chair appoints the following Senators to attend the 15th session of the General Conference of the International Atomic Energy Agency to be held at Vienna, Austria, beginning September 21, 1971: The Senator frcm Rhode Island (Mr. PASTORE) and the Senator from Colorado (Mr. DOMINICK).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

The Senate is not in order. The Senate will be in order.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. MANSFIELD. Mr. President, What is the pending business?

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of S. 382, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. PROUTY. Mr. President, I ask unanimous consent that the following staff members may be present during the debate on S. 382: Arthur Pankopf, Paul Molloy, James Medill, Burkett Van Kirk, and Miss Lynn Davis.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

THE 25TH ANNIVERSARY OF THE FULBRIGHT ACT

Mr. FULBRIGHT. Mr. President, on August 1, 1946—25 years ago—President Truman signed Public Law 79–584, an amendment to the Surplus Property Act of 1944. That marked the official beginning of our educational and cultural exchange program administered by the Department of State.

On this 25th anniversary of the exchange program, I would like to pay tribute to all those who have administered it with such devotion and efficiency. We have been fortunate to have a number of dedicated persons involved in directing the program.

In the 25 years the program has been enlarged and extended, primarily through the Smith-Mundt Act in 1948; the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256), known as the Fulbright-Hays Act; and the International Education Act of 1966. Altogether some 140,000 persons have participated in exchanges under this legislation. If the short-term "International Visitors" category is excluded, the cumulative total would be about 100,000—roughly 35,000 Americans and 65,000 foreigners. These exchanges have immeasurably benefited not only the individuals who have participated directly, but thousands of others who have come into contact with exchange participants—for example, the students who have been taught by grantees.

More than 130 countries have been involved in exchange activities, although the major emphasis has been placed upon those 50 nations with which the United States has binational educational foundation agreements. Eighteen of these countries—most of them in Europe—have entered into cost-sharing arrangements with the United States and currently contribute directly about $1.7 million annually to the exchange program. Private and indirect contributions cannot be measured.

I remain convinced that educational and cultural exchange offers one of the best means available for improving international understanding. Certainly in relation to the cost nothing can compare with it. The total amount expended on the program by the United States over 25 years—including the appropriations for fiscal 1972—is about $740 million, or the equivalent of about 1 percent of this year's military budget.

I am encouraged by the increase in the fiscal 1972 appropriation for the program. The amount just approved, $40.5 million, is up from $37 million in 1971 and only $31 million in 1969—of the $40.5 million no less than $4.5 million must be from U.S.-owned foreign currencies. The highest appropriation was $53 million in 1966. Increased public awareness of the value of this program, stimulated by former grantees and by our own foreign observers, helped reverse the downward trend in appropriations and I appreciate the role that members of the Senate Appropriations Committee and other Senators have played in this process. Tribute should also be paid to Assistant Secretary of State John Richardson, who has worked vigorously for the program and has administered the program with efficiency and good judgment.

Regrettably, rising costs have diminished the impact of this increase. The projected number of exchanges for 1972—almost 7,000 including foreign nationals in American-sponsored schools—is little more than half the annual exchanges for the years 1964–66. I am hopeful that in the years ahead we can provide sufficient funds to enable us to expand this program, which I firmly believe is one of the best investments we can make.

As I said on August 1, 1946, upon the enactment of the bill into law—

> It is my firm belief, a belief based on personal experience, that the interchange of students between countries can play a major role in helping to break down mutual misunderstandings and in furthering the kind of knowledge that leads to mutual confidence.

The program was originally devised as a means by which the returns from the sale of surplus materials abroad after World War II might accrue to the best interest of the United States. Local currencies, which could not be converted into American money because of the worldwide dollar shortage, were used to finance study by Americans in the countries where such funds were available, and also to pay travel costs for foreign scholars to visit the United States. As I pointed out in the same August 1, 1946, statement—

> After World War I, war debts incurred by foreign nations became a source of irritation and brought about ill feeling and a disruption in the reestablishment of trade and commerce and affected our political relations with these nations. The program contemplated under this act will be effective in avoiding a repetition of these conditions.

I introduced the legislation which led to the establishment of the exchange program on September 27, 1945. On that date I stated—

> If the bill is approved, the funds will be utilized to exchange students, create a better understanding of our mutual problems, and promote friendly relations, while avoiding possible ill feelings between nations resulting from inability to meet obligations set up in accordance with traditional methods.

Mr. President, I ask unanimous consent to have printed in the Record at this point my statement from the Congressional Record of September 27, 1945.

There being no objection, the statement was ordered to be printed in the Record, as follows:

PROMOTION OF INTERNATIONAL GOOD WILL THROUGH EXCHANGE OF STUDENTS IN THE FIELDS OF EDUCATION, ETC.

Mr. Fulbright. Mr. President, I ask unanimous consent to introduce a bill, for reference to the Committee on Military Affairs, authorizing the use of credits established through the sale of surplus properties abroad for the promotion of international good will through the exchange of students in the fields of education, culture, and science.

Mr. President, the enactment of this bill will assure that at least a part of the returns from the sale of our surplus materials to foreign countries will accrue to the interest of America. Most of the nations desiring to purchase our trucks, railroad equipment, and so forth, abroad, do not have American dollars, or even the goods, to pay and it will, therefore, be necessary for our Government to establish credits for this purpose. These debts may never be paid in full and might, like the war debts after World War I, become a source of irritation between nations and prevent the orderly reestablishment of trade and commerce and the strengthening of our political relations with other countries.

I do not mean that other countries have any plans to try to cheat our country. It is merely a recognition of the facts as they exist today with regard to the international exchange, and ability to make settlements as between nations.

If this bill is approved, the funds will be utilized to exchange students, create a better understanding of our mutual problems, and promote friendly relations, while avoiding possible ill feelings between Nations resulting from inability to meet obligations set up in accordance with traditional methods.

The Surplus Property Administrator has recently indicated that the disposal of surplus property abroad would be placed under the jurisdiction of the Secretary of State, to assure conformity to American foreign policies. The disposition of such funds as may be allocated for this educational funds as proposed in this bill will be in accord with such regulations as may be prescribed by the Secretary of State.

This bill also provides that expenditures shall be made in accordance with the program to be initiated under the Social and Economic Council of the United Nations, under which the proposed educational and cultural organization of the United Nations will be established under the United Nations Charter, so as to coordinate all educational activities in the international field.

A precedent for this program may be found in our action with regard to the indemnity paid this country as a result of the Boxer Rebellion in China in July 1900. By the protocol of September 7, 1901, an indemnity of $333,000,000 was imposed upon China payable to those countries who were involved in in the Boxer Rebellion in the preceding year. Of this amount the United States had claimed $25,000,000. This proved more than adequate to indemnify the claims of nationals of the United States and in 1908, approximately $10,000,000 was returned to the Chinese Government. The Chinese Government placed the money in a trust fund for the education of Chinese youth in China and in the United States. The balance of the amount due, slightly over $6,000,000, was remitted by the United States in 1924. These remunerations were made by Senate Joint Resolution 23, May 25, 1908, and House Joint Resolution 248, May 1, 1924.

This act of friendship has had a very great influence in the promotion of the good will and friendly relations that have prevailed between the people of America and the Chinese. I do not think that one can deny that the exchange of students has been one of the most successful of our international policies. This foresight of our Government, nearly 50 years ago, has paid great dividends in our relations with the people of Asia. The good will and understanding created by the exchange of students has been our greatest bulwark against unfriendly criticism of our policies in the Far East. Many students of the Chinese and other Asiatic peoples agree that our enlightened attitude toward China was our greatest defense to the propaganda of the Japanese in recent years and is to a great extent accountable for the loyalty of these people during the recent war. I think it is reasonable to assume that if a similar program can be intelligently administered among the several nations contemplated by this bill, that a great contribution will have been made to the future peace of the world.

The PRESIDENT pro tempore. Without objection, the bill introduced by the Senator from Arkansas will be received and referred as requested.

The bill (S. 1440) authorizing use of credits established through the sale of surplus properties abroad for the promotion of international good will through the exchange of students in the fields of education, culture, and science introduced by Mr. FULBRIGHT, was read twice by its title and referred to the Committee on Military Affairs.

Mr. FULBRIGHT. Mr. President, after further consultation with officials from the Department of State, Surplus Property Administration, the Bureau of the Budget, and the Office of War Mobilization and Reconversion, I introduced a revised bill on November 30, 1945. I ask unanimous consent to have a statement I made on this subject in the Senate on December 12, 1945, printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SPEECH BY U.S. SENATOR J. W. FULBRIGHT, DECEMBER 12, 1945

On September 27, I introduced in the Senate a bill, S. 1440, authorizing use of credits established through the sale of surplus properties abroad for the promotion of international goodwill through the exchange of students in the fields of education, culture, and science. The bill was referred to the Committee on Military Affairs, and has been under consideration by the Subcommittee on Surplus Property, headed by Senator Joseph C. O'Mahoney.

The purpose of this bill was to provide a means by which the returns from the sale of surplus materials might accrue to the best interests of America. After World War I, war debts incurred by foreign nations became a source of irritation and brought about ill feeling and a disruption in the reestablishment of trade and commerce and affected our political relations with these nations. By legislation such as is proposed in this bill, it is hoped we can avoid a repetition of these conditions.

In connection with the introduction of this bill, it was determined that in order to bring about the orderly dispositions of surplus property abroad full authority vested in the Surplus Property Administrator should be delegated to the Secretary of State, not only to insure conformity with American foreign policies, but to utilize these credits to the best advantage in securing the greatest possible benefits to the American people.

The original bill, while containing provisions contingent on such authority being transferred to the Secretary of State, did not specifically delegate the authority of the Surplus Property Administrator to the State Department. In arriving at a method by which this could be properly brought about conferences were held with representatives of the Department of State, Surplus Property Administration, the Bureau of the Budget, and the Office of War Mobilization and Reconversion. As a result of these conferences a new bill was drafted which I introduced on November 30, 1945—S. 1636.

The new bill not only carried out the suggestion of Surplus Property Administrator that these powers relative to the sale of surplus property abroad be transferred to the Secretary of State but also includes a provision authorizing the Secretary of State to enter into agreement with any foreign governments for the use of currencies, credits for currencies, of such government, acquired as a result of surplus property disposals in any proper manner and upon such terms and conditions as he may deem proper and to the advantage of the United States Government, including the original provisions and contemplates under S. 1440.

At the time that the Congress passed the Surplus Property Act of 1944 it was recognized that the problems of surplus property disposal abroad were different in character from the problems here at home. Accordingly, included in that Act is a provision (Section 32(b) which empowers the Surplus Property Board, created by the Act, to exempt disposals abroad from "some or all of the provisions" of the statute. This has proved wise, but actual experience has shown that the maximum benefit to the United States cannot be obtained merely by an exemption from the restrictions of the Surplus Property Act, but that positive enabling legislation granting additional disposal powers is needed also.

The first section of S. 1636 relates solely to administration. As I have stated, it transfers the policy responsibilities of the Surplus Propery Administrator with respect to disposal abroad to the Secretary of State. Some time ago it became apparent that the disposal of surplus property must be integrated with lend-lease settlements and with our other foreign economic activities. Accordingly, by Executive Order, the Office of Army-Navy Liquidation Commissoner was transferred from the War and Navy Department to the State Department; and the State Department was designated by the Surplus Property Administrator as disposal agency for surplus property abroad. Progress since that time has shown the wisdom of the move. Nevertheless, there is a remaining defect that can be cured only by Congressional action. Under existing legislation the Surplus Property Administrator remains technically responsible for the policies of the State Department in carrying out the foreign surplus disposal program. For obvious reasons, the Surplus Property Administrator cannot have independent access to the facts on which policy must be based unless he largely duplicates the disposal staff of the State Department.

At the present time, therefore, the Surplus Property Administrator is in a position where he has responsibility without authority, while the State Department must clear programs and proposals with an agency which is unfamiliar with the changing situation abroad. Both the Secretary of State and the Surplus Property Administrator have recommended this change, and it has the approval of the Director of War Mobilization and Reconversion. There should be hearty approval of this consolidation of responsibility and authority.

The next section of the bill clarifies the provisions of the present Surplus Property Act concerning what may be accepted in return for surplus property. Section 15 of the present Act was broadly written, so far as domestic disposal is concerned; for example, it permits property to be exchanged for other property. However, the authors of the legislation did not have in mind at this point the peculiar, in fact unique, problem that exists abroad. Basically the question is one of foreign exchange. Many of the countries in which our surplus is located and to which a large part of the surplus will be sold, do not have enough dollars. Accordingly, it is necessary to provide for the acceptance of things other than dollars. To a considerable extent, possibly to a major extent, the difficulty can be overcome by the extension of credit, a practice that is used in this country, although the credit terms abroad may be somewhat different in character from the credit terms here. But there are other possibilities of acquiring benefits for the United States in return for surplus property that are either not clearly defined in the present Act, or not covered at all. It is obviously in the national interest to strengthen the hand of the disposal authorities by giving them the necessary power to accept other types of benefits. While specific provision is made for the payment into the Treasury of the United States any such credits as may be converted into dollars, the bill authorizes acceptance of the following: when credits cannot be converted into United States Currencies:

(1) *Foreign Currency or Credits*—In a sense, accepting foreign currency is not unlike extending a dollar credit, but in many cases payment in local currency to be liquidated under agreed conditions may be more acceptable to the foreign governments and at the same time may involve less risk than an ordinary loan or credit.

(2) *Intangible Rights or Benefits*—To some extent it may prove possible to obtain concessions from foreign governments—rights and privileges of various sorts—in connection with surplus property disposal that could not easily be obtained in any other way.

(3) *Discharge of Claims*—It is well to note that our claim problem has been vastly reduced during this war by virtue of the reverse lend-lease arrangements we have had with many of our allies. Nevertheless, a certain residue of claims remains, and in some cases our best chance of settling these promptly and satisfactorily is by the use of surplus property.

The third section of the bill provides for the disposal of surplus property abroad to establish educational programs. The Secretary of State is authorized to enter into agreements with foreign countries under which, in return for surplus property or local currency or credits received for surplus property, there will be established the following types of educational programs: education of foreigners in American schools abroad, such as Roberts College; transportation expenses of foreign students coming to the United States to study; and most important, transportation and expenses of American students studying in foreign institutions. It is contemplated that in general the agreements to be entered into by the Secretary of State with foreign countries, will take the form of trust funds or foundations, so that the activities may continue into the future. The expenditures under these agreements in any one country are limited to 2½ million dollars per annum.

It is my firm belief, a belief based on personal experience, that the inter-change of students between countries can play a major role in helping to break down mutual misunderstandings and in furthering the kind of knowledge that leads to mutual confidence. No visitor or traveler can gain as much appreciation of the way and thought of living of foreigners as students can who actually live in the foreign country while they learn. We all now know that no country is far away in the age of airplanes. The necessity for increasing our understanding of others and their understanding of us has an urgency that it has never had in the past. The adoption of this program by the Congress is a vital counterpart of the steps we are taking to increase our participation in world affairs.

In conclusion, I might add that this section of S. 1636 does not include authorization in connection with lend-lease settlements because the Lend-Lease Act itself provides sufficient authority. Section 3(b) of that Act states that "the benefit to the United States may be payment or repayment in kind, or any other direct or indirect benefit which the President deems satisfactory". I am advised that the President deems these educational benefits entirely satisfactory. In some countries the State Department will negotiate these agrements on the basis of surplus property disposal, in others it will rely on the lend-lease settlements, but because of its inability to do the latter in those countries where there is no lend-lease settlement, or where the settlement offers no propitious opportunity for such an agreement the passage of this bill is essential.

Mr. FULBRIGHT. Mr. President, a hearing on this bill was held by the Surplus Property Subcommittee of the Senate Committee on Military Affairs under the wise direction of Senator JOSEPH O'MAHONEY, on February 25, 1946. I ask unanimous consent, Mr. President, to have a news release of January 22, 1946, concerning this hearing, printed in the RECORD at this point.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

Hearing on Fulbright Bill To Use Credits From Sale of Foreign Surplus for Educational Purposes

Senator Joseph C. O'Mahoney (D.) of Wyoming, Chairman of the Surplus Property Subcommittee of the Senate Committee on Military Affairs, made the following announcement:

The Fulbright Bill, S. 1636, which proposes to give to the Department of State the exclusive responsibility for surplus property located in foreign countries and to authorize the Secretary of State to make agreements with foreign nations to set up educational programs with the foreign credits acquired, will be considered at an open hearing of the Senate Military Affairs Subcommittee on Surplus Property which will be held on February 25 at 10:30 a.m. in Room 224, the Public Lands and Surveys Committee Room in the Senate Office Building.

Witnesses who will speak on the interest of the United States in international exchange scholarships are Dr. William G. Carr of the National Education Association, William I. Nichols, Editor of "This Week Magazine," and Vittorio Ivella, Italian educator. Statements endorsing the objectives of the bill have been submitted by former president Herbert Hoover and John Nason, President of Swarthmore College. The witnesses from government departments and agencies include William Benton, Assistant Secretary of State for Public and Cultural Relations, Chester Lane, Deputy Administrator of the Foreign Liquidation Commission and Harold Stein of the Office of War Mobilization and Reconversion.

Mr. FULBRIGHT. Mr. President, I also ask unanimous consent to have printed in the RECORD several newspaper editorials and articles of the era which dealt with the proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Nashville Tennessean, Jan 12, 1946]

Fulbright Scores Again

Senator Fulbright's bill to set up the funds derived from the sale of surplus war materials in foreign lands to finance a huge international scholarships exchange program is a happy solution to a vexing problem.

Surplus war goods are often disposed of for a few cents on a dollar and others are deliberately destroyed. Goods sold after World War I in Europe created serious complications because of our efforts to work out dollar exchange arrangements. The knowledge that dollar exchange would be difficult to arrange had a deterrent effect on the price that the goods brought in the first place. Then followed the bad feelings of the Harding era over the slowness of the purchasing governments in paying these debts.

Disposal of goods already abroad which we do not wish to bring home or cannot afford to ship back is a far greater problem than it was after 1918. Surplus property is scattered through Britain, France, Holland, Italy, North Africa, Egypt, India, Iran, China, Australia, the Philippines, Russia, and New Zealand. It will be more difficult to arrange dollar exchange now than it was after the first world war. Mr. Fulbright's bill, S. 1636, is the answer. It would eliminate the problem of dollar exchange. It would increase the price the surplus goods would command.

Even more important, it would be a tremendous investment in good will and understanding among peoples. Each country buying the surplus property would set up the purchase price as a perpetual fund which would finance the education of graduate students in American universities.

Much of the prestige which the United States enjoys in China today is attributable to the influence of the Boxer indemnity fund which has financed the education of hundreds of Chinese in America. The Fulbright bill would create many funds of this type. It is a sound proposal. Instead of buying trouble with our surplus war property abroad, we have the opportunity to invest in world brotherhood. It is one splendid means of beating swords into plowshares.

[From the Dallas Morning News, Mar. 3, 1946]

Good-Will Fund

Much can be said for the proposal of Senator J. W. Fulbright of Arkansas to convert a large part of this nation's overseas war surplus into a scholarship fund to promote international understanding and good will. This measure, now before the Senate's committee on military affairs, would turn surplus United States trucks, jeeps and other items over to the countries in which they are now located, in return for the setting up by these countries of scholarship funds to be used to educate American students there and to send students of these countries to America for study.

Himself a former Rhodes scholar, Senator Fulbright is aware of the good that can be accomplished through such student exchanges. Undoubtedly he knows, too, that much of the good will we have built up in China stems from action a generation ago in using our share of the Boxer indemnity fund to educate promising Chinese students in the United States. His plan would provide student exchanges with Russia, Britain, France and China and eventually with our recent enemies.

Many of the items we still have overseas would be more useful to other countries than to ours. Dumped here as surplus goods, they would merely clutter the market and impede the manufacture of new goods better designed to meet civilian needs. Trying to sell them for cash overseas would bring little money and would get us condemned as Shylocks. Senator Fulbright's proposal offers a happy way out of a tangled situation.

America has surplus war material scattered all over the world. In most cases it is too costly to bring home, the native countries can't afford to pay much for it, and the alternative is to let it rot. The reason American troops are today in India is to guard surplus goods there. The cost of supporting the troops is eating up the potential value of the goods; the Indians don't like to have the troops there; the United States soldiers want to come home. This is typical of many areas.

Testifying for the Fulbright bill, William Y. Nichols, magazine editor and also a former Rhodes scholar, explained the program; he would dispose of the surplus for a certain amount of cash, or for goods needed in the United States. But he would also accept in payment a new kind of currency, endowment funds that would provide for regular exchange visits between students and citizens of the two lands. The word "students" would be broadly interpreted; it would include journalists, teachers, representatives of all kinds. The expense would be borne in whole or in large part by the country receiving surplus goods.

Under the Fulbright plan, a limit of $2,500,000 for any country in any one year would be imposed, and only surplus material outside the American continental area and possession would be available. If the world has indeed reached an ideological contest between democratic capitalism and collectivism, it would seem a shrewd move, both for sentimental and educational reasons, to invite plenty of impressionable young foreign students over here as guests, to see how America works, while giving plenty of Americans a chance to go abroad to see for themselves what kind of world they are living in.

Mr. BLOOM's program notes the world's present acute shortage of dollar exchange, which threatens to cut off foreign students from the United States. He would extend to European countries such facilities for exchanging scholars, students, and technicians as are now maintained in relation to Latin America and to China.

The Fulbright and Bloom bills are companion or supplementary measures. They both take the same view, that educational bread thrown on the waters today may bring in whole shiploads of good will in the years to come, while helping to make a better world.

[From the Christian Science Monitor of Mar. 2, 1946]

Changing Cannons to Cultural Currency—An Intimate Message From Washington

(By Richard L. Strout)

WASHINGTON.—Congress has a proposal to turn some of the value of American military surplus dumped around the world in foreign countries to aid in the mutual exchange of students.

The proposal would in effect transform cannons into cultural currency. It would do for the postwar world what the system of Rhodes scholars has done to foster English-speaking understanding, and what the Boxer indemnity funds have done to draw China closer to the United States. It is a bold scheme, stimulating to the imagination, capable of realization, and tremendous in possibilities. Senator J. WILLIAM FULBRIGHT (Democrat), of Arkansas, has introduced such a bill, on which hearings have just been completed before a subcommittee of the Military Affairs Committee. Another bill, not directly based on the disposal of war surplus, is in the House, introduced by Representative SOL BLOOM (Democrat), of New York, chairman of the Foreign Affairs Committee.

William Philip Simms, distinguished writer on foreign affairs, discussing the Fulbright bill, recalls how the United States returned most of its share of the $333,000,000 Boxer indemnity levied against China by the great powers, and how China, in gratitude, decided to use the funds to educate students in America. Few deeds of grace in this sorry world have had such profound results. The Chinese students educated in the United States have been the seed corn of a new era; it is hard to think of any other single act that has returned such rich dividends in good will, understanding—yes; and trade.

China set up Tsing Tua College at Peking where, until the war intervened, a group of about 400 students, picked competitively, were prepared for entrance to American universities. Over 100 Chinese were graduated in the United States annually to return home carrying an American viewpoint. The United States made a gesture of sympathy that hardly affected its pocketbook; the result was a river of good will that never dried up, and that watered the whole Orient.

[From the New York Herald Tribune of Mar. 14, 1946]

Better Currency Than Gold

The Fulbright plan for using surplus-property credits abroad for an exchange of students has received very substantial backing in hearings before's special Senate committee. Senator Fulbright would amend the Surplus Property Act, placing disposal of surpluses in the hands of the State Department and eliminating the requirément that payment be made in dollars or gold. His bill would establish credits in the purchasing country, part of which could be used to pay the way of American students in its universities. Americans interest in foreign study is attested by more than a thousand GI requests to the Veterans' Administration. Under the bill such credits could also be used to pay for transportation of foreign students to the United States or to American institutions abroad. The bill may be amended to include provision for their educational support as well. Or it may be broadened, as William Benton, Assistant Secretary of State, suggests, to include maintenance of libraries and corollary educational activities abroad.

The more one thinks on the possibilities of this plan in promoting understanding between nations, now when that understanding is recognized as a goal of paramount importance, the more exciting the prospects becomes. The value of student exchanges has been well exemplified. The use of the Boxer Rebellion indemnity turned back to China for the education of Chinese students in this country has been an incalculable influence in turning the thoughts of Chinese men of learning westward. Former President Hoover cites the influence of the Belgian-American Education Foundation. That organization utilized funds from the liquidation of Belgian relief surpluses after the last war to bring Belgian students here, send Americans to Belgium. The result, Mr. Hoover says, is that there is no country in Europe "where the ideals and purposes of the American people are so well understood and respected as they are in Belgium." The Rhodes scholarships have made for better understanding between this Nation and Great Britain. The Fulbright plan would put such student exchanges on a far wider basis, sending Americans into England, France, Italy, Australia and China, possibly to Norway, India, New Zealand, and Russia, and, if the plan is made a two-way one, receiving their students here.

An oblique but practical argument for the plan is that unless we exchange the surpluses for some such purpose they may not be utilized at all. The would-be purchasers have not the dollars with which to buy even such needed goods as trucks and tractors, locomotives and bulldozers, most of which will, nevertheless, not be shipped back. William N. Nichols, editor of This Week, has suggested that we will be converting these otherwise indisposable goods into "cultural currency." It is a happy term in connection with this plan to turn the wastage of war into opportunities for better mutual understanding among nations.

Mr. FULBRIGHT. Mr. President. on April 12, 1946, after being reported favorably by the full Military Affairs Committee, headed by Senator Elbert Thomas of Utah, the bill was passed unanimously by the Senate. It was approved by the House on July 25. On July 27 the bill, as amended, got final approval in the Senate. Four days later, August 1, 1946, President Truman signed the bill into law. Mr. President, I ask unanimous consent to have the text of Public Law 79–584 printed in the Record at this point, along with a statement by then Assistant Secretary of State William Benton on August 1, 1946, an article from the Washington Daily News, July 30, 1946, and an editorial from the Christian Science Monitor, August 26, 1946.

There being no objection, the material was ordered to be printed in the Record as follows:

79—Public Law 584

An act to amend the Surplus Property Act of 1944 to designate the Department of State as the disposal agency for surplus property outside the continental United States, its Territories and possessions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Surplus Property Act of 1944, as amended, is hereby amended by adding a new subsection (c) to read as follows:

"(c) Except as provided in subsection (b) of this section, the Department of State shall be the sole disposal agency for surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, and with respect to such property the Secretary of State shall exercise the functions heretofore conferred upon the Surplus Property Administrator by Public Law 181, Seventy-ninth Congress. The Secretary of State shall, subject to the provisions of the War Mobilization and Reconversion Act of 1944, have sole responsibility for carrying out the provisions of the Surplus Property Act of 1944, with respect to surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands."

Sec. 2. Section 32 (b) of such Act, as amended, is hereby amended to read as follows:

"(b) (1) The provisions of this Act shall be applicable to disposition of property within the United States and elsewhere, but the Secretary of State may exempt from some or all of the provisions hereof dispositions of property located outside of the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, whenever he deems that such provisions would obstruct the efficient and economic disposition of such property in accordance with the objectives of this Act. In addition to the authority conferred by section 15 of this Act, the Department of State may dispose of surplus property located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, for foreign currencies or credits, or substantial benefits or the discharge of claims resulting from the compromise, or settlement of such claims by any Government agency in accordance with the law, whenever the Secretary of State determines that it is in the interest of the United States to do so and upon such terms and conditions as he may deem proper. Any foreign currencies or credits acquired by the Department of State pursuant to this subsection shall be administered in accordance with procedures that may from time to time be established by the Secretary of the Treasury and, if and when reduced to United States currency, shall be covered into the Treasury as miscellaneous receipts.

"(2) In carrying out the provisions of this section, the Secretary of State is hereby authorized to enter into an executive agreement or agreements with any foreign government for the use of currencies, or credits for currencies, of such government acquired as a result of such surplus property disposals, for the purpose of providing, by the formation of foundations or otherwise, for (A) financing studies, research, instruction, and other educational activities of or for American citizens in schools and institutions of higher learning located in such foreign country, or of the citizens of such foreign country in American schools and institutions of higher learning located outside the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands, including payment for transportation, tuition, maintenance and other expenses incident to scholastic activities; or (B) furnishing transportation for citizens of such foreign country who desire to attend American schools and institutions of higher learning in the continental United States, Hawaii, Alaska (including the Aleutian Islands), Puerto Rico, and the Virgin Islands and whose atendance will not deprive citizens of the United States of an opportunity to attend such schools and institutions: *Provided, however,* That no such agreement or agreements shall provide for the use of an aggregate amount of the currencies, or credits for currencies, of any one country in excess of $20,000,000 or for the expenditure of the currencies, or credits for currencies, of any one foreign country in excess of $1,000,000 annually at the official rate of exchange for such currencies, unless otherwise authorized by Congress, nor shall any such agreement relate to any subject other than the use and expenditure of such currencies or credits for currencies for the purposes herein set forth: *Provided further,* That for the purpose of selecting students and educational institutions qualified to participate in this program, and to supervise the exchange program authorized herein, the President of the United States is hereby authorized to appoint a Board of Foreign Scholarships, consisting of ten members, who shall serve without compensation, composed of representatives of cultural, educational, student and war veterans groups, and including representatives of the United States Office of Education, the United States Veterans' Administration, State educational institutions, and privately endowed educational institutions: *And Provided further,* That in the selection of American citizens for study in foreign countries under this paragraph preference shall be given to applicants who shall have served in the military or naval forces of the United States during World War I or World War II, and due consideration shall be given to applicants from all geographical areas of the United States. The Secretary of State shall transmit to the Congress not later than the 1st day of March of each year a report of operations under this paragraph during the preceding calendar year. Such report shall include the text of any agreements which have been entered into hereunder during the preceding calendar year, and shall specify the names and addresses of American citizens who are attending schools or institutions of higher learning in foreign countries pursuant to such agreements, the names and locations of such schools and institutions, and the amounts of the currencies or credits for currencies expended for any of the purposes under this paragraph in each such foreign country during the preceding calendar year."

Approved August 1, 1946.

Statement by Department of State Assistant Secretary William Benton on the Fulbright Bill

A step of great long-range significance for the advancement of international understanding was taken today when the President signed an Act of Congress, introduced by Senator Fulbright of Arkansas, which authorizes the Department of State to use some of the proceeds from surplus property sales abroad for exchange of students and other educational activities.

The Bill provides that up to $20,000,000 can be ear marked for educational exchanges with any country which buys surplus property, and up to $1,000,000 can be spent each year in each country where such an agreement is made. Thus tens of millions of dollars should become available under this bill, over a period of years.

The exchange of students and scholars is, in my judgment, the surest single method, over the decades, for promoting understanding among the peoples. The activities of the press, radio and films are indispensable in the exchange of current information among countries; but the effect of current developments is often ephemeral, and news is often misunderstood for lack of background and context. The solid background acquired by those who study outside of their own countries can provide the basis for truer understanding of other peoples. The beneficent results of the Boxer Indemnity Scholarships, in the relationship between the United States and China, provides one of the best examples of this.

The Department of State had already completed an agreement with Great Britain, pending Congressional approval, which will provide 20 million dollars from the sale of surplus property for educational exchanges with the United Kingdom and the British colonies. Similar agreements are now being negotiated for amounts ranging from $3,000,000 to $20,000,000 in the following countries, among others: Australia, New Zealand, China, the Philippines, Burma, India, Iran, Iraq, Saudi Arabia, Turkey, Egypt, Greece, Austria, France, Holland, Belgium and the Scandanavian countries.

The Fulbright Bill authorizes the following types of educational activities:

(1) American students can be given grants of foreign currencies to be used to pay the cost of higher education or research in foreign countries.

(2) American professors can be given grants to give lectures in foreign institutions of higher learning.

(3) Foreign students can be given scholarships to study at American non-denominational institutions abroad such as the American University at Beirut, Syria, and Robert College at Istanbul, Turkey.

(4) Foreign students can be given funds to pay for their transportation to the United States to attend American institutions of higher learning.

It is implicit in the bill that all of these activities must be financed with foreign currencies. The bill therefore cannot authorize expenses of foreign students within the United States. The bill is designed to utilize foreign credits in many countries in lieu of American dollars for American surplus property.

The students who will benefit by this bill will be selected by a ten-man Board of Foreign Scholarships, which the bill authorizes the President to establish. The bill provides that this Board shall include representatives of the United States Office of Education, the United States Veterans Administration, state educational institutions and privately endowed institutions. If funds are negotiated to the limit of the bill's potential, and if facilities abroad develop capable of handling the students, it is possible that 100,000 or more American students would be sent abroad under this bill in the next two or three decades.

Veterans of World War I and II will be given preference. The bill requires that "due consideration shall be given to applicants from all geographical areas of the United States." It is expected that some type of regional selection method will be devised to ensure that all parts of the United States are suitably represented.

It is unlikely that any scholarships will be awarded under the authority of this Act for the 1946–47 academic year. After the President has appointed the Scholarship Board, and the Board has determined the qualifications for awards, ample publicity and time should be permitted for all suitably qualified people to make application. It is hoped that the grants will be made in the spring of 1947 for the school year beginning in the autumn of 1947.

While the major effect of the Fulbright Bill will be to permit thousands of American students to study abroad, we should be prepared to welcome thousands of foreign students to our shores. I look forward to the day when we shall have as many as 50,000 Foreign students in this country. Senator Fulbright, the author of the bill which was signed today, has seen at first hand the importance of such student exchanges as a result of his own studies abroad, and during his tenure as president of the University of Arkansas. It is due to his understanding and his leadership that this bill has been enacted by Congress.

[From the Washington Daily News, July 30, 1946]

SURPLUS EDUCATION

(By Peter Edson)

Sen. J. William Fulbright (D., Ark.), who used to be a college president himself, is the proud author of a passed bill to provide about $314 million worth of free and higher education over the next 20 years. Fulbright's bill was passed by the Senate last April and it got by the House the other afternoon in about 10 minutes, with not much attention and no opposition. It is an amendment to—of all things—the Surplus Property Act.

There is no inference here that higher education is surplus property. Far from it. But by an ingenious bit of higher mathematics, Sen. Fulbright has found a way to finance out of the sale of war junk a world-wide system of American scholarships that makes Cecil Rhodes look like a piker.

The way Sen. Fulbright worked this thing out, definite amounts received from U.S. surplus war materials sold abroad will be earmarked for these foreign scholarship funds. The maximum amount to be spent this way in any one year will be $1 million for each country cut in on the program.

Fulbright sold this idea on the theory that it's extremely difficult for most of the war-broke countries to find dollars to pay for the war surpluses they buy. He figured that any funds kept in the purchasing countries and spent in their own currencies would ease the burden. In addition to which the U.S. would be the gainer by having a cultural relations program second to none.

Money received from the sale of U.S. surplus property sold abroad and ear-marked for this educational fund may go to pay the expenses of U.S. students in foreign countries or it may be used to pay for the transportation of foreign students coming to the U.S. for higher education.

It may be used to endow a professorship, enabling some visiting American professor to teach in a foreign university. It may provide scholarships for students studying in American universities abroad, like Roberts College, Beirut and the American college in Istanbul.

Countries which may cash in on the maximum benefits for the next 20 years include England, France, Italy, China, Mexico, and the Philippines. An agreement has already been worked out with the British on this basis, and the first of these "reverse Rhodes scholars" probably will go there.

If the average individual grant is $2000 a year, the Fulbright plan would give scholarships to some 500 students and profs in each of the six countries named above, every year for the next 20 years. Countries with smaller amounts set aside from their sale of surplus property—say from 10 to 15 million a year for the next 20 years would include The Netherlands, Belgium, India, Egypt, Iran, Australia, New Zealand and Brazil.

Selection of students and professors is to be made by a committee of 10 educators, to be known as The Board of Foreign Scholarships. They will be named by the President and they'll make the rules on how candidates are chosen and who gets how much to go where and do what.

The actual work of handling the applications, conducting the examinations and paying out the money will probably be delegated to a section of the Division of Cultural Co-operation in the State Department. The State Department people are pretty happy about the whole thing, but they ask you not to rush in with your applications. The board to select students hasn't been named. The rules haven't been written. They're not open for business. They'll announce when, later.

[From the Christian Science Monitor, Aug. 26, 1946]

SCHOLARS ACROSS THE SEAS

Swords into scholarships! That is the meaning of the Fulbright Act, recently signed by President Truman.

Under the Act, surplus war property, which provided such a bone of contention between the United States and other countries after World War One, will be redeemed in "cultural currency." Countries without dollar exchange to purchase needed equipment may acquire up to $20,000,000 of such property in return for financing, in their universities and colleges, the study of American students. Transportation, tuition, maintenance, and other expenses are included.

It is fitting that preference be given to veterans—that many who served on foreign shores are now to be served on those shores. And wisdom is shown in extending the scholarships to teachers, journalists, and other worthy applicants to regular "students."

Thirty countries already have made purchases, and it is estimated that once the program is started, up to 100,000 Americans will benefit from the provisions. Thus foreign educational opportunities now provided by private organizations and institutions, by the G.I. Bill of Rights and Lend-Lease arrangements are to be considerably enlarged.

This national good-will venture duplicates in reverse and on a worldwide basis the Chinese-American arrangement whereby China was permitted to use the United States' share of the Boxer indemnity fund to educate its students in America. The rich dividends that arrangement has brought in friendship, enlightenment, and understanding should be increased, manyfold under the new plan.

Mr. FULBRIGHT. Mr. President, as authorized in the legislation, the President appointed a 10-member Board of Foreign Scholarships to oversee the program. The Board sets policies and procedures for administration of the program, has final responsibility for approving selection of all grantees, and supervises the conduct of the program both in the United States and abroad. In 1961 the Board was expanded to 12 members. Over the years a number of distinguished Americans have served on the Board.

Mr. President, I ask unanimous consent that a statement I made on this subject on July 25, 1947, along with an editorial from the Kansas City Star, July 20, 1947, be printed in the RECORD at this point. Additionally, I would like to have included news articles from the Washington Star of December 14, 1947, and St. Louis Post-Dispatch, June 1, 1947, reporting on the early stages of the program

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. J. W. FULBRIGHT

It is most encouraging for the future of this program that men and women of such high distinction and ability have agreed to serve on the Board of Foreign Scholarships. The membership of the Board represents America in the broadest sense and I congratulate President Truman upon the wisdom of his appointments.

The sponsoring of the legislation creating these scholarships has been the most gratifying experience that I have had in public life. I believe that the thousands of young men and young women who, under this program, will live and study among the people of countries other than their own, will, because of their experience and understanding exert a powerful influence for peace. In the long run education is the greatest hope of mankind for peaceful and friendly relations among the peoples of the world.

[From the Kansas City (Mo.) Star of July 20, 1947]

VALUE IN A FOREIGN STUDY PLAN

Within a year the first group of American students will enroll in foreign schools under the terms of the Fulbright Act. This measure, named for its sponsor, Senator FULBRIGHT, of Arkansas, permits educational cooperation with any nation buying our surplus war goods. Part of the proceeds from such sales will be left with countries sharing in the program to finance the study of United States citizens overseas and in turn enable foreign students to attend American institutions.

President Truman recently named a board of 10 educators and officials to select students qualified for these scholarships. It will be a large-scale undertaking, with several thousand Americans benefiting from it annually and a fund of $137,550,000 already set aside to pay its expenses over a 20-year period. Twenty-two nations representing most areas of the world are eligible to join us in the plan.

Russia is not among them, having shown no interest in the idea. In fact, American officials got a silent brush-off last year when they sought to discuss a proposal for exchange scholarships with the Soviet Union. This attitude was in line with the Russians' general unwillingness to let their people associate with the citizens of non-Communist countries.

The benefits of the plan no doubt would be increased by Russia's participation in it. Yet this lack will not effect the mutual gains to be made available to all countries where students will be exchanged under the arrangement. The dividends in creating better understanding between these nations and the United States are likely to be large. Our experience in sending Rhodes scholars to England and in bringing Chinese students to America long ago proved the value of such programs.

[From the Washington Star, Dec. 14, 1947]

TRUMAN BOARD SET UP TO SELECT HUNDREDS FOR STUDY ABROAD

President Truman's Board of Foreign Scholarships set up machinery yesterday to start selecting the hundreds of students and teachers expected to attend foreign universities with expenses paid from the sale of American war surplus abroad.

The board members heard Howland Sargeant, Deputy Assistant Secretary of State, say they were launching "the greatest educational experiment the world has ever seen."

Senator Fulbright, Democrat of Arkansas, a former Rhodes Scholar and sponsor of the plan, said:

"This exchange of students and teachers will do more to bring about friendly understanding between the people of the United States and those of other countries than the Marshall plan or any other kind of aid."

MAY SEND 1,800 ABROAD

It has been estimated that funds available under the Fulbright plan will total $140,000,000. Expenditure of $7,000,000 a year in a 20-year program, it has been estimated, would keep 1,800 students and teachers abroad and transport an additional number to this country.

The Fulbright plan includes purchases of steamship tickets at foreign ports with foreign currency from the sale of surplus to send students and teachers here. Their tuition or maintenance here must be paid for in dollars. It is not the intention of sponsors of the plan to have it deplete dollar balances abroad. A companion piece of legislation introduced by Representative Mundt, Republican, of South Dakota, which authorizes appropriations from the Treasury for this purpose, has passed the House and is pending in the Senate.

The board elected Francis Trow Spaulding, New York State Commissioner of Education, chairman, and Helen White, professor of English at the University of Wisconsin, vice chairman. They will serve for a two-year period.

SELECTION PLANS ADOPTED

Plans submitted from three sources were adopted for the selection of Americans to go abroad under the program.

The plans were from the Institute of International Education, which will select students; the United States Office of Education, which will select teachers, and the Associated Research Councils, which will select research workers. The President's board will make final selections in each category.

The institute suggested establishment of 10 regional committees of five members with a paid headquarters staff of three persons. It submitted a budget that would amount to $246,800 a year when the plan gets into full operation. The regional committees would receive applications from students, interview the most promising and recommend panels to the President's board, which would make the final selection.

REGIONAL VISITS URGED

The Office of Education suggested regional committees in Boston, Philadelphia, Atlanta, Chicago, Des Moines, Dallas, Los Angeles and Portland, Oreg., for selection of teachers. It submitted a 1949 budget of $65,712.

The Associated Research Councils recommended that grants in its field go to candidates for the degree of Ph. D. or Sc. D.

The Fulbright Act can finance "activities of or for American citizens" abroad. Thus it can pay the cost of American technicians teaching abroad.

Francis Colligan of the State Department, who is assistant executive secretary of the President's board, reported this was the feature of the plan that he found of the greatest interest in a European trip he has just completed for the board. He said Greece and France wanted agricultural experts to teach American methods. England was most interested in the possibility of American professors of medicine lecturing there.

"The European educational plant," he said in answer to a question, "is as crowded as our own. I found that there are 68,000 university students in Paris, 35,000 in Rome, and even in stricken Athens there were 10,000. Such is their expandibility, however, with their lecture system and lack of examinations, that they could take additional American students—and they would welcome them."

[From the St. Louis Post-Dispatch, June 1, 1971]

UNITED STATES NOW EDUCATION CENTER OF WORLD; 18,000 FOREIGN STUDENTS IN OUR SCHOOLS

(By George H. Hall)

WASHINGTON, May 31.—The United States, which ended the war with the greatest destructive potential on earth, also emerged in the constructive role of a cultural leader and has become the educational center of the world.

It is a little publicized but historically important fact that some 18,000 foreign students are studying in American schools, perhaps twice the number here before the war. More are entering this country at the rate of 1000 a month. Scores of thousands—the estimates run well into six figures—are clamoring to get in.

These men and women are paying their own way as far as we are concerned. They are spending an estimated 40 million dollars a year. We are actually benefiting financially from a situation which other countries are spending millions to bring about in their own educational institutions.

More important than the money involved is the possibility and the hope that the returning students will become ambassadors of good will and exponents of the American way of life.

In practice this hope is limited by the facts. The United States has little to say as to what students are to come here and what subjects they are to study. To fill the gaps in the world-wide movement, from our point of view, the State Department is seeking legislative permission to bring selected students to this country.

TWO-WAY EXCHANGE WILL GO INTO OPERATION

A sort of two-way exchange will function on a large scale when the Fulbright Act begins to operate. This measure, sponsored by Senator Fulbright (Dem.) Arkansas, a former Rhodes scholar, provides that the State Department may use foreign currencies and credit acquired through the sale of surplus property abroad for student exchange programs. It has been called an act to turn swords into scholarships.

This tremendous movement dwarfs the best-known of all the inter-nation educational plans, the Rhodes scholarships. Its importance may be assessed from the unquestioned influence Rhodes scholarships have exerted on relations among the United States, the British Empire and Germany, where they have been awarded.

Since the death of Cecil Rhodes in 1902 about 2000 men have studied at Oxford on grants from the trust set up in his will. Of these, more than 1100 have been Americans. A tabulation made last year showed that 389 returned to become educators, 236 lawyers, 55 doctors, 53 writers, newspapermen or radio broadcasters and 141 business men. There were 74 in Government service, 36 in research, 35 in religion, 43 in academic pursuits and 50 in other occupations.

In most instances Rhodes' desire that the students achieve positions of leadership and influence has been fulfilled. In this respect the results have far outweighed the money expended, and they have become apparent in 40 years. Rhodes once alluded to his plan as a work of two centuries.

There is one striking difference between the movement of scholars to England and that to the United States. The overwhelming majority of the foreign students now in this country are studying our technology. They will go home with a grasp of our mechanical know-how but with little idea of our economic or our political system.

UNDERSTANDING OF U.S. STATE DEPARTMENT GOAL

Rhodes scholars, on the other hand, are selected in such a way and study such subject matter as to fit them to interpret the English point of view. This is not to say they become propagandists for Great Britain, but they do leave Oxford with some understanding of England's political life and traditions.

The State Department naturally wants at least some of the young men and women who study here to understand what makes America tick. If they want to go home and preach a doctrine of Americanism, so much the better.

Here is an example of what is happening. When India was notified finally that it would be independent the Indian Government adopted a long-range educational program. Some 2000 scholars were to be sent annually to the United States at Government expense. An arrangement was made for loans to additional students who wanted to come on their own.

As of today about 600 Government and 300 private Indian students are in the United States. It is expected that within two years there will be 2000 Government and 1000 private students here, spending an average of $2000 each annually. The point made by the State Department is that virtually all these persons are studying scientific and technological subjects. There is, for instance, not one journalism student.

The significance of the overall movement is apparent especially to the veterans of Army, Navy and Office of Strategic Services who are employed in the State Department's Division of International Exchange of Persons. What they have seen abroad has convinced them that education is potentially the most effective means to lasting peace.

Oliver J. Caldwell, acting assistant chief of the division, said to the Post-Dispatch that "at no time in history has one nation been the cultural world capital as the United States is now. The influx of students is beyond parallel. It is one of the most important historical events of our times."

AMERICA'S OBLIGATION TO SHARE ITS FACILITIES

He pointed out that many of the European universities either were destroyed in the war or are years behind and that many educators feel America has a genuine obligation to share its facilities with the world.

Educators say universities overcrowded now with student veterans are in a position to accept foreign students because most of the latter are either graduate students or are interested in less-crowded fields. Many are studying agriculture and forestry.

One of the principal barriers to free student exchange is the lack of transportation. By the time students can take advantage of the Fulbright Act, which may be a year or more, passage may be easier to obtain.

Meanwhile, some relief will be offered this summer by the assignment of two Maritime Commission converted troop transports to carry students and teachers between Europe and the United States. Estimates are that 3500 Americans want to study abroad this summer while "several thousand" hope to come here.

Implementation of the Fulbright Act, which was passed by the last Congress, has been delayed, but it now is hoped to have application blanks ready by November so that the first large groups of fellowships may be awarded next spring. It is possible a few teachers may be sent out this September.

The first step in setting up an organization to handle applications will be appointment by President Truman of a 10-member Board of Foreign Scholarships, composed of representatives of cultural, educational, student and war veteran groups and of the United States Office of Education, the Veterans' Administration, state educational institutions and privately endowed institutions.

COSTS ARE LIMITED TO MILLION DOLLARS

Signing of agreements with foreign countries should be under way soon. An agreement with China is expected shortly. Probably a foundation will be set up in each country to handle funds and to recommend schools. The United States is likely to have a representative on each foundation.

The State Department says there is no accurate figure on the number of countries that may eventually participate or of the amount of money to be spent in each country. The bill limits educational expenditures to a million dollars annually for 20 years.

The first annual report of the State Department on operations under the act, submitted last March, stated that as of Dec. 31 sales abroad producing currencies available for educational use have been made in the United Kingdom, Australia, New Zealand, Greece, Czechoslovakia, Hungary, Poland, Norway, Finland, The Netherlands, Belgium, France, Italy, India, Iran, Turkey, Egypt, Lebanon, Ethiopia, Saudi-Arabia, China, The Netherlands Indies, the Philippines, Austria, Korea and Siam.

The Fulbright Act provides for payment of transportation, tuition and maintenance to American students and teachers attending foreign schools and to foreign students in American schools outside the continental United States and territories, and for payment of transportation costs to foreign students coming to American schools. The application of these provisions is limited by the requirement that only foreign currencies be expended.

Mr. FULBRIGHT. Mr. President, the exchange program remains, as it began in 1946, a modest but significant effort to open new channels of communication and to build new dimensions of understanding between Americans and foreign peoples.

In closing, Mr. President, I would ask unanimous consent to have printed an article from the Arkansas Gazette of July 18, 1971, and information about the recent and current status of the program, including excerpts from "Continuing the Commitment," the annual report of the Board of Foreign Scholarships for 1970.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Arkansas Gazette, July 18, 1971]

Scholars Unite to Save Fulbright Scholarships After Funds Cut Heavily

(By Richard Lemon)

For the last two years it has seemed as though the Fulbright scholar, that peripatetic figure who has been a fixture on the international academic scene for 25 years, was about to become extinct.

During the recent economic pinch, both Congress and the Nixon administration have tended to look on the Fulbright scholarship program the way a hard-pressed parent looks on his son's plans for graduate school—worthwhile, no doubt, but a little luxurious under the circumstances.

Appropriations have been cut from $53 million in 1966 to $32 million this year, and the number of grants has dropped from 800 to 300. Scholars around the world in fact, were beginning to fear that the entire program might be doomed.

Now there are signs that both Congress and the administration have decided that exchanging scholars with other countries is not such a frivolous idea after all. So the Fulbright program is making a comeback, although in somewhat different form.

During its 25 years, the program, initiated by Sen. J. William Fulbright (Dem., Ark.), has sent more than 30,000 American students and teachers to study abroad, and has brought more than 60,000 foreign scholars to this country.

Its recipients have included Nobel Prize-winning geneticist Joshua Lederberg; opera star Anna Moffo; economist Garner Ackley; and composers Leonard Bernstein and Aaron Copeland.

The benefits of this program, in the eyes of its participants, go far beyond the scholarly rewards reaped by the participants themselves.

"The professor from Iowa or Kentucky who sat all alone in Sofia for a year is a very important guy," one former Fulbright scholar says. "When he came, there were probably 200 American books in the university library. When he left, there were probably 2,000 books on the United States in the library, an American studies program—and a lot better understanding of our country."

The exchanges often have been of permanent academic benefit to the exchanging universities as well. "There's little you can learn about nuclear physics or city planning at a university abroad," say one official of the program, "that didn't stem in some measure from the presence of a Fulbright professor at one time or another."

Such accomplishments do not make headlines, however, and several factors combined to make the program a prime target for budget cutting. The recession and the high cost of the Vietnam war put Washington in a mood to make economies. The turmoil on the college campuses put it in a mood to crack down on students and academics of all kinds. A growing isolationism in the country jeopardized international commitments of all sorts.

In 1968, Congress without warning chopped the program's allocations to $31 million. The cuts, moreover, were met by matching slices by other participating countries. Britain, for example, had been contributing 20 per cent of the cost of its participation.

Peeved at not being consulted about the United States cuts and strapped for money itself, Britain reduced its own contributions from $180,000 to $34,000.

What apparently has reversed this process is the academic community itself. Scholars in many countries have become alarmed at the prospect that the largest international brain exchange in history might be coming to an end and they have lobbied intensively for a restoration of funds. As a result, congress next year may well increase the Fulbright budget to $45 million.

Other countries are also increasing their participation. Britain, having recovered from its initial pique, may raise its contribution next year to 50 per cent of the program's cost.

It seems likely that future Fulbright programs, however, will have a somewhat different emphasis. Many congressmen have long felt that too many United States scholars gravitated to the plush learning centers of Europe. Now, more Americans are being sent to the underdeveloped countries and more scholars from those countries are being brought to the United States.

Fulbright administrators also are discussing the possibility of making the program truly international, not bilateral. Under one plan, an American Fulbright scholar would be able to spend one term at Oxford in England and another at the Sorbonne in France instead of spending his entire scholarship in one country.

[From "Continuing the Commitment," annual report of the Board of Foreign Scholarships, October, 1970]

Educational Exchanges

Americans representing every state were among the professors, teachers, and students who took part during 1969–70 in the educational exchange program under Public Law 87–256, the Mutual Educational and Cultural Exchange Act of 1961. One or more educational institutions in every state welcomed grantees coming from overseas to study, teach, or engage in advanced research.

A substantial decline this past year in the number of persons participating in these programs reflected the heavy fiscal year 1969 budget cuts of two years ago. New grants awarded during the academic year 1969–70 totaled 3,046, a drop of 1,510 from the 4,556 grants awarded by the Board in 1968–69. Grants to Americans dropped sharply from 1,524 to 817; those to foreigners from 3,032 to 2,229.

The total number of American and foreign grantees during 1969–70 included an additional 2,864 persons who were not recipients of new grants. (See tables on pages 6–7.) These were grantees—predominantly foreign students—who were permitted a renewal of a previous grant, or an extension of return travel eligibility, in order to complete an academic project.

PROGRAM OPERATIONS

Responsibility for administering the traditional educational exchanges authorized by the Fulbright-Hays Act rests with the Bureau of Educational and Cultural Affairs in the Department of State. The Bureau follows the academic exchange policies established by the Board of Foreign Scholarships with the assistance of several cooperating agencies which are described in the Appendix.

In addition to these exchanges, the Board supervises the Modern Foreign Training and Area Studies Program also authorized by the Act and described in the Appendix. This program is administered by the Institute of International Studies in the U.S. Office of Education, HEW. Statistical tables on all programs are presented in the Appendix. They summarize numerically the accomplishments of academic exchange not only in 1969–70, but since the start of statistical record keeping on the exchange program in 1949.

THE EXCHANGE PROGRAM ABROAD

In the effort to remain in close touch with developments and conditions affecting the conduct of the educational exchange program abroad, two members of the Board visited a number of countries in Africa, the Far East, and Near East and South Asia during the year.

The results of their visits were reported in detail to the full Board membership and to the organizations responsible for the conduct of the program.

A brief summary of the principal conclusions reported by the Board members follows:

Africa—Dr. Paul Seabury

In each of the countries visited there is a positive thrust towards "Africanization" of universities, which in each instance entails a nationalization of educational establishments to link them more closely into the emerging national cultures and into correspondence with the needs of the new States themselves.

A distinction between Africanization and nationalization needs to be made, since a severance of formal established ties with Western universities—linking them with important European, or American, centers of learning—is not correspondingly matched by any significant new linkages within the African community of scholarship as a whole.

As both Africanization and nationalism proceed, certain problems can be easily seen by a passing observer. One, is a tension between the claims of social modernization—espoused by national planners, and in this case ministries of education—and the classical needs and claims of universities and colleges established along European lines, whether British or French.

African education ministries might pay some attention to the American junior college model for extension training in applied skills; and, in fact, radically redirect educational programs to skill-oriented, rather than student-oriented, programs.

Somewhat closer to our Board's concerns with African university scholarship pertains to the future maintenance of excellence among Western-educated scholars in African universities as Western (European) scholarly leadership phases out.

The Fulbright-Hays program more than ever should be meshed, not into the more obvious developmental programs of higher education, but to stress qualitative aspects of reciprocal scholarly exchange . . . it should seek to attract scholars and teachers in whatever fields might best meet the current needs and wishes of African universities.

Our programs can and should stress the fact that we consider African universities and their scholarly milieu as co-equal with the universities of Europe and Asia insofar as quality exchanges is concerned, and not simply as developmental opportunities.

Far East, Near East, South Asia—
Dr. James Roach

I was impressed again at the number of persons in governmental and educational roles abroad who have degrees from or have studied or taught in some American educational institution, and who have—even after 10 or 15 years—the warmest and most positive recollections of that experience. I encountered such people in every foreign and education ministry and in every college or university I visited.

I don't know of any way to quantify the effect of this or, indeed, of any new way to talk about it, but I think Ambassador [William] Porter in Lebanon is right when he says the exchange program is the single most important thing we do abroad.

At each of the 13 countries visited I spoke with binational commission and Embassy officers of our interest and concern to find a more programmatic focus for the exchange program. I urged that some program areas be stated broadly enough to accommodate the best among several academic fields, and that some thought be given as to how American research scholars and students might be associated with some of these projects.

The subject of cost-sharing came up frequently, especially in view of the tight budget. Several commissions or embassies do intend to make new approaches to the host governments, and in some places I think there will be a response.

The perennial questions of quality and adaptability of American lecturers, and how to determine these characteristics in advance, came up in different ways in nearly every country. In some countries the host institutions ask for famous scholars who, at best, are likely to be available for only short visits, and who may in reality have little new to offer. At other posts it was emphasized that the need was for excellent teachers who could improvise equipment or teaching materials, or do without. Most commissions concede that a younger academic, who may not yet have made a name, is often more likely to be adaptable to the local situation.

The counseling of non-sponsored foreign students interested in study in the United States has become a fairly major collateral activity of at least half the binational commissions in the Near East.

The tight budgets with which American educational institutions are now working, and the fall off in federal grants, research funds, etc., are having an effect on the amount of money available for fellowships, research assistants, etc. The foreign student is likely to feel the consequences of this first.

COST SHARING BY OTHER NATIONS

Seventeen of the countries with which the United States has educational exchange agreements share the cost of the program in their respective countries through regular financial contributions made each year. Their contributions for 1969–70 are listed below.

COUNTRIES WHICH SHARE COSTS OF EXCHANGE [1]

Country	Cost-sharing agreement signed	Fiscal year 1969 contribution
Australia	Aug. 28, 1964	$229,600
Austria	June 25, 1963	150,000
Belgium/Luxembourg		45,000
China (Taiwan)	Apr. 23, 1964	15,300
Cyprus	Sept. 7, 1968	2,420
Denmark	Feb. 25, 1965	20,000
France	May 7, 1965	225,225
Germany	Nov. 20, 1962	668,000
Iceland	Feb. 13, 1964	1,137
Israel	Mar. 23, 1967	4,286
Italy		240,000
Netherlands		45,858
Norway	Mar. 16, 1964	28,000
Spain		75,000
Sweden	June 28, 1963	10,638
United Kingdom	May 10, 1965	34,000
Total		1,794,464

[1] In addition, Ireland provided $89,608 in Irish counterpart funds under a special exchange agreement.

Other governments as well as host institutions made indirect contributions—in some instances providing housing, maintenance supplements, and other prerequisites for American grantees in their countries. During the year, negotiations were concluded with New Zealand for a cost-sharing agreement, and at the close of the year negotiations were pending with other governments.

BINATIONAL EDUCATIONAL FOUNDATION AGREEMENTS

Country	Date of original agreement
Africa:	
Ethiopia	Dec. 6, 1961
Ghana	Jan. 24, 1962
Liberia	May 8, 1964
Tunisia	Nov. 18, 1963
Union of South Africa	Mar. 26, 1952
American Republics:	
Argentina	Nov. 5, 1956
Brazil	Nov. 5, 1967
Chile	Mar. 31, 1955
Colombia	Jan. 9, 1957
Ecuador	Oct. 31, 1956
Paraguay	Apr. 4, 1957
Peru	May 3, 1956
Uruguay	July 22, 1960
Western Europe:	
Austria [1]	June 6, 1950
Belgium/Luxembourg [1]	Oct. 8, 1948
Dennmark [1]	Aug. 23, 1951
Finland	July 2, 1952
France [1]	Oct. 22, 1948
Germany [1]	July 18, 1952
Iceland [1]	Feb. 23, 1957
Ireland	Mar. 16, 1957
Italy [1]	Dec. 18, 1948
Netherlands [1]	May 17, 1949
Norway [1]	May 25, 1949
Portugal [1]	Mar. 19, 1960
Spain [1]	Oct. 16, 1958
Sweden [1]	Nov. 20, 1952
United Kingdom [1]	Sept. 22, 1948
East Europe: Yugoslavia	Nov. 9, 1964
East Asia:	
Australia [1]	Nov. 26, 1949
Burma	Dec. 22, 1947
China	Nov. 10, 1947
Japan	Aug. 28, 1951
Korea	June 30, 1960
Malaysia	Jan. 28, 1963
New Zealand [1]	Sept. 14, 1948
Philippines	Mar. 28, 1948
Thailand	July 1, 1950
Near East:	
Afghanistan	Aug. 20, 1963
Ceylon	Nov. 17, 1952
Cyprus [1]	Jan. 18, 1962
Greece	Apr. 23, 1948
India	Feb. 2, 1950
Iran	Sept. 1, 1949
Iraq	Aug. 16, 1951
Israel [1]	July 26, 1956
Nepal	June 9, 1961
Pakistan	Sept. 23, 1950
Turkey	Dec. 27, 1949
UAR	Sept. 28, 1959

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[1] Indicates cost sharing countries.

GRANTS BY CATEGORIES—FISCAL YEARS 1963 THROUGH 1972

	1963	1964	1965	1966	1967	1968	1969	1970	1971[1]	1972[1]
Students:										
Foreign[2]	3,174	3,538	3,548	3,416	3,077	2,978	2,262	2,053	1,935	2,112
United States	1,078	1,106	1,148	1,119	936	852	353	375	353	382
Teachers:										
Foreign	1,018	988	859	898	724	719	559	441	460	495
United States	567	553	405	393	287	234	183	213	213	230
Professors, research scholars:										
Foreign	781	705	770	794	683	656	438	394	498	543
United States	1,225	1,182	1,098	1,190	1,083	905	421	494	606	806
International visitors, observation and consultation:										
Individual, foreign	1,152	1,369	1,359	1,253	1,334	1,260	1,040	1,100	1,144	1,349
Multinational, foreign			10	78	56	56	66	54	91	88
Specialized programs (foreign):										
Individual	763	498	370	344	231	145	138	159	165	223
Multinational		323	376	304	222	154	109	195	108	138
Jointly sponsored			2	2	6		1		1	34
Educational travel:										
Foreign	1,292	1,560	1,819	1,513	1,061	827	550	507	359	555
United States	87	185	225	311	82	86	72	29	24	11
Total, foreign	8,180	8,981	9,113	8,602	7,394	6,795	5,163	4,813	4,761	5,537
Total, United States	2,957	3,026	2,876	3,013	2,388	2,077	1,029	1,111	1,196	1,429
Grand total	11,137	12,007	11,989	11,615	9,782	8,872	6,192	5,924	5,957	6,966

[1] Estimate.

[2] Includes nationals in American-sponsored schools.

Mr. FULBRIGHT. Mr. President, I have received today a telegram from the chairman of the Board of Foreign Scholarships, James R. Roach, sending congratulations on the 25th anniversary of the signing of this legislation on August 1, 1946. I ask unanimous consent that the telegram may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
July 31, 1971.

Senator J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Members of the Board of Foreign Scholarships join me in sending you congratulations and best wishes in recognition of the 25th anniversary of the Fulbright Act on August 1.

This act which launched a world wide program of education exchanges under U.S. Government sponsorship has provided opportunities for over 100,000 Americans and foreign nationals to participate in purposeful academic exchanges which have made an essential contribution to the peaceful pursuits of mankind here and abroad.

As the Board responsible for the supervision of such exchanges we express our appreciation for your imaginative authorship of the initial legislation and your continuing interest and support of these exchanges over the years.

We look forward to meeting with you personally in September.

JAMES R. ROACH,
Chairman, Board of Foreign Scholarships.

SETTLEMENT OF STEEL AND RAIL DISPUTES

Mr. HUMPHREY. Mr. President, I am sure the Senate will be pleased to know, as possibly many Senators do, that what had appeared to be a most difficult labor-management dispute, the railroad management and union dispute, has been settled, and that the trains will be in full operation tonight at 12:01.

This settlement is significant in that the unions have abided by the law, that they won the right to strike selectively, and they have brought free collective bargaining to the rail industry.

I wish to compliment both steel and railroad management for exercising restraint and flexibility in these negotiations. I compliment them for placing their faith and confidence in the collective bargaining process. It has worked well for management, labor, and the public.

I compliment the leadership of the United Transportation Union, President Charles Luna, for his sincerity and dedication to the highest principles of labor-management relations. His leadership has shown that unions and management can bargain in good faith and that if negotiators will be honest with each other, then settlements that reflect the best interest of the Nation can result.

I am particularly pleased that employee protections and satisfactory work rules could be the keystone of that settlement. Union men have made a valid case for these two items and I am gratified that the final contract contains both of these.

Mr. President, the rail industry settlement is not the only important labor-management dispute resolved today. The United Steel Workers and steel management also signed an agreement for a new 3-year contract. Thus, two singularly important achievements in the field of collective bargaining have resulted.

Mr. President, the steel agreement is another testimony to the leadership of I. W. Abel of the United Steel Workers. It is testimony to his resourcefulness as a negotiator—the kind of leader who understands that steel management and labor can use the processes of free collective bargaining to demonstrate results satisfactory to both management and labor.

Mr. President, this Nation owes a debt of gratitude to I. W. Abel. This union leader, who in 1967 successfully negotiated a steel contract that served the national interest and brought substantial benefits to his union membership, is without a doubt one of the most gifted and talented, and dedicated leaders of organized labor. He represents the best in trade unionism, but above all, he is a great citizen who has always put his country ahead of all other considerations.

It is indeed a tribute to Mr. Abel's sense of public responsibility that the steel industry came to a contract agreement. He has shown the flexibility and the resolve necessary to take on tasks that sometimes seem superhuman. Yet, I. W. Abel has again proved that he is capable, that he is a leader, and that he has the qualities that make him a respected labor negotiator.

Both the steel settlement and the rail industry agreement represent the best in collective bargaining. Collective bargaining is always subject to a number of criticisms because it includes within it the possibility of lockouts or strikes. But, the leadership of these two unions have proven that there is no substitute for free, open, collective bargaining in a democracy.

The settlements at which these negotiators have arrived are fair. They represent a serious effort by the leadership of the unions to deal with increases in the cost of living brought about by economic policies of the Federal Government over which President Abel and President Luna have little control.

The settlements are in the public interest.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PASTORE. Mr. President, I yield myself whatever time is necessary.

Mr. President, today the Senate begins deliberation on S. 382, the Federal Election Campaign Act of 1971. I have offered an amendment in the nature of a substitute.

Title I of the amendment, which deals with the use of communications media by candidates for Federal elective office, had its genesis in S. 3637. That bill, which would have limited campaign expenditures for the broadcast media, passed the 91st Congress but was vetoed by the President because, among other things, he felt it discriminated against broadcasting by limiting campaign spending only in that media. He said:

> If there is merit in limiting campaign expenditures, the problem should be dealt with in its entirety.

Subsequently, in a letter to the minority leader of the Senate, the President said the administration would work closely with the Congress in an effort to arrive at a bill which would deal with all problems of political campaigns.

This amendment to S. 382 is comprehensive and will place spending limitations on use of the broadcast and nonbroadcast communications media by candidates, and requires strict disclosure and reporting requirements by candidates, political committees, and individuals.

The Subcommittee on Communications of the Commerce Committee began hearings on campaign reform legislation on March 2. At that time I said:

> The desirability of controls over expenditures for the use of various media must be considered by the Committee as part of any effective legislation to halt the spiraling cost of campaigning for elective office.

Those hearings were held as scheduled, and in order to be sure that everyone who wished had an opportunity to testify, the committee was in open session from March 2 until March 5.

Nineteen witnesses appeared and testified on the legislation during those 4 days. After the last witness who had requested an opportunity to testify had finished, I said in the public hearing, "Is there anyone else in this room who wants to testify?" Hearing no one, I said that the committee would recess, and the record would be open for 1 week for anyone who desired to submit a statement.

On March 11, Mr. President, the Subcommittee on Communications met in executive session and agreed that the full committee would consider S. 382 in executive session on March 16. The full committee met on that date and began marking up the bill, but adjourned until a later date before finishing.

Then, on March 19, I received a letter signed by five minority members of the committee requesting that the hearings be reopened to hear additional witnesses. Shortly thereafter, on March 22, the chairman of the full committee received a letter from the Deputy Attorney General of the United States, Richard G. Kleindienst, requesting an opportunity to present oral testimony on the legislation.

In view of these requests, the full committee met on March 25, and decided to reopen the hearings on March 31 and April 1.

Hearings were held on those 2 days, and 10 witnesses, including the Deputy Attorney General, appeared. Again, at the conclusion of the hearings, I ordered the record to remain open for 1 week to receive any additional material.

Mr. President, the full committee again considered the bill in executive sessions on April 22 and 23, and unanimously reported it on that latter day.

Since the Commerce Committee's primary jurisdiction ran to title I of the bill, it was that section on which the committee focused its deliberations. Title I of the amendment which I am offering today is for all purposes identical to title I as reported by the Commerce Committee.

The purpose of title I is twofold. It attempts to give candidates for public office greater access to the media so that they may better explain their stand on the issues, and thereby more fully and completely inform the voters.

Second, it attempts to halt the spiraling cost of campaigning for public office—a problem which by all accounts is rapidly increasing.

To accomplish these purposes, title I, as amended, would do the following:

First. Make the equal opportunities requirement of section 315(a) of the Communications Act, as amended, inapplicable to the use of broadcast facilities by legally qualified candidates for President and Vice President in primary and general election campaigns.

Second. Require that broadcast licensees charge legally qualified candidates for any pubic office no more than their lowest unit rate during the 45 days before a primary election, and 60 days preceding a general election.

Third. Establish reasonable and adequate limitation on the amount of money that may be spent for use of the broadcast media and nonbroadcast media by or on behalf of all legally qualified candidates for Federal elective office in primary, runoff, general, and special elections.

Fourth. Require that 45 days before a primary election and 60 days before a general election any person who charges a legally qualified candidate for Federal elective office for space in the nonbroadcast communications media do so at the lowest unit rate charged other for the same amount of space.

Fifth. Enable the States by law to adopt spending limitations in the broadcast media for candidates for State and local office.

I will not take the Senate's time explaining the provisions in title I, because the Commerce Committee's report accompanying S. 382 does this clearly and in great detail. At the conclusion of my remarks, of course, I shall be happy to answer questions any Senator might have.

Nor will I occupy the Senate's time talking about the spiraling costs of campaigning for elective office, the threat these costs pose to the integrity of our democratic system, and the consequent need for limitations on campaign expenditures to help remedy the situation. The President of the United States, his Deputy Attorney General, the candidates, a great majority of the witnesses who testified on S. 382, and S. 3637 in the 91st Congress, public opinion polls, and the scores of communications received by Members of the Congress, have expressed strong concern over this most serious problem.

Most recently the problem has been underscored by the Citizens Research Foundation in a report on political spending in 1968. Compared to 1964, total costs were up 50 percent, from $200 to $300 million; the cost of electing a President and Vice President rose 67 percent, from $60 million to $100 million.

It has been said by some, however, that limitations on campaign expenditures are unrealistic and unnecessary. The only way to achieve the objectives of legislation such as S. 382, according to them, is through periodic public disclosure and publication of all campaign contributions and expenditures both before and after an election.

I agree that strict reporting, disclosure, and publication requirements are necessary for any comprehensive effective campaign reform legislation. And the amendment I am offering to S. 382 is the spending limitation on candidates.

Many of those who supported the repeal of the equal time requirement of section 315 of the Communications Act for candidates for President and Vice President as provided in the legislation were nevertheless critical of the scope of the repeal. They felt it should extend at least to candidates for all Federal elective offices.

Mr. President, I am not out of sympathy with their position. I have sponsored similar legislation in the past. But it is precisely because of my past experiences in this regard that I urged the repeal be confined at this time to the two highest offices in the land. For a variety of reasons, proposals for a wider repeal have never been successful in the Congress, and I felt that if we were to have a campaign reform bill this Congress—a difficult undertaking at best—it should not be encumbered with provisions which have proven so controversial in the past.

I want to say parenthetically here, let no one misunderstand what the intention was in relieving the licensees from the responsibilities of section 315(a) insofar as the offices of President and Vice President are concerned.

The precise reason was to be helpful. I have had many private conversations with the presidents of the various networks. I found them to be very cooperative. They said that if we would leave with them the responsibility of the effects of the equal opportunity law, of section 315(a) with reference to the Presidency and the Vice-Presidency, that they would make time available free to a candidate on a format of the choosing of that candidate.

So the real reason for this is that because of the astronomical cost for a nationwide broadcast which, of course, does not apply to Senators or Representatives, but applies only to the offices of President and Vice President, and is not restricted to a single broadcasting station, but must emanate as a network program, the purpose of the provision is to allow the network to contribute time free, so that the costs of the candidates campaigning for the offices of Presidency and Vice-Presidency can be cut down. I do not want anyone to misunderstand: This is not prejudicial to the offices of President and Vice President; it is beneficial, and that is the reason why it was done.

I give as the best example what happened in 1960. We did exactly this same thing, and it worked out pretty well. In my judgment, it only proves that it is wise to build slowly and steadily on the foundation of past experience.

We have had a limited but highly successful experience with suspension of section 315 for presidential and vice presidential candidates in 1960. It is only prudent, in my judgment, to build slowly and steadily on that foundation.

Mr. President, it has also been said that the spending limitations in S. 382 are unrealistically low, and should be raised to reflect the actual experience of the 1970 elections. In support of this contention a report was filed showing that statewide candidates in 23 States spent more money on radio and television last fall than the proposed limits in the pending bill. I will have something to say about the accuracy and relevancy of that report in a moment.

But, Mr. President, the issue is simple—either we are going to have spending limitations that will halt the astronomical rise of campaign costs, or we are going to rationalize, temporize, and compromise until any limitations that are adopted would be absolutely meaningless in terms of accomplishing their purpose.

Their report purporting to show that the limitations in S. 382 are unrealistically low when compared to the amount actually spent on the broadcasting media by candidates for statewide office in the 1970 elections is, in a word, misleading. Mr. President, an article appearing in the May 8 edition of the New York Times explains in detail why this is so. At this point I ask unanimous consent that that article be printed in the Record.

I also ask unanimous consent to have printed in the Record at this point a table showing the actual expenditures of senatorial candidates in 1970.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Higher Campaign Fund Ceiling Asked

(By Warren Weaver, Jr.)

Washington, May 7.—Republican Senators contended today that spending ceilings imposed by a campaign finance bill now heading for floor debate should be raised to reflect "the actual experience" of the 1970 elections.

In support of this thesis, five members of the Commerce Committee filed a report showing that statewide candidates in 23 states spent more money on radio and television last fall than the proposed limit of five cents for each eligible voter would have permitted.

TWENTY-THREE SELECTED STATES

In 11 of the 23 states, however, the spending listed by the Republicans was by candidates for Governor, who would not be subjected to any limits under the measure approved by the Commerce Committee two weeks ago.

In addition, the spending figures, obtained from the Federal Communications Commission, indicated that the big spenders of 1970 were Republican candidates, who far exceeded both the proposed ceilings and the figures of their Democratic opponents.

The table filed by the Republican Senators listed a 1970 spending figure for each of 23 selected states, without identifying the candidate who spent it or his party. The figures from the communications commission, to which all radio and television stations report, had not previously been made public.

Information obtained elsewhere identified the candidates involved and provided spending figures for their opponents.

In New York, the report showed, Governor Rockefeller spent $1.2-million on radio and television in his third successful re-election campaign, or about $565,000 more than the $635,000 ceiling that the campaign spending legislation would establish in New York State for 1972.

Arthur J. Goldberg, the Democratic governorship candidate, spent $364,000 on radio and television, little more than half the limit the Senate is contemplating.

All three Senate candidates in New York were near or under the ceiling. The F.C.C. figures showed Richard L. Ottinger, a Democrat, spending $684,000; Charles E. Goodell, a Republican, spending $570,000, and James L. Buckley, a Conservative, who won, $522,000.

ANOTHER ROCKEFELLER

Next to Governor Rockefeller of New York, in 1970 candidate who overspent the ceiling now proposed for his state most decisively was former Gov. Winthrop Rockefeller of Arkansas. His radio-television cost figure was $302,000; the Arkansas limit under the bill would be $66,000.

The Democrat who defeated Winthrop Rockefeller, Dale Bumpers, also spent well over the ceiling—$117,000—but less than half the comparable Republican investment.

Calculations by the communications commission showed that Nelson Rockefeller spent 20 cents on radio and television for every vote he won and that his brother Winthrop spent 49 cents per vote.

New Jersey was another example chosen by the Republican Senators to illustrate that the ceilings should be raised. There Nelson G. Gross, the Republican Senate candidate, spent $391,000. Senator Harrison A. Williams Jr., a Democrat, who won re-election, spent well under the limit—$179,000.

Summing up the figures, the Republican Senators declared:

"Since we are dealing with an issue which is fundamental to having fair and effective democratic processes in our nation, the spending limitation should be increased so that it more closely relates to the actual experience."

The Senators are Winston L. Prouty of Vermont, Robert P. Griffin of Michigan, Howard H. Baker Jr. of Tennessee, Marlow W. Cook of Kentucky and Ted Stevens of Alaska. Senator Norris Cotton of New Hampshire filed a separate statement questioning "the sham of creating artificial and arbitrary spending ceilings."

The Commerce Committee bill is expected to reach the Senate floor next month.

Spending in Senate Races

Following is a table of radio and television campaign spending by 1970 Senate candidates as compiled by the Federal Communications Commission, compared with the ceilings that would be in effect in each state in 1972 if S. 382 becomes law. Winners are marked by an asterisk.

STATE, CEILING; DEMOCRAT, SPENT; REPUBLICAN, SPENT

Alaska, $30,000; Kay, $34,000; Stevens,* $17,300.

Arizona, $61,400; Grossman, $85,400; Fannin* $84,300.

California, $711,800; Tunney, $466,700; Murphy, $385,700.

Connecticut, $105,800; Duffey, $87,000; Weicker,* $81,400; Dodd, $49,600.

Delaware, $30,000; Zimmerman, $12,300; Roth,* $13,600.

Florida, $254,400; Chiles,* $53,900; Cramer, $140,500.

Hawaii, $30,000; Heftel, $64,900; Fong,* $37,100.

Illinois, $378,200; Stevenson,* $254,900; Smith, $235,900.

Indiana, $174,400; Hartke,* $182,700; Roudebush, $353,000.

Maine, $33,100; Muskie,* $30,800; Bishop, $8,500.

Maryland, $135,700; Tydings, $92,600; Beall,* $115,900.

Massachusetts, $197,400; Kennedy,* $151,500; Spaulding, $14,900.

Michigan, $293,800; Hart,* $140,500; Romney, $45,000.

Minnesota $126,200; Humphrey,* $158,000; McGregor, $166,800.

Missouri, $161,100; Symington,* $192,200; Danforth, $231,500.

Montana, $30,000; Mansfield,* $10,600; Wallace, $10,200.

Nebraska, $50,100; Morrison, $21,600; Hruska,* $26,500.

Nevada, $30,000; Cannon,* $68,100; Raggio, $73,800.

New Jersey, $250,900; Williams,* $179,900; Gross, $391,500.

New Mexico, $31,700; Montoya,* $35,400; Carte.:, $27,600.

New York, $635,700; Ottinger, $648,000; Goodell, $570,000; Buckley,* $522,000.

North Dakota, $30,000; Burdick,* $44,800; Kleppe, $71,500.

Ohio, $358,300; Metzenbaum, $238,500; Taft,* $220,500.

Pennsylvania, $406,800; Sesler, $25,000; Scott,* $268,600.

Rhode Island, $35,500; Pastore,* $16,400; McLaughlin, $3,300.

Tennessee, $135,500; Gore, $145,600; Brock,* $173,400.

Texas, $379,500; Bentsen,* $174,700; Bush, $292,700.

Utah, $33,700; Moss,* $115,300; Burton, $91,400.

Vermont, $30,000; Hoff, $69,700; Prouty,* $53,600.

Virginia, $161,600; Rawlings, $26,200; Garland, 31,400; Byrd,* $97,900.

West Virginia, $58,800; Byrd,* $8,100; Dodson, $1,900.

Wisconsin, $147,400; Proxmire,* $41,100; Erickson, $14,300.

Wyoming, $30,000; McGee,* $47,600; Wold, $38,700.

Mr. PASTORE. As this table shows, the limitations for the broadcasting media are realistic. If this is so, I fail to see how anyone can contend that the limitations on the nonbroadcast media are unrealistically low because, as we all know, the major expenditures in national and statewide elections are made for the broadcast media.

Some of the witnesses who testified before the committee urged there be one total limitation on all media spending with discretion left to the candidate to determine what amount to spend on broadcast and nonbroadcast advertising. Mr. President, there is merit to this contention, especially since campaigns differ according to the personal style of a candidate and the area of the country in which the election is being held.

On the balance, however, the committee voted against such an approach. Television is unquestionably the most used medium in political campaigns, and it has been the most significant contributor to the spiraling cost of these campaigns.

I might add, as an example, that if all of this money were spent for broadcasting alone rather than a split of 5 cents for broadcast media and 5 cents for nonbroadcast media, it would end up that if a candidate for the Presidency chose to do so, he would be spending much more money, in the campaign for the coming election, on the cost of those media than he spent last year, and one reason for this bill is because of the tremendous amount of money that had to be spent last year for broadcasting.

If candidates were given complete discretion to spend on the use of this medium, the committee was fearful that in the closing months of a campaign the airwaves might become inundated with political broadcast to the exclusion of entertainment and other public interest programs.

Again let me state an example. The recent report of the Citizens Research Foundation supports the committee's judgment. In 1968, $58.9 million was spent on radio-TV, as against only about $20 million for newspapers. If money from the nonbroadcast fund were freely transferable to the broadcast fund, it would have the effect of nearly doubling what candidates could and in most cases would spend on radio and television.

I say very frankly that if we got to the point where we had to combine the two and leave it to the choosing of the candidates themselves, I think we would have to reduce the figure of 10 cents; otherwise we would have utter chaos.

Mr. President, these spending limitations are not only realistic in terms of what has been spent in the past, but each is sufficient in and of itself to allow candidates fully and fairly to present their candidacies through the respective media.

The table I have just placed in the RECORD shows this; the candidates who ran in 1970 and testified before my committee said it was so; and, I submit that 65 percent of the American public, who when polled said they wanted restrictions on political television advertising, would also agree.

When looking at these limitations, I think it is also important to keep in mind that production costs for the use of the media are not included; and that 45 days before primary elections and 60 days before special and general elections candidates will be able to avail themselves of the lowest unit rate in each of the media. In the broadcast media, this can amount to a 35- to 50-percent discount.

While on the subject of the lowest unit rate, I would like to say a word about the constitutionality of this requirement.

The Supreme Court has never explicitly ruled on this point. It was asked to, however, in *Chronicle & Gazette Publishing Co., Inc.* v. *Attorney General*, 94 N.H. 148, 48 A. 2d 478—New Hampshire Supreme Court 1946—but dismissed the appeal, 329 U.S. 690, and denied a petition for rehearing, 329 U.S. 385.

The point I am making here is that the State court held a provision of this kind constitutional; and when it was appealed to the Supreme Court, the Supreme Court refused to entertain it on two occasions, which left the decision of the Supreme Court in the State intact.

In that case, the Supreme Court of New Hampshire held that the New Hampshire statute establishing the commercial advertising rate as the maximum rate for political advertising in newspapers or by radio stations does not abridge freedom of the press.

It should be noted that nine States have similar statutes.

I might also add that section 315 of the Communications Act now requires that charges made for the use of any broadcast station for any of the purposes set forth in that section may not exceed the charges made for comparable use of the station for other purposes.

The valuable franchises given broadcasters to operate on airwaves belonging to the people is conditioned on serving the needs and interests of the community of license. In this context, requiring broadcasters to offer candidates for public office the same rates given their most favored commercial time buyers is nothing more than a particularization of the broad public interest obligation incumbent upon them.

Finally, Mr. President, a good deal has been said and written about the constitutionality of placing a limitation on expenditures for the media, and I would like to reiterate what was said on this question in the committee's report.

Essentially, the objection raised was that such limitations would abridge the constitutionally protected right of free speech of candidates and those who wish to buy air time or media space on their behalf. While the Supreme Court has never ruled on this precise point, the committee believes that what the Court has said on the first amendment generally and in an analogous situation—the Federal Corrupt Practices Act—fully supports the constitutionality of the limitations in title I of the amendment.

The right to communicate information and opinion freely is a basic right protected by the first amendment. *Schneider* v. *State*, 308 U.S. 147 (1939). It includes not only freedom from previous censorship, but any Government action which prevents free discussion of public affairs In striking down a discriminatory State tax on newspapers in *Grosjean* v. *American Press Co.*, 297 U.S. 233, 247 (1936), the Supreme Court has said of the earlier struggle for a free press in England that—

> In ultimate, an informed and enlightened public opinion was the thing at stake; * * * For, the evils to be prevented were not the censorship of the press merely, but any action of the government by means of which it might prevent such free and general discussion of public matters as seems absolutely essential to prepare the people for an intelligent exercise of their rights as citizens. *Grosjean, supra*, 297 U.S., at 249–250.

The Supreme Court has pertinently stated *Thornhill* v. *Alabama*, 310 U.S. 88, 101–102 (1940):

> The Freedom of speech and of the press guaranteed by the Constitution embraces at least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the effort to secure freedom from oppressive administration developed a broadened conception of these liberties as adequate to supply the public need for information and education with respect to the significant issues of the times.

First amendment rights of the press and of speech, however, do not create an absolute immunity from all governmental action which may touch upon them. Thus:

> When particular conduct is regulated in the interest of public order, and the regulation results in an indirect, conditional, partial abridgment of speech, the duty of the courts is to determine which of these two conflicting interests demands the greater protection under the particular circumstances presented." *Communications Assn.* v. *Douds*, 339 U.S. 382, 399 (1950).

For that reason, the use of sound trucks may be prohibited in public places under proper standards, *Kovacs* v. *Cooper*, 336 U.S. 77 (1949); *Saia* v. *New York*, 334 U.S. 558 (1948); a municipality may limit commercial door-to-door canvassing, even of solicitors for periodicals, *Beard* v. *Alexandria*, 341 U.S. 622 (1951), and the requirements of absolute fairness in conducting a trial may warrant exclusion of television cameras from the courtroom, *Estes* v. *Texas*, 381 U.S. 532 (1965).

These cases indicate that where the regulation of conduct has the "side effect" of touching upon first amendment rights, the governing criteria are the presence of an evil which may validly be prevented, a reasonable relationship of the regulation to the evil, and the relative degree of effect upon the right to speak. There is a balancing of the limited effect upon free speech as against the substantiality of an evil to the prevention of which a regulatory statute is reasonably addressed. *Konigsberg* v. *State Bar*, 366 U.S. 36, 50–51 (1961).

More in point, however, are cases in which the Court has upheld the power of Congress to legislate to protect the integrity of the Federal election process.

In characterizing section 4 of article I of the Constitution which gives the Congress power to regulate elections for the office of Senator or Representative,[1] Chief Justice Hughes, speaking for a unanimous court said it provided:

> Authority to provide a complete code for congressional elections, not only as to time and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements to procure and safeguards which experience shows are necessary in order to enforce the fundamental right involved. *Smiley* v. *Holm*, 285 U.S. 355 (1932).

And, in Burroughs and Cannon, in upholding the constitutionality of the disclosure provisions of the Federal Corrupt Practices Act, the Court said at page 545:

> To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the nation in a vital particular the power of self protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the general government from impairment or destruction, whether threatened by force or by corruption.

Thus, the Court has recognized that if a substantial threat to the Federal election process exists Congress may legislate to remove the threat. In doing so, however, there must be a relevant correlation between the power Congress exercises and the manner in which it is being exercised. *Bates* v. *Little Rock*, 361 U.S. 516.

In Burroughs and Cannon against United States, the Court was quite explicit on this point at pages 547–8:

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[1] Subsequently the Supreme Court held that Congress has the power to act to preserve the purity of presidential elections. *Burroughs and Cannon* v. *U.S.* 534 (1934).

> If it can be seen that the means adopted are really calculated to attain the end, the degree of their necessity, the extent to which they conduce to the end, the closeness of the relationship between the means adopted and the end to be attained, are matters for congressional determination alone. *Stephenson* v. *Bingord*, 287 U.S. 251, 272. Congress reached the conclusion that public disclosure of political contributions, together with the names of contributors and other details, would tend to prevent the corrupt use of money to affect elections. The verity of this conclusion reasonably cannot be denied.

The overwhelming preponderance of the testimony before the committee indicates the rapidly escalating cost of campaigning for public offices poses a real and imminent threat to the integrity of the electoral process.

According to Voters' Time, the report of the Twentieth Century Fund Commission on Campaign costs in the electronic era, after 1952, when television emerged as a dominant form of communications in Presidential campaigns, the estimated cost per vote took a sharp upward turn. From 19 cents in 1952, the cost per vote rose to 29 cents in 1960, and to 35 cents in 1964. In 1968 it jumped to 60 cents.

For the same periods the estimated direct spending of national-level party and campaign committees rose progressively from $11.6 million in 1952; to $12.9 million in 1956; to $19.9 million in 1960; and to $24.8 million in 1964. In 1968 it reached $44.2 million.

And according to another source, in three recent Presidential campaign years, the amount of money spent on newspaper ads was $4.3 million in 1956, $7.7 million in 1964, and $11.6 million in 1968.

Simply stated people are becoming cynical because of these high costs.

A Gallup poll in November of last year showed that eight in 10 Americans favor a law that would limit the total amount of money that can be spent for or by candidate in his campaign for public office.

One American interviewed by the poll was quoted as saying—

> If you do not have a million bucks, you might as well forget about running for political office these days.

That may sound funny, but it is more truthful than it is funny.

An opinion poll done for the advertising agency Foote, Cone, and Belding, released in January 1971, indicated that 65 percent of the adult American public wants restrictions on political television advertising, and an additional 9 percent would like to see TV campaigns limited in duration.

And most recently, of course, is the report of the Citizens Research Foundation on political spending in 1968.

Title I of the amendment to S. 382 embodies one means necessary to remove this threat. It places a limitation on the amount of money candidates or their supporters may spend on the media. No direct prohibition is placed on free speech. Except for radio, television, and certain specified nonbroadcast media, candidates and their opponents may speak at will. Moreover, even with respect to the restricted media, candidates or their supporters may use all the free time and space available to them.

And where the limitation does apply, it is not total. An ample ceiling exists so that candidates may fully and fairly present their candidacies through these media.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a rundown of a schedule prepared by the staff which shows how much money can be spent by a candidate, State by State. It appears on page 75 of the report, and I cite that for the convenience for the Reporter of Debates.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

APPENDIX A.—SPENDING CEILING—FORMULA BASED ON ESTIMATES OF RESIDENT POPULATION OF VOTING AGE—1972, BUREAU OF THE CENSUS [1] (SENATORIAL GENERAL ELECTION—1972)

	Amounts based on estimates of resident population of voting age, 1972 [1]		
	Broadcast (5 cents) [2]	Nonbroadcast (5 cents) [2]	Total
Alabama	$114,550	$114,550	$229,100
Alaska	30,000	30,000	60,000
Arizona	61,350	61,350	122,700
Arkansas	65,900	65,900	131,800
California	711,850	711,850	1,423,700
Colorado	76,600	76,600	153,100
Connecticut	105,850	105,850	211,700
Delaware	30,000	30,000	60,000
Florida	254,400	254,400	508,800
Georgia	155,550	155,550	311,100
Hawaii	30,000	30,000	60,000
Idaho	30,000	30,000	60,000
Illinois	378,150	378,150	756,300
Indiana	174,350	174,350	348,700
Iowa	94,350	94,350	188,700
Kansas	76,950	76,950	153,900
Kentucky	108,850	108,850	217,700
Louisiana	117,800	117,800	235,600
Maine	33,100	33,100	66,200
Maryland	135,750	135,750	271,500
Massachusetts	197,350	197,350	394,700
Michigan	293,750	293,750	587,500
Minnesota	126,150	126,150	252,300
Mississippi	70,600	70,600	141,200
Missouri	161,100	161,100	322,200
Montana	30,000	30,000	60,000
Nebraska	50,100	50,100	110,200
Nevada	30,100	30,000	60,000
New Hampshire	30,000	30,000	60,000
New Jersey	250,900	250,900	501,800
New Mexico	31,650	31,650	63,300
New York	635,700	635,700	1,271,400
North Carolina	174,650	174,650	349,300
North Dakota	30,000	30,000	60,000
Ohio	358,250	358,250	716,500
Oklahoma	89,550	89,550	179,100
Oregon	73,650	73,650	147,300
Pennsylvania	406,800	406,800	813,600
Rhode Island	33,550	33,550	67,100
South Carolina	85,750	85,750	171,500
South Dakota	30,000	30,000	60,000
Tennessee	135,500	135,500	271,000
Texas	379,450	379,450	758,900
Utah	33,700	33,700	67,400
Vermont	30,000	30,000	60,000
Virginia	161,600	161,600	323,200
Washington	119,050	119,050	238,100
West Virginia	58,750	58,750	117,500
Wisconsin	147,400	147,400	294,800
Wyoming	30,000	30,000	60,000

[1] Includes persons 18, 19, and 20 years of age.

[2] Or $30,000 if larger.

Sources: Clerk's report: "Statistics of the Presidential and Congressional Election of 1968." Bureau of the Census; "Estimates of Resident Population of Voting Age: November 1970 and November 1972."

PRESIDENTIAL GENERAL ELECTION (1972)—ESTIMATES OF RESIDENT POPULATION OF VOTING AGE, 1972

Broadcast (5 cents)	$6,978,150
Nonbroadcast (5 cents)	6,978,150
Total	13,956,300

Mr. PASTORE. Insofar as supporters of the candidates are concerned, it would be defeating the purpose of the legislation, and in effect denying Congress the very power to protect the integrity of elections recognized in Burroughs and Cannon, if they were allowed to do what the candidates may not.

To contend that limitations would be constitutionally sound with respect to candidates, but to maintain otherwise where their supporters are concerned, would construe the power of Congress to protect the election process far too narrowly. Such a construction would permit boundless evasion of the purpose of the legislation and in effect render it nugatory.

The only feasible regulatory scheme for regulating campaign spending is to make the candidate personally responsible for, and accountable for, all money spent by and for him on the media, and to place a reasonable limitation on such expenditures.

Moreover, with respect to the broadcast media, no person now has an unrestricted right of access. As the Supreme Court said in *National Broadcasting Co.* v. *United States*, 319 U.S. 190, at p. 226—

> Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all.

Conversely, the Government may vest in certain individuals a right of access to these facilities. *Red Lion Broadcasting* v. *Federal Communications Commission*, 359 U.S. 367 (1969); 47 U.S.C. 315(a). The touchstone for such actions is the public interest, convenience, and necessity.

But limitations that are adequate and realistic are not enough; they must also be workable and enforceable. Under the proposed legislation, the obligations of the candidates and those who sell air time and media space are clear and easily discharged. Significantly, when I asked the Chairman of the Federal Communications Commission if the broadcast provisions of the proposed legislation were enforceable by the Commission, he answered in the affirmative.

Mr. President, the limitations on media spending are aimed at a specific evil which Congress has a constitutional right to remedy; and the remedy it has chosen is necessary and reasonably related to the harm it seeks to prevent. These considerations in the committee's judgment outweigh any indirect limitation on the right of candidates or their supporters to use the media.

The amendment to S. 382 is a comprehensive approach to the problem of political campaign reform and excessively high campaign costs. Its provisions not only deal with the communications media, but with disclosure and reporting requirements as well.

This measure represents a major effort at reform in an area vital to our democratic society.

The necessity for campaign reform is now beyond question, and transcends special or partisan interests.

Mr. President, at this point, I wish to yield to the distinguished Senator from Nevada (Mr. CANNON) who is on his way to the Chamber, whose diligent and painstaking efforts as chairman of the Subcommittee on Privileges and Elections, are responsible for the reporting and disclosure provisions in the amendment. He will explain the provisions that have to do with disclosure.

Mr. President, in this connection, let me say that we have striven to give to the people of the country and also to candidates for Federal office, whoever they may be—whether incumbents or opponents of incumbents—a guideline which is reasonable in measuring the costs and arriving at a ceiling in order to bring about a sensible program of election campaign for the welfare of the American people.

The reforms adopted are liberal and yet not too liberal. I believe that they will do effectively what needs to be done in order to bring the spiraling costs of campaigning under some sort of sensible control.

For that reason, I would hope that the Senate would pass the pending bill, that the House will accept it, and that it will be acceptable to the President of the United States.

The Deputy Attorney General, Richard C. Kleindienst, appeared before our committee. I said to him that if we were to sit down together, in 24 hours we could compromise on a sensible and effective bill.

I want to say about Mr. Kleindienst that I found him to be fair and reasonable. I asked him whether he represented the administration and he said that he did. He wrote me a letter to that effect.

I would hope that if there are any improvements to be made, they will be made. I have an open mind. If anyone has any suggestions that are more effective and wiser than some of the suggestions we have proposed in the pending bill, I hope they will come up with them. There is no partisanship in the pending bill so far as I am concerned.

Mr. President, I have been in Congress now for 21 years and I have had experience in running for public office. In my State, it is not so expensive as in other States, but I feel that the time has come when in all the States, large and small, something needs to be done.

When one can pick up a newspaper, in these times of inflation, in these times of unemployment, and read that some Senators have to spend almost half a million dollars on television and radio, that, in itself, is scandalous. I believe that much of the money is wasted. The expenditure situation becomes competitive and candidates vie with one another. If one candidate has a billboard on one side of the street, his opponent thinks that he must have another billboard on the other side of the street.

There is not a candidate for public office who has not kicked himself when he realized it cost him twice as much as he had planned.

In the pending bill we are trying to avoid that, by bringing this whole matter into a context that makes sense, and I think that the bill does that.

Mr. President, I suggest the absence of a quorum in order that the Senator from Nevada (Mr. CANNON) may be allowed time to come into the Chamber.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent that the time consumed for the last quorum call not be taken out of either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. MATHIAS. Mr. President, I ask unanimous consent that during the consideration of the pending bill, Mr. Joel Abramson and Mr. Terry Barnett, members of the committee staff, be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I am glad to yield to the Senator from Nevada (Mr. CANNON) now, to address himself to the provisions on disclosure, and at other times it may be necessary.

Mr. CANNON. Mr. President, I thank the distinguished Senator from Rhode Island for yielding to me.

Mr. President, the "Federal Election Campaign Act of 1971," S. 382, is the latest of a long series of election reform proposals considered by the Senate. S. 2436 was passed by the Senate in 1960; S. 2426 was approved by the Senate in 1961; and S. 1880 was adopted by the Senate in 1967 by an 87 to 0 vote. Other proposals have been reported to the Senate but not acted upon. Unfortunately, none of the Senate-passed bills was approved by the House of Representatives.

Therefore, Mr. President, there has not been any real change in the law governing campaign contributions and expenditures since the Corrupt Practices Act of 1925 became law 46 years ago. That Act undoubtedly was considered to be a very significant step in 1925, but through the years has become so meaningless that it has absolutely no validity.

We are now beginning debate on a bill which has been given greater study and broader consideration than any previous legislative proposal in the field of election reform. The Federal Election Campaign Act of 1971 was referred to three committees for separate consideration of provisions within the specific jurisdiction of the appropriate committees. The Commerce Committee and the Committee on Rules and Administration each held public hearings to obtain widest possible opinion from a variety of expert witnesses. Executive mark-up sessions resulted in separate reports to the Senate from those committees, although no action was taken by the Finance Committee.

On May 6, Commerce reported its version of the bill—S. 382—and on June 21 Rules and Administration reported the bill, together with the amendments adopted by that committee. I am a cosponsor, along with Senators MANSFIELD and TALMADGE, of the amendment in the nature of a substitute proposed by the distinguished Senator from Rhode Island, the chairman of the Subcommittee on Communications, Senator PASTORE. As chairman of the Subcommittee on Privileges and Elections, I have worked long and hard to bring about a substantial and enforceable improvement in the laws applicable to campaign financing. In my opinion, the Pastore substitute amendment to S. 382, Amendment No. 308, is a solid, meaningful bill, setting limits upon broadcast and nonbroadcast media expenditures and requiring prompt, complete public disclosure of all contributions and expenditures by candidates for nomination or election to Federal elective office and by all political committees seeking to influence those elections.

Mr. President, the Pastore substitute amendment is comprised of three major titles: first, amendments to the Communications Act of 1934, and limitations on broadcast and nonbroadcast media expenditures; second, criminal code amendments; and third, disclosure of Federal campaign funds. Senator PASTORE has given his strong and articulate statement in explanation and support of title I, and as a member of the Commerce Committee, I wish to identify and align myself with him in defense of title I.

However, I would like to address myself to two areas of title I which were modified by the Rules Committee, but which have now been returned to the form in which they were originally reported from the Commerce Committee.

First, the Commerce Committee exempted only candidates for President and Vice President from the equal time provisions of section 315 of the Communications Act. That decision was based upon experience and knowledge of the communications field, as well as upon the advice of expert witnesses, including many from the television industry. Subsequently, the Committee on Rules and Administration amended the provision so as to exempt all candidates for Federal office from section 315. In spite of arguments to the effect that only a few candidates will be running in each State, it is my judgment, based upon personal experience as a Senator and also a chairman of the Subcommittee on Elections which has jurisdiction over the election of Senators, that there will be so many candidates running for nomination and election that broadcasters will be forced to pick selected individuals to the disadvantage of others. Surely, broadcasters would not give free time to all candidates for Congress in larger States, but may give to a few. This would be unfair, even though legal since the candidates so favored could be from different congressional districts covered by the same broadcast media. That amendment has no real congressional support. It is unnecessary, and for those reasons I favor the version in the Pastore substitute which exempts only presidential and vice-presidential candidates.

Second, the Commerce Committee's reported version of S. 382 provided for distinct, separate limits upon expenditures for broadcast and nonbroadcast media. Those limits were set after studying reports of expenditures by candidates and committees in previous elections as well as estimates of amounts of money to obtain adequate exposure in future elections. Further, to give every assurance to candidates that the formula limitations would not become obsolete, there was adopted a provision calling for broadcasting stations and nonbroadcast media to provide time or space at the lowest unit cost or lowest unit rate. And, further, to maintain the formula on an up-to-date basis, there was provided a cost-of-living increase to be calculated annually by the Secretary of Labor. All of these factors were for the sole purpose of insuring fair and adequate access to broadcast and nonbroadcast media.

However, the Rules and Administration Committee amended those provisions by adopting an interchangeability factor to permit candidates to spend all or as much as they deemed advisable of the amounts allowed for both broadcast and nonbroadcast media for television time alone or for newspapers or billboards. What was a reasonable 5-cent limit times the estimate of resident population of voting age has now become doubled. Twice as much as was judged to be fair and reasonable by the members of the Commerce Committee, which has jurisdiction and experience in this area, may not be spent by every candidate. To me, this was totally wrong, and I strongly urge the full support of the separate limits, as carried in the Pastore substitute.

Title II, the criminal code amendments, defines the terms election, candidate, Federal office, political committee, contribution, expenditure, person, and State, so as to include within the scope of the bill every kinds of election, whether a primary, a runoff primary, a presidential preference primary, or a special or general election—runoff primary was accepted as an amendment to make it clear that a runoff is a separate and distinct election in its own rights and should stand on a par with every other kind of election. Even the election of delegates to a constitutional convention is covered by the definitions.

Every candidate for Federal elective office from the President down must comply with the provisions of the bill, and for the first time in history every single political committee, whether National or State or local, would be within the coverage of this bill if the individual committee accepts contributions or makes expenditures in an amount exceeding $1,000 during a calendar year.

Other terms are as broad as possible, and, in fact, are so all-inclusive that a special exception had to be written into the definitions of the criminal code amendments in order to permit National and State banks to make loans of money. A bank loan made in accordance with banking laws and regulations, that is, with adequate collateral and a note promising payment on a day certain with interest, has always been legal and proper. But recent interpretation of such loans as political contributions has resulted in indictment proceedings against certain banks. This action is an infringement of the rights of banks to conduct business, and the language of the definition of contribution and expenditure in the criminal code amendments only, is intended to correct the flaw in the construction of the law.

On June 30, 1971, in the case of U.S. versus The First National Bank of Cincinnati, the U.S. District Court for the Southern District of Ohio, Eastern Division, granted a motion to dismiss the indictment on the grounds that the application of section 610 of title 18, United States Code, in this case resulted in a denial of first amendment rights. In its opinion and order, the court states that—

> The evil in section 610 is not that it prohibits the political expression of a National bank, but that it directly affects the political expression of individuals who may wish to utilize their assets to secure credit on behalf of a particular candidate.

Several other similar cases have been dismissed on the same or similar grounds. It is clear that while a bank may not use its depositors' funds to make political contributions on its own, the fact that a bank does make bona fide loans to individuals who may use the moneys so received for political purposes, does not constitute a bank contribution, nor may such bona fide loans be barred.

The Pastore substitute strikes from the bill an amendment adopted by the Rules and Administration Committee which would have prohibited a political committee from soliciting or receiving a contribution from any officer or employee of the United States except an elected officer.

The Constitution gives every citizen the right to express himself, including expression of preference for political parties and candidates in the form of a political gift or contribution. In order to express himself fully, a citizen should have access to all information on candidates and parties, and ought to be privileged to receive letters of solicitation from political parties through their committees.

Almost unanimous testimony received by the Committee on Rules and Administration rejected specific limitations on individual contributions. Deputy Attorney General Kleindienst, among others, expressed the opinion that such limitations are unrealistic, unenforceable, and probably unconstitutional.

Senator HOLLINGS, chairman of the Democratic senatorial campaign committee, and Prof. Ralph Winter of the Yale Law School, were of the opinion that the first amendment prohibits the setting of limitations upon political activities of individuals, including the expenditure of money.

I was impressed by the testimony of those witnesses and others. I think they presented a good case. So, too, did the members of the Rules Committee.

Furthermore, stress in recent years has shifted from contributions or expenditures limitations to complete public disclosure of all political finances. Therefore, the Committee—Rules and Administration—agreed, without objection, to delete that provision from the bill, and to recommend repeal of section 608 from title 18 of the United States Code.

Also, there was unanimous agreement to recommend repeal of section 609 of title 18 because the 3 million dollar limit on contributions to or expenditures by national committees has never been observed. Other committees were created to receive or expend additional funds.

Section 600 of title 18 as shown in section 202 of the Pastore substitute sets forth in greater detail the prohibitions against special promises or awards in return for political support.

Section 611 of title 18 as shown in section 205 of the Pastore substitute clarifies the period during which Government contractors are forbidden to make any contributions to political parties, committees, or candidates.

Eliminated from the Pastore substitute is former section 206 of the bill. That former section would have prohibited any business regulated by CAB, FCC, or ICC from extending any credit to candidates or persons acting on their behalf for services or goods furnished, unless any debt so created was secured in full by property, bond, or other security.

Businesses regulated by those agencies have the right to exercise sound judgment in conducting their affairs. That is only commonsense. Certainly no business would jeopardize its economic stability by extending unlimited credit to persons without reasonable belief that debts would be repaid. The amendment restricted the freedom of operation of those businesses and imposed an arbitrary, unfair, and harsh burden upon candidates of modest means.

In the report of the Rules Committee three of the minority members said, in discussing the bank loans problem, that:

> No one wants a Federal election law which, in effect, says that only the very wealthy can run for elective office.

That quote could very aptly be applied to the amendment which would prohibit the extension of credit. Without credit, candidates of limited means simply could not run for office, whereas the wealthy would have, in effect, a vested right to seek office.

Figures are not readily available to show what percentage of a corporation's budget is allowed for credit, but I understand that it is not a significant percentage as compared with the gross or overall income.

This amendment has been called the "Fat Cat" or "Rich Man's amendment for obvious reasons. Even a credit card would be of no use to a candidate if he had to post full security every time he used it.

Finally, the avenues of greatest expense—television and radio—require at the time of purchasing program time the payment of all or most of the cost for time or space, so the amendment would not have been necessary for broadcast media. The amendment was eliminated from the Pastore substitute and I hope it will not be adopted if offered again.

Title III of S. 382, covering disclosure of Federal campaign funds, has evolved from a long history of committee and Senate activity in the field of election law reform. Gradually there has developed an awareness of the need for complete and public disclosure, not simply for general elections or from candidates and national committees, but from every possible source and covering every political activity. Existing law does not apply to primary elections or to conventions. It does not apply to State and local political committees, but only to those which are interstate or national in character.

Information presently submitted to the Senate and the House is sketchy at best, is not published, and provides no real accounting for money received or spent by candidates or committees. S. 382, however, encompasses the whole spectrum of political action and will furnish to the public huge amounts of data broken down into separate categories. Those categories will show where money comes from, how it is spent, by whom, for whom, the amounts received or spent, for each step in the nominating process, as well as the general elections, and the identities of individuals, candidates, and committees that are involved in all of the election processes.

All political committees which anticipate receiving or spending in excess of $1,000 per year substantially to influence the election of candidates for Federal office must be organized and registered with the Comptroller General of the United States. Even committees representing States or political subdivisions in arranging for political conventions must account to the Comptroller General.

And every candidate for nomination or election to Federal elective office must file detailed reports of receipts and expenditures with the Comptroller General.

Each individual or candidate or political committee or other organization required to file statement must account for its receipts and expenditures on the 10th day of March, June, and September in each year, and on the 15th and 5th days preceding the date of any election, and also by the 31st day of January. All reports must be complete 5 days before the date of filing, or less if the Comptroller General so directs.

To insure broadest possible dissemination and availability of statements, copies of everything required to be filed with the Comptroller General must also be filed with the clerk of the U.S. District Court for the district where the candidate resides or where the principal office of the political committee is located. All statements must be received and made available for study and copying by the public within a reasonable time. All reports must be preserved for 5 to 10 years.

Substantial agreement on the provisions of title III was reached in the Committee on Rules and Administration, and I believe that all of the members of that committee gave their approval to the technical, organizational, and reporting requirements of candidates, political committees, and others.

However, there was sentiment in favor of the creation of a Federal Elections Commission to serve in lieu of the Secretary of the Senate or the Clerk of the House of Representatives. Some Members of the Senate, including myself, have been of the opinion that the Senate and the House should oversee and control the campaign financing reports by candidates for the Senate and the House and their committees.

The Constitution says in article I that:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members.

That provision has been held to give each House of the Congress the sole and exclusive power over its Members. Accordingly, I have supported the proposals to enact a new law which would do everything that S. 382 does, except that the Secretary and the Clerk would act in lieu of a Federal Elections Commission or anyone else. However, in recognition of the division of opinion among the members of our Committee on Rules and Administration, a compromise was reached.

The Office of the Comptroller General was approved as the depository for financial statements. The Comptroller General oversees the expenditure of Federal funds and has a large staff of competent and experienced accountants.

If a Federal Elections Commission were created, its members, who would serve only part time, would be appointed by the President, and its staff, at least during election years, would have to be drawn from other sources, like the General Accounting Office.

To my mind, the compromise is a good one. The Comptroller General is as independent as any other body is likely to be; he is already located and well established in the District of Columbia, has ample trained and permanent personnel, and would prove to be a very efficient and able administrator of this act. I sincerely urge the Senate to approve of the Comptroller General to carry out the provisions of the bill.

I regret that the Finance Committee took no action on the bill with respect to former title IV, which was deleted from the Pastore substitute. Title IV offered a modest tax credit of one-half of the amount of a political contribution, but not to exceed a total credit of $20 per taxpayer per calendar year.

Alternatively, there was proposed a tax deduction for political contributions, but not to exceed $100 per taxpayer per calendar year.

We have long sought a means for broadening the base for political contributions. We know that greater numbers of citizens should be encouraged to support candidates and political parties of their choice.

A small tax incentive would serve as an inducement to the taxpayer to give some contribution. A portion of the cost would have been borne by the contributor and some of it would have been carried by the Government. As in the case of other deductions and credits which are allowed in the Internal Revenue Code, I believe these tax incentives for political purposes would serve the best interests of the public, and I will continue my efforts to bring about the adoption of some such provision.

However, I do not want to lessen the chances for passage of this important and necessary legislation, and so I have agreed to the deletion of title IV from the Pastore substitute.

Mr. President, the Federal Corrupt Practices Act is old, obsolete, and is of no use at all today. It is time for the enactment of a new, comprehensive law which will restore confidence in the integrity of the elective process.

The Pastore substitute is the end product of the thinking and hard work of many Senators, and it is my sincerest wish that it will be given the approval of the entire membership of this body.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. I ask unanimous consent that Charles Warren be permitted to be present on the Senate floor to assist me throughout the debate on the campaign expenditures bill.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BAKER. Mr. President, today we resume consideration of the bill, S. 382—the Federal Election Campaign Act of 1971. More specifically, we undertake consideration of the pending amendment No. 308—Star Print—introduced by the senior Senator from Rhode Island (Mr. PASTORE) and others, in the nature of a substitute to the bill, S. 382, as reported by the Committee on Rules and Administration, which under the unanimous-consent agreement has been accepted as original text.

Mr. President, as the ranking Republican on the Subcommittee on Communications of the Senate Committee on Commerce, I have labored long and hard with the distinguished chairman of that subcommittee, the senior Senator from Rhode Island (Mr. PASTORE) in trying to shape an effective piece of legislation. Let there be no mistake, the legislation which we are considering today will have a far-reaching effect and a profound impact upon the campaign election process not only in the short term but in the years ahead. It, therefore, is deserving of the most serious consideration and deliberation by all Members of the Senate. Mr. President, I cannot emphasize this point too strongly and urge all of my colleagues to be attentive in the consideration which we now commence on this measure.

Mr. President, I support the bill, S. 382, as reported by our Committee on Rules and Administration. I do so based upon the following principal shortcomings which I perceive in the pending amendment No. 308—Star Print:

First. Inadequacy of amendment No. 308's—Star Print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act;

Second. The unduly restrictive separate spending limitations lacking interchangeability;

Third. The failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries;

Fourth. The failure to go the full measure and provide for an independent Federal Elections Commission; and

Fifth. The failure to provide a fair labeling disclosure advising the general public of the availability of detailed copies of reports filed by political committees.

Mr. President, the above enumerated five points are my areas of principal concern with the pending amendment No. 308—Star Print. I am equally concerned about other areas of the pending amendment and at the appropriate time will address myself to those points. However, for the moment I would like to elaborate upon my concern over the five major points of disagreement which I have with the pending amendment.

First. Inadequacy of amendment No. 308's —Star Print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act.

Amendment No. 308—Star Print—reinstates the provision amending the equal time requirement of section 315 of the Federal Communications Act which was reported by the Committee on Commerce. It would create an exception to the equal time provisions of section 315 for presidential and vice presidential candidates.

During the deliberations of the Commerce Committee on S. 382, I offered an amendment to exclude from the equal time provisions of section 315 all Federal elective offices. This amendment was defeated by a margin of but one vote.

The Committee on Rules and Administration, before which I appeared and testified, very wisely, I thought, adopted an amendment similar to mine so as to exclude Federal elective offices. That committee also provided in the same amendment that Federal candidates would be given maximum flexibility in the choice of program format. This I believe improved upon my amendment by removing any doubt whatsoever concerning the possible control of television stations or networks over the program format of a political candidate. Testimony before the Committee on Commerce during the appearance of the presidents of the three networks—the American Broadcasting Co., the Columbia Broadcasting System, and the National Broadcasting Co—created some ambiguity on this point.

As the distinguished chairman of our Communications Subcommittee (Mr. Pastore) indicated during those hearings, and I quote:

> "I said this on the floor of the Senate when I pushed for this the last time the bill was passed. I said the networks would not prescribe the format." (Commerce Committee Hearings, Serial No. 92-6, at 386.)

However, in a colloquy with Dr. Frank Stanton, president of the Columbia Broadcasting System, the senior Senator from Rhode Island (Mr. Pastore) noted:

> Now you are saying today that we would like to sit down and talk with them about the format.

To which Dr. Stanton replied as follows:

> "Dr. Stanton. I do not believe that I have changed my position on that point. If we have the responsibility of doing the best job we can to inform the American people, I think we have some role in the situation. I do not say we should be the only ones to be consulted. I think it should be a two-way street." (Commerce Committee Hearings. Serial No. 92-6, at 384.)

Dr. Stanton did seek to clarify his position on this matter by letter to the distinguished chairman of our Communications Subcommittee (Mr. Pastore), but in that letter he stated, in part, the following:

> "Format would be determined in consultation with the candidates, and with their agreement." (Commerce Committee Hearings, Serial No. 92-6, at 388.)

There, therefore, remains, in my mind at least, some question concerning network control of format. If, on the other hand, what Dr. Stanton said means that there would not be control of format, then I see no harm in putting this in the bill so that it is clearly spelled out.

Accordingly, Mr. President, I believe the language added by the Committee on Rules is an improvement and removes any ambiguity over the possibility of control over a candidate's format.

Now, as to the extent of the exemption from the equal-time requirement of section 315 of the Federal Communications Act, I joined with several of my colleagues on the Committee on Commerce in filing supplemental views to that committee's report, which includes an expression of my opinion on this issue. These views are to be found starting on page 81 of the Commerce Committee's report on S. 382—Senate report 92-96.

As indicated in those views, the justification for excepting Presidential and Vice Presidential candidates from the operation of the equal-time requirement of section 315 of the Federal Communications Act as now provided for in the pending amendment No. 308—Star Print—is that, contrary to its purpose, section 315 has inhibited broadcasters from offering free time and coverage to candidates. I agree that section 315 has had such an inhibiting effect. However, the proponents of amendment No. 308—Star Print—violate the principle of any sound logician by endeavoring to limit it to the particular offices of the President and Vice President, thereby inferring that the same inhibitions do not exist with respect to candidates for other Federal elective office. It is my view—and one in which several of my colleagues, including the Rules Committee, concur—that "what is good for the goose is good for the gander." In other words, if section 315 has produced the wrong result, then its inhibiting effect is not limited solely to Presidential campaigns. Therefore, in the interest of increasing the electorate's accessibility to candidates and issues, section 315 should not apply to any candidates for Federal office.

In hearings held before the Committee on Commerce this view that section 315 should not apply to any candidates for Federal office was shared by a number of witnesses. During those hearings the Deputy Attorney General, the Honorable Richard G. Kliendienst, stated, in part:

> "We recommend total repeal, which would benefit candidates for other Federal offices as well as those for president and vice president." (Commerce Committee Hearings, Serial No. 92-6, at 516.)

Similarly, Dr. Frank Stanton, president of Columbia Broadcasting System, noted, in part, the following:

> Central to any measures calculated to strengthen the electoral process must be the improvement of the quality and quantity of information provided to the public about the candidates and the issues. The repeal of section 315 is an important avenue to this end, since it would provide opportunities for greater contribution of free time by broadcasters and deeper treatment of the issues. (Commerce Committee Hearings, Serial No. 92-6, at 380.)

On this same point, Vincent T. Wasilewski, president of the National Association of Broadcasters, noted, in part, the following:

> We believe the capricious operation of section 315, however, makes it impossible for broadcasters to perform this public service (providing time in political campaigns) responsibility.

Even the distinguished chairman of our Communications Subcommittee (Mr. Pastore) conceded merit to the provision of extending the exemption from section 315 to all Federal elective offices. During a colloquy with the Deputy Attorney General, Mr. Kleindienst, the distinguished senior Senator from Rhode Island (Mr. Pastore) noted, in part, the following:

> "Now your argument is that we should include the office of, let's say, a Senator or a Congressman. I personally have no objection to that. The only trouble is that there has been some stiff resistance to that on the grounds that this is more or less a parochial situation, and does not fit in the same category as the offices of President and Vice President that have to appeal for the national networks rather than the local broadcasting station.
>
> * * * * *
>
> "I want to say at this juncture that your suggestion in regard to extending the repeal of section 315 should be given serious consideration, and it is not too farfetched at all. It is vrey much in line with what we have been thinking." (Commerce Committee Hearings, Serial No. 92-6, at 520.)

Mr. President, on this issue I will rest my case until an appropriate time when an amendment will be offered to extend the exemption from the equal time provisions of section 315 to all Federal elective offices. To quote the distinguished and knowledgeable chairman of our Communications Subcommittee (Mr. Pastore), "extending the repeal of section 315 should be given serious consideration." The same logic, Mr. President, which persuaded the proponents of amendment No. 308—Star Print—to repeal this section of the Communications Act with respect to the office of President and Vice President is equally, if not more, persuasive in justifying provision of the same exemption with respect to candidates for election to the House of Representatives and to the U.S. Senate.

Second. The unduly restrictive separate spending limitations lacking interchangeability.

Mr. President, the next point which I wish to make concerning amendment No. 308—Star Print—deals with the matter of interchangeability of media spending limitations. The proponents of amendment No. 308—Star Print—again have walked us back to the position set forth in the bill, S. 382, as reported by our Committee on Commerce. They would have us reject out of hand the meritorious amendment made by the Committee on Rules which would permit the candidate the flexibility of choosing to spend his allowable limit in either the broadcast or the nonbroadcast media. If you will, Mr. President, this simply denies a candidate "freedom of choice" in how best to conduct his own campaign.

Such a restricted and compartmentalized proposal as is being proposed by the proponents of amendment No. 308—Star Print—simply constitutes one closing his eyes to reality. In effect, what it says is that in prior election campaigns candidate X was able to conduct his campaign within the respective spending limitation which the proponents propose from the broadcast and nonbroadcast media respectively. It totally disregards the very cold factor of reality that in some sectors of our country it is neither practicable nor feasible for a candidate to campaign with one media or the other.

As the distinguished senior Republican on the Committee on Commerce (Mr. COTTON) pointed out during our hearings:

> "There are certain areas where television just isn't worth the investment to a candidate because it doesn't have the listeners a candidate is most interested in reaching." (Commerce Committee Hearings, Serial No. 92-6, at 397.)

The distinguished senior Senator from New Hampshire (Mr. COTTON) also rightly observed the following:

> "I think there are some qualifications about this concept that television is the greatest media for candidates. Quite frankly, its potential depends somewhat on where the candidates live. There are many small States in this country. My State of New Hampshire is a good example. When I run for office, as much as I would like to utilize television, I find that I seldom use it." (Commerce Committee Hearings, Serial No. 92-6, at 416.)

Moreover, Mr. President, none other than the most distinguished and highly respected majority leader of the U.S. Senate (Mr. MANSFIELD) seems to share a similar view as I do concerning the need for interchangeability. For example, on March 15, 1971, when writing to Mr. William A. Merrick, president and General Manager of KBMN, Bozeman, Mont., the distinguished majority leader (Mr. MANSFIELD) noted, in part, the following:

> "I believe that there should as well be some discretion to the candidate that would permit transferring from one media allocation to the other depending upon the individual needs of each candidate. I am hopeful that this provision will ultimately be incorporated into the bill prior to final enactment." (Commerce Committee Hearings, Serial No. 92-6, at 669.)

Again, in a letter of March 15th to Mr. Joseph S. Sample, Montana Television Network, Billings, Mont., the senior Senator from Montana (Mr. MANSFIELD) noted, in part, the following:

> "In addition, I am hopeful the final version of the bill will contain the type of leeway and discretion to each candidate to permit the transfer of amounts from one category to another, depending upon individual judgment and needs of that candidate. I do believe that the overall limitations provided in the bill are adequate, but it is true that a challenger to an incumbent may justly and validly need to expend more of his campaign funds on name identification which can probably more validly be achieved through the electronic media. *I would not want any bill with which I* [sic. am] *associated to be considered a bill for the protection of incumbents.*" (Emphasis supplied.) (Commerce Committee Hearings, Serial No. 92-6, at 670.)

Mr. President, in view of the above quoted stated position of our distinguished majority leader (Mr. MANSFIELD) I know that I and my other colleagues would greatly appreciate his support to an amendment which I am sure will be offered to provide this necessary flexibility to a candidate with respect to interchangeability of spending on the broadcast and nonbroadcast media.

Mr. President, what the proponents of amendment No. 308—Star Print—fail to recognize is that their amendment lacking interchangeability between the spending limits established for the respective media is more likely to restrict the availability of information to the electorate than it is to reduce campaign costs.

Amendment No. 308—Star Print—simply fails to recognize the dissimilarity of campaigns in one area of the country as contrasted to other areas of the country. As pointed out by Mr. Philip Stern when testifying before the Committee on Commerce:

> "While TV and radio are the most effective way of reaching the voters, the conditions vary widely from one campaign to another, and they can also be the most inefficient and costly way of reaching the voters.
>
> * * * * *
>
> "What's more, even where TV is suitable and available, not all candidates choose to place the same reliance on it." (Commerce Committee Hearings, Serial No. 92-6, at 448.)

Mr. President, I feel very strongly about this issue and the need to provide for this suggested interchangeability. If media spending limitations are to be realistic, then it is incumbent upon the Congress, either to permit interchangeability between the two media limitations, or to devise an overall limitation whereby any given candidate would retain enough flexibility to best reach the eligible voters of his State or his district. We should not and we must not overstructure the political process by artificial, arbitrary, or categorical limitations.

I would only conclude by pointing out, Mr. President, that even the distinguished chairman of our Communications Subcommittee (Mr. PASTORE) seems to recognize the necessity for at least some degree of interchangeability. During the course of hearings before our Commerce Committee, in a colloquy with Mr. Wasilewski, president of the National Association of Broadcasters, the following exchange occurred:

> "Senator PASTORE. We thought of that. What you would do in that particular case, you would transfer to the other area.
>
> "Mr. WASILEWSKI. I think this ought to be a matter that is in the broad discretion of the candidate himself.
>
> "Senator PASTORE. You are absolutely right, because we have said this time and again here, especially during the testimony of some of the networks. * * *
>
> "He can better spend his money in another way; that is, either by mailing or by billboards or however he wants to do it.
>
> "We have been thinking of the idea that no more than 7 cents per vote, if that is the figure, and any candidate who does not use up to 7 cents can take the slack and transfer it to the other areas. * * *" (Commerce Committee Hearings, Serial No. 92-6, at 478, 479.)

Mr. President, all of the foregoing evidence simply begs the question, Why not face reality and provide the necessary interchangeability.

The distinguished majority leader of the Senate (Mr. MANSFIELD) recognizes the need for this; the distinguished senior Republican on the Committee on Commerce (Mr. COTTON) recognizes it; and the distinguished chairman of our Communications Subcommittee (Mr. PASTORE) recognizes and acknowledges that there is at least merit to some degree of interchangeability. Why then not provide for it now? Why wait until we are functioning under this proposed law and then find out that we have been remiss in facing up to the reality of the election campaign process? A fair election campaign bill, yes, Mr. President, a biased and blindly restrictive campaign bill, no.

Third. The failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries.

Mr. President, the third area to which I would like to address myself concerns the amendment proposed by the distinguished minority leader (Mr. SCOTT) during his testimony before the Committee on Rules and Administration and which was adopted in the bill as reported by that committee, but which has been omitted from the pending amendment No. 308—Star Print. This concerns the matter of the extension of unsecured credit by certain Federally regulated industries to candidates for Federal office.

It is my understanding that at an appropriate time the distinguished senior Senator from Pennsylvania (Mr. SCOTT) will offer an amendment to pending amendment No. 308—Star Print—which would prohibit the extension of such unsecured credit. Mr. President, I fully intend to support that amendment when it is offered. I firmly believe that it is an area of demonstrated abuse and potential future abuse which must be corrected.

As the distinguished minority leader (Mr. SCOTT) pointed out in his remarks in the Senate Chamber on July 23, 1971—see CONGRESSIONAL RECORD, July 23, 1971, pages 26935–26943—the information compiled at his request by the General Accounting Office speaks for itself—over $2.1 million in outstanding airline bills and nearly $400,000 in outstanding telephone bills.

Mr. President, I and my other colleagues on the Committee on Commerce have been increasingly concerned over the financial situation of the airlines as well as the railroads. In view of this election campaigning "on-the-cuff" I now can foresee one of the reasons why some of our airlines are facing the financial problems they have today. As Mr. Stuart G. Tipton, president of the Air Transport Association, pointed out in his letter to the distinguished minority leader (Mr. SCOTT):

> "This problem of payment for campaign-related transportation services is a matter of concern to the airlines. Consequently, the industry would welcome and support an amendment which would require political parties or candidates to provide security for payment of charges for air transportation." (See Rules Committee Hearings on S. 382, at 123)

Mr. President, if we fail to correct this blatant abuse of extending unsecured credit we simply leave the door open for political candidates to receive an involuntary contribution from transportation and communication companies. I think that the issue presented here is as simple and as clear cut as that.

Granted there are some who would disparage the proposed amendment and no doubt will vote against it on the grounds that it is directed by those of us on this side of the aisle to the detriment of our colleagues on the other side of the aisle. That, Mr. President, is a characterization and a judgment which those individuals will have to make. For my part, I feel very strongly that unless we act to close this "loophole" we will simply be attempting to hoodwink the electorate of this Nation.

Not only will we be deceiving the electorate, Mr. President, but in view of the demonstrated significant writeoff this means for the industry involved, we in the Senate of the United States will be contributing, albeit in a small way, to future Penn Central's and future Lockheed's, but in this case in the airline industry itself I, for one, have no desire to be a party to any such possible deception, abuse, or adverse impact which could compound the economic ills of these industries. I would simply hope that all of my colleagues in the Senate will view the issue in the same fashion and will at the appropriate time vote in an appropriate fashion to once and for all put an end to on-the-cuff election campaign financing.

Fourth. The failure to go the full measure and provide for an independent Federal Elections Commission.

Mr. President, my fourth area of principal concern is the failure of both pending amendment No. 308—Star Print—and S. 382, as reported by our Committee on Rules and Administration, to go the full measure by vesting in an independent Federal Elections Commission the responsibility of monitoring election campaigns. Once again this is an area in which an amendment to establish an independent Federal Elections Commission was offered in the deliberations on S. 382 by our Committee on Commerce. It was offered by the distinguished senior Republican of that committee (Mr. COTTON) on behalf of the distinguished senior Senator from Kansas (Mr. PEARSON) and the distinguished minority leader (Mr. SCOTT). Unfortunately, it was defeated by a motion to table, thereby completely evading the merits of the proposal. And it is a meritorious proposal.

As pointed out by Dr. Herbert E. Alexander, director, Citizens Research Foundation, in his testimony before the Committee on Rules and Administration:

> A succession of policy statements and reports of commission and task forces has recommended a single joint repository in the Federal Government to which political fund reports would be made. This was the recommendation of:
>
> The President's Commission on Campaign Costs, Financing President Campaigns (1962);
>
> The Committee on Economic Development, Financing a Better Election System (1968).
>
> The Twentieth Century Fund Task Force, Electing Congress (1970).
>
> The Association of the Bar of the City of New York, Congress and the Public Trust (1970).
>
> All these groups contained individuals bringing varied and extensive experience in political finance and its study, and all proposed the establishment of a single agency to replace the Clerk of the House and the Secretary of the Senate as the repository of political fund reports. In 1966, and again in 1967, the Subcommittee on Elections of the House Administration Committee proposed that a Federal Elections Commission be established for this purpose. * * * (See Rules Committee Hearings on S. 382, at 146.)

Thus, Mr. President, for almost a decade we in the Congress have failed to face up to the need in this area by going the full measure with the establishment of an independent Federal Elections Commission. On the contrary, we have a somewhat faint-hearted proposal to go halfway and vest this respnsibility in the Comptroller General of the United States.

But, Mr. President, the Comptroller General of the United States simply does not want this responsibility and he does not want it for valid reasons. Yet for some inexplicable reason some members seem bent and determined to charge him with the statutory responsibility whether he likes it or not.

Mr. President, as the Comptroller General of the United States, the Honorable Elmer B. Staats, pointed out in his letter of June 9 to the distinguished chairman of the Committee on Appropriations (Mr. ELLENDER):

> "We are strongly opposed to placing the responsibility for the administration of Federal campaign financing requirements in the Comptroller General.
>
> * * * * *
>
> "Because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal.
>
> * * * * *
>
> "* * * An alternative which we believe should be given serious consideration, would be the establishment of an independent, nonpartisan election commission to oversee Federal campaign spending." (See Rules Committee Hearings on S. 382, at 202.)

Mr. President, I cannot see how, if we act in a responsible manner, we in the Senate can turn our back on the position of the Comptroller General on this matter and blindly proceed ahead to vest him with a responsibility which he himself says he does not want and which he himself fears can only serve to undercut public confidence in his office. Quite frankly, I thought that one of the motivating forces behind the legislative proposal which we are now considering was to restore public credibility. Yet in total disregard of the learned opinion of the Comptroller General of the United States we are being asked to place in jeopardy the current confidence in his office.

Mr. President, we cannot and we must not do this. We have embarked upon a voyage to reform the election campaign process. Let us at least have the courage of our conviction, heed the counsel of the Comptroller General of the United States, and establish an independent Federal Elections Commission which, I understand, will be offered at an appropriate time as an amendment proposed by the distinguished Senator from Kansas (Mr. PEARSON).

Before leaving this particular issue, Mr. President, let me anticipate what I consider to be a specious constitutional argument against an independent Federal Elections Commission, which may be raised by some opponents. These opponents may say that under the Constitution the Congress is the sole judge of the elections and qualifications of office holders. Yet the establishment of the proposed independent Federal Elections Commission would not, in my opinion, derogate this authority. As a matter of fact, by letter dated April 8, 1971, to the chairman of the Committee on Commerce (Mr. MAGNUSON), Deputy Attorney General Kleindienst addressed this issue in the following manner:

> "Finally, the Department is of the opinion that the establishment of an independent commission to administer the disclosure requirements would not constitute an unlawful delegation of legislative authority to the executive branch. Presently, reports and statements under the Federal Corrupt Practices Act (2 U.S.C. 244–246), and under the Federal Regulation of Lobbying Act (2 U.S.C. 264) are filed with, and preserved by, the Clerk of the House of Representatives and the Secretary of the Senate. The creation of an independent commission would not deprive either House of its constitutional authority under Article I, section 5, nor would it involve a delegation of such authority. Rather, it would merely permit each House better to exercise its authority by acting upon the most informed judgment." (Commerce Committee Hearings, Serial No. 92–6, at 556.)

Therefore, Mr. President, I respectively urge all of my colleagues not to be misled by this "red herring," which may be raised during the course of the debate on the amendment to establish such an independent Federal Elections Commission.

Let me conclude on this point by quoting the following from an editorial appearing in the New York Times of April 27:

> The GOP members are emphatically right in preferring an electoral commission with its own staff over the growing Democratic predisposition to leave enforcement to the Clerk of the House and the Secretary of the Senate.

We have come half way with proposals to vest this responsibility in the Comptroller General of the United States. Unfortunately, we have stopped short of attaining the ultimate goal. The creation of an independent Federal Elections Commission, responsible for full and comprehensive disclosure of campaign finances, is the best way to achieve our objective and to show the American public that we have the courage to be fair.

Fifth. The failure to provide a "fair labeling" disclosure, advising the general public of the availability of detailed copies of reports filed by political committees.

Mr. President, my fifth and final point concerns an amendment adopted by the Committee on Rules and Administration which has been omitted from pending amendment No. 308—Star Print. That amendment would provide that political committees soliciting funds shall notify the public in all ads that it is filing with the Comptroller General accounts which would be available from the Superintendent of Documents.

Mr. President, one of the principal thrusts of any campaign reform measure should be full and adequate public disclosure. Again I feel that we have accomplished this in part, but I also feel that there is room for improvement.

I see little reason for not putting the general public on notice as to how they can obtain a copy of reports required to be filed under the measure now under consideration. Unless such knowledge is disseminated, it seems to me that we are simply making a token gesture and developing a mass repository here in Washington, D.C., which may never become known to the general electorate.

As the distinguished Senator from Vermont (Mr. PROUTY) and his colleagues pointed out in supplemental views in the report of the Committee on Rules and Administration:

> "We are convinced that such a notification will make absolutely certain that individuals living in remote areas of the country know the activities of political committees operating largely in Washington, D.C. Once such knowledge is readily available, we are confident that many existing committees will take full advantage of involving as many of their contributors as possible in the decision making process." (Senate Report 92–229, at 128.)

In summary, Mr. President, my principal areas of concern with pending amendment No. 308—Star Print—are as follows:

First. Inadequacy of amendment No. 308's—Star Print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act:

Second. The unduly restrictive separate spending limitations lacking interchangeability;

Third. The failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries;

Fourth. The failure to go the full measure and provide for an independent Federal Elections Commission; and

Fifth. The failure to provide a "fair labeling" disclosure advising the general public of the availability of detailed copies of reports filed by political committees.

In conclusion, Mr. President, the bill, S. 382—The Federal Election Campaign Act of 1971—has been substantially improved as a result of the deliberations of the Committee on Commerce and the Committee on Rules and Administration. All who contributed to this improvement are to be commended. Nevertheless, I personally feel that there remain areas which can be improved upon further. Certainly, the very fact that we are here in the Chamber of the U.S. Senate, engaged in what I hope will be a constructive debate, is evidence of our serious intention to come forth with a meaningful piece of legislation. All I can ask is that we do not take the easy route, but rather that we face up to issues such as I have pointed out and take appropriate steps to remedy them.

The foregoing is by no means inclusive of all of my areas of concern. I shall have more to say on this matter at a subsequent appropriate time. I have labored too long and too hard, as has the distinguished chairman of our Subcommittee on Communications (Mr. PASTORE) and those of our colleagues on Rules and Administration, to let this effort fall by the wayside. As the Latin poet, Horace, observed, "He has half the deed done, who has made a beginning." Mr. President, we have made a beginning. Now, let us finish the deed, so that when we finish we can justly and proudly point to our labors and say to the American electorate, "Here is the meaningful and responsible Federal Election Campaign Act of 1971."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quarta crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile; and

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 20, 21, 22, 23, 24, 25, and 27 to the bill and concurred therein; and that the House receded from its disagreement to the amendment of the Senate numbered 26 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 5, 15, and 28 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 3, 6, 18, 19, 21, 31, and 32 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed briefly without the time being charged against either side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSPENSION OF RULE RELATING TO CERTAIN NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that paragraph 6 of rule 38 of the standing rules of the Senate, relating to proceedings on nominations, be, and it is hereby suspended with respect to nominations unacted upon during the present session, and their status quo shall not be affected by the August 6 to September 8, 1971, recess of the first session of the 92d Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to temporarily lay the pending business aside in order that I may submit a report of the committee of conference on the disagreeing votes of the 2 Houses on the amendments of the Senate to the bill—H.R. 9667—making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS 1972—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 9667—making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of July 26, 1971, at p. 27186.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the conference on this appropriation bill was held in the Old Supreme Court Chamber on Monday, July 26, 1971. It was a very agreeable conference, and I am able to report to the Senate that we were highly successful in prevailing upon the House conferees in many instances to agree to the position of the Senate.

Exclusive of liquidating cash, principally for the highway programs, the new budget authority contained in the budget estimates for this bill was in the amount of $2,860,327,997. The bill passed the House of Representatives in the amount of $2,733,369,997. The bill passed the Senate carrying new budget authority in the amount of $2,958,929,997. The final conference agreement is in the amount of $2,905,310,997. The final total is $171,941,000 over the House bill and $53,619,000 under the Senate bill.

The conference report and the statement of the managers on the part of the House and on the part of the Senate has been printed as a House report and was printed in the Congressional Record, of July 26, 1971, on page 27186. The explanation in the Record is complete and was signed by the managers on the part of the two Houses. Consequently, I will be brief and highlight some of the important amendments in the bill.

Amendment No. 5 dealt with a recommendation of the Senate to provide $58,500,000 to reimburse the airlines for contributions they had made in connection with the development of the civil supersonic aircraft. The managers on the part of the House agreed to recommend this amount to the House of Representatives.

The Senate recommended $9,750,000 for alternation of bridges, an increase of $2,600,000 over the House. This involved $2,400,000 for the bridge at Beardstown, Ill., and $200,000 additional for the bridge over the Calumet River near Chicago. The conferees on the part of the House accepted the Senate increase in this respect.

The Senate had included $5 million for a marine traffic control system for the Puget Sound area under the Coast Guard, and in conference we were able to secure $1 million of this increase. It is believed that that is all that will be required during the first year.

The Senate increased the sum for facilities and equipment for the Federal Aviation Administration in the amount of $49,800,000. This consisted of $14 million for seven additional aircraft surveillance radars and $35,800,000 for aircraft surveillance radars and air traffic control towers which had been included in the report before the House, but for which financing had not been provided by the House. In conference, the full amount recommended by the Senate was agreed to by the conferees.

For the Federal payment to the Trust Fund for Airports and Airways, the final agreement was in the amount of $580,744,000 instead of the $530,944,000 proposed by the House. The increase over the House amount consists of the $49,800,000 previously referred to under "Facilities and Equipment." There will then be an estimated unappropriated balance in the trust fund of $248 million as of July 1, 1972, available solely to liquidate obligations incurred for airport development grants.

In connection with the forest highways and public lands highways programs, language to authorize appropriations from the highway trust fund for liquidation of obligations incurred against balances of the sums authorized for prior years and remaining unobligated at July 1, 1971, was agreed to in conference.

For traffic and highway safety, the conferees reached agreement to provide, funding for half of the additional alcohol safety action program projects, for which House funding provided for 29 and the amount allowed by the Senate would have provided 40. The agreement includes $25 million for high-speed ground transportation research and development and the joint statement of the managers directs that no part of the reduction from the $29,077,000, the Senate version, is to be applied to the Washington-New York and New York-Boston demonstrations or to the funding for the high-speed ground test center.

Under the Urban Mass Transportation Administration, research, development, and demonstrations, and university research and training, the final agreement in conference was for $65 million. This will allow full funding of projects at Morgantown, W. Va., and at Pueblo, Colo.

This constitutes a short summary of the conference report. I now yield to my distinguished colleague, the ranking Republican member on the Transportation Appropriations Subcommittee, the senior Senator from New Jersey (Mr. Case).

Mr. CASE. Mr. President, I have nothing to add to the concise and yet comprehensive statement which, in accordance with his usual practice, the chairman of the subcommittee has delivered himself of. I commend him, as I did before when we passed the bill in the Senate the first time, for the leadership he has exhibited in this matter, and express again the pleasure I personally have had in working with him on it. The same attention to detail and careful workmanship applied to his handling of the Senate delegation to the conference. It was a pleasure to be associated with him in this as well as the earlier stages of our proceedings.

Mr. BYRD of West Virginia. I thank the Senator from New Jersey (Mr. Case). I express my gratitude for the cooperation, the courtesy, and the great assistance and encouragement he never ceases to give to me as we work together on this and other important bills. We had a splendid conference; it was shortlived, and we had unanimity on the part of the Senate conferees almost all the way. I feel we have brought back to the Senate a most satisfactory conference report. I again thank my colleague and friend.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the able minority leader.

Mr. SCOTT. On page 25 of the Appropriations Committee report, the committee expressed its concern—

> With the status of the "early action" project in Pittsburgh. The Committee directs that all Phase I funds be expended prior to commitment of any Phase II funds.

Certainly, I am grateful for this concern, as well as its concern with all projects. However, this concern is expressed in language which could have a wholly unintended but catastrophic effect on the project, unless we can clarify it by making some legislative history to avoid untoward interpretations through some misadventure. I cannot go into the whole status of the program and its funding, but perhaps we can leave that for background information if we need it.

What I would like to suggest is that the word "expended" as applied to phase I funds in the committee report refers to obligations and not to disbursements. I understand this is wholly within budgetary concepts and accurately reflects the purview of the committee.

I would hope and believe that it reflects the purview of the committee, and could be defined as meaning "substantially committed." Otherwise, it would seem that without this clarification, there would be unintended havoc with the orderly and efficient use of Federal funds. The project itself, which will have committed and obligated 2 percent of its phase I funds by the end of August 1971 will be eligible for further DOT funding although actual disbursement of the last dollar will take place in June 1972 upon actual physical completion of the obligation.

In other words, if the word "expended" were to be literally used, these are some of the things that would follow:

The port authority is now out for bids on 3 million in contracts which are fundable under the phase II budget and might not be awarded by early September unless there is clear direction to DOT of the intent of the committee's choice of the word "expended."

Other detrimental results, unless this is regarded, as most projects are, as ongoing, could include:

All of the engineering work would have to be suspended in 1 month and a work force of approximately 100 engineers and other technicians would have to be let go by their firms.

The authority would have to suspend all engineering on tunnels, bridges, and stations which take from 2 to 3 years to construct.

Since all funds for trolley improvements in phase I are expiring, the rehabilitation of 50 trolleys could cease until the phase II increment for this work is approved.

The construction of concrete express lanes for existing Authority buses would be postponed for more than a year.

The uncertainty of Federal phase II funds, moreover, would certainly erode the spirit of cooperation that encourages the State and county governments to take legislative action to appropriate their share of financing.

The State government and the county government have proceeded in full faith, and are progressing with their commitments to the project. As I say, only 9 percent of phase I remains unfinished, but that 9 percent will run over a period of some months, so it is essential for the continuance of the project to make sure that the word "expended" means "substantially committed," and that the last dollar of the 9 percent unexpended funds does not have to be expended before they can go on to phase II.

The Senator from West Virginia has been very considerate in this matter, as has the Senator from Colorado, whose interest in the matter is great and whose concern has been expressed at various times, and who is thoroughly familiar with it—more familiar than I am—and I would hope that we could clarify, at this point, the ongoing effect of the phase II provisions in the report.

Mr. ALLOTT. Mr. President, does the manager wish to yield further at this point, or does he prefer to comment on the point raised by the Senator from Pennsylvania?

Mr. **BYRD** of West Virginia. I would just like to comment, very briefly, and then I shall yield to my distinguished colleague from Colorado (Mr. ALLOTT).

Mr. President, the words "expended" and "obligated" are inadvertently often used interchangeably, although there is a great deal of difference between the two words in the legislative context.

I am sure that the able Senator from Pennsylvania, the very distinguished minority leader, has in his statement hopefully expressed what I think the true intent of the committee was in its use of the word "expended."

It was certainly not the intent of the committee to prevent any progress at all from being made on phase II until every dollar of phase I funds was expended. That might be 5 years down the road, before every single dollar of phase I funds is expended. I think that the committee's intent was—and I am sure that the able senior Senator from Colorado (Mr. ALLOTT) will more lucidly express it—simply that the committee wanted to be sure that the phase I funds were obligated or committed, not necessarily expended in the strict sense, prior to the commitment of any phase II funds.

I yield now to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I would be happy to reply very briefly to the question.

The second sentence in the last paragraph on page 25 of the Senate report was not referred to in the conference committee, and, therefore, does not appear in the conference report, as the Senator has noted. Of course, what he has pointed out very adequately and lucidly is correct, that the "expenditure," in a strict connotation, might not occur for a long time. We might, for example, have a lawsuit over one of the contracts, and the actual expenditure might continue on for years.

I am very happy to take the Senator's definition of "expenditure." I would just like to make one comment concerning language in the Senate report which accompanied the DOT Appropriations bill as reported by the Senate Committee on Appropriations. There has been some concern that the "sky bus" project in Pittsburgh may not have adequate future local support. In short, I am concerned about the continuing availability of the local share of the cost of this project as it moves out of its first phase, and, therefore, feel it is important that the Urban Mass Transportation Administration funds not be obligated in such a way as to cause the construction of the facility until such time as the continuance of local support in the form of matching or proportionate funds is assured.

I am not attempting to solve the problems of the great Commonwealth of Pennsylvania or its great city of Pittsburgh. But I have had a long and continuing interest in this particular project, and I think that with this interpretation there will be no difficulty in planning for phase B of the project and eliminating the strict interpretation of the language contained in the Senate report.

Mr. SCOTT. I thank the distinguished Senator from Colorado and the distinguished Senator from West Virginia for their understanding of the problem.

I think we can note that it is agreed that the ongoing effect of phase II is not prevented by the language of the committee report. We should bear in mind what the distinguished Senator from Colorado has said regarding the necessity for evidence at all times, as these projects proceed, of local and State support through their contributions and through civic expressions. I think if we can just keep on going with phase II as well as with phase I, there will be a greater acceptance of the project, especially as modified after consultations between the Department of Transportation and many people, including the distinguished Senator from Colorado, who has made some suggestions which already have been very beneficial to the concept in our city of Pittsburgh. I thank the Senator.

Mr. ALLOTT. I thank the Senator.

I just want to say at this time, in conclusion, that I congratulate the manager of the bill. This is a new bill for him this year, and he has done a very fine and excellent job, as has the ranking minority Member, the Senator from New Jersey (Mr. CASE), who has attended to this matter very assiduously.

The **PRESIDING OFFICER**. The question is on the adoption of the conference report.

The conference report was agreed to.

The **PRESIDING OFFICER**. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$750,000".

Resloved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter inserted, insert:

Civil Supersonic Aircraft Development Termination

For payment of the airlines contribution toward the development of the Civil Supersonic Aircraft, $58,500,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert "$97,682,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert:

Federal Payment to the Airport and Airway Trust Fund

For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91–258, $580,744,000: *Provided,* That the unappropriated balance in the Trust Fund as of July 1, 1972, shall be available solely to liquidate obligations incurred subsequent to June 30, 1972, under sections 14(a)(1) and 14(a)(2) of Public Law 91–258.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter inserted, insert:

High-Speed Ground Transportation Research and Development

For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $25,000,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted, insert:

; and not to exceed $1,000,000 of the Fund shall be available for use in construction and engineering work on an extension of the Alaska Railroad from Fairbanks, Alaska, to the International Airport located near that city.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment, as follows:

Change the section number to read: "313".

Resolved, That the House insist upon its disagreement to the amendments of the Senate numbered 22 and 23 to the aforesaid bill.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 3, 5, 6, 14, 30, 31, and 49.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate recede on its amendments numbered 22 and 23.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, amendment No. 22, inserted by the Senate, added a proviso to the appropriation for forest highways—liquidation of contract authorization—which authorized appropriations from the highway trust fund for liquidation of obligations incurred against balances of the sums authorized for prior fiscal years and remaining unobligated at July 1, 1971.

Forest highways were financed in prior years from the general fund. Effective with the Federal-Aid Highway Act of 1970, this procedure was changed, and forest highways beginning with the effective date of that act were to be financed from the highway trust fund. The question arose as to the financing for unobligated balances remaining at July 1, 1971. The Senate committee, on the recommendation of the administration, inserted language indicating that in the future any of these unobligated balances could be financed from the highway trust fund. In conference with the House on this bill, the managers on the part of the House agreed with this language and recommended that it be adopted by the House of Representatives.

Amendment No. 23 is identical in language and intent except that it relates to public lands highways instead of forest highways. When the conference report was considered on the floor of the House of Representatives, the House rejected the proposals made by the Senate in amendments Nos. 22 and 23. The rejection is based upon the fact that these provisos would be amending a prior year authorization act. In view of the position of the House of Representatives with respect to amending an authorization act in an appropriation act, and since any obligations which are incurred as a result of these carried-forward balances can be financed from the general fund, the matter is really a bookkeeping transaction.

Mr. President, I ask unanimous consent that the requirement that the conference report on the Department of Transportation and related agencies appropriation bill for fiscal year 1972 (H.R. 9667) be printed as a Senate report be waived inasmuch as, under the rules of the House of Representatives, it has been printed as a report of the House of Representatives. The reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1972—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BIBLE). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 27, 1971, at p. 27294.)

Mr. BIBLE. Mr. President, as this bill passed the Senate it provided for appropriations totaling $2,417,964,035 in new obligational authority and appropriations to liquidate contract authority for the agencies and bureaus of the Department of the Interior, exclusive of the Bureau of Reclamation and the power-marketing activities, and for various related agencies, including the U.S. Forest Service and the Indian Health Service, Department of Health, Education, and Welfare.

The conference committee bill provides appropriations totaling $2,415,809,035 for the programs and activities of these agencies. This total is over the budget estimates of $2,385,231,035 by $30,578,000; over the House bill of $2,350,145,035 by $65,644,000; and under the Senate bill of $2,417,964,035 by $2,155,000. The bill as passed by the Senate was greater than the House bill by $67,819,000. However, the Senate considered budget estimates amounting to $30,025,000 which were not considered by the House. If these estimates are disregarded, the bill as it passed the Senate was $37,794,000 over the House bill.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a tabulation setting out the appropriation for fiscal year 1971, the fiscal year 1972 budget estimate, the House allowance, the Senate allowance, and the conference allowance for each appropriation in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. The major changes from the Senate bill are a decrease of $2,056,000 for the Bureau of Indian Affairs—however, the conference figure is $4,769,500 over the House allowance and $2,331,500 over the budget estimate; a reduction of $4,500,000 in the amount allowed for the land and water conservation fund; an increase of $1 million for the Bureau of Mines; an increase of $5,450,000 for the Office of Coal Research; a decrease of $760,000 for the Bureau of Sports Fisheries and Wildlife, but there will still be available $1,291,000 more than the House provided and $3,096,000 over the budget; a reduction of $756,000 for the National Park Service; an increase of $8,610,000 for the Forest Service; a reduction of $11,266,000 for the Indian Health Service. Again, this is an instance where the conference agreement is $15,734,000 greater than the amount voted by the House and $19,735,000 more than the budget request. An increase of $750,000 for the National Foundation on the Arts and the Humanities is provided. The amount for the National Foundation is very nearly twice as large as the appropriation for last year.

Again this year, great emphasis was placed on Indian education, and welfare and health. A total of $28,175,000 was added by the Senate to the House recommendation. The conference agreement is $21,801,000 greater than the budget estimate as a result of the give-and-take among the conferees on the various additions made by each body. The greater part of the increase agreed to in conference is for Indian health—funding for additional personnel and hospital supplies, and for sanitation facilities in existing Indian homes.

The position of the Senate on all items was well received and the Senate conferees were quite successful in maintaining the position of the Senate. I repeat my remarks of last year about the conference. It, as usual, was an amicable one. Each side was interested in agreeing on a good bill that would enhance the development of the human and natural resources of our country and not simply in insisting on the allowances of the respective Houses. I appreciate the friendliness of the House conferees, particularly their chairman, who was most cooperative.

I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$71,226,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$608,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 18, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$25,530,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$65,184,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 21, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$70,895,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 31, to the aforesaid bill, and concur therein with an amendment, as follows: "In lieu of the sum proposed by said amendment, insert: "$54,325,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 32, to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$35,291,200".

Mr. BIBLE. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 3, 6, 18, 19, 21, 31, and 32.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BIBLE. Mr. President, I ask unanimous consent that the requirement that the conference report on the Department of the Interior and related agencies appropriation bill be printed as a Senate report be waived inasmuch as under the rules of the House of Representatives it has been printed as a report of the House of Representatives. The reports are identical.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR								
Public Land Management								
Bureau of Land Management								
Management of lands and resources	$84,060,000	$76,080,000	$76,080,000	$69,930,000	$71,035,000	−$5,045,000	−$5,045,000	+$1,105,000
Construction and maintenance	3,310,000	4,430,000	4,637,000	4,627,000	4,627,000	+197,000		
Public lands development roads and trails (appropriation to liquidate contract authority)	(3,500,000)	(3,200,000)	(3,200,000)	(3,200,000)	(3,200,000)			
Oregon and California grant lands (indefinite, appropriation of receipts)	18,000,000	19,000,000	19,000,000	19,000,000	19,000,000			
Range improvements (indefinite, appropriation of receipts)	1,795,000	2,514,000	2,514,000	2,514,000	2,514,000			
Total, Bureau of Land Management	107,165,000	102,024,000	102,221,000	96,071,000	97,176,000	−4,848,000	−5,045,000	+1,105,000
Bureau of Indian Affairs								
Education and welfare services	243,440,000	270,221,000	271,987,000	273,162,000	272,287,000	+2,066,000	+300,000	−875,000
Education and welfare services (appropriation to liquidate contract authority)	(835,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)			
Resources management	70,847,000	76,691,000	71,866,000	71,667,000	71,226,000	−5,465,000	−640,000	−441,000
Construction	19,885,000	36,385,000	37,206,000	43,055,500	42,315,500	+5,930,500	+5,109,500	−740,000
Road construction (appropriaion to liquidate contract authority)	(20,200,000)	(25,000,000)	(25,000,000)	(25,600,000)	(25,600,000)	(+600,000)	(+600,000)	
General administrative expenses	6,148,000	6,257,000	6,057,000	6,057,000	6,057,000	−200,000		
Payment to the Ute Tribe of the Uintah and Ouray Reservation	3,561,700							
Tribal funds (definite)	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000			
Tribal funds (indefinate)	13,204,000	13,173,000	13,173,000	13,173,000	13,173,000			
Total, Bureau of Indian Affairs	360,085,700	405,727,000	403,289,000	410,114,500	408,058,500	+2,331,500	+4,769,500	−2,056,000
Bureau of Outdoor Recreation								
Salaries and expenses	4,170,000	3,999,000	3,999.000	3,949,000	3,949,000	−50,000	−50,000	
Land and Water Conservation Fund								
Appropriation of receipts (indefinite)	327,400,000	362,500,000	350,000,000	366,000,000	361,500,000	−1,000,000	+11,500,000	−4,500,000
General fund		17,500,000				−17,500,000		
(Appropriation out of the fund to liquidate contract authority)	(30,000,000)							
Total, Land and Water Conservation Fund	327.400,000	380,000,000	350,000,000	366,000,000	361,500,000	−18,500,000	+11,500,000	−4,500,000
Office of Territories								
Administration of territories	17,414,000	21,930,000	21,537,000	21,699,000	21,699,000	−231,000	+162,000	
Permanent appropriation (special fund)	(118,000)	(367,000)	(367,000)	(367,000)	(367,000)			
Transferred from other accounts (special fund)	(367,000)	(458,360)	(458,360)	(458,360)	(458,360)			
Trust Territory of the Pacific Islands	59,864,000	59,980,000	59,980,000	59,980,000	59,980,000			
Total, Office of Territories	77,278,000	81,910,000	81,517,000	81,679,000	81,679,000	−231,000	+162,000	
Total, Public Land Management	876,098,700	973,660,000	941,026,000	957,813,500	952,362,500	−21,297,500	+11,336,500	−5,451,000
Mineral Resources								
Geological Survey								
Surveys, investigations, and research	114,603,000	126,182,000	130,000,000	131,175,000	130,400,000	+4,218,000	+400,000	−775,000
Bureau of Mines								
Conservation and development of mineral resources	49,260,000	48,029,000	49,000,000	47,700,000	48,700,000	+671,000	−300,000	+1,000,000
Health and safety	58,029,000	73,643,000	73,630,000	74,630,000	74,630,000	+987,000	+1,000,000	
General administrative expenses	1,942,000	1,970,000	1,970,000	1,970,000	1,970,000			
Helium fund (authorization to spend from public debt receipts)	29,277,000							
Helium fund (portion applied to liquidate contract authority)	(35,800,000)							
Total, Bureau of Mines	138,508,000	123,642,000	124,600,000	124,300,000	125,300,000	+1,658,000	+700,000	+1,000,000
Office of Coal Research								
Salaries and expenses	17,160,000	21,030,000	21,880,000	20,080,000	25,530,000	+4,500,000	+3,650,000	+5,450,000

EXHIBIT 1—Continued

Agency and item (1)	New budget (obligational) authority appropriated, 1971 (2)	Budget estimates of new (obligational) authority, 1972 (3)	Allowances House (4)	Senate (5)	Conference (6)	Conference allowance compared with— Budget estimates of new (obligational) authority, 1972 (7)	House allowance (8)	Senate allowance (9)
TITLE I—DEPARTMENT OF THE INTERIOR—Con.								
Office of Oil and Gas								
Salaries and expenses	$1,27,000	$1,570,000	$1,570,000	$1,570,000	$1,570,000			
Total, Mineral Resources	271,544,000	272,424,000	278,050,000	277,125,000	282,800,000	$+10,376,000	+$4,750,000	+$5,675,000
Fish and Wildlife and Parks								
Bureau of Sport Fishing and Wildlife								
Management and investigations of resources	59,804,000	64,724,000	64,794,000	65,180,000	65,184,000	+460,000	+390,000	+4,000
Construction	5,144,000	4,440,000	6,225,000	7,890,000	7,126,000	+2,686,000	+901,000	−764,000
Migratory bird conservation account (definite, repayable advance)	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000			
Anadromous and Great Lakes fisheries conservation	2,326,000	2,332,000	2,332,000	2,332,000	2,332,000			
General administrative expenses	2,117,000	2,205,000	2,155,000	2,155,000	2,155,000	−50,000		
Total, Bureau of Sport Fisheries and Wildlife	76,891,000	81,201,000	83,006,000	85,057,000	84,297,000	+3,096,000	+1,291,000	−760,000
National Park Service								
Management and protection	65,921,000	70,882,000	71,077,000	70,961,000	70,895,000	+13,000	−182,000	−66,000
Maintenance and rehabilitation of physical facilities	50,547,000	56,226,000	56,230,000	56,507,000	56,457,000	+231,000	+227,000	−50,000
Construction	19,557,000	37,859,000	37,849,000	39,307,000	39,307,000	+1,448,000	+1,458,000	
Parkway and road construction (appropriation to liquidate contract authority)	(17,650,000)	(18,500,000)	(18,500,000)	(19,204,000)	(19,092,000)	+(592,000)	(+592,000)	(−112,000)
Preservation of historic properties	6,878,000	8,205,000	8,325,000	8,205,000	8,325,000	+120,000		+120,000
General administrative expenses	3,874,000	4,006,000	3,956,000	3,956,000	3,956,000	−50,000		
Total, National Park Service	146,777,000	177,178,000	177,437,000	178,936,000	178,940,000	+1,762,000	+1,503,000	+4,000
Total, Fish and Wildlife and Parks	223,668,000	258,379,000	260,443,000	263,993,000	263,237,000	+4,858,000	+2,794,000	−756,000
Office of Saline Water								
Saline water conversion	28,573,000	27,025,000		27,025,000	27,025,000		+27,025,000	
Office of Water Resources Research								
Salaries and expenses	13,242,000	14,490,000	14,290,000	14,290,000	14,290,000	−200,000		
Office of the Solicitor								
Salaries and expenses	7,626,000	6,881,000	6,800,000	6,800,000	6,800,000	−81,000		
Office o. the Secretary								
Salaries and expenses	12,472,000	14,475,000	13,975,000	13,975,000	13,975,000	−500,000		
Salaries and expenses (special foreign currency program)		500,000	500,000		500,000			+500,000
Total, Office of the Secretary	12,472,000	14,975,000	14,475,000	13,975,000	14,475,000	−500,000		+500,000
Total, new budget (obligational) authority, Department of the Interior	1,433,223,700	1,567,834,000	1,515,084,000	1,561,021,500	1,560,989,500	−6,844,500	+45,905,500	−32,000
Consisting of—								
Appropriations	1,403,946,700	1,567,834,000	1,515,084,000	1,561,021,500	1,560,989,500	−6,844,500	+45,905,500	−32,000
Definite appropriations	(1,043,547,700)	(1,170,647,000)	(1,130,397,000)	(1,160,334,500)	(1,164,802,500)	(−5,844,500)	(+34,405,500)	(+4,468,000)
Indefinite appropriations	(360,399,000)	(397,187,000)	(384,687,000)	(400,687,000)	(397,187,000)	(−1,000,000)	(+11,500,000)	(−4,500,000)
Authorization to spend from public debt receipts	29,277,000							
Memoranda—								
Appropriations to liquidate contract authority	(107,985,000)	(48,200,000)	(48,200,000)	(49,504,000)	(49,392,000)	(+1,192,000)	(+1,192,000)	(−112,000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,541,208,700)[1]	(1,616,034,000)	(1,563,284,000)	(1,610,525,500)	(1,610,381,500)	(−5,652,500)	(+47,097,500)	(−144,000)
TITLE II—RELATED AGENCIES								
Department of Agriculture								
Forest Service								
Forest protection and utilization:								
Forest land management	281,502,000	233,508,000	238,718,000	236,178,300	238,678,300	+5,170,300	−39,700	+2,500,000
Forest research	48,891,000	49,868,000	54,208,000	51,685,000	54,325,000	+4,457,000	+117,000	+2,640,000
State and private forestry cooperation	24,163,000	24,241,000	27,741,000	27,741,000	27,741,000	+3,500,000		
Total, forest protection and utilization	354,556,000	307,617,000	320,667,000	315,604,300	320,744,300	+13,127,300	+77,300	+5,140,000
Construction and land acquisition	15,933,700	25,338,000	31,858,000	31,821,200	35,291,200	+9,953,200	+3,433,200	+3,470,000
Youth conservation corps	2,500,000							
Forest roads and trails (appropriation to liquidate contract authority)	(120,220,000)	(138,740,000)	(138,740,000)	(138,740,000)	(138,740,000)			
Acquisition of lands for national forests:								
Special acts (special fund, indefinite)	80,000	80,000	80,000	80,000	80,000			
Acquisition of lands to complete land exchanges		26,035	26,035	26,035	26,035			
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000	700,000	700,000			
Assistance to States for tree planting	1,020,000	1,028,000	1,028,000	1,028,000	1,028,000			
Total, new budget (obligational) authority, Forest Service	374,789,700	334,789,035	354,359,035	349,259,535	357,869,535	+23,080,500	+3,510,500	+8,610,000
Commission of Fine Arts								
Salaries and expenses	115,000	121,000	121,000	121,000	121,000			

Footnotes at end of table.

EXHIBIT 1—Continued

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE II—RELATED AGENCIES—Continued								
Department of Health, Education, and Welfare Health Services and Mental Health Administration								
Indian health services	$125,974,000	$141,903,000	$147,404,000	$158,293,000	$153,027,000	+$11,124,000	+$5,623,000	−$5,266,000
Indian health facilities	18,715,000	[5] 21,789,000	20,289,000	36,400,000	30,400,000	+8,611,000	+10,111,000	−6,000,000
Total, Health Services and Mental Health Administration	144,689,000	163,692,000	167,693,000	194,693,000	183,427,000	+19,735,000	+15,734,000	−11,266,000
Indian Claims Commission								
Salaries and expenses	1,000,000	1,025,000	1,025,000	1,025,000	1,025,000			
National Capital Planning Commission								
Salaries and expenses	[2] 968,000	1,351,000	1,300,000	1,300,000	1,300,000	−51,000		
National Foundation on the Arts and the Humanities								
Salaries and Expenses								
Endowment for the arts	12,590,000	26,500,000	26,500,000	25,500,000	26,250,000	−250,000	−250,000	+750,000
Endowment for the humanities	11,060,000	26,500,000	24,500,000	24,500,000	24,500,000	−2,000,000		
Administrative expenses	2,660,000	3,561,000	3,460,000	3,460,000	3,460,000	−101,000		
Subtotal, salaries and expenses	26,310,000	56,561,000	54,460,000	53,460,000	54,210,000	−2,351,000	−250,000	+750,000
Matching Grants								
Endowment for the arts	2,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
Endowment for the humanities	2,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
Subtotal, matching grants	5,000,000	7,000,000	7,000,000	7,000,000	7,000,000			
Total, National Foundation on the Arts and in the Humanities	31,310,000	63,561,000	61,400,000	60,460,000	61,210,000	−2,351,000		
Public Land Law Review Commission								
Salaries and expenses	171,000							
Smithsonian Institution								
Salaries and expenses	36,895,000	46,259,000	45,259,000	44,681,000	44,701,000	−1,558,000	−558,000	+20,000
Museum programs and related research (special foreign currency program)	2,500,000	5,500,000	3,500,000	3,500,000	3,500,000	−2,000,000		
Science information exchange		1,400,000	1,300,000	1,400,000	1,300,000	−100,000		−100,000
Construction and improvements, National Zoological Park	200,000	200,000	200,000	200,000	200,000			
Restoration and renovation of buildings	1,725,000	1,050,000	550,000	550,000	550,000	−500,000		
Construction		1,900,000	1,900,000	1,900,000	1,900,000			
Construction (appropriation to liquidate contract authority)	(5,200,000)	(3,697,000)	(3,697,000)	(3,697,000)	(3,697,000)			
Salaries and expenses, National Gallery of Art	4,136,000	4,713,000	4,713,000	4,713,000	4,713,000			
Salaries and expenses, Woodrow Wilson International Center for Scholars	750,000	695,000	565,000	695,000	695,000		+130,000	
Total, Smithsonian Institution	46,206,000	61,717,000	57,987,000	57,639,000	57,559,000	−4,158,000	−428,000	−80,000
Executive Office of the President								
Salaries and expenses, National Council on Marine Resources and Engineering Development	400,000							
Federal Field Committee for Development Planning in Alaska								
Salaries and expenses	224,000							
Historical and Memorial Commissions								
Franklin Delano Roosevelt Memorial Commission		37,000	37,000	37,000	37,000			
American Revolution Bicentennial Commission								
Salaries and expenses	670,000							
National Council on Indian Opportunity								
Salaries and expenses	287,500	300,000	275,000	300,000	275,000	−25,000		−25,000
Federal Metal and Nonmetallic Mine Safety Board of Review								
Salaries and expenses	167,000	167,000	167,000	167,000	167,000			
Total, new budget (obligational) authority, related agencies	600,997,200	[3] 626,760,035	644,424,035	665,001,535	662,990,535	+36,230,500	+18,566,500	−2,001,000
Consisting of—								
Appropriations	600,997,200	626,760,035	644,424,035	665,001,535	662,990,535	+36,230,500	+18,566,500	−2,011,000
Definite appropriations	(600,217,200)	(625,980,035)	(643,644,035)	(664,221,535)	(662,210,535)	(+36,230,500)	(+18,566,500)	(−2,011,000)
Indefinite appropriations	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)			
Memoranda—								
Appropriations to liquidate contract authority	(125,420,000)	(142,437,000)	(142,437,000)	(142,437,000)	(142,437,000)			
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(726,417,200)	(769,197,035)	(786,851,035)	(807,438,535)	(805,427,535)	(+36,230,500)	(+18,566,500)	(−2,011,000)

Footnotes at end of table.

EXHIBIT 1—Continued

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances: House	Allowances: Senate	Allowances: Conference	Conference allowance compared with—: Budget estimates of new (obligational) authority, 1972	Conference allowance compared with—: House allowance	Conference allowance compared with—: Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
RECAPITULATION								
Grand total, new budget (obligational) authority, all titles	$2,034,220,900	[4,5] $2,194,594,035	$2,159,508.035	$2,226,023,035	$2,223,980,035	+$29,386,000	+$64,472,000	−$2,043,000
Consisting of—								
1. Appropriations	2,004,943,900	2,194,594,035	2,159,508,035	2,226,023,035	2,223,980,035	+29,386,000	+64,472,000	−2,043,000
Definite appropriations	(1,643,764,900)	(1,796,627,035)	(1,774,041,035)	(1,824,556,035)	(1,827,013,035)	(+30,386,000)	(+52,972,000)	(+2,457,000)
Indefinite appropriations	(361,179,000)	(397,967,000)	(385,467,000)	(401,467,000)	(396,967,000)	(−1,000,000)	(11,500,000)	(−4,500,000)
2. Authorization to spend from public debt receipts	29,277,000							
Memoranda—								
Appropriations to liquidate contract authority	(233,405,000)	(190,637,000)	(190,637,000)	(191,941,000)	(191,829,000)	(+1,192,000)	(+1,192,000)	(−112,000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(2,267,625,900)	(2,385,231,035)	(2,350,145,035)	(2,417,964,035)	(2,415,809,035)	(+30,578,000)	(+65,644,000)	(−2,155,000)

[1] Excludes budget amendments of $15,426,000 contained in H. Doc. No. 92-119.

[2] In addition, $229,000 transferred from "Land Acquisition, National Capital Park, Parkway, and Playground System."

[3] Excludes budget amendment of $1,900.000 contained in H. Doc. No. 92-119.

[4] Excludes budget amendments of $17,326,000 contained in H. Doc. No. 92-119.

[5] Includes $3,000,000, S. Doc. No. 92-20.

AMENDMENT OF EXPORT-IMPORT BANK ACT OF 1945—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BUCKLEY). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, as follows:

CONFERENCE REPORT (H. REPT. 92-435)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes, having met, after full and free conferences, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That (a) this Act may be cited as the "Export Expansion Finance Act of 1971".

(b) The Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(1) Section 2(a) of such Act is amended by inserting "(1)" immediately after "SEC. 2. (a)" and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank, which budget shall also include the estimated annual net borrowing by the Bank from the United States Treasury. The President shall report annually to the Congress the amount of net lending of the Bank, including any net lending created by the net borrowing from the United States Treasury, which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(2) Section 2(c)(1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereof "$10,000,000,000".

(3) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(4) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(5) Section 2(b)(3) of such Act is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation described in clause (A). The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation if the President determines that any such transaction would be contrary to the national interest."

(6) Section 2(b)(1) of such Act is amended to read as follows:

"(b)(1) It is the policy of the United States to foster expansion of exports of goods and related services, thereby contributing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters. The Export-Import Bank shall, on a semi-annual basis, report to the appropriate committees of Congress its actions in complying with this directive. In this report the Export-Import Bank shall survey all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters and indicate in specific terms the ways in which Export-Import Bank rates, terms, and other conditions are equal or superior to those offered from such other governments directly or indirectly. Further, the Export-Import Bank shall at the same time survey a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine their experience in meeting financial competition from other countries whose exporters compete with United States exporters. The results of this survey shall be included as part of the semiannual report provided for under this section. It is further the policy of the United States that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital; that the Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs; that loans, so far as possible consistent with the carrying out of the purposes of subsection (a), shall generally be for specific purposes, and in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing such loans the Board of Directors should take into account the possible adverse effects upon the United States economy."

SEC. 2. In connection with section 2 of Executive Order Number 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

JOHN SPARKMAN,
HARRISON WILLIAMS,
WALTER MONDALE,
BOB PACKWOOD,
WALLACE F. BENNETT,
Managers on the Part of the Senate.
WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
H. S. REUSS,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
WILLIAM B. WIDNALL,
J. WILLIAM STANTON,
GARRY BROWN,
Managers on the Part of the House.

Mr. SPARKMAN. Mr. President, may I say that the distinguished Senator from Minnesota (Mr. MONDALE) is the chairman of the subcommittee which handled this matter. As it happened, at the time the conference came up, we were busily engaged in the so-called Lockheed——

Mr. BENNETT. Late lamented Lockheed.

Mr. SPARKMAN. And I did not get to attend the conference. The Senator from Minnesota (Mr. MONDALE) presided as the chairman of our group.

Unfortunately, he cannot be here at this time. He has a prepared statement which I ask unanimous consent to have printed in the RECORD for him.

There being no objection, the statement of Senator MONDALE, was ordered to be printed in the RECORD, as follows:

STATEMENT OF MR. MONDALE

Mr. President, on July 22, the House and Senate met in conference to reconcile the differences between the two Houses on S. 581—the Export Expansion Finance Act of 1971.

Most of the disagreements between the House and Senate bills were minor.

First, the Senate bill extended the bank's life from its present expiration date of June 30, 1973 to June 30, 1976. The House extended the bank's life only until 1974 so as to afford Congress the opportunity for early review of the bank's activities under the new legislation. The conference accepted the House date.

Second, the Senate bill provided that the bank "insofar as feasible and practicable", should provide export financing that is "reasonably" competitive with the Government-supported export financing available to exporters in the principal countries which compete with U.S. exporters. The House version—accepted by the conference—deleted the qualifying phrases. The conference, however, agreed that the conference report should indicate that "competitive" should not be interpreted strictly, and that the President of the Export-Import Bank should retain discretion in interpreting what constitutes "competitive."

Finally, there were two major differences between the House and Senate bills. The House bill exempted export credit from the Voluntary Foreign Credit Restraint Program administered by the Federal Reserve. This program—established in 1965—was designed to restrict capital outflows by setting ceilings on bank loans to foreigners.

The House felt that the VFCR program has seriously hampered our efforts to expand exports. According to the House Banking Committee, the program has: discouraged export financing by commercial banks, thus limiting the supply of bank export credit; and resulted in various forms of evasion, such as Edge Act subsidiaries abroad, and the Bahama Banks, as well as the selling of foreign loans before a Federal Reserve reporting date in order to stay within the limits.

In the House Banking Committee, removal of export credit from the VFCR program was passed without a dissenting vote. In the Conference committee meeting, the Senate went along with the House provision.

The other major difference between the House and Senate bills concerned the present prohibition against extension of Export-Import Bank credit or guarantees to communist countries. The Senate bill removes this prohibition and gives the President the discretionary authority to extend such credit or guarantees. The House Banking Committee followed the Senate version, but the full House reversed the Committee and retained the absolute prohibition. The Conference committee adopted the Senate proposal.

The importance of this measure should be apparent. The East European market place is one of the fastest growing in the world. Yet the U.S. barely shares in this market. While trade with Eastern Europe comprises approximately 16 percent of total world trade, the U.S. share of this market is only 3 percent. Meanwhile, none of our allies impose similiar restraints on their use of export credit for European Europe. Thus, our policy has worked to our own detriment: a loss of business and much needed jobs to other countries.

The removal of this prohibition will not make it possible to export products which might be harmful to our national security. Such exports are controlled by the Commerce Department, under the Export Administration Act of 1969.

The United States has, over the past decade, experienced a persistent imbalance in its international payments accounts. More recently, this imbalance has been aggravated by the failure of U.S. exports to keep pace with greatly increasing imports. At the same time, the growth of U.S. exports has failed also to keep pace with the growth of world trade.

Yesterday, Secretary of Commerce Stans warned us that this year may bring us the first negative trade balance in this century.

An increase in exports is heavily dependent upon an expansion of export financing competitive with the financing available elsewhere, and flexible enough to meet the needs of American businessmen in today's international market place. I believe that the bill agreed on by the House and Senate conferees admirably meets these objectives.

Mr. BENNETT. Mr. President, I would like to clarify the meaning of certain language in S. 518 as approved by the conferees. This language relates to the directive by the Congress that the Export-Import Bank provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates, terms, and other conditions offered by our principal competitors.

S. 581 as passed by the Senate provided that the Bank should be reasonably competitive in these areas insofar as feasible and practicable. The Banking, Housing, and Urban Affairs Committee report on the bill stressed that while export financing available from the Bank was reasonably competitive in many instances, there was still need for the Bank to become more competitive if U.S. exports were to expand at a rate necessary to achieve balance-of-payments objectives. Yet this report cautioned that we do not want the Bank as a result of this directive to start an international export credit war, nor do we intend that the Bank become an AID-type financial institution or act as a substitute for our foreign aid program.

S. 581 as passed by the other body directed the Bank to provide financing which is competitive with rates, terms, and other conditions supported by the governments of our principal competitors. It also required the Bank to make semiannual reports to Congress on its compliance with this directive.

The conferees have accepted the provision adopted by the other body with the clear understanding that this language means that the Bank must be reasonably competitive insofar as practicable with respect to export financing on rates, terms, and conditions supported by the governments of our principal competitors. We fully realize that terms and conditions on export financing are constantly changing and will vary in numerous ways in individual transactions. It would be virtually impossible for Eximbank to be constantly apprised of every specific change which might be supported by other government export credit institutions. We do not expect the Bank to meet or beat the competition in every instance, but we do expect them to be more competitive generally than has been the case in the past. We further observe that Eximbank does not require appropriated funds and must fund its operations through borrowing from the public money markets. Hence its rates must have some relationship to cost of money.

We have been advised by the Bank that it will request personnel authorization for staff that will maintain constant surveillance on the rates, terms, and conditions which are supported by the governments of our principal competitors. The Bank has assured us that it will endeavor to meet our directive in every possible way. We will be able to determine whether it has done so by means of its semiannual reports to the Congress. With this understanding I fully support the provisions of S. 581 as agreed to by the conferees.

Mr. SPARKMAN. Mr. President, I move adoption of the conference report.

The motion was agreed to.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PROUTY. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 30 minutes.

Mr. PROUTY. Mr. President, the bill we are considering today could well be one of the most important pieces of legislation this Congress will consider.

Modernization of our Federal election campaign laws is long overdue. Existing law is but a farce and the public knows it.

I have been trying ever since I came to the Senate in 1958 to encourage meaningful and workable laws to make certain that candidates for public office campaign in a manner consistent with the principles of our great democracy. All of us in Congress should realize that the public is fed up with campaign laws which in reality are nothing more than a farce.

The Federal Corrupt Practices Act of 1925 was the last major piece of legislation regulating campaigns for Federal office. It was not an effective law in 1925 and today even the effective parts of that act have become obsolete.

Last fall, I voted for S. 3637 which placed limitations on the amount of money candidates for Federal office could spend on radio and television. I voted for that bill because it represented a move by Congress in an area that had been neglected for too long; namely, the updating of laws relating to Federal elections. Following the 1970 campaign, all of us in Congress were faced with the question of whether we should override the President's veto of that bill. On November 23, I voted to sustain the President's veto of S. 3637. At that time, I stated that S. 3637 did not go far enough in accomplishing the job that needed to be done.

The veto of S. 3637 was in the best interest of the American public, because had S. 3637 been approved, I, for one, do not believe that the impetus for overall legislation would have been as great as it is today. History may record that the President's veto of S. 3637 marked the point in history when both the executive and legislative branches of the Federal Government decided that the time had come for complete and comprehensive reform of Federal campaign laws.

Mr. President, I hope and believe that everyone in this Chamber hopes that this year there will be enacted a comprehensive election reform act more sweeping in scope than any election law in this Nation's history. All of us have for years been attempting to put together the degree of interest and support necessary for passing an election reform act. I believe that we have now generated that support.

Mr. President, before I go into the details of the bill, let me at this point express the hope that the consideration of this measure does not become bogged down in partisan politics. All Americans have waited too long for effective and realistic reform of our election laws to have the consideration of that reform become nothing more than gainsmanship as to which political party can derive the greatest benefits or penalties from enactment of the law.

Let us from the beginning recognize that no political candidate nor political party should "do business as usual" following enactment of this law. The entire purpose of this legislation is to make the election process more effective for the American voter.

The whole purpose of this law is to restore public confidence in the election process.

The whole purpose of this legislation is to make certain that our democracy works.

Mr. President, we cannot afford to procrastinate. Democracy succeeds only where citizens have faith and trust in their government and its elected officials. The turbulent 1960's should have convinced us all that many of our fellow citizens have lost faith in our democratic process. Prompt enactment of S. 382 as amended can be the most effective method for restoring to the public the confidence necessary for democracy to work.

Now Mr. President, two Senate committees have thoroughly and carefully considered all aspects of S. 382. I am privileged to serve on both of those committees and I can assure you that our deliberations were long and thoughtful. I am certain that I speak for every member of both committees when I state that it is our intention to do everything that is humanly possible to see that during this session of this Congress there will be a Federal Elections Campaign Act of 1971.

While action on this important measure must be prompt, it is of such great importance that I sincerely hope Members will give all its provisions the same thoughtful and careful consideration on the Senate floor as was given by the two committees who have worked on the bill. I mention this fact, Mr. President, because you will recall that in 1967 this body passed S. 1880 which contained a modernization of disclosure provisions and tax incentives for political contributions. At that time, deliverations on the Senate floor lasted less than one day. The bill passed the Senate by unanimous vote, with few of us having a thorough understanding of what it contained. Consequently, it died a peaceful death because of inaction by the other body.

Mr. President, I worked long and hard with many of my colleagues on the Commerce Committee to strengthen S. 382 as originally introduced. In that committee we made substantial progress toward drafting an effective and meaningful piece of legislation. In all candor, we were not completely successful in our efforts to develop a strong bill because some of our colleagues on the Commerce Committee favored tabling all amendments to the bill not relating to title I.

As the ranking Republican member of the Committee on Rules and Administration, I continued the fight to see that the legislation was considered in its entirety. Other members on the Rules Committee agreed with me and we succeeded in developing a strong and sound approach to the whole subject of political campaigns for elections to Federal offices. The bill reported by the Rules Committee completely overhauls the laws regulating campaigns for Federal office. It is a strong, no nonsense bill that will restore the faith of the American public in the elections process.

It is a tough bill imposing penalties on political candidates who do not strictly adhere to its requirements.

It closes practically every single loophole in existing law.

The unregulated District of Columbia Political Committee is dead.

The myth that a candidate is not responsible for other committees which happen to support him is ended.

Mr. President, enactment of S. 382 will completely change political campaigns in America. The people will know all the facts about campaign financing. Moreover, candidates will be strictly limited on the amount of money they can spend on the communications media.

I am convinced, Mr. President, that this legislation is of such magnitude that all of us on the floor should understand its provisions before it is enacted. I intend to devote a considerable amount of time sharing with my colleagues all of the considerations that have gone into developing the bill we have before us.

BACKGROUND

Mr. President, at the present time there is simply no effective regulation of the election process for Federal officials. The only law that purports regulation of Federal elections is the Federal Corrupt Practices Act of 1925 and the Hatch Act limiting the participation of Federal civil servants in politics. The basic law is the Federal Corrupt Practices Act some of which is codified in title 2 of the United States Code and the remainder is contained in title 18 of the United States Code which is the title containing criminal laws.

Mr. President, the Federal Corrupt Practices Act of 1925 has probably been worse than having no law regulating Federal elections. It is full of loopholes and, in effect, provides neither the candidates nor the public with any guidance or information concerning the election process.

On the face it appears to require disclosure of campaign contributions and expenditures.

On its face it appears to limit individual contributions to $5,000.

On its face it appears to place an overall limit on the amount of money that candidates could spend in a campaign.

All of these, appearances of regulation, are an illusion. Campaign committees formed in the District of Columbia or any territory of the United States are not required to report contributions or expenditures made on the behalf of a candidate for Federal office. Individuals are not limited to $5,000 contribuitons because an individual can give $5,000 to many separate committees supporting the same candidate. There is no overall limitation on the amount that a candidate can spend in a campaign because committees working on the candidate's behalf are not affected by the overall limitation. In fact, the Federal Corrupt Practices Act of 1925 is a sham. It is a dangerous sham because over the years it has created an illusion of regulation of the Federal elective process. As an illusion it has retarded meaningful reform in an area that particularly needs reform. It has provided an easy excuse for preserving the status quo.

During the 1960's Congress made some attempts to reform our election campaign laws. For the most part, those attempts resembled illusions more than reality because all the bills with the exception of S. 3637 in the last Congress were passed by only one body of the Congress.

In 1969, Congress did pass S. 3637 which would have limited campaign expenditures on radio and television. In vetoing that bill President Nixon stated, in part:

> S. 3637 does not limit the overall cost of campaigning It merely limits the amount that candidates can spend on radio and television. In doing so, it unfairly endangers freedom of discussion, discriminates against the broadcast media, favors the incumbent office holder over the office seeker and gives an unfair advantage to the famous.

The President called upon Congres to enact comprehensive and meaningful reform of our laws governing Federal elections.

Mr. President, had S. 3637 become law, there can be no question but that the pressure for meaningful overall effective reform would not have today existed.

Mr. President, S. 382 was considered in part by the Senate Commerce Committee and in its entirely by the Committee on Rules and Administration. I am convinced that history will judge the enactment of S. 382 as a most significant piece of legislation because it goes to the very heart of our democratic process. The importance of the bill compels me to discuss in detail the various titles of the bill, as reported by the Committee on Rules and Administration and in the Pastore amendment.

TITLE I—LIMITATIONS ON CAMPAIGN COSTS

Mr. President, all elected public officials are keenly aware of the fact that political campaigns cost more today than they did in the past. Some have argued that the communications media is the primary reason that campaign costs have increased. Quite frankly, there is no clear evidence to substantiate this fact. It should be noted that enactment of S. 382 as amended will provide us with detailed facts and figures concerning all campaign spending. Title III of the bill calls for complete and full disclosure of all expenditures.

Title I was extensively considered by the Senate Commerce Committee. However, numerous witnesses who appeared before the Rules and Administration Committee contributed valuable testimony relating to the provisions of title I. Recognizing the interrelationship between title I and the other titles of the bill, the committee carefully considered all of the provisions contained in title I.

In general, title I represents an effort to lower campaign expenditures. This is an admirable goal with which everyone can agree. Differences arise in determining which is the best method for lowering campaign costs without depriving the voter of the opportunity of making an intelligent choice. This latter consideration is particularly important if we are to insure against enacting legislation which favors incumbent officeholders who are generally better known and better able to "make news." We believe that title I, as amended, represents an effective and realistic way for lowering campaign costs. There are four distinct elements that are designed to lower the cost of political campaigns:

First. Repeal of the equal time requirements of section 315 of the Federal Communications Act in order to encourage broadcasters to provide additional free time to all Federal candidates.

Second. The requirement that the communications media charge political candidates at the "lowest unit rate."

Third. Limiting the reduced rate to 45 days preceding a primary election and 60 days preceding a general election, thereby encouraging shorter campaigns.

Fourth. Limiting candidates' expenditures on the communications media while preserving campaign flexibility.

SECTION 315 EXEMPTIONS

Mr. President, both committees heard considerable testimony from broadcasters to the effect that the equal time requirement of section 315 of the Federal Communications Act inhibits broadcasters from providing political candidates with free time. Under the "equal time requirement" if a broadcaster grants one candidate free time, he must by law provide all other candidates for the same office with precisely the same amount of time. In most elections there are only two or three serious candidates. The views of those serious candidates are seldom heard on free radio or television time because a number of fringe candidates or potential candidates are waiting in the wings to demand precisely the same amount of time given to serious candidates. The net result of the equal time requirement has been "no time offered."

The Senate Commerce Committee recognized the inhibiting effects of the equal-time requirement of section 315. The bill as reported from that committee repeals the equal time provision but only for presidential and vice presidential candidates. Testimony before both committees clearly show that the exemption should extend to all candidates for Federal office. In his testimony before the Rules Committee, Deputy Attorney General Richard Kleindienst urged the committee to extend the exemption. Let me quote from his testimony:

> We agree that section 315 has produced the wrong results, but these are not limited to presidential and vice-presidential candidates. They are equally applicable to candidates for other Federal offices. Every argument supporting limited repeal supports total repeal. The fairness doctrine enforced by the Federal Communications Commission will afford all Federal candidates access to broadcasting facilities on an equitable basis. We urge total repeal of section 315.

The president of the Mutual Broadcasting System, Mr. Victor Diehm, supported the Deputy Attorney General's position when he testified as follows:

> By its present language S. 382 would repeal the equal opportunity provision of section 315 of the Communications Act for presidential and vice-presidential candidates. Extension of this policy to all Federal office seekers would permit coverage of all serious candidates to a much greater extent than is now possible.
>
> It should be pointed out that the public interest standard and all other applicable considerations bearing on a broadcast licensee stewardship of the airways always remain in full force. Abuse, if it should occur, could be readily redressed.
>
> Stations freed from the threat of great swarms of candidates appearing for a variety of reasons would be able to concentrate coverage on a bona fide candidate to the benefit of the public.
>
> While I feel complete repeal of this ill-named equal opportunity section of the Communications Act would be appropriate, certainly it should be removed at least for those offices with which this legislation deals—the Federal offices.

Mr. President, the Committee on Rules and Administration also heard testimony from the president of the North Carolina Association of Broadcasters, Mr. Richard Barron, reemphasizing the need for repealing the equal time requirements for all Federal candidates:

> First, we agree with the provisions of the bill that would call for the repeal of section 315(a) of the Federal Communications Act to delete the equal time requirement for presidential and vice-presidential candidates.
>
> We recommend, however, that the bills be expanded in this regard so as to delete the equal time requirements for all candidates.
>
> We agree with Deputy Attorney General Richard G. Kleindienst in his testimony of March 31 that section 315 "Contrary to its purposes, has had the effects of dscouraging broadcasters from offering free time and coverage."
>
> This is also in accord with Dr. Frank Stanton of CBS when he stated that "Because section 315 requires equal time for every candidate for an office, however insignificant or frivolous his candidacy, the practical effect of the law has been to deny free broadcast time to major candidates or to force free time to be shared with fringe candidates."
>
> Therefore, we recommend the repeal of section 315(a) and its equal time requirements for *all* candidates.

Mr. President, the following considerations convinced the Rules Committee that the equal time requirement should be removed for all Federal candidates.

Free time if given to political candidates would reduce the costs of campaigns.

Broadcasters have been unanimous in claiming that the equal time requirements of section 315 inhibit them from providing free time.

The FCC studies confirm the fact that very little free time is provided.

Consequently, incumbents who tend to be better known and have an ability to "make news" are presently in a much better position than nonincumbents.

Therefore, the Rules Committee removed the equal-time requirement for all Federal candidates.

Mr. President, this brings me to the next three features which are designed to cut the cost of political campaigns. As I have stated we are all in agreement that political campaigns are too expensive. In many ways I have sympathy with the proposal put forth by the distinguished senior Senator from Michigan

(Mr. HART). At various times, he has suggested that campaigns for Federal office should be financed by the Federal Government. His idea is to remove all private money from political campaigns. On the face of it his proposal has considerable merit, but under close examination it becomes clear that that route would serve only to favor incumbents.

Did the presiding officer know that in the Congress of the United States since 1940 over 93 percent of the incumbents who have run for reelection have achieved their goal? I suggest that the only thing 100 percent Federal financing of campaigns would accomplish would be to have 100 percent of the incumbents seeking reelection achieve their goal. Such a result would further increase the lack of confidence that the public has in our democratic society.

It is interesting to note, Mr. President, that some other methods for decreasing the costs of political campaigns run the same risk of encouraging the reelection of incumbents in perpetuity. I shall shortly discuss those problems when I deal with spending limitations. Before then, however, I would like to discuss two measures taken by both committees which are designed to reduce costs inherent in a political campaign.

REDUCED MEDIA CHARGES

Mr. President, the Rules Committee retained those parts of the bill reported by the Senate Commerce Committee requiring the communications media to charge political candidates at the "lowest unit rates." History has demonstrated that candidates for political office are charged more for the same amount of space or time than major advertisers. While we do not have any definitive facts as to the differences between "lowest unit rate" and the amount being charged political candidates, we are hopeful that an overall reduction in campaign costs will occur as a result of this legislation.

ENCOURAGEMENT OF SHORTER CAMPAIGNS

Second, Mr. President, the Rules Committee retained the provision added by the Senate Commerce Committee limiting the "lowest unit rate" requirement to 45 days preceding a primary election and 60 days preceding a general election. Everyone agrees that political campaigns tend to be too long. We are hopeful that the 45- and 60-day provisions will encourage shorter campaigns.

SPENDING LIMITATIONS

Mr. President, simplistic solutions often sound brave. However I am more concerned with the soundness of the limitation than how a limitation sounds at first hearing. I am concerned that the limitation enacted serve for all times and not merely to suit the specific needs perceived for the 1972 elections. I would hope, Mr. President, that all of us would place the welfare of democracy and the integrity of our elective process ahead of any partisan considerations.

I would hope, Mr. President, that we would be able to accept a spending limitation which, in fact, would limit expenditures without depriving the American public of the chance to hear all sides of a question in a political campaign.

I would hope, Mr. President, that we would avoid setting a rigid, overstructured spending limitation.

As we know, S. 382 as reported by the Senate Commerce Committee had separate but identical spending limitations on the amount of money a candidate could spend on the broadcast and nonbroadcast communications media.

The Senate Commerce Committee report recognized the difficulties in having separate but identical spending limitations.

> Some of the witnesses who testified before your committee urged there be one total limitation on all media spending with discretion left to the candidate to determine what amounts to spend on broadcast and non-broadcast advertising. There is merit to this contention especially since campaigns differ according to the personal style of a candidate and the area of the country in which the election is being held.
>
> On the balance, however, your committee opted against such an approach. Television is unquestionably the most used media in political campaigns, and it has been the most significant contributor to the spiraling cost of these campaigns. If candidates were given complete discretion to spend on the use of this media your committee was fearful that in the closing months of a campaign the airwaves might become inundated with political broadcasts to the exclusion of entertainment and other public interest programs. (S. Report 92-96, p. 30).

Deputy Attorney General Richard Kleindienst in testimony before the Rules Committee addressed that particular reason in the following manner:

> We think the economic facts of life in the broadcasting industry and the long-term self-interest of broadcasters will adequately protect the public from any real possibility of an inundation of the air by political advertisements. We also believe that compartmentalized spending limitations ignore differences in candidates and variances in media coverage capabilities and media rates throughout the Nation. Candidates should have the flexibility to structure their campaigns to produce the most efficient and effective communication with the electorate.

In all candor, Mr. President, it is extremely difficult to establish any limitation without having complete and accurate facts concerning existing campaign practices and expenditures. Under the present law, candidates are not required to disclose their exact expenditures. Consequently Congress has nothing upon which to base a realistic limitation. Nevertheless, we are convinced that some limitation is necessary in order to curb campaign costs.

In its deliberations the Commerce Committee did have before it some preliminary expenditure figures for radio and television during the 1970 campaign. Those figures indicated that had the separate broadcast spending limitation been in effect during the 1970 campaign, statewide candidates in nearly half of the States would have violated the law.

Those figures also indicated that the degree to which radio and television were used as a part of a campaign varied considerably from one State to another. I am convinced, Mr. President, that some times we erroneously assume that radio and television are the most important items in every single campaign. That assumption is simply not true. In some States the broadcast media may be the best method for informing voters about the issues in a campaign. In other States broadcast media may have no significance whatsoever.

In some States political candidates find that they must use out-of-State television stations to reach the voters in their State. In New Jersey and Delaware, for example, there is not a single television station. In my own State of Vermont we have but one television station which, by the way, has several times the number of viewers in Montreal, Quebec than it has in the State of Vermont. To reach over half of the State of Vermont it is necessary to purchase television time on broadcast stations in New York, Massachusetts, and Maine. Naturally, the rates charged by television stations have a relationship to the station's total number of viewers rather than the voters in any particular State.

As you know, Mr. President, the bill reported by the Senate Commerce Committee and the spending limitations contained in the substitute amendment offered by the distinguished Senator from Rhode Island (Mr. PASTORE) have separate but identical limitations for broadcast and nonbroadcast communications media.

Mr. President, I am convinced that this artificial overstructuring of political campaigns is very undesirable due to the great variety of campaign situations throughout the country. As you know, the members of the Rules Committee heard additional testimony which verified the fact that interchangeability was needed between the spending limitations in order to give candidates the maximum flexibility in tailoring a campaign to suit their particular needs. The overall intent of S. 382 is to restore the confidence of the American people in the election process. Unrealistic spending limitations for radio and television simply mean that some of the American people will be deprived of being fully informed about a candidate and the issues. This discrepancy is compounded by the fact that a limitation was based on nonbroadcast communications spending without having a single fact indicating how much candidates have spent on nonbroadcast media in the past.

We have no sure way of knowing whether candidates spend twice as much for newspaper advertisements as they do for television advertisements.

We have no detailed information concerning the amount of money candidates spend for billboard facilities. We have no detailed information about the amount of money that candidates spend for advertisements in magazines and other publications. Nevertheless, the bill as reported to this committee set a limitation on nonbroadcast spending of 5 cents times the resident population of voting age.

Mr. President, we were faced with the impossible task of guessing how much money is spent by political candidates in the nonbroadcast communications media. We were placed in this position because at present there is no effective disclosure law or agency to compile nonbroadcast communications spending.

I believe that the Rules Committee amendment which, in effect, placed an overall spending limitation on communications media goes a long way toward insuring that an effective spending limitation is workable. However, we do want to emphasize that the information concerning spending patterns on the communications media is today very limited.

How much spending is enough to insure truly democratic elections and how much is too much are at this point in history impossible to determine. An even greater risk is inherent in making binding decisions for the future.

In examining campaign spending on television, Mr. President, we suspect that the report by the FCC on campaign spending in 1970 has considerable significance. In all candor, however, none of us at this time know what significance it has. For example, the FCC report indicated that total political spending for radio and television advertising reached $50.3 million including $2.7 million by minor parties. This represented an increase of 57 percent over the last comparable figure for 1966. Despite the increase the actual number of political broadcasting hours declined sharply to 7,535 from the 1966 total of 11,499 hours.

Mr. President, I can only conclude from that statistic that television time was more expensive in 1970 than 1966. As a matter of fact, it would seem to indicate that a political candidate could get nearly twice as much time for his dollar in 1966 than he could in 1970. Certainly this statistic seems to put to bed any doubts that might have existed as to whether or not the committee proposes a strict spending limitation.

Mr. President, we must not lose sight of the fact that S. 382 contemplates permanent legislation. It is not a bill enacted merely for the next election. A recent article in the June 10 edition of the Washington Post gives some indication as to the escalation of media advertising costs. In the Washington, D.C., area alone, media advertising costs rose 8.8 percent between April 1970 and April 1971. The article went on to point out that this was a smaller increase than the average 10.8 percent rise in media costs over the previous 5 years. Of all media costs, television rates rose the sharpest. Over the past 6 years in Washington, D.C., television rates rose 80.2 percent. This far outstrips any future adjustments which may be made in the formula as a result of the costs-of-living increase provision contained in the bill.

Reluctantly, I must conclude that for all practical purposes the lowest unit rate requirements contained in the bill seem meaningless.

Title I continues to be the only part of S. 382 which runs the risk of eroding rather than strengthening our democratic process.

I say this reluctantly because as compared with S. 3637 of the last Congress, title I is a much better piece of legislation.

The automatic cost-of-living increase provision applicable to the spending limitations was the result of an amendment offered by the distinguished Senator from Kentucky (Mr. Cook). To a considerable measure it insures that this limitation will not become obsolete in the years to come, although that inclusion is premised upon the assumption that media rates will increase no faster than does the general cost of living. I also commend the junior Senator from Kentucky in winning his fight to insure that the formula is based on the total population of voting age rather than on the number of voters who voted in the last election.

You will recall, Mr. President, that S. 3637 in the last Congress and S. 382 as originally introduced in this Congress tied the limitation formula to the historical fact that a certain number of people had voted in the previous election. There was no logic in that and the amendment by the junior Senator from Kentucky did represent a significant improvement in the bill.

TITLE II—CRIMINAL CODE AMENDMENTS

Mr. President, I am somewhat amused and, quite frankly, disheartened by some of the press reports I read which suggest we are not in the process of developing the most comprehensive reform of laws regulating Federal elections since the founding of the Republic. Such reports are simply based on misinformation or lack of understanding. Some have suggested that the reports are simply politically motivated. Whatever their motivation, these reports are doing a disservice to the American public, because there is far more to this legislation than a limitation provision on how much a candidate can spend for radio and television in order to get his message across.

Title II of this bill makes a number of substantive amendments to the criminal laws regulating our election process. As you know, Mr. President, corporations, labor unions, and banks are prohibited from making contributions to candidates for Federal office. The purpose of the prohibition is to protect the integrity of the election process. Naturally, effective enforcement of this prohibition has been difficult because of the lack of effective disclosure requirements.

The Rules Committee carefully examined all of the criminal code provisions relating to Federal elections. A number of changes were made in existing law which will significantly help restore public confidence.

Specifically the committee amended the criminal code with respect to the following:

First. Made lawful bona fide bank loans to political candidates;

Second. Expanded the definition of political contribution and political expenditure;

Third. Eliminated unregulated political committees;

Fourth. Repealed the limitation on the amount of individual contributions;

Fifth. Eliminated the maximum limitation on the amount of money any one political committee can handle; and

Sixth. Prohibited unsecured debts by political candidates for certain regulated industries.

BANK LOANS

First, Mr. President, in section 201 the definition of contribution and expenditure was modified so as to permit candidates for Federal office to obtain bona fide bank loans. Under the present law a bank is prohibited from making a contribution or expenditure to a political candidates. In the future, banks will continue to be prohibited from making contribution or expenditure to political candidates. However, the committee clarified the law so that ordinary bank loans could be obtained. The reason for this change is obvious. No one wants a Federal election law which, in effect, says that only the very wealthy can run for elective office. As a practical matter, it is often necessary for a candidate to borrow money in order to defray immediate and pressing campaign expenses. Under the present law, there was a real danger in permitting even bona fide loans to political candidates because in the absence of an effective disclosure law it would be very easy for a bank making a loan never to collect it. S. 382, as amended, has rigid and effective disclosure requirements. All bona fide loans made to political candidates must be reported. The candidate must continue to report his loan until it is fully repaid.

DEFINE CONTRIBUTIONS AND EXPENDITURES

Second, Mr. President, it should be noted that the definitions of "contribution" and "expenditure" include "anything of value." This would mean that contributions in the form of facilities, equipment, supplies, personnel, advertising or personal or other services without a charge, or at a charge which is below the usual charge for such items, is considered as a contribution or expenditure to or on behalf of the candidate for Federal office. Since section 301 of title III contains an identical definition, all such donated services are not only subject to criminal code provisions but also must be disclosed under the provisions of title III.

ELIMINATION OF UNREGULATED POLITICAL COMMITTEES

Third, Mr. President, the Rules Committee eliminated the serious loophole in present law which has the effect of permitting political committees organized in the District of Columbia or U.S. territories to escape all provisions of the law. Specifically, the committee terminated the existence of the unregulated District of Columbia committee by adding the following definition of ""State" to 18 U.S.C. 591:

> "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

CONTRIBUTION LIMITATIONS

Fourth, the Rules Committee carefully examined the desirability of having a limitation on individual contributions. The committee rejected placing a limitation on individual contributions for three reasons:

First. Such a limitation probably is unconstitutional;

Second. Such a limitation is completely unworkable; and

Third. Full disclosure makes such a limitation unnecessary.

Prof. Ralph Winter, of Yale Law School, stated the following:

> It is my judgment that the first amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown.

Even if such a limitation were constitutional, it clearly would be unworkable. Section 204 of S. 382, as originally introduced, would have limited individual contributions to an aggregate amount of $5,000, whether given directly or indirectly to a political candidate. Not only would the $5,000 limitation have invited evasion of the law by encouraging backroom cash contributions, but also it would have created a situation whereby both the contributor and the candidate could have inadvertently violated the law. Such a situation would arise whenever an individual gave $5,000 to a particular candidate and any additional money to an organization or committee, which in turn, made any contribution to the same candidate. Deputy Attorney General Richard G. Kleindienst, in testifying before the Rules Committee, succinctly summed up the problem:

> Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor. In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.

Moreover, it was recognized that full and complete disclosure really solves the problem of large contributions. Under the new disclosure provisions contained in title II, the public will know exactly how a candidate's campaign is financed. Since the disclosure provisions require reports 15 days and 5 days before an election, the voter will be in a position to make a judgment at the polls concerning the effect of large individual contributions to a political candidate.

Recognizing that the present limitation on individual contributions is merely a sham, the Rules Committee adopted an amendment which would repeal 18 U.S.C. 608.

LIMITATIONS ON COMMITTEE RECEIPTS

Fifth, Mr. President, under the present law it is unlawful for any political committee to collect or expend more than $3 million. This 1925 requirement was also subject to easy evasion. National and interstate political committees simply created other committees, none of which received the limitation. As a practical matter, the national committees of both major political parties received and spent far in excess of $3 million. Since they also will be required to make full and complete disclosure, 18 U.S.C. 608 is repealed.

UNWARRANTED AND UNCOLLECTABLE DEBTS

Finally, a very significant change in title II is the committee amendment prohibiting airlines, telephone companies, and other federally regulated businesses from extending unsecured credit to political candidates. We were shocked to learn that these regulated industries have been unable to collect large sums of money from candidates for Federal office. The committee amendment insures that these corporations will not be placed in a situation of inadvertently making unlawful contributions to political candidates of what amounts to debt forgiveness. It also protects the public which uses the services of such regulated industries, for ultimately users must pay higher rates because of the bad debts.

TITLE III—PROVISIONS FOR FULL AND COMPLETE DISCLOSURE OF ALL POLITICAL CONTRIBUTIONS AND EXPENDITURES

Mr. President, a recent article in Parade magazine contained a headline "The Nation's Worst Scandal." The article concluded as follows:

> As things now stand, large segments of the educated public are losing faith in the too high cost of democracy. They suspect that the oil lobby, the labor lobby, the doctors lobby, the postal lobby, the people with the money and the clout again and again exercise undue influence upon the Nation's legislators, confronting them time after time with a conflict of interest and an almost perennial debt of gratitude which must be paid off in special-interest legislation.

As I pointed out in the beginning of this statement:

> Democracy succeeds only where citizens have faith and trust in their Government and its elected officials.

All the witnesses before the committee acknowledge that under the present law there is widespread dissatisfaction in the political process. Sidney H. Scheuer, the chairman of the National Committee for an Effective Congress, summarized some of the publicity which has created an atmosphere of distrust and lack of confidence in the democratic process:

> In the 1970 campaign alone, countless newspapers and magazines appeared with such glaring headlines as: "Unseen Fund Raisers, Financing Lobbyists," "False Front Campaign Funds: How They Work," "Campaign Spending Violations Found."
>
> It makes little difference that not all those stories concern clear-cut violations of the law, that many only demonstrate the enormous size of the loophole in that law. Each instance stokes the fires of public cynicism and the common suspicion of widespread wrongdoing. As a result, the reputation of politics and all politicians suffers.

The lack of accurate information concerning campaign financing generates this type of publicity. Every witness before the committee urged a change in the present law, which actually discourages disclosures. A respected Twentieth Century Fund Task Force on Financing Congressional Campaigns in its 1970 report entitled "Electing Congress—The Financial Dilemma" came to the following conclusion:

> We believe that full public disclosure and publication of all campaign contributions and expenditures are the best disciplines available to make campaigns honest and fair.
>
> * * * * *
>
> If there were full public disclosure and publication of all campaign contributions and expenditures during a campaign, the voters themselves could better judge whether a candidate has spent too much. This policy would do more to protect the political system from unbridled spending than legal limits on the size of contributions and expenditures.

In this modern age, Mr. President, where mass communications have created an information rich public, the present ineffective disclosure laws have unwarranted secrecy. The lack of complete and full disclosure erodes competence in the entire elective process and if allowed to continue would only serve to generate pressures against our democratic form of government.

There are five basic considerations in developing a meaningful disclosure law:

First. Determining who are required to make periodic reports;

Second. Determining what such reports should include;

Third. Determining when such reports should be filed;

Fourth. Determining the agency of government entrusted with the responsibility for administering the disclosure law; and

Fifth. Insuring the widest possible dissemination of reports made under the disclosure law.

WHO ARE REQUIRED TO MAKE PERIODIC REPORTS

On its face the Federal Corrupt Practices Act of 1925 requires disclosure. However, we have pointed out that law is fraught with loopholes. Committees organized solely within a State supporting a particular candidate do not have to report. Committees organized in the District of Columbia or any U.S. territory are free from reporting. Consequently most contributions and expenditures in any political campaign go completely unreported.

Recognizing that only full and complete disclosure will restore the confidence of the American people, the committee requires every candidate and every committee supporting a candidate to file a report—section 304.

In addition individuals who make contributions or expenditures other than by contribution to a political committee or candidate must file a report if the contribution or expenditures exceeds $100—section 305. A specific provision is also included to require any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission to file a report if it extends a political candidate or political committee any credit.

WHAT REPORTS SHOULD INCLUDE

Mr. President, the Rules Committee included language in the bill requiring as comprehensive a report as possible. Candidates and committees must report in detail all contributions and expenditures. It was the committee's intention that committees supporting more than one candidate should itemize with specificity contributions made to each candidate.

Every committee is required to have a chairman and a treasurer. The treasurer has the duty of maintaining the names and addresses of each contributor of more than $100.

The Rules Committee was confident that candidates and committees would be able to work out procedures to insure that they would be able to provide the detailed information necessary under the act.

WHEN REPORTS SHOULD BE FILED

Mr. President, any disclosure law has very little effect on the election process if it is filed after elections. Therefore, the committee determined that reports should be filed on the 10th day of March, June, and September in each year. In election years there is the additional requirement that reports be filed 15 days prior to an election and again 5 days prior to an election. This provision is included so that the voters will be in a position to judge for themselves the method of financing a particular campaign. The committee fully realized the practical difficulties inherent in filing absolutely accurate reports of expenditures and contributions 15 days and 5 days preceding an election. In the heat of a political campaign, absolute accuracy is often impossible, yet the electorate is entitled to full and complete disclosure particularly just before an election. It is contemplated that all candidates and political committees will make every effort to provide as precise and realistic an estimate as possible if specific figures are not available.

In election years there is also the additional requirement that candidates and committees file a report on January 31. Generally a sufficient period of time will have passed between election day and January 31 to insure the absolute accuracy of this report.

The Rules Committee did entrust this responsibility with the Comptroller General of the United States in lieu of the Clerk of the House or Secretary of the Senate. This is an improvement over the original provisions of the bill. However, we doubt that it goes far enough in order to completely restore public confidence in the election process. The Comptroller General and the General Accounting Office are in the legislative branch of Government. Their prime responsibility is to the Congress of the United States.

In placing the Comptroller General in the position of administering a campaign disclosure law, we are placing upon him the impossible burden of deciding whether or not his "employers" have complied with the law. The integrity and thoroughness of the Comptroller General and the General Accounting Office is beyond question. We must consider that his effectiveness in conducting investigations and studies for individual Members of Congress could be impaired if he were placed into the position of questioning the completeness of a disclosure by a Member or a committee supporting a Member.

Mr. President, I am convinced that the establishment of an independent Federal Elections Commission insures the greatest public confidence. Naturally, the Comptroller General and the General Accounting Office could continue to provide the support and service necessary for carrying out the disclosure law. However, the creation of an independent commission would place policy decisions in a body isolated from employer-employee relationships.

WIDEST POSSIBLE DISSEMINATION OF REPORTS

Herbert Alexander, in testifying before the Committee, stated:

> Public reporting of campaign and political finances consists of two elements: disclosure and publicity. Disclosure is only a first step; the larger purpose is to inform the public about sources of funds and categories of expenditures.

The Rules Committee attempted to insure the widest dissemination of the material obtained under the disclosure law. The candidate or political committee must not only file a report with the Attorney General but also with the clerk of the district court in his State or congressional district. The clerk of the district court is required to maintain the reports and make them available to the public—section 309. In addition, the Comptroller General is given the responsibility to prepare and publish annual reports and compilations. Those reports must include a breakdown of total contributions and expenditures reported by candidates, committees, and others. The total amount must be broken down into specific categories. Individual contributors giving the aggregate of more than $100 must be identified by name and address.

To further protect the public, the Rules Committee adopted an amendment which will require political committees soliciting contributions to carry the following notification letting the public know how to obtain a copy of the report they have filed.

> In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

I am convinced that such a notification will make absolutely certain that individuals living in remote areas of the country know the activities of political committees operating largely in Washington, D.C. Once such knowledge is readily available, we are confident that many existing committees will take full advantage of involving as many of their contributors as possible in the decision-making process.

In conclusion, Mr. President, S. 382 as amended by the Rules Committee is a good bill. I urge all of my colleagues to support all of the measures contained in the bill as reported by the Rules Committee.

The amendments introduced Friday by Senator BAKER and me to amendment 308, introduced by Senator PASTORE as a complete substitute to S. 382, represent an attempt to restore some of the provisions contained in the bill reported by the Senate Rules Committee.

First, we believe that the Rules Committee was correct in exempting all Federal candidates from the equal time requirements in section 315(a) of the Federal Communications Act. Witness after witness testified that the equal-time requirements of section 315(a) are in effect "no time offered requirements," because broadcasters are inhibited from giving free time to any candidate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROUTY. Mr. President, I yield myself an additional 10 minutes.

Amendment 308 by exempting presidential and vice-presidential campaigns from the equal time requirements recognizes the fact that section 315 has not worked in the interest of having an informed democracy. However, by not including all candidates for Federal office under the exemption, amendment 308 merely represents an effort to provide special protection for every incumbent Senator and Congressman. The American public deserves to expect more from this Congress than legislation designed to protect incumbents.

Our second amendment to amendment 308 would restore the interchangeability feature contained in the Rules Committee bill with respect to spending limitations. Again all the evidence warns against an arbitrary overstructuring of political campaigns by Congress unless Congress wants to deliberately increase the percentage of incumbents reelected to office. Is it not enough that since 1940, 93 percent of all incumbents for Federal office have been reelected?

We have given ourselves the franking privilege.

We have name recognition in our States or congressional districts.

We have the ability to make news headlines by our stand on the issues and the way we vote.

Now amendment 308 attempts to give us a further advantage by placing separate but identical limitation on broadcast and nonbroadcast communications media. It in effect is implying that a campaign in New Hampshire, Maine, or Wyoming is the same as a campaign in New York City, New Jersey, or California. Since campaigns in fact have very different requirements in different parts of the country, the Rules Committee correctly permitted the individual candidate to spend money on either broadcast or nonbroadcast communication media as long as he stayed within his overall limitations.

Our final amendment, Mr. President, restores the fair labeling provision contained in a Rules Committee bill.

Mr. President, disclosure of political contributions and expenditures is meaningless unless the American people are given the opportunity to easily obtain the facts. My amendment which was overwhelmingly adopted by the Rules Committee simply required political committees to place a notice on the material they used for soliciting contributions. That notice did two things.

First, it certified to the potential contributor that the political committee had complied with the Federal Disclosure Act. Second, it informed the potential contributor that he could purchase a copy of the report of contributions and expenditures from the Government Printing Office.

Mr. President, the American citizen should be entitled to this information. We should make certain the American citizen who wants to contribute to committees be given the opportunity to obtain the information about how the particular committee spends its money. I might point out, Mr. President, that long ago we protected stockholders in our Nation's businesses by requiring corporations to issue stockholders' reports. It is

about time we afforded the same opportunity to those dedicated Americans who contribute money to political committees in the hopes that our democracy will more effectively work.

I support a number of other amendments to amendment 308 and I sincerely hope that when we get to consideration of this important bill we can amend amendment 308 so that it will reflect the same strength as the bill reported by the Rules Committee.

We should put partisan politics aside and follow the lead of the Rules Committee in supporting a comprehensive election reform bill. Let us not get sidetracked in a legislative battle of political gamesmanship.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, as the senior Republican member of the Committee on Commerce which initially considered the bill S. 382, I personally entertained some very grave reservations about many of its provisions. I still have many of these same concerns, notwithstanding the number of improvements made to it by the Committee on Rules and Administration.

I did join with my colleagues on the Committee on Commerce in ordering the bill S. 382 reported. I did so, however, filing individual views with the committee's report—see Senate Report No. 92-96 at 79.

In those individual views I stated that the principal objective of any legislative measure of this type should be fair and competitive elections, restoring the credibility of the elective process which has become so eroded in recent years in the eyes of the public. This still should be our primary objective, toward which we should strive in consideration of the pending bill and amendment No. 308.

It is my personal opinion that the principal means, if not the only means, by which this objective can be obtained realistically is through periodic public disclosure and publication of all campaign contributions and expenditures both before and after an election. It is my view that the American electorate is sufficiently sophisticated to render its own judgment based upon a full disclosure of such facts.

Mr. President, before getting into specific subject areas of the pending measure, I believe we would be well advised to briefly examine what motivated this legislation in the first place. As the distinguished Chairman of our Communications Subcommittee (Mr. PASTORE) indicated in his opening statement commencing hearings on S. 382 before our Committee on Commerce last March, it is "... the problem of excessively high campaign costs." (See Commerce Committee hearings Serial No. 91-6 at 151.) But, Mr. President, are campaign costs in fact excessive? I believe it is well to note that there are some highly respected individuals who hold the opinion that such costs are not excessive.

For example, Ralph K. Winter, Jr., Esq., professor of law at Yale University Law School and special consultant to the Subcommittee on Separation of Powers of the Senate Committee on Judiciary, expressed some skepticism on the allegation that election campaign costs are excessive. In an article entitled "Money, Politics and the First Amendment" which was printed by the American Enterprise Institute for Public Policy Research under the title "Campaign Finances—Two Views of the Political and Constitutional Implications", Professor Winter makes the following observation:

> There is a powerful urge to "do something" about political campaigns and the costs they impose on those running for office. There are proposals to limit spending generally, to limit amounts spent on the broadcast media, to "tighten up" reporting laws, to require the media to "donate" time or sell it at reduced rates, to do away with "equal time" rules in some elections, to use tax revenues to pay part of campaign costs, et cetera. Rarely are these proposals opposed on the general grounds that campaigns should be free of regulation as a matter of democratic principle, even though that is an argument worthy of attention by those who wish to maintain the open political process contemplated by the First Amendment. Instead, they are opposed as unworkable, or insufficiently comprehensive, or the like, and are met with counter-proposals involving yet other forms of regulation. There is thus a widespread consensus—if not assumption—that some regulation of campaign spending is not only desirable but necessary.
>
> I am skeptical about this consensus, and for a number of reasons. For one, all of the rhetoric about escalating campaign costs has taken the issue out of perspective. The cost of television time, for example, is the target of accusing fingers in discussions of campaign costs. Money spent on television, however, is a relatively open expenditure. An increase there does not necessarily reflect a significant increase in total campaign expenditures, for similar sums may well have been spent in the past but in a fashion which permitted concealment. Inflation, moreover, necessarily distorts our view of campaign expenses. For all of the widespread belief that campaign costs are escalating, political expenditures between 1952 and 1968 in fact declined relative to the gross national product. That fact alone casts doubt about the validity of the claims that further regulation is needed.

Similarly, Dr. Herbert Alexander, director of the Citizens Research Foundation, noted the following:

> But political costs need to be considered in perspective. *Considered in the aggregate, politics is not overpriced. It is under financed.* $300 million is just about one-tenth of one per cent of the amounts spent by governments at all levels ($282.6 billion in fiscal 1968), and that is what politics is all about, gaining control of governments to decide policies on, among other things, how money will be spent. $300 million is hardly more than the amount spent in 1968 by the largest commercial advertiser in the United States, which corporation, according to *Advertising Age*, had a $270 million advertising budget in 1968. (Commerce Committee hearings Serial No. 92-6 at 637)

Recently Dr. Alexander had published a book entitled "Financing the 1968 Election." In that book there appears a table—1-3—listing direct campaign expenditures by national-level presidential and party committees for general elections, 1912-1968. A cursory examination of that table would seem to support the contention that there has been a substantial increase in campaign costs. However, I took the time to have those figures transposed into constant 1968 dollars, and the results viewed in this common denominator support the skepticisms of Professor Winter and others concerning excessive campaign costs. For example, bearing in mind that for 1968 the table indicates a cost of $44.2 million, the 1928 figure of $11.6 million is equivalent to $23.5 million in 1968; and the 1936 expenditure of $14.1 million is $35.4 million in 1968 dollars. Thus, in over 30 years, from 1936 to 1968, based upon constant 1968 dollars, the cost increase has been slightly less than $9 million. Mr. President, can we in all honesty say, therefore, that election campaign costs are excessive?

This only serves to support what I have said all along, Mr. President, that the legislation that we are considering here today is responsive to not excessive campaign costs, but rather a prevailing view held by the American public that there should be some law limiting the total amount of money that can be spent for or by a candidate in his campaign for public office. All I am saying is let us not set up any "straw man" such as excessive campaign costs in our consideration of the pending measure.

To further place in proper perspective the consideration of S. 382, let us also keep in mind the following two other observations made by Professor Winter:

> Limiting campaign expenditures, therefore, is hardly a technique that will equalize the influence of special interest groups. Quite the contrary, it is fully designed and intended to increase the power of some special groups at the expense of others.
>
> Many of the supporters of limitations on campaign expenditures and contributions style themselves as vigorous defenders of First Amendment rights. It is thus surprising to find that of the many problems raised by such legislation, the free speech issue is the least mentioned. A limit on the amount an individual may contribute to a political campaign is a limit on the amount of political activity in which he may engage. A limit on what a candidate may spend is a limit on his political speech as well as on the political speech of those who can no longer effectively contribute money to his campaign. In all of the debate surrounding the First Amendment, one point is agreed upon by everyone: no matter what else the rights of free speech and association do they protect explicit political activity. But limitations on campaign spending and contributing expressly set a maximum on the political activity in which persons may engage.

Mr. President, having at least tried to place the issue in some proper perspective, I now would like to turn to some of my principal concerns with respect to the pending Amendment No. 308 proposed by the distinguished senior Senator from Rhode Island (Mr. PASTORE) and others.

INTERCHANGEABILITY OF MEDIA SPENDING LIMITATIONS

Amendment No. 308 is, in effect, the media spending limitations as contained in the bill reported with amendments by our Committee on Commerce. It provides for a spending limitation of 5 cents multiplied by the estimate of resident population of voting age for such office with respect to each the broadcast media and the nonbroadcast media. It makes no provision whatsoever to allow a candidate some flexibility to spend this amount of money in one media or the other. In other words, he has 5 cents per potential voter as a ceiling on what he can spend on the broadcast media and 5 cents per potential voter for what he can spend on the nonbroadcast media. It totally regards situations such as prevail in my own State of New Hampshire where the broadcast media is not the most effective means of conducting an election campaign. I, for example, in order to insure full and comprehensive coverage, must go to a television broadcasting station in Boston, Mass., to obtain statewide coverage, but in doing so must pay a higher rate since I would be covering other States as well. I am aware that a similar situation prevails in other States. What, for example, do you do in a State like New Jersey which does not have any television stations? Or what is the junior Senator from Kentucky (Mr. Cook) to do in order to obtain effective broadcast coverage in his State?

Amendment No. 308, lacking as it does interchangeability of the spending limitation between the broadcast and nonbroadcast media, totally disregards this very basic problem. I personally feel that the Committee on Rules and Administration is to be commended inasmuch as it did recognize this problem. The bill as reported with amendments by that committee provided for interchangeability with respect to the two media.

Moreover, the desirability of providing some flexibility, be it through interchangeability or an overall limitation, has been recognized, I understand, by none other than our distinguished Majority Leader (Mr. Mansfield) in correspondence he included in his statement contained in hearings before our Committee on Commerce. And, I might add there was reason to believe that the distinguished chairman of our Communications Subcommittee was similarly so inclined at least to provide some degree of flexibility for interchangeability from broadcast to nonbroadcast media.

Mr. President, I fear that with the overly restrictive and inflexible spending limitation being proposed in Amendment No. 308 we will be doing a grave injustice under the color of campaign reform. Let us, therefore, now have the wisdom to recognize that the election campaign for every political office is not the same. I, therefore, urge all of my colleagues in the Senate to give this matter most serious consideration and at the appropriate time when an amendment is offered, provide candidates for political office a necessary and justified degree of flexibility with respect to the manner in which the candidate himself judges in which media his expenditures should be made.

DISCLOSURE RESPONSIBILITY

Second, Mr. President, I sincerely believe that we in the Senate should finally come to grips with this issue of who is to have the responsibility of monitoring election campaign expenditures and reports. In the past it has been the Clerk of the House and the Secretary of the Senate. With all due respect to both of those gentlemen, I find that to be a totally unacceptable mechanism. It is simply incongruous to me to expect an employee of the House and of the Senate to monitor individuals who, in effect, are their employers.

The Committee on Rules and Administration recognized this and amended S. 382 to place this responsibility in the Comptroller General of the United States. This solution, too, is highly suspect. In the first place, it is my understanding that the Comptroller General of the United States in correspondence to Members of the Senate has indicated that he does not want this job. In the second place, like the present system with the Clerk of the House and the Secretary of the Senate, the Comptroller General feels—and rightly so in my opinion—that:

> Because our relationship to the Congress closely resembles that of principal and agent we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. (Rules Committee hearings at 202)

Mr. President, there remains but one solution. That solution is to establish an independent Federal Elections Commission. I offered such an amendment in our Committee on Commerce on behalf of the distinguished senior Senator from Kansas (Mr. Pearson) and the distinguished minority leader (Mr. Scott). Unfortunately the matter was never considered on its merits. It was defeated on a motion to table. Yet, this is a recommendation which has been made over the years to establish a single joint repository in the Federal Government to which political fund reports would be made. It was recommended in 1962 by the President's Commission on Campaign Costs—Financing Presidential Campaigns and in intervening years up to the 1970 report of the Twentieth Century Fund Task Force—Electing Congress. I believe, Mr. President, that it is high time that we heed the counsel of these various reports and act at an appropriate time when the senior Senator from Kansas (Mr. Pearson) brings up his amendment to establish an independent Federal Elections Commission. Nothing to my mind would do more to establish credibility in the eyes of the public than to establish such a commission.

CAMPAIGN DEBTS

Thirdly, Mr. President, Amendment No. 308 deletes that amendment made by the Committee on Rules and Administration prohibiting unsecured debts by political candidates with respect to certain regulated industries. This was an amendment prompted by an investigation initiated by the distinguished minority leader (Mr. Scott) and one for which he is to be commended. I believe it would be a grievous injustice for industries such as the airlines facing the financial problems they do today to place them in further precarious position and to, in effect, require them to make involuntary campaign contributions. I further believe, Mr. President, that to condone this practice in future election campaigns would be to perpetrate a hoax on the American public and give them firm grounds for their current feeling that the election process lacks credibility.

Mr. President, as a Senator and more particularly, as a senior Republican Senator on the Committee on Commerce which has jurisdiction over industries affected by this practice, I want the record to show that when an amendment is offered to prohibit such practices, I shall vigorously support its adoption. And, I can see no other choice but to support it for my colleagues in the Senate unless, of course, they feel that such an abuse and such a hoax is meritorious. This, I believe, would constitute an extremely tenuous position, especially for those over the past several weeks who have opposed Government relief to Lockheed because of alleged prior mismanagement. We ourselves could rightly be accused of mismanagement if we fail to meet this issue raised by the distinguished minority leader (Mr. Scott) and stop once and for all this deplorable practice.

CONCLUSION

Mr. President, in these my opening remarks at the beginning of the debate on S. 382, I have touched upon but three major areas of concern to me. I believe my remarks also provide insight into my feeling concerning many of the several other issues which will be raised during the course of our consideration of S. 382. On these other specific points, I will have more to say later.

The point is that expenditure ceilings, no matter how carefully determined, are almost certain to reflect some unfair discrimination and are almost impossible to enforce. The heart of the problem, in my opinion, is the need for rigidly enforced periodic disclosure so that the public may know who is spending, for whom, and how much.

I cannot escape the conviction that most of the other provisions of the bill create more problems than they solve.

Mr. STEVENSON. Mr. President, the Senator from Indiana (Mr. Hartke) and I have offered an amendment to the Pastore substitute which would establish a 3½ cents per voter subceiling for television advertisements of less than 5 minutes duration. I am gratified that our amendment has been endorsed by Newton Minow, former Chairman of the Federal Communications Commission and Chairman of the Commission on Campaign Costs in the Electronic Era, by George E. Gill, Executive Director of the Communications Workers of America and by Thomas Hoving for the National Citizens Committee for Broadcasting.

I ask unanimous consent that Mr. Minow's letter, Mr. Gill's letter, and Mr. Hoving's letter be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

LEIBMAN, WILLIAMS, BENNETT,
BAIRD AND MINOW,
Chicago, Ill., July 30, 1971.

Senator Adlai E. Stevenson,
Old Senate Office Building,
Washington, D.C.

Dear Senator Stevenson: I most enthusiastically encourage your efforts to strengthen S382 by your proposed Amendment No. 324. As understand it, your Amendment would limit the amount of money which a candidate could spend for spot announcements on radio and television to 3½ cents a voter. This would be an important step in the right direction. I would hope that the Senate would go even further in the direction of taking all steps possible to discourage "spots" in political campaigns.

In *Voters' Time,* the report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era, which I chaired, we pointed out that:

"All too often, we believe, political broadcasting makes use of advertising techniques more properly suited to the sale of a commercial product. Such political advertising has been marked by appeals to the emotions of the viewers or listeners rather than to their intellect; it succeeds often through the skillful editing of film or tape or through special lighting and sound effects."

Radio and television offer ideal ways to provide the voter with rational political discussion—and longer programs should be encouraged. I support your efforts to develop public policy in this direction and hope your colleagues will join you in thus advancing the public interest.

Cordially,

Newton N. Minow.

Communications Workers of America,
Washington, D.C., August 2, 1971.
Hon. Adlai E. Stevenson, III,
U.S. Senate,
Washington, D.C.

My Dear Senator Stevenson: The action you and Senator Hartke are taking which would limit the use of television spot commercials in political campaigns is certainly valid, and deserves the consideration of every member of the Senate.

In my testimony before the Senate Subcommittee on Communications I mentioned these spots in the following way:

"In the battle of the 30-second and 60-second spots, when image maker fights it out with image maker, glibness can overpower perceptiveness."

We know that no perceptive discussion of any issue can be brought before the voters in a 30-second or 60-second spot.

I also mentioned that "if there is one thing that will cut through the phonyness of the 30 and 60-second commercial—of the spurious slogan and the image maker's gimmick—it is debates."

The Communications Workers of America has been supporting the effort to obtain legislation permitting debates between the major candidates for President and Vice President and supports the suspension of Section 315 for this purpose.

The amendment you and Senator Hartke are offering is an additional step to eliminate spuriousness in campaign advertising, and would improve the American political process.

Sincerely yours,

George E. Gill,
Executive Vice President.

National Citizens
Committee for Broadcasting,
Washington, D.C., August 2, 1971.
Senator Adlai E. Stevenson III,
United States Senate, Committee on Labor and Public Welfare, Washington, D.C.

Dear Senator Stevenson: We are writing to you with reference to your and Senator Hartke's Amendment 324 to S. 382 which would limit the use of political spot advertising. National Citizens Committee for Broadcasting (NCCB) strongly supports the principle embodied in this amendment.

The question of political spot advertising is extremely important as it has become a principal means of reaching voters. Yet political spots (defined as TV spot commercials of less than five minutes' duration) lend themselves to slick marketing techniques and are singularly inappropriate for serious and informal discussion of political issues. Thus it has been NCCB's position that expenditures on such spots should be limited or disallowed altogether. While we support a limitation of 3½ cents out of a total of 5 cents per voter on political spots, we would like to see expenditures on these spots limited even further, say, to 20% of a candidate's total television expenditures.

In the production of these political spots, the so-called USP selling technique is often employed. This is where a Unique Selling Point is selected and dunned into the viewer so that hopefully he responds almost subconsciously when it comes time to vote. Of course, this technique is hardly an appropriate manner in which to present candidates and issues in an election campaign.

In addition, it should be noted that spot political announcements are not sheduled so that the viewer may plan to tune them in (or out). Rather, such announcements come on unexpectedly and seek to make an impression upon a relatively inattentive viewer. Furthermore, because of their short duration, political spots do not lend themselves to a serious presentation of the issues. They do, however, lend themselves to dramatic techniques and such commercial, product-oriented techniques as saturation campaigns, wherein a large number of spots are scheduled over a relatively short period before the election to impress upon the voter the desired choice.

The magnitude of the political spot announcement problem can be grasped when it is noted that according to a Federal Communications Commission study of political broadcasting expenditures released January 2, 1969, fully half of total network expenditures on political advertising in 1968 by both parties was for spot announcements.

In view of these considerations, NCCB strongly supports your amendment limiting expenditures on political spot advertising.

In closing, the National Citizens Committee for Broadcasting thanks you for requesting our comments on your amendment to the political advertising bill.

Sincerely,

Thomas Hoving.

AMENDMENT NO. 340

Mr. BYRD of West Virginia. Mr. President, with the approval of the distinguished manager of the bill (Mr. Pastore), with the understanding and approval of the distinguished Senator from Nevada (Mr. Cannon), and at the request of the distinguished Senator from Kansas (Mr. Pearson), I call up, on behalf of the Senator from Kansas amendment No. 340, the star print, and I ask unanimous consent that the Senate proceed to its consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read the amendment.

The legislative clerk proceeded to read the amendment called up by Mr. Byrd of West Virginia in behalf of Mr. Pearson, for Mr. Pearson and Mr. Packwood, Mr. Dominick, Mr. Prouty, Mr. Baker, Mr. Moss, Mr. Stevens, Mr. Gravel, Mr. Scott, Mr. Cotton, and Mr. Hatfield.

Mr BYRD of West Virginia. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 340 is as follows:

On page 20, strike lines 18 and 19 and insert in lieu thereof the following:

"(g) 'Commission' means the Federal Elections Commission;".

Wherever in title III of such bill, as amended by amendment 308, it appears strike "Comptroller General" and insert in lieu thereof "Commission".

Wherever in such title "he" or "him" appears with reference to the Comptroller General, strike such word and insert in lieu thereof "it".

On page 35, between lines 10 and 11, insert the following:

"FEDERAL ELECTIONS COMMISSION

"Sec. 310. (a) There is hereby created a Commission to be known as the Federal Elections Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

"(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

"(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

"(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

" '(131) Executive Director, Federal Elections Commission.'

"(l) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request."

Renumber the following sections in such title accordingly.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the amendment No. 340, Star Print, not begin to run until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the amendment will, therefore, be the pending question when the Senate returns to the consideration of the unfinished business on tomorrow.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 943. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing;

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system;

H.R. 6239. An act to amend the maritime lien provisions of the Ship Mortgage Act of 1920;

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950; and

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 9272, STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATIONS, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 2 o'clock tomorrow afternoon, the unfinished business be laid aside temporarily and that the Senate proceed at that time to the consideration of the conference report on H.R. 9272, the bill making appropriations for the Departments of State, Justice, Commerce, and the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that whatever time is consumed in the consideration of that conference report not be charged against the time on any amendment to the unfinished business nor against the time on the unfinished business itself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that no further time today be charged against the unfinished business.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I understand that one or more Senators wish to make statements before the Senate adjourns for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PAYMENT OF DUES TO THE INTERNATIONAL LABOR ORGANIZATION

Mr. JAVITS. Mr. President, tomorrow we shall be considering the conference report on an appropriation bill which cuts off the payment of dues to the International Labor Organization. The Senate, Mr. President, sent me abroad as an observer at their last meeting, in May, and I came to the conclusion that it would be unwise to withhold those dues, and indeed a regressive step, which could lead the organization into channels which could be very harmful to the interests of the United States, because it could result in dismantling activities and establishing others which would be very regressive in terms of the employer-labor-government aspect of the ILO, and the effort to establish labor standards which could help us in raising the labor standards of the whole world in terms of economic competition, and also in raising the issue of collective and free bargaining for their work in the Communist countries which are members of the ILO.

I believe that, while I opposed the previous cutting off of dues and so voted, nonetheless it may have had a good effect in bringing the organization around to â better understanding of our position, but at this point I think the effect will be exactly the contrary. This often happens with something that works out up to a point and beyond that point can be very harmful. I think that this is the situation here.

So on tomorrow, Mr. President, I shall oppose the adoption of the conference report.

So that Senators overnight may have an opportunity to read into the situation, I ask unanimous consent to have printed in the RECORD my letter to my colleagues dated August 2, together with an analysis of the reasons why it would be unwise to withhold this contribution to the dues, my testimony before the Appropriations Committee on the appropriation, and an editorial published in the New York Times of July 22, 1971, on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 2, 1971.

DEAR COLLEAGUE: Within the next few days the Senate will be voting on the State, Justice, Commerce Appropriations Conference Report. I hope that the Senate will reject this Report not only because it fails to include the Ervin Amendment relating to the SACB, but also because it fails to include any funds for the International Labor Organization, as requested by the Administration and approved by the Senate.

Together with many others, I have been very concerned about our failure to pay our dues to the ILO for the last half of 1970; in my testimony before the Senate, Justice, and Commerce Subcommittee and my report to the Senate on June 21, 1971, a copy of which is enclosed, I explained why I believe it is in our national interest to resume our dues payments. Briefly, there have been a number of significant improvements in our relationship with the ILO during the past year. Anti-American propaganda has been sharply curtailed at ILO meetings; the basic principle of tripartism has been emphatically affirmed through the election of an employer delegate as the President of the annual conference and the refusal in the ILO to consider structural changes which would have weakened tripartism; the issue of communist violations of the Freedom of Association Convention has been faced squarely; and in general we have been accorded more consideration and respect within the organization.

While this improvement may well be in part attributable to our action in withholding our dues last year, I share the view of the Administration and the labor and employer members of the U.S. delegation that any further withholding of our dues would be extremely counterproductive for us and the ILO. Unless we resume payment of our dues, permanent cutbacks in programs and staff will have to be made, to the great detriment of the developing countries of the world to which the ILO is extremely important—frequently it is the only source of manpower training and technical assistance in the labor area for such countries. The inevitable result of such cutbacks would be hostility toward the U.S., and the increase in influence of the communists in the ILO.

Accordingly, I hope very much that you will join me in voting to reject the pending Conference Report. Should you desire any further information, please contact me or Mr. Eugene Mittelman, extension 52705.

With best wishes.

Sincerely,

JACOB K. JAVITS.

WHAT WOULD BE THE CONSEQUENCES OF A CONGRESSIONAL DECISION TO APPROPRIATE NO FUNDS FOR THE CALENDAR YEAR 1971 U.S. ASSESSED CONTRIBUTION TO THE ILO?

I. FOR THE ILO

A. *Depletion of financial reserves, and need to borrow at commercial rates.* The

ILO's reserves (Working Capital Fund) would be exhausted by the end of 1971. The Fund would remain depleted until the U.S. made some payment of its arrears which, by 1/1/72, will come to $11,600,749. It will have cash to pay its staff and carry on its activities early in 1972 only to the extent other Member States promptly pay their 1972 assessed contributions. As soon as cash received through early payment of 1972 assessed contributions is exhausted, and the rate of continuing payments is below minimum monthly cash requirements, the ILO will have to borrow money at commercial rates.

B. *Need for deeper cuts, probably crippling ILO's capacity to carry out its functions.* In view of that financial outlook, and with no financial reserves to fall back on, the ILO will have to make much deeper cuts in its level of activity. During the 16 month period, August 1970 through December 1971, it will have operated at an expenditure level some $6.3 million below the budgeted level. The cuts, largely administrative (except the elimination or reduction of more than 130 ILO budget-financed technical assistance projects) have slowed, but hopefully not permanently damaged, ILO programs, and its capacity to carry out its functions. The required deeper cuts will begin to cripple the ILO. It will require significant dismissal of staff which, once dismissed, it would take a long time to reconstitute.

C. *The situation for which the U.S. will be blamed.* In short, its financial reserves will be exhausted; its staff disintegrating; its activities seriously reduced and more expensive (to the extent borrowing at commercial rates is utilized); and the United States, obviously, will be blamed.

II. FOR THE UNITED STATES

A. *Progress so far made.* The "shock" value of the initial disallowance of appropriations for half of our 1970 assessed contribution established the seriousness of our complaints about recent developments in the ILO. That, and our own more effective tripartite participation, has led other member states and the International Labor Office to better understand the issues that are of concern to us, and to support steps to improve the situation. Significant progress already has been made regarding our concerns over the objectivity of ILO publications, the "double standard" in the Conference Committee on the Application of Conventions, the erosion of the automony of the non-government groups, and the use of the ILO as a platform for irrelevant political resolutions and propaganda.

B. *Likely shift of attention to U.S. delinquency.* The cumulative effects of further withholdings of our 25% assessment, however, has now reached the point where our delinquency, rather than the improvements we seek in the ILO's adherence to its basic Constitutional precepts and objectives, will be the focus of attention in the ILO. The announced basis of the Congressional decision seems almost certain to accomplish this. The Conferees (borrowing language from the House Appropriations Committee Report) state that they "have not the slightest intention of ever abandoning our membership . . .", but that they recommend that "no payment at all [of our assessed dues] be made at this time pending further improvement of our position." This clear policy of maintaining membership without qualification, while at the same time refusing to meet the financial obligation of that membership, can be interpreted by other member states only as a U.S. determination to cripple the ILO. This, of course, will heighten the resentment of other members, particularly among those who have supported us this past year.

C. *Implications for U.S. posture in UN system.* Such a clear statement of our willful disregard of our international commitment will encourage others to ignore, in and outside the ILO, customary standards of international conduct. It will make a mockery of our continuing insistence that the USSR and France pay their assessed contributions to the UN in full.

D. *Possible counterproductive consequences.* The resentment over the evident intention of the U.S. to "do the ILO in" rather than to get out will likely:

1. weaken the support so-far generated on the issues of concern to us in the ILO;
2. jeopardize improvement so-far achieved; and
3. improve the chances of the election, by the Governing Body, of a Russian as its Chairman in June 1972.

TESTIMONY BY SENATOR JAVITS

Mr. Chairman, I appreciate this opportunity to testify in support of the Administration's appropriation request for $11.6-million to enable us to meet our current and past dues obligation to the International Labor Organization.

Pursuant to my appointment by the Senate as an observer, I attended the opening of the recently concluded 56th annual conference of the ILO this June. During my stay in Geneva I had an opportunity to meet with the tripartite members of the American delegation, as well as the Director-General of the ILO, Wilfred Jenks. At these meetings I was able to explore in depth the problems which have arisen for us within the ILO in recent years, and the progress which has been made in resolving them.

The American delegation—government, labor, and employer delegates—were unanimous in the view that any further withholding of our funds from the ILO would be extremely counterproductive from our point of view.

They made it clear that as a result of our action in withholding our dues payments for the last half of 1971 we have now reached a critical stage with respect to our relationship with the ILO; and that continued failure to appropriate funds to pay our dues will have the most serious ramifications for the ILO and our ability to function as a member of the organization.

I share that view and on June 21, 1971, I filed with the Senate a full report on the ILO which analyzes the problems that have arisen within the organization for us, the improvements which have been made in response to our complaints, and the reasons why I believe we should pay our dues and not withdraw from the organization. I ask unanimous consent that the text of my report be made a part of the record.

In my report, I point out what I believe to be the compelling reasons why we should now appropriate the funds to enable us to pay our dues obligations to the ILO.

To summarize the reasons for paying our dues:

First, we have a binding international obligation to pay our dues. We have long criticized the failure of communist nations to pay their U.N. assessments, and have gone to the point of pressing the matter before the World Court of Justice. Our cavalier disregard for our financial obligations to the ILO is not only demeaning to us as a great nation, but also undercuts our stand in the U.N. with respect to communist failures to pay assessments. Our sincerity and credibility on this issue has already been substantially impaired in the eyes of the world because of this ILO situation.

Second, during the past year a number of developments have occurred within the ILO which signify great improvement of the ILO from our point of view. These encouraging developments have already been brought to the attention of this Subcommittee in the testimony of Assistant Secretary of State de Palma. They include:

(1) A marked increase in he anti-American polemics in various ILO conferences;

(2) Better control of the content of ILO publications to screen out communist propaganda;

(3) The willingness of the Conference Committee on Freedom of Association to face squarely the question of violation of the important Freedom of Association convention in Czechoslovakia and the U.S.S.R.;

(4) The resistance to structural changes demanded by the communists to overcome the refusal of worker and employer delegates to recognize as such their communist counterparts, and;

(5) The election of an employer representative as the President of the recently-concluded annual conference over the objections of the communists.

It may well be that these encouraging developments within the ILO are attributable to our withholding of our dues for the last half of fiscal year 1971. Although I opposed this action last year because I considered it to be a violation of our international obligation and a bad precedent, certainly there is no doubt that the withholding of our dues last year had a great "shock" value within the ILO, with the result that our complaints were taken more seriously by the International Labor Office and by the member countries in the ILO. Granting this shock value, however, it does not follow, as was argued in the other body, that we should continue. to withhold our dues payment in the hopes of seeking further improvement. For, I believe continuance of this practice will be highly prejudicial to us and to the ILO.

Our dues ($7.9 million) represent about 25 per cent of the ILO budget. Our failure to pay the last half of our 1971 dues has necessitated some administrative belt-tightening and the use of reserves, but up to now no permanent cutbacks in staff or in operations have been necessary. However, continued withholding of our dues will necessitate permanent cutbacks in staff and in operations, commencing this fall. The result of such cutbacks would be a legacy of bitterness toward the U.S. within the ILO and, equally important, among the countries of the developing world which depend upon the ILO for technical assistance and manpower projects.

Thus, there would be a further weakening of the field structure on which the future of the whole operational program of the Organization was dependent.

This, together with the drastic cuts in regular budget technical cooperation already in force, and the serious weakness of technical departments that will be caused by the reductions, would seriously reduce the ILO's future technical cooperation work at a time when new United Nations Development Program approaches to programming require a competent mobile ILO presence in the field more than ever; in many areas there would simply not be the people, the expertise, and the travel facilities to develop new projects and to complete successfully those already started.

The World Employment Program will be further affected; the Jobs and Skills Program for Africa, already seriously delayed as a result of measures taken hitherto, could not start; the research program, which was important to ensure the vitality of policy and relevance of action in this essential field, would be further reduced.

Further postponements of meetings would become necessary.

There would be consequent weakening of personnel and financial management.

It will be necessary to terminate the appointments of a further number of Professional and General Service officials whose skills and experience would, in all likelihood, be permanently lost to the Organization.

As I have explained in my report to the Senate, the work of the ILO is extremely important in helping the developing countries of the world cope with the inevitable strains and tensions of industrialization. The tripartite system on which the ILO is premised, and upon which its projects are based, is fundamentally consistent with Western democratic ideals and irreconciliable with totalitarianism of the left or the right. It is thus to our benefit—not the communists'—to have the ILO continue as a strong, viable organization.

No other organization offers us a format in which we can challenge so directly the myths about freedom within communist countries frequently propagated by the communists. The program of multilateral aid and assistance offered by the ILO is certainly superior to any system of bilateral aid which could be devised as a substitute for it in case we were to withdraw from the ILO.

The standards developed by the ILO in various fields through Conventions and Recommendations on subjects such as social security and occupational health and safety have had considerable effect on legislation enacted by both developed and developing countries throughout the world and could be of benefit in helping to establish principles of fair international competition as the basis for resolving some of the difficult trade problems which have arisen for the U.S. and other countries recently. I am pleased to note, in the latter connection, that the Director-General, in his closing address to the 56th annual conference, pledged to initiate discussions in the field of trade problems with the other international agencies directly concerned such as GATT and UNCTAD.

Under these circumstances, even assuming—which I do not—the propriety of withholding our dues as a tactical move to improve our position in the ILO, it is apparent that any further withholding of our dues would not work to our advantage. In that connection, I note further that it is apparently the position of the House Committee that we should remain in arrears in our dues until the last possible moment before we lose our voting rights under the ILO Constitution and then pay only enough of our debt to preserve our right to vote. Such a tactic is not only morally and legally indefensible, but it also would be counterproductive. I cannot envisage a policy which would be better calculated to turn the International Labor Office and the delegates of other countries so much against us.

We are, thankfully, past the stage where crude international conduct of this kind can be expected to work, nor can we afford the luxury of a "rule or ruin" attitude toward international organizations just because we pay a large proportion of the cost.

Our policy toward the ILO, as toward other international organizations, must be to fight aggressively and effectively within the organization for what we believe to be right; not to act like a spoiled child. We cannot, of course, expect to win all the time; compromises will be necessary and reverses may have to be accepted. But I am confident that with the proper amount of commitment we shall more than hold our own in the ILO and that it will be most worthwhile for us. As I have pointed out in my report, it bears emphasis in this connection that many of our problems with the ILO actually stem from our own failure to devote sufficient time, energy and resources to the ILO, a failure which has been acknowledged by the Administration. This year we did take the ILO seriously, and the resulting improvements, which I have summarized above, speak for activism.

Finally, there is one point which was raised in the debate in the House of Representatives on the ILO appropriation which was not covered in my report. It concerns the construction of a new headquarters building for the ILO, at a cost of approximately $30-million. It was argued in the House that the Congress had not received any previous notice of the decision to construct a new ILO headquarters building at a substantial cost to us.

It may well be that no official notice was transmitted to the Congress, or the House or Senate Appropriations Committees, of the decision to erect the new headquarters building. It should be made clear on the record, however, that American representatives did participate fully in the decisions of the Governing Body and the ILO Annual Conference Sessions authorizing the new building. In that connection, I ask that a memorandum concerning the decision to erect the new ILO building showing U.S. participation in the decision, be printed in the record.

I certainly share the view that Congress ought to be informed of decisions within international organizations entailing long-term commitments in U.S. funds. This should be the responsibility of the State Department as a general matter—it is a problem which involves all international organizations of which we are members, not just the ILO. But the failure of the State Department to notify Congress concerning the new ILO building, in particular, is no reason for us to go back on our obligations to the ILO, which had every right to rely on the good faith and authority of those American representatives who participated in the decision authorizing the new building.

To summarize: Our delegation to the ILO is unanimously of the view that we ought to pay our dues to the ILO and there is no legal, moral or tactical justification for us to continue to withhold them. We will not succeed in bludgeoning the ILO into submission through withholding our dues; on the contrary, the more likely result will be to create a permanent legacy of bitterness towards us, jeopardizing our future effectiveness within the organization—and the effectiveness of the Organization.

I hope very much the Committee will recognize the futility of the course chosen by the House from the standpoint of our long-term interest in a strong, viable ILO and will restore the funds to enable us to pay our dues.

RIGHTING A BLUNDER ON ILO

The Senate has acted to undo the mistake Congress made last year in cutting off payments to the International Labor Organization. It has voted to restore the full 25 per cent contribution this country normally makes to the I.L.O. budget—a contribution that was withheld primarily because of the pique of George Meany and the A.F.L.–C.I.O. over the designation of a Russian as one of the I.L.O.'s five assistant directors.

Senator John L. McClellan of Arkansas, whose Appropriations Subcommittee helped engineer the original cutoff, played a primary role in getting the Senate back on the right course. The only real obstacle left is the continued obstinacy of Rep. John J. Rooney of Brooklyn, Mr. McClellan's opposite number in the House. Even Mr. Meany has now recorded his belief that the United States should abandon the detour he did so much to start it on.

The proceedings of the I.L.O.'s annual conference in Geneva last month, as reported to the Senate subcommittee by Assistant Secretary of State Samuel De Palma, removed the slightest basis for doubt that this country's best interest will be served by participating actively in the affairs of the world labor organization, instead of sulking in self-imposed isolation and using dues-money as a diplomatic bludgeon. Surely the House will not let the stubbornness of one man prevent it from recognizing that truth.

THE PENTAGON PAPERS

Mr. MILLER. Mr. President, in yesterday's issue of "Parade," the Intelligence Report section, edited by Lloyd Shearer, states that some 2 years ago the Senate Foreign Relations Committee requested of the Secretary of Defense the now celebrated Pentagon papers. According to the report, the request was renewed on January 19, 1970.

As I pointed out to the Senate on July 30, the Senate Foreign Relations Committee received a copy of the papers from Daniel Ellsberg at about this time. One wonders why the committee requested the papers from the Secretary of Defense if it already had a copy of them. The Intelligence Report did not say whether the Secretary of Defense was ever notified that the committee had copies of the papers.

The point I made in my statement to the Senate on July 30 is one which we may hope the Foreign Relations Committee will clarify for the Senate. Perhaps the Intelligence Report will be helpful, too.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, and that the period for morning business not exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business tomorrow, the Chair lay before the Senate the unfinished business, Calendar Order No. 223, S. 382.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. Immediately following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

At the conclusion of routine morning business on tomorrow, the Chair will lay before the Senate the unfinished business, Calendar No. 223, S. 382, the so-called Federal elections campaign bill, and debate will resume thereon, under the time agreement. The pending question will be the amendment No. 340, the star print, by the Senator from Kansas (Mr. PEARSON). Time thereon, under the agreement, will be limited to 30 minutes, to be equally divided.

At 2 p.m. tomorrow, under the order previously entered, the Senate will proceed to take up the conference report on the State-Justice-Commerce appropriation bill, without time being charged against the time on the unfinished business. Upon disposing of that conference report, the Senate will resume consideration of the Federal election campaign bill, S. 382.

It is anticipated that there will be rollcall votes tomorrow, certainly one or more on the State-Justice-Commerce appropriations bill conference report; and votes can be expected throughout the day on amendments to S. 382, the unfinished business as well as to tabling motions, which can be offered at any time.

So, a busy day is in the offing. Of course, the Senate has already been put on notice that the Senate will have busy days and votes during Wednesday, Thursday, and Friday of this week.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 54 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, August 3, 1971, at 10 a.m.

NOMINATION

Executive nomination received by the Senate August 2, 1971:

AGENCY FOR INTERNATIONAL DEVELOPMENT

James F. Campbell, of Maryland, to be an Assistant Administrator of the Agency for International Development, vice Lane Dwinell, resigned.

HOUSE OF REPRESENTATIVES—*Monday, August 2, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good to all: And His tender mercies are over all His works.—Psalms 145: 9.

Almighty Father, whose light never fades and whose love never fails, make us aware of Thy presence as we live through the remaining hours of this day. Keep us faithful to Thee, considerate of one another and loyal to the royal within ourselves.

Give us the will to do our work well and the readiness to accept our share of responsibilities with eagerness and enthusiam. When doubts come, steady our faith; when temptations arise, strengthen our resistance; when failure is our lot, give us the courage to try again. Lead us and our Nation with the light of truth and guide us in the ways of liberty and justice for all.

In the spirit of the Master of men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 2317. An act to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 2 to a bill of the House of the following title:

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10090. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10090) entitled:

"An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STENNIS, Mr. ELLENDER, Mr. MCCLELLAN, Mr. MAGNUSON, Mr. BIBLE, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG, Mr. HRUSKA, Mrs. SMITH, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 24. An act to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable.

S. 123. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation;

S. 1026. An act to amend the Small Reclamation Projects Act of 1956, as amended;

S. 1257. An act to authorize an appropriation for fiscal year 1972 to carry out the metric system study; and

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this time to remind Members that the Private Calendar will be called tomorrow.

It was inadvertently omitted from the announcement of the program.

THE EFFORT TO MAKE THE CHINESE REDS RESPECTABLE

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the drive to make the Chinese Reds respectable in the eyes of the American public is underway. For instance, a recent article on United States-China relations left the inference that the United States lost its chance in 1945 to reach an understanding with Mao and Chou. At that time they were seeking U.S. support for their revolution. There is nothing startling about this. The United States is not in the habit of supporting revolutionaries who seek to overthrow governments friendly to our country. The fact is the United States leaned over backward in an effort to bring about a rapproachement between Chiang Kai-shek's Nationalist government and the leaders of the Communist revolution. Some of our top statesmen, including Gen. George Marshall, were dispatched to China in an effort to work out a compromise by which both groups could cooperate in a coalition govrenment for China. This failed, largely because the

Reds saw an opportunity to take over China in its entirety.

Let us not start rewriting history to accommodate communism.

WORST SINCE 1893?

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, we face the worst trade deficit since 1893—78 years ago during the panic of that year. In the second quarter of 1971 our imports exceeded total value of exports by $803 million, the worst for any quarter in 25 years. Should this continue through 1971, we could have a trade deficit of $2.5 billion. A large part of this appalling trade deficit is due to the increasingly huge volume of low-wage textile imports. The situation is critical. The textile industry and its 2.4 million employees are threatened with ruin. We are in a textile depression. The worst kind of depression, with inflation, declining employment, and a curtailed workweek all at the same time. We cannot stay in the textile business by importing more and more cheap, low-wage textile imports. No retail store can exist by buying more than it sells. No wholesale firm can stay in business by buying more than it sells. The United States cannot stay in business by buying more than it sells. The United States cannot stay in business by importing more than it exports. We must act now. The President has the power to limit excessive textile imports under the national security clause of the Reciprocal Trade Act. Again I urge the President to take this action and negotiate meaningful government-to-government agreements limiting imports. Should the President fail to act forthrightly now to save the textile industry and the jobs of 2.4 million employees, Congress must pass the fair trade bill introduced by Chairman MILLS on January 22. The hour is late; we are facing disaster.

SETTLEMENT OF RAILWAY STRIKE

(Mr. McCORMACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, it was announced less than an hour ago that the railway strike had been settled. To thousands of my constituents, this announcement comes at the absolute last possible moment to save them from economic catastrophe. All along the Union Pacific line, through Washington and Oregon, agricultural products such as fresh potatoes and wheat are choking warehouses, being stored in the open, and in the case of potatoes, being left undug after they have received the final spray treatment to kill the vines. Temperatures have been exceeding 110 degrees and desperate farmers have been watching their life's work and their entire assets being destroyed before their eyes.

Mr. Speaker, I am sure that these men share my gratitude for the solution of the railway strike and for the statesmanship that must have been involved in reaching a settlement between railway labor and management.

Now we ask only one thing, that service be restored with all possible speed, that no delays be allowed, and that these perishable crops be moved immediately so that our agricultural community will not suffer any more than it already has. I, in turn, will pledge my support to constructive legislation which will serve railway management and labor to the end that we may have efficient operation, good working conditions, good pay, and a harmonious atmosphere within the railway community, and the Nation need never again be faced with this sort of damaging and traumatic experience.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

AUTHORIZING DISPOSAL OF INDUSTRIAL DIAMOND CRUSHING BORT FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

The Clerk called the bill (S. 751) to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I should like to inquire of my friend the chairman of the objectors committee on the other side of the aisle, or indeed of my friend the chairman of the Subcommittee on Stockpiles of the Committee on Armed Services about this particular bill which has been called on the Consent Calendar, and ask general inquiries including the other 23 bills listed on today's Consent Calendar.

Mr. Speaker, as background to this I will say that all bills come out of the Committee on Armed Services, on which I also happen to serve, and therefore I heard them reviewed in the full committee.

My first question would be: Are all the 24 bills unanimous out of the subcommittee and the full Committee on Armed Services?

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Florida.

Mr. BENNETT. The answer is in the affirmative; they are.

Mr. HALL. My second question, Mr. Speaker, would be whether or not the committees in their action held hearings and satisfied themselves by all the means available to that distinguished subcommittee—that the Office of Emergency Preparedness had not excessively declared surplus those things and materiels which we might need for prosecuting the defense of the United States, in at least the two stockpiles controlled by the Congress.

Mr. BENNETT. Of course, this is a matter of judgment. The committee did hold extensive and lengthy hearings and interrogated various witnesses before us, including people in industry and the general public, at great length in the direction the gentleman has inquired about. The judgment has been made by all those in authority in the executive branch that there is in fact this surplus.

I want to assure the gentleman and the House that the bills before us which legally determine amounts of stockpiles in excess of the military needs of our country have been passed upon by the authorities who are responsible under our laws to determine what in fact is surplus to our stockpile defense needs. These bills have been the subject of intensive study by these authorities and they have come to unanimous conclusion that the materials which are involved in this bill and the other bills which will be before us today from the stockpile are excess to the defense stockpile needs of our country.

Mr. HALL. Mr. Speaker, I thank the distinguished gentleman from Florida for his answer. Having served on this subcommittee for 6 years in the past and knowing the gentleman, I think this is entirely adequate.

My final question would be this: I would like to know whether or not the subcommittee in its judgment and wisdom has determined that such materials, having been determined to be surplus to our stockpile requirements, would be put on the market by the General Services Administration in the usual manner that has, in my judgment in the last few years, failed to upset the market price or to establish an "upset price" that the market and industry and manufacturing could use while not damaging the stockpile reserve.

Mr. BENNETT. If the gentleman will yield further, all of those careful preventions against abuse of private industry are in the statutes and are carried out by the General Services Administration; all of those procedures will be taken into account in regard to these bills.

Mr. HALL. Mr. Speaker, I thank the gentleman.

I now wish to yield to my colleague on the minority objectors committee, the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I would like to continue the interrogation of the gentleman from Florida, and the only one of the items that I have any question about, and I will not really question it, but I think something should be put in the RECORD about it, is this: I come from a section of the United States where we tan leather. The tanning industry helps to make my area. When World War II descended upon us, we were pretty worried about where we were going to get tanning extracts so that we could tan leather to make shoes for our soldiers. I notice that these tanning extracts come from Italy, France, Argentina, Paraguay, Brazil, and Mozambique. My question is are you people satisfied that in the event of an emergency in this regard, such as we faced in World War II, that we will have enough tanning extracts which become very vitally necessary to our Armed Forces in the event that we should run into another major conflict? In other words, are we in good shape on tanning extracts?

Mr. BENNETT. We were assured at the hearings that we are in good shape with regard to these extracts and have an ample supply in case of war.

Mr. JOHNSON of Pennsylvania. I thank the gentleman.

Mr. HALL. Mr. Speaker, in view of the colloquy and in view of the unanimity in the committee and in order to expedite the business of the House, which I consider to be a prime function of the duly elected objectors, I ask unanimous consent that these 24 bills be considered en bloc and printed at this point in the Record and passed by the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. ASPINALL. Mr. Speaker, reserving the right to object, and most certainly I shall not object, because I think this is an orderly process for the House. These bills have all been explained, because in the explaining of one, the same explanation applies to the others except for the material involved. As the Committee on Interior and Insular Affairs has jurisdiction over the welfare of many of the producers of the products involved, at least the minerals, metals, and other items that are involved in this legislation, I want to say that we are satisfied that they can be considered en bloc and in order to save the time of the House we should do so.

With that I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman from Florida a question. In reading through these bills, I could not find in a single instance any statement as to the requirement for stockpiling in this country.

In other words, there was no statement to be found telling us the total need. It is hard to know whether there should be any disposal and if so by what amount without having some knowledge of the stockpile requirement. If it is possible to do it without disclosing information detrimental to the security of this country, I would hope that in the future the committee would give us some idea as to what the stockpile requirements are.

Could the gentleman from Florida give me any enlightenment on that subject?

Mr. BENNETT. I think I can give the gentleman some enlightenment and some prognosis as to what the committee is likely to do in the future. I anticipate that either during the course of this calendar year or before next year is out that rather extensive hearings will be gone into to see whether or not all of the legislative criteria are precise as they should be in this field, and in that direction we will undoubtedly come up with some concrete information that will be of interest to the gentleman from Iowa along the line of this inquiry.

I would like to point out at the present time that the stockpile is based upon the idea of a 3-year war. Of course, there is a degree of conjecture about this. No one really knows that a war that we are going to be in is going to last 3 years or 3½ years or 5 years or 10 years. This is a calculated guess by the experienced military minds devoted to the subject.

Then, there are other types of conjecture involved. For instance, we have some commodities which we do not produce at all in this country and in which have no potentiality for production. So, we are totally dependent upon foreign countries for those commodities.

I may state further to the gentleman from Iowa that the State Department has to have an input into this, as to whether or not the countries we are getting this material from are friendly or are likely to be friendly to us if we have a war. That takes a good deal of crystal ball gazing. But there are some things that are fairly sure and fairly certain and in that connection the executive branch of Government is given certain responsibilities in the National Security Council, the Joint Chiefs of Staff, and in the Office of Emergency Planning. After careful consideration, they finally come out with a decision that there is so much surplus of a certain commodity; and then they come out with a decision that there is such surplus which can be disposed of, still protecting the national interests, of the United States and not affecting adversely the businesses of the county should this surplus be put on the market.

Mr. GROSS. I am sure the gentleman from Florida can understand that those members, especially the Armed Services Committee, have difficulty in trying to reach a decision, not knowing what the requirements of the stockpile may be and then being called on to approve legislation for proposed sales from the stockpile.

If we might have some idea as to what is necessary to the stockpile and then the information as to disposals from the various stockpiles, it would be most helpful.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent to insert at this point in the Record a statement of the stockpile policy division of the Office of the Emergency Preparedness, dated July 21, 1971, which analyzes the stockpile objectives.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The document follows:

STOCKPILE OBJECTIVE CALCULATIONS

The stockpile of strategic and critical materials are designed to protect the United States against costly and dangerous dependence upon foreign sources of supply in a period of national emergency. As technological and economic factors change worldwide, the quantities of materials needed for this purpose also change. To assure that the stockpile contains the correct quantities and qualities of materials required to meet emergency needs, material usage and supply patterns are continually monitored.

The current policy guidance under which stockpile objectives are calculated was established in late 1968. This policy guidance, approved through the National Security Council, was based on recommendations of the Executive Stockpile Committee, established by President Johnson. This Committee continued the work of a similar committee established by President Kennedy. Establishment of general stockpile policy guidance by the National Security Council assures that stockpile planning is consistent with other aspects of national security planning. Under Executive Order, the Director of OEP is responsible for approving stockpile objectives for specific strategic materials within the framework of overall policy guidance

Under current guidance, stockpile objectives are based on a three year war, assumed to begin not less than one nor more than two years in the future. To determine the materials required during war, OEP makes projections of the Gross National Product and its various components for each of the war years, and using refined statistical techniques translates these projections into material requirements. Data on planned military strength and munitions requirements, obtained from the Department of Defense, is used to determine the level of essential military material requirements. These military requirements are an integral part of overall stockpile policy guidance. Estimated requirements for the total economy, derived from the projections of GNP, are then combined with projected military requirements to determine the gross requirement position. Civilian and non-direct defense requirements are adjusted to reflect conservation and substitution of nonstrategic materials, where possible, for strategic and critical materials.

Estimates of supply for the mobilization period are based upon the known resources of the United States and other countries certified by the Joint Chiefs of Staff to be accessible in wartime. The quantities of foreign supply are adjusted to reflect the risks involved in depending upon foreign supply during wartime. The risks involved in such analyses include consideration of the economic and political position of the supplying country relative to the United States, its geographic location, and potential transportation problems which occur during wartime.

Although stockpile objectives are established by the Director of OEP and the major analysis work is done by OEP staff personnel, stockpile planning activities are coordinated through the Interdepartmental Materials Advisory Committee, which includes representatives of all interested departments and agencies, including the Departments of Commerce, Interior, State, Agriculture, Defense, and Labor; and GSA, AID, and NASA. OMB, AEC, and CBA are present as observers. Each of these departments advise OEP on the potential impact of stockpile policy actions upon their specific areas of responsibility and provide information necessary for projection of supply and requirements.

There have been no major acquisitions for the stockpile in recent years. Procurement of material has been limited to the purchase of jewel bearings from the Government-owned jewel bearing plant at Rolla, North Dakota. In addition, some material currently in the stockpile has been upgraded through the exchange of excess materials.

The stockpile inventory is currently valued at approximately $6.8 billion, of which $4.2 billion is currently held against existing stockpile objective requirements. The balance of this material, $2.6 billion, is considered to be excess to stockpile needs and it is this material for which we have been requesting disposal authority. Where excesses exist in the stockpile, disposals are made in a manner that protects the U.S. Government from avoidable loss and the producers, processors, and consumers from avoidable disruption of their markets. In addition, quite obviously, we are also concerned that disposal efforts are made in a manner that does not adversely affect the production base upon which the Uinted States would depend for the bulk of its material in a period of national emergency.

Mr. GROSS. I thank the gentleman for his response.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri (Mr. HALL)?

Mr. PATMAN. Mr. Speaker, reserving the right to object, and I certainly have no intention of objecting, we commenced hearings on the national stockpile this morning. We had 2 hours of hearings, and had many witnesses, and they will proceed for many days.

I just wonder if the committee was consulted, the Joint Committee on Strategic Metals, or the Joint Committee on Defense Production, officially?

Mr. BENNETT. The House Committee on Armed Services was not consulted about the line of inquiry the gentleman refers to. But that is a different committee.

Mr. PATMAN. It is a different committee. You see, we are charged with keeping up with the stockpiles. We have hearings every year. We have a staff, there are not very many on the staff, it is a small staff, but they look after it. Many of the items mentioned here are in the stockpiles. I think it would be very important to find out the status of these stockpiles.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I think maybe I can help my distinguished chairman of the subcommittee by stating that there are three separate national defense stockpiles, two under the control of the Congress and one under the control of the executive branch. Matters of stockpiles for military defense ordinarily are assigned to the stockpiles under the control of the Congress, and are habitually and traditionally referred to the Committee on Armed Services, which has legislative control, and insight and oversight, whereas the stockpile under the control of the executive branch is referred to the Committee on Banking and Currency under the jurisdiction of the distinguished gentleman from Texas. This always occasions a little question on the floor. I think this answers the gentleman's question.

Mr. PATMAN. I am not sure, because, you see, this is a Joint Committee on Defense Production, and it has the responsibility of the national stockpile generally. I do not know how far its jurisdiction exceeds, or if it goes as far as the other. I am not claiming that. But I just feel as though they should be conferred with, because even on the stockpiles mentioned by the gentleman from Missouri (Mr. HALL), I do not think we could act intelligently unless we know what the situation is. I shall not object, but I seriously urge the gentleman, even before passing the bills, that we get clarification on this, because it involves billions of dollars of strategic supplies.

Mr. BENNETT. Mr. Speaker, if the gentleman will yield, it is my understanding that the gentleman's committee has been notified of these disposals. The committee which I chair does have the only responsibility legislatively to dispose of the surpluses. No other committee has that responsibility. We do not seek this responsibility, but by statute we have it. It is only in that respect that I am here. We have been advised that these things should be disposed of. It has gone through the National Security Council, and the Joint Chiefs of Staff. We have the responsibility for this legislatively. And in the future we will be very careful to notify the gentleman's committee, as I think we have in the past, of pending legislation of this nature.

Mr. PATMAN. Mr. Chairman, I withdraw my reservation of objection.

The SPEAKER. Would the gentleman from Missouri (Mr. HALL) restate his request?

Mr. HALL. Mr. Speaker, my request was for unanimous consent, in order to expedite the business of the House, and in view of the points established in the colloquy on the floor, and inasmuch as these all come unanimously from the same committee and all deal with stockpiles, that they be printed in the RECORD, considered en bloc, and acted on favorably by the House.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. McCLURE. Mr. Speaker, further reserving the right to object, and I reserve the right to object in order to ask a question concerning Consent Calendar No. 43, which deals with the disposal of chromium metal, and ask the gentleman from Florida (Mr. BENNETT) whether or not the committee went one step further, in looking at the source of the metal, and looked at the source of the ores from which the metal is obtained?

Mr. BENNETT. The committee did.

Mr. McCLURE. And does this not involve also the policy of the United States with respect to Rhodesia?

Mr. BENNETT. It involves the policy of any country that produces chromium, including Rhodesia.

Mr. McCLURE. Did the committee consider the fact that the major producer of the ores from which this metal is now produced is the Soviet Union?

Mr. BENNETT. The committee did consider that.

Mr. McCLURE. And the committee decided, in spite of the fact that we now have our major reliance for the source of the ore from which this metal is produced is not the friendly country of Rhodesia but our adversary, the Soviet Union?

Mr. BENNETT. If the gentleman will look carefully at this bill, he will observe that the disposal of this chromium from the stockpile if it might antagonize somebody then that somebody that it might antagonize is Russia.

Mr. McCLURE. That was certainly not my concern. My concern is what the facts are, and the thing I am concerned about is whether or not meeting the strategic needs of the United States from an adversary is a fact and perhaps a more critical fact because now the source of this material is the Soviet Union rather than Rhodesia.

Mr. BENNETT. The Soviet Union did not make any protest about the disposal of chromium from our own stockpile.

Mr. McCLURE. If they could make us totally dependent upon them for strategic materials, I am sure they would not protest.

Mr. BENNETT. According to the testimony there is no possibility of us being totally dependent on Russia for chromium.

Mr. McCLURE. I am raising the question to determine whether or not this is one factor and if the committee considered whether or not we could safely dispose of this metal.

Mr. BENNETT. We did consider it. We not only considered it, but also postponed the final consideration of the chromium-type bills to a later date and to a further discussion on them before today finally bringing them here unanimously to the floor for House consideration.

But if the gentleman will stop and consider this for a moment, he will realize that his point of view, and that of all Members of the Congress probably, is probably being sustained here. What is being done here is to remove from the stockpile the excess chromium-type material. And the fact that Russia does produce it would only be greatly significant if she were in fact the sole producer of this type of material or if we depend upon her for it—and she is not and we are not.

Mr. McCLURE. Would not the gentleman agree that since we have joined in applying economic sanctions to Rhodesia, which is a source of chrome ores, a major source of supply for chrome ores is the Soviet Union—and that we are now paying higher prices?

Mr. BENNETT. I would assume if we ever get to the point where he had a shortage of chrome, we might look again at our contacts with Rhodesia, and maybe we would like to see that occur.

It is important to pass this bill now. If we are ever caught short on chromium then we would have to reevaluate the arrangement that we have with Rhodesia, perhaps with greater liberality with regard to Rhodesia.

Mr. McCLURE. The reason I raise the question is simply to pinpoint the fact that we have shifted, as a result of other policies of this country, from one source to another, while I strongly object to our policy toward Rhodesia, that is not now my major point. I want to be sure, before raising any objection to the procedure suggested by the gentleman from Missouri, that this shift in the source of supply is not threatening the security of this country. I will object unless I can be assured that the disposal of these ores is done with adequate recognition of the fact that we are now more dependent on someone who is an adversary of ours.

Mr. BENNETT. We are only dependent in whatever degree we are because of the national policy of our country and our country can change that policy if it is in our best interests to do so in the future.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCLURE. I yield to the gentleman.

Mr. GROSS. I wonder if the gentleman from Florida is aware of the fact, as revealed in a brief hearing before the House Foreign Affairs Committee, that not only do we pay approximately double the price for chromium ore from Russia than that paid for Rhodesian ore, but we are also compelled, in order to get high-grade ore, to take a substantial amount of low-grade ore from the Communists which, of course, indirectly increases the cost of chrome to the country? I hope in any future surveillance of what goes on in this respect that the Armed Services Committee will take that into consideration.

Mr. BENNETT. I think the committee did go into this matter fully, and as fully as ever anything has been done by any committee of the Congress, and the ultimate conclusion I think is clear because we have a unanimous decision, after we had adjourned the hearings to look into this type of argument that is raised here.

But actually the answers to arguments that would be raised in this matter are ones which would indicate, first, they were not entirely dependent upon Russia at all for chrome—it is not the sole producer of chrome metal, and second, if there were any pressures that would ever develop, which we do not think there ever would be because this is a surplus, but if there ever was a shortage, the pressures would be in the direction of eliminating our dependence upon Russia. Rather than pressure being in the direction of increasing our dependence upon Russia, it would be in the opposite direction.

Mr. McCLURE. I thank the gentleman, for his response is a response to my question, also. I simply say that because of the other policy which we have adopted, we now have major reliance upon a country which is probably less reliable than our traditional source. Therefore we should, at least in my mind, take a very close look at the strategic stockpile requirements because we are now dependent upon a source which previously had not been a source of supply.

Mr. BENNETT. I think the gentleman has very cautiously stated the case. The committee does not think we would ever have that reliance upon Russia.

Mr. McCLURE. I would say to the gentleman if you do not think we do have such reliance on Russia, Why are we paying them double the price?

Mr. BENNETT. Why does not the gentleman ask the man who is in the White House, a member of his own party, to answer that question? I say this because this is a realm of Presidential decision in foreign policy; and our Committee on Armed Services has no jurisdiction on that question.

Mr. McCLURE. That decision was made before the people of my country made that happy choice.

Mr. BENNETT. I do not know who is responsible for the origin of it, but right now international affairs, under our Constitution, are the prerogative of the President, and he probably has good reason for doing what he is doing, although I do not know the reasons in this particular case.

Mr. McCLURE. I would say to the gentleman that I am not trying to say that this is the only source of ore, because obviously there are other sources. I am trying to say that the Soviet Union is a major supplier to our market today, and the fact that we are paying double what we had been paying in order to get it indicates to me that it is, indeed, the major source of supply, and one which we cannot lose without very adverse effects upon the industry that depends upon this ore and upon the security of this country. It was simply in that vein that I sought assurances that your committee has indeed considered that fact of life, not to argue whether it is a fact, but whether or not you have considered it.

Mr. BENNETT. The committee did very carefully consider it.

Mr. McCLURE. I thank the gentleman. I withdraw my reservation.

Mr. HALL. Mr. Speaker, in reviewing my request, may I simply point out that in this delicate area the question is disposal of "surplus" in the congressionally-controlled stockpiles. I have satisfied myself both as an official objector and as a member of the Committee on Armed Services that the statements of the gentlemen from Florida are well supported and confirmed, and I renew my unanimous-consent request.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the sundry Senate bills appearing on the Consent Calendar for today be considered?

There was no objection.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on each of the bills dealing with stockpile disposal.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The bills referred to are as follows:

AUTHORIZING THE DISPOSAL OF INDUSTRIAL DIAMOND CRUSHING BORT FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 751

An Act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eighteen million nine hundred and twelve thousand carats of industrial diamond crushing bort now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 78 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–387, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 18,912,000 carats industrial diamond crushing bort from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that material shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for us during time of war.

Since the proposed disposal of industrial diamond crushing bort is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of industrial diamond crushing bort upon enactment of S. 751.

Industrial diamond crushing bort

Industrial diamond crushing bort consists of those industrial diamonds that because of structure, color, flaws, and impurities, are unsuitable as gems and because of their size and shape, are not usable as industrial diamond dies, industrial diamond tools, and industrial diamond stones.

Crushing bort is crushed into diamond powder and used for polishing, lapping, and as the cutting agent in drilling very small holes in hard materials.

Sources.—Africa is the principal source of industrial diamonds, Congo being the principal producer. Minor amounts (less than 2 percent of U.S. consumption) come from Brazil, Venezuela, and British Guiana. The initial sale of virtually all diamonds is rigidly controlled by a foreign cartel.

Background information

As of June 30, 1971, the total inventory of industrial diamond crushing bort held by General Services Administration was approximately 42,611,479 carats. The present stockpile objective, established March 4, 1970, is approximately 23,700,000 carats. The total excess of approximately 18,912,000 carats industrial diamond crushing bort is covered by S. 751.

The average acquisition cost of industrial diamond crushing bort in the national and supplemental stockpiles is approximately $2.19 per carat. The current estimated market price of standard, commercial type crushing bort ranges from $2.25 to $2.80 per carat.

This material has been in the stockpile for a period of 3 to 28 years.

Method of Disposal

The General Services Administration proposes to make the crushing bort available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 1950 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess industrial diamond crushing bort available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of industrial diamond crushing bort required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Disposal procedure

Industry representatives expressed concern that sizable sales of the stockpile excesses would be disruptive to their normal markets. It was agreed that GSA's annual rate of sales should not exceed 10 percent of domestic and foreign consumption of natural industrial diamond bort. Industry representatives currently estimate that sales should be at a rate of about 600,000 carats for domestic consumption and 1 million carats for foreign consumption. It was understood that any sales abroad would preclude reimport into the United States. It was also agreed that the GSA offerings could be adjusted upward if there was evidence of increased domestic and foreign consumption. Any revision by GSA in the disposal rate would be preceded by discussion and approval of the industrial working group.

Periodic review of program

This disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

There is no production of natural diamond bort in the United States. The United States does produce manmade or synthetic bort. Imports of natural bort for 1970 were 5.3 million carats and for synthetic or manmade material 2.2 million. The respective figures for 1969 were 5.8 million and 2.8 million carats. U.S. consumption of natural, synthetic, or manmade, and reclaimed bort has risen from 15 million carats in 1968 to 16 million in 1969 and 16 million carats in 1970. U.S. exports were 6.4 million carats in 1968, 8.3 million in 1969, and 7.6 million carats in 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the industrial diamond crushing bort now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF VEGETABLE TANNIN EXTRACTS FROM THE NATIONAL STOCKPILE

S. 752

An act to authorize the disposal of vegetable tannin extracts from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately the following quantities of vegetable tannin extracts: five thousand five hundred and fifteen long tons of chestnut, thirty-five thousand two hundred and eighty-seven long tons of quebracho, and five thousand four hundred and sixty-one long tons of wattle now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–388, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately the following quantities of vegetable tannin extracts from the national stockpile: 5,515 long tons of chestnut, 35,287 long tons of quebracho, and 5,461 long tons of wattle. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1951 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of vegetable tannin extracts is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of vegetable tannin extracts, upon enactment of S. 752.

Vegetable tannin extracts chestnut, quebracho, and wattle

Chestnut extract is made from the wood of the chestnut tree. Quebracho extract is made from the heartwood of the quebracho tree, which grows principally in Argentina and Paraguay. Wattle extract is produced from the bark of the wattle tree, which grows in Africa.

Chestnut extract and wattle extract are used almost entirely for tanning the heavier type of leather such as sole and belting. About 70 percent of domestic consumption of quebracho extract is used in tanning leather, while about 25 percent is used as an additive in petroleum well drilling muds to control viscosity, and about 5 percent is used for treating boiler water and for metallurgical, pharmaceutical and miscellaneous uses.

Sources: Chestnut extract comes from Italy and France. Quebracho extract comes from Argentina. Wattle extract comes from the Republic of South Africa, Brazil, Argentina and Mozambique.

Background information

Chestnut.—As of June 30, 1971 the total inventory of chestnut extract held by General Services Administration was approximately 26,297 long tons. The present stockpile objective, established January 17, 1969, is 9,500 long tons. The excess previously authorized for disposal totaled approximately 11,282 long tons, (Public Law 89–245). The remaining excess of 5,515 long tons are covered by S. 752. The average acquisition cost of chestnut extract was $279.19 per long tion. The current estimated market price is $255.36 per long ton. The chestnut extract has been in the stockpile for a period of 14 to 19 years.

Quebracho.—As of June 30, 1971 the total inventory of quebracho extract held by General Services Administration was approximately 188,103 long tons. The present stockpile objective, established January 17, 1969, is approximately 50,600 long tons. The excess previously authorized for disposal totaled 102,216 long tons, (Public Law 89–245). The remaining 35,287 long tons are excess and are covered by S. 752. The average acquisition cost of quebracho was $247.41 per long ton. The current estimated market value is $282.24 per long ton. Quebracho has been in the stockpile for a period of 16 to 22 years.

Wattle.—As of June 30, 1971 the total inventory of wattle extract held by General Services Administration was approximately 34,289 long tons. The present stockpile objective, established January 17, 1969, is approximately 9,500 long tons. The excess previously authorized for disposal totaled 19,328 long tons, (Public Law 89–245). The remaining 5,461 long tons are excess and are covered by S. 752. The average acquisition cost of wattle extract was $252.02 per long ton. The current estimated market value is $257.60 per long ton. This material has been in the stockpile for a period of 14 to 19 years.

The total annual storage cost for chestnut, quebracho and wattle extracts is $151,300.

Method of disposal

The General Services Administration proposes to make the chestnut, quebracho, and wattle available (*a*) for sale; (*b*) for transfer to agencies of the United States Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess material available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of chestnut, quebracho, and wattle, required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

All of the vegetable tannin materials used in the United States are imported and are used primarily in the leather industry. U.S. imports in 1970 were 5,985 long tons of chestnut, 16,935 long tons of quebracho, and 6,837 long tons of wattle, each representing a decline from prior years. U.S. consumption in 1970 was 6,250 long tons of chestnut, 15,898 long tons of quebracho, and 10,234 long tons of wattle. Import sources in 1970 for chestnut were France (63 percent) and Italy (37 percent); for quebracho were Argentina (80 percent), Paraguay (15 percent), and others (5 percent); and for wattle were the Republic of South Africa (69.8 percent), Brazil (23.5 percent), and others (6.7 percent).

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the vegetable tannin extracts from the national stockpile.

AUTHORIZING THE DISPOSAL OF THORIUM FROM THE SUPPLEMENTAL STOCKPILE

S. 753

An act to authorize the disposal of thorium from the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred and ten short tons (thorium oxide content) of thorium nitrate now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the Record is an excerpt from the report, No. 92–389, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 210 short tons (thorium oxide content) of thorium nitrate from the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpiles

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of thorium nitrate is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of thorium nitrate upon enactment of S. 753.

Thorium

Thorium is a gray powder or a heavy, malleable metal changing from silvery white to dark gray or black in air.

Thorium is used with tungsten or nickel in electrodes in gas-discharge lamps and in conversion of fissionable uranium. It is used to make the incandescent (Welsback) type gas light mantle. Some of its compounds are used in luminous paints and in flashlight powders. Compounded with nickel to produce a high temperature alloy.

Sources: Australia, Malaysia, and Hong Kong.

Background information

As of June 30, 1971, the total inventory of thorium held by General Services Administration was approximately 1,832 short tons. The present stockpile objective, established January 17, 1969, is 40 short tons. The excess previously authorized for disposal under P.L. 89–421 (approved: May 11, 1966) totals approximately 1,582 short tons. The additional excess of 210 short tons is covered by S. 753.

The average acquisition cost of the thorium nitrate (thorium oxide content) in the supplemental stockpile was $9,003.55 per short ton. The current estimated market price for standard, commercial type thorium nitrate (thorium oxide content) is $8,300 per short ton. This material has been in the stockpile for a period of 6 to 11 years. The annual storage cost is $512.40.

Method of disposal

The General Services Administration proposes to make the thorium nitrate available: (a) for sale; (b) for transfer to agencies of the United States Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess thorium nitrate available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of thorium nitrate required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

United States production statistics on thorium are considered company confidential and hence are not published. Imports of thorium ores and concentrates, chiefly monazite, were 504,000 pounds of thorium oxide content in 1969, a decrease of 20,000 pounds from 1968. Estimated imports for 1970 are 413,000 pounds. Of the total imports, 59 percent came from Australia, 37 percent from Malaysia, and 4 percent from Hong Kong. U.S. consumption of thorium in terms of thorium oxide equivalent, was 230,000 pounds in 1969, a decrease of 20,000 pounds from 1968. Chief uses were for gas mantles, 50 percent; magnesium alloys, 30 percent; dispersion-hardened alloys, 10 percent; and 10 percent for refractories, polishing compounds, and chemical products. Consumption for nuclear fuel purposes is still limited to experimental activities in the United States. Release of the material is subject to licensing procedures and requirements of AEC.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the thorium now held in the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF SHELLAC FROM THE NATIONAL STOCKPILE

S. 755

An act to authorize the disposal of shellac from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two million nine hundred thousand pounds of shellac now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the Uniited States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertis-regard to the protection of the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–390, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 2.9 million pounds of shellac from the national stockpile. In addition, the bill would waive the 6-months waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

Natonal stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental Stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposal from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of shellac is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of shellac upon enactment of S. 755.

Shellac

Shellac is the purified form of the material known as lac or sticklac. It is the product of an insect that lives in Southern Asia. The larvae of the lac insect settle on the branches of certain trees and feed on the sap. The lac secretion produced by the insects forms a coating over their bodies and makes an incrustation over the twigs. The incrusted twigs form the sticklac of commerce. Seed lac is made from sticklac by crushing and washing, which removes most of the dirt and wood, followed by drying. Shellac is made from seed lac by melting, or by solvent extraction. The molten material is flattened out over a heated cylinder, then is reheated and pulled out into a thin sheet. The sheets are crushed into flakes and packed. Bleached shellac is prepared by treating an alkaline solution of shellac or seed lac with a bleaching agent, such as sodium hypochlorite, and precipitating and drying the decolorized product.

Shellac is used for surface coating; as a binder for abrasives and mica; as an insulator in electric components; and numerous miscellaneous polishing floor and furniture waxes.

Sources: The major part of the imports of shellac are from India, Thailand, and West Germany.

Background information

As of June 30, 1971 the total inventory of shellac held by General Services Administration was approximately 6,252,029 pounds. The present stockpile objective, established March 4, 1970, is 1 million pounds. The excess previously authorized for disposal under Public Law 91–324 (July 10, 1970) totals approximately 2,352,029 pounds. The additional excess of 2,900,000 pounds is covered by S. 755. The average acquisition cost of shellac in the inventory is 50¢ per pound. The current estimated market price for standard, commercial type shellac ranges from 43¢ to 47¢ per pound. This material has been in the stockpile for a period of 9 to 23 years. The annual storage cost for the shellac presently in the stockpile inventory is $9,294.50.

Method of disposal

The General Services Administration proposes to make the shellac available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093 (d).

Rate of disposal

GSA proposes to make the excess shellac available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the present program and current market conditions. Quantities of shellac for transfer directly to Government agencies will be over and above those involved in the commercial sales program

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

There is no U.S. production of shellac. Apparent U.S. consumption was approximately 14 million pounds in 1970. Imports of shellac were 22 million pounds in 1969 and estimated at 12 million pounds in 1970. World production of shellac in 1970 is estimated at about 30 million pounds, of which about 25 million pounds was produced in India Principal import sources for shellac in 1970 were: Thailand (31 percent), India (63 percent), and other countries (6 percent).

Fiscal data

The enactment of this legislation will result in an additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the shellac now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF QUARTZ CRYSTALS FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 756

An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and thirty thousand pounds of quartz crystals now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–391, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 330,000 pounds of quartz crystals from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposal from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of quartz crystals is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of quartz crystals upon enactment of S. 756.

Quartz crystals

Quartz is a form of silica occurring in hard hexagonal crystals or in crystalline masses. It is the most common of all solid minerals and may be colorless and transparent, or colored.

By reason of their piezoelectric properties, quartz crystals serve as devices for converting mechanical force into electrical charges and vice versa and consequently find wide application in electrical and electronic fields. Because of their light transmitting properties, quartz crystals are also used in making prisms, wedges, lenses, and other parts for various types of optical instruments.

Sources: Brazil.

Background information

As of June 30, 1971 the total inventory of quartz crystals held by General Services Administration was approximately 4,546,840 pounds. The present stockpile objective, established January 17, 1969, is approximately 320,000 pounds. The excess previously authorized for disposal under Public Law 89–310 (approved: Oct. 31, 1965) totals approximately 3,896,840 pounds. The additional excess of 330,000 pounds is covered by S. 756.

The average acquisition cost of the quartz crystals in the national stockpile was $12.37 per pound and in the supplemental stockpile $15.15 per pound. The current estimated market price for standard, commercial type quartz crystals ranges from $2.25 per pound to $50.00 per pound. The annual storage cost is $797. This material has been in the stockpile for a period of 9 to 28 years.

Method of disposal

The General Services Administration proposes to make the quartz crystals available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess quartz crystals available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of quartz crystals required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the damage will be publicly announced.

Production and consumption

There is no U.S. production of natural quartz crystals suitable for electronic and optical purposes. U.S. production of manufactured (artificially cultured) quartz crystals was 125,423 pounds in 1969. Output of manufactured quartz is expected to increase, thus lessening the dependence on imported natural quartz. Total imports were 285,665 pounds in 1968, decreasing to 237,224 pounds in 1969. Brazil is the principal import source of natural quartz. Actual consumption of raw, electronic grade crystals was 246,673 pounds in 1968, and 187,605 pounds in 1969. The U.S. consumption pattern is 74 percent for oscillator plates and the remaining 26 percent for filter and telephone resonator plates, transducer crystal, and miscellaneous items.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the quartz crystals now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF IRIDIUM FROM THE NATIONAL STOCKPILE

S. 757

An act to authorize the disposal of iridium from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred and fifty-six troy ounces of iridium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–392, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 256 troy ounces of iridium from the national stockpile. In addition, the bill would waive the 6 months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of iridium is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of iridium upon enactment of S. 757.

Iridium

Iridium is similar in color to platinum, but with a slight yellow cast. It is the most corrosion-resistant element known, even resistant to aqua regia. It is essentially used for alloying with platinum and palladium to increase hardness and corrosion resistance.

Iridium, palladium, and platinum are used separately and in combination with each other and with other metals; in the electrical field, for electrodes of all kinds, electrical contact points, thermocouples, resistance thermometers, and resistors; in the chemical field for crucibles and other heat and corrosion resistant vessels, cathodes, spinerettes for rayon, bushings, for production of glass fiber, burner nozzles, and catalysts; in the dental field, for castings, wrought dentures, pins, anchors, and reinforcements, in jewelry and the decorative arts and in motors and precision instruments.

Sources: Canada, United Kingdom.

Background information

As of June 30, 1971, the total inventory of iridium held by General Services Administration was approximately 17,256 troy ounces. The present stockpile objective, established April 2, 1964, is 17,000 troy ounces. The total excess of 256 troy ounces is covered by S. 757. The average acquisition cost of the iridium in the national stockpile was $177.29 per troy ounce. The current estimated market price for standard, commercial-type iridium ranges from $150 to $155 per troy ounce. This material has been in the stockpile for a period of 1½ to 24 years.

Method of disposal

The General Services Administration proposes to make the iridium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess iridium available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of iridium required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Iridium is used largely for alloying with platinum and palladium and is classified as being in the platinum group of metals. Consumption pattern in 1970 was in jewelry and decorative uses (15 percent), electrical (22 percent), chemical (53 percent), dental and medical (3 percent), and others (7 percent). U.S. consumption was 14,218 troy ounces in 1969 and 10,264 troy ounces in 1970. U.S. general imports of refined metal were 6,026 troy ounces in 1969 and 8,459 troy ounces in 1970.

There is no major U.S. production of iridium although U.S. gold and copper refineries do recover small quantities. Production from this source and secondary refining totaled 2,581 troy ounces in 1968, 2,820 troy ounces in 1969, and 2,581 troy ounces in 1970. Import sources in 1970 were United Kingdom (60 percent), Canada (22 percent), and other countries (18 percent). World production of platinum group metals comes mainly from U.S.S.R., Republic of South Africa, and Canada.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the iridium now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF MICA FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 758

An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one million four hundred twenty-six thousand twenty-five pounds of muscovite block mica; approximately fifty-one thousand eighty-seven pounds of muscovite film mica; approximately three million one hundred ninety-nine thousand eight hundred seventy-five pounds of muscovite mica splittings; and approximately three hundred fifty thousand pounds of phlogopite mica splittings now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 State. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–393, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 5,026,987 pounds of mica from the national stockpile and the supplemental stockpile. In addition, this bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(c) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of mica is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of mica upon enactment of S. 758.

Mica

Mica is a group name for a number of minerals which have a characteristic structure permitting easy separation into thin, tough sheets. They vary from clear to black. Ruby muscovite has the best dielectric properties. Block mica is the thicker sections ranging from seven-thousandths of an inch upward. Film is split from block to a variety of predetermined thickness ranges. The dielectric quality of mica is lowered by the presence of various defects, such as air inclusions, mineral and vegetable stains, waviness, and crystallization anomalies. There are three principal forms of strategic mica (block, film, and splittings) and a number of qualities and grades. Quality refers to various physical properties including the degree of staining, and grade denotes the size of a rectangular area which can be obtained from the block or film.

Uses: Dielectric supporting elements in electron tubes, mica capacitors, as insulation in motors and other electrical apparatus.

Sources: India, Brazil, Malagasy.

Background information

Mica, Muscovite Block (Stained and Better)

As of June 30, 1971, the total inventory of muscovite block, stained and better, held by General Services Administration (GSA) was approximately 18,148,705 pounds. The present stockpile objective established March 13, 1964, is 6,840,700 pounds. The excess muscovite block mica previously authorized for disposal total approximately 9,881,976 pounds, of which 6,308,800 pounds of muscovite block, stained A and better, remain available under authority of the Office of Emergency Preparedness, approved January 14, 1966, and Public Law 89–419, approved May 11, 1966; 2,354,503 pounds of muscovite block scrap, and 1,218,675 pounds of muscovite stained B and lower, remain available under authorities mentioned above. The remaining excess of 1,426,025 pounds is covered by S. 758.

The average acquisition cost of muscovite block, stained and better, in the national stockpile was $2.38 per pound and in the supplemental stockpile $3.44 per pound.

Mica, Muscovite Film, First and Second Qualities

As of June 30, 1971, the total inventory of muscovite film, first and second qualities held by GSA was approximately 2,057,507 pounds. The present stockpile objective, established March 13, 1964, is 2 million pounds. The excess previously authorized for disposal under Public Law 89–419, approved May 11, 1966, totals approximately 6,420 pounds. The remaining excess of 51,087 pounds is covered by S. 758.

The acquisition cost of muscovite film first and second qualities, in the national and supplemental stockpiles was $5.27 per pound.

Mica, Muscovite Splittings

As of June 30, 1971, the total inventory of muscovite splittings held by GSA was approximately 43,204,558 pounds. The present stockpile objective, established January 17, 1969, is 19 million pounds. The excess previously authorized for disposal under Public Law 89–419, approved May 11, 1966, totals approximately 21,004,683 pounds. The remaining excess of 3,199,875 pounds is covered by S. 758.

The acquisition cost of muscovite splittings in the national stockpile was $1.04 per pound and in the supplemental stockpile $1.29 per pound.

Mica, Philogopite Splittings

As of June 30, 1971, the total inventory of phlogopite splittings held by GSA was approximately 4,807,345 pounds. The present stockpile objective established January 17, 1969, is 950,000 pounds. The excess previously authorized for disposal under Public Law 89–418, approved May 11, 1966, totals approximately 3,507,345 pounds. The remaining excess of 350,000 pounds is covered by S. 758.

The average acquisition cost of phlogopite splittings was $1.00 per pound.

The correct estimated market price for standard, commercial type micas range from 10 cents per pound to $20 per pound, depending on color, form, grade, size, thickness and visual quality.

All of the above described micas have been in the stockpile for a period of 5 to 28 years.

The total annual storage cost for these micas is $10,102.

The tabulation set forth below reflects the total inventories of these materials in the stockpiles.

Mica, Muscovite block, stained and better—Uncommitted June 30, 1971

Inventory:	*Pounds*
National stockpile	7,076,277
Supplemental stockpile	1,952,350
DPA	5,546,896
Total, all inventories	14,575,523
Credited to film objective	840,700
Objective (established Mar. 13, 1964)	6,000,000
Total excess	[1] 7,734,823

[1] This plan applies to approximately 1,426,025 pounds of excesses in the national and supplemental stockpiles. The remaining excess of approximately 6,308,798 pounds was previously authorized for disposal under OEP (DPA) Jan. 14, 1966, and Public Law 89–419, May 11, 1966.

Mica, Muscovite film, first and second qualities—Uncommitted June 30, 1971

Inventory:	*Pounds*
National stockpile	1,249,745
Supplemental stockpile	116,556
DPA	102,681
840,700 pounds of black credited as film objective	588,525
Total, all inventories	2,057,507
Objective (established Jan. 17 1964)	2,000,000
Total excess	[2] 57,507

[2] This plan applies to approximately 51,087 pounds of the nonstockpile grade excesses in the national and supplemental stockpiles. The remaining excess of approximately 6,420 pounds was previously authorized for disposal under Public Law 89–419, May 11, 1966.

Mica, Muscovite splitting—Uncommitted June 30, 1971

Inventory:	*Pounds*
National stockpile	38,403,776
Supplemental stockpile	4,800,782
DPA	0
Total all inventories	43,204,588
Objective (established Jan. 17, 1969)	19,000,000
Total excess	[3] 24,204,558

[3] This plan applies to approximately 3,199,875 pounds of the excesses in the national and supplemental stockpiles. The remaining excess of approximately 21,004,683 pounds was previously authorized for disposal under Public Law 89–419. May 11, 1966.

Mica, phlogopite splittings—Uncommitted June 30 1971

Inventory:	*Pounds*
National stockpile	2,909,723
Supplemental stockpile	1,897,622
DPA	0
Total all inventories	4,807,345
Objective (established Jan. 17, 1969)	950,000
Total excess	[4] 3,857,345

[4] This plan applies to approximately 350,000 pounds of the excesses in the national and supplemental stockpiles. The remaining excess of approximately 3,507,345 pounds was prevously authorized for disposal under Public Law 80–418, May 13, 1966.

Method of disposal

The General Services Administration proposes to make the mica available: (*a*) for sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of Disposal

GSA proposes to make the excess mica available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of mica required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

U.S. production of sheet mica is negligible. The U.S. import sources in 1969 were India (82 percent), Brazil (14 percent), Malagasy Republic (3 percent), and others (1 per cent). Future demand will rely on imports. U.S. consumption of sheet mica in 1969 and estimated consumption for 1970 for each category are (in pounds):

	1969	1970
Muscovite block	1,387,999	1,100,000
Muscovite film	30,054	25,000
Muscovite splittings	4,799,000	4,400,000
Phlogopite block	79,816	65,000
Phlogopite splittings	278,000	250,000
Total	6,574,869	5,840,000

The consumption pattern for sheet mica in 1969 in the United States was:

Muscovite block: Electronic uses (70 percent), mainly capacitors and tubes; nonelectronics uses (30 percent).

Muscovite film: Electronic uses (100 percent) for capacitors.

Phlogopite block: Electronic uses (5.5 percent). Nonelectronic uses (94.5 percent). Nonelectronic uses are for filler in plastics, in paint, and roofing and asphalt shingles, and glass-bonding powdered natural mica.

Muscovite splittings: Fabricated into built-up mica which is used for insulation in electrical appliances.

Phlogopite splittings: Used largely for electrical insulation where high heat is involved.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the mica now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF METALLURGICAL GRADE MANGANESE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 759

An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million four hundred and twenty-four thousand eight hundred and forty short dry tons (manganese ore equivalent) of metallurgical grade manganese now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–394, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,424,840 short dry tons (manganese ore equivalent) of metallurgical grade manganese from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6 months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(c) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of metallurgical grade manganese is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of metallurgical grade manganese upon enactment of S. 759.

Manganese—Metallurgical grade ore

Metallurgical grade manganese ore should have a relatively high manganese content. The standard grade has a manganese content of 48 percent, although somewhat lower ores are usable. Ores with varying manganese content from 35 to 60 percent are often blended to provide uniform raw material for the production of ferromanganese. The ore must be low in impurities, deleterious in the manufacture of steel, such as sulphur, phosphorus, copper, lead, and zinc.

Manganese—metallurgical grade ore, is used in the manufacture of manganese metal ferromanganese, and special manganese alloys, which in turn are used to neutralize the effects of sulfur and to remove oxygen used as an addition to special steels to contribute toughness and resistance to shock and abrasion.

Sources.—Gabon, Brazil, Republic of South Africa, India, Congo and Australia.

Background information

As of June 30, 1971, the total inventory of metallurgical grade manganese held by General Services Administration was approximately 11,896,167 short dry tons. The present stockpile objective, established May 13, 1969, is 4 million short dry tons.

This disposal, which is covered by S. 759, applies to the excess of 4,424,840 short dry tons (manganese ore equivalent) of metallurgical grade manganese in the national and supplemental stockpiles, of which approximately 3,267,859 short dry tons are ore; approximately 576,060 short tons (1,152,120 short tons manganese ore equivalent) are high carbon ferromanganese and approximately 1,944 short tons (4,860 short tons manganese ore equivalent) are electrolytic manganese metal. Additionally, 3,500,000 short dry tons (manganese ore equivalent) of metallurgical grade manganese remain available for disposal under previous authorizations.

The acquisition cost of metallurgical grade manganese ore in the national stockpile was $39.60 per short dry ton and in the supplemental stockpile, $43.09 per short dry ton. The acquisition cost for high carbon ferromanganese in the national stockpile was $189.79 per short ton and in the supplemental stockpile $186.56 per short ton. The acquisition cost of electrolytic manganese metal in the national stockpile was $520.46 per short ton, and in the supplemental stockpile, $610.42 per short dry ton. The current estimated market price for standard, commercial type material is $28.00 per short dry ton for ore, $151.30 per short ton for high carbon ferromanganese, and $665 per short ton for electrolytic manganese metal.

This material has been in the stockpile for a period of 7 to 29 years. The annual storage cost for this material is $132,745.20.

Method of disposal

The General Services Administration proposes to make the metallurgical grade manganese available (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess metallurgical grade manganese available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of metallurgical grade manganese required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

U.S. production of metallurgical grade manganese amounted to 5,630 short dry tons in 1969, and an estimated 4,000 tons for 1970. U.S. consumption was approximately 2.1 million short tons in 1969 and 2.3 million short tons in 1970.

Imports of metallurgical grade manganese were 1,964,535 short tons in 1969, and 1,735,055 short tons in 1970. Principal import sources in 1970 were Brazil (35 percent), Republic of South Africa (8 percent), India (5 percent), Gabon (28 percent), Ghana (4 percent), and other countries (20 percent).

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the metallurgical grade manganese now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF MANGANESE, BATTERY GRADE SYNTHETIC DIOXIDE FROM THE NATIONAL STOCKPILE

S. 760

An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand eight hundred and five short dry tons of manganese, battery grade, synthetic dioxide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report (No. 92–395) explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,805 short dry tons of manganese, battery grade, synthetic dioxide from the national stockpile. In addition, the bill would waive the 6-months waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the

Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of manganese, battery grade, synthetic dioxide is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of manganese, battery grade, synthetic dioxide upon enactment of S. 760.

Manganese, battery grade, synthetic dioxide

Synthetic manganese dioxide is produced from natural manganese ones, either by the electrolysis of pregnant solution of manganese salts, or by chemical reduction of manganese salts. It is much more reactive than natural ore.

Synthetic manganese is used primarily in the manufacture of dry cells for batteries for military use. For such use, it is mixed with natural ore. It is also used in special types of commercial battery cells, such as in hearing aids. For battery use a minimum of 85 percent manganese oxide is required.

Source: Japan.

Background information

As of June 30, 1971, the total inventory of manganese, battery grade, synthetic dioxide held by General Services Administration was approximately 19,667 short dry tons. The present stockpile objective, established May 27, 1969, is 1,900 short dry tons. Of the excess 3,403 short dry tons remain available from Office of Emergency Preparedness authority of March 4, 1966, and 9,559 short dry tons remain available from Public Law 89–726, approved November 2, 1966. The additional excess of 4,805 short dry tons is covered by S. 760.

The average acquisition cost of manganese, battery grade, synthetic dioxide in the national stockpile was $145.52 per short dry ton. The current estimated market price for standard, commercial type manganese, battery grade, synthetic dioxide is $490 per short dry ton. This material has been in the stockpile for a period of 11½ to 16 years. The annual storage cost is $144.

Method of disposal

The General Services Administration proposes to make the manganese, battery grade, synthetic dioxide available: (*a*) for sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess manganese, battery grade, synthetic dioxide available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of manganese, battery grade, synthetic dioxide required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

U.S. production of the material was 12,000 short dry tons in 1969, with 11,000 short dry tons estimated for 1970. Imports in 1970 were 2,773 short dry tons, mainly from Japan, whereas domestic production results from processing ores imported from Ghana, Gabon, and Mexico, as well as from domestic ores. U.S. production and consumption rose steadily in the 4 years through 1969 when consumption was 14,000 short dry tons, with 14,350 short dry tons estimated for 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the manganese, battery grade, synthetic dioxide, now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF DIAMOND TOOLS FROM THE NATIONAL STOCKPILE

S. 761

An act to authorize the disposal of diamond tools from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately sixty-four thousand one hundred seventy-eight diamond tools now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Sec. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the Record is an excerpt from the report, No. 92–396, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 64,178 pieces of diamond tools from the national stockpile. In addition, the bill would waive the 6 months waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposal from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of diamond tools is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of diamond tools upon enactment of S. 761.

Industrial diamond tools

Industrial diamond tools are those that contain diamond stones that because of structure, color, flaws, or impurities, are unsuitable as gems and are mostly composed of a group of small interlocked crystals of exceptional toughness.

These industrial stones are used in tools and are usually classified on the basis of size, shape, and specification uses.

BACKGROUND INFORMATION

As of June 30, 1971, the total inventory of industrial diamond tools held by General Services Administration was approximately 64,178 pieces. Since no stockpile objective was established for industrial diamond tools, the total quantity is covered by S. 761. The average acquisition cost of the industrial diamond tools in the national stockpile was $15.82 per piece, or a total acquisition cost of $1,015,000. The current estimated market value of the tools is $12.00 per piece, for a total market value of $700,000. This material has been in the national stockpile for 28 years.

Method of disposal

The General Services Administration proposes to make the diamond tools available (*a*) for sale; (*b*) for transfer to agencies of the United States Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) or acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

Rate of disposal

GSA proposes to make the diamond tools available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of diamond tools required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and Consumption

There are no published statistics pertaining to production or consumption of diamond tools.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the diamond tools now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF CHROMIUM METAL FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 762

An act to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand two hundred thirty-eight short tons of chromium metal now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–397, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,238 short tons of chromium metal from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of chromium metal is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of chromium metal upon enactment of S. 762.

Chromium metal

Chromium metal is hard, brittle, and steel gray in color. Electrolytic and aluminothermic chromium metals differ, generally, only in the proportions of the minor amounts of the impurities in the metal. The metal usually consists of at least 98.75 percent chromium for the aluminothermic type and 99.20 percent for the electrolytic type. Electrolytic chromium metal is produced from metallurgical grade chromite and aluminothermic from chemical grade.

Chromium metal is used in the production of both ferrous and nonferrous alloys. These alloys are used for products requiring such, qualities as electric resistance, ability to withstand high temperatures or corrosion resistance. Chromium metal is also used in alloys for nonferrous metal cutting tools, chromium bronzes, hard facing materials, welding electrode tips, and high-strength aluminum alloys.

Sources: United Kingdom and Japan.

Background information

As of June 30, 1971, the total inventory of chromium metal held by General Services Administration was approximately 8,013 short tons. The present stockpile objective, approved June 9, 1971, is 3,775 short tons. The total excess of 4,238 short tons is covered by S. 762.

The average acquisition cost of the chromium metal in the national stockpile and in the supplemental stockpile was $2,200 per short ton.

The current estimated market price for standard, commercial type chromium metal is $2,300 per short ton. This metal has been in the stockpile for a period of 6 to 13 years. The annual storage cost is $297.

Method of disposal

The General Services Administration proposes to make the chromium metal available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section

303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2093(d).

Rate of disposal

GSA proposes to make the excess chromium metal available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of chromium metal required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Data on the U.S. production and consumption of chromium metal are company confidential, U.S. estimated consumptions for 1969 was 5,000 short tons and has been estimated at 4,000 tons for 1970. U S. imports were 1,491 short tons (gross weight) for 1969 and 1,892 short tons (gross weight) for 1970. Principal import sources for chromium metal in 1970 were United Kingdom (67 percent), Japan (22 percent), Canada (4 percent), and other countries (7 percent).

Fiscal Data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the chromium metal now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF AMOSITE ASBESTOS FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 763

An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately thirty-two thousand eight hundred and thirty-nine short tons of amosite asbestos now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–398, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 32,839 short tons of amosite asbestos from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of amosite asbestos is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of amosite asbestos upon enactment of S. 763.

Amosite asbestos

Amosite asbestos is a class of South African asbestos characterized by long, coarse, resilient fibers, which are difficult to spin. It comes in both light and dark grades, with fiber length up to 2 inches.

This material is used in manufacturing insulating felt, heat insulation (pipe covering, block and segments) and marine insulating board. The long fiber amosite is used principally in the manufacture of thermal insulation.

Sources: The only known commercial source is located in the Republic of South Africa. It is imported as crude asbestos. The fiberizing and processing into blankets and shapes is done domestically.

Background information

As of June 30, 1971, the total inventory of amosite asbestos held by General Services Administration was approximately 59,315 short tons. The present stockpile objective, established February 9, 1971, is approximately 18,400 short tons. The excess previously authorized for disposal under P.L. 89–422, enacted May 11, 1966, totals approximately 8,076 short tons. The remaining 32,839 short tons are exceess and are covered by S. 763.

The average acquisition cost of the amosite asbestos in the national stockpile was $225.35 per short ton and in the supplemental stockpile $249.79 per short ton. The current estimated market price for standard commercial type amosite asbestos is $211.80 per short ton. The annual storage cost for this material is $47,091.41. This material has been in the stockpile for a period of 4 to 22 years.

Method of disposal

The General Services Administration proposes to make the amosite asbestos available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess amosite asbestos available for commercial sale over a period of years. The quantity and timing of disposal will be determined upon evaluation of previous sales and current market conditions. Quantities of amosite asbestos required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

There is no production of amosite asbestos in the U.S. Imports in 1968 were 20,603 short tons, 14,619 short tons in 1969, and 14,261 short tons for 1970. U.S. consumption declined from 18,000 short tons in 1968 to 15,000 short tons in 1969 and is estimated to have been 15,000 short tons in 1970. The Republic of South Africa supplies virtually all imports of this material.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the Amosite Asbestos now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF ANTIMONY FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 765

An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately six thousand short tons of antimony now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in futherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–399, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 6,000 short tons of antimony from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of antimony is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of antimony upon enactment of S. 765.

Antimony

Antimony is a bluish-white, brittle metal, neither malleable nor ductile, which is easily reduced to powder. It has the general physical properties of a metal and the chemical properties of a nonmetal. It has no important use alone as a metal. The principal ore of antimony is sibnite which also contains sulfur. Antimony ore is produced by roasting the ore to remove the sulfur and reducing the remaining white oxide in a carbon mixture with strong heat. Antimony is also recovered as a byproduct of silica-lead-copper ores.

Antimony has wide applications in many industries. Its chief uses in metals are for lead hardening, solder, battery plates, cable coverings, type metal, and to impart hardness and a smooth surface to soft metal alloys such as babbit bearings. Nonmetallic uses are for frits (enamel-making powder) and ceramic enamels; paints and lacquers, flameproofing of textiles, marine antifouling paints, and ammunition primers.

Sources: Yugoslavia, United Kingdom, Belgium, Mexico, Republic of South Africa, and Bolivia.

Background information

As of June 30, 1971, the total inventory of antimony held by General Services Administration was approximately 46,747 short tons. The present stockpile objective, established April 8, 1970, is 40,700 short tons. The remaining 6,047 short tons are excess and are covered by S. 765.

The average acquisition cost of antimony metal in the national stockpile was $695.46 per short ton and in the supplemental stockpile $596.32 per short ton. The current estimated market price for standard, commercial type antimony is $1,140 per short ton. The annual storage cost for the antimony metal presently in the stockpile inventory is $4,260. This material has been in the stockpile for a period of 6½ to 24 years.

Method of disposal

The General Services Administration proposes to make the antimony available: (*a*) For sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2093(d).

Rate of disposal

GSA proposes to make the excess antimony available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of antimony required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Disposal procedure

Industry representatives expressed concern regarding the timing, method of sale, and rate at which the Government might dispose of the stockpile excess antimony. It was agreed that GSA's method of sale and rate of disposal would be coordinated with all segments of the industry prior to any release of material and every precaution would be exercised to protect producers, processors, and consumers against avoidable disruption of their usual market.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

In 1970 U.S. production was 1,013 short tons from mines, 12,337 short tons from smelters, and 22,000 short tons from secondary plants. U.S. consumption of antimony from both primary and secondary sources was 42,219 short tons in 1968, 41,683 short tons in 1969, and an estimated 38,000 short tons in 1970.

U.S. imports of antimony ore, metal, and oxide were 17,343 short tons in 1968, 17,032 short tons in 1969, and 19,933 short tons in 1970. Principal import sources for metal in 1970 were Yugoslavia (8 percent), United Kingdom (23 percent), Japan (9 percent), and Mexico (28 percent), and other countries (32 percent). Imports of ores and concentrates during 1970 were: Mexico (29 percent), Republic of South Africa (44 percent), Bolivia (16 percent), and other countries (11 percent).

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the antimony now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF RARE-EARTH MATERIALS FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 767

An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eight thousand two hundred and thirty-three short dry tons (rare-earth oxides content) or rare-earth materials now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–400, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 8,233 short dry tons (rare-earth oxides content) of rare-earth material from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of rare-earth materials is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of rare-earth materials upon enactment of S. 767.

Rare earth materials

The rare earths comprise a group of 15 closely associated and similar elements, which are notable for their peculiar electron-sensitive and light-sensitive nature. The separation of the individual elements from the ore is extremely difficult and costly, and for this reason, some applications use the rare earths as a group in the form of misch metal rather than as individual elements or compounds. Monazite and bastnasite ores are the principal sources of rare-earth metals. Other ores containing rare earths are mined chiefly for other metallic elements. Thorium always occurs with monazite and bastnasite, but is not a rare earth.

About 60 percent of U.S. rare-earth compound consumption goes into the making of cracking catalysts for petroleum refining. The most familiar use is for sparking metal in cigarette lighters. The addition of rare earths to the steel bath in the form of misch metal improves the hot working qualities of certain steels which are difficult to forge and roll. Additions of rare earths are made to some armor plate and heavy forgings, to stainless steel and to magnesium castings. Rare earths are also used in the glass industry as a coloring agent and polishing medium and also constitute the core in arc carbons used in projectors and search lights. Rare earths are also used in electronic equipment.

Sources. Australia, India, Malaysia, and Brazil.

Background information

As of June 30, 1971, the total inventory of rare-earth materials held by General Services Administration was 12,241 short dry tons. Of this total 4,008 short dry tons remain available for sale under authority of Public Law 90–152 (approved Nov. 24, 1967). The additional excess of 8,233 short dry tons is covered by S. 767.

The Office of Emergency Preparedness approved a new review of the stockpile objective for rare-earth materials on March 4, 1970. At that time, the objective for rare-earth material was reduced from 6,500 short dry tons to zero, and rare-earth materials was deleted from the list of strategic and critical materals. The reduction of this objective to zero was due to a change in stockpile policy in February 1970, which eliminated the concentration discounts which had been applied by the major U.S. producer. The zero objective was concurred in by the interested departments and agencies, including the Department of Defense.

The average acquisition (rare-earth oxides content) of rare-earth materials in the national and supplemental stockpiles was $804.77 per short dry ton. The current estimated market price for standard, commercial type rare-earth materials ranges from $45 to $700 per short dry ton. This material has been in the stockpile for a period of 6½ to 26½ years. The annual storage cost is $20,089.

Method of disposal

The General Services Administration proposes to make the rare-earth materials available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the said quantity of excess rare-earth materials available for commercial sale over a period of years. Quantities and timing of disposal will be determined upon evaluation of previous sales and current market conditions. Quantities of rare-earth materials required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The U.S. produces half of the world's rare earth oxides in concentrates and is the main market for rare earth products. Imports of monazite concentrates were 4,206 short tons in 1969 and 3,448 tons for 1970.

Australia accounted for about 59 percent of U.S. imports in 1969. U.S. industrial consumption of rare-earth oxides increased from 5,700 short tons in 1966 to 8,820 tons in 1969, and estimated at 10,000 tons for 1970. Major world producers besides the United States are Australia, India, Malaysia, and Brazil.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the rare-earth materials now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF CHEMICAL GRADE CHROMITE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 768

An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and twenty-four thousand five hundred short dry tons of chemical grade chromite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against available disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–401, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 324,500 short dry tons of chemical grade chromite from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6 months waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of chemical grade chromite is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of chemical grade chromite upon enactment of S. 768.

Chemical grade chromite

Chemical grade chromite is a mineral which, so far as the chemical industry of the United States is concerned, is exclusively of South African ore commonly known as Transvaal, Grade B, friable, for which the standard Cr_2O_3 content is 44 percent. While the industry could use other grades of ore of higher or lower specification, operations for a considerable period of years have been based solely on this one type.

Chrome chemicals are used in a wide variety of applications; the largest being metal protection (plating and anodizing), manufacture of pigments for paint (as green chrome oxide), and the tanning of leather (for shoes). Other applications include uses in the textile and chemical industries. There are also many industrial applications where resistance to wear, corrosion and heat is important, e.g., in engines, marine equipment, and military items.

Source: The entire United States supply of chemical grade chromite is imported from the Republic of South Africa.

Background information

As of June 30, 1971, the total inventory of chemical grade chromite held by General Services Administration was approximately 574,500 short dry tons. The present stockpile objective, established June 9, 1971, is 250,000 short dry tons. The additional excess of 324,500 short dry tons is covered by S. 768.

The average acquisition cost of chemical grade chromite in the national and supplemental stockpiles was $19.84 per short dry ton. The current estimated market price of standard, commercial type chemical grade chromite is $22.32 per short dry ton. This material has been in the stockpile for a period of 7 to 22½ years. Annual storage cost is $22,715.

Method of disposal

The General Services Administration proposes to make the chemical grade chromite available: (a) for sale; (b) for transfer to agencies of the United States Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess chemical grade chromite available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of chemical grade chromite required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The U.S. does not produce chemical grade chromite but obtains its entire supply from the Republic of South Africa. U.S. consumption of chemical grade chromite by the chemical industry has fluctuated during the last few years, but averaged 197,300 short tons during the 1967–69 period and was 209,842 in 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the Chemical Grade Chromite now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF INDUSTRIAL DIAMOND STONES FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 769

An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million nine hundred and sixty-one thousand carats of industrial diamond stones now held in the national stockpile established pursuant to the Strategic and

Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–402, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,961,000 carats of industrial diamond stones from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6 months' waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sales or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of industrial diamond stones is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of industrial diamond stones upon enactment of S. 769.

Industrial diamond stones

Industrial diamond stones are those that, because of structure, color, flaws, or impurities, are unsuitable as gems, and are mostly composed of a group of small interlocked crystals of exceptional toughness. Industrial diamond stones are usually classified on the basis of size and shape for specific uses. Stones to be used for diamond dies are examined in polarized light to determine any internal stresses and are then drilled, or pierced electrically, with the die-hold axis parallel to the cleavage planes.

Industrial diamond stones are used in grinding wheels to shape and sharpen tungsten carbide cutting tools, and as the cutting edges of tools used for turning, grinding, and drilling hard metals.

Sources.—Africa is the only important source of industrial diamonds, Congo being the principal producer. Minor amounts (less than 2 percent of U.S. consumption) come from Brazil, Venezuela, and British Guiana. The initial sale of virtually all diamonds is rigidly controlled by a foreign cartel.

Background information

As of June 30, 1971, the total inventory of industrial diamond stones held by General Services Administration was approximately 25,141,634 carats. The present stockpile objective, established December 3, 1969, is approximately 20 million carats. The excess previously authorized for disposal under Public Law 89–723, approved November 2, 1966, totals approximately 177,840 carats. The additional excess of 4,961,000 carats of industrial diamond stones is covered by S. 769.

The average acquisition cost of industrial diamond stones in the national and supplemental stockpiles was $11.12 per carat. The current estimated market price for standard, commercial type diamond stones ranges from $3 per carat to $55 per carat. This material has been in the stockpile for a period of 3 to 28 years.

Method of disposal

The General Services Administration proposes to make the industrial diamond stones available: (*a*) for sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2093(d).

Rate of disposal

GSA proposes to make the excess industrial diamond stones available for commercial sale over a period of years.

The quantities and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of this material required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Disposal procedure

Industry representatives expressed concern that sizable sales of the stockpile excesses could disrupt both domestic and foreign markets. It was agreed that sales by GSA should not exceed 10 percent of the domestic and foreign consumption of that particular type of the industrial diamond materials being offered from the Government excesses. Industry representatives currently estimate that sales should be at a rate of about 90,000 carats for domestic consumption and 150,000 carats for foreign consumption. It was understood that any sales abroad would preclude reimport into the United States. It was also agreed that the GSA sales offerings could be adjusted upward if there was evidence of increased domestic or foreign consumption. Any revision made by GSA in the disposal offering rate would be preceded by discussion and approval of the industrial diamond working group.

Periodic review of program

This disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Production of natural industrial diamond stones is from the Republic of South Africa, Ghana, and the Republic of the Congo (Kinshasa), although import sources of the United States include Brazil, Venezuela, and Guyana. There is no U.S. production. U.S. demand for industrial diamonds has been strong and should be sustained in the foreseeable future. Consumption in the United States in 1969 was 2,350,000 carats, with 3 million for 1970. U.S. imports during 1969 were 5.5 million carats, and 1970 imports were 6 million carats.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the industrial diamond stones now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF COLUMBIUM FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 770

An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five million ten thousand seven hundred and sixteen pounds (Cb content) of columbium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from report No. 92–403, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 5,010,716 pounds (Cb content) of columbium from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National Stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental Stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of [columbium] is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of [columbium] upon enactment of S. 770.

Columbium

Columbium is the metal produced from columbite ore. Columbite ore is an ore of columbium which occurs in combination with tantalum. The material is called columbite or tantalite, depending upon which metal predominates. Predominantly-columbium concentrates are usually employed to produce ferrocolumbium, which is the form used to introduce columbium into steel alloys. To a lesser extent, columbite is used to produce pure columbium metal and columbium carbides.

Columbium is used as ferrocolumbium (55 percent columbium, 5 percent tantalum) and as ferrotantalum-columbium (40 percent columbium, 20 percent tantalum) to stabilize the carbon content of stainless steel. The addition of columbium inhibits intergranular corrosion and improves creep, impact and fatigue strength. These qualities of columbium treated steel are important for jet engine and gas turbine parts. Columbium is also a constituent of high temperature nonferrous alloys of cobalt and nickel. Columbium carbides are used in cutting tools.

Sources: Brazil, Nigeria, Canada, and various other countries.

Background information

As of June 30. 1971, the total inventory of columbium held by General Services Administration was approximately 9,408,496 pounds. The present stockpile objective, established April 17, 1964, is approximately 1,176,000 pounds.

This disposal is limited to the approximately 5,010,716 pounds (Cb content) of columbium in the national and supplemental stockpiles, of which approximately 4,376,758 pounds are concentrates, approximately 1,614 pounds are columbium carbide powder, approximately 95,383 pounds are columbium oxide powder and approximately 536,961 pounds are ferrocolumbium. The excess quantity of approximately 935,685 pounds (Cb content) of concentrates in the Defense Production Act inventory was authorized for disposal by OEP on December 30, 1965. The additional excess of 5,010,716 pounds (Cb content) is covered by S. 770.

The average acquisition cost of columbium concentrates in the national and supplemental stockpiles and Defense Production Act inventory was $3.96 per pound of contained columbium. The average acquisition costs of columbium carbide powder, columbium oxide powder, and ferrocolumbium in the national stockpile were $10.14 per pound, $7.85 per pound, and $4.27 per pound respectively. The current estimated market price for standard, commercial type columbium concentrates ranges from $1.22 to $1.29 per pound of contained columbium, while columbium carbide powder is $14 per pound, columbium oxide powder $2.60 per pound and ferrocolumbium (high purity) $5.47 per pound of contained columbium.

The annual storage cost is $3,356. This material has been in the stockpile for a period of 12 to 22½ years.

Method of disposal

The General Services Administration proposes to make the columbium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess columbium available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of columbium required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such consultation advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The United States does not produce columbium. Consumption of columbium concentrates in the United States amounted to 3,997,000 pounds (contained Cb) in 1968, 2,918,000 pounds (contained Cb) in 1969, and estimated at 3,000,000 pounds (contained Cb) in 1970. The primary use of columbium, in making ferrocolumbium, decreased 16 percent in 1970. Import sources for concentrates during calendar year 1970 were Brazil (59 percent), Nigeria (11 percent), Canada (22 percent), and various other countries (8 percent).

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the columbium now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF SELENIUM FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 771

An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four hundred and seventy-five thousand pounds of selenium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50

U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–404, explaining the purpose of this measure.

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 475,000 pounds of selenium from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(c) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of selenium is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of selenium upon enactment of S. 771.

Selenium

Selenium is a metal generally found in combination with sulphur, iron and copper pyrites, and uranium. Nearly all commercial selenium is now produced from residual sludges in electrolytic copper refining. Some is found native, in volcanic tuffs, shales and alluvial soils, but economic means have not yet been found to recover selenium from these sources. Commercial selenium is generally in the form of a grayish black metallic powder or pellets having a slight reddish cast. Selenium in any form is poisonous.

Selenium is used in the manufacture of rectifiers, photoelectric cells and exposure meters, cathode ray tubes, photosynthesized goods, stainless steels, and in xerography. It serves as a decolorizer in glass making and also imparts color. It is also used in paints as an inhibitor and antifunding agent; in rubber as an accelerator and to increase abrasion resistance; in the manufacture of biologicals, cortisone and niacin; as an inhibitor in lubricants and other petroleum products and as a reagent chemical.

Sources: Canada, Japan, and West Germany.

Background information

As of June 30, 1971, the total inventory of selenium held by General Services Administration was approximately 475,000 pounds. The total excess of 475,000 pounds is covered by S. 771. The Office of Emergency Preparedness, on March 4, 1970, approved a review of the stockpile objective for selenium. At that time, the objective for selenium was reduced from 475,000 pounds to zero, and selenium was deleted from the list of strategic and critical materials. The elimination of the selenium objective was due to the removal of the discount for domestic concentration and was concurred in by the interested departments and agencies, including the Department of Defense.

The average acquisition cost of selenium in the national and supplemental stockpiles was $5.78 per pound. The current estimated market price of standard, commercial type selenium is $9 per pound. This material has been in the stockpile for a period of 3½ to 23½ years. The annual storage cost is $1,190.

Method of disposal

The General Services Administration proposes to make the selenium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess selenium available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of selenium required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Primary production in the United States increased from 540,000 pounds in 1965 to 1,005,000 pounds in 1970. Imports of metal and compounds for consumption increased from 286,000 pounds in 1966 to 546,000 pounds in 1969, but decreased to 462,000 pounds in 1970. Apparent consumption in 1970 including exports, was 1,486,000 pounds. Of the total imports for 1970, 99 percent came from Canada, and the rest from Japan and West Germany.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the selenium now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF CELESTITE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

S. 772

An Act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twelve thousand two hundred and seventy short dry tons of celestite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock-Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the materials covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–405, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 12,270 short dry tons of celestite from the national stockpile and the supplemental stockpile. In addition, the bill would waive the 6 months' waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the Act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act, which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss of the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 450), provided that materials shall be released from the supplemental stockpile, only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of celestite is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of celestite upon enactment of S. 772.

Celestite

Celestite is a strontium sulfate material used as the principal source of strontium in the production of strontiums chemicals. These chemicals impart a brilliant red color to the flame and, consequently, have found extensive use of tracer bullets, rockets, flares, fuses, fireworks, etc.

The strontium compounds are used in ceramics, and to a minor extent in pharmaceutical and electron tube manufacture.

Sources: England, Mexico, and Spain.

Background information

As of June 30, 1971, the total inventory of celestite held by GSA was 25,849 short dry tons, all of which is excess. Of this amount, 12,270 short tons is covered by the proposed bill. The remaining excess falls within the category of nonstockpile grade material and was authorized for disposal by House Concurrent Resolution 473, 87th Congress.

The average acquisition cost of celestite in the national stockpile was $48.68 per short dry ton and in the supplemental stockpile was $43.91 per short dry ton. The current estimated market price for standard, commercial-type celestite ranges from $20 to $33.40 per short dry ton.

The Office of Emergency Preparedness, on June 8, 1970, approved a review of the stockpile objective for celestite. At that time, the objective for celestite was reduced from 23,750 short dry tons to zero, and celestite was deleted from the list of strategic and critical materials. The elimination of the celestite objective was due to the development by Kaiser Aluminum of an extremely large celestite ore body on Cape Breton Island, Nova Scotia. Production began in 1970.

The annual storage cost for celestite is $2,822. This material has been in the stockpile for a period of 5½ to 20½ years.

Method of disposal

The General Services Administration proposes to make the celestite available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess celestite available for commercial sale over a period of years. The quantity and timing of disposal will be determined upon evaluation of sales under the program and current market conditions. Quantities of celestite required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such consultation advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Free world production of strontium minerals in 1970 was approximately 19,685 short tons (strontium content), a 25-percent increase over the 15,716 short tons produced in 1969. Most of the increase occurred in Mexico and was shipped to the United States. There is no domestic production of celestite. U.S. imports in terms of strontium content in 1969 were 12,595 short tons; 1970 imports were 16,876 short tons, of which 78 percent came from Mexico; 13 percent from the United Kingdom; and 9 percent from Spain.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the celestite now held in the national stockpile and the supplemental stockpile.

AUTHORIZING THE DISPOSAL OF VANADIUM FROM THE NATIONAL STOCKPILE

S. 774

An act to authorize the disposal of vanadium from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one thousand two hundred short tons of vanadium (V content) now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–406, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 1,200 short tons (V content) of vanadium from the national stockpile. In addition, the bill would waive the 6 months waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of vanadium is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of vanadium upon enactment of S. 774.

Vanadium

Vanadium is a pale-gray metal with a silvery luster. It occurs in combination with other minerals or metals, including uranium and phosphate rock. Vanadium readily alloys with iron. When added to steel, it toughens and strengthens it—forming hard carbides which are retained at high temperatures. Vanadium increases tensile strength without lowering ductility.

Ferro-vanadium is the most important single vanadium product and it is used in the manufacture of high strength structural steels, tool steels, high speed steel and related products requiring toughness and strength at high temperatures. It is also used in welding electrode castings on an oxidizer.

Sources: Austria, West Germany, Belgium, United Kingdom, and Sweden.

Background information

As of June 30, 1971, the total inventory of vanadium held by General Services Administration was approximately 3,306 short tons, of which 1,200 short tons was vanadium ferro, and 2,106 short tons was vanadium pentoxide. The present stockpile objective, established March 4, 1970, is 540 short tons. Of the excess previously authorized for disposal under Public Law 89-424, approved May 11, 1966, approximately 1,566 short tons V of vanadium pentoxide remain available for disposal. The additional excess of 1,200 short tons (V content) of ferro vanadium, is covered by S. 774.

The average acquisition cost of the ferrovanadium in the national stockpile was $4,798 per short ton. The current estimated market price for standard, commercial type ferrovanadium is $8,240 per short ton (V content).

This material has been in the stockpile for a period of 8½ to 22½ years. The annual storage cost is $3,360.

Method of disposal

The General Services Administration proposes to make the vanadium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093 (d).

Rate of disposal

GSA proposes to make the excess vanadium available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of vanadium required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such consultation advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Production of ferrovanadium in the United States increased from 5,775 short tons (of contained vanadium) in 1969 to an estimated 6,353 tons for 1970. Consumption of vanadium in ferrovanadium was 5,193 short tons (of contained vanadium) in 1969 and an estimated 4,251 short tons for 1970. The major import source for ferrovanadium in 1970 was West Germany. United States exports of ferrovanadium increased from 644 short tons in 1969 to an estimated 2,154 short tons for 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal treasury as a consequence of the proceeds of the sale of the vanadium now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF MAGNESIUM FROM THE NATIONAL STOCKPILE

S. 775

An Act to authorize the disposal of magnesium from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately seventy-eight thousand short tons of magnesium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92-407, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 78,000 short tons of magnesium from the national stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Material Stock Piling Act.

Disposal from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of magnesium is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of magnesium upon enactment of S. 775.

Magnesium

Magnesum is the lightest of the commercial metals produced in quantity at relatively low cost. The metal is ductile and easily machineable and imparts these qualities to iron and steel in alloys. It is silvery in color, but oxidizes and tarnishes in moist air. In finely divided form, it is easily ignited and burns with an intense white light. The solid form must be heated above its melting point before it will burn.

Magnesium is used in aircraft chiefly in structural forms and sheet. It enters into alloys of iron, zinc, and aluminum, and serves in castings, forgings, and extrusions. It is also used for recovery processing for titanium, scavenger and deoxidizing applications in metallurgy.

Sources: Canada, United Kingdom, and West Germany.

Background information

As of June 30, 1971, the total inventory of magnesium held by General Services Administration was approximately 98,774 short tons, all of which is excess. Of this quantity approximately 20,800 short tons were authorized for disposal by the Congress in Public Laws 90–604 and 91–321, dated October 18, 1968, and July 10, 1970, respectively. The additional excess of 78,000 short tons is covered by S. 775.

The Office of Emergency Preparedness, on March 4, 1970, approved a review of the stockpile objective for magnesium. At that time, the objective for magnesium was reduced from 78,000 short tons to zero, and magnesium was deleted from the list of strategic and critical materials. The elimination of the magnesium objective was due to the removal of the domestic concentration discount and increased U.S. capacities, and was concurred in by the interested departments and agencies, including the Department of Defense.

The average acquisition cost of magnesium was $726 per short ton. The current estimated market price for standard commercial type magnesium ranges from $725 to $765 per short ton. This material has been in the stockpile for a period of 13½ to 24½ years. The annual storage cost is $49,140.

Method of disposal

The General Services Administration proposes to make the magnesium available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2093(d).

Rate of disposal

GSA proposes to make the 78,000 short tons of excess magnesium available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of previous sales and current market conditions. Quantities of this material required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The United States is the world's largest producer of magnesium. Demand for magnesium is increasing at a significant rate, due to new commercial uses. The U.S. productive capacity is on the increase as the new facilities continue to come on stream. U.S. production of primary magnesium was 99,886 short tons in 1969 and 112,007 short tons in 1970. U.S. consumption in 1970 was about 100,000 short tons. Only 2,948 short tons were imported in 1969. Major import sources are Canada, West Germany, and the United Kingdom.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the magnesium now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF ABACA FROM THE NATIONAL STOCKPILE

S. 776

An Act to authorize the disposal of abaca from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twenty-five million pounds of abaca now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–408, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 25 million pounds of abaca from the national stockpile. In addition, the bill would waive the 6 months waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of abaca is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United Sates against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of abaca upon enactment of S. 776.

Abaca

Abaca fiber (Manila hemp) is decorticated or stripped from the long leaves of the *Musa textiles,* a plant of the banana family growing only in humid tropical climates. The plant is propagated from root stock and requires 2 to 3 years to mature.

The major military use of abaca is for marine cordage, but its use has been declining because of growing competition from synthetic cordage fibers, such as nylon, polypropylene and terylene. It is also used for guy ropes, construction uses and miscellaneous paper products.

Source: Philippines.

Background information

As of June 30, 1971, the total inventory of abaca held by GSA was approximately 64.8 million pounds. The present stockpile objective established April 8, 1970, is 25 million pounds. Of the 39.8 million pounds of excess, approximately 14.9 million pounds are available for sale under a previous authorization (Public Law 89–279) and approximately 25 million pounds are covered by the proposed bill. The average acquisition cost of the abaca in the national stockpile was 25 cents per pound. The current estimated market price for standard, commercial type abaca is about 24 cents per pound.

This material has been in the stockpile for a period of 7½ to 13½ years. The annual storage cost is $60,500.

Method of disposal

The General Services Administration proposes to make the abaca available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 209d(d)).

Rate of disposal

GSA proposes to make the excess abaca available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the present program and current market conditions. Quantities of abaca for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The Philippines account for approximately 95 percent of world production of abaca. Philippine production, as well as exports, have been declining because of growing competition from synthetic cordage fibers, such as nylon, polypropylene and terylene. Prices, however, have increased over last year. Partially offsetting a long-range decline in demand for abaca in cordage is increased usage of the material in the manufacture of paper products. U.S. consumption has dropped from 85 million pounds during 1968 to 75 million pounds in 1969, with 75 million pounds estimated for 1970. Imports of abaca, mainly from the Philippines, have declined in recent years to a low of approximately 47,915,840 pounds in 1969.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the abaca now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF SISAL FROM THE NATIONAL STOCKPILE

S. 777

An act to authorize the disposal of sisal from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred million pounds of sisal now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–409, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 100 million pounds of sisal from the national stockpile. In addition, the bill would waive the 6-month waiting period ordinarily required for disposal of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(c) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, *is by* reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of [sisal] is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of [sisal] upon enactment of S. 777.

Sisal

Sisal fiber is decorticated or stripped from the large leaves of the *Agave sisalana,* a tropical plant which grows best in semiarid regions. The plant is cut for fiber after 3 years and continues to produce for 5 years.

Major uses in addition to rope, are for baler, binder, and wrapping twine, upholstery and padding, wire rope centers, and reinforcement for paper and plastics.

Sources: Brazil, Tanzania, Haiti, East Africa, and other countries 49 percent.

Background information

As of June 30, 1971, the total inventory of sisal (cordage fiber) held by General Services Administration was approximately 198,800,000 pounds. The present stockpile objective, established April 8, 1970, is 100 million pounds. The total excess of approximately 100 million pounds is covered by S. 777.

The average acquisition cost of the sisal in the national stockpile was 13½ cents per pound. The current estimated market price for standard, commercial-type sisal is 8 cents per pound. This material has been in the stockpile for a period of 7½ to 11½ years. The annual storage cost is $242,000.

Method of disposal

The General Service Administration proposes to make the sisal available: (*a*) for sale; (*b*) for transfer to agencies of the U.S. Government; or (*c*) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess sisal available for commercial sale over a period of years. The quantities and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Qualities of sisal required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or at any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

The United States does not produce sisal. World production for sisal was approximately 1.4 billion pounds for 1970. Over the past year, world production has dropped. Tanzania, Brazil, and Kenya are the major producers. Prices have declined from 17 cents per pound in 1964 to about 8.10 cents in June 1971.

Import sources are Brazil, 21 percent; Tanzania, 12 percent; Haiti, 12 percent; east Africa, 6 percent; and other countries 49 percent.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the sisal now held in the national stockpile.

AUTHORIZING THE DISPOSAL OF KYANITE-MULLITE FROM THE NATIONAL STOCKPILE

S. 778

An act to authorize the disposal of kyanite-mullite from the national stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand eight hundred twenty short dry tons of kyanite-mullite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. BENNETT. Mr. Speaker, set forth below for inclusion in the RECORD is an excerpt from the report, No. 92–410, explaining the purpose of this measure:

PURPOSE OF THE BILL

The legislation would provide congressional approval of the disposition of approximately 4,820 short dry tons of kyanite-mullite from the national stockpile. In addition, the bill would waive the 6-months waiting period ordinarily required for disposition of strategic and critical material from the national stockpile.

BASIC LAW

National stockpile

Under section 2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a), the Director of the Office of Emergency Preparedness is authorized and directed to determine which materials are strategic and critical under the provisions of the act and the quality and quantities of such materials which shall be stockpiled under the act.

Section 3(e) authorizes General Services Administration, at the direction of the Director of the Office of Emergency Preparedness, to dispose of any materials held pursuant to the act which are no longer needed because of any revised determination made pursuant to section 2. Notice of any disposition must be published in the Federal Register and transmitted to the Congress and to the Armed Services Committee of each House thereof. The plan and date of disposition must be fixed with due regard to the protection of the United States against avoidable loss on the sale or transfer of material to be released, and the protection of producers, processors, and consumers against disruption of their usual markets. The express approval of the Congress of any proposed disposition is required unless the revised determination, referred to above, is by reason of obsolescence of the material to be disposed of.

Supplemental stockpile

The legislation which established the supplemental stockpile, section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456), provided that materials shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act.

Disposals from the national stockpile and supplemental stockpile

As indicated in the statutes cited above, congressional approval is required for the disposal of materials in both the national stockpile and the supplemental stockpile except in those instances where the proposed disposal action is based on a determination that the material has become obsolescent for use during time of war.

Since the proposed disposal of kyanite-mullite is not based on obsolescence, the proposed disposal requires the express approval of the Congress.

In addition, the bill would waive the procedural requirements of section 3 of the Stock Piling Act (50 U.S.C. 98b) with respect to publication and transmittal of notice and the 6-month waiting period. The bill would, however, preserve the substantive requirements of section 3 with respect to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets. Thus, the waiver will permit the immediate disposal of kyanite-mullite upon enactment of S. 778.

Kyanite-mullite

Kyanite is a natural silicate of aluminium, which is important to the refractoring industry. When heated above its decomposition temperature, kyanite is changed to mullite which is less affected by high temperatures than fire clay refractories. Mullite refractories, although relatively expensive, are used for certain super-duty purposes; for example in glass melting furnaces; for melting high-copper brasses and bronzes, copper nickel alloys and some steels and ferrous alloys; for zinc smelting and gold refining; and the manufacture of ceramics. Pouring ladles and electric arc furnaces often require mullite refractories exclusively. Kyanite is also used to some extent as a material in manufacture of glass and high quality porcelain.

Sources: India.

Background information

As of June 30, 1971, the total inventory of kyanite-mullite held by General Services Administration was approximately 4,820 short tons. The Office of Emergency Preparedness approved a review of the stockpile objective for kyanite-mullite on March 4, 1970. At that time, the objective for kyanite-mullite was reduced from 4,820 short dry tons to zero, and kyanite-mullite was deleted from the list of strategic and critical materials. The elimination of the kyanite-mullite objective was due to the removal of the domestic concentration discount and was concurred in by all the interested departments and agencies, including the Department of Defense. The total excess of 4,820 short tons is covered by S. 778.

The average acquisition cost of kyanite-mullite in the national stockpile was $86.45 per short dry ton. The current market price for standard, commercial type material ranges from $63 to $70 per short dry ton for natural Indian kyanite to $132 per short ton for electrically fused synthetic mullite.

The annual storage cost is $4,145. The kyanite has been in the stockpile for a period of 21 years; mullite for a period of 19 to 20½ years.

Method of disposal

The General Services Administration proposes to make the kyanite-mullite available: (a) for sale; (b) for transfer to agencies of the U.S. Government; or (c) to the extent authorized by law, as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, beneficiating, or rotating material pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b, and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2093(d).

Rate of disposal

GSA proposes to make the excess kyanite-mullite available for commercial sale over a period of years. The quantity and timing of disposals will be determined upon evaluation of sales under the program and current market conditions. Quantities of kyanite-mullite required for transfer directly to Government agencies will be over and above those involved in the commercial sales program.

Periodic review of program

The disposal program will be subject to continuous scrutiny and the Administrator of General Services will consult with other Federal agencies concerned at any time he considers such action advisable, or any time consultation is requested by such agencies. If any significant modification of the program appears necessary or advisable as a result of such consultation, the change will be publicly announced.

Production and consumption

Four U.S. companies, each with complete mining and processing facilities, supplied 100 percent of marketable kyanite production in 1970. Production statistics are considered company confidential information and are not published. Synthetic mullite output amounted to 48,588 short tons in 1969 and is estimated at 48,000 tons for 1970. Apparent consumption of kyanite-mullite for the period 1965 through 1969 was more than 100,000 short tons per year. Imports of kyanite decreased to 2,088 in 1969 and 1,200 tons for 1970. The bulk of imports in 1970 came from India. Other suppliers were the Republic of South Africa, Canada, and Mozambique. Exports of kyanite and mullite amounted to 10,200 short tons in 1965 and increased to 19,696 tons in 1969 are estimated at 25,000 tons for 1970.

Fiscal data

The enactment of this legislation will result in no additional cost to the Federal Government, but will result in substantial return to the Federal Treasury as a consequence of the proceeds of the sale of the kyanite-mullite now held in the national stockpile.

The sundry bills listed were ordered to be read a third time, were read the third time, and passed, and a motion to reconsider was laid on the table.

INTERSTATE AGREEMENT REGARDING CERTAIN MOTOR VEHICLE FEES

Mr. McMILLAN. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. MIKVA. I object.

The SPEAKER. Objection is heard.

AMENDING THE ACT REGULATING THE PRACTICE OF PODIATRY IN THE DISTRICT OF COLUMBIA

Mr. STUCKEY. Mr. Speaker I ask unanimous consent for the immediate consideration of the bill (H.R. 2595) to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to regulate the practice of podiatry in the District of Columbia", approved May 23, 1918 (40 Stat. 560), as amended (see 2–705, D.C. Code 1961 edition), is amended by designating the first paragraph as subsection (a), by redesignating the second and third paragraphs as subsections (b) and (c), respectively, and by adding at the end of the second paragraph, redesignated herein as subsection (b), the following: "The Board of Podiatry Examiners may, in its discretion, waive both the written and oral tests or either such test and accept in lieu thereof the satisfactory completion by an applicant of an examination given by the National Board of Podiatry Examiners: *Provided,* That such applicant shall pass a practical examination given by the Board of Podiatry Examiners: *Provided further,* That in exercising its discretion to waive the written and oral tests or either such test the Board of Podiatry Examiners shall satisfy itself that the examination given by the National Board of Podiatry Examiners was as comprehensive as that required in the District of Columbia. Notwithstanding the foregoing provisions of tihs subsection, the Board of Podiatry Examiners may, in its discretion, require an applicant to satisfactorily complete an examination which supplements the examination given by the National Board of Podiatry Examiners."

SEC. 2. The amendments made by this Act shall not be considered as affecting the functions of the Commissioner of the District of Columbia and the District of Columbia Council under such Act of May 28, 1918.

Mr. STUCKEY. Mr. Speaker, the purpose of this bill is to provide the District of Columbia Board of Podiatry Examiners with the discretionary authority to accept the written theoretical examination given by the National Board of Podiatry Examiners to virtually all graduates of the recognized podiatry colleges, in lieu of the local board's own theoretical examinations for licensing of podiatrists in the District. However, a satisfactory performance on a practical demonstration test administered by the District of Columbia Board will continue to be required of all applicants for such license.

The National Board of Podiatry Examiners consists of 12 members, representing such nationally recognized professional organizations as the Federation of Podiatry Boards, the American Podiatry Association, and the American Association of Colleges of Podiatry. In addition, 13 groups of prominent educational testing specialists assist the national board in the development of its testing program, which is presently recognized and accepted by the U.S. Army and the U.S. Navy, as well as by 34 States and three provinces of Canada, as follows: Alberta, Arkansas, Arizona, British Columbia, Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota Mississippi Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Ontario, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming.

Our committee does not intend that the authority granted in this legislation will in any way involve or require membership on the part of any applicant in and professional organization whatever.

Our committee is advised that the District of Columbia Board of Podiatry Examiners favors the adoption of the national board theoretical examinations as the standard for licensing of podiatrists in the District. Further, all expenses incident to the preparation and administration of these tests are sustained by the National Board of Podiatry Examiners.

We are informed that the examination given by the national board is at least as comprehensive and as difficult as that conducted by the District of Columbia board, if not more so. However, this bill charges the District of Columbia Board with the responsibility of satisfying itself that this is indeed true in all cases. Also, the Board is authorized to require any applicant to supplement his national board examination with whatever further theoretical test or tests they may deem necessary.

PRECEDENT

H.R. 6350 of the 88th Congress, which was passed by the House on July 23, 1963, and which was approved on August 19, 1964 (Public Law 88–460), extended an identical discretionary authority to the District of Columbia Board of Dental Examiners, enabling them to accept a national board examination in connection with the licensing of dental hygienists in the District of Columbia.

Your committee is of the opinion that this same authority should be granted with regard to the licensing of podiatrists in the District of Columbia, for the same reasons, namely, the elimination of a needless duplication of theoretical testing with a consequent saving of time and expense on the part of the District of Columbia Board, and also the alleviation of needless hardship on the part of applicants who may have been out of school for some years and yet can demonstrate professional competence by satisfactory performance on the practical demonstration test, which would still be required of all applicants.

HISTORY OF LEGISLATION

Proposed legislation substantially identical to H.R. 2595 has been approved by the House in each of the past four Congresses. These bills were H.R. 9962 of the 88th Congress, approved by the House on March 9, 1964; H.R. 1699 of the 89th Congress, approved by the House on February 8, 1965; H.R. 3370 of the 90th Congress, passed by the House on April 24, 1967; and H.R. 9549 of the 91st Congress, approved by the House on July 14, 1969.

COST

No additional cost to the District of Columbia government will result from the enactment of this proposed legislation.

Mr. NELSEN. Mr. Speaker, the purpose of this bill is to provide the District of Columbia Board of Podiatry Examiners with the discretionary authority to accept the written theoretical examination given by the National Board of Podiatry Examiners to virtually all graduates of the recognized podiatry colleges, in lieu of the local board's own theoretical examinations for licensing of podiatrists in the District. However, a satisfactory performance on a practical demonstration test administered by the District of Columbia Board will continue to be required of all applicants for such license.

The National Board of Podiatry Examiners consists of 12 members, representing such nationally recognized professional organizations as the Federation of Podiatry Boards, the American Podiatry Association, and the American Association of Colleges of Podiatry. In addition, 13 groups of prominent educational testing specialists assist the national board in the development of its testing program, which is presently recognized and accepted by the U.S. Army and the U.S. Navy, as well as by 34 States and three Provinces of Canada.

The bill is not intended in any way to involve or require membership on the part of any applicant in any professional organization.

Among those favoring the bill is the District of Columbia Board of Podiatry Examiners and they do this for the reason that the inclusion of the national board theoretical examinations as a standard offers a uniform and consistent measure of academic achievement because the national board program is recognized or utilized in the following States or Provinces: Alberta, Arkansas, Arizona, British Columbia, Colorado, Connecticut, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Ontario, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming.

In addition, the expenses incident to the national board examinations are sustained by the National Board of Podiatry Examiners so that, taking into consideration that the national board examinations are at least as comprehensive as that required in the District, and that the District is charged with the responsibility of insuring that this continues to be the case, there should be no objection to the enactment of this legislation.

Similar legislation was authorized in 1963 with respect to the District of Columbia Board of Dental Examiners. Meanwhile, the Commissioner of the District of Columbia recognizes the value of this legislation and his principal observation is that he hopes eventually to revise and modernize all licensing procedures for professional groups that touch upon professions, businesses, and certain occupations.

The legislation is substantially the same as that passed in the 88th, 89th, 90th, and 91st Congresses and since there is not any additional cost to the District resulting from enactment of this legislation, I can see no reason why the Congress should fail to act favorable on H.R. 2595.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEALTH STANDARDS FOR EMPLOYEES OF FOOD ESTABLISHMENTS

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (H.R. 7096) to direct the establishment of health standards for employees of food service establishments in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asssembled, That no person may be employed by any food service establishment in the District of Columbia (including the restaurants of the United States Senate and House of Representatives and any other food service establishment on real property owned or leased by the United States Government) (excluding any food service facility in the House of Representatives Office Buildings, the Senate Office Buildings, and the United States Capitol) unless he meets such health standard as the District of Columbia Council shall by regulation prescribe. Such regulation shall require that (1) each employee of a food service establishment in the District of Columbia undergo, at least annually, an examination to determine if he meets such standard; and (2) such examination include a tuberculin test, X-ray of the chest (uncovered), a serology, and examination of hands, skin, nose, throat, and body orifices, including a culture (where appropriate).

With the following committee amendments:

Page 1, starting on line 4, strike out the parenthetical phrase beginning with "including", and insert in lieu thereof the following: (excluding any food service facility in the House of Representatives Office Buildings, the Senate Office Buildings, and the U.S. Capitol).

Page 2, after line 5, add the following new section:

"Sec. 2. There is authorized to be appropriated a sum not to exceed $331,500 for each of the fiscal years 1972 and 1973 to carry out the purposes of this act."

The committee amendments were agreed to.

Mr. STUCKEY. Mr. Speaker, the purpose of the legislation—H.R. 7096—is to provide health standards for personnel in food service establishments in the District of Columbia.

Historically, the District of Columbia government has exercised delegated authority to issue and enforce regulations relating to health standards in food service businesses. The most recent general restatement of this delegation of authority was in the act of December 20, 1944. D.C. Code, sec. 6–1101 (58 Stat. 826), which gave the Commissioner of the District broad powers to establish and enforce regulations relating to private and public food service places, including government facilities but excluding those operating under the Senate and House of Representatives.

Regulations were drawn and were enforced for a period of years. As a part of such regulations, health certificates were required from food service employees based on periodic examinations for contagious diseases. House District Committee investigations of the operations of the Department of Public Health for the District in 1957 disclosed that such examinations of personnel had been discontinued.

Testimony before the committee indicated a purposeful discontinuance of the practice of requiring a showing of freedom from infectious diseases for food handlers was based on the contention that such examinations gave a "false sense of security" to the public. The contention was that a person who had qualified and was certified as being disease free might become infected in a matter of days or weeks later. Despite the expression of dissatisfaction with this viewpoint of providing no examinations because occasional examinations could not guarantee disease free personnel engaged in food handling, the District government has continued the no examination policy to this date.

Other authority to the Commissioner and the Council of the District of Columbia was delegated by Congress in the act of Aug. 4, 1946, District of Columbia Code, section 6–119a (60 Stat. 919) as amended by the act of Aug. 1, 1950 (64 Stat. 393), while not directed to food service personnel specifically, would be applicable and require action by the Director of Public Health in removing persons from places and employment where the public might be exposed to a communicable disease. However, this action was premised on discovery of the diseased condition by observation rather than by routine examination.

THE PRESENT PROBLEM

Food establishment personnel in the District have been free from the necessity of meeting any health examination standards before employment for more than 13 years. The District has become one of the worst, if not the worst, city in incidence of tuberculosis and venereal infection in the Nation. However, no significant public voice was raised until a number of tuberculosis cases appeared on Capitol Hill during the 91st Congress.

The alarm generated brought about a renewed feeling of insufficient protection to the public for lack of reasonable health standards for food service establishment workers. This led to action setting up health-protective measures on a temporary basis on Capitol Hill and led to the introduction of legislation to deal generally with the issue.

PROVISIONS OF THE BILL

The bill, H.R. 7095, as introduced, called upon the District of Columbia Council to establish regulations prohibiting employment of any person in a food service establishment, including those on Capitol Hill, unless he presents a certificate showing a physical examination meeting the standards set. As part of such health check, chest X-ray, tuberculin test, serology, and examination of the skin, nose, throat, and body orifices would be required.

COMMITTEE AMENDMENTS

As amended, the bill would exclude any of the food services in the Senate Office Buildings, the House Office Buildings and the Capitol Building from the supervision of District government employees enforcing District Council standards. This area of the problem is dealt with separately in other legislation which expresses a specific purpose of the Congress to assure good health standards at all facilities operated on Capitol Hill under the jurisdiction of the House and Senate.

A second amendment adds a new section 2 to the bill. This section authorizes an appropriation not to exceed $331,500 for each of the fiscal years 1972 and 1973, which funds are for the specific purpose of effecting the provisions of section 1 of the bill.

Section 2 was added to the bill to assure that the health officials of the District use any funds provided only for examinations of food service employees. Health supervisors for the District of Columbia testified that they considered such a program of examination of such employees to be of such low priority that they would not devote attention to it within funds requested in the budget or expected to be granted by Congress. The section is the strongest legislative expression possible by the Committee and which can be made fully effective within the discretion of the Committee on Appropriations in its recommendations to the House on the District of Columbia budget.

The clear hope of the committee is that the necessary funds to carry out the program be appropriated and, in such event, used solely for the purposes specified in the act.

HEARINGS

On July 26, 1971, the Subcommittee on Health, Welfare, Housing, and Youth Affairs held public hearings on several similar bills which were pending. The report of the Commissioner of the District of Columbia and the testimony of the representative from the Office of the Corporation Counsel expressed general approval of the provisions of the bill placing the House and Senate under the supervision of the District enforcement of health regulations. Otherwise, the proposed program was placed in low category of need and beyond the reach of present personnel and funding.

The Director of the Health Services Administration of the District government testified in detail and responded to detailed questioning. In view of the firm support of the Commissioner's position that no program would be undertaken except by special provision of the Congress, our committee decided to authorize specifically certain funds to be used only for the examination and certification of personnel in food establishments in the District.

COST OF PROGRAM

In response to request by the committee, the District government provided estimated costs for the operation of the program established by the legislation. The items indicated as necessary indicated a total cost of $331,500 for the health testing program. No more suitable figures appeared available to the committee or from other sources. The total cost of the program authorized by the bill would be $663,000 for the 2-year trial period of the health protective procedures.

Mr. NELSEN. Mr. Speaker, the purpose of this legislation is to provide health standards for personnel in food service establishments in the District of Columbia. The newspapers over recent months have been filled with articles concerning the problems involved in the enforcement of regulations, principally the question of the cleanliness of the establishments and whether or not they are adhering to the health regulations. Of course, we all know that the food services establishments here in the Capitol area itself were subjected to a scare when it came to light that a number of individuals who were employed in the service and preparation of food were exposing the eating public to certain communicable diseases.

The legislative background and problems involved in the legislation are set out below:

LEGISLATIVE BACKGROUND

Historically, the District of Columbia government has exercised delegated authority to issue and enforce regulations relating to health standards in food service businesses. The most recent general restatement of this delegation of authority was in the act of December 20, 1944, District of Columbia Code, section 6–1101 (58 Stat. 826), which gave the Commissioners of the District broad powers to establish and enforce regulations relating to private and public food service places excluding Government facilities but excluding those operating under the Senate and House of Representatives.

Regulations were drawn and were enforced for a period of years. As a part of such regulations, health certificates were required from food service employees based on periodic examinations for contagious diseases. House District Committee investigations of the operations of the Department of Public Health for the District in 1957 disclosed that such examinations of personnel had been discontinued.

THE PRESENT PROBLEM

Food establishment personnel in the District have been free from the necessity of meeting any health examination standards before employment for more than 13 years. The District has become one of the worst, if not the worst, city in incidence of tuberculosis and venereal infection in the Nation. However, no significant public voice was raised until a number of tuberculosis cases appeared on Capitol Hill during the 91st Congress.

The alarm generated brought about a renewed feeling of insufficient protection to the public for lack of reasonable health standards for food service establishment workers. This led to action setting up health-protective measures on a temporary basis on Capitol Hill and led to the introduction of legislation to deal generally with the issue.

PROVISIONS OF THE BILL

The bill, H.R. 7096, as introduced, called upon the District of Columbia Council to establish regulations prohibiting employment of any person in a food service establishment, including those on Capitol Hill, unless he presents a certificate showing a physical examination meeting the standards set. As part of such health check, chest X-ray, tuberculin test, serology, and examination of the skin, nose, throat, and body orifices would be required.

COMMITTEE AMENDMENTS

As amended, the bill would exclude any of the food services in the Senate Office Buildings, the House Office Buildings, and the Capitol Building from the supervision of District government employees enforcing District Council Standards. This area of the problem is dealt with separately in other legislation which expresses a specific purpose of the Congress to assure good health standards at all facilities operated on Capitol Hill under the jurisdiction of the House and Senate.

A second amendment adds a new section 2 to the bill. This section authorizes an appropriation not to exceed $331,500 for each of the fiscal years 1972 and 1973, which funds are for the specific purpose of effecting the provisions of section 1 of the bill.

Section 2 was added to the bill to assure that the health officials of the District use any funds provided only for examinations of food service employees. Health supervisors for the District of Columbia testified that they considered such a program of examination of such employees to be of such low priority that they would not devote attention to it within funds requested in the budget or expected to be granted by Congress. The section is the strongest legislative expression possible by the committee and which can be made fully effective within the discretion of the Committee on Appropriations in its recommendations to the House on the District of Columbia budget.

The clear hope of the committee is that the necessary funds to carry out the program be appropriated and, in such event, used solely for the purposes specified in the act.

The Commissioner of the District of Columbia and others in the District government who testified with regard to this bill expressed general approval of the provisions. While the cost of the program in the District is estimated at approximately $331,500 for the first year, there is no indication of how it will be funded but I am sure that with the priority we place on this program, the Appropriations Committee will give this matter full consideration.

Mr. HALL. Mr. Speaker, I commend the House Committee on the District of Columbia for bringing before this body, H.R. 7096 which will establish and provide health standards for personnel in food service establishments within the District of Columbia. I originally introduced this bill nearly 1 year ago on August 13, 1970.

The bill came about as a reaction to the six cases of tuberculosis that appeared on Capitol Hill early last year. Without going into a detailed history of this tragedy, it goes without saying that the outbreak of TB exposed defects, not only in the law pertaining to general health standard regulations in the District of Columbia, but more specifically those affecting food handlers.

The present District of Columbia code contains a provision stating that no person afflicted with any communicable disease can work "with food." The code goes no further, and H.R. 7096 would put "teeth" in the present health code. These new "teeth" would require that no person can be employed by any food establishment in the District, unless he meets such minimal health standards prescribed by the District council in pursuant to the tests outlined in the bill. The bill calls for annual examinations which include a tuberculin test, X-ray of the chest—uncovered—serological tests and an examination of the hands, skin, nose, throat, and body orfices, including a culture where appropriate. These standards would provide, in my opinion and that of other experts, minimal sufficient protection against further outbreaks of communicable diseases such as tuberculosis, dysenteries, and other common or rare diseases ordinarily associated with food handling and preparation.

Mr. Speaker, I did not hastily draft the proposed tests in this legislation. My office, with the help of the American Medical Association, compiled and examined the health codes of other large municipalities. In addition, we contacted the District of Columbia Medical Society, and with the help of its then president, Dr. Frank S. Pellegrini, M.D., came up with the four examinations that are enumerated in the bill. I might add that the capitol physician and his staff have been cooperative as has the House Restaurant Committee.

Finally, Mr. Speaker, the District of Columbia ranks fifth in the incidence of active new tuberculosis cases among the more than 50 cities in the Nation with a population of 250,000 or more. The new case rate is nearly three times the national average and the death rate is more than triple that of the rest of the Nation, according to the District of Columbia Tuberculosis and Respiratory Disease Association. Given this record, the passage and signing into law of H.R. 7096 is more than a necessity. It should be borne in mind that although the concept and discovery originated from the infamous Capitol Hill TB outbreak, the lack of law, and the exclusion of Capitol Hill applies to all diseases transmissible by food handlers.

As one of the "doctors in the house" who has done preventive, as well as extensive curative surgery for this chest disease and its near-end results, as well as old-fashioned typhoid and other epidemics, we in the Congress can do no less than passing into final law H.R. 7096 if we wish to protect the health of Government employees, visitors to and citizens of the District of Columbia.

Mr. RANDALL. Mr. Speaker, I rise at this time to commend my distinguished colleague from Missouri, Dr. HALL, for his sponsorship of H.R. 7096 which we consider today on the Consent Calendar.

Less than a month ago, I would not have been knowledgeable enough to make a judgment on the need or the benefits of a piece of legislation of this kind. However, within the past 2 weeks, the Special Studies Subcommittee, which I am privileged to chair, of the House Government Operations Committee, has conducted several days of hearings on the sanitary conditions of food service establishments in the District of Columbia.

Mr. Speaker, I take this time not only to commend our able colleague from Missouri, Dr. HALL, but also to let it be known that our subcommittee will resume its deliberations following its August recess.

During our hearings it developed that here in the District of Columbia there are no requirements for physical examinations of employees who handle food in our supermarkets, restaurants, delicatessens, and other food-handling establishments. It was my opinion then and it is the opinion of many observers more expert than myself that this was and is a glaring weakness that should be corrected at the earliest possible time. That is why I am so glad to see H.R. 7096 considered today under the Consent Calendar. It would be difficult to believe there can be any opposition to this bill. It has been endorsed by the District of Columbia government.

The bill requires that no person be employed by any food establishment unless he meets certain health standards. It calls for annual examinations which include tuberculin tests, X-ray of the chest, serological tests, examination of the hands, skin, nose, throat, and body orifices including cultures where appropriate.

These standards should provide minimal protection against further outbreaks of communicable diseases such as tuberculosis, dysentery, and other diseases ordinarily associated with food handling and preparation.

It has been suggested that tuberculin tests may be costly. Those on the District of Columbia Council who have estimated that the cost of this program would be at least $225,000 per year have neglected and omitted to explain how they arrived at this figure. Without being absolutely certain, I feel that it is a reasonable assumption worthy of exploration to proceed in the belief that there could be financial and administrative assistance in the establishment of these health standards and the tests that might be implemented from the U.S. Public Health Service. It is even possible that the U.S. Public Health Service might make the District of Columbia a demonstration area.

Now, Mr. Speaker, I have been reliably advised that a person can have a fairly advanced case of tuberculosis, venereal disease, or other contagious diseases without these conditions being apparent to other people or especially to nonprofessional persons. Infected individuals can work in the preparation, handling, and dispensing of food in Washington because there is no requirement for their condition to be detected by a preentry health examination, followed by regular examinations thereafter. An average active case of tuberculosis, it is estimated, can be the source of infection for 15 persons before it is detected. This is an incredible situation.

It may be hard to believe but it is true that a TB victim can begin infecting others well before his own symptoms force him to seek medical advice for himself. Now let us make no mistake about it. Tuberculosis can be spread through food and can be spread beyond person-to-person contact.

We are all indebted to Dr. HALL for his testimony before the District of Columbia Committee, where he pointed out that the mere sneezing or coughing on a piece of apple pie can spread the tuberculosis germ.

During the hearings before our Special Studies Subcommittee it was developed that there may be differences of opinion among the medical profession as to the value of annual physical examinations or tests for TB and syphilis. But even if there is a difference of opinion, as long as it remains possible that persons can become ill from food handling by infected personnel, then the public should and must be protected by requiring that infected persons be screened out from employment in the food-serving establishments of Washington.

One of the doctors in the District of Columbia Environmental Health Services Administration during our hearings opposed compulsory health examinations because he said there had been no outbreak of tuberculosis traceable to food handlers. Well, maybe we have been fortunate or I should say, blessed, that there has been no such outbreak. Even so why should we wait until there is an epidemic before taking action in this area to protect the consuming public? These examinations may cost some money but good health is always worth its cost.

As chairman of a subcommittee that has recorded over 1,100 pages of testimony during the past two weeks, I am convinced of the benefits to be derived from health standards to be provided for employees of our food service establishments. We must require an annual examination to include a tuberculin test, blood test, and a careful examination of the hands, skin, nose, throat, and body orifices of those who handle food. I am sure of the need. The time to act is now.

Once again, let me suggest that the House is indebted to Dr. HALL for the introduction of H.R. 7096 and for his earlier testimony before the District Committee. Also those thousands of residents who live or work in the District of Columbia and those thousands upon thousands of tourists who visit this capital city annually are in debt to him for his contribution to their health and well-being.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING POLICE AND FIREMEN'S SALARY ACT

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent for the immediate consideration of the bill (H.R. 8744) to amend the District of Columbia Police and Firemen's Salary Act of 1958.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MIKVA. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

GENERAL LEAVE

Mr. STUCKEY. Mr. Speaker, I ask unanimous consent that prior to passage of each of the District bills, the subcommittee chairman and other Members may be permitted to extend their remarks in explanation of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia.

There was no objection.

CONFERENCE REPORT ON H.R. 9272, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. ROONEY of New York. Mr. Speaker, I call up the conference report on the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 28, 1971.)

Mr. ROONEY of New York. Mr. Speaker, the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1972, and for other purposes, as agreed to by the conferees, contains a total of $4,067,116,000 in new obligational authority.

It also contains an additional $240,544,000 for liquidation of contract authorizations.

However, the bill is $149,686,000 below the total amount of the budget estimates. These are real savings.

The bill is $382,933,000 above the bill as originally passed by the House, due primarily to the fact that $352,615,000 was deleted on the House floor upon valid points of order sustained by the Chair.

The Senate also considered budget amendments totaling $11,805,000 not considered by the House. If you deduct the total of those two figures from the total increase, the increase is only $18,513,000.

The bill is $30,967,000 below the Senate bill.

In passing I must also point out that the bill now is $243,763,700 over the total appropriation for the fiscal year 1971.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

Even though this conference report, I am sure, will be accepted by the House today, I want to advise my colleagues that the issue is really not finished. This report may very well be defeated in the Senate for the same reason that 141 of us voted to instruct the conferees to accept Senator ERVIN's amendment when the bill was before the House of Representatives last week.

Mr. ROONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. At that time 246 Members voted the other way, did they not?

Mr. EDWARDS of California. Yes; that is true. But I would point out to the gentleman that no debate was allowed by the gentleman from New York on this very important constitutional issue, so really the House Members had no way to find out what the issue was.

Mr. ROONEY of New York. Mr. Speaker, will the gentleman further yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. The gentleman should know that on such a motion as was pending, no debate was permissible.

Mr. EDWARDS of California. I might point out to the gentleman that my motion would have been debated for an hour, but the gentleman from New York, by his motion to table, made this impossible.

Many House Members were terribly disappointed there was no debate. How did this intolerable situation come to pass? On June 28, 1971, the House passed H.R. 9272, the appropriations bill for State, Justice, and Commerce. Funds were provided for the SACB in the amount of $450,000 to allow that Board to continue to function within its prescribed limits. After the House acted, the President, on July 2, by Executive order, greatly expanded the power and authority of the Board, in direct violation of article I, section 1 of the Constitution wherein all legislative power is vested in Congress. The Senate acted to correct this flagrant abuse of congressional authority and under the leadership of Senator SAM ERVIN, amended the bill to limit the authority of the SACB by prohibiting any of its funds being used to carry out the new duties assigned under the President's Executive order of July 2, And so, last week when the bill was sent to conference, the House was once again prevented from hearing debate on this important issue by the motion of the gentleman from New York. Yet, half of the Democratic Members of the House voted to instruct the conferees to accept the Senate amendment.

Let me point out what is going to happen over in the Senate, where many Members on both sides of the aisle feel the White House has usurped the legislative powers of the Congress by issuing a Presidential order in an area where only Congress can act.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. Does the gentleman realize, as a Member of the House Judiciary Committee, that the Appropriations Committees of the House and Senate would be usurping the authority of the Judiciary Committees of the House and Senate by inserting legislation on an appropriation bill?

Mr. EDWARDS of California. I would respectfully suggest to the gentleman from New York, the distinguished chairman of the subcommittee, that in blindly accepting this Presidential order, we here in the House are appropriating funds without proper legislative authority.

Indeed, the White House knows very well what it is doing, because on July 15 a bill to do just what was done in the Executive order was introduced by Senators HRUSKA and EASTLAND on behalf of the President, of course, if the conference report is approved by both Houses, the legislation will become unnecessary. We will have no hearings or witnesses, but it will have been accomplished by Presidential fiat without hearings or debate in Congress.

Mr. ROONEY of New York. Will the gentleman further yield?

Mr. EDWARDS of California. Yes. I yield to the gentleman.

Mr. ROONEY of New York. These are the very prerogatives of the committee to which the gentleman belongs. They belong to the Judiciary Committees of both Houses. The Senator who inserted this language in the other body is a member of the Judiciary Committee of that body. The gentleman presently in the well of the House is a member of the Judiciary Committee of the House.

Mr. EDWARDS of California. That is correct.

Mr. ROONEY of New York. This is their baby and not ours.

Mr. EDWARDS of California. That is correct. Apparently in the Senate 28 Members announced over the weekend that when this conference report gets back to the Senate and is considered on the floor of the Senate they will recommend and vote to return it to the conferees.

I might say that the letter of Senator ERVIN—the Senate's leading constitutional authority—to majority leader MANSFIELD says that the Executive order—is to us an outrageous assertion of unauthorized Presidential power. I want my colleagues to hear that letter in its entirety:

U.S. SENATE,
Washington, D.C., July 29, 1971.

Hon. MIKE MANSFIELD,
U.S. Senate, Washington, D.C.

DEAR MIKE: We are writing to express our concern that the conference committee on H.R. 9272, the State, Justice, Commerce appropriations bill, may delete the Senate amendment limiting the authority of the Subversive Activities Control Board. That amendment, you will recall, was proposed by Sam Ervin on July 19 and adopted 51–37.

In recent years the SACB has become the object of growing controversy in the Senate because of its inactivity. Whereas last year Bill Proxmire's effort to eliminate all funds gathered only 28 votes, this year he had the support of 41 Senators and his effort to delete the $450,000 appropriation failed by only 6 votes. At a time when the economy is weak and many citizens are unemployed, opposition in both parties to the Congress giving $36,000 a year salary to men who do nothing has naturally increased.

There is also much concern over the spectre of a group of five men determining what is "American" and "un-American" and creating an official blacklist which slanders those who hold unpopular or even outrageous views. The cost in personal suffering to thousands of citizens who may have what the Board regards as "sympathetic associations" with fringe political groups is too high for a nation which prides itself on freedom of thought, association and expression. The Board is a negation of the high ideals upon which this country was founded and upon which it has thrived.

The Senate amendment does not abolish the Board or deprive it of funds. It became necessary because of a peculiar move on the part of the Justice Department just prior to the time the bill came to the floor. On July 8, under what the Department has asserted is the President's "constitutional statutory authority," an Executive Order was issued expanding the Board's powers beyond what Congress has defined in the statute creating the Board. Under the Constitution, only the Congress has legislative power. Only it may amend statutes. The new Executive Order represents an assertion of executive power which the Congress must not let pass. In recent years we have seen the tragic results of unchecked Presidential power in foreign affairs. This is merely another example on a domestic issue.

In a normal case the issue of the unilateral expansion of a statute's terms might be left to the courts. But the Justice Department has made it quite clear that it will regard passage of the Board's appropriation as an express ratification and approval of the principle that the President may change the terms of a statute by Executive Order.

This is to us an outrageous assertion of unauthorized executive power It is made even more outrageous by the fact that the order was not even issued until after the House had passed the appropriation, and was not published until two days after the Senate hearings. Congress cannot allow itself to be put in a position of approving in advance and in ignorance executive usurpations of authority which the Constitution gives exclusively to Congress and denies to the executive branch.

Since the amendment was supported by Senators of both parties and holding a broad range of views, we earnestly hope that the conference will preserve the Senate's repudiation of this Justice Department position. Should they not, we feel we have no alternative but to support Sam Ervin's declared intention to oppose the report and return the bill to conference with instructions to insist upon its inclusion in the final product.

In view of our concern, we hope you will make no unanimous consent arrangements regarding the disposition of the conference report. We would appreciate your informing us when you intend to schedule the report so that we can be present when it comes to the floor.

Sincerely,

Sam J. Ervin, Jr., Bob Packwood, Charles McC. Mathias, Daniel K. Inouye, Philip A. Hart, Edward Kennedy, Quentin Burdick, Vance Hartke, Edward W. Brooke, Henry M. Jackson, Bill Proxmire, John V. Tunney.

George S. McGovern, Mark O. Hatfield, Walter F. Mondale, Stuart Symington, Fred R. Harris, Alan Cranston, Birch Bayh, Gale W. McGee, Harold E. Hughes.

Edmund S. Muskie, Thomas F. Eagleton, Hubert H. Humphrey, Clifford P. Case, Harrison A. Williams, Gaylord Nelson.

And so, Mr. Speaker, I want to point out that I am very disappointed and chagrined at this blatant usurpation of legislative authority by the executive branch.

Mr. ROONEY of New York. I am confident the House will overwhelmingly reject the gentleman's position on amendment numbered 35 and adopt the pending conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Will the gentleman state for the RECORD the reason why this conference report is $243,763,000 above the appropriation for similar purposes in 1971?

Mr. ROONEY of New York. This is primarily due to the increases which are set forth in a table which I have in my hand. Mr. Speaker, I ask unanimous consent to insert this table at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, 1972

						Conference action compared with—			
Department or agency (1)	New budget (obligational) authority, fiscal year 1971 (2)	Budget estimates of new (obligational) authority, fiscal year 1972 (3)	New budget (obligational) authority recommended in House bill (4)	New budget (obligational) authority recommended in Senate bill (5)	New budget (obligational) authority recommended by conference action (6)	New budget (obligational) authority, fiscal year 1971 (7)	Budget estimates of new (obligational) authority, fiscal year 1972 (8)	New budget (obligational) authority recommended in House bill (9)	New budget (obligational) authority recommended in Senate bill (10)
Department of State	$462, 234, 800	$509, 598, 000	$491, 673, 000	$505, 539, 000	$495, 363, 000	+$33, 128, 200	−$13, 235, 000	+$3, 690, 000	−$10, 176, 000
Department of Justice	1, 250, 862, 000	1, 587, 806, 000	1, 552, 696, 000	1, 563, 990, 000	1, 563, 322, 000	+312, 460, 000	−24, 484, 000	+10, 626, 000	−668, 000
Department of Commerce	1, 054, 976, 000	1, 258, 020, 000	892, 811, 000	1, 204, 775, 000	1, 190, 674, 000	+135, 698, 000	−67, 346, 000	+297, 863, 000	−14, 101, 000
The Judiciary	153, 665, 100	178, 679, 000	100, 877, 000	170, 233, 000	169, 531, 000	+15, 865, 900	−10, 148, 000	+68, 654, 000	−702, 000
American Battle Monuments Commission	2, 815, 000	3, 247, 000	3, 247, 000	3, 247, 000	3, 247, 000	+432, 000			
Arms Control and Disarmament Agency	8, 645, 000	9, 064, 000	9, 000, 000	9, 000, 000	9, 000, 000	+355, 000	−64, 000		
Commission on American Shipbuilding	50, 000	660, 000	450, 000	550, 000	450, 000	+400, 000	−210, 000		−100, 000
Commission on Civil Rights	3, 397, 000	3, 960, 000	3, 400, 000	3, 400, 000	3, 400, 000	+3, 000	−560, 000		
Office of Education: Civil Rights education	19, 218, 000					−19, 218, 000			
Equal Employment Opportunity Commission	16, 185, 000	27, 620, 000	22, 000, 000	27, 620, 000	23, 000, 000	+6, 815, 000	−4, 620, 000	+1, 000, 000	−4, 620, 000
Federal Maritime Commission	4, 658, 000	5, 412, 000	5, 300, 000	5, 300, 000	5, 300, 000	+642, 000	−112, 000		
Foreign Claims Settlement Commission	975, 000	888, 000	850, 000	850, 000	850, 000	−125, 000	−38, 000		
National Commission on Fire Prevention and Control	50, 000	770, 000		400, 000	300, 000	+250, 000	−470, 000	+300, 000	−100, 000
National Commission on Reform of Federal Criminal Laws	100 000,					−100, 000			
National Tourism Resources Review Commission	50, 000	700, 000		300, 000	300, 000	+250, 000	−400, 000	+300, 000	
Small Business Administration	650, 352, 000	425, 287, 000	398, 787, 000	399, 487, 000	399, 137, 000	−251, 215, 000	−26, 150, 000	+350, 000	−350, 000
Special representative for trade negotiations	638, 000	968, 000	800, 000	800, 000	800, 000	+162, 000	−168, 000		
Subversive Activities Control Board	401, 400	467, 000	450, 000	450, 000	450, 000	+48, 600	−17, 000		
Tariff Commission	4, 495, 000	5, 526, 000	5, 036, 000	5, 336, 000	5, 186, 000	+691, 000	−340, 000	+150, 000	−150, 000
U.S. Information Agency	189, 585, 000	198, 130, 000	196, 806, 000	196, 806, 000	196, 806, 000	+7, 221, 000	−1, 324, 000		
Total, new budget (obligational) authority	3, 823, 352, 300	4, 216, 802, 000	3, 684, 183, 000	4, 098, 083, 000	4, 067, 116, 000	+243, 763, 700	−149, 686, 000	+382, 933, 000	−30, 967, 000
Memoranda:									
Appropriations to liquidate contract authorizations	(274, 453, 000)	(240, 544, 000)		(240, 544, 000)	(240, 544, 000)	(−33, 909, 000)		(+240, 544, 000)	
Total appropriations, including appropriations to liquidate contract authorizations	(4, 097, 805, 300)	(4, 457, 346, 000)	(3, 684, 183, 000)	(4, 338, 627, 000)	(4, 307, 660, 000)	(+209, 854, 700)	(−149, 686, 000)	(+623, 477, 000)	(−30, 967, 000)

Mr. ROONEY of New York. The foregoing table shows the action of the House and Senate conferees with regard to the various departments and agencies contained in the bill. Much of the increase is for Pay Act money.

Then, of course, for the Department of Justice alone there is a very substantial increase of $312,460,000.

For the Department of Commerce there is an increase of $135,698,000.

I shall be glad to permit the gentleman from Iowa to see this table at this point if he so desires.

Mr. GROSS. I will say that the gentleman's staff was kind enough to provide me with a copy of the chart a few moments ago. I appreciate the information, but I have not had the time to peruse it.

I did notice in the report that this bill is more than $243 million above spending last year for similar purposes. I merely rose to ask the gentleman what the main increases were.

Mr. ROONEY of New York. Well, they would have been a great deal more if we had appropriated the full amounts authorized by the legislative committees. We carefully inspect these budgets, and it almost always turns out that the agency is well off, when we are finished, with our substantial savings. We must not forget that the bill is $30,967,000 below the amount of the Senate bill and it is $149,686,000 below the amounts of the budget requests.

Mr. GROSS. While I am, of course, pleased to see that the other body did not have its way in this instance, I am concerned by the continual spending above the figures for last year, when we so badly need drastic cuts. Yes, we badly need drastic cuts in expenditures and we are not getting them.

I thank the gentleman from New York for his response.

Mr. ROONEY of New York. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member, the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, this is a good conference report, in my opinion.

It has been pointed out that we are $149 million under the budget, which is rather unusual these days.

The increases to which the gentleman from Iowa has directed a great many questions are for automatic pay raises, and in addition to that there was a rather substantial increase in the appropriation for the LEAA in the Department of Justice. I think that is about the only one over the House figure.

I am sure the Members of the House will recall that the Maritime Commission appropriation was stricken on the floor of the House on a point of order as not having been authorized.

Mr. Speaker, in my opinion this is a good conference report and I urge its adoption.

Mr. ROONEY of New York. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 337, nays 35, not voting 61, as follows:

[Roll No. 228]

YEAS—337

Abbitt
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denholm
Dent
Dickinson
Dingell
Dow
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gude
Hagan
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Keating
Keith
King
Kluczynski
Kuykendall
Kyros
Landgrebe
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
St Germain
Sarbanes
Satterfield
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—35

Abourezk
Abzug
Badillo
Bingham
Burton
Camp
Crane
Derwinski
Drinan
Eckhardt
Edwards, Calif.
Fraser
Gross
Hall
Harrington
Hawkins
Helstoski
Kastenmeier
Koch
Kyl
Latta
Leggett
McClure
Mathis, Ga.
Mikva
Mitchell
Nix
Rangel
Rarick
Ryan
Scheuer
Schmitz
Shoup
Stokes
Vanik

NOT VOTING—61

Abernethy
Addabbo
Aspin
Belcher
Bell
Blackburn
Blatnik
Boland
Burlison, Mo.
Chisholm
Clausen, Don H.
Clay
Conte
Conyers
Davis, S.C.
de la Garza
Dellums
Dennis
Devine
Diggs
Donohue
Dorn
Edmondson
Edwards, Ala.
Edwards, La.
Esch
Evins, Tenn.
Flynt
Ford, William D.
Gallagher
Gubser
Halpern
Hanna
Hastings
Jones, Tenn.
Kee
Kemp
Landrum
Long, La.
McCulloch
McKinney
Mazzoli
Montgomery
O'Hara
Peyser
Purcell
Riegle
Ruppe
Sandman
Saylor
Seiberling
Smith, N.Y.
Spence
Steiger, Wis.
Terry
Thompson, Ga.
Van Deerlin
Waldie
Whalley
Whitten
Wilson, Charles H.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Conte.
Mr. Burlison of Missouri with Mr. Esch.
Mr. Montgomery with Mr. Blackburn.
Mr. Edmondson with Mr. Belcher.
Mr. Charles H. Wilson with Mr. Gubser.
Mr. Blatnik with Mr. Halpern.
Mr. Boland with Mr. Devine.
Mr. Jones of Tennessee with Mr. McKinney.
Mr. Purcell with Mr. Dennis.
Mr. Davis of South Carolina with Mr. Spence.
Mr. Evins of Tennessee with Mr. Riegle.
Mr. Kee with Mr. Hastings.
Mr. Aspin with Mr. Bell.
Mr. Seiberling with Mr. Diggs.
Mr. Dellums with Mr. William D. Ford.
Mr. Gallagher with Mr. Kemp.
Mr. Flynt with Mr. Peyser.
Mr. Dorn with Mr. Edwards of Alabama.
Mr. O'Hara with Mr. Clay.
Mr. Waldie with Mr. Conyers.
Mr. Van Deerlin with Mrs. Chisholm.
Mr. Hanna with Mr. Don H. Clausen.
Mr. Whitten with Mr. Ruppe.
Mr. Landrum with Mr. Smith of New York.
Mr. Long of Louisiana with Mr. Sandman.
Mr. Donohue with Mr. Saylor.
Mr. Edwards of Louisiana with Mr. Steiger of Wisconsin.
Mr. Abernethy with Mr. Terry.
Mr. de la Garza with Mr. Thompson of Georgia.
Mr. Mazzoli with Mr. Whalley.

Messrs. ECKHARDT and BINGHAM changed their votes from "yea" to "nay."

Mr. McKEVITT changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 20: Page 32, line 5, insert:

"SHIP CONSTRUCTION

"For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, $229,687,000."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment numbered 21: Page 32, line 16, insert:

"OPERATING-DIFFERENTIAL SUBURBS (LIQUIDATION OF CONTRACT AUTHORITY)

"For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, $239,145,000, to remain available until expended: *Provided,* That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than one thousand seven hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 22: Page 33, line 5, insert the following:

"RESEARCH AND DEVELOPMENT

"For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime techical and engineering information; studies to improve water transportation systems; $23,750,000, to remain available until expended: *Provided,* That transfers may be made from this appropriation to the 'Vessel operations revolving fund' for losses resulting from expenses of experimental ship operations."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 33, line 15, insert the following:

"SALARIES AND EXPENSES

"For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, including not to exceed $1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $1,250 for representation allowances; $22,210,000."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 33, line 22, insert the following:

"MARITIME TRAINING

"For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy; to be expended in his discretion; and uniform and textbook allowances for cadets midshipmen, at an average yearly cost of not to exceed $475 per cadet; $7,513,000: *Provided,* That except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowance for cadets: *Provided further,* That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for 'Research and development', 'Ship construction', and 'Salaries and expenses'."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: Page 34, line 12, insert the following:

"STATE MARINE SCHOOLS

"For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622–624), $2,200,000, to remain available until expended, of which $801,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and $1,399,000, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of maritime schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: Page 39, line 21, insert the following:

"SALARIES OF SUPPORTING PERSONNEL

"For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $69,296,000: *Provided,* That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further,* That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $49,642 and $30,089 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $61,159 and $38,671 per annum, respectively."

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"SALARIES OF SUPPORTING PERSONNEL

"For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $68,654,000; *Provided,* That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further,* That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance heeded because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $39,172 and $30,089 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $50,689 and $38,671 per annum, respectively."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 27: Page 41, line 3, insert the following: ": *Provided*, That not to exceed $100,000 shall be available for liquidation of obligations incurred in prior years.

MOTION OFFERED BY MR. ROONEY OF NEW YORK

Mr. ROONEY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ROONEY of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 9417, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1972

Mrs. HANSEN of Washington. Mr. Speaker, I call up the conference report on the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 27, 1971.)

Mrs. HANSEN of Washington (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN of Washington. Mr. Speaker, the conference amount of the bill, for new obligational authority, is $2,223,980,035. The amount agreed to in conference is over the House figure by $64,472,000. However, please bear in mind that the House passed over without prejudice the budget estimate for the saline water program, which had not been authorized at the time of the passage of the House bill. Funding for this program, which is included in the conference amount is $27,025,000.

Other increases over the House bill include: $20,503,500 for various Indian programs; $3,510,500 for forest management activities; and $11,500,000 for the land and water conservation fund.

This conference amount is $29,386,000 over the budget, but considering the programs that have been endorsed for the American Indians, and the increasing demands on the management of our natural resources, I think the additional funding recommended in this conference report is justified.

Mr. HALL. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentlewoman yielding, and I appreciate the report, and particularly her staff for providing a copy of the breakout, which compares with the conference totals on page 10 of the conference report.

May I inquire as to how much this conference report recommendation, which, as I understand it, is $2,224,000,000 in round figures, including the Indian Health Service bill, and the water salinity, not yet authorized when passed by the House, compares with last year's appropriation?

Mrs. HANSEN of Washington. It is $189,759,135 over the amount available for 1971.

May I point out a few areas where these increases occur? Programs for Indians are receiving $86,723,300 more. The National Park Service will receive $32,163,000 more. There is an increase of $34,100,000 for the land and water conservation fund. Geological Survey will have additional funding of $15,797,000. There are also sizable increases for the arts and humanities, and coal research.

Those are the principal programs where the increases have occurred.

If I may say to the gentleman, the increase over 1971 is not surprising, particularly in programs where we have construction items. Construction costs are escalating at the rate of about 10 percent a year. And in some areas, particularly Alaska, the escalation rate is higher than that.

This bill funds programs involving land acquisition, services, and construction, which are particularly susceptible to the inflationary trend.

Mr. HALL. Mr. Speaker, I appreciate the gentlewoman's answer. She, indeed, has anticipated some of my further questions—and I have only one in addition; and that is whether or not there will be expended from so-called indefinite appropriations an amount which would add roughly another $190 million, or not.

These are figures that appear on the tally sheet, I will say for the gentlewoman's information, below the recapitulation.

Mrs. HANSEN of Washington. The gentleman is correct. This amount is for the liquidation of contract authority and does not represent new obligational authority.

Mr. HALL. And they are not necessarily revolving funds or trust funds?

Mrs. HANSEN of Washington. No; this does not involve revolving or trust funds. The liquidation of contract authority, as you are well aware, is at the completion of a contract.

Mr. HALL. Such things as contract liquidation authority and such things as authorization to spend from public fund receipts and other indefinite appropriations that must be considered for continued operation of good government?

Mrs. HANSEN of Washington. That is correct.

Mr. HALL. I thank the gentlewoman.

Mrs. HANSEN of Washington. Mr. Speaker, I include at this point pertinent tables relating to the funds provided in this conference report:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 9417)

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR								
Public Land Management								
Bureau of Land Management								
Management of lands and resources	$84,060,000	$76,080,000	$76,080,000	$69,930,000	$71,035,000	−$5,045,000	−$5,045,000	+$1,105,000
Construction and maintenance	3,310,000	4,430,000	4,627,000	4,627,000	4,627,000	+197,000		
Public lands development roads and trails (appropriation to liquidate contract authority)	(3,500,000)	(3,200,000)	(3,200,000)	(3,200,000)	(3,200,000)			
Oregon and California grant lands (indefinite, appropriation of receipts)	18,000,000	19,000,000	19,000,000	19,000,000	19,000,000			
Range improvements (indefinite, appropriation of receipts)	1,795,000	2,514,000	2,514,000	2,514,000	2,514,000			
Total, Bureau of Land Management	107,165,000	102,024,000	102,221,000	96,071,000	97,176,000	−4,848,000	−5,045,000	+1,105,000

			Allowances			Conference allowance compared with—		
Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Bureau of Indian Affairs								
Education and welfare services	$243,440,000	$270,221,000	$271,987,000	$273,162,000	$272,287,000	+$2,066,000	+$300,000	−$875,000
Education and welfare services (appropriation to liquidate contract authority)	(835,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)			
Resources management	70,847,000	76,691,000	71,866,000	71,667,000	71,226,000	−5,465,000	−640,000	−441,000
Construction	19,885,000	36,385,000	37,206,000	43,055,500	42,315,500	+5,930,500	+5,109,500	−740,000
Road construction (appropriation to liquidate contract authority)	(20,200,000)	(25,000,000)	(25,000,000)	(25,600,000)	(25,600,000)	(+600,000)	(+600,000)	
General administrative expenses	6,148,000	6,257,000	6,057,000	6,057,000	6,057,000	−200,000		
Payment to the Ute Tribe of the Uintah and Ouray Reservation	3,561,700							
Tribal funds (definite)	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000			
Tribal funds (indefinite)	13,204,000	13,173,000	13,173,000	13,173,000	13,173,000			
Total, Bureau of Indian Affairs	360,085,700	405,727,000	403,289,000	410,114,500	408,058,500	+2,331,500	+4,769,500	−2,056,000
Bureau of Outdoor Recreation								
Salaries and expenses	4,170,000	3,999,000	3,999,000	3,949,000	3,949,000	−50,000	−50,000	
Land and Water Conservation Fund								
Appropriation of receipts (indefinite)	327,400,000	362,500,000	350,000,000	366,000,000	361,500,000	−1,000,000	+11,500,000	−4,500,000
General fund		17,500,000				−17,500,000		
(Appropriation out of the fund to liquidate contract authority)	(30,000,000)							
Total, Land and Water Conservation Fund	327,400,000	380,000,000	350,000,000	366,000,000	361,500,000	−18,500,000	+11,500,000	−4,500,000
Office of Territories								
Administration of territories	17,414,000	21,930,000	21,537,000	21,699,000	21,699,000	−231,000	+162,000	
Permanent appropriation (special fund)	(118,000)	(367,000)	(367,000)	(367,000)	(367,000)			
Transferred from other accounts (special fund)	(367,000)	(458,360)	(458,360)	(458,360)	(458,360)			
Trust Territory of the Pacific Islands	59,864,000	59,980,000	59,980,000	59,980,000	59,980,000			
Total, Office of Territories	77,278,000	81,910,000	81,517,000	81,679,000	81,679,000	−231,000	+162,000	
Total, Public Land Management	876,098,700	973,660,000	941,026,000	957,813,500	952,362,500	−21,297,500	+11,336,500	− $5,451,000
Mineral Resources								
Geological Survey								
Surveys, investigations, and research	114,603,000	126,182,000	130,000,000	131,175,000	130,400,000	+4,218,000	+400,000	−775,000
Bureau of Mines								
Conservation and development of mineral resources	49,260,000	48,029,000	49,000,000	47,700,000	48,700,000	+671,000	−300,000	+1,000,000
Health and safety	58,029,000	73,643,000	73,630,000	74,630,000	74,630,000	+987,000	+1,000,000	
General administrative expenses	1,942,000	1,970,000	1,970,000	1,970,000	1,970,000			
Helium fund (authorization to spend from public debt receipts)	29,277,000							
Helium fund (portion applied to liquidate contract authority)	(35,800,000)							
Total, Bureau of Mines	138,508,000	123,642,000	124,600,000	124,300,000	125,300,000	+1,658,000	+700,000	+1,000,000
Office of Coal Research								
Salaries and expenses	17,160,000	21,030,000	21,880,000	20,080,000	25,530,000	+4,500,000	+3,650,000	+5,450,000
Office of Oil and Gas								
Salaries and expenses	1,273,000	1,570,000	1,570,000	1,570,000	1,570,000			
Total, Mineral Resources	271,544,000	272,424,000	278,050,000	277,125,000	282,800,000	+10,376,000	+4,750,000	+5,675,000
Fish and Wildlife and Parks								
Bureau of Sport Fisheries and Wildlife								
Management and investigations of resources	59,804,000	64,724,000	64,794,000	65,180,000	65,184,000	+460,000	+390,000	+4,000
Construction	5,144,000	4,440,000	6,225,000	7,890,000	7,126,000	+2,686,000	+901,000	−764,000
Migratory bird conservation account (definite, repayable advance)	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000			
Anadromous and Great Lakes fisheries conservation	2,326,000	2,332,000	2,332,000	2,332,000	2,332,000			
General administrative expenses	2,117,000	2,205,000	2,155,000	2,155,000	2,155,000	−50,000		
Total, Bureau of Sport Fisheries and Wildlife	76,891,000	81,201,000	83,006,000	85,057,000	84,297,000	+3,096,000	+1,291,000	−760,000
National Park Service								
Management and protection	65,921,000	70,882,000	71,077,000	70,961,000	70,895,000	+13,000	−182,000	−66,000
Maintenance and rehabilitation of physical facilities	50,547,000	56,226,000	56,230,000	56,507,000	56,457,000	+231,000	+227,000	−50,000
Construction	19,557,000	37,859,000	37,849,000	39,307,000	39,307,000	+1,448,000	+1,458,000	
Parkway and road construction (appropriation to liquidate contract authority)	(17,650,000)	(18,500,000)	(18,500,000)	(19,204,000)	(19,092,000)	(+592,000)	(+592,000)	(−112,000)
Preservation of historic properties	6,878,000	8,205,000	8,325,000	8,205,000	8,325,000	+120,000		+120,000
General administrative expenses	3,874,000	4,006,000	3,956,000	3,956,000	3,956,000	−50,000		
Total, National Park Service	146,777,000	177,178,000	177,437,000	178,936,000	178,940,000	+1,762,000	+1,503,000	+4,000
Total, Fish and Wildlife and Parks	223,668,000	258,379,000	260,443,000	263,993,000	263,237,000	+4,858,000	+2,794,000	−756,000

Footnotes at end of table.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1972 (H.R. 9417)—Continued

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Office of Saline Water								
Saline water conversion	$28,573,000	$27,025,000		$27,025,000	$27,025,000		+$27,025,000	
Office of Water Resources Research								
Salaries and expenses	13,242,000	14,490,000	$14,290,000	14,290,000	14,290,000	−$200,000		
Office of the Solicitor								
Salaries and expenses	7,626,000	6,881,000	6,800,000	6,800,000	6,800,000	−81,000		
Office of the Secretary								
Salaries and expenses	12,472,000	14,475,000	13,975,000	13,975,000	13,975,000	−500,000		
Salaries and expenses (special foreign currency program)		500,000	500,000		500,000			+$500,000
Total, Office of the Secretary	12,472,000	14,975,000	14,475,000	13,975,000	14,475,000	−500,000		+500,000
Total, new budget (obligational) authority, Department of the Interior	1,433,223,700	[1] 1,567,834,000	1,515,084,000	1,561,021,500	1,560,989,500	−6,844,500	+45,905,500	−32,000
Consisting of—								
Appropriations	1,403,946,700	1,567,834,000	1,515,084,000	1,561,021,500	1,560,989,500	−6,844,500	+45,905,500	−32,000
Definite appropriations	(1,043,547,700)	(1,170,647,000)	(1,130,397,000)	(1,160,334,500)	(1,164,802,500)	(−5,844,500)	(+34,405,500)	(+4,468,000)
Indefinite appropriations	(360,399,000)	(397,187,000)	(384,687,000)	(400,687,000)	(396,187,000)	(−1,000,000)	(+11,500,000)	(−4,500,000)
Authorization to spend from public debt receipts	29,277,000							
Memoranda—								
Appropriations to liquidate contract authority	(107,985,000)	(48,200,000)	(48,200,000)	(49,504,000)	(49,392,000)	(+1,192,000)	(+1,192,000)	(−112,000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,541,208,700)	(1,616,034,000)	(1,563,284,000)	(1,610,525,500)	(1,610,381,500)	(−5,652,500)	(+47,097,500)	(−144,000)
TITLE II—RELATED AGENCIES								
Department of Agriculture								
Forest Service								
Forest protection and utilization:								
Forest land management	281,502,000	233,508,000	238,718,000	236,178,300	238,678,300	+5,170,300	−39,700	+2,500,000
Forest research	48,891,000	49,868,000	54,208,000	51,685,000	54,325,000	+4,457,000	+117,000	+2,640,000
State and private forestry cooperation	24,163,000	24,241,000	27,741,000	27,741,000	27,741,000	+3,500,000		
Total, forest protection and utilization	354,556,000	307,617,000	320,667,000	315,604,300	320,744,300	+13,127,300	+77,300	+5,140,000
Construction and land acquisition	15,933,700	25,338,000	31,858,000	31,821,200	35,291,200	+9,953,200	+3,433,200	+3,470,000
Youth Conservation Corps	2,500,000							
Forest roads and trains (appropriation to liquidate contract authority)	(120,220,000)	(138,740,000)	(138,740,000)	(138,740,000)	(138,740,000)			
Acquisition of lands for national forests:								
Special acts (special fund, indefinite)	80,000	80,000	80,000	80,000	80,000			
Acquisition of lands to complete land exchanges		26,035	26,035	26,035	26,035			
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000	700,000	700,000			
Assistance to States for tree planting	1,020,000	1,028,000	1,028,000	1,028,000	1,028,000			
Total, new budget (obligational) authority, Forest Service	374,789,700	334,789,035	354,359,035	349,259,535	357,869,535	+23,080,500	+3,510,500	+8,610,000
Commission of Fine Arts								
Salaries and expenses	115,000	121,000	121,000	121,000	121,000			
Department of Health, Education, and Welfare								
Health services and mental health administration								
Indian health services	125,974,000	141,903,000	147,404,000	158,293,000	153,027,000	+11,124,000	+5,623,000	−5,266,000
Indian health facilities	18,715,000	[3] 21,789,000	20,289,000	36,400,000	30,400,000	+8,611,000	+10,111,000	−6,000,000
Total, Health Services and Mental Health Administration	144,689,000	163,692,000	167,693,000	194,693,000	183,427,000	+19,735,000	+15,734,000	−11,266,000
Indian Claims Commission								
Salaries and expenses	1,000,000	1,025,000	1,025,000	1,025,000	1,025,000			
National Capital Planning Commission								
Salaries and expenses	[2] 968,000	1,351,000	1,300,000	1,300,000	1,300,000	−51,000		
National Foundation on the Arts and the Humanities								
Salaries and expenses								
Endowment for the arts	12,590,000	26,500,000	26,500,000	25,500,000	26,250,000	−250,000	−250,000	+750,000
Endowment for the humanities	11,060,000	26,500,000	24,500,000	24,500,000	24,500,000	−2,000,000		
Administrative expenses	2,660,000	3,561,000	3,460,000	3,460,000	3,460,000	−101,000		
Subtotal, salaries and expenses	26,310,000	56,561,000	54,460,000	53,460,000	54,210,000	−2,351,000	−250,000	+750,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority appropriated, 1971	Budget estimates of new (obligational) authority, 1972	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1972	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Matching Grants								
Endowment for the arts	$2,500,000	$3,500,000	$3,500,000	$3,500,000	$3,500,000			
Endowment for the humanities	2,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
Subtotal, matching grants	5,000,000	7,000,000	7,000,000	7,000,000	7,000,000			
Total, National Foundation on the Arts and the Humanities	31,310,000	63,561,000	61,460,000	60,460,000	61,210,000	−$2,351,000	−$250,000	+$750,000
Public Land Law Review Commission								
Salaries and expenses	171,000							
Smithsonian Institution								
Salaries and expenses	36,895,000	46,259,000	45,259,000	44,681.000	44,701,000	−1,558,000	−558,000	+20,000
Museum programs and related research (special foreign currency program)	2,500,000	5,500,000	3,500,000	3,500,000	3,500,000	−2,000,000		
Science information exchange		1,400,000	1,300,000	1,400,000	1,300,000	-100,000		−100,000
Construction and improvements, National Zoological Park	200,000	200,000	200,000	200,000	200,000			
Restoration and renovation of buildings	1,725,000	1,050,000	550,000	550,000	550,000	−500,000		
Construction		1,900,000	1,900,000	1,900,000	1,900,000			
Construction (appropriation to liquidate contract authority)	(5,200,000)	(3,697,000)	(3,697,000)	(3,697,000)	(3,697,000)			
Salaries and expenses, National Gallery of Art	4,136,000	4,713,000	4,713,000	4,713,000	4,713,000			
Salaries and expenses, Woodrow Wilson International Center for Scholars	750,000	695,000	565,000	695,000	695,000		+130,000	
Total, Smithsonian Institution	46,206,000	61,717,000	57,987,000	57,639,000	57,559,000	−4,158,000	−428,000	−80,000
Executive Office of the President								
Salaries and expenses, National Council on Marine Resources and Engineering Development	400,000							
Federal Field Committee for Development Planning in Alaska								
Salaries and expenses	224,000							
Historical and Memorial Commissions								
Franklin Delano Roosevelt Memorial Commission		37,000	37,000	37,000	37,000			
American Revolution Bicentennial Commission								
Salaries and expenses	670,000							
National Council on Indian Opportunity								
Salaries and expenses	287,500	300,000	275,000	300,000	275,000	−25,000		−25,000
Federal Metal and Nonmetallic Mine Safety Board of Review								
Salaries and expenses	167,000	167,000	167,000	167,000	167,000			
Total, new budget (obligational) authority, related agencies	600,997,200	[3] 626,760,035	644,424,035	665,001,535	662,990,535	+36,230,500	+18,566,500	−2,011,000
Consisting of—								
Appropriations	600,997,200	626,760,035	644,424,035	665,001,535	662,990,535	+36,230,500	+18,566,500	−2,011,000
Definite appropriations	(600,217,200)	(625,980,035)	(643,644,035)	(664,221,535)	(662,210,535)	(+36,230,500)	(+18,566,500)	(−2,011,000)
Indefinite appropriations	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)			
Memoranda—								
Appropriations to liquidate contract authority	(125,420,000)	(142,437,000)	(142,437,000)	(142,437,000)	(142,437,000)			
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(726,417,200)	(769,197,035)	(786,861,035)	(807,438,535)	(805,427,535)	(+36,230,500)	(+18,566,500)	(−2,011,000)
RECAPITULATION								
Grand total, new budget (obligational) authority, all titles	2,034,220,900	[4,5] 2,194,594,035	2,159,508,035	2,226,023,035	2,223,980,035	+29,386,000	+64,472,000	−2,043,000
Consisting of—								
1. Appropriations	2,004,943,900	2,194,594,035	2,159,508,035	2,226,023,035	2,223,980,035	+29,386,000	+64,472,000	−2,043,000
Definite appropriations	(1,643,764,900)	(1,796,627,035)	(1,774,041,035)	(1,824,556,035)	(1,827,013,035)	(+30,386,000)	(+52,972,000)	(+2,457,000)
Indefinite appropriations	(361,179,000)	(397,967,000)	(385,467,000)	(401,467,000)	(396,967,000)	(−1,000,000)	(+11,500,000)	(−4,500 000)
2. Authorization to spend from public debt receipts	29,277,000							
Memoranda—								
Appropriations to liquidate contract authority	(233,405,000)	(190,637,000)	(190,637,000)	(191,941,000)	(191,829,000)	(+1,192,000)	(+1,192,000)	(−112,000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(2,267,625,900)	(2,385,231,035)	(2,350,145,035)	(2,417,964,035)	(2,415,809,035)	(+30,578,000)	(+65,664,000)	(−2,155,000)

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[1] Excludes budget amendments of $15,426,000 contained in H. Doc. No. 92–119.

[2] In addition, $229,000 transferred from "Land Acquisition, National Capital Park, Parkway, and Playground System."

[3] Excludes budget amendment of $1,900,000 contained in H. Doc. No. 92–119.

[4] Excludes budget amendments of $17,326,000 contained in H. Doc. No. 92–119.

[5] Includes $3,000,000, S. Doc. No. 92–20.

Mr. McDADE. Mr. Speaker, I rise in support of the conference report.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 3, page 6, line 3: Strike out "$71,866,000" and insert "$71,667,000."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$71,226,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 5: page 6, line 25, insert ": *Provided further*, That not to exceed $2,728,500 shall be for assistance to the East Charles Mix School District 102, Wagner, South Dakota, for construction of school facilities".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 6, page 7, line 3, insert ": *Provided further*, That not to exceed $1,048,000 shall be for construction of additional high school facilities on the Rocky Boy Indian Reservation, Montana."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House receded from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$608,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 15, line 6, insert the following: "including the use of the Government-owned site donated for the Earth Resources Observation Systems Data Center for lease construction;"

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 17, line 2: Strike "$21,880,000" and insert $20,080,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$25,530,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 17, line 22: Strike "$64,794,000" and insert "$65,180,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows; In lieu of the sum proposed by said amendment, insert "$65,184,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 21: Page 20, line 5: Strike "$71,077,000" and insert "$70,961,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 21 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$70,895,000."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: Page 22, line 13, insert the following:

"OFFICE OF SALINE WATER

"SALINE WATER CONVERSION

"For expenses necessary to carry out the provisions of the Act of July 3, 1952, as amended (42 U.S.C. 1951 et seq.), authorizing studies for the conversion of saline water for beneficial consumptive uses, including not to exceed $2,540,000 for administration and coordination expenses during the current fiscal year, $27,025,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon enactment into law of S. 991, Ninety-second Congress, or similar legislation."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 27, line 9: Strike "$54,208,000" and insert "$51,685,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$54,325,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 27, line 24: Strike "$31,858,000" and insert "$31,821,200".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. Hansen of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$35,291,200".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DIRECTING THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE TO FURNISH CERTAIN DOCUMENTS TO THE HOUSE OF REPRESENTATVES

Mr. COLLINS of Texas. Mr. Speaker, I move to discharge the Committee on Education and Labor from the further consideration of House Resolution 539, to direct the Secretary of Health, Education, and Welfare to furnish certain documents to the House of Representatives, a resolution of inquiry which has been pending before that committee for at least 7 legislative days without action being taken thereon.

The Clerk read the resolution as follows:

H. RES. 539

Resolved, That the Secretary of Health, Education, and Welfare, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than sixty days following the adoption of this resolution, any documents containing a list of the public school systems in the United States which, during the period beginning on August 1, 1971, and ending on June 30, 1972, will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance, and any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. COLLINS), to discharge the Committee on Education and Labor from further consideration of House Resolution 539.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. COLLINS of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 252, nays 129, not voting 52, as follows:

[Roll No. 229]

YEAS—252

Abbitt
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Bennett
Betts
Bevill
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dent
Derwinski
Dickinson
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Findley
Fisher
Flood
Flowers
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hays
Hébert
Hechler, W. Va.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Link
Lloyd
Lujan
McCloskey
McClure
McCollister
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Moorhead
Myers
Natcher
Nelsen
Nichols
O'Konski
Passman
Pelly
Pettis
Pickle
Pike
Pirnie
Poage
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Riegle
Roberts
Robinson, Va.
Rogers
Roush
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Ullman
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Watts
White
Whitehurst
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—129

Abourezk
Abzug
Adams
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biaggi
Biester
Bingham
Boggs
Bolling
Brademas
Brasco
Burton
Byrne, Pa.
Carey, N.Y.
Carney
Celler
Collins, Ill.
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellums
Denholm
Dingell
Dow
Drinan
Dwyer
Edwards, Calif.
Evans, Colo.
Fascell
Fish
Foley
Gaydos
Gonzalez
Gray
Green, Pa.
Halpern
Harrington
Hathaway
Hawkins
Heckler, Mass.
Helstoski
Holifield
Horton
Howard
Karth
Kastenmeier
Koch
Kyros
Leggett
Long, Md.
McClory
McCormack
McDade
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Podell
Price, Ill.
Pucinski
Rangel
Rees
Reid, N.Y.
Reuss
Rhodes
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
St Germain
Sarbanes
Seiberling
Sisk
Smith, Iowa
Stafford
Stokes
Stratton
Sullivan
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Vanik
Vigorito
Whalen
Wolff
Wyatt
Yates
Yatron

NOT VOTING—52

Abernethy
Addabbo
Alexander
Belcher
Bell
Blackburn
Blatnik
Boland
Burlison, Mo.
Chisholm
Clay
Conte
Conyers
Davis, S.C.
de la Garza
Dennis
Devine
Diggs
Donohue
Eckhardt
Edmondson
Edwards, La.
Esch
Evins, Tenn.
Flynt
Ford, William D.
Gallagher
Hanna
Hastings
Jones, Tenn.
Kee
Landrum
Long, La.
McCulloch
McKinney
Mazzoli
Montgomery
Patman
Peyser
Poff
Purcell
Saylor
Scott
Spence
Staggers
Thompson, Ga.
Van Deerlin
Waldie
Whalley
Whitten
Widnall
Wilson, Charles H.

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Abernethy for, with Mr. Van Deerlin against.

Mr. Montgomery for, with Mr. Clay against.

Mr. Flynt for, with Mr. Waldie against.

Mr. Davis of South Carolina for, with Mrs. Chisholm against.

Mr. Whitten for, with Mr. Addabbo against.

Mr. Spence for, with Mr. Conyers against.

Mr. Thompson of Georgia for, with Mr. Diggs against.

Mr. Blackburn for, with Mr. William D. Ford against.

Mr. Saylor for, with Mr. Gallagher against.

Mr. Devine for, with Mr. Eckhardt against.

Mr. Hastings for, with Mr. Charles H. Wilson against.

Mr. Belcher for, with Mr. Hanna against.

Mr. Dennis for, wiht Mr. Donohue against.

Until further notice:

Mr. Burlison of Missouri with Mr. Bell.

Mr. Evins of Tennessee with Mr. Conte.

Mr. Edmondson with Mr. Widnall.

Mr. Jones of Tennessee with Mr. Scott.

Mr. Staggers with Mr. McKinney.

Mr. Kee with Mr. Whalley.

Mr. Landrum with Mr. Peyser.

Mr. Blatnik with Mr. Poff.

Mr. Purcell with Mazzoli.

Mr. Patman with Mr. Edwards of Florida.

Mr. Alexander with Mr. de la Garza.

Mr. Esch with Mr. Boland.

Messrs. ABOUREZK, ROONEY of Pennsylvania, DINGELL, ANDERSON of Illinois, and COUGHLIN changed their votes from "yea" to "nay."

Messrs. FORSYTHE, GOLDWATER, and CLARK changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. COLLINS of Texas. Mr. Speaker, I move the previous question on House Resolution 539.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. O'NEILL. Mr. Speaker, a parliamentary inquiry: In view of the fact that there was no debate on this, is a Member entitled to 20 minutes if he asks for time?

The SPEAKER. He is.

Mr. O'NEILL. Mr. Speaker, I am asking for the 20 minutes. I have some questions I would like to ask on this and have the chairman of the Committee on Education and Labor explain it.

Mr. HALL. Mr. Speaker, has not the previous question been moved and accepted?

The SPEAKER. Yes, it has.

Mr. O'NEILL. Mr. Speaker, I was on my feet seeking recognition.

Mr. HALL. Regular order, Mr. Speaker.

The SPEAKER. Inasmuch as there has been no debate on the resolution, the 40-minute rule applies, 20 minutes to each side. The gentleman from Texas is entitled to 20 minutes and the gentleman from Massachusetts is entitled to 20 minutes.

Does the gentleman from Texas desire to be recognized?

Mr. COLLINS of Texas. No, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. O'NEILL. Mr. Speaker, many Members came in who were confused as to exactly what the question was, and what they were voting on, which was a motion to discharge the Committee on Education and Labor in view of the fact that the committee had not acted in 7 days, and the House has voted to discharge the Committee on Education. I am wondering if this is going to create a trend so that any time a bill has not been reported, we will find ourselves faced with a privileged resolution to bring it out. It can work on both sides of the street, Mr. Speaker. It can work on the Democratic side and on the Republican side.

I for one voted to oppose the discharge petition. I am opposed to the filing of a resolution to discharge a committee, because the gentleman from Texas has to go home and he wants to have an argument with regard to the busing bill and he can play a game, that he is opposed to busing. That is not the question—he merely wants information from the Secretary of Education.

What does the resolution do? Is there anything wrong? Is it a serious resolution? Is it something we should have had up today? Is it of that import?

I should like to have an answer from the chairman of the committee as to why this was not acted on and how he intends to vote as the chairman of the committee.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. Perkins).

Mr. PERKINS. Mr. Speaker, I thank the distinguished whip for yielding to me.

The resolution was called to my attention a couple of weeks ago by the House Parliamentarian. He told me at the time it was a privileged resolution.

Last Friday was the date that the gentleman from Minnesota (Mr. Quie) and I had agreed to call up this resolution before the House Committee on Education and Labor, and we encountered much difficulty in obtaining a quorum. We were in the process of marking up the Economic Opportunity Act.

To be perfectly truthful and frank, both he and I forgot about it. Neither of us, I believe, took the resolution too seriously because it was of the nature that the sponsor of the resolution could have picked up the telephone and gotten the information from HEW.

But the gentleman feels he is entitled to this information, and the right to move the resolution is privileged. I voted against discharging the committee because I believe that the committee would have considered the resolution if we had a few more days. I do not believe we have been very inattentive to our responsibilities.

But it is before the House now as to whether or not to approve the resolution. The resolution simply provides that the Secretary must make public all school districts in the Nation that receive Federal funds which will be required to bus schoolchildren. That is the effect of the resolution.

Mr. O'NEILL. I thank the gentleman.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. I should like to ask the gentleman a question.

Is it not against the law to use Federal money to bus students to bring about racial balance?

Mr. PERKINS. The gentleman has been here longer than I, and I am sure he knows the law. They do have provisions of law.

Mr. ANDREWS of Alabama. I could not understand the gentleman.

Mr. PERKINS. I said there was a provision of that type in the law.

Mr. ANDREWS of Alabama. So if they use any at all they are violating the law; is that not right?

Mr. PERKINS. The gentleman can put his own construction on it.

Mr. ANDREWS of Alabama. That is the construction I put on it, and I believe the gentleman agrees.

Mr. PERKINS. The courts have ruled otherwise, which the gentleman is aware of.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I voted against the motion to discharge the committee, simply because the resolution had been introduced on the 14th of July, and our subcommittee had been working diligently on reporting from our subcommittee the President's request for a desegregation bill. We have reported that bill out. It is now waiting before the full committee for action. Furthermore, our full committee has been preoccupied with final markup of the antipoverty bill.

My record of opposition to busing goes back many years.

Those Members who feel very strongly against using Federal funds to bus children to overcome racial imbalance will have an opportunity to vote for such a prohibition, as we did last December, when the bill comes to the floor.

I intend to vote for the resolution before us today simply because I believe that this is important information for the Members; information we ought to have before we take up the desegregation bill which the administration has requested.

When we were marking up the desegregation bill in subcommittee, we suggested to the Secretary that he provide us with information on busing and how much money has been used for busing as well as information about all the programs being funded under the temporary desegregation bill. The Secretary advised my staff and myself that to provide that information would require in excess of 100,000 pages of various applications and requests for funds.

I believe the House ought to know and be apprised of exactly how the administration is implementing the present $75 million program which will come up for renewal later today in the House when we have to vote on a continuing resolution containing that $75 million. Perhaps we ought to defer action on the vote today until we get the information being sought by the gentleman from Texas, who has asked that this information be supplied to the House by approximately October 2. This is particularly so since many of us have said in the present bill that there is an opportunity for excessive use of Federal funds for busing. Secretary Richardson very strongly denied this. So Mr. Richardson will be given ample opportunity to present all of the facts to the House so that we can make an intelligent decision with regard to the desegregation bill when it comes to the floor of the House for final action after the recess.

I appreciate the time that our distinguished majority whip has taken to discuss this issue today, because the motion to discharge the committee, I believe, was not really necessary. I believe we tried to move deliberately as we could on this legislation. Nevertheless, since the House voted to discharge the committee, I shall vote for the resolution.

Mr. O'NEILL. Mr. Speaker, may I say this: I think it is a bad precedent to have discharge petitions as the gentleman from Texas had.

Second, in addressing my comments to the other side of the aisle, may I say I have known Elliot Richardson, the Secretary of Health, Education, and Welfare, for many, many years. He is an able and talented gentleman. I believe he will never do anything against the Federal laws and Federal standards. He is such an honorable man that if the gentleman from Texas had personnally called him, he would have given him all the information he needed. After all, he is a Republican and a member of your party—your Secretary of Health, Education, and Welfare. I feel certain that there is enough cooperation between your majority leader and those on your side and Mr. Richardson's that he would have given you everything that you could have asked for without your having embarrassed him as you did today.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Texas. Mr. Speaker, I yield 5 minutes to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the distinguished majority whip has been quite critical of this action today on the ground that it would establish a bad precedent. I wonder if the gentleman from Massachusetts remembers that on July 7, 1971, he in effect voted to have a resolution of inquiry come to the floor of the House. This was a resolution—and I am quoting from the Congressional Record—entitled "directing the Secretary of State to furnish to the House certain information respecting U.S. operations in Laos."

I think the gentleman from Massachusetts established the precedent used here today by his vote on July 7. He is a little tardy in his complaint about the use of this parliamentary procedure. If he felt as strongly then as he does now, he would not have voted against tabling the resolution.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. BOGGS. I would like to see if I understand this clearly.

My recollection is that the privileged resolution that we voted on came from the Committee on Armed Services and the Committee on Foreign Affairs.

Mr. GERALD R. FORD. The first one came from the Committee on Foreign Affairs and it had been before the committee and the committee had acted, which makes some sense. The Committee on Foreign Affairs had rejected the resolution. However, this committee has not acted in this instance so the circumstances are different.

Mr. BOGGS. The committee had not been discharged, had it?

Mr. GERALD R. FORD. No, because that committee held hearings and this committee has not.

Mr. BOGGS. What about the Foreign Affairs Committee? Was that committee discharged?

Mr. GERALD R. FORD. I just said that the Committee on Foreign Affairs was involved in the resolution that the gentleman from Massachusetts was concerned about.

Mr. BOGGS. Did not the committee act on the resolution?

Mr. GERALD R. FORD. Yes; they did, but it was a rejection of the resolution.

Mr. BOGGS. Well, the gentleman has acknowledged that in all instances the respective legislative committees had acted, but in this case nothing like that has occurred.

Mr. GERALD R. FORD. There is one distinct difference, I might say to my good friend from Louisiana in the case of the resolution from the Committee on Foreign Affairs. The committee had acted adversely. That makes some difference too.

In this case, the one before us at the present time, the committee did not act. Whether it was through negligence or forgetfulness or lack of concern, I am not sure. The Committee on Education and Labor will probably explain it later, but the point is that the committee did not act.

The gentleman from Massachusetts was quite critical about the fact that it would be establishing a bad precedent. Well, the gentleman should have known that on July 7 when he was not apparently concerned about it.

Mr. COLLINS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding and I do not want to butt in front of the majority leader, but I wanted to get some time, since my name was brought into the discussion. I did not realize that the ranking minority member of the committee had a responsibility to bring out the resolution. I talked to the chairman of the Education and Labor Committee about the resolution before we convened last Friday. It was my understanding that he was going to bring it up during markup that day. It did not bother me that the committee took no action, because I think the resolution which has been offered by the gentleman from Texas is one asking for information that should be readily available to him so the House could act without the committee acting. If we authorize and appropriate money for the emergency school aid bill, there will be some money going to school districts between August 1, 1971 and June 30, 1972, but that information is not available to show its distribution.

I do not believe that the gentleman from Texas is asking the Secretary of the Department of Health, Education, and Welfare to define how that money is going to be utilized but, rather, he wants information on money that has already been authorized and appropriated, the $75 million, plus a continuing resolution on the $75 million. All of that is available now.

I think that information is readily available. The Secretary of the Department of Health, Education, and Welfare needed to secure some information from the various school districts which took some time. If the authorizing committee did not take action, I do not see anything wrong with discharging them now and passing the resolution to secure this information. That is why I voted as I did. I think there will be cooperation on the part of the parties involved to make available the information.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Louisiana.

Mr. BOGGS. I want to address a question to the gentleman from Minnesota.

Mr. QUIE. I will be glad to answer, but the gentleman from Texas has the time.

Mr. BOGGS. Well, either one will be sufficient. Did I understand the gentleman from Minnesota to say that this information is available and is being forwarded to the committee?

Mr. QUIE. I am not speaking for the Secretary of the Department of Health, Education, and Welfare. I am saying that I expect the information the gentleman from Texas (Mr. COLLINS) is asking for has to do with the utilization of funds that have already been appropriated and there should be no trouble for the Department of Health, Education, and Welfare to furnish it.

Again I do not expect the Secretary to define how he is going to distribute the money that has not been authorized as yet, but that information, it seems to me, is now available to determine which schools have now received funds and the rules and regulations which apply.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Louisiana (Mr. BOGGS) such time as he may consume.

Mr. BOGGS. Mr. Speaker, I shall take only a minute or two. While I support the intent of the resolution, I must say that I find myself in complete agreement with the gentleman from Massachusetts (Mr. O'NEILL) when he says that we are at the very least setting a very bad precedent here today.

Mr. Speaker, if each one of us whenever we get the notion introduces a privileged resolution, and then comes here with a motion to discharge the legislative committee, I would say that the legislative processes in this body would have become very chaotic.

From the viewpoint of the administration it is even more dangerous, because we could have resolution after resolution requesting privileged information from the executive branch of the Government, the Department of Justice, the Department of State, Health, Education, and Welfare, and every other department of Government. If the leadership on the other side wants to see that happen then I must say that they are doing a fine job of opening the door.

Insofar as this being comparable to what occurred here several weeks ago with respect to the so-called Pentagon papers, and other documents that we were seeking access to, in both cases, if I remember correctly, they were resolutions presented to two committees. In all of the instances the committees reported the resolutions unfavorably. Again, if I remember correctly, a motion to table was made, I believe, by the chairman of the respective committees, and in each case the motion to table carried.

In the meantime, the executive branch did make available the so-called Pentagon papers, and other documents that the various Members of the House were asking for.

But, Mr. Speaker, if we open this Pandora's box in every agency and every department of the Government, and if we suddenly start using these privileged resolutions, over which the leadership on either side have no control whatsoever, we will in my judgment have abrogated our own functions as leaders and done something that I think each one of us will live to regret.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the distinguished dean of the House.

Mr. CELLER. Mr. Speaker, I can say as the chairman of the Committee on the Judiciary that this would emphasize a most abominable practice. If all individual members on a committee, independently of the committee and independently of the chairman of that committee can successfully ask for information of the type involved in this resolution I would certainly deplore such a practice. It would create confusion worse confounded not only in the committee. It would have the same effect in all committees. Orderly procedure in committee would go out the window. It would be difficult for the committee chairman to maintain discipline in the committee. With large committees like my Judiciary Committee there would be difficulty of control. Someone must be in the driver's seat. This resolution would set a bad precedent and be hurtful to all committees. I hope the resolution will be rejected. I say this despite the merits or demerits of the substance of the resolution.

Mr. BOGGS. Mr. Speaker, I would also

like to point out that there are any number of discharge petitions filed, and of the members who have voted here for this type of discharge would not think about signing a discharge petition, although the effect is exactly the same.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, the gentleman is doing a lot of deploring over this issue. It seems to me that his deploring comes quite late. How did the gentleman from Louisiana vote on the reorganization bill that provided for this procedure?

Mr. BOGGS. I would say to the gentleman from Iowa that this has been in the rules for many, many years, and it was not new in the reorganization bill.

But to answer the gentleman's question, I voted "yea."

Mr. GROSS. That is what I thought.

Mr. COLLINS of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, this resolution which is before us now, since the committee has been discharged, is simply a request for information. It seems to me that every Member of this House is entitled to the best information each Member can possibly have before each one of us is required to vote on a bill.

This is not a bill to legislate. It does not require any school district to do anything. It just simply seeks information from the Secretary. In my judgment it is no slap at the Secretary at all, and should not be interpreted that way. It really places confidence in the Secretary, and seeks through him some information that will help us make a judgment on a bill that is going to be before this body in about a month or 6 weeks. I would hope that he would be able to speed up the information so that we would have it at that time or that bill would be postponed till we do have it.

So I join with the gentleman from Illinois (Mr. PUCINSKI) in saying that this is information that is needed by Mr. PUCINSKI's subcommittee, so as to make the best judgment we can on the legislation that will be scheduled for floor action after we return in September.

Now I say this because the bill that was voted out is $1.5 billion and it certainly has something to do with busing. In fact it has a great deal to do with busing. There may be a substitute bill which will be offered which is broader in scope and would go to the heart of what is wrong with our schools today.

If you read the Washington Post this morning you read of schools that are not going to open their doors in September, about teachers who are not going to be hired, about programs that are going to be curtailed and the widespread chaos that exists.

It seems to me this is simply a request for information and is indeed in order. I would think the House would be derelict in its duty if we were to take up a bill that involves over a billion dollars and have no idea of how much money is being spent at the present time on busing and how many districts are involved.

May I also say that a great deal has been done in this House about freedom of information and I am always intrigued by various people who want information on certain subjects. Now if we really believe in freedom of information and if we really believe in the right of Members of this House to know what is happening, then for the life of me I cannot understand what is wrong when we now ask the Secretary of Health, Education, and Welfare in a perfectly orderly fashion to supply within 60 days the amount of money that is now being spent and in which districts for busing and the guidelines, rules and regulations which HEW has drawn up to enforce this busing to achieve some magical racial balance.

When this bill comes before the House it is my judgment—and Mr. PUCINSKI has already told you this—it is from his committee that the bill comes—that this information would be vital in making a valid judgment. So, after the committee has already been discharged by the previous vote I would hope that this "right to know" this freedom of information request would be approved by this House.

Mr. COLLINS of Texas. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, if I may I would like to tell you a little bit about our busing situation.

This is a new development that has come in in the past few years and in some of your communities you might not yet have experienced it. But usually the way it develops is that a representative of the civil rights section of HEW approaches a school board and tells them that they are not in compliance. The school board asks what they should do. It is suggested to this school board that they try to have some kind of a plan and bring it back to HEW for approval. In a small school area it is very difficult for them to understand why they are not in compliance. We have a little city named Grand Prairie that only has one elementary school where HEW said there was not a racial balance. The board could not understand why. But HEW kept asking them for alternate after alternate. And this kind of thing goes up to Washington and the answer comes back from Washington.

In Irving we have a little school that was closed. HEW never did explain to them what the complete rules and regulations are. After all, to achieve racial balance, they always put the burden on the school district.

Now, what we are asking in this resolution, is to let a school district have the right of knowing just what are the rules and regulations.

When I was down home 2 weeks ago I had the opportunity to visit many of our citizens. They asked who runs our country today—does Congress run it or do the bureaucrats run it.

It is a very real question that all of us need to ask. If you have had any questions come up at any time, you have realized that in these Government departments they have become autonomous. The law is made by Congress. In this resolution, we ask that HEW give us their rules and regulations on this particular subject.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. ZION).

Mr. ZION. I thank the gentleman for yielding. The example the gentleman has just presented applies also to the Evansville-Vanderburgh School Corp. in southern Indiana. The bureaucrats in Chicago came down and said that we were going to be deprived of a million dollars in Federal funds because our program on integration was not adequate. I think it is important for those people who try to run a school district to know why, and also—particularly pertinent to this resolution—I think they have the right to know how much of their money that has been set aside for improving neighborhood schools, is being diverted. They have a right to know how much plant and equipment they will not get as a result of money spent to buy buses. I think they have a right to know whether teachers' salaries will suffer so that students can ride back and forth in buses to attend classes. I think they have a right to know all this before September while they are making their plans. I believe it is very important that these people who are trying to do a good job in the neighborhood schools, and are trying to improve the quality of education, have the facts and figures necessary for them to make rational decisions.

So I strongly support the gentleman from Texas and would like to associate myself with the good comments by the gentlewoman from Oregon.

The **SPEAKER.** The gentleman from Massachusetts is recognized.

Mr. O'NEILL. Mr. Speaker, I think it is regrettable that a Member comes into the Speaker's office 1 minute before the House convenes and informs the leadership that he is going to call up a bill or a resolution as soon as he gets a chance to obtain the floor.

The issue was explained in this way: As Members appeared on the floor they were told, "Well, if you are for busing, you vote 'nay.' If you are against busing, you vote 'yea.' "

That explanation is inaccurate. What the gentleman says in the resolution is that he wants certain information. He wants certain information from the Secretary of Health, Education, and Welfare, who happens to be Mr. Richardson. I know Mr. Richardson. He is one of the most able and talented men in the Nixon administration. I have known him for 30 years. We in Massachusetts are proud of him. There is no question in my mind that Mr. Richardson would ever refuse the gentlewoman from Oregon any information that she should desire. I hate to think there is politics involved in this matter—that the gentleman from Texas cannot go home unless he has some answer about busing.

If it is that serious a question, I do not believe that the gentleman cannot pick up the telephone and say to Mr. Richardson or any of the aides in HEW, "This is the information I want. This is the information that I seek." If he cannot do that, then I feel sorry for him. I have never seen a department from which I have been unable to obtain information which I needed for legislative purposes.

The gentleman has the right of this floor. He does not have the right to use the floor in the manner in which it has been used. The departments respect Members of Congress regardless of the department involved. When a congressional message goes over to a department, it gets first preference. I think he would be better off if he used that system than the system that he has used today.

I indicate that I will, and I hope all other Members will vote for the resolution. It is a simple resolution providing information which the gentleman could have gotten without confronting the House in the manner in which he has.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Florida.

Mr. FASCELL. What confuses me on this question—and I shall certainly support the resolution—I cannot believe nor do I understand that the rules and regulations of the Department of HEW are secret or not already public, and that they are, therefore, unavailable to the gentleman from Texas.

Nevertheless, the purport of the resolution is to require, by the will of the House, that the Secretary of HEW make available to the gentleman from Texas the rules and regulations of the Department on this particular problem. If that is the case, that is, if the assumption is that the gentleman has been denied the rules and regulations of one of our departments of Government in the administration of a program, then by all means this House should act.

I just cannot believe the Secretary of Health, Education, and Welfare has acted in that fashion with respect to this program. Neither can I believe that a list of the public school systems receiving funds for busing is not publicly available, or that if it is not, it ought to be.

I cannot believe the subcommittee having jurisdiction of the bill would come to the floor of this House not already knowing this information, so obviously it is more than a simple request to get information, because the information is available to everyone.

Nevertheless, having gotten this far in discharging the committee, I see no alternative but to vote for the resolution as a matter of principle, and making this information available specifically to the gentleman from Texas, the sponsor of the resolution.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I was pleased to hear the distinguished majority whip say he was going to vote for this resolution—as I will—but I think the minority leader ought to know the consequences of what has been done here. We have discharged the Committee on Education and Labor and we are going to bring this resolution up for immediate consideration—and I intend to support it. But may I call the attention of the gentleman to the fact that the President has been urging early action on his desegregation bill. It would seem to me we cannot schedule that bill in the House until the intent of this resolution has been fulfilled by the Department, and the information has been supplied the Members. Surely the information being sought by the gentleman from Texas will have an impact on how Members will vote on the President's desegregation proposal. Surely we need that information before we can go further. So it would seem to me we will not be able to call up the desegregation bill for at least 60 days.

More important, we are going to have a continuing resolution this afternoon to provide $75 million for this program. That also would come within the purview of this resolution. It would seem to me that those who intend to vote for this resolution today ought in good faith to vote against the continuing resolution, until we have this information. We will be involving $75 million today, and we are going to involve the desegregation bill, which the President has asked early consideration of. I will use every resource I have to make sure that bill does not come to the floor until the intent of this resolution has been fulfilled, and the information has been supplied.

This is the consequence of this action to discharge the committee on this legislation. We knew these consequences, and that is why we did not bring this resolution to the floor, but if the gentleman wants to go ahead in this way, go ahead and take the consequences.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I take exception to the charges that have been made on the floor this afternoon by the distinguished majority whip and by others that the minority leader on this side of the aisle is somehow responsible for this kind of procedure. I do not cherish this kind of procedure myself. I do not like to come to the floor and have to vote on a resolution where there is not even a report and where I have to go to the telephone and call the Department of HEW—as I did—and ask whether or not this information is available.

But the trouble is, it could have been avoided if the chairman of the House Education and Labor Committee had held a hearing on this resolution and not treated the gentleman from Texas in this cavalier fashion. I am fed up with the suggestion that this side of the aisle is to blame.

I do not happen to believe the resolution is necessary. I have been informed by Mr. Poole in the Department of HEW that the information is available from the Office of the Commissioner on Education and from HEW. But maybe the next time the chairman of the Committee on Education and Labor would not have a moment of forgetfulness and forget to have a hearing on the resolution—which would have avoided all this trouble—so that the facts could have been brought out in orderly fashion.

Mr. HOGAN. Mr. Speaker, I rise in support of House Resolution 539. I believe that a crisis exists in our educational system which demands the serious attention of the House.

The Department of Health, Education, and Welfare, acting under its interpretation of the decisions of the Supreme Court, are engaged in a scheme to institute a massive busing plan to integrate our country's schools from kindergarten through high school.

They are also doing so with total disregard to the consequences that their action will have on education and upon the communities affected.

They are falsely raising the hopes of the black people of this country that such schemes will improve the quality of education for black people. Their manipulation would require an extraordinary expenditure for buses, maintenance, and personnel which could result in double and triple shifts of the school day and would seriously curtail such educational programs as field trips and athletic programs.

In my district busing to comply with HEW edicts would cost millions of dollars. Existing bus service in some areas is being discontinued to make more money available for racial busing.

There is no educational value to be gained by busing children simply to achieve an arbitrary racial balance.

If we are honest with ourselves, then we must admit that the problem does not lie with our schools but with our communities. No effective form of integration will succeed until black and white people learn to share a common interest within a common community. If we must expend our resources in enforcing some form of integration, it would be far wiser to focus on the problems of the whole community rather than to burden the schools with social experiments which proffer the vague and unsubstantial hope that somehow everything will be better some day.

Recently, in Prince Georges County, Md., under the threats and intimidation of HEW, the board of education was presented with a foolish plan which would have jeopardized the education of thousands of children.

Fortunately, the board was wise enough to reject the plan. HEW will now undoubtedly threaten to cut off Federal funds if the county fails to comply with a plan acceptable to HEW.

Mr. Speaker, in an effort to reinforce the severity of the problem, I insert the statement which I presented on July 29, 1971, before the Prince Georges County Board of Education:

Mr. President, Ladies and Gentlemen of the Board: I urge that this Board reject entirely the proposal prepared by your staff to implement a plan of massive busing for Prince George's County.

Further, I urge that you stand up to the pressures being exerted by the Department of Health, Education, and Welfare in its notice of non-compliance and insist that the matter be resolved in the courts.

I need not remind this Board that its primary obligation is the education of the children of Prince Georges County. Any plan adopted by the Board should have as its primary consideration the creation of quality education for the children of Prince Georges County and, secondarily, to get maximum benefit from the money invested by the taxpayers for education. The plan presently before you would seriously hamper these objectives. Money which should be spent for education would be spent for buses.

It makes no sense whatsoever to bus some 7,000 elementary children up to 14 miles at a cost of possibly a million dollars, particularly when over 5,000 of those students are now within walking distance of their schools.

The Supreme Court has *not* ruled that a school system is under any compulsion to initiate a massive busing plan where de facto segregation exists. In fact, they have specifically said that such school systems are not obligated to do so. This is the situation we have in Prince Georges County, not de jure but de facto segregation. It is not illegal. The Prince George's County School Board should stand by its principles and resist the idiocy of HEW.

If HEW persists in regarding every state which had de jure segregation prior to the decision in *Brown* v. *Board of Education* (1954) as continuing to have such a system, despite the best efforts of the school system to comply and in complete disregard to the changes which have occurred since 1954 in residential patterns, no state affected by the Court's 1954 decision could ever satisfy HEW's criteria. The consequence would be a continual redrawing of school boundaries and increased busing to the point that the school system would be driven to bankruptcy and the taxpayers into poverty.

Furthermore, children would have to attend numerous different schools during the course of their education just to satisfy the misguided zeal of social experimenters and manipulators. This is not good educational policy.

In my opinion, the attorney for the School Board erred in identifying any elementary schools as de jure schools until that could be determined by the courts. The fact of their construction prior to 1954 is not sufficient to reach such a conclusion and I don't believe the evidence would indicate that the School Board has gerrymandered districts in order to keep them segregated subsequent to the 1954 Supreme Court ruling.

I am aware that the actions of HEW carry with it the implied threat to deny funds unless the Board complies. I will do everything within my power to assure that such a threat is never carried out. I am of the opinion that, if this School Board decides to challenge HEW's order in court, as they should (and I urge that they do so) HEW can be restrained from denying funds until the courts resolve the question.

I want to stress that I am vehemently opposed to segregation, not only of our schools but also of our communities. I further believe that the problems that black people of this nation face in jobs, housing, and education will not be eliminated until we eradicate all remnants of racial prejudice in this land. All Americans should have the right to live where they wish, work where they are qualified to work, and go to the schools in their own neighborhoods. I will vigorously support programs to achieve real equality in all aspects of our lives, but I will not support schemes that will undermine the fabric of our educational system by requiring that schools bear the full brunt of social experimentation.

I repeat my conviction that this Board should reject its staff plan and insist that the questions of de jure segregation be resolved by the courts. In that way the decision will be final and doubt will be removed.

We should not allow a handful of bureaucrats to dictate what we know is ridiculous. The members of this Board have a responsibility to assure the best education possible for our children. In this instance, this means rejecting the proposal before you.

Mr. Speaker, this issue is tearing our Nation apart. The Congress must solve the problem. The courts and HEW have virtually preempted the voice of Congress in the decision.

The President himself cannot escape responsibility for this problem. He has said he opposes busing to achieve racial balance and yet officials of his administration take actions which directly contradict the President's statements. Why cannot he transfer these idiotic bureaucrats who work counter to his policies someplace where they cannot do as much harm if he is unable to fire them outright?

I urge that the Congress consider a resolution that HEW cannot enforce its will upon a school system until a court has interpreted in a hearing of fact whether or not a school system is in violation of the law—whether it is de jure or de facto. I, for one, am unwilling to allow the same agency who disburses funds to also determine the law.

I will support House Resolution 539 introduced by the gentleman from Texas in the hopes that it might possibly help in this ridiculous situation which HEW has created and is creating in our school systems.

By making HEW define its rules on busing we might be able to expose the vicious shell game they are now playing by putting the blame for busing plans on local school systems.

Mr. RARICK. Mr. Speaker, I certainly support House Resolution 539. I see nothing wrong with directing the Secretary of Health, Education, and Welfare to furnish the House with the list of public school systems receiving Federal funds and engaged in the busing of schoolchildren and the rules and regulations of HEW with respect to the use of these funds.

If, as the Supreme Court has ruled, the peoples' "right to know" must be protected, even to smoking out the so-called secrets of the Pentagon papers, then certainly there should be no harm in telling the people how the Government is using their tax dollars to attempt to do what God Himself would not do—make people equal.

Furthermore, the people have the right to know how this Congress is yielding to judicial fiat by appropriating funds to what the Congress itself has specifically said could not be done—bus children to overcome racial imbalance—definition (b) of 42 U.S.C. 2000 C. This congressional protection of freedom from busing is the law of the land—the Supreme Court has chosen to ignore the law of the land but has never declared it unconstitutional.

Just last week this House appropriated funds specifically designed to enforce the Swann-Mecklenburg decision over my objections and contrary to existing law. It is the right and privilege of the Members of this House to know how this money is going to be spent so that they can inform their constituents of the extent of Federal discrimination.

I intend to cast my people's vote in support of House Resolution 539.

Mr. BINGHAM. Mr. Speaker, I believe passage of this resolution is totally unnecessary. We have been advised by the gentleman from Illinois (Mr. ANDERSON) that the information requested in this resolution is readily available from the Department of Health, Education, and Welfare.

The extraordinary preference granted to resolutions of inquiry may be justified in certain cases, especially where the Department concerned has refused an informal request to provide the information to Members of Congress or has responded to such requests in an inadequate manner. That is not the case here. To use this procedure indiscriminately is to invite a chaotic situation in which the systematic and orderly conduct of the business of the House may well be impeded.

Finally, I sense from the resolution and from the remarks made on the floor by its sponsor, the gentleman from Texas (Mr. COLLINS) that this resolution represents a part of a campaign to discredit and interfere with the efforts of the Department of Health, Education, and Welfare to achieve integration in American education.

Accordingly, while on its face the resolution appears harmless enough, I am constrained to vote against it.

Mr. PICKLE. Mr. Speaker, the gentleman from Texas (Mr. COLLINS) has introduced a timely resolution which should have our support.

I will admit that it is a very unusual practice that we follow today by voting to discharge the committee and thus allow a vote on the pending resolution here on the floor. It is not a good practice to circumvent committee function, and I think we will all agree that only in extreme circumstances would we take from the committee a resolution which has been pending such a short time.

The fact is, however, that we have voted to discharge the committee and thus make in order a vote on the pending resolution. It is, therefore, a moot question to debate whether the House is wise thus to suspend its rules. The question is should the information be given to the Congress by the Secretary of Health, Education, and Welfare.

I think it should be given to the Congress.

Some have contended HEW would give to the Congress such information and documents as it has regarding rules and regulations on any school where the Federal Government attempts to withhold funds in attempts to achieve racial balance. This is supposed to be the law anyway, for this is what the Congress has already voted.

It is not enough, therefore, to contend that HEW gives to the Congress all the information necessary and pertinent to these rules and regulations. I submit, further, that this was not done in the Austin school board case. Here, the court had directed HEW and the Austin independent school system to negotiate in an effort to work out differences of school busing plans. But I must advise the House that on three or four instances HEW actually broke engagement dates with our school officials and thus kept them in the dark as to what HEW specifically wanted or intended.

I must further say that the lack of needed information was not entirely HEW's fault, but came about because they in turn did not known the "party line"—that is, Justice waited until the 11th hour to decide which way it would go. In either event, both were slow in giving us direction, and I presume that would mean rules and regulations we should have known.

Therefore, though this may be an unusual route, I find it a serious proposition that there should even be any need for such a resolution.

For these reasons I support this resolution and I trust that the House will support it.

GENERAL LEAVE TO EXTEND

Mr. COLLINS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COLLINS of Texas. Mr. Speaker, I move the previous question.

The SPEAKER. The previous question has been ordered.

The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PUCINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. Two hundred three Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 351, nays 36, not voting 46, as follows:

[Roll No. 230]

YEAS—351

Abbitt
Abourezk
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Dorn
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—36

Abzug
Annunzio
Badillo
Barrett
Bingham
Blatnik
Bolling
Burke, Mass.
Burton
Celler
Collins, Ill.
Dellums
Dow
Eckhardt
Edwards, Calif.
Green, Pa.
Harrington
Hawkins
Helstoski
Koch
Leggett
Macdonald, Mass.
Metcalfe
Mikva
Mitchell
Morse
Mosher
Nix
Rangel
Roncalio
Rooney, N.Y.
Rosenthal
Ryan
Stokes
Vanik
Whalen

NOT VOTING—46

Abernethy
Addabbo
Belcher
Bell
Blackburn
Burlison, Mo.
Clay
Conyers
Davis, S.C.
de la Garza
Devine
Diggs
Donohue
Edmondson
Edwards, La.
Esch
Evins, Tenn.
Flynt
Ford, William D.
Gallagher
Hanna
Hansen, Wash.
Hastings
Hillis
Jones, Tenn.
Kee
Landgrebe
Landrum
Long, La.
McCulloch
McKinney
Mazzoli
Montgomery
Passman
Peyser
Poff
Purcell
Saylor
Sullivan
Thompson, Ga.
Van Deerlin
Vander Jagt
Waldie
Whalley
Whitten
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. McKinney.

Mr. Burlison of Missouri with Mr. Belcher.

Mr. Charles H. Wilson with Mr. Bell.

Mr. Evins of Tennessee with Mr. Devine.

Mr. Purcell with Mr. Landgrebe.

Mr. Flynt with Mr. Blackburn.

Mr. Abernethy with Mr. Hillis.

Mr. Montgomery with Mr. Hastings.

Mrs. Sullivan with Mr. Saylor.

Mr. Hanna with Mr. Vander Jagt.

Mr. Waldie with Mr. Peyser.

Mr. Jones of Tennessee with Mr. Esch.

Mr. Passman with Mr. Poff.

Mr. Gallagher with Mr. Conyers.

Mr. Whitten with Mr. Whalley.

Mr. Landrum with Mr. Thompson of Georgia.

Mr. Davis of South Carolina with Mr. de la Garza.

Mr. Van Deerlin with Mr. Clay.

Mr. Kee with Mr. Diggs.

Mr. Mazzoli with Mr. William D. Ford.

Mr. Donohue with Mr. Edwards of Louisiana.

Mr. Edmondson with Mrs. Hansen of Washington.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ACCESS TO INFORMATION

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, by a vote of 351 to 36, this Congress has taken one giant step forward for the cause of democracy.

Mr. COLLINS of Texas wanted certain information from the Department of Health, Education, and Welfare which the Committee on Education and Labor had failed to get. He came to the floor of the House and introduced a resolution discharging the Committee from further action, and asked the members to reaffirm his right to this information.

In passing this resolution we have established the right of a man representing the American public to have any information he wants as to what any branch of this Government is doing.

Too long has the Congress been denied access to information of programs not necessarily in the public interest.

The seniority system has made it possible for a chairman of a committee to stop any action he wants to stop. This vote serves notice that members will now come to the House with their requests if the chairmen are not responsive.

During the argument, the majority leader, Mr. BOGGS, and the majority whip, Mr. O'NEILL, pointed to the fact that this would be setting a dangerous precedent. To this I say, Mr. Speaker, dangerous for whom? Certainly not for the American public.

PERSONAL EXPLANATION

(Mr. MAZZOLI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MAZZOLI. Mr. Speaker, I was scheduled to depart Louisville on Eastern Airline flight 522 at 10:55 a.m. this morning. My arrival time at Washington

National Airport was scheduled for shortly after 12 noon today.

Because of an equipment failure, flight 522 did not leave Louisville until almost 3 p.m. this afternoon. Thus, I did not arrive in Washington until shortly before 5 p.m.

Because of this equipment failure, I was prevented from being on the floor of the House today during the period when three record votes were taken.

Had I been present at the time the conference report on H.R. 9272, Appropriations for the Departments of State, Justice, Commerce, and Judiciary, I would have voted "yea."

Had I been present at the time the vote was taken on the motion to discharge the Committee on Education and Labor from further consideration of House Resolution 539, directing the Secretary of Health, Education, and Welfare to furnish certain documents to the House of Representatives which pertain to the busing of children to achieve racial balance in the schools, I would have voted "no."

Had I been present at the time the vote was taken on adoption of House Resolution 539, I would have voted "yea."

CONCERNING THE WAR POWERS OF CONGRESS AND THE PRESIDENT

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 1) concerning the war powers of the Congress and the President.

The Clerk read as follows:

H.J. Res. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress reaffirms its powers under the Constitution to declare war. The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

Sec. 2. It is the sense of Congress that the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

Sec. 3. In any case in which the President without specific prior authorization by the Congress—

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the president of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

Sec. 4. Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. ZABLOCKI. Mr. Speaker, I yield myself as much time as I may require.

Mr. Speaker, House Joint Resolution 1 reasserts in a constitutional and practical way the power and authority of Congress in the matter of war-making.

This resolution is virtually identical to a war powers resolution which was passed under suspension of the rules by the House on November 16, 1970, by the overwhelming vote of 288 to 39.

When the Senate subsequently failed to act on the House resolution before the end of the 91st Congress, it died with adjournment.

Today the House is being asked to reaffirm its earlier decision that the concept embodied in this resolution represents a clear and firm consensus of the House in the matter of war powers.

The only modification of the earlier House-passed resolution which was made in House Joint Resolution 1 resulted from the desire to gain the broadest possible support.

The resolution approved by the House last Congress contained the phrase "whenever feasible" in section 2—as:

> It is the sense of Congress that, *whenever feasible*, the President should seek appropriate consultation with the Congress before involving the Armed Forces, etc.

When the resolution was reintroduced into the 92d Congress that phrase was deliberately omitted. The reasons were:

First, the phrase apparently had been the most controversial part of the resolution during its consideration in the House in 1970. Several members told me that they based their opposition to the resolution on the inclusion of those two words. This year those two words, which troubled some, have been eliminated and open the way for their support of House Joint Resolution 1.

A second reason for eliminating the phrase is that it had no essential significance in the resolution. The section in which it appears remains a "sense of Congress" provision and thus advisory rather than mandatory on the President.

Even though this resolution had been drafted and approved by the Committee after extensive hearings in 1970, the Subcommittee on National Security Policy held additional hearings on House Joint Resolution 1 and other war powers bills this year.

Once again the subcommittee was convinced of the wisdom of the approach embodied in the resolution. On July 21 the full House Foreign Affairs Committee considered House Joint Resolution 1 and voted unanimously to report it to the floor for passage.

Mr. Speaker, there are a number of members of this body who have themselves offered war powers resolutions. Many of those proposals are of much more sweeping effect than the resolution before us today. For that reason, it is possible to question their constitutionality or their feasibility in view of the fact that to become effective they must become law.

House Joint Resolution 1 cannot be questioned on either count.

It is clearly a legitimate and constitutional exercise of congressional power to pass such a resolution.

Second, I believe that the President will sign this resolution, or at least allow it to become law. In that regard, it should be pointed out that representatives of the executive branch who have testified on the proposal have made it clear that they find nothing in it which they would find objectionable.

This is so, I believe, because the resolution was drafted with bipartisan support, not in an effort to provoke confrontation between the legislative and executive branches, but rather to promote greater cooperation and consultation in the national interest.

Because this resolution was formed in a spirit of cooperation rather than confrontation, I believe it reflects a consensus in the House on objectives which new war powers legislation should fulfill. Those objectives are three:

First, House Joint Resolution 1 reaffirms and reasserts the constitutional grant of power to Congress to declare war, while recognizing the responsibility of the President to defend the Nation against attack, without specific prior congressional authorization, in emergency circumstances.

Second, the resolution makes clear that, to the maximum extent possible, the Congress should be consulted prior to Presidential action involving the commitment of U.S. forces to combat even if the crisis does not permit Congress to act first.

Third, House Joint Resolution 1 places a new reporting requirement on the President. It directs that he must promptly present to Congress a formal, written explanation whenever he takes certain actions involving U.S. Armed Forces without prior congressional approval.

Among Presidential actions included are the commitment of troops to armed conflict or the risk thereof, the initial movement of significant numbers of U.S. forces to foreign soil, and the substantial enlargement of units already stationed abroad.

That is the total effect of the resolution. As section 4 of the proposal makes explicit, it does not alter the constitutional authority of either Congress or the President, nor does it affect the provisions of existing treaties.

While it neither increases or diminishes the existing war powers of Congress and the President, House Joint Resolution 1 does offer an opportunity for greater understanding and coordination between the two branches of Government in the greater national interest.

We may reasonably expect situations to arise in the future, as they have in the past, which will threaten conflict between the Congress and the President over the exercise of the war-making powers. Passage of House Joint Resolution 1 will prevent such strife at critical periods in our Nation's history.

Key to this effect of the resolution is section 3 which imposes a reporting requirement and thereby opens up a formal channel for communication between the President—the Commander in Chief—and the Congress.

Since the reporting requirement contained in section 3 of the resolution is the heart of the proposal, it requires some further explanation.

House Joint Resolution 1 calls for the President to file a report with the Congress in three situations in which he acts without specific prior congressional authorization.

Those situations are:

First, when he commits U.S. military forces to armed conflict.

This would include commitments of U.S. forces into situations or areas where conflict already is taking place and there is reasonable expectation that American military personnel will be subject to hostile fire.

For example, if the resolution had been in force in 1965, the President would have been required to make a formal report to Congress about the Dominican Republic action.

Second, the President would be required to report to Congress in any situation in which he commits military forces equipped for combat to the territory, airspace or waters of a foreign nation, except for deployments which relate solely to routine matters such as supply, repair, training, or for humanitarian purposes.

This provision is designed to cover those commitments of troops in situations where there is no actual fighting, but some risk, even if it is small, of our forces being involved sooner or later in hostilities.

Thus, for example, the dispatch of Marines to Thailand in 1962 and the Lebanon landing of 1958 would have required a report to Congress.

Third, the President would be required to report whenever he substantially enlarged numbers of U.S. military forces already located in a foreign nation.

While the word substantial is subject to interpretation, it is possible to have a common sense understanding of the numbers involved. A thousand additional men sent to Germany or Vietnam would not be a substantial enlargement of U.S. forces there. If a thousand-additional-man contingent were sent to Guantanamo Bay, Cuba, however, it would increase U.S. forces by some 25 percent and would require a report.

The report itself is prescribed in some detail by the resolution. It is to be submitted promptly, that is, within several days, in writing, to the President of the Senate and the Speaker of the House. Morever, it is implied to the maximum extent possible, the report is to be unclassified. If the President wishes to make classified information available to the Congress as additional justification for his actions, he is free to do so.

The legislation also specifies information which is to be contained in the report. It includes: The circumstances requiring the President to act; the constitutional, legislative and treaty provisions from which he derived authority for his action, the President's reasons for not seeking specific prior Congressional authorization; the estimated scope of activities, and such other information as the President believes necessary to aid the Congress in fulfilling its responsibilities.

Requiring such a report from the President is fully consistent with the traditional relationship between the Congress and the Chief Executive. Fully one hundred reporting requirements have been imposed in the past on the executive branch by Congress as part of foreign affairs and national security affairs legislation.

While it is not unusual for Congress to require Presidential reporting, the reports themselves should be an unusually effective way of keeping Congress informed about the use of U.S. armed forces abroad. They may lead to increased harmony and cooperation between Congress and the President in national security matters.

In time of future crisis, the safety and salvation of our Nation could well depend on just such harmony and cooperation.

In conclusion, I wish to commend particularly several Members of Congress who have been very helpful in formulating this resolution and have contributed significantly to it. They are the gentleman from Florida (Mr. FASCELL), the gentleman from California (Mr. HOLIFIELD), and the gentleman from Florida (Mr. PEPPER), and, on the other side of the aisle, the gentleman from Illinois (Mr. FINDLEY).

Therefore, Mr. Speaker, I urge that the Members of this body suspend the rules of the House and approve this resolution.

Mr. FINDLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, I subscribe generally to the theory that the Congress should assert itself in this important field and that normally it would be desirable before committing our Armed Forces abroad for the President of the United States to consult with the Congress.

I think, however, it is perfectly obvious—and it has been true throughout our history—that occasions are going to arise when consultation for one reason or another—and I refer to prior consultation—is not practicable or possible.

When this resolution was before the House previously—and I voted for it—the words, as the distinguished chairman has said, "whenever feasible" were included.

In the resolution passed here previously the operative language read as follows:

> It is the sense of the Congress that, *whenever feasible*, the President should seek appropriate consultation with the Congress before involving the armed forces of the United States in armed conflict—

I, personally, regard it as unfortunate, particularly since the words were included the first time, that they should be omitted this time. It seems to me that it is at least possible to argue that the resolution has more significance than I think, probably, was intended by the committee or that it actually could have in practice. I think we must all realize that there will in fact be occasions when prior consultation will not be had because it is not in fact possible or feasible, and in section 1 and again in section 3, this resolution itself in effect recognizes that it is not always feasible to have prior consultation.

The committee report says that the omission of these words makes no difference, and that may be true, but since that is so, and it has been so that the President has, on occasion acted throughout our history, and since the committee was careful and elected to state his right to act here, I, personally, find it regrettable that those words were left out, and that there was this change.

If we were bringing this important matter up other than under a suspension of the rules, as I would have hoped it would have been brought up other than on a suspension of the rules, I would certainly offer an amendment to put those words back in which, of course, is not now possible.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. FINDLEY. I am sure the gentleman from Indiana recognizes that consultation can occur at several different levels. It might consist of a telephone call to the Speaker of the House and one to the President of the Senate or the President pro tempore of the Senate. It could involve committee leaders or entire committees, or the entire Congress.

For myself, I cannot recall any time in our history in which circumstances were so tight as to deny the President at least a reasonable opportunity to get on the telephone and at least inform the elected leaders of both Chambers before our military forces are engaged.

Therefore, I feel that the omission of "whenever feasible" really does not have a damaging effect upon this resolution. After all, that part of the resolution——

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. FINDLEY. Mr. Speaker, I yield the gentleman 2 additional minutes.

The SPEAKER. The gentleman is recognized for 2 additional minutes.

Mr. FINDLEY. The words "whenever feasible" appeared formerly in that part of the resolution which is a sense of the Congress, an expression of opinion and attitude on the part of the Congress, and does not have a binding force and effect.

Furthermore, I would like to say this is a new Congress. The last resolution on this question was considered in a former Congress. The legislative history of this action depends upon what the 92d Congress does.

Mr. DENNIS. My feeling is that it does not add very much or change very much either, but the gentleman drew the resolution before. Why did he leave the words out?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the chairman of the subcommittee.

Mr. ZABLOCKI. I thank the gentleman for yielding. When a similar resolution was considered in the 91st Congress there were some Members who felt that the phrase "whenever feasible" in section 2, the sense of Congress portion of the resolution would serve as an excuse for the President not to consult with Congress.

Since the phrase is in the sense of Congress section of the resolution, dropping the phrase "whenever feasible" appeared advisable. It was the intent of the chairman of the subcommittee and, I believe, the members of the subcommittee to obtain broader support for the resolution. Deleting "whenever feasible" does not detract from the provision in this section and would, indeed, encourage the President to seek consultation with the Congress.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from North Carolina.

Mr. JONAS. May I ask a question of the chairman of the committee?

I invite your attention to the sentence beginning in the middle of line 4, page 1, which is as follows:

> The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

The SPEAKER. The time of the gentleman from Indiana (Mr. DENNIS) has again expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 additional minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. JONAS. Mr. Speaker, if the gentleman will yield further, I am a little confused about that language. I had thought the President of the United States has the inherent authority, not only the power and authority, but the responsibility to defend the United States if attacked, immediately.

Mr. ZABLOCKI. Mr. Speaker, if the gentleman would yield, that is exactly right and the language in the resolution reaffirms that the Congress recognizes this power.

Mr. JONAS. No, you say that the Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States. Does he not have that power in any event—and the responsibility?

Mr. ZABLOCKI. Under the Constitution the President does have the authority, in certain extraordinary and emergency circumstances to commit troops and the power to defend the United States.

Mr. JONAS. What if the United States is suddenly attacked?

Mr. ZABLOCKI. That certainly is an extraordinary and emergency circumstance, and the President would have the authority to commit troops and this resolution so states.

Mr. JONAS. So that what you mean is that in the event of an extraordinary or sudden attack you would concede the President would have the authority and responsibility to defend the United States, in the event of such a sudden attack, without any requirement that he get the consent of the Congress?

Mr. ZABLOCKI. There is no question in the mind of the gentleman from Wisconsin about that.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. The gentleman from Indiana has the time.

Mr. DENNIS. As I understand the explanation made by the chairman of the subcommittee, these words "whenever feasible" were omitted without the intention of tying the President down more than the first resolution. And I come back to the fact that as far as I know, throughout history, the President of the United States on many occasions has committed armed forces and then consulted with the Congress afterward, and those actions have been approved ex post facto. If the committee is seeking by this resolution to say that the President can no longer do that, that he always must consult ahead of time whenever it is in any wise feasible, then I would think that we were making a rather serious change.

Mr. ZABLOCKI. May I say to the gentleman from Indiana that the language of section 2 does not say that.

Mr. FINDLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Speaker, there are two areas in this resolution upon which I would like some clarification.

In section 3, paragraph 2, it states, "Commits military forces equipped for combat," et cetera.

Now, at what point do we determine when forces are equipped for combat? In 1961, we dispatched 15,000 troops to South Vietnam. They were presumed to be there for instruction and training purposes. The resolution excepts the training of U.S. Forces. The troops sent in 1961, as I recall, were combat equipped, at the same time they were presumed, as I say, to be there for the purpose of training South Vietnamese troops. How would this be applicable under similar circumstances in the future?

Mr. ZABLOCKI. It would be applicable whenever the President commits combat-equipped troops further, subparagraph 3, provides that a report is required when the President "substantially enlarges military forces already located in a foreign nation."

The President would then have to report to Congress.

In the case of Vietnam, when we had a training force there——

Mr. COLLIER. We had 583 there.

Mr. ZABLOCKI. And we had less than 5,000, this number was increased to 15,000. However, prior to being equipped for combat, they did not even carry sidearms, I will say to the gentleman. When they were equipped for combat, if this resolution were law, the President would have to report his action to the Congress.

Mr. COLLIER. We had 583 troops, I understand those are the figures, of so-called training forces.

When the 15,000 were sent they did have sidearms, and they did in fact engage in combat.

At what point do we decide whether they are there for the purposes of training forces, and at what point do they become combat forces?

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. FINDLEY. If the gentleman will read lines 7 and 8 on page 2 which provide the answer.

The language is "commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation."

So when the moment arrives that military forces equipped for combat are committed to the territory, airspace, or waters of a foreign country then at that moment the President is required under the terms of this resolution to report to the Congress what has occurred, his justification for it, and the legal basis for taking that action.

Mr. COLLIER. According to this verbiage no President could dispatch forces for the purpose of training foreign forces inasmuch as this makes the exception for the training of U.S. forces, is that correct?

So we would have no recurrence of what we had previously.

Mr. FINDLEY. I will say to the gentleman that had this resolution been law in 1962 when the number of U.S. military personnel in Vietnam was raised from about 700 to 16,000 definitely under the terms of this resolution a report would have been required. Those forces were sent originally as military advisers. But shortly after their arrival in Vietnam they were reformed as part of combat teams and they became forces certainly equipped for combat.

Mr. COLLIER. I thank the gentleman. There is one other point with reference to the final sentence in this resolution which reads:

> Nothing in this joint resolution is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

At present we are engaged in or are involved in some seven international treaties which commit us to the common defense of some 40 nations in the world.

Why should not this be applicable to those particular treaties? Because I think if we learn nothing else from our experience in the last 6 years it should be a review of all military commitments—and we are committed today as I say to the defense of 40 nations in the world. And I do not think that there should be an exclusion in this type of resolution to accommodate those treaties which are in many cases obsolete and certainly impracticable in the light of our recent experience.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. FINDLEY. The language in section 4 has nothing to do with the language in section 3, the reporting requirement. For example when we initially stationed military forces in Europe under the NATO treaty a report under this resolution would be required. If we substantially increased those forces in Europe a report would be required.

Mr. ZABLOCKI. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. Fascell).

Mr. FASCELL. Mr. Speaker, we have witnessed in the last year a basic reappraisal of the way in which this Nation involves itself in war. Drawing on the experience of Southeast Asia, and particularly the Cambodian incursion which involved U.S. forces in combat without prior congressional consultation or authorization, the necessity for a comprehensive review of the war powers of Congress and the President was clearly recognized.

In order to stimulate that reappraisal and catalyze the discussion of a vital constitutional issue, I prepared and sponsored legislation on May 13, 1970, to define the authority of the President to commit U.S. troops abroad or make war without the express consent of Congress.

Thanks to our colleague, Clem Zablocki, chairman of the Subcommittee on Nation Security Policy of the House Foreign Affairs Committee, and the distinguished members of that subcommittee as well as Chairman Thomas Morgan of the full Foreign Affairs Committee, a thorough discussion has taken place. The extensive hearings which were held both last year and this year were among the most carefully structured and thorough in which it has been my privilege to participate.

The result of that careful consideration is House Joint Resolution 1, which is before us today. It is the legislative translation of our consensus about how to begin to restore a proper constitutional balance between the Congress and the President. A similar resolution was approved overwhelmingly by the House last fall, but died when the Senate failed to act.

Mr. Speaker, we cannot delude ourselves that this one bill, or even a series of bills, will, by themselves, restore the prerogatives of the Congress, arrogated by the Executive over the years. But House Joint Resolution 1 is an important first step toward reestablishing the constitutional balance with respect to war powers.

The widespread change of attitude which has seen renewed and wider interest in this subject in both the House and Senate is significant.

Mr. Speaker, the Congress is in the midst of considering many critical issues, but none could be more important than the question of minimizing the risk of unnecessary war. We can begin the long road back to full congressional constitutional authority by taking favorable action on House Joint Resolution 1.

Mr. FINDLEY. Mr. Speaker, I yield myself such time as I will require.

Mr. Speaker under the Constitution, the Congress clearly is the branch with the greatest warmaking authority and responsibility, deriving them from specific provisions as well as from residual powers.

The somber fact, however, is that the Congress has exercised this authority to only a modest degree. For the most part, Congress has been content with the role of supply sergeant to the Nation's military needs, leaving to the President the great decisions of war and peace. Neglect of its responsibility has been greatly to the disadvantage of the public interest.

In light of our grim experience in the quagmire of Vietnam, it is timely—in fact, urgent—for the Congress to identify the factors contributing to this neglect. We must find ways to promote greater congressional participation in the decisions which cause our Armed Forces to engage in hostilities, or cause them to be stationed where hostilities may develop. Congress must find effective ways to reassert its control over the power of the sword committed to it by the Constitution.

Athough I feel the Congress has preeminent authority and responsibility in the warmaking field, clearly the Constitution confers some responsibilities in this area to the President, certain others to the Congress as a whole, and still others only to the Senate.

The language of the Constitution actually invites struggle among these institutions as to which will have the decisive voice in determining the course of the American Nation. In this struggle the Supreme Court provides little help. The final arbiter is the American electorate, with the Court almost without exception choosing to regard conflicts between the Congress and President over war powers as extrajudicial.

Why the Presidency has become the institution of greatest influence in the field of war powers, to the disadvantage of the Congress, is easy to understand.

It has advantages in terms of action and influence over public opinion. Among these are the unity of the Presidential office, its capacity for secrecy and dispatch, its generally superior sources of information, its capability to make war, and its functioning continuity, that is, its readiness to act any hour, any day.

These advantages are inherent and must be recognized as the Congress attempts to exercise more adequately its own responsibility under the Constitution.

As Congress considers ways to reassert control over the power of the sword, it must also recognize its own limitations. It cannot by statute reduce what a President perceives to be his constitutional duties as Commander in Chief. He may thwart a 30-day statutory limitation on his authority to continue hostilities by applying a very narrow definition to the term "military hostilities." He may ignore legislatively-imposed reporting requirements, or respond to them incompletely or too late. He may use the vast resources of his office to influence the happening of events or to marshall public opinion so that, regardless of what we do, Congress will be unable to play a meaningful role in the determination of war policy.

To the extent that events, rather than legal interpretations, tend to settle struggles over war powers, the President can be expected to have the upper hand over Congress.

The quest for an improved relationship is nevertheless worthy of our best efforts. The bill before the House, House Joint Resolution 1, represents a significant advance in this relationship. It deals specifically with the stationing of forces equipped for combat abroad in the absence of hostilities.

While it is highly important that Congress be involved intimately in decisions which actually engage our forces in military hostilities, it is also essential that we be similarly involved in decisions which place our forces in circumstances where armed conflict may later develop.

The decision to place U.S. Armed Forces in foreign areas where hostilities may subsequently break out could well have greater and graver implications than a subsequent decision authorizing such forces to continue—or discontinue—their engagement in actual hostilities.

Certainly, the political, psychological, and emotional factors present when the earlier decision is made would be much more conducive to thoughtful, objective deliberation than later when guns are blazing. On the later occasion, our forces and our flag would be under attack. Concern would center on the safety of our forces and the broad—and important—questions of national honor, prestige, and influence. At that juncture, the wisdom of our presence could not receive the same dispassionate consideration that would have been possible earlier.

Most Americans, I would judge, today believe the United States acted unwisely when it first placed forces equipped for combat in South Vietnam. They would like to turn the calendar back and not have them there at all, regardless of the consequences for the South. But, primarily because our forces and our flag were under attack, many of these same people opposed a quick departure of our forces, and some still do. They support actions in Cambodia and Laos and the more gradual "Vietnamization" of the war.

Unfortunately, the Congress did not deal directly and promptly with the question as to whether the initial commitment of forces equipped for combat to Vietnam was either constitutional or in the national interest.

Congress was never called upon the grant specific approval in connection with the stationing by President Kennedy of 16,000 troops equipped for combat in Vietnam in 1962, troops which were initially identified as military advisers but soon were given direct combat responsibility.

While we cannot turn the calendar back, hopefully we can profit from this experience. We can establish rules which will enhance the likelihood that in similar future circumstances—before fighting breaks out—Congress will receive promptly a formal written report from the President detailing and justifying the steps he has ordered. Upon such a report, hearings could be expected. Congress, if it deemed such advisable, could pass judgment on the wisdom, propriety, constitutionality, and necessity of the action reported.

Under this proposal, the President must give attention to a detailed report to Congress at the very time he ponders a decision to commit military forces to foreign territory or to enlarge substantially forces already there. At the very least, this would remind the President and his advisers forcibly and before the commitment is made of congressional responsibility and authority in this area.

As a practical matter, this reporting requirement might also cause the President to consult directly with the legislative branch before making the final decision on force commitment.

Had House Joint Resolution 1 been law, it would have required a prompt, written detailed report on:

The Berlin airlift following the blockade of that city in 1948.

The intervention of U.S. troops in Korea in 1950.

The enlargement of our forces in Europe in 1951.

The sending of reinforcements to Berlin after the German border was closed in 1961.

The deployment of our troops in Thailand in 1961–62.

The various troop buildup stages in Vietnam through August 1964, when Congress approved the Gulf of Tonkin Resolution.

The sending of Marines to the Dominican Republic in 1965.

Present activities over Laos in early 1971.

These are some of the major incidents since the end of World War II involving American troops in which neither prior nor subsequent congressional approval was sought by the President.

Each of these force movements was undertaken without specific prior authorization of the Congress. Each involved armed conflict or the definite risk thereof. Most importantly, several of these instances would not have invoked the provisions of the war powers bill sponsored by Senator JAVITS and widely endorsed in the U.S. Senate, while each would have required a report to Congress under House Joint Resolution 1.

Had this reporting requirement been in effect in 1962 when the number of U.S. advisers in Vietnam was raised from 700 without combat gear to 16,000 equipped for combat, President Kennedy would have been required to explain promptly and in writing to Congress the circumstances necessitating his decision, the constitutional, legislative, and treaty provisions under which he took such action, and his reasons for not seeking specific prior congressional authorization.

This reporting requirement of itself might have caused sober second thoughts by the President. It might have caused him to reconsider. If he went ahead, the report on the action would have provided Congress with a formal document on which to hold hearings.

Certainly the consideration of the report in 1962 would have been in circumstances more favorable to objectivity than existed when the Gulf of Tonkin resolution was passed in 1964.

House Joint Resolution 1 would have required the President promptly after the commitment of our forces to Laos on February 7, 1971, to report in writing to the Congress the circumstances necessitating the action; the constitutional, legislative, and treaty provisions under the authority of which he took such action, with his reasons for not seeking specific prior congressional approval; and the estimated scope of activities.

The President, due to the need for secrecy, could have placed the highest security classification on part or all of the report for a period of time. But, importantly, the President would have reported in writing, in detail, and promptly to the Speaker of the House and the President of the Senate, who then would be able to place the documents before the appropriate committee for further consideration.

To be sure, this procedure provides no guarantee that the Congress will undertake an examination of the report, but the basic information and opportunity would be at hand.

In respect to the Laos operation, Congress was subjected to the same total weeklong news blackout as was the rest of the Nation. To the best of my knowledge, the Congress to this date has not been supplied with a formal report providing basic data about the Laos action, such as the House bill would require.

Prompt reports would re required, with the modest exceptions listed, whenever forces equipped for combat are sent to foreign areas for any purpose.

Would the reports be so numerous as to bog down both the executive and legislative branches? Based on past history, the answer must be no. Reports would be required only when the original force commitment is made, or when forces are substantially enlarged. Additional reports would not be required as personnel and equipment are rotated.

"Substantially" is open to varied definitions, but I do not feel admits of too much flexibility or is overly vague. A thousand additional men sent to Europe under present circumstances clearly would not "substantially enlarge" our 300,000 men already stationed there. A thousand men sent to Guantanamo Bay, Cuba, to beef up our 4,000-man contingent there would indeed be "substantial."

The aim is to facilitate the fulfillment by Congress of its responsibility for committing the Nation to war, and also its responsibility to "provide for the regulation of its Armed Forces."

Congress can hardly regulate the Armed Forces as the Constitution requires if it does not even know where they are or where they are being sent.

This expanded reporting requirement would place congressional influence far closer to the points and moments of great decision. It would require the President and his advisers to give thorough consideration to the judgment and reaction of Congress, as well as to the relevant provisions of laws, treaties, and the Constitution, to which they must turn for authority. Consideration of legal justification would become part of the decisionmaking process—not a subsequent State Department lawyers handcraft a exercise of small importance in which legal garment to cover the subject long after the military action has been decided upon and undertaken. And the Congress, charged under the Constitution with the power to commit the Nation to war, would be better equipped to fulfill its responsibility.

If enacted, House Joint Resolution 1 will establish for the first time in our history a formal statutory relationship between the President and the Congress with respect to the stationing of military forces on foreign territory.

For the first time the President will be required to inform the Congress promptly and in detail as to what he is doing with military forces abroad and why.

To be sure, the legislation does not seek to delimit what the President can do with military forces, and that fact is important to note. It does not tie the President's hands. It does not diminish or increase the constitutional war powers of either the President or the Congress.

The proposal advanced by Senator JAVITS, which would terminate Presidential authority to conduct hostilities after 30 days unless Congress acts, raises serious questions and has serious limitations.

It does nothing to inhibit presidential adventurism in the stationing of troops abroad in circumstances where hostilities may subsequently occur. It becomes operative only after "the initiation of military hostilities."

The following chart which I am placing in the CONGRESSIONAL RECORD lists six intances in recent years in which military forces equipped for combat were stationed on foreign territory in circumstances of potential hostility. In none of these instances would the Javits proposal have functioned, but in all of them a prompt detailed report would have been required by House Joint Resolution 1:

DEPLOYMENT OF U.S. TROOPS SINCE WORLD WAR II IN CIRCUMSTANCES OF POTENTIAL HOSTILITY

	Number of U.S. troops initially there	Date of 1st deployment or order	Number of military units added or involved	Provision of H.J. Res. 1 requiring report
Berlin airlift (1948)		June 21, 1948, partial air service; June 26, 1948 full-scale service.	277,000 flights by end of blockade, Sept. 30, 1949.	(2) (3)
U.S. forces to Europe (1951)	2 divisions	Sept. 9, 1950, Truman pledges buildup.	4 divisions added	(3)
Berlin crisis (1961)	5,000-man garrison	Aug. 20, 1961	1,500 men sent from United States and Europe, plus Vice President Johnson.	(2) (3)
Thailand buildup (1961-62)	300-man MAAG group.	May 15, 1962	5,000 troops "instructed to hold fire even by Pathet Laos"; Paul Harkens, commander.	(1) (3)
Dominican Republic (1965)	27 men	Apr. 26, 1965 to rescue Americans; Apr. 29, 1965 to maintain order.	14,000 troops	(1) (2) (3)
Laos bombing (1971)		Feb. 7, 1971	Bombing and troop transport	(1) (2) (3)

The Javits proposal also raises serious constitutional questions. It limits independent presidential authority to four categories: First, to repel attack against the United States; second, to repel attack against U.S. Armed Forces; third, to protect the lives of U.S. nationals abroad; and fourth, to comply with national commitments. In each of these instances, "such military hostilities, in the absence of a declaration of war, shall not be sustained beyond 30 days."

Actually, the constitutional authority of the President is probably greater than that defined by the bill's four categories. Without making a final judgment on any particular point, it may be argued that participation in regional peacekeeping actions in defense of U.S. interests in free transit of international straits, and humanitarian interventions strictly to save lives are within the President's authority. Yet, these situations seem prohibited by the proposal advanced in the Senate which defines Presidential authority in advance. To that extent, such a restrictive proposal may be unconstitutional.

At the very least, in the absence of greater constitutional clarity, such a law might precipitate a constitutional crisis between Congress and the President when the Nation can least afford it. We have not yet become a Nation musclebound by our enormous power, but we can make ourselves so.

Attempts to restrict Presidential authority before the fact may prove to be too much. The Congress already has the constitutional authority to terminate hostilities, if it will only use it.

For a nation to go to war, it must go through a process of decision, not just a single decision of commitment. Control of this process requires congressional involvement in decisions both prior and subsequent to initial commitment of our Armed Forces to combat. A vigorous congressional involvement through the reporting requirement specified in House Joint Resolution 1 will probably be more effective than reliance on mechanical tests for delimiting Presidential authority to act to four specific categories.

As Congress attempts to regain the power of the sword, it should not let the present dissatisfaction with the Vietnam war lead to proposals which may alter the proper balance between Congress and the President. The Vietnam war will come to an end, but the need for a proper balance between Congress and the President will continue.

In August 1937, the Young Democrats meeting in their national convention voted to endorse a constitutional amendment requiring a national referendum before there could be a declaration of war. Five years later, World War II made the proposal seem strangely outdated.

History teaches that we tend to respond to past problems rather than anticipate future dangers. Hopefully, House Joint Resolution 1 avoids that pitfall. It will inhibit Presidential adventurism, without raising questions over the independent constitutional authority of the President or the Congress.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, if I understood the gentleman when we had our previous colloquy and if I also correctly understood the distinguished chairman of the committee, it is not the intention of the committee by omitting the words "whenever feasible" in section 2 in any way to limit or detract from the historic powers and practice of the President as Commander in Chief. Is that correct?

Mr. FINDLEY. Speaking for myself, that certainly is correct. First of all, I do not feel the inclusion of these words in the last Congress had any real substance. Second, this is only a resolution and could not conceivably diminish the constitutional authority of the President of the United States.

Mr. DENNIS. Mr. Speaker, may I ask the distinguished chairman if that is correct as far as he is concerned?

Mr. ZABLOCKI. If the gentleman will yield, that is correct as far as the gentleman from Wisconsin.

Mr. DENNIS. Mr. Speaker, if the gentleman will yield for one additional question, when the gentleman and I had our earlier colloquy, the gentleman, as I understood him, indicated "appropriate consultation" as used in section 2 would not necessarily mean a formal communication with the Congress but might be satisfied by an informal consultation with the leadership. Is that correct?

Mr. FINDLEY. That certainly is one conceivable form. I might add in the very few years I have been on the Hill, the President has consulted with Congressmen in various ways. In the wake of the Cambodian incursion, for example, he had the full membership of several committees at the White House and had a direct dialog. In other circumstances, his predecessor, President Johnson, had us to the White House in groups of 40 or 50. That was another form of consultation.

The President consults with the Congress in almost all circumstances by communicating with the Speaker of the House and the President of the Senate.

Mr. DENNIS. May I ask the distinguished chairman of the committee if he also agrees on that?

Mr. ZABLOCKI. I do.

Mr. DENNIS. Mr. Speaker, I thank the gentleman.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New York.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding. I rise in support of House Joint Resolution 1 as an interim measure to provide congressional input in the determination of military policies which fall short of a declaration of war, but which involve commitment of U.S. forces to hostilities. I cannot disagree with the intentions of this bill and I will vote for it this afternoon.

I strongly regret, however, that such desperately needed and urgent legislation was brought up under a suspension of the rules. This means, of course, that the House has no opportunity to offer amendments to strengthen the resolution but, perhaps even more important, it means that we are given no opportunity to debate the great issues which surround this measure.

The interest expressed in legislation of this type by my colleagues in this Chamber, by the Senate and especially by the citizens of our Nation demand that Congress engage in full and open debate on the issues involved. Congress has virtually abandoned its constitutional role in foreign affairs by providing no viable modern-day procedure for exercising this authority and I firmly believe that the Nation has a right to expect the legislative branch to reassert its responsibility in this area.

House Joint Resolution 1 provides that the President will report to Congress when, without specific prior authorization by the Congress, he commits U.S. military forces to armed conflict, and I applaud this initial step. But the resolution does not go far enough. While it strives to assure that the Congress will be kept informed, it provides no workable vehicle whereby the Congress can take an active role in warmaking powers, nor does it provide any timetable for Presidential communication to the Congress.

As my distinguished colleagues know, I have introduced a bill, H.R. 7290, which faces the issue of congressional responsibility in two major ways. First, it creates a Joint Congressional Committee on National Security to which the President must report either prior to or within 24 hours after he takes military action and still be assured that information vital to the success of the action and to the safety of our troops will be safeguarded. This concept provides a format for the President to communicate with Congress in matters of national security by dealing with a definite committee. It would eliminate the present procedure where certain congressional leaders are consulted in some instances, and others at other times. I hope that this joint committee concept will gain support.

Second, my bill calls for positive action by the Congress in approving or disapproving the President's decision. If the Congress does not provide approval, the President must begin withdrawing American forces from foreign territory within 30 days. I wish to emphasize, Mr. Speaker, that this bill is not intended to force limitations on the President, but it is designed to clarify the obligations of both the executive and the legislative branches when the Armed Forces of the United States are engaged in hostilities.

Clearly, Mr. Speaker, the time has come for Congress to assume vital responsibilities which have been picked up by the executive branch in the last decade. Congress is not the Commander in Chief, nor is it an adjunct of the military structure. As spokesman for the people, however, Congress has an independent responsibility involving questioning, evaluation, and judgment and I urge my colleagues to join me in calling for a full-scale debate on this urgent constitutional question.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Florida.

Mr. FASCELL. I would say the subcommittee and the committee considered several proposals which would have gone beyond what is in this resolution; for example, terminating the power of the

President after a specific period of time. But the constitutional questions raised with that issue are far from settled. I do not believe we could have resolved them in time to have gotten any kind of action.

Therefore, I would concur with the viewpoint of the gentleman from New York that this could be considered an interim step. Giving recognition to the extraordinary powers of the President under the Constitution, as done in this resolution, is an affirmative step. Second, formalizing the written report requirement is an affirmative step. Third, making it known that we seek a very definite communications vehicle between the Executive and the Congress is an affirmative step.

In the meantime, if the other constitutional issues can be resolved satisfactorily so that they can be considered by both bodies, I believe definitely we ought to go further. I am sure no one wants a repeat of what has happened in the past decades. The United States must not again engage its Military Establishment in warfare either indirectly or directly without the full prior knowledge and action of the Congress.

Mr. FINDLEY. I believe the gentleman from Florida will agree with me when I state that inevitably the effect of this reporting requirement will be to cause a greater degree of consultation between Congress and the President.

Mr. FASCELL. I agree with the gentleman. It seems to me that is the very first healthy step which has to be taken.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I do believe this resolution is a step forward, and I commend the chairman of the subcommittee for it. I must say I believe it is a very, very small step.

I regret we have not faced up, really, to what I believe is the fundamental problem here, which is the erosion of the power of the Congress to declare war as granted by the Constitution, in a world where declarations of war have gone out of fashion. We have not had a declaration of war since World War II anywhere in the world as far as I know.

We should have some method whereby we can exercise the power we were given by the Constitution with regard to the opening of hostilities in situations where a declaration of war does not occur.

I offered one solution. The gentleman from New York (Mr. HORTON) offered another solution. The gentleman from Florida (Mr. CHAPPELL), with many cosponsors, offered another. The committee simply did not deal with the problem. This resolution does not deal with it.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I wish to commend the subcommittee and the full committee for bringing this resolution to the floor. I am one of the sponsors of it.

I have given this a great deal of study, and I know how thin the ground of understanding is on the point of the President's inherent constitutional powers.

I believe this will bring about some order. Especially do I appreciate the explanation of the gentleman from Wisconsin (Mr. ZABLOCKI), and the gentleman from Florida (Mr. FASCELL). They have very clearly stated what the Congress intends. I believe it is within the bounds of constitutional law. I believe it is a clear indication to the President of the United States that the Congress does want appropriate consultation with the Congress on these matters contained in the resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Speaker, I commend the able chairman of the subcommittee and the members of his committee for bringing this joint resolution to the floor. I am proud to be one of the cosponsors of it.

I hope, Mr. Speaker, that this measure, when it becomes a law, will be construed as an affirmative assertion by the Congress that it must give its concurrence before the Executive can take any substantial steps or commit any substantial number of the Armed Forces of this country abroad except to repel attack or threatened attack.

Knowledgeable legal spokesmen for the administration and the courts are holding that the only legal basis today for the continuation of the war in Indochina is the concurrence that Congress has given to it by its support both in money appropriated and in other measures of support for it. This resolution makes it clear that Congress expects and insists that it shall be consulted and have an opportunity to give or withhold its assent to any such substantial combat commitment abroad by the President except to repel attack upon our country or its Armed Forces or property or our territory, citizens, property, or in accordance with obligations we have constitutionally undertaken.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. DOW).

Mr. DOW. Mr. Speaker, I am very glad that we are taking one step here to reassert legislative authority.

I believe it is a myth that the President's power of Commander in Chief embraces any area where Congress cannot legislate; constitutionally the legislative power extends to all acts of war.

I myself would prefer to see the bill read not in the permissive way it does, allowing the President to commit forces, but the bill should read that he shall not commit forces unless there is an immediate and an extraordinary emergency that threatens the safety of the United States.

Under that kind of phrasing, no forces could have been sent by the Executive to Santo Domingo, to Laos, or to Cambodia, and they would not be there now.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Speaker, I think it is a mistake for the House to consider this resolution under this procedure. It is a very serious matter we are considering, and to consider it in the limited time available is unreasonable. This should have been brought up with a rule, and we should have had much more debate on such a very fundamental question.

It also should have been subject to amendment on the floor, although I would not have favored any amendment of which I am presently aware.

Mr. Speaker, I think that the President has to be circumscribed in the commitment of troops to military action which is in violation of international law. We have done that repeatedly in the past, and I think it has to stop. I do not know how to accomplish this. I am not prepared to write language restricting his powers at this point, but I do think it is wrong for the United States to arrogate to itself some superior authority or power beyond that recognized by the community of nations.

Our landing troops in the Dominican Republic was in violation of international law, and our present policy in Vietnam is also in violation of international law.

Mr. ANDERSON of Illinois. Mr. Speaker, I intend to vote for House Joint Resolution 1 which helps somewhat to delineate and define the war powers of the President and the Congress. I agree with the committee report that our objective should be—

> To define arrangements which would allow the President and Congress to work together in mutual respect and maximum harmony toward their ultimate shared goal of maintaining the peace and security of the Nation.

Our foreign policy cannot be effectively and responsibly conducted if that relationship does not exist between the President and the Congress. This places a special obligation on each branch of Government in its relations with the other.

This resolution would codify procedures for consultation and reporting in certain extraordinary and emergency circumstances. It would require that the President consult with the Congress prior to committing our forces in an armed conflict, and that consultation should continue on a periodic basis for the duration of the conflict. It would further require that the President promptly submit a full and formal report to the Congress setting forth the circumstances necessitating his action, the authority under which he acted, the estimated scope of the activities, and such other information he may deem useful to the Congress in the fulfillment of its constitutional responsibilities.

Mr. Speaker, last year I testified before the Zablocki subcommittee of Foreign Affairs on the need for such war powers legislation, and I am pleased that much of the bill and the report incorporates the ideas and suggestions I presented at that time. In that testimony, and in testimony I presented to another subcommittee this year, I recommended that a war powers bill should include a third requirement in addition to consultation and reporting, if an emergency deployment threatens to balloon into a major national commitment. It was my recommendation that the Congress have the decisive say as to whether the commitment should be extended beyond 30 days. This would require a congressional resolution or other such authorization to either extend or terminate the commitment after 30 days.

I think it is regrettable that this resolution contains no such requirement, and

I think it is even more unfortunate that we do not have the opportunity in this situation to strengthen this resolution by amendment. Nevertheless, as I indicated earlier, I do intend to vote for House Joint Resolution 1 because I do consider it an important first step on the part of Congress to reassert its prerogatives under the Constitution. I would like to indicate at this time that I am working on legislation along the lines I have suggested—legislation which would also establish a Joint Committee on National Security which would be designated for the express purpose of consultation with the President and advising the Congress in emergency situations. I was especially pleased to read that Secretary of State Rogers has expressed a willingness to discuss the formation of such a joint committee. I am hopeful that this Congress will continue to work on the improvement of war powers procedures and mechanisms.

Mr. GUDE. Mr. Speaker, House Joint Resolution 1 is a reflection of the growing awareness in Congress that the legislative branch must reassert its constitutional role in the decisionmaking process as to whether this Nation should go to war. The resolution recognizes the right of the President to defend the Nation without prior congressional authorization, but also expresses the consent of Congress that, whenever possible, the President should consult with Congress prior to taking military action.

I support this resolution and feel that the philosophy behind it is correct. Since the start of the "cold war" the executive branch of the Government has increasingly ignored the Congress when deciding whether to engage American forces. The slow and gradual escalation of the Indochina conflict is the prime illustration of this and is, of course, the impetus behind this legislation.

I have serious doubts, however, whether House Joint Resolution 1 is strong enough in its language to have the effect which its sponsors would hope to see. I am a cosponsor of similar legislation, H.R. 8387, which would allow the President to commit our forces in certain situations of national emergency, but which would bind him by law to come to the Congress within 30 days of the start of hostilities and obtain enabling legislation, including a declaration of war, to continue the operation.

H.R. 8387 would also create a Joint Committee on National Security. Should the President initiate military hostilities, he would have to report to this committee prior to, or within 24 hours after, the initiation of such hostilities, giving a complete account of the circumstances involved.

I am not trying to throw cold water on House Joint Resolution 1. I think it is an important first step in the reassertion of congressional authority. In fact, I do not feel that either this resolution or the bill I cosponsored will guarantee that we will avoid future Vietnams. This depends on a rethinking of our foreign policy and a reevaluation of our role in the world.

I feel, however, that the passage of House Joint Resolution 1 would be another factor in creating a climate of cooperation between the Executive and Congress. If we are going to absorb the lessons of Vietnam, and at the same time avoid the perils of isolationism, such a climate will be necessary. It is not easy for the executive branch to surrender power it thinks it has acquired and it is difficult for Congress to regain the reins once it has dropped them, but this will be done and, in the long run, our national security will benefit by it.

Mr. DULSKI. Mr. Speaker, I wholeheartedly support House Joint Resolution 1 to clarify the war powers of the President and the Congress.

The pending measure is identical to my own bill, House Joint Resolution 275. Clarification of the war powers of the Congress and the President is long overdue.

Over the years, Congress has allowed the Chief Executive to assume what amounts virtually to a dictatorial role to which he expects the Congress to be subservient.

This, to be sure, is not the way it was intended by the framers of the Constitution.

At the same time, I readily understand that the Chief Executive cannot be so hamstrung that he cannot react—and promptly—in our Nation's interest in a time of true and critical national emergency.

But giving him that authority should not mean that he can overlook explaining his actions without delay to the citizenry through its elected Representatives in Congress.

Where national security may be involved, I recognize that it might not be prudent for a public statement nor one available to all Members immediately. But certainly the Members of the appropriate committees in the House and Senate are entitled to be informed fully on these matters. Indeed, they must be informed.

This executive information should be made available to the committees preferably in advance of presidential action—and absolutely as soon as humanly possible after such action.

Mr. Speaker, I commend the members of the Committee on Foreign Affairs for reporting this resolution and I particularly commend the gentleman from Wisconsin (Mr. ZABLOCKI), chairman of the Subcommittee on National Security Policy and Scientific Developments, for his diligence and leadership on this vital subject.

Mr MONAGAN. Mr. Speaker, I support House Joint Resolution 1. The discussion on the war powers of the President which followed the Cambodian invasion has become a salutary thing for the country. It has highlighted a reluctance of the Congress to assert a positive role in the decision to wage war and has emphasized the need for the Congress to assert its legitimate powers and require the President to account to the Congress and through the Congress to the people, for actions by him in this area.

Many people might hope that the resolution could be different in various particular. Some would want the provisions more stringent upon the President. Others have expressed a belief that the President's freedom of operation is unduly limited.

It must be understood that this is a very difficult area in which to legislate and the broad constitutional provisions even though appearing to lack definiteness are about as specific as it is possible to get in such a situation. The difficulty of providing for all possible eventualities with any sort of detail is monumental.

This resolution, however, does constitute an assertion by the Congress of its position of importance with the President in the declaration of war. It also requires that the President take certain acts in reporting to the Congress where he has committed U.S. military forces to armed conflict without specific authorization.

There is, undoubtedly, a danger of slipping into full-scale war through the gradual escalation of minor intervention. We have seen this in the Vietnamese conflict. It is, therefore, important to take the step forward which House Joint Resolution 1 constitutes even though it is, indeed, a minor one.

Mr. CHAPPELL. Mr. Speaker, it is most regrettable that we are today presented a bill of such potential magnitude, only to be curbed by a rule that makes it impossible to offer amendments to the bill.

The intent of this measure is most commendable and I wholeheartedly concur with the Subcommittee on National Security Policy and Scientific Developments in their recognition of the need for more active participation by the Congress in matters of war and/or commitment of troops to combat.

My only criticism of House Joint Resolution 1 is that it does not go far enough in defining the responsibilities of the President and the Congress in these matters. Were I able to offer an amendment, it would read as follows:

> In section 3, Page 2, line 5, strike out the words "commits" and "to" and insert in lieu thereof respectively the words "engages" and "in", and at the conclusion of section 3, Page 3, add the following paragraph:
>
> "If the Congress, within 30 days after having received such report advising under subsection (1) above that military forces of the United States have been engaged in armed conflict, shall not by concurrent resolution approve such reported action, such commitment shall immediately terminate and the President, as soon as practicable but not later than 60 days after such termination, shall disengage all armed forces so committed."

This amendment would put the necessary teeth in the resolution we are considering to make it effective legislation. It would help assure the Nation that we in the Congress no longer plan to sit on the sidelines as our men are committed to battle. This amendment would mean no future Vietnams without the knowledgeable concurrence of the Congress.

Mr. Speaker, I am supporting House Joint Resolution 1 today, because it is the only recourse that we are being offered toward Congress reasserting its responsibilities with regard to war declarations, but I do wish to go on record as noting that this legislation falls short of the constitutional responsibilities that many of us in the Congress wish to reassume.

Mr. SISK. Mr. Speaker, I would like to compliment the Subcommittee on National Security Policy and Scientific Development for the time and work it has put in on this resolution and to the Committee on Foreign Affairs for reporting it out to the House.

The resolution is especially pertinent to life in the 1970's in modern America and the process of modern government.

I support House Joint Resolution 1, in which the Congress reaffirms its powers under the Constitution to declare war.

The joint resolution is a step in the right direction. I also introduced a bill defining the war powers of the President. I feel that it contains a stronger, implicit statement on the constitutional separation and equal exercise of power.

Whereas the resolution expresses the sense of Congress, my bill, with the force of law if passed by the Congress and signed by the President, would specifically direct him not to deploy the Armed Forces outside of the United States except in very special circumstances requiring the reporting to Congress within 24 hours.

The development of modern executive power and with it the power to wage war, whether in limited, sharply restricted action or in massive retaliation or attack, has grown out of pace with the development of legislative restraint.

Where once communications were carried to distant lands in weeks, they now move by seconds. Dispatching troops is no longer a matter of months, but now a question of only days.

But like any gigantic moving force, this process has given the modern defense establishment its own inertia. We have a flywheel effect. Once put into action, it tends to keep on moving in the same direction and at the same speed.

The consequences of modern warfare can have such tragic results that it is frightening to contemplate it. It is no exaggeration that if all the engines of warfare were unleashed by the superpowers, civilization as we know it would cease to exist. Restraint may sometimes be unpopular, but is necessary.

While we do not seek to tie the President's hands in an emergency, we do want an accounting of action which involves the deployment of U.S. troops abroad.

It has been shown that the piecemeal commitment of forces to action has been a tactic, designed or not, that has lulled the awareness of the public to the realization of the involvement in war or conflict.

The bit-by-bit escalation is regarded by some as deception. When one branch of the Government feels another branch has practiced deception on the public, as many letters to legislators indicate, and believes it has been deceived, all of Government suffers the consequences.

This, of course, turns one American against another and the result is a divided house, weak within and prey to forces of reaction and absolutism.

The prompt reporting by the executive branch of the Government to the Congress will improve communications and make our Government and our country stronger.

Mr. MITCHELL. Mr. Speaker, reestablishing the constitutional balance of powers between the executive and legislative branches in the realm of foreign affairs is one of the prime tasks facing this Congress and the Nation as a whole. The necessity of such action is acknowledged by nearly all concerned with the future course of our system of government. The glaring exception comes from those now in the executive branch who are continuing the practice of conducting foreign policy by executive privilege.

The failure of the Nixon administration to alter the policies and practices of American foreign affairs that it inherited from its predecessors demonstrates the urgency of our taking measures adequate to deal with this crisis. House Joint Resolution 1 falls far short of that requirement.

It is a charade—a meaningless gesture—not a legitimate attempt to deal with the problem of constitutional powers before us. We must not delude ourselves or the American people into thinking that it is a meaningful deterrent to require that the Chief Executive submit a report to this body after he initiates significant military action.

Expressing the sense of the Congress that it should be consulted before action is taken by the executive branch is again no more than a token and ineffectual gesture.

We have heard far too often that the course of action presented to us is the only realistic alternative. That stronger provisions would mean no bill at all. That is the type of thinking which has led us to the situation in which we find ourselves today—at home and abroad.

This Congress can and must do something concrete in the area of warmaking powers.

When such an opportunity is presented to us, I shall extend all my efforts to see that it is enacted. I cannot undertake such action for this resolution. I strongly urge a no vote on House Joint Resolution 1.

Mrs. ABZUG. Mr. Speaker, the resolution before us fails to specify any meaningful way in which the power reserved to Congress by the Constitution to declare war shall be defined or enforced.

The resolution is only a request to the President to consult with Congress. It changes nothing; it leaves the Executive just as free as it is now unilaterally to drag the Nation into undeclared wars. It specifies no time limit by which the President shall report on foreign military actions to Congress. It does not even require that Congress by affirmative action approve the continuation of such actions. It merely requires that the President report to Congress as to why he did not seek its approval for his action, and does not require that he obtain such approval. It is a paper tiger.

In recent years the Executive has usurped Congress war powers. A vague statement of Congress desire to be consulted will not remedy this situation. Congress must reassert its proper role in a much more definitive way. It is not nearly enough to ask for consultation after the fact. Except under the most extreme, emergency, life-and-death circumstances imaginable, the Executive should be required to have the prior approval of Congress before committing our forces to armed conflict.

The committee has made a minor improvement over the resolution passed by the House last year: the qualification "whenever feasible" has been removed from the requirement that the President seek consultation with Congress when involving our troops in combat. However, we still have a relatively weak, toothless resolution. While I support the resolution as presented to us, I regard it as a small and feasible step toward the restoration of the constitutional balance of powers.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin that the House suspend the rules and pass the joint resolution, House Joint Resolution 1.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8432. An act to authorize emergency loan guarantees to major business enterprises.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9382) entitled "An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 489. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

ESTABLISHING THE LINCOLN HOME NATIONAL HISTORIC SITE IN ILLINOIS

Mr. TAYLOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9798) to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

The Clerk read as follows:

H.R. 9798

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That, in order to preserve and interpret for the benefit of present and future generations the home of Abraham Lincoln in Springfield, Illinois, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange the property and improvements thereon in the city of Springfield, Illinois, within the area generally depicted on the map entitled "Boundary Map Lincoln Home National Historic Site", numbered LIHO-20,000 and dated April 1970, which he deems necessary for the establishment and administration of a national historic site: *Provided,* That lands or interests in lands owned by such State or city may be acquired by donation only. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. The property acquired pursuant to the first section of this Act shall be known as the Lincoln Home National Historic Site, and it shall be administered by the Secretary of the Interior in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $2,003,000 (said sum shall include relocation assistance required by Public Law 91-646) for the acquisition of property, and not more than $5,860,000 (February 1970 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost as indicated by engineering cost indexes applicable to the types of construction involved herein.

The SPEAKER. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Speaker, the legislation now before the House is essentially the same as bills which have been cosponsored by more than 100 Members of this body. All of these cosponsors agree that Abraham Lincoln's home in Springfield, Ill., should be recognized as a national historic site.

The proposal calls for the creation of a national historic site covering a 4 city block area. If approved, the legislation would authorize the acquisition of the properties involved and it contemplates the restoration of the area to the setting which Abraham Lincoln knew. Originally, the legislation did not specify the exact area to be included in the site, but H.R. 9798 includes a reference to a boundary map which makes the boundaries absolutely clear.

At the present time, the Lincoln Home is owned by the State of Illinois and it is open to the public. While the rate of visitation at the home is already about 650,000 per year, it is estimated that the number of visitors will exceed 800,000 when the historical setting is restored.

I want to emphasize that the city of Springfield and the State of Illinois have been most cooperative in this effort. It is anticipated that the city will donate to the Federal Government all of the lands which it owns within the area and the State has, also, indicated a willingness to cooperate in this regard, therefore the bill before the House provides that such lands may be acquired only by donation.

The Lincoln Home, itself, is in excellent condition. Since its donation to the State in 1887 by Robert Todd Lincoln, it has been preserved and maintained without significant alterations. It is completely furnished with period furnishings, and some original Lincoln pieces have gradually returned to the house for display. It is not anticipated that the Secretary will need any extraordinary authority to acquire personal property; consequently, the "clean bill" now before the House does not include a provision in this regard. The deletion of this language is not intended to be a denial of authority to acquire personalty. Instead, we view it as unnecessary repetition of existing authority.

Mr. Speaker, a program such as this cannot be accomplished without some Federal investment. Land acquisition costs for this project will total an estimated $2,003,000. Included in this total is the amount estimated to be needed to comply with the provisions of Public Law 91-646—the Federal Relocation Assistance Act. This adds an estimated $443,000 to the cost of this project. Unlike the other bills, H.R. 9798 contains the usual limitation on the amount authorized to be appropriated for land acquisition to the amount estimated to be needed.

Development of the area will include the removal of numerous non-historic structures from the area and the relocation of some of the period buildings to their location around 1860. The authentic reconstruction of the corner properties visible from the Lincoln Home is also contemplated and appropriate visitor facilities will have to be installed. All of this will require a substantial investment. The bill before the House limits appropriations for this purpose to $5,860,000.

Mr. Speaker, Abraham Lincoln was more than a President of the United States. He was—and still is—an inspiration to all people—not only in this country, but throughout the world. Few Americans, in our relatively short history, stand as high in the eyes of mankind as this dedicated man.

The home in Springfield is symbolic of this man. Architecturally, it is not outstanding. Its furnishings are not extraordinary. The grounds and the setting which he knew were never grand. In short, it is an ordinary house, but it shows to anyone willing to look that a talented man, with a dedicated spirit, can succeed in our system.

From this home, Lincoln came to Washington to serve in this Body in 1847. In it, he must have prepared for the Lincoln-Douglas Debates which made him famous. There, he received the committee which notified him of his nomination to the Presidency.

We think in terms of the important historical things that must have happened in this house, but we must also remember that Lincoln lived there. It was the only home he ever owned. It was the place where three of his sons were born, and where one died. This is where he entertained his friends and neighbors and where he did all of the things a person does around his house.

It is a humble home, but that makes it no less significant. It tells the story like it is. It characterizes Lincoln as he was. It is almost amazing that it is still intact. We are fortunate indeed to have this opportunity to add it to our treasures in the national park system more than a century after he lived in it.

Mr. Speaker, it is a real pleasure for me to support H.R. 9798. It is sound legislation worthy of the support of every Member of this House. I urge its approval.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am glad to yield to my friend from Iowa (Mr. GROSS).

Mr. GROSS. The great, prosperous, wonderful State of Illinois is unable to take care of this situation?

Mr. ASPINALL. May I say to my friend from Iowa that the great, prosperous, and beautiful State of Illinois does not have one single national park within the State. This will be the first one.

Mr. GROSS. May I say that this is a worthy cause, but cannot they carry a portion of the burden?

Mr. ASPINALL. I think it is a cause they desire to share with others.

Mr. GROSS. Will there be admission charges to visit this historical site?

Mr. ASPINALL. There may be admissions at the present time, although I am not aware of any admission charges, but there may be. This is one of those matters that will have to be decided in the future.

Mr. GROSS. But there will be an expenditure of how much, in total?

Mr. ASPINALL. An expenditure of about $2.5 million for acquisition.

Mr. GROSS. Is that all on the part of the Federal Government?

Mr. ASPINALL. We are going to ask for some necessary money with which to develop and administer it, of course, but this takes care of what we think of as the usual, normal expenses of acquisition.

Mr. GROSS. I thank the gentleman.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every year—thousands of people from all over the world—come to Washington, D.C.—to see our Government in action—to see our historic treasures.

They visit the Lincoln Memorial and stand in silent reverence as they gaze upon the statue of Abraham Lincoln—as they read the extracts from Lincoln's speeches that have been placed upon the walls.

They visit the Ford Theater where Lincoln was assassinated—the house where Lincoln died. All of this has been made possible by the Congress and administered by the Park Service.

In the State of Kentucky—the birthplace of Lincoln has been designated as a national historical site upon the recommendation of the Park Service and approval by Congress.

But in the State of Illinois—where Lincoln grew to manhood—started to practice law—took unto himself a bride—bought the only home he ever owned—

began his political career which led to the Presidency of the United States—where the remains of this great President now rest—to this day—no historical site—honoring this great President has been approved. This bill will change the status of the Lincoln home from landmark status to a national historic site.

Last June 11, it was my privilege to visit Springfield—to enjoy the Lincoln home—to visit the old State capitol where Lincoln delivered his famous "House Divided" speech—and the building where Lincoln began practicing law.

As one stands by the old railroad station one can almost hear Lincoln as he bade his friends goodby—

> No one, not in my situation can appreciate my feeling of sadness at this parting.
>
> To this place, and the kindness of these people, I owe everything.
>
> Here I have lived a quarter of a century and here passed from a young man to an old man.
>
> Here my children have been born—and one is buried. I now leave not knowing when—or whether ever—I may return.
>
> Without the assistance of the divine being who ever attended him, I cannot succeed. With that assistance, I cannot fail.

Mr. Speaker, the bill we consider today—provided for the establishment of the Lincoln Home National Historic Site in Illinois.

The Lincoln home is presently owned by the State of Illinois. The State has indicated its willingness to donate the home—and the land on which it stands—to the Federal Government for this project.

The city of Springfield and its citizens have done their part to preserve the area adjacent to the home by acquiring several nearby properties and closing off nearby streets and alleys. The city has indicated its willingness to transfer its property to the Federal Government.

Thanks to the State of Illinois, the city of Springfield, and the good women of that city—the Lincoln home has been well preserved. The area—nevertheless—is being threatened with creeping commercialism and decay, motels, apartment houses, commercial establishments—and the citizens of Springfield have done just about all they can to reverse the trend.

Surely it is time to designate the Lincoln home as a national historical site for the benefit of all and for posterity.

The Park Service proposes to take a four block area—the improvements thereon consist of 24 residences, one service station, and 11 commercial offices.

The Park Service proposes to retain 18 private structures within the four-block area—and to restore them as they were in Lincoln's time—the others are to be removed.

I must confess that prior to my visit—I thought the amount of land to be taken was excessive.

After visiting the area—one cannot help but conclude that the four-block area must be taken—if a decent historical site with adequate facilities is to be created.

The total land acquisition costs of this project are estimated at $2,003,000—this includes the cost of acquiring 5.13 acres and 36 improvements.

Development costs are estimated at $5,860,000—with annual operating costs of $502,400.

Mr. Speaker, I urge the passage of this bill.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. SKUBITZ. I yield such time as he may consume to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Speaker, I strongly recommend this legislation to my colleagues. It will enable the Secretary of the Interior to finally establish the modest structure where the Lincoln family lived from 1844 to 1861 as a national historic site. A part of the history of that structure may be of interest—

The Lincolns purchased the property at Eighth and Jackson Streets in Springfield, Ill. in 1844. The house, originally built in 1839, was then a one-story structure with two attic rooms. During the period 1844 to 1861, the Lincolns made the house their home except for the 2 years Abraham Lincoln served in Congress—1947 to 1949. In 1856, Mrs. Lincoln had the house enlarged to two stories containing 12 rooms. The house in fact grew with, almost presaging, the national significance of the man. Just before the Lincolns moved to Washington in 1861, they hosted a "grand levee" at the home in farewell to the citizens of Springfield. Unfortunately, most of their furniture was sold, taken to Chicago, and subsequently lost in the Great Fire of 1871.

In 1883, the house was rented as a museum by Mr. Osburn Oldroyd. About that time, people began to become concerned about preservation of the home. In 1887, Robert Todd Lincoln, the martyred President's only surviving child presented the home to the State of Illinois to be "kept in good repair and free of access to the public." It was not until recent years that serious efforts were undertaken to authentically restore the home. In 1950, then Governor of Illinois Adlai E. Stevenson, created the Lincoln Home Advisory Committee to aid in restoring the home. Funds, however, were limited and restoration was incomplete. The Colonial Dames of America became interested in the project and completed the restoration job, furnishing the home with authentic, often original furniture. From 1960 to date, the Abraham Lincoln Society and the Junior League of Springfield have been instrumental in improving the area surrounding the home. The Junior League conducts tours through the home with the guides dressed in period costumes.

In 1964, the home, along with the Lincoln Tomb and the Old State Capitol Building where Lincoln served as a member of the State Legislature, were designated as a national historic landmark.

Other homes in the area surrounding the Lincoln Home have not been restored. Changes in style and architecture, relocation of homes, commercialization, and neglect have rendered the surrounding area an eyesore not in keeping with the home. The State and city have worked together to restore the area surrounding the home, but assistance from the Federal Government is necessary to achieve the desired result.

To re-create the atmosphere Lincoln knew for visitors for generations to come, will require the acquisition of four city blocks surrounding the home; relocation of the people and businesses now located in the acquired area; removal of incompatible structures; restoration of compatible structures and reconstruction of some structures that were then an integral part of the community such as barns and wooden sidewalks. Then, to aid visitors and to preserve the reconstructed area, interpretive facilities will be needed, including a visitor center and a parking lot. All of this can be accomplished at a relatively small investment when considered in terms of the benefit that investment will create for visitors from all these United States.

No one who visits the Lincoln Memorial here in Washington, D.C., leaves that memorial without having been touched by the greatness of Abraham Lincoln. A visit to Abraham Lincoln's home, restored as he knew it, will give visitors for generations to come a glimpse of the environment in which that great man matured. Lincoln's Tomb in Springfield, his law offices, and the Old State Capitol where he uttered his famous "House Divided" speech have been restored and are there for visitors to see. The structure most intimately associated with Lincoln, the man, is the only home he ever owned. It is time to establish the Lincoln Home, Springfield, Ill., as a national historic site.

Mr. TAYLOR. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of the enactment of H.R. 9798—a bill to authorize the establishment of the Lincoln Home National Historic Site in the State of Illinois.

The purpose of this national historic site is to complete the life story of one of America's greatest men—Abraham Lincoln. As everyone probably knows, the national park system already includes four important areas which are dedicated to interpreting the life and memorializing the contributions of our 16th President. Each of these places is different:

The Abraham Lincoln Birthplace in Kentucky consists of part of the original Thomas Lincoln Farm where Abraham Lincoln was born;

The Lincoln Boyhood National Memorial in Indiana allows his childhood life to be interpreted;

The Ford's Theater National Historic Site, here in Washington, has been restored to its appearance on the tragic night of April 14, 1865, and the Peterson House where Lincoln died tells the sad story of the end of his life; and

The Lincoln Memorial on the Mall marks forever the memory of this great man.

But there is still one large gap in the Lincoln story which remains untold, and it, perhaps, is the most important part of all. No other place can tell the story of Abraham Lincoln's adult life as well as the modest frame house he owned in Springfield, Ill.

If H.R. 9798 is enacted, the Lincoln Home and the adjacent four-block area will be designated as a national historic site. The thrust of the Federal effort will be to provide a meaningful setting so that the Lincoln Home visitor can better understand what the place was like when Lincoln lived there.

Some nonhistoric structures will have to be removed and some period buildings and homes will be relocated on their original lots. The plan calls for the relocation or reconstruction of the homes on each of the corner lots at Eighth and Jackson and the development of an appropriate setting along Eighth Street. Properties along the periphery of the historical area will be landscaped and used to provide needed visitor facilities.

At one time, I questioned why a four-block area was needed, but after visiting the area I am convinced that no smaller unit would permit the development of the proper setting for this historic site.

Naturally, the objective of this legislation cannot be accomplished without the investment of some Federal funds. The acquisition of all of the publicly owned properties is expected to be accomplished without cost, but privately owned properties must be acquired. Land acquisition costs, including the relocation assistance required under Public Law 91-646, are estimated at $3,003,000. These funds, of course will be appropriated from moneys available in the land and water conservation fund for this purpose.

Development of the area, including the relocation, restoration, and reconstruction of some historic structures, the installation of appropriate visitor facilities, the removal of nonhistoric structures, and landscaping of the entire area—is expected to require the investment of $5,860,000.

Mr. Speaker, there is no federally owned unit of the national park system in the entire State of Illinois. This legislation affords the House the opportunity to fill that void with a high quality, nationally important area.

The members of the Committee on Interior and Insular Affairs have given this matter detailed attention. Public hearings were held both in Washington and in Springfield. As a result of those hearings, we were able to perfect the bill by:

First, making the boundaries of the area absolutely clear by incorporating a boundary map;

Second, limiting the amounts authortized to be appropriated to the amounts estimated to be necessary;

Third, requiring that any lands owned by the city of Springfield or the State of Illinois be acquired by donation only; and

Fourth, deleting the specific authority to acquire personal property, since the Secretary has general authority to make such acquisitions as are necessary and appropriate.

All of these changes have been incorporated in H.R. 9798, which is a "clean bill" cosponsored by the Illinois congressional delegations, Representative SKUBITZ, the ranking minority member of the Subcommittee on National Parks and Recreation, and myself.

Mr. Speaker, it is a pleasure to recommend this legislation to the Members of the House. I urge the approval of H.R. 9798.

Mr. SKUBITZ. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Speaker, at the outset I would like to express my gratitude to the chairman of the House Committee on Interior and Insular Affairs, to the ranking member as well as the leadership of the subcommittee handling this bill.

Mr. Speaker, I want to direct a special commendation to the gentleman from North Carolina (Mr. TAYLOR). I was present in Springfield, Ill., when the gentleman from North Carolina headed the congressional delegation for hearings in that city. He walked down Eighth Street on the day of the hearings. As he approached the Lincoln home he was confronted by a file of Union forces equipped with rifles and with fixed bayonettes, and this gentleman from the Old South stood up under that test beautifully and did not flinch an inch. He went ahead, reviewed the troops and inspected the home. Despite that confrontation he has had the graciousness to proceed with the consideration of this bill.

In fact, I might add one further comment—during the hearings on the bill here in Washington there was a moment or two when only the Confederacy was represented on the subcommittee, the gentleman from North Carolina, chairman of the subcommittee and the other, the gentleman from Georgia (Mr. STEPHENS), a descendant of Alexander Stephens, Vice President of the Confederacy, no less. So I think the part of Lincoln and the family of Lincoln, let us say—this great international family of Lincoln owes a debt of gratitude to the Old South for advancing this proposal so well.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. TAYLOR. Mr. Speaker, I am glad that the time has come when Abraham Lincoln is just as great a man in the South as he is in the North.

Let me state that it was my privilege to attend the ceremonies in Springfield and I must say that I made out better when I was confronted by Union soldiers than some of my ancestors did.

Mr. FINDLEY. I thank the gentleman.

Mr. Speaker, H.R. 3117 proposes the area of Springfield, Ill., extending for one block in each direction from the Abraham Lincoln residence be acquired by the National Park Service, restored as it appeared in Lincoln's day and established, with appropriate facilities for visitor convenience, and operated as the Lincoln Home National Historic Site.

The Lincoln residence itself is the property of the State of Illinois. Parts of the surrounding area have been acquired by the city of Springfield with the view of ultimate restoration and development. The rest of the area is a mixture of commercialization and decay.

An appropriate development of this great shrine involves three principal aspects: Restoration, preservation, and public access. In my view, the plan developed by the National Park Service deals in excellent fashion with each aspect.

A fundamental question is: Is development properly the responsibility of the Federal Government?

Lincoln, of course, is much more than an historical figure of State and local importance. Unquestionably he has become the preeminent cultural hero of the United States.

As the distinguished chairman of the Subcommittee on National Parks and Recreation, the Honorable ROY TAYLOR, has observed to me on several occasions, "There is only one Lincoln."

Lincoln is more influential today, more than a century after his death, than at at any time in his life. Major literary works on Lincoln continue to pour from world presses at a pace that never slackens, numbering more than 5,000 items. Lincolnia is a hobby so great that periodical newsletters keep its adherents up to date. Book stores exist which cater exclusively to their special interests. His life has been more thoroughly studied and chronicled than any other in history. More has been written about him than any other personality except Jesus Christ.

With each passing year interest in Lincoln increases, touching each new generation and broadening on an international scale. People who visit Lincoln shrines feel a closeness to him. No one who visits the Lincoln Memorial in Washington can fail to notice the reverence with which visitors approach the massive marble figure and study the engraved messages.

So it is at other shrines. His tomb in Springfield, the log cabin village at New Salem where he spent his young manhood, the old capitol building in Springfield where he matured as a legislator and uttered his "House Divided" speech.

The State of Illinois has recognized this interest by establishing, restoring, and maintaining the New Salem village, Lincoln's tomb, and the old State capitol building. Each is made readily available without charge to all visitors. The financial burden of all this has been substantial and continues to be. But this burden the people of Illinois cheerfully, yes proudly, bear, even though they might argue that the burden should be assumed by the Nation.

But the Lincoln Home area, the shrine most intimately connected with Lincoln, the shrine where visitors feel a closeness and inspiration as nowhere else remains unrestored, unpreserved, with visitor facilities totally inadequate considering the magnitude of international interest.

The people of Illinois are already doing their fair share, and more.

It is timely and appropriate, indeed urgent, for the Federal Government, which up to now has no national historic site or National Park Service facility in the State of Illinois, to assume responsibility for the restoration, development, preservation, and operation of the Lincoln Home area.

Historians tell us that the Lincoln Home, located at the corner of Eighth and Jackson Streets, is one of the most important entities in the country relating to Abraham Lincoln the man.

Lincoln himself best described the importance of Springfield and his home there when he said farewell to his friends on February 11, 1861, and went to assume his new burdens as President of a divided Nation soon to be engulfed in civil war. He said:

> My friends, no one, not in my situation, can appreciate my feelings of sadness at this parting. To this place, and the kindness of these people, I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when, or whether ever, I may return, with a task before me greater than that which rested upon Washington.

It is one of the small ironies that the home of one of our country's greatest Presidents, if not the greatest, is not protected by the national park system for future generations of Americans to enjoy. Others are so protected, including both homes of Andrew Johnson in Greenville, Tenn., all four homes of Theodore Roosevelt, and Herbert Hoover's birthplace in West Branch, Iowa. Surely it is time to protect the only home that Abraham Lincoln ever owned.

Each year, the home ranks among the 10 most visited historical sites in the United States. Tourists flock from all over the world to visit the home and the city which did so much to mold one of the true giants of history.

Nevertheless, the area surrounding the home for years has been threatened with deterioration and commercialization. These pressures continue to mount. Steps must be taken to preserve the home and its environs for future generations of Americans.

The citizens of Springfield, the city government, and the State have done their part to preserve the Lincoln home and its environs. They will continue to do so. But they need help, help which only the Congress and the National Park Service can give them. They are all anxious to enter into a cooperative relationship with the Park Service to preserve the Lincoln home—not just for Illinoisans—but for men everywhere who cherish the memory of Lincoln and strive for the equality of all men. I urge the Congress to authorize that help as soon as possible.

Mr. DERWINSKI. Mr. Speaker, as a cosponsor of this legislation and as a life-long resident of Illinois, "the land of Lincoln," I believe the House should suspend the rules and pass this bill creating the Lincoln Home National Historic Site.

No one disputes the position in history which all Americans accord President Abraham Lincoln, and it is especially appropriate that the Lincoln home, which is a wonderful tourist attraction and such a significant historic property, be designated and henceforth administered as a national historic site.

I am pleased to join with my colleagues from Illinois to give this our unanimous support. I believe this action to be long overdue and am hopeful that the other body will expedite its processing of this measure so that before the final adjournment of the first session of the 92d Congress we will have completed this legislative step.

Mr. ANDERSON of Illinois. Mr. Speaker, as a cosponsor of H.R. 9798 which would establish the Lincoln Home National Historic Site in Springfield, Ill., I rise to express my enthusiastic support for this legislation. I especially wish to commend my good friend and colleague from Illinois (Mr. FINDLEY) on taking this legislative initiative to preserve for future generations the home of our State's most beloved and famous son, and one of our Nation's greatest Presidents, Abraham Lincoln.

The modest frame house at Eighth and Jackson in Springfield was the only home ever owned by Lincoln. It was here that he raised his family and established himself as a lawyer and Illinois politician; and it was from this site that he was catapulted to national prominence as the Republican Party's first vice presidential nominee and later its first President.

I think it is fitting and proper that this home and its immediate surroundings should be restored and preserved as a national historic site. It is estimated that approximately 650,000 people annually make the pilgrimage to this historic shrine each year to pay homage to the man who gave his life to preserving the Union and healing the wounds of a deeply troubled and divided nation. Lincoln himself spoke most eloquently of his feelings for this place when he left Springfield for the White House in February of 1861. In his words:

> No one, not in my situation, can appreciate my feeling of sadness at this parting. To this place, and the kindness of these people, I owe everything. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being who ever attended him, I cannot succeed. With that assistance I cannot fail. Trusting in Him who can go with me, and remain with you, and be everywhere for good, let us confidently hope that all will yet be well.

Mr. Speaker, it ill behooves me to attempt to make a more eloquent tribute and argument for the preservation of this site than Lincoln himself has made. I urge my colleagues to join with me in voting for this legislation.

Mrs. REID of Illinois. Mr. Speaker, as one of the sponsors of a similar bill to authorize the Secretary of the Interior to establish the Lincoln Home area in Springfield as a national historic site, I want to join my colleagues in commending the Committee on Interior and Insular Affairs for bringing H.R. 9798 before us.

The Lincoln Home has been carefully preserved and tells much of the story of the 17 years Lincoln lived there, in the only home he ever owned. When enacted, this bill will authorize the Secretary to acquire by donation, or purchase with donated or appropriated funds, the land—including improvements thereon—immediately adjacent to and surrounding the Lincoln Home in order to establish a setting more closely resembling the mid-19th century.

Many of the existing houses would be retained and the section would continue to be a vital factor in making Springfield one of the 10 top tourist attractions in the Nation. Already the visitation rate at the home is estimated to be 650,000 annually.

I give H.R. 9798 my full support and hope it will be passed by a unanimous vote.

Mr. HOGAN. Mr. Speaker, I rise in support of H.R. 9798 authorizing the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois. I am the cosponsor of a similar bill, H.R. 3119.

The purpose of the Congress in establishing the Registry of National Historic Landmarks, 11 years ago, was twofold—to recognize and encourage the continuation and preservation efforts already in effect under authority of the States, local authorities, and private agencies; and to call attention to those sites of exceptional value that need to be preserved.

To be eligible for the Registry of National Historical Landmarks, a historic site must meet the criteria of exceptional value. It also must be needed in the National Park system to fill gaps in a theme or period of history in order that a well-rounded representation of America's historical and cultural heritage may be achieved.

The site must be suitable for, and adaptable to, effective preservation, administration, interpretation, development, and use. The site also must have integrity. It is difficult to interpret the significance of a site or tell its story with any kind of effectiveness if large parts of it or of its surroundings have been radically altered during the passage of time.

In all respects, the Lincoln home qualifies as a logical selection for recognition as a national historic site. The Lincoln home, at Springfield, was the only house that Lincoln ever owned. Here he lived with Mary Todd Lincoln and their children, from 1844 to 1861. Here he returned from the great address of 1854, in denunciation of the Kansas-Nebraska Act, which declaration made him famous in the West. Here he returned from the great debates with Stephen A. Douglas, in 1858, which made him famous all across the land. Here he was informed of his nomination for President by the Republican National Convention of 1860. Here, on February 6, 1861, he bade farewell to Springfield, at a grand party honoring the people of the town.

So many of the major years in the life of Abraham Lincoln are tied to this house that surely it belongs in spirit to the people of the country.

Mr. Speaker, since the other body has already acted favorably on this legislation, I urge my colleagues to approve the bill before us so that the Lincoln Home National Historic Site will become a reality in the very near future.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today to voice my wholehearted support of H.R. 9798 which would establish the Lincoln Home National Historic Site in Springfield, Ill. Special recognition is due my distinguished colleague from Illinois, PAUL FINDLEY, for introducing this bill which not only does great honor to our State, but will also preserve for all Americans the home of one of our most illustrious presidents. I consider it a great privilege to be a cosponsor of this legislation.

It is a natural thing for all of us in the Congress to be proud of those citizens of our respective States who have risen to national prominence and made significant contributions to our country. We in Illinois are particularly proud of our greatest son, and perhaps our greatest President, Abraham Lincoln. But like that of any great American, President Lincoln's legacy belongs to all our people. The preservation of the home in which he lived, and the surroundings that helped mold his character, will provide its visitors with a unique glimpse into the life of this great man. It is our duty to maintain this valid historic site as an inspiration to all future generations. As our Nation continues to progress at an accelerated pace, it is imperative that we preserve these memorials of our past, not only to provide nostalgic relief but more importantly to remind us of the lives and deeds of those men who have been the architects of our national spirit.

Mr. Speaker, the Lincoln Home has fulfilled this purpose in the past for each year it is one of the 10 most popular historic sites in the country. Therefore it is time that we insure its future preservation by making it a national historic site.

GENERAL LEAVE TO EXTEND

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 9798.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VESSEL DOCUMENTATION ACT

Mr. GARMATZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 760) to revise and improve the laws relating to the documentation of vessels, as amended.

The Clerk read as follows:

H.R. 760

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act may be cited as the "Vessel Documentation Act".

SEC. 2. DEFINITIONS.—As used in this Act—

(1) "documented vessel" means a vessel for which a certification of documentation has been issued under this Act; and

(2) "Secretary" means the head of the department in which the Coast Guard is operating.

SEC. 3. PORTS OF DOCUMENTATION.—The Secretary shall designate ports of documentation in the United States where vessels may be documented and instruments affecting title to, or interest in, documented vessels may be recorded. The Secretary shall specify the geographic area to be served by each designated port, and he may discontinue, relocate, or designate additional ports of documentation.

SEC. 4. VESSELS ELIGIBLE FOR DOCUMENTATION.—Any vessel of at least five net tons, which is not registered under the laws of a foreign country, is eligible for documentation if it is owned by—

(1) an individual who is a citizen of the United States;

(2) a partnership or association whose members are all citizens of the United States;

(3) a corporation created under the laws of the United States, or of any State, territory, or possession thereof, or of the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands; whose president or other chief executive officer and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum;

(4) the United States Government; or

(5) the government of any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands.

SEC. 5. HOME PORTS.—(a) The port of documentation selected by an owner for the documenation of his vessel shall, with the approval of the Secretary and subject to such regulations as he may prescribe, be the vessel's home port.

(b) Once a vessel's home port has been fixed as provided in subsection (a), it may only be changed with the approval of the Secretary and subject to such regulations as he may prescribe.

SEC. 6. NAME OF VESSEL.—(a) At the time of application for initial documentation of a vessel, the owner shall provide a name for the vessel. Subject to the approval of the Secretary, that name shall, upon the issuance of a certificate of documentation, become the vessel's name of record.

(b) Once a vessel's name of record has been fixed as provided in subsection (a), it may only be changed with the approval of the Secretary and subject to such regulations as he may prescribe.

(c) The Secretary may prescribe a reasonable fee for changing a documented vessel's name of record.

SEC. 7. CERTIFICATE OF DOCUMENTATION; APPLICATION; ISSUANCE; FORM; EXHIBITION.—(a) Upon application by the owner of any vessel eligible for documentation, the Secretary shall issue a certificate of documentation of a type specified in section 10, 11, 12, 13, or 14 of this Act.

(b) The Secretary may prescribe the form, manner of filing, and the information to be contained in, applications for certificates of documentation.

(c) Each certificate of documentation shall—

(1) contain the name, the home port, and a description of the vessel for which it is issued;

(2) identify its owner; and

(3) be in such form and contain such additional information as the Secretary may prescribe.

(d) The Secretary shall, by regulation, prescribe procedures to insure the integrity of, and the accuracy of information contained in, certificates of documentation issued under this Act.

(e) The owner and the master of each documented vessel shall make the vessel's certificate of documentation available for examination by such persons and at such times and places as may be required by law and as the Secretary may prescribe.

SEC. 8. NUMBERS; SIGNAL LETTERS; IDENTIFICATION MARKINGS.—(a) The Secretary shall maintain a numbering system for the identification of documented vessels and assign a number to each documented vessel.

(b) The Secretary may maintain a system of signal letters for documented vessels.

(c) The owner of each documented vessel shall affix to the vessel and maintain, in the manner prescribed by the Secretary, the number assigned under subsection (a) and such other identification markings as the Secretary may prescribe.

SEC. 9. PURPOSE OF DOCUMENTATION.—A certificate of documentation issued under this Act is—

(1) conclusive evidence of nationality for international purposes, but not in any proceeding conducted under laws of the United States;

(2) except in the case of a yacht license, evidence of qualification to be employed in a specific trade; and

(3) not conclusive evidence of ownership in any proceeding in which ownership is in issue.

SEC. 10. CERTIFICATE OF DOCUMENTATION: REGISTRY.—(a) A registry may be issued for any vessel which is eligible for documentation.

(b) A vessel for which a registry is issued may be employed in foreign trade or trade with the islands of Guam, Tutuila, Wake, or Midway or Kingman Reef.

(c) The Secretary may, upon application of the owner of any vessel which qualifies for a coastwise license under section 11 of this Act, a Great Lakes license under section 12 of this Act, or a fishery license under section 13 of this Act, issue a registry appropriately endorsed authorizing the vessel to be employed in the coastwise trade, the Great Lakes trade, or the fisheries, as the case may be.

SEC. 11. CERTIFICATE OF DOCUMENTATION: COASTWISE LICENSE.—(a) A coastwise license, or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under laws of the United States to be employed in the coastwise trade.

(b) A vessel for which a coastwise license or an appropriately endorsed registry, is issued may, subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade; and

(2) the fisheries.

SEC. 12. CERTIFICATE OF DOCUMENTATION: GREAT LAKES LICENSE.—

(a) A Great Lakes license, or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under the laws of the United States to be employed in the coastwise trade.

(b) A vessel for which a Great Lakes license or an appropriately endorsed registry is issued may, on the Great Lakes and their tributary and connecting waters and subject to the laws of the United States regulating those trades, be employed in—

(1) the coastwise trade;

(2) trade with Canada; and

(3) the fisheries.

SEC. 13. CERTIFICATE OF DOCUMENTATION: FISHERY LICENSE.—(a) A fishery license or, as provided in section 10(c) of this Act, an appropriately endorsed registry, may be issued for any vessel which—

(1) is eligible for documentation;

(2) was built in the United States; and

(3) qualifies under the laws of the United States to be employed in the fisheries.

(b) A vessel for which a fishery license, or an appropriately endorsed registry, is issued may, subject to the laws of the United States regulating the fisheries, be employed in that trade.

SEC. 14. CERTIFICATE OF DOCUMENTATION: YACHT LICENSE.—A yacht license may be issued for any pleasure vessel which is eligible for documentation.

SEC. 15. VESSEL LIMITED TO TRADE COVERED BY CERTIFICATE OF DOCUMENTATION; EXEMPTIONS; PENALTY—(a) A documented vessel may not be employed in any trade other than a trade covered by the certificate of documentation issued for that vessel. However, any certificate of documentation may, under regulations prescribed by the Secretary, be exchanged for any other type of certificate of documentation, or appropriately endorsed for any trade, for which the vessel qualifies.

(b) A non-self-propelled vessel which is qualified to be employed in the coastwise trade may, without being documented, be employed in trade within a harbor or on the rivers or inland lakes of the United States, or on the internal waters or canals of any State.

(c) Whenever a documented vessel is employed in a trade that is not covered by the certificate of documentation issued for that vessel, the vessel, together with its equipment is liable to seizure and forfeiture to the United States.

(d) A documented vessel may not be placed under the command of a person other than a citizen of the United States.

SEC. 16. FALSIFICATION IN DOCUMENTATION: FRAUDULENT USE OF DOCUMENT; PENALTY.—(a) Whenever the owner of a vessel knowingly falsifies or conceals a material fact, or makes a false statement or representation in connection with the documentation of his vessel under this Act, in addition to any other penalty provided by law, that vessel, together with its equipment is liable to seizure and forfeiture to the United States.

(b) Whenever a certificate of documentation is knowingly and fraudulently used for any vessel, that vessel, together with its equipment, is liable to seizure and forfeiture to the United States.

SEC. 17. CERTIFICATE OF DOCUMENTATION; TERMINATION OF VALIDITY.—(a) A cerificate of documentation becomes invalid if the vessel for which it is issued—

(1) no longer meets the requirements in this Act and the regulations prescribed under it pertaining to that certification of documentation; or

(2) is placed under the command of a person who is not a citizen of the United States.

(b) Except as provided by section 961(a) of title 46, an invalid certificate of documentation shall be surrendered to the Secretary in accordance with regulations prescribed by him.

SEC. 18. PROVISIONAL REGISTRY.—(a) The Secretary and the Secretary of State, acting jointly, may provide for the issuance of a provisional registry for any vessel procured outside the United States which meets the ownership requirements of section 4 of this Act.

(b) A vessel for which a provisional registry is issued may proceed to the United States and, subject to such limitations as the Secretary prescribes, engage en route in the foreign trade or trade with the islands of Guam, Tutuila, Wake, or Midway or Kingman Reef. Upon the vessel's arrival in the United States the provisional registry shall be surrendered to the Secretary.

(c) A vessel for which a provisional registry is issued is subject to the jurisdiction and laws of the United States. However, the Secretary may suspend the application of any vessel inspection law administered by him, or any regulation thereunder, if he considers the suspension to be in the public interest.

SEC. 19. RECORDING OF UNITED STATES BUILT VESSELS.—The Secretary may provide for the recording and certifying of such information pertaining to vessels built in the United States as he finds to be in the public interest.

SEC. 20. REGISTRATION OF FUNNEL MARKS AND HOUSE FLAGS.—The Secretary shall provide for the registration of funnel marks and house flags by owners of vessels.

SEC. 21. LIST OF DOCUMENTED VESSELS.—The Secretary shall publish periodically a list of all documented vessels together with such information pertaining to them as he considers pertinent and useful.

SEC. 22. REPORTS.—To insure compliance with this Act and the laws governing the qualifications of vessels to engage in the coastwise trade and the fisheries, the Secretary may require owners and masters of documented vessels, to submit reports in such form and manner as the Secretary may prescribe.

SEC. 23. VIOLATIONS; PENALTY.—Whoever violates any provision of this Act or any regulation thereunder for which no other penalty is specifically provided is liable to a civil penalty of not more than $500 for each violation.

(b) The Secretary may compromise any civil penalty provided for in this Act.

SEC. 24. DELEGATIONS AND REGULATIONS.—The Secretary may—

(1) delegate, and authorize successive redelegations of, any of the duties or powers conferred on him in this Act; and

(2) prescribe regulations to carry out this Act.

SEC. 25. RELATED TERMS IN OTHER LAWS.—Whenever used with respect to the documentation of a vessel in any law, regulation, document, ruling, or other official act—

(1) "certificate of registry", "registry", and "register" are considered to mean a registry as provided for in section 10 of this Act;

(2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" are considered to mean a coastwise license as provided for in section 11 of this Act;

(3) "enrollment and license to engage in the foreign and coastwise (or coasting) trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea" is considered to mean a Great Lakes license as provided for in section 12 of this Act;

(4) "license for the fisheries" and "enrollment and license for the fisheries" are considered to mean a fishery license as provided for in section 13 of this Act; and

(5) "yacht license" and "yacht enrollment and license" are considered to mean a yacht license as provided for in section 14 of this Act.

SEC. 26. AMENDMENTS TO OTHER LAWS.—(a) Section 4131 of the Revised Statutes, as amended (46 U.S.C. 221), is amended to read as follows:

"No person who is not a citizen of the United States may serve as master, chief engineer, or officer in charge of a deck watch or engineering watch on any vessel documented under the laws of the United States. However, if a documented vessel is deprived of the services of any officer, other than the master, while on a foreign voyage, a person who is not a citizen of the United States may, until the vessel's first return to a United States port where a United States citizen replacement can be obtained serve in—

"(1) the vacancy; or

"(2) any vacancy resulting from the promotion of another to fill the original vacancy."

(b) Section 4148 of the Revised Statutes, as amended (46 U.S.C. 71), is amended by striking out the first sentence of subsection (a) and inserting in place thereof:

"The Secretary of the Department in which the Coast Guard is operating shall provide for the admeasuring of each vessel document under the Vessel Documentation Act and each vessel recorded under section 19 of that Act. Except in cases where the Secretary of the Department in which the Coast Guard is operating has, by regulation, otherwise provided, a vessel must be admeasured before a certificate of documentation or a certificate of record is issued for that vessel".

(c) Section 4311 of the Revised Statutes, as amended (46 U.S.C. 251), is amended by striking out the first sentence of subsection (a).

(d) Section 4320 of the Revised Statutes, as amended (46 U.S.C. 262), is amended by—

(1) striking out the word "licensed" in the first sentence and inserting in place thereof the word "documented"; and

(2) striking out the last sentence.

(e) Section 4377 of the Revised Statutes, as amended (46 U.S.C. 325), is amended by striking out the second sentence.

(f) Section 7 of the Act of June 19, 1886, as amended (24 Stat. 81; 46 U.S.C. 319), is amended by—

(1) striking out the first sentence and inserting in place thereof:

"Whenever a vessel is employed in a trade for which certificates of documentation are issued under the Vessel Documentation Act, other than a trade covered by a registry, the vessel is liable to a civil penalty of $30 for each port at which it arrives without the proper certificate of documentation, and if it has on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, the vessel, together with its equipment and cargo, is liable to seizure and forfeiture."; and

(2) striking out the last sentence.

SEC. 27. REPEALS.—The following laws are repealed, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act:

Revised statutes section	Revised statutes section
4132	4183
4136	4187
4137	4189
4138	4190
4139	4191
4141	4214
4142	4217
4143	4312
4144	4313
4146	4314
4147	4315
4150	4318
4155	4319
4156	4321
4157	4322
4158	4323
4159	4324
4160	4325
4161	4326
4162	4327
4163	4328
4164	4329
4166	4330
4167	4331
4168	4333
4169	4335
4170	4337
4171	4338
4174	4339
4176	4372
4177	4384
4178	4385
4179	4495
4180	4498
4182	

			Statutes at large	
Date	Chapter	Section	Volume	Page
1874: Apr. 17	106		18	30
1877: Feb. 27	69	1 (only the part amending R.S. 4315, 4318, and 4319).	19	251
1879: June 30	54		21	44
1883: Mar. 3	133	1	22	566
1884:				
June 26	121	21	23	58
July 5	221	4	23	119
1886: June 19	421	6	24	81
1891: Feb. 21	250	1	26	765
1895: Jan. 16	24	2, 4	28	624, 625
1897: Jan. 20	67	1, 2	29	491, 492
1902: June 24	1155	1, 2	32	398, 399
1905: Mar. 3	1457	9	33	1032
1906: Apr. 24	1865	1, 2	34	136
1908: May 28	212	7	35	426
1912:				
Feb. 29	47		37	70
July 9	220		37	189
Aug. 20	307	1	37	315
Aug. 24	390	5 (only the part amending R.S. 4132).	37	562
1914: Aug. 18	256	1	38	698
1915:				
Feb. 24	57		38	812
Mar. 4	172	1	38	1, 193
Do	184	5	38	1, 218
1920: Feb. 19	83	1,2,3	41	436, 437
1925: Feb. 16	235	1	43	947
1935: Aug. 5	438	310	49	528
1936: May 20	434		49	1, 367
1938: May 24	265		52	437
1939:				
May 31	159		53	794
Do	160		53	795
June 2	168		53	798
1961: Aug. 17	Public Law 87–157		75	392
1965: Sept. 29	Public Law 89–219	10	79	892

SEC. 28 EFFECTIVE DATE.—This Act becomes effective on the first day of the sixth month following the month in which it is enacted.

The SPEAKER. Is a second demanded?

Mr. MAILLIARD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. GARMATZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge the passage of H.R. 760, a bill that would provide for a much needed revision of our vessel documentation laws.

Vessel documentation establishes an official basis for vessel identification and control. It serves to facilitate trade and commerce by classifying vessels for purposes of regulation, safety, pilotage, fee assessment and taxation. The marine document of a U.S.-flag vessel is both a certificate of nationality and an authorization for the vessel's use in foreign, coastwise, or domestic trade.

Our existing documentation laws are fragmented and some date back to the early 1790's. These archaic statutes have been an obstacle to efficient vessel documentation procedures for many years. H.R. 760 would extract from these existing laws, and restate in a concise and orderly manner, the purposes and objectives of vessel documentation and related substantive policies. This would permit the U.S. Coast Guard, who is responsible for merchant vessel documentation, to introduce modern procedures and business techniques with resulting benefits for the Coast Guard and the U.S.-flag merchant marine.

For example, under existing law, the document of every licensed vessel must be presented at a documentation office each year for renewal. This requires that the document be removed from the vessel where it properly belongs, and takes up the time of the vessel's master, or the vessel's agent, in making a visit to the documentation office. H.R. 760 would permit the Coast Guard to provide for annual validation by mail without removing the document from the vessel, thus saving time for all concerned.

H.R. 760 was the subject of an Executive communication from the Secretary of Transportation. The departmental reports generally favored the bill and your committee is unaware of any opposition to it.

Your committee made certain amendments to the bill as introduced. These are in the nature of clarifying amendments only.

The bill was ordered reported unanimously, with amendments, after full and careful consideration of the record. I strongly urge the House to support H.R. 760 as a much needed revision of our vessel documentation laws.

Mr. Speaker, I yield as much time to the gentleman from California (Mr. MAILLIARD), a member of the committee, as he desires.

Mr. MAILLIARD. Mr. Speaker, I join our chairman, the gentleman from Maryland, in urging approval of this really long-overdue legislation.

Mr. Speaker, H.R. 760, the Vessel Documentation Act, is a much-needed revision and modernization of laws dating back to the first Congress. The importance of establishing the requirements for and rights and privileges of ships flying the American flag is no less important today than in 1789, when the United States first enacted laws to supersede a hodge-podge of State regulations under the Articles of Confederation.

Since the first Congress, we have gradually expanded our vessel documentation laws and have built layer upon layer of statutory language, much of which today is difficult to comprehend, since it was written to reflect conditions long since changed. There are, for example, obscure references to such things as the "mackeral fishery" and the "Western frontier."

The question of what vessels are entitled to documentation as vessels of the United States has been largely a matter of inference from these obscure laws. For example, for many years the agencies administering our documentation laws have interpreted various sections of the revised statutes to reach the conclusion that vessels must be of at least 5 net tons to be eligible for documentation. H.R. 760 gives this long-standing interpretation a statutory basis.

The interpretations required to effectively implement existing law, however, have produced certain undesirable side effects. The revised statutes state that only a documented vessel may be considered a vessel of the United States. The 5-net-ton limitation on vessels eligible for documentation, therefore, has resulted in smaller vessels being denied the right to be considered a vessel of the United States. This has been particularly bothersome to yachtsmen who feel, and rightly so, that when they sail into a foreign port, their vessel should have the protection and respect accorded a "vessel of the United States." Accordingly, this legislation provides that a vessel need not be documented in order to be considered a vessel of the United States.

In this age of computers, punchcards, and other time-saving recordkeeping procedures long ago adapted to automobile and aircraft registration, our vessel documentation system continues to operate in the age of the green eyeshade and quill pen. This legislation will bring the Coast Guard's administration of vessel documentation into the 20th century. It is long overdue.

I therefore urge the passage of H.R. 760, the Vessel Documentation Act.

Mr. GARMATZ. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DOWNING), a member of the committee.

Mr. DOWNING. Mr. Speaker, I rise in strong support of H.R. 760.

The new shipping concepts, such as containerization and LASH vessels, have placed an increased emphasis on efficient operation.

The Vessel Documentation Act provided by H.R. 760 would facilitate efficient vessel documentation procedures which affect vessel operation. It would do this not by making significant substantive changes in our existing documentation laws, which your committee has found to be both archaic and fragmented. Rather, the bill would extract from these existing laws, and restate in a concise and orderly manner, the purposes and objectives of vessel documentation and related substantive policies. This will permit the U.S. Coast Guard, which is responsible for vessel documentation, to introduce efficient procedures with resulting benefits for the U.S.-flag merchant marine.

The bill was ordered reported unanimously, with clarifying amendments. I strongly urge the House to support H.R. 760.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland that the House suspend the rules and pass the bill H.R. 760, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEES FOR MIGRATORY BIRD HUNTING STAMPS

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 701—to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to authorize the Secretary of the Interior, in his discretion, to establish the fee for such stamp, as amended.

The Clerk read as follows:

H.R. 701

A bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to authorize the Secretary of the Interior, in his discretion, to establish the fee for such stamp

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 2 of the Migratory Bird Hunting Stamp Act (48 Stat. 451), as amended (16 U.S.C. 718b), is amended to read as follows: "For each such stamp sold under the provisions of this section there shall be collected by the Postal Service a sum of not less than $3 and not more than $5 as determined by the Secretary of the Interior after taking into consideration, among other matters, the increased cost of lands needed for the conservation of migratory birds.".

SEC. 2. Sections 2 and 4 of the Migratory Bird Hunting Stamp Act (16 U.S.C. 718b, 718d) are each amended by striking out "Post Office Department" and "Postmaster General" each place they appear therein and inserting in lieu thereof "Postal Service".

SEC. 3. Section 3(a) of the Act of July 30, 1956 (70 Stat. 722; 16 U.S.C. 718b-1), is amended by striking out "Postmaster General" each place it appears therein and inserting in lieu thereof "Postal Service".

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the purpose of H.R. 701 is to provide a means for producing additional funds for the acquisition of greatly needed habitat for migratory birds, especially migratory waterfowl.

Mr. Speaker, the original Duck Stamp act was passed in 1934. The price of the duck stamp at that time was set at $1. Over the past 37 years, the price of the duck stamp has been increased only twice; once in 1949, to $2, and again in 1958, to $3.

Mr. Speaker, as I am sure all of my colleagues are aware, present law requires anyone 16 years of age or older desiring to hunt migratory waterfowl to have in his possession at the time of such hunting an unexpired Federal migratory-bird hunting stamp. The sale of—what is commonly referred to as the duck stamp—is handled by the U.S. Postal Service. The proceeds from such sales are paid into the U.S. Treasury and set aside into a special fund known as the migratory bird conservation fund, to be administered by the Secretary of the Interior. After deducting expenditures by the Postal Service for engraving, printing, issuing and selling, the remainder of the funds are used solely for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges and waterfowl production areas.

Mr. Speaker, originally in the 48 contiguous States there were some 127 million acres of wetlands. By 1955, this total acreage had been reduced to approximately 84 million acres. Of this amount, only 22.5 million acres were of significant value for migratory waterfowl use. Since it was anticipated that 10 million acres would remain in private ownership, there remained to be acquired for public control 12.5 million acres. Of this amount, available information indicated that about 5 million acres would be secured by the States, leaving 7.5 million acres to be purchased by the Secretary of the Interior from the migratory bird conservation fund. By 1958, purchases and donations consisted of approximately 3.5 million acres. Another 1.5 million acres were added by 1961, leaving 2.5 million acres to be acquired by the Secretary under the original goal. To provide additional funds in order to expedite the purchase of these lands, in 1961 the Congress enacted the Accelerated Wetlands Acquisition Act which authorized an advance appropriation without interest to the migratory bird conservation fund of up to $105 million over a 7-year period beginning with fiscal year 1962. Although the act has been extended for an additional 8 years, to date only $66.8 million has been appropriated, leaving $38.2 million available for appropriation under the original $105 million program.

Mr. Speaker, since 1961 only 1.3 million additional acres have been acquired leaving a balance of 1.2 million acres to be acquired under the original goal. We are most hopeful that if H.R. 701 is enacted into law, the funds to be derived from the sale of duck stamps plus the $38.2 million remaining to be appropriated under the accelerated wetlands acquisition program will enable us to complete this goal.

Mr. Speaker, briefly explained, H.R. 701 would authorize the Secretary of the Interior to increase the cost of the duck stamp from $3 to a maximum of $5 whenever in his discretion he deemed such an increase justifiable after taking into consideration, among other matters, the increase cost of lands for the conservation of migratory birds. In addition, the bill, as reported, includes the suggested amendments of the U.S. Postal Service, all of which were technical in nature.

In its report on the legislation, the Department of the Interior suggested an amendment to the bill that would provide for an automatic $2 increase in the cost of the duck stamp. The Committee on Merchant Marine and Fisheries in its wisdom decided against the mandatory concept and felt that the best interests of the sportsmen and the acquisition program could best be maintained by providing the Secretary of the Interior with discretionary authority only. The committee is most hopeful that the Secretary will administer this law wisely and will increase the price of the duck stamp only when he feels that such an increase will prove beneficial both to the sportsmen and our migratory waterfowl conservation program.

Mr. Speaker, the committee gave serious consideration to linking the cost of an increase in the duck stamp with the amount of funds appropriated under the accelerated wetlands acquisition program. As previously indicated, there remains to be appropriated $38.2 million under this authorization over the next 5-year period. This averages out at approximately $7.5 million per year. The committee decided to tie the legislation to the appropriation process but in lieu thereof wanted to make it clear in the legislative history of this legislation that the committee expects the appropriations under the accelerated wetlands acquisition program to maintain its recent level of funding which would be approximately $7.5 million per year. Furthermore, it wants to stress that for the Appropriations Committee to appropriate less than this amount, it would have the affect of offsetting any increase in funds that would be provided by this legislation. The committee feels that it is only in this fashion that the interests of the sportsmen can best be protected, and the acquisition program a success.

Mr. Speaker, I urge prompt enactment of H.R. 701.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, can the gentleman say why it is left to the Secretary of the Interior to fix the cost of duck stamps?

Mr. DINGELL. Yes; I will be happy to. The Congress found that there is a falloff in sales which is related to the increase in price. It was anticipated that at some point between $3 and $5 would be the level at which the price would bring in the highest income to the migratory bird conservation fund. In order to give the Secretary the discretion to maximize the return to the fund at the earliest possible moment, the Secretary is given the discretion to fix the fee for the migratory bird stamp between $3 and $5.

Mr. GROSS. Was there a falloff in the sales when the cost of the stamps were increased to $3?

Mr. DINGELL. There always has been a slight falloff in sales. It is anticipated the price increase this time will produce less of a falloff than in other years. The reason is because it is anticipated we will have a very good year for ducks.

Mr. GROSS. What is it expected to be?

Mr. DINGELL. I cannot prophesy, but I think it is expected the $5 set by the Secretary will bring in the best returns.

Mr. GARMATZ. Mr. Speaker, I want to voice my support for H.R. 701, which was unanimously reported by my committee.

Basically, the bill is designed to authorize the use of additional funds resulting from any increase in the cost of the duck stamp. These additional funds would then be used for the acquisition of suitable lands which could serve as breeding grounds and sanctuaries for migratory waterfowl.

It is urgent to acquire this land as

soon as possible, because suitable land that could be used for migratory bird habitat is rapidly disappearing, due to the ever increasing demands of commercial, industrial, and urban development.

Unless these essential lands are acquired now, the migratory waterfowl population will be seriously depleted and their decimation will constitute a great loss to the sportsmen and to all Americans who value our precious wildlife resources.

Mr. Speaker, I strongly urge passage of H.R. 701.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 701 to authorize the Secretary of the Interior in his discretion to increase the fee for migratory bird hunting stamps, the so-called "Duck Stamp."

The report of your Committee on Merchant Marine and Fisheries clearly documents the need for public acquisition of wetlands. The growth in our population and accelerated drainage of land for commercial and residential construction has destroyed many millions of acres of waterfowl feeding and nesting lands. Our migratory waterfowl are a unique national asset which cannot be adequately conserved and protected at the State level, since their seasonal migrations take these flocks of birds thousands of miles across many States. During the 1950's, a goal od 7.5 million acres of federally acquired wetlands was established. We are 1.2 million acres short of this goal, and the cost of land has risen dramatically.

In view of the constant and accelerated diversion of wetlands to other uses, the migratory waterfowl habitat acquisition program must be funded at a level which completes the acquisition program as soon as possible.

This legislation will enable the Secretary of the Interior to increase the cost of the duck stamp up to a maximum of $5 whenever in his judgment he deems such an increase necessary, taking into account the increased cost of land, availability of water and other natural conditions, the maintenance of bird populations, and the interest of sportsmen whose purchase of these stamps supports the program.

Your committee considered amendments to this bill which would have tied the level of the duck stamp fee to the level of appropriations for wetland acquisition purposes by the Congress. After giving such amendments careful consideration, however, your committee determined to continue the existing system under which funds for wetlands acquisition through the sale of duck stamps and by appropriations are programed independently.

We do not anticipate, however, that an increase in the price of duck stamps will result in a decrease in the appropriation of funds for wetland acquisition. Indeed, such a decrease in appropriations would nullify the purpose of this legislation, which is simply to increase substantially the total amount of money being made available from all sources for wetlands acquisition in order to achieve our goal of 7.5 million acres at the earliest possible date.

Mr. Speaker, I urge my colleagues to support the passage of this important legislation.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 701, which would provide a means for producing additional funds for the acquisition of vitally needed lands for migratory birds, particularly migratory waterfowl.

To achieve this goal, the bill authorizes the Secretary to raise the price of the migratory bird hunting stamp—better known as the duck stamp—from $3 to a maximum of $5 whenever he believes such an increase is justified.

As an ardent conservationist, the senior member of the Migratory Bird Commission, and a cosponsor of this legislation, I want to commend the committee for its expeditious consideration of the measure we are now debating.

The tremendous need for increased funds to purchase the remaining 1.2 million acres of wetlands that are available to the Federal Government to conserve the Nation's waterfowl has been dramatically demonstrated at our bird commission meetings. The average cost of land has skyrocketed from $31 per acre in 1962 to $142 per acre today. Moreover these valuable lands are in constant danger of falling prey to the greedy eye of the speculator who is ready with a bulldozer to fill in a wetland and transform it into another gaudy memorial to our neon society.

We must act now to preserve sufficient acreage to provide essential breeding, feeding, resting, and wintering areas in this country to accommodate the needs of migratory waterfowl.

Mr. Speaker, I urge the passage of this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 701, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: A bill to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on H.R. 701, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENTS TO FISHERMEN'S PROTECTION ACT OF 1967

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1972(b)) is amended by striking out "and to secure the release of such vessel and crew." and inserting in lieu of the following: ", to secure the release of such vessel and crew, and to immediately ascertain the amount of any fine, fee, or other direct charge which may be reimbursable under section 3(a)."

SEC. 2. Section 3 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1973) is amended by inserting "(a)" immediately before "In", and by adding at the end thereof the following: "Any reimbursement under this section shall be made from the Fishermen's Protective Fund established pursuant to section 8.

"(b) The Secretary of State shall make a certification under subsection (a) of this section as soon as possible after he is notified pursuant to section 2(b) of the amounts of the fines, fees, and other direct charges which were paid by the owners to secure the release of their vessel and crew. The amount of reimbursement made by the Secretary of the Treasury to the owners of any vessel under subsection (a) of this section shall constitute a lien on the vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the vessel may be. Any such lien shall terminate on the ninetieth day after the date on which the Secretary of the Treasury reimburses the owners under this section unless before such ninetieth day the United States initiates action to enforce the lien."

SEC. 3. Section 5 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1975) is amended to read as follows:

"SEC. 5. (a) The Secretary of State shall—

"(1) immediately notify a foreign country of—

"(A) any reimbursement made by the Secretary of the Treasury under section 3 as a result of the seizure of a vessel of the United States by such country,

"(B) any payment made pursuant to section 7 in connection with such seizure, and

"(2) take such action as he deems appropriate to make and collect claims against such foreign country for the amounts so reimbursed and payments so made.

"(b) If a foreign country fails or refuses to make payment in full on any claim made under subsection (a)(2) of this section within one hundred and twenty days after the date on which such country is notified pursuant to subsection (a)(1) of this section, the Secretary of State shall transfer an amount equal to such unpaid claim or unpaid portion thereof from any funds appropriated by Congress and programed for the current fiscal year for assistance to the government of such country under the Foreign Assistance Act of 1961 (and if such funds are insufficient to cover such claim, transfer shall be made from any funds so appropriated and programed for the next and any succeeding fiscal year) to (1) the Fishermen's Protective Fund established pursuant to section 8 if the amount is transferred with respect to an unpaid claim for a reimbursement made under section 3, or (2) the separate account established in the Treasury of the United States pursuant to section 7(c) if the amount is transferred with respect to an unpaid claim for a payment made under section 7(a). Amounts transferred under this section shall not constitute satisfaction of any such claim of the United States against such foreign country."

SEC. 4. Section 7(c) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(c)) is amended by inserting immediately before the last sentence thereof the following new sentence: "If a transfer of funds is made to the separate account under section 5(b)(2) with respect to an unpaid claim and such claim is later paid, the amount so paid shall be covered into the Treasury as miscellaneous receipts."

SEC. 5. The Fishermen's Protective Act of 1967 is further amended by adding at the end thereof the following new section:

"SEC. 8. There is created a Fishermen's Protective Fund which shall be used by the Secretary of the Treasury to reimburse owners of vessels for amounts certified to him by the Secretary of State under section 3. The amount of any claim or portion thereof collected by the Secretary of State from any foreign country pursuant to section 5(a) shall be deposited in the fund and shall be available for the purpose of reimbursing vessel owners under section 3; except that if a transfer to the fund was made pursuant to section 5(b)(1) with respect to any such claim, an amount from the fund equal to the amount so collected shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fund (1) the sum of $3,000,000 to provide initial capital, and (2) such additional sums as may be necessary from time to time to supplement the fund in order to meet the requirements of the fund."

SEC. 6. The amendments made by this Act shall apply with respect to seizures of vessels of the United States occurring on or after date of the enactment of this Act; except that reimbursments under section 3 of the Fishermen's Protective Act of 1967 (as in effect before such date of enactment) may be made from the fund established by the amendment made by section 5 of this Act with respect to any seizure of a vessel occurring before such date of enactment and after December 31, 1970, if no reimbursement was made before such date of enactment.

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this legislation was unanimously reported by the Committee on Merchant Marine and Fisheries. It is sponsored by the distinguished and able senior minority Member, to whom I pay tribute for his invaluable service on that committee.

Mr. Speaker, existing law provides that where a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and a fine, fee, or other direct charge must be paid by the vessel owner in order to secure the prompt release of the vessel and crew, then such owner is entitled to be reimbursed by the Secretary of the Treasury for the amount of such fine, fee, or other direct charge. Also, existing law provides that the owner of such a seized vessel may be reimbursed under an account administered by the Secretary of Commerce and funded by both the Federal Government and the vessel owner—for costs attributable to damage or destruction of the vessel, gear, or equipment, as well as the market value of fish spoiled during the period of illegal detention, and one-half of the loss of gross income which might have accrued to the vessel owner and its crew had the seizure not occurred.

Mr. Speaker, the need for this legislation arises from the fact that since 1954—the year the Fishermen's Protective Act was enacted—there have been more than 100 seizures of American fishing vessels by foreign countries while these vessels were fishing on the high seas beyond 12 miles from foreign shores. Twenty-seven of these seizures occurred between January 10 and March 30 of this year. There are nine countries that claim exclusive fisheries rights out to 200 miles from their shores, and although this legislation would apply equally to any nation that claims fisheries rights beyond 12 miles from their shores, it primarily is aimed at the countries of Ecuador and Peru.

Mr. Speaker, during the hearings held by my Subcommittee on Fisheries and Wildlife Conservation it was documented that because of the cumbersome appropriation process American fishing vessel owners, on the average, are having to wait at least a year or more before receiving reimbursements from the Secretary of the Treasury for the amount of fines, fee, and other direct charges required to be paid to obtain release of the vessels and crew. This imposes an undue hardship on the vessel owner, and particularly so if he happens to be the owner of the *Apollo* or *Caribbean Tuna* vessels, both of which were seized twice within a period of approximately 2 months. This legislation is designed to eliminate that hardship.

Mr. Speaker, briefly explained, H.R. 7117 would require the Secretary of State to immediately ascertain the amount paid by a vessel owner to a foreign country to obtain release of his vessel and crew and to certify such amount to the Secretary of the Treasury for immediate reimbursement. Upon reimbursement out of the revolving fund authorized to be established under section 5 of the bill—which should only take a matter of days—the Secretary of State would be required to immediately notify the foreign country of such reimbursement. He would also be required to take the necessary steps to try to collect the amount of the claim from the offending country. If it develops that the Secretary of State is unable to collect the claim within 120 days after notification to the offending country—which is likely to happen since he never has officially presented a claim and consequently never has collected a claim from a foreign country since enactment of the act in 1954—then the Secretary of State is required to deduct the amount of the claim from any funds programed to that country under the Foreign Assistance Act and to transfer such funds to the revolving fund authorized to be established under this bill. The bill would authorize to be appropriated $3 million to provide initial capital for the revolving fund and such other sums as may be necessary to meet future requirements of the fund.

Mr. Speaker, my subcommittee held hearings on the subject of illegal seizures in San Pedro, Calif., in February of this year and on the legislation here in Washington in June and July of this year. Testimony was received from a wide range of witnesses, including representatives of Congress, the tuna industry, labor organizations, cannery workers, and the Federal agencies. In general, all of the witnesses were in strong support of the legislation except for the State Department. The State Department endorsed the idea of providing expeditious reimbursement to the vessel owner but opposed the legislation mainly on the grounds that the mandatory deduction requirement from foreign aid would in effect restrict its flexibility in negotiations to resolve the overall problem of fisheries jurisdiction with these offending nations.

Mr. Speaker, the Committee on Merchant Marine and Fisheries reported this bill to the floor unanimously and we do not believe the legislation will have the effect on the State Department which it fears.

Mr. Speaker, I strongly urge the passage of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I am glad to yield to my friend from Iowa.

Mr. GROSS. I have always been sympathetic to these fishermen who have been punished by seizures. I offered an amendment this year on this subject in the Committee on Foreign Affairs.

Mr. DINGELL. The gentleman has been very helpful. I wish to commend him for that.

Mr. GROSS. At best, this is an expediency. We ought to not have to enact this kind of legislation, and it would not be necessary if we had in the past and present Secretaries of State with any courage.

Mr. DINGELL. I agree with the gentleman entirely. It is my position we probably ought to send some gunboats down there to protect these vessels. Unfortunately, that kind of legislation is not a reality.

We have had to close by this legislation the loophole which exists, so that the Secretary of State no longer has any discretion whatsoever in starting the mechanism that is ultimately going to result in the deduction from foreign aid of any fines and out-of-pocket costs paid.

Mr. GROSS. I say to my friends from Michigan it is a shame and an outrage to call upon the taxpapers of this country for $3 million or any other amount to indemnify in cases such as have occurred. This is the sort of thing that must be stopped. We ought not to be paying a dollar of tribute to a single foreign government under these circumstances.

Mr. DINGELL. The gentleman is correct. I would say this to my good friend: We have already begun the principle of compensating them for fines and out-of-pocket costs. That we did some time ago.

What we are doing today is setting up a revolving fund so that these people do not have to finance the costs for as long as one and one and-a-half years at 90 percent money.

Mr. GROSS. I am not going to oppose the bill, but I say that this procedure is wrong and that we ought to get results. This sort of thing ought to be stopped in a far different way, because we are here paying tribute and we should not be paying tribute under any guise. Even if we take money for payment out of foreign assistance it is still tribute.

Mr. DINGELL. I agree, and the gentleman is correct. I believe it is outrageous.

Mr. PELLY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 7117 to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for fines and other charges which they have paid foreign countries to secure the release of their vessels and crews illegally seized by such countries.

In 1968, the Congress amended the Fishermen's Protective Act in several important respects. In one respect, the Secretary of State was directed to take such action as he deemed appropriate to make and collect claims against foreign countries which have illegally seized our vessels. The amount to be claimed and collected would, of course, be the amount paid out by the United States to compensate the vessel owner for fines and other charges and partial compensation for economic losses resulting from seizure. The 1968 amendment further provided that if a foreign country fails or refuses to make such payment in full within 120 days after receiving notice of the claim, the Secretary of State shall withhold, pending such payment, an amount equal to such unpaid claim from any foreign aid funds programed for that country under the Foreign Assistance Act of 1961.

Although there have been innumerable seizures of U.S. fishing vessels since enactment of the 1968 amendments, including 27 such seizures this year, the Secretary of State has never once asserted a claim as required by the act. Since the Secretary never has demanded reimbursement from a foreign country seizing our vessels, the 120-day period following which foreign aid must be suspended has never begun to run. The State Department has conveniently misinterpreted the express language of the act, which states that the Secretary shall take action. The only discretion which the act gives the Secretary is the means which he shall employ in presenting and collecting a claim. Thus, he may do this informally through our diplomatic representatives in the country involved, or he may present a formal note to the President of that country.

On the other hand, the act gives the Secretary no discretion whatsoever in deciding to present a claim. The State Department since 1968 has acted contrary to the law and to the clear intent of Congress. The legislation which we are considering today amends section 5 of the act to spell out in greater detail the obligation of the Secretary of State to present claims to foreign countries who illegally seize our vessels. It is so worded that no State Department lawyer will be able to misconstrue our clear intent.

Mr. Speaker, the second principal amendment to the Fishermen's Protective Act provided for in this legislation will establish a revolving fund in order to expedite the reimbursement of fishermen for the fines and other charges which they have paid to foreign countries seizing our vessels on the high seas. The testimony taken by this committee clearly indicates that the present system administered by the Department of State consumes entirely too much time. In most cases, our fishermen wait over a year to receive reimbursement from the Treasury upon certification by the Department of State.

The reasons for this are twofold. On the one hand, the certification process itself is unduly cumbersome. Second, once certification has been made by the Secretary of State to the Treasury, the fishermen must wait for one of two supplemental appropriation bills to be enacted. The establishment of the revolving fund would obviate the need for supplemental appropriations, and the language of the act directing the Secretary to expedite the certification process will eliminate a great deal of the redtape now involved.

Mr. Speaker, these amendments to the Fishermen's Protective Act are needed, both for the sake of our fishermen who have been subjected to illegal seizure on the high seas and from the standpoint of preserving the U.S. position in negotiating with these countries. So long as they may seize our ships with impunity, there will be no inducement to negotiate in good faith with the United States. We have made it clear to the countries of Latin America that we are sincerely interested in conservation of fishery stocks in the high seas. It is not our desire to exploit these resources beyond the maximum sustainable yield. We are ready to sit down with them at any time, but we are not willing simply to stand by and allow these seizures to continue year after year after year with no serious negotiation in sight and no action on the part of the State Department to terminate the steady flow of American aid to these countries.

I urge my colleagues to support the passage of H.R. 7117.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, I rise in strong support of H.R. 7117. My distinguished colleague, Congressman DINGELL, who is chairman of our Subcommittee on Fisheries and Wildlife Conservation, and who chaired the hearings on this legislation, has already explained it in detail.

I feel that this bill's enactment is essential—not only to protect the American fishing industry, but also to require the State Department to take more forceful action in dealing with the vexing and dangerous problem of illegal seizures of American fishing vessels.

Since January 11 of this year, 27 American tuna boats have been seized by certain Latin nations which have unilaterally claimed jurisdiction over waters extending up to 200 miles off their coasts. The owners of these vessels have been forced to pay penalties to these Latin nations totaling $1,333,418, according to the most recent figures furnished by the State Department.

When an American fishing boat is seized by a foreign nation, the vessel owners pay all fines and other penalties out of their own pocket. These penalties can be extremely high. In the case of the tuna boat *Apollo*, for instance, penalties amounting to $92,000 were paid when that vessel was seized January 17, while fishing 47 miles off the coast of Ecuador; on March 3, the *Apollo* was again seized by Ecuador while fishing 130 miles off that nation's coast, and in this second instance penalties amounting to $155,340 were paid before that vessel was released.

Under the Fishermen's Protective Act, the Federal Government reimburses the owners of American vessels when they are required to pay such penalties for seizures beyond 12 miles from foreign shores. Unfortunately, the reimbursement process is slow, and there is normally a time lapse of about 1 year before the vessel owner is actually reimbursed. During that period the vessel owner has lost the use of the money paid to obtain release of his vessel, and quite frequently he is forced to borrow money—and to pay a high interest rate—in order to continue the operation of his vessel and pay his crew. Some vessel operators have seriously depleted their financial resources, some to the point of near bankruptcy. The danger of bankruptcy has been increased as a result of the policy recently instituted by Ecuador, which calls for penalties to be doubled in the case of a second seizure of any individual American vessel.

One of the primary purposes of H.R. 7117 is to set up a revolving fund which would make reimbursements available almost immediately. Under this plan, it is anticipated reimbursements would be completed within a few days and at the maximum time of not more than 3 weeks.

The other salient feature of this bill is to place a mandatory duty upon the Secretary of State, requiring him to immediately notify the seizing country when reimbursement has been made, from the revolving fund, to the vessel owner. If that foreign country does not reimburse the United States for funds so expended within 120 days from the date of notification, then the Secretary would be required to deduct an equal amount from funds programed to that foreign country under the Foreign Assistance Act of 1961. The Secretary would also be required to transfer an amount equal to the claim into the revolving fund.

This mandatory requirement is necessary, in view of the fact that the Secretary of State has interpreted present law as giving him discretionary authority; in fact, the Secretary has persistently refused to officially notify the offending country of the claim and to deduct any funds from the Foreign Assistance Act. This he has refused to do, despite the obvious intent of Congress that this should be done. As a result of this interpretation, no deductions have been made from the Foreign Assistance Act.

Mr. Speaker, if these deductions are not made from foreign aid, the American taxpayer is, in essence, paying for the State Department's failure to enforce the law. The bill will eliminate that loophole and make the offending country pay its own fines if that country is getting foreign aid from the U.S. Government.

Passage of this legislation will benefit both the taxpayer and the American fishing industry, and I urge my colleagues to support H.R. 7117.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. Fascell).

Mr. FASCELL. Mr. Speaker, I had not intended to get into this discussion today, knowing the long dedication of the subcommittee and the full committee presenting the proposed legislation with respect to this subject.

However, the members of this committee spoke about the difficulty which has occurred with respect to the issue, at least in the Committee on Foreign Affairs, and as a member of that committee I feel I should make a few remarks at this point. As the gentleman from Iowa said, he did propose an amendment and also there were other similar amendments proposed in the Foreign Affairs Committee which were not adopted.

There is a considerable difference of opinion on the subject. The amendments offered in Foreign Affairs Committee were defeated by close votes.

There is obvious sympathy to support U.S. fishermen in their right to fish the high seas. But the issue is clouded and made very emotional because of the claims of sovereignty.

At the present time that there are nine countries in Latin America alone which claim sovereignty or exclusive jurisdiction over the sea off their coast for a distance of 200 miles.

The U.S. position from a foreign policy point of view has been that we are opposed to unilateral claims of sovereignty of this kind. We believe that the proper forum to decide this is an international forum. At the last Convention of the Sea we lost an effort to resolve this issue by one vote. The administration genuinely has been working very, very hard to resolve this issue, and it is looking forward to the 1973 convention in an effort to resolve this emotional and sticky problem.

The difficulty, as we see it in the Committee on Foreign Affairs, is that restrictive or punitive legislation, unilateral in its interpretation of what are the high seas, has been very hard to enforce.

Furthermore, it has been shown that punitive retaliation in support of one U.S. interest has brought pressures on other U.S. interests and has otherwise complicated the carrying out the foreign policy of the United States.

Restrictive legislation in foreign assistance has thus been counterproductive and the United States has sought the international forum as the best means of solving the problem. So while it may be very desirable to establish the purpose of the Fishermen's Protective Act, on the other side it has had very difficult consequences on the administration of the foreign policy of the U.S. Government, and brought retaliatory actions against other U.S. economic interests.

The U.S. Government, therefore, has tried very, very diligently, bilaterally in regional efforts of four or five nations, and at the international level to resolve fisheries problems.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the distinguished gentleman from Washington.

Mr. PELLY. The distinguished gentleman from Florida knows that in the present form of assistance as provided in section 620(o), there has been difficulty in making allocations. I do not disagree with the gentleman from Florida. All I want to do is to deter the seizure of our ships as occurred off the coast of Brazil.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. PELLY. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. FASCELL. I thank the gentleman for yielding to me this additional time.

Mr. PELLY. Mr. Speaker, if the gentleman will yield further, I have urged that we go to the conference table and settle this issue and I think the gentleman and I are in full agreement on that.

Mr. FASCELL. Oh, we are absolutely in agreement. We recognize that it is almost impossible to attempt to resolve the problem any other way. But at the same time your committee has felt it essential to take these steps, notwithstanding the desirability of a settlement on an international scale.

Mr. PELLY. I agree with the gentleman. I think the vote on the amendment was 11 to 11 in the gentleman's committee. So, there was some division of opinion.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Anderson).

Mr. ANDERSON of California. Mr. Speaker, I strongly support H.R. 7117 and am pleased that the Committee on Merchant Marine and Fisheries has brought this much needed legislation to the floor of the House so expeditiously.

On February 10, 1971, I was part of a special investigative subcommittee which heard firsthand the hardships which our fishermen have undergone during the conduct of illegal seizures by certain Latin American countries. This hearing in San Pedro, Calif., was the beginning of a series of hearings to determine what alternatives we had to prevent future seizures and to adequately reimburse the fishermen who have suffered great financial inconvenience.

The result of these hearings is the bill, H.R. 7117, which I cosponsored. This measure would amend the Fishermen's Protective Act to expedite the reimbursement of vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries by creating a Fishermen's Protective Fund for this purpose. It would strengthen the provisions relating to the collection of such claims against the offending foreign countries by providing for the transfer of foreign assistance funds appropriate for the government of such country to the Fishermen's Protective Fund for those claims which such country has refused to pay within 120 days of notification of the claim.

Section 1 of the bill amends the Fishermen's Protective Act to require representatives of the Secretary of State to be immediately notified of any amount paid by a fishing vessel owner to a foreign country to obtain release of his vessel and crew illegally seized.

Section 2 of the bill would amend the act to indicate that the Secretary of the Treasury, in reimbursing vessel owners for moneys paid to obtain release of the vessel and crew, shall pay such reimbursements out of a revolving fund to be established under section 5 of the bill, in lieu of making such payments from general funds in the Treasury.

Also, section 2 of the bill would require the Secretary of State to certify to the Secretary of the Treasury immediately after he is notified—presumably by one of his agents in the field—of the amount paid by the vessel owner to obtain release of the vessel and crew. The amount reimbursed to the vessel owner would constitute a 90-day lien against the vessel, pending verification of the validity of the claim for reimbursement.

Section 3 of the bill would rewrite section 5 of the act to make it clear that the Secretary of State is required to immediately notify a foreign country whenever the Secretary of the Treasury makes a reimbursement to the vessel owner or makes a payment to a vessel owner under the insurance program. As under present law, the Secretary of State would then be required to make and collect such claims against such foreign country for amounts paid under both sections 3 and 7 of the act.

Also, section 3 of the bill would provide that if the Secretary of State fails or refuses to present a claim to a foreign country or to collect a claim, presented to such country within 120 days after the Secretary of State notified such country, then the Secretary of State would be required to deduct the unpaid claim from any funds programed to that country under the Foreign Assistance Act and to transfer an amount equal to such unpaid claim from the Foreign Assistance Act fund to the Fishermen's Protective Fund.

The need for this legislation is obvious. Nine Latin American nations have unilaterally declared a 200-mile limit on their coastal waters. This year, only Ecuador and Peru have attempted to enforce it. International law, most maritime nations, and the United States recognize only a 12-mile limit.

Vessels that venture within Ecuador's and Peru's 200-mile boundary are subject to armed harassment and military seizure. The vessels are boarded, the crews kept under armed guard, private property is stolen, the ship's radio is sealed and its records confiscated, and the vessels are forced into port. They are released only upon the payment of substantial fines and the purchase of a costly license.

At a later date the vessel owner must go through miles of Government redtape to make application for reimbursement from the U.S. Government.

On the average it takes a year for the vessel owner to be reimbursed, because a special act of Congress is required to appropriate money for each individual incident. Because the crew does not share in paying for fines and licenses, it receives no share of any subsequent reimbursement.

Partial reimbursement for lost earnings is provided for under present law. But this provision is rarely invoked and is meaningless as a practical matter.

Since the enactment of the Fishermen's Protective Act in 1967, the Secretary of State has had the authority to claim from countries seizing American vessels the amounts of the fines being collected, or deduct such amounts from those countries' foreign aid grants. The Secretary has never used that congressional authorization, perhaps because the Secretary is given discretion to "take such action as he may deem appropriate" in filing claims for the fines and other penalties extracted from our fishermen by foreign governments. The 1-year suspension on the sale of military gear to Ecuador has had no effect.

It is particularly upsetting that the U.S. State Department is overlooking the hardships and dangers to our fishermen and the threat to the life of the fishing industry itself, while emphasizing the international aspects. Diplomats have barely nibbled at the problem by prolonged studies which have served only to create U.S. composure on the international scene.

The Department of State, as a mild warning to Ecuador, halfheartedly and without real effect, has invoked a section of the Foreign Military Sales Act, which suspends the program of military sales to that country. It seems convenient for the Department of State, in order to mollify certain Latin American states, to jettison its responsibilities under laws already on the books. As a result of State Department inaction, our American fishermen have daily faced physical dangers and serious economic adversities each time they leave our shores on a legitimate enterprise, their livelihood.

Our fishermen deserve much better from us. In time of war, the Nation has always counted on its high seas fishing fleet as an auxiliary force and our fishermen have always responded courageously. Today, in a time of relative peace, their very lives and livelihood are being jeopardized. They have been pawns in a power-politics chess game with Ecuador making all the moves.

When the American fishermen's freedom to fish on the high seas is threatened or denied, his only recourse is to seek relief through the U.S. Government. "Only a sovereign state can defend its citizens against a breach of international law by another sovereign state." Like other Americans, our fishermen are entitled to their Government's full protection. We owe them our support.

Yet, Ecuador has claimed that the 200-mile doctrine is "not negotiable." Also, under its present, piratic bounty system, 40 to 70 percent of income from fines paid by U.S. fishermen supports its own military machine. It rejected U.S. offers to take the dispute to arbitration or adjudication by the International Court of Justice or to confer with this country for the purpose of negotiating a treaty to resolve the dispute. Ecuador has seized ships which were not even fishing, but merely passing through or resting for the night. While still owing $120,000 for its agreed support of the highly respected Inter-American Tropical Tuna Commission, an organization dedicated to the conservation of tuna, it denounced the treaty and now charges the United States with destroying tuna resources that belong to Ecuador. Such continually adverse and audacious action by Ecuador can hardly be condoned by our great and powerful country.

For that reason I strongly endorse H.R. 7117. It will, first, effectively reduce the long delay in the reimbursement process by creating a revolving fund from which reimbursements would be made immediately; and second, by reducing the foreign aid that an offending country may have pending, this measure may serve as both a deterrent and as a moneysaver for the American taxpayer.

Mr. MORSE. Mr. Speaker, I rise in opposition to H.R. 7117. Let me first say that I in no way disagree with the intentions of the sponsors of this bill who wish to expedite payment of claims filed by American fishermen for charges paid by them to obtain release after illegal seizure by foreign countries.

However, Mr. Speaker, there are two problems with the proposed bill which do concern me. The first part involves the proposed provision for a lien on a seized vessel. This provision may be interpreted to force the State Department to certify claims without a properly documented claim being received from the vessel owner. In short, the State Department is being asked to certify claims without documentation. This would provide a form of special treatment not enjoyed by other U.S. citizens who also have claims to submit. I consider it unwise for the avoidance of normal claims procedures as suggested by H.R. 7117.

My second problem is more significant. It concerns the mandatory deductions from foreign assistance programs. I believe that the problem of vessel seizures is one for negotiations, not sanctions. Negotiations become impossible when sanctions are enforced. Sanctions often threaten other U.S. foreign policy and security interests, and they threaten the interest of other private Americans with investments not directly connected with fishing. I do not suggest that fishing is less important than other interests; I merely suggest that it is only one of several interests which must be considered in each case.

I am told that in the last few days, the State Department has moved toward establishing a date for negotiations on our fishing problems with Brazil and that similar negotiations now appear likely with the countries on the western coast of South America. In view of the fact that negotiations may soon be undertaken, I believe that it would be inopportune for this House to pass H.R. 7117 in its present form.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan that the House suspend the rules and pass the bill H.R. 7117, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.,
July 19, 1971.

Hon. CARL ALBERT,
The Speaker, House of Representatives,
Washington, D.C.

MY DEAR MR. SPEAKER: Pursuant to the provisions of Section 201 of Public Law 89–298, the Committee on Public Works of the House of Representatives on July 29, 1971, adopted Committee resolutions authorizing the following water resources development projects: Frio River, Three Rivers, Tex.; and Mississippi River at Winona, Minn.

Kindest personal regards.

Sincerely,

JOHN A. BLATNIK,
Chairman, Committee on Public Works.

EXECUTIVE LEVEL POSITIONS FOR GENERAL ACCOUNTING OFFICE

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9442) to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV.

The Clerk read as follows:

H.R. 9442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426) is amended by the addition thereto of the following subsection:

"(i) The Comptroller General may fix the compensation for five positions in the General Accounting Office at rates not to exceed that prescribed, from time to time, for level IV of the Executive Schedule under section 5315 of title 5, United States Code, when he considers such action necessary because of changes in the organization, management responsibilities, or workload of the Office.".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HENDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 9442.

PURPOSE OF H.R. 9442

The purpose of this legislation is to authorize the Comptroller General of the United States to have five positions at compensation not to exceed level IV whenever he finds it necessary to do so to meet the needs of the expanding workload and responsibilities of the General Accounting Office. An executive schedule level V position has a current salary of $36,000 and the level IV positions are set at $38,000 annually.

BACKGROUND

Fifty years ago, 1921, the General Accounting Office was created with only two positions above the Civil Service rates. Then, in 1961, a third position was created—the General Counsel at executive level IV.

The three executive level positions in the General Accounting Office are in marked contrast to 13 now in the Office of Management and Budget. That Office has some 460 employees as compared to 3,000 professional employees in the General Accounting Office.

The Comptroller General, Hon. Elmer Staats, in his appearance before the Manpower and Civil Service Subcommittee stated that the Congress each year by legislation has given his agency additional responsibilities. For example, Public Law 91-599, which authorizes U.S. participation in increases in the resources of certain international financial institutions, requires an audit of the administrative expenses of the exchange stabilization fund by GAO. Public Law 91-230 expands programs of assistance for elementary and secondary education and includes GAO access to records provisions as do the Occupational Safety and Health Act of 1970, the Clean Air Amendments of 1970, the Housing and Urban Development Act of 1970, and the Intergovernmental Personnel Act of 1970.

The Comptroller General indicated that these five executive level positions were to manage more effectively his growing work force created by the growing demands of Congress.

PUBLIC HEARINGS

The Manpower and Civil Service Subcommittee took testimony from the Comptroller General, Hon. Elmer Staats, and his Deputy, Hon. Robert F. Keller. There were no adversary witnesses.

General Staats estimated the annual cost would be no more than $10,000 annually, representing the difference between the top pay of a classification act general schedule position and an executive level IV position; namely, $2,000 annually.

Mr. Speaker, I urge the Members to support H.R. 9442 and thereby provide the General Accounting Office five much needed additional top level positions.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill and urge its passage.

I have personally discussed with the Comptroller General the need for the five additional positions authorized by this bill. I am convinced the need exists and that the number authorized is reasonable.

As you know, the General Accounting Office—which incidently is celebrating its 50th anniversary this year—is a part of the legislative branch of Government, directly accountable to the Congress. The work of this office has greatly expanded and changed over the years as the Government itself has become increasingly engaged in new and complex programs.

The GAO has necessarily had to increase the scope of its work, the makeup of its staff and materially change its methods of operation in order to carry out the ever increasing responsibilities imposed upon it by the Congress.

While the General Accounting Office has a total employment of 4,869 persons, it presently has only three positions authorized in the executive pay level—Comptroller General, Assistant Comptroller General, and General Counsel. With the five additional positions contained in this bill the total will still only be eight.

In contrast, I might point out that under the recent reorganization plan, the Office of Management and Budget—a similar agency in the executive branch—has a total of 13 executive level positions out of a total employment of only 657 positions.

The legislation is fair and equitable and I urge its prompt passage.

Mr. DERWINSKI. Mr. Speaker, I rise in support of the bill H.R. 9442 and can urge without reservation that this legislation be approved.

The bill authorizes the Comptroller General of the United States to have five positions at compensation not to exceed Level IV of the Executive Schedule to be filled whenever he finds it necessary to do so in order to meet the needs of the expanding responsibilities of the General Accounting Office.

Mr. Speaker, as we know, the GAO was created to assist the Congress in providing legislative control over the receipts, disbursement, and application of public funds. I frankly can think of no more important function of a Government agency. The type of professional and independent audit review that GAO provides the Congress, and the public, is essential to the conduct of good government.

The GAO this year marks its 50th year of operation and has never, to my knowledge, made a frivolous request of the Congress—which is a record some other Federal agencies should try to match. Mr. Speaker, I strongly recommend the enactment of H.R. 9442.

Mr. HENDERSON. Mr. Speaker, I yield 2 minutes to the Chairman of the full Committee, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 9442 which I cosponsored with the gentleman from North Carolina (Mr. HENDERSON). This bill is based on an official request from the Comptroller General of the United States and it received the unanimous vote of the Committee on Post Office and Civil Service.

H.R. 9442 authorizes the Comptroller General to fix the compensation for five positions in the General Accounting Office at rates not to exceed the rate for Level IV of the Executive Schedule. At the present time only three positions within GAO are compensated at rates in excess of grade 18 of the General Schedule.

The General Accounting Office is an independent establishment which is required by law to report to the Congress. It has faithfully and efficiently served the Congress since 1921. Each year the Congress enacts legislation which places additional responsibilities on the GAO. In order to carry out these additional duties the Comptroller General, understandably, has found it necessary to make several changes in the organization of that office. We in the Congress should not expect the Comptroller General to be able to meet the needs of the expanding programs and responsibilities of the GAO without obtaining the additional highly qualified personnel which are necessary to administer such programs and responsibilities.

I believe that this legislation is fully warranted and that it deserves the support of every Member of this body.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 9442.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONFERENCE REPORT ON S. 581, EXPORT EXPANSION FINANCE ACT OF 1971

Mr. PATMAN submitted the following conference report and statement on the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-435)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: That (a) this Act may be cited as the "Export Expansion Finance Act of 1971".

(b) The Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(1) Section 2(a) of such Act is amended by inserting "(1)" immediately after Sec. 2. (a)" and by adding at the end thereof the following new paragraph:

"(2) The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of the budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on the budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank, which budget shall also include the estimated annual net borrowing by the Bank from the United States Treasury. The President shall report annually to the Congress the amount of net lending of the Bank, including any net lending created by the net borrowing from the United States Treasury, which would be included in the totals of the budget of the United States Government if the Bank's activities were not excluded from those totals as a result of this section."

(2) Section 2(c)(1) of such Act is amended by striking out "$3,500,000,000" and inserting in lieu thereof $10,000,000,000".

(3) Section 7 of such Act is amended by striking out "$13,500,000,000" and inserting in lieu thereof "$20,000,000,000".

(4) Section 8 of such Act is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974", and by inserting immediately following the words "Secretary of the Treasury" "or any other purchasers".

(5) Section 2(b)(3) of such Act is amended to read as follows:

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with (A) the purchase of any product, technical data, or other information by a national or agency of any nation which engages in armed conflict, declared or otherwise, with the Armed Forces of the United States, or (B) the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in any such nation described in clause (A). The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation if the President determines that any such transaction would be contrary to the national interest."

(6) Section 2(b)(1) of such Act is amended to read as follows:

"(b)(1) It is the policy of the United States to foster expansion of exports of goods and related services, thereby contributing to the promotion and mantenance of high levels of employment and real income and to the increased development of the productive resources of the United States. To meet this objective, the Export-Import Bank is directed in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with the Government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exporters compete with United States exporters. The Export-Import Bank shall, on a semi-annual basis, report to the appropriate committees of Congress its actions in complying with this directive. In this report the Export-Import Bank shall survey all other major export-financing facilities available from other governments and government-related agencies through which foreign exporters compete with United States exporters and indicate in specific terms the ways in which Export-Import Bank rates, terms, and other conditions are equal or superior to those offered from such other governments directly or indirectly. Further, the Export-Import Bank shall at the same time survey a representative number of United States exporters and United States commercial lending institutions which provide export credit to determine their experience in meeting financial competition from other countries whose exporters compete with United States exporters. The results of this survey shall be included as part of the semiannual report provided for under this section. It is further the policy of the United States that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital; that the Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs; that loans, so far as possible consistent with the carrying out of the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing such loans the Board of Directors should take into account the possible adverse effects upon the United States economy."

Sec. 2. In connection with section 2 of Executive Order Number 11387, dated January 1, 1968, and any rule, regulation, or guideline established by the Board of Governors of the Federal Reserve System in connection with a voluntary foreign credit restraint program, there shall be no limitation or restraint, or suggestion that there be a limitation or restraint, on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

Wright Patman,
W. A. Barrett,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
William S. Moorhead,
William B. Widnall,
J. William Stanton,
Garry Brown,
Managers on the part of the House.
John Sparkman,
Harrison Williams,
Walter Mondale,
Robert Packwood,
Wallace F. Bennett,
Managers on the part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the United States Government, to extend for three years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying, clerical, and conforming changes, the differences are noted below:

SHORT TITLE

House amendment

Provides that the Act may be cited as the "Export Expansion Finance Act of 1971".

Senate bill

No comparable provision.

Conference substitute

Adopts the House provision.

TERMINATION DATE

Senate bill

Provides that the Export-Import Bank shall continue to exercise its functions until June 30, 1976.

House amendment

Provides that the Export-Import Bank shall continue to exercise its functions until June 30, 1974.

Conference substitute

Adopts the House provision.

EAST-WEST TRADE

Existing law

The existing Export-Import Bank Act of 1945 contains language in section 2(b)(3) which precludes the Bank from guaranteeing, insuring, or extending credit, or participating in the extension of credit, in connection with the purchase of any product, technical data, or other information by a national or agency of any nation which (1) engages in armed conflict, declared or otherwise, with the armed forces of the United States or (2) furnishes by direct governmental action goods, supplies, military assistance, or advisers to a nation which is engaged in armed conflict with the United States. In addition, such section provides that the Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit, in connection with a purchase by any nation or agency thereof of any product, technical data, or other information which is to be used principally by a nation which is engaged in armed conflict, declared or otherwise, with the armed forces of the United States.

Senate bill

Amends section 2(b)(3) of the Export-Import Bank Act to prohibit Bank activity in connection with financing (1) the purchase of export items by any nation which is engaged in armed conflict with the United States, and (2) the purchase by any other nation of any export item which is to be used principally by or in any nation engaged in armed conflict with the United States. In addition, the provision precludes the Bank from guaranteeing, insuring, extending credit, or participating in the extension of credit to any nation with respect to which the President determines that such transaction would be contrary to the national interest.

House amendment

No comparable provision.

Conference substitute

Adopts the Senate provision.

POLICY DIRECTIVE; REPORT

House amendment

Directs the Export-Import Bank in the exercise of its functions to provide guarantees, insurance, and extensions of credit at rates and on terms and conditions which are competitive with government-supported rates and terms and other conditions available for the financing of exports from the principal countries whose exports compete with United States exports. Also requires the Export-Import Bank to submit a semiannual report on its own state of financial competitiveness and that of United States exporters and private lending institutions.

Senate bill

Contains a similar directive, but states that the Bank shall function "insofar as feasible and practicable" to provide guarantees, insurance, and extensions of credit at rates and on terms "reasonably" competitive. Contains no reporting requirements similar to the House amendment.

Conference substitute

Adopts the House provision.

The conferees agreed with respect to this matter that the Export-Import Bank is not obliged to make available to a foreign borrower rates, terms and conditions equal in each and every instance to those being offered by a foreign central bank. We realize that the rates, terms and conditions in export financing are continually changing and will vary in numerous ways in any specific individual transaction. We also realize that it would not be feasible and practicable for the Export-Import Bank to be aware of every specific change that might be supported by a competitor government. However, the conferees agree that the mission cf the Export-Import Bank is entirely one of vigorously promoting United States exports, and to accomplish this the Bank must offer financing in support of American exports that is competitive with that being offered by the government agencies of the other principal exporting nations, bearing in mind the practical consideration that there are many variable factors in determining competitiveness which could otherwise give rise to differing opinions as to whether or not the Export-Import Bank has been truly competitive at all times. For example, the financing programs offered by various countries differ in their nature, composition, and are in a constant state of flux.

EXPORT OPPORTUNITY FOR SMALL BUSINESS

House amendment

Provides that the Export-Import Bank shall accord equal opportunity to export agents and managers, independent export firms, and small commercial banks, in the formulation and implementation of its programs.

Senate bill

Contains no comparable provision.

Conference substitute

Adopts the House provision.

ELIMINATION OF CERTAIN RESTRAINTS ON EXTENSION OF CREDIT

House amendment

Removes the authority of the Board of Governors of the Federal Reserve System to maintain a program of mandatory or voluntary limitations or restraints on the part of any bank or financial institution in connection with the extension of credit for the purpose of financing exports of the United States.

Senate bill

No comparable provision.

Conference substitute

Adopts the House provision.

The conferees recognize that a reasonable period of time, perhaps as much as 90 days, will be needed for the Federal Reserve Board to work out modifications in the Voluntary Foreign Credit Restraint Program reflecting the exemption for export credits, as well as any further changes needed to continue the program in effect for non-export financing. The conferees intend and expect that the banks and other financial institutions which are now complying with the program will continue to do so until the necessary modifications can be accomplished by the Board.

The conferees further intend and expect that any general guideline ceiling for non-export financing established for an individual financial institution shall not be less than the amount of its current general ceiling, less the amount of lending within this ceiling to be exempted as export credit as a result of this legislation.

WRIGHT PATMAN,
WILLIAM A. BARRETT,
LEONOR K. SULLIVAN,
H. S. REUSS,
THOMAS L. ASHLEY,
WILLIAM S. MOORHEAD,
WILLIAM B. WIDNALL,
J. WILLIAM STANTON,
GARRY BROWN,
Managers on the Part of the House.
JOHN SPARKMAN,
HARRISON WILLIAMS,
WALTER MONDALE,
BOB PACKWOOD,
WALLACE F. BENNETT,
Managers on the Part of the Senate.

OVERTIME PAY FOR INTERMITTENT AND PART-TIME GENERAL SCHEDULE EMPLOYEES

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8689) to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek.

The Clerk read the bill as follows:

H.R. 8689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5542(a) of title 5, United States Code, is amended by striking out "Hours", the first word in that section, and inserting "For full-time, part-time and intermittent tours of duty, hours" in place thereof.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HENDERSON. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 8689.

Here is a simple bill but a bill that is long overdue to correct a very definite financial discrimination for some 4,500 part-time and intermittent Federal employees.

PURPOSE

The purpose of this legislation is to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours a week. This legislation will place these employees on the same basis with respect to premium pay for overtime work as wage board and full-time salaried employees.

BACKGROUND

There are some 2,700 part-time and intermittent employees who work for the Department of Agriculture inspecting, grading, and classifying farm commodities and 1,500 other like employees compiling agricultural data on crop and livestock estimates. These employees are in the lower pay grades, on an average of less than pay grade GS-4. Currently these part-time and intermittent workers, often working alongside full-time general schedule employees, cannot be paid overtime for over 40 hours per week.

PUBLIC HEARING

The Subcommittee on Manpower and Civil Service took testimony from the Chairman of the Civil Service Commission and several representatives of Government employee organizations. There were no objections to this proposed legislation.

The administration supports this legislation.

COST

The Chairman of the Civil Service Commission indicated that he could not make a definite estimate of the cost of this bill but that it would not exceed $1 million a year.

Mr. Speaker, H.R. 8689 corrects a very obvious loophole in our Federal compensatory procedures.

I urge the support of the Members for this necessary legislation.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no opposition to this particular bill and I urge its approval.

As indicated, its purpose is to correct one inconsistency that remains in the law relative to the payment of overtime pay. The legislation will permit part-time and intermittent employees to be paid overtime for work in excess of 40 hours in any work week on the same basis as regular employees are paid.

Most of the employees involved are those who are hired on a temporary basis by the Department of Agriculture for inspecting, rating and classifying farm commodities and compiling agriculture data on crop and livestock estimates. Even though they are considered part-time employees, they work side by side with permanent employees, yet are discriminated against with respect to overtime pay for work in excess of 40 hours in a week.

The bill is identical to a legislative recommendation submitted to the Speaker on July 7, 1971, by the Chairman of the Civil Service Commission.

Mr. HENDERSON. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, H.R. 8689 is based on an official recommendation by the Chairman of the U.S. Civil Service Commission and is identical to a bill (H.R. 9778) which I cosponsored.

The purpose of this bill is to authorize the payment of overtime compensation to intermittent and part-time General Schedule and other salaried employees who work in excess of 40 hours in a workweek.

At the present time these part-time and intermittent salaried employees are paid overtime compensation only if they work more than 8 hours in a day. They do not receive overtime pay for work in excess of 40 hours in a week. Thus, if a part-time General Schedule employee should work five 8-hour days, Monday through Friday, and then be required to put in a full day on Saturday, he will receive only his regular rate of pay for his work on Saturday. However, under those same conditions, a full-time General Schedule employee and a part-time, intermittent, or full-time wage board employee would receive overtime pay for working on Saturday. Under the existing law the latter employees receive overtime pay for work in excess of 8 hours in a day and for work in excess of 40 hours in a week. There is no justification for depriving part-time and intermittent salaried employees of premium pay for work in excess of 40 hours in a workweek when all other employees receive overtime pay for such work.

Mr. Speaker, this bill was ordered reported by the Committee on Post Office and Civil Service by a unanimous vote, and I sincerely believe that it deserves an affirmative vote from every Member of this body.

Mr. HOGAN. Mr. Speaker, I rise in support of H.R. 8689, a bill to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a week. I am cosponsor of an identical bill, H.R. 9778.

This legislation is needed largely to remove an inequity which occurred in past legislation. In this sense, this legislation is corrective legislation rather than innovative.

Under existing law a part-time or intermittent salaried employee can be paid overtime pay for work in excess of 8 hours a day, but not for work in excess of 40 hours a week.

In many cases these part-time or intermittent salaried employees work with full-time, part-time, or intermittent wage employees and full-time General Schedule employees, who are entitled to weekly overtime pay. The fact that these salaried part-time and intermittent employees find themselves deprived of premium pay on those occasions when they have to work a sixth day causes a serious morale problem.

From the standpoint of simple equity, there is no justification for this situation. Such overtime work is equally onerous to the individuals working the hours, whether they are full- or part-time employees.

Enactment of this bill will also bring these employees in line with the agreement reached by the U.S. Postal Service and the substitute postal workers, who previously were paid premium pay for hours in excess of 40 hours per week, but not for overtime in excess of 8 hours per day.

This legislation is supported by the administration, the Civil Service Commission, by the representatives of the various unions who testified in support of it, and it was reported by the Post Office and Civil Service Committee by a unanimous voice vote.

Mr. Speaker, I urge my colleagues to voice similar support today for H.R. 8689, so that all salaried employees can be treated equally in premium pay for overtime work, without regard to the employee's tour of duty.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina that the House suspend the rules and pass the bill H.R. 8689.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EQUALITY OF TREATMENT FOR MARRIED WOMEN FEDERAL EMPLOYEES

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3628) to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3628

A bill to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraphs (D) and (E) of paragraph (3) of section 2108 of title 5, United States Code, relating to the definition of "preference eligible", are amended to read as follows:

"(D) the unmarried widow or widower of a veteran as defined by paragraph (1)(A) of this section;

"(E) the wife or husband of a service-connected disabled veteran if the veteran has been unable to qualify for any appointment in the civil service or in the government of the District of Columbia;".

SEC. 2. Paragraph (3) of section 5924 of title 5, United States Code, relating to cost-of-living allowances in foreign areas, is amended to read as follows:

"(3) A separate maintenance allowance to assist an employee who is compelled, because of dangerous, notably unhealthful, or excessively adverse living conditions at the employee's post of assignment in a foreign area, or for the convenience of the Government, to meet the additional expenses of maintaining, elsewhere than at the post, the employee's spouse or dependents, or both.".

SEC. 3. Section 7152 of title 5, United States Code, relating to the prohibition on discrimination in employment because of marital status, is amended—

(1) by inserting "(a)" immediately before "The President"; and

(2) by adding at the end thereof the following new subsections:

"(b) Regulations prescribed under any provision of this title, or under any other provision of law, granting benefits to employees, shall provide the same benefits for a married female employee and her spouse and children as are provided for a married male employee and his spouse and children.

"(c) Notwithstanding any other provision of law, any provision of law providing a benefit to a male Federal employee or to his spouse or family shall be deemed to provide the same benefit to a female Federal employee or to her spouse or family.".

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HENDERSON. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 3628 to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas and regulations concerning marital status generally. This is a simple but important and necessary piece of legislation to correct a few remaining legal barriers for full and equal treatment for our female married Federal employees.

PURPOSE

Our colleague, the gentlewoman from Michigan, MARTHA W. GRIFFITHS, introduced H.R. 2628. What does this bill do? It provides: First, for the revisions of the provisions on veterans preference to give husbands or dependents of female veterans the same benefits now provided for the wife of a male veteran; second, for payment of a separation allowance for a married female employee; third, that any regulations issued by an agency must not discriminate as to male or female employees, and that there would be equal applications of the law for Federal female employees for all benefits.

PUBLIC HEARINGS

Hearings were held on July 20 and 21, on this proposed legislation. Chairman Hampton of the Civil Service Commission supported this bill as did all the witnesses from Government employee organizations. There were no adversary witnesses.

COST

No additional cost is involved.

Mr. Speaker, I urge passage of this bill, H.R. 3628, to insure that benefits to Federal employees shall not be denied on the basis of sex.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Speaker, I would like to thank the chairman of that committee, THADDEUS DULSKI, and the chairman of the Subcommittee on Manpower and Civil Service, DAVID HENDERSON as well as the entire committee, for taking favorable action on this bill.

The purpose of H.R. 3628 is simple. Various benefits are available to male Federal employees and their families, and H.R. 3628 is designed to make these benefits equally available to female employees. The bill would require that families of female Federal employees be treated the same as families of male employees in these three ways:

First, with respect to preference eligible employment benefits for the spouses of deceased and disabled veterans;

Second, with respect to separate maintenance allowances for the families of Federal employees stationed at foreign posts to which their families cannot accompany them; and

Third, with respect generally to regulations granting benefits to married Federal employees.

At present, veterans preference, the separate maintenance allowances, and other benefits are available to the families of male employees, but not to the families of female employees.

The discrimination in the existing law seems to be based on the old-fashioned assumption that women's earnings are used to purchase luxury items, not the necessities of life. But the statistics show that most women who work today do so in order to provide food and clothing for themselves and their families, or to meet the mortgage payment, or to pay the rent. Most women who work today work because they have to.

The benefits which accompany Federal employment are not really benefits. They are compensation. And the more than 700,000 women who are Federal employees are entitled to equal pay for equal work. Therefore, H.R. 3628 has been drafted to make the benefits which are available to male Federal employee's and their families equally available to female employees.

I hope that everyone will join me in supporting this bill.

Mr. HENDERSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, I want to commend the committee an particularly the Congresswoman from Michigan (Mrs. GRIFFITHS), for having introduced this bill which is an important step toward improving the equal status of women. I trust that this is the beginning of many such bills that the House will be considering to recognize the rights of women in their efforts to achieve equality in Federal employment as well as in all laws affecting the women of this country.

Mr. Speaker, the resolution before us fails to specify any meaningful way in which the power reserved to Congress by the Constitution to declare war shall be defined or enforced.

The resolution is only a request to the President to consult with Congress. It changes nothing; it leaves the Executive just as free as it is now unilaterally to drag the Nation into undeclared wars. It specifies no time limit by which the President shall report on foreign military actions to Congress. It does not even require that Congress by affirmative action approve the continuation of such actions. It merely requires that the President report to Congress as to why he did not seek its approval for his action, and does not require that he obtain such approval. It is a paper tiger.

In recent years the Executive has usurped Congress war powers. A vague statement of Congress desire to be consulted will not remedy this situation. Congress must reassert its proper role in a much more definitive way. It is not nearly enough to ask for consultation after the fact. Except under the most extreme, emergency, life-and-death circumstances imaginable, the Executive should be required to have the prior approval of Congress before committing our forces to armed conflict.

The committee has made a minor improvement over the resolution passed by the House last year: the qualification "whenever feasible" has been removed from the requirement that the President seek consultation with Congress when involving our troops in combat. However, we still have a relatively weak, toothless resolution. While I support the resolution as presented to us, I regard it as a small and feasible step toward the restoration of the constitutional balance of powers.

I support, as you know, all legislation which equalizes the position of women in our society. I think that it is particularly essential that the Federal Government comply with its own pronouncements of equal employment opportunity. Thus, as a matter of ethical consistency and as an example to the rest of the Nation, I rise to urge all of my colleagues to support Congresswoman GRIFFITHS' bill to provide equality of treatment for married women Federal employees.

This bill, of course, is only the first of a long list of matter that must be addressed in order to provide full equality for Federal employees, married and unmarried. Congress will, I hope, soon address itself to the initial problem of discrimination against women in hiring, promotion, and assignment in the Federal Government. Last week Mr. CASE provided a moving demonstration of such discrimination within the State Department, and that Department's attempt to prevent the filing of a sex discrimination complaint. Many Government officials have also described discrimination against married women on the assumption—or desire—that a married woman could not travel or receive foreign assignments.

Congresswoman GRIFFITHS' bill is the initial step for the elimination of the many aspects of discrimination against women and particularly against married women in the Federal Government. I hope that my colleagues will join me in voting "aye" on this bill, and in devoting future efforts to correcting the problems which remain.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have serious reservations concerning the provisions contained in this bill and, therefore, I intend to vote against the motion to suspend the rules.

I do not think the bill has been given the careful consideration that it requires and I am not convinced that any need really exists any more for this type legislation.

I want it clearly understood that I respect the motives of the gentlewoman from Michigan (Mrs. GRIFFITHS) who has been working for many years to achieve full equality for married women Federal employees. This is an objective which I, too, would like to see achieved. I can see no possible reason why married women Federal employees should not enjoy the exact same benefits as are made available to married male employees.

However, I am not at all convinced that this goal will be achieved by this particular bill. There are two particular provisions which give me considerable concern. First, the new subsection (c) that is to be added to section 7152 of title 5, United States Code, which you will find on page 4 of the bill, reads as follows:

> "(c) Notwithstanding any other provision of law, any provision of law providing a benefit to a male Federal employee or to his spouse or family shall be deemed to provide the same benefit to a female Federal employee or to her spouse or family.".

I am advised that the Civil Service Commission is unable to state exactly what ramifications enactment of this new subsection might have on all the provisions that exist throughout the statutes relating to benefits for Federal employees.

It is conceivable that a literal interpretation of this mandate could take away certain benefits that a female Federal employee now enjoys. One example, called to my attention, involves the Foreign Service retirement program, whereby a male employee must designate a survivor annuity for his survivor and the female employee is under no such obligation. The mandate in H.R. 3628 could be interpretated as requiring her to provide the same survivor annuity without any option or election to do so. This may or may not be an advisable change in the Foreign Service retirement program. In any event, the change should come in specific legislation from the Foreign Affairs Committee.

If the Civil Service Commission does not know what the ramifications of this new subsection will be, I think we should take the time to find out and legislate more intelligently in this regard. A much better approach to the problem is to specifically amend each law now on the books that provides a benefit to a male employee that is not given to a female employee.

The second provision of this bill which I think should be given more careful scrutiny is section 1. Under the guise of "equality of treatment" for married women Federal employees, it gives 5- and 10-point veterans preference to men who never served in the armed services.

Under existing law, the unmarried widow of a veteran and the wife of a service-connected disabled veteran—if the veteran has been unable to qualify for any appointment in the civil service or in the D.C. Government—is granted 10-point veteran preference in appointments, and other preference benefits provided to preferenced eligibles. Section

1 would extend similar preference rights to widowers and husbands.

It is conceivable that under this provision, a man who had actually avoided military service, either through outright evasion or by obtaining conscientious objector status, would by reason of marrying a female veteran acquire veterans preference in Federal employment.

I am not at all sure that this type of situation was ever contemplated under the concept of the Veterans Preference Act, which gives preference in hiring in recognition of the fact that a person sacrificed himself in the uniformed services of his country.

I am in sympathy with the objectives sought by this bill, however, I do not think that the bill as drafted or amended by the committee will obtain these objectives. I suggest the bill be returned to the committee for further study and I urge that the motion to suspend the rules be defeated.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. Will you admit, sir, that if an American veteran marries a member of the Communist Party in Russia, and she becomes a citizen, she is entitled to a veterans preference, the same veterans preference that is given to a widow in this country, is that not true?

Mr. GROSS. I do not question that, but the fact is that in your example the man either enlisted in the armed services or was drafted, and this would not be true in reversing the situation because women are not drafted.

Mrs. GRIFFITHS. The widow of a veteran of this country could have been a woman who bore arms against this country. She does have to be a citizen, and yet the mere fact that she is the widow of a veteran gives her a preference. Is that not correct?

Mr. GROSS. Yes, but——

Mrs. GRIFFITHS. Of course, it is.

Mr. GROSS. That situation ought to be corrected just as this situation should be corrected. There is no reason why one mistake should be compounded by another.

Mrs. GRIFFITHS. All this bill seeks to do, sir, is to give the husband of a woman who has served in the armed services of this country the same rights that a widow has if she is the widow of a man who has served in the armed services of the country.

Let me tell you one of the things that this bill does not do. I have another bill. A woman who is married to a man in the armed services of this country, whether she is a national of the country or not, is entitled in any foreign country to go to an American hospital and get the same services that the veteran would. But if a woman is in the armed services of this country and is sent abroad and her husband is an American national, he is not entitled even to an aspirin out of an American hospital.

Mr. GROSS. And if he is a draft evader or conscientious objector, I do not think he is entitled to preferential treatment either.

Mrs. GRIFFITHS. Mr. Speaker, the Commie woman who has borne arms against our country should not necessarily be entitled, but she is entitled to it. This is the problem. All we are trying to do is to give to a woman who serves in the Armed Forces of the country and to her husband and her children the same rights, the same fringe benefits that we give to the wife or widow or children of a man.

Among other things we do in this bill, we give to a woman who serves in the Foreign Service the same fringe benefits for her children that are given to a man. A man's children can be sent to the Foreign Service School at the country's expense, but until recently if we employed a stenographer, and she was a divorcee completely responsible for two children, she paid $1,100 a year—at least the last time I was abroad—for her children to go. All we are asking is that benefits such as these be made equal for the children or husband of a woman as they are for the children or wife of a man.

Mr. GROSS. I say again to the gentlewoman from Michigan, I supported her equality rights for women legislation, but I think this bill goes much too far in that it could confer upon an individual not at all deserving and who in fact ought not to have them, the benefits of veterans' preference. This I do not like at all. Therefore, I oppose the bill. As I stated, the legislation affecting the Foreign Service employees ought to be handled by the committee that has jurisdiction over those employees.

Mrs. GRIFFITHS. Let me say that because the gentleman and I could not pass that equal rights bill, we have to have one bill after another to come before the Members. This is one of those bills that makes an attempt to correct the distinction between the way we treat men and women as Federal employees. Personally, I hope everybody votes for it.

Mr. GROSS. Mr. Speaker, if I voted for this bill it would be impossible for me to face a veteran of military service who had been unable to obtain a Government job because a draft dodger, having obtained veterans preferences from his disabled or deceased wife, was able to assert greater preference. I will never knowingly warp the veterans preference act to give a man who has evaded service to his country equality with one who has served well and faithfully.

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 3628 which was ordered reported by the Post Office and Civil Service Committee by a unanimous vote.

The primary purpose of this legislation is to eliminate the discrimination against married women employees of the Federal Government which exists under various laws and regulations applicable to Federal employees. More specifically, this bill seeks to provide equality of treatment for married women employees of the Government with respect to veterans' preference benefits, overseas cost-of-living benefits, and various other employee benefits.

Under the existing law the unmarried widows of veterans and the wives of certain disabled veterans are granted preference benefits such as the right to have 10 points added to their scores on civil service examinations. Unmarried widowers of veterans and husbands of disabled veterans do not receive such benefits under the current law. This legislation corrects that inequity by extending veterans' preference to the widowers and husbands of women veterans.

This bill also amends section 5924 of title 5, United States Code, which authorizes the payment of a separate maintenance allowance to Federal employees in foreign areas who, because of dangerous or unhealthy conditions, cannot have their families with them at their posts of assignment. Although this provision has been interpreted to allow payment of a separate maintenance allowance to a married woman employee whose husband is not permitted to reside with her at her overseas post, this bill will guarantee that married women employees will receive the same benefits under this provision of title 5 as do married male employees.

In addition to the changes in the specific laws which I just discussed, this legislation seeks to eliminate the discrimination against married women employees under all laws and regulations which govern civilian personnel benefits. There is absolutely no valid basis for granting a benefit to a male employee and denying that same benefit to a female employee who may hold the exact same job and be employed under the exact same conditions. This unfair treatment of the Government's women employees has been allowed to exist too long and I urge the passage of this legislation to rectify this inequitable situation.

Mr. DERWINSKI. Mr. Speaker, before we leap headlong into the passionate defense of a legislative package euphemistically labeled Equal Rights for Women, I suggest there are a few unanswered questions about the bill H.R. 3628. In the absence of these answers, I am not convinced this is wise legislation.

The first section of the bill, for example, amends the Veterans' Preference Act to confer "preference eligible" status upon the husband of a disabled female veteran or upon the widower of a female veteran. I must admit that the logic of how this proposal enhances equal rights for women escapes me. I wonder if it is sound policy to award veterans' preference rights for entrance into Federal employment to a nonveteran male, simply because he happened to be married to a wife who was herself a veteran of the Armed Forces.

The rights of widows and wives of disabled veterans to acquire the preference eligible status of their husbands is already fully provided for in the law. To take this further step of conferring similar benefits on nonveteran males is, in my mind, questionable.

The second part of my reservation about this legislation goes to the final paragraph of section 3 of the bill.

This all-inclusive language would insure that—

> Any provision of law providing a benefit to a male Federal employee or to his spouse or family shall be deemed to provide the same benefit to a female Federal employee or to her spouse or family.

This provision was added as an amendment after hearings had been concluded and, to my kowledge, there is no explanation of the types or scope of the benefits which are covered, I suggest, Mr. Speaker, that legislation of this nature should be specific, and that specific examples of how it would apply should be a part of the record. In this instance, however, this is not the case.

Mr. Speaker, at a time when every group for every conceivable cause has its self-appointed spokesmen we should, in the Congress, carefully examine legislative proposals such as H.R. 3628 and reach some conclusion as to its impact and consequences before reaching any decision.

Mr. RYAN. Mr. Speaker, I support H.R. 3628, which provides equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally.

This bill marks another step in the all too slow progress towards eradicating sex discrimination within the Federal Government. It marks, as well, an object lesson for the eradication of sex discrimination in private employment, as well.

Much rhetoric is heard these days concerning equality of the sexes. In large measure, that rhetoric has been employed to obscure the lack of action to insure that equality. This bill affords an opportunity to cut through that rhetoric and create substantive progress.

As a sponsor of the equal rights amendment, which has been reported out of the House Judiciary Committee, of which I am a member, in an unacceptably gutted form, I should like to quote from the "Separate Views" in which I joined and which form a part of the Committee report—House Report 92-359—on the equal rights amendment, House Joint Resolution 208. I believe these words to be particularly apt while we are considering the bill now before us:

> (A) legal right or obligation should not depend upon sex but upon other factors—factors which are common to both sexes. This judgment is rooted in the basic concern of society with the individual, and with the right of each individual to develop his own potentiality. (Pages 6–7).

Mr. RARICK. Mr. Speaker, H.R. 3628 appears to be superfluous legislation since many of the so-called reforms sought are already being observed. I have no objection to equal rights for our women employees but the first sentence of the bill has to do with other than women; it deals with preference eligibility and survivor benefits. It deals with men, extending preference benefits to widowers and husbands of members of the Federal service. The committee report indicates that—

> There are approximately 15,000 women with veterans' preference employed in the Federal service.

Passage of this bill could, then, provide employment benefits for at least 15,000 men, regardless of their personal stand on deployment of our military. We could, in fact, be granting employment preference to conscientious objectors, draft dodgers, or antiwar hippies.

Furthermore, the establishment of such privileges to husbands and widowers of veterans opens up another avenue for possible welfare recipients to turn for Government support. Instead of the old dodge of men marrying in an attempt to stay out of the draft, we might be introducing a new angle where a man would deliberately set out to marry a member of Federal service in an attempt to gain preference in employment consideration.

I hold serious reservations to the bill for these reasons and intend to cast my people's vote against H.R. 3628.

Mrs. ABZUG. Mr. Speaker, I want to commend the committee and particularly the Congresswoman from Michigan (Mrs. GRIFFITHS), for having introduced this bill which is an important step toward improving the equal status of women. I trust that this is the beginning of many such bills that the House will be considering to recognize the rights of women in their efforts to achieve equality in Federal employment as well as in all laws affecting the women of this country.

I support, as you know, all legislation which equalizes the position of women in our society. I think that it is particularly essential that the Federal Government comply with its own pronouncements of equal employment opportunity. Thus, as a matter of ethical consistency and as an example to the rest of the Nation, I rise to urge all of my colleagues to support Congresswoman GRIFFITHS' bill to provide equality of treatment for married women Federal employees.

This bill, of course, is only the first of a long list of matter that must be addressed in order to provide full equality for Federal employees, married and unmarried. Congress will, I hope, soon address itself to the initial problem of discrimination against women in hiring, promotion, and assignment in the Federal Government. Last week Mr. CASE provided a moving demonstration of such discrimination within the State Department, and that Department's attempt to prevent the filing of a sex discrimination complaint. Many Government officials have also described discrimination against married women on the assumption—or desire—that a married woman could not travel or receive foreign assignments.

Congresswoman GRIFFITHS' bill is the initial step for the elimination of the many aspects of discrimination against women and particularly against married women in the Federal Government. I hope that my colleagues will join me in voting "aye" on this bill, and in devoting future efforts to correcting the problems which remain.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. HENDERSON) that the House suspend the rules and pass the bill H.R. 3628, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mrs. CHISHOLM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 377, nays 11, not voting 45, as follows:

[Roll No. 231]

YEAS—377

Abbitt
Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent

Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King

Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rees

Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—11

Byrnes, Wis.
Derwinski
Gross
Hall
Landgrebe
McClure
Rarick
Schmitz
Steiger, Ariz.
Teague, Calif.
Teague, Tex.

NOT VOTING—45

Abernethy
Addabbo
Belcher
Bell
Blackburn
Burlison, Mo.
Cederberg
Celler
Clay
Davis, S.C.
de la Garza
Devine
Diggs
Donohue
Edmondson
Edwards, La.
Esch
Evins, Tenn.
Fish
Flynt
Gallagher
Hammerschmidt
Hanna
Hastings
Hawkins
Heckler, Mass.
Hillis
Holifield
Jones, Tenn.
Kee
Landrum
Long, La.
McCloskey
McCulloch
Miller, Calif.
Murphy, N.Y.
Purcell
Saylor
Thompson, Ga.
Van Deerlin
Waldie
Whalley
Whitten
Wilson, Bob
Wilson, Charles H.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Cederberg.
Mr. Burlison of Missouri with Mr. Devine.
Mr. Charles H. Wilson with Mr. Saylor.
Mr. Evins of Tennessee with Mr. Belcher.
Mr. Purcell with Mrs. Heckler of Massachusetts.
Mr. Flynt with Mr. Blackburn.
Mr. Abernethy with Mr. Whalley.
Mr. Miller of California with Mr. Bell.
Mr. Hanna with Mr. Fish.
Mr. Waldie with Mr. Bob Wilson.
Mr. Jones of Tennessee with Mr. Esch.
Mr. Whitten with Mr. Hillis.
Mr. Davis of South Carolina with Mr. Thompson of Georgia.
Mr. Van Deerlin with Mr. Clay.
Mr. Kee with Mr. Diggs.
Mr. Edmondson with Mr. Hammerschmidt.
Mr. Donohue with Mr. Hastings.
Mr. Gallagher with Mr. McCloskey.
Mr. Holifield with Mr. Long of Louisiana.
Mr. Hawkins with Mr. Celler.
Mr. Murphy of New York with Mr. Landrum.
Mr. de la Garza with Mr. Edwards of Louisiana.

Mr. TEAGUE of California changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, H.R. 3628, Equality of Treatment for Married Women Federal Employees.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I take this time to announce there are several additions to the program for this week:

The International Coffee Agreement Act, H.R. 8293, will be considered under an open rule with 2 hours of debate, and the rule on that has already been adopted, so it will be called up on Thursday.

The bill known as the National Guard technicians bill, S. 2296, will be called up under an open rule with 1 hour of debate, and that will be some time during the balance of the week.

PUBLIC HEALTH SERVICE HOSPITALS AND CLINICS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and agree to the Concurrent Resolution (House Concurrent Resolution 370) to express the sense of Congress relative to certain activities of Public Health Service hospitals, outpatient clinics, and clinical research centers, as amended.

The Clerk read as follows:

H. CON. RES. 370

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, Coastguardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis on the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1970 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas; and

Whereas all resources of the Federal Government should be brought to bear on drug addiction and drug abuse; and

Whereas the Public Health Service hospitals, outpatient clinics and clinical research centers are valuable resources for treatment of drug addicts and drug abusers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that all Public Health Service hospitals and outpatient clinics, and the clinical research centers located at Lexington, Kenucky, and Fort Worth, Texas, should remain open and remain within the Public Health Service at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the entire fiscal year 1972. During this period, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communications, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation or other use, and which facilities, if any, should be closed.

SEC. 2. It is the further sense of Congress that the hospitals, outpatient clinics, and clinical research centers of the Public Health Service should be considered an integral part of the national health care delivery system.

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, this concurrent resolution before the House today is the same as the concurrent resolution passed by the Senate on June 28 of this year, except that we have amended the resolution to refer specifically to the narcotic addict facilities at Lexington, Ky., and at Fort Worth, Tex.

Mr. Speaker, this resolution is very short, and expresses the sense of Congress that all public health service hospitals and clinics and the two research centers located at Lexington, Ky., and Fort Worth, Tex., should remain open and within the public health service during the fiscal year 1972. The intent of this resolution is to provide time for the Congress and the administration jointly to study the operations of the public health service hospitals and clinics with a view to determining what their future mission and role should be.

Mr. Speaker, it seems that every few years, regardless of what party is in power, proposals get made to get the public health service out of the business of running a hospital program. Sometimes the proposals are to close one or two hospitals; sometimes proposals are made to close the majority of them; and the latest proposal is in substance, to ask for no funds for their operation during fiscal year 1972, while a study is made to determine what is to be done with them.

We went through this in 1965, when the administration proposed to close seven hospitals, and transfer the responsibility for care of a substantial number of their patients to the Veterans' Administration. It was not until congressional committees were studying this subject that the administration discovered that it did not have the legal authority to provide care on a priority basis in VA facilities for PHS beneficiaries. I think this fact alone indicates how careful the studies were which served as a basis for the original decision in 1965.

Now we have a somewhat similar situation. The administration has submitted a budget assuming that the hospitals and clinics will all be closed, and then after making that decision, they started to study the situation to determine whether they actually should go ahead and close the facilities, or some of them, or none of them, and what to do with the patients who have a statutory right to care—whether to put them in VA hospitals, or in contract facilities, or whether to keep some of the PHS hospitals open.

For years the public health service hospitals have been subjected to these periodic reevaluations; and during this same period, administration after administration has declined to ask for funds to modernize the hospitals, on the theory that their future role is still unsettled. This means that the hospitals steadily grow more and more out of date, while the so-called studies go on.

Hearings were held last December before the Merchant Marine and Fisheries Committee on rumors about possible closing of PHS hospitals; then this year our Subcommittee on Public Health and Environment held 4 days of hearings on the subject, plus holding another day of hearings at Fort Worth, Tex., at the clinical facility there.

As a result of the subcommittee's study of this problem, the subcommittee recommended to the full committee, and the full committee recommends to the House, adoption of a concurrent resolution expressing the sense of Congress that the hospitals should remain open at this time.

I urge the adoption of the resolution.

Mr. NELSEN. Mr. Speaker, I am supporting the resolution but I should like to point out that these hospitals were set up mainly for the care of merchant seamen of our country and of late these hospitals have moved in the direction of becoming more and more community facilities.

I endorse the idea. I believe it is a good idea. However, really they are operating in some respects illegally. I believe the law should have been clarified, expanding the authority under which they have been operating.

I will support the resolution. May I say I visited one of these hospitals in Galveston, Tex. The contribution being made to the community is extensive. Many people who have no other available medical center make use of the Galveston Center. Also, a lot of the interns from medical schools are taking training there.

There has been an impression left that the intent was to close them all. This is not exactly accurate. I want the RECORD to show that really HEW intended to close some, but encouraged that they be turned over more to a community facility under local sponsorship.

Financially this is too much of a burden, so I do support the resolution in its present form and believe our committee should review this at a future date.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS), the chairman of the subcommittee.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of House Concurrent Resolution 370, a proposal to express the intent of Congress that the Public Health Service Hospitals, Clinics and Clinical Research Centers at Fort Worth, Tex. and Lexington, Ky. remain open, operational, and within the Public Health Service.

This system originally came into being in 1798, under the Marine Hospital Act, and the first hospital was established in 1801 in Norfolk County, Va. In the 1870's, these hospitals came under control of a supervising surgeon and a commissioned corps was established to staff the hospitals. In 1875, members of the Revenue Cutter Service, which later became the Coast Guard, were authorized care at the Marine hospitals. By the late 1800's, further duties were assigned to the hospital service, including public health responsibility in the fields of infectious diseases and sanitation. The first Marine hospital research laboratory was established at the Staten Island hospital in 1887. This laboratory was the forerunner of the National Institutes of Health. The Service was renamed in 1902 and again in 1912, when it became the U.S. Public Health Service. The Service later had the responsibility for the care of veterans from 1918 until 1922 when this responsibility was transferred to the Veterans' Bureau.

By the beginning of World War II, the Service was operating 24 hospitals with over 3,000 beds and was providing care to American seamen, Coast Guardsmen and their dependents, commissioned officers of the Public Health Service and Federal employees injured in the line of duty. During the war, hospital patient loads increased significantly, but after the war, as services by American seamen decreased, so did Public Health Service hospital loads. Between 1946 and 1955, 11 hospitals were either closed or converted to outpatient clinics, leaving 12 general hospitals in operation in 1955.

Beginning in 1955, numerous studies of the Public Health Service system were made by the executive branch. The Bureau of the Budget generally favored the closing of the hospitals and the Department of Health, Education, and Welfare generally resisted. While this controversy continued, funding for the system was held at marginal levels, permitting considerable deterioration of the facilities and equipment. This deterioration is now used as a reason for closing the hospitals.

In 1965, the decision was announced to convert the seven smaller hospitals to outpatient clinics over a period of 4 years and to modernize the five remaining larger hospitals. Subsequent reaction by Public Health Service beneficiaries and Congress questioned the economy of this move as well as the power of the executive branch to close these facilities without congressional approval.

Opinions by the Comptroller General on these questions precluded such a move by the executive branch, and the proposal was not implemented as planned. Two hospitals, however, Chicago and Memphis, were converted to outpatient clinics because action to effect this conversion had reached an irreversible stage a tactic the present administration seems to be trying to use on the Fort Worth clinical research facility.

In 1965, the Office of Science and Technology study recommended that, first, the Public Health Service continue to operate a system of general hospitals; second, that the general hospitals be modernized and supported at levels consistent with their functions; and, third, that additional training programs be developed in sciences and services and that existing programs be strengthened and extended. In 1966 and 1967, $6.1 million was appropriated for studies preliminary to the modernization of the hospitals. However, no funds have been requested for construction since these studies were made.

In 1969, two more hospitals were closed and converted to outpatient clinics. During hearings held by the Senate at that time, the administration promised that the Congress would be fully advised of any future plans to close Public Health Service facilities.

Last year, the administration again decided to close the remaining 8 hospitals and 30 outpatient clinics, and proposed that the VA care for the Public Health Service beneficiaries. The same VA that is hard-pressed to meet its present demands for patient care by its own primary beneficiaries. To add weight to this decision, no funds for the Public Health Service hospital system were requested in the President's budget for fiscal year 1972. No funding at a time when alternative care for Public Health Service beneficiaries was still being studied. Finally through public outcry and congressional inquiry, it was agreed to continue funding the system until all questions regarding the disposition of this matter were answered and suitable alternatives proposed and accepted by the Congress.

Now just a few months later, we find the administration on the verge of transferring one of only 2 narcotic research and treatment centers to the Bureau of Prisons. While we are engaged in an all-out war on narcotic addiction, a plan is in effect to transfer the Public Health Service Clinical Research Center at Fort Worth, Tex., to the Justice Department. It is absurd to think of transferring part of our narcotic treatment capacity when we are in the midst of an addiction epidemic, a period in whch we find ourselves critically short of this type of facility.

Last week, I introduced an amendment to the Labor-HEW appropriation bill to restore the $14 million cut in the operating funds for the Public Health Service hospital system in 1972. The adoption of this amendment was one step in keeping the Public Health Service system in operation including the Fort Worth facility, but further steps are necessary.

Since 1946, we have seen the Public Health Service hospital system recede from 24 hospitals to 8, we have seen the physical facilities deteriorate because of inadequate funding, and we have seen recommendations for modernization ignored. It is now time to make the intent of the Congress on this matter very clear.

The Senate has already passed similar legislation, and I urge adoption of this proposal which would further include the Clinical Research Centers at Fort Worth, Tex., and Lexington, Ky., a critical part of our capacity to combat the narcotic problem.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Speaker, I should like to clear up something said by the gentleman from Minnesota (Mr. NELSEN), who indicated, if I understood the gentleman correctly, that it was the intention of HEW at some future time to close down the already functioning public health hospitals.

Mr. NELSEN. I commented that the impression was left by our hearings they were going to close them all. I personally checked it out. This is not exactly accurate. There was a disposition on the part of HEW to close some. How many I do not know.

Mr. MACDONALD of Massachusetts. Does that include Brighton Marine Hospital, which is the only public health hospital which serves all New England?

Mr. NELSEN. I am not informed as to which were considered.

The point I wanted to make was I believe we should accurately present it. I do not believe our hearings did exactly that.

That is beside the point. The point is they are doing a good job. I am in favor of the resolution until further study is made, because I do believe really some of the communities in which these hospitals are located would be unable financially to carry them, and I am pleased our dollars can be spent in such a worthy cause.

If there is a need for change, I believe it should be reviewed before a committee. I think the chairman of the subcommittee would agree that this would be worthy of study looking to the future.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

Mr. ROGERS. Will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. ROGERS. I would like to make it clear the reason why the statement was made that hospitals were to be closed was simply because there was no money in the President's budget. You cannot keep them open without money. The Office of Management and Budget said that we would draw the issue and simply say no money. The Department of HEW, as soon as it got out, got busy and said we will not do that now and we will come back and ask for more money to keep this going. This expresses the intent of the Congress that your hospital will not be closed during fiscal year 1972.

Mr. MACDONALD. I thank the gentleman and support the resolution.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. ADAMS) a member of the committee.

Mr. ADAMS. Mr. Speaker, I want to rise in support of this legislation and express appreciation to the subcommittee chairman and the chairman of the full committee.

One of these hospitals is in our area. As the gentleman from Florida mentioned, we had to testify both before the Committee on Merchant Marine and Fisheries and the Committee on Interstate and Foreign Commerce in order to keep this open through the year.

It is through this action that this will happen, and I know the people in my area are grateful as well as the people in other areas.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I thank the gentleman for yielding.

I, too, have a hospital in my district. I suppose I have spent as much time on this particular project as any other since having been in the Congress testifying before various committees in an attempt to insure that this critical health system will remain intact.

I want to compliment the chairman for making this possible.

Mr. Speaker, this concurrent resolution is another chapter in the struggle of the 92d Congress to provide a level of health care for the American people commensurate with this Nation's wealth, over the objections of an administration which seems to be so enamored of its own rhetoric about the "health crisis" that it is unwilling to take any action which might alleviate that crisis.

Some Public Health Service hospitals, including Baltimore's Wyman Park Hospital, are now ready to begin to serve as laboratories for the kind of clinic-based, community-oriented medical care system which, in the opinion of many health-care experts, alone holds out hope of reducing health costs for everyone while providing adequate care to those who cannot obtain it under the present fee-for-service system.

And yet the budget figures clearly indicate the intent of the administration to eliminate the PHS hospital system.

Passage of this resolution will serve notice on our friends at the other end of Pennsylvania Avenue that we do not intend to stand idly by while this Nation's health-care system is further weakened.

Such notice is clearly overdue.

I hope that the vote this afternoon will be overwhelming to suspend the rules and pass.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, Mr. BOGGS.

Mr. BOGGS. Mr. Speaker, I should like to concur in the congratulations which have been extended to the distinguished chairman and members of his committee for bringing this resolution to the floor.

As was pointed out here several days ago, when the appropriation bill was brought up these hospitals and other health facilities are essential in many places in our country. I trust the Department of HEW will get the message this time loud and clear.

I thank the gentleman very much.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of House Concurrent Resolution 370.

This resolution is similar to the one I introduced on January 29, proposing that the Public Health hospitals and clinics remain open through the end of fiscal 1972. During this period, HEW and the Congress are to explore the resources, capabilities, and position of these facilities in their communities to determine which, if any, of the hospitals and clinics should be closed. Fifty-four other Representatives cosponsored my resolution. Senators KENNEDY, MAGNUSON, and MATHIAS were joined by 30 additional Senators in introducing a similar resolution.

I want to commend my colleague from Florida (Mr. ROGERS) for the prompt attention and thorough consideration which his Public Health and Environment Subcommittees gave my resolution and similar resolutions. I am glad that the Interstate Committee's version of this resolution also calls for the continued operation of the Lexington, Ky., and Fort Worth, Tex., Public Health Service Hospitals, which specialize in alcoholism and drug abuse.

At the hearings, I testified about the affect on the Baltimore area community of closing or changing the hospital's mission. Closing the hospital would mean the loss of 238 beds, outpatient services, emergency room facilities which are used by beneficiaries and local residents, a NIH cancer research unit, inability to implement plans for low-cost health care for the approximately 30,000 residents of the Homestead-Montebello area, and loss of the Public Health Service team, expertly administered by Dr. Edward Hinman. Changes in the hospital's mission or a shift to community control must provide for the medical needs of thousands of military personnel, their dependents, and retired military personnel, who are not PHS primary beneficiaries, but who made up 50 percent of the hospital's inpatient and outpatient caseload in fiscal 1970. Presently, Fort Holabird, Fort Meade, and Aberdeen Proving Ground provide medical care for military personnel. However, with the proposed closure of Fort Holabird, the other two bases cannot easily absorb former Holabird patients in their own crowded facilities—and would be hard pressed to consider caring for the thousands of military personnel and their dependents who are treated at the Wyman Park Hospital.

The uncertainty about the hospital's future has affected the staff. Annually the Baltimore hospital averages 10 interns. For fiscal year 1972 there are six. I think this implies that in the nationwide intern-hospital matching system, fewer doctors than usual chose the Baltimore hospital as their first choice. The hospital had many calls during the matching period asking whether there would be an intern program. In fiscal year 1971 the hospital had 32 resident physicians. There are 25 this fiscal year. Each year a few doctors leave the hospital before completing their 3- or 4-year training programs, some to serve their second year of national service as doctors, others shifting to different specialties. Seven left in June 1970, six of whom had completed 1 year's residency. This June, 10 left—only four were first year residents.

Congressional study has shown that HEW is uncertain about keeping some or all of the hospitals open throughout fiscal year 1972 and is in the early stages of investigating the logistics and costs of turning the facilities over to community or regional medical administration. The legal consequences of the proposed contract care for primary beneficiaries must be studied. Hospital operations are suffering in this uncertain period.

I think it is important to maintain the hospitals at their present operating level through fiscal year 1972. On June 29, the Senate passed Senate Concurrent Resolution 6, a similar resolution. Last week we added $14 million to the HEW appropriation bill to keep these hospitals and clinics open.

I urge the House to pass House Concurrent Resolution 370 today.

Mr. DOWNING. Mr. Speaker, I rise in strong support of the resolution and I hope it will pass by an overwhelming margin.

This idea of closing down national health facilities has always mystified me. Some years ago the administration then in power tried to close down these hospitals, as an economy measure, but the Congress reacted quickly and strongly and the effort was properly abandoned.

Now the present administration is trying to curtail the public service and I feel sure that the Congress will again react.

The President has stated that our Nation faces a national health crisis. We know that thousands upon thousands of servicemen are returning home with a drug habit. We also know that the drug habit within our own country has reached alarming proportions.

Several weeks ago, a very thoughtful constituent wrote me setting forth these facts and asking why we did not fully utilize the public health hospitals and facilities to combat this national menace. His suggestion made good sense and I am truly pleased that this bill is before us today.

Mr. FASCELL. Mr. Speaker, in the early part of this year many of our colleagues joined in expressing concern about the administration's proposal to close the Public Health Service's clinics and hospitals. Since that time, an effort has been made to clarify the status of PHS facilities thanks to the energetic efforts of our colleague and my fellow Floridian, PAUL ROGERS, chairman of the Public Health and Welfare Subcommittee, Chairman HARLEY STAGGERS of the full Interstate and Foreign Commerce Committee, and the distinguished members of the committee and subcommittee.

Today the House is considering House Concurrent Resolution 370, expressing the sense of the Congress that all Public Health Service hospitals and clinics, and the clinical research facilities located in Lexington, Ky., and Fort Worth, Tex., should remain open and remain within the Public Health Service during fiscal year 1972, while the Congress and the administration jointly determine how those facilities can best be used in the future. This is identical to the resolution passed by the Senate on June 29, 1971.

I support this legislation.

The report which accompanies House Concurrent Resolution 370 states that each PHS facility plays a unique role within its community. That is the case with the Public Health Service Clinic in Miami, Fla., one of the facilities which HEW had considered closing.

In my testimony before the Subcommittee on Public Health and Welfare in March, I pointed out that the PHS outpatient clinic at Miami, Fla., treated over 47,000 beneficiaries in fiscal year 1970 and estimated treating 55,000 in fiscal year 1971. This marked increase in service occurred despite a $20,000 cut in funds and authorization of one less staff position this year.

In addition to normal medical services, the clinic performs many functions outside the health needs of its primary beneficiaries—merchant seamen, Federal employees injured on the job, and uniformed service personnel, and their dependents. These "extras" include free inoculations for Americans about to travel abroad, physical examinations for aliens applying for citizenship, and treatment for Federal prisoners awaiting trial or transfer.

The Miami clinic is the only public medical service in Florida for the treatment of dormant leprosy. Those suffering from this affliction depend on the PHS clinic for the special medication which allows them to lead normal lives.

Immigration and quarantine officials also depend on the Miami clinic for their medical needs as they arise, even to the point of having PHS personnel from Miami accompany ailing deportees to their destination.

Perhaps the most valuable service rendered by the Miami clinic is its contribution to the welfare of Cuban refugees. In this regard the clinic supplies a blood specialist and a physical therapist for the Cuban Refugee Center in Miami. It has been estimated that these services, if contracted out to private physicians or institutions, would cost the Government more than $35,000 a year alone.

The unique service and contributions of this one PHS facility, and the evidence compiled by the subcommittee in its thorough consideration of this issue indicates clearly that the hospitals and clinics perform a vital function in the communities they serve and must be preserved.

House Concurrent Resolution 370 expresses that congressional intent, and I hope our colleagues will join in its support.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS), that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 370.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 370, nays 4, not voting 59, as follows:

[Roll No. 232]

YEAS—370

Abbitt
Abourezk
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Dorn
Dow
Dowdy
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio

Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
White
Whitehurst
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Byrnes, Wis.
Rousselot
Schmitz
Wydler

NOT VOTING—59

Abernethy
Addabbo
Alexander
Anderson, Tenn.
Belcher
Bell
Blackburn
Blatnik
Burlison, Mo.
Celler
Clay
Colmer
Davis, S.C.
de la Garza
Devine
Diggs
Donohue
Dwyer
Edmondson
Edwards, La.
Erlenborn
Esch
Evins, Tenn.
Flynt
Foley
Gallagher
Goldwater
Hammerschmidt
Hanna
Hastings
Hawkins
Hillis
Holifield
Jones, Tenn.
Kee
King
Landrum
Leggett
Long, La.
McCloskey
McCulloch
McDade
Miller, Calif.
Murphy, N.Y.
Nix
Patman
Peyser
Purcell
Saylor
Smith, Calif.
Thompson, Ga.
Van Deerlin
Veysey
Waldie
Whalley
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Devine.
Mr. Burlison of Missouri with Mr. Belcher.
Mr. Charles H. Wilson with Mr. Goldwater.
Mr. Evins of Tennessee with Mrs. Dwyer.
Mr. Purcell with Mr. Erlenborn.
Mr. Flynt with Mr. Hammerschmidt.
Mr. Abernethy with Mr. Hillis.
Mr. Hanna with Mr. Bell.
Mr. Waldie with Mr. Thompson of Georgia.
Mr. Jones of Tennessee with Mr. Esch.
Mr. Whitten with Mr. King.
Mr. Davis of South Carolina with Mr. Blackburn.
Mr. Van Deerlin with Mr. McCloskey.
Mr. Diggs with Mr. Gallagher.
Mr. Kee with Mr. McDade.
Mr. Clay with Mr. Donohue.
Mr. de la Garza with Mr. Peyser.
Mr. Edmondson with Mr. Saylor.
Mr. Holifield with Mr. Hastings.
Mr. Miller of California with Mr. Smith of California.
Mr. Anderson of Tennessee with Mr. Veysey.
Mr. Alexander with Mr. Whalley.
Mr. Celler with Mr. Widnall.
Mr. Blatnik with Mr. Bob Wilson.
Mr. Foley with Mr. Hawkins.
Mr. Landrum with Mr. Leggett.
Mr. Colmer with Mr. Long of Lousiana.
Mr. Nix with Mr. Murphy of New York.
Mr. Patman with Mr. Edwards of Louisiana.

Mr. SCHMITZ changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of public health service hospitals and out-patient clinics.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 6

Whereas the improvement of national health care is one of the Nation's great goals; and

Whereas the Nation urgently needs more medical services in areas that do not have adequate medical facilities; and

Whereas the Public Health Service was created by an Act of Congress in 1798, and the Congress broadened its responsibilities in 1956, in 1966, and in 1970 to provide comprehensive health care for merchant seamen, coast guardsmen, and military personnel and their families, and preventive medical care for urban and rural areas with inadequate medical facilities; and

Whereas the Public Health Service facilities provide medical services to more than one-half million people annually who could not obtain these services in the overcrowded private hospitals or on a first priority basis in the Veterans' Administration hospitals; and

Whereas the fiscal 1972 health budget proposes a reduction in funds and personnel for Public Health Service hospitals and clinics; and

Whereas the Emergency Health Personnel Act of 1971 provides an opportunity for expanded use of Public Health Service facilities to offer health care services to medically underserved areas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Public Health Service hospitals and outpatient clinics should remain open at this time. The importance of health care delivery in urban and rural areas is so great that the Administration should fund and staff these facilities at a sufficient level to allow them to perform their multiple responsibilities during the remainder of the fiscal year 1971 and during the entire fiscal year 1972. During this interval, the Secretary and the Congress should explore the resources and capabilities of these facilities in their communications, to determine which facilities should continue to be operated by the Public Health Service, which facilities should be converted to community operation, and which facilities, if any, should be closed.

It is the further sense of Congress that the hospitals and clinics of the Public Health Service should be considered an integral part of the national health care delivery system.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the resolving clause of Senate Concurrent Resolution 6 and to insert in lieu thereof the provisions of House Concurrent Resolution 370, as passed.

The motion was agreed to.

AMENDMENT TO THE PREAMBLE

Mr. STAGGERS. Mr. Speaker, I offer an amendment to the preamble of Senate Concurrent Resolution 6, so as to make it read the same as the preamble of House Concurrent Resolution 370.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Amend the preamble of Senate Concurrent Resolution 6 by striking out all "whereas" clauses and inserting in lieu thereof the "whereas" clauses of House Concurrent Resolution 370.

The amendment to the preamble was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 370) was laid on the table.

ALIEN AMATEUR RADIO OPERATORS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9261) to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

The Clerk read as follows:

H.R. 9261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(l) of the Communications Act of 1934 (47 U.S.C. 303(l)) is amended by inserting at the end thereof a new paragraph as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Commission may issue licenses for the operation of amateur radio stations to aliens admitted to the United States for permanent residence who have filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided*, That when an application for a license is received by the Commission it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further*, That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

SEC. 2. Section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)) is amended by adding at the end thereof the following new paragraph:

"Notwithstanding paragraph (1) of this subsection, a license for an amateur radio station may be granted to and held by an alien admitted to the United States for permanent residence who has filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided*, That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, H.R. 9261 would authorize the Federal Communications Commission—FCC—to grant amateur radio licenses to aliens who have been admitted into the United States for permanent residence and have filed a declaration of intention to become U.S. citizens. They would, of course, have to pass the same test in the English language that is required of citizens in order to obtain an amateur radio license. Any application under this legislation would be checked by appropriate agencies of the Government concerned with national security.

Originally, Mr. Speaker, the Communications Act provided that only citizens and nationals could be granted radio licenses. In 1964, the act was amended to permit the FCC to grant authorizations to operate amateur radios in the United States to aliens who were licensed by their governments to operate amateur radio if their governments granted reciprocal rights to U.S. citizens. The 1964 legislation had security provisions identical to those in the legislation now before the House. It has worked successfully and over 1,700 authorizations have been granted.

But, through oversight, the 1964 legislation made no provision for granting such licenses to aliens who have been admitted for permanent residence and have filed a declaration of intention to become citizens. Such a situation is highly discriminatory against these aliens. They are required to pay our taxes and can be drafted into the armed services. This legislation would correct the oversight in the 1964 amendments to the Communications Act.

I urge its passage by the House.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. MACDONALD), the subcommittee chairman.

Mr. MACDONALD of Massachusetts. Mr. Speaker, H.R. 9261 will correct an oversight that occurred when the Communications Act was amended in 1964. The 1964 amendments empowered the Federal Communications Commission to grant to alien amateur radio operators authority to operate in the United States if they were licensed by their own government and their government granted reciprocal rights to citizens of the United States. Unfortunately, the amendments made no provision for aliens admitted into the United States for permanent residence who have filed a declaration of intention to become U.S. citizens.

H.R. 9261 would correct this anomaly by authorizing the FCC to grant licenses to such resident aliens. Of course, they would have to take the same test, in the English language, as American citizens who want to operate ham radio stations.

One facet of the legislation to which the Subcommittee on Communications and Power, of which I have the honor to chair, devoted particular attention was the compatibility of the legislation with the national security. The legislation includes the same provisions contained in the 1964 amendments which require that the agencies of the Federal Government concerned with national security be notified of amateur radio license applications by aliens. Those agencies report back to the FCC with any information in their possession bearing on the compatibility of the application with the national security. The subcommittee was satisfied that these security provisions have worked effectively in the 1964 amendments and will amply protect the national security when the legislation now before the House becomes law. Furthermore, such license applications and the modification, suspension, or cancellation of such licenses are not subject to the procedural provisions which are applicable to licenses applied for and granted to U.S. citizens.

In closing, Mr. Speaker, I would like to point out that these resident aliens with their language capabilities and ham radios would have a unique capability to inform the world about the United States and its people, something we seem to be having trouble doing lately.

Mr. Speaker, I hope the House will pass H.R. 9261.

Mr. NELSEN. Mr. Speaker, we find our committee is unanimous in support of this bill.

I want to compliment the chairman of the subcommittee as well as the chairman of the full committee on their efforts in this regard.

I believe this bill has merit and should be passed.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 9261.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of an identical Senate bill, S. 485, to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the Senate bill as follows:

S. 485

An Act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(l) of the Communications Act of 1934 (47 U.S.C. 303(l)) is amended by inserting at the end thereof a new paragraph as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Commission may issue licenses for the operation of amateur radio stations to aliens admitted to the United States for permanent residence who have filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

SEC. 2. Section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)) is amended by adding at the end thereof the following new paragraph:

"Notwithstanding paragraph (1) of this subsection, a license for an amateur radio station may be granted to and held by an alien admitted to the United States for permanent residence who has filed under section 334(f) of the Immigration and Nationality Act (8 U.S.C. 1445(f)) a declaration of intention to become a citizen of the United States: *Provided,* That when an application for a license is received by the Commission, it shall notify the appropriate agencies of the Government of such fact, and such agencies shall forthwith furnish to the Commission such information in their possession as bears upon the compatibility of the request with the national security: *And provided further,* That the requested license may then be granted unless the Commission shall determine that information received from such agencies necessitates denial of the request. Other provisions of this Act and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such license."

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9261) was laid on the table.

MOTOR CARRIER REPORTS TO INTERSTATE COMMERCE COMMISSION

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1074) to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year, as amended.

The Clerk read as follows:

H.R. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 220(b) of the Interstate Commerce Act (49 U.S.C. 320(b)) is amended by inserting "either (1)" after "information", and by striking out "different date, and" and inserting in lieu thereof the following: "different date; or (2) for a thirteen-period accounting year ending at the close of one of the last seven days of each calendar year, if the person making the report keeps his books on the basis of such an accounting year, subject to such rules and regulations as the Commission may prescribe, and elects to make such report on the basis of such accounting year. Any annual report".

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, H.R. 1074 would permit motor carriers and others subject to part II of the Interstate Commerce Act who keep their books on a 13-period accounting year basis to make their annual reports to the ICC on the same basis. Under existing law, such reports must be submitted on a calendar year basis even though the person reporting keeps books on a 13-period year basis.

The committee has amended the bill to make it clear that the authority to report on the basis of a 13-period accounting year would be subject to such rules as the ICC might prescribe.

At the present time, section 220 of the act requires that reports filed with the ICC must be on a calendar year basis. This legislation would provide an additional option to those required to file those annual reports—namely, to file on the basis of a 13-period accounting year. This option, of course, could only be exercised if their books of account were kept on that basis.

Mr. Speaker, many businesses have their accounting system set up on a 13-period basis. Under such a system the year is divided into 13 periods of 28 days each of which is evenly divisible into four 1-week—7 day—periods. This must be contrasted with using calendar months which vary in length from 28 to 31 days and prevent exact comparisons. Using a 13-period basis makes it possible to end each period on the same day; the last day of the business week, for instance whether it be Friday, Saturday, or some other day. This avoids the necessity of using certain accrual and deferral bookkeeping procedures which are time consuming and costly.

There are, however, some complexities in using the 13-period system in that 1 day must be picked up by the following year for 5 years and every 6th year consists of 53 weeks instead of 52.

I should like to point out, Mr. Speaker, that the ICC permits motor carriers to keep their books on the basis of a 13-period accounting year and permits them to file quarterly reports on that basis. We on the committee can see no reason why this option should not be extended to annual reports. The committee is satisfied that the ICC will be able to obtain all the information from annual reports filed on the basis of a 13-period accounting year that it obtains presently from annual reports based on calendar years. Furthermore, it saves those filing the reports from making time consuming, and therefore, costly conversions.

I urge the passage of the bill by the House.

Mr. HALL. Mr. Speaker, will the distinguished chairman of the committee yield?

Mr. STAGGERS. I shall be happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I wonder if the distinguished gentleman from West Virgina, chairman of the full committee, would explain to the House in just a few more extended words why the Interstate Commerce Commission is so adamantly opposed to this legislation as according to the committee's own report?

Mr. STAGGERS. They were opposed to the bill as introduced. But it has been conveyed to the committee that they are not opposed to the bill as amended by the committee. The committee amendment gives the ICC rulemaking authority with regard to reports filed with it under section 220(b) of the Interstate Commerce Act on the basis of a 13-period accounting year.

Mr. HALL. Well, Mr. Speaker, if the gentleman will continue to yield to me, that sounds very logical to hear my friend from West Virginia explain it, but why in heaven's name does the report carry the very objectionable letter from the chairman of the Interstate Commerce Commission, and when did they change their mind and on what basis?

Mr. STAGGERS. As I indicated they changed their mind after the bill was amended by our subcommittee. The letter of the ICC was included because it is a part of the legislative history of the bill.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I surely realize that we do not like the creations of Congress itself such as the commissions, agencies and so forth directing us as to what statutory procedure we should follow with reference to their regulation. We probably originate and assure due process in developing such legislation.

Mr. Speaker, I think the gentleman has answered my question satisfactorily. As I understand it, it is covered under the amendments in the bill, we have for consideration under a suspension of the rules?

Mr. STAGGERS. The distinguished gentleman is correct.

Mr. NELSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. QUILLEN).

Mr. QUILLEN. Mr. Speaker, I rise in support of H.R. 1074 and ask unanimous consent to revise and extend my remarks.

I am deeply gratified that this measure has reached the floor, as I first introduced it in 1968, then again in 1969.

As I pointed out to the Committee on Interstate and Foreign Commerce, this bill amends the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of 13 4-week periods. The committee amended my bill in line 10 after the word "year" adding "subject to such rules and regulations as the Commission may prescribe."

Part II of the Interstate Commerce Act authorizes the Interstate Commerce Commission to require annual, periodical, or special reports from all regulated motor carriers.

Section 220(b) of the act specifies that such annual reports shall contain all the required information for the period of 12 months ending on the 31st day of December—in other words on a calendar-year basis.

A number of trucking companies, as well as many other businesses, set up their accounting systems on the basis of 13 4-week periods, commonly referred to as 13-period accounting.

There are many benefits obtained from 13-period accounting. Two important benefits are that such accounting makes it unnecessary to accrue wages, withholding taxes, and related payroll expense. In addition, since each period consists of 4 weeks, comparison with prior periods is excellent.

Because of the present requirement that annual reports be filed on a calendar-year basis, trucking companies using 13-period accounting must go to the trouble of picking up a few days revenue and expense at yearend in order to file their annual reports as of December 31.

Such adjustments may seem minor, but for companies having hundreds, and in some cases thousands of accounts, this is a time-consuming job.

It is my understanding that many more trucking companies and motor carriers would like to utilize the 13-period accounting but are reluctant to do so because of the many yearend adjustments which are necessary to satisfy the Commission's requirements.

It appears that the reason for the Commission's requirement that all annual reports be filed on a calendar-year basis is to have uniform comparability. However, I believe that annual reports filed on the basis of 13-period accounting which would cover a year ending on one of the last 7 days of the calendar year would, for all practical purposes, be comparable to annual reports filed on a calendar-year basis.

To be more specific, I will give you a few examples:

First. H.R. 1074 gives a carrier the option of a 28-day period or a regular month. The 28-day period may be helpful to a carrier for comparison purposes as each period would have the same number of days.

Second. Any carrier that chooses to do so can adopt a 13-period calendar and distribute all expense over 13 periods instead of 12 months. This does not mean that the adoption of 13-period accounting would be mandatory for all carriers.

Third. At present, any carrier having 13 periods at the end of each year must close on its 13-period calendar and then find a way to secure expenses and revenue for the additional days just to report to the ICC on an annual basis. These companies must constantly explain to lending institutions and auditors why their reports differ from the general ledgers. It seems to me that this additional clerical work is burdensome and unnecessary. Is the Government interested in relieving the transportation industry of this mass of paperwork? This is a small way we can say that we are interested.

Mr. Speaker, I urge passage of this much-needed legislation.

Mr. NELSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. Kuykendall.)

Mr. KUYKENDALL. Mr. Speaker, I rise in support of the bill. I think this is an orderly and just thing that the trucking industry has asked for. The amendments that were passed in the committee took care of some of the objections that the ICC had in the beginning. I think this gives a clear picture here of allowing the trucking industry to use the bookkeeping system which best fits in with their salary periods, that best fits their billing system.

Mr. Speaker, I think that this bill which has been introduced by my colleague from Tennessee (Mr. Quillen), will go a long way toward helping this very important part of the transportation industry.

Mr. Speaker, therefore, I support the bill.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers) that the House suspend the rules and pass the bill H.R. 1074, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL-STATE COMMUNICATIONS JOINT BOARD

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7048) to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

The Clerk read as follows:

H.R. 7048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Federal-State Communications Joint Board Act".

Sec. 2. The Communications Act of 1934, as amended, is further amended by adding a new subsection (c) at the end of section 410 (47 U.S.C. 410) to read as follows:

"(c) The Commission shall refer any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations, which it institutes pursuant to a notice of proposed rulemaking and, except as provided in section 409 of this Act, may refer any other matter, relating to common carrier communications of joint Federal-State concern, to a Federal-State Joint Board. The Joint Board shall possess the same jurisdiction, powers, duties, and obligations as a joint board established under subsection (a) of this section, and shall prepare a recommended decision for prompt review and action by the Commission. In addition, the State members of the Joint Board shall sit with the Commission en banc at any oral argument that may be scheduled in the proceeding. The Commission shall also afford the State members of the Joint Board an opportunity to participate in its deliberations, but not vote, when it has under consideration the recommended decision of the Joint Board or any further decisional action that may be required in the proceeding. The Joint Board shall be composed of three Commissioners of the Commission and of four State commissioners nominated by the national organization of the State commissions, as referred to in sections 202(b) and 205(f) of the Interstate Commerce Act, and approved by the Commission. The Chairman of the Commission, or another Commissioner designated by the Commission, shall serve as Chairman of the Joint Board."

The SPEAKER. Is a second demanded?

Mr. NELSEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. STAGGERS. Mr. Speaker, H.R. 7048 is a new expression of creative federalism. It would permit members of State utility commissions nominated by the National Association of Regulatory Utility Commissioners—NARUC—to participate with the Federal Communications Commission—FCC in formulating new procedures for establishing bases for interstate and intrastate telephone rates and to recommend decisions relating to common carrier communications of joint Federal-State concern.

As most Members of the House know, Mr. Speaker, telephone rates are based on the plant, equipment, and expenses involved in providing telephone service. The State utility commissions regulate intrastate telephone rates for their respective States and the FCC regulates interstate telephone rates. But as we all know the same plant, equipment, and expenses are in most instances involved in providing both intrastate and interstate telephone service. Hence plant and equipment are "separated," to use the jargon of the industry, for purposes of ratemaking. Some is attributed for intrastate purposes, the remainder for interstate purposes. As you might expect, Mr. Speaker, these separation procedures are highly complex. But there is no alternative for them since the Supreme Court decided the case of *Smith* v. *Illinois Bell Telephone Co.*, (232 U.S. 133 (1930)) and ruled that an appropriate separation of commonly used telephone plant and associated expenses was essential to the exercise by the Federal Government and the States of their regulatory jurisdiction of interstate and intrastate telephone rates.

The history of this legislation on telephone separations goes back about 2 years when our colleague on the committee, the gentleman from Pennsylvania, Fred Rooney, introduced H.R. 12150 in the 91st Congress on behalf of NARUC. Later in 1969, the FCC authorized reductions in interstate rates of the Bell Telephone System amounting to about $237 million, to take effect early in 1970. At about the same time the Bell System had petitions for intrastate telephone increases amounting to over a half billion dollars pending before various State public utility commissions. Of course, there was quite a lot of interest and concern about all this and so the Subcommittee on Communications and Power held hearings on H.R. 12150 early last year. Let me note that that bill differed from the bill now before the House in that it gave the final decision on separation procedures to the Federal-State joint board. The State commissions came in and supported the legislation and the FCC opposed it. The FCC opposed it on the grounds that giving the Federal-State joint board the final decision on separations would undercut their rate regulation responsibilities. The Chairman of the FCC suggested that he be given an opportunity to work matters out with the State commissions. A joint board was then appointed consisting of four State commissioners and three members of the FCC.

The joint board shortly therafter, a week or so I believe, recommended a plan—the so-called Ozark plan—which was subsequently adopted by the FCC in a rulemaking proceeding.

The legislation now before the House would write the procedure used last year in arriving at the Ozark plan into law as section 410(c) of the Communications Act. Under the bill, the FCC would be required to refer any proposed rulemaking regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations to a Federal-State joint board. In addition, any other matter relating to common carrier communications of joint Federal-State concern could be referred to such a board.

The joint board would prepare a recommended decision for review and action by the FCC. The State commissioners who were members of a joint board would be permitted to sit with the FCC if any oral arguments were held before the Commission in the proceedings and they could also participate in considerations of the FCC involving the joint board's recommended decision.

However, they would have no vote in the course of FCC consideration of the matter.

Any joint board appointed under the legislation would consist of four State commissioners nominated by NARUC and approved by the FCC. Three members of the FCC would make up the balance of the board. One of the FCC members would be chairman of the board. State commission members of any joint board would receive no pay or other reimbursement from the Federal Government for serving as such.

Mr. Speaker, H.R. 7048 has the support of the FCC and NARUC. It establishes a mechanism to permit the States and Federal Government to operate in greater harmony and with greater understanding of one and another. I urge its passage by the House.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Interstate and Foreign Commerce yielding to me.

The natural reaction of Members who were not privy to know about the hearings so that they could appear against the bill, is that they feel at first blush for goodness' sakes, here is another board, another commission that will cost the taxpayers considerable money. On carefully reading the distinguished gentleman's report I notice that these are already either Federal Government or State government employees, and it will not cost an additional dime.

Mr. STAGGERS. That is right.

Mr. HALL. The distinguished gentleman's last paragraph of his explanation also explains why the Federal Communications Commission should be for this. As I understand it, they are including State's representation so that they can help control the intrastate communications costs at the same time.

Mr. STAGGERS. That is right.

Mr. HALL. Under those circumstances, although I had come to the floor deciding to vote against the establishment of an additional board and vote against setting up a new ratemaking function that I thought we created in the Federal Communications Commission for the sole purpose of performing, I see no objection to the bill.

Mr. STAGGERS. I thank the gentleman from Missouri for his remarks.

Mr. Speaker, I now yield whatever time he may require to the gentleman from Massachusetts (Mr. MACDONALD), a member of the committee.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to say to the gentleman from Missouri that he is absolutely correct. There will be no cost to the Federal Government. This a sop given to the States that have wanted a voice in the ratemaking procedure. They will have a voice at hearings. They will be heard from and their views will be made known to the FCC at that point, and as our chairman has very adequately stated, there has been no opposition to the bill which I feel is a step in the right direction for better relationship between the Federal Government and the State regulatory agencies.

Mr. Speaker, H.R. 7048 was introduced by a member of my Subcommittee on Communications and Power, the Honorable FRED ROONEY of Pennsylvania. It represents 2 years of effort at working out an accommodation between the Federal Communications Commission and the various State utility commissions with regard to the classification of telephone plant, equipment, and expenses for the purpose of establishing rate bases for interstate and intrastate telephone rates.

As most Members know intrastate telephone rates are regulated by State public utility commissions and interstate telephone rates are regulated by the FCC. The difficulty arises because the telephone plant equipment and expenses on which telephone rates are based is in most instances used for making both local or intrastate calls and long distance or interstate calls. Therefore, telephone plant, equipment, and expenses must be separated for ratemaking, a most difficult task.

The whole matter became critical early last year when the FCC approved rate decreases for interstate telephone service provided by the Bell Telephone System amounting to $237 million while over $500 million in requests for rate increases for intrastate telephone service were pending before State public utility commissions.

At that point the Subcommittee on Communications and Power held hearings and received testimony from the National Association of Regulatory Utility Commissioners—NARUC—23 State public utility commissions, and the FCC.

The legislation then before the subcommittee—H.R. 12150—would have given final authority with regard to telephone separations to a Federal-State joint board. It was supported by NARUC and the State commissions but was opposed by the FCC. The Chairman of the FCC, the Honorable Dean Burch, asked for time to work the matter out with NARUC and the State commissions. H.R. 7048 is the result of that effort.

In hearings before the subcommittee earlier this year the legislation was endorsed by the FCC and NARUC, speaking for itself and the several State public utility commissions. No one, to my knowledge, opposes enactment of the legislation. It will provide a framework which will permit the FCC and the State commissions to operate together effectively in working out telephone separation procedures for the purpose of telephone ratemaking and regulation—a most difficult task I can assure you, Mr. Speaker.

Mr. Speaker, I trust the House will pass H.R. 7048 overwhelmingly.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may require to the author of the bill, the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY of Pennsylvania. Mr. Speaker, I rise today to ask my colleagues to support H.R. 7048.

Mr. Speaker, I am most grateful to my subcommittee chairman, the gentleman from Massachusetts (Mr. MACDONALD) and the chairman of our full committee, for passing this bill out of our committee.

I also want to thank my distinguished colleagues on the other side for their unanimous support for the establishment of the Federal-State Communications Joint Board.

As the chairman said, it will not cost the taxpayers any additional funds. I do appreciate the unanimous support that we have had in committee, and I urge its adoption.

Mr. Speaker, I rise today to ask that my colleagues support H.R. 7048. The bill provides for the establishment of a Federal-State joint board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service.

The inequities of this situation were brought to my attention by my distinguished friend, George Bloom, who has been chairman of the Pennsylvania Utilities Commission since 1965 and is the current president of the National Association of Regulatory Utilities Commissioners. During these years of service, George Bloom has been in the forefront of all progressive legislation concerning the regulation of utilities, and both the State of Pennsylvania and the Nation owe George Bloom a debt of gratitude.

Our national communications system transmits approximately 169 billion calls a year. The FCC regulates approximately 3 billion interstate long distance calls a year and the State commissions regulate approximately 166 billion intrastate toll and local exchange calls a year.

Since the vast bulk of telephone plant and expenses are used in furnishing both interstate and intrastate service, such plant and expenses must be separated between the interstate and intrastate uses for purposes of ratemaking by the respective Federal and State jurisdictions. The procedures employed in the division of these joint telephone costs are commonly referred to as "separations procedures."

The cost of long distance circuits has sharply declined in recent years due to the extensive use of microwave facilities and coaxial cables. This trend is a continuing one.

But similar economies from technological advance cannot be achieved for local exchange service. Although exchange plant is utilized in both interstate and intrastate service, the investment is determined by the number of exchange subscribers served and not by local traffic volume.

Thus, exchange plant costs vary directly with the number of subscribers, while actual usage determines the scope of long-distance plant investment. This high use factor permits a great degree of efficiency in long-distance communications.

Obviously, the only means of affording economic relief to local users, under existing technology and in this age of inflation, is to utilize any excess earning in interstate operations for the benefit of local users by allocating more of the cost of our national communications system to interstate operations and thereby affording relief in local operations.

H.R. 7048 calls for the creation of a Federal-State Communications Joint Board, to be composed of three FCC commissioners and four State commissioners nominated by the National Association of Regulatory Utility Commissioners and approved by the FCC.

The procedures that would be required under the bill have already been put into practice, and it was during these proceedings that the FCC and the NARUC reached agreement on legislation which would write into law the procedures then being followed. The bill is approved by all of the State commissions, and I urge my colleagues to approve the legislation and thereby afford relief to local telephone users across the Nation.

Mr. NELSEN. Mr. Speaker, I note in the memorandum I have here a statement of the Federal authority agreeing that this is good legislation.

I also wish to point out without communication and without dialog it is pretty hard to get any understanding on anything. This bill will do that.

A point has been emphasized, and I want to reemphasize it, which is the fact that there is no money involved, and I think that is a welcome part of this resolution, and I hope it passes. It is a good piece of legislation.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia that the House suspend the rules and pass the bill H.R. 7048.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the four bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of July 27, I call up the joint resolution (H.J. Res. 829) making further continuing appropriations for the fiscal year 1972, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 829

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1971 (Public Law 92-38), is hereby amended by striking out "August 6, 1971" and inserting in lieu thereof "October 15, 1971": *Provided,* That obligations may be incurred for the activities of the Federal Power Commission from July 1, 1971, in anticipation of appropriations for the fiscal year 1972, and are hereby ratified and confirmed if otherwise in accord with the applicable terms of Public Law 92-38, amended.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the President signed a continuing resolution on July 1, 1971—Public Law 92-38—which enabled the various agencies and departments of Government for which appropriations had not been made for the current fiscal year 1972 to operate through August 6.

Now that the Congress is to take a summer recess beginning on August 6, and because the continuing resolution is expiring on that date, which is Friday of this week, it is necessary for us to have a further continuing resolution in respect to ongoing programs and activities for which final appropriation action has not been taken.

That is the purpose of this pending joint resolution.

This resolution is a standard resolution enabling certain functions of the Government to continue on a minimum basis through not later than October 15. By October 15 it would be hoped—barring hangups on authorization bills—that all the appropriation bills required for the consideration of the House and the Senate would be cleared and enacted into law. I do not believe there is any troublesome aspect about the resolution before us.

I might say that due to the very fine cooperation of the other body and the chairman of the Committee on Appropriations of the other body, we have been able to secure early conferences following the passage of the bills through the House and through the Senate, and we have disposed of 10 of the major annual appropriation bills for fiscal year 1972; that is, we have passed them through the House and through the Senate. Conference reports on eight of them have been filed, and seven of the eight have cleared Congress.

There are two of these 10 bills upon which conferences have not been held. We are now seeking to arrange for conferences on those bills. Those would be the Labor-HEW appropriation bill and the public works-AEC appropriation bill. We cannot foresee what the developments will be with regard to those.

As Members know, we have today approved the conference report on the State-Justice-Commerce-Judiciary appropriation bill, and it is antcipated that favorable action may be taken on that conference report by the other body tomorrow.

We all know that we cannot bring to a halt the various functions of the Government agencies and departments. We have to have this continuing resolution in order to prevent that situation from occurring. So I would think that unless there are questions, this is probably an adequate statement of the situation. We will have further opportunity to discuss the matter of appropriations in general later this week.

The gentleman from Missouri is on his feet and I yield to him.

Mr. HALL. Mr. Speaker, I appreciate the distinguished chairman of the Committee on Appropriations yielding. Mine is merely for a technical question concerning a proviso. In my opinion, this is adequately explained in the report. Indeed, the gentleman and his staff have talked to me about it. My question, then, concerning the Federal Power Commission, which, as explained on the first page of the report, brings under the umbrella of the other commissions and functioning bodies and creatures of Congress, the Federal Power Commission, which was inadvertently left out of the earlier resolution. My question is: Is there any escape clause by which this Commission could do other than expend a lesser amount than last year's appropriation or one passed by either or both bodies of the Congress in the fiscal year 1972?

Mr. MAHON. The gentleman is correct—last year's rate or the rate approved in the budget, whichever is lower.

Mr. HALL. In other words, this would cover the Federal Power Commission as in Public Law 92-38 with all the provisos?

Mr. MAHON. The gentleman, I believe, has precisely outlined the situation.

Mr. HALL. I thank the gentleman for yielding.

The SPEAKER. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. HALL was allowed to proceed for 3 additional minutes.)

Mr. HALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Would the distinguished chairman be good enough to advise the House whether this continuing resolution includes the $75 million continuation of the emergency school aid funding, the temporary desegregation bill?

Mr. MAHON. I am familiar with the gentleman's interest in this important matter, and I would say that the continuing resolution before us does continue the availability of funds on the same basis as heretofore in the prior continuing resolution.

Mr. PUCINSKI. Do I understand in a continuing resolution of this nature, the Office of Education can only spend two-twelfths of that amount; that is, for the remainder of August and for September?

Mr. MAHON. The annual rate under the resolution is $75 million, and I would assume that it would be proportioned generally on the basis of 12 months.

Mr. PUCINSKI. Earlier today we passed a resolution by an overwhelming vote of 351 to 36, making an inquiry of the Secretary of Health, Education and Welfare of any funds that are being used for busing children to achieve racial balance. Does the distinguished chairman know whether any of these $75 million are being used for that purpose?

Mr. MAHON. I would not be able to say, definitely. I would assume not, but I do not know.

Mr. PUCINSKI. Would it be the chairman's understanding, in view of the action previously taken by the House prohibiting the use of Federal funds for this purpose, that none of this money could be used for that purpose?

Mr. MAHON. That would seem to me to be the case, because the action of the Congress is very clear on this subject, as I understand it.

Mr. PUCINSKI. I thank the chairman.

Mr. MAHON. I thank the gentleman.

I yield to the distinguished gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Speaker, I thank the gentleman for yielding.

I can only say the gentleman has cooperated with us fully on this, and I am in full accord with this continuing resolution.

Mr. MAHON. I would say the fixing of the date was agreed on between the gentleman from Ohio and me, and in concert with the leadership on both sides of the aisle.

Mr. BOW. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, can the gentleman tell me the magic of the date of October 15?

Mr. MAHON. It is 3 days after Columbus Day.

It allows about 5 weeks for us to finish our work on the appropriation bills after we return from the August recess.

Hopefully, it will give the authorizing committees—for example, the committees dealing with foreign aid—an opportunity to complete action on the authorizations, get them enacted into law, so that we can pass the related appropriation bills.

We hope it allows time for the Committee on the District of Columbia to pass the revenue bill, so we can in turn bring in the appropriation bill for the District of Columbia.

The SPEAKER. The time of the gentleman from Texas has expired.

(On request of Mr. GROSS and by unanimous consent, Mr. MAHON was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Speaker, if the gentleman will continue to yield, if the gentleman is speaking of the foreign aid bill, if he will join me tomorrow in my opposition to it, I am sure the gentleman will not have any further worries on foreign aid, either on the part of the House, or on the part of the Appropriations Committee. We can take care of that in 1 day.

But I am interested in this October date. Is the gentleman not optimistic in thinking that the House will have finished its work by October 15?

Mr. MAHON. I am cautiously optimistic on the subject. I do know if we can get the authorization bills approved reasonably early after we return—and I would have to include, of course, the authorization for the Defense Department—it does seem to me we would be able to conclude these appropriations very promptly, and with some good fortune, it seems to me, we might move on very rapidly, and I would hope we could adjourn by that time. If we can achieve it, we want to achieve it as soon as possible. I share with a great number of the Members the hope that we can adjourn by that date.

Mr. GROSS. Mr. Speaker, I admire the gentleman for his optimism. With him I hope for the best and fear the worst, but I thank the gentleman for yielding.

The SPEAKER. The time of the gentleman from Texas has expired.

(On request of Mr. DELLENBACK, and by unanimous consent, Mr. MAHON was allowed to proceed for 1 additional minute.)

Mr. DELLENBACK. Mr. Speaker, if the gentleman will yield, does the gentleman have any idea at the moment as to how many dollars are involved? Is the gentleman able to inform the House under the bills which would be carried forward under this continuing apppropriation measure for approximately 1⅓ months or so—does he have any rough estimate as to how many dollars are involved in such a spending program?

Mr. MAHON. No, but the Government is spending at the rate of about $229 billion a year, perhaps a little more. One can take a month and get some kind of a figure. But a lot of this expenditure total has to do with trust funds—social security and highways and so forth.

At any rate, it is a vast sum of money indeed which is involved in the continuing resolution. It involves the pay of hundreds of thousands of Federal workers, it involves the defense of the country, and many other aspects.

Mr. DELLENBACK. Of course I know the passage is absolutely essential. The gentleman has replied to my question, and I thank him very much.

Mr. MAHON. I might add that in the four bills not yet reported to the House—Defense, military construction, foreign aid, and the District of Columbia—about $79 billion of budget requests are now involved. We will not act on these bills before the summer recess. In addition, if we should be unable to conclude conferences on the Labor-HEW bill and the public works-AEC bill, additional budget requests of about $24.7 billion would carry over for action after the summer recess. While the budget requests do not in many instances control the rate of interim spending, those totals give a fairly good indication of what is involved in total.

Mr. Speaker, under leave to extend, I include pertinent excerpts from the committee report accompanying the joint resolution:

TIME PERIOD AND CONCEPT OF THE RESOLUTION

The resolution extends to *not later than* October 15. The current resolution (Public Law 92–38) expires August 6, the beginning of the scheduled congressional summer recess. The time between September 8, when the summer recess is scheduled to end, and October 15 should be sufficient in which to wind up the appropriations business of the session, assuming of course no major authorization bill hang-ups.

The resolution follows the basic form and concept of the one now in effect for the period July 1–August 6, 1971—Public Law 92–38, which was based on House Joint Resolution 742 and which is explained in very considerable detail in House Report No. 92–302.

Some question has arisen that the original continuing resolution did not clearly encompass provision for interim funding of the Federal Power Commission, arising out of the fact that this year, it is to be funded in a different appropriation bill and that the resolution, being divided into several groupings of bills and items, lists the two bills (last year's and this year's) under different ground rules relating to expenditure rates. The Commission has, of course, continued operations since July 1 subject to the ground rules otherwise applicable and the House, in H.R. 10090, the Public Works-AEC Bill, has made full-year provision for it. Language is included in the accompanying joint resolution to remove any question of doubt.

STATUS OF APPROPRIATION BILLS

Ten of the 14 regular annual appropriation bills for the fiscal year 1972 have passed the House. All 10 have also passed the Senate. Four remain to be reported to the House. They are:

1. Military Construction, on which hearings were concluded June 29 but which has been awaiting the related authorization bill (H.R. 9844) which has recently passed the House.

2. Foreign Assistance, on which hearings were concluded July 1, but which has been awaiting the related authorization bill.

3. District of Columbia, on which hearings were recently concluded, but which is significantly dependent on revenue legislation.

4. Department of Defense, on which hearings were concluded June 10, but which has been awaiting further developments on the related authorization bill (H.R. 8687), now pending in the Senate.

There will also probably be a closing supplemental bill, to be considered not too long after the end of the summer recess.

The Senate has moved the appropriation bills quite expeditiously. Bills are moving through conference as indicated in the following table:

FISCAL YEAR 1972 APPROPRIATION BILLS

Bill	House passed	Senate passed	Conference report cleared
1. Education	Apr. 7	June 10	June 30
2. Legislative	June 4	June 21	June 30
3. Agriculture-EPA, etc.	June 23	July 15	July 28
4. Treasury-Post Office-General Government.	June 28	June 29	June 30
5. State-Justice-Commerce-Judiciary.	June 24	July 19	(2)
6. HUD-Space-Science-Veterans	June 30	July 20	Aug. 2
7. Interior	June 29	July 16	Do.
8. Transportation	July 14	July 22	Do.
9. Labor-HEW	July 27	July 30	
10. Public Works-AEC	July 29	July 31	
11. Military Construction	(1)		
12. Foreign assistance	(1)		
13. District of Columbia	(1)		
14. Defense	(1)		
15. Supplemental, 1972	?		

(1) Pending developments on related authorization bills.

(2) Conference report filed. (Cleared House Aug. 2.)

DETAILS ABOUT THE RESOLUTION

Comporting with continuing resolutions over a period of many years and with the one currently in force, the emphasis in the resolution is on the *continuation of existing projects and activities* at the lowest of one of three rates, namely, the fiscal year 1971 rate; the budget request for 1972, where no action has been taken by either House; or the more restrictive amount adopted by either of the two Houses. The main thrust of the resolution is to keep activities of the Government, for which the regular bills have not been enacted, functioning on a minimum basis until funds for the full year are otherwise determined upon.

In this general connection, some of the regular annual appropriation bills—now at either the conference stage or just recently cleared conference—contain annual appropriation provision for a handful of on-going programs and activities to which, in each instance, there is attached some sort of language making the appropriation contingent upon enactment into law of authorization legislation. Examples would be the Office of Saline Water in the Interior Appropriation Bill, and the activities relating to waste treatment construction grant, water quality, child nutrition, and certain activities under the Act of August 1, 1958, in the Agriculture-Environmental and Consumer Protection Appropriation Bill. All are on-going programs which have continued in operation under the continuing resolution provisions since July 1, and which, by inclusion of *full-year* funding provisions for them in the applicable annual appropriation bill, Congress has indicated a presumption that appropriate legislative authorization action to make the annual appropriation effective will be forthcoming. Accordingly, in respect to such programs and activities, the Committee in reporting the accompanying joint resolution, does not look upon clause (a) or (b) of Section 102 of the current continuing resolution—which is extended to not later than October 15—as in any way shutting off continued interim funding pending final disposition of the applicable legislation. Clause (b), for example, by its terms goes only to instances where the applicable appropriation Act is enacted without "any" provision for such project or activity. Such is not the case with the class of items here referred to.

THE APPROPRIATIONS BUSINESS OF THE SESSION

Fiscal year 1971

In this session, Congress has processed 4 appropriation measures relating to the current fiscal year 1971, namely, a special supplemental relating to the Department of Labor; an urgent supplemental bill; the Second Supplemental Bill; and a continuing resolution making final disposition of the regular annual appropriations for the Department of Transportation.

In summary, budget requests for new budget (obligational) authority considered in these 4 measures totaled $8,972,709,077. Amounts enacted totaled $8,061,742,973, for a net reduction of $910,966,104.

Fiscal year 1972

As of today, the House has passed 10 of the 14 regular annual appropriation bills for fiscal 1972.

The Senate has passed all 10 of the bills sent to it by the House.

As of today, Conferences have been finalized on 8 of the 10 bills.

The following table shows the situation in summary form:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, 1972 AS OF JULY 29, 1971

[Note.—As to fiscal year 1972 amounts only]

Bill	Budget requests considered	Approved	Change (+) or (−)
In the House:			
1. Education	$5,068,343,000	$4,800,088,000	[1] −$268,255,000
2. Legislative	455,744,595	449,899,605	−5,844,990
3. Agriculture—Environmental and Consumer Protection	$12,104,813,850	$12,423,896,050	+$319,082,200
4. State-Justice-Commerce-Judiciary	4,204,997,000	3,684,183,000	[2] −520,814,000
5. Treasury-Postal Service-General Government	$4,780,576,000	$4,487,676,190	−$292,899,810
6. Interior	2,164,569,035	2,159,508,035	−5,061,000
7. HUD-Space-Science-Veterans	17,457,017,000	[3] 18,115,203,000	[3] +658,186,000
8. Transportation	2,833,229,997	[4] 2,559,048,997	[5] −274,181,000
Advance 1973 appropriation	(174,321,000)	[4] (174,321,000)	(..................)
9. Labor-HEW	19,942,996,000	20,361,247,000	+418,251,000
10. Public works-AEC	4,615,945,000	4,576,173,000	−39,772,000
11. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
12. District of Columbia (Federal funds)	(168,569,000)		
13. Defense	(73,249,259,000)		
14. Military construction	(2,313,375,000)		
15. Foreign assistance	(3,634,775,000)		
16. Supplemental, 1972			
Total, House bills	73,628,231,477	73,633,922,877	+5,691,400
In the Senate:			
1. Education	5,153,186,000	5,615,918,000	[1] +462,732,000
2. Legislative	535,349,607	532,297,749	−3,051,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,752,789,690	−56,426,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	13,621,677,050	+1,516,863,200
5. Interior	2,194,594,035	2,226,023,035	+31,429,000
6. State-Justice-Commerce-Judiciary	4,216,802,000	4,098,083,000	−118,719,000
7. HUD-Space-Science-Veterans	$17,457,017,000	[3] $18,698,518,000	[3] +$1,241,501,000
8. Transportation	2,686,006,997	[4] 2,784,608,997	[4] +98,602,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	(..................)
9. Labor-HEW	20,123,637,000	21,018,317,000	+894,680,000
10. Public Works-AEC	4,615,945,000	4,716,922,000	+100,977,000
11. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
Total, bills cleared Senate	73,896,567,489	78,082,154,521	[1] +4,185,587,032
Enacted:			
1. Education	5,153,186,000	5,146,311,000	[1] −6,875,000
2. Legislative	535,349,607	529,309,749	−6,039,858
3. Treasury-Postal Service-General Government	4,809,216,000	4,528,986,690	−280,229,310
4. Agriculture-Environmental and Consumer Protection	12,104,813,850	13,276,900,050	+1,172,086,200
5. State-Justice-Commerce-Judiciary	4,216,802,000	[6] 4,067,116,000	−149,686,000
6. Interior	2,194,594,035	[6] 2,223,980,035	+29,386,000
7. HUD-Space-Science-Veterans	17,457,017,000	[3] 18,339,738,000	[3] +882,721,000
8. Transportation	2,686,006,997	2,730,989,997	+44,983,000
Advance 1973 appropriation	(174,321,000)	(174,321,000)	(..................)
9. Labor-HEW			
10. Public Works-AEC			
11. Summer feeding programs for children (H.J. Res. 744)		17,000,000	+17,000,000
Total, bills enacted	49,156,985,489	50,860,331,521	[1] +1,703,346,032

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[1] As passed by both House and Senate, the education appropriation bill did not include $400,000,000 requested in the budget for purchase of student loan notes from colleges and universities, contingent upon legislative authority not yet enacted. If the $400,000,000 is excluded from all of the figures shown, the amount in the House-approved bill is in effect a net increase of $131,745,000 over the budget requests considered by the House; the Senate-approved bill on the same basis is $862,732,000 over the budget requests considered by the Senate; and the enacted bill on the same basis is $393,125,000 over the budget requests considered.

[2] $352,715,000 of this figure is apparent, not real, because all maritime programs and 1 judiciary item were struck by floor points or order.

[3] Taking into account $850,000,000 in the budget as a proposed supplemental for special revenue sharing, or one-half year funding in certain housing and urban development programs, the House bill is $191,814,000 below the budget requests; the Senate bill is $391,501,000 above the requests; and the enacted figure is $32,721,000 above the requests.

[4] House bill does not include $248,000,000 floor addition to "Federal payment to Airport and Airway Trust Fund" since, technically, it is not new budget authority until appropriated out of the trust fund. Senate bill adds another $219,800,000 to this "Federal payment" account. Conference report adds $239,000,000 to the budget for this "Federal payment."

[5] Includes $235,000,000 related to prior decision to terminate the SST.

[6] Conference report filed.

The foregoing table relates to the regular annual appropriation bills.

COMPREHENSIVE BUDGET SCOREKEEPING REPORTS

For general reference purposes of Members and others, it may be of interest to again call attention to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reduction of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bill that mandate expenditures, and so on).

Several such reports have been issued—the latest one as of July 22—and another is due at the summer recess break. Copies are sent to the office of each Member.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 350, nays 6, not voting 77, as follows:

[Roll No. 233]

YEAS—350

Abbitt
Abourezk
Abzug
Adams
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Dingell
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton

Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thomson, Wis.
Thone
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—6

Ashbrook
Gross
Hall
Rousselot
Schmitz
Young, Fla.

NOT VOTING—77

Abernethy
Addabbo
Anderson, Ill.
Anderson, Tenn.
Aspinall
Baring
Belcher
Bell
Blackburn
Blanton
Boland
Broomfield
Burlison, Mo.
Byrnes, Wis.
Celler
Clancy
Clausen, Don H.
Clay
Davis, S.C.
de la Garza
Delaney
Devine
Diggs
Donohue
Dowdy
Dwyer
Edmondson
Edwards, La.
Esch
Evans, Colo.
Evins, Tenn.
Flynt
Fraser
Gallagher
Goldwater
Hammerschmidt
Hanna
Hansen, Wash.
Hastings
Hawkins
Hays
Hébert
Hillis
Ichord
Johnson, Calif.
Jones, Tenn.
Karth
King
Kuykendall
Landrum
Leggett
Long, La.
McCulloch
McMillan
Mathias, Calif.
Miller, Calif.
Mills, Md.
Moss
Murphy, N.Y.
Nix
Patman
Pepper
Peyser
Purcell
Rees
Saylor
Skubitz
Stubblefield
Thompson, Ga.
Thompson, N.J.
Tiernan
Van Deerlin
Waldie
Whalley
Whitten
Wilson, Charles H.
Wright

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Anderson of Illinois.

Mr. Burlison of Missouri with Mr. Belcher.

Mr. Charles H. Wilson with Mr. Bell.

Mr. Evins of Tennessee with Mr. Kuykendall.

Mr. Purcell with Mr. Skubitz.

Mr. Flynt with Mr. Blackburn.

Mr. Abernethy with Mr. Hillis.

Mr. Hanna with Mr. Don H. Clausen.

Mr. Waldie with Mr. Broomfield.

Mr. Jones of Tennessee with Mr. Mills of Maryland.

Mr. Whitten with Mr. Byrnes of Wisconsin.

Mr. Davis of South Carolina with Mr. Hammerschmidt.

Mr. Van Deerlin with Mr. Goldwater.

Mr. Diggs with Mr. Gallagher.

Mr. Murphy of New York with Mrs. Dwyer.

Mr. Clay with Mr. Donohue.

Mr. de la Garza with Mr. Esch.

Mr. Edmondson with Mr. Clancy.

Mr. Miller of California with Mr. Mathias.

Mr. Celler with Mr. Hawkins.

Mr. Moss of California with Mr. Peyser.

Mr. Landrum with Mr. Whalley.

Mr. Pepper with Mr. Thompson of Georgia.

Mr. Anderson of Tennessee with Mr. Edwards of Louisiana.

Mr. Nix with Mr. Leggett.

Mr. Hays with Mr. Devine.

Mr. Thompson of New Jersey with Mr. Hastings.

Mr. Hébert with Mr. King.

Mr. Aspinall with Mr. Saylor.

Mr. Wright with Mr. Long of Louisiana.

Mr. Boland with Mrs. Hansen of Washington.

Mr. Tiernan with Mr. Stubblefield.

Mr. Johnson of California with Mr. McMillan.

Mr. Evans of Colorado with Mr. Fraser.

Mr. Ichord with Mr. Baring.

Mr. Blanton with Mr. Rees.

Mr. Delaney with Mr. Dowdy.

Mr. Karth with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SETTLEMENT OF THE RAILROAD STRIKE

(Mr. GOODLING asked and was given permission to address the House for 1 minute and revise and extend his remarks and include extraneous matter.)

Mr. GOODLING. Mr. Speaker, I did not know until 1 minute ago that the railroad strike had been settled. That is what I wanted to comment on today.

I include for the RECORD communications I have received this morning:

P. H. GLATFELTER Co.
Spring Grove, Pa., July 30, 1971.

Hon. GEORGE A. GOODLING,
House Office Building,
Washington, D.C.

DEAR GEORGE: A survey of the effects of the present railroad strike on the operations of the P. H. Glatfelter Company indicates a rapidly deteriorating situation.

The availability of raw materials to operate this plant is declining.

With the next railroad shutdowns, particularly the B&O, C&O, on August 6, our inability to obtain necessary materials will be seriously curtailed.

Our best forecast shows that unless the strikes are terminated immediately, we will be unable to get chlorine, coal and clay to operate. We will face curtailed operations during the week of August 8 and a complete mill shutdown by August 14.

This would result in the layoff of 1100 persons, not including our wood procurement and wood supplier personnel.

We urge the government to take immediate intervention steps and put an end to this nationwide emergency.

Sincerely yours,
P. H. GLATFELTER III,
Chairman and President.

[Telegrams]

WEST ALLIS, WIS.,
July 29, 1971.

Hon. GEORGE A. GOODLING,
U.S. House of Representatives,
Washington, D.C.:

Current railroad strike situation critical to our business. Additional work stoppages this week will curtail all rail movements. We request your assistance to alleviate this very serious national problem.

GLEN W. MCGREW,
Manager, Material Control and Transportation.

QUAKER OATS CO.,
Chicago, Ill., July 30, 1971.

Hon. GEORGE A. GOODLING,
U.S. House of Representatives,
Washington, D.C.:

Selective strike against four railroads has closed Quaker Oats Food Manufacturing plants and distribution centers at Los Angeles, Denver, Portland, Oreg., Chattanooga, Tenn., Danville, Ill., and Doraville, Ga. Strike scheduled for Friday will close Kansas City and deliveries to all grocery distributors in the major markets of Houston, St. Louis, and Chicago will be disrupted. Altogether, delivery of essential food products to at least 50 percent of United States is impaired. The struck railroads are partially protected by strike insurance and the striking employees receive unemployment compensation plus union benefits, employees of companies like ours and the general public are the innocent victims. This is not an unusual circumstance, but simply the latest in a long series of transportation disruptions which clearly demonstrates the inadequacy of present machinery, including single-shot congressional action, to cope with the transport labor situation, it is essential that legislation providing for finality of negotiations without a strike similar to that proposed by the administration in S. 560 and H.R. 3596 be enacted before summer recess. Your leadership in coping with this national emergency is urgently requested.

ROBERT D. STUART, Jr.,
President.

BUSING OF SCHOOL CHILDREN

The SPEAKER pro tempore (Mr. RANDALL). Under a previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 60 minutes.

Mr. MIZELL. Mr. Speaker, last week the Washington, D.C., Star published an editorial column by James J. Kilpatrick, entitled "The Bus Route from Education to Madness."

The article dealt mainly with the concerns voiced by secondary school officials over the issue of forced busing, an issue that now threatens the very existence of public education in this country.

It is this same issue with which we intend to deal in this special order today. I have requested this time in which to express the concerns that I have about this growing crisis, as well as those related to me by my constituents in the Fifth District of North Carolina, and people in other areas of the State as well.

I also intend to press for immediate consideration of a solution to this grave and growing problem which I have proposed, and which has been endorsed **by** others in this Chamber today and by Members of the Senate.

That proposed solution is a constitutional amendment to prohibit the assignment of students to a particular school on the basis of race, creed, color or national origin.

Joining with me in this effort are many of my distinguished colleagues representing constituencies not only from the South, but also from New England, the eastern seaboard and the industrial Midwest.

It is our intent to impress upon other Members of this House the severity of the problem, the value of the solution I have proposed, and the urgency of our need to act, and act effectively.

In his column, Mr. Kilpatrick expertly identifies all that the simple word "busing" has come to connote. He writes:

> The term "busing" has come to mean a great deal more than the mere physical transportation of pupils from Point A to Point B.
>
> In today's lexicon, it connotes such measures as "pairing" and "clustering" and "closing," and by extension, it takes in all the problems of discipline, white flight, and school-community relations that afflict southern school systems today.

Mr. Kilpatrick cites the example of Austin, Tex., where the Department of Health, Education, and Welfare has demanded imposition of a plan that would give each school the same ethnic mix of the city at large—64.5 percent white, 20.4 percent Chicano, and 15.1 percent black.

After describing this situation, Mr. Kilpatrick concludes:

> This is education? No. This is madness.

And madness it is, Mr. Speaker. Public education in the South has been in turmoil for years. A whole generation has gone from the first grade through college amid chaotic conditions brought on by court-ordered social experimentation.

In 1954, the Supreme Court ruled that the assignment of students to public schools, on the basis of race, was unconstitutional.

In 1971, the Supreme Court ruled in effect that anything other than the assignment of students to public schools on the basis of race was unconstitutional.

Caught in the middle of this judicial about-face are millions of American schoolchildren, who have no voice in this issue at all. Even worse, not even their parents have a voice, and this, to me, is an intolerable situation in a country that professes democracy.

But if the children cannot be heard by the courts, they have certainly caught my attention with the many, many letters they have written me on the subject of busing.

One young lady from Winston-Salem, where massive busing and school clustering has been ordered by a Federal court, wrote me recently with her views of the situation. She enclosed another letter which she requested I read to the Congress.

In part, the letter reads:

> DEAR CONGRESS: The representative from my district has urged you to enact his proposed constitutional amendment prohibiting the assignment of pupils on the basis of race. Before making a decision, please listen to someone who is in the midst and is suffering from the busing of students.
>
> I am a senior and have been going to East Forsyth. Maybe that doesn't mean very much to you. It means an awful lot to me. Maybe it's because I can't look forward to the night of the Senior Prom from East or the night which means so much to me—the night of my graduation.
>
> Sure, I can graduate, but I can't look forward to it. You see, I'm one of the unfortunate 15,000 students to be transferred from my school. I am deeply involved in my school, and this is not giving me a fair chance to take pride in the honors I received in the 11th grade.
>
> I'm having to leave behind my place on the school's drill team, my membership in a singing group and in an honor group. I have worked so hard to help make my school one of the best. Now it was all for nothing.
>
> Do you think this is fair, to the school and individuals? I've heard there will be no sports in the schools. What is a school without any spirit, and what is spirit without any sports?

Mr. Speaker, this young lady's letter raises the same concerns that have been raised in dozens of other letters I have received in the past few weeks.

Nowhere in the court decisions is there any consideration for the unsettling affect that forced busing has on the people who are actually being bussed. This is simply further proof that American children are mere pawns in a game enjoyed only by judges and bureaucrats, neither of which is in any direct way responsible to the people whose lives they are so effectively disrupting.

As one young man put it in another letter to me:

> I think it's really bad when Americans allow themselves to be pushed around by a bureaucracy.

I think it is "really bad," too, Mr. Speaker, and I think it is time we put a stop to it.

And it is an unmistakable fact that parents as well as students agree with me by an overwhelming margin. In a recent poll taken by H. Long Marketing Poll, Inc., from a representative cross-section of the people of North Carolina, a full 83-percent said they disagreed with the Supreme Court's decision in the Charlotte case, which paved the way for massive busing and student reassignment.

One parent who wrote me expresses a sentiment that is widespread. He says:

> It seems that all justice, commonsense and economical practices have been abandoned to achieve what one man feels is racial justice (speaking of a federal judge). I feel that if a vote was taken among the citizens of our country, a majority, black and white alike, would prefer to stay in the neighborhood school system.
>
> How is it, then, that one individual's objection can cause this whole (busing) situation to come into law?

Mr. Speaker, I think that is a fair question, and one that deserves an answer.

Another question being asked, especially among local government officials, is, "Where is the money for all this busing going to come from?"

So far, Mr. Speaker, there is not an answer for that one.

One suggestion being made in my area is a 1-cent increase in the local sales tax, to be imposed principally to finance the large costs entailed in massive busing which will cost approximately $2 million.

The local officials are talking about a referendum to approve the sales tax, but recent history shows that these referendums are meeting with less and less success all over the country.

And there is little reason for surprise when we heard of one bond referendum for education after another being defeated across the country. Why should the people be expected to shoulder another heavy financial burden to pay the cost of a program, like busing, which they strongly oppose?

The obvious answer is that there is no good reason for people to pay that kind of price. And there is a byproduct of that refusal just as obvious. By opposing additional funds for housing, people are having to abandon any effort to provide additional funds for more fundamental educational needs—better teacher's pay, more school construction money, and other educational improvements.

But the cost is not only staggering in terms of money. As I noted before, a heavy toll is being paid by the children involved, through the inconvenience of being bused as much as 40 miles a day to school and back, and through the disruption of having to leave behind friends and activities that have played a major role in their young lives.

Additional costs will ultimately be paid in the loss of qualified teachers, already under financial strain because of below-average salaries, and now beginning to feel emotional strains brought on by the disciplinary nightmares that forced busing has fostered.

The Winston-Salem/Forsyth County schools complied last year with the Federal court order to integrate. The system did so at great expense. This year they are having to start all over again, to come in line with the Supreme Court's Charlotte decision.

And if the Court demands even greater increases in integration next year, the pattern will be repeated.

And where are the teachers all this time? They are still waiting for well-deserved pay increases while the school system buys new fleets of buses. They are still trying to cope with a volatile emotional situation while the courts have more coals on the fire and pour more salt on the wounds.

But the teachers cannot be expected to simply stand and wait much longer. Even the most devoted teachers must feel the temptation to go into more lucrative fields, where the pay is better and where tensions are infinitely more relaxed. This is an ambition that is only human, and one that appeals to more and more teachers as the school situation grows worse.

Some of these teachers are going to private schools, and private schools have shown a marked increase in this country in the past 2 years.

Will we, in the name of quality education, destroy a public school system that is the envy of the world? Will we sacrifice our best teachers? Will we so distort our aims that only the rich will be able to afford an education for their children, as is the custom in the world's less developed nations?

This is a senseless course we are on. We must choose a new road, and choose it now. We, in the Congress, have the power to set this new course, if we will only heed the people's expressed will.

And let us remember, Mr. Speaker, that we are not speaking of a mere regional issue. Opposition to busing has been outspokenly expressed nationwide.

I will have a closing statement to make at the conclusions of this special order, Mr. Speaker.

At this time I would like to yield to my colleagues who wish to speak on this issue, and to thank them for waiting long and patiently through this long day's activity. Certainly, this is an indication of their great concern for the survival of our great educational system.

And now I am happy to yield to my distinguished colleagues who have waited patiently to participate in this special order—certainly through an indication of their great concern for public education.

Mr. LENNON. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. I yield to my distinguished colleague from North Carolina.

Mr. LENNON. Mr. Speaker, as the sponsor of House Joint Resolution 639, proposing an amendment to the Constitution of the United States to prohibit school students or teachers, because of race, creed, or color, being required to attend or to be assigned to a particular school, I join in this special order today on school busing.

The Supreme Court ruled on April 20, 1971, that school busing to achieve integration was constitutional. In my opinion, the decision is in contravention to the Constitution and to the statutes enacted by the Congress forbidding the Department of Health, Education, and Welfare to use taxpayers' money for busing to achieve racial balance.

What the Supreme Court has decided about busing does not make it mandatory or de jure segregation, as distinguished in all parts of the country. The April decision applies only to State-imposed from de facto segregation resulting from neighborhood housing patterns.

To me the Constitution says laws are color-blind. I believe persons of every color should be treated equally and have the same opportunities. It is as wrong to favor individuals because of their color as it is to discriminate against them for this reason. Let us require that all students be treated equally and not classified according to race.

The Supreme Court has usurped the power of the people to make lawful choices, and freedom of choice is the very heart of American liberty.

Most parents of every race prefer to see their children in schools near their homes. The neighborhood plan has proven to be fair, practical, and economical. It is a plan based on freedom of choice.

Requiring children to be unnecessarily bused across town in a race-mixing plan is not conducive to quality education. It is an expensive waste of time and money. I deeply deplore that our schools are considered a vehicle for integration rather than a place for educating our children.

Mr. Speaker, I urge prompt consideration of the proposed constitutional amendment to preclude the busing of students, because of race. This amendment is necessary to preserve our basic neighborhood school concept and to improve the quality of education for our children.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. I am glad to yield to my colleague, the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Speaker, I congratulate my colleague for his action today.

I am pleased to join my colleague from North Carolina to discuss a topic that involves the whole Nation today.

The Department of Health, Education, and Welfare to this day still seems more concerned about racial balance than about quality education that all children need from their teachers and their schools.

It has been my firm belief and the belief of most persons in my district, that desegregation has come a long way in the past 10 years, and if school authorities and parents are left alone, they can accomplish racial balance as well as harmony in the school districts.

Parents, teachers, and their school districts want to raise the educational level of all their children. This can best be done if there is positive assistance from all governmental units.

Mr. WHITEHURST. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. I would be glad to yield to my friend from Virginia.

Mr. WHITEHURST. Mr. Speaker, I wish to congratulate my colleague from North Carolina for the fine statement he has made and I thank the gentleman for taking this special order so that we might have this time to bring this issue before the House.

Mr. Speaker, I received a letter today from a constituent of mine in the Norfolk area and I would like to read portions of this letter which, I think, sum up the anxiety of the people in my district who are being faced with mass busing:

> DEAR CONGRESSMAN WHITEHURST: Stop this madness! Stop busing! Please work very hard to pass legislation to stop busing and return to our children the freedom to go to neighborhood schools. The following is my personal reasons why I am so concerned.
>
> The NAACP, the school board, and the courts expect me to cooperate to make busing work, when to do so, I would be totally irresponsible as a parent.
>
> I am expected to allow my shy, immature, asthmatic, 6-year-old, first-grade son to walk five blocks, which is farther away than the nearest elementary school, to catch a Virginia Transit bus for which I must pay. My son can't read, yet he is expected to be able to board the right bus twice a day and ride about 1½ hours each way to a dilapidated school which is 15 miles from his home. The school is surrounded by condemned houses.
>
> I feel that the only responsible solution to this outrageous problem is to enroll my child in a private school, which I can't afford.
>
> Please, I beg of you, work hard to correct this terrible injustice by the 1972 school year. If this situation isn't corrected by then, I will be forced to sell the home I've owned for 10 years.
>
> I will probably have to take a loss, as the property values in my neighborhood have hit rock bottom since the judge's decision treated the Bay View secton of Norfolk so unfairly.

And he goes on, and concludes his letter.

I think this very poignantly sums up the situation faced by thousands of families in the city of Norfolk. Over 20,000 children are going to be bused in September. What is going to be the result of this? I do not mean just the single case that we have just heard about in this letter. What about the practical problems that all of us as parents and all of our children are going to have to face?

What is going to happen to a sick elementary schoolchild? As it has been in the past when a problem of this sort arose, the parents were able to go to the school and pick up that child. Now we do not have enough buses to go around, and that child has to stay in the school all day.

As the gentleman in the well has pointed out so formidably, the neighborhood school is a product of the neighborhood, and it is a neighborhood institution. What is going to become of the PTA's that have heretofore watched what goes on in those schools, and the education processes in that neighborhood? We are going to see their demise. Can you imagine parents traveling 12, 15, or 20 miles into a neighborhood where they know no one? There is no question but what there will be a change of interest there.

Then think of the money that we are going to have to be spending for busing which we could more properly be spending to improve the schools where they are already.

Then what is going to happen next year, when the neighborhood patterns change? What is going to occur then? Are we going to sit down and redraw our districts on top of a new cluster?

We are playing musical chairs with our children and their education. What my constituent has said is true. This is madness. The final demise that will occur will be that of our public school system itself, because the people who can afford to are going to leave; they are not going to give up a basic freedom, the freedom of being able to choose their neighborhood, their churches, their shopping centers, and their schools. They are not going to give this up. We are seeing this occur already, we are seeing houses going on the market, and we are seeing and we will continue to see the decay of the city itself, the loss of tax revenues—the final demise is coming.

I know what my responsibility is, and that is why I am here this evening, standing here with my colleagues who feel very keenly about this. I think the only course that is left for us is the path of a constitutional amendment.

This morning a reporter called me, and he said, "I do not think you have a chance, you have not got a chance in the world." Well I think we do have a chance. I think we have a good opportunity to act through this amendment, and we will continue to work toward this goal just as we have tried to do in the various bills in which we have tried to express our views in the various legislative forms.

I say to my colleagues who are not here tonight, my colleagues from elsewhere in the country who do not need to bite the bullet, your turn is coming. We are going to be calling on you as soon as the recess is over, and we are going to ask you to join us in a discharge petition of a constitutional amendment to restore the neighborhood schools to our people. You are next.

I thank my colleague for yielding to me.

Mr. MIZELL. Mr. Speaker, I also wish to thank my colleague, the gentleman from Virginia (Mr. Whitehurst) for his contributions. His record in the educational field is outstanding and he has made tremendous contributions not only at the high school level, but at the college level as well. I know of his great concern to see our educational system continue to move forward, to make progress, and to provide the educational opportunities that are so important to the young people in this nation.

Again I thank him for his contributions.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. I yield to the gentleman.

Mr. YOUNG of Florida. Mr. Speaker, I thank our distinguished colleague (Mr. Mizell) for yielding.

I think he has done a really fine job in pointing out some of the problems that have come about in areas where the busing of students is required in order to carry out a court order and pupil assignment plan.

I think if we carry this as far as we might, we might arrive at the day not too many years away—or too many months away, even—when the final court decree might be the placing of school children on a bus with an educational television set in the front, and then driving the children around from neighborhood to neighborhood all day long just to give them a little touch of the social activities of these various areas.

I say that in jest. I would hope the day would never come that that would happen. However, in view of what we have seen in recent months, it could very likely happen—that or something just as ridiculous.

Mr. Speaker, the fight to preserve a public school system or neighborhood schools is not partisan, it is not racial, and it is not philosophical.

To give you an example, there was a rally of concerned parents in my district just last Saturday night in St. Petersburg, Fla. More than 3,000 people attended the rally and there they heard statements from elected officials, from the schoolteachers, and from Boy Scout officials, as well as written statements from Senator Lawton Chiles, of Florida, and Senator Edward Gurney, of Florida. Senator Chiles, as my colleagues know, is one of the leading Democrats in the great State of Florida, and Senator Gurney is one of the leading Republicans in the great State of Florida.

So I say to you again it is not a partisan issue—this battle to preserve our public school system and our neighborhood schools.

It is not racial, as my mail will indicate—and believe me, I have had some thousands of unsolicited and unorganized types of letters and post cards on this issue pour into my office since I have had the privilege of serving in the U.S. Congress this year. These letters and cards are from parents of white children and they are from parents of black children and they are from the children themselves—I can say to you that parents of black children do not like these pupil assignment plans and forced busing any better than do the whites.

I say to you it is not racial, nor is it philosophical. If you will just look at the names of the sponsors of the various House resolutions and the proposed constitutional amendments pending before this very House today, you will find the philosophical spectrum covering one end to the other—liberals, conservatives, whatever you might like to call them, the philosophies are there—they are all represented by cosponsors of a bill or a resolution or an amendment to the Constitution to correct this situation.

So I say that the battle to preserve our public school system or our neighborhood schools is not partisan and it is not racial and it is not philosophical. Rather it is responsible and it is logical—aside from the savings in money that our colleague, Mr. Mizell, mentioned.

Think for just a moment of the young child starting in public school. And I think this is a point that is too often overlooked. For when he begins his career, you might say, in public school, he is for the first time in his life getting a real exposure to life outside of the family and outside of his neighborhood circle of friends. He is getting his first real exposure to the responsibilities of citizenship and what those responsibilities of citizenship are—not only in the classroom where he is under the formal control of a teacher, but during the recess and especially during the after-school activities, when he may play, or get into a Boy Scout troop, or become a member of a band, or play football, or belong to a service club or civic club. He is getting the idea of what civilization is all about outside of his home. He is finding out what his civic responsibility to the other students is.

I say to you that the neighborhood school is very important, not just so far as reading, writing, and arithmetic are concerned but as the scene of a youngster's first exposure, outside the home, to the real responsibilities of citizenship.

Mr. Speaker, I would like to close my comments by saying that practically all of the bad things connected with busing have come from the rulings of the Federal courts based on one segment of our Constitution. I strongly support that Constitution, as do the rest of my colleagues in the House of Representatives, but I very respectfully submit that they have overlooked a very important part of our Constitution.

Mr. Speaker, I would just like to read the one sentence—the preamble to the Constitution—and these are the words that tell us why we even formed this Government and why we even wrote this Constitution in the first place. The preamble to the Constitution says:

> We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

I go back, Mr. Speaker, to these three words: "insure domestic tranquility." I ask you to look around the United States today. Look around in the Southern States, especially, in the Midwestern States, and, yes, even in some of the Northern States, as time goes by; I ask you to look at St. Petersburg, Greenville, S.C., and some of the many cities we can talk about, and I ask you where is that domestic tranquility guaranteed to those young children who are formed to be bused out of their neighborhood areas to schools many miles away, to schools where they will not have an opportunity to participate in the important activities that go along with being in school? Where is there domestic tranquility? I think that is the important question.

I say to you, Mr. Speaker and my colleagues, that our classrooms are for the purpose of educating our children, and this Congress has the responsibility to guarantee that they not be turned into laboratories for the social experiments of some tinkerer sitting on a Federal bench who would like to plan, propose, suppose, and do what he could socially in this great Nation.

Mr. MIZELL. I thank my colleague from Florida for his contribution. I know that he had another engagement that was pressing this evening, but because of his great concern he has waited these long hours. I thank him for his remarks.

Mr. FOUNTAIN. Mr. Speaker, will the gentleman yield?

Mr. MIZELL. Before I yield to my colleague from North Carolina, I would like to say that I appreciate the dean of my delegation from the other side of the aisle waiting patiently. He is here because of his concern. I appreciate the gentleman staying to participate in this special order this evening. I yield to the gentleman.

Mr. FOUNTAIN. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from North Carolina, for yielding, and also for his very kind remarks.

Mr. Speaker, I want to commend my distinguished colleague from North Carolina for spotlighting the problem of cross-town and cross-community busing of schoolchildren. And I would like to associate myself with his remarks.

Mr. Speaker, the problem we are focusing on today is nationwide in scope—not regional. If carried to the ultimate conclusion, as its backers seem bent on doing, busing to achieve racial balance will affect almost every school child in America, from coast to coast.

Make no mistake about it, this is the year of the bus and the years that lie ahead will also be years of the bus, unless responsible action is soon taken.

This fall additional thousands of schoolchildren in North Carolina and elsewhere will be forced to waste millions of hours of valuable learning time in order to take daily rides through heavy, rush-hour traffic at the command of the Federal Judiciary. In addition, hundreds of millions of dollars will be spent in truth and in fact wasted.

To other tens of thousands of children, these unnecessary expensive rides will be no new experience, just a repetition of what has gone on before.

Bear in mind that these children will often be riding past the doors of not just one neighborhood school, but perhaps even two or three, in order to participate in a doubtful sociological experiment by attending a school far removed from their homes. In fact, many thousands will be leaving schools next door, across the street, or within short walking distances from their homes.

Additional dozens of North Carolina school districts must now place their students in this same illogical predicament as a result of the latest judicial fiats. Whether or not it will be humanly possible for them to do so within the time allowed is a $64 question, but, of course, they will try. Nonetheless, voters cannot be forced to approve bond issues for school facilities they neither need or want. Yet, if they do not, our children suffer the consequences.

In the past we have adopted numerous legislative amendments against busing to achieve a racial balance, adding them to appropriation bills as well as authorizations, but none has proved effective. Ingenious legal reasoning has been used to evade the intent of the Congress in this regard. As one HEW memorandum put it:

> These provisions are not applicable in the case of a school district which is being required to take action to complete the process of desegregating its schools. In such a case, the action taken is not to "overcome racial imbalance" but rather to carry out the Constitutionality required actions of dismantling the dual school system.

In other words, the antibusing amendment was interpreted in such a way that it did not apply in these cases where the Congress intended it to apply. And so it meant exactly nothing.

Clearly, if we do not wish to allow our vitally important public school system to deteriorate even more than it has, and the most precious crop we grow—our children to suffer the consequences, we must take steps to amend the Constitution of the United States.

In this connection, the House Judiciary Committee now has numerous constitutional amendments before it, which speak to this point. For instance, House Joint Resolution 628, which I introduced on May 11, 1971, would, if adopted, clear up the confusion we are now in and get our schools back on the track.

My amendment reads:

> No governmental authority shall at any time, nor for any purpose, shape, determine or prescribe attendance assignments in public schools on the basis of race or color.

But the Judiciary Committee has not yet taken any action. I urge the committee to act soon to allow the House of Representatives to work its will on one of these measures. When they do, I shall do everything within my power to secure the passage of my own resolution or any other responsible measure which would accomplish this desperately needed goal.

The children are suffering from irresponsible busing; quality education is seriously endangered by the deterioration process, and the fate of public education is at stake. Our Federal courts and nonelected bureaucrats have therefore taken it to the brink of disaster. The punitive, discriminating, vindictive use of busing just must be stopped.

In the meantime, however, it is truly interesting to observe the rapidly changing moods and attitudes of some of the Members of this body—especially those who have so piously voted, time and time again, to dictate the manner in which the public schools of the South are to be operated. Their own school systems are now about to become victims of their misguided actions against the South.

Mr. MIZELL. Mr. Speaker, I thank my colleague, the gentleman from North Carolina.

Now, Mr. Speaker, I yield to the gentleman from Louisiana, who has waited so long.

Mr. RARICK. Mr. Speaker, I am most appreciative of the gentleman from North Carolina (Mr. MIZELL) for his leadership in obtaining this special order so that we might have a chance at bat in order that we can collectively help focus attention on this evil of busing school children which threatens the safety and security of the people of our Nation. I also want to thank the gentleman for yielding to me so that I might be able to add my thoughts and observations to his special order.

As the fall school session approaches, more and more parents will become personally affected by busing through implementation of the unconscionable Swann against Charlotte-Mecklenburg Supreme Court decision to bus school children out of their neighborhood to achieve some theoretical ideal through statistics of racial balance.

Many parents who have paid for one community school system in a settled neighborhood are now learning that their children are to be denied the use of their neighborhood school. Parents who paid high real estate premiums to select their community and environment are being told that their children must be bused away to a neighborhood in which they would never choose to live nor near their family.

Other parents who have fled the cities because of violence, fear, and chaos—subtle excuses for anxiety provoked by the liberals' race-mixing solutions to law and order—are now learning that the race mixers are going to hunt them down in the suburbs, kidnap the children of these hard-working, taxpaying, silent Americans, and transport them by buses back to the inner city to be used as teaching aids for further classroom experimentation. And all of these latest torture tactics are programed so that some bureaucrat can satisfy himself that he has punished the human race by forcing them into an unnatural relationship of racial proportions.

From the polls taken in my district and from letters I have been receiving from around the Nation, no one seems to want busing except the Supreme Court, the egalitarian socialists, the manufacturers of school buses, and a few foundation-financed, so-called civil rights organizations whose fascism is beginning to show as they assume the dictatorial position that they are better-informed as to what is good for the youth of America than the parents and local educators.

What disturbs me most is that many of our colleagues are writing to these frantic, frustrated parents who are beginning to feel the pinch of socialistic control over their children and telling them that there is nothing Congress can do because the Supreme Court has spoken. This is completely erroneous and misleading, unless they are prepared to admit that the Constitution has been overthrown and that Congress is no longer the lawmaking body. Or they confess that Congress does not control the purse, but rather has been reduced to a rubber stamp existing solely for the purpose of raising revenues to finance the new socialistic endeavors being forced upon our people by guidelines, executive orders, and de facto legal decisions. Congress controls the purse. Congress is the hall of the people. Congress had a chance to stop the school busing just last week but failed to do so because there were not enough Members who had been listening to the parents back home in their District.

On July 27, an amendment was offered by Congressman THOMPSON of Georgia to delete a portion of the $12,000,000 allocated in the Labor and HEW appropriations bill, earmarked in part for enforcement of the Swann busing decision—including, of all things, over $1,000,000 from social security trust funds.

Without even commenting on the legal gymnastics, the Supreme Court went through to arrive at its legislation of busing to achieve racial proportions, I can honestly say that I have never received a letter from any of my constituents of any shade or color who agreed with the decision or indicated that they wanted to spend any of their hard earned tax money to be whipped into line by additional busing directed by the Office for Civil Rights.

A poll in my district showed approximately 2 percent favored busing. This 2 percent were white upper-class people who entertain idealistic theories on equality—they put their children in private schools.

Those who can afford it, those parents who make great sacrifice still have freedom of choice—private schools. No one wants this busing of schoolchildren. The parents and taxpayers have grown weary of financing the destruction of their community school systems. What will they now think when they learn their social security trust funds are also being considered as funds to bus their children?

The cities are already wailing about financing woes from too many racial experiments. Busing will further aggravate the situation by requiring the cities to finance massive numbers of buses and additional employees.

Certainly the Members of this body who were so laudatory in praise of the Civil Rights Act of 1964 recall that definition (b) of 42 U.S.C. 2000 C reads:

> But desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

The civil rights bill has never been declared unconstitutional, although the matter has been to the Supreme Court; therefore, it is the law of the land as provided in article VI of the Constitution:

> This Constitution and the Laws of the U.S. which shall be made in pursuance thereof . . . shall be the supreme law of the land.

Busing to achieve racial balance is therefore illegal and is in violation of the Civil Rights Act.

I also remind the Members that in the appropriation hearings, the civil rights director also announced his intent to use these funds to extend the busing concept to higher education, thereby denying to some college students the right to seek their campus.

To approve of this busing appropriation, knowing in advance that the taxpayers' dollars will be used in carrying out the de facto busing laws of the Supreme Court in direct contravention of the law of the land was not only a breach of the oath of office but also a mockery of the existing laws already enacted by this Congress. Some Members are reluctant to support our own laws.

I am reminded of Thomas Jefferson's Bunker Hill analogy on the "independence of the judiciary" trampling on the "independence of the legislature." If the States and Congress were to defy the Constitution, who then, if not the Supreme Court, would defend it? The answer is most obvious—the people. The people can get at legislators who defy the basic law on each election day and replace them. But there is no election day for the Supreme Court. The more serious question arises, "Who will defend the Constitution if the Supreme Court abuses it?" The answer is obvious. The Congress. The power of the purse rests with us here in Congress to delete all funding for any agency until it assures Congress that it will obey the laws of this legislative body and the Constitution, not de facto laws enacted by raw judicial power. This is the solemn responsibility of each of us who believes in maintaining the "independence of the legislature."

Unfortunately, so few of our colleagues expressed an interest in the appropriation to the Office for Civil Rights for busing—only 14 Members of the 435 stood—that no recorded vote could be obtained so that people at home would know who the busing Congressmen are.

Congress alone has the power of the purse. If Congressmen defy the Constitution and betray their trust to the people, then it remains to the people to defend the Constitution.

This the people can do by reminding their elected representatives that there was something that could have been done to stop busing and to prevent taxpayer-financed enforcement of de facto Supreme Court decisions. There will be other opportunities if the people demand protection.

If the people get the word that there are Members of Congress playing "footsie" with Federal judges and unelected bureaucrats—to fund enforcement of illegal theories such as busing—we can expect to see new faces in Congress next term.

The voices we now hear are no longer limited to the anguish of Southern parents. Busing is no longer a nightmare confronting someone else's child—busing has become an American dilemma. It will be solved by the American people.

Those in positions of responsibility who do not listen—who do not hear—do so at their peril.

I yield back to the gentleman from North Carolina.

Mr. MIZELL. Mr. Speaker, I thank my colleague and friend from Louisiana for his very pointed remarks with regard to this situation.

Now I would like to yield to one of the freshman Members from Tennessee whom I have the privilege of serving with on the Committee on Public Works. I have developed a great admiration for this distinguished Congressman, so it is with high delight that I yield to him at this time.

Mr. BAKER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I want to commend the gentleman from my neighboring State of North Carolina. He has distinguished himself in the sports world in this Nation, and now he is certainly distinguishing himself as a Member of this Congress by the wisdom which he injects into our proceedings.

Mr. Speaker, ours is the wonderful and radical ideal of educational opportunity for everyone. We continually strive for new standards of excellence. Yet, we are now watching many of our public schools go right down the drain.

Across our Nation, an outcry of ills can be heard, overcrowded classrooms, drugs, disruption, violence, changing ethnic patterns, increased racial tension, failure to obtain local financial support, et cetera.

And now we have the Supreme Court handing down another concept; "that in order to prepare students to live in a pluralistic society, each school should have a prescribed ratio of Negro to white students."

Most people will agree that students should be prepared to live in a pluralistic society. But are there not better ways to help our youngsters to become aware of the differences in individuals and develop a respect for those unique differences which make up the wonderful pluralistic nature of our society?

In the Los Angeles case, the Charlotte case, in my own district the city of Chattanooga, the ability of the courts to determine that a particular action is constitutionally required allows that court, without complete knowledge of school district needs, to set priorities in the allocation of resources.

Before these and other decisions, busing was one of a number of possibilities for which the school district might spend its money. It might have gone for teachers' salaries, the purchase of teaching materials, the construction and/or rehabilitation of school buildings and classrooms, the provision of special programs and the like. But these decisions elevated busing above all other purposes. The prime educational needs have not been ruled constitutionally invalid, they have simply not as yet been required by a court as constitutionally necessary. Therefore, teachers' salaries and classrooms and equipment and other functions and obligations of the school board must take second place behind a purpose which the court has now required.

Now, I do not think for one moment our judges are intentionally heartless, but they certainly do not—cannot—know the individual and unique facts and problems involved in each and every school district.

We have jurists assuming the roles of educators, bureaucrats assuming the role of parents, and the concept of the neighborhood school being destroyed.

We already know that our schools are trying to cope with inadequate operating budgets and now they must develop plans for busing, for pairing, for clustering, for closing. We see our children being used as pawns, school buildings lying vacant, students uprooted from their neighborhoods and forced into new and strange situations, a vast disarray of educational plans, and cluttered conflict in our schools.

Trapped in a numbers game, we see educators no longer educating. They must work out all these plans for racial balance—closing some schools, buying buses, transferring records, moving furniture; the sheer logistics of complying with these court decisions are staggering. Our educators have to spend so much time fitting our children to the computer's ratios, they simply will not have time to educate, to help our children fulfill their potential as marvelous individuals.

After long years of wasting time and money, we finally got around to eliminating assignment by color and busing children to keep them separate, only to come around just about full circle to assignment by color and busing to put the children together by set ratios.

We have taught the Constitution to say the law should be color blind. We came to believe each person, regardless of the color of skin, economic status or religious belief, should be treated equally and given the same opportunities. Now the courts tell us we must be color conscious, that our children must also be color conscious.

Since the courts feel there is a legal distinction to be made between Americans of different skin color, will the courts also define color for us? Are we to draw up legal standards about skin tones as is done in South Africa? Do we check their genealogy for several generations back before assigning our children to their appropriate schools?

Massive forced busing of our schoolchildren to create artificial racial balances can also, I would like to point out, have a tragic impact on our youngsters and their school programs. Education is more than class instruction. It means clubs, bands, sports, the cementing of lasting friendships. Now our children are denied the right to attend their neighborhood school and are shifted to schools at the other end of town.

How can they participate in any extracurricular activities. Instead of clubs or band or batting practice, they must rush to catch their buses. Do these children not mean anything as individual human beings? Are they only statistics to be shifted around to fit the percentages worked out by machines?

Vermont Royster's article "Forced Integration: Suffer the Children" appeared in the Wall Street Journal over a year ago, in February of 1970. His comments remain valid today. Pointing out that the Government would not dare to shove adults around as it wants to shove little children around, he wrote:

> The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.
>
> There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is for one thing, wasteful of time, energy and money that could be better applied to making all schools better.
>
> To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.
>
> Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Mr. Speaker, I include the article from the Wall Street Journal in the RECORD at this point.

[From the Wall Street Journal, Feb. 26, 1971]

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice has congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose that the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing, together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has had the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus boldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one, child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK?

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure to forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

It we grasp the distinction, we will follow a tragic failure with a giant step. And God willing, not just in the schools.

Is this social experiment worthy of trial, as the courts seem to think? Even if, through the need of understanding, our communities are going to be destroyed? How do we establish our priorities? What about the learning situations we are developing? Can young and tender minds be exposed to the turmoil generated by adult attitudes and backgrounds? Ought they be the guinea pigs in this attempt to correct the problems of the past and still construct adequate learning situations? I have very serious reservations about the extent of conflict which can exist and still produce the objective results the court foresees. What parent wants to expose his child to tense situations, to cross-busing, not knowing what kind of restrictions and supervision will protect his child? We want our children to be ready for, to participate fully in, this pluralistic society—can we achieve that end result at this time, in this manner, with the emotions and circumstances now involved?

I cannot view the busing of children under the guise of improving education by achieving racial balance as anything but "phony." Forcing children together is not going to improve the situation. Busing is a mere surface effort, not a solution to the overall problem.

Antidiscrimination and freedom of choice are basic to the American way of life. Regardless of the attitude of the intelligentsia, a person cannot be forced to learn unless he is properly motivated. We must get to the root of the problem by creating a desire within the community to motivate an individual to study and learn—to understand and to contribute to that better world we all want.

I have urged my constituents to respect our recent busing ruling and to approach the controversial problem with a mature mind and heart, with a dedication to preserve peace and tranquility in our community. We must make the best of the situation. Yet, each parent must determine how best to serve the interests of his children. After all, quality education should be our goal, and it should take priority over any kind of cross-busing social experiment.

If the Supreme Court correctly interpreted our U.S. Constitution in making its decision, I agree with the gentleman from North Carolina: the Constitution must be changed to reflect our basic protection of individual rights, our basic philosophy of local control of our public schools, and our local responsibility for our schools.

I thank the gentleman from North Carolina for yielding.

Mr. MIZELL. I thank my colleague from Tennessee for his contribution and certainly for his awareness of what is really at stake in our public schools. His remarks lend weight to the question we are considering here this evening.

Mr. Speaker, I thank all of my colleagues who have spoken so well on this subject which concerns all of us so deeply.

Mr. MINSHALL. Mr. Speaker, as a cosponsor of House Joint Resolution 646, the constitutional amendment to prohibit mandatory school busing, I was most impressed by a letter I received this morning. It states succinctly and well the reasons why most parents of all races and incomes oppose such busing.

My correspondent refers in his letter to House Joint Resolution 777, an amendment identical to the one cosponsored earlier this year by my good friend the gentleman from North Carolina (Mr. MIZELL), myself, and several other Members of the House. I urge the attention of those who have not carefully considered all of the ramifications of school busing to give thought to Mr. Grisham's objections, and I particularly urge members of the House Committee on the Judiciary to weigh the damage such busing may do to the Nation's children.

I want, also, to extend to my colleague, Mr. MIZELL, my good wishes and continued support for adoption of this very important amendment to the Constitution.

The letter follows:

NORFOLK, VA.,
July 28, 1971.

Hon. W. E. MINSHALL,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. MINSHALL: I apologize for the use of a form letter, but due to the pressing problem and the shortage of time I have no other alternative.

As an Ohio resident and voter, I feel obligated to voice to you my opposition to the Supreme Court ruling to bus our children miles from home for the sole reason of racial balance.

I am a Navy man stationed here on official orders. Six years ago I purchased a home for my family in an area that is very convenient to a church of our faith, an elementary school and a junior high school. All are within walking distance of our home. Now, due to the Supreme Court ruling, they will be required to ride a city bus ten miles—almost to downtown Norfolk. School will begin at five different times, ranging from 7:00 a.m. to 10:00 and will dismiss at five different times. During the winter months, our children will be on the streets before daylight and after dark.

I am not opposed to equal rights for Negroes. I feel this should have happened long ago. I sincerely believe that most of the Negroes feel as I do about the children being bussed back and forth across the city every day. It creates not only a financial hardship upon the parents, but more important, it causes an emotional disturbance within the children because in many cases they are separated from their brothers, sisters, and friends. There is a family near me that has four children, with each child attending a different school. No thought has been given to the safety and welfare of the children. Common sense tells you that you would not place a small child on a bus and permit him to travel unescorted. Crime and accident rates are soaring higher and higher each year.

As member of the armed forces, I am not permitted to express my opposition by public demonstrations. Speaking for myself, I cannot afford to be jailed, robbed of the rights to use the schools in my area, nor can I afford to place my children in private schools and continue paying taxes at the same time.

This is supposedly a "free country" in which the rights and opportunities of all men are considered equal. Many thousands of emigrants come to our country each year for this reason. What gives the Supreme Court the privilege to DICTATE to me where I MUST send my children to school? I realize there are many emergencies which may arise in our schools which could cause a temporary change in school schedules . . . fires, floods, epidemics, shortage of teachers, etc., but I do not think that the Supreme Court should be permitted to disrupt a nation by shifting children around the schools as if they are furniture. With the Negroes now having equal housing opportunities, the racial balance in the schools will take care of itself . . . maybe a little slower than the NAACP would like, but at least very few of the disadvantages stated in my previous paragraphs would arise.

I would like to voice my support of the following resolutions: H.J. Res. 777, July 12, 1971; S.J. Res. 112, June 9, 1971.

"ARTICLE —

SECTION 1. No public school student shall, because of his race, creed or color, be assigned to or required to attend a particular school.

"SECTION 2. The Congress shall have the power to enforce this article by appropriate legislation."

There are many servicemen who are Ohio residents and voters stationed here in Norfolk, and the surrounding area. All of our children are affected by this amendment. There are many families that feel as I do, but for some reason they do not know how effective a letter can be. In behalf of those who do not write, my family and I would very much appreciate your support in helping to restore our neighborhood schools.

Sincerely,

RICHARD E. GRISHAM.

Mr. DANIEL of Virginia. Mr. Speaker, in the basement of the Longworth Building, on the wall of the House Stationery Room, hangs a poster. It is beautiful. Against the blue-and-purple sky of early evening, the alabaster-white dome of the Capitol stands out sharp relief. Above it are printed these words:

Here, Sir, the People Govern.

In the interest of honesty, I submit there should be added:

Providing it is in accord with the wishes of the Federal courts and certain bureaucrats.

It would not be nearly so dramatic, but it would certainly more accurately reflect the facts.

We are here today to discuss the subject of busing of schoolchildren, for whatever distance decreed, in order to effect a percentage balance of the races within a school district, or—if the need be—a combination of districts.

This is a subject we should not have to discuss. The Supreme Court's first decision regarding race and the schools said simply that, in the Court's opinion, separate-but-equal schools were unconstitutional; it made no mention of the forced integration or of methods to achieve integration. The 1964 Civil Rights Act specifically provided that integration does not mean the busing of students to achieve racial balance. The House of Representatives, through specific language written into last year's Office of Education appropriation bill, made it quite clear that the funds so appropriated should not be used for the purpose of busing. It made no difference. No one within the Federal court system or the Office of Education's bureaucracy paid the slightest heed.

There is much that I could say—indeed, there is much I have said—on the subject of busing. Instead, let me share with you what others who live in the Commonwealth of Virginia and who are living day to day with the problems created have to tell us.

One family stated it this way.

> As parents with two young daughters, eleven and six, we feel we must write to express our concern with the end of neighborhood schools and the forced bussing of our children for sociological reasons. Bussing of children for considerable distance to strange schools in unfamiliar neighborhoods cannot possibly serve any useful purpose. Certainly the need for quality education is not met in this manner.
>
> We would ask that you take all steps possible to restore sanity to our school system. Please support any and all legislation to amend the Constitution. Then maybe once again we will have our rights as citizens restored.

Or another:

> The Constitution of the United States was established in part to "insure domestic tranquility . . . and secure the blessings of liberty to ourselves and our posterity." The unnecessary busing of our children to a distant school is a matter which we consider with a complete lack of tranquility, and cannot classify as a blessing.

And yet another:

> As concerned parents of three school-age children, please help us to save our neighborhood schools. We live within one mile of an excellent school and our community has worked hard to make this school a model for our area. We are so proud of this school that we would like for you to come and visit.
>
> What can be gained by taking our children away from their neighborhood and familiar surroundings to a school ten miles away? Who would be responsible if our children are hurt going to or from or *at* school? Why should we pay, with our tax money, to send them this distance? Why isn't this done in Northern cities?
>
> These are *our* children. We have struggled to see that they had proper medical attention, a balanced diet, a Christian background, a neat physical appearance, and a clean, pleasant home in which to live. We feel that *we* have the right, as honest, hard-working taxpayers, to select the school our children will attend.
>
> Please help us. We feel so desperate and helpless at this time, as each day our concern grows for our children and our entire school system.

Well and good, you say. These parents do not like busing, and want no part of it. But let us be fair; let us quote some letters from those who do approve of busing. I am afraid you will have to go elsewhere for those letters. Not one letter have I received from a parent who felt busing was desirable, or that there was good to be gained from it.

Millions of people are greatly concerned about the future of their schools. The confusion brought about by decisions in the courts and the administrative councils have made it difficult, if not impossible, for teachers in the classroom to perform their responsibilities in the most effective way. The taxpayer is contributing billions of dollars for our schools and at the same time witnessing an erosion of their total impact. Something must be done. The taxpayers will not continue to support increased education expenditures to implement policies to which Congress and the majority of the people are opposed.

As we are all well aware, the Constitution does not require busing of students to provide for racial balance, nor has Congress enacted a law requiring it. The idea of busing is purely a figment of the Federal judiciary, aided and abetted by bureaucrats who sit in Washington and dictate the operations of school districts across the land.

This maze must have an ending somewhere. It cannot be allowed to wreck our schools. To outlaw forced segregation is one thing, but to force percentage balance in the schools by totally artificial means is something else. Congress cannot be much clearer than it has been. The House is clearly in favor of the right of parents to determine, within the law, the school to which their children will go. Those who are most affected by this—our children—do not have a vote, and are merely pawns in a power game that must be stopped.

Following the Supreme Court's ruling in the Charlotte-Mecklenburg School cases, a friend of mine—a lawyer—shared with me a letter he had received from a colleague who had devoted considerable time to the subject. I offer a portion of that letter:

> The Court's decision is that, for a time undefined and to an extent undefined, the attendance of children at public schools may be shaped and prescribed solely according to race and color. The Court has adopted the philosophy that wherever there has been an old State compulsion based on race, there shall now be a new Federal compulsion based on race—that the Constitution of the United States so requires—and that the Constitution gives no individual any protection against the imposition of this new racial compulsion.
>
> Against this "interpretation" of the Constitution there is now no relief except to write into that Charter an explicit provision to the contrary.

Along with many of my colleagues, I have sought to have just such an explicit provision written into our Constitution. I believe in the Constitution. I believe it is just as valid a document as it was when it was drafted almost two centuries ago. But I believe when the few use it to impose their will upon the many, it is time to amend the Constitution to reflect the wishes of the people.

I have sponsored and supported legislation to bring about this change. So long as it remain the obvious will of the overwhelming majority of the people I represent that such an amendment be made, I shall continue to fight to return control of the destiny of their children to the people of this country.

Mr. NICHOLS. Mr. Speaker, I come before my fellow colleagues today to express my views on the urgent problem of busing which is facing our schools in selected parts of the country and in particular, the congressional district which I have the privilege to serve. The whole issue of busing is one which is charged with emotion, and I think that it is time for the Congress to reflect upon this matter in a cool, calm, and rational manner. The overwhelming majority of people in the Fourth Congressional District, both black and white, appear, to me, to be opposed to the idea of busing.

Let me briefly review the concepts of "de facto" segregation and "de jure" segregation. As I understand, we in the South, have had the "de jure" type of segregation—that is to say, segregation has been sanctioned under the laws of the State. With the advent of the civil rights movement, these laws have been struck down by the Federal courts, until "de jure" segregation, in fact, does not exist.

Now let me turn to "de facto" segregation, a term certainly familiar to my colleagues who reside north of the Mason-Dixon Line. In essence, "de facto" segregation is simply "segregation, in fact." The Northern States of this great country of ours, always claiming to be more enlightened than their sister States to the south, abolished any State vestiges of "de jure" segregation—that is, segregation by law. However, the abolition of these laws did not at all mean that segregation, in fact, was abolished. What now exists in the northern sections of our country is the embarrassing phenomenum of "de facto" segregation which has arisen due to the residential living patterns of the people in the North. Now, certainly, no one would even dare speculate that our friends to the north could possibly harbor deep in their hearts and minds the least trace of racial prejudice, bias, or discrimination. Somehow, someway, the residential neighborhoods in the North "just" ended up sort of "segregated." To this very day, I still do not understand how the label of "racism" has attached itself so exclusively to the South, when there are other areas in the Northern United States which acutely reflect the worst sort of racial prejudice.

But hypocrisy has existed, I feel surely, since the times of Julius Ceasar, to the present, and no more clearer example can be seen than in the recent Supreme Court decision involving the city of Charlotte, N.C., and Mecklenburg County. In its decision, the "wise" Court upheld busing as a valid technique to achieve a unitary school system—but only in the South. The Court refused to rule on the issue of busing as it would affect the areas of the North where "de facto" segregation exists on a rampant scale. I ask, simply, why must we in the South be treated inequitably?

Already in the city of Anniston, Ala., our school problems are increasing daily. Our school officials are pushed to the breaking point as they anguish over trying to provide quality education while at the same time trying to follow the edict of some Federal judge who has told us that we are an odious lot who practices racial bias with the relish of a wolf which has just caught his supper for the night. A suit has been filed in Federal court against the School Board of Anniston requiring the board to make additional faculty reassignments and this suit follows a finding by a hearing examiner in the Department of Health, Education, and Welfare that the local school board had taken effective action to assure a fair faculty ratio. We have been, and are being, hounded to death by persons in high Government positions who refuse to be fair, to be pragmatic, and to be cognizant of the hardships being placed on our local officials who are charged with the moral, if not legal, responsibility to provide a quality education to its children.

Thus, Mr. Speaker, the issue of busing must be viewed from a practical standpoint. Is the goal of a good education to be sacrificed to some pie-in-the-sky bleeding heart theory of a judge, whose responsibility is to adjudicate, and not to make social policy? I strongly say "No" and so do the people in the Fourth Congressional District of Alabama. We would ask, that if busing is to be given continued sanction, that this policy be applied equally to all citizens of the United States. Thus, when our children arise at 5:30 and 6 in the mornings to get ready to be shipped across town, we in the South can take comfort in the fact children on Long Island are also getting ready for school which is located somewhere in the Bronx or Harlem. What is good for the goose is also good for the gander.

Mr. DERWINSKI. Mr. Speaker, as a cosponsor of House Joint Resolution 646, I commend the gentleman from North Carolina (Mr. MIZELL) for taking this special order to emphasize the complexities, costs, controversy, and difficulties raised by forced school busing throughout the country.

The amendment which we basically support would provide that no public school student would be assigned to or required to attend a particular school because of race, color, or creed.

From the experiences a number of school districts within my congressional district have had with forced busing edicts, it is obvious to me that the interests of education are not served by arbitrary percentage rulings. Also, the effective administration of neighborhood schools has diminished, the children suffer from lack of educational benefits, and the vague social benefits to be derived from busing are not, in fact, achieved.

In addition, Mr. Speaker, I do not believe that the Justice Department nor the courts have respected nor properly interpreted the intent of Congress in this area. Specifically, I believe the Supreme Court has legislated in this field and that the Justice Department has been interested in prosecuting local districts rather than improving educational opportunities.

Mr. BENNETT. Mr. Speaker, I strenuously object to the Supreme Court's decisions requiring forced busing to achieve racial ratios. The courts rule this way on their theory that the Constitution requires it. When these decisions were first made I introduced in Congress a constitutional amendment to prohibit forced busing, which is the only way Congress can set aside court decisions on the Constitution, but the Judiciary Committee has refused to even hold hearings on the amendment. There is a way to bypass the committee, and that is to get a majority of the Members of the House to sign a petition discharging the committee's power on the proposal and bringing it directly to the floor. I have filed such a petition and contacted every Member of the House asking each to sign. I do not yet have the required number, but I am still trying. The U.S. Constitution can also be amended by action initiated in State legislatures, and I am also encouraging this action in the Florida Legislature and in other State legislatures.

Mr. MONTGOMERY. Mr. Speaker, I will keep my remarks brief, but I did want to voice my strong support for House Joint Resolution 646. The measure was authored by my very able colleague, the gentleman from North Carolina, Congressman MIZELL, and I was happy to be able to add my name as a cosponsor.

In a nutshell, the legislation would amend the U.S. Constitution to prohibit the assignment of a public school student to a particular school based on his race, creed, or color. Stated in another way, it would prohibit the massive and forced busing of public school students just to satisfy the personal opinions of bureaucratic social planners.

A second important impact of the legislation would be to set one national policy on public school attendance. No longer would local school boards have to run to the courts or HEW to find out how their schools are to operate.

School officials would know once and for all just where they stand. They would know for a fact that any child would be able to attend the school of his or her choice.

Mr. Speaker, it is time the Congress of the United States took a position on the public schools. For too long we have abdicated our responsibilities in this important area to the courts, which has resulted in confusion and chaos for public education.

I commend Congressman MIZELL for requesting this special order this afternoon and I would urge the Members of the House Committee on the Judiciary to begin hearings on House Joint Resolution 646 as soon as possible.

Mr. CHAPPELL. Mr. Speaker, the time has certainly come for the Congress to deliberate all aspects of the busing situation.

We realize there are those on the sidelines who will cry racism and who will deliberately cloud the issue involved here with pointed fingers and caustic accusations. The time has come, nonetheless, to delve beyond the facade of intentions involved in busing to the basic principles and the actual impact of busing.

Arbitrarily checkerboarding our children from one area to another to get a balance of so many white children into a black area and to get so many black children into a white area are tugs at the very concept of our freedoms. The principle of self-determination must not be dealt another blow by the forces of the Health, Education and Welfare Department.

Most of the people in my district, both black and white, have indicated a strong desire to cooperate—to live in harmony and assistance—one to the other. They do not, however, wish to relinquish their children to every Utopian scheme that some bureaucrat in a Federal agency might dream up. My people want their sons and daughters close to them; they want them in neighborhood schools where they can readily reach them in any kind of emergency. To yank these children away from the reaches of their protective arms to be used as pawns in this gigantic political charade, strikes at the very soul of our democracy.

Busing also represents a desertion of the purpose and principles of education. This Nation needs better educated children. It needs children who can grow to a productive adulthood to serve communities of the 21st century; who can achieve educational levels capable of producing the finest doctors, ministers, and governmental leaders suited to meet the challenges of the years ahead. But instead, the Government disrupts the orderly educational process; confuses today's students who will be tomorrow's leaders; sets numerical balance standards ahead of all other considerations; and devotes untold man-hours and dollars to the false hope that emotions can be legislated and dictated by forcing children to attend certain schools. Today's children should not be made to pay for the mistakes of the last hundred years. The purposes in sending Johnny to school is to teach him how to read—not how to ride the bus.

Extensive busing creates an impact on the children themselves. They are subjected to prolonged trips to and from home. Their safety is in danger since they are more exposed to occasions for accidents. I have received an untold number of letters from parents who want their children close to their homes, close to their neighborhoods. One mother wrote about her child who has a chronic illness. When the child has a problem, she needs to get to him immediately because he needs immediate medical attention. If this child is 25 miles away from the doctor or the person who usually takes care of him, it can be detrimental to his health and safety. We must bring back the right of the people to run and operate their own schools and to select the schools which their children will attend.

Many students have shown hostility to busing. One young lady tearfully relayed to me her objections to being bused away from the school she had always attended. She was upset at being yanked away from her teachers and friends, but more than that, she had planned to carry out family traditions by being graduated from that particular school. At a time when this Nation so needs roots and stability, it is a shame to uproot our young.

Consider the tremendous expense involved in busing. The cost of new buses and extended routes involves a huge amount of money—money that could well be used to enrich the present education programs for all children, regardless of color.

The time has come to ignore the bleeding hearts, the do-gooders, the vicious name callers; the time has come to consider this problem on the constitutionality and ineffectiveness of busing.

Mr. Speaker, the time has come for us to stand by the basic concepts of freedom, and forced busing is a sure infringement on those rights.

Mr. DOWNING. Mr. Speaker, we are witnessing the breakdown of one of the greatest public institutions of our times—our public education system. The culprit is involuntary busing of our young people to achieve racial balance. Every student—black or white—has to submit to this deplorable child handling regardless of what damage it does to him, the educational system or society in general.

As U.S. citizens and taxpayers it would seem to me that we have a constitutional right to place our children in whichever school we desire providing of course, the school is physically able to receive them. The busing scheme deprives us of that very valuable right. It is an unwanted and despised device which was never intended by the Congress of the United States, to be used in this fashion.

I am definitely opposed to busing students for the sole purpose of achieving a racial balance. I am convinced that this ill-conceived move will be extremely detrimental to the best interests of both black and white and just might destroy the great institution of free public education. Certainly the quality of our educational system has deteriorated in those areas where forced busing has been required.

Let me review how this all came about.

Back in 1964 the Congress passed the controversial civil rights bill. Title VI of that bill is the provision under which the Supreme Court upheld busing along with other constitutional philosophies.

On February 7, 1964, during the course of that debate I spoke to the House of Representatives on what I thought were the dangers of enacting title VI. I said then:

> The ultimate result of Title VI would be the retroactive amendment of every federal statute which advocates federal funds. It could—and probably would—reach down into such fine institutions as the FHA, the 6.1 programs, the school construction programs, the school lunch programs and countless other humanitarian programs. If carried out, it could adversely affect every element of our society, every phase of our commerce, every color of our citizenry.

Despite my misgivings, the Congress passed title VI of that bill. It is one of the reasons we are in trouble today. The Congress has since realized the harmful effect of forced busing of students. In 1966, I believe, the so-called Whitten amendment was introduced to the education bill. This amendment said in effect, "no part of these funds—educational—shall be used for the purpose of busing students to achieve racial balance." The House rejected the amendment that year. But as more busing was required and the public became more aroused, Members of Congress began having second thoughts. The next year it passed the House but failed in the Senate. The next year it passed both Houses, and it is now public law.

You would have thought this would have settled the matter, but you forget the Supreme Court. That Court ruled the "Whitten" amendment unconstitutional and, therefore, of no effect. So the U.S. Office of Education went merrily on its way decreeing more busing whenever racial integration of schools could not be accomplished by other means despite the damage it did to the educational system and the student.

As I see it, this is not a black versus white situation. It is a misdirected effort of the Office of Education to accomplish a purpose—regardless of the harm it might do to both of the races.

Now, realistically, what can be done to rectify this miserable predicament?

I am afraid there is no immediate solution.

The Supreme Court could reverse itself, but this is highly unlikely.

Legislation is useless because of the Court's ruling on the "Whitten" amendment and other cases.

The only recourse we have now is to see a constitutional amendment which would prohibit involuntary busing for this purpose. I have introduced House Joint Resolution 769 which seeks to accomplish this. A number of other Congressmen and Senators have introduced similar proposed legislation.

At the present time a number of my colleagues and I are trying to have at least one of these bills brought to the floor of the House by means of the "discharge petition." Such a petition requires the signature of at least 217 Members. We shall endeavor to obtain that number.

I will do everything within my power to expedite the proceeding I outlined above.

Mr. MIZELL. I thank the gentleman, and all of my colleagues, who have spoken so well on this subject which concerns all of us deeply.

In closing, Mr. Speaker, I wish to cite an example of what lies ahead if my constitutional amendment or other corrective legislation is not enacted.

The city of San Francisco, long recognized as the most cosmopolitan city in America, was drawn into the busing controversy recently as a result of a private suit being filed in a Federal court, calling for the busing of 24,000 black, Chinese-American, Mexican-American, and white students to 100 elementary schools, beginning this fall.

The mayor of that city said the plan was opposed by "large percentages of the Mexican-American, black, Chinese, and white communities," and he was further quoted as saying:

> I don't see why it has to be thrust upon the people.

The cost is estimated at $2.5 million.

And this, Mr. Speaker, is precisely the point. Here is a city known for its variety of ethnic backgrounds and for its spirit of community involvement. A private suit has disrupted this spirit of accord, not because of any racial animosity, but because a policy of forced busing is as repulsive to the majority of the residents of San Francisco as it is to the citizens of Winston-Salem, N.C.

At this point, Mr. Speaker, I will enter into the RECORD the text of an article describing this situation, which appeared in a San Francisco newspaper recently.

If forced busing can be implemented in San Francisco, if racial percentages for four nationalities can be demanded and forced, then where will it all end?

It will not end with the South, though I suspect some of our northern colleagues had entertained such thoughts. It will not end with the integration of blacks and whites; it has already gone farther than that in San Francisco.

It would not surprise me at all to see the courts rule that a certain percentage of every nationality represented in this great "melting pot of humanity" be proportionately represented in each of this Nation's schools.

How will the city of New York react when it has to integrate certain percentages of Anglo-Saxons, black Americans, Mexican-Americans, Chinese-Americans, Italian-Americans, Jewish-Americans, and every other conceivable hyphenated American?

I predict it will react in much the same way that we in the South have reacted, and rightly so.

Forced anything is not acceptable in any part of this country, and I, for one, am thankful for that. We are a nation in love with freedom, and we guard that freedom jeolously.

For almost 200 years, this has been a government of the people, by the people and for the people. This means that those who are elected by the people should serve as the voice of the people.

But the dominant voice in the continuing controversy over our public schools has not been the voice of the people—it has been the voice of a tyrannical judiciary.

This House has on several occasions expressed its opposition to the concept of busing schoolchildren away from their neighborhood schools to a more distant school, simply to pacify the courts.

In the 1964 Civil Rights Act, passed by this House and by the Senate, and signed into law by President Johnson, there was included the most explicit language forbidding the assignment of students to particular schools simply on the basis of their race.

On several occasions since I have been a Member of Congress, this same position has been reaffirmed through HEW appropriations, in which the use of Federal funds for busing simply to achieve racial balance has been strictly forbidden—Today, by passing H.R. 539 by the overwhelming vote of 351 to 36 the House has again expressed its growing concern about what is being forced on our public schools.

President Nixon has made clear his position in favor of neighborhood schools and opposing forced busing.

These are clearly the voices of the people, speaking through their elected officials, and yet the people are helpless to stop enforcement of this unreasonable policy that threatens the very existence of public education in America.

It is time that we in the Congress took action to make the people's voice heard again, to make the people's will what counts in this democracy.

The constitutional amendment I have proposed would give new authority to the people's voice and to their will. The time for passage of that amendment is now.

To conclude, I would like to read into the Record the text of James J. Kilpatrick's column, to which I referred at the outset of this discussion, The column needs no more introduction, it speaks for itself.

The material follows:

The Bus Route From Education to Madness

(By James J. Kilpatrick)

Roanoke, Va.—Several hundred principals, supervisors, and others engaged in education at the elementary school level met here a few days ago for a conference on what ails them. The delegates came from six southern states, whites and blacks alike, and for three days they listened dutifully to a program built around trade unionism and the new worry of "accountability."

These are important concerns. The unionization of public school teachers has become a fact of educational life, and the principals, understandably, were eager to know all those things about contract negotiation they always had been afraid to ask. The business of accountability embraces the growing demand of parents for a kind of quality control in the classrooms. If Miss Jackson's third-grade pupils fail to learn to read at third-grade levels, fire Miss Jackson.

But back in their rooms, or over a drink in the hotel pub, these deeply troubled professionals were not talking of militant unions or critical parents. They were talking of busing. A summer conference at a modestly posh hotel ought to mean happy times. These were the saddest sessions I ever sat in on.

The term "busing" has come to mean a great deal more than the mere physical transportation of pupils from Point A to Point B. In today's lexicon, it connotes such measures as "pairing" and "clustering" and "closing," and by extension it takes in all the problems of discipline, white flight, and school-community relations that afflict southern school systems today.

By way of example, consider two elementary schools in a major southern city. One of them, Hyde Park, on the east side of town, is located in a section of the city that has been wholly black for 70 years. The other, Bellhaven, on the west side, serves a neighborhood once wholly white but now substantially mixed. Each of the schools has a capacity of 800 pupils.

Under court order, Hyde Park and Bellhaven were paired for the 1970–71 school year. Roughly 160 white children were shipped every day to Hyde Park, and roughly 120 black children were shipped every day to Bellhaven. All six grades were maintained at each school, and the situation created problems that were "real but not intolerable."

For the coming year, the schools are to be "split-paired." The local District Court has decreed that all schools in the city system must be racially mixed, as nearly as may be practicable, in a ratio of 65 blacks to 35 whites. A part of the decree requires that Hyde Park abolish its kindergarten, first, second and third grades; and that Bellhaven abolish is fourth, fifth and sixth grades. The object is to place 520 blacks and 280 whites in each school.

The principal of Bellhaven, who happened to be telling me all this, is a plump fellow in his early 50s; his face looks as if all the happiness had been squeezed out. He has spent the past six weeks, since the school year ended, in these educational endeavors: He has moved all his school furniture for fourth, fifth, and sixth graders to Hyde Park, and he has received like shipments in return. He has worked with his librarian in purging the Bellhaven shelves of 2,200 books beyond the third-grade level and is swapping these with the Hyde Park collection for tiny tots.

Mostly he has been on the phone with parents. His opposite number, 11 miles across town, has been equally engaged. Infuriated black parents are threatening violence and boycott. Outraged white parents have filed 230 requests for pupil records as a preliminary to placing their children in private schools. The principal of Bellhaven at this moment has no idea "if I can produce my 280 whites." He won't know until Sept. 7.

I do not identify the city or the principal; educators have been warned they may be in contempt of court if they publicly criticize busing. Those are not the true names of the two schools. But the story is absolutely true. It is entirely typical. Down in Austin, Tex., the government has been demanding imposition of a plan that would give each school the same ethnic mix of the city at large—64.5 percent white, 20.4 percent Chicano, and 15.1 percent black. This is education? No. This is madness.

[From the San Francisco Chronicle, May 30, 1971]

A Scramble To Integrate

(By Jim Wood)

Computer experts are working through the weekend holiday in a frantic scramble to provide data for integrating the San Francisco schools this fall.

From all appearances yesterday, and through no fault of the computer specialists, it looked like a case of too little, too late.

The district received a tongue lashing Friday from U.S. District Judge Stanley Weigel and attorneys for the NAACP who have been pressing the district for almost a year to prepare for integration.

The NAACP meanwhile was known to be drawing a hard-nosed integration plan calling for nearly equal representation of black students in almost all schools.

BUSING

The NAACP plan is being drawn by some of the most respected educators in the country, including two who participated in the keystone Charlotte-Mecklenburg districting approved in April by the U.S. Supreme Court. The San Francisco NAACP proposal is understood to make extensive use of busing.

NAACP partisans, including the organization's attorney Arthur Brunwasser in court Friday, have openly expressed doubts about the district's sincerity in seeking integration.

When the district's board of education voted last week to appeal the integration order, Brunwasser and others interpreted the action as just one more instance of the San Francisco schools stalling on desegregation.

Brunwasser pointed out in court that the NAACP has been seeking integration in San Francisco since 1960. (The Brown decision ordering integration was handed down by the U.S. Supreme Court in 1954.)

WEIGEL WARNING

The district last August and September was warned by Judge Weigel to prepare for city-wide integration, but no serious effort was made until late this spring.

As a result, the district now finds itself in a terrible bind.

It has appropriated no adequate amount of money to integrate next September (the cost is estimated at $2.5 million, and the district will be lucky to come up with $500,000).

There is doubt that buses will be available to carry out an integration order. Planning is stalled because schools which do not meet earthquake standards may be closed, thus disrupting any plan for pupil assignment.

PROGRESS SLOW

The district has placed Donald Johnson, one of its most capable administrators (who proved his skill by working out busing problems in the Richmond complex) in charge of integration efforts. But even with Johnson leading the effort, progress has been slow.

Although Citizens Advisory Committee members are meeting every day with district staff members in an attempt to work out the problems associated with integrating, the district is finding itself unready to meet Judge Weigel's deadline for preparing a plan—June 10.

PLAN BY DEADLINE

In court Friday, school attorneys promised they would have a plan ready by the deadline. Committee members and administration representatives alike are saying that if they had more time the plan would be a sounder one. They were in court to discuss with Weigel a stay in execution as well as an appeal. Hearing was set June 3.

The district's appeal followed a study by board member Howard Nemerovski who told the board that he could not accept some of Weigel's findings of fact (that the board had actively discriminated) nor his conclusions of law.

The district had, Nemerovski argued, a duty to appeal and the board voted 4–3 to do so.

The board also suggested preparing a plan for desegregating all San Francisco schools, not just elementary schools as ordered by Weigel. There was a "but," though: The plan should be for September 1972.

The district has gone ahead, however, with the '71 plan, although it must be approved by the board before becoming the official proposal to be given to Weigel.

EIGHT PLANS

Eight plans have been considered, modified and programmed for the computer. Tuesday the committee is to select three or possibly four of the plans and then pass them to the board of education.

Some meet state guidelines for racial balance: no school varies more than 15 percent from district wide racial averages. Other do not. It will be up to the committee, first, to decide which plans to offer the board and then the board to decide which of the plans offered should be presented to Weigel.

CHINATOWN

Chinese parents argue that if their children are bused far from Chinatown, the children will miss the special Chinese language and cultural schools and lose the special bi-lingual training in English and Chinese that will enable them to more quickly make their way in Western society.

The district's plans, admittedly drawn in a hurry and without real community participation, go to the board Thursday night. They may or may not be acted upon then. After that the district will have one week to meet its deadline with Judge Weigel.

For a district that takes months to carry out the simplest actions (the radiators are still at winter full-blast in the district's headquarters), it seemed an almost impossible deadline.

CITIES CUT SCHOOL CLASSES IN MONEY BIND

(By Peter Milius)

Chicago will simply shut down its public schools for most of December if Mayor Richard J. Daley and the state legislature cannot come up with another $22.8 million.

Philadelphia cut out all extracurricular activities, including high school sports. It had to pay its teachers in scrip at the end of last school year. It is starting this year $68 million in the hole, is "going to open in September and carry on as long as funds permit." Detroit let 200 teaching positions remain unfilled last spring, stopped repainting its old schools, put its maintenance crews on a four-day week instead of five and still finished with a $20 million deficit. Assured 1971–72 school revenue is $230 million. Projected school expenses—$280 million. So far, no answer to the dilemma.

These are three touchy examples of a national school money crisis building up in some degree in almost every school district as the new school year approaches. It is most acute and most dramatic in big cities. So acute that growing numbers of districts do not have enough money to stand still.

District after district is having to cut back on school services or, as the Chicago school board voted to do last Wednesday, close down the school system for months—if necessary.

"It's happening all over, and it's getting worse," says Sam M. Lambert, executive secretary of the National Educational Association (NEA). "It's the tightest year in the last 20."

The problem is no longer crowded classrooms from the postwar baby boom and rising enrollments; as it was in the 1950's and most of the 1960's. In big cities especially, enrollments now are stable, or even declining slightly.

PROBLEM: TEACHER PAY

Nor is the issue bringing down class sizes, adding remedial teachers, offering new foreign languages, or other improvements in service.

The problem now is finding funds to cover steadily increasing teacher pay.

In Chicago, Philadelphia, Detroit, and elsewhere, the impending deficits are due almost entirely to pay raises sought and won in collective bargaining by those cities' strong teacher unions.

Boston's public school enrollment has held steady recently, yet its school budget "has doubled in the last five years, which is since collective bargaining began," says Leo J. Burke, the system's business manager.

It is difficult, however, for even the severest of critics to argue that teachers in Boston or elsewhere are driving taxpayers to rebellion and school systems into bankruptcy.

In Boston five years ago a beginning teacher with a bachelor's degree was paid $3,500, according to Burke. Starting pay now is $7,600, more than double the five-year-old figure—but still not a princely sum.

A few statistics suggest the national dimensions of the problem.

SALARY INCREASE

In the 10 school years from 1960–61 to 1970–71, public school enrollment nationwide rose 27 per cent, according to NEA calculations.

In the same period, public school expenditures rose 152.1 per cent.

Part of the cost increase was due to school improvement. The number of public classroom teachers rose by 45.4 per cent, more than half again as fast as such factors as enrollment, lower class sizes, and more course offerings.

But a larger part of the cost increase was due to pay raises. Teacher pay typically makes up three-fifths to three-fourths of school budgets, and average teacher pay went up 77.9 per cent in the 1960's, from $5,449 in 1960–61 to $9,689 in 1970–71.

Meanwhile, taxpayers expressing their opinions.

In 1969, American voters approved only 56.8 per cent of the public school bond issues put before them—43.6 per cent of dollar value of the offerings.

In just that year, the total rejected was $2.2 billion. Compared with this, the total rejected in 1960 was $368 million—only 20.4 per cent of all bonds at stake in that year.

The game can be tough. In New Jersey, voters in most towns must approve, not just bonds, but whole school budgets at the polls each year. According to NEA's Lambert, this year they have voted down 153 of 440.

CITIES FARE WORST

The emerging teacher-taxpayer tug-of-war is strongest in cities, partly because teacher unions are typically more powerful there, partly because big-city tax bases are eroding and have more demands on them than do those in the suburbs.

Some cities manage to stay short of disaster. Los Angeles, Cleveland, Dallas and Miami think they can make it through the year without serious cutbacks—but without major improvements, either.

But New York, with all of its other problems, is $40 million short of what it needs to cover next school year's higher pay rates. And it hasn't yet decided how it will cut back to make ends meet.

The problem is also less acute here than in some other urban areas. Both the D.C. and Prince Georges systems, respectively the nation's 13th and 10th largest, will be making some cutbacks this year. The District cutback is the first in recent memory.

The money crisis has produced various calls for reform. Some say the schools aren't giving the taxpayers their money's worth. "We must stop congratulating ourselves for spending nearly as much money on education as does the entire rest of the world—$65 billion a year on all levels—when we are not getting as much as we should out of the dollars we spend," President Nixon told Congress in his 1970 message on educational reform.

"Major new expenditures" should be preceded by "fundamental studies," Mr. Nixon said. "We will ask the Congress to supply many more dollars for education," but only "as we get more education for the dollar."

MORE FEDERAL MONEY

On the other side of the issue are those who say schools need more money now, in particular more federal money.

The federal government now supplies about 7 per cent of public school revenues, the states 41 per cent, local government 52 per cent.

Key House Democrats recently introduced bills that would raise the authorized federal share to more than 30 per cent in five years. They tried to tack their proposal onto the President's proposed $1.5 billion school desegregation bill, as a Democratic alternative to his revenue-sharing plans.

Last week the Democrats failed in a House subcommittee. They say that they will try again in full committee and on the floor. They think there may be enough public outcry when schools open in September to pass the bill.

Chicago began 1971 with a $646.6 million budget, up $85 million from the 1970 figure. The budget did not take account of about $50 million in pay and other compensation increases for teachers and other school employes.

The state legislature came through with some extra money, but not enough. Supt. James F. Redmond told the Chicago board last week that it had three alternatives: One was to shut down an extra 12 school days in December, a 6 per cent cut in the scheduled 188-day school year. A second was to cut out 4700 jobs, many of them teaching positions, and thus increase class size. The third was to borrow against 1972 revenues.

Redmond urged the board not to borrow, because it already faced trouble enough in 1972. Contracts already negotiated will raise the payroll another $68 million that year.

The board voted for the December shutdown.

DEFERRED PAY BOOSTS

Philadelphia has already done what Redmond urged the Chicago board not to do: defer one year's problem to the next.

Philadelphia's teachers were supposed to get one pay raise in 1970 and another this year. The board didn't have the money for last year's pay boost, and asked the teachers to defer it. They agreed. Thus the board owes the teachers a total of $54 million in additional pay this year, and is faced with other cost increases besides. The state legislature may give it an extra $45 million. The rest, about $23 million, is nowhere in sight.

GENERAL LEAVE

Mr. MIZELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

LOCKHEED

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to make a few comments about my vote on the Lockheed guarantee. It was with great reluctance that I voted in favor of the guarantee, but I did vote for it. For me, the overriding concern was the additional unemployment that would have been created if this guarantee did not go through. I regret very much that in order to prevent additional unemployment, at a time when the last thing this economy needs is more unemployment, it was necessary to vote for a U.S. Government guarantee for Lockheed. I think that there is much to be said against proceeding in this manner to assist hard-pressed firms. I think that it raises the most fundamental and far-reaching questions. I think serious reservations are always in order whenever the Government intervenes in the economy in favor of one corporation or another, especially in such a fiercely competitive environment as the aircraft industry. The most serious opposition to the Lockheed loan, not surprisingly, came from those firms which were, in fact, in competition with Lockheed's Tri-Star. I also resent very much the fact that this House was forced to vote on such an important issue with a gun literally at its head. In setting up an August 8 deadline, a foreign government, Great Britain, was literally calling the shots on the timing of this assistance and seriously circumscribed our freedom of action. I certainly hope we never get into a situation like this again, where political considerations in another country are of paramount influence in dictating a national solution to our domestic industrial problems. I also feel very strongly that the bankers, in turning to the Government as the bank of last resort, have given the country evidence that they want the best of both worlds. They want commercial relationships free of Government intervention, as long as they are profitable, but when the risk becomes too great, they want to be able to turn to the Government to bail them out. For years the banks have been dealing with Lockheed with their eyes wide open, in possession of much more inside information on the financial details and problems facing the company than the Government has even today, insisting on getting such lucrative arrangements as substantial compensating balances and collateral business arrangements. Now that the company is in serious trouble and the relationship does not appear profitable they demand a bailout by the U.S. Government, trying to have us believe that they can go no further than they already have with the company. In this respect, I was in favor of making this a one-time arrangement and was opposed to the generic concept, in order to serve notice on the banks that this is not to be a precedent and so as not to encourage them in their belief that all the easy risks are theirs and the more difficult risks belong to the U.S. Government. I think that Lockheed and the banks have been less than honest with this Government all along and I can only hope that the intensity of opposition to the guarantee request has served notice not only on these banks and this company, but on all banks and all companies in this country that Congress does not enjoy being held to ransom every 3 months by either Penn Central, Boeing, or Lockheed.

But in the end as I said, I did vote for the guarantee, in the face of all these very genuine and serious reservations, because I was not prepared, as one Congressman among many, to cast my vote for additional unemployment at this time. For, as I see it, a vote against this guarantee would certainly have led to serious unemployment consequences. The workers, as I see it, in the aerospace industry are not the culprits in all of this. And yet, clearly they would be paying a tremendous price for Congress' refusal to guarantee additional borrowings by Lockheed, at this particular juncture in the firm's history. In teaching Lockheed a lesson, in punishing its inept management, Congress would really ultimately be punishing the workers involved by threatening them with the loss of their very livelihood. Again, if economic conditions around the country were better just now, especially in the areas of greatest concentration of aerospace employment, it might be another matter. One could feel that perhaps those who lost their jobs with Lockheed and the contractors or subcontractors to Lockheed could find employment elsewhere, but such is not the case today. Ultimately, one does have to deal with things as they are and not as they should be. For close to a year now, I have been rising to address this House on a regular basis to draw attention to the seriousness of the growing unemployment situation in the country. Well, today these warnings have caught up with me and I just cannot have it on my conscience that I, as a Congressman, by a deliberate vote on my part added to the unemployment rolls. Those who voted against this guarantee, because of the potential cost involved should Lockheed fail and the Government have to honor its guarantee of $250 million, have not added up the cost to both the National Government and local government resulting from unemployment. The loss in revenue, the costs of unemployment benefits, and finally, increased welfare burdens add up to considerably more than the price tag on this guarantee.

A few months ago, this Congress twice voted down continuation of the SST program. I was one of those who so voted. In that vote, the choice was once again between the most serious consequences, no matter how one voted. In the end, I decided that the risks and problems of continuing with the SST program far outweighed the potential loss of jobs in Boeing. While I have admitted from the outset that there are serious questions of principle involved in voting for Lockheed, I just do not feel that they are paramount, in this case, to the question of additional unemployment. To me, it was a case where Congress would, in effect, be singling out one particular industry in this country and by decree creating additional unemployment. In order to get away with something like that, this Government, as a matter of responsibility, would have had to have been able to offer those who would lose their businesses in this industry, alternative employment. The sad facts of the situation are that, at present, there are no such alternative positions.

Thus, albeit reluctantly, I voted for the guarantee. I hope that we have learned our lesson. I hope that those who were quick to fashion this guarantee arrangement will now devote their talents to coming up with long-range solutions to the problems facing the aircraft industry in this country, before we are called upon to come to the rescue of other firms at other times. Because, I can assure you, if I did not feel that unemployment was today the No. 1 domestic problem facing this Nation, I would not have cast my vote in favor of this guarantee. Congressmen, again and again, are called on to make difficult decisions in casting their votes. I can honestly say few decisions have caused me more agony and more uneasiness than my vote last Friday.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. Although only approximately one-third as large and four-fifths as populous as the U.S.S.R., the United States of America retains outstanding supremacy in many fields of economic endeavor. For example, on essentially the same amount of cultivated land, the United States produces 23 times as much corn, three times as much cotton, twice as much oats, and about four times as much tobacco. Furthermore, the United States of America possesses almost 1½ times as many cattle as the U.S.S.R.

PERMANENT ANTISTRIKE LEGISLATION STILL NEEDED

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY) is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, the news this morning that representatives of the United Transportation Union and the railroad carriers had reached a settlement ending the 2-week-old selective strike that has been threatening the economy of many portions of our Nation is heartening. I have followed this dispute very closely, and I realize that the settlement is an important milestone in the history of collective bargaining. I applaud the fact that the parties were able to reach a settlement themselves, without the need for congressional intervention. It is also significant that for the first time a selective strike was used in the railroad industry.

My colleagues in Congress, however, should not be lulled into a false sense of security, now that the immediate problem has been solved. While we did not have to enact emergency legislation in this particular dispute, the future may not be so kind to us. We still need permanent legislation to deal with the labor disputes in the railroad industry.

The Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee began hearings last week on this very subject. As many of my colleagues know, I have introduced a bill that has received the bipartisan support of 59 cosponsors. This legislation attempts to solve the problem by establishing permanent mechanisms for dealing with future labor disputes in the railroad and airline industries. My bill, along with the several others that have been introduced, is being discussed at these hearings, which I hope will continue so that we in Congress can act positively to prevent the need for future emergency legislation.

As was clearly indicated by this most recent dispute, transportation strikes affect the wrong people. Historically, strikes have been used by employees to bring economic pressure to bear upon employers to grant increased wages and improved working conditions. Transportation strikes, however, are different. Their economic impact is much greater on the innocent bystander—the consumer, the small businessman, the farmer—than on the rail carriers themselves. The objective of congressional action should be the preservation of the national health and safety; in the realm of emergency rail disputes, only permanent legislation can achieve that goal.

COMMITTEE ON RULES SHOULD NOT GRANT A WAIVER OF POINTS OF ORDER AGAINST CLAUSE 3 OF RULE 28 ON H.R. 6531

The SPEAKER. Under a previous order of the House, the gentleman from

Wisconsin (Mr. STEIGER) is recognized for 15 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, today I appeared before the Rules Committee to testify on the rule to accompany the conference report to H.R. 6531. It is my hope that the committee will not grant a waiver of points of order against clause 3 of rule 28.

Under the leadership of the Rules Committee, the 91st Congress enacted the Legislative Reorganization Act of 1971. That legislation, designed to reform and modernize the legislative process, has now come under a major test. One of the key provisions of the Reorganization Act is embodied in a committee amendment, proposed by the distinguished gentleman from California (Mr. SISK). Recognizing that the will of the House had often been altered in conference as a result of actions taken by the other body, he proposed to provide a clear definition of the matters upon which a conference committee held authority.

Clause 3 of rule 28 holds that the conference committee may only consider the differences between versions of a bill passed by both Houses. As a result of the Sisk amendment, clause 3 of rule 28 now holds that the report of conferees:

> Shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue or proposition as so committed to the conference committee.

I should like to illustrate the relevance of the Reorganization Act to the request for a waiver. As the committee will recall, both the House and Senate overwhelmingly approved military pay increases of $2.7 billion. These increases were supported not only by the proponents of the voluntary military, but also by those who wanted to provide an equitable pay scale for our GI's, whether they be volunteers or draftees. Accordingly, both Houses provided that the benefits would become effective on the first day of the first month after enactment.

The conference committee, however, has decided to postpone enactment of the pay increases until October 1, which would appear to be a direct violation of the Legislative Reorganization Act. Section 14 of the draft bill passed by the House regarding the pay provisions states:

> Sections 4–11 of this act are effective on the first day of the first month after enactment.

As passed by the Senate, the parallel (sec. 206) states:

> The provisions of this title shall become effective on the first day of the first calendar month following the month of enactment . . .

House Report 92–82 states on page 44:

> Sections 4 through 10 of the bill, which include all of the changes in basic pay, quarters allowance, and special pay, would be effective the first day of the first month after enactment.

Senate Report 92–93 states:

> Section 206.—Provides that all the pay portions under Title II would be effective on the first day of the first month of enactment.

In view of the identity in enacting clauses in the House and Senate versions, there appears to be no difference which could be committed to conference to be amended. Therefore, it would do violence to the intent of both Houses to set an effective date of October 1, as opposed to the more immediate day in the bills passed by each body.

The justification for the delay offered in the conference report is that:

> Military personnel received a pay increase in January, 1971, and are scheduled to receive another such automatic increase in January 1972.

I would make two points regarding the automatic increases. First, the scheduling of these raises was known well before consideration began on the draft bill. Due to the wisdom and foresight of the late chairman of the Armed Services Committee, Mr. Rivers, military pay was tied to civil service pay in 1967. The Rivers amendment assured that military personnel would be given the same percentage increase as Federal civil servants in adjustment of wage rates. On December 31, 1970, over a month before the draft hearings began, Congress approved the Federal employee pay comparability system, which mandated comparability adjustments on January 1, 1971, and January 1, 1972.

Second, I would point out that the automatic increases were designed as a temporary measure, pending complete reform of the military compensation system. Servicemen, particularly in the lower grades, have lagged far behind their civilian counterparts, and the automatic across-the-board raises were merely designed to keep the disparity from growing. These increases, however, have had little impact on the first-termer. For example, the January 1971 increase raised the recruit by only $9.90, while the colonel received a hike of $132 a month. Thus, the colonel's hike was nearly equal to the recruit's total monthly pay of $134.40. Likewise, if the January 1972 formula is 7.4 percent as expected, under the conference bill the major general will get a $204.71 raise, the colonel will get a $133.42 hike, but the recruit would only receive an increase of $19.83 in his monthly pay.

I am not opposed to comparability increases for our careerists, but since the comparative advantage for the first-termer is so small, it is not clear why the automatic increases would justify delaying enactment of a pay bill that was designed to aid the first-termer. I see, in fact, no justification for postponing the correction of a long-term inequity in the pay of junior enlisted men, simply because of a forthcoming across-the-board pay raise.

The date of enactment is of vital concern to the 2.7 million men and women of our Armed Forces, particularly 330,000 family men in their first term of service. The basic pay of a recruit is $134 a month. If he lives off post, he receives an allowance of $60 for quarters and another $46.23 for subsistence, plus about $20 a month tax advantage, for a total compensation of $3,114 per year. With one child he receives a scant $30 a month, $15 for the second, and nothing for additional children.

The financial penalty imposed on first-termers becomes starkly apparent when we compare the $3,500 of a married recruit with two children to the poverty line of $3,900 for the same size family. The problems of inadequate pay are accentuated because the first-termer is also denied a host of benefits that are given to careerists and are essential to compensate for the dislocations associated with military life. When making changes of station, careerists are given free travel of dependents, transportation of household effects, dislocation allowances, trailer allowances, transportation of automobiles overseas, overseas allowance, and evacuation allowance. If they are unaccompanied, careerists receive a $30-a-month family-separation allowance. But the underpaid and oft-moved first-termer is ineligible for all of these benefits.

No one knows exactly how many servicemen are receiving public welfare today. A 1969 Defense Department survey yielded only fragmentary results, but revealed that 21 States refuse to give aid to military families, denying servicemen benefits available to civilians at similar income levels. As a county welfare director told the Sacramento Union:

> It doesn't really matter what their income level is. We consider the military man a "fully employed person." You're dealing with an intact family with the father fully employed—and to qualify for aid, they have to meet a deprivation requirement either through the absence of the father or the unemployment of the father.

Thus, we have the paradoxical situation in which a young man serving in his Nation's uniform is denied the welfare benefits available to his civilian counterpart.

Since last July the poverty problem has been somewhat alleviated by the acceptance of food stamps at military commissaries. During a recent visit to Fort Gordon, Ga., I discovered that the Augusta welfare department made food stamps available to any married E–1 or E–2, and all E–3s with at least one child. If these criteria had been applied on a uniform basis in fiscal year 1970, an incredible 142,527 servicemen could have received public assistance in the form of food stamps.

Yet, as with other welfare programs, the criteria are restrictive. Five States and numerous localities do not participate in the program. Fort Gordon, for example, is located in Richmond County which does participate in the food stamp program . . . but most of the recruits live in the low-cost trailer parks in adjacent Columbia County, where food stamps are not available. A similar situation exists at Fort Hood, in Texas, which I visited 2 weeks ago, where 40 percent of the married men live in a county which does not participate in the food stamp program.

Many junior enlisted men save money to feed their families by accepting poor housing. Unlike the careerist, the first-termer is not entitled to free government quarters. At Fort Meade, I found that the housing referral office declares most inadequate housing "off limits" to military personnel. At Fort Gordon, where the Signal School draws a greater percentage of first-termers, the housing office feels it cannot take such steps because there would be nowhere else that the married recruit could afford to live. As a result, officials estimate that 1,600 Fort Gordon families live in substandard housing. At Fort Hood, of the 17,627 men on base with families, a full 5,249 are forced to live in substandard housing. Moreover, 2,918 men are unaccompanied by their families because of inadequate financial means . . . and more than half of this group are in the lower pay grades, E–1 through E–4. The situation is particularly hard on our young GI's, many of whom are just starting to build families. It should be noted that 70 percent of the men at Hood are Vietnam returnees. Thus, we are facing our Vietnam Veterans with the dismal choice between accepting inadequate housing or further family separation. I would hope that this is a situation we can correct as soon as possible, and not delay pay reform until October.

My second objection to the conference report is that the conferees used the archaic distinction between basic pay and the quarters allowance to reduce the benefits in the pay bill by over $300 million:

[In millions of dollars]

	House	Senate	Conference
Basic pay	1,825.4	2,667.0	1,825.4
Dependence Assistance Act [1]	184.1	79.0	105.9
Basic allowance for quarters	640.1	0.0	409.8
Subsistence allowance	37.8	0.0	0.0
Total	2,687.4	2,746.0	2,341.1

[1] This is the technical term for the quarters allowance provided men in pay grades E–4 (under 4 years service) and below

The result of this compromise is to provide the first-termers—who were the target of the pay reform in the first place—with a lower rate of compensation than they would have had in either bill; but the careerists, who have been favored in every pay increase since World War II, are given a compromise that splits the difference between the two bills. As can be seen from the table below, increases for the careerists are achieved by reducing the increases for the privates, corporals, and lieutenants:

COMPARISON OF AVERAGE ANNUAL REGULAR MILITARY COMPENSATION

	House	Senate	Conference
Pay grade:			
O–10	$43,872	$40,827	$42,725
O–9	39,169	36,319	38,107
O–8	35,772	33,042	34,751
O–7	31,654	29,065	30,689
O–6	$27,197	$24,850	$26,389
O–5	21,821	19,796	21,122
Pay grade:			
O–4	18,234	16,527	17,630
O–3	15,025	13,591	14,501
O–2	11,474	11,138	11,045
O–1	8,985	9,611	8,659
W–4	17,653	16,088	17,074
W–3	14,537	13,097	14,023
W–2	12,299	11,108	11,859
W–1	10,138	9,195	9,738
E–9	14,919	13,417	14,392
E–8	12,812	11,571	12,334
E–7	11,063	9,980	10,634
E–6	9,550	8,647	9,160
E–5	7,691	7,248	7,356
E–4	6,457	6,329	6,189
E–3	5,893	5,831	5,663
E–2	5,484	5,530	5,311
E–1	5,036	5,320	4,872

The distinction between basic pay and allowances is a technical provision left over from the days when few soldiers were married, but it has little relevance to today's 1.5 million married servicemen. There is strong support, in the United States Code, for the principle that these elements should be considered together. I would again like to recall the words in the report of the Committee on Armed Services—92–82, pages 24 and following pages—in justifying the pay scales which were overwhelmingly approved by the House:

> The Congress in Public Law 90–207 defined Regular Military Compensation (RMC) as consisting of the following elements that service members receive in cash or kind every payday: basic pay, quarters allowances, subsistence allowance, and tax advantage (received because the quarters and subsistence allowances are not subject to Federal income tax).
>
> *It is the Regular Military Compensation that is used to establish competitive military pay levels* which bear a reasonable relationship to civilian wages for equivalent levels of work . . . .
>
> In developing the pay proposals on which the Committee bill is based, the Department of Defense constructed a military pay standard to assure that military pay was properly equated with remuneration in other areas of national life . . .
>
> *The Committee's bill would provide total increases in Regular Military Compensation of $2,687.4 million per year.* This includes $1,825.4 in basic pay increases, $824.2 million for increases in basic allowances for quarters, and $37.8 million for increase in basic allowances for subsistence.

Given the Armed Services Committee's strong support for the RMC standard, I believe that the legislative history made by the gentleman from California (Mr. SISK) during consideration of his amendment is particularly relevant:

> For example, the House passes a piece of legislation authorizing $1 million; the other body after having considered the legislation passes a bill authorizing $5 million; then the conference committee could not come back and report $10 million, or, going the other way, report $500,000.
>
> The point is that it should stay within the scope of what the two bodies have done initially.

It is with the greatest reluctance that I have decided to oppose the request of the distinguished Chairman of the Armed Services Committee. Through the years, as Chairman of Subcommittee No. 2 and now as chairman of the full committee, he has done a monumental job to improve the lot of our men and women in uniform. During the committee hearings on the draft bill, and through consideration of the bill on the floor of the House, the gentleman from Louisiana acted with the utmost fairness, in allowing all voices to be heard and all amendments to be fully debated. And even though I opposed a 2-year extension of the draft, I voted for final passage of H.R. 6531 because I believed it represented a meaningful solution to the pressing problem of military compensation.

In asking that the original intent of the legislation be restored, I should like to recall the words of the Armed Services Committee in reporting a competitive pay scale which exceeded the administration's request by $1.7 billion:

> If the standard of equity established sets the level of pay demanded for military personnel at a higher level, then compelling reasons would be required to justify not going to that level.
>
> Under repeated questioning, however, the only justification for not going to the 1973 (competitive) rates now that was given to the Committee by the Assistant Secretary for Manpower and Reserve Affairs was "budgetary constraints."
>
> The Committee would recall the words of the Assistant Secretary himself that we should not use the draft as a means of compelling young men to serve at substandard pay.
>
> Specifically, the Assistant Secretary said, "Even if the goal of zero draft was not at stake, it is unfair to use the power of the draft to enforce inordinary low pay levels . . ."
>
> The Committee would also note that the preponderance of witnesses questioned on this point by the Committee supported the increased rates of the Department of Defense fiscal year 1973 program and concurred in the opinion that if constraints were to be placed on the budget, they were not to be placed there at the expense of young men who make an inordinate commitment to their country by being inducted into the Armed Forces.

I would point out to the budget conscious that due to slow action on the bill by the other body, a savings of $450 million has already been achieved through delaying the date of enactment for 2 months. The Congress has clearly decided that the authority to induct must be extended. It was also my belief that we had decided that the use of the induction authority to enforce poverty level wages had been ended. As a supporter of equity in military pay I am disappointed in the decision to delay enactment, and as a proponent of the Legislative Reorganization Act, I am anxious to see that the reform not be circumvented.

Mr. Speaker, I should now like to review the debate on the draft, to show the strong support for immediate implementation of a competitive pay scale. In opening the debate on March 30, the distinguished Chairman of the Armed Services Committee, Mr. HÉBERT, declared:

> This bill . . . provides increases in pay and quarters allowances for military personnel costing $2,687,400,000.
>
> There was no disagreement that the pay rates in our bill are equitable and are the level of pay needed to eventually move to an all-volunteer force. The administration, however, had asked for only part of these compensation increases in fiscal 1972—a recommended increase costing $987 million. Defense spokesmen could give only one reason for not moving immediately to the pay levels which their studies had determined were required as a matter of equity.
>
> That reason was "budgetary constraints".
>
> The committee believes, as witnesses of all stripes believed, that if constraints are to be placed in the budget, they are not to be placed there at the expense of young men

who are drafted into the service of their country.

Our bill is justified on the only two grounds on which, ultimately, it can be justified: the requirements of national security and equity toward the men and women in our Armed Forces. On that basis, and on that basis alone, I present it to the House. Whether you believe or do not believe in an all-volunteer force, the bill compels your support on the grounds of equity alone.

On March 31, the sponsor of the compensation levels adopted by the committee, Mr. PRICE of Illinois, said:

> The House Armed Services Committee voted a 2-year $2.68 billion increase in military compensation *effective immediately* as compared to the administration's recommendation on of phasing the increase over a 2-year period.
>
> As a sponsor in committee of the amendment to have the immediate 2 year increase, I am especially pleased that we have an opportunity today to rectify two of the most glaring defects in the military pay system, the lack of decent standards of living for our enlisted men and the lack of incentives for our junior officers, our future military leaders, provided they remain in the service.

On the same day, Mr. RANDALL added:

> We have increased military pay by a total of $2.7 billion annually. No one can say that the committee acted to put any kind of roadblock of any kind toward the attainment of a zero draft.
>
> I intend to support H.R. 6531 to provide the opportunity to see if enough volunteers come forward with the new pay scale we have provided in this measure.

The gentleman from New York (Mr. STRATTON) noted during the committee explanation of the bill on March 30, that:

> This is not the kind of area where you can operate on half a loaf. You cannot give a girl a half engagement ring and expect her to march down the aisle with you. You have to give her a full ring or none at all.
>
> So our committee decided that if we are really serious about trying to get an all-volunteer force we must put the entire military pay increase into one package. That is what we have done. Of course, it will cost about $2.7 billion.

After noting the problem of servicemen on welfare, and the widespread practice of moonlighting in the military, my colleague from California (Mr. GUBSER) declared:

> In summary, we should not overstate the issue or make too much of the idea that some military families may be eligible for welfare. But we do have evidence that pay is unfairly low for our draftees and our young enlistees and whether or not we agree in principle with an all-volunteer force, consideration of equity compels us to support the pay levels in the Committee's bill.

Aside from this strong support from within the Armed Services Committee for the expenditure of $2.7 for a competitive pay scale, I should also like to recall the forceful remarks of our esteemed minority leader, Mr. GERALD R. FORD, in noting that the pay bill removed concern for limiting the draft extension:

> This legislation with the extra pay incentive will bring us to the ultimate objective, which in my opinion is an all-volunteer military force.
>
> For the life of me, I do not understand why the people who want an all-volunteer army do not accept the best of two worlds, which is the committee's recommendation. They have the extra pay and fringe benefits, they have the lower troop ceiling, they have a reduction in our troop commitment in Vietnam. If we stay with the committee, and all of these things fit together, as I hope they will, at the end of 1 year you have what you want, which is an all-volunteer military force.

Mr. Speaker, in the 4 months since we debated the draft bill, our overall force levels have been reduced, and the Vietnam withdrawals have continued apace. But what about the third ingredient? To my dismay, we find that the conference committee has rejected the advice of the Armed Services Committee, and the House, by lowering the pay scales and delaying their enactment.

We should not lose sight of the fact that the other body also approved a competitive pay scale. By a vote of 51 to 27, the Senate rejected the minimal pay recommendation of its Armed Services Committee and substituted the Gates Commission recommendation.

On July 21 the chairman of the Senate Armed Services Committee noted the depth of support for this amendment:

> The Senate has provided a very real economic improvement in military compensation. We have passed a pay package that amounts to approximately $2.8 billion and that package is $1.8 billion higher than the administration requested. As you know, I was opposed to increasing this amount at this time and would have preferred the phased approach of the President's program; but I accept the will of the Senate.

It should also be noted, Mr. Speaker, that the Senate chose to put a greater percentage of its pay bill into the lower grades. For example, a recruit would have been increased to $5,036 a year in the House bill, and $5,320 in the Senate bill. In view of this action, it is difficult to understand why the conference committee decided to provide the lower grades with levels of pay below those set by either House, while splitting the difference only for the careerists. As the New York Times declared in an editorial this morning:

> The conference committee has substantially reduced the $2.7 billion military pay raise which had been approved by both the House and the Senate. The arbitrary action was a violation of the rules governing conference committees. It also violates the rights of thousands of service families who are living at poverty levels and further reduces the possibility of achieving an early zero draft call and an all-volunteer army, the stated objective of the Nixon Administration and most members of Congress.

In the interest of preserving the intent of the Legislative Reorganization Act, and in providing fair compensation for all our servicemen, I am hopeful that the conference report will be replaced by a more meaningful compromise. At my request, the Defense Department developed a pay package which would remain within the overall dollar limits established by the House and Senate, while at the same time insuring that no pay grade would be given annual compensation below the rate provided in either House.

This compromise retains the substantial increases in quarters allowances provided for the careerists by the conferees. But it also insures equity for the four lowest enlisted grades in the following manner:

COMPARISON OF AVERAGE ANNUAL REGULAR MILITARY COMPENSATION

Pay grade	House bill	Senate bill	Conferees agreement	Suggested compromise
E-1 (recruit)	$5, 036	$5, 320	$4, 872	$5, 150
E-2 (private)	5, 484	5, 530	5, 311	5, 488
E-3 (p first class)	5, 893	5, 831	5, 663	5, 850
E-4 (corporal)	6, 457	6, 329	6, 189	6, 363

Table I below illustrates the manner in which the suggested compromise splits the difference between the total level of benefits provided by each House. The compromise retains approximately the same level of quarters allowance increases for careerists as contained in the conference report, without reducing the level of basic pay and dependents assistance benefits for the first-termer. Table II compares the basic pay rates between the compromise and the House and Senate version and table III compares the quarters increases in the House version to those in the suggested compromise. I should like to emphasize that all of these pay schedules conform to strict Defense Department criteria regarding the maintenance of proper intergrade and longevity differentials.

TABLE I.—CONFEREES AGREEMENT ON PAY IN H.R. 6531

[In millions of dollars]

	House	Senate	Conferees agreement	Suggested compromise	
				Annual cost	Cost from Sept. 1
Basic pay	1, 825. 4	2, 667. 0	1, 825. 4	2, 188. 9	1, 824. 0
Dependents Assistance Act	184. 1	79. 0	105. 9	124. 8	104. 0
Basic allowance for quarters	640. 1	0	409. 8	411. 6	343. 0
Basic allowance for subsistence	37. 8	0	0	0	0
Enlistment bonus	0	40. 0	20. 0	20. 0	20. 0
Recruiter expenses	2. 9	2. 9	2. 9	2. 9	2. 9
Optometrists	. 5	. 6	. 6	. 6	. 5
DAA reservists	20. 0	0	20. 0	20. 0	16. 7
Annual total	2, 710. 8	2, 789. 5	2, 384. 6	2, 768. 8	2, 311. 1

TABLE II.—BASIC PAY COMPARISONS BETWEEN SENATE BILL, COMPROMISE PROPOSAL HOUSE BILL, AND PRESENT RATES

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
0-5:									
Senate bill	$941.40								
Suggested compromise	922.20								
House bill	834.60								
Present	834.60								
Number	0								
0-4:									
Senate bill	$844.20	$886.80							
Suggested compromise	825.00	867.60							
House bill	704.10	856.50							
Present	704.10	856.50							
Number	0	0							
0-3:									
Senate bill	$758.10	$791.70	$809.10						
Suggested compromise	738.90	772.50	789.90						
House bill	654.30	731.10	781.20						
Present	654.30	731.10	781.20						
Number	781	2,343	15,253						
0-2:									
Senate bill	$693.30	$726.00							
Suggested compromise	674.10	706.80							
House bill	570.30	622.80							
Present	524.40	622.80							
Number	13,726	26,103							
0-1:									
Senate bill	$612.30	$648.90	$672.60						
Suggested compromise	593.10	629.70	653.40						
House bill	495.00	515.40	622.80						
Present	450.60	499.20	622.80						
Number	33,511	2,821	2,828						
0-1E:									
Senate bill				$672.60	$698.40	$722.10	$743.70	$766.50	$790.50
Suggested compromise				653.40	679.20	702.90	724.50	747.30	773.10
House bill				622.80	665.10	690.00	714.60	739.80	773.10
Present				622.80	665.10	690.00	714.60	739.80	773.10
Number				9	121	193	162	274	293
W-2:									
Senate bill	$544.20	$576.60	$576.60						
Suggested compromise	530.40	573.60	573.60						
House bill	530.40	573.60	573.60						
Present	530.40	573.60	573.60						
Number	21	924	851						
W-1:									
Senate bill	$484.80	$517.20	$517.20						
Suggested compromise	465.60	507.00	507.00						
House bill	441.90	507.00	507.00						
Present	441.90	507.00	507.00						
Number	949	558	109						
E-7:									
Senate bill	$445.80								
Suggested compromise	443.40								
House bill	443.40								
Present	399.00								
Number	5								
E-6:									
Senate bill	$411.30	431.70	448.80	463.20	480.30	497.40	514.20		
Suggested compromise	392.10	417.90	435.00	453.00	470.40	487.50	505.20		
House bill	382.80	417.90	435.00	435.00	470.40	487.50	505.20		
Present	344.10	417.90	435.00	435.00	470.40	487.50	505.20		
Number	180	911	1,051	6,813	17,358	24,347	30,821		
E-5:									
Senate bill	378.90	397.80	413.10	429.00	446.10	462.90	479.70	496.80	505.50
Suggested compromise	359.70	378.60	393.90	409.80	426.90	444.00	461.70	478.50	487.50
House bill	336.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50
Present	297.30	366.00	383.70	400.50	426.60	444.00	461.70	478.50	487.50
Number	38,331	63,262	74,315	79,211	50,229	28,368	24,214	15,497	57,706
E-4:									
Senate bill	352.80	370.50	387.90	405.30	421.20	430.20			
Suggested compromise	333.60	351.30	368.70	389.40	405.00	405.00			
House bill	323.40	341.40	361.20	389.40	405.00	405.00			
Present	249.90	312.90	330.90	356.70	374.40	374.40			
Number	243,071	174,196	118,420	27,785	8,910	8,700			
E-3:									
Senate bill	$336.90	$353.40	$367.80	$384.00	$392.40				
Suggested compromise	320.10	336.60	351.00	367.20	367.20				
House bill	311.10	328.20	341.10	354.60	354.60				
Present	180.90	252.30	269.70	287.40	287.40				
Number	292,749	55,928	16,709	6,445	2,453				
E-2:									
Senate bill	$320.70	$336.60	$353.70						
Suggested compromise	306.90	306.90	306.90						
House bill	299.10	299.10	299.10						
Present	149.10	208.80	208.80						
Number	219,692	9,752	2,225						

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
E-1 (over 4):									
Senate bill	$310.80	$326.40							
Suggested compromise	291.00	291.00							
House bill	268.50	268.50							
Present	143.70	191.01							
Number	40,083	3,300							
E-1 (under 4):									
Senate bill	$301.50								
Suggested compromise	291.00								
House bill	268.50								
Present	134.40								
Number	89,928								

TABLE II-1.—EFFECT OF PAY PROPOSALS ON DRILL PAY FOR RESERVISTS AND NATIONAL GUARDSMEN (COMPARISON OF THREE PROPOSALS)

Longevity and pay grade	Present drill pay for 1 weekend drill (MUTA-4)	House bill	Suggested compromise	Senate bill
Under 2 years:				
O-3	$87.24	$87.24	$98.52	$101.08
O-2	69.92	76.04	89.88	92.44
O-1	60.08	66.00	79.08	81.64
E-7	53.20	59.12	59.12	59.44
E-6	45.88	51.04	52.28	54.84
E-5	39.64	44.84	47.96	50.52
E-4	33.32	43.12	44.48	47.04
E-3	24.12	41.48	42.68	44.92
E-2	19.88	39.88	40.92	42.76
E-1	19.16	35.80	38.88	41.44
Under 4 months:				
E-1	17.92	35.80	38.88	40.20

TABLE III.—ANALYSIS OF INCREASE IN BAQ RATES

Pay grade	House	Suggested compromise	Present rate
Married:			
O-10	$339.00	$288.00	$201.00
O-9	339.00	288.00	201.00
O-8	339.00	288.00	201.00
O-7	339.00	288.00	201.00
O-6	303.90	258.03	170.10
O-5	281.10	238.80	157.50
O-4	253.50	215.40	145.05
O-3	230.10	195.60	130.05
O-2	206.70	175.80	120.00
O-1	166.50	141.60	110.10
W-4	244.50	207.90	145.05
W-3	225.60	191.70	130.05
W-2	204.30	173.70	120.00
W-1	189.30	160.80	110.10
E-9	216.90	184.20	120.00
E-8	202.50	172.20	120.00
E-7	189.90	161.40	114.90
E-6	176.40	150.00	110.10
E-5	163.20	138.60	105.00
E-4	143.10	126.90	90.60-105.00
E-3	120.00	114.00	60-00-105-00
E-2	105.00	105.00	60.00-105.00
E-1	105.00	105.00	60.00-105.00
Single:			
O-10	271.20	230.40	160.20
O-9	271.20	230.40	160.20
O-8	271.20	230.40	160.20
O-7	271.20	230.40	160.20
O-6	249.30	211.80	140.10
O-5	233.40	198.30	130.20
O-4	210.30	178.80	120.00
O-3	186.30	158.40	105.00
O-2	$163.20	$138.60	$95.10
O-1	128.10	108.90	85.20
W-4	202.80	172.50	120.00
W-3	182.70	155.40	105.00
W-2	161.40	137.10	95.10
W-1	145.80	123.90	85.20
E-9	153.90	130.80	85.20
E-8	143.70	122.10	85.20
E-7	123.30	104.70	75.00
E-6	112.80	95.70	70.20
E-5	109.20	92.70	70.20
E-4	96.00	86.10	60.00-70.20
E-3	85.20	76.20	60.00
E-2	75.00	70.20	60.00
E-1	70.20	60.00	60.00

I want, at this point, to include the technical language necessary to implement these changes. I am also including a series of important editorials on this subject by commentators Bryson Rash of WRC-TV, Joseph McCaffrey of WMAL-TV and by the New York Times:

SEC. 201. Section 203(a) of title 37, United States Code, is amended to read as follows:

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following table:

YEARS OF SERVICE COMPUTED UNDER SEC. 205

Pay grade	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
COMMISSIONED OFFICERS														
O-10 [1]	2,111.40	2,185.80	2,185.80	2,185.80	2,185.80	2,269.50	2,269.50	2,443.50	2,443.50	2,618.40	2,618.40	2,793.30	2,793.30	2,967.6
O-9	1,871.40	1,920.60	1,961.70	1,961.70	1,961.70	2,011.20	2,011.20	2,094.60	2,094.60	2,269.50	2,269.50	2,443.50	2,443.50	2,618.4
O-8	1,695.00	1,745.70	1,787.40	1,787.40	1,787.40	1,920.60	1,920.60	2,011.20	2,011.20	2,094.60	2,185.80	2,269.50	2,361.00	2,361.0
O-7	1,408.20	1,504.20	1,504.20	1,504.20	1,571.10	1,571.10	1,662.60	1,662.60	1,745.70	1,920.60	2,052.60	2,052.60	2,052.60	2,052.6
O-6	1,043.70	1,147.20	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,221.90	1,263.30	1,463.10	1,537.80	1,571.10	1,662.60	1,803.3
O-5	922.20	980.70	1,047.90	1,047.90	1,047.90	1,047.90	1,080.30	1,137.90	1,213.80	1,304.70	1,379.70	1,421.10	1,471.20	1,471.2
O-4	825.00	867.60	914.40	914.40	930.60	972.30	1,038.30	1,097.10	1,147.20	1,197.00	1,230.30	1,230.30	1,230.30	1,230.3
O-3 [2]	738.90	772.50	789.90	864.90	906.00	938.70	989.10	1,038.30	1,063.80	1,063.80	1,063.80	1,063.80	1,063.80	1,063.8
O-2 [2]	674.10	706.80	748.20	773.10	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.30	789.3
O-1 [2]	593.10	629.70	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.40	653.4
COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE SERVICE AS AN ENLISTED MEMBER														
O-3				864.90	906.00	938.70	989.10	1,038.30	1,080.30	1,080.30	1,080.30	1,080.30	1,080.30	1,080.30
O-2				773.10	789.30	814.20	856.50	889.80	914.40	914.40	914.40	914.40	914.40	914.40
O-1				653.40	679.20	702.90	724.50	747.30	773.10	773.10	773.10	773.10	773.10	773.10
WARRANT OFFICERS														
W-4	666.30	714.60	714.60	731.10	764.40	798.00	831.00	889.80	930.60	963.90	989.10	1,022.10	1,056.00	1,137.90
W-3	605.70	657.00	657.00	665.10	673.20	722.40	764.40	789.30	814.20	838.80	864.90	897.90	930.60	963.90
W-2	530.40	573.60	573.60	590.40	622.80	657.00	681.90	706.50	731.10	756.60	781.20	806.10	838.80	838.80
W-1	465.60	507.00	507.00	549.00	573.60	598.50	622.80	648.30	673.20	698.10	722.40	748.20	748.20	748.20
ENLISTED MEMBERS														
E-9 [3]							756.90	774.30	792.00	809.70	827.70	843.90	888.60	975.00
E-8						635.10	652.80	670.20	687.90	705.30	722.10	740.10	783.60	870.90
E-7	443.40	478.50	496.20	513.60	531.30	548.10	565.50	583.50	609.60	626.70	644.10	652.80	696.60	783.60
E-6	392.10	417.90	435.00	453.00	470.40	487.50	505.20	531.30	548.10	565.50	574.50	574.50	574.50	574.50
E-5	359.70	378.60	393.90	409.80	426.90	444.00	461.70	478.50	487.50	487.50	487.50	487.50	487.50	487.50
E-4	333.60	351.30	368.70	389.40	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00	405.00
E-3	320.10	336.60	351.00	367.20	367.20	367.20	367.20	367.20	367.20	367.20	367.20	367.20	367.20	367.20
E-2	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90	306.90
E-1	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00	291.00

[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $3,000 regardless of cumulative years of service computed under sec. 205 of this title.

[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members.

[3] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $1,185 regardless of cumulative years of service computed under sec. 205 of this title.

SEC. 204. Section 403(a) of title 37, United States Code, is amended to read as follows:

"(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following monthly rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	With dependents	Without dependents
0-10	$288.00	$230.40
0-9	288.00	230.40
0-8	288.00	230.40
0-7	288.00	230.40
0-6	258.30	211.80
0-5	238.80	198.30
0-4	215.40	178.80
0-3	195.60	158.40
0-2	175.80	138.60
0-1	141.60	108.90
W-4	207.90	172.50
W-3	191.70	155.40
W-2	173.70	137.10
W-1	160.80	123.90
E-9	184.20	130.80
E-8	172.20	122.10
E-7	161.40	104.70
E-6	150.00	65.70
E-5	138.60	92.70
E-4 (over 4 years' service)	126.90	89.10
E-4 (4 years' or less service)	45.00	45.00
E-3	45.00	45.00
E-2	45.00	45.00
E-1	45.00	45.00"

Note: A member in pay grade E-4 (less than 4 years' service), E-3, E-2, or E-1 is considered at all times to be without dependents.

SEC. 206. Section 3 of the Dependents Assistance Act of 1950 (50 App. U.S.C.), is amended by striking out that part of the table which prescribes monthly basic allowances for quarters for enlisted members in pay grades E-1, E-2, E-3, and E-4 (four years' or less service) and insert in lieu thereof the following:

"E-4 (4 years' or less service)	$86.10	$126.90
E-3	76.20	114.00
E-2	70.20	105.00
E-1	60.00	105.00"

SEC. 209. The foregoing provisions of this title shall become effective on the first day of the first month after enactment, except that section 203 shall become effective on such date as shall be prescribed by the Secretary of Defense, but not earlier than February 1, 1971, and section 206 shall become effective July 1, 1971.

"Army Pay"

(WRC-TV 4 editorial—Broadcase July 6 and 7, 1971)

The United States military has the temerity to assume that all recruits and draftees are single and without dependents. That blind policy decision has put about 330,000 men on first tour duty with the military and married in a basic pay structure that prevents family support.

Most servicemen can't go on welfare, even though their annual income may be as much as $600 below the national poverty level. Their full time jobs in the military disqualifies them. Some men have sought relief through food stamps, living in substandard housing, a second job or finding a place to put their small children while their wives work. Even these unacceptable alternatives are difficult to come by and they all serve to humiliate the men, affect their morale and hence the organization they serve.

Hope that some relief would come with the draft extension bill's provision to raise recruit pay to over $5,000 a year went down to apparent defeat last week. Conferees reduced the total allocation approved by the House and Senate more than $900 million by cutting pay and allowances and delaying enactment of even reduced increases until October 1.

There is little hope the conferees will change their minds, so a challenge should be presented on the floor, demanding more money. The military family, be it draftee, recruit, or volunteer, should not have to live in squalor. That is not the way to run an Army, Navy, Air Force or Marine Corps.

Comment of Joseph McCaffrey (WMAL-TV—July 8, 1971)

One trouble with Washington is that too many of its top people don't know any enlisted men. There is nothing wrong with the military, there is nothing wrong with our government that couldn't be brought into full view, and therefore in line for corrective action, by having some of the big people in this town partake of a few brews with the troops.

Nobody was listening to the enlisted men in the House-Senate Conference on the Draft The House passed an increase in pay and allowances totaling two point 7108 billion a year; the Senate passed a boost in pay and allowances of two point 7895 billion a year. Now you'd think the conferees, in trying to reach a compromise would strike a balance between those two amounts and come up with two point, seven something.

No, you'd never believe it but the conferees dropped the increase below the lowest figure, in this case the one passed by the House, and came up with a compromise of two point 4046 billion.

This, it would seem, could only happen to enlisted personnel.

So now the private will get four thousand eight hundred seventy two dollars a year, instead of the five thousand thirty six dollars proposed in the House Bill, or the five thousand three hundred twenty dollars proposed in the Senate Bill.

A Presidential commission has pointed out that current pay scales for the lower ranks are well below comparable civilian wages and act, in effect, as a discriminatory tax on servicemen.

Meanwhile billions are lost in cost overruns for procurement, and fanciful weapons that never make it past the drawing boards, but it's the enlisted man who takes the pay cut.

Commentary of Joseph McCaffrey

(As broadcast over WMAL-TV (7), Washington, D.C., July 9, 1971)

The enlisted men are getting a fast shuffle in the new pay provisions which have been worked out by a Senate House Conference Committee.

This Conference Committee in a highly unusual action rejected both the intent of the House and the Senate.

It took it upon itself to set a pay scale for the military, rejecting the votes of a majority of the House and a majority of the Senate.

It did this by doing what a conference committee is not supposed to do according to tradition and specifically according to the Legislative Act of 1970. It did this by not seeking to compromise the difference between the amount passed by the Senate and the amount passed by the House. Instead of doing this, which is what a conference committee is required to do by the laws of Congress, it rejected both amounts and, on its own, the Conference Committee picked a figure below the lowest amount passed by Congress.

The conference pay raise will give the private one hundred sixty-four dollars less than he would have gotten under terms of the House passed bill. The conference pay schedule gives the private almost 450 dollars less than he would get under the Senate approved bill.

The pay increases in this bill were designed to boost the pay level for the low grade men and women, thus making the military a more attractive career for enlisted personnel.

It should be pointed out that the average private under the conference report gets an annual increase of only fifteen hundred thirty-two dollars, but a brigadier general gets an increase of sixteen hundred fourteen dollars, and a two star general gets a pay hike of seventeen hundred dollars.

The enlisted man isn't getting too much help from the Conference Committee. In fact, not even the rules of the Congress protect him.

[From the New York Times, August 2, 1971]

Compromised Draft Bill

A House-Senate conference committee has substantially weakened the Mansfield amendment to the Selective Service Act by eliminating its forthright call for the withdrawal of all United States military forces from Indochina within nine months, subject to the release of American prisoners of war. This and other changes in the Mansfield version, which was adopted by the Senate by a 57-42 vote, leave the President broad leeway in the conduct of the war.

But the revised amendment does urge the President to set "a date certain" for troop withdrawal. Its passage would mark the first time that Congress has gone on record as advocating withdrawal from Vietnam and would add to the pressures on the Administration to respond positively to the latest Communist peace proposals in Paris. Since the House has already rejected the original Mansfield proposal by a substantial margin, 219 to 176, this is probably the most that can be achieved in Congress at this time.

There are other reasons, however, why neither house should rush to endorse the compromised draft legislation. The conference committee has substantially reduced the $2.7-billion military pay raise which had been approved by both the House and the Senate. The arbitrary action was a violation of the rules governing conference committees. It also violates the rights of thousands of service families who are living at poverty levels and further reduces the possibility of achieving an early zero draft call and an all-volunteer army, the stated objection of the Nixon Administration and most members of Congress.

THE TOWERING TOMBSTONE ON THE EAST RIVER

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I am sure many Americans are shocked and confused by today's announcement by Secretary of State Rogers that the United States will no longer oppose the admission of Communist China into the United Nations, but instead has done a complete turnabout and will vote for her admission. It is as bizarre an action as it would have been to recommend the admission of Nazi Germany to the League of Nations.

We are shocked because today's announcement is the second major concession to the Chinese regime in less than 3 weeks. In that time, we have heard of no promises by Communist China to justify such a dramatic reversal of American policy. Further, the bellicose and obnoxious rhetoric of the Peking Communists continues unrelentingly.

What, Mr. Speaker, are we receiving in return?

The President's visit could be justified on the basis of our receiving solid concessions from Communist China, concessions which would have to include the release of American prisoners of war and an end of the hostilities in Southeast Asia. But what have we received, or will we receive, from admission of the barbarous regime of Mao Tse-tung to the U.N.?

Americans are understandably confused when they view the history of Red China since 1949, when the Communists gained power, and compare this history with the stated goals of the United Nations as outlined in the preamble:

> We, the peoples of the United Nations, determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained and, to promote social progress and better standards of life in larger freedom, and for these ends, to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest and, to employ international machinery for the promotion of the economic and social advancement of all peoples,
>
> Have resolved to combine our effforts to accomplish these aims.

In the years since the Communists gained control of the Chinese mainland, they have ruthlessly exterminated between 10 and 50 million of their own people. The Chinese regime has invaded three countries, Korea, Tibet, and India, and has been condemned as an international outlaw by the very body we now propose to bring her into, the United Nations.

It planned, supported, and almost accomplished the overthrow and mass assassination of the Indonesian Government. It has fomented and supported guerrilla rebellions not only in South Vietnam but in India, Thailand, Laos, Burma, Malaysia, the Philippines, Latin America, the Middle East, and in African countries too numerous to list. It is reputed to be the foremost exporter of narcotics in the world.

And yet now, Mr. Speaker, we say that Communist China is fit to be admitted into the United Nations. Secretary Rogers' announcement today represents an affront to the sensibilities of civilized men. It makes a mockery of the sincere efforts of peace-loving people who placed such hopes for mankind, as are contained in the preamble to the United Nations Charter, in that world body. The moral bankruptcy of embracing so bestial a government as Red China will convert that monument to some of man's highest ideals, hopes, and aspirations on the East River into a towering tombstone marking the spot where those ideals, hopes, and aspirations found a final resting place.

THE SHARPSTOWN FOLLIES—XXV

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, Frank Sharp carried out many a curious deal while Will Wilson was in his employ. Wilson surely knew about these deals; after all, a man who has been a judge, a state attorney general, a candidate many times over for high political office, a former banking commissioner and sundry other things ought to be able to detect the presence of rotten fish.

Some of these deals today can be viewed with a touch of humor, as in the case of the Beckwood deal.

In the Beckwood deal, Frank Sharp somehow inveigled the local Jesuit order to issue and sell a bond in the amount of $1 million. The purpose of this bond was supposed to be to cover construction costs at Strake Preparatory School, which was operated by the Jesuits. But this bond money, obtained in the spring of 1968, was not used for the religious school at all; incredibly, it was turned over to Sharp's Beckwood Corp., which used the money to build a motel.

Ostensibly this was just a loan, for in return for the use of their bond money, the Jesuits got 20,000 shares of Sharpstown State Bank stock. Beckwood bought the collateral for this loan by using $500,000 of the Jesuits' money to purchase the stock that was pledged as security. Moreover, the stock was the only security on the loan; if Beckwood defaulted, the Jesuits could only sell the stock that had been bought with their bond money.

It is amusing in a grotesque way that a religious order would allow its bond money to be used for construction of a motel. But it is horrifying to think that they allowed half their money to be used to buy the stock which was pledged as collateral against that same money.

Now Will Wilson's law firm was engaged in the business of setting up multitudes of corporations like Beckwood. The law firm was also general counsel for the bank. Surely Wilson knew what was happening in this case, as in so many others, in which his legal services played a key role. He cannot say that he had no part in it. No man who so willingly played such games as this should be in charge of enforcing the criminal laws of the United States.

"COST OF LIVING" PAY BILL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Rosenthal) is recognized for 30 minutes.

Mr. ROSENTHAL. Mr. Speaker, today I introduce legislation to provide for the establishment of a special cost-of-living pay schedule containing increased pay rates for Federal employees in heavily populated cities and metropolitan areas, to offset the increased cost of living.

Joining me in sponsoring this bill are 16 of my colleagues from New York City. They are Lester Wolff, Joseph P. Addabbo, Emanuel Celler, Frank Brasco, Shirley Chisholm, Bertram Podell, John M. Murphy, Edward I. Koch, Charles Rangel, Bella Abzug, William F. Ryan, Herman Badillo, James Scheuer, Jonathan Bingham, Seymour Halpern, and Mario Biaggi.

Private industry and many State governments already pay higher salaries and wages to employees in large cities than they do for the same kind of work in other areas where living costs are not as high.

Evidence of the necessity for this legislation can be found in recent job actions by Federal employees seeking higher pay, most notably postal workers, who are, of course, no longer covered by the civil service pay schedules as a result of the Postal Reorganization Act. Such actions were centered in the big cities and high cost-of-living areas. Elsewhere, workers seem more satisfied with Federal pay scales. In fact, in many rural and suburban areas, Federal salaries are actually higher than State and local government and private industry pay for similar work.

Every major national employer has resolved this issue—every one, that is, except the Federal Government, which is the Nation's largest employer.

When an employee in private industry transfers to New York City, from another part of the country, he will receive a 10- to 20-percent increase in pay, even though he continues to do the same kind of work. A typist, file clerk, laborer, or white collar employee of a large national corporation in New York City receives a higher salary or wage than his counterpart in the same company in other areas of the country.

Even the State of New York pays employees who work in New York City a higher salary than those State workers with comparable jobs in other parts of the State. Municipal salaries of city employees in New York rank among the highest in the country mostly in recognition of the higher cost of living in New York City.

We are a nation with the highest standard of living in the world, and yet the Federal Government pays many of its own employees in the New York City area salaries which are less than they could receive if they collected welfare. Under current Federal pay scales, a GS–1 appointment starts at $4,326; a GS–2 appointment pays $4,897; a GS–3 salary is $5,524. In comparison, a family of four on welfare in New York City receives the equivalent of $5,834. Those higher grade Federal classified employees who do receive more in salary than they would on welfare, still, in most cases, receive less than the income requirements for a family of four to maintain a modest standard of living.

Studies by the Labor Department's Bureau of Labor Statistics have shown that the average family of four in the New York metropolitan area needs at least $7,183 per year in order to maintain a lower budget level. A starting salary for a GS–5 appointment, which requires 4 years of college or equivalent experience, is $6,938. That is a difference of approximately $300. On the other hand, in a nonmetropolitan area, the BLS figure for maintaining the same lower budget level is $6,512, which is well below the starting GS–5 salary.

Beginning pay for a GS–11 appointment is $12,615. The intermediate budget requirement for a family of four in the New York area is $12,134, while the average for all U.S. cities is $10,664—a difference of almost $1,500.

Starting salary for a GS–15 appointment is $24,251. The higher budget level requirement is $18,545 for a family of four in the New York area, while the all-cities average is $15,511—a difference of over $3,000. Additional information from the Bureau of Labor Statistics reveals that out of 12 cities checked, New York had the highest Consumer Price Index for 1970—119, as compared with the lowest, Seattle, Wash., with a Consumer Price Index of 114. That is a 5-point spread. Other statistics on the Consumer Price Index for other metropolitan areas will be included at the end of these remarks.

Increased salaries through regional differentials would not only be more equitable to Federal employees, but would be of great benefit to the Government as well. If the Federal Government paid its classified workers salaries which are competitive with private industry in that locale, it would be able to recruit and retain more qualified and better trained employees, instead of losing them to private industry. Just a few days ago the House of Representatives passed a bill calling for a raise in pay for Government blue collar workers to match the prevailing wages in private industry for similar work.

Under my bill, the Civil Service Commission would establish a special cost-of-living pay schedule for employees and positions located in metropolitan areas with a population of 500,000 or more. Over a million workers around the Nation would be affected.

I am inserting in the CONGRESSIONAL RECORD at this point, a list of some of the metropolitan areas involved, and the number of Federal workers employed there:

	Federal workers	Population
District of Columbia	321, 660	2, 874, 609
New York	129, 214	11, 409, 739
San Francisco	92, 077	3, 068, 403
Philadelphia	86, 142	4, 773, 804
Chicago	77, 125	6, 893, 909
Los Angeles	68, 796	6, 907, 733
Boston	45, 705	2, 730, 228
St. Louis	38, 470	2, 331, 371
Detroit	30, 947	4, 161, 660
Honolulu	26, 984	613, 114
Pittsburgh	18, 135	2, 382, 477
Seattle	16, 703	1, 421, 869

FOREIGN SERVICE GRIEVANCE BILL

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I am today reintroducing a bill to amend title VI of the Foreign Service Act of 1946 in order to establish a Foreign Service Employee Grievance and Appeals Board.

I am pleased that the following gentlemen from the Foreign Affairs Committee have decided to join me in introducing this legislation: The gentleman from New Jersey (Mr. FRELINGHUYSEN), the gentleman from Florida (Mr. FASCELL), the gentleman from Minnesota (Mr. FRASER), the gentleman from Alabama (Mr. BUCHANAN), and the gentleman from Michigan (Mr. VANDER JAGT).

The recent suicide of a selected out Foreign Service officer, forced to retire without a pension because he was not recommended for promotion, has dramatized an unfortunate situation which Congress should have taken action to correct long ago.

The State Department is the only Federal agency which does not guarantee that all its employees will have a chance for a hearing on complaints in regard to promotions and selection out. While the Department does have a grievance procedure for Foreign Service employees, performance ratings, promotions, and discharge actions are all excluded from that procedure.

Civil service employees of the State Department, on the other hand, have access to a complete system of review of all performance ratings which are appealed.

Under the provisions of the bill, the Foreign Service Employees Grievance and Appeals Board will guarantee that every Foreign Service employee will receive a fair hearing and review of any complaint relating to a grievance or an appeal of an adverse personnel action. The Board will have the power to order that remedial action be taken if the Board finds a grievance to be meritorious.

This bill, modeled on the grievance procedures of other Government departments, does not question the traditional Foreign Service concepts of promotion and selection out by review board evaluation. It does assure that individuals will have the right to a hearing if they believe they have been unfairly treated under the system.

I understand that the administration has submitted an employee-management relations proposal to the Federal Labor Relations Council, following approval of which a definitive grievance procedure will emerge. Pending approval of this proposal, the administration is drafting an interim grievance procedure, to be circulated to Foreign Service employees for comment.

This interim procedure is opposed by the 8,000-member American Foreign Service Association because it feels the procedure contains certain deficiencies such as these:

First, the lack of a right to demand a hearing in respect to major grievances.

Second, no guaranteed access by the grievant to the records necessary to build his case.

Third, hearings are to be closed.

These deficiencies are not in my bill, which the association supports. I would urge the administration to consider the framework in this bill when it prepares the interim procedure for implementation.

SMALL BUSINESSES HAVE PROBLEMS, TOO

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, in this day of administration and congressional concern about the financial problems of such financial giants as Lockheed and Penn Central, it will be well to take a little time to consider the plight of another important segment of the U.S. economy. The small businesses of America are in trouble, too. Congress and the administration also have a responsibility to help this backbone of American business to survive.

Recent reports indicate businessmen operating what are known as small businesses, are trouble over inflation, the inability to get trained and dependable workers even in this day of high unemployment, rising taxes, high wages, Government regulations and redtape, and the practices followed by larger, better financed competitors.

But perhaps most of all, Mr. Speaker, they are worried that no one seems either to be listening to their message or cares for their plight.

It is estimated that so-called small business produces about 37 percent of the Nation's goods and services. Forty percent of the jobs are in small business; 5¼ million businesses fall into the small business category.

Taken individually, a small business seems to have little impact on a nation concerned with helping out the railroads and the giant corporations which have gotten themselves into financial difficulty.

But collectively, the small businesses of America are much more important to the Nation's economy than a railroad or aircraft manufacturer, and in our desire to see that the bankruptcy of a large corporation does not affect the Nation adversely, we should not overlook the fact that vast numbers of small businesses frequently are faced with the threat of bankruptcy. Their workers and their services constitute an essential part of the economy.

There should be an easing of the tax burden on already troubled small business. We must direct Federal agencies to go to greater lengths to provide work and contracts for these businesses.

We must further direct that endless Government forms, papers, rules, regulations, directives, and dictates be simplified or eliminated.

One of the foundation stones of our Nation has been the ability of small business to survive in a free economy and to provide jobs, services, and goods, as well as to pay taxes.

In recent years, the trend has been to fewer and fewer small businesses, while big business has grown bigger. Small business can become a thing of the past unless government can be aroused to the problems which confront the small businessman. It is time to weigh the importance of this major segment of the economy and determine whether we are willing to let small business become a thing of the past.

THE FIGHT FOR GREEK DEMOCRACY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it would appear that finally the Congress is accepting responsibility in our relations vis-a-vis the Greek junta. It was a magnificent victory last week within the Foreign Affairs Committee for which our colleague Wayne Hays deserves great credit in cutting off aid to Greece unless the President finds that overriding requirements of the national security justify continuing such aid.

Efforts in previous years to deny money and aid to the Greek military leaders failed, so I am pleased that this year the Foreign Affairs Committee is leading the way.

An article on the fight for Greek democracy by Bruce Buckley, the editor of the Chelsea Clinton News, reporting on the activities of Maurice J. Goldbloom, Executive Secretary of the U.S. Committee for Democracy in Greece, who appeared before the Congress and whose testimony was of major importance, is appended:

[From the Chelsea Clinton News (N.Y.) July 22, 1971]

PENN SOUTH JOURNALIST—FIGHT FOR GREEK DEMOCRACY

(By Bruce Buckley)

The House Foreign Affairs Committee surprised a lot of people last Thursday by voting to cut off military and economic aid to Pakistan and Greece.

Perhaps the most surprised of all was Greek Premier Papadopoulos, who sputtered the next day that no amount of American gold could influence the course his government would take.

It seemed obvious that the controlling junta had been deeply stung by the action, which meant, after all, a possible loss of $118 million for the coming year. In a country the size of Greece that kind of loss could have profound consequences.

The committee vote was a strong indication that Congress had finally decided to use the economic power of the U.S. to change a government whose policy of conspiracy and torture have brought world wide censure.

One of a handful of people who testified before the committee prior to the vote was Maurice J. Goldbloom, executive secretary of the U.S. Committee for Democracy in Greece. Goldbloom, a Penn South resident, edits the Committee's four-page monthly newspaper, News of Greece, which reports on the excesses of the junta.

The latest issue, for example, contains a front page article detailing the trials and tortures of 18 persons being held by the junta on charges of conspiring with Andreas Papandreou to overthrow the government.

The most famous of the 18 is Christos Sartzetakis, who was the model for the role of the incorruptible magistrate in the movie "Z" who uncovered a high-level plot in the murder of a Greek deputy.

Goldbloom told the congressional committee of the junta's "monumental incompetence."

"But even if the junta were composed of economic and administrative geniuses rather than men whose only expertise is in conspiracy," he continued, "it would be the enemy of everything for which the United States should stand.

"What we objected to in Mussolini and Hitler was not that they really did not make the trains run on time, but that they were the enemies of justice and human dignity. And in this, if not in all the details of their rule, the Greek colonels are their kin."

Goldbloom's fierce devotion to democracy in Greece goes back to the period he spent there in 1950–51 as Labor Information Officer for the U.S. economic mission to Greece under the Marshall Plan.

"For me," he recalled in an interview last week, "it was not just a formal commitment to help the development of democracy, but a real one. So it has continued long afterward."

Following the coup in April 1967, Goldbloom returned to Athens as a correspondent for several leading publications "to see what was happening, particularly to my friends."

What was happening was the arrest of 10,000 politically "dangerous" persons, 6500 in the first night after the coup, a figure which is greater in proportion to population than even Hilter could match in 1938, Goldbloom pointed out.

In articles he later wrote for such publications as Commentary and the New York Times, he was highly critical of American policy, which he judged to be largely responsible for laying the groundwork for the coup.

Goldbloom maintained that a shift had taken place during the Korean War which led to placing greater trust in dictatorial, right wing governments.

"After writing those articles, it was quite clear that I couldn't go back without endangering the people I saw," Goldbloom said. So he hasn't returned since that time.

That same year Goldbloom and others got together to launch the U.S. Committee for Democracy in Greece. Melina Mercouri, the Greek film star, became the honorary chairman; and Francis Biddle the first chairman.

Goldbloom believes that drying up American aid will go a long way toward the eventual restoration of democracy. Not, of course, under the junta, which has steadfastly refused to set any date for long-promised elections, despite American pressure.

Goldbloom feels that the only support the present regime has is the Army's, and the Army "is more interested in arms than ideology."

"The army," he added, "has felt itself increasingly isolated. It would be happy to withdraw from politics."

Without American aid the army's support could crack, Goldbloom said, and once it does the junta "collapses just like that." Goldbloom said, waving his hand in the air.

Among the Greek people, he said, there is practically no support for the junta. Of the four papers in Athens, the only one read by a large number of people is Ta Nea, which is not tied to the regime.

Helen Vlachos, a conservative Greek publisher who left the country rather than knuckle under to the colonels, recently said that the Greeks "vote every day" when they buy their newspaper, according to Goldbloom.

Changing governments does not necessarily ensure a return to democracy, of course. But Goldbloom pointed out one important fact: almost no high-ranking political leaders have cooperated with the junta, and many of them have condemned it "at considerable political risk." So there is a sound political basis for a return to democracy.

Goldbloom is looking forward to a time when News of Greece will no longer be necessary. "I would like to get a good night's sleep."

He would also like to return to a book he is writing on world politics, a country-by-country guide, which was 250,000 words long and about three-fourths finished four years ago before the coup.

It is still the same length. "Now," he laughed, "it's maybe half done."

THE GORDONS OF NORTHWEST FLORIDA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, among the families of note in northwest Florida, one of the best known is the Gordons. They have been associated with the development of western Florida throughout its history as part of the United States, and the family continues to be a well known and respected one.

The name Gordon comes from Scotland, from where no fewer than 157 main branches of the family have been traced to many parts of the world. The Gordons fill a considerable place in Scottish history, legend and ballad, dating back at least to the year 1138.

The family has produced an amazing number of military leaders. A Scottish army battalion, the Gordon Highlanders, is named for the family. Notables around the world who have borne the name Gordon have included Adam Lindsay Gordon, Australian poet; Alexander Gordon, Scottish antiquary and official in Colonial South Carolina; Charles George Gordon, British soldier and administrator, famed for his ability to command men of non-European races. His exploits in China, Egypt, and the Sudan are legendary.

Sir John Watson Gordon, Scottish portrait painter; Patrick Gordon, descendant of a Scottish family who served several foreign countries and became a Russian general; George Gordon-Cumming, Scottish traveler and sportsman; General Lord Adam Gordon, onetime commander of the forces of Scotland and governor of Edinburgh Castle.

Best known of America's Gordons, perhaps, is Gen. John Brown Gordon, Confederate Army lieutenant general. He led an infantry division at Gettysburg and was wounded eight times during the course of the war. He commanded one wing of Lee's army and made the last Confederate charge against the Federal breastworks before the surrender at Appomattox. He later served in the U.S. Senate, as Governor of Georgia, and as commander in chief of the United Confederate Veterans. He wrote "Reminiscences of the Civil War." A native of Upson County, Ga., he died in Miami, Fla., in 1904.

Another of Georgia's Gordons, Juliette Gordon Lowe, was founder of the Girl Scouts of America. Georgia's Gordon Military Academy is a reminder of the prominence of the Gordon name in military circles.

Legend has it that five Gordon brothers were among the early Georgia settlers. Ernest A. Gordon of Pensacola, who has propounded a history of the Gordon family, states that they came to Georgia in 1733 with General Oglethorpe. Subsequently, the five brothers separated and "scattered to the four points of the compass," and the name became well known in the course of history in Georgia and Alabama, as well as Florida. A town bears the name Gordon in Wilkinson County, Ga., near Macon, and another bears the name in Houston County, Ala., on the Chattahoochee River southeast of Dothan.

It was from Gordon, Ala., that many west Florida communities, such as Orange Hill, Campbellton and Marianna, received supplies prior to the coming of the Pensacola & Atlantic Railroad in 1882. Gordon, Ala., was nearly destroyed by fire in 1895 and never regained its prominence as a transportation and trading center for the surrounding tri-States area.

Alexander C. Gordon, then only a boy, came to what is now Henry County, Ala., in 1817, after his father had been killed in the War of 1812 a few years earlier. He prospered as a merchant and plantation owner. He commanded Gordon's Company, Blairs Battalion of the Alabama Militia during the southeast Alabama-west Florida Indian troubles in 1836. He also was captain of the Henry Grays, 6th Regiment of the Alabama Volunteers, during the early part of the Civil War.

Born in Washington County, Ga., Alexander C. Gordon had a son named Alexander M., who died in 1862. He had a son named Warren, who died in 1854, and one named Daniel, who became a Henry County probate judge. In the last half of the Civil War, Alexander C. Gordon served as commander of a militia battalion which operated against the Sanders band of deserters in the Choctawhatchee-Pea River Basins of southeast Alabama. The Sanders band, supplied by Federal forces on the Florida coast, harassed southeast Alabama and northwest Florida from remote hideaways along the Choctawhatchee near the Alabama-Florida border.

Several Gordons were identified with territorial Florida history. Ernest A. Gordon states that one of the original brothers to come to this country, Ephraim, was first to settle in west Florida. A son of Ephraim, Alexander, was a forebear of most of the west Florida branch of the family. Florida territorial papers also mentioned the name of Adam Gordon, Escambia County prosecuting attorney in 1824. He soon moved to Key West, where he was a U.S. Government official for years.

Records show that James B. Gordon was a resident of Walton County in 1833, possibly in what was then known as the Yellow River settlement. Lt. Francis Gordon of the Confederate Army was among those captured by Gen. Alexander Asboth's Federal raiding force at Eucheeanna in 1864. He was imprisoned at Elmira, N.Y., for the remainder of the war.

Ernest A. Gordon, in his historical notes on the family, recalls that Francis Gordon's son, Babe, was a Walton County stockman, and that another son, Charles, was Walton County circuit court clerk for 20 years.

Ernest A. Gordon said his grandfather, William Marlin Gordon, was a pioneer settler on the Yellow River, where he once operated Gordon's ferry. He later moved to Chicken Head in the Campton area north of Crestview. He died there in about 1906–07. He was the father of five sons: Daniel, Lovick Pierce, Edward, David and Marion. He also had four daughters: Mary, Nancy, Dora and Catherine. Mary and Nancy married brothers, Abe and Raven Moore. Dora married John Shaw and Catherine married John Markham.

Ernest A. Gordon is the son of Lovick Pierce Gordon, "who was the father of four daughters who had nine brothers." And that may help explain why there are so many Gordons and their kin today in west Florida. They are particularly numerous in Okaloosa, Escambia, Santa Rosa and Bay Counties, but you will likely find some of them in almost any of the major west Florida communities.

The Gordons of west Florida, like the ancestral branches of their family in Scotland, Georgia and Alabama, have made substantial contributions toward development of their Florida Panhandle communities. Although the genealogical threads may be tangled by time and circumstances, there is ample evidence to indicate a kinship of the west Florida Gordons with those who settled early in Georgia and their kinsmen who migrated to Alabama. The name Gordon, in America as in Scotland and elsewhere in the world, is symbolic of good citizenship. Historically, they are a people who are willing to fight for their country. They have helped this one.

FOREIGN ASSISTANCE

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, during the consideration of the foreign assistance bill this week I propose to offer the following amendment:

AMENDMENT TO H.R. 9910, AS REPORTED, TO BE OFFERED BY MR. ROUSH

Page 13, after line 24, insert the following:

"SEC. 304. Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by adding at the end thereof the following new subsection:

"(i) The presentations to the Congress of assistance proposed to be furnished under part I of this Act, and under chapter 4 of part II of this Act, shall not be classified as 'Secret', or bear any other similar security classification. All information concerning assistance furnished under such part I, and under such chapter 4 of part II, before or after the date of enactment of this subsection, shall be freely available to the public. Nothing in this subsection shall be construed to require that military information be made public."

And renumber the following sections accordingly.

THE 25TH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY—AUGUST 2, 1971

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today, August 2, 1971, is the 25th anniversary of the organization of the Joint Committee on Atomic Energy. Through this quarter century the committee has had a truly remarkable and effective record. I say this not because I have been a longtime participant—I am one of the newer members of the Joint Committee—but rather to pay tribute to those men who laid the foundation for the development of a completely new source of energy for our Nation.

The atomic age had a violent birth in the sky over Hiroshima. World War II was brought to an end, and the Clausewitz concept of war as carrying out political acts by other means was rendered obsolete.

The Congress believed that the control of nuclear weapons should not be concentrated in the executive branch and that there was a need for a "watchdog" committee. Thus the Joint Committee on Atomic Energy was born.

The committee members on both sides represented the leaders of the 79th Congress: Brien McMahon of Connecticut, Richard B. Russell of Georgia, Arthur Vandenberg of Michigan, Bourke B Hickenlooper of Iowa, and Carl T. Durham of North Carolina. There were also two distinguished colleagues who were charter members of this committee to whom I would like to pay special tribute: CHET HOLIFIELD, three times chairman of the Joint Committee, and MELVIN PRICE, our new vice chairman. Through the years they have contributed to some of the most important decisions in our Nation's history.

Congressman HOLIFIELD was named by Senator Brien McMahon, then chairman of the Joint Committee, to make a study to determine the basis for the Joint Committee's position on whether the United States should pursue the development of the hydrogen bomb. After an extensive review, Congressman HOLIFIELD recommended that the United States proceed with this development immediately. Chairman McMahon brought the Joint Committee's recommendation to the President, and in January 1950, President Truman gave the go-ahead for a crash program to develop this awesome weapon. In November 1952 the United States detonated its first hydrogen device. Approximately 9 months later the Soviets detonated their first hydrogen bomb. I might add that they received considerable help from Dr. Klaus Fuchs, a Soviet agent.

Remembering the impact that the Sputnik had on all of us in 1957, I can only imagine how much more devastating it would have been if the Soviets had been the first superpower to develop the hydrogen bomb.

CHET HOLIFIELD and MEL PRICE fought unceasingly for a nuclear navy and with other members of the Joint Committee strongly backed a Navy captain named Rickover, who had an idea that he could build nuclear-powered submarines. Today our Polaris/Poseidon nuclear submarine fleet stands as our line of defense.

In the late fifties, there was a great concern regarding the effects of the fallout of nuclear material from weapons testing. Before the word "environment" became popular in the lexicon of all Americans, CHET HOLIFIELD held extensive and detailed hearings in this vitally important area. The hearings were really designed to bring before the public the facts on this matter without prejudgment and without preconceived conclusions. It was generally accepted at that time and still is, that these hearings were a great service to the Congress and the country.

On the other side of the coin, in 1954 the Joint Committee recommended to the Congress a revision of the Atomic Energy Act in order to develop the peaceful uses of atomic energy. From this change has come a new and promising source of energy for civilian uses. In this short span of less than two decades a new source of energy has been developed to fill the great needs of our industrial Nation. Without this our coal, oil, and gas sources would be rapidly exhausted. In this connection I would like to pay particular tribute to Chet Holifield for his unceasing struggle to develop the fast breeder reactor.

He has continued to put the needs of our Nation above partisanship. And so it was that he worked with President Nixon to have the liquid metal fast breeder reactor identified as a national goal.

The Joint Committee on Atomic Energy has served the Nation faithfully and well. It has carried out its responsibilities as a "watchdog" of the Congress over this powerful, new and in some cases, little understood source of potentially great good and evil.

I would also like to single out for high praise on this occasion the ranking Republican House member of the Joint Committee, my distinguished colleague Representative Craig Hosmer from California who has contributed greatly to the committee's remarkable record during more than half of its first quarter century.

It is with pride that I summarize in these remarks the past accomplishments of the joint committee including a brief outline of highlights of the last 25 years.

The Atomic Energy Act of 1946 was at the time of its enactment, and in many respects remains today, without parallel in the legislative history of this country. It was a radical piece of legislation—in not a few ways alien to all that most of us believe in. Secrecy was the byword. The role of private enterprise in the program was almost nonexistent. Neither nuclear reactors nor the fuels that went into them could be privately owned. In a word, the program, with few exceptions, was one huge Government monopoly.

ATOM PLACED UNDER CIVILIAN CONTROL

Nevertheless, the McMahon act—as the 1946 act came to be popularly known—served this country well through a trying period. It embodied the wisdom and the best foresight of the Congress and the American people in the period immediately following the close of World War II when atomic energy had emerged as a revolutionary new force. Congress chose well when it enacted the Atomic Energy Act of 1946 and created a civilian agency to develop the atom rather than maintaining it under military control.

It was always recognized, however, that the 1946 act was temporary in nature. Accordingly in 1953, at a time when the United States had a large stockpile but no longer a monopoly in nuclear weapons, the Congress was able to consider devoting a portion of our nuclear capacity to civilian purposes, and to eliminate some of the secrecy in which our atomic energy program was enshrouded. As a result, the joint committee recommended and after long debate Congress enacted the Atomic Energy Act of 1954. Enactment of the 1954 act marked the culmination of efforts by the Joint Committee and the Congress, in accord with the policy declaration of the 1946 act, to update the basic statute so as to reflect the rapid advancement and broadened horizons of nuclear science.

The new act marked a turning point—a shift in emphasis from solely military applications to an increasing emphasis on peaceful uses. This shift has continued to this day.

CREATION OF JOINT COMMITTEE ON ATOMIC ENERGY

A unique feature of the Atomic Energy Act of 1946 was its creation of a joint committee of Congress to oversee the atomic energy program. The Joint Committee on Atomic Energy—one of the few committees of Congress established by statute rather than by rule of each House and the only joint committee empowered to receive and recommend proposed legislation, including authorization of appropriations—grew out of Congress' cognizance of and concern over the vast powers which were bestowed upon the executive branch of Government by the 1946 act.

In this field of overriding importance to the national defense and of unlimited promise for the peacetime welfare of the Nation and the world, new legislative techniques were necessary. As President Truman remarked in 1945—

> The release of atomic energy constitutes a new force too revolutionary to consider within the framework of old ideas.

The Congress had to meet the challenge of atomic energy in a manner which would preserve and strengthen the structure of a Government which rests upon the foundation of separate and equal powers and at the same time assure that the legislative branch was equally as informed as the executive branch.

The instrument which Congress chose to span the separation between the executive and legislative branches and to meet the special legislative needs imposed by the defense importance, the complexity, and the portent of atomic energy was the Joint Committee on Atomic Energy. The magnitude—both in terms of the management problem and the immense expenditure of public funds—of the atomic energy program, its technical complexity, and its security importance gave almost a new dimension to the normal responsibilities of a legislative committee. In recognition of these special responsibilities the Congress conferred upon the Joint Committee unusual powers—sufficiently unusual to make the committee unique in Federal legislative annals.

JCAE UNIQUE IN LEGISLATIVE ANNALS

The Joint Committee was established as the agent of the Congress and the American people, and is charged with the responsibility of making "continuing studies of the activities of the Atomic Energy Commission and of the problems relating to the development, use, and control of atomic energy."

The Commission by law is required to keep the committee "fully and currently informed," as is the Department of Defense with respect to all matters within its cognizance relating to the development, utilization, or applications of atomic energy. The committee has full hearing powers, including subpena authority. The committee members from each House report out bills or other legislative matter to their respective Houses. To promote bipartisan support, not more than five of the nine-member delegation from each House may belong to the same political party.

The obligation of the Atomic Energy Commission and the Defense Department to keep the Joint Committee fully and currently informed helps to assure a continuing flow of information necessary to the proper discharge of the committee's responsibilities to the Congress. Visits by the committee and its staff to AEC laboratories and other operating sites serve to further alert the committee to the problems and promises of the atomic energy program. Continuity in committee membership and the selection of a highly competent staff without regard to political affiliation have also enhanced the committee's ability to cope with its responsibilities. Finally, the vantage point of the Joint Committee, separate as it is from the executive position of the Commission, has provided a degree of perspective such as to enable the committee to make substantive recommendations which have been accepted by the executive branch.

NATIONAL DEFENSE SERVED WITHOUT STINT

The paramount and primary objective of the national atomic energy effort, by statute and unflagging determination of both the Joint Committee and the Atomic Energy Commission, has been in support of national defense. This objective has been served without stint.

Our nuclear arsenal—if one could call it that—at the end of World War II was nonexistent. The atomic bombs that fell on Hiroshima and Nagasaki on August 6 and 10, 1945, completely exhausted our supply at that time and our production capabilities were exceedingly limited.

As late as December 1946, shortly before the Atomic Energy Commission assumed jurisdiction over the atomic energy program from the Manhattan Engineering District, the weapons program was at a virtual standstill. A commission representative who made an inventory of the weapons stockpile in that month later told the Joint Committee:

> I spent 2 days, as a representative of the Commission, going over what we had. I was very deeply shocked to find what few weapons we had at that time.

By the spring of 1949, however—little more than 2 years after the AEC had gone into operation—the Nation's leaders were able to take comfort in the knowledge that the country had what accurately could be described as a nuclear weapons stockpile. Later, as a result of the AEC's major rehabilitation and expansion programs, the country was provided a nuclear weapons capability in quality and quantity that to this days remains unmatched by any other nation.

DEVELOPMENT OF THE H-BOMB

The story of the development of our nuclear shield would be incomplete without some reference to the H-bomb. The possibility of developing a hydrogen bomb was explored by U.S. scientists as early as 1942. Studies concerning the feasibility of a hydrogen weapon were conducted as part of the wartime atomic project, although they were subordinate to work on the A-bomb since it was believed that the atomic bomb could be developed more quickly and could, therefore, be used to hasten the end of the war. At first, after the end of World War II, no substantial effort was directed toward the development of an H-bomb although a small research program on thermonuclear energy was continued.

This situation prevailed until September 23, 1949, when President Truman announced that the Soviets had exploded an atomic bomb. The Government promptly reviewed our atomic program in light of the generally unexpected rapid progress of the Soviets. As a result, for the first time, major attention was directed to the question of developing a thermonuclear weapon.

The Joint Committee on Atomic Energy took a leading part in urging the President to support a vigorous program on the development of hydrogen weapons. Between September 1949 and January 1950, the committee held several hearings in executive session on this question. Over the signature of its chairman, the late Senator Brien McMahon, five separate letters were forwarded to the President on behalf of the committee urging a major development effort. A special subcommittee was set up to review the H-bomb.

After consultation with a number of scientists, the subcommittee recommended to Chairman McMahon that it move ahead at all possible speed with the H-bomb program. Chairman McMahon thereafter wrote several letters to President Truman, visited a number of atomic installations and together with a number of the Joint Committee members personally called upon President Truman at the White House to urge a major crash program on the H-bomb.

After vigorous debate at the highest levels of Government, the situation that confronted the President was this: first, a majority of the Atomic Energy Commission advised against proceeding with a large-scale and vigorous effort on development of the hydrogen bomb; second, the AEC's General Advisory Committee also advised against proceeding; third, the Joint Committee on Atomic Energy favored proceeding; and fourth, a special Subcommittee of the National Security Council favored proceeding, the Secretary of State and the Secretary of Defense recording favorable votes.

On January 31, 1950, President Truman made his decision and issued an order to the Atomic Energy Commission to proceed with the development of the hydrogen bomb. As the project progressed the Joint Committee renewed its urgings that every effort be made to attain the objective in the shortest space of time. The program was pushed with great vigor and achieved success. The value of the effort was proved less than a year later when the Soviets detonated their own hydrogen device.

The power of the hydrogen bomb is not a mere magnitude larger than the atom bomb used in World War II. It is three magnitudes larger, or 1,000 times as powerful as the A-bomb. Imagine, if you can, a train of boxcars stretching from Boston to Los Angeles, each car filled with TNT. That will give you some conception of the explosive content of a 20-megaton weapon.

SAFEGUARDS AGAINST ACCIDENTAL DETONATION AND UNAUTHORIZED USE OF NUCLEAR WEAPONS

Over the years the yields of our hydrogen weapons have been reduced as the means and accuracy of our delivery systems have improved. Concurrently, the safety and security of our weapons have improved.

Equally important are the devices which safeguard against the possibility of unauthorized use of nuclear weapons, the need for which was brought to the President's attention by the Joint Committee.

In carrying out its responsibility to review activities in the vitally important field of atomic weaponry, the Joint Committee in the late fifties became apprehensive about the arrangements for the custody and control of U.S. nuclear weapons assigned to NATO. Based on the knowledge of the practices and procedures then in effect concerning these weapons, grave consequences were foreseen by the Joint Committee in case of the unauthorized use or accidental detonation of these nuclear weapons.

Aware of the dangers inherent in this situation, in 1960 Senator CLINTON P. ANDERSON as chairman of the Joint Committee appointed a special ad hoc subcommittee to investigate the matter. Subcommittee members visited eight European countries and more than 15 nuclear weapons installations. Early in 1961, as a result of this inspection, a top secret report was presented to President Kennedy containing recommendations designed to strengthen and improve NATO nuclear weapons arrangements.

One of the key recommendations of this report called for the development of a system of electronic locks to be placed on nuclear weapons as a safeguard against unauthorized firing. This recommendation was accepted by the President and a research and development program was begun which ultimately resulted in the development of the permissive action link system.

Numerous other recommendations were set forth in the report—many of which to this day must remain classified. The committee was at the time, however, concerned with what appeared to be too great a reliance on nuclear weapons in NATO and an inadequate understanding amongst our allies and within our own forces of nuclear weapons effect. The committee recommended against any significant increase of nuclear weapons in Europe and that greater effort be made to increase NATO's conventional weapon capabilities. Additional recommendations, which subsequently were implemented, included coordination between NATO and SAC nuclear weapon war plans and the removal of Jupiter IRBM missiles from Italy and Turkey. A potential safety problem in an operational system was uncovered by a Joint Committee consultant and was corrected.

DEVELOPMENT OF THE NUCLEAR SUBMARINE

One of the brightest chapters under the military aspect of atomic energy was the development of the nuclear Navy, particularly the nuclear submarine. There is little question that the support which the Joint Committee and Congress gave to the development of the nuclear submarine will long be remembered as one of Congress' greatest contributions to the preservation of the Republic. On more than one occasion Admiral Rickover, the man who provided the day-by-day technical drive and organized leadership for the work, has referred to the essential part that the Joint Committee on Atomic Energy and the Congress played in this development.

At the time Admiral Rickover took the helm of this development project the Navy thought so little of it that they gave him no support to carry it out. The Congress recognized this impasse early in the program and stepped in to fill the vacuum. Specifically, the Congress authorized facilities for the development work and provided funds for the operation of these necessary facilities. Later, when the Navy refused to seek the funds necessary to build a nuclear submarine, Congress stepped in again and voted funds for the nuclear powerplants for the first two nuclear submarines, the *Nautilus* and the *Seawolf*. Because of the Navy's reluctance the money was appropriated to the Atomic Energy Commission where it was used to build the powerplants that were then turned over to the Navy Department. Through this circuitous route were built the first of the nuclear submarines which today constitute one of the mainstays of our national defense.

In subsequent years, the Joint Committee has continued to recommend, and Congress has continued to authorize, facilities for the advancement of nuclear submarine and surface warship propulsion technology which were turned down within the executive branch in the budgetary review process. Congress has also added nuclear-propelled surface warships to the authorization requests of the Department of Defense.

NUCLEAR POWER GROWING RAPIDLY

Until not too long ago the much publicized military atom captured the lion's share of the headlines. Of late, however, the peaceful atom has more than come into its own. In no area is this more true than in the use of atomic energy to produce electrical power.

The development of nuclear reactors for the conversion of atomic energy into useful, economical power has been the goal toward which the United States has worked since the day in 1942 when the first nuclear chain reaction in the uranium graphite pile was achieved under the west stands of Stagg Field at the University of Chicago. If the recent upsurge in orders for nuclear powerplants is any indication, that goal is now within our grasp.

There is now available a vast new energy source in addition to fossil fuels to meet the Nation's ever-increasing power requirements. The magnitude of this feat takes on even greater meaning when it is recalled that this country had no installed commercial nuclear electrical generating capacity until 1957, when the Shippingport nuclear reactor first went into operation. But for Congress, moreover, Shippingport might never have gotten off the drawing boards.

In the fall of 1952, the AEC proposed to the Bureau of the Budget that it include some construction money in the fiscal 1954 budget to enable the Commission to begin building a full-scale power reactor. The Bureau of the Budget refused the request on economy grounds. The Commission then proposed to the National Security Council that money be included in the revised fiscal 1954 budget for beginning construction of a pilot plant to produce 7,500 kilowatts of electric power. The National Security Council also turned this proposal down, again on grounds of economy.

When the President's budget message was submitted to the Congress, the Joint Committee was concerned to learn that the proposed budget for atomic energy contained no provision for the development of a full-scale atomic powerplant. Private industry had made it abundantly clear to the committee that it was prepared to invest in the development of an atomic power station if the Government would underwrite part of the cost and if the necessary amendments to the Atomic Energy Act of 1946 could be obtained. The Joint Committee deemed it essential, therefore, that the Commission be granted the funds with which to proceed with the development, design, and construction of such a powerplant.

Accordingly, W. Sterling Cole, the then chairman of the committee, conferred with the members of the House Appropriations Subcommittee charged with responsibility in this area, and discussed the implications for the future of atomic power if the Government failed to press forward with the development of a full-scale atomic powerplant. The Appropriations Subcommittee responded by sponsoring language in the Appropriation Act, language which was approved by the full committee, authorizing the Commission to spend $7 million during fiscal 1954 to begin construction of the Shippingport nuclear facility in cooperation with private industry.

The 60,000-kilowatt project, built in cooperation with the Duquesne Power & Light Co. and the Westinghouse Electric Co., was a complete success. In every way, it justified the confidence which the Congress had reposed in it and the people who built it. This was the first practical demonstration of the technical feasibility of using nuclear energy for full-scale production of power.

THE ATOM IN SPACE

Radioisotopes have widespread use in industry, medicine, and agriculture. In addition, when a radioisotope decays, it generates heat. The Atomic Energy Commission has developed shielded units containing high concentrations of radioisotopes which generate heat. The energy is converted to electric power for use in space and other applications. Such units are in use today in satellites now orbiting the earth, navigational buoys, and in remote weather station units. The space power application for radioisotopes is an important one since rather compact, light-weight units can be made which will generate electric power for considerable periods of time, equivalent to that which would be produced by many tons of batteries or through the use of many thousands of solar cells displayed in huge panels attached to a space satellite.

One such device was lofted into space in 1961—the world's first nuclear-powered satellite. There were those who resisted the experiment because they felt a proof test was unnecessary, or because it might cost an undue amount of money. Vice President Lyndon B. Johnson, however, disagreed, and threw the support of the President's Space Council behind the Joint Committee's proposal to put the satellite to a test. It is no exaggeration to say that the success of the experiment broke the chains of power limitations in space. That nuclear powered satellite is still operable today.

Another example of the generation of electricity by atomic energy for use in space application was achieved in 1965. In April of that year the first nuclear reactor was orbited about the earth in a satellite containing a number of scientific experiments. This reactor, the SNAP 10–A, generated 500 watts of electric power for a period of 43 days following the launch. A failure, not in the reactor but in the electrical load distribution system, was apparently responsible for termination of the electric power generation.

It is important to note here that although the administration did not plan a test of the SNAP 10–A reactor in the space environment, the Joint Committee on Atomic Energy believed that such a test was highly desirable and could be conducted successfully at a reasonable cost. For this reason the committee recommended authorization of funds for the conduct of a test in space, and the Congress, acting on the Joint Committee's recommendation, authorized and appropriated the necessary funds. The test was successful in that it demonstrated the ability safely to launch, start up, and operate a reactor in space—an important first in the U.S. space effort.

INTERNATIONAL COOPERATION IN THE PEACEFUL USES OF ATOMIC ENERGY

Not to share is foreign to the creed of the American people. Accordingly, on December 8, 1953, President Eisenhower presented to the General Assembly of the United Nations his historic "Atoms for Peace" plan, which embodied the Nation's desire and willingness to join with all other nations in a common undertaking directed toward the peaceful development and constructive exploitation of atomic energy. The popular appeal of directing atomic materials to peaceful rather than military uses was fully established by the enthusiastic worldwide response to the proposal.

Out of that proposal emerged the International Atomic Energy Agency, conceived as an instrument for enabling East and West to work together on technical and economic problems apart from the arena of political conflict. The Agency statute, approved by the United States in 1957, was a singular achievement, for it embodied the first significant agreement between East and West directly related to the arms limitation problem. The Agency has served to siphon off atomic materials from military to peaceful uses and, more importantly, to establish a system of international safeguards against the diversion of nuclear materials to military purposes.

A number of nations have found the International Agency a source of help essentially neutral in the East-West conflict. To assist these nations the United States contributes equipment and material to the Agency for distribution as it sees fit, subject, of course, to Agency safeguards. Many others have chosen to deal directly with the United States in obtaining the materials, equipment, and technology required for peaceful atomic applications. Where this has been the case the Joint Committee has strongly encouraged the AEC and the Department of State to insist that any assistance furnished on a bilateral basis be subject to international safeguards. Similarly, where bilateral agreements entered into prior to establishement of the Agency have come up for renewal the committee has fully supported the policy, and at times has had to insist upon the policy, of transferring our Government's safeguards responsibilities to the Agency.

Some of the nations with whom the United States has cooperated have balked at the transfer of these responsibilities to the International Agency, preferring instead that the United States itself perform the safeguards task. They seem to feel that IAEA inspection is a badge of second-class citizenship in the nuclear world. It is important, however, that the international inspection system be expanded and our control methods improved to guard against the dangers to world peace posed by nuclear weapons.

There have been occasions in the past when the AEC or the Department of State was willing to accommodate the resistance of some foreign countries to International Atomic Energy Agency safeguards. The Joint Committee, however, insisted upon compliance with the announced U.S. policy of IAEA or similar international safeguards and succeeded in strengthening the executive branch in its foreign negotiations.

PROLIFERATION OF NUCLEAR WEAPON

Also, over the years there have been those who have advocated transferring nuclear weapons and weapon technology to other nations. The Joint Committee has steadfastly resisted actions that would increase the proliferation of nuclear weapons to additional nations, either directly or indirectly. Thus in 1958 the Joint Committee substantially revised proposed legislation submitted by the executive branch to assure that the legislation would not permit additional nations to achieve independent nuclear weapon capability through assistance from the United States.

Notwithstanding criticism that the Joint Committee has placed undue restrictions on the executive branch in the exchange of nuclear technology and information for military purposes with other nations, the committee, in recognition of its responsibilities to the Congress and the people, has insisted that it be kept "currently and fully informed" and that no cooperation be entered into with other nations unless first carefully reviewed with the committee in light of the legislative intent of the Atomic Energy Act. For many years the committee has resisted repeated efforts by those who all too willingly would turn over to other nations the secrets of our nuclear submarine and surface warship technology.

Since 1966, there have been many formidable challenges. The need for maintaining world leadership in nuclear research, for meeting energy needs of the Nation, for protecting the environment, and for maintaining our defense posture—all were met in a responsible, constructive manner. Among many activities the committee, in its 21st year, for example, conducted hearings and approved initial authorization for the proposed 200 billion electron volt accelerator, the largest such research facility in the world. It published a report on Chinese nuclear capability. It also conducted hearings on the setting of radiation standards. And it approved legislation, later enacted, permitting AEC to conduct research for others in health and safety matters.

During 1966, the Joint Committee recommended, and there was enacted, an amendment to the Price-Anderson nuclear indemnity legislation, an act generally regarded as a cornerstone of the atomic power industry. This amendment was the most far-reaching since the legislation's passage in 1957. As originally enacted, the Price-Anderson law did not establish the basis of liability. The amendment rectified this and related inadequacies without violating one of the cardinal attributes of the Price-Anderson Act, namely, minimal interference with State law.

In 1968 the committee began an extended review of the "practical value" question in licensing nuclear powerplants. By 1970 the Joint Committee had completed its extensive consideration of the "practical value" question and prelicensing antitrust review aspect of the Atomic Energy Act of 1954, as amended After careful consideration, it recommended the filing of committee bills which later were enacted into law.

Also in 1968 the Joint Committee looked into the participation by small electric utilities in nuclear power. Faced with a grave defense responsibility, it expressed vigorous support of the administration decision to begin an antiballistic missile system. The committee also held hearings in conjunction with the Senate Foreign Relations Committee on the Nonproliferation Treaty.

In 1969 and 1970 the committee conducted the lengthy hearings on the environmental effects of producing electric power—hearings which ultimately represented over 3,000 pages of material and probably are the most comprehensive body of knowledge on this subject to date.

The committee last year reaffirmed its support for the breeder reactor to extend the Nation's resources of nuclear fuel. And the committee, continuing to press for improvement in the AEC's gaseous diffusion plants for enriching uranium, this year won approval of initial funding for this purpose.

Mr. Speaker, the signing of the Atomic Energy Act of 1946 by President Truman which established the Joint Committee on Atomic Energy also gave birth to the Atomic Energy Commission. I include as a part of my remarks the eloquent address of Dr. Glenn T. Seaborg, Chairman of the Atomic Energy Commission delivered at a reception at the Department of State yesterday, marking the 25th anniversary of the signing of the Atomic Energy Act.

NATIONAL MANDATE FOR ATOMIC ENERGY: A TWENTY-FIVE-YEAR REVIEW

(By Dr. Glenn T. Seaborg)

Twenty-five years ago this morning seven members of the Special Senate Committee on Atomic Energy gathered around President Truman's desk at the White House as he affixed his signature to Senate Bill 1717, which thereby became the Atomic Energy Act of 1946.

The bill which President Truman signed that morning a quarter of a century ago was no ordinary piece of legislation. It had emerged from months of Congressional and public debate over the life-and-death issues at which the dramatic advent of atomic energy had revealed to the world at Hiroshima. The new Act, as unusual in its provision as the events which produced it, reflected a fundamental re-examination by the Congress of the national predicament at the end of World War II. In terse terms of understatement, the Act described the looming presence of atomic energy in the world of that day: "Research and experimentation in the field of nuclear chain reaction have attained the stage at which the release of atomic energy on a large scale is practical. The significance of the atomic bomb for military purposes is evident."

If these facts were clear to everyone, the future was not. The Act went on to state: "The effect of the use of atomic energy for civilian purposes upon the social, economic, and political structures of today cannot now be determined . . . It is reasonable to anticipate, however, that tapping this new source of energy will cause profound changes in our present way of life."

I am sure that for some of us, with twenty-five years of hindsight, these words sound overblown and exaggerated. The world has changed dramatically since 1946 and yet it is not clearly evident that nuclear energy has been the prime mover of our generation. For the general public such things as television, shopping centers, interstate highways, and air conditioning may have seemed more obvious sources for change, but the obvious do not always have the greatest significance.

Let us read a little further in the 1946 Act. It established the Atomic Energy Commission, itself a unique institution in governmental organization, and assigned to it an exceptional responsibility. It was, in the words of the Act, the policy of the United States that, "subject at all times to the paramount objective of assuring the common defense and security, the development and utilization of atomic energy shall, so far as practicable, be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace."

What can we say today about our success in achieving these five goals?

Overshadowing all the others in the language of the Act was that of assuring the common defense and security. For a few months after the end of World War II, there were some hopes that the military aspects of nuclear energy could be subordinated to the peaceful and that under the system of international controls, this new energy source could be exploited for peaceful purposes. The somber events of 1948 and 1949 demonstrated, however, the accuracy of the original assessment by those who had drafted the 1946 Act. Nuclear weapons were to become the keystone of our national defense system, and the Atomic Energy Commission under the Act was called upon to accept the major responsibility for designing and building a new arsenal of weapons unprecedented both in their technical sophistication and destructive power.

The existence of a stockpile of nuclear weapons has never been a source of unmitigated comfort even to those who have the greatest confidence in our ability to carry out the responsibilities it imposes upon us. In recent years the public press has had much more to say about the dangers than about the benefits of the nuclear stockpile. Yet in taking a broad historical view (as seems appropriate on a silver anniversary), we must accept the fact that the terrifying prophesies of the past quarter century have not come true. The world so far has avoided nuclear war, and students of current affairs can cite instances in which the nuclear stockpile has helped to preserve the peace. Many of us who helped develop nuclear weapons during World War II profoundly hoped that nuclear warfare would prove too horrible for any rational nation to contemplate. Twenty-five years later we can see some evidence that this hope may be fulfilled.

I think it is, therefore, reasonable to state (and certainly without any sense of overweening pride or joy) that the Commission has been successful in carrying out its mandate to assure the common defense and security. Some of the best scientific talent in the nation has gone into this endeavor. Strictly at research institutions our weapon laboratories at Los Alamos and Livermore rank among the best in the world. They represent an investment in talent and resources which has proved well worth the cost. They also clearly demonstrate a point I have often made in recent years—that through skillful use of their talents and scientific knowledge, men can reap the promise of a new technology without necessarily incurring the hazards which it involves.

Beneath this umbrella of responsibilities for national security, the Commission attempted to carry out the other four mandates of the Act. In terms of improving the national welfare, I think first of the startling advances during the last quarter century in education in the nuclear sciences. These advances probably come to my mind first of all because I recall so vividly the precarious state of this new research field at the close of World War II. Those of us who had been privileged to explore this new realm of science during the war were gravely concerned about the prospects for the future. Research in the nuclear sciences would require equipment and financial support on an unprecedented scale, far beyond the capabilities of traditional sources in universities and private research institutions. Under the 1946 Act the Commission had a leading role in creating new administrative machinery for Federal support of research. The Commission also deserves credit for bringing into reality the new concept of the national laboratory. The research contract and the national laboratory became the key instruments for a system of research on a national scale which has helped to bring the nuclear sciences in this country to world pre-eminence. And the impact of this system has extended far beyond the nuclear sciences to other fields of research and to American education in general. The Commission program has established new standards that have come to be accepted as the norm in other educational institutions.

Under the topic of public welfare, I must also mention the extraordinary proliferation of the use of radioactive isotopes for industrial, medical, and space applications. In the early years of the Commission's existence, this subject was perhaps overworked in citing the benefits of nuclear energy, probably because the advances of radioisotopes were immediately evident. In the absence of other concrete examples it became customary to talk about radioisotopes. Now we take them much more for granted and can call attention to other kinds of accomplishments. But again in the historical perspective, I think we should not forget that the use of reactor-produced radioisotopes began only twenty-five years ago tomorrow, when one millicurie of carbon-14 was delivered at Oak Ridge to the representative of a St. Louis hospital. Since that day both the variety and quantity of available isotopes have increased to levels undreamed of a quarter of a century ago, with untold benefits in the diagnosis and treatment of diseases, in improving industrial operations, and in generating power in remote locations on the moon, and in deep space.

There is no question in my mind that the public welfare has been benefited in the last twenty-five years by the knowledge of the physical world which research in the nuclear sciences has made possible. The magnitude of this accomplishment is perhaps beyond the grasp of many Americans because its concrete results are indirect. In answer to the occasional cries from the wilderness that man is probing too deeply into the secrets of the universe, I can reply that we can never know too much about the world around us. It is not knowledge itself, but the use that we make of it that brings trouble. Our atomic energy program in the last twenty-five years has produced a veritable revolution in our understanding of both the physical and biological sciences. If you don't believe that, glance through some of the scientific journals of 1946. They reflect a world that seems incredibly remote today, not only in terms of the state of knowledge but also in the sense of our understanding of man's relationship to his environment.

The 1946 Act also declared that atomic energy should be developed to improve the standard of living and to strengthen free competition in private enterprise. These words suggested the common view in the immediate postwar period that a day of cheap and abundant nuclear power was about to dawn. I remember that those of us who served with Robert Oppenheimer on the Commission's first General Advisory Committee were worried about this over-optimistic expectation in 1947.

Nuclear power has become a reality within a time frame much closer to that which the Committee predicted than that which the public expected. In fact, we are today just reaching the point where private industry is beginning to invest substantial amounts of capital in nuclear power plants on a strictly economic basis. Nuclear power has scarcely begun to have an impact on the world's standard of living. But as we sharpen our predictions of future power needs, it seems inescapably certain that nuclear power will nave a profound effect upon the future standard of living. In this sense the substantial investment of talent, resources, and money in nuclear reactor technology in the past quarter century has been an investment in the future. As the Commission stated in its report to President Kennedy in 1962, we had reached in fifteen years the point at which nuclear power was becoming economically competitive. The technology of reactors using water as a moderator and coolant is approaching maturity. Under the Commission's leadership the nation has now accepted a new commitment for the future as we seek to develop an economical fast breeder reactor. Not only President Nixon and his Administration but also the Joint Committee on Atomic Energy have provided the support which this important effort requires.

"Strengthening free competition in private enterprise" conjures up the fears of 1946 that this new and little understood technology of nuclear energy would fall into the clutches of a few giant monopolistic corporations. The 1946 Act, by placing complete control of atomic energy in the hands of the Commission, sought to avoid that disaster. From the beginning the Commission took this mandate seriously and there was a constant effort over the years to bring about an orderly transformation from complete Government monopoly to a nuclear industry fully integrated into the national economy. This process began slowly, but by 1952 it was possible to begin thinking of a dramatic step toward industrial participation.

What started as a piecemeal effort to amend the 1946 Act ended in a sweeping revision of the statute, which became known as the Atomic Energy Act of 1954. Under the new Act, American industry could begin to play a major role in developing nuclear power, and the utilization of nuclear power for peaceful purposes could begin on an international scale. Ten years later, in 1964, the Congress under the leadership of the Joint Committee further amended the Act to permit private industry to own special nuclear materials as well as the plant in which they are used or produced.

So rapidly has the atomic energy industry grown in recent years that the Government monopoly of twenty-five years ago seems to have faded into the remote reaches of history. It would seem that the architects of the 1946 Act have achieved the goal they sought in assuring that this new form of energy would be developed for the benefit of all the people of this nation. Today we can broaden their intention and express the hope that nuclear energy can become the servant of all men everywhere.

The last mandate enjoined upon us by the 1946 Act was to use atomic energy to promote world peace. These words express one of man's highest and most elusive aspirations. As I have suggested earlier, it is possible that nuclear energy in its military applications has prevented a global war, but we would be speaking less than the truth to say that it has brought us closer to world peace. I would hazard the prediction that nuclear weapons will never have much more than a passive role in the quest for world peace. As in the past, they may help to protect us while we work to build the kind of a world that can exist in peace. But the kind of peace which all men seek will come only through the solution of the enormous social and economic problems which plague us today. I think it is no exaggeration to say that the development of nuclear energy in the last twenty-five years has opened up new opportunities for finding solutions to these problems. With patience, hard work, and clear thinking the forces set in motion twenty-five years ago today will by August 1, 1966, bring us closer to our ultimate goal.

TWENTY-FIFTH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, today, August 2, 1971, marks the 25th anniversary of the formation of the Joint Committee on Atomic Energy. The formation of the committee followed by one day the signing into law of the Atomic Energy Act of 1946.

There have been a number of distinguished Americans who have served on the committee, including Senator Brien McMahon of Connecticut, its first chairman. Senator McMahon has been recognized as the driving force in the legislature responsible for the creation of the Atomic Energy Commission.

Within our Government the formation of an independent Federal agency generally indicates there is a new and significant task to be performed. It appeared obvious to Senator McMahon that the control of the atom, which had been demontrated to be an important new weapon in warfare and which offered such potential for peaceful uses, should be removed from the control of the military and turned over to a civilian agency of the Government. The task of developing both peaceful and nonpeaceful uses of atomic energy was a momentous one and called for special organization and management techniques. The Atomic Energy Commission was created for this task—we have seen how successful this approach has been in the creation of the National Aeronautics and Space Administration, a more recently created Federal agency. The magnitude of the NASA tasks and the evidence of their successful accomplishment is illustrated by the moon exploration completed today by Astronauts Scott and Irwin.

From the standpoint of legislative organization, a special approach was devised. There have been joint committees before, having representation from both the House and Senate, and established to perform a special function. The important new element in the creation of the Joint Committee on Atomic Energy was that it was at that time, and still is, the only joint committee of Congress authorized to receive and recommend to the Congress proposed legislation. All bills, resolutions, and other matters in the Senate or the House relating primarily to the Atomic Energy Commission or to the development, use, or control of atomic energy, are required by law to be referred to the Joint Committee for its consideration.

Another function of the committee is the "watchdog" function. The AEC is required by the provisions of the Atomic Energy Act to keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. A third function of the committee is the policy and review function by which the committee recommends modifications or innovations in atomic energy programs. Examples of the exercises of this function are the expediting and support of the Navy nuclear propulsion program, the hydrogen bomb project, the utilization of atomic energy in space, and the liquid metal fast breeder reactor program.

The fourth function of the committee, and a function to which the committee attaches special importance, is the information function which imposes on the Joint Committee responsibility for providing information to the Congress and to the public in the field of atomic energy. The committee publishes documents containing testimony of witnesses on matters under review and includes significant related appendix materials. Some of these prints represent the most comprehensive compendium of information available on areas of special interest, such as: radiation standards, fallout, environmental effects of producing electric power, economics of nuclear power, and so forth.

I am personally privileged to have been among the charter members of the committee who assumed that office 25 years ago today. My colleague, the distinguished chairman of the Government Operations Committee and a former chairman of the Joint Committee on Atomic Energy, CHET HOLIFIELD, has also served on the committee since its formation. It has been gratifying work. We have seen over these years the strengthening of our nuclear defense capability, the achievement of many discoveries and developments in the field of nuclear medicine, and the formulation of basis for a successful development of a liquid metal fast breeder reactor which can offer so much toward solving the electrical energy problems of our Nation as well as those of the entire world.

Rather than talking exclusively of the past, I would like to mention a few words concerning the future. What is the future of the atomic energy program with respect to peaceful purposes? The course is straightforward and horizons are unlimited. The generation of electricity by nuclear power is fast becoming the best known prospect for significant contributions to mankind's activities. The rapidly growing need for electricity is well documented. Nuclear power offers a new, virtually inexhaustible energy source for our future generations and it does so with minimal environmental impact. Controlled thermonuclear power as a possibility is commanding more public attention each day. We must continue our efforts on this long-range development program meanwhile our near term reliance must be upon fission reactors. Other programs are, of course, underway. The exciting feature of atomic energy research is that we do not know what will be discovered next year—or 5 or 10 years from now—nor can we visualize the impact such discoveries might have on our present way of life.

The accomplishments of which I have only mentioned a few, are the accomplishments of the scientists and engineers, the Fermi's, the Seaborg's, the Rickover's and many others—men whose dedication has strengthened our national defense and has provided us the way toward a better life.

I would be remiss, however, if I failed to mention the efforts of the legislator, for, in this country of ours the programs carried out in our national laboratories and by our contractor must meet with approval of the men who are charged with determining the worth of these programs and approving the necessary funds with which they can be carried out. These men are the representatives of the people of this country, and they act in their behalf. I would like to pay special tribute to those of the House of Representatives and the Senate who have served as members of the Joint Committee on Atomic Energy at some time during its 25 years of existence.

A listing follows:

MEMBERSHIP OF THE JOINT COMMITTEE, 1945–71

Richard B. Russell, Edwin C. Johnson, Tom Connally, Harry Flood Byrd, Millard E. Tydings, Arthur H. Vandenberg, Warren R. Austin, Eugene D. Millikin, Bourke B. Hickenlooper, Thomas C. Hart.

William F. Knowland, Ewing W. Thomason, Carl T. Durham, Aime Forand, Chet Holifield, Melvin Price, Charles H. Elston, J. Parnell Thomas, Carl Hinshaw, Clare Boothe Luce.

John W. Bricker, Brien McMahon, James E. Van Zandt, James T. Patterson, Lyndon B. Johnson, Paul J. Kilday, Henry M. Jackson, W. Sterling Cole, Clinton P. Anderson, Thomas A. Jenkins.

Guy R. Gordon, John O. Pastore, Albert Gore, John J. Dempsey, Wayne N. Aspinall, Craig Hosmer, Henry Dworshak, George D. Aiken, Wallace F. Bennett, William H. Bates.

Jack Westland, Everett McKinley Dirksen, Thomas G. Morris, Carl T. Curtis, John B. Anderson, William M. McCulloch, John Young, Ed Edmondson, Catherine May, Norris Cotton, Stuart Symington, Alan Bible, Peter H. Dominick, Howard H. Baker, Jr., Orval Hansen.

TWENTY-FIFTH ANNIVERSARY OF THE JOINT COMMITTEE ON ATOMIC ENERGY

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, today, August 2, 1971, marks the 25th anniversary of the organization of the Joint Committee on Atomic Energy.

Never in history has a new force had such a profound effect on man's life as has nuclear energy. It is the controlling factor in the field of military security. It is a major factor and may well become the controlling factor in the supply of energy for the peaceful endeavors of mankind. In its short life nuclear energy has already become a major contributor to the health and welfare of all mankind through its manifold uses in medical research, diagnosis, and therapy as well as in agriculture and industry.

Those who have labored in the nuclear "vineyard" for this past quarter of a century know firsthand what has been done, but more importantly realize how much more can be done and must be done to reap full benefit from this tremendous source. This is perhaps the most important thought I can express on this memorable anniversary. Although the benefits we have received are great, the potentials which remain in the nuclear field are enormous.

The development of the breeder reactor represents the ultimate in the field of fission as an energy supply. The breeder holds the potential of a limitless supply of energy. On June 4 this year the President made his landmark pronouncement that the completion of the breeder development was the Nation's No. 1 effort in the energy field.

I might add that in my long experience in the Congress with responsibility for the overflow of highly technical development programs, I can quite honestly say that I have never seen a development program laid out as completely as that for the breeder reactor. All major areas of development have been identified, major facilities have been noted and cost estimates and schedules for every step of the way have been delineated for the attainment of this goal. What remains is execution.

One unique aspect of the nuclear field which deserves special mention concerns safety and environmental effects. I think I can state without hesitation that no other field of human endeavor has received the attention and effort nuclear energy has with respect to safety and environmental effects. For example, we have already spent over a billion dollars to determine and control the medical and biological effects of radiation. In designing and constructing nuclear facilities a determined effort has been made to maintain complete control of all reactions and effluents; and we have been successful. In this unprecedented attention to safety and control of effluents from the very beginning, an early example was set and much of the groundwork laid for proper environmental consideration in all activities. Other industries, in response to this Nation's recent environmental awakening, are now faced with the need for making meaningful improvement in their handling of effluents and waste products.

I must admit the atom has been given a "bad time" in recent years. But this has always been the penalty of a leader. These attacks simply place a greater burden on those responsible and knowledgeable in the field to press forward while maintaining the same high standards of safety. Nuclear energy must continue to lead the way in high standards of safety and quality.

It is important to remember there is no practical long range substitute for nuclear energy—which I might add includes both fission and fusion—to meet the electrical energy needs of mankind. Accordingly, nuclear energy must be fully developed. This can only be done by the responsible, cooperative efforts of all elements of government and industry and in so doing, this Nation will be the leader in a field vital to all of mankind. Without this cooperative effort, we will be followers.

I personally will continue to do whatever I can in helping this country achieve and maintain leadership in this field and I urge my colleague to also continue this effort as we enter the second quarter-century of atomic energy.

One of our newest colleagues on the joint committee, ORVAL HANSEN, has prepared a history of the first 25 years of the committee which he is presenting to this body today. I commend him for his effort and I recommend all Members of this body read this accounting of the efforts of the legislative branch in the nuclear development field. I would also commend to you the statement of my colleague and long associate on the joint committee, MEL PRICE, in which he summarizes the basic organizational concepts which were involved in setting up the atomic energy program. He also provided a list of the 54 past and present members of the Joint Committee on Atomic Energy all of whom have made significant contributions to our legislative efforts.

MEL PRICE and I are the two remaining charter members of the Joint Committee on Atomic Energy which was established 25 years ago today. He and I plan to meet with the present members of the committee and all of the past members we can get together later today to reminisce but more importantly, to plan for the future. The challenge of the atom continues to be important in our future. I personally believe the next 25 years in nuclear energy will be as productive as the first.

CONGRATULATIONS ON STEEL WAGE AGREEMENT

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, it was indeed great news to the thousands of steelworkers and their families throughout the country when the news media carried the word that the United Steel workers and steel management had agreed on a 3-year contract. This settlement prevented a devastating, long drawn-out strike, which would almost shatter the economy of our Nation. It is everybody's hope that the railroad workers and management will follow the example set by the steel industry in compromising their major labor-management dispute. The steel agreement was ratified overwhelmingly by the 600-member basic steel industry conference in Washington last night. This evidently was brought about by the steel union workers under the leadership of President I. W. Abel when he asked and won approval for a 24-hour extension of the deadline on Saturday.

Mr. Speaker, we have four major steel mills in my congressional district—United States, Inland, Youngstown, and several smaller manufacturers of specialized steel. During my visit home this past weekend I was informed by many of the steelworkers that regardless of a settlement the next few months will indeed be a dark period on account of steel management's policy, pending a threatened strike, to speed up production and as of today millions of tons of steel are already stockpiled in order to carry on sales for an indefinite period. Consequently thousands of steelworkers will be working part time or unemployed till the stockpile is exhausted.

Mr. Speaker, the administration and Congress could make a major contribution to our unemployment problem if we would unite and pass legislation restricting the fabulous importation of low-priced steel from Japan and Germany, and a few other steel producing nations. In the last 10 years 71 percent of the specialty business—stainless steel rods, and so forth, has been taken over by Japan and West Germany. The specialty steel industry in the United States is now on the verge of bankruptcy on account of the State Department policy in not joining with the Congress in limiting quotas on imported steel. Japan has taken our tool industry right out from under us with the permission and cooperation of our State and executive departments. It is predicted that by 1975, unless the Congress and the administration take immediate action, Japan will be the largest steel manufacturing country in the world. Today Japan produces 111 million tons, 60 percent of which they sell outside of Japan. Unless the Government acts to protect flagrant and inexcusably large quotas of imported steel, the major steel companies of this Nation will be knocking at the door of Congress for help the same as Lockheed, Penn Central, and others are doing today. In January 1968 Roger M. Blough, chairman of the board of United States Steel Corp. said:

> Steel mill product imports have risen from 1.2 million tons in 1957 to 10.8 million tons in 1966, and they are still rising. Over the same period steel exports declined from 5.3 to 1.7 million tons. That makes a net adverse swing of over 13 million tons in the past decade.

In January 1968 we all know that the profits, after taxes, for U.S. Steel was higher than at the present time. During the 3½-year intervening period from 1968 to the present time steel prices have been increased approximately 19 percent. During the same period wages, including fringe benefits, have increased approximately 17 percent. In fact, it was only 3 months ago that U.S. Steel, the United States largest producer, announced it was increasing its price 6¼ percent, and at the same time Youngstown Sheet & Tube and Bethlehem Steel followed the pattern and hiked cold-rolled and galvanized steel prices from $8.50 to $13 per ton. When steel, oil, food, et cetera, prices go up, the family of every wage earner suffers financial curtailment.

No doubt, the steelworkers' union organization will receive criticism for insisting on a wage increase from certain reactionary and profiteering sources. I do hope the American people, including the news media have not forgotten that in December 1969, 1 year and 8 months ago, the House and Senate, by a substantial majority, passed an economy and anti-inflation measure that gave the President complete authority to curtail and curb the rise of both prices and wages. The bill was signed by the President. Up to the present hour, it is still on file in the White House with no action taken to curtail prices and wages.

Mr. Speaker, I think the time is here today when the executive department should follow the recommendation of the Congress and most of the labor organizations and enforce the authority given him by the Congress back in January 1969 to take this important and necessary step to curb inflation and prevent further threats to our prosperity, widespread unemployment, and more labor-management disputes.

SUPREME COURT SETS ASIDE BOTTLED WATER

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on February 10 I introduced H.R. 4147 authorizing the Administrator of the Environmental Protection Agency to establish uniform national quality standards for bottled drinking water. I have since reintroduced this proposal with 31 cosponsors from both sides of the aisle.

Unfortunately, yet another incident has occurred to evidence the need for such legislation. As a result of recent bacteria studies sponsored by the Washington Evening Star, the newspaper reports that the U.S. Supreme Court members and staff have stopped drinking bottled water pending further study. Court officials went to the U.S. Environmental Agency for scientific advice, only to be told that there are no Federal standards or jurisdiction for Federal testing, according to the report.

It is clear that this confusion will continue as long as there are no specific Federal standards of health and safety for bottled water. State laws in this field are quite vague, and several States, along with the District of Columbia, have no pertinent laws whatsoever for bottled water.

The Star article also notes that Montgomery County has begun testing all bottled water products which are sold in that county. This is an encouraging development, and I am pleased to see what is probably the first systematic bottled water testing program to be conducted in the Washington area.

At the same time, protection of bottled water consumers is too important to leave to scattershot testing and investigation across the Nation. Consumers in all States and all counties should be protected. It is the responsibility of the Federal Government to establish uniform national standards. In this way, bottled water producers will have consistent guidelines, and bottle water drinkers can be assured of safety. Because of this urgent need. I ask all Members to join me in working for passage of H.R. 4147.

The Washington Star article follows:

SAFEGUARD—MONTGOMERY TESTS BOTTLED WATER NOW

Montgomery County has begun listing and testing the products of every bottled water company that does business in the county.

The U.S. Supreme Court has, for the moment, stopped drinking bottled water.

Both actions are the result of tests commissioned by The Star which showed that samples of some brands of bottled water had much higher bacteria counts than tap water.

Clayton Ervine, chief of the Montgomery health department's division of environmental health, said his office is in the midst of testing all bottled water sold in the county.

The action is believed to be the first systematic bottled water sampling to be conducted in the Washington area by any public health agency. The federal government leaves such testing to the states, many of which have either vague laws or no pertinent laws. The District has none.

So far, Ervine said, he has been impressed by the results of the tests. Many of the brands tested have had low bacteria readings.

However, one had a bacteria count "up in the millions," he said.

Until a few days ago, the Supreme Court was using gallon bottles of Poland Water, one of the nation's oldest brands.

According to Robert Wilkins, the court's assistant marshal, court officials have decided not to use the remaining inventory of 40 cases until the water is tested.

Wilkins said he had asked the U.S. Environmental Protection Agency (EPA) to test the water, but was told there are no federal standards or regular procedures for such tests. He was referred to a private testing laboratory.

Poland Water was one of four brands sampled by The Star for its tests, which compared the bottled water with local tap water from six locations.

TAP WATER COUNTS LOWER

The highest bacteria count found in tap water was 7,000 per liter. A liter is slightly more than a quart.

The counts in three of the four bottled waters were much higher. Two glass bottles of Deer Park Mountain Spring Water had counts of more than 500,000 per liter.

A half-gallon plastic container of Great Bear water had 140,000 per liter and a half-gallon plastic container of Poland Water had a range of between 50,000 and 500,000 per liter.

A glass half-gallon bottle of Mountain Valley Mineral Water was found to be bacteria-free.

Contacted after the tests, W. J. Alford, president of the Poland Water Company, said that his company had been having some trouble effectively sealing its plastic containers with aluminum tops. However, he added, Poland is now using an improved top and is one of the few companies that has begun dating the bottles.

The Star tests did not pinpoint the presence of harmful bacteria in bottled water However, Dr. Rita R. Colwell, a Georgetown microbiologist who performed the tests, and Erwin Bellack, a water expert who works in EPA's Division of Water Hygiene, agreed that a high bacteria count in itself could cause illness or a feeling of discomfort if the water is given to a baby, an elderly person or an invalid.

EXTENSION OF UNEMPLOYMENT BENEFITS

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Speaker, today I am introducing legislation to extend unemployment compensation benefits. The number of workers who have completely and totally exhausted all unemployment compensation benefits continues to increase at an alarming rate.

The State of Washington, and particularly the Puget Sound region around Seattle, have been hard hit. Cutbacks in military spending, coupled with a halt in domestic commercial airplane orders, have dealt our economy a severe blow.

Mr. Speaker, as of July 10, 1971, there were 26,650 unemployed persons in the State of Washington who had totally exhausted all benefits. This constitutes an increase of more than 11,000 since April 24, 1971.

The future for these unemployed persons is bleak, and legislation is desperately needed.

My bill is practical, easily administered, and devoid of new bureaucratic entanglements. It calls simply for an increase of 26 weeks of additional unemployment benefits to the jobless in areas where the unemployment rate exceeds 7.5 percent. The cost of an additional 26 weeks of benefits, under this bill, would be paid entirely by the Federal Government until 1973, after which the States would be required to meet 20 percent of the cost.

These extended benefits would not only keep thousands of jobless people off welfare, but would act as a badly needed additional floor under the State economy in general.

Mr. Speaker, I urge swift action on this legislation which is so desperately needed at this time.

PROPOSED GOVERNMENT REORGANIZATION

(Mr. HOLIFIELD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HOLIFIELD. Mr. Speaker, I would like to advise the Members of the House that our Subcommittee on Legislation and Military Operations of the House Committee on Government Operations has completed the first and overview phase of our hearings on President Nixon's proposals to reorganize the executive branch. These proposals involve the abolition of seven existing Cabinet departments and the creation of four new ones, with the functions of the seven to be placed in the four.

The seven to be abolished are Agriculture; Interior; Commerce; Transportation; Labor; Health, Education, and Welfare; and Housing and Urban Development. The proposed new departments are to be Natural Resources; Economic Affairs; Community Development; and Human Resources. A total of 385,000 employees and budget outlays of nearly $100 billion are involved in the reorganization.

The President sent his message on reorganization to the Congress on March 25 of this year and, at the request of the administration, I introduced the four bills to create the new departments on March 30. The bill numbers are H.R. 6959, to create a Department of Natural Resources; H.R. 6960, to create a Department of Economic Affairs; H.R. 6961, to create a Department of Human Resources; and H.R. 6962, to create a Department of Community Development. Identical bills were also introduced by our ranking minority member, Representative FLORENCE P. DWYER, and other Members of the House. I promised the President at that time that the committee would give thorough consideration to these proposals although, naturally, I was in no position to predict the final disposition of this legislation.

This massive reorganization posed an unprecedented legislative task for our committee, but we undertook this duty in a serious and responsible manner. I directed the staff to assemble and analyze all of the necessary background material and make contact with the appropriate authorities. I also addressed a letter to all of the committee chairmen whose legislative jurisdiction might be in some way affected by this reorganization, asking for their comments on the bills.

We began our hearings on June 2 and devoted 10 days to this subject, compiling a transcript of nearly 1,200 pages of testimony. We considered this phase of our study as one in which we looked at the reorganization as a whole and the common features that exist in all four bills. We have not attempted as yet to examine fully the rationale or the composition of the individual departments to be created but will leave that for a later time.

We had before us the Director of the Office of Management and Budget and the Chairman of the President's Advisory Council on Executive Organization, which made the original recommendation. We heard from a number of present and past Government officials, outstanding scholars, experts and public administrators. I believe we have accomplished our objective in obtaining as much expert information as was readily available. Our subcommittee members and the staff interrogated the administration and public witnesses closely and I feel confident that we have made a record which will be useful to the committee and to the Congress as a whole in making the necessary decisions.

Although a public invitation was issued to obtain witnesses for and against the proposal for executive branch reorganization supporting witnesses responded in greater numbers than those opposed. The magnitude and complexity of the proposals no doubt hindered the number of opposing witnesses to appear. As we move into specific consideration of the four separate drafts of legislation, the committee anticipates a greater number of opposition witnesses.

The transcript is being prepared for printing so that it can be made available to all interested Members as soon as possible. We are also considering issuing a committee print summarizing and analyzing the testimony that we received and the issues that arose. The complete list of witnesses follows:

LEGISLATION AND MILITARY OPERATIONS SUBCOMMITTEE WITNESSES FOR EXECUTIVE REORGANIZATION PROPOSALS (OVERVIEW HEARINGS)

WEDNESDAY, JUNE 2, 1971

Honorable George P. Shultz, Director, Office of Management and Budget; accompanied by Arnold R. Weber, Associate Director, Office of Management and Budget; and Dwight A. Ink, Assistant Director, Office of Management and Budget.

Roy L. Ash, Chairman, President's Advisory Council on Executive Reorganization.

THURSDAY, JUNE 3, 1971

Ben W. Heineman, President, Northwest Industries, Inc.

Charles L. Schultze, Senior Fellow, The Brookings Institute.

MONDAY, JUNE 7, 1971

Honorable George P. Shultz, Director, Office of Management and Budget; accompanied by Arnold R. Weber, Associate Director, Office of Management and Budget; Dwight A. Ink, Assistant Director, Office of Management and Budget; Samuel M. Cohn, Assistant Director for Budget Review, Office of Management and Budget; Alan L. Dean, Staff Coordinator for Reorganization, Office of Management and Budget; and Andrew Rouse, Former Executive Director, President's Advisory Council on Executive Reorganization.

TUESDAY, JUNE 8, 1971

Arnold R. Weber, Associate Director, Office of Management and Budget; accompanied by Dwight A. Ink, Assistant Director for Organization and Management, OMB; Alan L. Dean, Staff Coordinator for Reorganization, OMB; and Charles F. Simms, Government Organization Branch, OMB.

MONDAY, JUNE 14, 1971

Joseph A. Califano, Jr., Former Special Assistant to President Lyndon B. Johnson.

Honorable Wilbur J. Cohen, Former Secretary, Department of Health, Education, and Welfare.

WEDNESDAY, JUNE 16, 1971

Roy W. Crowley, Associate Director, National Academy of Public Administration.

William G. Colman, Consultant, Governmental Affairs and Federal-State Relations.

Frederick J. Corson, Chairman of the Board, Frey Consultants, Inc.

Frederick O'R. Hayes, Former Budget Director, City of New York.

John P. Perkins, Director of the Public Administration Program, Graduate School of Management, Northwestern University.

Harvey Sherman, Director, Organization and Procedures Department, Port of New York Authority.

WEDNESDAY, JULY 7, 1971

Rod Kreger, Acting Administrator, General Services Administration; accompanied by William Butts, Acting Assistant Administrator for Administration; William Sanders, Deputy Commissioner, Public Buildings Service; William Casselman, General Counsel; and Herman Barth, Deputy General Counsel.

Bernard Rosen, Executive Director, Civil Service Commission; accompanied by Harold Leich, Chief, Policy Development Division; and Anthony F. Ingrassia, Director, Office of Labor Management Relations.

THURSDAY, JULY 8, 1971

Abraham Katz, Director of Planning, International Business Machines Corporation, on behalf of the Chamber of Commerce of the United States; accompanied by Jack Osland, Assistant Director; and James F. Steiner, Director, Government Operations and Management Program.

Paul G. Dembling, General Counsel, General Accounting Office; accompanied by Robert L. Higgins, Attorney; and Gregory J. Ahart, Deputy Director, Civil Division.

THURSDAY, JULY 22, 1971

Milton J. Socolar, Deputy General Counsel, General Accounting Office; accompanied by F. Henry Barclay, Associate General Counsel; Robert L. Higgins, Attorney; and George Staples, Associate Director, Civil Audit Division.

TUESDAY, JULY 27, 1971

Dwight A. Ink, Assistant Director for Organization, Office of Management and Budget, Alan L. Dean, Staff Coordinator for Reorganization; and Arnold W. Weber, Associate Director.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of South Carolina (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. FLYNT (at the request of Mr. O'NEILL), for Monday, August 2 and Tuesday, August 3, on account of official business.

Mr. KEE (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BURKE of Massachusetts, for 10 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. KEATING) and to revise and extend their remarks and include extraneous matter:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HARVEY, for 5 minutes, today.

Mr. STEIGER of Wisconsin, for 15 minutes, today.

Mr. CRANE, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. ROONEY of Pennsylvania, for 10 minutes, today.

Mr. ROSENTHAL, for 30 minutes, today.

Mr. HAMILTON, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCCORMACK, and to revise and extend his remarks and include extraneous matter

Mr. HALL to extend his remarks prior to passage of the bill H.R. 7096.

Mr. MADDEN, and to include extraneous material.

Mr. ROONEY of New York and to include an editorial from the New York Sunday News

Mr. HOSMER (at the request of Mr. HOLIFIELD) to revise and extend his remarks following the remarks of Mr. HOLIFIELD on 25th anniversary of Joint Committee on Atomic Energy

Mr. MAHON, to revise and extend his remarks on the joint resolution and to include extraneous matter and tabulations.

Mr. RANDALL and to include extraneous matters in two instances in the Extensions of Remarks and also prior to the note on H.R. 7096 on the Consent Calendar today.

Mr. LENNON to follow the remarks of Mr. MIZELL today during his special order

(The following Members (at the request of Mr. KEATING) and to include extraneous matter:)

Mr. MILLER of Ohio.

Mr. HOSMER in two instances.

Mr. WYMAN in two instances.

Mr. BOB WILSON in two instances.

Mr. DERWINSKI in two instances.

Mr. YOUNG of Florida in five instances.

Mr. NELSEN.

Mr. GUDE.

Mr. ROBISON of New York.

Mr. KEMP.

Mr. BAKER.

Mr. SHRIVER.

Mr. SCHWENGEL.

Mr. MCCOLLISTER in 10 instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. MCCLORY in two instances.

Mr. MCCLURE in two instances.

Mr. ASHBROOK in two instances.

Mr. BRAY in two instances.

Mr. BROYHILL of North Carolina.

Mr. COLLINS of Texas in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. HAMILTON.

Mr. JACOBS in two instances.

Mr. HARRINGTON in two instances.

Mr. PUCINSKI in six instances.

Mr. VAN DEERLIN.

Mr. BINGHAM in two instances.

Mr. MURPHY of New York.

Mr. BENNETT in two instances.

Mr. GONZALEZ in two instances.

Mr. DINGELL in two instances.

Mr. BEGICH in two instances.

Mr. MOORHEAD in two instances.

Mr. HAGAN in three instances.

Mr. ROSENTHAL.

Mr. ROGERS in five instances.

Mr. HUNGATE in two instances.

Mr. RYAN in three instances.

Mr. CELLER.

Mr. BRADEMAS in six instances.

Mrs. Hicks of Massachusetts in two instances.

Mr. RARICK in four instances.

Mr. DANIEL of Virginia in two instances.

Mr. WALDIE.

Mrs. SULLIVAN in three instances.

Mr. CLAY in eight instances.

Mr. CONYERS in eight instances.

Mr. EDWARDS of California in two instances.

Mr. LINK.

Mr. PRYOR of Arkansas.

Mr. DANIELSON.

Mr. MAZZOLI in two instances.

Mr. SCHEUER in two instances.

Mr. GIBBONS in two instances.

Mr. MIKVA in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 24. An act to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

S. 123. An act to authorize the Secretary of the Interior to modify the operation of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation; to the Committee on Interior and Insular Affairs.

S. 1026. An act to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Interior and Insular Affairs.

S. 1257. An act to authorize an appropriation for fiscal year 1972 to carry out the metric system study; to the Committee on Science and Astronautics.

S. 1483. An act to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 19. An act to provide for a coordinated national boating safety program;

H.R. 943. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing;

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

H.R. 6239. An act to amend the maritime lien provisions of the Ship Mortgage Act of 1920;

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950; and

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2317. An act to extend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 19. An act to provide for a coordinated national boating safety program.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 3, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1012. A letter from the Assistant Secretary of State for Congressional Relations, transmitting copies of Presidential Determination No. 71-20, pertaining to assistance to Ethiopia, pursuant to section 504(a) and 508 of the Foreign Assistance Act; to the Committee on Foreign Affairs.

1013. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting the third annual report on steps being taken to strengthen management practices in the foreign aid program, pursuant to section 621(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1014. A letter from the Secretary of the Interior, transmitting a report on activities carried out by the Geological Survey outside the United States during the period January 1 through June 30, 1971, pursuant to 43 U.S.C. 31(c); to the Committee on Interior and Insular Affairs.

1015. A letter from the Secretary of Labor and the Secretary of Transportation, transmitting a report on the effect of the May 17–18, 1971, signalmen's strike against the Nation's railroads, pursuant to Public Law 92–17; to the Committee on Interstate and Foreign Commerce.

1016. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of June 30, 1971, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1017. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled, "All Electric Homes in the United States, 1970"; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 6915. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 92–434). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN. Committee on Conference. Conference report on S. 581 (Rept. No. 92–435). Ordered to be printed.

Mr. PEPPER: Committee on Rules. House Resolution 574. A resolution providing for the consideration of H.R. 9580. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles (Rept. 92–436). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9936. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes (Rept. 92–437). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on Foreign Affairs. House Concurrent Resolution 374. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes (Rept. No. 92–438). Referred to the House Calendar.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes (Rept. No. 92–439). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO (for himself, Mr. HAWKINS, Mr. MATSUNAGA, Mr. MORSE, and Mr. RAILSBACK):

H.R. 10281. A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps; to the Committee on Agriculture.

By Mr. BELL (for himself, Mr. EDWARDS of California, Mr. MCCLOSKEY, and Mr. RODINO):

H.R. 10282. A bill to amend the Economic Opportunity Act of 1964 to establish a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

By Mr. DRINAN:

H.R. 10283. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 10284. A bill to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes; to the Committee on Agriculture.

By Mr. HELSTOSKI:

H.R. 10285. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 10286. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

H.R. 10287. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. JOHNSON of California (for himself, Mr. ROBISON of New York, and Mr. MORSE):

H.R. 10288. A bill to amend the Water Resources Research Act of 1964, to increase the authorization for water resources research institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEITH (for himself, Mr. SCOTT, Mr. GIBBONS, Mr. SCHERLE, Mr. JOHNSON of Pennsylvania, Mr. CHARLES H. WILSON, and Mr. GRIFFIN):

H.R. 10289. A bill to encourage truth in newscasting and public-affairs broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD of Massachusetts:

H.R. 10290. A bill to amend title II of the Social Security Act for disability that any individual may qualify for disability insurance benefits and the disability freeze if he has 20 quarters of coverage (and meets the other conditions of eligibility therefor), regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. MITCHELL (for himself, Mr. CONYERS, and Mr. DELLUMS):

H.R. 10291. A bill to reduce pollution which is caused by litter composed of soft drink and beer containers, and to eliminate the threat to the Nation's health, safety, and welfare which is caused by such litter by banning such containers when they are sold in interstate commerce on a no-deposit, no-return basis; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN (for himself, Mr. STOKES, Mr. DELANEY, and Mr. COTTER):

H.R. 10292. A bill to direct the Administrator to the Environmental Protection Agency to establish and carry out a bottled drinking water control program; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 10293. A bill to assist States having an unemployment rate of 7.5 percent or more to provide up to 26 weeks of emergency compensation to unemployed workers who have exhausted their entitlement to both regular unemployment compensation and extended unemployment compensation; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 10294. A bill to amend chapter 9 of title 44, United States Code, to require the use of recycled paper in the printing of the Congressional Record; to the Committee on House Administration.

By Mr. PICKLE:

H.R. 10295. A bill to establish a Commission on Security and Safety of Cargo; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL (for himself, Mr. Wolff, Mr. Addabbo, Mr. Celler, Mr. Brasco, Mrs. Chisholm, Mr. Podell, Mr. Murphy of New York, Mr. Koch, Mr. Rangel, Mrs. Abzug, Mr. Ryan, Mr. Badillo, Mr. Scheuer, Mr. Bingham, Mr. Halpern, and Mr. Biaggi):

H.R. 10296. A bill to amend title 5, United States Code, to provide for the establishment of a special cost-of-living pay schedule containing increased pay rates for Federal employees in heavily populated cities and metropolitan areas to offset the increased cost of living, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CHARLES H. WILSON (for himself, Mrs. Green of Oregon, Mr. Hansen of Idaho, and Mr. Roe):

H.R. 10297. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNE of Pennsylvania:

H.R. 10298. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. DON H. CLAUSEN:

H.R. 10299. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING:

H.R. 10300. A bill to authorize an increase in funds for land acquisition at Colonial National Historical Park, in the State of Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY (for himself, Mr. Steiger of Wisconsin, Mr. Donohue, Mr. Forsythe, Mr. Gibbons, Mr. Halpern, Mr. Harrington, Mr. Horton, Mr. Hungate, Mr. McCormack, Mr. Mazzoli, Mr. Mosher, Mr. Nix, Mr. Riegle, Mr. Roybal, Mr. Sarbanes, Mr. Schwengel, Mr. Wright, and Mr. Yatron):

H.R. 10301. A bill to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology; to the Committee on Interstate and Foreign Commerce.

By Mr. FOUNTAIN:

H.R. 10302. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 10303. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. HAMILTON (for himself, Mr. Frelinghuysen, Mr. Fascell, Mr. Fraser, Mr. Buchanan, and Mr. Vander Jagt):

H.R. 10304. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. PETTIS:

H.R. 10305. A bill to provide for the establishment of the National Conservation Area of the California Desert and to provide for the immediate and future protection, development, and administration of such public lands; to the Committee on Interior and Insular Affairs.

By Mr. STUCKEY:

H.R. 10306. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WALDIE:

H.R. 10307. A bill to suspend the obligation to repay national defense loans during periods of unemployment or underemployment; to the Committee on Education and Labor.

By Mr. MAHON:

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

By Mr. FULTON of Pennsylvania:

H.J. Res. 830. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. FULTON of Tennessee:

H.J. Res. 831. Joint resolution designating the square dance as the national folk dance of the United States of America; to the Committee on the Judiciary.

H.J. Res. 832. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; to the Committee on the Judiciary.

By Mr. FOUNTAIN:

H. Res. 575. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

H. Res. 576. Resolution to establish a select committee to be known as the Select Supreme Court Study Committee; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

253. By the SPEAKER: Memorial of the Legislature of the Territory of Guam, relative to appropriations pursuant to the Guam Development Act of 1968; to the Committee on Appropriations.

254. Also, memorial of the Legislature of the State of California, relative to firefighting; to the Committee on Armed Services.

255. Also, memorial of the Legislature of the State of Illinois, ratifying the amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age and older; to the Committee on the Judiciary.

256. Also memorial of the Legislature of the State of California, relative to national environmental protection programs; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. JOHNSON of Pennsylvania introduced a bill (H.R. 10308) for the relief of Morris and Lenke Gelb, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

118. By the SPEAKER: Petition of Edward C. Rose, Chicago, Illi., relative to redress of grievances; to the Committee on the Judiciary.

119. Also, petition of the National Conference on Weights and Measures, Washington, D.C., relative to increasing the use of the metric system; to the Committee on Science and Astronautics.

120. Also, petition of the City Council, Parma, Ohio, relative to property tax reductions for persons receiving social security benefits; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

CONGRESSIONAL REDISTRICTING

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. CELLER. Mr. Speaker, so that Members may be aware of the action taken by Subcommittee No. 5 of the Committee on Judiciary today in ordering reported a bill to regulate congressional districting, I herewith place in the Record my press announcement pertaining thereto.

Text of press announcement follows:

CONGRESSIONAL REDISTRICTING

Representative Emanuel Celler (D-N.Y.), Chairman, House Committee on the Judiciary, today announced that a Judiciary Subcommittee, of which he is Chairman, had cleared legislation to regulate congressional redistricting (H.R. 8953, amended.)

The Subcommittee's action, Celler observed, was impelled by the prospect of imminent, complex and time-consuming redistricting litigation in both 1971 and 1972. He noted that although court rulings provide some guidelines, it is the nature of the subject that each redistricting plan must ultimately be judged on its own facts. Chairman Celler stressed that many State legislatures appear reluctant or unable to redistrict in sufficient time to assure the orderly operation of primary and general elections. To date, only a handful of the States that must redistrict their congressional seats have done so. The Subcommittee concluded that the State legislatures, the courts, candidates for office, and above all the electorate, are entitled to a declaration of congressional policy on redistricting.

The bill, as amended by the Subcommittee, provides that:

1. If a State legislature has not redistricted its congressional seats by February 1 of the first congressional election year after the decennial apportionment (e.g., February 1, 1972), then a Federal court shall not defer issuing its own congressional districting plan "on the ground that additional time is required by the State legislature to establish such districts";

2. Congressional districts shall be com-

posed of contiguous territory in as reasonably a compact form as practicable, containing substantially equal numbers of persons;

3. Needed congressional redistricting shall occur after each decennial census, but States may redistrict more often if new census figures are available which are not more than two years old; and

4. Any qualified voter has standing to bring an action to enforce the congressional districting guidelines set forth in the statute. Exclusive jurisdiction over such lawsuits is conferred upon three-judge Federal district courts with provision for expediting direct appeal to the United States Supreme Court.

WELFARE REFORM

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, August 2, 1971

Mr. BYRD of Virginia. Mr. President, the Northern Virginia Daily of July 31, included an excellent editorial entitled "On Welfare Reform." I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

The editor of the Northern Virginia Daily is James J. Crawford.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ON WELFARE REFORM

The Senate Finance Committee has just begun hearings on reform of the nation's welfare system. If the members of the Senate are as confused as most of us by this gargantuan relief system which is slowly devouring us, meaningful reform will not be easy.

One thing seems certain, however, the sensible place for the responsibility for administering relief is in the state capitals of the individual states, not the federal government. Washington has demonstrated over and over again its inability to control soaring welfare costs. The principal reason for this is a simple one. Under federal auspices welfare administration is subject to too much political influence, and it's seemingly impossible to divorce the two.

U.S. News and World Report tells us that "Latest relief figures are sending shock waves through Congress, where the welfare-reform bill passed by the House already faces hard going in the Senate." These figures show that relief costs are running at the rate of $18 billion a year—up 30 percent over 1970.

Ten years ago there were a bit over 6 million people on welfare. Today there are 13.5 million and even on the basis of present laws this figure is expected to double in the next four years. As fast as the Vietnam war winds down, the cost of welfare goes up, leaving little for other domestic needs.

How can the costs increase so rapidly? Can poverty be increasing this fast? No, it's not an increase in poverty. Actually, the number of people living at the poverty level has decreased 50 percent in the past 12 years. There should be fewer people on welfare not more.

But, in our opinion, as long as the administration of welfare remains in the politics-oriented, paternalistic hands of federal bureaucracy we will whistle for any real reform.

The blame for increasing welfare costs lies principally with the federal government's Department of Health, Education and Welfare and with recent U.S. Supreme Court decisions. As long as HEW has the power to blackmail the states to accept more costly welfare programs there can be little hope for improvement.

We are not suggesting that individual states do not need federal assistance in handling their welfare burden, but each state should have the power to determine how welfare money can best be spent in its own jurisdiction. In the words of Sen. Strom Thurmond:

"The dismal record of HEW in this field suggests that any state could devise a far more beneficial and creative system of welfare administration suitable to its own needs if given the power to do so freely."

If we can return the determination of welfare needs back to the local jurisdictions where local problems are understood, welfare costs will go down. If we don't do this, we may get some smattering of reform at the federal level but costs will go up, up and up.

RECENT RAIL STRIKE HIGHLIGHTS NEED FOR BASIC LAW CHANGE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. McCLORY. Mr. Speaker, the announcement today that the current railroad strike has been settled was most welcome news, indeed. Now that this dispute is history, there will be the temptation to put it out of our minds, but this must not be done. If there is one thing that the railroad strike clearly demonstrated, it is the need for legislation which will provide the President with the necessary authority and flexibility to prevent future crippling strikes from occurring in our vital transportation industries.

Mr. Speaker, the purpose of the labor strike is well known—to provide workers with sufficient leverage to assure that management will bargain in good faith. If owners fail to treat their employees equitably, they are faced with the possibility of costly work stoppages. Unfortunately, strikes in the railroad industry affect many persons in addition to the railroad employees and management. As NBC Commentator Jack Perkins aptly pointed out this past weekend, those people most seriously affected by railroad strikes tend to be innocent third parties. To cite a few specific examples from the most recent rail strike:

California lettuce growers were forced to plow under their present crop because there was no way to get them to market.

More than 200 coal mines were forced to shut down.

The Ford Motor Co. announced that it would have to close assembly plants in St. Louis, Chicago, and Kansas City.

Thus, during this limited strike of relatively short duration, thousands of individuals suffered unemployment and other forms of substantial financial loss although they were not parties to the dispute. In the long run, of course, the general public will bear the brunt of the strike in higher prices and scarcer commodities, adding still another burden to the economy.

The time has come to enact legislation which will prevent these disastrous strikes from getting underway. The creation of laws which will adequately protect the interests of labor, management, and the general public is certainly not a simple task, but it is a job which must be done. A good start has been made in this direction by my distinguished colleague from Michigan (Mr. HARVEY) who has introduced legislation, H.R. 9088, to amend the railway labor act regarding national emergency disputes. This bill, which I was delighted to cosponsor, provides equitable mechanisms for settling disputes in the railroad and airline transportation industries and ensures that ad hoc legislation regarding individual disputes will not be necessary.

H.R. 9088 gives the President sufficient flexibility to effectively deal with any situation with which he may conceivably be confronted. He may initiate an additional 30-day cooling-off period with mediated bargaining, permit selective strikes which are limited to 20 percent of revenue ton-miles in each region and assure maintenance of essential services, or invoke final offer selection in which labor and management submit sealed offers to an impartial panel that selects what it determines to be the fairest proposal. The President would be authorized to use his own discretion in employing any combination of the three aforementioned alternatives, depending upon the particular set of circumstances.

Mr. Speaker, the Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce is currently holding hearings on emergency strike legislation. I am most hopeful that at their conclusion the subcommittee will report favorably on H.R. 9088 or similar legislation, and that it will receive speedy approval by the full committee and then by the House itself. We must act now to assure that our country is never again forced to endure crippling strikes in our vital transportation industries.

SPECIALTY STEEL INDUSTRY SUFFERING AS RESULT OF FOREIGN IMPORTS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, August 2, 1971

Mr. SCHWEIKER. Mr. President, a recent article in Business Week describes the serious situation currently facing the specialty steel industry in this country. The present economic slowdown, plus the tremendous inflow of foreign imports, has put this essential industry in a situation where it is literally fighting for its life.

As a Senator from a State where most of the specialty steel industry—and thousands of jobs for steelworkers—is located, I am very disturbed by the devastating effect which cheap foreign imports has had on our domestic steel industry. In the first half of 1971, foreign imports were up 66 percent over the comparable 6 months of 1970. If this rate is maintained, total steel imports for 1971 would be far in excess of the 15.4-million-ton level set as the maximum for this year under the voluntary restraint program.

A major source of the problem is that the Japanese have shifted the type of their exports from basic steel to the higher priced specialty steel products.

I am pleased to be a cosponsor of S. 2365, the Steel Trade Act of 1971. Voluntary restraints are certainly preferable to mandatory ones. Nevertheless, we cannot patiently await the accommodation of our economic competitors while our domestic industries—and the jobs which are dependent upon the success of those industries—are being destroyed by foreign imports. We must take action on this legislation at an early date in order to strengthen this vital industry, while still allowing foreign competitors to have a reasonable share in the growth of our domestic steel market.

Mr. President, I ask unanimous consent that the article appearing in the July 31, 1971, issue of Business Week be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPORTS BITE INTO SPECIALTY STEEL

Allegheny Ludlum Industries, Inc., opened its $20-million stainless steel bar mill at Dunkirk, N.Y., more than a year ago. But the new mill has never reached even half of its production capacity, and what it has produced is being sold at a loss.

This dismal situation is a sign of the deep troubles imports are causing for U.S. specialty steelmakers. To meet foreign competition, the producers are having to cut their prices as much as 15%. At the same time, raw material and labor costs are going up. For example, prices of nickel and chromium, the two major alloy ingredients in stainless and tool steels, are up sharply. Chromium has risen from $32 a ton in 1967 to $67 a ton today; nickel has gone from $1,700 a ton to $2,660 a ton in the same period.

Meanwhile, demand has weakened. Both importers and domestic producers of specialty steels are having to scramble harder for business in two of their major markets, aerospace and machine tools. Both of these industries are among the hardest hit in the current recession.

The entire steel industry, of course, has suffered setbacks from the economic slowdown and competition from foreign mills. But the specialty steelmakers, even more than the carbon steel producers, have watched in dismay as their customers switched to lower-priced foreign products.: "The specialty steel business is the most insecure I have ever seen it," says Eugene A. March, vice-president of Colt Industries, Inc., and head of its Materials Group, formerly Crucible Steel Corp.

Some companies have passed the insecure stage. One of the least profitable producers, the Firth Sterling Steel subsidiary of Teledyne, Inc., closed up shop two years ago. Latrobe Steel Co. and the Advanced Materials Div. of Armco Steel Corp. are operating in the red. Carpenter Technology Corp., usually one of the industry's profit leaders, reported earnings of only $2-million for the nine months ending last March, compared with $8-million for the same period in its 1970 fiscal year.

LEAKING QUOTA

The specialty steelmakers blame part of their woe on a 1968 steel quota agreement with Japan and the European Economic Community. The agreement put strict limits on the steel tonnage that could be shipped into the U.S., but it did not set a dollar limit on imports. Since the quota agreement was signed, foreign producers' share of the total U.S. stainless and tool steel market has climbed from 16.9% to 24.6% this year.

Foreign producers, especially those in Japan, have made up for lost tonnage by concentrating on higher-profit specialty products. At least one Japanese steel executive admits as much. "Is it not a common economic rule that if we have a ceiling on an ingot basis, we would want to sell higher value products?" asks Shigeo Nagano, chairman of Japan's Nippon Steel Corp. "If I tell you that I'll give you one of my suits, you would naturally choose the best one."

Since the agreement went into effect, foreign shipments of specialty products have zoomed. Imports of stainless drawn wire, for example, a product used in bicycle spokes and the like, rose from 31.9% of the U.S. market in 1968 to 53.8% in 1970. Imports of other volume specialty products such as stainless sheet, rod, and tool steels also have climbed steeply. "They are hitting us hard in all the bread-and-butter items," says Howard O. Beaver, president of Carpenter Technology.

SHARING BLAME

The mere threat of imports is enough to erode the prices of some specialty products, such as stainless steel plate, where foreign competition is still weak. "Imports are like a sword hanging over our heads," says Fred C. Langenberg, president of Athlone Industries' Jessop Steel Div. "Customers say they don't want to buy foreign steel, but they have to to survive."

Some businessmen feel, however, that the specialty steel producers are at least partly to blame for their plight. All U.S. steel companies, including specialty producers, "have reacted very slowly to import price competition," maintains Daniel Y. Greiff, president of American Stainless Corp.; a Boston importer. And Hendrik Houthakker, when he was a member of President Nixon's Council of Economic Advisers, scored the entire steel industry for its "friendly price competition."

Domestic specialty producers flatly deny such charges. They point out that unlike the prices of carbon steel, their prices have remained level for 10 years.

U.S. specialty steel producers claim, too, that whatever price cuts they make lead only to further price shaving by foreign producers. There is some evidence to support their argument. After long resistance, U.S. producers last spring began cutting stainless sheet prices to the level of Japanese import prices. Japanese mills retaliated with a cut that allowed them to maintain a 15% lower price in the U.S.

GAINING KNOW-HOW

Foreign producers are also catching up swiftly in quality and technical advances, areas in which the U.S. has long led the way. "In the last three years, most of the foreign specialty mills have come up to U.S. production speed," says Gopal K. Bhat, a senior fellow in metallurgy at Pittsburgh's Mellon Institute.

Overly optimistic planning—sparked by the heady prosperity of the 1960s—also has led to trouble. For example, Allegheny Ludlum, the leading specialty steelmaker, spent $153-million on capital expansion from 1966 through 1970, compared with $55-million in the previous five years.

The few specialty steelmakers that resisted the urge to expand can now crow about it. "Everybody talked about how you had to get ready for all the volume of the 1970s," says George P. Baumunk, president of Washington Steel Corp. Baumunk, however, kept a rein on his company's expansion. And partly because it does not have a heavy load of debt in new mills, Washington Steel was one of the few specialty companies to show a solid earnings gain for 1970.

STAMP FOR SATCHMO

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. ROSENTHAL. Mr. Speaker, I have written to the Postmaster General of the U.S. Postal Service suggesting a stamp be issued commemorating one of the few authentic American geniuses, Louis Daniel Armstrong.

"Satchmo," as he was known throughout the world, was a rare combination of talent and personal warmth and integrity that made him one of the most respected and beloved Americans in our lifetime. It was Armstrong who created modern jazz, the only art form America ever wholly produced, from the raw spontaneous folk music of the honky-tonks and street parades of his native New Orleans.

What made Armstrong an American classic outside jazz circles, however, was more than his musical genius. It was also his ability to mix serious and often soulful music with humor and down-home wisdom.

There was something about Louis Armstrong that drew American hearts toward him, something in his style that represented the situation of many black Americans in the first part of this century—a strong self-pride and love for the beauty in life, mixed with an inner tearing and struggle that make a man play the horn like Satchmo did.

It is testament to Armstrong that he remained the King of Jazz throughout his life, but to himself, he was "just plain old Satchmo."

He once said:

> I respect me. That's all that's necessary.

I have suggested to Postmaster General Blount that a Louis Armstrong commemorative be an international air mail stamp, since he was one of America's foremost goodwill ambassadors. Through his horn he was able to communicate to people in all parts of the world the beauty he created out of the depths of the American experience.

I submit here the letter I wrote to Postmaster General Blount:

DEAR SIR: one of America's most beloved celebritites and the musician hailed as the single greatest influence on jazz, Louis Daniel Armstrong, died last month. It would be a fitting tribute to him and his work to issue a commemorative stamp in his honor.

Armstrong, as the King of Jazz, was perhaps the greatest authentically American musician, and I think it is most appropriate that he be commemorated philatelically along with the other great Americans who have made outstanding contributions to their professions, to their nation and to the world.

May I further suggest that the Armstrong stamp be an international air mail stamp, since he was one of America's foremost goodwill ambassadors and because he so ably communicated to people all over the world in the international language of his music.

I strongly urge the Citizen's Stamp Advisory Committee and you, Mr. Postmaster, to give this proposal prompt and favorable consideration. A very fitting time to issue the Louis Armstrong stamp would be July 4, 1972, which would have been his 72nd birthday.

With best wishes.

Sincerely,

B.S.R.

CARLSON LISTS 12 OBJECTIVES FOR PROGRESS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. COLLINS of Texas. Mr. Speaker, the other day I was visiting with W. P. Denman about our need in America to set strong objectives. Many times our best ideas are expressed in the church house.

The Berean Bible Class of the Park Cities Baptist Church in Dallas invited all adult classes to join them on July 4.

The speaker was Maurice Carlson who has had a distinguished career ranging from president of a leading insurance company to serving as a college professor.

Carlson made an excellent speech and concluded with 12 sound objectives for America. I know you will find the list stimulating and will agree that there is a strong relationship between God and country. Here are Carlson's comments:

12 Objectives for Progress

(1) It is important that churches and universities receive widespread moral and financial support. The silent majority must open their mouths and their purses for the benefit of the souls and minds of men. Donors to universities can specify projects of which they approve as recipients of their contributions.

(2) It is important that emphasis be placed on the preservation of the home and family as vital forces in our society. Father, who abdicated as head of the house, must return to his responsibilities and curb permissiveness. Children must be taught that quality of life and soul is an ideal which overrides complete dedication to money and material wealth.

(3) It is important that freedom of speech and freedom of the press be scrupulously maintained, but it is also important that those who control the media realize that with freedom also goes responsibility.

(4) It is important that we reemphasize an appreciation of our rich heritage and a respect for the institutions and symbols of our nation. Be sure to fly your flag today. It is the symbol of our mighty, glorious U.S.A.!

(5) It is important that we respect the rights of the individual and that we resist the elimination of the individual, his name and his identity, in a technological society. I resent in this age of the computer being known increasingly as [redacted] instead of Maurice I. Carlson.

(6) It is important that qualified voters go to the polls on election days. If there is an appreciation of and exercise of the franchise in our land by patriotic, enlightened people, then I am confident that outstanding public officials will continue to be elected to office.

(7) It is important that the growth of big Federal government be halted if we are to survive as a nation of free men.

(8) It is important that free men turn their backs on Federal hand-outs. Such hand-outs are not only debasing; they have strings attached.

(9) It is important that government be returned from Washington to the States and the Counties and the Cities of the land.

(10) It is important that no man allow any government—local, state, or Federal—to do for him what he can do for himself.

(11) It is important that the Federal government, in either of its three branches, be restrained from usurping powers not granted by the Constitution. We recall that Thomas Jefferson himself was alarmed in his own life time by the judiciary's usurping legislative power. This has a familiar, contemporary ring!

(12) It is important that we adopt an attitude that "We The People Must Build." We the people must build character and principle in the youth of the land; we the people must build a moral and spiritual code based on the old verities of the human heart: love, pity, compassion, honor, and integrity. We the people must build great cities like Dallas as monuments to the spirit, ingenuity and dignity of free individuals in a free and responsible society.

A contemporary of Thomas Jefferson wrote the following words which might well be heeded by today's silent and apathetic majority: "It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God has given liberty to man is eternal vigilance: which condition, if he break, servitude is at once the consquence of his crime and the punishment of his guilt."

THE RHODESIAN PUZZLE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, August 2, 1971

Mr. BYRD of Virginia. Mr. President, the Tulsa, Okla., World of July 14 included an excellent editorial entitled "The Rhodesian Puzzle." I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

The editor of the Tulsa, Okla., World editorial page is Walter Biscup.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Rhodesian Puzzle

With solid and practical justification, Sen. Harry F. Byrd of Virginia has introduced legislation to permit the United States to resume the importation of chromium ore from Rhodesia.

Chrome buying has been stifled since 1968, when the U.S. followed Great Britain in a break with the all-white Government of Premier Ian Smith.

The trouble is, stoppage of trade with Rhodesia has dangerously reduced our access to the needed ore. We have been forced since that time to buy our supplies from the Soviet Union at not only an inflated price but from a country that could cut us off at any time.

Idealistic as may have been the U.S. feeling in joining the embargo, we have foolishly placed ourselves in a position of dependence with respect to chrome supplies. We now must count upon Russian good will—and Russian good will is a commodity that is not dependable.

Great Britain's current effort to work out an amicable relationship with Rhodesia is not promising; our interests mitigate against a continuing embargo on Rhodesian trade.

Senator Byrd's bill is an out-and-out attempt to frustrate this policy. As former Secretary of State Dean Acheson describes it, "The State Department has succeeded in putting the country's head into the bear's mouth." He favors the chrome import bill.

Actually, it is hard to imagine what could be the harm in resuming the buying of Rhodesian ore—much of it produced by American companies. Especially since we are in short supply.

In any event, the boycott of Rhodesia has failed. The African nation has prospered since its split with Britain. Its trade activity has picked up. By sticking with an embargo we had no part in ordering, we are hurting ourselves.

Senator Byrd's bill is intended to stop the charade. We are not playing a game. In the world of today, misdirected palship is dangerous. Our interests, not Britain's, are at stake. The Byrd bill is on the side of realism.

SPEECH TO ILLINOIS POLICE CHIEFS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. DERWINSKI. Mr. Speaker, my distinguished colleague, the Honorable Harold R. Collier, was the main speaker at the annual meeting of the Illinois Association of Chiefs of Police held at the Arlington Towers in Arlington Heights, Ill., on Sunday evening, July 25.

The dedicated police chiefs in attendance at this function heard Congressman Collier deliver an outstanding address. They certainly appreciated his sound philosophy and understanding of the need for a society based on law and order, and these points were effectively made in this address.

A number of my constituents were in attendance at this meeting and from them I have received extremely favorable reports of their reaction to the address by our distinguished colleague. Therefore, Mr. Speaker, I insert this address in the Record at this point.

Speech by Hon. Harold R. Collier to Illinois Police Chiefs

It was more than a decade ago that I last had the privilege of speaking before a law enforcement conference.

Reviewing the remarks I made at that time clearly spells out to the letter the chain of historical events which has so drastically changed public and governmental attitudes toward the whole business of law and the protection of society from the violator—the hardened criminal to the wanton violator of local, State, and Federal laws.

Looking back to the early days of my Congressional service in the mid- and late-1950's. I feel some nostalgia for those comparatively tranquil times.

During the past twelve years we have increased the per-capita spending for social and economic improvement by 300% across the country.

Yet, paradoxically, the attack upon what were held to be the prime causes of crime has been accompanied by a frightening increase in crime—particularly among younger people.

It becomes obvious, then, that we should re-evaluate the whole matter.

True, education and the socio-economic problems are still pertinent factors in our crime rate.

But they must be viewed in the light of other trends which contribute to the pressing conditions which brought us to our present situation.

The 1960's will go down in history for

many things—some progress and accomplishment, but increased violence and general disregard for law and order as well.

Whether we wish to admit it or not, the sad fact of the matter is that the authority and discipline of the home and school have given way to academic freedom.

In fact, the academic freedom became the hue and cry of the social sophisticates and their obsession with the cause has certainly boomeranged to the disadvantage of the obsessed.

To illustrate the reason for my concern, which I know is shared by every person in the audience tonight, let me review a statistic with which most of you are familiar. According to the recently completed decennial census, the population of this country has grown about 13% in the past ten years.

At the same time, the rate of crime per 100,000 persons has increased by a frightening 93%.

During the same period of time, recreational facilities and programs have been vastly expanded to keep youth of the country occupied in healthful activities.

The level of education has increased over the same 10 years, with more than a 275% increase in the expenditure of public funds for improved housing, training programs and rehabilitation.

While admittedly there is more to be done in many areas in these fields, it does not in any manner refute the obvious conclusion which must be drawn from these facts.

Still another comparison which has sad significance is the report on Violent Crime Rates in America with those in other modern, stable nations which show that our homicide rate alone is more than twice that of the second highest country, which happens to be Finland.

And our homicide rate runs four to twelve times higher than the rates in those of nearly a score of other countries, including England, Japan, Canada and Norway.

Similar patterns are found in the rates of other violent crimes.

For example, averages computed for a four-year period from 1963 until 1967 show the United States rate of rape cases to be twelve times that of England and Wales, and three times that of our neighboring nation of Canada.

Our robbery rate is nine times that of the Western Europe countries and 18 times that of Canada.

I could go on quoting statistics from the recent reports issued by the Federal Bureau of Investigation, but I believe the point has been sufficiently established.

Not withstanding an admitted improvement in the caliber of law enforcement personnel throughout the country, crime continues to increase.

But there is one gratifying feature of the statistics; and that is that the rate of increase in crime up to the midway mark in this year, is not as rapid as it has been in any of the past five years.

If there is any consolation to be drawn out of reducing the increase rather than actually decreasing the rate, this becomes a redeeming factor of the new public awareness of the problem.

On the basis of what I have stated, it seems ominous that a basic question is posed not only to people in the field of law enforcement but certainly in the government sectors as well.

It is simply "where do we go from here?" and "how do we cope with the many problems that are somewhat unique to our social structure today?".

Obviously there are limitations to what law enforcement agencies can accomplish.

Frankly they have too long been taken for granted and even demeaned in many quarters.

We have repeatedly even witnessed cases of arrest where the law enforcement officer became suspect for the performance of his duty with little regard for the action of the violator.

To suggest that the judicial system and even decisions of the Supreme Court over the past decade have not contributed to the problems of crime as it prevails in many large cities of the country is to ignore the reality of the situation.

In the face of this, and again on the brighter side, the public attitude has changed noticeably in the past two years, and it is not likely to be tolerant of criminal activities as it was during the first six or seven years of the 1960's.

Federal, State and local governments have taken a hard look at the consequence of permissiveness which has brought with it a frightening increase in the use of drugs and narcotics.

These have been the breeders of crime, particularly among a growing number of young people.

Alluding to my earlier statement regarding the limitation of the ability of law enforcement agencies to cope with all of these problems or finding a panacea in dealing with them, it is interesting to note that a reliable survey shows that 70 to 80 percent of police effort must be spent on such trivial matters as hushing blaring radios or other noise nuisances, rescuing domestic animals, administering first aid, and even the detailed reports necessary in the case of traffic accidents.

The same survey showed that of all reported major offenses, only 12 led to arrests, of which only 50 percent resulted in convictions and 1 percent in prison sentences.

Moreover, one-third of the inmates released from the Nation's penal institutions become repeat offenders in the commission of crime, often more serious than the original one for which the offender was originally sentenced.

We are now giving belated attention to the whole structural operations of our penal systems.

We all know what the problems have been in the past and the need for a re-evaluation of the system generally.

Hardened criminals are too frequently directly exposed to those who have been convicted of lesser offenses.

Yet even rehabilitation has failed time and again.

The challenges of law enforcement are many.

The problems have become broader in scope and the increase in the rate of crime has become one of our major domestic problems.

The federal government has belatedly recognized this fact and there is an awareness that maximum law enforcement demands the same attention in terms of public expenditures as other areas of our national life have received.

To this end it is encouraging to note that the present Administration is funneling a record $268 million to local law agencies for various types of training and enforcement programs and that is four times the appropriation of last year, which was substantially above the previous fiscal year.

There have been other breakthroughs in the field of law and order in which President Nixon has taken real leadership.

He recommended and supported legislation, variously opposed by some as the seeds of official repression and a blueprint for a police state.

These include the highly controversial District of Columbia Crime Bill designed as a pattern for the nation, the Organized Crime Control Bill to move against crime syndicates and the Omnibus Crime Control Act of 1970 authorizing $3.5 billion in appropriations for law enforcement assistance over a three-year period.

Beyond this legislation, the President has seized every opportunity to hold up the hand of local police, fostered antipermissiveness in the Justice Department, cited the mass arrests in the May Day demonstrations in Washington as a national model, defended FBI Director Hoover and in general has taken a hard law and order stance.

It is hardly possible to speak of permissiveness without tying it into civil disobedience which has significantly contributed to the crime problem and consequently to that of law enforcement agencies.

Without providing any statistics, logic—confirmed by the long experience of law enforcement agencies—simply points out that any creed or action that promotes disrespect for the law and encourages disobedience to constituted authority produces lawbreakers.

These lawbreakers, in turn, infringe upon the rights of others in one way or another, and the particular cause which they espouse, regardless of its degree of merit, does not become a justification for disorder.

The fact of the matter is that a lawful society is the difference between a civilized and an uncivilized society.

Law enforcement acting alone cannot guarantee a lawful society at the local, state or federal level.

In fact, the city of New York has more policemen than the entire federal government has in law enforcement officers.

But it certainly establishes that lines of cooperation among agencies is more essential today than it has ever been in our history.

But without active support of the citizens and the communities, law enforcement's finest efforts will produce meager results.

Each generation has little choice regarding problems which reach a critical stage during their particular lifetime, but they do have a choice in the manner in which they face these problems.

And therein lies the crux of most of our problems today.

A retired career FBI official recently told a story which I think bears reiterating.

It dealt with a group of brave French villagers following World War II.

There was a quiet and peaceful village before the war which was built around a small square or plaza.

Other than a fountain which provided drinking and washing water, the only permanent structure in the plaza was a life-size statue of Christ standing with outstretched arms.

The destruction and horrors of war came to this small village and as the battles raged through it most of the buildings were razed by shelling and bombs, and the statue of Christ suffered an almost direct hit.

When the war had passed, the villagers immediately began putting their lives and property back in order.

Being people of deep faith, one of their first projects was reassembling the statue.

Searching through the rubble and debris they were able to find all the pieces of the figure except two.

The hands were missing and could not be found.

Nevertheless they put the available fragments back together.

Today that statue stands overlooking the plaza of that small French village, but the arms of Christ end at the wrist.

Now on the base of the statue is scrawled the simple message which reads: "I have no hands but yours."

In the final analysis, law observance, prosecution and enforcement policies, even the laws which provide the freedoms which all of us enjoy, rests with all of us, and particularly the millions of law-abiding citizens of this nation who respect the codes which provide for our mutual freedom and protection.

For, in conclusion, as is inscribed on the statue in the plaza of that small French village, freedom has no hands but ours.

FREE ADS FOR VIETNAM VETS

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. RANDALL. Mr. Speaker, as I have observed on the floor of this House on repeated instances within the past several months, one of the highest legislative priorities of this, the 92d Congress, is to enact whatever legislation may be necessary to make adequate provision for the employment of our jobless Vietnam veterans.

It is true the administration has tried to focus attention on the fact that unemployment among our returning veterans is running between 10 and 11 percent as distinguished between the average rate of all unemployment running between 6 and 7 percent. Very recently, within the last 2 or 3 weeks, there was a glimmer of good news in that the percentage of returning unemployed veterans has declined by a fraction of 1 percent.

The ultimate answer may have to be a revival of the old 52–20 plan following World War II. With inflation running rampant as it is, a realistic proposal would be at least 52–75, meaning $75 weekly benefits payable to Vietnam veterans until such time as they could secure employment, not to exceed 52 weeks. Of course, Congress should not wait any longer to liberalize training benefits for returning Vietnam veterans, but that is all the job of the Congress.

Mr. Speaker, I call attention to all my colleagues in the House to a most generous offer by the Kansas City Star, the largest newspaper in west central Missouri, an area which it is my honor to represent. Commencing way back on the Fourth of July, the Kansas City Star, in the morning edition, the Kansas City Times, has offered to run a situation wanted, 25-word want ad in both morning edition and evening edition for any 3 consecutive days. This offer is open to all men and women who have been members of military services during the Vietnam conflict. In other words, to guard against any imposters, all that is asked is that each applicant for this free service provide his military service number and date and place of his official discharge from the service. He is free to write his own ad message up to 25 words and mail or bring it to the newspaper office for publication.

Our great western Missouri newspaper describes this in its own words as a "free shortcut to valuable employment contracts." Of course, it is that. But it is much more than that. It is a substantial contribution to those hapless Vietnam veterans who in these times of recession cannot find work. Remember these veterans do not come back to their homelands as those from other wars. They are not treated as heroes. There is no confetti. There are no brass bands. They are not welcomed home. They just come home. It is one thing to give lipservice to the proposition that we must do something for our Vietnam veterans. It is quite another to actually make a real contribution to try to help these men and women secure employment.

The Kansas City Star may have written editorials urging the Congress to act to help these latest veterans as they return to civilian life. But that paper has also struck out on its own to do something constructive when it offers to any and all who have served in the Vietnam conflict to take advantage of a message published under "Situations Wanted" free of charge in a paper that has a circulation of over one-half million. All hats off to the Kansas City Star.

OUR POW'S IN VIETNAM

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. McCLURE. Mr. Speaker, today, August 2, marks 7 years and 129 days since Capt. Floyd Thompson became the first prisoner taken by the enemy in Vietnam.

I wonder what thoughts must be going through the minds of these men as the days drag on. Have they lost faith? Do they know that back home there are those in high office who dismiss their bravery as acts of aggression? I hope the answer in both cases is no.

I also hope that we have learned the lessons the Vietnam war has taught and that no American need ever again be detained in an Asian POW camp again.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

SENATE—*Tuesday, August 3, 1971*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whose mysterious presence fills the universe, may the power of prayer, like the force of gravity, draw us close to Thee and hold us on the course of life. May the movement of history be the movement of Thy spirit in and through us.

Grant that our actions may be governed by our love of Thee and our love of man. We pray, O Lord, that we may never regard people as problems but only as persons, the highest beings in Thy creation and immortal souls for whom Thy Son died.

May we this day yield ourselves to Thee—body, mind, and spirit—and may we be kept by Thy grace.

"Be Thou our ruler, guardian, guide, and stay:
Thy word our law, Thy paths our chosen way."

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 2, 1971, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 331.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADDITIONAL AUTHORIZATIONS FOR THE CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

The bill (H.R. 7586) to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

ORDER FOR THE SENATE TO CONVENE AT 9:45 A.M. ON THURSDAY, AUGUST 5, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Thursday next, after the Senate adjourns on Wednesday, the Senate convene at 9:45 a.m. rather than 10 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MATHIAS ON THURSDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on Thursday, August 5, 1971, immediately after the prayer and the recognition of the two leaders under the standing order, the distinguished Senator from Maryland (Mr. Mathias) be recognized for 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time under the standing order.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business for a period not to exceed 30 minutes, with statements therein limited to 3 minutes.

The Senator from Missouri is recognized for 3 minutes.

LEADERSHIP REQUIRED TO PREVENT ECONOMIC DISASTER

Mr. SYMINGTON. Mr. President, recently, we learned that management and labor, in the steel industry had reached agreement on a new 3-year contract, providing for a 31-percent wage increase.

This increase follows close on the heels of other major increases in other industries; and can only further exacerbate an already disturbing economic climate.

Despite their mounting protests against increased steel imports, five of the largest steel companies promptly raised their prices 8 percent.

Where is it all going to stop?

Inflation is now running at 6 percent, unemployment about the same, the latter much higher in some localities.

The deficit in the Federal budget for the fiscal year ending June 30, was $23 billion—only $2 billion less than the largest deficit since the end of World War II.

A similar deficit is forecast for next year.

One of the most disturbing economic statistics of all is the current trade balance.

Last month, the Commerce Department was projecting a trade surplus of about $500 million, the lowest surplus since 1937. Now, according to Secretary Stans, there will be a deficit this year—the first deficit in 78 years—since 1893.

How much longer can our economy live with such grim statistics?

Is not the time long overdue for this administration to recognize that its so-called "game plan" is just not working?

What benefit is there to working people if their wage increase does not bring additional purchasing power and does bring more unemployment?

Why does not President Nixon level with the American people, with industry, and with labor, as to the dangers in the present economic trends, and follow the urging of his former Secretary of the Treasury, David Kennedy, as well as AFL–CIO head George Meany, by recommending meaningful wage and price controls?

Prompt action on his part is now vital if we are to prevent disintegration in the value of the dollar.

Mr. President, I ask unanimous consent to have printed in the Record an editorial published in the New York Times today entitled "Inflation in Steel"; and an article published in the Wall Street Journal on the same subject, entitled "Contract Seen Hurting Steel Firms, Economy and Eventually Union—Big Price Rise Is Just First Result of Costly Accord; Some Mill Closings Likely—Joblessness and Profit Plunge."

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

INFLATION IN STEEL

No matter how little validity the domino theory may have in international relations, the bing-bang increase of steel wages and prices leaves no basis for doubt that it is working with chilling inexorability in labor relations.

The first domino toppled last February when the National Can Corporation, with only 4,000 employees, stole a march on its competitors by making a strike-free wage settlement on the inflationary terms demanded by the giant United Steelworkers of America. The dominant companies in the can industry—American Can, Continental and Crown Cork and Seal—took a four-week strike before bowing to roughly identical terms for their 33,000 unionized workers.

It required no vast prophetic talent to recognize that—in the absence of meaningful Federal action to curb the wage-price spiral—the can settlement of better than 30 per cent in pay increases over three years, plus the possibility of still larger increases through an unlimited cost-of-living escalator, would become the union's pattern in negotiations covering all its 1.2-million members in aluminum, copper, basic steel and metal fabricating plants.

Nearly a month after all the can companies had fallen into line, President Nixon's Council of Economic Advisers made plain its recognition of that pattern's contagious effect by issuing an "inflation alert" denouncing the can settlement as much too costly. It warned that a similar contract in steel would undermine the industry's competitive position and destroy jobs for its members.

Having delivered itself of these pieties, the Administration let nature take its course, a course already well defined by earlier settlements in automobiles, construction, newspapers and other key industries. When the steel union won can-type contracts from the aluminum industry at the end of May, the White House took recourse once again in hand-wringing ineffectuality. It deplored the inflationary pay boosts and the attendant 6 per cent increase in aluminum prices without doing anything about either.

The major copper producers made a brief stab at holding out when their contracts began expiring at the end of June, but virtually all have now tossed in the towel. Big Steel has given the coup de grace to whatever resistance spirit may still be alive by accepting the inevitable without a strike and immeditaely announcing an 8 per cent hike in its prices.

This starts the second round of 1971 price increases in the most basic of America's heavy industries, an industry that was already losing ground to lower-wage and lower-price steel makers in Japan and other foreign countries. When Bethlehem Steel initiated the first round of increases last January by boosting its prices 12 per cent, President Nixon forced a rollback to 6.8 per cent by hinting that the Administration would not move for renewal of the voluntary agreement with foreign producers setting limits on steel imports into the United States.

No such threat hung over the union-management negotiators in the current wage talks. On the contrary, there is every reason to expect that the industry and the union will now join in urging the President and Congress to erect mandatory barriers in the form of tight quotas or tariffs to "protect" them against the consequences of the worsened competitive position they have combined to create for themselves.

The White House has kept its own record of retroactive lamentation intact by its warning yesterday that the higher prices instituted by United States Steel will not be in the long-term best interests of either the industry or the workers. Incontestably, there will be less steel sold and less work for union members; even without the new price schedule, domestic demand for steel was so sluggish that many mills have been laying off employees. However, no useful purpose is served by Administration statements to that effect when the nutcracker squeezing leaders of both union and industry has been the Government's failure to take effective steps toward a fair national incomes policy.

The one constructive innovation in the steel pact is a clause calling for joint union-company activities at the plant level to bring down costs through increased productivity. But the demise of the Human Relations Committee, which grew out of the 116-day steel strike of 1959, underscores the need for something more than a Madison Avenue approach if such joint activities are to end the standstill in plant efficiency that has prevailed in the last half-decade.

In any event, it is delusive to expect that wage-price stability can ever come unless more potent Federal action to steady the purchasing power of the dollar ends a cycle in which pay increases in major industries outrun the long-haul gain in over-all national productivity by 300 to 400 per cent.

Contract Seen Hurting Steel Firms, Economy and Eventually Unions Big Price Is Just First Result of Costly Accord; Some Mill Closings Likely—Joblessness and Profit Plunge

(By James P. Gannon)

Pittsburgh.—The labor peace reached late Sunday in the steel industry will come at a high price to the economy, the troubled industry and perhaps even to the Steelworkers Union.

U.S. Steel and others yesterday wasted no time in presenting the economy with the first due-bill arising from the settlement: a price boost—probably the largest ever made in one move—averaging 8% on nearly all steel-mill products. If precedent prevails, the higher costs of steel will soon be translated into higher prices for cars, appliances and many other products.

But the quick price rise is only the first consequence of the labor pact. Other implications point toward another dose of unfavorable economic news in the short run and in the long run, serious economic pressures that may force a reshaping of the steel industry if it is to survive.

That's the consensus of economists, industry executives, financial analysts and union officials. The impact is hardly likely to cheer Nixon administration economists still struggling with the twin troubles of inflation and unemployment. (A White House spokesman yesterday said the administration felt it was "questionable whether this price increase is in the industry's long-run interest.") The price rise inflicts real and psychological damage to the administration's inflation fight. Other immediate consequences of the settlement will include a steep and prolonged slump in steel production, which will show the already-creeping economic recovery. Mill officials fear the worst slump in nearly a decade and expect thousands of steelworkers to be laid off. They also see a spectacular plunge in profits.

SOME RAMIFICATIONS

Over the longer run, the steelmakers are expected to try to offset the impact of the settlement with a variety of steps that may reshape the industry. The likely steps include:

The closedown of some old mills and a phasing out of the least-profitable product lines, resulting in increased efficiency for companies.

A spate of steel company mergers, especially if the government approves a pending consolidation of National Steel Corp. and Granite City Steel Co.

More serious consideration of establishing steel mills in nations where wages are low in an effort to meet competition from foreign steelmakers.

A long-term reduction, stemming from all these moves, in the industry's employment and thus in the ranks of the Steelworkers Union. "You are going to see one hell of a reduction in manpower over a period of time," predicts one man in the industry.

THE ECONOMICS OF THE PACT

These predictions are based on the economics of the industry in light of the new contract. The industry's chief negotiator, R. Heath Larry of U.S. Steel, estimates that the settlement will increase hourly employment costs by about 15% in the first year of the three-year pact. The industry's total employment costs for hourly workers last year was about $4.4 billion, so the first-year cost impact of about $650 million would actually exceed the total 1970 profits of all major steelmakers combined, which amounted to $513 million.

The short-term outlook for steel is gloomy indeed. Many furnaces that were banked in preparation for a strike will return to production very slowly—and some may never return at all. The industry's operations are expected to hover at less than half of capacity for at least a while; mill officials project August shipment at 4.5 million tons, lowest for any month since July 1962, and they put the current quarter's shipments at less than 18 million tons, an eight-year low.

While steel users are working down the big stockpiles built up in anticipation of a strike, incoming orders will be extremely depressed. "The industry is going to be practically dead" for the next few weeks, says one steel man. Example: General Motors, the world's largest steel user, "told us they would take their normal August orders and spread them over four months." That means GM orders, at least at this company, would be 25% of normal for most of the remainder of 1971 while the auto maker chews up its huge stockpile.

MANY LAYOFFS EXPECTED

As a result, many thousands of steelworkers can't expect to begin collecting newly fattened paychecks for some weeks, or even months. Many of these were laid off last month as the hedge-buying boom deflated early, and steelmakers indicate that thousands more will be idled over the next few days.

Bethlehem Steel Corp., for example, says its mills at Lackawana, N.Y., Johnstown and Bethlehem, Pa., Sparrows Point, Md., and Indiana Harbor, Ind., will be brought back up from their strike-shutdown conditions—but only as orders improve. That means, for instance, that some 6,200 workers at Johnstown and 5,000 at Bethlehem won't be scheduled to work this week. The story is much the same at other large steelmakers.

More threatening to workers than these short-term closings and layoffs is the real prospect of permanent mill closings. Steel executives privately concede, and union officials openly fear, that the least-efficient mills may be doomed.

"They're gonna say, 'Look pal, we gave you the raise, now we gotta shut down the obsolet plants to pay for it,'" predicts Al Lupini, Steel's Fairless Hills, Pa., Works (a fairly president of USW Local 4889 at U.S. modern plant not threatened). "They've been planning to close a lot of these plants for years," contends Mr. Lupini, "and now they're gonna close them and lay the blame on us."

Another USW local president, Morros Brummitt, who heads an 11,000-man local at Jones & Laughlin Steel Corp.'s Aliquippa, Pa., mill, says company negotiators warned of such closings. "They said that they had marginal operations and that an unacceptable contract would cause them to phase out some plants or departments," he says. Another J&L local chief quotes company bargainers as saying, "If you force us to put too much money in, it may force us to close down."

Industry officials don't dispute predictions of mill closings. "I know we have some open-hearth capacity that will never come back on again," says one management man. Steel financial analysts agree. "More and more of the old mills are going to be phased out," says one Wall Street source.

Some industry men see a repeat of the cutbacks of the early 1960s, when steel demand slumped after the industry had taken a 116-day strike in 1959. In 1960, for instance, U.S. Steel announced "temporary" closedowns of steel-making facilities at Donora and Clairton, Pa. Those old Monongahela Valley facilities were "temporarily" idle for about two years—and then were permanently shuttered.

Albert T. Delsandro, who lost his mill job in Donora and now is the mayor there, remembers how it was. "It is a staggering blow to the economy of the town" to have about 1,700 jobs wiped out, he says. "I wish the other steel communities a lot of luck, because it is a tough blow."

In Youngstown, where U.S. Steel last month "temporarily" closed its 2,700-man Ohio Works due to lagging orders, USW local officials were so worried the plant would never reopen that they mobilized some political muscle against U.S. Steel. Responding to their appeals, their Congressman, Charles Carney, confirms that he persuaded Rep. Wilbur Mills, head of the House Ways and Means Committee, to extract a pledge from U.S. Steel chairman Edwin H. Gott that the closing would in fact be temporary. Says Al Wellington, a vice president of the USW local at the Ohio Works: "Now that we have the word of such honorable people (as Messrs. Mills and Gott) we feel we have a chance to start up again."

Besides closely scrutinizing their own operations for possible pruning, at least some steelmakers may begin eyeing each other as merger partners, financial analysts believe. They say that such consolidations may be the only way to save the industry's weakest companies.

"If the National-Granite City deal goes through, I think you are going to find other mergers occurring in the industry," says Ted Gerken, vice president at Laird Inc., a New York-based brokerage house. "It would be very good for the industry, because steel companies all over the world are doing it" and presenting a more formidable competitive threat, he asserts.

A top official of the Steelworkers Union agrees. "I think there may be too many steel companies," he says. "I think you'll see some mergers."

A prospect more threatening to the union, however, is the increased possibility that American steelmakers will try establishing mills abroad. One big steel company looking into the possibility of a foreign mill concedes that anticipation of a major labor cost increase here was one reason for exploring the idea.

Armco Steel Corp. is far along on an investigation of building a mill in Australia that would ship semifinished steel to the U.S. for final processing. "Armco is convinced that good management dictates a move overseas for the production of semi-finished steel," says an executive. This proposition has "passed the 'whether' stage—it's only a question of when such a move will be made," he adds. Though Armco isn't disclosing its timetable, observers believe the costly labor settlement will increase its interest, and that of other producers, in overseas producion. Such a move, of course, would take jobs from the U.S. and threaten losses in the ranks of the USW.

USW officials concede they face a declining membership in the basic steel industry. "There will be fewer steelworkers," says one top official. Mill employment has been dwindling for many years. The steel industry's average number of hourly workers dropped to 403,000 last year from 458,000 in 1965. The USW has been able to offset this drop in its major membership group by enrolling more members in non-steel industries and absorbing some smaller unions; currently, it has more than 1.2 million members.

THE DECLASSIFIED SUBCOMMITTEE STAFF REPORT ON LAOS

Mr. SYMINGTON. Mr. President, I ask unanimous consent that a statement released yesterday in connection with the publication of a report on Laos by the staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Declassified Subcommittee Staff Report on Laos

I am releasing today the sanitized text of a report, entitled "Laos: April 1971," prepared by the Staff of the Subcommittee on United States Security Agreements and Commitments Abroad. The report, originally classified Top Secret, was presented at an executive session of the Subcommittee on May 21.

Believing that the substance of said report should be brought to the attention of the entire Senate, I subsequently requested, with the concurrence of the Chairman of the Committee on Foreign Relations, a closed session of the Senate to discuss the situation in Laos. This session was held on June 7.

Acting in accordance with the orders of the Senate, the Staff of the Subcommittee then met with representatives of the Department of State, the Department of Defense and the Central Intelligence Agency in order to discuss what portions of the proceedings of this Senate session and the staff report should be deleted for reasons of national security prior to publication.

These discussions began on June 21 and were concluded July 29.

The deletions in the report and in the record of the closed session of the Senate, which I understand will appear in the RECORD of Tuesday, August 3, are those which the Executive Branch insists are necessary for reasons of national security.

It is an encouraging sign that the Executive Branch has finally agreed that much of what the United States Government has been doing in Laos may now be made public. The veil of secrecy which has long kept this "secret war" in Laos officially hidden from the American people has been partially lifted. We doubt, however, that this veil would have been even partially lifted if the Committee on Foreign Relations had not ascertained for itself the facts concerning American operations in Laos.

In this connection, I note that since the visit of the Subcommittee Staff to Laos in April, at which time they began submitting reports by cable from Vientiane, certain facts have been made public by the Executive Branch which facts were heretofore kept secret from the American people. These include the fact that since early 1970 the United States has been conducting B-52 raids in northern Laos on a regular basis; official confirmation that there are Thai forces in Laos; the fact the United States is paying for these Thai troops; also admission that, although the only previously publicly announced official expenditure in Laos for Fiscal Year 1971 was approximately $50 million in economic assistance, the cost of all United States operations in Laos in that Fiscal Year was about $350 million, exclusive of bombing costs.

Unfortunately there continue to be various facts which the Executive Branch insists must remain classified. In particular, that Branch continues to be unwilling to acknowledge certain truths concerning the nature, composition and command arrangements of the Thai forces in Laos, the costs of which forces are paid for with funds appropriated by the Congress and provided by the American people without their knowledge.

Furthermore, these facts which the Executive Branch continues to refuse to declassify bear on the question of whether past and present arrangements for United States support for Thai forces in Laos constitute a violation of amendments to the Fiscal Year 1971 defense authorization and appropriations acts.

The stated reason for this Executive Branch refusal to declassify these facts is so as to avoid making public what the Governments of Thailand and Laos do not wish to make public. But since the taxpayers of this country are paying the bills, why should the recipient foreign governments have the right to dictate what our citizens can and cannot be told about the way in which public funds are being spent?

If the Administration wishes to continue arguing that the Thai forces now in Laos are "local forces in Laos," it would seem they should produce proof of such an assertion; and at the same time explain their insistence upon suppressing facts which make that assertion highly questionable.

Let us hope that, despite the deletions on which the Executive Branch has insisted, the staff report on Laos will help the American public decide whether it is either wise or desirable for the United States to continue to do what we have been doing in Laos at ever-increasing cost to this nation in dollars, and to the Lao people in lives and territory.

In any case, such a fundamental decision should not be made by a small group of Government officials who operate behind closed doors on the basis of information available only to them—officials who thereupon are free to control what the public shall know of their decisions.

If this democracy is to continue to function with the consent of the governed, it would appear obvious that both the Congress and the public should have as much of the truth as possible about such policies and programs of this Government, especially as the programs in question require hundreds of millions of dollars annually in public money and even more important involve this country both directly and indirectly in armed conflict.

Mr. SCOTT. Mr. President, it is customary to blame whatever President we have for whatever is the state of the economy. I think it would not be amiss for us in Congress to accept a part of that responsibility.

Take the steel settlement. Everyone is talking about the fact that when we increase wages we have to increase the price of steel. We would not have to increase wages and we would not have to increase the price of steel if Congress had not been voting more money than the President asked for, if we had not been anxious to apply a "green poultice" to every ailment, believing that by throwing money up at it we can solve any problem.

Thus, Congress has participated in the inflationary rise.

Thereupon, union labor asks for an increase in living wages under their right of collective bargaining. Management accedes and then management increases the cost of its product. Then everyone gets up on the Senate and House floors and says, first, that it is the fault of the President and, second, that it is the fault of management.

I submit that is not so much the fault of anyone, but that the effect is due to the operation of labor unions and management and also to the fact that both are impelled to do what they do, because the Government has been increasing the cost of living.

Therefore, I believe that Congress should take a greater share of the blame. Congress should be willing to admit that it should not blame management alone at the expense of labor and exculpate labor; or blame labor and exculpate management. It is a three-legged stool, and we are responsible for the fashioning of the weakest of the three legs.

Mr. SYMINGTON. Mr. President, would the able minority leader yield?

Mr. SCOTT. I yield.

Mr. SYMINGTON. Mr. President, the minority leader knows of the great respect in which I hold him. If his remarks are the result of the short statement I made today, may I say that I do not blame labor primarily. The problem of their leaders is to get enough in the way of a working wage to insure a decent living for their people.

Nor do I blame management primarily. Management is interested in making as much profit as possible. Together they both realize or should realize, that these price increases and wage increases make us even less competitive in foreign markets.

The problem would now appear primarily one for the Government. As to whether it primarily is the problem of Congress or the executive branch, I personally feel it is a problem for the operating leadership of the Government, which is the executive branch.

May I say in this connection that since 1966 I have recommended more fiscal recognition of the problem.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SYMINGTON. And since 1967 more control over prices and wages.

TRIBUTE TO SENATOR STENNIS ON HIS 70TH BIRTHDAY

Mr. GAMBRELL. Mr. President, I take note that on this date in 1901, the distinguished junior Senator from Mississippi (Mr. STENNIS) was born. I know that we all want to extend to the Senator from Mississippi a happy birthday on his birthday today.

Mr. SCOTT. Mr. President, if the Senator would yield, I believe I have the privilege of having known the Senator from Mississippi longer than any other Member of the Senate. I was in school with him. I was next door to him. He is a very dear friend. I do not charge him with holding all of my views. We differ on many issues.

I join with the junior Senator from Georgia in wishing him happy birthday.

Mr. MANSFIELD. Mr. President, I, too, would like to join the distinguished junior Senator from Georgia and the distinguished minority leader in the remarks they have had to make today about the distinguished Senator from Mississippi (Mr. STENNIS).

We differ on many occasions about many issues. However, I have always found him to be a man of honor, integrity, and distinction.

May I say that his great attempt to maintain the Senate amendment in the draft bill was most responsible.

I commend the Senator from Mississippi. He worked hard and carried out the best traditions of the Senate. He tried to carry out the will of the Senate.

I do not always agree with his direction, but he is entitled to credit for what he attempted to do, and he did so with stubbornness and understanding.

The PRESIDENT pro tempore. Is there further morning business?

QUORUM CALL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT

A letter from the Acting Assistant Secretary of Defense submitting, pursuant to law, the report of Department of Defense Procurement from Small and Other Business Firms for July 1970–May 1971 (with accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

INTERIM REPORT FROM THE U.S. METRIC STUDY

A letter from the Secretary of Commerce submitting the seventh in the series of interim reports stemming from the U.S. Metric Study, prepared by the National Bureau of Standards (with accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO BASIC PAY OF THE MASTER CHIEF PETTY OFFICER OF THE COAST GUARD

A letter from the Secretary of Transportation submitting proposed legislation to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes (with accompanying papers); to the Committee on Commerce.

REPORT ON THE ACTIVITIES OF THE GEOLOGICAL SURVEY

A letter from the Secretary of the Interior transmitting, pursuant to law, a report on the activities of the geological survey during the period January 1 through June 30, 1971; to the Committee on Interior and Insular Affairs.

ANNUAL WELFARE PROGRAM REPORT OF HEW

A letter from the Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a report on the efforts of State public welfare agencies to provide social services to families with dependent children (with accompanying report); to the Committee on Finance.

REPORT ON CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, reporting, pursuant to law, on certain bona fide defector aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON SUSPENSION OF DEPORTATION OF A CERTAIN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, reporting, pursuant to law, on the suspension of deportation of Vicente Aguilar-Munoz (with accompanying papers); to the Committee on the Judiciary.

REPORT ON ADJUSTMENT OF STATUS OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, reporting, pursuant to law, on the adjustment of status of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, reporting, pursuant to law, on orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION 21

"Resolution relative to unemployment insurance

"Whereas, In the San Francisco area alone, 300 postal employees have been laid off and the total is expected to reach 1,000 by May 1, 1971, when the layoff will be completed; and

"Whereas, Federal employees in other categories are also being laid off, and this severance program is being carried out in all California cities, and in all other states of the Union; and

"Whereas, Those federal employees already laid off have applied for their unemployment insurance, but they were refused because the budget item has not been considered yet so there is no money available; and

"Whereas, It requires the permission of the President to have this budget item considered out of order; and

"Whereas, The former federal employees have waited the necessary two weeks before applying for unemployment insurance, their funds are very low, and many of them cannot pay their rent and will have to apply for public assistance either to pay rent or to buy food; and

"Whereas, Federal employees in prior years have repeatedly been compelled to suffer delays in the payment of federal unemployment benefits due to the failure of the federal government to provide the necessary funds; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to allocate moneys to the federal unemployment insurance fund in order that former federal employees, recently laid off, can draw their unemployment insurance compensation; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a permanent system of continuing appropriations and allocation of moneys to the federal unemployment insurance fund to guaranttee that federal employees shall not again suffer delays in the payment of federal unemployment benefits; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"SENATE JOINT RESOLUTION 17

"Resolution relative to firefighting

"Whereas, Recent fires in the brush-laden hills and canyons of this state have shown the need for a more efficient system of airdrop of fire-retardant chemicals or water, or both fire-retardant chemicals and water; and

"Whereas, While the existing chemicals or water, or both, seem to be effective, *their* usefulness is diminished because of the problems of accurate drops on, or deliveries in large quantities to, the target areas from the air; and

"Whereas, This is due, in part, to the fact that relatively small airplanes are used to deliver the fire-retardant chemicals or water, or both, to the target areas, and that the airplanes are required to fly dangerously low in order to insure a direct hit on the target area since the fire-retardant chemicals or water, or both, when released from airplanes, immediately disperse; and

"Whereas, It has been determined that large quantities of fire-retardant chemicals or water, or both, could be delivered to the target areas with more *safety and* accuracy, by the use of large airplanes equipped with devices for carrying and dropping self-bursting containers filled with such chemicals or water, or both; and

"Whereas, this could be accomplished by the use of existing airplanes equipped with devices for carrying such containers and trained personnel of the United States Air Force and the Air National Guard; and

"Whereas, such airplanes and trained personnel could be made available to local governments during emergency fire conditions; and

"Whereas, it would be in the best interest of this state and country to utilize existing federal and state airplanes and trained personnel to control forest fires efficiently; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States and the Secretary of Defense to study the feasibility of utilizing military airplanes and personnel based in this state to inaugurate programs of training personnel and active participation in fighting fires in mountains and canyons of this state by dropping fire-retardant chemicals and water or both fire-retardant chemicals and water in self-bursting containers from airplanes; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION 32

"Resolution relative to federal-aid highway funds

"Whereas, The federal government now maintains a balance in excess of $3 billion in the Highway Trust Fund and this surplus is scheduled to reach nearly $5 billion by 1973; and

"Whereas, These funds are obtained by federal taxes on gasoline and other automobile-related taxes; and

"Whereas, The state highway system has serious deficiencies totaling $13 billion; and

"Whereas, The Construction industry in California is in a seriously depressed state with unemployment among construction workers recently reaching 17 percent; and

"Whereas, The release of federal highway funds would benefit California by relieving unemployment, aiding the construction industry and alleviating serious highway deficiencies; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to immediately release funds now held in the Federal Highway Trust Fund for highway construction; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION 23

"Resolution relative to a regional park in the Santa Susana Mountains

"Whereas, Northern Los Angeles County and southern Ventura County in southern California have reached high population density and are continuing to grow at a rapid and steady rate; and

"Whereas, Natural recreation areas to serve these areas have already become scarce because of the demands of increasing population; and

"Whereas, The Santa Susana Mountains, situated in Los Angeles and Ventura Counties, from the Golden Freeway on the northeast to the foot of the mountains in the northeast Simi Valley, represent an area uniquely suited to dedication as a regional park because of diversity of plant and animal life, natural beauty, and historical significance; and

"Whereas, The Santa Susana Mountains could not, because of terrain and other factors, be developed economically for residential, commercial, or industrial purposes, unless such uses were established in conjunction with the use of the area for park purposes; and

"Whereas, Several local organizations, such as Chatsworth Beautiful, Santa Susana Mountain Park Association, and Simi Valley Beautiful, together with community-minded residents of southern California, have already begun work on the preservation of part of the proposed park area; and

"Whereas, The Federal Bureau of Outdoor Recreation is presently conducting a study of a proposed Santa Monica Mountain Park in Los Angeles and Ventura Counties; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to expand the existing Santa Monica Mountain Park Study to include a study of the establishment of a regional park in the Santa Susana Mountains; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the General Assembly of the State of Illinois; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION

"Whereas, The Ninety-second Congress of the United States of America, at its First Session, in both houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America:

"'Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens of eighteen years of age or older.

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"'"ARTICLE —

"'"SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

"'"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."'; therefore be it

"Resolved by the House of Representatives of the Seventy-Seventh General Assembly of the State of Illinois, the Senate concurring herein, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further

"Resolved, That a certified copy of this resolution be forwarded by the Secretary of State of Illinois, to the Administrator of General Services of the United States, to the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Senator and Representative from Illinois in the Congress of the United States."

The petition of Andrew Harper, No. 63258, John Holmes, Jr., No. 63257, and Charles Dennis, No. 63259, Joliet, Ill., praying for a redress of grievances; to the Committee on the Judiciary.

The petition of M. E. Baldigo, Bloomington, Ind., praying for a redress of grievances; to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 2216. A bill to amend the Investment Company Act of 1940, as amended (Rept. No. 92–344).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment:

H.R. 7718. An act to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America (Rept. No. 92–348).

S. 2387. A bill to exempt from taxation by the District of Columbia certain property in the District of Columbia which is owned by the Supreme Council (Mother Council of the World) of the Inspectors General Knights Commanders of the House of the Temple of Solomon of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Free Masonry of the Southern Jurisdiction of the United States of America (Rept. No. 92–347).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 291. A bill to establish with the Department of the Interior the position of Assistant Secretary of the Interior for Indian Affairs (Rept. No. 92–338).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2248. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments (Rept. No. 92–339).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 1245. A bill to amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data (Rept. No. 92–340).

By Mr. BIBLE, for Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1852. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes (Rept. No. 92–345).

GATEWAY NATIONAL RECREATION AREA

Mr. BIBLE. Mr. President, I have today reported from the Senate Interior Committee a bill which in my opinion deserves prompt and thoughtful consideration by every Member of this body. I refer to the Gateway National Recreation Area in the States of New York and New Jersey.

Gateway is a park for the millions of people not privileged enough to be able to afford long vacations or expensive trips. It is for the millions of disadvantaged, whose summer recreation resources are now limited to an open fire hydrant or, if they are lucky, a crowded neighborhood pool. We talk so much of preserving our wild lands and scenic vistas. But what is this but rhetoric to the ghetto child of Harlem, who only knows the hot summer streets of his neighborhood?

This area provides miles of ocean beaches for swimming, surfing, and fishing. It includes several square miles of inland areas, as well as Jamaica Bay, an ecological treasure which has survived despite the depradations of development and pollution thus far visited upon it.

Recreation areas are among our most precious assets, and, as the population of this country continues to grow, these areas of relaxation will become even more valuable to those who wish to escape, albeit for a short time, from our urban areas where 70 percent of the population now lives. Unfortunately, there are relatively few beaches near our great population centers, and those that are within reasonable distance are overcrowded. Anyone who has seen the beaches at Coney Island—or at Jones Beach—on a hot summer day will get a vivid picture of what it means for the millions who try to use limited facilities. This is why the Gateway National Recreation Area is so important to the New York metropolitan region and, indeed, for the whole country.

Our Subcommittee on Parks and Recreation has given this project prime consideration and, in addition to the 2 days of public hearings, we made a field trip to the region on June 25 and 26. Through the use of bus, boat, and helicopter, it was possible for us to inspect each and every part of the area and to observe the usage of other beaches in the vicinity. We soon discovered that even at that early date there was a surplus of people at these shores.

Because of the fact that many people living within reach of the Gateway do not have automobiles and because it is important not to encourage vehicular traffic in the recreation area, it will be vital to develop adequate mass transportation to carry people back and forth to Gateway. Without adequate transportation the area will not have meaning for many residents in the New York metropolitan region, especially those people living in the ghettos who should be encouraged to come out and enjoy the beaches. Maximum use should be made of the existing subways, and these should be augmented by added bus schedules and new ferry systems which can move large numbers of people to the various attractions within the project. The most important feature of this mass transportation should be its low cost to the public so that large numbers of people, especially those with minimum incomes, will be able to enjoy the beaches and other areas.

Adequate facilities such as beach houses and rest areas need to be constructed in and around the gateway area to allow for maximum use of the region by large groups of people, especially children. It is also felt that adequate parking facilities should be provided at points outside the recreation area. This will mean that automobile traffic can be minimized to the greatest extent possible.

With regard to the Jamaica Bay area, which is a rare wildlife preserve in the middle of a metropolitan region, it is most important that any development or use of the area be done with the view of conserving the great natural resources and fish and wildlife located in Jamaica Bay. Concerning the other areas included in the gateway project, it is most important that all available beach conveniences be fully developed and that any existing natural areas be preserved so that those coming to the recreation area will also be allowed to enjoy the genuine scenic beauty in many of the enclaves to be included in the project.

The cost of the gateway project including land acquisition has been estimated to be $140 million over a 20-year period. Most of this cost will be incurred during the first 5 years of development.

Even though the costs involved seem large, they are actually minimal when we consider the tremendous number of people who will use the gateway facilities. On an annual basis, it has been projected that 50 million people from all over the Nation will visit the region when it is fully operational. This means that the cost per visitor will be much lower than for any other park, seashore, or recreational area.

This legislation offers us a unique opportunity to establish a recreation area that will serve more people than any other region that could be developed in the Nation. It will enable many who would have no chance to get near a beach and water to avail themselves of such an opportunity. It is important that gateway be approved and it is my sincere hope that the Members of this body will take affirmative action on the proposal.

By Mr. PELL, from the Committee on Labor and Public Welfare, with amendments:

S. 659. A bill to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related Acts, and for other purposes (together with supplemental and individual views) (Rept. No. 92–346).

By Mr. HOLLINGS, from the Committee on Post Office and Civil Service, without amendment:

H.R. 135. An act to provide for periodic pro rata distribution among the States and other jurisdictions of deposit of available amounts of unclaimed postal savings system deposits, and for other purposes (Rept. No. 92–341).

By Mr. HOLLINGS, from the Committee on Post Office and Civil Service, with an amendment:

S. 1989. A bill to amend title 39, United States Code, to provide for the renewal of certain star route contracts (Rept. No. 92–342).

By Mr. HOLLINGS, from the Committee on Post Office and Civil Service, with amendments:

S. 996. A bill for the relief of certain air taxi mail transportation operators (Rept. No. 92–343).

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore announced that on today, August 3, 1971, he signed the following enrolled bills which had previously been signed by the Speaker of the House of Representatives:

H.R. 943. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing;

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of States and local laws, rules, and regulations within the national forest system;

H.R. 6239. An act to amend the maritime lien provisions of the Ship Mortgage Act of 1920;

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950; and

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MANSFIELD (for Mr. LONG), from the Committee on Finance:

Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue.

By Mr. BYRD of West Virginia (for Mr. WILLIAMS) from the Committee on Labor and Public Welfare:

Peter G. Nash, of New York, to be General Counsel of the National Labor Relations Board;

John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology; and

Peter C. Benedict, of Virginia, to be a member of the National Mediation Board.

Mr. DOMINICK. Mr. President, as in executive session, from the Committee on Armed Services I report favorably 21 nominations of flag and general officers in the Navy, Marine Corps, and Air Force. I ask that these nominations be placed on the executive calendar.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

The nominations ordered to be placed on the executive calendar are as follows:

The following officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Selmon W. Wells, 013–32–0866FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. Louis L. Wilson, Jr., 234–16–0846FR (major general, Regular Air Force), U.S. Air Force.

Vice Adm. Thomas F. Connolly, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

William L. McCulloch, Robert W. Taylor, Adolph G. Schwenk, William H. Lanagan, Jr., Francis W. Vaught, Robert L. Nichols, Clyde R. Mann, Albert C. Pommerenk, Herbert L. Wilkerson, Manning T. Jannell, and Ernest R. Reid, Jr.

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Harry C. Olson, Ralph H. Spanjer, Fred E. Haynes, Jr., Lawrence F. Snoddy, Jr., Ross T. Dwyer, Jr., Joseph C. Fegan, Jr., and Leslie E. Brown.

Mr. DOMINICK. In addition, Mr. President, I report favorably 68 appointments in the Marine Corps in the grade of second lieutenant; 266 promotions in the Navy in the grade of commander and below; and 199 appointments in the Army in the grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings of July 14, 1971.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 2401. A bill to provide for the management, protection, and development of the national resource lands, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON:

S. 2402. A bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to authorize loans and grants for gas facilities in rural areas. Referred to the Committee on Agriculture and Forestry.

By Mr. BENNETT:

S. 2403. A bill for the relief of Dan Thomas. Referred to the Committee on Armed Services.

By Mr. MAGNUSON (for himself, Mr. BENNETT, Mr. BENTSEN, Mr. BIBLE, Mr. CHURCH, Mr. FANNIN, Mr. GOLDWATER, Mr. HANSEN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. MCGEE, and Mr. MONTOYA):

S. 2404. A bill to amend the Natural Gas Act to secure adequate and stable supplies of natural gas at the lowest possible cost to the consumer, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 2405. A bill to amend section 14 of the Natural Gas Act. Referred to the Committee on Commerce.

By Mr. HARTKE:

S. 2406. A bill to provide for an equitable procedure for establishing congressional districts. Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 2407. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished. Referred to the Committee on Labor and Public Welfare.

By Mr. JACKSON (for himself, Mr. Allott, and Mr. Fannin) (by request):

S. 2408. A bill to extend the life of the Indian Claims Commission, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. Mr. MATHIAS:

S. 2409. A bill to facilitate the amendment of the governing instruments of certain charitable trusts and corporations subject to the jurisdiction of the District of Columbia, in order to conform to the requirements of section 508 of the Internal Revenue Code of 1954, as added by the Tax Reform Act of 1969. Referred to the Committee on the District of Columbia.

By Mr. DOMINICK (for himself, Mr. Curtis, Mr. Goldwater, and Mr. Thurmond):

S.J. Res. 147. A joint resolution proposing an amendment to the Constitution of the United States with respect to the election of the President and the Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JACKSON (for himself and Mr. Allott) (by request):

S. 2401. A bill to provide for the management, protection, and development of the national resource lands, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. Allott) and myself, I send to the desk for appropriate reference a bill to provide for the management, protection, and development of the national resource lands, and for other purposes.

This proposal was submitted and recommended by the Department of the Interior and I ask unanimous consent that the executive communication from the Secretary of the Interior accompanying it be printed in the Record at this point in my remarks.

Mr. President, this proposed measure is similar to title I of S. 921, Public Domain Lands Organic Act of 1971, a bill which I introduced on February 23, 1971, and I wish to announce to the Members of the Senate that the Interior Committee will hold hearings on this new bill at the same time we hear S. 921. Hearings on this legislation have already been scheduled for September 21 and 22.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., July 20, 1971.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft bill "to provide for the management, protection, and development of the national resource lands and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee and that it be enacted.

In his message to Congress on the environment early this year, President Nixon stated:

"The Federal public lands comprise approximately one-third of the Nation's land area. This vast domain contains land with spectacular scenery, mineral and timber resources, major wildlife habitat, ecological significance, and tremendous recreational importance. In a sense, it is the 'breathing space' of the Nation.

"The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future. They have an important place in national land use considerations."

This bill represents an historic proposal. The Department is proposing legislation which, for the first time, would state the national policies governing the use and management of 450 million acres of the public domain and provides specific guidelines for the management of these vast lands.

Simply put the bill declares a national policy that these lands be managed under the principles of multiple use and sustained yield in a manner which will, using all practicable means and measures, protect the quality of the environment. It is also declared in the national interest that these lands be held in Federal ownership and that disposal be authorized only when the management of the public domain would be significantly improved, or when such disposal would serve important public objectives which cannot be prudently and feasibly achieved on non-Federal lands. This then sets a guiding principle for management in perpetuity.

In a very real sense the story of this country's growth and development is the story of the public domain. At one time the Federal government owned 80% of the present land mass of the United States. Thirty-one States were created out of public domain, railroads, schools, and other public works built, and much of the west was settled by grants of public land. For these and other purposes 1.1 billion acres of some of the richest land in this country was transferred out of Federal ownership.

Although the primary objective of Congress was to get Federal land into private ownership, it also recognized at an early date that certain natural resources should be preserved for the enjoyment of the Nation as a whole and generations to come. In 1872 Yellowstone National Park was created. In succeeding years, 18 million acres of public land became National Parks, 160 million acres became National Forests, and 2.3 million acres became wildlife refuges.

Today roughly 450 million acres of public domain remain without specific statutory designation. And while the Nation has come to regard this land as a permanent national asset to be, for the most part, retained and managed on a multiple use, sustained yield basis, the basic management tools available for this purpose remain those that were forged when Federal ownership was expected to be short-lived, and when the Federal role was that of a temporary custodian.

From 1812 to 1946 the principal custodian of the public land was the General Land Office. Its job was primarily to survey the land and convey it to successful applicants.

In 1934, the Taylor Grazing Act brought a measure of protection and management to the unreserved public domain. Among other things, this Act authorized the establishment of grazing districts to provide more orderly use of the public range lands. The Grazing Service was created to administer the grazing district management program. The General Land Office was given authority to classify public lands for disposal.

In 1946 by executive reorganization, the General Land Office and the Grazing Service were merged into the Bureau of Land Management.

Within the Department of the Interior the Bureau of Land Management has the responsibility to manage the 450 million acres of unreserved public land. In addition, BLM has some surface management responsibilities on millions of acres withdrawn for programs of other Federal agencies such as the Bureau of Reclamation, the Bureau of Sport Fisheries and Wildlife, and the Department of Defense. BLM and the Geological Survey have joint responsibilities for administration of the mineral laws on all public domain and acquired lands (including national forests and widlife refuges), reserved mineral interests—more than 800,000,000 acres in total—and on the Outer Continental Shelf. BLM also keeps the basic public land records and does land boundary surveys for most Federal lands. Lands administered by BLM amount to about 60% of all Federal lands.

Despite the enormous responsibilities of the BLM, the definition of its mission and the authority to accomplish it have never been comprehensively enunciated by Congress. Rather its mission and authority must be gleaned from some three thousand land laws which have accumulated over some 170 years and which are often at cross purposes.

In 1964 Congress passed three laws as a first step in the process of placing public land management on an up-to-date, rational basis. The Public Land Law Review Commission Act established a commission to review the entire body of the land laws and administrative practices and recommend modifications in them to best enable the public land to be retained and managed, or disposed of, all for the maximum benefit to the general public. The Classification and Multiple Use Act authorized BLM to classify the public lands for disposal or retention for multiple use management. The Public Land Sale Act allowed sale of public land which was chiefly valuable for certain specified uses. The latter two Acts expired on December 23, 1970.

The Classification and Multiple Use Act and the Public Land Sale Act were intended as interim measures, pending evaluation and possible implementation of the PLLRC recommendations. When they expired on December 23, 1970, the Bureau of Land Management returned to the Taylor Grazing Act of 1934 for its basic classification authority. Since the Taylor Grazing Act does not apply to public lands in Alaska, the Department is without that essential management authority in that State.

During the six year life of the Classification and Multiple Use Act, 177 million acres were classified for multiple use management while roughy 3.5 milion acres of land were classified for disposal. Two hundred and sixty two million acres remain unclassified, almost all of which is in Alaska.

The comprehensive management authority we are proposing for the public lands is in accord with many of the recommendations of the Public Land Law Review Commission, and would continue on a permanent basis the concepts approved by Congress in the two Acts which expired on December 23, 1970. It would provide for the first time a clear and comprehensive definition of the Department's mission with respect to these lands.

The proposed act would apply to all lands administered by the Department through the Bureau of Land Management including the revested Oregon and California Railroad lands and reconveyed Coos Bay Wagon Road lands in Oregon. It would adopt the name National Resource lands to designate adequately their importance.

The proposed act is designed to provide a broad framework for any legislative proposals dealing with specific uses or resources which may be made in the future. For this reason, it should be an initial step in any legislative program to reform the land laws.

It directs the Secretary of the Interior to inventory the national resource lands and to develop comprehensive land use plans for such lands giving priority to lands in critical environmental areas, which is defined to include among others flood plains, coastal zones and scenic or historic areas. The inventory will give priority to such critical resources as clean burning fossil fuels to assist this Nation's efforts to combat pollution. The identification of the most critical environmental areas will be given a high priority by this Department so that those areas may be given the protection they so urgently need. A thorough knowledge of the resources we possess and purposeful plans for their use will greatly assist us to arrest the destruction we have too long and too carelessly inflicted on our natural resources. The national resource lands are in a real sense our last frontier. We cannot afford to squander their riches.

The proposed bill would repeal the hodgepodge of land disposal laws and replace them with a modern disposal law authorizing the Secretary to sell for fair market value those lands meeting the standards set forth in the proposed bill.

The Mining and Mineral Leasing Laws and certain special purpose land disposal laws, including the Recreation and Public Purpose Act, would not be repealed, although this Act would govern the exercise of Secretarial discretion under those and any other laws.

Equally important to land management is the authority to acquire lands necessary for authorized programs, or for blocking up existing land holdings. One traditional method of doing this, land exchanges, is retained with the modification that where the lands are not of equal value, the value may be equalized by cash payment. This acquisition authority is not intended to initiate a major acquisition program.

The proposed bill would significantly enhance the management of the national resource lands by making violation of laws or regulations pertaining to them a crime and by vesting enforcement authority in certain designated Departmental employees.

The authority granted by the Act would pass to the Secretary of Natural Resources upon establishment of the Department of Natural Resources as proposed by President Nixon. The Act would not affect the present funding of operations on or the distribution of receipts from the national resource lands.

The national resource lands are a priceless and irreplaceable national asset. It is time to provide the Department of the Interior with the tools to manage and preserve them in accordance with their value to the American people.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

Enclosure.

By Mr. MAGNUSON (for himself, Mr. BENNETT, Mr. BENTSEN, Mr. BIBLE, Mr. CHURCH, Mr. FANNIN, Mr. GOLDWATER, Mr. HANSEN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. McGEE, and Mr. MONTOYA):

S. 2404. A bill to amend the Natural Gas Act to secure adequate and stable supplies of natural gas at the lowest possible cost to the consumer, and for other purposes. Referred to the Committee on Commerce.

By Mr. MAGNUSON:

S. 2405. A bill to amend section 14 of the Natural Gas Act. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I send to the desk two bills and an amendment for appropriate reference. They involve the energy problems of the United States. The bills are to be considered one as a counterpart of the other.

I ask that one bill (S. 2404), which deals with the Natural Gas Act amendment and cosponsored by myself and Messrs. BENNETT, BENTSEN, BIBLE, CHURCH, FANNIN, GOLDWATER, HANSEN, HATFIELD, JORDAN of Idaho, McGEE, and MONTOYA, lie on the desk for further cosponsorship.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

TAMING THE ENERGY CRISIS

Mr. MAGNUSON. Mr. President, no single element has contributed more to the economic well-being of this country than the ever-expanding flow of abundant low-cost energy. Yet, today, no single activity generates greater fear for the continued viability of our environment than the production, transmission, conversion and use of energy. This, then, is our "energy crisis." A black cloud that glowers over every city and State, every industrial enterprise, every home.

This "energy crisis" is in reality two crises, interwoven but distinct: the crisis of supply and the crisis of environmental contamination. Thus, while environmentalists condemn the pockmarked landscapes, fouled streams, the air-choked byproducts of energy generation, industry and Government planners labor into the night frantically searching for the new sources of energy to meet the inexorably swelling demand of the seventies and beyond.

Mr. President, I send to the desk a package of proposals, designed to aid us in seeking hard-nosed, effective cures for both these energy crises:

First. A proposal in the form of an amendment to S. 1684 the administration's powerplant siting bill, now pending before our committee, which would levy a fee of 0.15 mills per kilowatt-hour of electrical energy generated throughout the country to be massed in a Federal power research and development fund administered by a new board, charged with the urgent mandate to seek out and develop low-polluting techniques for the fulfillment of our electric energy needs.

This proposal is grounded upon a simple yet fundamental principle: Pollution is essentially an involuntary byproduct of inefficiency in the utilization of fuels to generate energy. Any process which increases the efficiency of electricity generation necessarily contributes to the solution of both energy crises. Turning to a simple basic analogy: If we can increase the efficiency of present electric energy generating plans by 50 percent, we would need one-third less fuel, produce one-third less air pollutants and only about half the waste heat per kilowatt-hour of energy produced. In the pursuit of this objective the environmentalist and the supplier of energy share a common goal.

Second. A bill to authorize and direct the Federal Power Commission to determine once and for all the hard facts behind the threatened drying up of natural gas supplies. The producers of natural gas in this country have told us that they now lack sufficient reserves to assure an adequate supply of this favored, low-polluting fuel even into the early seventies. They insist they must be permitted to double, perhaps even triple, the price for new gas in order to stimulate their investment in research for new supplies.

At the same time they have refused to supply the Federal Power Commission with the basic facts, which only they possess, concerning the actual dimensions of their present proved reserves.

Industry cannot have it both ways. There are those who believe that the gas shortage has been deliberately exaggerated as a scare tactic by the industry to panic the Federal Power Commission into indiscriminate, excessive rate increases. If the industry is to set these fears to rest, then it must give up its obsession with secrecy and make available the facts upon which it bases its claim. The American public cannot be forced to swallow billions of dollars of rate increases without an adequate showing that these increases are totally justified.

Third. A bill to protect the natural gas system of the Pacific Northwest and to stimulate the search for new gas reserves. The prolonged and torturous court proceedings in the El Paso-Pacific Northwest divestiture case have raised grave fears among gas distributors and consumers that the resulting new company will be incapable of meeting the expanding gas needs of the Northwest. Moreover, there is no evidence that the divestiture will enhance competition for the California market, the theoretical objective of the divestiture. The bill will preserve the present system under conditions designed to protect the public interest and to insure the integrity of gas suppliers to meet the region's future needs.

Mr. President, I cannot, of course, promise that these bills in and of themselves will cure our energy crises. There are other, equally critical, facets of these crises.

The Senate has wisely authorized the Interior Committee under the leadership of its distinguished Chairman (Mr. JACKSON), who possesses enormous expertise in the supply and technology of production of the critical fuels to conduct a comprehensive energy study. We have joined in supporting that study and share Senator JACKSON's conviction that a national energy policy is vitally necessary.

Nevertheless, it is possible to address those aspects of the energy problem which I have dicussed now without waiting for the results of the overall energy study. I welcome the comments and suggestions of my colleagues, consumers, the affected industries, and of the concerned Government agencies.

We have already conducted 2 exhausting days of hearings on the gas supply situation in the Pacific Northwest. It is my intention that the Commerce Committee proceed deliberately, but with a sense of urgency, over the next several months to consider these measures.

THE EL PASO-PACIFIC NORTHWEST MERGER

Mr. President, this bill is of great importance to consumers in the Northwest and in the entire western part of the

United States. The purpose of this bill is to protect the interests of these consumers by finally bringing to an end the 14 years of fruitless, and now pointless, litigation arising from the 1959 merger of the pipeline systems owned by El Paso Natural Gas Co. and Pacific Northwest Pipeline Corp.

The problems that will be created by the breakup of the El Paso system have caused serious concern to the Governors and the utilities commissioners of the various States served by El Paso. The bill which I am introducing today has the strong support of these public officials from the States of Washington, Oregon, Idaho, Wyoming, New Mexico, Nevada, Texas, Arizona, and California. I am also pleased that my colleagues, Senators BIBLE, HATFIELD, CHURCH, JORDAN, McGEE, HANSEN, BENNETT, TOWER, BENTSEN, MONTOYA, GOLDWATER, and FANNIN have joined with me in sponsoring this bill. I am also pleased that Congressman BROCK ADAMS is cosponsoring a similar bill in the House.

Many of these State officials, as well as chambers of commerce and industrial and individual users of gas have written to me over the last few months to express their concern that the divestiture by El Paso of the assets of the old Pacific Northwest Pipeline Corp. would jeopardize their chances of obtaining adequate gas supplies in the future, while at the same time imposing needless extra costs on gas consumers. Because of the many public interest issues raised by the divestiture, the Senate Commerce Committee held hearings in Seattle, Wash., on April 19 and 20 to examine all aspects of the problem. Over 20 individuals and groups appeared and many others filed statements expressing their views. At the beginning of the hearings I stated that the burden of proof lay with those who would urge Congress to act in this matter.

After a careful review of this record, I am convinced that this burden has been fully discharged and that divestiture will yield no competitive benefits to consumers in the States affected. It will, however, impose significant costs on them in return for a reduced probability that they will continue to enjoy adequate supplies of natural gas at low, stable prices. I believe that the bill I am cosponsoring today is the only solution which will protect the interest of these consumers.

A professor of antitrust law who appeared before the committee as an expert witness characterized the 14-year history of the El Paso litigation as "one that warrants a description by Charles Dickens." This is, perhaps, the most unique case in the history of our country; certainly the most unique case in antitrust history. For these reasons, I am enclosing for the record a memorandum detailing the facts behind the merger and a summary of the various decisions reached by the courts. I would, however, like to summarize briefly the highlights of this extraordinary case.

The litigation which will finally be brought to an end by this bill was first instituted in 1957 by the Department of Justice, which felt that the merger should be upset under section 7 of the Clayton Act because it would reduce competition in California. El Paso was serving California and the Southwest at that time, whereas Pacific Northwest, as its name indicates, was serving the Northwest States. It had never served the California market. The Federal Power Commission in 1959 examined the merger under its authority granted by Congress in section 7 of the Natural Gas Act and found that the total public interest would be served by the merger; that there were substantial benefits to the Northwest, the Southwest and even to California. The FPC recognized that there might be some anticompetitive effects in California but concluded that this was minimal at best and far outweighed by the advantages of the merger to consumers in all of the affected States.

The Supreme Court, however, determined that the FPC should have delayed its consideration of the total public interest until the courts had resolved the narrower question of whether there would be a reduction in competition in California. When the trial court failed to find any anticompetitive effect in California, the Supreme Court reversed this decision and ordered El Paso to divest the assets it had acquired. That was in 1964. El Paso and the Justice Department came up with a divestiture arrangement which was approved by the district court judge, but this too was reversed by the Supreme Court in 1967. A second divestiture arrangement was developed by a new district court judge after many months of hearings, but, at the urging of three private individuals who were not parties to the suit, the Supreme Court again reversed this arrangement.

A district court in Denver is presently working on a third arrangement and recently handed down its decision on that aspect of the case dealing with the gas reserves to be divested. The court rejected the proposals put forth by the Department of Justice which would have required El Paso to turn over to the new company a pipeline built by El Paso prior to the merger, together with gas reserves presently being utilized to serve California and contracts with customers presently receiving this very gas. Instead, the court decreed that in order to make it easier for the new company to enter California in the future, El Paso could not bring any additional gas into that State for 3 years after divestiture takes place or until certain conditions were met. The effect of the decision would be to remove El Paso as a competitor in California for at least 5 years—a result which the distributors and utilities in California are obviously distressed about.

Even William Bennett, a former California public utilities commissioner who has participated in this case from the very beginning and who appeared before the Commerce Committee as a "consumer spokesman" has described the district court's decision as a "massive blunder" and a decision "so grossly in error as to escape understanding." While Mr. Bennett is frequently given to hyperbole, it is reasonably certain that the decree will ultimately be appealed. No one can tell how many more arrangements will have to be worked out and how many more years will be consumed while we in the West wait to find out who will serve our area and whether we will continue to be able to secure needed gas supplies.

At the outset, let me stress that this litigation has proceeded on the basis of the facts known to the parties and to the courts in 1957—14 years ago—as to natural gas supplies and the effect of the merger on consumers in California at that time. A number of fundamental changes have taken place in these market conditions which radically alter the suppositions on which the lawsuit was originally brought and decided by the Supreme Court.

The most fundamental change has taken place in the last 2 years—we have moved from an era of abundant gas supply to a period of dangerous scarcity and recent findings by the district court have just confirmed this fact. The demand for natural gas because of its pollution free characteristics has so outstripped potential supply that in the words of one independent analyst of the gas industry, based upon current reserves and additional discoveries that can be expected as a result of a realistic projection of capital investment and exploration in the next 10 years, the maximum quantity of available gas by 1980 from all sources both within and without the United States will still be more than one-third less than market needs at that time.

The most knowledgeable people on this matter, those who are responsible for distributing gas to consumers in the western part of the United States testified at the hearings that the most fertile sources of new gas supplies will be found in the western Provinces of Canada. In the last year or two a number of different companies have each committed tens of millions of dollars in the search for Canadian gas supplies. These efforts will quicken in the coming years. These next few years will be absolutely crucial in determining whether the western part of the United States will be able to obtain its fair share of these reserves.

But during this time we cannot expect El Paso to make any significant expenditures in this effort since they will be forced to dispose of all of their interests in Canada because of the divestiture. Unfortunately, it will be many years before any company which were to acquire El Paso's Northwest Division would be able to engage in these expensive efforts in searching for Canadian gas. Not only is the recent court decision likely to be appealed and the litigation continued for many more years, but the assets cannot be transferred to the new company until the FPC has issued a certificate of public convenience and necessity covering such a transaction. That decision will take time as well and, of course, there is always the likelihood of a judicial review of that decision too. When all the cases have finally been decided it will still take some period of time for the new company to begin operation of the Northwest system and to "learn the ropes." What we are then faced with is a hiatus during which no company will be aggressively searching for new gas for our area and this hiatus will take place at the point in time when it is most important for us to have a strong, aggressive and able company representing our interests.

One of the most striking effects of the development of this gas shortage crisis is that it is now impossible for the purposes for which the lawsuit was initially instituted to be achieved any more. As you will recall, the lawsuit was instituted in order to restore "competition" in the California market. Competition, as the Supreme Court recognized, involves two or more companies competing for new incremental demands of gas consumers. But in view of the prospect that for the indefinite future we will have to live with gas shortages there can be no "competition" between suppliers to market their gas in California. Any and all new discoveries can be easily and readily sold.

Thus, California's concern is no longer for new gas suppliers, but for new gas supplies. It should also be noted that since the institution of this lawsuit, two major out-of-State suppliers have begun to serve the California market. With three strong out-of-State suppliers and over 100 intrastate suppliers, the creation of a fourth out-of-State supplier by dividing up the present El Paso system—and now, according to the recent court decision, removing El Paso as a competitor—cannot result in any competitive benefits for California.

In view of the fact that the sole benefit sought to be achieved by this lawsuit can realistically no longer be achieved, are there any other benefits which would result to gas consumers if divestiture took place? This question was asked frequently at the hearings in Seattle and no one was able to point to any real, tangible benefits. On the other hand, many of the witnesses, particularly those whose businesses are dependent upon the ability to secure adequate supplies of gas at low, stable prices, pointed out a number of ways in which substantial harm would result to gas consumers unless legislation were enacted as quickly as possible to preserve the merger.

To begin with, as I have already mentioned, the witnesses were greatly concerned that the next 5 years would be critical in the search for new sources of gas supplying and that during this period the western States would still be struggling with the problems of divestiture and with the problems of a new company gearing up its operations.

Second, millions of dollars in additional costs will have to be incurred as a result of divestiture. These costs would include duplication of facilities, higher interest costs on borrowings, and the duplication of personnel and administrative costs. All of these costs would be passed on to the consumer, and the heaviest burden would be passed on to the consumers in the Northwest. It appears certain that gas prices will be going up in the future as a result of changes in FPC policy and the fact that new gas discoveries will be made at even greater distances from our markets. But there is no reason why additional costs should be imposed which will not lead to more gas. Moreover, the governors, utility commissioners and distributors all testified that gas prices are more likely not to rise as much in the future if the present system is preserved.

Third, a new, inexperienced and unquestionably financially weaker company will be substituted in the Northwest for El Paso as the sole supplier of gas to our area. And this brings me to what I feel is the most troublesome point in this whole divestiture business. This substitution of companies in the Northwest will not take place because the Supreme Court or any other court analyzed our situation and concluded there were competitive benefits to our area from divestiture. The relative merits or evils to the Northwest arising from the merger or from divestiture have never been discussed in any of the Supreme Court's opinions. Divestiture was ordered because the Court in 1964 thought that in view of the abundance of gas supplies, the creation of a new competitor by divestiture would tend to provide future competition in California. The effects which divestiture might have on the Northwest were never even considered.

Although the FPC had found the merger to be in the total public interest, the Supreme Court felt that under section 7 of the Clayton Act, once it found some anticompetitive effects in any market, in this case California, that was the end of the issue and divestiture had to be ordered no matter what the benefits or detriments might be to the other areas of the country affected. It is tragically ironic for the Northwest that in 1971, consumers in this area may have to suffer the risks and consequences of a divestiture which no longer holds forth any possibility of even yielding any benefits to California.

While I have no particular brief for El Paso in this matter, I cannot be unmindful of certain facts which were brought out at the hearings; the fact that for 13 years after the merger there was not a single rate increase in the Northwest, and in 1967 there was even a rate decrease. Deliveries of gas by El Paso to the Northwest tripled during this same period, whereas throughout the nation it has only doubled. El Paso was the first importer of significant quantities of Canadian gas and has been a leader in such efforts as importing liquefied natural gas. I do not believe it is reasonable for consumers in the Northwest to be forced to accept as their single supplier a new, as yet unknown, quantity in the place of a company with a proven record such as this; to be forced to bear additional costs for a reduced probability that they will receive additional gas supplies—in order to carry out a court decision based on facts as they existed 14 years ago and which never took into account their needs or the damage which divestiture would impose on them.

I have no doubt that the Justice Department attack on the El Paso-Pacific Northwest merger was a well-intentioned effort to achieve the benefits of competition in California. This is a desirable end, and, were we limited to our knowledge of the situation to the known facts of 1957, this judicial contest might still seem to be of value.

In this case the courts are in a straitjacket, but we in Congress cannot wear blinders. We live in 1971, and we, unlike the courts, can take into account the events that have transpired during the last decade.

The testimony presented in Seattle is persuasive that if divestiture takes place it is likely to leave the Western states with two weak companies instead of one strong company; with two companies neither of which will be able to solve our gas shortage problems, instead of one company that has already proven it has the capability to do the work that has to be done.

This is what will happen if we allow ourselves in 1971 to be hostage to the facts as they existed in 1957. We could choose to do nothing, but we must then be prepared to face the gas consumers of our States and explain to them why we took no steps to prevent their being saddled with needless extra costs or inadequate supplies. Ultimately, we must be ready to explain why, in the very near future, they may have insufficient gas to heat their homes; why there may be brownouts on the west coast next year.

The bill we have submitted is the only alternative. It does not require the expenditure of any public moneys to benefit the consumers of a particular area. Moreover, the bill will not only provide the benefits of a unified pipeline system to western consumers and end the uncertainty arising from the many years of litigation, it will also make it considerably easier for any new supplier to enter the California market in the future should supply conditions so change as to make such entry possible. Sections 3 (b) and (c) of the bill impose certain conditions on El Paso designed to require El Paso to transport gas in its existing system on behalf of other suppliers or to construct pipelines and facilities for others who may have a source of supply but no way of getting it to the market. Thus, by virtue of this bill, El Paso would be required to help new entrants gain access to the markets presently served by it. In this regard, the preservation of the merger will significantly enhance the competitive situation in the Western U.S. gas markets in the future.

To insure that any other pipeline company that wishes to mount a new project to the West will not face unnecessary opposition, section 3(a) of the bill provides that for a period of 10 years El Paso will not intervene against an application filed with the FPC to provide new service to this area unless the FPC determines that such intervention is necessary to insure an adequate basis for decision on whether the new project is in the public interest.

Section 3(e) requires El Paso to report annually to the Congress on any rate changes approved by the Commission and the reasons for the changes. Thus, we will be able to exercise continuing oversight on El Paso's record in providing the lowest possible rates to consumers.

Finally, to insure that our expectations are fulfilled that a unified El Paso will make every effort in finding new solutions to our gas shortage, section 4 of the bill imposes an obligation on the company to commit at least $200,000,000 over the next 5 years to exploration and other activities designed to make additional gas supplies available to consumers in the United States.

I recognize that these are unique provisions. But I feel that with the addition of these provisions we will, so to speak, be able to have our cake and eat it. We will be able to avoid the many evils which divestiture holds for consumers in the West, and, at the same time, make it more likely that the purpose for which the lawsuit was originally brought—the realization of the benefits of competition—will be achieved.

Before I conclude, let me anticipate some areas of concern on the part of some of my colleagues by commenting briefly on what this bill is not intended to do.

First, it is not intended as an attack on, or confrontation with our judicial system. They have handled this controversy as they felt they were required to do under the overlapping provisions of the Clayton Act and the Natural Gas Act. The chickens have come home to roost in the Congress because of our failure to make clear in these two acts exactly how we thought a merger in the natural gasfield should be evaluated by the FPC and reviewed by the courts. Consequently, it is up to us to resolve the conflict in this unique case and our so doing is no reflection on the efforts of the courts to deal with this matter on the 1957 terms presented to them.

Second, this bill should not be viewed as against "competition," but for "the benefits of competition." After all, this is what this whole affair has been about—the realization of the benefits of competition, such as lower prices, better service and more efficient use of our resources. If, as in this case, the benefits of competition can only be achieved through the preservation of a viable system, to be "for competition" and against "lower prices or better service" would be to elevate form over substance.

Finally, this is in no way a "special interest bill." It is not even regional legislation, although it is the Western States—particularly the Pacific Northwest and California—that will bear the immediate consequences of a failure on our part to act. This is, in long range terms, legislation of national importance; the strength of our natural gas systems and the ability of gas suppliers to provide consumers with adequate fuel at reasonable costs should be of concern to every Member of this body.

I know that many of my colleagues are reluctant to take legislative action which in any way impinges on the application of our antitrust laws. I share this view. But we cannot be blind to the unintended consequences of the laws we have previously passed. Nor can we be indifferent to the consequences of a failure to legislate when the public interest requires it. As one whose principal interest is the protection of the consumer, I cannot remain idle in this matter.

The Federal Power Commission told us 11 years ago that it was in the public interest, when all aspects of that interest were considered, for El Paso to own the northwest system. I believe that we should heed that judgment before it is too late. The recent district court decision demonstrates that the longer we allow this case to drag on, the further away we are from finding a resolution which is in anyone's interest. I urge all Senators to support this legislative effort which will bring an end to this interminable litigation and to allow those who supply gas to consumers in the Western States to get back to the business of finding more gas.

I ask consent that the text of the bill and an article from the Wall Street Journal of Monday, July 26, be printed at this point in the RECORD.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 2404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 7 of the Natural Gas Act, as amended (56 Stat. 83; 15 U.S.C. § 717f) is amended by adding at the end thereof the following new subsections:

"(i) Any merger, consolidation, acquisition or other transaction by which the assets or stock of one natural gas company were acquired by another natural gas company prior to January 1, 1960, shall be conclusively presumed to have not been in violation of any antitrust laws if the assets or stock so acquired have not been divested and distributed pursuant to a final judgment under the antitrust laws prior to the date of the enactment of this Act; provided that any part of any such transaction or transactions was at the time thereof subject to the jurisdiction of the Commission and further provided that application for a certificate of public convenience and necessity for the jurisdictional part or parts of any such transaction or transactions was made to and approved by the Commission prior to January 1, 1960.

"(j) Any court having pending before it on or after the date of the enactment of this Act any litigation or proceeding arising from the initiation of litigation under the antitrust laws with respect to such merger, consolidation, acquisition or other transaction, shall apply the rule of law set forth in subsection (i).

"(k) Any order of the Commission, prior to January 1, 1960, issuing a certificate of public convenience and necessity for that portion of a transaction or transactions referred to in subsection (i) which is subject to the jurisdiction of the Commission shall be valid and in full force and effect in accordance with its original terms."

SEC. 2. As used in this Act the term "antitrust laws" means the Sherman Act (26 Stat. 209; 15 U.S.C. §§ 1–7 as amended), the Clayton Act (38 Stat. 730; 15 U.S.C. §§ 12–27 as amended), all amendments to such Acts, and such statutes and any other Acts in pari materia.

SEC. 3. Any natural gas company subject to the conclusive presumption of section 1 above shall, for a period of ten years from the date of enactment:

(a) Not intervene before the Federal Power Commission in opposition to an application for a certificate of public convenience and necessity to provide new service in the company's service area unless the Federal Power Commission determines that such intervention is necessary to assure an adequate basis for decision;

(b) Make available to others any excess capacity in its transmission facilities, upon a finding by the Federal Power Commission that such availability to others is in the public interest and, on such terms and conditions as may be approved by the Commission;

(c) Construct transmission facilities to transport gas for others, upon a finding by the Federal Power Commission that such construction and transportation is in the public interest and on such terms and conditions as may be approved by the Commission;

(d) Report annually to the Federal Power Commission and the Department of Justice on the measures it has taken to comply with the provisions of this section; and

(e) Report annually to the President of the Senate and the Speaker of the House on any rate changes approved by the Federal Power Commission during the previous year and the reasons therefor.

SEC. 4. Within five years from the date of enactment, any natural gas company subject to the conclusive presumption of section 1 above shall commit at least $200 million towards developing and making additional gas supplies available to consumers in the United States.

SEC. 5. The Attorney General, after consultation with the Chairman of the Federal Power Commission, is authorized to institute a proceeding in any court of competent jurisdiction to enforce the provisions of section 3 and 4 of this Act.

SEC. 6. Nothing in this Act shall affect:

(a) The jurisdiction of the Federal Power Commission or the way in which expenditures required by section 3 of this Act are treated by the Commission for rate-making purposes; or

(b) The rights of third parties to bring suit under the antitrust laws on the grounds that they have been injured in their business or property as a result of a merger, consolidation or acquisition covered by section 1.

SEC. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

[From the Wall Street Journal, July 26, 1971]

U.S. vs. EL PASO: ANTITRUST GONE MAD

(By Roger W. Benedict)

Even in the murky field of antitrust law it's a bit unusual for a major case to drag on for 14 years, with no end in sight. It's even more unusual if the defendant has ever appealed and the man who takes credit for initiating the suit now wants Congress to wipe it out.

An almost complete turnabout in industry conditions during these seemingly interminable proceedings has become, in fact, the focus of a growing controversy over *U.S. vs. El Paso Natural Gas Co.* And that dispute has a significance that extends beyond its immediate economic importance to the wider issue of the relationship of antitrust law to the public interest.

In the view of a large majority of Western governors and regulatory commissions, most of the area's gas utilities and many gas customers, this antitrust action, far from promising benefits to consumers, has become instead a major threat to their best interests by endangering future gas supplies for the Western U.S.

JUSTICE DEPARTMENT ALARMED

Sen. Warren G. Magnuson (D. Wash.), chairman of the Senate Commerce Committee, after holding hearings, has drafted proposed legislation that would preserve El Paso's 1957 acquisition of Pacific Northwest Pipeline Co., ending what he terms "14 years of fruitless and now pointless litigation." Naturally enough, this has aroused alarm in the Justice Department, which fears that such legislative intervention could trigger increasing appeals to Congress to undo antitrust rulings won in the courts, as the lawmakers have recently done in cases involving bank and newspaper mergers.

But an examination of this complex case indicates that it is indeed a proper matter for congressional scrutiny.

From the beginning the case has hinged on whether relatively narrow and largely theoretical interpretations of antitrust law should take precedence over a much broader evaluation of what serves the public. This has in turn involved a classic dispute over the division of powers among the major branches of the federal government.

Proponents of legislative intervention in the case contend that the test of time has verified a conclusion by the Federal Power Commission that merger of the two pipelines would benefit consumers in the Pacific Northwest, California and the Southwest. By contrast, they assert, legal theories advanced by the Supreme Court that the merger would reduce competition in California make little sense in today's growing national gas shortage.

Edmund G. "Pat" Brown, who was attorney general of California at the time, says he convinced the Justice Department to file the antitrust suit. He told Sen. Magnuson's hearings that a court-ordered divestiture of Pacific Northwest by El Paso now "is likely to prove extremely damaging" to California consumers, by threatening their access to future supplies of gas and by raising its costs.

Concern is even greater in the Pacific Northwest. Gov. Cecil D. Andrus of Idaho testified at the hearings that energy reserves in the Northwest are "dangerously low," and he asserted that El Paso, with divestiture hanging over its head, can't pursue new supplies with "great vigor." Until the litigation is ended, he said, "there will be no successor company in position to undertake the responsibility."

El Paso contends that with full approval of the FPC, it rescued Pacific Northwest from the verge of bankruptcy, pumped $166 million into it, tripled its sales over a period when industry volume doubled and never raised prices to customers over the first 13 years of operating Pacific. El Paso says the merger also ended its own over-dependence on byproduct gas from Texas oil wells, helping keep gas rates in Los Angeles and San Francisco among the lowest in the nation.

Now El Paso is faced with the likelihood of divesting its holdings not only in Pacific Northwest, but in one of its own major California pipelines as well, plus a possible $50 million tax liability, an attempt to sequester some past earnings and a ban on competing in its biggest market, California, for seven years.

Howard Boyd, chairman and chief executive officer, says the divestiture "may turn one healthy company into two sick ones," to the detriment of consumers served by both.

Pacific Northwest was set up in 1954 to build the first interstate gas pipeline to that area of the country. But it ran up $23 million of operating losses in its first three years, had to sell some assets to meet preferred dividend payments and faced loss of valuable undeveloped leases in New Mexico's giant San Juan Basin gas field unless it could find the capital to meet contract drilling requirements.

Pacific proposed merger to El Paso, which had the financial resources to shore up the new company, and which was attracted by the opportunity to diversify its sources of gas supply. The FPC, which regulates gas pipelines, approved the consolidation. But the California Public Utilities Commission appealed, charging that the merger would decrease pipeline competition in the state by removing one company. The Circuit Court of Appeals in Washington, D.C., upheld the merger.

COMPLICATED MANEUVERS

But that was the last time that any court has considered the broad impact of the merger on the public interest. California appealed the ruling to the Supreme Court, thus setting off a complicated series of maneuvers that revolved on complex legal questions. The result to date is four controversial Supreme Court decisions, with more in sight.

The first Supreme Court ruling, in 1962, was that El Paso must stand trial in a lower court on antitrust charges. Although the Clayton Act contains language exempting from antitrust challenge any transactions approved by the FPC, the court held the act didn't give the FPC authority to rule on a stock acquisition that preceded actual consolidation of assets. El Paso argued in vain that the stock acquisition was merely a part of the merger process.

Justices John Harlan and Potter Stewart said, in the first of several blistering dissents, that the ruling created "a wholly artificial imbalance between antitrust law enforcement supported "by reason or authority."

After a district court acquitted El Paso of an antitrust violation, the Justice Department again appealed to the Supreme Court. The high court overturned the lower court, contending that if Pacific Northwest had remained independent it would have become a pipeline competitor in California. The Supreme Court directed the lower court to order divestiture, prompting Justice Harlan to assert that he knew of no previous case in which the high court had ordered a remedy not considered first by a lower one.

The divestiture plan drawn up by the district court was the "best in the history of the Clayton Act," according to a high Justice Department official. But the Supreme Court in 1967 rejected the plan and proceeded to outline its own directives for another lower court to carry out. This caused the dissenting justices to thunder, "The court roams at large, unconfined by anything so mundane as a factual record developed in adversary proceedings."

The second plan of divestiture was turned down by the Supreme Court in 1969, after it denied the lone appellant, the Utah Public Service Commission, permission to withdraw, which would have ended the case. The same dissenting justices declared this "dismaying to all who are accustomed to regard this institution as a court of law." They charged that the decision "to shatter centuries of judicial tradition" came from "completely erroneous factual premises born of superficial acquaintance with this 14,000-page record."

The district court in Salt Lake City is currently struggling with a third divestiture plan. But even the Justice Department is recommending that it ignore two of the Supreme Court's directives: that the sale be "all cash" (which would impose that $50 million tax on El Paso) and that it prohibit transfer of $170 million of El Paso's debt to Pacific (which likely would cost Pacific millions of dollars in added interest costs to raise new debt at today's rates). The new plan is expected to go back to the high court at least once more.

The Supreme Court's rulings have all related to pipeline competition in California. In 1946 El Paso built the first pipelines to bring out-of-state gas to that vast market, in competition with more than 100 suppliers hooked to California wells. Pacific Northwest never supplied the market, but had made an abortive pre-merger attempt to do so, failing to find sufficient buyers at its proposed prices, which were higher than El Paso's.

Since the case began, two more major interstate pipelines have been built to California.

What's more, the market has changed from one of strong competition to one of growing shortage; today anyone with gas to sell would have no trouble finding buyers. What the state needs now, says Mr. Brown, are "new gas supplies, not new gas suppliers."

The most likely direction for all the Western states to turn for new supplies, says Mr. Boyd, is northward, to Canada and Alaska, El Paso has pioneered U.S. use of Canadian gas, currently accounting for nearly one-third of total U.S. imports. This gas has helped El Paso keep prices low in the Pacific Northwest, while freeing San Juan gas for the much shorter haul to California, he asserts. But he says that the litigation is tying El Paso's hands and that no new company exists to compete against Midwest and Eastern pipelines that may sew up most of the available supplies before the court case ends.

CONCERN OVER COMPETITORS

There's also concern over how effective a new company would be. Of seven competitors for the Pacific Northwest properties, the only one with pipeline experience, Colorado Interstate Corp., was once before rejected by the court. Anaconda Co., the giant copper mining company; Husky Oil Ltd.; and Banister Continental Corp., a computer and pipeline construction firm, would be entering a new field.

Three exist only on paper: Western Sunset Transmission Co., Paradox Production Corp. and Copaso Inc. (Noting a Securities and Exchange Commission report that Paradox had $23 in fixed assets and owed its directors $557,000, Sen. Magnuson commented, "I hope this isn't typical of the applicants.")

At the request of Sen. Magnuson's committee, Stephen Breyer, professor of antitrust law at Harvard Law School and formerly a Justice Department attorney in the antitrust suit against El Paso, re-studied the case. While Professor Breyer opposes the principle of congressional action in court cases, he concluded that the Justice Department "guessed wrong" when it initiated the El Paso suit.

By Mr. HARTKE:

S. 2406. A bill to provide for an equitable procedure for establishing congressional districts. Referred to the Committee on the Judiciary.

CONGRESSIONAL REDISTRICTING

Mr. HARTKE. Mr. President, today I introduce legislation which will eliminate the possibility of gerrymandering in future congressional redistricting. The bill is identical to H.R. 6852, introduced in the House by Representative JAMES M. HANLEY of New York.

My proposal will remove the State legislature's present congressional redistricting power, and place it in the hands of a five-member commission in each State These commissions will be mandated to take cognizance of existing communities of interest and to refrain from acting to minimize or cancel the voting strength of racial, economic, or political elements.

Each commission would also be required to strive for distinct representation for city, suburban, and rural areas and to follow existing political subdivision boundaries to the greatest extent possible. The districts must be compact and contiguous, and each must come within a 1-percent deviation from the average district population of the State.

The membership of the commissions would be composed of one appointment to be made by each of the majority and minority leaders in both houses of the State legislatures and a fifth appointment to be made by the highest court in the State. Thus, the commissions will have a bipartisan composition coupled with a representative of the judicial branch.

Mr. President, the subject of redistricting has confounded democratic societies throughout history. Many noble efforts have been made to provide equitable districting procedures which nevertheless did not ignore such vital human factors as communities of interest and local political subdivisions. The proposal I introduce today is a new and bold approach which should help to bolster the confidence of the people in those who represent them in Washington. I ask that the full text of this bill, the Congressional Districting Act of 1971, be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Districting Act of 1971".

SEC. 2. Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929 (2 U.S.C. 2a), is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) (1) In the case of a State entitled to more than one Representative to the Ninety-third or any subsequent Congress, Representatives to such Congress shall be elected from congressional districts established in such State by the State redistricting commission appointed for such State in accordance with subsection (d) after each apportionment under subsection (b). The commission for a State shall establish a number of districts for such State equal to the number of Representatives apportioned to such State under subsection (b). No district so established shall contain a number of persons (determined under the decennial census under which such apportionment was made) which differs by more than 1 per centum from the quotient obtained by dividing the population of such State (under such census) by the number of Representatives to which such State is entitled under such apportionment.

"(2) Subject to paragraph (1), a commission, in establishing congressional districts in a State, to the extent possible—

"(A) shall provide for fair and effective representation for all individuals, peoples, and party interests to the maximum extent practicable,

"(B) shall take cognizance of such communities of interest as do exist and may not act to minimize or cancel out the voting strength of racial, economic, or political elements,

"(C) shall strive for distinct presentation for city, suburban, and rural areas, and

"(D) subject to the preceding subparagraphs of this paragraph, shall follow existing political subdivision boundaries, and shall provide that such districts shall be composed of a contiguous and as compact an area as possible.

"(d) (1) Within sixty days after the enactment of the Congressional Districting Act of 1971, and thereafter within sixty days after the receipt by the executive of a State of a certificate under subsection (b), there shall be established in each State a State redistricting commission. Such a commission shall consist of five members appointed as follows:

"(A) The majority and minority leaders of each house of the State legislature shall each appoint one member.

"(B) The highest court of the State shall appoint one member.

A vacancy in the commission shall be filled in the same manner as the original appointment was made.

"(2) In the case of a nonpartisan bicameral legislature, the leader of each house shall appoint two members of the commission after consultation with the leaders of political parties in the State. In the case of a unicameral nonpartisan legislature, the leader of such legislature shall appoint four members of the commission after consultation with leaders of political parties in such States.

"(3) The determination as to which official constitutes the minority or majority leader of a house of a State legislature for purposes of this subsection shall be made by such house.

"(e) (1) A State commission appointed under subsection (d) shall, after conducting public hearings, promulgate a plan which meets the requirements of subsection (c) within one hundred and eighty days of its appointment. Such plan shall be published in the Federal Register, shall take effect on the sixtieth day after such publication, and shall be applicable until the next apportionment following a decennial census. Any plan which takes effect shall have the force and effect of law (except to the extent that a court order issued under paragraph (2) otherwise provides).

"(2) Any person aggrieved by any action (or failure to act) of a commission under paragraph (1) may at any time before the expiration of sixty days after the publication under paragraph (1) of a plan promulgated by such commission file a petition in the United States district court sitting in the State. Upon the filing of such petition the court shall have jurisdiction to review such action (or failure to act) in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(3) Any person aggrieved by the failure of any State official referred to in subsection (d) (1) (A) or (B) to appoint a member of a commission may bring an action in a United States district court for appropriate relief. The court shall have jurisdiction to grant such relief.

"(f) (1) (A) Members of a commission appointed under subsection (d) shall each be entitled to receive $50 for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the commission.

"(B) While away from their homes or regular places of business in the performance of services for the commission, members of the commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) Three members of such a commission shall constitute a quorum.

"(3) (A) A commission may appoint and fix the compensation of such personnel as it deems advisable.

"(B) The staff of the commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(4) A commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it may deem advisable.

"(5) A commission appointed under subsection (d) shall cease to exist sixty days after the publication of a plan under subsection (e) (1), except that, if an action is commenced under subsection (e) (2) for judicial review of such plan, the commission shall continue to exist during the pendency of such action."

SEC. 3. The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting" (2 U.S.C. 2c) is repealed.

By Mr. McINTYRE:

S. 2407. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished. Referred to the Committee on Labor and Public Welfare.

DRUG DATING PROPOSAL TO AID CONSUMERS

Mr. McINTYRE. Mr. President, I am introducing for appropriate reference a bill, the Drug Dating Act of 1971.

For some time I have been concerned about the efficacy of drugs we use. Nearly every prescription and non-prescription drug loses its potency over a period of time, some in a few days, others in several weeks or months. The consumer has no way of knowing whether the drug in his medicine cabinet is effective unless he knows the date on which it loses its strength. A consumer may be taking cold pills he obtained for a previous illness. The pills may look exactly the same as they did at the earlier time, but they may be no more effective than sugar pills because the ingredients have lost their power.

One pharmacist recently told me that it is particularly important that the over-the-counter drugs be labeled with an expiration date because these drugs have not been prescribed by a physician and the consumer has not been told how long to use the drug. A consumer might continue taking the medication long after it has lost its potency or has undergone chemical changes. With a "beyond use" date is would be the consumer's responsibility to discard the drug.

Another pharmacist felt that the small amount of additional work in the dispensing of each affected prescription would be well worth it and that pharmacy in general would be glad to cooperate in this public service.

I know of one case in which nitroglycerine tablets were prescribed and dispensed without an expiration date. Nitroglycerine is used as a vasodilator and loses its potency after a couple of months. It would have been disastrous if this person would have relied on his old tablets.

These statements from members of the pharmaceutical industry have been most helpful to me in making my decision to proceed with this legislation. Much work remains to be done in this area before any final determination can be made on this or any other legislation. I intend to keep an open mind and to make changes in my proposal as the need for modification becomes evident.

Mr. President, I have a goal that I am seeking in this most important matter of drug dating. This goal is simply stated—protection for consumers who may not now have adequate knowledge of the dates of the drugs that they are taking. That is my goal, and I am mindful that there may be differences of opinion concerning the most effective way to achieve that goal.

If, after thorough deliberation in committee, it becomes clear that there is a better way to help the consumer in th area you can be assured that I will join in developing that new measure. The consumer deserves better protection from the possibility of taking outdated drugs and I pledge myself to that cause. I believe that my bill will be one of the moving forces that brings about the changes in drug dating that are needed to fully protect consumers everywhere.

By Mr. JACKSON (for himself,
Mr. Allott, and Mr. Fannin)
(by request):

S. 2408. A bill to extend the life of the Indian Claims Commission, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. Allott), the senior Senator from the State of Arizona (Mr. Fannin), and myself, I am today introducing legislation by request of the administration to extend the life of the Indian Claims Commission. Under the proposed bill, the Indian Claims Commission Act would be amended to accomplish the following purposes:

First. Change the date for dissolution of the Commission from April 10, 1972, to April 10, 1977.

Second. Provide that cases still pending when the Commission dissolves be transferred to the U.S. Court of Claims, which would be empowered to complete adjudication of such cases.

Third. Provide for the setting of a trial date for the next phase of each claim pending before the Commission. This trial date would be no later than 1 year from the Commission's final decision on a preceding phase.

Fourth. Provide that if a claimant fails to proceed with trial on a particular date, the Commission has discretion to order dismissal of the claim with prejudice or reset the trial at the end of the calendar.

Mr. President, I have long been vitally concerned with the obligation of the United States to provide its Indian citizens with a full and fair hearing on their claims against the Government. In 1945, in the 79th Congress, I introduced the bill (H.R. 4497) which ultimately became the Indian Claims Commission Act. Those of us who were instrumental in securing the passage of this legislation felt that a mechanism had been set up that would allow Indian groups to have their claims adjudicated at an early date. I have been disappointed, along with many other Members of Congress, at the length of time it has taken to resolve these claims.

I am sure that I am merely echoing the sense of frustration that must be felt by those tribes whose claims have not yet been concluded when I state that there has been undue delay in the completion of the Commission's work. Although the Commission has been in operation for over 25 years, many cases have not yet been concluded.

It is clear that the ones who have suffered as a result of this delay are the Indians who have not yet had their claims decided. They should have had their day in court as other tribes have had.

It is my hope that early hearings can be scheduled before the Senate Committee on Interior and Insular Affairs on this bill so the committee can once again try to determine the causes of the failure of the Commission to do its work in the time allotted to it.

I ask unanimous consent that the Executive communication from the Indian Claims Commission accompanying this proposal be printed in the Record at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Indian Claims Commission,
Washington, July 13, 1971.

Hon. Spiro T. Agnew,
President of the U.S. Senate, Washington, D.C.

Dear Mr. President: Enclosed is a proposed bill "To extend the life of the Indian Claims Commission, and for other purposes."

We recommend that the proposed bill be introduced and referred to the appropriate committee for consideration and that it be enacted.

It would amend the Indian Claims Commission Act to accomplish the following purposes:

1. Change the date for dissolution of the Commission from April 10, 1972, to April 10, 1977.

2. Provide for transfer to the United States Court of Claims of any cases still pending on April 10, 1977, and empower the Court of Claims to complete adjudication of such cases.

3. Provide that a trial date shall be set for the next phase of each claim which shall be no later than one year from the final decision on the preceding phase; and provide that if a claimant fails to proceed with a trial on the date set, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar.

The Commission as now constituted, whose five members took office between December 1967 and May 1969, is firmly committed to completion of its work by April 10, 1977, and current progress is at a rate consistent with accomplishment of this goal.

Provision must be made for disposition of any residue of work that might remain at the time the Commission is dissolved. The bill provides for transfer of this work to the Court of Claims and the Commission believes that this is the best possible solution to this contingency. The Commission also believes, however, that its work will either be completed, or that very little work will remain to be transferred. The Court of Claims, therefore, will not be unduly burdened under any circumstances.

The present statutory provision that all cases should be set for trial not later than December 31, 1970, is obsolete; therefore, substitution of a requirement that trial of the next phase of a case be scheduled as soon as possible and not more than one year after the date when a final decision was reached on the preceding phase is proposed. The proposed new provision also substitutes a penalty in the form of a possible dismissal of the case or a possible delayed trial and loss of a right of appeal to the United States Court of Claims in lieu of the language in the present bill which makes dismissal of the case mandatory under certain conditions. This procedure furthers the basic goal of proceeding as rapidly as possible without defeating the basic purpose of giving every Indian Tribe its day in court.

The Office of Management and Budget advises that enactment of this proposal would be consistent with the program of the President.

Sincerely yours,
Jerome K. Kuykendall,
Chairman.

S. 2408

A bill to extend the life of the Indian Claims Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 of the Act entitled "An Act to create an Indian Claims Commission to provide for the powers, duties, and functions thereof, and for other purposes", approved August 13, 1946 (60 Stat. 1049, 1055), as amended (75 Stat. 92; 25 U.S.C. 70v), is hereby amended by striking said section and inserting in lieu thereof the following:

"DISSOLUTION OF THE COMMISSION AND DISPOSITION OF PENDING CLAIMS

"Sec. 23. The existence of the Commission shall terminate at the end of 15 years from and after April 10, 1962, or at such earlier time as the Commission shall have made its final report to the Congress on all claims filed with it. Upon its dissolution the records and files of the Commission in all cases in which a final determination has been entered shall be delivered to the Archivist of the United States. The records and files in all other pending cases, if any, including those on appeal shall be transferred to the United States Court of Claims, and jurisdiction is hereby conferred upon the United States Court of Claims to adjudicate all such cases under the provisions of Section 2 of the Indian Claims Commission Act; provided, that Section 2 of said Act shall not apply to any case filed originally in the Court of Claims under Title 28 U.S.C. § 1505."

Sec. 2. Section 27(a) of such Act of August 13, 1946, as amended (25 U.S.C. 70w), is amended by striking said section and inserting in lieu thereof the following:

"TRIAL CALENDAR

"Sec. 27. (a) The Commission from time to time shall prepare a trial calendar which shall set a date for the trial of the next phase of each claim as soon as practical after a decision of the Commission or the United States Court of Claims or the Supreme Court of the United States makes such setting possible, but such date shall not be later than one year from the date of such decision except on a clear showing by a party that irreparable harm would result unless longer preparation were allowed."

Sec. 3. Section 27(b) of such Act of August 13, 1946, as amended (25 U.S.C. 70w), is amended by striking said section and inserting in lieu thereof the following:

"Sec. 27. (b) If a claimant fails to proceed with the trial of its claim on the date set for that purpose, the Commission may enter an order dismissing the claim with prejudice or it may reset such trial at the end of the calendar."

By Mr. DOMINICK (for himself,
Mr. Curtis, Mr. Goldwater, and
Mr. Thurmond):

S.J. Res. 147. A joint resolution proposing an amendment to the Constitution of the United States with respect to the election of the President and the Vice-President of the United States. Referred to the Committee on the Judiciary.

Mr. DOMINICK. Mr. President, on behalf of myself, Senator Goldwater, Senator Curtis, and Senator Thurmond, I introduce for appropriate reference a resolution to amend the Constitution of the United States with respect to the election of the President and the Vice-President.

This resolution is similar to S.J. Res. 12, the "District Plan" sponsored by our distinguished colleague, Mr. Mundt, and others. I have long supported the "district plan". It would make needed improvements in our electoral system without changing it radically.

The principal feature of the amendment I am proposing is its provision that electors who are apportioned with Representatives—under article II, section 1—would be elected in the same single-member districts in which Representatives are elected. The two electors assigned with Senators in each State would continue to be elected at large. Currently, the laws of every State but one—Maine—provide for the election of all Presidential and Vice-Presidential electors at large, on a "general ticket." Accordingly, in each of 49 States the Presidential ticket to whom the winning slate of electors is pledged receives all of that State's electoral votes. This is the socalled "unit" or "winner-take-all" rule.

This is in my view the most serious defect in our electoral system. It effectively disenfranchises all of those who did not vote for the winning slate of electors, and is largely responsible for the possibility of electing a President who did not receive the most popular votes. Under the district plan, the statewide popular vote winner would receive the two at-large electoral votes plus those of the districts he carried. Other candidates would receive an electoral vote for each district carried. While this would not completely eliminate the "winner-take-all" rule, it would minimize it.

In addition to making the electoral system more representative, and reducing the likelihood of electing minority Presidents, it would make the Presidency more responsive to local concerns. The closer coordination of presidential and congressional campaigns would strengthen the party system and could substantially reduce campaign costs. Election fraud would be discouraged, because except for the two at-large electors, it would have no impact beyond the district where it occurred. Certain key areas would no longer have the ability to "swing" a State's entire bloc of electoral votes.

The amendment I am proposing would make other relatively minor changes which would improve our electoral system. First, it would eliminate the "faithless elector" problem, which although it has arisen infrequently, has caused substantial concern. It would require candidates for the office of elector to pledge themselves to presidential and vice-presidential candidates, and if elected, to cast their votes in accordance with their pledges. Votes not so cast would nevertheless be counted for the candidates to whom they had been pledged. Electoral votes have been cast "against instructions" only six times in our history, and none has affected the outcome of an election. But it is almost universally agreed that there is no justification for continuing to allow that possibility to exist.

This amendment would make several changes in the contingent election in the event no candidate receives a majority of the electoral votes. First, it would move the election from the House, voting by States, to a joint session of Congress, each Member having one vote. This would be more democratic, and would diminish the invitation to third-party candidacies, thus strengthening the two-party system. Second, it provides for reducing the number of candidates from three to two in the event that the President is not elected on the first ballot. This would expedite the election and lessen the chances of deadlock. Finally, it provides that election of the President in a contingent election shall automatically elect as Vice President the candidate who ran on the same ticket with him. This would eliminate the possibility, however remote, that Congress might elect a President and Vice President from different political parties.

Mr. President, again I believe this amendment would perfect, rather than radically alter, our electoral system. I hope my colleagues will give it careful consideration when the issue of electoral reform is before the Senate again.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 147

Joint resolution proposing an amendment to the Constitution of the United States with respect to the election of the President and the Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Each State shall choose a number of electors of President and Vice President equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be chosen an elector.

"One elector shall be elected from each district within a State from which a Member of the House of Representatives is elected, and two electors shall be elected at large from each State.

"Each candidate for the office of elector of President and Vice President shall file, with the Secretary of State of the State in which he seeks such office, a declaration under oath of the identity of the persons for whom he will vote for President and Vice President, which declaration shall be binding upon him and any successor to his office. Any vote cast to the contrary shall be counted as a vote cast in accordance with such declaration.

"The electors shall meet in their respective States, fill any vacancies in their number as directed by the State legislature, and vote by signed ballot for President and Vice President, one of whom shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, the number of votes for each, and the name and district, if any, of each elector who voted for each such person, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates and the votes shall then be counted. The person receiving the greatest number of votes as President shall be the President, if such number be a majority of the whole number of electors chosen. If no person who is a candidate for President receives a majority of electoral votes, then the Senate and the House of Representatives shall choose immediately by joint ballot, each Senator and Representative having one vote, a President from among such persons receiving the three highest numbers of electoral votes. A quorum for this purpose shall be three-fourths of the whole number of Senators and Representatives, and a majority of the whole number shall be necessary to a choice.

"If no person receives such a majority, then on the second joint ballot the choice shall be between the two persons receiving the greatest numbers of votes on the first joint ballot. If the votes cast on the first joint ballot are cast so that there is a tie between the two persons who receive the greatest number of votes, the choice on the second joint ballot shall be between those two persons. If the votes cast on the first joint ballot are cast so that each person receives the same number of votes, then the Representatives alone shall choose from among those three persons the two persons between whom the choice will be made on the second joint ballot. If the votes cast on the first joint ballot are cast so that one person receives the greatest number of votes but less than a majority, and the other two persons receive the same number of votes, then the choice on the second joint ballot shall be between the person who received the greatest number of votes on the first ballot and one of the other two who shall be chosen by the Representatives alone. The person receiving a majority of the votes cast on such second joint ballot shall be President. If a third or subsequent joint ballot is necessary, the choice shall be between the two persons who were on the second joint ballot, and the person having a majority of the votes cast shall be the President.

"The person whose name was joined, as a candidate for the office of Vice President, with the name of the person who is chosen as President shall be the Vice President. No person ineligible to the Office of President shall be eligible to become Vice President.

"SEC. 2. Congress may provide by law for the case of the death of any of the persons from whom the Senate and House of Representatives jointly may choose the President or the Vice President whenever the choice shall have devolved upon them.

"SEC. 3. Electors chosen pursuant to article XXIII of amendment to this Constitution shall meet in the district constituting the seat of Government of the United States and perform the duties of electors required by this article.

"SEC. 4. This article supersedes the second and third paragraphs of section 1 of article II of this Constitution, the twelfth article of amendment, section 4 of the twentieth article of amendment, and the final clause of section 1 of the twenty-third article of amendment to this Constitution.

"SEC. 5. This article shall become effective on the first day of November following its ratification."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 555

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 555, the Older Americans Community Service Employment Act.

S. 659

At the request of Mr. Pell, the Senator from Florida (Mr. Chiles), was added as a cosponsor of S. 659, the Education Amendments of 1971.

S. 887

At the request of Mr. Eagleton, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 887, a bill to establish a National Institute of Gerontology.

S. 1163

At the request of Mr. Kennedy, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1163, the Nutrition Programs for the Elderly Act.

S. 1307

At the request of Mr. Randolph, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.

S. 1553

At the request of Mr. Hollings, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1553, a bill to set new standards for judicial disqualification.

S. 1741

At the request of Mr. Eagleton, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 1741, a bill to provide increased unemployment compensation benefits for Vietnam era veterans.

S. 2200

At the request of Mr. Kennedy, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 2200, the Administrative Ombudsman Experimentation Act of 1971.

S. 2344

At the request of Mr. Randolph, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 2344, to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance and to prohibit foreign assistance from being provided to foreign countries which do not act to prevent the illegal production, processing, or distribution of narcotic drugs used or intended to be used in the United States or by U.S. Armed Forces outside the United States.

S. 2365

Mr. SCOTT. Mr. President, at the time the Senator from Indiana (Mr. Hartke) and I introduced S. 2365, a bill to provide for orderly trade in iron and steel products, the name of the Senator from Maryland (Mr. Mathias) was inadvertently omitted as a cosponsor.

Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Maryland (Mr. Mathias) be added as a cosponsor of S. 2365.

The PRESIDING OFFICER (Mr. Humphrey). Without objection, it is so ordered.

SENATE JOINT RESOLUTION 117

At the request of Mr. McIntyre, the Senator from Alaska (Mr. Stevens), the Senator from Nevada (Mr. Cannon), the Senator from New Jersey (Mr. Case), the Senator from Colorado (Mr. Dominick), the Senator from Rhode Island (Mr. Pell), the Senator from Pennsylvania (Mr. Scott), the Senator from Minnesota (Mr. Humphrey), and the Senator from New Jersey (Mr. Williams), were added as cosponsors of the Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE RESOLUTION 161—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF STATEMENTS RELATING TO INTERNATIONAL COOPERATION IN SPACE

(Referred to the Committee on Rules and Administration.)

Mr. ANDERSON submitted the following resolution:

S. Res. 161

Resolved, That the compilation entitled "Statements by Presidents of the United States on International Cooperation in Space—A Chronology: October 1957–July 1971" be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of the Committee on Aeronautical and Space Sciences.

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. Jackson, the Senator from Wisconsin (Mr. Proxmire) was added as a consponsor of Senate Concurrent Resolution 26, relating to National American Indian and Alaska Natives policy.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. Mathias, the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Stevenson), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of Senate Concurrent Resolution 27, establishing a joint congressional committee to study the termination of the state of national emergency.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 362

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 363

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to amendment No. 308, proposed by Mr. Pastore (for himself and others) to the bill (S. 382), supra.

AMENDMENT NO. 365

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

AMENDMENT NO. 366

(Ordered to be printed and to lie on the table.)

Mr. HARTKE, for himself and Mr. Stevenson, submitted an amendment intended to be proposed by them, jointly, to amendment No. 308, intended to be proposed to the bill (S. 382), supra.

AMENDMENT NO. 367

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to amendment No. 315, intended to be proposed to the bill (S. 382), supra.

AMENDMENT NO. 369

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. Allott, Mr. Bennett, Mr. Scott, and Mr. Williams, I send to the desk for printing an amendment to S. 382, the "Federal Election Campaign Act of 1972."

It would provide that in national elections, all polls would remain open for at least 12 hours, and would close simultaneously.

By establishing a time for the simultaneous closing of all polls, this amendment would eliminate the possibility that predictions based on early returns from one area may affect election results in areas where the polls have not closed. There has been increasing concern that computer projections of election results by the electronic media influence the way many votes are cast, and cause people not to vote because they believe the outcome has already been decided.

Mr. President, solving this problem through a uniform closing time for all polls would be better than trying to restrict the flow of information about election returns. I do not think there is any constitutional question about the power of Congress to establish a uniform poll closing time. Article II, section 3, gives Congress the power to "determine the time or choosing the electors" for President and Vice President. Article I, section 4, gives Congress power to regulate the "time, place, and manner of holding" elections for Senators and Representatives, and the Supreme Court has indicated this may apply to presidential elections.

Under this amendment. in Federal elections all polls would close at the same Greenwich mean time across the Nation. They would close at 11 p.m. eastern standard time; 10 p.m. central standard time; 9 p.m. mountain standard time; 8 p.m. Pacific standard time; 7 p.m. Yukon standard time; 6 p.m. Alaska-Hawaii standard time; and 5 p.m. Bering standard time. Since this would require some polls to close earlier than they have in the past, all polls would be required to stay open at least 12 hours.

Mr. President, the idea of providing for a uniform poll closing time was endorsed by the National Governors Conference in 1968. I ask unanimous consent that a copy of the proposal and resolution of the Governors conference in that regard be included in the RECORD at this point.

Mr. President, I think this reform merits our consideration. It is relatively noncontroversial and would not be difficult to implement. I have chosen January 1, 1974, as the effective date for this legislation in order to give the States adequate time to enact implementing legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A PROPOSAL—TO ESTABLISH A UNIFORM, SIMULTANEOUS, NATIONWIDE 24-HOUR VOTING DAY IN YEARS OF FEDERAL ELECTIONS

Voting is the most important function in a democracy. Yet, generally speaking, many of our election customs are a throwback to the days when it took hours and even days to get to the polling booth. By a determined avoidance of improvements we have done little to ease—and much to impede—the voting process.

Among our archaic election customs is adherence to Election Day itself, first designated in 1845, as "the Tuesday next after the first Monday in November." This day was chosen by Congress largely because public sentiment was against traveling on Sunday and it was necessary to allow an entire day and night for many voters to get to the polls.

A second anachronism in the electoral process is the system of widely divergent hours in which the polls are open across the country in federal elections. The polls in the West are open many hours after they are closed in the East. And opening and closing hours vary, not only within time zones, but also within individual states. The system grew without much design or direction as the nation expanded to the Pacific and through four time zones. In our own time we have seen the boundaries of electoral participation extended even further, from West Quoddy in Maine to Attu in Alaska, across six time zones.

In recent years technological progress—particularly in the area of computers and communications—has highlighted the archaic nature of our voting procedures. For example, polling places have traditionally closed early to allow time for counting the votes, but today ballots can be tabulated in a matter of seconds using computer systems. And modern communications permit speedy transmission of returns to collection centers.

Various proposals have been made to bring election day procedures into line with 20th century realities. One appears to meet the test of equity, and logic, and appears to present no constitutional problems: A common, simultaneous, nationwide, voting day of 24 hours length for federal elections. There is much to recommend that this day also be a national holiday.

The advantages of such a uniform voting period are many:

It would give every qualified voter in the nation the time and the opportunity to vote.

A uniform 24-hour voting day would provide all voters with the identical real-time hours in which to vote; and although the polls would open at different hours in different time zones, the voters of every community in the nation could vote at whatever local time of day or night that was most convenient for them.

It would relieve the pressure in urban and suburban voting districts where long, slow-moving waiting lines have discouraged many voters from casting ballots.

It would put an end to unsupported speculations that reports from one area of the country, with all its polls closed, can affect voting in another area where they are open.

Computers would enable a fast, accurate tally of the national vote immediately after the polls had closed, and thus do away with the confusion and uncertainty generated by delayed and partial returns.

No constitutional barrier exists to prevent the Congress from instituting a universal, 24-hour voting period. Indeed, Article I of the Constitution specifically gives the Congress the authority to make regulations concerning the holding of elections. Nor has anyone suggested that such a period would not be in the best interests of the voter himself. The only significant argument against it is made in terms of expense.

Against this argument, consider that the United States has the least impressive voting record in federal elections of any democracy in the world. In 1964, only 62 percent of eligible Americans cast a ballot for one of the Presidential candidates. In off-year congressional elections, the record is even worse—less than 50 percent of Americans over 21 vote. In Europe, on the other hand, where uniform, nationwide voting hours are common practice, the percentages range from 87 in Denmark to 72 in France. It is difficult to defend the position that the most affluent democracy with the sorriest voting record cannot afford to keep the polls open for a few additional hours every two years.

Principle aside, there is no real evidence to indicate that costs would rise unreasonably. In recent years election costs have been dramatically reduced in some states through the use of electronic voting systems. For example, Orange County in California spent $235,869 on the June 2, 1964 primary, at which 273,756 ballots were cast and tabulated without the electronic system. On General Election Day, 1964, Orange County used an electronic system encompassing both the voting and counting. The cost, with 416,136 votes cast, was $118,428. The saving here was $117,441—cutting the bill in half, even without allowing for the greatly increased number of votes cast. Actually, the cost per ballot cast declined by over two-thirds, from 90 cents to 28 cents.

Looking ahead, we can anticipate additional savings through the use of the instruments and techniques which science has made possible. In addition, urban polling places may be able to operate on a more efficient basis when voting is spread over a 24-hour period, while polling places in small communities can close after the last registered voter has cast his ballot.

The need for election reforms in many areas is urgent: the Presidential campaign period is too long; residency requirements prevent millions of citizens in our mobile population from casting a vote even in Presidential elections; much of the apparatus we use for registering and counting votes was contrived for another age.

But electoral procedures must be brought into line with the realities of the 20th century. A start must be made. It is the conviction of this conference that a logical and proper place to begin is with the most serious consideration of a biennial national voting holiday during which the polls would be open across the nation for a uniform period of 24 hours.

A RESOLUTION

Whereas it is the sense of the National Governors Conference that the most serious consideration should be given to the proposition that in federal elections the electorate would benefit from the establishment of a "national voting holiday" during which the polls would be open across the nation for a uniform period of 24 hours—that is, regardless of time zone the polls would open simultaneously, and close simultaneously 24 hours later;

Be it resolved that the National Governors Conference forward to the President of the United States the respectful suggestion that he initiate a study, by whatever means he deems appropriate, of the feasibility of instituting a uniform, nationwide, 24-hour voting period for federal elections, and its designation as a biennial national holiday.

AMENDMENTS NOS. 370 THROUGH 375

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted six amendments intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

AMENDMENTS NOS. 376 AND 377

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted two amendments intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

POWERPLANT SITING ACT OF 1971—AMENDMENT

AMENDMENT NO. 364

(Ordered to be printed and referred to the Committee on Commerce.)

FEDERAL POWER RESEARCH AND DEVELOPMENT ACT

Mr. MAGNUSON. Mr. President, the Nation's appetite for electric power has been doubling every 10 years—five times the rate of population growth—and current projections are that it will continue to grow at nearly this rate. Electricity is the cleanest form of energy at the point of consumption, but its generation and transmission already raise serious environmental and resource problems. These problems will get worse as electric consumption grows unless new technologies and new sources of energy are used.

Coal, our most abundant fossil fuel, is currently used to generate about half of our electric energy and even with the growth of nuclear power, coal will continue to be a major source of power. Unfortunately, its production and use raise serious problems. Coal production scars the landscape through heedless strip mining and subjects thousands of miners to both sudden and cumulative disaster through tragic accidents and the long-term ravages of black lung. Its use in generating electric power produces vast quantities of debilitating air pollutants—sulfur oxides, nitrogen oxides, particulates, and other pollutants such as traces of mercury—as well as mountains of solid waste—ash.

Oil used to generate electric power also generates air pollutants, although in lesser quantities. A key problem is that natural gas, our cleanest energy source, is in short supply. In some areas its use for electric power generation is being curtailed to conserve it for other uses.

As we learn more about the effects of various products of combustion new pollutants will undoubtedly be added to the list. Currently there is a debate among scientists as to whether the combustion of fossil fuels will heat up the earth due to increased carbon dioxide or cool it due to fine particulates.

Nuclear power, the result of large R. & D. expenditures by the Federal Government over the past 25 years, eliminates most of these air pollution problems, but it raises serious problems of its own. There is always a risk, however small, that a serious accident will result in the release of significant amounts of radioactivity to a large segment of the public. In addition, the day-to-day releases of radioactive wastes as well as the transportation and storage of high level radioactive wastes will pose increasing problems as more reactors are built and operated.

Waste heat is another unhappy byproduct of both fossil fuel and nuclear generating processes using the steam cycle. To protect our lakes, rivers, and estuaries many new powerplants will have to use alternate means of cooling ponds and towers. These consume more water and cause environmental problems of their own.

In short, unless we develop new technology for electric power generation we are faced with a variety of environmental problems no matter whether we use nuclear power or fossil fuels.

And yet the blueprint for survival is not obscure. A number of new technologies now in the laboratories and in the field offer the promise of controlling harmful pollutants, increasing the efficiency of generation and transmitting electric power and tapping new clean sources of energy. Among them:

First. Fusion machines, using various processes, theoretically could supply an abundant supply of clean energy for hundreds of thousands of years. There are researchers who feel we are very close today to the demonstration of feasibility.

Second. Solar energy, which is the only real "income" energy available on spaceship earth, could fuel many important energy processes indefinitely into the future. This process appears especially attractive since it consumes no natural resources and produces no pollution.

Third. Magneto hydrodynamics, or MHD as it is known, could be used as a "topping cycle" for present-day technologies and increase thermal efficiencies as much as 50 percent.

Fourth. Extra-high-voltage transmission lines, high voltage direct current transmission lines, underground transmission and cryogenic transmission systems all need serious effort to help reduce the present 10 to 15 percent loss of energy to the transmission process.

Fifth. Fuel cells which could cleanly burn gas and/or hydrogen to produce electricity, have the particular advantage of efficiency in small units. This process could facilitate the decentralization of American society and at the same time eliminate high environmental and economic transmission costs.

Sixth. Geothermal energy, which is being used economically in many places of the world today, requires more R. & D. to facilitate better energy extraction techniques from thermal sources in our planet.

Seventh. There exist still other untapped potential sources of energy to meet at least part of our energy requirements, among them: tidal, wind, ocean current and ocean thermal gradients. Each could be a potential source of a small but significant portion of a clean energy supply.

Yet these opportunities remain largely unexplored. The record of electric utility investment in research and development is hardy impressive—at present levels no more than one quarter of 1 percent of utility gross revenues. Moreover, since 1945, 87 percent of our national investment in energy R. & D.—both Government and private—has been narrowly focused on the development of nuclear fission processes.

To their credit, both public and private utility organizations are now seeking joint efforts in R. & D. But purely voluntary efforts are doomed to frustration.

As the chairman of the Edison Electric Institute observed in a recent speech:

> In our enterprise system, the profit motive normally stimulates investment in research and development. In the case of regulated utilities, which must pass along to the customer such benefits in the form of reduced rates, not only does the incentive not exist but the system actually works in a counterproductive fashion.

Ironically, the most adventurous and far-sighted utility engaging in a vigorous R. & D. program runs the risk that an unsympathetic utility commission will refuse to include such expenditures in the rate base. Moreover, it would be inequitable to force the consumers of a few utilities to pay the lion's share of R. & D. which will benefit all electric energy consumers. Equitable cost sharing can only be achieved by a uniform, mandatory system of pooled research and development funding.

The energy R. & D. fund which I propose today will accomplish this objective. It will also place the full costs of electric energy production squarely where they belong: on those who benefit most from the production of electric energy—especially the massive industrial users.

U.S. industry spends an average of 3 percent of its gross revenues on R. & D. This bill will raise the utility industries R. & D. investment to only about 1 percent of its gross revenues, a modest enough surcharge.

In May 1970 the American Public Power Association, which is comprised of publicly owned electric utilities, adopted a policy statement recommending the establishment of a Federal research program with assessments to be made "on a kilowatt hour sales basis with the resultant funds to be expended on projects selected by a cooperative government-industry management group."

The chairman of the New York State Public Service Commission, Mr. Joseph C. Swidler, former chairman of the Federal Power Commission, in a speech delivered during February of this year, expressed his support for a "Federal tax on energy use," and urged that the funds from such a tax "be earmarked for research and . . . be administered by a joint Federal-industry council. Mr. Swidler also described the neglectful attitude taken thus far by the Federal Government in pursuing energy research when he stated:

> The government agencies in Washington deliver severe lectures on the need for improved technology for reliability and environmental protection, but the research budget in the energy area, except for nuclear systems, is miniscule in relation to the importance of the problems. There is no reason why research in the energy area should need to compete in the budget with welfare, national defense, education, the Mexican Boundary Commission and other expenditures in non-commercial areas. It would be easy for the Congress to earmark a special source of revenue to support a program of research which bore a realistic relationship to the urgency and importance of the reliability and environmental problems presented by the electric power industry.

As Charles Luce, chairman of the board of New York's Consolidated Edison has said:

> [I]f we are serious when we say that *all* costs of producing energy, including environmental costs, must be included in the price of the energy, this sort of tax makes a great deal of sense.

SECTION-BY-SECTION SUMMARY

Section 401 creates the Federal Power Research and Development Board, consisting of five members drawn from among those with experience in environmental protection, electric power production and distribution, and technological research and development. The members are to be appointed by the President for 5 years in staggered terms with the advice and consent of the Senate. After 10 years, the Board will cease to exist, unless, of course, Congress renews its mandate.

Section 402 directs the Federal Power Commission to assess a fee of .15 mills per kilowatt hour consumed. The consumers of electric entities, including Federal, State, and municipal cooperatives, are subject to the fee, as are those who generate more than 1 million kilowatt hours per year.

Section 403 establishes the Federal power research and development trust fund. It is anticipated that the charges levied by this act will generate a fund of approximately $300 million during its first years of operation. The funds collected while limited to use by the Board will be subject to the appropriation process so that Congress will be able to assure that funds allocated to the Board serve the objectives of the act.

Section 404 sets out the authority and the priorities of funding for the Board and requires that the Board develop an overall annual program for its research and development activities. It makes clear that funds allocated by the Board are to be utilized to augment—not to replace—existing research and development efforts, both public and private. The Board is directed specifically to seek means to first, increase the efficiencies of electricity generation, transmission, distribution, and consumption processes; second, decrease the adverse environmental impact of electricity generation and transmission processes; third, encourage and stimulate basic innovations in the production of environmentally compatible electricity generation; fourth, make increased efficiencies and improved technology directly available to all electric utilities, regardless of size or nature of ownership.

Section 404 contains a provision requiring that at least 5 percent of the funds spent shall be allocated to research into the adverse social, environmental, or economic effects of proposed or present energy-related technology and that the results of such research shall be compiled and published yearly. This provision is designed to assure that Congress and the public will have the necessary information to balance both the benefits and the risks of new technologies as they are developed.

Section 405 grants the Board standard operating powers to hire employees, utilize consultants, to prescribe regulations, rent office space, et cetera.

Section 406 provides for a detailed annual report which is to include a thorough description and appraisal of research and development activities funded during the preceding year, an evaluation of future funding needs, and an assessment of the impact of emerging technologies on the supply and demand of electricity, the economy and the environment.

Section 407 provides for the publication of a newsletter at least twice a month to provide basic and continuing information on the Board's activities to the scientific community, Congress, industry and to the general public. The newsletter will include abstracts of all approved projects comprehensible to informed laymen, the announcement of hearings and summaries of proposed developments, and other information required under the act.

Section 408 provides that at least 60 days before approval of any projects for more than $5 million, an abstract of the proposed grant be published in the Federal Register and the newsletter, to permit comment by interested parties. This section also provides for an annual public hearing on the Board's proposed appropriations request for the following year to be held at least 45 days after publication in the newsletter and 60 days after notification: The Board is to receive testimony from any interested party denying a request to testify only for good cause publishing its reasons for the denial. The Board's principal investigators shall be present to help resolve reasonable and germane questions raised by any party, which must be responded to on the record.

It is anticipated that the annual hearing process will enable the Board to benefit from the counsel and advice of environmentalists, consumers, public interest advocates, members of the scientific and technical community, and the affected industries.

Section 409 provides that patents developed all or in part with funds allocated by the Board shall remain in the public domain.

Section 410 provides for civil penalties of up to $10,000 for each violation of regulations promulgated under the authority of the act.

Mr. President, I ask unanimous consent that the text of the Federal Power Research and Development Act amendment and the text of the bill to amend section 14 of the Natural Gas Act along with a letter to Dr. Lee DuBridge from Charles F. Luce, an address by John R. Kelly, president, American Public Power Association, at annual conference, in San Juan, Puerto Rico, May 3, 1971, a statement by Joseph C. Swidler, chairman of New York State Public Service Commission at a meeting of the Institute of Electrical and Electronics Engineers, Inc., in New York City, February 2, 1971, and the text of an advertisement entitled "The Energy Problem," be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 24, 1970.

Dr. LEE A. DUBRIDGE,
Science Advisor to the President,
The White House,
Washington, D.C.

DEAR MR. DUBRIDGE: On June 22, 1970, I proposed at a seminar in New York City on Business and the Environment that federal legislation be enacted to create a trust fund for research to find better ways of reconciling power production with environmental protection.

The source of funds for such a trust fund, initially $200,000,000–$250,000,000 per year, would be a federal excise tax on all users of electricity from whatever source. Administration of the trust fund would be under a national director, drawing upon the research capabilities of private and public laboratories, and assisted by national and regional advisory panels drawn from the utility industry, manufacturers, environmentalists, consumers, etc. Allocations of trust fund monies could be made for regional as well as national research and development. Although I did not mention it at the symposium, I believe that a similar tax on the use of natural gas, coal and oil for purposes other than the generation of electricity might well be considered to establish other trust funds for R & D work in improving and supplementing those sources of energy to the benefit of the environment.

I am convinced that far more money must be spent on research and development if the electric energy needs of society are to be supplied with due regard for the natural environment. High on any list of needed * * * of pollutants from smokestacks of fossil-burning boilers, better methods of condensor cooling, and improved high voltage underground transmission. Each of these extremely important projects, and others that might be mentioned, would be too costly for individual utility companies to undertake in proper and timely fashion, and the profit prospects to manufacturers seem insufficient to stimulate the necessary investment by them. The industry's trade association, E.E.I., is doing a credible job of raising funds for research by soliciting voluntary contributions from its members. But the diverse research interests of the individual companies, and the inevitable reluctance of companies to contribute to programs not supported by all segments of the industry, are severe handicaps to EEI's success in raising enough money. Nor, judging from the experience of the past decade, can Congressional appropriations from general funds be counted upon.

To propose a new tax is not a popular thing. Yet if we are serious when we say that *all* costs of producing energy, including environmnetal costs, must be included in the price of the energy, this sort of tax makes a great deal of sense. There are precedents in the highway and the airport trust funds established by the Congress and supported by user taxes.

It is difficult to conceive another mechanism that would be as fair and as effective. Conceivably the utility regulatory commissions in the 50 states could require each of the regulated utilities to include as an operating expense a certain sum per unit of electricity supplied to customers, which assessments could be pooled on a state, regional, or national basis. But the administration of such a scheme would be awkward to the point of infeasibility. Uniformity among the states would be hard to achieve, and since many public sellers of electric energy (including TVA and Bonneville) and many private producers of electrictiy are not subject to state regulation, not all users would share in the cost of such a program.

My thoughts on this subject are not altogether original. Others have expressed similar thoughts and with more complete documentation. And I am aware that the definition of the proposed tax, and the administration of the proposed trust fund, are subjects on which thoughtful men can hold wide divergency of opinion.

I hope that your office will give serious consideration to exploring this trust fund concept further within and without the Administration and, hopefully, to recommending its inclusion in the President's program for energy and the environment. It might be helpful if your office, separately or in concert with the Federal Power Commission and other interested agencies, were to sponsor a high-level conference of scientific and business leaders to pursue the subject in greater detail.

Sincerely,

CHARLES F. LUCE.

PUBLIC POWER: MEETING CONSUMER NEEDS

(Address by John R. Kelly)

Perhaps every APPA president feels as I do that his year in office has been an unusually exciting one marked by great changes in our industry. Just a short year ago at our annual Conference in Memphis, we were telling ourselves that we ought to be listening to what environmentalists were telling us about our operations. Now, a year later, we must listen. There are Federal water and air pollution laws, and our states and communities are developing new pollution standards. We may—we must—work with Federal, state and local officials and concerned citizens to see that the new environmental standards are realistic, but in the end, we must obey them because they are the law.

All of us in the electric industry are aware of the importance of electric energy in our civilization. It is likely to be of equal if not greater importance in the future, and we must make sure that the public understands the role of electric energy in our society, and the problems we face in providing an adequate supply of electric energy to meet the needs of consumers. In so doing, however, we must recognize that the environmental impact of our facilities is a real and legitimate issue. Our objective is not to "defeat" the environmentalists but to make our facilities conform to reasonable standards, environmentally as well as electrically. We, no less than any environment-oriented group, want clean air and water and attractive communities. And we recognize, as some others seem to ignore, that improving our environment, is likely to require, among other things, vast quantities of electric energy.

The problems of electric utilities today are the greatest since the beginning of central station service nearly nine decades ago. For most of that time, the electric utility industry's business consisted of buildings and plants and extending lines and expanding capacity as loads grew. Usually plants and lines were welcomed, and the job of the utility was to provide reliable service at the lowest possible cost. Today, as loads continue to grow in their historic pattern and to ever greater orders of magnitude, we are suddenly confronted with new ground rules and new public attitudes. In some cases, permission is denied to build new plants or plant extensions where the utility can most feasibly build them; fuels for both existing and new thermal plants must be selected not for economy but on the basis of sulfur content; and the public does not understand why we cannot build high and extra-high voltage transmission lines underground, the way we increasingly are providing distribution service. Unless we move promptly to accommodate our programs to the new restrictions on expansion, the blackouts and brownouts that have plagued New York City and certain other areas in the Northeast may spread like a disease throughout the country.

If this picture seems grim, it is because we face the threat of a power supply crisis. At the same time, I find hopeful signs. One of them is that many consumer-owned electric utilities are working together exploring ways to take advantage of the economies of scale in developing large sources of bulk power supply. Regional and state groups of consumer-owned electric systems are embarked on joint power supply programs which promise economical power supply to the participating systems.

These joint power supply planning programs are based on the "G&T" concept pioneered many years ago by some of the Federal programs such as TVA, by the rural electric systems and by provincial systems in Canada. These programs recognize the advantage of separating the generation and transmission function from the distribution of electric energy. Working together, groups of small consumer-owned utilities can construct and operate economical, large scale generating plants and deliver the output to the distribution systems at great savings to these utilities and their consumers. At the same time, these programs maintain all of the benefits of local consumer-ownership of electric distribution in which there is no significant economy of scale and no premium on bigness.

Separation of the functions of generation and transmission from distribution has long been advocated by such students of the industry as the late Leland Olds, a former chairman of the Federal Power Commission and a far-sighted prophet of our industry. More recently, separation of functions has been proposed by S. David Freeman, assistant director for energy and the environment White House Office of Science and Technology.

REGIONAL "G&T" SYSTEMS PROPOSED

Although the joint action groups I have mentioned are composed of consumer-owned systems, Mr. Freeman has suggested that regional "G&T's" that had a public utility responsibility to meet all the power needs of the region with uniform wholesale rates available to all distributors on equal terms, there would be no need for any small company to engage in the generating business.

Late last year, a specific proposal for a regional generation and transmission agency for all of New England was made in a report to the New England Regional Commission. The report, entitled "A Study of the Electric Power Situation in New England, 1970–1990," is an historic document which deserves serious attention, not only in the six New England states but throughout the country. It was prepared by the firms of H. Zinder and Associates, Inc., and Acres American Inc. Former Federal Power Commission chairman Joseph C. Swidler participated in the preparation of the report until his appointment as Chairman of the New York State Public Service Commission, when he was succeeded by Washington attorney Charles J. McCarthy.

The report concludes that "the best ultimate answer for New England is a single bulk power supply agency with full responsibility for the generation and transmission of electric power."

Why? Here are some reasons as set forth in the report:

"With full responsibility and authority, (the proposed regional agency) would be able to install the most economical units available without incurring undue expense for reserve capacity.

"In locating units, it could balance such factors as nearness to load and environmental considerations so as to obtain the lowest cost power consistent with such values.

"It could schedule operations in such manner as to obtain maximum efficiency."

There would be other advantages to the single regional "G&T," the report notes, such as in financing, in promoting industrial development and, in the particular case of New England, arranging for interchanges of power with Canada.

The report emphasizes that the agency's functions would be limited to generation and transmission, and points out that "the distribution functions is one that touches the individual consumers and hence is inherently local."

The regional "G&T" could be organized in several ways. The report recommends a multistate agency created under an interstate compact, but the agency could be a Federal agency or a private corporation or even some mixture of the two, such as the Comsat corporation established to operate the communications satellite program.

The recommendations of the report offer great hope for our friends in New England who have traditionally experienced high power costs, but they also may offer much to those of us outside that region. I believe all of us should seriously explore the regional "G&T" concept.

EAST COAST INTERTIE NEEDS STUDY

A series of regional "G&T's" would logically lead to more and stronger regional interconnections to take advantage of seasonal and other regional variations. In my view, we are not fully utilizing our present capacity because we have not exploited the opportunities that exist for regional interchange. While the dramatic diversity between the power resources of the Pacific Northwest and Pacific Southwest do not exist on the East Coast, there are seasonal diversities between the Northeast and Southeast which we should explore.

During the periodic blackouts and brownouts in New York City, it has been reported that substantial blocks of power could not be moved into the city because of inadequate transmission capacity. The success of the Pacific Northwest-Pacific Southwest intertie suggests the need for studies of possible interregional ties on the East Coast and between other major power regions.

The extra-high voltage transmission facilities required to move sufficient blocks of power between regions involve major environmental considerations, but the impact may be less than the construction of new generating capacity of comparable capacity. At the same time. we should be moving ahead with the development of utility corridors into our major load centers. These corridors are useful today, but they will become essential in the future. They should be designed to meet power, fuel and communications loads for many years into the future.

Early designation of utility corridors is urgently needed for future planning, not only by the utilities but also by rural and urban land planners in the areas involved. With each passing day, the opportunities for future conflict over the routing of utility facilities mount as development extends farther and farther out from our cities. Some of today's problems in routing transmission lines would have been avoided if we had had greater foresight 10 or 20 years ago. Looking ahead, we know that the need for land for transmission facilities will grow in an era of larger and larger generating stations, generally at remote locations. Even if we succeed in developing the technology to put extra high voltage transmission lines underground, we shall need substantial land areas. The time to begin laying out our future utility corridors is now.

MORE HYDRO SHOULD BE DEVELOPED

More and stronger regional transmission interconnections represent an opportunity which we are not fully realizing. There are others. For example, I believe we should be taking a new and closer look at our underdeveloped hydro resources. Perhaps my own enthusiasm for hydroelectric generation stems from our recent experiences with escalating fossil fuel costs, and the problems we have had with fuel costs and supply in the past months do make hydro look more attractive.

Certainly, we should get on with building the Dickey-Lincoln School project. With the Northeast's power supply problems, it is tragic that the opposition of the private power companies has succeeded in delaying this needed project. And we should be seeking other opportunities to support development of hydroelectric resources as a part of Federal multi-purpose projects.

Another source of new hydro capacity is at existing Federal dams. The expansion of the capacity of Grand Coulee is a dramatic example, but it appears that there are others. I am told that as much as a million kilowatts of new hydro capacity might be added to existing dams on the Missouri River. There may be other projects where additional hydro can be added and it seems to me that the effort to secure greater benefits from existing projects should be supported by conservationists as well as those concerned with securing additional power supply.

Pumped storage projects are being developed which can provide large blocks of needed peaking power. These are generally large-scale projects, and there also may be opportunities for developing hydro capacity at the other end of the size scale in generally small units. Run-of-river, low-head hydro installations utilizing bulb-type turbines can in some situations provide useful amounts of power at attractively low costs and with a minimum of environmental impact.

It seems to me that in a state such as ours (and it could be applicable in yours as well) with a great distance between major load centers, that a large number of widely dispersed smaller stations feeding into a high voltage grid would offer distinct advantages. Loss probability of a large block of capacity at one time would be materially reduced, and the gains in reliability would perhaps offset the small increase in efficiency of the 1,000 megawatt size or larger.

I am convinced that we have over the last few years in our head-long rush to ever larger and larger machines, with the emphasis being toward economies of scale, completely ignored the reliability offered through the smaller size machines, which the industry knows well indeed how to build with a long time guaranteed reliability. In reviewing the matter and talking with others in the industry, I have reached the conclusion that we should take whatever measures we can to encourage others to listen and perhaps take a fresh look at the size of machines we demand, and rather than continue down the road of ever larger and larger machines, we might ask the manufacturing industry to concentrate on building a range of smaller machines on a production line basis, at least until such time as we can produce enough power to satisfy the needs of our consumers. Think back with me if you will—when was the last time you heard anyone mention supercritical pressures and temperatures? This concept was also born out of the desire to improve efficiencies. The idea has now been shelved for economic reasons as well as others. I believe you will agree with me that we pride ourselves (in fact the sole reason we are still in business) is that we have demonstrated our ability to provide reliable, and I emphasize the word reliable, electric service—something we are about to fail in if we continue to fall behind in our endeavor to achieve economies of scale through ever increasing size of machines with ever lengthening time of delivery which obviously affects the date full scale production is reached.

As an argument, we could in many cities generate at a given voltage and distribute all over the city through one circuit—but we don't do it. Why? Because we choose to diminish the exposure with the consequent loss of load by providing a multiplicity of circuits for many reasons, but reliability is a major concern because we want the customer happy with his service and we want to keep the meters running to bring in the revenues to support the system and its improvements, expansions, etc. I don't think anyone in this room seriously entertains the idea that we should return to the days of 100 years ago.

I do not wish to minimize the importance of economies of scale. But at the same time I feel that in the recent past, in order to achieve economies, we have worshipped too much at the shrine of bigness, and have not given sufficient weight to other factors which are equally if not more improtant, such as reliability, continuity of service, and consideration of the environment. It is now long past time we returned to the basic concept of providing reliable, dependable electric service through systems which protect, and if possible, enhance our environment. To do so may at times require that we sacrifice economies of scale in order to achieve these other important objectives.

NEEDED: MORE RESEARCH

The concepts and ideas which I have been discussing are based on our present situation and our existing technology. We can, if we will, move ahead with them. But there are other types of problems for which we do not have the answers—and for which we need answers promptly.

We do not today have the know-how or the technology to control sulfur emissions from coal-fired stations down to the levels now being required by law in some jurisdictions, and there is not enough low-sulfur fuel available to permit some utilities to comply with these laws. Although coal-fired plants represent the largest single type of generation, devices and procedures have not been perfected at this time to remove the sulfur from the coal or to remove the sulfur after combustion. Research also must be accelerated in controlling nitrous oxide emissions, and we also need to know more about controlling other potentially harmful air pollutants in stack gases.

Looking ahead we see more unsolved problems. We must learn more about thermal pollution from major new generating stations. Perhaps, as some have suggested, the excess heat can be harnessed for useful purposes. We must develop some type of closed-cycle cooling—or the day may come when most of our surface water will have to run through electric generating stations. Some new types of generation might offer promise of solving these problems, but, again, we don't know.

We need to learn more about the technology of extra high voltage transmission, both to reduce costs and assure reliability. And the public already is telling us we had better find some way to put it underground.

The sad thing is not the size nor complexity of these problems; rather, it is the inadequate level at which we are supporting the research and development necessary to solve them. Most observers agree that present research programs are too small to give us the answers we need to our many questions. These programs are, it appears, too little, and, as in the case of sulfur stack emissions, too late.

At present, atomic power research and development programs are directed by the Atomic Energy Commission. AEC has given top priority to the development of the fast breeder reactor and also is carrying on a long-range program to develop fusion power, which many view as the best bet for electric generation in the Twenty-first Century. Beyond AEC's program, Federal research in the electric power field is scattered and limited. Traditionally, electric utilities have left research and development largely to the manufacturers. While they have historically made commendable progress, their research is product rather than problem-oriented.

The electric utility industry's research efforts are coordinated through the Electric Research Council. As you know, the American Public Power Association solicits funds for support of research from its member systems. The APPA Advisory Committee on Electrical Research, headed by Dr. E. L. Kanouse, general manager and chief engineer of the Los Angeles Department of Water and Power, reviews Electric Research Council projects and allocates the funds received by APPA to those projects which it feels are most promising in terms of the Association's membership.

I have been gratified to note the support given our research program by APPA member utilities in this strictly voluntary program, and I believe it demonstrates a recognition by many of our systems of the urgent need for research and development. At the same time, we must note that this is not a major portion of the Electric Research Council's program and that there is evidence that the total program is inadequate to our needs.

Some critics, such as former Federal Power Commission Chairman Swidler, have pointed out that electric utility support of research, as measured by the industry's revenues, is only about a tenth that of the average for all industries. Mr. Swidler and others have suggested that a 1% tax on electric utility revenues would produce about $300 million to support a major research and development program. Another approach would be for Congress to fund a Federal electric research program, an activity well justified by the vital relationship of electric energy to the nation's welfare.

At our annual conference last year in Memphis, APPA adopted a national power policy statement which advocates that the Federal government should finance an adequate research and development program in the electric field by reasonable annual assessments on all electric utilities, based on kilowatt-hour sales.

I believe all of us would prefer a voluntary approach to raising the amount of money needed for research, but the facts of life are such that I don't believe that the amount of money required can be raised by passing the hat. At the present time, the electric industry is spending roughly about $40 million a year for research; yet, I have heard responsible leaders estimate that perhaps as much as 10 times this amount is needed. Frankly, I seriously doubt whether such a sum can be raised voluntarily, particularly in the public sector, where funds of local public agencies must compete with demands for many other public services.

It therefore seems to me that APPA's proposal represents the fairest and most equitable approach, and spreads the costs among those that would benefit from such research. Even a small assessment would result in substantial sums. For example, an assessment of only 1/10 of a mill per kilowatt-hour would provide a fund of about $150 million a year, and if the assessment were ½ mill per kilowatt hour the amount available would be more than $750 million a year.

For the average homeowner, the cost of such an assessment would represent a very small price to pay for potentially large gains. An assessment of 1/10 mill (or 1/100 of a cent) per kilowatt hour would only add about 50 cents per year to the electric bill of the average homeowner.

The funds that would be accumulated by such a program could be administered by a cooperative government-industry management group which could view research needs in a much broader context than has been the case in the past. To guard against imposing a charge that would be continued indefinitely, and to provide assurance that the funds were being spent with good results, Congress could enact such a charge for a limited period of time, after which the program could be reappraised to determine whether it should be continued, and if so, at what level.

I am pleased to say that our proposal has been receiving increasing attention, and is being given serious consideration by a number of individuals and organizations. Without such a program, it appears to us that the No. 1 problem of electric research and development is searching out the funds and developing a program capable of meeting the needs of our industry and its consumers.

ENVIRONMENT: CHALLENGE AND OPPORTUNITY

Much if not most of what I have been saying about the problems of the electric utility industry apply equally to private power companies and our consumer-owned systems. But I believe that many of these problems pose a special challenge—and a special opportunity—to the consumer-owned systems.

Environmental problems are a case in point. Our special problem, of course, is that our consumer-owners can make us conform to their environmental standards, or even their mere desires, far more effectively than they could with a remotely-controlled and even more remotely-owned private company. The other side of the coin is that environmental problems provide us with an opportunity to demonstrate the benefits of consumer-ownership. In working with local citizens to resolve environmental problems, we can show them that we are a vital part of the community we serve—not just the commercial agent for a distant entrepreneur. (I'll admit that there are times when one is tempted to write-off some local environmental concerns as "Excedrin Headache No. Whathaveyou," but then anyone who doesn't want to meet people and accept responsibility isn't likely to last long in the consumer-owned electric field.)

In short, our role in meeting the environmental demands of our consumers is both more demanding and more rewarding than that of the privately owned power companies. With the growing emphasis on our surroundings, responsiveness to local environmental concerns is a major benefit of local consumer-ownership.

TELLING THE PUBLIC POWER STORY

Too many of our municipal and other local publicly owned electric systems do an inadequate job of telling their own consumers about the benefits they receive, yet their story needs to be told beyond their city limits and their service areas. Specifically, I think we need to tell people in communities served by private power companies about the benefits of municipal ownership. After all, the private companies do not hesitate to come into cities served by municipal systems with claims about the benefits of their service. If institutional competition in eletcric service is to be effective, we need to do a better job of telling our story.

And let me assure you that competition does exist and that it does benefit the nation's electric consumers. Within the past year or so, in two cities in the West, power company franchises came up for renewal and groups of local citizens started calling for studies of municipal ownership. Local public power did not win in these communities—but the electric users did win. In both cases, the threat of municipal ownership led the companies to tear up their original franchise proposals and write new ones offering vastly greater benefits to the cities and their residents.

In the past, we have tended to write the story of local public power in figures: rate savings—substantially lower average rates than the power companies, which coupled with high usage gave us the motto, "More Power at Lower Cost"; contributions to our communities in lieu of taxes—and usually considerably higher than the taxes which would be paid by a private company; and other economic benefits such as payrolls and local purchases. The figures are still valid, but I think we must begin to spell out the role of local public power in terms of values other than dollars.

PUBLIC SYSTEMS HAVE "SOCIAL AUDITS"

Recently, the president of one of the nation's largest research and management consulting firms suggested that large private business concerns will institute what he called "social audits," accounting for the social impact of their operations and their products, as well as the normal fiscal audits. Dr. Howard McMahon, president of Arthur D. Little, Inc., said that this would make management vastly more complex than it has been when the basic objective was merely profitability. Interestingly, Dr. McMahon went on to point out that the simple goal of profitability is "a luxury public institutions do not have." I think that's true of our local public power systems. We must account to the people we serve in ways that do not show up in balance sheets or as financial contributions to our local governments.

Because our systems are consumer-owned, they must be responsive to their consumers. To the extent that we make this responsiveness real to our consumers, we can put our "social audit" beside our fiscal audit as a measure of our contribution to our communities and a benefit of local consumer-ownership.

The theme of our Conference is "Public Power: Meeting Consumer Needs." By truly meeting the needs of our consumers, I am confident that in the future, as in the past, we shall point with pride to our audits—both fiscal and social.

RELEASED RELIABILITY AND THE ENVIRONMENT IN THE POWER INDUSTRY, JOSEPH C. SWIDLER, CHAIRMAN, NEW YORK STATE PUBLIC SERVICE COMMISSIONS

My specific assignment on this panel is to provide a state regulatory viewpoint on priorities, financing and administration of research into the problems of reliability and environmental protection of the power industry. The other panelists have been asked to speak on these problems from other viewpoints. The Program Committee was prudent in attempting thus to insure that all the panelists would not be covering the same ground. On more than one occasion when I have been on a panel, by the time my turn came there was very little that I could say that had not already been well covered. I doubt, however, that the effort of the Program Committee to parcel out assignments will outwit the panelists, because speakers have an irresponsible way of talking about what interests them. Most panelists have some other source of support than their income as panelists, so that it is hard to discipline them.

Let me start by describing the responsibilities of the New York Public Service Commission with respect to reliability and environmental protection. I presume that most public service commissions, even without special legislation on the subject, carry a degree of authority over these matters, arising out of their general surveillance of public utility service. Some have broad authority over the certification of all major utility facilities, which I presume implies the need to consider reliability and environmental factors as well as engineering and economic considerations. In the case of the New York Public Service Commission, our authority is explicit, but not unlimited.

As a result of legislation passed by the 1970 Legislature on the initiative of Governor Rockefeller, the Commission must certificate all new high voltage transmission lines before construction can begin. In order to secure a certificate, which is suggestively called "a certificate of environmental compatibility and public need," the utility must demonstrate that any such line "represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations" and also "that such facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, which will serve the interests of electric system economy and reliability."

The determination of the compatibility of a transmission line with long range expansion plans obviously raises a question as to soundness of plans for generating sources, but there is no requirement for certification of generation as such. Whether and how to make provision for certification of thermal plants are questions confided by the Legislature to a Temporary Commission which is required to report its recommendations to the Governor and the Legislature. Governor Rockefeller has announced his intention to sponsor legislation on this subject in the current session, and his proposal may or may not be based on the recommendations of the Temporary Commission. It seems likely, therefore, that these questions will be resolved in the current legislative session, but I cannot say in what way.

A paragraph on power system planning was added to the Public Service Law last year which may prove of even more far-reaching importance than the certificating jurisdiction. I shall read it to you.

"The Public Service Commission shall encourage all persons and corporations subject to its jurisdiction to formulate and carry out long range programs, individually or cooperatively, for the performance of their public service responsibilities with economy, efficiency, and care for the public safety, the preservation of environmental values and the conservation of natural resources."

The Commission has construed this language as mandating an effort to work with the power companies of the State, all of which are members of the New York Power Pool, in developing long range plans for new transmission and generation which will meet the statutory standards for adequacy, reliability, and environmental compatibility. The Commission is now in the process of working with the members of the New York Power Pool on the details of the arrangement, about which I shall say no more than that they will not relieve the companies of their planning responsibilities but will, I hope, provide an opportunity at each stage of the planning process for the Commission staff to review and appraise the status of the plans and to comment on their probable conformity with the statutory tests.

All this is by way of explaining that the Public Service Commission does indeed have an interest in the reliability and environmental impact of the power company systems in the State of New York, and necessarily in the improvement of those systems by bringing to bear the resources of the research community.

The essence of the Commission's interest can perhaps best be exemplified by the dilemma presented in many, if not most, certification and licensing proceedings. The proposed project may clearly threaten an adverse environmental impact either in terms of air pollution or because of the thermal effect on surface waters, or in some other way. The project may nevertheless be the best available answer to an urgent power need, within the limits of present-day technology. The choice is therefore between environmental damage on the one hand, and energy shortage on the other. This is the kind of a Hobson's choice which is destructive both of the prestige of the industry and the credibility of the licensing authority, not to mention the public well-being. It seems to me that this kind of dilemma could and should be resolved by the development through research of options which will make it possible to provide for the nation's energy needs without large-scale environmental damage.

Sometimes the environmental offense can be greatly mitigated, but only at vast additional cost, for example by purchase of low sulphur fuel, or by building the project at a great distance from the load. Whatever may be said by partisans in licensing cases about the great willingness of the public to pay much higher rates for a higher degree of environmental protection, their voices are not heard in the rate cases. Here, too, the dilemma of high cost or shortage is severe, and either horn may impale the regulatory agency, the utility and the public alike.

Two of the industry problems of highest priority are cleaning up stack gases and reducing the thermal load on surface waters. If it were clear that the technological difficulties standing in the way of progress on these problems were beyond the ready help of science and research, the regulatory agencies and the public might be willing to accept environmental impairment as the price for adequacy of energy supply. This is not the case, as I am led to believe. I am sure that the agenda of this conference will have made clear the enormous opportunities which lie before us to improve the technology of the power industry in these respects. It is frustrating to us as regulators, and infuriating to the public, that neither on the industry nor on the governmental level has there been a dedication of the money and scientific resources required to solve these and similar problems which have major impact on the reliability and environmental consequences of power generation and transmission.

The electric power industry is the largest in the country by far. Its revenues are now running at the rate of some 30 billion dollars a year. It burns more than half the nation's coal, 5% of the oil and 17% of the natural gas. It is not the only, nor the worst, environmental offender, yet its impact on the quality of the nation's environment is a crucial one. The public has made clear in the most forceful terms that it is not satisfied with the industry's level of performance insofar as environmental impact is concerned. The leaders of the industry themselves are far from satisfied with their own performance. Yet this great and vital industry, led by so many able and dedicated people, spends less than ¼ of 1% of its revenues on research to improve the quality of its performance. The all industry average in the United States is over 4%, about half funded by government. The power industry spends only a tenth of the all-industry average even if the government share of the latter is disregarded in the comparison.

In recent years the various segments of the industry have joined to create the Electric Research Council, which serves an important coordinating role in administering the industry's research program, but its means are too limited for the task ahead. A far more ambitious program is essential if the industry is to move ahead in solving its environmental and reliability problems at the pace which their urgency requires.

The government agencies in Washington deliver severe lectures on the need for improved technology for reliability and environmental protection, but the research budget in the energy area, except for nuclear systems, is miniscule in relation to the importance of the problems. There are many claims on the federal budget, we all know, but this does not explain so distorted a sense of priorities as to place research for improved energy technology at the bottom of the federal spending schedule. Considering the scale of energy use and national expenditures for energy, there is no reason why research in the energy area should need to compete in the budget with welfare, national defense, education, the Mexican Boundary Commission and other expenditures in noncommercial areas. It would be easy for the Congress to earmark a special source of revenue to support a program of research which bore a realistic relationship to the urgency and importance of the reliability and environmental problems presented by the electric power industry.

It must seem strange to visitors from abroad to learn that the electric power industry of the United States, unlike most great electric power industries in the rest of the world—France, Great Britain and the U.S.S.R., to take three examples—does not maintain a single major research laboratory or testing facility, but relies entirely on the facilities of manufacturers, who are necessarily governed by their own proprietary interests and resulting sense of priorities, not to mention limitation of resources. I know it seems strange to me, and all the more so when I consider that the lack of testing facilities in this country makes it necessary for some utilities and manufacturers to seek the use of facilities abroad in testing high voltage equipment.

We are all familiar with the peculiarities of the institutional framework of the industry in the United States which inhibits an organized and massive effort to provide adequate research capability. There are over 3,000 industry units, no one accounting for as much as 10% of power output. They are divided among four institutional groups, federal systems, state and local public systems, cooperatives, and the private companies which constitute some three-fourths of the industry. This dispersion of service responsibility has many operating advantages, but it has also resulted in a diffusion of responsibility for the technological improvements essential for the welfare of the industry and the well-being of the consumers of this country.

The difficulty of the organizational problem is understandable, but what is difficult to understand is the failure of any adequate effort to cope with it. Where are the industry leaders who should be attempting to transcend these institutional limitations and to organize a research effort commensurate with the nation's needs? Where is the boldness required to determine the extent of needed research facilities and to create the plans for building and operating them? Where are the men of vision who will determine research needs and priorities and who will attempt to enlist nationwide participation in meeting the financial goals suggested in such an appraisal?

Hydro Quebec is now in the process of constructing its own $40 million research center near Montreal. There will be nothing comparable to it in the United States, and there is little question that American utilities and manufacturers will soon be applying for access to its use. I find nothing wrong with the cooperative use of this major test facility. Hydro Quebec is entitled to warm congratulations for building it. However, this one facility will not serve all the research needs on the North American continent, and it is a matter for concern that the inaction of the utilities of this country has created a research gap which is being filled by a neighbor in another country no larger than a number of single companies in the United States. I might add that there are manufacturers in Canada, too, which carry on research, and that U.S. manufacturers bid for Canadian business. Nevertheless, Hydro Quebec is mounting its own research effort, while U.S. power companies sit on the sidelines.

One of the best reasons for direct power industry participation in research is that only in this way can it obtain the services of research scientists qualified to appraise the quality and pace of the research conducted by manufacturers, universities and research institutes. I do not suggest that the power industry should carry out all or most of its research program with its own people and facilities, but it seems to me it cannot effectively determine research priorities or set research goals without at least a nucleus research staff of its own, of the very highest caliber.

The research needs of the industry are as endless as they are urgent. We need to learn to take sulphur out of the coal or the stack gases or both. We need to minimize nitrous oxide pollution in the burning of all fuels. We need to learn what other pollutants in stack gases may be doing harm now, or are likely to do so as fuel volumes grow, and deal with them before and not after a public alarm. We need to develop the technology of closed cycle cooling so that our industry will not remain a major threat to the ecology of surface waters. We need to develop new generating sources, as well as to improve existing ones, in order to make more efficient use of fuels both as a conservation measure and to bring down costs. We need a great deal of advanced work on metallurgy and on quality control in order to move to higher unit temperatures and pressures and to increase unit reliability. We need to accelerate development work on EHV and DC technology to reduce costs, improve reliability and avoid unnecessary drain on land resources for transmission line rights-of-way. We should be mounting an adequate research program in undergrounding of transmission lines, in response to the demand of the increasing number of people who find overhead lines aesthetically offensive.

It would be Utopian to think that enough money could be found to pursue all of these lines of research with equal vigor, and if the money were available there are probably not enough trained people to carry it on. The question, therefore, is how large a research effort is practical and feasible, and how is it to be financed and carried on. A number of people, myself among them, have advocated a federal tax on energy use in the amount of 1% of gross revenues, which produce something in the order of $300,000,000 at present levels of use if the tax is limited to the electric power industry, and much more if it is extended to other energy industries. The money would be earmarked for research and would be administered by a joint federal-industry council. Perhaps some of this money could be used to fund the creation of several national energy laboratories. Patterned after Argonne or Brookhaven, such laboratories would be geared to research and development in all areas of energy production and transmission. Such laboratories would complement the research done by private industry.

There is opposition to this plan on the ground, among others, that government participation would somehow distort the research program. I do not see why this should happen if the fund is properly established. Another objection, based on the history of the Highway Trust Fund, is that such funds tend to be self-perpetuating, even after the justification has disappeared. I cannot believe energy research is likely to be of only short-term importance, but I should see no objection to limiting the life of the fund to a reasonable period of years.

The tax proposal has the merit of providing a response to an urgent problem which has baffled the power industry for many years. It solves the institutional difficulty I have mentioned, that there are so many entities and varieties in the electric power industry, and such a resultant diffusion of responsibility, that the industry has almost totally renounced a research role. A federal tax would raise funds on a scale reasonably commensurate with needs, on the basis of nationwide participation and an equitable distribution of the costs. I do not argue this is the only possible road to research progress or necessarily the best one, but it is better than the present situation of almost total industry default in the research area. I should gladly support, and I believe most of the others who have suggested the tax device would support, any other realistic plan which achieved the same goals, and behind which the industry would unite. It seems to me that the challenge to the leaders of the industry is to come up with an alternative plan on an adequate scale, or to support this one.

CAN SOLVE THE ENERGY PROBLEM

Today our country is plunging headlong into a critical energy crisis.

Right now our nation's electric power system is hard put to meet the needs of consumers in several parts of the country. Brownouts are a fact . . . and there's grave likelihood of blackouts.

As a small but integral part of the power industry, we of America's consumer-owned rural electric systems believe our nation can no longer afford the luxury of piecemeal, too-little, too-late planning. We believe we must move now to develop a national resources and energy policy based on a comprehensive national research and development program.

We believe we, as a nation, must:

Work out methods to eliminate pollutants resulting from coal and oil combustion.

Get on with the development of the liquid metal fast breeder reactor.

Accelerate the exploration of yet undeveloped techniques for power generation, such as magnetohydrodynamics, nuclear fusion, geothermal steam.

Reassess our hydroelectric potential.

Develop better means of transmitting power across our country . . . fully exploring the practicalities of cryogenic systems, extra high voltage, utility corridors.

Surely a nation that can now split the atom and bounce television pictures off orbiting satellites can find ways to generate the needed kilowatts for consumers without poisoning our world.

We of America's rural electric systems believe that through a national energy policy and research program we can use our great technological capability in the best interest of all Americans.

AMENDMENT No. 364

At the end of the bill, add the following new section:

SEC. 18. The Federal Power Act is amended by adding at the end thereof the following new title:

"TITLE IV—FEDERAL POWER RESEARCH AND DEVELOPMENT BOARD ESTABLISHED

"SEC. 401. (a) there is hereby established the Federal Power Research and Development Board, (hereinafter referred to as the 'Board'). The Board shall consist of five members appointed by the President, by and with the advise and consent of the Senate, one of whom shall be so appointed as Chairman of the Board. The members first appointed under this section, as amended, shall continue in office for terms of one, two, three, four, and five years, respectively, from the date this section, as amended, takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term. Not more than three of the members shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of member. Said member shall not engage in any other business, vocation, or employment. No vacancy in the Board shall impair the right of the remaining members to exercise all the powers of the Board. Three member of the Board shall constitute a quorum for the transaction of business, and the Board shall have an official seal of which judicial notice shall be taken. The Board shall annually elect a vice chairman to act in case of the absence of disability of the chairman or in case of a vacancy in the office of chairman. The members shall be appointed from among those persons with experience and competence in the following areas: the environment and its protection; electric power reliability; and scientific and technical research and development. The chairman shall be compensated at the rate provided for by level III of the Executive Salary Schedule under secion 5316 of title 5, United States Code. The remaining members shall be compensated at the rate provided for G.S. 18 under section 5332 of such title.

"(b) The authority under this title shall terminate ten years from the date of enactment of this Act.

"FEE ASSESSED

"SEC. 402. Every person purchasing electric energy for consumption, and every person generating more than 1,000,000 kilowatt hours per year of electric energy for his own consumption, shall pay a fee of .15 mills per kilowatt hour for all such electric energy purchased and consumed, or generated by any person for his own consumption.

"All persons distributing electric energy affecting interstate commerce including private companies, cooperatives, and agencies of local, State and the Federal Government shall include as part of the normal bill or invoice issued to any person purchasing electric energy for consumption an amount equal to .15 mills per kilowatt hour for all electric energy purchased and consumed. Such persons distributing electric power affecting interstate commerce are required to collect the fee imposed by this section and to pay an amount equal to all such fees collected to the Federal Power Commission.

Any person generating more than 1,000,000 kilowatt hours per year of electric energy for his own consumption affecting interstate commerce is hereby required to pay a fee of .15 mills per kilowatt hour for all electric energy generated to the Federal Power Commission.

The fees imposed by this section shall be paid by the person purchasing and consuming electric energy.

The fees imposed by this section shall not apply to sales of electric energy for resale.

TRUST FUND ESTABLISHED

"SEC. 403. Revenues collected by the Commission from such fees and interest on such revenues shall be deposited in a trust fund, to be known as the Federal Power Research and Development Trust Fund (hereinafter referred to as the 'Fund') which is in the Treasury of the United States to be available through the appropriation process only to the Board for use in carrying out all the provisions including administrative expenses of section 404 and other provisions of this title. Separate appropriations requests shall be submitted by the Board to the President for transmittal to Congress.

RESEARCH PROGRAM AUTHORIZED

"SEC. 404. (a) The Board is authorized to conduct either directly or by way of contract, grant, or other arrangement, a program of research and development for the improved means of production, transmission, distribution and consumption electric energy with minimum impact on the environment. Payments under this section shall not exceed the amount of the fees collected pursuant to this Act. Such program shall be coordinated with and shall supplement research and development programs conducted or assisted by other Federal agencies, universities, electric power companies or other companies or individuals. Funds appropriated pursuant to this Act shall be allocated on the basis of their contribution to the attainment of the following goals—

"(1) increasing the efficiencies of energy generation, transmission, distribution and consumption processes;

"(2) decreasing the adverse environmental impact of present and future energy generation, transmission, and distribution processes;

"(3) achieving basic innovations for new means of reliably generating energy while protecting the environment;

"(4) making increased efficiencies and improved technology directly available to all electric utilities, regardless of size or nature of ownership.

"(5) other areas which the Board deems to be within the broad objectives of this title; and

"(6) in allocating the sums of the Fund under this title, the Board shall reserve not less than 5 per cent of such sums for projects which make a deliberate effort to search for adverse social, environmental, or economic effects of proposed or present technologies. Reports on such projects by the principal investigators shall be compiled and furnished to the Congress and the public annually.

"ADMINISTRATIVE PROVISIONS

"SEC. 405. (a) In carrying out its functions under this title, the Board is authorized to—

"(1) prescribe such regulations as it deems necessary governing the manner in which such functions shall be carried out;

"(2) appoint such officers and employees as may be necessary, and supervise and direct their activities;

"(3) utilize from time to time, as appropriate, experts and consultants, including panels of experts, who may be employed as authorized by section 3109 of title V of the United States Code;

"(4) accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by law for persons in the government service employed without compensation;

"(5) rent office space; and

"(6) make other necessary expenditures.

"(b) If, in carrying out its functions under this section, the Board from time to time should require the services of personnel engaged in the generation, transmission and distribution of electric energy, it should seek such personnel from all segments of the electric power industry including investor owned, State and local public agencies, cooperatives, and Federal agencies.

"REPORT

"SEC. 406. The Board shall prepare and submit to the President for transmittal to the Congress not more than six months after the passage of this Act and on the same day annually after that, a comprehensive report on the administration of this title for the preceding calendar year. Wherever possible, judgments contained in the report shall include a clear statement of the assumptions and data used. Such report shall include—

"(1) a thorough analysis and evaluation of research and development activities funded under this title;

"(2) a comprehensive evaluation of the areas most in need of research and development funding in the future;

"(3) an analysis of the possible and probable impact of emerging technologies on the present and future aspects of the following:

"(A) both the supply of and the demand for electrical energy;

"(B) the economy; and

"(C) the environment; and

"(4) the extent of cooperation with other Federal agencies and public and private institutions, indicating the difficulties and the Board's plans for improvement, including proposals for legislation if needed.

NEWSLETTER

"SEC. 407. (a) Not less than twice each month, the Board shall publish a newsletter (hereinafter referred to as the 'Newsletter'), which shall be made available to all interested persons and include—

"(1) abstracts of all approved grants, including a statement on the general nature of the work;

"(2) announcements of hearings;

"(3) summaries of promising developments; and

"(4) the information required elsewhere in this title.

"(b) The Board shall give notice by publication in the Federal Register and in the Newsletter at least 90 days before approval of any grant of $5,000,000 or more and shall provide an opportunity for any interested party to comment on any such grant prior to approval. No grants may be approved until thirty days after completion of the time allowed for the comment of interested persons.

PROCEDURE

"SEC. 408. At least once each year the Board shall conduct a hearing on its proposed budget for the following fiscal year. Notice shall be given by publication in the Federal Register and in the Newsletter at least 60 days prior to its occurrence, the scheduled date, time, and place of said hearing. In addition, at least 45 days before the hearing date, the Board shall publish in the Newsletter a complete statement of proposed programs in the next fiscal year. All interested parties should be granted an opportunity to testify. The Board can deny the request to testify only on the basis of good cause publishing the reasons therefor. A record shall be made of all hearings, and said record shall be available for public inspection. All reasonable and germane inquiries made at the hearing of the Board, or of the principal investigators where possible, must be fairly responded to on the record. The Board shall wait at least 20 days after the completion of the hearings to allow for the comment of interested parties before submitting its budget to the President.

PATENTS

"SEC. 409. Each contract, grant or other arrangement for any research or development activity supported by this title shall contain provisions effective to insure that all information, uses, processes, patents, and other developments resulting from that activity will be made freely and fully available to the general public. Nothing herein shall be construed to deprive the owner of any background patent of any right which he may have thereunder.

CIVIL PENALTY

"Sec. 410. Any person who violates any regulation established pursuant to this title shall be subject to a civil penalty of not more than $10,000 for each violation or for each day of a continuing violation. The penalty shall be recoverable in a civil suit brought by the Attorney General on behalf of the United States in the United States District Court for the district in which the defendant is located or for 'The District of Columbia.'"

S. 2405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Natural Gas Act, as amended (15 U.S.C. 717m), is amended by adding three new subsections as follows:

"(i) The Commission is further authorized and directed to conduct studies of the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas, however produced, throughout the United States and its posessions whether or not otherwise subject to the jurisdiction of the Commission, including the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas by any agency, authority, or instrumentality of the United States, or of any State or municipality or political subdivision of a State. The Commission shall make an independent evaluation of the proven natural gas reserves of the United States identifying volumes in production and volumes not being produced and the reasons for such non-production and to update such evaluation annually. The evaluation of proven natural gas reserves shall be based on individual company data obtained directly by the Commission and independently evaluated by government experts. It shall, so far as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such production, gathering, storage, transportation, distribution, and sale; the total estimated natural gas reserves of fields or reservoirs and the current utilization of natural gas and the relationship between the two; the cost of production, gathering, storage, transportation, distribution, and sale; the rates, charges, and contracts in respect to the sale of natural gas and its service to residential, rural, commercial, and industrial consumers, and other purchasers by private and public agencies; and the relation of any and all such facts to the development of conservation, industry, commerce, and the national defense. The Commission shall report to Congress and may publish and make available as provided by subsection (a) the results of studies made under authority of this subsection.

"(j) The Commission in making studies, investigations, and reports under this section shall have authority to obtain reserve information from natural gas companies whether or not otherwise subject to the Commission's jurisdiction and shall publish the information annually in the form of an estimate of the nation's natural gas reserves, both proven and potential, with breakdowns by producing areas, identifying the volumes in each area not being produced. The Commission shall utilize, insofar as practicable, the services, studies, reports, information, and continuing investigational programs of existing departments, bureaus, offices, agencies, and other entities of the United States, and of the respective States. Nothing in this section shall be construed as modifying, reassigning, or otherwise affecting the investigating and reporting activities, duties, powers, and functions of any other department, bureau, office, or agency in the Federal Government."

"(k) Any natural gas company which fails to reveal its gas reserves to the Commission shall in addition to any other penalties which may be assesesd, be automatically ineligible to bid on any leases on any federal lands until such information is supplied to the satisfaction of the Commission."

THE MILITARY CONSTRUCTION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 368

(Ordered to be printed and to lie on the table.)

Mr. JAVITS, for himself, Mr. Bayh, Mr. Hatfield, Mr. Humphrey, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Moss, Mr. Pearson, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Taft, Mr. Tower, Mr. Tunney, Mr. Schweiker, and Mr. Weicker, submitted an amendment intended to be proposed to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

AMENDMENT NO. 378

(Ordered to be printed and to lie on the table.)

Mr. CASE submitted an amendment intended to be proposed by him to the bill (H.R. 9844), supra.

NOTICE OF HEARING

Mr. JACKSON. Mr. President, I announce for the information of the Senate and the public that on Wednesday, August 18, 1971, the Subcommittee on Minerals, Materials, and Fuels of the Senate Committee on Interior and Insular Affairs, will hold a public hearing in Billings, Mont., to obtain information on problems involving access and mineral exploration activities in the Custer and Gallatin National Forests of Montana. The hearing will be held at the Eastern Montana College, Billings, Mont., at 9 a.m.

Any Member of the Senate or of the general public who wishes to testify at this hearing should so advise the committee.

OPENINGS OF HEARINGS ON DEPARTMENT OF NATURAL RESOURCES

Mr. PERCY. Mr. President, I am very much pleased that the distinguished chairman of the Government Operations Committee, the Senator from Arkansas (Mr. McClellan) has called for opening hearings on Thursday, August 5, on the bill creating a new Department of Natural Resources, S. 1431. As principal Senate sponsor of this proposed legislation on behalf of the administration, I am delighted that the Senator from Washington (Mr. Jackson) is taking time, at Chairman McClellan's request, from his work as chairman of the Committee on Interior and Insular Affairs to preside over these hearings in the full Government Operations Committee, of which he is also a member.

Senator Jackson brings a wealth of experience in natural resource issues and programs, a dedication to conservation and environmental protection, and very great ability to this subject. He will be able to apply his first hand experience in all of the substantive aspects of natural resource programs and policies to create an ideal new structural framework for existing natural resource programs. The result, I am confident, will be a very sound bill.

The creation of such a new Department could make major improvements by coordinating planning of resource development projects. An article published in the Wall Street Journal of July 19, entitled "Waterway Wrangle," demonstrated again the waste and confusion resulting from the conflicting aims of the Agriculture Department's Soil Conservation Service, Interior Department agencies, and conservation groups. The issue is not whether stream channelization is good or bad in principle; the issue is more clearly one of better defining our objectives, planning without duplication and waste for measured land reclamation where necessary, and for maintaining natural habitats where desirable and where channelization is not clearly necessary.

The public has every reason to be frustrated with continued poor Government performance and every right to demand change.

I fully subscribe to the President's comments in discussing his top-priority programs with media executives in Rochester, New York, on June 18:

> I simply would summarize the attitude of most people toward government in this way: most people are fed up with it. They are fed up with it at all levels. They are fed up with it because they think it costs too much, they think it doesn't work, and also they think they don't have anything to say about it.
>
> Government reorganization, combined with revenue sharing, answers that fundamental concern of the American people. It will reduce the cost of government by making it more efficient. It will make it work better.

Thus I am pleased that Senator McClellan has called for hearings on the proposed Department of Natural Resources. The witnesses now planned will be the Senator from Utah (Mr. Moss), who has over a period of years led in proposing new structures for natural resources programs; Secretaries Morton and Hardin; the Under Secretary of Commerce, Mr. James Lynn; Atomic Energy Commissioners Larson and Lancy; the Under Secretary of the Army, Mr. Beal; the Chief of the Army Corps of Engineers, General Clarke; and the Associate director of the Office of Management and Budget, Mr. Weber.

AMERICAN INDIANS MUST NOT STOP RUNNING

Mr. McGOVERN. Mr. President, American Indians are the poorest of the poor. Our national policy toward the American Indian has been a disgrace. The pattern has been the same with few exceptions. We took their land and confined them to reservations which often could not sustain them. With attention focusing on the problems of the Indians as never before, there is some hope this Nation may recognize at long last the folly of its course and give American Indians and Alaskan Natives what is rightfully theirs, both from a moral and legal standpoint.

At the present time, Indians are not optimistic about the future. They have heard many promises from Washington but know only too well from past experience to give these promises much credence. One area where we have utterly failed the Indian is in education. We have refused to recognize the special insight and culture which the Indian wishes to maintain. We have attempted to make Indian youth over in our own image rather than recognize the special cultural heritage that could enable the Indian youth to maintain his own unique values and at the same time come to grips with the challenges posed by the dominant society.

The results of failing to take these distinctions into consideration are staggering. In addition to the awesome problems posed by the Indians' poverty, it is time to consider educational reform to give Indian youth pride in their heritage and a sense of hope.

This sense of hope is now lacking. The Indian youth is only too well aware that statistics tell him he does not have a chance. He has scant opportunity for a job. He has a much better chance of becoming a social dropout. He has little chance of finishing high school, not to mention receiving a higher education. Suicide is three times more prevalent among Indian teenagers than the national average.

Mona McCormick, who teaches Indians at St. Francis Mission on the Rosebud Reservation in South Dakota, has written a moving account of the problems of Indian youth in the July 29 New York Times. Because it is so pertinent to an understanding of the problems Indian young people face, I ask unanimous consent that it be inserted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

American Indians Must Not Stop Running

(By Mona McCormick)

St. Francis, S. Dak.—Whenever there is a break in the weather, the teen-agers start running on the Rosebud Sioux Reservation. Indian boys are racing through South Dakota pastures with atavistic dignity and ease, never landing on a cow chip but never seeming to avoid them, speeding but somehow not seeming to hurry. There is an unreal, Fellini-like quality to the silent scene when they reach a distant field and sail around a turn, visible but unheard. The girls are running too, down the Spring Creek road, and charting their mileage on a high school poster. They are special young people with special surnames like Black Spotted Horse, Eagleman, Owns The Fire and Crow Good Voice.

They'd better keep on running because life on a reservation requires what the Queen in "Alice Through the Looking Glass" describes: "Now, *here*, you see, it takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that."

When an Indian teen-ager stops running he stands in a row of terrible statistics which show him to be a dropout and an alcoholic.

The suicide rate among Indian teen-agers is three times the national rate and much higher on some reservations. Deaths from automobile accidents as a result of drunken driving are frequently a form of suicide.

A teen-age alcoholic is not only following an example set by his parents, he is experiencing the same reality that drove them to drink. The Indian's average yearly income, $1,500, is less than half the national poverty level. His average age at death is 44 years. Indian infant mortality after the first month of life is three times the national average. Forty-two per cent of Indian schoolchildren—almost double the national average—drop out before finishing school.

Why should he finish school when he sees no apparent need for it and there is no job which might require it; why shouldn't he drink when there's nothing else to do? Unemployment on Indian reservations ranges from 40 to 70 per cent. He is free to leave the reservation (now) but his home and his culture are here. Though many Indians have become successful off the reservation, most are unprepared and insufficiently educated and become lost in an urban ghetto. There is also a communication problem because many speak an Indian language (on the Rosebud it is Lakota) and English is a second language. Indian boys and girls fully recognize the truth of their situation by the time they're in the fifth or sixth grade.

The Rosebud Sioux have newer housing than some reservations (though there are no paved streets in most communities and the mud is winning). But poverty, unemployment and alcoholism are continuing problems.

Spending time in jail for drinking is a common experience for Rosebud youth. A tenth-grade boy here was recently arrested again for drunkenness and resisting arrest and must now serve several weekends in jail. He is permitted to attend school during the week but returns voluntarily to jail on the weekends. Even much younger, elementary school children have spent the night in jail when arrested for drunkenness. The jail in the area houses all ages, men and women, for all offenses.

Most of the young people here are not militant and their parents certainly do not encourage militancy. Most are not occupying Alcatraz or even nearby Mount Rushmore; they are, in fact, superpatriotic.

An Indian twelfth grader has a poorer self-concept than other minority groups and his expectation of failure becomes self-fulfilling. This crippling self-image is the wound of a long history of being outnumbered and denied civil rights. It is also the result of deformed history. Most of their own textbooks, consciously or unconsciously, actually teach them that they are ruthless savages and "unpersons." As if it were not enough that the real facts of their history are psychologically disturbing—their final efforts to defend their homes, loss of important land like the Black Hills, and white attempts to annihilate and then fence off an entire nation of Sioux.

In my high school reading classes, the juniors and seniors found Thoreau's personal life interesting but not his writing. Their own brand of patriotism seems to prevent them from understanding his "Civil Disobedience," and "Walden" was "boring."

To a question on a general book report—Would you want to have any of the experiences in this book?—the common reaction was one boy's: "No. I have too many troubles of my own that need help." They are in that way realists and not pretenders.

The students at St. Francis High School, in spite of all their troubles, like to laugh and have highly developed senses of humor. The Indians remind me of the Irish—the troubles, the laughter, the drinking, and their land occupied.

SOLICITOR GENERAL GRISWOLD DEFENDS PRESIDENT'S WAR POWERS

Mr. GOLDWATER. Mr. President, on many occasions recently I have taken the floor of the Senate to explain the reasons for my considerable concern about legislative proposals which would shackle the President's powers in the field of foreign and military affairs. I have sought to explain to Senators just how unwise these proposals are from the standpoint of our true national security interests. Also, I have questioned whether the authors of these bills and amendments have considered adequately the very solid foundation in the Constitution upon which the President's powers rest in this field and how his exercise of these powers has been upheld by the test of history.

Recently, I came across a brilliant discussion of the Presidential powers regarding military activities which repeats many of the same points I have been making on the subject. This legal analysis comes from none other than one of the top legal authorities in the country, Erwin N. Griswold, former dean of Harvard Law School, who is now serving as Solicitor General of the United States.

In examining the issue of the legality of the Vietnam war, which is something the doves among us challenge with almost the same regularity that the sun rises, the Solicitor General arrives at the unqualified conclusion the war is "legal." For one thing, he points out Presidents have been doing this kind of thing ever since the Nation began. In fact, the Solicitor General reveals "one can count 161 separate instances in which this Nation was engaged in hostilities against a foreign power, between 1798 and 1945, including the Civil War; and only six of these involved a formal declaration of war."

Moving from historical practice to the provisions of the Constitution itself, the Solicitor General identifies at least three different grants of powers expressly vested in the President by that document from which he can act to lead our Nation, marshal its forces, and meet emergencies.

Furthermore, the Solicitor General shows that if ever any supporting action was required on the part of Congress regarding the use of troops in Vietnam, Congress has acted time after time through the means of authorization and appropriation laws favorably backing the Government's policies in Southeast Asia—the Gulf of Tonkin resolution merely being one among some 30 or more laws which visibly indicate congressional participation in those policies.

According to the Solicitor General:

> The hang-up on this question comes from the assumption that there must be a declaration of war before military action is "legal."

The sponsors of these restrictive proposals assume this is so, but the truth is no court has ever decided it. No court, in all our history, has ever announced that the only way in which our country can enter military hostilities is through a declaration enacted by Congress.

In the words of the Solicitor General, who is as good a constitutional scholar as one can get, "there is no basis for such an assumption." He adds:

> Indeed, all our history and practice has been to the contrary.

Mr. President, we could look through the news media on this Eastern seaboard far and wide and seldom learn that anyone of distinction has given a documented, textual defense of the President's war powers. Because of this and because the statement by the Solicitor General is a valuable contribution to the subject, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE INDOCHINA WAR—IS IT LEGAL?

(Remarks of Erwin N. Griswold, Solicitor General of the United States)

The question we are discussing this morning is surely an important one, and is worthy of serious consideration. I welcome the participation here of Attorney General Quinn, of my home state, and of Professor Rutledge, of the Duke University Law School; and of course I am glad to have the support here of Senator Gurney, who has had to consider these questions in connection with his official duties. I cannot refrain from making the observation that both Attorney General Quinn and Senator Gurney were students of mine at the Harvard Law School.

One essential in the discussion of the question with which we are concerned is to mark it out, and to make clear what is not the subject of our consideration today. The overall problem is inevitably engulfed in much emotion. As lawyers, though, we are trained to consider legal questions on their merits, and to separate out the emotional factors which are not relevant to the legal questions.

First, then, we must bear in mind that we are not here discussing the morality of the Vietnam war. That is obviously a difficult question, with respect to which most of us here probably have no special qualifications. Nor are we discussing the wisdom of the Vietnam war. We may have views as to whether we should ever have gone into Vietnam, or have gone into Vietnam as extensively as we did. That is a decision for which four Presidents share responsibility—Presidents Truman, Eisenhower, Kennedy and Johnson, over a period of more than twenty years. I am sure that nothing would have pleased President Nixon more—politically, and personally—than to have been able to start his presidency without the great care and desperate concern of the Vietnam problem, which existed full-blown when his administration began.

Finally, we are not concerned here today with how or when to get out of Vietnam, or under what circumstances and conditions. As to that, I will only say that President Nixon has done more to taper off the war than any other person. When he became President, we had 550,000 Americans in Vietnam. Now we have 350,000, a reduction of close to 40%. And the reductions are continuing constantly.

Lest there be any misunderstanding, let me make it plain that I do not minimize the importance of these problems. But they have nothing to do with the legality of the Vietnam war, which is our topic for discussion here today.

A little clearing away should be done, too, on the legal side. We are not concerned here with any legal question of what we lawyers call "standing," as Attorney General Quinn and I were concerned when he filed an original suit in the Supreme Court of the United States on behalf of his client, and my state of citizenship, the Commonwealth of Massachusetts. And to complete the picture of what we are not considering today, we are not concerned with any question of justiciability, that is, of whether the legal questions involved are suitable for consideration and determination by a court. We are not subject to any such limitation. We will make no adjudication, no final determination, except in our own minds, as citizens and lawyers, trained to consider legal questions.

Having thus observed what we are not considering today, I turn to the question we are considering—what might be called the "pure question" of the legality of the Vietnam war. When the question of legality is thus isolated—as it should be, I think, if we are going to base arguments on the legality of the war—there can be no doubt, I believe, that the war is "legal." This conclusion is based on four lines of legal reasoning, which I shall summarize in the remainder of my talk.

1. There is first the standard or test of history, which is of great importance when we are dealing with this sort of constitutional argument. For history shows us that military actions, often of substantial consequence, have been carried out by the President of the United States, on his own constitutional authority, throughout our history, and beginning in the earliest days of the Republic. Indeed, if the record is closely examined, one can count one hundred sixty-one separate instances in which this nation was engaged in hostilities against a foreign power, between 1798 and 1945, including the Civil War; and only six of these involved a formal declaration of war. Moreover, only twice in all our history has Congress authorized war by formal declaration prior to the commencement of actual hostilities. These were the War of 1812, and the Spanish-American War of 1898.

The notion of a war authorized by Congress in a fashion less dramatic than a formal declaration of war has been accepted since the earliest years of our national existence. There were the Barbary Pirates; there was Korea; and President Eisenhower sent a force to Lebanon in 1958. Coming closer to the place where we are now gathered, there were active affirmative military operations here in Florida against Spain in 1811, quite without any formal declaration by Congress. It would be tedious to go through all of these instances here. But they are numerous, and continued throughout our history. Some are better liked than others. There have been occupations of Nicaragua and the Dominican Republic. There was an occupation of Vera Cruz. General Pershing made his reputation not on the Mexican border, but in Mexico.

Congress has on more than one occasion authorized the President to use military force without making a declaration of war. An instance of this within the memory of most of us is the Formosa Resolution of 1955, by which Congress provided:

"That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

Thus, by early and long continued practice, we have established the constitutional rule that military actions may be carried out without a declaraion of war by Congress, that there are many intermediate situations short of formally declared war, and that the President does have wide powers to deal with international problems as they arise, including the disposition and use of the nation's military force. This is true generally, but it is particularly true when groundwork and backing for such actions have been laid by Congress.

2. Moving from the conclusion based on historical practice, we may consider next the provisions of the Constitution itself, simply as a legal instrument, allocating functions among the various organs of the government. Our Constitution, as is well known, sets up a system of checks and balances. But it also grants powers, for without those powers, there is no occasion to be concerned about checks and balances. There is no need to check a powerless President; and ours would be a sad governmental system indeed if we had a powerless President—or a powerless Congress, or a powerless Judiciary.

Specifically, the Constitution provides explicitly that "The Executive power shall be vested in a President of the United States of America." Obviously this means something; and it is not a merely passive grant. The grant of Executive power is broad and general. It is made more concrete by the further provision that "The President shall be Commander-in-Chief of the Army and Navy of the United States," and the provision that "he shall take care that the laws be faithfully executed." Our President is not, and never has been thought to be, from the time of Washington on to the present, a mere automaton, doing only what he is told; nor is he a mere moderator, standing by to carry out the directives of other officers and branches of the government. Of course, the President acts under the law. He is subject to numerous checks and balances. He can be widely controlled by Congress, through the appropriation power and otherwise and like all other officers, he is subject to impeachment. But as President, he has great powers—great executive power because he is the Chief Executive—and we would not want to have it otherwise. Any political organism needs a spokesman, someone to lead, and marshal its forces, someone to meet emergencies, someone with the capacity to act, someone to speak, and in proper situations, to make decisions. That is what we mean by Executive power; and the Constitution expressly grants "The Executive power" to the President.

We have established so far, I think, the proposition that a formal declaration of war is not, and never has been, regarded as a prerequisite to the use of military force by the President of the United States. On the contrary, as I have indicated, there have been only six declarations of war in all our history—including the action of Congress at the time of the Civil War—and there have been well over a hundred commitments of military force, by nearly every President, with varying degrees or action by Congress, short of a declaration of war.

We come, then, to a consideration of the specifications with respect to Vietnam, and Southeast Asia.

3. For present purposes, we can begin with the Gulf of Tonkin Resolution, which was passed by both Houses of Congress, and approved by the President on August 10, 1964. It is printed at 78 Stat. 384, and has always been well known—never in any sense a secret document. Indeed, it was passed by Congress for the purpose of making it known in other quarters that the President had the backing and support of Congress.

What does the Tonkin Gulf Resolution say? After recitals, it contains two principal sections, which read as follows:

"That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

It is true that early this year the Tonkin Gulf Resolution was "terminated" by Act of Congress, including Presidential approval. That, however, has nothing to do with its effect on the legality of actions taken while it was in force, nor on the propriety of actions taken to deal with the situaiton which arose while it was in force. As the State Department said, in a letter printed in a Senate Report, the Formosa and Tonkin Gulf Resolutions along with others were "a highly visible means of executive-legislative consultation . . . indicating congressional approval for the possible employment of United States military forces." S. Rep. No. 91-872, p. 20.

4. Perhaps even more important than the Tonkin Gulf Resolution is the fact that Congress has consistently backed and supported the actions of the President in all the intervening years. Early in 1965, President Johnson asked for and obtained a special appropriation of seven hundred million dollars, for the express purpose of carrying on military action in southeast Asia. This was granted by an Act of Congress approved on May 7, 1965. The vote in Congress was 408 to 7 in the House, and 83 to 3 in the Senate. This is an unusual appropriations act, in that it consists of a single item. Thus, there is no possibility that it passed through Congress by inadvertence, or that the report for it may have been coerced, as in the case of a rider. Here is the entire and complete effective text of that appropriation act:

"The following is appropriated, out of any money in the Treasury not otherwise appropriated, for the period ending June 30, 1965, namely:

"Department of Defense-Emergency Fund, Southeast Asia

"For transfer by the Secretary of Defense, upon determination by the President that such action is necessary in connection with military activities in southeast Asia, to any appropriation available to the Department of Defense for military functions, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred, $700,000,000, to remain available until expended: * * *"

After this, there were many legislative acts by Congress, taken in full knowledge of the situation in Southeast Asia, and in support of the President's actions. On September 29, 1965, Congress passed the Defense Appropriations Act of 1966 which contained a separate Title worded "Emergency Fund, Southeast Asia." This appropriated $1,700,000,000 to be used for—and I quote the language of the statute—"military activities in Southeast Asia."

In 1966, Congress passed the Military Construction Act of 1966 which contained a specific authorization that the funds appropriated could be used—and again I quote "for their stated purposes in connection with support of Vietnamese and other free world forces in Vietnam . . ."

I will not consume further time by reading the language of all of the subsequent appropriation acts. It is enough, I think, to say that they were numerous, and made explicit reference to "the war in Vietnam," or in other terms of equivalent effect. Altogether, there have been at least 10 such subsequent appropriations acts.

In addition, during this period, Congress extended and amended the Selective Service Act, thus making available the manpower used in combat, as Congress well knew and fully understood. In addition, Congress authorized the President to call up the Reserves for use in the war, until June 1969.

Thus, as Judge Wyzanski said in his interesting opinion in the Sisson case (United States v. Sission, 294 F. Supp. 511), the situation is one 'in which there has been joint action by the President and Congress, even if the joint action has not taken the form of a declaration of war."

We are gathered here as lawyers. We are speaking about the legality of the Vietnam war. The hang-up on this question comes, it seems clear to me, from the assumption that there must be a declaration of war before military action is "legal." Of course, if you assume that to be true, then the conclusion will follow that the Vietnam war is not legal.

As I have indicated, however, there is no basis for such an assumption. Indeed, all of our history and practice has been to the contrary. And this has clearly been the history and practice over the past six years or more on this important question. The fact is that the President and Congress have consistently and continously worked together on this matter, each supporting the other. The fact is, too, that President Nixon, under circumstances of great difficulty, has consistently taken steps to deescalate the war; and, with the full knowledge and support of Congress, he has already removed more than 200,000 of the troops who were, with the full knowledge and support of Congress, committed in Vietnam at the time he took office.

The problems of Vietnam are enormous, and extremely complicated and difficult—and important. But the essence of these problems is not one of legality. The President and Congress have worked together, and there can be no doubt, in my mind, about the legality of what has been done. It is only confusing in my view, and not at all constructive, or helpful in finding an ultimate solution, to approach the question in terms of legality. The problems of getting out of Vietnam are difficult, and complicated—and exceedingly important. They are worthy of the greatest thought, and the most thorough discussion. That thought and discussion will be aided, as I see it, if we do not mislead ourselves by excursions on questions of "legality" which are really without foundation. I have no doubt that the President and Congress will continue to work together in bringing this matter to a conclusion, and that their actions will continue to be "legal" as they have been in the past. Let us do everything we can to help them in that task.

OUR COMMERCIAL LINKS WITH EUROPE SHOULD BE STRENGTHENED

Mr. RIBICOFF. Mr. President, reports on the outcome of the meeting held last week in Bucharest, Rumania, of the Council for Mutual Economic Assistance—COMECON—reinforced my views that our own commercial links with Eastern Europe should be strengthened.

Soviet attempts to mold COMECON into a closely knit, highly centralized economic bloc have apparently suffered another setback. The desire for economic independence by bloc members, notably Rumania, was reflected by the vaguely worded final communique. The meeting also underscored the diversity of methods being used by Eastern European countries in their efforts to modernize their economies, including increased trade and investment ties with the West.

My own recent visit to Rumania and Hungary convinced me that the United States should be doing more business with these countries. I will have more to say about this subject later this week.

I ask unanimous consent that the accounts of the COMECON meeting, published in the Washington Post and the New York Times of July 31, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, July 31, 1971]

Soviet Bid for Economic Union Seen Slowed by East Europeans

(By Dan Morgan)

Belgrade.—The Communist bloc's prime ministers agreed yesterday in Bucharest to work for closer cooperation and integration over a 20-year period, but along lines that were left noticeably vague in their final communique.

After meeting for three full days in the flag-festooned Romanian government building, the governmental leaders of the eight countries of Comecon, the Soviet bloc economic organization, said that "Socialist integration is not equitable with the foundation of supranational" organization.

This phrase, which incorporated a basic policy premise of independent-minded Romania, appeared to rule out at least for the immediate future any dramatic impetus toward an East European version of the Common Market.

This also suggested to Western analysts that there had been no basic change in the preference of the East Europeans for bilateral rather than multilateral solutions to their economic problems, which are now being highlighted by shortages of investment capital and modern machinery.

Diplomatic and Romanian observers in Bucharest said this week that whatever enthusiasm may have existed for a strong, centralized grouping in the East had probably already been dampened by the prospect that the West European unit may soon be expanded to include Britain and its partners.

This is because the East European countries, particularly Romania, are trying to expand links with the West. Most of them think this trend would only be made more difficult by transforming Comecon from a loosely knit organization into a rival economic bloc.

Details of the program worked out and adopted this week will not be fully known until publication of an 80-page document later. But the wording of the communique suggested a disappointment for the Soviet Union which has led the movement for integration.

Though this movement has received support from some countries, such as Poland, which feels it would gain from specialization in industrially-advanced branches, it has met opposition from Romania and to some degree, from Hungary and East Germany.

Any thought that Romania was preparing to relax its insistence on sovereignty guarantees for Comecon countries, under Soviet pressure, appeared to be removed by an agreement to respect the sovereignty, independence and national interests of members.

OUTSIDE LINKS

The prime ministers agreed that the further consolidation of the East European economies would increase the "political unity and cohesion of the Socialist countries."

But the eight leaders also left the door open to links from the outside with Comecon, and vice versa. They agreed that outsiders could "take part totally or partially" in carrying out the program and, conversely, pledged to expand links both with underdeveloped and with capitalist countries.

The Bucharest meeting culminated two

years of work on a long range program. This has been beset from the beginning by such basic questions as how to coordinate planning among countries that take different views on the relative importance of the market and the planning process in the economy.

Hungary, for instance, has been experimenting with decentralizing and allowing some prices to find their own level on the market, while the Soviet Union, Bulgaria and Romania all retain rigid centralized planning systems.

While Poland and Hungary favor moving by stages away from the present financial system, the Soviet Union has opposed this. Yesterday's communique made only a general reference to "improving commodity-monetary relations."

East Europe and the Soviet Union lack a convertible currency of their own, a fact which has political significance because it has impeded efforts of smaller countries to establish links with the West and complicated both trade and financial cooperation.

Poland and Hungary favor moving away from the present system of clearing debts by commodity deliveries and towards a monetary system.

MUTUAL DEPENDENCY

Despite these problems, the Comecon countries last year took an initial step toward closer cooperation by establishing an investment bank on which countries can draw for hard currency to finance Western purchases.

The "unanimous" agreement of the Comecon prime ministers to support the general principle of closer links expressed the recognition by each country that they are deeply dependent on each other at this stage of development.

Even Romania, whose natural resources make it the most self-sufficient next to the Soviet Union, depends on Moscow for iron ore supplies for its vast steel works.

However, each country is seeking to expand trade and other links with the West.

Steps are under way in both Hungary and Romania to lure foreign firms into joint ventures in which the outside company would provide working capital.

[From the New York Times, July 31, 1971]

Reds' Trade Bloc Sets Integration—Reported Accord at Meeting in Bucharest Includes Convertible Currency

(By James Feron)

PRAGUE.—Eastern Europe's trade bloc, the Council for Mutual Economic Assistance, has reportedly agreed on a complex plan for economic integration, including a convertible currency.

Czech sources said today that the agreement came at a three-day meeting of Premiers and economic ministers from the eight member countries. The meeting of the council, which is known as Comecon, ended yesterday in Bucharest.

Heading the Soviet delegation was Premier Aleksei N. Kosygin. The other countries represented were East Germany, Poland, Czechoslovakia, Bulgaria, Hungary, Rumania and Mongolia.

DESCRIBED AS "MILESTONE"

Although some officials, both Czechs and others, were skeptical over the reported achievements at the meeting, the agreement was described by one economist as a "milestone" in Eastern European efforts to seek meaningful integration.

One of the agreement's goals, he said, is a convertible currency, possibly a special ruble, to facilitate multinational trading within the bloc.

Most of Eastern Europe's trade is bilateral, and the complexity of currencies offers little opportunity to settle accounts between partners and to make trading arrangements with third parties.

The agreement is expected to be published within a week. Informants here said that the program was two years in preparation and that it would take "several five-year plans to implement."

A communiqué issued last night at the close of the meeting in Bucharest spoke of "gradual implementation within 15 to 20 years."

The communiqué appeared to contain a gain for Rumania in its reference to Comecon's goals as including "respect for state sovereignty, independence and national interests and noninterference in the internal affairs of other states."

Rumania's President and Communist party leader, Nicolae Ceausescu, has long resisted Soviet efforts to turn Comecon into an instrument for planning the entire economy of Eastern Europe.

But a Czech economist said the new integration program was intended to harmonize national economies into an efficient trade bloc rather than to force them to adhere to unrealistic programs as part of an over-all plan.

The plan is said to include a multiplicity of subjects, from tourism to scientific-technical agreements. According to experts here, it seems to represent a practical effort to overcome the problems that have plagued Comecon since its inception two decades ago.

The organization is a loose regional association within executive powers. It was founded to counter Marshal Plan aid to Western efforts to isolate the Communist bloc.

It has been beset by conflicting national interests within Eastern Europe, great diversities in local economies, lack of incentives in the more tightly controlled economic systems and heavily bureaucratic procedures. Attempts by Soviet leaders to use Comecon as an instrument for supranational economic direction have failed.

One official here said that conditions in Eastern Europe apparently had changed sufficiently for the new plan to receive unanimous agreement among Comecon members.

The passage of time, one Czech economist said, had helped close the gap between Bulgaria and the more industrialized countries such as East Germany and Czechoslovakia.

Other factors, it was said, included the present political tranquility in Eastern Europe and the continuing growth and probable expansion of the rival trading block, the European Common Market.

Officials here said the new program was intended to coordinate national plans rather than direct them centrally. Supranational interests would ostensibly not be placed above national interests.

But Moscow's long-range plan for Comecon is seen by some experts to be as much political as economic. Mr. Brezhnev, they note, has spoken several times of the paramount regional interests.

SETTLEMENT OF THE RAIL STRIKE

Mr. DOLE. Mr. President, I am relieved that an expanded rail strike has been avoided and that full rail service will soon be restored throughout the Nation.

The end of this strike is especially important for the agricultural sector of the economy, which relies heavily on the railroads to move its products to distant markets and processing centers. A crisis situation was rapidly being approached with perishable summer produce and other foodstuffs unable to reach consumers and a record wheat harvest being dumped on the ground for storage in many Plains States.

I am hopeful that the potential inflationary effects of the 42-percent increase contained in the settlement will be offset by increases in productivity growing out of the work rules changes which were agreed to by the parties.

It is fortunate that this strike is over, but it is regrettable that it occurred in the first place. If Congress had enacted the legislation to deal with labor disputes in the transportation industry requested 18 months ago by President Nixon, these issues would have been settled without the disruption of a strike and the rail companies, union members, and the American public would have been spared the inconvenience and economic hardship caused by this strike. I am hopeful that Congress will soon act to end the threat of recurring strikes in the Nation's vital transportation industry. The President has presented a sound, workable proposal which Congress has a vital obligation to consider and improve upon if possible.

THE RAIL STRIKE SETTLEMENT

Mr. CRANSTON. Mr. President, I could not be more delighted at news of a settlement reached by management and labor on the protracted dispute that halted so many of our Nation's railroads and so dangerously chipped away at California's economy.

Though we are enormously relieved at the end of this strike, we are not finished with the problem. As I warned in my Senate speech of July 27, the past week has brought days of devastation to California. We are left with a deadly legacy. Tons upon tons of crops have been plowed into the ground, and millions of dollars with them. Thousands of workers have been idled at the peak of their employment opportunity. Hundreds of growers and shippers have been hurt economically beyond recompense. Millions of consumers across the Nation have been deprived of essential foods and face increased prices.

The lesson is clear: Congress, in concert with the administration, must renew its determination to write a final chapter to rail disputes that wound our economy and leave it forever scarred. A permanent solution to these crippling tieups must be found. I believe it can and will be found in the several proposals we have before us.

The legislation we produce must have several ingredients. It must be long range. It must be flexible enough to meet the changing needs of a dynamic society. It must be equitable to both labor and management. It must allow alternative routes to arbitration and settlement. And, while firmly blocking the kind of national crisis we have just experienced, it must allow the range of collective bargaining mechanisms that are essential to effective resolution of labor-management disputes.

At this moment, full details of the rail strike settlement have not been made public, nor have they reached Congress. We do know, however, that the agreement follows generally the recommendations made by Presidential Emergency Board No. 178, with a number of work rule changes that apply to specific, regional conditions. Smaller, less obstructive issues will be resolved in further negotiations at another level.

Mr. President, I believe that when Congress reconvenes in September we must move with speed and intensity to build a new bargaining framework for the rail industry and the millions of Americans it serves. The interests of all parties must be dealt with in a manner sensitive to individual group needs, but most importantly, sensitive to the larger needs of all our Nation's people.

WARMAKING AND WAR-CONDUCTING POWERS—ADDRESS BY LUCIUS AEMILIUS PAULUS

Mr. GOLDWATER. Mr. President, as the Foreign Relations Committee of the Senate and other Members of this body seem determined to take over the warmaking and war-conducting powers of the President conferred on him alone by the Constitution, I am reminded of a statement made over 2,000 years ago by Lucius Aemilius Paulus, a Roman consul, who had been selected to conduct the war with the Macedonians. He appeared before the Senate-House and went out from into the assembly of the people and addressed them as follows:

> In every circle, and, truly, at every table, there are people who lead armies into Macedonia; who know where the camp ought to be placed; what posts ought to be occupied by troops, when and through what pass that territory should be entered; where magazines should be formed; how provisions should be conveyed by land and sea; and when it is proper to engage the enemy, when to lie quiet. And they not only determine what is best to be done, but if anything is done in any other manner than what they have pointed out, they arraign the consul, as if he were on trial before them. These are great impediments to those who have the management of affairs; for everyone cannot encounter injurious reports with the same constancy and firmness of mind as Fabius did, who chose to let his own ability be questioned through the folly of the people, rather than to mismanage the public business with a high reputation. I am not one of those who think that commanders ought at no time to receive advice; on the contrary, I should deem that man more proud than wise, who regulated every proceeding by the standard of his own single judgment. What then is my opinion? That commanders should be counselled, chiefly, by persons of known talent, by those who have made the art of war their particular study, and whose knowledge is derived from experience; from those who are present at the scene of action, who see the country, who see the enemy, who see the advantages that occasions offer, and who, like people embarked in the same ship, are sharers of the danger. If, therefore, anyone thinks himself qualified to give advice respecting the war which I am to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state, but let him come with me into Macedonia. He shall be furnished with a ship, a horse, a tent; even his travelling charges shall be defrayed. But if he thinks this too much trouble, and prefers the repose of a city life to the toils of war, let him not, on land, assume the office of a pilot. The city, in itself, furnishes abundant topics for conversation; let it confine its passion for talking within its own precincts, and rest assured that we shall pay no attention to any councils but such as shall be framed within our camp.

What the distinguished consul had to say in 168 B.C. would be very apropos if made at this time; so, not having been chosen to conduct a war, I will use the RECORD as my audience.

AMERICAN PRISONERS IN CHINA

Mr. KENNEDY. Mr. President, in light of the continuing developments this year toward the improvement of relations between the United States and the People's Republic of China. I believe that the time is now ripe for the President and the Secretary of State to take a new initiative to obtain the release of American prisoners in China.

So far as I am aware, there are four American prisoners now held in China—two civilians and two servicemen. One of the civilians, Richard Fecteau, is a constituent of mine from Lynn, Mass., who was convicted of espionage in China in November 1952. He was sentenced to a 20-year prison term, which is due, therefore, to expire in November 1972. The other civilian is John Downey of New Britain, Conn., who was associated with Fecteau, and who was convicted at the same time and sentenced to life imprisonment.

The servicemen now held in China are two American flyers captured during the Vietnam war. One, Maj. Philip E. Smith, of Victorville, Calif., is an Air Force officer whose plane was forced down in 1965 on Hainan Island. The other, Lt. Robert J. Flynn, of Oak Harbor, Wash., is a Navy officer who was shot down over Southwest China in 1967, while apparently maneuvering to escape from North Vietnamese jets.

In the wake of the new atmosphere of reconciliation brought about by the visit of the American ping pong team to Peking last April and the announcement by President Nixon of his forthcoming visit to China, there could be no more appropriate representation of the developing good will between our two nations than for the administration to secure the release of these four prisoners. In the case of Smith and Flynn, the fliers whose detention arises out of the Vietnam conflict, it seems likely that their release will be determined by developments in connection with the release of the American prisoners now held in Vietnam, Laos, and Cambodia as a result of the war, and I am hopeful that the current negotiations in Paris will accomplish their early release.

In the case of Fecteau and Downey, however, the situation is different. Both men, now in their early 40's, have spent nearly half their lives in a Chinese prison. Sporadic contacts through public and private channels over two decades have made no apparent progress toward securing their release.

Throughout their imprisonment, Fecteau and Downey have stood as symbols of the generation of hostility that has grown up between the United States and the People's Republic of China. When their convictions were first announced by Peking in 1954, both nations exchanged bitter charges over the circumstances surrounding their capture. Peking accused Fecteau and Downey of being agents of the CIA who were air dropping Chinese Nationalist spies onto the mainland and providing them with supplies. According to Peking, at the time Downey and Fecteau were apprehended, the two Americans were captured along with nine Chinese.

At the beginning, the State Department maintained that Downey and Fecteau were "civilian personnel employed by the Department of the Army in Japan." According to the State Department, the men were "believed to have been lost on a flight from Korea to Japan in November 1952." Simultaneously, the Defense Department stated that the men had been lost on a routine flight from Seoul to Japan. Secretary of State John Foster Dulles described the charges against the men as "trumped up" and called the sentences "a most flagrant violation of justice." For years, this pattern of recrimination and countercharges was maintained.

In recent months, however the administration has quietly moderated the official U.S. position on the imprisonment of Fecteau and Downey. The charges are significant in at least two respects.

No longer do we maintain that the men were civilian employees of the Army. Instead, they are now described merely as "civilian employees of the U.S. Government."

And, no longer do we maintain that their mission was a flight from Korea to Japan. Instead, it is described merely as an "official flight during the Korean conflict."

Subtle as these shifts in the administration's position may seem, their implications are important. Obviously, the administration's explanation is currently ambiguous enough to be read as consistent either with Peking's assertion that Downey and Fecteau were engaged in espionage, or with our Government's original insistence that the flight was innocent.

Public interest in the plight of Fecteau and Downey has increased recently as a result of the China hearings held by the Senate Foreign Relations Committee last June. Prof. Jerome A. Cohen of Harvard Law School raised the issue clearly in his testimony on June 25 before Senator J. WILLIAM FULBRIGHT, the chairman of the committee, and suggested that a resolution of the matter could be facilitated if, by analogy to the *Pueblo* case, the administration were to formulate an appropriate apology to Peking if the facts of the case so warrant.

I have today written a letter to the Secretary of State, urging him to make a prompt review of all the issues in the case, including Professor Cohen's proposals, and to take whatever steps may be suitable to secure the release of both Fecteau and Downey at the earliest possible date.

President Nixon himself has declared, in connection with his newly evolving China policy, that he is not a "prisoner of history." It is my hope that Downey and Fecteau, who are so clearly prisoners of history and of the passions of the Korean war, may become real beneficiaries of the President's new policy. Simple justice and humanity cry out for their quick release.

Undoubtedly, the optimism generated by the visit of the ping-pong team and

the announcement of the President's trip has been dimmed somewhat as a result of yesterday's decision by the administration to pursue a two-China policy on the question of United Nations representation for Peking. If Fecteau and Downey are to be released, therefore, it becomes all the more important for the administration to take realistic steps on their behalf. Surely, we value the freedom of these men more highly than blind adherence to the rhetoric of the past. If all that stands between them and their freedom is the requirement of a candid acknowledgement of the circumstances surrounding their capture so long ago, the acknowledgement should be forthcoming without any further delay.

Indeed, it is not too much to hope that, with appropriate steps by the administration now, Richard Fecteau may return to America and to his family well before his prison term expires in November 1972, and that John Downey will return with him.

Mr. President, I ask unanimous consent that a series of recent articles on the issue of American prisoners in China, including an article from the Boston Globe last Friday, revealing the extraordinary courage and spirit of the Fecteau family, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Star, July 3, 1971]

TWO SINCE 1952—U.S. IS REVIVING ISSUE OF 4 HELD BY CHINA

(By Kenneth J. Freed)

With attention still fixed on the plight of American prisoners in North Vietnam, an older problem of U.S. citizens held on mainland China is resurfacing, although its focus is slightly fuzzy.

Four Americans are in Peking's hands, including two civilians arrested in 1952 when their plane went down on a flight from Korea to Japan. The others are military pilots shot down in separate incidents in 1965 and 1967.

The situation of the four came up again last week during Senate Foreign Relations Committee hearings on U.S.-China policy. Sen. J. W. Fulbright, committee chairman, asked Harvard University law professor Jerome Cohen his thinking on the prisoners.

Cohen indicated not enough was being done regarding the two civilians, John Thomas Downey and Richard Fecteau, and new efforts should be made to secure their release.

Downey, of New Britain, Conn., and Fecteau, of Lynn, Mass., were civilian employes of the Army when taken prisoner in November 1952 during what the United States said was an official flight.

THOUGHT DEAD

At first thought dead, the Chinese disclosed two years later the two were alive and in prison; Fecteau for a 20-year term and Downey for life. They were charged with espionage—dropping Nationalist Chinese agents on the mainland.

Cohen suggested a possible answer to freeing Downey and Fecteau might be in a new investigation of the charges made by the Chinese.

He said John Foster Dulles, secretary of state when the two were captured, took the position the charges were trumped up. "But this is a different era," Cohen told the committee, "and it might be appropriate for the United States to make another inquiry into the case."

If the facts justify it, he added, the United States should admit the Chinese charges and "pay whatever price to secure their release."

The United States also should suggest to the Chinese that Downey and Fecteau be released early for good behavior, particularly since Fecteau reportedly will be freed next fall, Cohen said.

He said the State Department should do more than bring up the prisoner issue periodically when the Chinese and American ambassadors to Poland meet in Warsaw.

The servicemen held are Air Force Capt. Philip E. Smith of Victorville, Calif., shot down in 1965 near the island of Haiman, and Navy Lt. Robert Flynn of Oak Harbor, Wash. He was lost in 1967 while flying along the North Vietnamese-China border.

Cohen suggested these two probably will be freed when North Vietnam agrees to release their American prisoners.

The Foreign Relations Committee says it is preparing a letter to the State Department suggesting the United States consider action along the lines suggested by Cohen.

STATE DEPARTMENT LETTER

When asked its current position, the State Department provided a copy of a letter it sends to those inquiring about the prisoners.

"The imprisonment of these Americans is a source of continuing sadness and frustrations," the letter said. "Over a period of years this government has sought by every feasible means to obtain their release. . . .

"We will continue to be concerned for the welfare of Mr. Fecteau and Mr. Downey, as well as that of the other American prisoners, and to explore all avenues which might lead to their release."

However, the department letter said, "attempting to obtain the release of these men is a very difficult matter and the average available to us is limited."

[From the New York Times, July 7, 1971]

WILL JACK MAKE HIS 25TH REUNION?

(By Jerome Alan Cohen)

NEW HAVEN.—The class of 1951 has just held its twentieth reunion at Yale but Jack Downey wasn't there. Jack and an assistant, Richard Fecteau, have been in prison in China since Nov. 29, 1952.

In late 1954 the Supreme People's Court in Peking announced that the two Americans had been convicted of espionage for secretly air-dropping supplies and agents into China as part of a C.I.A. effort to foment rebellion. Four of the Chinese agents were executed. Downey was sentenced to life, and Fecteau got twenty years.

The U.S. called the convictions "a most flagrant violation of justice" based upon "trumped-up charges." The men, it was said, were actually "civilians employed by the Department of the Army," who had never invaded China's airspace but had been lost on a routine flight from Korea to Japan.

Sino-American negotiations in 1955 led to the release of most other Americans held in China. Early in 1957 China offered to release Downey and Fecteau if the U.S. would allow American newsmen to visit China. Secretary Dulles refused to approve the arrangement because it would constitute yielding to Chinese "blackmail."

Since then, for almost fifteen years, the U.S. has quietly sought the release of Downey and Fecteau. But it has never admitted the truth of China's assertions. Yet many members of the class of '51 recall the day, several months before graduation, when a representative of the then newly formed C.I.A. visited New Haven to recruit Yale seniors who were concerned about what the Korean conflict had in store for them. The man was very vague about the kind of work the recruits would enter. Finally he indicated, "purely as a hypothetical," that "the agency" might want to organize resistance in China. Jack Downey and some others ended up doing exactly what the "hypothetical" mission called for.

None of this is news to China, of course. In this country our Government's persistent denials have occasionally been challenged by scholars and journalists. Yet the U.S. has thus far refused to repudiate Mr. Dulles' posturing about international law.

Perhaps one can understand the reluctance to confess error in the case of Fecteau, who is scheduled for release in little more than a year. But Downey is serving a life sentence. The suicide last year of Hugh Redmont, another American serving a life term for espionage in China, should remind us that even the bravest souls can endure only so much.

We should not assume that China is insensitive to either political or humanitarian considerations in this last case of Americans detained since the 1950's. Shortly after Redmond's death, Peking released the elderly Bishop James Walsh before his sentence had run its course. But Peking remains sensitive about American attacks that slander the administration of justice in China as uncivilized and deny China the same right to self-defense that other states enjoy.

Now that table tennis has introduced "people to people" diplomacy, the prospects for Downey's release may well brighten if the U.S. will admit that it violated China's territorial integrity during a bygone wartime era, apologize for having done so and recognize China's sovereign right to punish offenders against its security.

If the U.S. opposes making individuals the pawns of power politics, it should abandon its preoccupation with "face," as it did in the much more ambiguous case of the Pueblo, and set the record straight. Otherwise Jack Downey may not make our twenty-fifth reunion.

(Jerome Alan Cohen is a professor at Harvard Law School and the author and editor of books on China. He is a member of Yale's class of '51.)

[From the Washington Post, July 22, 1971]

PROFESSOR SAYS HIS PLAN MAY FREE 2 HELD IN CHINA

(By Ronald Koven)

The Nixon administration has under consideration a proposal to obtain the release of two of the four remaining U.S. prisoners on mainland China by conceding, in effect, that the pair was flying for the Central Intelligence Agency when they were shot down in late 1952, according to a top U.S. expert on Chinese law.

Prof. Jerome A. Cohen of the Harvard Law School said he had made the suggestion after discussing it with Chinese Communist diplomats in Ottawa last month and that the idea had received "working-level" endorsement inside the government.

Cohen said the Chinese did not indicate what their government would do if Washington were to drop its standing story that the two men strayed over China by mistake. But the diplomats told Cohen that his suggestion was worth considering.

Following Secretary of State William P. Rogers' orders not to discuss China policy now that President Nixon is in delicate negotiations about his projected visit to China, State Department officials refused to comment.

After testimony by Prof. Cohen before the Senate Foreign Relations Committee, Chairman J. Fulbright (D-Ark.) wrote to Rogers expressing interest in the professor's suggestion.

The letter was dated July 6, three days before a secret visit to Peking by presidential adviser Henry Kissinger to set up Mr. Nixon's visit.

Any internal recommendation to alter the

U.S. government's standard version of the 1952 overflight would presumably have come in the form of a recommendation to reply favorably upon Cohen's suggestion in an answer to Fulbright.

The two prisoners are John Thomas Downey and Richard Fecteau. Downey was sentenced to life imprisonment and Fecteau to 20 years in jail. Fecteau is due for release next year.

The two were shot down during the Korean War. The Chinese alleged that they were dropping supplies to U.S. agents in Manchuria.

Prof. Cohen and Downey were classmates at Yale University (class of 1951). Cohen has been active in an informal alumni write-to-your-congressman campaign to pressure the administration to obtain his release.

Cohen said in a telephone interview from his New England summer home that he has recently detected as subtle shift in the government's standard reply to such letters. He said that it has been shortened up and no longer involves "an absolute untruth" about the pair's mission and status, Cohen said.

The professor said he would not be surprised if Fecteau were to be released in the fall and if President Nixon subsequently brought Downey home with him on his plane from Peking.

Cohen said he has discussed the matter with State Department officials. He said that his last contact with Chinese diplomats in Ottawa was on June 26 and that it was only the most recent of three meetings he has had with them there.

The other two Americans known to be in Chinese prisons are two Air Force officers, Capt. Philip Smith and Lt. Robert J. Fynn. Just a year ago, the Chinese released a fifth man, the aged Bishop James E. Walsh. That release was seen primarily as a gesture to the Vatican, which had been making overtures to Peking.

[From the Boston Globe, July 30, 1971]

Peking Prison Confines Dad for 19th Year

(By Bruce McCabe)

On Nov. 29, 1952, a 25-year-old Lynn man named Richard G. Fecteau was shot down in a plane in northeast China and captured. Within a matter of days, the Communist Chinese government sentenced him to 20 years in prison for criminal espionage.

The Chinese did not disclose Fecteau's fate until two years later, after he had been declared legally dead, his death certificate issued and his estate settled.

Fecteau's unusual story has been recounted a number of times in the 19 years that have transpired—the story of a man separated by circumstances from time and from the passage of time. The best guess today is that he sits in the same 12- by 15-foot cell he has inhabited for 19 years at No. 13 Ts-ae Lan Tze Ht'ung. ("The Lane of the Grass Green Mist") in Peking, known to its inhabitants as "the Green Basket Prison."

Nineteen years may not seem an especially long time until one considers what has happened—and what has happened that has been forgotten—in that time.

Stalin died, Dien Bien Phu "fell" and racial segregation in US public schools was ruled unconstitutional; Sputnik was launched, Castro assumed power and Mount Everest was scaled for the first time; Eichmann was captured, the Berlin Wall went up and John F. Kennedy was assassinated; the Cuban missile crisis peaked and dissolved, the Six-Day War occurred and the first human heart was successfully transplanted; the Russians crushed a revolt in Czechoslovakia and Neil Armstrong became the first man to set foot on the moon.

Time has played its tricks in this interval, too, in some instances coming full circle. On Nov. 29, 1952, for instance, the night Fecteau's plane was shot down, Richard Nixon was a Vice President-elect. Even the most prescient could not anticipate the ebb and flow of his political career in the 19 years that would follow, or the subtle and unexpected way in which he would affect Fecteau's destiny in July of 1971.

But cataclysmic events and the fortunes of public men are not always the best gauges for measuring time lost. It can be suggested in lesser known, less dramatic events in quieter lives.

Fecteau's twin daughters, for example, whom he has not seen in 19½ years, have led a rather special kind of existence due to their father's circumstances. (Although Fecteau and the girls' mother, Mrs. Margaret Fecteau, were divorced in 1951, the year prior to his capture, they have remained friends and have corresponded whenever possible. Fecteau's second wife, Joanna, perished in a 1953 fire at Avalon Shores, Md.—a fact Fecteau learned when his mother visited him in 1958.

Perhaps the most fascinating thing about Fecteau's relationship with his daughters—a relationship sustained solely by intermittent and sometimes maddeningly cryptic postal correspondence—is its vitality.

The girls, whose names are Suzon and Sidnice and who now are 21, managed, until four years ago, to keep their father pretty well posted on the details of growing up in Lynn, a process which took them from the Little Theatre Nursery and Kindergarten through Sisson Elementary and Pickering Junior High into Lynn English High School.

The girls' letters to their father stopped four years ago because the Chinese government objected to an inadvertent address Sidnice wrote on one of her letters, "The Peoples Republic of Red China." That letter was returned unopened, with "Red China" pointedly underlined in red, and none of the girls' letters from then on was ever acknowledged.

For his part, Fecteau has performed an almost unbelievable feat in maintaining his existence in his daughters' minds over the years, in spite of the fact that, as Suzon says, "I wouldn't know him if I were to pass him on the street tomorrow."

"But we always felt his presence whenever we got a letter," she adds. "I've never had the sense I didn't have a father."

In his letters, some of which were written to his parents and relayed to the girls, Fecteau has offered everything from advice on dating (he was dismayed that Suzon was going to a school dance in the eighth grade) to predictions on what he will do when he gets home ("I will lie on the beach eating hot dogs and looking at my family.")

When the girls and their mother moved to Marblehead, they attempted to explain their new location to Fecteau, but found themselves hampered by his lack of knowledge about landmarks that had materialized in the interval he had been away. "Just tell me how far it is from Dill's Restaurant," Fecteau wrote finally, referring to one of the area's most widely-known spots.

Fecteau has also informed his daughters' mother that if her dress-designing career slacks off for any reason, "I can send you some fig leaves to wear from the fig tree I keep in my vegetable garden over here."

Fecteau has even managed to buy gifts for his daughters on such special occasions as birthdays and Christmas. Although his captors describe him as a CIA agent, his own government calls him "a civilian employee of the Dept. of Defense" and he remains on the government payroll. With government checks, the girls have purchased such gifts as English racing bicycles, transistor radios, typewriters, hair driers, manicuring sets and a television set.

Fecteau has 17 months remaining on his 20-year sentence, and there is hope that, with the apparent thaw in relations between the US and mainland China, he will be released soon.

If he is, he will be given another dramatic example of timelessness—of how the more things change, the more they remain the same.

"When Dick left, hems were nine inches from the floor," says Mrs. Fecteau. "The same as they are now."

KIDDIE KAMP WEEK

Mr. BROOKE. Mr. President, it is my privilege today to announce that the Governor of the Commonwealth of Massachusetts has declared this week, August 1–7, 1971, as "Horizons for Youth—Kiddie Kamp Week." This is a noteworthy occasion, for the Massachusetts Kiddie Kamp Corp., has been in existence for 33 years and has made an outstanding contribution to the enrichment of many culturally deprived children.

The original concept for the camp was to present "Democracy in Action" through a summer recreation program. It was designed to draw children from all ethnic backgrounds into a rural setting where they could live, work and learn together.

Located in the lovely town of Sharon 25 miles south of Boston, the 3 camp sites are situated on 327 acres of wooded area with 1 mile of beach on Lake Massapoag. Swimming, boating, hiking, crafts, archery, and an extensive dramatics program are some of the activities available. A capable staff of 85 college-age youths, many from the same background as the campers, are hired each year. The staff is instructed to emphasize unity in the group and to administer individual attention to each camper. One significant goal is to provide the child with the personal support which he may not get in an inner city lower economic environment.

Twelve hundred young people are served during the summer. They come for 2-week periods and are primarily from the city of Boston. This year, for the first time, 35 children from New Hampshire and 35 children from Connecticut have been included as well. The Kiddie Kamp section accommodates 200 boys, ages eight-and-a-half to fourteen-and-a-half. Pioneer Village is geared to meet the needs of 50 teenage boys from ages fourteen-and-a-half to sixteen-and-a-half. A new addition this year is the inclusion of a girls section which presently has 50 participants but soon will be able to accommodate 150.

All funds for the camps come from private contributions. Fund raising activities continue throughout the year, and attract both large and small donations. The support of the press has been particularly positive and most helpful. Pioneer Village, which began last year under an HEW grant is now being funded privately as well.

Thursday is Governor's Day at the camp. The Governor will be in attendance and has planned a program for the children which will include sports events conducted by celebrities in the various fields. Contributors have been invited to view the events, and it is expected that from 400 to 500 persons will be in attendance.

I commend all the efforts of Kiddie Kamp Corp. and its able executors and look forward to seeing even greater expansion and success in the years to come.

TRIBUTE TO MR. HERMAN DOWNEY

Mr. BYRD of West Virginia. Mr. President, I should like to say a few words in tribute to Mr. Herman Downey, who died on June 26, 1971, having only recently retired after completing approximately 25 years of service on the Senate Committee on Appropriations as a professional staff member.

Mr. Downey was born and raised in Tennessee, coming to Washington at the instance of the late chairman of the committee, the Honorable Kenneth McKellar. Before associating himself with the committee, Mr. Downey served with the Senate Committee Post Office and Civil Service.

When I was appointed to the Appropriations Committee in 1959, Mr. Downey had already been clerk to the Subcommittee on Labor, and Health, Education, and Welfare for a number of years under the direction of its then chairman, the Honorable Lister Hill. I soon discovered that Mr. Downey possessed a broad knowledge of the workings of the executive department and agencies with which he dealt, as well as a thorough understanding of the legislative processes.

Through the years, I always found him to be honest, sincere, and hard-working. He possessed courage as well as principle and was forthright in his counsel. These characteristics made his advice of inestimable help to the committee members.

From my own observation and from what I learned about him from others, I came to respect Herman Downey, not only as a valuable clerk but also as a man of deep moral principles. He did not carry his religion on his sleeve, but he practiced the Golden Rule daily. Our greatest tribute to him would be to emulate his willingness to give a helping hand to those in need.

My deepest sympathy is extended to his wife and family.

NEW CONTRACT FOR STEELWORKERS

Mr. FANNIN. Mr. President, the new steel industry contract gives us fresh evidence of the irresponsibility of union leaders. The Steelworkers Union has won a victory, but it is destined to be a very shortlived victory. Indeed, many members of the Steelworkers Union may never gain a cent out of the new contracts.

The exorbitant wage increases granted in the contract will force some of our steel plants to close because they no longer will be able to compete.

An increase in steel prices already has been announced, adding to the inflation that is plaguing our Nation.

This contract is bad for the Nation, for the steel industry, and for the steelworkers.

The situation was summed up in this morning's Wall Street Journal. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PACT IMPACT: CONTRACT SEEN HURTING STEEL FIRMS, ECONOMY AND EVENTUALLY UNION

BIG PRICE RISE IS JUST FIRST RESULT OF COSTLY ACCORD; SOME MILL CLOSINGS LIKELY—JOBLESSNESS AND PROFIT PLUNGE

(By James P. Gannon)

PITTSBURGH.—The labor peace reached late Sunday in the steel industry will come at a high price to the economy, the troubled industry and perhaps even to the Steelworkers Union.

U.S. Steel and others yesterday wasted no time in presenting the economy with the first due-bill arising from the settlement: a price boost—probably the largest ever made in one move—averaging 8% on nearly all steel-mill products. (See story on page 3.) If precedent prevails, the higher costs of steel will soon be translated into higher prices for cars, appliances and many other products.

But the quick price rise is only the first consequence of the labor pact. Other implications point toward another dose of unfavorable economic news in the short run and in the long run, serious economic pressures that may force a reshaping of the steel industry if it is to survive.

That's the consensus of economists, industry executives, financial analysts and union officials. The impact is hardly likely to cheer Nixon administration economists still struggling with the twin troubles of inflation and unemployment. (A White House spokesman yesterday said the administration felt it was "questionable whether this price increase is in the industry's long-run interest.") The price rise inflicts real and psychological damage to the administration's inflation fight. Other immediate consequences of the settlement will include a steep and prolonged slump in steel production, which will slow the already-creeping economic recovery. Mill officials fear the worst slump in nearly a decade and expect thousands of steelworkers to be laid off. They also see a spectacular plunge in profits.

SOME RAMIFICATIONS

Over the longer run, the steelmakers are expected to try to offset the impact of the settlement with a variety of steps that may reshape the industry. The likely steps include:

—The closedown of some old mills and a phasing out of the least-profitable product lines, resulting in increased efficiency for companies.

A spate of steel company mergers, especially if the government approves a pending consolidation of National Steel Corp. and Granite City Steel Co.

More serious consideration of establishing steel mills in nations where wages are low in an effort to meet competition from foreign steelmakers.

A long-term reduction, stemming from all these moves, in the industry's employment and thus in the ranks of the Steelworkers Union. "You are going to see one hell of a reduction in manpower over a period of time," predicts one man in the industry.

THE ECONOMICS OF THE PACT

These predictions are based on the economics of the industry in light of the new contract. The industry's chief negotiator, R. Heath Larry of U.S. Steel, estimates that the settlement will increase hourly employment costs by about 15% in the first year of the three-year pact. The industry's total employment costs for hourly workers last year was about $4.4 billion, so the first-year cost impact of about $650 million would actually exceed the total 1970 profits of all major steelmakers combined, which amounted to $513 million.

The short-term outlook for steel is gloomy indeed. Many furnaces that were banked in preparation for a strike will return to production very slowly—and some may never return at all. The industry's operations are expected to hover at less than half of capacity for at least a while; mill officials project August shipment at 4.5 million tons, lowest for any month since July 1962, and they put the current quarter's shipments at less than 18 million tons, an eight-year low.

While steel users are working down the big stockpiles built up in anticipation of a strike, incoming orders will be extremely depressed. "This industry is going to be practically dead" for the next few weeks, says one steel man. Example: General Motors, the world's largest steel user, "told us they would take their normal August orders and spread them over four months." That means GM orders, at least at this company, would be 25% of normal for most of the remainder of 1971 while the auto maker chews up its huge stockpile.

MANY LAYOFFS EXPECTED

As a result, many thousands of steelworkers can't expect to begin collecting newly fattened paychecks for some weeks, or even months. Many of these were laid off last month as the hedge-buying boom deflated early, and steelmakers indicate that thousands more will be idled over the next few days.

Bethlehem Steel Corp., for example, says its mills at Lackawanna, N.Y., Johnstown and Bethlehem, Pa., Sparrows Point, Md., and Indiana Harbor, Ind., will be brought back up from their strike-shutdown conditions—but only as orders improve. That means, for instance, that some 6,200 workers at Johnstown and 5,000 at Bethlehem won't be scheduled to work this week. The story is much the same as other large steelmakers.

More threatening to workers than these short-term closings and layoffs is the real prospect of permanent mill closings. Steel executives privately concede, and union officials openly fear, that the least-efficient mills may be doomed.

"They're gonna say, 'Look pal, we gave you the raise, now we gotta shut down the obsolete plants to pay for it,'" predicts Al Lupini, president of USW Local 4889 at U.S. Steel's Fairless Hills, Pa., Works (a fairly modern plant not threatened). "They've been planning to close a lot of these plants for years," contends Mr. Lupini, "and now they're gonna close them and lay the blame on us."

Another USW local president, Morros Brummitt, who heads an 11,000-man local at Jones & Laughlin Steel Corp.'s Aliquippa, Pa., mill, says company negotiators warned of such closings. "They said that they had marginal operations and that an unacceptahis contract would cause them to phase out some plants or departments," he says. Another J&L local chief quotes company bargainers as saying, "If you force us to put too much money in, it may force us to close down."

Industry officials don't dispute predictions of mill closings. "I know we have some open-hearth capacity that will never come back on again," says one management man. Steel financial analysts agree. "More and more of the old mills are going to be phased out," says one Wall Street source.

Some industry men see a repeat of the cutbacks of the early 1960s, when steel demand slumped after the industry had taken a 116-day strike in 1959. In 1960, for instance, U.S. Steel announced "temporary" closedowns of steel-making facilities at Donora and Clairton, Pa. Those old Monongahela Valley facilities were "temporarily" idle for about two years—and then were permanently shuttered.

Albert T. Delsandro, who lost his mill job in Donora and now is the mayor there, remembers how it was. "It is a staggering blow to the economy of the town" to have about 1,700 jobs wiped out, he says. "I wish the other steel communities a lot of luck, because it is a tough blow."

In Youngstown, where U.S. Steel last month "temporarily" closed its 2,700-man Ohio Works due to lagging orders, USW local officials were so worried the plant would never reopen that they mobilized some political muscle against U.S. Steel. Responding to their appeals, their Congressman, Charles Carney, confirms that he persuaded Rep. Wilbur Mills, head of the House Ways and Means Committee, to extract a pledge from U.S. Steel chairman Edwin H. Gott that the closing would in fact be temporary. Says Al Wellington, a vice president of the USW local at the Ohio Works: "Now that we have the word of such honorable people (as Messrs. Mills and Gott) we feel we have a chance to start up again."

Besides closely scrutinizing their own operations for possible pruning, at least some steelmakers may begin eyeing each other as merger partners, financial analysts believe. They say that such consolidations may be the only way to save the industry's weakest companies.

"If the National-Granite City deal goes through, I think you are going to find other mergers occurring in the industry," says Ted Gerken, vice president at Laird Inc., a New York-based brokerage house. "It would be very good for the industry, because steel companies all over the world are doing it" and presenting a more formidable competitive threat, he asserts.

A top official of the Steelworkers Union agrees. "I think there may be too many steel companies," he says. "I think you'll see some mergers."

A prospect more threatening to the union, however, is the increased possibility that American steelmakers will try establishing mills abroad. One big steel company looking into the possibility of a foreign mill concedes that anticipation of a major labor cost increase here was one reason for exploring the idea.

Armco Steel Corp. is far along on an investigation of building a mill in Australia that would ship semifinished steel to the U.S. for final processing. "Armco is convinced that good management dictates a move overseas for the production of semifinished steel," says an executive. This proposition has "passed the 'whether' stage—it's only a question of when such a move will be made," he adds. Though Armco isn't disclosing its timetable, observers believe the costly labor settlement will increase its interest, and that of other producers, in overseas production. Such a move, of course, would take jobs from the U.S. and threaten losses in the ranks of the USW.

USW officials concede they face a declining membership in the basic steel industry. "There will be fewer steelworkers," says one top official. Mill employment has been dwindling for many years. The steel industry's average number of hourly workers dropped to 403,000 last year from 458,500 in 1965. The USW has been able to offset this drop in its major membership group by enrolling more members in nonsteel industries and absorbing some smaller unions; currently, it has more than 1.2 million members.

THE FARM CREDIT ACT OF 1971

Mr. HART. Mr. President, these days we hear a great deal about the pressures of overpopulation and urbanization. Perhaps, part of the solution to those problems rests in new definitions, new uses, and an improved quality of life in our rural areas.

We can hope that with the Senate passage of the Farm Credit Act of 1971 on Thursday a step may now be taken toward that solution.

Looking at an ideal rural America, we would see lands and communities which would be able to accommodate a range of occupations and life styles. We would see a healthy balance between the economics of land and the wise and thoughtful use of it. We would see, in short, a balance between rural and urban areas with each contributing the best of its particular life style to meet human needs.

That is the ideal with the real at the opposite end. In between, it will take money. That is where the Farm Credit Act begins. By making credit more readily available, we can hope that housing needs may be more easily met. And we can hope that new people, young people, may once again become attracted to rural America.

A Farm Credit Administration report shows that during 1970, the system loaned Michigan farmers and farmer-owned cooperatives $191,623,466. Thus, many Michigan member-borrowers have already participated in the system. And many are family farmers who recall the system's stability during the depression while other credit sources failed.

The system's loss-sharing provisions not only seem to reduce some of the risk involved with the nature of the industry, but also seem to instill a sense of pride and unity. And now Michigan farmers and those in other States with more easily available credit can begin the job of diversifying agriculture and head for the ideal.

EXPLANATION OF VOTE ON LOCKHEED LOAN-GUARANTEE BILL

Mr. PACKWOOD. Mr. President, I would like to enter in the Record a few remarks to illuminate the reasons for my favorable vote yesterday on the Lockheed loan-guarantee bill.

First of all, I want to stress the fact that this new law provides for a guarantee of a private loan. We will not be lending Federal tax money to Lockheed. The Congress spent 2 months studying the proposal quite thoroughly. During the course of this study I made a series of observations that led, finally, to my voting in favor of the loan-guarantee. First, while Lockheed is not entirely blameless in this situation, a considerable part of the fault can rightly be laid at the seat of the U.S. Government, largely in the sphere of unworkable defense procurement policies and generally poor economic conditions.

Second, the final blow in a long series of misfortunes to befall Lockheed, came as a result of the failure of Rolls-Royce, the company that makes the engines for Lockheed's L–1011. This was an event over which Lockheed had neither control nor advance notice so as to order its affairs accordingly. Rolls-Royce's failure resulted in significantly increased costs to Lockheed.

Third, and most significant, there were the very serious economic consequences that would have accrued to the entire Nation had Lockheed been allowed to fail. The failure of Lockheed would have meant a long-term increase in unemployment of more than 60,000 workers. It would have meant severe economic hardship for untold hundreds of the thousands of small businesses that serve as suppliers to Lockheed. It would have caused additional serious difficulties for an already disastrously stricken airline industry. It would have meant the absolute waste of nearly $1.4 billion in investment on the L–1011 project. It would most probably have resulted in substantially increased costs to the U.S. Government in the form of renegotiated defense contracts. It would have meant a probable loss in Federal revenues of between $500 million and $1 billion. It would likely have meant a loss in revenues to State and local governments of a similar, if not larger, magnitude. At the same time revenues were falling, expenditures of all levels of government would have to rise to pay for the increased costs of unemployment compensation that would be paid to the newly unemployed.

Finally, the evidence indicates that the Federal Government will incur little, if any, loss in its guarantee of a loan to Lockheed. If Lockheed should fail to repay the guaranteed loan in spite of this final assist, the Federal Government will be first in line to secure its $250 million from the sale of Lockheed's considerable assets.

My decision to vote in favor of this loan guarantee was not reached lightly. I gave very serious consideration to the sincere advice I received from many Oregonians who counseled me to oppose this bill. On the basis of the evidence, however, I concluded that it was in the best interests of the Nation as a whole to approve the measure.

SMALL RECLAMATION PROJECTS ACT AMENDMENT

Mr. MOSS. Mr. President, on Saturday, July 31, the Senate passed the bill (S. 1026) to modernize the Small Reclamation Projects Act. This bill removes the requirement that irrigation be the primary purpose of a project, which will help solve some of the problems of irrigated areas that are in transition to urban and industrial uses of water. The bill also raises the total amount of money authorized for loans and increases both the size of the projects eligible and the ceiling on individual loans.

The bill touches the environmental impact of small reclamation projects and illustrates vividly the changing role of water development in the West. Its enactment will reduce waste and pollution of water, lower safety hazards in open or unlined ditches; aid in the conversion of row irrigation to a sprinkler irrigation system; share costs for fish and wildlife functions of small water developments projects, and develop additional water.

The bill has the strong support of the National Water Resources Association, and its small projects committee, which is headed by Doyle Boen of Hemet, Calif. Mr. Boen, together with Mr. Carl Bronn, executive director of NWRA, spent long and productive hours working on the legislation, and I take this opportunity to commend and thank them. Their longtime dedication to the Small Reclamation Projects Act is well known.

HUMAN WASTE DISCHARGES ONTO RAILROAD TRACKS

Mr. PERCY. Mr. President, it is unfortunate that all too often the justifiable clamor attending yesterday's very real problems fades for lack of continuing concern. I invite attention for the moment to the indignation and upset 2 years ago caused by revelations of a potentially serious health problem caused by the discharge of human wastes from railroad conveyances onto railroad tracks and surrounding areas.

After extensive newspaper concern and hearings conducted before the Subcommittee on Conservation and Natural Resources of the House Government Operations Committee, headed by Chairman HENRY REUSS, the Food and Drug Administration determined that action was warranted. On June 1, 1971, the Commissioner issued an order regulating such discharges from existing as well as new railroad conveyances. Regretfully, FDA apparently feels that the problem is not as serious as in fact the hearings showed it to be. Indeed, the FDA has proposed that carriers be given, in effect, more than 6 years—until December 31, 1977—to comply with its order.

My own view is that when the health and well-being of literally hundreds of thousands of railroad employees are concerned and when the health of the public generally may be vitally affected, this kind of delay is repugnant to the public interest. I note that this feeling is shared by consumer advocate Ralph Nader, who publicized this practice of indiscriminate dumping of wastes, as well as by former chairman of the National Commission on Product Safety, Arnold B. Elkind, who has championed through the years the right to safe working conditions for railroad workers. Corroboration also comes from the United Transportation Union which in a letter to Commissioner Edwards dated June 10, 1971, stated:

> It is not at all impractical to require that all new equipment placed in service after January 1, 1972, be equipped with the pollution prevention devices, nor is it necessary to grant an extension of time beyond December 31, 1974, for equipping existing equipment with these devices.

I have communicated these views to the Food and Drug Administration and in return have received a reply that I find unsatisfactory, indicating, among other things, that the "potential of this practice presenting a major health problem is slight."

Mr. President, I ask unanimous consent that my letter to Commissioner Edwards and that of the United Transportation Union, both requesting reconsideration of the FDA's earlier order, be printed in the RECORD, and that the response from the Food and Drug Administration also be printed in its entirety.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JUNE 17, 1971.

Hon. CHARLES C. EDWARDS,
Commissioner of Food and Drugs,
Food and Drug Administration,
Rockville, Md.

DEAR DR. EDWARDS: I have just received a copy of your Order of June 1, 1971, prohibiting the discharge of wastes from railroad conveyances, pursuant to the Public Health Service Act.

On the positive side, I am pleased to see that the proposed regulation has been changed to include *existing* railroad conveyances as well as new railroad conveyances.

I am, however, very much distressed to see that the compliance date for preventing discharges from existing railroad conveyances is set at December 31, 1974, with provision for an all-too-possible extension to December 31, 1977. Having spent most of my life in the business world, I am acutely aware of the need to set realistic lead times for the conversion of facilities and equipment. Notwithstanding that, my business insight confirms my commonsense judgment that the 3½ year stay, extendable to 6½ years, permitted by your Order is manifestly unreasonable in view of the imminent health and safety factors involved. I note that your own agency findings which preface the Order state that "The need for regulating such waste discharging has been clearly established." I would add that *clearly* the health and well-being of railroad employees and of the public generally cry out for more immediate implementation of this Order. Last year's hearings before the Subcommittee on Conservation and Natural Resources of the House Government Operations Committee corroborate that need.

I urge you to reconsider this matter and take whatever steps are deemed appropriate to correct the inordinate time lag between the date of this Order and its effective implementation.

As a footnote, one of the factors that led me to be the chief co-sponsor of the President's major proposals for executive reorganization was the persistent and justifiable outcry that I have heard over the years from my constituents in Illinois over the delay and untimely procedures of Federal agencies. The delay reflected in the Order of June 1, 1971, exemplifies what is wrong in government today. I can't help but regard this lack of timely action as being contrary to the public interest. As acting ranking minority member of the Senate Government Operations Committee, I intend to follow this matter closely.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

JUNE 10, 1971.

Hon. CHARLES C. EDWARDS,
Commissioner, Food and Drug Administration, Rockville, Md.

DEAR COMMISSIONER EDWARDS: The June 8, 1971 issue of *The Wall Street Journal* contained an article on page 14 beginning "The Food and Drug Administration adopted a regulation to rid the rails of most discharges of human wastes, garbage and other polluting materials from railroad trains."

Although we have not had the benefit of reviewing a copy of this regulation, the United Transportation Union would like to go on record in stating that we have supported, fought for, and will be in complete agreement with this and all regulations which will prevent disgusting and disease spreading pollution along the tracks of this Nation's railroads—the amount of which was estimated by the U.S. House of Representatives Committee on Government Operations to be equivalent to the sewage discharge of a city populated by 50,000 persons.

We agree, too, with Ralph Nader that this pollution should be stopped immediately, but we realize that as a practical matter, some time is required to equip cabooses, passenger cars and locomotives, or any other equipment used by rail and other personnel for waste retention or waste destruction devices. However, we believe the time limits provided for compliance by the railroads as reported in *The Wall Street Journal* are far too long. It is not at all impractical to require that all new equipment placed in service after January 1, 1972 be equipped with pollution prevention devices, nor is it necessary to grant an extension of time beyond December 31, 1974 for equipping existing equipment with these devices.

The United Transportation Union respectfully and urgently requests the Food and Drug Administration reconsider its regulations and issue new rules effective as set forth herein. This Country need not suffer from pollution which can be prevented easily by rules which your Administration has the power to place into effect and which are not impractical.

Respectfully yours,

AL H. CHESSER,
National Legislative Director,
United Transportation Union.

FOOD AND DRUG ADMINISTRATION,
Rockville, Md., July 9, 1971.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Commissioner Edwards has asked us to thank you for your letter of June 17 expressing your disappointment in the compliance dates for the prohibition of the discharge of wastes from existing railroad conveyances. Your attention and concern about this matter is greatly appreciated.

Several factors were considered in establishing the compliance dates including the recommendations of the House Committee on Government Operations. Below, for your information is an excerpt from the Committee's recommendations:

"The Committee therefore recommends as follows:

"1. The Commissioner of FDA should promptly publish a proposed regulation, and take appropriate steps to adopt it requiring that . . .

"(c) After December 31, 1974, no locomotive, caboose, passenger, or other car having toilet facilities shall be operated without effective equipment to prevent the discharge of untreated or inadequately treated human or other wastes therefrom, unless FDA authorizes extension of time to a railroad which clearly shows to the satisfaction of the FDA that it needs additional time to accomplish such retrofitting in order to prevent substantial disruption of its operations . . ."

Another factor that influenced the compliance dates is the formation of the National Rail Passenger Service Corporation. As you know, one of the major objectives of this Government Corporation is to revitalize the rail passenger industry. The Federal Railroad Administration, in speaking for the Corporation, stated that by Fiscal Year 1974 it is contemplated that the Corporation would be profitable and will have initiated an equipment renewal program. FRA consequently recommended the date of December 31, 1977, for full compliance in order to avoid refurbishing expenses on cars scheduled for replacement because the addition of such costs to a struggling operation would cause critical economic problems. And, if FDA did not accept the December 31, 1977 date, FRA recommended that consideration should be given to granting extension.

Admittedly, the health hazard of discharging raw human wastes will remain until full compliance with the Order. But, the potential of this practice presenting a major health problem is slight and this point has been made repeatedly in testimony by responsible health authorities.

Therefore, with all the factors of health, economic impact, and technological development being considered and weighed, it is our opinion that the dates established for compliance with this Order for existing rail conveyances is in the best public interest.

Please let us know if we can be of any further assistance.

Sincerely yours,

M. J. RYAN,
Director, Office of Legislative Services.

PAN AM MOVES TO PROTECT ENDANGERED WILDLIFE

Mr. HART. Mr. President, I am sure that many Senators share my alarm at the decimation of many species of wild animals. The problem is accentuated by the availability of increasingly rapid air transportation to remote parts of the world. It is my pleasure to bring to the attention of the Senate an announcement by Najeeb E. Halaby, president of Pan American World Airways, that Pan Am has joined with the World Wildlife Fund to help protect those animals now in danger of extinction.

Pan Am, according to Mr. Halaby's announcement, will not in the future offer or book any tours or in any way sponsor travel involving the killing of animals classified as "endangered species" by the World Wildlife Fund. This conservation effort by Pan Am is a welcome example of corporate awareness of the public interest. It is consistent with the sensitive qualities which marked Jeeb Halaby's years of public service.

Mr. President, I ask unanimous consent that Pan Am's press release announcing its new policy of helping to protect endangered species of wildlife throughout the world, be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

PAN AM ENDORSES WORLD WILDLIFE FUND PROGRAM

Pan American World Airways has initiated a new corporate policy whereby no tour programs involving killing of animals classified by the World Wildlife Fund as "endangered species" will be offered after August 31, 1971, Najeeb E. Halaby, President of the airline, announced.

"Pan Am's support of the World Wildlife Fund," Mr. Halaby declared, "is in keeping with corporate efforts to improve the environment and advance the cause of conservation." Pan Am is the first major travel organization to enter into this type of agreement with the World Wildlife Fund.

The World Wildlife Fund, Mr. Halaby noted, has designated more than 900 animals as being in danger of extinction, among which include alligator, cheetah, ocelot, kangaroo, Great Indian one-horned rhino, tiger, snow-leopard and Asiatic lion. Pan Am will not book any land arrangements or sponsor any brochures which would encourage the killing of these animals.

The airline will continue to sponsor tours featuring hunting or fishing of species not listed as endangered or near extinction throughout the world. In addition, Pan Am is actively promoting the growth of photographic safari tours in Africa and other parts of the world in cooperation with the Fund and major tour operators.

Mr. Halaby noted that in addition to those species designated as endangered by the World Wildlife Fund, Pan Am and the tour operators it works with strictly observe local laws protecting its species. Pan Am realizes that carefully managed hunting is considered in some cases an important part of conservation.

The World Wildlife Fund, an international nonprofit organization, founded in 1961, is committed to a global program of conservation. The Fund has focused attention to the need to safeguard wildlife and has succeeded in setting aside 400,000 acres for conservation.

JAPANESE STUDENT VISITORS

Mr. MOSS. Mr. President, yesterday it was my privilege to welcome 13 outstanding young Japanese students to my Senate office for an enjoyable and warm discussion and exchange of ideas. I was especially impressed by the response of my intelligent young guests.

This is the 9th year my home State of Utah has cordially received Japanese students participating in a travel program jointly sponsored by the Nagoya Broadcasting Network and the University of Utah. In 1963, former University of Utah President, Dr. A. Ray Olpin, one of Utah's foremost educators and citizens, learned of the Nagoya Broadcasting Network's desire to sponsor a travel program to the United States for outstanding Japanese students. Dr. Olpin's vision and grasp of detail in cooperation with the university and the NBN, have produced an unusual exercise in international goodwill.

Many Utah families participate with the University of Utah in introducing our Japanese visitors to American customs and culture. During their stay in Utah, these young men have engaged in informal seminars conducted by the University of Utah on American customs, language, politics, and social institutions. They have also admired Utah's unequaled scenic grandeur, visited historic Temple Square, listened to the world-famous Tabernacle Choir, toured the world's largest open-pit copper mine in Bingham Canyon, and enjoyed the warmth and association of living with Utah families.

Utahans gain much from hosting such well-educated students. These young men grant freely of their knowledge and experience of Japanese culture and heritage. On their last evening in Salt Lake City, it is traditional for the students to perform skits illustrating Japanese life and humor, demonstrate Japanese skills in judo and karate, show colorful films of their homeland, and delight their hosts with the singing of Japanese folk songs.

Mr. President, I extend a warm welcome to these outstanding students from Japan to the United States, and wish them a continued enjoyable and profitable visit. I also commend the sponsors of this outstanding program that is so successfully promoting understanding and fellowship between the Japanese and American peoples.

FEDERAL YOUTH CENTER

Mr. COOK. Mr. President, as ranking Republican on the National Penitentiaries Subcommittee of the Judiciary Committee, I am always interested in learning of innovative techniques in the field of criminal rehabilitation.

The rehabilitation and counseling of the young people in our juvenile institutions is especially important since oftentimes, without such guidance, the young man or woman will embark upon a lifetime of criminal activity. We desperately need realistic programs of rehabilitation coupled with dedicated, conscientious administrators if the lives of these young people are to be successfully reshaped. In this vein, I invite the attention of Senators to the health services training program under the direction of Mrs. Jane Light at the Federal Youth Center in Ashland, Ky. Mrs. Light epitomizes the type of concerned, compassionate correctional worker that we must have in the Nation if our correctional systems are to succeed.

Mrs. Light recently submitted a most perceptive paper to the U.S. Public Health Service Clinical Society in Galveston, Tex. The paper outlines the significant work in which Mrs. Light and others are engaged at the Federal Youth Center. I ask unanimous consent that the text of her paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

PREPARING YOUTHFUL OFFENDERS FOR THE PARA-MEDICAL PROFESSIONS

(By Jane Light)

This program has been conducted at the Federal Youth Center, Ashland, Kentucky, where the all male population averages 19.9 years of age. Because public offenders as a group experience difficulty in finding employment, this pilot para-medical training program may provide a partial solution to the youthful offenders' dilemma and concurrently deliver needed health services.

BROAD BEHAVIORAL OBJECTIVES

1. Given 10 weeks of nursing assistant's training, releases living in metropolitan areas can secure related employment.
2. Given two interviews (one prior to entry and a second at termination of training) the trainee will indicate higher levels of aspiration and self-concept at the completion of course.
3. A 10 week term of intensive training is sufficient to provide an entry level skill as a para-medical.
4. Incarcerated individuals will demonstrate empathy towards confined patients.

Minority group members are disproportionately represented in the offender population; however, of the total number of trainees, 35% were from minority groups. An innovative effort was made to create a learning environment for persons indigenous to the inner-city. Devious methods, e.g., manipulating the variables via role playing and built-in cheating (mechanisms), provided a milieu for subsequent learning media.

SOCIALIZATION

Realizing that the youthful inmate is living in an unnaturally structured, artificial environment, it is felt that the stimulus of a more natural situation will help the student to relax and respond in a normal manner, thereby allowing the instructor to observe his personal, emotional and behavioral needs.

Social gatherings are held intermittently. The table is decoratively set with napkins, table cloth, and refreshments are served. Music appropriate to the age group is always provided.

Because interaction with all types of individuals is an important component in para-medical work, especially within a demanding hospital setting, it is felt necessary to stress training in interpersonal relationships. The youthful inmate is normally inadequate in this role because of earlier environmental inadequacies.

Character traits become more obvious within the relaxed atmosphere. Evidence of shyness, aggressiveness, bravado, hostility, passivity, naivete, and situational acceptance are noted. Previously developed undesirable relationships which are problems are ameliorated by these socializing efforts.

The socializing experiences enable the instructor to establish a frame of reference, within which to teach on a more individual basis and to help in assessing readiness for pupil pairing.

PAIRING

A student who becomes proficient in a skill is paired with one who shows a weakness in the same area, thereby improving the skill of the weaker as well as increasing the interest and demonstrable ability of the more proficient.

If a student displays discomfort working with fellow inmates, he is assigned to work with Simon (a life-like mannequin) until he can become more objective. Later, he is encouraged to work with an inmate with a stronger self-image than his own. This kind of experience enables the trainee to develop more objectivity in acquiring the skill, reporting the results, and achieving desired behavioral objective.

Early behavior shows hesitancy toward class participation, particularly when personalities conflict as a result of problems on the compound.[1] Fear of ridicule by peers as well as teacher disapproval of slowness and awkwardness of performances are also disturbing issues.

Pupils are encouraged to test and demonstrate skills in which they have acquired proficiency until sufficient self-confidence is developed to enable them to accept constructive criticism and practice in weaker areas of their skills.

They become noticeably less agitated as they see peers perform poorly in areas in which they show more proficiency, and become less critical of others when they find areas in which their own skill weaknesses are more obvious.

As the students acquire minor skills, they become motivated to practice behavior techniques requiring a higher degree of learning, such as vital signs,[2] assisting in surgery, catheterizations, etc.

ROLE PLAYING

Students are assigned roles which are described in writing and distributed with no warning or time for preparation. Each is asked to assume the described role (character) and improvise a suitable dialogue.

Characters are chosen to represent the individuals one might encounter in a hospital setting. The characters represent the doctor, head nurse, experienced nursing assistant, untrained assistant, demanding patient, members of the patient's family, unruly visitor, etc. Only the nurse and doctor are told the nature of the patient's illness.

This affords the student an opportunity for self-expression and self-knowledge as well as providing a media for the use of medical knowledge, terminology, and techniques; it is also effective in reducing discomfort and fostering self-confidence in making rapid decisions frequently required in demanding hospital activity.

The role-playing sessions are video-taped and played back to the class. The group responds by finding errors in skill techniques and recognizing self-deficiencies in areas of appearance, speech and affect.

As both competency and inefficiency become evident as a result of viewing the sessions, there is freer discussion with interjected interest and humor; a sense of shared-meaning develops.

Limitations of practice are spelled out to the student. His status and hospital role are pointed out verbally and graphically in order to prevent misinterpretation either of the program or of future job placement goals and expectations.

Expectations and responsibilities are also clarified regarding the patient as well as hospital staff in order to place the role of a Nursing Assistant in its proper perspective for the trainees.

Members of the student body characteristically mistrust each other. This behavior might be explained by the abnormally large body-buffer zone.[3] This must always be considered by the instructor in the correctional setting as she establishes educational goals. Learning opportunities, or vehicles which are used to reach the goals desired, must of necessity, be determined with this mistrust in mind.

The goal being sought in the following exercise is to impress the student with the need to inform patients of the processes in which the patient is involved. This explanation is one way of allaying the confined individual's fear and anxiety.

Role-playing is the teaching technique utilized to achieve this educational goal. The role to be acted out is as follows: (1) one student is to play the part of a blind patient in a wheel chair being moved from one point of the hospital to another part for purposes of medical procedures; (2) another student is to fulfill the nursing role; not only aiding in the transportation of the patient but also providing verbal assurances by sharing knowledge of what is going to happen and occasional sensory (touch) assurances.

This is somewhat simple a procedure in conventional nursing training. With a minimum of apprehension the patient's role can be performed; there is more apprehension on the part of the person playing the nurse's role because her work is subject to scrutiny and constructive criticism.

Within the correctional setting the apprehension aroused in students portraying the blind patient is often more than they can tolerate. This is particularly true when they are the patients, and their peers assume the nurse's role. Their reactions in fulfilling the patient's role when the civilian instructor plays the role of the nurse approximates that of nursing students learning their technical tasks in the normal community.

Some of the manifestations of mistrust exhibited by the youthful inmate playing the role of the patient when fellow students fulfilled the nurse's role are as follows:

1. Obvious uneasiness when blindfolded. This is expressed in forms of excessive talking, perspiring and complaints of the degree of tightness of the blindfold.
2. Objections to having the wheel chair touched by another student.
3. Requesting, by name, the person he wishes to play the nursing role.
4. Objections to an unknown nurse pushing the chair unless accompanied by a third party whom he can name.
5. Refusal to be moved without the accompaniment of the instructor.
6. General, obvious relief when the blindfold is removed.

In general discussion following the group experience, emphasis is placed on the need for visual and sensory reinforcement of patients who display mistrust and who perhaps have developed these attitudes because of inability to see or adjust to unfamiliar surrounding which might be prevalent in any institutional atmosphere. Due to the student reaction to these roles and the instructor's observations, the class becomes cognizant of the patient's needs and displays genuine empathy toward the hospitalized patient.

Tests provided in the H.R.E.T. Training Manual are administered and informal teacher-type tests and situations are created to evaluate the acquisition and retention of skills. 94% of the students attain the desired performance level.

CONCLUSIONS

1. Given 10 weeks of nursing assistant's training, releasees living in metropolitan areas can secure related employment.

Analysis: Fifty-one (51) students have completed the 10 weeks of nursing assistant's training, and twelve (12) students are presently enrolled. On the basis of their ten (10) weeks training, six (6) releasees are now employed as nursing assistants in six (6) cities in six (6) different states. Five (5) former students have applied for employment to hospitals in metropolitan areas and have received applications for positions upon release.

2. Given two interviews (one prior to entry and a second at termination of training) the trainee will indicate higher levels of aspiration and self-concept at completion of class.

Analysis: Both interviews are similar in that specific questions as to educational background and future goals are employed. Initially the aspirations are confined to a day-to-day existence with no meaningful plans for the future. Often personal appearance is neglected. Communicative skills are noticeably lacking and self-concept is often polarized in that the inmate is not realistic in his ability to achieve.

Either the student's introspective attitude is blown out of proportion or he feels totally inadequate. Gradual changes are observable throughout the ten (10) week program. Terminal counseling reveals a better groomed young man whose verbal skills are improved both with his peers and with professionals. In the area of their training many display a more realistic attitude toward their capabilities and limitations. At the end of training, several students who exaggerated their abilities remained at entry level proficiency, while others exceeded their former levels of aspiration.

Some students requested special training and were accepted in the M.D.T.A. training program at the Springfield Medical Center as O.R. Technicians, Prosthetic Appliance technicians, and Medical Housekeepers. One trainee entered a school of X-Ray technology in Ohio. G.E.D.'s were obtained by 43 students.

Five (5) students were motivated to enter Project Newgate (a college preparatory program offered at this institution).

3. A ten (10) week term of intensive training is sufficient to provide an entry level skill as a para-medical.

Analysis: Sixteen (16) students have been assigned to the F.Y.C. hospital as nursing or dental assistants upon completion of their training. The medical staff feels these employees perform adequately. Six (6) releasees have been employed as nursing assistants.

4. Incarcerated individuals will demonstrate empathy towards confined patients.

Analysis: Physical limitations of confinement are indigenous to all types of institutions. An individual who has experienced this trauma naturally displays rapport with those in similar situations because his freedoms have been limited, he can identify with a hospitalized patient whose physical disabilities prevent normal activities. During this period his role becomes reversed and he becomes the protector of those patients using his understanding of the anguish of confinement. Sympathetic behavior is evident particularly when nursing assistants work with emotionally disturbed patients in locked rooms and with immobile post-operative patients. Often self-centered trainees display altruistic tendencies in routine nursing procedures. Special small favors (e.g., carrying milk and juices) and giving moral support which they themselves have often been de-

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Footnotes at end of article.

nied, seem to be a more important part of considerate nursing care.

This program has been conducted at the Federal Youth Center, Ashland, Kentucky, where the all male population averages 19.9 years of age. This pilot program appears to provide effective vocational training for youthful offenders. Those who participated were trained in needed health services and now have marketable entry level skills which can be utilized by hospitals and other areas of community medicine.

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FOOTNOTES

[1] Examples of such problems include homosexuality or fear of being accused of feminity. (e.g., using the proper method of body mechanics to pick up a coin, or choosing a partner for bed baths).

[2] Temperature, pulse, respiration, and blood pressure.

[3] Augustus Kinzel, M.D., *Body Buffer Zone in Violent Prisoners*, cited in American Journal of Psychiatry, Vol. 127: 1. July 1970.

GENOCIDE: THE WORLD AS STAGE

Mr. PROXMIRE. Mr. President, the distinguished actor Richard Burton once remarked that he had discovered a faultless way of gaining the audience's attention while he was standing on stage amidst a moving crowd. Mr. Burton found that if he stood absolutely motionless and silent, the eyes of the audience would inevitably pick him out of the crowd and dwell at length upon his presence.

It is my contention that this condition is true not only of individual actors, but also in regard to nations and governments. Seventy-five sovereign nations have ratified the Genocide Convention, but unfortunately the United States is not one of them. As a result of this situation, we are the most prominent member of the United Nations which has not yet agreed to join in the international agreement, which declares genocide a despicable crime in the opinion of mankind.

But what of mankind's opinion? What should other nations think of the lone superpower in the U.N. which declines to commit itself publicly against the crime of mass murder?

I do not wish to leave the impression that I suspect the United States of hiding anything from the eyes of the world. In spite of irresponsible charges to the contrary, the United States is not guilty of the horrendous crimes which would be punishable under the Genocide Convention. But our official silence leaves us suspect in the eyes of the world. As the Honorable Arthur Goldberg has eloquently stated:

> Our failure to adhere to this Convention is an unnecessary diplomatic embarrassment . . . When I was United States Ambassador to the United Nations, I was often asked to explain our failure to ratify the Genocide Convention. Frankly I never found a convincing answer. I doubt that anyone can. At a time when our commitment to human rights is being questioned by some of our own people and by others overseas, it is particularly important that we ratify a treaty so thoroughly consistent with our national purpose. A continuing dedication and reaffirmation of the humane principles of our Bill of Rights and Constitution is very much in order.

Mr. President, it has often been said that actions speak louder than words. But I would add that there are also occasions when nonaction speaks louder than action. The United States is conspicuously silent on the issue of the Genocide Convention; I therefore submit that it is time for the Senate to shout a loud assent and join the other nations on the world stage.

EXECUTIVE SECRECY

Mr. FULBRIGHT. Mr. President, Miss Mary McGrory is one of the most knowledgeable observers of the American Government. Her column of July 30 in the Washington Star is an exceptionally penetrating analysis of a complex and important problem facing Congress.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A UNITED FRONT FOR EXECUTIVE SECRECY

(By Mary McGrory)

The only way Congress is going to get a peek at the secret papers of the Executive department, it seems, is for Daniel Ellsberg to capture another batch and publish them in the New York Times.

Two unrepentant veterans of the Kennedy-Johnson State Department stoutly defended the president's right to keep Congress in the dark before Sen. Sam Ervin's subcommittee on the Separation of Powers, which is engaged in what looks like a futile effort to persuade the White House to tell Capitol Hill what is going on before bombs are dropped and nations invaded.

Former Undersecretary William P. Bundy and former Secretary of State Dean Rusk presented a united front for executive secrecy, past and present. If either of them has read the Pentagon papers—Bundy is a conspicuous contributor—he gave not the slightest sign. If either of them has changed his mind about the war or his part in it, he chose to make no public confession.

In fact, Bundy, brother of McGeorge, son-in-law of Dean Acheson, an ex-secretary of State whose contempt for Congress is celebrated, made it plain he had not come to apologize, but to patronize. It was a rather breathtaking exhibition of figure-skating on ice that has so recently fallen through.

NO PROSPECT

The committee made no protest as Bundy informed Congress that if it wanted more information—and he graciously conceded it does get enough—it had better straighten up.

If Congress were to establish some procedure whereby it would promise not to tell, if Congress would "focus on the end actions rather than on the process and the personalities," it might deserve to have some better idea of what is going on.

Nobody questioned him about his most striking entry in the Pentagon papers, No. 84, written on November 5, 1964 at the time of Lyndon Johnson's triumph as the "peace" candidate. In it he outlined "a maximum use of the Gulf of Tonkin rationale for action that would show toughness and hold the line 'til we can decide the big issue, or as a basis for starting a clear course of action under the broad options."

In it Bundy demonstrates the disposition to manipulate the Congress like Play-Do, which the subcommittee is supposedly trying to correct.

"Congress should be consulted before any major action, perhaps only by notification . . . or preferably by careful talks. . . . Query: If it should be combined with other topics (budget?) to lessen the heat"

"Only by notification" was the course decided upon, in secret, and "only by notification" is the tradition followed by the Nixon administration.

Not being called upon to explain anything, Bundy boldly pressed on to suggest "in all bluntness," as he said before every bureaucratic remedy, that Congress would do well to cultivate assistant secretaries.

"Senators might considerably benefit if they were able to establish relations at the assistant-secretary level," he observed. One wonders what would have happened if Sen. Fulbright had sought out Bundy, during those years when Bundy was writing the grand momoes about "getting solid performance out of the government of South Vietnam."? Would Bundy have assigned an assistant to brief him?

The trouble in the Nixon State Department is that even the secretary does not know what is going on. All great affairs, especially "Journeys for Peace," are in the hands of Henry Kissinger. So the advice seemed as irrelevant as the rest of his testimony.

Dean Rusk, who followed Bundy to the stand, suggested that senators go ask the Secretary of State about the China trip if they are so curious.

The only mention of the undeclared unpleasantness in which the pair had been so deeply involved was made by Sen. Charles Mathias, R-Md., who politely inquired of Rusk if he felt that "Congress was advised as fully as it should have been with respect to the circumstances involving the episode and the intention of the Executive branch to utilize the powers in that resolution?"

RUSK DEFENDS LBJ

The imperturbable Rusk, now a teacher at the University of Georgia, put his broad shoulder to the familiar wheel of defending Lyndon Johnson and all his works.

There were "hundreds and hundreds of contingency plans," and the President had "no plans to widen the war in August 1964." And as proof, Rusk said Johnson "had not done so with ground troops until nearly a year later—and the air war, a month later."

"I would say sir," he concluded contentedly, "there was no deception at that time."

Rusk had nothing to blush for in the Pentagon papers. He is not a writing man. Not a syllable with his name appears except on a joint report with Robert S. McNamara. As for Bundy, his style and substance, are being amply recognized by the foreign-policy establishment. He is slated to become editor of the Foreign Affairs Quarterly, where presumably Congress can read how to make itself worthy to find out what assistant secretaries of State see fit to tell them.

UTAH'S STAKE IN REVENUE SHARING

Mr. MOSS. Mr. President, in a recent speech, I warned that the Nixon administration's general revenue sharing program could cost the State of Utah some $5 million in lost revenue. Proponents of the administration's program have since predicted that the adoption of the Nixon proposal would result in a $20 million bonus for Utah. After a careful analysis of the mathematics behind this predicted bonus, I am convinced that it is a financially accurate as President Nixon's prediction of a balanced budget in fiscal 1971.

Proponents of general revenue sharing have produced a "bogus" bonus by means of deceptive calculation in order to encourage Utahans into accepting the Nixon package.

First, proponents based their calculations on only "20 major social programs" supported by Federal money. Of the remaining 78 grant-in-aid programs, Utah receives a percentage share which is much greater than the share it would receive from general revenue sharing. My previous Senate statement on this subject cited fiscal 1969 figures to the effect that Utah received 0.68 percent of all Federal grants in aid. The latest available figures for fiscal 1970 reveal that Utah's percentage share of all Federal grants-in-aid has increased to 0.72 percent. This significant increase means that the State of Utah could now lose $2 million more than my earlier prediction. Assuming that future increases in categorical grants would be replaced by a general revenue program, the Nixon's revenue sharing package could cost the State $7.5 million in the first year of operation alone.

Finally, proponents of general revenue sharing grossly overexaggerated the amount of money the administration plans to provide for revenue sharing. The base figure of $14.6 billion which is used in calculating this supposed $20 million Utah dividend is grossly inflated. President Nixon's proposal calls for an allocation of $5 billion to be channeled into general revenue sharing. The administration has never suggested that $14.6 billion would be available for revenue sharing. According to long-range projections, $10 billion is slated to be appropriated for general revenue sharing in 1980, but even this is far short of $14.6 billion.

Mr. President, I should like to stress that I favor the concept of revenue sharing. I am opposed, however, to a formula currently proposed by the administration that has the potential of depriving my State of $7.5 million in its first year of operation. I also am opposed to the deceptive maneuvering used by proponents to sell the administration's package to the people of Utah.

TRIBUTE TO KING CONSTANTINE OF GREECE

Mr. PELL. Mr. President, at this time as the tragedy and anguish of Greece tends to be moving off the front pages, I believe it is in order to pay tribute to King Constantine, a sovereign who refused to become a gilded prisoner in his palace, who refused to serve as a front for a regime which he knew was against the wishes and interests of his people. There are not many sovereigns who would have the forthrightness and bravery to lead an effort to return the power to the people of his country. But King Constantine had that courage and sought to take this initiative.

He has been in exile in Italy for several years, now. He has sought to make good use of his time. He has completed his education at Cambridge and followed closely the affairs of his beloved country and of the world around him.

On a BBC television interview on January 19, 1968, he told what his father had said to him, that—

> The King of Greece has to represent what is highest in his people, what is the best in his people, and by doing that, he can really do his job well.

I am glad that our own Ambassador to Greece, Henry Tasca, has finally called upon the King in Rome. I only wish that our administration had instructed him to do so earlier. Actually, at the time of his visit, I believe that he was the only Ambassador of the North Atlantic Treaty Organization member nations who had not called on the King.

In the future, I would hope that the administration would refurbish its ties with King Constantine and that there would be more close and official relations between him and our Government.

What King Constantine wishes to achieve is self-determination for the Greek people. I would hope that we would work hard toward that end.

THE FLOOD OF TEXTILE IMPORTS

Mr. TALMADGE. Mr. President, I invite the attention of the Senate to an excellent editorial published in the Macon Telegraph of July 30, 1971. The editorial deals with the laying off of 400 employees by J. P. Stevens & Co. at its Milledgeville, Ga., plant.

This is a matter of great concern to me. Only last Friday I brought this matter to the attention of the Senate, calling for positive, concrete action.

The flood of textile imports has added more people to the ranks of the unemployed. Last year 100,000 American jobs were lost as a result of foreign textile imports. When are we going to act to prevent this tragedy to American workers and the American economy?

I believe the time has come to put America and American industries first. Congress must act to draw the line on textile imports and give our people a fair chance to work and compete.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Congress Should Give Protection to Textiles

The decision of J. P. Stevens and Co. to lay off 400 employes of its Milledgeville plant is, of course, bad news, but it is hardly surprising, viewing the current plight of the textile industry.

The company said the cutback was due to "consistently weak market conditions directly attributable to imports of foreign fabrics and apparel."

The textile industry is a major one in Middle Georgia. J. P. Stevens, Bibb Manufacturing Co., and smaller operations employ thousands of persons. When personnel must be released, the effect is felt not only by those directly affected but by the whole area. There is less money to spend, merchants sell fewer goods, and so on.

Other textile plants have had to curtail operations in recent months and some have reduced manpower, but the Stevens announcement is the most dramatic example so far of the industry's tribulations.

An overall economics slump that is felt across the nation must take part of the blame for the textile industry's troubles. But a more specific problem, and one we are more capable of solving, is the imports of woolen and man-made textiles from Japan.

President Nixon has rejected a Japanese textile industry offer to limit voluntarily exports to this country, viewing the offer as unsatisfactory. The same view of the Japanese offer was taken by Sen. Herman Talmadge, who called it "a sham." The Textile Workers Union of America at the same time said the Japanese proposal, invoking a 1970 base period, actually would allow the permissible level of exports to the U.S. to rise by 40 percent.

At the same time he rightly turned down the Japanese offer, the President said he would propose new legislation to roll back imports to their 1965 level. A similar measure passed the House last year but died in the Senate.

The need for the legislation has been demonstrated. Congress ought to waste no time passing it.

EXECUTIVE PRIVILEGE

Mr. ERVIN. Mr. President, on July 27, 1971, the Judiciary Subcommittee on Separation of Powers began a series of hearings upon the controversial subject of executive privilege. At the beginning of the hearings, I made an opening statement relating to this matter.

I ask unanimous consent that my statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Opening Statement of Senator Sam J. Ervin, Jr., Chairman, Subcommittee on Separation of Powers of the Committee on the Judiciary, at Hearings on Executive Privilege

The hearings the Subcommittee on Separation of Powers begin today concern the exercise of so-called "executive privilege"—a practice which touches the heart of the separation of powers doctrine.

The term "executive privilege" is most commonly used to refer to a situation where the executive branch of the government refuses to divulge information requested by the Congress. It is a term used more often by members of the legislative branch and by scholars than by the members of the executive branch who willfully withhold information. As I use the term, it refers to the withholding of any kind of information from any persons, be they members of the Congress, or members of the taxpaying public.

The Subcommittee has studied the subject of executive privilege for the past four years. However, the current in depth inquiry has attained special significance because of the recent controversy surrounding the publication of the so-called "Pentagon Papers" and the subsequent Supreme Court decision in the *New York Times* and *Washington Post* cases; that controversy brought the issue sharply into focus in the public mind, but did not trigger these hearings, which were scheduled well in advance of the furor arising out of the publication of the Pentagon study.

At issue in these hearings are conflicting principles: the alleged power of the president to withhold information, the disclosure of which he feels would impede the performance of his constitutional responsibilities; the power of the legislative branch to obtain information in order to legislate wisely and effectively; and the basic right of the taxpaying public to know what the government is doing.

These opposing principles have clashed in virtually every administration since the legislative branch undertook an investigation of the St. Clair Expedition during George Washington's first term as President. Without questioning the propriety of the investigation, President Washington asserted:

First, that the House was an inquest, and therefore might institute inquiries. Second, that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit and ought to refuse those, the disclosure of which would injure the public: consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President.

In spite of his contention that the Executive possessed the discretionary power—or duty—to refuse to communicate any information "the disclosure of which would injure the public," all of the St. Clair documents were turned over to the Congress.

There is ample precedent for the contention that Congress has the power to institute inquiries and exact evidence. "The power to legislate carries with it by implication ample authority to obtain information needed in the rightful exercise of that power and to employ compulsory process for the purpose . . ." *McGrain* v. *Daugherty* 278 U.S. 165 (1927).

Although the Constitution is silent with regard to the existence of executive privilege, its exercise is asserted to be an inherent power of the President. Its constitutional basis allegedly derives from the duty imposed upon the President under Article 2, § 3 to see that the laws are faithfully executed. The President claims the power on the ground that it is necessary in order to provide the Executive branch with the autonomy needed to discharge its duties properly. Inasmuch as the "President alone and unaided could not execute the laws . . ." but requires "the assistance of subordinates" (*Myers* v. *U.S.* 272 U.S. 117 (1926)), the alleged authority to exercise executive privilege has thereby been extended in practice to the entire Executive branch.

In theory, the release of information within the Executive branch is governed in part by Executive Order No. 10501, issued by President Eisenhower, and amended by him in Executive Order No. 10816, and by President Kennedy's Executive Order No. 10964. Essentially, these orders establish a system of security classifications which would restrict the release of information of defense matters that might cause injury or embarrassment to our National defense or our relations with foreign nations. Such orders are not authority to assert executive privilege, but they simply forbid or restrict disclosure of classified material.

President Kennedy attempted to end the practice of delegating to employees of the Executive branch the authority to claim executive privilege. In a letter to the House Foreign Operations and Government Information Subcommittee in 1962, he stated that the basic policy of his administration would be that "Executive privilege can be invoked only by the President and will not be used without specific Presidential approval." Presidents Johnson and Nixon have reaffirmed this policy of limiting the exercise of executive privilege to the sole discretion of the President. Thus, theoretically, procedures have been instituted in the Executive branch which would place the ultimate decision and responsibility for the exercise of the practice with the President. However, throughout my years in the Senate, I have learned that there is a great discrepancy between theory and practice.

The asserted doctrine of executive privilege has developed unrestrained. In the absence of any Congressional statutory authority or constitutional grant of the power, the will of the Executive has been substituted for legislation in the field, and Congress has been powerless in its attempts to compel the release of information from the Executive branch. Nor have the courts given any definite guidance on the issue, although the *Reynolds*[1] and *Curtiss-Wright*[2] cases do contain some dicta relating to the problem.

The assertion of "executive privilege", or the power to withhold information, written and spoken, from Congress and the public under the assumed "inherent executive power," must, I think, be viewed in the context of the slow but steady aggrandizement of power in the presidency throughout our history, a phenomenon which has been seriously and sensitively treated by numerous political and legal scholars. During recent years, the Subcommittee has focused its attention on several examples of this trend—the so-called "Philadelphia Plan," instituting quota hiring requirements on Federal contractors in clear contravention of the 1964 Civil Rights Act; the misuse of the pocket-veto power by the President; and Presidential impoundment of appropriated funds, to mention only three instances. The consequence of the increased potency of the Executive branch is that it is able to make the most crucial and portentous decisions without any system of formal "accountability" for the exercise of such powers. The net result has been a progressive erosion of the principle of the separation of governmental powers.

In all candor, we in the legislative branch must confess that the shifting of power to the Executive has resulted from our failure to assert our constitutional powers. Other than sporadic complaints by some Members and Committees of the Congress, we have done little to prevent the Executive from withholding information when, in its sole discretion, it determined that it was necessary—or politically desirable—to do so. Moreover, through the almost unlimited delegation of the power to the bureaucracy, Congress has actively encouraged the aggrandizement of Executive power. Finally the Executive branch has access to and availability to information which the Congress cannot possibly match, and further has asserted the discretionary authority to employ that data in performing its myriad tasks. The result is that, as Charles A. Horsky said in 1952, we have developed a "government of men, not of laws."

There is no express language in the Constitution permitting the exercise of executive privilege. Its development, as I have noted, must be ascribed to the practical truth that vacuums, be they in nature or in the governmental structure, will be filled. Where the Congress has failed to assert its rightful power, the Executive has stepped in and filled the vacuum.

However, the practice of executive privilege, it seems to me, is clearly in contravention of the basic principle that the free flow of ideas and information, and open and full disclosure of the governing process is essential to the operation of a free society. Throughout history rulers have invoked secrecy regarding their actions in order to enslave the citizenry. A government whose actions are completely visible to all of its citizens is a government which best protects the freedoms which the Founding Fathers attempted to embody in the Constitution.

Moreover, it is clear that the invocation of executive privilege is contrary to the spirit, if not the letter, of the Freedom of Information Act (5USC 552), which was passed by the Congress with the express purpose of expanding to the fullest practical extent the full disclosure to the public of the actions of the government. It also can be argued with some cogency that the practice contravenes the philosophical thrust of the 1952 Supreme Court case of *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 US 579 (1952), where the court invalidated President Truman's seizure of the steel mills by Executive Order. The several majority opinions in that case clearly indicate that Congress is a co-equal branch of the Government, and that its prerogatives may not be usurped or impeded by actions of the Executive branch. The refusal to make information available to the Congress when needed for its legislative functions is inimical to the power of the Congress to fulfill its legislative duties.

Beyond the penchant for maintaining secrecy through the invocation of executive privilege, there is a more generalized attempt to withhold information through the classification system, the infirmities of which were so clearly reflected in the recent furor over the Pentagon papers, and through the simple failure or refusal to disclose data which is of potential use or interest to the public in general. Through the use of the devices of secrecy, the government attains the power to "manage" the news and use it to manipulate public opinion. Such governmental power is not consonant with a nation of free man, and must be curtailed.

Additionally, when the people do not know what their government is doing, those who govern are not accountable for their actions—and accountability is basic to the democratic system. In effect, those who govern are insulated from the effects of their actions, and the populace is precluded from obtaining the knowledge that is necessary to control the actions of the government in the manner envisioned by the Founding Fathers.

Thus the exercise of the assumed power of executive privilege is of basic importance to our governmental system, and the ramifications of a growing policy of governmental secrecy is extremely dangerous to our freedoms.

The Subcommittee was mindful of these dangers when it initiated its study on the subject. We have found that our nation's history is replete with examples of congressional demands for information which have been countered with the invocation of executive privilege or some other bureaucratic excuse for withholding information. These examples have been amply documented in a number of excellent law review articles and in certain congressional publications; I shall not review them at this time. During the past month, however, I have requested every member of the Senate to supply the Subcommittee with examples of recent instances of executive withholding of information. The responses indicate that withholding is widespread and extends to the control of unclassified information as well as information withheld in the name of national security.

One such glaring example was submitted by Senator William V. Roth, who during his first term as a member of the House, conducted a survey of all Federal domestic assistance programs and compiled the information into an excellent compendium of simplified and consolidated guidelines, access requirements, and programs available for Federal assistance. Even though most departments and agencies responded quickly to his request for data, Senator Roth stated that he "met with much unexpected resistance . . . from the Departments of Agriculture and Health, Education, and Welfare." Although HEW never formally invoked executive privilege, the Department refused to comply with parts of his requests on the grounds, inter alia, that:

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[1] 345 U.S. 1 (1953).

[2] 299 U.S. 304 (1936).

It would take too long to process the request.

That HEW programs and personnel change so rapidly that the information would be obsolete.

The Department of HEW has such vast broad authority in the implementation and evolution of its program that it is difficult to describe precisely each and every one.

After being frustrated in his efforts for nearly a year, Senator Roth was able to pry the information from HEW only after he received the assistance of the Bureau of the Budget.

As Chairman of the Subcommittee on Constitutional Rights, I have for some time attempted to secure information pertinent to our study of army surveillance and data bank programs which infringe on the privacy and First Amendment rights of citizens. While some of my requests for information and for the appearance of certain witnesses have been granted, the most important have been denied for the following reasons:

". . . we are precluded by consistent Executive branch policy from releasing to the public." (J. Fred Buzhardt, General Counsel, Department of Defense).

"Inappropriate to authorize the release of these documents." (Melvin Laird, Secretary of Defense).

"This information is solely for your use in conducting your inquiry." (R. Kenly Webster, Acting General Counsel, Department of Army).

"The records . . . cannot be obtained without an inordinate expenditure of time and effort." (R. Kenly Webster, Acting General Counsel, Department of Army).

"No useful purpose would be served by a public report on the materials . . ." (J. Fred Buzhardt, General Counsel, Department of Defense).

"*I* do not believe it appropriate that the general officers in question appear before your Subcommittee, but that any 'desired testimony' . . . should be furnished by *my* designated representative." (Emphasis added.) (Melvin Laird, Secretary of Defense).

Other indirect means of denying information consist of delaying tactics which continue for so long that the information, when submitted, is no longer pertinent, and of placing security classifications upon information supplied, thereby precluding any meaningful use of the data.

These practices reflect a certain contempt for congressional requests for information and an apparent disdain for the right of the American people to be informed fully about the operations of their government.

While the Executive branch must function in a manner assuring the candid participation of all those involved in the decision-making process, the elected representatives of the American people likewise must be fully informed in order to legislate intelligently.

Our system of government, in effect, is not a government of strictly separated powers, but a government based upon a concept of separate but balanced powers, divided along functional lines. For obvious reasons, such a system could not and does not operate in strict conformity to the underlying principle.

The Founding Fathers fully understood that governmental responsibility must be shared in order to make the whole fabric of government viable. Yet they knew that each branch must maintain a basic respect for the duties and prerogatives of the other branches and that such divisions are mandatory in order to avoid the undue accretion of power in any one branch of the Federal government.

As Madison, in the *Federalist No. 48* observed: "After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judiciary, the next and most difficult task is to provide some practical security for each . . ."

However overlapping the functions of the three branches may be, and however imprecisely the system may seem to work the doctrine of separation of powers itself is based upon good and sound grounds and the ends it was designed to serve two hundred years ago are as important, if not more so, today as then.

Our discussion during these hearings will center on S. 1125, a bill introduced by Senator Fulbright which would amend title 5 of the United States Code with regard to executive privilege. The bill provides that an employee of the Executive branch "summoned or requested to testify or produce documents before Congress . . . who intends to exercise executive privilege as to the whole or any portion of the matter about which he was summoned, requested to testify, or produce documents, shall not refuse to appear on the grounds that he intends to assert executive privilege." The bill seeks to limit the assertion of Executive privilege and place the responsibility for invoking it directly on the President by stipulating that "[i]n no case shall an employee of the executive branch appearing before the Congress . . . assert executive privilege unless the employee presents . . . a statement signed personally by the President requiring that the employee assert executive privilege as to the testimony or document sought."

This bill offers a vehicle by which the Congress can examine the entire concept of executive privilege. We are fortunate to have Senator Fulbright with us today to give us the benefit of his views and insights into the provisions of S. 1125 and the scope of executive privilege in general. His testimony is drawn from his vast experience during many years of distinguished service in the Senate.

Perhaps this investigation of the implications of S. 1125 will afford the legislative and executive branches an opportunity to come together and find some common ground that will more clearly define the powers, duties, and prerogatives of the two branches in this sensitive area. We must be ever mindful of the necessity for cooperation between the Congress and the Executive if the government is to operate efficiently. That pressing requirement makes it mandatory that we seek and find an amicable settlement of the problems involved in the invocation of executive privilege to prevent Congress and the American people from knowing the details of executive actions. As Professor Arthur S. Miller, a consultant to the Subcommittee who is out of the country for the summer, wrote to remind me, Woodrow Wilson once observed that warfare between the legislative and the executive branches can be fatal. Hopefully these hearings can contribute to a satisfactory peace.

We are delighted to have the assistance of the Subcommittee's professional consultants, who have rendered great service to the Subcommittee during the past several years. I welcome Professors Philip B. Kurland, of the University of Chicago Law School, and Ralph K. Winter, Jr., of Yale Law School. Professors Arthur S. Miller, of the George Washington University National Law Center, and Alexander M. Bickel of Yale Law School, express their regrets that they cannot be present at these hearings.

The witnesses scheduled to participate are drawn from varied segments of public and private life, in order to provide a balance of opposing opinions.

"THE GI'S GENERAL" FROM MOBERLY, MO.

Mr. EAGLETON. Mr. President, with its June 30, 1971, issue, Farmland magazine began a series of articles on great Americans. This series of features will culminate with the observance of the Nation's bicentennial celebration in 1976. It is with pleasure and pride that I note that the first article in this series was devoted to the great 5-star general from Moberly, Mo., Omar Bradley.

In World War II, General Bradley served in Africa and later, under Generals Patton and Eisenhower, in Europe. In the closing period of the European war, General Bradley was ground commander of the largest force of troops ever amassed under the American flag. Throughout his distinguished life, General Bradley has manifested admirable qualities of leadership, courage, self-confidence, and compassion. As the Farmland article notes, General Bradley was popular among his men because of his "human quality and lack of put-on," because he truly tried to take care of and show interest in those serving under him.

In his book, "Crusade in Europe," General Eisenhower commended General Bradley for his "qualities of steadfastness, drive, professional skill, and a capacity for human understanding which became so obvious to his subordinates and his superiors alike that the American teamwork forged on the many battlefields of the Normandy beachhead was never thereafter seriously threatened."

Despite attaining the exalted position of being one of only nine 5-star generals in American history, General Bradley has never lost his compassionate respect for others and his sense of responsibility to his family, his community, and his country. As a Moberly, Mo., seventh grader wrote of him in 1962:

> His plainness and his human touch have protected him from enemies that often destroy good men.

Mr. President, I ask unanimous consent that "The GI's General" as printed in the June 30 edition of Farmland magazine be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GI'S GENERAL

A man's destiny with greatness can hinge on little things—such as the price of a railroad ticket from Moberly, Mo., to St. Louis.

Back in 1911 this was an obstacle to young Omar Nelson Bradley's going to West Point. He felt the chances of passing the entrance test at St. Louis and being accepted at the academy were too slim to justify the expense. Though bright in high school, he had been out a year and was a bit rusty.

Had not the Wabash Railroad provided him a pass, Bradley probably would have gone on saving his money to go to the University of Missouri and study law. But he made it to St. Louis and joined another midwesterner at West Point by the name of Dwight Eisenhower.

Born Feb. 12, 1893 on a farm near Clark, Mo., (just 55 miles from the Laclede birthplace of another great American general, John J. Pershing) Bradley's fondest memories of childhood are of hunting and fishing with his father, described as a happy, if underpaid, schoolteacher who imparted to Omar his love of the outdoors.

John Bradley died when Omar was 14 and he and his mother moved to Moberly so he could go to high school and she could take in sewing. After graduation in 1910, he went to work in the Wabash shops to help his mother and save for college.

Omar was encouraged to consider West Point by his Campbellite Sunday School teacher who felt an Army career would sustain the young man's love of the outdoors.

At the Point, Bradley ranked 44th in the 1915 class of 164 that produced several World War II generals. He played football, hit .385 on the baseball team and rated sixth in conduct. The West Point yearbook's summation of Bradley's chief characteristic—"getting there"—was prophetic as German armies later would vouchsafe. The high school annual, too, had hit the mark with its one-word description of him: "Calculative."

Bradley spent most of World War I commanding a guard company in the copper mines of Butte, Mont. When the war ended, Bradley predicted another would erupt in 20 years or so and began preparing for it. Interview by Jules Loh of the Associated Press on his 78th birthday anniversary, the 5-star general had this to say on what World War II had meant to him.

"I certainly did not welcome war. That goes without saying. I would have preferred to have served out my years in a peacetime army and retired quietly as a colonel. Once war came, I welcomed the opportunity to do what I was trained to do and paid to do."

Bradley draws this distinction between military men and militarists: "Those who serve their country professionally, under civilian control, as opposed to those who put themselves in a separate caste above their government with a code of their own."

Bradley saw little glory in war. Shortly after World War II he spoke at a Memorial Day ceremony at the grave of a Medal of Honor winner. The script called for bravado, but Bradley said: "For every man in whom war has inspired sacrifice, courage and love, there are many more whom it has degraded, with brutality, callousness and greed."

In his book, "A Soldier's Story," he wrote: "War has neither the time nor the heart to concern itself with the dignity of man. Men must be subordinated to the effort that comes with fighting a war and as a consequence men must die that objectives be taken. For a commander the agony of war is not its dangers, deprivations or the fear of defeat but in the knowledge that with each new day men's lives must be spent to pay the costs of the day's objectives.

"Because war is as much a conflict of passion as it is of force, no commander can become a strategist until first he knows his men. Far from being a handicap to command, compassion is the measure of it. For unless one values the lives of soldiers and is tormented by their ordeals, he is unfit to command."

Before the invasion of France, despondency was sweeping American troops infected by talks that few would survive D-Day. In an off-the-cuff talk to them, Bradley called such fears "tommy-rot" and predicted casualties would be far less than expected. (They ranged to 10% of the attacking force.) Bradley's words got out, to his chagrin, and he considered firing the censor. But after the war Bradley met a GI's mother who told him how much his "tommyrot" speech had meant to her and others. "Let this be a footnote of justice to the censor," Bradley said.

His career is sprinkled with incidents that suggest why the GI's called him their general. He was least affected by position. While Ike had his jacket, Patton his jodphurs and MacArthur his hat, Bradley was content with GI issue. Later, when he headed the Veterans Administration, he forbade use of military titles in correspondence to discharged soldiers.

Those close to Bradley seldom knew him to raise his voice. "When your position is such that no one can answer back," he has said, "why shout."

Bradley's first combat action came in North Africa when he commanded a corps of four divisions and helped draw the noose on Axis forces at Bizerte and Tunis. Of this first experience in combat command, he later wrote:

"To command a corps toughness alone isn't enough. You must know your division commanders, thoroughly understand their problems, respect their judgment and be tolerant of their limitations. There are few distinguishing characteristics of a successful division commander. Success comes from a well-balanced combination of good judgment, self-confidence, leadership and boldness."

After Africa, Bradley served under Gen. George S. Patton in Sicily. While his philosophy of war differed sharply from Patton's, Bradley's respect for the storybook general was great.

"To George," Bradley wrote in his book, "the war was not so much an ordeal as it was fulfillment of a destiny to which he shaped his life. He believed war to be a chronic ailment of mankind, destined to pursue civilization to its grave . . . Since conflict was to be the inevitable lot of all mankind, George reasoned that man should resign himself to it and indeed welcome it as a manly challenge. Exhilarated by conflict, he found it inconceivable that men, other than cowards, should want no part of war."

Such a philosophy explains the "slapping incident" when Patton struck a soldier hospitalized with "nerves" in Sicily, accused him of cowardice and sent him back to the front.

The chief reason Bradley was popular with the troops was his human quality and lack of put-on. In contrast to Patton's glory view of war, Bradley considered it a "wretched debasement of all the thin pretensions of civilization. In the rear areas war may sometime assume the mask of an adventure. On the front it seldom lapses far from what General Sherman declared it to be."

Bradley's favorite soldier was the rifleman.

"The rifleman," he said "trudges into battle knowing the statistics are stacked against his survival. He fights without promise of either reward or relief. Behind every river, there's another hill—and behind that hill, another river. After weeks or months in the line only a wound can offer him the comfort of safety, shelter and a bed. Those who are left to fight, fight on, evading death but knowing that with each day of evasion they have exhausted one more chance of survival. Sooner or later, unless victory comes, the chase must end on the litter or in the grave."

When the Ailles got bogged down on the Western Front after the Normandy breakout, Bradley saw his casualties in a 5-week period reach 64,000. Obtaining replacements became difficult as the War in the Pacific demanded its share of America's young men.

An underling proposed to Bradley that the term "replacement" be changed to specialist to avoid the cannon fodder connotation and improve morale among those waiting to go to the front. Bradley would have no part of the word game.

"The remedy for improving morale among replacements," he said, "lies not in changing the name but in taking every possible step to see that they are properly taken care of and that they get the feeling someone is interested in their welfare."

There was a time, however, when the slow-to-anger Bradley was ready to quit and go home. It came after the German counterattack that developed into the Battle of the Bulge. For tactical reasons Eisenhower shifted two American armies from Bradley's command to the British General Montgomery. Bradley and Monty had had equal billing under Ike, Monty commanding British and Canadian forces on the northern prong and Bradley the American on the southern thrust.

When Monty exploited the situation to flatter his ego at Bradley's expense, the Missourian told Ike that unless the American troops were returned to his command, once the German drive was blunted, that he would resign. Bradley believed that if he were to become subordinate to Monty—when the Americans had far more troops in the field than the British—his effectiveness would be impaired. The troops of General Hodges and Simpson were returned to Bradley by Ike with the bitter comment: "Well—I thought you were the one person I could count on for doing anything I asked you to."

But of his choice of Bradley to lead the American armies in Europe, Ike would later say in his book, "Crusade in Europe":

"General Bradley displayed qualities of steadfastness, drive, professional skill, and a capacity for human understanding which became so obvious to his subordinates and his superiors alike that the American teamwork forged on the many battlefields of the Normandy beachhead was never thereafter seriously threatened."

In the closing days of the European war, the allies had to decide whether to go for Berlin or choose other targets. The nature of Berlin's occupation already had been decided by the Four Powers and Bradley advised Ike against racing the Russians for the capital. He predicted it would mean an additional 100,000 casualties, a price too great for a prize they could not keep.

With the allies to be dependent on Russian good will for access to Berlin, Bradley had misgivings. He had learned as a farm boy in Missouri that "dependence did not make for good neighbors."

America honors its 5-star officers (there have been only nine) with active duty status while permitting them to pursue their own interests. Bradley is chairman of the Bulova Watch Company, highly interested in a North Dakota Indian work project financed by Bulova, and now lives in Beverly Hills, Calif., with his second wife. His first wife died in 1965. A daughter lives in the Washington area.

In the Jules Loh interview, Bradley expressed thoughts on youth today and the problems of modern living.

"My boyhood experience gave me a sense of responsibility," he said. "If I didn't cut firewood we didn't have firewood. If I didn't clean the lamps, we didn't have clean lamps. One trouble with modern living is that children don't have the opportunity. The furnace goes on automatically and you flip a switch to get light. If a child doesn't learn responsibility by having responsibility, first of all to his own family, how will he ever develop a sense of responsibility to his community and country?"

But Bradley doesn't brand technology as a villain. Machines, he says, have expanded human opportunities and he sees "no reason people should worry about losing their individuality."

Bradley returned to Moberly in May of 1971 to visit the wooded hills where he once hunted with his father and to commemorate a Boy Scout trail named for him.

Farmland visited him there and asked if it worried him that the shrinking number of farms meant fewer boys were getting the chance to experience an outdoors upbringing such as he had enjoyed. Standing under the trees and appearing fit enough to hike the 15-mile Scout trail, Bradley spoke of machinery and technology. They've got equipment now, he noted, that eliminates the need for a lot of people on farms, and this is a fact we must accept. Then, too, others have gone to cities as a matter of choice, "and this is their right."

As for the rash of criticism of the Army today, Bradley said this was nothing new. "The only time the Army is appreciated," he said, is when it is called on to correct the mistake made by our diplomats and politicians."

Those who know him best say Bradley's success represents the triumph of simple, absolute honesty and good will. He has never lost faith in his belief in America's qualities or in the teachings of that Sunday School teacher, John Crewson, who set him the course to West Point.

Of all that's been said and written of Omar Nielson Bradley, perhaps a paragraph from an essay penned in 1962 by a Moberly seventh grader, Debbie Shirvin, sums it up best:

"He was a Missouri boy from our very own community. His rise to military fame was spectacular, even in our country of great opportunities. His plainness and his human touch have protected him from enemies that often destroy good men."

MILITARY ASSISTANCE FOR ISRAEL

Mr. MUSKIE. Mr. President, last week Assistant Secretary of State Joseph Sisco arrived in Israel for consultations with the Israeli Government on the Middle East situation. The political stalemate in that part of the world has now reached a critical stage. Frustrations are growing on both sides, and in a situation of such great tension there is always the possibility of another tragic conflict.

Since the founding of Israel, our foreign policy with respect to the Arab-Israeli conflict has rested on two fundamental positions: First, there is our commitment to Israel's survival. We have stood unalterably opposed to the position that the Arabs took for many years that Israel has no right to exist. This position persists even today in the political rhetoric of the Arab world—despite three costly wars which have served only to divert the efforts of the Middle Eastern peoples from more urgent tasks of national development.

Second—and partly as a means of implementing our basic goal of protecting Israel's security—we have attempted to preserve a balance of power in the Middle East. We have hoped thereby to deter the war in the area and preserve stability in a situation of high tension and great emotion. At the same time, we have also tried to do everything possible to prevent a senseless and dangerous arms race between Israel and her Arab neighbors.

For some time, Israel has been requesting from the United States additional shipments of Phantom jet fighter-bombers. Our Government has not fulfilled this latest request, apparently on the assumption that such actions might render a political settlement more difficult.

In view of recent evidence of increased Soviet shipments of fighter aircraft to Egypt and Syria, I do not agree with the administration's apparent position that delivery of Phantom jets to Israel must still be delayed. Two weeks ago it was reported in the New York Times that U.S. intelligence specialists had revealed that since last September the Soviet Union had shipped nearly 100 Mig–21's to Egypt, including eight delivered in June. This total was said to compare with only 90 Mig–21's delivered to Egypt from the end of the 1967 war to the middle of 1970.

Moreover, it was reported that Syria had received from the Soviet Union in the last 3 months 21 all-weather Mig–21 fighters, probably of the latest model, nine older-model Mig–17's, five Sukhoi–7 fighter-bombers, and 22 MI–8 helicopters. Especially significant are the high number of the most up-to-date Mig–21's and the first known delivery of the big MI–8 helicopters, which are designed to carry combat troops. These deliveries have apparently resulted from the Syrian-Soviet military pact signed last February.

I wish to express my own view in the strongest possible terms that Israel must have the arms she needs to defend herself and to maintain a balance of power with her adversaries. I hope that we will respond positively to the Israeli request for more assistance. We are committed to Israel's survival, and we are pledged to maintain a balance of military power in the Middle East. By either measure, it is imperative that we delay no longer in shipping the additional aircraft she requires.

We all pray for a political settlement in the Middle East that will leave Israel secure and will permit our friends in the Arab world to turn to the great task of national development. But prospects for a political settlement are surely not advanced by a military balance that shifts dangerously in favor of the Arabs. Neither are these prospects increased by a zigzag diplomacy on the part of the United States which, on the theory of gaining political leverage over Israel by delaying needed military assistance, serves only to raise doubts among all parties to the conflict that the United States is truly committed to preserving Israel's security. Such doubts will encourage the Arabs not to negotiate seriously with Israel, and make Israel more reluctant to negotiate territorial questions bearing upon her security.

Now is the time to reemphasize our commitment to Israel's security, and to restore the balance of power in the Middle East as the best means of furthering the goal of a negotiated settlement.

EXPERIMENT IN EARLY CHILDHOOD DEVELOPMENT

Mr. MONDALE. Mr. President, a fascinating article appeared in the July 1971, issue of American Education regarding an experiment in early childhood development done by the University of Wisconsin.

After extensive surveys, the team of educator-scholars observed that mentally retarded mothers create a social environment for their offspring that is distinctly different from that created by mothers of normal intelligence.

For the last 4 years some 40 mentally retarded mothers have taken part in the Infant Education Center project with their newborn children. When offered this opportunity, the mothers quickly seized it.

In this project, now in its 5th year, children from the Milwaukee slums, whose parents were both poor and illerate, have excelled as a result of the specialized treatment. Many of the children, whose mothers had IQ's of 70 points have achieved intelligence quotients as high as 135.

Mr. President, I think this is an extremely encouraging report. Since the Senate will soon be considering proposed legislation—which I introduced with Senator JAVITS, Senator NELSON, and Senator SCHWEIKER and 28 cosponsors, and whose major provisions are included in S. 2007, recently reported by the Committee on Labor and Public Welfare—dealing with the need for early childhood development, I respectfully request that the entire text of the American Education article be printed in the RECORD at the close of my remarks.

Mr. President, in the Washington Post of July 12, William Raspberry reviewed the article and its implications in a sensitive column. The Milwaukee Journal of July 12 included a similar review.

I ask unanimous consent that the excellent articles by Mr. William Raspberry, of the Washington Post, and Cynthia Williams, of the Milwaukee Journal, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 12, 1971]

FIRST HURDLE IS MONEY

(By William Raspberry)

Rick Heber, professor of education and child psychology at the University of Wisconsin, has demonstrated that it is possible to prevent the intellectual crippling that is the curse of slum children.

But there are two huge hurdles between proving that it can be done and actually doing it.

Heber used highly trained specialists and a very small pupil to teacher ratio—1 to 1 for the first two years and never more than 11 to 1. He also had ample supplies and equipment. The first and obvious hurdle, then, is money.

The second hurdle stems from the fact that although Heber's youngsters showed near-miraculous advances in IQ scores, the results depend on intervention at a very early age. (Heber's enrollees included 40 mothers and their *newborn* children.)

This is well before the state traditionally has intervened with compulsory education laws, and three to four years earlier than even such preschool programs as Project Head Start.

Furthermore, as Heber discovered, such retardation—even in the slums—is not randomly distributed but tends to occur in children whose mothers are of low intelligence. (This, he found, is not because of genetics but because low-IQ mothers fail to provide a stimulating environment for their offspring.)

In any case, any effort to prevent the most predictable retardation has to involve the mothers, who are themselves backward, which is to say mothers who may not know what is best for their children.

So having made the discovery that much intellectual retardation is both predictable and preventable, what do we do? Do we give the state the authority to force mothers to enroll their infant children in special preschool classes? Do we force mothers themselves to take the kind of training that will help them to provide a proper home environment?

The questions are important because intervention of the sort that is working so successfully in Milwaukee entails intrusion of a sort that Americans are disposed to resist. In addition, any such intervention attempted on a large scale would be certain to provoke shouts that the government was trying to brainwash and standardize innocent black children.

It is easy enough to dismiss such objections as charlatanism. But would it be as easy to persuade large numbers of ghetto parents to let their infant children be set apart for special treatment?

When Heber approached mothers of newborn children about participating in his Infant Education Center Project, they eagerly seized the opportunity. This may mean that ghetto mothers across the country would also be enthusiastic participants. Or it may mean only that a group of Milwaukee mothers had a good deal of confidence in a certain professor from the University of Wisconsin.

But even assuming the willingness of most parents, where would the money come from?

To begin with, there is virtually no chance that there will ever be enough money to give every slum child his own teacher.

But it isn't unreasonable to suppose that some things could be done to compensate for the stultifying home environment that condemns so many slum youngsters to a severe limitation of mental development.

If you care to dream a little, it might be that substantial parts of Heber's early education program could become an adjunct to the President's Family Assistance Plan.

Since Congress seems determined to write a work/training requirement into the legislation, something will have to be done with the children while mothers are on the job or in training.

This obviously entails day-care centers of some sort. Now if, instead of centers that are little more than storage bins, the government would finance well staffed, well equipped centers capable of supplying the intellectual stimulation that Heber found missing in many ghetto homes . . .

But that's almost too much to hope.

What is far more likely to that low-income families will go right on producing more than their share of functional retardates, even though Prof. Heber has told us that it doesn't have to be that way.

[From the Milwaukee Journal]

STUDY MIGHT PROVE POVERTY AFFECTS IQ'S

(By Cynthia Williams)

The Milwaukee Project, a five-year study of infant education, has recently presented data indicating that the children of the illiterate poor are not inherently inferior intellectually to other children.

The project team reported that children from Milwaukee's inner city consistently scored high on a variety of tests administered from infancy through their fourth year.

During this period, the youngsters' intelligence quotients jumped by more than 50%, with some of them achieving as high as 135.

LEARN FROM BIRTH

The study provided evidence that children start learning virtually from birth, according to F. Rick Heber, director of the project and professor of education and psychology at the University of Wisconsin. Heber also reported that if the educational process was begun soon enough, it could prevent or reduce retardation caused by a child's environment.

For the last four years about 40 mothers with IQs less than 70, with their newborn children, have voluntarily participated in the Milwaukee Project's Infant Education Center. Normal IQs range from about 90 to 110.

The newborn babies were put into two groups—two-thirds of them in the experimental program and one-third in a control group. Initially, the project workers, who consisted of psychologists, sociologists and teachers from the University of Wisconsin and others, worked on a one-to-one basis with the children.

TOGETHER IN GROUPS

As the children grew older, they were brought together in small groups, then in larger groups.

For six hours a day, five days a week, the children attend "stimulation" centers where they are cared for, talked to, read to, played with and taught numerical concepts and words.

"When the children in the experimental group reached 19 to 25 months of age, their vocabulary production began to accelerate rapidly," reported the July issue of "American Education."

"For those in the control group, vocabulary production did not begin in any instance until the child was 28 months old, and a number of the control group children still could not speak at that age," the magazine reported.

STARTED IN 1964

Heber and his team of researchers in 1964 began a series of surveys designed to learn more about the relationship of poverty to mental retardation.

In these first surveys they found that a mother's IQ was the most reliable single indicator of the level and character of a child's intellectual development.

The survey data showed that the lower the mother's IQ, the greater the possibility of the children's scoring low on intelligence tests.

From this and other information the researchers surmised that the unusually high concentration of mental retardation in the slum was not caused merely by the slum environment, but by the retarded parent living in that environment.

DIFFERENT ENVIRONMENT

After repeated visits with hundreds of families, the researchers found "that the mentally retarded mother creates a social environment for her offspring that is distinctly different from that created by her neighbor of normal intelligence level."

Under the direction of the university and supported by a grant from the Social and Rehabilitation Service of the Department of Health, Education, and Welfare, Heber established the Infant Education Center at 2014 W. North Ave. The surveys were conducted in the surrounding area.

"Knowing that only children of mothers with IQs less than 80 show a progressive decline in mean intelligence as they grow older, the Wisconsin group decided to focus their attention and their efforts on such youngsters," the magazine said.

PREVENTION SOUGHT

"They wanted to work with children who, according to the record, were virtually certain to show characteristics of mental retardation as they grew older."

"The challenge was to see whether intellectual deficiency might be prevented—as opposed to cured or remedied later—by introducing an array of positive factors in the children's early life, displacing factors that appeared to be negative or adverse."

CAN SLUM CHILDREN LEARN?

(By Stephen P. Strickland)

Disadvantaged children may be capable of educational achievements far beyond anything heretofore imagined if a remarkable project in Milwaukee is the guide it clearly seems to be.

In the project, now in its fifth year, children from poor, illiterate parents living in the city's most depressed section have shown sustained high performance on a variety of tests administered from infancy through their fourth year. During that period the youngsters' intelligence quotients jumped by better than 50 percent, with some of them achieving as high as 135.

This and other evidence gathered during the project seems to demonstrate that while early environmental circumstances have a powerful impact on a child's intellectual growth, the slum environment in and of itself does not necessarily form a lifetime trap for the disadvantaged.

Taken alone, that finding may not seem novel—although convictions about the success of various educational "intervention strategies" sometimes have appeared to be based more on hope and sympathy than on scientific evidence. The Milwaukee Project provides hard data to support the belief that, under the right circumstances, intervention can be successful even in the most difficult situations. Beyond that, the project suggests that some factors affecting learning capability and intelligence quotients which at first glance could be interpreted as matters of inheritance are instead matters of environment.

The implication of the latter finding is one of the things that makes the Milwaukee Project important. In fact, the project's implications relate to several educational concerns from compensatory education to mental retardation. Broadly, they justify our paying greater attention to the availability, the kind, and the quality of education programs for the very young child.

The Milwaukee Project was launched in 1964 when a multidisciplinary team from the University of Wisconsin under the direction of Rick Heber, Professor of Education and Child Psychology, began a series of surveys designed to learn more about the relationship of poverty to mental retardation. The team included professionals from the fields of psychology, psychiatry, Sociology, and speech therapy as well as education.

The Wisconsin group knew that by some estimates more than six million persons in the United States are considered to be mentally retarded and that, although the great majority of them have no identifiable pathology of the nervous system, all have exceptionally low I.Q.'s and are functionally if not physiologically retarded. They also knew that mentally retarded persons are found in particularly large numbers among the populations of economically distressed urban and rural areas. What had not been documented was a view that was nevertheless gaining increasing acceptance: that the retardation so frequently encountered in the slum was produced by the overall environment characteristically found there—a combination of ignorance, illiteracy, malnutrition, and economic, mental and psychological depression.

That view overlooked two rather obvious facts: by far the great majority of disadvantaged persons living in slum areas are not retarded, and the majority of children reared by economically disadvantaged families develop and learn in a relatively normal fashion. These facts suggested that the heavy concentrations of mentally retarded persons in slum areas were related to certain specific factors rather than the general environment, and the Wisconsin group set out to find them.

The area selected for the surveys was that residential section of Milwaukee which, according to census data had the lowest median family income, the greatest population density per housing unit, and the most dilapidated housing in the city. It was, in short, a classic urban slum. And predictably, it yielded a much higher rate of mental retardation among school children than any other area of the city.

The first survey was conducted in 1964, with all families in the area whose children included a newborn child being invited to participate. The most important finding to emerge from that initial study was that maternal intelligence was the most reliable single indicator of the level and character of intellectual development of the children. Although mothers with an I.Q. below 80 made up less than half the total group of mothers in the study, they accounted for about four-fifths of the children with I.Q.'s below 80. The survey data further showed that the lower the mothers' I.Q., the greater the possibility of their children's scoring low on intelligence tests.

Fathers were not valuated in the first survey. In a second survey, focused on 519 newborn infants in the area, intelligence tests were given to fathers, mothers, and children over two years of age. While the results showed that the father's intelligence level tended to be strikingly close to that of the mother, members of the team felt that the constant proximity of infant and mother and the fact that often the father did not reside in the home made maternal I.Q. a more dependable gauge.

As a result of their surveys and analysis, the University of Wisconsin group became convinced that the exceptional prevalence of mental retardation in the slums of American cities is not randomly distributed or randomly caused. Rather, it is concentrated within individual families that can be identified on the basis of maternal intelligence. In other words, the reason for the unusually high concentration of mental retardation in slum areas is not the slum environment generally, but the retarded parent residing in that environment.

Examined superficially, the population survey data from the Milwaukee study could be taken as suggestive evidence that "cultural-familial" mental retardation is more a matter of heredity than of environment. But what the team of educator-scholars actually observed in their repeated visits with hundreds of families was that the mentally retarded mother creates a social environment for her offspring that is distinctly different from that created by her neighbor of normal intelligence level.

Challenged by that observation, Heber and his associates determined to discover whether the kind of retardation that perpetuates itself from parent to child in the slum-dwelling family could be prevented, and if so, how.

Under the auspices of the university and with grant support from the Social and Rehabilitation Service of the U.S. Department of Health, Education, and Welfare, the multidisciplinary team established an Infant Education Center in 1966 in the area where their surveys had been conducted. Knowing that only children of mothers with I.Q.'s less than 80 show a progressive decline in mean intelligence as they grow older, the Wisconsin group decided to focus their attention and their efforts on such youngsters. They wanted to work with children who, according to the record, were virtually certain to show characteristics of mental retardation as they grew older.

The challenge was to see whether intellectual deficiency might be prevented—as opposed to cured or remediated later—by introducing an array of positive factors in the children's early life, displacing factors that appeared to be negative or adverse. The Wisconsin team knew that any sound conclusions would have to be based on data developed over a period of years and for a relatively stable population group.

The teachers in the Milwaukee Project are both men and women and come from many different backgrounds. Not all of them are teachers by training. Indeed, not all of them have college degrees. They are chosen by the project directors from many applicants on the basis of personal interviews as well as comprehensive written information. What is sought is an ability for sensitive interaction with infants and small children and an ability to work within a system of special instruction that is both structured and flexible, requiring both discipline and initiative. Each teacher undergoes eight months of training before beginning work at the Infant Education Center. At present, six of the nine teachers teaching the two-to-four-year-olds have been with the program from its early days.

In the last four years some 40 mothers with I.Q.'s of less than 70 have, with their newborn children, participated in the Infant Education Center Project. When asked if they wished to have their children take part in such a program, all mothers who were offered the opportunity seized it quickly. The newborn babies of these mothers were divided into two groups, with two-thirds of them being placed in the experimental program and the remaining one-third in a control group. Beginning in the first few weeks of life, the project team launched a comprehensive "intervention" into the lives of those infants in the experimental program.

Shortly after the mother returned from the hospital, teachers began visiting the home for several hours each day, focusing most of their attention on the baby. Some weeks later, as soon as the mother and the teacher together decided that the time was right, mother and child joined programs at the Infant Education Center. The infant child, usually three to four months old, was exposed to mental stimulation of a wide variety for several hours each day under a one-to-one ratio with trained adults. Meanwhile the mother was encouraged—but not required—to take part in a center program designed to teach her improved homemaking and baby-care techniques and in some cases to provide basic occupational training.

The oldest children are now moving toward their fifth birthdays. For the last four-and-a-half years they have been picked up early each morning at their homes and brought to the Infant Education Center. Each child in the school has his own teacher until he is 24 months old. At that point small group learning begins with two-year-olds being placed in a class with five other youngsters. When the children are three years old, the size of the class is increased to eight; when they are four, it's increased to 11. Throughout, three teachers are assigned to each class. This formula enables every teacher to specialize in a given area—reading, language development and expression, or mathematics—while providing a constant relationsip between each child and several adults and constant relationship among the children.

ACTIVITIES ARE STRUCTURED

The education program is made up of a series of activities including important aspects of sensory and language stimulation. These activities are precisely structured, though the setting is arranged to encourage flexibility and initiative by both the infant and the teacher.

The schedule during four days of each week is firmly set for the children two years old and older. They arrive at the center by 9:00 a.m., and after they are given breakfast, they begin their classes at 9:30. Each of the three teachers engages a third of the pupils in learning activities in his or her special area, using both standard equipment and techniques, materials, and methods that have been developed at the center. For example, the Peabody Language Development Kit for primary level is used for children two, three, and four years old in their afternoon group language class. In the more individualized morning language class, the teacher usually uses equipment and methods developed over the last several years by Heber and his colleagues, and she may occasionally adapt variations from standard methods and equipment for particular purposes.

In his language class, which lasts a half hour, a child is guided by the teacher for 20 minutes of stimulatory exercises; in the remaining 10 minutes he may use the equipment or materials or continue in any way he wishes the activity the teacher began. His second class, also of a half-hour's duration, is likewise divided into 20 minutes of structured activity and 10 minutes of unstructured continuation of that activity. After a half-hour of free play, a third half-hour class brings the children to 11:30, when they decide whether they wish to watch "Sesame Street" on television—which the Milwaukee Project professionals rate highly—or to continue one of the activities begun previously that morning.

After lunch and a nap, there are two additional classes in the afternoon, once more of a half-hour each. For these two classes, each age group is divided into two sections with one teacher working with three to six children. The group language class emphasizes communication and problem-solving. The teacher might ask, for example, "What if you woke up in the morning and could find only one shoe?" The point is to stir the children's imaginations and encourage free verbalization of thought.

A second teacher engages her section in lessons on topics that vary from week to week and include science, art, and music. As in the morning classes, there are 20 minutes of structured activity and 10 minutes of free use of equipment or free exploration of topics introduced earlier. Meanwhile, the third teacher uses this period to work individually with any child needing special help in any subject.

Both the morning and afternoon class groupings are based on a combination of ability and behavior. Hence there is, once more, flexibility within the structure. A child may have his language class at 9:30 on some days and at 11 on other days. For children less than two years old, the day's activities are not as structured as they are for the older youngsters. And on Fridays, the day is less structured for all the children, often allowing for such special occasions as field trips.

The program for mothers continues after the children have begun their classes at the center. Following the initial emphasis on child care and homemaking, the program offers opportunities for vocational training and has assisted a number of mothers to secure steady employment for the first time. The center does not employ any of the mothers but supports an active parents organization in which the majority of them participate.

From the very beginning of their participation in the infant education program the youngsters have been tested as well as taught. At given intervals a number of experimental measures of learning and performance—in language development and motor skills, among other areas—have been applied and standardized tests of intelligence and intellectual development administered.

DIFFERENCES IN PERFORMANCES

Starting when they were 18 months old and continuing at six-week intervals thereafter, the children have been given a series of language performance tests, including both "free speech samples" (recordings of their conversations made at random intervals) and formal language tests. Over a period of three years, striking differences have developed in the performances of children in the experimental group and those in the control group. When the children in the experimental group reached 19 to 25 months of age, their vocabulary production began to accelerate rapidly. For those in the control group, vocabulary production did not begin in any instance until the child was 28 months old, and a number of the control group children still could not speak at that age.

An interesting phenomenon the University of Wisconsin team observed was that at approximately 28 months the children in the experimental group seemed to reach a vocabulary plateau lasting for one to two months. At that stage, as the children began to concentrate on grammatical structure, they produced fewer new words. Three or four months later, however, the children in the active program were able to express themselves in full sentences, some relatively complex, while most of the children in the control group were for the most part still producing unconnected words.

The children in the active stimulation program advanced rapidly not only in expression but in comprehension as well. A test given first at 36 months and thereafter at three-month intervals measured the children's comprehension of 16 different grammatical features or rules of the English language. At every point, the children in the experimental group showed significantly superior performance.

Indeed, on a whole range of tests—from simple matching and sorting to comprehension and motor skills to tests of intellectual development and intelligence quotient—the children who have been exposed since infancy to the daily routine of mental stimulation have shown remarkable development in contrast with the children in the control group. This holds true even when the performance of the experimental group is measured against the norms established by age peers generally.

Naturally it was hoped and expected that the concentrated, carefully constructed program of stimulation of which one group of children was to be exposed would result in some noticeable differences. But the original specific goal was to test ways of preventing decline in intellectual development in children for whom such decline was predictable on a variety of grounds. What was not anticipated by Heber and his colleagues was the marked acceleration in a range of intellectual skills that has in fact occurred over the last four years on the part of the children in the experimental program.

Those differences are dramatized in the finding that at 42 months of age, the children in the active stimulation program, measured an average of 33 I.Q. points higher than the children in the control group, with some of them registering I.Q.'s as high as 135. Equally remarkable, the children in the experimental program are learning at a rate that is in excess of the norm for their age peers generally.

The results of four years of effort and analysis that have gone into the Milwaukee Project obviously are extremely promising. The professional educators, social scientists, and teachers involved are nevertheless cautious in their interpretation of those results. For one thing, they want to collect and analyze data on the children participating in the project for another two years or more.

Further, the children have doubtless become "test wise," and the project team would like more time to assess the possible effect of this kind of sophistication. Nevertheless, the children in the control group have been tested as often as those in the experimental program, and so the difference in their performances obviously results from differences in their educational environment.

Whatever their caution, members of the University of Wisconsin group do say that, as far as they know, the intellectual stimulation and training given the children in the Milwaukee Project have been more comprehensive and intensive than that to which any comparable groups of infants have ever been exposed. In the course of their efforts, members of the team have developed particular techniques—especially in the area of verbal skill development and reading comprehension—that seem to have affected the progress of the children, though team members are reluctant to suggest that those techniques and approaches are unique or even completely novel. They are, in any case, planning a series of instructional materials based on their research and teaching experience in infant education.

Despite the scientific caution and personal modesty of the Wisconsin group, their excitement at the possibilities they have developed shows through.

"We have seen a capacity for learning on the part of extremely young children that previously I would not have believed possible," says Heber. "While the results are by no means fully conclusive and must continue to be tested, the least that I am willing to say is that it is difficult to conceive of the children in the experimental program ever falling back to the level of their age peers in the lagging control group."

In any case, the trend of the data being developed in the Milwaukee Project engenders real hope that mental retardation of the kind that occurs in children whose parents are poor and of poor ability can be prevented. If the effort is begun early and remains constant in the early years, even very serious kinds of mental and intellectual disadvantage can possibly be forestalled.

ENDORSEMENT OF COMPREHENSIVE CHILD DEVELOPMENT BILL

Mr. MONDALE. Mr. President, recently the Day Care and Child Development Council of America met in Washington and reviewed pending legislation in the area of developmental day care.

I am delighted to learn that they endorsed the day care provisions in S. 2007—which reflect the major provisions in S. 1512, the Comprehensive Child Development Act of 1971, which I introduced with the Senator from New York (Mr. JAVITS), the Senator from Wisconsin (Mr. NELSON), the Senator from Pennsylvania (Mr. SCHWEIKER), and 29 cosponsors early this year.

In order that the views of this organization of persons experienced in early childhood efforts be available to all of us considering legislation in this field, I ask unanimous consent that the complete statement of the Day Care and Child Development Council of America be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COUNCIL ACTS ON PENDING LEGISLATION

Attached is a statement of the Day Care and Child Development Council of America Executive Committee on pending legislation.

The Child Development Title of the Economic Opportunity Amendments of 1971 (S. 2007, formerly the Mondale Bill) may reach the Senate floor the week beginning August 2. Two areas of the bill may be vulnerable to amendment.

(a) *Prime Sponsor Eligibility*. In the bill reported out of Committee, preference for funding goes to localities or combinations of localities if they have the capacities to (1) spend on administrative overhead no more than 5 percent of their allotment and (2) arrange linkages with appropriate health, education, and social service programs.

An attempt is expected to substitute a population requirement for prime sponsorship such that the state's role would be enhanced and expanded.

(b) *Income Eligibility*. The bill now provides for free child care services for families with incomes below the Bureau of Labor Statistics lower living standard for an urban family of four—now $6,900.

The Administration reportedly favors a cut-off at the present income figure—$3,900.

The $6,900 has been praised as a significant step toward universal child care!

The Council supports the provisions of S. 2007. Key differences between S. 2007 and H.R. 6748, sponsored in the House of Representatives by Rep. Brademas and others, now are:

1. *Prime Sponsorship*. S. 2007 described above.

H.R. 6748 designates cities of 100,000 or more population and states as being in line for prime sponsorship.

2. *Authorization*. H.R. 6748 calls for "such sums as may be necessary." The Administration wishes no new sums. S. 2007 provides for $2 billion in the first operational year. DCCDCA sees the $2 billion as inadequate.

3. *Head Start Sponsor Protection*. Within the structure of the present H.R. 6748, no Head Start program sponsors should be terminated without a recommendation from Local Policy Councils and a hearing before the Child Development Council.

4. *Project Policy Committees*. Absent from H.R. 6748 is a provision for Project Policy Committees with approval responsibility over basic goals, policies and procedures for the project applicant, including policies with respect to planning, personnel, budgeting, location of centers and facilities, and evaluation of projects.

Both Houses of Congress will probably be in session through August 6. Some decisions regarding the above may be made before then.

TOWARD UNIVERSAL CHILD CARE: A POSITION ON CURRENT LEGISLATIVE OPTIONS

(Adopted by the Executive Committee of the Day Care and Child Development Council of America, Inc., July 26, 1971)

The Executive Committee of the Day Care and Child Development Council of America, Inc., following a two day conference of concerned day care participants which explored all aspects of pending day care legislation (S. 2007, H.R. 6748, S. 2003, H.R. 1) and the delivery mechanisms included in each, has chosen the bill sponsored by Senator Mondale as that representing the package that comes closest to the DCCDCA Statement of Principles. The Council had previously been on record in opposition to some central points of H.R. 1 (Welfare Reform) and S. 2003 (Long Bill) as they appeared in earlier versions.

BILL REFLECTS "STATEMENT OF PRINCIPLES"

The Council believes that S. 2007, now incorporated as part of the Economic Opportunity Act extension, lays the framework for a coordinated network of child care and development service which—

Are available to children of all ages from conception through youth, to families from every kind of economic and social background and to every community with priority to those whose need is greatest;

Are available through a wide variety of different types of programs and during all of the hours of the day and time of the year that children, families and communities need them;

Have the full range of components required to promote the intellectual, emotional, social and physical growth of the children they serve;

Insure parents a decisive policy role in the planning, operation and evaluation of programs which determine the environment in which their children live;

Place the major responsibility for planning and operating child care and development services at the local level;

Reflect and build on the culture and language of children, families and communities being served and enhance the distinctive features of the child's culture.

PROGRAMS WILL BE DEVELOPMENTAL

Under the mandates of this bill, child care programs must be developmental. They must include a broad range of educational, health, social service, and nutritional elements.

FRAMEWORK LAID FOR UNIVERSAL SERVICES; PRIORITY GIVEN THOSE WITH GREATEST NEED; INCOME ELIGIBILITY IS ACCEPTABLE

The bill lays the framework for universally available services. Priority attention is guaranteed for the economically disadvantaged, migrants, handicapped, Indians, and minority group children, and provision is mandated for bilingual programs. We are particularly impressed with the increase in income eligibility for services without parental fees to families earning up to $6900. This will enhance the prospects of achieving class integration at the preschool level.

HEADSTART CONSTITUENCY IS SAFEGUARDED

Maintenance of priority, through earmarking of funds, for the present low-income constituency now served at an inadequate level of funding by Headstart, is a vital safeguard. We expect that the strong decision-making representation at the Prime Sponsor level by Headstart representatives will ensure the maximum opportunity for expanding quality developmental programs for low-income children and families.

OTHER POSITIONS APPROVED

The bill also creates demonstration Child Advocacy Programs, authorizing child care facility construction grants, and programs for federal employees.

COUNCIL QUALIFIES ENDORSEMENT

While recognizing the lateness of the hour in terms of prospects of changing the bill's language, the Council qualified its endorsements in several respects. First, it adopted a preference for separating eligibility determination from fees to be charged families with incomes above $6900.

FEE/ELIGIBILITY DETERMINATION NEEDS SEPARATION

The Executive Committee determined that for the purpose of defining eligibility, income gained due to child care availability should be disregarded. This would benefit the two-parent working low-income family and the single parent. But if fees are necessary, they should be charged in accord with total family income, less adjustments.

PARENT-CONSUMER PARTICIPATION NEEDS STRENGTHENING

The Executive Committee considered carefully the elements of the bill creating a structure that blended the sometimes diverse needs of governmental units and program consumers. Possible inter-relationships meshing the interests of the two groupings had been the subject of great concern at the conference preceding the Council's deliberations. While less than fully positive about all the components of the delivery system mechanism in any of the existing legislation proposals, the Council qualified its endorsement of the Mondale bill by adopting the conference recommendation of a 60% minimum parental-consumer participation on all child care boards and councils.

AUTHORIZATION OF FUNDS NEED TO BE INCREASED

Another qualified endorsement was sounded in the realism of finances. Mondale authorizes $100 million in fiscal 1972 for planning and technical assistance, and $2 billion in fiscal 1973 for program operation. This figure falls far short of the sum needed to provide child care services universally as a public, social utility on par with other essential services such as police, fire, and public education. And the Council is less than confident that the authorization figure will materialize unscathed from budgetary axwielders. Our membership and constituents should remember that the intention is to increase resource allocation to child care at an increasing rate until the needs of all children in the United States are realized.

COUNCIL MAKES OTHER RECOMMENDATIONS

The Council discussed the importance of providing opportunities for maximum local control of programs financed under the Mondale bill. The Council recognized some benefits of standardizing social service delivery regions. The arguments for requiring Prime Sponsor territorial conformity with regions within states formed in accord with the Intergovernmental Cooperation Act of 1968 were considered. The merits of encouraging prime sponsorship by localities were found to outweigh the disadvantages with respect to overlapping or contradictory coverage areas which are defined for the delivery of some complementary social services.

However, the Council urged that the administering agency should take into account regions established within states under the ICA of 1968 as long as the size of the prime sponsorship area is not thereby in anyway restricted.

As a step toward organizational consolidation and avoidance of duplication, the Council recommends that administrative guidelines be developed by the Office of Child Development, the federal agency designated to administer the Act's implementation, which would encourage Prime Sponsors to designate 4–C Councils as Child Development Councils.

This is in recognition of the labors of dedicated citizens representing private and public agencies, consumers, government, and private individuals who, out of a concern for the welfare of children and in the interest of program coordination, have formed Community Coordinated Child Care groups. The Council views the establishment of a separate Child Development Council as duplicative and therefore unnecessary in those instances where, with minor structural revisions, existing 4–C groups could comply with the composition for CDCs specified in the bill.

COUNCIL THANKS CONFERENCE PARTICIPANTS

The Executive Committee expressed its heartiest compliments and appreciations to the Conference participants who labored conscientiously to consider the major issues and emerged with a broad consensus. The Executive Committee adopted, in addition to the items mentioned above, Conference Recommendations for:

Creation of a single structure for child care services at state, regional and other levels.

Provisions, legislative and administrative, to make maximum use of funds available through various child care acts which result in community programs for *all* children, eliminating the segregation of children by category into separate programs. Thus the Council endorses the continuation of existing categorical programs which can be used to accomplish this objective, and seeks to protect the funding priorities already achieved for high priority categories of children.

Maintenance of open-ended appropriations under title IV–A of the Social Security Act.

A definition of "parents" in the context of parent board membership eligibility which includes (a) those needing and eligible for a variety of publicly funded child care services, (b) parents presently using child care services, and (c) alumni who have used child care services and have been selected by parents to represent them.

All legislation should include funds earmarked for parental and community participation at the disposition of parents for public and parent education, which may include transportation, conferences, and information dissemination.

VICE PRESIDENT AGNEW

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the Record a sage commentary on our distinguished Vice President by Joseph McCaffrey.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

Commentary of Joseph McCaffrey

(As Broadcast Over WMAL-TV (7), Washington, D.C. at 11 P.M., July 26, 1971)

Spiro Agnew must get a lot of laughs out of his job. And he'll get more if his staff here at home saves some of the clippings from the last few weeks while he has been roaming the world.

The funniest one talks about the quote Drop Agnew move is picking up tempo unquote, and then it says "invariably these three names appear on what is beginning to look like a priority list of possible alternatives to Mr. Agnew".

Just where these names appear, other than in this story, and who is responsible for making up this priority list remains locked forever within the reporter who wrote the story, and possibly will always remain locked there because who really cares where such nonsense came from?

The three names on the alleged priority list are, hold your breath, Governor Rockefeller of New York, Presidential Advisor Donald Rumsfeld, not exactly a "household" name, and the Republican National Chairman, Senator Robert Dole of Kansas.

The article goes down hill from there.

But it surely should be on the top of the stack on Mr. Agnew's desk to greet him on his return.

Where does all this "drop Agnew" talk come from, other than dreamy reporters?

Or a better question: what case can be made for dropping Agnew?

In the face of a conservative Republican Administration making friends with the greatest hate of the conservatives, Red China, why would Richard Nixon compound his problem by dropping the conservative Spiro Agnew?

Those who have always pleaded for a more intelligent China policy have been, in the main, liberals who would not vote for Richard Nixon. The latest move isn't going to win them over, nor would dropping Agnew bring them around.

Vice President Agnew has, like'im or not, developed a constituency of his own. It is the same constituency which regrets and, in some cases opposes, the overtures to Red China. Its love for Spiro would bring it out to vote for the Nixon-Agnew ticket again. Dropping Spiro would mean these people would stay home or opt for George Wallace.

And dropping Spiro wouldn't bring a ticket headed by Mr. Nixon any new voting power.

DR. ROGER ADAMS

Mr. STEVENSON. Mr. President, Dr. Roger Adams, a leader in the field of organic chemistry, died on July 6, 1971, in Champaign, Ill., at the age of 82. A resident of Illinois for 65 years, Dr. Adams had headed the chemistry department at the University of Illinois for 28 years until his retirement in 1957. He also served on the National Science Board from 1954–60. Dr. Adams was the recipient of the National Medal of Science in 1965 awarded by President Johnson for his work "as the one recognized leader" in organic chemistry for many years.

I ask unanimous consent that the biography of the distinguished chemist from Illinois, Dr. Roger Adams, be reprinted at this point in the Record.

There being no objection, the biography was ordered to be printed in the Record, as follows:

Dr. Roger Adams, who headed the chemistry department of the University of Illinois for 28 years until his retirement in 1957, died on July 6 in Champaign, Illinois. He was 82 years of age.

As one of the world's leading organic chemists, Dr. Adams consistently brought distinction to the University and the state of Illinois. A native of Massachusetts, Dr.

Adams was a resident of Illinois for 65 years. He first moved to Champaign-Urbana in 1916 to become assistant professor at the University of Illinois, and was later chairman of the department of chemistry and chemical engineering at the University from 1926–1954. In 1957 he became research professor and then professor emeritus.

Born in Boston, a member of the distinguished Adams family of Massachusetts, Dr. Adams received his A.B., A.M., and Ph.D. degrees from Harvard. Early in his teaching career he taught organic chemistry at Harvard University and Radcliffe College. At the University of Illinois he was personal research director for 184 Ph.D. recipients, many of whom became distinguished members of the academic and industrial scientific communities.

During his long career, Dr. Adams and his students developed what were referred to as "innumerable methods of organic synthesis" and determined structures of synthetic and natural products. Many of his methods have had important industrial or medical applications.

Dr. Adams held important scientific posts during World War I and II. Following the latter he was scientific advisor to the U.S. Military Governments in Germany and Japan. Appointed by the President to serve from 1954–1960 as a Member of the National Science Board, the governing body of the National Science Foundation, Dr. Adams' breadth of experience in university and government scientific circles was invaluable in shaping the growth of the Foundation in its early years. (The Foundation was formed in 1950 to continue on a permanent, peacetime basis the successful government-university relationships which had been established during World War II to support basic research.)

Dr. Adams served as overseer of Harvard, a trustee of the Battelle Memorial Institute, and a member of the Illinois Board of Natural Resources and Conservation. He was elected a member of the National Academy of Sciences, 1929 (head of its chemistry section from 1938–41); president of the American Chemical Society in 1935 and its chairman from 1944–50; president of the American Association for the Advancement of Science in 1950.

Dr. Adams was recipient of the Priestley Medal of the American Chemical Society (1946), the Davy Medal of the Royal Society (1945), the Perkin Medal of the Society of Chemical Industry (1954). In 1965 he was presented the National Medal of Science by President Johnson as "the one recognized leader" in organic chemistry for many years.

Dr. Adams' wife—the former Lucile Wheeler—died in 1964. He is survived by a daughter, Mrs. William E. Ranz of Greensboro, Vermont, and four grandchildren.

U.S. COMMITMENT TO PAY DUES OWED TO ILO

Mr. CRANSTON. Mr. President, the American assessment of membership dues to the International Labor Organization is now in arrears. Should these dues not be paid soon, this country will lose its voting rights and a major component of its voice in that international forum.

As Samuel de Palma, Assistant Secretary of State, recently testified before the Senate Appropriations Committee:

> The Departments of State and Labor are . . . convinced that, subject to a future review of the situation, it would better serve United States interests to maintain our membership, and that our influence and effectiveness in pursuit of our objectives within the Organization would be seriously impaired if we were to continue to withhold payment of our legally assessed dues of membership.

The Senate has seen fit to include this $7.8 million appropriation in the bill which has now come back to this Chamber without it. I do not intend to vote for this bill as it now stands and urge Senators to do likewise until the bill has been revised to include this important appropriation.

POSITION ON POLITICAL ADVERTISEMENTS BY WGN–TV, CHICAGO

Mr. STEVENSON. Mr. President, WGN–TV in Chicago has long been at the forefront of the effort to improve the quality of political advertising. Under the outstanding leadership of Mr. Ward Quaal, WGN–TV has voluntarily refused to accept political advertisements less than 5 minutes in length. According to Broadcasting magazine, for July 26, 1971, Mr. Quaal intends to bring the issue before the National Association of Broadcasters later this year.

I commend Mr. Quaal for this highly constructive iniative and ask unanimous consent that the Broadcasting article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Quaal Wants Ban on Political Spots

A prominent Midwestern broadcaster has called on the National Association of Broadcasters to ban the use of 30- and 60-second spots by political candidates.

Ward L. Quaal, president of Wgn Continental Broadcasting Co., said he wants the NAB TV and radio codes amended to prohibit stations from accepting any political statements that are less than five minutes in length in time for the 1972 election.

"I am fearful that unless such a plan is implemented," he told members of the San Diego Advertising Club last week, "we will have the same misunderstanding, distortion of issues and confusion" that occurred in the 1968 election campaign. Spot announcements by political candidates in 1968, Mr. Quaal said, "represented a pitiful reflection upon political leaders and a demonstration of total irresponsibility."

No candidate, Mr. Quaal said, can address himself adequately to his program in the course of a 30- or 60-second announcement. Also, he added, a candidate with heavy financial backing can saturate TV and radio in his area by buying spots.

"It is rather silly," Mr. Quaal said, "if we apply certain standards for shaving creams, dentifrices, gasoline, detergents, pharmaceutical products and intimate apparel and ignore an area which involves the election to office of the man who will lead this great Republic in the months and years to come and who is really the most powerful man on earth."

Mr. Quaal noted that he instituted this policy in 1952 at what is now Avco Broadcasting Corp., and in 1956 at the Wgn Continental stations (wgn-am-tv Chicago, kdal-am-tv Duluth, Minn., and kwgn-tv Denver).

Mr. Quaal's recommendation is not the first along these lines. A number of congressmen and senators, as well as political analysts, have expressed the view that 30- and 60-second spots should be banned in political campaigns. The latest was Senator Vance Hartke (D-Ind.) during the political-spending bill hearings by the Senate Communications Subcommittee last spring (Broadcasting, March 8).

The subject is expected to come before the NAB's TV and radio code boards—the radio board on Sept. 21 in Denver; the TV board, Dec. 9–10 in Phoenix.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

CONFERENCE REPORT ON STATE-JUSTICE APPROPRIATION BILL—MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, yesterday the Senate agreed to temporarily lay aside the pending business at 2 p.m. today for consideration of the conference report on H.R. 9272, the State, Justice, and Commerce Departments appropriation bill.

I ask unanimous consent that that time be changed, instead, to 4 p.m. today.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that when the conference report is laid before the Senate, the Senator from North Carolina (Mr. Ervin) be recognized.

The PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate S. 382, which the clerk will report.

The second assistant legislative clerk read as follows:

> Calendar No. 223 (S. 382), a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas (Mr. Pearson).

QUORUM CALL

Mr. PASTORE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken out of either side.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. PEARSON. Mr. President, I yield myself such time as I may be required to use, and I might at this time ask the Chair what the parliamentary situation is.

Is it true that we are now considering an amendment to the Pastore amendment No. 308 in the nature of a substitute?

The PRESIDENT pro tempore. It is not a substitute. It is an amendment to the substitute.

Mr. PEARSON. The question is, to be more precise, whether amendment No. 340, which I understand was laid before the Senate last night and was reported by the clerk, is an amendment in the second degree consistent with the unanimous-consent agreement.

The PRESIDENT pro tempore. It is an amendment in the first degree to the Pastore substitute.

Mr. PEARSON. Mr. President, I shall not seek to identify election campaign financing problems, but only make reference to the fact that I was the principal cosponsor of S. 1, together with my distinguished colleague from Alaska (Mr. GRAVEL), who is now on the floor.

It is my feeling that S. 382, whether it be the predominant version of the Commerce Committee or of the Committee on Rules and Administration, can be a good bill, addressing itself to spending limitations, repeal of section 315, disclosure, and tax incentives for political contributions, seeking to broaden the base of participation in the democratic process.

All of those objectives will be provided in a good bill, if there is provision for enforcement and if it is enforced.

I think that necessitates precise procedures and an agency to act as a registrar, to set forth procedures, to conduct investigations as necessary, to provide for administration, and to do all these things without political pressures and without political influences.

The Commerce Committee version designated that agency to be the Secretary of the Senate and the Clerk of the House, and the Committee on Rules and Administration bill provided that this function should be placed in the General Accounting Office.

The pending amendment provides for an independent agency, seeking to draw to this bill greater public confidence and independence not only from the Congress but from the Executive.

Mr. President, the Secretary of the Senate acts in an employee-employer relationship. The General Accounting Office operates in a principal-agency relationship, the GAO being an arm of the Senate or an arm of the Congress.

I make reference to the CONGRESSIONAL RECORD of July 8 of this year, at page 24004, wherein was inserted a letter from the Director of the General Accounting Office to Senator MAGNUSON, chairman of the Senate Commerce Committee, setting forth first a recognition of the need for this sort of legislation, but further setting forth the nature of the General Accounting Office—the principal-agency relationship; how it needs, in order to be effective, to be an independent agency, and not be embroiled in partisanship issues or even partisanship criticisms.

I think then that if GAO were given this responsibility that not only would it be ineffective to this particular task, but it would reduce the effectiveness of other great and satisfactory roles which the GAO has performed in the last few years.

The pending amendment would create a five-man commission, with 10-year terms, staggered so a new commissioner would come aboard with the appointment of the President and with the advice and consent of the Senate, every 2 years. It would be composed of no more than three members from any one political party.

This would be done not to create a new bureaucracy, but to compile reports, file reports, establish procedures, and report any possible violations to the Justice Department.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. PEARSON. I will yield in just a moment to the distinguished Senator from Pennsylvania.

Let me say that in a conversation earlier this morning with the Senator from Rhode Island I was reminded of the constitutional rights and privileges and duties of the Congress itself. Nothing in this amendment would abrogate any of those rights, duties, and responsibilities.

Now I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. I thank the distinguished Senator from Kansas.

Mr. President, first of all I support the amendment. I have advocated the same concept based on my own experience in the Commerce Committee, when we have in the past considered campaign reform, and based on my experience and service in the Committee on Rules and Administration. It is essential that we have an independent agency. I congratulate the Senator for offering the amendment.

I think this is the way we establish that we really mean what we say. I remember a Member of the other body once who used to say: "Whenever we pass a law down here, we ought to add a line: 'By God, we mean it.' "

Now I think we have a good chance to show that Congress is wholly on the level in its desire to have campaign reform and to have an oversight by a truly independent commission. I do not think we ought to embarrass our own staff establishments on Capitol Hill by requiring them to pass judgment on us. I do not think we ought to turn it over to an agency which is bound by long association to be highly responsive to Congress, as is the General Accounting Office. I think we need a truly, genuinely independent commission.

One of these kneejerk columnists of the far left had the colossal gall, in his own particular imbecile way, to imply that I did not want a genuine bill. Now that man is not telling the truth. Moreover, he has not researched the record, and he is certainly not aware of my own consistent desire to have reform.

Heavens, I have put into the RECORD a statement of how much we owe, as well as how much the other party owes. My party has instituted and is instituting programs to pay off their indebtedness and has indicated that to the federally regulated agencies. I have listed how much my party owes and how much I myself owe. I work to pay off my own deficit. I do not owe now, I am glad to say, any money to federally regulated industries, but I owe a little to the few people who trusted me, and they will be paid.

I am not going to submit mildly or quietly to the imbecile types who, for the benefit of their own readership, will believe anything that some jackasses say; and therefore I believe the way to show that we mean business, the way to show that we are independent, the way to show that we do want a bill which works and one with teeth in it, is to adopt this kind of amendment. I propose strengthening it, and I ask the distinguished Senator from Kansas if he could approve an amendment which I submitted last night, on behalf of myself and Senator BAYH, to further strengthen the independence of this agency. That amendment, designated as No. 359, would be as follows:

> On page 2, at lines 13 and 14, strike out "shall be appointed" and insert in lieu thereof the following: "shall be chosen from among persons who by reason of maturity, experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the commission, and shall be appointed".

I would express the hope that the distinguished Senator from Kansas would accept it and agree to modify his amendment on those lines, so that we can make it crystal clear, to coin a phrase, that we intend this commission to be of the highest possible character.

Mr. PASTORE. Mr. President, will the Senator yield at this point, before discussion takes place on the modification?

Mr. SCOTT. The Senator from Kansas has the floor.

Mr. PEARSON. I yield.

Mr. PASTORE. Could we in some way alleviate the suspicion that might arise? I am not accusing anyone of any ulterior motive at this point, because I will say very frankly, while I know the arguments against this amendment, I still feel personally amenable to it, as the Senator from Kansas knows. But as he spells it out, he specifies that no more than three Members shall be of the same party. I wonder if we could not agree to the amendment suggested by the distinguished Senator from Pennsylvania, together with my amendment making it a six-man commission, because you find, when you get five people, and you do not have them equally represented on both sides, by analogy to the ethics committee here and the situation in our own State of Rhode Island, when you get yourself into this idea of supervising elections and things of that kind, it is usually good to have an even split, and you need not worry over their lack of decision for the simple reason that if you get the caliber of people the Senator from Pennsylvania talks about, any abuses will be reported, and it removes that suspicion.

Mr. PEARSON. Mr. President, speaking of the proposal of the Senator from Pennsylvania, I have no objection to his modification. It just makes clear what I hope the President would follow in making appointments, and what is the essential role of the Senate in advise and consent.

May I say to the Senator from Rhode Island that I gave some thought to his suggestion last night, reached independently of his suggestion. The setting up of a commission in most instances requires an odd number for decisionmaking, but here, to accentuate the bipartisan nature or nonpartisan nature, if you will, I would have no objection at all to making this a six-member commission.

What I seek to do, above everything else, is to find some source of independence from Congress, from the executive branch and from politics. If the Senator from Pennsylvania would so modify his amendment, by changing the word "five" to "six," I would be glad to accept both the suggestion of the Senator from Rhode Island and that of the Senator from Pennsylvania.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PEARSON. Mr. President——

Mr. PASTORE. On our time.

Mr. PEARSON. Of course.

Mr. CANNON. I would just like to give a little background as to why we came up with the solution we did in the Rules Committee.

As Senators know, there was considerable support for the Clerk of the House of Representatives and the Secretary of the Senate, on the theory that under the Constitution each House is the judge of the rights of its own Members to be seated.

Mr. PEARSON. Yes.

Mr. CANNON. And we heard testimony at some length from people who were interested and had some expertise on this subject. While a number of witnesses said they would prefer an independent elections commission, they thought the GAO was a good compromise. This was more or less the reason we went to the GAO, because the GAO has a history of being about as independent an agency as can possibly be found in Government. It was originally created in 1921 by the General Accounting Act, and it was vested with all the powers and duties of six auditors and the Comptroller of the Treasury. We, of course, have used it very extensively since that time.

The authority was expanded and enlarged by various acts of Congress, and the office has grown to the point that today it certainly has a full staff of trained auditors, investigators, and others who have the experience and the expertise to really do a job such as would be required here.

One of the reasons that I was not favorably inclined toward the independent commission is that to establish such a commission, that has a job only every 2 years, is really to set up another bureaucracy, such as, for a good example, the Subversive Activities Control Board—another way to spend the Government's money without giving anyone a job to do. Obviously, the commission would have to expand during an election year, build up its staff, and be prepared to handle the matters relating to an election, and then, after the election year is over, they have nothing to do.

I realize the proposal would establish the Commissioners on a part-time, $100-a-day basis, but on that basis I do not think they would ever develop the technical expertise that would really be developed by the General Accounting Office. I certainly hate to see us——

The PRESIDING OFFICER (Mr. GAMBRELL). The time of the Senator from Kansas has expired.

Mr. CANNON. We were operating on the time on this side of the aisle, and I will yield another 5 minutes. We were not operating on the time of the Senator from Kansas.

The PRESIDING OFFICER. That had not been made clear to the Chair. But we will proceed on the time of the Senator from Nevada.

Mr. CANNON. So, Mr. President, this is one of the reasons that we did not accept the proposal in the first instance.

The idea that there is an independent agency completely removed from politics is good. Theoretically, all of our independent agencies are removed from politics. They are made up with balance. But we all know the facts of life, and we know, for example, that the former chairman of the Republican National Committee is now chairman of one of these independent agencies, and, if the Democrats were in, the probabilities are that one of the agencies would be chaired by the former chairman of the Democratic National Committee.

So to say that they are completely removed from politics, in these appointive jobs, is not quite correct, and I do not know how we could ever get them completely removed.

As I say, I am quite reluctant to see us establish another bureaucracy that is going to cost the American taxpayer more than what we could do the job with through the General Accounting Office. That is my whole view on the matter.

Mr. PEARSON. Yes. I appreciate that comment and the rationale of the committee. It has great merit.

Before I respond to the comments of the Senator from Nevada, I wonder if I might ask unanimous consent to accept the modifications of the Senator from Pennsylvania and the Senator from Rhode Island, before we get the yeas and nays ordered.

The PRESIDING OFFICER. The Senator may modify his amendment as a matter of right. There have been two modifications suggested; does the Senator propose both modifications?

Mr. PEARSON. Yes.

The PRESIDING OFFICER. Will the Senator send those modifications to the desk?

Mr. PASTORE. They are being prepared now.

Mr. CANNON. I wonder if the Senator would yield one further moment, on my time.

Mr. PEARSON. Yes, I am pleased to yield.

Mr. CANNON. I made the statement earlier that some of the witnesses who testified before our committee said they favored the separate commission, but that they felt a good compromise would be to compromise on the General Accounting Office. One of those was Deputy Attorney General Kleindienst, who said that while he favored the independent commission, he felt the GAO was a good compromise. Senator JORDAN testified to that same effect, Senator COOPER to the same effect, and Dr. Alexander, who has considerable expertise in this area, to the same effect. All have said that they think this is a good compromise, to go to the General Accounting Office. So I submit that for consideration.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. PASTORE. This is on my time, Mr. President.

First of all, I congratulate my colleague, who is the chairman of the subcommittee of the Committee on Rules and Administration.

I think he did what he thought was the right thing. There is no question at all that perhaps either way would be the proper way. This has been endorsed by the group known as Common Cause; this has been endorsed by the group known as the Committee for a More Effective Congress. It is a proposal that is very satisfactory or amenable to some Democrats on this side.

However, as I said yesterday, this is not to be a political instrument. There is no desire on the part of the Commerce Committee, no desire on the part of the senior Senator from Rhode Island, and no desire on the part of the Senator from Nevada to make this a game between Republicans and Democrats; because if it got to that point, I would no longer be interested.

I became involved in this very important subject because of what has been happening—the spiraling costs—and something needs to be done to bring this matter under control before we scandalize ourselves as an institution. So I think that, in the spirit of bipartisanship, we ought to go along with this amendment.

As I said before, we are not tied down to the pride of authorship. If anyone comes along with a suggestion that we feel will improve the bill, the Senator from Rhode Island and the Senator from Nevada not only are willing to listen but also to abide.

It is in that spirit, Mr. President, that I shall vote for the modified amendment. That is the way I feel about it.

Mr. PEARSON. Mr. President, I modify my amendment as proposed by the Senator from Pennsylvania, and modified further consistent with the proposal of the Senator from Rhode Island.

These modifications would contain certain language that deal with the personnel of this commission and would make it a six-man commission, with 12-year terms, staggered terms, appointed by the President, with the advice and consent of the Senate.

The PRESIDING OFFICER. The amendment will be so modified, and the clerk will read the modifications.

The assistant legislative clerk proceeded to read the modifications.

Mr. PEARSON. Mr. President, I ask unanimous consent that further reading of the modifications be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the modifications will be printed in the RECORD.

The modifications are as follows:

On page 2, line 12, strike "five" and insert in lieu thereof the word "six".

On page 2, line 18, after the words, "ten years," the following: "and one for a term of twelve years."

On page 2, line 20, strike the word "ten" and add the word "twelve."

On page 3, line 5, strike out "3" and insert "4."

Mr. PEARSON. Mr. President, I think I should respond to the Senator from Nevada, who made some very valid points in relation to this amendment.

I am as sensitive as he is about a new bureaucracy. I think it will be found that most of the body of this amendment seeks to address itself to that problem—a per diem arrangement for members of the commission, a requirement to use personnel of the Justice Department and the GAO when necessary.

If we are going to have a job to do, and additional work to do, it is just a matter of where the additional bureaucracy—there is no other word for it—is going to be. With respect to the General Accounting Office taking this over, I say to the Senator that Mr. Staats, in a letter to the chairman of the Commerce Committee and in another letter to me, of a more personal nature, has indicated his lack of desire—almost a plea—not to be asked to undertake this. So the question is whether we are going to have more bureaucracy in the General Accounting Office or whether we are going to have more bureaucracy in the office of the Secretary of the Senate or whether we are going to have an independent commission. I do not really envision this to be a large, unyielding body of men and people.

Whatever the cost, I think it can be justified in renewed confidence in the inevitable result of reform, which is essential in this field.

So, I am sympathetic to the points raised about the additional bureaucracy and the great possibilities and the great record of the General Accounting Office. I think it is most natural that the committee look in that direction. It is an agency which has served us so well that I do not know what we would have done without it in many fields of congressional effort. That is why I think one of the most persuasive arguments is the letter of Mr. Staats, indicating that he thinks that this additional assignment would diminish his independence and his authority to act.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. John W. Gardner, chairman of Common Cause, dated July 26, 1971, and an editorial which was broadcast by Station WTOP on July 29 and July 30, 1971.

There being no objection, the letter and the editorial were ordered to be printed in the RECORD, as follows:

COMMON CAUSE,
Washington, D.C., July 26, 1971.

Hon. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: You have done a great service to the public in your proposal to amend S. 382 by establishing a federal elections commission. The amendment has the strong support of Common Cause.

The need for an independent commission should be self-evident. Effective enforcement of the new law will be a grave responsibility affecting political careers and party fortunes, and should not be assigned to an office that is associated with Congress or the political parties.

Assigning the responsibility to a registry in the Government Accounting Office is clearly inappropriate. The GAO performs delicate tasks for the Congress, tasks that require an easy relationship of trust and confidence. That relationship could not survive the controversies that would inevitably beset any enforcement agency presiding over campaign finance. The Comptroller General himself has argued that such a responsibility would place a crippling burden on his office.

An independent elections commission would stand on its own, bearing the full consequences of its decisions and rendering objective judgments on the facts of each case. It would be free from even the appearance of Congressional influence. No conflicting obligations would restrain it from diligently searching out violations of law and reporting those violations impartially. Because an independent elections commission would have greater stature than a registry in the GAO, its decisions on controversial issues would be more readily accepted. In the eyes of the public, the establishment of a new commission would dramatize the departure from past practice and lend credibility to Congress' announced willingness to open political campaigns to objective scrutiny.

With adequate enforcement such as you would provide, I believe that S.382 could be a landmark reform. Without adequate enforcement, it is likely to fall flat. For the sake of the campaign reform Congress has worked so hard to achieve and for the sake of public confidence in the political process, I hope your amendment is adopted.

Sincerely,

JOHN W. GARDNER,
Chairman.

A WTOP EDITORIAL

As Congress moves toward final bills on campaign finance, there's still a strong compulsion—especially in the House—to *hide* as much as possible about the sources of money in political campaigns. Congress must be pressured relentlessly to write a law that will *reveal* as much as possible.

The bill which the House elections subcommittee has favored contains an atrocious provision which would require only one public disclosure of contributions and expenditures, and that would come 45 days after an election. A fat lot of good that kind of disclosure would do!

The Senate's primary bill, on the other hand, would vastly improve the disclosure process, with four major reports of fund-raising activities filed every single year—including non-election years as well. That's the right direction.

In terms of policing and enforcing disclosure, the House is leaning toward a solution which is politically loaded. It would let the clerks of the House and Senate—political appointees both—continue to be watchdogs. We can't for a minute envision that such hired-hands would vigorously enforce the law against their political masters.

The Senate bill puts the whistle in the hands of the General Accounting Office, which would be an immense improvement. The GAO, at least, is once removed from the danger of political reprisals.

Far and away the best solution would be a new, independent, bipartisan Elections Commission, which also has the support of the President. We urge the Senate to lead the way by opting for such a Commission.

Big money in politics has created some big dangers for government in this country. When that money is concealed, the danger is multiplied. As Senator Mondale noted recently, "It's often more revealing to know who a politician takes money from, than what he says in his speeches."

As showdown time approaches on campaign finance legislation, let disclosure—wide disclosure—be the key.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

Mr. PEARSON. Mr. President, I reserve the remainder of my time, if I have any left.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada has 5 minutes.

Mr. PEARSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on the amendment. I hope every Senator will raise his hand.

The yeas and nays were ordered.

Mr. CANNON. I yield myself 3 minutes.

Mr. President, I want to associate myself with the remarks of the Senator from Rhode Island. We are anxious to try to get a bill. We have gone too long by marching up the hill and then going down the hill over the last few years, to try to get some meaningful bill on election reform, even to the extent of having a bill passed in this body by a vote of 86-to-0 and still not being able to get it through.

I think we all are interested in the same objective. I have explained the reasons why our committee went to the compromise position of the General Accounting Office. I still think it would be best, because it would cost less money, and it would result in one less bureaucratic agency than if we established a separate commission.

Of course, the expert witnesses to whom I referred testified that this was a good compromise. It was an acceptable compromise, so far as they were concerned. However, we did not get all the provisions out of my committee that I would like to see. I was voted down on a number of provisions in committee, and the bill came from the Rules Committee with a number of amendments that I would prefer not to have.

Again, I say that I am interested more in trying to get a bill that will give us some meaningful election reform, which we can get on the books, and then get on with our business.

So, Mr. President, under those circumstances, I am willing to accept the amendment of the Senator from Kansas, along with the Senator from Rhode Island (Mr. PASTORE).

I reserve the remainder of my time.

Mr. PROUTY. I yield myself 3 minutes on the bill.

Mr. President, I had an amendment very similar to one which has been offered by the distinguished Senator from Kansas, and I was prepared to offer it before the Rules Committee; but I decided that this matter was of sufficient importance that it deserved wider publicity than would have been possible had we simply acted on it in the Rules Committee.

I commend the distinguished Senator

from Kansas for offering the amendment, of which I am a cosponsor. I think the compromise which has been agreed to is highly commendable. It will go a long way to suggest to the general public that we are acting in a strictly nonpartisan manner, and I hope we shall continue to do so on other amendments submitted.

I invite the attention of the distinguished Senator from Nevada to the last section of the amendment, which reads as follows—and I am referring now to his fear that we are creating a new bureaucracy:

> "(1) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request."

Mr. President, it seems to me that covers the situation clearly.

I ask unanimous consent to have printed in the RECORD a letter addressed by the Comptroller General to the chairman of the Appropriations Committee, the distinguished Senator from Louisiana (Mr. ELLENDER). Let me quote one sentence from it:

> We are strongly opposed to placing the responsibility for the administration of Federal campaign financing requirements in the Comptroller General.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 9, 1971.

Hon. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations, U.S. Senate

DEAR CHAIRMAN: This replies to your request for our views on the question of involving the Comptroller General in the reporting, disclosure, and investigative functions concerning federal campaign contributions and expenditures, as is proposed by S. 382, as amended by the Senate Committee on Rules and Administration.

We are strongly opposed to placing the responsibility for the administration of Federal campaign financing requirements in the Comptroller General. Our position, as we have stated in the past with regard to several bills, is that we should not be given the responsibility for audit, investigation, or enforcement in connection with Federal elections. We believe that the effectiveness of the Comptroller General and the General Accounting Office depends in large measure upon maintaining a reputation for independence and objectivity. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations. We are, therefore, apprehensive of any measure that might subject us to such criticism, the inevitable result of which would be a diminution of congressional and public confidence in our integrity and objectivity.

Because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. Over the years, we have had frequent and recurring associations with the committees of the Congress and with many of the members of Congress acting in their individual capacity. Our relationship has been most harmonious, but we are quite concerned that it could be severely impaired were we required to investigate and report on members of the Congress concerning campaign funds and expenditures.

We agree that there is a need for new legislation relating to the disclosure and financing of Federal election campaign costs, but we strongly recommend that the administration of legislation in this area not be placed in the Comptroller General. An alternative which we believe should be given serious consideration, would be the establishment of an independent, nonpartisan election Commission to oversee Federal campaign spending. This approach is proposed in two bills, S. 1 and S. 956, which have been introduced in the 92d Congress.

We very much appreciate your interest in obtaining our views on this legislation.

Sincerely yours,

(S) ELMER B. STAATS,
Comptroller General of the United States.

Mr. PROUTY. Mr. President, I am pleased to be a cosponsor of amendment No. 340 to amendment No. 308. The primary purpose behind election reform is to restore confidence of the American people in our election process. In order to achieve this end, it becomes essential for us to enact meaningful legislation. The only way that legislation can be meaningful is if we place the responsibility for administering the law in an agency which can insure impartiality and strict enforcement.

You will recall that S. 382 as introduced placed a responsibility for administering the disclosure law with the Clerk of the House and the Secretary of the Senate. Not only have those officials enforced the Federal Corrupt Practices Act of 1925 with less than active vigor, but also, by their very nature, there was a problem in giving them the task for administering the disclosure provisions of this act. First of all, they would have had to increase their staff tremendously. Second, being appointed by the Members of Congress, they hardly could have been expected to have enforced the law with vigor. When Deputy Attorney General Kleindienst testified before the Senate Commerce Committee, I asked the following question: The suggestion has been made that a Federal Election Commission be established with very detailed reporting required. Do you have any position on that? He responded as follows:

> I think it is our position that probably an independent commission established by the Congress with appropriate personnel and appropriations would do a better job than the system that you now have. Even if it was put together on a bipartisan basis with appropriate staff and money I think it would be a good approach to this problem.

Unfortunately, as we have previously pointed out, the bill was not considered in its entirety by the Senate Commerce Committee. However, it is interesting to note that on page 33 of the majority report, there was the following acknowledgment that the demand for an independent Federal Elections Commission was great: There was strong feeling expressed by some members of the committee that an independent Federal Elections Commission should be created, in lieu of the Secretary of the Senate and the Clerk of the House, to supervise the enforcement of this legislation. The committee members strongly recommend to the Committee on Rules and Administration that they give this matter very serious consideration.

Senator PEARSON and others have pointed out the tremendous public interest for an independent Federal Elections Commission, and in testimony before the Senate Rules Committee, the distinguished senior Senator from Virginia (Mr. SPONG) testified as follows:

> Briefly, I believe the bill should be amended to provide the creation of a Federal Elections Commission, as proposed by S. 956. Such a commission would seem to me to be a more effective agency for enforcing disclosure requirements than the Secretary of the Senate and the Clerk of the House who are designated for these responsibilities under S. 382. Because it would have only this function and because it would be independent of the Congress, the commission is far more likely to vigorously carry out the provisions of the law.

A number of other witnesses appearing both before the Commerce Committee and the Rules Committee endorsed the concept of an independent Federal Elections Commission. In our deliberations at the Rules Committee there was sharp disagreement as to where the responsibility should be placed. A number of questions were raised concerning the constitutionality of placing the responsibility anywhere other than in Congress. Deputy Attorney General Kleindienst had pretty well resolved that matter, so far as I was concerned. In a letter to Chairman MAGNUSON of the Senate Commerce Committee dated April 8, 1971, the Deputy Attorney General stated the following:

> Finally, the Department is of the opinion that the establishment of an independent commission to administer the disclosure requirements would not constitute an unlawful delegation of legislative authority to the executive branch. Presently, reports and statements under the Federal Corrupt Practices Act (2 U.S.C. 244–246), and under the Federal Regulation of Lobbying Act (2 U.S.C. 264) are filed with, and preserved by, the Clerk of the House of Representatives and the Secretary of the Senate. The creation of an independent commission would not deprive either House of its constitutional authority under Article I, section 5, nor would it involve a delegation of such authority. Rather, it would merely permit each House better to exercise its authority by acting upon the most informed judgment.

Personally, I was mildly pleased that the Rules Committee agreed to give up the notion that only the Clerk of the House or the Secretary of the Senate could administer a Federal Campaign finance disclosure law.

As you know, Mr. President, I have long been an admirer of the Comptroller General. The integrity of the Comptroller General and the General Accounting Office is beyond question. I recall that several years ago I amended the Equal Opportunity Act so as to require a comprehensive study by the Comptroller General as to the effectiveness of the war on poverty. He carried out that study with impartiality and thoroughness, which today has resulted in some improvements in that particular program. However, I could not agree that we had acted wisely by placing the Comptroller General of the United States in a position of administering the Federal Election Campaign Act of 1971. In my supplemental views to the Rules Committee I pointed out the following:

> In placing the Comptroller General in the position of administering a campaign disclosure law, we are placing upon him the impossible burden of deciding whether or not his "employers" have complied with the law. The integrity and thoroughness of the Comptroller General and the General Accounting Office is beyond question. We must consider that his effectiveness in conducting investigations and studies for individual Members of Congress could be impaired if he were placed into the position of questioning the completeness of a disclosure by a Member or a committee supporting a Member.

I was convinced then and I am convinced now that the Committee's reasoning in adopting the amendment, placing the Comptroller General in charge of this law, was not based on any firm commitment against the Federal Elections Commission. For example, Mr. President, on page 61 of the Rules Committee report, the following reasoning is given:

> With respect to the approval by the Committee of an amendment to direct the Comptroller General and the General Accounting Office to perform the duties set forth by pertinent sections of the bill, it is noted that opinion was and continues to be divided between the continuation of the offices of Secretary of the Senate and Clerk of the House of Representatives to act as depositories for statements and for other purposes, and the creation of a Federal Elections Commission to carry out those functions.
>
> Recognizing the probable need of a Federal Elections Commission to borrow, from time to time, competent auditors, accountants, and investigators from GAO in order to avoid the expenditure of unnecessary money for salaries during nonelection years, among other reasons, the Committee agreed that the office of the Comptroller General which already is charged with oversight authority over certain government contracts and spending, and which employs many experienced accountants and investigators, would be preferable to the offices of the Secretary and the Clerk.
>
> Accordingly, the Committee approved an amendment which in every pertinent title, section, or other provision of S. 382, changes the language of the bill to reflect the Comptroller General in lieu of the Secretary of the Senate and/or the Clerk of the House of Representatives.

Now, Mr. President, all those who suggest that we be creating bureaucracy should put their fears to rest. The Pearson amendment specifically provides that the independent commission should use to the maximum extent possible the services of GAO and the Justice Department. We would not be creating a big new bureaucracy. What we would be creating is an impartial, unbiased independent commission which could restore the faith of the American people.

Mr. President, this brings me to my final point. The Comptroller General himself agrees with me that he would be put in an untenable position if he were placed in charge of determining which Congressman or Senator may or may not have complied with the law. On every Senator's desk is a letter from the Comptroller General to the distinguished Senator from Louisiana, Senator ELLENDER. I believe we should follow the advice of the Comptroller General and good common sense by adopting the Pearson amendment creating an independent Federal Elections Commission. Let us have the courage to make the Federal Election Campaign Act of 1971 one that we can all be proud of.

Mr. PASTORE. Mr. President, I am ready to yield back my time. I am ready to vote. How much time do I have left?

The PRESIDING OFFICER (Mr. GAMBRELL). Three minutes.

Mr. PASTORE. I thank the Chair. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. GRIFFIN. Mr. President, as a member of the Commerce Committee, I strongly supported a similar amendment to the bill when the legislation was before that committee.

I ask unanimous consent to have printed in the RECORD additional views which I inserted in the report of the Commerce Committee, indicating my support for this particular approach.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF MR. GRIFFIN

In 1913 Supreme Court Justice Louis D. Brandeis noted that:

"Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best disinfectant; electric light the most efficient policeman."[1]

In today's era of instant communications, Brandeis' statement is doubly relevant.

The bill reported by the Committee makes significant strides in the direction of full and timely disclosure. It provides the current for the electric light as well as the light bulb. But, unfortunately, it does not assure that someone will be available to switch on the light.

What good is a reporting system if there is no effective agency to police it? As in the past, S. 382 would continue to provide that reports by candidates and political committees be filed with the Secretary of the Senate or the Clerk of the House.

As the Twentieth Century Fund pointed out in its 1970 report on campaign financing, the Secretary of the Senate and the Clerk of the House "do not have the authority, the staff, or the motivation to do anything but accept the reports that are filed."

Furthermore, these agents of Congress, realistically speaking, are just not in a position to investigate charges of campaign abuse—particularly in the case of charges lodged against incumbent Members of Congress.

To leave the present regulatory set-up unchanged would surely invite public criticism that Congress is writing a law that would be nothing more than a paper tiger.

If one of the principal purposes of enacting reform legislation is to restore public confidence in the electoral process, then I submit that in-house regulations does not aid in achieving it.

On the other hand, there is widespread support for creation of an independent, bipartisan (or nonpartisan) Federal Commission to oversee the spending and disclosure requirements. In 1960 the Citizens' Research Foundation published a report entitled "Money, Politics and Public Reporting" by Dr. Herbert E. Alexander. In the report it was suggested that:

> There is much to commend the establishing of an independent agency patterned, for example, upon the Civil Rights Commission. The electoral-financial process is hardly more sensitive an area than that of civil rights, and the strong opposition to the latter's establishment was overcome. . . .

Certainly, the record of the Civil Rights Commission, particularly in the area of voting rights, provides an excellent precedent.

Since this 1960 report was published, support for the concept of a Federal Elections Commission has mushroomed. Both the Foundation's report and the 1962 Report of the President's Commission on Campaign Costs called for creation of an independent Registry of Election Finance.

More recent proposals have also called for such a commission with investigative as well as publicity functions. Two of the bills that were before the Committee—S. 1, cosponsored by Senators Gravel, Brooke, Javits, Mansfield, Moss, Muskie, Packwood, Pearson, Randolph, Spong and Symington, and S. 956, cosponsored by Senators Scott, Mathias, Hatfield and Humphrey—call for establishment of a Federal Elections Commission.

In addition, other organizations, such as the National Committee for an Effective Congress, have spoken out in support of the commission approach. In a statement submitted to the House Committee on Standards of Official Conduct last December, the NCEC emphasized that "[e]ffective reform requires, at a minimum, the creation of an independent, non-partisan Federal Elections Commission insulated from and protected against the political pressures of the day."

Similarly, the position of the Justice Department and the Administration is that "a commission would be insulated from outside pressures and would increase the likelihood of vigorous enforcement."

Those who oppose establishment of such an Elections Commission say, in effect, that spending limitations, full disclosure and tougher penalties as provided in the bill will be enough to meet the mounting criticism against campaign spending abuses. But such an argument is unrealistic. While the tighter controls on spending and disclosure in the bill are essential, there is no glue to hold the pieces together in the absence of an effective independent, bi-partisan agency to monitor such activities.

Accordingly, while I recognize other deficiencies and inadequacies in the reported bill, including some outlined in the supplemental views, I believe the most glaring shortcoming is the omission of a Federal Elections Commission. I hope an effort to remedy this shortcoming will succeed.

ROBERT P. GRIFFIN.

Mr. PASTORE. Mr. President, I yield my remaining 2 minutes to the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

Mr. GRAVEL. Mr. President, I endorse the pending amendment and would like to say to my colleague from Nevada that I share his view that if there is anything we must be, it is vigilant against expansion of bureaucracies which seem to be the character of our system. If there is ever an area that indicates the need for expansion, it certainly would be in this area, which is the touchstone of our democracy. There is probably nothing that will be more important, no agency that will be more important than the operation of a system of representative government than will be this one, since this one will actually police the methods that bring about the creation of all else. So I would agree with his view, but I am forced to deviate because of the importance of this single act.

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[1] L. Brandeis, *What Publicity Can Do*, Harper's Weekly at 10 (Dec. 20, 1913).

Now, Mr. President, the bill currently before us is the most comprehensive and meaningful proposal for reform of election campaigns ever to be considered by the Senate. Its passage will go a long way to restore the lost confidence in the electoral process so prevalent today by letting the public know where campaign funds are coming from and where they are going.

Both the Commerce and the Rules Committees are to be highly commended for the prompt but careful attention they have given this subject, and I hope the whole Senate will follow their lead with an early enactment of this legislation.

Before final passage, however, there are several perfecting amendments which I believe should be adopted.

One of the most important of these is the amendment by the senior Senator from Kansas (Mr. PEARSON) to replace the General Accounting Office as repository of election reports with a nonpartisan Federal Elections Commission. This idea was contained in my own election campaign reform bill, S. 1, and I still think it the best assurance of full and fair disclosure of campaign financing.

While there is no question that the GAO possesses the facilities and expertise necessary to function as the repository of campaign reports, competence is not the only requirement if we are to have the most meaningful and complete disclosure of all campaign receipts and expenditures. We must also have independence.

The GAO is not, of course, subject to the charge of partisanship, which can hardly be avoided if the Secretary of the Senate and the Clerk of the House serve as the receivers of financial reports, as at present. Therefore, the committee's idea of placing this responsibility with the General Accounting Office is a commendable one, and constitutes a great step in the right direction.

Nonetheless, assigning this task to the GAO creates unique problems of its own. It would place the General Accounting Office in an investigatory and reporting capacity vis-a-vis the Congress, thus reversing the employer-employee relationship between the two bodies.

The undesirability of this situation was remarked upon by Elmer Staats, the Comptroller General, in a letter to the chairman of the Appropriations Committee (Mr. ELLENDER). He stated that—

> The General Accounting Office is strongly opposed to placing the responsibility for the administration of Federal campaign financing requirements in the Comptroller General.

Mr. Staats said:

> We believe that the effectiveness of the Comptroller General and the General Accounting Office depends in large measure upon maintaining a reputation for independence and objectivity. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations . . . because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal.

This is the inherent weakness in the proposal that the GAO assume responsibility for future financial disclosures. Any such extension of the Comptroller General's authority would be burdensome and uncomfortable, and could thereby prejudice not only the full disclosure of campaign financing but the other work of the GAO as well.

Creation of an independent, non-partisan Federal elections commission would avoid this difficulty. And it would not—as some have thought—entail setting up a whole new bureaucracy. The five-man commission would assume the responsibilities of decisionmaking and promulgating regulations, but the day-to-day work of receiving reports, conducting audits, and investigating abuses could be performed by personnel already available in the General Accounting Office and the Department of Justice.

The elections commission is a very practical idea, long supported by such reform-minded groups as the National Committee for an Effective Congress and the Citizen's Research Foundation. I hope that the Senate will adopt the amendment offered by the Senator from Kansas and myself.

Mr. BROOKE. Mr. President, comprehensive reform of the Federal campaign practices law is one of the most important issues with which the Congress must deal this year. Election after election, we have seen evidence that the American public is becoming increasingly weary and disillusioned by widespread abuse at campaign time of its tolerance, its intelligence, and its laws.

By its initial efforts in Commerce and Rules Committees, the Senate has posted clear notice that it intends to consider and approve the most sweeping reform and regulation of election laws in the Nation's history. I commend those Senators on both sides of the aisle who have worked diligently and cooperatively for several months, and trust that this spirit will carry the bill to prompt enactment. These efforts have laid a solid foundation for the molding of legislation which is both fair and effective.

Although previous legislation, principally the Corrupt Practices Act and the Hatch Act, has provided a basis for establishing some sense of order in campaign law, these acts have not been notably successful in preserving the integrity of the election process. Nor have they been adequately enforced over the years by the responsible officials of the Congress and the Justice Department. I am confident that this new legislation will provide means by which existing loopholes can be tightened and enforcement made more stringent.

There are several sections of the proposed legislation which I believe are deserving of special comment.

First, I believe that the most significant section of this bill is title III, which is concerned with disclosure of receipts and expenditures by candidates and their political committees. Should the Rules Committee version of the bill be enacted—and I am not aware of substantial opposition to most of its principal provisions—the American public will be provided with extensive information describing all phases of each candidate's financial activity.

Specifically, the treasurer of each political committee will be required to maintain records of all contributions and expenditures, and to file with the administrative office enforcing this act a listing of all contributions and expenditures in excess of $100. The bill requires that such reports be made on five separate instances prior to any election, including on the 5th day preceding the election.

I support also the provision, originally proposed by Senator SCOTT, requiring that candidates provide monetary guarantees that debts will be paid when owed to businesses regulated by the Federal Government, such as the telephone and airline companies. In my mind, it is scandalous that several candidates in the 1968 elections still owe hundreds of thousands of dollars to these corporations and have given no indication that the debts will ever be cleared.

Comprehensive disclosure is vital because it permits the voters to review the sources of funds for each candidate, as well as the total amount of such contributions. Indeed, disclosure requirements, if enforced, make less necessary any limitation on contributions or spending because they provide the public full opportunity to determine the appropriateness of a candidate's income and spending practices, and to translate that judgment into action at the ballot box.

It should be clear that a sum of money spent in one heatedly contested race might properly be greater than a sum of money spent in a mildly contested race in the same State. I for one have greater confidence in the logic and wisdom of an informed American electorate than I do in uniform legislative guidelines. Consequently, I fully support the disclosure provisions in the bill.

Third, I strongly support the amendment offered by Senator PEARSON of Kansas, which would create an independent Federal Elections Commission to supervise the enforcement of campaign laws. This proposed five-member bipartisan commission, appointed by the President with the advice and consent of the Senate, would have full power to investigate charges of illegal campaign activities, to subpena evidence, and to report possible violations of law to the Justice Department for prosecution.

These important responsibilities can be most effectively undertaken by a body which is almost entirely independent of both the executive and legislative branches. Although it would be an improvement over present law, the proposal that the General Accounting Office be assigned the responsibility would endanger that important body's nonpartisan status. Indeed, the Comptroller General, as Director of GAO, has himself stated that he favors the independent election commission.

Bearing in mind that fair campaign practices will, in large measure, follow from stringent disclosure requirements, the Congress should be particularly careful to respect first amendment considerations in establishing campaign spending limitations. As incumbents, we ought to recognize that we have the most to gain by tightly limiting allowances for media expenditures. In most contests, the challenger starts with a serious disadvantage simply because his name and face are largely unknown. I believe that any campaign regulation should bear this factor in mind.

Thus, I strongly support the repeal of section 315 of the Communications Act for all candidates for Federal office, congressional as well as presidential. The present "equal time" requirement prohibits broadcasters from granting the two or three major party candidates an opportunity to debate and discuss the issues without providing an equal opportunity to all other candidates for the same office. The section should be repealed because it is unrealistic and because its net effect is to provide little, if any, free air time to any candidates for Federal office. Surely, it makes little sense to take the halfway measure of repealing the law only insofar as it applies to presidential contests. Recent experience as well as statistics prove that there is a much greater likelihood of third party opposition in a contest for the Presidency than in one for the Congress; therefore, if section 315 is repealed for presidential elections, there would be little point in retaining it for other Federal contests.

Repeal of section 315 would logically bring about a second highly desirable goal—a reduction in spending for media advertising and in the superficial commercialization of candidates that has become much too familiar in American political life.

After thorough consideration, I have concluded that we should adopt that part of the amendment proposed by Senator PASTORE which would limit spending for broadcast media to 5 cents per eligible voter. A study of the 1970 expenditures in senatorial contests reveals that a large majority of the candidates would have spent less than 5 cents per voter. There is, therefore, no need to enact into law a provision which has the effect of permitting increases, rather than limits, of the high costs of campaigning.

My decision on this matter was influenced also by two additional aspects of the bill about which there is little disagreement. First, the spending limitation will be based on the number of eligible voters rather than the number of individuals voting in the previous election. Second, the bill requires that all charges for broadcast facilities be assessed at the lowest unit advertising rate of the station in the 45 days prior to a primary election and 60 days prior to a general election. These changes will, in most cases, translate the 5-cent limit of the present bill to approximately 10 cents under the old standards.

Along with the 5-cent per eligible voter limit on nonbroadcast media expenditures, as well as repeal of section 315, this provision would place a reasonable limitation on the amount of television advertising but would still be high enough to provide adequate opportunity for each candidate fully to present his views to the public in whatever manner he sees fit.

The Senate will be debating other important aspects of this bill in the coming days. Hopefully, these efforts will result in legislation which is desired by a great majority of the public as well as by most individuals who run for public office.

It is clear that the American campaign process has become, in too many instances, a contest where the survivors are the wealthiest, the best performers, and the ones with the best advertising consultants. If we are to restore the confidence of American citizens in the political process and in the Congress itself, passage of this bill is a vital and requisite step.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, whatever time I had, I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. (Mr. GAMBRELL). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Kansas (Mr. PEARSON).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK) are detained on official business.

The result was announced—yeas 89, nays 2, as follows:

[No. 186 Leg.]

YEAS—89

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—2

Buckley
Long

NOT VOTING—9

Baker
Bayh
Bentsen
Brock
Eastland
Hughes
Magnuson
Mundt
Stennis

So Mr. PEARSON's amendment, as modified, was agreed to.

AMENDMENT NO. 342

Mr. SCOTT. Mr. President, I call up my amendment No. 342 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 17, between lines 2 and 3, insert the following:

"SEC. 206. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

" '§ 614. Extension of credit to candidates for Federal office by certain industries

" '(a) Except as otherwise provided in subsection (b) of this section, no person engaged in a business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, shall furnish goods or render services to a candidate, or to any other person who is acting on behalf of such candidate, in connection with his campaign for nomination for election, or election, to Federal office unless such candidate or person (1) pays for such goods or services in advance of their being furnished or rendered, or (2) secures the debt so created in full by property, bond, or other security.

"(b) In the case of any such business whose customary practice is to submit statements to its customers at periodic intervals requesting payment for goods furnished or services rendered, such business shall not furnish goods or render services to any such candidate or person, or to any other person acting on behalf of such candidate in connection with his campaign, so long as any debt owed by such candidate or person for past goods furnished or services rendered in connection with the campaign of such candidate remains unpaid for more than ten days after the date such statement is issued unless such debt is secured in full by property, bond, or other security. In order to carry out the provisions of this subsection, such business shall submit such statements on a monthly basis to its customers who are candidates or persons acting on behalf of a candidate in connection with his campaign.

"(c) Any candidate who purchases goods or services from any such business in connection with his campaign for Federal office, and any person who purchases such goods or services on behalf of such candidate in connection with his campaign, shall identify himself as a candidate or as a person acting on behalf of a candidate before purchasing such goods and services and shall indicate that such goods and services are being purchased in connection with the campaign of such candidate.

"(d) For purposes of this section—

"(1) payment in advance by cash, check, money order, or by credit card (if the issuer of such card is not the person from whom such goods or services were purchased, or a subsidiary, parent, or affiliate corporation thereof) shall be considered to be payment in advance; and

"(2) a person shall be considered to be acting on behalf of a candidate if—

"(A) he is employed by such candidate or by a political committee to act on behalf of such candidate in connection with such candidate's campaign for nomination for election, or election, to Federal office;

"(B) such candidate, or a political committee which makes expenditures to influence the nomination or election of such candidate, pays, directly or indirectly, for goods and services purchased by such person while so acting;

"(C) such person is acting under an agreement with such candidate, or with a political committee which makes expenditures to influence the nomination or election of such candidate, under which he is to engage in activities in connection with such candidate's campaign for nomination for election, or election, to Federal office; or

"(D) such person is acting as an agent of such candidate, or of a political committee which makes expenditures to influence the nomination or election of such candidate, in connection with such candidate's campaign for nomination for election, or election to Federal office.

"(e) The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate its own regulations, within ninety days of the effective date of this Act, in order to carry out the provisions of this section with respect to businesses regulated by it.

"(f) Violation of the provisions of this section, or regulations promulgated under this section, is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both."

On page 17, line 3, strike "SEC. 206" and insert in lieu thereof "SEC. 207".

On page 17, strike the matter between lines 10 and 11, and insert in lieu thereof the following:

"611. Contributions by Government contractors.";

(4) Adding at the end of such table the following:

"614. Extension of credit to candidates for Federal office by certain industries".

On page 27, line 21, strike out "SEC. 305." and insert in lieu thereof "SEC. 305. (a)".

On page 28, between lines 4 and 5, insert the following:

"(b)(1) Any candidate, or person acting on behalf of such candidate or as an agent of such candidate in connection with the campaign of such candidate for nomination for election, or election, to Federal office, who purchases goods or services in connection with such campaign from any business the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, shall file with the Comptroller General a statement disclosing—

"(A) the name of the purchaser and the name of the candidate for the benefit of whose campaign the goods or services were purchased;

"(B) a specific description of the goods or services furnished and the quantity or measure thereof, if appropriate;

"(C) any amount of the price of such goods or services not paid in advance of their being furnished to the purchaser;

"(D) any unpaid balance of the price of such goods or services as of the reporting date;

"(E) a description of the type and value of any bond, collateral, or other security securing such unpaid balance; and

"(F) such other information as the Comptroller General shall require by published regulation.

"(2) Reports required under paragraph (1) of this subsection shall be filed on the dates on which reports by political committees are filed, and shall be cumulative.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, I wish to point out to Senators——

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Rhode Island will withhold for a moment. The Chair asks that Senators be seated and that attachés retire to the rear of the Chamber. Let us have order.

The Senator from Rhode Island may proceed.

Mr. PASTORE. Mr. President, as I was saying, we have a one-half hour limitation, with 15 minutes to a side. I would expect that votes will come fast and, hopefully, furious.

Mr. SCOTT. Mr. President, I agree with the statement of the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, my amendment concerns the extension of credit to candidates for Federal office by certain federally regulated industries.

The basic points to consider are that the legislation and regulations covering common carriers—airlines, telephone companies, and telegraph companies—generally prohibit discrimination and unreasonableness in setting rates, charges, and deposits. Because of this inflexibility, these federally regulated industries have great difficulty in obtaining sufficiently large deposits to cover operations connected with political campaigns.

Because of this difficulty, many political accounts remain outstanding. In some cases they are completely uncollectable and, in fact, have been written off entirely.

The combination of these three factors places these regulated industries, all of them corporations, in a position of making illegal corporate contributions to political campaigns. Existing law already prohibits corporate contributions, in addition to "free" services.

Mr. BYRD of West Virginia. Mr. President, may we have a little better order in the Senate?

The PRESIDING OFFICER. The Chair will again attempt to get order. The best way to have order is for Senators to respect the right of other Senators to be heard.

The Senator from Pennsylvania may proceed.

Mr. SCOTT. Mr. President, very simply, because of their inability to protect themselves adequately these federally regulated industries become easy prey for political candidates. The airlines, telephone, and telegraph companies have been placed in a position of unlawfully, unavoidably, and unintentionally—and I might add illegally—subsidizing political campaign expenses.

Another point to keep in mind is that, even if it can be shown that these particular industries have enough latitude to protect themselves, a very delicate political problem remains. For example, an airline executive could be faced with a problem of how he tells a powerful Member of Congress, whose jurisdiction in committee may include airlines and who may be a candidate for office, that the candidate's credit or application for credit must be denied. Perhaps the candidate would seek out another airline to extend credit, but in any event the uncooperative airline would be at least in fear of possible future recrimination. Only the force of law, as proposed in my amendment, would prevent such abuses of power.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. SCOTT. I will yield in a moment.

Mr. President, on July 23, 1971, at page 26935, I introduced a longer statement on the amounts due—from both political parties and the candidates of both political parties—indicating that this difficulty has afflicted many federally regulated industries, no matter who is the candidate or which party is running.

I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. I raise a question just on the wording of the amendment. I can certainly sympathize with the Senator from Pennsylvania on the purpose of the amendment. I understand what he is trying to get at, but on page 3 of the amendment, it reads:

> For purposes of this section—
>
> (1) payment in advance by cash, check, money order, or by credit card . . .

Then the language continues—

> if the issuer of such card is not the person from whom such goods or services were purchased . . .

And so on.

I have an international credit card, just to make it personal, so I will not be stepping on anybody else's toes, which is under the aegis, at least, of the United Air Lines. In the process of traveling back and forth to my State, I use United Air Lines all the time, and then go ahead on that travel-card system.

I would hesitate to make a pronouncement on this, but, for the record, I would think that is a person from whom such goods and services were purchased if I were traveling on United; and I would think it would be prohibited under this language.

Mr. SCOTT. Mr. President, the Senator and I discussed this earlier. I did not intend to mislead him, but, on a careful reading of the amendment and its effect, it would mean credit could be used by candidates as long as the debt is fully secured. American Express cards, for example, could be used at any time; but a credit card issued by a particular airline, for example, could not be used unless the credit is secured—that means otherwise secured. So an airlines credit card would not be covered, but the other credit cards would be exempted. Western Union or Bell Telephone cards would be covered unless otherwise secured.

Mr. DOMINICK. I would think that would create all kinds of problems, because in the normal course of events, I use the airlines all the time—and I am sure everyone else around here does—on the ordinary credit card, or some other credit card which is available, and I would think it would be extremely complicated to say the whole bill must be secured, when one does not know what it is that must be secured before he can travel on it.

Mr. SCOTT. There is a 10-day grace period during which unsecured credit can be cleared up by full payment of bills or through a security arrangement. Monthly statements, however, are required. But there cannot be any attempt to pile up bills on that credit card.

For example, if a Senator used the United Air Lines card and ran up a debt of $10,000 unsecured, there is nothing in the credit card or no available means by which the airlines could proceed. Failure to pay an American Express card bill definitely affect the personal credit as well as the credit of a candidate or of any person who is running for office, and it is believed that that in itself operates as sufficient security, in addition to the checks and the protections which American Express, Diner's Card, and all the rest have used to assure themselves by prior credit investigation.

Mr. DOMINICK. I am trying to clear the record. Most of the credit cards issued by the airlines do have credit secured, because it costs about $200 to go back and forth, and one has to put up $400 security. Obviously, it is not going to be enough in a campaign year for any kind of candidate.

The difficulty I see in this amendment is that it provides that one is still abiding if he pays within 10 days, but if he does not, he is in a substantial problem. He may find himself engaged in a campaign where the bill does not even come in during that period or he may find himself in a position where, because of the campaign exigencies, he is not able to get back just to find the bill and write a check. In other words, there are some problems in this airline situation which perhaps have not been considered.

The American Express card is largely unsecured. The airlines cards have some deposits behind them, at least to some degree. But is it not a matter of business on the part of the airlines to decide whether or not they are going to crack the whip and make a person pay his bill?

Mr. SCOTT. I grant that there are difficulties, but I do not know of a better way to get at it. The effect probably would be that the airlines would require a greater deposit than they presently require, according to the track record of the candidate who is running. One who is in a nearby State might be expected to pay a smaller deposit. They might do that. Perhaps others will want to do that. In any event, say $4,000 was required; that might be used as security until it was exhausted.

Mr. DOMINICK. It seems to me that if we take the words out of the amendment on page 3 in parenthesis, on lines 12 to 15, the problem that I have brought up would be solved, and that person, in other words, would still be considered to have made a payment in advance when he has a credit card. Therefore, he would not have that problem.

Mr. SCOTT. I would be glad to consider that possibility and discuss it with the Senator from Colorado prior to the vote and make a statement as to whether or not we can do that. In the meantime I would like to give other Senators an opportunity to be heard.

Mr. DOMINICK. I thank the Senator.

Mr. SCOTT. Mr. President, at this time I yield the floor and reserve the balance of my time.

Mr. PASTORE. Mr. President, as our beloved former colleague, Mr. Dirksen, would be prone to say, this indeed is discriminatory; it makes a second-class citizen out of a candidate. My question is, Why do we do it to ourselves? Who really are we that we think of ourselves in such a way that we have to punish ourselves unnecessarily when we are trying to do what most of us think is an act of nobility in running for public office? The former Senator from Illinois would be prone to say this is really throwing out the baby with the bath water. I would say this is burning down the barn to catch one mouse.

After all, this is entirely within the discretion of the airlines. If they do not think PASTORE or HUMPHREY is worthy of credit, they do not give it, and if they give credit and get stuck, they cannot add it on their rate base. That is the law.

I say this amendment is absolutely unnecessary. This is not the place for it. It should not be in the bill. It ought not to be in the bill. I hope the Senate will knock it down.

As the Senator from Colorado said, talk about a sieve when the President vetoed the original bill; this is full of potholes. This is a bottomless kettle, and I think we will all be inundated with shame if we adopt the amendment. I hope it will be knocked down.

Mr. CANNON. Mr. President, will the Senator yield to me?

Mr. PASTORE. I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I associate myself with the Senator from Rhode Island in opposing this so-called fat cat or rich man's amendment that is before us.

In the first place, it would establish a discriminatory position in favor of Carte Blanche, American Express, and other credit chains that issue cards to cover many different services and charge a percentage to the agency that is utilizing those services.

On the other hand, it would penalize any company that wants to carry its own credit. Any of the airlines, Western Union, or the telephone company that wanted to carry their own credit and use their own credit would be penalized because they could not operate under this amendment.

I pointed out yesterday that it is, plainly and simply, a fat cat or rich man's amendment. It is not only designed to, but will, eliminate those without ample resources and finances from participating as candidates for public office.

I do not think that is what we want to do. We heard a lot of discussion here a few minutes ago, on the last amendment, about the worthy objectives of a nonpartisan approach to try to get an election bill out of here that would provide some election reform.

This is going to reform it; it will make it so that no one except a rich man can run for public office.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield.

Mr. STEVENS. How does this get to be a rich man's amendment? I do not quite understand that. The people who are running up these bills are people who are not paying their bills. I do not quite see how you can call this a fat cat or a rich man's amendment. We are trying to assure that people are responsible for the debts incurred in their names by committees which are organized in order to help a candidate run for election.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. CANNON. I yield.

Mr. PASTORE. The poor man, the guy we are trying to help, is not getting that kind of credit.

Mr. STEVENS. Who does the Senator know in that circumstance? What candidate does he know who is running around the country, running up bills and not paying them?

Mr. PASTORE. Did the Senator ever run for President?

Mr. STEVENS. No, and I have no intention of doing so.

Mr. PASTORE. When the Senator runs for President, he will have a job on his hands.

Mr. STEVENS. We are talking about campaign committees running up charges and now being serviced by corporations, contrary to the Corrupt Practice Act. That is my understanding. How does that turn out to be a "fat cat" amendment? We are trying to make those fat cats pay up.

Mr. CANNON. Mr. President, I would like to answer now. I have yielded to several Senators on my own time.

In the first place, if they are extending credit in violation of the Corrupt Practices Act, the Department of Justice ought to take action, and I am sure they would if someone made a complaint to them, because that is their responsibility, to prosecute if there is a violation of the Corrupt Practices Act. The violation would be if this were really a contribution and not a pure and simple extension of credit.

But the amendment would prohibit the ordinary man, like myself, the Senator from Alaska, and a few others, who travel great distances, from using an airline credit card unless we post security in full. With the amount of traveling we would do, we could not use that card.

On the other hand, we could, as I pointed out earlier and as the Senator from Colorado pointed out, go to American Express or Carte Blanche or some other company, and use the credit card there without posting security, and the beneficiary, the company extending the service, either the airline, Western Union, or the telephone company—and those are the only three involved—would have to pay a premium to Carte Blanche or American Express to use that service, and could not issue its own credit card, which it has the right to do in the ordinary course of good business practice, in carrying out good credit management.

I submit, Mr. President, that this is really and truly a fat cat or rich man's amendment, and it would prohibit a poor man, who cannot put up the necessary cash to cover his own traveling expenses and the telephone calls he is going to make, from running for public office.

It covers three agencies, the FCC, the ICC, and the CAB. We might as well eliminate the ICC to begin with, because they only cover the railroads, and the railroads are not running any more, anyway, as far as passenger traffic is concerned, and do not extend credit when they do.

The other two have authority to establish rules and regulations to protect the organizations which they exercise jurisdiction over. Certainly the business management practices of those companies ought to be adequate to take care of this particular situation. Therefore, Mr. President, I oppose the amendment.

Mr. SCOTT. Mr. President, I send to the desk a modification of my amendment.

The PRESIDING OFFICER. The clerk will state the modification.

The legislative clerk read as follows:

On page 36, after line 16, add the following:

"TITLE IV—MISCELLANEOUS

"EXTENSION OF CREDIT BY REGULATED INDUSTRIES

"SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within 90 days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301 (c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. SCOTT. Mr. President, the reason for submitting the modification is twofold. First, the sheer pragmatism of recognizing that, in view of the opinions expressed here, particularly by the distinguished Senator from Rhode Island, for whom we have such respect, and recognizing pragmatically that my original amendment is not going to carry, although I think it is better than the one I am now submitting, and I think it is more desirable; and second, I have here just received further evidence of the piling up of bills of the Bell Telephone Co., in the form of a letter from the American Telephone & Telegraph Co., dated yesterday; the back of poor old Ma Bell is bending, and I ask unanimous consent that the letter and supplementary material be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SCOTT. If I may say just briefly this: What we propose now, after discussion with the distinguished manager of the bill (Mr. PASTORE), is that the appropriate regulatory agencies, within 90 days after the enactment of this act, issue such rules and regulations as will have the effect of correcting a situation where huge bills can be piled up without any subsequent genuine effort to pay them. We are going to leave it to the regulatory agencies. To do the job they are supposed to do.

My original amendment was a mandate. This is a directive that regulations be proposed. It has been discussed with the Senator from Rhode Island, and I understand that the Senator from Nevada is aware of it, and I hope that the manager of the bill can accept the amendment.

EXHIBIT 1

AMERICAN TELEPHONE & TELEGRAPH CO.,
New York, N.Y., August 2, 1971.

Mr. BERNARD STRASBURG,
Chief, Common Carrier Bureau,
Federal Communications Commission,
Washington, D.C.

DEAR MR. STRASBURG: This is in further reply to your letters of May 24, 1971 and June 21, 1971 (File 9330) which enclosed copies of letters from the General Accounting Office (GAO) requesting that we obtain and furnish certain information regarding political campaign debts owed to the Bell System Telephone Companies.

The revised GAO request, transmitted with your June 21, 1971 letter, specified that we need to provide (1) only the amount of debt still outstanding for each candidate in the 1968 presidential campaign and (2) the amounts written off as uncollectible for all candidates for Federal office for the years 1968, 1969 and 1970.

Our letter of July 7, 1971 transmitted the information covering the amounts written off as uncollectible for the years 1968, 1969 and 1970. However, we do not consider any such amounts as written off in the sense of discharging the debtor; nor do we discontinue collection efforts. In addition, we do not settle debts for less than the full amount.

We are attaching hereto the requested information covering the outstanding campaign debts owed to Bell System Companies for communication services furnished during the 1968 presidential campaign to national, state and local committees campaigning for the candidates.

Bell System policy and procedures with respect to the billing and collection of debts incurred by the committees campaigning for the candidates for Federal office are consistent with the policy and procedures applicable to any other customer. Furthermore, we do not differentiate in our collection efforts between regular customers and those campaigning for political candidates.

All communication services for all customers are provided at the rates and charges specified in applicable tariffs on file with the appropriate regulatory bodies.

In addition, the GAO requested that we provide:

1. An explanation as to why any other data requested could not be provided including, where appropriate, an estimate of the time and cost that would be involved (in assembling such data).

2. Actual or estimated total amounts, written off as uncollectible for each of those years for which the carriers cannot submit (the requested) data.

In response to item 1. above, the records for all the years prior to 1965 have been destroyed as provided for by Part 42 of the F.C.C. Rules and Regulations, "Preservation of Records of Communication Common Carriers." For the years 1965 through 1967, political accounts were not separately identified and were filed with all other accounts. To determine at this time the political accounts previously written off as uncollectible for the years 1965 through 1967 would require identification of the names of all candidates then running for Federal office. Once these names were determined, a manual search of Commercial records in each of the Telephone Companies would have to be initiated to obtain the telephone numbers of the political accounts in question. Many accounts, however, may be listed under billing names other than those of the candidates and thereby virtually impossible to identify. The list of telephone numbers that could be assembled would then be furnished to the Comptrollers Department, which would institute a search of the records to determine what amounts had been written off as uncollectible. These Comptrollers Department records are currently stored in each Telephone Company in a number of dead storage locations. We estimate that it would require approximately 1,750 man hours at each of the 108 Revenue Accounting Offices or a total of 189,000 man hours to search the records at an estimated cost of $960,000.

In response to item 2. above, we have no basis for estimating the political account amounts written off as uncollectible prior to 1968, other than by extrapolation of our experience starting with 1968. In our opinion, such a bench mark would be unrealistic. The campaigns commencing in 1968 differed from previous campaigns inasmuch as the amount of telephone communications used from 1968 onward greatly exceeded the volume of calling in comparable campaigns. Therefore, we do not believe we possess sufficient data to permit an estimate which would have any degree of validity.

If you have any questions regarding the attached information, we shall be glad to discuss them at your convenience.

Yours very truly,
D. E. EMERSON.

OUTSTANDING DEBTS OWED TO BELL SYSTEM COMPANIES FOR SERVICES FURNISHED DURING THE 1968 PRESIDENTIAL CAMPAIGN TO NATIONAL, STATE, AND LOCAL COMMITTEES OF THE CANDIDATES

[Not written-off as uncollectible]

Company	Incurred on behalf of—	Number of accounts	Amount owed
Southern New England	Humphrey-Muskie	2	$218.83
Cincinnati Bell	do	8	1,643.28
Wisconsin	McCarthy	3	6,419.94
	Nixon-Agnew	2	224.36
Total			6,644.30
Southwestern	Humphrey-Muskie	78	$15,264.54
	Kennedy	1	201.05
	Nixon-Agnew	27	7,087.79
Total			22,553.38
New Jersey	Humphrey-Muskie	64	12,456.89
	Nixon-Agnew	19	12,463.74
Total			24,920.63

OUTSTANDING DEBTS OWED TO BELL SYSTEM COMPANIES FOR SERVICES FURNISHED DURING THE 1968 PRESIDENTIAL CAMPAIGN TO NATIONAL, STATE, AND LOCAL COMMITTEES OF THE CANDIDATES—Continued

[Not written-off as uncollectible]

Company	Incurred on behalf of—	Number of accounts	Amount owed
Pennsylvania	do	46	$19,051.25
	Humphrey-Muskie	54	17,012.00
Total			36,063.25
Long Lines	do	2	10,724.00
	Nixon-Agnew	1	1,379.66
Total			12,103.66
New York	Nixon-Agnew	1	71,242.42
	McCarthy	6	8,170.92
	Humphrey-Muskie	154	27,006.94
	Kennedy	25	43,419.77
Total			149,840.05
Pacific Northwest	Humphrey-Muskie	14	4,234.57
	Nixon-Agnew	1	32.35
	McCarthy	15	22,720.79
	Kennedy	129	29,152.62
Total			56,140.33
Michigan	Nixon-Agnew	11	2,004.79
	Humphrey-Muskie	2	30.43
	Kennedy	16	4,422.89
	McCarthy	2	244.71
Total			6,702.82
Ohio	Nixon-Agnew	89	19,206.96
	Rockefeller	1	161.71
	Humphrey-Muskie	58	8,296.82
	McCarthy	10	334.64
Total			28,000.13
Indiana	Humphrey-Muskie	9	2,768.16
	Kennedy	64	36,440.87
	Nixon-Agnew	2	284.34
Total			39,493.37
Mountain	do	50	6,160.77
	Rockefeller	1	235.03
	Humphrey-Muskie	31	5,133.84
	Kennedy	20	3,447.90
	McCarthy	2	730.69
Total			15,708.23
Pacific	Nixon-Agnew	13	$4,810.91
	Kennedy	150	98,275.07
	Humphrey-Muskie	88	66,312.14
Total			169,398.12
Illinois	Nixon-Agnew	34	21,710.45
	Rockefeller	1	1,173.52
	Humphrey-Muskie	17	2,108.96
	Kennedy	14	3,565.47
Total			28,558.40
Northwestern	Humphrey-Muskie	16	4,195.54
	Kennedy	147	26,998.26
Total			31,193.80
C. & P., Virginia	Humphrey-Muskie	21	2,645.17
C. & P., West Virginia	Kennedy	3	2,958.67
C. & P. Co	Nixon-Agnew	10	11,085.54
	McCarthy	1	111,760.02
	Kennedy	3	158,110.47
	Humphrey-Muskie	3	153,354.04
Total			434,310.07
C. & P., Maryland	Nixon-Agnew	6	3,115.52
	Kennedy	1	509.08
	Humphrey-Muskie	14	4,031.55
Total			7,656.15
New England	Nixon-Agnew	27	1,703.88
	McCarthy	2	107.02
	Kennedy	16	1,100.41
	Humphrey-Muskie	7	420.16
	Rockefeller	1	7.50
Total			3,338.97
South Central	Nixon-Agnew	56	6,391.27
	McCarthy	1	10.07
	Humphrey-Muskie	81	6,620.72
Total			13,022.06
Southern[Bell	Nixon-Agnew	27	729.27
	Wallace	1	30.00
	Humphrey-Muskie	1	355.13
	Kennedy	8	282.40
Total			1,396.80

Mr. SCOTT. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, this is now a horse of a different color. It is acceptable to me. It really modifies a directive which is the existing authority today, under the law, of these various agencies. It reminds them of their responsibilities. There is nothing punitive about it, and for that reason I am perfectly willing to accept it. I think as now modified it really is a public service.

Mr. SCOTT. I thank the distinguished Senator from Rhode Island. My white horse is now a palomino, but it is by no means piebald, and I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. HUMPHREY). Do Senators yield back their time?

Mr. SCOTT. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCOTT), as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT 348

Mr. PROUTY. Mr. President, I call up my amendment 348, offered by the distinguished senior Senator from Tennessee (Mr. BAKER) and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 7, insert "(1)" before "Section".

On page 2, strike lines 10 and 11, and insert in lieu thereof the following: "and the following: 'other than Federal elective office (as defined in subsection (c) of this section),' ".

On page 2, between lines 11 and 12, insert the following:

"(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof the following: 'If a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format.'."

The PRESIDING OFFICER. The Chair inquires of the Senator from Vermont whether he asks unanimous consent that the amendments be considered en bloc.

Mr. PROUTY. I so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair inquires of the Senator whether this is one of the amendments for which he has asked 3 hours.

Mr. PROUTY. No, Mr. President, it is not.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. PROUTY. Mr. President, in considering the proposed legislation, both the Senate Commerce Committee and the Committee on Rules and Administration were made acutely aware of the fact that section 315(a) of the Federal Communications Act of 1934 inhibited broadcasters from providing any free time to candidates for Federal office. Section 315 (a) is the so-called "equal time provision" of the Federal Communications Act.

Mr. President, a provision similar to section 315(a) was in the Radio Act of 1927. In 1934 Congress saw fit to carry this provision over into the new law. The reasons for the provision were simple. Then, as today, broadcasting was recognized as a powerful force for influencing public opinion. It was because of the tremendous power inherent in the use of radio and television that section 315 was enacted, so as to insure that if one candidate was given free time on radio or television, other candidates for the same office would be afforded an equal amount of time. If one candidate was able to buy a certain amount of time on radio or television, his opponents would be entitled to purchase an equal amount of time.

Quite frankly, Mr. President, this "equal time provision" in reality became an easy excuse for broadcasters to provide absolutely no free time.

Dr. Frank Stanton, president of CBS, in his testimony before the Senate Commerce Committee on March 3, described the inhibitive effect of section 315 when he stated:

> Central to any measures calculated to strengthen the electoral process must be the improvement of the quality and quantity of information provided to the public about the candidates and the issues. The repeal of Section 315 is an important avenue to this end, since it would provide opportunities for greater contribution of free time by broadcasters and deeper treatment of the issues. Because Section 315 requires equal time for every candidate for an office, however insignificant or frivolous his candidacy, the practical effect of the law has been to deny free broadcast time to major candidates or to force free time to be shared with fringe candidates. This, it seems to me, is a classic case of backlash on the public interest.

Dr. Stanton was but one of many from the broadcast industry to testify to the fact that section 315(a) has become a "no time offered requirement" in practice.

Vincent Wasilewski representing the National Association of Broadcasters before the Commerce Committee stated:

> Broadcasters stand ready and willing to provide free time for the appearance of presidential and vice-presidential candidates of the major parties.
>
> We believe the capricious operation of Section 315, however, makes it impossible for broadcasters to perform this public service responsibility.

The presidents of NBC and ABC confirmed the conclusions of Dr. Stanton and Mr. Wasilawski. Since we were determined in Rules Committee to consider this important legislation in its entirety other broadcasters testified before us. Victor Diehm, president of the Mutual Broadcasting System succinctly reenforced the need for exempting all candidates for Federal office from the equal time requirements of section 315 (a), when he said:

> Under the present law, any appearance by a candidate in person gives rise to the requirement of equal opportunity or equal time for all other candidates for the same office. The bill, S. 382, as amended, recognizes that this is really an inhibiting factor operating on a broadcaster rather than a guarantee of equal treatment. By its present language, S. 382 would repeal the equal opportunity provision of section 315 of the Communications Act for Presidential and Vice-Presidential candidates. Extension of this policy to all Federal officeseekers would permit coverage of all serious candidates to a much greater extent than is now possible.
>
> It should be pointed out that the public interest standard and all other applicable considerations bearing on a broadcast licensee's stewardship of the airwaves remain in full force. Abuse, if it should occur, could be readily redressed. Stations, freed from the threat of great swarms of candidates appearing for a variety of reasons, would be able to concentrate coverage on bona fide candidates to the benefit of the public.

Before the Rules Committee we were also fortunate to have the president of the North Carolina Association of Broadcasters, Mr. Richard Barron and Mr. Wade Hargrove, the general counsel for the association. I say we were fortunate, because too often we rely on national associations or big national networks. Mr. Barron and Mr. Hargrove were speaking for the small broadcast station owners. They too agreed that section 315(a) has become the "no free time offered" provision. For example, Mr. Barron testified:

> We do have certain reservations about particular aspects of this bill which we wish to briefly state.
>
> First, we agree with the provisions of the bill that would call for the repeal of section 315(a) of the Federal Communications Act to delete the equal time requirement for presidential and vice-presidential candidates. We recommend, however, that the bill be expanded in this regard so as to delete the equal time requirements for all candidates.

The Deputy Attorney General in fact testified before both committees urging the repeal of section 315(a) for all Federal candidates. Before Rules Committee Mr. Kleindienst testified as follows:

> First, section 101 would repeal the equal time provision of section 315 of the Federal Communications Act with respect to candidates for the office of President and Vice President. The justification for this provision is that section 315, contrary to its purpose, has inhibited broadcasters from offering free time and coverage to candidates, and has favored incumbents over challengers. Also, it has restricted the access of the electorate to the candidates and their views. We agree that section 315 has produced the wrong results, but these are not limited to presidential and vice-presidential candidates. They are equally applicable to candidates for other Federal offices. Every argument supporting limited repeal supports total repeal. The fairness doctrine enforced by the Federal Communications Commission will afford all candidates access to broadcasting facilities on an equitable basis. We urge total repeal of section 315.

Mr. President, one of the major purposes of this legislation is to reduce the costs of campaigns. The standard argument favoring spending limitations is that campaign costs are too high. Radio and television they argue is the prime reason for the increased costs. For the sake of argument, assume the advocates of limitations are correct. What better way to lower costs than legislation encouraging "free" radio and television time?

The evidence is overwhelming from broadcasters that the equal time requirements now inhibit them from giving any free time for fear of encouraging fringe candidates and crackpots. Can that evidence be substantiated by an objective source? The chairman of the Federal Communications Commission testified before the Commerce Committee. Mr. Burch stated emphatically that—

> A first improvement should be concerned with facilitating free time for political candidates. Broadcasters have long claimed that section 315 in its present form discourages affording such free time because they have to make time available to so-called fringe candidates, such as candidates of the Socialist Labor, Socialist Worker, and Vegetarian Parties.

Mr. President, what would any reasonable man conclude from the evidence I cited with respect to need to exempt all Federal candidates from the equal time requirements of section 315(a)? Local broadcasters, broadcast associations, network presidents and the chairman of the FCC all agree that section 315(a) has become the "no free time offered requirement."

Basically, Mr. President, the equal time requirement favors the incumbent because he is better known and it is easier for him or her as an incumbent to make news. In 1960, we exempted Presidential candidates from the equal time requirement so that the Kennedy-Nixon debates could take place.

We saw that networks in fact did give free time.

We saw that millions of Americans took a greater interest in the campaign than ever before.

In my mind we proved that the equal time requirement should be changed so as to encourage a wider dissemination of issues, ideas, and political philosophy in an election campaign.

As a member of the Communications Subcommittee prior to the 1964 election I recall that the incumbent President did not want section 315(a) repealed nor did he want it repealed in 1968. Today we have a President who wants section 315(a) repealed not only for candidates for the office of President but for all Federal candidates. What holds us back? I suppose it is fear but if that is the case it should not be. There is nothing to fear from exposing voters to all of the issues and facts in a campaign.

Our distinguished chairman of the Communications Subcommittee has in the past supported complete repeal of section 315(a) for all Federal offices as well as for the offices of Governor and Lieutenant Governor. During the current hearing on S. 382, Senator PASTORE responded to Dean Burch's comments on section 315 as follows:

> You have got to be a little pragmatic about that. I suggested at one time that we exclude the office of Congress and the governorship from the equal opportunity requirement of section 315. It didn't get to first base. There was a tremendous amount of resentment on the floor of the Senate and the House. . . .

The chairman went on in those hearings to further state his position with respect to those who felt that repeal of the equal time requirements would result in unfairness:

> That is the fear on the part of most. Inasmuch as this is a monopoly you would leave too much power in the hands of the broadcaster. I have never felt quite that way. I always felt there was sufficient maturity and integrity in the industry that you could afford to take the risk.
>
> But that is the feeling of the Congress at the present time. I don't think it is going to be an easy thing to repeal section 315. I think it is an impossible thing at this

> moment. All we are trying to do is to do it because there is precedent for it in the case of presidential and vice-presidential campaigns.

Chairman Burch responded to those possible fears as follows:

> I think as a practical matter, Mr. Chairman, broadcasters, and we cite this later in a letter we wrote to this committee, I think broadcasters in the political field dealing with major candidates are going to find that the only fair way to handle them is comparably.
>
> I think that is just the realities of life.

Nevertheless, when it came to a vote before the Commerce Committee those of us who wanted section 315(a) repealed for all Federal candidates did not have the votes. I ask unanimous consent, Mr. President, that a copy of that rollcall vote be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Se exhibit 1.)

Mr. PROUTY. Mr. President, quite frankly, I was surprised that the Commerce Committee did not extend the exemption to all Federal candidates when I considered the following response by Senator PASTORE to the Deputy Attorney General concerning his recommendation for repealing section 315(a) for all Federal candidates:

> Now your argument is that we should include the office of, let's say, a Senator or a Congressman. I personally have no objection to that. The only trouble is that there has been some stiff resistance to that on the grounds that this is more or less a parochial situation and does not fit in the same category as the offices of President and Vice President that have to appeal for the national networks rather than the local broadcasting station. . . .

As I have pointed out the Rules Committee considered S. 382 in its entirety. Among other things the Rules Committee would repeal section 315(a) for all Federal candidates.

We did so because we could not find one witness before either the Commerce Committee or Rules Committee who opposed such a move.

We did so because we did not want an incumbent's bill.

We did so because we felt repeal if section 315(a) would lower campaign costs even though nonincumbents might be given a fairer chance.

Broadcasters want repeal for all candidates.

Many Senators, including Senator KENNEDY, Senator SCOTT, Senator BAKER, Senator COOK, and Senator PASTORE apparently want repeal for all Federal candidates.

The President definitely wants repeal for all Federal candidates.

The Rules Committee chose repeal for all Federal candidates. Now the sponsor of the bill apparently wishes to avoid repeal for congressional and senatorial races. I believe, Mr. President, that, in the interest of fairness to candidates for political office, it is highly desirable that we repeal section 315(a), so that all candidates for Federal office will have the right to equal time, which I am sure will be granted on a fair basis.

EXHIBIT 1

1. Amendment offered by Senator Baker to repeal the equal time requirement of section 315 of the Communications Act and to provide that the lowest unit charge shall apply to all legally qualified candidates for public office. Rejected: 6 yeas; 7 nays.

YEAS—6

Cotton, Prouty, Pearson, Griffin, Baker, Cook.

NAYS—7

Magnuson, Pastore, Hart, Cannon, Long, Moss, Spong.

Mr. PASTORE. Mr. President, will the Senator from Vermont yield on my time for a question?

Mr. PROUTY. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. Referring to his amendment, what he does, actually, is to repeal section 315 which is the equal time provision of the law with reference to all Federal offices. Then on page 2 of his amendment he has this expression:

> 'If a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford candidate maximum flexibility in choosing his program format.

It has been my experience—and I want to say to the Senator from Vermont that he quotes me correctly when he says I was for repeal of section 315 insofar as all Federal elective offices are concerned, and I went so far as to include Governors and Lieutenant Governors—that we took up that bill on the floor of the Senate several years ago, but we did not get very far because there was a solidified feeling that this would place a campaign more or less at the whim of an affluent licensee.

Well, I am one of those that will admit there might be spotty cases where that would be the case. I remember the former Senator from Texas, Mr. Yarborough, getting up and saying that he had bought certain time at a station but when he went there to make his broadcast they told him they were sorry but the engineer was not there. So he became a victim of the whim of that licensee. It was to fill the equal-time need, in order to keep a gage on the local licensee, that we instituted that provision in section 315. But my personal feeling is we have come a long, long way from that day.

What I do not like about the amendment of the Senator from Vermont is the word "if." When he uses the word "if," he is going to put that licensee in a position to say, "Unless you do it my way, I will not give you time."

If the Senator would permit, if we could rather use the word "when," I think the record which is being made for the CONGRESSIONAL RECORD today will show that we intend that free time shall be given as a public service.

I tell the Senator frankly—I do not know how our other colleagues will vote on it—that I shall not vote against it.

I tell the Senator frankly that I think the President has a point. The reason why we wrote this exemption into section 315 for the President, was to do the President a favor. I am the one who said to the networks—I do not know whether the Senator was at the meetings, "You cannot compel the President of the United States to enter into debate. I do not want to tell the President what the format should be. If the President of the United States does not feel that he should debate, no one should embarrass him, whether he be a Republican or a Democratic President." I have said this 10 times on the floor of the Senate.

I got an agreement from the networks that they would allow the President, and the candidate against him, to initiate their own format. It would be a format of their own choosing, because of the astronomical cost of the nationwide television program, that this would be helpful to the candidates, be they Republican or Democrat. That is the only reason why we did it.

In the various States, when it comes down to Senators and Representatives, time has been given because we do not have 35 parties running in a particular State for the office of Senator or Representative. We might have an independent or two but, ordinarily, we have the normal number of candidates, Republicans or Democrats.

But, on the national level, we have the Prohibition Party, the party for this and the party for that, and by the time we get through, we have a bunch of bananas.

So I tell my colleague from Vermont very frankly that if he will change that word "if" to "when," so far as I am concerned, I am ready to vote for it now.

Maybe it will not meet with unanimous approval, and even the Senator's colleagues on his side of the aisle may have strong feelings otherwise, that they would want to have a check on an affluent licensee in a particular State; but so far as I am concerned, I find the amendment agreeable, and I am not going to contest it.

Mr. PROUTY. I certainly appreciate the comments and the cooperation of the Senator from Rhode Island. I am perfectly willing to modify the amendment by striking out on page 2, following the colon, the "if" and substituting in lieu thereof the word "when".

The PRESIDING OFFICER (Mr. HUMPHREY) The Senator has a right to modify his amendment and, at the request of the Senator, his amendment is modified accordingly.

Mr. PASTORE. I think, if it is agreeable, if we have consumed all the time, but before the vote, we should have a quorum call so that Senators will know what this is all about.

Mr. PROUTY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes remain to the Senator from Vermont.

Mr. BAKER. Mr. President, will the Senator from Vermont yield me 2 minutes?

Mr. PROUTY. I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 2 minutes

Mr. BAKER. I thank the Senator from Vermont for yielding, so that I may add my entire and enthusiastic agreement to the accord which has now been reached between the Senator from Rhode Island and the Senator from Vermont.

As the Senator from Vermont indicated in his remarks in support of the amendment, which was cosponsored by the Senator from Vermont and myself, I offered this amendment, or at least the first half of the amendment, in the Commerce Committee.

I must say that at that time I was impressed with the candor and frankness of the Senator from Rhode Island in indicating that he felt there was merit in the contention and that on previous occasions the waiver of section 315, as it related to presidents and vice presidents, had produced laudable results and that he felt it might have those results in other races.

Mr. President, I shall not prolong the debate by embellishing the accord reached between the distinguished Senators. I only commend the Senator from Rhode Island for coming to agreement on what I believe to be a very significant item.

This is the first time we have provided for a practical access to television and radio opportunities for candidates other than President and Vice President. I believe that there are bound to be laudatory results. I hope that the amendment will be agreed to.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PASTORE. Mr President, I yield to the Senator from Virginia whatever time he might desire.

Mr. BYRD of Virginia. Mr. President, I appreciate the Senator yielding to me. I would like to ask a question of the sponsor of the amendment.

May I ask the Senator from Vermont if the Senator from Virginia understands correctly that the amendment proposes to allow maximum flexibility in determining a program format for all candidates for Federal office, and not just for President and Vice President, as the original bill proposed.

Mr. PROUTY. That is exactly correct.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I would like to say that is not the basic issue. That is sort of a side effect to the main purpose of the amendment. The main purpose is that it fills the time requirement for all candidates and broadens it beyond the President and Vice President.

This means that we are putting a tremendous weapon in the hands of the broadcaster, whether television or radio. He could select the people to whom he wants to give time and he would not have to give equal time to all candidates.

Mr. BYRD of Virginia. Mr. President, I appreciate the statement made by the Senator from Nevada.

Frankly, I did not know that was a basic issue involved. I had been at a meeting of the Finance Committee querying the Secretary of HEW on some budget figures. I could not be here at the time.

That being the case, does the Senator from Rhode Island have adequate time that he could yield to me for the purpose of clarifying this matter?

Mr. PASTORE. Mr. President, I have 7 minutes remaining. How much time does the Senator from Virginia require?

Mr. BYRD of Virginia. Mr. President, I do not know how much time I will require.

Mr. PASTORE. The Senator can continue and if he needs more time, I will yield him time on the bill.

Mr. BYRD of Virginia. Mr. President, I could continue speaking and then offer and amendment if the Senator prefers and take the time from that amendment.

Mr. PASTORE. No; the Senator may keep speaking, and then I will yield him time if necessary on the bill.

Mr. BYRD of Virginia. Mr. President, I ask either the Senator from Rhode Island or the Senator from Nevada in regard to repealing the equal time provision whether that would expand it to congressional or senatorial races.

Mr. PASTORE. The Senator is correct. We left it alone for the President and Vice President. That was because that involved a national question having to do with the networks and because of the prestigious position occupied by the President and Vice President, no national broadcasting network would dare to create a discriminatory position because it involves the highest offices in the land. When it comes to a Senator or a Representative, we are dealing with the licensee and not with the network.

If we have a licensee who is a Democrat and a candidate who is a Republican, he can do what he pleases. That argument can be made. However, we do have the fairness doctrine and the responsibility of the licensee, whose license comes up for renewal every 3 years.

That is about the only tool we have. However, if the Senator from Virginia were to ask me categorically whether, if we repeal the equal time statute, a station could give all of the time to one candidate and jeopardize its license if he wanted to, the answer is yes subject to the fairness doctrine. That is the reason we have section 315.

Mr. BYRD of Virginia. Mr. President, do I assume that the Senator from Rhode Island is opposed to or approves the amendment?

Mr. PASTORE. Mr. President, I approve the amendment because I think overall the industry has reached the stage of maturity in which they can be trusted. I feel that we have the FCC which is a very efficient body. We have our committee, as well. Then we have the fact that every 3 years their licenses may be challenged.

I feel that these are the safeguards. However, I am not ruling out any possible abuse. I am not saying that in the State of Virginia or in the State of Rhode Island it could not happen. I do not know. However, on balance I believe we will find that the broadcast industry is rather a responsible industry when it comes to things of that kind.

I would doubt very much that anyone would even dare, unless it was a brother or a son, to work out a discriminatory arrangement of that kind. They would be scandalized publicly, and public opinion would be against them. In fact, the backlash would hurt the candidate that was being favored more than it would help him. They have to come in for a renewal of their licenses every 3 years and if the man who was prejudiced would rise up and say, "They have not been conducting themselves in the public interest; this is what they did to me," their license would be subject to cancellation.

Mr. BYRD of Virginia. Mr. President, the key point that the Senator made is that the broadcasting industry speaking generally is a responsible industry. I think that what the Senator said is correct.

To get to a broader question, however, does the legislation under discussion, either the pending amendment or the bill itself, discriminate in any way against candidates who are not nominees of either of the major parties?

Mr. PASTORE. Well, the discretion is up to the licensee. And in the State of Virginia—I do not mean to be facetious about this—I do not think, whether my good friend, the Senator from Virginia, ran on the Democratic or Independent ticket, anyone would dare do it to him.

Mr. BYRD of Virginia. Mr. President, I appreciate the statement of the Senator from Rhode Island. I am not sure about that. However, perhaps there will be others elsewhere, and even in Virginia.

As a matter of fact, one individual in Virginia, and I am not of the same political persuasion that he is, is running as an Independent for lieutenant governor. I do not want to see him discriminated against.

I think that everyone, regardless of his political philosophy, should have the same opportunity I have. I am not a champion of this individual who is an Independent candidate for lieutenant governor.

He fought me all he could. He went from one end of the State to the other, trying to defeat me, just as the Republican governor of the State did. However, I do not want to vote for any legislation that would be discriminatory against this individual who is running as an Independent candidate for lieutenant governor.

I assume from what the Senator says that he would be no more discriminated against than would the nominee of the Democratic or Republican Party.

Mr. PASTORE. In other words, the equal time which is now provided by law becomes the equal time for Fedral office and the discretion is that of the licensee.

Mr. PROUTY. Mr. President, I yield myself 2 minutes on the bill.

Mr. President, I point out to the Senator from Virginia that there are probably 50 or 60 different political parties, so-called political parties, throughout the country. Very few of these candidates will receive more than a handful of votes. They are not considered to be candidates by anyone. Under the existing law, anyone who declares himself a candidate as a vegetarian, or something of that nature, would have to be given time if the broadcaster gives time to anyone. It is to get away from that feature that we are providing this amendment.

The Chairman of the Federal Communications Commission made it very evident in testimony before the committee that the fairness doctrine would apply to any of these stations. They have to give fair and equal treatment to all candidates. Certainly a candidate who is perhaps an independent will be given the same equal time as a member of either of the other national parties.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. BYRD of Virginia. The Senator mentioned that there are candidates of minor parties scattered over the Nation, but an independent is not a candidate of any party, whether it be minor or large. I want to be sure that a person who submits his record to the public as an independent has the same standing as does the nominee of the major political party.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROUTY. Mr. President, I yield myself 2 additional minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. PROUTY. Mr. President, I think I can assure the Senator that that will be the case; that any bona fide independent candidate or a candidate running on some other ticket, if he is recognized as a major candidate, who is going to receive substantial support in his area, will be given equal time under this amendment. There is no question about that. It is guaranteed by the fairness doctrine, as well.

Mr. BYRD of Virginia. Mr. President, if the Senator will yield further, for the purpose of legislative history I would like to make a few comments. If this is the appropriate time, I can do it now or I could do it later, but I would like to make a few comments in regard to the question of an independent candidate so that the legislative history will be clear.

Mr. PROUTY. Mr. President, how much time does the Senator require?

Mr. BYRD of Virginia. I would say 10 minutes.

Mr. PASTORE. Let us give him 5 minutes apiece.

Mr. PROUTY. I agree to that.

The PRESIDING OFFICER. The Senator has a "coalition" of 10 minutes.

Mr. BYRD of Virginia. Mr. President, this is an extremely important piece of legislation and I am speaking now of the total legislation, as well as the amendment which is being considered by the Senate.

First, I think it is very important that there be an election reform bill. I think it is very important that ceilings be placed on campaign spending.

Now, there is another aspect to this bill that is very important and for the purpose of legislative history I want to review what occurred in Virginia last year and what is now occurring in Virginia this year.

I want to query the managers of the bill as to whether the situation which took place last year and which again is taking place this year could be duplicated if anyone so desired in years to come if this legislation is enacted.

Mr. President, to go back to 1970, in February of that year the Democratic State central committee adopted a resolution requiring for the first time in history that anyone who was to file as a candidate in the Democratic primary for U.S. Senator must certify that he would support whomever the Democratic National Convention might nominate for President in 1972.

It was aimed directly at the incumbent senior Senator from Virginia. The incumbent senior Senator from Virginia took this under advisement and he determined that it would not be proper for a Member of the U.S. Senate to sign any such statement. No one knew who the candidate would be or what he would stand for and no one knows today.

I refused to sign such a statement, and submitted my record to the people of Virginia as an independent.

The Republican Party nominated a candidate for the U.S. Senate, and the Democratic Party nominated a candidate for the U.S. Senate. The Republican nominee had the full support of the Republican Governor, who spent full time in the latter part of the campaign going throughout Virginia seeking to eliminate the Senator from Virginia from the U.S. Senate.

The Democratic candidate in every speech that he made—and I would be glad to give his name but I never was able to recall it during the campaign and I cannot recall it now—called the Senator from Virginia "the Republican from Winchester." He made that statement in every speech and he made it very articulately.

The Republican Governor said he approved of my record; he thought I was a very fine Senator; but unless I called myself a Republican he was going to eliminate me—cut off my political head. That is a tough position to be in because in Virginia—and I do not know how it is in other States—the Governor has great power, and he used the full power and prestige of his office even to the extent of writing letters on official stationery of the Governor asking for campaign contributions to my opponent.

So I was in a very difficult position. I do not recommend to any of my colleagues that they get themselves in the same position. But I determined to struggle along as best I could.

I feel I know the people of Virginia fairly well. The people of Virginia are rather independent minded individuals; they do not like someone to tell them what to do; they make up their own minds. I have great confidence in the people of Virginia. I have even more confidence in them today than I did a year ago and I had unbounded confidence in them a year ago.

When the votes were counted, the Governor and his candidate had 14 percent, the Democratic nominee about 30 percent and the incumbent senior senator from Virginia 55 percent.

So the situation last year was that each major party nominated a candidate and the incumbent ran as an independent.

Now we come to this year. Several months ago, the vigorous, attractive, Lieutenant Governor died. It was very tragic; he died of cancer at the age of 33. He had a fine future. That left a vacancy in the office of Lieutenant Governor. The office must be filled this November. Each major party within the next several weeks will nominate a candidate for the office of Lieutenant Governor.

In the meanwhile, a State senator has announced his candidacy as an independent. It just happens that this particular State senator who will be a candidate for Lieutenant Governor as an independent is not of the same philosophy as is the Senator from Virginia, and this candidate for Lieutenant Governor did everything possible to defeat the Senator from Virginia in the general election last November.

But I want to be sure that in any legislation that is passed by the Senate that this State senator who has submitted his candidacy for Lieutenant Governor in Virginia will have the same opportunity insofar as the broadcasting industry is concerned, insofar as the newspapers are concerned, and insofar as any other media communication is concerned as I had as an independent last year. I want to be sure he will have the same opportunity that the Senator from Virginia had last year; and I want to be sure also that, if conditions require it, anyone who desires to run for public office as an independent will have an opportunity to do so without being handicapped by any law that might be passed by the Congress of the United States.

As I understand it, there is nothing in this legislation which would change in any way the situation which existed in Virginia last year, and is now existing in Virginia this year; which is to say, to phrase it another way, if this legislation is enacted the Senator from Virginia or a member of the State senate or any individual citizen in my State or any other State, for that matter, may submit his record or candidacy to the people as an independent and will not be discriminated against in any way if either this bill or this amendment is approved.

May I ask the manager of the bill whether my understanding is correct.

Mr. PASTORE. Mr. President, the Senator has put his language in the extreme, and I am afraid I cannot affirm it in any way. I think the possibility for abuse is still there. I think a licensee would do so at his own peril. But I want to say to the Senator from Virginia the reason we reported a bill confining it to the Presidency and Vice Presidency was that I felt this was a matter that had to be determined on the floor of the Senate. I know this is not acceptable to every Senator. I know there are Senators who have hard feelings. As far as I am concerned, I am perfectly willing to vote for this amendment, because if I can say to the President of the United States, "We shall exempt your office from the provisions of 315," I do not think I can stand up and say, "Insofar as you are concerned, Senator Pastore, the same rule should not apply to you."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator has only 1 minute remaining.

Mr. PASTORE. Then I give myself the other minute from the time on the bill.

The President of the United States took that position. That is exactly what he said. That argument was made by some of my colleagues before the committee. I think it was made by the Senator from Vermont (Mr. Prouty) and the Senator from Tennessee (Mr. Baker).

I say very frankly, I do not care whether one is a Republican or Democrat, this is an issue which has to be decided from good conscience. As far as I am concerned, I am going to vote for the Prouty amendment, but that does not mean every Senator will vote the same way from his convictions. If anyone thinks this amendment will put him at the mercy of a private licensee, he should vote against it. If he feels that way, he should vote against the Prouty amendment.

Mr. BYRD of Virginia. Mr. President, the point I am trying to make clear is that this does not put an independent candidate at the mercy of a licensee any more than it puts a candidate in a major party at the mercy of a licensee.

Mr. PROUTY. Precisely. As a matter of fact, if the licensee wanted to abuse the law, he could give all the time to an independent; but we are talking only about free time now.

Mr. BYRD of Virginia. We are talking about free time. The point I am trying to establish, and I believe the Senator from Rhode Island has established it, is that if the legislation is adopted it will not put the independent candidate in any more adverse position than it would put the candidate of a major party.

Mr. PASTORE. Exactly.

Mr. BYRD of Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PROUTY. Mr. President, I yield back my time.

Mr. PASTORE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Vermont (Mr. Prouty), as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Mississippi, (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from Iowa (Mr. Hughes), the Senator from West Virginia (Mr. Randolph), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. Ellender) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 71, nays 21, as follows:

[No. 187 Leg.]

YEAS—71

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, W. Va.
Case
Church
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Fannin
Fong
Fulbright
Gambrell
Goldwater
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Magnuson
Mansfield
Mathias
McGovern
McIntyre
Miller
Mondale
Montoya
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—21

Bentsen
Bible
Byrd, Va.
Cannon
Chiles
Cooper
Ervin
Gravel
Hart
Hollings
Jordan, N.C.
Kennedy
Long
McClellan
McGee
Metcalf
Moss
Nelson
Proxmire
Spong
Tunney

ANSWERED "PRESENT"—1

Taft

NOT VOTING—7

Bayh
Eastland
Ellender
Hughes
Mundt
Randolph
Stennis

So Mr. Prouty's amendment (No. 348), as modified, was agreed to.

Mr. PROUTY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TAFT. Mr. President, because of prior personal participation in the broadcasting industry and continuing family and trust interests in a broadcasting company, it has been and will continue to be my practice to answer "present" on matters directly affecting broadcasting.

Accordingly, I have answered "present" on this amendment.

The PRESIDING OFFICER. The question recurs on amendment No. 308.

Who yields time? Time remains on amendment No. 308.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is anything pending at the moment?

The PRESIDING OFFICER. The Pastore amendment, No. 308, is pending.

Mr. PASTORE. Mr. President, I cannot ask for third reading. Will someone who has an amendment offer it?

Mr. MATHIAS. Mr. President, I call up my amendment No. 272.

The PRESIDING OFFICER. Would the majority leader yield back his time on the Pastore amendment?

Mr. MANSFIELD. The Senator from Rhode Island (Mr. Pastore) has all my time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 6, strike lines 9 through 13 and insert in lieu thereof the following:

"For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire populaton of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State."

On page 11, strike lines 19 through 23 and insert in lieu thereof the following:

"For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State."

The PRESIDING OFFICER. How much time does the Senator from Maryland yield?

Mr. MATHIAS. I yield myself 5 minutes.

Mr. President, this amendment deals with the spending limitations for presidential primaries. The language, as reasonably construed, is interpreted to mean that a candidate for President calculates how much he can spend in any one primary by first determining how much he can legally spend in the Nation at large—which is 5 cents multiplied by the resident population. Taking this figure, he can then divide that amount by as many primaries as he may wish to enter.

We have all been interested and, perhaps, amused at the sweepstakes going on among New Hampshire and other States that want to be first with the presidential primary. Maybe they have more of a point than we realize. Perhaps it is important from an economic point of view for a State to have the first primary. This is an amendment which brings that very much to mind. As presently drafted a candidate may spend his allocated amount all in one State primary, or he may enter three, 10, or 50 primaries.

I would submit, with due respect to the

committee, that the language should be tightened up. It is much too general. Perhaps the chairman of the committee can help us to define what is meant by "resident population." Is he talking about residents who will participate in the primary party, just Democrats, or just Republicans, or is he talking about the resident population of an entire State?

The PRESIDING OFFICER (Mr. KENNEDY). Does the Senator wish his amendment to be modified to apply to the substitute amendment rather than the bill?

Mr. MATHIAS. That is right.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MATHIAS. The specific points in the bill that would be involved are on page 5, lines 3 to 7, and on page 8, lines 17 to 21.

The text of amendment No. 272, as modified, is as follows:

On page 5, strike lines 3 through 7 and insert in lieu thereof the following:

"For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State."

On page 8, strike lines 17 through 21 and insert in lieu thereof the following:

"For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with hs primary campaign in any State shall not exceed such limitation for that State."

Mr. MATHIAS. Mr. President, I think that, as drawn, the bill limits broad-based participation by all States and their respective citizens. Congress should declare a policy that it desires more rather than less presidential primaries, that it desires more citizens of more States to have a realistic opportunity to determine the party nominee of their party for the office of President of the United States. It would be patently unfair for a man who aspires to be President to choose to enter one symbolic primary, be it in New Hampshire or Florida, or wherever, and to spend exorbitant amounts of money in that single primary to the exclusion of other and perhaps equally important State primaries, and to use the State's population base for the purpose of spending ceilings in the primary of his choice.

This amendment would limit the amount a presidential candidate can spend to 5 cents multiplied by the estimated number of residents in each State the candidate enters a primary. The amendment does not limit the candidate's choice but what it does is to encourage every presidential candidate to go into more primaries which, in the end, will result in a more responsive and a more responsible system of nominating a President.

In a general election, of course, no similar restrictions, in my judgment, should be applied. There, the nominees of the parties stumping the country in the final election drive could make any determination that they chose, in their own judgment and discretion, as to where the moneys allowed under the general limitation could be spent. But in the primary there is a different situation. It seems to me it should be a matter of declared public policy, to encourage a candidate who wants to be the nominee of his party not to throw all that he is legally allowed to spend into one or a few primaries, to the detriment of the entire electoral system.

Mr. President, I hope that the Senate will adopt this amendment.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. I have no personal objection to the amendment. I raised the question with the staff that, when we use the expression "resident population of voting age," I was wondering whether the Senator took the language we used in the substitute or whether he used the eligible vote. I think we both join in meaning, but there is a question of whether, by reference, we may be confusing the issue. In other words, a resident vote, of course, could be even an alien or one not qualified to vote.

Mr. COOK. Mr. President, if the Senator will allow me to interject there, the language in the substitute states:

Multiplied by the estimated resident population of voting age for such office.

Mr. PASTORE. All right. I thank the Senator. I do not know about my other colleagues, but I do not see any objection to the amendment. What the Senator is saying is that, in a primary, he does not want to allow the candidate for the office of President to pick and choose a particular State. It could be that he would want to go into a particular State to make a big impression.

Mr. MATHIAS. Yes. He may think it better for the public relations value of the thing to go into X State.

Mr. PASTORE. The same thing applies as for a Senator running on a statewide basis.

Mr. MATHIAS. That is correct.

Mr. PASTORE. I see no objection to the amendment. I am perfectly willing to accept it. I do not know about my other colleagues on the floor, of course, but, if it is necessary to take a vote, I suggest we do it now.

I yield back the remainder of my time.

Mr. MATHIAS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). The question is on agreeing to the amendment of the Senator from Maryland, as modified, No. 272.

The amendment was agreed to.

AMENDMENT NO. 271

Mr. MATHIAS. Mr. President, I call up my amendment No. 271 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 5, line 2, before the semicolon insert the following: "or (3) has publicly announced his candidacy for such office or has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

On page 10, line 2, before the semicolon insert a comma and the following: "or (C) has publicly announced his candidacy for such office or who has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

The PRESIDING OFFICER. Does the Senator wish to modify his amendment to conform to the substitute amendment?

Mr. MATHIAS. Yes; I make that request. The necessary pagination is page 4, lines 5 to 10, and page 7, lines 11 to 16.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The text of amendment No. 271, as modified, is as follows:

On page 4, line 10, before the semicolon insert the following: "or (3) has publicly announced his candidacy for such office or has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

On page 7, line 16, before the semicolon insert a comma and the following: "or (C) has publicly announced his candidacy for such office or who has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

Mr. MATHIAS. Mr. President, this amendment deals with the definition of a legally qualified candidate. Unless a candidate comes within this legislative definition, he is free to spend as much as he wants and is excluded from the spending limitations of the bill. It is all very well for Congress, in its attempt to reform the election laws, to establish ceilings, limitations, and disclosure regulations, but unless they apply to actual people who are running for public office, it does not mean very much.

The definition as presently drafted has two parts: first, that the candidate qualify under Federal law. In the case of the U.S. Senate, this means that the candidate must be 30 years of age, and a citizen of the United States, whether natural or naturalized.

Second, he qualifies under applicable State law.

Mr. President, I submit that this is not enough. As drafted, both provisions omit any affirmative action by the candidate and only contemplate a passive, formalized series of acts of qualifying oneself for a candidate.

There may be situations in which a candidate would not, perhaps even could not, qualify under State law, although he might be running down the pike at a full gallop and in this case he would not be covered under "applicable State law" and thus excluded from the spending ceilings. He may be a candidate in the eyes of the public and a candidate in his own eyes, and yet not be covered by the bill.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MATHIAS. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, let us assume that someone invites the distinguished Senator to make a speech in California. Let us further assume that that Senator had in mind that he would like to be a candidate for the President of the United States. We would then get into the precise definition that is already recorded in the register and is the definition adopted by the regulations promulgated by the FCC. I am afraid that we are going to be doing a lot of crystal ball gazing. At what point do we know whether a man is a candidate unless he says so or qualifies under Federal law?

There is a period of time that is rather nebulous. It is true that we have a lot of men who are going all over the country making speeches. Whether they will become candidates or not, I do not know. However, when does anyone know that anyone else is a candidate unless that person says so.

Mr. MATHIAS. Mr. President, the distinguished Senator from Rhode Island raises a possibility that is so remote that it is very difficult for me to answer it seriously. However, let me talk about it in more general terms, because there are people here to whom the question is not as remote as it is to me.

I think we can tell. We can tell that there are people in the Senate today who are thinking of being candidates. It is not any mystery. When one begins to collect money to open an office and to start to make expenditures which are compaign-type expenditures, I think this indicates more than something that is just in one's mind. I think it is something in one's mind which is being expressed.

I agree that we will always have these remarkable situations where, if an east coast Member goes to the west coast, and begins to make speeches and nothing more, it may have the effect of enhancing his reputation and improving his capabilities for the Presidency. However, it is not necessarily the act of a candidate. But when there is the collection of money for the purpose of being a candidate, with the candidate's knowledge—and which he has not disavowed—these are the circumstances my amendment touches.

Then I believe we have the situation which the law can identify and recognize. I think that is the point at which we ought to say that this bill takes hold.

There are also situations where one can actually file under some State law and then, because of the anomaly of different State laws, not become a candidate for a period of time, for as much as 10 days. Under those circumstances, he would still have the freedom to act without respect to the limitation of the bill as presently drafted.

For these reasons, I think we ought to expand the coverage so that we do include candidates who are merely running in their own minds or in the eyes of the public, who can accrue whatever benefits can be accrued from spending, but are not being limited or held accountable under the provisions of the bill.

I hope the amendment will be agreed to. It covers what I think is a serious loophole in the bill.

Mr. PASTORE. Mr. President, I mean to be very cooperative. I tell the Senator that any reasonable suggestion that may be made will be given consideration. However, as I said before, in the spirit of cooperation and developing a bipartisan bill, which is necessary because of the critical and crucial situation. I am willing to go along. However, on this amendment, I am afraid that we are dealing with something that may turn out to be a can of worms.

We debated this from every angle before the committee. It is one section of the bill that we devoted a little more time to than we devoted to other sections.

I hope that we would not do anything to disturb the already accepted definition of a legally qualified candidate.

I hope that the Senator would withdraw the amendment. Otherwise, I would have to move to lay it on the table.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my reasons for being opposed to the amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 271

Mr. President, my amendment to S. 382 defines 'legally qualified candidate' solely for purposes of determining when the limitation on a candidate's expenditures becomes applicable. It is a paraphrase of the regulations and rulings of the FCC as published in the Federal Register, and I have here a copy of the FCC's primer on this matter. That definition is precise; its meaning is readily ascertainable by all concerned—the candidates and the media suppliers; and it is easily enforced.

Of course, one can make up remote, hypothetical situations where its intent could be evaded. But that is true of every piece of legislation ever conceived by the mind of man.

In the world of political campaign reality, however, the definition in my amendment will, for purposes of the spending limitation, make candidates indentifiable.

Mr. President, the additional language of definition of 'legally qualified candidate' in any attempt to include a class of individuals described by the sponsor of the amendment as 'inchoate candidates.' These are individuals, according to the amendment sponsor, who could not at a particular point in time, qualify as a candidate under State law, though clearly a candidate in the eye of both the public and himself.

In attempting to reach these candidates, the amendment would, in my judgment, create greater problems than the one it is designed to cure.

Under the amendment anyone who has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or reelection, and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures, would be a 'legally qualified candidate' for purposes of the spending limitation even if he is not qualified under applicable State law and Federal law.

Mr. President, this amendment can only cause confusion and uncertainty among the media suppliers, the candidates, and those who must enforce the legislation.

How, for example, can an individual be charged with knowing every person or committee who makes a contribution or expenditure in order to bring about his election? It also seems to me that this requirement could be easily evaded if someone were disposed to do so.

Moreover, it would bring within the purview of the legislation people who could not possibly be elected for the particular office, because they were not and could not legally qualify. This, it seems to me, would add a needless burden on everyone.

I, therefore, urge the Senate to reject the amendment. The present definition is more than adequate to deal effectively with the situations the legislation is designed to alleviate.

Mr. MATHIAS. Mr. President, I think the Senator from Rhode Island certainly has exhibited the desire to be helpful and cooperative, and I appreciate it. I also understand his feeling that we are in an area that is hard to define. However, because it is difficult to do does not mean that it ought not to be done. I think we can do it with the language I propose which deals with the acts of a man who should be covered by the bill. And these are definable. They are observable. They are not hard to recognize. I believe that the Senate ought to make a decision on it.

I think when we are talking about a man who has publicly announced his candidacy for office or who allows other people to puff up his candidacy with his knowledge and without any denial on his part that we are talking about a man who ought to be covered.

I think a man who allows a committee to be formed to receive money, which he does not disavow, has done something which is clearly within the realm of the legal definition and could be comprehended by the bill.

I believe that if we do not do this, we will then have the bucket of worms that the Senator from Rhode Island mentions. This is never going to get to the marginal case which the Senator and I discussed a moment ago. The marginal case is that of someone who goes out and simply puts up trial balloons in the normal course of public service and in the exercise of the duties of one in public life. We will not get to that. However, in those cases, we are not talking about collecting and disbursing money. Here we are talking about the real possibility that people are collecting and expending different sums of money and that they will accrue the benefit of a public relations campaign which results from those expenditures.

There are things in this area, such as name identification, which can be a very large asset to a man who is relatively unknown before he becomes a candidate. If his name is identified through a public relations campaign before he becomes a candidate, this would give him a substantial advantage over another candidate who has not made those expenditures or whose expenditures for such purposes were in fact limited by the law.

Mr. PASTORE. Mr. President, I recognize the problem. I am not saying that there is not merit in what the Senator says. The only trouble is that if we begin to tamper with an accepted definition of something that is very important—what is a legally qualified candidate—I am afraid that if we do it off the top of our heads, we will develop more trouble than we have. When we start talking about candidates, as far as I know we have two or three avowed candidates, and I guess every other Member of the Senate is running for the Presidency. I do not know. But the fact is that one has to go to the convention to get the nomination no matter what, and there is a limitation in there now that they cannot spend more in a State than an amount based on the resident population of the State. I think we should try it this way, without this disturbance. If there is some abuse, perhaps we can try it another way later, but I hope the Senator will not pursue this now.

Mr. MATHIAS. The Senator said we should not do this off the tops of our heads. I agree. I have tried not to do that. But I suggest that this is an untried definition in the amendment. The Federal Communications Commission has regulations and in their regulations they have definitions. If the Senator will bear with me further, I would like to read the definition which is in force under the FCC regulations. It states:

> A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:
>
> (1) Has qualified for a place on the ballot.

This is an expanded definition. It goes beyond that.

Mr. PASTORE. That is our definition. The paraphrase of that. That is exactly the point I am making.

Mr. MATHIAS. I do not believe that the committee bill makes reference to an announcement or to one who holds himself out as a candidate. The committee bill refers to one who qualified and there is a big difference between announcing and qualifying.

The unfortunate fact is that the broader definition and the more inclusive definition would be superseded by the statute, by the act of Congress, and I believe in the process we would be enlarging a loophole which the Federal Communications Commission has attempted by regulation to close.

It is for this reason I press this point because I think the bill, by eliminating not only those who allow others to act for them, but even those who say frankly, "I am a candidate," permits expenditures that should not be allowed.

Mr. PASTORE. As I said before, unless the Senator withdraws his amendment I am going to move to table it at this time. I would not want to do it but I certainly cannot accept it at this moment. I am afraid we would confuse the bill.

Mr. MATHIAS. With all deference to the Senator from Rhode Island, I feel that the question of who is qualified and who is covered is a very important point.

If the Senator feels he must move to table, I certainly understand.

I think the loophole is too big. I think we should agree to the amendment but I am perfectly willing to put the matter to a vote, if the Senator wishes to do so.

Mr. PASTORE. Mr. President, I move to lay the amendment on the table.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. All time must be yielded back first. Is all time yielded back?

Mr. MATHIAS. Mr. President, I yield back my time.

Mr. PASTORE. I yield back my time.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to table the amendment (No. 271) of the Senator from Maryland, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana, (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Mississippi (Mr. STENNIS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce, that if present and voting, the Senator from Missouri (Mr. SYMINGTON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are detained on official business, and, if present and voting, would each vote "nay."

The result was announced—yeas 51, nays 40, as follows:

[No. 188 Leg.]

YEAS—51

Allen
Anderson
Bible
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Church
Cook
Cranston
Eagleton
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Harris
Hart
Hartke
Hollings
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Stevenson
Taft
Talmadge
Tunney
Williams
Young

NAYS—40

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Case
Chiles
Cooper
Cotton
Curtis
Dole
Dominick
Fannin
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
Metcalf
Miller
Packwood
Pearson
Percy
Prouty
Roth
Saxbe
Schweiker
Scott
Smith
Stevens
Weicker

NOT VOTING—9

Bayh
Bentsen
Eastland
Hughes
Mundt
Stennis
Symington
Thurmond
Tower

So Mr. PASTORE's motion to lay on the table Mr. MATHIAS' amendment, as modified, was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 485) to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. ABERNETHY, Mr. FOLEY, Mr. BELCHER, and Mr. TEAGUE of California were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes;

H.R. 760. An act to revise and improve the laws relating to the documentation of vessels;

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 2595. An act to amend the act entitled "An Act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended;

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes;

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes;

H.R. 7096. An act to direct the establishment of health standards for employees of food service establishments in the District of Columbia;

H.R. 8689. An act to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours in a workweek;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for executive schedule level IV;

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes;

H.J. Res. 1. Joint resolution concerning the war powers of the Congress and the President; and

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9417. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes;

H.R. 760. An act to revise and improve the laws relating to the documentation of vessels;

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes; and

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes; to the Committee on Commerce.

H.R. 2595. An act to amend the act entitled "An Act to regulate the practice of podiatry in the District of Columbia", approved May 23, 1918, as amended; and

H.R. 7096. An act to direct the establishment of health standards for employees of food service establishments in the District of Columbia; to the Committee on the District of Columbia.

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours in a workweek; and

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for executive schedule level IV; to the Committee on Post Office and Civil Service.

H.J. Res. 1. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Relations.

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting the Locarno Agreement Establishing an International Classification for Industrial Designs, was communicated to the Senate by Mr. Leonard, one of his secretaries.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MATHIAS. Mr. President, I have introduced amendment No. 291 to S. 382, the Campaign Reform Act of 1971. The amendment creates a franking privilege for all candidates in Federal elections. I strongly believe that the equitable use of this privilege by all candidates would be a major contribution to the electoral process.

It is equally important, however, that the Congress and now the Senate, pass meaningful reform legislation. I believe to call up this amendment now, would seriously affect the chances of passage of S. 382, and, I clearly do not wish to do this. Amendments to S. 382 have been limited to changes in the language of the reported bill and new titles like the one proposed in my franking privilege amendment have been postponed for individual consideration.

In addition, the Post Office and Civil Service Committee of the Senate under the distinguished and able leadership of Chairman McGee have not had the opportunity to consider this important matter, and I feel the Senate could greatly benefit from its involvement.

Mr. President, I shall not call up Amendment No. 291 for consideration by the Senate and I ask unanimous consent to insert in the Record a letter written to me from Chairman McGee indicating his plans to hold hearings in the very near future on this subject matter.

Mr. President, I do not intend to drop this important addition to campaign reform, but only await consideration by the Post Office and Civil Service Committee until I again pursue its useful objectives.

There being no objection, the letter was ordered to be printed in the Record, as follows:

August 2, 1971.

The Honorable Charles McC Mathias, Jr.
United States Senate,
Washington, D.C.

Dear Senator: Thank you for your note concerning your interest in removing your amendment #291 to S. 382, the Federal Election Campaign Act of 1971.

Like you, I see great advantages to limiting the number of amendments to the campaign reform bill. Your offer to withdraw your amendment is commendable.

As you know, the Administration has introduced legislation which comes very close to accomplishing what this amendment would provide. This administration bill has already been referred to this Committee.

Although we have not yet had the opportunity to hear this legislation, you can rest assured that following the August recess this Committee will schedule hearings as soon as the calendar allows.

Best wishes.

Sincerely,

Gale McGee,
Chairman.

AMENDMENT NO. 273

Mr. MATHIAS. Mr. President, I call up my amendment No. 273, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, beginning with line 6, strike down through line 25 and substitute in lieu thereof:

"(d) if a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (3) had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation.".

The PRESIDING OFFICER. Does the Senator wish to offer his amendment to the Pastore substitute?

Mr. MATHIAS. Yes, it is offered to the substitute, and for the purpose of conforming——

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maryland may proceed.

Mr. MATHIAS. I offer the amendment to the substitute. For the purpose of conforming it with the Pastore bill, the opposite lines are on page 9, lines 6 through 25.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. MATHIAS. Mr. President, I yield myself 3 minutes.

This is a very simple amendment, very uncomplicated. It might be called a States rights amendment. It is to preserve the control of the States over their own participation in the electoral process. In the lines that have been proposed to be amended, in the broadcast section of the bill, it is provided that if the Federal Communications Commission makes certain findings as to the applicability of a State law, then that State's candidates will come within the purview of the bill as it pertains to licensees, certification, and spending ceilings.

I certainly support the committee very strongly in the goal which I believe to have been intended by this language—the goal of providing some uniformity and some voluntary compliance with Federal law.

But I would raise the constitutional question of instructing a Federal agency, the FCC, to determine the applicability of the laws of one of the States of the Union. I would suggest—and I have suggested by this amendment—that we leave the question of determination to the States and to the judicial system. I can see that there might be some tendency on the part of the States—which have also labored, as we are working here, for electoral reform—to resent this preemption in the effort to get some uniformity in the election laws.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. What we did in this bill was merely to recommend that the States follow suit. The decision is to be theirs. But because broadcasters and licensees have to report what candidates spend, we brought the FCC into the picture in the event that a State decided to limit the amount of money that a candidate for State office could spend in order to run for State office.

What this amendment does—and I think it clarifies the situation—is to say explicitly that the State shall make the determination and call upon the FCC for this guidance.

Is that not all the Senator intends to do?

Mr. MATHIAS. The Senator is exactly correct.

Mr. PASTORE. I am perfectly willing to accept the amendment.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. PROUTY. I, too, wish to assure the Senator from Maryland of my support. I think it is a very worthwhile amendment.

Mr. MATHIAS. I thank the Senator.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. MATHIAS. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

AMENDMENT NO. 312

Mr. PACKWOOD. Mr. President, I call up my amendment No. 312.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 34, line 5, before the period insert the following: "except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within twenty-four hours after its receipt."

The PRESIDING OFFICER. Does the Senator wish to modify the amendment?

Mr. PACKWOOD. I offer a modified amendment, the only change being made to conform it to the line numbers of the Senator from Rhode Island's amendment. I send to the desk the modified amendment.

The PRESIDING OFFICER. The modified amendment will be stated.

The legislative clerk read as follows:

On page 25, line 9, before the period insert the following: "except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within twenty-four hours after its receipt."

Mr. PACKWOOD. Mr. President, what we have now, in essence, is a 10-day grace period in which to file a report, 10 days prior to the election, because it is reported on a Thursday before the Tuesday, and a person need not file anything received within 5 days before that. There is the possibility—and I will call it more than that; there is this probability—if one has ever looked at the preelection and postelection reporting, an extraordinarily large amount of money comes into the campaign—I think deliberately prearranged—after the deadline for preelection reporting. We now have a 10-day period, in essence, between the deadline and the last day in which a report has to show money received, in which money can come in.

I am not suggesting that we are going to account for every nickel and dime in that 10-day period. I am asking that any contribution in excess of $5,000—and that is not very often in most campaigns—be reported within 24 hours of its receipt, so that the voters might be aware of any large last-minute contributions that are filed.

Mr. PASTORE. Mr. President, the way the bill is drafted, and the way my substitute is drafted at the moment, there is no limit to a contribution. I understand that there will be several amendments to accomplish exactly that. Whether or not this amendment is premature, I do not know.

Mr. PACKWOOD. This is not a limit on the size of the contributions.

Mr. PASTORE. I know it is not. But the Senator is talking about $5,000 or more. The question arises that if we limit the contribution to $5,000, "or more" does not apply any more.

Mr. PACKWOOD. The Senator's question confuses me. There is no limit. If somebody wants to give $25,000——

Mr. PASTORE. I know. But I am saying to the Senator that there will be a move here to limit the contribution to $5,000, that no one can give more than $5,000. What the Senate will do with that, I do not know. All I am saying, is that this amendment seems to jump the gun a little, because the Senator refers to anyone who contributes $5,000 or more. The words "or more" may not apply once we work on the other amendments.

I wonder whether the Senator would postpone this amendment for a while, until we determine what is going to happen to the other feature.

Mr. PACKWOOD. I have no objection, if we get to the stage of putting on the campaign limitation of $5,000, to strike out "or more." I want to make sure that money is not sneaked into a campaign in the last 10 days.

Mr. PASTORE. I have no objection to the amendment, if we have that limitation. I think we ought to wait and see what happens, and then we will entertain the Senator's amendment.

Mr. PACKWOOD. Then, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Who yields time?

AMENDMENT NO. 303

Mr. PACKWOOD. Mr. President, I call up my amendment No. 303.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PACKWOOD. Mr. President, I send to the desk a modified version of this amendment, so that it conforms with the Pastore substitute.

The PRESIDING OFFICER. The clerk will state the modified amendment.

The legislative clerk read as follows:

On page 27, line 21, strike "Sec. 305." and insert in lieu thereof "Sec. 305. (a)".

On page 28, between lines 4 and 5, insert the following:

(b) Any person who lends $10,000 or more within any calendar year to any candidate, political committee, or any candidate and one or more political committees supporting such candidate, shall report such loan to the Comptroller General within 5 days after such loan is granted. The report shall disclose the amount, term, interest rate, and date of the loan, the name of the person to whom such loan was made, the names and addresses of any endorsers of such loan, and the amount of such endorsements.

Mr. PASTORE. Mr. President, what is the number of this amendment?

Mr. PACKWOOD. No. 303.

Mr. President, this amendment is intended to require people who lend $10,000 or more to candidates to divulge this fact.

I think most of us are familiar with the fact that quite often campaigns are financed on "loans" rather than contributions. Sometimes those loans are repaid, sometimes not. This amendment is not designed to determine whether or not the loans are repaid or whether they shall be treated as gifts. It simply says that at any time someone loans $10,000 or more to a candidate—which is not regarded at the time as a contribution—that information shall be reported immediately, or within 5 days, to the commission.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. CANNON. Mr. President, I think this provision is unduly restrictive. S. 382 requires candidates and committees to report contributions and loans. To require banks to report on loans made in the ordinary course of business would be quite unreasonable. This certainly would make that imposition.

In other words, banks are in the lending business; and any time they make a loan of $10,000 or more, they would be required to report it, under the provisions of this amendment. I do not think it is necessary; and, under the circumstances, I would have to oppose it.

Mr. PACKWOOD. I would like to know if Chase Manhattan or Bank of America or some large donor is lending $10,000 to a campaign, and I would like to know it soon, not just within the reporting time provisions in the act.

The amendment is designed to get at exactly what the Senator has suggested. If a bank makes a loan in the normal course of business—a loan of $25,000 or $50,000—to a candidate, it is not going to be reported posthaste under the bill. It is going to be reported in due course. I think a loan of that size, $10,000 or more, should be reported as soon as possible.

Mr. CANNON. I have nothing further to say, Mr. President. I am opposed to the amendment. I think it is unreasonable.

The reporting provisions we have in the bill requiring periodic reports as well as reports in advance of election time are adequate. We require reports on the part of the candidate and on the part of the committee.

Mr. PACKWOOD. Mr. President, I want to ask for the yeas and nays, but before doing so, will yield back my time if the Senator from Nevada will yield back his time.

Mr. CANNON. Mr. President, I yield back my time.

The PRESIDING OFFICER. (Mr. COOK). All time on the amendment has been yielded back.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CANNON. Mr. President, I move to lay on the table the amendment of the Senator from Oregon (No. 303).

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada (Mr. CANNON) to lay on the table the amendment of the Senator from Oregon.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. ROTH), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Delaware (Mr. ROTH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 48, nays 43, as follows:

[No. 189 Leg.]

YEAS—48

Allen
Anderson
Bible
Burdick
Byrd, W. Va.
Cannon
Chiles
Cook
Cranston
Curtis
Eagleton
Ellender
Ervin
Fong
Fulbright
Gambrell
Gravel
Hart
Hartke
Hollings
Humphrey
Inouye
Jackson
Jordan, N.C.
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Ribicoff
Sparkman
Spong
Symington
Taft
Talmadge
Tunney
Williams

NAYS—43

Aiken
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Boggs
Brock
Brooke
Buckley
Byrd, Va.
Case
Church
Cooper
Cotton
Dole
Dominick
Fannin
Goldwater
Griffin
Gurney
Hansen
Harris
Hatfield
Hruska
Javits
Jordan, Idaho
Mathias
McGovern
Metcalf
Miller
Packwood
Pearson
Percy
Prouty
Saxbe
Schweiker
Scott
Smith
Stevens
Stevenson
Young

NOT VOTING—9

Bayh
Eastland
Hughes
Mundt
Roth
Stennis
Thurmond
Tower
Weicker

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 349

Mr. PROUTY. Mr. President, I call up my amendment No. 349.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 4, beginning with line 16, strike down through line 7 on page 5 and insert in lieu thereof the following:

"(2) (A) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(ii) $30,000, if greater than the amount determined under clause (i).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(B) In addition to the amount which he may spend under paragraph (2) (A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of the Federal Election Campaign Act of 1971."

On page 8, strike lines 6 through 21, and insert in lieu thereof the following:

"(c) (1) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

"(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(B) $30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(2) In addition to the amount which he may spend under this subsection for the use of nonbroadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of broadcast communications media under secion 315 (c) of the Communications Act of 1934 47 U.S.C. 315(c))."

The PRESIDING OFFICER. The Chair wishes to ask the Senator if this is one of the amendments on which there is a 3-hour time limitation.

Mr. PROUTY. It is. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Vermont may proceed.

Mr. PROUTY. Mr. President, I realize that there are many who believe that any spending limitation for political candidates is unwise and may be unconstitutional. For example, Prof. Ralph Winter of Yale Law School testified before the Senate Commerce Committee, as follows:

> Any limitation on spending in political campaigns, whether limited to spending for certain media or encompassing spending generally, violates the First Amendment. This applies to any limitation on the amount of money that a person can contribute as an individual contribution to a campaign.
>
> It is my judgment that the First Amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown.

In both the Senate Commerce Committee and the Rules Committee, we gave serious consideration to the question of the constitutionality of a spending limitation. I, for one, was convinced that such a limitation could be constitutional. However, as with any first amendment right, the limitation must be a reasonable one.

As you know, Mr. President, the bill reported by the Senate Commerce Committee had separate but identical limitations for the broadcast and nonbroadcast communications media. In Rules Committee, we adopted the same spending limitation but to avoid overstructuring of the political process, we permitted a candidate to spend any unspent portion of one limitation as an additional amount for the other limitation. This interchangeability feature is the feature which makes any spending limitation reasonable.

Mr. President, when we consider spending limitations, I think it is important for us to remember what the spending limitation does. First of all, any spending limitation favors the incumbent. This fact is particularly true with regard to spending limitations on the communications media.

Why is this the case? There are a number of reasons; but, perhaps the greatest reason is the fact that incumbents are generally better known than challengers. Moreover, incumbents can more easily make news by the way they vote or by the stands they take on important issues.

A recent editorial in Time magazine urged Congress to enact no spending ceiling. It concluded by stating that "money is the great equalizer in the American political system." I am not sure that I completely agree with that premise, but I can understand it. We all should be able to understand it when we consider that under the present system which is completely without spending limitations over 93 percent of the Congressmen and Senators who have run for reelection since 1940 have been successful. Any limit that we place on a challengers ability to spend money in order to convince the voters that an incumbent has served long enough will tend to be viewed as incumbent insurance.

Mr. President, the spending ceilings in S. 382 are relatively unimportant as far as meaningful reform of our election laws are concerned. For example, the repeal of the equal time requirement of section 315(a) for all Federal candidates is much more than election reform because the effect of the repeal is to increase rather than diminish the exchange of political ideas. The amendments to the Criminal Code which eliminate the unregulated District of Columbia Political Committee and prevent political candidates from running up big bills that they do not pay. It is far more important to insure that political candidates do not violate the law getting elected to office than it is to tell them how they should allocate their resources in a campaign. It is most important that the financing of political campaigns be subject to full and complete disclosure so that the voters can know where a candidate gets his money and how he spends it.

I hope that every Member of this body fully understands the significant difference between spending limitations and all other parts of this bill. Spending limitations by their very nature have a limiting effect while all other provisions have the effect of encouraging aboveboard honest elections.

As we consider this bill, Mr. President, I hope that the broad perspective I have just outlined will be kept in mind. Amendment No. 308 chooses a method for limiting expenditures which is far inferior to the method adopted by the Rules Committee. By trying to impose separate spending limitations on broadcast and nonbroadcast communications media, amendment No. 308 ignores all of the testimony presented before both committees.

Our distinguished majority leader (Mr. MANSFIELD) submitted testimony and a number of letters to the Senate Commerce Committee. In his letter to Joseph Sample, Senator MANSFIELD probably best summed up the problem when he stated:

> I am hopeful the final version of the bill will contain the type of leeway and discretion to each candidate to permit the transfer of amounts from one category to another, depending upon individual judgment and needs of that candidate. I do believe that the overall limitations provided in the bill are adequate, but it is true that a challenger to an incumbent may justly and validly need to expend more of his campaign funds on name identification which can probably more validly be achieved through the electronic media. I would not want any bill with which I associated to be considered a bill for the protection of incumbents.

We all know, Mr. President, that a campaign for the U.S. Senate in Wyoming or Maine is going to have very different requirements than a campaign for the U.S. Senate in New York or California—or even Rhode Island. We all know, Mr. President, that a congressional candidate in New York City may not even be able to afford television at all, while a congressional candidate in Wyoming may find that television is the only way to reach all of the voters.

What rational basis is there for setting separate limitations? Let me read to you the reasons contained on page 30 of the Commerce Committee report:

> Some of the witnesses who testified before your Committee urged there be one total limitation on all media spending with discretion left to the candidate to determine what amounts to spend on broadcast and nonbroadcast advertising. There is merit to this contention especially since campaigns differ according to the personal style of a candidate and the area of the country in which the election is being held.
>
> On the balance, however, your Committee opted against such an approach. Television is unquestionably the most used media in political campaigns, and it has been the most significant contributor to the spiraling cost of these campaigns. If candidates were given complete discretion to spend on the use of this media your Committee was fearful that in the closing months of a campaign the airwaves might become inundated with political broadcasts to the exclusion of entertainment and other public interest programs.

The Deputy Attorney General of the United States, Richard G. Kleindienst, replied to that report language in his testimony before the Rules Committee. He stated:

> We think the economic facts of life in the broadcasting industry and the long term self-interest of broadcasters will adequately protect the public from any real possibility of an inundation of the air by political advertisements. We also believe that compartmentalized spending limitations ignore differences in candidates and variances in media coverage capabilities and media rates throughout the Nation. Candidates should have the flexibility to structure their campaigns to produce the most efficient and effective communication with the electorate.

Mr. President, let us, in establishing a spending limitation, be realistic. Let us face the facts. Candidates for Federal office should be given the flexibility necessary to insure that all of the voters in their State or congressional district have the maximum flexibility in deciding the best way to adequately inform all of the voters.

The proponents of the approach used in the Pastore amendment argue that if interchangibility were permitted, all candidates would spend all of their money on radio and television. Can they prove such a charge? The answer is no. But I suppose they would argue that the reasonable man knows that television and radio are the most important means for reaching the electorate. Perhaps they are right. However, all of the evidence seems to suggest they are wrong.

Today we do not have any accurate facts showing the amount of money spent by political candidates on billboards or newspaper advertisements. The reason we do not have those facts is that the disclosure laws now on the books are ineffective, both at the Federal and the State level. Herbert E. Alexander of the Citizens Research Foundation is acknowledged by everyone to have done the most work in this area and to be the most knowledgeable. In his recent book, Financing the 1968 Campaign, Mr. Alexander makes some important points. For those who believe that television and radio is the most important part of a political campaign, Mr. Alexander makes the following observation:

> Viewed in terms of candidate selection, the impact of broadcasting on our political life, at least at the Presidential level, is probably less than some have warned.
>
> If one tried to judge the impact of political broadcasting on the outcome of the Presidential election, contradictory conclusions can be drawn from the evidence of 1968. On one hand, some political experts believe that Humphrey would have won the election if he had had sufficient funds to properly plan and fully execute his television campaign. It is suggested by these observers that lack of adequate television exposure caused by lack of funds cost Humphrey the election.
>
> On the other hand, it has been noted by some observers that in spite of the most massive television campaign in history, and the biggest television spending advantage over his opponent in history, Nixon's rating in the polls was virtually unchanged from May to November (ranging around 42 percent). This could mean that Nixon's nonsupporters or waiverers may have been largely unaffected by his expensive media campaign and that his media campaign served mainly to reinforce the favorable tendencies of his existing constituency.
>
> It is impossible to resolve these two conflicting views on the importance of television on the basis of the 1968 Presidential election. One can conclude that other factors are probably at least as important, and that very little is really known about the way and the degree to which television influences voters.

Let us face the facts, Mr. President—television costs have been rising at a rapid rate. Political candidates do spend more money on television than they did in the past. When one stops to think of it, that is not too surprising. Until the 1960 Kennedy-Nixon debates, I am not sure that political candidates had given a great deal of thought to the fact that television could be used to inform the voters about the issues in a campaign. In no way, however, does the mere fact that television costs money lead to the conclusion that political candidates should be limited in using television.

Just the opposite conclusion might be reached, Mr. President.

A recent article in the June 10 edition of the Washington Post gives some indication as to the escalation of media advertising costs. In the Washington, D.C., area alone, media advertising costs rose 8.8 percent between April 1970 and April 1971. The article went on to point out that this was a smaller increase than the average 10.8-percent rise in media costs over the previous 5 years. Of all media costs, television rates rose the sharpest. Over the past 6 years in Washington, D.C., television rates rose 80.2 percent. This far outstrips any future adjustments which may be made in the formula as a result of the cost-of-living increase provision contained in the bill.

I would only conclude on this point, Mr. President, by pointing out that even the distinguished chairman of our Communications Subcommittee (Mr. Pastore) seems to recognize the necessity for at least some degree of interchangeability. During the course of hearings before our Commerce Committee, in a colloquy with Mr. Wasilewski, president of the National Association of Broadcasters, the few following exchanges occurred:

> Senator Pastore. We thought of that. What you would do in that particular case, you would transfer to the other area.
>
> Mr. Wasilewski. I think this ought to be a matter that is in the broad discretion of the candidate himself.
>
> Senator Pastore. You are absolutely right, because we have said this time and again here, especially during the testimony of some of the networks.
>
> He can better spend his money in another way; that is, either by mailing or by billboards or however he wants to do it.
>
> We have been thinking of the idea that no more than 7 cents per vote, if that is the figure, and any candidate who does not use up to 7 cents can take the slack and transfer it to the other areas. (Commerce Committee Hearings, Serial No. 92–6 at 478, 479.)

Mr. President, all of the foregoing evidence simply begs the question; why not face reality and provide the necessary interchangeability?

Mr. President, I yield such time as he may desire to the distinguished Senator from Tennessee.

Mr. BAKER. I thank the Senator from Vermont for yielding.

Mr. President, this is an amendment which I offered in the Commerce Committee and which was discussed at great length at that time. It has a practical aspect that has been discussed thoroughly and ably by the Senator from Vermont. It has a deeper and more philosophical aspect that I should like to touch on for just a moment.

I think we can begin by agreeing that there is a substantial need for upgrading and modernizing the laws of the United States dealing with the election of Federal officials. Most of us would agree that such improvement and such legislation must embrace some sort of appropriate, enforceable and practicable reporting requirement, as well as some sort of disclosure of the amount of the contribution, at a time which is useful to the electoriate.

Most of us probably would agree that there needs to be some sort of regulation of unfair campaign practices. But beyond that point, I am not sure all of us could agree on the techniques that should be employed to accomplish those purposes.

For instance, I am convinced that the lack of interchangeability of campaign allowances, as it is written into amendments Nos. 308 to S. 382 now before the Senate, is a distinct step backward instead of a step forward, because, while we need regulation and improvement in the Federal election laws, we do not need to regiment and institutionalize the process of campaigning. I resist with all the vigor of which I am reasonably capable any effort, for instance, to require that expenditures be made through a Federal agent. That is not seriously suggested nor implied in this bill, but it is one idea that has been considered by those who turn their attention to electoral reform.

By the same token, I would stoutly resist any effort by anyone to say one could or could not use television or could or could not use radio, or mass mailing, or any of the other several techniques that are available for campaigning in large, populous areas.

It seems to me that if we cannot all agree on the danger of institutionalizing or federalizing the very delicate and personal business of campaigning for the right to represent the people in this Federal Republic, then there is very grievous danger in requiring that a candidate dedicate a fixed percentum share of the amount which he is allowed to spend on advertising to either the electronic or nonelectronic media.

I personally resist the idea that all of us, in our collective judgment, can decide how best and how most efficiently and most equitably the respective viewpoints of candidates in all of the several States of the Union can be presented. As the Senator from New Hampshire (Mr. Cotton), the distinguished ranking minority member of the Committee on Commerce, pointed out, television is almost useless in the State of New Hampshire when it comes to statewide campaigning. As I recall his comments and statements before the Commerce Committee, he wishes that he could utilize television effectively in New Hampshire, but he finds he cannot.

In the State of New Jersey, for instance, there is no television station, although New Jersey is certainly one of our great urban centers in the United States. If a candidate for statewide office in New Jersey desires to campaign through the electronic media, he must purchase time on broadcast stations in New York and Philadelphia. The candidate would therefore, be spending a great deal to reach relatively few potential voters in his State.

This, it seems to me, Mr. President, is a fair example of why we cannot by stature structure the allocation of the available funds between the candidates and between the media.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator from Kentucky.

Mr. COOK. The same thing could be said as to the State of New Jersey, could it not, as far as nonbroadcast media are concerned? If a candidate for the U.S. Senate wanted to place a full-page advertisement in the New York Times, although it covers a good percentage of the State of New Jersey, actually the cost of the advertisement would be based on the entire circulation area, which would take in a tremendous area in addition to the State of New Jersey; so the principle applies at both ends of the spectrum.

Mr. BAKER. The distinguished Senator from Kentucky is very accurate indeed, and I agree with him. It is a further example of the fact that we cannot effectively and appropriately allocate the funds to be spent in a rigid way. We cannot institutionalize the business of campaigning by requiring a certain percentage of the money to be spent either in the newspapers, as the Senator points out, or in television, according to the formula written into this bill.

I think there should be full interchangeability. I agree that there should be a limitation on the amount that can be spent. I think that that is the very essence of campaign reform. But I think there should be maximum flexibility for each candidate to decide how to spend it. I do not think Congress should indicate what percentage share can be spent for television or nontelevision advertising, and I wonder, if this measure were enacted, if our next step would be to say that a certain percentage has to be spent in mass mailing, or on billboards, or on magazines, or handout material, or buttons or badges or whatever. Because you see, Mr. President, I contend, and I believe, that it is just as rational and just as logical to require that you spend a certain fractional share of your allowance for rubber balloons as it is to require that you spend a certain percentage share of your allowance for nonelectronic media as distinguished from electronic media.

I want the freedom, Mr. President, to decide how I will spend the statutory allowance which I may spend in any future campaign in which I may engage as a candidate. I do not want, as much as I respect every Member of this body and the judgment of every Member of this body, my peers and colleagues to tell me how to run a campaign in Tennessee.

I think, Mr. President, there should be full interchangeability. This does not act in derogation of the effectiveness of modernized campaign reform. I think we should move about the business of trying to make it practical and workable. But I do not believe we should go this step backward toward the regulation of the allocation of campaign expenditures. Therefore, Mr. President, I join with the Senator from Vermont in offering this amendment to change that provision, instead, to provide 100 percent full interchangeability from one medium to the other, according to the judgment and discretion of the candidate, still within the expenditure limitation framework. I think the Committee on Rules and Administration did an excellent job in this respect. I do not agree with my own committee's version, which is that of the Committee on Commerce. I support the Prouty amendment.

I thank the Senator from Vermont for yielding.

Mr. PROUTY. Mr. President, in the last issue of the Congressional Quarterly, this whole question of media spending was gone into in considerable detail. I shall take only the time to read a brief portion of the article, under the section headed "Media Studies":

> One difficulty in assessing the effectiveness of political broadcast advertising is that no one really knows what the public thinks about the massive media campaigns or whether voting behavior is influenced.
>
> Very little evidence has been gathered through research by social scientists in the field. Many persons presume that in politics name recognition automatically means votes, "image" ads are better than "issues" ads, spot announcements reach the widest audience and the more ads the better.
>
> However, there is no proof that these presumptions are correct, and some recent research tends to indicate that they may be misleading.

Mr. President, I remember one very articulate and very able former Member of this body, a great orator and a great thinker, who, when he became involved in television programs, was completely helpless, overcome with fear and trepidation. He was most ineffective. Others do a better job on television than some of their opponents. But it seems to me that as long as we are requiring full disclosure and placing limitations on the amount of money that a candidate can spend, it seems to me that the candidate himself should have the right to determine how that money is going to be spent within the imposed limitations.

In my own State of Vermont, it was necessary for me to utilize television stations in New Hampshire, Maine, New York, and Massachusetts in order to cover my State of Vermont, which is a small State. There was no other means of doing it. In some areas where there are no television stations, certainly a man could not be required to limit his expenditures to just half of what he would spend if television facilities existed.

It seems to me this is a fair and reasonable approach, and it was approved overwhelmingly by the Committee on Rules and Administration.

I am now very happy to yield to the distinguished Senator from Kentucky.

Mr. COOK. Mr. President, we debated this proposition at length in committee. I think the theory of dividing broadcasts from nonbroadcasts, and making them noninterchangeable, as they are now, runs totally contrary to the basic concept of the bill. When you set up that a candidate is entitled to so much money to reach his constituents. If, in fact, one is entitled to 5 cents per eligible voter for broadcast media and 5 cents per eligible voter for nonbroadcast media, it means that he has the opportunity to reach his constituents at that level of expenditure.

The basis for the noninterchangeability does not allow one to reach all his constituents at this value.

Take the example of the Commonwealth of Kentucky. In order for a candidate to go on television in the State of Kentucky, he not only buys the station's time in Louisville, Lexington, Paducah, Bowling Green, and Hazard, but also buys time on television stations in Charleston and Huntington, W. Va.; in Cincinnati, Ohio; in Evansville, Ind.; in Harrisburg, Ill.; in Cape Girardeau, Mo.; in Nashville and Knoxville, Tenn., and in the Tri-Cities area of Bristol-Johnson City.

If, in fact, we mean that a candidate is entitled to spend 5 cents per eligible voter in the area in which he lives, obviously we are not allowing him to do it; because when he buys time in Cincinnati, he is immediately dissipating out of every 5 cents per voter—if that is what he is doing on the station—about 65 percent of his allocable funds, because that is how much is wasted in the States of Indiana and Ohio when one tries to reach Northern Kentucky.

The point is that when you have this degree of non-interchangeability, what you say, in essence, to candidates in some States is this: "Your money will be totally diffused. Yet, if you happen to be from the State of Alaska, where you cannot be reached from any of the other 48 States, you may spend all your money within the framework of that State, and it can be utilized in that State. So you get a 100 percent value."

The distinguished Senator from Tennessee gave the example of the State of New Jersey. No one from my part of the country, by the furthest stretch of the imagination, would believe that the State of New Jersey has no television stations. It is a State with a large population, far greater than mine, and its only television outlets are in Philadelphia and New York City. How much of that nickel per voter on broadcast media does a candidate in New Jersey get if he buys time on a New York station? In the first place, he has how many other stations to compete with? I only pose the question to the Senator from New York. I have no idea how many television stations are in New York City with which he has to compete. He has the most expensive market to compete with, and he loses approximately 75 or 80 percent of his allocated funds per voter because they do not even live in the State in which he is trying to get to the voter.

I should like to read two very interesting comments in our hearings on the Federal Election Campaign Act. These are letters that were put into the record by the distinguished majority leader, who wrote to station managers in his home State of Montana. He wrote to Mr. William A. Merrick, who is president and general manager of KBMN. The distinguished majority leader wrote:

> I believe that there should as well be some discretion to the candidate that would permit transferring from one media allocation to the other depending upon the individual needs of each candidate.

In a letter to Mr. Sample of Montana Television Network, the majority leader wrote:

> In addition, I am hopeful the final version of the bill will contain the type of leeway and discretion to each candidate to permit the transfer of amounts from one category to another, depending upon individual judgment and needs of that candidate. I do believe that the overall limitations provided in the bill are adequate, but it is true that a challenger to an incumbent may justly and validly need to expend more of his campaign funds on name identification which can probably more validly be achieved through the electronic media. I would not want any bill with which I associated to be considered a bill for the protection of incumbents.

I could not agree with that more.

It is my intention—I say this to the Senator from Rhode Island—at the appropriate time to offer an amendment. I know the conversations that have gone on, the discussion that has been had, the reports relative to the disposition of this subject on both sides of the aisle, that the question of total interchangeability is going to be very difficult to get through. It will be my intention to offer, in the nature of a substitute, if the Senator from Vermont will agree, or as a separate amendment, an amendment that will allow a 50 percent discretion one way or the other. This degree of leeway at least will allow a candidate to make up for the inefficiencies he finds in one media establishment or another where he cannot honestly get to all the constituents he wants to, for the amount of money he is allowed under this allocation.

Mr. PROUTY. Mr. President, I commend the distinguished Senator from Kentucky for his suggestion. I think we have been trying to cooperate. I certainly want to pay tribute to the distinguished floor manager of the bill, the Senator from Rhode Island (Mr. PASTORE).

I would be perfectly willing to modify my amendment along the lines suggested by the Senator from Kentucky, if that would meet with the approval of the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. PASTORE. We all have lived in a very cooperative spirit here today, and I congratulate my colleagues on the other side of the aisle for some of the amendments that have been proposed.

But I hope that this afternoon we do not end up adding insult to injury. After all, the common denominator in this bill is, How much are you allowed to spend? When we get into this transferability, which is a 100-percent total, or even 50-percent total, I am afraid that we are going to end up in a very chaotic condition.

Looking at the chart in the report, we know that it spells out how much one can spend in each category in each State. This is alone for the television and the radio time one buys, irrespective of what it costs for production. Taking the figure in California alone, if there is transferability of $1,423,700 for radio and television time, I say that we have to kiss Bob Hope goodby, we have to kiss "Bonanza" goodby, we have to kiss "I Love Lucy" goodby. We are going to knock off every entertainment on the television screen if we are going to devote this kind of money to radio and television. It will be impossible.

I say to the Senator, frankly, that I want to be compromising and I want to be fair. If he will make that a 20-percent transferability, I will go along with it, because I think that will allow the leeway to take in the situations which are marginal, such as New Jersey or Kentucky.

Let us face it. If we transfer all this money to radio and television, we are going to have utter chaos. The reason why we made it 5 and 5 is that we did section it off. If we are going to have transferability, 10 cents is really too much, for this reason: No. 1, we are not talking about the registered vote. We are talking about the eligible vote—the eligible vote that is determine by the Bureau of Census on the June before the year of the election—which means every person over the age of 18, male and female, whether they have registered or not; and that is a larger total than the number of people who will go out to vote. That is very generous.

So the 5 and 5 is predicated upon that formula. Then add to that the lowest unit cost, which will give a discount on the television time that is bought of between 35 percent and 50 percent. Add that to it, and I say that we will end up with a scandal. Every office in this country will be put on the auction block.

The time has come when public life and public office will be put up for sale. That is not what we are trying to do. We are trying to cut down the astronomical costs of campaigning. In the last campaign, the President spent on radio and television $12.7 million. If the Senator invokes this formula, the President will have to spend over $15 million.

What are we doing?

If we are going to add to it, then I say we are wasting our time. Frankly, we have to have some transferability, which is the argument made by the Senators from Tennessee and Kentucky, and I am perfectly willing to go along with that, but for goodness gracious sake, make it reasonable.

Mr. PROUTY. Mr. President, I yield now to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, this is the second chorus that the Senator from Rhode Island is singing. He put this before the Committee on Commerce previously. We have argued the——

Mr. PASTORE. I sing it in the key of C and the Senator sings it in the key of G.

Mr. BAKER. There is no point in arguing this now, except to say that what we are discussing now are two of the most difficult parts of the bill, both the unit rate and institutionalizing the apportionment of the power. I lost on that. The pending bill came out of committee that way. Sooner or later we will regret it. I commend the Senator from Kentucky for trying to compromise a difficult situation. Twenty percent is better than nothing. I hope that some day we will have the interchangeability.

Mr. PASTORE. If it does not work out, we will change it.

Mr. COOK. Mr. President, I would like everyone who reads the RECORD to think that we had full interchangeability for every candidate running for public office, including the President, in some degree to spend his money on television and radio. We just had an election——

Mr. PASTORE. I say to the Senator from Kentucky that is where he is going to put his money.

Mr. COOK. We had just finished a presidential election before then, and the President who was running for office did not spend all his money on radio and television. I did not spend all my money on radio and television. Those Senators, all of whom are here, did not spend all their money on radio and television. There were no restrictions on interchangeability then. There have never been before. So when we say, all of a sudden, that something will happen, it has not happened in the past. With interchangeability, we can still get out the pamphlets, use the billboards, or buy balloons, as the case may be. The only thing I can tell the Senate is, we did not have this and we could have spent every dime of our money on radio and television, but we did not think it was practical and we are not going to think it is practical in the future.

From the standpoint of the offer made by the Senator from Rhode Island, let me say that I conveniently have already changed my amendment and I hope that the Senator from Vermont can accept it.

Mr. PASTORE. And the Senator from Rhode Island will buy it.

Mr. PROUTY. Mr. President, I yield to the Senator from Oregon (Mr. PACKWOOD), who wishes to ask one or two questions.

Mr. PACKWOOD. I wonder whether the Senator from Rhode Island would permit me to ask one or two questions.

Mr. PASTORE. Certainly.

Mr. PACKWOOD. I do not understand how, if we put in interchangeability, that it will cut down 1 cent from a campaign. If we do not put in interchangeability, how will it change campaign costs by 1 cent? How will it prevent a Senator from spending money on billboards, bumper stickers, pamphlets, or utilizing people going door to door?

Mr. PASTORE. The point is, we have been generous in allocating the formula and the amount. The reason why we were generous in advocating the formula we did was that we limit it to 5 cents on television and radio. We took that into account. The figure adopted is slightly more than the figure spent on the average throughout the entire country in the last election.

Mr. PACKWOOD. This bill, then, is not a campaign spending limit bill, is it?

Mr. PASTORE. Of course it is.

Mr. PACKWOOD. How are we limiting the spending of the money?

Mr. PASTORE. By limiting it to 5 cents on every eligible voter where radio and television are concerned. On a nonbroadcast item, it is 5 cents. A candidate is limited to what he can spend. I think every candidate for public office spends twice as much as he should, twice as much as is necessary.

Mr. PACKWOOD. He spends everything that he has.

Mr. PASTORE. The Senator knows what happens. The candidate is riding along in his automobile and he sees his opponent's sign on the other side of the street, with a big, big billboard, so the candidate does not sleep unless he puts up a billboard on the other side of the street. That happens all the time.

The candidate sees an ad of his opponent's in the newspaper and he has to have one in the newspaper the very next day. If his opponent is on television and he calls you a name, you have got to go on television and reply to him. After the election is over, you say to yourself, "My goodness gracious, how stupid I was. I could have saved half that money."

Mr. PACKWOOD. Let us look at what will happen. If we have interchangeability, every candidate can spend all the money he has plus what he can borrow, unless we limit the amount he can borrow in this bill. If he wins, he can possibly pay off the deficit.

I say, if we want to bring it down, let us bring it down to nothing but do not let it apply to radio, television, or the newspapers.

Mr. PASTORE. I agree with the Senator that if we are going to have interchangeability, we have got to do something about reducing the 10 cents. We have got to do it.

Mr. PACKWOOD. We do not have to do it at all. We can cut it out entirely. Then it will be a bonanza if we do not allow advertising.

Mr. PASTORE. It could be very well, and bring spending into its proper context. If we have interchangeability, then we have to reduce the total amount.

Mr. PACKWOOD. What the Senator has here is not a bill allowing campaign spending but a bill against broadcasting. Perhaps that is what the Senator wishes to do.

Mr. PASTORE. My goodness gracious, no. I have nothing against the broadcasters. As a matter of fact, in some quarters, I have often been called a patsy—which, of course, it not true. Now do not label me with that. I have been stigmatized enough as it is.

Mr. PACKWOOD. I will state for the record, with or without this limitation, that campaign costs on the average will exceed what was spent in 1970 to run for the Senate. This bill is a disclosure bill and a good bill. We should have disclosure. But it will not save 1 cent or put a limit on spending for campaigns. What we are doing is to transfer support from broacasting to support from the print media and we will find some other way, whether loudspeakers, bumper stickers, or billboards, to spend every red cent that every candidate can raise for his campaign.

Mr. PASTORE. Mr. President, I am willing to yield back my time now.

Mr. PERCY. Mr. President, will the Senator from Rhode Island yield for a question on the amendment?

Mr. PASTORE. I yield.

Mr. PERCY. I wish to inquire, because I was not here for the entire colloquy, the distinguished Senator made the statement that every candidate could figure out that he could save half his campaign expenditures. I agree as to the campaigns I have been in, but has the distinguished Senator figured out which half?

Mr. PASTORE. Both halves. [Laughter.] I wish the Senator would ask me a hard question some day.

Mr. PROUTY. Mr. President, I am perfectly willing to accept a modification of my amendment as suggested by the distinguished Senators from Kentucky and Rhode Island and yield back the remainder of my time.

The PRESIDING OFFICER (Mr. FANNIN). The Senator has a right to modify his amendment. Does the Senator so modify it?

Mr. PROUTY. I so modify it.

The PRESIDING OFFICER. The amendment is modified as requested.

The text of the amendment as modified is as follows:

On page 4, line 16, strike "No" and insert in lieu thereof "Except as provided in section 104 of the Federal Election Campaign Act of 1971, no".

On page 8, line 6, strike "No" and insert in lieu thereof "Except as provided in section 104 of this Act, no".

On page 10, immediately after line 3, insert the following new section:

"LIMITED INTERCHANGEABILITY BETWEEN EXPENDITURES LIMITATIONS

"SEC. 104. (a) A legally qualified candidate in any primary, runoff, general, or special election for Federal elective office may, at his option, transfer not to exceed 20 per centum of the expenditure limitation under section 315(c) of the Communications Act of 1934 as amended or section 103(c) of this Act between one or the other to be spent on either the broadcast or nonbroadcast media on behalf of his candidacy in such election. Any amount so transferred from the one expenditure limitation to the other shall be deducted from the expenditure limitation upon the media from which such transfer is made.

"(b) Any such legally qualified candidate exercising this option shall promptly notify the Federal Elections Commission in writing of the amount so transferred and spent, and shall provide such Commission with such information as the Commission, in its judgment, deems necessary and proper in the exercise of this option.

"(c) The Federal Elections Commission is authorized to develop and promulgate appropriate rules and regulations to carry out the purposes of this section.

"(d) The definitions contained in section 315(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section."

On page 10, line 5, strike "SEC. 104." and insert in lieu thereof "SEC. 105".

On page 11, line 2, strike "SEC. 105." and insert in lieu thereof "SEC. 106."

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. PROUTY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Vermont.

The amendment was agreed to.

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE I, 92D CONGRESS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Locarno Agreement Establishing an International Classification for Industrial Designs, Executive I, 92d Congress, first session, transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Locarno Agreement Establishing an International Classification for Industrial Designs, signed October 8, 1968. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Agreement.

The countries which are parties to the Agreement constitute a Special Union. The principal purpose of that organization, which will consist of an Assembly of all contracting parties, and a Committee of Experts, is to establish an international classification for industrial designs. Such a classification system will be of great assistance in researching the existence of exclusive rights respecting a specified design or any variants thereof. This arrangement will be generally similar to that set forth in the Nice Agreement Concerning International Classification of Goods and Services to which Trademarks are Applied as revised at Stockholm July 14, 1967.

I recommend that the Senate give early and favorable consideration to this Agreement.

RICHARD NIXON.

THE WHITE HOUSE, *August 3, 1871.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 105) authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7960) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. Who yields time? The bill is open to further amendment.

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 3, line 14, strike out "amount of time" and insert in lieu thereof "class and amount of time and same frequency of use"

On page 10, line 6, strike out "amount of space." and insert in lieu thereof "class and amount of space and same frequency of use.".

Mr. STEVENS. Mr. President, this is the amendment mentioned in the unanimous-consent agreement for a limitation of 2 hours.

I yield myself 20 minutes at this time.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 20 minutes.

Mr. STEVENS. Mr. President, the Senator from Rhode Island is an extremely fair man. We have had an interesting discussion in committee about this bill.

The PRESIDING OFFICER. Does the

Senator ask that the amendments be considered en bloc?

Mr. STEVENS. Yes—two amendments.

The PRESIDING OFFICER. The amendments will be considered en bloc.

Mr. STEVENS. Mr. President, the provision I am most disturbed with in this bill is one that apparently attracts little attention. If it were said that a typesetter would have to work for 50 percent while he was setting type in a political ad, that a broadcaster would have to work for 50 percent while he read a political ad on a radio station, or that a television announcer would get paid 50 percent while he was reading a political ad for a candidate, I assume that would cause a little more attention to be attracted to the matter. However, it does not.

What it says is that the media, both the air medium and the printed medium, must carry the political advertising at the lowest unit rate available in this 45-day period before a primary election and 60-day period before a general election.

Mr. President, I had printed in the RECORD on July 21 some examples of what would happen in Alaska—and this is comparable all over the country—with small radio stations, small newspapers, and small television stations that are independent of these massive networks or are independent of these very large newspaper chains.

This is what will happen to them. A fixed rate cut, for instance, shows that for a prime time, one spot, a 60-second spot, will cost $12.50. That would be the cost to anyone who went in there. There is no discrimination against a politician. He will not get it at any more expensive rate or any cheaper rate. However, if this bill passes, the politician will get that time at $4.50 instead of $12.50.

I have had discussions with the Senator from Rhode Island in committee, and I am certain from what he has said here that this is the intended result. I do not argue with his intended result in terms of purpose. I argue with it in terms of whether it is fair and whether we should, in fact, require the news media to subsidize political campaigns throughout this country from now on and require, as I have pointed out, this one station to provide political advertising at one-third the cost that it was provided in the last election.

In the last campaign the record shows that my opponent spent twice as much money as I did on radio and television.

Under the pending bill, the Senator from Rhode Island very generously raised the amount for each medium. But under the bill the $30,000 would be worth at least $60,000. So, if we are talking about putting a limit on expenditures, it is not in this bill with that provision. It is highly discriminatory to say that this can happen in terms of newspapers. I know of no legal basis or constitutional basis whereby the Congress of the United States can order a newspaper to provide advertising to a political candidate at the lowest rate it provides advertising media to any other advertiser.

With respect to the air medium, I can understand it, because we regulate the airwaves. But I would challenge anyone to show me the constitutional basis for requiring the printed medium to provide a political candidate for federal office with advertising at the lowest unit rate at which it sells advertising to the grocery store on an average of 6 days a week, 52 weeks a year, and get an earned rate discount.

I call my amendment the comparable rates provision. It requires that no one can discriminate against politicians in terms of their advertising. It says that they cannot charge us any more than they charge anyone else for the same class of time, the same amount of time, or the same frequency of use, or the same class or amount of space or the same frequency of use of the printed medium.

I call the attention of the Senator from Rhode Island to the testimony before the committee in terms of this lowest rate provision when Mr. Wasilewski, from the National Association of Broadcasters, testified before the committee. He was very plain, quoting from page 483 of the hearings before the Commerce Committee, when he said:

> Some of the bills introduced would require that broadcasters sell candidates' advertising at the lowest rate available to any advertiser for an equivalent time period, regardless of volume or other considerations. Present law requires a broadcasting station to charge political candidates no more than it would an advertiser for the comparable time. This insures that the candidate will get treatment equitable to anyone else who purchases air time. To require broadcasters to charge political candidates a lesser rate than charged other comparable purchasers of time would constitute an enforced subsidy for political broadcasting—a subsidy required of no other industry.

Mr. President, I underline that. It is certainly required of no other industry.

We are not going to say to anyone else involved in the campaign activity, whether a person who prints billboards, sells billboard space, prints placards, bumper stickers, sells balloons, or whatever it is, that he has to give a politician a favored rate.

But the pending bill cuts right into the small, individually owned radio and television stations and newspapers throughout the country.

I had hoped that we might be able to get a comparison of some of the similar things throughout the country, of similar rates quoted for news media throughout the country. I have not been able to do so, because I guess they do not provide these. They are printed in the FCC records. However, I have not been able to get the individual ones.

Just to show what will be required of the radio, television stations, or newspapers in Alaska—according to information which I have readily available—the Alaska newspaper rate for 1 inch on a display rate is $3 a column inch. Based upon frequency of use, that is reduced down to as low as $1.30 an inch. Under the pending bill, it would mean that the politician would pay the low rate. I think it must be a difficult thing for a newspaper to handle every 2 years or 6 years when the politicians come in with advertising that is not very well prepared and not made up in the careful way in which the grocery store ads would be made up in terms of regular ads coming into the newspaper office. But they are to get the grocery store rate available in the small weekly and monthly newspapers in my State that barely survive. They would have to provide the politicians with that rate.

Make no mistake about it. The bill is not a limitation on expenditures.

Under this provision, it becomes a bill which strictly requires a news medium to give the political candidate at least a 50 percent preference in terms of advertising.

If I might have the attention of the Senator from Rhode Island for just a minute, I will ask him if I have misinterpreted this in any way. It is the intention now to have the lowest unit rate in either the 45- or 60-day period available to any advertiser regardless of volume or class of time.

Mr. PASTORE. The Senator is correct.

Mr. STEVENS. I wanted to make sure I was not overstating the case as far as this provision is concerned.

Mr. PASTORE. No. The Senator took occasion to raise the question of the constitutionality of imposing this low unit cost on the newspaper. There is no case as far as we have been able to research that declares such a law unconstitutional. However, there is a New Hampshire case that went before the Supreme Court of New Hampshire. And the supreme court held:

> The statute establishing the commercial advertising rate as maximum rate for political advertising in newspapers or by radio stations does not abridge freedom of the press.

That is the language of the Supreme Court of New Hampshire. The case was brought before the Supreme Court of the United States and certiorari was refused. Then, they asked for a review of the refusal and it was refused again. That allowed the supreme court decision of New Hampshire to stand.

We were guided by that. I am not saying the question of constitutionality cannot be debated; it can be.

We are merely saying that a campaign is in the public interest to bring to the people not only the quality of the candidates but also the various issues that affect the community, State, or the Nation.

We are saying that a political candidate is not that kind of customer either for the newspapers or the news media that he can actually undertake a contract to be on radio or in the newspapers throughout the entire calendar year, like, let us say, Procter & Gamble, or some cigarette manufacturer which has prime rates. All we are saying to a newspaper is, "You yourself establish your prime rate, but whatever you establish, that rate you must give to a candidate for public office, in the public interest, for 45 days preceding the date of a primary election and during the 60 days preceding the date of a general or special election." That is all we are doing and we think that is in the public interest. We are doing that to make it available for the man without great means, in order to challenge another candidate, who may be just as worthy, but who has tremendous means, to put them on the same level so that money will not be the common denominator but so that wisdom, talent, and the issues will be the common denominator. That is what is behind this.

I know the Senator from Alaska is absolutely sincere about his position. There is no doubt about it. But that is why we decided it this way and I think we did the right thing. We are not saying to anyone, "You have to give a certain party a rate you do not give anyone else." What we are saying is, "You make your rate and establish it. The lowest unit cost you charge anyone is that section of time on television, on radio, or in newspapers you have to charge the candidate for public office, whether he is running for the school committee, dog catcher, or the President of the United States. You have to give him the same rate."

Mr. STEVENS. Mr. President, I wish to say to the Senator from Rhode Island that he stated his case very fairly. I only rebut that by saying: Look at the stations. We have small stations. For instance, in Anchorage, Alaska, we have three television stations, four FM stations, four AM stations, two newspapers, and we have less than 100,000 people. The thing that made that available was a group of people who were very aggressive and very competent. The rate cards show that for prime time it is $300 for a 60-minute program. On the same station for class C time it is $100.

What the Senator from Rhode Island is really saying is that the politician will walk in and get prime time that is worth $300 if anyone else were to buy it—and believe me, they do buy it—and that time is put aside for them and they pay only $100.

Mr. PASTORE. The Senator is 100 miles off course.

Mr. STEVENS. Tell me where I am off course.

Mr. PASTORE. That same time that the Senator is talking about is prime time for Proctor & Gamble for which they charge Proctor & Gamble $300, and they cannot charge the Senator $400.

Mr. STEVENS. That is not what the bill says.

Mr. PASTORE. Yes, it is.

Mr. STEVENS. It has nothing to do with time, or frequency, or use. We took it up with the staff and the FCC. If the Senator is willing to concede class of time I am ahead and I am willing to quit.

Mr. PASTORE. I do not know where the Senator gets "class of time." I am talking about the same period of time. In other words, if there is an agreement on the part of any radio station or television station that between 6 o'clock and 7 o'clock anybody can buy time for $200, and that is the lowest unit cost for that time, if the Senator buys that same time between 6 and 7 o'clock they cannot charge the Senator more than $200.

Mr. STEVENS. Will the Senator go one step farther? Suppose the Senator buys it 10 times and I buy it one time; then, the Senator would get the earned rate discount.

Mr. PASTORE. The Senator cannot buy it 10 times because he does not buy 10 times a year; he buys it one time.

Mr. STEVENS. We are in agreement on class of time.

Mr. PASTORE. I do not know where the Senator gets the expression "class of time."

Mr. STEVENS. There is double-, triple-, and third-class time; and that is prime time, middle time, and run-of-the-station time. It is in the FCC journals.

How about newspapers? Can we go into newspapers?

Mr. PASTORE. Yes. If in the Sunday newspaper, page 5, anyone can buy it for $300, they cannot charge the Senator more than $300 for that same page 5 on Sunday. That is all I am saying. In other words, they have to treat the man running for public office in the same way they treat their own best customers. What is wrong with that?

Mr. STEVENS. I still think there is something wrong with that.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STEVENS. I will yield in just a moment.

The Senator says there is a premium for advertising on page 2 and if the grocery store buys page 2, it would pay the same price I would pay as a candidate; but if the grocery store bought the page for 52 weeks and at a special price, the Senator would get the special price or discount.

Mr. PASTORE. The Senator is correct. The Senator is headed on the right course. The Senator has come around to where he should have started.

Mr. STEVENS. I respectfully suggest that we need to put that language in the bill in respect to class and time. It is not understood by the industry. I have a letter here concerning that.

Mr. President, I am happy to yield to the Senator from Iowa.

Mr. MILLER. I have already discussed this part of the bill with the Senator from Rhode Island.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. STEVENS. Mr. President, I yield myself another 20 minutes and I yield to the Senator from Iowa.

The **PRESIDING OFFICER.** The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I have already discussed this part of the bill with the Senator earlier this morning. I think that as far as one part of the Stevens amendment is concerned there is a meeting of the minds. While I do not think the bill quite says what the intention is, reading the committee report, page 27, especially, I think the intention is stated and I see no reason why the Senator from Rhode Island, the manager of the bill, and the Senator from Alaska cannot get together on this one part; that is, for the same class or quality of time the unit charge will be the same, whether it is for a political advertiser.

I think the Senator is getting to another angle, and that is if the commercial advertiser is given a certain rate because he is going to advertise for two times a day for 30 days and therefore he may get a discount of 20 percent, the question is whether the political advertiser who comes in for just one time a day for 10 days can get the same unit price.

I do know the answer but I know the way the bill reads it would permit the political advertiser to get that unit price even though he may only advertise for 10 days, whereas the commercial advertiser gets it because he is going to advertise for 30 days.

I would like to have the comment of the Senator from Rhode Island because I am sure the committee went into this aspect and it is a troublesome matter.

Mr. PASTORE. This is the way the bill reads:

> During the 45 days preceding the date of a primary election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same amount of time during the same period;

Mr. President, you could change that and say "lowest unit charge of the station for the same amount and period of time."

Mr. MILLER. The same amount and class of time?

Mr. PASTORE. No, it is the period that counts, because in television it is the period that constitutes prime time. The Senator calls it class; I call it period. If class means so much the Senator can use "class." But we want to make sure we are talking about the same thing. Class is quality. Period is time.

Mr. MILLER. Will the Senator from Alaska yield further?

Mr. STEVENS. I yield.

Mr. MILLER. I think the Senator from Rhode Island has recognized that we are talking about the same thing insofar as class of time is concerned, whether it is prime, triple A, or class D time. The language can be worked out on that. But the Senator from Alaska has a point here, and that is that if during that period of time which is 45 days preceding a primary election and 60 days preceding a general election a commercial advertiser would be given a unit cost at the 20 percent discount because he is advertising each day of the 30 days, and the political advertiser is coming along and advertising only in 5 days, or perhaps 2 days, in the same class of time, yet the political advertiser will get that discount. I think that is the point the Senator from Alaska is making. I think there is agreement between the Senator from Rhode Island and the Senator from Alaska.

Mr. PASTORE. The committee was in agreement on this point. Insofar as candidates for public office in any State, municipal, or nationwide office were concerned, as a public service, they ought to be entitled to the lowest unit charge. Frankly, there was not too great an objection to it. Naturally, of course, the broadcasting industry would like to have it out. The newspapers would like to have it out. We know that, but I think they owe the country something. They are given licenses. They enjoy lucrative businesses. They have more or less monopolies, to a certain extent. I do not see any harm in it at all.

Mr. MILLER Mr. President, will the Senator from Alaska yield further?

Mr. STEVENS. I yield.

Mr. MILLER. What the Senator from Rhode Island is saying is no doubt the truth, but I do not think we have developed here on the floor what that amounts to. I do not know, in dollars and cents, what that particular aspect of the Stevens amendment is going to mean to a small radio or TV station. I do not know whether we are talking about a small amount of money or a large amount of money because I am not that cognizant with the rates on prime time.

Mr. PASTORE. The committee limited it to 45 days for a primary election and to 60 days for a general election. We were shortening the campaign time, in effect. Not only that, but there is a tendency to wait to come within those 45 days and those 60 days because the candidates will get the lower rates. The discount may come to 30 percent or 50 percent—I do not know—for radio and TV. I do not think the newspapers get into the lowest unit cost, only the radio and television, because most of the radio and television stations are connected as affiliates with the networks, and the networks enter into agreements. They make certain concessions to the licensees for the time they use in showing national broadcasting programs

I will tell the Senator very frankly what I think is a remarkable thing. Metromedia, WTTG; NBC, Dr. Goldman; ABC, Mr. Goldenson; CBS, Dr. Stanton—all four of them came in and said, "We are willing to give a discount voluntarily."

When it was put up to the committee, the committee said, "No; it ought to be placed in the law."

Mr. STEVENS. This is the very problem. The networks can come in and say, "We are willing to be big guys," but what about Cordova, or Ketchikan, or Fairbanks, stations which are selling time to a local grocery store or a drugstore or a drive-in. They have to scratch for it. That comes to one-third of the time, going by the class of time and frequency of use. The difference is one-third on the frequency and the class of time. If we are agreed on what prime time is, the class it is, we are still talking about frequency.

Mr. PASTORE. There is nothing in the law which compels the radio or television station to sell any time. They do not have to sell a nickel's worth of time.

Mr. STEVENS. That may be the law, but if there is a presidential or senatorial or gubernatorial campaign and those stations try to prevent campaigners from using their facilities, there would be a great protest.

Mr. PASTORE. I was just reminded that they do have to sell a reasonable amount of time. That provision was inserted in the bill.

Mr. STEVENS. There is a provision that requires them to sell.

Mr. PASTORE. But they cannot inundate the broadcasting; it has to be reasonable. In my State the radio and television announcements tell the people that so much time will be made available for political purposes. They wait for the applicants to come in, and they allocate.

I realize there may be difficulties in some places, but looking at this from a panoramic view, I do not know of a situation where there is not some difficulty. Perhaps the answer for Alaska is that they may have to charge the candidates the full time. I do not think we are asking too much in this bill.

Mr. STEVENS. I would say throughout the country, where there is a weekly or local newspaper, the situation would be the same.

My amendment would strike out the words "amount of time" and use the terminology class and amount of time and same frequecy of use," whether we call it unit or class or time. We are in agreement.

Mr. PASTORE. What the Senator from Alaska is doing is repealing the lowest unit cost provision, and I cannot accept it.

Mr. STEVENS. The Senator said he agreed on class of time.

Mr. PASTORE. I am telling the Senator that anything he does to disturb the provision for lowest unit cost I am against. If the Senator tells me that his amendment carries the lowest unit cost provision, we will get together on the language, but if he is out to destroy the provision for lowest unit cost, I am against it.

Mr. STEVENS. I am trying to preserve the lowest unit cost basis on a comparable basis. I had understood the Senator from Rhode Island agreed on it.

Mr. PASTORE. I agreed on what?

Mr. STEVENS. On the same class of time. The Senator wants prime time to be paid as prime time.

Mr. PASTORE. I suggested that we would use the words "amount" and "same period of time." If the Senator wants to correct it that way, I will accept it.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum so we can take a look at it.

The PRESIDING OFFICER. Out of whose time does the time for the quorum call come?

Mr. STEVENS. The Chair can take it out of my time. I do not care.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent to modify my amendment on page 2, line 23 of the Pastore substitute. Strike out everything after the word "amount", insert a comma, and have it read, "class and amount of time during the same period".

On page 8, line 5 after the word "amount", insert "and class".

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, with these modifications, which are agreeable to the committee, I am perfectly willing to accept the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. PASTORE. Let me repeat the modification, in order to make it clear.

On page 2, line 23, after the word "amount" in the middle of the page, we delete everything to the end of the paragraph on page 24, and substitute in lieu thereof ", class and amount of time during the same period"?

Mr. STEVENS. And on page 8, line 5, insert after the word "amount"——

Mr. PASTORE. After the word "amount" insert "and class of space".

Mr. STEVENS. That is correct. Has my amendment been so modified?

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

Mr. STEVENS' amendment, as modified, is as follows:

On page 2, line 33, strike out everything after "amount" and insert in lieu thereof "class and amount of time for the same period."

On page 8, line 5, after the word "amount" insert "and class of space."

The PRESIDING OFFICER. Is all remeaning time yielded back?

Mr. PASTORE. Mr. President, I want the RECORD to be clear that this in no way rejects the committee report recommendation as to the lowest unit cost.

Mr. STEVENS. That is absolutely correct. It is the lowest unit cost for the same class of time and the same period of the day, during the same 45- or 60-day period. We have not done anything about the frequency of use. We concede that, but we have gone to the prime time concept.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. STEVENS. I move the adoption of the amendment, and yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROTH). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS), as modified.

The amendment was agreed to.

Mr. PASTORE. I yield to the Senator from West Virginia.

THE HIGHER EDUCATION BILL—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader, after having consulted with the minority leader and the principal parties on both sides, to present the following unanimous consent request:

I ask unanimous consent, with respect to the so-called higher education bill—when it is called up—that debate on that bill be limited to 6 hours, the time to be equally divided between and controlled by the distinguished junior Senator from Rhode Island (Mr. PELL) and the distinguished senior Senator from New York (Mr. JAVITS).

Ordered further, that the time on any amendment be limited to 1 hour, the time to be equally divided between and controlled by the mover of such amendment and the distinguished manager of the bill (Mr. PELL), with exceptions as to the time on the following amendments:

An amendment by the Senator from Colorado (Mr. DOMINICK), on which there be 3 hours.

Two amendments by the Senator from Montana (Mr. METCALF), on each of which there be 2 hours.

Provided further, that time on any amendment to an amendment be limited to one-half hour, the time to be equally divided between and controlled by the mover of the amendment in the second degree and the distinguished manager of the bill (Mr. PELL).

Ordered further, that no amendment not germane be received.

Provided further, that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

Mr. DOMINICK. Mr. President, reserving the right to object, in connection with the limitation on germane amendments, I should like to get a ruling at this time, before I agree to that, that the Foreign Service scholarship program is germane.

Mr. BYRD of West Virginia. Mr. President, in response to the able Senator, I ask unanimous consent that all amendments which have been enumerated be in order.

Mr. JAVITS. And amendments to those amendments, because otherwise the rule of nongermaneness would apply to an amendment to his amendment.

Mr. BYRD of West Virginia. I so modify the request.

Mr. JAVITS. Mr. President, reserving the right to object, I want to get one thing clear. I thoroughly agree with the objective, but I do want to clarify one point:

We may not be able to reach this bill this week, or may not be able to finish it. What is our understanding as to whether this unanimous-consent agreement on the part of everybody—it is fine with me, I say in advance, but I think it should be clear whether it will or will not carry over the recess.

Mr. BYRD of West Virginia. Mr. President, I would respond by saying that in my judgment, and I hope the majority leader will say something on this, we will reach the bill and ought to be able to complete it before the recess.

Mr. JAVITS. And even if we do not, is it the intention to carry it over the recess?

Mr. BYRD of West Virginia. Yes, I would hope so.

Mr. JAVITS. As a result of some of my discussions with some of the minority members who feel strongly on the poverty bill, I thought we had better take the precaution on this one that this unanimous-consent agreement will apply whenever the bill is called up.

Mr. BYRD of West Virginia. That is true. I believe that, operating on the double-track system, as we intend to do, we will be able to take it up and complete it before the recess.

Mr. JAVITS. As a matter of fact, in good faith—and I think the majority leader can help us in this—every effort is going to be made to reach it; and if it is not reached, it will be right on the calendar when we get back. We would not want this matter to drag along and have a unanimous-consent agreement outstanding, because circumstances might change.

Mr. MANSFIELD. We are going to make every effort to finish it before the conclusion of business on Friday, and we have every expectation that we will.

Mr. JAVITS. Or, if we do not, that it will be on the calendar when we come back.

Mr. MANSFIELD. It will be. But, frankly, the Senator from Montana is not looking too far ahead on this bill.

Mr. DOMINICK. Mr. President, reserving the right to object—and I do not anticipate objecting—I would like to follow up what the Senator from New York has said. In the event we do not reach the bill or do not finish it prior to the recess, it is entirely possible that during the recess period we will find, from some of the education groups or other people involved, amendments which are not enumerated in here and which may be of some significance. The question, then, is whether the mood of the majority leader and the majority whip would be to modify whatever unanimous consent we have to include additional amendments which might be of more significance that just the 1-hour time limitation would permit us to debate.

Mr. MANSFIELD. Of course, if they were germane.

Mr. JAVITS. That is, if they related to the subject of higher education.

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I thank the Senators.

The unanimous-consent agreement reads as follows:

Ordered, That, during the consideration of the Higher Education bill (S. 659) debate on any amendment (except an amendment by the Senator from Colorado (Mr. DOMINICK) which shall be limited to 3 hours, and 2 amendments by the Senator from Montana (Mr. METCALF), which shall be limited to 2 hours each) shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment and the Senator from Rhode Island (Mr. PELL).

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 6 hours to be equally divided and controlled, respectively, by the Senator from Rhode Island (Mr. PELL) and the Senator from New York (Mr. JAVITS). Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal, except a motion to table.

Provided further, That, no amendment that is not germane to the provisions of the said bill shall be received, except the amendments enumerated above and amendments to amendments which are germane thereto.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PASTORE. Mr. President, I understand that the Senator from Virginia has an amendment. I think we can dispose of it in short order.

AMENDMENT NO. 263

Mr. SPONG. Mr. President, I call up my amendment No. 263, and I have modified it to conform to the Pastore substitute. I send to the desk the modifications.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The legislative clerk read as follows:

On page 22, line 4, strike "and".

On page 22, line 5, before the period insert the following: "and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made".

On page 26, line 23, strike "and".

On page 26, line 24, before the semicolon insert "and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made".

Mr. SPONG. Mr. President, I believe that this amendment would improve the reporting procedures required of political committees. It would require those committees to list, in addition to how they spend the money, in whose behalf—the candidate's name—the money is spent.

Mr. PASTORE. Mr. President, I have studied this amendment. I believe it would strengthen the disclosure section. If it is agreeable to the Senator from Nevada, I think we can accept this amendment.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. CANNON. Do I correctly understand that this amendment would require disclosure of specific expenditures that a committee might report on behalf of each candidate?

Mr. SPONG. That is correct.

Mr. CANNON. I see no objection to the amendment.

Mr. PROUTY. Mr. President, I am in favor of the amendment.

Mr. PASTORE. I yield back the remainder of my time.

Mr. SPONG. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. HOLLINGS. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 21, line 10, after the word "contribution," insert the following: "in excess of $10."

On page 21, line 24, strike the word "any" and insert in lieu thereof "a".

On line 24 after the word "contribution" insert the following: "in excess of $10."

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, the Senator talked to me about this amendment. I understand that he has talked to the author of the disclosure part of the bill. The amendment seems to me to be reasonable.

Mr. HOLLINGS. This amendment applies to the small contribution of $1 or $2, so that it will not be necessary to employ a large staff and keep all these records. Having a large staff would really discourage the small contributor. This amendment applies to small contributions. Tremendous recordkeeping would be necessary unless we provided that in the case of contributions of $10 or less all these records would not be required.

Mr. PASTORE. I find the amendment satisfactory.

Mr. CANNON. Would this amendment eliminate the detailed accounting and recordkeeping for contributions under $10?

Mr. HOLLINGS. Under $10.

Mr. CANNON. I have no objection.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. HOLLINGS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the quorum to be stopped at 4 p.m. At that time, the distinguished Senator from North Carolina, under a previous agreement, will be recognized for the consideration of the conference report on State, Justice, Commerce, and the Judiciary.

Mr. CANNON. Mr. President, would the distinguished majority leader advise whether it is the intention to return to the consideration of S. 382 or whether it will go over until tomorrow?

Mr. MANSFIELD. It is up to the distinguished Senator from Nevada and the distinguished Senator from Rhode Island. Whatever their wishes are, the leadership will be glad to accede to them.

Mr. CANNON. I ask the Senator from Rhode Island whether consideration of S. 382 will go over until tomorrow, after the matter to which the majority leader has referred is laid before the Senate.

Mr. PASTORE. Yes. What time will the Senate meet tomorrow?

Mr. MANSFIELD. 10 a.m.

LINCOLN HOME NATIONAL HISTORIC SITE

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 9798.

The Chair laid before the Senate a message from the House on H.R. 9798, an act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes, which was read twice by title.

Mr. BIBLE. I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BIBLE. Mr. President, this is the so-called Lincoln boyhood bill, to establish the Lincoln Home National Historic site, in Springfield, Ill.

We have extended discussion and extended hearings on the Senate side. The Senate committee reported it favorably and unanimously to the Senate. It was before the Senate and it was approved. This is the House counterpart of the bill.

I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, passage of H.R. 9798 today will be a great tribute to Congressman PAUL FINDLEY. It is he who has been the moving force behind this legislation to make Abraham Lincoln's home in Springfield, Ill., a national historic site. This bill will make possible the purchase of a four-block area around the Lincoln home and restoration of the site as it appeared when Lincoln lived there before becoming President in 1861.

I commend Representative FINDLEY for his leadership in this bill and feel it is only proper that the President should sign the House of Representatives version of this legislation so that it will be clear that this originated with Representative FINDLEY in the House. I have been happy to cooperate with him on this side of the Capitol, and I wish to express appreciation to my colleagues in the Senate who so enthusiastically backed a companion bill I introduced in the Senate. Our actions here today will result in final congressional action on this bill.

Mr. STEVENSON. Mr. President, this afternoon the Senate has a rare opportunity to honor one of the country's greatest Presidents, as well as the State and the city which he called home.

A little over a century ago the country faced the first real challenge to its national existence. It was saved by a unique American who came from the prairies of mid-America—from Illinois. Abraham Lincoln had faith in the good sense and decency of men and believed in the possibilities for reason and progress in the world.

When he left Springfield, Ill., on February 1, 1861, he could not have foreseen the enormity of the task that lay ahead. We will never be sure what events or good fortune conspired to give us this man in that moment of need. We do know that a homespun, self-taught man, unequipped by conventional standards to assume the Presidency, emerged from Springfield in 1861 to reunite a country almost destroyed by open rebellion.

It is only appropriate that the place where Lincoln unknowingly prepared himself to meet the challenges of his fateful Presidency be preserved and designated the national historic landmark that it is.

The Lincoln home, located on the corner of Jackson and Eighth Streets in Springfield, was the only place Lincoln called home for the 17 years preceding his Presidency.

Currently maintained by the State of Illinois in its original condition, it is one of the 10 most popular historic sites in the country. The neighborhood surrounding the home has been increasingly subject to the deterioration of commercial urbanization. The Lincoln Home National Historic Site bill, on which we will vote today, establishes a four-square block area surrounding the house to be administered by the National Park Service and restored to its original condition at the time Lincoln lived there.

At the Lincoln Home a smalltown lawyer and political novice became a statesman of world renown. I trust that the Senate will insure the preservation of this important part of our national life.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 9798) was ordered to be read a third time, was read a third time, and passed.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIBLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, first, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROTH). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quoum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) laid before the Senate a message from the President of the United States submitting the nomination of Robert A. Morse, of New York, to be U.S. attorney for the Eastern District of New York, which was referred to the Committee on the Judiciary.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ROTH). The hour of 4 p.m. having arrived, and under the previous order, the Chair lays before the Senate the conference report on H.R. 9272, which the clerk will report.

The assistant legislative clerk read as follows:

> A report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9272), making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 28, 1971, at page 27712.)

The PRESIDING OFFICER. Without objection, the Senate will proceed to the present consideration of the conference report.

Mr. McCLELLAN. Mr. President, I shall make only a few brief remarks.

The total of the appropriations allowed is $4,067,116,000. This sum is $149,686,000 below the total budget estimates of new obligational authority, is $30,967,000 below the total sum recommended by the Senate, and $382,933,000 above the total allowed by the House.

In my judgment it is a fairly good bill. The amounts provided for some of the items are not to my complete satisfaction; however, under the present financial condition of available revenues, there will be sufficient funds to meet the essential expenses of the 3 departments, the judiciary, and related agencies for the fiscal year 1972.

As Members know, the rate of expenditures since July 1 has been under a continuing resolution of Congress, and will be until such time as the pending bill becomes law.

Major items that were added by the Senate and were approved, reduced or denied in conference are the following:

For the Department of State, the conference approved $90,000 for payment of dues to the International Center for the Study of the Preservation and Restoration of Cultural Property: $200,000 of the $400,000 added for the lamprey program of the Great Lakes and $1,780,000 for the design and initial construction of the Tijuana flood control project, under the International Boundary and Water Commission, United States and Mexico. Also approved was $500,000 of the $2 million recommended additional for the educational and cultural exchange program, to provide a total of $40.5 million and change of $500,000—from $4 million to $4.5 million—in the use of excess foreign currencies. By this action, the sum of $36 million would be available in hard dollars, and $4.5 million from utilization of excess foreign currencies. As respects the cultural center in Hawaii, an additional $370,000 was approved to cover mandatory increases in salaries, building operations, and rental payments of married grantees.

The House conferees were adamant in the disapproval of the Senate recommendation of the $7,906,000 for payment of the 1971 calendar year dues to the International Labor Organization. In this connection, I refer to page 4 of the conference report, which states the following:

> No funds have been provided for payment of dues to the International Labor Organization. The conferees have not the slightest intention of ever abandoning our membership in the I.L.O.
>
> We do not lose our voting rights until we are two years in arrears. The conferees recommend that no payment at all be made at this time pending further improvement of our position.

For the Department of Justice, approval was given to the $8 million Senate recommendation for the Bureau of Narcotics and Dangerous Drugs to implement the programs presented by the President in his message to the Congress on June 17, 1971: $1,959,000 to enable the Bureau of Prisons to plan and acquire a site for a Metropolitan Correctional Center in San Diego, Calif., and $667,000 of the $1,335,000 added by the Senate to permit expansion of the community relations service.

For the Department of Commerce, the conference approved $297,863,000 of the $311,964,000 additional recommendations of the Senate. Included in the allowance was $283,961,000 for the Maritime Administration that had been recommended by the House Appropriations Committee but was deleted on the House floor for lack of authorization at that time and $1 million for the Bureau of Standards to implement their research, development, and facilities programs, particularly those of highest priority dealing with building codes and standards for flammable fabrics. Also approved was the additional sum of $12,902,000 of the $20,803,000 Senate recommendation over the House allowances for high-priority items financed from the three appropriation accounts of the National Oceanic and Atmospheric Administration. Included in the $12,902,000 is the sum of $3,067,000 additional for salaries and expenses; $1,620,000 additional for the satellite programs, and $8,215,000 for costs of high-priority programs which includes about $2.5 million additional for the sea-grant programs, under the research, development, and facilities activities.

For the judiciary branch, the conference agreed to the Senate amendment to restore to the bill the sum of $68,654,000 for salaries of supporting court personnel, which sum had been previously approved by the House Appropriations Committee, but was deleted on the House floor. The Senate recommendation of $642,000 for 61 additional assistant secretaries for the circuit courts was disapproved.

Under the heading of related agencies, major changes concerned the following: For the Equal Employment Opportunity Commission, the conference approved $1 million of the additional Senate recommendation of $5,620,000 needed to cope with the increased workload. This allowance provides $23 million as compared to $16,185,000 available for fiscal 1971.

For the National Commission on Fire Prevention and Control, the sum of $300,000 was provided instead of $400,000 recommended by the Senate for expenses in fiscal 1972. The same amount—$300,000—was approved for necessary expenses of the National Tourism Resources Review Commission. And for salaries and expenses of the Small Business Administration, the conference approved $22,650,000 in direct appropriation, as compared to $22,300,000 proposed by the House, and $23 million recommended by the Senate.

As respects the Tariff Commission, the conference recommended $5,186,000 instead of $5,036,000 proposed by the House and $5,336,000 recommended by the Senate.

For the Subversive Activities Control Board, the House conferees were insistent on deletion of the Senate provision that none of the $450,000 shall be available for the Board to execute any of the additional functions, duties, or powers which Executive Order 11605, dated July 2, 1971, purports or undertakes to confer on the Board. They cited the fact that by a vote of 246 to 141, the House tabled the motion to instruct the House conferees to agree with the Senate language amendment No. 35.

Yesterday, the House adopted the Conference report by a vote of 337 to 35.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina (Mr. ERVIN) is recognized.

Mr. ERVIN. Mr. President, I rise to ask the Senate to reject the conference report.

When the bill making these appropriations was before the House, there was no new Executive order in existence. After the bill had passed the House, and after it had been under consideration for some days by the Senate Committee on Appropriations, the President issued a new Executive order, No. 11605, with a date of issuance of July 2, 1971. The order, however, was not published until July 8, 1971.

This Executive order purported to be an amendment to Executive Order No. 10450, issued by President Eisenhower on April 27. 1953.

Mr. President, as I shall demonstrate later, the major parts of the new Executive order do not have the slightest relevance to President Eisenhower's Executive order. The new portions of the Executive order undertake to expand the powers of the Subversive Activities Control Board far beyond the powers conferred upon it by Congress in the Subversive Activities Control Act of 1950 and its amendments, and far beyond the limits marked out by the Constitution in respect to matters of this kind.

When the bill was before the Senate, I offered an amendment which was adopted by a substantial majority of 51 to 37 providing that none of the appropriations of the Subversive Activities Control Board could be expended for the purpose of carrying out the additional powers which the President undertook to confer upon the Board on July 2, 1971. This amendment would have made it certain that the appropriations could only be expended to carry out acts of Congress. Unfortunately, however, the conference committee has eliminated the amendment of the Senate from the bill.

I ask the Senate to reject the conference report so that after its rejection I can move to send the bill back to conference with instructions to the Senate conferees to strive to retain my amendment.

The Senate should reject the conference report for three reasons:

First, the Executive order of July 2 is unwise as a matter of policy because it is alien to the American system of government. It is based on unjustified fears and it reflects the spirit of McCarthyism.

Second, the Executive order of July 2 is repugnant to the first amendment which was embodied in the Constitution to make Americans politically, intellectually, and spiritually free.

Third, the Executive order of July 2 constitutes an attempt on the part of the President to usurp and exercise the legislative powers vested in Congress by section 1 of article I of the Constitution.

To understand the new Executive order, it is necessary to examine briefly the Executive order issued by President Eisenhower on April 27, 1953. That Executive order revoked a previous Executive order, No. 9835, issued by President Truman on March 21, 1947.

The Executive order issued by President Truman and the Executive order issued by President Eisenhower were authorized by many acts of Congress regulating employment in the executive departments and agencies of the Government. It is said that the Executive order issued by President Nixon is also based on acts of Congress.

On the contrary, I assert, without fear of successful contradiction, that the Executive order issued by President Nixon on July 2 has no warrant in any act of Congress.

The Executive order issued by President Eisenhower was an Executive order which applied only to a limited class of people; namely, persons already enjoying employment in an executive department or agency, or persons actually applying for employment in an executive department or agency.

Unlike the order of President Nixon, it did not attempt to place all the 205 million people in the United States and the organizations to which they may belong, all the movements and all the groups to which they might be connected, under the jurisdiction of the Subversive Activities Control Board. For ease of expression, I will refer to this agency as the Board.

President Eisenhower's Executive order authorized investigations to determine whether the employment or retention in employment of anyone falling within either of the two categories I have specified, "is clearly consistent with the interests of national security."

President Eisenhower's Executive order provided that the Civil Service Commission should be primarily responsible for the conduct of investigations in respect to persons entering employment in the competitive service and that the employing departments or agencies should be primarily authorized to conduct investigations in respect to persons entering or enjoying employment other than in the competitive service.

President Eisenhower's Executive order provided that in certain instances the executive departments or agencies empowered to make these investigations could obtain the services of the Federal Bureau of Investigation to assist them in determining whether the employment or retention in employment of an individual is consistent with the national security.

President Eisenhower's Executive order is a sane and a sensible order supported by many acts of Congress regulating Federal employment. Under President Eisenhower's Executive order, the Subversive Activities Control Board has nothing whatever to do with the carrying out of the provisions of the order established by him.

The Executive order of July 2, 1971, undertakes to amend President Eisenhower's Executive order in two respects. Section 1 of the new Executive order rewrites one section of President Eisenhower's Executive order, and to that extent it represents a valid exercise of Presidential power. The change it makes, however, is insignificant.

However, section 2 of President Nixon's Executive order has no relevancy whatever, in the last analysis, to the provisions of President Eisenhower's Executive order. What it really attempts to do is to amend the Subversive Activities Control Act of 1950 and the amendments made to such act in 1954 and 1968.

I respectfully submit that an act of Congress cannot be amended by an Executive order of the President for reasons which I shall hereafter specify.

Mr. President, I hold in my hand a copy of President Eisenhower's very sound, very sensible, and very sane Executive order. In the interest of time, I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the Executive order was ordered to be printed in the Record, as follows:

[From the Federal Register, April 29, 1953]

EXECUTIVE ORDER 10450—SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

Whereas the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

Whereas the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 831); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22–1, *et seq.*), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Section 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

Sec. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interest of the national security.

Sec. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field preappointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

Sec. 4. The head of each department and agency shall review, or cause to be reviewed the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

Sec. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

SEC. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 28, 1950.

SEC. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: *Provided*, That no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

Sec. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts threat or preparation therefor, conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (7) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

SEC. 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investgations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

SEC. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

SEC. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

SEC. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of Part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

SEC. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee security program.

Sec. 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any such deficiency which is deemed to be of major importance.

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

(c) To assist the Civil Service Commission in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Commission as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Civil Service Commission is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.

Sec. 15. This order shall become effective thirty days after the date hereof.

Dwight D. Eisenhower.

The White House, *April 27, 1953.*

Mr. ERVIN. Mr. President, I also hold in my hand a copy of President Nixon's Executive order of July 2, 1971. In the interest of time, I ask unanimous consent that it be printed in full in the Record at this point.

There being no objection, the Executive order was ordered to be printed in the Record, as follows:

Executive Order 11605

Amendment of Executive Order No. 10450 of April 27, 1953, relating to security requirements for government employment

By virtue of the authority vested in me by the Constitution and statutes of the United States including 5 U.S.C. Sections 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532 and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered that Executive Order No. 10450[1] of April 27, 1953, as amended, is hereby further amended as follows:

1. Paragraph (5) of Section 8(a) shall read: "(5) Knowing membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organization) which is totalitarian, fascist, communist, subversive, or which has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

2. Section 12 shall read:

"(a) Executive Order No. 9835 of March 21, 1947, as amended is hereby revoked.

"(b) The head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order. Except as specifically provided hereafter, nothing contained herein shall be construed in any way to affect previous designations made pursuant to Executive Order No. 10450, as amended.

"(c) The Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

"(d) The Board may determine that an organization has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their constitutional or statutory rights or that an organization seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means if it is found that such group engages in, unlawfully advocates, or has among its purposes or objectives, or adopts as a means of obtaining any of its purposes or objectives,—

(1) The commission of acts of force or violence or other unlawful acts to deny others their rights or benefits guaranteed by the Constitution or laws of the United States or of the several States or political subdivisions thereof; or

(2) The unlawful damage or destruction of property; or injury to persons; or

(3) The overthrow or destruction of the government of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means; or

(4) The commission of acts which violate laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

"(c) The Board may determine an organization to be 'totalitarian' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is autocratic and in which control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent.

"(f) The Board may determine an organization to be 'fascist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is characterized by rigid one-party dictatorship, forcible suppression of the opposition, ownership of the means of production under centralized governmental control and which fosters racism.

"(g) The Board may determine an organization to be 'communist' if it is found that such organization engages in activities which seek by unlawful means the establishment of a government in the United States which is based upon the revolutionary principles of Marxism-Leninism, which interprets history as a relentless class war aimed at the destruction of the existing society and the establishment of the dictatorship of the proletariat, the government ownership of the means of production and distribution of property, and the establishment of a single authoritarian party.

"(h) The Board may determine an organization to be 'subversive' if it is found that such organization engages in activities which seek the abolition or destruction by unlawful means of the government of the United States or any State, or subdivision thereof.

"(i) The Board may further determine, after consideration of the evidence, that an organization has ceased to exist. Upon petition of the Attorney General or upon petition of any organization which has been designated pursuant to this section the Board after appropriate hearings may determine that such organization does not currently meet the standards for designation. The Attorney General shall appropriately revise or modify the information furnished to departments and agencies consistent with the determination of the Board.

"(j) The Board shall issue appropriate regulations for the implementation of this section."

Richard Nixon.

The White House, *July 2, 1971.*

[FR Doc. 71-9765 Filed 7-7-71; 12:01 p.m.]

Mr. ERVIN. Mr. President, in order to show that the major provisions of the Executive order of July 2, 1971, attempt to amend the Subversive Activities Control Act of 1950, I wish to point out very briefly what the provisions of that act provide.

That was an act which established this Board and empowered the Board, upon petition of the Attorney General, to identify and require the registration of two kinds of organizations: First, Communist action organizations, and second, Communist front organizations. tions.

By an amendment of 1954, the jurisdiction of the Board was extended by Congress to identify and require the registration, upon petition of the Attorney General, of a third type of organization—a Communist infiltrated organization and those individuals who happen to be members of Communist action organizations.

The validity of many of the provisions of these amendments were attacked in the courts. And the Supreme Court of the United States in seven decisions and the Court of Appeals of the District of Columbia Circuit in other opinions, which the Department of Justice did not dare to appeal to the Supreme Court, held virtually every provision of the Subversive Activities Control Act of 1950, except the provisions which authorized registration, to be unconstitutional under either the first amendment or the self-incrimination clause or the due process clause of the fifth amendment.

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[1] 3 CFR 1949–1953 Comp., p. 936; 18 F.R. 2489. 26 F.R. 6967.

Mr. President, as a result of these decisions, the Board was left virtually without anything that it could do. The Court had sustained the provisions of the act as a valid registration act. But these decisions held that there was no way by which the Board could constitutionally require registration according to the compulsory provisions of the law.

I ask unanimous consent that a list of the Supreme Court decisions and of the circuit decision to which I have alluded be printed in the RECORD at this point.

There being no objection, the decisions were ordered to be printed in the RECORD, as follows:

1. Communist Party v. SACB, 367 U.S. 1 (1961).
2. Aptheker v. Secretary of State, 378 U.S. 500 (1964).
3. Albertson v. SACB, 382 U.S. 70 (1965).
4. American Committee for Protection of the Foreign Born v. SACB, 380 U.S. 503 (1965).
5. Veterans of the Abraham Lincoln Brigrade v. SACB, 380 U.S. 513 (1965).
6. DuBois Clubs of America v. Clark, 389 U.S. 309 (1967).
7. United States v. Robel, 389 U.S. 258 (1967).
8. Communist Party v. United States (C.A.) 331 F. 2d 807, cert. denied, 377 U.S. 968 (1963).
9. Communist Party v. United States (C.A.) 384 F. 2d 957 (1967).

Mr. ERVIN. Congress attempted to find something else for the Board to do. So it amended the act on January 2, 1968. This amendment replaced the compulsory registration provisions of the original act, with authorization for the Board to issue declaratory orders, upon petition of the Attorney General, to determine whether organizations are, first, Communist action organizations; second, Communist front organizations; or third, Communist infiltrated organizations.

The amended act also provided that the Board should have jurisdiction in like manner to issue declaratory judgments, determining whether individuals are members of Communist action organizations.

This amendment was soon subjected to attack in the courts, and the Circuit Court of Appeals for the District of Columbia held in *Boorda* v. *SACB*, 421 F. 2d 1142, that the provisions of the act and the amendment authorizing determinations with respect to members of Communist action organizations were unconstitutional on the ground that disclosure of Communist Party membership is constitutionally protected by the first amendment except for those who join with the intent of furthering specific illegal actions.

As a result of this decision, the jurisdiction of the board to determine whether individuals are members of Communist action organizations was destroyed for all practical intents and purposes.

As I shall demonstrate in a few minutes, the board has rendered no service of any value to the American people during the 21 years of its existence. So Congress decreed at the time of the amendment of 1968 that the board would have to go out of existence unless it had at least one case referred to it by the Attorney General in the ensuing year. Its life was saved by the fact that one case was referred to it.

The Executive order of July 2 undertakes to extend the jurisdiction of the board beyond its present legal jurisdiction over Communist action organizations, Communist front organizations, and Communist infiltrated organizations to virtually every other association, group, movement, or combination of persons which the President deems to be intellectually dangerous to the United States.

I say intellectually dangerous, because under hundreds and hundreds of statutes any person who is physically dangerous to the United States and manifests such danger by his physical disposition toward any person within the borders of the United States is guilty of a crime for which he can be prosecuted in our courts.

This Executive order of July 2 attempts to give the board jurisdiction over what it calls Fascist organizations, totalitarian organizations, Communist organizations, and all the groups of people that have a policy of resorting to violence to deny the rights of other people. That is broad enough. But under this provision, they do not have to adopt a policy of violence in advance to become subject to the jurisdiction of the board. Under this Executive order of July 2 it provides that the board can find they have such a policy if anyone in the group goes out and commits acts of violence.

Therefore, under this Executive order, if it be valid, this board could pry into every demonstration and into every group of people whose views the board considers to be intellectually disturbing to the Government; and even though a group or organization abhors violence, if there is a demonstration of some kind and one of the members on the spur of the moment commits an act of violence, then all associated with him, no matter how peaceful they may be, are subjected to the scrutiny of the board.

Mr. President, I said there are three reasons why this conference report should be rejected. The first reason I gave was that the Executive order of July 2 is unwise as a matter of policy because it is alien to the American system of government; because it is based on unjustified fears; and because it reflects the spirit of McCarthyism.

The Civil Rights Committee of the Chicago Bar Association made a recommendation a short time ago which antedated this Executive order. In that report they set forth a statement which indicates very strongly their opinion that there is no place in our society for a governmental board to stigmatize and brand Americans if their thoughts are not popular or because their thoughts are displeasing to the Federal Government.

Mr. President, in the interest of time, I ask unanimous consent that a portion of the report of the Civil Rights Committee of the Chicago Bar Association dealing with this matter be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

> The fundamental question underlying all of the Board's remaining activities is whether it is the proper business of government to guard its citizens from questionable associations by publicly labeling certain organizations as politically dangerous to the established order. The derogatory attachment of such a label is obviously the purport of a declaratory order characterizing an organization as Communist-action, Communist-front, or Communist-infiltrated. We submit that involving the government in such a process is both an insult to the citizens whom it purports to protect and an unjustifiable intimidation of those whom the government purports so to label as intellectually dangerous. The entire process is so basically inconsistent with the fundamental assumptions of an intellectually free society, that it is no wonder that the per curiam opinion vacating the order in *American Committee for Protection of Foreign Born v. Subversive Activities Control Board,* 380 U.S. 503, 505 (1965), went out of its way to make this explicit reservation with respect to the constitutionality of the whole process of attaching the label "Communist-front" to private organizations: "Our Communist Party decision on the Communist-action provisions did not necessarily foreclose petitioner's constitutional questions bearing on the Communist-front provisions." As this reservation suggests there is good reason to believe that a continuation of the Board's life would eventually lead to a determination of the unconstitutionality of its principal remaining function. Nor do we believe that the Board should now be continued simply for the purpose of finally reaching this inglorious result at the cost of further litigation involving unjustified public and private expense. Surely, American citizens should be assumed to be sufficiently mature to make their own choices among political organizations, accepting at the same time whatever appropriate risks may be involved in such associations.

Mr. ERVIN. Mr. President, it is a strange thing that anyone would advocate the extension of the power of this board in a free society.

I join the Civil Rights Committee of the Chicago Bar Association in asserting that the concept embodied in this board and in this Executive order is alien to the American system of government.

In his opinion in the case of *Whitney* v. *California,* 274 U.S. 357, Justice Brandeis said:

> Among free men the deterrents ordinarily to be applied to prevent crime are education and punishment for violations of the law, not an abridgment of the rights of free speech and assembly.

That is precisely the objective of the Executive order—that is, the abridgment of the rights of free speech and association.

If the Constitution makes anything plain, it is that those who drafted that instrument believed that the Government of the United States should not punish anybody except for crime. Every syllable in the Constitution of the United States dealing with this subject shows that the Founding Fathers felt that if Congress believed something to be wrong, it should designate it as a crime and subject it to prosecution as such. They wanted to make certain that no guilty person should ever be punished for a crime under any circumstances if it could be avoided. So they wrote into the Constitution that nobody could be placed on trial for an infamous crime except upon presentment or indictment by a grand jury; that no person could be tried for a crime except by a petit jury; that a person who was charged with a crime had to be acquainted with the nature of the accusation against him; he had the right to be confronted by his accusers and to cross-examine them; he had the right to compulsory process to obtain witnesses in his own behalf; he had the right to counsel for his defense; and he could not be convicted or punished unless a jury found beyond a reasonable doubt from the evidence that he was guilty.

The Founding Fathers never contemplated that the Congress of the United States would set up a board and give it jurisdiction to finger individuals or groups of individuals who had committed no crime, saying that their thoughts and their words were unpopular or displeasing to government and for that reason they should be stigmatized by a decree of an executive agency.

Yet that is precisely what this Executive order undertakes to confer upon the Board the power to do.

Mr. President, I think many people see ghosts. I was struck by reading a statement to justify this action by the President. That statement says that the Board's findings will be crucial. Once a group is found subversive, it will automatically be placed on the Attorney General's list. This list is extremely important in helping department and agency heads to ascertain the employability of Government personnel. The new Presidential order comes none too soon, for there is mounting evidence that members of non-Soviet Communist groups and revolutionary organizations have been prompted to work for various Government agencies, including the Pentagon, precisely because these groups have not been previously carried on the Attorney General's subversive roster. This is what that statement says.

I challenge the factual validity of that statement. If anybody has any knowledge that any disloyal personnel are working in the Department of Defense or in any other department or agency of this Government, all he has to do is to report that to the heads of those departments or agencies and they can be removed. President Eisenhower's Executive order of 1953 holds in substance that the right to Federal employment is a privilege and not a right and for that reason can be terminated for any good reason and can be terminated in any case if one's retention in the employment is not consistent with the national security.

Let us see about these matters. I say this is alien to our system of government. Furthermore, it is entirely unnecessary. I am reliably informed that on September 30, 1970, Kimbell Johnson, Director of the Bureau of Personal Investigations of the Civil Service Commission, testified before the House Internal Security Committee that between November 19, 1956, and June 30, 1970, only 16 people were found ineligible for Government employment because of their "dubious loyalty." Now, what rational human being could take the position that those 16 persons of dubious loyalty could have overthrown this Government by force and violence—a government of a country that has 200 million people?

Let us see what the Board has done in the exercise of its powers during the 21 years it has been in existence.

During those 21 years, it found only one Communist action organization in the United States, and that was the Communist Party. It was never even able, by constitutional methods, to impose compulsory registration on the Communist Party. Then during all these years, the Attorney General filed petitions alleging that 22 other organizations were Communist front or Communist infiltrated organizations within the purview of the act.

What happened to those 22 petitions? Eight of them were dismissed by the Board itself. The Board conducted hearings on the other 14 and found that they were one or another of these types of organizations; but many of the cases were appealed to the courts, and there was no successful prosecution in any of the cases, because not a single one of those organizations was ever registered.

During the same period of time, the Attorney General filed petitions with the Board alleging that 66 individuals—mind you, Mr. President, only 66 individuals out of the 200 million people in the United States—were members of a Communist action organization. Those petitions came to naught because of the ruling of the Court in the Boorda case, which I previously mentioned.

So the Board has proven itself to be totally useless during the 21 years of its life. And still it is proposed to extend its power and allow it to stigmatize any one of the 200 million American citizens who may belong to what it may characterize as a Fascist or totalitarian organization, or who may belong to such things as the Black Panthers or the Weathermen faction of the Students for a Democratic Society.

If these people violate the criminal laws, I say bring them to justice. But the Senate of the United States ought not to sanction the rewriting by the President of the acts of Congress so as to stigmatize and ban people because they are deemed to be not physically but intellectually dangerous to the Government.

What I have said, I think, indicates that this Executive order is contrary to the American system of government; that it is based on unjustified fears, because the fears have not materialized; and because the Attorney General himself was unable to find more than 66 persons in the entire United States that he sought to have branded by the Board as members of Communist organizations.

The second reason why the Senate should reject this conference report is that the Executive order of July 2 is repugnant to the first amendment, which was put into the Constitution to make America politically, intellectually, and spiritually free.

The first amendment is a part of the Bill of Rights. I hate to say this, but there are some people in high positions in the executive branch of the Government who indicate by their recommendations that they do not like the Bill of Rights. Moreover, they indicate by their actions and their recommendations that they are afraid for Americans to enjoy the freedoms given them by the Bill of Rights in general and the first amendment in particular.

I assert that this Executive order is in part an attempt to frustrate the provisions of the Bill of Rights. I think one of the finest things I have seen about the Bill of Rights was said by the late Justice Jackson, in the case of *Board of Education* v. *Barnette*, 319 U.S. 624. His statement appears at page 638, where he says:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to a vote; they depend upon the outcome of no elections.

And, thank God, they depend not at all upon the contents of an Executive order issued by the President or an act passed by Congress.

To my mind, the heart of the Bill of Rights is in the first amendment. The first amendment reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

That amendment was placed in the Constitution to make Americans politically, intellectually, and spiritually free. I think that the men who drafted this amendment and the other provisions of the Constitution, including the Bill of Rights, were the wisest men in the field of government that this earth has ever known. But, Mr. President, they were not smart enough to draw a first amendment which would give the right of freedom of speech to wise men and deny it to fools, so they gave the right of freedom of speech to wise men and to fools. They gave it to people whose thoughts and words are pleasing to Government and to those whose words and thoughts are not pleasing to Government. They gave it to people who love America, and they gave it to people who hate America.

I hate the thoughts of the Black Panthers. I hate the thoughts of the Weathermen faction of the Students for a Democratic Society. I hate the thoughts of Fascists. I hate the thoughts of totalitarians. I hate the thoughts of people who adopt violence as a policy. But those people have the same right to freedom of speech, subject to a very slight qualification, that I have. While I hate their ideas, I love the Constitution so much that I am willing to stand on the floor of the Senate and fight for their right to think the thoughts and to speak the words that I hate. If we ever reach the condition in this country that we attempt to have free speech for everybody except those whose ideas we hate, not only free speech but freedom itself are out in our society.

We do not need this Executive order. We have criminal laws which deal with men who commit crimes. We have the Smith Act of 1950. The Smith Act goes to the very limits of congressional power under the First Amendment. That act makes it a crime, first, to advocate or teach the desirability of overthrowing or destroying the Government of the United States or of any State by force or violence. Second, it makes it a crime to be a member of any society or group or assembly of persons who advocate or teach the destruction or overthrow of the Government by violence or by force.

The Smith Act was interpreted by the Supreme Court in three decisions: *Dennis* v. *United States,* 341 U.S. 494; *Yates* v. *United States,* 354 U.S. 298; and *Scales* v. *United States,* 367 U.S. 203. To avoid holding the Smith Act unconstitutional, the Supreme Court in Dennis wrote into the Smith Act the provisions of the First Amendment. In the case of *Yates* v. *United States,* a case which, incidentally, virtually repudiated the decision in the Dennis case, the Supreme Court asked, "What do the words of the Smith Act, or, rather, the words of the amendment, say in plain English?"

What do the words of that decision say in plain English? I invite the attention of the Senate to the words of Justice Harlan, who wrote the majority opinion, on page 321.

Instead of reading those words, I ask, What do his words say in plain English? This is what they say in plain English: that the Federal Government cannot place any limits on the constitutional right of those who associate themselves together and advocate or preach the desirability of overthrowing the Government by violent action, unless these three conditions concur in respect to them: First, they must intend to accomplish their purpose to overthrow the Government by violent action. Second, they must use words to incite action for the accomplishment of that purpose. Third, they must utter those words under circumstances which reasonably justify apprehension that violent action will occur as a result of their words.

It is absurd to think that there is any danger that 16 Government employees of dubious loyalty or 66 persons out of 200 million Americans will ever overthrow the Government of the United States or destroy by force and violence constitutional government in our land.

No, Mr. President, the real danger to our constitutional government comes from other sources. I predict that if constitutional government ever ceases to exist in America, it will be because Presidents and Congressmen and Supreme Court Justices do not obey their oaths to support the Constitution of the United States, including the first amendment.

The President ought not to have issued this Executive order. If the President or others thought that the Board had any rightful place in our scheme of government and that its powers ought to be expanded beyond those given to it by Congress in the Subversive Activities Control Act of 1950 and its amendments, he or they should have submitted to Congress recommendations for legislation.

Those recommendations should have been studied by the appropriate committees of Congress, and legislation should have been framed and reported to both Houses of Congress in the event the respective committees thought such legislation was needed. Instead of doing so, the executive branch of Government decided that it would just write the law itself, in a very simple and a very easy way. By so doing, it does not have to be confronted by the objections of people such as myself, who think that persons and organizations they hate are entitled to freedom of speech.

Mr. President, the Senate should reject this conference report. This House should not consent to the provisions of the Executive order of July 2. Why do I say that? I say that because of the third objection.

The Executive order of July 2 constitutes an attempt on the part of the President to usurp and exercise the legislative powers vested in Congress by section 1 of article I of the Constitution.

The President and the Members of Congress are sworn to support the Constitution, and the first thing in the Constitution they have sworn to support is the first section of article I of the original Constitution. This section states:

> All legislative powers herein granted shall be vested in a Congress of the United States . . ."

I do not think there is anything in the Constitution which is plainer than that. I do not think there is anything in the Constitution that is more understandable than that. That is the first thing in the Constitution which the President and Members of the Senate and Members of the House of Representatives have sworn to support.

If my recollection serves me right, this is one of the few times the Constitution uses the word "all."

It says that all of the legislative powers of the Federal Government belong to Congress and none of them belong to the President.

The Executive order of July 2 is an obvious attempt on the part of the executive branch of the Government to usurp and exercise the legislative powers of Congress.

Oh, those who would justify it will say that it is necessary because some of these people might overthrow the Government by force and violence. This is an absurdity because there is no group in the United States strong enough to overthrow the Government of the United States by force and violence.

But the answer to the argument of necessity was given for all time by William Pitt. He said:

> Necessity is the plea for every infringement of human liberty.

Mr. President, that is the way human liberty is destroyed. That is the way this Congress itself sits by and allows the President of the United States—I do not care what political party he belongs to—to usurp and exercise its powers.

Let us deal with this question of necessity a little further. In 1952, when the United States was engaged in war in Korea, a strike was threatened in the steel plants of the Nation, plants on whose continuing operation this Nation depended for weapons and munitions for our soldiers in Korea.

President Truman seized the steel mills. One of the steel mills, the Youngstown Sheet and Tube Co., contested the constitutionality of the seizure of its plants, in the case brought against the Secretary of Commerce, Mr. Sawyer, which is reported in 343 U.S., at page 579.

If there ever was a time in the recent history of this country when it seemed that the plea of necessity might have some validity, it was in that case. Those were more drastic times than the times in which we now live.

The Supreme Court, in one of the most magnificent opinions of all time, written by Justice Black, held that the seizure of the steel mills by the President, without authority of an act of Congress, was unconstitutional because it violated section 1, Article I of the Constitution.

Justice Black refuted the notion that the President had the power to make this seizure as Commander in Chief of the Armed Forces and then proceeded to state:

> Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the Untied States . . ." After granting many powers to the Congress, Article I goes on to provide that Congress may "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

He said further:

> It is said that other Presidents without congressional authority have taken possession of private enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof."
>
> The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand.

Mr. President, I ask unanimous consent to have printed in the Record the entire opinion of Justice Black.

There being no objection, the Supreme Court opinion was ordered to be printed in the Record, as follows:

[No. 744. Certiorari to the United States Court of Appeals for the District of Columbia Circuit]*

Youngstown Sheet & Tube Co. et al. v. Sawyer

Argued May 12–13, 1952.—Decided June 2, 1952

To avert a nation-wide strike of steel workers in April 1952, which he believed would jeopardize national defense, the President issued an Executive Order directing the Secretary of Commerce to seize and operate most of the steel mills. The Order was not based upon any specific statutory authority but was based generally upon all powers vested in the President by the Constitution and laws of the United States and as President of the United States and commander in Chief of the Armed Forces. The Secretary issued an order seizing the steel mills and directing their presidents to operate them as operating managers for the United States in accordance with his regulations and directions. The President promptly reported these events to Congress; but Congress took no action. It had provided other methods of dealing with such situations and had refused to authorize governmental seizures of property to settle labor disputes. The steel companies sued the Secretary in a Federal District Court, praying for a declaratory judgment and injunctive relief. The District Court issued a preliminary injunction, which the Court of Appeals stayed. *Held:*

1. Although this case has proceeded no further than the preliminary injunction stage, it is ripe for determination of the constitutional validity of the Executive Order on the record presented. Pp. 584–585.

(a) Under prior decisions of this Court, there is doubt as to the right to recover in the Court of Claims on account of properties unlawfully taken by government officials for public use. P. 585.

(b) Seizure and governmental operation of these going businesses were bound to result in many present and future damages of such nature as to be difficult, if not incapable, of measurement. P. 585.

2. The Executive Order was not authorized by the Constitution or laws of the United States; and it cannot stand. Pp. 585–589.

(a) There is no statute which expressly or impliedly authorizes the President to take possession of this property as he did here. Pp. 585–586.

(b) In its consideration of the Taft-Hartley Act in 1947, Congress refused to authorize governmental seizures of property as a method of preventing work stoppages and settling labor disputes. P. 586.

(c) Authority of the President to issue such an order in the circumstances of this case cannot be implied from the aggregate of his powers under Article II of the Constitution. Pp. 587–589.

(d) The Order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. P. 587.

(e) Nor can the Order be sustained because of the several provisions of Article II which grant executive power to the President. Pp. 587–589.

(f) The power here sought to be exercised is the lawmaking power, which the Constitution vests in the Congress alone, in both good and bad times. Pp. 587–589.

(g) Even if it be true that other Presidents have taken possession of private business enterprises without congressional authority in order to settle labor disputes, Congress has not thereby lost its exclusive constitutional authority to make the laws necessary and proper to carry out all powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof." Pp. 588–589.

103 F. Supp. 569, affirmed.

For concurring opinion of Mr. Justice Frankfurter, see *post*, p. 593.

For concurring opinion of Mr. Justice Douglas, see *post*, p. 629.

For concurring opinion of Mr. Justice Jackson, see *post*, p. 634.

For concurring opinion of Mr. Justice Burton, see *post*, p. 655.

For opinion of Mr. Justice Clark, concurring in the judgment of the Court, see *post*, p. 660.

For dissenting opinion of Mr. Chief Justice Vinson, joined by Mr. Justice Reed and Mr. Justice Minton, see *post*, p. 667.

The District Court issued a preliminary injunction restraining the Secretary of Commerce from carrying out the terms of Executive Order No. 10340, 16 Fed. Reg. 3503. 103 F. Supp. 569. The Court of Appeals issued a stay. 90 U.S. App. D.C. ——, 197 F. 2d 582. This Court granted certiorari. 343 U.S. 937. The judgment of the District Court is *affirmed*, p. 589.

John W. Davis argued the cause for petitioners in No. 744 and respondents in No. 745. On the brief were *Mr. Davis, Nathan L. Miller, John Lord O'Brian, Roger M. Blough, Theodore Kiendl, Porter R. Chandler* and *Howard C. Westwood* for the United States Steel Co.; *Bruce Bromley, E. Fontaine Broun* and *John H. Pickering* for the Bethlehem Steel Co.; *Luther Day, T. F. Patton, Edmund L. Jones, Howard Boyd* and *John C. Gall* for the Republic Steel Corp.; *John C. Bane, Jr., H. Parker Sharp* and *Sturgis Warner* for the Jones & Laughlin Steel Corp.; *Mr. Gall, John J. Wilson* and *J. E. Bennett* for the Youngstown Sheet & Tube Co. et al.; *Charles H. Tuttle, Winfred K. Petigrue* and *Joseph P. Tumulty, Jr.* (who also filed an additional brief) for the Armco Steel Corp. et al.; and *Randolph W. Childs, Edgar S. McKaig* and *James Craig Peacock* (who also filed an additional brief) for E. J. Lavino & Co., petitioners in No. 744 and respondents in No. 745.

Solicitor General Perlman argued the cause for respondent in No. 744 and petitioner in No. 745. With him on the brief were *Assistant Attorney General Baldridge, James L. Morrisson, Samuel D. Slade, Oscar H. Davis, Robert W. Ginnane, Marvin E. Frankel, Benjamin Forman* and *Herman Marcuse.*

By special leave of Court, *Clifford D. O'Brien* and *Harold C. Heiss* argued the cause for the Brotherhood of Locomotive Engineers et al., as *amici curiae*, supporting petitioners in No. 744 and respondents in No. 745. With them on the brief were *Ruth Weyand* and *V. C. Shuttleworth.*

By special leave of Court, *Arthur J. Goldberg* argued the cause for the United Steelworkers of America, C.I.O., as *amicus curiae.* With him on the brief was *Thomas E. Harris.*

Mr. Justice Black delivered the opinion of the Court.

We are asked to decide whether the President was acting within his constitutional power when he issued an order directing the Secretary of Commerce to take possession of and operate most of the Nation's steel mills. The mill owners argue that the President's order amounts to lawmaking, a legislative function which the Constitution has expressly confided to the Congress and not to the President. The Government's position is that the order was made on findings of the President that his action was necessary to avert a national catastrophe which would inevitably result from a stoppage of steel production, and that in meeting this grave emergency the President was acting within the aggregate of his constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces of the United States. The issue emerges here from the following series of events:

In the latter part of 1951, a dispute arose between the steel companies and their employees over terms and conditions that should be included in new collective bargaining agreements. Long-continued conferences failed to resolve the dispute. On December 18, 1951, the employees' representative, United Steelworkers of America, C.I.O., gave notice of an intention to strike when the existing bargaining agreements expired on December 31. The Federal Mediation and Conciliation Service then intervened in an effort to get labor and management to agree. This failing, the President on December 22, 1951, referred the dispute to the Federal Wage Stabilization Board[1] to investigate and make recommendations for fair and equitable terms of settlement. This Board's report resulted in no settlement. On April 4, 1952, the Union gave notice of a nation-wide strike called to begin at 12:01 a.m. April 9. The indispensability of steel as a component of substantially all weapons and other war materials led the President to believe that the proposed work stoppage would immediately jeopardize our national defense and that governmental seizure of the steel mills was necessary in order to assure the continued availability of steel. Reciting these considerations for his action, the President, a few hours before the strike was to begin, issued Executive Order 10340, a copy of which is attached as an appendix, *post*, p. 589. The order directed the Secretary of Commerce to take possession of most of the steel mills and keep them running. The Secretary immediately issued his own possessory orders, calling upon the presidents of the various seized companies to serve as operating managers for the United States. They were directed to carry on their activities in accordance with regulations and directions of the Secretary. The next morning the President sent a message to Congress reporting his action. Cong. Rec., April 9, 1952, p. 3962. Twelve days later he sent a second message. Cong. Rec., April 21, 1952, p. 4192. Congress has taken no action.

Obeying the Secretary's orders under protest, the companies brought proceedings against him in the District Court. Their complaints charged that the seizure was not authorized by an act of Congress or by any constitutional provisions. The District Court was asked to declare the orders of the President and the Secretary invalid and to issue preliminary and permanent injunctions restraining their enforcement. Opposing the motion for preliminary injunction, the United States asserted that a strike disrupting steel production for even a brief period would so endanger the well-being and safety of the Nation that the President had "inherent power" to do what he had done—power "supported by the Constitution, by historical precedent, and by court decisions." The Government also contended that in any event no preliminary injunction should be issued because the companies had made no showing that their available legal remedies were inadequate or that their injuries from seizure would be irreparable. Holding against the Government on all points, the District Court on April 30 issued a preliminary injunction restraining the Secretary from "continuing the seizure and possession of the plants . . . and from acting under the purported authority of Executive Order No. 10340." 103 F. Supp. 569. On the same day the Court of Appeals stayed the District

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*Together with No. 745, *Sawyer, Secretary of Commerce* v. *Youngstown Sheet & Tube Co., et al.*, also on certiorari to the same court.

[1] This Board was established under Executive Order 10233, 16 Fed. Reg. 3503.

Court's injunction. 90 U.S. App. D.C.—, 197 F. 2d 582. Deeming it best that the issues raised be promptly decided by this Court, we granted certiorari on May 3 and set the cause for argument on May 12, 343 U.S. 937.

Two crucial issues have developed: *First.* Should final determination of the constitutional validity of the President's order be made in this case which has proceeded no further than the preliminary injunction stage? *Second.* If so, is the seizure order within constitutional power of the President?

I

It is urged that there were non-constitutional grounds upon which the District Court could have denied the preliminary injunction and thus have followed the customary judicial practice of declining to reach and decide constitutional questions until compelled to do so. On this basis it is argued that equity's extraordinary injunctive relief should have been denied because (a) seizure of the companies' properties did not inflict irreparable damages, and (b) there were available legal remedies adequate to afford compensation for any possible damages which they might suffer. While separately argued by the Government, these two contentions are here closely related, if not identical. Arguments as to both rest in large part on the Government's claim that should the seizure ultimately be held unlawful, the companies could recover full compensation in the Court of Claims for the unlawful taking. Prior cases in this Court have cast doubt on the right to recover in the Court of Claims on account of properties unlawfully taken by government officials for public use as these properties were alleged to have been. See *e.g., Hooe* v. *United States*, 218 U.S. 322, 335–336; *United States* v. *North American Co.*, 253 U.S. 330, 333. But see *Larson* v. *Domestic & Foreign Corp.*, 337 U.S. 682, 701–702. Moreover, seizure and governmental operation of these going businesses were bound to result in many present and future damages of such nature as to be difficult, if not incapable, of measurement. Viewing the case this way, and in the light of the facts presented, the District Court saw no reason for delaying decision of the constitutional validity of the orders. We agree with the District Court and can see no reason why that question was not ripe for determination on the record presented. We shall therefore consider and determine that question now.

II

The President's power, if any, to issue the order must stem either from an act of Congress or from the Constitution itself. There is no statute that expressly authorizes the President to take possession of property as he did here. Nor is there any act of Congress to which our attention has been directed from which such a power can fairly be implied. Indeed, we do not understand the Government to rely on statutory authorization for this seizure. There are two statutes which do authorize the President to take both personal and real property under certain conditions.[2] However, the Government admits that these conditions were not met and that the President's order was not rooted in either of the statutes. The Government refers to the seizure provisions of one of these statutes (§ 201(b) of the Defense Production Act) as "much too cumbersome, involved, and time-consuming for the crisis which was at hand."

Moreover, the use of the seizure technique to solve labor disputes in order to prevent work stoppages was not only unauthorized by any congressional enactment; prior to this controversy, Congress had refused to adopt that method of settling labor disputes. When the Taft-Hartley Act was under consideration in 1947, Congress rejected an amendment which would have authorized such governmental seizures in cases of emergency.[3] Apparently it was thought that the technique of seizure, like that of compulsory arbitration, would interfere with the process of collective bargaining.[4] Consequently, the plan Congress adopted in that Act did not provide for seizure under any circumstances. Instead, the plan sought to bring about settlements by use of the customary devices of mediation, conciliation, investigation by boards of inquiry, and public reports. In some instances temporary injunctions were authorized to provide cooling-off periods. All this failing, unions were left free to strike after a secret vote by employees as to whether they wished to accept their employers' final settlement offer.[5]

It is clear that if the President had authority to issue the order he did, it must be found in some provision of the Constitution. And it is not claimed that express constitutional language grants this power to the President. The contention is that presidential power should be implied from the aggregate of his powers under the Constitution. Particular reliance is placed on provisions in Article II which say that "The executive Power shall be vested in a President . . ."; that "he shall take Care that the Laws be faithfully executed"; and that he "shall be Commander in Chief of the Army and Navy of the United States."

The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. The Government attempts to do so by citing a number of cases upholding broad powers in military commanders engaged in day-to-day fighting in a theater of war. Such cases need not concern us here. Even though "theater of war" be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities.

Nor can the seizure order be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that "All legislative Powers herein granted shall be vested in a Congress of the United States. . . ." After granting many powers to the Congress, Article I goes on to provide that Congress may 'make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The President's order does not direct that a congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President. The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution. The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. It can authorize the taking of private property for public use. It can make laws regulating the relationship between employers and employees, prescribing rules designed to settle labor disputes, and fixing wages and working conditions in certain fields of our economy. The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.

It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution "in the Government of the United States, or any Department or Officer thereof."

The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand.

The judgment of the District Court is affirmed.

Mr. JUSTICE FRANKFURTER.

Although the consideration relevant to the legal enforcement of the principle of separation of powers seem to me more complicated and flexible than may appear from what Mr. JUSTICE BLACK has written, I join his opinion because I thoroughly agree with the application of the principle to the circumstances of this case. Even though such differences in attitude toward this principle may be merely differences in emphasis and nuance, they can hardly be reflected by a single opinion for the Court. Individual expression of views in reaching a common result is therefore important.

Mr. ERVIN. Mr. President, I did not intend to detain the Senate so long. This debate, I trust, will soon draw to a close and the Senate will have an opportunity to reject the conference report and thus manifest its devotion to the Constitution under which we exist.

I know, Mr. President, that some very eloquent arguments will be made in a few minutes, to the effect that the question ultimately, in a case of this nature, should be decided by the courts.

Now, while that argument may not intend to do so, its effect will be to make an appeal to Members of the Senate to pass the buck to the courts.

I assert, however, that, in good conscience, the Members of the Senate cannot pass the buck to the courts. I say that because every Member of the Senate has taken an oath to support the Constitution and to support all of the Constitution and to support section 1 of article I of the Constitution. The oaths of Congressmen are just as binding on them as the oaths of judges are binding on the judges.

I know also that the argument will be made in all probability that other Presidents have written Executive orders; but I digress for a moment to observe that I challenge anyone to find any Executive order issued by any President at any time in our history which constitutes such a usurpation of legislative power as this. And even if other Presidents have attempted to exercise legislative power, as President Truman did in the steel seizure case, I would remind the Senate that wrongful practices in the past do not justify or sanction wrongful practices at the present time or in the future.

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[2] The Selective Service Act of 1948, 62 Stat. 604, 625–627, 50 U.S.C. App. (Supp. IV) § 468; the Defense Production Act of 1950, Tit. II, 64 Stat. 798, as amended, 65 Stat. 132.

[3] 93 Cong. Rec. 3637–3645.

[4] 93 Cong. Rec. 3835–3836.

[5] Labor Management Relations Act, 1947, 61 Stat. 136, 152–156, 29 U.S.C. (Supp. IV) §§ 141, 171–180.

Murder and stealing have been committed in every generation since mankind made his appearance on this earth. But that fact has not made murder meritorious or larceny legal.

What other Presidents may have done in the past does not authorize a usurpation of legislative power in this particular case.

Mr. President, in closing I urge that the Senate reject the conference report because that is the only way in which the Senate can express its will and its belief that the provisions of this Executive order are alien to our system of government; that the order is based upon unjustifiable grounds; that the order smacks of McCarthyism; and that even if Congress had enacted statutes embodying the contents of this Executive order, there would be serious doubt under the first amendment whether such acts of Congress would be constitutional.

Mr. President, I say above all things, regardless of how a person may feel on these other issues, that every Member of Congress should repudiate the usurpation by the Executive of legislative power vested in the Congress by rejecting the conference report.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, first of all, I wish to express my support of the magnificent presentation by the Senator from North Carolina (Mr. ERVIN) of this case to the Senate.

Mr. President, I have another objection which also, in my judgment, is an additional reason why this conference report should be rejected.

Mr. President, as the subject to which I would like to address myself is the International Labor Organization, a separate subject, I propose to suggest a short quorum call so that Senators may be informed that we will be discussing this other subject.

Mr. President, I hope to limit myself to 20 minutes at the most in this discussion. And while, like the Senator from North Carolina, I have deep feelings about this, I have no desire to delay the Senate. I hope that soon after I finish and after the managers have completed stating their points of view, we might be able to come to a vote.

Mr. McCLELLAN. Mr. President, there is no limitation of time. It was thought that perhaps we could make better progress without a limitation of time. I do not know how much time other Senators will want to use. However, I do not think it will take more than 30 minutes, from the number of speakers who wish to speak in favor of adopting the report.

So, I would think that possibly we might get to a vote sometime around a quarter after 6, which would be within an hour.

Mr. JAVITS. That is agreeable to me. I agree with the Senator from Arkansas that there is no need to have a unanimous-consent agreement.

Mr. McCLELLAN. Mr. President, some Senators have been inquiring about the time we expect to vote. So far as I can ascertain, we would be voting around 6 to 6:15. That would be as close as I could come to the time when we would be voting.

I thought I would state that so that we might have some idea of when we would vote.

Mr. JAVITS. Mr. President, I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to lay before the Senate a very serious situation as it relates to the United States and the world, which revolves around our refusal—and that is what we face here—to pay the dues which we legally owe, and there is no doubt about it, to the International Labor Organization.

The ground on which we have failed to pay up to now is that the organization has not operated according to our idea of how it should operate and has shown a bias in favor of the Soviet Union.

Mr. President, the justification offered for this refusal to pay has been that we lose nothing in terms of our voting rights until we are 2 years in arrears and that, therefore, this will be a well deserved lesson to the ILO, which it has earned because of the way it has been conducted, and there is no hurry about our paying.

Even to state that is debasing and demeaning to a great Nation like the United States, especially when one realizes that the sum about which we are talking is $10 million.

Mr. President, whatever may have been the justification for withholding these funds before, now it is completely counter-productive and could be very mischievous and harmful to the position of the United States in an international organization which on a cost-benefit ratio has the capability for doing us more good in the world than a whole kit full of other organizations which cost us many times more.

For some time I have argued this case. The Senate sent me as an observer to the last meeting of this organization in May in Geneva. I came back and made a report outlining very much what I have just said.

But now the Department of State of the United States, by the hand of the Secretary of State, has evidenced support for this position and where the true interests of the United States rest. I wish to read to the Senate the letter from the Secretary of State because I think it is so critically important. The letter is addressed to me only because I asked for his views; otherwise it would have been addressed to the Senator from Arkansas (Mr. McCLELLAN), as a communication from the administration.

The Secretary of State states as follows in his letter:

> I am glad to respond to your request for my views on the conference report on the State Department appropriation. As you know, the report accepts the House position to deny the $7.8 million requested for our 1971 dues to the ILO.

I said $10 million because we still owe $3.5 million for 1970.

The letter continues:

> At the same time it states: "The conferees have not the slightest intention of ever abandoning our membership in the ILO."
>
> If the conference report is endorsed, our arrears will come to $11.6 million. The ILO's financial reserves will be exhausted. Its activities will have to be further seriously reduced and the organization will have to borrow at commercial rates. The United States, of course, will be blamed.
>
> Within the ILO, our influence is likely to deteriorate rapidly. Resentment over our continuing deliberate withholding in the face of those consequences will focus attention on our delinquency rather than on the improvements we seek in the ILO's adherence to its constitutional, tripartite precepts and objectives.
>
> Considerable progress has been made regarding the objectivity of ILO publications, the "double standard" in the Conference Committee on the Application of Conventions, the erosion of the autonomy of the non-government groups, and the use of the ILO as a platform for irrelevant political resolutions and propaganda.

I interject that these were the main complaints against the ICO. The Secretary of State said "Considerable progress has been made" on these matters.

The Secretary of State continues:

> Continued withholding of our contribution will not only jeopardize the progress already made, but will also make it exceedingly difficult for us to get support for the further changes we wish to see made.
>
> Our deliberate withholding would have implications for the UN system and other international organizations. By willfully failing to meet this international commitment we would be encouraging others to ignore customary standards of international conduct. It would contribute to a weakening of international cooperation through those organizations which, regardless of their many imperfections and shortcomings, have served the interests of the United States. It would align us with those whose behavior we have condemned.

That refers to France and the Soviet Union, who failed to pay their assessments to the United Nations, although the World Court ruled they should.

> As Secretary of State I am very much concerned that, unless funds for our 1971 dues to the ILO can be restored, it will be difficult for us to continue as a participating member of the ILO.
>
> I hope that a sufficient awareness of the serious consequences which would flow from adoption of the Conference report will persuade the Senate to return it to Conference with instructions to insist on the restoration of the funds requested for our 1971 ILO dues. I would appreciate your circulating this letter

to other members of the Senate and any assistance you can give to this end.

With best personal regards.

Sincerely,

WILLIAM P. ROGERS.

The conclusion of Secretary Rogers is fully borne out by my own personal observations of the ILO. Pursuant to my appointment by the Senate as an observer, I attended the opening of the recently concluded 56th annual conference of the ILO this June. During my stay in Geneva I had an opportunity to meet with the tripartite members of the American delegation, as well as the Director-General of the ILO, Wilfred Jenks. At these meetings I was able to explore in depth the problems which have arisen for us within the ILO in recent years, and the progress which has been made in resolving them.

The American delegation—government, labor, and employer delegates—were unanimous in the view that any further withholding of our funds from the ILO would be extremely counterproductive from our point of view.

They made it clear that as a result of our action in withholding our dues payments for the last half of 1971 we have now reached a critical stage with respect to our relationship with the ILO; and that continued failure to appropriate funds to pay our dues will have the most serious ramifications for the ILO and our ability to function as a member of the organization.

To summarize the reasons for paying our dues:

First, we have a binding international obligation to pay our dues. We have long criticized the failure of Communist nations to pay their U.N. assessments, and have gone to the point of pressing the matter before the World Court of Justice. Our cavalier disregard for our financial obligations to the ILO is not only demeaning to us as a great nation, but also undercuts our stand in the U.N. with respect to Communist failures to pay assessments. Our sincerity and credibility on this issue has already been substantially impaired in the eyes of the world because of this ILO situation.

Second, during the past year a number of developments have occurred within the ILO which signify great improvement of the ILO from our point of view. These encouraging developments have already been brought to the attention of this subcommittee in the testimony of Assistant Secretary of State de Palma. They include:

First, a marked decrease in the anti-American polemics in various ILO conferences;

Second, better control of the content of ILO publications to screen out Communist propaganda;

Third, the willingness of the Conference Committee on Freedom of Association to face squarely the question of violation of the important Freedom of Association convention in Czechoslovakia and the U.S.S.R.;

Fourth, the resistance to structural changes demanded by the Communists to overcome the refusal of worker and employer delegates to recognize as such their Communist counterparts; and

Fifth, the election of an employer representative as the President of the recently concluded annual conference over the objections of the Communists.

Our dues—$7.9 million—represent about 25 percent of the ILO budget. Our failure to pay the last half of our 1971 dues has necessitated some administrative belt tightening and the use of reserves, but up to now no permanent cutbacks in staff or in operations have been necessary. However, continued withholding of our dues will necessitate permanent cutbacks in staff and in operations, commencing this fall. The result of such cutbacks would be a legacy of bitterness toward the United States within the ILO and, equally important, among the countries of the developing world which depend upon the ILO for technical assistance and manpower projects.

Thus, there would be a further weakening of the field structure on which the future of the whole operational program of the Organization was dependent.

This, together with the drastic cuts in regular budget technical cooperation already in force, and the serious weakness of technical departments that will be caused by the reductions, would seriously reduce the ILO's future technical cooperation work at a time when new United Nations development program approaches to programing require a competent mobile ILO presence in the field more than ever; in many areas there would simply not be the people, the expertise, and the travel facilities to develop new projects and to complete successfully those already started.

The world employment program will be further affected; the jobs and skills program for Africa, already seriously delayed as a result of measures taken hitherto, could not start; the research program, which was important to insure the vitality of policy and relevance of action in this essential field, would be further reduced.

Further postponements of meetings would become necessary.

There would be consequent weakening of personnel and financial management.

It will be necessary to terminate the appointments of a further number of professional and general service officials whose skills and experience would, in all likelihood, be permanently lost to the Organization.

As I have explained in my report to the Senate, the work of the ILO is extremely important in helping the developing countries of the world cope with the inevitable strains and tensions of industrialization. The tripartite system on which the ILO is premised, and upon which its projects are based, is fundamentally consistent with Western democratic ideals and irreconcilable with totalitarianism of the left or the right. It is thus to our benefit—not the Communists—to have the ILO continue as a strong, viable organization.

No other organization offers us a format in which we can challenge so directly the myths about freedom within Communist countries frequently propagated by the Communists. The program of multilateral aid and assistance offered by the ILO is certainly superior to any system of bilateral aid which could be devised as a substitute for it in case we were to withdraw from the ILO.

The standards developed by the ILO in various fields through conventions and recommendations on subjects such as social security and occupational health and safety have had considerable effect on legislation enacted by both developed and developing countries throughout the world and could be of benefit in helping to establish principles of fair international competition as the basis for resolving some of the difficult trade problems which have arisen for the United States and other countries recently. I am pleased to note, in the latter connection, that the Director-General, in his closing address to the 56th annual conference pledged to initiate discussions in the field of trade problems with the other international agencies directly concerned such as GATT and UNCTAD.

Our policy toward the ILO, as toward other international organizations, must be to fight aggressively and effectively within the organization for what we believe to be right; not to act like a spoiled child. We cannot, of course, expect to win all the time; compromises will be necessary and reverses may have to be accepted. But I am confident that with the proper amount of commitment we shall more than hold our own in the ILO and that it will be most worthwhile for us. As I have pointed out in my report, it bears emphasis in this connection that many of our problems with the ILO actually stem from our own failure to devote sufficient time, energy and resources to the ILO, a failure which has been acknowledged by the administration. This year we did take the ILO seriously, and the resulting improvements, which I have summarized above, speak for activism.

Mr. President, what is the International Labor Organization? The International Labor Organization is probably the oldest international organization, now under the aegis of the United Nations. It is over 50 years old. It is a tripartite organization, consisting of delegations from each country that is a member, representing labor, management, and government. There is represented in it the Soviet Union and many of the countries in the so-called Communist bloc; not Communist China, but many other countries are involved. There are well over 100 countries in total.

The value of this organization has been this very tripartite method of organization, for it is obvious that in a Communist country there is neither free labor nor free management, and, hence, the Communist countries have constantly had to scratch in order to either disrupt the organization or to do their utmost to obtain recognition for their "labor" and "employee" delegates.

They have thus been subject to scrutiny in the eyes and views of all the developing nations in Asia, Africa, and Latin America; those developing nations have seen in this way much of the hypocrisy of the Communist position because the fact is, whereas any free country has labor and employees who are worthy of the name, the Communist countries have none because labor is truly slave labor for all practicable purposes and manageagement is just an extension of government.

Mr. President, this organization, if it served only that purpose, would have been of enormous value to the United States.

But, in addition, in times like these, when we are trying to upgrade the world, especially when there is so much competition to the United States in markets at home and abroad, it has proven valuable in endeavoring to raise labor standards of developing countries, where there is cheap labor to make products to compete with the United States and other industrialized countries.

Our original complaints against the International Labor Organization and the reason we cut off payment of our dues were those recited by the Secretary: that there was a lack of objectivity in the ILO publications; that there was much too much Communist propaganda in them; that there was a double standard in the conference report respecting the so-called application of conventions—which means the Soviet Union was not called to book although it had adopted a convention relating to freedom of association and the right to join labor unions. We have not ratified that convention, but we complained about it, as we had the right to do. That is all right; they were bound; we were not. We found the organization discriminated in condemning others.

Also, mention was made of "the erosion of the autonomy of the nongovernment groups." That referred to bending the principle of tripartism—the status of the three groups in the ILO, because the Soviet Union and other Communist countries did not have labor and employees who could be defined by those terms.

And finally the use of ILO as a platform for irrelevant political resolutions and propaganda. It is a fact that in the ILO vituperative attacks on the United States and other industrialized countries were not ruled out of order by presiding officers and articles were offered for publication in reports of the ILO which were unworthy of ILO and certainly not creditable to the United States and other free world countries.

In many of these areas there have been constructive changes. For example, in the matter of irrelevant resolutions and diatribes against the United States, such polemics have in the main been ruled out of order. The publications have largely been sanitized—and I use that word in the best sense—and many of these complaints are no longer true.

It is a fact that one might say that the withholding of dues by the United States for half of 1970 was a rather shocking and cold bath to the ILO; that they did make these changes and undoubtedly will make more. But we can make too much of a good thing, Mr. President. The Secretary of State is convinced of that fact, and I believe many others in the Congress are convinced that if we continue to withhold our dues now, it will be counterproductive and regressive.

What will happen now is that countries in the ILO that have supported the position of the United States and other free world countries will be discouraged and disheartened; that the Communist influence in the ILO will grow; that its functions will be materially reduced; and that there is even a chance that, under the guise of this disappointment and frustration, the tripartite character of the ILO, which is the greatest thing to commend it, may be destroyed and eroded, and that when we did pay our dues and were able to assert influence in the organization, we would find that the organization had been shifted out from under us and has been swept under essentially Communist control.

Mr. President, why do we run that risk? Do we run it because we are going to quit the ILO, or unless they do exactly what we believe they ought to do, we will not stay with them? Not at all. That is what makes this whole thing so tragic, if it were not so ludicrous, because the House conferees, who are the ones who are supposed to be so bitterly and intransigently determined to have their own way in this matter, say, in the last paragraph of their comment on page 4 of the manager's report:

> We do not lose our voting rights until we are two years in arrears. The conferees recommend that no payment be made at all at this time pending further improvement of our position.

And the chairman of the subcommittee which handled this matter is himself quoted as saying that "by no means are we going to resign from the ILO."

The managers' report says:

> The conferees have not the slightest intention of ever abandoning our membership in the ILO.

So, Mr. President, is a great power like the United States to go through the demeaning exercise, the almost childish exercise, of saying we are not going to pay our dues, but, of course, we have to pay them ultimately and in time to prevent us from losing voting rights and we have not the remotest intention of pulling out of the Organization? It seems to me that, rather than make the Organization do what we want it to do, it will make its members furious and that the members, for the most part, if they have character—and I think they have—will do exactly the contrary to what we want them to do.

Last year we withheld our dues in what was considered to be a legitimate gesture of indignation.

I say that myself notwithstanding, that I sought to get the dues paid. I am willing to say that perhaps I was wrong at that time, and perhaps it has worked. I am willing to say that is the reason, or one of the reasons, why certain things have taken place; but I am deeply convinced that we can only get mischief and harm out of continued action of that kind that will have a counterproductive result. This is based on my personal presence on the scene, and now the views of the Secretary of State of the United States himself in the letter which I just cited.

When I consulted with the three elements that make up our delegation in Geneva—government, labor, and employers—I found they were unanimous in the belief that any further withholding of our dues from the ILO would be extremely counterproductive to the point of view of the United States.

Let us see the record:

First, there can be no question about the Government's wanting the dues paid. We have the letter of Secretary Rogers on that.

Second, the employer position is now very clearly stated in the position of the National Chamber of Commerce, which essentially is responsible for the delegation from the employers that goes to the ILO. This is what they say:

> The Chamber of Commerce has for 30 years supported U.S. participation in the ILO and at this time supports continued United States participation in anticipation that U.S. effort can be made much more effective than it has in recent weeks. However, whether we stay in or get out, we should pay up according to our commitment.

That is the view of the U.S. Chamber of Commerce.

As to the employees, this is what has cast a certain amount of doubt over this situation. However, it seems to me that by now that doubt should be completely dispelled. The last time this matter was up for half of the 1970 dues, it is a fact that payment of the dues was opposed by George Meany, president of the AFL–CIO. When the Congress rejected that payment, it deferred in very large part—I do not say that invidiously; I have said that perhaps I was wrong and the majority were right—to the views of the AFL–CIO as expressed by George Meany. But at the conference the employee delegate expressed himself in a delegation meeting as being for the payment. When I returned, I found Mr. Meany, at a press conference during the AFL–CIO major board meeting in Atlanta on May 11, 1971, had said the following about the ILO:

> Now, as far as the appropriations are concerned, our position is quite simple. We owe the money and we should pay it. However, because of the strenuous opposition in Congress we have gone along with a suggestion made by the employer representative and concurred in by the State Department that we should pay up all of our obligations immediately and, at the same time, file an official notice of withdrawal from the ILO two years hence.

That means operative 2 years hence.

In fact, the employers, if they ever made such a proposal, have withdrawn that, and that is also true of the U.S. Government. So we must take it that the straight position of the AFL–CIO is: We owe the money and we should pay it.

I have not been able—and I say this frankly to the Senate—to get the AFL–CIO to say in just so many words what Mr. Meany said at the press conference, and I understand—though I do not have a copy—that the letter sent to the chairman of the subcommittee, which I have just read, said:

> We stand upon the statement of George Meany made in the press conference.

Mr. President, whatever may be their view, for their own reasons, for not having an unequivocal position in this matter, it certainly seems to me that this press conference——

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. McCLELLAN. The Senator made some reference to a letter. Which letter?

Mr. JAVITS. I understood—and I do not say this of knowledge; I am really asking the chairman—that he had received a letter from Andrew Biemiller which said:

> We simply reiterate the position by Mr. Meany.

Mr. McCLELLAN. I have that letter, but that is not from Mr. Meany. He is the one who took the initiative and came to the Congress to get this appropriation stopped. I think Mr. Meany, if he still means that, should have responded to our request and written us a letter stating that he had changed his mind and why.

Mr. JAVITS. I thoroughly agree with the chairman in that view. I tried to get it personally, as I told the chairman I would, and I was unsuccessful. But it seems to me, in view of his statement, which I have read, that that should not inhibit us from doing what we ought to do; as a matter of fact it should urge us to do it rather than not to do it.

Now, Mr. President, one final word about this ILO. We have enough problems in the world, Lord knows, with many nations, especially the developing nations of the world, the so-called African-Asian bloc and the Latin American countries, so that we need no more, especially no more where the worst you can say is that it is as close a case as this.

I deeply feel that to reject the payment of the amount here involved, considering the inevitability of payment anyhow, considering the fact that the managers on the part of the House now say that under no circumstances are we going to get out of the ILO, is really demeaning to our country, and unnecessarily, gratuitiously flying in the face of decent relations in a sensitive area, the labor area, with so many of the developing countries of the world involved. It seems inconceivable that a great Nation like ours would take this position.

We all know that this represents the dug-in position of a Member of the House of Representatives who happens to be in a powerful position. The question facing the Senate is, Have we got the character to turn down a conference report because we will not be dictated to in this way? That is really the question before the Senate. It so happens that I have the deepest affection for the Member personally; he is a great friend of mine, and has been for 25 or more years. But on this particular subject, it is just a matter of, do we do it as he says, or do we do what is in the best interests of our country, and what I deeply feel a majority of both Houses really want?

It does not hurt to go along where it does not cut much ice either way, and it will not do any great harm. But when the Secretary of State of the United States certifies to us in writing that it is very much against the interests of our own Nation not to pay these dues, and there is only $10 million involved, I respectfully submit—and I know what the proponents are going to say: "You might insist this or you might insist that, and the conferees might get hung up again." The other body does not seem to care, unless we vividly call its attention to this situation. It seems to me that we ought to have the character—and that is what this comes down to—to turn down this conference report, and say: "This is the right thing to do, let us do it, let us pay these dues and stop demeaning ourselves in this rather small way."

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BROOKE. I am pleased to associate myself with the work of the distinguished Senator from New York. The ILO certainly carries out important advisory and administrative functions to the worldwide organization of the labor movement, and I think our continuing and unnecessary refusal to pay our proportionate share of the costs could have undesirable consequences for our role in this vital movement. So I certainly want to express concern that the conferees deleted from the bill the $11 million to pay our dues to this vital international labor organization.

I hope the Members of the Senate will show their opposition, and reject the conference report.

Mr. JAVITS. I am grateful to my colleague for speaking out in this manner. I know, like myself, he has many interests in other aspects of this conference report, which is all the more reason for my gratitude to him, and for my feeling that as always, he expresses what deep conscience and what he believes are the highest national interests dictate.

I yield to the Senator from Michigan.

Mr. HART. Mr. President, I thank the Senator from New York for giving me the opportunity to make clear our deep conviction that in the elimination of the dues we do a wrong. I realize that in expressing this point, I may sound very unappreciative to the Senate conferees, because in this bill, and not without considerable effort, the conferees saved a money item in which the junior Senator from Michigan and I have a very deep interest. I only wish at times that we could have our cake and eat it. This is such a time.

But the overriding importance of the ILO, and our relationship to it, persuades me to rise and speak in support of the Senator from New York, as I do the Senator from North Carolina.

Mr. President, I strongly support the Senator from North Carolina in his opposition to this conference report. None of us seek in any way to reflect upon the efforts of the Senate conferees on this wide-ranging and complex bill. Rejecting a conference report, we all know, is done only with reluctance, especially when the press of other important business is so heavy. But there are simply too many large constitutional questions at stake for us to approve this one, on a business-as-usual basis, because of the recess deadline.

The matter has been already summarized by the Senator from North Carolina. The conference report deletes from this bill's appropriation for the Subversive Activities Control Board—the SACB—the crucial prohibition or any use of these funds to implement the new powers purportedly conferred upon the Board by unilateral executive action. The issue was so clear when we debated this matter previously, that by an absolute majority of the Senate—51 to 37—we adopted the amendment providing this restriction. The issue is still clear cut to me and I shall oppose acceptance of the report.

In an obvious effort to revive this moribund agency, the Executive has legislated broad new powers for it to exercise. Notice, I did not say "recommended legislation," or "requested legislation." No, the President, by Executive Order No. 11605, has sought to bestow these new duties upon the Board himself. A brief history reveals the motive.

Established in 1950, the Board was originally designed to provide a registry of subversives, who were required to come forward and identify themselves. Willful failure to self-register was penalized. In 1965, however, the Supreme Court held that this scheme violated the fifth amendment privilege against self-incrimination. For 2 years thereafter, the Board did nothing. In 1967, Congress deleted the requirement that individuals identify themselves. Instead, the Attorney General was to cite persons or groups to the Board, which would determine if they were subversive. Congress also provided that if no cases were sent to the Board it would expire. A few cases were sent to it, keeping the Board alive, but then, in 1969, the District of Columbia Court of Appeals ruled this new scheme unconstitutional, too: First amendment freedom of association was found to be infringed because membership was penalized without regard to the member's knowledge of all the group's purposes or his intent to participate in those which might be illegal. The Supreme Court has let this latest decision, in the Boorda case, stand.

The latest effort to find work for the Board, Executive Order 11605, assigns to it the duty of determining which groups should be added to the so-called Attorney General's list, used for Federal employment security programs directly, and is also used, indirectly, by many private personnel security programs.

This order should not be funded. It is legislation by Executive flat, in violation of section 1 of article I of the Constitution, which vests legislative power in Congress. In addition, the substance of the order patently infringes the first amendment rights of speech and association. Let me comment on briefly each vice.

The Board was created by Congress and given specified duties and powers. Its role has been changed since then by further congressional action. At the very least, congressional debate and court decisions in this area have made clear that broad delegations of sweeping powers, without careful limitations, raise very serious constitutional and policy questions which should be fully debated through normal legislative channels.

That is not what happened here. From the viewpoint of Congress, a sweeping change has been sought in the most cursory and preemptory manner imaginable. The President waited until 10 days after the House had actually passed this bill. The Executive order was then announced and we were told that Senate approval of the SACB appropriation would suffice for congressional approval of this legislative step.

Executive encroachments in the congressional domain continue to threaten the equal independent status of this branch of Government. It is bad enough when we are denied information by the Executive which Congress needs to legislate. It is worse yet when the Executive tries to legislate for us—or ignores our legislation. But, Mr. President, it is intolerable when the Executive tries to ram through far-reaching legislative changes by Executive order, and then suggests that Senate approval of an appropriation subsequent to the order is the equivalent of legislative authorization. The dangers of such assertions of congressional "ratification" are all too apparent to Members of this body after our experience over the last few years in Southeast Asia. A U.S. court of appeals and several scholars have suggested that Congress may have supplied a de facto declaration of war by approving appropriations measures. We are embarking upon a very dangerous course if this is to become a pattern of legislative acquiescence in critical areas.

Now I know it has been suggested that the President did send implementing legislation to Congress pursuant to the new Executive order. But those bills only provide for new procedures needed to implement the powers conferred by the order. In any event, Congress may or not pass that legislation. Appropriations for carrying out these functions surely can await orderly hearings and a final decision on whether Congress wishes to give the Board these new powers.

Opponents of the amendment offered by the Senator from North Carolina also urged that the President has statutory authority for such transfers of function from one executive agency to another. They cite section 301 of title III of the United States Code which generally authorizes the President to designate the head of a department or agency to perform any function vested in the Executive. But the examples of reorganizations or delegations carried out under this authority which have been cited are situations where Congress conferred general power in an area on an agency and the President has specified a particular task within the scope of that authority—for example an Executive order delegating authority to the FPC to authorize certain power facilities near the Mexican and Canadian borders. That is not the situation here. If section 301 is read more broadly, to authorize any transfer of functions within the executive branch which the President desires, then he could under that view delegate the present functions of the Defense Department to the Civil Rights Commission and the present functions of the SEC to the Department of Health, Education, and Welfare. Clearly he has no such power.

It must be remembered that this order does not merely transfer the task of supervising the present compilation of the Attorney General's list to the SACB. In addition, the order greatly expands the reach of the list and, in so doing, raises serious constitutional questions of another nature. The order purports to remove any due process defects in the Executive order which it supersedes by specifying definitions of the groups to be listed. Here, the cure is clearly more dangerous than the disease. For the definitions, if carefully read and cross-referenced, would expose to branding as a subversive security risk those who merely express dissent from official policy and who are at any time with a large group of which one or two members throw a rock or overturn a garbage can. None of us condones violence, rock throwing, or terrorism, Mr. President. We need not play that game again, it was fully exhausted during last year's election campaign. We all agree that someone who engages in physical violence or terrorism must be apprehended, prosecuted, and punished. We also have laws for attempting or conspiring to do such unlawful acts. But the Supreme Court has made clear the difference between inciting such actions and merely advocating social protest or even social change. The latter is protected under the first amendment. Even more clear is the constitutional protection afforded one's freedom to associate with other persons without being punished for their actions, unless there is a conscious decision to participate in the illegal actions of the group as well as the constitutionally protected activities.

The revised Executive order includes six categories of groups which can be placed on the Attorney General's list, including any group which "has adopted a policy of unlawfully advocating commission of acts of force or violence to deny others" their constitutional or legal rights. The order then authorizes the SACB to determine that a group comes within this category if, among others bases, it engages in "the unlawful damage or destruction of property; or injury to persons." That is in section (d)(1)(2).

Then, if we go back to the first paragraph of the new order, we find that it authorizes blacklisting anyone not only members of such groups, but even someone and I quote "in sympathetic association" with such a group or with a combination or persons who engage in such unlawful acts. What does this mean?

Well as I read the English language, in concrete terms, that boils down to this: Someone who advocates sole recognition of the Government on Taiwan, and who therefore opposes our present overtures to mainland China, may be branded a subversive and blacklisted from Government employment merely because he attends a rally of likeminded persons, a few of whom display their displeasure by tossing things, or defacing property. Indeed, it is only a very slight exaggeration to suggest that this new scope for the Attorney General's list—by reaching those "in sympathetic association" with "combinations of persons" who engage in any acts which damage property or injure persons—would encompass many of the Washington Redskin fans at the District of Columbia stadium followed a hard-fought football game.

The proponents of this new list may disavow intention to go after any but the most hard-core bombthrowing revolutionary. But the history of witch hunts and guilt by associations is not that dim in America that we can dismiss such dangers lightly. The new order can be used to blacklist dissenters or participants in protests activities who neither condone nor participate in any illegal acts, yet who are branded subversives under this order.

For me this is patently unconstitutional. But at the very least, surely it deserves the benefit of the normal legislative process; not ratification by appropriation in this offhanded manner. I urge my colleagues to reject the conference report.

The able senior Senator from New York (Mr. JAVITS) raises another and important reason which I hope will persuade us to reject the report. Funds to pay the United States' 1971 dues to the ILO have been dropped. The Senator from New York has placed on our desk a copy of a letter to him dated August 3 from the Secretary of State. It summarizes the issue and makes clear the correctness of the Senate's position and I join with Senator JAVITS in urging rejection of the report on this ground also.

Mr. JAVITS. Mr. President, I am very deeply appreciative. I feel about the Senator from Michigan as he has said he feels about myself. I know how he feels about the conferees, and I feel that fully myself; I have sat with the conferees, and know what it is to face absolute intransigence by the other body.

But certainly this is such a test of character that I hope very much we will reject the conference report. I believe the conferees are themselves men of character, and though they might not agree, they will understand if we act as the Senator from Massachusetts, the Senator from Michigan, and I recommend.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BROOKE. Mr. President, I sincerely regret that I have to object to this conference report on two grounds. I have already voiced my objection to the portion pertaining to the ILO, but I also wish to speak at this time on the SACB.

Mr. President, I have long believed that the SACB should be abolished. It is a vestigial agency that quite literally has had no business to transact for nearly two decades. The Supreme Court has repeatedly struck down the actions of the Board. The very existence of the Board is contrary to the Constitution of the United States and a contravention of the rights of this Nation's citizens.

The fact is that the law enforcement and internal security divisions of our government are mandated by law to investigate and bring charges where there is sufficient cause, against any individual whose actions pose a clear threat to our Nation's security. We should continue to rely upon the regularly constituted judicial and investigative bodies to identify, charge, and convict by due process of law any individuals guilty of subversive activity.

But there neither has been nor will be any legitimate need to grant to any administrative body the power to investigate individuals and organizations and to publish lists of those organizations which meet arbitrary criteria allegedly denoting subversive tendencies. This is a violation of all the constiutional rights which this Nation was established to preserve.

It is therefore especially disturbing to me that Executive Order 11605 seeks to increase the authority of the SACB. Under this order, the Board is empowered to determine which organizations should be included on the Attorney General's list of subversive organizations, a document which has lain dormant since 1965 as a result of court decisions. Legal experts had generally considered this list a dead letter, a relic of the "Cold War" years.

Even the agencies and departments of Government have been discontinuing their use of the Attorney General's list as a reference point for applicants. Recently, in response to a constituent inquiry, I had occasion to communicate with the Chairman of the Civil Service Commission regarding certain questions contained in its form used to solicit references for potential Government employees.

Until this year, the form included two particularly offensive questions:

> 1. Do you have any reason to believe this person belongs, or has belonged, to any Communist or Fascist organization, or to any organization which advocates overthrowing or altering our Constitutional form of government by force or other illegal means?
>
> 2. To your knowledge does this person associate, or has he associated, with any person whose loyalty to the United States is questionable or who belongs to any organization of the type described in (the question) above?

I am pleased to report that the second question has been entirely eliminated and that the first question has been changed to read as follows:

> Do you have any reason to believe this person belongs, or has belonged, to the Communist Party, U.S.A., to any subdivision of the Communist Party, U.S.A., or to any organization which seeks the overthrow of the Constitutional form of government of the United States by force or violence or other unlawful means?

This revision represents a clear acknowledgement by the Civil Service Commission and, logically, the United States Government which it serves, that loyalty tests in the past have constituted too great an infringement on personal privacy and First Amendment rights.

Consequently, it is particularly disturbing that, at approximately the same time, the President has issued an Executive order which not only revives the shopworn loyalty test format but also greatly expands its scope and the power of the administering body.

After conducting a hearing, the SACB is authorized by the terms of Executive Order 11605—

> To determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State.

Mr. President, I strongly believe that Congress should pass the State, Justice, Commerce Appropriations bill with the language of the amendment of Senator Ervin, as it was originally approved by the Senate. That amendment would have prevented the SACB from using its appropriated funds to implement the Executive order.

One of the great features of our Constitution, and the Goverment which it has created, is its tolerance of dissent, however strongly worded or carried out. Although individuals properly should be punished when their dissent grows into criminal conduct, there can be no legal justification for the "blacklisting" which would be implemented if this Conference Report is approved.

The Senate would do well to follow the comments of the Civil Service Commission in describing the additional safeguards which have been placed in the reference form to which I earlier referred—"these safeguards strike a reasonable balance between legitimate needs of the Government and the full protection of individual rights." This is the balance which must always be maintained by a government concerned with the welfare of its citizens.

Mr. President, the amendment forbidding the SACB to use its funds for the purpose of designating groups as "subversive" passed the Senate by the sizeable majority of 51 to 37. It is not easy for me, as a member of the subcommittee which considered this appropriation, to oppose this Conference Report. But in the interests of safeguarding individual liberty and preserving a vital principle of our democratic system, I urge the Senate to support the motion to table the Conference Report on H.R. 9272, and I urge a new conference to incorporate the Senate amendment in the bill.

Mr. McCLELLAN. Mr. President, I have listened with a great deal of interest to the remarks of the distinguished Senator from North Carolina, and in many respects I agree with him. The only point, perhaps, at which we disagree—and that disagreement is not a harsh disagreement—is that I think this is a situation in which the courts will have to decide the issue.

When the Proxmire amendment was before the Senate, to strike out the entire appropriation for the Subversive Activities Control Board, I said:

> I can apreciate that there may be a valid objection to the President's Executive order. I do not know what the Court will hold about it.

I meant its constitutionality.

> That is a Court question. All I know about the Supreme Court is that it often reverses itself. Whatever it held last year or the year before or some other time may not be its guiding light in the next decision it makes. No one can depend on it. One cannot rely on it, with the record it has of repudiating its own precedents. It will just have to make the determination. I cannot.

I cannot make this determination, and I do not think the Senate can make it. Each individual can make it for himself and use his own guidelines as to that and be governed accordingly. But for anyone to say what the Court will hold on it, I do not know. It is a matter that should go—and I do not doubt that it will go—to the Supreme Court. The objection stated is that it will take 2 or 3 years for a decision. That is probably true. But these are the realities with which we are confronted, and I want to talk about them.

We had this hearing record, and we knew about this Executive order. The Appropriations Committee heard it, and I questioned most thoroughly about it at the time.

I asked them about its validity, about its constitutionality, and whether they were certain about that, and whether they advised with the President about it before the order was made.

Mr. President, I ask unanimous consent to have printed in the Record, at the conslusion of my remarks, the dialog that took place between me and other members of the committee and Mr. Mardian, special assistant to the Assistant Attorney General, Internal Security Division, who testified before the subcommittee, pages 975 to 980, inclusive.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. This question was raised by the committee at the time this item was heard. There was question in my mind about it then. There is some question in my mind about it now. But the President issued this order on the advice of officials of the Department of Justice. I am not prepared to say who is right or wrong.

Let us look at what is before us now. We have a conference report. In the first place, the Senate kept in this bill the money for this Board. The adoption of the Ervin amendment did not kill this Board. It is alive; it is active. The Ervin amendment did not take out of the appropriations bill the money appropriated for it. The Senate kept that money in the bill, by a vote of 47 to 41. The Senate kept the money in the bill and sent us to conference with the Ervin amendment, which was adopted by a margin of 14 votes, as I recall. We go to conference, and the House, the day before we go to conference, moves to instruct its conferees to accept the Senate amendment No. 35, the Ervin amendment. After debating it briefly, the motion was made to table the motion to instruct. The House voted to table the motion by a vote of 246 to 141, or by a majority of 105 votes. That is what the Senate conferees were confronted with when they went into conference. The House had taken the action to reinforce its conferees and, by this action, to hold against the amendment.

All right, so we have the Board, the money is in the bill to cover expenses of the Board this fiscal year. That will not be changed by rejection of the conference report.

The only issue here is not what should be in the bill or what should not be in the bill but, on the whole, on the conference report; namely, do we reject it or do we accept it?

I have some things in it I do not like, and I am sure there are some things in it that other Senators do not like, but it comes to the point where the two houses have to undertake to accommodate each other to some extent.

Mr. PASTORE. Mr. President, will the Senator from Arkansas yield at that point?

Mr. McCLELLAN. In a second, I shall be glad to do so.

I can say to you, Mr. President, that there are others present who were on the conference who supported the amendment, who know the realities of the situation and exactly what the conferees were confronted with, and they knew of the reenforcement which the House conferees had by the vote of the day before, which certainly gave them a position of strength from which to insist that the amendment be stricken from the bill and not accepted by the conferees.

Now I am happy to yield to my good friend from Rhode Island.

Mr. PASTORE. The Senator is an experienced legislator. He has had many experiences at conferences. I have had some myself—perhaps not so many as the Senator from Arkansas. But I ask the Senator, if this bill is sent back to conference, in his opinion, what are the prospects?

Mr. McCLELLAN. I shall reach that point and will cover it shortly.

Mr. PASTORE. I thank the Senator.

Mr. McCLELLAN. The House took up the conference report yesterday and voted on it. The same argument was made again by the Representative who made the motion to instruct the conferees to reject the amendment and the report. However, the House adopted the report by a vote of 337 to 35.

I merely emphasize this, not that the House is right, but today we are not facing theory, we are facing reality and what is the practical thing to do.

The $450,000 are not even involved. The board will have that money. They will pay their salaries and other expenses with it. The House conferees, since the report has been accepted, are now discharged and if we vote down or reject the report, the next step will be that we will have to call for a new conference, new conferees will have to be appointed, and we will have to ask the House for a conference. I am confident that they will ultimately grant one, but they do not have to take it up, and anyone can object to the conference report being taken up again, or any section of it, as I understand it, for 3 days following the action we take here in the Senate tonight. That will throw it over until Friday. I do not know the consequences of the legislation, whether they have a quorum in the House on a Friday or not. Maybe they will. But we have to have a new conference if something is not done by then.

I ask the distinguished Senator from Louisiana (Mr. ELLENDER), when is the time the continuing resolution expires?

Mr. ELLENDER. We adopted a resolution the other day that goes into effect on August 6.

Mr. McCLELLAN. When is the continuing resolution under which we are operating going to expire?

Mr. ELLENDER. August 6.

Mr. McCLELLAN. The same day we adjourn. I thank the Senator from Louisiana.

The continuing resolution, of course, will have to be adopted before Congress recesses on August 6. In the meantime, here are the consequencs and I want to read them into the RECORD. This is only part of it, but it is illustrative of what the consequences will be.

I consider it important to call Members' attention to the effect of the continuing resolution on certain Senate amounts that were agreed to by the conference committee but which could not be obligated if the pending report is not approved or if it should be indefinitely postponed, or during any period of postponement.

Some $29 million would be involved, as they were add-ons to the House bill. Included in this sum are the following important items and this is not all of them but this is a number of them:

For the Department of State $1,780,000 for the Tijuana flood control project; $200,000 for the Great Lakes lamprey control project; $370,000 for mandatory items needed by the East-West Cultural Center; $90,000 for the Rome, Italy study center, and $750,000 for a new chancery in Buenos Aires.

For the Department of Justice, three important items would be deferred: namely, $1,959,000 for planning and site costs of the San Diego correctional center, under the Bureau of Prisons, and $8 million to implement the drug programs as presented to the Congress by the President in June.

For the Commerce Department, $12.9 million for the three appropriation accounts of the National Oceanic and Atmospheric Administration. Included in this sum is $2.5 million for the seagrant programs which is necessary in addition to the $15.2 million available under the House bill. Also, there is the sum of $1 million added to cover essential costs in the research and development of building code and flammable fabrics standards, essential projects under the National Bureau of Standards. As respects the related agencies, $1 million is added for the Equal Employment Opportunity Commission; $300,000 additional for each of the three activities; named National Commission on Fire Prevention and Control, National Tourism Commission, and the Small Business Administration.

Other important items subject to deferral if the pending report is not adopted concerns the $45.5 million increase in the sums allowed for the Maritime Administration over the total available for 1971. Also, the $9 million increase in the allowance for salaries of supporting personnel over the sum provided for 1971. These two amounts would seriously affect planned programs for the fiscal year 1972.

There are other items, Mr. President, but this gives an illustration of what is involved here in the $29 million that will not be available for expenditures. Those are part of the consequences.

I think I can say this, without trying to establish myself as reading the minds of other people, that the House was adamant about it. I do not mean that we must agree with the House every time. Again, I tell the Senate that we are facing reality, not theory. The House was pretty adamant about the situation. And the vote that they have been able to obtain over there on the tabling instruction motion and also approving the conference report reflects the support that I think the conferees of the House will have in maintaining and sustaining their position.

I do not know. We could reject this report. Then we would have to go back to conference some time, and my guess is that it would be in late September. We will not go back to conference before we recess. Then what would happen? Would there be any change? I see no prospect of it. In other words, the rejection of this conference report may well be an exercise in futility.

That is my best judgment at the moment. It may be in error.

I am now going to go to the next item, the one raised by the Senator from New York (Mr. JAVITS), the ILO. It is a little unusual, I think, to get a letter from the Secretary of State on this. I do not think anything very serious will happen concerning it. The ILO item was taken out of the bill last year because the leadership of labor wanted it to be done. It came up here asking for it. This year, we tried to get the same leadeship to come back and make a direct statement about it. We got no direct statement from him. He sent it through some of his assistants down the line, I think his public relations man. It was not with his signature nor with anything that directly related to him.

The Secretary of State closed the letter by saying:

> I hope that a sufficient awareness of the serious consequences which would flow from the adoption of the conference report will persuade the Senate to return it to conference with instructions to insist on the restoration of the funds requested for the year 1971 for our 1971 ILO dues. I would appreciate your circulating this letter to the other Members of the Senate and any assistance you can give to this end.

The Secretary is giving this matter a priority, a preference, and an urgency above everything else in the bill, as I interpret it. He is making this item more important that the entire $4,067 million in the bill, in the light of this statement.

However, let me say that if the ILO is so important, there is nothing to prevent the President of the United States from sending down a supplemental request tomorrow. I do not weigh that with any force or influence whatsoever.

We know how this operates up here. We are in a critical hour with a recess approaching and trying to get these things through.

I can say that I would like to have some brief expression from other Members of the Senate who served on the conference committee with me. I can say that the House is not going to take the ILO item. That is pretty apparent. And I see no prospect that they will take the other.

We either approve this report and immediately, if we want to, we can introduce a bill to repeal the entire Board.

That is the way to do it. We have a remedy. We can introduce a bill, and process it, to repeal the board. If the board is repealed, they cannot spend any more money, if we can pass it in the House.

And I do not think the Senate can pass everything in the House that they would like to, and I do not think that the House can pass everything in the Senate that they would like to. It is a matter of making some accommodation.

If the Senate wants to make the conferees take it back, we will take it back. However, I say that if we do go back I can see no prospects of resolving the issue in this way.

EXHIBIT 1

DEPARTMENT OF JUSTICE

Statement of Robert C. Mardian, Assistant Attorney General, Internal Security Division; accompanied by Robert L. Keuch, Chief, Appellate and Civil Litigation Section; James W. Ziglar, Special Assistant to the Assistant Attorney General, Internal Security Division.

INTRODUCTION OF ASSOCIATES

Senator MCCLELLAN. Mr. Mardian, whom do you have accompanying you?

Mr. MARDIAN. Robert Keuch and Mr. Ziglar of our staff.

SUBVERSIVE ACTIVITIES CONTROL BOARD

Senator MCCLELLAN. The question has come up here this morning that gave this committee some concern. We have had the Subversive Activities Control Board before us. They have five members of the Board down there drawing $36,000 a year. That is about $175,000 to $180,000, nearly $200,000.

I understand that they have had only two cases referred to them by the Justice Department since the Board was somewhat revitalized, since this administration came in, I would say, because the other administration had ceased to give the Board any business, to submit any cases to it.

Now, as we understand it, the Board cannot initiate cases. It is a hearing body. It conducts hearings on cases that the Justice Department refers to it. It can only proceed with those hearings as the Justice Department makes available to it the witnesses that it wants to present to substantiate the charges of subversion, and so forth.

Now, that Board is under attack, has been, and will be again, not only on the Senate floor, but in this committee before it gets on the Senate floor.

What has given us some concern, who have been supporting this Board, and who believe there is a need for it, is the lack of interest, or the lack of something on the part of the Justice Department, possibly a lack of business to refer to it. For some reason, this Board is not working. Now, their time is not being consumed, its usefulness is not being employed, if it is useful.

It comes right back to the Justice Department. We would like to have you comment on these things, and tell us what the real situation is, and what the prospects are in the future.

This is not criticism. This is trying to meet our responsibilities. We do not want to keep the Board and have people sit there and do nothing. If the Commission is not needed, we want to stop it now.

Mr. MARDIAN. Mr. Chairman, I first would like to apologize for lack of preparedness.

Senator MCCLELLAN. I appreciate that. We are trying to move along with this. We will permit you to submit any supplemental statement after you have had time to weigh it.

I support the Board. In fact, I think there is a need for it, but it is not working, for some reason. Is it the fault of the Justice Department, or where is the fault? Why is it not functioning as it should?

BOORDA V. SACB DECISION

Mr. MARDIAN. Let me say at the outset that one of the greatest deterrents to our submitting cases to the SACB has been the decision in the case *Boorda* v. *SACB*, which largely inhibited hearings before that Board insofar as they relate to the designation of individuals who fall within the proscribed classifications.

Since the decision in *Boorda*, the activities of the SACB as well as the Internal Security Act of 1950 and Executive Order 10450, issued by the President of the United States, have been under intensive study, and I can inform the committee today that the President has signed an amendment to Executive Order 10450, in accordance with his constitutional and statutory powers.

AMENDMENT TO EXECUTIVE ORDER 10450

This amendment to 10450 amends sections 8 and 12 of Executive Order 10450 to permit the Attorney General to petition the Subversive Activities Control Board to conduct appropriate hearings to determine, inter alia, whether an organization is one which seeks to overthrow the Government of the United States, or any State or subdivision thereof, by unlawful means or unlawfully advocates the commission of acts of force or violence to deny others their rights under the Constitution or laws of the U.S.

Senator MCCLELLAN. To do what? To prevent others from violating the rights of others? We are getting into civil rights now.

Mr. MARDIAN. To deny others their rights under the Constitution or laws of the United States or of any State.

Senator MCCLELLAN. Does that not get into a purely civil rights issue?

Mr. MARDIAN. No. It will permit, for instance, the Subversive Activities Control Board to investigate, upon petition of the Attorney General——

Senator MCCLELLAN. It is not an investigating agency. I thought it was a hearing board.

Mr. MARDIAN. I am sorry.

To permit hearings of the Subversive Activities Control Board into activities presented by the Department of Justice for instance, in connection with terrorist activities, which are on the increase in the United States today.

Senator MCCLELLAN. Like bomb throwing?

Mr. MARDIAN. Yes, sir.

Senator MCCLELLAN. Threats?

Mr. MARDIAN. Yes, sir.

PURPOSE OF AMENDMENT

The amendment will serve a two-fold purpose. It will permit the SACB to hear these cases on petition of the Attorney General, and it will remove the fact-finding function of the Attorney General, which he now has, in designating subversive organizations under 10450, and will thus separate the prosecutive and judicial functions which the Attorney General now has and place the judicial function in the SACB.

This will largely pertain—I should not say "largely," but will pertain to the existing unused authority of the Attorney General under 10450 with respect to personnel security in the U.S. Government.

Senator MCCLELLAN. What does all of this mean? When was this Executive order amended?

Mr. MARDIAN. The Executive order was signed by the President within the past 2 days. I cannot tell you at this hour when it was signed.

Senator MCCLELLAN. It has been signed in the last day or two, this amendment?

Mr. MARDIAN. Yes, sir.

INCREASED WORKLOAD

Senator MCCLELLAN. In your interpretation of it, or your evaluation of that, maybe your assessment of it would be better terminology, does that mean that there will be more work for this Board to do?

Mr. MARDIAN. Yes, sir; there will be a great deal more work for the Board.

Senator MCCLELLAN. Well, it has not had very much to do, and it will need a great deal more in relation to what it has now to justify it.

Mr. MARDIAN. It will undertake the function imposed by 10450 on the Attorney General, a function which has been unused I believe since 1956 in making determinations of the character described for personnel security reasons within the Government.

Senator MCCLELLAN. You mean you can present evidence to this Board to make a determination about whether a man in Government, in a position in Government, is——

Mr. MARDIAN. —violating the proscribed elements now contained in Executive Order 10450.

Senator MCCLELLAN. You cannot do that now?

Mr. MARDIAN. No, sir. Under Executive Order 10450, that entire function is reposed in the Attorney General.

Senator MCCLELLAN. Do you have cases of that kind now to submit?

Mr. MARDIAN. At this point I would not like to give you a fixed number. I am not prepared, Senator.

Senator MCCLELLAN. I am not asking for figures. Do you have cases of that kind to submit?

Mr. MARDIAN. Yes, sir.

Senator MCCLELLAN. Did you so advise the President and counsel with him in getting that amendment to the Executive order so that this Board might have jurisdiction of these cases?

Mr. MARDIAN. Yes, sir.

Senator MCCLELLAN. In your interpretation of it, or your evaluation of that, maybe your assessment of it would be better terminology, does that mean that there will be more work for this Board to do?

Senator MCCLELLAN. Is that one of the reasons why the President amended the order?

Mr. MARDIAN. Yes, sir.

Senator MCCLELLAN. Can we have a copy of that for the record, that Executive order?

Mr. MARDIAN. Yes; within a matter of 24 hours the President will transmit to the Speaker of the House of Representatives, in addition, a proposed amendment to the Internal Security Act of 1950 which will in effect dovetail 10450 with the Internal Security Act, so that they can be construed together and will represent——

Senator MCCLELLAN. Does the President have the power to issue this regulation? Is there any question about that?

Mr. MARDIAN. Not as to the Executive order; no, sir.

Senator MCCLELLAN. He does have the power to issue the Executive order?

Mr. MARDIAN. He does have that power. I think that power is unquestioned with respect to the Executive order.

Senator MCCELLAN. And the Board can operate under that order, perform the functions that this order provides?

Mr. MARDIAN. Yes, sir.

Senator MCCLELLAN. Without legislation?

Mr. MARDIAN. Yes, sir.

Senator MCCLELLAN. Does the legislation creating the Board do that, give the President that power?

Mr. MARDIAN. There was testimony, I believe, before this committee last year with respect to the additional duties or functions which might be reposed in the SACB in connection with its appropriation hearing last year. It was in light of this testimony, I believe, that the appropriation was passed.

Chairman ELLENDER. The question is: Can the President by Executive order broaden the work of a Board created by Congress?

Senator MCCLELLAN. Unless the statute, itself, authorizes it.

Chairman ELLENDER. That is what you are doing.

Mr. MARDIAN. The President is transmitting legislation to the Congress. It is my understanding, sir, that where the appropriate committee having jurisdiction is advised of the functions, additional functions, which the Commission is granted, and the Congress acts upon that appropriation with that knowledge, that, as in this case, the SACB would have the authority to engage in that type of hearing activity.

Chairman ELLENDER. Would it take congressional action of any kind?

AMENDING INTERNAL SECURITY ACT OF 1950

Mr. MARDIAN. We will transmit, I believe tomorrow, additional amendments to the Internal Security Act of 1950.

Chairman ELLENDER. So that the Executive order cannot become effective until Congress acts?

Mr. MARDIAN. I think that if the Congress acts on the appropriation which is now pending for the SACB, with the knowledge that additional functions are to be given to the SACB, that, based upon custom, usage, and I think existing law, the SACB may, upon petition of the Attorney General, make recommendations to the Attorney General for additions to the list.

Senator MCCLELLAN. I cannot follow you. Here this Commission exists by reason of a statute. The statute defines its functions, what it can do, and what it cannot do.

Now, as I understand the President's amendment, it would undertake to broaden that power beyond what the statute now prescribes.

Mr. MARDIAN. No.

Senator MCCLELLAN. It does not? That statute may vest the President with certain powers, I do not know, we will have to check that, but unless it does, I do not see how the President, by Executive order, can give to a Board created for one purpose by the Congress, with its powers and limitations prescribed, give to it a function which the Congress did not authorize.

Mr. MARDIAN. It does not propose to give it any additional powers, sir. It proposes that the Attorney General petition the SACB to conduct hearings in connection with the obligations of the Attorney General under Executive Order 10450, and make recommendations.

Senator MCCLELLAN. Does this Board now have the power, under the statute, to conduct the kind of investigation that this order would authorize?

Mr. MARDIAN. I believe it has the power to conduct identically this type of investigation.

Senator MCCLELLAN. If it does, it is all right, but I suggest, then, with these questions that we are raising here, that the Department prepare and submit a memorandum on it for the record together with a copy of Executive Order 10450. I think we had better do that, now.

Again, as one who believes here is a problem that ought to have attention, I would regret to see the Board abolished, unless it is not going to function, we are not going to use it, and the money is just being thrown away. I am apprehensive over the fact that there are many organizations, many groups, and so forth, too many, who are more or less subversive, and would be submersive. I just hate to see it abolished.

But if we are not going to use it, and if there is not the backlog of need for it that I think exists, the quicker we abolish it, the better it will be.

Mr. MARDIAN. That, of course, is a determination for the Congress.

Senator MCCLELLAN. Yes, but we need facts upon which to act judiciously or wisely in the interest of our country. That is what we are looking for.

PRESIDENTIAL EXECUTIVE ORDERS

Chairman ELLENDER. We ought to have from you whether or not the President with an Executive order can expand the duties of this Commission which was created by a legislative act. In my opinion, if you go beyond the act creating that Commission, you will be in trouble.

Mr. MARDIAN. We will prepare a legal memorandum for the committee, and we will do it as promptly as possible.

Chairman ELLENDER. Can you do it this week?

Mr. MARDIAN. I am sure we can do it this week.

I would like to make clear: nothing in the Executive order purports to expand the authority of the SACB.

Senator MCCLELLAN. It may have the authority under the statute. I have not examined it. I want to clear that up.

One other thing. I want you to show, if you can, the need for the continuation of this Board.

Mr. MARDIAN. We will try to cover that.

Senator MCCLELLAN. Well, show it. Do you propose to let it sit there a year or two and do nothing?

Mr. MARDIAN. No, sir.

Chairman ELLENDER. Evidently we have. They have had three witnesses and 10 days' work. These Board members are being paid $36,000 a year to warm seats only.

Senator MCCLELLAN. We had the Chairman of the Board right here this morning.

I have supported it because I felt there is a need for it. There either is no need, or if we are not going to use it, like the last Administration did not use it, let us find out, because it has to be settled and resolved on the basis of reality, on the basis of facts. I am not prejudiced either way.

Very well. Thank you, sir.

Mr. MARDIAN. Thank you.

Mr. YOUNG. Mr. President, I rise to support the position taken by the distinguished Senator from Arkansas, the chairman of the subcommittee. I think the conferees did all they possibly could do to get the House to accept our provisions, particularly the ones having to do with the Subversive Activities Control Board and the ILO.

If this was final, if there was no other opportunity to remedy the matter, I would say that we should go back and we might be able to change a few minds. However, there will be another opportunity in the first supplemental bill which is to be considered in September.

In the meantime, there is no possible chance of getting this bill passed if we go back to conference again.

The distinguished Senator from Arkansas has pointed out that even if we have a conference, under the House rules it can be held up for 3 days. Congress will then be over until after the vacation recess.

Some of the things we will lose in addition to the $8 million for narcotics control are among others: $97 million for grants to institutions to help them improve their correctional institutions, $698.9 million for law enforcement, $170 million more than the year before.

These are programs that must go on but that will be postponed until some time in late September or October if the conference report is sent back again.

I really cannot see that anything could be gained by sending it back to conference that could not be obtained by adding the same provisions to the first supplemental bill coming up in September.

Mr. ELLENDER. Mr. President, I do not think I can add much to what has been said by the distinguished Senator from Arkansas. The Appropriations Committee has up to now made a very fine record. I hope we may continue to do so. This conference report involves the Departments of State, Justice, and Commerce, the judicial branch, and many important related agencies.

As the Senator from Arkansas has stated, I do not think there is a possible chance of getting the House to change its position.

When the question of the appointment of conferees arose in the House of Representatives on July 27, Congressman EDWARDS of California moved that the managers on the part of the House of Representatives be instructed to agree to amendment No. 35 relating to the Subversive Control Board. A motion to table the motion of Mr. EDWARDS of California was agreed to on a yea-and-nay vote of 246 to 141. The managers on the part of the Senate were faced with this vote during the conference. On August 2 the conference report was adopted on the floor of the House of Representatives by the overwhelming vote of 337 to 35.

Even though this conference report was rejected, it would not mean that the Subversive Activities Control Board would stop operating, because a continuing resolution will be presented to the Senate within the next 2 days. Under that resolution this Board will keep on operating at the same level as in fiscal 1971.

As has been stated the fiscal 1972 appropriation for this Board is not in controversy. If the conference report is adopted, I have no doubt in my mind that objection will be raised to this Board carrying on the work prescribed for it under the new Executive order. Someone offended by it will certainly take it to the courts, and the courts will probably do with the Executive order as it did with the act of 1950 creating the Board.

Mr. President, there is nothing to be gained, in my opinion, by having this report sent back for further conference. I am very hopeful that the conference report will be adopted. We should go at it in a correct way and that is through legislation to get rid of this Board rather than to try to get rid of it under an appropriation bill.

Mr. President, I completely agree with the statements which have been made by the chairman of the subcommittee. Should this conference report be rejected, I feel sure that it will not be possible to secure enactment into law of this important appropriation bill until September at the earliest. In the meantime, the entire judicial branch of the Government, the Department of State, the Department of Commerce, and the Department of Justice, and many important related agencies, will be operating under a continuing resolution which will authorize operation at the rate of last year. The additional funds which have been placed into this bill for the Bureau of Narcotics and Dangerous Drugs will be of no value in the administration's program to combat drug addiction, since that Agency will have to continue at last year's rate. This increase was in excess of $21 million.

Another important program, the Law Enforcement Assistance Administration, would be in the same predicament—the increase for this Administration was approximately $170 million.

I would also like to point out that for

the Federal prison system the increase over last year was mainly for grants to construct new correctional institutions in the States. This amounts to some $51 million, which would not be available if this conference report is rejected.

Turning to another Department, the Department of Commerce, there is another agency in which we are all interested, and that is the National Oceanic and Atmospheric Administration. The increase here amounts to almost $46 million and will affect many ongoing and proposed programs.

Still another agency in the Department of Commerce is the Maritime Administration, and here, this Agency would not have available to it an increase of some $46 million that is contained in this bill.

There are many other agencies which I have not mentioned.

I hope the conference report is adopted, and if it is, we will have the judicial branch, three departments of Government and some important related agencies operating under their respective appropriations provided for 1972. By all means we should follow that course.

Mr. HRUSKA. Mr. President, I rise to support the proposition that the conference report should be agreed to. The ground has been quite thoroughly covered during this dimension. The Senator from Arkansas summarized the principal points, as well as detailing and documenting them.

We have a practical situation from which escape is not readily contrived: the situation of an appropriation bill of some $4 billion involving three departments, as well as another branch of Government. There is much riding upon the resolution of this conference report by way of progress and orderliness and efficiency. It would be an exercise in futility to reject the conference report.

There is much to what the Senator from North Carolina has said with respect to the doubt which attaches to the constitutionality and propriety of the transfer of certain powers to the Subversive Activities Control Board. But if there is doubt, Mr. President, concerning the authority of the President by Executive order to transfer powers of this sort from one body to another, then this question should be and it will be litigated in the Federal courts. It appears certain that if this Executive order goes into effect someone will bring suit and the issue will be resolved by the judicial branch. The extent of executive authority in this area needs to be determined and Congress rightly should be jealous of its authority and monopoly over legislative power.

However, I feel that because there is sufficient doubt in this particular instance, I am willing to support the President's reasoning and await a final judgment by the courts. I do this first because I feel that the better argument on the question before us is with the Executive and that there are numerous precedents to support his action. But also because I do not want to see the members of the SACB spend another year drawing down healthy salaries with absolutely nothing to do. It is a disgrace that in the past 6 months the Board has had but 3 days of work to occupy its time.

If the Senate feels that the SACB should not have any responsibilities, then a majority should have had the courage to abolish the entire Board and stop this charade. I note that 2 weeks ago a majority did not feel the Board should be abolished and so voted, 47 to 41, but then a few minutes later voted, 51 to 37, to deny it the duties the President has sought to confer on it in response to our oft-repeated pleas. To do less is hypocrisy of the worst sort. The Senate should do one or the other. Having now voted to retain the Board we should permit it to exercise the powers delegated to it by the President, at least until such time as the courts shall determine otherwise.

President Nixon, by his order, was attempting to breathe some life into our moribund employee-security program. The Attorney General's list has gone unrevised since 1955—despite the demise of over 250 organizations on the list and the birth of numerous organizations which should be considered for inclusion on the list. What he was hoping to do was to use existing resources and machinery—already set up, staffed and functioning—to carry out this responsibility. His interest, I am certain, was not to usurp legislative authority which as we all know resides only on this Hill.

Mr. President, the authority of Congress as the sole source of this Nation's legislation is so elementary as to be beyond discussion. Now it is alleged that this power has been called into question, even usurped, by the President in publishing Executive Order 11605, the order which amended Executive Order 10450 relating to the Government's employee security program.

The fact that allegations like this have often been made before in other contexts does not make this charge any less serious. The system of checks and balances in our Government will only work if each coequal branch is vigilant against possible excesses of the others.

Is Executive Order 11605 dated July 2, 1971, an intrusion by the executive branch into the power and authority of the legislative? The issue is by no means clearcut. There are some factors which should be considered, however, before hasty conclusions are reached.

First of all, the presidential order does not create a new body. The Subversive Activities Control Board has existed since 1950, and has had the power to investigate and characterize organizations and individuals as Communist related. The Board was created because of the recognized and documented threat of communism to our form of government and to world peace and freedom. This is a threat which still exists, and which the Congress underscored in enacting Public Law 90-237 on January 2, 1968.

Communism has learned much during the last 20 years, however. The forces and objectives which made communism a threat in the 1940's and 1950's have now become more diffused and disguised, but no less serious to our form of government. Organizations having the same goals, and dedicated to the same principles and methods of operation, are now present in the United States. They do not, however, call themselves Communist organizations. Their members do not call themselves Communists.

Mr. President, if Executive Order 11605 does not create a new body, does it then invest this existing body with new powers and jurisdiction? I believe a compelling argument can be made that it does not, which is why I am willing to support the President and the validity of the order. Should the judicial branch rule otherwise, that would be a different matter, of course, but absent such a ruling I believe the President acted within his authority in redefining the role of the Subversive Activities Control Board in national security. To deny him this right as Chief Executive would be both unfair and unwise.

The statutes governing the creation and operation of the Subversive Activities Control Board, which can be found starting in section 791 of title 50, United States Code, require the Board to determine whether organizations are Communist-action, Communist-front, or Communist-infiltrated. But these are merely labels. What is the real substance which underlies these labels, the threat which the 81st and 90th Congresses were trying to thwart when they created and reiterated the need for control of subversive activities? It is nothing less than the subversion and overthrowing of our Government, replacing it with a totalitarian dictatorship. The congressional finding of necessity in the 1950 act which established the Board makes this plain.

And what does the President's Executive order of July 2 add to the original Executive Order 10450? It requires the Subversive Activities Control Board to determine "whether any organization is totalitarian, Fascist, Communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their right under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means." It can be argued persuasively, I think, that this is a logical and permissible implementation of the law creating the Subversive Activities Control Board—one which complies with the legislative intent of the act of 1950. Certainly it is not inconsistent for the President to take an established body whose mission in life is to investigate and characterize subversive organizations, and to clarify this mission in terms of today's needs in this very area.

Mr. President, it has been suggested that because the distinguished Senator from Mississippi and I have introduced S. 2294, a bill to amend the Subversive Activities Control Act of 1950 in support of the President's recent Executive order, we have admitted that it takes legislation to do what the President has done unilaterally. This is not the case. Both the legislation and the Executive order are designed as complementary measures. Indeed, the bill contemplates and depends upon the existence of Executive Order 11605.

Mr. President, there are many good

reasons for accepting the conference report on this appropriation bill. The issue of the Subversive Activities Control Board is certainly a bad reason for not accepting the report. I am hopeful that the Senate will accept the report.

On the matter of the International Labor Organization, that ground has been plowed thoroughly and diligently. We took a position in favor of funding this activity. It was denied us by the other body, not because of lack of advocacy in favor of the position taken by the senior Senator from New York, but because the other body felt it did not want to admit the legitimacy of proceeding along that line and by a vote of 337 to 35 there was confirmation of their position by Members of the other body.

Mr. President, I hope this report is agreed to and that we may go forward in an orderly fashion.

Mr. MANSFIELD. Mr. President, I hope we could get to a vote on this matter very shortly. It has been a long, hard day. We have had the arguments advanced on both sides. The distinguished Senator from North Carolina who placed his arguments—and they were very cogent—before this body for consideration relative to the Subversive Activities Control Board. He pointed out if this matter is going to be decided in the courts it may well take 3, 4, or 5 years before that objective is accomplished.

On the other hand, the distinguished Senator from Nebraska has given us the other side of the argument and has indicated he favors the executive authority issued by the President on July 2, on which there is a grave and serious question with respect to violating the existence of this body. It has been suggested by the chairman of the conference that legislation should be forthcoming.

I would express the hope that legislation would be forthcoming, and not bottled up in committee but brought before the Senate for consideration.

This is a most serious question and a most serious issue because here, once again, and in a sense it has been highlighted by the Senator from North Dakota, the question of executive superiority over the legislative branch has come to the fore and it is a question which should be settled one way or another.

The issue before the Senate is to vote either up or down the pending conference report. The arguments have all been made. I hope we will be able to vote shortly.

Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, the majority leader pointed out that this has been a long and tiring day. As a matter of fact, the Senator from Rhode Island has been on his feet since 10 o'clock this morning. I do not think we should shut off debate. I think every Senator should be allowed to say whatever he wants to say, either for or against this measure.

However, could we not have a unanimous-consent agreement to vote at 9 o'clock tomorrow morning and let every Senator talk until midnight if he wishes?

Mr. MANSFIELD. If we could vote in the next 15 minutes, I would be delighted to push that request, because the distinguished Senator from Rhode Island has been on his feet since 10 o'clock this morning. It has been an arduous day for him.

Mr. President, I ask unanimous consent, first, that the vote take place at a quarter of 7.

Mr. FULBRIGHT. Mr. President, reserving the right to object, I should like to speak for about 3 or 4 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Arkansas may have 5 minutes.

The PRESIDING OFFICER (Mr. Hart). Is there objection? Are the 5 minutes to be included in the 15 minutes? The first 5 minutes are to be for the Senator from Arkansas?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President, I certainly am not disposed to delay the Senate, but on this issue I am greatly embarrassed. I know of no Member of this body who has done more effective work for the reestablishment of the proper role of this body than the Senator from North Carolina (Mr. Ervin). In his efforts in this respect and on many other issues which he has been pursuing in the last several years, I have supported him. I have told him that on this subject I support him, and I did support him in the previous vote.

I am very much torn by the fact that I am opposing my colleague from Arkansas (Mr. McClellan). I am most sympathetic toward him, because I know that he has done everything he could to persuade the House conferees. I know that he has done an excellent job, not only on this subject but also on the other subjects in the bill. It is extremely embarrassing for me not to support my colleague from Arkansas. However, I have made a specific commitment to support the Senator from North Carolina on the issue of the SACB and what is involved in it.

It is not only the SACB. I recognize the validity of the argument that this might not be an effective way to proceed, since the time element is so important. On the other hand, the issue of the right of Congress to legislate and the issue of trying to make Congress again the effective body that I believe it was once was are extremely important. I therefore feel constrained to support the position of the Senator from North Carolina because of my previous commitment.

There is one subject on which I should like to inquire of the distinguished Senator from North Dakota. He said there would be an opportunity in the fall to vote again on this matter. I am not quite clear as to what he refers to. How will this matter come up again in, say, September or October? In some other legislation?

Mr. YOUNG. There will be another supplemental appropriation bill.

Mr. FULBRIGHT. How will it affect the SACB? I thought this bill carried the full amount of SACB funds for the coming fiscal year. I am not clear as to how we will have another opportunity.

Mr. YOUNG. I had reference to the International Labor Organization appropriation.

Mr. FULBRIGHT. Oh. But the appropriation for the SACB is in this bill, and we will have no further opportunity to vote on this matter this fall. I misunderstood the Senator's reference.

I say to my colleague from Arkansas and to the other members of the committee that I think they have been most fair with respect to the other subjects in the bill in which I am interested. I deeply regret that I feel, because of previous discussions and a commitment on the subject of the SACB, that I must vote against the conference report.

I ask unanimous consent to have printed in the Record as a part of my remarks a very fine editorial on this subject appearing in the July 29, 1971 edition of the Arkansas Democrat, one of the leading newspapers in my State. It is very pertinent and sums up the argument against the continuation of the Subversive Activities Control Board.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Arkansas Democrat, July 29, 1971]

$450,000 for Nothing

Previous Presidents have hesitated to act friendly to China mainly because they feared the reaction of the anti-Communist fear mongers. Mr. Nixon has shown that he does not share that fear. But, oddly enough, he has attempted to expand the activities of the Subversive Activities Control Board, a useless agency that continues to exist because of fear of anti-Communist reaction.

Ironically, the Senate voted to block the expansion but to continue the existence of the board. Leading the fight against expansion was that tough old conservative, Sam Ervin of North Carolina, who labeled it an unconstitutional usurpation of legislative authority.

The board should be abolished. It is wasting $450,000 a year, including $36,000 apiece for the five political appointees who comprise it. One member admitted they heard only three witnesses last year and did nothing else. Everyone in Congress knows it is useless. Its members know it is useless. President Nixon knows it is useless. And now, with the President openly trying to get on good terms with Communists all over the world, why should he be timid about incurring the wrath of the professional anti-Communists by abolishing this board?

The only function the board ever had was to label organizations and individuals as subversive without the due process guaranteed in the Constitution. That's why the courts stripped it of its functions. Mr. Nixon's move would merely have restored some of those functions, at least until ruled unconstitutional again. It was an irresponsible act, trying to expand it.

It also is ironic that the administration would be trying to extend the board's function at the same time it is prosecuting Daniel Ellsberg for leaking Pentagon secrets. The administration just got Otto Otepka appointed to the board, as a reward for his leaking State Department secrets to congressional committees.

The SACB is a useless, expensive board that should be abolished and probably can be without alienating many voters—certainly fewer than will be alienated by Mr. Nixon's China trip. The Senate came close to doing it—the vote was 47-40 on the appropriation. Maybe next time, after another half-million dollars has been squandered, this board will go the way of earlier witch-hunting tribunals.

Mr. JAVITS. Mr. President, may I ask for some time?

The PRESIDING OFFICER. No provision was made for the Senator from New York.

Mr. JAVITS. Mr. President, I shall take just 2 minutes.

I understand that when I was out of the Chamber the argument was made, respecting the ILO, which is one of the two issues before us, that it could be taken care of in a supplemental bill.

The argument against that position is that this seems to be an intransigent position on the part of somebody to wait until the last minute, until we are just about ready to be thrown out, and then pay our dues, which I consider so demeaning to the United States. It seems to me if we are going to swallow this absolute and unreasoned argument, we are going to have the same argument used in a supplemental bill.

What is even worse is the calendar. The governing body of ILO meets this October, and the extent to which the organization will be dismantled or changed is very likely to be decided then out of a sheer sense of outrage that we have taken this position, especially since we have no intention of resigning but are just withholding the payment of dues. Naturally men's backs go up at that kind of attitude.

For these reasons, considering what is involved, I hope the Senate will turn down the conference report so we may have an opportunity to make our contribution.

Mr. KENNEDY. Mr. President, I rise in opposition to the conference report appropriating funds for the Subversive Activities Control Board. The conference rejected the amendment adopted by the Senate by a vote of 51 to 36, an amendment which I believe is critical to maintain the separation of powers prescribed by the Constitution. The amendment would have prohibited any of the funds appropriated to the SACB to be used to carry out new functions grafted to the board by the President's July 8 Executive order. If we accept the appropriations measure without that amendment, then we are giving the President carte blanche to spread his doctrine of "inherent power" through the Government, adding powers to one agency and taking powers from another—all without congressional authority.

The doctrine espoused by the administration now affects only the Subversive Activities Control Board, a vestigial reminder of the hysterical anticommunism of two decades ago, a vestigial reminder of a time when reputations of decent men were tarnished by insinuation and half truth, a vestigial reminder of any all-too-recent failure of our institutions.

But, if we permit this doctrine to gain a foothold today, then it is evident that soon there will be other Executive orders asserting new powers for other agencies and relying on passage of omnibus appropriations measures as adequate congressional authorization.

The distinguished Senator from North Carolina has led the effort to prevent the dissolution of congressional control. We should not have to be urged to this action. We have seen in the recent past in Vietnam what can occur when the Congress gives the President free rein to undertake foreign policy decisions. Now we are being asked to do the same in the domestic arena.

And, it is perhaps most disturbing when we examine the history of the agency which the President seeks to expand with new powers. Since 1950, the SACB has not succeeded in registering a single group or individual as "subversive" without violating the Constitution. Five times, the Supreme Court has found the orders of the SACB to have been issued in the face of clear constitutional prohibitions. Only 2 years ago, the Court ruled that even some of the Board's preliminary factfinding functions were carried out in a manner that abridged the freedom of association protections of the first amendment.

With this unimpressive past, I find it particularly unwise that the President has sought to transfer additional powers to the SACB instead of taking the more rational approach of requesting the dissolution of an agency that has no justification for existing in a free society.

And recent testimony and statements of administration officials seem to indicate that the SACB under its new powers will not be limited to Government security questions. Instead, it will be used to expose individuals and organizations both within and without the Government.

To hold hearings, to conduct trials, and to compile individual dossiers on petition of the Attorney General is to recall the repressive years of the fifties.

In the early 1950's, similar witchhunts cost the Nation the service of its top State Department experts on China, and for nearly two decades our policymaking on far eastern affairs was crippled by the absence of such men as John Marion Davies and John S. Service.

And even beyond the suppression of opinion contrary to official policy that would be the first result of giving this organization free rein, there is the clear indication that this administration sees a need for exposing individuals and groups outside the Government whose ideas Government officials consider to be "subversive."

Thus, in testimony before the Senate Appropriations Subcommittee, John Mahan, Chairman of the Subversive Activities Control Board, testified that the purpose of the SACB was to "expose and disclose," to try individuals and groups.

A week later, Deputy Attorney General Richard Kleindienst stated on a television interview that the way to deal with those he defined as subversives is "* * * by being sure that those who actually advocate this kind of conduct are exposed." Two weeks later Executive Order 11605 was issued.

And then, only this morning in testimony before the House Subcommittee on Internal Security, Assistant Attorney General for Internal Security Robert C. Mardian agreed that the SACB's function is to expose organizations.

Mr. President, the path of a free society should be away from the witchhunt, away from the endless investigation and inquiry into groups which use the right of free speech and association to express strong dissent from Government action, dissent which at times embarrasses and which at times offends. But a free society must accept that dissent as a price it must pay for its freedom.

Therefore, I strongly urge that the Senate vote to return this measure to the conference with the clear instruction to reinstitute the prohibition against the use of any funds for purposes unauthorized by the Congress.

Mr. WILLIAMS. Mr. President, I join with Senators who are opposing Senate acceptance of the conference report on the bill making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies. This is an action which is somewhat regrettable since it entails the delay of an appropriations measure. However, in this case the issues involved can be said to be sufficiently crucial to warrant this opposition. I refer to the rejection by the House conferees of two important amendments which were desired by the Senate, an amendment by Senator ERVIN to bar the Subversive Activities Control Board from exercising certain additional powers which the President wishes to confer upon it, and a committee amendment to provide money for dues which we owe to the International Labor Organization.

Senator ERVIN's amendment is significant for several reasons. Most importantly, it is an attempt to prevent the Subversive Activities Control Board from assuming a new function, one which was not contained in its original mandate, and one which, if it is to be given at all, should be provided by the Congress, not the President. It is a function which is not only of questionable constitutionality, but one which has an enormous potential for doing grievous harm to the reputations of many innocent people. No one who remembers the hunt for subversives which characterized the period following the Korean war need be reminded of the damage to the lives of many persons who were confronted with an overzealous misuse of a similar mandate for seeking out and labeling subversives. I heartily object to the form of "guilt by association" which attends the arbitrary designation of a group as subversive or disloyal. Our Nation is a society ruled by law. If an individual is shown to be disloyal through the violation of these laws, then the full measures of punishment provided for by these laws should be effected. Mere association of a person with another person or group of people deemed—sometimes arbitrarily—to be subversive, should not be considered a presumption of guilt.

In addition, I do not feel that Congress should be placed in the position of approving an appropriations measure when that approval would also be interpreted as a sanction for a new administrative function. Not only is this a questionable use of an appropriations measure, but the timing involved represents a considerable circumvention of the Congress. The Executive order purporting to establish this new authority was issued on July 2, and published only on July 8, 2 days after the Senate Appropriations Committee had already held hearings, and a full 10 days after the House had passed the bill. By no stretch of the imagination could the Congress have been said to have had an opportunity to consider this matter.

With respect to the deletion of funds to pay our assessed dues to the ILO, I believe that such action, if accepted by the Senate, would seriously undermine this Nation's influence in that important international organization. The result would be to leave the Soviet Union as the most potent force in the ILO, and provide it with an enhanced opportunity to turn the activities of the ILO to its own purposes.

It is true that certain policies and procedures of the ILO have given cause for concern to those in this country who have supported its mission, but it is clear that substantial improvement in this situation has been evidenced during the past year. It would be a great mistake, at this point in time, to discourage further improvement by putting an end to our effective role in that organization.

Over the years the ILO has made, and continues to make, a most significant impact in the constant struggle to better the human lot throughout the world. Through its technical assistance programs, its encouragement of the growth of free trade unions and collective bargaining, and its fostering of legislation relating to such matters as social security, minimum wages, industrial safety, and human rights, the ILO has been a major force in bringing about sound growth and progress in developing countries, and in enhancing the protections for workers the world over.

The United States has customarily played a most constructive part in these activities through the tripartite system of representation which has permitted the effective participation of labor, business, and government. In my view, it would be a tragic miscalculation for us to now forsake that role and jeopardize the great contribution that can be made by the ILO in the future. It hardly needs saying that the effect of such action would be to seriously tarnish the credibility of our leadership in other international agencies as well.

Mr. President, I believe we must reject the conference agreement because it fails to include these two provisions which have such strong support in the Senate—a support which I know is well grounded in the compelling dictates of good conscience.

Mr. TUNNEY. Mr. President, I am reluctant to take what I consider to be the drastic legislative step of voting against a conference report, but I believe that the situation before us calls for such action.

We are confronted with a situation in which the President has arrogated unto himself the very legislative powers which the Constitution vested solely and exclusively in the Congress. The Constitution of the United States makes crsytal clear the nature of the separation of powers in our Government. The very first section of the first article states, in no uncertain terms—

> All legislative powers herein granted shall be vested in a Congress of the United States.

Not "some" or "many" or "all powers not inherent in the President," but "all legislative powers."

Let us make no mistake about the nature of the situation confronting us today. We are presented with an attempt by the President to accomplish, by a blatant end-around run, a vast expansion of the powers of the Subversive Activities Control Board. This extension goes far beyond the powers which Congress defined in the statute creating the Board and is in direct conflict with the power of the Congress to determine by statute the precise powers to be exercised by any agency created by it.

We have seen far too many examples in the past few years of the tragic results of unchecked presidential power in foreign affairs. We are now being asked to stand by idly once more in passive witness to the steady erosion of congressional power. In fact, the President has made this confrontation all the more important by choosing to read congressional approval of this appropriations bill as express ratification and approval of the principle that the President may change the terms of a statute by Executive Order. This assertion of unauthorized executive power is absolutely outrageous, and simply cannot be tolerated by the Senate.

Mr. President, an editorial in this morning's Washington Post makes the point rather clearly, and I ask unanimous consent that it be inserted at this point in the RECORD:

"INHERENT POWERS" AND PRESIDENTIAL GOVERNMENT

> The Senate is to vote today, whether its members realize it or not, on a proposition which would put Congress in the position of acting as a mere appendage of the presidency. There were those in the early days of the New Deal who castigated Congress as no more than a "rubber stamp" because in a national emergency it followed vigorous presidential leadership by enacting promptly legislation recommended by President Roosevelt. Today, however, it is being asked to demean itself in a far more drastic and dangerous way. President Nixon has asked it to ratify legislation already "enacted" by himself through executive order and to signify its submission through approval of an appropriation bill. Twenty-eight Senators, in a letter to Senate Majority Leader Mike Mansfield, have characterized the executive order—without any extravagance whatever—as "an outrageous assertion of unauthorized presidential power."
>
> The executive order at issue concerns the Subversive Activities Control Board, that malign and functionless excrescence created by the Internal Security Act of 1950. Mr. Nixon proposed, by a wave of his presidential wand, to transform it from its well-deserved desuetude into a powerful censor of the voluntary associations which American citizens generally and government employees particularly may join; he proposed to do this by giving it functions entirely different from those given to it by Congress. At first, the President paid Congress the courtesy of asking it to enact legislation granting the SACB the powers he wanted it to wield; but finding Congress unwilling to do what he wanted, the President has indicated that he will regard passage of an omnibus appropriation bill (of which the SACB allotment constitutes no more than a tiny fraction) as congressional approval of his executive order.
>
> Fortunately, as so often happens when essential liberty is imperiled, Sen. Sam Ervin rode to the rescue. The President's order, he pointed out, "raises difficult constitutional questions. The most serious issue involves the President's attempt to exercise legislative power by amending the Act of Congress which sets out the board's duties. To assign a new role to an independent board is an exercise of legislative powers which the Constitution gives exclusively to Congress." He is manifestly right, of course. The Constitution says flatly in the very first section of its first article that "*All* legislative powers herein granted shall be vested in a Congress of the United States."
>
> Senator Ervin succeeded, when the appropriation measure embracing the SACB was before the Senate, in attaching to it an amendment which specified that no part of the appropration should be used to carry out the executive order. But his amendment was not included in the House appropriation bill and was deleted in the conference committee report. In view of the interpretation which the President proposes to put upon it, this appropriation bill ought to be defeated. "Congress," as the 28 senators wrote to Mike Mansfield, "cannot allow itself to be put in a position of approving in advance and in ignorance an executive upsurpation of authority which the Constitution gives to Congress and denies to the executive branch."
>
> The pretext for this executive usurpation is once more, as so repetitively in the recent past, an assertion of "inherent" presidential power. "We hear 'inherent power' all the time these days," Sam Ervin thundered. " 'Inherent power' is just the modern equivalent of the divine sovereignty of kings." Congress had better put a stop to it before it puts a stop to congressional power.

I would like to read the first sentence of that editorial:

> The Senate is to vote today, whether its Members realize it or not, on a proposition which would put Congress in the position of acting as a mere appendage of the Presidency.

I think that statement puts the situation quite succinctly.

The issue is even more important, however, because of its present context—the particular agency which the President is attempting to expand of his own accord. At a time when our citizens are deeply concerned about the nature and extent of their individual freedoms, the President proposes an incredible extension of the very agency that threatens those freedoms the most—the Subversive Activities Control Board. Americans are deeply concerned over the specter of five men determining what is "American" and "un-American" and creating an official blacklist which slanders those who hold unpopular or even outrageous views. For a Nation which prides itself on freedom of thought, association and expression, there can be no more important issues than the extent to which any Government agency will be allowed to sit in judgment on political beliefs. Yet we are in the position where without a single minute of hearings, without even the briefest opportunity for consideration, we are asked to ratify a fait accompli. I reject that ratification, Mr. President, and I ask all of my colleagues to do likewise. Regardless of how they may feel on the merits of the SACB itself, we simply cannot allow this "divine right" theory of the Presidency to continue.

Mr. MANSFIELD. Mr. President, if no other Senator wishes to speak, I ask unanimous consent to revise the unanimous-consent agreement by providing that there be a quorum call of 2 minutes, to be followed by the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. To reject the conference report, the vote is "nay." To agree to the conference report, the vote is "yea." Is that correct?

The PRESIDING OFFICER. A "yea" vote is a vote to agree to the conference report; a "nay" vote is a vote against the conference report.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh) and the Senator from Oklahoma (Mr. Harris) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Vermont (Mr. Prouty), the Senator from Ohio (Mr. Saxbe), and the Senator from South Carolina (Mr. Thurmond) are detained on official business.

The Senator from Utah (Mr. Bennett) and the Senator from Arizona (Mr. Goldwater) are necessarily absent.

The result was announced—yeas 46, nays 44, as follows:

[No. 190 Leg.]

YEAS—46

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bentsen
Bible
Brock
Buckley
Byrd, Va.
Byrd, W. Va.
Cooper
Cotton
Curtis
Dole
Dominick
Ellender
Fannin
Fong
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Inouye
Jackson
Long
Magnuson
Mansfield
McClellan
McIntyre
Miller
Montoya
Pastore
Randolph
Roth
Smith
Sparkman
Spong
Stennis
Talmadge
Tower
Weicker
Young

NAYS—44

Aiken
Boggs
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mathias
McGee
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NOT VOTING—10

Bayh
Bennett
Eastland
Goldwater
Harris
Metcalf
Mundt
Prouty
Saxbe
Thurmond

So the report was agreed to.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $68,654,000: Provided, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: Provided further, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $39,172 and $30,089 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $50,689 and $38,671 per annum, respectively.

Mr. McCLELLAN. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 26.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that, notwithstanding the provisions of the Legislative Reorganization Act, the conference report on H.R. 9272 not be printed as a Senate report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I submit a summary of the bill and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1971 AND THE BUDGET ESTIMATES FOR FISCAL YEAR 1972—PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL FUNDS

[Becomes available automatically under earlier, or "permanent" law without further, or annual, action by the Congress. Thus, these amounts are not included in the accompanying bill]

Agency and item (1)	New budget (obligational) authority, 1971 (2)	Budget estimates of new (obligational) authority, 1972 (3)	Increase (+) or decrease (−) (4)
DEPARTMENT OF STATE			
Payment to Foreign Service retirement and disability fund	$2,530,000	$5,440,000	+$2,910,000
Educational exchange permanent appropriations	353,000	353,000	
International center, Washington, D.C.	250,000	250,000	
Payment to the Republic of Panama	1,930,000	1,930,000	
Total, Department of State	5,063,000	7,973,000	+2,910,000
DEPARTMENT OF COMMERCE			
National Oceanic and Atmospheric Administration: Promote and develop fishery products and research pertaining to American fisheries	7,626,000	7,626,000	
Maritime Administration:			
Operating-differential subsidies	223,800,000	219,159,000	−4,641,000
State marine schools	1,453,000	1,236,000	−217,000
Total, Department of Commerce	232,879,000	228,021,000	−4,858,000
SMALL BUSINESS ADMINISTRATION			
Payment of participation sales insufficiencies	$2,725,000	$2,934,000	+$209,000
Grand total, permanent new budget (obligational) authority, Federal funds	240,667,000	238,928,000	−1,739,000
DEPARTMENT OF STATE			
Foreign Service retirement and disability fund	24,813,000	26,580,000	+1,767,000
Miscellaneous permanent appropriations	381,000	381,000	
Gifts and bequests, National Commission on Educational, Scientific, and Cultural Cooperation	5,000	2,000	−3,000
Educational exchange trust funds	350,000	350,000	
Total, Department of State	25,549,000	27,313,000	+1,764,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1971 AND THE BUDGET ESTIMATES FOR FISCAL YEAR 1972—PERMANENT NEW BUDGET (OBLIGATIONAL) AUTHORITY—FEDERAL FUNDS—Continued

[Becomes available automatically under earlier, or "permanent" law without further, or annual, action by the Congress. Thus, these amounts are not included in the accompanying bill]

Agency and item (1)	New budget (obligational) authority, 1971 (2)	Budget estimates of new (obligational) authority, 1972 (3)	Increase (+) or decrease (−) (4)
DEPARTMENT OF COMMERCE			
General administration:			
Gifts and bequests	$278,000	$231,000	−$47,000
Special statistical work	3,000	3,000	
Office of Business Economics: Special statistical work	40,000	40,000	
Bureau of the Census: Special statistical work	3,500,000	3,500,000	
Regional action planning commissions	14,701,000	14,796,000	+95,000
Domestic business activities: Special statistical work	16,000	16,000	
International activities:			
Contributions, educational and cultural exchange	1,853,000	1,663,000	−190,000
Special statistical work	5,000	5,000	
National Oceanic and Atmospheric Administration: Miscellaneous trust funds	1,777,000	1,798,000	+21,000
National Bureau of Standards: Clearinghouse for technical information	3,840,000	4,100,000	+260,000
Total, Department of Commerce	26,013,000	26,152,000	+139,000

Agency and item (1)	New budget (obligational) authority, 1971 (2)	Budget estimates of new (obligational) authority, 1972 (3)	Increase (+) or decrease (−) (4)
THE JUDICIARY			
Judicial survivors' annuity fund	$1,620,000	$1,740,000	+$120,000
Operation of the Public Defender Service for the District of Columbia	1,170,000	1,523,000	+353,000
Total, the Judiciary	2,790,000	3,263,000	+473,000
RELATED AGENCIES			
American Battle Monuments Commission: Contributions	15,000	15,000	
U.S. Information Agency: Trust funds	28,000	13,000	−15,000
Total, related agencies	43,000	28,000	−15,000
Grand total, permanent new budget (obligational) authority, trust funds	54,395,000	56,756,000	+2,361,000

Note: Some items are indefinite in amount, and thus are subject to reestimation.

ADMINISTRATIVE EXPENSES OF GOVERNMENT CORPORATIONS

[Limitation on amounts of corporate funds to be expended]

Agency and item (1)	New budget (obligational) authority, fiscal year 1971 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1972 (3)	New budget (obligational) authority recommended in House bill (4)	Amount recommended by Senate committee (5)
DEPARTMENT OF JUSTICE				
Federal Prison Industries, Incorporated	($5,178,000)	($7,108,000)	($6,738,000)	($6,738,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Item (1)	New budget (obligational) authority, fiscal year 1971 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1972 (3)	New budget (obligational) authority recommended in House bill (4)	Senate bill (5)	Conference action (6)
TITLE I—DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Salaries and expenses	$233,687,000	$245,500,000	$244,750,000	$244,750,000	$244,750,000
Representation allowances	993,000	993,000	993,000	993,000	993,000
Acquisition, operation, and maintenance of buildings abroad	14,300,000	19,000,000	18,000,000	19,000,000	18,750,000
Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)	6,500,000	6,850,000	6,850,000	6,850,000	6,850,000
Emergencies in the diplomatic and consular service	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000
Payment to Foreign Service retirement and disability fund	2,958,000	1,958,000	1,958,000	1,958,000	1,958,000
Total, administration of foreign affairs	260,538,000	276,401,000	274,651,000	275,651,000	275,401,000
International Organizations and Conferences					
Contributions to international organizations	141,319,000	160,680,000	152,774,000	160,680,000	152,864,000
Missions to international organizations	4,627,000	4,815,000	4,793,000	4,815,000	4,793,000
International conferences and contingencies	2,130,000	2,325,000	2,125,000	2,125,000	2,125,000
Total, international organizations and conferences	148,076,000	167,820,000	159,692,000	167,620,000	159,782,000
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	1,072,000	1,135,000	1,135,000	1,135,000	1,135,000
Operation and maintenance	2,716,000	2,810,000	2,810,000	2,810,000	2,810,000
Construction	4,200,000	6,280,000	4,500,000	6,280,000	6,280,000
American sections, international commissions	653,000	768,000	725,000	725,000	725,000
International fisheries commissions	2,543,800	2,918,000	2,900,000	3,318,000	3,100,000
Total, international commissions	11,184,800	13,911,000	12,070,000	14,268,000	14,050,000
Educational Exchange					
Mutual educational and cultural exchange activities	37,176,000	40,466,000	40,000,000	42,000,000	40,500,000
Mutual educational and cultural exchange activities (special foreign currency program)		5,000,000			
Center for cultural and technical interchange between East and West	5,260,000	6,000,000	5,260,000	6,000,000	5,630,000
Total, educational exchange	42,436,000	51,466,000	45,260,000	48,000,000	46,130,000
Total, title I, Department of State	462,234,800	509,598,000	491,673,000	505,539,000	495,363,000

Item	New budget (obligational) authority, fiscal year 1971 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	Senate bill	Conference action
(1)	(2)	(3)	(4)	(5)	(6)
TITLE II—DEPARTMENT OF JUSTICE					
Legal Activities and General Administration					
Salaries and expenses, general administration	$9,332,000	$10,893,000	$10,250,000	$10,250,000	$10,250,000
Salaries and expenses, general legal activities	36,065,000	40,496,000	39,750,000	39,750,000	39,750,000
Salaries and expenses, Antitrust Division	11,079,000	12,060,000	12,060,000	12,060,000	12,060,000
Salaries and expenses, U.S. attorneys and marshals	68,654,000	86,972,000	83,472,000	83,472,000	83,472,000
Fees and expenses of witnesses	6,900,000	6,500,000	6,500,000	6,500,000	6,500,000
Salaries and expenses, Community Relations Service	4,627,000	[1] 6,585,000	5,250,000	6,885,000	5,917,000
Total, legal activities and general administration	136,657,000	163,506,000	157,282,000	158,617,000	157,949,000
Federal Bureau of Investigation					
Salaries and expenses	294,565,000	334,486,000	334,486,000	334,486,000	334,486,000
Immigration and Naturalization Service					
Salaries and expenses	121,940,000	130,578,000	130,578,000	130,578,000	130,578,000
Federal Prison System					
Salaries and expenses, Bureau of Prisons	90,845,000	105,225,000	103,500,000	103,500,000	103,500,000
Buildings and facilities	22,150,000	74,153,000	57,842,000	59,801,000	59,801,000
Support of U.S. prisoners	12,000,000	14,250,000	13,000,000	13,000,000	13,000,000
Total, Federal prison system	124,995,000	193,628,000	174,342,000	176,301,000	176,301,000
Law Enforcement Assistance Administration					
Salaries and expenses	529,000,000	698,919,000	698,919,000	698,919,000	698,919,000
Bureau of Narcotics and Dangerous Drugs					
Salaries and expenses	43,705,000	[2] 66,689,000	57,089,000	65,089,000	65,089,000
Total, title II, Department of Justice	1,250,862,000	1,587,806,000	1,552,696,000	1,563,990,000	1,563,322,000
TITLE III—DEPARTMENT OF COMMERCE					
General Administration					
Salaries and expenses	[3] 7,075,000	7,320,000	7,320,000	7,320,000	7,320,000
Office of Business Economic					
Salaries and expenses	4,114,000	4,763,000	4,400,000	4,400,000	4,400,000
Bureau of the Census					
Salaries and expenses	23,197,000	25,650,000	23,750,000	23,750,000	23,750,000
Nineteenth Decennial Census	40,808,000	13,618,000	13,618,000	13,618,000	13,618,000
1972 census of governments	336,000	1,439,000	1,439,000	1,439,000	1,439,000
1972 economic censuses	1,263,000	4,078,000	3,750,000	3,750,000	3,750,000
Modernization of computing equipment	3,000,000				
Total, Bureau of the Census	68,604,000	44,785,000	42,557,000	42,557,000	42,557,000
Economic Development Administration					
Development facilities	160,000,000	160,000,000	160,000,000	160,000,000	160,000,000
Industrial development loans and guarantees	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000
Planning, technical assistance, and research	20,795,000	20,855,000	20,855,000,	20,855,000	20,855,000
Operations and administration	22,520,000	23,700,000	23,500,000	23,500,000	23,500,000
Total, Economic Development Administration	253,315,000	254,555,000	254,355,000	254,355,000	254,355,000
Regional Action Planning Commissions					
Regional development programs	39,000,000	39,054,000	39,054,000	39,054,000	39,054,000
Domestic Business Activities					
Salaries and expenses	[3] 14,256,000	15,438,000	15,250,000	15,250,000	15,250,000
Trade Adjustment Assistance					
Financial assistance		110,000,000	65,000,000	65,000,000	65,000,000
International activities					
Salaries and expenses	[3] 22,862,000	23,446,000	23,350,000	23,350,000	23,350,000
Salaries and expenses (special foreign currency program)	200,000	200,000	200,000	200,000	200,000
Export control	6,394,000	6,111,000	6,111,000	6,111,000	6,111,000
Total, international activities	29,456,000	29,757,000	29,661,000	29,661,000	29,661,000
Foreign Direct Investment Regulation					
Salaries and expenses	2,995,000	2,725,000	2,600,000	2,600,000	2,600,000
Minority Business Enterprise					
Salaries and expenses	2,096,000	3,597,000	3,597,000	3,597,000	3,597,000
National Industrial Pollution Control Council					
Salaries and expenses	307,000	315,000	310,000	310,000	310,000
U.S. Travel Service					
Salaries and expenses	[3] 4,505,000	9,474,000	6,500,000	7,500,000	6,500,000
National Oceanic and Atmospheric Administration					
Salaries and expenses	[3] 163,251,000	187,406,000	180,000,000	186,134,000	183,067,000
Research, development and facilities	[3] 92,793,000	113,460,000	100,000,000	116,430,000	108,215,000
Research and development (special foreign currency program)	[3] 15,000	900,000	500,000	500,000	500,000
Satellite operations	[3] 25,497,000	31,925,000	27,500,000	30,739,000	29,120,000
Administration of Pribilof Islands	[3] 2,892,000	2,914,000	2,914,000	2,914,000	2,914,000
Limitation on administrative expenses, Fisheries Loan Fund	[3] (385,000)	(417,000)	(417,000)	(417,000)	(417,000)
Fishermen's Protective Fund	[3] 60,000	61,000	61,000	61,000	61,000
Total, National Oceanic and Atmospheric Administration	284,508,000	336,666,000	310,975,000	336,778,000	323,877,000

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated]

Item (1)	New budget (obligational) authority, fiscal year 1971 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1972 (3)	New budget (obligational) authority recommended in House bill (4)	Senate bill (5)	Conference action (6)
TITLE III—DEPARTMENT OF COMMERCE—Continued					
Patent Office					
Salaries and expenses	$56, 094, 00	$59, 690, 000	$59, 250, 000	$59, 450, 000	$59, 250, 000
National Bureau of Standards					
Research and technical services	[3] 44, 749, 000	48, 414, 000	46, 000, 000	47, 000, 000	47, 000, 000
Research and technical services (special foreign currency program)	500, 000	500, 000	500, 000	500, 000	500, 000
Plant and facilities	965, 000	590, 000	575, 000	575, 000	575, 000
Total, National Bureau of Standards	46, 214, 000	49, 504, 000	47, 075, 000	48, 075, 000	48, 075, 000
Office of Telecommunications					
Research, engineering, analysis, and technical services	[3] 4, 019, 000	5, 166, 000	4, 907, 000	4, 907, 000	4, 907, 000
Maritime Administration					
Ship construction	187, 500, 000	229, 687, 000		229, 687, 000	229, 687, 000
Operating-differential subsidies (appropriation to liquidate contract authority)	(273, 000, 000)	(239, 145, 000)		(239, 145, 000)	(239, 145, 000)
Research and development	20, 700, 000	25, 000, 000		23, 750, 000	23, 750, 000
Salaries and expenses	22, 201, 000	22, 210, 000		22, 210, 000	22, 210, 000
Maritime training	7, 080, 000	7, 513, 000		7, 513, 000	7, 513, 000
State marine schools	977, 000	801, 000		801, 000	801, 000
(Appropriation to liquidate contract authority)	(1, 453, 000)	(1, 399, 000)		(1, 399, 000)	(1, 399, 000)
Total, Maritime Administration	238, 458, 000	285, 211, 000		283, 961, 000	283, 961, 000
Total, title III, Department of Commerce	1, 054, 976, 000	1, 258, 020, 000	892, 811, 000	1, 204, 775, 000	1, 190, 674, 000
TITLE IV—THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses		4, 594, 000	(4)		
Salaries	3, 186, 500		3, 482, 000	3, 482, 000	3, 482, 000
Printing and binding Supreme Court reports	278, 000		317, 000	317, 000	317, 000
Miscellaneous expenses	224, 000		318, 000	318, 000	318, 000
Automobile for the Chief Justice	11, 800		13, 400	13, 400	13, 400
Books for the Supreme Court	46, 000		49, 000	49, 000	49, 000
Care of the building and grounds	502, 000	555, 00	547, 600	547, 600	547, 600
Total, Supreme Court of the United States	4, 248, 300	5, 149, 000	4, 727, 000	4, 727, 000	4, 727, 000
Court of Customs and Patent Appeals					
Salaries and expenses	647, 000	664, 000	664, 000	664, 000	664, 000
Customs Court					
Salaries and expenses	2, 274, 800	2, 355, 000	2, 355, 000	2, 355, 000	2, 355, 000
Court of Claims					
Salaries and expenses	2, 019, 000	2, 087, 000	2, 087, 000	2, 087, 000	2, 087,000
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries of judges	24, 400, 000	25, 643, 000	25, 643, 000	25, 643, 000	25, 643, 000
Salaries of supporting personnel	60, 199, 000	72, 425, 000		69, 296, 000	68, 654, 000
Representation by court-appointed counsel and operation of defender organizations	10, 000, 000	13, 300, 000	12, 000, 000	12, 000, 000	12, 000, 000
Fees of jurors	15, 930, 000	17, 230, 000	15, 930, 000	15, 930, 000	15, 930, 000
Travel and miscellaneous expenses	9, 310, 000	10, 176, 000	9, 600, 000	9, 660, 000	9, 600, 000
Adminstrative Office of the U.S. Courts	2, 635, 000	3, 682, 000	3, 125, 000	3, 125, 000	3, 125, 000
Salaries and expenses of U.S. magistrates	4, 560, 000	6, 285, 000	5, 700, 000	5, 700, 000	5, 700, 000
Salaries of referees (special fund)	6, 242, 000	6, 416, 000	6, 416, 000	6, 164, 000	6, 416, 000
Expenses of referees (special fund)	10, 100, 000	12, 012, 000	11, 375, 000	11, 375, 000	11, 375, 000
Total, courts of appeals, district courts, and other judicial services	143, 376, 000	167, 169, 000	89, 789, 000	159, 145, 000	158, 443, 000
Federal Judicial Center					
Salaries and expenses	700, 000	1, 255, 000	1, 255, 000	1, 255, 000	1, 255, 000
Commission on Bankruptcy Laws of the United States					
Salaries and expenses (special fund)	400, 000				
Total, title IV, the judiciary	153, 665, 100	178, 679, 000	100, 877, 000	170, 233, 000	169, 531, 000
TITLE V—RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	2, 815, 000	3, 247, 000	3, 247, 000	3, 247, 000	3, 247, 000
Arms Control and Disarmament Agency					
Arms control and disarmament activities	8, 645, 000	9, 064, 000	9, 000, 000	9, 000, 000	9, 000, 000
Commission on American Shipbuilding					
Salaries and expenses	50, 000	660, 000	450, 000	550, 000	450, 000
Commission of Civil Rights					
Salaries and expenses	3, 397, 000	3, 960, 000	3, 400, 000	3, 400, 000	3, 400, 000
Department of Health, Education, and Welfare					
Office of Education: Civil rights education	19, 218, 000				

Footnotes at end of table.

Item (1)	New budget (obligational) authority, fiscal year 1971 (enacted to date) (2)	Budget estimates of new (obligational) authority, fiscal year 1972 (3)	New budget (obligational) authority recommended in House bill (4)	Senate bill (5)	Conference action (6)
Equal Employment Opportunity Commission					
Salaries and expenses	$16, 185, 000	$27, 620, 000	$22, 000, 000	$27, 620, 000	$23, 000, 000
Federal Maritime Commission					
Salaries and expenses	4, 658, 000	5, 412, 000	5, 300, 000	5, 300, 000	5, 300, 000
Foreign Claims Settlement Commission					
Salaries and expenses	710, 060	788, 000	750, 000	750, 000	750, 000
Payment of Vietnam and U.S.S. Pueblo prisoner of war claims	265, 000	100, 000	100, 000	100, 000	100, 000
Total, Foreign Claims Settlement Commission	975, 000	888, 000	850, 000	850, 000	850, 000
National Commission on Fire Prevention and Control					
Salaries and expenses	50, 000	[5] 770, 000		400, 000	300, 000
National Commission on Reform of Federal Criminal Laws					
Salaries and expenses	100, 000				
National Tourism Resources Review Commission					
Salaries and expenses	50, 000	[6] 700, 000		300, 000	300, 000
Small Business Administration					
Salaries and expenses:					
Appropriation	20, 012, 000	23, 800, 000	22, 300, 000	23, 000, 000	22, 650, 000
Transfer from revolving funds	(59, 859, 000)	(60, 200, 000)	(60, 200, 000)	(60, 200, 000)	(60, 200, 000)
Payment of participation sales insufficiencies	1, 340, 000	1, 487, 000	1, 487, 000	1, 487, 000	1, 487, 000
Business loan and investment fund	264, 000, 000	300, 000, 000	275, 000, 000	275, 000, 000	275, 000, 000
Disaster loan fund	365, 000, 000	100, 000, 000	100, 000, 000	100, 000, 000	100, 000, 000
Total, Small Business Administration	650, 352, 000	425, 287, 000	398, 787, 000	399, 487, 000	399, 137, 000
Special Representative for Trade Negotiations					
Salaries and expenses	638, 000	968, 000	800, 000	800, 000	800, 000
Subversive Activities Control Board					
Salaries and expenses	401, 400	467, 000	450, 000	450, 000	450, 000
Tariff Commission					
Salaries and expenses	4, 495, 000	5, 526, 000	5, 036, 000	5, 336, 000	5, 186, 000
U.S. Information Agency					
Salaries and expenses	172, 075, 000	180, 075, 000	179, 000, 000	179, 000, 000	179, 000, 000
Salaries and expenses (special foreign currency program)	13, 000, 000	13, 000, 000	13, 000, 000	13, 000, 000	13, 000, 000
Special international exhibitions	[3] 3, 578, 000	3, 549, 000	3, 400, 000	3, 400, 000	3, 400, 000
Special international exhibitions (special foreign currency program)	332, 000	306, 000	306, 000	306, 000	306, 000
Acquisition and construction of radio facilities	600, 000	1, 200, 000	1, 100, 000	1, 100, 000	1, 100, 000
Total, U.S. Information Agency	189, 585, 000	198, 130, 000	196, 806, 000	196, 806, 000	196, 806, 000
Total, title V, related agencies	901, 614, 400	682, 699, 000	646, 126, 000	653, 546, 000	648, 226, 000
Total, titles I, II, III, IV, and V, new budget (obligational) authority—appropriations	3, 823, 352, 300	[7] 4, 216, 802, 000	3, 684, 183, 000	4, 098, 083, 000	4, 067, 116, 000
Memoranda:					
Appropriations to liquidate contract authorizations	(274, 453, 000)	(240, 544, 000)		(240, 544, 000)	(240, 544, 000)
Total appropriations, including appropriations to liquidate contract authorizations	(4, 097, 805, 300)	(4, 457, 346, 000)	(3, 684, 183, 000)	(4, 338, 627, 000)	(4, 307, 660, 000)

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[1] Includes budget amendment, in the amount of $735,000 (S. Doc. 92-26) not considered by the House.

[2] Includes budget amendment, in the amount of $9,600,000 (H. Doc. 92-133), not considered by the House.

[3] Reflects comparative transfers due to reorganization.

[4] Funds provided in separate appropriations rather than proposed consolidation.

[5] Budget amendment (S. Doc. 92-27) not considered by the House.

[6] Budget amendment (S. Doc. 92-27) not considered by the House.

[7] Includes budget amendments in the amount of $11,805,000 not considered by the House.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 382. The pending question is the amendment offered by the Senator from Rhode Island.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. President, I ask unanimous consent that amendment No. 282, offered by the senior Senator from Maryland (Mr. MATHIAS), be called up at this time, that it be stated by the clerk, and that the Senate proceed to its immediate consideration, but that time on that amendment not begin to run until tomorrow morning.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 29, line 11, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 29, line 20, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 30, line 1, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 34, line 9, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 35, line 3, after "addresses" insert the following: "(occupations and the principal places of business, if any)".

On page 35, line 16, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 35, line 22, after "address" insert the following: "(occupation and the principal place of business, if any)".

The PRESIDING OFFICER. The understanding of the Chair is that the Senator from West Virginia asks that the amendment be——

Mr. BYRD of West Virginia. Made the pending business, but that the time on it not begin to run until tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

U.N. MEMBERSHIP FOR CHINA

Mr. BYRD of West Virginia. Mr. President, U.S. overtures toward the People's Republic of China experienced a major escalation yesterday, when Secretary of State William P. Rogers made the inevitable announcement that American opposition to United Nations membership for mainland China would cease after 21 years.

There have been a number of developments over the past few years that made yesterday's announcement somewhat less surprising. Since October of 1970, at least six countries—Canada, Equatorial Guinea, Italy, Ethiopia, Chile, and Nigeria—have established diplomatic relations with the government in Peking. For its part, the People's Republic of China seems to have fully emerged from the isolation of its "cultural revolution," redispatching ambassadors to at least 28 nations.

But the most significant development was obviously the November 20, 1970, vote in the United Nations General Assembly. For the first time, a majority of the nations voting expressed support for U.N. membership for mainland China—51 in favor, 49 against, and 25 abstentions. The membership drive failed, of course, since, at the request of the United States, the vote was an "important question" and a two-thirds majority was needed.

Given the realities of the world today, no one was shocked by the new U.S. position; and the new policy apparently has been well enough calculated to win the approval of the majority of citizens.

However, we must not let ourselves get carried away by the euphoria of the situation.

Announcing the two-China policy is one thing—making it work is quite another. It can only succeed with the cooperation of both the People's Republic of China and Nationalist China. And neither of these countries has said it will sit with the other.

Mr. President, I have supported efforts to bridge the communications gap between our own Nation and the People's Republic of China. The December 1965 lifting of the travel ban for doctors and medical scientists; the July 21, 1969, automatic validation of U.S. passports for travel to mainland China; the "Ping Pong Diplomacy" event; and the President's decision to visit the People's Republic of China—all of these have contributed to bridging that gap.

But our efforts have gotten little in return from Communist China; and, if this latest move alienates a trusted and important ally—Nationalist China—then the results will be negative.

I support U.N. membership for the People's Republic of China but only if Nationalist China retains its seat, both in the General Assembly and in the Security Council.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider a nomination on the executive calendar, under Department of Justice.

The PRESIDING OFFICER. (Mr. HART). The nomination on the executive calendar, under Department of Justice, will be stated.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of David Luke Norman, of the District of Columbia, to be an Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT TO 9 A.M. ON THURSDAY NEXT AFTER ADJOURNMENT ON WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 9 a.m. on Thursday next, August 5, 1971.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRAVEL ON FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Friday, August 6, 1971, immediately following the recognition of the two leaders under the standing order the distinguished Senator from Alaska (Mr. GRAVEL) to be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume that this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. Immediately after the recognition of the two leaders under the standing order—and with no period for routine morning business—the Senate will proceed to the consideration of amendment No. 282 to S. 382, the so-called Federal elections campaign bill. The time on that amendment, which has been authored by the Senator from Maryland (Mr. MATHIAS), will be limited to 30 minutes, to be equally divided between the mover of the amendment and the manager of the bill, the Senator from Rhode Island (Mr. PASTORE).

It is assumed that a yea-and-nay vote will occur thereon, although the yeas and nays have not yet been ordered.

It is anticipated that the Senate will work hard to complete action on tomorrow on the Federal elections campaign bill, if at all possible. If action has not been completed by 5 p.m., and if, at that time, it appears that another day will be needed for the disposition of that bill, it is likely that the Senate will then proceed to the consideration of the so-called higher education bill—S. 659—which was reported from the committee today. A time agreement has been entered thereon, and it is anticipated that the Senate will likely work into the evening on that bill.

There should be several rollcall votes tomorrow, and the first such vote could occur as early as 9:30 a.m. if the yeas and nays should be ordered on the Mathias amendment No. 282.

RECESS TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess in accordance with the previous order until 9 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 12 minutes p.m.) the Senate recessed until tomorrow, Wednesday, August 4, 1971, at 9 a.m.

NOMINATION

Executive nomination received by the Senate August 3, 1971:

DEPARTMENT OF JUSTICE

Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years, vice Edward R. Neaher.

CONFIRMATION

Executive nomination confirmed by the Senate August 3, 1971:

DEPARTMENT OF JUSTICE

David Luke Norman, of the District of Columbia, to be an Assistant Attorney General.

HOUSE OF REPRESENTATIVES—*Tuesday, August 3, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Watch ye, stand fast in the faith, quit you like men, be strong.—I Corinthians 16: 13.

Dear Lord and Father of mankind, whose works are just and whose spirit is good, graciously bless these Representatives and all who give themselves in service to our country. Grant unto them clear vision to see that which in our social order needs to be changed, creative courage to change what can be changed, and the strength to continue this work until our Nation walks the path of justice by all, righteouness in all, and love for all.

Keep us aware of our relationship with each other and help us to order all things according to Thy will: And to Thee be the glory now and forevermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 2894. An act to incorporate the Paralyzed Veterans of America;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia;

H.R. 7586. An act to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years; and

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2587. An act to establish the National Advisory Committee on the Oceans and Atmosphere.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9417) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agreed to the House amendments to the Senate amendments numbered 3, 6, 18, 19, 21, 31, and 32 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9667) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced the Senate agreed to the amendments of the House to the amendments of the Senate numbered 3, 5, 6, 14, 30, 31, and 49 and the Senate receded from its amendments numbered 22 to 23 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) entitled "An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the bank to issue for purchase by any purchase its obligations maturing subsequent to June 30, 1976, and for other purposes."

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 18. An act to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty;

S. 74. An act to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota;

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes;

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket No. 50233, U.S. Court of Claims, and for other purposes;

S. 959. An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona;

S. 960. An act to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona;

S. 2260. An act to amend further the Peace Corps Act (75 Stat. 612), as amended; and

S. Con. Res. 38. Concurrent resolution commending the President for initiating a proposed "journey for peace."

RESULTS OF REFORMS MADE IN LEADERSHIP STRUCTURE OF THE HOUSE DURING THE 92D CONGRESS

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, as we hopefully near a recess I take this time to call to the attention of all of the Members of the House the results of one of the reforms the Democrats have instituted in this first session of the 91st Congress.

The reforms were recommended by the distinguished gentlewoman from Washington (Mrs. HANSEN) who headed a special committee of the Democratic caucus.

Under the new rules adopted, a Member can be chairman of only one subcommittee.

The result is that more than 25 percent of the Members of the House now hold chairmanships.

While the South continues to lead all regions with 49 subcommittee chairmanships there are now 28 chaired by Members from the East, 22 by Midwesterners and 14 from the West.

I think this demonstrates the desire, certainly on the part of the Speaker and the Democratic Party in the House, to share the responsibilities of conducting the affairs of the House of Representatives.

The members of the Hansen committee deserve high praise for their efforts and I thank our distinguished Speaker for preparing this very important information which I make part of the RECORD at this point.

The statement of the Speaker of the House is as follows:

STATEMENT OF REPRESENTATIVE CARL ALBERT—THE HANSEN STUDY COMMITTEE ON SENIORITY, AUG. 3, 1971

Now that we are well into the First Session, I would like to point with pride to the results of one of the little-publicized reforms we have made in the leadership structure of the House during the 92nd Congress.

On March 18, 1970, the Democratic Caucus directed the appointment of a Committee on Organization Study and Review to study the seniority system and submit recommendations by January, 1971. Representative Julia Butler Hansen of Washington was named chairman of the new committee whose members included Ed Jones (Ala.), Olin Teague (Tex.), Frank Annunzio (Ill.), Phil Burton (Calif.), Shirley Chisholm (N.Y.), Wayne Hays (Ohio), Phil Landrum (Ga.), Jim O'Hara (Mich.), Neal Smith (Iowa), and Frank Thompson (N.J.). The committee, representing every geographic section of the country and comprised of both younger and senior Members, undertook its task diligently and brought back to the Democratic Caucus an important set of recommendations which were adopted on January 20, 1971.

The new rules stipulate that the chairman of a full committee may chair only one subcommittee of that committee, that no Member can be chairman of more than one legislative subcommittee, and that no Member can be on more than two committees with legislative jurisdiction.

The results of these recommendations, while little noticed, have been far-reaching. Today, in the 21 standing committees of the House, no fewer than 113 Congressmen hold subcommittee chairmanships, an unprecedented distribution of legislative responsibility to more than 25 percent of the entire House of Representatives. This is a historic reform which will leave an imprint on our work as the new chairmen apply their energies and growing expertise to the problems within their jurisdiction.

So deeply did the change reach that one subcommittee, the Housing Subcommittee of the Committee on Veterans Affairs, is chaired by a Member serving his first full term in the House, Representative Charles Carney of Ohio. While the South continues to lead all regions with 49 subcommittee chairmanships, there are now 28 chaired by Members from the East, 22 by Midwesterns, and 14 from the West. Texas leads all States with 12 subcommittee chairmen, but is closely followed by Pennsylvania with nine, California with nine, and New York with seven.

I cannot help feeling that this dramatic diffusion of leadership responsibility in the House will vitalize the entire legislative process, and I believe that it is in order to cast a vote of thanks for the Hansen committee for its admirable contribution to this milestone in Congressional reform.

CHANGE IN LEGISLATIVE PROGRAM

Mr. BOGGS. Mr. Speaker, I would like to advise the Members of the House of a change in the program. The bill (H.R. 9580) from the District of Columbia Committee, authorizing the District of Columbia Commissioner to make agreements with Maryland and Virginia regarding trucking fees, has been granted a rule with 1 hour of debate and will be called up sometime this week.

I would also like to announce that H.R. 8293, the International Coffee Agreement Act, which was announced for consideration Thursday, will not be called up this week.

APPOINTMENT OF CONFEREES ON H.R. 8866, TO AMEND AND EXTEND SUGAR ACT OF 1948

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes, with a Senate amendment thereto, disagree to the Senate Amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. POAGE, ABERNETHY, FOLEY, BELCHER, and TEAGUE of California.

INTRODUCTION OF THE DC-10 TRIJET

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, it is noteworthy that, even with the economic problems of the airline industry, a new jet airplane will be introduced this month—August. The airplane is the DC-10 Tri-Jet, a second generation of wide-body jetliners. One of the first cities to be served by the DC-10 is Chicago, which makes the airplane of particular interest to me. American Airlines will carry passengers between Chicago and Los Angeles. American predicts that the new wide-bodied Tri-Jet will become the most popular airliner of the 1970's. It will carry more than 200 passengers in two-abreast comfort and yet be versatile enough to serve smaller airports and shorter routes. Of particular interest to everyone is the fact that the new jet, produced by the McDonnell Douglas Corp. promises to be the most environmentally acceptable aircraft ever developed. It will also be the first airplane certified under the new noise and smoke regulations of the Federal Aviation Administration.

PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HÉBERT. It is my intention to send to the desk a privileged resolution, and I intend to make a motion to table the resolution, which has an adverse report from the Committee on Armed Services. The parliamentary inquiry that I desire to make is, am I permitted, after sending the privileged resolution to the desk for consideration, to allow its introducer to speak without losing my privilege to move immediately to table?

The SPEAKER. The gentleman will be recognized on the resolution. The gentleman will be privileged to yield.

Mr. HÉBERT. I shall be able to yield without losing my right?

The SPEAKER. The gentleman can yield for debate purposes.

Mr. HÉBERT. At any time after I yield I can move to table?

The SPEAKER. The gentleman is correct.

Mr. HÉBERT. Then, Mr. Speaker, I shall send to the desk a privileged resolution and ask for its immediate consideration.

The SPEAKER. Will the gentleman withhold that request inasmuch as the Private Calendar must be called ahead of legislative business?

Mr. HÉBERT. Certainly, sir.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 5318) for the relief of Mrs. Fernande M. Allen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA LUIGIA DIGIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia DiGiorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM D. PENDER

The Clerk called the bill (H.R. 5657) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOHN BORBRIDGE, JR.

The Clerk called the bill (H.R. 5900) for the relief of John Borbridge, Jr.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JANIS ZALCMANIS, GERTRUDE JANSONS, LORENA JANSONS MURPHY, AND ASJA JANSONS LIDERS

The Clerk called the bill (H.R. 6100) for the relief of Janis Zalcmanis, Gertrude Jansons, Lorena Jansons Murphy, and Asja Jansons Liders.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Dela Rosa.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SALMAN M. HILMY

The Clerk called the bill (H.R. 6998) for the relief of Salman M. Hilmy.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN A. MARTINKOSKY

The Clerk called the bill (H.R. 4042) for the relief of John A. Martinkosky.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4042) be recommitted to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MAJ. MICHAEL M. MILLS

The Clerk called the bill (H.R. 6666) for the relief of Maj. Michael M. Mills, U.S. Air Force.

There being no objection, the Clerk read the bill as follows:

H.R. 6666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Michael M. Mills, United States Air Force, SSAN 332-26-7050FR, the sum of $2,020 in full satisfaction of all his claims against the United States for erroneous discontinuance of his allotment to the Miami National Bank, Miami, Florida, in 1967: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6: Strike "$2,020" and insert "$1,620".

Page 1, lines 10 and 11: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 7569) for the relief of Mrs. Eleanor D. Morgan.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LOUIS A. GERBERT

The Clerk called the bill (H.R. 2408) for the relief of Louis A. Gerbert.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ROBERT J. BEAS

The Clerk called the bill (H.R. 7871) for the relief of Robert J. Beas.

There being no objection, the Clerk read the bill as follows:

H.R. 7871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert J. Beas, of 6441 Grosse Drive, Cleveland, Ohio, hereby is relieved of all liability to repay to the United States the sum of $800. Such sum represents the amount which he was required to pay for the loss of a package of registered mail while he was employed at the United States post office at Cleveland, Ohio.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay to the said Robert J. Beas, out of any money in the Treasury not otherwise appropriated, any amounts paid by him in reduction of the indebtedness referred to in section 1 of this Act or withheld from amounts otherwise due him because of that indebtedness. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That on such terms as he deems just, the Postmaster General is hereby authorized to compromise, release or discharge in whole or in part, the liability of Robert J. Beas of 6441 Grosse Drive, Cleveland, Ohio, to the United States for the loss resulting from the loss of a package of registered mail on or about August 29, 1960, while he was employed at the United States post office at Cleveland, Ohio.

"SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Robert J. Beas that part of any amount repaid or withheld because of the liability referred to in section 1 of this act which is equal to the amount waived under the authority provided in section 1 of this act.

"SEC. 3. No part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REA REPUBLICA RAMOS

The Clerk called the bill (H.R. 2814) for the relief of Rea Republica Ramos.

There being no objection, the Clerk read the bill as follows:

H.R. 2814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rea Republica Ramos may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Juan M. Ramos, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

DUTIABLE STATUS OF ALUMINUM HYDROXIDE AND OXIDE, CALCINED BAUXITE ORE

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4590) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore, with Senate amendments thereto, and consider the Senate amendments in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The Clerk will report the first Senate amendment.

The Clerk read Senate amendment No. 1, as follows:

Page 3, strike out lines 1, 2, and 3, and insert:

"(c) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1971."

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS of Arkansas moves to concur in Senate amendment No. 1.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read Senate amendment No. 2, as follows:

Page 3, after line 3, insert:

"SEC. 2. (a) Item 405.04 of the Tariff Schedules of the United States is amended—

"(1) by inserting after 'Trinitrotoluene' in the article description 'and amatol'; and

"(2) by striking out the matter in rate column numbered 1 and inserting in lieu thereof 'Free'.

"(b) The rate of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 405.04 (as amended by subsection (a)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

"(c) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act."

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS of Arkansas moves to concur in Senate amendment numbered 2, with the following amendments: On page 1, line 7, of the Senate engrossed amendments, strike out the dash and all that follows thereafter down through line 11 on page 1 and insert the following: "by striking out '3.5c per lb. + 22.5% ad val.' and inserting in lieu thereof '1.7c per. lb. + 11% ad val.'."

On page 2, line 6, of the Senate engrossed amendment, strike out "amendments" and insert "amendment".

On page 2, lines 8 and 9, of the Senate engrossed amendments strike out "the date of the enactment of this Act" and insert "January 1, 1972".

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. MILLS of Arkansas. Mr. Speaker, Members will recall that on June 8, 1971, the House unanimously passed H.R. 4590, permanently suspending the duty on aluminum hydroxide and oxide—alumina—calcined bauxite and bauxite ore. The United States has become largely dependent upon foreign sources of these aluminum raw materials and H.R. 4590, as passed by the House, would permanently suspend the duties on alumina and bauxite which have been temporarily suspended since 1956.

In agreeing to H.R. 4590 as passed by the House, the Senate added two substantive amendments which, although not related to the duty elimination provided in the bill, do similarly amend the tariff schedules by providing duty-free treatment of imports of certain articles. The first such Senate amendment provides duty-free treatment for TNT—trinitrotoluene—and Amatol—a mixture of TNT and ammonium nitrate. Under this amendment, the duty-free treatment of these explosive materials would become effective January 1, 1972. The second such Senate amendment provides for the duty-free treatment of tinned sheets for use in the manufacture of maple sap evaporators.

Both of these Senate amendments involve matters which had not previously been brought to the attention of the Committee on Ways and Means. With regard to the elimination of the duty on imports of TNT and Amatol, the report of the Senate Finance Committee indicates that there is no longer any domestic production of TNT and Amatol, the only remaining producer having phased out its operation earlier this year. It is further indicated that the elimination of the duty will reduce the cost of these materials to domestic users since the existing rate of duty on both TNT and Amatol is felt to be substantial.

The Committee on Ways and Means sought the views of the interested executive branch agencies on both Senate amendments to H.R. 4590. We are informed that the position of the executive branch on these amendments is expressed in a letter to the committee dated July 8 from the Department of Commerce, since the other executive branch agencies deferred to that Department.

In this letter from the General Counsel of the Department of Commerce, it is indicated that, although there is no domestic production of TNT and Amatol as of March of this year, the complete elimination of the duty on these two chemical explosives would place in an unfavorable competitive position a domestic explosive manufacturer who produces and uses a metal sensitizer instead of TNT in slurry explosive and blasting formulations. Thus, the Department of Commerce recommends that the duty on Amatol provided for in item 405.06 of the Tariff Schedules at the rate of 2.1 cents per pound plus 13 percent ad valorem not be reduced.

It is further recommended by the Department of Commerce that, instead of eliminating the duty on imports of TNT, presently provided for in item 405.04 of the tariff schedules at the rate of 3.5 cents per pound plus 22.5 percent ad valorem, the duty be reduced to 1.7 cents per pound plus 11 percent ad valorem.

In view of the cessation of domestic production of TNT and Amatol, but in recognition of the fact that complete elimination of the duty on imports of these explosives at this time could adversely affect the position of a domestic explosive manufacturer who produces competitive slurry explosive and blasting formulations, I believe that the recommendation of the Department of Commerce is the preferable action to take. The reduction in the duty on TNT is responsive to the needs of domestic users of this material and also recognizes the competitive position of a related domestic producer. Therefore, I recommend that the House disagree to this Senate amendment to H.R. 4590 and amend the bill along the lines suggested by the administration.

Regarding the second substantive Senate amendment to H.R. 4590 providing for the duty-free treatment of tinned sheets for use in the manufacture of maple sap evaporators, it is generally agreed that such sheets are not available from United States sources and the elimination of the duty would enable domestic maple sap evaporator manufacturers to obtain these sheets at prices comparable to those paid by their foreign competitors. Therefore, I believe that the House should concur in this Senate amendment to H.R. 4590.

The motion was agreed to.

The SPEAKER. The clerk will report the next Senate amendment.

The Clerk read Senate amendment No. 3, as follows:

Page 3, after line 3, insert:

"SEC. 3. (a) Schedule 6, part 2, subpart B of the Tariff Schedules of the United States is amended—

"(1) by renumbering item 608.90 as 608.89; and

"(2) by striking out items 608.91 and 608.92 and inserting in lieu thereof the following:

"608.90	Imported for use in the manufacture of maple sap evaporators	Free	1¢ per lb.
	Other:		
608.91	Valued not over 10 cents per pound	8% ad val.	1¢ per lb.
608.92	Valued over 10 cents per pound	0.8¢ per lb.	1¢ per lb."

"(b) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States for items 608.89, 608.90, 608.91, and 608.92 (as amended by subsection (a)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party. Such rates shall not supersede the staged rates of duties provided for such items in Annex III to Proclamation 3822, dated December 16, 1967, and the reference to item 608.90 in such Annex shall be treated as referring to item 609.89.

"(c) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act."

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS of Arkansas moves to concur in Senate amendment No. 3.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. MILLS of Arkansas. Mr. Speaker, I now yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I assume from the reading of these amendments that they are all germane to the bill?

Mr. MILLS of Arkansas. They are germane. They are all amendments to the tariff Act, and there is no objection within the committee or downtown to the amendments.

Mr. GROSS. I thank the gentleman.

The motion was agreed to.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read the Senate amendment as follows:

Amend the title so as to read: "An Act to amend the Tariff Schedules of the United States with respect to the dutiable status of certain articles."

MOTION OFFERED BY MR. MILLS OF ARKANSAS

Mr. MILLS of Arkansas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MILLS of Arkansas moves to concur in the Senate amendment to the title of the bill.

The motion was agreed to.

So the Senate amendments, as amended, were concurred in.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

DIRECTING THE SECRETARY OF DEFENSE TO FURNISH INFORMATION REGARDING THE EXTENT OF MILITARY ASSISTANCE TO CERTAIN COUNTRIES

Mr. HÉBERT. Mr. Speaker, I present a privileged resolution (H. Res. 557) from the Committee on Armed Services, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 557

Resolved, That the Secretary of Defense, to the extent not incompatible with the public interest, directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, any documents regarding all forms of United States military aid extended to the so-called Forward-Defense nations of Greece, Turkey, Nationalist China, and South Korea, between January 1, 1969, and July 21, 1971, as well as any documents regarding all forms of United States military aid extended to Israel, Jordan, Morocco, Lybia, Sudan, Tunisia, Lebanon, Syria, and Saudi Arabia between January 1, 1969, and July 21, 1971.

The SPEAKER. The gentleman from Louisiana is recognized for 1 hour.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the author of the resolution, the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Speaker, there are 46 nations that are presently receiving American military assistance. Several of these nations make no pretense of allowing their own citizens political freedom. Several others are using our aid not for defensive, but for offensive purposes. Still others are employing American weapons not to protect themselves from foreign aggression, but to suppress lawful dissent at home.

Thus, much of the congressional debate over our military assistance program has necessarily centered around negatively oriented problems: Which nations currently receiving aid are undeserving? Which nations are abusing our friendship? Which nations should be excluded from the next year's program?

My resolution, however, approaches the foreign assistance dilemma from a different, more positive direction. The fundamental purposes of House Resolution 557 is not to see support taken away from any of our friends. Rather, it is to insure that a highly deserving nation, the State of Israel, does become a recipient of U.S. military assistance.

Mr. Speaker, it is unanimously agreed among all rational statesmen that Israeli security is essential to America's position in the Middle East. The massive infusion of Soviet arms into the Arab States has made the situation clear. Israel is the only democratic ally we have in that area of the world. If the international security interests of the United States are to be preserved, Israel political and military integrity must likewise be preserved. Even President Nixon has stated:

> We support Israel because we oppose aggression in every form. We support Israel because it is threatened by Soviet imperialism and we support Israel because it offers hope in the Middle East.

These Presidential words echo a fine sentiment. However, as has happened so often, the State Department has failed to match noble sentiment with equally noble action.

Allow me to document for you a progression of newspaper headlines which successfully highlights the absurdity of our present Mideastern policy:

September 4, 1970: "Arms Survey Shows Aid by Soviet Has Rebuilt Arabs to Prewar Power."

March 30, 1971: "Survey Discloses Massive Buildup of Soviet Military Force in Egypt."

April 19, 1971—"Soviets Spur Arms Flow to Egypt."

April 23, 1971—"Egypt Reportedly Gets New Air Defense Missiles."

And finally, the crowning irrationality: On July 13, 1971: "U.S. Aides See No Shift in Mideast Arms Balance."

Mr. Speaker, in view of the overwhelming evidence of the Soviet arms buildup, I find it incredible that our Government can assert that it sees no threat to Israeli security.

During the last 10 months, Egypt alone has received over 100 new Mig–21 fighters. Under a Soviet-Syrian military pact signed last February, Syria has already received 21 Mig-21's, five Sukhoi–7 fighter-bombers, and 22 MI–8 helicopters, designed for troop transport. Another Arab belligerent, Lybia, has over 100 fighter jets currently on order from France.

Perhaps even more significant than the huge quantities of arms being shipped to the Arabs, is the extremely advanced quality of these weapons. For while the United States has dawdled over selling our older model planes to Israel, Russia has been giving her newest, most sophisticated weapons to the Arab aggressors.

Among these new armaments are a squadron of Mig–23 Foxbat fighters. Reputed to be the world's fastest warplane, the Foxbat has been judged by Israel and the West to demonstrate a clear superiority over the aircraft currently flown by the Israelis.

The Soviets have also supplied to Egypt the new SA–4 surface-to-air missiles, with an effective range of 80,000 feet.

Finally, Russia has installed "Swamp" and "Markham," two electronic military communications systems which effectively link fighter planes, radar, ground troops, and gun emplacements.

We are all familiar with the jokes regarding Egyptian military incompetence. However, these jests are no longer applicable, for the new weapons systems are being manned almost exclusively by Russians. There is no longer any doubt that the Soviets have undertaken a major military gambit in the Middle East.

The question before us is then, "Just what is the United States going to do about the Soviet-Arab militarization?" Recent developments seem to indicate that the administration intends to do nothing. It is the purpose of my resolution to spotlight this do-nothingness.

Mr. Speaker, I requested the Defense Department files so that Congress and the American people can finally observe the absurd reasoning behind our arms policy in the Middle East. So that the public can finally see how we have spent billions in aid for 46 different nations—yet for the firmest, most democratic of our allies, the State of Israel, we have not granted one single penny of military assistance.

I proposed this resolution so that Congress may not only discover, but may correct the inconsistencies and irrationalities in our policy.

Why, for example, are we supplying aid to several nations which neither deserve nor require American military assistance as urgently as Israel, when at the same time, we are even balking at our promise to sell supersonic planes to the Israelis?

Mr. Speaker, at this time, I wish to state that during the hearing on House Resolution 557, held Wednesday by the Committee on Armed Services, I was informed that the documents I am requesting would be made available to me by the Committee on Foreign Affairs.

Yesterday, through the generous permission of the chairman of that committee, I was afforded the opportunity to view those documents.

Due to the classified nature of the information, I cannot at this time reveal any specific facts or figures. However, I do wish to announce my intention to introduce legislation that would include Israel in future U.S. foreign assistance programs. I also wish at this time to congratulate the Committee on Foreign Affairs, and especially its distinguished chairman, the gentleman from Pennssylvania (Mr. Morgan), for having recently affirmed its belief that "Israel is fully eligible to receive foreign assistance." I would like to further thank the many members of the Committee on Armed Services, and especially its chairman, the gentleman from Louisiana (Mr. Hébert), who at Wednesday's hearing expressed their active desire to see aid granted to Israel.

Finally, Mr. Speaker, since, as I have mentioned, the documents dealt with in my resolution have already been made available to Members of Congress, I would, if possible, have asked for unanimous consent to now withdraw House Resolution 557, and I urge all of my colleagues to strongly support my future efforts to have military assistance granted to the State of Israel as soon as is humanly possible.

Mr. HÉBERT. Mr. Speaker, I yield myself 1 minute for the purpose of asking a question of the gentleman from New York (Mr. Podell) and that question is this: that if the parliamentary situation were not such as it is at this moment whether or not the gentleman from New York would have asked unanimous consent to withdraw his resolution.

Mr. PODELL. If the gentleman will yield, that is correct.

MOTION TO TABLE OFFERED BY MR. HÉBERT

Mr. HÉBERT. Mr. Speaker, I move that House Resolution 557 be tabled.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. Hébert).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks in order to express their position on this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DESIGNATING SEPTEMBER 28 AS "TEACHER'S DAY"

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 98) authorizing the President to proclaim the 28th day of September of each year as "Teacher's Day."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 98

Whereas our teachers have an important responsibility in formulating the ideals and goals among our young; and

Whereas many of the strengths and weaknesses of our country's future leaders are greatly dependent upon the mental, spiritual, and leadership qualities of our teachers; and

Whereas our teachers have had many fine educational achievements; and

Whereas many years of exacting training is necessary for our teachers to prepare for their profession; and

Whereas our teachers have created a greater understanding between our young people and the other members of our society, thus helping to bridge the generation gap: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the 28th day of September of each year as "Teacher's Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. Edwards of California: On page 1 strike out all "whereas' clauses.

On page 2, line 5, strike out the phrase "each year" and insert in lieu thereof "1971".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Authorizing the President to proclaim the 28th day of September of 1971 as 'Teacher's Day.'"

A motion to reconsider was laid on the table.

PROCLAIMING "AMERICAN FIELD SERVICE WEEK"

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 527) to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the joint resolution, as follows:

H.J. Res. 527

Whereas the American Field Service, originally founded as a volunteer ambulance corps to the French armies in 1914, performed with great sacrifice and distinction its task of transporting supplies and carrying the wounded in World War I and later in World War II, and in 1946, created an international education program for high school students;

Whereas the aim of the American Field Service international scholarship programs is to promote understanding, friendship, and knowledge between the peoples of the world by arranging an interchange of secondary school students between the United States and other countries;

Whereas this is the twenty-fifth anniversary of the American Field Service international scholarship programs which have given over fifty-nine thousand students from every continent the opportunity to broaden their knowledge of other cultures and gain new insights into their own to the end that the peoples of all nations will benefit from their enriched understanding;

Whereas thousands of voluntary workers in communities throughout the United States and in over sixty countries of the world work together to implement this privately sponsored, non-political activity which serves as an extraordinary model of international cooperation; and

Whereas high tribute should be paid to the American Field Service for fostering a service of such worldwide importance, in the hope that thereby the goal of permanent peace so prevalent in all our minds today, can eventually be achieved: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and directed to proclaim the period beginning September 12, 1971, and ending September 19, 1971, as "American Field Service Week," and to call upon the citizens of the United States, especially schools and other educational institutions and organizations, to observe such period with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edwards of California: On pages 1 and 2 strike out all "whereas" clauses.

The amendment was agreed to.

Mr. FISH. Mr. Speaker, I am most gratified that the House of Representatives has acted today to officially recognize and to honor the important social and educational contributions made by the American Field Service. In unanimously passing House Joint Resolution 527, the Congress designates the week of September 12–19, 1971, as "American Field Service Week."

The AFS is an organization that has a most interesting and historic background. Founded as a volunteer ambulance corps, the AFS served with the French armies in World War I and, again, with the allied armies in the Second World War. After World War II, drivers of both wars felt the need for strengthening the bonds between nations. In 1946, they brought to the United States 52 students from 11 foreign countries. Following this, these men instituted an international scholarship program for students to further the goals and friendship and increased understanding.

The AFS international scholarship program offers young people, 16 to 18 years of age, of all racial, religious, and economic backgrounds, the opportunity to experience home, school and community life in a foreign country. Nonprofit and nonpolitical, the purpose is to foster understanding and reconciliation of the differences which exist among peoples of the world to further peaceful coexistence. Since 1946, more than 56,000 students from 80 countries have participated in this program. During 1970, over 4,300 students from the United States and abroad were scholarship recipients.

Between September 12 and 19, 1971, the AFS will be celebrating the 25th anniversary of its international scholarship programs with an international convention in Atlantic City, N.J. It is anticipated that this gathering will draw well over 5,000 members from the United States and abroad. The purpose of this convention is to start new directions to further efforts toward international understanding. In conjunction with this anniversary celebration, approximately 3,000 communities in the United States and hundreds of thousands of volunteers are planning a variety of events involving civic officials—city and State—schools, industries, and others.

Thus, it is most appropriate that the Congress has recognized the important contributions made by the American Field Service to international cooperation and understanding, specifically through their international scholarship program. May this fine effort continue to thrive and bring together people from across the globe.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

"YEAR OF WORLD MINORITY LANGUAGE GROUPS"—1971

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 105) authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman can disclose the author of this world-shaking resolution dealing with world minority language groups. No author of the resolution is listed.

Mr. EDWARDS of California. Senator CURTIS and Senator HARRIS.

Mr. GROSS. I thank the gentleman.

Mr. SPEAKER. Is there objection to the request of the gentleman from California (Mr. EDWARDS)?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) there are more than two thousand minority language groups of one hundred and sixty million people, most of whom live in remote areas of the world in cultural isolation without books or even an alphabet;

(2) it has been shown that these people are gifted individuals whose human resources the world is denied;

(3) the translation of literacy materials and teachings of moral and spiritual significance into minority languages, which requires that an alphabet be produced and a thorough grammatical analysis of the languages be undertaken, results in an expansion of literacy and an improvement of the cultural bases of the language groups affected;

(4) such organizations as the Summer Institute of Linguistics composed of linguistic scholars trained at the Universities of Oklahoma, North Dakota, Washington, Michigan, Indiana, California, Pennsylvania, Texas, and elsewhere have undertaken the task of bringing literacy to such groups;

(5) the Summer Institute of Linguistics has more than two thousand five hundred members now working in more than five hundred minority language groups in twenty-three foreign countries with the cooperation of the governments and institutions of higher learning in these countries;

(6) the cultural, economic, social, and political, and educational significance of these efforts has brought commendations from many foreign governments;

(7) the Summer Institute of Linguistics and other concerned organizations have called for the beginning of work in the remaining over two thousand minority language groups yet without even an alphabet; and

(8) these organizations, through modern science and technology, are continuing the task of freeing all the various minority groups from linguistic isolation, and they deserve our encouragement.

SEC. 2. In recognition of the international effort to provide written languages for minority language groups, the President is authorized and requested to issue a proclamation designating 1971 as the "Year of World Minority Language Groups", and inviting foreign governments, the governments of our States and communities, and all people to observe the year with appropriate scientific and educational activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE 125TH ANNIVERSARY OF SMITHSONIAN INSTITUTION

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 782) to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievement of the Institution.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 782

Whereas the English scientist James Smithson in 1835 bequeathed a sum of money to the United States of America to found at Washington the Smithsonian Institution, "an establishment for the increase and diffusion of knowledge among men."

Whereas on August 10, 1846, the Congress enacted the law establishing the Smithsonian Institution, to be governed by a Board of Regents, and appropriated to it a site in the city of Washington for its first building.

Whereas since its establishment by the Congress, the Smithsonian Institution has worthily fulfilled its mandate to increase and diffuse knowledge among men.

Whereas generations of Americans, now numbering more than 13 million each year, have benefited and learned from the National Museums of the Smithsonian,

Whereas the scientists and scholars of the Smithsonian have been in the forefront of the expansion of knowledge since the founding of the Institution and have made important contributions to learning in fields ranging from astrophysics to zoology and from the history of art to the history of technology,

Whereas the history of the Smithsonian from Mr. Smithson to the present has shown what public benefits can result from enlightened private generosity,

Whereas the Smithsonian continues to be a living and growing Institution adding to the knowledge of our past, to the understanding of the world around us, and to our preparation for the future, and

Whereas the year 1971 marks the one hundred and twenty-fifth anniversary of the establishment of the Smithsonian Institution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation to announce the occasion of the celebration of the one hundred and twenty-fifth anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On pages 1 and 2 strike out all "whereas" clauses.

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE 50TH ANNIVERSARY OF ESTABLISHMENT OF THE GENERAL ACCOUNTING OFFICE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 309) to provide for recognition of the 50th anniversary of the establishment of the General Accounting Office, and for other purposes.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 309

Whereas June 10, 1971, marks the fiftieth anniversary of the signing of the Budget and Accounting Act, 1921, and

Whereas such Act provided for the creation of the General Accounting Office, under the control and direction of the Comptroller General of the United States, as an establishment independent of the executive branch responsible to the Congress, and

Whereas during the fifty years since its establishment the General Accounting Office has contributed significantly to the development of improved management in the Federal Government and has been of valuable assistance to the Congress with respect to determining the manner in which the Federal departments and agencies have carried out the mandate and the intent of legislation governing their activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States extends its congratulations to the former and present officers and employees of the General Accounting Office on the occasion of the fiftieth anniversary of that Office; and be it further

Resolved, That as it is fitting and proper to commemorate the fifty-year history of the General Accounting Office, the month of June 1971 is designated for ceremonies appropriate to such commemoration.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On page 1 strike out all "whereas" clauses.

The amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SQUARE DANCE WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 543) authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I wonder if the gentleman from California (Mr. WIGGINS) will invite us to his square dance if we return intact in September from the pending vacation?

Mr. WIGGINS. Mr. Speaker, will the gentleman from California yield?

Mr. EDWARDS of California. I yield to the gentleman from California.

Mr. WIGGINS. Yes, I will be pleased to invite the gentleman.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 543

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period September 12 through September 18, 1971, as "National Square Dance Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the several matters just considered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CALL OF THE HOUSE

Mr. MINSHALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 234]

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Ashley
Celler
Clark
Clay
Davis, S.C.
Diggs
Donohue
Edwards, La.
Esch
Evins, Tenn.
Flynt
Foley
Fraser
Fuqua
Gallagher
Griffin
Gubser
Hammerschmidt
Harsha
Hawkins
Jones, Tenn.
Kluczynski
Landrum
Leggett
Long, La.
McCulloch
McKay
McMillan
Melcher
Murphy, N.Y.
Pepper
Peyser
Purcell
Rodino
Rosenthal
Saylor
Scheuer
Seiberling
Skubitz
Steed
Stokes
Stuckey
Teague, Calif.
Thompson, Ga.
Tiernan
Van Deerlin
Waldie
Whitten
Wilson, Charles H.
Wright

The SPEAKER. On this rollcall 377 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 7960, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1972

Mr. MILLER of California. Mr. Speaker, I call up the conference report on the bill (H.R. 7960) to authorize appropriations for activities of the National Science Foundation, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 28, 1971.)

Mr. MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Without objections, so ordered.

There was no objection.

Mr. MILLER of California. Mr. Speaker, the managers on the part of the House bring back a conference report on the bill H.R. 7960, to authorize appropriations for the fiscal year 1972 for the National Science Foundation.

This conference action reconciles differences in the total authorization amounts for the budget categories, the length of authorizations, program ceilings, and other matters between the House and Senate.

Mr. Speaker, I yield now to the gentleman from Texas (Mr. CABELL), chairman of the subcommittee, who will handle the conference report.

Mr. CABELL. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, the bill, H.R. 7960, passed the House on June 7, 1971, and the Senate on June 28, 1971. In acting on the bill, the Senate struck all after the enacting clause and substituted new language.

The Committee of Conference agreed to accept the Senate amendment with certain substitute amendments and with certain other stipulations insisted upon by the managers on the part of the House.

A summary of the substitutes agreed upon by all members of the Committee of Conference is as follows:

The foundation's total budget request for fiscal year 1972 was $622,000,000, including $3,000,000 in excess foreign currencies. This sum was recommended by the Committee on Science and Astronautics to the Full House as justified and fiscally responsible, and the $622,000,000 figure was approved.

The Senate increased the fiscal year 1972 total to $706,500,000 and added an additional authorization of $907,000,000 for fiscal year 1973. The conference agreed to authorize $655,500,000 for fiscal year 1972 only. No amount was authorized for fiscal year 1973. The amount authorized for fiscal year 1972 is $33,500,000 more than the House figure and $51,000,000 less than the Senate figure.

Mr. Speaker, I believe this conference report does a good job of reflecting the position of the House with respect to the fiscal year 1973 National Science Foundation authorization. The compromise, I should like to emphasize, is only $33,500,000 above the figure approved by the House. I commend the conference report to my colleagues.

Mr. CABELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. FULTON), the ranking minority member of the committee.

Mr. FULTON of Pennsylvania. Mr. Speaker, I would recommend this conference report strongly to the House. The conference report met with the unanimous agreement of the Senate and the House conferees.

The House conferees were able to cut the Senate increase, which was 14 percent above the NSF recommended budget. The conferees agreed to a budget 5.5 percent above the administration request.

I would like to point out that there are factors that cause an unnecessary increase in the NSF budget. For example, under the Mansfield amendment, which requires the Department of Defense to give up basic research not related to weapon system programs, Department of Defense research activity and laboratories were cut back. Much of this work is being taken over by the National Science Foundation in the interest of advancing basic science in this country.

I would also like to put in the Record and call to the attention of my good friend, the gentleman from Texas, that the RANN program, Research Applied to National Needs, which is now 1 year old, includes work in weather modification, earthquake engineering, earth resources research, urban engineering problems, social research, criminology, and so forth. This work should be pursued on a priority basis.

There is one comment that the gentleman from Texas made that should be reemphasized. The comment is that the Senate had passed a 1973 proposed authorization for $907 million. This figure represents an increase of 46 percent over the Foundation's request for fiscal year 1972. The House conferees were able to get this second-year authorization removed entirely. Therefore, this conference report is an authorization for the fiscal year 1972 only.

I want to compliment the chairman of the Science and Astronautics Committee, the gentleman from California (Mr. Miller), the acting chairman of the Science, Research, and Development Subcommittee, the gentleman from Texas (Mr. Cabell), as well as the ranking minority member of the subcommittee, the gentleman from California (Mr. Bell) and the gentleman from Ohio (Mr. Mosher) for their fine work. I wholeheartedly endorse this conference report to the House.

Mr. Speaker, I support the conference report on H.R. 7960, which authorizes appropriations to the National Science Foundation for fiscal year 1972. This report was agreed to unanimously by the Senate and House conferees. The final report we present is the result of careful consideration by the conference members. I wish to compliment the conferees of the House on the capable job they have accomplished on the fiscal year 1972 NSF authorization.

The House on June 7, 1971, by a vote of 319 yeas to 8 nays, passed H.R. 7960. This bill, as it passed the House, authorized a budget of $622,000,000 which represents the budget level requested by the National Science Foundation, and approved through the Office of Management and Budget.

The committee of conference agreement represents a fiscal year 1972 NSF authorization of $655,500,000. This amount is an increase of $33,500,000 over the House authorization and a decrease of $51,000,000 from the Senate authorization. The Senate approved authorization was $706,516,215 for NSF for fiscal year 1972, an authorization level $84 million above the House approved authorization and a budget increase of almost 14 percent over the NSF request.

The $33.5 million added to the NSF request corresponds to a dollar increase of 5.5 percent over the budget figure.

Twelve areas of disagreement existed between the House and Senate versions of the authorization bill. Six of these areas were conflicts in budget levels; six other points consisted of differences in legislative language.

The NSF budget consists of 12 major programs. The major programs in which there was disagreement between the House and Senate authorization bills were: scientific research project support; specialized research facilities and equipment; national and special research programs; institutional support for science; and science education support.

The House authorized $246.1 million for the scientific research project support program. This figure represents an $11.7 million decrease from the Foundation's request of $257.8 million. The budget level authorized by the Senate bill was $292.8 million. The Senate budget level corresponds to an increase above the Foundation's request of $46.7 million.

The work of NSF under the scientific research project support program provides strong support for fundamental research in the biological, physical, environmental, social science, and engineering fields. This work is carried out by individual researchers or small groups of investigators with the average grant award being less than $50,000. This work has the purpose of insuring a strong base of competence in fundamental research and providing new knowledge and understanding applicable to our national needs. The projects selected are based solely upon scientific merit.

In 1972, this program has two major thrusts. One purpose of the program is to support research which adds to our basic understanding of environmental processes, basic natural phenomena and physical laws, and the societies and institutions created by man. This research program provides a core effort to maintain and preserve the Nation's scientific strength.

The second purpose of the scientific research project support program is to provide selective support of individual problem-focused research projects which deal with the immediate problems of our society. Particular attention is given to research proposals in areas such as pollution, food supply, health care, energy, environment, economic productivity, and natural resources. Special emphasis is also placed on the biological sciences and particularly on studies dealing with ecology and fundamental life processes.

As these research projects increase our knowledge and understanding, opportunities are identified and techniques and methods developed which can be applied to the solution of national problems. The budget increase the committee of conference provides in this area can be justified because knowledge gained in this program will help determine solutions to our urgent national needs.

The second major program category in disagreement was the specialized research facilities and equipment effort. The House authorization bill provided $9,300,000 while the Senate authorization bill approved the administration's requested figure of $5,800,000. The purpose of the $3,500,000 increase recommended by the House was to permit NSF to pursue more rapidly establishing and equipping institutional facilities. The availability of these facilities and equipment enables research scientists to be more productive and to conduct more advanced programs. It makes possible the initiation of certain scientific investigation which would not otherwise be possible.

A number of major disciplines are provided equipment and facilities. Some of the research facilities which will be assisted include atmospheric, earth sciences, physics, biological, chemistry, astronomy, and social science. In most of the existing laboratory facilities throughout the United States, there is a considerable gap between the needs and availability of both equipment and facilities. Many scientists are required to work with obsolete or makeshift devices. Thus, new research techniques requiring modern instrumentation cannot be employed. The problem is compounded due to the increasing price of the instrumentation needed. The specialized research facilities and equipment program is designed to alleviate the gap between existing facilities and equipment and the facilities and equipment needed to conduct more advanced research.

The third major category of the NSF budget in which there was disagreement was the national and special research program. The Foundation initially requested $166,600,000. The House authorization cut this figure to $136,000,000.

The Senate approved the full amount requested by the Foundation. The difference betweeen the House and Senate authorizations was $30,600,000. This dollar figure difference was contained entirely within the NSF program "research for national needs"—RANN.

The National Science Foundation was formed to support fundamental research and science education. The function of NSF has been to undertake broad basic research in order to complement the mission-oriented research being performed by other Federal agencies.

During recent years, however, the National Science Foundation has developed improved capabilities to stimulate research efforts more immediately and directly related to the problems of society and the environment. The Foundation's authority was broadened by the Congress in 1968. Under provisions of the 1968 amendments to the NSF Act, NSF is granted permissive authority to engage in applied research. The Foundation is therefore permitted to move into the area of applied research although there is no intent in the legislation to change the basic character of the Foundation. Applied research is not to be pursued at the expense of basic research, the principal object of NSF.

A limited number of program activities have been approved to be supported within the research applied to national needs effort. This research work includes weather modification, earthquake engineering, earth resources research, urban engineering problems, social research, criminology, and so forth. The primary objective of these research efforts is to develop knowledge of direct benefit to the country. The work also focuses upon improved understanding of the environment and permits more effective study to prevent environmental destruction. The effort further provides a better understanding of major national problems in relation to the potential contribution of science and technology in solving these problems.

The fourth major program category in which there was disagreement between the budget levels authorized by the House and Senate was the program for institutional support for science. The original budget request by the Foundation was $12,000,000. Both the House and Senate increased this figure. The House increased the request by $16,800,000 to $28,800,000. The final Senate recommendation was $34,500,000. The Senate and House agree that this program is conducting excellent work and that the $22,500,000 reduction from $34.5 million in fiscal year 1971 is too great.

The institutional support for science program is comprised of two separate activities: Institutional grants for science and science development. The institutional grants for science program provides annual grants for discretionary use by U.S. colleges and universities. The grants are intended to help maintain quality in academic science. More than one-fourth of the Nation's colleges and universities participate annually in the program.

Universities find that these funds are especially valuable for small research grants of doctoral level to new faculty members, for summer support of research by graduate students, and for permitting continuing research during lapses in outside funding.

The second program, science development, was initiated in fiscal year 1964 to improve the capability of academic institutions to conduct high quality science and engineering programs. Under this program, the Foundation provided over $200 million in support for science curriculum improvement at approximately 100 universities. These were universities offering graduate science programs and were located in the major regions of the country. The program is valuable in meeting the requirements for highly trained scientists and engineers and for upgrading the capabilities and quality of academic science programs throughout the country.

The budget level agreed upon the committee of conference for institutional support for science was $28,800,000. This budget level corresponds to the level originally adopted by the House.

The fifth and final major program category in which there was disagreement between the House and Senate authorization bills was in the science education support activity. The amount requested by the Foundation for fiscal year 1972 was $77,300,000. The House increased the Foundation's request by $20 million to a final figure of $99,300,000. The Senate increased the budget level for this category to $104,300,000. Both the Senate and House authorizing committees feel that the elimination of or reduction in number of valuable education programs is undesirable and shortsighted.

The science education support program is designed to maintain and increase the quality of teaching and research at all educational levels rather than the quantity of scientists being produced. No other Federal agency is supporting programs with the same objectives as those NSF programs to which funding was restored.

The science education support activity is comprised of a number of programs which address various levels of academic training. Furthermore, funding from this program provides for financial assistance not only to high school and college students but to high school and college instructors as well.

One of the major programs within this NSF category is the student development effort. The purpose of this program is to provide support for the more capable and highly motivated high school students to associate with college level professors and researchers. This offers the student excellent training in science, and through the student's influence on his fellow students and instructors, upgrades the level of science understanding in his own high school. Since 1959 when the program was initiated, approximately 80,000 students have participated.

A second major program within the science education support category is the undergraduate research participation effort. The objective of this work is to permit outstanding undergraduates in U.S. colleges and universities to participate in research through association with scientists at academic institutions. This program has not only assisted individual students but has led to important improvements in undergraduate curriculums.

A further important activity under the science education support program is the postdoctoral fellowship support. This program permits postgraduates to pursue advanced research in science. The program began in 1952 and more than 200 postdoctoral awards have been granted since that time.

NSF also pursues its instructional personnel development program within the science education support category. This program provides secondary school teachers the means by which to upgrade the quality of precollege education in science. Through this work, NSF can effect curriculums revisions at the precollege level.

In addition, under the personnel development activity, NSF carries out the only major fellowship program funded by the Federal Government. The program is designed to help college science teachers improve their undergraduate training. A further phase of this work is a research participation program which permits college teachers from less research-oriented colleges to work with scientists at major universities and nonprofit laboratories. This program has been highly successful in enhancing the ability of professors to instruct undergraduate students on their own campuses.

The Senate conferees agreed to accept the House recommended figure of $99,300,000. This final budget level is $22,000,000 above the Foundation's initial budget request.

The other major areas of disagreement in the authorization bills were differences in legislative language and authorization format. In particular, the House recommended a line item budget for NSF. The House feels that the budget of NSF is approaching a level where closer control should be maintained over the Foundation's programs. The Senate agrees to the line item budget proposed by the House.

In another area of disagreement, the Senate recommended a 2-year authorization while the House held to a 1-year authorization. The Senate agrees to accept a 1-year authorization for this fiscal year providing that NSF be prepared to discuss a 2-year program for authorization during next year's budget hearings.

Mr. Speaker, it is essential that the United States maintain a strong effort in basic research and science education if this country is to advance. The program of the NSF is important because the Foundation is responsible for much of the basic research carried on within the United States. The conference report as adopted unanimously by House and Senate conferees outlines a program providing for continued growth in basic science and research. The report which the committee has drawn up is sound and one which deserves support. The committee has dedicated much effort in arriving at the final recommended budget for NSF for the coming year.

In conclusion, I strongly urge the passage of this conference report as it provides a balanced approach to science education and basic research. It is this balance which is necessary to maintain our national strength in science and technology.

I thank the gentleman for yielding.

Mr. CABELL. I thank the gentleman for his contribution.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FULTON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report on the National Science Foundation Authorization Act of 1972 just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE AND ASTRONAUTICS TO FILE REPORT ON H.R. 10243, to CREATE AN OFFICE OF TECHNOLOGY ASSESSMENT IN THE LEGISLATIVE BRANCH, UNTIL MIDNIGHT, AUGUST 20

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that the Committee on Science and Astronautics have until midnight, August 20 to file a report to accompany H.R. 10243, a bill to create an Office of Technology Assessment in the legislative branch, that bill having been ordered reported by the Committee on Science and Astronautics.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FOREIGN ASSISTANCE ACT OF 1971

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 570 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 570

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 570 provides an open rule with 3 hours of general debate for consideration of H.R. 9910, the Foreign Assistance Act of 1971.

The principal purpose of H.R. 9910 is to authorize funds for continuance of foreign aid programs through June 30, 1973. Appropriations are authorized for fiscal year 1972 in the amount of $3,444,350,000 and for fiscal year 1973 in the amount of $3,494,350,000.

Among the principal changes in the act are:

First, use of Egyptian pounds owned by the United States to assist in reopening the Suez Canal;

Second, a separate authorization for population control programs;

Third, authorizations to the President to use foreign assistance funds to assist nations to control the production and traffic in narcotic drugs and to deny such funds to countries which do not take adequate steps to prevent drugs from entering the United States illegally;

Fourth, relief assistance to East Pakistan refugees; and

Fifth, prohibition of assistance to Greece and Pakistan.

In addition to this legislation, other principal parts of foreign aid for fiscal year 1972 include Food for Peace, the Peace Corps, subscriptions and contributions to multilateral lending agencies, and military assistance.

For fiscal year 1972 all U.S. foreign economic aid is less than one-half of 1 percent of our gross national product. It was approximately 3 percent when the Marshall plan was inaugurated.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 9910 may be considered.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by our colleague, the gentleman from Massachusetts, concerning this bill and this rule. It is a 3-hour open rule.

This bill is for 2 years rather than 1 year. I think we have to take this into consideration. The bill authorizes $3,444,350,000 for fiscal year 1972, and $3,494,350,000 for 1973. I think it is important to point out that the program provided for in this bill is basically a continuation of the same old foreign aid program that has been before this Congress year after year for far too long.

The committee did not see fit to adopt President Nixon's suggested changes for restructuring this program. In my judgment, the committee should not delay further in making necessary changes to this program.

I need not tell Members of the House who have served in previous Congresses that I oppose this program, and certainly this year, since we are facing a $20 billion deficit in our budget and since we are also facing a serious balance of payments deficit, I think it would be in the best interests of the United States to suspend this program for fiscal 1972 and 1973.

Mr. Speaker, I think it is well to refer to the information which appears on page 12 of the report, which shows the amount of money in the pipeline of the foreign aid program. When we look at the amount of money estimated to be in the pipeline for 1971, we find $4.7 billion still unexpended, and we begin to wonder why we are being asked to authorize additional spending for fiscal years 1972 and 1973. These balances are as follows:

Unexpended balances, foreign assistance program, military and nonmilitary, including Alliance for Progress, but excluding investment guaranty program and acquisition of excess property revolving fund

	[*In billions*]
1950	$3.5
1951	7.1
1952	9.9
1953	10.1
1954	9.6
1955	7.9
1956	6.4
1957	6.1
1958	5.3
1959	4.8
1960	4.8
1961	6.0
1962	6.6
1963	6.8
1964	6.3
1965	6.3
1966	6.4
1967	6.6
1968	6.2
1969	5.3
1970	4.7
1971 (estimated)	4.7

Mr. Speaker, I have no requests for time on this side of the aisle, and I reserve the balance of my time.

Mr. O'NEILL. Mr. Speaker, I have no further requests for time on this side.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9910) to amend the Foreign Assistance Act of 1961, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9910) with Mr. PRICE of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 1½ hours, and the gentleman from California (Mr. MAILLIARD) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, this afternoon I rise to recommend approval of H.R. 9910, the Foreign Assistance Act of 1971. This bill authorizes $3,444,350,000 for fiscal year 1972 and $3,494,350,000 for fiscal year 1973.

Now I recognize that $3½ billion is a

lot of money and that there are those who wonder why we should propose authorization for 2 years instead of 1.

Let me say just a word about the situation in which the Committee on Foreign Affairs found itself last spring and about the situation that confronts all of us here on the floor of the House today.

Back in 1968, in the Foreign Assistance Act of that year, the Congress directed the President to make a comprehensive review of all U.S. foreign assistance programs and submit his recommendations to the Congress by March 1, 1970.

In response to this direction, the President appointed a commission of distinguished citizens, headed by Mr. Rudolph Peterson who was chairman of the executive committee of the Bank of America, the largest bank in the United States.

The Peterson Commission submitted its report to the President on March 4, 1970.

The executive branch took a long time deciding what to do with the recommendations of the Peterson Commission, but finally last April the President sent his recommendations to the Congress, together with two draft bills 138 pages in length.

In general, the proposed legislation, which was submitted 14 months after the Peterson Commission made its report, followed the recommendations of the Peterson Commission. I do not know why it took so long for the President to decide what he wanted.

The Foreign Affairs Committee began hearings on the President's foreign aid message 6 days after it was received.

Now let me say in all frankness that the reorganization of the foreign aid program proposed by the President was not very appealing to the Committee on Foreign Affairs.

Two new agencies were recommended—one to handle loans for economic development and the other to direct technical assistance to the less developed countries.

Both these agencies were to be independent of each other, and neither would have to take orders from the Secretary of State.

The draft legislation proposed was intended to remove them from the control of the Congress insofar as would be possible for agencies requiring appropriated funds to finance their operations.

They proposed a lump sum authorization for a capital fund which was to be replenished as needed rather than to present a program to the Congress each year as justification for an annual request.

The development corporation wanted to finance part of its operation with borrowed funds, and both of the new agencies wanted a lump sum appropriation with additional funds supplied from year to year to replenish their capital.

Mr. Chairman, I will admit that those of us on the Foreign Affairs Committee who have brought the foreign aid authorization to the floor year after year have had a feeling that the program was not increasing in popularity.

We had been hoping that the President would send up recommendations for a new foreign aid program that would be a streamlined model which most of us would find easier to support. Instead, at first glance at least, the 1971 model did not seem any more attractive than the old program we were familiar with.

Now, just because we are disappointed in the recommendations sent up by the President, it does not follow that we do not need to continue the foreign aid program.

Anyone who thinks about the world situation today, however, the acute problems that confront us in various parts of the world, and the fact that our defense strategy depends on access to foreign bases and the cooperation of the armed forces of our allies, has to think twice before cutting off all foreign aid.

We have to face the fact that many countries in the world have come to depend on U.S. assistance. If we cut it off, the withdrawal symptoms would be severe. We are confronted with more than enough crises in our relations with foreign countries now. We should not create any new crises by stopping the foreign aid program.

Mr. Chairman, that was our situation in the committee and that is the situation that is before the House today. Most of us are dissatisfied with the foreign aid program. We believe that it should be reorganized and redirected. The President waited until the end of April to send up his recommendations. The new fiscal year has begun.

The committee has not had time to do what has to be done before it can recommend drastic changes in foreign aid. Foreign aid is built into our defense strategy. Foreign aid is a major instrument in the conduct of our foreign policy. The people of the poorer countries all over the world would lose hope if we announced that the United States was going out of the foreign aid business.

We decided the best thing to do, probably the only thing to do, was to authorize the funds to keep the program operating under existing legislation. When we faced the realities of the situation, it also seemed clear to us that our job would not be done by next February and that it would be better to provide authorizations for fiscal 1973 also. In the meantime, we are going to continue hearings on the President's recommendations.

The President has proposed methods for dealing with basic issues. Any attempt to reorganize and redirect foreign aid will have to deal with these basic problems. In some cases, I hope the committee can find better solutions.

The President's recommendations deserve the most careful consideration, and I intend that the Committee on Foreign Affairs will examine them carefully and constructively.

I admit frankly, Mr. Chairman, that a considerable element of judgment enters into the figures we recommend for fiscal year 1973. World conditions will undoubtedly change and the situation in individual countries will change.

What the committee has tried to do is to present an adequate authorization so that next year, when the 1973 appropriation request is considered by the Appropriations Committee, the limits we imposed will not prevent that committee from providing the funds that are necessary to deal with the situation that exists at that time.

Let me suggest also that although I have mentioned a figure of $3,444,350,000 as being the amount authorized in this bill for fiscal 1972, that figure does not appear any place in the bill. It is the aggregate of the figures in the bill, each of which relates to a different kind of operation with a different purpose.

Two billion dollars of this authorization is to finance our defense strategy. About $1.2 billion is for military assistance, including weapons and equipment, together with economic assistance to support the military effort of such countries. Most of this goes to countries that border on Communist nations, including Korea, Cambodia, Turkey, and Formosa, and to Indonesia which is in a vulnerable and strategic location.

About $40 million goes to Spain, Ethiopia, and the Philippines where we have important bases.

Over $500 million is to finance credit sales of military equipment to countries friendly to the United States that are able and willing to pay if they are given up to 20 years to do so.

And $800 million is authorized to provide economic assistance to countries where we have a direct interest in keeping their economies going. This money is not directed toward developing these countries. We provide it because it is in our interest for them to survive.

Over $500 million of this security supporting assistance is to finance the economic needs of Vietnam, but we also want to help Cambodia, Thailand, Laos, and Jordan.

The point I want to make, Mr. Chairman, is that when you try to figure out how much to cut the commodities to be imported by South Vietnam, or whether we should continue to support the present Government of Jordan, or whether to help the Government of Cambodia in its uphill struggle against the Vietcong, you are not dealing primarily in dollars; you are dealing in matters that involve our national interest. Unless we give enough aid in such cases, it is better not to give aid at all. You cannot decide the right amount for each country by deciding whether to cut the totals by 10 or 25 percent.

Mr. Chairman, I have talked about the problem of deciding how much is the right amount of assistance to give to a country. I should point out that this bill provides for cutting off all aid to two countries— Pakistan and Greece. Both of these countries have received substantial amounts of U.S. aid in the past.

The bill—section 302, page 12, line 21—provides for suspending all aid to Pakistan until the President reports to the Congress that the Government of Pakistan is cooperating fully in helping the refugees to get back home and permitting them to get back their land and property. This does not prohibit sending food and other humanitarian assistance to Pakistan under international auspices.

In addition, the bill—page 7, line 23, new section 491 of the act—authorizes $100 million for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan.

In the case of Greece, the bill—section 302, page 12, line 7—prohibits the furnishing of assistance under the Foreign Assistance Act or the Foreign Military Sales Act to Greece. The President is given authority to waive this provision when he finds that overriding requirements of national security justify such a waiver. Even if the President decides to give aid to Greece, the amount is limited to the amount Greece received in the fiscal year 1971. Although the final figures have not been compiled, the best available estimate is that this would be about $90 million. Only military assistance and sales are involved since Greece has received no economic aid for several years.

Mr. Chairman, as I have pointed out, the bill before us today provides funds to continue foreign aid operations under existing law. Let me remind you that what we call the foreign aid program includes five closely related programs, each having different immediate objectives and functioning somewhat differently.

I have already discussed the largest, which includes military assistance and security supporting assistance, both of which are directed toward the implementation of our defense strategy. The authorization for these programs is $1,505,000,000 for each fiscal year. Military credit sales are for the same general purpose, and $510 million is authorized for each fiscal year to finance these credit sales.

As I have mentioned before, the security portion of this authorization amounts to $2,015,000,000 for each of the 2 years.

The next largest amount of money in this bill is for development loans. The authorization for fiscal year 1972 is $400 million and for fiscal year 1973, $450,000,000.

Fifteen countries are scheduled to receive these loans. Development loans are repayable in dollars, but the countries have as long as 30 years to pay and the interest is a minimum of 2 percent during the first 10 years and a minimum of 3 percent thereafter.

These loans are used to finance projects such as powerplants, highways, and irrigation. They also finance imports of machinery and industrial materials when countries do not have enough foreign exchange to keep their industries going.

The bill before us also authorizes $378,250,000 for fiscal year 1972 and $428,250,000 for fiscal year 1973 for the Alliance for Progress. Most of this money is for loans for development, but not to exceed $90,750,000 each year can be used for grant assistance.

I am sure that every Member of the House recognizes the importance of Latin America to our security and our prosperity. I am sure also that all of us are dissatisfied with certain recent developments in Latin America.

Cooperation, by its nature, cannot be one-sided. Countries that seize our fishing boats and that expropriate our property are not cooperating with us and should not expect us to cooperate with them.

We should not, however, forget that there are over 20 Latin American countries and that there are only a few that are not cooperating.

It would not be in the best interests of the United States to condemn all of the Latin American governments for the actions of a few.

If the United States were to cut off all aid to Latin America or cut back our assistance drastically because of the seizure of fishing vessels or the expropriation of property owned by U.S. corporations, it would have an adverse effect on our relations with the most friendly and cooperative governments in Latin America. We would be creating new crises rather than solving the problems we now have.

The next major element in the foreign assistance program is technical cooperation. The authorization in this bill is $183,500,000 for each of the 2 fiscal years. The number of countries that can receive technical assistance is limited by law to 40.

I believe that there has in the past been more widespread support for this aspect of foreign aid than any other part of the program. According to the latest figures we have, there are 127 U.S. colleges which have contracts for services which are financed from this authorization. These contracts are worth $242 million.

Another program which has always been included in the foreign assistance program is United States voluntary contributions to international organizations.

I want to make clear that this authorization does not provide the funds to finance the regular budgets of the United Nations or the Food and Agriculture Organization, or other international organizations of which the United States is a member. The U.S. share of the expenses of these organizations is included in the State Department appropriation, and the foreign aid program is not involved.

The authorization for international organizations in this bill—$143 million for each of the 2 fiscal years—is for voluntary contributions which the United States, together with other governments, makes to finance certain projects or programs which are carried on by various international organizations. These include the United Nations Development Program, the Children's Fund, the FAO World Food Program, the World Health Cancer Research Institute, and the United Nations Relief and Works Agency for Palestine Refugees.

The payments which each country makes to each of these programs is not an assessment against each country as is the case with the regular budgets of these organizations, but each country contributes voluntarily in accordance with its ability and its interest. In some cases, the U.S. contribution is limited by law to 40 percent of the total program and, in general, this 40-percent ceiling is applied for most of these programs.

As I have said, the bill authorizes $143 million for the U.S. contribution to these programs for each of the 2 fiscal years. The largest single U.S. contribution is $100 million to the United Nations Development Program which, as you will recall, is headed by Paul Hoffman. The U.S. share is limited by law to 40 percent.

Mr. Chairman, I have reviewed in some detail the major elements of the foreign assistance program which are included in this authorization. Let me emphasize again that this is not simply a case of deciding whether the right amount is $3.4 billion.

Let me remind you also that the foreign aid program does not involve handing out money to foreigners. The United States supplies goods and services to foreign countries under this program, of which over 90 percent are procured in the United States. Nearly all foreign aid dollars are spent in the United States.

I urge each Member of the House to consider all of the elements of this program and the repercussions that would follow if it were eliminated or drastically cut.

A war is still going on in Vietnam; and if the $565 million program of security supporting assistance in this bill were knocked out, I am sure that the Vietnamese Armed Forces could not continue to fight.

The people of the less developed countries of the world depend on U.S. foreign aid to lead the way out of their poverty.

We count on the military forces of Korea, Turkey, Taiwan, the Philippines, and of other allies to carry out their assigned roles in a common defense effort.

The colleges and universities of the United States are making a great contribution to the development of the less developed countries of the world. They have also benefited from their participation in the foreign aid program.

No one should let his disapproval of one aspect of our foreign policy or his dissatisfaction with the policies or actions of a particular country blind him to the magnitude and complexity of the problems we face in the field of foreign policy.

The basic question each of us has to face is whether the approval of this authorization will make the United States stronger and more secure.

I am confident that most of the Members of the House will agree with the committee that the best thing to do is the situation we find ourselves in today is to vote for this bill.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to congratulate my friend, the gentleman from Pennsylvania (Mr. MORGAN) on his clear statement in which he has covered the major factors and worldwide programs, that this bill includes. This U.S. foreign aid program principally is based on U.S. defense and the security of free people. It is based on protecting and developing U.S. foreign trade. This bill is one of the foundations of free world progress, and economic assistance for developing nations, and this legislation assists our own economic progress.

I would like to support the 2-year authorization provision of this bill. When there is a 2-year authorization, the Committee on Foreign Affairs can look into the Peterson report prepared by the commission authorized by President Nixon to reorganize basically U.S. foreign aid programs. The necessary detailed and long committee work and many hearings with many witnesses has to be accomplished on the basic revision of the U.S. foreign aid program; is that not the case?

Mr. MORGAN. That is correct.

Mr. FULTON of Pennsylvania. That is why the Foreign Affairs Committee recommended the 2-year authorization for U.S. foreign aid rather than a 1-year authorization. This time gives the Foreign Affairs Committee the time and the authority to hold the hearings and make the required adequate study without having to go through this authorizing process all over again in the early part of next year. The President himself has recommended the Peterson report for basic revision of U.S. foreign aid, be considered by the House Foreign Affairs Committee.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MAILLARD).

Mr. MAILLIARD. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, once again the U.S. foreign assistance program is undergoing congressional scrutiny. This is as it should be. The Committee on Foreign Affairs has itself scrutinized with great care the legislation now before you. This is a sound, constructive bill. It is a bill that fully recognizes the international economic and security interests of the United States. It deserves your support.

The distinguished chairman of the Committee on Foreign Affairs, Dr. MORGAN, has described in some detail the provisions of H.R. 9910. He also has explained why the committee decided to report out the legislation now before you, rather than act upon the extensive reorganization proposals of the President at this time. I supported the chairman's decision to move ahead with the extension of the foreign aid program provided for in H.R. 9910. The reorganization proposals were too extensive to conduct adequate hearings and bring reorganization legislation to the floor in time for fiscal year 1972. However, as Chairman MORGAN has indicated, our committee will move forward with consideration of the President's legislative proposals. We will consider carefully our foreign assistance objectives and how best to achieve them.

I would like to emphasize just a few of the key features of the legislation we are considering today.

As you are aware, a significant portion of the funds authorized are in the area of security assistance. These funds are essential if we are to achieve the objective of reducing American troops abroad, while continuing to help our friends and allies maintain their own security. Surely it is less costly, and some would say more effective, to help our allies look to their own defense than to supply Americans to do the job. To withdraw American forces and, at the same time, deny security assistance to our allies, could give a misleading signal as to our future interest in international affairs. This, in turn, could lead to the sort of tragic miscalculation that has so often in history led to major war.

The bill we have before us also spells out new initiatives in the areas of narcotics control, refugee relief, and population programs.

The amendment on international narcotics control emphasizes our great concern over the narcotics problem. It gives the President new tools with which to encourage cooperation by other nations in our efforts at narcotics control.

Our Nation always has shown a compassion for refugees and victims of disaster. In this bill, we have included $100 million for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan. While these relief efforts will not resolve the issues that created the refugee problem, they will ease the misery and suffering of the victims of the tragedy.

The population programs authorized by this legislation are essential to the long-range success of our development assistance efforts. Because of the importance of such programs, the committee adopted an amendment, which I offered, that would authorize the appropriation of $100 million in fiscal year 1972 and $125 million in fiscal year 1973. These amounts, in my opinion, are the minimum that should be used in this vital area. In addition, funds authorized to carry out the provisions of part I of the act may also be used to maintain population programs at the level authorized by the committee, or higher.

I would be less than honest if I did not say that there are certain provisions of the bill with which I am not in full agreement. For example, I view with misgivings the lack of flexibility caused by the restrictive amendments on Greece and Pakistan. While I concur with the objectives of these amendments, I think it is unfortunate to write into law rigidities of this sort which make it difficult for the President to react to events.

There are other provisions with which I do not fully agree, but legislation is a cooperative effort, and I fully support the bill before us.

This bill will continue our efforts to build a more peaceful, secure world. This is a long, costly effort, but considering the nature of the world in which we live, I believe we have no alternative but to continue.

I urge your support of H.R. 9910.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, the bill which we are discussing this afternoon authorizes appropriations totaling $3,444,350,000 for fiscal 1972, which is already well underway, and $3,494,350,000 for fiscal 1973. These sums appear to be very modest when viewed in the context of a total expenditure of $235 billion for fiscal 1972 and between $251 billion and $253 billion for fiscal 1973.

Unfortunately, the amounts authorized by H.R. 9910 are but the tip of the iceberg. The numerous foreign aid requests that appear in the budget submitted in January total nearly $13 billion; presumably the total for fiscal 1973 will be at least again as much. These amounts will be more than 5 percent of the total budget for the next 2 years.

Were this the first time that the subject of foreign aid came before the House, a Member could consider voting for it on the ground that we ought to be willing to try anything once, especially if it will help bring peace to a troubled world. It so happens, however, that the foreign aid program has become a hardy perennial, this being its 27th year.

The taxpayers of the United States have provided almost $145 billion in aid to foreign nations since the end of World War II. Some of these billions have gone to our allies in that conflict, some to our former enemies, and some to neutrals. A great deal of assistance has gone to countries that are now behind the Iron Curtain. Many of the recipients of our help did not even exist as independent nations when our foreign aid program started. In short, foreign aid has been in business longer than many of the countries it is supposed to help.

We had to borrow the money before it could be made available to other nations, so an additional $75 billion must be added for interest, making a grand total of $220 billion.

Proponents of the foreign aid programs make much of the fact that they cost but a small amount when considered as a percentage of the gross national product. To this argument we should turn a deaf ear.

If foreigners need financial help in order that they may set up industries, they can best be assisted through our many industrial establishments. I will seriously consider buying stock in corporations that stand to profit from foreign investments, although recent expropriations by nations that have ridden on the foreign aid gravy train might tend to discourage me.

Instead of dismissing objections to foreign aid spending with flippant statements about what an infinitesimal amount of the gross national product goes for foreign aid, those who support the concept ought to give serious attention to the Federal Government precious fiscal situation.

Thirteen billion dollars is almost lost in a trillion dollar gross national product, but it forms a major part of the $26 billion Federal deficit for fiscal 1972.

The $145 billion that we have spent for foreign aid since the end of World War II may not sound like very much when we note that the average per year has been about $5½ billion, but when we consider the $145 billion alongside the $400 billion national debt, we realize how much of our astronomical debt is due to our extravagant spending for the benefit of other nations.

The $75 billion that has gone for interest on the foreign aid giveaways has averaged less than $3 billion annually, but it becomes cause for alarm when we note that the interest on the public debt will be more than $21 billion during fiscal 1972.

Foreign aid programs have been justified in many different ways. They were needed to stop communism. They were needed to bolster the economies of our allies and our onetime enemies. They were absolutely essential to our own economic stability.

Foreign aid programs have been presented to the American people under numerous alluring labels: Agency for International Development, Alliance for Progress, Asian Development Bank, Development Loan Fund, Economic Cooperation Administration, European Recovery Program, Export-Import Bank, Food for Peace, Foreign Operations Administration, Inter-American Development Bank, International Bank for Reconstruction and Development, International Cooperation Administration, International Development Association, Mutual Security Agency, and United Nations Relief and Rehabilitation Administration. No matter what high-sounding label is used to sell it, foreign aid carries a price tag and is very expensive.

At the same time that the drums are being beaten in behalf of the foreign aid programs, we hear a great deal about the multitude of problems here at home. These problems cry out for solutions, the favorite solution being a huge transfusion of taxpayers' funds to be distributed by the Federal Government. If my liberal friends are serious about reordering our priorities, I would suggest that we divert some of the billions now being scattered all over the globe to domestic uses. While I would prefer that the money saved be spent by private individuals and organizations or by local and State governments, I concede that it would be better to allocate it to programs that would benefit Americans who are in need of food, housing, medical attention, and schooling, than to continue the expensive, inefficient, and futile foreign aid programs.

Mr. Chairman, what I believe is necessary in the calm atmosphere I detect this afternoon is for us to philosophize on some of the items in the bill that I think deserve a little extra scrutiny.

May I point out that there are certain humanitarian programs such as the gentleman from California alluded to. This does not mean because we are interested in the support of refugees the only vehicle for it is this bill. I would suggest to the Members that we could do an awful lot for refugees in Pakistan and other parts of the world by special legislation. There are other vehicles that could have been used.

But I do feel that it would be a fair criticism of the committee action to point out that there is at least an inconsistency in the committee's approach in this particular legislation.

We know that a great debate rages these days over the prerogatives of the executive versus the legislative branch of Government. In this bill we have two amendments, one allegedly handling the situation in Greece and another allegedly handling the situation in Pakistan, in which the committee really is attempting to dictate foreign policy.

On the other hand, this is a 2-year authorization, which means that the committee is saying to the executive branch, "For 2 years you can operate freely without restraint from this committee." I think this is a basic inconsistency.

Personally I prefer a 1-year authorization so that our Foreign Affairs Committee and the Congress could control the authorization as well as the appropriation. I believe that would be consistent with the views expressed in Congress, especially by some of the Members of ultraliberal persuasion who wish to hogtie the President at every hand. They should support a 1-year authorization in the aid program to do so.

I will mention the Pakistani problem briefly. What we are doing in this act is to cut off all aid to Pakistan until some prescribed conditions that would meet the approval of an international organization were met.

What we are doing is creating the possibility of a major war between Pakistan and India for this very reason: The one country that has a diabolical interest in the breakup of Pakistan is India, and if we cut off all military and other forms of aid to Pakistan, what we are doing is weakening Pakistan at the expense of India. I would suggest, if the majority is being consistent, that we should have a provision cutting off all aid to India until Pakistan qualifies for some form of aid. At the moment the Pakistanis are in an especially difficult status. I am convinced the Indians will try to take advantage of it.

With all due respect to the Government of India, it is trying to alibi for its domestic failures by foreign policy agitating against Pakistan. I do not think we should directly or indirectly cooperate with such conduct of foreign policy. If I could make one point, Mr. Chairman, it is to emphasize my belief that there should be a bit of consistency in the legislative branch. I would suggest since there is an evident trend to try to control the Executive, the proper way to control the Executive would be to pass a 1-year authorization. At an appropriate time I will have an amendment to reduce this 2-year authorization to a 1-year authorization. I expect support from both sides of the aisle from Members who, consistent with their actions on other bills that have come before us and consistent with their criticism of the President in Southeast Asia, would join me in limiting the Executive to a 1-year authorization.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I am deeply concerned at the provision in this bill which would put severe limitations on continued foreign military sales or military assistance to the nation of Greece. This is a 2-year bill. Surely we ought to think about this provision in the light of a 2-year commitment.

I share the concern of my colleagues about seeing democracy returned to Greece. Greece is the cradle of democracy. The Greeks invented it. Surely we, as Americans, have a close kinship with the fundamentals that have been laid down by Greek philosophers. When Thomas Jefferson was drafting the American Constitution, he borrowed very heavily and relied very heavily on Greek philosophies of democracy and incorporated them into our Constitution, using those concepts of human dignity that had been espoused by the Greek scholars. As a matter of fact, Thomas Jefferson was so thoroughly impressed with the teachings of the Greek philosophers, and he had written so much of Greek philosophy into the American Constitution, that he actually suggested we make Greek the official langauge of the United States. His proposal was defeated by only one vote. So it is understandable that we, as Americans, would have a very deep and keen yearning to see the principles of democracy return to Greece. I am certain the caretaker government of present-day Greece also want to restore those principles as quickly as possible.

I submit, Mr. Chairman, I have been in Greece and I have talked to the Greek people. I was in Greece 3 weeks after the present Government took over. I took with me our American Consul, because I wanted to rely on his translations. He spoke Greek very fluently. As we moved through the streets and talked to the people, we found that the people of Greece had stated in their reactions to the colonels, "What took them so long in coming?" There is no question that on April 21, 1967, Greece was on the verge of complete chaos and of falling into Communist hands. The Government of Greece was in a state of complete shambles and ripe for a Communist takeover.

I personally talked to the late Premier of Greece, George Papandreou. One Sunday afternoon I visited with him in his villa. We spoke in English, because he spoke a halting English, and I asked Mr. Papandreou whether or not he could have won enough votes in the May election to form a government. He said, "No, I would not. I would need 30 additional votes, and I would have to get them from the Communists."

I was moved by Mr. Papandreou's complete frankness but had no reason to doubt his sincerity.

He spoke slowly and deliberately and made it very clear he was willing to form a coalition in order to return to power as head of the government.

I said, "From the Communists?" He said: "Yes." I said, "What would be the price you would have to pay?"

He said, "Taking Greece out of NATO."

I asked: "Would you be willing to take Greece out of NATO?"

He said, "Yes, that is right. NATO is no good to Greece because in our struggles with Turkey NATO could not help us, under the rules of the NATO charter. Where two member nations are involved NATO cannot be involved."

I asked Papandreau if that was the same reason his son worked to take Greece out of NATO when he was Defense Minister and the senior Papandreau replied "Yes."

I visited Yaros Island, where the political prisoners were. I believe that Consul Peterson and I were the only Americans ever permitted to visit Yaros. I insisted on personally talking to the prisoners. And we talked to hundreds of these people. They admitted openly they were Communists and were waiting to get out of prison in order to do everything they could to overthrow Greece and to deliver it to the Communist camp. Deputy Prime Minister Patakos offered them immediate freedom if they would pledge not to try to overthrow the Government by force. They jeered at his offer and said they would never stop trying to overthrow the Government. One young lady said defiantly: "I was born a Communist, I am a Communist and I'll die a Communist."

So I say, Mr. Chairman, it would be a grave mistake if we adopted this language. I know we yearn for that day when Greece will return to democracy, but right now we need Greece a good deal more than she needs us. Greece is the southeastern anchor of our defense establishment in NATO. I say that this language is much too restrictive.

If Greece should ever fall, the Soviets would have open access to the entire middle last; Israel could not survive; the entire coast of Africa would be vulnerable and our own defense capability would suffer. Greece is our first line of defense in southern Europe today.

If I were to relate all the other nations that we assist which are not under democratic rule, it would be a long list. I do not see any suggestion being made here today that we withhold any assistance to Turkey. I dare the Defense Department to show this House what the Turks are doing against American troops on American bases in Turkey—assaulting them, raiding our bases, destroying our properties, and shooting our soldiers.

Why do we single out Greece?

Why not apply these same sanctions against all of our allies which do not have our standard of democratic government?

The CHAIRMAN pro tempore (Mr. STRATTON). The time of the gentleman from Illinois has expired.

Mr. MORGAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. PUCINSKI. Mr. Chairman, I say we would be making a great mistake if we were to accept this language. I hope at the proper time this language will be offered.

Indeed, as we look at the Mediterranean, look at the whole coast of Africa, look at the situation in that part of the world, Greece today offers the United States its only reliable base of operations for NATO. For us to say today that we are going to deny this assistance to Greece is to play "Russian roulette" with the security of this country and peace in the world.

It is the irony of our time that while the Soviet Union continues to build new alliances to conspire against us, we Americans insist in driving our best allies into the enemy camp. Make no mistake, the Russians have been making overtures to the Greek Government; a few weeks ago a Soviet mission visited Athens. I think we should be grateful that Prime Minister Papadopoulos remains loyal to the United States and NATO.

Surely, we are pressing this nation for improvement. Our ambassador is doing a great job in Greece trying to impress upon the Greek Government the need for restoring democracy in that country as soon as possible. And much has been done. I have talked to Prime Minister Papadopoulos a great deal about this. I know his desires and yearnings. He is a fierce patriot; he wants to restore the glory of Greece. He is trying to bring the country back to democracy. But this is not the easiest thing to do.

Let me remind you that our own country, the United States of America, took more than 12 years to implement a democratic constitution after the American Revolution.

There is no question in my mind that this Government saved Greece from falling into Communist hands, and no one knows better than Prime Minister Papadopoulos that democracy must be restored. But not a way which will bring about a return of chaos and downfall to the Communists.

It would be my hope we can exert as much effort as we can to restore democracy to that country, but not to do it by cutting off military aid, which is the only source of survival for Americans participating in NATO in that part of the world.

Mr. Chairman, I am opposed to these restrictions in military and economic aid to Greece because I am not going to support a move that will plunge Greece into the Soviet orbit.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from California.

Mr. ROUSSELOT. I believe the remarks of the gentleman were very pointed and very correct in what he says. We should not neglect our very clear ally with military support. Will the gentleman offer an amendment to correct the things he has stated?

Mr. PUCINSKI. It is my hope, if an amendment like that is not offered, yes; that I will offer an amendment to reshape this language so that military aid will continue to Greece.

Mr. ROUSSELOT. I thank the gentleman.

Mr. MAILLIARD. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, a preceding speaker says it is right and proper that we have the opportunity to discuss this foreign aid bill here today. I wish he had supported the moves that were made in committee to hold it to a 1-year program so that we might have the same opportunity next year.

Mr. Chairman, as we have said in the minority report on this multibillion dollar foreign handout bill—this is the year when the American people might well have expected a farewell to alms.

Beset with rising taxes in every State, county, municipality and borough in the Nation; with debt and deficit on every hand and rampant inflation feeding upon itself; with costs of living climbing every month; with wages chasing spiraling prices in ever widening circles; with a Federal budget last year that was supposed to produce a surplus of $1.3 billion and wound up the fiscal year with a deficit of more than $23 billion, commonsense dictated that the time had come for an end, or at least drastic reductions, in the dispensing of alms to foreigners.

Instead, what have we here? Not a drastically reduced 1-year program or, better still, no new funding and a resort to the clogged pipeline, but a 2-year program and it calls for the expenditure of an additional $6.8 billion. I repeat, $6.8 billion of additional borrowed money, in addition to $24½ billion in the pipeline, to be shoveled out from Washington to Timbuktu to Ouagadougou and all points in between.

The knowledge of this magnitude of almsgiving will give little peace of mind and comfort to those Americans who are already on the way over the hill to the poorhouse.

But for those Americans who are fighting, or who have already fought and lost the battle for economic survival, what we have discussed thus far is only the tip of the iceberg in terms of past and present foreign handouts. Provision has been made in other legislation for a minimum of $9 billion more for bilateral and multilateral assistance, and, since 1947, no less than $212 billion has been scattered to the four corners of the earth by the checkbook diplomats, aided and abetted by a profligate Congress. And what has been the return for this staggering outpouring of the resources and substance of the American people? "Peace in our time," did you say?

Thirty-five thousand Americans killed and an uneasy military truce in Korea gives the lie to that. And another 45,000 killed in Vietnam, where there is still no truce, uneasy or otherwise.

Where are the architects and checkbook artists who were responsible for and promised so much from the Southeast Asia Treaty Organization—SEATO—the Alliance for Progress, and the Inter-American Bank, to name but three of a myriad of international organizations all heavily financed by the battered citizens of this Nation?

Every member of SEATO is pledged, as are members of the United Nations, to go to the assistance of another member who is the victim of aggression. There is no point in recounting what has happened. The casualty figures tell the cold, hard, tragic facts of life and death. It is Americans who have carried the brunt. And there are those who cannot wait to get all the soft loan windows open and manned in the Asian Development Bank, the better to shovel out our cash.

Billions upon billions of dollars have been dumped into Latin America through a variety of faucets. The Inter-American Bank was spawned to expedite the flow in behalf of the Alliance for Progress, and, Congress was told, it was all for the sweet-scented purpose of providing a climate in that area that would be safe for American private investors.

Call the roll of American investors in Peru, Bolivia, Chile and other countries of Latin America and ascertain how many of them are now champing at the bit to lay their cash on the line unless its return is guaranteed by big Big Brother in Washington, who has the option of digging it out of the taxpayers' pockets or starting the printing presses.

Mr. Chairman, for years I have said, and I repeat it now: This Nation cannot police and bankroll the world without going bankrupt.

President Nixon submitted a budget for the current fiscal year of some $229 billion and a built-in admitted deficit of $11.6 billion. A short time ago the financial wizards at the White House admitted the deficit for this fiscal year would be not 11 billion, but probably more nearly $18 billion. Members of the House Appropriations Committee, including the chairman, have indicated their belief that the deficit will run to between $25 and $30 billion.

This Nation is wallowing in more debt than the rest of the world combined. It simply cannot continue to yield to blackmail. It cannot continue to fill all the tin cups that are held out and grease all the hands that are extended—palms up.

There has been growing discussion and indignation in Congress because of huge cost overruns in various programs and projects. The foreign handout program was hatched in 1947 as a 5-year deal to cost $5 billion. Thirty-four years and $212 billion later it is still with us. No cost overrun in the history of mankind can equal it.

For a Nation that has more than $400 billion of Federal debt and a public and private debt as of last January 1 of more than $1,700 billion, the continued outpouring of the substance of this country for this purpose is not only shameful—it is outrageous.

Apparently only a taxpayers' revolt or a purge of Congress can stop it.

As we have said in our minority report, Members who have little or no unemployment in their districts, and whose constitutents are not concerned about inflation, will, of course, have no difficulty in supporting this $6.8 billion bill. The rest of us must vote against it.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, as a Member of the House, I have watched with deep interest the struggle of the Jewish people to establish and to defend their state. Despite the fact that Israel has been compelled to live in a state of siege, the Jewish state has been able to reclaim a desolate and neglected land, to build its economy, to develop its agriculture and industry and, above all, to absorb and rehabilitate hosts of refugees who came in search of sanctuary from discrimination and persecution.

In this effort, the State of Israel was assisted not only by the Jewish people of our country but also by the Government of the United States. In 1951, Congress voted to include Israel in the mutual security program, and for several years thereafter we approved grants and loans to Israel.

Israel made excellent use of our aid, as economists have testified, and proved to be a showcase for the democratic system and for our foreign assistance program. Israel's growth rate has been spectacular, making it possible to terminate the grants some 10 years ago. Moreover, Israel has repaid more than half the money that was loaned by our Government for economic development.

In the meantime, Israel has been compelled to fight three wars, and the peace is not yet in sight. Accordingly, she has had to acquire arms to match the sophisticated planes, missiles, and tanks which the Soviet Union has with such generous terms poured into Arab States in such abundant quantity. While the Soviet Union came to the Arabs with gifts and easy financial terms, nobody ever gave Israel any arms. She has always paid her defense bill, both in human and material resources. She counts up vast defense expenditures—and many lives lost.

Because of her defense needs, Israel's external debt burden has increased to about $3 billion. The average Israeli now owes $1,100 in external debt, almost twice as much as he did in 1967 at the time of the 6-day war. Israelis pay high taxes and they pay heavy interest charges and the Israel economy is in trouble. Israel has appealed to the administration for economic assistance. She still does not ask us for the gift of arms. She is paying for the weapons she buys from us, but there are limitations to her capacity. We must be concerned about her problems and we must be ready to assist her. Many countries receive free military aid from the United States; many receive supporting assistance to ease their heavy defense burdens. It is time we recognized Israel's urgent need.

I am glad that the House Committee on Foreign Affairs has taken note of Israel's appeal to the administration and has pointed out in its report that funds for this purpose can be made available in the current Foreign Assistance Act. I strongly urge the administration to use our assistance funds to assist Israel at this critical time. We have been generous to many countries throughout the world. If there is one country which faces a grim threat to her survival and yet remains completely constant in her commitment to democracy and to the welfare of her people—it is Israel.

She shares America's aspirations for a world where men can live in freedom and peace. I hope that Congress will make it clear that we do want the restoration of economic aid to Israel as part of this authorization.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise at this time to support the provisions of H.R. 9910, which add a new chapter to the Foreign Assistance Act of 1961, concerning the international control of narcotics.

In my view, this new chapter, which is contained in section 108 of the legislation presently before us, will alleviate the drug abuse problem in this country, which has reached epidemic proportions. Undoubtedly, the passage of this legislation and its effective implementation will substantially reduce the amount of human misery and degradation that is caused by heroin addiction.

I am extremely gratified that such a proposal has been included in the Foreign Assistance Act of 1971.

I have long sought to have this provision enacted into law. Last year I made numerous attempts to arouse the interest of the administration and the State Department in this type of proposal, but my efforts proved unsuccessful. I am pleased at long last that the proposal is again before the House.

My distinguished colleagues will remember that on December 9 of last year, I introduced a similar proposal as a floor amendment to the supplemental Foreign Assistance Authorization Act. This amendment was adopted at that time by the House, but deleted by the other body.

I especially want to commend the distinguished chairman of the Foreign Affairs Committee (Mr. MORGAN) for his leadership and cooperation in this matter; and I would also like to thank the distinguished gentleman from New York (Mr. ROSENTHAL), who scheduled hearings on my proposal before his Subcommittee on Europe.

Likewise, I am extremely grateful to the distinguished gentleman from Connecticut (Mr. MONAGAN) for introducing and supporting the international narcotics control amendment in the full committee. His amendment, which is similar to my bill, H.R. 1539, has been incorporated in section 108 of H.R. 9910.

I thank our distinguished colleague from Connecticut for his efforts and warmly endorse his proposal which in my judgment serves to strengthen and expand my proposal.

In addition, I wish to commend all of my colleagues who have strenuously supported international drug control legislation and particularly the Foreign Affairs Committee for including this language in the final version of this bill.

We are all aware that the scope and severity of the drug crisis in this country, and in South Vietnam, has drastically intensified during the past few years. As a result, Congress, for some time now, has been faced with the challenge of bringing the international traffic in narcotic drugs under control.

The Foreign Affairs Committee has now realistically responded to this challenge. By including a drug control provision in the Foreign Assistance Act of 1971, the committee has recognized that drug abuse is truly an international problem and also that Congress has an obligation to protect the youth of this country by eliminating the blight of narcotics addictions by all available means.

Indeed, this committee has become the spokesman, not only for the Members of this body who have diligently pursued solutions to the drug problem, but also for millions of distressed Americans who have been affected directly and indirectly by the scourge of drug addiction.

By enacting this provision, we will have demonstrated to the countries of the world, that the United States means business and that we will no longer tolerate their exploitation of American youth.

It is my feeling that this provision would effectively induce the cooperation of many countries and would lead to more intensive international action to curtail the illegal drug traffic.

The rationale of this provision is accurately and succinctly stated in the committee report:

> The Committee recognizes that some countries may not wish to cooperate in solving the narcotics problem. Such countries should not benefit from assistance provided by the United States.

This statement demonstrates the concern of the committee and its understanding that drastic and effective action must be taken in order to halt the illegal production, processing, and distribution of dangerous drugs.

Furthermore, since the provision allows the President to make a determination that a particular country is not cooperating, it does not interfere with Presidential prerogatives in foreign policy matters. In addition, the purpose of this legislation is entirely in accordance with President Nixon's recent observation that:

> The only really effective way to end heroin addiction is to end opium production and the growing of poppies. I will propose that as an international goal.

I concur wholeheartedly in this goal and I also agree with the statement contained in the President's message to Congress on June 17, 1971, that—

> We want good relations with other countries, but we cannot buy good relations at the expense of temporizing on the [drug] problem.

Certainly, the proposal before us would provide the President with a significant weapon in his fight against drug abuse.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I just want to say, before the gentleman from New Jersey concludes his remarks on this bill, that I want to congratulate the gentleman for offering the amendment to the supplemental foreign aid authorization last fall that was a forerunner, in my opinion, of the narcotics control amendment that is included in this bill. The gentleman from Connecticut offered the language that appears in section 108 of this bill, but it follows the line taken by the gentleman from New Jersey last fall.

I want to say that we took the amendment offered by the gentleman from New Jersey (Mr. RODINO) to conference last year, and we did not make out very well with the other body on this particular matter, but I do want the gentleman to know that his preliminary work on the foreign aid supplemental appropriation bill rendered a valuable service in calling the attention of this Congress to the serious problem we are having with the narcotics that are coming into this country from other countries in various parts of the world.

Mr. RODINO. Mr. Chairman, I appreciate the kind remarks of the gentleman from Pennsylvania (Mr. MORGAN) and I do want to commend the chairman of the committee and commend the gentleman from Connecticut (Mr. MONAGAN) for the proposal which now is part of this committee bill.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I thank the chairman and the gentleman from New Jersey for their kind words, and I would like to further supplement what has been said by the gentleman from Pennsylvania (Dr. MORGAN) that although this amendment was offered by me, much of the very language that is included in the amendment was the language of the amendment offered by the gentleman from New Jersey (Mr. RODINO) which was offered 2 years ago. I further want to express my appreciation to the gentleman for his work, the primary work that he did in calling attention to this very great problem. I think the support this amendment has received goes back to the work that the gentleman from New Jersey (Mr. RODINO) did.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I, too, would like to associate myself with the chairman, the gentleman from Pennsylvania (Mr. MORGAN) and the gentleman from Connecticut (Mr. MONAGAN) in congratulating the gentleman from New Jersey (Mr. RODINO).

I recall last year when the amendment the gentleman from New Jersey (Mr. RODINO) offered, was eventually passed and incorporated into the Foreign Assistance Act, at the same time I introduced a comparable amendment. Looking to it as a great hope in the fight against the drug problem. I think back with pride of having stood with the gentlemen, shoulder to shoulder, to advocate its passage. Although it was taken from the bill ultimately, there is no question but that the efforts the gentleman now in the well exerted last year are reflected in this bill, and hopefully will be enacted today, and ultimately in the completed bill.

In my judgment this deals with a problem that confronts not simply those of us in the United States of America, but throughout the world, and could produce a salutary effect in the diminution of the crops of opium poppies throughout the world.

There is no question also but that the Secretary of State and the administration responded to the dialog and colloquy that found their way into the CONGRESSIONAL RECORD last year. Notwithstanding that this provision was deleted from the bill last year there was some reaction and, hopefully, if this bill is enacted into law it will produce an even greater result in suppressing the crops of opium poppies throughout the world.

Of course, Mr. Chairman, I rise in support of the Foreign Assistance Act of 1971 and in particular in support of its new chapter entitled International Narcotics Control. While perhaps not going far enough, this section of the bill does provide discretionary authority for the President to suspend economic and military assistance to countries that fail to cooperate in the control of illegal narcotics and dangerous drugs. The section also authorizes the President to provide aid to countries to eliminate illegal narcotics cultivation and processing.

The recent successful negotiation with Turkey to eliminate their opium producing poppy crop by next year will make only a very small dent in the total international illegal narcotics market.

It is important also to close down the processing plants in France at this time. Most of the opium from the Middle East flows through France where it is processed in morphine or pure heroin and then shipped to the United States. Closing down this point of the operation and preventing its establishment elsewhere would severely cripple the illegal narcotics trade.

We have heard glowing statements from the executive branch about the increased efforts of the French police force to stop the illegal drug processors primarily concentrated in Marseilles. Yet the operations continue. The effort, while significantly greater than action taken in the past, is still only a token attempt at closing down these heroin factories.

This bill would let the President go to the French Government and request them to clamp down on the drug processors. He could even offer them assistance to do so. But if they refused, he could quickly cut off U.S. economic and military aid to the country.

This is the type of clout we need to demonstrate to the rest of the world our commitment to end the illegal narcotics trade. Diplomacy has failed to bring about the far-reaching agreements required to end the curse of drugs in the United States. Recently, Operation Intercept along our border with Mexico quickly convinced that Government to cooperate or suffer economic hardship—in this case, to the border area tourist trade. Now it is code named Operation Cooperation, a much better program for all concerned.

In addition to the measure we are considering here today, I will soon introduce other legislation that will help stop the flow of illegal drugs to our shores. One bill would create a rebuttable presumption in law such that a person arrested for possession of heroin would also be charged with smuggling. Since heroin is not grown or produced in the United States, it would have to have been illegally imported.

To remove this charge from his record, the accused would have to finger his supplier. This would give authorities an added tool to get at the big drug trafficker.

Another bill I plan to introduce would add the charge of manslaughter to the record of a person charged with pushing heroin if his customer died of an overdose of the drug.

This further punishment would make peddling narcotics much less attractive and help take some of the big pushers off the streets.

Narcotics and dangerous drug abuse may well be the most serious problem facing this Nation today. It pervades every strata of society, every economic and social class. It is in the suburbs as well as in the cities. It affects rich and poor alike.

Rome was destroyed, not from without, but from within. The strongest military defenses in the world at that time fell quickly to the onslaught of the barbarians who found a citizenry morally and physically weakened by their own excesses.

Unless we stop the destruction of our society occurring from the abuse of drugs, this, too will be our page in history.

Only recently members of the Subcommittee on Europe on the Foreign Affairs Committee visited New York City to see firsthand the problems of drug abuse in the slums. They were shocked and horrified that the problem was so pervasive.

If it takes a firsthand visit to awaken the Members of this body to the urgency of the problem, I will be glad to personally take anyone on a tour of my city. As a 23-year veteran of the police force in New York, I have seen the problem grow and develop until it has reached out into all corners of the city and spilled over into the suburbs. No one is spared.

I urge passage of this section and hope that this will be only one of many steps this Congress will take to stop drug abuse from overtaking our Nation.

Mr. RODINO. I thank the gentleman very much for his remarks.

Mr. BIAGGI. Again, Mr. Chairman, I thank the gentleman for yielding.

Mr. RODINO. Mr. Chairman, I deeply appreciate the kind remarks made by the distinguished chairman of the House Foreign Affairs Committee. And I also want to single out for commendation the gentleman from Connecticut (Mr. MONAGHAN) who had this proposal included as section 108 of the bill before us, and the gentleman from New York (Mr. ROSENTHAL) who held hearings on my proposal by his Subcommittee on Europe. Yet gratifying as is the committee provision to me, my long struggle to bring about the enactment of this legislation has made me keenly aware that the legislation is only a first step in actually cutting down the supply of illegal narcotics. If the legislation is to be at all effective, foreign countries which seek assistance from us must be made to understand that the sanction will be effectively enforced whenever there is a lack of cooperation on their part. Because of the grave importance of this matter I note with dismay that the State Department has in the past opposed this form of sanction in the narcotics area. As a result, there is a danger that some foreign officials in countries in which illegal drugs are produced or distributed, or sold to American servicemen, will assume that the executive branch of our Government will hesitate to impose the sanctions called for by the language of section 108 of the bill before us.

I have discussed this danger with the gentleman from Connecticut (Mr. MONAGHAN) as well as with you, Mr. Chairman, Mr. ROSENTHAL, and other members of the Foreign Affairs Committee. I understand that under the Legislative Reorganization Act of 1970, after the proposed sanctions are enacted into law, the Foreign Affairs Committee will have a continuing responsibility to exercise legislative oversight to make sure that the sanctions are properly employed in appropriate cases. In my view this oversight responsibility on the part of Congress is as important as the law itself—perhaps even more important. I know that the gentleman from Pennsylvania agrees with me regarding this matter and I believe it would be helpful for the purpose of the legislative record that we are compiling here today if he would comment on the oversight responsibility of the committee.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the distinguished chairman of the Foreign Affairs Committee, the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I am in complete agreement with the observation of the gentleman from New Jersey—who was the first person to propose this form of sanction in the narcotics area—that if the sanction is to be effective it must be understood by the recipients of foreign aid that our Government will not hesitate to apply it. I also agree completely that the Congress should continuously assume responsibility after the enactment of the law to oversee its implementation. This would be the case even if the State Department had supported the enactment of legislation. The fact that our State Department has opposed the sanction and that its opposition is widely known in foreign diplomatic circles gives us a special responsibility to assure that any law that we pass of this type will be enforced.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. BURKE).

Mr. BURKE of Florida. Mr. Chairman, I rise in opposition to H.R. 9910, this so-called Foreign Assistance Act of 1971.

The basis for my opposition rests not upon the concept of opposing helping those who deserve our help, but rather it stems from a deep conviction that the program, as it has been administered over the years, has become a shotgun approach that has drained us of much of our Nation's natural resources and has taken hard-earned money from our American taxpayers' pockets in a manner that is neither consonant with the stated purposes of the Foreign Assistance Act nor with our own national interest.

The program reflects little concern for the overburdened American taxpayer. Certainly, in this year of unrestrained inflation, skyrocketing war costs and serious domestic problems, it would seem that a significant reduction in foreign aid authorization would be in order. However, this is not the case. Instead, it is now proposed under H.R. 9910 that we spend more money this year and next in our foreign aid programs than we did last year.

Let me say at the outset, that to me, there is wide disagreement as to what constitutes foreign aid. Some would argue that many programs, such as our food-for-peace program, our contributions and assessments to international lending organizations such as the World Bank and others, and our funding of other activities such as the Peace Corps, added to the foreign-aid measure before the House, give a more accurate picture of the magnitude of our assistance.

The current effort to assist developing nations, which are deficient in skills and resources required for a modern industrial and agricultural economy, is far more different today than the programs instituted under the Marshall plan at the termination of World War II. The object of economic aid under the Marshall plan was recovery, while today the object is development. However, development of nations cannot take place unless the recipient nations are willing to aid themselves through self-help programs. Today, after many years of spending, almost $130 billion of our American taxpayers' money, the increased level of development in the so-called developing nations has not in my opinion, been particularly noteworthy.

However, since we are debating today only the bill that is labeled foreign assistance and not these other foreign assistance bills, I will confine my calculations to this particular form of aid. The most accurate estimate covering the years since 1949 then, I am told, is about $38 billion.

But regardless of which figure is used, our citizens have every right to ask: Have we received our money's worth? The answer, at best, is a resounding "No." Oh, around the world there are a few bright spots that we can see, where our foreign assistance has made a demonstrable contribution.

Western Europe's economic recovery for instance is due primarily to the combination of the skills and industry of its citizens with American assistance. Much the same may be said of Japan. In fact, I contend that these nations have recovered to the point where they now present a serious challenge to our Nation's economic well-being.

Israel in the Middle East, Korea and Taiwan in the Far East, to a great extent, owe their strength to the intelligent and industrious utilization of our aid in their behalf.

Most of these successes, however, were achieved some years ago. If I thought that other countries were on the brink of equal success perhaps I could support the bill which is before us today.

But I can see nothing today in other parts of the world that gives me encouragement to support this bill. Coups, countercoups, revolutions, and dictatorships are the steady fare of today's news readers. And we, on the Committee on Foreign Affairs who take testimony and receive briefings from the highest officials in our Government can sense even a sharper feeling of the growth of nationalism and turmoil abroad.

Mr. Chairman, I do not presume to sit in judgment as to who is right and who is wrong. Fair judgment is difficult, if not impossible.

But I do not hesitate to say, that with the tensions, stresses, and strains surging through many countries, our foreign assistance to them cannot be put to effective use. In fact, it often is counterproductive in its application and even harmful to us as the donor country.

Let me cite a few examples: We have in the past, given or lent to Pakistan about $5 billion in economic and military assistance. Yet, in my view, this country is on the brink of disaster. The western sector, the site of the established government that we recognize, belabors us for not giving it more aid. The eastern sector maintains that we are not giving it assistance in its fight against the western sector.

Or we take the case of some of the Latin American dictatorships. Our fishing vessels, operating in waters that have been recognized as the high seas from time immemorial, are being seized by naval craft that we have given these nations under our foreign aid programs.

I recognize that within the scope of the foreign aid bill are many programs that do merit support, and these I will support to the best of my ability. I am thinking, for example, of our contributions to the Children's Fund—what it means to children deprived of the means to attain maturity in good health.

Certainly our assistance to American schools abroad that we support because they are demonstration centers of education and give a vitality to educational methods that would otherwise be lacking, is a worthy endeavor—small in cost but great in potential.

These are but two programs that are illustrative of the fact that parts of the foreign assistance bill should be supported. Unfortunately, they are offered as something of an appendage to the many more costly, and less productive, programs some of which may not even be in our national interest.

When the final vote is taken, each of us must vote for all or nothing. We cannot qualify our vote. So long then as we are presented with this grabbag approach, I must vote against this bill.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, if I had my way, no assistance would be furnished under H.R. 9910 to any country which hereafter seizes or imposes any penalty or sanction against any U.S. fishing vessel engaged in fishing more than 12 miles from the coast of that country. Nor under the Sugar Act would any such nation be given an import quota. Nor would such a nation be given benefits under the International Coffee Agreement.

However, Mr. Chairman, many of my colleagues under the persuasive lobbying of our Department of State believe that kid-glove treatment of our Latin American neighbors is necessary to keep those countries from going Communist or for some other reasons.

On the other hand, I feel certain that the majority of this House agree with me, at least to the extent that they believe allowing certain South American nations to illegally seize and fine our fishing vessels without any action on our part to deter these seizures, is simply encouraging these hostile acts of piracy to continue and spread to other countries.

Under a decision of the International Court of Justice in the Anglo-Norwegian case, no coastal nation can extend their sovereignty over the ocean by unilateral action. And I think it is disgraceful for the United States to follow a policy of cravenly accepting these illegal seizures pending a planned international conference of the Law of the Sea scheduled in 1973.

In 1968, Congress adopted an amendment to the Fishermen's Protective Act providing that the amount of fines paid to obtain release of our fishing vessels was to be deducted from the foreign assistance allocations to any offending countries. But from that day to this, our Department of State has never carried out the law. It interprets the law as not being mandatory.

Mr. Chairman, yesterday the House passed my bill, H.R. 7117, which would spell out in clear language the obligations of the Secretary of State so that the practice of misconstruing the intent of the law would cease.

I had planned an amendment to the Foreign Assistance Act in a similar fashion to strengthen the section dealing with illegal fishing vessel seizures. The law has had language providing that "consideration shall be given to excluding from such assistance any country which hereafter seizes or imposes any penalty or sanctions against any U.S. fishing vessel on account of its fishing activities in international waters."

My intention was, and I had so advised the membership of the House, to offer an amendment to H.R. 9910 to change this provision to make the amount of any fines paid to obtain release of our boats, deductible from the amount of foreign aid allocated to the offending country.

Personally, as I indicated earlier, I would prefer to ban all assistance to such a country. However, I think it best to proceed without undue confrontation right now and in view of the action of the House in passing H.R. 7117 on Monday, I will not offer any amendment.

Mr. Chairman, if Brazil begins seizing our shrimp boats, of course, I am sure the House will want to impose an actual prohibition of all assistance, and perhaps a ban on all fish imports into the United States from such a country. Certainly, however, a settlement at the conference table with these various Latin American countries is preferable.

Mr. Chairman, I hope the Members of the body will understand my change of mind about amending this bill has not altered my determination to settle this dispute one way or the other. We cannot stand by and have our fishing vessels seized on the high seas by nations that claim sovereignty to 200 miles off their coasts. On the other hand, we can work with these countries to work out a scheme in the interest of fishery conservation.

Mr. MORGAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I wish to commend the distinguished chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN) and the full committee—for their diligence in reporting a fine bill. I wish to commend them particularly for that portion of the bill which authorized the President to furnish assistance to any country or international organization for the control of the production of, processing of, and traffic in narcotic and psychotropic drugs. This provision is every bit as important as the provision permitting the President to terminate foreign aid to countries which fail to take adequate steps to prevent narcotic drugs from reaching this country.

Mr. Chairman, the President noted in his June 17 message:

> America has the largest number of heroin addicts of any nation in the world. And yet, America does not grow opium—of which heroin is a derivative—nor does it manufacture heroin, which is a laboratory process carried out abroad. This deadly poison in the American life stream is, in other words, a foreign import.

We will not end heroin addiction in this country until we stop this "foreign import." Heroin addiction appears to bear a special relationship to heroin availability. The greater the availability, the greater the number of addicts. The reverse also appears to be true. Thus, the President is correct when he said:

> It is clear that the only really effective way to end heroin production is to end opium production and the growing of poppies.

A solution to the problem, if there is one, must begin with efforts to control the production of opium at its source—in the poppy fields of the Near and Far East.

A significant step in this direction was taken less than 60 days ago when the Turkish Government announced that it would abolish opium production in 1972.

This prohibition will require an energetic law enforcement effort if it is to be successful, and American technical aid and assistance will be essential in this regard. It has been estimated that the entire American addict population utilizes only 50,000 to 60,000 pounds of opium equivalent annually and that this demand could bet met by the cultivation of no more than 5 to 10 square miles. This fact indicates the magnitude of the law enforcement effort that will be required if illicit opium production is to be eliminated.

The elimination of illegal Turksh production, while a major and necessary first step, will not guarantee an end to the availability of illegal drugs.

Most of the world's supply of illegal opium is produced in the Far East, with other areas tending to rank in descending order of importance as one moves westward. Thus, Burma, Laos, and Thailand account for more than half of the estimated world illicit production of 1,250 to 1,400 tons, with Burma alone accounting for an early 30 percent. The Afghanistan-Pakistan region is in second place and India in third.

Thus, even the total elimination of poppy culture in Turkey will not solve the problem. The cessation of illicit production in that country would only result in a shift to new sources of supply. Elimination of Turkey as a source would, of course, be beneficial; indeed, such an accomplishment would diminish the number of supply routes to be discovered and disrupted and would force illegal suppliers to spend time and money to make new contacts and to develop new methods of distribution. However, we must also begin major efforts now to control the supply available from other regions as well.

Control of illicit opium production in the Far East may prove even more difficult than control of Turkish production. In this area, opium production, although illegal, occurs in regions over which the central government lack sufficient administrative control to enforce the law.

Moreover, in many of these same areas, opium is the only crop which can be grown and profitably transported to market. One expert has informed me, for example, that if one village in the Far East were to substitute potatoes for opium, it would require all of the village's 52 horses for 4 months to get the crop to market—less than 25 kilometers away.

Under these conditions, control of illicit production will require the provision of substantial resources. When the United Nations Commission on Narcotic Drugs—an organ of the Economic and Social Council—considered the problem, it noted that—

> In virtually every case, the countries where (illicit opium) production took place were developing countries, and the areas within their territory where there was such narcotics cultivation were usually the more underdeveloped and poorer parts of the whole national territory. It must be recognized that the governments concerned, with their limited financial resources and many imperative claims of high national priority in their budget, required substantial outside assistance in order to create the conditions under which the population involved could adopt other means of livelihood than the cultivation of narcotic crops.

This "substantial outside assistance" should be utilized in the development and implementation of a comprehensive international program involving crop substitution and diversification, law enforcement, drug abuse prevention education, and treatment and rehabilitation. This is the only method of eliminating illicit opium production which has any real chance of success.

The United Nations has already recognized the need for a worldwide effort of this type. In October 1970, at the urging of our State Department, the United Nations established a Special Fund for Drug Abuse Control. This Fund, run by international civil servants and financed by voluntary contributions from governmental and private sources, is designed to finance the development of a comprehensive program for the control of the international traffic in illegal opium and its derivatives.

We must utilize leadership, resources, and example to make the fund an effective and significant ally in an international effort to end drug abuse. The special fund offers a means whereby the United States can contribute to a solution to the problem of drug abuse here and abroad without charges of "American imperialism."

Mr. Chairman, the problem of narcotic drug abuse in the United States is inextricably intertwined with the worldwide problem of drug abuse. In all probability, the situation in the United States will not be brought under control without a substantial international effort involving law enforcement, crop substitution, economic development, education and prevention, research, and treatment and rehabilitation.

This legislation will give to the President the authority to develop substantial international effort such as I have outlined. However, this will require true leadership and imagination. Today the House is providing the President with the tools required to do the job but the successful implementation is up to the President.

Finally, Mr. Chairman, an international program will not produce a simple and prompt end to the problem of drug abuse. Drug abuse is essentially a symptom of underlying alienation, bitterness, and despair which produces a desire to escape to a world of unreality. Until we eliminate these root causes, drug abuse in some form will be with us.

The type of program I have outlined will, however, disrupt the criminal elements which are supplying the demand for narcotics, help get the addict out of a life of full-time crime, and, most importantly, buy time. Time we can use to deal with the causes of drug abuse; time to develop new and effective methods of addict treatment and rehabilitation; time to develop effective means of prevention, including a long-lasting blocking drug and preventive inoculation—in short, time in which to save our youth—indeed, save the next generation of leaders around the world.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I commend the Committee on Foreign Affairs and the distinguished chairman, the gentleman from Pennsylvania, (Mr. MORGAN) and the gentleman from New York (Mr. ROSENTHAL) particularly for the section on International Narcotics Control.

I have some legislation pending before that committee, and I was privileged to testify regarding the establishment of a narcotics corps in Vietnam in the hopes that we could use a program in connection with AID to enhance our efforts and cooperation with the Vietnamese in narcotics control in connection with our servicemen. However, I am not going to offer an amendment. I think the language in the bill is a step in the right direction. As I say, I think the committee is to be commended.

I would like at this time to engage in a colloquy with the chairman in regard to the language on page 12 of the bill regarding Pakistan and our military and economic assistance to that country. First let me commend again the distinguished chairman and his committee on the language which is contained in the bill at the bottom of page 12 and at the top of page 13, where, as I would interpret it, all military and economic assistance to Pakistan will cease upon enactment of this legislation and continue to be held in abeyance until such time as the President has certified that the situation has corrected itself in connection with the refugee problem in East Pakistan. I believe that is correct, is it not?

Mr. Chairman, I will be glad to yield to the gentleman for his comment in that.

Mr. MORGAN. Mr. Chairman, that is correct.

Mr. SISK. Mr. Chairman, I would like to inquire as to what is the total amount of military assistance or military sales which have occurred to Pakistan within the last fiscal year, that is during fiscal year 1971, if the gentleman has that total.

Mr. MORGAN. The programed military sales for fiscal year 1972 is $5 million. I believe that what was programed for 1971 was somewhat larger.

Mr. SISK. The $5 million programed, then, for 1972 will not be delivered, assuming this bill becomes law with this language; is that correct?

Mr. MORGAN. That is correct. The Department of State has already suspended the issuing of licenses, under the munitions control act by the Department of State.

Mr. SISK. Any commitments in connection with previous appropriations which are made possible by authorizations to Pakistan, going back to past authorizations and appropriations, if I understand correctly, according to this language, are also to be stopped? Is that correct?

Mr. MORGAN. That is correct, yes.

Mr. SISK. In other words, that which has not been actually committed through contract is covered? What I am trying to get at is just how far-reaching is the language. It sounds pretty far-reaching. It says "under this act or any other act."

Mr. MORGAN. Everything except outstanding irrevocable letters of credit will be stopped.

Mr. SISK. Let me say to the distinguished gentleman from Pennsylvania, again I want to commend him on this action. I am very much concerned, when reports come to us that we have actually within the past few months continued to permit military supplies and military sales to flow to Pakistan, in the light of their conduct, which I believe is becoming well known in connection with the East Pakistan situation. I would hope that this would tend to bring some concern on the part of the West Pakistan government to the fact that something must be done toward permitting a political settlement and an opportunity for these refugees to feel some sense of security in returning to their homes in East Bengal. It seems to me we are in a very poor situation to continue to permit sales of arms to flow to a government involving itself in the kind of activity which it is, where genocide is taking place in connection with the East Pakistani.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, as we once again engage in debate on a foreign aid bill, the question arises as to what should be emphasized. Perhaps most of us have decided how we plan to vote on the bill but some still may be depending on the debate to help them make up their minds.

Assuming that some, perhaps especially the newer Members, are undecided, and also that they are interested in knowing more about what is involved in this bill, H.R. 9910, let me say at the outset that I personally feel its passage is of importance to the security and welfare of our own country. Though described by some as a "giveaway" and a "handout," passage of the foreign aid program, in my opinion, is very much in our own national interest.

All of us recognize that the recipients of this aid will be foreign countries, but as has already been pointed out, the lion's share of the actual expenditures will be in this country. Basically what we send abroad are goods and services, and in each cases the outlay is directly related to our own interests. Furthermore, contrary to what some may think, foreign aid does not have an adverse effect on our balance of payments. There is currently a modest inflow to this country from payments on loans already made.

How is the money to be spent? The detailed breakdown is given on page 2 of the committee report. Very briefly, the total amount of the authorization is approximately $3.4 billion for the current fiscal year; of this amount, approximately $2 billion is for security assistance and $1.4 billion for development. Similar amounts are recommended for authorization for fiscal year 1973.

Turning first to the military assistance proposed, there are three major categories of aid—grants, security support and assistance, and military credit sales. Some $705 million is sought in new obligational authority to provide grants. These are designed primarily to help our allies in Southeast Asia and the Far East. The chart on page 24 reveals that Korea is scheduled to receive the largest amount of this type of assistance, followed by Cambodia and Turkey. The amount recommended, incidentally, is very close to the amount actually appropriated for fiscal year 1971.

Somewhat more than $800 million is needed for security supporting assistance. This represents a sharp 41-percent increase in the amount actually appropriated last year. Because this increase is so sharp it is important to understand where these funds are to be spent. Of the total amount now programed, some 90 percent—$762 million—is programed for four countries. These are Vietnam, which is scheduled to receive $565 million; Cambodia, which is to receive $110 million; Laos, $47.2 million; and Thailand, $40 million.

Of these recipients, Vietnam is obviously by far the largest beneficiary. These funds are to help the Government of Vietnam assume vastly greater direct responsibility as the American military presence is reduced. The war to maintain reasonable price stability in Vietnam must still be fought and this job will not be easy. Support must be provided for the pacification program, for the refugees, and for casualties and other victims of the war.

Our contributions to Cambodia, Laos, and Thailand will also be substantial, and will be aimed at the severe dislocations and inflation brought on by the war, and to cope with internal security problems.

Changes in the Foreign Military Sales Act are also contained in this bill. It is proposed, for example, to extend from 10 to 20 years the period for which credit may be extended so that countries may find it somewhat easier than is now possible to finance their own defense needs. It is proposed also that the authorization ceiling for military sales be raised to $510 million, and that the ceiling on sales to Latin America be raised to $150 million.

The second of the two broad categories to be authorized involves economic assistance. Nearly a third of the total sought—$450 million—is to provide development loans. An additional $180 million in unused authorizations will provide the basis for the full $580 million sought by the administration.

Development loans by now have become a major instrument by which we provide assistance, on a bilateral basis, to friendly less developed countries. Only 15 countries are scheduled to receive this type of aid, and of these, three countries—India, Indonesia, and Pakistan—are programed to receive 70 percent of the total.

Technical cooperation and development grants are scheduled to receive some $183 million yearly, which compares roughly to the amounts previously made available.

The Alliance for Progress remains as a major recipient of assistance, with some $378 million recommended for authorization. Specific authorizations of $100 million apiece are included also for population programs, and for humanitarian assistance to Pakistan refugees.

Before concluding, Mr. Chairman, I should like to comment on certain restrictive language in this bill, regarding aid to Greece and to Pakistan. The language with respect to Greece is found on page 12 of the bill, and with respect to Pakistan on page 13.

No reason is given in the bill for limiting aid to Greece, and the President may waive the restriction for "overriding requirements of the national security." He is, however, limited in the amount he can provide under the waiver to the amount actually provided to Greece last year.

The committee report makes clear—on page 28 of the report—that this action is recommended "because the time has come for the United States to demonstrate to the Greek people that it does not approve of, or condone, the failure of the military dictatorship in that country to schedule parliamentary elections or otherwise to permit a restoration of constitutional processes in Greece." The committee report then asserts that this action "will demonstrate to the people of that country that the Congress supports and encourages the rapid restoration of fundamental freedoms in Greece."

Mr. Chairman, it would be difficult to argue that Congress cannot impose restrictions on assistance we may give to foreign countries. But in the case of Greece, is this wise? I doubt it very much. It is not that I object to Congress expressing its unhappiness with repressive regimes in countries traditionally friendly to us. We can, and often do, express our displeasure about the policies of other countries. It is appropriate for us to do so if a country which we might aid is pursuing policies which will more than likely make our aid of little value. Indonesia under Sukarno is a case in point.

The present situation in Greece is different. No one argues that the aid we have given to Greece, or which we might give, will be wasted. Indeed, the committee report recognizes that Greece plays

This admission, Mr. Chairman, by those who would suspend aid to Greece, underlines the weakness of their case. The committee report itself acknowledges that the President may find it "necessary" to exercise his waiver authority, in which case he is to make "every effort" to convince the Greek junta that "a failure to restore the constitutional processes in Greece will prejudice United States-Greek relations."

This language, Mr. Chairman, indicates clearly that the restriction on aid is intended to have a psychological effect. It is to "demonstrate" to the Greek people how we feel about their Government. Such a ploy will do little, if anything, to encourage the Greek Government to speed the return to democracy. Indeed, this form of pressure may even consolidate the support of the Greek people behind the present Government. The weapon which Congress seeks to employ, in my opinion, is as likely to retard as to hasten a return of constitutional government to Greece.

Restrictions on aid to Pakistan present an even more difficult problem. The committee has, I am glad to point out, recognized the urgent need for humanitarian assistance for this area. A new section 491 authorizes appropriaiton of $100 million for this purpose. Under the new provision (W) (1) in section 620, food and other humanitarian assistance to these refugees is to be "coordinated, distributed, and monitored under international auspices."

It is encouraging to note, Mr. Chairman, that the Government of Pakistan has already agreed to allow an international group of 156 experts in relief and rehabilitation into East Pakistan. According to press reports, there will be a total of 73 monitors in this group, stationed in various parts of East Pakistan and in immediate contact with a United Nations headquarters to be established in Dacca, East Pakistan.

This recognition by the Government of Pakistan of the usefulness of an international group to help cope with the tragic situation in East Pakistan is significant, Mr. Chairman. Not only should it lead to the early development of a meaningful international oversight function such as is envisaged in section 620 (W) (1), but an international presence such as this should lead to an early reduction in tensions in the area.

The committee's recommendation that humanitarian assistance be provided contrasts sharply with its proposed suspension of all other assistance, both military and economic. It is true that the President may waive this suspension, under a new section 620(W) (2), if he determines that the Government of Pakistan is cooperating fully in normalizing the situation in East Pakistan. Time only will tell whether this waiver will be used, or whether the legislative restriction will in fact result in a prolonged suspension of aid to Pakistan.

My instinct is that this restriction on aid to Pakistan will do little to resolve that tragic situation. Indeed, I fear it may hobble the efforts which the Government of Pakistan itself must make if order is to be restored.

Recent events in East Pakistan, and the flight into India of millions of refugees, are fact, Mr. Chairman. We are all understandably appalled at what has happened. Now, however, regardless of why these events have occurred, and who is to blame for their occurrence, the immediate necessity is to do everything possible to avoid still further deterioration in the situation.

A blanket suspension of aid, both military and economic, will obviously not keep the Government of Pakistan from taking whatever steps it deems necessary to put down an insurrection. If Congress wishes to criticize recent actions of Pakistani military forces in East Pakistan, we can do so by suspending all military aid. We should not, however, limit the possibility of providing economic aid. Economic assistance in the sense of new development aid may not be feasible now, but should there be a stabilization of the situation soon—and we hope this occurs—the American Government should be able to move promptly and positively to help the people of Pakistan.

The Governments of both India and Pakistan need all the help they can get from the international community, including, quite obviously, the United States. It is to be hoped that events in Pakistan will soon develop to a point where economic assistance will be not only appropriate, but be needed on an urgent basis.

The danger of armed conflict between India and Pakistan is very real. In my opinion, in a situation as tense and fluid as this, the United States should be in a position which is as flexible as possible. For Congress to seek to impose unnecessarily harsh restrictions on Pakistan at such a time could conceivably contribute to the kind of chaos which it is in our national interest to avoid.

Mr. FRASER. Mr. Chairman, will the gentleman yield at that point?

Mr. FRELINGHUYSEN. I have very little time, but I will be glad to yield briefly.

Mr. FRASER. I wonder if the gentleman saw the statement by Mr. Kanellopoulos and also signed by the last Speaker of the Greek Parliament and by John Zigdis of the Center Union Party which states that the dictatorial regime that has been in power since 1967 exploited the military assistance granted by the United States of America to oppress the Greek people.

Mr. FRELINGHUYSEN. I might say to the gentleman I did see the statement, I predicted at the hearings held this morning with witnesses from Greece before our subcommittee that this statement would be used during the debate today.

I am glad the gentleman called it to our attention.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I take this time to discuss briefly the comments of the gentleman from New Jersey, my distinguished colleague on the committee, with reference to the committee's action on the prohibition of military assistance to Greece.

Mr. Chairman, there are three points which I would like to make with reference to this matter.

First, I know of no country in the world in which the people of the United States have a deeper or longer lasting relationship, warmth and affection and feeling for than they have for the people of Greece. It was that kind of relationship that motivated the committee to act under these circumstances.

Second, the amendment that was offered by the gentleman from Ohio (Mr. HAYS) contains an option for the President to act, notwithstanding the expressed House statement in respect of a limitation. Nonetheless, if the President elected to state in writing that the overriding national security of the United States warranted the continuation of military assistance to Greece, that option was open to him.

Mr. Chairman, the third point is one that has deep political implications. The fact of the matter is that the United States suspended military assistance to Greece after the military takeover by the present regime in Greece. In other words, we cut off aid.

Some years later, I believe in September 1970, the United States renewed military assistance to Greece. Our Government took an overt step in renewing military assistance. That step, after suspension, is interpreted by the people in Greece as an affirmative political action of support, a sort of a pat on the back of the present regime in Greece. That is something I doubt that anyone in the Congress wants to do.

Let me read to you, if I might, the statement that was referred to by the gentleman from Minnesota (Mr. FRASER) and the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The statement is as follows:

STATEMENT RELEASED IN ATHENS ON AUGUST 2, 1971, BY FORMER PRIME MINISTER OF GREECE PANAYOTIS KANELLOPOULOS

This is Panayotis Kanellopoulos, the leader of the National Radical Union, speaking from Athens. This is a statement by me, by Mr. George Mavros and Mr. John Zigdis who represent the Center Union Party, and by Mr. Demetrios Papaspyrou, the last Speaker of the Greek Parliament.

First: We do not forget that Greece's Armed Forces were reorganized after the Second World War with material assistance of Great Britain in the first instance and with that of the United States of America from 1947 onwards.

Two: We adhere to the democratic principles which inspired our decision that Greece should enter the NATO defensive organization and share the responsibility of its members in the safeguarding of peace.

Three: The dictatorial regime which has been in power since 1967 has exploited the military assistance granted by the United States of America to oppress the Greek People, to violate human rights, and to trample underfoot the principles upon which the Atlantic Alliance, the European Union, and the Common Market are based.

Four: We consider those in power today responsible for the isolation of Greece: They are responsible for Greece's expulsion from the Council of Europe, for the fact that Greece's association with the Common Market was frozen, and for the fact that the representative bodies of the great democracy of the United States of America are reacting against the further granting of military assistance to our country.

Five: The statement made by the head of the regime following the vote taken by the Foreign Affairs committee of the House of Representatives of the United States of America is not the Greek people's answer to this committee, but the personal reaction of the ones who deprived the Greek people of their freedom and political rights.

Six: The dictated reactions by the appointed organs of the regime which attempted to create the impression that their reply given to the Committee of the House of Representatives was comparable to the heroic replies given to the enemies of Greece from the time of Marathon until October 1940—these reactions are morally unacceptable and historically ridiculous.

Seven: The expression of solidarity amongst free people of whatever nationality towards each other does not constitute intervention in the internal affairs of a country. The frontiers of freedom are beyond the territorial powers of the various countries. The stand taken by the representatives of the American people that military aid should be linked to the restoration of free institutions in our country is not even technically an intervention in the internal affairs of Greece, but is the exercise of their mission as defined by their constitution.

This is the fallacy of the theory put forward by the dictatorial regime about the absolute independence of the country: it contradicts firstly the allied and other international friends of Greece, and secondly, the first obvious fact that under present-day historical circumstances, no country, not even the greatest in the world, can live in isolation. The economic and strategic interdependence of the nations of the world has become so tight that to ignore this factor would constitute a dangerous lack of elementary realism. This last statement was made by the most competent member, until his death, of the dictatorial government.

Eight: In order to avert the danger of the growing isolation of our country, the return to normal political life and democracy is essential. Upon this, Greece will automatically resume its connections with the countries and international organizations which constitute her natural climate. The Greek people, who are deeply democratic, tender no one the right to say, as the head of the dictatorial regime did, that it is only he who decides whether elections will be held in twenty months or twenty years.

Thank you.

The following is a short biography of the people mentioned in that statement:

BIOGRAPHIES

1. PANAYOTIS KANELLOPOULOS

Conservative Party Leader; very close to King Constantine; Greek Prime Minister whom junta overthrew in 1967; succeeded Karamanlis as the leader of conservative National Radical Union Party which was the largest political Greek Party between 1955–63; as Minister of Defense in October 1953 was instrumental in signing of the U.S.–Greek base facilities agreement which provides for the U.S. Naval and Air Bases on Greek soil. Internationally known, highly respected and has spent quite a bit of time under house arrest in last four years. He is the leading conservative in anti-junta forces in Greece. He is strongly anti-Communist and part of an old Greek political family.

2. DEMETRIOS PAPASPYROU

He was the speaker of the last Greek Parliament. He is a distinguished jurist; liberal, and was a key member of George Papandreou's government in '64 but after Papandreou's dismissal on July 15, 1965 by King Constantine, he sided with King Constantine. He played a very key role in political developments between July 1965 and 1967. Since the 1967 coup he has been repeatedly arrested, interrogated, and warned by the military police. He is a key spokesman in Greece of the liberal forces. He has challenged the junta publicly repeatedly and in 1970 he made a very emotional appeal to the NATO Parliament assembly in The Hague attacking the junta and the U.S. backing of it.

3. GEORGE MAVROS

Now Titular Head and leading personality of the Center Union Party in Greece. He is the former Minister of Economic Coordination and Governor of National Bank of Greece (largest bank in Greece). He is strongly opposed to the junta; and has been detained repeatedly. He has had very close relations with Washington for the last 20 years; was Minister of Defense of liberal governments and has always belonged to moderate liberal groups. He is one of the group of Center Union Party leaders who keeps in touch with the Greek Royal family.

4. JOHN ZIGDIS

Leading Center Union Party personality, and a top spokesman for Center Union Party of George Papandreou. Presently at jail being court martialed in early 1970 for publicly advocating the formation of a coalition Government of National Unity to cope with the Cyprus crisis. He has served as Minister of Industry and in other Cabinet positions repeatedly.

Mr. MAILLIARD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I wish to take just a minute to set the record straight. I know that in his enthusiasm the gentleman from New York did not intend to stray too far from the truth. The fact of the matter is that in 1968 at the time of the Czechoslovakian crisis, for obviously practical reasons, the then Johnson administration restored certain military aid to Greece in the interest of the Western World, in the interest of NATO and in light of the Soviet rape of Czechoslovakia.

The gentleman should also have informed the House, and since he did not I must—that the resumption of military aid to Greece in 1970 had a direct relationship to Middle East complications in Jordan and problems affecting Israel, and again it was done in the interest of the strength of NATO and in the interest of the practical concept that we must have support in the eastern Mediterranean.

This is a very pragmatic approach based on the best interests of the United States and of the free world. In my judgment, the claim of Greek political exiles or former Greek leaders that the U.S. foreign policy should be used as a wedge to force their way back into government is an unfortunate precedent in this aid bill. I would suggest if you follow this precedent there might be dozens of countries in Africa, Asia, and Latin America where the same principle could be applied—and then a devoted friend of the program such as the gentleman from New York would really be gutting foreign aid.

May I also add some pertinent information on the use of Greek bases?

Greece and especially Crete provide the easternmost bases in the Mediterranean which are available to the Navy.

The increasing limitations on United States use of ports in the Mediterranean makes continued relatively free use of Greek ports most desirable.

Ship visits to North African ports are only made on rare occasions; visits to France and Turkey are very limited, and currently Malta is not available. This leaves Italy and Greece as the only countries in the central or eastern Mediterranean which permit relatively unrestricted ship visits. During the past 6 months 533 Navy ship visits were made to Greek ports. This was 52 percent of the port visits made by the 6th Fleet during this period and illustrates the relative importance of the use of Greek bases to the 6th Fleet. See following table:

The 6th Fleet port visits, Jan. 1 to July 31, 1971

Total in Mediterranean (a visit being a ship in a port)	1,030
Total in Greece	533
Percentage in Greece	52
Greece proper (visits—22 percent)	223
Crete (visits—30 percent)	310

Mr. MAILLIARD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in support of this U.S. foreign aid legislation because it not only is for the benefit of those countries with whom the United States has been allied, the developing nations and their peoples, and the refugees but it is also for the security of the United States.

This bill likewise carries out the Nixon doctrine which President Nixon had announced, which would help to prevent future Vietnams if wisely administered.

I would like to point out specifically the language on page 12, line 12, where it says:

> Unless the President finds that overriding requirements of the national security of the United States justify such a waiver.

And that is in reference to the prohibition of aid to Greece—

> And promptly reports such finding to the Congress in writing, together with his reasons for such finding.

I believe that the interest of the Greek people should be emphasized just as much as the security of the American people. The President should find it is for the protection of the people of Greece against outside aggression as one of the conditions where the prohibition can be waived.

So that under my language it will read:

> "(v) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds that overriding requirements of the national security of the United States and the protection of the people of Greece against outside aggression justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman.

Mr. PUCINSKI. What is the gentleman's rationale on how this language will restore democracy to Greece any faster? And what is the gentleman's rationale for putting this whole responsibility on the President?

Mr. FULTON of Pennsylvania. Under the NATO treaty the United States has the obligation to fullfill the defense of various nations, of which Greece is one. My amendment is stating that one of the situations of waiver under the provisions for waiver, will be in carrying out the NATO obligation of the United States, which we already have, to protect the Greek people against threat of outside aggression.

When the language limits the waiver of the President solely on the basis of the security of the United States, it is much too narrow. As of now the United States has the obligation for the protection of the people of Greece against outside aggression under the NATO treaty.

Mr. PUCINSKI. Would the gentleman be willing to accept an amendment to include in that language Turkey and any other nation that does not meet the complete standards of democracy as we Americans interpret them?

Mr. FULTON of Pennsylvania. I believe that policy could be considered. However, my amendment is in relation to the specific provision on Greece on page 12. I do not believe that policy fits or would be in order under this paragraph of the bill.

Mr. MORGAN. Mr. Chairman, I yield as much time as he desires to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, the Foreign Assistance Act which we are now considering will clear the way for the expansion of a productive and important program—the training of foreign military officers at U.S. military bases and schools.

Legislation now in force contains severe restrictions on the number of such foreign officers who may train in this country. This is an unfortunate situation which has operated adversely for our own country and our allies. The act which we consider here today deletes that restriction and paves the way for the orderly expansion of this program. The Committee on Foreign Affairs is to be commended for its action in this regard.

There are few foreign assistance programs which have demonstrated such a high level of return for the United States. In years past, officers who have come to this country for advanced training often have gone on to positions of leadership and responsibility in their respective nations. The result has been that important leaders in other countries have close ties with the United States fostered by their training here and cemented by their warm regard for the American people.

There are many aspects of the foreign aid program which some of us have found objectionable. It goes on and on, and sometimes there seems to be little relationship between the actual needs of a country or its friendship to us, and the foreign aid which it receives. There has seemed little connection between foreign aid and reciprocal acts which denote friendship for our Nation and its objectives in the conflict between capitalism and communism.

But the program to train bright, intelligent officers for positions of future leadership, not only in the military but in government, has resulted in solid friendships for the United States and for the democratic way of life. One of the best illustrations of the value of the program is to be found in the Government of Indonesia. This important country, with one of the largest populations in the world, almost went down the drain to communism. It was saved by dramatic action on the part of officers, many of whom received training in their early years with U.S. military missions. These same officers now hold important places in the Government of Indonesia and as that country moves forward in world affairs, their friendship for the United States is repeatedly being demonstrated. The program now in effect should be expanded rapidly and effectively and without delay.

By removing the restrictions previously contained in the foreign assistance acts passed by the Congress, we can now proceed to expand this important program to more realistic levels. The returns for the United States and for freedom around the world will be well worth the small additional cost.

Mr. MORGAN. Mr. Chairman, I yield as much time as he desires to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, I support H.R. 9910. Over the years of my service, I have supported foreign assistance legislation and I firmly believe that legislation of this type has an important place on the national and congressional agenda.

In the 13 years of my congressional career, I have seen many changes in this type of legislation and a marked alteration in the attitude of most Members of Congress relating to foreign assistance.

In the earlier years there still was a substantial body of support for this legislation but as time went by it has become increasingly difficult to obtain the necessary backing. Over this period the total amounts authorized were reduced and the number of restrictions placed upon the legislation were increased until the restrictive provisions outweigh the authorizing sections.

There has been a gradual increase in the disenchantment with which Members have viewed the assistance program. In many instances, of course, there were defects in performance and even outlandish perversions of proper procedure which did serious damage to the program. In addition, there was a rising tendency of opposition to the United States in many countries and the receipt of assistance in no way lessened the intensity of this opposition. In fact, nationalism appeared to be a much stronger influence than the desire for economic help. This had a lateral effect in reducing support for the program. In addition, the tendency to employ multinational organizations for the channeling of economic assistance has greatly increased in recent years and has justified in many minds the reduction in the older form of bilateral aid.

Another element of opposition which has risen sharply in the immediate past is the problems posed by national priorities and the competition for available national resources and the consequent belief on the part of some Members that any funds available should be spent on urban and domestic problems rather than in dealing with foreign nations.

It does seem to me that there is an important place in the scale of national responsibilities of the United States for foreign aid and when the term "foreign aid" is used it should be understood that this is not a donation of funds abroad but constitutes largely a procurement in the United States which adds to the sum of employment and economic activity in this country.

It does seem to me that this country should make a serious attempt to assist the smaller countries of the world. The Development Assistance Committee of the Committee for Economic Development has set forth the proposal that 1 percent of a nation's gross national product should be devoted to foreign assistance. This would mean that something like $10 billion should be the target of the United States. This would include private and public assistance as well, and even though one does not necessarily accept this standard it does give some idea of the goal which many international statesmen believe reasonable. The total of the assistance authorized by H.R. 8961, including military assistance, amounts to $3.546 billion and recent estimates place the total of our governmental assistance including contributions to international lending organizations, including military aid, at $5.8 billion. If the private contributions were added to this, the total commitment of the United States would be a very substantial one indeed.

This legislation was originally placed on a 1-year basis and I regret that the 1-year authorization was not retained. Congress was requested by the President to consider widespread changes in this program and we have determined not to take any action for an additional period of 1 year. This hardly seems to be responsive to the Executive request and it also fails to satisfy the congressional responsibility which would, in my judgment, be better fulfilled if we had an annual examination of the program instead of a biennial one.

There are sections of this bill which I believe should be supported with enthusiasm. One of these is the section which deals with the international traffic in drugs. This section complies with the President's wish and furnishes him authority to deal with and provide assistance to the governments of nations with whom commerce would otherwise be forbidden, either because we have no diplomatic representation in those countries or because they are Communist nations. This provision of the bill would waive existing prohibitions to permit the President to assist such countries in setting up organizations to deal with the menace of international drug traffic.

In addition, the President is authorized to suspend aid to any country which does not cooperate with the United States in attempts to control illegal drug traffic. Although I am not overly sanguine about our capacity to influence other nations through the withholding of aid, I do believe that this expression of intense concern on the part of the Congress is important, and I believe that we should provide the President with every possible tool to terminate this frightful commerce.

The present bill contains a provision relating to aid to Greece which I find particularly difficult in that, on the one hand, we recognize that Greece is an inch pin in the arm of NATO and that we need every ounce of cooperation that we can get in the Mediterranean to counter the threat posed by the vast increase in Soviet armed might in that area as well as elsewhere throughout the world. On the other hand, we regret the suspension of democratic government in Greece and the termination of normal, democratic rights of publication, and freedom of speech. As individuals, and as a Nation, we oppose this retrogression. At the same time, we can hardly assume to govern every other country in the world and it becomes a question as to whether we find it more important to protect our own security or try to bring about a type of government in another country which we find difficulty in maintaining in our own. With this reasoning, I did not support the inclusion of this provision in the bill, but now that it has been included I believe that the bill should remain in its present form. The question has been sufficiently agitated and I see no purpose in reversing the decision in such a way as to appear to constitute a national approval of the present regime.

The weaknesses in attempting to run diplomacy from the House floor are becoming more evident every day and I believe that we should bring a stop to this practice. Perhaps it is advisable for us to try to run the internal affairs of other countries, but I doubt it. I also question the advisability of the policy which appears to develop hostility to many or most of the other nations in the world who are willing to stand with us in our attempts to preserve peace and security in the world. If we eliminate these countries one by one because there are details in their national policies that we do not approve, eventually we shall have very little strength left to support the structure for peace and security that we have tried to create in the postwar world.

For these and other reasons I support this legislation.

Mr. MORGAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. Rangel).

Mr. RANGEL. Mr. Chairman, I intend to offer an amendment. The amendment, generally, would give the President the type of powers we need to enforce the economic agreements with nations we have given aid to that are actively engaged in the cultivation and production of opium, which, of course, has presented a plague on our Nation and on the Armed Forces. I hope to be heard further on the amendment when the appropriate time comes. Thank you.

Mr. ICHORD. Mr. Chairman, the House is about to engage in the annual Santa Claus Derby as we once again consider renewal of the U.S. foreign aid program.

What we are faced with in H.R. 9910 and the report of the House Foreign Affairs Committee on the measure is a $7 billion handout proposition designed to distribute more of America's painfully extracted tax dollars to recipient countries throughout the world for the next 2 years.

Ever since I came to Congress I have voted against foreign aid expenditures because—with the exception of a limited number of worthwhile projects—I believe such aid has largely become an attempt to buy friends rather than to advance the best interests of the United States. Events have clearly demonstrated, time and again, that this effort has backfired in a frequently hostile and, at best, ungrateful world.

If there be any degree to my opposition, let me say I am more opposed to the foreign aid bill this year than ever before. America has just about spent itself into the poorhouse. We have recently learned that our deficit is running at a $23 billion a year pace. We are taxed virtually to the point of diminishing return. Our Nation is plagued with economic indicators of recession if not depression. Industry is plagued with many problems. Price rises have withered markets for our products in competition with some of the very countries on which we have lavished foreign aid.

I take no issue with our generosity following World War II when the United States helped rebuild a war-torn world. That was necessary to get the free world economy rolling again. But I have never agreed with the principle that we should finance the modernization and industrialization of every developing country on the face of the earth—often at the expense of our own hard-pressed agricultural and manufacturing enterprises.

Daily we hear increasingly ominous reports that we are losing the race in competition with the world for our products. Henry Ford suggested just a few days ago that in the foreseeable future the United States might have to go out of the automobile business because of the rising costs of labor and materials.

We have just seen the results of a steel contract that hoisted prices another 8 percent at a time when Japan seems to be on its way to grab the No. 1 spot in the output of steel. Our railroad industry appears to be on its last legs and the plight of the aircraft industry is a subject with which Congress is all too familiar at this particular time.

Textile and shoe production has been sliding downhill for some time in the United States because of foreign competition. Yet we continue to dole out foreign aid to build the economies and productive capacity of other countries so they can turn around and price us out of the marketplace. It just does not make sense to go on with this suicidal program, Mr. Chairman. We simply have to face the realities of life—namely, that we cannot afford to give away our dwindling resources any longer. There are some who say that it is too late for the United States to avoid national bankruptcy. I do not think that it is. But I do believe that it is time to put an end to the wastefull luxury of foreign aid without further delay.

The United States is no longer in a position to compete in the Santa Claus Derby of government giveaways.

And may I remind my colleagues in the House that this $7 billion, 2-year package on which we are voting today is only the tip of the iceberg when it comes to foreign assistance if one considers the host of other programs we have in separate bills. When will it all stop? I do not know but I hope the House begins to apply the brakes on this 3d day of August 1971. That is the only way to get it to stop.

Mr. NIX. Mr. Chairman, I rise in support of H.R. 9910.

Before I made my decision to vote for the foreign assistance bill this year, I weighed the pros and cons of the issue presented to this House. Like most of my colleagues, my constituents have a sense of priorities. Urban problems, taxes, inflation, and unemployment are of daily concern to them. They understand these bread-and-butter issues.

Foreign aid is more difficult to understand and to justify. It is not that people are hostile to the program; rather I detect a large measure of indifference to the program in the face of other competitive demands for the tax dollar.

This viewpoint is understandable. They read of revolutions and coups, dictatorships and civil wars, in countries where we are giving our aid. Understandably they wonder if the effort is worthwhile, possibly even counterproductive.

Anyone trying to answer these reasonable questions must have something of a sense of history. In the total development process the shortest distance is seldom a straight line. One need only look back upon our own history—the false starts, the bad judgments, the faulty leadership, the wasted resources—to recognize that a century of progress has also been a century of interruptions in that progress.

Our development efforts abroad span little more than 20 years. They have been concentrated in countries that are, for the most part, newly created; whose governments are often inexperienced and where administrative talent is in short supply.

Yet these countries are determined to achieve some measure of progress. It is in our longtime national interest that they do so. I say "longtime" advisedly. We should not expect immediate results. Rather we should weigh the dedication with which governments address their economic problems.

A number of the less developed countries cannot devote all their efforts to development. Their very existence as independent states is often threatened. Sometimes the threat is in the form of direct attack as in the case of Cambodia; in other cases internal subversion is practiced. I sometimes wonder that so many of these new governments have been able to survive in the face of these multiple threats.

More basic to their survival is the assistance that we are giving them in the development area.

Let me make clear that we are not "giving" or "sending" money to the less developed countries. Increasingly we have relied upon loans, made in dollars and repayable in dollars. Loans instill a discipline in the borrower that results in a more careful and frugal use of the loan proceeds. Such proceeds are directed toward the financing of specific projects such as port improvements, roadways, and powerplants. The money that is loaned is spent in the United States for a wide array of goods and services that contribute to our economic activity.

The real grassroots contribution in foreign assistance is in the form of technical assistance. There the focus is on upgrading human resources of these countries through training and advice. Only in that way can they adapt to the requirements of a technological society.

I must admit that one can always get up an argument that there is too much or too little money in the foreign assistance bill. Certainly there is no absolute figure. It must always be relative to the situation we seek to improve as well as our own ability. These factors will vary from year to year.

The Committee on Foreign Affairs under the direction of my distinguished fellow Pennsylvanian, Dr. Morgan, has made its decisions on each of the authorization requests with care and consideration. Critics can, of course, challenge this or that point or amount. But such carping overlooks the fundamental issues with which we are dealing—the well-being of our own citizens as they respond with their characteristic humanitarian concern to the improvement of life elsewhere on this planet.

I urge the House to pass H.R. 9910.

Mr. HALEY. Mr. Chairman, had I not been always opposed to this country's interminable effort to buy the friendship of nations of the world by lavish disbursements of our inadequate revenues, I would at this point become an opponent. I do not think as we consider this bill today that we can afford any longer to ignore the critical state of our own economy.

I would point out to you that only a few days ago, the Republican administration, abandoning its wishful thinking about its so-called full employment budget, has conceded that we are faced with a $23½ billion deficit for this fiscal year, a figure that I suspect again is less than what the actual deficit will be.

That alone should speak for itself. That alone should say to us—if we are the responsible Representatives of the people—that the time has come to stop giving away our money, money that we do not, in fact, have but must borrow.

The truth is that we should have managed our fiscal affairs so that we do not have to borrow money. But if we must borrow money, I plead with you to let us borrow money only to meet our own pressing and urgent domestic needs and not for the purpose of bribing nations, many in better financial shape than we are, to be on our side.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in support of H.R. 9910, as reported by the Committee on Foreign Affairs, which would amend the Foreign Assistance Act of 1961. I would like at this time to commend the committee for their action concerning the withholding of all military and economic assistance to Pakistan. Some would say that the situation in East Pakistan is merely a civil war and does not involve the world community. However, a brief glimpse at what is occurring should dispel this view.

Since the outbreak of hostilities in March, over 200,000 East Pakistanis have been killed. The number of refugees who have fled to India has been estimated to be 6 million, thereby creating a disastrous situation for India. The Foreign Minister of India, Sardar Swaran Singh, recently noted:

> Each day some 100,000 East Bengalis are driven by the Pakistan army across the border of East Bengal into (India) . . . We are receiving one refugee every second.

All schools in India bordering near Pakistan have been closed to provide shelter for the refugees. In some areas, there is one refugee for every two Indian citizens. The Indian Government has already spent $80 million to provide relief. And there are certain factions which are presently exerting pressure on Prime Minister Gandhi to declare war on Pakistan.

It seems to me that the threat of international conflict is a large one. The World Bank has discontinued all aid to Pakistan until the situation is stabilized. And all members of the Bank's Consortium have followed this example—all except the United States, whose aid is being used to prolong the military action.

André Malraux, former French Culture Minister, recently stated:

> You in the United States will have a big new problem in Asia: Bengal. It will be like Vietnam, except that there are 78 million Bengalese.

We should be very careful that we do not make Mr. Malraux a prophet. Mr. Speaker, I think it is imperative that we discontinue our military and economic aid to Pakistan as soon as possible.

We in this country are supposed to uphold Democratic principles. Yet in Pakistan we are unwittingly supporting a repressive military regime which openly suppresses these principles. The elections which took place last December gave the Awami League a sweeping victory on a platform for greater control of East Pakistani affairs. What has happened in the interim is that a clear Pakistani minority, with the benefit of arms and money from abroad, has undone by brute force the verdict of popular vote.

Mr. Chairman, the action of the Foreign Affairs Committee would suspend all military and economic assistance to Pakistan until the President reports to Congress that the Government of Pakistant is cooperating fully in allowing the situation to stabilize. I think that this is the proper course for our country to take, for it is consistent with our principles and desires for world peace.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 9910 as reported by the House Foreign Affairs Committee. This bill would extend for 2 years our foreign economic and military assistance programs at $3.44 billion in fiscal year 1972, and $3.49 billion in fiscal year 1973. Of this, the security assistance portions total $2 billion in each of the 2 fiscal years, and the development portion totals $1.4 and $1.5 billion in fiscal years 1972 and 1973, respectively.

I especially want to commend the committee on unifying all international security authorizations and distinguishing these from long-term development assistance. This is a positive step in the direction of the President's reform proposals which evolved from the Peterson task force report. I am also pleased by the committee's action in making the population programs administered by AID a separate line item appropriation totaling $100 million in fiscal 1972 and $125 million in fiscal 1973. The committee has clearly recognized the importance of dealing with the population crisis on an international basis.

I particularly want to express my full support for the committee's action in suspending all aid to Pakistan until the situation in the East has returned to relative stability and the 7 million refugees who have fled to India are permitted to return to their homes and reclaim their property. The war initiated in March by the West against the East is perhaps the most monumental tragedy of modern times. It is estimated that up to 1 million East Pakistanis have already lost their lives, and millions of others have been forced to flee the country and are now crowded into refugee camps in India. The refugee problem has already cost the Indian Government some $400 million, and is costing them $3 million daily. And refugees continue to pour across the border at the rate of 50,000 daily. The committee has wisely authorized an additional $100 million in this bill for the relief of East Pakistani refugees.

Pakistan's war against the East grew out of a fear that the Awami League's strong showing in the recent elections would lead to the East's secession. It is true that the Awami League's platform did call for a looser federation with greater autonomy for the East. It is not difficult to understand the popularity of such a platform in the East when one considers that the East has been consistently shortchanged ever since the formation of Pakistan in 1947. Although the East's 78 million people comprise 58 percent of Pakistan's total population and the East contributes up to 70 percent of Pakistan's foreign exchange earnings, the West regularly devours three-fourths of all foreign aid and 60 percent of export earnings. Per capita income in the East is $30 annually, while in the West it is $48. Discontent in the East was further exacerbated when the government in the West was slow to respond in assisting the victims of the devastating cyclone last November. That cyclone claimed some 500,000 lives.

For these reasons, I think the House Foreign Affairs Committee was totally justified in suspending all economic and military assistance to the Government of Pakistan until such time that it does cease its outrageous campaign against the East and takes affirmative steps to compensate for its actions and restore stability.

Finally, Mr. Chairman, I want to make brief mention of the President's foreign assistance reform proposals as incorporated in the message and legislation sent to the Congress in April of this year. I can appreciate the time problem the committee was up against and therefore its failure to give these far-reaching reforms the consideration they are due. The chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN), has assured me in the Rules Committee that he does intend to conduct full and comprehensive hearings on these reform proposals after the recess. I think there is a great deal of merit in these proposals and I am therefore hopeful that the committee eventually will see fit to report this or similar legislation to the House. The reform of our foreign assistance apparatus is long overdue and if we are to effectively address ourselves to the development needs of the third world in the seventies and beyond, we must act now to streamline and modernize these mechanisms and programs along the lines suggested by the President.

Mr. MINISH. Mr. Chairman, it is evident from the debate today that many features of the Foreign Assistance Act of 1971 reported from the Committee on Foreign Affairs are highly controversial. There is one provision, however, that I am confident will meet with overwhelming approval and I should like to commend the committee for its action. I refer to the committee's judgment that Israel is fully eligible for U.S. supporting assistance in view of her defense burdens and that funds can be made available under the act by providing the full $800 million authorization for the program. To quote from the committee's report:

> The committee is aware that a request for assistance has been made to the executive branch by Israel to assist in meeting its urgent needs for foreign exchange and other requirements brought about through the Middle East hostilities. In the judgment of the committee, Israel is fully eligible to re-

> ceive assistance under this chapter and believes that if the request for assistance is approved sufficient funds can be found, either from existing availabilities or through the process of a supplemental authorization and appropriation. Although there was considerable sentiment in the committee to recommend a reduction in the amount of supporting assistance requested by the administration, the Committee's recognition of the possible need of supporting assistance for Israel prompted it to recommend the full amount sought by the Executive.

It should be noted that Israel's external debt is more than $3 billion—about 67 percent of her GNP. Each Israeli, man, woman, and child, now owes $1,100 in foreign currency—twice as much as in 1967 and by far the highest of any people anywhere. This is part of the heavy toll exacted of the Israelis in managing to retain their sovereignty in three defensive conflicts within the last 22 years.

As I stated in a letter last month to the President urging the uninterrupted delivery of Phantom Jets to Israel—planes to be purchased by Israel—this stanch ally is in the front line of western defense in the Middle East. It is in our own interest to meet Israel's need for money, material and open support.

I am disturbed at the administration's irresolution in the Middle East crisis which plays into the hands of the totalitarians at the expense of our stanch and self-reliant ally. This misguided diplomacy is unworthy of a democratic nation committed to the ideals of justice and freedom, and moreover it is doomed to failure. If we should have learned one lesson from these past tragic years it is that neglect of morality in foreign policy is disastrous to a democracy. Israel has the right to expect honest, straight-forward treatment by the United States. At this time, more than ever, she must have our uncompromising support of her legitimate interests.

The administration requested funds for supporting assistance for "friendly countries that have especially heavy defense expenditures or face extraordinary economic or political problems." As defined by the administration, these nations are Vietnam, Cambodia, Laos, Thailand, Jordan, Nigeria, and Haiti. Surely Israel meets these standards, and its exclusion by the administration is, to say the least, baffling. It is, I am afraid, yet another example of the futile and ill advised policy of trying to conciliate Israel's age-old enemies at her expense.

I applaud the committee's insistence upon including Israel among the recipients of support assistance. I reiterate my confidence the committee will be upheld by the whole House and the Senate, and hence the administration will be put on notice that the American people insist that Israel must remain strong and secure.

Mr. BADILLO. Mr. Chairman, I intend to support the Foreign Assistance Act when we vote on it later this afternoon because I favor the principles of development assistance and the basic premises underlying the concept of helping other peoples to help themselves achieve social reforms, economic development and progress and political stability. I do so, however, with considerable reluctance, as I believe this measure carries forward badly distorted priorities and misdirected goals.

I am deeply distressed, for example, that military and security-related funds authorized by this legislation are nearly twice as much as economic assistance funds and that they represent a 38-percent increase over such funds appropriated for fiscal year 1971. Particularly disturbing, is the fact that foreign military credit sales are to be more than doubled in the next 2 fiscal years, including a doubling of the ceiling for sales to Latin American nations from $75 to $150 million. Not only does the burgeoning market in U.S. arms and military equipment overseas encourage arms races and frequently transform political conflicts into open warfare, but funds urgently required for economic and social development are being diverted for military purposes. The resources devoted to the growing conventional arms race throughout the world could certainly be better spent on feeding the hungry, healing the sick and teaching the illiterate. Of all the post-World War II conflicts, 95 percent have occurred in the world's underdeveloped regions and they have been fought with imported weapons—a very high percentage of which were manufactured in and/or by U.S.-based or controlled firms.

Furthermore, not only has U.S.-purchased military equipment led to unnecessarily increased tensions and hostilities among nations but it is also being used to suppress internal dissent. Much of the bloodbath in Guatemala and repression in Brazil can be attributed to the use of American arms and the State Department has already admitted that U.S.-supplied tanks and jets are being used by the central Government of Pakistan in trying to annihilate opponents in East Pakistan. Although the conscience of the world has been deeply stricken by acts of terrorism and suppression of basic liberties, U.S. military equipment to Pakistan, Greece, Brazil, Portugal, and Guatemala continues to flow unabated. I am encouraged by the action of the Foreign Affairs Committee in suspending assistance to Greece and Pakistan but believe that attention must also be given to those other areas of the world where U.S. arms, materiel, and training are being used to perpetuate dictatorships and authoritarian regimes. I commend the welcome and well-reasoned minority views of my distinguished colleague the gentleman from California (Mr. DELLUMS) and I intend to support the multipurpose amendment he proposes to offer.

Although I am encouraged by the attention given by the committee to the growing world narcotic crisis and to the need for realistic and effective programs related to population growth, I am very disturbed by the low level of overall funding for development assistance. With all of the wealth and power the United States possesses, only 0.4 percent of the gross national product is devoted to such assistance—a far cry from the 1 percent of GNP level of assistance recommended by the Pearson Commission on International Development.

As we consider the foreign aid legislation this afternoon I urge our colleagues to very carefully review our current priorities and the tragic imbalance which presently exists between economic and military assistance. It is clear that corrective action is urgently needed and that we must commit the United States to a program of encouraging economic and social development and progress rather than one of short-term political and military adventurism and encouraging international tensions. The future progress of the world's developing nations is in our best interests and we must stand ready to offer our wealth and knowledge to those countries who seek our assistance in achieving healthier, better educated and more productive lives for their citizens.

Mr. HAMILTON. Mr. Chairman, the foreign aid bill stresses three important aspects of U.S. policy in the Near East: First, the U.S. overriding interest in peace in the area; second, the U.S. interest in helping all peoples in the area so that their lives will be productive and meaningful; and third, making the Near East conform to certain general foreign policies objectives.

SUEZ CANAL

The nearly year old cease-fire along the Suez Canal demonstrates both the fragility of the peace and the hope that it can be strengthened. In an effort to improve the prospects for an interim peace settlement, the Foreign Affairs Committee asks that the President be authorized to make available U.S.-owned foreign currencies in Egypt, of which there are over $200 million, for clearing and dredging the Suez Canal so as to facilitate the opening of the canal when the Egyptians and Israelis reach an agreement. The estimated costs of opening the canal vary from $20 to $40 million. This provision—section 102(c) of the bill to add a section 220A to the act—stipulates that the canal would be available for the use of all nations, including Israel. The committee recognizes the importance of encouraging an agreement on the canal as the only way to break the deadlock and lead toward a peace agreement. It should be emphasized that this provision does not involve any appropriation of funds from the Treasury.

TRAINING AND EDUCATION

Palestinians: The committee continues to support the Palestinian refugees. Besides a recommendation of regular budgetary support of some $13 million and continued Public Law 480 contributions—section 106(a) of the bill—the committee asks for an extension of the yearly $1 million special appropriation for the vocational training of refugees—section 106(c) of the bill. Of the 30,000 refugees who annually complete their 9-year basic education, only some 4,000 get further education or vocational training. The greater the percentage of the 30,000 refugees that receive vocational training each year, the greater the hope for the refugees having a rewarding life outside the camps and the less the attraction of the council of despair who see Palestinians gaining dignity only through the barrel of a gun.

Reinforcing the committee's concern that an increasing number of refugees be given the skills for a rewarding life, there was an additional and new recommendation that $1 million worth of U.S.-owned foreign currencies in Egypt be made available for the vocational training of refugees in Egypt—section 106(d) of the bill. Such facilities in Egypt would particularly aid in the training of refugees from Gaza who have until recently received very little education or work opportunities.

Schools and Hospitals Abroad: This year, as in the past, a substantial portion of U.S. support for American Schools and Hospitals Abroad—section 102 (b) of the bill which amends section 214 of the act—is earmarked for institutions in the Near East, over 60 percent of the funds being recommended for institutions in Israel, Lebanon and Egypt. As the committee report suggests—

> The primary purpose . . . [of this provision] is not to help take care of the educational and health needs of foreign countries, but to demonstrate to their people, on a selected basis, American ideas, practices, and advances in the fields of education and medicine.

It should be noted that many of these institutions serve an entire region.

Technical Assistance: The committee bill recommends that the United States continue its modest technical assistance to the Near East. While Jordan would receive some funds (less than $1 million) for rural, health, manpower and urban development programs, other Near East technical assistance programs are channeled into regional manpower and health undergraduate and graduate educational programs, some involving CENTO countries and others the American University of Beirut.

SUPPORTING ASSISTANCE

Jordan: There is a recommendation of a substantial increase in economic supporting assistance for Jordan. In fiscal year 1971, Jordan received a total of about $10 million in economic supporting assistance and contingency funds for relieving human suffering brought on by the September 1970 civil war. It is hoped that economic supporting assistance of some $30 million for fiscal year 1972 will enable Jordan to rebuild and strengthen herself as she and other states in the Near East committed to implementing U.N. Security Council Resolution 242 and to bringing peace to the area search for a negotiated political, rather than military, solution of the Arab-Israel conflict. This increase for Jordan is deemed necessary because of the loss of Arab Governments' subsidy payments after September 1970, her heavy military expenditures and the need for reconstruction following the civil war.

Israel: The committee is aware that a request for economic supporting assistance has been made to the executive branch by Israel to assist her in meeting her urgent needs for foreign exchange. It is the judgment of the committee that Israel is fully eligible to receive such assistance and believes that, if the request for assistance is approved, sufficient funds can be found.

MILITARY ASSISTANCE

The moderate amount of military assistance, sales and credits recommended for Near East countries is essential to maintain the military balance in the area and to strengthen the capacities of those countries friendly to the United States to defend themselves. It is crucial to remember that once the military balance in the Near East shifts perceptibly to one side or the other, then the danger of war greatly increases, Our policy, therefore, has to be to try to maintain a balance so that neither is encouraged to embark on an aggressive course. The committee considers it essential that Israel's deterrent capabilities be maintained and to that end, military credit will be extended. United States military training programs involve Lebanon, Jordan, Saudi Arabia and Iran, and Jordan will receive some military assistance. Not one of the nine countries receiving 88 percent of military assistance is among the countries within the jurisdiction of the Near East Subcommittee.

DRUG ABUSE

Finally, the committee, in expressing its deep concern over drug abuse in the United States, has recommended that the President be authorized to enter into agreements and other forms of international cooperation to put an end to the illicit production, trafficking in and abuse of dangerous drugs—chapter 8 of part I (new) of the act, section 108 of the bill—this provision includes giving the President not only the authority to enter into agreements and cooperation with foreign governments to facilitate the curbing of drugs, but also the authority to suspend all economic and military aid, military sales and sale of agricultural commodities to countries which fail to take necessary control measures. Several countries of the Near East besides Turkey are involved in the growing and trafficking of drugs. Some countries, like Iran, are becoming increasingly aware of the United States' concern about this problem and are taking appropriate measures to curb the growing of plants that can be processed into drugs.

It is hoped that more progress is made in all Near East countries in the next year to control drugs.

Mrs. ABZUG. Mr. Chairman, I rise today to call the attention of my colleagues to some of the implications of this bill, H.R. 9910, the foreign aid authorization bill for fiscal years 1972 and 1973.

By the committee's own admission, the bill is a perpetuation of old concepts of U.S. foreign assistance—pending a more thorough congressional review of the administration's suggested revamping of our foreign aid policy.

Two points of this outmoded policy—and I trust fiscal 1974 will find them outmoded—are worth pointing out. The first is how little we spend in foreign assistance, not only in relation to our own total assets—it is one-half of 1 percent of our gross national product—but in relationship to the 15 other developed countries who make up the Development Assistance Committee. The United States ranks 11th of 16 in percentage of GNP spent by these developed countries.

But more significantly, of the one-half of 1 percent, 60 percent is for some version of military assistance. This puts the United States in a very peculiar position. It does not support the economic development of countries who embody certain principles of freedom, democratic selection of leadership. It does not assist them in their pursuit of the economic self-determination which we proudly say American history represents. For instance nine African countries will receive only $90 million in development assistance among them—hardly much assistance. We do not set much of an example domestically for those countries to emulate. And finally with few exceptions we offer our other remaining form of foreign assistance—our military assistance—to countries who should be anathema; to Brazil, to Spain, to Portugal, and a half dozen other repressive and Fascist countries to whose military strength we eagerly contribute.

We congratulate ourselves on the proposed cutoffs in this bill of aid to Greece and Pakistan. And I do commend the committee for the forthright language prohibiting aid to Pakistan. I only wish that that provision also applied to Greece. The prohibition of aid to Greece is late and riddled with escape clauses so obviously placed that Mr. Nixon will be hard pressed not to invoke them.

I commend the decision of the committee to endorse the full funding of the Israeli request for section 202 Security Supporting Assistance. Due to the tremendous defense burdens Israelis now shoulder as a result of massive Soviet arms shipments to surrounding Arab countries, earlier this year Israel requested $200 million in economic aid. The Committee on Foreign Affairs looked into this request and last week reported that Israel is "fully eligible" to receive economic assistance under this bill. I note however, that after the allocations to the other recipients of section 202 moneys that there is only $85 million left for fiscal year 1972, and there certainly will be other applicants. The committee of course feels that the very substantial authorizations for the Southeast Asian countries will not be fully used and that $50 million will be available for Israel. This is a far cry from the $200 million requested, and it would be more assuring if the Israeli authorization were included specifically with the others listed in the report accompanying this bill.

I am pleased to note that the Department of Defense plans more than 50 percent of its fiscal 1972 authorization of $510 million under the Foreign Military Sales Act included in H.R. 9910 for credit sales to Israel. For Israel is the kind of country we should be supporting; a unified country, its leadership democratically elected, a country threatened with extinction. I am struck by the fact that in the recent coup and counter-coup in the Sudan, the only common theme among those fighting for power is their implacable hatred of Israel. This theme is echoed throughout the turbulent Middle East. Sadat is determined to wage the "war of destiny" against Israel and Qadaffi promises never to rest until the Zionist state is removed from the area. Again, this theme is repeated from Algiers, to Khartoum, to Baghdad.

All this belligerency would not be possible if the Arabs were persuaded that despite all the millions in arms and aid they get from the Soviet Union, they will not be able to destroy Israel. Israel is a fact. Our Government accepts it. Most of the world's nations accept it. Only the Arabs still refuse to accept the reality of Israel's existence. It is time, and I mean now, to provide Israel with the additional Phantoms she needs, and I trust that the DOD plans will be carried out to meet these needs.

These requests are not extravagant. They are for credit sales. Israel will pay her way. She doesn't ask for American boys to pilot her aircraft to get shot down over the Suez Canal as they are now being shot down over the Mekong Delta, the DMZ, the forests of Cambodia, Laos, and the rice paddies of North Vietnam. Let us recognize this difference and act accordingly.

I further commend the committee on the provision in the bill authorizing exploration of the possibility of using our supply of Egyptian pounds for the reopening of the Suez Canal—pending agreement between Israel and Egypt, adequately protecting the rights of each. Any kind of assistance we can give to negotiations as a means of dispute settlement, rather than the armed conflict that 60 percent of this bill speaks to, should be fully explored. Provisions such as this are what I look forward to in the next Foreign Aid Authorization bill—one that reflects our interest in an end to armed conflict, to a strong commitment of our resources and policies to development aid to those countries committed to fundamental democratic principles.

We must come to a new era in foreign affairs; Vietnam should prove to be the last tragic example of the consequences of intervention in the self-determination of other countries. We in this Congress, in our attempts to reclaim our abdicated powers over foreign affairs, can make the mid-1970's and our subsequent foreign aid bills proof of this new kind of policy.

Mr. RUNNELS. Mr. Chairman, I would like to take this opportunity to comment on the pending foreign aid bill, H.R. 9910.

The Bureau of the Budget has just informed the taxpayers of our Nation that the Nixon administration has incurred a deficit of $23.2 billion for the fiscal year which ended last month. This figure is somewhat different from administration predictions last year that we would have a surplus for fiscal year 1971. I understand that next year's deficit will approach $35 billion. I hope these estimates are exaggerated. However, there is no question about the $23.2 billion deficit for the past fiscal year.

Today, we are asked to approve a foreign aid bill authorizing a total expenditure of $6.93 billion in fiscal years 1972 and 1973. If we use the fiscal year 1971 foreign aid bill appropriation as a reference base, we find that the bill now before us represents a total increase of $1.6 billion for fiscal years 1972 and 1973.

That is a $1.6 billion increase in foreign aid on top of a $23.2 billion deficit. It includes a 21-percent increase in economic assistance and a 38-percent increase in military security funds for fiscal year 1972. The American taxpayer is being asked to pay $115.2 million in administrative expenses alone for the Agency for International Development.

During the past 25 years, our foreign aid expenditures have totaled more than $145 billion, and I question whether we can continue to dole out the hard-earned money of our average taxpayers to countries all over the world.

One thing we should have learned some time ago was that we as a nation cannot buy friends. Actually, it seems as though the more we shell out the more many of them hold us in contempt. As an example, we continue to shell out money to Turkey, but have had little success in controlling that country's production of hard drugs, which continue to make their way into the United States.

It is time to stop talking about priorities and start doing something. That is why I intend to vote against this foreign aid bill. That is why I urge you, my colleagues, to vote against this bill. A $1.6 billion increase in foreign aid following a $23.2 billion Federal deficit and accompanying a possible $35 billion deficit is a tragedy compounded by an absurdity.

We face a probable 2-year Federal deficit of almost $60 billion and we are asked to increase foreign aid by $1.6 billion. I think the workingman of America needs aid. He is being overwhelmed by the taxes it takes to pay for all of this. He is even asked to support failing defense contractors who can't compete in the open market. The American wage earner needs some support or he won't be able to compete with the tax collector.

President Nixon has told us that tax reduction legislation will not be requested this year. I have introduced a bill, H.R. 9880, to allow Social Security taxes to be deductible from Federal income taxation in hopes that Congress will set its own priorities and give the working American a tax break for a change. If H.R. 9880 is taken up for consideration, it will most likely be amended to limit losses to general revenues to whatever amount is deemed reasonable in light of other Federal requirements. Let me suggest that a Social Security tax deduction at a rate of 9 percent will probably decrease revenues by an amount equal or possibly less than the $1.6 billion increase in foreign aid in the bill before us today.

Should any of you question the desirability of enacting my social security tax deduction bill instead of enacting a bill increasing foreign aid by $1.6 billion, I suggest you start reading your mail. You might even include such a proposition in your next questionnaire to your constituents. You might point out that this foreign aid bill includes $565 million for South Vietnam and $310 million for Cambodia. It includes $239.4 million for the modernization of the Korean armed forces and $200 million for the modernization of the Cambodian armed forces.

It includes almost $100 million for Turkey where President Nixon is paying farmers not to grow poppy crops. It even includes almost $80 million for Greece if the President finds that overriding requirements of national security justify the aid.

I submit that there exists today an overriding requirement for a reduction of Federal expenditures. I urge you to vote against this bill.

Mr. SCHWENGEL. Mr. Chairman, it seems to me the report and recommendations of the Foreign Affairs Committee on the foreign aid bill are sensible and fair. A Nation like ours that has received so much help in various forms should be willing to give foreign aid.

Every day evidence mounts that our program to help the developing nations overcome disease, illiteracy, poverty, and hunger is making solid gains.

It is regrettable that heavy demands on the national resources make it impossible at this time to do more. So much remains to be done to bring relief to people all over the world.

The United States produces more goods and services each year than any other country, and yet for fiscal year 1972 all our foreign economic aid represents less than one-half of one percent of this gross national product.

One might think that the United States would lead the developed nations in the proportion of skills and resources devoted to bettering the human condition.

But we are not first. We are not even second or third. Among the 16 principal nations having development assistance programs the United States ranks 12th in terms of the percentage of gross national product which we allocate as official aid to international development.

What we have provided for international development has, however, been put to very good use.

Vital food production is up in the developing nations, thanks to technological breakthroughs dramatically increasing outputs of cereal food grains. Malnutrition is being attacked by encouraging production of high protein foods and expanding livestock production, and by spreading education on human nutritional needs. The frightening prospect of world population growth that would far exceed the earth's capacity to support diminishes with the steady advance of family planning programs.

Many of these countries have safe water and sewerage systems for the first time because of our help. Diseases such as malaria and smallpox are on the run and the extension of modern health technology is reducing the grim toll of many other human ills. New classrooms and schools have been built, and in one recent year alone there were more than 30 million students enrolled in schools or colleges around the world which have been assisted by the United States. Also, AID funds have helped to send more than 150,000 persons from developing countries to the United States and other countries for training.

Roads and highway systems transportation, electric power production, mining, manufacturing and construction are all being modernized and improved in the poorer nations, thanks to U.S. technical assistance and the development loan program. And the record of repayment on our development loans continues to be good.

The American people are a compassionate and generous people, but this program is not charity. It is not philanthropy. It is an intelligently conceived effort to help other nations accomplish the things they must accomplish to remain independent nations eventually capable of fully sustaining their own economic and social progress.

It is a better world of peace and freedom for them and for us that we are trying to build through this program. It deserves our continued support.

Mrs. MINK. Mr. Chairman, I rise today in support of those provisions in the Foreign Assistance bill which would terminate U.S. military and economic aid to the Government of Pakistan until the situation in East Pakistan has been stabilized, and the refugees in India have been repatriated. This restriction would prevent further involvement and complicity by the United States in one of the most vicious and devastating civil wars of modern times. It would insure the maintenance of American neutrality, thereby further substantiating the claims of the State Department that this is the actual intent of our policy.

Unless Congress acts to abrogate our assistance to Pakistan, this conflict will drag on until both sides have so exhausted themselves that recovery will be next to impossible. I have no doubt that as long as the Pakistani Government retains the military capacity to suppress the people of East Pakistan it will continue to do so regardless of the consequences. In addition I would emphasize that each day this war continues the danger to the peace and stability of the entire Indian sub-continent increases. Saddled with 7 million refugees, the Indian Government is urgently seeking an early end to the conflict, an objective which further U.S. aid to Pakistan can only hinder. We must not underestimate or ignore either the extreme plight of these refugees nor the potential threat they pose to the stability of the Government of India.

Remember that there are 7 million refugees, a figure which equals one-tenth of the prewar population of East Pakistan. Almost all of them are huddled in the already impoverished and politically unstable state of West Bengal, easily the most volatile area of India. Torn by political disagreement the Government and people of West Bengal are in no position to care for them. Calcutta, the capital city of West Bengal and the largest city in India is already on the edge of complete collapse, and a large migration of refugees could well tip the balance. These people are in the most desperate situation imaginable. Lacking shelter, medical care, and food, they have not only seen their families and friends butchered by Pakistani Government troops but have suffered through a cholera epidemic as well. Most of them are caught up in a political situation they had no hand in making and are innocent victims of a leadership which chose to repress rather than acknowledge the results of what were, for a change, really free and democratic elections. The word "tragedy" has been so indiscriminately used in recent years that it has lost much of its power to suggest and evoke any response. There can be no doubt, however, that this particular situation can only be described as a tragedy, as a disaster with few parallels in the history of man.

It is imperative then, for both humanitarian and political reasons, that the United States alleviate the strains placed on the Government of India by this sudden influx of refugees. We have thus far provided $70.5 million in money and supplies, and while this represents the largest single contribution within the international community's total of $144 million, it will be completely expended by October 1, 1971. I, therefore, strongly urge my colleagues to join me in supporting the additional grant of $100 million which the bill before us would authorize for the relief of these refugees and for humanitarian efforts in East Pakistan itself. This money would be distributed under international auspices and would in no way compromise the neutrality of the United States in this area. In contrast to the administration, I believe that any leverage which this country may have to effect a peaceful solution between the participants depends upon their confidence in our neutrality and not upon the continuation of our ill-advised arms shipments.

The dispersal of this money by international organizations also allows the United States to reach the people of East Pakistan, who have remained in their homes and are in no better condition than their countrymen who have fled to India. Our own officials in East Pakistan have cabled that the "specter of famine" hangs over the province and that the prospects for averting widespread hunger, suffering, and starvation are not good. We cannot support this government which has so terrorized its own population that all economic activity has ground to a halt purely out of fear and not because of any damage to infrastructure or materiel. Yet that policy must not prevent us from aiding its victims whenever possible.

Taken together the provisions in this bill pertaining to Pakistan insure the neutrality of the United States toward all governments concerned while providing some measure of relief for the affected peoples. If the United States is to play any effective mediative role in this conflict, the legislation before us is an indispensable first step.

Mr. WOLFF. Mr. Chairman, as a member of the Committee on Foreign Affairs I want to take a moment to express my support for H.R. 9910, the Foreign Assistance Act of 1971, and to express my continuing admiration for our able chairman (Mr. MORGAN) who has again provided vital leadership during the preparation of this bill.

Since there was scarcely time to consider the several pending suggestions for revamping our foreign aid program, the committee had no choice but to continue the present programs with some needed changes. What is important is that we continue, uninterrupted, our policy of providing foreign assistance so that recipient nations and our partners in the developed world may be assured of our commitment to the concept of international development assistance.

Foreign aid is important for the help it gives to those countries which are willing to help themselves. It is a tangible indication of our desire to see improved conditions throughout this world. It is consistent with basic principles of human understanding and concern which are part of our national heritage.

And foreign aid is also in our interests. For it helps develop productive trading partners and creates long-range markets for U.S. goods. Also, and quite importantly, foreign aid is a basic ingredient in our national defense against totalitarianism. It is essential that we understand that by providing people in developing nations with the means to help themselves we are providing them with a positive alternative to totalitarianism in any of its insidious forms. Through foreign aid we can show the possibilities inherent in a democratic, free enterprise system and thus stem the flow to the extremes of either the left or the right.

I hope my colleagues will pass this bill today without destructive amendments for if we fail to do so we will have set back American foreign policy for years to come.

At this time I do want to say a special word of appreciation and thanks to our committee chairman (Mr. MORGAN) who understands so well the importance of foreign aid and who demonstrates year after year a sophisticated knowledge of the legislative process and a compassionate understanding of what it is we are trying to do with the foreign aid program.

Mr. RARICK. Mr. Chairman, in my three terms in this House I have never seen a foreign aid bill that deserved my people's vote. I have always felt that we should have Americans helping Americans first, not after they got through helping everybody else.

But, section 401 on page 14, of this bill contains the most absurd provision yet. I refer to the amendment calling for the new concept of extending credit terms from 10 to 20 years for sales under the Foreign Military Sales Act. For one thing, it is not a sound principle of credit—the usefulness of the goods sold does not cover this extended credit period. An airplane has either lost its ability to function or is completely outmoded long before a 20-year credit period has run its course. Who ever heard of a tank, truck, or ammunition lasting 20 years? The entire concept borders on the ridiculous. We are to believe that the children and grandchildren of our foreign aid "friends" will pay for their grandparents' military prestige.

This proposed financial extension of credit to foreigners is an insult to our people who would like to borrow this easy money for a car or other purposes. No sane financial agency makes a loan wherein the length of time allowed for credit exceeded the expected lifespan of the object for which the loan was arranged.

The American taxpayers have long been financing wars the world over—

now we are asked to give better credit terms so our foreign aid "friends" can fight wars on credit.

I oppose this bill and intend to cast my people's vote "no."

Mr. KOCH. Mr. Chairman, I am supporting H.R. 9910 which extends for 2 years our foreign economic and military assistance programs. I should like to comment on provisions contained in that bill which I believe are of paramount importance and will produce a substantial change in the policy of this country if enacted.

The provision which cuts off military and economic assistance to Greece unless that country reestablishes parliamentary democracy is long overdue and is one that I take special pride in supporting. In 1970 when the bill extending certain naval vessel loans and new loans was debated on this floor I offered an amendment to bar the leasing of a submarine to Greece; my amendment failed by a vote of 10 to 50. The debate in this House on this provision today makes it clear that supporters of the Greek junta in this House no longer command a majority. I hope that President Nixon will not destroy what we are doing by using the provisions in the bill giving him the power to resume aid if he determines that our national security requires such resumption. Unless there is an extraordinary change of events I personally do not believe that he could morally justify the use of such power.

The provision of the bill cutting off aid to Pakistan is forthright and even stronger than the provision applying to Greece. Under that provision no aid may be resumed until Pakistan ceases its brutal campaign against her own citizens in East Pakistan and takes affirmative steps to restore to their homes those 7 million refugees which the Pakistan military junta have caused to flee to India.

The committee's judgment that Israel should be made fully eligible for U.S. supporting assistance in view of her enormous defense burdens and that funds should be made available to her is a provision which I wholeheartedly endorse. Israel, surrounded by Arab States bent on her destruction, is burdened with a defense budget which is the highest in the world. We have not done enough to support that State. The provisions in this bill will permit us to do more. The President has been urged by many Members of Congress, myself included, to continue the uninterrupted delivery of Phantom jets to Israel. Those planes cost nearly $5 million each. The Soviet Union has supplied Arab States with planes and arms under terms which can only be described as outright gifts. We have provided other countries with military assistance without repayment required, but not Israel. I believe that we should do the same for Israel. The defense needs of that country have caused its external debt to exceed $3 billion, an enormous drain. It is in our own national interest to provide Israel with economic and military aid unstintingly and to the fullest measure.

I am delighted that the committee incorporated in the bill a provision which I have supported each year since my coming to Congress in Juanry 1969, and that is a provision requiring the suspension of all economic and military aid, military sales, and sales of agricultural commodities to countries which fail to take necessary measures to control the growing, production, and traffic in dangerous drugs. Substantial progress has been made through the State Department's efforts in bringing this matter to the attention of the Turkish Government so that that government finally has agreed to terminate as of 1972 the growing of the opium poppy from which heroin is produced. We must be ever vigilant that Turkey in fact stops the growth of opium and that other countries such as Iran and the area known as the "Golden Triangle" which includes parts of Vietnam, Laos, and Cambodia do not now take the place of Turkey as suppliers. The drug traffic in the United States has reached monumental proportions so that we now have an estimated 300,000 heroin drug users. The control of this drug traffic so as to eliminate the introduction of heroin into the United States is among our highest priorities. The effects of drug addiction on our population are obvious to all. Any foreign country implicated in the illegal trafficing of drugs deserves to be cut off from all aid from this country and it can never be in the interest of our national security to exempt such a country from such restrictions.

I am sorry, Mr. Chairman, that the amendment to cut off our aid to Brazil was defeated in view of the well documented incidents involving the torture in that country of its own citizens with the tacit consent of that country's military junta. It took us a number of years to reach the point where we have agreed finally to cut off aid to Greece and I hope that it will not take the same number of years to cut off aid to Brazil.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1971".

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: On the first page, immediately after line 4, insert the following:

"SEC. 2. The Foreign Assistance Act of 1961 is amended by inserting immediately after the first section thereof the following new section:

" 'SEC. 2. Limitation on Fiscal Year Authorizations.—Notwithstanding any other provision of this Act, nothing in this Act authorizes apppropriations for the fiscal year 1973.'."

The CHAIRMAN. The gentleman from Illinois is recognized in support of his amendment.

Mr. DERWINSKI. Thank you, Mr. Chairman. I intend to be brief since I have discussed the issue in part during general debate. We have before us a 2-year authorization. When 2-year authorizations were first offered, certain Members vehemently pleaded for a 1-year authorization. The tables are now completely reversed.

I make the point that a 2-year authorization does give the executive branch a freer hand than most Members wish to give that executive in many other fields. I believe that with the obvious turmoil in foreign affairs, a 2-year authorization is too long of a period for the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations and for the Congress as a whole to lose control of this program. I appreciate the fact that there is an annual appropriation, but the annual appropriation for foreign aid has become one of the more entertaining but less meaningful performances in the appropriation machinery. I believe that control of authorization, annual control of authorization, is important.

This amendment would limit the entire bill to the fiscal year 1972 and would thus limit it to 1 year and give us an opportunity a year from now, when we take a look at the progress in all parts of the globe, to ascertain what revisions should be made in this program.

I believe it is a practical amendment. The fact that it cuts the cost of the program in half is obvious. It does give Congress more control of this spending. To repeat, this is a practical amendment. I would hope to have some support on the floor this afternoon.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I commend the gentleman for his amendment. If there is a Member of the House with a crystal ball large enough and clear enough to give an indication of what the fiscal situation of this Nation may be in fiscal 1973, I have not yet met that gentleman or gentlewoman. For that reason I think it is more important than ever that we take another look at this bill next year and guide ourselves accordingly.

Mr. DERWINSKI. Mr. Chairman, I thank the gentleman for his support.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, as one of those who used to advocate a 1-year authorization myself, I, nonetheless, cannot help feel there is real justification for a 2-year program this year. For one thing, we have no idea when final action will be completed on an authorization. The other body has indicated it may be months before they take action, so we will be well into the fiscal year 1972 before we act on this program. What we may end up with is only a little more than a year to develop the new approach which the President has recommended.

I would think this kind of leeway is not unreasonable if we want to come up with a change in format such as has been recommended. Nor do I see any unleashing of the Executive by allowing an authorization to run for a period of more than 1 year.

Mr. DERWINSKI. The gentleman from New Jersey is one of the most astute Members of this body, but I would suggest to him if he is interested in the proposals of the Executive to revamp and rename this program, the only vehicle might be a 1-year authorization. One year from now the 1973 authorization could be a vehicle for some of the long-term reforms the gentleman is calling for, including the renaming of this agency to escape criticism, which has become a standard procedure every 5 or 6 years.

I do not share the gentleman's optimism that the Congress, especially the Committee on Foreign Affairs, will now expedite the processing of the President's reformation of the AIR agency. Having passed a 2-year authorization, they will not touch this subject for 2 years.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield further?

Mr. DERWINSKI. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman talks about the situation a year from now. A year from now we shall already be in the fiscal year 1973. If we should then be discussing what changes should be made in the program, when the fiscal year 1973 had already begun, we surely need a 2-year authorization for this program.

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the 2-year provision in this bill had very strong bipartisan support in the committee. While I usually find myself in agreement with the gentleman from Iowa (Mr. GROSS) I think in this case he overlooks the fact that the Appropriations Committee would have to give consideration to the second of these fiscal years and to make whatever reductions might be consistent with the status of the national debt, and the general level of the economy, so it is not as though we are giving away any controls. We are simply suggesting that this authority will be longer, and the Appropriations Committee can give whatever examination they think is warranted to the appropriations at the time.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Chairman, I would like to add to the discussions that I started out in the committee opposing the gentleman's amendments which extended this for 2 years, but I now would like to join the gentleman in opposing this amendment which would reduce it back to 1 year.

The reason my own position has changed is that some time has gone by. I had hoped a 1-year extension could be approved by the committee and by the House a couple of months ago. This did not transpire. Now, here we are about to recess. To have our opportunity to go into the President's proposals in depth, which is going to take a long time if we do the job the way we ought to, is going to carry us practically through fiscal year 1972. I think at that point, with the national conventions staring us in the face, and everything else, would be the wrong time to try to extend the program for another year, just at the time we should be making our efforts to try to revamp the program.

Mr. FRASER. I thank the gentleman.

I would make the point, in passing a 2-year bill this year we are only doing what we did 2 years ago, when we passed a 2-year bill. We seemed to live with that comfortably. I would think this is not an amendment we should accept. It would be unfortunate if we did.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I never cease to marvel at how things operate around here. I was certainly surprised that the gentleman supported the 2-year extension of military assistance, knowing of the position he has taken against military assistance.

The point is, what are we trying to do? Is it to provide a comfortable way of life for the Members? We are coming back from the pending vacation the forepart of September. There are a good many weeks to follow for I do not believe anyone really believes we are going to get out of this place before Thanksgiving. Why not get into this program when we return in early September?

Mr. FRASER. I heard we were going to get out by October 15.

Mr. GROSS. That is what you have heard, but you would not bet a plugged nickel on it, I am sure.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to join the gentleman in the well in opposing this amendment. I served on the subcommittee of the Appropriations Committee on Foreign Operations for 12 years. I know what we have gone through on that committee. We would have completed our hearings many, many times and then we would sit on our hands waiting for the authorization bill to come through.

That is the case this year. Next year is going to be an election year. Let me warn my friends here who are thinking about voting for this amendment that if we have to come back here with an authorization bill next year, it is going to tie up the appropriation bill.

We do not lose control. We still have control when the appropriation bill comes through.

If Members are interested in getting back home with their constituents early next year, in an election year, they had better defeat this amendment.

Mr. FRASER. I thank the gentleman.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

This is a discussion of great interest. I certainly would be willing to support a 2-year authorization. However, I have one great concern.

We are going to act on this bill here, and then it will go to the other body. Reference was made here a little while ago to the other body. If we have been observing with any degree of accuracy what has been going on in the other body, it is safe to assume they will try to tack on all sorts of amendments.

Legislation which comes back here in the form of a conference report provides very little opportunity for the House to make any corrections to what the other body added to the bill. The first thing we know, we are stuck with a 2-year bill, with very little opportunity to work our own will on this very important legislation.

If I had any assurance there was going to be a reasonable approach to this subject in the other body I would say it certainly would be a good thing to go for 2 years. But I have seen too many of these bills go over there. When they come back here, any similarity between what we did and what they have done is too often strictly coincidental.

For that reason it does seem to me there is great merit to this, on this very important subject.

Furthermore, there are a number of new provisions in this bill. Assuming they are not changed, or assuming they are not stricken from the bill, that would lock this House in for 2 whole years.

I believe world events are changing just too fast for that. We have a President who now is going to China. That could conceivably change the whole ball game, when he does get back.

It does seem to me Congress ought to retain for itself the flexibility of dealing with these problems as they come up. I respect the committee's recommendation and I respect the argument made here a little while ago for a 2-year bill.

On balance it seems to me that the gentleman from Illinois does offer a reasonable amendment.

Mr. MORGAN. Will the gentleman yield?

Mr. PUCINSKI. I yield to the chairman of the committee.

Mr. MORGAN. I just want to say to the gentleman from Illinois that I have been the chairman of the House conferees on the foreign aid bill since 1959, and I want to deny that there have been great changes in the foreign aid bill as it passed the House made by the other body. The record of the House conferees in defending the House foreign aid bill in conference over the years is a very good one.

Mr. PUCINSKI. I yield to no one in my high respect for the job that the gentleman from Pennsylvania has done as the chairman of the Committee on Foreign Affairs, and I am sure he has the admiration of every Member of this House, including the gentleman speaking now. He has done an outstanding job, and I respect him for that. We are grateful and lucky to have him as our chairman. But we do see what is happening on the other side in the other Chamber. With an election year coming up I am not sure how many amendments they will tack onto this bill by the time it gets back here.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield to me?

Mr. PUCINSKI. I am glad to yield to the gentleman.

Mr. MAILLIARD. Mr. Chairman, I want to join the chairman of the committee in saying that our record over the years in bringing back to the House a bill with very, very few of the many appendages added by the Senate is very good. One year we had 62 amendments in disagreement and we gave in on only three. On the rest we prevailed. So the notion that we are unable to handle ourselves in a conference is not borne out by the record.

I also want to say that they were putting crazy things in over there then, just as much as they are now.

Mr. PUCINSKI. I merely wish to add that in making these observations I am in no way critical of how our House conferees have been acting. You are hard bargainers and you have done a very good job. We can all agree on that. However, it is my judgment, if we look at what has been happening in the Senate this year, I am not sure that it will be quite that easy for our representatives at the conference table.

Mr. DU PONT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, referring back to the comments made by the gentleman from Minnesota concerning the 2-year extension, when he brought up in the committee the question of the 2-year extension I was initially opposed to it. There is one danger that ought to be set upon the record and which we ought to be aware of. The President has put forward a very extensive program for review and reform of our foreign aid procedure. What I am worried about is that by extending the authorization for 2 years we will lose the impetus for reform. Every Member of this body will agree that the foreign aid program does need a fresh look. While I am reluctantly going to vote against this amendment on the floor, because of the time required for hearings on the new proposals and the need for careful examination of the administration's proposals, I am concerned that after 2 years have gone by and the next administration is taking office, that there will be demands for further study, and we will have lost our opportunity for reform.

I am sure the distinguished chairman of the committee is going to start up the hearings for consideration of the President's proposal. I commend him for that. I am sure that those hearings will move forward in a spirited fashion. But let us not lose sight of the fact that reform of the foreign aid program is vital, and let us make sure that we do not allow the pressure of time at this moment to kill the opportunity for reform in the future.

Mr. FULTON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I favor this 2-year U.S. foreign aid authorization provision. The Congress is coming into a presidential election year, and in the other body there will be probably 100 presidential candidates. To have a U.S. foreign aid bill come up next year in the spring and try to get it disposed of when there is all of the campaigning both for the Senate and the House, as well as the political presidential year conventions I just do not see how it is possible.

The second point is on the Peterson report made to the President at his request, our Foreign Affairs Committee will be spending a considerable amount of time and study, in fact, all of its time in deciding what basic changes ought to be made in the Foreign Aid Acts. Neither the Foreign Affairs Committee, nor the Congress should take time for another go-around on foreign aid legislation of the same kind within about a 9-month period of time, when we will have to begin another 1 year authorization extension of U.S. foreign aid.

I would like my good friend, the gentleman from Illinois, with reference to his amendment, to reply to the question on this point: In section 404 when he put in an amendment to authorize participation by the United States in the Interparliamentary Union, he put that amendment in containing a continuing authorization, not just for 1 year. So, the authorization is for an indefinite period. Therefore, when it comes to a program in this bill that the gentleman himself is personally interested in he certainly goes beyond the 2-year committee foreign aid limitation about which we are talking.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from Illinois.

Mr. DERWINSKI. At that point I was merely rolling with the punches in the committee.

Mr. Chairman, if the gentleman will yield further——

Mr. FULTON of Pennsylvania. On that issue you went beyond the Foreign Affairs Committee's 2-year foreign aid extension because you provide for an indefinite authorization on the Interparliamentary Union on which you are our chief official Congress representative for the current year.

Mr. DERWINSKI. Mr. Chairman, if the gentleman will yield further, if necessary, I would accept this limitation of 1 year on that item.

Mr. FULTON of Pennsylvania. No; you are such a fine fellow we shall not insist upon it.

MOTION OFFERED BY MR. MORGAN

Mr. MORGAN. Mr. Chairman, I move that all debate on this amendment close in 5 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MORGAN).

The motion was agreed to.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as chairman of this committee, I realized that such a 2-year extension to the foreign aid bill would draw some fire. However, those who were here during my initial remarks will recall that I pointed out why I thought a 2-year authorization for the foreign aid bill was necessary at this time.

Mr. Chairman, in 1969 this House passed a 2-year authorization. The other body had a 1-year authorization. The House conferees prevailed in conference and we came back with a 2-year authorization and, it was adopted by the House.

Now, in that 1969 bill we requested that the President consider a complete revamping and make a restudy of foreign aid. That was the so-called Javits amendment which was accepted in conference.

The President on March 1 appointed a committee headed by Mr. Peterson of the Bank of the United States and they reported back to the President. This Javits amendment contained a mandatory date that the Commissioner report back by March 1, 1970. The Peterson committee, reported to the White House in September 1970, but the President's program did not come from the White House to the Congress until April 23, 1971. Six days after it came here, the Committee on Foreign Affairs began hearings. But, as the end of the fiscal year approached, I realized that we were not going to be able to complete the hearings on the President's recommendations in time. So, I made a 1-minute speech pointing out that I intended to continue the hearings after the House had approved an authorization to keep the program going. However, it took the Committee on Foreign Affairs over 5 weeks to mark up the bill providing for this extension.

I realize that here we are, standing here in the House Chamber on August 3, 1971, and that we are going to leave here on Friday for a 31-day recess. When we get back the chairman of the Foreign Affairs Committee intends to go immediately into hearings because, as I mentioned in my opening remarks, I want to give the President's approach to foreign aid a full hearing.

As I also said, there are some things in the President's proposals that are objectionable to me. I am opposed, for instance, to Treasury borrowing for foreign aid, and also to some of the other suggestions made in the Peterson report. It is going to take a long time. Right now over in the Committee on Foreign Affairs we have a request to hear over 100 public witnesses. I am not talking about administration witnesses who want to discuss every provision in detail, but over 100 requests from private citizens who want to be heard on this new approach to foreign aid. It emphasizes the multilateral aid approach instead of the bilateral approach. There are many people who are interested in this particular matter. So, as I say, it is going to take this committee 2 years—2 years—to complete the hearings and work out a new foreign aid bill providing for a basic reorganization of the program.

I hope that you will defeat the amendment offered by the gentleman from Illinois (Mr. DERWINSKI). Again I assure you that as the chairman of the Committee on Foreign Affairs that we are going to need the 2 years. I am not worried about the national conventions next year, or about the time we are going to take off for Christmas, or Thanksgiving, but I assure you that we want to complete this matter.

So again I urge defeat of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and on a division (demanded by Mr. DERWINSKI) there were—ayes 23, noes 45.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART I—ECONOMIC ASSISTANCE

DEVELOPMENT LOAN FUND

SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to the Development Loan Fund, is amended as follows:

(a) In section 202(a), relating to authorization—

(1) strike out "and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$350,000,000 for the fiscal year 1971, $400,000,000 for the fiscal year 1972, and $450,000,000 for the fiscal year 1973"; and

(2) strike out "and June 30, 1971" and insert in lieu thereof "June 30, 1971, June 30, 1972, and June 30, 1973".

(b) In section 203, relating to fiscal provisions—

(1) strike out "the Mutual Security Act of 1954, as amended," and insert in lieu thereof "predecessor foreign assistance legislation"; and

(2) strike out "and for the fiscal year 1971" and insert in lieu thereof ", for the fiscal year 1971, for the fiscal year 1972, and for the fiscal year 1973".

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 2, beginning in line 2, strike out "$400,000,000 for the fiscal year 1972, and $450,000,00 for the fiscal year 1973" and insert in lieu thereof the following: "$300,000,000 for the fiscal year 1972, and $300,000,000 for the fiscal year 1973".

Mr. GROSS. Mr. Chairman, I shall be brief. I think everyone in the Committee of the Whole knows what this amendment seeks to do. It would reduce by $150 million the development loan fund handout to $300 million in fiscal year 1973 which, for some reason unknown to mankind, was increased by $50 million over the figure for 1972. It would cut the figure for fiscal 1972 from $400 million to $300 million.

The committee has just voted for the comfortable way of life in 1972. The road has been paved to the political conventions and to the hustings in the various districts. And if the taxpayers are in a tighter bind in 1972 and 1973 than they are in now, they can take the consequences, because the House is not going to do anything about this foreign giveaway bill for 2 years.

I do not understand how anyone can know at this time whether this country will be coming apart at the seams financially in fiscal year 1973. So I seek only to give the taxpayers a modicum of protection by cutting $100 million for fiscal year 1972 and $150 million for 1973. That is little enough to do for the taxpayers of this country.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, I want to commend the gentleman on the fine statement he is making.

I would correct a statement that he has made. The gentleman earlier stated that the deficit for this year was $23.2 billion. That is the so-called unified budget deficit. In arriving at that figure they took all the unused money—the social security trust funds and other trust funds—and added it or subtracted it from the actual deficit.

The true deficit—and when I say "deficit" I mean the amount that the Government spent over and above what they took in—was around $33 billion for this past fiscal year. I have always contended when you take that trust fund money and use it for current income, they are stealing from Peter to pay Paul, and history will show that any Government that steals from Peter to pay Paul will always get the support of Paul.

Mr. GROSS. I thank the gentleman for his statement.

Yes; there are going to be a lot more IOU's in the till.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. LONG of Maryland. I am inclined to support the gentleman's amendment. I wonder if the gentleman could tell me how much money that has been authorized or appropriated is unspent or unobligated.

It is my understanding that there is quite a backlog from past years, so that even if this money is cut down, there will be plenty of money in the pipeline.

Mr. GROSS. The total in the pipeline is $24.5 billion.

Mr. LONG of Maryland. So we are only taking a few drops out of the pipeline.

Mr. GROSS. That is exactly right. I could offer an amendment to cut it deeper, and if I thought the House would accept it, I certainly would.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. DENNIS. I would like to express support for the gentleman's amendment. Indeed, it is difficult for me to see, in view of the financial circumstances in which we now find ourselves, how any reasonable reduction can fail to draw support.

But in addition to that general statement, I would like to point out that on page 14 of the report, the statement is made that 70 percent of the appropriation which the gentleman is seeking to reduce goes to India, Indonesia, and Pakistan. Later in this bill all aid to Pakistan is suspended, and it, therefore, seems to me that if it is one of three countries which take 70 percent of this appropriation, that certainly if we are going to remove all assistance to that country, we can afford to reduce the appropriation which the gentleman addresses in this amendment.

Mr. GROSS. I thank the gentleman from Indiana for his statement.

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRASER. Mr. Chairman, I think that when we look at the question of economic assistance, we need to put it in relation to other expenditures we are making in connection with our involvement in the world. We are spending approximately $80 billion a year on military forces and hardware—airplanes, tanks, ships, guns, missiles, and bombs—in our efforts to maintain some kind of security for the United States. We are spending less than 5 percent of that amount of money trying to build for the future, trying to carry out some modest level of responsibility as an important, indeed a primary member of the world community.

We have fallen from first place in the ranking of the advanced nations in the proportion of wealth we give to the developing world down to No. 11. To adopt this amendment we will probably go down to No. 13.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Maryland.

Mr. LONG of Maryland. I wonder if the gentleman feels that we must be absolutely first in every category of world giveaway? It seems to me that we certainly are first or very close to first in military defense. We are defending the world. Why should we also have primary responsibility to give money in every category?

Mr. FRASER. Right now I would settle for being in a middle-rank place. Does the gentleman want us at the bottom? Does the gentleman favor an increase in our military contribution but a decrease in our economic aid?

Mr. LONG of Maryland. I would favor a decrease in military aid of this country. I think we are throwing billions away in that area. In this respect I agree with the gentleman. But I do not see why, if we are throwing many millions of dollars away, we must also throw money away in economic aid.

Mr. FRASER. We are spending $80 billion a year on defense.

Mr. LONG of Maryland. The defense of the United States is included.

Mr. FRASER. Do you know how much $80 billion is? It is more than the gross product of Africa. On defense we are spending $80 billion. Does the gentleman want to see us fall even further behind in our efforts to provide assistance to the nations of Africa and Asia?

Mr. LONG of Maryland. I say we are doing a big thing for the rest of the world in defending our own country and providing the chief defense against aggression in the world. In my estimation, we are not spending enough in defending the heartland of America. I would not deprecate that part.

Mr. FRASER. You and I share the same view on that. We want to do more to help people at home. But when we spend money to meet problems abroad, where are we going to put our money? Some say we ought to put it in weapons, a big navy, more B-1 bombers, and such things, and less in economic and development aid. But such aid is the only constructive force we exhibit in the world. I, for one, would rather go the other way.

We can modestly reduce our military expenditures without diminishing our security and put a part of the savings in building up our country at home and a part in discharging some of the responsibilities we have as part of the world community. I think this country is really in bad shape. We have been sliding backward in our responsibilities as a contributor to the economic development of other countries.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. The gentleman spoke of Africa. The gentleman, I am sure, well recalls that we started out to make Nigeria the foreign aid showcase of Africa and we wound up watching from afar while hundreds of thousands were massacred and starved. Somehow they acquired U.S. arms, too; did they not?

Mr. FRASER. We have not sent many arms to Nigeria.

Mr. GROSS. Anyway, they got them.

Mr. FRASER. They got them from Britain and the Soviet Union. You know, our aid program does not give us a lot of leverage. We cannot run the world with it, but we can make a modest contribution with the other countries that are part of the world community.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Indiana.

Mr. DENNIS. The gentleman asked the question about whether we should contribute military aid or economic aid, and I say to the gentleman that we cannot choose either necessarily, as such. The purpose of foreign aid, if it has any—the justification of it to me is—what is good policy for this Nation; and that is it.

In some cases that will call for economic aid and in some cases it will be military, but we can say for military aid at least—although there is also waste there—that there are certain countries with which we have alliances or in which wars are actually going on, and their economies have got to be supported to a certain extent with economic aid as well as with military aid if there is to be any success. In certain of these purely economic programs in Latin America and in other places, however, the results are very disappointing.

Mr. FRASER. I am not talking about military aid. I am not friend of that. I am talking about the fact that we spend $80 billion to protect against possible enemies or aggression from abroad and only 5 percent of that amount on the constructive side of our foreign policy.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. Pucinski, and by unanimous consent, Mr. Fraser was allowed to proceed for 1 additional minute.)

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I was concerned by the statement made by the gentleman that we have gone from No. 1 to being No. 11 as a world power in the amount of economic assistance we give to the remainder of the world. Does my distinguished colleague have any idea how much economic aid we have given to the world since World War II, and what percentage is that of the total economic assistance given to nations since World War II?

Mr. FRASER. It all depends on whether we exclude Western Europe. We put about $20 billion into Western Europe, and to the rest of the third world we have given between $65 and $70 billion cumulatively in economic aid.

Mr. PUCINSKI. We made Germany the No. 1 world exporter with the economic aid we have given that country since World War II.

Mr. FRASER. If the gentleman wants to go back and reargue the Marshall Plan he is free to do so, but I think it is one of our great foreign policy successes.

Mr. PUCINSKI. Does the gentleman think we have not done enough in economic assistance?

Mr. FRASER. No; all I am saying is that we have got to do our share now as a responsible nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 27, noes 42.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer amendments; and I ask unanimous consent that this series of amendments may be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. Dellums: Page 2, line 2, strike "$400,000,000" and substitute "$1,708,000,000"

Page 2, line 3, strike "$450,000,000" and substitute "$2,113,000,000".

Page 2, lines 20 and 21, strike "$183,500,000" and substitute "$608,000,000 for the fiscal year 1972 and $647,000,000 for the fiscal year 1973."

Page 3, line 1, strike "$30,000,000" and substitute "$100,000,000".

Page 3, line 2, strike "$30,000,000" and substitute "$105,000,000".

Page 4, line 7, strike "$378,250,000" and substitute "$1,218,000,000".

Page 4, line 8, strike "$428,250,000" and substitute "$1,524,000,000".

Page 4, lines 15 and 16, strike "$100,000,000" and "$125,000,000" and substitute "$347,000,000" and "$465,000,000".

Page 5, line 4, strike "$143,000,000" and "$143,000,000" and substitute "$461,000,000" and "$521,000,000".

Page 6, line 7, strike "$30,000,000" and substitute "$100,000,000".

Page 6, line 8, strike "$50,000,000" and substitute "$166,000,000".

Page 8, line 2, strike "$100,000,000" and substitute "$347,000,000".

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MORGAN. Mr. Chairman, reserving the right to object, for clarification I should like to ask the gentleman from California a question. Do I correctly understand that the gentleman is requesting unanimous consent to have these amendments considered en bloc, and that they refer to various sections in the bill, beginning with the development loan section and continuing at various points to the East Pakistan refugee section?

Mr. DELLUMS. That is correct, Mr. Chairman.

Mr. MORGAN. If the Committee of the Whole grants the unanimous-consent request to consider the amendments en bloc, then really the gentleman is offering eight different money amendments to various sections as they appear in the bill.

Mr. DELLUMS. That is correct.

Mr. MORGAN. Mr. Chairman, as chairman of the committee I have no objection to the amendments of the gentleman being considered en bloc. I want to say that the gentleman from California offered these amendments in the Committee on Foreign Affairs during the markup of the bill, and the committee at that time gave him unanimous consent to offer them en bloc.

PARLIAMENTARY INQUIRY

Mr. FULTON of Pennsylvania. Mr. Chairman, reserving the right to object, I should like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FULTON of Pennsylvania. If we vote on these particular money amounts for the various provisions of the bill, and there are other amendments to these sections, in my opinion this should then determine what the amounts are at each of these points in the bill. Otherwise we will have other amendments all the way through. Are there amendments to this amendment?

The CHAIRMAN. The Chair has no knowledge as to what other amendments will be offered.

Mr. FULTON of Pennsylvania. A further parliamentary inquiry, Mr. Chairman. If this amendment is voted down can there be further amendments then offered to the money provisions of the various sections of the bill?

The CHAIRMAN. If this amendment is rejected, when those particular sections are open to amendment there could be other amendments offered.

Is there objection to the request of the gentleman from California that the amendments be considered en bloc?

There was no objection.

Mr. MITCHELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred four Members are present, a quorum.

The Chair recognizes the gentleman from California (Mr. Dellums).

Mr. DELLUMS. Mr. Chairman, the congressional black caucus' recommendation five of its foreign policy statement to President Nixon proposed that the United States allocate at least 1 percent of its gross national product to international economic aid. The caucus statement noted:

> Of all major industrial nations, the United States for years allocated less proportionately for international development efforts. We propose that the United States direct at leas 1 percent of its annual gross national product to international aid, with priority attention to Africa.

The 1-percent GNP concept does not originate with the caucus. It goes back to 1958 when the World Council of Churches adopted a proposal asking industrialized nations to divert at least 1 percent of national income to grants and development loans.

The theory gained initial official acceptance 2 years ago when the United Nations Commission on International Development—the Pearson Commission—formally recommended that all advanced countries allocate 1 percent GNP to lesser developed nations by 1975 at the latest.

Earlier, in 1960, the U.N. General Assembly adopted a resolution based on the 1-percent scheme, and at the first meeting of the U.N. Council on Trade and Development in 1964, the Development Assistance Committee endorsed the proposal.

AID PERSPECTIVE ON WORLDWIDE ASSISTANCE

A more thorough picture of the development situation is shown by the following analysis made by the Agency for International Development:

AID PERSPECTIVE ON WORLDWIDE ASSISTANCE

A. WORLDWIDE PROBLEM, WORLDWIDE EFFORT

Over two-thirds of the people of the world live in more than a hundred less developed countries. They enjoy only about one-eighth of the world's production of goods and services.

In the non-communist industrialized countries, the average annual gross national product is about $2,850 per person; in the less developed countries, it is little more than $200 apiece.

Those raw numbers—subject as they are to substantial distortion because of cost variations and differences of life styles between economically developed and less developed countries—are nevertheless suggestive of the disparity that does exist. Behind the statistics lie the realities of living and dying in the developing countries—widespread disease and malnutrition, high infant mortality, low life expectancy, extensive unemployment, wholesale illiteracy—the whole catalogue of physical and social ills which measure the human frustration and misery that go hand in hand with underdevelopment.

Malnutrition or undernourishment affects most of the children in the less developed countries. In a few, as many as one-half of the children die before they reach the age of five—primarily because they are malnourished and highly susceptible to "simple" infections and "childhood" diseases such as measles and whooping cough.

In some of these countries, there is only one doctor for every 20,000 or 30,000 or in extreme cases 50,000 people, compared to one for every 700 people in the United States.

One-fifth of the entire male labor force has either work that does not pay a living wage or no job at all.

Two-thirds of the adults are illiterate. Some 300 million school-age children get no schooling at all.

The problems that afflict the people in the less developed countries are not theirs alone—for the world's problems are not contained by national boundaries. Disease ignores national boundaries, pollution flows across national boundaries; the impact of uncontrolled human reproduction vitally affects the well-being of all nations. Such problems cannot be bottled up. Neither can the sense of injustice, frustration and bitterness which will accrue if people in the less developed world are unable to see progress toward a better life.

For in a world where the poor, seeing affluence around them, are no longer resigned to perpetual poverty, violence is likely to be the result of economic stagnation and social indifference. And violence, too, flows across national borders.

There are now about 3.6 billion people in the world—three times the population of 100 years ago. In another 100 years, *at the present growth rate,* there could be *25–30 billion people* on the earth. If, by the year 2040, each family had on the average of no more than two children, the world population would stabilize 70 years later in 2110 at about 15 billion, an awesome figure more than four times the present world population. Even if the world could achieve the two-child family by the year 2000 (not an easy task by any means), the world population still would not stabilize until it reached 8.2 billion—more than double the present population and an immense drain on the earth's limited resources.

We cannot ask ourselves where the rich countries will be in the years ahead without asking where the whole world will be. And we cannot imagine that as the world's increased population places an ever greater burden on the earth's resources—and on man's capacity to live at peace with his fellow man—we few in the economically developed countries can live comfortably here while across the continents of Asia, Africa and Latin America billions struggle desperately to eke out an existence. There can be no assured peace for the rich countries unless we develop a world order based on social and economic progress.

The rich nations of the non-Communist world have responded to these stark facts by joining in a broad international aid effort to help the poorer countries meet the critical problems of development. Recognizing the self-interest, as well as the simple humanity involved, they have provided increasing amounts of assistance over the years to help the developing countries fulfill in greater measure the aspirations of their people for a better life.

The development assistance effort has now become a worldwide cooperative effort to which virtually every major industrial nation contributes—compared to 15 years ago, when the United States provided the bulk of the aid.

The developing countries, too, are putting more money, talent and political muscle into the effort. Their contribution to their own development far surpasses all the help they receive from other countries. On the average, they are investing eight dollars from their own resources for every dollar which comes to them through foreign assistance.

The result has been a sizeable measure of economic growth. The developing countries have increased their Gross National Product at a rate of more than 5% a year over the past decade. This is considerably faster than the growth rates estimated for the presently industrialized countries in the early stages of their development. This progress has not been confined to particular regions or to countries with particular resources, topography, or population.

A number of former aid recipients—Taiwan, Argentina, Mexico, Iran, Greece, and Israel—no longer need assistance. Korea and Turkey are candidates to join this group in a few years.

But the record of growth among developing countries is uneven. Major problems remain. Most countries will require some measure of concessional foreign assistance for the next decade, or more. There is now hope, however, on the basis of the record of the past 20 years, that the developing countries' aspirations for a better, more productive life for their citizens can be achieved.

While significant achievements have been realized, the struggle to raise living conditions to acceptable levels has a long way to go.

As we have planned our development assistance program for the 1970's, we have tried to strengthen it with adjustments designed to build on past progress as well as deal realistically with the world of the coming decade.

B. THE U.S. ROLE

For over 20 years the United States has played a leading role in the international development effort. We should continue to play a major role, for economic and social progress in the less developed world remains important to us, as it does to other industrialized countries and to the developing countries themselves. But the world has changed, and the United States no longer needs to play the dominant role.

In many of the poorer countries, the capability for planning and setting priorities has been improved to the point where they no longer need—and are rejecting—extensive guidance in development from others. They need access to new technology, and they need capital assistance, but they are increasingly capable of employing these inputs themselves.

Moreover, the growth of worldwide cooperation in development assistance has brought increased requirements for international and regional leadership. Many multilateral institutions have responded with strengthened capacities for the guidance of bilateral assistance programs such as ours and for the operation of truly international assistance programs.

Thus, today our contribution can best be made as part of the common effort in which the international agencies and the developing countries themselves increasingly take the lead.

The Types of Aid. The U.S. roles in the international development effort takes several forms, of which foreign aid is the most obvious and direct. But only part of the total U.S. foreign aid program is designed to further development; foreign aid is also used to meet immediate human needs and to help other countries achieve greater security. The President's new proposals would divide the U.S. foreign aid program into three components—development aid, humanitarian aid and security aid—to distinguish more clearly the separate purposes of each. Although there may be some overlap among the three types of aid, there are clear distinctions to be drawn in the overriding purpose—as well as in the nature of the results—of each kind of aid.

What is Development Aid? Development aid is provided to assist the economic and social development of less developed countries, i.e. increase their economic growth and distribute available goods and services more widely. The provision of development aid may result in increased security or direct and immediate relief of human suffering, but those are not its main purposes. Similarly humanitarian aid and security aid often contribute to development, even though they are provided for other reasons.

Development aid is meant to support economic and social change—to increase agricultural and industrial production, to educate and train people, to help prevent population growth from outrunning economic growth, to build lasting institutions, to reduce economic disparities and promote wider distribution of the benefits of economic progress. The aims of development aid are fundamentally long term; its goals can seldom be achieved quickly. It is not a very good instrument to try to achieve short-term political purposes, and it should not be measured against that standard.

In the long run, what happens in the developing world will determine in large part the fate of mankind. Our future cannot be separated from the future of the rest of the world. Development aid is a long-term investment in both.

C. U.S. INTERNATIONAL DEVELOPMENT ASSISTANCE PROGRAMS

The United States provides development aid under a variety of programs.

Authority for some of these programs—primarily Technical Cooperation, Development Lending and Voluntary Contributions to International Organizations and Programs—is now contained in the Foreign Assistance Act and is being sought for FY 1972 and beyond in the International Development and Humanitarian Assistance Act of 1971. This volume contains the basic Congressional presentation materials for those programs.

Authority for other programs—contributions and subscriptions to international financial institutions, Food for Peace (P.L. 480), the Peace Corps, the Inter-American Social Development Institute (to be renamed Inter-American Foundation), and the Overseas Private Investment Corporation (OPIC)—is contained in other legislation and presented to the Congress elsewhere.

Some of these programs are bilateral—although often provided in a multilateral technical assistance activities and to international banks—are entirely multilateral.

D. HOW MUCH DEVELOPMENT AID DOES THE UNITED STATES PROVIDE?

The amount of development assistance being provided by the United States is modest compared to this country's economic capacity and to the efforts of other economically developed countries.

International Developmnet and Humanitarian Assistance Act Programs. The $1.2 billion appropriation request for development assistance programs to be carried out under the International Development and Humanitarian Assistance Act amounts to

Only about half of one percent (0.5%)—one two-hundredth—of the Federal Budget, and

Little more than 1/10th of one percent (0.1%)—one thousandth—of our Gross National Product (GNP).

The Total U.S. Development Assistance Program. The total U.S. development aid program proposed for FY 1972—both bilateral and multilateral—amounts of $3.6 billion, or about 1½% of the Federal Budget and less than one-third of one percent (0.3%) of our GNP.

All U.S. Foreign Economic Aid. The total of all U.S. foreign economic aid proposed for FY 1972—whether development, humanitarian or security aid—amounts to less than $4.5 billion. This is about 2% of the Federal Budget and well under ½ of 1% of our GNP, compared to about 6 times those percentages during the beginning of the Marshall Plan.

HOW THE UNITED STATES COMPARES WITH OTHER COUNTRIES

The United States—with a GNP greater than all the other DAC members combined—now contributes less than half the economic aid going to less developed countries and multilateral agencies, with other countries' contributions expected to continue rising during the 1970's.

There are several ways of measuring foreign assistance—not all of them very meaningful. The DAC and the UN have set 1% of Gross National Product as a goal for the industrialized countries, but count toward that target flows of private funds, as well as official government resource flows, and the latter include everything from hard-term export credits to outright grants. Seven of the 16 DAC member countries exceeded the 1% target in calendar year 1969, the latest year for which figures are available. Many DAC countries have five-year plans to reach the target. The United States has subscribed in principle to the 1% target, but has not set any time in which to achieve it. By this standard of total financial resource flows as a percent of GNP, the United States ranked last among DAC member countries in 1969.

Official Development Assistance. In the last few years, the DAC has been using a more meaningful concept, called "official development assistance" (ODA), which excludes not only private funds, but also most hard-term credits and financing provided primarily to finance exports rather than to benefit developing countries. By this standard (which is approximately equivalent to total U.S. economic assistance), the United States ranked in 11th place in 1969.

Even the concept of official development assistance is an imperfect measure of foreign aid, primarily because while it contains only assistance provided on concessional terms, the terms nevertheless vary considerably, from grants to a few quite hard loans. The United States also ranked 11th among the DAC countries in relative softness of the terms of aid provided in 1969.

In short, the United States, which has more, gives less, and our proportion of the economic aid provided by all countries is still declining.

The 1-percent GNP concept embraces all resource flows. Summing the latest statistics of private and other governmental economic aid—that is, food for peace, Peace Corps, subscriptions/contributions to multilateral agencies—with the funds as recommended by the committe, this bill falls far short of the 1-percent level for both fiscal 1972 and 1973.

Yet already seven of 16 DAC—Development Assistance Committee—member countries exceeded the 1-percent target in calendar 1969. Other DAC members have 5-year plans aiming to reach the goal. The United States remains the one major nation subscribing in theory to the concept, but without a timetable for it. As the AID analysis concluded, we have more, give less.

THE DELLUMS AMENDMENT

This en bloc amendment has been calculated to show what the amounts of economic assistance could be if we were to allocate 1 percent of GNP for the next 2 fiscal years. The following chart presents in a concise form the increases I have just proposed.

REVISED AMOUNTS OF ECONOMIC AID

[In millions of dollars]

	Fiscal year 1972	Fiscal year 1973
Development loans	1,708,000	2,113,000
Technical cooperation	608,000	647,000
American schools and hospitals	100,000	105,000
Alliance for Progress (total)	1,218,000	1,524,000
Population assistance	347,000	465,000
International organizations	461,000	521,000
Contingency fund	100,000	166,000
East Pakistan relief	347,000	
OPIC [1]	19.000	19,000

[1] OPIC is fixed by law at $19,000,000; therefore, differential amount between $19,000,000 and what OPIC would be at a 1 percent GNP rate calculation has been added instead to development loans.

METHOD OF COMPUTATION

(1) Total economic aid (A) = Private flows (P) + Foreign Aid Bill (G_1) + Other Government Aid (G_2):

$$A=P+G_1+G_2$$

(2) Assume (P) and (G_2) grow at same rate as total economy, a rate we assume to be around 3%.

For calendar 1970, P=\$2.75-billion; at a 3% rate, the fiscal 1972 amount=\$2.91-billion and for 1973, \$2.99-billion.

For fiscal 1972, G_2=\$2.21-billion; at a 3% rate, for fiscal 1973, it would be \$2.27-billion.

(3) Objective is for (A) to reach 1% GNP.

(4) With the amount as recommended by Committee, (A) is much less than 1% GNP for either fiscal 1972 or fiscal 1973.

(5) Therefore, the calculations are to increase the bill (G_2) by the difference between (G_2+P) and 1% GNP.

(6) For 1970, GNP=\$990-billion; a reasonable estimate—one done by the UCLA Business School—sees 1971 GNP reaching \$1.052-trillion.

(7) Therefore, for fiscal 1972:

$(P+G_1+G_2)$=\$6.55-billion and 1% GNP=\$9.9-billion and difference is approximately \$3.5-billion.

And, for fiscal 1973:

$(P+G_1+G_2)$=\$6.74-billion and 1% GNP=\$1.052-billion and difference is approximately \$3.78-billion.

(8) Summing all economic aid components, the calculation is made to find the percentage each is of the total economic aid package.

For example, Development Loans=26% of fiscal 1972 economic aid and 31% of fiscal 1973 aid.

(9) That percentage is then multiplied by the total difference figure between (A) with the Committee figures and (A) at 1% GNP.

For example, Alliance for Progress:

\$3.5-billion • 24%=\$840-million.

(10) That amount is then added to the amount in the Committee bill to get the figure recommended in the amendment.

For example, Alliance for Progress:

\$840-million+\$378-million=\$1.218-billion.

Mr. Chairman, I submit this amendment because I believe that our Nation cannot afford not to aid the lesser-developed peoples of the world. Compared to the percentages of GNP we have wasted on carnage and destruction, even the 1-percent level is too low.

Mr. MORGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from California is submitting the same sort of amendment he presented in the committee. His basic argument is that the developed countries should be able to afford 1 percent of their gross national product for foreign aid. This might be true in the case of some of the other countries who are not carrying the other international commitments that this great country of ours has to carry.

Mr. Chairman, if we accept the theory on which this amendment is based and if the gross national product of the United States at the present time is almost a trillion dollars, this would increase our foreign aid total to almost $9 billion.

I know the gentleman is sincere in seeking economic aid for the poorer countries of the world, but there is no long-range program for using this increased amount of money.

For instance, the gentleman proposes to increase the Development Loan Fund from $400 million to $1,708 million. There is no program ready that could absorb that amount. With reference to the Alliance for Progress the gentleman would increase that amount from $378,250,000 to $1,218 million. There is no program for using this amount of money.

With reference to programs relating to population growth the gentleman's amendment would increase the amount from $100 million to $347 million.

Mr. Chairman, we could not spend that kind of money on population control in the world today.

With reference to the international organizations the gentleman's amendment would increase the amount of $143 million to $461 million. Again, there is no program worked out by these organizations to absorb that amount of money.

Now turning to the increase in East Pakistan relief from $100 million to $347 million, that amount could possibly be used, but the committee in this authorization bill is providing a contribution of $100 million. We will be doing our share. There should be a worldwide relief program and not just a burden for the United States to carry alone.

Taken in all, Mr. Chairman, the $9 billion figure called for by this amendment I feel is much too much and I ask for its defeat.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not share the attitude of all-out criticism of the foreign assistance program that has been reflected in some of the debate here today. I believe that the Marshall plan in view of all of the alternatives was a resounding success. I believe that continuing investments in developing countries can well prove a better policy for us than for us to fail to do what this bill provides that we do in that area.

Mr. Chairman, it would seem to me that if the Nixon plan is to be implemented, with our lower profile in Asia, with our development of a partnership relationship with other countries which might assume some share of the burden of the continuing development program in underdeveloped countries, and if we can replace dollars for such combat involvement of our young men as has been the case in Vietnam and Korea, we should want to do this.

Mr. Chairman, I support the committee bill. However, the gentleman from California overlooked in his amendment many other forms of aid which we are presently extending. The gentleman overlooked the fact that under the Marshall plan we gave up to 3 percent of our GNP. In other words, we had a very substantial headstart over all other countries in giving aid and I think it is now time for our partners to do their share.

Also we should consider the tremendous military burden that we have carried in assisting other countries. So it seems to me that the gentleman is unrealistic in his suggestions, and I believe the gentleman has failed to see and consider what the United States has already done in this respect, and is doing. I believe this bill is at a level that is adequate, that is completely adequate to pay our fair share of whatever partnerships we enter into in either defense or development of these countries.

Therefore, Mr. Chairman, I urge the defeat of the amendments offered by the gentleman from California (Mr. DELLUMS).

Mr. GROSS. Mr. Chairman, would the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, did I understand the gentleman to say that something on the order of money was substituted for Americans in Vietnam?

Mr. BUCHANAN. I said that the President had indicated as part of the Nixon plan, which I support, that in the future we would seek to provide our economic and military assistance to such countries, but we would seek to avoid a combat role, as in Vietnam and Korea, and to the extent that we can substitute economic and military assistance to those countries which are important to us and to which we have previous commitments, for the kind of combat involvement which we now have in Vietnam, I think this would be a good idea.

Mr. GROSS. I was afraid the gentleman had been carried away by something, because there is no evidence now that there has been anywhere a substitute for American combat troops. When the United States gets into a war Americans do most of the fighting and all of the financing and the gentleman knows it.

You could spend 10 times the amount that has already been spent on foreign aid, and you would still get the same result. When blood and guts are spilled these days, it is Americans, who are called upon to spill them, regardless of the billions we throw around the world.

Mr. BUCHANAN. I will say to the gentleman that the President has indicated this will not be the case in the future, but in order to fulfill the kind of commitments and obligations that are in our own national security interest, it seems to me that economic and military assistance is necessary for this purpose.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. DELLUMS. Mr. Chairman, would the gentleman yield?

Mr. FASCELL. I yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I would like to comment briefly with respect to the statements that the previous speaker made so that he would not be in the position of making incorrect statements on the floor of the House of Representatives.

Time did not permit me to be able to explain how the figures were computed. We did introduce some figures in committee, but they did not include the total foreign assistance to the multilateral agencies, nor did they include the private flow. However, the figures that we have introduced on the floor of the House of Representatives today, Mr Chairman, in these amendments which have been offered en bloc, do include—and the figure we are utilizing—the total economic aid we were projecting and includes the private flow plus the foreign assistance bill plus all other Government aid to multilateral agencies.

So I would like to correct the gentleman's statement so he would not be in the position of making an incorrect statement.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I do not have control of the time.

Mr. FASCELL. I have control of the time.

Mr. Chairman, I want to commend the gentleman from California for offering his amendment. While I shall not support the amendment, I know of the gentleman's sincerity in representing the views of the black caucus with respect to their interests in foreign economic assistance. I think his purpose is commendable to call attention to a goal desired by many people.

As a matter of fact, the 1-percent figure of gross national product for economic assistance abroad is a figure which has been deemed desirable by many experts both in development and finance. Some important international commissions which have studied the whole problem of underdevelopment and the need for assistance by developed countries have concluded that 1 percent of GNP is a minimum. The OECD has arrived at that figure. So the amendment of the gentleman from California is an expression of the desirable level of assistance which has to be met in the view of many people who have made a very serious study of the underdevelopment in this world, and the commitment that would have to be made by the developed nations if we are to in some way resolve the difficulty.

I am not saying that the United States has not more than adequately met its commitment already, and on that point we can agree with the gentleman from Alabama (Mr. BUCHANAN) who spoke on this.

But I think the point of the amendments is apparent, if I understand the gentleman from California (Mr. DELLUMS) that the United States can and ought to continue to realize the problems of underdevelopment around the world are severe, and we must assist as much as we can to the peaceful processes of helping humanity rather than relying only military means to solve problems; and thereby we would probably have a better world and a better country.

So for that purpose and with that understanding I commend the gentleman.

However, I am not sure, Mr. Chairman, that we at this point in time can fulfill that desirable aim and goal in terms of national commitments, in terms of increased authorizations, or increased appropriations.

Nevertheless this amendment is an expression which deserves commendation and gives recognition to a fact that despite what we have done, and we do have a proud record in this country in our aid to other people—despite all this and despite the assistance of other developed countries there remains so much more to be done.

Mr. MONAGAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there has been question about the contribution that the United States has made over the years in the form of assistance to underdeveloped countries of the world. And I think it is a bit easy to denigrate the role we have played. But actually when one looks at the records and reads the figures that have been assembled to show how much of our gross national product is actually going into these programs I do not think it is too far from the objective that has been set forth by the gentleman from California.

For example, in 1970, according to the statistics assembled by AID there were $4.7 billion passing from the United States to other countries of the world. Of course this is not limited to the program that we are considering today but it includes the Export-Import Bank and Food for Peace and many other programs. If we added the military it comes to a total of $5.8 billion. And if we add the private flow which recent figures show as being $2.2 billion we come to $8 billion or very close to the figure which I estimate would be something over $9 billion a year.

So I do not believe that we have anything to be ashamed of, in our international effort and certainly the considerations that have gone into the reductions in this program have been those relating to providing greater assets and greater resources to solve our domestic problems rather than those in the international sphere.

Mr. LONG of Maryland. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I wonder if the gentleman from California has considered all the consequences of his proposal of vast sums of money for foreign aid. He has mentioned that he belongs to a liberal group which has proposed a long list of domestic projects—a list that adds up to hundreds of billions of dollars for internal improvements. We know that those vast sums of money are not going to be spent because we do not have them. Yet the gentleman wants to "shoot the works" on a vast foreign aid program over which we have very little control.

Now he talks about our trillion dollar economy, and says we ought to be spending 1 percent of that on foreign aid.

Apparently it is assumed that we have to be No. 1 in the world in every category of foreign adventure.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. Not at the present moment.

I wonder if the gentleman realizes how much we are being asked to spend on foreign aid this year and how much in past years. We are talking here about a very narrow category of foreign aid expenditures.

I have a list here of 25 different requests for foreign aid assistance which are before us for the 1972 fiscal year:

New requests for authorization and/or appropriation for foreign aid and assistance (July 1, 1971) fiscal year 1972

Foreign Assistance Act (including Military Assistance)	$3,313,000,000
Overseas Private Investment Corporation (OPIC)	25,000,000
Inter-American Development Bank	500,000,000
Inter-American Development Bank (supplemental)	486,760,000
International Bank for Reconstruction and Development (supplemental)	246,100,000
International Development Association	320,000,000
Asian Development Bank	40,000,000
Asian Development Bank (supplemental)	60,000,000
Expanded Multilateral Assistance	35,000,000
Receipts and Recoveries from Previous Programs	370,310,000
Military Assistance (in Defense Budget)	2,250,800,000
International Military Headquarters	74,400,000
Economic Assistance (in Defense Budget)	90,900,000
MAAG's, missions and military groups	262,600,000
Permanent military construction—foreign nations	106,000,000
Export-Import Bank, long-term credits	2,445,000,000
Export-Import Bank, regular operations	1,195,639,000
Peace Corps	82,200,000
Ryukyu Islands	4,450,000
Migrants and refugees	8,650,000
Public Law 480 (agricultural commodities)	1,320,400,000
Contributions to international organizations	160,680,000
Education (foreign and other students)	51,000,000
Trust Territories of the Pacific	59,739,000
Latin America Highway (Darien Gap)	20,000,000
Total new requests—foreign aid and assistance—fiscal year 1972	13,528,628,000

These requests add up to $13,528,628,000. Too much of this is military assistance—which I oppose. I wish we could get rid of our military assistance program. Even if you subtract the military assistance from the $13,528,628,000, we are left with more than $10 billion in economic aid programs. That is over the 1 percent of our national income that the gentleman feels should be our goal.

A lot of people deprecate the American foreign aid program by redefining it, by narrowly defining what we are asking for. But if you add together all the facets of our aid program—you have an impressive sum, and we surely are at the top of the world.

I do not see why we have to be up-to-date on spending 1 percent of our GNP on foreign aid even if that goal were being met. I would defy anybody to name any country, over the last 25 years, that has given as much money away in economic aid to all countries, either in absolute terms or in percentage of its gross national product, as the United States.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. ROSENTHAL. Mr. Chairman, I had not intended to speak on this amendment, but the fact that the gentleman from Maryland suggested that perhaps it was not sensibly authored or did not have merit strikes me as kind of silly to begin with. He said that the gentleman from California wants to "shoot the works," but let me tell you how I see "shooting the works" in this thing. The gentleman from Maryland is a distinguished economist, and I am sure he has read some of the works of Barbara Ward, a colleague of his in the field of economics. Mrs. Ward has suggested many times that if this planet were to survive, you could not have one-third of the world, which is probably the top half, rich, and the bottom two-thirds of the world poor, that at sometime in history, maybe not next year or the year after it, but some time in history there would be a confrontation between those who have and those who have not.

My theory of economics, as distinguished from the brand of economics of the gentleman from Maryland, is that you ought to try to balance off the inequities that exist to prevent the configuration that could occur some time in the future. So that perhaps when you use the term "shoot the works," it means a penny spent today may prevent spending a great deal more sometime in the future.

The gentleman from Maryland also suggested—and he held his hands away—does the United States have to be No. 1 in everything? Sometimes I think we really ought to, but this is one of the fields we have been far from No. 1. There are a half dozen nations of the Western World that have contributed more per capita, more in terms of percentage of their gross national product, than has the United States.

I am perfectly willing to admit that the amendment offered by the gentleman from California is provocative. It is almost radical. But it has been offered by many, many responsible citizens of this world, and it is something to shoot at. It is a very realistic effort to acheive a goal that might sometime in the future bring tranquillity to our sorely troubled society.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield? He has mentioned my name.

Mr. ROSENTHAL. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. DELLUMS).

The amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to technical cooperation and development grants, is amended as follows:

(a) In section 212, relating to authorization, strike out "$183,500,000 for the fiscal year 1970, and $183,500,000 for the fiscal year 1971" and insert in lieu thereof "$183,500,000 for the fiscal year 1972 and $183,500,000 for the fiscal year 1973".

(b) In section 214(c), relating to authorization for American schools and hospitals abroad, strike out "for the fiscal year 1970, $25,900,000, and for the fiscal year 1971, $12,900,000" and insert in lieu thereof "for the fiscal year 1972, $30,000,000, and for the fiscal year 1973, $30,000,000".

(c) At the end of such title II, add the following new section:

"SEC. 220A. SUEZ CANAL.—The President is authorized to furnish financial assistance, on such terms and conditions as he may determine, for assisting in the reopening of the Suez Canal after agreement has been reached by the parties involved, which agreement provides for the use of the canal by the ships of all nations, including Israel, on a nondiscriminatory basis. For the purpose of carrying out this section, there are authorized to be appropriated such sums in Egyptian pounds now owned by the United States and determined by the President to be excess to the normal requiremens of departments and agencies of the United States. Amounts appropriated under this section are authorized to remain available until expended.".

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to ask the chairman, for purposes of the record, one question. I hope it can be limited to one. Am I correct in assuming that there is no intention of committing the United States in any way, shape or manner to provide troops under the terms of the section just read; that is, to provide troops for the purpose of protecting the Suez Canal once it is opened under the terms of this section?

Mr. MORGAN. I would not think this section would give the President that authority. If the chairman of the Committee on Foreign Affairs thought it did, he would not approve the section. All this would do is give the President the authority to negotiate or to use some of the surplus Egyptian pounds we have now in Egypt. I understand, it is about $250 million, in helping to open this canal. These Egyptian pounds are surplus to our needs for any other purpose.

Mr. GROSS. So it would be the gentleman's understanding that the use of the funds would not be used for the stationing of U.S. troops on the Suez Canal?

Mr. MORGAN. That is correct.

Mr. GROSS. I will say to the gentleman, I cannot think of a better way to become involved in another war than to station U.S. troops on the Suez Canal.

Mr. Chairman, I thank the gentleman for his response.

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. President, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow: On page 2, line 20, strike "183" and substitute "167". On page 2, line 21, strike "183" and substitute "167".

The CHAIRMAN. The gentleman is recognized in support of his amendment.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Pennsylvania (Mr. MORGAN.)

Mr. MORGAN. Mr. Chairman, the gentleman is speaking of 167, and I assume he is speaking about 167 million?

Mr. DOW. That is correct.

Mr. MORGAN. This amendment means the gentleman is talking about 167 million?

Mr. DOW. Dollars. I thank the gentleman.

Mr. Chairman, I offer an amendment to strike the $26 million in section 102 of the bill under "Technical Cooperation and Development Grants" which has been requested for public safety funds for fiscal year 1972 and the same amount would be striken for fiscal year 1973.

In reading over the brochure explaining this section I was impressed with the fact that the times have caught up with the rhetoric heard in the Chamber for the past few years. By providing these funds for public safety we truly can be called the world's policeman. We stand ready, apparently, to provide everything from "correctional facilities"—loosely translated as tiger cages—to assisting Pakistan, and here I quote the unfortunate language found in the congressional presentation for the international security assistance program:

Pakistan has been making a serious effort to build up the police as its first use of defense against threats to internal order." I recognize that the Foreign Affairs Committee has wisely provided a cutting off of all military, economic or other assistance under this bill—but the language found in the AID documents should not be overlooked. While the brochure does mention that the recent strife has brought assistance efforts to a standstill, it remains regrettably hopeful when it states, "there continues to be a need for public safety assistance in Pakistan.

The greatest resources planned in the bill for public safety are for Vietnam and Thailand, the other 25 countries average out to roughly $100,000. My mathematics, if correct, indicate that Vietnam will receive $11,148,000 for assistance in training police and improving telecommunications, and correctional centers. The average cost of the training for the 186 U.S. advisors and 13 third-country nationals is $34,000. While the average training cost for the Vietnamese policeman is equivalent to an American college education, $3,610, or at least a good part of it.

Thailand does all right too, here, being committed to $9,000,000 for fiscal year 1972. This figure is almost double the total of $5,000,000 listed for 1971.

Mr. Chairman, my amendment would simply cut off these funds. I cannot believe that our good intentions in exporting modern police methods are as respected by the peoples in the countries we are proposing to assist. Perhaps it is overly simplistic to recall our own history and discover that the Redcoats we finally drove from these shores would have been able to submit their proposal for funds on a Government form to maintain internal security.

We are not buying time or friendship with these funds, nor are we purchasing internal reform. The infrastructure of a developing nation is not shorn up by money which preserves the present political order.

An administration spokesman, testifying this year on the public safety program before the Foreign Relations Committee in the other body, said these funds "can serve to prepare civil police forces to prevent the development of threats to internal order before they become explosive problems requiring military action."

Yet, the United States today might be picking the wrong side when it provides funds for police in other lands.

Perhaps we are supporting satraps, exploiters and military dictators, when we should, instead, be supporting the people.

We should be remorseful when we see that American-supplied equipment contributes to death and defeat of people trying to assert independence. This has happened in the capitals of South America and is happening today in East Pakistan.

Have we not learned anything from Vietnam? Have we not learned of our own incapacity to properly judge the merits of internal disputes in distant nations? Or, has the arrogance of power gone permanently to our head?

I submit that if the Congress is so determined to improve public safety we could very well use these funds for our own policemen's salaries and our own correctional programs. I urge the adoption of this amendment.

Mr. MORGAN. Mr. Chairman, I rise in opposition to the amendment.

First I should like to call to the attention of the gentleman from New York that when he talks about $26 million in his amendment, he apparently is asking for a reduction of that amount but the way I figure, the difference between $183 million and $167 million is only $16 million.

I can see where he gets the figure of $26 million, but there is only $5.4 million for public safety in this technical assistance figure.

The gentleman from New York, it seems, wants to penalize the technical assistance section by taking out the full amount for all public safety programs in this bill from technical assistance.

There is some money in the bill in the security supporting assistance authorization for some of the countries he named, for public safety, but that should not be taken out of this section. It belongs over in the part 2 of the bill in the security supporting assistance section. There is only $5.4 million in this section for public safety.

Let us look at what public safety is. This is a point four type program. This is one of the most popular programs we have in the entire foreign aid program.

Of course there are people in Latin America working on technical assistance police work. We are teaching police officers how to take fingerprints. We are teaching them how to build crime laboratories. We are teaching them about police communications. We are teaching them about different police training methods and so forth, because this is the point four type approach and public safety is very important in any country if the country is going to develop economically.

I believe this is a very important program, but only $5.4 million in technical assistance is involved. The $16 million covered by the amendment of the gentleman from New York is too large to do what he says he wants to do. It should be $5 million; $16 million might be cut from supporting security section in part II in order to be consistent.

So, Mr. Chairman, I am asking the House to defeat the amendment.

Mr. HALL. Mr. Chairman, the time has come to arise in support of the civilian constabulary. I oppose the amendment intended to eliminate our public safety officers who work overseas and around the world in the interest of peace, security, and safety.

Those of us who have studied this organization sufficiently to truly understand its dedication, direction, mission, and objectives; are a thousandfold reassured of its economy and worthwhileness. Its history dates from the G–5 or civilian occupational forces during and after World War II. One of its proud accomplishments is the training of the Japanese security police forces. Since then the organization's Police Academy in this city has trained thousands of nationals from friendly countries in control of traffic, riots, borders, subversion, and narcotics, to mention only a few of their missions and objectives. They are economical and indeed have developed communications devices adopted by some of the armed services.

I consider the Director of the Office of Public Safety as a close personal friend and hold him in the highest esteem. His experience is outstanding and his integrity plus organizational ability and hard work have been demonstrated. All of the officers I have known have been paramount in training and ability.

In recent years an attempt was made in the interest of economy to replace these dedicated and knowledgeable servants of the public trust and safety with men in uniform, such as drafted and trained military police. It just does not work and one of the obvious and principal reasons is the sovereignty and nationalism of the host countries in which the dedicated advisers work.

Mr. Chairman, it is a weird coincidence that we should discuss this bill and amendment on the anniversary week of the assassination of OPS officer and adviser Don Mitrione in Uruguay while in line of duty. I shall not repeat, but call your attention to my remarks and those of his Representative in Congress, the Honorable DAVID W. DENNIS, of Indiana, in the August 5, 1970, CONGRESSIONAL RECORD. Also ibid, CONGRESSIONAL RECORD, volume 116, part 21, page 28071.

The people, the Department, and the Corps still recall Don Mitrione and I insert here a list of anniversary memorial services for him at home, in Montevideo, and in this city. I also include a beautifully conceived and written editorial in the National Observer of yesterday by Peter T. Chew. It is time for all who respect rule by law, duty, honor, and country—plus world peace and order—to stop, think and pray for men like this.

The material follows:

MEMORIAL AND COMMEMORATIVE EVENTS, FIRST ANNIVERSARY OF DAN MITRIONE'S MURDER, AUGUST 10, 1971

MONTEVIDEO

6:30 p.m. Special Memorial Mass, at Catholic Church of Sacred Heart.

Special Prayers—Holy Trinity Episcopal Church.

Dedication Mitrione Plaque in Entrance to U.S. Embassy Chancery.

WASHINGTON

Memorial Mass at St. Stephens-Martyr Catholic Church, 25th & Pennsylvania, N.W., sponsored by four Uruguay Police now attending International Police Academy. 11 a.m.

Secretary of State awards Secretary's Medal for Heroism posthumously to Dan Mitrione, to be accepted by his widow, Mrs. Henrietta Mitrione.

RICHMOND, IND.

8 a.m. Memorial Mass at Holy Family Catholic Church, conducted by Father Minton. Mitrione was a lay leader in this church during the period he was Chief of Police in Richmond before joining A.I.D.'s Public Safety Program in 1960.

[From the National Observer, Aug. 2, 1971]

DAN MITRIONE'S LEGACY

(By Peter T. Chew)

On August 10, Secretary of State William P. Rogers will present the State Department's highest posthumous award for bravery to a hero of this country's quiet "war" against Communist terrorists and subversives. He was Dan Mitrione, a civilian police adviser, who was kidnaped and brutally murdered a year ago by Tupamaro urban guerrillas in Montevideo, Uruguay. In other ceremonies this month, Uruguay will issue a commemorative stamp in his honor, and the city of Montevideo will name a street for him. Mr. Mitrione was a member of the Office of Public Safety of the Agency for International Development (AID). The organization provides advisers to police departments, mostly in underdeveloped countries, to help them cope with terrorists and common criminals alike by upgrading their training, equipment, and tactics.

Because men such as Mr. Mitrione have been so effective, it is not surprising that they have become targets of Communist propaganda. Mr. Mitrione, say the Communists, was in Uruguay to teach the local police how to torture political prisoners. Harder to understand is the apparent eagerness of so many liberal U.S. congressmen, newsmen, clergymen, and academics to believe the worst about their fellow Americans who have put their lives on the line in this struggle.

For instance, Sen. Frank Church, Idaho Democrat, in his capacity as chairman of a subcommittee on Western Hemisphere Affairs, dispatched two committee aides to Brazil this spring to check out—among other things—Communist-inspired charges that U.S. Public Safety advisers in *that* country were teaching torture tactics. Last week, Senator Church at least had the grace to concede, however grudgingly, that the charges were groundless.

Today there are 340 U.S. public safety advisers at work in 26 countries at the request of the host governments. It has been my experience that these men are carefully screened professional policemen of the highest caliber. They are, as well, brave men. Public safety advisers have been shot at, wounded, bombed, and murdered. Mr. Mitrione was the seventh adviser to lose his life—and one of the finest.

He was a quiet, gentle man, the son of Italian immigrant parents, a stanch Catholic, and the father of nine children. Before joining AID, he served as the popular police chief of Richmond, Ind., where he was noted for his work with youth. He continued his work with young people in Belo Horizonte, Brazil, where he served for four years before going to Uruguay two years ago. Belo Horizonte has named a street for him.

On July 31 of last year, Dan Mitrione was ambushed and kidnaped by Tupamaros in Montevideo. They threatened to kill him if the government of Uruguay failed to release scores of Communist terrorists from prison. The government refused, and his body was found in a stolen car on a Montevideo street.

Largely because of the force of Mr. Mitrione's personality and character, his murder may prove to have far-reaching significance for the future of democratic Uruguay. His murder led to a nationwide revulsion and may have turned the tide irrevocably against the Tupamaros. Perhaps his sacrifice, and those of the other public safety advisers who have given their lives, will lead to a greater understanding—and respect—in the United States for the important work that these advisers do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HOUSING GUARANTIES

SEC. 103. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to housing guaranties, is amended as follows:

(a) In section 221, strike out "$130,000,000" and insert in lieu thereof "$230,000,000".

(b) In section 223(i), strike out "June 30, 1972" and insert in lieu thereof "June 30, 1974".

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FASCELL: Page 3, after line 25, insert the following:

'OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 104. Section 240(h) of title IV of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to agricultural credit and self-help community development projects, is amended by striking out "June 30, 1972" and inserting in lieu thereof "June 30, 1973".

And renumber the following sections accordingly.

Mr. FASCELL. Mr. Chairman, this amendment simply extends the pilot program. There is a great deal of interest in this body and in the committee, in the community credit guarantee program.

When we went to the 2-year bill we overlooked extending this section. This amendment extends the program 1 more year.

I will be glad to yield to the distinguished minority leader of the committee.

Mr. MAILLIARD. Mr. Chairman, I have not had an opportunity to talk to all of the members of the committee, but as far as I am personally concerned, I think this is a good amendment. Really, we would have put it in in the committee if we had thought about it.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I am glad to yield to the distinguished chairman.

Mr. MORGAN. Mr. Chairman, I want to concur with what the gentleman from California (Mr. MAILLIARD) said. This merely confirms the 2-year program in the rest of the bill, and we have no objection to it.

Mr. FASCELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ALLIANCE FOR PROGRESS

SEC. 104. Section 252(a) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization for the Alliance for Progress, is amended by striking out "for the fiscal year 1970, $428,250,000, and for the fiscal year 1971, $428,250,000" and inserting in lieu thereof "for the fiscal year 1972, $378,250,000, and for the fiscal year 1973, $428,250,000".

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 9910, to extend the Foreign Assistance Act.

None of us likes every part of this bill: for some it contains too little, for many more it contains too much, and for a growing number of Members its heavy emphasis on military assistance is an increasing source of concern, as indeed it should be. But, taken altogether, and despite all its many weaknesses, I believe that continuance of the foreign assistance program remains vital to our own national interest, because on a steadily shrinking globe, what happens far away does and will continue to affect us whether we wish it to or not. This does not mean we must play policeman to the world, but it does mean that we must continue to be what President Roosevelt once called a good neighbor.

As chairman of the Inter-American Affairs Subcommittee, I want to take just a few moments to speak about our relations with Latin America and the importance of continuing our assistance programs in this hemisphere.

First of all, let me be frank and say at the outset what is already becoming apparent: the decade of the 1970's will be overshadowed by rising problems in U.S. relations with Latin America. There are even today many unresolved problems:

Conflicts, accompanied by seizure of American fishing vessels, over fishing rights in ocean waters off the coasts of Ecuador, Peru, and Chile;

Graver conflicts which cut across interests of national and hemispheric security, over claims to 200-mile territorial seas by nine Latin American countries;

A movement toward economic nationalism accompanied by the expropriation of foreign investments, the largest and most vulnerable share of which is American;

Difficulties in trade over the entry of Latin American goods into U.S. markets at a time when recession and unemployment have turned many traditional supporters of free trade toward protectionism;

Political and security problems arising from the inability of some Latin American governments to cope with internal terrorism, and the growing reluctance of many Americans to help authoritarian and militaristic regimes through public safety programs;

Diversion of scarce development funds to increasing military expenditures in some countries where such a need is difficult to perceive; and

Expanding ties between some Latin American countries and the Communist world which could have serious security and economic complications.

These are just a few of the problems. There will be many more and perhaps more serious ones as we move through the seventies, for these individual problems are really only symptoms of what really is the overriding issue in Latin America: the need for rapid economic and social development.

It is difficult to comprehend the enormous problems confronting Latin America; the world's highest birth rate, unemployment equivalent to 27 percent of the work force, massive illiteracy and ill health, a migration to the cities which is shattering centuries-old social and economic patterns virtually overnight. I could go on. The statistics are overwhelming. The facts—the sheer misery of millions—are staggering.

It is against this background that we must measure our relations with Latin American governments. The pressures on them are immense. Even where development efforts seem to be working, there has been so far almost no impact on the life of the masses. Progress is agonizingly slow. Despite tremendous efforts, Latin America has not yet found the key to rapid economic growth, but it is trying, and to a certain extent, since the inception of the Alliance for Progress, it has succeeded:

Annual growth in GNP has averaged 5.2 to 2.4 percent on a per capita basis;

Tax collections have increased and with them public expenditures on housing, education, and health facilities;

Industrial production has increased significantly, allowing greater trade diversification; and

Major progress has been made in education and with increased emphasis, the process of eliminating illiteracy is being accelerated.

These accomplishments indicate, more than anything else, that the process of change and growth vital to Latin America's future has begun. The United States can be proud of the part it has played in this process, but there is a long, long way to go.

These are times that call for patience and for a steady hand on the part of the United States. It is a time to continue and to strengthen our constructive partnership with Latin America—not to shrink back in fear from the momentous forces of change which we have helped let loose. It is a time for perseverance.

The bill before us today embodies just such a policy of continued partnership based not on short term problems, but on long term friendship.

Admittedly, the bill falls short of the reorganization belatedly recommended to the Congress by the President, but it will provide needed continuity while Congress examines more closely the complexities of the President's proposals. In addition, this program incorporates several new innovations including a major reform recommended by the President—an increased role for the Department of State in coordinating security assistance programs. It also provides useful new tools for controlling international traffic in narcotic drugs.

Mr. Chairman, as I said at the outset none of us is totally pleased with every aspect of this bill. As with many pieces of legislation, it is a compromise between many conflicting points of view. Moreover, we must bear in mind that this bill deals with one of the most complex and difficult tasks which man has ever undertaken: the deliberate and systematic transformation of entire nations and societies to a new way of life. We should not, therefore, be surprised that we do not have all the answers—that this program itself is far from perfect.

I hope that 1971 will not be the year that the Congress will turn its back on this vital program—that this will not be the year we shirk our responsibilities because of the enormity and complexity of the problems we face abroad. I hope we will reaffirm our friendship and concern for the rest of the world. I hope we will enact H.R. 9910.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 4, beginning in line 7, strike out "for the fiscal year 1972, $378,250,000, and for the fiscal year 1973, $428,250,000" and insert in lieu thereof the following: "for the fiscal year 1972 $300,000,000, and for the fiscal year 1973, $300,000,000".

Mr. GROSS. Mr. Chairman, I offer this amendment for two reasons. In the first place, it is a modest attempt to save a comparatively small amount of money on behalf of the overburdened citizens of this country, and in the second place I think we are spending altogether too much money in Latin America.

Mr. Chairman, I do not think it is necessary for me to speak at any length on what has happened most recently in Chile; for instance, where the former head of the Alliance for Progress, Allende, was made the Communist President of Chile and is the President of that country today.

Not only has Chile, but practically all the countries of Latin America have done very well with their feet in the foreign giveaway trough, and Chile, along with some of the rest of them has done a pretty good job of confiscating American properties. In order to salve the officials of Chile, officials of this country moved right in with $5 million worth of military assistance, gave them an armed, seagoing navy tug, and is now dickering with them for the credit purchase of 747 jets. Meanwhile, the Chileans have grabbed and hold without settlement thus far, three American-owned copper companies, plus other investments of Americans in that country.

Mr. Chairman, it is about time the people of Latin America and the heads of government in Latin America were told that we will no longer tolerate the confiscation of American properties, including the seizures of American fishing vessels. I urge adoption of the amendment.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are no illusions on the part of anyone, I am sure, about the difficulties that confront Latin America and the difficulties that confront the relationships between the United States and Latin America.

Yet, there are ties between us which we can ill afford to sever entirely or to severely impact as would be the case if an amendment of this kind is adopted.

Mr. Chairman, in the Western Hemisphere we must strive for unity and friendship notwithstanding differences of opinion, frustrations, and severe difficulties. It is almost impossible to conceive of the fantastic problems confronting the nations of Latin America underdevelopment, underemployment, ill health, and we could go on and on. We are all familiar with them. These countries have been struggling. They have made tremendous contributions to their own assistance. We in the United States have met our commitments, although in recent years they have been on a sliding scale, and this bill before you today reflects that downward trend with the lowest amount in 7 years.

I would hope, therefore, that we would not support the pending amendment which would be more drastic in its cuts and impacts in Latin America. The United States is not going to solve all problems unilaterally; and is not going to solve all the problems by military or other threats.

We do have considerable effort on the part of this administration and on the part of Latin American governments to solve the differences in claims of sovereignty over the ocean, or in fishing, or in expropriation of properties.

Suffice it to say that experience has shown us that punitive or restrictive actions usually have been counterproductive.

Therefore I would hope that we would not act on this amendment in that sense, as a punitive action. Many people are working extremely hard in delicate areas charged with high emotion to solve the problems in the Western Hemisphere. But let us not make the mistake that the United States alone can solve our problems; that the United States can remove our frustrations by turning our back on people who are struggling and by breaking apart the bulwark of freedom that must exist in the Western Hemisphere.

Such action is not the answer to solidarity, nor is it the answer to security of the United States.

And if we want to look at it from a purely personal point of view it certainly is not in our economic best interest. We cannot help American business which has $12 billion of investment in Latin America by attempting to be punitive to the Latin American governments who exercise sovereignty over those businesses. As long as they exercise sovereignty and we seek to exacerbate our differences, we are not going to help our own people or the Latins. Also let us not forget that as a national policy, we urge private investment abroad to carry out the concepts of the American free enterprise system to help our American businessmen, who sell a great deal in Latin America, and thereby help the national economy.

For all of these reasons, and others North America is inextricably bound to South America. It would be a grievous mistake, in my judgment, to permit the aggravations and the complaints and the actions which seem to us to be so impertinent to guide our policies, to blind us to what is in our best interest, and in the best interest of the free world.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I want to thank the gentleman for yielding, and I commend the gentleman on his very eloquent and comprehensive statement.

I rise to oppose this amendment myself. If the Alliance for Progress means anything, and our relationship with Latin America means anything, it means that there should be continuing assistance such as is provided.

The gentleman from Florida has pointed out that there has been a very sharp reduction in the volume of assistance. The amount in the committee bill is the lowest that has been requested since the Alliance for Progress was invented.

Mr. Chairman, I hope we support the committee in the request for $428 million.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to briefly support the proposal of the gentleman from Iowa (Mr. GROSS). It is very difficult for me to see why we should reward nations which confiscate our industries or which confiscate our fishing boats. I do not believe it is a good way to get good relations. I do not believe you make friends by letting people push you around, because they lose respect for you. That is one phase of the matter.

The other phase of the matter is that this has not been, as I understand it, a very successful program. Every nation in Latin America, or almost, is under a dictatorship of either the right or the left—and they have both. They are characterized uniformly by exceeding wealth on the one hand, and severe poverty on the other, and from what I have read the Alliance for Progress has done very little to change that, and they have done relatively little to change it themselves.

Now that is their business. I am not in favor of telling them how to run their countries. But I just doubt whether this is a very productive place to pour American money. The gentleman's proposals are quite modest. He is not removing the program. We are trying to save about $78 million here the first year, which I think would be better employed, and it would make this a better bill than it is now.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. GROSS. I thank the gentleman for his support of my amendment.

I would like to point out to the gentleman and to the House that we have put no less than $1,281,800,000 of American taxpayers' money into Chile—and it is pretty shabby treatment that the Chileans are giving us now.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. FASCELL. I think for the purpose of the record this discussion should be put in better perspective.

There were expropriations in Chile of American copper interests by partial buy-ins which were negotiated and settled in 1969. Likewise, in 1971 a settlement was negotiated on the Bethlehem Steel properties, the NIBCO properties, the Bank of America properties, the Anglo-Lautaro properties, the ARMCO properties, and the RCA properties.

Of course settlements are difficult. Each country is sovereign. The United States is doing the best it can to resolve the differences that do exist and is cooperating with U.S. business interests.

I think, while we may want to criticize the Chilean Government, at the same time, we must give them credit for negotiating settlements already agreed to and urge them to continue prompt settlements with fair and reasonable payments.

Mr. GROSS. They have not settled for the seizures of the copper processing and mining properties. There has been no settlement.

Mr. FASCELL. There has been no settlement yet but they are in the process of negotiation and we hope they will be settled.

Mr. GROSS. Of course—and apparently there are those who think we should pay tribute to them in the meantime.

Mr. FASCELL. I am not aware that we are.

Mr. GROSS. We have paid tribute to them to the tune of $1,281,000,000.

Mr. DENNIS. Mr. Chairman, I am of the opinion that reformation should come before appropriation—and not afterward.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 23, noes 63.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROGRAMS RELATING TO POPULATION GROWTH

SEC. 105. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"SEC. 292. AUTHORIZATION.—To carry out the purposes of this title, there is authorized to be appropriated to the President $100,000,000 for the fiscal year 1972 and $125,000,000 for the fiscal year 1973, which amounts are authorized to remain available until expended. Other funds provided to carry out the provisions of part I of this Act shall also be available to carry out the purposes of this title and, notwithstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis.".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 106. Section 302 of chapter 3 of part I of the Foreign Assistance Act of 1961, relating to authorization, is amended as follows:

(a) In subsection (a), strike out "for the fiscal year 1970, $122,620,000, and for the fiscal year 1971, $122,620,000" and insert in lieu thereof "for the fiscal year 1972, $143,000,000, and for the fiscal year 1973, $143,000,000".

(b) In subsection (b)(2), strike out "for use in the fiscal year 1970, $7,530,000, and for use in the fiscal year 1971, $7,530,000" and insert in lieu thereof "for use in the fiscal year 1972, $5,000,000, and for use in the fiscal year 1973, $10,000,000".

(c) In subsection (e), strike out $1,000,000 for the fiscal year 1970 and $1,000,000 for the fiscal year 1971" and insert in lieu thereof "$1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973".

(d) At the end of such section 302, add the following new subsection:

"(f) There are authorized to be appropriated to the President in addition to other amounts available for such purposes, $1,000,000 for the fiscal year 1972 and $1,000,000 for the fiscal year 1973, in Egyptian pounds owned by the United States and determined by the President to be excess to the requirements of departments and agencies of the United States, for the purpose of providing technical and vocational training and other assistance to Arab refugees. Amounts appropriated under this subsection are authorized to remain available until expended."

CONTINGENCY FUND

SEC. 107. Section 451(a) of chapter 5 of part I of the Foreign Assistance Act of 1961, relating to the contingency fund, is amended by striking out "for the fiscal year 1970 not to exceed $15,000,000, and for the fiscal year 1971 not to exceed $30,000,000" and inserting in lieu thereof "for the fiscal year 1972 not to exceed $30,000,000, and for the fiscal year 1973 not to exceed $50,000,000."

INTERNATIONAL NARCOTICS CONTROL AND REFUGEE RELIEF ASSISTANCE

SEC. 108. Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapters:

"CHAPTER 8—INTERNATIONAL NARCOTICS CONTROL

"SEC. 481. INTERNATIONAL NARCOTICS CONTROL.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

AMENDMENTS OFFERED BY MR. MONAGAN

Mr. MONAGAN. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. MONAGAN: Page 6, line 23, immediately after "psychotropics" insert the following: "and other controlled substances".

Page 7, line 14, immediately after "narcotic drugs" insert the following: "and other controlled substances".

Mr. MONAGAN. Mr. Chairman, I offer another amendment, and I ask unanimous consent that the two amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Amendment offered by Mr. MONAGAN: Page 7, line 16, immediately after "such country" insert the following: ", or transported through such country,".

Mr. MONAGAN. Mr. Chairman, I was the author of this section 481, "International Narcotics Control," which was unanimously adopted by the Committee on Foreign Affairs. After the committee had affirmatively passed on this section, it came to my attention that there were certain parts of it that might be either subject to misinterpretation, or to the claim that they were not sufficiently inclusive to cover all the situations that we had in mind to control.

The first amendment read by the clerk would cover the first section, which would be on line 6, beginning at line 23, and to the drugs there described we would add the words "and other controlled substances." This is because this term "controlled substances" means a drug which is included in the Comprehensive Drug Abuse Prevention and Control Act, that includes opium, hallucinogenic substances, those of vegetable origin, and others as there set forth. In other words, by placing these changes on page 6, line 23, and on line 14 of page 7, we make the provision all-inclusive of the drugs that we seek to control under the provisions of this act.

The other area, to which the second amendment is addressed, adds the phrase "or transported through such country." That, as correctly pointed out by representatives of the Bureau of Narcotics and Dangerous Drugs, would include those countries which did not manufacture or process, but through which the drug traffic passed. Therefore, for the purpose of improving this section and blocking any possible exemptions or loopholes, I have offered these amendments, and I hope they will be adopted.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. It is my understanding that the chairman and the Members on the majority side have no objection to the amendments and will accept them.

Mr. MONAGAN. I thank the gentleman from Wisconsin.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from California.

Mr. MAILLIARD. I know of no objection to the gentleman's amendments. I believe this is in a sense a technical perfection of the language, and I am willing to accept the amendments.

Mr. MONAGAN. I thank the gentleman from California.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Connecticut (Mr. MONAGAN).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL: Page 6, strike out line 14 and all that follows down through page 7, line 22, and insert in lieu thereof the following:

"CHAPTER 8—INTERNATIONAL DRUG CONTROL ASSISTANCE

"SEC. 481. AUTHORITY.—(a) The President is authorized to furnish assistance to any foreign country, on such terms and conditions as he determines necessary, in order to encourage and enable that country to control or eliminate the production, processing, or distribution of drugs within such country or across its boundaries.

"(b) The President is authorized to furnish assistance to any international organization, such as the United Nations Special Fund for Drug Abuse Control, involved in efforts to control or eliminate the production, processing, or distribution of drugs.

"(c) Of the funds provided to carry out the provisions of this Act, not less than $25,000,000 shall be available each fiscal year only to carry out the provisions of this chapter.

"SEC. 482. DISCONTINUANCE OF FOREIGN ASSISTANCE.—(a) Beginning July 1, 1972, the President shall determine annually, before continuing any foreign assistance under this or any other law, whether the recipient foreign country has undertaken appropriate measures to prevent drugs, partially or completely produced or processed in such country, or transported into or through such country, from unlawfully entering the United States or from being unlawfully supplied to citizens of the United States.

"(b) Except as otherwise provided under subsection (c) of this section, if the President determines that a foreign country has not undertaken appropriate measures to prevent any such drugs from unlawfully entering the United States or being unlawfully supplied to United States citizens, he shall immediately discontinue all foreign assistance to such country authorized under this or any other law. The President is urged also to seek, through the United Nations or any other international organization, the imposition of international economic sanctions against such country.

"(c) If the President finds that a foreign country referred to in subsection (b) of this section has undertaken, after his determination, appropriate measures to prevent such drugs from unlawfully entering the United States or being unlawfully supplied to United States citizens, or finds that the overriding national interest requires that foreign assistance be continued to such country, he may ask the Congress to waive the provisions of such subsection, and if the Congress agrees by concurrent resolution, the provisions of such subsection shall not apply to that country unless the provisions of such subsection would apply further to that country as a result of a further determination.

"(d) The President shall utilize such agencies and facilities of the United States Government as he may deem appropriate to assist foreign countries in their efforts to prevent the unlawful entry of drugs into the United States or from being unlawfully supplied to United States citizens.

"(e) No provision of this or any other law shall be construed to authorize the President to waive the provisions of this section.

"SEC. 483. DEFINITIONS.—As used in this chapter—

"(1) the term 'drug' means any matter which is included within the definition of controlled substance under title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; and

"(2) the term 'foreign assistance' means any tangible or intangible item provided by the United States Government (by means of gift, loan, sale, credit sale, guaranty, or any other means) under this or any other law to a foreign country, including, but not limited to, any training, service, or technical advice, any item of real, personal, or mixed property, any agricultural commodity, United States dollars, and any currencies of any foreign country owned by the United States Government."

Mr. RANGEL. Mr. Chairman and my colleagues, some of the imperfections have already been corrected by the adoption of the last amendment. Most of us are seeking now a way in which the voice of Congress can be heard on behalf of the taxpayers who are footing the foreign aid to these offending countries and who are outraged when they see that narcotics from these countries continue to flood in. I have found cities, towns, and villages plagued with the epidemic of drug addiction.

It seems as though the President of the United States has already spoken, on June 17, when he outlined his war on drug addiction as it relates to his domestic policies. After 10 long years the State Department has finally concluded an agreement with the Government of Turkey in this matter. It seems to me that now is the time for the Congress to act. I think the Committee on Foreign Affairs is to be commended for including in the foreign aid bill a provision giving the President the power to do things which should have been done a long time ago.

While this bill offered the President the opportunity to furnish assistance to any nation or international organization, it has not earmarked any specific amount of money for the President to spend in this regard. In my amendment I offer a minimum of $25 million which is to be earmarked for the sole purpose of giving the President the sufficient funds necessary to offer assistance to those nations who are cooperating in stopping the international flow of narcotic drugs.

Mr. Chairman, the second part of my amendment authorizes the President to withhold economic and military assistance to nations that are not cooperating. My amendment calls for an annual review of the extent of that cooperation not only by the President but a review where we as Members of Congress can know with some degree of accuracy the extent of that cooperation or the lack of it so that we can return to our respective districts and not have to rely solely on the State Department to determine what these nations are doing or not doing as the case may be. It is very important that we have this review made by the office of the President.

The next section of my amendment, Mr. Chairman, has been taken care of already, and I am glad that that portion dealing with transportation was agreed to by this body.

In addition to talking about the economic and military assistance that is withheld by the President, my amendment urges the President, as I am certain you all want to do, to go beyond our foreign aid contributions to these offending nations and urges him to seek international economic sanctions against them.

Lastly, Mr. Chairman, my amendment will include the Congress of the United States in this. Under this bill the President will be mandated, when in his opinion these countries are not cooperating, to have foreign aid to them cut off, severed.

I think realistically that we would find the President of the United States would be in a position where, because of overriding national interests, he would not be fairly able to report the failure of cooperation by offending nations. My amendment allows him to come to the Congress of the United States, and we would waive the provisions of this act when we agree with the President that overriding national interests require foreign aid to be continued. It allows for the first time the Congress to participate in a review of the nations to which we give military and economic assistance.

So I hope you will consider this amendment favorably, because it is not changing a law which is, I think, a basically good one but is adding to it in order to give the President of the United States the power and the leverage to deal with these offending nations and at the same time to allow the U.S. Congress to become involved.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I am glad to yield to the gentleman.

Mr. BRASCO. I want to commend the gentleman for introducing his amendment to make the enforcement section of this particular provision more meaningful.

Mr. Chairman, I rise in support of the gentleman's amendment and urge that the committee adopt it.

Mr. Chairman, hard drugs are pouring into the United States in an ever-increasing stream, turning hundreds of thousands of young Americans into addicts, complete with criminal records and broken families.

For the past year and more, America has been greeted almost weekly by another horror tale, ranging from gory to disgusting, regarding narcotics addiction in the Nation.

It has become increasinly obvious that we have a cancer gnawing at our innards. If we do not excise it, it in turn will destroy our country as we have come to know it. Action is imperative on the part of highest authorities, commencing with the Congress and executive branch of our Government. Delay is intolerable.

Our starting point is obvious. Drugs are grown in places we have full knowledge of. They are transported by organized groups we know quite a bit about. They are sent to trade centers we are fully aware of. There they are refined into heroin we are all too familiar with in specialized laboratories. We know much of these operations as well. Then it is shipped to the United States where local criminals take over preparation, distribution, and sale of this poison. The key lies in foreign sources of hard drugs.

Each nation involved in this traffic by activities of its nationals and use of its territory is perfectly aware of what is transpiring. Many such countries are recipients of American foreign aid in a variety of forms, over a period of years and in significant quantities. Through the foreign aid bill, which we are considering today, we, the Congress, have an opportunity as well as a responsibility, to crimp this traffic by penalizing jurisdictions which allow it to continue. We can do this through an international drug control amendment appended onto this foreign aid measure.

The pertinent portion of the bill, as it already stands, is altogether inadequate to cope with the situation we face today. Its language is too loose, permissive and prone to misinterpretation on the part of those affected.

It contains no provision for a total cutoff of foreign aid to nations which traffic in hard drugs. I consider those who allow such activity to be as guilty as countries actually producing or processing them.

While it authorizes the President to make available aid to nations to fight narcotics, he already has such power. What we need is language that would require him to spend funds for such a useful purpose. Authority to act in such a manner is useless without the will or compulsion on the part of the President to do so.

It requires the President to halt foreign aid to a country when he determines it has failed to take adequate steps to halt such internal activities. Yet, there is no requirement to make this part of an annual review of such situations.

There is no provision urging the President to seek international economic sanctions against noncooperating nations. And there are other shortcomings as well. All in all, the provision dealing with drug traffic is weak. We have an amendment before us to correct these glaring deficiencies, and it has my support. It is desperately needed.

Mr. Chairman, what makes this situation so outrageous is the fact that in each case, we are being victimized by nations and regimes supposed to be friends or allies. Yet revelations emerging from Southeast Asia in a steady stream are damning. It is obvious that members of governments and armed forces of South

Vietnam, Thailand, Laos, and Cambodia are actively engaging in heroin traffic.

Further, it is plain that such activities are not being carried out by enlisted men and local administrators. Such activities are transpiring as a result of corruption and collusion at high levels of these governments and their military establishments. How dare we tolerate such outrages? How dare we allow these people to send here an entire generation of hard core drug addicts? How dare our Government not act with outrage and vigor against this state of affairs and these people?

It is an international scandal that most of the opium produced in the world which eventually reaches the United States finds its way to the south of France. In particular, to an area just around and including the city and port of Marseilles. Located there are many clandestine laboratories, manned by skilled chemists, where raw opium is turned into morphine and then into heroin. From there it is packaged and shipped out by groups, many of whom are French nationals, to the United States. The French Government and its police, both locally and nationally, are aware of what is happening.

The U.S. Government is also fully aware of the facts in this particular equation. Everyone knows about it except the American people. We put immense pressure on Turkey, yet the French, who are perhaps the most perfidious beneficiaries of this traffic in death, smile suavely, looking the other way.

Certainly the people of the United States are entitled to know all about this. Most assuredly the Congress of the United States should act to deliver the most smarting blow and public embarrassment possible to those we know are involved in this slimy traffic up to their oh-so-innocent ears.

Certainly the President should act in the most vigorous manner imaginable to put such people on notice that we will not tolerate their inaction, permissiveness or participation in such activities any longer.

Mr. Chairman, every Member of this body knows of horror stories involving drugs. We each know of some young man or woman who has perished because of this curse. We know of ghoulish crimes committed because of drugs. We know what is being done to our entire society because of them. Let us, then, turn harshly upon any jurisdiction knowingly playing a role in this atrocious traffic. Let us put teeth into this law by making its enforcement more meaningful.

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I am glad to yield to the gentleman from Delaware.

Mr. DU PONT. Are not the provisions of this amendment mandatory? It does not give the President discretion, but if he triggers the mechanism by a finding of inappropriate action, he must stop all foreign aid. Is that not so?

Mr. RANGEL. That is not so. It allows the President the opportunity to review the conduct of the so-called offending nations. The bill as it now stands almost mandates, once he finds these conditions do exist, that he shall withhold economic and military assistance. My amendment, on the other hand, provides that when the President finds that there are overriding national interests, he can call upon the U.S. Congress to waive the provisions of this act. That waiver provision is not now contained in the present bill.

Mr. DU PONT. Mr. Chairman, if the gentleman will yield further, as I read the gentleman's amendment, on page 3, subparagraph (b) once the President has made the determination that a country has failed to take appropriate measures, it says he shall immediately discontinue all foreign assistance, and this includes surplus foods by other definitions and so forth.

I worry about the fact that it is a mandatory provision and does not give the President flexibility except to come back to the Congress.

Mr. RANGEL. It does allow the Congress to be involved in these decisions although the President has the authority. It does mandate that the Congress should really have the final power.

Mr. MONAGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is with regret that I rise in opposition to this amendment, and I want to begin by complimenting the gentleman from New York (Mr. RANGEL) for his great interest in this subject and for the contribution that he has made to the discussion, as well as for the education that he has given many of us here in the House in this very difficult and dangerous subject because of the depth of his knowledge and experience with it in his home district.

My opposition, Mr. Chairman, is based upon the fact that this amendment and section 481 are really substantially the same. I believe that in all of the essential provisions there is similarity. There is the right of the President to determine whether or not substantial performance has been demonstrated by the countries involved.

I will admit that there was a difference between the provision in the bill and that as just amended because as the gentleman from New York has pointed out there was a failure in the bill to cover countries where there was simply transportation involved but not actual growth or manufacture.

Now, insofar as making funds available is concerned under the amendment which has been offered by the gentleman from New York, the sum of $25 million is provided, but in the bill itself all of the funds available under this act are available for these purposes and these amount to $3.4 billion. So, there is really no limitation; that is, no specific limit to the funds that, the President will be able to use.

I might say that the President did ask for legislation. He did ask for permission to enter into arrangements with countries with whom we do not have diplomatic relations, and countries behind the Iron Curtain, and that authorization has been granted by H.R. 9910.

Under another provision in the bill the President must continually monitor this program, because whenever he determines that the objectives are not being reached, then he has the right and the obligation to take action to suspend this aid. Now, when he finds that there is a legitimate and effective effort on the part of the country involved, of course he can resume assistance.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from California.

Mr. MAILLIARD. In trying to analyze this suggested amendment of the gentleman from New York, it seems to me there are several things that are very awkward about it. One, it seems to me, if I read it correctly, that once the President did have to make a finding that some country was not cooperating sufficiently and if there was a national disaster or earthquake or something, under this language even that kind of assistance would not be available which I would not think we would want to do as a matter of policy.

The other thing that also strikes me here is that it is sort of ridiculous for the Congress to give itself waiver power, because the Congress can repeal any law that it passes, so that would seem to me to be a meaningless provision.

Mr. MONAGAN. Also there is provision in H.R. 9910 for the President to furnish assistance to any international organization specifically set forth in the amendment of the gentleman from New York. There is a general provision in section 481, as it has been presented to the House, and with the amendments that have already been made.

So, Mr. Chairman, I believe that the gentleman from New York has performed an effective service in pointing out at least two of the defects in the original bill. These have been amended, and I think have been effectively taken care of. I should like to thank the gentleman from New York for his very substantial contributions.

Mr. Chairman, I yield back the balance of my time.

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from New York (Mr. RANGEL) who is a distinguished member of the House Select Committee on Crime, has rendered a valuable service in helping to establish a very clear legislative record here, that if it is not necessary to pass his amendment making a minimum of $25 million available to the President under this section, that there are funds even in excess of $25 million which the committee leadership here asserts are available to the President for the purpose of carrying out the provisions of this section.

Is my understanding correct? And I will ask for confirmation of that from the able gentleman from Connecticut (Mr. MONAGAN) who was just in the well, and the able chairman of the committee, the gentleman from Pennsylvania (Mr. MORGAN) whether that is substantially true.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Connecticut.

Mr. MONAGAN. On page 7 of the bill, beginning on line 5, there is a provision which says:

> In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act.

The amount available under this act is $3.4 billion, and the President, therefore, has a far greater authority than the $25 million specified in the amendment offered by the gentleman from New York.

Mr. PEPPER. Mr. Chairman, would the able chairman of the Committee on Foreign Affairs, the gentleman from Pennsylvania (Mr. Morgan) confirm what the distinguished gentleman from Connecticut has just stated?

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, that is correct. The President can use money authorized for economic assistance, military assistance, or the supporting assistance in this bill for this purpose.

Mr. PEPPER. Mr. Chairman, I thank the distinguished chairman, the gentleman from Pennsylvania (Mr. Morgan) and the able gentleman from Connecticut (Mr. Monagan).

Mr. Chairman, I just want to add that I commend the distinguished chairman and the committee for the clear authority, and I think the admonition that goes with it, to the President to exercise a vigorous policy, and program, in the international field with respect to curbing the production, and smuggling of heroin into this country. We have more hope now than we have ever had that something substantial to curb the growth of the opium poppy is going to be done by the agreement the President has obtained with Turkey, that after 1972, in the fall, Turkey, from which comes the morphine base providing 80 percent of the heroin coming into the United States will not produce opium poppies any more. We must now assure that other countries will not become the source of the heroin coming here which Turkey has been.

One of the great challenges we face now is what we can do with France for in the area of Marseilles the morphine base coming from Turkey is refined in laboratories into the heroin which constitutes the greatest part of the heroin smuggled to our country.

Saturday a week ago, with our very able Ambassador, Mr. Arthur Watson after conferring with top United States and French police and narcotic officials in Paris, I flew to Marseilles to talk to the highest police and narcotic officials there. I think they and their superiors in Paris are honest men. I think they are dedicated in their duties, but Ambassador Watson and I told them how deeply disappointed and concerned we and our President and people are that in 2 years they have not been able to find a single one of the laboratories making most of the heroin that comes into this country with all the devastating and destructive effect that it has.

Now we do not give the French anything or sell them anything I am informed so evidently there is nothing to cut off under this section but at least the President would have authority to put more American personnel over there to help the French destroy these laboratories and give them other assistance, and perhaps exercise other authority to induce the French Government to exert a greater and more effective effort to stop heroin from being produced in southern France and smuggled into this country. The President must make France realize that this situation presents a grave emergency and it must be dealt with as a grave emergency by the French who are our long-time friends and to whose defense we are committed.

For this heroin from France is killing many of our people every day and daily ruining the lives of thousands of our citizens.

Moreover, according to the testimony of the head of the Narcotics Bureau, Mr. John Ingersoll, this heroin primarily from France is costing this country from $3.5 billion to $4 billion a year and it is responsible for half of the violent crime in our Nation.

So I commend the committee for assuring us that there will be adequate funds available to the President to carry on his effort to stop the production of heroin and its movement into this country with all the deaths, misery and crime it causes.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to congratulate the chairman of the Foreign Affairs Committee for including this provision in the bill. I also want to congratulate the gentleman from Pennsylvania, Mr. Morgan, for sending two of our colleagues, members of his committee, on a trip of inspection dealing with this entire problem of narcotics.

We in Chicago are particularly proud of the enormous contribution our colleague Congressman Morgan Murphy has made toward bringing this entire problem of narcotic traffic into perspective. As a freshman Member of Congress, he made this trip and came back and made a spectacular report in a most judicious manner which today serves as the basis for this very important legislation. Congressman Morgan has handled himself in the most dignified way during the entire debate. He has not permitted himself to be used by those who would exploit this subject for personal gains. We in Chicago are very proud of the contribution that he has made, particularly because, as a freshman Member of this Congress, he has shown exceptional skill to put into perspective the needs for effective legislation to deal with this monstrous problem.

I congratulate Dr. Morgan for sending these two young men on this trip. Congressman Morgan Murphy brings pride and dignity to this institution for his singular contribution in our Nation's war against dope traffic and addiction.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. ROSENTHAL. Mr. Chairman, I want to concur completely in what the distinguished gentleman from Illinois said. Both Congressman Murphy of Illinois and Congressman Steele, of Connecticut, did a yeoman job in bringing this serious and devastating problem to the attention of the public. Both are freshmen Members of the Congress and we ought to be very, very grateful to them. As a matter of fact I personally am very proud of them. Congressmen Murphy and Steele did a massive job in bringing this problem to the attention of the American people. My own personal view is that as a result of the effort they made we have the executive branch finally beginning to move with dispatch, with speed, and with determination. I think we owe them an enormous debt of gratitude.

Mr. PUCINSKI. I thank the gentleman.

Mr. BRASCO. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not intend to take the 5 minutes but I do want to clear up in my mind one point that was raised in the amendment offered by the gentleman from New York (Mr. Rangel).

I would like to find out the difference between his amendment and what is contained in the committee bill concerning the President's annual report with respect to whether or not countries that are involved are doing something about the growing trafficking and processing of opium into heroin ultimately to be exported to the United States.

I yield to the gentleman for that purpose.

Mr. RANGEL. I would like to make clear that the amendment I am offering mandates that there be an annual review of the conduct of those countries that are not cooperating to stop the international flow of drugs.

I would like to point out further to those who spoke about funds being already in the bill, by accepting this amendment, notwithstanding the fact that the bill can be interpreted to make moneys available is assisting that those nations that need help, we earmark at least the sum of $25 million for the President to do just that.

Finally, I do not see where the final provision urging the President take international economic sanctions against nations trafficking in drugs—I do not see where that takes anything away from the original bill.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I yield to the gentleman.

Mr. MONAGAN. I would just like to point out one thing in this connection. First of all the amendment only provides that the President shall determine annually—it does not make any provision about a report. I think that is one of the questions I would have about this provision. While under the committee bill the President is required, as I said before, to continually monitor this program because at any time when he finds there is this lack of cooperation then he has to take action.

Mr. BRASCO. I understood that the import of the amendment offered by the gentleman from New York was not only to require the President to make an annual determination but report to the

Congress thereon. Again I yield to the gentleman from New York to clarify that point.

Mr. RANGEL. That was the intent of the amendment, to allow Congress to have an opportunity to participate in these decisions. When the President is mandated to move because of failure in these countries to cooperate. I think it is incumbent upon the Congress to have the President come to us. Even though we always have the power to repeal laws, this is not a question of repealing an appropriation as it might relate to one country, but it would give the Congress an opportunity to waive the provision until such country cooperates.

Mr. MITCHELL. Mr. Chairman, the amendment offered by the gentleman from New York (Mr. RANGEL) calls for the cutoff of foreign assistance to nations which engage in the growing or processing of illicit narcotics which wind up in the United States, and whose governments fail to take serious measures to curb the drug trade.

Now, it is an agreed principle of international relations that foreign aid is an element in the vital task of economic growth and social progress, not a Christmas turkey dispensed by an international political boss, and that it should not be used as a pressure tactic by the rich against the poor. In practice, of course, this principle is shamelessly ignored, but in theory it is agreed to.

In general, we write the theory into legislation, leaving its practical violation to the executive branch. This is known as the separation of powers.

Are there good reasons in the case of drugs to depart from this general rule and raise the violation to the status of an exception? I think so.

The case rests on four basic propositions about the American narcotic problem, which I believe will command general agreement:

First. Heroin addiction in America is so widespread and so destructive as to constitute a major national disaster.

Second. No possible treatment program can keep ahead of the addict population unless the present rate of new addictions falls drastically.

Third. No enforcement effort at the local level can be effective unless the flow of narcotics into this country is seriously cut into.

Fourth. Customs enforcement at the ports of entry cannot of itself do the job; the attack must be made at the points of production and processing.

All this being the case, shipping, or allowing the shipment of, heroin into the United States is an unfriendly act on the order of poisoning the water supply. But this is not well understood by most foreign officials. They have little or no heroin problem, and therefore do not comprehend the extent of ours. After all, smuggling is accepted in some quarters as a more or less harmless expression of the free-enterprising spirit, and a semi-legitimate source of income supplementation for underpaid public servants.

But heroin is in a class by itself; and we are entitled to expect cooperation in this area from those who would be our friends. We are also entitled to take measures to remind the world just how seriously we take this problem.

But why not leave the reminder to the sole discretion of the executive? This would have the advantage of flexibility. The argument is strengthened by the memory of the disaster the Hickenlooper amendment has been. The problem is that we have a multiplicity of foreign interests and it is the function of the State Department and the National Security Council to safeguard these interests. We have reason to fear that our pressing national needs will be forgotten in the tangle of geopolitics. Consider, for example, Southeast Asia.

Whatever the accuracy of the accusations which have been made against various individuals, it is quite clear that the Governments of Laos and South Vietnam are massively involved in selling heroin both for use by American servicemen and for export stateside. If any governments in the world are susceptible to American influence, they should be Laos and South Vietnam. Both depend on continued massive American support for their survival. And yet our support and the heroin trade both continue. Clearly, stopping the traffic is not a policy goal comparable in importance to maintaining an anti-Communist South Vietnam. In effect, we have been subsidizing with our arms and our men and our money the poisoning of this Nation and it is time for us to stop.

This Government should act decisively to stop the flow of filth into this country and into the bloodstreams of its citizens. Whatever the merits of our Indochinese military adventure, no conceivable result of its success or failure is of a magnitude which justify allowing the continued entrapment of American soldiers into addiction, or, worse, the opening of another major heroin-supply route to replace the Anatolia-Beirut-Marseilles connection that may now be broken, if the Turkish Government goes through with its plan to abolish poppy-growing.

And yet our present policy seems better designed to protect the feelings of South Vietnamese generals and ministers than to eradicate the heroin menace. It is in the light of this situation that we must view the State Department's comments on this legislation.

The Department tells us that "an explicit threat to terminate assistance will not promote our mutual objective of controlling the illegal international traffic in narcotics. Such action would create internal political pressures which would make it difficult for governments to take the actions we desire." But what does that mean in the context of Laos and Vietnam? Both governments are filled with officials who are getting rich from dope-running. It is understandable that "political pressures" would result from any action which threatened their profits. But if we make it clear to these governments that stopping the drug traffic is not a distraction from their war effort but a vital part of it, that traffic will be stopped. If it is not, we can stop it by picking up and leaving. Somehow we must keep the heroin away from our troops or get our troops away from the heroin.

The gentleman from New York (Mr. RANGEL) proposes that we exercise our right as legislators to insist that it be a top-priority goal from now on. We can do so by requiring the President to make a determination which would trigger a mandatory aid cut-off for any nation which is not doing its best to stop the flow of opiates from or through its territory.

Even better, in my opinion, was the gentleman's original proposal, which would have left the determination to an independent official, the Comptroller General. But that proposal is not before us.

I do not believe that encouragements to other governments to take action in this area should be entirely negative. It is our responsibility to make it economically feasible for those nations which want to get out of the drug business to do so. There is no reason why the Anatolian poppy-farmer should be sacrificed to the solution of America's social problems.

Finally, it should be noted that no legislation we write will be a panacea. The governments of some poppy-growing nations, notably Afghanistan, lack effective control over the relevant regions. We should not expect them to do the impossible. With others, particularly Pakistan, our influence may be weakened by the general course of events. But because we cannot do everything, it is not necessary that we do nothing. We can, and we should, make a start.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

"CHAPTER 9—REFUGEE RELIEF ASSISTANCE

"SEC. 491. REFUGEE RELIEF ASSISTANCE.—There is authorized to be appropriated to the President for the fiscal year 1972, in addition to funds otherwise available for such purpose, not to exceed $100,000,000, to remain available until expended, for use by the President in providing assistance for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan.".

PART II—MILITARY ASSISTANCE

SEC. 201. Part II of the Foreign Assistance Act of 1961, relating to military assistance, is amended as follows:

(a) In section 504(a), relating to authorization, strike out "$350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971" and insert in lieu thereof "$705,000,000 for the fiscal year 1972 and $705,000,000 for the fiscal year 1973".

(b) In section 505(b)(2), relating to conditions of eligibility, strike out "and" and insert in lieu thereof "or".

(c) In section 506(a), relating to special authority, strike out "1970" each place it appears and insert in lieu thereof "1972", and strike out "1971" each place it appears and insert in lieu thereof "1973".

(d) Section 510, relating to restrictions on training foreign military students, is repealed.

(e) At the end of chapter 2 of such part II, add the following new section:

SEC. 511. CONSIDERATIONS IN FURNISHING MILITARY ASSISTANCE.—Decisions to furnish military assistance made under this part shall take into account whether such assistance will—

"(1) contribute to an arms race;

"(2) increase the possibility of outbreak or escalation of conflict; or

"(3) prejudice the development of bilateral or multilateral arms control arrangements.".

AMENDMENT OFFERED BY MR. DOW

Mr. DOW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dow: On page 8, line 13, strike "$705,000,000" wherever it appears and substitute "$509,800,000".

Mr. DOW. Mr. Chairman, I am offering a simple amendment to restore some creditability to our foreign assistance programs. I cannot believe that now is the time to add $200 million to our military assistance efforts for Cambodia. My amendment would return aid to Cambodia to its level in fiscal 1970 which was $4.8 million. Figures for 1971 are still classified and that is the problem when one is trying to work with current figures.

I find it unconscionable that we are creating a $200 million fund for each of 2 years for Cambodia which only received $4,800,000 in 1970 and I request support to bring this figure into balance with our worldwide commitments.

After the congressional bar to the sending of ground forces into Cambodia, and after all the public outcry against our aggressive air warfare in Cambodia, we still propose to increase the military assistance there by more than 50 times.

We would substitute dollars for GI's so as to encourage the war in Cambodia to escalate, not subside. Indeed, I believe that this enormous increase is a direct contradiction of the expressed American purpose to wind down the war.

I question the foresight about our declining role in Southeast Asia that can discern in Cambodia a need for $200 million of military assistance in fiscal 1973.

What mentalities are at work in our administrative and defense system which can blandly increase the costs and burdens of war in a faraway country from which our own flesh and bodies are kept studiously safe?

It has been said that American activities in Cambodia are intended to protect the remaining American forces in Vietnam. How can a 5,000-percent increase be justified for this protection, when every week the numbers of our troops in Vietnam decline? I can only condone this Cambodia extravagance as nothing short of warmongering—trying to buy with money what we could not do by military and diplomatic means.

I urge that this House repudiate adventurism in Cambodia by voting for this amendment to reduce the military assistance there by $195.2 million.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment. It is with reluctance that I rise in opposition to the amendment offered by the gentleman from New York, who is extremely sincere in offering his amendment. However, the amendment would not necessarily cut funds to Cambodia.

The amendment, in effect, would take a broad slice out of the funding and reduce it by $196 million. What this does is affect not only Cambodia, but also, if the military chose to do that, it would affect our ongoing programs in Korea, where we have, in connection with the withdrawal of our troops, undertaken a very serious obligation to modernize the equipment there in order to take American troops out.

It would interfere with the Vietnamization program.

It would, to a great extent, slow down our ability to allow the Nixon doctrine to take place by lowering our profile throughout the world.

It further would affect the Turkish Armed Forces which are presently underequipped and are in process of a reequipment under the NATO agreement. What it would do would be to interfere with our ability to maintain bases and staging areas and areas in foreign countries for possible strategic deployment of our forces.

So, Mr. Chairman, while the amendment is well-intentioned, it is not restricted to Cambodia alone, and it does seriously jeopardize the overall problems of this nature. The committee did consider the cuts intended in this amendment and, in effect, did so.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I want to emphasize what the gentleman from New Jersey said. This in no way earmarks any cut as applying to Cambodia. The gentleman takes $196 million out of the whole military assistance program and give no direction to the DOD as to where they should make the cuts. I am sure Cambodia would be the last place that the $196 million would come from. They would cut some of the other forward defense countries, which I feel, are as important in our defense as Cambodia.

It worries me that we just use a meatax and say we will cut $196 million out of $705 million, with no requirement as to what should be cut. As the gentleman from New Jersey has said, we are in a 5-year modernization program for the country of South Korea. We are pulling out 20,000 troops from there now, and we are going to reduce the other 40,000 as we modernize their armed forces. We should not make a cut that would retard this program. This is the wrong way to go if we want to get our boys home.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the gentleman from New York.

Mr. DOW. Mr. Chairman, I would say to the Chairman and the gentlemen who have answered me so effectively, I think they realize their opposition, based on the assumption that the Defense Department might not effect this saving in the manner I indicated, is a purely technical objection. If they are in favor of the amendment and believe that it deserves to be perfected technically, I am sure they could advise me about a more specific way of doing so.

I would very much doubt if we pass this amendment that the Pentagon would seek to spend these funds or very much of them in Cambodia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Dow).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 202. (a) At the end of such part II, add the following new chapter:

"CHAPTER 4—SECURITY SUPPORTING ASSISTANCE

"SEC. 531. GENERAL AUTHORITY.—The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this Act on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this chapter shall not be used to furnish assistance to more than twelve countries in any fiscal year.

"SEC. 532. AUTHORIZATION.—There is authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1972 not to exceed $800,000,000, and for the fiscal year 1973 not to exceed $800,000,000: *Provided*, That where commodities are furnished on a grant basis under this chapter under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or his representative has given prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the Government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange between said Government and the United States is fair to both countries.

"SEC. 533. UNITED STATES REFUND CLAIMS.—It is the sense of the Congress that the President should seek the agreement of the Government of Vietnam to the establishment and maintenance of a separate special account of United States dollars, which account shall be available solely for withdrawals by the United States, at such times and in such amounts as the President may determine, in satisfaction of the United States dollar refund claims against the Government of Vietnam arising out of operations conducted under this Act. Such account should be established in an amount not less than $10,000,000 and maintained thereafter at a level sufficient to cover United States refund claims as they arise.".

(b) Chapter 4 of part I of the Foreign Assistance Act of 1961 is hereby repealed. References to such chapter or any sections thereof shall hereafter be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section, or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 shall hereafter be deemed to be references also to chapter 4 of part II, and all references to part II of such Act shall be deemed not to include chapter 4 of such part II.

Mr. MONAGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONAGAN: Page 10, line 13, immediately after "exchange" insert ", and the rate of exchange for United States Government purchases of piasters for goods and services,".

Mr. MONAGAN. Mr. Chairman, the reason for this amendment is the fact that one of the types of exchange programs in Vietnam was omitted from this legislation 2 years ago when the amendment which I proposed and which the gentleman from California, (Mr. Moss) had recommended was adopted.

Under the situation which prevails there, there is of course a wide gap between the rate at which piasters can be purchased by the United States and used for various purposes and the actual value of the currency.

In 1966, for example, under the import program there were 60 piasters to the dollar, under the Government of Vietnam program 73, and the accommodation rate for U.S. personnel was 118.

However, the black market was 160 to 200 to the dollar. In October 1970 the black market had gone to 435, the accommodation rate had gone to 275 and the official rate to 118. So that even though these exchange rates have been increased, they are far beyond the actual value. It has been estimated that during 1970 because of this difference there was a subsidy to the Government of Vietnam by the United States in the amount of $195 million. If we are to subsidize them further, it does seem to me it should be done by direct provision of law rather than indirectly.

Therefore, Mr. Chairman, I hope that this amendment, which includes the rate of exchange for U.S. Government purchases along with that for accommodation which is in the law at the present time, will be adopted in the House and that we can continue to get the regular reports from the AID agency or whoever the President's agent may be that the rate of exchange in these particulars is in fact fair.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MONAGAN).

The amendment was agreed to.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say first that it is a great privilege to serve on the Committee on Foreign Affairs under the leadership of our distinguished chairman. He has the respect and affection of all the members and conducts the committee's proceedings in an admirable manner.

I would like to discuss with him the request that is known to have been presented to the U.S. Government by the Government of Israel for $200 million in supporting assistance.

As the chairman will recall, I proposed an amendment in the committee that would have included Israel specifically and by name as a country eligible to receive security supporting assistance under this chapter of the bill. Following some discussion in the committee and the understanding that was reflected in the committee report on page 26 I withdrew that amendment. I would like to have the comments of the chairman and his view as to whether the present provisions in the bill will take care of the needs that may be determined for Israel in this regard.

Mr. MORGAN. Will the gentleman yield?

Mr. BINGHAM. I am glad to yield to the chairman of the committee.

Mr. MORGAN. I think the gentleman is substantially correct. He offered an amendment earmarking a certain amount of supporting assistance for Israel in the committee. In my long tenure in the committee we have found that there are always problems on earmarking funds. The chairman did not offer an amendment in the committee to reduce supporting assistance by $85 million, because he knew that Israel had made a request for supporting assistance, that Israel is eligible for security supporting assistance and that there should be adequate money to take care of Israel.

As far as the chairman is concerned, looking at the language, I am sure that Israel could qualify for supporting assistance. It is the chairman's belief that the administration should seriously consider the request which was made by the Government of Israel last April at a time when this bill was being considered by the committee. Economic assistance should be available if the economic condition of Israel so justifies.

Mr. BINGHAM. The chairman does not mean to suggest, does he, that the amount that might be made available should be limited to the $85 million?

Mr. MORGAN. No; it is the chairman's intention to show that there is some possibility of this money.

Mr. BINGHAM. And depending upon such justification as might be later made, Israel would be considered for whatever amount that happened at that time to be justified?

Mr. MORGAN. That is correct.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I commend the gentleman from New York for his concern and his attention to this matter in the committee, to be certain that Israel could qualify as being eligible for supporting assistance, especially in view of the very large drain upon her foreign exchange and in view of the very large externally held debt. There was widespread sentiment in the committee that clearly Israel should be given every possible consideration when AID and the President proceed on this matter of allocating supporting assistance.

Mr. BINGHAM. I thank the gentleman. I think he would agree that the wording of the report is very clear and very explicit.

Mr. FRASER. Yes.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I commend the gentleman upon his fine statement in support of the request by the Government of Israel for $200 million in supporting assistance. I join with him in strongly recommending this addition of aid, because I feel that the people of Israel are a dedicated people. The people of Israel have been our good friends, and are a progressive democracy that deserves adequate support in these difficult times. I recommend that the President provide full supporting assistance to Israel under the provisions of this act, to enable Israel to maintain her security, and keep on with the progress and safety for her people.

Mr. BINGHAM. I thank the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PART III—GENERAL AND ADMINISTRATIVE PROVISIONS

SEC. 301. Section 612(d) of chapter 1 of part III, relating to use of foreign currencies, is amended to read as follows:

"(d) In furnishing assistance under this or any other Act in or to any country in which the United States owns foreign currencies determined by the United States Treasury to be excess to the needs of the United States Government, except those currencies generated under the Agricultural Trade Development and Assistance Act of 1954, as amended, the President is authorized to utilize such currencies to the extent agreed upon with the government of such country to carry out purposes for which new funds authorized by this Act would be available.".

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GROSS. Mr. Chairman, I make a point of order against section 301, beginning on line 18, page 11, and running through line 2 on page 12, as being an appropriation on authorizing legislation.

I call the attention of the Chair to page 27 of the report of the committee on this bill, H.R. 9110, and to the language to be found dealing with this subject:

> Part III—GENERAL AND ADMINISTRATIVE PROVISIONS
>
> SEC. 301—Local Currency Utilization,

wherein it is stated:

> It is the expressed intention of the committee that these funds be used for such purposes notwithstanding the requirements of section 1415 of the Supplemental Appropriation Act, 1953.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard?

Mr. MORGAN. Mr. Chairman, I yield to the gentleman from New York who is the author of the amendment.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. WOLFF. Yes, I do, Mr. Chairman.

Mr. Chairman, this amendment was in the previous foreign aid bill and was passed by the House and signed by the President.

The amendment that is before us is a perfecting amendment and has precedence in the Mondale amendment which was a waiver of section 1415 which is similar to this. Also the amendment that provided for the use of these excess currencies which have been used in the same manner.

I must say that I am surprised that the gentleman from Iowa makes a point of order on this amendment since he has been one of the foremost proponents of the utilization of excess currencies.

At the present time there are more than

$2 billion in excess currencies that we are not using.

Mr. GROSS. Mr. Chairman, I suggest that the gentleman should direct himself to the point of order.

The CHAIRMAN (Mr. PRICE of Illinois). The Chair is ready to rule.

This is obviously an appropriation on an authorization bill in violation of clause 4 of rule XXI of the rules of the House. Therefore, the Chairman sustains the point of order raised by the gentleman from Iowa (Mr. GROSS).

THE CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 302. Section 620 of chapter 1 of part III of the Foreign Assistance Act of 1961, relating to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsections:

"(v) No assistance shall be furnished under this Act, and no sales shall be made under the Foreign Military Sales Act, to Greece. This restriction may not be waived pursuant to any authority contained in this Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. Notwithstanding the preceding sentence, in no event shall the aggregate amount of (1) assistance furnished to Greece under this Act, and (2) sales made to Greece under the Foreign Military Sales Act, in any fiscal year, exceed the aggregate amount expended for such assistance and such sales for the fiscal year 1971.

"(w) (1) All military, economic, or other assistance to the Government of Pakistan, all sales of military equipment, and all sales of agricultural commodities (whether for cash, credit, or by other means), under this or any other Act, shall be suspended on the date of enactment of this subsection.

"(2) The provisions of this subsection shall cease to apply when the President reports to the Congress that the Government of Pakistan is cooperating fully in allowing the situation in East Pakistan to return to reasonable stability and that refugees from East Pakistan in India have been allowed, to the extent feasible, to return to their homes and to reclaim their lands and properties.

"(3) Nothing in this section shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, and monitored under international auspices.".

AMENDMENT OFFERED BY MR. KYROS

Mr. KYROS. Mr. Chairman. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KYROS: On page 12, beginning on line 9, strike out "pursuant to any authority contained in this Act".

Mr. KYROS. Mr. Chairman, the amendment which I am proposing would strike the words "pursuant to any authority contained in this Act", appearing on lines 9 and 10 of page 12.

This language would prohibit the furnishing of military assistance and military sales under the Foreign Military Sales Act to Greece. The language my amendment strikes really ties the hands of the President. I do not believe it was the intent of the committee to do so in this manner, because it makes it impossible for the President to use any of the transfer and separate authority contained in existing law in the event of an emergency. Specifically, section 614, which provides that the President may authorize in each fiscal year the use of certain funds not to exceed $250 million in the event the President determines that such authorization is important to the security of the United States.

All of us, I am certain, are aware of the very serious situation which has been brought about by the entry of Soviet naval vessels into the Mediterranean, and Soviet military personnel into the United Arab Republic. These developments pose a potential and grave threat to the eastern flank of NATO, and the eastern flank of NATO hinges in large part on Greece. I do not believe it was the intent of the sponsor of the amendment to restrict military assistance and sales to Greece to make it impossible for the United States to respond in an emergency promptly and effectively to any threat that may confront the North Atlantic Treaty Organization. We have now deployed our 6th Fleet in the Eastern Mediterranean to provide a credible deterrent to powerful Soviet air and naval forces which may be tempted to intervene in the current Middle East crisis. In this respect bases and facilities afforded the United States by Greece are vital to maintenance of our position in this area. The President should have available this special authority which he could use in the event of emergency. It is for this reason that I urge adoption of my amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. KYROS. I certainly yield to the distinguished gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I have no objection to the gentleman's amendment.

I just want to say as a matter of clarification that the gentleman's amendment has been discussed with me and I, in turn, discussed it with legal people here and downtown. This modification is somewhat in the nature of a technical change.

In providing the prohibition on aid, it was my intention to protect the overriding national security of the United States by providing the President with authority under clearly prescribed conditions to waive the prohibition. This authority can only be used in certain circumstances relating to the overriding national security interest.

In any event, the amount under the amendment provided for Greece cannot exceed the assistance furnished to Greece for the fiscal year 1971.

The purpose of this change which you propose, as I understand it—and I am sure we both understand it correctly—is to provide for this Presidential flexibility in the new section of the act. And I have no desire now or when I proposed the amendment or in the future to handcuff the President so that he cannot react in the interest of the national security of this country or as to any of its treaty obligations.

Mr. KYROS. I thank the gentleman for his clarification.

Mr. DERWINSKI. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I commend the gentleman from Ohio (Mr. HAYS) for the careful review he has given the subject and the explanation that he has given to the House.

Mr. Chairman, I am supporting this modification to the language in the bill affecting Greece although, as I emphasized in my supplemental views, I do not believe this restriction should be in the bill at all.

I believe restrictions on military assistance to Greece would be untimely. Any such action could—

Retard the ability of the Greek forces to carry out their defense commitments under NATO.

Cause the Greek regime to reassess its willingness to make available the key naval, air and communications facilities the United States now possesses on Greek soil. These facilities are irreplaceable and their loss, coupled with our evacuation of Wheelus, the questionable situation on Malta, could completely unhinge our defensive position in the eastern Mediterranean.

Eliminate a central source of influence the United States can utilize to press for the restoration of democratic norms in Greece.

Prevent the delivery of equipment already programed and funded under prior year appropriations.

Restrict the latitude of the President to act in an area of foreign policy where the exercise of great care is needed in protecting NATO's southern flank.

Decrease the ability of Greece to play an expanded role in countering the growing Soviet naval presence in the Mediterranean.

Adversely affect our flexibility in reacting to Middle East military developments.

Mr. Chairman, the precedent here of dictating the domestic affairs of another country is a major step which, I believe, was not fully pondered in committee nor on the House floor. But of equal concern to me is the danger of further eroding our military flexibility in the entire Mediterranean.

Mr. SIKES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, untimely restrictions against aid to Greece in the Foreign Assistance Act must be viewed as unfortunate and unwise. This longtime friend which has the closest of ties with the United States has been one of our stanchest and most dependable allies. Greek-American families in nearly every community of our Nation constitute some of our most loyal citizens. Their family ties with the old country are another strong factor for continued cooperation between our two countries.

Most importantly, Greece has served as a cornerstone in the NATO alliance for the defense of Europe.

In the Mediterranean, an area of very considerable concern, Greece is strategically located. The deterioration of U.S. influence and NATO effectiveness in this area should in itself constitute a clear warning against antagonizing or weakening a good friend and effective ally. The steady growth of Russian military power and diplomatic influence in the Mediterranean is too well known to require comment here. The dwindling number of friends remaining to the United States and to the NATO cause should be equally well known. Where once our fleet and our personnel were greeted enthusiastically throughout the area, there now are a very limited number of ports open to us and friendly nations to welcome us. The picture is continuing to worsen. Even Malta, with its very strategic location, may be lost to us. There just isn't much left for the western cause.

There is no good reason that the United States should deny assistance to the Greek military forces. Already their forces have been hurt by partial denial of weapons or by tardy deliveries. When the Greek forces suffer for lack of modernization so does NATO suffer. To further restrict the military effectiveness of Greece would be one of the worst errors of judgment we in the Congress could commit.

For us now to deny the hand of friendship of Greece just because there are objections in some areas to the present government of that country would be most damaging to our own interests. The United States cannot afford to lose the friendship of the people of Greece regardless of the government in power.

Whether or not we like the present government is immaterial. Bitter experience should have taught us that U.S. efforts to meddle in the internal affairs of other nations usually has done more harm than good. At least the present government is pro-United States and pro-Western in an area where this is rare. We should let well enough alone and not invite chaos and communism. I support the amendment but would prefer to support the elimination of the restriction.

Mr. HANNA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am in accord with the feelings that are expressed by the members of the committee and by those who are acting with the committee in placing this restriction upon the money to go to Greece. But at the same time I am somewhat bothered with the viewpoint of some who are more or less looking at the abstract and emotional quantities that go into making this whole thing of democracy work and not at the real hard facts of life.

It seems to me that this House ought to have some responsibility to look at the situations around the world as they really are and not in terms of abstractions or emotions.

In the country of Greece the true and operative facts are that it is a fractionalized and a factionalized country. It has a long history of this. It makes democracy under our definitions very, very difficult in practical operation. There has been a history of 400 years of Turkish occupation in Greece. Prior to that Greeks were always citizens of their city before they were citizens of their country. And it has given them a base, coming into this century, of a fractionalized country—and they operate with factions. So that when you come to an election, for instance, they have multiple parties—six or eight—none of whom can form a government. So what happens is that when you finish with an election where a man from one area has been elected from one party and he goes to the capital, he starts to wheel and deal with the power that his people bestowed on him, because his party cannot form a government, nor can anybody else. Representatives are bought off to form whatever government makes the best bid and he remains at bid all the time to a new government with a higher offer which might take over.

That is one of the reasons why democracy is having so much trouble in Greece. So I suggest that we should when we approach these matters of telling other people how to run their countries approach it somewhat on the basis of understanding the practical problems of the area as well as our desire for the purest approach on democracy.

I have no brief nor hold a brief for the present Government as such. I am dedicated to the belief that America should continue to stand for parliamentary governments as an alternative to dictatorship. On the other hand I believe we serve our interest best by avoiding any form of direct intrusion into other countries' political lives. Our efforts should be to encourage and support evolution toward freedom and away from authoritarianism and dictatorship. But always short of direct intrusion.

I am for an emerging democracy. I hope they will have elections in Greece. But I do have sympathy for them with the terriffic problems these people have in trying to mend the fractionalization of their country which has come to them from a long history and are trying to put together two or three parties instead of the seven or eight parties they now have so they can make the country work under a democracy.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from Minnesota.

Mr. FRASER. Does the gentleman recognize the fact that the colonels instigated their rule 30 days before an election?

Mr. HANNA. I understand that.

Mr. FRASER. Does the gentleman know that the Greeks fought the civil war during 1947 and 1948 while under a parliamentary democracy, at a time when they were under more stress?

Mr. HANNA. I understand that. I know the Greeks have done some great things under and for a democracy. In fact, Greece is the cradle of the democracy.

Mr. FRASER. Then why does the gentleman stand up for the colonels who destroyed democracy?

Mr. HANNA. I do not stand up for colonels or anybody else. I am just trying to say that it is not an easy country in which a democracy can work until they have strong enough parties to create stable and functioning administrations, and we should know that and appreciate it. We should encourage them to put themselves in a position to make it work. I am for that. I am not for the colonels or anybody else. I am for us having a sensible appraisal of what is going on in the world before we tell somebody else how to make it work. That is all I am saying. We should avoid taking sides with either the ins or the outs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. KYROS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURKE OF MASSACHUSETTS

Mr. BURKE of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURKE of Massachusetts: Page 12, line 6, strike "subsections;" and insert "subsection;" and strike out line 7 through 20 and renumber "(w)" as "(v)" on line 21.

Mr. BURKE of Massachusetts. Mr. Chairman, I usually try to stay out of foreign policy debates because I think that it is one subject that gets pretty good coverage on the floor of this House. Every shade of the rainbow is usually well represented in these debates. But this is an exception. Today I rise, deeply disturbed about what some of my liberal colleagues are attempting to do today to Greece.

I had hoped that if the past few years had taught us anything about the conduct of our foreign policy, it was that the days of our playing policeman for the world should be over; that the days when we made it our business to meddle in other countries' affairs are best left in the past; that our mission as a Nation to make the world safe for democracy was as dated as Versailles and the League of Nations.

I could have sworn that if a resolution were to be introduced in this House tomorrow to limit this country's meddling in the internal affairs of other nations that it would receive the wholehearted support of the liberal bloc. Yet, irony of ironies, what do we see before us today? A group of self-appointed consciences of the Nation are trying to dictate through economic pressure the internal political course the Greeks should be following.

There is much about recent developments in Greek politics which I take exception to. Arguing further, there is much about previous chapters in Greek internal affairs that are not to my liking. But this seems to be hugely irrelevant because I do not think it is the business of this body to determine political developments in Greece. If we were to apply the same criteria and show the same concern for internal developments in other countries around the world, in recent years we would be left with a very short list, indeed, of governments that we could feel completely comfortable with and give our 100 percent approval to.

The group behind today's motion to eliminate direct military assistance to Greece is upset about the suspension of parliamentary government as practiced in Greece in recent years. Yet tomorrow there could well be another bloc that would be equally, if not more, upset about recent developments in Chile, the Sudan, Jordan, Malta, Ceylon, Peru, even Jamaica.

The list could go on and on, whether the issue be suspension of parliamentary democracy, one coup to replace another coup, expropriation of foreign-owned factories, the election of a Marxist government—all are events which could and have led to demands on the floor of this House for instant retaliation. I would have hoped that we were past this stage in our international development, and that we had learned to live with other countries who may have chosen other routes to travel than we have, providing such a route does not end up interfering with the affairs of other nations.

In other words, I am going to vote to restore the funds for military assistance to Greece because I am against our telling the Greeks how to live. The fact is that the present Greek Government is there and anyone who has visited Greece recently knows that there is no imminent likelihood that it will be replaced because of widespread public dissatisfaction. And this is not because the present Greek Government is running the country like a totalitarian dictatorship.

Anyone who knows anything about the Greek character and recent Greek history knows that this is patently ridiculous to argue. Recent years have been remarkably free of serious incidents and challenge to the present government. The jails are not filled with hundreds of thousands of political prisoners. While any political imprisonment is lamentable and not something we would want to see in this country, the fact is that if we are about to set out to clean house for the other countries of the world, we would find that there would be very few countries we could find completely free from this charge.

No; I think it is time that we stop using our foreign policy and our foreign aid as leverage to force other countries to take orders from us. These funds that I am voting to restore serve a purpose. Greece is a NATO member. Certainly no one can deny that there are legitimate interests of this country in the Mediterranean which must be protected. The Middle East situation is, needless to say, an uneasy one at best.

If anyone here today feels we do not need outposts in the Mediterranean, given the present situation there, then let him drop the mask and come out firmly against NATO and the idea behind it. If it is admitted that there are considerations of military security in the Mediterranean which make Greek cooperation valuable at this juncture in history, then I think that we should proceed and vote for these funds.

If one feels that there are not legitimate matters of military security in the Mediterranean which require proximate bases of operation, then go ahead and vote against restoring these funds, but at least face up to what the real issues are in including these funds in the budget in the first place. Surely, no one is seriously arguing that these funds under discussion today spell the difference between one form of government or another in Greece today.

It may well, however, in my opinion, spell the difference between an effective naval and military presence close to the Middle East and none at all. Recent events in Malta convinced me that our ability to rely on other countries in that area for support are limited indeed.

I am convinced that when the history of world alliances is written, the Greek-American NATO alliance will not emerge as the most unusual case of strange bedfellows in the history of the world. As a matter of fact, quite the contrary. There are the strongest historical ties between this country and Greece, not just cultural ties in common with all the other nations of the Western World; but the strongest ties of all, blood ties.

I do not condone singling out the Greek Government and, indirectly, the Greek people for special judgment from here in Washington. Too much time has been spent trying to argue these many miles away just how much support the present Greek Government does or does not have. In the process, we have ignored Embassy reports; we have ignored the reports of returning visitors to that country; and we have ignored the advice and pleadings of the majority of the Greek-American community in this country who have indicated to me, as one Member of Congress, their strong feelings and ties for the motherland are paramount in this case and override all political differences that might exist with the present Government in that country. I think it is the height of presumption for anyone here today to sit in judgment on the Greek people, not because they might be wrong, but because they presume to judge in the first place. In the process, they are willing to jeopardize the security of a whole area vital to our national interests. I will not be a part of it.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I compliment the gentleman on the well-phrased statement he just made, but it does not quite hit the mark.

As the gentleman stood down here in the well, he made a patent plea for dictatorship. That is what it amounts to. What does the amendment in the bill do? It gives the President the right to waive this restriction if he sees fit. And it gives the President a little leverage to ask these people, who are running Greece at the present moment, to keep their commitment, which is to hold elections.

I have heard a great deal of unadulterated baloney in my time, and I have heard more of it this afternoon than recently.

What about the history of Greece? Oh, they are not smart enough to run a democracy. Well, they were smart enough to fight a war against the whole Communist apparatus with a democracy. And I do not know where the gentleman was in 1949, but I was in Congress, and I was there in Greece, and I spent a week with General Van Fleet up on the front, on the Albanian front in the mountains, in Ioannina and Konitsa, and many another little village, and I saw those peasants, as poor as anyone can get, who were out there throwing flowers in front of the jeeps, because they were American jeeps, and because they had an American flag, and because Americans were there helping them fight against the Communist dictatorship, which they did not want and which they were willing to lay down their lives to fight.

We had American troops in there helping them. I am proud we did. I voted for President Truman's Greek-Turkey policy, and I supported every dime for Greece down through the years, and I am not going to be against the President if he decides to waive this, and if it is in the interests of our country. And the other gentleman's amendments, if they are in the interests of Greece—I am not going to fight them.

I just think these people ought to move along. I think the gentleman from California said that Greek politics have factions. If that is a good reason to have a dictatorship, the Pentagon ought to move in and wipe this House of Representatives out this afternoon, because where are there more factions than here?

I have some regard for the Greek people, and I have some Greeks in my district who think I am wrong, and I have some who think I am right on this. But I believe the taxpayers of the United States want the President of the United States and the Congress to be a little selective about where we spend our money.

Under this amendment if Greece is threatened or NATO is threatened or the United States is threatened the President can waive the restriction.

What kind of an extremist am I? Some of the controlled press out there say I am a Communist sympathizer.

I was the President of the North Atlantic Assembly when the question came up about booting Greece out, like they did in the Council of Europe, and I said, "No, gentlemen, I do not think we ought to do that." When it came to the standing committee, I voted against it, and they voted with me 14 to 1. I said, "The Greeks have no representative here. There is no parliament in Greece. This is an organization of parliamentarians. I think we ought to send the money back to the Greek Government, since they have no representative here, with a nice letter saying that 'we are returning your funds because you have no representative here and we do not think it is fair to take your money, but as soon as you have a parliament,' "—we did not even say "an elected parliament"—"as soon as you have parliamentarians to send, you send them up and we will be delighted to put them in the seats reserved for Greece, and we are hoping you send them quickly and in a hurry.' "

Does that sound like I am trying to destroy Greece or that I am an enemy of Greece? I do not think so.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. HAYS was allowed to proceed for 1 additional minute.)

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I appreciate the gentleman's statement. It is my intention, when this matter is disposed of, to offer a further protective amendment to put this in a positive tone.

I wonder if the gentleman would be

good enough, at least for the purpose of the record, to explain that portion of the language in the bill, line 14 on page 12, placing certain limitations on expenditures.

Mr. HAYS. I shall be glad to explain it. Mr. Chairman, I ask unanimous consent for 3 additional minutes, because I have a letter here from the State Department that will take me at least 2 minutes to read.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. BURKE of Massachusetts. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The gentleman from Massachusetts reserves the right to object.

Mr. HAYS. Mr. Chairman, I withdraw the request, and I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I should like to ask the gentleman at the microphone if he would like to have the Greek people know what type of democracy he would like to have them receive. Is he in favor of the type of democracy that we experience here in our Nation's Capital, where the crime rate and where the bank holdups are increasing over 50 percent?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I thank the gentleman for yielding.

Mr. BURKE of Massachusetts. And if the gentleman is in favor of having the type of holdups of banks in the city of Athens we have here in the Nation's Capital?

Mr. HAYS. I get the gentleman's point.

Mr. BURKE of Massachusetts. Is he in favor of the crime rate we have here in the United States?

Mr. HAYS. I do not yield any further. The gentleman knows I am not any more in favor of crime than he is, and perhaps, from the record in the east as compared to Ohio, not as much.

Let me say, crime rate or not, I am more in favor of democracy. If you think you are going to get me to say I want a dictatorship to cure crime, forget it, because I am not going to.

Mr. BUCHANAN. Mr. Chairman, I wonder if the gentleman would proceed with the answer to the question?

Mr. HAYS. Yes, I want to do that. The State Department has written me a letter, and I will try to read pertinent parts of it.

> DEAR MR. HAYS: I am pleased to reply to your inquiry concerning the Department's interpretation of the Hays Amendment to the Foreign Assistance Act of 1961, which would restrict assistance and sales to Greece to "the aggregate amount expended for such assistance and such sales for the fiscal year 1971."

They go ahead, and I am going to condense this big paragraph. Under their program an expenditure is equated with a delivery.

So they really do not know how much they have expended this year. I am not being kidded by this. I know what will happen, and so does everybody else, but this is what it says in the final paragraph:

> Under this interpretation of "expenditures", the latest figures which are available from the Department of Defense indicate that, as of March 31, the total FY 1971 expenditures were: MAP—$49.9 million; FMS credit—$3.5 million;

Incidentally, in this paragraph they say—and I agree with them—that these sales are not included.

They go on to say:

> The Defense Department estimates that overall figures for fiscal year 1971 will not be available for another 35 or 40 days.

So at the end of 35 or 40 days the figures will be about $90 million. So this amendment really does not restrict them in the amount at all over what they programed. I am not stupid enough that I do not know that, and they know that I know that. We have discussed it with them, and that is the story.

There is one other thing they have said although that is not pertinent to it. However, that is the story that the gentleman wants on this. It would be, in my opinion, about $90 million, which is what they programed for fiscal year 1972. what this amendment does is say that the President must make this determination.

Now, let me say this to you: I cannot quote the people downtown, and I am not quoting them, but I would be willing to bet a month's salary that they are not too unhappy with this amendment, because our ambassador has been talking to these colonels right along and saying to them:

> Gentlemen, why do you not do what you said you would do and hold elections? Let us set a date and have them.

The gentleman throws in the crime situation in the District, which has nothing to do with it. He asks what kind of a democracy I would like to have.

Mr. BURKE of Massachusetts. Will the gentleman yield?

Mr. HAYS. I do not yield. It is not my time. The gentleman from Alabama yielded to me.

I would like to see a two-party democracy in Greece.

Maybe it is too much to ask, but you know the French had a multi-party system and they wrote a new Constitution. Now they have a two-party system and are getting along pretty well. I am not going to stand here and let anybody say that the nation that invented democracy, the nation from which the word "democracy" derives, from the Greek word demos, cannot run a democracy in 1971.

Finally maybe we have to agree with Churchill who said one time:

> The worst possible form of government on earth is probably a democracy until you have looked at every other form.

So it has some shortcomings, but——

Mr. BURKE of Massachusetts. Will the gentleman yield?

Mr. HAYS. The gentleman over here has the time.

Mr. BUCHANAN. Then, the gentleman is saying that the only real restriction this amendment gives is that the President has to certify it is in the overriding national security interest of this country to continue military assistance to Greece?

Mr. HAYS. That is right.

And the gentleman from Pennsylvania is going to put in an amendment saying "and if the national safety of Greece is threatened," which I am all for, because that is the name of the game.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, you know the gentleman from Ohio is an old pro. He knows you have 5 minutes up here to discuss an amendment.

The fact is that in Athens, Greece, today you can walk around any part of that city any time of the day or night and be completely free from being mugged, held up, raped, or murdered.

Mr. HAYS. Will the gentleman yield?

Mr. BURKE of Massachusetts. A lady can walk home from a job at 1 a.m. in the morning completely free from worry about any type of attack. You can live in your home without being worried about the house being broken into. You do not have to worry about drug addicts. Here we are in America trying to place restrictions on Greece and telling them that we are going to impose our will on them when we cannot clean up our own problems here in America. When we clean up the crime problem in America and straighten out the drug problem and reduce juvenile delinquency and do these other things, then we will be in a position to advise the Greek people how to run their government.

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Maine.

Mr. KYROS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Maine.

Mr. KYROS. I would like to ask my distinguished friend from Massachusetts for whom I have the highest admiration, is it not a fact, that walking the streets of Athens and being free of drug addicts and the ladies being able to walk freely about the city has been a tradition of long standing among the people of Greece?

Mr. BURKE of Massachusetts. It has always been that way, but I say in view of the problems which we have in this Nation, we have a nerve trying to tell another nation how to run their internal affairs.

Mr. KYROS. Mr. Chairman, if the gentleman will yield further, is it not a fact that under this regime Greece has made considerable economic progress?

Mr. BURKE of Massachusetts. Yes, that is a fact.

Mr. KYROS. And has achieved political and social stability?

Mr. BURKE of Massachusetts. That is true. I was in Greece 4 years ago and I did not see a policeman or a soldier on the streets any place and you could walk any place you wanted to. All of the people seemed to be happy.

Mr. KYROS. Is not that a reason then to begin a return to constitutional democracy, to be rid of martial law because there is no apparent threat to the present regime?

Mr. BURKE of Massachusetts. I am in favor of returning to a normal democracy. I am in favor of a democracy. What I oppose here is our imposing our will upon the people of Greece and telling those people that they can get this help if they bow down to our wishes.

Mr. Chairman, Greece has always been our friend. The Greek people have been the greatest friends we have ever had. We do not have any restrictions on Chile where they have a Marxist government. We are not concerned about that. We are concerned about Greece, one of the few friends we have in the Mediterranean, one of the few places that our Navy can stop at. I do not think we should undertake to impose our will upon Greece or any other country.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New Jersey.

Mr. HOWARD. I do not think everything would be so wonderful and perfect over in Greece if they did not have to come here asking for an awful lot of additional money. Maybe we in this country could reduce the rate of crime, perhaps, if we did not send the money over to Greece but put a little more money into our own crime prevention program through the enactment of a real drug addict treatment program, through educating the people as to the danger of drugs and providing jobs for our own people. Then, in my opinion, we would not have any problem at all and we would be just as well off as the people in Greece.

Mr. BURKE of Massachusetts. I wish I could understand the gentleman's logic.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Ohio.

Mr. HAYS. Now, Mr. Chairman, the gentleman from Massachusetts said I was an old pro. He did not think I was amateur enough to let him have the last word, I hope.

I am an old pro in another way. I can smell a red herring further than you can see one. That stuff about crime in Athens is surely a red herring because you yourself Mr. BURKE, just admitted that these conditions existed in Greece when it was a democracy. So, the fact that a dictator has taken over and denied the people the right to vote, has thrown great numbers of them in jail, has not done a darn thing to increase the security of that lady who is walking around by herself at 1 o'clock in the morning.

I can recall what the New Yorker magazine said about a certain congressman about 20 years ago—he must either be very young or very naive because most of the people he sees at 1 o'clock in the morning are not spies following congressmen. Spies are usually thick-set men with derbies and a cigar. So, the gentleman can draw whatever conclusion he wants to from that. But I repeat that under the gentleman's own admission, the story the gentleman has told has nothing to do with the issue. We are not telling the Greeks how to run their government, and with reference to Chile, if they go ahead and expropriate the copper firms I will be in here doing the same thing to them. I am at least consistent. I do not care whether it is a dictatorship to the left or to the right. I do not like it.

There is language in this bill that prohibits a lot of things being done for the Communist bloc, the so-called Warsaw bloc. You must have overlooked them over the years.

Mr. ROSENTHAL. Mr. Chairman, I yield back the balance of my time.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I had been on the Committee on Foreign Affairs I believe I would have voted against the Hays amendment and against the Findley amendment to the amendment. But we do have this provision in the proposed bill, and I believe with the amendment offered by the gentleman from Maine (Mr. KYROS) the objections that are really meaningful to the original amendment, or amendments, have been overcome.

I understand that there may be one or more other amendments that will make this provision more palatable, but I see no basic harm to the efforts of the administration to help Greece perform its function as a part of NATO, with the amendments that have been offered, and those that are contemplated to be offered.

It seems to me that the President can make an affirmative determination that the aid ought to be made available if the aid is necessary for our own self-interest, or for the purpose of maintaining our treaty commitments. And I do not believe the President would have any trouble in making that determination under this legislation, any more than he made the determination a few months ago when he resumed U.S. aid to the Government of Greece.

Mr. HAYS. Mr. Chairman, would the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, when I was over to NATO a few weeks ago the American Ambassador to NATO in Brussels approached me and said there was a rumor going around that I was going to offer an amendment barring all aid to Greece, and that Secretary Laird had expressed some concern to him about this.

I said to him, "This seems to be a roundabout way, since I am just across the river from the Pentagon, to get me the word, but I will talk to the Secretary when I get back." And I did. And I told the Secretary then that I agreed with this amendment which further unshackles the President, but I did not intend in the first place that I would offer an amendment which would indicate to the dictatorship that we thought they ought to kind of lessen their moves and they ought to restore the right to vote to the people, but that I would specifically write in an escape clause so that the President's hands would not be tied, and he would not be held up in any way, shape, or form. That has been done. And I have cooperated with the administration all the way down the line, although I do not believe they would want me to say so publicly, and I will not. But I do not believe they will lose any sleep if this amendment stays in.

Mr. GERALD R. FORD. Mr. Chairman, because of the revisions that have been made, and those that are contemplated, I for one feel that the legislation is acceptable to the administration, and, therefore, I do not intend to support the amendment of the gentleman from Massachusetts, even though at the time the bill was considered in the committee, if I had been a member of the committee, I undoubtedly would have voted against the Hays amendment, and the Findley amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the minority leader for yielding. I must express my regret that he has taken the position that if he were a member of the committee he would have voted against the language in the bill, yet now he is not opposing it. The language has not been modified in any substantial way. What has come out as a result of the discussion has been the fact that there is a loophole that the President can use. All our committee has done has been to put the monkey on the President's back. The minority leader says that this is all right. The President will apparently go ahead and utilize the waiver, and Greece will be provided with the assistance and Congress will have expressed its views with respect to the Greek question.

I would think the wiser course would be to strike the language entirely. The views of Congress are a matter of record on what we have said here today, and we would be at least as well off if there were no restrictions on the President.

Supposing the President could not find, or did not feel he should find, that the overriding requirements of the national security authorized the triggering of this waiver? Then we might find ourselves in a predicament. I would think if we also add language saying that there must also be a finding that there is a threat of outward aggression against the people of Greece, which I understand is going to be offered, we will be compounding the confusion which the committee created by authorizing this language.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(Mr. GERALD R. FORD asked and was given permission to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, I do not believe that this escape clause puts any undue burden on the President of the United States. It is a method that we have used many, many times both in authorization bills and in appropriation bills relating to foreign aid. I am sure that the President will use it in this case because the facts will justify it, just as the facts justified the resumption of certain aid to the Government of Greece a few months ago.

Furthermore the amendment that has been offered by the gentleman from Maine as I understand it does, in effect, eliminate the dollar limitation that was imposed by the Findley amendment to the Hays amendment. And as long as that amendment prevails, the Kyros amendment, I see no harm in this Hays-Findley amendment that we now have in the bill.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Is it not true that the administration in the resumption of aid took the position that this was for our national security interest and the fulfillment of our NATO treaty obligations and not an endorsement of the present Government in Greece?

Mr. GERALD R. FORD. That is my understanding.

Mr. BUCHANAN. It seems to me that if here on this floor the position of your committee which simply was an expression of concern about the failure of this Government to move toward a resumption of the constitutional rights of the people and toward free elections should be reversed, the Committee of the Whole House will be giving an endorsement to this present Greek Government and truly meddling in Greek internal politics in a way that I consider most unwise. It would seem to me much better to let the President make the determination which he can surely do.

Mr. GUBSER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think it is really time that we gave some consideration to the purpose of the bill now before us. I think everyone in this Chamber will agree it is definitely not the purpose of a foreign aid authorization bill to influence the decisions of peoples in other nations as to the kind of government that they should have for themselves.

I think everyone of us will agree and I agree in retrospect, admittedly, that it was a mistake for this Nation to attempt to impose our brand of democracy upon South Vietnam and that that mistake led to very dire and very serious circumstances which surround us and envelop us today.

I think it is a mistake for this Congress to set itself up as the judge of what is right for a people in any other part of the world. That is exactly what you are doing with this amendment.

I am not in favor of a military dictatorship and I want to see it disappear from the scene in Greece just as quickly as I can possibly imagine. But I wonder if all of us here today really know the feelings of the Greek people—and after all they are the ones who are going to live under whatever government may be decreed for them.

Now I do not profess to know very much about Greece. I have only spent 3 days there in my whole life—and this was in the early part of May. I only talked to a very few people but I did make a very conscientious effort to talk to ordinary people and not just to government officials.

I think the attitude that I found—and I do not claim it is the majority attitude because I do not know—but the attitude which I found can best be described by my conversation with one chauffeur or a driver. When I questioned him about when Greece would return to a democratic form of government, he snorted and said, "Do you know what democracy means to me?"

I said, "What?"

He said, "I used to have a little piece of property on the way out to the airport, and the Government that was called a democracy came in and took it away from me and paid me nothing. To me democracy means graft, it means corruption, it means riots, it means inflation, it means distress, it means that I do not know when I go to work this morning whether I will be able to work and whether the people there will let me work."

He said, "It means instability, and if Greece ever needed stability it needed it at the time the present regime took over.

"We have had stability since that regime took over."

I do not think you can ever ask Greece to fulfill its commitments to the rest of the free world if, in that most strategic part of the world where Turkey is doubtful, Israel is ready to go up in flames, the strategic Dardanelles are in doubt, and the 6th Fleet is in trouble—I do not think you can ask Greece to maintain its commitments to the rest of the free world if it must work from an unstable base. That is what you would get—an unstable base—if you prematurely tried to restore the old type of corrupt democracy.

I said to this chauffeur, "What do you think of this famous actress who goes around telling Americans that Greece should return to a parliamentary system?"

He said, "Her father was a Communist and her husband is a Communist and she wants a return to the graft and the corruption because that kind of instability is what communism feeds upon."

He then went on, "We will have democracy in due time, but before we can get a true and an honest democracy, we must have stability, and we must wait."

I think that the judgment of these people is worthy of consideration and we should not set ourselves up in this body as their mind and their conscience to decide for them what is best for them in terms of our own system of government.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Indiana.

Mr. DENNIS. I would like to ask the gentleman, who is a member of the Armed Services Committee, if the real point here is—not what kind of government they have in Greece—I have no brief for these colonels and I have no brief for the Communist government in Chile; I have no particular brief for any foreign government—but is not the point of foreign aid, and particularly military aid, our interest, and is it not highly important to us to add that anchor in the eastern end of the Mediterranean, regardless of the type of government they may have today or tomorrow?

Mr. GUBSER. I would say to the gentleman that the point of foreign aid is our interest as a member of the free world, and it is to the interest of the entire free world.

(Mr. SCHMITZ asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHMITZ. Mr. Chairman, I would like to speak in favor of the amendment proposed by the Gentlemen from Massachusetts. It seems nonsensical to cut off aid to one of our NATO allies at this point. At a time when the Soviet Union is increasing its naval presence in the Mediterranean by leaps and bounds why jeopardize the pro-Western stance of a littoral nation of vast strategic importance for the entire free world?

The Government of Greece is pro-United States, pro-NATO, pro-free world and anti-Communist. Greece is the only Balkan nation not currently in the Communist camp. It is flanked by two NATO nations, Italy and Turkey, which are showing increasing signs of instability. Is it really necessary for the Congress to contribute to the destabilization of Greece?

The only rationale behind foreign aid as I understand it is to strengthen those nations whose strength coincides with the national interests of the United States. Greece certainly falls into this category. If we are going to spend millions of taxpayers' dollars the least they can expect in return is an increase in their security.

It might also be pointed out that the present Government of Greece has not felt it necessary to erect walls and string up miles of barbed wire to keep people behind some type of "Grecian curtain," although from some of the remarks which have been made tonight one might think that this was the case.

Aid to Greece makes good sense and should be continued.

Mr. KING. Mr. Chairman, I support the amendment to strike the provisions of this bill which would deny aid to Greece. I would like to associate myself with the remarks of the gentleman from California (Mr. GUBSER) and the gentleman from Massachusetts (Mr. BURKE).

Contrary to the misleading reports of some American and anti-Greek Government sentiment circulated by a small minority, the Greek Government has the overwhelming support of the majority of the Greek people. Likewise, the U.S. Government has the respect and admiration of the majority of citizens in Greece, and I personally feel that Greece has become one of the most loyal NATO members.

The history of Greece has been the story of a constant struggle to keep burning the flame of liberty. The achievements of the Greek people and their contributions to western civilization in art, architecture, science, drama and literature have been unsurpassed by any other culture. Yet today, we hear voices in this House highly critical of the present Greek Government. These people have been listening to the wrong voices; voices of people of a social strata in Greece who should not influence our decisions.

I have talked with many of my constituents of Greek origin, and they are most enthusiastic about the present Government of Greece, and have urged us to do everything we can to help the government. These Americans of Greek origin believe that the present Greek Government has been dedicated to sound remedial reforms, both social and economic, and that these reforms have greatly benefited the entire nation. The progress and tranquillity which has taken place in Greece during the past 4 years, has been evident to the 1½ million tourists last year, many of whom were Greek ethnics from various parts of the world.

Mr. Chairman, the ties between the Greek people and the American people are strong. The Greeks have been among our greatest friends in the Mediterranean. I do not believe that we as a nation should impose our will on other peoples as to the type of government they must have before they can receive military aid. We make no such demands on Bolivia, Chile, Haiti, or many of the African nations which are just as dictatorial, if not more so, than the Government of Greece.

NATO cannot survive without the strong anchor of Greece; nor can Israel. For without Greece we would have no base for our fleet in that vast end of the Mediterranean Sea.

We should do all in our power to help Greece. I shall vote no on the final passage of this bill, because of these provisions if the amendment fails.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BURKE).

The question was taken; and on a division (demanded by Mr. BURKE of Massachusetts) there were—ayes 57, noes 122.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PUCINSKI: Page 12, line 9, strike out the word "not" and on line 10 substitute the word "when" for the word "unless".

Mr. PUCINSKI. Mr. Chairman, this is a further perfecting amendment to the amendment offered by the gentleman from Maine. What it would really do is have the language read:

> This restriction may be waived . . . when the President finds that overriding requirements of the national security of the United States justify such a waiver.

This means that Greece would be placed in the same position as all other nations in qualifying for military aid. The President must now certify that military aid to any country is vital to American security.

It is really a perfecting amendment. It puts the whole thing on a more positive tone and gives the President greater latitude in deciding when giving military aid to Greece is justified. I, myself, believe we ought to continue to help Greece. I have said here before Greece is the anchor of our whole defense structure in Europe. There is no question in my mind that the loss of Greece would make us suffer an enormous loss. We need Greece a good deal more than Greece needs us at this juncture in world affairs. That is my I am opposed to any restrictions on aid to Greece.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, as an old English teacher, I can say to the gentleman I have no objection to his language. It substitutes "may" for "may not," and "when" for "unless." If there is any substantive change in the meaning of it, it escapes me.

Mr. PUCINSKI. It puts the whole thing on an affirmative tone.

Mr. HAYS. It puts it on a more positive basis, and it also proves the gentleman is another friend of Greece, and I am all for that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PUCINSKI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FULTON of Pennsylvania: Page 12, line 12, immediately after "United States" insert a comma and the following: "and the protection of the people of Greece against outside aggression,".

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer a very simple amendment. As the language now reads, as amended with this recent amendment, it now reads:

> This restriction may be waived when the President finds that overriding requirements of the national security of the United States justify such a waiver—

My amendment simply adds after the words "United States"—

> and the protection of the people of Greece against outside aggression" to justify such a waiver.

With my amendment the provision will now read:

> This restriction may be waived when the President finds that overriding requirements of the national security of the United States and the protection of the people of Greece against outside aggression justify such a waiver.

This means that the United States is stating that the United States will fulfill our obligation under the NATO treaty for protection of the Greek people, and that we have equal feeling for the protection of the people of Greece as well as just the security of the United States.

I have strongly admired the good people of Greece over the years. I must say to the Members that the people of Greece are as fine people as there are anywhere, and as good friends of the American people as we have anywhere. Let us continue this long friendship between the American people and the Greek people.

Many who have been friends of Greece have voted for this provision in order that the Greek people shall have the opportunity to move toward democracy, and parliamentary form of government.

To provide that the President can exercise the waiver under this bill taking into consideration only the security of the people of the United States is not enough. The language of the provision should also state the President can use the waiver when it is for the national security of the United States and the protection of the people of Greece against outside aggression.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to my friend chairman Morgan.

Mr. MORGAN. I just want to say that I am afraid this would require the President to make a double-barreled determination. I feel this amendment has already been perfected enough. I should like to proceed with the next section, if we can.

I hate to put the President in a position where he has to make this kind of a determination. I reluctantly have to oppose the gentleman's amendment.

Mr. FULTON of Pennsylvania. I have to disagree with my chairman, because I believe we should specifically state the waiver can be used not only on the basis of the national security of the American people, but also for the protection of the people of Greece against outside aggression, which is our U.S. NATO commitment. When the provision place the decision by the President to use the waiver solely on the national security of the American people Congress certainly would be ignoring the good people of Greece.

Mr. MAILLIARD. Mr. Chairman, I rise in opposition to the amendment.

When this amendment was first presented to me it read "or" and not "and" and I had no objection to it, because there were two provisions under which the President could exercise his power of waiver.

When we ask the President to make both findings, I can envision a situation where it might be determined to be in the interest of the national security of the United States but where there was no direct threat to the people of Greece, and I do not know how the President would be able to make the finding that the waiver was required for the protection of the people of Greece against the threat of outside aggression, if there were no threat of outside aggression at that point.

I believe this is a boobytrap and hope the amendment will be voted down.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from Illinois.

Mr. PUCINSKI. The gentleman makes a very important point. I do not see how the President could possibly administer this when he has to make two determinations. First he has to determine that military aid to Greece is in the interest of the United States, and then he has to make the determination that Greece's own security is threatened before he can move forward with the military aid program the gentleman from Ohio described earlier in our discussion.

It seems to me this would really tie the hands of the President. I do not see how the President could ever make that determination.

For that reason, I hope the amendment will be rejected, as the distinguished minority leader of the committee so eloquently stated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FULTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: On page 13, line 12, strike out "and" and insert in lieu thereof "or".

Mr. DERWINSKI. This is an attempt to add a technical amendment to the restriction relating to aid to Pakistan. Specifically it is my intention in this amendment—and I believe I have the concurrence of the gentleman from New Jersey—to create flexibility whereby specifically in the case of Public Law 480 funds and other items made necessary by emergency famine conditions in East Pakistan that the language in the bill would not preclude such aid.

Is that the gentleman's understanding of this amendment?

Mr. GALLAGHER. Yes. We discussed this in the committee and we feel that this is an amendment that should be adopted. The "and" does make it rather ambiguous with regard to distribution efforts. It may be interpreted as a means of limiting distribution through the United Nations and humanitarian aid solely through the United Nations. We agree to the amendment.

Mr. DERWINSKI. The purpose is to permit maximum use of U.S. surplus commodities to be distributed to the people in East Pakistan who are in obvious need and to avert famine conditions in that area of the country.

Mr. GALLAGHER. Mr. Chairman, 4 months have passed since the Pakistan Army launched its campaign of genocide on the people of East Pakistan in an effort to suppress the verdict of the elections of last December and to terrorize the Bengalis seeking self-rule into submission. Since then, on conservative estimates, a quarter million innocent Bengalis have been massacred and 7½ million have taken refuge in the adjoining States of India. Even now, thousands of them are moving across the border into India every day to escape the humiliation, indignity, and the sheer brutality and horror of life in East Pakistan.

II—SPECTER OF FAMINE

There appears to be yet more tragedy in store for the unfortunate people of East Bengal. Senator KENNEDY recently brought to light some telegraphic reports from American officials in Dacca to the State Department stressing the danger of a terrible famine in East Pakistan.

Owing to the civil war and the dislocation of masses of people from their homes and farms, the sowings in the rice paddies did not take place in time. Hence, the impending shortage of foodgrains. The system of transport and communications has been disrupted. An alienated population is unwilling to extend its cooperation to a military regime whose functionaries are, in the eyes of the local populace, alien in language and culture and medieval, to say the least, in their brutal methods of rule.

The threat of famine looms large in East Pakistan, and there are reports to the effect that some 30 million people may be affected by it in the coming months. That may further step up the exodus of East Pakistan refugees to India.

III—THE WAR OF RESISTANCE TO ARMY RULE

In recent weeks, a new feature has emerged in prominence in East Pakistan, and that is countrywide armed resistance by the Bengalis to the West Pakistan Army. Before the military crackdown, which began on 25 March, there were perhaps about 40,000 to 50,000 Bengalis trained in the use of arms, belonging to the country's military and paramilitary units such as the East Pakistan Rifles, the East Bengal Regiment, and the police. These Bengalis deserted their units to the last man and after unsuccessful initial pitched encounters with the Pakistan Army, went underground with their arms and other equipment. In addition, much military equipment has been captured from the Army of West Pakistan.

This force appears to have been transformed into a network of guerrilla groups. They have launched a countrywide guerrilla warfare against the Pakistan Army in East Bengal.

That was bound to happen. Terror does not always succeed in subduing a people; it never wins their loyalty and affection. It only succeeds in strengthening their resolve to put an end to the tyranny to which they are subjected and to fight back for their lives and for their honor and freedom. The more brutal the terror, the more determined the resistance. That is the kind of battle that is developing in East Pakistan today. We have a new Vietnam in the making; it will be a Vietnam five times the first with which we are acquainted. I will attach a report from the New York Times, of July 30, which makes this point well and which contains quotes sadly like some our leaders made in the early days of Vietnam.

IV—ALLEGATIONS AGAINST INDIA

Allegations are made by Pakistan that "miscreants" are infiltrating into East Pakistan from India. The fact is that a large potential guerrilla force was in existence in East Pakistan right from the start of the present conflict. It is quite possible, however, that some of the refugees who had fled to India initially to escape the Pakistan Army's campaign of terror and genocide have returned to participate in the fight. During my inspection of some of the refugee camps in West Bengal, I had met East Pakistani young men who had suffered at the hands of the army, had fled to India to receive some medical treatment or to escort their parents, and loved ones to safety. They were itching to return to their homeland to seek revenge for the injury caused to them, for the loss of their near and dear ones and especially for the humiliation and dishonor perpetrated on their women.

So far as the Government of India is concerned, it has refrained from recognizing the Government of Bengla Desh. They have accepted and handled the burden of 7½ million refugees with remarkable fortitude and praiseworthy competence. The world has not given India enough help; it has not given India enough credit for its patience and restraint. The burden India carries is the world's burden, not its own.

At the same time, the Parliament, the press, and the people of India are openly, and for good reason, sympathetic to the people of East Pakistan and their fight for their freedom and survival. The frontier between East Pakistan and the neighboring states of India is 2,720 miles long. There are no natural features along this frontier. People on both sides speak the same language, wear the same dress, eat the same foods, and belong to the same ethnic and cultural group. This frontier cannot be sealed except with the fullest cooperatiton of the East Pakistani population itself. But that cooperation is not available to the Pakistan Army at all.

It is possible that the Indian people may give aid and shelter to East Pakistani guerrillas; but no government can prevent people-to-people cooperation in that manner. Besides, in the context of traditional India-Pakistan relationship, it would be futile to expect that the Indian Government join hands with the Pakistan military junta to quell Bengali resistance in East Pakistan.

This war of resistance in East Pakistan is bound to spread. A whole people has risen in revolt against an unpopular regime. The Pakistan Army cannot win this war. For that army is fighting an outmoded colonial war in a land far away from its home base against a vast population of 75 million which its barbaric actions have totally alienated.

V—A POLITICAL SOLUTION

The war of East Pakistanis' liberation and independence may already be too far gone for a settlement short of independence through the processes of political conciliation and negotiation. The question really is how long will this war last? or how much more bloodshed will there be? or what will be its repercussions on the South Asian region? The one man who holds the key to these questions is held prisoner by President Yahya Khan in West Pakistan. President Khan has threatened to put the Bengali leader, Sheikh Mujibur Rahman, on military trial in camera on grounds of treason, with death penalty if the charges are proved. The day that trial begins, the last remote hope for a peaceful, political settlement will have vanished for good.

VI—DANGER OF WAR

As the power and effectiveness of the Bengali freedom fighters increase, Gen. Yahya Khan and his military government become more desperate. Twice in recent days he has threatened to declare a general war upon India on hypothetical grounds. He is reported to have said on July 31 that if the Indians have the idea of taking a chunk out of East Pakistan, he would declare a general war on India.

The Indians want the Pakistani refugees to go back, but they have not said that they want any part of East Pakistan. Indeed, it makes little sense for the Indians to seek a chunk of East Pakistan territory. India is neither short of territory nor people.

But it is quite likely that the Bengali freedom fighters will liberate, sooner or later, one or more chunks or perhaps the whole of East Pakistan and set up their own independent government there. It seems to be Gen. Yahya Khan's intention, in that circumstance, to precipitate an India-Pakistan war with serious threat to world peace. That will be an act of the gravest delinquency on the part of a Junta which has already acted with extreme irresponsibility and in unbelievable cruelty toward 75 million gentle and cultured people whom it claims to be its own.

A distinguished and respected American, Angier Biddle Duke, who heads the International Rescue Committee team studying the plight of Pakistani refugees in India is reported to have told the Washington Post of July 29—Marilyn Berger's despatch attached—that the Pakistani Army has tried to maintain a desperate air of tension along the border with India by mortar fire.

There is every reason, therefore, for the world to take serious note of Gen. Yahya Khan's threats of war with India if he cannot get his way in East Pakistan and to forewarn him against such recklessness.

VII—PARALYSIS OF AMERICAN POLICY

In these circumstances, the paralysis in our Pakistan policy is a cause for serious concern. We are continuing to permit the despatch of arms and spare parts to Pakistan, knowing full well that these arms are being used by the Pakistan Army in East Pakistan. In its war upon the people of East Pakistan, the Pakistan Army is using artillery and tanks and jet fighters for which spare parts and ammunition continue to be shipped from here.

We have thus become partisans with the military against the majority of Pakistan's people. Are we in a position to advise others, the Indians or the Russians or the Chinese, to remain aloof in this civil conflict?

Our economic assistance continues to go to Pakistan even though the World Bank has said that in view of the disruption and alienation caused by the military action no constructive economic development activity can take place in East Pakistan for a long time. The money provided by us can, therefore, only be diverted to the purposes of war.

It must reluctantly be concluded that we have already intervened on the side of the Government of Pakistan.

The Awami League, the party for which the people of Bengal voted with near unanimity in the December elections, is an anti-Communist and a pro-Western party with friendly feelings toward the United States. It is this party and its following which have been driven to a bitter war of resistance and liberation. **Our policy of drift antagonizes and radicalizes a people and a potential government who are inclined to be moderate and friendly.**

Our current policy assists only the most radical groups in East Pakistan and in India. We are fomenting a Communist-controlled revolution in this region and we are laying the groundwork for a Communist dominated government. No. policy could be further from the American tradition or more deeply against American long range interests.

Gen. Yahya Khan has shown no inclination to negotiate a political settlement with the elected leaders of the Awami League. And we have not effectively exerted pressure and persuasion on him to do so. We do not seem to be sufficiently alive to the dangers of the situation and seem to be persevering in their ineffective line with the Pakistan military regime at much peril to Pakistan, to South Asia, and the world.

By being firm with this reckless dictator from the beginning we would, perhaps, have helped save Pakistan. By being firm with him even now we could help avert an unnecessary war.

VIII—UNWELCOME MANEUVER

There is discussion of a maneuver which is anathema to India. This maneuver suits Pakistan and may have originated from there. The proposal concerns the stationing of United Nations observers both in India and East Pakistan with the ostentatious purpose of facilitating the return of refugees from India to Pakistan.

Indians are understandably indignant that they are being equated with a regime which because of its evil actions in East Pakistan has already imposed unbearable burdens on India.

Indians have rejected the proposal saying that the question of facilitating the return of refugees will arise only when conditions in East Pakistan are such as to generate confidence among the refugees that they can return to their homes and hearths with some assurance of safety of their lives and their honor.

These are the very provisions your Committee on Foreign Affairs has written into the foreign aid bill to allow assistance to be resumed.

The Indians also point out that close to a thousand foreign volunteers are working in refugee camps in India, which are open to inspection by foreigners. They have nothing to hide from the world in these camps and the Indian Ambassador here has personally extended invitations to a large number of Senators and Congressmen to visit the camps.

I share the Indian Government's view that a political settlement in East Pakistan is of fundamental importance and that the issue should not be confused by such diversionary moves as the proposed posting of U.N. observers on the Indian side. A large U.N. presence and the presence of other foreign voluntary agencies on the East Pakistan side would be entirely justified, and is, in fact, necessary to the fair and equitable distribution of relief assistance in East Pakistan.

For the sake of a Pakistan which cannot survive in its present form we are alienating the people of the world's largest democracy, India. We are alienating the 75 million people of East Pakistan. By associating ourselves with the barbaric actions of a reckless regime, we are tarnishing our own image, as a humanitarian, free and freedom-loving people, in the world.

I have thought it necessary to bring these facts out in the open so that the Congress can assert its role in helping the administration formulate a rational and meaningful policy towards Pakistan, towards East Pakistan and towards India.

Because of the undue solicitude for Pakistan on our part, America's relations with India today face a serious challenge. Indians have not suggested that we endorse their viewpoint; but they are far more deeply concerned with the situation in East Pakistan than are we. We ought to have close consultations with them and show some deference to their concerns and anxieties even if we disagree with them. We should help them to bear their burden of Pakistani refugees. We should not permit them to feel that ours is not the country that they can look to for help and understanding in a difficult situation not of their making.

In Asia, India with its 600 million people is nearly as important as China. If India is antagonised to the point of being driven into the arms of Soviet Russia, any success in the policy of rapprochement with China would have been offset by an avoidable and unnecessary failure in the policy towards India because of a misplaced attachment for what is really no more than a medium-sized middle-eastern country, West Pakistan.

IX—DEFINITION OF AN AMERICAN POLICY

There is no longer any rationale, if ever there was, for the continued supply of American arms and economic assistance to Pakistan while the conflict between West Pakistan and East Pakistan lasts.

All such assistance must be stopped forthwith: Hopefully, the House of Representatives may force the issue by passing the foreign aid bill, including my amendment.

The United States should disassociate itself from and condemn the atrocities of the Pakistan Army in East Pakistan.

President Yahya Khan should be pressured to end the military action and to order the army back to its barracks in East Pakistan.

Pressure must be exerted on the military government of Pakistan to immediately release Sheikh Mujibur Rahman and to enter into negotiations with him with a view to setting up a civilian, provincial government in East Pakistan headed by him and his Awami League party which swept the polls in December last on the platform of autonomy for East Pakistan.

Pending the formation of a popular

provincial government, large scale relief assistance should be furnished to avert famine and epidemic in East Pakistan provided it can be insured that such assistance is administered either directly by or under the close supervision of U.N. personnel, by specialized agencies of the U.N., and by foreign voluntary agencies. Again this is exactly what your Committee on Foreign Affairs has provided.

It should be insured that there is no interference from the Pakistan military in the distribution of relief assistance where it is needed. It should also be insured that resources provided for relief, such as boats and vehicles, are not taken over or misused by the army for the purposes of military action.

The Awami League Government should then undertake the responsibility for the return and rehabilitation of East Pakistan refugees now in India.

Further financial assistance should be given to India on a scale commensurate with the needs of relief for 7½ million Bengalis who have taken refuge there.

The U.S. Government should suitably warn the President of Pakistan against any action which might precipitate a war with India. Any such war would lead to a confrontation between the Soviet Union, China, and the United States and divert attention from the fundamental issue of repression in East Pakistan.

The articles mentioned follow:

[From the New York Times, July 30, 1971]

PAKISTANI REGIME IS PREPARING FOR LONG GUERRILLA WAR IN EAST

(By Malcolm W. Browne)

DACCA, PAKISTAN.—Pakistan's military Government is waiting for what it fears may be a protracted guerrilla war in East Pakistan, and Government strategists are drawing from the writings of Mao Tse-tung and other experts in their plans.

"Ours is a regular army," a ranking Pakistani officer said in an interview. "We recognize that regular armies are not suitable for guerrilla campaigns, as the Vietnam experience has shown. We can shield the nation against external threats, notably India, but only the people can conduct antiguerrilla warfare."

Pakistan's army, which consists mainly of West Pakistanis, attacked Bengali dissidents on March 25 to re-establish the authority of the national government and to suppress the separatist movement.

Tens of millions of East Pakistanis, it is reported, fled the major towns for the relative security of the countryside and several million crossed the border into neighboring India.

OPEN BATTLES FOUGHT

Initially, the Bengali separatists fought the army in open battles. Bengali forces included almost all of East Pakistan's police and militia forces, as well as the East Bengal Regiment, a unit in the national army.

But the national army quickly seized all the major towns in East Pakistan and wiped out opposition strongpoints. Resistance became sporadic and took the form of sniping and sabotage on railroad lines.

During the last two weeks, however, guerrilla activity has accelerated and has begun to pose a problem for the military authorities. The three divisions of troops, armor and artillery now being maintained in East Pakistan have not been able to prevent the dynamiting of power installations, bridges, roads and houses by guerrillas.

Most experts speculate that Bengali guerrillas who went to India on March 25 have now had time to receive training and weapons in Indian camps and are now back in action in East Pakistan. According to one estimate, there are 30,000 active guerrillas in the province. One step toward countering this force was taken by the Government on July 15 when it organized the new Razakar (Volunteer) force.

AUXILIARY MILITIA FORMED

Razakar units are hamlet militia responsible to the local police as a kind of auxiliary. Anyone over 14 may join after a loose screening procedure. After brief training the recruit is given a rifle and paid about 70 cents a day while on duty.

"The Razakars guard vulnerable points such as power stations, bridges and so forth, but they should be especially helpful as members of rural communities who can identify guerrillas," an army officer said.

The Government says it has already recruited more than 22,000 Razakars of a planned force of 35,000.

"The people are definitely giving us information about the guerrillas," the officer said. "The people realize that the guerrilla operations are hurting the economy and that this hurts the people. If we can convert this resentment into support for us, we'll overcome the guerrilla problem."

The officer said the army was increasingly successful in determining guerrilla infiltration routes and in ambushing them.

"Mao Tse-tung teaches that roving rebels accomplish nothing and that successful guerrillas must have a base inside their target country," he said. "This we are denying them."

[From the Washington Post, July 29, 1971]

10 MILLION PAKISTAN EXILES PREDICTED BY END OF YEAR

(By Marilyn Berger)

Angier Biddle Duke, who headed an International Rescue Committee team studying the plight of Pakistani refugees in India, predicted yesterday that the continuing tension in the region would bring the number of refugees to 10 million by the end of the year.

Duke, a former U.S. ambassador, was in Washington to seek U.S. government cooperation in a number of programs the IRC has started in India to aid the refugees. In a report that Duke gave yesterday to Francis L. Kellogg, special assistant to the Secretary of State for refugee affairs, the IRC reported on "the desperate air of tension the Pakistani army has tried to maintain along the border by mortar fire to which the mission can bear personal witness."

The report stated: "There is no indication that the exodus has been halted. If the present trend continues, the figure is likely to go to seven million before July is out. Seven million is the total population of Cuba."

Indian sources indicated the prediction was correct. The movement of refugees from East Pakistan started on March 25 when the forces of the Pakistani central government cracked down, allegedly to prevent the establishment of a secessionist state. Reports from the scene told of rape, murder and other atrocities, and Bengalis poured into India to escape what was widely described as a bloodbath.

State Department officials said yesterday that military activity in East Pakistan has largely subsided since May although action against guerrillas continues. These officials also note that the flow of refugees has dropped to "as low as 20,000 a day."

Duke said that the continuing state of tension rather than any actual bloodshed is enough to keep the refugees coming into India. He said the IRC was setting up programs to use refugee doctors and teachers to work with the Bengalis who are filling camps in India. He said the IRC hoped to raise $1 million and to get additional funds, partly from the U.S. government, to run a program that would cost $2 million over the next six months.

But Duke said that any attempt to work with the refugees is nothing more than a palliative. "Political solutions for the return of the Bengali refugees must be found," the IRC mission report said.

There is concern within the U.S. government that the continuing drain on India caused by the presence of the refugees could lead to an explosion.

Some officials are also worried that the end of the monsoon rains in October could bring more bloodshed. Intensified civil war with a greater flow of refugees could create still greater strains on India.

A possible Indo-Pakistani conflict carries with it the potential for a Sino-Soviet confrontation, U.S. officials have noted. Pakistan is understood to feel confident of Peking's support, while India has been backed by the Soviet Union.

The United States, meanwhile, has sought to keep up a dialogue with both sides. Assistant Secretary of State Joseph J. Sisco saw both the Indian and Pakistani ambassadors on Tuesday before he left for Israel. The United States has welcomed Pakistani President Yahya Khan's willingness to accept a United Nations presence along the border.

The Indians have turned down the Secretary General's proposal, refusing to be "equated" with Pakistan in this situation. Indian officials say further that it is impossible to seal a 2,720-mile frontier with no natural geographic barriers.

The United States has officially taken on a low-key stance, urging restraint on both India and Pakistan and quietly nudging Yahya to reach a political accommodation with the Bengalis that would allow the refugees to return.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 13, strike out line 13 and insert in lieu thereof the following: "auspices."

Page 13, immediately after line 13 insert the following:

"(x) No assistance shall be furnished under this or any other Act, and no sales shall be made under the Foreign Military Sales Act, to Brazil until such time as the President reports to the Congress that the Inter-American Commission on Human Rights has determined that the Government of Brazil is not engaging in the torture of political prisoners.".

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. Mr. Chairman, this amendment serves to suspend all U.S. aid to Brazil until such time as the Brazilian Government has permitted an official commission of the Inter-American Commission on Human Rights to go to Brazil to investigate, in loco, the many accusations that have been leveled against that government for having extensively used torture against political prisoners.

I had intended to offer this language before the committee, but a sudden illness kept me from it, and even though my friend and colleague, Congressman DONALD FRASER, offered the amendment for me, I offer it again on the floor because I am convinced that it is absolutely imperative to the interests of the

United States to suspend aid to the military dictatorship in Brazil until such time as there are reasonable assurance that that government is going to permit investigation of the many accusations of torture, by a responsible international group.

Many errors have been committed by the U.S. Government in its foreign policy under the rubric of the "defense of the free world." The McCarthy-inspired anti-Communist neurosis of the 1950's has long since become a hardened and institutionalized ideology in some sectors of the Defense Department and the State Department. It is a disaster for the United States to embrace military dictatorships in the name of defending the free world. If you still believe, as I do, that all peoples long to be free, and would be free if the oppressive forces that deny them freedom were overthrown, then it is not anti-Brazilian but pro-Brazilian to want to deny aid to a minority, military, oppressive, illegal and nonelected government, that has succeeded in escalating rather than diminishing the oppression in the 7 long years since it took power, that has succeeded in making Brazil safe for big American and international investors while making it unsafe for even the mildest dissent, that has succeeded in making the rich richer, and keeping the great majority of Brazilian poor in the abject poverty that has always been their plight.

The record clearly indicates that the present government of Brazil does not merit aid from the United States. When it illegally seized power in 1964, it promised a speedy return to democratic government. But after antimilitary candidates were elected in the first, partial elections to be allowed, in October of 1965, the generals again clamped down—even harder, and dissolved the existing political parties, imposing two artificial parties on the Brazilian people. Again, when in 1968 students and workers peacefully protested the neglect of their plight by the Government, the Government reacted by closing Congress, suspending the Constitution, and the right of habeas corpus.

Indeed, since the army seized power in 1964, over 100 Congressmen and Senators have had their mandates—given to them in popular elections—arbitrarily suspended, with no public hearings, no reasons given, and no right of appeal. Many of these same Congressmen and Senators have been forced to flee their country to escape illegal imprisonment—illegal because even the existing Brazilian law demands that every prisoner be formally charged within 60 days of being arrested, and yet thousands—thousands—of Brazilians are political prisoners today, often with no formal charges lodged against them, even though some of them have been prisoners 6 months, or a year, or several years.

The tortures in Brazil are not isolated cases of police brutality such as occur in every nation. An independent study team of the International Commission of Jurists wrote, in December of 1970, that tortures had been systematized and institutionalized as part of a conscious plan of political intimidation and repression. The most dramatic incident to illustrate the nature of the present Brazilian military dictatorship is the recent and tragic police kidnaping, almost certain torture and death at the hands of his military captors, of the former Brazilian Congressman, Rubens Paiva. Congressman Paiva, though elected with an impressive vote in 1962, was stripped of his congressional seat and civil rights by the military in 1964. He lived quietly, practicing his trade as an engineer, in Rio de Janeiro, until one afternoon in January of this year he and his wife and daughter were forcibly arrested by military police carrying submachineguns in their house in Rio. His wife and daughter were released after a few days, but Congressman Paiva evidently died under torture. Rather than admit the fact, and punish the torturers, the Brazilian Government concocted a story about the abduction of Congressman Paiva by "unknown terrorists." And though this supposed abduction took place in February, it was only in June that the Government announced the supposed event. To date, no Brazilian policeman or military enlisted man or officer has been charged or tried for torture.

It is a disservice to the American people and the Brazilian people to give any aid and comfort to such a government. Some day the Brazilian people will again be master in their own house, and will have a free congress in which debate is expected and permitted. Someday the military will go back to their barracks, and the Brazilian people will have the right to ask, "Who supported this oppressive government, that tortured our young people, that censored our press, that circled our Congress building with troops and tanks because one Congressman dared to criticize the army during a session, and Congress—quite correctly—refused to accede to military pressures and strip that Congressman of his congressional immunity so he could be tried in a military court. It is far better for the United States to be on the side of the Brazilian people than on the side of the few generals who rule Brazil today by force and terror.

Someday, too, the American people will know the full story of the nature of the repressive government in modern Brazil. As it took us, as a people, some years, to understand the nature and danger of fascism in Italy and nazism in Germany, so today it is taking the American people—and their representatives—a while to understand fully the nature and implications of fascism in Brazil, Latin America's largest country. And when the American people finally realize what is happening, they will want to know why we, their representatives, compromised our national interest and principles so long by supporting such a government.

The Brazilian Government has not kept its promises to the Brazilian people to return to democracy. They have not observed their international obligations to the declarations of human rights, nor have they heeded appeals by the Pope, by international jurists, by academics, by artists, by workers, by plain people in many nations, to desist from their cruel and terroristic practices of torturing priests, nuns, students, workers, newspaper reporters, and even Congressmen. State-directed terror continues unabated. U.S. aid has had no visible impact on Brazil. It has defied world public opinion. It dishonors the American people, and weakens the chances of the Brazilian people to restore democracy and progressive government to their own land, to continue U.S. aid to that military dictatorship.

Mr. Chairman, for the consideration of my colleagues, and so that they may better understand the nature of the Brazilian situation, I am inserting into the RECORD the following articles and reports:

VOLTA REDONDA BISHOP REPORTS TORTURE

Dom Waldyr Calheiros, Bishop of Volta Redonda in the State of Rio de Janeiro, sent a report to the National Conference of Brazilian Bishops concerning the maltreatment of a priest and several members of JOC[1] imprisoned in the Infantry Battalion of Barra Mansa since November 2, 1970. We are reprinting parts of this text:[2]

The report of the following facts is depressing for those who have experienced this tragedy. Some were afraid to talk about what happened to them. Others felt humiliated by what they had suffered. All of them were under great emotional stress, very nervous and depressed. Some were not able to be heard because they were still in prison. We think that the following depositions will be sufficient to give an idea of the kind of repression used.

BACKGROUND

While the members of the National Committee of JOC were still in prison in Rio de Janeiro, members of the Volta Redonda JOC were arrested on November 2, 1970 simultaneously with the mass arrests that were taking place in Rio and Sao Paulo during the pre-election week.

The total number of members and ex-members of JOC prisoners at this time amounted to 30. Until this time, the detentions lasted only a few days and, for some, only a few hours. Those who were soon liberated did not complain of any maltreatment.

But the situation changed and of the original 30, 6 were detained, including a JOC priest, Father Natanael Campos. The treatment given these last prisoners was inhuman and humiliating.

THE DEPOSITIONS

Case No. 1: X . . . a young man

He was questioned the day after his arrest. On this occasion he suffered electric shocks on his hands and feet.

During another questioning session, with wires attached to his genitals and one hand, he received shocks while his torturers laughed at his convulsions.

When the torture session was over, while one of his companions waited in the next room for his turn, Lieutenant Tenorio (today a Captain) said, "Lets give him a last big shock so that he screams and frightens his friend Y who will be coming next. They then gave him a violent shock. He screamed. The Lieutenant said, "That's enough now."

This young man had been employed for 7 years at the Companhia Siderugica. When he returned to work after being released, he found that he had been dismissed.

Case #: 2 . . . a young woman

Questioned immediately upon arrival in

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[1] Youth Catholic Workers Group.

[2] For more on Bishop Calheiros and the National Conference of Brazilian Bishops see "Brazilian Information Bulletin" number 2, March 1971.

the prison, she refused to speak and was subjected to torture.

Lieutenant Tenorio and Lieutenant Cesar ordered her to strip. She refused. Lieutenant Cesar took a knife and cut off her clothes. She was completely naked during all the questioning, exposed to the mocking taunts of her captors. The questioning went on for five hours, from 11 P.M. on November 3 until 4 A.M. the next day.

Lieutenant Tenorio beat her repeatedly with a broomstick on the knees and breasts. She fell and he threatened to insert it into her vagina. Meanwhile Lieutenant Cesar kicked her and socked her.

Then they threatened to bring in a "good-sized negro" to have sexual relations with her while they watched.

During another questioning session, Lieutenant Tenorio ordered wires to be attached to her leg and inside her vagina. One of his auxiliaries said that she was too frail to stand it. He then ordered the wires attached to the hips and legs instead.

Case #3: W . . . a young man

He was immediately taken to a dark cell, called the "submarine", where there was no light and almost no air. He was left there for 8 days.

After the nervous strain of 8 days' of solitary confinement in a dark cell, he was taken in for questioning and given repeated shocks on the legs.

During another questioning session, the wires were attached to his genitals and one leg. While he squirmed under the shocks, his tortures (Lieutenant Tenorio and Sergeants Pires and Isac) laughed at his contortions.

Besides the shocks, he was violently beaten on the stomach, kidneys, neck and face. A blow on the side of his head made him fall to the ground. Before he could get up, his captors upset a wastebasket filled with refuse over his face.

During the tortures, one of the soldiers offered him a pill. Another said it was too soon for that. He doesn't know what kind of pill it was.

After his release, he returned to his job at the Companhia Siderugica where he had been employed for the last five years and learned that he had been dismissed for "abandoning work".

Case #4: Father Natanael de Morais Campos

He is a director of JOC. Two days before his arrest, he had been operated on his shoulder from a triple fracture suffered in an automobile accident.

Until November 17, he was allowed to receive visitors.

On December 18 he was taken to a cell with no windows, no water, no toilet, no air or light, in a suffocating atmosphere of extreme heat. He stayed in this cell until January 7.

On the night of the 3rd to the 4th of January, he was taken to a room where a young man whom he knew, Edi, who was naked and covered with numerous wounds, was undergoing electric shocks and beatings. Father Natanael and Edi were attached to each other with electric wires around their fingers, and made to walk up and down the room. Depending on the intensity of the shocks, they were sometimes thrown to the ground, and given more shocks to get up and resume walking.

On January 5, Father Natanael received more shocks, this time with wires attached to his hand and foot.

Lieutenant-Doctor Erico examined him and told the Captain that he would not resist any more torture. The captain then asked the doctor to see to it that the priest was in a better physical condition so that he could receive more shocks. The doctor said this was impossible.

Father Natanael is still in prison, under a preventive arrest charge that was decreed by the 2nd Chamber of the Air Force Military Court of Justice.

These are the facts; what should be done?

The situation is complicated by the fact that the Bishop of this Diocese is responding to a Military Court Order against him and 16 other priests; that he is considered "hot" for having denounced tortures suffered by a worker and for having defended two men, both married with families, who had been arrested because they had worked for him.

I accept all the advice my brothers wish to give me so that, with my priests and my people, we can perceive through the grace of the Holy Spirit what God awaits us at this moment.

WALDYR CALHEIROS,
Bishop of Volta Redonda.

[From The New York Times, May 31, 1971]

UNITED STATES DECIDES NOT TO TAKE PART IN SAO PAULO BIENAL THIS YEAR

(By Grace Glueck)

For the first time since 1951, the United States, citing lack of funds, is making no official plans to participate in Brazil's upcoming Sao Paulo Bienal, the international art exhibition second only in prestige to the Venice Biennale.

Although officials of the Smithsonian Institution's International Art Program, which sponsors United States exhibitions in such shows, say the decision was not made on a political basis, they are probably also mindful of the disruptive controversy that broke out over the last Brazilian Bienal in 1969.

ARTISTS' BOYCOTT URGED

Shortly before the big show that year opened, the United States withdrew its proposed exhibition after a number of artists dropped out in protest over the "repressive tactics" of the Brazilian military regime. Several other countries also canceled their exhibits. An abridged version of the United States show, organized by the Center for Advanced Visual Studies at the Massachusetts Institute of Technology, opened later in Washington at the Smithsonian's National Collection of Fine Arts.

Although the Sao Paulo show for 1971 is not scheduled to open until September, two letters are already circulating among artists here and abroad, urging them not to participate. One has been sent out by two groups of Latin American artists living here, the Museo Latinoamericano and the Independent Latin American Cultural Movement.

"We refuse to participate in cultural acts . . . that give an illusion of dignity to a Government which steps on its people by the bloodiest repressive tortures in our hemisphere," it says.

The letter urges artists to avoid the informal invitations that it says are issued by the private but Government-approved foundation that sponsors the Bienal through embassies, consulates and "the elite." As one such inviter for this particular Bienal, it cites the Center for Art and Communication of Buenos Aires, headed by Jorge Glusberg, an art critic.

Mr. Glusberg is getting together a show for the Bienal that, he says, will be separate from the official one. But the artists contend that his exhibition will actually take place under Bienal sponsorship.

A second letter has been circulated by Gordon Matta-Clark, a New York artist who declined an invitation to participate in Mr. Glusberg's show.

"It is now common knowledge that freedom of speech survives nowhere in Brazil, thus returning a virtual sentence of death against the Bienal and all free public communication in that country," he writes.

Mr. Matta-Clark, a son of the Chilean artist Roberto Matta-Echaurren, said that a number of New York artists had said they would withhold their work.

In Washington Dr. Joshua C. Taylor, director of the Collection of Fine Arts, said that other commitments made it impossible to finance an exhibition at the Bienal.

"We'd like to devote more effort to circulating exhibitions around—getting more shows by more artists into more areas—and less on one-shot art festivals," he said.

The fund scarcity, has not affected United States involvement in one large international show, the 11th Biennial of Outdoor Sculpture, organized by the Middelheim Museum in Antwerp. Opening next Saturday and running until Oct. 3, it will emphasize this year the American continent, with contributions from Argentina, Mexico, Brazil, Canada and the United States.

WORKS OF DIVERSE ARTISTS

The United States exhibition, 27 monumental works of contemporary sculpture assembled by Andrew C. Ritchie, director emeritus of the Yale University Art Gallery, is by invitation the largest. Representing the major tendencies of Americans sculpture in the nineteen-sixties it includes works of such diverse artists as Alexander Calder, Mark di Suvero, Donald Judd, Tony Smith, Claes Oldenburg, David Smith and Barnett Newman.

Participation has been largely financed by the American Business Committee of Antwerp, a group representing the American business community in Belgium. The city of Antwerp has also contributed, and the Belgian Lines has provided free shipping for the massive works.

"We had hoped to participate in 1969, but funds were not available," said Lois Bingham, chief of the International Art Program, "We were only able to do it this time because of the private financing."

Asked whether the United States would sponsor an official show at the Venice Biennale in 1972, Miss Bingham said a decision had not been made.

[From the New York Times, April 24, 1971]

REPRESSION IN BRAZIL

TO THE EDITOR:

Several weeks ago we learned that Brazil's leading theater director, Augusto Boal, had disappeared in Sao Paulo on his way home from a rehearsal at his theater, the Arena Theater of Sao Paulo. It was only on March 9 that further word reached us outlining some of the details of his disappearance.

Reports state that Boal was arrested on Feb. 10 by the Department of Political and Social Order, the nonmilitary federal agency in Brazil in charge of political investigations. He is still being held.

For ten days after his arrest, neither his colleagues nor his family could obtain any information from the Brazilian authorities regarding his whereabouts and the circumstances of his arrest. On Feb. 20 he was allowed a visit from a member of his immediate family who learned that Boal had been in solitary confinement since his arrest and he has been "at the hands of his interrogators."

He has been denied access to a lawyer. The charges against him are allegedly related to his recent visits to New York and Argentina, where his company presented plays critical of the present regime in Brazil. Boal had planned to return to New York this spring to direct a Latin America Fair of Opinion.

As members of New York's artistic community and as United States citizens, we are deeply concerned about suppression of distinguished artists in Brazil, or in any country. Boal's arrest has its repercussions to the right of artistic expression throughout the world. His is not an isolated case.

The general climate of cultural repression in Brazil has been reported by The Times and other responsible news agencies.

Brazil is a member of the United Nations and the Organization of American States, whose charters clearly state that the human rights of citizens of member countries be honored and upheld. Yet, Brazil has denied organizations such as the International Red Cross and Amnesty International permission to carry out impartial investigations of the reported torture of political prisoners in the country's jails and prisons.

Perhaps the most alarming aspect of this situation in Brazil is the minimal coverage it receives in this country from our press. The public must be informed. And we urge it to stand with us in our concern for Augusto Boal and for the reinstatement of human rights in Brazil.

[From the Washington Post, Mar. 7, 1971]

Tortures in Brazil Leak Out Despite Rebuff of OAS Probe

(By Dan Griffin)

The Government of Brazil has refused to let the Inter-American Commission on Human Rights, an organ of the Organization of American States, enter the country to investigate charges that political prisoners are being tortured there.

At the same time, new reports of torture continue to filter out of Brazil, where urban guerrillas have obtained the release of 130 prisoners held by the government in exchange for the safe return of four kidnaped foreign diplomats. And Brazil's Catholic bishops have said for the first time that torture does exist in Brazil.

The most recent report of tortures came from the Metropolitan Archbishop of Sao Paulo, the Most Rev. Paulo Evaristo Arns, described by one knowledgeable foreigner as "calm, balancer, highly respected and formerly skeptical" of torture charges.

In an official proclamation Feb. 4, which he ordered affixed to the doors of churches in his archdiocese, Archbishop Arns stated that he and a fellow prelate "personally verified" that a priest of his archdiocese and a woman social worker were "ignominously tortured" in the Sao Paulo State Department of Political and Social Order after they were arrested in late January on suspicion of subversion.

In a letter smuggled out of Brazil, a foreign missionary priest working in the Sao Paulo archdiocese said that the social worker had been "worked over sexually" by six men while she was in custody. The priest's letter added that there is "a systematic method of torture for all accused political prisoners."

Archbishop Arns said in his proclamation that the governor of the State of Sao Paulo had offered to allow the two prisoners to be examined by a physician chosen by the archbishop. The prelate added, "To date, however, they have not permitted us to carry out this measure."

NUN'S TORTURE CHARGE

Archbishop Arn's accusation is by no means the first to be issued by a Brazilian bishop. In July, 1969, Bishop Waldyr Calheiros of Volta Redonda, center of Brazil's steel industry, issued—together with 11 priests of his diocese—a letter charging that a labor leader had been tortured during an interrogation at a local military unit. Bishop Calheiros was charged with subversion as an agitator.

In November, 1969, Bishop Felicio da Cunha Vasconcelos of the diocese of Ribeirao Preto excommunicated two police officials for having tortured a jailed nun, Sister Maurina Borges da Silveira. Last August, the bishops and priests of the State of Maranhao charged that a young rural priest had been tortured for two days.

Other denunciations of torture have come from Archbishop Helder Camara of the Northeast's principal archdiocese, Olinda and Recife, and from Eugenio Cardinal de Araujo Sales, archbishop of Salvador and primate of Brazil.

A number of international groups have denounced torture of political prisoners in Brazil, among them the International Commission of Jurists, which said last July that torture appeared to be a systematic and scientifically developed practice of the Brazilian government. The jurists' commission—a nonpolitical organization having consulative status with the United Nations and the Council of Europe—has frequently criticized Communist countries and military dictatorships in its role of defending human rights and the rule of law.

The National Conference of Brazilian Bishops last month sent Bishops Calheiros and Arns letters of solidarity that reflected a change in attitude among some bishops who had previously been skeptical of the torture charges. The letter to Bishop Calheiros said: "Tortures, unfortunately, do exist in Brazil, and in many cases in the most shocking ways." The bishops' strongest language previous to this had been a condemnation of torture "wherever it occurs, either in Brazil or in any other nation."

A CAUTIOUS PROCESS

The Inter-American Commission on Human Rights does not act on the basis of published reports or denunciations issued to the world at large—not even those issued by bishops. Rather, it responds to complaints made directly to it by individuals or governments, and its response is painstaking, diplomatic and time-consuming.

According to Louis Reque, the executive secretary, the commission first received denunciations of the torture of Brazilian prisoners late last spring. On Oct. 26, Reque said, the commission took the next step in its procedure: It sent the Brazilian government what information it had gathered concerning the cases and requested further information. It also asked permission to send a commission member—Prof. Duward V. Sandifer of American University—to investigate the charges.

Reque said that the Brazilian government refused the request for an on-the-spot investigation in a letter dated Jan. 11 and signed by Foreign Minister Mario Gibson Barboza. However, Reque said, the Brazilian reply did furnish information about the cases the commission had asked about.

Sandifer—who has been designated "rapporteur" in the case—is now considering the charges and Brazil's answer and will report to the commission. If the commission concludes that there have been violations of human rights, it can recommend steps the Brazilian government can take to remedy the violations. If the government takes no such action within a reasonable time, the commission can report the case in its annual report to the Organization of American States next spring.

Meanwhile, other organizations, including the U.S. Catholic Conference and the Canadian Catholic Conference as well as nonreligious groups such as Amnesty International, continue to collect information on individual cases. One group—the Brazilian Information Front, made up largely of Brazilian exiles and headquarters in Algiers—has assembled a file of more than 120 cases.

The Front is a mixture of Christians and Marxists and includes some individuals who were prominent in Brazilian national life until the military takeover of April, 1964, or, in some cases, until the Brazilian Congress was closed in December, 1968. It cloaks itself in anonymity.

MANY ACADEMICS

Of the cases in the Front's dossier, nearly half the victims are students or teachers; most of the rest are in the professions—psychiatrists, lawyer, sociologists, a dentist, etc.—though there are a few laborers listed. The youngest is 18, the oldest 63, and the average age is slightly over 29.

Most of the cases were in the three most developed states of Brazil: Sao Paulo, Guanabara (Rio de Janeiro) and Minas Gerais; in most cases, a branch of the military service was involved. Here are two fairly typical cases:

Victim: Dolce de Souz Maia, actress, single, 30.

Circumstances of arrest: Taken prisoner in her home in Sao Paulo in January, 1969, accused of belonging to a subversive organization.

Place and date of torture: Sao Paulo Department of Political and Social Order. (No date given.)

Types of tortures: Violated several times in front of other prisoners. Electric shocks in the vagina.

Torturers: Police of the army.

Other important data: The victim was among those exchanged for the West German ambassador. The victim shows traces of mental disturbances.

Victim: Joel Jose de Carvalho, printer, 21.

Circumstances and date of arrest: May 23, 1969, in Sao Paulo, suspected of subversion.

Place and date of torture: Sao Paulo Department of Political and Social Order, on the same day as his arrest.

Type of torture: Electric shocks, principally on the genital organs; telephones (simultaneous blows on both ears); parrot's perch (being hung by wrists and knees from a pole); suffocation; kicks; beatings.

Torturers: (The dossier lists 10 names, adding, "and others.")

Responsible authorities: Gen. Vianna Moog, Gen. Canavarro Pereira.

Witnesses and sources of information: Reports of other prisoners.

Other data: Granted asylum in Chile in exchange for the ambassador of Switzerland.

MOST STILL IMPRISONED

Both of these cases involve individuals now outside Brazil, though most of the Front's cases conclude by indicating where the victim is imprisoned. A few are listed as being at liberty in Brazil.

The places where the tortures are said to have taken place were usually police or military headquarters, though a few cases mention the use of deserted cabins or the prisoners' own homes. In nearly every case, the prisoners had not been formally charged at the time of the tortures which seem to have been practiced as a means of interrogation.

Tortures listed most frequently are beatings, the "parrot's perch" and "telephones," stripping and sexual molestation, electrical shocks and being forced to watch the tortures of others.

The anonymity of the Front's operation may weaken its credibility; the same cannot be said for another detailed list of names, dates and places smuggled out of Rio's Ilha das Flores prison, for the 16 women prisoners who compiled the list signed it Dec. 8, 1969.

Brazil's government and its urban guerrillas seem to have arrived at an impasse. The government continues to arrest those it suspects of subversive activities, such as belonging to an armed revolutionary group. The guerrillas charging that their imprisoned comrades are being tortured, kidnap foreign diplomats to trade for prisoners.

When the OAS discussed measures to deal with diplomatic kidnapings, Brazil's government leads the faction that insists that these must not be considered as "an isolated problem but rather, in some cases, an end to a sequence." When the OAS Commission on Human Rights asks to be allowed to investigate the torture charges—which many observers regard as another part of the "sequence"—Brazil refuses.

The cycle seems destined to continue, beyond the 130 prisoners Brazil has released and the four diplomats the guerrillas have kidnaped, unless the government adopts the suggestion of one congressman: Send all political prisoners out of the country, depriving the guerrillas of their main excuse for kidnaping diplomats.

Letter From Ilha Grande Prison

This is a statement from the political prisoners incarcerated on Ilha Grande, an island off the coast of Brazil near Rio. Signed by Marco Antonio da Costa Maranhao on behalf of 30 other political prisoners there, it was written on the floor of a cell. One prisoner watched while another wrote. Every time a guard passed by, the paper had to be quickly hidden under a mattress.

Marco Antonio da Costa Maranhao was later released in exchange for the Swiss Ambassador and is now in Chile. The other 30 are still in jail.

To: The International Press
To: The International Commission of Human Rights
To: The free people of the world and all institutions that struggle for Justice and Freedom

Our voice rises from the entralls of the Brazilian dictatorship, hoping to tell you the true facts concerning the life of political prisoners of the Brazilian military regime to people all over the world.

Because we struggle to overcome the misery and exploitation that oppress the Brazilian people;

Because we struggle against the military regime that implanted terror all throughout the country since 1964.

Because we struggle against the anti-national and anti-popular policy of the tyrants, we were thrown in jail.

We live desperate hours jailed in this island-prison, about 20 miles off the coastline. The growing process of destruction to which we are subjected in this prison clearly reflects the policy of individual annihilation by the penitentiary system of the Brazilian dictatorship. With higher or lower intensity, this is happening in prisons all over Brazil, generating a morale of despair.

We are confined in cells 10 feet long and 13 feet wide for 23 hours a day, being allowed only one hour in the open air when there is sunshine. All night long lights are kept on, causing nervous strain. More aggravating, is the fact that we have to live in groups of three in each of these small cells.

Our relatives, who are allowed to pay us a visit once a month, are subjected to grievous hardships in order to see us. Means of transportation are made difficult for them to get to the prison. They have to travel in old boats and in the back of old trucks. As if that were not enough, they are charged high prices (Cr$10.00 and Cr$20.00) for the transportation. They go through all these sacrifices for a visit of only two hours. All this is done to hinder us from any contact with our relatives.

We live segregated from the world, from our relatives and our friends, feeling that alienation, along with loneliness, will lead to our degradation and mutilation as human beings.

Alleging censure, our jailers forbid any access to culture. We are not allowed to work. Inactivity, coupled with isolation and constant terror, have generated psychic disturbances in many of our fellow-prisoners.

The director of this prison, Captain Sebastiao Calheiros, is a professional torturer who is responsible for a continuous policy of terror with the help and assistance of such abnormal guards as Adilson and Ezequiel. We are constantly subjected to provocation and, for little or no reason, are thrown into solitary confinement—dark, humid, unhealthy cells where we are kept for months. We find it imperative to mention the names of some of our cell-mates who have been subjected to this inhuman treatment: Sebastiao Medeiros Filho, Nelson Eleuterio, Aluisio Ferreira Palmer, Sebastiao, Cornelio—these last three went mad.

We know that, by bringing to the public our tragic plight, we may be subjected to all kinds of violence by the Brazilian dictatorship. Nevertheless, the desperate living conditions we are submitted to at this moment give us little choice: either we passively accept the growing process of annihilation we are subjected to, or, while our strength is not yet thoroughly exhausted, we will raise our voices and tear the deceitful cloak of the Brazilian fascist regime and bring truth to light.

This kind of life in jail is a lengthening of the tortures applied to the political prisoners during the time of interrogation by the police offices of the dictatorship—CODI (Coordination for Internal Defense), CENIMAR (Navy Information Center), OBAN (Operacao Bandeirantes), PE (Military Police) and others. The "parrot's perch" (pau-de-arara), simulated drowning, electric shocks and many other methods used during the time of interrogation are now replaced by isolation, provocation, threats of shooting and beatings.

Would it be too much to ask for us to be removed from this island? Would it be too much to ask for us to have a regular relationship with our relatives, friends and fellows? Would it be too much to ask for the Declaration of Human Rights to be enforced?

The only weapons we have against terror, against torture is protest, denouncement. To protest, to denounce, we went on a hunger strike against terror, against torture and for human living conditions.

We ask for an international commission to visit this prison and to find out the truth of the facts we are now bringing to light.

We ask the world to listen to us and to make us heard.

Marco Antonio da Costa,
Maranhao.

[From the Washington Post, Apr. 4, 1971]

Brazil Congress a Rubber Stamp

(By Brady Tyson)

Every four years since the dictator Getulio Vargas was overthrown in 1945, a new Brazilian Congress has been inaugurated, surrounded by the colorful and dignified ceremonies befitting Latin America's largest nation. This has continued despite the Brazilian army's coup d'etat of 1964, when it deposed President Joao Goulart during a period of intense economic and political instability, conjuring images of a possible Communist coup if the army did not intervene.

Last Wednesday in its impressive modern buildings in Brasilia, the Brazilian Congress began the work of its seventh session. The date—March 31—is ironic, because that is the date seven years ago when the army seized power, because a majority of congressional members in 1964 were probably supporters of the coup, and many of them have since been purged by the army, and because the dignity and pomp surrounding the opening of the new session now constitute a mockery of the impotence of Congress in the national political system.

Amaury Kruel, retired army marshal, was not present for the ceremony. Twice during his army career he was the critical man in overthrowing Joao Goulart: first, in 1954, when Goulart was Minister of Labor; then, in 1964, when his support of the military-civilian dissidents assured the coup's success. But, disillusioned by the authoritarianism and continued army control. Kruel retired from the military and was elected to Congress in 1966 as a member of the opposition MDB party. He refused to run for reelection in 1970, however, saying that "the national Congress has been castrated in its power to make decisions." Of his ex-colleagues, the generals who run Brazil today, he declared: "They always talk about democracy, but they don't practice it."

POWER IS A MEMORY

During the period of its greatest power and influence—1946 to 1964—the powers of the Brazilian Congress were roughly equal to those of the U.S. Congress. It had the power to initiate and enact legislation (subject only to constitutional limitations), to override presidential vetoes, and to appropriate all funds and enact all tax measures. Moreover, Congress could request information from cabinet ministers, initiate and conduct impeachment proceedings, and establish special investigative commissions with sweeping investigative powers. Beyond this, Congress also had the power to call itself back into special session, and the president could not dissolve or recess congressional sessions.

Before 1964, Congress provided an open forum where all opinions and interests could be voiced, often in tumultuous debate. The tensions and changes precipitated by modernization were reflected in the widely diverse opinions and political groups present in Congress. There were always at least six to eight political parties represented, but even party positions splintered on numerous issues, and every member was free to vote his conscience or his interests.

The facade of representative democracy remains, as symbolized by the Congress, but its powers and prestige have been reduced to the vanishing point. What remains today is a docile and impotent Congress, meeting at the pleasure of the president and the army high command, attending to whatever details might be handed to it, meekly ratifying major decisions (when asked to) already made by the generals. Since 1964 the Congress has been deprived of most of its constitutional powers, and a supplementary system of repression and intimidation has developed to practically eliminate the pre-coup kind of congressional behavior.

Congressional powers were drastically reduced by the army-dictated constitution of 1967, amended by presidential decree and restricted even more in December, 1968. Under the new constitution of 1969. Congress can initiate no law that deals, in the opinion of the president, with national security or financial matters. The national budget is the responsibility of the president, and any amendments or changes in it must be approved by him. The investigative powers of Congress have been severely circumscribed, and, in the words of a recent Brazilian magazine commentator, "there is no reason to suppose that it can exercise this function" with all its political powers effectively denied it.

The constitutional powers once vested in Congress are now largely assumed by the president, and the national legislature has nothing more than "concessions of the executive power," as the same commentator noted. The president can recess Congress, and make it nearly impossible for Congress to convene itself.

In periods when Congress is in recess, the president can legislate by decree. Even when Congress is in session, the president has preemptive power to legislate by decree on national security and financial matters, and, in fact, on any other matter he so chooses.

Three times since March 31, 1964, the Brazilian army has given the president-general discretionary powers to "cassate" elected officials (strip them of their elected positions) and suspend for 10 years the political rights of any Brazilian citizen. Twice these powers were allowed to lapse, but they were reinstituted in December, 1968, and there is no evidence that the present regime intends to divest itself of this power.

The threat of cassation is an ominous weapon, for it can be used against any congressman who is critical of the government or who gains too much popularity. Indeed, to stifle criticism, the government, since 1964, has stripped nearly 200 congressmen of their elected offices and political rights. Moreover, the decision to cassate cannot be appealed in any court, and the government need not (and usually does not) explain its reasons in any detail. Some of those ousted have been jailed and tortured, and others, to escape possible torture or death, have fled into exile.

Even though nominally free elections are still allowed, strict and rigid controls are maintained. For instance, all congressional candidates undergo a securtiy check by the Brazilian army, which can reject the candidacy of anyone it considers subversive or a strong critic. Again, there is no appeal, and no explanation given.

The power of the government in controlling elections was made manifest in the 1970 congressional campaigns, which began in September. Each party was given equal time on the major television networks, but the lack of funds for technical assistance on TV programs, "technical difficulties" which interrupted the speeches of opposition party candidates and censorship by the army of any criticism of the government all cut into the effectiveness of the campaign of the opposition party.

Two weeks before the November elections, President Emilio Garrastazu Medici announced that he did not intend to renounce the "exceptional" powers given him by Institutional Act Number 5, including the power to suspend the political rights of any Brazilian citizen. The next day a series of arrests of persons suspected of "subversion" (many of them opposition party leaders, including some candidates) commenced. Over 2,000 persons were arrested throughout the country, and at least half of the arrests would have to be classified as political. It was in this atmosphere that the Brazilian electorate went to the polls on Nov. 15.

The elections were hailed by the government as proof of the popularity of the regime, for its party (ARENA) won a lopsided majority, with 223 of the 310 deputies (members of the lower house) and 59 of 66 senators. What the government did not mention, in addition to the intimidation and controls of the campaign, is that almost half the registered electorate refused to vote (despite legal obligations requiring it to do so), and that many who voted (to escape penalties) did so by casting blank ballots with antigovernment phrases scrawled across them. The apathy of the voters produced the first reversal in Brazil's previous record of expanding the percentage of its population voting in each successive national election.

EN BLOC VOTING

The defection from the government line by many members of the government party in December, 1968, increased the already profound district by the army of all political parties, and its contempt for the lack of "discipline" that allowed each member of Congress to vote his own conscience or interests.

The Congress was closed, and before it was allowed to reopen (solely to confirm the army's choice of the successor to the stricken Arturo Costa e Silva) in late 1969, new legislation was decreed that specified that every member of a party must vote the party line as decided by the executive committee of that party. Indeed, the floor leader of he party was given the power to "vote" his party's total votes. Failure to vote the directed way would result in automatic expulsion from the party and consequent loss of the position as a member of Congress.

In January of this year, the members of the government party awaited impatiently the "nomination" by President Medici of the presidents of both houses of Congress and the leaders of the government party in the Congress. Dutifully accepted by the party, this means that the president has handpicked his own men for the executive committee which controls the majority vote of the government party in Congress.

It has taken only six years for the Brazilian army to reduce the Congress from its once significant role to that of a seldom-used rubber stamp. Even though it seized power ostensibly to protect democracy, and promised to return the country to civilian rule after "purifying" the political institutions, from the beginning the actions of the army have indicated another trend.

Only a few days after President Joao Goulart fled the country (and before Gen. Humberto Castelo Branco was named president), the Revolutionary High Command (the ministers of the three armed forces—all generals or admirals) suspended the political rights and cassated the mandates of Goulart's major supporters in Congress.

Before that purged Congress, the Minister of War, Gen. Costa e Silva (who became the second military president in 1967 when Castelo Branco's term expired) said on April 10, 1964: "Let it be very clear, we are not seeking legitimation (of the 'revolution') by the Congress, we are legitimating it (the Congress)!" Perfunctorily, the purged Congress speedily ratified the army's "nominee" for president, Gen. Castelo Branco.

When government candidates for governor were defeated in two major states in 1966, the army retaliated against its congressional critics. Under his powers of cassation, President Castelo Branco canceled the mandates of some key members of Congress. Dr. Doutel de Andrade (leader of the opposition party in Congress) and Dr. Adauto Luis Caroso (the equivalent of the Speaker of the House and a member of the government party), along with 150 members of Congress, protested the government's action and defiantly camped out in Congress for three days. The army surrounded the Congress buildings, finally cut off water and electricity and drove the congressmen out.

This crisis resolved, the newly purged Congress, watched over closely by the army, was ordered to consider a new constitution. Congressional effort to amend the document significantly was rejected by the president and it was reluctantly approved by the Congress and went into effect March 15, 1967. The period of "normality" thereafter lasted until Institutional Act Number 5 of December, 1968, which closed the Congress, suspended the constitution and gave the president the right to rule by decree. This latter act was brought about by the defiance by some members of the government's own party of the army's demand that Congress strip a federal deputy of his congressional immunity.

Having now experienced three major purges, its constitutional powers nearly eliminated and "party loyalty" laws imposed, Congress was allowed to reopen in March, 1970. During that session, the president sent it complex but not vital pieces of legislation to deliberate and perfect.

The army officers of Brazil tend to view the Congress as an enemy of "true democracy," as a preserve of "economic interests," as the natural habitat of demagogic politicians and as a stronghold of corruption and inefficiency. Endless debate, constant changes in party allegiances, gales of high-blown rhetoric, inability to set and keep a schedule—all these congressional antics offended the army in earlier years.

Congress, as well as Goulart, was blamed for Brazil's economic and political instability prior to the 1964 coup. Marshal Cordeiro de Farias, one of the 1964 coup generals, later stated that "until 1964 the government sent (the Congress) its proposals, and that they were neither accepted nor rejected, but simply forgotten. Now it is necessary that we have a Congress with more harmony than independence."

"YES" AND "YES, SIR"

In short, the army wants a Congress that is like the army—following strong leadership quickly and efficiently, with basic decisions made at the top and a minimum of public discussion. (One of the leaders of the government party commented publicly last year that the optimum situation for Brazil, in his opinion, would be when there was no political news at all for the newspapers to print.) The army is content with the present impotent Congress and sees little reason to change it, or to try to enlarge or make more effective the two artificial parties now allowed. (They are popularly called the party of "Yes, Sir!" for the government party and "Yes!" for the opposition party.)

The political decisions of contemporary Brazil are thus made in a small circle of army generals plus perhaps some few who have access to them. The government is an "administrative state," with a few decorative appendages like the Congress and the court system. It is the army high command which makes the crisis and succession decisions, and the president (always a retired general), armed with his decree and cassation powers, who sets the policies and runs the nation on a day-by-day basis.

No timetable has been set, or even more than mentioned, for the return to civilian rule and effective representative institutions. The once bright promise of an increasingly broader-based Brazilian democracy has been replaced by a tendency toward a neocorporatist, Portuguese-style permanent tutelary dictatorship, guaranteed by the army. Army officers who might have favored a different approach have, since 1964, either been dismissed, involuntarily retired or have learned to conform.

JUST A FACADE

The inherently skeptical "Carioca" (as natives of Rio de Janeiro are called) is not surprised by the hypocrisy of this form of representative institutions without substance. He explains that the Congress, the elections, the courts and even the much-ignored constitution are really meaningless in domestic politics, and that all this apparatus has been maintained "for Americans to see." The Brazilian army feels the need of reassuring American businessmen, diplomats and military personnel that the system of repression and intimidation is "really" only temporary and necessary because of the threat of "Communist subversion." But there are other reasons as well for keeping the facade.

Brazilians have always prided themselves on being a tolerant and egalitarian people who avoid violence and confrontation, unlike their hot-blooded Spanish-American neighbors. Brazil has a tradition of long friendship with the United States and has fancied itself as the potential "big democratic brother" of the southern half of the hemisphere, cooperating with the big, Anglo-Saxon democratic brother north of the Rio Grande. It is hard for even the most authoritarian Brazilian generals to admit that the new, dictatorial vocation of the Brazilian army may well be a long-term one. Therefore, the facade is kept not only for Americans to see, but for Brazilians (generals included) to see, as well.

In the meantime, unlike the old days before 1964, the galleries in the Congress buildings are empty (or nearly so). The last time they were full was when Queen Elizabeth visited Brazil in the fall of 1968. Even the guards at the gallery entrances have been removed; they no longer have a function.

[From the Washington Post, Apr. 5, 1970]

BRAZIL TWISTS THUMBSCREWS: BRAZIL JUNTA REPRESSION STIFLES THE OPPOSITION

(By Brady Tyson)

It is now just over six years since the military coup that placed the Brazilian army in control of that nation's government. What was probably intended by most of its instigators as a relatively brief extralegal intervention in the country's political process and a temporary suspension of normal constitutional rights and procedures has now stretched out far longer than any previous similar intervention. And the majority of both friends and foes of the military regime agree that the end of army rule in Brazil is not in sight.

Three successive Brazilian army generals have assumed the presidency, each expressing the hope of restoring political freedom as soon as the process of purifying Brazilian political life of "communism, corruption and chaos" has been completed. But each of them has been led by the internal dynamics of army politics and military political ideology to adopt successively more stringent and repressive political measures until Brazil today resembles the harshness and insensitivity of the Greek military dictatorship.

Since the army seized power in 1964, physical force and torture have been used against political prisoners, either to force information or confessions or for purposes of intimidation and punishment. But what began as an unplanned and sporadic series of cases that might be described as "police brutality" has now become, according to the report of two French lawyers who visited Brazil in early March, a truly organized system used as a means of political repression. It is a system that has become general, with the participation of higher echelon officers and often even the presence of medical doctors in attendance who are attached to the police or to the armed services.

The Brazilian people are surely one of the most tolerant and amiable peoples in Latin America, with a reputation for nonviolence in politics. What are the factors that have produced an apparently durable and inflexible military dictatorship that is increasingly using torture as a systematic tool of repression? What have been the results of the policies of repression on Brazilian political life, and what has been the impact on the Brazilian people?

Immediately after the military coup of 1964, thousands of people of all professions and classes were arrested, and some of these suffered various types of mistreatment and torture. In the first months, relatively few cases were reported.

During the first two years of the regime of President Humberto Castello Branco—after the first wave of repression had passed—many political factions were allowed to operate openly, if impotently, and this provided a channel through which tortures could be denounced. Likewise, the press remained largely free, and in this sense the government was under some restraints, and torture of political prisoners did not become common.

There was one notable exception, however, that demonstrated the pattern that was to be followed very often in the future when the army encountered stubborn opposition. In the state of Goias in late 1964, in a struggle to discredit and remove from office the governor of the State, Mauro Borges (who had been one of the original supporters of the military takeover earlier that year, and was himself an army officer), the army investigators "discovered" a "Polish spy ring." The tortures used by the police and army investigators in this case were subsequently publicized widely in the Brazilian press, with pictures and statements from those who had been tortured.

As a result of the indignation thus aroused, the federal government named a prominent general to visit the army posts of the country. The only public announcement made was that the inspection team found nothing abnormal, thus setting very early a pattern that has persisted: the government has refused to acknowledge or seriously to investigate the charges of torture, and to punish those responsible.

During 1965 Brazil was fairly tranquil, and violence against political prisoners diminished although President Castello Branco assumed greater powers to cancel out the effect of opposition victories in some state elections.

After General Artur Costa e Silva was elected president at the end of 1966 by a rubber-stamp Congress that had been purged of the most effective opposition leaders, prospective civilian candidates for the announced presidential elections of 1970 began to appear. A mild form of protest politics, against inflation principally, emerged in the major cities.

The lid was tightened when the government, to placate a group of hard-line air force officers, announced a ban on mass demonstrations against its policies. The opposition was thus forced into cowed silence or clandestine activity.

By 1967, the government had secret police and paid informers sitting in the classrooms of university professors, and efforts were begun to destroy the national students' union. And in prisons, a serious of ingenious forms of torture became more common.

A TURNING POINT

In the spring of 1969, a student was killed in a scuffle with military police in a student restaurant, marking the first such public use of violence against unarmed students who had begun a peaceful demonstration. Angered students took to the streets, with labor union and popular support that surprised the army. For the first time in memory, Brazilian soldiers were stoned and booed as they dispersed the demonstrators.

On April 4, 1968, a mass celebrated for the dead youth, Edson Luis, led to a protest march by his fellow students. Mounted military police rode into the marching students. Serious bloodshed was avoided when the Roman Catholic bishop and his priests locked arms and placed themselves between police and students. But the deep alienation between the army officer corps and the civilian population, especially the students, was now in the open for all to see.

The army officers were bitter and resentful, which led to a mood demanding an end to half-measures in dealing with what they saw as the nation's social and political ills. An agreement evolved among them that, to bring about a cure, "the patient must be held still" through political repression.

In September 1968, a five-minute speech by an opposition Federal Deputy in the National Congress, Dr. Marcio Moreira Alves, calling on the Brazilian people to ignore the army parades on Brazilian Independence Day (Sept. 17) because the army was harboring torturers, was sufficient to provoke the army into the next step towards open and systematic repression.

The military high command demanded that Congress strip Dr. Alves of his congressional immunity so he could be tried by a military court for defaming the name of the army. The crisis was put on ice until after the visit of the Queen of England, but in early December the Congress, in a surprising vote, refused to take away the legislator's immunity. The army acted swiftly, and on Dec. 13, 1968 a new "Institutional Act," closing Congress and giving almost limitless discretionary power to the president, was proclaimed by the ministers of the three armed forces.

MASSIVE PURGE

In a new wave of political repression many of the leaders of the official opposition party were stripped of their offices and political rights, as also were many members of the official government party who had dared to vote with the opposition in the key test. Thousands of federal and state employees suspected of being subversive or of sympathy with the subversives, were summarily fired, with no right of appeal. There was a new wave of arrests. The press was intimidated, and in the new situation there was virtually no way to denounce the tortures and abuses of the police power. The courts were subject to new limitations, and were thoroughly intimidated. And the tortures began to increase.

Students, dissenting soldiers, labor organizers, professionals, young priests and others became more and more attracted or driven to underground political and protest activity, and they began to organize clandestine groups dedicated to overthrowing the military dictatorship. The first task set was to win the confidence of the Brazilian people, and to undermine the authority of the military regime. There was some talk of guerrilla warfare, but very little physical violence has been practiced by the Brazilian underground to date. The movement began to rob banks to finance itself, and has staged a few dramatic incidents, such as the kidnapping of the U.S. Ambassador in September 1969, and of the Japanese Consul General in Sao Paulo last March, to dramatize the plight of the political prisoners.

By early 1969 the Brazilian government was aware that a significant amount of torture was going on in various prisons and army barracks, but it has consistently refused to name courts of inquiry, probably for fear that such inquiries would encourage the underground groups and paralyze the repressive work of the police and the army by destroying their morale.

The go-it-alone attitude of 20 or so competing federal agencies combating "subversive activities" began to show ugly tendencies again. The "Squadron of Death," composed of police from several important Brazilian states, began as early as 1967 to murder some common criminals without bothering to arrest them. It is believed that more than 200 criminals were killed this way during the high-point of this activity in 1968, even in the face of protests in the press. Again, the government maintained an official silence, and no one has been publicly charged or punished for these acts.

THE SITUATION TODAY

Recent reports from Brazil—furnished by the Brazilian underground and therefore still needing verification from independent sources—tell of a demonstration of various methods of torture used on five live prisoners for the benefit of 100 policemen in training. Names of the police instructors and the prisoners are given, the time is set as October 1969, and the place as Belo Horizonte. Other reports list many cases, giving names of the tortured and sometimes of the torturers, and describing in detail the tortures suffered. The number of people imprisoned probably reached an alltime high in December of last year, and though there is apparently a small drop in the total number of prisoners, the tempo of torture appears to be increasing.

In November 1969 the Minister of Justice of Brazil told journalists that "violence is against the law in Brazil." He continued by stating that the President of Brazil—by this time General Garraztazu Medici had been named by Congress to assume the place of the ailing Costa e Silva—had directed that all federal agencies dealing with internal security should review and revise, if necessary, their methods of repression and put an end to the use of all physical violence against political prisoners.

The national press, taking advantage of this opening, applauded the official statement and published reports of numerous cases of torture. A few days later the Minister of the Air Force said at a press luncheon that members of the opposition to the government were criminals and would be treated as such. The press ceased from that moment any further attempt to publicize the cases of torture.

No one, probably including the Brazilian government, has really accurate statistics on political persecution and torture in Brazil since 1964. But the following figures—pieced together from Brazilian exiles, sources in Brazil, newspapers and magazines in Latin America and Europe, and U.S. academics who have done research in this area—constitute a conservative consensus:

Political arrests since 1964—30,000.

Political prisoners today—10,000 (of which about two-thirds have not been formally charged).

Prisoners beaten and mutilated—3,000 to 5,000.

Prisoners tortured systematically—500 to 800.

Prisoners who died from torture—25 to 100.

Political exiles—1,200 to 1,800 (mostly in Uruguay, Chile, France and Mexico, small groups in U.S., Cuba and Algeria).

Persons deprived of political rights—4,300 (includes three ex-presidents, about 20 ex-governors, 190 legislators and at least 2,000 civil servants).

Even if the above estimates were cut in half, the army would still be the initiator of far more violence than the underground.

NEW METHOD

In its frustration, the clandestine political opposition in Brazil has turned recently to the much-publicized kidnapings of diplomats, who are held as hostages for the liberation of imprisoned members of the underground. The current wave of kidnappings of foreign diplomats in Latin America must be seen largely in this context.

But the kidnapings are more evidences of the military weakness of the underground than of its strength, and contribute little to its campaigns to overthrow the governments of Brazil, Guatemala, Argentina or the Dominican Republic.

There is, indeed, no recourse, to courts; the press and public protest are largely silenced, and outside Brazil, international organizations such as the United Nations and the Organization of American States have ignored the problem. Only in Western Europe has the situation received any appreciable publicity.

Of the five prisoners released in Mexico City on March 15, four claimed to have been tortured, and one of the four showed signs of weakness and infirmity. One of the four who claims to have been tortured is a Catholic mother superior of an orphanage, who also claims to have been innocent of the charges leveled against her. Shortly after her arrest the archbishop of the city where she was being held excommunicated the police chief because of the alleged tortures.

The dissidents in Brazilian society have suffered repeated shocks as each new repressive feature was revealed or announced. I happened to be in Brazil last September when the government (inspired by the military high command) announced in the wake of the kidnapping of the U.S. ambassador and subsequent events, the institution of the death penalty. Brazil had long prided itself upon the civilized virtue of having no death penalty, and this new evidence of the hardness of the Brazilian army shocked even the Brazilian left, even as late as September 1969.

The tortures and persecutions have produced an atmosphere of suspicion, despair and listlessness among great sectors of educated Brazilians. (That 50 per cent of Braizil that is still functionally illiterate has lived in despair for centuries.) Brazilian university students are especially bitter.

"We have no friends or allies anywhere in the world," one Brazilian student told me during a visit there a few weeks ago. "We stand for justice for all our people, freedom for all our people, against imperialism and military dictatorship. The Russians do nothing for us. The Chinese ignore us. Fidel just makes propaganda. The American government helps the military dictatorship. American students and professors have no sense of solidarity with us. Our own professors have either run away or accommodated themselves. Our parents don't understand us and are afraid. We stand alone."

CHURCH OPPOSITION

A significant portion of the Catholic clergy, including some Bishops and some of the laity, has tried during the past 20 years to create a church more responsive and more helpful to the needs of the socio-economically depressed classes of Brazil. Some of the Church's leaders and organizations have become the symbols and focus of visible opposition to the policies of the new government. The Vatican has been concerned with the persecutions of the Church, and has been careful to avoid over-identification with the military government.

Rather than risk solidifying national and world public opinion on the side of the church by attacking it directly, the Brazilian government has evidently decided that a war of attrition against the progressive elements of the church is a sounder policy. Occasionally, as in the case of the kidnap-slaying of young Father Henrique Pereira Neto last May in Recife, rightist paralegal groups exercise their intimidation outside the jails and police stations. A few priests have gone into the clandestine life of the underground, and many of the students there are products of the Catholic student movement. There are also at least several Brazilian priests in jail today, and the tension between the government and certain sectors of the church remains high.

Will the Brazilian army continue to tighten its control by increasing political repression and the torture of political prisoners? The frustrations of trying to govern a large nation (the fifth largest by population in the world and one of the fastest growing), deeply divided between the rich and the poor, with a restless people awakening from centuries of deprivation to the possibilities of a better life, are enough to tax any government.

The Brazilian army has shown itself either insensitive to or irritated by all criticism from outside its own ranks. It has tended during the past six years to isolate itself even more from the people it rules, and to become more resentful of the skepticism of civilians. Indeed, there is a growing "anti-civilian" mentality among Brazilian army officers that makes one wonder if they ever intended to turn the country back to constitutional rule.

Neither the criticism and opposition, nor the difficulty of the problems is likely to diminish in the future. And there seems to be little likelihood that the Brazilian army will change its pattern of reaction.

So far only Pope Paul on the international scene has expressed concern over the tortures and persecutions in Brazil, and he rather timidly. The U.S. government remains essentially committed to the Brazilian government's policy of "stability" as the road to progress and so far it too shows no sign of moving away from the status quo.

EXCERPTS FROM SENATE FOREIGN RELATIONS COMMITTEE HEARINGS

REPORT OF INTERNATIONAL COMMISSION OF JURISTS

Mr. HOLT. Are you familiar with the report of the International Commission of Jurists of last summer about the situation in Brazil?

General BEATTY. No.

Mr. HOLT. Let me read you an excerpt from it and ask for your comment:

Since the second military coup of 1968 the Brazilian government has adopted the policy of subversive war. Brazilian officers have learned such methods from American experts and theoreticians whom they meet in great number either in their own military schools in Brazil or during regular training courses in the Panama Canal Zone.

General BEATTY. What was the first allegation there?

Mr. HOLT. Since the——

General BEATTY. What is it we are supposed to be teaching them; subversion?

Mr. HOLT (reading).

Since the second military coup of 1968 the Brazilian government has adopted the policy of subversive war. Brazilian officers have learned such methods from American experts and theoreticians whom they meet in great number either in their own military schools in Brazil or during regular training courses in the Panama Canal Zone.

General BEATTY. Negative.

Mr. HOLT. You are not aware of any American experts or theoreticians that Brazilian officers have learned subversive war methods from?

General BEATTY. Negative; none.

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PURCHASING OF MILITARY AND POLICE EQUIPMENT

Mr. HOLT. Going back for a moment to military sales, leaving aside the more publicized items such as F-4's and that kind of thing, how frequently do you decline to make military sales to Brazil?

General BEATTY. As often as we don't have a ceiling to permit them or when we can't make arrangements.

Mr. HOLT. Do they make all their military purchases through you or for some items do they go through normal commercial channels through their mission in Washington or their consulates?

General BEATTY. They are free to go any way they want to. They have been coming through me since I have been there and I think this has been the pattern before.

Mr. HOLT. To what extent, if at all, through your group, has the United States sold the Brazilian Armed Forces such items as we were talking about this morning of tear gas, riot control equipment, police-type weapons?

General BEATTY. I don't know of any that we have sold, Mr. Holt. I would have to check the actual sales to determine this for sure.

Mr. HOLT. Would you do that for the record because I think the record ought to show it.

General BEATTY. None have been sold since I have been there, and based on the limited sales we have made in recent years I would suspect none.

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NUMBER OF POLITICAL PRISONERS

Mr. ROUNTREE. Senator, may I make one addition to the record?

Senator CHURCH. Yes.

Mr. ROUNTREE. Because I was interrupted at the point by Senator PELL, and it left me high and dry. I just mentioned I was talking about the 12,000 political prisoners allegedly having been, being held in Brazil and I wanted to from that point and say that the Brazilian Government has stated that the number was less than 500 and this figure has been accepted as accurate by Brazilians who were released under exchanges for kidnapped ambassadors.

Senator CHURCH. Is there anything else you would like to add to what you have said, Mr. Ambassador?

Mr. ROUNTREE. I think not, Senator.

Senator CHURCH. I want to thank you very much for your coming and for your answers and testimony this afternoon.

Mr. HOLT. Mr. Chairman, I think, if you will permit me, we need to clarify this matter of the number of political prisoners a little bit more. I think both the 12,000 figure you mentioned, which came from the

International Commission of Jurists, if I remember correctly, and the 500 figure which the Brazilian Government mentioned, referred to political prisoners being held at a particular time, and there is a distinction to be made between that and the number of people who might have been or who have been arrested and held for varying periods of time and subsequently released since 1964 or 1968 or whatever time.

Mr. ROUNTREE. I understand.

Mr. HOLT. Would you have an estimate of the total number of people who have been arrested on political charges since 1968 or 1964 and subsequently released after varying periods of time?

Mr. ROUNTREE. No. I think the record should clearly indicate that I do not know the accuracy of either figure or what figure would be correct. I might add that the Government of Brazil maintained that the 500 figure they stated represents not political prisoners but people arrested for acts of terrorism and so forth. In other words, crimes rather than political prisoners as such.

Senator CHURCH. Do you believe there are no political prisoners presently held in the jails of Brazil, as we would define a political prisoner?

Mr. ROUNTREE. I have no way of knowing in precise detail.

Senator CHURCH. You have no way of knowing. All right, Mr. Ambassador, thank you.

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PROJECTS CRITICIZED BY GAO

Mr. HOLT. Thank you.

In a report from the General Accounting Office in 1968 GAO was critical of a number of AID major capital projects and in the response to GAO, AID commented on the political and economic situation in Brazil and informed GAO that normal AID criteria and procedures had had to be relaxed somewhat because of overriding U.S. political considerations. What were those overriding U.S. political considerations?

Mr. ELLIS. Well, if my memory is correct the last of those loans was made in 1964, maybe one in early 1965. Most of them were made in the last few months of the Goulart government or perhaps in the first few months of the new government but had been under negotiation previously. They were an attempt, they were part of a deliberate strategy, to support State governors or regional institutions which were ready to cooperate with the United States in the development of their states or institutions under the Alliance for Progress, and which we thought might be personalities or states [deleted].

Examples are the state of [deleted] where [deleted] was governor at the time; the state of [deleted] where [deleted] was governor. [Deleted.] But with respect to the projects, there were 11 or 12, as I recall, 11. Nine of them are operating satisfactorily or better; some of them turned out to be excellent projects.

Two of them are still in trouble. The worst of the 11 is the synthetic rubber plant in Recife.

Our share of that project was 10 percent. It was $3.4 million of a $30 odd million project. The loan is not in default. It is being paid, and from the standpoint of AID management it was not a major disaster. I am not condoning the fact that it is a bad synthetic rubber plant only mentioned that AID had a relatively small piece of it.

The other bad project, or project in difficulty, is in the state of Mato Grosso, among the largest and poorest and most remote areas. Power distribution over long distances involves very high unit costs. In the poor areas it is extremely difficult to impose a rate structure on rural or semi-rural clients that would amortize that loan. But from the standpoint of the development of the state it is probably a very important project. It is in default now, although AID is being paid by the guarantor.

Mr. HOLT. There are, I have a number of questions here——

Senator CHURCH. I just want to comment here that I think your answer was given most candidly, and [deleted]. I don't know of any country that has undertaken to spread so much money in such a profligate way in so many foreign lands [deleted] as has the United States. No wonder so many people have come to the conclusion that we are the most imperialistic nation in the world today. I think this has the enormous potential for backfiring.

SECURITY ASSISTANCE

General BEATTY. It depends on how you define advice, Pat, because from the standpoint——

Mr. HOLT. Well, advice, counsel was Secretary Meyer's word.

General BEATTY. Yes.

Mr. HOLT. Or what are you doing in the words of the Defense Department to assist them to counter the threat.

General BEATTY. In all of this training, of course, there are things that are done which assist them to make their units more responsive, more mobile, more capable; and as more capable military forces they are therefore useful to them in handling this problem. But from the standpoint of my advising the Brazilian military on how to take care of their internal threat they simply don't ask how I would do it, and I don't offer to tell them.

Senator CHURCH. I would like to just follow up. That makes a great deal of sense to me, that is how I would have expected it to be, and I appreciate your frankness, because we are trying to get at the basic facts here.

What you are really doing then, General, is furnishing training most of which takes place in the United States or in Panama——

General BEATTY. Right.

Senator CHURCH (continuing). To upgrade the professional standards of the military as we might upgrade our own standards, that is in accordance with our own concept of a well-trained and operated professional military force.

General BEATTY. Right.

Senator CHURCH. All right.

Mr. HOLT. But to follow up what Senator Church was saying, after they have received this training what they do with it is quite outside your area of concern.

General BEATTY. Yes.

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SUBJECTS COVERED IN TRAINING COURSES

Mr. HOLT. I think at this point, Mr. Chairman, it might be well to put in the record some of the points which are covered in some of the training courses which Brazilians receive in the United States. These come from a number of course outlines which were submitted to the subcommittee by the Defense Department and in case we are misinterpreting what is involved here it would be well for General Beatty or the Defense Department to comment or otherwise elaborate on it.

Some of the topics that come from these course outlines deal with censorship, checkpoint systems, chemical and biological operations, briefings on the CIA, civic action and civil affairs, clandestine operations, communism and democracy, cordon and search operations, counterguerrilla operations, cryptography, defoliation, dissent in the United States, electronic intelligence, electronic warfare and countermeasures, the use of informants, insurgency intelligence, counterintelligence, subversion, countersubversion, espionage, counterespionage, interrogation of prisoners and suspects, handling mass rallies and meetings, nuclear weapons effects, intelligence photography, polygraphs, populace and resources control, psychological operations, raids and searches, riots, special warfare, surveillance, terror, and undercover operations.

Do you have any comment on this, either now or later?

General BEATTY. No, I think those are all subjects in some and probably a number of intelligence courses, differing ones, depending on the level. I think the senior officer courses have some things and the NCO courses have others but I would have to look at it, you have been looking at it so I assume they are subjects in the courses but they sound like they would be.

Mr. HOLT. And you don't know to what use the Brazilians put this training after they have gotten it?

General BEATTY. No. The men usually wind up being intelligence instructors in one of their schools. That is what they usually do.

Senator CHURCH. General, is there a heavy emphasis on military intelligence in your training courses?

General BEATTY. No, sir; no more than any other. They are interested in intelligence as any military group would be but I don't see that there is any overemphasis or great emphasis even. They are interested in it. They are also interested in how to fire artillery pieces, too.

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DIFFERENCE BETWEEN JOINT BRAZIL-UNITED STATES MILITARY COMMISSION AND DEFENSE COMMISSION

Mr. HOLT. Could you distinguish between the Joint Brazil-United States Military Commission and the Joint Brazil-United States Defense Commission?

General BEATTY. I would be glad to. They were created at the same time, and the Military Commission is in Brazil. The Defense Commission is here in Washington. The Military Commission is chaired, presided over, by a Brazilian; the Defense Commission is presided over here by an American.

Mr. HOLT. Do they do substantially the same things?

General BEATTY. Actually the Defense Commission has had less business in recent years than it had when it was created, apparently for the reason that so much of the Brazilian arrangements for students, for travel, et cetera, in the United States is handled through other agencies such as the Inter-American Defense Board or the attaché or the Military Purchasing Commission so that the Defense Commission has found itself less occupied than it was in years gone by. They consult very seldom, as I understand it, but are available, and everyone is on it on an ad hoc basis; that is to say he is a member of it in addition to his other duties. This includes both the Brazilians and the Americans.

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OBJECTIVES OF U.S. AID

Senator CHURCH. Certainly, we are not supporting these large aid programs in Brazil because we approve of the political system there, are we?

Mr. ROUNTREE. That is correct.

Senator CHURCH. So, our objective, so far as it has been explained to me, has to do with our interest in the growth and stability of the economy, and that gets us back to the earlier question that I ask you, and than we were detoured, we never did get to give you a chance to answer it fully. That question had to do with our national interests in Brazil and what justified the expenditure of $2 billion there since 1964.

You answered, first of all, that we had a humanitarian interest in improving living standards, but I think the record will show that insofar as that is furthered by external capital, it will now come largely through multilateral banks and that American business has not been a source of new external capital for Brazil in the last 10 years.

So what other national interests of the United States, sir, are served by this $2-billion program?

Mr. Rountree. I mentioned our humanitarian interest in the improvement in the standard of living of the people of Brazil in the context of the philosophies underlying the Alliance for Progress as one element. Another is that Brazil is a country with whom our relations are important not only to us but to the hemisphere and to the world. I believe it is important to our national interests to continue the type of association that we have had with Brazil in matters of common concern, including security interests.

Senator Church. What are those security interests, Mr. Ambassador?

Mr. Rountree. Well, Senator, we have had a long history of cooperation——

Senator Church. I know we have had a long history——

Mr. Rountree. In security matters.

U.S. SECURITY INTERESTS IN BRAZIL

Senator Church. Do you perceive a threat to Brazil's security today which would, in turn, affect our security?

Mr. Rountree. I think that any threat to the security of any of the countries in the hemisphere would be a matter of concern to us.

Senator Church. You mean internal threats?

Mr. Rountree. I think also—

Senator Church. Do you mean internal threats; are you talking now about internal threats?

Mr. Rountree. I am speaking about threats coming from within the hemisphere or outside the hemisphere.

Senator Church. Is there any external threat to Brazil today that you think is serious?

Mr. Rountree. I think the cooperation that we have with Brazil in the security field relates to very general security considerations involving no specific——

Senator Church. The military tells us that the consideration is the internal security. That its present programs are not conducted there on the basis of hemispheric defenses but on the basis of internal security.

Mr. Rountree. I would say that any military program would be designed to assist the country in preserving internal security and providing a reasonable level of defense against any external threat. Now, history has disclosed that we and the Brazilians do have common security interests. They have cooperated with us in two World Wars, in the OAS presence in the Dominican Republic, and elsewhere.

Senator Church. But this program is not a payoff for past cooperation is it, Mr. Ambassador.

Mr. Rountree. No, but I think——

Senator Church. Where are the present security interests of the United States that are promoted by this program.

Mr. Rountree. The mere fact we have a continuing association with a strong Brazil which is willing to play its role as a member of the international community. They have demonstrated this willingness, for example, in several cases of United Nations actions in other parts of the world.

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BUYING OF GOODWILL

Senator Church. You think we would not have cordial relations with Brazil if we had not spent $2 billion in AID programs there since 1964? You mean, we buy their goodwill with these programs?

Mr. Rountree. No, I think this is only one aspect of the close relations we have with them.

Senator Church. Well, your testimony suggests that the program promoted cordial relations with a country and that means to me that $2 billion spent in Brazil for various AID programs gets us cordial relations. Suppose we had relied on our support of the international banks for long-term economic investments, that we had had no large bilateral program in Brazil since 1964, do you think that this would have meant hostile relations between the two governments?

Mr. Rountree. I think the money we spent in Brazil has had material effect in the development of a strong and progressing Brazil, and I think this is wholly consistent with the purposes of our AID program, the Alliance for Progress and other actions that the United States Government has taken to strengthen the countries of the hemisphere. Brazil has been strengthened by its own efforts, assisted by our AID programs.

Senator Church. Do you think that this investment has bought us cordial relations with the present government of Brazil?

Mr. Rountree. I think our relations with the government and the people of Brazil are very close.

Senator Church. And you think this is due to the AID program?

Mr. Rountree. I would say the AID program has played a role in that, yes.

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TEXT OF INSTITUTIONAL ACT NO. 5

Mr. Holt. I would like to go back to Institutional Act No. 5 for a moment. Was another of its provisions the abolition of Congress, the suspension of Congress?

Mr. Brown. Yes.

Mr. Holt. Could you supply, I suppose it more appropriately comes from Mr. Dean, a copy of the text of Institutional Act No. 5 for the committee?

Mr. Dean. Yes, sir.

Mr. Holt. Which I think it would be well, Mr. Chairman, to put in the record.

Senator Church. Yes, indeed, it will be placed in an appropriate place in the record.

(The document referred to follows:)

Article 1. The Constitution of January 1967 and the State Constitutions, with the changes contained in this act, remain in force.

Article 2. The President of the Republic may decree recess of the National Congress, the state assemblies and the municipal chambers through complementary edicts whether or not a state of siege is in force. They will be called into session again only by the President of the Republic.

Paragraph 1. Until the Congress begins operating again, the executive power may legislate on all matters set forth in the constitutions or laws of the municipalities.

Paragraph 2. During the recess, Senators, Deputies and Councilmen will receive only their basic salaries.

Paragraph 3. In cases of the recess of municipal chambers, the financial and budgetary inspection of municipalities which do not have auditing agencies (Tribunais de Contas) will be exercised by the auditing agency of the respective state. Its action will extend to auditing functions and to the judgment of accounts of administrators and other persons responsible for public properties and valuables.

Article 3. The President of the Republic in the national interest may decree intervention in the states and municipalities without the limitations set forth in the constitution.

Sole Paragraph. The interventors in the states and municipalities will be appointed by the President of the Republic and will exercise all functions and duties which are the respective responsibility of the Governors or Mayors and will enjoy all privileges, salaries and benefits fixed by law.

Article 4. In the interest of preserving the revolution, the President of the Republic after consultation with the National Security Council and without the limitations established in the constitution will be able to suspend the political rights of any citizen for ten years, and to cassate federal, state or municipal elective mandates.

Sole Paragraph. Federal, state and municipal legislative members whose mandates are cassated will not be replaced and the parliamentary quorum will be adjusted in accord with the number of places effectively filled.

Article 5. The suspension of political rights based on this act will simultaneously: (1) terminate the right of special hearing for certain privileged officials (Foro Privilegeado); (2) suspend the right to vote and to be a candidate in labor union elections; (3) prohibit activity or manifestation of a political nature; (4) apply when necessary the following security measures: (a) freedom under surveillance; (b) prohibition against visiting certain places, (c) designation of place of residence.

Paragraph 1. The Act which determines the suspension of political rights may establish restrictions or prohibitions related to the exercise of any other public or private rights.

Paragraph 2. The security measures dealt with in item 4 of this article will be applied by the Minister of Justice and excluded from review by the judicial authority.

Article 6. The following constitutional or legal guarantees are suspended (a) life tenure, (b) fixed place of employment, (c) job tenure, plus the exercise of functions for fixed periods.

Paragraph 1. The President of the Republic may by decree dismiss, remove, retire, or place on call any holders of the guarantees referred to in this article as well as employees of autonomous entities, of public enterprises or of mixed public and private organizations, and he may dismiss or transfer to the reserve, or retire, members of the armed forces or the military police. He may also guarantee, when appropriate, the salaries and other advantages which are due them according to their time in service.

Paragraph 2. The provision of this article and its first paragraph applies also in states, municipalities, the federal district and the territories.

Article 7. The President of the Republic in any of the cases set forth in the Constitution may decree or extend a state of siege and fix the period it will be in force.

Sole Paragraph. In case the national congress is recessed, the requirement of paragraph 1, Article 153 of the Constitution is dispensed with.

Article 8. The President of the Republic, after investigation, may decree confiscation of property of any persons who have illegally enriched themselves while exercising public office including autonomous entities, public enterprises or mixed public and private organizations wthout waiving any penal sanctions which may also be applicable.

Sole Paragraph. If the properties are proven to be legitimately acquired, they will be returned.

Article 9. The President of the Republic may issue complementary edicts for the execution of this institutional act as well as adopt, if necessary for the defense of the revolution, the measures established in items (d) and (e) of paragraph 2 of Article 152 of the Constitution.

Article 10. The guarantee of habeas corpus is suspended in cases of political crimes against the national security, the social and economic order and the consumer economy.

Article 11. All activities carried out in accordance with this act, its complementary acts and its respective effects are excluded from judicial review.

Article 12. The present institutional act goes into effect on this date and all provisions to the contrary are hereby revoked. Brasilia, December 13, 1968 signed by the President of the Republic and all Ministers of State.

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Articles 152 and 153 of the Brazilian Constitution are as follows:

CHAPTER V—THE STATE OF SIEGE

Article 152. The president of the republic may decree a state of siege in case of:

I. Serious disturbance of order or threat of the outbreak of such disturbance;

II. War.

Paragraph 1. The decree of a state of siege shall specify the regions it is to cover, shall name the persons responsible for its execution, and shall indicate the standards that are to be observed.

Paragraph 2. A state of siege authorizes the following coercive measures:

a. Obligation to reside in a certain place;

b. Detention in buildings not intended for persons convicted of common crimes;

3. Search of and arrest in the home;

4. Suspension of freedom of assembly and of association;

e. Censure of correspondence, printing telecommunications, and public amusements;

f. Use of temporary occupation of property of an autonomous entity, public enterprise, mixed-capital company, or holder of a concession for public services, as well as suspension of the exercise of a post, function, or employment in such an entity.

Paragraph 3. In order to preserve the integrity and the independence of the country, the free functioning of the powers, and the operation of the institutions, when these are seriously threatened by elements of subversion or corruption, the president of the republic, having heard the National Security Council, may take other measures provided for by law.

Article 153. Except in the event of war, the duration of a state of siege shall not exceed sixty days, but it may be extended for an equal period.

Paragraph 1. In any case, the president of the republic shall submit his act to the National Congress, accompanied by a justification, within five days.

Paragraph 2. If the National Congress is not in session, it shall be convoked immediately by the president of the federal Senate.

Mr. HOLT. I just have a couple of more questions to be sure the record is clear on a couple of points.

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TRADE

What is the situation in Brazil with respect to U.S. and other private foreign investment? How much and in what fields?

Brazil is one of the leading recipients of foreign investment in Latin America. U.S. investment in Brazil ranks seventh worldwide. In recent years Brazil has had the highest rate of increase in annual expenditures for plant and equipment by foreign affiliates of U.S. corporation. By 1967, annual expenditures on these items in Brazil, through new investment and reinvestment, were larger than in any other country in Latin America, increasing to 35% of the regional total by 1969.

There is no up-to-date, reliable compilation of foreign investment in Brazil. Estimates vary widely, ranging from $3.2 billion to $4.6 billion by the end of 1969. (The Embassy is inclined toward the lower end of this range.) At that point, total U.S. investment was about $1.6 billion. Thus, depending on which estimate of total foreign investment is chosen, the U.S. share would vary between one-third and one-half.

The Central Bank is registering past foreign investment and so far has accounted for $1.7 billion. Five countries, the United States (48%), West Germany (10%), Canada (10%), the United Kingdom (6%) and Switzerland (6%), account for 80% of total registered foreign investment (including reinvestment) in Brazil up to December 31, 1969. Since only about half of total foreign investment has been registered, these percentages may not be an accurate indicator for the total.

The sectors which have received the greatest share of foreign investment are the automobile industry (vehicles and vehicle parts) with 15.5%; electrical equipment 9.8%; petroleum products 8.3%; basic chemical products 8.3%; food products 6.9%; rubber products 5.8%; and energy 5.5%.

U.S. investment in Brazil is heavily concentrated in manufacturing (70%) and distributed fairly evenly among a number of subsectors.

Most other foreign investors in Brazil have concentrated their holdings in one or a few subsectors of the economy. Thus Canada has 55.3% of its total investment in Brazil concentrated in the electrical energy sector, Germany has 69% in the vehicle and parts sectors, England has 39% in petroleum products, Belgium has 78.2% in chemical products, and Holland has 85% in electrical equipment. In contrast, the sector with the greatest concentration of U.S. investment, the automobile industry, accounts for only 12.6% of total U.S. investment. The explanation for the greater diversification of U.S. investment in Brazil is that total investment of other countries in Brazil is small relative to U.S. investment (which has nearly five times more investment than the next largest investor), and one large investment in a particular sector such as Light for Canada, or Volkswagen for Germany, constitutes a predominant share of total investment by that country in Brazil.

AID TO PORTUGAL

Mr. Chairman, I have intended to propose that we end our military assistance to Portugal. Millions of black men in Angola, Mozambique, and Portuguese Guinea are still shackled in the chains of 18th century colonialism by a country that refuses to face the realities of the modern world.

Portugal herself is underdeveloped. She is one of the most backward countries in Europe, having, in some regions, more than 46 percent illiterates. Yet, in 1969, a congressional study mission was advised that 42 percent of Portugal's military budget goes to maintaining the war against the freedom movements in her African territories.

Portuguese Guinea contains some 600,000 black Africans and no more than 3,000 whites, and is politically governed from Europe by Portugal. Angola is 14 times as large an area as that of Portugal itself and almost twice the size of Texas. The present population is estimated at 4.9 million blacks, 270,000 whites, and 75,000 mulattoes. Mozambique, sometimes called Portuguese East Africa, is governed similar to Angola by Portugal as an overseas province. The total area of the province is about twice the size of California. The present population is estimated at 7 million blacks, 125,000 whites and 75,000 mulattoes and East Indians.

These millions of black men have struggled legitimately for their freedom, gaining recognition and endorsement in various resolutions of the United Nations. Portugal's obstinance has only revolutionized the struggle and increased their determination.

Our aid to Portugal is seriously questionable on many grounds, but none more powerful than this. We should not be even minimal contributors to the infrastructure of a government that directs a substantial part of its resources to the colonization of a peoples. The members of this body should keep in mind what the congressional study team in 1969 stressed—that should an extremely unfortunate racial bloodbath engulf South Africa, Southern Rhodesia or the Portuguese colonies of Angola and Mozambique, such an eventuality would be the direct consequence of the economic exploitation, political dispossession, and other forms of degradation imposed by the white minority in those areas.

The time for ending military aid to Portugal and to its racist, imperialistic, oppressive policies is now.

Unfortunately, Mr. Chairman, the time is getting late, and I believe it to be folly to bring up an amendment which stands no chance of passage. I am disappointed that the House will not get to consider what I see as a very serious problem. I shall not make the amendment as such, but I urge my colleagues to read the reports of the nature of repression in southern Africa—by Portugal and by other racist regimes—and then give deep thought as to how U.S. assistance and encouragement, all in the name of forwarding "our own Security", supports these policies.

Mr. Chairman, I think this issue should be debated in the same vein and as deliberately as was the question of the dictatorship which exists in Greece. I would suggest that my colleagues entertain the same seriousness as whether we should continue aid to Brazil.

Mr. Chairman, my amendment provides for the President to report back to Congress on the situation as it exists in Brazil. I would suggest and urge you to support this amendment to strike every dollar of aid to Brazil until such time as that tragic situation as has been normalized and a full report has been given to the American people.

Mr. FASCELL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, the arbitrary termination of economic assistance programs to Brazil on the basis of reports of police excess or torture in that country would be a provocative political act which would do nothing to ameliorate the cause for concern and would have a seriously negative impact on our relations with Brazil and the rest of Latin America.

The fact that police excesses have occurred in Brazil is known and has been debated in the Brazilian press and Congress. International reaction to this problem has also been aired publicly and is well known to the Government of Brazil. The U.S. Government has expressed its concern over these reports both publicly but specially privately at the Cabinet Minister level. The Government of Brazil has submitted a report on the subject to the Commission of Human Rights of the Organization of American States. It has requested additional information and it is expected that the information will be forthcoming.

On a Sao Paulo television program last December, Brazil's Minister of Education referred to the problem. He said;

> To say there is no torture would be to avoid the truth . . . to say it was government policy, would be infamy.

Certainly there have been police excesses just as there have been police excesses right here in the United States. But let us put this in perspective. Let us step back for a moment and remember when the U.S. Ambassador to Brazil was kidnaped; when another Ambassador was killed; and diplomats of other countries were threatened and terrorized. There was tremendous pressure on the Government of Brazil and on other governments. They responded and undoubtedly there have been excesses but we must also remember that there has been criticism and concern within the Brazilian Government and that they are acting to end these abuses.

The government of President Medici is a popular one. It is riding a wave of rapid economic growth—9 percent per year annually over the past 3 years. It has demonstrated its concern for social as well as economic development. It has embarked upon popular programs to improve living conditions and develop Brazil's drought-stricken northeast area and its vast Amazon basin—including programs for land reform and agricultural colonization. It is carrying out a countrywide literacy program and advanced social security and profit-sharing programs for the workers. Brazil's education budget has doubled over the past 6 years.

Although military influence is strong and the military are final arbiters of key political questions in Brazil, civilian ministers occupying the large majority of cabinet posts in that country and civilian influence in the day-to-day decisionmaking process in both government and business is very important, especially in matters of finance, economic policy, education, agriculture, and health.

In considering an amendment to terminate all assistance to Brazil, we must bear in mind that the torture of political prisoners is a problem which is of utmost concern to the Brazilians themselves. It is of great concern to the government itself which is trying to end police excesses. The prosecutor in Sao Paulo is presently bringing charges against police excesses. He has been able to do so. The press has openly criticized excesses. None of us condones or justifies the abuses which have occurred but we must recognize the distinction between deliberate programs of torture and individual overreactions, as reprehensible as they are, to acts of robbery and terror.

I hope this amendment which would end assistance to Brazil will be overwhelmingly defeated.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. Mr. Chairman, I yield to the distinguished minority member on the full committee.

Mr. MAILLIARD. Mr. Chairman, I just want to join the gentleman from Florida and say that progress clearly is being made in Brazil, and that this would be a most unfortunate time for us to lose our ability to continue to work with the Brazilian Government for the improvements that are being made. Therefore I hope that the amendment is rejected.

Mr. HAYS. Mr. Chairman, I move to strike out the last word.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I rise in opposition to this amendment and commend our U.S. effort through our Office of Public Safety in Brazil:

A major objective of the public safety program is to encourage leadership to enforce the law with a minimum of force and to administer and distribute resources so that the laws are humanely enforced.

A police organization without technical and professional competence and training will often resort to the use of forceful methods. No proof has been produced that undesirable incidents in Brazil are other than terrorist and subversive bodies and propaganda.

Through training and professional guidance, the option is opened to humane law enforcement.

The stated objective of public safety is directly in opposition to the use of unnecessary force or illegal procedures in the enforcement of the law.

An effective, humanely operated police institution is able to prevent the development of threats to internal order lest they over-reach police abilities to cope with them requiring the application of military force.

The Brazilian society is now being buffeted by illegal acts of subversive violence which terrorize the population and with which the police do not have the capability to cope in many instances.

Radical leftist elements create terror in society by terror headlines, kidnapings, murder of policemen, bombings, and bank robberies—the police react to these as best they can.

In the past the public safety program has brought about improved techniques, a technical competence, and more modern concepts of law enforcement, and any tendency to overreact has thereby become lessened.

There are 271,000 police in Brazil and the public safety program has focused only on the 3,800-man federal police in the past few years.

There are now two advisers in Brasilia and some training will continue to be provided to selected officers at the International Police Academy.

Accomplishments — objectives have been reached in many cases:

The 566 participants have been trained in the United States, mostly at the International Police Academy.

Viable institutional elements have been developed within the Federal Police, such as the National Police Academy, the Criminalistics Institute, the National Records and Identification Institute.

Police communication and transportation needs have been met in some instances.

General comments:

President Medici has consistently opposed the use of so-called death squads activities as well as alleged mistreatment of prisoners.

A Member of the other body held closed hearings to inquire into the U.S. police and activities with respect to Brazil and concluded "we could find no evidence of any direct relationship" between our assistance programs and to what he called repressive activities on the part of the Brazilian Government.

Our best chance of protecting U.S. interests in Brazil is to do what we can to influence the government toward police improvements, leading to an effective, humane police administration, such as we have done through our OPS, its academy, and devoted personnel—around the world including Japan post World War II.

Mr. HAYS. Mr. Chairman, I have something here that I think every Member of the House would be concerned with and I hope I can have your attention.

I especially want to ask the gentleman from California a question.

I have a quote here purporting to be from the press in Milwaukee that says:

> Representative RONALD V. DELLUMS, Democrat of California, says he thinks that most Senators and Congressmen are mediocre and prima donnas who pass legislation that has nothing to do with the reality of misery in this country.

Did the gentleman make that statement?

Mr. DELLUMS. Yes, do you want me to explain it?

Mr. HAYS. No, I do not need you to explain it. I just wonder if you then want a bunch of mediocre prima donnas to pay more serious attention to your amendment?

Mr. DELLUMS. If you do not then my statement has even double merit. I would simply say to you that they go round strutting from their offices to the floor of the Congress and do not deal with the human misery in this country.

Mr. HAYS. You may strut around from your office to the floor and to God-knows-where—apparently to Milwaukee. But I do not measure, as my father used to say, everybody's corn in your own half-bushel.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was rejected.

Mr. MAILLIARD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have taken this time to ask the gentleman from New Jersey for a little bit of clarification so that we may have some legislative history.

His Pakistan amendment first cuts off—

> All military, economic, or other assistance to the Government of Pakistan, all sales of military equipment, and all sales of agricultural commodities (whether for cash, credit, or by other means), under this or any other Act, shall be suspended on the date of enactment of this subsection.

Then subsection (3) says:

> Nothing in this section shall apply to the provision of food and other humanitarian assistance which is coordinated, distributed, and monitored under international auspices.

There appears to be some conflict, obviously, when the situation permits us to go into East Pakistan to try to alleviate the situation there and part of the obvious kind of assistance that we would be interested in would be to provide fertilizer and that sort of thing which would help to restore their own agricultural economy.

I just want to ask the gentleman if I would be correct—that he would intend that section (3) permit that kind of assistance even though it appears to be cut off under section (1).

Mr. GALLAGHER. Mr. Chairman, I thank the gentleman for raising that very valid point—and especially if and when the situation does clear up in East Pakistan.

I am familiar with the reservation in the memorandum that the gentleman has. It is my feeling that the amendment should not be that restrictive as it affects the so-called green revolution in agriculture and the help that would be necessary to increase agricultural production in East Pakistan.

So I am familiar with that situation and I agree with the gentleman. That point should be clarified.

Mr. MAILLIARD. In other words, the legislative history on the floor would indicate that real humanitarian assistance is the objective, that no particular kind of aid would be eliminated as long as it was used for that purpose.

The point I am trying to make is if any particular type of assistance is clearly humanitarian in nature then it would not be barred by your amendment?

Mr. GALLAGHER. Yes; that is exactly right.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. FRELINGHUYSEN. It seems to me for the sake of legislative history we should make it plain that economic assistance which has humanitarian results should be permitted. The gentleman referred to fertilizer which may be needed for agricultural crops. That would clearly have humanitarian value since the crops would be eaten by people who otherwise might be starving.

So this would seem to be a modification of an apparent prohibition on economic assistance. As a humanitarian business, it will be permitted so long as it is monitored by an international agency.

Mr. MAILLIARD. That is my interpretation of the intent of lines 10 to 13 on page 13, and the gentleman from New Jersey seems to confirm that.

Mr. GALLAGHER. Yes. The idea of the amendment was that it would not suspend economic aid from Pakistan, that those matters which fall within the humanitarian aspect of it should be expected if they meet the other criteria set up in the bill.

Mr. MAILLIARD. I thank the gentleman. I yield back the balance of my time.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is a popular thing to be critical of Pakistan and quite obviously things have happened there which are deplorable. But when we deny help to the people of Pakistan, we are not punishing the leaders of that nation, we are punishing the innocent people of Pakistan. The people of Pakistan are sorely in need of help. We, more than any other country, are known for our acts of mercy and our kindness to other peoples. There is a crisis in Pakistan. Many of that nation's people are threatened with starvation and disease. It is no time to turn our backs.

Pakistan needs economic help. Pakistan also is attempting to maintain a bare minimum defense program. We do not condone the use of military power to solve internal problems, but we recognize that Pakistan must have defense forces sufficient to protect their own boundaries. The military support that has been programed for Pakistan is only for replacement and repair of worn out equipment and the amounts are too small to make the Pakistani forces a threat to any country.

By any rule of thumb, the Pakistan Government has not engaged in acts unfriendly to the United States. In fact, President Nixon's much heralded trip to Communist China was arranged through the good offices of Pakistan which was used as a staging area for Dr. Kissinger's trip to mainland China.

I recall a few years ago when our unreasonableness toward Pakistan in a situation very similar to that which now confronts us, cost us the use of Peshawar, one of our most important listening posts. At that time, we denied help to the people of Pakistan. That country's government turned to China for help which was considered essential. The result was that we lost an active ally as well as a badly needed listening post. Those losses have not yet been fully recouped. It was a hollow victory for those who then were protesting arms for Pakistan.

Our Government is attempting to use moderation in its relations with Pakistan and to encourage a peaceable solution for that nation's internal problems. We are seeking a restoration of representative government throughout Pakistan. It will be most unfortunate if the House which for so many years has had a sound understanding of world problems, should now attempt to dictate that our Nation turn its back on the problems of the people of Pakistan. If we drive this country away, they will again turn elsewhere for friends and we once again will have done great damage to our own interests and to the interests of world freedom.

Mr. BRAY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. BRAY. I should like to call the attention of the House to the amendment relating to Pakistan, that is found in section 302. This amendment calls for the suspension of all aid to Pakistan, even to "Agricultural commodities—for cash." I was not aware of the amendment until I read the bill today and discovered that what the committee has done is to take a very definite side in the Pakistani matter as between Pakistan and India. It is very clear that India is involved in this Pakistani trouble, whether to the same degree, more or less, as Pakistan I do not know. But there is no mention made as to India; yet there is a definite attack on Pakistan. Unless this committee had information which I have been unable to get—and I have been studying the matter for some time—it certainly ill behooves our country to take a definite stand against Pakistan long a friend of the United States. I am well aware that the situation in East Pakistan is terrible, but only the main doubt that has increased this worsening situation, and desires an East Pakistan separate from West Pakistan, for reasons that we can only surmise. I do not want any part of this action against Pakistan and Pakistan alone.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from New Jersey.

Mr. GALLAGHER. I believe that nowhere in any record or in any report, including the World Bank or otherwise, has it been indicated that India has any kind of hand in this. I recently returned from India, from West Bengal. The problem is very pronounced there. There are over 7 million refugees, driven out of Pakistan by the Pakistani army into India. India is not asking for those people. They are not asking for territory. They certainly have enough people and enough territory of their own. What India is doing is feeding those people, trying to cure them of the various diseases that they bring. I have seen hospital after hospital in which India is taking care of them. India has no role in it whatsoever except in an extremely humanitarian role that should be the world community role.

So I think it is rather unfair to say that India should be equated in the same terms as the regime in Pakistan.

Mr. BRAY. I have no objection insofar as assisting the refugees to whom the gentleman referred. I believe that that should be done, but I believe we are taking a one-sided view of the matter. I do not pretend to be an expert on either Pakistan or India. I have been in both countries, but not recently. I think this House will live to rue the day that we took such a definite stand on this matter, a stand that can, if we continue, may involve our country in a horrible involvement.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. BRAY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding. I do think the relations between India and Pakistan are a very significant element in the tragic situation, as the gentleman from New Jersey has pointed out. There are millions of Pakistani refugees in India, and that imposes severe burdens on that country. I think because of the past unhappy relationship between the two countries, because there is this tragic load on India, that the United States needs to move with caution with respect to the relationship between the two countries in the suspension of aid or the prohibition of aid to Pakistan.

As I indicated earlier, it does seem to me that economic assistance may be needed, and not only in India, but in Pakistan, if we are to have any kind of stability, if we are to help starving people, and if we are to encourage the return of the refugees to their homes.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. REID of New York: Page 12, line 13, strike out the quotation marks and the period immediately following such quotation marks.
>
> Page 13, after line 13, insert:
>
> "(x) No assistance shall be furnished under this Act to any nation for programs which encompass the assassination or torture of persons, or which violate the standards set forth in the Geneva Conventions."

Mr. REID of New York. This amendment is simple, I believe. It is directed to insuring that there are no programs through which the United States provides funds to any nation which encompasses as a program, the assassination or torture, or programs which violate the standards set forth in the Geneva Conventions.

More explicitly, my amendment would require that no U.S. funds would be furnished to programs which are characterized by a pattern of assassination or torture or other violations of the Geneva Conventions, to which the United States is a signatory. It would cut off assistance only to those programs of a nation which were characterized by such abuses, but would not deny funds to worthy programs being carried out by that nation.

This amendment is prompted primarily by the outrageous abuses which have taken place under the Phoenix program in South Vietnam.

Mr. Chairman, we have had testimony before the House Subcommittee on Foreign Operations and Government Information last month, from Ambassador William Colby, former Director of CORDS, and from a number of other persons which relate to some activities of Phoenix, which, in my judgment are violative, at the time they took place, of the Geneva Conventions. The United States is clearly on record as being a signatory to the four Geneva Conventions, which clearly proscribe and preclude such activities.

We have had testimony from eyewitnesses that clearly indicates that there have been in the past, not in the immediate present, but in the past, immediate neutralization, termination with extreme prejudice, assassination, and torture ending in death. For those who saw page 2 of the Washington Post this morning, they will see some of the details of the latest testimony, and there is a similar story by Mary McGrory in the Washington Star tonight. Unfortunately it has been a record of testimony that I think is clear, and this is the reason why we think the bill before us should be explicit with regard to our use of funds in connection with anything that is violative of the Geneva Conventions.

I might mention parenthetically, that Ambassador Colby has pointed out that under the Phoenix program to date, while 28,000 persons have been captured of the Vietcong infrastructure, over 20,587 have been killed.

The thrust of this amendment is not against the rallying or the bringing over to the side of the Saigon Government those in the Vietcong infrastructure. Our concern is with practices that are clearly violative of the conventions.

Mr. Chairman, let me explain the Phoenix program in more detail.

The Phoenix program is a program of the GVN, heavily supported by the United States, whose stated purpose is to "eliminate" or "neutralize" the Vietcong infrastructure—VCI. Such "neutralization" or "elimination" is accomplished in any one of three ways: Rallying; that is, inducing the VCI to surrender or come over to the government side voluntarily—capture and sentencing, or killing.

In testimony before the House Subcommittee on Foreign Operations and Government Information last month, Ambassador William Colby, former director of CORDS, the agency in Vietnam which administers U.S. support to Phoenix, stated that since the beginning of 1968 until May 1971, a total of 20,587 persons have been killed under the Phoenix program. In the same period, 28,978 have been captured.

The VCI are officially defined as the "leadership apparatus" of the Vietcong insurgency. They are nearly all civilians, including many women. Members of VC village, district, and province committees, for example, are classified as VCI. In most cases they do not qualify for "prisoners of war" status when captured. Thus Phoenix is aimed not at the elimination of armed combatants, but at the elimination of unarmed, noncombatant civilians. By analogy, if the Union had had a Phoenix program during our Civil War, its targets would have been civilians like Jefferson Davis or the mayor of Macon, Ga.

The abuses and inhumaneness perpetrated by the Phoenix program make it imperative that we cease to support it at once and do everything in our power to have the GVN stop the program dead in its tracks. Under Phoenix, civilians identified as VCI have been assassinated without any semblence of judicial process. Ambassador Colby has acknowledged this, although he states that the United States is endeavoring to prevent its recurrence. Persons detained under the Phoenix program can be incarcerated for up to 2 years without trial under a South Vietnamese law known as the An Tri Law, again without any semblence of due process. Ambassador Colby admitted that under this law a Phoenix detainee could be jailed without a trial, without right to counsel, and without adequate protection of his rights "under our concept of due process." Torture of detainees during interrogation is another hallmark of the Phoenix program. Specific instances of torture have been described under oath by witnesses before the subcommittee. Theodore Jacqueney, a former AID official in Vietnam testified:

> In every province in Vietnam there is a Province Interrogation Center—a "PIC"—with a reputation for using torture to interrogate people accused of Viet Cong affiliations. These PICs have a CIA counterpart relationship, and in some cases also have a relationship with the AID police advisor.

Mr. Jacqueney went on to describe an instance of torture, known as the "rock and roll," of which he had knowledge. Reports of such torture have come from others as well, and they simply cannot be ignored or downplayed.

At least as shocking as the assassinations, torture, and drumhead incarceration of civilians under the Phoenix program is the fact that in many cases the intelligence is so bad that innocent people are made victims. Yesterday two former military intelligence personnel in Vietnam, Michael Uhl and Barton Osborne, testified that virtually all information identifying an individual as a VCI is unverifiable and frequently completely unreliable. Both described motives of financial gain, and sometimes pure personal vindictiveness, as factors causing Vietnamese intelligence agents to give information about an individual. Ambassador Colby admitted this problem. In response to the question, "Are you certain that we know a member of the VCI from a loyal member of the South Vietnam citizenry?"

Mr. Colby stated:

> No. . . . I am not.

Who knows how many innocent people have been assassinated or tortured in the name of the Phoenix program?

Not only Phoenix, but any program or activity conducted by a foreign nation which involves assassination, torture, or other mistreatment of civilians, or which violates the standards of the Geneva Conventions, should not receive the support of the United States. I have described Phoenix as an egregious example. Wherever other examples may exist, they too must be cut off from U.S. support. We cannot hold our heads high as a nation if we continue to condone and support programs such as this.

Mr. MORGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like to address a question to the author of this amendment. I knew the subcommittee of the Committee on Government Operations, of which the gentleman is a member, has been holding hearings, but this amendment came as a surprise to the committee. I suggest the gentleman's subcommittee should hold further hearings and develop the case more precisely.

It worries me that we should add to section 620 of this bill another limitation which will be very difficult to administer.

The way I read the amendment, it says that no assistance shall be furnished under this Act to any nation for programs which encompass the assassination, torture of civilians, or which violate the standards set forth in the Geneva Conventions.

To me that language is somewhat vague. It worries me that we might be buying a pig in a poke here.

I have no strong feelings. If the subcommittee would develop something and put it in a bill form, along these lines, it will be considered. We have in our programs many former projects which could bring us into violation under this limitation.

What worries me is that perhaps a group of tourists in any country might do a couple of assassinations, and under this amendment we might upset our whole aid program.

I am not so completely opposed to this. I believe the subcommittee on which the gentleman from New York serves should hold further hearings and develop some legislation, and I can promise him it will receive some consideration.

Mr. REID of New York. The chairman very kindly asked me to comment.

First, Mr. Chairman, the thrust of this amendment is to say that U.S. funds should not go to any nation which is carrying out activities in violation of the Geneva Conventions, to which we are a signatory. If we are in fact doing that now we are in violation of international law which should be supreme in matters of this kind.

The only two specifics which go beyond the Geneva Conventions mentioned in the amendment are the assassination and torture, but they are covered by an additional phrase dealing with a program, a program of assassination or a program of torture.

I do not think any person or his spouse would argue for a program of assassination or a program of torture.

Quite frankly, Mr. Chairman, both of those are explicitly prescribed and covered in the Geneva Conventions. All I am trying to do is to put this House on record to show a sense of concern that we will uphold the Geneva Conventions to the extent our funds are utilized.

Mr. MORGAN. I wonder if the gentleman would explain to the House who would make the determination under his amendment?

Mr. REID of New York. I would think the Secretary of State would make this determination.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REID of New York. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 303. Section 624 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to statutory officers, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the officers otherwise provided for in this section, the President shall appoint, by and with the advice and consent of the Senate, one officer for the purpose of coordinating security assistance programs. Such officer shall receive compensation at the rate provided for level III of the Executive Schedule established by section 5314 of title 5, United States Code.".

AMENDMENT OFFERED BY MR. ROUSH

Mr. ROUSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROUSH: Page 13, after line 24, insert the following:

SEC. 304. Section 634 of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to reports and information, is amended by adding at the end thereof the following new subsection:

"(i) The presentations to the Congress of assistance proposed to be furnished under part I of this Act, and under chapter 4 of part II of this Act, shall not be classified as 'Secret', or bear any other similar security classification. All information concerning assistance furnished under such part I, and under such chapter 4 of part II, before or after the date of enactment of this subsection, shall be freely available to the public. Nothing in this subsection shall be construed to require that military information be made public.".

And renumber the following sections accordingly.

Mr. ROUSH. Mr. Chairman, considering the lateness of the hour and considering the mood of the House, I am inclined to believe that the brevity of my remarks will perhaps be more persuasive than the justice of my cause. With that in mind, let me get right to the thrust of this amendment.

This amendment requires that the presentations to the Congress of assistance proposed to be furnished under part I of the Act and chapter 4(c), part II, shall not be classified.

Now, we should keep a couple of things in mind.

First of all, the amendment excludes military assistance. Second, what this amendment does is to put a stamp of approval on that which is already being done.

I first offered this amendment 11 years ago when the only two Members of this House who had long hair were our colleague from Illinois, Mr. ARENDS, and our late departed colleague from South Carolina, Mr. Rivers. At that time this House was in no mood to accept that. On that occasion the chairman of the committee assured the House that the committee was going diligently to pursue the matter of declassification. This year for the first time the economic assistance program presentations are not classified. What I am asking the House to do is to put its stamp of approval on what the Administration has already done, namely, I am asking the House to give the force of law to that which has already been commenced by the administration. I suppose I am asking the House to restore to the people the confidence that this House will honor their right to know and wants them to know how we are spending our money.

Mr. Chairman, I yield back the balance of my time.

Mr. GALLAGHER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is no one on this committee who is not in substantial agreement with the purposes of the gentleman from Indiana. The real problem here, however, is that if the gentleman's amendment is adopted, this committee will not have access to any classified document or any secret information. What will happen then is that the Pentagon will send all declassified papers upon which the issue of what we are doing may well be declassified, but in essence we will not have sufficient information to make the kind of determination that this committee must make in order to bring this bill to the floor.

Further, the principal source of our information is reports of ambassadors and other U.S. officials. If these papers concerning the problems of foreign governments are made public, our ambassadors would immediately be declared persona non grata.

So the gentleman is right. More documents have been declassified. The economic part of this has been declassified. Chairman MORGAN keeps insisting on more and more declassification. However, this amendment goes too far in that it would prohibit this committee from exercising its judgment on matters that still remain secret or classified.

Mr. ROUSH. Will the gentleman yield?

Mr. GALLAGHER. Yes. I yield to the gentleman.

Mr. ROUSH. Does not the gentleman agree that all of the justifications which relate to the economic assistance program this year are not classified?

Mr. GALLAGHER. Yes. I just made that point.

But the executive presentations are classified where these officials appear before the committee and provide the details with respect to the various programs.

Mr. ROUSH. Mr. Chairman, if the gentleman will yield further——

Mr. GALLAGHER. Yes, I yield further to the gentleman from Indiana.

Mr. ROUSH. I would point out to the House that this amendment relates only to the presentations as they relate to the economic assistance program and the security assistance program and no other part of our foreign program. There is nothing in this amendment which would prohibit the State Department from coming in and giving a secret briefing to the members of the committee.

Mr. GALLAGHER. The ambassadors' testimony and the presentations themselves are in executive session.

What we would be doing for the public is obtaining less information to give them rather than providing more information which I am sure is not what the gentleman wants.

Mr. ROUSH. The gentleman misses the thrust of my amendment.

Mr. GALLAGHER. I am afraid that I do.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. I yield to the chairman of the committee.

Mr. MORGAN. The gentleman from Indiana includes part IV of section 2 of the bill. This part includes military assistance and this amendment includes security and supporting assistance, some of the material presented to us is always classified.

Mr. ROUSH. Mr. Chairman, if the gentleman will yield further, I would say that I checked with the gentleman's committee and the Pentagon and they informed me that no part of this particular program is classified.

Mr. GALLAGHER. We are not talking about the presentations that have been declassified, but much of this is classified.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROUSH).

The question was taken; and on a division (demanded by Mr. ROUSH) there were—ayes 24, noes 94.

So the amendment was rejected.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not take the full

5 minutes, but I should like to address at this moment a few remarks to those of my colleagues who might be tempted to vote against this bill because it contains too much aid of a military character and too little for constructive purposes.

I would simply say, do you really want to punish the people of India or West Africa who are hungry for technical education and the children around the world who would benefit from the UNICEF program, or the millions who suffer from malaria? Do you want to punish these people and make life more difficult for them because of the errors of the U.S. Government? Yet that is what you would be doing if you succeed in defeating this bill.

I have great respect and affection for the gentleman from California (Mr. Dellums), and I was in great sympathy with his amendment to sharply increase our aid to the third world.

I agree with many of his comments in his minority views on the bad parts of this bill, but I cannot agree with the conclusions the gentleman reaches that in its present form the bill should be defeated.

For the hungry child in Africa or Asia or Latin America this bill is truly a case of half a loaf of bread is better than no bread. Moreover, while we may disapprove of the relative proportion of the different kinds of aid authorized in this bill there are necessary items in all categories. For example, the military sales and support assistance sections provide funds which are vital to Israel, and to the preservation of a balance in the Middle East. These should not be jeopardized.

So I would say to my friend, the gentleman from California, and to others who may share his distaste for much that is in this bill, please do not vent your anger at the Vietnam war and similar errors of U.S. policy on the poor of the third world.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 304. (a) Section 637(a) of chapter 2 of part III of the Foreign Assistance Act of 1961, relating to authorization for administrative expenses of the agency administering part I, is amended by striking out "for the fiscal year 1970, $51,125,000, and for the fiscal year 1971, $51,125,000" and inserting in lieu thereof "for the fiscal year 1972, $57,600,000, and for the fiscal year 1973, $57,600,000".

(b) Such section 637 is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, not more than $2,755,000 of the funds made available for each of the fiscal years 1972 and 1973 for carrying out part I of this Act may be used to carry out the purposes of subsections (a) and (b) of this section.".

Sec. 305. Any portion of the amounts authorized herein to be appropriated for the fiscal year 1972 which are not appropriated for such fiscal year may be appropriated for the fiscal year 1973 in addition to the amounts otherwise authorized to be appropriated for the fiscal year 1973.

PART IV—AMENDMENTS TO OTHER LAWS

Sec. 401. The Foreign Military Sales Act is amended as follows:

(a) In section 23 of chapter 2, relating to credit sales, strike out "ten years" and insert in lieu thereof "twenty years".

(b) In section 31(a) of chapter 3, relating to authorization, strike out "$250,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$510,000,000 for each of the fiscal years 1972 and 1973".

(c) In section 31(b) of chapter 3, relating to aggregate ceiling on foreign military sales credits, strike out "$340,000,000 for each of the fiscal years 1970 and 1971" and insert in lieu thereof "$582,000,000 for each of the fiscal years 1972 and 1973".

(d) In section 33(a) of chapter 3, relating to regional ceilings on foreign military sales, strike out "$75,000,000" and insert in lieu thereof "$150,000,000".

(e) Subsection (c) of section 33 of chapter 3, relating to regional ceilings on foreign military sales, is amended to read as follows:

"(c) The limitations of this section may not be waived pursuant to any authority contained in this or any other Act unless the President finds that overriding requirements of the national security of the United States justify such a waiver and promptly reports such finding to the Congress in writing, together with his reasons for such finding. In any case in which the limitations of this section are waived under the preceding sentence, the report required under such sentence shall set forth, in detail, the expenditures proposed to be made in excess of the geographical limitation applicable under this section. Notwithstanding the foregoing provisions of this subsection, in no event shall the aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, exceed the geographical ceiling applicable under this section by more than an amount equal to 50 per centum of such ceiling.".

(f) In section 42(a) of chapter 4, relating to general provisions—

(1) strike out "and" immediately before "(2)"; and

(2) immediately before the period at the end thereof insert the following: ", and (3) the extent to which such sale might contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements".

Sec. 402. Section 8(b) of the Act of January 12, 1971, entitled "An Act to amend the Foreign Military Sales Act, and for other purposes" (84 Stat. 2053), is amended by striking out "$100,000,000" and inserting in lieu thereof "$220,000,000".

Sec. 403. Paragraph (9) of section 5314 of title 5, United States Code, relating to level III of the Executive Schedule, is amended by striking before the period at the end thereof the following: "and an Under Secretary of State for Coordinating Security Assistance Programs".

Sec. 404. The first section of the Act of June 28, 1935, entitled "An Act to authorize participation by the United States in the Interparliamentary Union" (22 U.S.C. 276), is amended as follows:

(1) Strike out "$53,550" and insert in lieu thereof "$83,000".

(2) Strike out "$26,650" and insert in lieu thereof "$38,000".

(3) Strike out "$26,900" and insert in lieu thereof "$45,000".

Sec. 405. Section 2 of the joint resolution entitled "Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (22 U.S.C. 1928b), is amended as follows:

(1) Strike out "$30,000" and insert in lieu thereof "$50,000".

(2) Strike out "$15,000" each place it appears and insert in lieu thereof in each such place "$25,000".

Sec. 406. Part IV of the Foreign Assistance Act of 1969 is amended as follows:

(1) Strike out the title of such part and insert in lieu thereof the following:

"The Inter-American Foundation Act.".

(2) Section 401(a) of such part is amended to read as follows:

"Sec. 401. Inter-American Foundation.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereafter in this section referred to as the 'Foundation')."

(3) Section 401 of such part is amended by striking out "Institute" wherever it appears and inserting in lieu thereof "Foundation".

(4) Section 401(e)(4) of such part is amended to read as follows:

"(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;".

(5) Section 401(1) is amended to read as follows: "(1) (1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(2) (A) Experts and consultants, or organizations thereof, may be employed, as authorized by section 3109 of title 5 of the United States Code.

"(B) Services of an individual as an expert or consultant under this subsection shall not be considered as employment or holding office or position bringing such individual within the provisions of section 3323(a) and 8344 of title 5 of the United States Code, section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5 of the United States Code.".

Mr. MORGAN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. HENDERSON

Mr. HENDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Henderson: On page 19, strike out lines 6 to 18, inclusive, and insert in lieu thereof the following:

"(2) Experts and consultants, or organizations thereof, may be employed, as authorized by section 3109 of title 5 of the United States Code.".

Mr. HENDERSON. Mr. Chairman, as I understand, this amendment will be accepted by the committee.

Mr. Chairman, the purpose of my amendment to section 406 of H.R. 9910 is to eliminate the exemption from the various dual compensation laws which is proposed in paragraph 5 of section 406 for experts and consultants employed by the Inter-American Foundation. Section 406 of H.R. 9910 grants authority to the Inter-American Foundation to employ experts and consultants in accordance with the provisions of 5 U.S. Code 3109, and further provides that the employment of such experts and consultants shall not be subject to the prohibitions set forth in sections 3323(a), 5532, and 8344 of title 5, of the U.S. Code or section 872 of the Foreign Service Act of 1946. A brief description of each of the statutory provisions which specifically would be affected by the proposed section 406 of the bill is set forth below.

Section 3323(a) of title 5 prohibits the appointment in the civil service of any individual who has been separated on account of age under any statute or regulation providing for retirement on account of age.

Section 5532 of title 5 requires a specific reduction in the retired or retirement pay of a retired regular officer of a uniformed service who holds a position in the legislative, judicial or executive branch of the U.S. Government.

Section 8344 of title 5 provides that the amount of a civil service retirement annuity shall be deducted from the pay of an annuitant who becomes reemployed in the civil service.

Section 872 of the Foreign Service Act of 1946, as amended, 22 U.S. Code 1112, prescribes a limitation on the amount of an annuity which may be paid to a retired officer or employee of the Foreign Service who is reemployed in the Federal Government.

To my knowledge these various statutory prohibitions against the simultaneous receipt of compensation and retired pay or retirement annuities are applicable to all agencies of the Government. I can think of no valid reason why these provisions should not be applicable in the case of experts and consultants employed by the Inter-American Foundation. I should like to point out that the committee report on H.R. 9910 contains no clear or compelling statement as to why the experts and consultants of the Inter-American Foundation should be excepted from the dual compensation laws which are applicable to everyone else. For these reasons I urge that the dual compensation exemption which is contained in section 406 be struck from the bill as proposed in my amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I would state to the gentleman that we are not just exactly sure what this may run into in the future, but we would just like to be assured that if problems do arise in the future that the gentleman's committee will give sympathetic consideration to any requests that we might make.

Mr. HENDERSON. I am delighted to give such assurances, and will assure the committee that in such an event hearings will be promptly held to handle any such problems that might arise in this area.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the chairman, the gentleman from Pennsylvania (Mr. Morgan).

Mr. MORGAN. Mr. Chairman, let me state that we have always had full cooperation as far as jurisdiction is concerned with the subcommittee headed by the gentleman from North Carolina (Mr. Henderson). This has gone on for a good many years, and we will accept the amendment in that same spirit. We are always glad to do so. I am sure that we have the assurances of the gentleman insofar as providing for any necessary personnel.

Mr. Chairman, we accept the amendment offered by the gentleman from North Carolina (Mr. Henderson).

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I commend the gentleman from North Carolina for offering this amendment because such personnel ought to be made to conform with the laws covering other such people employed by the Federal Government. Again I commend the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. Henderson).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COTTER

Mr. COTTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cotter: Page 16, immediately after line 22, insert the following:

(g) Section 42 of chapter 4, relating to general provisions, is amended as follows:

(1) In subsection (a), strike out "but consideration shall also be given" and insert in lieu thereof "but, subject to the provisions of subsection (b) of this section, consideration shall also be given".

(2) Redesignate subsections (b) and (c) as subsections (c) and (d), respectively, and, immediately after subsection (a), insert the following new subsection:

"(b) No credit sale shall be extended under section 23, and no guarantee shall be issued under section 24, in any case involving coproduction or licensed production outside the United States of any defense article of United States origin unless the Secretary of State shall, in advance of any such transaction, advise the appropriate committees of the Congress and furnish the Speaker of the House of Representatives and the President of the Senate with full information regarding the proposed transaction, including, but not limited to, a description of the particular defense article or articles which would be produced under a license or coproduced outside the United States, the estimated value of such production or coproduction, and the probable impact of the proposed transaction on employment and production within the United States.".

Mr. COTTER. Mr. Chairman, I rise in support of this amendment that requires the executive branch to provide Congress with complete information about proposed authorization of military coproduction plants financed under the Foreign Military Sales Act.

This amendment places the Congress in the decisionmaking process because the establishment of military production plants in foreign countries which compete with American industry has grave implications.

By requiring congressional authorization, this amendment does not lessen our goal of making our allies self-sufficient. For many years their military self-sufficiency has been assured by our supplying needed military equipment. However, by establishing coproduction plants, I believe we are sacrificing important diplomatic leverage in these nations. Congress should have a strong voice in these decisions.

I can foresee when such coproduction plants could be in our Nation's interest. Therefore, my amendment requires State and Defense to provide complete information to the Congress specifying how the coproduction plant affects U.S. jobs. I believe the Congress and the relevant committees and subcommittees are capable of making rational decisions in each case and with the information required under this amendment they will be given the opportunity to do so.

There is another point that requires congressional attention. Overseas production facilities cost U.S. jobs. With the recent dire projections of an unfavorable balance of trade and our drastic unemployment, I believe Congress should have a strong voice in any decision which, in effect, ships U.S. jobs overseas.

My own interest in the program came as a result of the use of $42 million in U.S. Government credits to finance the building of an M–16 rifle plant in South Korea. At the same time, Colt's Firearms, which produces the M–16 in my district, fired 1,000 workers. My concern about this incident, and the disturbing reports of similar projects in other nations, raises very serious doubts that the Departments of State and Defense kept U.S. employment in mind when making this decision. Therefore, I believe Congress should be involved in making decisions.

My amendment specifically requires that the Department of Defense and the Department of State provide full information to the Congress describing not only the defense articles in question, but the estimated value of such production or coproduction and, most importantly, the impact of the proposed transaction on employment and production in the United States. With this information the Congress will be able to decide the merits and demerits of each decision to establish overseas production plants.

SOUTH KOREAN M–16'S

The incident that aroused my interest in this problem was information that the U.S. Government was about to provide $42 million in foreign military sales credits to establish an M–16 production plant in South Korea. Normally, such a decision would have gone unnoticed but high unemployment—it is 10.17 percent statewide in Connecticut—and fewer orders for M–16 rifles from DOD resulted in drastic layoffs at Colt's Firearms Division in my district.

Thus, this past spring when I learned of the decision I was concerned that this tragic unemployment picture was not adequately taken into account. Employment at Colt's Hartford plant has fallen from 2,400 during peak production of M–16's to less than 1,500 now.

To make a long story short, I first urged the Defense Department not to approve the transaction because of the effect upon employment in my district, suggesting that the FMS credits be used, instead, to enable the Republic of Korea to purchase rifles manufactured in the United States. The effort failed, however. I then requested copies of the relevant documents to determine whether Colt's would make more money by licensing foreign production than by manufacturing guns in Hartford for sale overseas. I made this inquiry because of disturbing reports that Colt's was actively seeking additional foreign licensing arrangements. I have yet to receive this information from either Colt's or the Department of Defense.

While my efforts to secure this information continue, I believe that the Congress should act by requiring all information concerning such overseas production plants be specifically provided to the Congress.

This will give the Congress the opportunity to weigh the foreign and domestic considerations inherent in such decisions.

Without this amendment, the Congress will continue to be hobbled by its lack of information and the South Korean M-16 situation will occur over and over again.

However, with the adoption of this amendment, the Congress and the membership will be in a better position to decide and act.

By requiring the State Department and the Department of Defense to focus specifically on the unemployment issue, we can be assured that our U.S. jobs will not be shipped overseas without the most searching analysis.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. COTTER. I yield to the gentleman.

Mr. MONAGAN. Essentially this provides for information concerning the proposed strategic licensing of production or coproduction outside the United States.

Mr. COTTER. Essentially that is it.

Mr. MONAGAN. That is the purpose of the amendment. I congratulate the gentleman on offering it and hope that the amendment will be adopted.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. COTTER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I congratulate the gentleman on offering this amendment. I understand from his remarks that what we have been doing is using American AID money to export American jobs, and the gentleman wants to have the necessary information so that we can know the consequences of our AID program.

Mr. COTTER. That is exactly so.

Mr. LONG of Maryland. Mr. Chairman, I support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. COTTER).

The amendment was agreed to.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we go to a vote on this latest foreign handout program, let me point out to the Members of the House that this bill provides another $6,800,000,000 of borrowed money.

Let me further point out that in the provisions of other bills there will be appropriated for foreign aid still another $9 billion; that there is $24.5 billion now in the pipeline available for spending, and there has already been expended more than $212 billion on foreign aid. I hope that the Members, when they go home on vacation, will give their constituents these facts. And now, on behalf of those who vote for this bill, I want to wish the foreigners a very pleasant and happy ride on the gravy train.

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join my friend from Iowa in making one final, desperate plea to you Members to give some relief to the tired, overburdened, overtaxed taxpayers of America. As he said, many of you will go back to your States. you will find that they are bankrupt. You will find hungry people in the cities. You will find some of them who do not have enough money to give people adequate police protection. You will find that you do not have enough money to get the garbage collected. Yes, this country is bankrupt. We just wound up a year with a deficit of $33 billion. The national debt is $407 billion. This program has cost $212 billion in the last 25 years.

What can you expect other than the fiscal insolvency of this country when you are giving money away under this bill at the rate of $6 billion-plus for next year? It is the poor taxpayers' money. This country owes more money than all the countries of the world combined; so I join with my friend from Iowa in one desperate, last plea. Please remember the taxpayers before you cast your vote.

Next year we will probably have recognized Red China, and Red China will be eligible for some of the funds under this bill. I hate to go back and tell my people who do not have police protection, who do not have garbage collectors, "Well, we will think about you sometime in the way distant future, but we have just given away $6.2 billion for foreign aid."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9910), to amend the Foreign Assistance Act of 1961, and for other purposes, pursuant to House Resolution 570, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. WHALLEY

Mr. WHALLEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WHALLEY. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. WHALLEY moves to recommit the bill H.R. 9910 to the Committee on Foreign Affairs.

Mr. MORGAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 192, not voting 39, as follows:

[Roll No. 235]

YEAS—200

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Bell
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Buchanan
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Carney
Cederberg
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Wis.
Dellenback
Dent
Diggs
Dingell
Drinan
du Pont
Dwyer
Eckhardt
Edmondson
Eilberg
Erlenborn
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hathaway
Hays
Heckler, Mass.
Helstoski
Hicks, Mass.
Hogan
Holifield
Horton
Howard
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kazen
Kee
Keith
Kluczynski
Koch
Kyros
Lent
Lloyd
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Monagan
Moorhead
Morgan
Morse
Murphy, Ill.
Nedzi
Nelsen
Nix
O'Hara
O'Neill
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Sisk
Smith, Iowa
Smith, N.Y.
Springer

Stafford
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Teague, Calif.
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Vigorito
Whalen
Widnall
Wiggins
Wolff
Wydler
Yates
Yatron
Young, Tex.
Zablocki

NAYS—192

Abbitt
Abernethy
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Archer
Ashbrook
Baker
Baring
Begich
Belcher
Bennett
Betts
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conyers
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Dow
Downing
Dulski
Duncan
Edwards, Ala.
Edwards, Calif.
Fisher
Flowers
Fountain
Frey
Fuqua
Galifianakis
Gettys
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Gubser
Hagan
Haley
Hall
Harsha
Hastings
Hechler, W. Va.
Henderson
Hicks, Wash.
Hillis
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Kastenmeier
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Link
Long, Md.
Lujan
McClure
McCollister
McDonald, Mich.
McMillan
Macdonald, Mass.
Mann
Martin
Mathis, Ga.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Montgomery
Mosher
Moss
Myers
Natcher
Nichols
Obey
O'Konski
Passman
Pettis
Poage
Poff
Powell
Price, Tex.
Pryor, Ark.
Quillen
Randall
Rangel
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Talcott
Taylor
Terry
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—39

Carey, N.Y.
Celler
Clark
Clay
Donohue
Dowdy
Edwards, La.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Flynt
Griffin
Hammerschmidt
Hansen, Wash.
Hawkins
Hébert
Jones, Tenn.
Keating
Leggett
Long, La.
McCulloch
Michel
Mitchell
Mollohan
Murphy, N.Y.
Patman
Peyser
Purcell
Saylor
Sikes
Staggers
Teague, Tex.
Thompson, Ga.
Van Deerlin
Waldie
Whitten
Wilson, Charles H.
Wright

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mr. Evins of Tennessee against.

Mr. Murphy of New York for, with Mr. Sikes against.

Mr. Carey of New York for, with Mr. Dowdy against.

Mr. Celler for, with Mr. Flynt against.

Mr. Donohue for, with Mr. Whitten against.

Mr. Patman for, with Mr. Jones of Tennessee against.

Mrs. Hansen of Washington for, with Mr. Griffin against.

Mr. Leggett for, with Mr. Staggers against.

Mr. Clark for, with Mr. Mollohan against.

Mr. Clay for, with Mr. Michel against.

Mr. Wright for, with Mr. Eshleman against.

Mr. Purcell for, with Mr. Saylor against.

Until further notice:

Mr. Evans of Colorado with Mr. Peyser.

Mr. Hawkins with Mr. Charles H. Wilson.

Mr. Long of Louisiana with Mr. Keating.

Mr. Van Deerlin with Mr. Thompson of Georgia.

Mr. Waldie with Mr. Esch.

Mr. Edwards of Louisiana with Mr. Hammerschmidt.

Mr. Dowdy with Mr. Mitchell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMUNICATION FROM THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The SPEAKER laid before the House the following communication from the Secretary of Health, Education, and Welfare; which was read and referred to the Committee on Education and Labor and ordered to be printed:

SECRETARY OF HEALTH, EDUCATION,
AND WELFARE,
Washington, D.C., Aug. 3, 1971.

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I was notified yesterday at the adoption of H. Res. 539. Inasmuch as the resolution may reflect a fundamental misunderstanding of the program administered by this Department, I felt that I should give you an immediate response.

The resolution asks two things of me. First, it asks for a list of school districts which, between August 1, 1971 and June 30, 1972, "will be receiving Federal funds and will be engaging in the busing of schoolchildren to achieve racial balance." Since there is no program administered by this Department either designed or used to support, promote or require the busing of school children to achieve racial balance, we have no reason to obtain information regarding such busing. Local educational agencies that may be transporting students to alleviate racial isolation in the schools or to achieve racial balance among their schools would be doing so, not pursuant to any Federal requirement nor as a result of any federally supported program, but solely as a result of State or local policy. We could, of course, furnish you a list of all school districts that will be receiving Federal funds between August 1, 1971 and June 30, 1972. However, such a list would include virtually all school districts in the United States and I assume would serve little purpose. I know of no way to identify from among those districts those that may be engaging in the busing of school children to achieve racial balance other than by direct inquiry to all of these many thousand districts. I assume that you are not requesting that I conduct such a massive survey for this purpose.

Second, H. Res. 539 calls for "any documents respecting the rules and regulations of the Department of Health, Education, and Welfare with respect to the use of any Federal funds administered by the Department for the busing of schoolchildren to achieve racial balance." As I have said, this Department administers no such funds. Accordingly, we have no such documents as described in the resolution.

The Administration, as the President said in his March 24, 1970 statement on school desegregation, is opposed to the busing of children to achieve racial balance. Even where local educational agencies have used the transportation of students, not to achieve racial balance but as one means of implementing a constitutionally required desegregation plan, our policy has been to avoid the use of Federal funds for the transportation aspects of the plan. The Office of Education has recently emphasized the importance of this policy in connection with the continuation of our interim Emergency School Assistance Program. A copy of the relevant memorandum is enclosed.

In order to make our policy perfectly clear in this respect, I am transmitting herewith an Administration amendment to the proposed Emergency School Aid Act, now pending before the House Committee on Education and Labor. This amendment would prohibit the use of any funds under this Act for the transportation of students to or from school, whatever the reasons might be for such transportation.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

With kindest regards,

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., July 30, 1971.

To: Offices of the Governors; Chief State School Officers; Regional Commissioners; Title IV Regional Senior Program Officers; Chairman of State Advisory Committees; Assistant Commissioner, Office of Regional Office Coordination; Superintendents of Schools.

Subject: Policy on Funding Transportation Costs for Emergency School Assistance Program.

As a result of a recent policy clarification by the Department of Health, Education, and Welfare, I have been asked to emphasize to you that transportation costs will be given very low funding priority under the Emergency School Assistance Program. Districts applying should request funds for direct educational purposes since these areas will be given the highest priority. Local education agencies are expected to fund their transportation needs through State and local resources.

Thank you for your cooperation.

Sincerely,

HERMAN R. GOLDBERG,
Associate Commissioner,
Equal Educational Opportunity.

Proposed Amendment to H.R. 2266

(Committee Print of July 31, 1971)

On page 25 insert between lines 22 and 23 the following:

"(e) No funds appropriated pursuant to this Act may be used to acquire or pay for the use of equipment for the purpose of transporting children to or from any school, or otherwise to pay any part of the cost of any such transportation."

PERSONAL ANNOUNCEMENT

Mr. MIKVA. Mr. Speaker, during the consideration of the conference report yesterday on the bill appropriating funds for the Department of Transportation, I voted "present" on rollcall No. 217. In light of a minor personal investment I maintain in the airline industry, I wish to avoid any appearance of conflict of interest.

J. F. KENNEDY CULTURAL CENTER

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, the following articles reflect the excitement stirring in Washington in anticipation of the opening of the John F. Kennedy Center for the Performing Arts next month.

The first article, by the famous music critic Paul Hume, of the Washington Post, notes the installation of the Aeolian-Skinner organ in the Center's concert hall.

The second article from the Saturday Review is written by the equally famous critic, Irving Kolodin, reflects what the John F. Kennedy Center will mean for Washington, D.C. Mr. Kolodin ventures to predict:

Like that other Washington Monument poking its spire high into the clogged air above it, the Kennedy Center for the Performing Arts is there to stay and to be cherished.

These articles should be must reading for the followers of the Congressional Record. They follow:

Kennedy Center Recitals

(By Paul Hume)

The addition of the Aeolian-Skinner Organ in the Concert Hall of the Kennedy Center to the notable organs of the Washington area makes this city one of the finest in the country in terms of variety of style and manufacture.

Yesterday's announcement of a series of organ recitals at the Kennedy Center brings six of the world's most distinguished organists to public attention in a way that is largely new in the organ world.

Recitals by E. Power Biggs, Virgil Fox, Gerre Hancock, Karl Richter, Pierre Cochereau, and Paul Callaway will give the fullest demonstration of the resources of the new instrument. The organ is yet another gift to the people of the Washington area from Mrs. Jouett Shouse, who gave it in memory of her parents.

The names of Biggs, Fox, and Callaway are well known in Washington. Cochereau is organist of Notre Dame Cathedral in Paris; Richter is the noted Bach organist, conductor, and harpsichordist from Munich; and Gerre Hancock, as the newly appointed organist-choirmaster of St. Thomas' in New York City, represents the finest traditions of today's younger generation.

Countdown for Kennedy

(By Irving Kolodin)

Even when Ethel Lynn Beers gave it literary currency for the first time in a poem published by *Harper's* in the November 30, 1861, issue, "All's Quiet on the Potomac" was a phrase tinged by irony. There can hardly have been a time since then when the words were used other than humorously. Traditionally, the dividing line between North and South, home of the Yeas and Nays, Republicans and Democrats, liberals and conservatives (lately fragmented into a newer category of "radical conservatives"), Washington has as long been celebrated for contrary points of view as it has been known as a citadel of provincialism in the performing arts, lacking a concert hall or opera theater befitting the capital of the world's richest nation. Now that it is on the verge of having both, dissension reigns supreme and joy is far from unconfined.

What price benefaction? Generally speaking, it has been obloquy compounded by contumely. When the John F. Kennedy Center for the Performing Arts celebrates its long-awaited opening with the greatest governmental gala of the generation on September 8, it will become one more monument to the fate that awaits doers in a world of non-doers. (The creators of Lincoln Center will need no reminder of this.) The first Metropolitan Opera House in New York was deplored at its opening in 1883 as a costly monstrosity, only to be mourned at its passing in 1966 as an irreplaceable shrine of the art. One architect of the Vienna Opera committed suicide in 1868 because of the public outcry against his design, and another died only two months later of assorted griefs. When the building was reconstructed after being bombed out in 1945, Vienna would not have it otherwise than exactly as designed by its two martyrs.

What else other than contention could be expected in a field dominated by paradox and contradiction, by a La Scala without steps and a Covent Garden lacking either convent or garden? New York's Carnegie Hall was generally considered too far "uptown" and inordinately large when it was opened in the Nineties, the center of music then being on Fourteenth Street. Eighty years later, when New York's center of music had marched uptown beyond 57th Street, the quantity of seats in Carnegie Hall is one of its major assets in a city of New York's size.

The clear fact then is that the contemporary view of any sizable construction is apt to be a dim one in terms of its long-range future. In the opinion of some, the Kennedy Center is too far from someplace, and too near to some other place, for ideal town planning. It abuts too many roadways on one front and hangs too far over another on the other to please a second faction, whose immediate complaint, in different circumstances, might well be that it is inaccessible. Still others, jealous of its proximity to such magnificent monuments as the Lincoln and Jefferson memorials, complain that it is bigger than both combined. They do not mention that each of the older constructions is a classic, templed mausoleum to the memory of a man, whereas the Kennedy Center is a glorification of the performing arts, and the advantages of their audience, in which the living bodies of music and theater, opera and dance, will be celebrated and renewed, perhaps even reborn and regenerated.

Least of all is it considered that the center, in its conception, had nothing to do either with a Kennedy or a Democratic dynasty, that it was born and took its first halting steps to fulfillment under the patronage of Dwight D. Eisenhower. This makes it almost as long in the building as its celebrated counterpart in Sydney, Australia. It is much, much more vernerable in heredity, for many presidents have talked of Washington's need for such a facility, and a Congress of the Eighties gave consent to the establishment of a national conservatory and, presumably, a home to house it. Antonin Dvorak made his famous journey of 1892–95 to the "New World" to write his celebrated symphony of that title, and to head the conservatory (based in New York), but no public money was ever forthcoming for a Washington home, nor was private impulse marshaled in sufficient measure to overcome legislative inertia.

The first truly productive public action dates to September 2, 1958, when an act establishing a National Cultural Center was signed by President Eisenhower. Nothing much that was public happened in the two remaining years of his second term. A Potomac-side site was provided from government land available to Congress, and L. Corrin Strong, onetime Ambassador to Norway and heir to a family share in the Eastman Kodak enterprises in Rochester, N.Y. was appointed chairman. Its nominal head was Arthur S. Flemming, whose Department of Health, Education, and Welfare scouts conducted soundings on the use of such a center among many journalists of the arts, including myself. Money raising was slow, but enough was acquired to commission the rendering of a design by Edward Durell Stone. Characterized by some as Stone's "Sydney plan," it featured a circular rotunda with radiating corridors to several halls and a price of hundreds of millions.

The true line of connection to the ultimate outcome may be dated to November 1961, when, in his first year as President, John F. Kennedy directed Roger L. Stevens, present chairman of the center, to get the project off the ground. In a remarkable act of cooperation, Stevens recalls, his outgoing predecessor, Strong, greeted him by saying, "I don't want to leave you a bankrupt organization" and was, in Steven's words, "nice enough to give us five hundred thousand dollars for overhead and administration." Strong died before the project with which he was originally identified inched up to its present position on the launch pad, but his status as the center's second largest individual donor (surpassed only by the Ford Foundation) is perpetuated by the presence of his son, Henry Strong, on the board of trustees.

With the blessing and active interest of Kennedy (and the invaluable assistance of a committee headed by Ernest R. Breech), Stevens amassed contributions of nearly $15 million from foundations, corporations, and individual donors. In this case, however, no governmental money had been designated for administrative expenses, studies, or other on going costs, resulting in a steady attrition of resources. The fact is that there might have been prolonged attrition, less Congressional participation, and indefinite procrastination had there not been the grim happening of November 22, 1963, in Dallas.

Spurred, perhaps, by memory of the apathy that dulled the campaign for a memorial to the late Dag Hammarskjöld when a "decent" interval was allowed to intervene before fund-raising began. Stevens put the issue to a Joint Committee of the House and the Senate on Public Works only a few days later. The outcome was the designation of the center as the official memorial to JFK, and the voting of $15 million as a matching grant for public subscription.

On January 23, 1964, President Lyndon B. Johnson certified the National Cultural Center as the sole, official memorial in Washington to John F. Kennedy. Congressional action since then, with the endorsement of President Nixon, and the raising of matching funds under the tireless initiative of Stevens, have brought the total underwriting for construction (plus several millions more for "incidentals") to $65 million.

What has been purchased for that sizable amount? In the very first place, a structure that Kennedy defined in detail, however unintentionally, as his own memorial. When pros and cons on one form or another of the Cultural Center—including Stone's first grandiose plan—were rampant, Stevens quotes Kennedy as having said: "I want three halls that are artistically perfect for both the performers and the audience. In the nation's capital, this is as it should be; not halls designed for size or for largeness alone. I would like to see them alongside each other, so they would save us a lot of money in the operations of the buildings." From the operational point of view, says Stevens—a practical theater man among other attributes—it was desirable to have them under the same roof. Given the directive, Stone's mind went in the direction of a form defined by the classic rectangle.

As to the final site, this too was a decision in which Kennedy was a personal participant. "If I talked to him once, I talked to him five times," says Stevens, about other options, including the argument of William Walton, head of Washington's Fine Arts Commission (and a close Kennedy friend), that the proper site would be Pennsylvania Avenue. In the moment of finality, it was Kennedy's decision: "Let's stay where we are."

"Where we are," as of the early Sixties, was a somewhat different environment than "where we are" as the countdown for the September 8 launch begins. There were, then, no Watergate Apartments or Hotel, no "spaghetti of roads" or other encroachments that might have been prevented by a more vigilant Congress. Rather than a belt of green and silence befitting the central focus on performances of a new large-scale work of Leonard Bernstein, the world premier of Alberto Ginastera's *Beatrix Cenci*, and the installation of the American Ballet Theatre as the center's resident dance group with Alvin Ailey's treatment of Duke Ellington's *The River*, the town crowds in. On the spacious riverfront, looking across to the Virginia side, all is indeed quiet on this edge of the Potomac, though overhead planes drone in a never-ending ascension from the take-off runways of nearby National Airport.

For Washingtonians and all Americans who become Washingtonians for a day or a week, Kennedy's vision of three halls has become a superbly colorful reality. No complaints have been heard about the elegant concert hall, with its neo-Symphony Hall, neo-neo-Leipzig Gewandhaus conformations, save from those who profess to mourn the National symphony's removal from the larger (3,811-seat), awkward, acoustically frigid Constitution Hall to the warmer, smaller (2,759-seat) surroundings. The stage of the Opera Theater matches the specifications of the nation's largest (the Lincoln Center Met), meaning that the Met's production or those of La Scala, Vienna, etc., could be accommodated upon it. But, without monumental subsidy, such attractions, or the touring Bolshoi or Royal Ballets, are ruled out, because the "small" total of 2,300 seats forbids adequate income, save at prohibitive prices. Professionals of all stripes, myself included, have denounced the shortsightedness embodied in this tight design.

The counter-contention is that Washington does not have the year 'round audience to support an opera house seating 3,500, that the Hamburg Opera has created its kind of world standard in a less-than-2,000-seat house, and that the New York City Opera and the Washington Opera Society can do likewise. The Eisenhower Theater to be opened in October with Claire Bloom as Nora in Ibsen's *A Doll's House*, is beautifully equipped as well as suitably sized (1,142 seats) to serve its multi purposes. A plan for the participation of the American Film Institute on some equitable basis as the center's cinematic adjunct is discussed by Arthur Knight on page 40.

Stone's conception considers the Kennedy Center as something more than merely a place for the devotees of the performing arts to gather after dark. It recognizes, as did Kennedy himself, the part that the audience plays in the successful marriage of active and passive producers and consumers, by providing wide areas for access and circulation. The three halls are separated by two galleries running from the land side to the river side. One, between the concert hall and the opera theater, blends a world of bunting and color into the overall concept of a Hall of Nations. The other, separating the opera site from the Eisenhower Theater, bears the flags and plaques of the fifty states. Binding the three halls together is the grand foyer on the river side, which runs the building's total length of 600 feet from end to end. The varied restaurant facilities will be open during the day as well as before and after performances to provide Washingtonians with new, attractive gathering places for eating, drinking, and indispensable conversation (whose topics will, no doubt, include the surroundings).

If there remains, among them, some disposition to look this gift horse not only in the mouth but in the throat, this is perhaps the norm for the Capital Course. Like that other Washington Monument poking its spire high into the clogged air above it, the Kennedy Center for the Performing Arts is there to stay and, this observer ventures to predict, to be cherished.

FEDERAL RESERVE SYSTEM NEEDS REVISION BUT NOT AS AN EXCUSE FOR THE ADMINISTRATION'S ECONOMIC POLICIES

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, for the past week, numerous articles have appeared in publications across the country reporting on a White House plan to increase the size of the Federal Reserve Board, apparently to give the White House more control over, not only the policies, but the statements of the Federal Bank.

Since I have been a Member of Congress, I have supported and introduced legislation to make the Federal Reserve System more responsive to both the legislative and executive branches. I support the distinguished chairman of the House Banking and Currency Committee, the Honorable WRIGHT PATMAN, in his efforts to reform the Federal Reserve System.

As an immediate step, I have introduced legislation, H.R. 3231, that would make the term of the Chairman of the Federal Reserve Board coterminous with that of the President of the United States. The purpose of the legislation is to make certain that the President has a free hand in choosing his own Federal Reserve Chairman.

I would like to think that the stories concerning President Nixon's wish to expand the Federal Reserve Board actually reflected the true administration thinking. However, it would appear that the stories are being put out by the White House purely to embarrass Federal Reserve Board Chairman Arthur Burns and to stop him from making statements that do not eulogize the economic policies of the Nixon administration.

If the administration is sincere about reforming the Fed, then let them send legislation to Congress proposing a new setup, but I strongly doubt that such legislation will be forthcoming. Perhaps an even simpler course would be for the Nixon administration to adopt an economic policy that was not put together by Alice-in-Wonderland economists and get this country back on a sound economic keel. If it did that, it would not have to use Chairman Burns as a whipping boy and the financial pages of newspapers as the whipping post.

Mr. Speaker, the July 29 issue of the Wall Street Journal carries an excellent article describing the attack on the Fed by the administration and is an exceptional chronicle of what is taking place in the intermonetary circles of the administration and, for that reason, I include it as part of my remarks.

WAR OF NERVES QUICKENS: WHITE HOUSE HINTS ITS PLANS ON RESERVE BOARD'S INDEPENDENCE

(By Richard F. Janssen and Albert R. Hunt)

WASHINGTON.—The White House is escalating its war of nerves with the Federal Reserve Board by hinting an attack on the board's independence.

President Nixon's aims in what could become a confrontation of historic proportions, close observers suggest, are probably these:

To persuade Chairman Arthur F. Burns to stop saying the Nixon administration isn't doing enough to limit wage and price increases.

To dissuade the seven-man board as a whole from its evident intention of sharply slowing the growth of the money supply.

To embarrass Mr. Burns, either to diminish his impact on public opinion or to force him to resign and make room for a more docile central bank head.

To set the stage for making the Reserve a scapegoat in case inflation and unemployment are political handicaps in 1972.

That the President might also want to push legislation for bringing the Reserve squarely under White House control—as a White House aide summoned a reporter Tuesday night to suggest—is less apparent. A serious effort in this direction, analysts caution, could touch off a more intense international monetary crisis, as well as bitterly straining White House relations with Congress and the U.S. financial community.

The more overt phase of the White House feud with the Reserve came when a Presidential aide called in a reporter to tell him that Mr. Nixon "has under serious consideration legislative recommendations, in which many of his principal advisers concur, that specifically would bring the Federal into the executive branch." The President is "furious," this aide said, that Mr. Burns repeatedly and publicly calls for a stronger "incomes policy," particularly a wage-price review board to seek voluntary restraint.

The "final straw," this official went on, was Mr. Burns' testimony Friday before the Joint Economic Committee, in which he stressed that there hadn't been any "substantial progress" against inflation. The President is tired of hearing from bankers and businessmen, the aide said and that "the great Arthur" is contradicting Mr. Nixon's assertions that the economy is recovering satisfactorily with considerable progress against inflation.

Asked about such stories, Ronald L. Zeigler, Presidential Press Secretary, steered a careful course between supporting and potential threat to the Reserve. The President "isn't giving consideration at this time" to ending the Reserve's independence directly or, as one account has it, indirectly by doubling its size so he could name seven additional members, Mr. Ziegler said. But he declined to rule out the possibility that some members of the White House staff might be talking about reorganizing the board. Asked if Mr. Nixon retained his old confidence in Mr. Burns, Mr. Ziegler said he had no "personal" knowledge of any change.

HYPOCRISY ASCRIBED TO BURNS

Perhaps more tellingly, Mr. Ziegler passed up opportunities to disavow the more personal aspects of the criticism. The main reason for any economic shortcomings at present, the other aide had complained, is "the advice he (Mr. Burns) gave the President two years ago." This aide charged that the chairman was being "hypocritical" about inflation because he had been "trying to get his own salary raised to $62,500 from $42,500."

Mr. Ziegler said there had been "some discussion" of raises from various agency heads, which budget officials separately said Mr. Nixon had turned down. Later, a Reserve spokesman said that Mr. Burns "hasn't requested any salary increase," but otherwise had no comment on the statements of the various White House aides.

One immediate effect is fresh straining of relationships within the administration. "We diassociate ourselves from any involvement" with efforts to curb the Reserve, a spokesman for Chairman Paul W. McCracken of the President's Council of Economic Advisers said, and a Treasury official expressed deep doubt that Secretary John B. Connally would take part in such a "clumsy" maneuver.

Budget Director George P. Shultz might well support White House control of the Reserve however, other sources said, citing his strong reliance on rapid money-supply growth as the main expansionary policy and his great disdain for "incomes policy," or wage-price machinery. Such White House staff strategists as Charles W. Colson and Peter M. Flanigan are also logical supporters of efforts to put pressure on the Reserve, other insiders suggested.

POTENTIAL DAMAGE TO ECONOMY

Continuation of uncertainty about the Federal Reserve's status potentially could damage the economy itself, some outside analysts worry. Even talk about bringing the Reserve under White House control "could really shatter confidence overseas" in the soundness of the dollar, cautions Maurice Mann, a former Reserve and Budget Office official and now executive vice president of Western Pennsylvania National Bank, Pittsburgh. "Of all days!" lamented Eliot Janeway, a private New York economist, who cited signs that Europeans this week were starting to "liquidate" U.S. securities anyway.

Privately, such fears are voiced by some Nixon administration men, too. It is "shocking," one economist says, for the White House to surface its hostility to the Reserve on the day the government is disclosing such disquieting developments as a big budget deficit, a big foreign trade deficit and a downturn in "leading" indicators of future output.

The major danger in making the monetary policy managers responsible to the White House, defenders of the Reserve's independence say, is that over the long run, the President will be more apt to press for overly expansionary policies, resulting in temporarily favorable employment gains but in permanently worsened inflation. Monetary policy should be "insulated from political pressures," said an official of the American Bankers Association, who expects the ABA to remain "very firm and steadfast" in defense of the Reserve's status.

The basic case for White House control of the Reserve, administration men argue, is that it isn't fair for the voters to judge any President on the economy's performance when one of the two key economic policy levers is kept out of his reach. This sentiment has been quietly voiced by Nixon aides all along, partly because they tend to place primary emphasis on monetary policy, in contrast with Democratic predecessors who ranked fiscal, or tax-and-spending policy, as the most important tool.

But this is a matter of such significance, one insider frets, that it should be dealt with by "extended national debate" on the issue and not by "guerrilla warfare" and "cheap shots" at the incumbent Chairman. As a practical matter, many economists have argued, any President should want to preserve at least the image of an independent central bank so it can apply necessary but unpleasant antiinflationary remedies such as tight credit and high interest rates without the President's being blamed.

The Reserve's archcritic, Chairman Wright Patman (D., Texas) of the House Banking Committee, said he would favor giving the administration a hearing "if it is serious about efforts to reform the Federal Reserve." Mr. Patman noted his own position that the Reserve should be "accountable to the Congress, the executive branch and, more importantly, to the people," but stressed that he held these views long before the appointment of Mr. Burns in early 1970. He added that Mr. Burns was "doing a good job within an impossible agency structure."

Over the years, Mr. Patman has complained that the 14-year term of board members unduly insulates them from the popular will and that the heads of the 12 district Federal Reserve banks, who aren't Presidential appointees, inject too much of a private banker influence on monetary policy. Reserve officials themselves have expressed some sympathy for the idea of shortening terms and shrinking the number of board seats to five, but haven't pressed the point.

Another Democrat came more emphatically to the Republican Mr. Burns' aid. Because the Reserve chairman "has refused to endorse the administration's policy of economic do-nothingism, apparently he is to be denied a raise and the Federal Reserve Board is to be packed with a Nixon cheering section," said Rep. Henry Reuss (D., Wis.), a member of the Joint Economic Committee.

In the view of the administration's anti-Reserve activists, it is especially urgent to "bring Arthur in line," as one puts it, at this time. Already facing a budget deficit in the new fiscal year that threatens to exceed the $23.2 billion of the year ended June 30, they say, the White House can't afford the political embarrassment of pouring extra fiscal stimulus into the sluggish economy. Thus, they must count on the Reserve's continuing a rapid growth in the money supply (private demand deposits and currency), they explain. They are also anxious to end Mr. Burns' pessimistic remarks, which they fear may delay a vital resurgence of business and consumer confidence.

BIG BUS BILL

(Mr. SCHWENGEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, while the House has completed action on the big bus bill, H.R. 4354, I think it is still appropriate to keep my colleagues advised as to all developments with respect to the bill. The New York Times of July 26, the Wall Street Journal for July 31, and the Washington Evening Star for July 31 all carried editorials strongly opposing the big bus bill, and urging its defeat in the Senate.

The New York Times editorial stated among other things:

> A wider truck can also mean a shorter life for ordinary motorists. Trucks create a visual hazard because they block a view of the road ahead. Their mass moving past smaller vehicles at high speed also creates a "blast effect" which can disrupt the motorist's control of his own car. These economic and safety arguments explain why limits on the width and weight of trucks and buses are written into Federal highway legislation.

The Wall Street Journal stated:

> Perhaps, members of the Senate, unlike their House colleagues, will remember whom they're really supposed to represent.

The Washington Evening Star stated:

> And is this just a prelude to another attempt to increase truck sizes and weights? That's denied, but some of the House pleaders for larger buses are among those who have in the past advocated bigger trucks. A truck-enlargement bill was squelched in the last Congress, and we hope the Senate will give similar treatment to this bus proposition.

The New York Times editorial appears in its entirety at page 27764 of the Record for July 28, the Wall Street Journal editorial appears in its entirety at page 28552 of the Record for July 31, and the Evening Star editorial appears at page 28635 of the Record for July 31.

These editorials are a good indication of the growing support for my position in opposition to the big bus bill. Had the bill not been rushed to the floor by the House Public Works Committee and the public given adequate warning, I am convinced we could have marshaled the few additional votes which would have been necessary to defeat it. My colleagues in the other body would be well advised to give careful consideration to the points made in the editorials.

Incidentally, if you did not see Herblock's cartoon in the Sunday Post on this subject, its worth the effort to get a copy.

TRIBUTE TO THE HONORABLE JOHN DOW

The SPEAKER pro tempore (Mr. Hungate). Under a previous order of the House, the gentleman from California (Mr. Edwards) is recognized for 60 minutes.

Mr. EDWARDS of California. Mr. Speaker, this is a very pleasant moment in the historic House of Representatives.

It is pleasant because a group of Congressmen, colleagues of John Dow, feel that they wanted to gather together and honor this fine man, this talented and inspiring legislator.

John, to many of us in the House of Representatives, symbolizes those words—the "honorable gentleman from New York," because in his career here as well as elsewhere he has combined honor, including great courage, with gentleness and sympathy for the human condition. In this House, his has been a voice of wisdom and prudence, a quiet force relying on facts, instead of emotions, reason instead of foolish rhetoric.

An examination of his record in this Congress and in the 89th Congress shows not only his concern for the larger national issues, but also the care and strength that he has used to serve his district and each individual constituent in that district. I would cite the example of Stewart Air Force Base, which the administration at some time threatened to close. Instead of mounting the soap box with an emotional appeal, Congressman Dow resorted to quiet reason, calling for full planning for the future uses of the airport and aiding in the successful grant for that planning. In doing so JOHN opposed some of the most powerful politicians in New York, including the Governor.

JOHN expressed his viewpoint in these words:

> Effective regional planning will assure localities that development at Stewart will be attractive. We have an excellent opportunity to establish the necessary framework for future growth while airport planning is still in the conception stage.

In this issue as well as others, JOHN has been careful to balance his concerns for the greater good with his conviction that the rights of the individual must be protected. He and his staff have carved out an admirable record in protecting constituent rights, whether they involve social security, the draft, or any other of the problems arising out of this huge and sometimes unfeeling bureaucracy.

JOHN too has long had a deep and abiding interest in protecting the environment, an interest typified by his efforts in the recycling field. I would like to note his comments on the subject, comments in which a number of his colleagues joined, including myself:

> There is one positive step we in Congress can take to set the example in the use of recycled paper. The Congressional Record is published each day that a House of Congress is in session and uses approximately 5,000 tons of newsprint each year. This is the equivalent of a medium-sized daily newspaper in one of our country's cities.
>
> Many arguments have been put forth raising the environmental advantages to use of recycled material. By encouraging greater use of products made from recycled material, we can help ease the increasing solid waste burden. It has been the experience of newspapers in the 27th Congressional District of New York which I represent that recycled newsprint is less expensive. In fact 100 percent recycled newsprint costs about $7.50 a ton less than the virgin newsprint.
>
> For this reason I am introducing legislation today with more than 55 co-sponsors to require substantial use of recycled paper in the production of the Congressional Record. As publishers of a major journal we in Congress should take this leadership role.

In addition, I would like to include JOHN's record of environmental legislation:

DOW'S ENVIRONMENTAL RECORD

2/18/71: Co-sponsors bill, H.R. 4557, to control surface and underground coal mining operations which adversely affect the environment.

2/22/71: Legislation introduced H.R. 4719, to prevent further pollution of national and international waters by dumping of military wastes.

Participated in hearings of the Agriculture Committee to determine how much control should be placed upon pesticides.

Co-sponsors bill, H.R. 5435, to create a Gateway National Recreation Area in the States of New York and New Jersey which would include such areas as Jamaica Bay and Breezy Point.

3/18/71: Votes against SST because of the potential abuse of the environment and the better uses for Federal funds.

3/22/71: Legislation, H.R. 6487, co-sponsored to amend "Federal Water Pollution Control Act" to provide more funds for the clean-up of lakes and other internal waters is introduced in Congress.

3/25/71: Warns Dr. Ronan of the MTA about the need for planning to preserve the unique qualities of the Hudson Valley in a letter concerning the proposed expansion of Stewart Field.

3/30/71: Co-sponsors bill, H.R. 6988, to create more stringent standards for control of noise pollution.

4/23/71: Issues first Congressional constituent newsletter on recycled paper.

4/23/71: Testifies before New York State Public Service Commission. Explains that long run cost of placing power transmission lines underground would probably mean only a one or two percent increase to the consumer above the cost of unsightly overhead lines.

5/3/71: Recycling bills introduced in Congress:

H.R. 8005—requires the GSA to prescribe regulations requiring as much recycled material as possible in the paper purchased by the Federal Government.

H.R. 8007—directs the Administrator of the GSA and the Secretary of Defense to insure procurement and use wherever of recycled material. The Secretary and the Administrator are also directed to compile an annual report to the Congress concerning present and possible future use of recycled material by the Government.

Finally, I would like to say a few personal words about JOHN. He is a man who treats both those myths of success and defeat equally as myths, a man who rises to each occasion with cheer, courage, and the conviction that better can be done. He is also a man who can do what our President suggested at the start of his term. JOHN Dow can help bring us together. He honors this House by his service in it.

Mr. DRINAN. Mr. Speaker, I rise today in tribute to my distinguished colleague and good friend from New York (Mr. Dow). It has been my great honor to serve with this fine gentleman not only in the body of the 92d Congress, but also in the Democratic Study Group and the Members of Congress for Peace Through Law. He has brought to each of these endeavors a rare blend of great intellect, compassion, and commitment. JOHN Dow has spoken out loudly on every major issue facing us today. But he is more than a man of words; he is a man of action.

Nowhere has his moral commitment to better government been more clear than in his longstanding opposition to our tragic entanglement in Indochina. In 1965, JOHN Dow was one of seven Representatives who were the first to question the expansion of this country's involvement in the Vietnam war. Since that he has been a stanch and vocal critic of the war, and has consistently fought for legislation to rapidly terminate it. Most recently, he was a sponsor of the congressional hearings on the Pentagon papers. As moderator of these hearings, he probed deeply into means by which the significant findings of the papers could be utilized to bring about a more just and humane foreign policy.

In the area of protecting our environment, too, his has been an outspoken voice. In 1967, he became the first Member of the House to introduce legislation providing for prefinancing of much-needed water and sewer projects. He has initiated legislation for Government use of recycled paper and other products. In this and countless other ways, he has played a significant role in the effort to eliminate solid waste and provide for a clean and healthy environment.

Mr. Speaker, there are scores of other areas in which Mr. Dow has performed admirably. The hearings he recently held in his district on the problems of the elderly reflect the deep concern and understanding he has shown for senior citizens. His innovative bill to transfer the cost of education from local property owners to State governments demonstrates both his imaginative approach to vexing problems and his unyielding commitment to quality education. And his leadership in the recent fight against the sugar quota for South Africa illustrates his abhorrence of racial segregation and discrimination.

Mr. Speaker, I hope that this all too brief summary can in some way convey the pride I have felt in working with a man of such courage and integrity as JOHN Dow. Certainly, New York's 27th Congressional District can be proud to know it is represented by a man who has served both his district and his country with honor and dignity.

Mr. DINGELL. Mr. Speaker, it is appropriate that we should take time every now and then to single out our colleagues who have served their districts and their Nation well in the House of Representatives. Today, it is a privilege to salute JOHN Dow, my colleague from New York.

JOHN's presence here in the Congress is a real tribute to the constituents he serves so well in the 27th District of New York. His record in the House illustrates his great sensitivity to the problems we continually face in this country. No group of people has gone unnoticed by JOHN Dow. He has worked to better the lives of the poor, the elderly, the children, the homeowners, the sick, and underprivileged.

As a member of the House Agriculture Committee—the only member from the State of New York and all seven Northeastern States for that matter—he has been deeply involved in the environmental issues of pesticides. Only recently, after much research, he brought to the attention of the public the fact that the Department of Agriculture had lagged behind in developing effective vaccines to arrest exotic diseases in cattle, livestock and human beings. As he pointed out, this was one of the reasons for the recent epidemic affecting horses in the southwestern part of this country.

His dedication to the betterment of all people is not easily matched and it is a pleasure to join with my colleagues in spotlighting this fine man.

Mr. MIKVA. Mr. Speaker, there seems to be no question that his colleagues hold John Dow in the highest esteem. Almost everything good that can be said about a man has been said about him. But somehow our voices do not contribute that much to a description of John Dow. I think his voting record and his activity in the House of Representatives make the most eloquent statement.

He has made environmental protection his personal concern. He was one of the first to question this country's involvement in Southeast Asia—one of the first to seek withdrawal from that ugly war. His position on civil rights and civil liberties has been equally forthright and unwavering. And he has held his views at times when they were neither popular nor politic. He says what he thinks—whether he says it in his district, in Congress, or in places he has gone to find out something firsthand, places like Selma in 1965 or Saigon in 1967.

Mr. Speaker, Mr. Dow is in his fifth year of service in the Congress. The years have not been consecutive, and that is something of a distinction. More than a few Members of the House—present and past—have shared that distinction. Daniel Webster for one. He served two terms, then left the Congress, returning a few years later. His initial service was outstanding. His subsequent service was brilliant. John Dow is in that great tradition.

Even one President had the distinction of interrupted service, namely; Grover Cleveland.

Grover Cleveland and John Dow do not have that much in common, except that Cleveland once said:

> I have tried so hard to do right.

And I think that describes John Dow quite well. And his colleagues and his constituents are firmly of the opinion that he has succeeded in his effort to do right.

Mr. BADILLO. Mr. Speaker, I am proud to join in this tribute to my good friend and colleague from New York, John Dow. It is a tribute richly deserved for John Dow is not only an outstanding and conscientious representative of his congressional district, but a respected leader in a broad range of national and international issues.

John Dow came to Congress in 1965, and actively participated in the enactment of that great wave of social legislation for which the 89th Congress will long be remembered. His was, even then, a strong and clear voice calling for the reordering of our national priorities, for an end to militarism in our foreign policy, and for decisive steps to preserve our environment.

John's record of leadership and legislative accomplishment continued in the 90th Congress and he received considerable attention for his strong and early efforts to point out the tragedy of our involvement in Vietnam. Although he did not return to Congress in 1969, he remained a community leader in the Rockland County area and merited reelection to the House of Representatives last fall.

Even in the early days of this 92d Congress, John Dow has been a leader and an innovator. I have been pleased to join his efforts to spur Government use of recycled paper, to defeat the sugar quota for South Africa and to ease the burden on property owners for the cost of education.

I am particularly grateful to my friend and colleague for his invaluable assistance in enabling me to secure appointment to the Committee on Education and Labor.

John Dow's constituents are blessed with one of the most dedicated, responsible, and courageous men to serve in the Congress. It is a privilege to serve with him.

Mr. BURTON. Mr. Speaker, I should like to join with those who today honor our distinguished colleague, the gentleman from New York, John Dow.

I have known, worked with and admired John Dow since he first entered the House as a Member of the 89th Congress and I am truly proud of that association and friendship.

John Dow is a gentleman in the fullest and the highest sense of that term. He is a tenacious fighter against any form of injustice or oppression. He is a man of keen intellect who has coupled this talent with hard work and legislative skill. This combination has earned for him the respect of his colleagues and the support of the constituents he so tirelessly serves.

John Dow's legislative interests take him through the full range of the activities of the House. He is as at home in the area of foreign policy as he is when leading the fight to preserve and and protect the environment in which we all must live. He has fought for better education for our children and higher living standards for all those in need while at the same time realizing the national nature of these problems and the necessity to remove some of the burdens of taxation from the small home and property owner.

The hallmark of John Dow's service in the Congress has been service. John Dow stands as a willing and ready intermediary for those who need assistance in their dealings with their government.

There are many things which might be said of John Dow. He is a man of vision and a man with the courage to pursue that vision. He is a man of integrity and wit and wisdom. In these halls which have seen history made, in which many of the great of this Nation have served, John Dow adds luster to the title: U.S. Congressman.

Mr. KASTENMEIER. Mr. Speaker, I join with my colleagues today in recognition of the outstanding record and talents of my friend, John Dow.

In paying tribute to John, I find it difficult to even touch on the entire range of his activities and achievements since he has been so active in so many vital areas of concern. His record against U.S. involvement in Southeast Asia needs no documentation—it is a well-known fact. His continuing efforts in behalf of the elderly are also obvious to those of us who serve with him in the Congress.

His round-the-clock dedication to the needs of his constituents must be noted. Because of his efforts in behalf of his constitutents, people everywhere have benefited. I remember back in 1967 when a bill he authored was enacted to allow for prefinancing of water and sewer projects. Every community—aware of the red-tape problems connected with securing funds for these kinds of projects—must now feel the benefits of John Dow's successful efforts to expedite the building of these badly needed projects.

If you need to locate John Dow weekends, you will never be able to find him in Washington, D.C. He is always back in his district seeking out his constituents and endeavoring to solve any problems they may have. Only last weekend he personally toured the tornado-damaged areas in the 27th district and was instrumental in having them declare disaster areas in order to quickly bring about emergency relief for his constituents affected by the serious storms.

A humble man is John who seeks nothing more than to quitely fulfill his duty as a Congressman and serve to the best of his ability the people who sent him to the Congress. As a close associate and friend of his for many years, I can attest to the fact that he is serving them well.

Mr. HELSTOSKI. Mr. Speaker, last week 16 of my colleagues and I conducted a 3-day conference regarding the significance of the Pentagon papers. The meetings were attended by historians, former Government officials, authors of the Pentagon documents, and important Vietnamese citizens. My esteemed colleague from New York, Representative John Dow, deserves recognition for his contribution as chairman relative to the success of the conference.

This is but one example of John Dow's consistently devoted service to his constituents and our Nation as a whole. In 1965, the gentleman from New York was one of the few who in the House of Representatives warned us of the dangers of American involvement in the Vietnamese war. His early vote against the war was cast because, as a patriotic American, he feared that should the United States become involved in worldwide police actions—often in areas where the question of Communist advance is obscured by a fight for nationalism or independence—then our credibility as a nation dedicated to peace and freedom would be destroyed. Unfortunately, advice such as this went unheeded. This wisdom reflected years ago would not have allowed Vietnam to undermine our credibility abroad nor our credibility at home.

John Dow's energetic leadership has been evidenced in many other issues which came before this body. To cite but a few instances, he urged that we deny our support to the apartheid policy of South Africa by voting down the sugar quota, and his concern for our environment is apparent in his proposals encouraging Federal use of recycled paper.

Mr. Speaker, I wish to publicly acknowledge my respect for John Dow's judgment and reasoned counsel. His many contributions to this body have been recognized.

Mr. EILBERG. Mr. Speaker, it is a great pleasure, at this time, to declare my admiration for an outstanding Member of the House, the Honorable John G. Dow of New York's 27th Congressional District, whom we honor on this occasion.

As an opponent of the war in Vietnam, John Dow took his stand far in advance of the popular trend in that direction, and by so doing played a major part in altering the course of our distracted ship of state. By so doing, he also incurred much popular indignation at the time, and, therefore, was defeated, only to be returned to office when the people of his district experienced a change of heart, accepting and endorsing his position on the war.

As a liberal spirit, Congressman Dow has been active on all the major national issues of the past few years, writing and presenting on the floor of this Chamber some 100 bills, touching on such varied matters as crime, civil rights, social security, meat inspection, and protection of the national environment.

His legislative efforts in behalf of his own district represent a new and progressive trend, bringing much-needed Federal grants to the district, for a variety of county and urban projects. In addition, he has worked vigorously in advising his constituents on the best means of utilizing the various Federal programs available to them.

In his voting, Congressman Dow has been consistently progressive, as sponsor and supporter of legislation for medicare; omnibus housing; the Older Americans Act; water pollution control; manpower training; Federal assistance for elementary, secondary, and higher education; the omnibus farm bill, and heart, stroke, and cancer research.

His chief concerns have been the war in Vietnam, and how to get us out of it; our natural resources, and how to preserve them; and the rights and needs of senior citizens. In all these areas, he has shown himsllf to be a legislator of the finest kind, innovative, energetic, and extremely capable.

He holds the respect of his associates to a remarkable extent. His patient, understanding nature, his inquisitive mind, and his sense of fairplay, have made him many friends, on both sides of the aisle. I am proud to acknowledge my claim to his friendship.

An eagerness for contention, when dispute is required; a desire to compromise, whenever that is possible—these attributes are essential to the proper performance of the representative function, and are the outstanding characteristics of Congressman Dow.

He has fought the good fight, from first to last, and has won the respect of everyone familiar with the fact of his accomplishment. I take great pleasure in declaring my respect for the talented, courageous, and distinguished Member from New York's 27th Congressional District, the Honorable John G. Dow.

Mr. REUSS. Mr. Speaker, the best news I received toward the end of the 91st Congress was that John Dow would be rejoining his colleagues in the 92d Congress. Few Members in the short period of two Congresses have so commanded the affection and respect of their colleagues as did John Dow in the 89th and 90th Congresses. We sorely missed him in the 91st Congress—we especially missed the wisdom and compassion he had brought to our deliberations on the war and the plight of the poor and elderly at home. And so I am happy to join my colleagues today in paying tribute to John Dow, and in letting the record show that we are glad he is here. His constituents, this body, and the country have regained a loyal public servant and a courageous spokesman for peace abroad, and social justice and a better environment at home.

Mrs. MINK. Mr. Speaker, it is a pleasure to have this opportunity to express my respect and admiration for John Dow, my good friend and colleague from New York, who came to Congress the same year I did.

Since his earliest days in Congress, John Dow has been among the vanguard seeking to confront the many pressing problems and inequities of our times. He has been unafraid to take positions and has been willing to speak out with courage and conviction. One of the first Members of this body to argue against the war in Vietnam, his opposition to that conflict has been vigorous and effective.

Underlying all of John Dow's efforts is a finely articulated and strongly felt concern for the quality of life in America. His efforts on behalf of the elderly, the economically disadvantaged, and the politically oppressed deserve recognition alongside his efforts to improve and protect the environment. In this session alone he has fought against any U.S. subsidization of South Africa's oppressive apartheid policies, pushed legislation to mitigate the intolerable burdens and restrictions this society often places on its elderly citizens, and introduced an innovative bill which will greatly improve existing education financing practices.

Foremost among his accomplishments in the area of environmental protection has been his pioneering usage of recycled paper products. This practice has been followed by many others in this body and will hopefully gain acceptance not only throughout the Government but the American community at large.

Mr. Speaker, John Dow has amassed an impressive record which testifies to his integrity and strength of character. We have all benefited from his efforts in the past, and I am certain that we will continue to have many occasions to follow his leadership.

Mr. KOCH. Mr. Speaker, it is with great pleasure that I join today with my colleagues to honor my good friend and fellow New Yorker, John Dow. John, a man of great compassion, has spent his years in the Congress endeavoring to improve the lot of people from every walk of life. But what I would like to single out today is the contribution John has made here in the Congress to improve the golden years for the elderly.

Only recently in his district in Newburgh, N.Y., he conducted hearings on the problems of senior citizens and heard firsthand accounts of problems on aging, both from the elderly themselves and from officials directly responsible for programs affecting old people. As a result of these hearings, John is working on a comprehensive package of legislation—to be introduced sometime in the near future—to improve conditions for the elderly.

He has already—in this session of the Congress—introduced legislation to create a federally sponsored nutritional program for the elderly. He has worked for social security increases and is the cosponsor of a resolution to create a Select House Committee on Aging. I know John Dow well and I can assure you he will spare no effort in working to enact and effectively implement any of these bills he is committed to. His persistence is well-known and the elderly can be assured he is an unrelenting advocate of their cause.

In these years when the spotlight and emphasis is so much on youth and young people, senior citizens everywhere—not only in the 27th District of New York—are well served by John Dow. I commend him for his outstanding record in the House of Representatives and I look forward to working with him for many years to come.

Mrs. ABZUG. Mr. Speaker, I am pleased to have the opportunity to join in honoring John Dow, our colleague from the 27th District of New York. Now serving his third term here in the House, he has stood since his arrival here as a paragon of principle in the fight against American involvement in Southeast Asia.

In the early years of the struggle against the Vietnamese war, when John Dow stood here nearly alone, he was a beacon of light and peace to the American people. I felt privileged then to know him and to work with him; during the short time that I have been here, that sense of privilege has been increased many fold.

John is not just a gentleman—he is a gentle man in the truest, most literal sense. He is also a man of dignity and a man of commitment, and a leader of his district, his State and his Nation. I join with my colleagues in resoundingly saluting him.

Mr. BRADEMAS. Mr. Speaker, I am pleased to join in this special tribute today to our distinguished colleague, the gentleman from New York (Mr. Dow) one of the most courageous and dedicated Members of Congress.

Mr. Speaker, I recognized these characteristics of John Dow both because I served with him during both the 89th and 90th Congresses and because a person of his courage and capacity is so valuable to the House that his presence was sorely missed during the 91st Congress.

John Dow has returned, however, and the House of Representatives is the better for it.

During this session, Congressman Dow has picked up where he left off in 1968—providing leadership in the fight to combat racism and to commit America's resources toward meeting our many human needs at home instead of on wars and wasteful military spending.

Moreover, John Dow has been a leader in a significant environmental effort in this first session of the 92d Congress—promoting the use of recycled paper. He has as well been a champion of programs to aid the elderly and of legislation to ease the burden of property taxes on the local taxpayer.

Mr. Speaker, the people of the 27th District of New York are fortunate in having a man like John Dow as their Representative in Congress. Indeed, the entire Nation is benefitted when persons of his integrity serve in public office.

So, Mr. Speaker, we are glad to have John Dow back in the House of Representatives. I look forward to many more years of working with him in Congress.

Mr. RYAN. Mr. Speaker, I am delighted to join my colleagues in this well deserved tribute to our distinguished colleague from New York, John Dow, whose outstanding record of service in Congress has earned him not only the admiration and respect of his colleagues but the well justified confidence of his constituents.

John Dow has never retreated from a position of principle—however unpopular his position was at the time. I recall how he searched his conscience and voted against the first supplemental appropriation for the war in Vietnam; at that time he well understood the political risk entailed. But he understood that our policy was tragically mistaken, and he had the courage to say so.

There were only seven of us who voted against the war on May 5, 1965. By June of this year—1971—175 Members of Congress voted in support of the Mansfield amendment which called for withdrawal from Vietnam within 9 months. During those 6 years the American people came to the conclusion that the war must end. During those 6 years, John Dow consistently pointed out that a military victory was not achievable and the escalation of the war was self defeating. During those 6 years John himself experienced both defeat at the polls in 1968—no doubt because of the principled stands he had taken on controversial issues involving war and peace and civil liberties—and victory at the polls in 1970.

The reelection of John Dow to the 92d Congress was a vindication of his record in the 89th and 90th Congress and an event welcomed by his colleagues in the Congress who recognize the dedication and character of the man.

The American majority had swung about, adopting the same positions as that of John Dow. One thing was clear, throughout—his policy was fearless, his purpose meritorious, without concern for political considerations. That he won reelection was of course a great pleasure to all of us. That he maintained his integrity in the process was a true mark of his worth.

There is hardly one social issue in which John Dow is not concerned.

John Dow has been involved in the battle for the preservation of our national environment. In the current Congress, no less than 12 different environmental measures have received his ardent backing. He has taken the lead in the Congress pushing the use of recycled paper.

In the struggle over civil rights he has voted consistently for extension of employment and social opportunities and equal justice under law. He traveled to Selma, Ala., to lend his support to Dr. Martin Luther King's voting rights campaign.

So far as his own district is concerned, Congressman Dow is equally vigorous, equally effective. His outstanding legislative contributions to the 27th District of New York include considerable small business loans, sewer funding, urban renewal, post office and hospital construction, flood control studies, and benefits.

In all his endeavors John Dow has proven himself a Congressman of the highest caliber. I am proud to salute him on this occasion as a respected friend and colleague.

GENERAL LEAVE TO EXTEND

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

VIETNAM DISENGAGEMENT RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, (Mr. Anderson) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, today I am reintroducing my Vietnam disengagement resolution along with a bipartisan group of 14 cosponsors. In essence, our resolution calls for negotiating a date certain for the final withdrawal of American forces from Vietnam, contingent only upon the release and repatriation of all American prisoners of war being held in Indochina. The resolution also calls for continuing assistance to the nations of Indochina in amounts approved by the Congress, and providing asylum or other means of protection for those South Vietnamese, Cambodians, and Laotians whose lives might be endangered by our departure.

I think it is significant to note that our resolution is quite similar in thrust to the modified Mansfield amendment to the draft bill. I think it is of crucial importance that the Congress makes such a policy declaration at this critical stage in the Paris talks—one which calls for a negotiated withdrawal and release of prisoners while at the same time preserving for our negotiators a maximum amount of flexibility. That is what the Mansfield amendment does, and that is essentially what our resolution does.

At this point in the Record I include a full list of cosponsors along with the text of our resolution:

List of Cosponsors

Mr. Anderson of Illinois, for himself, Mr. Andrews of North Dakota, Mr. Don H. Clausen of California, Mr. Danielson, Mr. Downing, Mr. Forsythe, Mr. Frenzel, Mr. Fuqua, Mr. Grover, Mr. Gubser, Mr. Hastings, Mr. Mailliard, Mr. Mosher, Mr. J. William Stanton of Ohio; Mr. Thone, Mr. Smith of New York; and Mr. Whitehurst.

H. Con. Res. 386

Whereas the President of the United States is pursuing a policy designed to bring an honorable end to the war in Vietnam through the withdrawal of American Armed Forces from that country, through a reduction in the level of hostilities, and through negotiations; and

Whereas the President has withdrawn over half of the American Armed Forces from Vietnam since taking office, and has further announced that two-thirds of all such forces will have been withdrawn by December 1, 1971; and

Whereas the President has announced that, "Our goal is a total American withdrawal from Vietnam": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby declares that it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such forces at the earliest practicable date.

Sec. 2. It is the national policy to accelerate and complete such withdrawal by a date certain: *Provided*, That there is a negotiated agreement to: (a) release and repatriate all American prisoners of war being held in Indochina by a date sixty days prior to such date certain, under the supervision of the International Red Cross or other such organization; and (b) guarantee the safe and orderly withdrawal of all remaining American Armed Forces from South Vietnam by such date certain.

Sec. 3. It is the national policy to: (a) provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July 1969; and (b) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces.

WELFARE "WORK INCENTIVES" DECEPTIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Archer) is recognized for 15 minutes.

Mr. ARCHER. Mr. Speaker, two recent news items relating to welfare and "welfare reform" are, I believe of more than passing interest, though they have received scant attention.

The U.S. Chamber of Commerce recently commissioned two outstanding economists, Alfred and Dorothy Tella of Georgetown University, to study the likely effects of the work incentive provisions contained in H.R. 1.

Personally, I do not find the conclusions reached by the Tellas in their study surprising. However, given the oratory as to how H.R. 1 sets us on a different course by making welfare something to work your way off from rather than on to, and the sacrosanct and euphoric atmosphere this has created around the bill, the conclusions merit greater attention than they have thus far received.

The essential point of their conclusions is that the proposed Nixon-Mills welfare reform plan will actually discourage welfare recipients from working and, in the process, could add as much as $3 billion a year to the estimated cost of the program.

The Tellas reached this conclusion after impressive research. Among other things, they compared census figures on persons who have nonwage income against persons who do not. The data indicated that those with other income, which the economists equated with proposed welfare payments, tend to quit work after reaching a certain level of income.

Under provisions of H.R. 1 a family of four receives a guaranteed annual income of $2,400. They may also keep the first $720 of any earnings. Thereafter, their welfare benefits are reduced as the family income increases. When income reaches $4,320, benefits cease. The practical effect is that a recipient who goes to work loses 67 cents of every dollar he earns above the first $720 of income. Based on their study, the Tellas believe that the "working poor" who would be covered by welfare for the first time under the welfare reform bill would actually tend to work less than they do now rather than being encouraged to work more as the proponents of the bill have insisted they would.

It would be pointless for a father to continue "moonlighting" or putting in overtime hours or for his wife to continue a part-time job then for 33 cents out of each dollar earned. The family would be little better off and, in fact, might in some cases actually be worse off.

If you are tempted to view the Tellas study as speculation, keep in mind that the House Ways and Means Committee rejected pleas to institute its reform proposals on a temporary demonstration basis to test whether the bill's work incentives would actually have the results predicted for them. Keep in mind that these work incentives are untested, the claims of their proponents purely speculative and past experience indicates similar work incentives have not worked as they were intended to.

What the Tellas study suggests is that the work incentives of the bill very well may not work.

What another recent news item indicates is that individual States, even working under the unreasonable regulations and pressures of HEW, are able to reduce their welfare caseloads by tailoring their programs to real needs and paring out waste. This is attested by the news that the April rise in relief rolls was the lowest in 2 years, largely because of the tightening of welfare rules in several States.

Another thing that the States can do—better than the Federal Government seems able to—is to put welfare recipients to work. Governor Ogilvie recently proposed in a special message to the Illinois Legislature a new program of institutional and public jobs development, accompanied by regular efforts to place recipients in available jobs, and strict enforcement of the work requirement.

But the States are handicapped in the effort. Note the report of the Oregon House of Representatives task force on welfare relative to work programs for welfare:

> Oregon at one time administered a successful work and training program which provided jobs for welfare recipients. The jobs involved the building and maintenance of county parks. However, Congressional action forced abandonment of this program.

The task force made several recommendations aimed at increasing the number of jobs available to welfare recipients and assuming that the jobs were taken.

Still, much more could be done if the States were free to design and administer their own programs.

Whether H.R. 1 will really put people off welfare and into productive roles in the economy is questionable. That it will more than double the welfare rolls and nearly double the cost of welfare is hardly questionable.

But there is an alternative. The Curtis bill, S. 2037, would restore to the States the responsibility for designing and administering welfare programs, and contains built-in incentives to encourage the development of successful job training programs and work requirements, while furnishing Federal financial assistance to help States cope with the economic burdens the current welfare program imposes on them. Why not the Curtis bill? Under its provisions can be accomplished what the experts deny will be accomplished under H.R. 1, despite its pretentions.

I urge the Senate Finance Committee to look carefully into the Tellas' study and not, as columnist James J. Kilpatrick so aptly put it, "follow the House bill blindly into clouds of uncertainty and sheer conjecture."

Mr. Speaker, I include immediately following my remarks Mr. Kilpatrick's column, "The Welfare Smog Descends on Capitol Hill" from the August 1 issue of the Washington Sunday Star and two news items, "Welfare Reform Said to Discourage Work" and "Cost Rise in Welfare Smallest in 2 Years" from the July 27 and August 1 issues, respectively of the Washington Post:

[From the Washington Sunday Star, Aug. 1, 1971]

THE WELFARE SMOG DESCENDS ON CAPITOL HILL

(By James J. Kilpatrick)

We had our first smog alert of the summer season here in Washington a few days ago. It had a nice symbolism: Just as the haze descended, the Senate Finance Committee began hearings on the several pending plans of welfare reform.

Let this be stated as a fact certain: Nobody, literally nobody, has any clear or reliable understanding of how these plans would work or what they would cost. One feature is generally known: Under Title IV of H.R. 1, passed by the House on June 22, a typical poor family of four would be guaranteed a minimum annual income, out of the federal treasury, of $2,400.

That single provision rises from a legislative mist like the Washington Monument out of last week's smog. The $2,400 figure provides a certain reassurance to lost sailors. Down below, out of sight, are pages upon pages of complex and incomprehensible sections and sub-sections, winding through parentheses to bottomless seas of prospective rules and regulations. This is a nightmare of the draftsman's art.

The House Ways and Means Committee has issued a 386-page report to explain what its bill is all about. A substantial part of that Report is devoted to work incentives. But this past week came a scholarly study, commissioned by the U.S. Chamber of Commerce, strongly suggesting that the work incentives such as they are, simply will not work.

Most of the plans pending in the Senate committee are based upon a sliding scale of welfare benefits. If the typical poor family of four—William, Mary, and their two children—have no outside income whatever, they would get the $2,400. The first $720 that William and Mary earned would be exempt. Up to $3,120, they would be safe from a tax bite. But as their earned income increased, benefit payments would be accordingly reduced. At a cutoff point of $4,320, benefits would stop altogether. The practical effect is to hit poor Bill with a tax rate of 67 percent.

The two economists retained by the U.S. Chamber, Alfred and Dorothy Tella, have impeccable academic and professional credentials. Their surmises on what William and Mary probably would do, under the assumed circumstances, are backed by impressive research. But it is a working rule that all economists speak Chinese, save only John Kenneth Galbraith, and this is a fair sample of what a congressman must wade through if he wants to know how the experts analyze the bill. From the Tellas' study:

"Without knowing the form of utility functions it is difficult to determine the extent to which families with pre-plan incomes above the cut-off could maximize utility by reducing earnings sufficiently to qualify for a supplement. However, since it is important to make some estimate of the extent of effects above the cut-off, we made the following assumption: that the head of a family with a pre-plan income above the statutory cutoff of a negative income tax plan would find it advantageous to reduce his hours of work sufficiently to enable the family to qualify for a supplement if there is a level of earnings below the cutoff at which the supplement divided by the loss in earnings is equal to a tax rate that, given our estimated substitution effect of various tax rates, would induce him to reduce his earnings to that level."

All clear? The Tellas' assumptions, translated into English, lead them to conclude that in a typical case, Bill probably would stop moonlighting, or put in fewer overtime hours, and Mary might well stop working altogether. Otherwise, instead of being better off, they'd be worse off.

It is this kind of analysis, over-simplified but comprehensible, that members of the Congress desperately need. Former Senator John Williams of Delaware had a knack of cutting through the fog to get at specific examples, but Williams is no longer around and the fog gets thicker. No one doubts that the existing welfare mess is awful, but surely it would be foolish to follow the House bill blindly into clouds of uncertainty and sheer conjecture. That's where the Senate committee is heading; and God help Bill.

[From the Washington Post, July 27, 1971]

WELFARE REFORM SAID TO DISCOURAGE WORK

The U.S. Chamber of Commerce said yesterday a study it sponsored indicates President Nixon's proposed welfare reform plan would discourage relief recipients from working and could add as much as $3 billion a year to welfare costs.

Prof. Alfred J. Tella and his wife, Dorothy, Georgetown University economists who made the study, said many of the "working poor" to be covered for the first time would work less than they do now, despite provisions designed to require and encourage relief recipients to work.

The Nixon proposal has passed the House and is pending in the Senate. It would provide a $2,400 guaranteed annual income and allow family heads to earn $720 more, reducing federal benefits for earnings above that. Recipients could earn up to a $4,320 cutoff point with gradually reduced federal benefits.

The Tellas said the plan would discourage welfare recipients from working because they would lose 67 cents of every dollar earned above the $720 at which benefit reductions would start.

They said they reached this conclusion by comparing census figures on persons who have non-wage income against persons who do not. Those with other income, which the economists equated with the proposed federal welfare payments, tend to quit work after reaching a certain level of income, they said.

The welfare reform plan would run current welfare costs from approximately $9 billion a year now to an estimated $15 billion the first year. The administration contends work requirements and incentives would gradually wean many welfare recipients off relief rolls.

[From the Washington Post, Aug. 1, 1971]

Cost Rise in Welfare Smallest in 2 Years

Welfare tightening in at least six states has contributed to the smallest monthly increase in two years for the nation's major relief program, the Department of Health, Education, and Welfare said yesterday.

Recipients of family welfare benefits in April—the latest month for which statistics are available—increased only 61,000, or 0.6 per cent, from March, HEW said. This was the smallest rise since July, 1969, for the program benefiting 10.2 million persons.

"The April figures reflect in some instances the efforts of states to cut back on the eligibility of applicants for welfare assistance due to the states' financial difficulties," said John D. Twiname, administrator of HEW's social and rehabilitation service.

"We are concerned about this situation because the needs of welfare recipients have not lessened," he added. "They, too, are under financial pressures."

Four states and Puerto Rico were listed as paring at least 2,000 recipients from family rolls between March and April. They are California 14,000; Oregon, 5,600; Washington 3,000; and New York 2,000, with Puerto Rico 14,000.

Oklahoma, New Mexico, Rhode Island, South Dakota and West Virginia reported decreases of less than 2,000 recipients each.

With the exception of Oklahoma, Washington and West Virginia, all these states with decreases were listed in a July HEW memorandum as among 22 implementing or considering welfare cutbacks.

In another indication of belt-tightening by states, HEW said the average family welfare payment declined from $186.50 in March to $185.40 in April.

The total number of persons receiving all kinds of public assistance in April was 14.4 million, 17,000 more than in March.

HEW said also that the cost of the Medicaid health-assistance program was $5.1 billion for the first 10 months of Fiscal 1971.

TRADE WITH MAINLAND CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Whalley) is recognized for 30 minutes.

Mr. WHALLEY. Mr. Speaker, as a result of the recent steps of this Government to relax our relations with mainland China, increasing interest has been aroused in the possibilities of trade with that country.

Since our trade with mainland China was cut off in 1949 we have little up-to-date information on which to base estimates of trade possibilities. We can, however, look into the trade that existed between our two countries during the more normal years before World War II. While the composition of that trade is no sure index of what might be expected should normal trade relations be developed in the future, some idea of the possibilities might be gained from a review of our trade immediately before the Great Depression of the early 1930's and in 1939.

Mr. Speaker, an analysis of this trade has been made by Mr. O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy. He has put together the trade statistics, both import and export, during the period mentioned. The study is of interest for what it tells of the kind of products that were the items of trade in both directions. I recommend perusal of this analysis by all who are interested in the trade potentials of mainland China should normal commercial relations be reestablished.

I offer for the Record at this point Mr. Strackbein's analysis of our earlier trade with China:

U.S. Pre-War Trade with China

(By O. R. Strackbein)

Recent events have ignited public interest in trade with China. Evaluation of the prospects is necessarily difficult because of the gap of more than twenty years and the great changes in the composition of our world trade during that period.

Possibly a clue of some value may be found during the inter-war period of the decades of 1920–40. Trade was as nearly normal during a part of that period as any that can be found after World War I. After 1940 our world trade was distorted for a decade by World War II and its aftermath. After 1948 trade with China all but disappeared.

We have never enjoyed a truly flourishing trade with China. Generally our imports have exceeded our exports. In 1926 our exports to China came to $110 million while our imports were $143 million. In 1929, the respective figures were $124 million and $166 million. From 1930 our trade fell off sharply, exports receding to $89 million and imports to $101 million. Trade remained at a low point and in 1939 was at $55 million for exports and $60 million for imports.

The following table shows the trend:

TOTAL U.S. TRADE WITH CHINA

[Dollars in millions]

	1926	1929	1930	1936	1937	1939
Exports to	$110	$124	$89	$46	$49	$55
Imports from	$143	$166	$101	$74	$103	$60
Share of total U.S. exports (percent)	2.5	2.4	2.3	1.9	1.4	1.8
Share of total U.S. imports (percent)	3.2	3.7	3.3	3.0	3.4	2.6

From 1928–30 our principal exports to China were finished manufactures, ranging from 39% to 47% of the total. Raw material exports were next, reaching from 30% to 40%. Foodstuffs and semimuanfactures were minor in comparison. Foodstuffs were distinctly short of 10% and semi-manufactures ranged from 12% to 15%.

In 1939 finished manufactures were only 33% of our exports and raw materials stood at 38%. Semi-manufactures had risen to 18%, and food to 10%.

During the 1928–30 period crude materials were consistently well over half our imports, ranging from 54% to 62%. Finished manufactures were only 9% to 13%, while semi-manufactures ran from 19% to 23%. Foodstuffs were in the 10% range or a little less.

In 1939 crude materials were much lower than a decade earlier, or only 35% of the total imports. The heavy gainer was the semi-manufactures, which rose to 38% while finished manufactures dropped to 19%. Foodstuffs reached only 7% of our imports.

The next table gives the details:

TRADE WITH CHINA, BY ECONOMIC CLASSES

[In millions of dollars]

	Crude materials	Percent	Crude food	Percent	Manufactured food	Percent	Semimanufactures	Percent	Finished manufactures	Percent	Total
Exports:											
1928	$47.8	35	$6	0.5	$7.7	5	$17.0	12	$64.0	47	$137.3
1929	37.2	30	2.2	1.8	9.2	7	19.1	15	56.1	45	123.9
1930	36.1	40	1.4	1.6	5.2	6	11.5	13	34.9	39	89.4
Imports:											
1928	86.1	62	3.1	2.3	11.0	8	26.8	19	12.7	9	139.9
1929	102.3	61	2.2	1.3	11.8	7	34.7	21	15.0	9	166.2
1930	55.0	54	1.2	1.1	7.8	7	23.5	23	13.7	13	101.4
Exports: 1939	21.1	38	2.4	4	3.5	6	9.9	18	18.3	33	55.4
Imports: 1939	21.2	35	2.0	3	2.5	4	23.2	38	11.1	19	60.3

IMPORT ANALYSIS

The details of our earlier trade with China do not, of course, reveal to us what may be expected at the present time if we resume normal trade relations. Yet, China has not so greatly changed industrially in the meantime to render the data wholly obsolete. Our trade covered a wide variety of products in both directions, and it may be of some value, beyond mere curiosity to examine this trade.

During the 1929–30 period our principal import from China was raw silk. That item is now superseded by technological developments in textiles, and we need not expect a revival of the silk trade. How far China has progressed in the production of man-made fibers and textiles is not known. It is doubtful, however, that she has kept pace with Hong Kong. Today our imports of man-made textiles represent one of the more acute import problems. Whether China could aggravate this problem in the near future is doubtful. All depends on her progress in modern textile technology.

Other characteristic imports in 1929–30 were furs, both semi-dressed and dressed. These ranked second to raw silk in 1929, at a value of $23 million, compared with $59 million in raw silk. Tung oil ($13 million in 1929 and $11 million in 1930) and wool, including carpet wool ($12 million in 1929) were others among the principal imports. Hides and skins ($7 million), eggs ($7 million), bristles ($6 million in 1929). Fruits and nuts ($2.4 million), hats of straw, chip, etc. ($3 million), tea ($1.5 million) and tungsten and alloys ($1 million) filled out most of the other items that we imported from China at a value of $1 million or more in 1929. Feathers, wool manufactures, silk manufactures, cotton laces and embroideries and metals also qualified in the $1–$2 million range in 1929.

In 1939 unmanufactured silk was still number one in our imports from China but its value had shrunk to $12.5 million from $59 million in 1929 and $28 million in 1930. Total imports had indeed also greatly shrunk by 1939. They had dropped about 50% from the 1929 level, or from $123 million to $60 million in 1939. The next largest item consisted of vegetable oils and fats at $11 million, of which $10 million was tung oil. Among inedible animal products bristle imports at $6 million and feathers at $1 million, followed by dressed and undressed furs at a little over $5 million, predominated; followed by flax, hemp and ramie manufactures, at $3.7 million. Nonferrous metals imports, including tungsten, came next, at a level of $3.3 million. Cotton manufactures were the only other item that passed the $1 million mark at $1.5 million.

COMMENT

None of the items of present-day heavy importations, such as petroleum, iron and steel products, machinery, including automotive products and electrical goods, chemicals, nonferrous metals, meat, etc. was an important import from China in the pre-World War II years. Finished manufactures which now predominate in our total imports were minor parts of our Chinese imports—only 19% in 1939 and only 9% and 13% in 1929 and 1930 respectively.

EXPORTS TO CHINA

During the years under review, i.e., 1929–30 and 1939, our exports to China lagged behind our imports.

In both 1929 and 1930 our three leading exports to China consisted of raw cotton, tobacco, and petroleum and products. In 1929 each of these three items enjoyed export levels of $22 million to China. In 1930 there was a decline in all three, with cotton suffering the least shrinkage. These three items represented over 50% of our total exports to China in both 1929 and 1930.

Other items above the $5 million dollar mark in 1929 but below $10 million, were grains and preparations ($8 million), sawmill products ($5.3 million), iron and steel manufacturers and automobiles and other vehicles (both at $5 million). Other items achieving a level of over $1 million (but less than $3.5 million) were coal tar products, industrial machinery, paper and manufactures, printed matter, electrical machinery, and fruits and nuts. While declines were registered in these items in 1930, the ranking among the products remained much the same.

Total exports in 1929 and 1930 to China were $123 million and $89 million respectively.

By 1939 our exports to that country had shrunk to $55 million, with raw cotton again leading, at $14 million. The second item was tobacco, and manufactures, of which the exports had shrunk even more sharply, or down to $6.3 million.

The other leading item of the earlier period, namely, petroleum, dropped to a yet lower level, or $2.7 million.

Grain and preparations remained at a relatively much higher level compared with 1929, or at $5.4 million. Iron and steel manufactures also resisted the decline more successfully from 1929, at a level of $4.3 million in 1939. Another item that stood its grounds was automobiles and accessories, holding at $4.9 million in 1939, compared with $5.0 in 1929 and $3.4 million in 1930. Industrial machinery dropped over 50% to $1.3 million. Coal tar products also dropped, falling over 50% to $1.0 million. Aircraft showed a level of $1 million, which was higher than the 1929 exports but somewhat less than in 1930.

EXPORT ANALYSIS

Roughly a third to 40% of our exports to China during the years reviewed were in the form of *crude materials. Finished manufactures* were a little over 40% during the 1928–30 period but only 33% in 1939. Semimanufactures ranged from 12% to 18% during the same period.

As observed above, our exports were dominated by a few products, over half of them being accounted for by three products, namely, raw cotton, tobacco manufactures, and petroleum and products in 1929. In 1930 these three items represented 60% of the exports. In 1939 their proportion had declined to 42%. In that year grain and preparations, steel mill manufactures and automobile parts and accessories represented slightly less than 25% of the total.

China was a distinctly minor market for our products in the late 'twenties, representing just above 2.5% of our total world market. In 1939 it fell to an even lower level, or 1.7%. Altogether our trade with China in 1929 was smaller than our trade with Cuba, and distinctly less than our trade with Belgium.

In 1939 our exports to China were less than those to Belgium, or Sweden or sparsely populated Australia.

Of the leading exports to China in 1929 our petroleum exports were 4% of our total petroleum exports; with respect to raw cotton the share was 2.8% of our total exports of this product, while in the case of tobacco and manufactures it was 13%. With respect to grains and preparations the portion of the total was 3%.

In 1939 our exports of tobacco and manufactures to China (mostly unmanufactured) was 7% of our total exports. In the case of raw cotton the share was 6% of the total exports; while we sent only 0.7% of our total petroleum exports to China in 1939. This latter decline was precipitate compared with the 4% level in 1929. With respect to steel mill products and manufactures exports to China were 1.8% in 1939; while our exports to that country were slightly less than 2% of our world total shipments of automobile, parts and accessories.

COMMENT

Because of the domination of our exports to China by a handful of products, that country was a significant market for only a few of our wide assortment of exports. There were no startling developments during the 1929–39 decade in our exports to China, other than the sharp decline in the total. The composition of our exports remained much the same.

If trade with China is resumed even on an unrestricted basis, no sensational developments need be expected. China's production for export does not fall within the mainstream of our imports. Unless capital formation in China takes a course somewhat similar to that of post-war Japan, a highly unlikely contingency, no surge in our trade need be anticipated.

The following tables provide greater details of our 1929–30 and 1939 trade with China. The first set of tables give our imports; the second, our exports:

IMPORTS FROM CHINA

[Value in thousands]

Products	1929	1930
Meats	$1,835	$1,197
Fish	102	38
Eggs, whole, yolks, etc	7,234	4,429
Hides and skins	7,382	5,438
Leather	16	
Furs, undressed	15,593	6,967
Furs, dressed on the skin	7,733	
Plates, mats, strips, etc., of dog, goat and kid		882
Other manufactures of fur (except hats)	531	412
Bristles	5,925	3,123
Feathers, crude, not advanced	1,136	695
Oil cake and oil-cake meal, other	180	83
Vegetable and preparations	$501	$331
Fresh vegetables, n.e.s		80
Fruits and nuts	2,487	1,141
Peanut oil		793
Tea	1,521	789
Spices	154	115
Total oil seeds		1,651
Tung oil	13,732	11,970
Vegetable tallow	797	
Cotton unmanufactured (short staple)	2,634	3,154
Cotton laces, embroideries, etc	1,148	851
Cotton manufacturers		907
Manufacturers of flax, hemp, and ramie	2,502	2,355
Wool, including mohair, etc. (unmanufactured)	12,587	6,059
Wool manufacturers	2,988	1,793
Human hair, raw, uncleaned	515	1,015
Horse hair, tails or manes	691	528
Animal hair, n.e.s., including switches and long hair	72	
Raw silk	59,718	28,942
Silk waste	2,662	
Silk manufactures	1,512	847
Materials for hats of straw, chip, grass, palm leaf, etc	629	229
Hats, bonnets, and hoods of straw	2,992	4,280
Wood manufactures	257	225
Paper and manufactures	31	45
Glass and glassware		12
Pottery	95	81
Precious stones and pearls and imitations	487	248
Talcum, steatite and French chalk	68	63
Other nonmetalic minerals	180	50
Iron and steel manufactures	13	10
Tungsten and alloys (tungsten content)	1,099	749
Brass manufactures	168	165
Tin, bars, blocks, pigs, etc	350	36
Manufactures of metals, n.e.s		49
Manufactures of decorative metals		67
Manufactures of gold and silver	69	
Chemicals	271	116
Firecrackers	423	344
Works of art 100 years old	438	752
Pipes and smokers' articles, n.e.s		32

Imports from China

[Value in thousands of dollars]

Products:	*1939*
Meats	$741
Fish	189
Hides and skins	1,130
Leather manufactures	71
Furs, undressed	4,378
Furs, dressed, and manufactures	1,000
Grains and preparations	132
Vegetables and preparations	763
Fruits and preparations	185
Nuts	445
Vegetable oils and fats, edible	185
Cocoa, coffee, and tea	531
Spices	739
Beverages	60
Drugs, herbs leaves, roots, etc	199
Oil seeds	299
Vegetable oils and fats, expressed or extracted	11,129
Vegetable oils essential or distilled	270
Dyeing and tanning materials	176
Cotton manufactures	1,842
Flax, hemp, and ramie manufactures	3,732
Wool, unmanufactured	523
Wool, manufactures	895
Silk, unmanufactured	12,520
Silk, manufactures	502
Wood and manufactures	312
Paper and manufactures	22
Glass and glass products	21
Clay and clay products	153
Ferroalloys	716
Nonferrous metals, except precious	3,339
Precious metals, jewelry, and plated ware, except gold and silver in ore, bullion, and coin	87
Medicinal and pharmaceutical preparations	234
Specific products:	
Sheep, lamb, and goat sausage casings	400
Sausage	246
Eggs, yolks, etc	349
Cattle hides	60
Goat and kidskins	893
Furs, undressed	4,340
Furs, dressed	987

Imports from China—Con.

[Value in thousands of dollars]

Specific products—Continued	
Bristles	$6,116
Feathers for beds	1,048
Rice	98
Fodders and feeds, n.e.s	314
Vegetable and preparations	731
Fruits and preparations	168
Nuts and preparations	442
Vegetable oils and fats, edible	183
Tea	7,141
Spices	893
Sugars contained in articles, composed in chief value of manufactured sugar	426
Drugs, herbs, leaves, roots, etc	29
Drugs of vegetable origin, not edible	82
Oil seeds	292
Tung oil	10,645
Oil, expressed or extracted	483
Oils, essential or distilled	268
Raw cotton (except linters)	53
Cotton semimanufactures	78
Wearing apparel, cotton	55
Cotton articles	1,382
Handkerchiefs other than cotton	2,007
Laces, embroideries, etc	1,589
Carpet wool	283
Wearing apparel of wool	156
Carpets and carpeting	700
Human hair	739
Animal hair, unmanufactured	453
Silk, unmanufactured	11,710
Silk wearing apparel, etc	365
Hat materials	755
Hats	844
Floor coverings	97
Furniture and parts	84
Manufactures of wood or bark	66
China and porcelain	132
Tungsten ore and concentrates	716
Copper utensils	42
Tin, bars, blocks, etc	3,015
Jewelry	40
Chemicals, menthol	151
Medicinal preparations	52
Artistic antiquities	506

EXPORTS TO CHINA

[Value in thousands]

Products	1929	1930
Meat products	$52	$88
Dairy products	827	623
Fish	302	121
Leather	783	305
Leather manufactures	384	312
Furs and manufactures	656	423
Grains and preparations	8,340	4,862
Vegetables and preparations	224	165
Fruits and nuts	1,133	585
Cottonseed oil, refined		53
Chewing gum		81
Confectionery	93	
Grape sugar (corn sugar)	82	
Distilled liquors	148	
Rubber and manufactures	784	651
Naval stores, gums, and resins	204	252
Tobacco and manufactures	22,323	16,616
Cornstarch and corn flour	142	123
Raw cotton except linters	22,761	21,428
Cotton semimanufactures	72	51
Cottom manufactures	338	179
Wool manufactures	60	50
Silk manufactures	111	81
Wood, unmanufactured	622	329
Sawmill products	5,343	2,431
Wood manufactures	217	156
Rags and other paper stock	84	
Paper and manufactures	2,671	1,649
Petroleum and products	22,211	15,054
Paraffin wax, refined	823	
Petroleum asphalt	229	
Glass and glass products	123	94
Clay and clay products	97	139
Iron and steel semimanufactures	5,008	2,732
Steel mill products	778	583
Iron and steel advanced manufactures	1,490	1,312
Refined copper		715
Copper wire	115	100
Brass wire		43
Lead in pigs, bars, etc	937	78
Other		62
Electrical machinery and apparatus	2,745	2,463
Industrial machinery	3,019	1,669
Office appliances	$298	$203
Printing machinery	403	
Typesetting machines		45
Printing and bookbinding machines		312
Other printing machines		50
Agricultural machinery and implements	186	89
Automobiles and other vehicles	5,027	3,400
Coal tar products	3,296	2,508
Medicinal preparations for internal use	426	194
Industrial chemical specialties	208	192
Industrial chemicals	391	376
Pigments, paints and varnishes	360	289
Fertilizers and fertilizer materials	71	
Explosives, fuses, etc	85	489
Soap	163	257
Photographic and projection goods	755	627
Scientific and professional instruments, apparatus, and supplies	241	170
Musical instruments	245	211
Fountain pens	119	110
Ink	290	257
Books and pamphlets	253	167
Other printed matter	1,894	1,495

Exports to China

[Value in thousands of dollars]

Products:	1939
Value of domestic merchandise	55,459
Animals and animal products, edible	74
Animals and animal products, inedible	421
Vegetable food products and beverages	5,916
Vegetable products, inedible, except fibers and wood	7,600
Textile fibers and manufactures	15,781
Wood and paper	1,997
Nonmetallic minerals	3,109
Metals and manufactures, except machinery and vehicles	7,030
Machinery and vehicles	9,254
Chemicals and related products	3,316
Miscellaneous	956
Specific products:	
Meat products	6
Dairy products	42
Fish products	19
Hides and skins, raw, except furs	12
Leather	160
Leather manufactures	27
Furs and manufactures	209
Grains and preparations	5,475
Vegetables and preparations	49
Fruits and preparations	205
Rubber and manufactures	854
Naval stores, gums and resins	202
Vegetable oil, inedible	14
Tobacco and manufactures	6,383
Raw cotton, except linters	14,202
Cotton manufactures	1,414
Wood manufactures	12
Silk manufactures	42
Rayon and other synthetic textiles	21
Wood unmanufactured	350
Sawmill products	885
Wood maufactures	14
Paper base stocks	41
Paper and manufactures	701
Coal and coke	218
Petroleum and products	2,704
Glass and glass products	36
Clay and clay products	48
Iron and steel semimanufactures	4,364
Steel mill manufactures	412
Iron and steel advanced manufactures	442
Aluminum and manufactures	443
Copper and manufactures	417
Brass, bronze and manufactures	692
Electrical machinery and apparatus	954
Industrial machinery	1,384
Office appliances	69
Printing and bookbinding	25
Agricultural machinery and implements	89
Automobiles, parts, and accessories	4,981
Aircraft and parts	1,071
Coal-tar products	1,036
Specific products:—Con.	
Medicinal and pharmaceutical preps.	669
Chemical specialties	308
Industrial chemicals	547
Pigments, paints, and varnishes	191
Fertilizers and fertilizer materials	18
Explosives, fuses, etc	437
Soap	59
Toilet preparations	48
Photographic and projection goods	220
Scientific and professional instruments, apparatus and supplies	144
Musical instruments	8
Firearms and ammunition	142
Books, maps, pictures, and other printed matter	75

EQUINE ENCEPHALOMYELITIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

Mr. DERWINSKI. Mr. Speaker, in my opinion, the Department of Agriculture should extend the vaccination programs against the horse sickness, Venezuelan equine encephalomyelitis, throughout the country despite the apparent lull in the discovery of newly infected horses.

The precautions taken to date seem to have been successful in limiting the spread of the horse sickness, but the history of attacking this disease has been one of "too little, too late." I believe that the Agriculture Department should move ahead of, rather than just pursue, the outbreaks.

The vaccination being used has been demonstrated to be fundamentally effective and should now be licensed for general use so that horses throughout the country can be vaccinated, since once a horse contracts the disease the vaccination is useless. In our preoccupation with the space and motor age, we overlook the tremendous investment in horses throughout the country and any spread of the disease would, in fact, become a national tragedy.

I commend the Agriculture and Defense Departments for their effective efforts in limiting the spread of VEE. However, I must point to the pattern of the disease spread and the fact that a number of horses contract the disease before effective detection in an area has been developed as underlining the practicality of my suggestion.

NATIONAL POPULATION STABILIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 5 minutes.

Mr. HORTON. Mr. Speaker, I am pleased to join with my distinguished colleague from Arizona (Mr. UDALL) in introducing a resolution to commit us to a long-range policy of national population stabilization. In the last Congress I joined in supporting two measures relating to our Nation's population problem. The first of these measures created the Commission on Population Growth and the American Future, chaired by Mr. John D. Rockefeller III. In March of this year the commission presented its interim report, and I would like briefly to review some of its findings.

First, the commission found that the questions raised by population growth are fundamental and basic to our national future, that we have never explicitly set out to resolve those questions, and that to do this we need to establish a national population policy.

Second, the commission found that the United States does have, in the short run, the resources to cope with further population growth. What the United States does not have are the resources to simultaneously provide for a third and fourth hundred million Americans without sacrificing our ability to satisfy our other social priorities. It phrased the question this way:

> Do we wish to continue to invest even more of our resources and those of much of the rest of the world in meeting demands for more services, more classrooms, more hospitals, and more housing as population continues to grow? Or should we concentrate our energies and resources on improving the quality of existing services and extending them to large numbers of our people for whom the "quality of life" still means just getting a square meal?

Third, the commission found that the crucial difference for the United States was the difference between an average family size of two children and one of three children. It placed a dollar cost on that third child in the year 2000 as $40 billion annually for education alone, and $14 billion for health care. The three child norm would require, to maintain the same living standard, a 20 percent increase in our GNP, with its associated impact on the environment.

Fourth, the Commission found that it was virtually certain that the United States would achieve a population of near 300 million, whatever we did: that the question we must address is the fourth hundred million, and that we must address it today.

Fifth, although it agreed that "distribution is in many ways problematic" the Commission concluded that the development of a national policy on population distribution could not resolve the question, do we want that fourth hundred million or do we not?

Mr. Speaker, I believe we have enough of the wisdom of our pioneer forefathers, with their cry for "elbow room" to recognize that we not want to race ahead to find the breaking point for our society, to determine at what fatal number our society begins to break down from stress and crowding. Is there anyone among us who doubts that among a nation of 300 million Americans there will be enough fellows for human companionship and warmth? Enough workers for a healthy, a free, and a productive economy? Enough statesmen to provide us with leadership? Enough artists to satisfy our need for beauty? Enough humorists for laughter?

Mr. Speaker, there may be some who share this concern about overpopulation, but who fear that a national policy such as we propose would be one more example of government extending the scope of its powers. They see a national population policy as an innovation. I would like to reassure them. The policy envisaged by this resolution can, I am confident, be implemented without injecting government into a single new area of American life, without trespassing on a single individual right. For the fact is we have always had a population policy in the United States. It has always been the policy of the Federal Government to encourage population growth, as was appropriate during the first century of our national existence.

So we have had a population policy, an explicit one. We have also had a number of less conscious policies which strongly encouraged population growth. We have traditionally used our schools to praise the idea of growth and of manifest destiny, forgetting at the same time to point out that growth should serve human needs and that manifest destiny, even for the United States, has its finite limits.

We have discriminated against single persons and the childless in a whole range of social programs and policies, beginning with the Internal Revenue Code. In all these areas, those very policies which would help reduce population growth would simultaneously increase the freedom, dignity, and responsibility of our citizens. None of them represents a new area of Government endeavor: What we need to do above all to implement a national policy of population stabilization is to reverse public policy in those areas where it unjustly or unwisely pressures individuals to have children they do not really want. And we must provide the people with information upon which they can make responsible choices about their family size.

We must also consider, Mr. Speaker, that our population growth does not take place in a vacuum; the dangers which we foresee to America in unchecked growth are realities in much of the world.

We have, for the past 5 years, stood ready to assist other nations in developing family planning programs. But much of the impact of this aid has been lost because of our own unwillingness to adopt a population policy for our own Nation. The juggernaut of our own population growth may move more slowly, but it is just as certain that, unchecked for long enough, population growth will destroy our aspirations and hopes as it has ravaged the hopes of developing countries. So long as the United States lacks a coherent national policy of population stabilization, our warnings to the rest of the world will be discounted. Our society, with all its faults, still serves as a model and goal for much of the world. They wish to emulate our standard of living; and in this desire, all too many of them are emulating our inaction on population.

Mr. Speaker, I do not claim that it will be easy to resolve the moral and other questions involved in formulating population policy. Nor can population growth be quickly halted. It is for these very reasons that I urge on this body the prompt consideration of this resolution, and the establishment of a national goal of eventual population stabilization.

UNITED STATES VERSUS EL PASO: ANTITRUST GONE MAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. McCLURE) is recognized for 5 minutes.

Mr. McCLURE. Mr. Speaker, for 14 years now, natural gas consumers in the West have dwelt under a cloud. It began with the merger of El Paso Natural Gas Co. and Pacific Northwest Pipeline Corp. in 1957. It has now become one of the longest, one of the most senseless antitrust suits in history.

Throughout this time, the Federal Power Commission—charged by Congress with the authority to decide such things—has upheld the merger as being in the public interest. The Justice Department and the Supreme Court have dealt instead with the question of whether it lessened competition in California. The fact that the merger has meant lower prices, better service, or more economical use of our gas resources in the Northwest is apparently an inconsequential consideration to them. That was the way Captain Queeg ran the *Caine*, as I recall.

Today, I am joining Congressman ADAMS and other Members from the Northwest in sponsoring legislation to preserve the merger. I am told that many of the early proponents of the antitrust action now feel it is a waste of time. However, down in the lower regions of the Justice Department, there are a handful of lawyers who have made a career out of the El Paso case, and to my knowledge, they are about the only ones who wish to pursue what Senator MAGNUSON has called this "fruitless and pointless litigation."

I served as chairman of the House Republican task force on energy and resources. In that capacity, I have learned of a declining reserves-to-production ratio as far as natural gas is concerned. Some feel it is reaching the critical point.

It seems to me that one of the factors in the economical use of these resources lies in the efficiency of the supplier. It follows that we must ask just who will serve the natural gas consumers in the Pacific Northwest if the divestiture takes place and will they possess the efficiency we must now demand in the face of dwindling reserves.

Hopefully, early hearings can be scheduled on this measure. Congressman ADAMS has explained its necessity quite well, so I want to conclude by calling the attention of the House to an article on this matter in the Wall Street Journal of July 26. Quite appropriately, it is entitled, "Antitrust Gone Mad." I include it at this point in the RECORD:

UNITED STATES VERSUS EL PASO: ANTITRUST GONE MAD

(By Roger W. Benedict)

Even in the murky field of antitrust law, it's a bit unusual for a major case to drag on for 14 years, with no end in sight. It's even more unusual if the defendant has never appealed and the man who takes credit for initiating the suit now wants Congress to wipe it out.

An almost complete turnabout in industry conditions during these seemingly interminable proceedings has become, in fact, the focus of a growing controversy over *U.S. vs El Paso Natural Gas Co.* And that dispute has a significance that extends beyond its immediate economic importance to the wider issue of the relationship of antitrust law to the public interest.

In the view of a large majority of Western governors and regulatory commissions, most of the area's gas utilities and many gas customers, this antitrust action, far from promising benefits to consumers, has become instead a major threat to their best interests by endangering future gas supplies for the Western U.S.

JUSTICE DEPARTMENT ALARMED

Sen. Warren G. Magnuson (D. Wash.), chairman of the Senate Commerce Committee, after holding hearings, has drafted proposed legislation that would preserve El Paso's 1957 acquisition of Pacific Northwest Pipeline Co., ending what he terms "14 years of fruitless and now pointless litigation." Naturally enough, this has aroused alarm in the Justice Department, which fears that such legislative intervention could trigger increasing appeals to Congress to undo antitrust ruling won in the courts, as the lawmakers have recently done in cases involving bank and newspaper mergers.

But an examination of this complex case indicates that it is indeed a proper matter for congressional scrutiny.

From the beginning the case has hinged on whether relatively narrow and largely theoretical interpretations of antitrust law should take precedence over a much broader evaluation of what serves the public. This has in turn involved a classic dispute over the division of powers among the major branches of the federal government.

Proponents of legislative intervention in the case contend that the test of time has verified a conclusion by the Federal Power Commission that merger of the two pipelines would benefit consumers in the Pacific Northwest, California and the Southwest. By contrast, they assert, legal theories advanced by the Supreme Court that the merger would reduce competition in California make little sense in today's growing national gas shortage.

Edmund G. "Pat" Brown, who was attorney general of California at the time, says he convinced the Justice Department to file the antitrust suit. He told Sen. Magnuson's hearings that a court-ordered divestiture of Pacific Northwest by El Paso now "is likely to prove extremely damaging" to California consumers, by threatening their access to future supplies of gas and by raising its cost.

Concern is even greater in the Pacific Northwest. Gov. Cecil D. Andrus of Idaho testified at the hearings that energy reserves in the Northwest are "dangerously low," and he asserted that El Paso, with divestiture hanging over its head, can't pursue new supplies with "great vigor." Until the litigation is ended, he said, "there will be no successor company in position to undertake the responsibility."

El Paso contends that with full approval of the FPC, it rescued Pacific Northwest from the verge of bankruptcy, pumped $166 million into it, tripled its sales over a period when industry volumes doubled and never raised prices to customers over the first 13 years of operating Pacific. El Paso says the merger also ended its own over-dependence on byproduct gas from Texas oil wells, helping keep gas rates in Los Angeles and San Francisco among the lowest in the nation.

Now El Paso is faced with the likelihood of divesting its holdings not only in Pacific Northwest, but in one of its own major California pipelines as well, plus a possible $50 million tax liability, an attempt to sequester some past earnings and a ban on competing in its biggest market, California, for seven years.

Howard Boyd, chairman and chief executive officer, says the divestiture "may turn one healthy company into two sick ones," to the detriment of consumers served by both.

Pacific Northwest was set up in 1954 to build the first interstate gas pipeline to that area of the country. But it ran up $23 million of operating losses in its first three years, had to sell some assets to meet preferred dividend payments and faced loss of valuable undeveloped leases in New Mexico's giant San Juan Basin gas field unless it could find the capital to meet contract drilling requirements.

Pacific proposed merger to El Paso, which had the financial resources to shore up the new company, and which was attracted by the opportunity to diversify its sources of gas supply. The FPC, which regulates gas pipelines, approved the consolidation. But the California Public Utilities Commission appealed, charging that the merger would decrease pipeline competition in the state by removing one company. The Circuit Court of Appeals in Washington, D.C., upheld the merger.

COMPLICATED MANEUVERS

But that was the last time that any court has considered the broad impact of the merger on the public interest. California appealed the ruling to the Supreme Court, thus setting off a complicated series of maneuvers that revolved on complex legal questions. The result to date is four controversial Supreme Court decisions, with more in sight.

The first Supreme Court ruling, in 1962, was that El Paso must stand trial in a lower court on antitrust charges. Although the Clayton Act contains language exempting from antitrust challenge any transactions approved by the FPC, the court held that the act didn't give the FPC authority to rule on a stock acquisition that preceded actual consolidation of assets. El Paso argued in vain that the stock acquisition was merely a part of the merger process.

Justices John Harlan and Potter Stewart said, in the first of several blistering dissents, that the ruling created "a wholly artificial imbalance between antitrust law enforcement and administrative regulation" and wasn't supported "by reason or authority."

After a district court acquitted El Paso of an antitrust violation, the Justice Department again appealed to the Supreme Court. The high court overturned the lower court, contending that if Pacific Northwest had remained independent it would have become a pipeline competitor in California. The Supreme Court directed the lower court to order divestiture, prompting Justice Harlan to assert that he knew of no previous case in which the high court had ordered a remedy not considered first by a lower one.

The divestiture plan drawn up by the district court was the "best in the history of the Clayton Act," according to a high Justice Department official. But the Supreme Court in 1967 rejected the plan and proceeded to outline its own directives for another lower court to carry out. This caused the dissenting justices to thunder, "The court roams at large, unconfined by anything so mundane as a factual record developed in adversary proceedings."

The second plan of divestiture was turned down by the Supreme Court in 1969, after it denied the lone appellant, the Utah Public Service Commission, permission to withdraw, which would have ended the case. The same dissenting justices declared this "dismaying to all who are accustomed to regard this institution as a court of law." They charged that the decision "to shatter centuries of judicial tradition" came from "completely erroneous factual premises born of superficial acquaintance with this 14,000-page record."

The district court in Salt Lake City is currently struggling with a third divestiture plan. But even the Justice Department is recommending that it ignore two of the Supreme Court's directives: that the sale be "all cash" (which would impose that $50 million tax on El Paso) and that it prohibit transfer of $170 million of El Paso's debt to Pacific (which likely would cost Pacific millions of dollars in added interest costs to raise new debt at today's rates). The new plan is expected to go back to the high court at least once more.

The Supreme Court's rulings have all related to pipeline competition in California. In 1946 El Paso built the first pipeline to bring out-of-state gas to that vast market, in competition with more than 100 suppliers hooked to California wells. Pacific Northwest never supplied the market, but had made an abortive pre-merger attempt to do so, failing to find sufficient buyers at its proposed prices which were higher than El Paso's.

Since the case began, two more major interstate pipelines have been built to California.

What's more, the market has changed from one of strong competition to one of growing shortage; today anyone with gas to sell would have no trouble finding buyers. What the state needs now, says Mr. Brown, are "new gas supplies, not new gas suppliers."

The most likely direction for all the Western states to turn for new supplies, says Mr. Boyd, is northward, to Canada and Alaska. El Paso has pioneered U.S. use of Canadian gas, currently accounting for nearly one-third of total U.S. imports. This gas has helped El Paso keep prices low in the Pacific Northwest, while freeing San Juan gas for the much shorter haul to California, he asserted. But he says that the litigation is tying El Paso's hands and that no new company exists to compete against Midwest and Eastern pipelines that may sew up most of the available supplies before the court case ends.

CONCERN OVER COMPETITORS

There's also concern over how effective a new company would be. Of seven competitors for the Pacific Northwest properties, the only one with pipeline experience, Colorado Interstate Corp., was once before rejected by the court. Anaconda Co., the giant copper mining company, Husky Oil Ltd.; and Banister Continental Corp., a computer and pipeline construction firm, would be entering a new field.

Three exist only on paper: Western Sunset Transmission Co., Paradox Production Corp. and Copaco Inc. (Noting a Securities and Exchange Commission report that Paradox had $23 in fixed assets and owed its directors $557,000, Sen. Magnuson commented, "I hope this isn't typical of the applicants.")

At the request of Sen. Magnuson's committee, Stephen Breyer, professor of antitrust law at Harvard Law School and formerly a Justice Department attorney in the antitrust suit against El Paso, re-studied the case. While Professor Breyer opposes the principle of congressional action in court cases he concluded that the Justice Department "guessed wrong" when it limited the El Paso suit.

INTRODUCTION OF LEGISLATION TO PROTECT THE NATURAL GAS SYSTEM OF THE PACIFIC NORTHWEST AND TO PRESERVE THE EL PASO-PACIFIC NORTHWEST MERGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 30 minutes.

Mr. ADAMS. Mr. Speaker, on behalf of myself and a bipartisan group of Representatives from the Pacific Northwest, I introduce a bill to protect the interests of natural gas consumers in the Northwest and in the western part of the United States by insuring that they will continue to enjoy the benefits of the 1959 merger of the pipeline and supply systems owned by El Paso Natural Gas Co. and Pacific Northwest Pipeline Corp. This bill would finally remove the doubts and uncertainties which gas consumers in the Northwest have been living with for the past 14 years as to who will be their sole supply of natural gas.

In 1957, the Department of Justice brought suit attacking the merger which it believed would have anticompetitive effects in California. The Federal Power Commission later found that there would be significant benefits to the Northwest, the Southwest, and even to California as a result of the merger. During the intervening years, virtually all of these benefits have been realized, even though during this same time the courts have been struggling with three different divestiture arrangements which would result in a break-up of this unified system in order to create a new competitor for the California market.

Today, in 1971, the Pacific Northwest has an even greater need than in 1957 for a strong, capable supplier of natural gas. We are, however, faced with a situation whereby the end result of the litigation would be to impose on the consumers in the Northwest a new, inexperienced supplier in the place of El Paso and to impose upon these consumers significant additional costs in return for a reduced prospect that they will be able to receive additional needed supplies of gas in the future. What is particularly disturbing to me is that these hardships will be imposed on Northwest consumers even though in 1971 divestiture will result in no benefits to California consumers, the consumers for whose benefit this suit was instituted in the first place. In fact, consumers in that State will likewise be forced to pay needless extra costs for which they will receive no benefits.

The governors and the State utility commissions of Washington, Oregon, Idaho, and Wyoming have expressed their strong support for this legislation. Senator WARREN MAGNUSON has today introduced a similar bill on behalf of himself and other Members of the Senate.

Natural gas has become vitally important in our total energy picture because it is a "clean" fuel—a fuel which produces virtually no pollution. As a result, demand for natural gas for home and industry in the Nation has doubled over the last 13 years, and in the western part of the country the use has tripled. In the last 3 years, however, discoveries of new sources of gas have fallen far short of the amount consumed. Presently known reserves will soon be inadequate to supply the growing needs of gas consumers in the West. While the need for new sources of gas supplies is a fundamental problem of importance to all areas of the country, it is approaching crisis proportions in the Pacific Northwest and in California.

This situation raises the questions of: How can we continue to obtain dependable sources of natural gas at low prices? How can we best foster the exploration and development of new sources of supply? How can we make the most efficient utilization of existing gas reserves and facilities?

While all areas of the country must struggle with these questions in the future, gas consumers in the West, and particularly in the Pacific Northwest, are today facing the dire prospects that they may soon be deprived of a safe and dependable supply of natural gas. Because of the many public interest issues raised by the divestiture, the Senate Commerce Committee held hearings in Seattle, Wash., on April 19 and 20, to examine all aspects of the problem. Over 20 individuals and groups appeared and many others filed statements expressing their views. The governor and the Public Utilities Commission of the State of Washington urged that this legislation be enacted. In addition, the leading gas distributors which serve the hundreds of thousands of Washington consumers requested congressional action to preserve in the public interest the gas supply and indicated they supported the El Paso-Pacific Northwest merger. Moreover, the State superintendent of public instruction, the Washington Public Utilities Districts Association, the Association of Washington Business, the Washington State Hospital Association, the Apartment Operators' Association of Seattle, and the industrial users all appeared at the hearings to urge prompt congressional action to preserve this merger. After examining the record of that hearing, I have concluded that the bill I am introducing today is the best solution to a judicial dilemma which threatens to impose serious consequences on the gas consumers in the western part of the United States.

The history of this litigation has been complex and unique. It has been alternatively described as a case that would warrant a description by Charles Dickens or a scenario that might have been written by Lewis Carroll. An understanding of this history is, nevertheless, a prerequisite to the understanding of the problems which allowing the litigation to continue will entail. I would therefore like to summarize the highlights of this extraordinary case.

In 1957 El Paso was a well-established company and was the sole supplier of natural gas to California in competition with over 100 intrastate producers, including many of the large oil companies. El Paso, however, was heavily dependent on gas produced in conjunction with oil and this caused a potential weakness in its gas reserve. The Federal Power Commission recognized that this was an unhealthy situation in view of the increasing demands of the markets served by El Paso and instructed the company to develop unencumbered sources of gas.

In 1957 Pacific Northwest was the sole supplier of natural gas to the Pacific Northwest area. Although it had been in existence for only 3 years, it had incurred net operating losses of over $23 million and was unable properly to develop both its gas reserves and its gas markets. In the opinion of the Federal Power Commission, Pacific Northwest "did not have the financial capacity to render the type of service to its markets that should be expected of an interstate pipeline company."

Pacific's pipeline system extended from a point close to El Paso's line north to Alberta, Canada, a location containing some of the largest gas fields in the North American Continent.

Both parties believed that a merger would be a perfect fit. Pacific Northwest and the consumers in our area needed a strong, financially responsible supplier who could adequately develop the tremendous potential of the market; El Paso and its customers in the Southwest and in California needed access to new supplies of gas in Canada which the Pacific system provided. In 1957 El Paso acquired virtually all of this stock of Pacific Northwest and applied to the Federal Power Commission for a Certificate of Public Convenience and Necessity to merge the two systems. In section 7 of the Natural Gas Act, Congress had given the FPC authority to approve mergers of natural gas companies.

Shortly after El Paso acquired the stock of Pacific Northwest, the Justice Department filed suit against the merger under section 7 of the Clayton Act on the ground that the acquisition would tend to substantially lessen competition in California. Although Pacific had never actually sold any gas in the California market, it had attempted to negotiate for sales to large customers there, but had been unsuccessful because at the prices it sought to charge, it was unable to attract sufficient business to make a new pipeline venture feasible. Nevertheless, the Justice Department felt that Pacific was a "potential" competitor in California. The question arose whether FPC could proceed with its determination of whether the merger of the two systems was in the interest of all consumers in the areas served by the two companies or whether it had to postpone its consideration of these broad questions while the court settled the narrower question of whether the prior stock acquisition tended to lessen competition in the California market. In a proviso to section 7 of the Clayton Act, Congress had provided that mergers sanctioned by the FPC would not be subject to attack under the antitrust laws. Thus it appeared at that stage that the FPC had the power to approve the merger and that, if it did so, the Department of Justice would have no authority to attack it.

The district court in which the Clayton Act case had been brought delayed its consideration until the conclusion of the FPC proceedings. In December 1959, the full Commission unanimously affirmed the decision of the hearing examiner and issued a certificate authorizing the merger. Significantly, the decisions of the hearing examiner and the full Commission were the only instances in the entire 14-year history of this litigation where all of the public interest issues involved in the merger received any consideration. The FPC determined that any anticompetitive effects in California resulting from the elimination of Pacific as a potential competitor were minimal and were far outweighed by the substantial benefits to be derived by gas consumers in the Western part of the United States from the merger. This decision was then appealed to the Circuit Court of Appeals for the District of Columbia and was affirmed.

An appeal was then taken to the Supreme Court on the ground that the Clayton Act case should have been tried before the FPC reached its decision. The Solicitor General of the United States argued on behalf of the FPC. By a divided court, the Supreme Court in April 1962 ruled that the antitrust case should have taken priority. The Court sent the case back down to the district court for trial on the issue of whether the merger would have anticompetitive effects in California.

After a lengthy trial in Salt Lake City, the Utah District Court in the fall of 1963 found that the merger did not tend to lessen competition in the California markets. The Justice Department then appealed that decision and in April 1964, the Supreme Court held that the mere existence of Pacific Northwest as a potential competitor in California, made the acquisitions illegal under section 7 of the Clayton Act. The Court not only remanded the case to the district court again, but directed that divestiture of the old Pacific Northwest system by El Paso take place "without delay." Mr. Justice Harlan pointed out that the effect of the decision was to place the Department of Justice in the driver's seat, even though Congress had lodged primary regulatory authority with the FPC. He also dissented from the majority opinion on the grounds that this was the first case in which the Supreme Court had ever itself directed divestiture or any other particular kind of relief, rather than leaving that up to the district court which could consider all relevant factors.

Over a year later, El Paso and the Justice Department finally agreed upon a plan of divestiture that was approved by the district court. Three parties claiming that they should have been allowed to intervene in the district court proceedings, then appealed the decision to the Supreme Court. For the third time in 5 years, the case was heard by the Supreme Court which decided, in a 5 to 2 decision, that intervention should have been permitted. The Court also issued a set of guidelines for the divestiture and ordered that a new judge be assigned to the case to make "meticulous findings" to support a second and new divestiture plan.

I should point out that the three parties which appealed this decision, included two companies and the State of California. Both of these companies and the State of California, as well as the California Public Utilities Commission, are now among the many parties strongly supporting the legislation which I am proposing today.

Divestiture proceedings were resumed before a new judge, and 39 parties were admitted to the proceedings in line with the Supreme Court's rulings. After 5 months of hearings and after considering alternative proposals of nine companies interested in acquiring the properties to be divested, the judge decided that Colorado Interstate Gas Corp., was best qualified to serve the consumer's interest and to provide competition in California. In a 78-page decision, he applied the guidelines set forth by the Supreme Court in 1967 and supported them with meticulous findings. Of the many parties which participated in this proceeding, only one, Utah, took steps to appeal the decision to the Supreme Court. Utah later reconsidered its position and asked to withdraw its appeal. Thus, all parties to the case were satisfied that the lower court's decree was the best solution to the problem.

At this point three individuals, none of whom represented any of the parties involved in the case, sent papers to the Supreme Court asking for another hearing. This was 5 years after the Supreme Court had ordered divestiture "without delay." Based upon these communications, the Supreme Court asked for briefs and oral arguments on whether "Utah should be allowed to withdraw its appeal and whether a hearing should be granted to the three individuals. All of the parties confined their arguments to the issues as outlined by the Court.

On June 16, 1969, a 4-to-2 majority of the Supreme Court held not only that the appeal should be granted, but without hearing any argument on substantive issues, again overturned the divestiture decree handed down by the new trial court judge. The Court went on to lay down three new standards to guide the development of a third divestiture arrangement; standards which, if fully adhered to, would impose severe penalties on consumers and might cripple El Paso's ability to provide adequate service to its remaining customers.

At the present time, the district court judge is attempting to comply with the latest mandate of the Supreme Court and has recently handed down its decision dealing with what reserves should be divested. The Court decreed that in order to make it easier for the new company to enter California in the future, El Paso could take no steps to bring any additional gas into the State for 3 years after divestiture takes place or until certain conditions were met. This would effectively remove El Paso as a competitor in California for at least 5 years—a result that does not please California distributors. In view of past history of this case, it is not unreasonable to predict that there could be another 5 years of litigation before this problem is finally solved.

It is important to realize that this legal chain of events has proceeded on the basis of the facts as they existed 14 years ago in 1957 as to natural gas supplies and the effect of the merger on consumers in California at that time. Many fundamental changes have occurred in these market conditions which radically alter the suppositions on which the Clayton Act lawsuit was originally brought and decided by the Supreme Court.

Following the 1959 merger, El Paso was able to expand the market for natural gas in the Northwest, while at the same time reducing the ultimate rates paid by the consumer. As a financially strong company, it was able to undertake projects such as the development of new sources of gas by nuclear stimulation and the creation of underground storage capacity so that gas could be collected in a central location during the summer months for use during the peak demand months. By having a fully integrated system it was able to allocate gas supplies among the various areas it served to insure that gas would be available at any place when it was needed. Because its system extended to the Canadian border, it had a great incentive to expand the importation of gas from Canada.

It is now impossible for El Paso or any other company to attempt any long-range planning because of the uncertainties imposed by the judicial proceedings. For over a decade, we have been living with the issue of who will own El Paso's Northwest system or when that responsibility will shift. Several times El Paso has made provision for divestiture of this system in accordance with court orders, but when the divestiture decrees were overruled, the necessity arose to make another short term provision for our gas needs. The result has necessarily been a patchwork of short term solutions. In the face of a serious and rapidly worsening gas supply deficiency, we have no one to look to for a solution. In the history of the gas industry, it has never been more important to have stability and certainty than at the present time. Instead, we are faced with confusion and uncertainty.

This is not simply a gas supply problem of the Pacific Northwest. Let us examine what has happened in California, the market for whose benefit the Supreme Court ordered the divestiture in 1964.

Since 1964, two other interstate gas suppliers have successfully entered the California market. But the demand for gas has so outrun available supplies in California that the problem is no longer the need for "competition" among rival suppliers to enter the market. Any company with a supply of gas would find the demand so insatiable that any amount of gas would be quickly taken. Thus, California's concern is for new gas supplies, not new gas suppliers.

What, then, are our choices in 1971?

On the one hand, we can let this litigation—a case predicated on the gas supply picture of the 1950's—continue to run its course. How much longer this will take, no one can predict; another few years at the very least. And when all the cases have been decided, and all the possible appeals have been taken, what will be the position of the gas consumer in our area of the country?

For one thing, he would pay more for the same gas he is presently receiving. The divestiture of that part of the present El Paso system serving the Pacific Northwest would necessarily result in a costly duplication of facilities, buildings, executive and administrative staffs. Since such expenses are part of the company's rate base, this cost will be passed on to the consumer. In the natural gas business, two do not live as cheaply as one. The new company would have to borrow many millions of dollars to take over this system, and the interest rates it would have to pay would be significantly higher than the rates which El Paso, as a strong and sound institution, has paid. Since these expenses are part of the rate base, this cost too would be passed on to the consumer.

To make matters worse, the Supreme Court appears to have prohibited El Paso from passing on to the new company the debt incurred in association with the Pacific Northwest system. This debt was incurred many years ago, when the interest rates El Paso had to pay were as low as 3 percent. If the new company has to borrow in today's financial markets to raise approximately $200 million, the interest it will have to pay could be as high as 9 or 10 percent. And, of course, the gas consumer will foot this bill as well.

I also believe that the divestiture will make it less likely that consumers in the West and particularly in the Northwest will continue to enjoy sufficient and stable supplies of natural gas in the future. Divestiture will result in a 1 for 1 substitution of companies supplying gas to the Northwest. The changeover will come during the most critical years when the supplier of our area should be exerting maximum efforts to find new sources of gas, particularly in Canada. Five years from now we are likely to find ourselves with a new company but with less gas, because during the interim no one was capable of aggressively representing our interests in the fierce search for new supplies which is presently taking place.

It would be a difficult chore to explain to our consumers that they will have to suffer the consequences of court decisions which never took their interests into account and that they will be forced to bear the costs and dangers of this substitution of gas suppliers even though no judicial finding was ever made that El Paso's acquisition of the Pacific Northwest Pipeline Corp., was not in the interests of consumers in the Northwest.

In my review of this complex problem, nothing has impressed me more than the views of those gas distributors, States and municipalities, the industrial and individual consumers that will be directly affected by the divestiture. None of them have said that the creation of a new company by breaking up the El Paso-Pacific Northwest system will be of any benefit to them. If these people for whose benefit the courts have been laboring so hard in this case feel that divestiture would adversely affect them, perhaps it is time to recognize the fact that divestiture is no longer in the public interest, that divestiture will not lead to lower prices, or better service or more gas.

It is fortunate that under our system of government we are able to review a situation such as the El Paso litigation and take action before the consequences become irreparable. In a system of checks and balances it is altogether appropriate for the Congress to determine that the results of litigation intended originally to benefit the public interest can no longer result in any public benefits 14 years after the original suit was brought. If the courts are unable, as unfortunately they are in this case, to take into account the changes in market and supply conditions of the last 14 years, then the Congress must act to prevent a result, unintended though it may be, which will be detrimental to the interests of gas consumers in the West.

The bill also provides the following safeguards to insure that the preservation of the merger does not have an anticompetitive effect: prohibits the company from opposing the entry of a prospective gas supplier into the area for a 10-year period; requires it to assist other suppliers by allowing them to use excess capacity in its transmission facilities and to construct transmission facilities to transport gas for others, upon a Federal Power Commission determination that these would be in the public interest; requires it to commit at least $200 million over the next 5 years in the search for new gas supplies and to report to the President and the Congress on any rate changes approved by the FPC and the reasons therefor; authorizes the Attorney General to enforce the above requirements; and preserves the right of a third party to bring suit under antitrust laws.

After so many years of litigation, certainly it is reasonable to ask—what could possibly be worth the damage this case has already done and will do to the interests of gas consumers? The answer is that a very few parties are still trying to set up a new competitor for the California market. Even though California now has three separate out-of-State companies in competition for its markets, whereas the Northwest and many other areas are efficiently served by only one, even though it is universally acknowledged that there are no gas reserves left that could conceivably support a fourth pipeline to California, and even though the supposed beneficiary of this, the State of California, recognizes the folly of this effort and supports this bill, there are 60 lawyers laboring away to create a new competitor for California. To establish a new competitor for California is now impossible; even if it were not impossible now, it would be unnecessary.

As one whose principal interest is the protection of the consumer, I can no longer remain idle in this important matter.

INTRODUCTION OF ADDITIONAL LEGISLATION TO ALLEVIATE THE ENERGY CRISIS

Mr. Speaker, I also introduce today two bills which, together with the legislation to preserve the El Paso-Pacific Northwest Merger, will begin the process of alleviating the dual crises of supply and environmental contamination.

The first bill will levy a fee of 0.15 mills per killowatt-hour of electrical energy generated throughout the country to be massed in a Federal Power Research and Development Fund administered by a new board and charged with the urgent mandate to seek out and develop low-polluting techniques for the fulfillment of our electric energy needs.

The second bill authorizes and directs the Federal Power Commission to determine the facts behind the threatened drying up of natural gas supplies. This bill is necessary because the producers of natural gas have refused to supply the Federal Power Commission with the basic facts, which only they possess, concerning the actual dimensions of their present proved reserves. The American public cannot be forced to swallow billions of dollars of rate increases without an adequate showing that these increases are totally justified.

These bills, which are being introduced today on the Senate side by Senator MAGNUSON, will aid us in seeking effective cures for the energy crisis.

LEGISLATION TO IMPOSE HIGH-LEVEL TEMPORARY BOARD TO ADMINISTER COMPREHENSIVE SYSTEM OF VOLUNTARY WAGE AND PRICE LIMITATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, (Mr. McFALL), is recognized for 30 minutes.

Mr. McFALL. Mr. Speaker, in late January, my distinguished colleague, JOHN MONAGAN, and I introduced H.R. 2502 which would create a high-level temporary board to administer a comprehensive system of voluntary wage and price limitations cutting across the Nation's major economic strata.

The need for such an incomes policy was clearly evident in January and is even more pressing now, to the extent that Mr. MONAGAN and I have been joined by more than 50 cosponsors in reintroducing the measure.

The time has come—in fact, some think it may have passed—when this Nation can no longer afford to play the ellusive economic game advocated by the administration. We must get down to business and take positive action to pull the country out of the existing economic quagmire of rising inflation and other ills.

The legislation which we are cosponsoring and reintroducing today would provide key and positive action in the mission to return this Nation to a sustained level of economic solvency, strength, and progress.

The measure would establish an Emergency Guidance Board of five members appointed by the President and subject to Senate confirmation.

One member with extensive Federal administrative experience is to be appointed by the President to chair the Board, and the other four members are to represent a fair balance between business, labor, and consumer interests.

The measure is temporary, and I emphasize that the life of the Board is limited to 18 months, except that its life may be extended by a concurrent resolution of the Congress.

After being appointed, the Board's first task—following extensive study, review, and consultations with business, labor, and consumer leaders—would be to publish a set of basic guidelines for price and wage changes. After the guidelines are published, those corporations and labor organizations subject to the mandatory provisions of the act will be required to file economic justifications with the Board indicating how proposed price or wage increases comply with or depart from the published price and wage guidelines.

This act will apply to corporations having capital assets in excess of $500 million or supplying more than 30 percent of any market of substantial volume, and to any labor organization bargaining with such a corporation.

In addition, the Board will have discretionary power to require an economic justification from any corporation having capital assets in excess of $100 million or more than 10 percent of any market of substantial volume; and to labor unions, which, in the Board's determination are seeking increases that the Board finds to have a substantial inflationary impact upon the economy.

Under the terms of the legislation, the Board may publish economic justifications filed with it; negotiate with business and labor where the guidelines appear likely to be breached; hold hearings; administer oaths to witnesses appearing before it; subpena witnesses and records; and announce findings and recommendations with respect to inflationary departures from the guidelines.

When a corporation or union refuses to cooperate with the Board by failing to supply documents; neglecting to appear; or refusing to file an economic justification; the Board may apply to a District Court of the United States for an order requiring the production of documents, personal appearance, or the filing of an economic justification.

I should like to emphasize here, that the Board would not have any power whatsoever to impose mandatory controls. The guidelines—in effect—would be goals, and the Board would have the means to bring to national attention the growing need for economic discipline, and to the public, an increased awareness of those who fail to act within the national interest within a reasonable framework of wage and price guidelines.

Hopefully, business and labor will cooperate with the Emergency Guidance Board, recognizing its merit as a viable buttress against inflation, and will adhere to any published guidelines.

In effect, this bill creates a sophisticated mechanism for economic jawboning, which would effect major business and labor organizations. The bill provides a catalyst for voluntary economic restraint, rather than a Bastille of forced economic constraint.

Such a system has been advocated for consideration by Mr. Arthur Burns, the President's appointee as chairman of the Federal Reserve System. The eminent economist Gardner C. Means, also has seen the merits of such an Emergency Guidance Board. Other economists, such as John Galbraith, have called for even more stringent measures.

In summary, there is a need for this legislation; the time has come for its implementation; and those most concerned and effected by the evils of inflation desperately need a national-level effort to curb its serious rate of growth.

Mr. Speaker, I include the text of this proposal at this point in the RECORD, together with supportive material:

H.R. 10323

A bill to establish a temporary Emergency Guidance Board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Guidance Board Act of 1971".

FINDINGS, PURPOSE, AND INTENT

SEC. 2. (a) The Congress finds that—

(1) the diminishing real purchasing power, high interest rates and insufficient job opportunities which result from the current combined inflation and recession are posing severe threats to the national welfare;

(2) in the absence of special measures to resist inflation arising from the exercise of market power, monetary and fiscal measures to bring about a quick return of the national economy to its full potential would engender further rapid inflation; and

(3) in a period of quick recovery, inflation arising from the exercise of market power can be substantially limited by the establishment of noninflationary price and wage guidelines and measures to induce voluntary adherence thereto.

(b) It is the purpose of this Act in order to promote a sound domestic economy and serve the general welfare, to set up the mechanism and provide the authority necessary to limit inflation during an immediate period of rapid economic recovery achieved through expansionist monetary and fiscal measures by the use of price and wage guidelines to attain greater stability in the cost of living for workers and other consumers and in business costs in the process of recovery to a condition of maximum employment.

(c) It is the intent of the Congress that the authority conferred by this Act shall be exercised with full consideration and emphasis on the maintenance and furtherance of the American system of competitive enterprise, including collective bargaining, without the exercise of direct control over any price or wage rate but with reliance on the general self-interest of business and labor in returning the economy to its full potential as quickly as possible and with the minimum inflation and the reinforcement of this general self-interest by an informed public opinion.

ESTABLISHMENT OF BOARD

SEC. 3. (a) There is hereby established an independent agency to be known as the Emergency Guidance Board (hereafter in this Act referred to as the "Board") which shall be composed of five members to be appointed by the President by and with the advice and consent of the Senate. The President shall appoint one member with extensive Federal Government experience to serve as Chairman. The remaining members shall be appointed so as to maintain a fair balance in the remaining members among leaders drawn from business, labor, and consumers.

(b) Members of the Board shall serve for the life of the Board. The Chairman and the other members of the Board shall receive compensation at the rates prescribed for levels II and IV, respectively, of the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code. Any vacancy in the Board may be filled in the manner in which the original appointment was made.

(c) Three members of the Board shall constitute a quorum.

(d) (1) The Board may appoint and fix the compensation of such personnel as it deems advisable.

(2) The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) The Board shall cease to exist eighteen months after the appointment of the first member except that if a concurrent resolution of the Congress so provides, such eighteen-month period may be extended to thirty months.

PUBLICATION OF GUIDELINES

SEC. 4. (a) The Board shall publish as soon after taking office as is feasible a set of basic guidelines for price and wage changes, including a set of specific exceptions from, or modifications of, the guidelines for any case in which adherence to the basic guidelines would create undue hardship.

(b) The Board shall consult with leaders of business, labor, and consumers in establishing such guidelines and specific exceptions and modifications.

(c) The Board shall include in the basic price guidelines provisions which take account of changes in unit costs, productivity, and profit margins, and of previous price changes. The Board shall include in the basic wage guidelines provisions which take account of increases in national productivity and living costs, and of previous changes in wage rates.

(d) If the Board publishes basic wage guidelines which, in the interest of rapid recovery with the minimum inflation, call on employees to forgo any part of the legitimate wage increases required by increases in living cost and national productivity, the basic price guidelines shall include a corresponding call on corporations to forgo a comparable increase in prices due to an increase in costs.

(e) The Board may from time to time publish such amendments to the guidelines as it may deem necessary.

REPORTS JUSTIFYING PRICE OR WAGE INCREASES

SEC. 5. (a) (1) Any corporation to which this subsection applies shall file with the Board in accordance with paragraph (4) an economic justification for any substantial price increase for any significant product. Such economic justification shall show that the price increase is consistent with the applicable guidelines or the way in which it departs from those guidelines.

(2) This subsection applies to—

(A) any corporation which has capital assets in excess of $500,000,000, or which supplies more than 30 per centum of any market of substantial volume, and

(B) any corporation—

(i) which has capital assets in excess of $100,000,000 or supplies more than 10 per centum of any market of substantial volume, and

(ii) coverage of which under this subsection the Board determines, in its sole discretion, is necessary to carry out this Act.

(3) The Board shall prescribe regulations defining for purposes of this subsection the terms "significant product", "substantial price increase", "capital asset", and "market of substantial volume".

(4) (A) The economic justification for a price increase which takes effect after the initial publication of guidelines under section 5 shall be filed with the Board thirty days before the date such increase takes effect, and no such price increase may take effect until the expiration of such thirty-day period.

(B) A justification shall be filed under this subsection with respect to any price increase which takes effect before such initial publication only if the Board requests such justification. Such justification shall be filed within thirty days of such request.

(C) No justification need be filed with respect to a price increase which takes effect more than one hundred and eighty days before the date of enactment of this Act.

(b) Each labor organization which bargains with any corporation to which subsection (a) applies (or with any multiemployer association which includes such corporation) and which obtains a wage increase for employees of such corporation which exceeds the amount indicated in the applicable wage guidelines shall within thirty days after it obtains such wage increase file with the Board an economic justification, which shall specify the amount by which such increase exceeds such guidelines. In addition, the Board may, in its sole discretion, request any labor organization whose activities the Board determines may have a substantial inflationary impact on the economy to file an economic justification with the Board with respect to any wage increase obtained by such organization for employees it represents. Within thirty days of such request, such organization shall file with the Board an economic justification which shall specify the amount, if any, by which such increase exceeds the applicable wage guidelines.

(c) The Board shall require any corporation to which subsection (a) applies to file an economic justification for any wage increases granted to corporation executives which are in excess of the basic wage guidelines established by the Board.

STIMULATING VOLUNTARY ADHERENCE

SEC. 6. In order to stimulate adherence to the guidelines, the Board is empowered to publish any economic justification filed with it, negotiate with corporations or unions where the guidelines appear likely to be breached, hold hearings, administer oaths to witnesses appearing before it, subpena witnesses and records, and announce findings and recommendations with respect to inflationary departures from the guidelines. In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in this section, the district court of the United States for any district in which such person is found or resides or transacts business shall have jurisdiction to issue an order upon application by the Board requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

OBTAINING OFFICIAL DATA

SEC. 7. The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Board, such department or agency shall furnish such information to the Board.

ENFORCEMENT

SEC. 8. Whenever any person fails to file an economic justification required to be filed under section 5, the Board may make application to the district court of the United States for any judicial district in which such person is found, resides or does business for an order to require such person to file such justification, and such court shall have jurisdiction to issue such order.

DEFINITIONS

SEC. 9. For purposes of this Act—

(1) The term "corporation" includes a parent and all subsidiaries for purposes of determining its assets or share of any market.

(2) The term "wages" includes wages, salaries, fringe benefits, and other compensation.

[From Business Week, Dec. 1970]

AN INCOME POLICY TO GUIDE A PROGRAM OF EXPANSION

The Nixon Administration's economic policy is in the midst of a major overhaul. For better or worse, the President and his advisers have decided that they must give the economy more stimulation even though inflation is not yet under control.

In principle, this is a welcome move. The Administration's original game plan, which called for holding down business by tough monetary and fiscal policies until inflation began to abate, was a sound strategy. It has proved a costly one for the nation, however, not just in terms of unemployment but also in terms of lost production, sales and profits. All policy must change as conditions change, and the time has come for the Administration to shift the emphasis.

In practice, the switch to stimulate policies involves some serious risks. If business and labor take it as an invitation to start another roaring round of price-wage escalation, the country will not get the "vigorous but orderly expansion" that President Nixon described in his speech last week to the National Assn. of Manufacturers. It will get another feverish boom, a catastrophic inflation, and then, inevitably, a bust that would make the 1969–70 recession look like a garden party.

The Administration must keep this threat in mind as it moves onto the expansionary course it now is charting. In addition to more fiscal and monetary stimulation, the new policy must include precautions to keep rising demand from translating automatically into rising prices.

This means, for one thing, that the Administration should not try to rush the economy back to full employment levels in a single bound. The present situation reflects the results of a year of slow growth (1969) and a year of no real growth at all (1970). To go from our present unemployment rate of 5.8% to about 4% in 1972, which apparently is what the Council of Economic Advisers would like to do, would mean hitting an 8% growth rate in 1971. That is too much for an economy to take when an inflation virus already is in its system.

Even with a more modest growth target, the Administration cannot take it for granted that inflation will accommodatingly die a natural death. As fiscal and monetary policies relax, the President must be prepared to strengthen and expand his present rudimentary apparatus for exerting direct pressure on wage and price decisions. At this point, he no longer can avoid setting up some form of incomes policy.

Chairman Arthur F. Burns, of the Federal Reserve Board, a wise old veteran of the economic policy-making wars, sketched the outlines of an incomes policy in a speech he made this week. And while politicians flinched, he put his finger on the central point: the cost push of rising wages.

"The inflation that we are still experiencing," said Burns, "is no longer due to excess demand. It rests on the upward push of costs—mainly, sharply rising wage rates."

Burns suggests the establishment of a wage-price review board with authority to make recommendations in important wage and price cases. This makes sense, and so do some of his other recommendations, including amendment of the Employment Act of 1946 to recognize price stability as a goal of national policy.

In the final analysis, though, specific measures will be less important than the Administration's determination and its willingness to act. This is the missing ingredient that the President must supply as his policy swings from repression to expansion.

[From Fortune magazine, May 1970]

A CASE FOR GUIDEPOSTS

Warily and reluctantly, Fortune has come to the conclusion that the federal government should set up voluntary wage-price guideposts, something like those of the early 1960's. We don't *like* the idea of guideposts, even noncompulsory ones, and we would make only modest claims for their efficacy. Moreover, the advocacy of government intervention in the workings of the market is philosophically at odds with the principles of economic freedom to which we subscribe. But in the present situation, with psychology getting in the way of economics, with inflation proving more persistent than economists had expected, it could be temporarily useful to establish governmental standards designed to guide wage settlements and price decisions in the direction of price stability.

This is easier said than done, to be sure. There is not even a generally accepted label for such a policy, much less a blueprint. But under one label or another, a good many people are advocating reconsideration of guideposts. Walter Heller, who as chairman of the Council of Economic Advisers helped set up the original guideposts in 1962, speaks of the present need for "ground rules." Arthur Okun, chairman of the council during the last year of the Johnson Administration, calls for a "speed limit." J. Dewey Daane, a governor of the Federal Reserve Board, urges adoption of some form of "incomes policy." Other advocates have taken up the somewhat yogerty term "moral suasion." In Congress, most of the Democratic members of the Joint Economic Committee have put their names to a report urging that the Council of Economic Advisers publish "specific quantitative standards . . . such that voluntary compliance by business and labor will contribute to the restoration of greater price stability."

TOO LITTLE CHIPPING

The Administration, however, has so far sturdily adhered to the position Richard Nixon took at his first press conference as President. "I do not go along," he said, "with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines." Labor leaders and business managers, he added, "much as they might personally want to do what is in the best interest of the nation, have to be guided by the interests of the organization that they represent."

Strong support for the Administration's stand has come from a number of outside economists, including the University of Chicago's formidable Milton Friedman. Trying to re-establish guideposts, Friedman says, would be like "replaying a cracked record." That sort of policy, he argues, represents an effort to shift to labor leaders and businessmen the blame for inflation brought on by government. "Inflation is made by Washington and in Washington and nowhere else."

There is much to be said, certainly, for letting wages and prices—within a framework of appropriate fiscal and monetary policies—work themselves out in the market. That invisible hand, arithmetic though it sometimes seems, is not dead. But once again we are confronted with unsatisfactory results: unemployment up, housing depressed, profits squeezed, yet consumer prices still rising unpleasantly fast.

The underlying difficulty, as the article beginning on page 152 details, is that in the U.S. economy the trade-off between inflation and unemployment is worsened by numerous wages, oil-import quotas, and the building trades' monopolistic control of the labor supply, to mention only a few. As a result, full employment is attended by unacceptably rapid inflation, and efforts to stabilize prices by reducing demand tend to produce unacceptably high unemployment. In the quarter-century since the passage of the Employment Act, both Democratic and Republican administrations have notably failed to make sustained efforts to improve the trade-off by chipping away at the rigidities. We urge the Nixon Administration to chip away energetically. But this task, unfortunately, promises rather little in the way of swift results.

To a great extent the arguments currently advanced against guideposts appear to be directed against what happened after the original guideposts collapsed in 1966. During 1966–68, in a time of surging excess demand, the Johnson Administration pursued recklessly inflationary policies and tried to "jawbone" business into moderating the inevitably inflationary consequences. It was like bailing a badly leaking boat with a demitasse spoon.

But economic conditions and policies are now very different. Fiscal and monetary restraint have pretty much choked off demand inflation. The present inflation is mainly a lingering cost-push hangover, kept going by inflationary psychology rather than by underlying economic realities. Unions with contracts coming up for negotiation are demanding not only catch-up increases this year but stay-ahead increases in subsequent years. Wage increases that allow for future inflation tend, of course, to perpetuate inflation.

Under these circumstances, as Walter Heller maintains, some updated version of guideposts might help to "hasten the translation of less demand-pull pressure into less cost-push pressure." The existence of guideposts—public standards with the moral authority of the national government behind them—would provide support for those who are being pushed into inflationary courses despite their better judgment, and perhaps have some deterrent effect on those who are doing the pushing.

The working out of new guideposts would certainly involve the Council of Economic Advisers, but it would be well if the council left actual case-by-case applications to some new office created for that purpose. This need not be a very big outfit, and its only sanctions should be exposure to public scrutiny.

AUTOMATIC SHRINKAGE

Some of those who advocate a return to guideposts, by one name or another, urge that this time the government establish the rules only after consultation with representatives of labor and business. This seems a sound idea. In the meantime, after discussions with a number of economists who have thought about these matters, we offer some tentative suggestions.

Formulation of reasonable guideposts is much harder now than it was in 1962. The lags and grievances created by past inflation, and the expectations of continued inflation, make it impossible just to reinstate the 1962-66 guidepost principle that wage increases should not exceed productivity gains. But any formulation has to start with productivity, for it is from increasing output per worker that labor's gains in real income flow. The long-term trend rate of annual productivity gains in the U.S. is about 3 percent, and this is the figure to use.

A wage guidepost for inflationary times should be so constructed that it (1) makes some allowances for inflation, (2) contributes to curbing inflation, (3) automatically shrinks as inflation recedes, and (4) comes down to the basic productivity rate when price stability is restored. One formula for meeting these criteria is to take the 3 percent rate of productivity gain and add one-half of the preceding year's inflation in consumer prices.

ALLOWING FOR UPCREEP

That word "inflation" in this context, needs a bit of defining. During the first half of the 1960's with wages advancing moderately and the wholesale price index virtually stable, the consumer price index nevertheless crept upward by somewhat more than 1 percent a year, partly because service wages tend to advance faster than industrial wages. It must be assumed that, until much else in the economy changes, an annual rise of 1 percent in consumer prices is as close as we can come to price stability. To allow for the upcreep, we define inflation, for guidepost purposes, as one percentage point less than the year's percentage increase in the consumer price index. Last year the rise came to about 6 percent, and inflation, so defined, was 5 percent. Adding half of this to the 3 percent productivity base yields a current wage guidepost of 5.5 percent—meaning that this year's labor contracts should provide for increases in compensation (wages plus fringes) no greater than 5.5 percent a year.

Under such a formula, obviously, the guidepost level would move downward as inflation subsided. If the consumer price index rose only 1 percent in a year, the wage guidepost the following year would come to 3 percent, matching that long-term rate of increase in productivity.

Organized labor would be exceedingly reluctant, of course, to accept any such formula right now, and there would have to be some bait. For one thing, contracts would probably have to provide for reopening, or for some automatic increase, if the inflation rate failed to drop below specified levels in subsequent years. Also, the agreed-upon rate of increase in compensation, say 5.5 percent, would hold over the life of the contract even if the rate of inflation went down. So in return for moderating his demand for a highly inflationary wage increase in a three-year contract, the worker would get a chance of significant gains in *real* wages next year and the year after if inflation recedes.

The corresponding price guideline should (1) permit some adjustment of prices to reflect increases and costs, (2) contribute to disinflation, and (3) help make the wage guidepost acceptable to labor by giving up a quid pro quo. Under almost any formulation of a price guidepost apppropriate to 1970, an employer whose employees accepted a "guidepost" contract would absorb out of profits some fraction of the resulting increase in unit labor costs. Price increases, that is, would not fully reflect cost increases.

With profits already pinched, business would doubtless find this aspect of the guideposts highly objectionable. But acceptance of an additional cut into profits can be looked upon as a temporary price business has to pay for labor's cooperation in moving back toward price stability. And the last several years, with their burdensome borrowing costs, steeply rising labor costs, and stagnant profits, have once again abundantly demonstrated how valuable price stability is to business.

HOPE FOR REDUNDANCE

Fortune, as we have noted, advocates wage and price guideposts with some reservations and misgivings. For one thing, guideposts cannot be expected to have large effects upon wages and prices in the whole economy. In practice, guideposts mainly apply to large unions and large industrial corporations. This reach leaves out a lot of the U.S. economy, including some of the sectors that contribute most troublesomely to inflation—notably medical care and construction. What's more, it must be emphasized again that guideposts are not intended to substitute for appropriate fiscal and monetary policies or for structural reform of the economy. An economist who can be considered an advocate of a guidepost policy observed some time ago: "In a highly flexible, perfectly competitive economy, there would be no place for guideposts . . ." We agree, and we look forward to enough progress in that direction to render guideposts redundant.

Still, with so much inflationary bias in the economy, it would be well to give them another try. Guideposts may be a "cracked record," but the inflation-or-unemployment quandry is a cracked record too, and it makes a very unpleasant noise.

THE BASIS FOR LASTING PROSPERITY

(Address by Arthur F. Burns, Chairman, Board of Governors of the Federal Reserve System, in the Pepperdine College Great Issues Series, at the Beverly Hilton Hotel, Los Angeles, Calif.)

Nearly three years ago, in a talk here in Los Angeles, I pointed out that once an economy becomes engulfed by inflation, economic policy makers no longer have any good choices. To regain a lasting prosperity, a nation must have the good sense and fortitude to come to grips with inflation. There is, however, no painless way of getting rid of the injustices, inefficiency, and international complications that normally accompany an inflation.

Events of the past several years have lent poignancy to these simple truths. Recent experience has demonstrated once again that the transition from an overheated economy to an economy of stable markets is a difficult process. Elimination of excess demand was an essential first step to the restoration of stability, but this step has brought with it a period of sluggish economic activity, slow income growth, and rising unemployment. And while we have made some progress in moderating the rate of inflation, our people are still seeing the real value of their wages and savings eroded by rising prices.

The struggle to bring inflationary forces under control, and to return our labor and capital resources to reasonably full employment, is still going on. I am convinced, however, that corrective adjustments in the private sector over the past twelve to eighteen months are creating, in conjunction with governmental stabilization policies, the foundation on which a prolonged and stable prosperity can be constructed.

A cardinal fact about the current economic situation, and one that promises well for our nation's future, is that the imprudent policies and practices pursued by the business and financial community during the latter half of the 1960's are being replaced by more sober and realistic economic judgments. In my remarks to you today, I want first to review some of the key developments that lead me to this conclusion. Then I shall turn to the tasks that must still be faced in order to enhance the prospects for an early resumption of growth in production and employment in an environment of reasonably stable prices.

The current inflation got under way in 1964. Perhaps the best single barometer of the extent to which it served to distort economic decisions and undermine the stability of the economy is found in the behavior of financial markets during the late 1960's. In 1968, well over 3 billion shares of stock exchanged hands on the New York Stock Exchange—about two and one-half times the volume of five years earlier. The prices of many stocks shot upward with little reference to actual or potential earnings. During the two years 1967 and 1968, the average price of a share of stock listed on the New York Exchange rose 40 per cent, while earnings of the listed companies rose only 12 per cent. On the American Exchange the average share price rose during the same two years more than 140 per cent on an earnings base that increased just 7 per cent.

A major source of the speculative ardor came from some parts of the mutual fund industry. Long-term investment in stocks of companies with proven earnings records became an outmoded concept for the new breed of "go-go" funds. The "smart money" was to go into issues of technologically oriented firms—no matter how they were meeting the test of profitability, or into the corporate conglomerates—no matter how eccentric their character.

This mood of speculative exuberance strongly reinforced the upsurge of corporate mergers which occurred during the middle years of the 1960's. No doubt many of these mergers could be justified on grounds of efficiency. But the financial history of mergers—including some of the great conglomerates—suggests that many businessmen became so preoccupied with acquiring new companies and promoting the conglomerate image that they lost sight of the primary business objective of seeking larger profits through improved technology, marketing, and management. When talented corporate executives devote their finest hours to arranging speculative maneuvers, the productivity of their businesses inevitably suffers and so too does the nation's productivity.

These speculative excesses had to end, and it is fortunate that they ended before bringing disaster to our nation. Equity values are now being appraised more realistically than a year or two ago. Investors are now more attentive to high quality stocks. Indeed, many of them have discovered or rediscovered that even bonds and time deposits are a fit use of their funds. Not a few of those responsible for the frantic search for "performance stocks" have shifted to other activities or joined the ranks of the unemployed; so also have numbers of security analysts and stock brokers. With speculation giving way to longer-term investment, the stock market is now channeling risk capital to business firms more efficiently.

A searching reappraisal of the economic philosophy of mergers is also underway. Merger activity has slowed materially since mid-1969. To some degree this is a response to the growing concern in governmental circles over the danger that may inhere in large concentrations of economic power. But it stems mainly from the fact that businessmen are recognizing that time and energy can usually be spent more productively in searching for ways to increase the economic efficiency of their firm than in a scramble for corporate acquisitions.

Businessmen are also reconsidering the wisdom of financial practices that distorted their balance sheets during the late 1960's. In the manufacturing sector, the ratio of debt to equity—which had been approximately stable during the previous decade—began rising in 1964 and was half again as large by 1970. Liquid asset holdings of corporate businesses were trimmed to the bone. On the average, the ratio of prime liquid assets to current liabilities fell by nearly half during those six years. In permitting such a drastic decline in liquidity, many of our corporations openly courted trouble.

Perhaps the most ominous source of instability produced by these financial practices was the huge expansion of the commercial paper market. The volume of commercial paper issued by nonfinancial businesses increased eightfold between the end of 1964 and mid-1970, as an increasing number of firms—some of them with questionable credit standings—began to tap this market. The hazards inherent in the spreading reliance on commercial paper were taken much too lightly. After all, the relations between the buyer and seller of commercial paper are by their very nature distant and impersonal—unlike the close working relationship that normally develops between a bank and its business customers. The buyer—typically an industrial enterprise—rarely has the facilities or the experience to carry out a full investigation of the risks attaching to commercial paper. Moreover, the buyer regards his investment as temporary—to be withdrawn when cash is needed or when questions arise about the quality of the paper. The issuer, therefore, faces considerable uncertainty as to the amount of his maturing obligations that may be renewed on any given day. The risks facing the individual issuer and buyer inevitably pose a problem also for the nation's financial system, since the difficulties experienced by any large issuer of commercial paper may quickly spread to others.

These familiar truths were lost sight of in the inflationary aura of the late 1960's. It took the development of last summer, when the threat of financial crisis hung for a time over the commercial paper market, to remind the business community that time-honored principles of sound finance are still relevant.

As a result of that experience and the testing of financial markets generally during the past two years, corporate financial policies are now more constructive than in the recent past. This year, new stock issues have continued at a high level—even in the face of unreceptive markets—as corporations have sought to stem the rise in debt-equity ratios. Of late, borrowing by corporations has been concentrated in long-term debt issues, and their rate of accumulation of liquid assets has risen. Liquidity positions of industrial and commercial firms are thus improving, though it will take some time yet to rectify fully the mistakes of the past.

These efforts to restore sound business finances are not without costs to the nation. For example, long-term interest rates, while below their peaks at the end of last year or last spring, are still at unusually high levels because of this year's extraordinary volume of new capital issues. But there can be no doubt that substantial adjustments in the financial practices of our nation's businesses were essential if the basis for a lasting and stable prosperity was to be re-established.

By and large, our major financial institutions conducted themselves with prudence during the years when lax practices were spreading in financial markets. There were, however, some individual institutions that overextended loan commitments relative to their resources, others that reduced liquidity positions to unduly low levels, still others that permitted a gradual deterioration in the quality of loan portfolios and even a few that used funds of depositors to speculate in long-term municipal securities. Fortunately, such institutions were distinctly in the minority. When the chips were down, our major financial institutions proved to be strong and resilient. And they are stronger today. As monetary policy has eased, the liquidity of commercial banks has been increasing. Even so, loan applications are being screened with greater care. The emphasis on investment quality has also increased at other financial institutions, as is evidenced by the recent wide spread between the yields of high and lower grade bonds.

These corrective adjustments in private financial practices have materially improved the prospects for maintaining order and stability in financial markets. But no less important to the establishment of a solid base for a stable and lasting prosperity have been the developments this year in the management of the industrial and commercial aspects of business enterprise.

During the latter half of the 1960's, business profit margins came under severe pressure. The ratio of profits after taxes to income originating in corporations had experienced a prolonged rise during the period of price stability in the early 1960's. But this vital ratio declined rather steadily from the last quarter of 1965 and this year reached its lowest point of the enire postwar period.

Until the autumn of 1969 or thereabouts, the decline in profit margins was widely ignored. This is one of the great perils of inflation. Underlying economic developments tend to be masked by rising prices and the state of euphoria that comes to pervade the business community. Though profit margins were falling and the cost of external funds was rising to astonishing levels, the upward surge of investment in business fixed capital continued. True, much of this investment was undertaken in the interest of economizing on labor costs. Simultaneously, however, serious efforts to bring operating costs under control became more and more rare, labor hoarding developed on a large scale, huge wage increases were granted with little resistance, and some business investments were taken in the expectation that inflationary developments would one way or another validate almost any business judgment. While the toll in economic efficiency taken by these loose managerial practices cannot be measured with precision, some notion of its significance can be gained by observing changes in the growth rate of productivity.

From 1947 through 1966, the average rate of advance in output per manhour in the private sector of the economy was about 3 per cent per year. In 1967, the rate of advance slowed to under 2 per cent, and gains in productivity ceased altogether from about the middle of 1968 through the first quarter of this year. The loss of output and the erosion of savings that resulted from this slowdown in productivity growth are frightfully high.

The elimination of excess demand, which the government's anti-inflationary policies brought about, is now forcing business firms to mend their ways. Decisions with regard to production and investment are no longer being made on the assumption that price advances will rectify all but the most imprudent business judgments. In the present environment of intense competition in product markets, business firms are weighing carefully the expected rate of return on capital outlays and the costs of financing. The rate of investment in plan and equipment has therefore flattened out, and advance indicators suggest that business fixed investment will remain moderate in 1971.

Business attitudes toward cost controls have of late also changed dramatically. A cost-cutting process that is more widespread and more intense than at any time in the postwar period is now underway in the business world. Advertising expenditures are being curtailed, unprofitable lines of production discontinued, less efficient offices closed, and research and development expenditures critically reappraised. Layers of superfluous executive and supervisory personnel that were built up over a long period of lax managerial practices are being eliminated. Reductions in employment have occurred among all classes of workers—blue collar, white collar, and professional workers alike. Indeed, employment of so-called non-production workers in manufacturing has shown a decline since March that is unparalleled in the postwar period.

Because of these vigorous efforts to cut costs, the growth of productivity has resumed, after two years of stagnation. In the second quarter of this year, output per manhour in the private nonfarm economy rose at a 4 per cent annual rate, and the rate advanced to 5 per cent in the third quarter. These productivity gains have served as a sharp brake on the rise in unit labor costs, despite continued rapid increases in wage rates.

In my judgment, these widespread changes in business and financial practices are evidenced that genuine progress is being made in the long and arduous task of bringing inflationary forces under control. We may now look forward with some confidence to a future when decision in the business and financial community will be made more rationally, when managerial talents will be concentrated more intensively on efficiency in processes of production, and when participants in financial markets will avoid the speculative excesses of the recent past.

Let me invite your attention next to the role that government policies have played this year in fostering these and related adjustments in private policies and practices.

The fundamental objective of monetary and fiscal policies this year has been to maintain a climate in which inflationary pressures would continue to moderate, while providing sufficient stimulus to guard against cumulative weakness in economic activity. Inflationary expectations of businessmen and consumers had to be dampened; the American people had to be convinced that the government had no intention of letting inflation run rampant. But it was equally important to follow policies that would help to cushion declines in industrial production stemming from cutbacks in defense and reduced output of business equipment, and to set the economy on a course that would release the latent forces of expansion in our homebuilding industry and in state and local government construction. I believe we have found this middle course for both fiscal and monetary policy.

A substantial reduction in the degree of fiscal restraint has been accomplished this year with the phasing out of the income tax surcharge and the increase in social security benefits. These sources of stimulus provided support for consumer disposable incomes and spending at a time when manufacturing employment was declining and the length of the workweek was being cut back.

I do not like, but I also am not deeply troubled, by the deficit in the Federal budget during the current fiscal year. If the deficit had originated in a new explosion of governmental spending, I would fear its inflationary consequences. This, however, is not the present case. The deficit in fiscal 1971—though it will prove appreciably larger than originally anticipated—reflects in very large part in the shortfall of revenues that has accompanied the recent sluggishness of economic activity. The Federal budget is thus cushioning the slowdown in the economy without releasing a new inflationary wave. The President's determination to keep spending under control is heartening, particularly his plea last July for a rigid legislative ceiling on expenditures that would apply to both the Executive and the Congress. However, pressures for much larger spending in fiscal 1972 are mounting and pose a threat to present fiscal policy.

Monetary policy this year has also demonstrated, I believe, that it could find a middle course between the policy of extreme restraint followed in 1969 and the policies of aggressive ease pursued in some earlier years. Interest rates have come down, and liquidity positions of banks, other financial institutions, and nonfinancial businesses have been rebuilt—though not by amounts that threaten a reemergence of excess aggregate demands. A more tranquil atmosphere now prevails in financial markets. Market participants have come to realize that temporary stresses and strain in financial markets could be alleviated without resort to excessive rates of monetary expansion. Growth of the money supply thus far this year—averaging about a 5½ per cent annual rate—has been rather high by historical standards. This is not, however, an excessive rate for a period in which precautionary demands for liquidity have at times been quite strong.

The precautionary demands for liquidity that were in evidence earlier in 1970 reflected to a large degree the business and financial uncertainties on which I have already commented. It was the clear duty of the nation's central bank to accommodate such demands. Of particular importance were the actions of the Federal Reserve in connection with the commercial paper market last June. This market, following the announcement on Sunday, June 21, of the Penn Central's petition for relief under the Bankruptcy Act, posed a serious threat to financial stability. The firm in question had large amounts of maturing commercial paper that could not be renewed, and it could not obtain credit elsewhere. The danger existed that a wave of fear would pass through the financial community, engulf other issuers of commercial paper, and cast doubt on a wide range of other securities.

By Monday, June 22—the first business day following announcement of the bankruptcy petition—the Federal Reserve had already taken the virtually unprecedented step of advising the larger banks across the country that the discount window would be available to help the banks meet unusual borrowing requirements of firms that could not roll over their maturing commercial paper. In addition, the Board of Governors reviewed its regulations governing ceiling rates of interests on certificates of deposit, and on June 23 announced a suspension of ceilings in the maturity range in which most large certificates of deposits are sold. This action gave banks the freedom to bid for funds in the market and make loans available to necessitous borrowers.

As a result of these prompt actions, a sigh of relief passed through the financial and business communities. The actions, in themselves, did not provide automatic solutions to the many problems that arose in the ensuing days and weeks. But the financial community was reassured that the Federal Reserve understood the seriousness of the situation, and that it would stand ready to use its intellectual and financial resources, as well as its instruments of monetary policy, to assist the financial markets through any period of stress. Confidence was thus bolstered, with the country's large banks playing their part by mobilizing available funds to meet the needs of sound borrowers caught temporarily in a liquidity squeeze.

The role that confidence plays as a cornerstone of the foundation for prosperity cannot, I think, be overstressed. Much has been done over recent months by private businesses and by the government to strengthen this foundation. If we ask what tasks still lie ahead, the answer I believe must be: full restoration of confidence among consumers and businessmen that inflationary pressures will continue to moderate, while the awaited recovery in production and employment becomes a reality.

The implications of this answer for the general course of monetary and fiscal policies over the near term seem to me clear. The thrust of monetary and fiscal policies must be sufficiently stimulative to assure a satisfactory recovery in production and employment. But we must be careful to avoid excessive monetary expansion or unduly stimulative fiscal policies. Past experience indicates that efforts to regain our full output potential overnight would almost surely be self-defeating. The improvements in productivity that we have struggled so hard to achieve would be lost if we found ourselves engulfed once again in the inflationary excesses that inevitably occur in an overheated economy.

As I look back on the latter years of the 1960's, and consider the havoc wrought by the inflation of that period, I am convinced that we as a people need to assign greater prominence to the goal of price stability in the hierarchy of stabilization objectives. I have recommended on earlier occasions that the Employment Act of 1946 be amended to include explicit reference to the objective of general price stability. Such a change in that law will not, of course, assure better economic policies. But it would call the nation's attention dramatically to the vital role of reasonable price stability in the maintenance of our national economic health.

At the present time, governmental efforts to achieve price stability continue to be thwarted by the continuance of wage increases substantially in excess of productivity gains. Unfortunately, the corrective adjustments in wage settlements that are needed to bring inflationary forces under control have yet to occur. The inflation that we are still experiencing is no longer due to excess demand. It rests rather on the upward push of costs—mainly, sharply rising wage rates.

Wage increases have not moderated. The average rate of increase of labor compensation per hour has been about 7 percent this year—roughly the same as last year. Moreover, wage costs under new collective bargaining contracts have actually been accelerating despite the rise in unemployment. In the third quarter of this year, major collective bargaining agreements called for annual increase in wage rates averaging 10 percent over the life of the contract. Negotiated settlements in the construction industry during the same three months provided for wage increases averaging 16 percent over the life of the contract, and 22 percent in the first year of the contract. Nor is the end of this explosive round of wage increases yet in sight. Next year, contracts expire in such major industries as steel, aluminum, copper, and cans. If contracts in those industries are patterned on recent agreements in the construction industry—or, for that matter, in the trucking and automobile industries—heavy upward pressures on prices will continue.

I fully understand the frustration of workers who have seen inflation erode the real value of past wage increases. But it is clearly in the interest of labor to recognize that economic recovery as well as the battle against inflation will be impeded by wage settlements that greatly exceed probable productivity gains.

In a society such as ours, which rightly values full employment, monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now—that is, pressures on costs arising from excessive wage increases. As the experience of our neighbors to the north indicates, inflationary wage settlements may continue for extended periods even in the face of rising unemployment. In Canada, unemployment has been moving up since early 1966. New wage settlements in major industries, however, averaged in the 7 to 8 percent range until the spring of 1969, then rose still further. This year, with unemployment moving above 6½ percent, negotiated settlements have been in the 8 to 9 percent range.

Many of our citizens, including some respected labor leaders, are troubled by the failure of collective bargaining settlements in the United States to respond to the anti-inflationary measures adopted to date. They have come to the conclusion, as I have, that it would be desirable to supplement our monetary and fiscal policies with an incomes policy, in the hope of thus shortening the period between suppression of excess demand and the restoration of reasonable relations of wages, productivity, and prices.

To make significant progress in slowing the rise in wages and prices, we should consider the scope of an incomes policy quite broadly. The essence of incomes policies is that they are market-oriented; in other words, their aim is to change the structure and functioning of commodity and labor markets in ways that reduce upward pressures on costs and prices.

The additional anti-inflationary measures announced by the President last Friday will make a constructive contribution to that end. The actions to increase the supply of oil will dampen the mounting cost of fuels, and the recommendations made by the President to improve the structure of collective bargaining in the construction industry strike at the heart of a serious source of our current inflationary problem.

I would hope that every citizen will support the President's stern warning to business and labor to exercise restraint in pricing and wage demands. A full measure of success in the effort to restore our nation's economic health is, I believe, within our grasp, once we as a people demonstrate a greater concern for the public interest in our private decisions.

If further steps should prove necessary

to reduce upward pressures on costs and prices, numerous other measures might be taken to improve the functioning of our markets. For example, liberalization of import quotas on oil and other commodities would serve this purpose. So also would a more vigorous enforcement of the anti-trust laws, or an expansion of Federal training programs to increase the supply of skilled workers where wages are rising with exceptional rapidity, or the creation on a nationwide scale of local productivity councils to seek ways of increasing efficiency, or a more aggressive pace in establishing computerized job banks, or the liberalization of depreciation allowances to stimulate plant modernization, or suspension of the Davis-Bacon Act to help restore order in the construction trades, or modification of the minimum wage laws in the interest of improving job opportunities for teenagers, or the establishment of national building codes to break down barriers to the adoption of modern production techniques in the construction industry, or compulsory arbitration of labor disputes in industries that vitally involve the public interest, and so on. We might bring under an incomes policy, also, the establishment of a high-level Price and Wage Review Board which, while lacking enforcement power, would have broad authority to investigate, advise, and recommend on price and wage changes.

Such additional measures as may be required can, of course, be determined best by the President and the Congress. What I see clearly is the need for our nation to recognize that we are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and that the classical remedies may not work well enough or fast enough in this case. Monetary and fiscal policies can readily cope with inflation alone or with recession alone; but, within the limits of our national patience, they cannot by themselves now be counted on to restore full employment, without at the same time releasing a new wave of inflation. We therefore need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future.

In the past two years we have come a long way, I believe, towards the creation of a foundation for a lasting and stable prosperity. Confidence has been restored in financial markets. Businesses have turned away from the imprudent practices of the past. Productivity gains have resumed. Our balance of trade has improved. The stage has been set for a recovery in production and employment—a recovery in which our needs for housing and public construction can be more fully met.

To make this foundation firm, however, we must find ways to bring an end to the pressures of costs on prices. There are no easy choices open to us to accomplish this objective. But that, as I indicated at the outset, is the tough legacy of inflation.

[From the New York Times, Jan. 27, 1971]

A WAGE-PRICE REVIEW BOARD IS RECOMMENDED BY WOODCOCK

(By Philip Shabecoff)

WASHINGTON, Jan. 26.—Leonard Woodcock, the president of the United Automobile Workers, suggested today the creation of a wage-price review board to cope with the inflation.

Mr. Woodcock said that companies and unions with "dominant" positions in their industry should be required to appear before such a board to justify inflationary increases in wages.

However, this board would not have legal power to enforce wage and price rollbacks but would bring the "weight of public opinion to bear," Mr. Woodcock said.

At a breakfast meeting with reporters, the union leader said he was opposed to regulated wages and prices, "whether by jawboning or by guidelines."

He said that wage regulations would be easy to impose but that it would be hard to administer price controls.

He said he was "unimpressed by the little tableau of Bethlehem Steel and United States Steel" and implied that the recent large steel increase announced by Bethlehem Steel that was cut in half to match United States Steel's lower increase was not spontaneous.

Mr. Woodcock also asserted that "there is no question that the wage increases in the construction industry are excessive."

He said that outside electricians called in to work on construction projects in U.A.W. plants sometimes made $2 to $3 an hour more than electricians who were members of the U.A.W. "and sometimes our workers are more skilled than the others."

In testimony before the Joint Economic Committee of Congress later in the day, he said that earnings of unionized blue collar workers had grown less than any other segments of the working force during the Nixon Administration.

The Nixon Administration, he said, is "aiming at the wrong targets" when it refers to contract settlements by big unions as the cause of inflation.

As part of a thick report on problems caused by what he described as the Administration's erratic economic policy," Mr. Woodcock detailed the U.A.W. plan for a price-wage review board.

A consumer council would be empowered to initiate hearings before the board aimed at reducing excessive price increases in industries that administer prices, such as the automobile industry. Unions would be required to participate in the hearings if wage increases were a factor, but the focus of the plan would be on price increases.

[From U.S. News & World Report, Feb. 8, 1971]

HOW TO CONTROL INFLATION: A THREE-STAGE FORMULA

(By R. Heath Larry)

Surely during the last several months, there have been more words written and said about inflation, its causes and cures, than at any time within contemporary history. And you will by no means have heard the last word. I am sure of that.

There is a sense of desperation in the air, which can give rise to ill-considered and dangerous actions.

The question before us is whether a democracy predicated upon a free-market economy can really cope with the problem. I still believe it can—but certainly the months immediately ahead will be a critical test of both our will and our capacity to help it do so.

In its efforts to develop future policy choices, one hopes that the Administration will pay careful attention to what negated the impact of its past policy choices. And the crux of its analysis, it seems to me, must inevitably center upon the question as to why collectively bargained rates have continued to go out through the roof.

After all, wage trends within the non-unionized sector had, in fact, already begun to respond to reduced job opportunities and lower profits. But not so in the unionized sector. Why was this so?

Perhaps it could be argued that the planned slowdown in the economy was administered too cautiously, allowing for too much expectation that the treatment was only temporary, or that the increasing prevalence of three-year agreements augmented the time lag for reaction, or that declining corporate liquidity affected the willingness—perhaps even the capacity of employers to suffer long cash-draining strikes in an effort to break the pattern of excessive wage increases, or that strikers themselves were increasingly liquid, so to speak, because of their access to various benefits while striking.

But, however one looks at it, the factor which emerged as really controlling was today's union bargaining structure—a structure whose orientation is candidly and strongly counter-market—and whose capacity clearly emerged as strong enough to ignore labor-market influences—and to ignore declines in productivity and industrial profitability as well—if it so chooses.

When one looks at the record and notes that in every year but two out of the last 20, unit-labor costs in the U.S. have increased, and that recently the rate of increase in labor costs per man-hour in manufacturing has been more than double the long-term average rate of gain in output per man-hour, it is clear that something is dead wrong in the power balance reflected in contemporary collective bargaining as a whole.

It can be said categorically that a continuation of the wage trends of the recent past is a luxury this nation simply cannot afford. For if these trends spread broadly across the manufacturing segment, one of our nation's economic problems—which is already serious—can become a nightmare. Let me spell out what I mean:

Manufactured goods now constitute close to 60 per cent of all world trade—up from only about 40 per cent of the total 20 years ago.

But the U.S. share of the world's export of manufacturers has dropped during that period from above 28 per cent to just under 20 per cent. Over the same time span, our imports of manufactures have increased about 8½ times, while our exports of them have increased only 3½ times.

And while labor cost may not be the only factor contributing to this picture, it is far and away the most important one. We cannot afford to ignore the fact that in the period 1965 through 1969, Japan, Germany, France, the Netherlands, Sweden, Italy, Canada—and even the United Kingdom—all surpassed us in terms of annual rate of improvement in output per man-hour. Recently, wage increases have accelerated abroad. Nevertheless, we are not only still plagued by a wide, continuing, and in too many cases an expanding difference between our wage rates and those of competing nations, but our rate of rise in unit-labor costs in the period just mentioned exceeded all but Canada's.

No wonder our balance of trade in recent years has been anything but healthy. Those who see dangers in increasing protectionism in the U.S. had better see, as even more important, the danger in the decreasing competitiveness of the industrial economy of the U.S.

The fact is that unless American industries can soon hope for an improvement in their comparative unit-labor-cost picture, we as a nation will have no choice but to modify our trade policy in a direction more supportive of domestic industry and of the domestic economy than has been the case for many years.

While on the subject of foreign competition, let me touch briefly upon the frequently heard suggestion that keeping our trade doors open may be an important key to restraining our current inflation.

It is most important to realize that today only about one fourth of our work force is in manufacturing. About two thirds of it is in what are broadly termed the service industries. Thus, the great majority of the American work force is in employment where no direct connection with foreign competition is yet felt with sufficient sensitivity for it to be influential.

The record will show that the really big wage increases in the last several years did not begin to break out first in manufacturing. Rather it was in construction, followed by the transportation and service industries and in public employment—where wide-open gates to foreign products made with cheaper labor have not yet appeared to represent any effective leverage for holding down either wages or prices.

The problem we now face is that, internal union politics being what they are, the pressure to try to keep up with the wage parade thus started could begin to outweigh import pressures, even where the impact of the latter has been quite obvious.

Thus, the principal effect of increasing pressures from lower-wage foreign competition may very well be only to make it increasingly difficult for the employers who face it to acquire the capital necessary for improving their competitive efficiency. That's no way to slow inflation. To do so, we will need all the improved productivity we can get.

The President recognized this by appointing a National Commission on Productivity, of which I have the honor to be a member. Moreover, the President had earlier created a Task Force on Business Taxation, which recently recommended a 40 per cent cut in guideline lives of machinery and equipment in order to encourage productivity-boosting capital spending. While the President recently moved very modestly along these lines, I would hope that the full recommendation of the task force can soon become a reality.

IMPROVED PRODUCTIVITY WON'T SOLVE PROBLEM

But improved productivity alone won't solve our problem. Even if our nation's productivity trend line could miraculously be improved by 50 per cent, the relief afforded today's wage-push inflation problem would be minute—because unless the recent rate of first-year increases in labor contracts were significantly curbed, that rate would still be from double to quadruple even the improved rate of productivity increase.

Where, then, does the solution lie?

John Kenneth Galbraith is always interesting, no matter what other reactions one may have about him. In a letter published in "The Washington Post" the day before the President's address of December 4, Mr. Galbraith argued the futility of further reliance upon monetary and fiscal management in the following words:

"The Administration must not suppose that quarterway measures—jawboning, voluntary guidelines, inflation alerts, levitation, incantation or massive public prayer—will work. It must break the structure of inflationary expectations with a freeze and then work out a permanent and enforced system of wage and price controls wherever strong unions set wages and strong corporations set prices."

He did say "permanent" and he did say "enforced." And his reason was his belief that managing an economy by monetary and fiscal policy is not possible in the face of either union or corporate power which precludes reasonable responsiveness of the market to such management.

I reject his assumption about corporate pricing power, as you might expect me to do. But, frankly, if it existed to the extent he suggests, profit rates would surely not have declined to the extent they have. Affected to be sure, by the constraints of cost pressure, prices are nevertheless still basically responsive to market forces—even if not always as mercurially as in an auction market. The problem lies in the fact that union wages have shown no responsiveness whatever.

One may not always agree with Mr. Galbraith, but I believe his views serve well to point up our dilemma.

UNION BARGAINING VERSUS CONTROLS

Our choice may in truth lie somewhere between revising the union bargaining structure to help it become more responsive to market forces, on the one hand—or, on the other, embracing permanent and enforceable controls. Past union views about the first approach need scarcely be recalled. But is the latter what unions really want?

Either a restructuring of bargaining or an embracing of permanent controls is, of course, likely to require new, difficult and controversial legislation, and thus neither seems likely to occur quickly. Meanwhile, "Rome is burning." For if the wage trends of the last year continue to flow unabated through the entire economy, it is not at all unlikely that the recent squeeze on unemployment and profits will have been only a miniversion of things to come. It is of extreme importance, therefore, that extraordinary efforts be made promptly to bring about a better voluntary response from the existing structure.

We clearly need something different from what we now have. The recent so-called "market oriented" incomes policy, as evidenced by recent governmental comments, proposals and actions concerning the oil and construction industries—and perhaps the steel industry has now been included—serves the purpose of drawing attention to the problem of inflation. However, it seems bound to become not only inadequate and discriminatory, but unfair as well. The Government will soon run out of market protections which it can withdraw or threaten to withdraw. Moreover, I feel sure it must recognize the unfairness of pointing fingers at so-called "sinners" in the absence of even a broad definition of what constitutes "sin"—and only at selected sinners, at that.

Meanwhile, is there any other way which can help bring inflation under control—without greater risk to our market economy? I would like to venture the thought that a three-pronged approach such as the following might be helpful:

The first element would be for Government to devote itself far more assiduously than it has to date to the task of trying to inspire what might be called a kind of universal sense of national mission in support of the urgency of subduing inflation.

This will not be easy. The average U.S. citizen has never experienced the consequences of runaway inflation such as Germany and some other countries have had. He is not greatly impressed with allegations, however true they might be, that inflation creates inequities and distortions within the economy which impair its future progress. In short, today's average citizen may still feel it less in his self-interest for him to support anti-inflationary actions than to support actions which may help him to keep pace with or try to get ahead of inflation.

If there is any hope of changing this view and of getting him more on the team than he is now—although all of us must play supporting roles—the lead role will have to be played by Government, and with a drama and an emphasis exceeding anything it has shown thus far. To be sure, Government deserves credit for now having made a start toward achieving the necessary understanding; but to some, its efforts still seem ambivalent. For example, what compelling sense of urgency for supporting the fight is engendered in John Doe, union member, when he reads in the President's address a statement that "the worst inflation is over"—coupled with a pledge to move on toward full employment?

Government doesn't have to go so far as to continue the politically unpopular posture of threatening to induce further unemployment as an inflation-suppressing device. But might not the average employe's sense of urgency become much sharper if, for example, Government made it abundantly clear to him that escalating wage costs are sapping the strength of his country in world markets and that Government efforts to counter unemployment, however sincere and purposeful, are bound to be ineffective until that trend is reversed?

Somehow, I feel that American workers still would like to be on a winning team—and that this kind of candor might help inspire a sense of mission to want to play the kind of game required to win.

WHY GOVERNMENT SHOULD SET STANDARDS

Second, beyond attempting to inspire a sense of mission, Government may have to develop—or cause to be developed—some kind of reasoned definition as to what kind of conduct by wages and other incomes is needed in the national interest at this time and why.

Changing the trend of a wage pattern will never be easy. In political instrumentalities like unions, where the tendency for leadership to respond to demands of their power base is almost irresistible, some crutches may prove helpful—perhaps even unavoidable.

By advocating the need for definition I am not suggesting either a simplistic guideline number or a hit-the-visible miss-the-rest enforcement approach, such as we had, for example, in the early and mid-'60s. We are much too far into the current wage spiral to expect that publicizing the number representing the average annual gain in output per man-hour will, all by itself, be a purposeful exercise.

The kind of definition I am groping for might be thought of perhaps as a kind of enlargement upon, or detailing of, the sense of mission. It should not reflect something whose nonenforcement would mean loss of face to the Government. Rather, it should be conceived in such terms that nonadherence could mean a real sense of felt guilt in recognition of how such nonadherence could lead to a loss of more than just face—to us all.

Thus the definition might have many facets—and might need unusual origins. It should not be sought at the expense of compromising what we need with what might be "salable." One of the major purposes of seeking the definition would be to help make "salable" what may not be now. Thus the definition should take account of such things as: (a) the need for the nation to grow more competitive in world markets; (b) the degree to which slow growth in real gross national product—and monetary commitments to social benefits, the ecology and defense—may now restrict the potential for average improvements in current living standards in dollar terms, and (c) the fact that if profits of investors do not keep pace with the cost of living at least as much as do wages, the private capital which supports the jobs of employe claimants will not be there.

Perhaps the definition should emerge from Government sponsorship—but not by Government edict. It might result from a forum encouraged by Government—one perhaps like the Commission on Productivity—in any event, one specifically assigned the task of achieving such definition out of a frank exchange among union, industry, academic and government authorities.

MEETING "OUR BREAD-AND-BUTTER NEEDS"

The point is that we badly need a means by which to seek a broader consensus on what wage responses will best meet the national need, and thus, in turn, our bread-and-butter needs.

If the response still emerging piecemeal from the picket lines is as intolerable as some of us believe it to be, other means simply must be sought to condition it. The need for an alternate road to consensus is confirmed, I feel, by actions of several high-placed labor leaders who have been heard recently to advocate experimenting with the concept of voluntary arbitration.

While we are dealing with what is essentially an economic problem, its solution may be essentially political. The background must be laid publicly so that forward-looking leadership can be exercised. We cannot continue to have union memberships rejecting their leaders' settlements, government employees flouting the law, or a real union telling Congress what it will or will not accept. Unless what men are asked to do can be shown as both fair and necessary, there may well result a kind of industrial anarchy, whether compliance is sought on a voluntary or compulsory basis.

Now, third and finally, the needed voluntary response is not likely to emerge without some very strong motivation. It could be provided if Government will add one further dimension, and this is, if it will use its own strong voice to point out every forthrightly the dilemma we face—and pull no punches whatever. Government needs to say clearly and forcefully that if, within existing power structures, voluntarism and free markets cannot be made adequately to serve the national interest, either the power structures will have to be modified or we will be forced to give up the concept of the free-market economy for the stultifying structure of a controlled economy.

AT STAKE: FREE LABOR, FREE MARKETS

To be required to accept controls in any but an all-out period of total war suggests not only the end of free labor and free bargaining, but perhaps also of free capital markets and of democracy as we have known it, as well.

As Winston Churchill once said, "The feel of the hangman's noose around the neck is a powerful stimulant to thought."

If both the urgency—and the options—are made plain to all our citizens and we are thus stimulated to embrace sensible alternatives, I have a strong hope that our free economy can move forward—unhampered by either an imposed squeeze or an imposed freeze.

[From the National Journal, Dec. 26, 1970]

ECONOMIC REPORT/NIXON FEELING PRESSURES TO ADOPT INCOMES POLICY

(By John M. Pearce)

Because of his reluctance to put firm pressure on industry and unions, President Nixon is being "jawboned" steadily toward more dramatic action to slow the rise of prices and wages.

Mr. Nixon's plans to weaken the power of construction unions and roll back recent oil price increases—announced Dec. 4 and, in the case of oil prices, implemented Dec. 22, by import quota increases of 100,000 barrels a day—softened the criticism inside the Administration. But they had little effect on ouside calls for more and stiffer actions.

While most of the pressure on Mr. Nixon comes from Democratic politicians and economists who were associated with past Democratic Administrations, one of the most specific proposals so far has come from Arthur F. Burns. The 66-year-old chairman of the Federal Reserve Board, who was until a year ago the most prominent member of the Nixon economic team, suggested, among other initiatives, a wage-price review board.

And a detailed plan for a punitive income tax on corporations that agree to wage settlements above government-set guidelines has been submitted by Yale University professor Henry C. Wallich, who also is senior adviser to outgoing Treasury Secretary David M. Kennedy, and Sidney Weintraub, chairman of the economics department at the University of Waterloo, Ont., Canada. Weintraub is on leave from the University of Pennsylvania.

The other proposals range virtually along the entire gamut of possibilities, from guidelines for wage and price increases (such as the "guideposts" begun in 1962 during John F. Kennedy's Administration) to full, though temporary, wage-price freezes.

All call for some type of "income policy," a term usually applied to any government effort to change the way the national income pie is divided.

With the exception of John Kenneth Galbraith's judgment that the "new economics" has collapsed under the weight of big companies and big labor and that it must be succeeded by some system of permanent wage and price controls, pressure for formal controls has been conspicuously sparse.

Despite the rejection so far of formal federal guidelines, the issue remains very much under consideration.

"We know we are fallible," said Hendrik S. Houthakker, 45, a member of the Council of Economic Advisers. "If it turns out we are dead wrong and prices go up more strongly than ever, the Administration might well change its tune. We go by results."

GOVERNMENT ADVISERS

Mr. Nixon's new pressure against the higher oil prices and his decision to try to strengthen builders in contract bargaining were the boldest efforts of his Administration to influence prices and wages.

The efforts, outlined in a Dec. 4 speech to the National Association of Manufacturers in New York, reflected conflicting pressures from his principal economic advisers—the Council of Economic Advisers, especially chairman Paul W. McCracken and member Herbert Stein, both 54; and George P. Shultz, 50, director of the six-month-old Office of Management and Budget.

CEA: McCracken has said several times, most recently at a news conference Dec. 1, that he has "never been particularly allergic to jawboning, if by that one means the process by which one tries to make clear developments in the economy that have relevance to public policy."

Stein's position is less clear. He said in a *National Journal* interview that he has an open mind about incomes policies; but he indicated he thought of them only as a device for speeding up economic corrections, which must be brought about mainly by fiscal (budget) policy, as set by the President and Congress, and monetary policy, as set by the Federal Reserve System.

Shultz: Shultz could not be reached directly, but several fellow government economists offered their interpretations of his position. Most of them said he is becoming or has become the President's premier adviser on economic matters.

As a former dean of the University of Chicago graduate school of business, Shultz is closely associated with the "Chicago school" of minimum government interference with the economy and heavy reliance on monetary policy.

Several groups—One senior Administration official, who asked that he not be identified, confirmed that there are several schools of thought on incomes policies within Mr. Nixon's official family.

"I don't know if you would call them groups," he said. "Sometimes the group is one.

"I think Stein and Shultz would rather do nothing, but they see the political pressures. There are others, like Arthur Burns, that would want to set up a wage-price board."

Another government economist, who also asked anonymity, said the President gives considerable weight to the views of Shultz, McCracken and Burns. But, he said, "I would guess that Shultz is number one at this point. I have to add 'at this point,' because that varies."

Burns' remoteness—He said Burns has adopted "a more remote relationship" with Mr. Nixon since leaving his Cabinet-level job as counselor to the President.

But, this economist said, if Burns "makes a judgment on what's happening to the economy—I'm not saying a recommendation on economic policy—I think the President would give that considerable weight, because he's found Arthur's judgment on those matters quite good in the past."

Shultz' proximity—A member of the staff in Shultz' own agency, OMB, called his chief "obviously a heavyweight adviser to the President."

He and others consider it very important that Shultz' office in the West Wing of the White House is close to the President's.

"It takes Shultz maybe 13 seconds to get to the oval room (Mr. Nixon's principal office) if he doesn't use the elevator. None of the other economic advisers could get there in less than five minutes," the staff man said.

When Shultz was Secretary of Labor (1969–70), he spoke out often on economic matters, rejecting time after time the suggestion that the Administration install some sort of incomes policy.

He has not commented publicly since July, when OMB was formed, but a remark he made last February before the Joint Economic Committee of Congress is typical. He rejected guidelines, saying they "did not work in this country, and they have been tried in nearly all the democratic countries of the world and haven't worked anywhere.'

Troika activity—He was not then a member of the "troika"—the economic policy group consisting of the chairman of the CEA, the secretary of the treasury and the director of the Budget Bureau (now OMB)—but since he became head of OMB, he has been active in troika affairs.

One Treasury Department official said Shultz lately "has assumed a very important role and is fully exercising his role in the troika."

He said that because Treasury Secretary Kennedy "was not such a strong and forceful personality" in troika deliberations, much of the responsibility fell to McCracken, Stein and, more recently, Shultz.

Shultz, he said, "carries a great deal of weight because that's how he got picked. The President trusts him. Kennedy: Kennedy's role in economic planning and policy making has been unclear for some time, and the question became moot when Mr. Nixon announced recently that he will be succeeded next year by John B. Connally, a Democrat, and former Texas Governor (1963–69) and Secretary of the Navy (1961).

But Kennedy's influence—and that of Treasury—was illustrated by the way the CEA's second "inflation alert" was cleared by high Administration officials on Nov. 27, a Friday. It was released the following Tuesday Dec. 1.

Houthakker, the CEA member charged with early development of the alert, said in an interview that it was sent for clearance to three officials: Shultz, Labor Secretary James D. Hodgson, 56, and Commerce Secretary Maurice H. Stans, 62.

It was not sent to Kennedy, Houthakker said, because "Treasury doesn't really have a major responsibility in this area."

BURNS. Although Fed Chairman Burns made it clear last May he thought some type of income policy short of wage and price controls—might hasten reductions in price inflation, he got very specific in a Los Angeles speech Dec. 7.

"We are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and the classical remedies may not work well enough or fast enough in this case," Burns said. Among the possible steps he suggested was establishment of a high-level price and wage review board with the power to investigate, advise and recommend on wage and price changes.

Because of his background as a Presidential adviser and his reputation as an economist, Burns is a frequent visitor in the President's office. The substance of his discussions with Mr. Nixon is a carefully guarded secret, however.

In public, Burns has said that he agrees with the way Mr. Nixon is trying to wrest the economy from its double problems of inflation and unemployment.

However, one Fed official said, "He certainly wasn't speaking for Richard Nixon" when he said in Los Angeles, "We need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future."

The guideline would be imposed only on wage increases. Weintraub and Wallich said that the certain knowledge that too-large wage increases would bring higher income taxes would stiffen management's back at the bargaining table.

Prices would remain under control, Wallich said, because business would find its production costs rising less rapidly. In addition, he said, "an increase in the income tax is very hard to shift, certainly in the short run."

Weintraub said he had considered several possibilities for beefing up the government's efforts to control inflation, and "this seems to be the most innocuous, in the sense of least interference and least bureaucracy." He said the plan "is surely not anti-union compared to any other recommendation, and above all it is not antilabor."

Treasury Under Secretary Charles E. Walker, 47, confirmed that Weintraub, who was on Walker's Ph. D. examination committee at the University of Pennsylvania in 1955, had approached him about the plan and that it was being studied.

"We're going to examine it, but that gives no prejudice one way or the other as to what we might come out with," he said.

ROOSA. One of the strongest and most detailed suggestions for a new incomes policy came from Robert V. Roosa, former under secretary of the treasury for monetary affairs (1961–64).

In testimony before the House Banking and Currency Committee on June 17 and again in a *National Journal* interview, Roosa called for a three-step plan to curb the upward spirals of prices and unemployment:

a temporary freeze on all wages, prices, rents and dividends;

an incomes policy worked out among government officials and key interest groups with which all would agree they could live;

a 1970 version of the Temporary National Economic Committee of the late 1930's, with authority to reexamine the nation's entire price and wage structure.

Roosa said he doubts voluntary freezes would work, because "very large wage increases" since his June 17 proposal had locked-in disparities.

"Wherever you try to put a brake on this, there are going to be at least half of the affected people who claim that they haven't caught up yet," he said. "So it may well be that if this is going to be halted it will require a compulsory freeze for an indefinite period—no more than six months—hopefully less."

After that, he said, the options would include "at the one extreme, the Wallich and Weintraub idea of a tax on the profits of firms who exceed some indicated guidepost figure, to. at the other, compulsory arbitration, which, at least for some industries, Burns mentioned in his speech.

WEIDENBAUM. Internal pressures for some version of incomes policy first broke into the open last summer, when Murray L. Weidenbaum, 43, assistant secretary of the treasury told a congressional subcommittee, "I think the time has come to give some serious consideration to some form of incomes policy."

Maurice Mann, an assistant director of the Office of Management and Budget, later added his voice to Weidenbaum's.

Mann has since left government to become executive vice president of a Philadelphia bank; Weidenbaum has turned his attention to securing congressional passage of his pet project, a plan to share federal revenues with cities and states.

CONGRESS

Mr. Nixon has been under pressure from Congress for a year, but the pressure has intensified since the CEA put out its second "inflation alert" Dec. 1 and the President made his economic address to the manufacturers' association Dec. 4.

Legislation: Congressional Democrats armed Mr. Nixon with two laws allowing him to clamp controls on credit and "stabilize," or freeze, wages, prices, salaries and rents. He has said repeatedly he does not want the authority and will not use it. The two laws are:

The Credit Control Act (83 Stat. 376), passed a year ago, giving the President permanent authority to trigger credit controls which would then be administered by the Federal Reserve Board. HUD Secretary George Romney last May 11 advocated using credit controls to aid housing.

The Economic Stabilization Act (84 Stat. 799), part of the Defense Production Act passed last August, giving the President authority to stabilize wages, prices, salaries and rents. He could freeze them across the board or selectively at any level back to where they were May 25.

The wage-price freeze authority is to expire next Feb. 28, but the House Banking and Currency Committee has approved a bill (H.R. 19828) extending it to the end of March, to enable the new Congress to make up its own mind about the need for this kind of authority.

Democrats: The Democratic leadership in both the House and Senate urged Mr. Nixon on Dec. 3, the day before his speech to the manufacturers' association, to freeze wages and prices for 30 to 60 days so that guidelines for voluntary restraint could be drawn up.

Senate Majority Leader Mike Mansfield, House Speaker John W. McCormack and House Majority Leader Carl Albert held a joint news conference to call for the temporary freeze to permit the government to work out guidelines with industry, unions and other groups.

Sen. William Proxmire, D.-Wis., this month suggested that Mr. Nixon call upon labor and business leaders to determine what would be fair wage and price increases, and then impose guidelines to produce them. He said guidelines would be a workable alternative to rigid controls, which he said would be difficult to administer during a war which lacks wide public support.

Economists' paper: The three economists who chaired the CEA during the Kennedy and Johnson Administration reported in September, after a study for the Senate Democratic Policy Committee, that a "cooperative wage-price policy," enlisting the support of both business and labor, is the "missing link of economic policy."

The report, prepared by Walter Heller (1961–64), Arthur M. Okun (1968–69) and Gardner Ackley (1964–68), suggested that the Administration begin a "prudent but decisive shift toward the support of growth, designed to halt promptly the widening of the production gap and the rise of unemployment."

Mr. Nixon's own advisers have publicly endorsed a goal of more expansion in an effort to restore "full employment"—by definition, a situation in which the unemployment rate is 4 per cent or less—by July 1972.

ECONOMIST PRESSURE

Advice from economists outside government is almost universally in favor of stronger action; disagreement is on tactics rather than strategy. O'Leary: A plan similar to Burns Los Angeles proposal has been advanced by James L. O'Leary, executive vice president and economist for the U.S. Trust Co. of New York.

"I think Mr. Nixon should go to what I would regard as being the absolute minimum he ought to do, and that is to appoint what Arthur Burns called a wage-price review board, or what I was calling a wage price stabilization board," O'Leary told National Journal.

"I don't know exactly what Burns has in mind, but what I have in mind is a board that would have representation from labor, management and the general public," he said.

O'Leary advocated a board with its own staff and the authority to involve itself in negotiations in major industries and important disputes involving municipal services, such as public transportation.

Weintraub-Wallich: One plan Treasury is considering was developed independently by Weintraub and Wallich. They proposed that the government decide what wage level is inflationary, set a guideline, then penalize companies whose total wages increase more than that during a year.

The penalty would be added to an offending company's income tax.

Wallich said in an interview the guidepost could not be the long-term gain in productivity—the 3.2-per cent limit on wages and prices set during the Kennedy Administration—nor productivity plus the increase in the cost of living, for "then you validate the going rate of inflation."

Instead, Wallich recommended productivity plus half the current rate of inflation.

GALBRAITH. The most pessimistic view and the most extreme suggestion comes from Galbraith, former ambassador to India (1961–63) and a Harvard University economics professor now teaching at Cambridge University in England.

Speaking to the Fabian Society in November, Galbraith declared the "new economics" dead.

What killed it, he said, is the immense power of trade unions and large corporations, which makes it possible for them to override any adjustments in the economy government may try to make.

He said the only way to deal with the situation is to establish a new system of permanent price and wage controls covering at least the strongest unions and companies.

INTEREST GROUPS

Interest groups are as close to unanimity as the economists in their calls for stronger Presidential action, although there is a wide range of motives.

Business Council: One of the most telling dissents from Mr. Nixon's economic game plan came three weeks before the November election from the Business Council, a group of 190 top corporate executives who meet every six months at Hot Springs, Va., to analyze government economic policy.

During an Oct. 17 panel discussion on the economy attended by several prominent government officials, including McCracken, the council agreed that present Administration policies could not stop inflation.

The panel discussion was closed to reporters—all Business Council sessions are closed—but it was summarized later by Fred J. Borch, 60, chairman of General Electric Co. and then chairman of the council. He has been succeeded by William M. Batten, chairman of J. C. Penney Co.

Reflecting five weeks later on the Business Council's decision to make its dissent public a day before its leaders met with the President, Borch said:

"I don't think we had much choice on that. It was the consensus of industrial corporations."

During an interview in his New York office Nov. 24, Borch said the council's position was "a little sensationalized by the press." The position, he said, had two major points:

There was "complete agreement that the Administration's monetary and fiscal policies are sound."

"As a secondary element," the government did not seem to understand that the inevitable labor cost increases of the next three years (most of which are frozen into contracts) are significant in terms of price stability.

At the news conference Oct. 17, Borch said the council panel thought the Administration "should explore other things rather than rely purely on monetary and fiscal restraints," the classical devices it has relied upon to stop the inflation.

However, Borch said, the council wanted no part of formal guidelines or wage and price controls. "The negatives were much clearer than the positives on this," he added.

Martin: A call for sterner action came from an unexpected direction Nov. 5, when William McChesney Martin Jr., Burns' predecessor as chairman of the Fed, urged the Administration to adopt an income policy.

Guidelines would put the government's sanction behind labor and management officials who try to resist inflationary increases, Martin said at a news conference after a speech to the Metropolitan Washington Board of Trade. He said, "I've had both labor and business people say to me, 'Why doesn't someone say what a reasonable level is?' "

Martin would not place the entire burden on the government, however. "I think it is necessary for businesses, bankers and individuals to show more restraint than they've been doing. We can't rely on fiscal and monetary policy alone."

CED: The Committee for Economic Development, a study group consisting mainly of prominent businessmen and former businessmen, recommended Nov. 23 that the government set up a three-man board on prices and incomes to develop "broad norms of appropriate noninflationary wage and price behavior that would give some guidance to business and labor groups."

The CED said the board should make public reports when increases deviate "substantially from such broad norms."

It urged that new wage-price policies not be rejected simply because their value cannot be proven in advance. The CED recommendation said:

"We do not believe that failing to develop and employ such policies would be warranted simply because their effectiveness cannot be predicted with certainty. If they should not prove to be very effective, any adverse effects are also likely to be small.

"But if they do help in reconciling high unemployment with reasonable price stability, the payoff from adopting them could be significant. On balance of considerations, therefore, we believe that the United States should include voluntary wage-price policies among its tools for reconciling price stability and high unemployment."

Labor: The reaction of organized labor to talk of formal controls has been lukewarm. AFL–CIO President George Meany, 76, told a news conference Nov. 9:

"We don't advocate controls. However, if (Mr. Nixon) feels that the situation calls for it, we'll go along, provided it's equality of sacrifice on the part of all—not just wage and price controls—but wage and price controls and controls on all sorts of income, so that everybody would make a contribution to the solution of this problem."

The AFL–CIO's chief economist, research director Nathaniel Goldfinger, has judged the Nixon game plan a total failure.

"We think it's disastrous. It created recession and rising unemployment," he said in an interview.

International pressures: The economic staff of the Organization for Economic Cooperation and Development issued a report in Paris last month urging a concerted international attack on inflation and advocating a mixture of policies to combat it.

Among them was an incomes policy, so far resisted by the Nixon Administration in any stern form, and active manpower and antitrust policies, both of which were suggested by Burns in his Los Angeles speech.

OUTLOOK

Mr. Nixon and his advisers say they are dedicated to following expansionary economic policies to restore the economy's growth and bring unemployment down to the "full employment" level of about 4 percent.

On the day Mr. Nixon told the manufacturers' association the Administration wanted to bring unemployment down, the unemployment rate was 5.8 percent, the highest in seven years. Other indicators showed industrial production declined in November for the fourth consecutive month, although its decline of .7 percent was less precipitous than its October decline of 2.1 percent. Recovery: Mr. Nixon outlined to the manufacturers three trends that he said should counteract the gloomy economic statistics:

Budget policy already has become expansionary. The fiscal 1972 budget, which must be submitted to Congress in January, will be balanced on a "full employment" basis; that is, it will be in balance if the government spends no more than it would take in if the economy were operating at capacity.

Fed Chairman Burns has assured the President that the Fed will "provide fully for the increasing monetary needs of the economy." Burns did not confirm the pledge in his speech in Los Angeles. The Fed so far is committed publicly only to a growth rate in the money supply (currency in circulation plus checking accounts in banks) of 5 percent a year.

Interest rates are coming down as a result of "easier credit policies and curbing of inflationary psychology."

Stein: CEA member Stein told the Investment Bankers Association in a speech Dec. 3 that both fiscal policy and the money supply will have to expand more than they did during 1970 if the economy is to rise to its potential output in two years.

"To get the economy up to its potential in two years would require an increase of real output of about 12.5 percent, or a little over 6 percent a year," he had said Oct. 28.

"Even with reasonable success in reducing the inflation rate, one might perhaps count on average price increases of 3 percent a year during this period—more at first and less at the end. This would mean average increases in the money value of Gross National Product of 9 percent a year."

Stein's estimate of 3-percent average price increases over the next two years is something that still must be achieved, since the Consumer Price Index rose at an annual rate of 4.2 percent during July, August and September. In comparison, however, the rate for the final six months of 1969 was 5.9 percent.

Next steps: Economists Roosa and O'Leary told *National Journal* that Mr. Nixon will have to move to a still stronger incomes policy if he is to realize his goals of full employment and diminishing inflation before the 1972 election campaign.

"I would think that within a rather limited period of time, we will see them move into something like this wage-price review board," O'Leary said. "I think that's the next big thing."

Roosa said he did not see how the President could avoid stronger economic policies.

"Barring a miracle," Roosa said, "the President is going to have unemployment above 6 percent pretty soon, headed toward seven. In the face of that, and with a wish to try to check inflation, and at the same time being required to do an awful lot to stimulate the economy to stop that unemployment from rising, he's going to have to compromise by at least introducing some more direct form of compulsory fact-finding."

A government economist, who asked not to be identified by name, said he thought the odds were in favor of Mr. Nixon's moving further.

The NAM speech, he said, proved that the President is willing to take what action he thinks is necessary—although he said nobody in government now believes direct controls or wage-price freezes are necessary.

TESTIMONY OF JOHN KENNETH GALBRAITH, PAUL M. WARBURG PROFESSOR OF ECONOMICS AT HARVARD UNIVERSITY, ON THE OCCASION OF THE MID-YEAR REVIEW BY THE JOINT ECONOMIC COMMITTEE, JULY 20, 1971

I shall not detain the Committee with a detailed review of the economic situation as now revealed by the figures for the first half of the year. No aspect of this situation gives satisfaction. Unemployment continues high, and very high for blacks, women and the young. There is no good evidence that inflation has abated. If output expands satisfactorily, inflation will increase. The well publicized production goals established earlier in the year have now been formally abandoned. Dr. McCracken has, indeed, called their continued pursuit irresponsible. The payments balance is still lodging a troublesome excess of dollars in Europe.

We have now fallen behind West Germany as an exporter of industrial products. The policies pursued by the Administration to contain inflation, high interest rates and tight money in particular, until their easing a few months ago, operated with particular effect on farmers and other small borrowers. As ever, the large corporations with internal sources of funds and favored access to the banks were much less affected. On few matters is economics so misguided and so cruel as in the supposition that an active monetary policy is neutral as between big business and small.

It is important, nevertheless, to keep perspective. This is poor performance; it is not a disaster. Some of the unemployment, and much of the new affluent unemployment, is to be attributed to the effective efforts of the Administration to lessen military indulgence, especially in the aerospace industries. This all must welcome and, indeed, ask for more. But the pain here would have been eased had the economy been stronger. And one cannot be happy about the most recent step. That, broadly speaking, has been to concede that the results of past policies have been unsatisfactory and then strongly to affirm the decision not to change them.

Still, in seeking to explain why so many things have gone so wrong, not everything can be attributed to this particular Administration. It has brought a certain unexpected talent to making the worst out of a bad situation. But its major difficulties are the consequence of the current crisis in economics and economic policy. This crisis would also have afflicted Democratic policy-makers of the traditional sort had they been in power in these past years. Let me ask you to consider this crisis for a few moments. It is a development of no slight importance.

The first cause of the crisis in economic policy is an error that is implicit in nearly all economic thought. This is to suppose that underlying change in economic institutions is sufficiently slow so that, for purposes of practical action, it can be ignored. So it is assumed that policies that have worked in the past will work in the present and future. Nothing will have changed to render them ineffective. In fact, institutional change is persistent and rapid. In the nineteenth century, in an economy in which capital was scarce, trade unions weak, wages flexible and firms small, and the propensity to consume high, there were, when recessions or depressions were experienced, great powers of recuperation in the economic system. By the 1930's, more abundant capital, more powerful corporations, greater rigidity in labor and product markets, greater affluence, perhaps other changes had sufficiently changed the underlying structure of the economy so that its recuperative powers were lost. Economists still agreed on non-intervention as the best cure for depression. A whole generation went down on that ship with Mr. Hoover.

The Keynesian intervention which became policy during the thirties was an accommodation to the new institutional setting. It held that fiscal policy, in some combination with monetary policy, could reconcile reasonably full employment with tolerably stable prices. That policy worked in its time. But in the last thirty years, there has been further institutional change. The market power of the great corporations has increased. There has been continuing accession of trade union power. And what is clearest of all, there has been a diminishing conflict between management and labor, an increasing tendency to resolve difficulties not by the traditional conflict but, after some ceremonial insult, for the corporation to concede the more urgent demands of the unions and pass the cost along, in higher prices, to the public. This the modern corporaton has the market power to do. This it can do at a level of demand that sustains effectively full employment and one that falls considerably short of that level. The occasional strike, conducted as it now is with considerable decorum, does not alter this pattern of accommodation. In failing to recognize that this new institutional change has rendered them irrelevant, a new generation of economists has been booking passage for the same journey as those that went with Mr. Hoover.[1] It would be amusing were it not sad that Mr. Nixon has proclaimed himself a Keynesian at the moment in history when Keynes has become obsolete.

The current crisis in economics has been disguised by the dispute between the advocates of fiscal policy and the so-called monetarists. This dispute is enchanting in its inconsequence although it cannot be doubted that each side is right in its belief that the other side is wrong. The exponents of fiscal policy are right in believing that monetary policy involves a grave uncertainty in the linkage between action and result. This has long been recognized. Indeed, the operations of the Federal Reserve Board itself are founded on the belief that seven men acting in ignorance of the effect of a given easing or tightening of the money supply on the economy will achieve a wiser solution than one man acting with a similar absence of knowledge. The recession we are now experiencing reflects, in its severity, the unforeseen result of a tight money policy. If this effect had been foreseen, no one can be so partisan as to suggest that the Administration and the Federal Reserve would have been so callous as deliberately to invite it.

But those who question the efficacy of fiscal policy are equally right. There is not the slightest reason to suppose that any combination of tax and expenditure policy exists which under present conditions, would curb cost-push inflation with such effect as to reconcile reasonably full employment with reasonably stable prices. While the monetarists and the fiscalists, so-called, have been arguing with each other, the institutional changes that have made cost-push inflation the dominant fact of our time have rendered both irrelevant. I must, in this connection, pay tribute to Arthur Burns, of whom in the past I have occasionally been critical. He is the rare case of a central banker who concedes and indeed urges this point. The more common tendency of the members of his union is to exaggerate the omnipotence as well as the mystery of the instrument which they command. I hope that my endorsement of Dr. Burns will not damage his standing with the Administration.

The crisis in economics has also been disguised by a series of rationalizations, some of them of no slight artistry in their assault on simple truth and logic. The most prominent example is the emergence of the permanent inertial force theory of inflation. This convenient doctrine I believe to be original with economists in the present Administration. It holds that once inflation establishes itself in the economy, it will, by its great inertial power, continue despite the most vigorous counter-inflationary policies that may be brought to bear. And it may, indeed, get worse without any blame for ineffectiveness attaching to these policies. In accordance with this doctrine, the Administration economists contend that the present inflation is to be blamed more or less exclusively on the deficit financing of the previous Administration. This year's Economic Report begins with the sentence: "1970 was the year when we paid for the excesses of 1966, 1967 and 1968." And although inflation has greatly worsened under the present Administration, it has really gotten better because these policies have been overcoming the inertial force which inflation had established. It follows from this doctrine that what happens to prices in the next Administration will all be decided in these years by Mr. Nixon. It is hard to know what to say about such nonsense; perhaps it is sufficient to observe that it has no sanction in any known economic model. It is, in fact, a transparent device for evading responsibility for policies that do not work. It is the wage-price spiral that primarily has defeated the Administration efforts to prevent inflation. If anything had an inertial effect on inflation, it was Mr. Nixon's proclamation of a hands-off attitude on wages and prices when he took office in 1969, with the sanction this gave to unions and corporations to practice jungle law in these matters.

Serving also as an excuse for not facing up to the wage-price problem is the argument that any overt action in this area will interfere with the natural operation of the market—and that it will invite a black market. This argument, also, is unworthy of any reputable economist. The problem of cost-push inflation arises only because the unions have the power to bargain for, i.e., set, wages that are in excess of productional gains, and corporations, the power to set prices that pass the resulting cost increase (usually with something more) on to the public. The problem arises, in other words, because there is already private wage- and price-fixing. The market isn't allocating resources; it is the unions and the corporations that are doing so. Thus the appeal to the market is a disguise for inaction. The specter of the black market is also a fraud. Controls are not a substitute for a fiscal and monetary policy that maintains a general balance between aggregate demand and supply; no sensible economist so regards them. They are an essential supplement to such a policy, one that keeps it from being destroyed by cost-push inflation. If demand and supply are in balance—if there is no excess of demand in search of goods—there will be no black market.

Another consequence of the present crisis in economic policy is the effort to convert failure into success by resort to psychological measures—by the use of faith, hope, prediction and appeal for positive thought as instruments of policy. These devices, it may be observed, were also extensively used, in a sense pioneered, by Mr. Hoover. For the last two and a half years, price stability has been persistently pictured, as was recovery forty years ago, as just around the next corner. For the last year and a half, the same prospect has been held forth on employment. Statistics that seemed to suggest progress have been brightly featured; any retrograde tendencies have been passed over in dull and heavy silence. One is tempted to suppose that part of this policy derives from the President's unquestionably very wholesome interest in spectator sports. The football fan has always attached a somewhat exaggerated importance to the impact of the cheering section on the outcome of the game. In any case, we are by way of learning once more that psychological factors are not very important in business behavior. It is firm orders derived from effective demand that count. Even so drastic a step as the recent changing of cheerleaders—of pulling Dr. McCracken out of the game plan and sending John Connally in—will not, one may safely predict, make much difference.

If I might be allowed one mildly partisan comment, I do not think it is even sound politics. One can understand why, given the present state of the economy, and with an election in prospect, the President would wish to have it identified in all public utterances with a Democrat. But I would remind the President and my Republican friends that the Secretary's credentials as a member of our Party cannot be considered all that permanent.

Let me now turn to what is required.

There is only one way to have an effective economic policy. That is to leave the monetarists and fiscalists to continue their academic quarrel and recognize that adequate employment and reasonably stable prices can only be reconciled by coming to grips with the wage-price spiral. That requires controls. Perhaps I will be thought in this statement to have been a bit hard on my friends who serve a Republican Administration. Let me assure them that I have even less to say for those who, in association with Democrats, agree that cost-push inflation is the cause of our difficulties, that the wage-price spiral must be brought under control and who, having willed these ends, then resolutely refuse to will the means. The economist or statesman who identifies the nature of the wage-price problem and then takes comfort in the belief that mandatory controls can be avoided, that the problem will yield to incantation, rhetoric or a uniquely virtuous personality, should be regarded only with amusement.

The first step in getting an effective economic policy must be a general freeze. This is necessary to break the structure of inflationary expectations on which all collective bargaining now proceeds. But it is not necessary to control all wages and prices; the main burden of that task, as I have said, still rests with the control of aggregate demand. It is only necessary to control where wages act on the prices of firms that have power in their markets and prices act on the bargaining of unions. The permanent control, which should be worked out in the wake of the temporary freeze, need only extend to a few thousand corporations and a few hundred collective bargaining contracts.

Once the wage-price spiral is tied down, the next step is to expand employment. This should be done by measures that involve the shortest possible linkage as between governmental expenditures and jobs. The first claim should be funds for pressing urban and welfare requirements. And I would place special stress on public service employment—on providing funds well beyond the recent step to enable the cities which are in urgent need of manpower to be employers of last resort. Particular attention must also be accorded to the new problem of the affluent unemployed. Here the emphasis should be on direct employment in education, urban rehabilitation and other civilian functions. I would hope that the Congress would be very resistant to trickling down expenditures and socialism for the rich, such as that manifested in the loan guarantee to Lockheed. Interest rates, since they no longer anticipate inflation, would be greatly reduced. This does not mean, let me repeat, that aggregate demand may be allowed to outrun supply.

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[1] The 1971 Economic Report, pp. 61–62, describes this institutional change in commendably precise form but, alas, only as a prelude to affirming the previous faith.

Given the pressure of social need, there should be no talk of any kind of tax reduction. This, like loans to indigent corporations and accelerated depreciation allowances, is also social action for the rich. It is a very inefficient way of expanding the economy. I would also be strongly opposed to any revival of the investment credit. This is a poor economic device which works best when investment is strong and it isn't needed and works worst when investment is depressed and it is needed.

The hard decision, needless to say, is that involving controls. It is a lot less hard in the United States than, for example, Britain, for we have a practical-minded labor movement which, given equitable application of the controls, accepts the need. No British, and very few continental, trade union leaders are as sensible on this matter as George Meany. The barrier is not the unions or businessmen, but the intellectual vested interest—the terrible wrench this action involves for those whose mental capital is tied up in the belief that fiscal and monetary policy are sufficient, that the market is still virginal, and that the real debate is between the effect of money supply and the budget. We must all have sympathy for men whose ideas are being so intransigently discarded by history. But we do not minimize their suffering by prolonging the agony. And we must consider the cost to the country as well.

[From the Washington Post, December 1970]

A FULL EMPLOYMENT PROGRAM

(By Gardiner C. Means)

The first phase of President Nixon's game plan to control inflation has already proved a failure. In spite of the fact that the planned reduction in production and employment has been exceeded, inflation has not been brought under control. Prices in the more concentrated markets such as autos and steel continue to rise although this rise has been masked by the fall in competitive market prices such as those for farm products, foods and lumber. Nor is the plan likely to bring such administrative inflation under control.

This presents the country with the need for an emergency program to get us back to full employment under conditions which recognize the reasons for the failure of the President's game plan and take into consideration what would be required to restrain the kind of inflation we have been experiencing.

I. WHY THE NIXON GAME PLAN WILL CONTINUE TO FAIL

The President's game plan is designed in terms of classical textbook theory under which simultaneous recession and inflation are theoretically impossible. It treats the inflation of recent years as solely a product of excess demand and a resulting "pervasive inflation-mindedness". Yet by the end of 1969, excessive demand had been largely eliminated through the budget surplus bequeathed to the present Administration and by the Federal Reserve's restrictive monetary policies. The main problem as conceived in the game plan was to kill the "pervasive inflation-mindedness".

The plan was to contract aggregate demand to a point well below that needed to support full employment, hold it well below the full employment level for two years, and then expand it to bring production up to its potential by early 1973, a goal now apparently revised to mid-1972.

This game plan takes no account of the actual behavior of administered prices and wage rates in the industries in which big business and big labor play a major role. Past experience has shown that even where there is excessive unemployment, the prices in the more concentrated industries are likely to rise. This is being confirmed currently by the continued rise of administered prices while market prices go down.

In the last three months four important market-dominated categories, (farm products, food, lumber, products and non-ferrous metals) have gone down an average of 2.5 per cent, or at the rate of 10 per cent a year, while four important administration-dominated categories (steel, machinery, automobiles and non-metallic minerals) have gone up an average of 2.4 per cent or at the rate of 9.6 per cent a year. Furthermore, the administered-price increases cannot generally be attributed to wage increases. The Department of Commerce index of labor cost per unit of output for the corporate sector shows no significant increase in the last two quarters while according to the *Survey of Current Business* the improvement in profits in the third quarter was to a considerable extent due to expansion of profit margins. It is this administrative inflation which is at the root of the modern inflation problem and is not taken into account in the President's game plan.

Even if the plan could be successful, it would be a highly expensive way to control inflation. It calls for something like five million man years of idle manpower and some $65 billion of potential production thrown away. The hardships on individuals and the costs of social disruption could easily make the planned cost $100 billion.

However, there is no reason to expect that the prolonged period of stagnation contemplated in the plan would eliminate administrative inflation. In spite of exceeding the planned contraction, there is no sign of a decline in the rate of price increase in the more concentrated markets. And when demand is expanded to achieve full employment in the future, this would not only cause a legitimate rise in market-dominated prices, but wouldd reinforce the process of administrative inflation long before full employment was reached. Such inflation grows out of the use of market power and cannot be controlled through monetary and fiscal measures. This lesson is being learned in all of the major industrial countries.

The President's game plan is thus not only criminally wasteful of human and material resources but bound to fail.

II. WHAT NEEDS TO BE DONE

Because monetary and fiscal measures alone cannot bring about both full employment and price stability, the country is faced with two problems; the immediate necessity of getting back to full employment as quickly as possible with minimum inflation, and the longer run task of maintaining full employment without inflation.

The first is essentially an emergency problem which can be tackled by measures which might not be feasible or effective in the long run.

It has taken the present Administration's planned contraction less than 12 months to bring the economy from 3.4 per cent unemployment to its present level of stagnation. An emergency expansion program should aim to get back to 3.4 per cent unemployment within a year.

The means for expanding aggregate demand are well understood. The big problem requiring a new approach is how to sit on the lid of administered prices while the expansion goes on.

Controlling administrative inflation should not be confused with holding down prices in a demand inflation. The head of steam generated by excess demand is hard to control, and, if contained, is likely to produce inflation when the controls are removed.

Administrative inflation, on the other hand, results from the very considerable area of discretion involved in the setting of prices and the arriving at wage rates by big business and big labor. The problem of control is to limit the *arbitrary* use of market power within this area of discretion.

There is good reason why big business and big labor should be willing to accept guidance in this field in order to avoid inflation. Each business and each union has a strong interest in seeing that *everybody else* uses market power responsibly. But acting alone their specific interest in higher prices and wages for themselves leads to inflationary increases and only government can give the coordination necessary to achieve their common interest.

Two peace-time experiences with economic guidance by government indicate the possibility of its success.

In the early days of the great depression, President Hoover called in the leaders of big business and persuaded them, in the interests of prosperity for all, to agree not to cut wage rates. This was before the days of big unions, yet big business kept its promise. It was not until the business contraction had been going on for over two years that big business began to slash wages. If President Hoover had supported this wage guidance with the appropriate monetary and fiscal measures to expand demand, it might have been one of the most spectacular countercyclical programs on record.

The second case involves the Kennedy Guideposts. President Kennedy called on both labor and management to abide by wage and price guideposts in a period in which he was attempting to expand aggregate demand in order to achieve full production and employment. Big labor adhered to the Guideposts for approximately three years, so that labor cost per unit of real industrial output actually went down. Management also adhered to the guideposts to a considerable extent though not as closely as labor.

In the end, labor ceased to follow the guideposts because of a basic flaw in their design. The wage guidepost took account only of increases in productivity and failed to make allowance for increases in cost of living which resulted from a legitimate rise in market-dominated prices. Because of this flaw, labor lost nearly half of the productivity gains to which it was entitled before it departed from the guidepost. If the Kennedy plan had included a suitable cost of living provision and if management had cooperated more closely, the reflation plan could have been an outstanding success instead of only a partial one.

The emergency program suggested below would build on the common interest in achieving full employment and minimizing inflation. It would provide price and wage guidance as to what increases were legitimate. It would focus on the actions of big business and big labor. It would use the power of published analysis and public opinion to encourage adherence to the program.

Furthermore the program would be based on a clear recognition that the present situation is indeed an emergency. It is certainly an emergency for the more than four million persons currently looking for work and not able to find it. It is also an emergency for the many business firms approaching or teetering on the edge of bankruptcy. It is hardly a normal situation for that half of industry that is operating at less than 75 per cent of capacity. Treatment as an emergency will facilitate the adoption of temporary measures.

III. AN EMERGENCY EXPANSION PROGRAM

The main instruments proposed for launching the program would consist of: 1) a Joint Resolution of the Congress, directed to all parties at interest, declaring the economic emergency and pointing in general terms to the actions appropriate to each; and 2) a single piece of new emergency legislation setting up a temporary Emergency Guidance Board to provide price and wage guidance to big business and big labor.

A joint resolution on the economic emergency

The Joint Resolution by the Congress could appropriately state the character of the emergency, set forth the shape of the program which was being adopted, outline the time schedule for reflation, set a time limit for the program, call on all interested parties for cooperation and indicate in general what would constitute cooperation for each.

In particular, it might request the President to call together the leaders of big business as did President Hoover in an earlier emergency, and likewise the leaders of big labor, and ask each group to agree to cooperate with the temporary price and wage guidance board for the duration of the emergency.

On fiscal policy, the recommendation of the Committee for Economic Development might be adopted. It calls for a budget that should be a little more than balanced at full employment but would run an intentional deficit at less than full employment. Or during the emergency, an even greater but temporary deficit might be aimed at in order to reduce the extent of the monetary expansion that would be required. On monetary policy the Joint Resolution could appropriately direct the Federal Reserve Board: 1) to cooperate with the Administration and the temporary guidance board in designing and carrying out an immediate reflation program and 2) to expand and control the country's stock of money to just support aggregate demand at the level necessary for reaching the goal of the emergency program in the light of the budget policies adopted.

The new legislation would set up a new and temporary agency which might be called the Emergency Guidance Board. The Board could be set up within the administrative arm of the Government or independent of the President and directly responsible to the Congress as is the Federal Reserve Board. In either case, it would be a temporary board created for the emergency period. In this way it could be more easily dismantled at the end of the emergency.

The Board should be composed of a small group of distinguished individuals respected by business, labor and consumers but not representing these several interests, with a chairman well versed in the operations of government.

The Board would presumably have no powers to force particular price or wage actions. Rather, its effectiveness would depend on the agreement of big business and big labor to cooperate, on the fairness of its guidelines, on the publication of the reports to it by big business and big labor justifying proposed or actual price or wage increases, and, in special cases, a Board recommending against such increases or for a rollback. It should, however, have power to subpoena records for use in extreme cases.

The responsibility of the Board might properly be limited to pricing in the more concentrated industries. The legislation setting forth its powers and responsibilities might specify, for example, that the Board must be concerned with substantial price increases by any business having assets of, say, one-half billion dollars or more and with any business supplying, say, thirty per cent of any substantial market. It may be concerned with price increases by business enterprises having, say, $100 million assets or, supplying, say, 10 per cent of any substantial market, provided that either the business voluntarily accepts such guidance or an examiner of the Board makes a finding that such guidance is essential to the success of the program.

The Board should be empowered to require that any business or union subject to its emergency guidance should file an economic justification for any substantial price or wage increase involving a substantial volume of output.

In order not to be overwhelmed with an excessive number of cases, the Board would need to develop procedures for selecting the more significant cases which require Board judgment and recommendation, those to be handled through public hearings and attendant publicly and those for which staff consultation and negotiation would appear sufficient.

Large institutions, corporate or union, are not immune to public opinion. Their leaders know that their very size makes them vulnerable. The findings of a distinguished board are likely to have considerable persuasive effect. It is reasonable to expect that, for the limited duration of the emergency, they would respond with the degree of cooperation necessary to make this an effective device for restraining administrative inflation during the period of reflation.

IV. LONG RUN POLICY

The emergency measures should not be expected to resolve the long term problem of administrative inflation which will still persist after the emergency has been overcome.

In the absence of some new program, the country will constantly be faced with the dilemma of inflation and unemployment. Actually an economy which is running well should have neither inflation nor serious unemployment. Those who suggest that a 2 or 3 per cent annual rise in prices is acceptable are simply not looking for a well-running economy. Likewise those who accept 3.4 per cent unemployment as anything except an interim goal are accepting a badly running economy. They are saying that, rather than interfere with the abuse of market power they are satisfied that there should continuously be more than two and a half million workers looking for work and unable to find it; that the country should aim to throw away some 20 billion dollars of potential production a year; and that the burden of avoiding inflation should be placed on those least able to bear it. The emergency guidance program and its success or failure should give us clues as to the permanent institutional changes which might be needed to provide a well-running free enterprise system in the presence of substantial market power in the more concentrated industries.

[From the Washington Star, July 31, 1971]

WHY NOT EXPERIMENT WITH ECONOMIC REMEDIES?

(By William F. Buckley, Jr.)

While it is not clear what President Nixon will accomplish by his convulsive Far Eastern policies, a distinction needs to be made between these and his domestic policies, towards which his critics, temporarily confounded, are turning their fire.

Those who desire employment and can't find it would be grateful if the Nixon administration found the means to help them. Those who suffer from inflation would be grateful to Nixon for a dollar whose buying power ceased to dissipate. So that it remains the question: Does Nixon know what to do about the soggy economic situation?

Concerning his problems, a few observations:

1. It becomes clear what is the administration's attitude towards those industries in the United States whose impoverishment means a startling rise in unemployment: Help them.

In other times, to help the industries directly would have been neither the New Deal answer nor the answer of the classical economists. The New Deal's answer was direct intervention in behalf of the unemployed. The classicists' answer was: hands off the situation.

Maurice Stans, secretary of commerce, in discussing the textile situation a year or so ago was altogether blunt about it. If Japanese imports continued at the current rate, 100,000 Americans per year would be cast into unemployment.

Now, he said, since it is government policy to provide welfare for those who need it, it is manifestly more efficient to protect them in their jobs, and allow foreign competition to displace them only gradually, rather than to permit them to be unemployed suddenly, greatly aggravating the problem of finding new jobs.

Thus, in coming out for a flexible tariff policy, he spoke the mind of the administration clearly: Use existing organisms of employment, in order to soften the blow. The operative imperative? Social welfare.

It is exactly the same thing with Lockheed.

2. The great switch of the past generation is from private to public initiative. Nixon's assumption that only 4 percent is a tolerable unemployment rate means that the stimulus to provide employment for the difference between 4 percent and the currently unemployed 5.6 percent has got to come from somewhere.

Under the new dispensations, the initiative is the government's. In yesteryear, it would have been the private sector's. But the old mobility is gone. For one thing, the average American has been willing to trade off more and more of his salary in return for welfare measures, public and private.

The cost to American employers of fringe benefits is a staggering 30 percent of the payroll. The cost to the various governments, local, state, and federal, of all services rendered is in the vicinity of 35 percent. One gradually deduces from the relative apportionment of responsibility that neecssarily the initiative devolves upon the government. There isn't enough slack in the private sector.

Assume, for one minute, that Congress were instantly to: a) reduce corporate taxes by 25 percent; b) abolish unemployment benefits altogether. In such a situation, the old, the disabled, dependent children, would still receive care. But the private sector would rush to expand, even as the unemployed rushed to seek work, never mind the union scale. How far away such free market solutions appear. The psychology of welfarism dominates.

3. Nixon's critics are determined to hold out wage and price controls (an "incomes policy," as they nowadays call it) as the deus ex machina. The classicists insist it wouldn't work, that indeed it would cause great harm. I wonder, mightn't it be worth trying?

The free market analysis is not wrong, but is there a better opportunity to discredit the price control theory than the current one?

Inasmuch as unemployment stays the same, the national deficit approaches spectacular reaches, inflation goes robustly forward: Why not experiment? It would be no more shocking, at the domestic level, than the recognition of Red China at the foreign level.

If we are so far into welfarism that we cannot seek out classical solutions, why not admit it? And force a confrontation with the results of the truly managed, totally managed economy? Even if, after we were through, we were to discover that about the only freedom we have left, is to steal secret papers?

(From the Washington Star, July 30, 1971)

ECONOMIC GAME PLAN GOES AWRY

President Nixon's economic policy is very clearly in danger of running off the tracks. He has been unable to control inflation, government spending and the size of the deficit. Inside his administration controversies flare and there may be a blowup.

With the cost of living rising in pursuit of inflationary wage settlements, the budget has gotten out of control again.

Treasury Secretary John Connally blandly confessed that the federal deficit for the fiscal year just ended would approach $25 billion. The final figure was $23.2 billion, the administration announced yesterday.

For the new fiscal year heaven knows what it will run to, probably another $18 or $20 billion or more, and in any case far more than the President estimated when he submitted his budget figures to Congress in January.

No one needs a fixation on budget balancing to realize that something is wrong when the government's chief financial officers can't come within $8 or $10 billion of estimating how much the government will spend.

Nor is a Ph.D. in economics much help in explaining why the Nixon policies aren't working as they are supposed to. Unemployment and idle industrial capacity have failed to halt the rises in both prices and wages, as it was supposed they would and as would seem natural. This could go on a long time, according to Federal Reserve Board Chairman Arthur Burns, who is astonished as anyone else over the mulishness of the country.

There are strong men involved now in economic policy. One of them is Burns. Another is Connally. They do not agree. Burns says we aren't making progress against inflation. Connally says we are. Burns wants wage and price restraints. Connally is the spokesman for doing nothing that is not already being done.

This is reminiscent of conditions in the Johnson administration which Nixon so severely criticized in the presidential campaign. Nixon charged then that the former chairman of the Federal Reserve Board, William McChesney Martin, had "been left holding the bag" by President Johnson.

By refusing to put the nation's fiscal affairs in order, Johnson forced Martin to assume the whole responsibility for curbing inflation, Nixon charged. That resulted in a "stop-and-go" policy of monetary restraint and ease "in which every attempt to slow down the expansion of the money supply has been defeated by the urgent necessity to finance the Treasury's huge deficits," Nixon charged.

The Treasury is still having huge deficits and holding back inflation still seems to be the main concern of the chairman of the Federal Reserve Board. Nixon, at the present pace, may rival Johnson in building up the huge deficits which he says brought on the inflation spiral he inherited.

But Burns has warned that if he has his way the Federal Reserve Board will not charge up the money supply to give Nixon the "very good year" he desires in 1972 if that means continuing the present rate of expansion.

If anything, it is expected that Burns will try to tighten up credit if the Nixon administration doesn't move toward wage and price restraints.

With inflation proceeding "at a both unacceptable and dangerous rate," Burns is becoming increasingly insistent on establishment of a board which would pass on major wage and price decisions before they are put into effect in private industry.

How much good this would do is, of course, debatable. The moral effect of government disapproval of wage and price decisions has worn pretty thin. But it would be a beginning of what is called an "incomes policy" on the British pattern and might ultimately lead to greater government intervention in such decisions.

How long Nixon can hold out against such intervention will quite evidently depend on the course of economic events which are not easily predictable in the light of experience.

Nothing like a $25 billion deficit was in the Nixon "game plan" when he took office. He was talking then about cutting back expenses and pursuing "sound" fiscal policies—not necessarily a balanced budget all the time but nothing like the Johnson runaway budgets.

That's all down the spout now. No confident White House pronouncements have changed the figures on consumer price rises, and everybody knows it in his own pocketbook.

[From the Washington Star, July 31, 1971]

ECONOMIC "GAME PLAN" FLOUNDERS

(By Milton Viorst)

President Nixon may be thinking of going to Peking to get re-elected, but it is clear now that he'll be looking over his shoulder at the economic statistics while he's away.

The most recent figures confirm what we have long known—that not only is the President in trouble over the economy but, what's worse, he is in a painful and unprecedented dilemma over economic policy.

After 2½ years of the Nixon "game plan," inflation is worse than ever. And though there has been some economic recovery in recent months, unemployment has not declined and general business activity remains disappointing.

To the bureaucrats in Washington, the statistics represent a challenging but abstract problem. Some of the wits in the economics profession have even coined the name "stagflation" for the situation.

But what the statistics indicate in ink, flesh-and-blood testimony from around the country confirms.

Housewives, with more dollars to spend, know they can buy measurably less with them. Working men, even though their incomes may be ostensibly rising, are becoming increasingly apprehensive about their jobs.

Unquestionably, every layoff has a rippling effect—so that loss of confidence in the administration's capacity to manage the economy far exceeds the raw unemployment percentages. Though this loss of confidence eludes the statisticians, it is something one can feel in the atmosphere.

As much as any politician, President Nixon understands this phenomenon. He is convinced—quite rightly, I think—that it cost him the election in November 1960, when the last of the Eisenhower recession hit bottom.

Arthur Burns, even then a top Republican adviser, warned Nixon in the spring of 1960 that he would be defeated if the Eisenhower administration did not undertake a major stimulation of the economy at once.

Nixon tried to persuade Eisenhower of the wisdom of such a policy, but the men surrounding the President then were of a pre-Keynesian, traditionally conservative Republican stamp. They would have none of it.

From his bitter experience in 1960, Nixon drew the conclusion that voters are thoroughly intolerant of recession—and he has often said that, given the choice, he'd much prefer inflation to recession on election day.

His problem is that right now he doesn't seem to have the choice. He is getting the worst of both inflation and recession, and his own economic convictions seem to leave him without an exit from either Scylla or Charybdis.

The President has taken a strong dose of recession, on the theory that it would be over by election day and would halt inflation. But the economy has defied the theory.

He is willing enough to swallow some inflation—but now it is threatening again to run away and, to compound the dilemma, it actually seems to be weakening the recovery.

In truth, the economics profession must take some of the blame for impaling Nixon. Drawing from Keynes, the best economists thought they know what to do. Whether Democratic or Republican, their differences were only of degree, and the President took his "game plan" from them.

Lord Keynes, however, never foresaw "stagflation" and his disciples are without a doctrine for dealing with it.

Fortunately, Nixon has Arthur Burns back again, this time as chairman of the Federal Reserve Board. Though he is a most conservative man, Burns has the intellectual flexibility to modify a life-time of his own ideology.

Burns has despaired of making the economy respond, especially the inflation, to a variety of economists' tricks—manipulating the money supply, the federal budget or interest rates. He wants to go directly to the heart of the problem, to get federal restraints on wages and prices.

Restraints, he believes, will not only curb inflation but prove to business and labor that the administration has peeled off the flab and is getting tough. He considers this a prerequisite to restoring economic health.

But Nixon remains committed to his outdated Keynesianism. Wouldn't it be ironic if, despite Arthur Burns, he lost another big one because of the misguided dedication of a Republican President (himself, this time) to a new Republican economic orthodoxy?

THE SHARPSTOWN FOLLIES—XXVI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, a free government depends on the consent and confidence of the people.

In the Sharpstown case, we have a scandal that has affected public confidence, not only in banks and insurance companies, not only in savings institutions and real estate developers, but in every other kind of enterprise that might have been subject to the use and abuse of Frank Sharp and his pals.

But this was not a case that merely involved questionable and crooked business practices; if it were that, it might be comprehensible, for greed explains much. But this case affects the confidence that people have in their government, and in the administration of the laws, for the Government, Federal and State, and the very courts of this land have been tained by the Sharpstown scandal.

At the State level, we have seen how Sharp used his banks to finance vast amounts of loans to holders of political offices, on conditions that were most favorable to them. We are told how Sharp made stocks in his companies available to such men as the Governor, the speaker of the house, the chairman of the appropriations committee, the house floor leader and perhaps others as well, all in order to influence the legislature to pass a bill that he wanted, a bill to establish a State deposit insurance corporation. This bill would have, if enacted, created a mechanism to allow Sharp to keep Federal examiners out of his banks, where they had been making critical comments for many months.

We have heard that Sharp bribed other State officials, and though I do not have evidence to prove all these charges, the very fact that they can be made should be shocking and shameful to us all. The rumors about various State officials in Texas abound and multiply, and they all say the same thing: The State government is full of men who are on the take.

The whole State of Texas has been besmirched by this scandal, and people have lost much of their faith and confidence in the State and those who are responsible for the conduct of the people's business.

Some of the charges that have been made might not be true; some of the rumors might not be true; but the damage has been done. There has been enough evidence of easy morality to shake the most complacent souls, and so it is undeniable and irrevocable that people in Texas are angered and saddened by the scandal that has descended upon the State.

But this scandal does not end even there.

We find that the very Assistant Attorney General of the United States had a key role in building up this paper empire that Frank Sharp gloried in. We find that this man, Will Wilson, worked in key positions for Sharp for over 2 years, and that he could not have avoided knowing the great schemes that Sharp carried on day after day and month after month. Wilson must have known that many of these deals were illegal, and that many others were at best questionable, yet he did nothing to stop them, nothing at all. And this man is in charge of enforcing the criminal laws of the United States. It is impossible to have confidence in him, knowing what we do of his past.

Moreover, we have seen how in the Sharpstown case justice has been deliberately perverted. Whereas other bankers who have violated their trust have been prosecuted by the Justice Department with a vengeance, Frank Sharp was never even brought before a grand jury. Instead, he was allowed to plead guilty to two of the least serious charges that could have been brought, and then given complete immunity from every other charge. It is plain that the Justice Department and its local U.S. attorney, whether driven by desire to protect Wilson, or from some other benighted motive, deliberately failed to bring Frank Sharp to justice. Their performance on this case is in the most profound contrast to their performance in three other Texas bank cases, and even in contrast to a chicken thief's case. Here we see the spectacle of one of the biggest frauds in the history of the country getting a 3-year suspended sentence and full immunity from any other charge, while at the very same time, a man who transported stolen chickens in interstate commerce got 3 years in jail. Which of these men did the most damage to society? Granted they were both criminals, but how can anyone account for the disparity of the sentences in these cases?

How indeed can we square with conscience a judicial system that can assess a man many years in prison for having possession of a marihuana cigarette, and at the same time free a man who has corrupted an entire State?

These are serious matters. They ought to weigh heavily on our minds.

The conduct of Frank Sharp and his associates created a squalid, sordid scandal. It will be years before the mess they have left is ever understood, let alone cleaned up. It will be a long time before the damage they have done can be rectified.

The time for reconstructing the social damage is now.

We have to begin somewhere. Cleaning up the criminal charges must be done through the courts, with the aid of the prosecutors. The civil cases will drag on for years. The State government must adopt reforms, as thoroughly as possible and as soon as possible. The people must find a way to restore their faith and confidence. In all of this, there is only a limited role that Congress can play, and that has to do with the federal system of justice. I am accordingly setting out plans for appropriate congressional action, so that our responsibilities in this sorry spectacle can be properly discharged.

RESPONSES OF RELIGIOUS LEADERS TO WAR RESISTERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, as the war in Vietnam winds down—not fast enough, but inexorably heading toward a final too long delayed pullout—we must begin to deal with the painful problem of what options should be made available to the young people who have left the United States in order to avoid the draft.

Whether total absolution is afforded as is suggested by eminent churchmen, or whether we provide that some national service be rendered by those young men in exchange for letting them return to the United States will be the subject of great debate. But surely, jail is not the answer, for it will do nothing for those imprisoned nor for the welfare of the country.

I have, heretofore, placed in the Record the statements of church and synagogue leaders, the foremost of those being the late Richard Cardinal Cushing, who gave his observations in his Easter sermon.

I would like at this point to provide our colleagues with the observations of Rabbi Emanuel Rackman, who is the rabbi of the Fifth Avenue Synagogue in New York City, and Rabbi Judah Nadich, who is the rabbi of the Park Avenue Synagogue in New York City.

Our War Resistors: A Proposal

(By Emanuel Rackman)

After the war in Vietnam what position should the United States take vis-a-vis the thousands of its citizens who are "fugitives from justice" in foreign countries because of their refusal to serve in a war they deemed unjust? Similarly, what reprieve or pardon ought be made available to those who have already been subjected to trial and punishment for their resistance to the draft or military commands?

It is conceivable, but improbable, that the total withdrawal of United States troops from Vietnam will be accompanied by an official admission that the entire enterprise was a moral and military blunder. If this should happen—and I take no position in favor or against—then those who resisted must be deemed heroes—prophets who tried to save their country from the commission of sin. They would have to be restored to home and hearth and compensated for their sacrifice in the cause of their country's honor. However, it is unlikely, at least for a generation or two, and perhaps forever, that the prevailing sentiment in the United States will acknowledge that our involvement in Southeast Asia was unjust. Therefore, the legal challenge will most likely be: How does our country deal with persons who violated laws which presumably express the will of the majority?

On the one hand it will be argued that states—or legal orders—cannot permit those who are subject to the law to flout constituted authority with impunity. However, the United States does permit conscientious objectors to avoid some forms of military duty. Unfortunately, this exception has been given too restricted an interpretation.

Quakers, Jehovah's Witnesses, and members of other religious denominations that are committed to unconditional pacifism as an integral part of their official creed, were the first to be exempted from combat duty. Then experience and justice dictated that some conscientious objectors should be exempted from any military service, even noncombat duty, because they did not want to make any contribution whatever to the waging of war. At the same time the group that could claim the exemption was widened so that one might claim it on religious grounds even if one was not a member of a specifically exempted denomination. Still further liberalization is in order.

We must recognize the legitimacy of objection to a particular war even if it is based exclusively on moral grounds and irrespective whether the objectant believes in God or is committed to a divine will.

WHAT ABOUT THE NATION'S SAFETY?

Would such a liberal rule endanger the nation's security? Not necessarily. If too many seek to take advantage of the exemption then it is apparent that those in power who declared war had not correctly appraised the general will or consensus of the people. There were men who evaded the draft in the United States during World War II. There are men and women evading the draft in Israel now. However, truly just wars evoke the kind of national sentiment that keeps the number of draft dodgers small and these too subject themselves to much social and economic ostracism by their non-participation. Certainly the paucity of their numbers would not seriously affect any war effort. Indeed, their presence in the military might only subvert the military establishment and adversely affect troop morale. The overwhelming majority who favor the particular war will win the victory more readily without them.

But what about a war that the majority feels is imperative for the national interest while a very substantial minority opposes it? Would not a liberal policy of selective conscientious objection cripple the war effort of the majority? Most decidedly. But in such a case the conscripted objectants would be fighters without morale and it would be national suicide to rely upon them. Under such circumstances it would be much better to conscript them for nonwar duties. Therefore, both expediency and justice would dictate liberalization of the law for any kind of war—with no adverse effects on the nation and only the benign effect of greater acknowledgment of individual autonomy. In the case of a popular war the objectants could be given total exemption: in the case of an unpopular war—at least the chance for alternate service.

However, what should be our attitude toward those who did not wait for the law to be liberalized or changed, and chose instead to flee because they deemed a particular war unjust and could not find within the existing law any recourse other than flight? True, they could have accepted jail sentences and paid the price of passive resistance. But at least when the law is liberalized or revised—and none could gain-say that their flight or submission to criminal proceedings helped to quicken the conscience of the nation and to effect the change—should they not be given an amnesty or pardon? In effect, they will have helped to advance the cause of justice. We know that many an injustice is not corrected until extra-legal measures are taken to dramatize and publicize the injustice. Then those who have successfully served the cause of justice—as acknowledged by the majority when the law is amended—should not be penalized.

THE PROBLEM OF LAWS NEEDING CHANGE

In the history of Jewish law there were instances when Rabbinic legislation was resisted by the people and because of the resistance the legislation was repealed. We have no record of anyone every being punished for failure to obey the law while it was still in effect.

A number of students at Harvard last year committed unlawful acts to right a particular wrong against Blacks. My son did not participate in the unlawful acts. The outcome was that the unlawful acts yielded results while no other measures were effective. The school righted the wrong. But the dean then sought to penalize those who committed the unlawful acts. On the one hand the school confessed its guilt by correcting the evil complained about. Yet it wanted to punish those who saved the school from continuing the injustice. Here my son could not contain himself. He led a protest against the dean's lawful but unjust punishment of those who saved him from further iniquity.

Similarly, in New York many prisoners committed unlawful acts to make the Mayor aware of continuing injustices. The Mayor not only conceded that the evils existed. He promised to remedy them. No other measures were, or could have been, effective. With colleagues I protested the prosecution of the prisoners and sought the dismissal of the indictments against them.

By the same token, when the nation conceded—by its very liberlization of a law—that liberalization was promotive of the cause of justice it must give consideration to those partly or wholly responsible for the change of heart.

But what if the law is not changed? What if the majority insists that when it deems a particular war just, then all citizens must participate in the national interest, regardless of their personal moral convictions? Is there no basis on which those who unsuccessfully engaged in passive resistance can be forgiven and redeemed? And would such forgiveness jeopardize respect for law and obedience to it? It is respectfully submitted that the state ought even then exercise clemency and this will inspire a deep loyalty to the commonwealth and that for which it stands.

MERCY MAKES LAW AND ORDER POSSIBLE

Clemency would be in order when courts or administrators are satisfied that the passive resistance—and the submission to the indignity of a jail sentence of the privations of flight—was nobly motivated. And the clemency need not be automatic and gratuitous. The State could easily provide substitute forms of service which would mean that the objectant does not altogether evade his duties and responsibilities as a citizen. And certainly the United States has many such forms of service which would have great appeal to those exiles who would want to return home. Most of them would delight in peaceful service to all mankind. Moreover, such a move would also induce a great respect for law insofar as citizens would know that strict law is tempered by mercy and the legal system is sensitive to the moral convictions of individuals.

I do not know of any specific Halachic analogy. However, there is one principle in Halacha that permits the flouting of even a divinely revealed norm which by definition is absolutely just. (Et la-asot la-Shem heferu Totatecha.) When one senses what Walter Wurzburger beautifully calls a "covenantal imperative" one may commit what would otherwise be a sin—an act of disobedience to the law. What is more, our Sages affirmed that even the most heinous of sins can make for the aggrandizement of Torah and the establishment of new Mitzvot (Pesikta Rabbati 10). Thus the sin of the golden calf gave us the blessing of Shekalim, one of the most cherished of commandments in our millenial history. And if that sin—motivated by stupidity and fear rather than conscience—is credited with benign result, why is it not conceivable that the passive resistance of many American citizens because of conscience influenced American law for good? Their suffering may not have liberalized the law. Yet their resistance did save many lives. And our clemency and reconciliation, which may aid and abet disobedience to law, will nonetheless inspire many to give expression to their consciences and sensitize those less concerned with one moral dilemma or another.

The Rackman Proposal: An Agreement

(By Judah Nadich)

I feel strongly that clemency should be directed toward those who fled the United States for Canada rather than to engage in a war that ran contrary to their personal moral convictions. I do not know how it will be possible to determine which of those men who fled to Canada did so because of moral conviction and which for other reasons. However, it is my guess that the overwhelming majority went into exile because of moral conviction. The exile itself has been a form of self-imposed punishment willingly accepted by those concerned.

I would even agree with Rackman that upon the return to the United States of such persons they could be directed to undertake certain kinds of service for the welfare of the community. Clemency directed to men of conscience will result in benefit to the United States for the return of such people will strengthen the moral fiber of the totality of American citizenry. Moreover, it will contribute to the reconciliation and the unity so desperately needed by our country and which will be goals of the highest priority when peace ultimately comes.

I think it would be particularly appropriate to place side by side with these comments those of Richard Cardinal Cushing:

From the Easter Sermon of His Eminence, Richard Cardinal Cushing

Would it be too much to suggest this Easter that we empty out our jails of all the protesters—the guilty and the innocent—without judging them; call back from over the border and around the world the young men who are called "deserters," drop the cases that are still awaiting judgment on our college youth? Could we not do all of this in the name of life, and with life hope, both of which we celebrate at Easter? Wherever our young people, even for reasons we do not know, stand in need of mercy let us reach out to them. The fruit of Easter is reconciliation and so much of our world remains unreconciled; the hope of Easter is our salvation and so many are waiting to be saved.

I call upon all those who hear these words to seek and find new life for their weary souls, and to offer new life to others in the spirit of this great feast.

RUSSELL BAKER: OUR JONATHAN SWIFT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the assaults which occur daily upon our right of privacy are no laughing matter. However, occasionally there appears on the national scene a humorist who can deal with a serious subject so artfully that he exposes all of its dangers.

New York Times columnist Russell Baker is such a man, and his article "U.S. Inspected" is one more illustration of his great talent.

U.S. Inspected

(By Russell Baker)

Ever since publication of the Pentagon papers, Government people have been complaining about the press invading the Government's privacy. "Unthinkable," said an F.B.I. man. "Unthinkable to have a situation where people cannot even write memos in the privacy of Government offices without some newspaper getting hold of the material."

And so saying, he bent his head to the delicate task, at which the interviewer had interrupted him, of installing a telephone wiretap.

"Privacy," said the Internal Revenue Service agent, pausing in his work to glance up from his desk, "is absolutely essential to the working of good government."

The citizen with whom he had been talking cleared his throat. The agent looked at him with annoyance. "Quit stalling," he said. "We want to know exactly how much money you earned last year and how you earned it. And remember, we have ways of making you talk."

The agent scanned some papers which the man had given him. "What's this?" he demanded. "You can't have this $15 deduction for entertaining unless you tell us who you entertained, when you entertained them, and what you talked about during the entertainment."

Over at the local draft board, the Government's representatives were so busy inquiring into a young man's religious creed, in order to decide whether he deserved to be shipped to Asia for cannon fodder, that they could not pause for an interview, although they did send out word that the public obviously had no right to know the private conversations of Government officials who were responsible for keeping popular athletes from being drafted.

"Of course, privacy is essential to our work," explained an official of the Census Bureau. "The reason should be obvious." He turned back to the 1980 census form, which he was preparing. "Listen," he said, changing the subject, "don't you think it would be interesting to make everybody in America all tell me next time how many bottles of whisky they have in the house at the time I interview them?"

At the office where the Army was dismantling its program of civilian surveillance, the officer refused to be interviewed. "Our files show that we had a file on you before we began dismantling our program," he said by way of explanation, "and we don't talk to anybody we've had a file on."

"But don't feel bad about it," his deputy quickly added. "Our files show we had a file on everybody."

"It would be insupportable to have the public privy to confidential Government communications which, if published, might show that the Government has not been completely honorable at all times," explained a postal worker who was busy slitting open letters to inspect for marijuana, resealing them and stamping them "Damaged in Handling."

Down the street, at the Department of Motor Vehicles, a clerk was asking an applicant for a driver's license, if he was diabetic, subject to fainting spells, senile, imbecilic or alcoholic. "The Government has a right to privacy, just like Bethlehem Steel," said the clerk.

At the State Department, not surprisingly, there was almost total opposition to anybody's knowing anything. "Just imagine," said a State Department man who did not want anyone to know his name, "what a difficult time Professor Kissinger would have running a foreign policy if people kept calling up and prying."

At State, he said, nobody violates the professor's privacy by trying to find out what foreign policy he has made lately. Professor Kissinger, a civilized man, reciprocates by never calling up the State Department and inquiring if anyone is in.

At the Justice Department, Attorney General Mitchell declined to be interviewed, although his attempt to preserve governmental privacy in the case of the Pentagon papers suggests where he stands on the matter. An assistant explained that Mr. Mitchell was totally absorbed composing a plea to Congress for authority to jail everybody who does not have an airtight alibi for his whereabouts over the past 25 years.

It was impossible to get a highly authoritative spokesman at the Pentagon. "Who are you?" asked a man at the door who looked as if he hated nothing so much as the thought of having the Government's privacy violated. "Who do you want to see? What do you want? Why don't you have an appointment? Are you now or have you ever been a member? Why or why not, as the case may be? Have you been vaccinated in the past three years? How long have you been married? Do you know where your children are at this time? Fill out this form, not failing to include 25 of your leading computer identification numbers. Strip to the knees, open your mouth, and say, 'Ah.'"

NEW YORK-NEW JERSEY WATERFRONT COMMISSION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, organized crime has infiltrated the major ports-of-entry in this country. For an example of the problem we can look at what is taking place at the John F. Kennedy International Airport in New York. Federal authorities last week discovered that one of the guns which they found in a car leased by Joseph Colombo, Jr., was part of a shipment stolen at Kennedy Airport.

The U.S. Attorney General reported last year that millions of dollars in cargo are being stolen every year from this airport. To deal with this problem the State legislatures of New York and New Jersey passed legislation expanding the powers of the Waterfront Commission giving it jurisdiction over the airports in the New York metropolitan area. In order to implement that legislation Congress must give its consent so as to amend the existing Waterfront Commission Compact between the States of New Jersey and New York. That bill is currently pending before the Judiciary Committee.

The New York-New Jersey Waterfront Commission has improved its effectiveness in the past year in reducing crime on the waterfront in great part because of the attention given to its activities by the Governors of New York and New Jersey. The commission is now prepared to give the metropolitan area's airports the protection they so desperately need. It is imperative that this Congress approve the compact amendments so it can do so. Each day of delay means more organized crime infiltration and more cargo pilferage. This is an intolerable situation.

The article which appeared in the New York Daily News of July 27 authored by Frank Faso bearing on this situation is appended:

NET COLOMBO CADDY WITH CACHE OF GUNS

(By Frank Faso)

Three loaded guns were found yesterday in a 1970 white Cadillac leased by Joseph Colombo Jr., and two more loaded weapons—one of them identified as part of a shipment stolen at Kennedy Airport—were recovered in the car of a reputed Colombo family bodyguard, federal authorities disclosed.

Discovery of the weapons cache followed reports that close associates of Joseph Colombo Sr., shot down at an Italian-American unity rally in Columbus Circle on June 28, have been toting guns since early June.

As a result, agents of the alcohol, tobacco and firearms unit of the Treasury Department, working with acting director Joseph F. Lynch of the Brooklyn Organized Crime Task Force, obtained warrants to search cars of several asserted Colombo bodyguards.

Yesterday noon, the feds reported, they spotted young Colombo's leased Caddy parked on 59th St. near Roosevelt Hospital where his father is still in a coma. Backed up to it they said, was a 1970 Buick owned by Paul Bevaque, 30, one of the asserted bodyguards.

As they watched, the agents related, a package was transferred from the Buick to the Caddy and the Buick drove off.

Authorities found the package that had been transferred from the Buick and inside, they said, were two .38-caliber Smith & Wessons and a 9-MM, Llama, all loaded.

Later in Brooklyn, at Bath Ave. and Bay 16th St., they overtook Bevaque's car, they said. He allegedly had a loaded .32-caliber gun in his pocket, and in the trunk was another Llama, also loaded.

This second Llama was identified as part of a shipment stolen in 1969 from KLM, the Dutch airline, at Kennedy Airport.

THE PLIGHT OF SOVIET JEWS WORSENS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this morning I was advised by the American Jewish Conference on Soviet Jewry that the Soviet Government has evidently not permitted the delivery of thousands of affidavits sent to Soviet Jews by their relatives now living in Israel. Those affidavits are necessary under Soviet regulations in order to secure a Soviet exodus permit.

The recent report that the Soviet Union had drastically reduced Jewish emigration to Israel, cutting the number of departures from an average of 50 a day to 20 a day appears to be verified by this latest information.

The refusal of the Soviet Union to deliver the mail should at least be raised by the United States at the Universal Postal Union. More important than a violation of that convention is the continued violation by the Soviet Union of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination to which the Soviet Union is subject and which guarantees the right of its citizens to freely migrate.

I have asked the State Department to use its best efforts in this matter to secure assistance for these Jewish families now in the Soviet Union who surely must be terribly frightened at the latest action of the Soviet Government. Due to the fact that the Soviet Union maintains no diplomatic relations with the State of Israel it becomes a special moral obligation on the part of the United States to exercise whatever diplomatic persuasion it can muster in support of these people.

In addition to diplomatic efforts, I have asked the Postmaster General to undertake whatever efforts he can with respect to enforcement of postal conventions governing the delivery of mail among all countries.

Mr. Speaker, we see unfolding before us the continuing tragedy in which many Jews living in the Soviet Union find themselves. The Soviet Union refuses to permit Jews to engage in their national cultural life within the Soviet Union although it grants every other recognized nationality group these rights. In short, the Soviet Union will not let these people lead a culturally Jewish life and will not let them leave. The leaders of every civilized nation have an obligation to speak out in behalf of these people who from time immemorial have suffered at the hands of Russian governments whether they were czarist or Soviet.

FLORIDA CHAUTAUQUA AND ITS LEADERS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, historic west Florida contains many points of unusual interest. It is one of the few areas in the South which boasts a building constructed for Chautauqua sessions. At DeFuniak Springs, the building still stands which was erected for a winter Chautauqua to supplement the summer institution in New York State. DeFuniak Springs, which is in Walton County, also supported a college and was noted as a cultural center. There have been no Chautauqua sessions for many years and the building is in poor state of repair. Local interests are seeking to rehabilitate it because of its historical significance.

A paper on the Florida Chautauqua was presented recently to the Historical Society of Okaloosa and Walton Counties, Inc. This organization has taken a leading part in historical research and exploration, and has contributed much to the preservation of important historic facts. The paper was presented by Mrs. T. J. (Anna) Reardon, who is an enthusiastic worker in the Historical Society. I am pleased to submit it for reprinting in the CONGRESSIONAL RECORD:

FLORIDA CHAUTAUQUA AND ITS LEADERS

(By Mrs. T. J. Reardon)

The Scottish settlers in the Euchee Valley area dreamed almost from the time of their arrival in 1819, 1820 of building a tabernacle, presumably for religious and educational gatherings. However, the population was widely scattered throughout the area from Pt. Washington to the Darlington and Florala areas and from the Choctawhatchee River to the Shoal River and Laurel Hill areas. Also, the economy was based on agriculture, with little money for "extras." The Civil War and the Reconstruction era added to the financial problems.

By 1880 the Pensacola and Atlantic Division of the Louisville and Nashville R.R. had secured land holdings between Pensacola and the Chattahoochee River (and possibly further east). They surveyed a railroad and vigorously pursued its construction. It was decided that one station would be located at the "Open Pond" and would be named for Mr. DeFuniak, an officer of the L & N Railroad. (When the post office was established later, it was named Funiak, then DeFuniak and finally DeFuniak Springs.) By 1882 the railroad had been completed from Pensacola as far as DeFuniak and a settlement was growing into a village. The railroad advertised extensively in the northern states, offering excursions, land for sale, etc. The second migration to the DeFuniak area accelerated, bringing families from New England, New York, Pennsylvania, the midwestern states. These were well educated, well-to-do families who enjoyed the climate and who were interested in cultural opportunities.

A group (Prof. W. C. Eddy, Levi Plank Sr., C. C. Banfill and Col. T. T. Wright), early developers of the town, learned that a party from Chautauqua, N.Y., was in Jacksonville seeking a location for a winter Chautauqua to supplement the summer institution in northern N.Y. state. Mr. Banfill met with them, persuaded them to consider DeFuniak, and Dr. A. H. Gillett (correct name believed to be Henry A. Gillette) and Rev. C. C. McLean came and decided to locate here. A sign was erected near the railroad announcing the "First Annual Session of Florida Chautauqua" to begin Feb. 10, 1885 and last until March 9, 1885. An auditorium and a hotel were rushed to completion and the "McKinnon History" gives an interesting account of the morning and evening sessions on the opening day.

Sessions continued annually thereafter, running four, five and some times six weeks. Programs were varied, including classes in art, cooking, music, hygiene, home economics, drama, a kindergarten and many other features, as well as varied entertainment and lectures. There was a resident orchestra for the entire season; they gave outdoor concerts and thirty minute concerts before the evening performances. Resident instructors and artists included Dr. Carolyn Giesel, Miss Nell Bunell (coloratura soprano) and Dr. Byron W. King (Shakespearean authority and drama instructor) and many others. Sunday vesper services were a feature, usually held in Alpine Park.

The railroad operated Saturday excursion trains from River Junction and Pensacola, bringing hundreds of visitors to town. Some local residents opened their homes and served lunch. There were several hotels and boarding houses to accommodate tourists who stayed for the entire Chautauqua season and sometimes the entire winter. (The railroad featured excursions from Chicago, New York, etc.) Round trip from Chicago was $15.00.

In the 1890's Mr. Charles Murray, Sr. and his family moved here from Pennsylvania, operated a merry-go-round during the winter months and traveled with it throughout the north during the summer. Mr. Harry Murray ran a popular restaurant and soda fountain. The merry-go-round and Murray's Restaurant became integral parts of the Chautauqua.

Approximately 1890 the auditorium was enlarged; also the Chautauqua Hotel. The Ladies' Library Association was formed in 1887 and opened Dec. 20, 1887 in order to provide reference material for the Chautauqua classes, as well as a recreational resource. An art studio was erected about the same time; it housed art classes and a kindergarten.

By 1893 the Chautauqua was in some financial difficulty, so sent a delegation to Chautauqua, N.Y. seeking help, advice and talent. They got Mr. Wallace Bruce of Poughkeepsie, N.Y., who was lecturing there and persuaded him to take over as the superintendent of the Florida Chautauqua. (He had been consul in Edinburgh, Scotland for a number of years previously.) He and his wife and two sons, Kenneth and Malcolm moved to DeFuniak Springs. He built "Dream Cottage" about 1893, and it served as the family's winter home.

The Chautauqua prospered greatly during the next few years; however, Mr. Bruce relinquished his leadership to his son, Mr. Kenneth Bruce, due to failing health. Mr. Kenneth Bruce was even more successful in his leadership and administration. He married Laura Carney of Atmore, Ala. in the early 1900's and in 1907 they built a lovely mansion on the "Circle" where his collection of antique arms and armor was displayed. The gilded dome was added to the auditorium in 1907.

Mr. Malcolm Bruce, electrician and engineer, married Miss Olive Rogers about 1910 and was given "Dream Cottage" as a wedding gift. Mr. and Mrs. Wallace Bruce moved to the Chautauqua Hotel for a while, then remodeled the art studio and resided there the rest of their lives. Mr. Wallace Bruce died in 1914. His funeral was held in the Chautauqua Auditorium and is described in detail in the DeFuniak "Breeze". All the minister and choirs in town participated; also all Masonic lodges and Odd Fellows lodges in the county. Hugh Thornber, Worshipful Master of the Masonic Lodge in DeFuniak Springs delivered the funeral oration. Many mourners marched behind the hearse to Magnolia Cemetery east of town. The untimely death of Kenneth Bruce occurred in 1916.

Mr. Malcolm Bruce took over the management of the Chautauqua and the programs reflect his interest in electricity and movies. He purchased the largest, most expensive electric organ then in Florida. (I believe it was a Wurlitzer.) Miss Lillian Gillis served as organist until she moved to Vero Beach about 1924 or 1925.

During World War I the railroad excursions were discontended, but Chautauqua sessions were continued. Dr. and Mrs. Abernethy and family (Clara Bruce Abernethy was Wallace Bruce's daughter) moved here from N.Y. about 1923 and took over management of the Chautauqua. However, without the support of the railroad and with the building deteriorated and interest diminished, Chautauqua closed about 1926 or 1927. The Steinway concert grand piano was ruined by water seepage, also the organ.

The building was restored and renovated by WPA labor and the efforts of Mayor M. O. Warren, Sr. in the early 1930's. The Woman's Club sponsored a ten day free Chautauqua in 1931 and again in 1932. The building was used for various civic purposes (Masonic Lodge, Eastern Star, American Legion and Auxiliary, WPA sewing center, USO during World War II, teen center, political and religious gatherings.) A basket ball court had been installed and the large stage had been removed.

No substantial repairs or renovations have been accomplished in recent years; the building has been vandalized and is now boarded shut. A small group has raised a few thousand dollars toward repair and restoration, but the town must soon face up to the problem of restoration or demolition.

ISTHMIAN CANAL POLICY: MEMORIAL TO THE CONGRESS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, as a Member of the Congress from Florida, one of our great coastal States bordering on both the Atlantic Ocean and the Gulf of Mexico, I have long recognized the vital importance of the Panama Canal to world commerce and to the security of the Western Hemisphere. For more than a decade, I have followed debates in the Congress concerning interoceanic canal problems, especially the brilliant addresses of my able, scholarly, and distinguished colleague from Pennsylvania (Mr. FLOOD) and his penetrating analyses of the various elements in that highly complicated subject. A volume of his addresses on "Isthmian Canal Policy Questions"—House Document No. 474, 89th Congress—contains a wealth of authentic information that should be available in all educational institutions and consulted by persons studying canal problems.

As my State of Florida is an important gateway from the United States to the Isthmus of Panama and is located near the Soviet bastion in Cuba, we are alert to situations in both and realize that Florida would suffer injury of the first magnitude if the Soviet Union should achieve its longtime goals of dominance over the Panama Canal. The presence in Cuba of thousands of Soviet technicians have among their main purposes: to take over the canal and to serve as a base for the infiltration of other Latin American countries. Moreover, since our relative military and naval strengths have decreased, the U.S.S.R. today regards the United States as a second-rate nation and is acting accordingly.

The plight in which we find ourselves regarding the Panama Canal results from weak policies of our foreign policy by the Department of State in recent years. That important agency of Government has seriously degenerated since the strong statement by Secretary Charles Evans Hughes in 1923 when he told the Panamanian Government that the United States would never surrender any of the rights, power, and authority obtained under the 1903 treaty. He reminded the Panamanians the canal could not have been built, maintained, operated, and defended without U.S. help. What was true then is even truer today. Panama can never realistically expect to be a free and independent nation if the United States leaves the isthmus, for

Soviet power based on Cuba would quickly fill the vacuum and thenceforth Panama would be controlled by the cruel dominance of the U.S.S.R. It occurred in Czechoslovakia and in all other countries that have become Soviet satellites.

A recent development in the United States was the formation of the Committee for Continued U.S. Control of the Panama Canal, 3704 University Drive, Fairfax, Va. 22030. It has a small but distinguished and knowledgeable membership who are skilled in engineering, navigation, physics, geology, economics, zoology, government, Latin American history, Pan American policy, and law. They come from all parts of the Nation.

In its 1971 memorial to the Congress, this committee in realistic manner and simple terms summarizes the major points of the interoceanic canal problem and outlines a program for action by our Government to deal with them. This consists of two main parts: First, the clarification and reaffirmation by the House of Representatives of our time-tested policy of exclusive control in perpetuity of the Panama Canal with its indispensable protective frame of the Canal Zone; and second, the major modernization of the existing Panama Canal according to the well-known and commonsense Terminal Lake-Third Locks plan that has been demonstrated by more than half a century of operation at Gatun and found satisfactory.

One of the points in the memorial that should be of special interest, particularly to our coastal States, is the potential biological catastrophe that the construction of a salt water channel between the Atlantic and Pacific Oceans would in all probability cause. As pointed out by the gentleman from Pennsylvania (Mr. FLOOD) in an address in the CONGRESSIONAL RECORD of January 22, 1971, in "Panama Sea Level Project: Danger of Poisonous Pacific Sea Snakes Infesting the Atlantic," the ecological hazards include the infestation of the Atlantic Ocean with such sea snakes, which are related to the cobra and more deadly than our rattler and which could extend from the coast of Virginia to southern Brazil.

In an address to the Senate in the CONGRESSIONAL RECORD of March 24, 1971, Senator STROM THURMOND summarized the illuminating program of a symposium on March 4, 1971, at the National Museum of Natural History of the Smithsonian Institution as overwhelmingly opposed to any sea level undertaking and as urging retention of the fresh water barrier between the oceans as now obtains in the Panama Canal. In addition to the danger of the Pacific sea snake infesting the Atlantic, this symposium warned of the migration of the crown of thorns starfish, the destruction of the shrimp industry, and the invasion of the Atlantic by Pacific sharks. The assembled papers of that symposium will be published in a single volume and should be of great value to those seeking reliable information on the ecological dangers involved in any sea level undertaking across the American isthmus.

The voluminous and costly report of the study of the sea level proposal under Public Law 88–609, submitted to the President on December 1, 1970, dismisses the ecological hazard as an "acceptable" risk. Under existing circumstances, this viewpoint is unacceptable.

The submission of this report was followed by the resumption in Washington, on June 29, 1971, of negotiations for new canal treaties under a schedule that calls for their signature in August and submission to the Senate for ratification in September. These facts make the indicated memorial most timely, indeed, for the sea level proposal is linked with the abject surrender by the United States of its sovereignty, jurisdiction, and ownership of the Canal Zone territory to Panama, which could only result in the takeover of the canal by Soviet power.

For the discredited 1967 treaties, our negotiating team headed by Robert B. Anderson, apparently in their zeal to obliterate the 1903 treaty, disregarded article IV, section 3, clause 2 of the U.S. Constitution, which vests the power to dispose of territory and other property of the United States specifically in the Congress. This means that the House must join in any such disposal and I have good reason to believe that the House will not consent to a giveaway of the Canal Zone and Panama Canal. Any treaty ceding territory and property of the United States when ratified by the Senate would not be constitutionally valid unless such cessions are authorized by the Congress.

The wisdom of the framers of our Federal Constitution is brilliantly evidenced by the citation just given. Without its great protective service our vast Southwest could be returned to Mexico, Alaska to Russia, and Florida to Spain by treaty that requires only Senate ratification.

It should be kept in mind that the taxpayers of our country have borne all the costs involved in the acquisition of the Canal Zone, the construction of the canal, and the vast installations in the Canal Zone that are indispensable for the enterprise. Including defense, the net total investment of the taxpayers at Panama exceeds $5 billion. This was ignored by the last administration for the discredited 1967 proposed treaties and is now being ignored for the proposed new treaties by the present administration, with Ambassador Anderson, who was chairman of the sea level study under Public Law 88–609, as the chief U.S. negotiator.

Mr. Speaker, the indicated memorial, epitomizing in clear and succinct manner the essential problems of the vital canal issue and urging a program of action for meeting them, is most opportune, objective, constructive, and fully protective of the best interests of the United States, Panama, and users of the Panama Canal. Moreover, I know of no better way to end present uncertainty and turmoil on the Isthmus than to adopt the pending sovereignty resolutions and to enact pending legislation for the major modernization of the canal as provided in the Flood-Thurmond bills.

Accordingly, I quote as parts of my remarks the indicated memorial and urge its study by all concerned with the formulation of Isthmian canal policy and the security of the Western Hemisphere:

COMMITTEE FOR CONTINUED U.S. CONTROL OF THE PANAMA CANAL

PANAMA CANAL: SOVEREIGNTY AND MODERNIZATION

Honorable Members of the Congress of the United States: The undersigned, who have studied various aspects of interoceanic canal history and problems, wish to express their views:

(1) The report of the interoceanic canal inquiry, authorized under Public Law 88–609, headed by Robert B. Anderson, recommending construction of a new canal of so-called sea level design in the Republic of Panama, was submitted to the President on December 1, 1970. The proposed canal, initially estimated to cost $2,880,000,000 exclusive of the cost of right of way and inevitable indemnity to Panama, would be 10 miles West of the existing Canal. This recommendation, which hinges upon the surrender to Panama by the United States of all sovereign control over the U.S.-owned Canal Zone, has rendered the entire canal situation so acute and confused as to require rigorous clarification.

(2) A new angle developed in the course of the sea level inquiry is that of the Panamic biota (fauna and flora), on which subject, a symposium of recognized scientists was held on March 4, 1971 at the Smithsonian Institute. That gathering was overwhelmingly opposed to any sea level project because of the biological dangers to marine life incident to the removal of the fresh water barrier between the Oceans, now provided by Gatun Lake, including in such dangers the infestation of the Caribbean Sea and Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake (Pelamis platurus).

(3) The construction by the United States of the Panal Canal (1904–1914) was the greatest industrial enterprise in history. Undertaken as a long-range commitment by the United States, in fulfillment of solemn treaty obligations (Hay-Pauncefote Treaty of 1901) as a "mandate for civilization" in an area notorious as the pest hole of the world and as a land of endemic revolution, endless intrigue and governmental instability (Flood, "Panama: Land of Endemic Revolution . . ." CONGRESSIONAL RECORD, volume 115, part 17, page 22845, the task was accomplished in spite of physical and health conditions that seemed insuperable. Its subsequent management and operation on terms of "entire equality" with tolls that are "just and equitable" have won the praise of the world, particularly countries that use the Canal.

(4) Full sovereign rights, power and authority of the United States over the Canal Zone territory and Canal were acquired by treaty grant in perpetuity from Panama (Hay-Bunau-Varilla Treaty of 1903). In addition to the price paid by the United States to Panama for the necessary sovereignty and jurisdiction, all privately owned land and property in the Zone were purchased by the United States from individual owners; and Colombia, the sovereign of the Isthmus before Panama's independence, has recognized the title to the Panama Canal and Railroad as vested "entirely and absolutely" in the United States (Thomson-Urrutia Treaty of 1914–22). The cost of acquiring the Canal Zone, as of March 31, 1964, totalled $144,568,571, making it the most expensive territorial extension in the history of the United States. Because of the vast protection obligations of the United States, the perpetuity provisions in the 1903 treaty assure that Panama will remain a free and independent country in perpetuity, for these provisions bind the United States as well as Panama.

(5) The gross total investment of our country in the Panama Canal enterprise, including its defense, from 1904 through June 30, 1968, was $6,368,009,000; recoveries during the same period were $1,359,931,421, making a total net investment by the taxpayers of the

United States of more than $5,000,000,000; which, if converted into 1971 dollars, would be far greater. Except for the grant by Panama of full sovereign powers over the Zone territory, our Government would never have assumed the grave responsibilities involved in the construction of the Canal and its later operation, maintenance, sanitation, protection and defense.

(6) In 1939, prior to the start of World War II, the Congress authorized, at a cost not to exceed $277,000,000, the construction of a third set of locks known as the Third Locks Project, then hailed as "the largest single current engineering work in the world." This Project was suspended in May 1942 because of more urgent war needs, and the total expenditures thereon were $76,357,405, mostly on lock site excavations at Gatun and Miraflores, which are still usable. Fortunately, no excavation was started at Pedro Miguel. The program for the enlargement of Gaillard Cut, started in 1959, with correlated channel improvements, was completed in 1970 at a cost of $95,000,000. These two works together represent an expenditure of more than $171,000,000 toward the major modernization of the existing Panama Canal.

(7) As the result of canal operations in the crucial period of World War II, there was developed in the Panama Canal organization the first comprehensive proposal for the major operational improvement and increase of capacity of the Canal as derived from actual marine experience, known as the Terminal Lake—Third Locks Plan. This conception included provisions for the following:

(1) Elimination of the bottleneck Pedro Miguel Locks.

(2) Consolidation of all Pacific Locks South of Miraflores.

(3) Raising the Gatun Lake water level to its optimum height (about 92').

(4) Construction of one set of larger locks.

(5) Creation at the Pacific end of the Canal of a summit-level terminal lake anchorage for use as a traffic reservoir to correspond with the layout at the Atlantic end, which would improve marine operations by eliminating lockage surges in Gaillard Cut, mitigate the effect of fog on Canal capacity, reduce transit time, diminishing the number of accidents, and simplify the management of the Canal.

(8) Competent, experienced engineers have officially reported that all "engineering considerations which are associated with the plan are favorable to it." Moreover, such a solution:

(1) Enables the maximum utilization of all work so far accomplished on the Panama Canal, including that on the suspended Third Locks Project.

(2) Avoids the danger of disastrous slides.

(3) Provides the best operational canal practicable of achievement with the certainty of success.

(4) Preserves and increases the existing economy of Panama.

(5) Avoids inevitable Panamanian demands for damages that would be involved in the proposed sea level project.

(6) Averts the danger of a potential biological catastrophe with international repercussions that recognized scientists fear might be caused by constructing a salt water channel between the Oceans.

(7) Can be constructed at "comparatively low cost" without the necessity for negotiating a new canal treaty with Panama.

(9) All of these facts are elemental considerations from both U.S. national and international viewpoint and cannot be ignored, especially the diplomatic and treaty aspects. In connection with the latter, it should be noted that the original Third Locks Project, being only a modification of the existing Canal, and wholly within the Canal Zone, did not require a new treaty with Panama. Nor, as previously stated, would the Terminal Lake—Third Locks Plan require a new treaty. These are paramount factors in the overall equation.

(10) In contrast, the persistently advocated and strenuously propagandized Sea-Level Project at Panama, initially estimated in 1970 to cost $2,880,000,000, exclusive of the costs of the right of way and indemnity to Panama, has long been a "hardy perennial," according to former Governor of the Panama Canal, Jay J. Morrow. It seems that no matter how often the impossibility of realizing any such proposal within practicable limits of cost and time is demonstrated, there will always be someone to argue for it; and this, despite the economic, engineering, operational, environmental and navigational superiority of the Terminal Lake solution. Moreover, any sea-level project, whether in the U.S. Canal Zone territory or elsewhere, will require a new treaty or treaties with the countries involved in order to fix the specific conditions for its construction; and this would involve a huge indemnity and a greatly increased annuity that would have to be added to the cost of construction and reflected in tolls, *or* be wholly borne by the taxpayers of the United States.

(11) Starting with the 1936–39 Treaty with Panama, there has been a sustained erosion of United States rights, powers and authority on the Isthmus, culminating in the completion, in 1967, of negotiations for three proposed new canal treaties that would:

(1) Surrender United States sovereignty over the Canal Zone to Panama;

(2) Make that weak, technologically primitive and unstable country a senior partner in the management and defense of the Canal;

(3) Ultimately give to Panama not only the existing Canal, but also any new one constructed in Panama to replace it, all without any compensation whatever and all in derogation of Article IV, Section 3, Clause 2 of the U.S. Constitution. This Clause vests the power to dispose of territory and other property of the United States in the entire Congress (House *and* Senate) and not in the treaty-making power of our Government (President and Senate)—a Constitutional provision observed in the 1955 Treaty with Panama.

(12) It is clear from the conduct of our Panama Canal policy over many years that policy-making elements within the Department of State, in direct violation of the indicated Constitutional provision, have been, and are yet, engaged in efforts which will have the effect of diluting or even repudiating entirely the sovereign rights, power and authority of the United States with respect to the Canal and of dissipating the vast investment of the United States in the Panama Canal project. Such actions would eventually and inevitably permit the domination of this strategic waterway by a potentially hostile power that now indirectly controls the Suez Canal. That canal, under such domination, ceased to operate in 1967 with vast consequences of evil to world trade.

(13) Extensive debates in the Congress over the past decade have clarified and narrowed the key canal issues to the following:

(1) Retention by the United States of its undiluted and indispensable sovereign rights, power and authority over the Canal Zone territory and Canal as provided by existing treaties;

(2) The *major* modernization of the existing Panama Canal as provided for in the Terminal Lake Proposal.

Unfortunately, these efforts have been complicated by the agitation of Panamanian extremists, aided and abetted by irresponsible elements in the United States, aiming at ceding to Panama complete sovereignty over the Canal Zone and, eventually, the ownership of the existing Canal and any future canal in the Zone or in Panama that might be built by the United States to replace it.

(14) In the 1st Session of the 92nd Congress identical bills were introduced in both House and Senate to provide for the *major* increase of capacity and operational improvement of the *existing* Panama Canal by modifying the authorized Third Locks Project to embody the principles of the previously mentioned Terminal Lake solution, which competent authorities consider would supply the best operational canal practicable of achievement, and at least cost without treaty involvement.

(15) Starting on January 26, 1971 many Members of Congress have sponsored resolutions expressing the sense of the House of Representatives that the United States should maintain and protect its sovereign rights and jurisdiction over the Panama Canal enterprise, including the Canal Zone, and not surrender any of its powers to any other nation or to any international organization in derogation of present treaty provisions.

(16) The Panama Canal is a priceless asset of the United States, essential for interoceanic commerce and Hemispheric security. The recent efforts to wrest its control from the United States trace back to the 1917 Communist Revolution and conform to long range Soviet policy of gaining domination over key water routes as in Cuba, which flanks the Atlantic approach to the Panama Canal, and as was accomplished in the case of the Suez Canal, which the Soviet Union now wishes opened in connection with its naval buildup in the Eastern Mediterranean and Indian Ocean. Thus, the real issue at Panama, dramatized by the Communist take over of strategically located Cuba and Chile, is not United States control versus Panamanian but United States control versus Soviet control. This is the issue that should be debated in the Congress, especially in the Senate. Panama is a small, weak country occupying a strategic geographical position that is the objective of predatory power, requiring the presence of the United States on the Isthmus in the interest of Hemispheric security and international order.

(17) In view of all the foregoing, the undersigned urge prompt action as follows:

(1) Adoption by the House of Representatives of pending Panama Canal sovereignty resolutions and,

(2) Enactment by the Congress of pending measures for the major modernization of the existing Panama Canal.

To these ends, we respectfully urge that hearings be promptly held on the indicated measures and that Congressional policy thereon be determined for early prosecution of the vital work of modernizing the Panama Canal, now approaching saturation capacity.

ORDERLY REDISTRICTING

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am today introducing legislation to provide a specific and orderly timetable for the process of congressional redistricting. This type of legislation on the Federal level is long overdue, and I am hopeful that the Congress will enact a proposal of this type in time to affect the 1972 elections.

My bill would establish procedure for the Federal courts to redistrict if a State failed to develop a redistricting plan by November 1 of the year before the regular election. The problem would go to the Federal district court after this date upon suit by any eligible voter from the State in question. A three-judge district Federal court panel would then have exclusive jurisdiction to issue its own redistricting plan. Appeals would go directly to the U.S. Supreme Court.

The advantage of this legislation lies in the definite timetable it establishes for congressional redistricting. At present, redistricting is left completely to the individual States unless individual citizens file litigation at some indefinite point in time. Unfortunately, as we have seen since completion of the 1970 census, many State legislatures across the country appear unable or unwilling to redistrict equitably in sufficient time to assure the orderly operation of primary and general elections, and to allow sufficient familiarity between candidates and electorate. To date, only a handful of States that must redistrict have completed the process.

In my own State of Connecticut, the redistricting process is presently in a state of limbo. The redistricting plan enacted by the legislature has been vetoed, and though the legislature will convene in special session shortly, it most likely will not renew the redistricting process until it convenes its regular session on February 9 next year.

I have stated previously that it would be desirable for candidates and electorate to know their districts now rather than shortly before the election, especially if the district lines were to be changed materially. The prospects for this happening, in Connecticut and in States across the Nation, appear dim.

For this reason, I feel that Federal legislation establishing a redistricting timetable is essential. At present, the U.S. Congress is the only legislative body in the Nation that does not have a voice in its own redistricting. My legislation, while not involving the Congress in the redistricting process itself, would assure that the process was accomplished within a reasonable period of time. The States would have an opportunity to redistrict, but the entire problem would go to the Federal courts approximately 1 year before election day if State efforts failed.

The courts have both legal authority and adequate capacity to enact redistricting plans, and I am confident that reapportionment would be quickly forthcoming after referral to the Federal system. An additional advantage of this bill is that appeals from the district court plan would go directly to the U.S. Supreme Court, where they would have precedence on the docket. The bill would thereby avoid an extended legal process with possible referral back to the legislatures.

I am hopeful that some legislation of this kind will be enacted by the Congress soon. The redistricting process is too important to leave to an indefinite timetable.

The bill I am introducing today provides a mechanism to insure such a time frame. I ask the House to give this legislation its immediate consideration and approval.

EMERGENCY GUIDANCE BOARD FOR ECONOMIC EMERGENCY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am today reintroducing with over 50 cosponsors my legislation to create a program of voluntary wage-price controls by means of a temporary Emergency Guidance Board. The board would publish a set of basic guidelines for wage and price changes, and then publicizes those increases in excess of the guidelines.

I originally introduced the Emergency Guidance Board Act with Congressman McFall on January 29. Since then, the need for this legislation has become more urgent than ever. Both recession and inflation continue to plague the Nation. In my own State of Connecticut, unemployment rests at a level of 10.1 percent. The town-by-town breakdown finds Waterbury at 12.3 percent, Bristol at 24.5 percent, and Danbury at 10.6 percent.

In the Nation at large, the present economic recession is marked by a 5.8-percent unemployment rate. The Commerce Department recently announced that six out of eight economic indicators which the Department uses to gage future economic activities, fell in the month of June. The composite of all eight indicators fell by 0.5 percent, the first decline since October.

Despite this intolerable unemployment and economic decline, inflation continues unchecked. It is now running at approximately 6 percent annually, and long ago reached the point where every consumer could notice the difference in his return on a dollar.

The Nixon administration has at times attempted a more aggressive policy to keep the lid on inflation and improve unemployment, but these attempts have been fragmentary, and have often singled out one industry, such as construction. However, despite these halting attempts, the administration has refused to give up on the basic tenets of its economic game plan, a game plan which has created an unprecedented state of simultaneous inflation and unemployment.

On June 29, the chief economic spokesman for the administration, Secretary of the Treasury John Connally, told the Nation that the administration is sticking to present economic policies despite unemployment and inflation. Connally told newsmen that administration monetary and fiscal policies are providing substantial stimulation to the economy, and also checking inflation.

To the thousands out of work and to the consumer who sees prices skyrocketing, this statement is of course absurd. The Nation has clearly reached a state of economic emergency, and is in need of unique and emergency measures. In failing to reverse its policies, the administration has failed to come to grips with this reality or has not been able to comprehend it and determine how to solve the problem.

By creating an Emergency Guidance Board, the Congress can and should take the initiative in this field to provide the necessary procedure. This bill recognizes that an economic emergency does exist, and that a novel solution is necessary to rationalize the economy. My bill provides just such a solution.

Basically, the Emergency Guidance Board Act calls for stimulation of the economy through conventional monetary policies, but establishes a wage-price review board to keep the lid on inflation. The board would consist of five members appointed by the President, and would be limited by law to 18 months of service. After consulting with business, labor, and consumer leaders, the board would publish a basic set of wage and price guidelines. These guidelines would be nonmandatory, but those industries and those unions which increased their prices or wages in excess of the guidelines would be required to file an economic justification with the board. The Board would then publicize those increases which were inflationary and therefore harmful to the economy at large.

It is my feeling that both labor and business would cooperate with the Emergency Guidance Board, recognizing its merit as a bulwark against inflation. The board avoids the stigma of mandatory wage-price controls, but would still have substantial clout through the power of publicity. It would in effect be a form of sophisticated jawboning.

The Emergency Guidance Board represents a positive step toward dealing with our present economic difficulties. It is a step which must be taken. Discrediting critics or attempting to second guess the Federal Reserve Board will not stabilize the economy. A change of policy is necessary for inflation and unemployment can be challenged only through new direction, not through mere incantation.

Among the more than 50 cosponsors of the Emergency Guidance Board Act are Members from both sides of the aisle. I am hopeful that other Members will now join us in working for passage of this essential legislation. This bill represents a unique means of halting inflation during an emergency economic period. The board will provide the needed check on rising prices while jobs are created through conventional stimulation of the economy. It deserves passage; and should be the subject of hearings immediately after the recess.

I include several newspaper articles and editorials which support my theme:

[From the New York Times, Aug. 1, 1971]

ECONOMIC CHARADE

The acting out of collective bargaining in the steel industry, which seemed virtually certain to be closed down by a strike today, bears a certain resemblance to that ancient form of Italian dramatic art known as *commedia dell'arte*—a comedy in which masked entertainers improvise their lines and actions from a standard plot outline.

The plot in steel called for the United Steelworkers to hold out for at least the 31 per cent pay increase over three years, plus a cost-of-living escalator clause, that their union had already won in aluminum, cans and copper. It called for management stubbornly to resist and then bow to that demand; despite worries about foreign competition, steel companies are then supposed to put through a price increase. Finally, the plot calls for the Nixon Administration to deplore such a settlement as unconstructive, to issue a post-settlement inflation alert and to think hard about whether to take away the steel industry's voluntary import quotas, without doing it.

What is not known at this point is how many days of output will be lost and what the precise terms of the settlement will be. But, unless the actors are carried away, there will surely be one more turn of the wage-price spiral, and further impetus for building trade barriers against foreign competition.

In the third quarter of 1971, the economy is in the doldrums. Unemployment is still hanging around the 6 per cent level which it reached early last winter. But despite persistent unemployment, inflation continues and even shows signs of accelerating.

Chairman Arthur F. Burns of the Federal Reserve Board has provoked an angry rebuke from the White House for continuing to insist that the nation needs an incomes policy to restrain inflationary wage and price actions. But the White House has been shaken by the extremely hostile reaction this assault on Dr. Burns evoked from the business and banking community, where support for a stabilization board and noninflationary wage-price standards has greatly increased. A Presidential spokesman sought to undo the damage to business confidence in White House economics by asserting that the assault on Dr. Burns was a low-level mistake.

Anxiety about the state of the economy has in fact deepened throughout the nation. This mood is being registered in the slipping stock market, in the drop of consumers' buying plans, and in the determination of both businessmen and consumers to build up their cash holdings. The root causes of the anxiety are chronic inflation and unemployment—and the Administration's negativism and inaction.

Evidence that the Administration is willing to take decisive action to stop inflation and combat unemployment would do far more to rebuild the nation's morale than endlessly repeated sermons about the need for confidence in the marvelous workings of the unfettered price system and lectures about the healing powers of a growing money supply.

[From the New York Times, Aug. 1, 1971]

THE ECONOMIC BLUES

(By Tom Wicker)

WASHINGTON.—The closing days of July have seen a staggering amount of politically damaging economic news coming out of the Nixon Administration. No wonder the Democrats—despite their own responsibility for much of the situation—believe the economy will be their big gun against the President next year.

Most spectacularly, the official fiscal 1971 budget deficit was announced—$23.2 billion, the second-highest peacetime deficit on record, after an original prediction in January, 1970, of a $1.3-billion surplus, and an estimate as recently as January, 1971, of a deficit of about $19 billion.

It is all very well for the Administration to take the view that this huge deficit is, in reality, a sensible "full-employment surplus" of $2.5 billion over what tax receipts would have been had there been 4 per cent unemployment (technically considered "full employment") instead of 6 per cent. Democratic and conservative Republican opponents will nevertheless insist that a deficit is a deficit, and this one is a whopper; and the general public is unlikely to prefer the sophisticated "full-employment" explanation to these charges.

Also, in recent days, it became more apparent that little headway has been made against inflation, although unemployment continues high; Chairman Arthur Burns of the Federal Reserve Board said so publicly. Yet, Mr. Nixon continues to take no formal action on wages and prices—although the Administration was trying to make itself felt in the current rail and steel labor disputes.

There also were reports that Mr. Nixon had fallen out with Dr. Burns, his own appointee, over the latter's continuing advocacy of some non-mandatory form of wage-price influence. The White House did not really deny these reports, and was the source of unconfirmed leaks that the President was seeking ways of lessening the Reserve Board's independence.

But the bad news kept coming. The June trade deficit exceeded those of April and May, and the second quarter as a whole showed a deficit for the first time since 1946. Secretary of Commerce Stans said there might be a deficit for the whole year, something that has not happened in this century. The stock market was in another downspin, and the index of "leading indicators" of economic activity declined after seven months of struggling upward.

All of this difficulty cannot merely be charged to Mr. Nixon; steel imports, for instance, in anticipation of an American steel strike, were a major factor in the second-quarter trade deficit. And the whole country continues to pay heavily in inflated dollars for the Johnson Administration's reluctance properly to fund the Vietnam war. Moreover, unemployment is increased by thousands of the servicemen Mr. Nixon is bringing home from Vietnam.

Cumulatively, nevertheless, the President who took office in 1969 promising to wring the inflation out of the economy and to balance the budget can hardly look like much of an economic manager to the ordinary voter. Even in the traditionally Republican farm belt, where farmers' hog prices are 25 per cent off with little decline in retail prices, and the parity level has dropped below 70 per cent, Mr. Nixon's economic policies are said to have landed him in deep political trouble.

Yet, with a $25-billion deficit already impending for fiscal 1972, and with the credit markets already strained, it would not be easy for Mr. Nixon to take further stimulative steps, either in spending or tax reduction. Besides, improved consumer income, helped along by Social Security gains, the end of the income tax surcharge, and numerous pay hikes, has not been translating itself into vigorous consumer spending.

But one front on which the President could move immediately and effectively, if he chose, is the wage-price level. He has the authority to act with relative restraint—perhaps by setting up the review board advocated by Dr. Burns—or with stronger effect. Senator George McGovern, the only announced Democratic Presidential candidate, demanded last week a "selective six-month wage and price freeze," and reminded the President that Congress already had authorized him to impose such a freeze.

A sizable body of economic opinion supports the McGovern view, and there are substantial political reasons why it might commend itself to Mr. Nixon. Having already proclaimed himself a Keynesian and presided over the second-largest deficit since World War II, he can have little further economic respectability to lose among orthodox conservatives; and, at the very least, a wage-price move would make it more difficult for the Democrats to charge him with doing nothing.

It might even strike a blow at the inflation Mr. Nixon, as candidate and President, has been denouncing for four years without substantial effect.

ECONOMIC MUDSLINGING

(By Joseph Kraft)

President Nixon has it in him, even as you and I, to blame others when things go wrong. And last week that pattern showed egregiously in the field of economic policy.

A flood of bad news produced a covert White House attack on Chairman Arthur Burns of the Federal Reserve Board. That show of petulance seems to indicate that the President is holding stubbornly to his chosen economic policy—at least for the time being.

The worst bit of news emerged with the latest publication of the leading indicators which the Commerce Department records as a gauge of future economic activities. It was announced that six of the eight indicators fell in the month of June. The composite of all eight indicators fell by 0.5 percent—the first decline since October.

A second blow was news that the deficit in the federal budget for the fiscal year ending June 30 was $23 billion. Except for the $25 billion in 1968, when the Vietnam war was at its most intense level, that is the biggest deficit since World War II. And a similar deficit looms for next year.

A further sign of trouble came in the foreign trade field. In the quarter ending June 30, the United States ran a deficit of more than $800 million—the largest deficit since the Commerce Department began keeping seasonally-adjusted figures back in 1946. According to Commerce Secretary Maurice Stans, there may not be any trade surplus at all this year "for the first time since 1893."

Some of these developments are not nearly as bad as they sound. The foreign trade deficit seems to be tied up with the dock strike on the West Coast. The budgetary deficit has been discounted for months.

All the latest news, moreover, only expresses an underlying condition of inflation (now running at 6 per cent annually) and slow economic growth (with unemployment at nearly 6 per cent). That combination is new in this country's experience, and nobody has a very clear idea about exactly what steps are required to set the economy right.

But some Democrats, including Chairman Wilbur Mills of the House Ways and Means Committee, favor a cut in income tax as a stimulant. Many other officials, including Chairman Burns of the Fed, favor tighter control over prices and wages—it only because it is one thing that is not now being done.

The President has not reacted kindly to these suggestions. A fortnight ago, the White House suddenly denounced Mills for—of all insignificant things—claiming credit for an Italian decision to limit exports on shoes.

Last week Burns came in for the same treatment. A White House aide told a United Press International reporter that the President was "furious" with Burns for advocating a tighter policy on wages and prices and questioning whether any progress had been made in the fight against inflation. It was further intimated that Dr. Burns had no business griping about inflation as he had himself requested a $20,000 rise in his salary at the Fed.

What this petty attack most expresses is a mood of frustration. The President and his advisors know as well as anybody that the economy is not humming along.

What they don't know is exactly what to do about it. Being uncertain, they have elected to sit tight. And as the attacks on Mills and Burns indicate, they resent those who keep trying to push them to new actions.

That mood cannot last forever. Though he has set his face against a change in policy, Mr. Nixon is going to be under growing political pressure to do something—anything—to improve conditions. Unless the economy turns up of its own accord come fall, it will be very hard to resist at least a trial of some more active steps to control wages and prices.

[From the Hartford Courant, July 15, 1971]

GALLUP EXCLUSIVE: WAGE-PRICE CURBS GAIN SUPPORTERS

PRINCETON, N.J.—The recommendation of George Meany, AFL–CIO head, that wage-price controls be imposed comes at a time when public support for such controls is at its highest recorded point since the Korean War. By the ratio of 50 per cent to 39 per cent, persons interviewed in a late June survey favor a freeze in prices and wages.

Departing from the traditional stance of union leaders, Meany recently stated that direct controls are needed to curb inflation. Meany's position wins support with half of rank and file union families reached in the survey, which was completed prior to Meany's statement.

President Nixon for the present has ruled out wage-price controls, taking the position that the existing economic policy, given time, will work successfully to reduce inflation and unemployment.

Five years ago, in 1966, opinion was fairly evenly divided before those who favored and those who opposed wage price curbs. During 1969 and 1970, as inflationary pressures increased opinion began to shift toward support for a wage-price freeze. The previous high to today's figure 6 in 10 in favor of curbs, was recorded during the Korean War.

LEAST SUPPORT IN SOUTH

Majority support in the East, Midwest and Far West is found for wage-price controls, but opinion is about evenly divided in the South.

Sharp differences in opinion are found in terms of the age of respondents. Older persons, many of whom are now on a fixed income or anticipate being on one in the near future, look more favorably upon control than do younger persons.

Bi-partisan support is found for a freeze, with Republicans and Democrats favoring such action by approximately the same ratio. A majority of persons in clerical work and sales, and farmers, are in favor of controls, while professional or business people and manual workers are fairly closely divided on the issue.

For the latest survey, a total of 1,501 persons, 18 and older, were interviewed in person in 300 scientifically selected localities across the nation during the period June 25–28. Union and non-union families are represented in the sample in their correct proportions.

Following is the question asked:

It has been suggested that prices and wages (salaries) be frozen—that is, kept at their present level, as long as the Vietnam war lasts. Do you think this is a good idea or a poor idea?

The following table shows the results for the nation as a whole and for key groups within the sample:

	Good idea	Poor idea	No opinion
National	50	39	11
Labor union	48	46	6
Nonlabor	50	37	13
East	51	38	11
Midwest	53	36	11
South	43	42	15
Far West	52	40	8
18 to 29 years	44	46	10
30 to 49 years	45	45	10
50 and older	57	29	14
Republicians	49	37	14
Democrats	54	36	10
Independents	45	45	10
Professional and business	41	44	15
Clerical and sales	51	37	12
Skilled workers	47	44	9
Unskilled workers	48	45	7
Farmers	54	92	17

[From the Washington Post, June 6, 1971]

The Economic Recovery: No News May Be Good News

(By Hobart Rowen)

This was a week of accumulated bad economic news for the Nixon administration, all of which suggests that the hoped-for recovery is still on the horizon, just out of reach.

There were three key developments:

The steelworkers union won a three-year, 31 per cent increase for its aluminum workers, foreshadowing a settlement at least that big in the basic steel industry.

Business intentions to spend money for new plant and equipment were cut back from the very modest level projected at the beginning of the year, making even more certain that Mr. Nixon's projection of a $1,065 billion Gross National Product is far too high.

As expected by most private forecasters (but discounted by many Nixon advisers), unemployment rose in May to 6.2 per cent, matching a nine-year high, while wholesale prices took another jump upward.

Thus the twin problem of high unemployment and high inflation continues to plague the Nixon administration, and there is no sign of much early relief.

In fact, there is one basic undercurrent on the present economic scene that suggests real trouble, not only for the small recovery that got under way in the first quarter, but for the stock market.

Interest rates have started to climb again, which Henry Kaufman of Salomon Bros. says is "very unusual for this stage of an economic expansion." In plain language, Kaufman—an expert on bonds and the money markets—suggests that if this trend continues, it could abort the recovery.

In a speech to the New York Society of Security Analysts late last month, Kaufman said that higher interest rates could boost mortgage costs, and clip the incipient housing boom. Higher interest rates would feed the expectation of even higher rates and would "also . . . (be) a very unfavorable omen for stocks."

The turnaround in interest rates can be illustrated by the pattern in high-grade new corporate bonds, which hit a peak yield of 9.5 per cent in June of 1970, fell to a low of 6.90 per cent in January of this year, then rose again to 8⅜ late last month. Last week, the rate was just under 8 per cent. So the yield has recovered about half of the decline, which Kaufman says is "alarming."

Higher costs for money probably help explain the backsliding in plant and equipment spending, despite incentives the Nixon administration is trying to provide.

The way the financial markets appear to be reading events in Washington, the basic reason for higher interest rates in the face of a record growth in the supply of money goes beyond the mere fact that a recovery had been initiated. It relates to the more subtle belief that there is a "political requirement" that 1972 must be a very good year. Put it another way: the markets believe that Mr. Nixon will do whatever he feels necessary to assure re-election in 1972, and that this will spell more inflation.

It seems fair to say that Mr. Nixon lost his chance to control the wage-price spiral; that even if he wanted to do something about big wage settlements, he now no longer can.

Take the forthcoming labor-management collision in steel, whatever Mr. Nixon would prefer, Mr. Abel can hardly ask his steel and copper constituents to take less than he produced for his can and aluminum workers.

But if this wage-price round is over and uncontrollable, how about the next one? It becomes even more essential, as both Federal Reserve Board Chairman Arthur F. Burns and former Johnson adviser Arthur M. Okun say, to develop some kind of a wage-price, or incomes policy, Okun thinks that once the steel settlement is out of the way, Mr. Nixon may have another (and perhaps his last) chance to install some effective controls.

As we head toward the beginning of the new fiscal year on July 1, it is clear that the $11.5 billion budget deficit announced in February has long since been an obsolescent figure. No one in the Budget Office has yet promised a midyear review, but it is easy enough to guess that the real deficit for fiscal 1972 should be projected in the $20 to $22 billion range.

And any way that Mr. Nixon wants to calculate it—regular budget, full employment budget, full employment budget based on the "national income accounts"—that is enough red ink to spell heavy Treasury borrowing and more pressure on interest rates.

There is even another complicating factor: last year, foreign governments invested heavily in Treasury issues. That is to say, they helped to finance the domestic deficit.

This coming year, as one of the by-products of the international crisis, it is doubtful that foreign governments will be investing much in Treasury securities. In fact, foreign governments may unload some of their holdings.

"They (the Nixon administration) have got themselves in a pretty inflexible position," says one analyst. "I'm going to be interested to see how they get out of it." So will everybody else.

[From the New York Times, Mar. 18, 1971]

Disordered Economic Policy

The decline in industrial production last month and the slowdown of gains in income and construction make it increasingly improbable that the Nixon Administration will see its forecast of a $1,065-billion Gross National Product realized this year.

It is still unclear what the Administration was up to in producing a forecast regarded as so badly out of line by virtually the entire economics fraternity. Was it anticipating a magic resurgence of consumer and business spending? Or was it handing an assignment to the Federal Reserve to reduce unemployment more quickly through monetary devices?

All the evidence points to the latter explanation. Yet, there is no reason to believe that the Fed is going to feed money to the system significantly faster than the 5 to 6 per cent rate of the past twelve months. The Council of Economic Advisers strongly suggests that this is not stimulative enough, although the Office of Management and Budget seems to think that a 6 per cent rate of growth in the money supply is just about right.

Meanwhile, Federal Reserve Chairman Burns continues to lecture the Administration about the need for a stronger incomes policy. The C.E.A., in the person of Herbert Stein, says, "Without any grand announcement, we have now taken on a large number of the ingredients of what is loosely called incomes policy." But many states defy or ignore the President's call for suspension of their support of construction industry wages.

Evidently, the picture of economic policymaking within the Administration is one of disarray. The Administration uses the Federal Reserve as a whipping boy, while doing little itself to realize the $1,065-billion target-cum-forecast that it insists is essential to a reasonably prompt return to full employment. Although the unemployment rate has come down a bit in the past two months, a decline in the labor force is the main reason. Long-term joblessness has continued to rise.

With more stimulus clearly needed, Congress has done the Administration—and the economy—a good turn by raising Social Security benefits 10 per cent, retroactive to the start of this year, while postponing until next year the increase in the amount of income subject to payroll tax. But additional fiscal stimulus is still required if the Administration is to come closer to its goals. Expenditures should be increased for social programs, especially those that would help create jobs for the unemployed.

While moving to a more stimulative fiscal policy, the Administration also needs an incomes policy to tamp down inflation. A wage-price board administering an over-all advisory program designed to gain widespread business, labor and public acceptance of noninflationary behavior would help repair a critical lack in policy.

A firmer incomes approach, coupled with flexible fiscal and monetary policies, will be essential to deal with what the Administration earlier called "the re-entry problem"—the problem that the economy will meet when it moves closer to full employment with increased danger of a heating up of inflation. The difficult maneuvers necessary to get the economy back to price stability and full employment can scarcely be carried out without stronger Presidential leadership and better integrated policy.

STABILIZATION OF POPULATION IN THE UNITED STATES

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, I introduce today with Representative FRANK HORTON and 19 bipartisan cosponsors a resolution to declare it the policy of the United States to achieve a stabilization of population. The resolution is substantially the same Senate Joint Resolution 108, introduced June 2 by Senators CRANSTON and TAFT and more than 30 bipartisan cosponsors.

Although this resolution addresses itself to the question of population growth, by its very nature it will affect much more than the number of Americans there will be 40 to 100 or 200 years from now. In a very real and direct sense, this resolution, if enacted by the Congress, will affect the quality of life those future generations of Americans will enjoy.

I say this, Mr. Speaker, because throughout the Nation there is a growing recognition that the pressure of population growth directly affects our ability to deal with many of our major social and economic problems. Population stabilization—holding total population size relatively constant by encouraging a birth rate that about equals annual deaths—is no panacea. But without population stabilization, it is clear, we will face vastly more difficult tasks in overcoming other problems—in rebuilding our cities, in protecting the environment, in averting a national energy crisis.

President Nixon made this point very well in his population message of July 18, 1969, when he declared:

> Pressing problems are also posed for advanced industrial countries when their populations increase at the rate that the United States, for example, must now anticipate. Food supplies may be ample in such nations, but social supplies—the capacity to educate youth, to provide privacy and living space, to maintain the processes of open, democratic government—may be grievously strained. . . . I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans.

Projections of population growth in the United States are truly startling. In 1951, for instance, there were 151 million Americans. Today there are about 210 million Americans. And by the year 2000—less than a third of a century from now—that number is expected to grow to roughly 300 million. In short, if present growth patterns continue, the population of the United States will double in the last half of the 20th century. The National Academy of Sciences has already warned us that even a nation as rich as the United States cannot bear such growth. In a study on "The Growth of U.S. Population" in 1965, the Academy reported:

> In the very long run, continual growth of the United States population would become intolerable and then physically impossible.

I am convinced that long before population size becomes intolerable it will have a profound effect on the manner and quality of all our lives. Moreover, I think the evidence is abundantly clear that at some point in the future we will have population stabilization. This must be true in a nation of finite space and resources. The real issue is when and how we will stabilize population.

The resolution I introduce today would establish a national policy of population stabilization while fully respecting the individual rights of all Americans. The resolution does not address itself to specific policies which might lead to a reduced birth rate. However, the sponsors agree completely with Senator CRANSTON, who said when he introduced Senate Joint Resolution 108 that "coercion is totally unacceptable as a means of lowering the birth rate." Rather, we hope that the declaration of a policy of population stabilization will lead to a comprehensive public education program and noncoercive incentives addressed equally to all segments of our society.

Despite the great wealth and size and resources of the United States, it is none too early to begin to move to stabilize our population by voluntary means. According to the best estimates, if tomorrow all American families began to limit themselves to two children, it would take 60 to 70 years to stabilize our population. This is because of the large number of American women who are in, or are about to enter, the prime childbearing years. So adoption of this resolution would cause no sudden, dramatic shift in family living or population patterns. But it would represent a step that eventually must be taken and a realization that if the coming generations of Americans are to enjoy the full fruits of the United States we of this generation must act now to protect the future.

CHIEF GEORGE A. MURPHY OF ONEIDA, N.Y., POLICE DEPARTMENT, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, this September, Chief George A. Murphy, of the Oneida, N.Y., Police Department, will assume the presidency of the International Association of Chiefs of Police, Inc.

I am pleased to make this announcement to my colleagues here in the House Chamber today, for a variety of reasons. The first is rather personal: I consider the chief a good friend for whom I have the utmost respect and esteem. Beyond this, it is my privilege to represent him here in the House of Representatives. And last but not least, Chief Murphy is one of the foremost police administrators in the world, as evidenced by his recent election.

On July 12, 1971, Mr. Speaker, the association celebrated the acquisition of its new building and facilities at 11th Firstfield Road, in Gaithersburg, Md. I had the privilege of attending the dedication.

The IACP, founded in 1893, is a professional police membership organization comprised of over 8,000 persons from 63 countries around the free world.

Throughout its 78-year history, the IACP has served the needs of law enforcement by advancing the science and art of police services. Association objectives, as published in the IACP constitution are—

> To develop and disseminate improved administrative, technical, and operational practices and promote their use in police work, to foster police cooperation and the exchange of information and experience among police administrators throughout the world, to bring about recruitment and training in the police profession of qualified persons, and to encourage adherence of all police officers to high professional standards of performance and conduct.

From the original concept of developing methods of cooperation, IACP has been privileged to serve as the catalyst of such law enforcement keystones as the National Fingerprint Identification Bureau, the uniform crime reports, and the International Police Academy.

In 1897, the association established a central clearinghouse for Bertillon records in Chicago. In the early 1900's, the clearinghouse made the transition of fingerprint records and was known as the National Police Bureau of Identification. Up until 1923, the association carried on a sustained effort to persuade Congress to enact legislation for the Federal Government to operate the bureau. In 1924, Federal legislation became effective, creating the Identification Division of the Federal Bureau of Investigation. The fingerprint records maintained by the IACP Bureau and those maintained by the Federal penitentiary at Leavenworth, Kans., were turned over to the FBI.

In 1922, a recommended procedure for classification and recording of crime statistics was issued by the association. The recommendations were widely accepted by police departments throughout the Nation. A study of the subject was continued by the IACP Committee on Uniform Crime Records and their efforts were instrumental in securing a grant from the Spelman Fund to engage a staff of four full-time personnel to compile the uniform crime reports. In 1929, the staff released the first draft of a manual on uniform crime reporting. The association was again successful in having the Federal Bureau of Investigation designated as the clearinghouse for the collection and compilation of national crime statistics. In 1930, a revised Uniform Crime Records Manual was published, and a standing advisory committee was established to cooperate with the FBI in securing wide participation of law enforcement agencies in the national crime reporting system.

In 1955, after entering into a contract with the International Cooperation Administration of the Federal Government, now known as the Agency for International Development, an IACP Training Division was established for the purpose of devising training programs for police officers from various countries. That effort culminated in what is known by thousands of police officers from around the world as the International Police Academy, now being operated by the Office of Public Safety of the U.S. State Department.

Today, the IACP services have expanded to include full field management consulting, training courses and materials, publications and textbooks, conferences, workshops and committees. IACP now operates the National Bomb Data Center for the collection and dissemination of data related to bomb incidents; the National Police Weapons Center for the collection, evaluation and dissemination of information relating to police weapons and protective equipment, as well as information concerning attacks on police officers; the National Police Registry, which is developing a program to provide agencies with the names of personnel having special qualifications; the Center for Law Enforcement Research Information for the preparation, collection, evaluation and dissemination of monographs, texts, brochures, and other printed matter on law enforcement practices; and, the Public Safety Aviation Institute to assist law enforcement in adapting aircraft to police services.

In other efforts to serve the needs of law enforcement, Operation Transition provides a manpower bank by training qualified military personnel who are seeking police careers after completing military service. The Training Key program provides police subject matter in capsule form suitable for rollcall training or formal classroom presentation. The Police Reference Notebook is a quick-reference manual of basic principles for use in the field. A modern film library is also available for more formalized training and the Police Chief magazine keeps abreast of changing concepts and mandates which affect police services.

These are some of the ongoing projects of the association. The critical need for improved police services will continue to be professionally served with the recently dedicated new facilities of the IACP.

Mr. Speaker, I salute the association and Chief Murphy.

MRS. CATHARINE O'CONNOR BARRETT, PRESIDENT-ELECT OF THE NATIONAL EDUCATION ASSOCIATION

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last month the 1.1 million member National Education Association chose as its new president-elect and vice president, one of the most remarkable women it has ever been my pleasure to know, Mrs. Catharine O'Connor Barrett.

Catharine, a teacher in Syracuse, N.Y., received her bachelor's degree from LeMoyne College and later did graduate work at Syracuse University. For years she has been one of the outstanding educators in central New York.

I cannot be too lavish in my praise of Mrs. Barrett, Mr. Speaker, for her accomplishments are manifold. She is a teacher, first and foremost. But she is also a fighter—for teachers. She has been in the forefront of every major battle to establish, maintain, and expand the rights of teachers over the past several decades. This dedication resulted in her election a few years ago to the presidency of the New York State Teachers Association—an election, which incidentally, broke all tradition, because she was the first teacher in the 120-year history of that organization ever to be nominated and elected from the floor of the convention.

Winning has been a way of life with Catharine Barrett, Mr. Speaker, whether it involves dignity for the teachers she represents or a better chance to learn for the children she teaches. And she has taken her winning ways to the places where they count—city hall, the State legislature, and the Congress.

I am far from alone in my feelings about this gracious lady. She has received the Woman of Achievement Award from the Syracuse Post Standard, the Distinguished Service Citation from the Classroom Teachers of New York State, and the Syracuse Teachers Association Award for Outstanding Service. As if these peer awards were not enough, she has also received the Golden Apple Award from the Student Education Association of New York State, and the Pi Sigma Rho Golden Key Award from the Future Teachers of America, indicating the esteem in which the young people hold her.

As she assumes her new duties and responsibilities, I know all my colleagues join me in saluting her. We wish her all the best.

CORTLAND COUNTY AIRPORT NAMED AFTER MAJ. GEN. LEVI CHASE

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, a few days ago, I participated in a memorable program in Cortland, N.Y., in my congressional district. It was a ceremony renaming the Cortland County Airport after one of the area's most distinguished native sons, Maj. Gen. Levi Chase.

For a quarter of a century, General Chase has faithfully served his Nation, both in peace and in war. A truly humble and self-effacing individual, his demeanor belies the toughness which earned him a host of military accolades. During service in World War II, Korea, and Vietnam, General Chase received 27 air medals, the Legion of Merit three Silver Stars, six Distinguished Flying Crosses, the Bronze Star, Purple Heart, two Distinguished Unit Citations two British Distinguished Flying Crosses, a Republic of Korea Presidential Unit Citation, and the French Croix de Guerre.

Yet heroism is far from General Chase's only strength. He is a dedicated student of military affairs and an administrator of note. Between wars, he organized the Air Force's world famous "Thunderbirds" which have thrilled millions of people around the world. He also attended and graduated from both the Air War College at Maxwell Air Force Base and the National Air War College here in Washington.

Mr. Speaker, General Chase is a leader in the truest sense of the word, for he has not only led men in defense of liberty, he has participated in their struggles shoulder to shoulder. Now the Vice Commander of the 9th Air Force, this veteran of three wars flew more combat missions than any other American pilot.

I consider it a great honor to represent the hometown of General Chase and I consider it an even greater honor to have been among the participants at the ceremonies dedicating the Cortland Airport in his honor.

Mr. Speaker, I know all of my colleagues here in the House today join me in offering a heartfelt "thanks" to General Chase for his dedication to the cause of freedom, in extending our warmest regards to his family, and in wishing him many more years of good health and productive service for his country.

MESS AT BATTERY PARK, N.Y.

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, more than a month has now passed since I stated on the floor of this House my shock over the litter in Battery Park on a recent trip to take my young daughter to see the Statue of Liberty. At that time I voiced my opinion that something must be done to correct this national disgrace. I must take the floor today to say that I continue to receive reports from officials and citizens in New York City that this sad situation has not been corrected.

Mr. Speaker, I must say that the National Park Service, through the office of Director George Hartzog, has been most responsive to my request. Mr. Jerry D. Wagers, superintendent of the New York City National Park Service has reported to me that he has already had one meeting with Mr. August Heckscher, Commissioner of Parks for New York City, to discuss this subject and that another meeting is planned. Since Battery Park is a unit of the New York City Park system, the National Park Service has no direct jurisdiction; however, the fact that Battery Park serves as an entrance to one of our national memorials establishes a reason for their interest and willingness to cooperate.

On the other hand, the only response that I have had from the office of the mayor of New York City casts blame for this disgraceful mess on "cutbacks in parks department personnel and litter left by tourists." This is in contrast to many responses I have received from people in New York City who insist that they have been trying to get this park cleaned for years.

Mr. Speaker, I am vitally concerned about getting the mess cleaned up in Battery Park in order that visitors who travel across this country or from a foreign country to see the "torch of freedom" held high by the Statue of Liberty do not receive the impression that we take no pride in our heritage. Therefore, I have notified Mayor Lindsay of New York City that unless he can give me some assurance that this matter can be handled by the New York Park Service group, I intend to introduce remedial legislation. I am having a bill drafted at this time which would authorize and direct the Secretary of the Interior to enter into a cooperative agreement with the New York Park Service group to detail not less than two permament, full-time National Park Service employees to assist in the maintenance of the area of Battery Park leading to the entrance to the Statue of Liberty and authorize an annual expenditure of $20,000 for this purpose.

Mr. Speaker, I introduce for the Record at this time a copy of the letter I am sending to Mayor Lindsay.

House of Representatives,
Washington, D.C., August 3, 1971.

Hon. John V. Lindsay,
Mayor of New York City,
City Hall,
New York, N.Y.

Dear Mayor Lindsay: Several weeks have now passed since I made my initial request on the Floor of the House of Representatives that steps be taken to "clean up the mess" in Battery Park in view of the fact that visitors must pass through this area on their way to visit the Statue of Liberty. The reports I continue to receive from New York City indicate that no improvement has been made.

The *New York Times* quoted you as blaming this disgraceful mess on "cutbacks in Parks Department personnel and litter left by tourists" and created the impression that you felt nothing could be done to correct the situation. You were further quoted as urging me to support legislation in Congress "to help all the hard-pressed cities of the nation."

To set the record straight, you should have checked my record—I have frequently supported legislation "to help all the hard-pressed cities of the nation" on the Floor of the House. On the other hand, you might be interested in the fact that we have received many letters from people in New York City explaining that they have been fighting to get the litter picked up in Battery Park for many years. Many of them place a considerable amount of blame on the "peddlers" in the Park. Others point out that it is not primarily the tourists but those who work in the area and use Battery Park as a lunchroom who are mainly responsible for the rubbish. All agree that the City has not taken adequate measures to keep the litter picked up.

The National Park Service has been most responsive to my request that something be done and expressed a willingness to cooperate in correcting the situation. Mr. Jerry D. Wagers, Superintendent of the New York City National Park Service Group, has already held one meeting on this subject with Mr. August Hecksher, Commissioner of Parks for New York City, and has informed me that another meeting is already planned.

John, I know that you have many problems in New York City and I am sympathetic with your plight; however, I insist that Battery Park must be cleaned up in order that visitors to the Statue of Liberty, most of them from foreign countries, will not get the impression that we have no pride in our heritage.

Therefore, if you are unable to give me the assurance that you can handle the trash problem in Battery Park, I intend to introduce legislation in the House of Representatives designed to be of assistance in keeping the park clean. I am having a bill drafted that would authorize and direct the Secretary of the Interior to enter into a cooperative agreement with the New York Park Service Group to detail not less than two permanent, full-time National Park Service employees to assist in the maintenance of the area of Battery Park leading to the entrance to the Statue of Liberty and authorize an annual expenditure of $20,000 for this purpose.

I will be most anxious to receive your reply.

Sincerely,

Richard H. Ichord,
Member of Congress.

THIRD ANNIVERSARY OF CRUSHING OF CZECHOSLOVAKIA'S LIBERAL MOVEMENT

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, it was 3 years ago this month that Russian troops, aided by those of Warsaw Pact allies swept into Czechoslovakia and crushed the liberal movement which had put a human face on communism in one of the Soviet Union's satellites.

Since then we have continued to witness shocking repression in Czechoslovakia, a choking off of the joyous activity which had made life livable in this adjunct of Russia.

The people of Czechoslovakia continue to have our deepest respect. Their courage in the face of the Soviet-led invasion aroused great admiration in us. We cannot believe and we will not believe that the spirit which made the Czechoslovakians stand up to Russian tanks is dead. It lives on and will rise again.

The Russians are fearful of the free Czech spirit. This is why they invaded Czechoslovakia in the first instance. This is why they continue to occupy it.

The Czech experiment in liberal socialism frightened the Russians because it threatened to spread to the Soviets' other puppet states and create great disunity. The Russians could not risk this, and so they crushed the proud Czechs.

I do not believe the Czechs have given up. They are, of course, weary and depressed, but people of their spirit cannot be kept down indefinitely.

As for us, we must continue to express our concern for their struggle and our belief in their ideals. And we must oppose with all our power the cruel and unjust doctrine which was given as an excuse for the Soviet invasion of courageous Czechoslovakia.

The spirit of freedom is not dead in Czechoslovakia. And we must do all we can to fan its flames.

A RESOLUTION AND MEMORIAL FROM FLORIDA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, two important matters of legislation for this Congress received enthusiastic and significant support from my State in the past few weeks.

The first which I include in the Record is a copy of Senate Memorial No. 1357 adopted by the 1971 regular session of the Florida Legislature. This memorial urges this Congress to establish a National Cancer Authority as a priority measure and to provide adequate funds for an "all-out war" on cancer. As you know, I am proud to be the House sponsor of the legislation that passed the Senate recently under the able leadership of Senator Edward Kennedy.

The second matter concerns a resolution adopted by the steering committee of the Dade County Democratic Executive Committee which supports the equal rights amendment in its original form. Members are aware of the efforts underway to dilute and emasculate this bill whose principal author was the Honorable Congresswoman from Michigan, Martha Griffiths.

The text of the Florida Senate memorial and the Dade County Democratic Executive Committee resolution follows:

Senate Memorial No. 1357

(A memorial to the United States Senate expressing the interest of the legislature in the establishment of a National Cancer Authority)

Whereas, more Americans died, the victims of cancer, in 1969 than did in the 4 years of World War II, and

Whereas, of the 200 million Americans alive today, 50 million will develop cancer and approximately 34 million will die of it, and

Whereas, cancer claims the lives of more children under 15 years of age than any other illness, and

Whereas, in 1969, for every man, woman, and child in the United States, our federal government spent only 89¢ on cancer research as compared to $19 on foreign aid, $19 on the space program, and $125 on the war in Vietnam, and

Whereas, the tragedy of the disease of cancer has either directly or indirectly affected millions of Americans, and

Whereas, a nation as great as the United States can not afford to lose such a large portion of its population to any disease without an all out effort to conquer disease; now therefore

Be it resolved by the Legislature of the State Florida:

That the United States Senate is hereby notified of the great interest and concern felt by the citizens of Florida for the need for an all-out war on cancer.

Be it further resolved that the United States Senate is respectfully urged to regard the establishment of a National Cancer Authority as a priority measure, and further, to provide adequate funding for an "all out war" on cancer.

Be it further resolved that copies of this Memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of Florida's Congressional Delegation.

RESOLUTION

A Resolution by the Steering Committee of the Dade County Democratic Executive Committee to urge support and passage of the Equal Rights Amendment in its original form.

Whereas the Equal Rights Amendment is of vital concern to the women of Dade County, the state of Florida and this country as a whole, and

Whereas equality for all is a premise of the Declaration of Independence and the Constitution of the United States, and

Whereas discrimination based on sex, race, religion or creed cannot be tolerated in a Democratic society, and

Whereas the Equal Rights Amendment would Constitutionally guarantee equality for all women.

Therefore be it resolved, That the Steering Committee of the Dade County Democratic Executive Committee considers the passage of the Equal Rights Amendment as necessary to guarantee equality under the Constitution and strongly urges support for and passage of the Equal Rights Amendment.

Be it further resolved, That copies of this Resolution be sent to U.S. Senator Lawton Chiles, U.S. Senator Edward J. Gurney, Congressman J. Herbert Burke, Congressman Claude R. Pepper and Congressman Dante B. Fascell.

REMARKS OF SENATOR FRED HARRIS BEFORE CONFERENCE OF HOUSING AND DEVELOPMENT OFFICIALS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on June 21, I had the pleasure and privilege of introducing the Honorable FRED HARRIS before the Southeastern Regional Conference of Housing and Development Officials in Miami.

Senator HARRIS has not only made an enviable record in the Senate but he has been one of the leaders in political thought and action in America since he has been in public life. He is a man of great physical and intellectual drive, of deep idealism and one who knows how to blend the practical and the theoretical. Senator HARRIS spoke movingly to this important conference and I am sure my colleagues and fellow countrymen will profit from observing his remarks which I am pleased to insert in the RECORD:

INTRODUCTION BY CONGRESSMAN CLAUDE PEPPER OF SENATOR FRED R. HARRIS AT SOUTHEASTERN REGIONAL CONFERENCE OF NATIONAL ASSOCIATION OF HOUSING AND DEVELOPMENT OFFICIALS, JUNE 21, 1971, MIAMI BEACH, FLA.

Senator Harris, distinguished guests, ladies and gentlemen, thank you very much Miss West for your generous introduction. I particularly evaluate them highly because they come from a fellow Alabamian and a very lovely and distinguished one as you are. We who are in politics are grateful to one who just turns to us; he doesn't have to be as complimentary as Miss West so graciously was. My wife and I went to the Woodrow Wilson home once a little bit ago and I was reminded of the story I've heard of an incident which occurred in the administration of President Wilson. One morning about 3 o'clock a secret service man knocked loudly upon the President's bedroom door. The President sleepily awoke and he said, "Yes?". The secret serviceman said, "Mr. President, there's a man just insisting on talking to you on the telephone." The President said, "Who is he, and what does he want?" "Well," he said, "he won't say, but he says he's got to talk to you." The President hesitated a minute and said, "Very well," and he sleepily put on his slippers and gown and shuffled on down to the nearest telephone; they didn't have phones in the President's bedroom in those days. He picked up the receiver and said, "This is the President". The man on the other end of the line said, "Mr. President, this is the Assistant Postmaster of New York City." The President said, "Yes, but why are you calling me like this?" "Well," he said, "Mr President, the Postmaster of New York City has died." "Well," he said, "I'm sorry to hear that, but why did you call me like this to tell me that." "Well," he said, "Mr. President, I was just hoping that it would be alright with you if I took the Postmaster's place." The President hesitated a minute and said, "If it's all right with the undertaker, it's all right with me."

I want to congratulate you upon the wisdom of selecting a lovely lady as the President of this great organization. That's the recognition of women's lib, I think, in a very fine way. I want to join in the welcome that's being extended to you by our distinguished Mayor. Naturally, I think you are visiting the finest Congressional District in the United States, which happens to be mine here. We hope you'll enjoy your stay and stay a long time and will come back again soon.

I'm especially pleased to join in welcoming so many of the distinguished officials of our government at the Washington level and also the Atlanta level. Assistant Secretaries Watson and Howard and Dulles are very important men who have much to do with the programs in which we are so vitally interested. And there's Mr. Baxter, who comes to us from his able work in the Regional Office in Atlanta and others who are here associated with us. Are they here? I'm sure all of us can look with confidence upon the fact that they are going to make an announcement binding upon the President that all the money that Congress has appropriated for housing will readily be made available to all of you all over the country. This is great work in which you are engaged. It's hard for a lot of us who are fortunate enough to live in good apartments or good homes to realize what it means to anyone who doesn't have the privilege. Home Sweet Home is something that everyone should be able to say and it not only should be a home that they cherish, it should be a decent home. We are proud of what the federal government has contributed over the years for many more millions of people than would otherwise have been able to enjoy that privilege. We all hope that the State will also take a larger share of responsibility to meet this critical need. I regret that apparently my own legislature at a current special session instead of providing several millions of dollars at least, as was advocated by the very able black lady who's the Chairman of the Community Relations Division of the State of Florida, only appropriated $100,000 for a study. Well, you don't need to study when the people of this country and of this state and this community need decent housing. Right here on South Beach proximate to this great and beautiful part of our area and state and country, there are people living in squalor and in dire poverty and we've had a long struggle to try to get even 200 decent public housing units built in that area where elderly people cry out for the construction of such facilities.

So your work is meaningful and you have chosen today as your principal speaker, one eminently qualified to speak to you on the subject of reality of change. He's forty years of age. He was born in the state of Oklahoma where he graduated from college with Phi Beta Kappa and law school with distinction. After practicing law for a number of years, he became a state Senator where he served with an excellent record for eight years and then in 1964 he was elected to a two-year term as United States Senator and in 1966 he was elected to a full term. He comes up for reelection next year and feeling the wisdom that I do of the people of Oklahoma, I would make the prophecy that he is going to be reelected with a great majority. America needs this man to stay in the United States Senate. He's made an enviable record in the relatively short time that he's been a member of that august body. He is one of those men who went to the United States Senate and didn't get hardening of the spiritual arteries or didn't fall victim to blandishment, the entertainment and the persuasion which is so effusively a member of that body. I can speak from a little experience. Too many have I seen come to the United States Senate with the fire of the people in their heart and plea for the people in their voices, who after a little while begin to accept things as they are always, and are readily intimidated by the possible that they categorized as the impossible and in a little while begin to recline into the sumptuous ease of an honored office. This is not that kind of United States Senator. He says like some of the rest of us, he was born in poverty; his wife, lovely lady that she is, is a member of what might be called a minority group, a Comanche Indian, and proud of it and they have had it in their heart the realization from their own experience that the people, especially the poor and those who were in the minority group, needed a champion and needed a friend and they have been a friend to every man and women, boy and girl, who needed a friend in America.

In 1967, The President appointed this Senator to the Kerner Commission to deal with the causes of riots in the country. He wasn't one who advocated white-washing it or cloaking it and secluding it in a lot of generality. They went to the kernel of the problem and pointed out how relevant racial discrimination was in the riots that had burst forth in many of the cities of our land and the Kerner Report, one of the most courageous public documents ever issued, dealt candidly with the people of America about the things that we have to do to keep America and the future, as it is at present, from being divided unequally, still segregated instead of being one people, one great nation, all children as well as citizens under God. And so he made a great name for himself as an advocate on that Kerner Commission and then he wrote a book on his experiences called *They Long and Hope*, what he learned, what he saw, what he felt and what he believed, as his experience dictated from that Commission membership and that book was very highly regarded and very richly esteemed throughout the country. Then lately he's written another book and I can tell you that a man who's as busy as he is and has time to write two excellent books shows that he is not only an intellectual, but he is a man of great drive and great dedication.

And now he's written another book as I said. Now is the time to put together for the people of this country who want something done, who want to get out of the squalor of the slum, who want to lift all the people of this country out of the chaos and the anguish of poverty, who want to put the Americans in decent homes. They want to give everybody the feeling that they can stand aright and walk as Americans because they have a share in and they're part of this great country of ours. And about that book, a great American, the Mayor of New York City, had this to say, "Fred Harris has written a book that is a lot like he is: tough and brave, incisive and blunt." *Now is the Time,* that's the name of the book, tells us how one of our country's best young Senators is thinking and how more and more Americans should be active in the difficult, changing years ahead. He was the Chairman of the Democratic National Committee for part of two years in '69 and '70, and he inspired the people of this country who were affiliated with the Democratic Party to reach out and grasp the future of the challenges this great nation so seriously has in the years ahead. He has been a great American, a great student, a great scholar of public affairs, a man whose heart is still aflame with the cause of those who need help, a man who has adorned the office of United States Senator. He has not only been an able Senator, but in the finest sense a true tribune of the people. It is with particular pride and pleasure that I present a friend, a distinguished American who will speak to you today on the reality of change, The Honorable Fred Harris.

Speech of Senator Fred R. Harris at Southeastern Regional Conference of National Association of Housing and Development Officials, June 21, 1971, Miami Beach, Fla.

That concudes our program. I accept the nomination. I wish my wife could have heard this. Hearing all those good things about me, I wonder why I'm so dang poor.

I appreciate that introduction, particularly because Claude Pepper is, you know, a man who has great influences for good and continues to be one of the great influences for good in this country. Goodness knows we need more men like him.

It's a pleasure to be here, to be invited to hear that introduction by Mayor Stephen Clark. When I was Chairman of the Democratic National Committee, I set in motion, I think, the processes by which I predict this is going to be the site of the 1972 Democratic Convention, Claude. I'm for it being the site of the '72 convention; I predict it's going to be. This state was awfully nice to me when I was Chairman and it's good to be back here. I thought about some way I could ingratiate myself for this group starting off. I can't even say the whole name; The National Association of Housing and Redevelopment Officials. I can never quite remember what the "O" stands for. So as I was going to say, my fellow National Association of Housing and Redevelopment Officials, that wouldn't be true but that doesn't stop us politicians for trying to ingratiate ourselves in whatever group we're with. Wouldn't say my fellow Rotarians, my fellow Rainbow Girls. I told Martha Lee as I told the rest of you, I've been broken of the habit, however, of trying to ingratiate myself with whatever group it is I'm with.

As Claude said, my wife is a member of the very exclusive organization, the Comanche Indian Tribe. And so, our three children are members of the Comanche Indians. I'm not a member of any tribe. When she and I were going together, there in Oklahoma, I'd read a great deal and heard a lot about the Osage Indians up there in Northeastern Oklahoma, each of whom was reputed to have an oil well and drive a Cadillac. I thought it was that kind of deal I was getting into, but it turned out that the Comanche Indian Tribe is one of the poorer Indian tribes, unfortunately. Uncle Sam hadn't paid very much attention to them until we'd been married several years and finally together with the Kiowa tribe and the Apache tribe got a claim against the federal government for $2½ million dollars.

They decided to divide it up per capita. It came to $45 a head, which was welcome news at our house. We were sitting around the dinner table one night, and I was talking about what we were going to do with the money, and the response of our eldest daughter, Catherine, was sort of like the story they tell about Tonto and the Lone Ranger. They were out riding, and a whole party of Sioux Indians jumped up to the north of them. So they turned back to the south and there was another war party; west another war party; and east another war party; they were surrounded.

The Long Ranger looked over at Tonto and said, "What are we going to do?". Tonto said, "Don't say we to me you crazy white man." So I've been sort of broken of the habit. I will play it for your sympathy. You look at a fellow with a broken rib; I really do have a broken rib. I was playing paddle ball not long ago, and watching it with a fellow that works for me, and clumsily ran into a brick wall. The same afternoon, he and I, the fellow that was playing with me who's on my staff, and I had a meeting wih Dr. Henry Kissenger down at the White House about east-west trade.

I told him the cause of it. He said, "I wouldn't have the nerve to play a physical sport with anybody who works with me." I said, "Well, it's like the old cliche about it only hurts when you laugh," which is true. When I said it shouldn't be too much trouble because there's not too much to laugh about these days, and that's true as well. I think you'd agree that particularly in your job, as close to the people as you are, and as overwhelming as the task is, in trying to redevelop our cities and trying to provide the kind of housing that our people demand in this rich country, terribly rich country compared with our own past history and compared with every other nation in the world. I know it gets awfully discouraging for you, as it does for almost anybody who's in public office these days, or who considers public affairs, and none of us can get away from public affairs with the instantaneous communication, television particularly.

If there's anyway we can get away for a moment from what's happening anywhere else in our own country, for that matter what's happening anywhere else throughout the world. I think without being a Pollyanna about it, there is some help in the firm itself. A lot of us think back to the 1950's as the relative calm and tranquility, when we didn't seem to have the problems we have today, the kind of ferment and concern that we have today. And yet I think it doesn't take much reflection from this kind of knowledgeabe and concerned group to realize that in the 1950's probably precisely because we didn't have the knowledge of the problems which existed at the time, we began to sow the seeds of the terrible harvest that we are now reaping in so many fields. It was precisely because we weren't concerned as much as we should have been, that we began almost an irreversible kind of movement toward the poisoning of our air and water costly to change; precisely because we weren't which we found extremely difficult and as worried about the black-white relations, that we were allowed to fester central and fundamental disease which continues to be the central and fundamental fact of American political life; precisely because we weren't worried enough about our commitments around the world, and the rationale behind them back in that dullest cold war period, that we laid the foundation with a tragedy which has become the Vietnam war that 80% of all Americans now grieve as a terrible mistake.

So as I say without being a Pollyanna about it, I believe there is hope in the concern and ferment which does exist today, if we can turn it inward, if we can channel into the system and the decision-making process and build upon that to change things, this country wants change. A change is going to come whether you and I want change or not. Because the title of my remarks indicate, I was asked to discuss the reality of change. Change is the central reality of our age, perhaps of any age, but certainly of this age with the rapid urbanization, the fantastic increase in technology, the high mobility of our people which has become such a massively new kind, radically new kind of factor in the modern American life; television, the advent of the instantaneous communication, primarily through television. All these things have radically altered our lives. And so the old way, the old solutions, simply will not work, and I think it can be demonstrated throughout America that they are not working.

Not long ago, I spent the better part of an evening in two station houses, police station houses in the Bronx, which is as you know a borough of New York. Just talking with the ordinary policemen and watching what went on in those precincts. I did the same thing shortly thereafter in Tulsa, in my own state. I walked around that night in the 41st precinct. The 41st precinct has more murders every year than the entire city of Boston. They call themselves Fort Apache, because that's how beleaguered they feel in that station house. They showed me a map that had pins where cab robberies had occurred during this year, and already there were cab robberies in virtually every block in that precinct.

I walked around about fourteen blocks, with a young man who was going to night law school at St. John's, and was in civilian clothes, flared blue jeans. It was the third night in a row that he had spent on duty out on the street, despite the fact that he's not required to, because he worries about the people in that precinct and about his own job. We walked past a kind of sleazy little old cafe, at about ten thirty at night. He said that in about thirty more minutes, the junkies will be coming in here to make their connection—their eleven o'clock connection. He said you can't catch them, they make signals to each other and they actually make the transfers elsewhere. But they'll be coming in here. This is one of their major places at about eleven o'clock. And I said, "Will that probably hold them for the night?" And he said, "It depends upon how much the heroin has been cut, and the strength of the man's habit. But most of them will have to make one other connection in order to make the night. After eleven o'clock, one more three-dollar bag or nickel bag in order to make the night.

We walked on around the place—the District Attorney was with me, Burt Roberts—tough, professional. He looked at the garbage. Poor people live with garbage as you know. With garbage up and down those streets, you wonder why if the government can't pick up the garbage, why there is a government. It's a basic kind of service, and people do grow up in that kind of filth, squalor, and rat infested streets and tenements. Burt Roberts said to me, "What sort of chance do these kids have?" We walked along one street, obviously outsiders. Three young boys, nine or ten years old, sitting on a stoop, in the midst of all that garbage up and down that street; terrible hollowed out buildings that had been stripped by junkies, abandoned, boarded up, maybe only two apartments in an entire building being lived in, the rest uninhabitable.

These kids saw that we were outsiders of some kind. I suppose they thought we were narcotics agents. One kid said, "Are you looking for junkies?" There was an old dog laying out on the street. He said, "Are you looking for junkies?" "Everybody on this street is a junkie, even that old dog is a junkie". And that's probably not far wrong. I asked this young policeman I said, "What's your major problem?" And he said, "Narcotics". And I said, "Well, are you making any headway on it?" And he said, "No, it gets worse". I said, "What are you trying to do; what do you do in regard to it?" He said, "We try to deal in terms of education". "But," he said, "these kids out here on the street, by the time they're twelve years old, know more about narcotics than we can teach them. They watch people overdosed, and die right on the block.

"They know people, themselves personally with seventy-five-dollar-a-day habits. Gotta make seventy-five dollars every morning when they get up". And still he says, "They go into it with their eyes wide open." And I said, "Why do they do it?" And he said, "Because if they don't believe in anything, they don't believe in religion, and they don't believe in anything else". He said, "Senators and Congressmen," and then he smiled kind of embarrased and said, "With all due respect, Senators and Congressmen come down here and people think things are going to change. They don't change, they just continue to get worse. There's a kind of hopelessness which is all pervasive here among these people". And I said, "Do you think that the spread of narcotics into the suburbs is also based upon that kind of hopelessness?" And he said, "Yes, but there's also an element of rebellion. Here it's not so much the rebellion, it's just hopelessness."

I traveled around this country in 1970, prior to the 1970 Congressional and Senatorial Elections. I found that the central hallmark of the American political scene is the belief of an alarmingly increasing number of American people. But it doesn't really make much difference what politician is elected, things are not going to change. As a matter of fact, there's an alarmingly increasing number of people in this country who think things cannot change. I've traveled around the country this year as co-chairman of the Urban Coalition's new commission on the cities in the '70's.

The thing that we found more apparent than any other aspect of our travels is that people are so more articulate now, than they were in 1967 when the Kerner Commission reported. In telling you exactly what's wrong with their lives, far more precise in telling you exactly what has to be done. In 1967, they were most able to discuss the symptoms, most able to give you the diagnosis to describe their pain, and less able to give you the prescription. But now people all over America know what needs to be done. A lady said to me in Atlanta, "We've been telling you politicians these same things for six or seven years and things don't change except for the worse." Hopelessness and despair and cyncism which is all pervasive throughout this country has got to be changed because it's feeding at the vitals of our free society. That means you and I must require that politicians and political parties in the government stop the old wishy-washy, double talking, compromising gradualism which has helped wing us to the kind of urgent crisis which I think exists in almost every aspect of American life.

I'm a populist, and I believe this country needs a strong dose of a kind of new populism which can set it back on the right track. By populism I mean we ought to stand up for the people's interest and some basic kind of ideals in term's of people's lives and against the interests which are entrenched so solidly as up to now to have prevented the kind of urgent action which I believe is desperately required in this country.

One of the first two United States Senators from my home town, was a man named Thomas P. Gore. He was a blind man; a tremendous order in our state. He was elected as a Democrat, but prior to coming to the Senate, he had served in the Territorial Legislature in Oklahoma as a populist. He was a crusty, tough old, man. I think Richard Russell, one of the great men of all time in the Senate, told me that when he went to the Senate, Thomas P. Gore was there, and he served with him almost before I was born.

He said that once on the floor of the Senate, Senator Gore was involved in a very bitter debate on the Senate floor, and as club knows, you can talk sort of under your breath on the Senate without people being able always to hear you in the galleries. Senator Gore was involved in this bitter debate, and the fellow with whom he was debating, under his breath said, "If you weren't blind, I would thrash you within an inch of your life". Senator Gore looked at him as if he could see him almost and said, "Blindfold the rascal and head him in my direction".

I believe that all over this country, if we listen; activists and students, suburban housewives, blue collar workers, black activists, farmers, people of all sorts of disparate backgrounds are saying exactly the same things. They're saying, "I want to have more power over my own life and I want to belong to some effect to be part of some common enterprise which is bigger than I am and which would give me some sort of value and purpose in my own life and in my society.

We had better respond to that, and I believe that that gives the kind of direction around which we can build the sort of populace progressive majority which can move this country. I believe that we can build a negative kind of majority around peoples fears and baser instincts, and that in many ways it is easier to do, by turning some of us against others. But I believe we can also, if we work at it, if we try, and that's our obligation as people concerned about people, put together a positive kind of majority around people's finer kind of ideals and hopes for themselves and for their nation. But to do so, you've got to respond to the fundamental questions which are on peoples minds. "What's going to happen to me when I get old? Where will I live? What sort of life will I have?"

I held hearings in Ada, Oklahoma in my state not long ago about problems of the elderly and how lonely and left out millions of older people in America feel. The need for income, not only for income itself, but also for the feeling that they are part of something; that there is some use for them; that they'll not continue to be excluded from society and put aside without participation. And I found that in my state, as is true all over America, old people are giving up lunch and breakfast in order to buy medicines, because there isn't any way in which they can otherwise get them. What a scandal that is; what a scandal in the richest country in the world.

"What sort of chance would my child have? Would he have a better education; a better chance than I had? What's going to happen to me if I am out of work?" Millions of people are out of work in America. A wretched and heartless policy which has consigned millions of people to the jobless lines in order as it was said to get control of the economy, who wound up not getting control of the economy and condemning a great many people to the terrible, humiliating, dehumanizing effects of joblessness. There isn't any excuse for that. Look at the demand for goods and services in America. Look at all the jobs that need to be done. Health aids, teacher aids, welfare aids, the building of housing, the rebuilding of our cities; I'd say that any civilization that calls itself civilized and tolerates unemployment for those who want to work, is simply not living up to what it calls itself.

The President I think tragically vetoed a rather minor bill last year, which had already been reduced and reduced and reduced in order to try to avoid a veto, to provide additional public service jobs. Because it cost money, because he said it consigned people to WPA type jobs; it didn't consign people to WPA jobs, but what if it did? I had uncles who were in the CCC, and I had uncles who were in the WPA. It didn't pay very much, but it gave them a chance to be self-sufficient, and to feed their families. All over America and in my home town, and in yours, there are stadiums and there are bridges. There are trees planted, there are other kinds of evidences of that kind of good works program. There's no reason why this country right now; especially tragic, that young people graduating from our finest universities and colleges can't find jobs; that engineers and scientists are out of work; that veterans—and this is the awful part of it—coming back from Vietnam, fighting an unpopular war, many of them having been drafted without finishing high school or getting additional skills, coming back to a slack job market unable to find work. There is no reason why that should be so.

"Will my family be safe on the streets and in our home? Will America live at peace so we can turn our attention to these problems? What's going to happen to me if I get sick?" The other day my wife and I were talking to a young, a rather typical couple from Edmund, Oklahoma whose first baby was born with a serious birth defect. In the first forty-eight hours of that baby's life, they owed three thousand dollars with no possible way to pay it. My father's sister, my aunt, her husband just died of a stroke after a long illness. Not poor enough for Medicaid, not old enough for Medicare, he worked all his life for the local gas company, and she works as hard as she can work now selling hamburgers in a little stand across the street from the high school in the small town where I grew up. Both had done everything for themselves all their lives, and yet there's no possible way she could pay those hospital and doctor bills. And I say that's an outrage; an outrage in the richest and most knowledgeable country, most medically knowledgeable country in the world.

"What sort of home will I have? Will my children be able to grow up in a decent home, in a decent neighborhood, in a decent town?" These are basic kinds of peoples questions. You know in your own field, that they're not being answered. And the people know they're not being answered. We have for example these interest rates beginning to climb back up again, which once almost destroyed us. So far as the housing is concerned, which has greatly worsened the worst housing shortage we've seen since the end of World War II, and yet you begin to see these big bankers again coming back to remind me of the Br'er Rabbit saying, "Don't throw me in that briar patch."

Some of those fellows appeared two, three years ago before the Senate Finance Committee saying, "I hope you won't make us raise our interest rates again in order to save the country." I hope that's a discredited policy, because all the time, while tight money and high interest rates were in effect, we were told that it was necessary to strike the obvious illogic of it, to place that kind of burden and restriction throughout our country and throughout our economy without regard to social goals such as the building of housing. The President didn't have to do that, because the Congress granted him the powers to have rationed credit voluntarily or involuntarily to get money where it was most needed as for example in housing. All the time while that policy was in effect, we not only did not curb inflation which continued to go up, but we saw unemployment go up as well to a ten year high. And I don't think we've seen the top of that yet. And now we begin to see those interest rates reaching up again.

The people feel powerless because there's not the sort of concern for building government policies and political policies around these basic kinds of questions. And they feel powerless also because there's not the economic power in the hands of the individual person in this country that there ought to be. But now mal-distribution of wealth and income has always been endemic to our society, and it's got to change. If we're going to put together a progressive coalition that can be a majority in this country, we've got to first of all recognize that the blue collar worker in America for example, has got to be a part of that coalition, and that he has very legitimate complaints which have not been answered.

A member of the United Auto Workers in Tulsa years ago, as you know a rather well paid union, told me that he was living in a nine thousand dollar house in Tulsa. And that's not a very good house in Tulsa. But he said if he made a thousand dollars less a year, he could get a fifteen thousand dollar house under the 235 Program of which you are familiar. He understandably doesn't think that's the greatest program the Congress ever passed. Because not only is he ineligible for many of the social benefits, which Congress has enacted, but he pays far more than his share of the cost.

Progressive property taxes and sales taxes, which are so characteristic of local and state taxation systems, and under the Federal income tax system and the Social Security tax systems which themselves are progressive and put too much burden on the lower and lower middle income tax payer by allowing a lot of rich people in this country to avoid their fair share of the cost. Now, maldistribtuion of income in America continues unabated. In 1930, prior to all these social programs and other kinds of programs, the upper ⅕ of our population had about 40% of the income. Today it has about 41% of the income. Then, the lower ⅕ of the population had about 5% of the income. Today it has slightly less of the income than it had at that time. That's why the tax revolt in America is real, and that's why it's got to be acted on; tax reform which places the burden fairly. Minimum levels of minimum wages and coverages have got to be raised and broadened because there are millions of Americans who are working full time, who never the less cannot earn enough to get out of poverty. A basic and decent income maintenance system; the people primarily need income.

The notion persists in America that if we'll just continue to give the poor enough advice, they'll quit being poor. But that's not working. This year for the first time, the first time in about nine years, ten years, we have an increase in the number of poor people over the number last year. It's been decreasing, and this year it increased. People have to have a decent income to break out of poverty and the kind of dehumanizing effects of being a little kid and being in a separate line; being pointed with a separate ticket; being rushed off to a different place; if you get a free lunch so that everybody in the school knows it; or seeing your parents standing in those terribly demeaning lines; or held forever in kinds of social services and saying to yourself, "We must not amount to much. We must not be a very good people, if this is the way my parents are treated, or this is the way I'm treated." The kinds of damage, the kinds of negative impact on something which if that's done to millions of young people for generations has got to change not only because it is wrong, because it is impractical, because it costs us more.

You and I have a tremendous obligation because we're rich people. We are terribly privileged and rich people compared with so many of the rest of the people who live in our country, and compared to the people who live all around the world. Change is a reality. Everything is changing. Everything must change. But the ideals upon which this country is founded haven't changed, and they need not change. What is required is that we be called back to the practise of those ideals. There's a poem that said, "The dreamer dies, but never dies the dream. Say never more that dreams are fragile things, what else endures in all this broken world, save only dreams."

Idealism is the pragmatism of our day. People want to be called up to something great. You're involved in that. I commend you for what you are doing. I say keep up what you are doing. Try to enlist others. Try to retard governments and respond to the feelings of powerlessness to allow people to participate, to allow them to be involved in something bigger than themselves. And I believe that in the process, you and I can take as our motto almost, the words of John F. Kennedy who said, "With a good conscience, our sure reward; with history, the final judge of our deeds. Let us go forth to the land we love." Asking his blessing, and his help, but knowing that here on earth, the land we love." Asking His blessing, and His help, but knowing that here on earth, God's work must truly be our own."

THE LOCKHEED CASE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, several recent additions of "The Janeway Letter" have come to my attention which will be of particular interest in light of the Lockheed controversy and my suggestion that the Government consider reviving the old Reconstruction Finance Corporation. Mr. Eliot Janeway, in these newsletters, traces the history of the old RFC and applies it to the current economic desperation of some very large business firms in the country. I include the observations of "The Janeway Letter" for the familiarization of those Members who may not have been in Congress when the RFC was rescuing near bankrupt firms:

[From the Janeway Letter, Mar. 9, 1971]

Bankruptcy Banking: Government's Biggest New Business

The stage is being set for the Nixon Administration to ask Congress for a whopping budgetary appropriation to revive the old Reconstruction Finance Corporation. The Administration is still reluctant to do so. But it is running out of alternatives as fast as it is running out of time while it dithers. The question is ceasing to be *whether* a government refinancing operation is coming for bankrupts big enough to qualify as Federal charges—and not just business bankrupts: cities, states and Authorities may qualify too! The argument is now about what form it is going to take. The Administration wants the operation to be an arm of the Federal Reserve Board which, however, wants it to be an agency of Congress. I think the Fed will prevail.

The troubled case of Lockheed is setting the terms of debate. It is a three-cornered affair between the Administration, Congress and the Federal Reserve Board. Nowadays, an inside Washington power fight can be regarded as approaching a climax when the White House launches a trial balloon suggesting that the Federal Reserve Board has the power to solve one of its problems. The White House has just done so on the issue of insurance for bad bank loans.

The lines are hardening against a bail-out for Lockheed short of a government refinancing operation, the pre-condition of which assumes a corpus. Up to this point, the Administration and the relevant Congressional Committees have agreed that a mere $600 million would be a stop gap; and that something more like $1 billion would be needed to get any residual Lockheed operation ready for refinancing into a consolidation with another aerospace contractor—in line with the further contraction of the industry the Administration has in mind. But time becomes a more decisive consideration than money as Lockheed runs out of cash (the banks have already shut down on it).

The characteristic new Administration reaction to any problem to do with money is to pass the buck to the Federal Reserve Board. Its solution for the Lockheed crisis is to revive the old RFC and to lodge it with the Federal Reserve Board. But it takes two to tango; and the Burns Board has dug its heels in and is determined to sit this dance out. The only alternative left for the Administration is to eat more crow and to go to Congress with a request for the authority and the money to load the Budget with enough more spending burden to capitalize a reactivated RFC as a government bankruptcy bank for dead and dying defense contractors, transportation companies and, probably, sick cities on the hunt for project capital not to be had from either the tax-exempt market or business. And add marginal companies in sick cities to the stretchable list of claimants for RFC money when it starts flowing.

Congress will reluctantly grant this authority to the Administration—more readily and more generously, as I read its mood—after Lockheed has been put out of its misery. Headquarters for the gigantic refloating operation in prospect will be the Treasury—an unfamiliar port of call for the companies and the pressure groups concerned. The delegation of authority to Treasury Secretary Connally to handle the Lockheed crisis is a prelude to surfacing the RFC move. Because transportation will be the revived RFC's biggest business, Connally will emerge in a matter of months as the commanding figure so far as the endemic sickness in the Department of Transportation, CAB and ICC operations are concerned.

The next new game in Washington will be to figure out how companies with no national defense or public service angles can qualify for RFC money—also how city and state agencies can. It will be the biggest game in town, restricted to players who know how to play the Congressional game. The Administration does not. But Connally does. And he is now installed as the receiver in bankruptcy for the Administration. He is an old pro; and he will play the new RFC money game with Congress instead of trying to perpetuate the Administration's formula for political suicide by trying to go it alone. As he does, he will tighten his grip on political power, just when the list of needy claimants for unbankable distress refinancing bulges. Congress's price for voting an emergency capital fund for transportation and defense bankrupts will be to insist on enough loop-holes through which to slip bail-out money for business constituents shipping water.

The President has made the first move by acknowledging the force of Burns's veto of Fed responsibility for Lockheed, and putting Connally in charge of this test case. The President and Connally are now under pressure to make the next move by asking Congress for the necessary money although it will come hard for the President and his close circle of advisors to acknowledge the Congress has the power to write their ticket. The mendicaments are lining up. The line is long and growing.

[From the Janeway Letter, July 20, 1971]

Government Bankruptcy Banking

Government bankruptcy banking is on its way back for the first time since the Roosevelt era. What started as the Lockheed bail-out Bill is taking the form of a revival of the Reconstruction Finance Corporation; which Hoover started, and which Roosevelt built up into the biggest business in the world. All year long, I have been warning that this would be the only meaningful action on which the Nixon Administration and the Democratic Congress would agree.

The history of 1931 may not be about to repeat itself so far as universal deflation is concerned—I don't think it is! But the $2 billion authorization written into the pending RFC Bill wants to be taken as merely an opening ante. The magnitude of the operation will be very much greater—and before the government's new bankruptcy banking operation gets very much further along.

The $2 billion start-up authorization was deemed appropriate against a background of presumed recovery. The new RFC Board, however, will be setting up in business along about the time the post-Labor Day inventory recession is accentuating the financial strains produced by the present slump.

The new inventory recession will hit the producer durable and supporting consumer durable sectors with particular severity. The automotive economy—particularly its steel and other supply centers—face massive cutbacks. The busted condition of the cities and states in the vulnerable, industrial heartland of the country most closely approximates that of the Federal government. Consequently, the mayors and governors of the sick mill and factory towns will be outdoing the managements of the busted companies in pressing for RFC accommodation. The extension of the RFC concept to state and local governments will start up the new RFC, holding a broader fireman's net than its predecessor of the depression years. The domino effect of busted companies on their local governments and communities dependent upon them is the reason.

A major policy question for the government has been deliberately blurred over in the transition from a mere Lockheed Bill to a full-fledged RFC Bill. The rationale for the "just" Lockheed Bill started out as being prodefense and ended up antipanic. But from the beginning to the end of the "just" Lockheed phase of the argument, the implied premise was that defense and defense-related public service operations—notably, the commercial airlines—qualify for special protective action by government brankruptcy banking.

But now that the Bill to be enacted has taken form as a broad bankruptcy banking bill, everybody is being positioned to reach for an ornament on the Christmas tree—not just defense industries and the public service transportation industries. Businesses in competitive industries will qualify too, and so will the bond-issuing state and local governments tied in with them. As if this were not enough of a breathtaking rule-changer, a prime condition of the new deal is readying small business bail-out banking to qualify for inclusion. "Cut the corner grocer in too," is an unanswerable cry. This means that the only way to buy off a filibuster is to add a small business clause to the Bill.

Politically speaking, the shortest conceivable distance connects Lockheed to the busted grocery store around the corner. The question raised in everybody's mind on the decision to start with Lockheed is where to draw the line ending the new welfare deal for business. This is reason enough why the $2 billion figure in the initial enabling Act wants to be considered as a penny-ante opener, tried on for size in the tricky and temporary atmosphere of last spring's seasonal business improvement. This is to warn that a new rule book will be written as fast as this rule change takes effect. It is not likely to underwrite peaches and cream for bail-out beneficiaries of the government's new bankruptcy banking operation.

On the contrary, because of the lurid aspects of the Lockheed scandal, and the political blackmail involved in the Administration's demand to bail it out on pain of provoking a panic, stringent restrictions are likely to be the price of RFC accommodation. Certainly the press will be on to impose crack down rules as fast as the spread of distress lengthens the line of applicants. Such restrictions could conceivably go as far as requiring a moratorium on the amortization of debt to private creditors and even, on interest. If only because most competitive candidates for such emergency accommodation become dependent on secondary lending before they approach the brink, this could give headaches to secondary lenders. It is likely to force the city banks to start getting realistic about the very large reserves and write-downs they have been wishful in deferring against loans belonging on the sick list.

The new RFC deal is being taken as insurance for business as usual. Herewith, this warning to take it instead as an added pressure to cut back on marginal credits and to prepare to limit supplier and customer relationships to money-good, credit-worthy accounts. Investment-wise, it portends a sharp downgrading of corporate and local government credit and bond ratings. It will be as much of a shocker as a shock absorber.

THE TIME TO STOP COAL STRIP-MINING IS NOW

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the increasing gravity of the environmental crisis being created by the ravages of coal stripmining is brought home in dramatic human terms by an article in last Sunday's New York Times. The article points out that, after a few relatively quite years, the resistance of the people of eastern Kentucky to coal strip mining is growing again, as strip mining itself grows—by almost 100 percent in the last year.

Anyone who has visited the hills of eastern Kentucky knows how beautiful the land is and how poor many of the people are. Poor as they are, they are proud and they have a deep love of their land. They watch with rising fury as the bulldozers descend and rip the land apart. They know that, once stripped, the land will never be the same again and that its beauty, character, and fertility will be lost to them and their descendants forever.

Faced with utter lack of response by the State legislature and the inadequacy and often prohibitive cost of the court action, the people are turning to firearms in a desperate attempt to save the land they love. They are also banding together in a new conservation group, Save Our Kentucky. The initials of this organization, SOK, may give some hint of the new mood that the expansion of coal stripmining has aroused in the population. This mood is found not only in Kentucky but in many other parts of the country.

As we all know, the devastation of strip mining is not limited to one State or even to a few States. It has the potential of laying waste vast regions and altering the water courses, the land and even the climate of large sections of the country. It is truly a national disaster. We in Congress cannot sit idly by while the strip mining interests play off one State against another and devour farms, forests, streams, highways and whole towns, leaving in their wake towering highwalls, broken water tables, and huge piles of barren rubble covering thousands of square miles of once beautiful and fertile America.

Bills are now pending before the House which, if adopted, can put a stop to this wanton destruction. The Hechler bill, H.R. 4456, and the Hays bill, H.R. 9736, are two outstanding exemples. The Honorable ED EDMONDSON, chairman of the Subcommittee on Mines and Mining of the Committee on Interior and Insular Affairs, has scheduled hearings on stripmining for September 20–24.

As the situation described in the New York Times article demonstrates, congressional action can come none to soon. The text of the article follows:

EASTERN KENTUCKY ANGER RISES AS STRIP-MINING OF COAL GROWS

(By George Vecsey)

WHITESBURG, KY.—After a few relatively quiet years, the resistance to coal stripmining is growing again in the hills of eastern Kentucky as stripping itself grows—by almost 100 per cent in the last year.

In two unrelated incidents recently, rifle-bearing citizens chased bulldozer operators off their land. While no shots were reported fired, and while the two incidents are in small proportion to the vast number of surface mining operations, tempers appear to be returning to the heat of the middle 1960's.

In those days, Mrs. Ollie Combs became famous as "the Widow Combs" for holding off the bulldozers by sitting in their path. Then Dan Gibson, close to 80 years old, pointed a rifle at another operator until the man left. Another time, a few shots fired at bulldozers persuaded William Sturgill that he really did not want to strip Lotts Creek, after all. The state police intervened to prevent possible bloodshed.

HORIZONTAL DRILLING

Within the last year, stripping has taken tremendous chunks out of the hills. A report by the Kentucky Department of Mines and Minerals said that surface mining by bulldozer and shovel had increased by 72 per cent while auger mining, with a huge drill penetrating horizontally into the sides of hills, has grown by 95 per cent. The tonnage of surface-mined coal has nearly doubled.

The increase has been accompanied by heightened militance. In the last year, Mrs. Bessie Smith, a housewife from Clear Creek, and Bill Cohen, the poet of Pippa Passes, have blocked the huge coal trucks and declared war on the strippers. And a new conservation group. Save Our Kentucky, has brought together a number of people who had been smoldering individually in true mountain fashion.

In most cases, the resentment has centered on "broad-form" deeds, documents signed in many cases by long-departed ancestors of the current landowners. The deeds gave away, usually for a few dollars, all future mineral rights to the land.

Since surface mining techniques were improved in the last decade, many land owners have suddenly discovered that their land could be ripped open by holders of broad-form deeds. Only in Kentucky have the courts upheld the mining companies' rights to disturb land under the broad-form deed.

The two recent incidents took place at opposite ends of Letcher County, whose citizens are particularly aware of current events because of the presence of the antistripping lawyer, Harry M. Caudill, and Tom Gish's weekly newspaper, the Whitesburg Mountain Eagle.

In one incident near Blackey, an operator for the McCulloch Consolidated Coal Company was chased by a rifle-bearing man who identified himself as Carl Ashley, the son-in-law of Henry Melton, who has been engaged in legal action concerning his mineral and surface rights.

The other incident near Jenkins involved

Warren Wright, the recently resigned director of the Council of Southern Mountain. Mr. Wright held off the giant Beth-Elkhorn Company several years ago (with the help of his pistol-carrying wife) until the company got a court order to auger (drill) a portion of his land. Recently Mr. Wright heard that the bulldozers were coming back.

"I had to make up my mind whether to go up that hill," he said. "I knew what the consequences could be. Once you go up there you can never back down or they've got you forever."

With two friends backing him up, Mr. Wright watched a bulldozer rip up a hillside before he could reach the site. Perhaps because of the weapon he was carrying, Mr. Wright was able to get the operator to stop long enough for him to explain that the company had no right to disturb the surface of his land.

Later several officials of Beth-Elkhorn explained to Mr. Wright that it was all a mistake, that the operator had just gone too far. But the hill is still torn apart and Mr. Wright is thinking of legal action.

These two incidents of brandished firearms may be symptomatic of the mood of the area. The director of the Hazard Bureau of Kentucky's Department of Reclamation, William Hayes, has said, "There have been more complaints this year than since I started here in 1966."

"If anything goes wrong on the hill, people are affected down in the valley," said Mr. Hayes, who is generally well regarded by conservationists. "And the general public is more aware of ecology than ever before. People are talking and listening."

THE EMERGENCY SCHOOL AID ACT OF 1971

(Mr. WILLIAM D. FORD asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. WILLIAM D. FORD. Mr. Speaker, today I am joined by my colleagues, Mrs. GREEN, Mrs. MINK, Mr. MEEDS, Mr. BIAGGI, Mrs. HICKS, Mr. MAZZOLI, and Mr. THOMPSON of New Jersey, Mr. DENT of Pennsylvania, and Mr. DANIELS of New Jersey in introducing H.R. 10338, entitled the "Emergency School Aid Act of 1971." It is this bill that I hope will be offered in the full Committee following the recess as a substitute to the very narrow bill reported by the subcommittee to the full House Education and Labor Committee to meet only desegregation needs.

In introducing this bill which embodies the provisions of the substitute I hope to enable every educator throughout the United States to evaluate its provisions.

We members of the House Education and Labor Committee who are cosponsoring this bill are prompted by our growing concern, out of years of study of education needs throughout the country, that we must begin now to meet the critical need for improving the quality of education for all children in the Nation's elementary and secondary schools.

We can continue to pay lipservice to this goal through underfunded and piecemeal legislative proposals such as the narrow approach taken by the administration's proposed desegregation legislation.

On the other hand we can confront the tremendous problem thrust upon desegregating school districts by not only meeting this particular burden through Federal aid but also providing funds to go with local and State funds in providing quality education in the classroom.

To me, and to those who have joined in sponsoring this legislation, the Federal responsibility for strengthened educational opportunity throughout the United States cannot be fulfilled simply by buying buses and transporting children. We must provide local educational agencies with the capability of furnishing high quality educational programs at the place that these children get off the bus in the morning.

We believe that the legislation being introduced today is a modest approach to the tremendous need and challenge facing local educational agencies throughout the Nation. At this point, I would like to insert in the RECORD a brief explanation of this legislation followed by the exact text of the bill and a table showing distribution of funds under the legislation:

EMERGENCY SCHOOL AID ACT OF 1971

Grants to local educational agencies to augment State and local funds in improving the quality of education in the elementary and secondary schools and to assist desegregating school districts in financing the additional burdens imposed by such process

PURPOSE OF THE LEGISLATION

The legislation is a Congressional response to evidence presented at hearings to the General Subcommittee on Education conducted in 1969, 1970, and 1971 that local educational agencies throughout the Nation face severe financial difficulties in providing quality educational opportunities to all students. These hearings disclosed that school districts seeking to achieve desegregation of their schools, whether by court order or through voluntary efforts, are confronted with an urgent need for additional funds to augment State and local resources supporting such efforts.

ALLOCATION OF FUNDS

The legislation makes a basic grant to each local educational agency based on the enrollment of all children ages 5 through 17 in the attendance area of such school district. For the fiscal year 1972 the amount of the grant would be 10% of the State average per pupil expenditure for elementary and secondary education or 10% of the national average, whichever is greater for each such pupil. This would increase by 5% each fiscal year for the next four years. Thus for fiscal years 1973 through 1976 the federal grant amount would be 15%, 20%, 25%, and 25%, respectively, of the applicable per pupil expenditure. The estimated amount of Federal funds to be distributed to local educational agencies pursuant to such legislative authorization would be approximately $3,981,000,000. In order to compensate school districts with additional financial burden imposed upon them by concentrations of low-income families in addition to the above sum, approximately $1,326,000,000 would be distributed among local educational agencies according to the relative number of children coming from low income families as an equalization factor. The resulting grant to a local educational agency would be used to improve the quality of education in the school district. While a five-year quality education support program is provided for in the bill, additional Congressional authorizations are required to enable appropriations for fiscal years 1974, 1975 and 1976.

QUALITY EDUCATION

Although the legislation establishes an entitlement for each local educational agency in order for such agency to actually receive payment, applications for uses of the funds would be submitted to and approved by the state educational agency. Such applications would assure that the local educational agency had made a special analysis of the educational needs and attainment of all the children within the district and that the uses of the Federal funds would be directed toward meeting those needs. Programs to enhance educational opportunities for nonpublic school children would be developed by the local public agencies.

GRANTS FOR DESEGREGATION PURPOSES

In addition, the legislation would provide special grants to local educational agencies based upon the relative number of minority group children to enable the school district to meet the additional cost imposed upon it in compliance with court orders to desegregate or in implementing plans voluntarily adopted by the school district to overcome racial isolation or racial imbalance in schools. Approximately $1.3 billion would be authorized for each of the fiscal year 1972 and 1973 for distribution for this purpose.

SECTION-BY-SECTION SUMMARY

Section 1 states the short title of the bill to be "Emergency School Aid Act of 1971."

Section 2 states the purpose of the Act as being the provision of financial assistance to local educational agencies to supplement state and local funds in providing excellent elementary and secondary education for all children and to meet the special needs occasioned by steps taken by the local educational agency to eliminate racial segregation in the school system.

Section 3 authorizes the Secretary to make grants to local educational agencies in accordance with the provisions of the Act and authorizes appropriations for such purposes.

Section 4 contains the formula for the allocation of funds and requirements for local educational agency applications for the use of such funds, provides for state educational agency approval of such applications, provides for agreements between the Secretary and the state educational agency for the administration of the grant provisions, and provides for administrative hearing procedures and judicial review of such. It contains the following language on participation of private school children:

(A) (i) to the extent consistent with the number of children in the school district of such agency who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, will provide for the benefit of such children through such schools secular, neutral, and nonideological services, materials, and equipment including such facilities as necessary for their provision, consistent with subparagraph (B) of this section, or, if such are not feasible or necessary in one or more of such private schools as determined by the local educational agency after consultation with the appropriate private school officials, such other arrangements, as dual enrollments, which will assure adequate participation of such children, and (ii) from the funds received by such agency under the provisions of section (4)(e)(1)(B), such agency will expend for the purposes of fulfilling the requirements of this paragraph, an amount which bears the same ratio to the total amount received under section (4)(e)(1)(B) as the number of children enrolled in private nonprofit schools who are counted for purposes of section (4)(e)(1) (A) & (B) bears to the total number of such children enrolled in elementary and secondary schools in the school district of such agency;

(B) (i) the control of funds provided under this section and title to property acquired therewith shall be in a public agency for the uses and purposes provided in this section, and that a public agency will administer such funds and property; (ii) the provision of services pursuant to subparagraph (A) shall be provided by employees of such public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services, is independent of such private school and any religious organization, and such employment or contract shall be under the control and supervision of such public agency; (iii) the funds provided under this section shall not be commingled with State or local funds; and (iv) Federal funds made available under this section will be so used as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this section"

In addition this section repeals titles II and III of ESEA and subpart 2 of Part B of EPDA dealing with elementary teacher retraining, title III of the NDEA and the Adult Education Act at such time as this Act is fully funded.

Section 5 specifies the use which may be made of the special allotment of funds to local educational agencies to combat racial segregation, discrimination, and isolation and provides for the approval of such applications which meet the legislative criteria by the Secretary. Provides for 20% of desegregation appropriations to be used by the Secretary (not subject to state allocations) for special programs in such unique problem areas as bilingual education which are designed to make special contributions to the reduction or prevention of racial isolation.

Section 6 provides for pro-rata reduction of local educational agency entitlements for the purposes of the Act in cases where appropriations are insufficient to fully fund such entitlements.

Section 7 defines the terms "current expenditure per public school child," "equipment," "local educational agency" and other terms used by the Act. It also redefines "nonprofit" so as to deny assistance to the so-called white academies.

Section 8 provides a one percent set-aside of the appropriation to the Secretary for evaluation purposes.

Section 9 provides for joint funding of activities in conjunction with other Federal agencies.

Section 10 provides for the establishment of a presidentially appointed National Advisory Council on the Education of Racially Isolated Children.

Section 11 requires the Secretary to make annual reports to the Congress on the administration of the Act.

Section 12 makes applicable the provisions of the General Education Provisions Act applicable to the programs of Federal assistance authorized by the legislation.

Section 13 permits in the courts discretionary payment of attorneys fees (as part of cost) to prevailing party.

H.R. 10338

A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools and to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation in elementary and secondary schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency School Aid Act of 1971".

PURPOSE

SEC. 2. It is the purpose of this Act to furnish financial assistance to local educational agencies—

(1) to assure that their resources, when supplemented by this Federal assistance, will be adequate to provide an excellent elementary and secondary education for all children, and

(2) to (A) meet the special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools, and (B) encourage the voluntary elimination, reduction, or prevention of racial isolation in elementary and secondary schools with substantial proportions of minority group children. It is the policy of the United States that guidelines and criteria established pursuant to this Act shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

AUTHORIZATION OF PROGRAM AND APPROPRIATIONS

SEC. 3. (a) The Secretary shall carry out a program during the fiscal year 1972, and each of the four succeeding fiscal years, for making grants to States and to local educational agencies as provided in section 4, and shall carry out a program during the fiscal year 1972 and the fiscal year 1973 for making grants to local educational agencies and other public and private organizations and agencies as provided in section 5.

(b) There is authorized to be appropriated for the fiscal year 1972 and the fiscal year 1973, such amount as may be necessary to make the grants provided for in this Act, and for the fiscal year 1974, and each of the two succeeding fiscal years, there may be appropriated for carrying out section 4 only such sums as may hereafter be authorized by law.

PARTNERSHIP ASSISTANCE

SEC. 4. (a)(1) From the amount appropriated under section 3(b) for the fiscal year 1972, the Secretary shall allot to each local educational agency in a State for making grants under this section an amount equal to the aggregate of—

(A) 10 per centum of the product obtained by multiplying the estimated number of children who will be in the membership of elementary and secondary schools in the school district of such agency at the beginning of the school year ending during such fiscal year by the current expenditure per public school child for the State or for all of the States, whichever is the higher, and

(B) an amount which bears the same ratio to one-third of the amount determined for all local educational agencies in the States under clause (A), as the number of children to be counted for purposes of this clause as determined under paragraph (3) bears to the number of children so counted for all local educational agencies in the States.

(2) From any amount appropriated under section 3(b) for the fiscal year 1972 and each of the four succeeding fiscal years, the Secretary shall make an allotment to each local educational agency in a State in the same manner as is provided in paragraph (1), except that the percentage factor to be applied in making determinations under clause (A) of such paragraph shall be 15 per centum for the fiscal year 1973, 20 per centum for the fiscal year 1974, and 25 per centum for the fiscal year 1975 and the fiscal year 1976.

(3) An amount equal to not more than 2 per centum of the amount allotted under paragraph (1) shall be allotted to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands from the amount so appropriated according to their respective needs for assistance under this section, and the Secretary shall set the maximum amount which their local educational agencies shall be eligible to receive.

(4) The number of children to be counted for purposes of subparagraph (B) of paragraph (1) shall be determined as follows: If the Secretary determines that satisfactory data for that purpose are available, such number shall be the number of children who are aged 5–17, inclusive, in the school district of such agency (based on the latest available data from the Department of Commerce) who are in families having an annual income of less than $3,000, or in families receiving an annual income in excess of $3,000 from payments under the program of Aid to Families with Dependent Children under a State plan approved under title IV of the Social Security Act. In any other case, such number shall be the number of children of such ages in such county or counties in which the school district of the particular agency is located who are described in the preceding sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the Secretary. In the case of local educational agencies which serve in all or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the Secretary may allocate the number of children among such agencies in such manner as he determines will best carry out the purposes of this section.

(5) For purposes of this subsection and subsection (b) the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) Any local educational agency in a State which desires to receive for any fiscal year a grant under this section shall submit to the appropriate State educational agency an application which contains—

(1)(A) an analysis of the facilities, curriculum, equipment, teacher preparation, and other related matters of the elementary and secondary schools in the school district of the local educational agency. (B) An assessment of the educational attainment of elementary and secondary school pupils in basic educational subject areas. (C) An analysis of the number of those students who proceed to postsecondary education, those who after completion leave the elementary and secondary education system and find substantial employment, and those who leave school before completion of elementary or secondary education. (D) An analysis of the need for adult education programs. (E) The need for special in-service, teacher-training programs. (F) A detailed description of the proposed use of funds granted under this section with assurance such use of the funds will best enable the local educational agency to meet the educational needs of children and adults in the school district as reflected by the analysis and assessment of the educational needs of such children and adults evidenced in the matters submitted in clauses (A), (B), (C), (D), and (E) above.

(2) an evaluation of the effectiveness, including objective measurements of educational achievement, of programs and projects funded in the preceding fiscal year from funds provided under this section;

(3) such other information as the State educational agency may reasonably need to enable it to perform its duties under this section; and

(4) assurances that—

(A)(i) to the extent consistent with the number of children in the school district of such agency who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, will provide for the benefit of such children in such schools secular, neutral, or nonideological services, materials, and equipment including such facilities as necessary for their provision, consistent with subparagraph (B) of this section, or, if such are not feasible or necessary in one or more of such private schools, as determined by the local educational agency after consultation with the appropriate private school officials, such other arrangements, as dual enrollments, which will assure adequate participation of such children, and (ii) from the funds received by such agency under the provisions of section (4)(a)(1), such agency will expend for the purposes of fulfilling the requirements of this paragraph, an amount which bears the same ratio to the total amount received under section (4)(a)(1) as the number of children enrolled in private nonprofit schools who are counted for purposes of section (4)(a)(1) (A) and (B) bears to the total number of such children enrolled in elementary and secondary schools in the school district of such agency;

(B) (i) the control of funds provided under this section and title to property acquired therewith shall be in a public agency for the uses and purposes provided in this section, and that a public agency will administer such funds and property; (ii) the provision of services pursuant to subparagraph (A) shall be provided by employees of such public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services, is independent of such private school and any religious organization, and such employment or contract shall be under the control and supervision of such public agency; (iii) the funds provided under this section shall not be commingled with State or local funds; and (iv) Federal funds made available under this section will be so used as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this section;

(C) it will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such applications; and

(D) no more than 25 per centum of the funds received under this section in any fiscal year will be used for capital outlay and debt service.

(c) The State educational agency shall not finally disapprove in whole or in part any application for funds under this section without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

(d) Any State which desires to participate under this section shall submit through its State educational agency to the Secretary an application, in such detail as the Secretary deems necessary, which provides satisfactory assurances that—

(1) except as provided in subsection (e)(2), payments under this section will be used only for programs and projects which have been approved by the State educational agency pursuant to subsection (c) and which meet the applicable requirements of that subsection, and that such agency will in all other respects comply with the provisions of this section, including the enforcement of any obligations imposed upon a local educational agency under subsection (d); and

(2) the State educational agency will make to the Secretary (A) periodic reports (including the results of objective measurements required by subsection (d) evaluating the effectiveness of programs and projects assisted under this section in improving educational attainment), and (B) such other reports as may be reasonably necessary to enable the Secretary to perform his duties under this section (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year).

The Secretary shall approve an application which meets the requirements specified in this subsection, and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

(e) (1) (A) The Secretary shall, subject to the provisions of subsection (f), from time to time pay to each State the amount which the local educational agencies of that State are eligible to receive under this section.

(B) From the funds paid to it pursuant to paragraph (A) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved pursuant to subsection (c) the amount for which such application has been approved, except that this amount shall not exceed the allotment to that agency pursuant to subsection (a).

(2) The Secretary is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this section (including technical assistance for the measurements and evaluations required by subsection (b), except that the total of such payments in any fiscal year shall not exceed—

(A) 1 per centum of the total grants made to local educational agencies of such State within that fiscal year; or

(B) $150,000, whichever is the greater, or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(3) No payments shall be made under this section for any fiscal year to a State which has taken into consideration payments under this section in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(f) Whenever the Secretary, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under subsection (d), the Secretary shall notify the agency that further payments will not be made to the State under this section (or, in his discretion, that the State educational agency shall not make further payments under this section to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this section, or payments by the State educational agency under this section shall be limited to local educational agencies not affected by the failure, as the case may be.

(g) (1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under subsection (d) or with his final action under subsection (f), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) (1) If the appropriation under section 3(b) for any fiscal year is sufficient to pay in full the allotments under subsection (a) of this section and under section 5(a), then, effective with respect to appropriations for that fiscal year, the following statutes and parts of statutes are repealed:

(A) Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 821–827);

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 841–848);

(C) Title III of the National Defense Education Act of 1958 (20 U.S.C. 441–455); and

(D) Subpart 2 of part B of title V of the Higher Education Act of 1965 (20 U.S.C. 1108–1110c).

(2) In a fiscal year in which paragraph (1) is applicable, the Adult Education Act is amended, effective with respect to appropriations for that fiscal year, by—

(A) striking out in section 309(a) "reserved in section 304(a) for purposes of this section" and inserting in lieu thereof "appropriated pursuant to section 312(a)", and

(B) striking out sections 304, 305, 306, 307, 308, and 310 and subsection (b) of section 312.

(3) The Secretary shall submit to the Congress within ninety days after the date of enactment of this Act recommendations for the repeal or amendment by July 1, 1976 of all unnecessary, duplicative, or obsolete programs, including State grant and discretionary grant programs, which are administered by the Office of Education. These recommendations for repeal and amendment must include proposals to assure that no local educational agency will receive less under this Act than it is presently receiving under Federal programs for preschool, elementary, and secondary education.

ASSISTANCE TO COMBAT RACIAL SEGREGATION, DISCRIMINATION, AND ISOLATION

SEC. 5 (a) (1) From the amount appropriated under section 3(b), the Secretary shall utilize an amount equal to one-third of the amounts determined for all local educational agencies in the States under section 4(a)(1)(A) for making grants under this section. The Secretary shall allot 80 per centum of such amount among the local educational agencies in the States by allotting to each such agency an amount which bears the same ratio to such 80 per centum of such sums as the aggregate number of children aged 5 to 17, inclusive, in the State who are Negroes, American Indians, Spanish-surnamed Americans, or members of other racial minority groups such as native Alaskans, native Hawaiians, and orientals, as determined by the Secretary (determined in accordance with such regulations as he may prescribe), bears to the number of such children in all local educational agencies in the States. The remainder of such sums may be expended by the Secretary as he may find necessary or appropriate (but only for activities described in subsection (c) and in accordance with the other provisions of this section) for grants or contracts to carry out the purpose stated in section 2(2) (A) and (B). The number of such children in each local educational agency and in all local educational agencies shall be determined by the

Secretary on the basis of the most recent available data satisfactory to him.

(2) (A) If the allotment of a local educational agency (after any reduction under section 6) is more than the amount the Secretary determines such agency will use in carrying out programs and projects under this section, the excess amount shall be realloted first to other local educational agencies in the State which the Secretary determines are in need of such amounts for carrying out such programs and projects. In the event excess amounts remain after carrying out the proceeding sentence, such excess amounts shall be reallotted to local educational agencies in other States which are in need of such amounts for carrying out such programs and projects.

(B) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this section, the Secretary shall not fix a date for reallotment, pursuant to this paragraph, of any portion of any allotment to a local educational agency for a fiscal year which date is earlier than sixty days prior to the end of such fiscal year.

(C) Notwithstanding the provisions of paragraph (2)(A) of this subsection, no portion of any allotment to a local educational agency for a fiscal year shall be available for reallotment pursuant to this paragraph unless the Secretary determines that the application for assistance under this section which has been filed by such agency does not meet the requirements of this section, as set forth in subsections (c), (d), and (e).

(b)(1) The Secretary shall provide financial assistance by grant upon application therefor approved in accordance with this Act to a local educational agency—

(A) which is implementing a plan—

(i) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or other duly authorized judicial authority, and which requires the desegregation of racially segregated students or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination of reduction of racial isolation in such schools; or

(ii) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of racially segregated students or faculty in such schools;

(B) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this section, adopt and implement, a plan for the complete elimination of racial isolation in all the racially isolated schools in the school district of such agency;

(C) which has adopted and is implementing, or will, if assistance is made available to it under this section, adopt and implement, a plan—

(i) to eliminate or reduce racial isolation in one or more of the racially isolated schools in the school district of such agency.

(ii) to reduce the total number of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under subsection (a), who are in racially isolated schools in such district, or

(iii) to prevent racial isolation reasonably likely to occur (in the absence of assistance under this section) in any school in such district in which school at least 10 per centum, but not more than 50 per centum, of the enrollment consists of such children; or

(D) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under subsection (b), adopt and implement a plan to enroll and educate in the schools of such agency children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing racial isolation in one or more of the school districts to which such plan relates; or

(E) which, upon a determination by the Secretary—

(i) that more than 50 per centum of the number of children in attendance at the schools of a local educational agency is Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under subsection (a), and

(ii) that such local educational agency has applied for and will receive at least an equal amount of assistance under paragraph (2),

has established or will establish one or more stable, quality integrated schools. For the purposes of this paragraph, an integrated school shall be a school with (i) an enrollment in which a substantial proportion of the children is from educationally advantaged backgrounds, and in which the Secretary determines that the number of children who are not in groups described in clause (i) of the first sentence constitutes that proportion of the enrollment which will achieve stability, in no event more than 70 per centum thereof, and (ii) a faculty which is representative of the persons who are Negroes, American Indians or Spanish-surnamed Americans, or members of other minority groups as determined by the Secretary under subsection (a) and persons who are not members of such groups in the population of the larger community in which it is located, or, whenever the Secretary determines that the local educational agency concerned is attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(2) the Secretary is authorized to make grants to, or contracts with, local educational agencies, which are eligible under subsection (b)(1), for unusually promising pilot programs or projects designed to overcome the adverse effects of racial isolation by improving the academic achievement of children in one or more racially group isolated schools, if he determines that the local educational agency had a number of children in the groups described in paragraph (1)(E)(i) enrolled in its schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, (A) which is at least 15,000, or (B) which constitutes more than 50 per centum of the total number of children enrolled in such schools.

(3)(A) No local educational agency shall be eligible for assistance under this section if it has, after the date of enactment of this Act—

(i) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to, any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination by such agency that such nonpublic school or school system is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and does not otherwise practice discrimination on the basis of race, color, or national origin in the operation of any school activity;

(ii) had in effect any practice, policy, or procedure which results in the disproportionate demotion or dismissal of instructional or other personnel from groups composed of Negroes, American Indians, or Spanish-surnamed Americans, or of members of other minority groups as determined by the Secretary under subsection (a) in conjunction with desegregation or the conduct of an activity described in subsection (b), or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(iii) in conjunction with desegregation or the conduct of an activity described in subsection (b), had in effect any procedure for the assignment of children to or within classes which results in the separation of groups (a) from nonminority group children;

(iv) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group children in such activities, which discriminates among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (i), (ii), (iii), or (iv), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

(B) All determinations pursuant to this paragraph shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this paragraph.

(C) All determinations and waivers pursuant to this subsection shall be in writing.

(3) In cases in which the Secretary finds that it would effectively carry out the purpose stated in section 2(2) (A) and (B), he may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the development or implementation of a plan or activity described in paragraph (1).

(c) Financial assistance under this section shall be available for programs or projects which would not otherwise be funded and which involve activities designed to carry out the purpose stated in section 2(2) (A) and (B), including—

(1) remedial and other services to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan or activity described in subsection (a) or a program described in subsection (f)(2), when such services are deemed necessary to the success of such plan, activity, or program;

(2) the provision of additional professional or other staff members (including staff members specially trained in problems incident to desegregation or the elimination, reduction, or prevention of racial isolation) and the training and retraining of staff for such schools;

(3) comprehensive guidance, counseling, and other personal services for such children;

(4) development and employment of new instructional techniques and materials designed to meet the needs of such children;

(5) educational programs using shared facilities for career education and other specialized activities;

(6) innovative interracial educational programs or projects involving the joint participation of Negro, American Indian, or Spanish-surnamed American children, or children of other racial minority groups as determined by the Secretary under subsection (a), and other children attending dif-

ferent schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(7) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(8) community activities, including public education efforts, in support of a plan or activity described in subsection (b) or a program described in subsection (f)(2);

(9) special administrative activities, such as the rescheduling of students or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan or activity described in subsection (b) or a program described in subsection (f)(2);

(10) planning and evaluation activities; and

(11) other specially designed programs or projects which meet the purpose stated in section 2(2) (A) and (B).

(d) In approving applications submitted under this section (except for those submitted under subsection (f)(2)), the Secretary shall approve only if he determines that—

(1) there is need for assistance, taking into account such factors as—

(A) the extent of racial isolation (including the number of racially isolated children and the relative concentration of such children) in the school district to be served,

(B) the financial need of such school district,

(C) the expense and difficulty of effectively carrying out a plan or activity described in subsection (b) in such school district, and

(D) the degree to which there are measurable deficiencies in the quality of public education afforded in such school district;

(2) the plan or activity described in subsection (b), and the program or project to be assisted, are likely to effect a decrease in racial isolation in racially isolated schools, or in the case of applications submitted under subsection (b)(1)(C)(iii), are likely to prevent racial isolation from occurring or increasing (in the absence of assistance under this section);

(3) the extent to which the plan or activity described in subsection (b) constitutes a comprehensive districtwide approach to the elimination of racial isolation, to the maximum extent practicable, in the schools of such school district;

(4) the program or project to be assisted affords promise of achieving the purpose stated in section 2(2) (A) and (B);

(5) (except in the case of an application submitted under subsection (f)(2)) the amount necessary to carry out effectively the program or project does not exceed the amount available in the agency's allotment; and

(6) the plan or activity described in subsection (b) involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(e)(1) An application submitted for approval under subsection (b) shall contain such information as the Secretary may prescribe and shall contain assurances that—

(A) the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

(B) the applicant has adopted effective procedures, including provisions for such objective measurements of educational and other change to be effected by subsection (b) as the Secretary may require, for the continuing evaluation of programs or projects under subsection (b) including their effectiveness in achieving clearly stated program goals, their impact on related programs or projects and upon the community served, and their structure and mechanisms for the delivery of services, and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects;

(C) the applicant will provide such other information as the Secretary may require to carry out the purpose stated in section 2(2)(A) and (B);

(D) the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made; and

(E) staff members of the applicant who work directly with children, and professional staff of such applicant who are employed on the administrative level, will be hired, assigned, promoted, paid, demoted, dismissed, or otherwise treated without regard to their membership in a minority group, except that no assignment pursuant to a court order or a plan approved under title VI of the Civil Rights Act of 1964 or otherwise adopted under subsection (b) will be considered as being in violation of this subsection.

(2) An application for assistance under subsection (b) submitted by a local educational agency shall, in addition to meeting the requirements of subsection (a), contain satisfactory assurances that—

(A) to the extent consistent with the number of children, teachers, and other educational staff in the school district of such agency enrolled or employed in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose stated in section 2(2) (A) and (B), such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

(B) such agency has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under subsection (b) to less than that of the second preceding fiscal year;

(C) the current expenditure per public school child (as defined in section 7(a)) which such agency makes from revenues derived from its local sources for the academic year for which assistance under subsection (b) will be made available to such agency is not less than the current expenditure per public school child which such agency made from such revenues for (i) the academic year preceding the academic year during which the implementation of a plan described in subsection (b) was commenced, or (ii) the third academic year preceding the academic year for which such assistance will be made available, whichever is later;

(D) the plan with respect to which such agency is seeking assistance (as specified in subsection (b)(1)(A)) does not involve freedom of choice as a means of desegregation, unless the Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency;

(E) for each academic year for which assistance is made available to the applicant under subsection (b), such agency has taken or is in the process of taking practicable steps to avail itself of all assistance for which it is determined to be eligible under any program administered by the Commissioner of Education;

(F) such agency will not have in effect any practice, policy, or procedure prohibited by clause (ii) or (iv) of subsection (b)(3)(A);

(G) such agency will not engage in a transaction described in subsection (b)(3)(A); and

(H) such agency will carry out, and comply with, all provisions, terms, and conditions of any plan or activity (as described in subsection (b)) upon which a determination of its eligibility for assistance under this Act is based.

(3) The Secretary shall not finally disapprove in whole or in part any application for funds submitted by a local educational agency without first notifying the local educational agency of the specific reasons for his disapproval and without affording the agency a reasonable time to modify its application.

(4) The Secretary may, from time to time, set dates by which applications shall be filed.

(5) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this section, at least one such agency shall be an agency described in subsection (b)(1) or subsection (f) and any one or more such agencies joining in such application may by authorized to administer such program or project.

(f)(1) From the funds available to him under the third sentence of subsection (a) (1) the Secretary is authorized to make grants to eligible local educational agencies to carry out model or demonstration programs related to the purpose stated in section 2(2) (A) and (B) if in the Secretary's judgment these programs make a special contribution to the development of methods, techniques, or programs designed to eliminate racial segregation or to eliminate, reduce, or prevent racial isolation in elementary and secondary schools.

(2) From the funds available to him under the third sentence of subsection (a)(1) the Secretary is also authorized to make grants to local education agencies to carry out programs for children who are from environments where the dominant language is other than English and who, (A) as a result of limited English-speaking ability, are educationally deprived, (B) have needs similar to other children participating in programs or projects assisted under this section, and (C) attend a school in which they constitute more than 50 per centum of the enrollment.

(g)(1) Upon his approval of an application for assistance under this section, the Secretary shall reserve from the applicable allotment (including any applicable reallotment) available therefore the amount fixed for such application.

(2) The Secretary shall pay to the applicant such reserved amount, in advance or by way of reimbursement and in such installments consistent with established practice, as he may determine.

(3)(A) In the case of an application to be funded under section 4 or the first sentence of subsection (a)(1) which is submitted by a local educational agency which is located in a State in which no State agency is authorized by law to provide, or in the case in which there is a substantial failure by a local educational agency approved for a program, activity, or project under this section to provide, for effective participation on an equitable basis in programs, activities, or projects authorized under section 4 as this section by children enrolled in, or by teachers or other educational staff of, any one or more private nonprofit elementary or secondary schools located in the school district of such agency, the Secretary shall arrange for the provision, on an equitable basis, of such programs or projects and shall pay the costs thereof for any fiscal year out of that local educational agency's allotment. The Secretary may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

(B) In determining the amount to be withheld from any local educational agency's allotment for the provision of such programs or projects, the Secretary shall take into account the number of children, teachers, and other educational staff who are excluded from participation therein, and who, except for such exclusion, might reasonably have been expected to participate.

(4) After making a grant or contract under this section, the Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

(5) The amount of financial assistance to a local educational agency under this section may not exceed those net additional costs which are determined by the Secretary, in accordance with regulations prescribed by him, to be the result of the implementation of a plan or activity under subsection (b) (1) or (2).

REDUCTIONS NECESSITATED BY INSUFFICIENT APPROPRIATIONS

SEC. 6. If for any fiscal year the amount appropriated under section 3(b) is insufficient to make to local educational agencies the full amount of the allotments provided for in section 4(a) and section 5(a), then the amount of each such agency's allotment under each such section shall be reduced by a percentage (which shall be uniform for each such agency and both of such sections) which will result in allotments which do not exceed the appropriations available therefor.

DEFINITIONS

SEC. 7. As used in this Act, except when otherwise specified—

(a) The term "current expenditure per public school child" for a State or for all the States means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom local educational agencies in the State or in all the States provided free public education during the year for which the computation is made.

(b) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of education services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials and other related material.

(c) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(d) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act is vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purposes of this Act.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, and charitable contributions to which are deductible under section 170 of such Code.

(f) The terms "racially isolated school" and "racial isolation" in reference to a school mean a school and condition, respectively, in which Negro, American Indian, or Spanish-surnamed American children, or children who are members of other racial minority groups as determined by the Secretary under subsection (a), constitute more than 50 per centum of the enrollment of a school.

(g) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(h) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(i) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(j) The term "State" means (1) one of the fifty States and the District of Columbia, and (2) for purposes of section 4 and 5(f), includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

EVALUATION

SEC. 8. Such portion as the Secretary may determine, but not more than 1 per centum, of any available for section 5 for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs and projects authorized by section 5, and in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly.

JOINT FUNDING

SEC. 9. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any program, project, or activity funded in whole or in part under section 5, any one Federal agency may be designated to act for all in administering the funds advanced.

NATIONAL ADVISORY COUNCIL

SEC. 10. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be representatives of Negroes, American Indians, or Spanish-surnamed Americans, or members of other minority groups as determined by the Secretary under section 5(a), appointed by the President, which shall—

(1) advise the Secretary with respect to the operation of the program authorized by section 5, including the preparation of regulations and the development of criteria for the approval of applications;

(2) review the operation of the program (A) with respect to its effectiveness in achieving its purposes as stated in section 2(2) (A) and (B), and (B) with respect to the Secretary's conduct in the administration of the program;

(3) meet not less than four times in the period during which the program is authorized, and submit through the Secretary, to the Congress at least two interim reports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

(4) not later than December 1, 1973, submit to the Congress a final report on the operation of the program.

(b) The Secretary shall submit an estimate under the authority of section 401(c) and part C of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its function.

REPORTS

SEC. 11. The Secretary shall make periodic detailed reports concerning his activities in connection with the program authorized by this Act and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91–380), and the effectiveness of programs and projects assisted under this Act in achieving the purposes of this Act. Such reports shall contain such information as may be necessary to permit adequate evaluation of the program authorized by this Act, and shall include a copy of each rule, regulation, or guideline and a copy (unexecuted) of each application or other form used or in effect during the period covered by the report. The report shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this Act. Subsequent reports shall be submitted no less often than two times annually.

GENERAL PROVISIONS

SEC. 12. (a) The provision of parts B and C of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1971;" after "the International Education Act of 1966;".

ATTORNEY FEES

SEC. 13. Upon the entry of a final order by a court of the United States in litigation against a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), seeking compliance with any provision of this Act or alleging discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or the fourteenth amendment to the Constitution of the United States as they pertain to elementary and secondary education, the court, in its discretion, may allow the prevailing party, other than the United States a reasonable attorney's fee as part of the cost upon a finding that the proceedings were necessary to bring about compliance. Where the prevailing party is the defendant and is a local educational agency, a State (or any agency thereof) or the United States (or any agency thereof) the court, in its discretion, may allow such prevailing party a reasonable attorney's fee as part of the cost upon a finding that the proceedings were unnecessary to bring about compliance.

State	Distribution based on number of school aged children	Distribution based on equalization factor	Distribution based on number of minority group students	Total for State
Alabama	$71,880,838	$43,928,717	$42,187,464	$157,997,199
Alaska	5,847,632	1,459,866	1,473,446	8,780,944
Arizona	27,944,980	9,555,491	15,972,308	53,472,779
Arkansas	37,958,158	26,675,747	16,837,640	81,471,545
California	300,338,535	111,746,164	164,207,484	576,292,183
Colorado	35,159,031	929,006	14,178,699	50,266,706
Connecticut	59,457,900	10,749,927	10,718,593	80,926,420
Delaware	9,000,674	2,256,157	3,802,043	15,058,874
Florida	90,908,515	28,666,474	57,267,024	151,042,013
Georgia	84,449,542	43,530,572	49,596,989	176,842,013
Hawaii	15,309,591	3,317,878	165,750	18,793,219
Idaho	14,927,158	2,787,018	854,053	18,568,229
Illinois	222,485,582	56,536,658	74,733,300	353,755,540
Indiana	92,437,349	18,580,122	18,851,841	129,869,312
Iowa	55,519,590	16,456,679	1,921,934	73,898,203
Kansas	42,065,091	11,015,358	6,335,694	59,416,143
Kentucky	58,306,553	40,079,978	10,053,615	108,440,146
Louisiana	71,118,938	38,354,681	50,063,962	159,537,581
Maine	19,126,010	6,237,612	476,214	25,839,836
Maryland	68,805,706	19,509,128	31,906,705	120,221,539
Massachusetts	97,570,954	24,817,734	8,747,157	131,135,845
Michigan	188,626,266	41,539,845	47,793,952	277,960,063
Minnesota	79,198,904	20,039,989	2,847,263	102,086,156
Mississippi	50,040,068	45,786,730	35,124,445	130,951,243
Missouri	79,218,963	28,666,474	21,943,947	129,829,384
Montana	14,224,210	3,317,878	944,126	18,486,214
Nebraska	27,311,782	8,361,055	2,645,341	38,318,181
Nevada	$5,267,200	$1,061,721	$2,392,979	$8,721,900
New Hampshire	11,464,465	1,858,012	165,750	13,488,227
New Jersey	142,004,220	35,036,802	39,922,936	216,963,958
New Mexico	21,694,447	9,422,776	20,113,026	51,230,249
New York	497,272,917	125,150,395	116,353,378	738,776,690
North Carolina	99,318,074	62,243,409	57,436,207	289,165,807
North Dakota	13,888,042	4,910,460	346,352	19,144,854
Ohio	189,301,884	45,255,869	47,653,908	282,211,661
Oklahoma	45,558,315	20,172,704	11,985,418	77,716,437
Oregon	39,180,288	8,891,915	2,430,418	50,502,621
Pennsylvania	221,362,627	65,030,428	43,983,294	330,376,349
Rhode Island	17,424,912	4,379,600	1,359,875	23,164,387
South Carolina	55,187,417	37,691,105	37,384,116	130,262,638
South Dakota	14,373,618	6,901,188	2,692,807	23,967,613
Tennesee	73,332,694	39,681,832	29,036,101	142,050,627
Texas	197,252,501	79,496,380	139,236,283	415,985,164
Utah	20,445,348	3,981,454	2,377,000	26,803,802
Vermont	7,819,884	2,123,442	165,750	10,109,076
Virginia	79,556,512	37,160,244	38,849,972	155,566,728
Washington	58,195,238	14,333,237	6,355,587	78,884,062
West Virginia	40,176,332	21,664,743	3,253,299	65,094,374
Wisconsin	86,801,410	17,252,970	7,836,553	111,890,933
Wyoming	6,974,107	1,194,436	1,134,455	9,302,998
District of Columbia	14,883,630	5,839,467	21,883,793	42,606,890
Total	3,981,454,793	1,326,268,954	1,326,016,575	663,740,322

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The typical citizen of the U.S.S.R. must labor three times as long as his American counterpart to buy a pound of bread, five times as long to obtain a pound of cabbage or a pound of potatoes, six times as long for a pound of fish, 10 times as long for a pound of pork, 12 times as long for a man's suit or a pound of butter, 20 times as long for a pound of coffee, and 30 times as long for a pound of sugar, depicting the wide gulf between the economic well-being of the American and Soviet consumer.

Reported by "The World's Nations—An Economic and Regional Geography."

THE KILLING OF THE BALD AND GOLDEN EAGLES

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GUDE. Mr. Speaker, a Senate subcommittee has been told of the killing of nearly 500 bald and golden eagles last winter over ranches in Wyoming and Colorado.

James O. Vogan testified before the Senate environmental appropriations subcommittee that he ferried sharpshooters on helicopter flights from which they shot the eagles—and were paid for shooting them by area ranchers.

What an irony that this testimony to the meanness of man toward his fellow creatures on this earth should come at a time of great triumph for Apollo 15's exploration of the moon.

I am pleased that the Interior Department is now in Wyoming with subpenas in this case and that Secretary Rogers C. B. Morton has promised to "take all possible steps to criminally prosecute those found responsible for the alleged slaughter of these regal birds."

BANGLA DESH

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the name "Bangla Desh" is a new one in the world community. Bangla Desh—East Pakistan—is a land where a massive tragedy continues, despite the world community's horror at what is happening in Asia.

East Pakistan is today, according to all accounts, a disaster area. The Pakistani Army—or more accurately, the West Pakistani Army—has levied a virtual pogrom against the people of East Pakistan. Towns have been leveled, children and women have been slaughtered. The enormity of the cruelty almost escapes comprehension.

It is estimated that more than 250,000 East Pakistanis, or Bengalis, have died. More than 7 million have fled as refugees to India, which simply does not have the resources to aid them. Some understanding of the tragedy in East Pakistan is provided by a quotation from the August 2, 1971, issue of Newsweek magazine:

> It seemed a routine request. Assembling the young men of the village of Haluaghat in East Pakistan, a Pakistani Army major informed them that his wounded soldiers urgently needed blood. Would they be donors? The young men lay down on makeshift cots, needles were inserted in their veins—and then slowly the blood was drained from their bodies until they died.

This illustrates the planned action which is being undertaken.

There is very little dispute any more. The Government of Pakistan—the government dominated by West Pakistanis—is converting what has hitherto been its economic and political stepchild—East Pakistan into an economic and political colony. In doing so, no act has been too heinous. Violence and brutality have supplanted reason.

In undertaking this course, the official Pakistani Government has sought to justify its initial actions by the claim that East Pakistan intended to dissolve the union between the western and eastern halves of Pakistan. To the contrary, the evidence shows that in the national parliamentary elections held prior to the disaster, which has now been visited upon East Pakistan, the East Pakistanis achieved what would have been a majority control of the government. This is in fact what apparently inspired the subsequent actions.

Thus, East Pakistan is becoming a wasteland. This situation holds little promise of improving. Famine threatens in East Pakistan. According to Mr. Abulmal A. Muhith—economic adviser to the Pakistani Embassy here and former Deputy Secretary to President Yahya Kahn's Cabinet—who has defected an joined the forces of Bangla Desh, up to 15 million Bengalis may die of starvation in the next 3 months. Meanwhile, India is being overwhelmed by refugees, and this refugee population may be expected to grow.

At the same time, tensions between India and Pakistan continue to mount, and these two traditionally hostile neighbors may well reach a point of outright war. The ominous implications for the great powers in such a development are frightening.

The horror of Bangla Desh must not be permitted to continue. Some affirmative steps have apparently been taken by the administration, and I commend them. On Sunday, August 1, it was announced that an international group of 156 civilians constituting a relief and rehabilitation force were to be sent to East Pakistan under United Nations auspices.

This group will include 73 monitors to be stationed at four area offices in Dacca, Chittagong, Rajshahi Khulna, and 69 other locations. Their purpose will be to report on local conditions. Hopefully, their presence will help abate the violence and reprisals. In addition, the United Nations-sponsored force will concern itself with helping the Pakistani authorities alleviate the threat of starvation and disease, and with rehabilitating homes and shelter for the millions who are now homeless. Insofar as the U.S. Government has been instrumental in launching this effort, I believe it has acted wisely and properly.

However, other actions by the administration cannot be countenanced.

The administration has failed to halt arms shipments to Pakistan, and it apparently has sought to deceive the American public concerning its actions. On April 12, a Department of State spokesman claimed that there had been "an embargo since 1965" on military assistance to Pakistan, and a followup statement of April 15 by a Department spokesman said:

> In short, no arms have been provided to the Government of Pakistan since the beginning of this crisis, and the question of deliveries will be kept under review in light of developments.

On April 23, Assistant Secretary of State David Abshire wrote the chairman of the Senate Foreign Relations Committee, Senator FULBRIGHT, and stated:

> We have been informed by the Department of Defense that no military items had been provided to the Government of Pakistan or its agents since the outbreak of fighting in East Pakistan on March 25 and nothing is now scheduled for delivery.

On May 6, Assistant Secretary Abshire wrote again to the chairman of the Senate Foreign Relations Committee claiming:

> As you know, we terminated all grant military assistance to Pakistan and India, as a consequence of the 1965 Indo-Pakistan war. We have provided no weapons to either country since then. The only measure of grant military assistance which we have reinstituted since 1965 has been a modest program of military training. With respect to military supply, as the Department's spokesman announced on April 15, the Department of Defense has informed us that no spare parts and ammunition have been provided since the beginning of the crisis and the question of deliveries is under review.

Yet, at the same time that the State Department was claiming that no arms were being shipped to Pakistan, that is, the West Pakistan Government, arms were in fact being shipped. And, in fact, it is now acknowledged that future shipments will be made, supposedly because the agreement to provide the arms being sent was made prior to March 25, the day fighting broke out.

Thus, while the State Department was denying that there was military assistance to the West Pakistan Government, arms were on their way.

Once again, military assistance is being provided by the United States to support repression and violence. Once again, political expediency—and I take it that that is what in fact is motivating this administration, since clearly humanitarianism cannot justify its actions—is the prevailing basis for policy.

These shipments must immediately be halted. No paper agreement, arrived at some magic date prior to March 25, can justify the supply of arms, many of which no doubt will be used to continue the violence leveled at East Pakistan.

To achieve this end, I have joined in cosponsoring House Joint Resolution 765, which calls for the suspension of "all military assistance, and all sales and deliveries of military equipment and weapons," to Pakistan, as well as the suspension of "all licenses for military sales including those already approved" for a period of 365 days "unless the President determines that such assistance, sales, or deliveries are required for reasons of overriding national interest and so reports to the Congress." This bill deserves immediate passage.

I am pleased to note that the Foreign Assistance Act of 1971, H.R. 9910, does in fact suspend aid to Pakistan. This is an extremely important action by the House Foreign Affairs Committee. I would have only hoped that the language of the bill could have been stronger, inasmuch as it now has language allowing abrogation of the suspension if East Pakistani refugees have been allowed, "to the extent feasible," to return to their homes and to reclaim their lands and properties. However, even with this caveat, this provision still provides excellent opportunity for the Congress to accomplish what the administration has failed to do.

I would also note that the Foreign Assistance Act of 1971, H.R. 9910, authorizes $100 million for relief for East Pakistani refugees, and this is particularly commendable. Other steps, as well, must be taken. The U.S. Government must clearly express its abhorrence of the actions taken by the Pakistani Government. It must clearly articulate our discountenance of the abrogation of the elections which occurred earlier this year. It must encourage a massive relief effort by the United Nations, and support that effort.

An article by Lee Lescaze, published in the July 24, 1971, edition of the Washington Post and entitled "U.S. Arms Aid to Pakistan Bewilders Fearful Bengalis," quoted a Bengali as stating that—

> The cradle of democracy . . . is against us.

All too sadly, that is not an inaccurate assessment of the public posture the Administration has assumed. Ambivalence in the face of the human horror of Bangla Desh is the present position of the U.S. Government. That must be changed.

Following are three articles detailing the tragedy of East Pakistan. Two of them are by Lee Lescaze, and appeared in the Washington Post. The third, by Khushwant Singh, appeared in the August 1, 1971, New York Times Magazine.

[From the Washington Post, July 19, 1971]

EAST PAKISTAN: A FRIGHTENED LAND

(By Lee Lescaze)

DACCA.—Almost four months after the Pakistani army attacked in Dacca, East Pakistan is a frightened land.

Murder is commonplace, men are arrested and never seen again, guerrillas snipe at the army and millions of people have been uprooted—an estimated 7 million are refugees in India and at least an equal number are hiding within East Pakistan.

The central government insists that normality has returned, but a visit to Dacca and a dozen other towns and villages in East Pakistan last week was a tour of ruined buildings, partially neglected fields, roads without traffic, looted shops and industries without workers.

Many are afraid to be seen talking to a foreigner and turn away, but some risked furtive meetings in which they whispered of their fear and what they have lived through since violence seized this region March 25.

Those Pakistani army officers here who concede that some opposition exists among East Pakistan's 75 million people ascribe it to "miscreants," "anti-elements," "anti-state forces," or a handful of other phrases implying small groups of habitual criminals of Indian-guided infiltrators.

India certainly gives considerable material as well as moral support to guerrillas fighting against the army. But, at the same time, the guerrillas appear to have the sympathy of almost all East Pakistanis nowadays, a small-town Bengali lawyer said.

Although Bengalis, particularly, Hindus, have suffered most, the violence that erupted in March has made everyone here vulnerable. As the civil war goes on, old scores unrelated to politics are being settled and some now kill in order to loot—often with military encouragement. The response to "How are you?" one Bengali remarked, is now most frequently: "I'm still alive." It is not said jokingly.

No one knows how many people have been killed since March. Estimates run from 200,000 to 1 million. The bloodshed, which springs from three main racial and religious animosities, is far from over.

The hatreds now unleashed have existed since Pakistan was carved out of British India and became an independent Moslem nation in 1947.

They divide West Pakistanis from East Pakistani Bengalis and within East Pakistan they divide the Bengalis and about 1.5 million non-Bengali Moslems generally called Biharis. In addition, about 10 million Bengali Hindus lived in East Pakistan, getting on not too badly with Bengali Moslems, worse with Biharis and regarded for the most part as pro-India and therefore anti-Pakistan by the army and authorities in West Pakistan.

TEMPTATION TO KILL

In this desperately overcrowded land where the population has more than doubled since independence and is believed to double again in 23 years, the temptation to kill for profit, to gain by being on the winning side of a fight and to take advantage of chaos to steal is enormous.

Before the army succeeded in occupying all East Pakistan's towns, Bengalis sought to eliminate Biharis. Now, the wheel has turned and Biharis help the army hunt Bengalis.

"Everyone here has someone who wants to kill him," one man remarked. These are the voices of some Bengalis, West Pakistani soldiers and Biharis. Since each Bengali who spoke critically of the central government committed an offense punishable by death, none is named.

"This is the first time in three months that I have come out in the daytime," a Hindu Bengali businessman said.

For his first daylight trip, he carried a black umbrella low over his head and preferred to talk in the shelter of a building where he could not be seen from a nearby dirt path.

"They are looking for me," he said of the army. "But only a few friends know where I am living now."

His own house has been destroyed and a non-Hindu friend has taken him in. Ironically, a month before he had to go underground, the Hindu hid two Biharis in his house while gangs of Bengalis looked for them.

Hindus are difficult to find here now. As the special targets of the army, almost all have fled to India, gone into hiding in rural villages, or been killed. The army attacks on Hindus have been so widespread that few here doubt they were ordered by Pakistan's government—an order that many West Pakistan officers and soldiers appear to have obeyed with enthusiasm.

An army captain approached a teen-age Hindu girl recently in a town not far from where the businessman is hiding. "Are you a Hindu?" he asked. Then, he held out his automatic rifle. "Feel the barrel," he ordered. "It's still warm from killing Hindus."

To identify Hindus, the army sometimes relies on the newly formed Peace Committees—small groups of army supporters who, one major put it, "supply very valuable information." Since all Moslems are circumsized, a simpler and widely popular method is to lift the men's sarongs and shoot the uncircumsized.

A second major army target has been the leadership of the Awami League, Sheikh Mujibur Rahman's Bengali political party that won last December's elections. The sheikh is now called a traitor and imprisoned, his party is outlawed and the government says that they would have declared independence for East Pakistan rather than settle for the program of greater regional autonomy on which he campaigned.

Many of his supporters deny that Mujibur wanted to secede from Pakistan and the debate can continue endlessly for the army attack ended Mujibur's leadership and any chance that he would reach an agreement with the military government on the distribution of power.

"We're 100 per cent Awami League here," a doctor said in one relatively large town. "The army has burned many homes and arrested many people."

"We are afraid to speak the truth," he said. "Those who speak the truth are punished and the only punishment is death."

The doctor was compelled to open his small clinic or have it taken away. He says that his family still hides in a village while, although he is a Moslem, he is growing a beard to look more old-fashioned and orthodox like the people of the Peace Committee whom the Army trusts.

"I never had a beard before," he said.

GREATEST FEAR

His greatest fear is that the army will discover he served five years in the Pakistan army. "They are killing all former Bengali officers," he said.

But he has many other fears. Last week the army came to him with a list of the town's college students and pointed to the names of his two younger brothers. The soldiers ordered him to sign and guarantee as their guardian that they would show up when colleges are scheduled to reopen in August.

The doctor lied and said he was not his brothers' guardian. He knows that they will be too frightened to attend classes, because students are also an army target.

"The people of East Pakistan have been misguided. They are very simple and uneduated," a Peace Committee member in another town said. "Especially the ranks of students."

"Classes are to begin Aug. 2," a teacher at one campus said. "But the army troops are occupying two of our dormitories. I wouldn't tell my son to come back."

Some students have joined the Mukti Fauj (liberation army) but more have simply gone into hiding.

A college student explained that he has obtained a forged identity cards which does not say he is a student. He has been stopped occasionally by soldiers. "I show them my card and they let me go," he said. Once a soldier remarked to him: "We never find any students here."

More than 70,000 students were supposed to sit for the nationwide final high school examination last Thursday. About 20 per cent are believed to have appeared.

In one town, the "liberation army" scrawled: "Don't take the examination or you'll be killed" on the wall of the examination hall. The army rushed to the building after the guerrillas had left, but the building caretaker who tried to run away was shot dead. Attendance in that town was very low.

"I would have been killed by my subordinates if the army had not come," a Bihari banker said. "The Bengalis wanted the best jobs in businesses, factories and the government," he said. "Everything is returning to normal now."

Like other Biharis, the banker spoke of "our army," and "our government" while most Bengalis speak of "them."

"It made your blood boil," an army major said, describing the killing of almost 1,000 Biharis by Bengalis before his troops arrived to occupy Ushurdi town.

"I could show you where they killed them and pushed the bodies in the river," he added. One girl who had survived has been raped, had her right hand cut off, her neck slashed and had gone mad, the major said.

KINGDOM OF GUNMEN

"This became the kingdom of the man who had a gun," the officer said of the lawlessness before his troops arrived.

Ushardi's marketplace and many of its houses were burned down by Biharis in retaliation for the massacres by Bengalis. Now the major is trying to make the two groups cooperate.

"The Bengalis aren't afraid of us," he said. "But they were afraid of the Biharis.

He stood on a ferry crossing the Ganges and every man who had to squeeze by him on the narrow deck bowed his head in salute. The Bengalis crowded on the other side of the boat from the major and his foreign visitors.

"I don't think that any real battle had taken place here for hundreds of years," Maj. Gen. Rao Farman Ali Khan said.

An elderly Bihari, whose English is a remnant of his British army days, described the events since March with politically neutral disgust. "The army and the Biharis killed many Bengali buggers and the Hindu buggers ran away." On the other hand, he said, "Many Bengalis killed many Bihari buggers."

An elderly man knocked on a friend's door one evening last week looking for his son. The boy was there and the father sat down for tea. "Parents get anxious when their sons aren't home by dusk," he explained. High schools and elementary schools are already open, but attendance in six towns seemed to be between 20 and 40 per cent of normal.

LIBERATION ARMY

Not only are students afraid of the army, but the "liberation army" has been trying to disrupt classes to demonstrate its influence.

[From the Washington Post, July 24, 1971]

U.S. ARMS AID TO PAKISTAN BEWILDERS FEARFUL BENGALIS

(By Lee Lescaze)

DACCA.—The approach to Americans is double-barreled in East Pakistan. First, Bengalis want to describe their fear and the killing they have seen.

Then, they ask: "Why are you sending the army more guns?"

The United States is not at the bottom of the East Pakistanis' list thanks to China's outspoken support of the Pakistani army repression since March 25, but many find it difficult to understand why the United States continues arms shipments to an army they see as already well-equipped and murderous.

"The cradle of democracy and Mao's so-called center of revolution are both against us," an educated Bengali remarked.

Neither is the United States the most disliked foreign power in the eyes of army officers and their sympathizers. They see Britain, which has cut off aid until peace returns here, as the chief villain.

But Washington is widely distrusted. "Yes, you are helping us," a pro-army banker said last week, "but it is for your own reasons." He argued, without supporting evidence, that Washington has aided Sheikh Mijibur Rahman's Awami League before the military crackdown and was therefore partly responsible for the present crisis.

Like the banker, many army officers yield to the temptation to describe what has happened here in terms of a conspiracy. "We must not trust anyone too much," a major said. "China has proved a good friend to us," he added, but he declined to extend the same praise to America.

"You tie strings to everything," he said, "and your policy can change very abruptly."

"The United States is doing enough to earn the enmity of the Bengalis," one source said, "but not enough to win West Pakistan's friendship."

Foreign radio stations provide most of the news here where English is quite widely spoken and the local press is tightly controlled.

KENNEDY A HERO

In one town after another young men could recite the names of U.S. senators who have spoken in favor of halting aid to Pakistan. Sen. Edward M. Kennedy is a particular hero.

A guerrilla leader speaking in the village from which his small band harasses the army, praised Kennedy, but asked what the American people would do to help him.

The radio keeps men in small towns amazingly well-informed. "We heard last night that two more American ships are bringing ammunition for the army," a young Bengali said. "It makes us very sad if it is true."

Washington has repeatedly stressed that no new military shipments have been authorized since fighting began here March 25. However, U.S. officials acknowledge that about $36 million was scheduled for delivery before that date.

If the present pattern of shiploads carrying well below $2 million worth of military supplies each continues, the radio may carry news of more than 20 additional arms ships leaving American ports in the next months.

The ships would be able to sail even if the full Congress upholds the House Foreign Affairs Committee's July 15 decision to suspend all military and economic aid to Pakistan.

Military aid dominates the attitudes toward the United States of army officers and their opponents—most of East Pakistan's 75 million people.

But military supplies will have less effect than economic aid on the long-term solution here. Pakistan's economy in both west and east is heavily dependent on foreign aid and the government was angered when an international aid consortium announced last month that it would not meet to discuss Pakistan's needs until a more normal situation prevailed here.

However, aside from the international consortium, one expert argues that an attempt by any foreign power to bring political pressure by cutting economic aid would be unlikely to have an immediate effect on Pakistan's government policy.

The United States appears to agree. When presidential adviser Henry Kissinger visited Pakistan early this month, one well-informed source says, he said Washington would consider altering its policy if it could be demonstrated that a new U.S. policy would bring a solution in East Pakistan much sooner than the present course.

Kissinger reportedly said he was not interested in hearing that American action might cut a ten-year problem down to a five-year problem. Would it bring a solution in two years or less, he asked.

No one, according to reports of the meeting, ventured to assure him of such a rapid end to the crisis here and Kissinger left Pakistan for his China trip apparently determined to leave policy toward Pakistan unchanged.

Exactly what the policy is, however, puzzles outsiders in Dacca as well as Washington. Almost all economic aid has been suspended—in part for technical reasons—but the State Department has announced it hopes the House Foreign Affairs Committee aid veto will be reversed.

"Our policy is better than it looks," one source said. He pointed out that all but a handful of U.S. technical assistance advisers have been withdrawn, rural public works projects have been halted since March for security reasons, there have been loans for commodity imports approved in recent months and shipments of PL480 foodgrains have been stopped. Warehouses at East Pakistan's Chittagong port are full and with rail and road communications disrupted there is no way to distribute the grain.

PL480 shipments, financed by excess counterpart funds, will be resumed when the port can handle them. No one is certain which other parts of the U.S. aid program will be resumed or when.

Meanwhile, although all foreign observers in Dacca appear convinced that the army will eventually be forced to withdraw from East Pakistan, America is seen by Bengalis here as staunchly supporting their foe and that is yet one more disappointment they live with in East Pakistan's terrorized, army-occupied towns.

[From the New York Times Magazine, Aug. 1, 1971]

Why They Fled Pakistan—And Won't Go Back

(By Khushwant Singh)

(Note.—Khushwant Singh, editor of The Illustrated Weekly of India, is author of a novel about the partition of India, "Train to Pakistan.")

"It is going to be hell for us."—Indira Gandhi.

Calcutta.—This is my third visit to the India-Pakistan border 60 miles east of Calcutta. The countryside has not changed. It is the same lush, emerald green of the paddy and the darker green of the jute, the stretches of swamp with snow-white egrets hunting for frogs and the limpid ponds encircled with hyacinth or bright with pink water lillies. It is the same avenue, flanked on either side by massive banyan and rain trees loud with the chatter of mynas and the dulcet notes of magpie robins. The only evidence of conflict on this peaceful, drowsy landscape is slogans painted on tree trunks: "Long Live Mao," read some, and "Long Live Indira," the others.

Then there is the almost unbroken succession of thatched huts, tents and shelters made of bricks and canvas that line the road on either side. Every town and village I pass through is crammed with people. Schools, colleges and other public buildings have been turned into reception offices, ration depots, clinics or homes for a large number of the seven million refugees from East Pakistan who have streamed into the country in the last four months. The monsoon season normally brings material benefits to India. This year it brings tides of hungry newcomers—and with them the threat of epidemics, communal violence and war.

I ask the cab driver to pull up at a small encampment near the village of Mandalpara. As soon as I step out of the car a crowd collects around me. They tell me they are about a thousand families of fisherfolk and thatchmakers from the Jessore and Khulna Districts of East Pakistan. I start with the question I had put to the refugees when I came this way in 1957 and 1964: "Why did you leave Pakistan?"

They are very eager to tell of their experiences. "Yahya's soldiers raided our village, killed many young men and burned our huts. . . . Biharis [people from the Indian state of Bihar who migrated to Pakistan] looted our homes and took our cattle. . . . My daughter was raped in front of me and I was told if I did not get out they would rape my wife and mother as well."

My eye falls on a fair, doe-eyed girl being pushed toward me by an old women. "What happened to you?" I ask her. The girl continues to gape at me without replying. "This is my daughter-in-law, Tarabala Dasi," said the old woman behind her. "We are from Village Murari Kalbi, Police Station Kalarua, District Khulna." One of their fellow villagers takes up her tale. "It was on a Sunday afternoon when the Pakistani soldiers came for her. When we heard the sound of jeeps approaching, we told our daughters to run away and hide in the fields. The soldiers surrounded our village and ordered us out of our huts. 'Where are all the girls?' they asked. 'Where is that Tarabala?'

"You see, they had heard of her. How could we suffer them to dishonor any one of our daughters? We told them that Tarabala had gone out with her friends into the fields. They did not believe us. They beat us with the butts of their guns. They stuck bayonets into our chests. They set fire to our huts. They picked six of our boys, including Tarabala's husband, Anil, tied their hands behind their backs and made them stand in a line. Then they mowed them down with their guns."

Tarabala Dasi, who has listened without showing a trace of emotion, begins to tear her hair and beat her breast. "I did it! I did it!" she screams. "It was all because of me." Her mother-in-law soothes the girl in her arms. The crowd pushes them back.

A young Moslem, sprouting a goatee, steps in front. He is Anees Mian, a brickmaker from the village of Bhukti in Jessore. He shows me a gash across his chest inflicted, he says, by the bayonet of a Pakistani soldier. "'*Shala!* [a term of abuse insinuating that a man has had sex with his sister]. You voted for Mujibur Rahman!' the soldier shouted. 'You are a *namak haram* [a person false to his salt] and *haram jada* [bastard].' With each insult he slapped me. I said I had not voted for *Banga Bandhu* [Bengal's friend, a term of affection for the captive East Pakistan leader, Sheik Mujibur Rahman]. That made him mad. 'This is for your *Banga Bandhu!*' And he cut me with his bayonet."

A Hindu lad of 11 from the same village holds up a crooked arm that he says has been fractured by the butt end of a gun. Mandhari Dasi, also from the village of Bhukti, sobs as she tells me how the soldiers first raped her in front of her husband and then killed him. She holds up her 1-year-old child and asks, "Who will look after her now?" Women cover their faces when they are unable to talk of what happened to them. Some say they have been ravished by four or five men; some have had their nipples bitten off. Almost every one has been beaten, punched and spat upon. Those who escaped manhandling were terror-stricken. When they saw what the soldiers and their Bihari collaborators had done to the others, they fled because of *bhoy*—fear. In the four days I am with the refugees, I hear that one word, *bhoy*, a thousand times.

As we proceed along the road toward Petrapole, we pass truckloads of Sikh soldiers going in the same direction. At many places there are military encampments, with their eastern approaches guarded by trenches. Armored cars and antiaircraft guns are concealed under camouflage nettings.

The car pulls up at a barricade. A sentry in the uniform of the Indian Border Security Force walks up to us. "You can't go any further. That's Pakistan," he says, pointing the muzzle of his Sten gun toward a yellow building a couple of hundred yards away. "The border is sealed."

I step out of the car and look over a scene that is as lush green and peaceful as the one I had passed. No barbed-wire fences separate the two countries which have waged cold war (and twice hot ones) for the 24 years of their existence as independent states. I cannot detect any sign of troop movements on the other side, only bulbous clouds floating in a blue sky and the monotonous crying of barbets in banyan trees. A peasant is driving his cattle along the road toward Pakistan. "Where is he going?" I ask the sentry.

"His home. His land is on our side of the partition line. Nothing is very clear here. People come and go as they please."

Similar confusion prevails all along India's border with East Pakistan, which is 1,750 miles long and touches on five Indian states—West Bengal, Bihar, Assam, Megnalaya and Tripura. At some places, it is demarcated by rivers, but, for the most part only stones mark a paddy or jute field in one country from cropland next to it in the other. The boundary crosses dense tropical jungles, swamps and mountains, and runs through the habitations of aboriginal tribesmen who are more conscious of tribal loyalties than of being Indian or Pakistani. On the Indian side, the only guardians of the frontier are the 70 battalions (about 70,000 men) of the Border Security Force, a paramilitary organization equipped with small arms. The B.S.F. not only guards this frontier but the entire stretch of more than 9,000 miles of India's borders, extending from Sind and the Punjab in the west, Kashmir and Chinese-occupied Tibet in the north, to East Pakistan and Burma in the east.

Petrapole and Hasnabad, a village a few miles away, are on the most favored routes taken by refugees fleeing from East Pakistan, because they are the shortest way to Calcutta. I had been told that on certain days more than 100,000 people had come by these routes. This day there is not a soul to be seen anywhere; only the peasant driving his cattle toward Pakistan.

"The Pakistani Army has blocked the roads," the sentry explains. "But they come all the same—over fields and across the rivers. I don't know how many have come. The radio first said 70 lacs [7 million], then 50 lacs; now it says 60 lacs. You work out how many that makes per day, spread out over four months."

Surveying the tranquil landscape again, I note: "The papers say you have been trading shots with the Pakistanis. It looks very peaceful."

"It flares up suddenly and as suddenly dies down. But something goes on every day. Yesterday we had quite a *tamasha* [show]. Bombs fell right across that field," he says, pointing to a spot not far from where we stand. The *Mukti Fauj* [literally, Salvation Army of the Bangla Liberation Movement] tickles Yahya's Pakistanis and the trouble begins. The Pakistanis have tanks and automatic weapons; the Banglas only have small arms they have captured. Pakistanis chase the Banglas to our border and, when they can't get them, they start firing at us. They shoot. We shoot. A bullet is the only answer to a bullet, isn't it? You look like an educated man. You tell me what else one can do with a man who shoots at you."

I parry his question. "One bullet for one may be all right. But a hundred bullets for a hundred becomes a battle. You think there will be a war?"

"How should I know?" he replies truculently. "I am only a sentry. And I am not supposed to talk to strangers. You come back when the *tamasha* begins in right earnest."

"When will that be?"

"That is known only to Yahya Khan and Indiraji." Pointing to the sky, he suggests that another consideration is Indradev, the rain god. "When the monsoon breaks right and proper, and the Pakistanis are asleep in their tents and their tanks can't move, these Banglas will fix them. It rains a lot here, you know."

We adjourn for tea to the shed of the ubiquitous *chaiwala*. Saint Ranjan Ghosh has had his tea stall on the border post for the last 24 years. He has made enough money serving cups of tea for a little over a cent apiece to the B.S.F. boys and the incoming refugees to buy a small house and half an acre of land on which he grows bananas and vegetables.

"I can't recall a day since partition when there weren't some refugees coming out of Pakistan," he recalls. "At first they came, saw conditions here and went back. But for the last 20 years it has been one-way traffic—from Pakistan into India. One autumn, I think it was in 1952, more than a thousand came by this route every day. I know because I am the first *chaiwala* on the Indian side."

"Good business!"

He points to the thatched roof above him. "*Bhagwan* [God] gives. I only take money from those who have money to give. I never refuse a cup of tea to anyone—money or no money. And I have never refused shelter to anyone who asks for it. In 1955 there was another big influx of refugees. I had whole families squatting on my land. I have three families staying with me now—one of them is Moslem. And I am a *baidya* [one of the upper Hindu castes, who would normally shun contact with Moslems].

Other men take up the theme. "No difference between Hindus and Moslems this time," says one. "We are Bengalis; they are one of us."

This is new to me: All previous migrations had been triggered by Hindu-Moslem conflicts. I recall that from 1949 to 1957 more than four million Bengali Hindus had fled East Pakistan—each wave following discriminatory action or agitation against Hindus, or actual violence. In 1955, for example, the exodus was due to the imposition of Urdu, which few Bengali Hindus can speak, as the national language of Pakistan, followed by the adoption of a Constitution declaring Pakistan an Islamic state. In 1964, Pakistani Moslems were agitated over the theft of the Prophet's hair from a shrine in Srinagar, India. Once more, there were rioting and forcible evictions. This time the migrants who crossed into the Indian State of Assam included large numbers of Christians and Buddhists.

Likewise, anti-Moslem riots in several cities of India, chiefly Calcutta and Ranchi in Bihar and some towns in Madhya Pradesh, forced thousands of Indian Moslems to flee to the eastern wing of Pakistan, which was nearer to them than the western wing. But, beginning last March, for the first time in the history of Indo-Pakistan refugee movements, migration was taking place not because of riots between Hindus and Moslems but because of the violent suppression of a democratic movement by the Pakistani Army. And thousands of Moslems from the Islamic state of Pakistan were seeking sanctuary in predominantly Hindu India.

What made the Moslems and Hindus of East Pakistan overcome their traditional religious animosity toward each other was exploitation by West Pakistan. Although East Pakistan had a larger population—72 million against West Pakistan's 58 million—and earned most of the country's foreign exchange, West Pakistan pre-empted 70 per cent of the foreign-air imports and 80 per cent of the funds set aside for development. Consequently, the Westerner, who was always richer than the Easterner, more than doubled the income gap in two decades: His per capita income, which was 17.9 per cent higher than an East Pakistani's in 1949–50, was 37.9 per cent higher by 1969–70. West Pakistanis controlled all the big industries and held most of the senior executive posts in business and the bureaucracy. The army was almost entirely drawn from the West; the Bengali was considered fit only to serve in the armed constabulary or the police (both of which eventually went over to the Bangla Desh revolutionaries). A strong factor in the unification of East Pakistani Moslems and Hindus was their common language, Bengali. Sheik Mujib's fervent support of Bengali against Urdu as the language of East Pakistan was an important factor in his emergence as leader of the move- a demand for an autonomous homeland. Once when Mujibur Rahman was asked why he wanted to break away from a Moslem tani nationalism, which soon crystallized as a demand for an autonomous homeland. Once when Mujibur Rahman was asked why he wanted to break away from a Moslem state, he is reported to have replied: "If the only reason for our continuing to be with West Pakistan is that we are both Moslem, why shouldn't we join some other Moslem state, like Kuwait, from which we might get more money?"

Bangla Desh nationalism isolated non-Bengali residents of East Pakistan. Indian Moslems who had fled from India in the wake of anti-Moslem riots in Calcutta and towns in Bihar and Central India found themselves living in separate colonies in big cities such as Dacca, Chittagong and Khulna. Their language was Urdu, and they never bothered to learn Bengali. In their new country they threw in their lot with such linguistic minorities as the Punjabis, Pathans, Sindhis and Indian Moslems from Uttar Pradesh, groups that were well established in businesses, the civil service and senior echelons of the police. All these non-Bengali minorities were lumped together and described as "Biharis." (Their total number is hard to determine, though estimates range from about half a million to around two million.)

The "Biharis" did not participate in the movement for an autonomous Bangla Desh. They did not support Sheik Mujib's Awami League, which demanded an end to the economic exploitation of East Pakistan and the loosening of its relationship to West Pakistan. After a sweeping victory of the Awami League in last December's general elections (it won 167 of the 169 seats assigned to East Pakistan in the National Assembly), tension between Biharis and Bengalis exploded into violence in many cities. The Biharis took a terrible beating. Not until the army took full control of the situation and the Awami League was outlawed did the Biharis come out in the streets to settle their scores. While the West Pakistan army cracked down on the Awami League's leaders and Bengali intellectuals, the chief target of the Biharis were Hindus—who had enthusiastically supported the Awami League.

The Bengalis considered their grievances mainly political, but the Pakistani Army was soon giving the rebellion a religious twist. The military began concentrating on ridding the country of only Hindu Bengalis. (Hindus make up 90 per cent of the seven million refugees.)

Will the refugees ever return to East Pakistan? Most of those I met were landless peasants, shopkeepers, fisherfolk, thatch-makers, potters, weavers, cobblers, ironsmiths or just unskilled laborers. The holdings of those who had land was seldom more than one acre. And this they know had been acquired by the Pakistani Army and given away to Moslem peasants to win their support. I asked all those I interviewed whether they would go back to Pakistan. The Moslems replied, "Yes, when Bangla Desh is liberated." Hardly any of the Hindus thought of returning. They have nothing to return to. India's promise of one square meal a day and a tent over their heads is more than they expect to get in Pakistan. Even if Bangla Desh comes into being, it will take a lot to persuade the locals to part with properties grabbed by them, and for the Hindus to feel secure enough to return. "Why should we go back?" many replied. "This is our country." To the Pakistani Hindu, India has always been *Amar Desh*—"my homeland."

Eventually, it is estimated, that refugee migration will add a total of nine million to India's teeming population. Mrs. Gandhi was right when she said in Parliament: "It is going to be hell for us." But she was being wishful when she added, "We are not going to allow them to stay here."

On the way back to Calcutta we stop at many refugee camps and hear the tales of violence, rape, killing, looting and vandalism. Most people seem to be in a daze, not knowing what the future holds for them. Men spend many hours a day queuing up for the family ration of a few handfuls of coarse rice and vegetables; women cook, feed their families and brood; children play as if on an endless vacation from school and homework. But in every camp the most common sight is men and women sitting on their haunches in groups, looking vacantly into space and sighing.

We stop on the outskirts of Barasat, 12 miles short of Calcutta. It is a warm afternoon and a passing monsoon shower has washed everything clean. At the roadside, three fishermen sit hunched under broad-brimmed straw hats, their lines suspended motionless in a pond. In the same pond are a couple of water buffaloes eyeing the fishermen. I ask the men if they have had a bite. One looks up and dolefully wags his head in a negative gesture. I watch them for a while. Suddenly the silence is broken by the muezzin's call to prayer, "*Allah-ho-Akbar*—God is great". A heron raises its head in alarm and flies away, the fishermen rouse themselves, wind their reels and pick up baskets to go to the mosque. They are Moslems. I accost them:

"Are you from Barasat? I heard there was some trouble there last week."

They eye me suspiciously; on the subject of religious confrontations, Moslems distrust Sikhs like me as much as they distrust Hindus. I encourage them:

"Hindus refugees occupied your mosque?"

"It is the house of God. It's meant for prayer." answers one.

"If they had been Moslem refugees, would you have let them stay?"

They fidget uneasily. Then one answers:

"It was not like this at all. These fellows forced their way in and told us to get out and go to Pakistan. Why should we go to Pakistan? We are Indians. They should go back to wherever they come from. Besides, how can we be sure they won't defile our mosque by cooking unclean food? If they had come and like gentlemen asked for shelter, do you think we would refuse them?"

Barasat is one town where an ugly situation was averted by the police. This very week newspapers have reported outbreaks of communal violence between locals and refugees in towns in Assam and Meghlaya. Many Hindus of the right-wing Jan Sangh party have begun to say openly that they will not let the refugee migration be a one-way traffic. "If Pakistan dumps nine million Hindus on us, we should dump nine million Moslems on them," said one party member. "We have 50 million Moslems in India. What right have they to stay here if Pakistan throws out all its Hindus, Christians and

Buddhists?" Communal tensions will be yet another legacy of the refugee influx.

The next morning I visit a hospital with a maximum capacity of 230 patients that has been stretched to more than 600. Every bed has one patient on top and at least two lying on the floor underneath. All verandas are crammed with the sick. Those who have died of cholera in the morning are laid in a corner with only their faces covered. In the clinic I see a doctor pour the remains of white powder from a bottle marked "cholera" into the open mouth of a woman. A few minutes later I see her throw up and collapse in her husband's arms. She is laid alongside the corpses, which by now include a dead child with his eyes open. The morning papers give the official figure of cholera deaths as 5,000. Another thousand or two have died of dysentery or typhoid or fatigue. As I leave the encampment, a three-wheeler minitruck called a "tempo" is being loaded with the corpses of three adults and three children, piled on top of one another.

Shahara Camp next to Calcutta's Dum Dum Airport has more than 40,000 refugees under tarpaulin, tent, thatch and open sky. The camp, which is well below the level of the road, is known to turn into a lake after a heavy downpour. I see men and women defecating in the open and ask the social worker on duty why he has not forbidden this. "How can I?" he pleads. "The pit latrines are full. One smart shower and all the night soil will be floating into the tents." He covers his nose with his handkerchief. "When the monsoon breaks, there will be real disaster."

On the last day of my visit, I call on officials in the Bengal state government who are entrusted with the handling of the refugees. Nirmal Sen Gupta, chief secretary of the government, exclaims: "Our tragedy is that as soon as we begin to make headway in any direction, we are pulled back by some catastrophe or other. No sooner have we made plans to supply villages with drinking water and more schools than we have to put them in cold storage and make arrangements for refugees. For the last four months we have done nothing except feed, clothe and house these refugees. The refugees are costing us more than $13 million a day. We have no money left for anything else.

"In 8 of our 16 border districts the number of refugees is higher than that of local inhabitants. It is the same in the border districts of Assam; the Assamese don't like Bengalis. And in Meghalaya the tribals don't like any outsiders. Tripura has doubled its population in two months. This creates a real law-and-order problem. You must have read of the trouble we had in Barasat and with the tribals in Assam and Meghalaya. When the monsoon forces the refugees to seek shelter in temples, mosques and churches, there will be more trouble. For the first time, pray that there be no rain."

"How long do you think we will be able to go on like this? Do you think it will lead to war?"

He waves his hand in despair. "War is a luxury we cannot afford. Our best bet is a political solution which will force Pakistan to take back these people. That only the big powers can do. You think Pakistan could last a single day if the United States and the United Kingdom withdrew their support?"

A few rooms away in the secretariat building of the state government is Dr. Zainul Abedin, until recently Minister in Charge of Relief and Rehabilitation. A Moslem, he is like most Indian Moslems, inclined to express his loyalty to India through verbal abuse of Pakistan: "Barbarous savages, uncivilized brutes who spared neither Moslem nor Christian, neither Buddhist nor Hindu. Never, never, has the world seen such *bonyata* [the Bengali word for savagery]."

He draws a graph of the refugee exodus, rising from 25,000 in March to 200,000 a day in the last week of May. "It is difficult to explain why," he admits. "It is like a river. When the summer comes, snow melts on the mountains. It takes a few days before the flood gets to the lower reaches of the river. People living in the interior were subjected to violence. As they trekked toward the frontiers, other villages joined them. By the time they crossed to India, it was like the bursting of a dam."

"What do you think will happen? Will there be a war?"

Dr. Abedin is a doctor but has a lawyer's habit of listing his points: "First, we must remember that except for a mild protest from Soviet Russia, the world has remained indifferent to our plight. Second, we Indians were so scared of world opinion that we failed to interfere when we could have done so in the earlier stages. Third, knowing that China will support West Pakistan, how can we now use force on them and risk a world war?" And he too ends with a note of warning: "India has not yet seen the last of the refugees; the worst is yet to come."

In the afternoon, I call on Mr. Hossein Ali, who defected from the Pakistan Government and is now the chief representative of Bangla Desh in India. He is ensconced in a massive, three-story mansion which was once the office of the Deputy High Commissioner of Pakistan. The green-and-gold flag of Bangla Desh now flies from the mast.

"*Joy Bangla*—victory to Bangla Desh," I say upon meeting him. He gracefully acknowledges the greeting. "It will be so soon, *Inshallah*—if Allah wills. We are giving our liberation forces extensive military training. We'll throw out the Pakistani Army," he says with confidence. He is discreet and does not tell me how many are being trained, where and by whom. But I have picked up the information from my journalist friends, who report that 15,000 are undergoing regular army training and many more are being put through a three-week course in guerrilla tactics—how to dynamite bridges and roads, how to throw hand grenades, and so on. The target is a force of 50,000 in a few months.

"When will your forces go into action?"

"They harry the Pakistanis all the time. Go to any point on the border and you'll hear sounds of rifle and mortar fire. Now the monsoon is on and Pakistani tanks are immobilized. Our liberation forces have stepped up their operations. It won't be too long—*Inshallah*."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ESHLEMAN (at the request of Mr. Gerald R. Ford), on account of hospitalization.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 60 minutes, on August 4.

(The following Members (at the request of Mr. Young of Florida), to revise and extend their remarks and to include extraneous matter:)

Mr. Anderson of Illinois, today, for 30 minutes.

Mr. Archer, today, for 15 minutes.

Mr. Whalley, today, for 30 minutes.

Mr. Derwinski, today, for 5 minutes.

Mr. Horton, today, for 5 minutes.

Mr. McClure, today, for 5 minutes.

(The following Members (at the request of Mr. Davis of South Carolina), to revise and extend their remarks and to include extraneous matter:)

Mr. Adams, today, for 30 minutes.

Mr. McFall, today, for 30 minutes.

Mr. Gonzalez, today for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Miller of California, and to include extraneous matter.

Mr. Michel and to include extraneous matter in two instances.

Mr. Hall, during consideration of H.R. 9910, to revise and extend his remarks, and to include extraneous material following Mr. Morgan's remarks on Mr. Dow's amendment at page 2, line 20, of the bill.

(The following Members (at the request of Mr. Young of Florida) and to include extraneous matter:)

Mr. Bob Wilson.

Mr. Ruth in two instances.

Mr. Hunt.

Mr. Quie.

Mr. Reid of New York.

Mr. Hosmer in two instances.

Mr. Wyman in two instances.

Mr. Rousselot.

Mr. Fish.

Mr. Kemp.

Mr. Broyhill of Virginia.

Mr. Myers.

Mr. Shriver in two instances.

Mr. Schwengel.

Mr. Robison of New York.

Mr. Keating in two instances.

Mr. Goldwater.

Mr. Baker in two instances.

Mr. Halpern.

Mr. Steiger of Wisconsin in two instances.

Mr. Miller of Ohio.

(The following Members (at the request of Mr. Davis of South Carolina) to include extraneous matter:)

Mr. Harrington in three instances.

Mr. Montgomery in two instances.

Mr. Burton.

Mr. Edwards of California in three instances.

Mr. Bevill in two instances.

Mr. Meeds.

Mr. Roybal in two instances.

Mr. Begich.

Mr. Dow in four instances.

Mr. Mazzoli in three instances.

Mr. Hamilton in three instances.

Mr. Helstoski in two instances.

Mr. Rarick in three instances.

Mr. Stokes.

Mr. Fraser in two instances.

Mr. Jacobs.

Mr. Brasco.

Mr. Gonzalez in three instances.

Mr. Fountain in two instances.

Mr. Link in five instances.

Mr. Leggett.

Mr. Dingell in two instances.

Mr. Wolff.

Mr. Pickle.

Mr. Hungate in two instances.

Mr. Stubblefield in two instances.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 18. An act to amend the U.S. Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty; to the Committee on Foreign Affairs.

S. 74. An act to provide for the conveyance of certain real property of the United States to the University of North Dakota, State of North Dakota; to the Committee on Interior and Insular Affairs.

S. 447. An act to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 602. An act to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 959. An act to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona; to the Committee on Interior and Insular Affairs.

S. 960. An act to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona; to the Committee on Interior and Insular Affairs.

S. Con. Res. 38. Concurrent resolution commending the President for initiating a proposed "journey for peace"; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000;

H.R. 2894. An act to incorporate the Paralyzed Veterans of America;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia;

H.R. 7960. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 8432. An act to authorize emergency loan guarantees to major business enterprises;

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H.R. 9417. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 943. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing;

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system;

H.R. 6239. An act to amend the maritime lien provisions of the Ship Mortgage Act of 1920;

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950;

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes;

HR. 9417. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 4, 1971, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1018. A communication from the President of the United States, requesting a supplemental appropriation for fiscal year 1972 for the General Services Administration (H. Doc. No. 92–151); to the Committee on Appropriations and ordered to be printed.

1019. A letter from the Secretary of Transportation, transmitting a report of the financial condition of the Central Railroad Co., of New Jersey as of May 31, 1971, pursuant to section 10 of the Emergency Rail Services Act of 1970; to the Committee on Interstate and Foreign Commerce.

1020. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

1021. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

1022. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1023. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order suspending deportation in the case of Vicente Aguilar-Munoz, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1024. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered under the authority contained in section 13(c) of the act of September 11, 1957, pursuant to section 13 (b) of the act; to the Committee on the Judiciary.

1025. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 15, 1970, submitting a report, together with accompanying papers and illustrations, on Mississippi River at Winona, Minn., in partial response to two resolutions adopted September 18, 1944, by the Committee on Flood Control of the House of Representatives, and in partial response to section 208 of the Flood Control Act of 1965 (H. Doc. No. 92–152); to the Committee on Public Works and ordered to be printed with illustration.

1026. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 5, 1970, submitting a report together with accompanying papers and illustrations, on Frio River in the vicinity of Three Rivers, Tex., authorized by Public Law 88–367, 88th Congress, approved July 9, 1964 (H. Doc. No. 92–153); to the Committee on Public Works and ordered to be printed with illustrations.

1027. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report on services provided to families receiving aid to families with dependent children under title IV of the Social Security Act, pursuant to section 402 (c) of the act; to the Committee on Ways and Means.

1028. A letter from the Secretary of Commerce, transmitting the seventh in the series of interim reports stemming from the metric studies prepared by the National Bureau of Standards, pursuant to Public Law 90–472; to the Committee on Science and Astronautics.

1029. A letter from the Secretary of Health, Education, and Welfare, transmitting information in response to House Resolution 539 (H. Doc. No. 92–154); to the Committee on Education and Labor and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. House Joint Resolution 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes (Rept. No. 92–440). Referred to the Committee of the Whole House on the State of the Union.

Mr. SISK: Committee on Rules. House Resolution 577. A resolution providing for the consideration of House Joint Resolution 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes (Rept. No. 92–441). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 578. A resolution waiving points of order against consideration of the conference report on H.R. 6531. An act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes (Rept. No. 92–442). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 10309. A bill to amend the Internal Revenue Code of 1954 to provide that the depletion allowance shall apply in the case of recycled materials; to the Committee on Ways and Means.

By Mr. HOSMER (for himself, Mr. Anderson of California, Mr. Bell, Mr. Corman, Mr. Del Clawson, Mr. Don H. Clausen, Mr. Danielson, Mr. Goldwater, Mr. Johnson of California, Mr. Leggett, Mr. McCloskey, Mr. Mailliard, Mr. Pettis, Mr. Van Deerlin, Mr. Veysey, Mr. Wiggins, and Mr. Bob Wilson):

H.R. 10310. A bill to establish the Seal Beach National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. BOW:

H.R. 10311. A bill to establish a National Historical Museum Park, to designate the study center authorized under section 2(a) of the act of August 30, 1961, as the Dwight D. Eisenhower Institute for Historical Research; to the Committee on House Administration.

By Mr. BURKE of Florida:

H.R. 10312. A bill to create a five-member panel within the Interstate Commerce Commission to arbitrate claims against common carriers by motor vehicle for loss and damage arising out of the moving of household goods, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 10313. A bill to amend section 453 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 10314. A bill to create a Congressional Office of Foreign Policy and National Security; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. Koch, Mr. Coughlin, Mr. Hawkins, Mrs. Mink, Mr. Moss, Mr. Podell, Mr. Reid of New York, and Mr. Roybal):

H.R. 10315. A bill to amend section 16 of the act of March 3, 1899 (30 Stat. 1121, 1153, ch. 425; 33 U.S.C. 411 and 412); to the Committee on Public Works.

By Mr. HELSTOSKI:

H.R. 10316. A bill to amend section 1905 of title 44 of the United States Code relating to depository libraries; to the Committee on House Administration.

By Mr. HOWARD:

H.R. 10317. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Harrington, Mr. Coughlin, Mr. Hawkins, Mr. Lent, Mrs. Mink, Mr. Moorhead, Mr. Moss, Mr. Podell, Mr. Reid of New York, Mr. Roush, Mr. Roybal, and Mr. Thone):

H.R. 10318. A bill to amend the act of March 3, 1899, commonly referred to as the Refuse Act, relating to the issuance of certain permits; to the Committee on Public Works.

By Mr. MOLLOHAN:

H.R. 10319. A bill to provide for orderly trade in iron, iron ore, and steel products; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 10320. A bill to require the establishment, on the basis of the 19th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. MONAGAN (for himself, Mr. McFall, Mr. Carter, Mr. Rangel, Mr. Abourezk, Mr. Fountain, Mr. Nix, Mr. Meeds, Mr. Dellums, Mr. Roncalio, Mr. McKay, Mr. Rosenthal, Mr. Van Deerlin, Mr. James V. Stanton, Mr. Alexander, and Mr. Bergland):

H.R. 10321. A bill to establish a temporary emergency guidance board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. MONAGAN (for himself, Mr. McFall, Mr. Gubser, Mr. Dingell, Mr. Hawkins, Mr. Rees, Mr. Dent, Mr. Miller of California, Mr. Tiernan, Mr. Brademas, Mr. Roybal, Mr. Ullman, Mr. Donohue, Mr. Boland, and Mr. Sikes):

H.R. 10322. A bill to establish a temporary emergency guidance board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. MONAGAN (for himself, Mr. McFall, Mr. Frenzel, Mr. Downing, Mr. Roush, Mr. Blanton, Mr. Collins of Illinois, Mr. Pike, Mr. Eilberg, Mrs. Grasso, Mr. Wright, Mr. Nedzi, Mr. Moss, and Mrs. Hansen of Washington):

H.R. 10323. A bill to establish a temporary emergency guidance board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. MONAGAN (for himself, Mr. McFall, Mr. Morse, Mr. Sisk, Mr. Burke of Massachusetts, Mr. Hechler of West Virginia, Mr. Mikva, Mr. Harrington, Mr. Leggett, Mr. McCormack, Mr. Hanna, Mr. William D. Ford, Mr. Aspin, Mr. Yates, and Mr. Rodino):

H.R. 10324. A bill to establish a temporary emergency guidance board to facilitate economic recovery with minimum inflation by establishing price and wage guidelines and encouraging voluntary adherence thereto; to the Committee on Banking and Currency.

By Mr. PICKLE:

H.R. 10325. A bill to amend the Internal Revenue Code of 1954 to provide that the valuation of a decendent's interest in a ranch, farm, or closely held business may at the election of the executor be determined, for estate tax purposes, solely by reference to its value for such use; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 10326. A bill to amend the Airport and Airway Development Act of 1970 to increase the United States share payable on account of project costs incurred to acquire certain safety equipment required for airport certification, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10327. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 10328. A bill to provide that the appointment of law clerks to Justices of the Supreme Court shall be confirmed by the Senate and the House of Representatives; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 10329. A bill to amend the Agricultural Fair Practices Act to require that handlers of agricultural products bargain in good faith with respect to the price, terms of sale, compensation for commodities produced under contract, and other contract provisions, with associations of producers of such products, and for other purposes; to the Committee on Agriculture.

By Mr. ABOUREZK:

H.R. 10330. A bill to provide for the distribution of judgment funds to the Cheyenne River Sioux Tribe; to the Committee on Interior and Insular Affairs.

By Mr. ADAMS (for himself, Mr. Foley, Mr. Hansen of Idaho, Mr. Hicks of Washington, Mr. McClure, Mr. McCormack, Mr. Roncalio, and Mr. Wyatt):

H.R. 10331. A bill to amend the Natural Gas Act to secure adequate and stable supplies of natural gas at the lowest possible cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS:

H.R. 10332. A bill to amend the Federal Power Act by increasing Federal research and development activities; to the Committee on Interstate and Foreign Commerce.

H.R. 10333. A bill to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of California:

H.R. 10334. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. BETTS:

H.R. 10335. A bill relating to the tax on self-employment income in the case of retired partners; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 10336. A bill to provide for the protection of children against injury caused or threatened by the persons responsible for their care through a program of grants to States for the development of child abuse prevention programs (including the enactment and enforcement of child abuse laws and the punishment of child abusers); to the Committee on Ways and Means.

By Mr. BOW (for himself and Mr. Robinson of Virginia):

H.R. 10337. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD (for himself, Mrs. Green of Oregon, Mrs. Mink, Mr. Meeds, Mr. Biaggi, Mrs. Hicks of Massachusetts, Mr. Mazzoli, Mr. Thompson of New Jersey, Mr. Dent, and Mr. Daniels of New Jersey):

H.R. 10338. A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools and to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation in elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. FULTON of Pennsylvania:

H.R. 10339. A bill to amend the Federal Aviation Act of 1958 in order to provide for more effective control of aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. HORTON (for himself and Mr. McCormack):

H.R. 10340. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

By Mr. JOHNSON of Pennsylvania:

H.R. 10341. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. KEATING:

H.R. 10342. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 10343. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to income tax; to the Committee on Ways and Means.

By Mr. LINK (for himself and Mr. Hungate):

H.R. 10344. A bill to authorize the District of Columbia to enter into the interstate compact on mental health; to the Committee on the District of Columbia.

By Mr. McCLURE (for himself, Mr. Brasco, Mr. Buchanan, Mr. Burton, Mr. Don H. Clausen, Mr. Dulski, Mr. Kyl, Mr. Long of Maryland, Mr. Whitehurst, and Mr. Winn):

H.R. 10345. A bill to prohibit the manufacture or importation of coin replicas unless such replicas are manufactured in accordance with standards prescribed by the Secretary of Commerce, and for other purposes; to the Committee on Banking and Currency.

H.R. 10346. A bill to prohibit the alteration of coins in use and circulation for any purpose; to the Committee on the Judiciary.

By Mr. McCLURE (for himself, Mr. Conable, Mr. Dellenback, Mr. Frelinghuysen, Mr. Kemp, and Mr. Terry):

H.R. 10347. A bill to encourage States to establish motor vehicle disposal programs and to provide for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 10348. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MIKVA (for himself, Mr. Badillo, Mr. Burton, Mrs. Chisholm, Mr. Collins of Illinois, Mr. Dellums, Mrs. Grasso, Mr. Harrington, Mr. Hawkins, Mr. Koch, Mr. Mitchell, Mr. Morse, Mr. Nix, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Stokes, Mrs. Abzug, and Mr. Scheuer):

H.R. 10349. A bill to establish and protect the rights of day laborers; to the Committee on Education and Labor.

By Mr. MOLLOHAN:

H.R. 10350. A bill to create a National Agricultural Bargaining Board to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products. and for other purposes; to the Committee on Agriculture.

By Mr. PERKINS (for himself, Mr. Quie, Mr. Thompson of New Jersey, Mr. Dent, Mr. Daniels of New Jersey, Mr. Brademas, Mr. Hawkins, Mr. William D. Ford, Mrs. Mink, Mr. Scheuer, Mr. Meeds, Mr. Gaydos, Mr. Clay, Mr. Biaggi, Mrs. Grasso, Mr. Bell, Mr. Reid of New York, Mr. Erlenborn, Mr. Dellenback, Mr. Steiger of Wisconsin, and Mr. Hansen of Idaho):

H.R. 10351. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. RUNNELS:

H.R. 10352. A bill to provide for the disposition of judgment funds on deposit to the credit of the pueblo of Laguna in Indian Claims Commission docket No. 27, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RUPPE:

H.R. 10353. A bill to authorize the Secretary of the Interior to conduct a research and development program in rapid underground excavation technology; to the Committee on Interior and Insular Affairs.

By Mr. VEYSEY (for himself, Mr. Anderson of California, Mr. Bell, Mr. Burton, Mr. Don H. Clausen, Mr. Corman, Mr. Dellums, Mr. Edwards of California, Mr. Goldwater, Mr. Gubser, Mr. Hanna, Mr. Hawkins, Mr. Hosmer, Mr. Leggett, Mr. McFall, and Mr. Mathias of California):

H.R. 10354. A bill to amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards; to the Committee on Interstate and Foreign Commerce.

By Mr. VEYSEY (for himself, Mr. Mailliard, Mr. Pettis, Mr. Rees, Mr. Roybal, Mr. Smith of California, Mr. Sisk, Mr. Talcott, Mr. Teague of California, Mr. Waldie, Mr. Bob Wilson, Mr. Charles H. Wilson, and Mr. Rousselot):

H.R. 10355. A bill to amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 10356. A bill to provide for the establishment of projects for the dental health of children to increase the number of dental auxiliaries, to increase the availability of dental care through efficient use of dental personnel, and for other purposes; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 833. Joint resolution making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes to the Committee on Appropriations.

By Mr. CASEY of Texas:

H.J. Res. 834. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. Grover and Mr. Wydler):

H.J. Res. 835. Joint resolution authorizing the President to proclaim the first day of January of each year as "Appreciate America Day"; to the Committee on the Judiciary.

By Mr. REID of New York:

H.J. Res. 836. Joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of porpoises and dolphins, and for related purposes; to the Committee on Foreign Affairs.

By Mr. UDALL (for himself, Mr. Horton, Mr. Badillo, Mr. Anderson of Illinois, Mr. Foley, Mr. Cleveland, Mrs. Green of Oregon, Mr. Dellenback, Mr. Harrington, Mr. Gude, Mr. Hicks of Washington, Mr. Halpern, Mr. Leggett, Mr. Morse, Mr. Preyer of North Carolina, Mr. Robison of New York, Mr. Scheuer, Mr. Stafford, Mr. Waldie, and Mr. Vander Jagt):

H.J. Res. 837. Joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Government Operations.

By Mr. WIDNALL:

H.J. Res. 838. Joint resolution to defer until January 1, 1974, the effective date of an amendment to section 5219 of the Revised Statutes relating to the taxation of national banks by the States; to the Committee on Banking and Currency.

By Mr. ANDERSON of Illinois (for himself, Mr. Andrews of North Dakota, Mr. Don H. Clausen, Mr. Danielson, Mr. Downing, Mr. Forsythe, Mr. Frenzel, Mr. Fuqua, Mr. Grover, Mr. Gubser, Mr. Hastings, Mr. Mailliard, Mr. Mosher, Mr. J. William Stanton, Mr. Thone, Mr. Smith of New York, and Mr. Whitehurst):

H. Con. Res. 386. Concurrent resolution: Vietnam Disengagement Act; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 10357. A bill for the relief of Mr. Giovanni Chiarello and Mrs. Morana Chiarello; to the Committee on the Judiciary.

H.R. 10358. A bill for the relief of Zena Alicia Estella; to the Committee on the Judiciary.

By Mr. BADILLO:

H.R. 10359. A bill for the relief of Merlyn Ruth Bennett; to the Committee on the Judiciary.

H.R. 10360. A bill for the relief of Suad Rizvanbegovic; to the Committee on the Judiciary.

By Mr. EDMONDSON (by request):

H.R. 10361. A bill for the relief of Eliza Backwater Proctor; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 10362. A bill for the relief of Francisco M. del Rosario; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 10363. A bill for the relief of Herbert Improte to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ECONOMIC IMPACT OF POLLUTION ABATEMENT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BRADEMAS. Mr. Speaker, on June 6 of this year, Andrew F. Brimmer, a member of the Board of Governors of the Federal Reserve System, spoke at the commencement exercises of the University of Miami at Coral Gables, Fla., on the subject of the "Economic Impact of Pollution Abatement."

Dr. Brimmer speaks eloquently of the need to educate the public to the economic sacrifices which increased pollution abatement is likely to entail in the years to come.

Mr. Speaker, I believe this address represents a significant contribution to the existing body of knowledge on this, and I include Dr. Brimmer's address at this point in the RECORD:

ECONOMIC IMPACT OF POLLUTION ABATEMENT

(By Andrew F. Brimmer)

One is not surprised to note that the problems of checking pollution and improving our environment are among the most popular topics for commencement speakers this year. In fact, if the issue were not such a vital one, I might be inclined to apologize for raising the subject again. However, we are confronted with a stark and unpleasant reality: many of our lakes and rivers (and even the oceans themselves) *are* polluted. Much of our air *is* contaminated—to the point of creating a serious threat to the health of some of our citizens in specific areas. In a variety of ways, our overall environment has suffered considerable deterioration.

On an occasion such as this, there is little to be gained by an attempt to assign blame for the circumstances in which we find ourselves. To a considerable extent, all of us—as citizens of a country with the most sophisticated technology in the world as well as possessing some of the earth's richest natural resources—are guilty of allowing our environment to be abused. On the other hand, we know a great deal about the main sources of pollution, and we have a fairly good idea of the requirements that must be met—if we are to cope successfully with the problem.

SOURCES OF POLLUTION

We know that certain industries, partly because of the inherent nature of the production processes which they employ and partly because of hesitancy in recognizing their responsibilities, have posed serious dangers to the environment:

A sizable share of the air pollution can be traced to electric power plants, to coke ovens in steel mills, and to smelters of nonferrous ores.

Paper mills pollute streams, and chemical plants produce waste that is discarded in lakes and oceans.

Faulty oil wells and accidents in petroleum transportation pollute ocean waterways and damage beaches.

In agriculture, drainage from feed lots spoil streams, and pesticides harm some beneficial plants, fish, birds, and people.

In transportation, airplanes, buses, trucks, trains, and other modes of transport also add to the pollution of the atmosphere.

But industry is not alone. Governments also contribute in significant ways to the deterioration of our environment:

Municipal incinerators rank high as a source of air pollution.

Garbage dumps scar the landscape, foul the air, and provide havens for rats and other vermin.

And above all, individual citizens collectively are probably the most important factor in air and water pollution in the United States:

The private automobile is obviously the chief source in the household sector.

Some furnaces and the burning of leaves and grass are also major contributors.

Drainage of septic tanks contaminate the subsoil and foul our lakes, streams and rivers.

Discarded solid waste disfigures our streets and highways and turns much of the countryside into a junk-heap.

So, we must accept the fact that the task of pollution abatement is both large and urgent. This conclusion seems self-evident—even after we discount (as we should) many of the overly dramatic claims of some of the more shrill environmentalists, some of whom do not distinguish between the wise and conservative development and use of our natural resources and the wanton squandering of our heritage. But we must also accept the fact that—left to themselves—some of the principal polluters (businesses, governments, and private individuals) would not correct the situation on their own responsibility.

Yet, the extent of the pollution problem varies greatly from industry to industry and even among firms within the same industry. Because of differing geographical and climatic conditions, one area with essentially the same industrial structure possessed by another may be relatively free of air or water pollution while the other staggers in smog or swirls in effluvium. So, what is needed is a national policy on pollution control—a policy with firm national standards, but one that also gives due weight to the diversity of experience and circumstances among industries and localities.

I realize, of course, that we do not need to begin from scratch in this effort. Laws and regulations on the books, at the Federal, State and local level, have already created much of the necessary framework for such a policy. And in a number of industries, business firms have gone a long way in adapting and upgrading their facilities in an effort to meet the more rigorous standards. Moreover, existing anti-pollution laws are being tightened, and new measures are being adopted.

ROLE OF PUBLIC SECTOR

In implementing these more stringent requirements for pollution abatement, the public sector (at all levels) does have a vital role. In fact, the Federal Government has projected a sizable expansion in the volume of budget resources to be devoted to pollution control in the next few years. Nevertheless, in the current fiscal year (ending on the last day of this month), outlays for these programs may amount to only $1.2 billion. And, despite a relatively large increase projected for next year's budget, outlays for pollution abatement in the year ahead still may not exceed $2 billion.

Moreover, as we look further into the decade, it is becoming increasingly clear that the resources of the Federal Government will be almost fully committed—despite the outlook for renewed economic expansion—through 1975. This prospect seems to be virtually assured because of the further maturing of programs already in force and because of the expected impact of new initiatives whose adoption appears to be well underway. State and local governments also will be hard-pressed to raise the revenue necessary to finance an expanding demand for public services.

Consequently, the major role in the campaign to control pollution must rest with the private sector. But, within the private sector, the efforts of households to expand consumption and the efforts of business firms to expand investment will make heavy claims on our limited resources. Under these circumstances, we must face squarely an inescapable fact: there is a fundamental conflict between our efforts to maximize the growth of our gross national product (GNP) as traditionally defined and our efforts to devote a substantial share of our real resources to pollution control.

While activities to check pollution and to improve our environment will undoubtedly take many forms, above all they will require a significant increase in the level of investment in pollution abatement equipment. This will mean a drastic change in the pattern of investment spending in both the private and public sectors. Historically, the vast proportion of the new investment in private industry has been made to increase production capacity, and only a modest share has been devoted to suppressing the pollutants generated as a by-product of industrial activity. To get a firm grip on the pollution problem will require a considerable reordering of investment priorities: a much larger share of new investment will have to be devoted to making production processes themselves far cleaner and to repairing the environmental damages suffered in the past.

RATE OF GROWTH

And here we encounter the toughest choice of all: the rate of growth of real output in the United States—as in any other advanced industrial society—depends heavily on the pace of investment in plant and equipment to expand productive capacity. With much more of our net investment being channeled into pollution abatement, the rate of expansion of the American economy as a whole will probably slow down perceptibly. So, with our population continuing to grow, we would be faced with the likelihood of a slower growth in real per capita income—and in our standard of living as traditionally defined. Some of us, of course, would accept such an outcome as a reasonable price to pay to halt the deterioration of our environment. Others would decry it as an unwarranted penalty to be paid primarily by those segments of society least able to bear it—under-developed regions of the country, the poor and disadvantaged, hard-pressed urban communities—all of which may benefit considerably from a high level of sustained economic growth. And, finally, still other observers would hope and search for a viable means of reconciling these conflicting goals.

That these goals are in conflict is shown clearly in the results of a systematic analysis of the effects of pollution abatement efforts which I undertook with the assistance of the Board's staff and the computer-based econometric model which we have had in operation for the last few years. These results are not altogether comforting: while pollution abatement activities would undoubtedly create many new jobs, the adverse impact of reduced or disrupted output in some sectors would partly off-set these gains. There would also be an adverse impact on residential construction and personal consumption. But perhaps one of the most disturbing adverse effects is the impetus to inflation that the pollution abatement efforts would produce. While some of the resulting increased costs and higher prices can be viewed as reflecting higher quality of output, there undoubtedly would be a further strengthening of inflationary pressures in the American economy.

Thus, the fundamental question that must be asked is this: are we prepared to pay these real costs? Only the American people as a whole can answer.

In the rest of these remarks, I will comment more fully on these major issues.

PUBLIC POLICY AND POLLUTION CONTROL

As I indicated above, the public sector is relying largely on the private sector for implementation of a large measure of environmental control. Essentially, encouragement is given to the private sector with the stick of judicial procedures and the carrot of a modest amount of grant assistance. So far, the emphasis of the Federal programs is mainly on water pollution. About 80 per cent of Federal obligations are currently in this area, with the largest share of funds reflected in grants and loans for construction of municipal waste treatment facilities. Air pollution control, in second place, lags far behind with about 11 per cent of the obligated funds. Small sums are planned for activities relating to the pollution of land, for example, from mine drainage, nutrients, pesticides, and other substances. Most of these funds will be for research.

Altogether, outlays for these programs in fiscal 1971 are estimated at approximately $1.2 billion. In fiscal 1972, outlays for pollution control and abatement activities are expected to rise by a large percentage amount (71 per cent) but in absolute terms only by $838 million. Budget authority for these programs so far has been considerably greater than outlays. To some extent, these low expenditure figures reflect difficulties in starting up programs, and perhaps there have been difficulties in the original drafting of some of the expenditure provisions. But, whatever the explanation, budget authority for pollution control in 1972 will increase rather significantly—from an estimated $1.8 billion in fiscal 1971 to $3.1 in fiscal 1972. On the other hand, these budget obligations are spread over a number of years in the future, and the amounts are relatively small.

WATER POLLUTION STANDARDS

As of this date, the Administration's program for fiscal 1972 has not been passed, and there are at least two major alternative programs being considered by Congress. However, there is a significant departure from previous policy in the Administration's new proposal for water treatment plants. From 40 to 60 per cent of the cost of waste disposal is apparently directly traceable to industrial users, and new proposals would require communities receiving waste treatment grants to recover from industrial users that portion of project costs that is allocable to the treatment of the specific company's waste. In other words, there would be a user charge associated with waste treatment, and industries would have a direct incentive to economize in their use of water. This clearly differs from past policies which relied on enforcement of water standards through judicial procedures, which could result in long delays and often were limited to a few conspicuous violators.

For the last 1½ decades, the central theme of Federal Government policy in this area has been that most pollution control must be effected by industry. In 1956, Congress amended the Federal Water Pollution Control Act and initiated Federal efforts to establish water quality standards and to enforce them. Federal involvement grew slowly, but the 1965 Water Quality Act provided Federal supervision in the establishment of water quality standards on all interstate water ways. As legislation now stands, Federal water pollution control is based on the required development by each State of water quality standards for each interstate lake, stream, or coastal area within its jurisdiction. Provision is made for Federal and State negotiations on the problem and judicial enforcement of the agreed upon standards against pollutors. To meet these standards, industry has already invested large sums of capital. The present structure of legislation and the apparent shortage of available government funds suggests, however, that the bulk of the effort will have to continue to be made without financial assistance from governments.

RECENT AND PROSPECTIVE PATTERNS OF BUSINESS INVESTMENT

These new investment requirements will follow a heavy volume of investment activity by American industry. In the 1960's, the growth in real private business investment outlays was particularly rapid, averaging about 6.5 per cent annually—well above the 2.7 per cent annual expansion during the 1950's. In 1970, real plant and equipment expenditures declined—partly because of the general economic slowdown and partly because of the lagged effects of monetary restraint in 1969. During the next few years, we expect outlays to expand again at a fairly rapid pace, if long-term capital markets remain favorable and if investment and depreciation allowances are made more liberal. In addition, if the investment tax credit were to be re-enacted, it too would provide inducement to expand durable equipment investment.

More generally, however, part of the unusually large volume of investment in recent years is undoubtedly attributable to inflationary psychology. The rapid rise in the prices of plant and equipment (especially in construction costs) caused business to push ahead with new programs even when the need for these facilities was not immediately urgent to meet current demand. As price increases moderate, this source of stimulus to investment should fade somewhat, but it will probably be quite some time before businessmen completely forget present inflationary conditions and the pressure of rapidly rising unit costs Moreover, strong consumer demand (especially for durables with their greater capital investment requirements), the expected demand from the public sector (particularly from urban transportation systems), and requirements for changes in the production process to keep up with accelerating technological advances will undoubtedly generate large capital requirements.

Consequently, additional investment to curtail pollution of the environment will add importantly to already large capital outlays by private business. One recent survey estimates that investment in pollution-control activities by American companies this year will rise by 46 per cent over last year, to a total of $3.6 billion—or 4.4 per cent of total capital investment in the 26 industries surveyed compared to 3.1 per cent last year. To meet legal standards set up as of last January, it is estimated that, from the end of last year through the mid-1970's, it will take a cumulative total of more than $18 billion—and it is possible that standards will be stiffened further in the years ahead. Seven industries will probably have to spend more than $1 billion apiece, with electric utilities being hardest hit with an estimated clean-up bill of $3.2 billion. Electric utilities plan to spend $679 million this year, compared with only $127 million in 1966.

ALTERNATIVE APPROACHES IN ASSESSING POLLUTION ABATEMENT COSTS

The above outlays are obviously large, and they should make a significant impact on industry's capacity to cope with pollution. However, an economist would want to pose a number of specific questions in order to make a fairly good assessment of the probable costs of the investment necessary to meet the more stringent pollution standards. I addressed such a list of questions to representatives in two industries (steel and electric power generation), and they were hopeful of responding in time to permit an analysis of the replies in connection with these remarks. Unfortunately, the answers were not available.

In the absence of such data, I decided to try a different approach to obtain an assessment of the implications of channeling a greater proportion of private investment to control pollution. For this purpose, I relied on the Federal Reserve Board's staff and the modern, computer-based econometric model which the staff has had in operation during the last few years.[1] Essentially, I wanted to know what would be the general economic impact—both direct and indirect—of devoting a larger share of business investment in plant and equipment to pollution abatement. To answer this question, it was first necessary to have an indication of the contours of investment and the level and composition of GNP in the absence of special efforts to change the configuration of investment spending. Using the Board's econometric model, a "base projection" of real GNP—and its principal components in 1975—was prepared.[2] The results (in constant 1958 dollars) are shown in the attached table.

According to these estimates, real GNP might rise from $724 billion in 1970 to $893 billion in 1975. Producers' durables equipment (the most likely place where outlays for pollution abatement would be registered) might be in the neighborhood of $63.6 billion, representing about 7.1 per cent of GNP, compared with $56.1 billion and 7.7 per cent of GNP in 1970. Expenditures on producers' structures (mainly plant and other nonresidential structures) would approximate $25.7 billion, slightly more than in 1970, and equivalent to 2.9 per cent of total output. Residential construction expenditures might amount to $24.7 billion compared with $20.6, claiming the same share of total output (2.8 per cent) in both 1970 and 1975. This pattern of private investment and the overall structure of GNP associated with it should be kept in mind: without a conscious effort to modify the flow of investment, we might expect to see a slightly smaller proportion of our real resources devoted to capital accumulation in the private sector, and the increase in investment in plant and equipment would account for about 6 per cent of the rise in real output between 1970 and 1975.

UNIT COSTS WOULD RISE

The next step was to determine the effects of raising the level of investment to cope with pollution. It was assumed initially that pollution control devices are added to new equipment purchases but that old equipment is not altered. Greater investment in pollution control equipment would increase the amount of capital required per unit of output [3]—because no increase in production capacity would be associated with a more expensive—but less polluting—production process. The result of this second exercise is labeled "new equipment projection" in the table.

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[1] The model was developed with the technical assistance of economists at the Massachusetts Institute of Technology and the University of Pennsylvania.

[2] Key assumptions underlying the exercise were that tax rates were unchanged and that resources were fully utilized, with unemployment in the neighborhood of 4 per cent in 1975.

[3] Economists refer to the capital required per unit of output as the "capital-output ratio". It was assumed that the pollution control devices add 5 per cent to the cost of a unit of producers' durable equipment.

In this projection, real GNP might rise to $918 billion in 1975 with investment in producers' durable equipment at $69.5 billion, accounting for 7.6 per cent of total output.[4] Personal consumption expenditures would be held to proportionally less than in 1970, 64.9 per cent of GNP compared to 65.9. Producers' structures and residental construction also would be held to proportionally smaller shares of total output than in 1970 as more investment is shifted to new pollution abatement equipment. The unemployment rate, however, would drop substantially below the 4 per cent level, and the pressure on prices and interest rates would be increased significantly.

The final step in the exercise was to estimate the effect of raising the level of investment to scope with pollution in both new equipment and the cost of upgrading equipment already in place. It was assumed that rehabilitation of the old stock of producers' durable equipment would cost $3 billion a year from 1971 through 1975.[5]

The resulting projected GNP (labeled "upgrading" in the attached table) was $887 billion, nearly $5.5 billion less than the base projection (without special anti-pollution efforts) and $31 billion less than the projection for investment in new equipment provided with pollution control devices. As expected, producers' durable equipment, at $70.6 billion in 1975, claimed an even greater share of total GNP (8 per cent) than with either of the other projections, while plant held the same relative share. The increase in investment accounted for 10 per cent of the increase in GNP from 1970 to 1975. In addition, although they accounted for a slightly greater proportion of the total (66.3 per cent), personal consumption expenditures were lower than in the other projections, amounting to $588 billion in 1975. Outlays for residential construction and consumer durable were held to lower levels than in the base projection. The unemployment rate held at the same level as that of the base projection when no modifications were planned for pollution abatement, and interest rates rose only slightly.

The most disturbing aspect of this exercise is the projected effect on prices. Prices as measured by the GNP deflator began to rise more rapidly with the additional investment in pollution control. This, of course, raises the whole question of national accounting vs. a fuller set of social accounts. In a very important sense, when we add to the cost of electricity, for example, by insisting upon putting a cost on the use of natural resources such as water and air, we are adding to social costs. Since our traditional measures of cost cannot easily be adjusted for environmental savings, the standard price indexes will continue to register increases.

In summary, the increase in producers' durable investment for pollution control was purchased at the cost of slight reductions in expenditures for plant and residential housing, and sizable drops in personal consumption and total GNP.

CONCLUDING OBSERVATIONS

Before closing these remarks, I want to emphasize again that I personally share the concern being expressed increasingly (especially by young people) over the quality of our environment. Fortunately, the handful of critics (and it is good that there are so few) who try to minimize the seriousness of the pollution problem have not been able to divert attention from the genuine threat that confronts us. Hopefully, from now on, we will insist that consideration of environmental consequences be placed high on the agenda of any resource development projects—whether public or private. We can no longer defend a scheme simply because it will expand the supply of energy, increase the availability of building material, reduce transportation costs, or in other ways add to the material welfare of our citizens. The costs to the environment must also be added in the calculus of decisions.

On the other hand, I certainly would not stand with that small band of intolerant men and women (and here also it is good that there are so few) who would so elevate environmental concerns that we would be virtually precluded from using our economic and natural resources to improve the lot of the poor and disadvantaged, to spur the growth of depressed regions, or to ease the plight of our cities. In all of these areas, too, we are still faced with a long agenda of unfinished tasks. They also have large and legitimate claims which must be honored through the allocation of a greater share of our real resources.

So, I am left in the middle. I see a basic conflict among competing goals, and a shortfall in the means to satisfy them all. And we cannot afford the illusion of believing that we can: despite our obvious affluence as a nation, we do not have the capacity to produce enough so that households can maximize their consumption (while minimizing taxes); so that an adequate volume of housing can be built; so that business can expand their production facilities at a maximum rate (and also make the investment needed to abate pollution); so that governments can meet the increasing demand for public services (while tax revenues lag behind spending). Instead, I see the need for all of us to exercise the critical judgment and make the hard choices which seek a reasonable balance between our hopes and possibilities.

In short, some things must be left undone; some goals must remain beyond our grasp—at least for the time being. And some common aims must be pursued—despite the cost and pain to some of us individually. Put another way—perhaps an old fashioned way—there are still many sacrifices ahead.

With respect to pollution abatement alone, the issue can be stated succinctly: in the next four or five years, it will take about 10 per cent of our net increase in the nation's real output (or roughly $16 billion in real terms, based on 1958 dollars) to finance the capital investment necessary to check pollution. At the same time, however, it might also place a substantial drag on the continued improvement in the material conditions of our lives.

How many of us are willing to pay this price?

PRINCIPAL CLAIMS ON REAL GROSS NATIONAL PRODUCT, 1970, AND ALTERNATIVE PROJECTIONS TO 1975

[Amounts in billions of 1958 dollars]

Sector	1970 (actual)		1975 base projection[1]		1975 new equipment projection[2]			1975 upgrading projection[3]			
										Variance from—	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Variance from base projection	Amount	Percent of total	Base projection	New equipment projection
Gross national product	724.1	100.0	892.6	100.0	918.0	100.0	25.4	887.2	100.0	−5.4	−30.8
Personal consumption	477.1	65.9	593.8	66.5	595.6	64.9	1.8	588.2	66.3	−5.6	−7.4
Producers' durable equipment	56.1	7.7	63.6	7.1	69.5	7.6	5.9	70.6	8.0	7.0	1.1
Producers' structures	23.1	3.2	25.7	2.9	26.2	2.9	.5	25.3	2.9	−.4	−.9
Residential construction	20.6	2.8	24.7	2.8	23.7	2.6	−1.0	24.3	2.7	−.3	.6
Consumer durables	82.0	11.3	106.6	11.9	110.2	12.0	3.6	105.3	11.9	−1.3	−4.9
Memorandum:											
Treasury bill rate (percent)	6.37		6.20		7.40		1.20	6.50		.30	−.90
Prices (GNP deflator)	134.9		159.9		162.9		3.0	163.0		3.1	−.1
Unemployment rate	4.8		3.8		2.7		−1.1	3.8		0	1.1

[1] The "base projection" is derived from a simulation of the national economy by using the Federal Reserve Board's econometric model. A key assumption was that resources were fully utilized with unemployment in the neighborhood of 4 percent in 1975.

[2] In this projection, it is assumed that pollution control equipment is required on all new equipment, adding 5 percent to cost.

[3] This projection assumed that in addition to adding pollution control devices to new equipment, old equipment will be renovated for pollution abatement at a cost of $3,000,000,000 a year from 1971–75.

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[4] A ten-year simulation indicates that real GNP in the "new equipment" projection will drop below the level for the "base projection" in about seven years, compared with 3½ years for the projection discussed below.

[5] This assumption appears consistent with results of the industry survey cited on page 11.

REVOKE ABSURD TRADE BAN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, August 2, 1971

Mr. BYRD of Virginia. Mr. President, the Lima, Ohio, News of July 15 included an excellent article entitled "Revoke Absurd Trade Ban," written by columnist Anthony Harrigan. I ask unanimous consent that this article be printed in the Extensions of Remarks.

The editor of the Lima, Ohio, News is Tom Mullen.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVOKE ABSURD TRADE BAN

(By Anthony Harrigan)

When the Nixon administration entered office, some of its supporters assumed that one of the foreign policy moves would be to revoke the absurd and hurtful ban on trade with Rhodesia that the Johnson administration instituted. Unfortunately, President Nixon thus far has failed to revoke the executive order under which the ban was imposed.

In Congress, however, efforts are under way to eliminate the trade sanctions which are injurious to the United States. Sen. Harry F. Byrd Jr. of Virginia and U.S. Rep. James Collins of Texas have introduced bills (S. 1404 and H.R. 5445) to allow importation of vitally needed chromium ore from Rhodesia.

At the moment—because of the ban on trade—the U.S. is buying its chrome ore from the Soviet Union and at a higher price than Rhodesian ore sells for on the world market. Thus the Soviets control America's access to a strategic metal. In the long run, the United States must regain access to Rhodesian supplies of chromium ore inasmuch as Rhodesia has most of the world's supply of the metal.

Nixon administration action to discard the ban on trade with Rhodesia is long overdue. Certainly, if the administration can advocate increased trade with Communist China—an avowed enemy of the U.S.—trade with independent Rhodesia, an anti-Communist country, must be viewed as acceptable.

The Johnson administration's imposition of a trade ban was the result of pressure from the socialist government in power in Great Britain in the 1960s. Today, however, a Conservative government holds office in Britain and is ending the socialists' policy of antagonism toward European-led governments in Africa. The Labor Party's pressures against Rhodesia, for example, only encouraged that new nation to develop its industries and end its traditional reliance on bilateral trade with Britain.

Prof. David N. Rowe of Yale University recently returned from a visit to Rhodesia and reported some of his conclusions in the New York Times. His principal conclusion was that "in concert with Britain we should begin to accept Rhodesian independence as a fact, and act accordingly."

Dr. Rowe, who is a specialist in African affairs, also noted the progressive economic developments in Rhodesia, saying that "manufacturing has grown, generally to supply consumer wants previously supplied from abroad."

At a time when the U.S. is under severe fiscal pressure, it has need for seeking new trade links with friendly countries such as Rhodesia. Moreover, Americans should recognize that Southern Africa is destined to develop rapidly in the remaining years of this century. Experts report that major oil fields will be opened on the Mozambique coast adjacent to Rhodesia. South Africa, where American companies have approximately $700 million invested, is an increasingly prosperous country.

The United States has a great opportunity to share in the development and resulting prosperity in Southern Africa if sensible trade and foreign policies are instituted. Congressional approval of the important Byrd-Collins bills would be a constructive step in this direction.

But the White House shouldn't wait for action in the Congress. By issuing new executive orders revoking the ban on trade with Rhodesia, Nixon could assure the U.S. access to a strategic metal and give a needed boost to the American economy.

PRESIDENT NIXON'S PLANNED VISIT TO CHINA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. DERWINSKI. Mr. Speaker, it is obvious that too much speculation over the President's trip to Peking will complicate the visit. This point was well made in the Chicago WBBM, channel 2, editorial of July 19.

Personally, I share the concern expressed in this editorial on the need to approach summit conferences with great care.

My own interpretation is that Dr. Kissinger has nailed down most of the points that will be discussed by the President and the Chinese Communist leaders. I cannot conceive of the President traveling to Peking, nor of the Reds receiving him, if the situation in Indochina has not been almost totally resolved.

Sharing as I do, however, the basic cautious approach to the President's planned trip and recognizing the tragic history of performances at summit meetings by previous American Presidents, I believe this editorial is a solid commentary on the situation.

The editorial follows:

PRESIDENT NIXON'S PLANNED VISIT TO CHINA

The President has asked the leaders of Congress for "restraint" concerning his planned trip to the People's Republic of China.

We agree there is a need for restraint—restraint of expectations. We should not expect too much from this visit. We have had summit meetings before—at Munich, Teheran, Yalta, Potsdam, Camp David, Vienna. They did not always solve problems—sometimes they created them.

However, we strongly endorse this dramatic move by the President to open solid communications with the People's Republic of China. We believe the United States should recognize that huge nation. The People's Republic should, in turn, be admitted to the United Nations.

But we do not expect the presidential visit will magically erase the suspension and animosity here toward the People's Republic, which have developed for a period of more than twenty years. The residual counter-animosity and suspicion within the People's Republic will not disappear overnight.

We hope the establishment of good relations with the People's Republic will accompany a settlement of the Vietnam war. But they may be separate actions.

Friendship with China could remove the fear which has motivated so much of our Asiatic policy for over twenty years—that all of Southeast Asia will fall under the Communist Chinese orbit and threaten us. This had been a barrier to the end of conflict

But again we caution against overreacting to the President's planned trip—as though this is a sports event which calls for cheers or jeers. Let us be restrained and hopeful.

THE COMMITTEE OF ONE MILLION

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. ROONEY of New York. Mr. Speaker, I include the following interesting editorial which was published in the New York Sunday News yesterday. It sets forth my views with regard to Red Communist China.

The editorial follows:

THE COMMITTEE OF ONE MILLION

Against the Admission of Communist China to the United Nations (Suite 500, 1735 DeSales St., N.W., Washington, D.C. 20036; Dr. Walter H. Judd, chairman) is reacting in an interesting fashion to President Richard M. Nixon's planned visit to Peking, Red China.

The committee has drawn up a set of seven questions which it hopes the President will put to Red China's Premier Chou En-lai when the twain meet face to face.

We find these questions so illuminating and provocative of thought that we print them in full:

1—When will you release the American servicemen whom you have held as prisoners for as long as 20 years?

2—Do you now accept the United Nations designation of Communist China as the aggressor in the Korean War?

3—Do you now concede that you committed genocide [deliberate extermination of a national or racial group] in your invasion of Tibet as the International Commission of Jurists in Geneva has so stated?

4—Do you admit that you are responsible for the deaths of thousands of American servicemen in Vietnam through your supplying most of the small arms and ammunition to the Viet Cong?

5—Will you now apologize to my country and to me personally for describing me as a "chief butcher" and an "arch criminal" in your official publications?

6—Are you now prepared to abandon Mao Tse-tung's philosophy that political power grows out of the barrel of a gun?

7—Do you still believe that the U.S. is an "imperialist aggressor" and is surrounded by "running dogs"?

Take 'em away, Mr. President, and let's see Chou wriggle off those seven hooks if he can.

Mr. Speaker, these seven questions demand answers before Red China is even considered for admission to the United Nations.

REFUTING DR. STERNGLASS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. HOSMER. Mr. Speaker, in recent years, the press has given wide coverage to the sensational charges of Dr. Ernest J. Sternglass, professor at the University of Pittsburgh, that the normal operation of nuclear powerplants results in an increase in infant mortality.

Far less attention has been given to the scientific community which refutes his data.

It is significant, I believe, that the president and 13 past presidents of the Health Physics Society have issued a statement to the effect that Dr. Sternglass's contentions are without scientific foundation.

For the information of my colleagues, I include the Health Physics Society statement in the RECORD:

STATEMENT BY THE PRESIDENT AND PAST PRESIDENTS OF THE HEALTH PHYSICS SOCIETY WITH REGARD TO PRESENTATION BY DR. ERNEST J. STERNGLASS, JULY 14, 1971

On the third such occasion since 1968, Dr. Ernest J. Sternglass has, at an annual meeting of the Health Physics Society, presented a paper in which he associates an increase in infant mortality with low levels of radiation exposure. The material contained in Dr. Sternglass' paper has also been presented publicly at other occasions in various parts of the country. His allegations, made in several forms, have in each instance been analyzed by scientists, physicians, and biostatisticians in the Federal government, in individual States that have been involved in his reports, and by qualified scientists in other countries.

Without exception, these agencies and scientists have concluded that Dr. Sternglass' arguments are not substantiated by the data he presents. The United States Public Health Service, the Environmental Protection Agency, the States of New York, Pennsylvania, Michigan and Illinois have issued formal reports in rebuttal of Dr. Sternglass' arguments. We, the President and Past Presidents of the Health Physics Society, do not agree with the claim of Dr. Sternglass that he has shown that radiation exposure from nuclear power operations has resulted in an increase in infant mortality.

H. L. Andrews, University of Rochester.
W. D. Claus, (Retired).
F. P. Cowan, Brookhaven Natl. Laboratory.
Merrill Eisenbud, New York University.
W. T. Ham Jr., University of Virginia.
John R. Horan, U.S. Atomic Energy Commission.
Wright H. Langham, Los Alamos Scientific Laboratory.
J. S. Laughlin, Sloan-Kettering Memorial Hospital.
K. Z. Morgan, Oak Ridge Natl. Lab.
Claire C. Palmiter, U.S. Environmental Protection Agency.
C. M. Patterson, Savannah River Laboratory.
Walter S. Snyder, Oak Ridge Natl. Lab.
J. Newell Stannard, University of Rochester.
L. S. Taylor, Natl. Council on Radiation Protection.

REVENUE SHARING AND CIVIL RIGHTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. RARICK. Mr. Speaker, there has been considerable rhetoric about the President's proposed revenue-sharing programs. Most of the talk has been interpreted by most of the talkers with an interpretation that was most favorable to them or their way of thinking.

Despite the reassurance that Federal revenue sharing with the State and local governments was not to have any strings attached, those who have watched the deterioration of the educational system, the State welfare programs, National Guard, and other State agencies which receive Federal funds, knew that with Federal funds must come Federal control.

Certainly any skeptic should have his doubts removed upon receiving the Civil Rights Requirements Guidelines from the U.S. Commission on Civil Rights. All revenue-sharing programs are to remain under the supervision of the Commission on Civil Rights, and as the guideline report says:

> Commingling of revenue sharing funds with the general funds of a State would make impossible a "tracing" of Federal funds to specific programs or activities. If, therefore, the nondiscrimination requirement were to apply to any program or activity financed by the commingled funds . . . then it would have to apply to all funds expended by the State.

In other words, and to put it bluntly, the Civil Rights Commission intends to use Federal revenue-sharing dollars as seed money to get control of every State and local government operation, including revenues raised by the local subdivision, which funds will become federalized the minute the funds are commingled with revenue-sharing moneys.

Last February 18, on page 3260 of the CONGRESSIONAL RECORD, I had commented on the U.S. Fifth Circuit Court of Appeals decision affecting Saw, Miss., holding that a municipality must equally spend its tax money for each of its citizens and throughout its neighborhood.

Atlanta, Ga., has just received its judicial ultimatum that busing alone is not sufficient to overcome racial imbalance and it is necessary for the Federal bureaucrats to rearrange the entire city, including the "housing, planning, finances, rapid transit, and all other external factors which vitally affect its role in the community."

The move by the U.S. Commission on Civil Rights simply brings home the point that revenue sharing with the State and local governments is not intended to strengthen or restore power to the State and local government but is rather the carrot dangling in front of hard-pressed politicians to surrender even more control and power to the Federal Government. Revenue sharing, using the people's tax dollars, is now revealed as a plan to federalize the people. I had so advised my people of this on March 3, 1971, in the CONGRESSIONAL RECORD on page 4951.

I insert a letter from Howard A. Glickstein, Staff Director of the U.S. Commission on Civil Rights, his revenue-sharing program—minimum civil rights requirements, and several related newsclippings in the RECORD at this point:

U.S. COMMISSION ON CIVIL RIGHTS,
Washington, D.C.

DEAR REPRESENTATIVE: Enclosed is a memorandum setting forth the civil rights issues related to revenue sharing, approved by the Commission on Civil Rights at its last meeting, June 16, 1971. I believe you might be interested in the Commission's assessment of this important subject.

If you have any questions, please call my office.

Sincerely,
HOWARD A. GLICKSTEIN.

[From the U.S. Commission on Civil Rights, Washington, D.C.]

REVENUE-SHARING PROGRAM—MINIMUM CIVIL RIGHTS REQUIREMENTS

INTRODUCTION

The adoption of a general revenue-sharing program may well affect the manner in which the Federal Government carries out a number of its functions. It is imperative, however, that the program not interfere with the ability of the Government adequately to fulfill two major and closely related responsibilities. The first is the responsibility to enforce the mandate of the Constitution that racial or ethnic discrimination not occur in the expenditure and the enjoyment of Federal funds. The second is the responsibility to carry forward the broad national policy of securing economic and social justice for all minorities, and for the disadvantaged generally.

Revenue sharing presents both potential benefits and potential risks to the Federal Government's obligation to discharge these responsibilities. This memorandum presents an outline of *minimal* mechanisms necessary to assure that Constitutional requirements and broad national policy objectives are effectively implemented in any general revenue-sharing program.

1. *Application of a Civil Rights Remedy to the Revenue Sharing Program:* Title VI of the Civil Rights Act of 1964 provides that no person is to be subjected to discrimination under any program or activity receiving Federal financial assistance. Inasmuch as general revenue sharing is one form of Federal financial assistance, the nondiscrimination requirement of Title VI applies to any program or activity assisted by general revenue sharing funds.[1]

One of the principal sanctions available to enforce Title VI consists of administrative proceedings leading to a cut-off of Federal funds. One key question is: What programs or activities under a general revenue sharing program would be subject to the nondiscrimination requirement and, therefore, also subject to the sanction of fund cut-off?

If the Federal Government is to have an effective and practical mechanism to combat discrimination in State and local activities funded under the Federal revenue sharing program, it is necessary that earmarking of the funds be made mandatory so that the sanction of fund termination can attach solely to those programs or activities for which revenue sharing funds are designated.[2]

Commingling of revenue sharing funds with the general funds of a State would make impossible a "tracing" of Federal funds to specific programs or activities. If, therefore, the nondiscrimination requirement were to apply to any program or activity financed by the commingled funds—as it must if the requirement is not to be rendered a nullity—then it would have to apply to all funds expended by the State. While application of the Federal nondiscrimination requirement to all State and local programs or activities would have the beneficial effect of providing substantial Federal leverage toward eliminating discrimination on the part of these governmental bodies, the sanction of cutting off all revenue sharing funds from a State in the case of discrimination in a single program or activity probably would be too drastic for practical use.

2. *Other Federal Remedies for Noncompliance with Nondiscrimination Requirements*: Revenue sharing represents an important new form of Federal assistance to State and local governments. It has far-reaching ramifications. Thus, it is of extreme importance that the nondiscrimination provision be one which has the maximum capability to produce compliance. Yet, experience with Title VI enforcement has demonstrated that the fund termination sanction has often proven to be too inflexible to be effective. When this factor is added to the previously mentioned problems involved in applying the fund cut-off mechanism to revenue sharing grants, it becomes clear that it is necessary to establish a comprehensive and flexible range of remedies, to be used on a selective basis.

(a) *Litigation by the Attorney General*: We believe that as in the case of Title VI, litigation by the Attorney General is a useful supplement to the sanction of fund cut-off. As the Commission pointed out in its October 1970 report, "The Federal Civil Rights Enforcement Effort":

"Recipients would know that not only would Federal funds be cut off for noncompliance but litigation could be brought to bring about compliance. Thus, defiance of nondiscrimination requirements, even at the cost of losing Federal funds, would be an act of futility." (at 726)

As the Commission also pointed out, however, it is undesirable to rely on litigation as a substitute for, rather than a support to, fund termination procedures.[3]

Footnotes at end of article.

(b) *Cease and Desist Order Authority*: Another useful enforcement mechanism would be that of empowering the Secretary of the Treasury to issue judicially enforceable orders directing a State or local government to cease and desist from specific discriminatory practices. Provision should be made for the judicial imposition of sanctions for noncompliance with the cease and desist order, including civil and criminal penalties. Cease and desist order authority would have the benefit of offering an effective and speedy remedy short of the drastic one of fund cut-off.

(c) *Criminal Penalties*: A third sanction in addition to fund cut-off would be a provision making State or local officials guilty of deliberate acts of discrimination liable to criminal penalties. Under this sanction, government officials would be on notice that acts of discrimination would result not only in action against the State but also against those individual officials who are responsible.

(d) *Private Civil Suit*: Private individuals subjected to discrimination should be empowered to initiate litigation in Federal District Court for appropriate relief,[4] including recovery of treble damages, for intentional noncompliance with Federal nondiscrimination requirements. To effectuate this remedy, which would arise after administrative remedies had been exhausted, Title VI administrative procedures should be improved so as to yield a reasoned determination on the issue of alleged discrimination within a brief period (no more than 60 days). In this way, the judicial remedy could be pursued with a minimum of confusion and delay.

3. *Strengthening the Entire Federal Civil Rights Enforcement Effort:* In "The Federal Civil Rights Enforcement Effort" report, the Commission examined the civil rights enforcement activities of some 40 Federal departments and agencies in a wide range of subject areas, such as employment, housing, the operation of federally assisted programs, and regulated industries. In virtually all cases, the Commission found the level of civil rights enforcement seriously deficient and made a number of recommendations, including recommendations for centralized direction and coordination of civil rights enforcement in the newly formed Council on Domestic Affairs and Office of Management and Budget.

In May 1971 the Commission, in a report, "The Federal Civil Rights Enforcement Effort—Seven Months Later" concluded that the Federal response to its earlier report had been, with a few exceptions, one of tentative first steps toward stringent civil rights enforcement combined with promises to do better in the future. It found that major inadequacies in the Federal effort remained and that even the implementation of rather basic proposals for improving agency performance has been characterized by inordinate delays.

If the Commission's recommendations were implemented and Federal programs were in fact operated on a nondiscriminatory basis then the present patterns of racial and ethnic exclusion and the inequitable distribution of Federal benefits would be dramatically reduced. The enforcement of present laws, executive orders and administrative policies would bring about a basic change in practices related to race in communities throughout the Nation. They would, in fact, drastically alter the way the "system" operates, assuring greater racial justice in the communities into which revenue sharing funds would flow.

Vigorous enforcement of nondiscrimination requirements concerning revenue sharing, alone, will not be sufficient. There is large-scale disenchantment, particularly among minority group members, concerning the will and capacity of government to serve their needs and a loss of faith that the "system" can work for them. We can move them toward a renewal of that faith if the full range of protections contained in existing civil rights laws are fully enforced and the rights of minority citizens are guaranteed in fact as well as in legal theory. Therefore, we continue to believe the recommendations contained in the Commission's report should be implemented as soon as possible.

4. *Assuring Equal Employment Opportunity by State and Local Governments:*

(a) *Amending Title VII to Cover State and Local Government Employment:* The Commission previously has urged amendment of Title VII of the Civil Rights Act of 1964 to remove the exemption accorded State and local government employment. In its report, "For All the People . . . By All the People," the Commission examined equal opportunity in public employment throughout the country—north as well as south—and reported widespread discrimination against minority group members in State, city, and suburban government employment.

The report pointed out that State and local government employees make many policy and administrative decisions which have a significant effect on the lives of the citizens within the jurisdiction. The report (at page 131) observed:

"If these decisions are to be responsive to the needs and desires of the people, then it is essential that those making them be truly representatives of all segments of the population."

Since revenue sharing would serve to increase the responsibility of such governments, prior enactment of effective equal employment opportunity controls is imperative.

For the same reason, revenue sharing should not occur until effective Title VII enforcement machinery has been provided, by giving to the Equal Employment Opportunity Commission the authority, in case of violation, to issue judicially enforceable cease and desist orders.

(b) *Affirmative Action by State and Local Governments:* In its study of public employment, the Commission found that the patterns of discriminatory job distribution often resulted from past practices of discrimination in hiring and job assignment. For these patterns to be eliminated will require more than adoption of a neutral policy of nondiscrimination. State and local governments also must undertake affirmative programs of recruitment, training, and promotion of minority employees. Such affirmative action is no less vital to securing equal employment in State and local government than it is in the case of Federal agencies and Federal contractors—where affirmative action already is required by law. Given the lessening of other kinds of Federal controls in connection with revenue sharing funds, it is imperative that State and local governments, under review by an appropriate agency such as the Equal Employment Opportunity Commission or the Office of Federal Contract Compliance, be required to undertake plans of equal employment opportunity affirmative action. Such affirmative action plans should include goals and timetables for their implementation.[5]

5. *The Civil Rights Responsibilities of States and Localities:* Federal civil rights requirements, no matter how comprehensive, are unlikely to prove sufficient to provide the level of protection that is necessary to ensure that the revenue sharing funds are expended in a nondiscriminatory manner. Furthermore, States and localities must be required to demonstrate that they, as recipients of large unrestricted amounts of Federal money, can provide the type of protection which will ensure the basic civil rights of all their citizens.

Currently, few States can sustain this burden. The majority of localities and more than a dozen States have no laws comparable to the Federal Civil rights acts and, in fact, the civil rights laws of those States and localities that have enacted them are severely wanting in terms of coverage, available sanctions, and level of enforcement activity. In many cases, moreover, States and localities not only have failed to provide adequate civil rights protection, but have been responsible for much of the racial discrimination that has occurred. This Commission and other Federal agencies, such as the Departments of Justice, HEW, Labor, and Agriculture, have documented gross abuses of the rights of minority group citizens by State and local governmental agencies.

Thus, a mere assurance from a governor, mayor, or county official that the rights of minorities will be protected will not suffice. States and their subdivisions must, at a minimum, enact laws and ordinances which provide for their citizens the same level of protection offered by Federal statutes, executive orders, court decisions, and executive policy pronouncements. The laws must cover such areas as:

Housing: The law must require that all housing be offered on a nondiscriminatory basis to citizens of all races and ethnic backgrounds and that the policies of the jurisdiction be geared so as not to prevent minority group citizens from living within the jurisdiction or within any part of the jurisdiction.

The administration of State and local programs: The State or locality must assure that all funds which it disperses are used free from discrimination and are in fact distributed on a racially and ethnically equitable basis. This last requirement, which is essentially the same as that provided in Title VI of the Civil Rights Act of 1964, would apply to such State and local programs as education, welfare, health care, employment services, highway and recreation facility construction, and economic development loans and grants.

Laws also are necessary in the areas of public accommodations, public facilities and voting rights. These laws must not only be broad in coverage but also must provide for effective enforcement. It is absolutely necessary that an enforcement agency be established having the power not only to investigate complaints and issue opinions, but also to conduct investigations on its own initiative, hold hearings, issue subpoenas and cease and desist orders, seek court enforcement of its orders, initiate and intervene in litigation, level civil penalties, and order the withholding, where necessary, of State and municipal funds from programs where discrimination is found.

These agencies must be fully staffed with trained, competent personnel. They must not be susceptible to domination by local political factions, but rather, should be permanent, independent agencies whose members are appointed for staggered terms of office. These agencies could be in part funded by the Federal Government, and perhaps given a quasi-Federal status, such as that of the State employment services. Furthermore, officials in all State and local agencies should be made to understand that it is their responsibility, subject to removal from office by agency directors, to ensure that their programs are not discriminatory in operation or effect.

This expanded, and in many cases new, effort by States and localities is not intended to supplant Federal civil rights activities, but rather to supplement them. Once the States and their municipalities prove their effectiveness in this area, the Federal agencies will be able to limit their efforts to a monitoring and spot-checking function. Until that time, however, the staffs of the two enforcement systems should work together so as to prevent duplication of effort and to ensure maximum utilization of information.[6]

6. *The "State Plan" Requirement:* As an-

Footnotes at end of article.

other condition of eligibility for participation in revenue sharing, the State and its political subdivisions should be required to submit a "State Plan," the purpose of which would be to assure that the State is realistically facing up to the problems it has and that revenue sharing funds will be used in ways that will better enable the State to meet and overcome these problems.

The "State Plan" should, at a minimum, contain the following elements:

(a) A rank order of problems facing the State and its political subdivisions. This analysis would be supported by data and reports prepared by the relevant local agencies. Problems would include those in the areas of human resources, natural resources, economic development, and other general governmental concerns, but would be broken down into specifics. Thus, in the area of health care, the plan would relate to specific problems in the State and its various jurisdictions, such as prenatal care, care for the aged, hospital services, insufficient medical personnel, or insufficient funds to provide for the nutritional needs of its citizens.

(b) In a similarly detailed fashion, the State and its jurisdictions would be required to set forth what actions they have taken in the past to cope with each of the problems they identify. This analysis would be both in terms of financial and manpower resources allocated.

(c) A statement of how State and local revenue is being apportioned in the coming fiscal year and how this apportionment of funds is calculated to overcome the problems would be given. In addition, States and localities would detail how they anticipated using the Federal revenue sharing funds which they are to receive.

(d) A long-range analysis of the matters set forth in points a, b, and c would be detailed. This section will require officials drafting the plan to spell out the broadest aspects of the problems. This requirement reflects the fact that effective action toward social change requires long term planning.

The State Plan would be submitted for review and approval to the Office of Management and Budget, which would exercise its reviewing function in conjunction with Federal departments having major program responsibilities relating to the plans. National policy criteria for such reviews should be established by the Council of Domestic Affairs.

One of the major concerns in the review process should be whether a plan takes into account the special needs of minority group members and the economically disadvantaged. Thus, it would be unacceptable if a State or political subdivision overlooked the health needs of its poor citizens while devoting considerable resources to developing a highway system which, by its nature and location, services only the more affluent sections of the population. In the past, some States and localities have participated in Federal programs on a selective basis, often refusing to participate in social welfare programs such as public housing or food assistance while accepting Federal money for suburban water and sewer facilities or recreational facilities that serve only the affluent. Revenue sharing should not be allowed to support these insensitive local policies.

Furthermore, the State Plan should be responsive to important Federal policies such as the racial and ethnic desegregation of schools and the elimination of racial and economic polarization in metropolitan areas. The programming of States and localities should be required to reflect these Federal priorities. It must be made clear that Federal funds, whether from revenue sharing or categorical grants, cannot be used to aid in schemes which tend to discriminate against, isolate, impoverish, or perpetuate second class citizenship for any racial or ethnic group.

7. *Distribution of Funds According to Need:*

(a) *Distribution Among the States:* Distribution of general revenue sharing funds should be determined on the basis of indicators of need, such as the relative wealth of the State, measured by average personal income, and the number of the State's population who are "disadvantaged individuals" as defined in the U.S. Department of Labor Manpower Program.[7]

The present Federal system of categorical grants is, in its very structure, responsive to such demonstrated domestic needs as these. Given the shortage of Federal, State, and local government funds in relation to the demands made upon them, if we are adequately to serve the needs of our many citizens who are trapped in poverty, we cannot afford to distribute any large amount of Federal revenue without reference to such fundamental determinants of need.

In its ongoing study of racial and economic polarization in metropolitan areas, the Commission has seen how lack of adequate fiscal resources has contributed to an accelerating economic and racial separation in these areas. The lack of funds to finance adequate public services causes those who can, to flee the inner cities, and at the same time causes many suburban jurisdictions to use zoning and other devices to exclude the poor, who are most in need of public services. It also is such factors as these that make the State Plan, described in Section 6, a necessary "civil rights" protection.

For these reasons, the distribution of the general purpose revenue sharing funds should reflect a national commitment to the special problems of the poor and of our urban areas, where the poor and the disadvantaged are heavily concentrated.[8]

(b) *Distribution Within States*

A requirement that States "pass through" a proportion of general revenue sharing funds to local jurisdictions is an important safeguard in assuring that the cities receive their fair share of revenue sharing funds. For the reasons stated in our discussion of "Distribution Among the States" we believe that such a requirement should reflect the same criteria of need as recommended in that Section of this memorandum.[9]

FOOTNOTES

[1] S. 680 ("General Revenue Sharing Act of 1971") (Senator Baker) provides that no person shall be subject to discrimination on the ground of race, color, or national origin in any activity assisted by general revenue sharing funds. It provides sanctions for noncompliance, including referral by the Secretary of the Treasury to the Attorney General with recommendation for commencement of a civil action, and the sanctions—including fund cut-off—provided for in Title VI of the Civil Rights Act of 1964.

S. 241 ("State and Local Government Modernization Act of 1971") (Senator Humphrey) and S. 1770 ("Intergovernmental Revenue Act of 1971") (Senator Muskie) contain similar provisions; the latter bill would also empower any person adversely affected by discrimination in violation of this provision to bring a civil action to obtain relief against such discrimination.

[2] While not reflected in the language of S. 680, the White House has indicated that it favors a requirement that all general revenue sharing funds be earmarked by the States to specific uses.

[3] As noted above, S. 680, S. 241, and S. 1770, all authorize the sanction of fund termination for failure to comply with nondiscrimination requirements.

[4] As noted above, S. 1770 empowers any person adversely affected by discrimination in violation of this provision to bring a civil action to obtain relief against such discrimination.

[5] With respect to sanctions for noncompliance with affirmative action requirements, see Section 2 above.

[6] The civil rights enforcement capabilities of a State or local government do not exist in a vacuum; they are closely tied to the overall level of proficiency of the government. S. 241 contains a requirement that, in order to qualify during the second and subsequent years of general revenue sharing, States must prepare a master plan and timetable for modernizing and revitalizing State and local governments. This could be an important contribution to strengthening the civil rights capabilities of State and local governments. It also is an important element in improving the capacity of State and local government effectively to carry out the planning functions discussed in the following Section.

[7] The term is defined to include:

Any poor person who does not have suitable employment and who is either (1) a school dropout; (2) a member of a minority; (3) under 22 years of age; (4) over 45 years of age; (5) handicapped. U.S. Department of Labor, "Cooperative Area Manpower Planning System," Supplement No. 1, Dec. 14, 1970, at 10, n. 2.

[8] S. 680, S. 241, and S. 1770 all provide that each State's share in general revenue sharing funds is a function of (a) total population of the State and (b) the State's "tax effort"—the amount of revenue it raises in relation to the total personal income earned by residents of the State.

[9] S. 680, S. 241, and S. 1770 all require the States to "pass through" a certain proportion of funds to local governments. They all permit each State, acting in conjunction with its local governments, to determine the basis for allocation among the local governments—which basis could reflect the relative need of the respective local governments.

Absent such special agreement, S. 680 and S. 241 provide that the share of each local government is to be the same as its relative contribution to overall State revenues. S. 1770 uses a more complex distribution formula, which makes the share a function of each government's contribution to State revenues, its population size, and its share of poor persons (those with incomes of less than $3,000) and of persons regularly receiving public assistance.

[From the Atlanta Journal and Constitution, Aug. 1, 1971]

School Desegregation Case For Atlanta May Linger On

(By Junie Brown)

The Atlanta school desegregation case has been dismissed by U.S. District Court here, but it probably is not over.

For one thing, the court ordered the Atlanta system to submit semiannual reports on its progress to the court which will keep the case open for review.

For another, the case is almost certain to be appealed to a higher court by the plaintiff, the National Association for the Advancement of Colored People (NAACP).

The Atlanta case is 31 years old and it has stayed in court all this time because of the numerous appeals filed by the NAACP. The school system itself has never appealed any decision rendered in the case, according to its attorney.

Peter Rindskopf, the attorney for the plaintiff, has been out of town since the decision was rendered Wednesday.

Contacted in Michigan and informed the case had been dismissed by the district court, Rindskopf confirmed he probably will appeal the case to the 5th Circuit Court of Apeals in New Orleans.

"They can do anything they want to but it's subject to appellate review," Rindskopf said. "It is very possible we will appeal. In fact, it's more than likely."

If Rindskopf needed ammunition for his appeal, he may not have to look further than the biracial committee appointed by U.S. District Judge Frank Hooper to work with the school system in solving its race problem.

Some members of that committee already are claiming they have been, at the very least, misinterpreted, or at the worst, misquoted, by the district court.

The court order issued by two federal judges here last Wednesday states that the majority of the members of the biracial group "furnished the court with a resolution praising the Atlanta School board's efforts and recommending no further action."

Biracial committee chairman Lyndon Wade, executive director of the Atlanta Urban League, says the court's interpretation is "not an accurate reflection of what the committee sent to them. We did not send in a resolution praising the board of education, and we did not send in a resolution recommending no further action. The statement was not ambiguous. It was very clear," Wade said.

What the resolution did say, in effect, was that the biracial committee supported the school board plan to pay transportation costs for students who voluntarily transferred from schools where they were in the majority to schools where they were in the minority.

A second paragraph said the committee also supported the board's reaffirmation of its antidiscrimination policy.

"At first the resolution had three paragraphs," said John Cox, director of the Butler Street YMCA and another member of the committee.

"But the paragraph that said we recommend no further action was clearly struck and did not go to the judges at all," Cox added.

"I honestly don't know what happened that the court interpreted it as it did," said Michael Trotter, an Atlanta attorney and another member of the committee.

"I don't think a committee with those percentages (five white and five black members) would have come up with the type of resolution the court has described," Trotter said.

"I'm sure there is no malice and no deliberate intent, but there could have been some slippage here. Judges use law clerks to draft their law decisions," Trotter said.

Trotter admitted the apparent resolution error is definitely one of the "relevant facts" that attorneys would look for when filing appeals.

"How important it is I don't know. It is just one of numerous findings of fact the court made. Whether this fact alone would be sufficient to uphold an appeal, I don't know," Trotter said.

Judge Sidney O. Smith, one of the two judges who sat on the case said the court made its finding from the resolution and from talking to members of the committee individually.

"The school board said this (desegregation plan) was all they knew to do. The biracial committee had no further suggestion. And if they supported the school board's plan we certainly took this as the inference," Judge Smith said.

"There may have been some misinterpretation," he conceded.

Whether the U.S. 5th Circuit Court of Appeals would overturn the Atlanta decision is anybody's guess, but there are arguments against it.

For one thing, it was not rendered by the same judge who had been on the case for 13 years, Judge Frank Hooper. Instead the decision was handed down by two judges, Judge Smith and Judge Albert Henderson, which gives it some unanimity.

Secondly, overturning the decision would open the door to the sticky question of a defacto segregation which the court has heretofore avoided. (Defacto segregation results from segregated housing patterns. De jure segregation is the result of specific laws separating the races.)

The Atlanta decision makes it clear that Atlanta ended de jure segregation years ago and the remaining black and white schools in the city result from segregated housing patterns.

To try to further desegregate through busing students would cause whites to leave the city and make the Atlanta school system virtually all-black, the judges said.

[From the Atlanta Journal and the Atlanta Constitution, Aug. 1, 1971]

THE COURT'S COMMENT

From the decision by Judge Sidney O. Smith, Jr. and Judge Albert J. Henderson, Jr., U.S. District Court, July 28: Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community.

Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes, and quality education, such consolidations normally produce long-range improvements. In terms of the current problems, such consolidation might well produce partial, even though not perfect, solutions.

Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be communitywide, crossing lines of industry, government, and transportation as well as education.

While the school board should certainly participate, it cannot function successfully alone. A special mayor's committee of both races might be appropriate. The existing biracial committee might well be expanded to 20 to 30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved.

Short of such critical re-evaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

In its rejection of mass busing for Atlanta schools this past week, the U.S. District Court here addressed itself to some of the problems which the city and its environs must face.

Federal Judges Sidney O. Smith Jr. and Albert J. Henderson Jr. took note of the fact that there should be a sweeping examination of public education's "relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community."

The judges also pointed to the possible benefits that might accrue from a consolidation of the Atlanta schools with the Fulton County schools.

Atlanta is the heart of the metropolitan area. The environs surrounding the city limits are largely dependent upon Atlanta for vital economic life blood.

For someone in DeKalb or Gwinnett or Cobb counties, for example, to take a detached view of what transpires within Atlanta is a flight from reality. If Atlanta is seriously hurt in any manner, those counties are going to feel the pain.

Much lip service has been given the metropolitan umbrella approach. But little progress has been made. Yet we are all in this together and we must seek common solutions to common problems.

The time has long passed when Atlanta's city limits were sharply defined from the remainder of Fulton County. The boundary now is arbitrary. In effect, all of Fulton County is Atlanta and Atlanta is all of Fulton County.

A first step in recognizing this fact of life could very well be the consolidation of the two school systems. The only justification—if it can be called that—for two separate school systems is "we've always done it that way."

There is nothing unique about either system which dictates the necessity of keeping them separate, with separate administration and separate overhead.

It is reassuring to see Mayor Massell's quick response to the judges' comment on school consolidation. He is to be commended for calling on the Atlanta Charter Commission to begin an immediate study of the problem.

And the Fulton County commissioner would do well to emulate the mayor on this vital matter.

In fact, all echelons of government within the metropolitan area should reflect on the comment contained in the decision by Judges Smith and Henderson. They should reflect on it and address themselves to it. They should take a positive approach toward solving the problems that beset us all.

And they should do that before we are engulfed.

[From the Washington Post, July 29, 1971]

COURT BARS BUS PLAN IN ATLANTA

ATLANTA, July 28.—A two-judge federal panel warned that Atlanta "stands on the brink of becoming an all-black city" and rejected mass busing today as a means of achieving racial balance in the city's schools.

"The problem is no longer how to achieve integration, but how to prevent resegregation," the panel said. "Atlanta is entitled to a dismissal."

The ruling and a lengthy opinion came in a 13-year-old suit seeking desegregation of the city's schools. The case had been remanded to the panel by the Fifth U.S. Circuit Court of Appeals which directed it be considered in the light of the Supreme Court's ruling on desegregation in Charlotte and Mecklenburg County, N.C.

The Supreme Court had held that mass busing was suitable in that case for ending a system of dual schools and also suggested other means of bringing about complete racial integration.

U.S. District Judges Sidney O. Smith and Albert J. Henderson said a "sweeping reevaluation of housing, planning, finances, rapid transit and all other external factors" in Atlanta was necessary to preserve integration.

"Short of such critical reevaluation, the Atlanta system faces a difficult task in merely 'hanging on' to its present position, awaiting the uncertain reversal of white flight from its limits," they said.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men have not forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing.

Col. Robert N. Smith, U.S. Marine Corps., 049641, Athens, Ohio. Married and the father of three children. The son of Gen. and Mrs. Norman W. Smith, Sr., East Woodstock, Conn. 1948 graduate of the U.S. Naval Academy. Graduate of U.S. Naval Postgraduate School (1956) and Princeton University (1957). Officially listed as missing August 19, 1969. As of today, Colonel Smith has been missing in action in Southeast Asia for 714 days.

SHOEMAKERS SKEPTICAL

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. ROBISON of New York. Mr. Speaker, I address myself once again to the problems of an already deteriorating American industry, that of the U.S. domestic shoe industry.

The recent announcement by the Italian Government that it has decided to limit shoe exports to this country has been greatly heralded and, while I do not wish to undersell its importance or ignore the necessity to keep the door open for voluntary quota negotiations, a closer examination of this announcement gives little reason for enthusiasm by the American shoe industry.

While Italy has in the past been a major factor in the flooding of the American shoe market, it appears that even unrestricted imports from them would have amounted to less than a 5-percent increase this year—a drop in the bucket when compared to the overall problem.

As the following article from the Christian Science Monitor indicates, the decline in Italian imports is of little consequence when measured against the threat presently presented by countries such as Spain, Taiwan, and Brazil, where the labor markets are such that the American shoemaking industry cannot hope to be competitive. I feel that this article by David R. Francis, dated July 15, 1971, will be of interest to my colleagues:

U.S. SHOEMAKERS SKEPTICAL OF ITALIAN LIMITATION

(By David R. Francis)

WASHINGTON.

The United States domestic shoe industry doesn't know whether to be grateful or not for the Italian Government's apparent decision to limit shoe exports to this country.

For one thing, the limitation is not all that clear cut. Italy said it would require its 10,000 to 12,000 shoemakers to get visas to export their nonrubber footwear. Further, it was hoped that exports this year would be about the same as in 1970.

The U.S. State Department said that it would be "constructive" if the limit was observed.

ACTIONS DISGUISED

So, the Italian "unilateral and autonomous action," as the State Department describes it, is a sort of nonagreement agreement.

One cause of the vagueness of the Italian action is that trade deals are the prerogative of the European Common Market. Thus any quotas on exports, voluntary or otherwise, must be disguised as administrative actions.

Though called unilateral action, it came after visits to Italy by ex-Treasury Secretary David M. Kennedy, now a special ambassador for President Nixon. His trip was followed up by visits of Theodore R. Gates, a high official in the office of the special representative for trade negotiations, and Donald A. Webster, an aide to White House foreign economic adviser Peter G. Peterson.

Another reason for the shoe industry's lack of enthusiastic welcome for the Italian announcement is the feeling that it wasn't much of a concession. Italian shoe exports, the industry figures, would not have grown by much more than 5 percent anyway this year.

"It is basically meaningless," said one shoe industry official.

Wages of Italian shoe workers jumped enormously in recent months. They now amount to about $1.30 per hour with fringe benefits, it is reckoned. This compares with about $2.80 per hour with fringes for U.S. shoe workers. Italian shoe workers' wages now exceed those of workers in the British shoe industry.

STRIKES INTERFERE

Italian shoe exports to the U.S. are up 12.5 percent to 47.6 million pairs during the first five months of this year from the same five months of last year. In dollar terms, they are up 16.4 percent to $137.5 million.

But shoe industry experts say that the higher Italian wages, strikes in the Italian industry, and the prospect of a dock strike in the U.S. made it doubtful that the Indian exports would increase as much in the latter half of this year.

In any event, the shoe industry is much more concerned over the results of U.S. talks with Spain on shoe exports.

"So much hinges on what the administration can pull off with the Spanish," noted Mark E. Richardson, president of the American Footwear Manufacturers Association.

The Spanish are considered much more competitive. Their wages plus fringe benefits amount to about 62 cents an hour, industry sources reckon. The cost of freight and insurance on shipments to the U.S. amounts to about 6 percent of the foreign price. Duties add another 12 percent.

When costs are totaled, Spanish shoe manufacturers have no trouble undercutting the prices of U.S. shoe firms.

"SCARED OF THE SPANIARDS"

During the first five months of this year, Spanish shoe imports climbed 41 percent to 12.4 million pairs. "We are very scared of the Spaniards," says Mr. Richardson.

With such large potential export gains, the Spanish are expected to be much more reluctant than the Italians to limit their exports of men's and women's leather shoes. Spain notes that it already has a large trade deficit with the U.S.

U.S. trade officials discussed the issue with Spanish officials about two weeks ago. The Spanish said they would talk it over with Cabinet members and industry executives.

"There is a reasonable chance we can find some action on their part," held one U.S. trade expert.

The American Shoe Manufacturers Association has been seeking legislated quotas—not voluntary limitations—to protect the domestic industry from imports.

According to reports here, Rep. Wilbur D. Mills (D) of Arkansas, the powerful chairman of the House Ways and Means Committee, said Monday that he supplied the impetus for the Italian shoe deal, advising the administration that the Italians might consider such action.

This was a surprise to the domestic shoe industry and, for that matter, to some high trade officials.

Total shoe imports last year amounted to 235.7 million pairs worth at the point of shipment $549 million. The wholesale values here might be twice the "FOB" value, it is estimated.

This compared with domestic shipments of 566 million pairs valued at $2.9 billion.

The shoe manufacturers association projects that almost half of domestic shoe consumption will be imported this year. In the past, the industry's estimates of imports have proved conservative.

Mr. Richardson questions whether the country-by-country route for limiting imports will provide sufficient protection for the domestic industry. If both Italian and Spanish shoe imports were restrained, he suspects that after 8 to 18 months shoe production for export to the U.S. in such nations as Brazil and Taiwan would greatly increase. The domestic industry would get only a brief respite from import growth.

DOMESTIC DECLINE

Domestic employment of the shoe industry, he says, has declined from 350,000 in 1968 to about 300,000 now.

Domestic shoe production has slipped from 640 million pairs in 1968 to 515 million last year.

As a result, the Department of Labor has certified some 5,100 shoe workers as eligible for trade adjustment assistance. They are paid up to 65 percent of their average weekly wage for up to 52 weeks. If they are taking special training courses, the duration of the payments may be extended another 26 weeks.

The usual cost of the assistance amounts to about $3,000 and generally about 90 percent of those eligible actually apply for the assistance.

At this point, the domestic industry is awaiting the results of the Spanish talks. Then it will decide whether to "knock" the administration's efforts to get voluntary limits on imports or accept them.

As a bargaining weapon, the administration has an evenly divided finding of the Tariff Commission on the need to hike import duties under an "escape-clause" action. This meant the final decision was left to the President.

Voluntary action on behalf of the exporting nations would avoid the possibility of foreign trade reprisals and potential damage to relations outside the trade sphere.

H.R. 9265

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mrs. HICKS of Massachusetts. Mr. Speaker, I take this opportunity to remark on the recent House passage of H.R. 9265, the Servicemen's, Veterans', and ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971:

The Servicemen's, Veterans', and ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971

Mr. Speaker, the recent House passage of H.R. 9265, the Servicemen's, Veterans', and Ex-Servicemen's Drug Treatment and Rehabilitation Act of 1971, gives me a great deal of satisfaction. I have closely followed and strongly supported this legislation since it was introduced in June. It is designed to meet the growing national social problem of drug abuse and dependency. At that time, I and twenty-two other members of the House of Representatives felt that the Veterans' Administration was in a unique position to assist returning servicemen suffering from drug dependency to break away from drugs. Again, in the Veterans' Affairs Committee, we recognized the contribution that VA hospitals could make in treating this problem if the proper legislative authority was supplied. Our Committee, working with a bipartisan spirit, reported this bill out of the House action in near-record time so as to make an immediate expansion of VA programs in this area possible.

H.R. 9265 gives the Veterans Administration the authority it needs to be flexible enough to treat returning veterans, active-duty servicemen, and ex-servicemen who are now ineligible because of the nature of their discharge. In giving the VA authority for expansion of drug treatment services, this bill (1) establishes an orderly procedure for the Veterans' Administration to cooperate with the Armed Forces in treating servicemen with drug addiction problems; (2) provides that the VA may receive and treat ex-servicemen on the basis of commitment from Federal courts; and (3) clears up the confusion as to eligibility for treatment on the basis of the type of discharge by authorizing the VA to treat any serviceman or ex-serviceman with an addiction problem regardless of the type of discharge he holds or any other legal problems he may have as a result of violation of other laws. At the present time, many ex-servicemen are unable to seek treatment because of restrictions which the law places on the Veterans' Administration. Estimates ranging up to 10% have been given in describing the number of servicemen addicted to drugs in Vietnam alone. In Vietnam, where the problem is most severe, drugs such as heroin are cheap and easily available. However, when servicemen addicted to these drugs return to the United States, they find that the cost is many times more than what they have been paying, and drugs are much less readily available. Many of these returning veterans must turn to crime to support their habit and pushers to supply it. To prevent returning servicemen from being pushed into a life of crime and addiction, we should try to encourage them to identify themselves and look for treatment. I believe the provisions of this bill take a long step in that direction. Whatever the reasons for the increases in drug abuse and addiction, we must be prepared to help them recover and lead productive lives as law-abiding members of our society.

I am pleased that the veterans' hospital at Jamaica Plain in my congressional district has opened a drug clinic which will place medical facilities within easy reach of all veterans in the Ninth Congressional District of Massachusetts.

I feel because of the excellence of the program that the Veterans' Administration is obviously one of the Federal agencies best equipped to meet the drug abuse problem.

The passage of this bill by the House of Representatives moves us an important step closer to the solution of those who are most in need of treatment.

SHELBYVILLE, IND., NEWS TELLS "WHY" OF SPACEFLIGHT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BRAY. Mr. Speaker, many people, watching the spectacle and drama of Apollo 15, quite understandably ask, "What does it all mean?" and "Is it worth it?"

One of the finest responses I have ever read to these questions was contained in the lead editorial of the Shelbyville, Ind., News, of July 27, 1971. It is a pleasure and privilege to enclose this editorial:

The Point of It All

What's the point of spending all this money for flights into space? It's a question asked by many since this country's space program began a decade ago—and it has been answered many times in many ways. Let's take another look at it.

Some 200 years ago Captain James Cook circumnavigated the globe in a small and fragile craft called the "Endeavor'. It seems appropriate that the Apollo 15 astronauts blasted off the earth Monday in a command module named Endeavor. In its way, their space craft, pitted against the unknown hazards and vastness of space, is as fragile as Captain Cook's vessel.

And what is the point of it all? We doubt if the backers of Leif Erickson, Christopher Columbus, Ferdinand Magellan, Francis Drake, Cortez, De Soto, Rogers and Clark, LaSalle, Daniel Boone, Admiral Peary, Commander Byrd, Auguste Piccard, and Charles Lindbergh, could have told you what they expected to find or what would be its value. Hindsight is better than foresight and we all know of the benefit to mankind of the adventurous explorations of the past.

Of all the treasures we possess, knowledge is probably the most valuable. For from knowledge stems progress into areas hitherto unknown.

Already the entire world has benefitted from the spin-offs of the space program—weather satellites, miniaturization, printed electronic circuits, computers and a myriad of new materials developed for space but adapted for earth use. Some of these products now flying in satellites and aboard the space craft were made here in our own community—and that means jobs.

Exploration is a dangerous business. Explorers know this, but their curiosity on behalf of mankind is greater than the hazards they face.

Who really knows what the Apollo 15 astronauts—Col. David Scott, Lt. Col. James Irwin and Major Alfred Worden—will find? Who knows to what use the knowledge gained will be put? Even if the voyage is a failure, we will learn something—why it failed—so that we can try and try again!

While many say the money spent on space exploration is wasted, we say it is not. The TV set which you used to watch the launch, is better because of space hardware developments. The computer that printed your paycheck came directly from the space program for they had to invent something we didn't have in order to make the intricate calculations necessary for space flight. New, lighter, better insulated building materials, fireproof paint, heat resistant ceramics, coated fabrics and many exotic materials will make life better for us all, create new industry and jobs and though we cannot see the moon as a vacation spot, maybe someday you can buy an excursion ticket to the moon or some other planet. The point is, who knows?

We hope to find out, and that is the point of it all!

THE SHAME OF ST. LOUIS—PRUITT-IGOE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. CLAY. Mr. Speaker, a recent editorial by KMOX–TV in St. Louis discusses the public housing shame of St. Louis—Pruitt-Igoe. The editorial expresses a sentiment that I have pointed up time and again—that no matter how much money is poured into this public housing structure, it would be a futile effort to try to reconstruct a disaster.

I have written Secretary Romney on several occasions requesting him to tear down Pruitt-Igoe. The KMOX editorial aptly states:

> Pruitt-Igoe was doomed the day it left the drawing boards. You can't concentrate almost 3,000 low-income families in 43 high-rise buildings and expect them to survive in an area that provided no shopping facilities, no health services, inadequate transportation, a minimum of job opportunities, and almost non-existent schooling, playground, and recreational facilities.

An environment such as this induces acts of crime. In fact, crime and vandalism run rampant in Pruitt-Igoe. The only way to end these problems is by removing the source which creates them. In this case, the source is Pruitt-Igoe. The editorial concludes:

> This area and its residents must be brought into and made a viable part of the community. And we agree more money should be spent on Pruitt-Igoe—but not for renovation. It should be leveled to the ground. Then new plans, new ideas and new public housing concepts can be devised without the 43 specters of failure casting their shadow over these blighted acres.

I endorse the KMOX editorial and commend it to my colleagues' attention:

Pruitt-Igoe

More millions in federal money have been proposed to rehabilitate the public housing shame of St. Louis—Pruitt-Igoe. In KMOX-Television's opinion, this would be a futile repetition of other costly efforts to rectify a monumental error in the project's original concept.

Pruitt-Igoe was doomed the day it left the drawing boards. You can't concentrate almost 3,000 low-income families in 43 high-rise buildings and expect them to survive in an area that provided no shopping facilities, no health services, inadequate transportation, a minimum of job opportunities, and almost non-existent schooling, playground, and recreational facilities.

Discontent, crime, vandalism and subsequent low occupancy were automatically programmed into this ill-conceived project. Originally, 43 buildings were constructed 16 years ago at a cost of $36 million. Ten years later, another $5 million was spent in renovation. Today, only 17 of the buildings have occupants in about 600 apartments. The remaining 26 structures have been sealed shut to prevent further vandalism and opportunities for crime, at an additional cost of several hundred thousand dollars.

Mr. Elmer Smith, Area Director of Housing and Urban Development, has proposed this new attempt to salvage Pruitt-Igoe. He says if the city of St. Louis and representatives of all public housing projects, business, civic and labor leaders were to plan and work to change that area adjacent to downtown so that its residents become an integral part of the entire community, then Pruitt-Igoe can be saved.

Mr. Smith has an excellent idea—had it been proposed 16 or even 10 years ago. It might then have had some chance of success. But not now. It is much too late.

We agree that this area and its residents must be brought into and made a viable part of the community. And we urge more money should be spent on Pruitt-Igoe—but not for renovation. It should be leveled to the ground. Then new plans, new ideas and new public housing concepts can be devised without the 43 specters of failure casting their shadow over these blighted acres.

REPORT TO NINTH DISTRICT CONSTITUENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following commentary on the Lockheed loan bill:

COMMENTARY

Should the federal government provide financial backing to major industries which find themselves unable to pay their debts? This was the theme of the debate before the Congress as it considered the "Lockheed Loan Bill."

Legislation originally was drafted to provide $250 million in loan guarantee authority for Lockheed Aircraft to work its way out of severe financial straits. After hurried hearings in the House and Senate Banking and Currency Committees, however, a proposal to set up a $2 billion general fund to bail out all financially-troubled giant industries was approved.

I opposed the bill. It was so hurriedly drafted that adequate hearings on its validity or its need could not be held. More importantly, such legislation is damaging to our economic system, rewards bad management and, in a time of severe domestic needs, it would be a misallocation of our financial resources.

DAMAGE TO THE ECONOMIC SYSTEM

It is not the function of a democratic government to pick up the tab for the failure of a private enterprise. Nor should the government be the one to decide which firms are important or deserving enough to continue operations. As the Hoover Commission pointed out 20 years ago, direct lending by the government to private enterprise opens up the dangerous possibilities of favoritism and invites political pressures.

Moreover, the bill is grossly unfair to small businessmen, who would not qualify for assistance under its provisions. By eliminating risks to large firms, smaller competitors are endangered. A loan to Lockheed also enables that firm to fulfill a commercial contract in direct competition with other large manufacturers with comparable aircraft on the market.

While the Lockheed loan would be in the form of a federal guarantee to banks which would actually loan the aircraft firm $250 million, it would be the taxpayers who would have to repay the banks if Lockheed could not. The banks, meanwhile, would have no risk in loaning $250 million, and yet they would be earning substantial interest on their no-risk loan.

REWARDING BAD MANAGEMENT

If Lockheed's "airbus" airliner, for which it wants federal help, is commercially viable, why haven't the banks loaned the firm the money it seeks? The firm's history in the production of airliners has not been exceptional. In the past, it chose to produce turboprop airliners while its competitors moved to the more widely-accepted pure jet aircraft.

Lockheed's military contract history also leaves something to be desired. It incurred enormous cost overruns on the C-5A cargo plane and the SRAM missile. The firm also underestimated the cost and the technical problems on the production of the Cheyenne helicopter.

Legislation to bail out industries with similar problems would only intensify the Defense Department's already-serious problem of holding contractors to adequate production and performance standards.

MISALLOCATION OF RESOURCES

Government loan guarantees tend to reduce the size of the pool of long-term savings available to non-guaranteed private borrowing, and, since the savings supply is limited, it raises the prospects of increasing interest rates for non-guaranteed borrowers.

If the rescue of Lockheed and other major companies is to become a federal obligation, it should be ranked among all government obligations such as health needs, urban and rural development, or education. The proposed $250 million would assist 31,000 Lockheed workers, but would cut into orders and jobs for competitive aircraft industries. The same amount of money also would create 300,000 public service jobs.

It should be remembered, too, that bankruptcy does not necessarily mean the loss of jobs. The Penn Central Railroad submitted to bankruptcy, but it is still in action.

ENVIRONMENT AND AID

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. GUDE. Mr. Speaker, President Nixon has said:

> There is no challenge more urgent than that of bringing 20th century man and his environment to terms with one another—of making the world fit for man.

I agree—I think we all agree. That is why we passed the National Environmental Policy Act of 1969. In the time since that act became law, our foreign assistance program has played an important role in carrying out the national policy aimed at conservation and the enhancement of the environment.

U.S. aid missions overseas have been alerted to the necessity of considering the ecological consequences of all projects and programs undertaken in the name of development. This has meant, for example, close watch on the uses of the chemicals which have hastened the "green revolution"—and scrutiny of irrigation schemes to assure that they will not cause silt, salinity, and weed buildup or erosion and consequent dislocation of populations.

AID missions have made preliminary surveys to identify environmental problems which might interfere with development in the nations we are aiding. Pilot projects are beginning in selected countries to demonstrate ways of dealing with these problems. The Smithsonian Institution has contracted with AID to join in the search for answers to them.

United States foreign assistance has been involved in a particularly valuable program in East Africa. Here, we have helped train game wardens, financed roads, provided equipment aimed at preserving the unique and precious wildlife that inhabit this part of the world.

Programs like these are not idle gestures, nor lip service to a popular cause. These are commitments that will have a major impact on the quality of our lives now, and on future generations. They truly seek to make the world "fit for man."

Protection of the global environment is of mounting importance, one of the challenges that the new aid proposals we are being asked to consider today are geared to meet. Without question, these proposals deserve our support.

EULOGY TO THE HONORABLE ROBERT TINDAL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. CONYERS. Mr. Speaker, today, last rites were held for the Honorable Robert Tindal, the second black man ever elected to the Detroit Common Council. He was respected throughout the city as a dedicated public servant, as attested to by the countless number of citizens who paid their final respects as his body lay in state at the city-county building.

He was a product of the civil rights movement, giving leadership in the South as well as in Michigan, where he served in the capacity of executive director of the Detroit Chapter of the National Association for the Advancement of Colored People. But most of all he was a dear friend and associate of mine. My feelings were eloquently expressed at the funeral by Mr. Robert Millender in the following way:

EULOGY TO ROBERT TINDAL BY ROBERT MILLENDER

It is often said that you shall know a man by his deeds. While this may be true, it is not an absolute measure of the worth of a man, for sometimes the deeds are obscured by myth and in too many cases the motives for performance spring from acts of self-interest.

To truly evaluate the deeds, therefore, one must truly know the doer, his hopes and aspirations that prompted the acts we see.

I do not wish here to enumerate the various deeds of Bob Tindal, for they are as well known to you as to me. Rather, I wish to talk about the man, his hopes, his aspirations.

I knew Bob only a short period of time in terms of years, but I knew him since time immemorial for I was privileged in that he shared with me his belief in his purpose in life.

Bob visioned and knew there could exist a world wherein men are born free, a world where his son, Shawn, and all the other Shawns of that world would have the opportunity to develop their God-given talents without restrictions of any manner.

But he was a realist, for he knew that to many people that world was a myth, to some an obtainable goal and to others a mirage to be dangled before the eyes of the dispossessed to lure them into a sense of contented hopefulness.

He also knew that this world lay behind a man-made mountain of mental and emotional stones of apathy, complacency, prejudice, discrimination, racist bigotry, poverty, and disease.

His dedication and commitment led him to join with those who sought to climb to the top of the mountain, perceived this better world and proclaim its existence to the disbelievers. Further, their ultimate purpose was the elimination of the mountain.

Bob realized that this journey was a tedious, dangerous, sometimes lonely, frustrating venture but he did not despair and continued upward. Often he was seen lending a helping hand to fellow travelers along the way. He took time to clearly mark the pitfalls that he encountered for he knew that others were following and he desired that their journey be made easier.

He carefully mapped the path of his journey for he visualized the path becoming a road, the road a street, the street a broad, six lane highway virtually destroying the mountain.

Shed no tear nor mourn for the man, Bob Tindal. If you must shed a tear or mourn . . . let it be for that cause he lived and worked for. A cause that has lost a valiant warrier. For Bob was well aware, recognized, and accepted that the effort he expended in his journey could well lead him to this place at this time. He believed "that a man must do what he must do" and that if the end results are the supreme sacrifice, then so be it.

To you, Bob Tindal in behalf of those who continue the journey . . . farewell—we shall surely miss your companionship, your helping hand, your commitment, dedication and most of all your abiding faith that some of us will reach the top of the mountain.

For me personally I can say . . . farewell . . . friend . . .

CANADA AND UNITED STATES CO-OPERATE IN VETERINARY MEDICINE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. NELSEN. Mr. Speaker, last month the American Veterinary Medical Association and its Canadian counterpart, the Canadian Veterinary Medical Association, held a joint meeting in Detroit, Mich. This was the first such joint meeting of these two associations, and its significance was properly noted by President Nixon in a message to Dr. M. R. Clarkson, executive vice president of the AVMA. I include the President's message at this point in my remarks:

THE WHITE HOUSE,
Washington, D.C.

Mr. M. R. CLARKSON,
Executive Vice President, American Veterinary Medical Association, care of the Detroit Hilton, Bagley Avenue at Grand Circus Park, Detroit, Mich.

The First Joint Conference of Canadian and American Veterinary Medical Associations is a valuable step forward in the exchange of useful information between our nations in an area where progress will surely benefit the citizens of both.

A vivid example of how basic such international cooperation is to public health is evidenced by the epidemic of equine encephalitis which has spread northward from Venezuela through Mexico and most recently appeared in both horses and humans in Southwestern Texas.

May your deliberations serve to reduce the future threat of this and other diseases to animal and human life, and may they advance the well-being of both our nations.

RICHARD NIXON.

A major address at the joint meeting was delivered by the Honorable H. A. Olson, Minister of the Canada Department of Agriculture. In his speech, the Canadian Minister emphasized the importance of the contribution of the veterinary medical profession toward meeting the food needs of our world's constantly expanding population, and he stressed the importance of cooperation among veterinary groups of the various nations.

He also pointed out—

On this continent, there are no serious animal plagues or parasitic problems which have the effect of curtailing livestock production. I recognize that this is no accident but rather the result of organized disease control programs and I further recognize that continual vigilance with respect to all avenues of possible disease introduction must be forcefully continued.

The Minister went on to stress what great assistance veterinary medicine can provide to underdeveloped nations where the food-supply potential is restricted by the existence of various diseases.

Because of the significance of Minister Olson's comments, I include an additional major portion of his address at this point in my remarks:

ADDRESS TO: JOINT MEETING OF AMERICAN VETERINARY MEDICAL ASSOCIATION AND CANADIAN VETERINARY MEDICAL ASSOCIATION, DETROIT, MICH., BY THE HON. H. A. OLSON, MINISTER, CANADA DEPARTMENT OF AGRICULTURE

There are other problems beyond disease control and improving breeds. Marketing is certainly a major obstacle in some countries. In many countries, aid projects aimed at improving production have difficulties which result from poor organization of marketing.

It has been suggested that assistance in international marketing may sometimes be preferable prior to assistance in production since production efficiency is hampered by the absence of suitable market incentives.

Some countries receiving large amounts of financial assistance from overseas sources are experiencing great difficulty in getting access to attractive foreign markets for their products.

We in Canada certainly recognize the vital role of marketing in the agricultural economy. Indeed, developed nations have progressed past the stage where the paramount concern need be how to produce more. I think we all know that we are capable of overproducing farm commodities. Some may take a little longer to overproduce but I think that, if we really tried, we could overproduce them in relation to the effective market demand all the time, and all at the same time.

Our concern is the matching of demand with supply. When demand exceeds the supply, the consumer suffers, particularly the men in the lower income category; and when supply exceeds the demand, the farmer suffers. I think we have the ingenuity and intelligence to avoid the type of situations where people are cutting each others' throats by overproduction and underbidding each other by over-supplying the market constantly. I feel that with orderly marketing, we can avoid the financial suffering for the people who get caught in these situations.

We have to start adjusting our productions to the demands that exist. It's poor business to produce and produce hoping the right market will come along.

I often hear the argument that we can give our surplus foodstuffs to the underdeveloped nations. Canada has never turned down a request for food aid. It must be remembered that continual food gift to these countries disrupt their own markets and incentives. This is probably why they hesitate to ask for more direct food aid. I think that our efforts will be more forceful if we work towards helping these people feed themselves because "if a man is hungry, do you give him a fish, or do you teach him how to fish".

The federal government of Canada, the provincial governments and a large number of charitable organizations are certainly aware of the challenges faced by the various agricultural industries in the underdeveloped nations of the world. We are providing an increasing amount of aid; our many years of experience is being used to advantage in that we are learning how to apply our assistance more effectively; we have moved towards programs that will bring about long-term solutions, while at the same time responding promptly to emergency situations such as the floods and conditions such as the recent political turmoil in East Pakistan.

In livestock aid programs, Canada recently has provided pure-bred and grade Holstein cattle to Uganda, the Barbados, Trinidad and Korea. Our efforts have included providing managerial staff to work in the milk-processing plants, a university team to operate a Ugandan university's department of animal science and technicians to help with the adaptation of cattle to the tropical climate. An interesting case is Korea. We shipped 1,600 dairly cattle there through a Canadian development loan. As a result of these shipments, the Koreans bought an additional 3,000 head of Canadian Holstein cattle.

Those of us in Canada who are most directly and intimately concerned with agricultural aid are quite interested in the rather recent evolution of international research centers built around a specific crop or product.

I have in mind here the international centers for rice research in the Philippines, the one in Mexico for wheat and maize research, and the ones being established now for tropical crops and animal research.

The structure of these international research centers offers certain advantages which are not available through other organizational structures and agreements, such as the United Nations organizations and bilateral agreements between countries. This is not to say that these international organizations have failed, or that bilateral agreements are not effective. Quite the contrary. But there are, nevertheless, certain advantages to these relatively new international research centers which I believe we should exploit to their fullest possible potential.

Certainly the CIMMYT (Wheat and Maize Improvement Center) program, with headquarters in Mexico, has demonstrated that it can bring about dramatic results, that it can mobilize a global effort in wheat and maize research, and that it can put the fruits of this research to work in a meaningful and dramatic manner. I am certainly hopeful that the achievements of the CIMMYT program can be extended to other areas, and that we will eventually be able to provide similar services to global agriculture in terms of animal production and disease control.

It may well be that international aid programs, insofar as agricultural research is concerned, will develop more and more along the lines of these international research centers in the future.

I believe we will also see the evolution of the multi-disciplinary approach to problems in agriculture in the future. In animal production, we will probably see the development of teams of researchers concentrating on a particular problem, or on a particular industry within a nation or geographical area. Veterinarians will certainly be necessary on these teams, but I think the important thing here is that they will be part of a team, and not working in isolation on their particular specialty. This is certainly the direction that has been charted for agriculture in crops research, where the plant pathologist, the physiologist, the cyto-geneticist, the plant breeder, the soils specialist, the fertility expert and the extension officers have all teamed up to pull together on a particular project.

Experience in the developed nations, and more and more in the underdeveloped nations as well, is clearly showing that these teams must also include economists and sociologists and marketing specialists. It is no longer good enough to develop a better variety of grain, or a better method of production, or to eradicate a disease and to turn this technology loose in an agricultural economy. We must go far beyond that to examine the social and economic repercussions of our new production techniques, to take the products of our research right through the entire marketing system to the eventual consumer.

THE AMERICAN LEGION HAS REASON TO BE PROUD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. KEMP. Mr. Speaker, besides the barrages of vocal and written attacks against our military services, it has become fashionable in some quarters to attack our veterans' organizations such as the American Legion and the Veterans of Foreign Wars.

Uninformed critics have been known to portray these organizations as "out-of-tune with the times, espousing a World War II foreign policy and being irrelevant to contemporary forces in the world, or consisting of old men who espouse the dispatch of youths to war."

Although we in Congress are in a better position than some to realize the fallaciousness of such attacks and are familiar with the substantive contributions made by the Legion and other such organizations in terms of creative legislative proposals and other service, Anne McIlhenney Mathews eloquently puts those under attack in true perspective in her column in the Buffalo Courier-Express of July 22, 1971.

Anne Matthews is an outstanding columnist who is highly regarded for her objective and courageous commentary.

Mr. Speaker, I recommend the reading of the aforementioned column to my colleagues and include the article at this point:

LEGION HEAD DEFENDS GROUP

I started Monday to reply to a youngster who sneered that I had An American Legion Mentality." The answer was "Amen! I sure have!"

Not a joiner of almost anything, for years I had resisted invitations to join Buffalo Legion auxiliary posts. Auxiliary my eye! After 4½ years of duty overseas, doing the housekeeping for war correspondents and combat photographers, I didn't think I rated being an "auxiliary." Then I discovered the Erieco Post of women war veterans—Waves, Marines, Air Force, Army, Coast Guard—and I gladly joined up with women who didn't have to go and who served well and valiantly.

Therefore when I was challenged in a recent letter by this youth who thinks that if I don't think as he does, I'm wrong, I copped a plea to the fact that if the "American Legion Mentality" in his thinking means a low IQ, believing that this country right or wrong is my country, and that patriotism isn't out of style, then I'm glad to be the village idiot.

And I have some high-class backing in a recent letter from National Commander Alfred P. Chamie's, which was circulated to all posts in the country. In it, he decries that the generations in the Legion do not communicate and that central city posts are "decaying." If this is decay, we need more of it. If this is puerile thinking, I'm glad to be part of it. To continue with Chamie's letter, here are some additional points to consider before writing off one of the great organizations of America:

"We who are Legionnaires of today, have sought to make the American Legion relevant to the times in which we live.

"A close review of the resolutions of our recent national conventions will demonstrate the American Legion is attuned to the mainstream of America and to the consensus in the Congress which annually enacts many of our proposals into law. A measure of our success in the legislative area is evident in the fact that more of our proposals concerning veterans benefits and other subjects of national concern were passed by the 91st Congress than by any Congress since World War II. Some of these are:

"Public Law 91–219, which increased education and training allowance and modernized both academic and vocational training programs for veterans. Public Law 91–506, which provided major improvements in the veterans home loan program, including extension of the program to Vietnam veterans. It reopened the program for all heretofore eligible veterans who had not used all of their benefits, and for the first time it included mobile homes and made other improvements in the over-all program. Public Laws 91-96 and 91-376, which improved and increased monthly benefit payments for widows, children and dependent parents of veterans who died from service-connected causes, and the disability compensation rates for living service-disabled veterans.

"Public Law 91–291, which increased from $10,000 to $15,000, the amount of insurance automatically extended to members of the armed forces, and has made other substantial improvements in the program. Public Law 91–588, which improved the veterans and dependents pension program and avoided the loss by more than a million pensioners of all or a portion of their pension benefits by reason of previously enacted social security increases. Other significant public laws benefiting veterans that were supported by the American Legion include liberalizations in eligibility for VA hospitalization, out-patient treatment and the furnishing of drugs and medicine for certain veterans seriously disabled from non-service connected causes.

"Several other enactments, while important to those affected by them, did not necessarily pertain to the entire veteran population. Some of these were improvements in paraplegic housing legislation, and the automobile and prosthetic appliance program for amputees; educational assistance programs for wives, widows and children of POWs and persons missing in action, and GI home loan eligibility for their wives and widows.

"Our theme for the current year has been 'Reach Out.' This is a program of service in 'reaching out' to those amongst us who are in need, to our prisoners of war, to our returning Vietnam veterans, to our older veterans, to our youth and to our communities.

"As a matter of top priority this year we sought to arouse the American people, as well as world opinion, to the plight of the Americans held prisoners of war or listed as missing in action in Southeast Asia. There are some 1,659 personnel who are missing in action in Southeast Asia. We understand approximately 460 of these are in prison. We do not know the status of the others. The American Legion is determined that these men shall not be forgotten nor forsaken. To this end, we have developed television programs that have been seen by some 44 million viewers, radio programs, a motion picture documentary and an American Legion prayer that has been used throughout the country in churches, synagogues, and at appropriate civic events. We have solicited proclamations from governors, mayors, legislatures, city councils, boards of supervisors and from civic groups that designated a prisoner of war day, week, or month.

"We made our facilities, space and staff in our Washington, D.C., office available, without cost, to the League of Families of the Prisoners and Missing in Action in Southeast Asia. It is a matter of pleasure to us that Congress in joint session recognized the week of March 22, 1971, as a Week of Concern for the Prisoners and Missing in Action in Southeast Asia. Likewise, that the United Nations in December, 1970, by resolution recognized the need for humane treatment of prisoners of war in accordance with the provisions of the 1949 Geneva Convention.

"By this prisoner of war program we hope to assist in achieving the following objectives: The release of the prisoners in Southeast Asia as soon as possible; the identification of those prisoners who are being held; the inspection of the prison camps and sites by a third party neutral organization such as the International Red Cross; regular mailing privileges; and humane treatment for the prisoners as required under the 1949 Geneva Convention, to which Hanoi is a signatory.

"Another of our priority 'Reach Out' programs has been to serve the needs of returning Vietnam veterans. We have sought to insure for them an appropriate program of benefits, to advise them of such benefits and how best to utilize them.

"For those returning veterans who are sick and disabled we have been vigilant to see that they receive the very best of medical and hospital care. We appreciate the contributions made to this program by the dedicated men and women of the Veterans Administration and by the administrator, Donald E. Johnson. In this regard we supported in Congress the $105,000,000 addition to the 1971 fiscal year budget, which was adopted. Similarly, we have appeared before congressional committees seeking an increase in the 1972 fiscal year budget for the Veterans Administration from $9.8 billion to $10.8 billion. If adopted, this will be the most generous budget in the history of the Veterans Administration.

"We are also deeply concerned that the returning veterans who are able-bodied should come back into a healthy economic climate in which they can obtain employment. To this end we established a top priority 'Jobs for Veterans' program in which returning veterans are brought together with prospective employers. Some recent examples of the results of this program? The American Legion of Colorado held a job clinic at which 4,500 veterans registered. These veterans were interviewed by 36 employers and 15 agencies, and 600 of them were immediately placed in jobs.

"The American Legion of Maryland at its job clinic registered 1,971 veterans with 119 employers participating. Two hundred and seventy eight veterans were placed in jobs and altogether 778 were eventually employed. The American Legion of Oklahoma in one day registered 6,300 veterans at a job clinic, with 100 employers participating, and more than 1,000 were hired that same day. Seattle Post No. 1 of the American Legion has a telephone recorder operating 24 hours a day to which veterans may telephone, leaving their name, number and address. A volunteer member of the post takes this information and returns the veteran's call. To date, 776 calls have been received; of these 447 have gained employment. The American Legion of Arizona held two job clinics, one in Phoenix and one in Tucson. A total of 1,200 veterans registered, 62 employers participated, 132 veterans were immediately employed, 72 were referred and 31 were employed after the clinic.

"The American Legion of Ohio held two job clinics, at which 650 veterans registered, 62 were placed in jobs immediately and 120 were pending for job counseling. The American Legion of North Dakota held a job clinic at which 551 veterans registered and 53 employers participated. This resulted in 157 veterans being either placed in employment or on-the-job training. The American Legion of New Jersey held a job clinic at which 600 veterans registered and 37 employers participated. 46 veterans were placed immediately and the others are awaiting counseling. The American Legion of Idaho held a job clinic at which 410 veterans registered and 62 employers participated. 30 veterans were immediately hired and 20 are receiving counseling. The other applications are pending. The American Legion of Maine held two job clinics. A total of 1,624 veterans registered; of these, 243 either were employed or were scheduled for interviews with possible employers.

"For those not possessing required skills for available jobs we have urged 'on-the-job-training' programs or the obtaining of vocational, high school or college education.

"We started with 'Jobs for Veterans' pilot projects in 17 states, and have now expanded the program into practically every state. President Nixon thought so much of the idea he adopted it as a federal program."

MARY McLEOD BETHUNE AND FREE PRESS IN AMERICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. RARICK. Mr. Speaker, unfortunately, the people who control the communications media, or the people's "right to know machinery," often go off halfcocked with insinuations against Members of this body without letting the record speak for itself. The only possible conclusions in such instances is that these people: First, did not take the time to find out what the truth is; or second, having found out the truth, chose to ignore it because it did not suit their purposes. In any event, these so-called newsmen endanger the future of objective journalism by impeaching journalistic credibility. They supply the tools for their own destruction by inciting the people to cry out for Government-supervised news media which will bring us that much closer to the point of absolute socialism when the horrors of George Orwell's fictional "1984" will become a reality.

A classic illustration of this type of so-called reporting occurred recently following the House vote on Senate Joint Resolution 111, extending the authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune. Prior to the vote on this bill, I spoke on the floor of the House, reading excerpts from the files of the House Committee on Un-American Activities regarding the affiliations of Mary McLeod Bethune. This was the sole purpose of my actions—to call the attention of my colleagues to the full public record of Mary McLeod Bethune's activities. The information I read from was part of the record of a committee of this House. It was the obligation of every Member to have complete knowledge of all her activities before casting his people's vote.

Yet, some papers in South Carolina and Georgia have attacked South Carolina Congressmen, saying that they voted against this bill simply because it involved a black person. The color of the individual's skin was not mentioned. The attention of the House was directed to associations that had been cited as subversive and Communist by Attorney General, later Mr. Justice Tom Clark of the U.S. Supreme Court. The color of the subject was not mentioned.

Another newspaper carried a story of threatened political reprisals by the NAACP against these South Carolina Congressmen. Such intimidations must be regarded as an indication of the political purposes for this organization. If the NAACP can support her after knowing the facts—and I presume they do—then it is an indication of their use of intimidation to suppress the truth and an indication of the real powers behind the NAACP. I refer my colleagues to my remarks in the RECORD of July 31, 1971, page 28628 and following pages.

In any event, to let the truth speak for itself and show my colleagues the extent of factual distortion that is being practiced by some of the news media, I include in the RECORD at this point a series of related articles indicating the censorship imposed by the news media on truth, my original remarks on the bill extending the authority to erect a monument to Mary McLeod Bethune in the District of Columbia, and a list of her activities compiled by Circuit Riders, Inc.:

[From the Greenville (S.C.) Piedmont, July 30, 1971]

Mann-Bethune Tiff Contains Lessons

(By Jim Turner)

It is devoutly to be hoped that some good will come of Congressman Jim Mann's set-to with local admirers of Dr. Mary M. Bethune.

Mann and four other South Carolina congressmen voted against a monument for the late educator, a native of Mayesville, S.C. The House vote was 288 to 90 in favor of the monument, and Rep. Bryan Dorn was the lone South Carolinan to favor it.

If all five had voted against it, Mann would not look as bad as he does in some circles. Rep. Dorn managed to inform himself of Dr. Bethune's impressive record as an educator and government consultant.

Mann, by way of explaining his negative vote, referred to influence of Rep. J. R. Rarick, D–La., who produced allegations of the former Un-American Activities Committee, now Internal Security, that Dr. Bethune had been a member of so-called "Communist front" organizations years and years ago.

It is an unhappy commentary on our state that all anyone need do to discredit others is whisper the magic word "communist." How much longer must we wait to outgrow that?

How much more slander and libel will be allowed in the name of holy patriotism? How many deaths will it take until we learn that too many people have died in the fight of "righteous capitalism against godless socialism?"

The event is past. Mann said he voted his conscience. That was on Friday after the Monday vote. Earlier in the week, one of his aides admitted to the press and to a group of citizens who had protested, that Mann had known nothing of Dr. Bethune's history when he voted.

Instead, he took the word of a Louisiana legislator who has been one of the most ardent enemies of civil rights legislation in the congress. Dr. Bethune is black.

Rarick has not only voted against civil rights bills, but has introduced bills to repeal the laws now on the books, and most recently moved to cut off appropriations to the U.S. Civil Rights Commission.

No man with such a record should command instant credibility when he calls a black educator communist.

Perhaps Mann made a mistake which he is reluctant to admit. It would be better to suspect him of ignorance than of malice.

It is, no one needs reminding, less than a year before the congressman must seek renomination in his party's primary. That may not be long enough for the blacks in his district to forget.

One thing all of his constituents might learn from the Dr. Bethune debacle is to write your congressman.

It is a valid excuse that congressman cannot carefully study every piece of legislation they have to vote on. It is a sad but true circumstance, which lobbyists and special interest groups take advantage of.

Perhaps if we citizens would take the trouble to write our representatives and "lobby" them a bit, they would more truly reflect the needs and concerns of those who elect them.

Letter From Mr. Turner

Here's copy you requested. As you see, it was really *our* congressman I badmouthed and not yours. If Rep. Rarick takes offense, remind him that I had to tone down my true feelings to get the editorial published in our "family newspaper" here.

But I assume your legislator is proud of his record and that it represents his constituency and that he therefore would have no reason to be offended. After all, we "syndicated communists" are nothing but unwitting tools of Moscow and Peking and Hanoi anyway. It is no longer quite so fashionable to holler nigger in S.C. as it obviously still is in bayou country.

Thank you for your kind cooperation in telling me of Rarick's record. The column would've been incomplete without it.

Peace,

JIM TURNER.

[From the Atlanta Constitution, Aug. 1, 1971]

REPRISALS "POSSIBLE" IN DR. BETHUNE VETO

COLUMBIA, S.C.—The South Carolina NAACP has warned of possible political retaliation against five of the state's congressmen who voted against a monument to honor the late Dr. Mary McLeod Bethune.

Isaac Williams, South Carolina NAACP field Director, said the vote was "untimely and insensitive" and added that the five congressmen were ignoring the interests of black constituents.

The House of Representatives voted last week 288-90 in favor of erecting a memorial to Dr. Bethune in Washington. Dr. Bethune, a native of Mayesville, S.C., founded Bethune-Cookman College in Florida and played an active role in the Roosevelt administration.

Reps. Floyd Spence, Mendel L. Davis, Tom Gettys, John McMillan and James R. Mann voted against the monument. Only Rep. Bryan Dorn of Greenwood supported it.

"It is apparent that Representative Dorn was the only South Carolina congresssman who had the guts to vote intelligently on this matter," Williams said in a statement.

"Without a doubt, Dr. Bethune's contributions to this nation makes her more than worthy of any honor the nation can bestow on her," Williams said.

"At a time when black Americans are clamoring for recognition of their contributions to this country's developments, the negative vote was both untimely and insensitive."

Williams also noted that the five congressmen who opposed the project have no blacks on their Washington staffs. They indicated they opposed the memorial because Dr. Bethune belonged to alleged Communist-supported organizations.

Williams said the action of the five congressmen in seeking support from blacks in their campaigns then voting against the interests of blacks marked them as "hypocrites."

"Men as insensitive as these men certainly don't serve the interests of blacks," he added.

ORIGINAL REMARKS BY CONGRESSMAN RARICK

Mr. RARICK. Mr. Speaker, his resolution, Senate Joint Resolution 111, extends for 2 years the authority for the erection in the District of Columbia of a memorial to Mary McLeod Bethune. Mrs. Bethune has compiled a long and distinguished record in the field of education, and, of course, I think before the Members are called upon to vote up or down this extension, they should be made aware of all of the activities in the field of education which Mary McLeod Bethune has participated in, some of which may not be known to the Members. From the public files, records, and publications of the Committee on Un-American Activities of the House of Representatives comes a six-page documented listing of various affiliations of Mary McLeod Bethune:

Reading from the report, we find these revealing associations and activities:

INFORMATION FROM THE FILES OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES, U.S. HOUSE OF REPRESENTATIVES

Subject: Mary McLeod Bethune.

The public files, records and publications of the Committee on Un-American Activities reveal the following information concerning Mary McLeod Bethune:

The name of Mary McLeod Bethune appeared on the honor roll of Elizabeth Gurley Flynn, as published in the Sunday "Worker" of March 9, 1947 (page 7); Elizabeth Gurley Flynn is one of the few outstanding women leaders of the Communist Party in this country.

A pamphlet entitled "7½ Million . . ." (page 34), released by the American League for Peace and Democracy, lists the name of Mrs. Bethune as a member of the National Committee of that organization; a letterhead of the organization, dated July 12, 1939, furnishes the same information. "Fight" magazine for March 1939 (page 3), and a letterhead of the League dated March 24, 1939, both name Mrs. Bethune as Vice-Chairman of the League.

The American League for Peace and Democracy was cited as "the largest of the Communist 'front' movements in the United States . . . The League contends publicly that it is not a Communist-front movement, yet at the very beginning Communists dominated it. Earl Browder was its vice-president" (Special Committee on Un-American Activities in reports of January 3, 1939; March 29, 1944; January 3, 1940, January 3, 1941; January 2, 1943; and June 25, 1942). Attorney General Riddle cited the organization as having been established in the United Staes in 1937 as successor to the American League Against War and Fascism "in an effort to create public sentiment on behalf of a foreign policy adapted to the interests of the Soviet Union." (See: Congressional Record, September 24, 1942, pages 7683 and 7684.) Attorney General Tom Clark cited the organization as subversive and Communist (press releases of June 1 and September 21, 1948).

Mrs. Bethune was a sponsor of the Win-the-Peace Conference, as shown on a letterhead of that group dated February 28, 1946, the "Daily Worker" of March 5, 1946, and "A Call to a Win-the-Peace Conference" in the National Press Building, Washington, D.C., April 5-7, 1946; she was vice-chairman of the National Committee, New York Committee to Win the Peace, according to a letterhead of that group dated June 1, 1946, and the New York Committee call to Win-the-Peace Conference, June 28-29, 1946.

The National Committee to Win the Peace was organized at the Win-the-Peace Conference in Washington, D.C., April 5-7, 1946, and was cited as subversive and Communist by Attorney General Tom Clark in letters furnished the Loyalty Review Board (press releases of December 4, 1947 and September 21, 1948).

Letterheads of the Civil Rights Congress, dated March 4, 1948 and May 7, 1948, list the name of Mrs. Bethune as Vice-Chairman of the Congress; she signed the call to the National Conference which was held in Chicago, as shown in the "Daily Worker" of October 21, 1947 (page 5); and was one of the sponsors of a meeting of the group, according to the "Daily Worker" of January 19, 1949 (page 10), in which source she was identified as president, National Council of Negro Women.

The Civil Rights Congress was a merger of two other Communist-front organizations, the International Labor Defense and the National Federation for Constitutional Liberties. It was "dedicated not to the broader issues of civil liberties, but especially to the defense of individual Communists and the Communist Party" and "controlled by individuals who are either members of the Communist Party or openly loyal to it" (Congressional Committee on Un-American Activities in its report released September 2, 1947). Attorney General Tom Clark cited the organization as subversive and Communist (press releases of December 4, 1947 and September 21, 1948).

In a Report on the American Slav Congress, released by this Committee on April 26, 1950, the organization was cited as "a Moscow inspired and directed federation of Communist-dominated organizations seeking by methods of propaganda and pressure to subvert the 10,000,000 people in this country of Slavic birth or descent." Mrs. Bethune was one of the sponsors of a Testimonial Dinner which was held in New York City, October 12, 1947, under the auspices of the American Slav Congress; the dinner was arranged in honor of * * * (Invitation issued by the Congress; and the printed program, page 2). Attorney General Clark also cited the group as subversive and Communist in letters furnished the Loyalty Review Board (press releases of June 1 and September 21, 1948).

The "People's Daily World" of April 20, 1944 (page 3), reported that Mrs. Bethune was one of the sponsors of the American Youth for Democracy club; on a program of the dinner celebrating the first anniversary of the American Youth for Democracy, October 16, 1944, Mrs. Bethune was also named as a sponsor of the group (see program, "Salute to Young America Committee").

The American Youth for Democracy was the new name under which the Young Communist League operated and which also largely absorbed the American Youth Congress, according to the Special Committee on Un-American Activities (Report 1311 of March 29, 1944); Attorney General Clark Cited the organization as subversive and Communist (press releases of December 4, 1947 and September 21, 1948). In citing the group in 1947, the Committee on Un-American Activities revealed that its "high-sounding slogans" cover "a determined effort to disaffect our youth and to turn them against religion, the American home, against the college authorities, and against the American government itself . . ." (Report 271 dated April 17, 1947).

Mrs. Bethune signed the call to the Congress of Youth which was the fifth national gathering of the American Youth Congress, held in New York City, June 1-5, 1939 (from the Proceedings of the Congress, page 2).

The American Youth Congress was launched in August 1934 at a gathering held at New York University, New York City, and "has been controlled by Communists and manipulated by them to influence the thought of American youth" (Attorney General Riddle, Congressional Record, September 24, 1942; also cited in re Harry Bridges, May 28, 1942, page 10); Attorney General Clark cited the group as subversive and Communist (press releases of December 4, 1947 and September 21, 1948). The Special Committee on Un-American Activities called the group "one of the principal fronts of the Communist Party" and "prominently identified with the White House picket line * * * under the immediate auspices of the American Peace Mobilization" (Report of June 25, 1942; also cited in reports of January 3, 1939; January 3, 1941; and March 29, 1944).

Mrs. Bethune was a member of the Advisory Board of the Southern Negro Youth Congress (letterheads of the organization dated June 12, 1947 and August 11, 1947; and a page from a leaflet published by the organization). The Southern Negro Youth Congress has been cited as a Communist-front organization by the Special Committee on Un-American Activities in its report of January 3, 1940 (page 9); and as "surreptitiously controlled" by the Young Communist League (Congressional Committee on Un-American Activities, Report 271 released April 17, 1947, page 14). Attorney General Tom Clark cited the organization as subversive and among the affiliates and committees of the Communist Party, U.S.A., in a letter released to the press on December 4, 1947.

Mrs. Bethune was a member of the Council on African Affairs, Inc. (from a pamphlet of the organization entitled "Seeing is Believing" which was published in 1947); she participated in a conference of the Council, according to the pamphlet. "For a New Africa" (page 36), also published by the organization. She sent greetings to the National Negro Congress, October 1937, as shown in the proceedings of the Congress; she also participated in the Conference on Africa held in New York City, April 14, 1944 (pamphlet of the proceedings of the Conference which was held under the joint auspices of the Council on African Affairs and the National Negro Congress).

The Council on African Affairs was cited as subversive and Communist by Attorney General Tom Clark (press releases of December 4, 1947 and September 21, 1948). "The Communist-front movement in the United States among Negroes is known as the National Negro Congress . . . The officers of the National Negro Congress are outspoken Communist sympathizers and a majority of those on the executive board are outright Communists" (Special Committee on Un-American Activities, Report dated January 3, 1939; also cited in reports of January 3, 1940; June 25, 1942; March 29, 1944). Attorney General Francis Biddle said that "from the record of its (National Negro Congress) activities and the composition of its governing bodies, there can be little doubt that it has served as what James W. Ford, Communist Vice Presidential candidate elected to the executive committee in 1937, predicted: 'An important sector of the democratic front,' sponsored and supported by the Communist Party" (Congressional Record, September 24, 1942, pages 7687 and 7688). Attorney General Tom Clark cited the Congress as subversive and Communist (press releases of December 4, 1947 and September 21, 1948).

The "Daily Worker" of February 8, 1939 (page 2), published an appeal to the Negro People's Committee to Aid Spanish Democracy to lift the embargo on arms to Loyalist Spain; Mrs. Bethune was shown as one of those who signed the appeal. The Special Committee on Un-American Activities officially cited the Negro People's Committee . . . as a Communist-front organization in Report 1311 of March 29, 1944. Mrs. Bethune issued an individual statement which was printed in the booklet. "These Americans Say:" which was compiled and published by the Coordinating Committee to Lift the (Spanish) Embargo, urging that in the name of true neutrality, in the cause of world peace and democracy, lift the embargo (on the sale of arms to Spain)"; she sponsored the Spanish Refugee Relief Campaign, as was shown in the pamphlet, "Children in Concentration Camps." The Coordinating Committee to Lift the (Spanish) Embargo was cited as one of a number of front organizations, set up during the Spanish Civil War by the Communist Party in the United States and through which the Party carried on a great deal of agitation (Special Committee on Un-American Activities, Report 1311 of March 29, 1944, pages 137–138). The Spanish Refugee Relief Campaign was cited at a Communist-front organization by the Special Committee . . . in a report released January 3, 1940.

Mrs. Bethune was a sponsor of the National Emergency Conference (letterhead of the organization dated May 19, 1939); and a member of the Board of Sponsors of the National Emergency Conference for Democratic Rights (press release of the group dated February 23, 1940). She signed the 1943 message of the National Federal for Constitutional Liberties, addressed to the United States House of Representatives, as shown on a leaflet attached to an undated letterhead of that organization. Mrs. Bethune was a sponsor of the Washington Committee for Democratic Action, as shown on the "Call to a Conference on Civil Rights, April 20–21, 1940" (page 4), and on a letterhead of the group dated April 26, 1940.

"It will be remembered that during the days of the infamous Soviet-Nazi pact, the Communists built protective organizations known as the National Emergency Conference, the National Emergency Conference for Democratic Rights, which culminated in the National Federation for Constitutional Liberties" (Report 1115 of the Committee on Un-American Activities, released September 2, 1947); the three organizations were also cited by the Special Committee on Un-American Activities in Report 1311 on March 29, 1944. Attorney General Francis Biddle cited the National Federation . . . as "part of what Lenin called the solar system of organizations, ostensibly having no connection with the Communist Party, by which Communists attempt to create sympathizers and supporters of their program. * * * (It) was established as a result of a conference on constitutional liberties held in Washington, D.C., June 7–9, 1940" (Congressional Record, September 24, 1942, page 7687). Attorney General Clark cited the National Federation . . . as subversive and Communist in letters furnished the Loyalty Review Board (press releases of December 4, 1947 and September 21, 1948).

The Washington Committee for Democratic Action was cited as an affiliate or local chapter of the National Federation . . . "The program of the Washington Committee followed that of the National Federation. National Communist leaders have addressed its meetings, and conferences sponsored by it have been attended by representatives of prominent Communist-front organizations" (Attorney General Biddle, Congressional Record, September 24, 1942, pages 7688 and 7689); Attorney General Clark cited the group as subversive and Communist (press releases of December 4, 1947 and September 21, 1948); the Special Committee on Un-American Activities found that "when the American League for Peace and Democracy was dissolved in February 1940, its successor in Washington was the Washington Committee for Democratic Action. The latter was affiliated with the National Federation for Consitutional Liberties" (Reports of June 25, 1942 and March 29, 1944).

Mrs. Bethune was one of the sponsors of the Congress of American Soviet Friendship, as shown in "Soviet Russia Today," for December 1942 (page 42); she participated in a meeting paying tribute to women of the U.S.A. and the U.S.S.R. held in Carnegie Hall, New York City, March 6, 1944, under the auspicies of the Committee of Women, National Committee of American-Soviet Friendship ("Soviet Russia Today," March 1944, page 35; and "New Masses" for February 29, 1944, page 29); she was named as a sponsor and a member of the Committee of Women of the National Council . . . on the "Call to a Conference of Women of the U.S.A. and the U.S.S.R. in the Post-War World" on November 19, 1944, in the Commodore Hotel, New York City; a letterhead of the Committee of Women, National Council . . . dated March 1, 1948, contains the name of Mrs. Bethune in the list of members; she was a member of the Board of Directors of the National Council, as shown on letterheads of that organization dated February 8, 1946 and March 13, 1946.

In its report of March 29, 1944, the Special Committee . . . cited the National Council of American-Soviet Friendship as having been "in recent months the Communist Party's principal front for all things Russian." Attorney General Clark cited the group as subversive and Communist (press releases of December 4, 1947 and September 21, 1948).

A letter of the American Committee for Protection of Foreign Born, opposing alien registration, carried the signature of Mary McCleod Bethune, as shown in the "Daily Worker" of November 23, 1939 (page 3, columns 7–8); she was one of the sponsors of the Fourth Annual Conference of the organization which was held in Washington, D.C. March 2–3, 1940 (as shown on a letterhead of the Conference); a booklet entitled "The Registration of Aliens" which was prepared and published by the American Committee . . . lists Mrs. Bethune as one of the sponsors of that organization.

The American Committee for Protection of Foreign Born has been officially cited as "one of the oldest auxiliaries of the Communist Party in the United States" (Special Committee on Un-American Activities, Report 1311, March 29, 1944; also cited in Committee report on June 25, 1942). Attorney General Tom Clark cited the group as subversive and Communist (press releases of June 1, and September 21, 1948).

Mrs. Bethune was one of the sponsors of the League of Young Southerners which is the youth division of the Southern Conference for Human Welfare, as shown on a letterhead dated August 13, 1940; she was named in "The Southern Patriot" for December 1946, as a member of the Board of Representatives (1947–1948) of the Southern Conference; she was a member of the Executive Board, as shown on a leaflet of the Conference entitled "The South is Closer than You Think" (received about February 1947).

The Southern Conference for Human Welfare was cited as a Communist-front organization which seeks to attract southern liberals on the basis of its seeming interest in the problems of the South" although its "professed interest in southern welfare is simply an expedient for larger aims serving the Soviet Union and its subservient Communist Party in the United States" (Congressional Committee on Un-American Activities in Report 592 dated June 12, 1947). The Special Committee . . . also cited the group as a Communist-front which received money from the Robert Marshall Foundation, one of the principal sources of the funds by which many Communist fronts operate (Report of March 29, 1944).

Mrs. Bethune received the New Masses award for greater inter-racial understanding at a dinner in her honor at the Hotel Commodore, New York City, January 14, 1946 ("Daily Worker," January 7, 1946, page 11, columns 1–2); she received a similar award "for contribution made to promote democracy and inter-racial unity" at the New Masses Second Annual Awards Dinner, as shown, in "New Masses" for November 18, 1947 (p. 7).

"New Masses" was cited as a "nationally circulated weekly journal of the Communist Party . . . whose ownership was vested in the American Fund for Public Service (Special Committee . . . Report of March 29, 1944; also cited in Committee reports on January 3, 1939 and June 25, 1942). It was also cited as a "Communist periodical" by Attorney General Francis Biddle (Congressional Record, September 24, 1942, page 7688).

The Washington (D.C.) "Star" on February 3, 1949 (page A21), reported that Mrs. Bethune had withdrawn from a Civil Rights Rally scheduled to be held in Washington on February 11 and 12, 1949.

The "Daily Worker" of February 12, 1951 (page 4), reported that Mrs. Bethune was a sponsor of a testimonial on February 23, at Essex House to honor W. E. B. DuBois on his 83rd birthday. W. E. B. DuBois was one of the five officers of the Peace Information Center who were indicted by a Federal grand jury on February 9, 1951, for failure to register under the Foreign Agents Registration Act. The Peace Information Center was also cited as an organization which was described in the Worker of June 11, 1950, by the Communist Party's Peace Committee as one that was making available the Stockholm peace petition. (Congressional Committee on Un-American Activities, Statement issued on the March of Treason, February 19, 1951; and House Report No. 378, on the Communist "Peace" Offensive, April 25, 1951, original date, April 1, 1951, page 42.)

Mr. RARICK. I would like to remind the Members of the House that the records from which I have read applied only to those organizations which had been cited by the Attorney General of the United States as subversive and Communist. What method was used to adduce this proof or to make the citation, I do not know—I was not present. But, certainly, I do not think that bringing this information to the attention of the Members of this House is in any respect un-American. However, I think it is the Members' responsibility to know who they are being called upon to memorialize as a leader for children of future generations.

If, knowing the full facts, you want to vote for it, vote for it, but if you do not, at least, I have carried my duty forward to advise you as to what this record of Mary McLeod Bethune shows relative to her activities in education and their relationship to the security of the people of the United States.

A Compilation of Public Records 6000 Educators, Volume I., Circuit Riders, Inc.

MARY M'LEOD BETHUNE (BETHUNE-COOKMAN)

(1) All Southern Negro Youth Conference—Speaker—*Daily Worker*, December 4, 1944, page 2.

(2) American Committee for Protection of Foreign Born—sponsor—program, March 29–30, 1941.

(3) American Committee for Protection of Foreign Born—signer of open letter—folder, 1948.

(4) American Committee for Yugoslav Relief—sponsor—letterhead, July 23, 1948.

(5) American League for Peace and Democracy—national vice chairman—letterhead, June 12, 1939.

(6) American Round Table on India—member—leaderhead, 1941.

(7) American Slav Congress—sponsor of dinner—program, October 12, 1947.

(8) American Youth Congress—signer of call—official proceedings, July 1–5, 1939.

(9) American Youth for Democracy—sponsor—*Spotlight*, April 1944; letterhead, November 28, 1945.

(10) Civil Rights Congress—vice chairman—*Daily Worker*, October 21, 1947, page 5; letterhead, September 30, 1948.

(11) Congress on Civil Rights—member of initiating committee—program, April 27–28, 1946.

(12) Coordinating Committee to Lift the Embargo—representative individual—official booklet, 1937.

(13) Council on African Affairs—delegate—booklet, April 14, 1944.

(14) Council on African Affairs—speaker—*Daily Worker*, May 23, 1946, page 5.

(15) Council on African Affairs—member—pamphlet, 1947.

(16) Council Against Intolerance in America—member—letterhead, October 1952.

(17) Council of Young Southerners—sponsor—letterhead, June 26, 1940.

(18) Daughters of the American Depression—sponsor—New York *Times*, May 13, 1940.

(19) Independent Citizens Committee of the Arts, Sciences, and Professions—initiating sponsor—*Worker*, December 24, 1944, page 14.

(20) League of Young Southerners—sponsor—letterhead, August 13, 1940.

(21) Methodist Federation for Social Action—signer of statement—statement, December 27–29, 1947.

(22) Methodist Federation for Social Service—member of executive committee—letterhead, April 12, 1946.

(23) Nation Associates—sponsor of dinner-forum—program, May 25, 1952.

(24) National Citizens Emergency Relief Committee to Aid Strikers Families—member of national board—*Workers*, March 17, 1946, page 5.

(25) National Citizens Political Action Committee—member—official list, 1944.

(26) National Committee to Abolish the Poll Tax—vice chairman—letterhead, March 8, 1946.

(27) National Committee to Win the Peace—vice chairman—letterhead, June 1, 1946.

(28) National Council of American-Soviet Friendship—sponsor—Soviet Russia Today, December 1942, page 42; March 1947; *Daily Worker*, February 10, 1944, page 3.

(29) National Council of American-Soviet Friendship—member of board of directors—letterhead, January 7, 1948.

(30) National Emergency Conference for Democratic Rights—member of board of sponsors—letterhead, February 15, 1940.

(31) National Federation for Constitutional Liberties—signer of statement opposing renewal of the Dies Committee—pamphlet, January 1943.

(32) Southern Conference Educational Fund—member of board of directors—letterhead, July 1954; April 1955.

(33) Southern Conference for Human Welfare—member of board of representatives—letterhead, June 1, 1947.

"DRUG USE IN THE NEW YORK LABOR FORCE"

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. SCHEUER. Mr. Speaker, in today's crisis atmosphere surrounding the problem of drug abuse, it is increasingly important to have careful, measured assessments of the problem that confronts us. We must not be panicked into taking new measures to combat the problem without assurances that the new approaches are based on a realistic understanding of the causes, the nature and the extent of drug abuse.

The New York State Narcotic Addiction Control Commission, supported in part with a contract from the U.S. Department of Labor, has made a landmark contribution to such an understanding with its recently released report "Differential Drug Use Within the New York State Labor Force." This analysis of drug use by employed persons in New York State was based upon a representative sample of all household members age 14 or older. Each person was interviewed in his home by specially trained interviewers using a questionnaire specifically designed to systematically elicit information about the use of a wide variety of both legal and illegal drugs. Such a statewide epidemiological assessment of actual drug use is without precedent.

The commission scientists reported these drug use results as the minimal number of persons using the various drugs. Underrepresentations of use were anticipated due to a respondent's natural forgetfulness, some reluctance to discuss illegal or socially disapproved drug taking, and by drawing samples from household members thereby excluding persons in institutions, hotels, rooming houses, and other nonpermanent residences.

While this survey was designed to establish the dimensions of drug use, it was not an attempt to document the incidence of drug abuse. Commission methodologists and epidemiologists responsible for the survey were in agreement that such a determination would be a logical follow-up survey, and designs are in progress for an assessment of the social costs and personal difficulties attendant to the various types of drug use. I await the results of such a survey with keen interest.

This survey makes clear that heroin is not the only worrisome drug abuse problem in this country. If the hundreds of thousands of heroin addicts in the United States were rehabilitated tomorrow, we would still be faced with the use and abuse of a wide range of potentially damaging drugs by millions of people in all walks of life. As the survey shows, many of these drugs are used by large numbers of people while on the job, raising additional serious questions about how drug dependent our society has become. I commend the highlights of this survey to the attention of all those Members of Congress concerned about drug abuse.

Highlights of Report

The data secured through the study indicate that of the estimated 13,690,000 people in New York State age 14 and older:

1. Some 377,000 people use barbiturates, e.g., Seconal, Tuinal, etc., on a regular basis (at least six times per month) and 205,000 of these people are employed . . . among these employed users, sales workers have the highest rate of regular use (1,230 per 10,000) and some 11.3% report using the drugs while on the job.

2. Some 173,000 people regularly use the non-barbiturate sedative/hypnotics, e.g., Doriden, Noludar, etc., and 72,000 of these people are employed . . . among these employed users, the unskilled workers have the highest rates of regular use (180 per 10,000) but *none* of these workers report using the drugs while on the job.

3. Some 525,000 people regularly use the minor tranquilizers, e.g., Librium, Miltown, Valium, etc., and 157,000 of these people are employed . . . among these employed users, the clerical and other white collar workers have the highest rate of regular use (570 per 10,000) and some 3.7% of these workers report using these drugs while on the job.

4. Some 85,000 people regularly use major tranquilizers, e.g., Thorazine, Mellaril, Stelazine, etc., and 55,000 of these people are employed . . . among these employed users, sales workers have the highest rate of regular use (210 per 10,000) but *none* of these workers report using the drugs while on the job.

5. Some 37,000 people regularly use antidepressants, e.g., Tofranil, Elavil, etc., and 13,000 of these people are employed . . . among these employed people, the rate of regular use is the same for clerical, skilled, semi-skilled and unskilled workers (30 per 10,000) but *none* of these workers report using the drugs while on the job.

6. Some 110,000 people regularly use prescription pep pills, e.g., Dexedrine, Benzedrine, etc., and 51,000 of these people are employed . . . among these employed people, sales workers have the highest rate of regular use (140 per 10,000) and *all* of these workers report using the drugs while on the job.

7. Some 225,000 people regularly use prescription diet pills usually containing amphetamines, e.g., Dexamyl, etc., and 117,000 of these people are employed . . . among these employed people, sales workers have the highest rate of regular use (360 per 10,000) and some 28.6% of these workers report using the drugs while on the job.

8. Some 21,000 people regularly use controlled narcotics other than heroin, e.g.,

Demeral, Morphine, Dilaudid, etc., and 19,000 of there people are employed. . . . among these employed people, sales workers have the highest rate of regular use (90 per 10,000) but *none* of these workers report using drugs while on the job.

9. Some 485,000 people regularly use marihuana and 293,000 of these people are employed . . . among these employed people, sales workers have the highest rate of regular use (860 per 10,000) and some 44.0% of these workers report using marihuana while on the job.

10. Some 50,000 people regularly use LSD and 25,000 of these people are employed . . . among these employed people, sales workers have the highest rate of regular use (260 per 10,000) and some 26.7% of these workers report using LSD while on the job.

11. Some 34,000 people regularly use methedrine and 10,000 of these people are employed . . . among these employed users, sales workers have the highest rate of regular use (70 per 10,000) and *all* of them report using the drug while on the job.

12. Some 41,000 people regularly use heroin and 34,000 of these people are employed . . . among these employed users, sales workers have the highest rate of regular use (210 per 10,000) and *all* of them report using the drug while on the job.

These highlighted figures are a numerical projection of the more "stable" of the drug users and consequently constitute minimums. Anyone who has become personally and socially dysfunctional as the result of drug use, e.g., "heroin street addicts," "speed freaks," "acid heads," etc., generally were not available for interview. Thus, only those drug users with a place of residence or routine "at home" hours were located. In some cases these minimal figures should be multiplied by 3 or 4 in order to project maximum involvement. Since these dysfunctional drug users are not part of the employed labor force, the projections of use within the various occupational groupings are reliable as they are reported.

QUESTIONNAIRE RESULTS—29TH DISTRICT, CALIFORNIA

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. DANIELSON. Mr. Speaker, last month I sent out a questionnaire to every household in my congressional district. The results indicated that a freezing of prices and wages by the President was strongly supported in order to halt inflation.

Responses to other questions revealed: A firm approval of the proposal that would provide automatic cost-of-living increases for social security beneficiaries, a reluctance to commit U.S. resources and military power to guarantee the continued existence of Israel if this should become necessary, and slightly more than a 2-to-1 approval of the job that J. Edgar Hoover is doing as Director of the Federal Bureau of Investigation.

Men and women agreed on the majority of the issues, with the only significant variation showing up in the question relating to the defense of Israel. Nearly half of the respondents answered in the negative on this question, but 36 percent of the men and only 32 percent of the women favored a strong commitment. A large percentage were undecided, as 18 percent of the women and 14 percent of the men were unsure.

I will place the complete results of the questionnaire in the RECORD at this point:

[In percent]

	Yes	No	Not sure
1. With unemployment and inflation seriously affecting the economy, do you feel the President should use the powers already granted him by Congress to freeze prices and wages?	71	19	10
2. Do you favor increasing social security benefits "automatically," based on cost-of-living increases?	83	13	4
3. Should the United States commit its resources and military power, if necessary, to guartee the continued existence of Israel?	34	49	17
4. Are you satisfied with the job that J. Edgar Hoover is doing as Director of the Federal Bureau of Investigation?	61	28	11

RURAL RENEWAL

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. LINK. Mr. Speaker. A strong need exists to initiate a meaningful program to bring about a more realistic population balance in the United States. Clearly, rural renewal is an integral part of urban renewal.

Gov. William L. Guy, of North Dakota, wrote a poignant letter to Life magazine in response to an article on the disappearance of small towns in the upper midwest. Part of Governor Guy's letter was printed in the July 30, 1971, edition of Life magazine.

I include the text of Governor Guy's letter in the RECORD.

The letter follows:

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE,
Bismarck, N. Dak., July 2, 1971.

Mr. THOMAS GRIFFITH,
Editor, Time Incorporated Publisher, Rockefeller Center, New York, N.Y.

DEAR MR. GRIFFITH: Dale Wittner's story of the disappearance of the small towns in the Upper Midwest had particular sadness for me because I am a product of such a small town farming community and the Governor of a state which is suffering the steady erosion of its rural and small town life year by year.

For years, your readers have been told about the terrible social and economic costs of packing too many Americans into sprawling cities—the rising crime rate, stumbling mass transportation, smog, ghettos, polluted water, fire hydrant swimming pools, overloaded hospitals, crowded schools.

Now Vienna, South Dakota, shows your readers the other side of the coin. People leaving the farms and small communities is less dramatic, but still is a part of the gradual diminishing of our national quality of life being carried out at great social and economic cost.

The exodus from the country means lower tax bases and fewer people to allow or justify the things we all seek such as schools, medical services, sewer and water systems, parks, churches, Campfire Girl Troops, 4-H Clubs, fire engines, law enforcement, and on and on.

This tragedy besetting America is not a natural disaster like a flood or hurricane—it is man-made. It has been under way for decades and is a product of many factors, not the least of which are the induced population shifts caused by federal government activities and our free enterprise system's aversion to controls and government planning.

The United States is suffering a sickness which desperately needs correct diagnosis and not simply surface remedies. Before we can really start, it is necessary for our country to establish a national policy distribution of opportunity, and hence population. This must come about through Congressional recognition of what causes population shift and what it is doing to America. Congress must establish national policy and leadership if there is to be any hope to stabilize the costly maldistribution of our people.

Quality of living need not continue to slide downward in both our congested and underpopulated areas while the standard of living rises in America—but it will if we do not get some strong leadership to show us how to pull up our national socks.

People do not have to leave the spacious midcontinent area to jam the crowded coastal regions—but 100 million more Americans will do just that in the next 30 years unless some great leader has the political guts to tell us what we are doing to ourselves.

The Viennas of South and North Dakota could share in providing for a few of those millions of new Americans if our national policy would permit it to happen. Opportunity in those small towns could once again blossom if we were to encourage the opportunities that man-made programs and policies have created to cause overpopulation in other areas.

There is so much we could do as a nation if we would stop racing from one crisis to another. We must develop at the national level the kind of federal comprehensive planning that has borne fruit for many communities and states.

Time has already run out for many people and many communities. We can only hope that there will be a future for those who remain.

Sincerely yours,

WILLIAM L. GUY, *Governor.*

AMERICAN LEGION PROGRAM "REACH OUT"

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. DANIEL of Virginia. Mr. Speaker, as past national commander of the American Legion, I was privileged to be present at the department convention of the American Legion held in Norfolk, Va., on July 17 when that body was addressed by National Vice Commander Bob Eaton, of the American Legion. I was impressed by his remarks in presenting the American Legion program for this year, "Reach Out."

Bob Eaton attended West Point and retired from the Air Force as a major general after 30 years of distinguished service. For the last 10 years he has continued his service to the community, State and Nation through the American Legion. He has served as department commander of his own department of Maryland and has served two terms as Maryland national executive committeeman. He is presently serving as one of the national vice commanders of the American Legion.

In his remarks National Vice Commander Eaton stated:

The challenge to us in the American Legion today is to do those things necessary to help America to continue to be good and thus great. Our attitude is best expressed by the policy determination of our national organization to give action and public support to public and private officials who will persevere in the following efforts:

To expose and put down anarchy;

To preserve public and private institutions from usurpation or destruction by mob rule;

To insure the safety of all citizens from willful harm;

To stand firm against threats and criticism in performing their duties to protect and promote the public interest;

To lead our country to rational and peaceful solutions to our everchanging problems;

To instill in the American people a new growth of civic responsibility, love of country and faith in God.

I am placing National Vice Commander Eaton's speech in the RECORD so that my colleagues can read it in its entirety.

The speech follows:

ADDRESS OF NATIONAL VICE COMMANDER ROBERT E. L. EATON, BEFORE THE VIRGINIA DEPARTMENT CONVENTION OF THE AMERICAN LEGION—JULY 17, 1971

Department Commander Powell,

Past National Commander Congressman Daniel,

Past National Commander James,

Distinguished Guests,

Members of the 53rd Annual Convention of the Department of Virginia; It is with a great deal of pleasure that I appear before you to bring you greetings and congratulations from our National Commander, Alfred P. Chamie. The Department of Virginia has always had a reputation for strong programs, and we are pleased that your programs this year continue to reflect the strength that has always been identified with Virginia.

Our national program this year has been entitled "Reach Out." In this program the American Legion is attempting to strengthen all of our own programs, and also to reach out to national issues, such as the prisoners of war stalemate. All of our own programs are meeting with success. There is some indication that our prisoners of war program has indeed brought about some hope for an early release of these heroic men.

Our program for the year is well described by the words of the great labor leader, Samuel Gompers. When he was asked the question, "What does labor really want?", he answered, with a touch of wit, "More". What our program, "Reach Out", means is that all of our programs will require "more" from the American Legion at all levels, and particularly at the Post and community level.

We do indeed live in troublesome times. The great orator, Cicero, speaking more than 2,000 years ago, deplored the decadence and decline of the republic to which he was devoted with the words, "O! tempora, O! mores." If my high school Latin serves me rightly, his words can best be translated. "Oh! the times, Oh! the customs." These words are just as timely today.

We like to believe that nothing can happen to our own republic. I believe that this is true. But it is only true because from the days of our ancestors to the present, we have reacted successfully to the conditions, the challenges and the changes with which we have been faced with a vigorous show of strength. When balance has been restored, we again believe that our republic is anchored in bedrock and cannot be moved by the winds or tides that whirl around us.

Some years ago a leader of a foreign country, visiting the United Nations, became unhappy at the proceedings. He took off his shoe and pounded the table, making an impassioned diatribe against the free world, and our country in particular. At the time, many of us put his words and actions down as the ravings of a barbarian; we were tempted to forget the whole thing. But in the 15 years that have passed since then, we should remember some of the things that he said about us: that we would disintegrate from within, that the intelligentsia and students would turn against us, and that the communist countries would "bury us" and never have to fire a shot.

When we see sullen mob type displays in our nation's capital such as the recent May Day spectacle, a display that was brought under control by our Washington Police Department, perhaps the best Police Department in the world, backed up by 10,000 federal troops, definitely the best disciplined troops in the world, we might remember Khrushchev's words. Then when we see the militants of the mob repair to the University of Maryland and incite the students to riot to the extent that it is necessary to call out the National Guard to bring the university under control; then we should remember Khrushchev's words.

Conditions are more serious than at any time in our history. We do have to address our thoughts and actions towards the problems that bring about this chaos. But I, for one, do not believe that the United States is ready for burial.

Those who predict doom would have us forget the remarkable progress made in our great country, not only in ancient times, but within the last 50 years. Several elements of our society attempt to convince us that everything is wrong, that violent change is necessary, that the future is dark unless we revolutionize our traditional thinking. Unless reasonably contained, this effort to promote chaos, in the name of a vague Utopia, without any real intelligent alternative, will surely lead to our destruction. Many elements of our society contribute to this promotion of chaos, but I believe that there are three major catalysts:

(1) The Educational System:

The first and most important element in the promotion of anarchy is our academic institutions, primarily the university system. Academia deals with our young people. Youth has always been the most idealistic element of our society, the most impressionable, the most aware of our shortcomings, and the most impatient for changes in the more traditional ways of doing things.

This fact has been reinforced by our special American reverence for education. From the establishment of the very first American university—the College of William and Mary—our academic institutions have been our special pride. It has been our faith and belief that general education at the highest level could only lead to greater and greater strengths for the republic. In order to do this, we have given a great deal of freedom to those who run our universities and teach our young people. This freedom has led to unhealthy developments throughout the land.

Congresswoman Edith Green of Oregon chaired a subcommittee that investigated student unrest for some months; she concluded that there would not be any student unrest were it not for some of the faculty members.

It is ironic to me that so many of our young students who think of themselves as being such original and creative thinkers, are simply parroting the ideas of their elders—not their fathers, but faculty members slightly older than themselves—faculty members, who in many cases learned their lessons from the radical professors of the 1930's. Academia seems to feel that it has a mission, based on some sort of inner arrogance, to change everything around us towards some sort of Utopia. Educators feel that because of their education they know what is best for us. They feel that we should stand by and let them change our institutions. They feel that we should stand the cost, not only in money, but in turmoil and uncertainty for those experiments which they dream up on an idealistic basis, a look toward Utopia which ignores the lessons of history—which has not dealt kindly with Utopians.

When one thinks in terms of turning the university system off and getting the universities back to teaching the young, we must face up to some of the weaknesses of the present university system. These weakness are based on traditional sacred cows. One of these is academic freedom. What does academic freedom mean? It means that a Math professor can be hired, and he has freedom not only to teach Math, where he would be presumed to have some competence, but his academic freedom extends to his part time chore of organizing cells of the New Left. How do we get rid of someone like this? He is protected by another shibboleth, "tenure." What does tenure mean? Simply that once a professor has been appointed, he cannot be fired.

Now as to remedies, we must remember that students do not come near to support of the school. Our private schools are supported by foundations and endowments. For example, even though MIT owes its existence to those pillars of the capitalistic system, the Guggenheims, the Fishers, the Eastmans, the Fords, the Rockefellers and others, they are now under the domination of Professor Glomsky, who devotes his spare time to producing riots on the campus, using non students as inciters to produce chaos. In the control of private colleges, there is, of course, a remedy; stop giving them money.

In our state supported university system the taxpayers support the universities. We have given away our control by insulating the faculties through the setting up of a Board of Regents' system. The Board of Regents are often made up of political hacks and are expected to be ineffective. In the case of the state universities and schools, the remedy is for us taxpayers and voters to see that proper supervision is provided.

I should like to make it plain that I am not against academic freedom, nor am I opposed to tenure which helps insure academic freedom. But freedom is not license. Tenure should not protect incompetents. Our university system needs to be revamped so that academic freedom is accompanied by a sense of responsibility.

(2) The News Media:

The second element of our society that makes major contributions to our unrest and chaos is the news media. The news media are protected by the First Amendment to our Constitution. It was recognized by James Madison and others of our founding fathers that one of the dangers of the First Amendment was the development of an irresponsible press. Thus, the First Amendment guarantees the right of the news media not only to tell the truth, but to indulge in outright propaganda activity to carry their own predetermined view. This was to be a price tag.

Let me illustrate. When I was in Vietnam on a mission for the American Legion at the time of the Tet offensive in 1968, I came away with a firm conviction that the truth was not being told about the war. On my return I went to an old friend, a senior editor of Fortune, and I said, "Charlie, you have to write one of your great articles telling the truth about the war." His answer was, "I'm sorry, I know the truth. I would like to write the articles, but my colleagues won't let me. Our publishers are opposed to the war, and the truth cannot be told." What this means is simple. The major news media were opposed to the war, based on their own determination, and they were propagandizing to change the public to their own point of view.

Let me make another illustration. The recent CBS documentary controversy was based on one simple fact admitted by all; that the electronic network cut the tapes of statements made by those interviewed in such a manner as to give the impression that the official interviewed had given an entirely different statement than that which he actually gave. CBS defended its position on the basis of freedom of the press and the First Amendment.

In the case of the electronic media, we must remember that this media has a monopoly, and if you don't like the unctuous tones and pious noises of Cronkite, you can only turn to NBC and ABC for relief. Each of them has an axe to grind also of one sort or another.

I have one other example of the irresponsibility of the press. In these times we cannot escape considering the so-called Pentagon papers' episode. These papers really should be called the McNamara papers. For a time Secretary McNamara was thought to have a secure place in history as the maker of the Edsel, a boo-boo of some importance to Ford. Then came the TFX, and we changed our minds in favor of this effort as establishing McNamara in history. A little further down the road came the multi-billion dollar electronic fence. As each came along we said, "This is the one that would establish McNamara's place in history, but his last effort was the greatest that *really* established his place in history. He commissioned 36 whiz kid experts to produce a "history" which would guarantee his place with future generations. Supposedly to insure objectivity, these whiz kids were promised anonymity; they were told not to interview the people involved (people, who incidentally, knew something about the real facts); and finally, the results were limited to 15 closely controlled copies. I think that it is significant that Secretary of State Rusk had never even heard of the project; the substance was never discussed with the White House staff; and the military services and the JCS were specifically excluded from the distribution. The authors simply didn't want to be bothered by troublesome facts. Honest history names its author. Honest history exposes itself to the critical glare of other historians. But most of these authors were not historians. That these individuals were anti-war, anti-military and anti-administration goes without saying. That these anonymous authors produced a document that proves that Secretary McNamara and his senior associates, as well as the Presidents they served, were either knaves or idiots or both is not at all surprising. It is also not surprising that a little sniveling bureaucrat, who was never within a country mile of any of the decisions concerned, would steal the documents and attempt to peddle them. What is surprising is that the New York Times, a sheet that would like us to think it is the greatest of our newspapers, would entertain the idea of publishing the documents by these anonyhappenings in an even worse light. I suppose that the great builder of the New York Times, old man Ochs, is doing snap rolls in his grave, but there you are.

What is the remedy for the press problems? Yesterday, when I spoke in Ohio, I was followed on the rostrum by an individual from the news media who addressed himself to remedies that might be effective. I find myself in agreement.

You can do your best to combat what you get by comparing or following competitive media, keeping in mind the limited and monopolistic electronic media selection and the fact that newspapers available are often monopolies too. But, in the last analysis, you must remember that you can't believe what you read and hear.

Again I should like to make it plain that I am not against freedom of the press. But I greatly fear for the freedom of our nation if the freedom of the press is not accompanied by a sense of responsibility, by a code of ethics which we have come to expect in other professions such as law, medicine, and, yes, public service.

(3) Political Leadership:

The third element in our society which I believe has failed us are some of our political leaders. When a national figure rushes down to address a mob on the Mall, he reminds me of the action of one of the leaders in the French Revolution, who is reported to have said, "I must go down and get in front of yonder mob. I am their leader." Why responsible national leaders, in an effort to garner votes, should want to contribute to the mob pressure of minority interest, is beyond me. I would think that they would direct their interest to us veterans and "hard hats" instead.

One of the most deplorable efforts of some of our political leaders is their stooping to use the "big lie" technique. Hitler was the inventor of the "big lie." He indicated that if you tell a lie big enough and often enough, some people will believe it.

Let me illustrate with a current example. In the recent SST action in the Congress a spurious scientist was produced, who indicated that if the SST was built, we would all be in danger of developing skin cancer. The SST program was supported by the American Legion. We recognize that as a result of our mandates, keyed to our belief in the importance of our maintaining technical leadership in aviation, we strongly supported the program, but there might be legitimate economic, technical or other factors that would weigh in the ultimate decision. But the spurious untruthful advancement of a fear system unsupported by the legitimate scientific community, was painful for us to accept.

The Jefferson School of Democracy, which was a high flown name for a training activity of the Communist Party, drilled its students in the utilization of communist cadres' techniques to fool the people. These included the testimonial technique, which we have just demonstrated. Another one was, "We're all in this together" technique. Another technique was in the use of smear words or virtue words. When we see some of our political leaders using these techniques, we should recognize them as damaging and remember there is an effective remedy. When we enter the polling booth and pull that black curtain down behind us, we should do our duty.

Edmund Burke, the statesman, said, "The only thing necessary to make evil succeed is for good men to do nothing about it." In our program, "Reach Out", where we expect "more" from you, one of our new areas of action is taking on leadership in your local community.

We should take great pride in our programs that have been perfected throughout the years. Our VA hospitals, with their teaching facilities and their improvement of the general health of the nation, are worthy programs, not just for veterans but the whole community. In our youth programs we have contributed more than 250 million dollars, and the program continues at the rate of 10 million dollars per year. In our junior baseball program, 60,000 youngsters were suited up last year. Our Boys State oratorical program is another important contribution with new and higher scholarship awards. Then there is the GI Bill, which the American Legion alone sponsored. When we have educated the GI and allowed him to take his place in society, this general increase in education results in an overall improvement of our economy by increasing the productivity of society as a whole through a better educated population. We can also take great pride in our support of adequate national defense; not only to maintain a posture and an image which helps us to avoid war, but to see that the simple soldier is adequately trained, equipped and led when called upon to defend the country.

But, more important than these programs, is our responsibility of leadership in the local community. The French philosopher, De Tocqueville, in visiting our country 100 years ago said, "America is great because she is good—and if America ceases to be good, America will cease to be great." In the wars that we have fought in our century, World War I, World War II, Korea and Vietnam, the important thing is that we were trying to do good. We were trying to extend the blessings of liberty and self determination to others and assist others in protecting their right to defend themselves. The challenge to us in the American Legion today is to do those things necessary to help America to continue to be good and thus great.

Our attitude is best expressed by the policy determination of our national organization, arrived at during our 50th Anniversary year, when our organization put itself on record to give "action and public support to public and private officials who will persevere in the following efforts:

"To expose and put down anarchy;

"To preserve public and private institutions from usurpation or destruction by mob rule;

"To insure the safety of all citizens from willful harm;

"To stand firm against threats and criticism in performing their duties to protect and promote the public interest;

"To lead our country to rational and peaceful solutions to our ever-changing problems;

"To instill in the American People a new growth of civic responsibility, love of country and faith in God."

If we can lead through these principles in our local communities, we will have done "more" through our "Reach Out" program.

Again, our congratulations on the great job that the Virginia Department is doing.

Thank you.

TURN IN A PUSHER—TIP

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. GIBBONS. Mr. Speaker, I would like to call to the attention of my colleagues a program sponsored by the Greater Tampa Chamber of Commerce entitled "Turn in a Pusher—TIP." TIP has been in operation in Tampa since February of this year and is aimed at identifying, arresting, and prosecuting known narcotics pushers in our community.

TIP accepts anonymous calls from citizens, gives the caller a code name, and then turns valid tips over to the police. If a pusher is convicted, the caller can, through his code name, get a reward of up to $500 while remaining anonymous. To date, five convictions have resulted from this program, and 280 cases are now being processed through the courts.

I think this is a unique approach to solving one of the most important problems in American society today, and I would like to call to the attention of my colleagues an article on TIP in the current issue of Newsweek:

The Pushers Pushed

Police in every city assiduously cultivate their own brood of paid underworld informers in the struggle against crime, but now officials in Tampa, Fla., are carrying the informer system a major step forward in their drive to rid the town of drug pushers: they have set up a system of rewards and urged ordinary citizens to turn informer and share in the bounty. The Tampa program was created after a 1970 study disclosed that the number of hard-drug addicts in the city had soared to some 4,000 (from an estimated 50 or so just a few years earlier). The idea for the informer program originated with a former FBI agent named James Cusack; it was received enthusiastically, and last February, after local business leaders donated an initial $8,000 in bounty money, the "turn-in-a-pusher" crusade was launched with a barrage of posters and a fanfare of TV ads.

To insure an informant's anonymity, TIP conducts its business under a secrecy shroud worthy of the CIA. TIP operators assign each caller a code name gleaned from the telephone directory of a distant city. To collect his reward, the informant has to follow the newspapers to discover if his tip has indeed produced a conviction; if so, he must call back to arrange the payoff—always using his code name. A bounty of up to $500 in cash is then paid him, depending, says Cusack, "on the type of fish we catch."

To date, TIP has received 3,000 calls and, while only five convictions have resulted, Tampa's overburdened courts are currently striving to process no fewer than 280 drug cases that stem directly from informants' leads. "We have more information than we can run down," groans Tampa sheriff Malcolm Beard. Predictably, the program has also generated a wave of practical jokes. One victim was the headmaster of a local boys' school. He was named as a pusher in twenty separate phone calls before bewildered police caught on to the identity of the tipsters—the headmaster's young charges, of course.

Not surprisingly, TIP has also served as a psychological outlet for scores of citizens who see a pusher lurking behind every loiterer—but most officials view the program as eminently effective, if only as a deterrent. "The pushers are getting paranoid," exults sheriff Beard, whose city has received 75 inquiries about TIP from other drug-plagued communities. "They really don't know who's going to squeal on them, maybe their best buddy-We've heard that some have already cleared out. After all, a town with a price on a pusher's head is simply not a good place to push in."

DEALING IN DEEDS: MRS. BARBARA PAYNE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. MAZZOLI. Mr. Speaker, all urban communities are faced with seemingly unsurmountable problems these days. I think many times proper attention is not given to many members of these communities who are making a real effort to solve some of these problems.

I would like to bring to the attention of the House the following article by Gail Simmons which appeared in the Louisville Times describing the fine work being done in Louisville by Mrs. Barbara Payne, the youth adviser of the Jackson Area Council.

I have worked closely with the Jackson Area Council for several years. This project is most worthwhile and should receive the total support of the community.

No Promises, Promises—New Jackson Youth Adviser Deals in Deeds

(By Gail Simmons)

Mrs. Barbara Payne says she knows what the youth of the Jackson area want and intends to do everything she can to help them get it.

"The youth in the Jackson area are just tired of being poor. This time they aren't begging for anything, they only want the door open and they'll get it themselves," said the new youth adviser of the Jackson Area Council recently.

"All these kids have is a million dollars worth of promises that never draw interest or dividends," said Mrs. Payne. "They would rather have $10 worth of results.

"I lived in the ghetto around 11th Street," said Mrs. Payne. "At 15 I quilt school, got married and felt that I had made it like many young people around here do."

Mrs. Payne decided to work for a high school equivalency diploma and was graduated as an honor student from the General Education Development (CED) degree program at John F. Kennedy School.

WORKED AT SCHOOLS

She began working as a programming supervisor at Cotter Elementary School and DuValle junior high, directing recreational programs.

"All I needed was a push and a pat on the back to get started. And that's all these kids need," she said as her eyes darted toward the group of young people gathered around the game room of the Jackson Area Council office.

Mrs. Payne, mother of five, joined the council staff about six weeks ago and already has a number of plans, including an indoor-outdoor community cleanup campaign reviving the Jackson Area Youth Council and creating a volunteer escort service designed to reduce the number of street crimes in the Jackson area, which is just east of downtown Louisville.

She said the cleanup project will involve the whole Jackson community and would be run like a business instead of a volunteer project. Work crews composed of Jackson area teen-agers will solicit work from, and be paid by, residents and businesses receiving cleanup services.

The cleanup campaign, to be sponsored by a federal grant, will employ young dropouts in the area who do not have jobs. The council is now taking applications.

The Youth Council, designed to bridge the gap between different groups in the Jackson area, will sponsor the escort service.

The service, like one created reecntly in the area west of Shawnee Parkway, would make youths available to escort community residents from bus stops during late evening hours to help prevent molesting, thefts and other street incidents.

COUNCIL IS MOVING

Another, more immediate project that is taking place right now is relocating the council's office from 509 S. Clay to 644 Shelby.

Young people are busy painting floors, paneling walls and doing general cleanup on the rambling building that is the council's new home.

"The young people help with everything," said Mrs. Payne. "Some have devoted more than 40 hours a week in volunteer service."

Mrs. Payne doesn't consider her position a white collar job.

"I go out to my people to find out why things are the way they are—why they exist," she said. "I cannot sit behind a desk and tell you what the youth are doing.

"I'm here because I know the kids are ready to work. I tell the kids, 'You may not be able to reach the moon, but you can touch that star and go on.'"

UNFAIR MILITARY DISCHARGES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. MIKVA. Mr. Speaker, military justice in this country has received a good deal of criticism recently. Some people have observed that it places too much emphasis on the "military" and not enough on the "justice." A case in point is the free use of general and dishonorable discharges to separate someone from the military service. While they come under the heading of administrative action, general and dishonorable discharges still are part of the system of military justice.

There is a stigma attached to any discharge other than an "honorable" one. It is a stigma that can stay with a person for a lifetime. Besides depriving him of some veterans benefits, it can make the chances of getting a job in an already-tight job market even worse. There is little room for distinction under the current system. A man can get a dishonorable discharge for being convicted of a serious crime. Another man can agree to accept a general discharge for not being able to adjust to military life as a recruit. To a prospective employer, they are both the same because neither man has an honorable discharge.

The House Armed Services Committee already has held hearings on the problem. It is in the process of reporting out a bill (H.R. 523). In recent editions, The Chicago Sun-Times has examined unfair military discharges and suggested some solutions to correct the situation. The texts of the articles, a news item and two editorials, are attached:

[From the Chicago Sun-Times, July 22, 1971]

Unfair Military Discharges—I

About 10,000 men a year, most of them black teen-agers, are administratively separated from the armed services under a cloud which can unjustly hang over them for the rest of their lives.

These are the foulups, the culls, the misfit recruits who cannot adjust to military life and who are too often given—often vindictively, hastily and without sufficient concern for their civilian futures—discharges the services label "general" or "undesirable."

A general discharge carries with it all veterans' benefits but one—it isn't an honorable discharge, which is what prospective employers look for. An undesirable discharge means just what it says; a man is undesirable for military service. Sun-Times reporter Delia Pitts reports that many holders of undesirable discharges cannot get employment with large companies. Also, veterans' educational and insurance benefits and the possibility of federal employment are denied men with undesirable discharges. And all those, whether misfits, untrainables or minor criminals, have little hope of changing that bad record, no matter how exemplary their subsequent civilian record.

The great bulk of those discharged with these two types of papers are service volunteers, says Clarence Browning, assistant director of the Concerned Veterans from Vietnam, a group active in 29 states trying to help these men. They are 17 or 18 years old, and chose military life "because they thought they would be better off than they were in the ghetto," says Browning, a veteran of 21 years in the Army himself.

What happens is that these young men, white and black, stubborn rather than militant, find themselves in trouble with NCOs and junior officers early in the training phase of service, say the first 60 to 90 days. They do not learn discipline easily and traditional attempts to make them learn—extra duty or deprivation of liberty—makes a bad situation worse.

The old service doctrine used to be "shape up or ship out"—behave or we'll transfer you someplace you won't like as much. Now, however, unit commanders are using the administrative discharges as a means to kick out problem soldiers. No courts-martial are necessary; once a man has amassed three company punishments, plus poor reports from NCOs, he can be on his way out.

The Army claims that there is machinery for counsel, for appeal. But a spokesman concedes that too often, the man is so eager to get out that he does not insist. Also, "guardhouse lawyers"—who can include a man's platoon sergeant or petty officer—advise him to get out to be rid of him.

This is a problem that requires urgent attention so that young men whose only "crime" is inadaptability are not stigmatized for the rest of their lives, a concept alien to our civil system of justice. Tomorrow, we shall examine some of the courses of action which should be taken.

UNFAIR MILITARY DISCHARGES—II

When the armed services push men who will not or cannot be adapted to military life out into the civilian world with discharges which are other than honorable, a military problem is becoming a civilian one.

As we stated yesterday, some 10,000 "general" or "undesirable" discharges are given each year, and for the men, mostly black teen-agers, who hold them, this is an undeserved stigma which they can carry with them for the rest of their lives. Jobs, already hard to find, become harder to find. Veterans' benefits can be denied. Frustration builds on frustration and the end result is unpredictable.

On Tuesday, for example, a story by Sun-Times reporter Delia Pitts cited the case of Marshall Kirkland, a Gary steelworker who was dismissed from the Air Force in 1950 as "undesirable" because of a civilian charge of armed robbery in Texas, which was later dropped.

He tried for 21 years to get the discharge changed, and was only successful when the Concerned Veterans from Vietnam, an organization which has been having some success in such cases, got a review board in Washington to hear his case and change the discharge to honorable.

We believe there should be only two types of discharges—the dishonorable and the honorable. The dishonorable should be reserved for cases in which men have served time in military detention facilities for crimes which are also felonies in civilian life.

The other discharge would be honorable, although here the services are entitled to some protection. There should be a probationary period in which the military can reject those it does not consider fit to be servicemen. Most administrative discharges come in the early months of an enlistee's exposure to military life, so the probation period could be short. And screening procedures, which should have caught misfits prior to induction, must be upgraded.

If, during that time or at the end of it, the service decides it does not want a young man, then he can be let go—but with some honor and dignity left to him, as happens in a civilian job. Needless to say, he should not be entitled to full veterans' benefits, but most of those are based on length of service, anyway. It also goes without saying that this probationary plan should not apply to draftees; it is too neat an out for those who do not wish to serve.

Should the plan we urge be adopted, it should also have some retroactivity built into it. Those who now hold undesirable or general discharges should have their cases automatically reviewed and their discharges changed if the new criteria are met.

Review procedure exists now, but it is cumbersome and is handled on a case-by-case basis. The Concerned Veterans from Vietnam has offices at 8815 S. Stony Island Av., Chicago 60617. Or, if a holder of a general or undesirable discharge wishes to deal directly with the military, he can write the Post Judge-Advocate, Fort Sheridan, Ill. 60037. The present system of review, however, concerns itself primarily with personal conduct since separation from the service, not with the circumstances which led to the other-than-honorable discharge.

Mere reviews of individual cases are of course insufficient. A rethinking of the entire policy on discharges is required, and the military and the Congress should address themselves to it with all dispatch. As this country moves toward a volunteer Army, the last thing in the world it needs is a Captain Bligh mentality towards recruits.

NINE VETS WIN FIGHT FOR CLEAN SLATE ON DISCHARGE PAPERS

(By Delia Pitts)

Nine veterans who received less than honorable discharges from the armed forces had their slates wiped clean Monday.

A group called Concerned Veterans from Vietnam obtained honorable discharges for the nine by petitioning Washington case by case.

Most of the veterans didn't want their names used, saying that even the knowledge of rescinded "undesirable" or "dishonorable" discharges might jeopardize their present jobs and lives.

One who would talk for publication was Marshall Kirkland, a Gary steelworker, who was dismissed from the Air Force in 1950 as "undesirable."

Kirkland said he had tried without success for 21 years to get the Air Force to change its mind. He said the discharge was based on a civilian charge of armed robbery in Texas, which was later dropped.

With the Concerned Veterans' prompting, the Air Force invited Kirkland to tell a review board in Washington about his life since discharge. He did, and the Air Force changed his discharge to honorable.

Clarence Browning, assistant director of the Concerned Veterans, said the services too often fail to consider how they cripple the lives of the 10,000 men they brand as "undesirable" each year.

These men are denied veterans' educational and insurance benefits and are unable to obtain federal employment, Browning said. Most large companies refuse to hire the men, he added.

His group tries to get the record changed in one of two ways.

With the help of a lawyer, the group sometimes finds an injustice or discrepancy in the record, and the discharge is quickly fixed. Or, Browning said, they try to demonstrate that the man has lived a responsible life since his discharge. If the service agrees, after listening to the man himself, it can change the record.

Browning said his group in a year and a half has obtained 31 revised discharges.

"This is not much," Browning said, "but if you could see the faces of the men who receive these papers, you would understand how much the honorable discharge means to them, and all the efforts would seem worth it."

Concerned Veterans, a national organization, is not an anti-war group, Browning said.

"We're not for or against the war, but we are for the man who has had the responsibility of that war on his shoulders," he said.

GROWING HOSTILITY TOWARD MILITARY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BOB WILSON. Mr. Speaker, I am seriously concerned over a growing attitude of hostility toward the military which has been fostered by our involvement in Vietnam. While Vietnam has been the center of dispute, criticism concerning our involvement has been generalized into criticism of the military. A good indication of this can be seen in the ready acceptance by some of the allegation contained in the television production "The Selling of the Pentagon." The program in some instances, distorted the materials which it presented. I think that it is time for serious reflections on the important role the military plays in our society. It is a matter in which our security is at stake and which should be discussed in an objective fashion and not clouded by the destructive rhetoric surrounding the Vietnam war. In pursuit of a dialog on this subject, I am entering in the RECORD today a column by Ruthven E. Libby, a retired vice admiral of the U.S. Navy and invite my colleagues to read it.

HOSTILITY TOWARD MILITARY IN AMERICA CONCERNS COMMENTATORS

(By Ruthven E. Libby)

At the dedication of the Industrial College of the Armed Forces in Washington in 1960, President Eisenhower said: "Our liberties rest with our people, upon the scope and depth of their understanding of the nation's spiritual, political, military and economic realities."

Were he speaking today, realism would require that he substitute "survival" for "liberties" in this statement.

One of the unfortunate realities about the spiritual and political situation in the country today—unfortunate primarily because it is so dangerous—is what Sen. Henry Jackson, D-Wash., recently called "a wave of hostility to the military at the moment, a hostility that makes fair and objective discussion of defense issues a difficult thing to achieve." Coverage of the Vietnam war has done nothing to diminish this public hostility.

Efforts by concerned commentators to reverse this feeling, and to arouse the public to the rapidity with which the United States was declining to the status of a second-class power, fell largely on deaf ears; the attitude of a large segment of the public was—and still is—"So what?"

The rationale of the so-whatters seems to be that we got along all right before we became the leader of the free world; the time has come for somebody else to carry the load while we devote our time and energies to correcting our domestic problems. We are fed up with the war and we want peace. All we have to do is mind our own business and peace will ensue.

Peace will ensue, all right—the peace of slavery or of the grave. The American public and the political leadership of the country have failed to face up to the fact that the CPSU—the Communist Party Soviet Union—is as ruthlessly imperialistic as any power in world history. The material evidence supporting the intent of its leaders to achieve their stated objective of world domination is already overwhelming and is piling up higher every day.

President Nixon's assertion that we are leaving an era of confrontation and entering an era of negotiation is not borne out by the facts. In his Feb. 18, 1970, Foreign Policy Report, he said:

"Partnership (with our allies) and strength are two of the pillars of the structure of a durable peace. Negotiation is the third. For our commitment to peace is most convincingly demonstrated in our willingness to negotiate our points of difference in a fair and businesslike manner with the Communist countries."

We have allowed our strength to deteriorate to the point that the USSR, far from shying away from confrontations, seeks them, confident that we will back down. Our erstwhile friends and allies increasingly can be expected—as our weaknesses become more glaringly apparent—to seek accommodation with the rulers in Moscow. The two legs of our tripod thus enfeebled, what happens to "negotiation"?

The President proposes to negotiate with the Communists "in a fair and businesslike manner." But the Communists just don't negotiate that way. Examples are legion:

The current Vietnam talks in Paris, which have dragged on for over two years with nothing decided except the shape of the table.

The Strategic Arms Limitation Talks (SALT), about which official optimism continues to be expressed but which in reality have so far accomplished nothing.

They have, however, given the USSR more time to increase her already preponderant nuclear strength offensively and defensively. They have also given our peacenicks leverage to insure that we sit on our hands while the Soviet nuclear buildup—far beyond any possible defense requirements—continues unabated.

In addition, there is the sure knowledge that failure to reach agreement across the table doesn't really make much difference since the Communists will adhere to any agreement just so long as it serves their interest to do so, and not one second longer

Perhaps it is timely to remind the so-whatters of the Communist definitions, promulgated some years back but still valid, of "peace" and "lasting peace." "Peace" exists whenever the Communist takeover of the world is proceeding on schedule; "lasting peace" will exist when it has been achieved. One can guarantee with absolute certainty that our peacenicks of today will not like the latter state of affairs.

One immediate consequence of our second-class power status is our national embarrassment over our impotence to induce the warring factions in the Middle East—the parties of the first part, that is, the Israelis and the Arabs—to reach a settlement with which they and the free world can live.

There isn't any answer to the several problems which, taken together, constitute the Middle East Question which will satisfy all parties to the dispute fully. The alternatives are (a) compromise; (b) a settlement imposed from without; and (c) renewed hostilities.

It is manifest that the USSR will not permit its Arab stooges to compromise, although both Arabs and Israelis realize that it is to their mutual interest to do so. We are now powerless to impose a solution without the cooperation of the USSR, which will not be forthcoming.

Hence the outcome of the Middle East quandary will be determined not in Washington and London, but in Moscow, and it will be one which serves the interests not of the free world, but of the CPSU. And it can be said with confidence that this is the first of many more situations which will be settled by the same criterion.

In the light of known facts, which facts include the one that America's very survival is at stake, it is shocking to see senators and congressmen, the professional peacenicks and those who specialize in criticizing the Defense Department, charge—as Sen. William Proxmire, D-Wis., does—that Secretary of Defense Melvin Laird and Sen. Jackson are indulging in scare propaganda, that their warnings are "highly exaggerated and even semi-hysterical conclusions" and that there is no hard evidence that the Russians have tested multiple-warhead missiles.

David Lawrence, in a very timely column, calls attention to the fact that what he calls the "uninformed" menace the nation's safety.

He includes in this category the antiwar demonstrators, those who attack the Federal Bureau of Investigation and other law enforcement agencies, "aspirants to high political office" who add to the misrepresentations and lies being fed the public "by giving the impression that peace will come the moment America announces a date for complete withdrawal of its troops," and others. He concludes by wondering "when a countermovement will arise to inform the uninformed that they are dealing with the safety of the United States—both external and internal."

PORTRAIT OF A WEEKLY EDITOR

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. McCLURE. Mr. Speaker, the July issue of Empire Builders, a publication of Kasum Advertising Associates in Boise, is devoted to singing the praises of Rodney Hawes.

As editor of the Owyhee Nugget in Marsing, Mr. Hawes has achieved a stature not usually accorded the weekly newspaper editor. Perhaps that is because, as the article points out, the Owyhee Nugget "cares." And because the paper cares, it has won for the citizens of Owyhee County a certain amount of fame and admiration they would not otherwise have had.

There are those who say that the Old West has been tamed. Those people have not read a Rodney Hawes editorial.

Mr. Speaker, I include the article referred to at the beginning of my remarks at this point in the RECORD.

PORTRAIT OF A WEEKLY EDITOR

(By Wm. C. Seifrit, Jr.)

Portraits must be placed in a proper and natural scene. Following is Rodney Hawes' scene, the setting in which he publishes the Owyhee Nugget.

Owyhee County, Idaho, comprises nearly 1.5 million acres, mostly sand, sagebrush, summer heat, and winter snow. A small portion of the county that lies along the Snake River is lushly fertile; a handful of tiny communities, Marsing, Murphy, Grand View, Reynolds, Homedale, Wilson, De Lamar, pass for population centers in Owyhee County. The county forms the southwestern corner of Idaho and is bordered on the West by Oregon, on the South by Nevada.

Owyhee County was the first county created in Idaho and remains the second largest. Its land area is larger than many states (Connecticut, Delaware, Hawaii, Rhode Island) and is larger by far than Washington, D.C.

The Owyhee Nugget is published weekly in a small, cramped frame building situated near the middle of the main street in Marsing, Idaho. Through the years, the Nugget's occupancy of the building has spread from its original 20' x 40' at the front of the structure to include additional space for storage and presses; living quarters for Rodney and Leona (and their three sons); a recreation area with pool table, spare bed, antiques, and scores of various pieces and objects that some would call junk, but that others would know instantly to be reminders of past travels, lovingly recalled mementos of a rich, warm, and completely satisfied (and satisfying) life.

The floor of the room in which the Nugget is prepared has long since lost whatever varnish might once have been applied to it; the cement portion of the floor is a rich mine of lead filings, dust, old clippings, discarded notes, headlines, scraps of newsprint, souvenirs, and a great deal of material that is not readily identifiable.

This is not a description of a dirty office, a cluttered workroom, or a shop that is sloppily kept. Rather, this is a publisher's office, printshop, and headquarters of a man so busy with getting out a newspaper that regular sweeping, spotless desks, and surgical cleanliness have no place, assume no value in his method of operation. These are characteristics rather than criticism.

The walls of the Nuggets offices are covered with prints, photographs, reproductions, sketches, cartoons—nearly all of which depict some outdoor, Western scene or activity. Prints by Charles Russell abound, as do rodeo and ranch scenes by other talented Western Canadian, and Mexican artists. Apparently by design (or, more likely, by happy accident) not more than a small handful of the pictures on casual display show interior scenes.

The wall space not occupied by Western art is crowded with bells, bells from U.P. locomotives, sheep bells, devotional bells from Burma, goat bells from Greece, hundred-year old desk top school bells, camel bells from the Sudan, Swedish sleigh bells; there are bells hanging in the office whose origin and purpose have long since been forgotten.

Western pioneer gear is in profuse abundance. An ox yoke hangs over the linotype; a hand-forged broadaxe hangs from the yoke. Traps of all sorts are strewn about: gopher, coyote, and wolf traps; some are rusted and old, while others appear to have been brought in just last week from the trap line.

An anvil stands on the bed that held one of the earlier presses used to publish the Nugget. A hand-hewn tedding rake hangs over the grouter. Leather and metal gear is thrown about in compellingly attractive disarray, including an Indian cradle board now used to hold messages, souvenirs, and whatever else can be conveniently attached. The atmosphere of the outdoors, of the pioneer West, of Man in harmony with Nature is everywhere in the Nugget offices.

None of this is studied; none is artificial or contrived. No one could mistake this collection of artifacts and gear for a museum's cataloguing department. The hand of the workingman has left its muscled print on every object, every tool, every leather and metal scrap.

A principle of human behavior says that a man surrounds himself with objects that please him and that reflect his inner self. So it is with Rodney Hawes.

This place is run by a man who sits under his linotype machine, composing as he operates the machine, and who has learned to give a friendly wave simply by nodding his head and arching his eyebrows when a passerby glances in the printshop window.

Rodney is a product of Owyhee County, of Southwestern Idaho, and the American West. There is nothing plastic, cellophaned, or pre-packaged about Rodney Hawes or the Owyhee Nugget.

Rodney Hawes was born and raised in Owyhee County. While has has traveled all over the world, Owyhee County remains, as it has always been, his home. He began publishing in Bruneau in 1935. As World War II began, he moved his printing operation to Marsing where it has remained to this day.

With great relish, Rodney likes to tell the story of a competitor who walked into his Marsing print shop one day and offered him $1,000 cash for ownership of the Nugget. He further offered Rodney $100 per month to work for him (with no mention made of the hours Rodney was to keep.) The Hawes' immediately declined the offer, and the competitor left in a huff, shouting, "I'll run you out of business yet!" The year was 1940, and the Nugget has published regularly since that time.

In stature, Rodney Hawes is not remarkably large. He is approximately six feet, two inches tall, weighs 190 pounds, has thick and quite dark hair with just a hint of grey. Perhaps his most remarkable physical characteristic are his hands.

His hands are broad and strong. Even the fingers have noticeable muscles. His are the hands that lift a lead pig into the hot pot without apparent effort and later fold themselves with gentle reverence during a simple and sincere luncheon Grace.

He stands and walks taller than his frame seems to allow. But when he works his machines, he appears to become part of them. He accommodates his hands and body to his linotype in much the same way a trundle fits under a bed.

This is what the man looks like who publishes a weekly newspaper, loves his wife Leona, and who has raised three sons of whom any set of parents could (and would) be inordinately proud.

The final statistic concerns his paper. The Owyhee Nugget is a fullsize, 7-column by 21, 4-page letterpress weekly newspaper.

So much for biographic and statistic description.

Within this framework stands Rodney Hawes, his wife, and the Owyhee Nugget. The Nugget is labeled as the "official publication of Owyhee County." It is, of course, much more than that.

As must be the case with thoughtful, basically sensitive editors of weeklies across the country, the Owyhee Nugget is actually an extension, an outgrowth of the man who creates it. Yet, the paper is more even than that; reading the Nugget means stripping away the veneer of urban civilization; it means becoming reacquainted with people who earn their bread (in an older sense, literally) by sweat and by strained muscles. Reading the Nugget means learning once again some old lessons about man's relationship to man, that good has to triumph because that is man's way; that government at all levels is still responsible to the man who pays his taxes and wants his interests cared for; that law-abiding citizens in a democracy have a right to be heard; that a majority of informed citizens will more often that not make correct any irresponsible decisions.

Rodney Hawes and the Owyhee Nugget aren't really concerned with printing hard news in the usual headline sense. Radio and television news and commentary are readily and conveniently available. Daily newspapers circulate throughout the county. Competing for news stories on this basis is not a proper activity for the Nugget.

People and their political and economic problems are the business of the Nugget. A weekly newspaper, according to Hawes, has one concern, one purpose, one overriding characteristic: It cares.

A weekly cares about schools that are safe from fire and collapse. It cares about an adequate cemetery, about a highway that benefits even more people than live in the county in which it is located. It cares about school bonding, adequate police protection, liquor laws, farm prices, tax dollars, modern "advancements" that threaten a basic way of life, government by closed committee, about equitable election laws—a weekly newspaper cares about people problems, but mostly about people. It cares.

These are some of the things Rodney Hawes cares about. These are the matters he talks about in his editorials. As Frank Church puts it. "The Nugget itself is unique. It remains one of the few weeklies in the old-style tradition of weekly journalism, reflecting as it does the very personal kind of newspapering that Rodney Hawes epitomizes." (Senator Frank Church, D-Idaho).

Hawes and the Nugget are in an enviable position. He owns all his equipment. He doesn't spend much time selling ad space: "I just take what comes in the mail." He also takes job printing orders and contracts for special work from time to time.

Basically, Rodney Hawes publishes concern for the people of Owyhee County. He does not publish to pay for machinery, newsprint or ink.

The Nugget includes columns written by Senator Jordan's wife Grace, with chatty, pleasant commentary on the Washington scene oriented to women readers; items concerning visitors to county families; travels; and always legal notices. Most of this material is edited and arranged by Rodney's devoted wife, Leona.

But it is in his editorials that Rodney shines for the Nugget and for Owyhee County. When he feels strongly about an issue or a problem, his editorial will appear in large, bold, 14-point type on the front page of his newspaper.

He explains his reasons for presenting his views this way: "I believe the most important thing I have to say belongs on the most important page in the newspaper!" Then, he'll pause, clean his glasses, share his private smile, and add: "Besides, our old folks don't always see so good; I want to make it easier for them to read what I have to say."

The Owyhee Nugget cares.

When news of governmental scandal and corruption occupy the dailies, when the nation's conscience agonizes over alcohol and drug addiction, when internecine battles rage over the priorities demanding access to the public fisc, Rodney Hawes takes on the Idaho State Highway Board because it refuses to maintain a road built by his county, a road that is used by far more people from outside the taxing district than inside it. He devotes an entire front page to a school bond election. He will ruminate editorially about a Democratic governor's chances of benefiting his county with a Republican-controlled legislature rather than a Democratically-controlled one.

Rodney Hawes apparently believes that there are no embarrassing questions, only embarrassing answers; and that this is especially true of political matters.

"The Owyhee Nuggett has been a force for a long time in the development of Southwestern Idaho, and few men have worked as tirelessly as Rodney Hawes for the good of his community and state." (Senator Frank Church, D–Idaho).

Rodney himself says, "Editorials can't stop at merely being critical; they must offer constructive advice, solutions, and alternatives. Editorials must help get people to take a second look at problems."

Apparently not many other weekly editors feel this way. Hawes believes that the weekly newspaper may well be dying. Yet, he strongly maintains that editing and publishing a small town weekly is a supremely satisfying way of life, a lifestyle that he unreservedly recommends to any young man who wants to work long and hard but who does not bleed easily.

His own opinion of weeklies is not universally shared. A onetime political and commercial adversary, Lyle Young (former Executive Secretary of the Idaho Press Association), adds these thoughts: "Rodney Hawes is one hell of a good newspaperman. But the day of the loner is gone, and Rodney Hawes doesn't know it yet."

Politics is the name of Rodney's game when he and the Nugget worry about people problems. Hawes has held every office at the local, precinct, and state level that the Republican party in Idaho can offer. One of his editorials is widely held to be one of the single most important events in the election of former Governor Don Samuelson to office. Political activism helped secure a major highway for his county; and he continues, politically, to attempt state maintenance for that highway.

Although his editorials are pointed primarily toward local and county problems, many times his words have impact and influence far beyond county boundaries: "Politics and journalism both have been admirably served by Rodney throughout his career in Idaho. His dedication to the state, to responsive government, and to responsible journalism, are surpassed by none. On top of all that, he is a fine friend." (Senator Len B. Jordan, R-Idaho).

County and state politics, as viewed through the eyes of the Nugget's editor, means getting things done. But it costs. Accomplishments are nearly always accomplished by defeats. For a sensitively political newspaperman, this means that he bleeds. And fairly often.

Rodney Hawes bleeds because of the cares he shares with others for people. In many ways, his editorial outlook might be called naive because it is so simple, so straightforward, so honest. He does not exhibit in the words of the Idaho Statesman's veteran political newsman, John Corlet, the "conventional wisdom," the typical logic patterns of most of his contemporaries.

No convoluted figures of speech stylistically pepper his editorials; Wm. F. Buckley probably wouldn't care for Hawes' writing. Rodney's writing reflects the attitudes of the people who read his editorials. He writes for the sheepherder, the feedlot operator, the school trustee, and he writes well. Governors, Senators, migrant workers—they all read and understand what the Nugget has to say. That's the way Rodney Hawes writes.

It all boils down rather quickly to the reason a weekly newspaper exists. It cares.

Hawes and the Nugget are not universally loved or even admired. But the respect in which he is held IS quite nearly universal.

"Rodney Hawes is among the last of a 'vanishing breed' of Americans—the country editor. He runs his own press, sets his own type, and writes with an impact that is felt throughout the state. There are few people in government in Idaho who have not heard of Rodney Hawes and his Owyhee Nugget. His unswerving dedication and loyalty to influence far beyond the circulation of his paper." (James McClure, Congressman, Idaho 1st Congressional District).

Rodney Hawes and the Owyhee Nugget aren't unique to Southwestern Idaho. His editorial brothers and sisters live their lives and publish their newspapers in the bayous of Louisiana; they have gone sugaring off in Maine and Vermont; they've watched rainbow sunsets in Arizona and New Mexico; they've listened to the corn grow in Iowa and Nebraska; they drink in the pungent aroma of the lodgepole and ponderosa pines in Washington and Montana. "A good newspaper, I suppose, is a nation talking to itself." (Arthur Miller, 1961).

America is a better nation because of the many Rodney Hawes and Owyhee Nuggets across the country. No matter what names the editors have or what their papers are called, they are all part of this Portrait of a Weekly Editor.

WHEN COURT OVERSTEPS: CORRECTIVE MEASURE NEEDED

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BAKER. Mr. Speaker, a cosponsor of the resolution to create a Select Supreme Court Study Committee to take a careful look at Supreme Court decisions from 1945 to the present to determine whether or not the Court has assumed power not accorded to it by the Constitution, I was pleased to note a recent editorial in the Nashville Banner praising the gentleman from Georgia, the Honorable Fletcher Thompson, for the leadership he has taken in proposing such a step.

In placing this editorial, "When Court Oversteps: Corrective Measure Needed," in the Record, I want to voice my high regard for my colleague and commend him for his initiative in pressing for this select committee. As one of the cosponsors, I will do all I can to see that the Congress acts on the legislation this session.

I also wish to commend the Nashville Banner for its sound editorial position on issues of this kind and for keeping the people of Tennessee informed on all matters of public concern.

The editorial follows:

When Court Oversteps: Corrective Measure Needed

Fletcher Thompson, Republican congressman from the Georgia Fifth District, has proposed congressional action for establishment of a select committee "to look into recent controversial Supreme Court decisions and make a determination about whether the court has seized power not granted it by the Constitution."

He is not the only man in public life—nor by any means the first member of Congress—to raise an affirmative reply to that question. Inasmuch as his corrective attention right now is addressed to the case of school-busing, it is significant to note that Congress as a whole in 1964 disagreed with the court on that decision, and had written into the Civil Rights Act of 1964 a clause expressly forbidding busing to achieve racial balance in the schools. Further, President Nixon very strongly condemned busing for that purpose, and held to the 1964 Act as the preferred concept. It was, in fact, POLICY until the recent ruling by the court.

On the broad field of judicial encroachment, Atty. Gen. John Mitchell added his own strong objection last week when, speaking before the American Bar Association in its London session, he declared the American judiciary "has spent too much time making new law and new public policy, and too little determining guilt or innocence.

The overburdened courts have all they can take care of, and more, in the field of responsibility to which the Constitution assigns (and limits) them. Chief Justice Warren E. Burger has called for help from the bar, and help from Congress, in expediting court work and reducing the caseload. That would seem to be a recognition that the high court has no time to engage in collateral and invasive undertakings. It is not supposed to engage in legislative activities . . . in short that of "making" either law or public policy.

Congressman Thompson strongly recognizes that fact—and he cites the method, and the constitutional provision, for averting it.

The constitutional means he cites are:

(1) Specific amendments to the Constitution when the court has incorrectly interpreted its unequivocal language; and (2), Congress reviewing the actions of the Supreme Court, and if determining that the court has exceeded its power and infringed on the law-making prerogative of Congress, then the power of the court should be redefined and appellate jurisdiction restored to that granted by the clear, unequivocal language of the Constitution in Article III: "The Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such exceptions, and under such regulations, as Congress shall make."

The problem is not beyond constitutional correction if constitutional methods are employed.

SPACE EXPLORATION, INVESTMENT IN FUTURE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. SHRIVER. Mr. Speaker, I include the timely editorial from the Newton Kansan which discusses objectively the real value of space exploration. Most Americans who have followed the progress of the Apollo 15 mission recognize the significance of the exploration of the moon and the scientific and technological benefits that will come from it. The editorial follows:

Space Exploration, Investment in Future

Two more Americans are on their way to the moon.

If all goes well two of them will land on the lunar surface late Friday afternoon. They will spend more than 2 days exploring the surface.

They will be the first humans to ride a vehicle on the surface of the moon, and what they learn and what scientists learn through their explorations may answer many questions that could have a profound effect on the future of mankind.

A half a billion dollars is a lot of money to spend to go rock hunting on a big piece of substance that has no atmosphere, no water and none of the other things that man needs to sustain life except under artificial conditions.

That half a billion dollars admittedly could help solve many problems here on earth right now.

But the half a billion dollars, hopefully, isn't being spent—it's being invested.

For what man has learned from previous space exploration, what man will learn from this project, and what he will learn from projects in the future will undoubtedly make life more liveable in the future on earth.

The real value of space exploration may not be apparent today or next week or next year or even 10 years from now.

But our children and our children's children will continue to reap dividends from it.

ARIZONA BOYS STATE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. RHODES. Mr. Speaker, it is my pleasure to insert in the Congressional Record two memorials passed by the legislature of Arizona Boys State when it met in Tucson for its 25th annual session. Steven M. Danloe, secretary of state of Arizona Boys State, sent them to me—I found them to be well-drawn and pertinent to the problems we face and debate in Congress, and so I am particularly pleased to share them with my colleagues:

A Memorial Relating to Army Corps of Engineers Channelization of the Gila and Lower Colorado River Basins

To the United States Congress:

Your memorialist respectfully represents:

The channelization of the Gila and Lower Colorado River Basins are in fact spoiling the scenic and useful value of these River Basins.

In this age where our natural resources are rapidly being consumed, the requested ban would save the esthetic value of these two beautiful scenic areas in our state for both humans and wildlife.

Now, wherefore, your memorialist, the Legislature of Arizona Boys State prays:

That the Congress of the United States immediately ban the outdated and destructive channelization practices on the aforementioned river basins, and institute an in depth study before authorizing any future thoughts of channelization projects in the great State of Arizona.

A Memorial Relating to a National Volunteer Armed Forces and a Draft Reserve System

To the Congress of the United States of America:

Your memorialist respectfully represents:

Recognizing that the present United States Military system fails to offer sufficient initiative for men to willingly serve our country and realizing that men volunteering their services for our country would serve it better, a voluntary Armed Forces would benefit the United States of America in her national defense program.

Now, wherefore, your memorialist, the Senate of Arizona Boys State, prays:

That an active national armed forces be run on a volunteer basis. No citizen shall be drafted into the active armed forces unless a state of national emergency exist and/or war is declared by the Congress of the United States.

That the volunteer armed forces receive a salary equitable to the cost of living.

Male citizens between the ages of 18 and 25 shall, however, be subject to draft into a reserve force containing a number sufficient to protect our national security and interest. This force shall resemble the current armed forces reserve system. This reserve shall be trained and readied so that it may be placed on active duty in the case of national emergency and/or a declaration of war declared by the Congress of the United States.

SENATE—*Wednesday, August 4, 1971*

(Legislative day of Tuesday, August 3, 1971)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

Rabbi Charles M. Rubel, Congregation B'nai Raphael, Miami, Fla., offered the following prayer:

Sovereign of the universe and Father of all mankind: We invoke Thy blessings upon all assembled here in this great shrine of American freedom. Do Thou, O Gracious Guardian, direct the deliberations of the Members of the Senate so that their wisdom and vision may make our beloved land the beacon tower of light for all the nations of mankind. Grant them wise and discerning hearts to legislate wisely and beneficiently. Bless the President of the United States and our Vice President, and the Members of the Congress of the United States and their dear ones.

Hasten the day when the millennial hope of universal peace will prevail throughout the world. May the Biblical ideals of justice, equality, brotherhood, and freedom enshrined in the American heritage become the heritage of all peoples of the earth.

May America exemplify the words of the Psalmist—How good and how sweet it is for brethren to dwell together in unity. May all mankind form one bond of love and fellowship. May the day be near when nation shall not lift up sword against nation, nor shall they learn war any more. May our beloved country continue to eternity, to be the land of the free and the home of the brave. May this be Thy will now and forevermore. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 4, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 3, 1971, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM FOR REMAINDER OF THIS WEEK

Mr. MANSFIELD. Mr. President, for the information of the Senate, I think it should be stated clearly and unequivocally that we will be in session on Friday of this week and we may very well be in late.

It is hoped that we will be able to finish the pending legislation, S. 382, the Federal election campaign bill, this afternoon. If not, it is anticipated that at approximately 5 o'clock p.m. we will proceed to consider the education bill, on which there is a time agreement. It is anticipated also that we will very likely take up the Disaster Relief Act of 1970 which affects at least 40 areas in this country and is of prime importance to many Members.

It may also be possible to get a time agreement on S. 2007, a bill providing for the continuation of programs authorized under the Economic Opportunity Act of 1961. If we can get a time agreement on that bill, fine. If not, we will take it up anyway, and start on it, as we will continue with the Disaster Relief Act. In any case, we will finish the election reform bill either today or tomorrow and complete action on the omnibus education bill, the disaster relief bill, the military construction authorization and, hopefully finish the poverty bill prior to our recess on Friday. It will require a full workday both Thursday and Friday.

There will also be some conference reports, as well as another appropriation bill, which I believe will be marked up this afternoon by the Appropriations Committee.

So the Senate should be on notice that we will be in session tomorrow and Friday, and that no Senator should make plans to leave on Friday, because he will be needed here for votes which will undoubtedly occur during this entire period.

It is the intention of the joint leadership, as we have tried during the entire year, to clear up the calendar as much as we possibly can.

May I say, in that connection, that I was not at all impressed by the statement issued by the White House yesterday as to what the Congress has been doing, because the Senate has been on its toes. I am proud of the way the committees and the full Senate have worked. I am indebted to all Members, both Democratic and Republican, for the cooperation and assistance they have given the joint leadership.

I resent the statement that we are loafing on the job. We have kept up with our responsibilities. We are up with the House on our appropriation bills.

So far as the Revenue Act is concerned, we can do nothing on it until the House sends over the legislation. As soon as the welfare proposal was sent over by the House, the Finance Committee undertook to start hearings. There is no doubt that this measure will be considered by the full Senate.

The Appropriations Committee, under the chairmanship of the distinguished Senator from Louisiana (Mr. ELLENDER), and the ranking Republican member, the distinguished Senator from North Dakota (Mr. YOUNG), have done an outstanding job.

I want to say that I do not like what the White House representatives, Mr. Ehrlichmann and Mr. MacGregor, had to say about what we have been doing, because we are proud of what we have done and have no apologies to make to anyone. Those that have followed the workings of the Congress and the Government over the years appreciate the achievements of this Congress so early in its first session.

Mr. SCOTT. Mr. President, I join the distinguished majority leader in urging that we continue our business, that we get it done, that we clear up the calendar as far as we can, and in alerting all Senators to the fact that there may be rollcall votes at any time during the remainder of the session this week.

We are very anxious to comply with the statute which provides for a statutory recess. We would like to finish the Nation's business as soon as possible and would like to join in agreements with regard to the appropriation bills. I believe that when the recess comes, 10 of the 14 appropriation bills will have been disposed of, which is a far better record than in recent Congresses.

In many other items of legislation we have managed to dispose of some very difficult and complicated matters.

I believe that the comments of the White House had to do with certain goals of the President. I had nothing to do with the White House statement at all, of course. They have their views. We have ours. But I think it is proper to note that they were talking about matters which the distinguished majority leader had particularly mentioned, regarding revenue sharing and welfare reform as well as fiscal matters, which are the responsibility of the other body to generate and send over here for our consideration.

I should like to say that, before we go home at the end of this session, I should like to see action on the environmental legislation, on health bills, and on railway labor legislation. I think it is proper for the Congress to react as to what it has done. I think it is also proper for the administration to point out what has not been done. I do not think it was done from a posture of hostility, because it is necessary that the executive and legislative bodies work together. We should do as much as we can this year, because next year will be, to a degree, blighted by the pollution of politics, and the smog of ambition will descend upon our legislative bodies. It will be difficult to see, through the mist, the haze, and the smoke, the difference between what is substance and what is political. So that 1971 is a cleaner year, a year when one will be able to see farther into the distance and see more clearly the objectives than perhaps we will be able to do next year. As we get into the last 3 or 4 months before election, I have periodically warned the American people that Congress will not make too much sense. I do not want to say what I think the candidates will do.

Mr. President, I yield back the remainder of my time.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The ACTING PRESIDENT pro tempore. The Chair now lays before the Senate, S. 382, the so-called Federal election campaign bill, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 223 (S. 382) a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is amendment No. 282 of the Senator from Maryland (Mr. Mathias). Who yields time?

Mr. PASTORE. Mr. President, if I may have the attention of my distinguished colleague, the Senator from Maryland, we have just had a very informal talk. The Senator has a number of amendments. Some of them go as to form. Some of them do go as to substance. I think they can be placed in the category of what we consider to be the very important amendments.

Mr. President, for that reason I have suggested to the Senator from Maryland that his staff sit down with our staff and determine which ones I could accept and which ones I would have to contest. And we would take a vote on it, whatever the result may be. We would thus have an expression of the will of the Senate.

They do have at the desk a very important amendment which has to do with the amount of money which any one individual can contribute. That is a very controversial amendment. As a matter of fact, I think that many on the other side of the aisle have very strong feelings, as some on our side of the aisle have very strong feelings, as to whether there should be a limitation on how much any one individual can give to a candidate or how much of his own money he can invest in his own campaign.

Mr. President, if I may have the attention of the Senator from Maryland, I would hope that he would temporarily withdraw this particular amendment and call up the important amendment. I think we ought to get right at the gut of this situation, and let us see if we can resolve the whole problem today.

We have this amendment and the Fannin amendment, which has to do with a checkoff. And apart from those, I do not know of any other amendments that we could not sit down as reasonable men and work out.

I say very frankly that if I cannot accept an amendment, I cannot do so. If I can accept the amendment, I will accept it. However, if I cannot do so, I will move to lay the amendment on the table. It does not make any difference whether the sponsor is a Republican or a Democrat. We have to solve the problem.

Mr. President, I am talking now on the time on the bill.

Mr. COTTON. Mr. President, I have been in attendance at conference on the HEW appropriation bill. Therefore, I could not be on the floor. Has the question concerning the interchangeability of the "five and five" limitation been resolved?

Mr. PASTORE. Yes. It has been adjusted so that it is five and five, with a leeway of 20 percent that candidates can use in one way or another. I thought that it was a fair compromise. That has been our attitude here. I do not agree with the attitude of those who say that we are not giving in enough or giving in too much. That is a lot of rhetoric. We want a bill for the country.

Mr. COTTON. Mr. President, I thank the Senator and commend him on the compromise. Having been confined to the conference session, and not having had an opportunity to look at the Record, I did not know of the resolution of this issue.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, I yield to the Senator from Maryland time on the bill.

Mr. MATHIAS. Mr. President, I think that the Senator from Rhode Island has raised an extremely important question. I think the procedure which he has outlined is a good one. Some amendments have been proposed that I think the committee would be willing to accept and that the Senate would be willing to accept.

I am perfectly willing, after a careful staff review, to submit those en bloc, and we can dispose of them very expeditiously.

I have as a cosponsor of the amendment to which the Senator refers, the Senator from Florida (Mr. Chiles). When he reaches the floor, we can proceed on that amendment. And others can probably be set aside for another day and will not have any effect on the election reform.

Mr. PASTORE. I would hope that they would be disposed of sometime this afternoon.

Mr. MATHIAS. Well, another year.

Mr. PASTORE. I see what the Senator means. He means after we have had it tested and tried thoroughly.

Mr. MATHIAS. Yes. After all, the law of the Medes and Persians are not involved here. We are dealing with the fabric of the law that will change as the customs and times change.

Mr. President, I ask unanimous consent at this point that I may withdraw the pending amendment, No. 282.

Mr. PASTORE. Mr. President, I will ask for a quorum call and we will try to reach Senators on the telephone to see if they can come to the floor.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either time.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is advised that he has a right without unanimous consent to withdraw his amendment.

Mr. MATHIAS. Mr. President, I so do.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. MATHIAS. That is subject to the possible recall of the amendment.

The ACTING PRESIDENT pro tempore. The Senator may recall the amendment.

Will the Senator from Rhode Island advise the Chair to whom the time is to be charged?

Mr. PASTORE. Neither side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia;

H.R. 7960. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 8432. An act to authorize emergency loan guarantees to major business enterprises; and

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

ORDER FOR ADJOURNMENT FROM THURSDAY TO 9 A.M. FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 9 a.m. on Friday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar beginning with New Reports, will be stated.

DEPARTMENT OF THE TREASURY

The legislative clerk read the nomination of Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The legislative clerk read the nomination of Vice Adm. Thomas F. Connolly, U.S. Navy, for appointment to the grade of vice admiral when retired.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of Peter C. Benedict, of Virginia, to be a member of the National Mediation Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, the next one will be Calendar No. 262.

OFFICE OF SCIENCE AND TECHNOLOGY

The legislative clerk read the nomination of John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Army, in the Navy, and in the Marine Corps, placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following letter, which was referred as indicated:

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, transmitting, pursuant to law, a report of that Administration, for the year 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TUNNEY, from the Committee on the District of Columbia, without amendment:

H.R. 2596. An act to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes (Rept. No. 92–349);

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability (Rept. No. 92–350); and

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers, and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes (Rept. No. 92–351).

By Mr. TUNNEY, from the Committee on the District of Columbia, with an amendment:

H.R. 2592. An act to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928 (Rept. No. 92–352).

By Mr. TUNNEY, from the Committee on the District of Columbia, with amendments:

H.R. 8589. An act to amend the Healing Arts Practice Act, District of Columbia 1928, to revise the composition of the Commission on Licensure To Practice the Healing Arts, and for other purposes (Rept. No. 92–353).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of three Air National Guard officers for appointment as Reserve commissioned officers in the U.S. Air Force in the grade of brigadier general. I ask unanimous consent that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

The nominations ordered to be placed on the Executive Calendar are as follows:

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

TO BE BRIGADIER GENERAL

Col. William A. Browne, [redacted]FG, Mississippi Air National Guard.

Col. William E. Elmore[redacted]FG, Alaska Air National Guard.

Col. Wendell G. Garrett[redacted]FG, Indiana Air National Guard.

Mr. STENNIS. Mr. President, in addition, I report favorably 1,458 appointments in the Air Force in the grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings of July 28, 1971.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAKER (for himself and Mr. Brock):

S. 2410. A bill to provide for the release of restrictions and reservations on certain real property heretofore conveyed to the Columbia Military Academy in the State of Tennessee. Referred to the Committee on Armed Services.

By Mr. TALMADGE (for himself and Mr. Gambrell):

S. 2411. A bill to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. ALLOTT (for himself, Mr. Curtis, Mr. Hollings, Mr. Anderson, Mr. Williams, Mr. Jackson, Mr. Randolph, Mr. Fannin, Mr. Hughes, and Mr. Taft):

S. 2412. A bill to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified or officially coordinated urban transportation system. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROOKE (for himself, Mr. Boggs, Mr. Case, Mr. Cooper, Mr. Hatfield, Mr. Javits, Mr. Jordan of Idaho, Mr. Mathias, Mr. Saxbe, Mr. Schweiker, Mr. Stevens, Mr. Taft, and Mr. Weicker):

S. 2413. A bill to establish a National Commission on Wages and Prices to deal with the problems of price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. JAVITS (for himself, Mr. Schweiker, Mr. Taft, Mr. Beall, Mr. Boggs, Mr. Brooke, Mr. Case, Mr. Cooper, Mr. Hatfield, Mr. Mathias, Mr. Percy, Mr. Saxbe, Mr. Stevens, Mr. Weicker, and Mr. Gurney):

S. 2414. A bill to increase U.S. productivity in the national interest and for the benefit of the individual worker and businessman, by promoting mutual understanding and cooperation between labor and management, encouragement of public responsibility in the private economy, and maximization of technical and managerial progress, through the establishment of a National Productivity Council and the support of local and industrywide labor-management-public committees. Referred to the Committee on Labor and Public Welfare.

By Mr. ALLOTT (for himself, Mr. Dominick, and Mr. Jordan of Idaho):

S. 2415. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772). Referred to the Committee on Labor and Public Welfare.

By Mr. MONTOYA:

S. 2416. A bill to authorize the establishment and carrying out of a national Indian education program, the establishment of local Indian school boards, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. McGEE:

S. 2417. A bill for the relief of Lester L. Stiteler. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 2418. A bill for the relief of Shanti A. Solanki. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2419. A bill for the relief of Jung Il Kim, Jung Sook Kim, and Jung Rang Kim. Referred to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 2420. A bill to provide tax-free interest to the small saver. Referred to the Committee on Finance.

By Mr. MOSS:

S. 2421. A bill to provide for the conveyance of the interest held by the United States of America in certain real property situated in the State of Idaho. Referred to the Committee on Interior and Insular Affairs.

By Mr. GOLDWATER (for himself and Mr. Fannin):

S. 2422. A bill to provide for the acquisition of a village site for the Payson Community of Yavapai-Apache Indians on certain lands which are to be eliminated for such purpose from the Tonto National Forest, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CANNON:

S. 2423. A bill to amend the Federal Aviation Act of 1958 to provide for the regulation of rates and practices of air carriers and foreign air carriers in foreign air transportation, and for other purposes. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 2424. A bill for the relief of Thorny Henry Kyaze. Referred to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. Gravel, Mr. Fong, and Mr. Inouye):

S. 2425. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE:

S. 2426. A bill to add a new section to title 18 of the United States Code relating to crimes involving property in interstate or foreign commerce to provide a civil action for damages resulting from violations of section 659. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 2427. A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems. Referred to the Committee on Commerce.

By Mr. HANSEN:

S. 2428. A bill to amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY (by request):

S. 2429. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. GRAVEL:

S. 2430. A bill to establish a Committee on Adversary Inquiry to reconcile contradictory risk-estimates regarding the civilian nuclear power program. Referred to the Joint Committee on Atomic Energy.

By Mr. DOMINICK:

S. 2431. A bill for the relief of Hanna Pincuss. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAKER (for himself and Mr. Brock):

S. 2410. A bill to provide for the release of restrictions and reservations on certain real property heretofore conveyed to the Columbia Military Academy in the State of Tennessee. Referred to the Committee on Armed Services.

Mr. BAKER. Mr. President, on behalf of the Columbia Military Academy of Columbia, Tenn., I would like to introduce this bill for myself and Senator Brock.

Records indicate that on April 23, 1904, the U.S. Government deeded 67 acres of land to Columbia Military Academy Co. and to its successors for educational purposes. Columbia Military Academy Co. was sold to Columbia Military Academy School and on November 10, 1949, was incorporated under the laws of Tennessee as a nonprofit corporation.

In the deed dated 1904, there are three provisions which are antiquated. These have prevented the school from being able to borrow money to build new buildings and to properly maintain the existing equipment.

CMA has invested in excess of $1,500,000 of its own funds to build dormitories, a science building, gymnasium, and hospital, in an effort to update the academy. It has spent, over a period of 60 years, in excess of $600,000 in the maintenance and landscaping of the grounds. CMA today is operating at a deficit due to the high cost of doing business and the increased cost of labor, and there needs to be an amendment to the existing deed of 1904 which would allow CMA to pledge the land, along with the buildings, as collateral, in order to build an additional dormitory to house approximately 100 students and to upgrade the existing equipment in some of the older buildings on the campus.

This bill authorizes the Secretary of Army to quitclaim or convey such reversionary rights as the 1904 deed contained to the Columbia Military Academy. In so doing the school may expand and operate efficiently in today's economy.

By Mr. TALMADGE (for himself and Mr. Gambrell):

S. 2411. A bill to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

CUMBERLAND ISLAND NATIONAL SEASHORE

Mr. TALMADGE. Mr. President, today I introduce for myself and the junior Senator from Georgia legislation to establish Cumberland Island, Ga., as a national seashore.

My bill is identical to legislation introduced in the other body by Congressman W. S. Stuckey, Jr., and represents an effort to preserve one of our Nation's most limited resources—the seashore.

This 24,000-acre island today lies virtually undeveloped off the coast of Georgia. Its 18 miles of beach, its forest areas, fresh water lakes, archaeological sites, and marshlands, if protected, would offer unusual recreational and scientific research opportunities.

The National Park Foundation, working with private foundation funding, has already acquired more than 70 percent of Cumberland Island. This property will be donated to the seashore when appropriate legislation is enacted. The bill further envisions the gradual acquisition of all of the island.

Mr. President, in my judgment, this is a good bill. It recognizes and attempts to deal equitably with the rights of property owners on the island. It considers the desires of local governmental officials. Finally, it furthers the announced policy of the President of the United States and the interest of the general public by providing more open spaces and recreational facilities.

Mr. President, Cumberland Island should be preserved for and enjoyed by ourselves and future generations. I hope that the Senate will act promptly and favorably on my bill which seeks to accomplish this meritorious goal.

Mr. President, I ask that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2411

A bill to establish the Cumberland Island National Seashore in the State of Georgia, and other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of certain significant shoreline lands and waters of the United States, and to preserve related scenic, scientific, and historical values, there is established in the State of Georgia the Cumberland Island National Seashore (hereinafter referred to as the "seashore") consisting of the area generally depicted on the drawing entitled "Boundary Map, Cumberland Island National Seashore", numbered CUIS-40,000B, and dated June 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary of the seashore from time to time by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by whatever legal method available to him such as, but not limited to, donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency. The Secretary may also acquire not to exceed one hundred acres of lands and interests in lands on the mainland to provide access to the administrative and visitor facilities for the seashore. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purposes of the seashore.

SEC. 3. For the purpose of providing access from Interstate 95 to the mainland administrative and visitor facilities of the seashore, the Secretary may designate as the Cumberland Island Parkway a right-of-way, together with adjacent or related sites for public noncommercial recreational use and for interpretation of scenic and historic values, of not more than one thousand acres of lands, waters, and interests therein. The Secretary is authorized to acquire only by donation those lands and interests therein, and other property comprising such right-of-way and adjacent or related sites as he may designate pursuant to this Act for the development, hereby authorized, of a road of parkway standards, including necessary bridges, spurs, connecting roads, access roads, and other facilities, and for the development and interpretation of recreation areas and historic sites in connection therewith. Lands acquired for the parkway shall be administered as a part of the seashore, subject to all laws and regulations applicable thereto, and subject to such special regulations as the Secretary may promulgate for the parkway.

SEC. 4. (a) With the exception of any property deemed necessary by the Secretary for visitor facilities or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the property for noncommercial residential purposes, or agriculture purposes, for a definite term not to exceed forty years, or, in lieu thereof, for a term ending at the death of the owner or his spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner: *Provided, however,* That when acquiring lands and interests from the National Parks Foundation, its successors and assigns, the Secretary shall acquire such lands and interests subject to the written terms and conditions on which the National Parks Foundation acquired the lands from prior owners thereof, and that such previous written rights and interests shall prevail over provisions of this paragraph.

(b) A right of use and occupancy retained or enjoyed pursuant to this section may be terminated with respect to the entire property by the Secretary upon his determination that the property or any portion thereof has ceased to be used for noncommercial residential purposes, or agriculture purposes, and upon tender to the holder of a right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(c) The term "improved property", as used in this section, shall mean either (1) a detached, noncommercial residential dwelling, the construction of which was begun before February 1, 1970 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated, or (2) any property used exclusively for agricultural purposes, including housing incident thereto.

(d) (1) In order to provide an opportunity for the establishment of a natural and scenic preserve by voluntary private action of certain owners of lands within the seashore, and notwithstanding anything to the contrary herein contained, no lands or interests in lands shall be acquired on Little Cumberland Island without the consent of the owner, for a period of two years from the date of enactment of this Act, except as specifically otherwise provided herein.

(2) In the event that the owners of land on Little Cumberland Island shall have created an irrevocable trust or other method of preservation of the resources of Little Cumberland Island which in the judgment of the Secretary provides for the protection of the resources in a manner consistent with the purposes of which the seashore was established, the Secretary's authority to acquire such lands shall be suspended for such time as the trust is in effect, and the lands are used and occupied in accordance therewith.

(3) If, at any time during the two-year period following the date of enactment of this Act, the Secretary determines that any lands on Little Cumberland Island are threatened with development, or other uses, inconsistent with the establishment or continuation of the trust herein referred to, then the Secretary may acquire such lands, or interests therein, by any of the methods provided for in section 2 of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of Georgia and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

SEC. 6. The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

SEC. 7. (a) There is hereby established a Cumberland Island National Seashore Advisory Commission. The Commission shall terminate ten years after the date of enactment of this Act.

(b) The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) One member appointed from recommendations of the Board of Commissioners of Camden County;

(2) Four members appointed from recommendations of the Ocean Science Center of the Atlantic Commission;

(3) Two members appointed from recommendations of the Governor of Georgia;

(4) Two members designated by the Secretary; and

(5) One member appointed from recommendations of the Georgia Coastal Area Planning and Development Commission.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon the presentation of vouchers signed by the Chairman.

(e) The Secretary or his designee shall, from time to time, consult with the Commission with respect to matters relating to the development of the seasore and, in particular, with respect to (1) the provision and adequacy of passenger ferry service, and (2) the desirability of or necessity for bridges or causeways to Cumberland Island.

SEC. 8. Nothing in this Act shall deprive the State of Georgia or any political subdivision thereof of its civil or criminal jurisdiction over persons found, acts performed, and offenses committed within the boundaries of the seashore, or of its right to tax persons, corporations, franchises, or other non-Federal property on lands included therein.

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. ALLOTT (for himself, Mr. CURTIS, Mr. HOLLINGS, Mr. ANDERSON, Mr. WILLIAMS, Mr. JACKSON, Mr. RANDOLPH, Mr. FANNIN, Mr. HUGHES, and Mr. TAFT):

S. 2412. A bill to amend the Urban Mass Transportation Act of 1964 to waive in certain cases the requirement that assistance provided under that act must be in furtherance of a program for a unified or officially coordinated urban transportation system. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. ALLOTT. Mr. President, I send to the desk for appropriate reference a bill to amend the Urban Mass Transportation Act of 1964 as amended. This bill would waive, in certain cases, the requirement that assistance provided under the act must be in furtherance of a program for a unified or officially coordinated urban transportation system. I submit the bill on behalf of myself and Senators CURTIS, HOLLINGS, ANDERSON, WILLIAMS, JACKSON, RANDOLPH, FANNIN, HUGHES, and TAFT.

Mr. President, the urban transportation picture in the United States has become as bleak as it is complex. Fares continue to rise. Ridership continues to decline in most cities. Private companies are being forced out of business in increasing number. Cities and towns by the dozens have added public transit to the list of their municipal services.

For the past 6 years, the Federal Government has been assisting local transit operations to acquire new equipment. Since the passage of the expanded public transportation act in 1970, a greal deal of money has been made available to alleviate a most critical situation.

UMTA administrator Carlos Villarreal has made valiant efforts to expedite Federal assistance. His able assistant administrator Bill Hurd and his fine staff have done an outstanding job of processing the UMTA capital grant applications. Particularly during this past fiscal year, when Congress did not pass the Department of Transportation appropriations bill until December, Mr. Villarreal, Mr. Hurd and the staff deserve great credit for processing as many applications as were possible under the handicaps with which they were faced.

Unfortunately, experience has shown that the legislation which Congress passed is not functioning as many of us in Congress desired when we voted for the urban transportation bill. This is especially true since 1970, when the number of transportation operators requiring Federal funds increased so drastically.

The planning requirements of the bill, and especially as interpreted by HUD regulations, are preventing full funding of many needed projects. Indeed, the situation is such that some transit operations are unable to qualify for funds at all.

In passing transit legislation, Congress desired that cities whose private operators could not remain solvent would be immediately eligible for Federal assistance to fund municipal purchase of these systems.

In my own State of Colorado, both Denver and Pueblo have found themselves in the position of having to seek Federal funds to buy their failing private bus companies.

Congress also desired that funds should be made available without delay to replace obsolete and worn out equipment where necessary. Transit ridership has been declining in almost every city in the Nation since the end of World War II. This means that transit revenues have also been declining and, as a result, many systems simply could not replace old buses, railcars, substations, garages, and other capital facilities. In certain cases, the problems have been critical. The Chicago South Shore and South Bend Railroad is an excellent example. This commuter line last purchased new equipment in the 1920's. Each year, the South Shore's Michigan City shop crews have been harder and harder pressed to keep this ancient equipment in service. In recent years, the situation has become so difficult that the railroad has actually had to cancel trains on days when too many railcars were being repaired. The South Shore's parent company, the C. & O. Railroad, agreed more than 2 years ago to put up the matching funds for purchase of new equipment for the South Shore, even though South Shore trains have been heavy money losers for years.

However, neither Cook County in Illinois, nor Lake and Porter counties in Indiana, through which the South Shore operates, can qualify for the planning certification required by HUD. Most recently, HUD has appeared to be willing to grant temporary certification so that funds could be allocated for commuter cars for the South Shore and Illinois Central Railroads. But other Chicago area government entities and transportation systems are unhappy with this proposal and so the wrangling goes on between the Federal Government and local planning and transportation authorities.

Meanwhile, who suffers? The commuter, of course. The very people whom Congress meant to help by passing urban transit legislation are caught in the squeeze between the Federal and local governments. The C. & O. Railroad has suffered, too, because inflation has reduced the number of cars they will be able to purchase with available funds. The ironic part of the whole situation is that when it comes to replacement of transit equipment "in-kind," in other words, the acquisition of 30 new buses to replace 30 old ones, or 100 new subway cars to replace 100 which date back to the roaring 1920's, transit planning is beside the point. In the case of the South Shore line, brandnew railcars would serve the same communities as the first cars which inaugurated service on the South Shore shortly after the turn of the century.

Requiring strict adherence to transit planning is entirely justified when new systems or services are being initiated. Certainly, if Denver or Atlanta or Chicago intends to construct a new rail line which will disrupt neighborhoods and traffic patterns, it is not only reasonable but prudent to require, as HUD presently does, areas to conform to strict criteria. But when it is simply a matter of replacing 1948 White buses or 1926 Pullman railcars with 1971 Flexible buses or 1973 Rohr Corp. Railcars, then the situation is more than ridiculous. The bill I introduce today would eliminate this problem—a problem which is made all the more ridiculous by knowledge of the fact that in most cities transit planning is done by an authority other than the transit operator. Thus, under the present conditions, HUD is in the situation of trying to bring pressure on one local agency. Any practitioner of local government knows that this technique seldom works. Clearly, a change is in order.

In addition to taking care of the problem of "replacement in-kind," my bill would also eliminate planning requirements for cities of less than 300,000 in population. Transit companies in cities of this size—and the number is dwindling—consist largely of a small number of buses.

I know of no small community in the United States which is planning a private right-of-way transit system for either bus or rail operation. Therefore, it is ridiculous to subject these small cities to the same considerations as huge metropolitan areas in the Northeast corridor.

As I reported in a previous Senate speech on this subject, cities, large and small, throughout the Nation have had problems with the HUD planning requirements. Indeed, nearly every city which has applied for a capital grant has experienced some problem. In the days of the previous administration, some of these problems were solved rather easily. Planning requirements for Chicago were quickly waived when Mayor Daley made his views known. This is obviously no way to run a transit program. Therefore, we must correct the law.

In conclusion, Mr. President, I should like to express my thanks to the cosponsors of this bill who have expressed such a great deal of interest in it. I am gratified to have among its supporters Senator WILLIAMS of New Jersey, long known for his active interest in the transit field. Since this bill will come before the subcommittee of which he is a leading member, I am doubly pleased that we will be able to begin consideration of this measure with the favorable ear of someone who has shown such interest in this subject.

I should also like to announce that Congressman WILLIAM STEIGER, Republican of Wisconsin, will shortly introduce a companion measure in the House of Representatives. The Congressman has also had a long identification and interest in this subject, as well as some personal experience with the unreasonableness of the HUD planning requirements in a city in his own district.

I am very hopeful that the Allott-Steiger approach to this most critical transportation problem will be given prompt and favorable consideration by the Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of communities which have had prolonged planning difficulties, keeping in mind that this list does not include the dozens of cities where those problems have been temporarily resolved:

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PLANNING DIFFICULTIES

Elgin, Illinois, February 8, 1968; no decision.

Burlington, Iowa, October 24, 1969; negative.

St. Bernard Parish, La., January 30, 1970; negative.

Amsterdam, New York, February 8, 1970; negative.

Corvallis, Oregon, March 1, 1971; inadequate.

OLD PROJECTS

Panama City, Florida, October 26, 1966; planning inadequate.

Hoboken, New Jersey, October 27, 1967; planning inadequate.

Hot Springs, Ark., June 6, 1968; awaiting planning.

Bakersfield, Calif., April 11, 1969; negative.

COMPLETED PROJECTS

1/6 grants still pending (3 years from grant contract execution).

Modesto, Calif., March 5, 1971.
Rome, Georgia, August 16, 1970.
Flint, Michigan, March 15, 1971.
Rome, New York, April 23, 1971.
St. Petersburg, Fla., September 20, 1971.
Hamilton, Ohio (August 22, 1971.
Oklahoma City, Okla., June 28, 1971.
Bristol, Va., October 12, 1970.

PROJECTS NEARING 3-YEAR DEADLINE OR BEYOND IT

Santa Barbara, Calif., May 15, 1971.
San Francisco Municipal, July 29, 1971.
Sacramento, Calif., July 26, 1971.
Broome County, N.Y., May 27, 1971.
Martinsville, Va., January 30, 1970.

ONE-SIXTH GRANTS FORFEITED

A-C Transit (Suburban SF) grants	2
St. Petersburg, Fla. grants	2
Detroit, Mich. grants	1
Total	5

By Mr. BROOKE (for himself, Mr. BOGGS, Mr. CASE, Mr. COOPER, Mr. HATFIELD, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. MATHIAS, Mr. SAXBE, Mr. SCHWEIKER, Mr. STEVENS, Mr. TAFT, and Mr. WEICKER):

S. 2413. A bill to establish a National Commission on Wages and Prices to deal with the problems of price stability and the control of inflation. Referred to the Committee on Banking, Housing and Urban Affairs.

THE LEGACY OF INFLATION

Mr. BROOKE. Mr. President, I rise today to introduce the "National Commission on Wages and Prices Act," on behalf of myself and Senators BOGGS, CASE, COOPER, HATFIELD, JAVITS, JORDAN of Idaho, MATHIAS, SAXBE, SCHWEIKER, STEVENS, TAFT, and WEICKER.

Despite the record of "gradual, but quickening, recovery" in the first half of 1971, uncertainty continues to exist in business, economic, and investment circles which has been reflected in a sagging stock market and the cautious commitments of both business and consumers. Public confidence in the Government's ability to deal effectively with the dual problems of inflation and unemployment must be restored.

Only last week, an official budget deficit for fiscal year 1971 aggregating over $23 billion was announced—the second largest budget deficit since World War II. In addition, an international trade deficit for the final quarter of fiscal year 1971 was revealed, marking the worst quarter for trade figures since 1946 and the first time since 1950 that this country has run a deficit for 3 consecutive months. The Government's composite index of leading economic indicators fell in June for the first time since October; inflationary wage settlements have been reached and more are in the offing, and the rate of unemployment continues to hover around 6 percent, with higher levels being experienced in many areas—including my own State of Massachusetts, where unemployment has risen to 8.1 percent.

Public confidence provides the cornerstone in the foundation of prosperity. Consumers and businessmen alike must be assured that inflationary pressures will ebb and that recovery in production and unemployment is assured if they are to make necessary commitments in spending and resource allocations to bring the economy out of its present state.

The inflation which we are now experiencing is no longer due to the forces of excess demand. Large wage and price increases persist in the face of extensive unemployment of labor and capital. Our economy is presently experiencing the so-called cost-push phenomenon—that is, the upward push of costs, stemming mainly from sharply rising wages and price rates.

A little over a week ago, Arthur Burns stated in testimony before the Joint Economic Committee:

> [S]trong and stubborn inflationary forces, emanating from rising costs, linger on. I wish I could report that we are making substantial progress in dampening the inflationary spiral. I cannot do so. Neither the behavior of prices nor the pattern of wage increases as yet provides evidence of any significant moderation in the advance of costs and prices.
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> Thus far in 1971, prices of newly produced goods and services in the private economy are still rising, on the average at about a 5 percent annual rate—or at essentially the same rate as in 1969 and 1970. . . . The wholesale price index for all commodities has increased at an annual rate of 5 percent thus far this year, or twice last year's rate. . . .
>
> Much the same picture emerges from a review of changes in wages and salaries—by far the most important component of business costs. . . .
>
> Nor is the picture more encouraging when one inspects the trend of new agreements in major collective bargaining settlements—agreements which tend to establish wage trends throughout industry.

Dr. Burns went on to state:

> In my judgment, and in the judgment of the Board [of Governors of the Federal Reserve] as a whole, the present inflation in the midst of substantial unemployment poses a problem that traditional monetary and fiscal remedies cannot resolve as quickly as the national interest demands.

To be sure, the Nixon administration inherited a difficult and frustrating set of economic problems when it came into office in 1969. Inflation was already rampant and the economy was "overheated" by excess demand. The President is to be commended for having taken timely and decisive actions to dampen inflationary expectations and stabilize the economy.

As initial steps, the President and his economic advisers utilized monetary and fiscal policies to eliminate excess demand and curb speculative ardor. A return to time-honored principles of sound finance was set in motion, and a foundation was laid on which a prolonged and stable prosperity can be constructed. Indeed, retail sales have been increasing; the index of industrial production rose at a 6 percent annual rate between March and June; personal income has been rising; and corporate earnings have improved considerably.

Nevertheless, we in the Congress must work closely with the President in devising and implementing additional steps to curb inflation and combat unemployment. We have watched monetary and fiscal policies being used to dampen inflationary pressures; however, monetary and fiscal policies alone have proved insufficient to bring prices and wages under control.

I understand and share the frustration of workers who have seen inflation erode the spending power of their dollars. However, it is in the best interests of labor to recognize that economic recovery, as well as the battle against inflation, may be impeded by recent wage settlements that greatly exceed probable productivity gains. Earlier this week, a settlement was reached in the steel industry which provided for wage increases of approximately 31 percent over the next 3 years; this was followed within 12 hours by an 8-percent rise in steel prices. Two days ago, the rail strike ended with a 42-percent wage increase over a 42-month period.

I share the concern of many business, labor, and government leaders who have been troubled in recent months by the failure of collective bargaining settlements to respond to anti-inflationary measures. Certainly, the recent settlements in the can and aluminum industries—followed by those in the steel and rail industries—bear out these concerns.

Accordingly, I am introducing a bill today which would establish a Presidentially appointed "National Commission on Wages and Prices." This commission, while lacking enforcement power, would have broad authority to investigate significant wage and price developments in the economy; to publish standards and criteria by which the inflationary impact of increases in wages and prices can be identified; to report its findings to the President, Congress and the public in order to provide a sound basis for informed public opinion; and to recommend price and wage changes to the President and Congress, whenever it determines such action is necessary to avoid undesirable inflationary pressures in our economy.

The bill also requires employers to

notify the Commission in advance of significant price and wage changes. It has been suggested that the Commission should be given powers to suspend increases temporarily; however, as presently drafted, the bill would not vest the Commission with such powers. Additional thought may have to be given to the incorporation of such a provision into future legislation dealing with this subject if the approach included in the present bill proves inadequate.

The President already has the authority, under the Economic Stabilization Act of 1970, to institute wage and price controls. The President issued an order under this legislation on March 29, 1971, with respect to the construction industry; and it may be necessary to institute such controls in other sectors in the future. A wage-price board could provide the clear, impartial analysis and recommendations on which to base such actions.

In addition to the establishment of a national "incomes policy," it has been suggested that other steps may have to be taken by Congress and the executive branch to solve the problem of persistent inflation in the face of substantial unemployment. Therefore a companion piece of legislation is also being introduced today which would create a National Commission on Productivity to replace the one established by Executive order. This commission would work through regional and local organizations to enlist the cooperation of labor, management, and State and local governments in efforts to promote increased productivity and efficiency. There is little doubt that new policies and increased cooperation are needed in this area and, therefore, the new commission will fulfill a useful purpose.

In addition, I support efforts to encourage new capital investments by business, in the form of liberalized depreciation allowances. I share Dr. Arthur Burns' concern that additional monetary and fiscal stimuli should not be applied at the present time; however, if the present rate of economic recovery continues to be sluggish, this decision may have to be reviewed. While the thrust of monetary and fiscal policies must be sufficiently stimulative to assure a satisfactory recovery in production and employment, we must also be careful to avoid excessive monetary expansion or unduly stimulative fiscal policies.

The painful fact is that inflationary pressures persist in our economy and represent serious obstacles to economic recovery. Consumers and businessmen alike will remain conservative in their spending patterns as long as this situation prevails. While President Nixon has moved effectively to curb inflation and eliminate unemployment, public confidence in Government's ability to deal with our economic problems has not been restored appreciably.

We must recognize that the traditional rules of economics are not working, and that additional measures are needed. Inflation must be treated as a nonpartisan matter affecting every American; and effective solutions must be implemented to achieve wage and price stability.

I am hopeful that the distinguished chairman of the Committee on Banking, Housing and Urban Affairs, Senator JOHN SPARKMAN, will hold hearings on the National Commission on Wages and Prices Act, as soon as possible. I also urge the President to support this measure and to utilize those tools already at his disposal to dampen inflationary pressures and expectations. In the absence of such policies, the United States may be subjected to serious inflationary pressures for many years to come, with continuing dislocations in our economy and untold hardships for many Americans.

By Mr. JAVITS (for himself, Mr. SCHWEIKER, Mr. TAFT, Mr. BEALL, Mr. BOGGS, Mr. BROOKE, Mr. CASE, Mr. COOPER, Mr. HATFIELD, Mr. MATHIAS, Mr. PERCY, Mr. SAXBE, Mr. STEVENS, Mr. WEICKER, and Mr. GURNEY):

S. 2414. A bill to increase U.S. productivity in the national interest and for the benefit of the individual worker and businessman, by promoting mutual understanding and cooperation between labor and management, encouragement of public responsibility in the private economy, and maximization of technical and managerial progress, through the establishment of a National Productivity Council and the support of local and industry-wide labor-management-public committees. Referred to the Committee on Labor and Public Welfare.

NATIONAL PRODUCTIVITY ACT OF 1971

Mr. JAVITS. Mr. President, I wish to state to the Senate that earlier today a group of 14 Senators, introduced two pieces of legislation of the greatest importance to the economic future of the country, and, in my opinion, and the opinion of my colleagues, to the morale and motivation of the American people.

Mr. President, the group of 14 Senators differs in respect of two Senators, in that the Senator from Maryland (Mr. BEALL) and the Senator from Illinois (Mr. PERCY) joined in one of the bills I am about to introduce, entitled the National Productivity Act of 1971, and the Senator from Idaho (Mr. JORDAN) and the Senator from Florida (Mr. GURNEY) did not join in this bill but joined in a bill introduced by the Senator from Massachusetts (Mr. BROOKE), which proposes the establishment of a National Commission on Wages and Prices.

Mr. President, the purpose of this particular measure, the National Productivity Act of 1971, is to stimulate the productive effort of the United States through the establishment by law of a National Productivity Council, which the President has already appointed. Indeed, the bill appoints as the first council those members already serving, but it gives the council legislative standing rather than statutory standing, should this bill become law. The bill also provides for adequate funding of the Commission and its local organizations and more clearly specifies the functions this Council should undertake.

Mr. President, this bill goes to the local, regional, and plant level to deal with problems of absenteeism, waste, technology, training, and quality control, all of which are derived from a very rich and successful experience which we had in World War II, with a similar organizational structure.

We feel very strongly, Mr. President, that there has been such an erosion of the motivation of the American worker in recent years and that the productivity of the American worker has been so sharply reduced—a phenomena which is unnatural, uncommon, and unusual for the United States. As a result a patriotic effort of this character calling upon the best in the tradition of the American people is an essential element in restoring the confidence of our people in our national destiny.

Mr. President, the facts are that for the last 6 years, since 1965, the productivity of the United States, figured by the Bureau of Labor Statistics in a most authoritative way, has been the lowest of any industrial country of the world. Talking about bad news, this is just about as bad as news can be for the United States as a power in the world and for the American people individually, in terms of the achievements of our country, of which we are traditionally so proud.

Mr. President, aside from the United States, the countries compared are Belgium, Canada, France, West Germany, Italy, Japan, Netherlands, Sweden, Switzerland, and the United Kingdom.

Our productivity increase has averaged in those years 2.1 percent. The next lowest is Canada with a 3.5 percent, and after that the United Kingdom with 3.6 percent. Mr. President, that is compared with Japan of 14.2 percent and with the Netherlands at 8.5 percent and Belgium at 6.8 percent.

Mr. President, I ask unanimous consent that a chart prepared by my office from figures of the Bureau of Labor Statistics may be made a part of my remarks.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

AVERAGE PERCENT INCREASES OF PRODUCTIVITY, COUNTRY BY COUNTRY

	1965-66	1966-67	1967-68	1968-69	1969-70	Average 1965-70
United States	1.2	0.1	4.6	2.1	1.5	2.1
Belgium	7.1	7.4	8.1	6.6	3.9	6.8
Canada	2.7	1.8	6.0	3.8	2.1	3.5
France	6.8	5.6	7.4	7.1	5.7	6.6
West Germany	3.6	6.4	6.9	5.5	2.2	5.3
Italy	4.7	4.2	8.0	3.9	4.1	5.1
Japan	10.5	14.5	14.8	15.0	15.0	14.2
Netherlands	5.9	6.6	11.1	8.8	9.1	8.5
Sweden	5.6	7.8	10.9	7.7	5.4	7.9
Switzerland	5.1	5.0	5.3	10.3	4.3	6.2
United Kingdom	3.0	3.0	6.1	2.2	3.1	3.6

Mr. JAVITS. Mr. President, this is a cause for the deepest alarm and concern, and reflects the terrible erosion of motivation and spirit, because that is what it comes down to in the final analysis. Production is not unlike war in that no matter what weapons people are given, it still depends on the morale of those to whom the weapons are given. It is the same in productivity and the morale of workers.

We 14 Senators hope this may be realized as the national crisis that it is and that by establishing self-help organizations with national sponsorship, as we did in World War II—and the crisis no less on the local, regional, and plant level—to evidence our concern.

There is no great amount of money involved. We hope the road back may be tried. This comes at a uniquely important time when we are getting out of the Vietnam war, when the President is going to open the door to new relationships with the Peoples Republic of China, when the SALT talks are going on, and when people are getting frustrated by the twin engines of inflation and unemployment.

Mr. President, the other bill deals with the effort to place restraints on wage and price increases in an intelligent way which we feel to be compatible with our effort because we are all Republican Senators.

We hope these twin measures may be regarded as constructive proposals which Senators, seriously concerned with what we see happening in our country, will accept and that the administration may learn and profit from the program we suggest.

Indeed, we have reason to feel after the announcements of the President and the Secretary of the Treasury today that we have been very thoroughly heard at the White House and by the executive department and that we have a right to expect things will begin to develop along these lines.

I shall seek early hearings in the Committee on Labor and Public Welfare, to which the productivity bill will be referred, as I understand it, just as the bill of the Senator from Massachusetts (Mr. BROOKE), establishing a national commission on wages and prices, will be referred to the Committee on Banking, Housing and Urban Affairs. I hope for the most thorough and searching hearings, but there is no more important business before the country than the business of doing what these two measures hope to begin as the process of the regeneration of America, considering the dark shadow and valley through which we have passed and from which, I hope and pray, we are just about emerging.

I ask unanimous consent that the statement of the Secretary of the Treasury, issued today, in response, I believe, to what we have tried to start, may be made a part of my remarks and printed in the RECORD at the conclusion thereof. Also I refer my colleagues to the wire services which indicate that President Nixon addressed this subject in his news conference today.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, may I say also that if other Senators desire to join in these creditable activities, I know my colleagues and I will be deeply honored to be joined by those other colleagues sympathetic to these approaches.

EXHIBIT 1

STATEMENT OF TREASURY SECRETARY CONNALLY

The plans of Senators to introduce legislation for some form of wage and price review board and which would broaden the authority of the White House Productivity Council should provide the forum for a useful discussion of important economic issues.

A great many proposals of this kind have been made recently by economists, businessmen and public officials in speeches, statements and papers. As a result, because the proposals have not been specific, confusion exists in the public mind as to the meaning of the suggestions and as to the meaning of such terms as "incomes policy."

While the Administration, which has studied the subject of wage and price controls thoroughly, has found their imposition unwarranted under current circumstances, a full-fledged debate in the Congress may well serve a useful purpose and focus broader attention upon the economic realities facing the nation.

Such a review, if it is to help clear up the confusion and objectively analyze important questions, must be extensive, thorough and comprehensive. It should explore the historical record during the periods when we have had wage and price programs, and it should probe carefully the extensive experience of other nations.

Among the questions which need exploring are:

1. How effective have various approaches been?

2. What type of organization would be set up to administer the program? Would there be only one national Board, or many regional and local ones? How would they be staffed, by volunteers, government employees?

3. How would legislation be implemented? How would it be enforced? What would be the penalties for violation? Would there be roll back authority? What if workers strike against a decision? What type of appeal from decisions would there be?

4. What will be the criteria for appropriate wage and price action? How would it affect escalator clauses in existing wage pacts? Will industries be allowed price increases where prices and profits are low to start? Would low wage workers, say those at the poverty level, be denied wage increases?

5. How comprehensive should the scope of these measures be? Would interest rates, both rates paid and received, be controlled? If interest rates were controlled, would there also have to be controls on allocation of credit determining who was or wasn't eligible? Would legal and medical fees be included? Taxes? Prices of homes, businesses, stocks, bonds, tuition, rents, trade-in's?

6. What would be the effects upon our balance of trade? Would any form of controls build in a significant disadvantage for our goods relative to those imported into this country and to the competitive position of our products abroad?

7. What happens when such legislation is no longer needed? How will we tell when such legislation is no longer needed?

If these questions are objectively and exhaustively pursued, analyzed and discussed, the result undoubtedly will be a clearer definition of terms and conditions presently under discussion and bring into clearer focus the actual economic situation of the nation.

By Mr. ALLOTT (for himself, Mr. JORDAN of Idaho, and Mr. DOMINICK):

S. 2415. A bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966 (80 Stat. 772). Referred to the Committee on Labor and Public Welfare.

AUTHORIZATION OF GRANTS FOR STATE MINE INSPECTION PROGRAM

Mr. ALLOTT. Mr. President, on behalf of myself and the Senator from Idaho (Mr. JORDAN) I send to the desk for appropriate reference a bill to amend the Federal Metal and Nonmetallic Mine Safety Act of 1966.

As Senators will recall, section 16 of the Federal Metal and Nonmetallic Mine Safety Act provides for States to assume responsibility for implementing and enforcing a State plan of mine inspection. Subsection 16(c) sets forth the criteria under which the Secretary of the Interior may approve a State plan of inspection.

Mr. President, for the purpose of clarity I ask unanimous consent that the provisions of subsection 16(c) of Public Law 89–577 (80 Stat. 772) be printed in the RECORD at this point.

There being no objection, the subsection was ordered to be printed in the RECORD, as follows:

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, whenever the State gives evidence satisfactory to the Secretary that under such plan—

(1) the State agency submitting such plan is the sole agency responsible for administering the plan throughout the State and contains satisfactory evidence that such agency will have the authority to carry out the plan: *Provided*, That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency provision hereof and approve another State administrative structure or arrangement if the Secretary determines that the objectives of this Act will not be endangered by the use of such other State structure or arrangement,

(2) such agency has adequate legal authority to enforce existing health and safety standards for the purpose of the protection of life, the promotion of health and safety, and the prevention of accidents in mines in the State that are subject to this Act, which are, in his judgment, substantially as effective for such purposes as the mandatory standards designated under section 6(b) and which provide for inspection at least annually of all such mines, other than quarries and sand and gravel pits,

(3) the agency has adequate qualified personnel necessary for the enforcement of the plan,

(4) the State will devote adequate funds to the administration and enforcement of such standards,

(5) reasonable safeguards exist against loss of life or property arising from mines which are closed or abandoned after the effective date of this Act, and

(6) the agency shall make such reports to the Secretary, in such form and containing such information, as the Secretary shall from time to time require.

Mr. ALLOTT. It should be noted, Mr. President, that the Secretary is required to "make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan." This evaluation is to be based upon the reports required by the Secretary and upon "his own inspection of mines" as provided in subsection 16(d) of the act.

Mr. President, I ask unanimous consent that subsection 16(d) of Public Law

89-577 be printed in the Record at this point.

There being no objection, the subsection was ordered to be printed in the Record, as follows:

(d) The Secretary shall, on the basis of reports submitted by the State agency and his own inspection of mines, make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect.

Mr. ALLOTT. Mr. President, under these very stringent controls, it is clear that the State inspection programs are, in fact, an extension of the Federal program. This is further supported by the fact that under subsection 16(d) the Secretary may withdraw approval of the State plan, and the plan "shall cease to be in effect." If a State plan is discontinued under the provisions of subsection 16(d), the Federal Government then assumes the full cost of the mine safety program.

This circumstance, is a strong disincentive for the States to assume the burden of metal and nonmetallic mine safety, since all a State has to do to be relieved of the financial burden is nothing. In other words, simply by default in its mine safety program, the State is relieved of the costs of the program and the Federal Government takes over.

When the Congress enacted the Metal and Nonmetallic Mine Safety Act, it contemplated the continuance of State inspection programs for a number of reasons:

First, some States already had a fine inspection program and had sufficient trained personnel to enforce it. The Federal Government was sadly deficient in trained personnel, and it was recognized that it would take years for it to be fully staffed. Consequently, immediate assumption of the full responsibility would have left many of the mines in many States with no safety or inspection program.

Second, there was a recognition of special problems in some States due to terrain, geology and climate. Some States had developed programs in addition to the program as authorized under the Metal and Nonmetallic Mine Safety Act to deal with these special problems. Subsection 19(b) of the act makes this quite clear that it states that the act does not supersede any State law which provides greater safety to miners or which provides for the safety of miners which is not provided under this act.

Mr. President, I ask unanimous consent that subsection 19(b) be printed in the Record at this point.

There being no objection, the subsection was ordered to be printed in the Record, as follows:

(b) Provisions in any State or territorial law in effect upon the effective date of this Act, or which may become effective thereafter, which provide for greater safety of persons in a mine as defined in this Act, than do provisions of this Act, which relate to the same phase of such operations, shall not be construed or held to be in conflict with this Act. Provisions in any State or territorial law in effect upon the effective date of this Act, or which may become effective thereafter, which provide for the safety of persons in a mine as defined in this Act concerning which no provision is contained in this Act, shall not be construed or held to be superseded by this Act.

Mr. ALLOTT. Mr. President, it is evident, that the States which have gone the second mile, and have made the extra effort are being penalized, since they must not only assume the Federal responsibility but have also continued to assume the additional and special responsibility peculiar to that particular State's mining industry. Such a penalty is a disincentive to the State in continuing its mine inspection program and increases its difficulties in obtaining adequate State funding, all of which does not inure to the safety of the miner.

In other words, by providing that the total cost of the federally approved State inspection program will be borne by the State, the Federal Metal and Nonmetallic Mine Safety Act tends to work against the safety of some miners. This was, obviously, not the intention of Congress.

The bill I introduce today will help alleviate this counterproductive effect by providing for grants to States which administer approved State inspection programs. The maximum allowable grant under the bill would be 50 percent of the cost to the State. The special State safety programs would remain a State funded operation.

Contrary to its appearance, the grant program to be authorized by this bill will likely result in a reduction in the Federal cost of the overall program. This result will obtain due to the fact that the participating State will shoulder at least half the cost. The amount of the savings to the Federal Government will depend upon the number of States which decide to participate.

In anticipation of the introduction of this legislation I asked the Bureau of Mines to prepare some estimates of the annual budgets of selected States, of which not more than one-half could be subject to the grant provisions.

Mr. President, I ask unanimous consent that the memorandum from the Director of the Bureau of Mines, Dr. Elburt F. Osborn, be printed in the Record at this point.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

ESTIMATED STATE MINE INSPECTION AGENCY BUDGETS

In the following listing of State Mine Inspection Agency Budgets, the first section includes the three States which have signed State Plan Agreements and three with whom we are on the verge of signing.

The second listing includes States where discussions are being held or where an interest has been indicated.

These budget figures are Bureau, not State estimated.

List 1—Approximate annual budget

California	$335,000
New York	330,000
Colorado	253,700
Arizona	251,000
Washington	238,000
New Mexico	223,500

List 2—Approximate annual budget

Nevada	130,000
Utah	165,000
Wyoming	125,000
Idaho	125,000
Montana	100,000
Alaska	90,000
Wisconsin	100,000
Virginia	125,000
Pennsylvania	175,000
Minnesota	130,000
Michigan	120,000
Missouri	175,000
Oklahoma	125,000
Tennessee	125,000
Louisiana	100,000
Total, 21 States	3,541,200

In arriving at the figures listed above the cost of manning and equipping an inspection agency capable of performing to full Bureau standards was used. Manpower requirements for inspection, supervision and support were based on a State's mineral production and number of reported producing operations. To this, an estimate of direct operating costs was added.

These figures do not include the cost of providing facilities for dust counting or analysis of dust, gases, mists, fumes, vapors, noise or products of radiation. The Act requires health studies which means the State must have the capability of providing for complete industrial hygiene surveys of all mines within their State. The minimum requirements of a laboratory of this type would include the following equipment:

Atomic Absorbtion Spectrometer.
X-ray Defraction Spectrometer.
Infrared Spectrometer.
Ultraviolet Visual Spectrometer.
Microscope.
Micro Projector.
Field instruments for collecting dust.
Laboratory furniture.
Wet analysis materials.

The cost of this equipment would be approximately $125,000.00.

An expenditure of this type is not one which would be required each year as the equipment has a reasonably long life. Depreciation and operating costs have not been included.

In view of the high cost to a State to provide these testing facilities it might be appropriate to provide for a grant to a State University to establish the capability of testing and analyzing all samples presented by the State mine inspection agency. Were equipment of this type available at a College or University, it could be well used in student instruction and graduate research.

Some State educational institutions have some or all of the equipment required, so not all grants would have to be of a maximum amount.

Mr. ALLOTT. Mr. President, it should be noted that the estimate indicates a cost of equipment at approximately $125,000. The memorandum states that because of the costs of the equipment, and its reasonably long life, that a grant to a State university to establish a testing and analyzing capability may be necessary. The memorandum also points out that:

> Were equipment of this type available at a College or University, it could be well used in Student instruction and graduate research.

Mr. President, I wish to observe that the Senate acted favorably earlier this month on legislation which could provide such testing and analyzing equipment at State universities. I am referring to a bill I sponsored, S. 635, which provides for the establishment of State mineral institutes. This is just one more benefit which would result from the final enactment into law of S. 635.

After Senators have had an opportunity to review this bill and the situation within their own States, speaking for myself and Senator JORDAN, we would welcome additional cosponsors.

Mr. President, I urge early action on this necessary measure.

By Mr. MONTOYA:

S. 2416. A bill to authorize the establishment and carrying out of a national Indian education program, the establishment of local Indian school boards, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

INDIAN EDUCATION ACT OF 1971

Mr. MONTOYA. Mr. President, today I am introducing a bill that would provide for sweeping changes in the system of education provided for American Indians and Alaskan Natives. This bill has come about as a result of extensive discussions with representatives of the Indian community throughout the country. Earlier this spring, I engaged in a series of field hearings on the subject of economic development. My subcommittee took these hearings to all parts of the country, specifically to Indian populations in Alaska, New Mexico, and California. I took every opportunity during these hearings to discuss Indian education, particularly after the formal hearings had been completed for the day.

The introduction of Indian education bills by Senators KENNEDY and JACKSON earlier this year greatly aided my deliberations on this subject. The introduction of these bills, which on their own would contribute to improvements in the education of American Indians, provided me with an opportunity to study views expressed about specific legislative recommendations.

Mr. President, a theme common to discussions and hearings relative to Indian education is increased Indian control of their own destiny. The Office of Economic Opportunity's philosophy of placing with the Indian communities the responsibilty for administering their own affairs, planning their own programs and solutions, and managing their own funds brought about significant changes and positive shifts in the lives of Indian people and in the administraton of local, State, and Federal Indian affairs. Indians are asking that this philosophy permeate all facets of Indian life, including education.

My bill would enact this philosophy in all aspects of Indian education. I will give a more detailed discussion of the bill later in my statement; however, I should like to point out that my bill provides for the creation of local Indian school boards—with reference to federally controlled schools—and local Indian advisory organizations—with reference to public schools with Indian populations enrolled. These local boards would gain control over significant portions of the Federal programs and funds used presently for Indian education.

Though the concept of allowing Indians to control their own lives is a simple one, it is an idea that has had great difficulty in gaining acceptance. We as a nation have been very reluctant to allow Indians to make their own decisions. This in turn has meant a denial of the right to take beneficial actions, as well as harmful mistakes. We have been altogether too willing to make the mistakes for the Indian population. As a result, it seems impossible to imagine a situation where more mistakes could have been made.

In the recent past, the Federal administration of Indian affairs was a rather paternalistic, authoritarian management process. Indian communities, understandably, chose negative responses to this kind of administration. They either totally opposed Federal involvement in their lives or succumbed entirely to paternalism. A few chose to make meaningful progress for their people in this stifling atmosphere. There were altogether too few bright spots in this picture.

The old philosophies used in this country for so many years have led to a tragic state in American Indian education. There are nearly 800,000 Indians in America today, of which 200,000 are of school age. Yet only 1 percent of these school age children have Indian teachers in their elementary school years. Forty thousand members of the Navajo tribe, roughly one-third of the entire population, are now functionally illiterate. The average years of school completed for American Indians is a mere five.

The Cherokee Nation, under a program whereby Cherokees controlled and operated their own education system, reached a state of nearly 100 percent literacy in the early 1800's. Now, after almost 70 years of Federal or State control of Indian education, the Cherokee adult population is 40 percent functionally illiterate in English. The median educational level is only 5.5 years. In short, by shifting from a program of local control to one of State and Federal supervision, the Cherokee Nation has been brought to a point where their educational profile now parallels the worst of any minority group in the country.

One of the bright spots in American Indian education today is the role of the Bureau of Indian Affairs in helping to foster Indian controlled schools in Ramah, N. Mex., Rocky Boy, Mont., and Rough Rock, Ariz. Indians throughout the country are enthusiastic about the changes that are occurring in these schools. Indians are once again in control of the educational system that determines so much of their life. These three projects should be seen as pilot projects rather than as experimental projects. They are pilot projects simply because the thrust of local control will continue whether or not specific schools encounter particular difficulties in their development.

Mr. President, American Indians do not want to be cut off from the Federal Government. They simply ask that things not be done for them but rather that they do things for themselves. When they want assistance, they want it on their own terms. This seems to me to be a wholesome development, for it shows the independence and drive that is necessary for the development of a cohesive community and the kind of motivation that leads to meaningful economic and social development.

Indian tribes and Indian individuals have proved their right and capability to govern themselves and to control funds and programs. Operating locally through their tribal councils, through their community action agencies, through tribal housing authorities, through individually owned Indian enterprises, and through local Indian-controlled schools, the Indian people have claimed their right to ascertain their own needs and problems; to design and develop the programs and solutions to meet these needs and problems; to manage and administer funds; and to staff and direct overall efforts.

Within the context of self-determination, the entire public and private effort is increasingly changing and progressing. This embryonic philosophy is sweeping across the country in relation to the role of Indians in American culture. It suggests that Indians can best cope with the creation of an improved life and accelerated economic development by being allowed to develop and control their own culture, rather than through the implantation of a foreign culture upon them.

More significant has been the enlightened attitude of the present administration toward Indian affairs. The President's July 8, 1970, Special Message to Congress on Indian Affairs set the tone. Its action words are: self-determination, self-help, antitermination, and local control. Indian tribes and Indian people are to be involved in the determination of their own destinies; to be consulted by Federal officials in planning and developing solutions to their problems; to be assured of the continuing existence of the special relationship between Indian tribes and the United States; and to be placed in control of their own programs and of the funds appropriated for them. This movement is relatively young, although the desire is very old.

Indian control of the educational programs that affect their children is at the heart of community development among the Indian people in America. Education is basic to the development of skills that are vital in coping with present day society, but it is also vital as a focal point for the interaction of traditionally oriented parents on the one hand, and the modernization process of today's educational systems on the other. If Indians are encouraged to control, develop, and bear the responsibility for such programs, they in turn will grow personally as they begin to develop the social organizations that surround a locally controlled school.

We must stress the psychological and social benefits of local control as well as the strictly educational benefits. James Coleman, in his study entitled "Equality of Educational Opportunity," pointed out how devastating the effects of an alien school system can be on the psychological attitudes of the Indian students. Among 12th grade students tested across the country, Indians had by far the lowest view of themselves of all ethnic groups tested. Until Indians are allowed to control their destiny, that finding will not be reversed.

SHORT ANALYSIS OF BILL

My bill would foster a significant amount of local control of Indian education to Indians in Federal schools and in non-Federal schools that serve significant Indian populations. Here is a brief analysis of each section of the bill:

Section 1 states that the purpose of the bill is to foster maximum Indian participation and control with sufficient funds and technical assistance to accomplish that objective.

Section 2 expands the role of the Bureau of Indian Affairs in Indian education. It gives the Secretary the power to establish a national program, including construction of facilities, responsive to the needs of Indians enrolled in Federal, public or private school systems, to negotiate contracts for the administration of Johnson-O'Malley funds with Indian organizations; to provide for the presentation of an Indian education budget; to establish local Indian school districts and boards, and to provide training and technical assistance to foster such boards and districts. The Bureau will pay all costs involved.

Section 3 authorizes the Secretary to enter into contracts with State or local education agencies for the purpose of assisting the State or agency in the construction or acquisition of classrooms and other facilities necessary for the education of Indians enrolled in schools in non-Federal school districts adjacent or in close proximity to Indian reservations; $27.4 million is authorized for this section.

Section 4 authorizes the Secretary to make payments to Indian school districts or boards created in section 2 for the purpose of assisting such district or board in the construction or acquisition of classrooms and other facilities necessary for the education of Indian students; $27.4 million is authorized for the purpose of carrying out the provisions of this section.

Section 5 authorizes the Secretary to make grants to Indian tribes, Indian communities, and nonprofit Indian organizations established to deal with education matters to enable them to enter into contracts with State, Federal, and private education agencies for the purposes of supporting planning, pilot, and demonstration projects and innovative programs to meet the special educational needs of Indian children. It provides for preservice and inservice training for persons who will or are serving Indian children. It also provides for the dissemination of information as well as the evaluation of the effectiveness of federally assisted programs concerning education. This section authorizes $20 million the first year and $30 million in each of the 4 succeeding years.

Section 6 requires that the Secretary, in carrying out his duties under section 2, obtain the approval of tribal organizations, school boards, or any Indian group organized for the purpose of this section. It is also the duty of the Secretary to encourage the active participation of Indians in the development and carrying out of Indian education programs.

Section 7 amends the Higher Education Act of 1965 to provide funds for persons and programs which provide for training and retraining vocational education personnel who are serving or will serve in BIA schools. The Vocational Education Act of 1963 is amended to have 2 per centum reserved and transferred to the Secretary for use by him in making grants and entering into contracts to assist Indians.

Section 8 authorizes the Secretary to make payments to any Bureau of Indian Affairs schools for the purpose of assisting such schools in the construction or acquisition of classrooms and other facilities necessary for the development of an exemplary vocational education program for Indian students.

Section 9 establishes an Office of Indian Education within the Bureau of Indian Affairs and creates a Commissioner of Indian Education who has line authority over the Federal school system. Under the direction of the Secretary, he has the responsibility of administering all laws, programs, and funds, under the jurisdiction of the Department of the Interior, involving or relating to the education of Indians. Although the Office of Indian Education acquires a sense of autonomy, the Commissioner of Indian Education works closely with the Commissioner of Indian Affairs in areas relating to Indian education. The Commissioner of Indian Education is free to utilize those supportive services necessary for the proper functioning of the Office of Education.

Section 10 defines "Indian" and "Tribal Organization."

Section 11 authorizes such sums as may be necessary to carry out the provisions of this act for which no appropriation is specifically provided.

In the proposed bill, an Office of Indian Education headed by a Commissioner of Indian Education is established within the Bureau of Indian Affairs. This office is given a sense of autonomy and is assigned an expanded role in the field of Indian education. In addition to operating the Federal school system, the Commissioner of Indian Education is charged with the responsibility of developing the Federal school system into an exemplary system. He would work closely with Indian people in order to provide maximum Indian participation and control—especially at the local level. Nothing in this bill, however, is to be construed as relieving the Commissioner of Indian Education of his responsibility in fostering Indian controlled schools or in allowing the transfer of Indian students into public schools.

I made the decision to place this provision in the bill after long and careful consideration and discussion with the Indian population of the country. Somewhat to my surprise, I found that Indians throughout the country are rather critical of the establishment of a totally new national agency having control over Federal Indian education. Equally significant is the reaction of the Bureau of Indian Affairs to the new awareness of Indian capability to develop and manage programs. The BIA has opened its paternalistic grip and has begun program innovations. These recent changes in the programs adopted by the Bureau of Indian Affairs seem to have developed a more favorable attitude toward the BIA among the Indian population. The Bureau still remains a familiar Federal organization to many Indians at a time when the Federal bureaucracy is constantly expanding and reorganizing.

On the basis of these feelings, it appears to me that a shift in Indian education completely away from the Bureau would tend to disorient many Indians who have now come to understand that organization and have acquired special knowledge of the Bureau's structure. At the same time, the quality and quantity of Federal Indian education within the Bureau of Indian Affairs must experience considerable improvement if Indians are to realize the same levels of social and economic life enjoyed by other Americans. An Office of Indian Education established within the Bureau of Indian Affairs and headed by a Commissioner of Indian Education with line authority would have the capability—the obligation—to provide every Indian child with an outstanding education.

Mr. President, passage of the Indian Education Act of 1971 would be a significant step in the direction of developing improved Indian education and fostering substantial growth in community development among the Indian peoples of America. I plan to press diligently for the enactment of this legislation, and hope that I might be joined by my colleagues in both Houses of Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2416

A bill to authorize the establishment and carrying out of a National Indian education program, the establishment of local Indian school boards, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in recognition of the special educational needs of Indian children and adults and the obligation of the United States to respond to those needs, the Congress hereby finds and declares that it is essential that the Federal Indian school system be developed into an exemplary system, including the development of educational programs in Federal Indian schools, public schools with Indian enrollments, and model schools to meet both social and educational goals of Indians. The Congress further declares that any such system, if it is to be effective and accomplish its goals, must (1) provide for maximum Indian participation and control (especially on a local level) in the development and administration of such system, (2) have sufficient Federal funds available to carry out Indian educational programs, and (3) provide technical and other assistance to Indians to enable them to develop the skills and knowledge necessary to participate in the operation of such system.

(b) While it shall be the policy of Congress to cause the Federal Indian school system to be developed into an exemplary system, nothing in this Act shall be construed as relieving the Department of the Interior of its responsibility in carrying out the practice of transferring Indian students into public schools or integrating Federal Indian schools into public schools.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") is vested with the following powers and duties:

(1) to develop and carry out a national Indian education program, including construction of facilities, responsive to the needs of all Indians enrolled in Federal, public or private school systems, vocational institutions, and, institutions of higher education;

(2) to enter into contracts or other agreements with Indian tribal organizations pursuant to which such organizations shall administer funds made available in connection with the program authorized for Indian education under the Act of April 16, 1934 (48 Stat. 596), as amended (the so-called "'Johnson-O'Malley Act"), and funds made available to the Secretary under sections 7 and 8 of this Act;

(3) the preparation and presentation of the budget for Indian education to the Office of Management and Budget, and the Congress;

(4) to establish, at the request of any tribal organization, local school districts comprising Federal Indian schools within the area over which such organization has jurisdiction and control;

(5) to establish, at the request of any Indian tribal organization, local school boards which shall have the responsibility, subject to appropriate standards and criteria established by the Secretary, for the control and operation of Federal Indian schools located within a district established at the request of such organization pursuant to paragraph (4) of this subsection; and

(6) to make available training and technical assistance to such tribal organization in connection with the establishment and operation of school boards within its school districts, and in the carrying out of the programs and policies of local school boards and the Secretary, and to take such action as may be necessary to inform Indian tribal organizations with respect to the availability of such assistance under this paragraph.

(b) The Secretary shall, by contract, grant, or otherwise, make payments to Indian tribal organizations and school boards established pursuant to this Act, to defray all costs incurred by them in providing for the education of Indians in accordance with the provisions of this Act.

SEC. 3. (a) The Secretary is authorized to enter into a contract or contracts with any State or local educational agency for the purpose of assisting such State or agency in the construction or acquisition of classrooms and other facilities in non-Federal school districts adjacent or in close proximity to Indian reservations necessary for the education of Indians residing on any such reservation. Any such contract entered into by the Secretary pursuant to this section shall contain provisions requiring such contracting State or agency to—

(1) provide Indian students attending such facilities in any school district the same standard of education as provided non-Indian students in such district;

(2) operate such facilities as a part of the public school system and provide a program of instruction meeting the standards required by such State or local educational agency for other public schools under the jurisdiction or control of such agency; and

(3) meet, with respect to such facilities acquired or constructed pursuant to such contract, the requirements of the State and local building codes, and other building standards set by any such State or local educational agency for other public school facilities under its jurisdiction or control.

(b) No contract shall be entered into by the Secretary under this section unless the terms thereof have been first approved by each tribal organization or school board established pursuant to this Act, as the case may be, having jurisdiction over any Indian students covered or otherwise affected by such contract.

(c) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated, for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, the sum of $27,400,000, and for each fiscal year thereafter, such amount as may be provided for by the Congress.

SEC. 4. (a) The Secretary is authorized to make payments, by grants or otherwise, to any school district established pursuant to section 2 for the purpose of assisting such district in the construction or acquisition of classrooms and other facilities (including all necessary equipment) necessary for the education of Indian students. Such payments shall be made at such times, in such manner, and pursuant to such conditions as the Secretary may prescribe.

(b) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated for each of the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974, the sum of $27,400,000, and for each fiscal year thereafter, such amount as may be provided for by the Congress.

SEC. 5. (a) The Secretary is authorized to make grants to Indian tribes, Indian communities, and nonprofit Indian organizations established to deal with education matters, to enable such tribes, communities, or organizations—

(1) to enter into contracts with State and local education agencies and other appropriate public and private educational and research agencies, organizations, and institutions (including Federally supported elementary, secondary and post secondary schools for Indian children) for the purposes of supporting planning, pilot and demonstration projects which are designed to plan for, test, and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children; and

(2) to enter into contracts with State and local educational agencies (including Federally supported elementary, secondary and post secondary schools for Indian children) for the purposes of carrying out programs, either directly or through grants to, or contracts with, such agencies to develop or establish programs specifically designed to stimulate (A) the provision of educational services not available to Indian children in sufficient quantity or quality, and (B) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indian children are educated.

(b) The Secretary is authorized to make grants to institutions of higher education and to State and local educational agencies, in combination with institutions of higher education, for carrying out programs and projects—

(1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, and ancillary educational personnel; and

(2) to improve the qualifications of such persons who are serving Indian children in such capacities.

Grants for the purposes of this section shall give preference to Indians and may be used for the establishment of fellowship programs leading to an advancing degree, for institutes, and, as part of a continuing program, for seminars, symposiums, workshops, and conferences. At least 15 per centum of the funds appropriated under the authority of subsection (d) of this section shall be devoted to the purposes of this subsection.

(c) The Secretary is also authorized to make grants to, and contracts with, public and private agencies, organizations, and institutions (except that no grant may be made to an agency, organization, or institution other than one which is nonprofit) for—

(1) the dissemination of information concerning education programs, services, and resources available to Indian children, including evaluations thereof; and

(2) the evaluation of the effectiveness of federally assisted programs in which Indian children may participate in achieving the purpose of such programs with respect to such children. At least 5 per centum of the funds appropriated under the authority of subsection (d) of this section shall be devoted to the purposes of subsection (c).

(d) For the purpose of making grants and entering into contracts under this section, there are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for each of the four succeeding fiscal years.

SEC. 6. In carrying out his duties under section 2(a) of this Act, the Secretary shall consult with the appropriate tribal organization having jurisdiction over the Indians affected thereby, and in no case shall the Secretary in carrying out his duties under this Act, enter into any contract or other agreement, or make any payment (by grant or otherwise), unless the tribal organization, or school district established in accordance with this Act, as the case may be, having jurisdiction over the Indian student affected thereby, first gives its approval to such contract or payment. For purposes of this section, in those cases where Indian students affected by any such contract or payment are not under the jurisdiction of any such school district or tribal organization, the Secretary shall, prior to making such contract or payment, also obtain the approval of any group, comprising a substantial portion of the parents of such Indian students, organized for the purposes of this section and approved by the Secretary. The Secretary shall encourage the active participation of Indian tribal organizations in the development and carrying out of Indian education programs under this Act, including the preparation of the budget for Indian education.

SEC. 7. Part F of title V of the Higher Education Act of 1965 is amended by adding at the end thereof the following new section:

"VOCATIONAL TRAINING AND DEVELOPMENT PROGRAMS FOR INDIAN EDUCATIONAL PERSONNEL

"SEC. 556. (a) Notwithstanding any other provision of this part, 2 per centum of the funds appropriated pursuant to this part shall be available only—

"(1) for persons, who would otherwise qualify for programs under section 552 of this part, and who are serving or preparing to serve as vocational educational personnel in schools operated for Indians by the Department of the Interior; and

"(2) for programs which would otherwise be eligible for assistance under section 553 of this part and which provide training and retraining for vocational educational personnel who are serving in schools operated for Indians by the Department of the Interior."

(b) Part C of title I of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new section:

"SEC. 135. Notwithstanding any other provision of this part, the Commissioner, from sums appropriated to carry out this part, shall reserve an amount equal to 2 per centum thereof and shall transfer such amount to the Secretary for use by him in making grants and entering into contracts, comparable to those provided for in this part, to assist Indians."

(c) Section 142 of part D of title I of the Vocational Education Act of 1963 is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of this part, the Commissioner, from sums appropriated pursuant to this part, shall reserve the amount equal to 2 per centum thereof and shall transfer such amount to the Secretary for use by him in carrying out programs, comparable to those provided for under this part, to assist Indians.".

SEC. 8. (a) The Secretary is authorized to make payments, by grants or otherwise, to any Bureau of Indian Affairs schools for the purpose of assisting such schools in the construction or acquisition of classrooms and other facilities (including all necessary equipment) necessary for the development of an exemplary vocational education program for Indian students. Such payments shall be made at such times, in such manner, and pursuant to such conditions as the Secretary may prescribe.

(b) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated for each of the fiscal years ending June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, the sum of $30,000,000.

SEC. 9. (a) There is hereby established within the Bureau of Indian Affairs, Department of the Interior, the Office of Indian Education, which shall be headed by a Commissioner of Indian Education. The Commissioner of Indian Education shall be appointed by the President of the United States, with the advice and consent of the Senate and shall receive compensation at a rate equal to that provided the Commissioner of the Bureau of Indian Affairs.

(b) The Commissioner of Indian Education, under the direction of the Secretary, shall have the responsibility of administering all laws, programs, and funds, under the jurisdiction of the Department of the Interior, involving or relating to the education of Indians.

(c) The Commissioner of Indian Education, with the approval of the Secretary, is authorized to appoint and fix the compensation of such personnel as he deems necessary to carry out the purposes of this section.

SEC. 10. As used in this Act or any amendment made by this Act, the term—

(1) "Indian" means any individual who (A) is or was an enrolled member of a tribe, band, or other identifiable group of Indians, including those tribes, bands, or groups terminated since 1940 and those now or hereafter recognized by the State in which they reside, or who is a descendent, in the first or second degree, of any such enrolled member or formerly enrolled member, or (B) is considered by the Secretary to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaska Native; and

(2) "Indian tribal organization" or "tribal organization" means any formally or informally organized, band, or other identifiable group of Indians.

SEC. 11. For the purpose of carrying out the provisions of this Act for which no appropriation is specifically provided for therein, there is authorized to be appropriated such sums as may be necessary to carry out such provisions.

By Mr. STEVENS (for himself, Mr. GRAVEL, Mr. FONG, and Mr. INOUYE):

S. 2425. A bill to provide for the addition of the names of the States of Alaska and Hawaii to the list of the 48 States inscribed upon the walls of the Lincoln National Memorial. Referred to the Committee on Interior and Insular Affairs.

Mr. STEVENS. Mr. President, as one of those deeply involved and deeply committed to the cause of statehood for Alaska and Hawaii, I remember with pride the moment when Alaska became the 49th State in our Union. I remember the feeling of tears welling up in my eyes as our flag was raised over Ft. McHenry on July 4, 1959, and included in that flag was the 49th star representing my State.

As Alaska entered into statehood, Alaskans assumed the burdens and duties of citizenship along with its advantages. Alaskans are proud to be full citizens of the United States and proud of the heritage this country affords.

Part of that heritage is the dignity, courage, and grace of Abraham Lincoln. More than any other man, he was responsible for the preservation and perpetuation of the union of our States. The names of the 36 States which were in the union at the time of Lincoln's death are carved on lintels in the memorial which bears his name. Above them are inscribed the names of 48 States of our Union. Missing are the names of the States of Alaska and Hawaii.

Accordingly, I have today introduced a bill for myself, Mr. GRAVEL, Mr. FONG, and Mr. INOUYE which authorizes and directs the Secretary of the Interior to take such action as may be necessary to inscribe on the Lincoln Memorial, at an appropriate place and in a manner and style consistent with the existing inscriptions of the names of the other 48 States, the names of the 49th and 50th States, Alaska and Hawaii.

By Mr. BIBLE:

S. 2426. A bill to add a new section to title 18 of the United States Code relating to crimes involving property in interstate or foreign commerce to provide a civil action for damages resulting from violations of section 659. Referred to the Committee on the Judiciary.

CIVIL DAMAGES FOR CARGO THEFT LOSSES

Mr. BIBLE. Mr. President, if we can take the profit out of cargo thievery and make those individuals who steal, fence, or receive stolen property civilly liable in damages for their acts, I believe a major step will have been taken to curb the biggest billion-dollar racket nationally today—the theft, pilferage, and hijacking of truck, air, rail, and maritime shipments.

This is the goal of a bill I introduce today to permit transport carriers, shippers, or those lawfully in possession of goods moving in interstate or foreign commerce to recover treble damages from any person who steals them during the course of such movement or who buys, receives, or has them in his possession after they have been stolen, having knowledge of their stolen character.

This bill would permit recovery of damages for losses sustained as a result of a violation or conviction under the Theft in Interstate Shipments Act (18 Stat. 659), providing criminal penalties for the theft or purchase of stolen goods moving in interstate commerce. It would add the civil remedy to the present criminal statute.

In brief, this legislation is designed to help take the profit out of marketing stolen goods. Certainly, if a thief does not have a buyer to purchase or "fence" for resale his stolen or "hot cargo," then his market will dry up.

As chairman of the Senate Small Business Committee, I have listened to 2 years of testimony during our transportation theft hearings about how the American shipping public conservatively loses over $1 billion per year in cargo thefts, a loss that the consumer pays much more than that for when the substantial crime-inflated price tag is added.

Numerous witnesses from the transportation insurance, and shipping industries have repeated the same theme; namely, that the huge amounts of cargo stolen must be passed along to unscrupulous buyers for eventual resale in the shady market to make those original thefts profitable. As an example, Mr. Gilbert H. Myer, chief special agent, American Insurance Association, told our committee:

> Many of these things are stolen for order and they are handled by organized crime. The markets are already established and the property is absorbed into our economic system just like a huge dry sponge. It just sucks it all up and it disappears . . . under the veil of secrecy that is very difficult to penetrate.
>
> If we can eliminate the profit motive from a lot of these activities, I believe we have nailed them.
>
> In my opinion and experience, we do not penetrate the activities of the receivers, the fences and the people in possession of this stolen property. The convictions are very infrequent. They are few and far between. The percentage of recovery of stolen property is almost negligible. I do not think it exceeds 5 percent of all property stolen that is recovered. This is one of the fields which goes back to a further facet of this problem.
>
> I think that law enforcement officers have not developed sufficient criminal intelligence concerning the activities of those people who are engaged in this activity. There is a lack of information concerning their activities and people who participate. We are faced with a problem of having a weak link in the chain. The organized criminals do not participate in the actual stickup. They hire people to go out and do these jobs. The participant is paid off as soon as the job is accomplished. He delivers the truck to an intermediary. The intermediary then delivers it to a warehouse. From the warehouse, it is disposed of and put into the channels of disposition.

Mr. President, that statement points up precisely at what this legislation is directed, the seller of stolen goods who may mask as a legitimate merchant but whose source of supply is stolen property. Actually, this probably accounts for a large share of the nearly $1½ billion worth of cargo stolen from all modes of transport in 1970, a 17 to 23 percent increase over the previous year.

As I have said previously, neither Government nor industry has yet been able to mount an effective response to control these losses, whose sources we believe are both highly organized criminals and lesser organized groups, as well as the occasional thief. Our hearings have showed that cargo, especially in air, truck, and maritime areas, have overwhelmed facilities. Efforts by carriers to substitute insurance payments for adequate security measures have left both the carriers and insurance companies in difficult straits in many instances. And the criminal element, knowing about the richer pickings in the crowded terminals and on loading and unloading docks, have had profitable days at the public's expense.

Wherever the blame lies, it is obvious that more needs to be done to control this growing national problem. We believe our bill, S. 942, to establish a Presidential Commission on the Safety and Security of Cargo and recently ordered reported to the Senate after approval by the Commerce Committee, will help. But more needs to be done on other fronts.

A recent tort action in Georgia is one example that may aid in discouraging the theft of goods in transit. In that case a judgment was entered under a Georgia State law for the value of merchandise stolen from a commercial trucking firm and punitive damages assessed against those who participated in the theft and the owner of a company who purchased the stolen goods.

Briefly, the facts were these: The thieves stole $26,000 worth of wire fencing from a motor carrier, contacted a fence, who, by a middle-of-the-night phone call, sold the fencing to the owner of a retail building supply firm for $2,600. Subsequently, the Federal Bureau of Investigation solved the case, recovering some of the wire. The two thieves and the fence were subsequently tried and found guilty under Federal criminal law.

The final buyer was not brought to trial on criminal charges because of a decision that proving he had knowledge of the theft at the time of his purchase might be too difficult to secure a criminal verdict but not in a civil suit for money damages under the receiving-stolen-property Georgia State law. The plaintiff trucking company was awarded full actual damages of $11,877.12 and $4,375 in punitive damages were assessed against each of the four defendants, the two thieves, the fence, and the buyer. The fence and the buyer defended the civil action but did not appeal the judgment.

Had it not been for the Georgia tort statute, the ultimate purchaser of the stolen goods would have gone untouched.

We can only speculate about the number of times that a comparable fact pattern has existed where a criminal action may be successfully prosecuted against all but the final purchaser, who, though known, escapes both criminal prosecution and civil liability presently.

This bill should furnish a valuable addition to the arsenal of weapons our Federal courts can use against those who engage in the theft of goods moving in interstate commerce, those who "fence" such goods, and the buyer who has knowledge of their stolen characteristics.

Mr. President, I believe we have ample precedent for a civil remedy for damages to be maintained along with a criminal statute. The distinguished senior Senator from Arkansas (Mr. McCLELLAN) introduced and saw enacted into law the Organized Crime Control Act of 1970 (84 Stat. 922), which allows those injured as a result of the racketeering conduct of others, to recover in treble damages without a dollar limitation.

Certainly the recovery in civil damages will give to businessmen, shippers, and carriers, who bear the brunt of losses for cargo theft, an opportunity to recover some of their dollar losses and at the same time tighten up the shady market area where thieves sell their stolen goods.

And Lois Rosen had some advice for cargo buyers in the April 1971 issue of Modern Retailer, when she quoted an FBI agent's suggestions:

> It's like cashing a check. Know your endorser; know your supplier. If you're dealing with a legitimate supplier, chances are it's legitimate.

As I recall it, our hearings were told that professional underworld thieves have established substantial footholds in many manufacturing, distributive, and merchandise industries to move their loot through "legitimate business" channels.

If I remember correctly, in the heyday of the Al Capone reign in Chicago, he was convicted not for murder, theft, the Volstead Act or other mobster activity, but for income tax evasion. Perhaps it is time we go after the modern-day cargo thieves indirectly, too; as this bill proposes and more directly as other pending legislation suggests.

Mr. President, in conclusion, I ask unanimous consent that there be inserted into the RECORD at the conclusion of my remarks a copy of my bill, a news article from the Atlanta Constitution of March 5, 1971, citing the Georgia case, and an article from the March edition of Modern Retailer magazine on "Organized Crime Moves Into the Theft/Hijacking of Merchandise."

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2426

A bill to add a new section to title 18 of the United States Code relating to crimes involving property in interstate or foreign commerce to provide a civil action for damages resulting from violations of section 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section be added following section 659 of title 18 of the United States Code and sections 660–664 be redesignated as sections 661–665, respectively.

SEC. 2. (a) Chapter 31 of title 18 of the United States Code is amended by inserting after section 659 a new section as follows:

"(a) Any person injured in his business or property by reason of a violation of section 659 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee.

"(b) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(c) In any action under this section in any district court of the United States in which it is shown that the needs of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(d) All other process in any action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs."

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code is amended by inserting after § 659 the following new item:

"§ 660. Civil Remedy for Injuries Resulting From Violation of Section 659."

(c) Sections 660–664 are redesignated as sections 661–665, respectively.

(d) The amendment made by this section shall be effective after thirty days following the date of enactment of this Act.

[From the Atlanta (Ga.) Constitution, Mar. 5, 1971]

TRUCK FIRM GETS $30,000 JUDGMENT

A federal jury Thursday made a $30,000 judgment against four men accused of involvement in the theft of fencing and purchase of merchandise stolen from a commercial trucking firm.

It was the first know instance of a motor common carrier collecting damages in a theft case, and gives carriers a legal opening to move against receivers of stolen goods, according to attorney Paul Daniell.

The fencing wire was stolen in September 1967 from a trailer owned by Watkins Carolina Express, after the cargo had been shipped to Atlanta but before delivery to its receiver, Daniell said.

A portion of the wire shipment was found by FBI agents at a north Georgia building supply firm, but was in such damaged condition that Watkins Carolina sustained an $11,877.12 loss, according to Daniell.

The company filed suit in U.S. District Court against Robert Lee Rice, Willy Curtis Durah, James Frank Pinyan and Norris Howard, owner of the Coal Mountain Supply Co. in Cumming.

The federal jury awarded Watkins Carolina full actual damages, and assessed each defendant $4,375 in punitive damages.

Daniell said the Georgia law used in the case has been on the books "for a long time," but had "just never been used in these particular circumstances before."

[From Modern Retailer, Mar. 1971]

ORGANIZED CRIME MOVES INTO THEFT/HIJACKING OF MERCHANDISE

(By Lois Rosen)

NEW YORK CITY.—Retailers, who already lose about $2.5 billion from all kinds of internal and external thefts and shrinkages, now have another problem: the rising number of cargo disappearances.

The condition is so rampant that it is adding to markon all the way down the line from mill to retailer and consumer. And where is this "hot" merchandise going? It is being funnelled through "legitimate" channels such as manufacturing, retail, and wholesale companies now controlled by racketeers, in many cases, it shows up in the odd-lot and fire sale and close-out markets where the original disposition of the goods is very difficult for even the most vigilant potential buyer to track down.

The rising curve of merchandise thefts has become so great that there is no indication that (at least in the short range) it will do anything but go higher still. It is a ticklish factor that retailers will be facing more and more in their buying and selling facilities.

In the past year, over a billion dollars worth of merchandise was stolen in transport from trucks, ships, railroads, and airports. Trucks have been hit hardest, according to "U.S. News and World Report," with cargo losses climbing from $275,000,000 in 1966 to an estimated $994,000,000 for the year just ended. In New York City alone, for the first 11 months of 1970, the Police Department's Safe, Loft and Truck Squad reported 2,134 grand larcenies of trucks and contents plus 269 hijacks. (A hijack is a larceny in which force or the threat of force is used.)

But, no mode of transportation is theft-proof. 1970 estimates for losses via theft from transportation categories are: trucking, $900,000,000; airlines, $110,000,000; railroads, $250,000,000; and waterfront, $210,000,000. As staggering as these figures appear, they are generally considered conservative estimates because hundreds of cargo-theft cases go unreported.

One incident that was reported was the hijack last August 5 of more than $25,000 worth of Italian-made boots and shoes from a truck passing through Brooklyn. Captain Thomas Kissane of the New York City Police Department's Safe, Loft and Truck Squad told Modern Retailer that the goods were being shipped "by a large retailer" to a branch store in another borough. In this particular case, thanks to "inside information," much of the cargo was recovered and arrests made within three weeks.

But most cargo thefts remain unsolved. Gilbert Meyer, consultant for inland marine matters at the American Insurance Association, a group representing 150 insurance companies, estimates that only 5 per cent of the cargo stolen from trucks is recovered. Although New York City has been hit hardest by cargo theft (along with Boston and Washington, D.C.), no area is immune.

DISCOUNTERS HIT

Last year, a large discounter with a warehouse in the Far West was transferring merchandise from a warehouse to four stores via commercial trucker. Merchandise pinpointed for Easter selling disappeared from the trucks to the tune of over $100,000. Part of the merchandise was later recovered 100 miles away in a small flea market. The original tickets were still on the clothes. "The merchandise was insured, but the company didn't have it in time for its Easter sales and it was too late to get replacements," related Lincoln Zonn, a security consultant for many mass merchandisers.

Incidents such as this one involving retailers are infrequent compared with the number of incidents involving importers and manufacturers who supply the retailers. Either way the retailer loses. You'd better believe cargo theft affects the mass merchandiser. If garments are stolen out of the garment center from manufacturers, the cost of doing business with them goes up. Manufacturers have to tack something on to the price. The retailer then either has to tack something on to his price or work on a lower margin," Lincoln Zonn stated.

Richard Maxwell, an executive of Associated Dry Goods which runs 15 department store organizations with 77 units, notes that the retailer suffers when cargo disappears even though it is insured. "We've got insurance coverage, of course. But we also have escalating insurance premiums. The cost of doing business is rising. And the retailer is losing," he said in a telephone interview.

Adding to the rise in insurance rates is the limited liability of the airlines. (The limit is $7.48 per pound in international transport whether the cargo is potatoes or diamonds.)

William P. Sirignano, executive director and general counsel for the Waterfront Commission of New York Harbor, summed up the problem when he testified before Nevada Senator Alan Bible's Select Committee on Small Business. The Committee has been holding hearings on cargo theft and is working on legislation to establish a commission on cargo safety and provide for a centralized cargo-loss reporting system.

There is no doubt that the protection of cargo is important to the economy of the entire nation. The actual dollar value of lost cargo is of the least importance. The real serious effects of cargo losses are that manufacturing schedules are not met; job layoffs may occur for lack of raw materials; seasonal markets are lost; custom revenue is lost; insurance premiums are increased; and the stolen goods are put into commerce by the underworld in competition with legitimate business, oftentimes in competition with the very owners of the stolen property," Sirignano told members of the Senate Committee.

Who is doing the stealing? The answer seems to be just about everyone who can get his hands on the cargo. This includes the professional racketeers as well as amateur thieves.

Captain Thomas Kissane believes there are more amateurs involved in truck larcenies today than there were in the past. "Recently, we came up with a case involving $100,000 worth of left shoes. (Shoes are often shipped this way to discourage theft.) Now, unless you happen to run into a group of one-legged, left-footed men, this merchandise is not particularly marketable. We're also finding more cases of abandoned cargo these days. This wouldn't have happened in the past when hijackers were technicians and not amateurs," he commented. And then there was the case last year of the truck held up at gun point. Its cargo—$20,000 worth of onions!

Mario T. Noto, executive director of the Airport Security Council, believes most of the air-cargo thefts are "crimes of opportunity" and not organized. "If you leave stuff around and don't watch it, someone is bound to take it," one of Noto's staff advisers opined.

The Council, now including 43 air carriers, was established by the airlines themselves to cope with the problem of rising aircargo thefts. It has been working hard to remove "opportunities" for stealing by imposing tighter security regulations at the four major New York and New Jersey airports. This past year, the Council reports that its efforts have paid off at Kennedy with a 29.5 per cent reduction in thefts.

Still, things are far from rosy at this airport where one day last August $232,268 worth of diamonds simply disappeared. Many law enforcement officials such as Eugene T. Rossides, assistant secretary of the treasury for enforcement and operations, believe professional mobsters are behind much of the cargo crime.

And Kennedy Airport, in fact, has a rather unsavory history in this respect. The New York State Commission of Investigation's report on racketeer activities in the air-freight industry in March, 1968, reads like a Perry Mason mystery. Big name racketeers, it was revealed, were holding top jobs in both a labor union and a trade group operating out of Kennedy. The whole grisly history was related by a reporter, Fred Cook, in a "New York Times" article last April 12 entitled "The Jackals at J.F.K." and updated last month by a reporter, Denny Walsh, in an article in "Life Magazine."

A problem, of course, is collecting enough evidence to bring known racketeers to trial. The problem is compounded by the fact that "organized crime has been able to cloak itself with a certain amount of legitimacy," points out Nathan Skolnik, deputy commissioner of the New York State Investigation Commission.

MIXED BLESSING

Both organized crime and petty thievery still flourish at the waterfront, although conditions have improved considerably since the 40's and early 50's when loot was considered a "fringe benefit" of almost every waterfront job. The Waterfront Commission of New York Harbor, which was established in 1953 to crack down on mobsters, reports that the advent of "containerized cargo" (shipping in huge sealed containers) has proved a "mixed blessing" for importers.

The Commission in making its report last April to New York Governor Rockefeller and New Jersey Governor Cahill had this to say about containerization: "While it has deterred petty pilferage, it has attracted large-scale organized crime theft (most containers hold cargoes valued generally from $50,000 to $200,000). . . . The larceny of a container—unlike thefts of goods from a pier—is obviously not the result of impulse. Such a major theft requires planning and cooperation among many larcenous individuals; persons who can identify the contents of a container and its location; persons who have storage facilities to hide the huge quantity of cargo; and a tractor and trailer to move the stolen container. It is obvious that the container has become the target of professional thieves with underworld connections with the ability and organization to secure valuable information and the contacts to distribute and 'fence' stolen cargo in large volumes."

What kinds of cargo are most tempting to thieves? Ready-to-wear clothing, probably because it is so easy to dispose of, tops the list of most-stolen merchandise from trucks and airports. "They take sweaters from Ireland, leather coats from Spain; you name it," said one airport security official.

On the waterfront, "tobacco, liquor, and electronic equipment are leading the hit parade," according to Jerry Sullivan, executive vice president of the Security Bureau, an organization made up of 200 steamship lines and insurance companies.

In many cases, theft is done to order, believes Gilbert Meyer of the American Insurance Association. "The hoodlums know what will sell and they go after whatever is seasonable, attractive, and disposable. They deal in theft every day just the way Macy's does its buying. The business is so set up that the thief is often a hired gunman who does the job and gets paid for it without ever knowing who hired him," Meyer reported.

In cases when cargo is recovered, the problem of identification is a real one. Joseph E. Poser, vice chairman of the American Fur Merchants Association, said that he was called in by the police one day to identify some furs stolen from his own company. "It was impossible. We had shipped the furs raw and these skins had been dressed. Some times an identifying mark is put on the leather, but this is costly and time consuming and generally nobody does it," Poser said.

Where does the almost $1 billion worth of stolen goods wind up? The "twilight retailers" (as Security Consultant Sol Astor calls them) the so-called discount shops, the flea markets, the outdoor peddlers, are an obvious funnel for stolen merchandise. But they can't absorb huge amounts. Stolen goods eventually find their way into legitimate business, many insurance people and law enforcement officials believe.

A recent report cited by Carl McDowell, executive vice president of the American Institute of Marine Underwriters, before the Senate Committee on Small Business described the problem: "The most disturbing aspect of the large-scale thefts is the suspicion that much of the loot moves through channels of 'legitimate business.' Professional thieves have established substantial footholds in many manufacturing, distributive, and merchandise industries," he said.

A N.Y. magazine recently published the confessions of a master fence who has since retired to Switzerland to live on the more than $1 million he accumulated while "in business." He related how he established himself in the business with capital derived from a $3,500 stolen shipment of Betsy Wetsy dolls.

"Getting established" said "New York Magazine," "meant setting up drops all over the city; building a network of reliable buyers who had a good eye for merchandise; and choosing salesmen who could unload the stuff to legitimate and semi-legitimate outlets—unknowing retailers, jobbers, and manufacturers' representatives."

The master fence, himself, remains undercover throughout all this activity, according to reporter, Michael Pearl. "He seldom comes in contact with the stolen goods. He buys everything through intermediaries, sight unseen. Until it is sold, the merchandise is kept in 'drops' which the fence never goes near. Finally, other intermediaries sell the stuff to salesmen, jobbers, or retail stores. The master fence is completely insulated. Only his money is exposed."

In the meantime, legitimate distributors are naturally quick to take advantage of the so-called closeout or fire sale. As Captain Kissane of the New York City Police Department points out, "If you hear you can get a load of odd-lot merchandise from a fire sale, who is going to call and see if there actually was a fire?"

By Mr. WILLIAMS:

S. 2427. A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems. Referred to the Committee on Commerce.

THE NATIONAL COMMUNITY ANTENNA TELEVISION ACT OF 1971

Mr. WILLIAMS. Mr. President, within the next few days the Federal Communications Commission will present to the Communications Subcommittee of the Commerce Committee its proposed rules for the development of cable television, which is also widely known as community antenna television—CATV. This action by the FCC will certainly be most welcome, as there are currently no guidelines in existence to promote and regulate development of cable television in the public interest; the FCC rules have been eagerly awaited by many people both within and without the broadcast and CATV industries.

However, Mr. President, I am convinced that regardless of what rules the FCC proposes they will be insufficient, simply because this subject involves far too broad a policy area to be thrust upon the shoulders of a regulatory agency without guidance from the Congress. Therefore, I am introducing today the National Community Antenna Television Act of 1971, a bill which I believe would establish a coherent nationwide format to promote the orderly growth of cable television in a manner consistent with the legitimate rights of broadcasters, and the best interests of the public.

Mr. President, cable television has existed as an industry for only 21 years, and at present it serves less than 10 percent of our populace. However, the enormous potential this technological development holds for our education, information, and entertainment industries, is very clear. In my own State the potential benefits of CATV become apparent when one considers that within the entire State of New Jersey—the most densely populated State in the Nation—there is not a single VHF television station, and that UHF television broadcasting is extremely limited in both scope and geographic coverage. Thus New Jerseyites must rely largely upon the good will of broadcasters in adjacent States for coverage of events in New Jersey, and I am sorry to say that this coverage is woefully lacking. Our neighboring State of Delaware suffers from this same situation, one to which CATV can offer an effective alternative.

Currently, television viewers in most parts of the country have a very limited choice of stations; fewer than half of the local television "market" areas are served by three or more stations. However, in 4,300 communities, residents may take advantage of the diversity offered by a cable system, which can improve television reception and expand the number of stations from which a viewer may choose. Although most cable systems currently offer between six and 12 channels of programing, cable is capable of providing as many as 80 channels to the subscriber; it can be made into a virtual electronic library.

The cable television industry was born in the late 1940's, principally to carry television broadcasts to people in rural areas beyond the range of television transmitters, which were then located almost exclusively in large cities. Since that time the demand for CATV has shifted to suburban areas where both improved reception quality, and increased program diversity, are major selling points. However, more than 90 percent of our population—those people who live in the 100 leading television market areas—are currently denied the opportunity for all but the most limited CATV service. This situation stems from a 1965 FCC order prohibiting cable systems from importing broadcasts from other cities into these top 100 market areas. As a result, there has been little economic incentive to develop cable systems in our most heavily populated urban centers, except where over-the-air reception is a major problem, such as in the metropolitan New York area.

The history of the Federal Government's involvement with this public-service industry has been one of vacillation and reluctance to act. The FCC has vacillated between the position that it had no authority over cable systems, to one that it has extensive regulatory jurisdiction over them. And in the Congress, although the Senate Subcommittee on Communications has kept a close watch on the situation, there has been a general reluctance by Congress as a whole to fulfill its obligation to establish clear, national policy for the FCC to follow.

Because of the vacuum left by Federal inaction, State and local governments have been forced to come to grips with the situation as best they could; in most instances, their responses have proved, at the least, to be inadequate. To date, only five State governments—Connecticut, Nevada, Rhode Island, Vermont, and Hawaii—have taken jurisdiction by conferring public utility status on CATV systems. In the remaining States the task of regulating this growing industry has fallen upon overburdened local governments. They have attempted to deal with it simply by granting franchises for construction of cable systems; for the most part these franchises simply grant permission to cross public streets and alleys, and involve very little regulation of the type exercised over public utilities. This city-by-city franchise approach to cable television development has been spectacularly unsuccessful. The failure of this approach in New Jersey is dramatically documented in a report by the Center for Analysis of Public Issues in Princeton, which was made public last week. And, there have been major scandals involving the awarding of franchises in New York, Pennsylvania, and Florida. Local and State regulation is in such disarray that the Governors of New Jersey and New York have both recently signed legislation declaring moratoriums on the awarding of new franchises to give their legislatures added time to study the problem.

Some 40 years ago the fledgling broadcast industry was developing in just as chaotic a manner as CATV is today. Congress responded with the Communications Act of 1934, which charged the FCC with overseeing the broadcast industry in order to promote its development consistent with the public interest. However, it was impossible in 1934 to anticipate the development of CATV, and thus there is no language in the act giving the FCC jurisdiction over this specific phase of the broadcast industry. I believe, Mr. President, it is time for Congress to recognize the sweeping technological changes which have occurred within the broadcast industry since 1934, and to reexamine the Communications Act in light of these changes.

The legislation I am introducing today would amend the act to specifically grant the FCC jurisdiction over CATV. Furthermore, it would establish clear national long-range policy for the FCC to follow in exercising its authority. This policy would establish cable television as a public utility—a recognized monopoly—and would require the establishment of a formula of channel allocation for communities of differing size. Such a formula must include provision for commercial and educational stations, local expression through local program origination, governmental access, general information communication through public service programs, and possible two-way communications. This listing is by no means exclusive of other services which may be available via cable transmission in the future.

Furthermore, the bill provides for the establishment, by the FCC, of standards of equipment performance and quality of service, the establishment of uniform technical standards for possible interconnection of cable systems, equality of service to all communities be they rich or poor, and the establishment of rules insuring fair tariffs to the consumer and a fair rate of return to the cable system owner.

Mr. President, I believe this bill represents a workable and effective approach to solving a nationwide problem which is sure to grow more acute in the years ahead. I commend it to my colleagues, with hope they will give it favorable consideration.

Mr. President, I ask permission for the bill to be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2427

A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. The Congress declares that community antenna television systems provide an essential service, and that access to a full offering of diversified television communications and supplemental electronics service via such systems is not a luxury, but is an essential condition for the survival of our society; that few communities will need, or be able to support, two such systems and that a full offering of such service must be uniformly and universally available for public needs and public use.

AMENDMENT OF COMMUNICATIONS ACT OF 1934

SEC. 2. (a) Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended by adding at the end thereof the following:

"(gg) 'Community antenna system' means any facility which, in whole or in part, receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more broadcast stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service.".

(b) Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting at the end thereof, the following new section:

"REGULATION OF COMMUNITY ANTENNA SYSTEMS"

"SEC. 331. The Commission is authorized, as the public interest, convenience and necessity requires, to prescribe such rules and regulations, issue such authorizations and orders, and prescribe such conditions and restrictions with respect to community antenna television systems as may be necessary to—

"(1) provide for maximum diversity of programming without discrimination;

"(2) prevent unfair rates and charges for the service provided in consideration of the investment involved;

"(3) provide adequate service to communities served;

"(4) provide for related services, including origination of programs, and access for educational and governmental use; and

"(5) exempt, to the extent necessary, such systems which are limited in size or use."

By Mr. TUNNEY (by request):

S. 2429. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes. Referred to the Committee on the District of Columbia.

DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT AMENDMENTS

Mr. TUNNEY. Mr. President, today I am introducing a bill recommended by the District of Columbia government entitled, "District of Columbia Unemployment Compensation Act Amendments." Since this is a part of the District of Columbia government's legislative program, I am introducing this bill by request in order to have it available for discussion.

Mr. President, I ask unanimous consent that the letter of transmittal and a summary of amendments to the District of Columbia Unemployment Compensation Act be printed in the RECORD.

There being no objection, the letter and summary were ordered to be printed in the RECORD, as follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., June 18, 1971.

The PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Commissioner of the District of Columbia has the honor to submit a draft bill "To amend the District of Columbia Unemployment Compensation Act in order to conform to Federal Law, and for other purposes", which may be cited as the District of Columbia Unemployment Compensation Act Amendments".

The proposed bill, drafted in consultation and with the approval of the U.S. Department of Labor, is designed to implement provisions of the Employment Security Amendments of 1970 (84 Stat. 695) which require that certain provisions be included in State unemployment compensation laws. In addition, the draft bill incorporates the recommendation made by the President in this area.

Each substantive amendment contained in the draft bill is explained in the attached "Summary of Substantive Amendments to the District of Columbia Unemployment Compensation Act".

The Commissioner urges early and favorable consideration of this draft bill by the Congress. He believes action on this legislation is imperative in order to provide an adequate compensation program for the unemployed in the District of Columbia.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

GRAHAM W. WATT,
Assistant to the Commissioner
(For Commissioner Walter E. Washington).

SUMMARY OF SUBSTANTIVE AMENDMENTS TO THE DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

The attached proposed "District of Columbia Unemployment Compensation Act Amendments of 1971" is designed to implement provisions of the Employment Security Amendments of 1970 (Public Law 91–373). This Act required that certain provisions be included in all State unemployment compensation laws. In addition, the draft bill incorporates the recommendation of the President in this area.

An explanation of each substantive amendment of the District of Columbia Unemployment Compensation Act proposed by the bill and the section of present law to which it refers is summarized below.

Section 1(b)(1). The Employment Security Amendments of 1970 amended section 3306(i) of the Federal Unemployment Tax Act and goes beyond coverage of individuals who were employees under common law rules of master and servant. Accordingly, the District law is also amended to cover as "employment", services of commission drivers and salesmen, services for nonprofit organizations with certain exclusions, services for State hospitals and institutions of higher education, and services of American citizens employed outside of the United States by American employers. *Section 1(b)(1)(F)* is amended by the draft bill to cover certain domestic services as requested by the President and urged upon the District by the Secretary of Labor. It is patterned after the law of New York and is designed primarily to cover individuals providing substantial domestic service and not just day workers.

Section 1(b)(2). The proposed amendment consists of language contained in a resolution unanimously adopted by the Interstate Conference of Employment Security Agencies to cover a loophole found in all State laws and which heretofore generally has been handled administratively.

Section 1(b)(7). Automatic coverage will be provided for organizations not taxable under the Federal Unemployment Tax Act, but required to be covered for certification of a State law by the Secretary of Labor.

Section 1(c)(3). Dismissal payments were excluded from the term "wages", but are now included as wages under the Federal Unemployment Tax Act.

Section 1(d). Back pay is specifically included as earnings within the meaning of the Act in accordance with a Supreme Court decision.

Section 1(q). Inclusion of Puerto Rico as a State is mandatory. The Virgin Islands are also included because most States treat the territory as a State and it has an on-going compensation program.

Sections 1(w) and 1(x). These are new subsections defining "institution of higher education", and "hospital" as required by the Federal law.

Section 3(c)(2). This amendment excludes employer charges for benefits paid to claimants undergoing training and for extended benefits paid to exhaustees of regular benefits. Though not mandatory, the proposed amendment is desirable because the Unemployment Trust Fund is sound. It is also unfair to charge an employer for benefits paid to a former employee who is in training and not subject to the availability provisions of the law.

Section 3(c)(3). This is a desirable provision because the number of employers in the District is steadily shrinking and those in the nearby counties growing. It is believed likely that our neighboring States will adopt such a provision and the District should be competitive.

Section 3(c)(4). The proposed amendments provide desirable changes of the peril points at which contribution rates would be automatically increased for all employers. The Unemployment Trust Fund has been steadily growing and now amounts to over $73,500,000, but employer reserve ratios are slowly receding.

Section 3(c)(8)(A). When the taxable wage base is increased from $3,000 to $4,200, employer reserve ratios will go down and, consequently, rates will go up. This is undesirable in view of the size of the Unemployment Trust Fund, and is corrected by reducing each step in the rate table by three-tenths of one percent.

Section 3(c)(11). It has been necessary to carry accounts of employers who have been inactive unless information was received that the employer was deceased or out of business. These accounts are credited with their share of Trust Fund interest and cause the District Unemployment Compensation Board considerable extra work. The proposed amendment would abolish an employer's reserve account after he has been inactive for three full calendar years.

Section 3(e). The taxable wage base is raised to $4,200 and is mandatory under Federal law. An additional provision allows a successor to count as taxable wage the wages paid by a predecessor. Most States have a similar provision.

Section 3(g). Employers with isolated employment in the District sometimes report such employment to the State where their main office is located. When it is discovered, it is necessary to go back for many years which is burdensome on the Board and the employer. In the meantime, the workers have had full protection. It is desirable to limit employer liability to the last three years when contributions were paid to another State erroneously but in good faith.

Section 3(h). Nonprofit organizations are given the option to pay contributions or be self-insurers and make payments in lieu of contributions. This proposed amendment is mandatory, with the exception of paragraph 3 thereof. The proposed paragraph (3) authorizes the filing of a surety bond or the deposit of money and thereby provides the Board with safeguards to ensure that organizations electing to become self-insurers will make the payments required.

Section 3(i). This new subsection gives nonprofit organizations who elect to be self-insurers and who were already covered, the option of exhausting their reserve balances before making payments. This is a transition provision to equalize the treatment of nonprofit organizations previously covered and those newly covered.

Sections 4(c) (2), 4(i), and 4(1). These sections as presently written are cumbersome because they require action by one or more other District agencies to carry out certain functions. As amended, section 4(c) (2) will eliminate prior approval of the Commissioner in waiving penalties. The amendment of section 4(i) will eliminate the need for audit by the District Auditor prior to refunding overpaid contributions. As amended, section 4(1) deletes the need for prior approval of the Corporation Counsel and the District Auditor in order to compromise an outstanding employer indebtedness.

Section 7(c). The minimum weekly benefit amount was increased from $8 to $14 and the minimum qualifying wages are correspondingly increased by this amendment from $130 to $300 in one quarter and from $276 to $450 in two or more quarters of the base period. At present only Missouri, Canada, Puerto Rico, and the Virgin Islands have a minimum weekly benefit amount of $8 or less. The increase to $14 is believed to be more realistic under current wage scales. The requalifying provision is mandatory under Federal law and requires a claimant to have had some work subsequent to a prior benefit year. Disability retirement pensions at present are not deductible from benefits. The proposed amendment will equalize treatment of annuities other than Social Security which are not deductible.

Section 7(g). The proposed subsection (g) provides an extended benefits program for the District. A Federal-State extended unemployment compensation program is now mandatory.

Section 9(f). This new subsection contains a mandatory restriction on payment of benefits for services rendered in an instructional, research, and principal administrative capacity in an institution of higher education under certain conditions.

Section 13(e). This amendment provides Federal-State cooperation in administering District law, and brings up-to-date references to Federal law.

Section 14(a). Field Examiners have been allowed a maximum travel allowance per month of $40 since 1954. Were there no limitation, they would average over $65 per month. The proposed amendment of this section raises the limitation to $65.

Section 14(b). The proposed addition of subsection (b) to section 14 authorizes a Special Administrative Expense Fund. Forty-five States have such a fund for extraordinary administrative expenses into which are paid, generally, all interest and penalties collected from employers and claimants. Those States have found a fund of this kind useful for purchasing equipment or paying for travel for which the Federal Government cannot or will not provide funds. The fund is also used as a revolving fund when the Federal Government is late in supplying administrative funds.

Section 15(c). The per diem allowance for Board members has remained at $25 since 1954. It would be increased by the proposed amendment to $50. The Board has been faced with an increasing number of contested hearings, some of which require the study of transcripts of several hundred pages.

Section 16. This section is amended primarily to comply with a Federal directive requiring the Board to participate in combined wage arrangements with other States and Federal agencies.

Proposed amendments of sections of the District's Act not specifically discussed above are made to conform to Federal requirements, to make editorial changes, and to redesignate various sub-parts of the present statute for reasons of clarity and accuracy.

By Mr. GRAVEL:

S. 2430. A bill to establish a Committee on Adversary Inquiry to reconcile contradictory risk-estimates regarding the civilian nuclear power program. Referred to the Joint Committee on Atomic Energy.

Mr. GRAVEL. Mr. President, I would like to propose a bill for the purpose of funding nuclear safety inquiry.

WHAT THIS BILL PROPOSES

This bill would authorize $1,500,000 to the AEC for conducting a 1-year inquiry and a series of public scientific discussions about nuclear safety during 1972.

WHY ANOTHER INQUIRY?

There is a controversy raging in this country about the present and future hazard to life from nuclear powerplants and their radioactive wastes. It is bewildering to hear from some experts that the radiation risk from nuclear electricity is less than from a luminous wrist watch or from leaning against a granite wall, while other experts warn that nuclear power could become man's ultimate nightmare.

Why do equally qualified experts reach different conclusions? When experts disagree, which ones shall we believe?

These questions arise not only with nuclear safety, but with pesticides, cigarette smoking, the SST, the ABM, and many other questions on which public policies have to be made and the economic stakes of which are enormous.

Congressional hearings usually fail to cope successfully with such controversies, because the hearing format does not require the experts to confront each other or to clarify the reasons for their disagreement, and Members of Congress do not have the scientific training to ask all the important questions.

Expert committees are also often handicapped by deficiencies. They operate behind closed doors which exclude the public as well as the rest of the scientific community. Where the conflicts of interest may be present, their findings lose credibility.

PROPOSED SOLUTION

Under this bill, a new kind of public forum for scientific testimony will be provided in which leading nuclear proponents and critics will meet to discuss three questions:

First. What kind of accidents can happen in the containment of radioactive fuels and fission products?

Second. How likely are these accidents, assuming 1,000 nuclear powerplants in operation, as projected by the year 2000?

Third. What are the possible biological consequences of these accidents and the concomitant nuclear pollution?

When scientists reach contradictory conclusions, there are reasons for the disagreement. These reasons need to be identified, and that usually requires:

First. Identification of the prime data which each is considering and not considering.

Second. Identification of the statistical and experimental methods used by each.

Third. Identification of the unspoken scientific premises, public health principles, and personal values underlying each expert opinion.

A panel of qualified scientists could determine this information as it relates to nuclear safety by questioning the scientists who disagree, and by listening as the disagreeing scientists question each other. That kind of discussion would unravel the confusion generated by solo addresses, accusations, and testimonies which have not been subject before to critical scrutiny or even to comparison.

Therefore, this bill directs the AEC to arrange that kind of public, scientific discussion, and to establish a Committee for Adversary Inquiry within the AEC during the calendar year 1972.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 659

At the request of Mr. PELL, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 659, the Education Amendeds of 1971.

S. 717

At the request of Mr. PACKWOOD, the Senator from Pennsylvania (Mr. SCOTT) was added as a cosponsor of S. 717, a bill to establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington.

S. 1408

At the request of Mr. MUSKIE, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 1408, a bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1883

At the request of Mr. MAGNUSON, the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. INOUYE), the Senator from Kansas (Mr. DOLE), the Senators from Illinois (Mr. PERCY and Mr. STEVENSON), the Senator from Nebraska (Mr. CURTIS), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Oregon (Mr. PACKWOOD), the Senators from Utah (Mr. BENNETT and Mr. MOSS), the Senator from Washington (Mr. JACKSON), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 1883, the Interstate Taxation Act.

S. 1899

At the request of Mr. FONG, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Maine (Mr. MUSKIE) were added as cosponsors of S. 1899, a bill to permit visitors from designated countries to enter the United States for a period of up to 90 days without obtaining a visitor's visa.

S. 1966

At the request of Mr. BROCK, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 1966, a bill to establish a National Emergency Wage-Price Stabilization Board to promote and encourage price and wage decisions consistent with the public interest and control inflation.

S. 2304

At the request of Mr. TOWER, the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senators from Kentucky (Mr. COOPER and Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. TALMADGE), the Senator from South Carolina (Mr. THURMOND), the Senator from North Dakota (Mr. YOUNG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Tennessee (Mr. BAKER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2304, the veterans' allied health professions training assistance program.

S. 2321

At the request of Mr. MAGNUSON, the Senator from New Jersey, (Mr. WILLIAMS) was added as a cosponsor to S. 2321, the Emergency Unemployment Compensation Act.

S. 2278

At the request of Mr. BAKER, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2278, a bill to provide accelerated assistance for economic emergency areas.

S. 2332

At the request of Mr. TOWER, the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 2332, a bill to provide free military postage for personnel serving in designated hardship or isolated duty stations.

S. 2380

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2380, a bill to amend the act of November 5, 1966 (80 Stat. 1309) providing for the establishing of the Indiana Dunes National Lakeshore, and for other purposes.

S. 2394

At the request of Mr. BROCK, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2394, a bill to establish an improved international economic policy structure in the Federal Government, and for other purposes.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Joint Resolution 62, providing for the display of the flags of each of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of Senate Joint Resolution 79, the equal rights amendment.

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Tennessee (Mr. BAKER), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of Senate Joint Resolution 135, providing for National Law Enforcement Officers Day.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 379

(Ordered to be printed and to lie on the table.)

Mr. GURNEY submitted an amendment intended to be proposed by him to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

ECONOMIC DISASTER AREA RELIEF ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 380 AND 386

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted two amendments intended to be proposed by him to the bill (S. 2393) to amend the Natural Disaster Relief Act of 1970.

AMENDMENTS NOS. 387 AND 388

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted two amendments intended to be proposed by him to the bill (S. 2393), supra.

AMENDMENT NO. 389

(Ordered to be printed and to lie on the table.)

Mr. COOPER, for himself and Mr. BUCKLEY, submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2393), supra.

AMENDMENT NO. 390

(Ordered to be printed and to lie on the table.)

Mr. COOPER submitted an amendment intended to be proposed by him to the bill (S. 2393), supra.

AMENDMENT NOS. 391 AND 392

(Ordered to be printed and to lie on the table.)

Mr. COOPER, for Mr. DOLE, submitted amendments intended to be proposed to the bill (S. 2393), supra.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 381

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 382

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

AMENDMENT NO. 383

(Ordered to be printed and to lie on the table.)

Mr. HART submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 384

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted an amendment intended to be proposed by him to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related Acts, and for other purposes.

AMENDMENT NO. 385

(Ordered to be printed and to lie on the table.)

Mr. RIBICOFF submitted an amendment intended to be proposed by him to the bill (S. 659), supra.

AMENDMENT NO. 393

(Ordered to be printed and to lie on the table.)

Mr. PELL, for himself and Mr. GRIFFIN, submitted an amendment intended to be proposed by them, jointly, to the bill (S. 659), supra.

ANNOUNCEMENT OF HEARING ON DIVERSIFICATION OF DEFENSE CORPORATIONS

Mr. CRANSTON. Mr. President, I wish to announce that the Subcommittee on Production and Stabilization of the Committee on Banking, Housing, and Urban Affairs will hold hearings on August 10, 1971, in Los Angeles on the problems relating to the diversification of defense corporations into nonmilitary production. These hearings will begin at 9 a.m. on August 10, 1971, in room 10220 of the Federal Building located at 11000 Wilshire Boulevard, Los Angeles, Calif.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation on the following:

SEPTEMBER 14, 1971

S. 1977—HATFIELD—To establish the Oregon Dunes National Recreation Area in the State of Oregon, and for other purposes.

Hearing in room 1114, New Senate Office Building, 10 a.m.

SEPTEMBER 16 AND 17, 1971

S. 717—PACKWOOD—To establish the Hells Canyon-Snake National River in the States of Idaho, Oregon, and Washington, and for other purposes.

Hearing in room 3110, New Senate Office Building, 10 a.m.

ADDITIONAL STATEMENTS

THE FARM CREDIT ACT

Mr. ELLENDER. Mr. President, I have followed the progress of S. 1483, the Farm Credit Act of 1971, with great interest as I have over many years worked on all legislation affecting this great farm credit system.

The bill recently passed by the Senate completely rewrites all existing farm credit laws as they relate to the Federal Land Banks, Federal Intermediate Credit Banks, Production Credit Associations, and Banks for Cooperatives. This recodification will surely make for easier administration of these laws. As I understand this bill, it does not change the existing structure of the farm credit system or the Farm Credit Administration, the independent agency charged with the supervision, regulation, and coordination of the system. This is good, for these aspects of the system have worked well.

It does, however, provide additional flexibility in the making of loans, commitments, participations, stock issuance, and other financing. These provisions will make it possible for the system to respond more effectively to the changing credit needs of farmers and to serve a larger segment of rural America.

There is no question that farmers need increasing amounts of credit. To increase their efficiency and to offset the cost-price squeeze with which they have been faced, farmers have been required to turn to larger and more expensive equipment and machinery and to increase their land holdings. Both of these require additional capital.

Investment in farm machinery and equipment has increased about 54 percent in the last 10 years and now amounts to $34 billion. The size of farms in this country now averages 389 acres, up by almost one-third in the past decade. Farm real estate values have increased by 60 percent and now total $209 billion. On a per-acre basis, values have risen by two-thirds and now average $193. And farmers now use more petroleum products, chemicals, fertilizers, and other purchased off-farm inputs than ever before.

The point is that farmers not only need credit in ever-increasing amounts, but they need the services of custom operators, cooperatives, and financial services related to their farm operations. S. 1483 provides, in part, for these important items.

Of course, credit is not the answer to all the problems of farmers. But wisely used, it is an important input. Without it, farmers' problems would be multiplied.

The cooperative farm credit system has done an outstanding job in providing Louisiana farmers and their cooperatives with dependable credit at reasonable rates. The Farm Credit Act provides changes so that the system's record of service can be continued and improved upon.

Recognizing the wide interest in this measure among the people of agriculture, I hope the House can now approve the Farm Credit Act as soon as possible.

HIGH SEAS FISHING OPERATIONS

Mr. PELL. Mr. President, it has been brought to my attention that high seas fishing operations, principally by the Danes, pose a serious threat to conservation of stocks of Atlantic salmon of North American origin.

In the opinion of many leading scientists and conservationists, the Atlantic salmon could be overexploited to exhaustion. Thus, this valuable fish could become just another "zoo specimen," like some of the species of whales.

In 1965, the Danes moved in on a newly discovered major feeding grounds in the Davis Strait off West Greenland. Each year, they steeply escalated nettings, so that by 1970 they were taking an estimated 400,000 salmon.

The principal salmon-producing countries, the United States, Canada, the United Kingdom, and others have repeatedly protested this ruthless plunder, in the proper international organizations, and through diplomatic channels.

In the high seas feeding areas, salmon stocks are inextricably intermingled. They come from different spawning streams, different river systems, different nations, different hemispheres. No man, and no type of fishing gear yet known to man, no method of control, can separate them. This means that high seas fishing takes indiscriminately from all river runs, including perhaps the very river runs needing particular protection. As a result, there is absolutely no rational or effective means of conserving basic stocks or insuring adequate escapements for spawning.

Proper management techniques require that harvesting of salmon take place only inshore, at the mouths of streams or in the streams themselves. In this way adequate stocks can be maintained for each particular river run. This is known to be the basic position held by the United States and other governments, by leading world biologists, conservationists, and commercial and sport fishermen.

There are other important reasons for supporting a total ban on this high seas fishing. The costal States, including the United States, have substantial investments in propagating and managing the Atlantic salmon. The United States has spent, and plans to spend, millions of dollars to restore runs to the formerly great salmon rivers of New England. Fishways and hatcheries are on the drawing boards. And at least one collateral reason for pollution abatement is to be able to support returning salmon migrations which will provide sport and food for future generations.

Severe depletion of worldwide stocks would cause loss of livelihood to tens of thousands of commercial fishermen all around the North Atlantic shores. It would bring an end to sport fishing for Atlantic salmon.

The only international body set up to work toward conservation measures in this feeding area is the International Commission for Northwest Atlantic Fisheries—ICNAF—but this Commission lacks the authority to control dissenters. For 3 consecutive years, against the weight of world opinion, Denmark has refused to cease high seas operations. There is no existing law of the sea that can stop her.

The 1970 ICNAF meeting approved a compromise which would permit a total high seas take of 1,200 metric tons, some 3 million pounds of salmon.

The recent 1971 meeting voted to extend this 1970 amendment to 1971 and 1972; covering the 2 fishing years 1972 and 1973. This means that this fishery can exploit up to a total of as many as 1,200 metric tons during each of these fishing years. It also means that ICNAF probably will not consider banning or reducing this heedless overfishing until its meeting in 1974. Such a 3-year delay is unwarranted. Because the Atlantic salmon has a 6-to-7-year life cycle, the final result of this plunder of stocks of mature salmon will not be known until about 1980. The fish could be gone by then, and what few salmon that might be left would no longer be of any practical use to man, for no one will choose to fish for the meager harvest.

There have been other efforts to save this fish from possible exhaustion as a valuable commercial or sport fish, but they too have failed.

Separate direct negotiations with Denmark by top-ranking government officials of the salmon-producing countries, through proper diplomatic channels, have produced no result. For instance, in 1970, Prime Minister Wilson of Great Britain appealed directly and unsuccessfully to the Danish Prime Minister.

Approaches by conservation organizations and private individuals have failed. The Committee on the Atlantic Salmon Emergency—CASE—undertook in April 1971, a special mission to Copenhagen for the purpose of informing the Fisheries Minister and the Minister for Foreign Relations of the rising tide of public indignation in the United States. Their message has produced no action.

I believe, therefore, that this matter should be given urgent attention by each of the salmon-producing countries. Direct negotiations with Denmark should be renewed with vigor, or initiated, if not previously attempted.

I suggest, also, that consideration be given to the possibility of new multilateral agreements, perhaps even a Northwest Atlantic Salmon Treaty, drawing on the experience with the North Pacific Fisheries Convention. The basic pattern of exploitation is much the same in the two areas, with aggressive nations coming overseas to fish off the shores of the coastal states of origin of the fish.

I hope that during the coming months our own Government will explore every avenue of approach that could persuade the Danes to adopt a reasonable salmon fisheries policy recognized by salmon-producing countries as necessary to the restoration of badly depleted worldwide stocks.

BARNET NOVER HONORED BY COLORADO SOCIETY

Mr. ALLOTT. Mr. President, last Saturday the Colorado Society was pleased to honor an eminent and respected journalist, Mr. Barnet Nover, until recently and for 23 years chief of the Washington Bureau of the Denver Post. Mr. Nover began his journalistic career with the Buffalo Evening News following his graduation from Cornell University, where he secured both his bachelor's and master's degrees, and where he won honors in history and a Phi Beta Kappa key.

On the News, Mr. Nover served first as a reporter and subsequently as associate editor and foreign affairs columnist. While with that newspaper and as a result of articles he sent from Japan and China on a long assignment in the Far East, Mr. Nover won honorable mention for the Pulitzer prize. During most of his years with the Buffalo News, Mr. Nover also was associated with the University of Buffalo as a professorial lecturer on modern European history, international relations, and Far Eastern affairs.

In 1936, at the personal invitation of the late Eugene Meyer, publisher of the Washington Post, Mr. Nover joined that paper as associate editor and columnist, serving, in the words of the Post's management, as "The Post's own expert on foreign affairs." His column appeared in newspapers across the country.

During World War II, as a personal contribution to the war effort, for which he turned down any financial compensation, Mr. Nover wrote weekly articles for the Office of War Information, which were sent by shortwave to enemy and neutral nations and were broadcast in 35 languages. These articles also were distributed to more than 600 newspapers around the world.

In 1948, Mr. Nover joined the Denver Post as chief of its newly created Washington Bureau. The high esteem in which Mr. Nover is held by his colleagues and by Government officials is evidenced by the fact that at a reception given by Palmer Hoyt, then editor and publisher of the Post, for his new bureau chief, the guests included 52 Senators, seven members of the U.S. Supreme Court, seven Cabinet members, and many persons from the House of Representatives, other high governmental officials, and bureau chiefs of leading newspapers.

As part of his duties with the Denver Post, Mr. Nover covered with diligence and unusual perception all major national political conventions from 1948 through 1968, and the subsequent presidential campaigns. He traveled with Harry Truman on the now legendary "whistle stop" campaign in 1948, and was sufficiently impressed not to join the overwhelming majority of his colleagues in assuming the certain defeat of President Truman by Governor Dewey.

Earlier, Mr. Nover received what Time magazine described as a dream assignment; namely, the first exclusive interview with President Truman, at which he revealed for the first time that Mr. Truman had invited Joseph Stalin to come to the United States on the battleship *Missouri* to make an address at a Missouri university, as Winston Churchill had done. Stalin, as history knows, declined.

Mr. Nover also was the first to reveal the fact, which had been closely guarded, that the napalm used against Tokyo during World War II had been made in Denver, and that nerve gas was being manufactured at the Rocky Mountain Arsenal. His subsequent scoops included one predicting with remarkable accuracy the contents of the censure report of the Watkins committee regarding the late Senator Joseph McCarthy of Wisconsin.

In January 1955 Mr. Nover was chosen one of 15 "Outstanding Buffalonians" and was honored at a celebrities homecoming dinner in Buffalo which was attended by 700 of the leading citizens of that city. He was part of a group of honorees that included the Reverend Dr. Harry Emerson Fosdick, Maj. Gen. William J. Donovan, head of the OSS; Rose Bampton of the Metropolitan Opera; Katherine Cornell, the famous stage star, and others.

Mr. Nover's innumerable assignments as a newspaper reporter have included attendance at many international conferences, including the San Francisco conference which led to the creation of the United Nations, and the Paris peace conference of 1946. He was with then Vice President Nixon in Moscow during the famous "kitchen debate" between Mr. Nixon and Nikita Khrushchev.

Mr. Nover is married to the former Naomi Goll who has been his journalistic partner for many years and whose column in the Denver Post, "Dateline Washington," was one of the paper's most widely read features. In addition to writing that column Mrs. Nover handled assignments of every kind and ran the bureau during the many absences of Barney—as he is affectionately known—on out-of-town assignments.

The Colorado Society—in a most fitting tribute—presented an engraved pen and pencil set to the Novers in deep appreciation of their 23 years of service to the people of Colorado. Those of us who have worked with Barney and Naomi over the years know how richly they deserve this honor.

CENTRAL MISSOURI STATE COLLEGE A LEADER FOR DRIVING SAFETY

Mr. SYMINGTON. Mr. President, with the assistance of Federal funds, a unique and comprehensive program of driver education has beeen developed at the safety center at the Central Missouri State College in Warrensburg, Mo.—a program of "crisis driving" designed to help reduce the growing number of motor vehicle accidents by better preparing drivers to meet and deal with many of the leading causes of these accidents.

The safety center was developed at Central Missouri State College, because of that institution's long-time interest in traffic safety, and was first funded 3 years ago with a grant from the National Highway Safety Bureau. Since then, the center has been training not only students from several area high schools, but also teachers who then return to their own schools to put a program of "crisis driving" into practice.

At the center, student drivers are exposed to most, if not all, of the crises which they may later face on the road—skids, blowouts, breakdowns, hoods flying up, accelerator jams—all contingencies which might develop while operating a motor vehicle.

The emphasis on critical driving skills is only one aspect of the program which sets it apart from the standard driver training course. Instruction included 60 hours of classroom training and 35 hours in specific driving situations and on devices used to simulate actual conditions.

The safety center incorporates different educational approaches so that each reinforces the other. For example, students discuss skid control and see a film, then experience a skid in a training simulator as well as other exercises before they go out on the driving range to experience a real skid.

There can be no doubt that more effective driver education can be a great step toward reducing the appalling loss of life on our Nation's highways. In the past decade alone, 450,000 Americans were killed on our streets and highways, a figure which experts agree could be halved in the next 10 years with safe cars and well-trained drivers. In planning and funding highway safety programs, it should be remembered that by 1990, there will be 165 million drivers and 159 million vehicles on our roads as compared to 108 million drivers and 109 million vehicles today.

The safety center's innovative approach to the development of critical driving skills as one method of reducing the slaughter on our highways is certainly to be applauded.

If we are to be successful in reversing the tragic toll of deaths, injuries and economic losses which have been mounting year after year, innovative efforts such as the Central Missouri State College program must be applied to all aspects of highway safety.

TAX INCENTIVES FOR BLOOD DONATIONS

Mr. HATFIELD. Mr. President, there is an urgent need to offer incentive to individuals to give blood voluntarily, and to decrease the dependence on commercial blood banks to meet the required supply. The Washington Post of August 1, 1971, contained an article which reflected the shortage of blood from volunteer blood banks and the risk of infection from blood received from commercial blood banks.

I have been greatly concerned about this problem and have recently introduced a bill which would allow tax deductions for blood donations, S. 2345, Every Senator has been invited to join me as a cosponsor of the bill.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 1, 1971]

The Dilemma of Tainted Blood

(By Joshua Lederberg)

(Note.—A Nobel Prize winner, Lederberg is professor of genetics at the Stanford University School of Medecine.)

"Giving blood saves lives" was one of the last commemorative appeals of the old U.S. Post Office Department. Its purpose was to encourage more generosity from 100 million potential donors of blood who contribute to an already deteriorating and disorganized system of collection by staying home.

We cannot easily tell whether such an appeal has had any effect, for lack of comprehensive national statistics. Richard M. Titmuss, in "The Gift Relationship," guesses that about 8 million pints are collected yearly, and some 2 million of these are unaccounted for. How many of these were wasted, how many were utilized in unreported transfusions is not known. As every potential donor is a potential donee, we all have a stake in the integrity and efficiency of the system. Transfusions of blood undoubtedly save hundreds of thousands of lives each year; and no reliable substitute is known for many of its uses.

But blood is sometimes a treacherous gift, for at least 3,000 patients die each year, not from their primary disease or injury, but from hepatitis derived by transfusion of infected blood. According to J. G. Allen, professor of surgery at Stanford, transfusion hepatitis is grossly underreported and the hazard may be much greater. Generally about 1 per cent of patients who have received blood transfusions undergo a risk of jaundice and liver disease which may not appear until several months later. Dr. Allen has argued for many years that the main burden of this risk stems from the use of "commercial blood," as opposed to that from voluntary donors. In recent years these claims have been substantiated on the basis of new knowledge of the hepatitis virus.

THE AUSTRALIA ANTIGEN

It is hard to imagine a more esoteric, seemingly more useless line of research than the study of new blood factors in Australian aboriginals and Peruvian Indians. This sort of game might inspire congressmen and presidents to demand that scientists stop playing in the laboratory—or field-tripping around the world—and get down to the real business of delivering results, quickly, for the health of the multitude. Geneticist Baruch S. Blumberg, of Philadelphia's Institute of Cancer Research, could not have known that his studies of blood factor genetics among tropical peoples would soon illuminate a vital problem affecting many lives and exposing many dilemmas of ethics and policy.

In 1964 Dr. Blumberg described what appeared to be another genetic marker, analogous to the familiar blood types. However, this one, the Australia antigen, was a characteristic of the blood serum, rather than of the red cells, of a small proportion of the people tested. Its first detection depended on the serendipitous discovery of an antibody reacting with the Australia antigen in one particular serum. This was in a patient who had received repeated transfusions as a treatment for hemophilia.

In further studies Blumberg found that this new factor occurred quite rarely (less than 1 per cent) in most populations throughout the world. Australian aboriginals and inhabitants of the South Sea Islands all ran around 5 per cent. The factor reached a level of 9.5 per cent in Ghana, 13 per cent among Taiwanese—and 20 per cent among an isolated tribe of Cashinahua Indians in Peru.

Family studies in areas where the Australian antigen was prevalent indicated that the factor was inherited in simple genetic fashion. Unlike most blood factors, however, it was found only in individuals who received the gene from both parents.

Eventually the antigen was also found in Europeans and Americans, but only very rarely, and then often in association with leukemia, or with the chromosome-anomaly disease, Down's syndrome. This bewildering set of correlations made little scientific sense until Blumberg and a number of other investigators finally verified that the Australian antigen was frequently associated with a history of hepatitis.

A DISEASE OF CIVILIZATION

At the present time most workers believe that the Australian antigen—or HAA as it is now called, for hepatitis-associated-antigen—consists of actual virtual particles and their skins. These particles have not yet been firmly identified as a virus, for we lack a reliable laboratory animal or cell culture systems in which to cultivate them or demonstrate their infectivity. However, the particles have already been reported to contain an enzyme similar to the RNA–DNA system which was one of last year's most exciting discoveries in the field of virus biochemistry.

How does HAA, presumably a virus, relate to the genetic factor originally postulated by Blumberg? We cannot close our minds to the idea that a gene may be liberated and behave like a virus, or vice versa. However, the most likely explanation is that this particular gene marks those individuals who are most susceptible to this virus and who, once infected, retain it in their blood for a long time. In tropical environments the virus is assumed to be so prevalent that everyone will be exposed to it. As with many other viruses, children infectd with it may show little disease, but they would acquire a life-long immunity. And some of them may also be long-term carriers.

Elsewhere, improved hygiene makes the disease much rarer; but when it does occur in adults it may have much more severe consequences. In this sense, lethal hepatitis, like polio and smallpox, is another disease of civilization. Other studies support the view that high levels of HAA in the blood are correlated with very mild, even imperceptible, disease, and vice versa.

This may be a sufficient explanation for the lethal risk associated with commercial blood. People who earn a living by selling their blood are likely to have grown up in less hygienic environments and to be asymptomatic carriers of the virus. They have, furthermore, a financial incentive to deny a history of hepatitis, even if they were aware of it, that would disqualify them as a donor.

Hepatitis is also transmitted by infected needles shared among drug addicts. Commercial donors who sell blood to finance a drug habit may then also add to the risk of undetected hepatitis. We can only speculate about the relative importance of these and other factors. At any rate, several studies with the now more powerful tool afforded by the test for HAA have shown that commercial donors are at least 10 times more likely to transmit hepatitis than volunteers.

TESTS LACK PRECISION

A simple solution to the problem might be to test every blood sample for HAA before transfusion. Unfortunately, in its present state of development, the test will detect only about one-third of the samples of contaminated blood. This is already a good enough reason to institute the use of HAA testing on a wide scale but obviously it only begins to solve the problem. Many blood samples, although still quite infectious, may simply contain too little of the virus to be detected by present techniques.

Furthermore, other forms of hepatitis, including the so-called "infectious hepatitis" that might be derived from contaminated seafood or water supplies, are due to a different agent than HAA. But they may still play an important role in disease after transfusion. No biological test, other than transmission to human volunteers, is known for this other agent at this time.

We surely must still try to save another 2,000 lives a year and debilitating illness for 20,000 more. But we must then rely on rather imprecise criteria for disqualifying blood from high-risk donors.

Very thorough medical examination of prospective donors, and their formal registration, would be one prospective avenue. This is precarious, for it might dry up an already inadequate supply by making the process of donation more cumbersome than many people would tolerate. The flat prohibition of cash payment for blood used for transfusion has similar perils unless we can motivate a near-doubling of voluntary donations to make up the difference. And it might force the desperate resort to a gray market that would be even more hazardous than the present one.

Our dilemmas are worsened to the extent that the donor's class background is as relevant to the risk of transmitting hepatitis as any test we can ask of the individual. But until we have better tests for contamination, we can do little better than encourage the rich to donate their blood more freely than the poor, for the benefit of all.

TAX INCENTIVE FOR DONORS?

Needless to say, the most elementary respect for social equity must make that blood equally available to all. Blood-sharing cooperatives are a partial answer to motivating donors to give low-risk blood. But can we exclude any hospitalized patient from the common supply? Will we relegate a stranger to sources that are bound to carry inherently higher risks? In the face of this overt ethical confrontation, the cooperatives will somehow have to solve the problem for the entire community, or share the remaining risks with it.

The basic problem is to encourage a wider base of voluntary donations, to undercut the treacherous commercial market in blood, and to evade the social and ethical dilemmas of allocating this particular resource, if the supply is so limited that "bad" blood must be used to fill out the need.

We have here some rationale for the proposal, supported by the National Research Council Panel of Consultants on transfusion hepatitis, and now sponsored by a group of congressmen, for a bill to allow income tax deductions for "voluntary" blood donations. This incentive will be relatively unattractive to the traditional type of commercial blood donor, both because he is likely to pay very little income tax anyhow and because the benefit may be deferred for many months. One can raise theoretical objections to this scheme as one can for almost any other attempt to use the income tax for purposes other than revenue. Should we not compensate the donor of a kidney or of a heart (for the benefit of his estate) many times more? Indeed, the taxpayer who wishes to donate but is rejected for having faithfully reported a history of a disqualifying disease should get a double indemnity.

This proposal, nevertheless, has much pragmatic and even more symbolic utility. The proposal may be attacked for opening the door to a formal system of social accountability of each individual, in addition to the annual tax return. This is precisely what is being demanded today of corporations and other institutions.

Few people today have recourse to an organized framework for the invigoration of conscience. The blood sacrifice may yet return as a manifestation of the brotherhood of man. It is not alone among the religious impulses that are vital to the objective survival of the human species.

ROCK EAGLE 4-H CLUB CENTER, EATONTON, GA.

Mr. GAMBRELL. Mr. President, we frequently hear that this country is doomed to failure because its young people do not exhibit the qualities of initiative, energy, patriotism, and religious commitment shown by their forefathers.

I have never subscribed to this view, and feel that those who believe this about our young people are simply brainwashed by the public media, and suffer from a lack of close acquaintance with a representative group of American youth.

My confidence in our young people was recently renewed by a visit which I had with a group of Georgia 4-H Club members at the Rock Eagle 4-H Center near Eatonton, Ga. This unique camp provides an outstanding camping opportunity to approximately 10,000 Georgia young people every summer, and has done so since its establishment in the early 1950's.

My visit there was occasioned by an invitation to address a civic club from nearby Eatonton, which has its meetings at the dining hall of the camp. After the meeting which I attended, camp officials invited my wife and me to attend the campers' pageant which was held in a natural open air amphitheater beside the lake at the camp.

The pageant was put on by the campers themselves, under the guidance of the counselors, and was a portrayal of the story of the early American Indians of that area of Georgia, and the erection of the Rock Eagle effigy, of which I will have more to say later.

At the time, I told camp officials that I wished the national news media, who are so obsessed with the "hangups" of a fringe element of American youth, would report to the country that the future of America is alive and well in middle Georgia.

After the pageant, the leaders and counselors of the camp invited my wife and me to visit them in their meeting hall. We found that, even after a full day, and a full week's work, these young people were cheerful, courteous, enthusiastic and interested in life, and the affairs of the world outside of themselves.

All in all, it was an inspiring experience, and I wanted to share it with my colleagues in the Senate.

I know that each Member of the Senate will be happy to learn that the 4-H program, which is conducted under the Cooperative Extension Service of the U.S. Department of Agriculture, is the sponsor of such an outstanding activity as the Rock Eagle Club Center. In addition to its use as a summer camp for boys and girls, the facilities at the center are very much in demand for meetings, seminars, and other activities, and through these programs, it is self-sustaining. However, priority in the use of the facilities is given to youth activities.

Because the sponsorship of this center arises from a program of the Federal Government, and particularly because of the great part taken in the founding of the center by our distinguished colleague, the senior Senator from Georgia, HERMAN E. TALMADGE, I am presenting to the Senate today a report and brief history describing the center and its facilities.

Mr. President, I ask unanimous consent that, at this point in the RECORD, there be inserted the story of "The Rock Eagle Effigy" by Hon. George M. Scheer of Eatonton, Ga., taken from the bulletin of the Tri-County Electric Membership Corp., at Gray, Ga. The effigy is the central feature of the 4-H Club center property.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ROCK EAGLE EFFIGY

With the establishment of the great Rock Eagle 4-H Club Center near Eatonton, much interest and curiosity has developed concerning the Eagle effigy itself. This stone mound or tumulus is about five miles north of Eatonton off from the Madison Highway on the lands of the Center itself and not too far from the main entrance. It is in the shape of a great prone bird with its head turned to the east and with outspread wings. Its measurements are 102 feet from head to tail and 120 feet from wingtip to wingtip. The body rises to about ten feet above the surrounding surface. It is constructed entirely of milky quartz rocks and boulders ranging from baseball size to boulders which would require several men to move.

It can best be viewed from the large granite observation tower constructed in 1937 by the government. There is a high cyclone fence surrounding the effigy for its protection. It might be mentioned that there is a companion effigy about twelve to fifteen miles away on the Sparta Road. The dimensions of this other eagle are exactly the same (102 feet) from head to tail, but the wingspread of the latter bird is 132 feet.

The Rock Eagle was on the lands of Mr. Tom W. Scott and then sold to the Federal government. At the time of the purchase it was in the possession of his mother, Mrs. F. W. Scott who deeded the land on which the effigy stands with the provision that it will be preserved as a monument. According to Mr. Scott, the land immediately around the eagle was never cultivated, and has been in his family from the time it was ceded from the Indians. The Indians who inhabited the area did not use it for any purpose and said that their ancestors found it as it was. This area was occupied at that time by a branch of the lower Creek tribes, probably the Hitchitis. At one time or another, the tribes known to whites who were here were the Cherokees and the Siouams (who spoke Yuchi). They were all branches of the Muckegean linguistic stock.

It is interesting to note that there seemed to have been a stone mound culture in this area. While a number of mounds and cairns in stone have been found, the nearest dirt mound is twenty-five miles away in Greene County.

The religious purpose of the use of the mound is emphasized by the fact that there were no potsherds, arrowheads or other artifacts in the vicinity. The eagle effigy was first described by C. C. Jones, a Georiga historian, in 1877 for the Smithsonian Institution. At that time he made accurate measurements and drawings of both mounds and they are today just as he saw them then. There was no more work done until 1937 when Dr. A. R. Kelly, while carrying an archeological research on an ancient Indian village site about three miles from the eagle ran several exploratory trenches out and away on either side of the effigy, but did not find anything at the time. Doctor Kelly, a noted archeologist at present on the faculty of the University of Georgia, is of the opinion that these effigies are of great importance and played a significant part in the religious life of a very ancient people possibly more than five thousand years ago.

The fact that these are entirely of rock and of the nature and size, would indicate that there might have been a ceremonial and religious purpose. Doctor Kelly suggested that there might be a relationship in the culture of these moundbuilders and the Adena people who inhabited the area of what is now Kentucky and the Hopewell Indians in the area around the Great Lakes and in the Mississippi Valley, except that the Putnam County mounds appeared to belong to a much more ancient period known as the Old Quartz culture. He stated that it was possible that these aboriginal people came for many miles to worship or carry on their ceremonials on this spot. The antiquity of the Rock Eagle effigy can well be realized when we think that it was probably built fifty centuries ago and the Great Pyramids in Egypt were built in the Fourth Dynasty about 2500 B.C., which would make the Rock Eagle old then.

Then again in 57 B.C., Julius Ceasar invaded the British Isles and found savage Druids who offered up human sacrifies and worshipped spirits in trees, yet the builders of the eagle effigy were thousands of years older and had a form of spiritual belief. But to return to the present day picture; when it was decided to use the area on which Rock Eagle is located for a 4-H Center, Mr. W. A. Sutton, whose brain-child the Center is, decided inasmuch as the Center is taking the name of Rock Eagle, more should be known about it. After conferring with Doctor Aderhold, president of the University of Georgia, he had Doctor Kelly secure the services of Doctor Vincenzo Petrullo, explorer and archeologist who had led an expedition into the jungles of Venezuela in 1933 and had been on the faculties of Colgate University and Alabama. Doctor Petrullo worked part of the summer of 1954 in this research and with the limited time allotted made several curious discoveries. At first having run trenches to the eagle and not finding anything in the way of a clue he decided to excavate the bird itself.

It should be brought in at this time that while the trenches did not reveal any artifacts they showed puzzling layers of soil. Beginning at the top would be humus and soil mixed, next would be an area of red clay, then below that would be a layer of yellow-brown clay and loam, and below that would be the basic red clay, in some instances there would be traces of charcoal with the yellow brown soil. When it was decided to dismantle the eagle work was begun at the neck and shoulder where a belt of hard yellow clay occurred—a ten foot wide trench was cut into the heart of the effigy. Doctor Petrullo noticed that every nook and cranny made by the large boulder was packed with small quartz stones. He noticed also that small fragments of charcoal appeared.

However, when he reached ground level he found evidence that the lower surface had been burned before the effigy was constructed. The "floor", to quote Doctor Petrullo, consisted of small headsized stones imbedded in burnt soil and burned organic matter from six to eight inches thick. Below this layer he came upon a layer of yellowish brown clay similar to, and a continuation of the clay seen in the trench—at this time still no sign of any artifact or bone material.

He then decided to attack the effigy from another direction—this time near the tail. Here he at once struck "pay dirt". He found a huge boulder from which the eagle had been started. Then in about a yard square between another boulder close to the base of the tail, he found fragments of calcined and unburnt human, bird, and animal bones. A few calcined human skull bone fragments were found above the burnt soil-stone-sand organic matter layer, also some calcined and unburnt fragments were lying in the burnt area and imbedded between small rocks in the yellowish clay layer. Nothing was found in the basic clay. A very important find was a small granular quartz ovate pointed tool. Because of the limited time the head, neck, tail, wings, and some portions of the body were left untouched. Among the conclusions drawn by Doctor Petrullo are that this and other excavations in Putnam County point to this belonging to the Old Quartz Industry and probably as much as 6,000 years old. He is quick to point out however that much more research will be needed before a more specific time can be set. An interesting observation at this time is the fact that reference has been made to the use of "yellow clay" in constructing the floor of the mound, yet all who have visited Rock Eagle well know that there is no yellow clay in the area adjacent to the effigy . . . this clay had to be brought in.

The rock used in building the effigy is that which is found in the area. However, the writer in a field party with Doctor Kelly and Doctor Keller of the University found a quartz surface quarry several miles away from the eagle which might have been used in its construction. When we think that this was done in prehistoric days before the knowledge of wheeled vehicles, or the benefit of horses, and that these rocks were probably carried in skins, amounting to tons . . . the apparent length of time and immensity of the task is apparent.

An interesting conjecture was made by Charles H. Fairbanks, that the effigy was not truly an eagle but a vulture, or rather a "buzzard". The thought of building a monument to a buzzard is at first abhorrent until we consider that in the life economy of these aboriginal people the buzzard fitted a necessary function in carrying off carrion and waste which otherwise would cause disease, while on the other hand the eagle itself is a destroyer and a bird of prey. Mr. Fairbanks also suggests that the effigy might have Totem significance. He thinks possibly that this might have been a totem of the eagle and that some great chief of the Eagle Clan might be buried there. Totemism is not animal worship but that certain groups within the tribe are set up in clans and assume as part of their personality the best qualities of the bird or animal which is their totem . . . it becomes a "guardian spirit" for its clan.

There is without doubt a great spiritual purpose involved. These ancient people in their simple primeval way strove over what must have taken generations to build, their expression of exaltation to a Diety. Could it have been that the calcined remains represented a human sacrifice with which they dedicated the building of a temple which is Rock Eagle?

HISTORY OF THE CAMP

In the 1930's, the Government became interested in the Rock Eagle and its significance. After studies were made by Dr. A. R. Kelley of the University of Georgia, the effigy was restored to appear as it did in drawings first made by early settlers in Georgia. Under the same Government program, a granite observation tower was constructed and a fence was erected to prevent damage by souvenir hunters.

Much later in 1947, State 4–H Leader William A. Sutton along with other state leaders in 4–H, felt that there was a distinct and pressing need for a camp for the young people of the State involved in 4–H. At that time, there were only three small camps, the combined use of which could not accommodate all who wanted to attend a summer camp.

The 4–H leaders considered several sites for such a camp and finally decided that the land surrounding the Rock Eagle would be an ideal location. The 1,452 acres in the vicinity was owned by the United States Government and the Soil Conservation Service. At first, the land was leased to the Board of Regents of the University System of Georgia; later the land was granted outright to the University of Georgia and the 4–H Foundation.

In building the camp, the 4–H Foundation paid prisoners of the State of Georgia with money collected by 4–H members all over the State in hundreds of different ways. At the Baptist Children's Home for ophans in Baxley, Georgia, 4–H members did without their eggs for breakfast so that the money saved could go towards the construction of the camp at Rock Eagle.

In order to help out the hard working 4–H'ers, then Governor Herman Talmadge pledged to match dollar for dollar from the State Contingency Fund all money collected from private sources. Under Governer Talmadge's plan the State matched more than $1,400,000 that was given by 4–H members, foundations, and private business firms. In addition, the Kellog Foundation granted $2,144,000 for use in constructing the necessary facilities at the camp which officially opened in 1955.

Facilities at the camp are valued at $3,500,000 and are designed to accommodate 1,200 people at one time. The air-conditioned Herman E. Talmadge Auditorium will seat 1,232 and is designed so that trucks, flotillas, and other display vehicles may be driven directly on stage. The William A. Sutton Dining Hall can serve 1,200 people in one hour.

Other facilities include 54 stone cottages, four educational buildings, three recreational buildings, a chapel of native stone, six outdoor pavilions, five swimming pools, a putt-putt golf course, and athletic fields.

Over 50,000 people from civil groups and conventions use the Rock Eagle facilities annually. The public areas of the center are available for public use throughout the year. The 155-acre lake provides one of the best fishing lakes in the State.

Facilities also include areas for picknicking and overnight camping.

The Rock Eagle Center is truly a monument to the initiative and hard work of American youth, genuinely patriotic and dedicated to building a better America for themselves and their children. This part of young America is still alive today in Georgia and through the Nation, and this is the portion that deserves the encouragement and praise of all.

THE WINTER WHEAT HARVEST IN KANSAS

Mr. PEARSON. Mr. President, I recently requested a progress report on the wheat harvest in Kansas. Though rail transportation has been to some extent frustrated by the strike, all signs indicate that this may be one of our most successful years. Freight car shortages have been substantially below levels of previous years.

I ask unanimous consent to have printed in the Record a copy of this report and invite the attention of the Senate to it.

There being no objection, the report was ordered to be printed in the Record, as follows:

Wheat Harvest in Kansas

The winter wheat harvest in Santa Fe-served states has just been successfully completed without a single complaint about Santa Fe's freight car supply. The harvest in the State of Kansas, in which the Santa Fe predominates, was an all-time high, estimated by the United States Department of Agriculture at 308 million bushels, which was 42 million bushels greater than the estimate made immediately before the harvest.

A number of factors contributed to Santa Fe's handling the crop so effectively. Admittedly the light harvest in the neighboring states of Oklahoma and Texas softened the impact of the huge Kansas harvest, as did the availability of storage space in country elevators due to prior movement of storage grain, but primary credit for the achievement must be given to advance planning for the harvest. Santa Fe's acquisition of 1,300 new covered hopper cars this year brought their total fleet of these 100-ton monsters up to approximately 10,000. In addition, through cooperative inter-railroad measures just before "H" Day, they were able to strategically place about 3,500 of their older Santa Fe box cars as a back-up to the hoppers. Also, credit must be given to the grain shippers and receivers who responded to the Santa Fe's pre-harvest campaign for better utilization of equipment by minimizing requests for special accessorial services and by prompt loading and unloading.

It is of interest to note that while many commentators still emphasize old-fashioned box cars in connection with grain traffic, on the Santa Fe it is the large 100-ton covered hoppers that play the key role these days. Grain shippers prefer these modern quick loading and unloading large capacity cars. During the winter wheat harvest, over 85% of the grain on the Santa Fe was transported in covered hoppers.

Railroads have frequently been criticized for car shortage during seasonal movements. Whether this criticism is justified must be viewed as part of the broader question of whether the company should be obligated to provide year-round ownership of equipment and facilities for handling a huge peak movement of very short duration. This is not the most economical use of an asset. To put it in perspective, what would happen if the annual production and transportation requirements for new automobiles in this country were concentrated in a 6-week period? A comparable analogy could be drawn for many other consumer products or raw materials. Serious congestion and excessive costs would be created. It is therefore especially gratifying that the railroads—and the Santa Fe in particular—endeavor to rise to the periodic challenges of these grain harvests, and it is to their credit that such a commendable job was done in 1971.

BICENTENNIAL MEDALS

Mr. HATFIELD. Mr. President, a friend of mine, Mr. William T. Louth, president of Medallic Art Co., testified before the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency regarding H.R. 7987, to provide for the striking of medals in commemoration of the bicentennial of the American Revolution.

Because I know of the interest of Senators in this matter, I ask unanimous consent that Mr. Louth's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT MADE BY WILLIAM T. LOUTH

My company is most privileged to have an opportunity to present to you our views in regard to the proposed legislation HR–7987.

First, may I compliment the American Revolution Bicentennial Commission for the way it has approached its study and its final recommendations in regard to the proposed medals.

Our company has been in touch with the Commission ever since its establishment. We have always been received most courteously and there has always been exhibited a desire to learn and to openly receive all suggestions that are presented for evaluation.

We were very much impressed that in May of 1970 they did an extensive survey and study, talking with all manufacturers, government agencies, numismatic experts, in order to learn everyone's viewpoint. Furthermore, the Commission held open hearings in September of 1970 to again give all interested parties an opportunity to express their views. They formed an advisory committee on medals and coins of distinguished numismatists and scholars. Although I may not personally agree with every recommendation that this committee has made, I respect the manner in which they arrived at their decisions and feel that they are eminently within their rights in making the recommendations that they did.

It should be stated at the outset that it is my belief that the American Revolution Bicentennial Commission was charged in the Joint Resolution (Public Law 89–491) adopted by Congress July 4, 1966, to prepare an overall program for commemorating the Bicentennial of the American Revolution, and specifically under Section 3—point 7—"the issuance of commemorative coins, medals, certificates of recognition, and stamps." The government has issued medals to commemorate important occasions, so it seems to me that on the basis of this Resolution that indeed a medal should be and can be an important part of this celebration.

May I digress for a moment. Medallic Art Company has consistently tried to place its own interests in a secondary position as to what is right for the Commission. Therefore this statement today is not really a Medallic Art Company official position, but is a statement of an experienced manufacturer presented as a guideline in the interest of being helpful. Most of you are familiar with the Medallic Art Company—we were established some 70 years ago, and have been recognized as the leader in the field of medallic art. We introduced the art of the medal as it is known today, to this country, and we are privileged to be custodians of most of the important awards from the Pulitzer Award to the National Medal of Science. It has been our privilege to cooperate with the Mint and various government agencies for many years.

FIRST ANNOUNCEMENT IN 1966

May I start by making reference to a 1966 speech that I gave before the American Numismatic Association Convention in Chicago? I believe I was one of the first to call attention to the important numismatic aspects of this event. At the time I was speaking, I made a number of announcements to the ANA group gathered there and I'm going to quote part of that speech starting with the second accouncement:

"With the new Mint being built in Philadelphia, and with the new rapid equipment which will be installed there, I feel the ANA should press for a change in the law which permits a new type of coin design only every 25 years. Perhaps a proper interval would be 10 or 15 years. This certainly would revitalize and strengthen the time-honored hobby of coin collecting and would enable us to commemorate with greater frequency those events and personages of historical importance. But I want to make it clear that this is not my primary purpose in making this suggestion. My primary reason is the American sculptor who is forgetting how to design a coin. I have been talking about beauty and the need to appreciate the sculptor's art. By issuing new coins with greater frequency, and by returning to the old tradition of commissioning directly our great sculptors, or by holding closed competitions, we will support our sculptors and will, in a sense, create more engravers capable of doing this fine work for the Mint.

"Sculptors who are able to create good medals and coin designs are becoming more scarce, for in modern architecture, and in modern art, the traditional form of sculpture is dying. Why shouldn't our government, why shouldn't we as numismatists, support these men by making such commissions available? We must put the artist back on the pedestal where he belongs.

"My proposal is that the ANA should be instrumental in introducing legislation to have an official coin struck, or several coins struck, to commemorate the 1976 Bicentennial of American Independence. Even if our present laws were not changed, several of our current coins will have passed their 25th birthday. Certainly, this event should be commemorated in this way. The ANA should take the leadership in pushing for proper Congressional action.

"The previous suggestions cannot be implemented by myself alone. However, my next proposal is one which does emphasize the sincere interest we have in promoting art medals. The Medallic Art Company is placing $3,000 in escrow to be used as prize money in a nationwide competition to design a medal to commemorate this Bicentennial. It is hoped that this medal will be one of the finest ever produced in this country. The Medallic Art Company will welcome the participation of the American Numismatic Association, or any other group who feel that this is a worthwhile endeavor."

The reason that I quote from this speech is that I want to emphasize that we have constantly placed the importance on the artist and the historical significance of this event.

This Commission had a responsibility to recommend certain specific action and it did this. I do hope the program that is eventually developed will protect coins and medals from exploitation and over commercialization: will not stress investment value, but rather will stress historical value, in keeping with the dignity of the occasion. It is important that every man, woman and child have the right to buy a single medal or to obtain a single coin at a price he can afford. Although it makes a great deal of sense for the Commission to want to obtain maximum income and maximum distribution, I sincerely hope that we can still maintain the highest standards of fine art and to maintain the historical dignity these pieces so richly deserve. Already there have been a plethora of medals issued of significant historical value.

Our company has been instrumental in helping to design a series of medals to commemorate all of the Signers of the Declaration of Independence. There have been many other private manufacturers who have undertaken similar broad programs. However, it is my firm belief that to a country as great as ours, with our historical heritage, and with the great artistic talent available to us, there is certainly plenty of material available to the American Revolution Bicentennial Commission to create a meaningful medallic program. There is no better way to reach the hand of every common man in this country than through the money that circulates in our coinage. It is for this reason that I do hope that the Congress will see fit to pass legislation for a commemorative coin or coins.

I am no expert in Treasury affairs, and I have no intention of saying what can and cannot be done. However, it does seem to me that with the new Mint and with the new technology, with enough lead time and planning, and with enough advanced production, it certainly would appear that at least a single commemorative coin could be possible.

I feel strongly that this commemorative coin should be a circulating coin, distributed through the Federal Reserve System. Equal distribution is thus assured and every man, woman, and child will have an equal opportunity to obtain such a piece.

DESIGN

We come now to the area of design. To me this offers the greatest area of excitement. I would like to see the coin, the National Medal and the award medal developed by three separate competitions. In themselves, this would create the greatest excitement. It would create a great amount of publicity It would rekindle interest of the art world in the form of the bas-relief medal. I think the avant-garde artist should be invited to participate as well as the traditional. There could be a combination of closed and open competition. For instance, in the coin competition, I would recommend a closed competition. This is a demanding art, one with great technical requirements and I think four or five sculptors who are familiar with the requirements should be invited to participate in this closed competition.

For the National Medal, I feel it should be an open competition, perhaps requesting the traditional artist particularly to enter this competition, for I do think the buying public would prefer a representational design.

For the award medal I would recommend an open competition, perhaps encouraging the contemporary or avant-garde sculptor to enter this particular competition.

Thus, as you can see, all art forms would be involved in these various pieces. You would have a combination of closed and open competition. I think you should get the advice and support of the Fine Arts Commission, the National Gallery of Art, and many of the other professional art organizations to advise you in this area.

TIMING

Now in regard to timing, I think the sooner this medal is issued and distributed, the better. It would take a great deal of time to develop the design of this medal and to build the necessary stocks for broad distribution. I feel that any medal will undoubtedly be produced for several years in order to meet the demand.

I feel the very numbers of people who would want such a piece requires this type of distribution. The Treasury would profit through its seigniorage, the Bicentennial Commission through those pieces made available to it for those who wish to pay a premium to be assured of obtaining such a piece, and the American public and the numismatist would also benefit, and each would have its own place in the distribution of these commemorative coins.

I will go no further. The extent of the Treasury cooperation will have to be worked out with them. This could be the most exciting aspect of this whole program. So much for the coins.

When appearing before the Bicentennial Commission it was my recommendation that an award medal be developed for the exclusive use of the Commission. I recommended that there be a low relief medal that would be struck for mass distribution on rapid equipment and a higher relief medal of larger diameter for those who wanted to have a special piece for display purposes. I also suggested that perhaps both of these medals be issued in bronze and silver. It seemed to me that a single medal properly produced and widely distributed would lend importance to this piece and would eliminate some of the confusion relative to having a series of medals.

DISTRIBUTION

Assuming that this program were adopted, how could medals be distributed? I believe through the same channels as our money, our banks, and our Treasury Department, and our numismatic sales division. This develops the greatest profit for the government and the Commission. Banks have been willing to do this as a public service in the states of Illinois and California, and we have no reason to believe that this would not be the case throughout our other 48 states.

If private distribution is required, there are literally hundreds of mailorder companies, sales promotion organizations, numismatic distributing companies, who could handle such an assignment, and would be willing to do so.

RECOMMENDATIONS

It should be stated that Medallic Art Company has consistently opposed competition from the United States Mint with private enterprise, and I think with some justification, for I feel some of the so-called national medals have strayed considerably from the norm. The Honorable Leonor K. Sullivan, a member of this committee, has indicated in a speech before the American Numismatic Association last year, that it is her desire to try to develop a more meaningful definition of a national medal. For I must admit that if there ever were justification for a national medal this celebration of the Bicentennial is it.

Therefore, I recommend that legislation be enacted to fulfill the recommendations of the Advisory Coin Medal Council and that further favorable action be taken to allow coinage to be changed to permit a suitable commemorative coin or coins to be issued. Private manufacturers have an ample opportunity to cooperate with the 50 states, patriotic, civic and commercial organizations throughout the country who will want to participate in some way in this celebration. The official medals prepared by the Mint will be consistently controlled and will maintain official government status. I would recommend that further consideration be given to preparing a large 2½" to 3" art medal to culminate this program and to give our country and collector and the ordinary citizen a true art medal suitable for display purposes. There is great historical precedence for this in many of the previous medals already issued. I further recommend that a distinctive award medal be prepared for the exclusive use of the Congress and the President of the United States.

We appreciate this opportunity to present our views to you. Medallic Art pledges its full cooperation to help in any way we can the American Revolution Bicentennial Commission and the Congress of the United States.

Thank you.

THE KEENE SENTINEL THINKS SENSIBLY ON CAMPAIGN PRACTICES

Mr. McINTYRE. Mr. President, we are in the midst of debate and decision on the campaign spending bill.

I support the concept of this legislation because I believe we must not let the opportunity of running for office in this country become the sole prerogative of the wealthy or those who will allow themselves to be bankrolled by special interests.

I believe also that the people need to know and have the right to know who is financing candidates for public office. The people must have the facts about who is putting up the money and have this in time to consider them before they make their final choice at the polls.

These are some of the guidelines I have tried to follow in making my decisions on the legislation on campaign practices.

Some wise words are being written about the need for this legislation. I was impressed by a recent editorial in the Keene, N.H., Sentinel entitled "Election Costs."

The Keene Sentinel has a long record of incisive views and comments on the current scene. The Sentinel has been no less incisive on campaign practices.

I agree with the Sentinel that the legislation we are about to adopt here in the Senate is just a first step. More needs to be done. But then, legislation is the art of the possible and we are now seeking what is possible. Campaign reform has been a long time coming. Now that the ice has been broken, I am sure that further reforms will become possible as we see the results and accomplishments of what we pass in this legislation.

Mr. President, I want all of us to have the benefits of the views of the Keene Sentinel and I ask unanimous consent that this excellent editorial of July 27, 1971, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ELECTION COSTS

As we all learned in our sixth-grade civics primers, politicians are the end product of honesty, intelligence and the democratic process.

But sixth-grade educations have become obsolete in the past ten years and we have learned that money—the root of all evil—is what really makes many politicians. Because without it, honest and intelligent county chairmen, district attorneys and small town lawyers cannot effectively reach for the higher echelons of our democracy.

More than anything else, the advent of television has transformed most politicians—by necessity—into media freaks. Prime time and slick promotional films showing the candidate walking his dog or calming rent-strikers cost money. So do air fare and an army of consultants and aides.

Last year President Nixon vetoed a bill that would have limited radio and television spending in federal elections. The Republicans, who had considerably more millions to spend in the 1968 election than the Democrats, thought their opposition might be trying to equalize party resources on the supposition that, all matters financial being even, the Democrats could take the Republicans any day.

The President may have an opportunity shortly to reconsider his position. The Senate Democratic leadership last week called for consideration of a more comprehensive campaign spending measure. Among other things, it would limit candidates for federal office to spending on media no more than 10 cents per eligible voter; require stations to charge the lowest commercial rate for political spots (thus reducing media costs by a third or more); and repeal the "equal time" provision of the Federal Communications Act for presidential candidates only (thereby allowing the networks to provide free time to major contenders in 1972).

The bill is a barely adequate first step toward alleviating abuses of our electoral system. Assuming that it becomes law, however, it will be difficult to enforce. It also neglects to regulate political contributions and political committees.

Unless individuals are limited in what they may contribute to a campaign, the political process will be continually subject to special influences that may not be in the best public interest. (At the least, limiting contributions would place the cost of ambassadorships within the means of the average citizen.)

And unless political campaign committees are more closely monitored, it will continue to be difficult to determine how much money actually is spent on behalf of a given candidate.

An independent federal elections commission with clear authority to enforce election laws would be a valuable companion reform to the bill now under consideration.

* * * * *

In the meantime, we note some signs of sanity that may induce the parties to impose their own brand of fiscal responsibility to campaign costs.

Party administrators are beginning to recognize that spending money wisely is at least as important as spending it generously. They are discovering that outspending the opponent is no guarantee to victory.

Sixteen of the 35 governors elected last fall, for instance, underspent their rivals on media expenses, in some cases by large margins. (New Hampshire, next to Wyoming, had the least costly gubernatorial media campaign in the nation. Governor Peterson won despite spending $400,000 less than Democrat Roger Crowley, according to the Federal Communications Commission.)

The Democratic national chairman, Lawrence F. O'Brien, also has persuaded six of the major Democratic presidential hopefuls to limit their over-all spending in next year's 22 state primaries to five cents per registered (not eligible) voter. The agreement of the six—Senators Bayh, Harris, Humphrey, McGovern and Muskie and Rep. Wilbur Mills—would limit their primary expenditures to $2.8 million each.

This compares with 1968 pre-convention costs that amounted to $4 million for Humphrey, $11 million for Senator Eugene McCarthy; $9 million for Senator Robert Kennedy; $8 million for Governor Rockefeller; and between $10 and $12 million for Richard Nixon.

O'Brien, of course, is haunted by the spectre of the 1968 Democrats—bled dry by the pre-convention fragmentation of candidates and resources. He wants to make certain that 1972's convention choice has enough small change for the presidential race itself.

Bill or no bill to limit campaign spending, we have hope that Democrats and Republicans alike will approach the next political season a bit more money-wise than in recent elections.

We hope, too, that New Hampshire citizens will disregard their being priced at five and 10 cents a head and not give their votes cheaply.

LEE TREVINO DAY IN EL PASO

Mr. TOWER. Mr. President, yesterday the city of El Paso celebrated "Lee Trevino Day."

Even to nongolfers like myself, the name Lee Trevino has become a household word. As we all know, "Super Mex" won the U.S. Open, the Canadian Open, and the British Open within a 4-week span. This is an unprecedented feat in the world of golf. Such a feat can be compared to a baseball team clinching a pennant by August 1 and winning the world's series in four straight games. Or in the world of politics, it is like a presidential candidate carrying all of the 50 States.

Lee Trevino has brought a sense of excitement to a professional sport that some have in the past considered to be boring unless you were directly participating in the game. "Lee's Fleas," the name given to the gallery that follows Trevino, now even supersedes Arnold Palmer's army in terms of both numbers and crowd enthusiasm. This is certainly a tribute to a man who admits that his golf swing is far from picture pure. Yet, as we all know, it is not the perfect golf swing that counts, but, rather the ability to put the ball in the cup by using the fewest number of shots. Lee Trevino has accomplished this feat more consistently than any other golfer since the days of another great Texan, the great Ben Hogan.

The Lee Trevino story reads like the original Horatio Alger epic. The son of a Mexican-American gravedigger, Trevino was at one time a $30-a-week golf pro in El Paso. To climax the story, it was Lee's wife, Claudia, who put up $20 to get her husband registered for a qualifying round in his first U.S. Open in which he eventually finished fifth. The next year he won that coveted title, a triumph that he repeated this year by defeating Jack Nicklaus in a playoff.

Lee Trevino is the kind of man who, despite his tremendous success, has not forgotten his humble beginnings. Typical of this particular quality was a gift of $4,800 to an English orphanage near the site of his conquest of the British Open.

This is a man that America and the State of Texas can be proud of. His life is also a tribute to the courage and vigor of a proud Mexican-American community that, despite great odds, continues to work hard and progress in our great country.

On this occasion, I would like to extend my sincere best wishes to Lee Trevino, his family, and all the citizens of Texas and Mexico who took part in the festivities in El Paso.

NO-FAULT AUTO INSURANCE WORKS

Mr. HART. Mr. President, nothing instills confidence in a reform like finding it works. So it is with no-fault auto insurance. As limited as the Massachusetts plan is, it is working—at least to the extent of reducing auto bodily injury liability insurance rates in that State. For the benefit of my colleagues, Mr. President, I ask unanimous consent that an article and editorial from Business Week of July 21, 1971, and articles from the Boston Globe, and the Boston Herald Traveler of August 3, 1971, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NO-FAULT WINS ITS CASE

"No-fault will sweep the country like a prairie fire now," says C. Eugene Farnam, Massachusetts Insurance Commissioner. What Farnam is talking about, of course, is no-fault auto insurance, in which the accident victim gets paid by his own insurance company no matter who is at fault. And if Farnam's prediction would have been thought strictly blue-sky as recently as a year ago, it now looks like a simple statement of fact to most of the insurance industry.

Massachusetts was the first state to adopt a no-fault insurance scheme. It went into effect there on Jan. 1 after a fight in the legislature. Insurers supported no-fault but opposed a bid to cut all auto insurance premiums by 15%. In the end, the 15% cut was applied only to personal injury insurance that falls under the no-fault plan, and the bill went through. Seven months later, the plan seems to be working as its backers said it would. Claims are down sharply in a state that has the country's worst accident record, and remaining opposition to the plan pretty much withered away last month when the Massachusetts Supreme Court ruled that the no-fault law was constitutional.

Now Florida has also passed a no-fault law, to take effect next year. Illinois, Oregon, Delaware, and South Dakota have all passed laws requiring insurers to offer "first party" coverage, which motorists would buy to cover their own costs emanating from an accident. Finally, the talk in Washington these days is that the national no-fault bill backed by Senator Philip A. Hart (D-Mich.) could pass Congress in 1972.

HOW IT WORKS

As most auto insurance is written today, a person injured in an accident cannot collect until it has been determined that the other party to the accident was at fault. In other words, every time someone is injured in a car accident, the result can be a long, costly court action.

No-fault insurance means exactly what it says. The victim settles up with his own company, and the case usually does not have to go to court.

The Massachusetts no-fault law is limited to the compulsory $2,000 bodily injury insurance that all motorists must carry. Under terms of the law, motorists are prohibited from suing for pain and suffering unless their actual medical bills total more than $500. Instead, they collect from their own insurance companies, out-of-pocket medical expenses (plus up to 75% of lost wages not exceeding $2,000.

FIGURES TELL

On the basis of figures gathered by Farnam's office, the number of bodily injury claims dropped 62% in the first three months of 1971. More recent figures put together by insurance companies in the state show that the decline in claims leveled off in the spring. Still, it appears that bodily injury claims dipped 25% in the first five months of this year. That is a significant development in a state that has a claims rate 2½ times the national average.

The average cost of each claim, says Farnam, dropped from $205 in the first three months of 1970 to $131 in the same period this year. If that pattern holds, says Farnam, there could be a further cut in premiums of up to 25% next year.

Insurers are wary of accepting Farnam's figures until more returns are in. They argue that many lawyers held back on filing claims until after the state supreme court had its say. Still, most insurers are satisfied that no-fault will save them money. "No-fault is working better than we expected," says James P. Allen, Jr., vice-president and general counsel at Liberty Mutual Insurance Co., the state's second-largest auto insurer.

LAWYERS HURT

The real opposition to the Massachusetts no-fault plan has come from lawyers who see business going out the window. "There is no doubt," says one Boston lawyer, "that no-fault has hurt my business badly."

The law was challenged in a suit brought by the Massachusetts branch of the American Trial Lawyers Assn. in behalf of a Boston motorist and his wife who were involved in a rear-end collision barely 48 hours after the new law went into effect. The lawyers argued that the no-fault law was unconstitutional on 15 counts, among them that it took away the constitutional right of the injured to sue for damages. However, the court ruled that the law was a valid legislative attempt to redress a social problem: too many accident claims. A majority of the seven justices said that, while no-fault goes a long way toward taking away such forms of redress as payments for pain and suffering, it balanced that by the guarantee of prompt payment for the other costs of an accident.

PROPERTY COVERAGE

With the court ruling in, other states are pushing no-fault legislation along, and the Massachusetts legislature is considering several measures that would extend no-fault to property damage. The plan that appears to have the best chance of passage is the so-called "triple option" plan backed by Governor Francis W. Sargent. That would allow a motorist to buy straight no-fault property coverage, a combination of collision and property damage, or simply no property coverage at all.

But no-fault property coverage does not have the backing in the insurance industry that bodily injury no-fault had. Stuart Husband, New England Div. claims manager at Liberty Mutual, says flatly: "No-fault property damage insurance will not accomplish what it did in personal injury."

His view is that inflated claims for pain and suffering were what really pushed up rates in personal injury insurance. Indeed, the American Mutual Insurance Alliance reckons that Massachusetts motorists have saved $76-million on personal injury premiums this year, based on what their coverage would have cost without the no-fualt law. But, says Husband, there is no pain and suffering involved in property damage cases, and the cost of repairing or replacing cars is fairly standard.

Meanwhile, the federal measure pushed by Hart of Michigan and Senator Warren G. Magnuson (D-Wash.) would provide no-fault coverage on both personal injury and property loss claims. It could clear the Senate this year and become law late in 1972.

NO-FAULT INSURANCE WORKS

In 49 of the 50 States, when a motorist gets hurt in an automobile accident, he suffers financially as well as physically. Unless he has personal accident insurance to protect him, he must wait until a court finds the other party at fault before he can collect money to pay his medical bills or to cover lost wages.

This means hardship for the accident victims, costly legal battles for the insurance companies, clogged court calendars, and long delays before personal injury cases come to trial. Cost of coverage is shooting up, and insurance companies are trying desperately, and often high-handedly, to shuck off what they regard as the less desirable risks.

In Massachusetts, though, the accident victim can count on a quick payout—up to $500 in medical bills and $2,000 covering

75% of lost wages—without having to go to court. It comes from his own insurance company. This is because Massachusetts has had a no-fault auto insurance system in operation since January 1.

So far, the results of Massachusetts' experience with no-fault have been impressive. The total number of personal injury claims is down sharply—as is the average cost per claim. Instead of having to jump the rate on personal injury coverage, insurers in Massachusetts have been able to cut the cost by 15%.

No-fault is not the final answer to all that ails the auto insurance industry. The Massachusetts plan makes no provision for reimbursing the accident victim for pain and suffering. Nor does it apply to the more serious cases where damages far exceed its limits. And it does not assess accident-prone drivers with the penalty rate that properly they should bear.

The Massachusetts experiment clearly shows, however, that no-fault deserves a trial elsewhere. It is the only answer that anyone has produced so far to the mounting problems of skyrocketing insurance rates and arbitrary cancellation of policies that threaten to make the whole auto insurance system a bad joke on the policyholders.

[From the Boston Globe, Aug. 3, 1971]

INJURY CLAIMS DROP 50 PERCENT UNDER NO-FAULT

(By David Ellis)

Gov. Sargent announced yesterday that the number of bodily injury claims dropped 53 percent in the first six months of no-fault automobile insurance in Massachusetts.

The figures are based on the claims rate for the first six months of this year as compiled by the state Insurance Commission.

Last year there were 130,000 claims against bodily injury coverage, according to insurance industry spokesmen.

Sargent said the two most obvious conclusions from the figures are that no-fault is working and that rate reductions may be expected next year.

He said he has directed William I. Cowin, secretary of consumer affairs, to "consider both the possibilities of rate reductions on next year's auto insurance payments and the possibilities of rebates on this year's auto insurance payments."

Sargent said the question of rate reductions and rebates is complex, and there are no ready answers.

But he promised to back efforts to extend no-fault coverage to property damage.

There is a bill before the joint Insurance Committee, filed by the Independent Brokers and Agents Assn., to place property damage under no-fault.

According to Committee Chairman Edward J. Dever (D-Arlington), the bill will receive a favorable report from his committee and be in the Legislature for debate soon.

Sargent, at his press conference yesterday, also said that the average of personal injury claims paid by insurance companies during the first six months of 1971 was 53.4 percent less than in the first six months of 1970.

Statistics released by the Insurance Commission showed that the average 1971 personal injury protection claim paid by the insurance companies was $169 as compared with $370 during the similar 1970 period.

Backers of no-fault insurance said during debate last year that the most dramatic decreases in insurance claims would come in personal injury coverage. They reasoned that many motorists involved in property damage claims also filed small personal injury claims, called in the trade nuisance claims, to speed payment for damages.

Through 1970, Massachusetts had the highest rate of personal injury claims of the 50 states.

Whether the 53 percent decrease in the first six months represents "nuisance claims is difficult to determine.

The basic difference between the fault and no fault systems is that if an injury occurs in an accident now, the injured party in most cases collects from his own insurance company. Under the fault system, a determination of blame was made and injured persons collected damages from the company of the party held responsible.

Former State Rep. Michael S. Dukakis, a long time supporter of no-fault insurance, criticized Sargent yesterday for waiting so long to look into the drop in claims.

Dukakis called Sargent's statement "an inexcusably tardy response to a problem which was called to the attention of his administration in early March."

He said he had written Insurance Comr. C. Eugene Farnam asking him to take steps to force the insurance companies to create a reserve in the event rebates are decided on.

Last week 50 Democratic state representatives sent a joint letter to Sargent urging him to take action in the creation of a reserve for rebates.

Sargent was asked at the press conference whether he is reluctant to move in this area. "Are you afraid to take the bull by the horns," a reporter asked.

"I'm prepared to take any bull by any horn," Sargent replied.

[From the Boston Herald Traveler, Aug. 3, 1971]

NO-FAULT CLAIMS DIP 53 PERCENT; RATE REDUCTION PROBABLE

(By Howard White)

The number of auto insurance claims and the average cost of each claim have dropped more than 53 per cent in the first six months of the "No-fault" system, Gov. Sargent said yesterday.

"The figures are better than we dared to hope," Sargent told a news conference.

He declined, however, to promise that motorists will get rebates this year because of the savings resulting from the new system, but he said he would direct newly named Consumer Affairs Secretary William I. Cowin to look into the possibility of rebates and of rate reductions for next year. He termed the likelihood of rate reductions "probable;" the likelihood of rebates "possible."

The governor said it was not yet possible to tell how many dollars had been saved in the first six months of "no-fault."

Figures released by Sargent indicated that the number of injury claims filed in the first six months of 1971 had dropped by 53.2 per cent—from 66,401 to 31,103—and the number paid had similarly dropped 53.4 per cent—from 11,393 to 5,306.

The average amount paid out under each claim, Sargent's figures added, has also dropped 53.4 per cent from $343 to $160.

Under the no-fault system, first of its kind in any state, every motorist must carry insurance protecting himself in the event of injury. In relatively minor accidents which result in the vast majority of claims, a person's medical bills and other out-of-pocket losses are paid by his own company rather than—as in the old system—by the other driver. Who caused the accident is not a factor in payment of these claims.

The constitutionality of the no-fault principle, challenged by trial lawyers, has been unheld by the Supreme Judicial Court.

Figures released by the governor's office also indicated that actual payments by insurance companies in the first six months of 1971 were 78 per cent lower than payments in the same period last year.

But an insurance industry spokesman said that figure was "seriously incomplete," since last year's January to June figures came from complete department reports while this year's came from an informal survey by insurance examiners with company cooperation.

The payments listed as processed this year are mostly small and uncontroversial ones.

The industry spokesman did not, however, dispute the governor's figures indicating the declining trend of claims and average payments. Sargent himself made no reference to the 78 per cent figure.

Sargent earlier this year had released figures for the first three months of the year showing a drop of about one third in claims, but that was before the Supreme Court decision.

"Now, after six months, it is more than a half so the trend is clear," said Sargent. "No fault is succeeding."

But Sargent, who had been a strong supporter of the bill, said that translating the system's success into savings for motorists requires "definitive legal and financial information based on firm statistical evidence," and said he was asking Cowin to get that information.

"The statistical, legal and financial facts involved here are complex, and today's statistics do not provide instant answers," said Sargent. "The full evaluation I am ordering today will provide the information needed. We cannot know our future course in these areas until this study is complete."

Sargent has been pressed to direct Insurance Commr. C. Eugene Farnam to order insurance companies to set aside money for rebates to policy holders as the result of savings from the new system. That pressure was launched by former Rep. Michael S. Dukakis earlier this year. Fifty state representatives wrote Sargent last week urging similar action.

Dukakis called the governor's action "inexcusably tardy" and said Sargent should have ordered the rebate study months ago.

Farnam was not present for the news conference and was not mentioned in the governor's statement, but Sargent said no significance should be read into that. Some members of the governor's staff are unhappy with Farnam and would like to see the governor replace him.

BUSINESS INSURANCE POLL OF CORPORATE INSURANCE BUYERS ON NO-FAULT AUTOMOBILE INSURANCE

Mr. HART. Mr. President, last month, the Business Insurance conducted a poll of its corporate insurance buyer-readers—who spent more than $2 billion annually on motor vehicle insurance—asking their opinion of no-fault auto insurance. Only 5 percent of the more than 300 corporate insurance buyers responding to the questionnaire favored retention of the present tort-liability insurance system. Ninety-five percent favored some type of no-fault insurance reform. Thirty-eight percent favored adoption of a broad no-fault system similar to the Magnuson-Hart plan now pending before Congress. This is quite significant, in my opinion, considering the well-known general antipathy of businessmen for Federal plans and intervention. Sixty-seven percent "opted for national standards set by Congress instead of a hodgepodge of State laws with varying provisions that could cause costly confusion for commercial vehicle operators as well as for private passenger car drivers who cross State lines."

In this connection, the editors of Business Insurance make a cogent observation, namely, "that the 67 percent of buyers who opted for immediate enactment of Federal standards are a lot wiser than the administration officials" calling for the States to "experiment" with various auto reparations systems. The editors go on to say:

> If the States continue to "experiment," as Mr. Volpe puts it, we can get into a gummy situation in which there are 51 sets of laws incompatible with each other and impossible to cope with for those companies and individuals who use interstate highways. Why let the States go off in all directions when Federal standards will be needed eventually, they ask.

This is indeed a good question—"why let the States go off in all directions?" To date, five States have enacted auto insurance plans. All five are different, and three of them are not in any sense of the term "no-fault" because they retain fully the inefficient and wasteful tort-liability system.

And even when a State adopts a limited no-fault plan, as did Massachusetts, consumers are not realizing fully the savings brought about by the reform because the State has not taken steps to guarantee premium refunds—according to news accounts in the Boston Globe, which I ask unanimous consent to have printed in the Record following my remarks. In fact, State officials from Massachusetts testified at the recent hearings on the national no-fault insurance bills—S. 945 and H.R. 7514—that insurance companies were not passing on enough of the savings from no-fault insurance to consumers in their State. Testimony was received also as to the great profit potential in no-fault auto insurance and the need for consumer protection through national legislation if cost savings are to end up in the pockets of consumers and not the insurance industry.

Therefore, Mr. President, national no-fault auto insurance is needed not only to prevent costly confusion resulting from 51 different plans but to assure that consumers, both corporate and individual, are the true beneficiaries of the savings inherent in genuine no-fault auto insurance reform which would eliminate the wasteful and inefficient tort-liability system for automobile accidents.

Mr. President, I ask unanimous consent that the Business Insurance editorial of July 19, 1971, setting forth the results of its poll, and which I referred to during my remarks, be inserted in the Record immediately following my remarks and before the Boston Globe articles.

There being no objection, the material was ordered to be printed in the Record, as follows.

[From the Business Insurance magazine, July 19, 1971]

Reader's Mandate

More than 300 corporate insurance buyers spoke out on reform of the auto victim reparations system in the poll conducted in *Business Insurance* and reported in our July 5 issue. Federal and state legislators as well as state insurance commissioners ought to pay close attention to the results of the poll, the most significant consumer statement yet made on what changes should be made in the way we compensate auto accident victims.

Corporate insurance buyers, who spend more than $2 billion annually on motor fleet insurance, made clear through the survey that they want federal standards for auto insurance reform. Fully 67% of respondents to the survey opted for national standards set by Congress instead of a hodgepodge of state laws with varying provisions that could cause costly confusion for commercial vehicle operators as well as for private passenger car drivers who cross state lines.

This clear call for federal standards for the auto reparations system is at odds with recent pronouncements by Transportation Sec. John Volpe and Mrs. Virginia Knauer, President Nixon's consumer affairs adviser. Mr. Volpe, in announcing the results of a $2 million study of auto insurance by the DOT, called upon the states to "experiment" with various auto reparations systems. Mrs. Knauer echoed this call but she, like Mr. Volpe, later acknowledged that federal standards might eventually become necessary.

We think that the 67% of buyers who opted for immediate enactment of federal standards are a lot wiser than the Administration officials. If the states continue to "experiment," as Mr. Volpe puts it, we can get into a gummy situation in which there are 51 sets of laws incompatible with each other and impossible to cope with for those companies and individuals who use interstate highways. Why let the states go off in all directions when federal standards will be needed eventually? Neither Mr. Volpe nor Mrs. Knauer has an adequate answer for that question.

Meanwhile, state legislators are going ahead with consideration and adoption of at least 28 separate proposals, most of them loosely described as "modified no-fault plans." One drawback to having state legislators decide upon plans is that most of them do not understand the complexities of auto insurance reform proposals and those who do understand are frequently plaintiffs' lawyers whose vested interest is to retain the aspects of the system that provide them with lucrative legal work.

Ignorance and special interest were at work in Illinois where the legislature adopted a "modified no-fault" plan that is nothing more than a system of advance payments for injured victims with the old tort system piled on top of it. The Illinois program, adopted in response to Mr. Volpe's call for experimentation, will result in higher costs for consumers because it keeps the plaintiff's lawyers in business while providing a weak undergirding of first-party payments.

Fifty-seven percent of *Business Insurance* survey respondents favored "a modified no-fault system with direct first-party payments to injured parties up to a certain amount, but victims would retain the right to sue." We cannot know just how far these readers would modify the no-fault concept, but we presume that they want a system quite advanced from the present tort system which was favored by only 5% of our readers. Thirty-eight percent favored adoption of a broad no-fault system similar to the Magnuson-Hart plan now pending before Congress.

We were especially encouraged that 33% of respondents to the survey favored a concept advanced by this magazine: That auto insurance reform measures embody an equalizing liability factor that would take into consideration the greater potential for damage of large commercial vehicles. No state reform law yet offered has included the concept. Rather, the laws proposed call either for absolute liability for commercial vehicles (as in New York) or make no distinction (as in Massachusetts). A majority of our readers (63%) favors making no distinction between private and commercial vehicles. But this system, as proved in Massachusetts, is inherently unfair to operators of private passenger cars. We believe that an equalizing liability factor based on actuarial analyses is the only fair way to distribute the costs of auto accidents.

Everybody who bears a share of the horrendous cost of our highway carnage should get intelligently involved in the effort to reform the reparations system. Our readers have taken a strong first step by calling for national standards.

[From the Boston Globe, July 17, 1971]

Dukakis Asks Rebates on Insurance Premiums

Michael S. Dukakis, former Brookline representative, yesterday called on Gov. Sargent to order Insurance Comr. C. Eugene Farnam to take steps to guarantee insurance premium rebates to Massachusetts motorists at the end of the year.

In a statement yesterday, Dukakis, one of the prime supporters of no-fault insurance said: "Millions of dollars in overcharges may be involved. To permit the insurance industry to pocket these excess profits because of the sudden drop in claims frequency which neither they, nor the governor, nor the Legislature anticipated at the time of passage of the no-fault law would in my opinion be outrageous."

[From the Boston Evening Globe, July 16, 1971]

Dukakis Asks Auto Rate Reduction

(By Jerome J. Sullivan)

Former State Rep. Michael S. Dukakis of Brookline today asked Gov. Sargent to order Insurance Comr. C. Eugene Farnam to take immediate steps to guarantee auto insurance premium refunds for Massachusetts motorists at the end of the current year.

In a letter to the governor, Dukakis branded as "intolerable" any further delay by the commissioner in ordering companies to establish a special reserve from which end-of-the-year refunds can be made.

"Millions of dollars in overcharges may be involved," said Dukakis. "To permit the insurance industry to pocket these excess profits because of the sudden drop in claims frequency which neither they, nor the governor, nor the Legislature anticipated at the time of the passage of the no-fault law would, in my opinion, be outrageous.

Dukakis said that within recent weeks "all the commissioner's reasons for postponing further action on the refund question have been answered.

"The law has been held constitutional by the Supreme Judicial Court. The commissioner himself has announced detailed first quarter statistics and has suggested that a rate reduction of at least 25 percent—a conservative figure in my judgment—may be justified in 1972."

BIRTHDAY ANNIVERSARY OF SENATOR STENNIS

Mr. **PEARSON.** Mr. President, I was on the floor yesterday when Senators Gambrell, Scott, and Mansfield took note of the fact that it was the birthday of one of our most distinguished Members, Senator John Stennis, of Mississippi. Because I was preparing to call up an amendment and was involved in conference with other Senators on it, I missed the opportunity to engage in that colloquy.

So I wish now to add my personal best wishes to Senator Stennis. I have been especially privileged to serve with him on the Armed Services Committee and on the Ethics Committee of the Senate. And because we both went to the University of Virginia Law School, our similar background has warmed our relationship through the years. Though we have differed on many issues, I have the highest respect and admiration for him. He embodies the best of Senate traditions and principles.

I wish, therefore, to extend my heartiest congratulations to the distinguished Senator on the occasion of his 70th birthday.

ARE WE REALLY MAKING PROGRESS ON SHOE IMPORTS AND PROTECTING SHOE WORKERS JOBS?

Mr. McINTYRE. Mr. President, all of us who are deeply concerned about what has been happening to American shoe workers and our shoe industry, because of the inundation of foreign imports, were somewhat heartened by the recent announcement of the Italian Ministry of Foreign Trade that Italy would limit shoe imports to this country to the level of the inundation of foreign imports,

It was our hope that this might signify the beginning of some kind of dam against the flood of shoe imports. The more we examine this Italian action, however, the more it is clear that it is of little help. The willingness to limit imports to 5 percent more than in 1970 flys in the face of the fact that Italian shoe imports have already amounted to 22 percent in excess of the 1970 level.

There are other reasons for concern and these are well set forth in articles which have recently appeared in American Shoemaking and in the AFL–CIO News. The latter article reports the comments of the two able leaders of the shoe workers, George Fecteau of the United Shoe Workers and John E. Mara of the Boot and Shoe Workers.

Mr. President, I ask unanimous consent that these two articles be printed in the Record at this point since I believe the facts and views they contain are important in our consideration of what to do about the flood of shoe imports.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Rationing of Quotas

Quotas, whether voluntary or legislative, have a single problem: who gets how much of what?

In the recent announcements concerning the voluntary quotas to be established by Italy, the Italian Ministry of Foreign Trade announced it will limit exports of footwear to the United States "to avoid the eventuality of unilateral restrictive measures by American authorities." Shoe shipments to the United States will be approved by the Ministry of Foreign Trade only if the volume of exports doesn't exceed the total of 1970 exports by more than 5%.

An export visa from the Italian Chamber of Commerce is now required on all footwear exports. The Chamber of Commerce will also compile statistics on the volume of footwear exports. Companies exporting shoes will have to furnish reports on their 1970 and 1971 shipments at the time they apply for their first visa.

The nitty-gritty comes when those last few percentage points are rationed as to companies. Imports from Italy are already well ahead of last year, so it will take a juggling act to keep all Italian footwear exporters happy.

The establishment of voluntary quotas should be considered a step in the right direction, except for two factors. What happens if domestic footwear production continues to decline? What about rapidly expanding imports from other nations?

To answer the first question, footwear imports from Italy will continue to grow regardless of what happens to domestic production. If domestic production declines, then the 5% permitted growth of Italian imports would actually be capturing a larger share of the market than the 5% permitted growth would seem to indicate.

Had the import quota been based on domestic production, then a fairer quota would have been set.

Talks with Spain are underway to establish voluntary quotas there. Theoretically, they should be based on the same format as the Italian Quotas.

How about Brazil whose exports to the United States have jumped 400% within one year? The production potential in Brazil is fantastic, and reports from various sources point out the facts that labor is cheaper and labor conditions poorer than Italy or Spain is or was reputed to be.

How is Italy and Spain, should she consent to voluntary quotas, going to accept this extremely rapid growth of Brazilian exports to the United States? Not to mention other nations such as Korea, Taiwan, Hong Kong, and possibly India and Red China.

Somewhere along the line someone is going to get a little upset and the whole situation could once again revert to an open export situation.

It would have been better for all concerned, domestic footwear manufacturers and exporting nations had the United States government applied fixed import quotas on one and all. It would have permitted a predictable growth and given other nations the opportunity to expand their export markets to other nations.

So, whoever has to decide "who gets how much of what?" is going to need the wisdom of Solomon.

Shoe Unions Hit "Voluntary" Import Quota

The "voluntary" Italian shoe export quotas to the United States, recently announced by the White House, were criticized as "far from being a workable solution to the imports problem" by the heads of two AFL–CIO unions last week.

Presidents John E. Mara of the Boot & Shoe Workers and George Fecteau of the United Shoe Workers called the quotas a "fraud" and said that only agreements with teeth in them could be of value.

"Italian shoes have already cost 65,000 American shoe workers their jobs," they said as they pledged to work to get quota legislation through Congress.

The two leaders of more than 80,000 shoe workers declared that the agreement limiting 1971 Italian shoe imports to 5 percent over the 1970 level is worthless because imports are already running about 22 percent over 1970.

Both men suggested that the agreement could be easily circumvented by the Italian shoe industry because its exports to the United States are in terms of dollar value. Simply downgrading the value of the shoes would enable the Italians to increase the actual amount of footwear shipped to this country.

"The American shoe industry can be saved," they stated, "only with hard-nosed quotas supported by tariff restrictions." (7/29/71)

SHAKESPEARE FESTIVAL AT ASHLAND, OREG.

Mr. HATFIELD. Mr. President, one of the outstanding events in Oregon's recreation calendar each year is the Shakespeare Festival at Ashland, Oreg.

In a setting in southwest Oregon which attracts thousands from around the State and country, in a theater which is an authentic replica of the Old Globe Theater of London, we can enjoy the finest of Shakespeare's dramas.

I invite Senators to visit Oregon during the festival time; there is no finer Shakespeare presented anywhere.

I ask unanimous consent to have printed in the Record Richard L. Coe's review, written from Ashland, Oreg.

Mr. Coe is the fine dramatic critic of the Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 1, 1971]

Shakespeare in Eden: Oregon's Quality Stage

(By Richard L. Coe)

"The audiences are a stirring reflection of the theater's appeal. They are of all ages. Some come in posh cars, others by cycle."

Ashland, Oreg.—This town of 10,000 has an outdoor theater seating 1,200, a spanking new indoor one accommodating 600 and their six current plays have a quality in performance the equal of any theaters in the land.

An hour by air from San Francisco, Oregon's Rogue River Valley is a comparative Eden in today's America. It produces fruit and lumber for the nation, is free from industrial smog and the Eastern visitor almost regrets telling another soul about it for fear of ruining it all by a land rush.

The theaters began in an odd way. On the Fourth of July, 1935, an afternoon prizefight was scheduled and to whoop things up further, Angus Bowmer, of Ashland's Southern Oregon College, thought it might be fun to present a Shakespearean play in the evening. The play outsold the prizefight. The war years excepted, the Oregon Shakespearean Festival Association has been getting bigger, more impressive every year.

With founder Bowmer now its development consultant, Ashland's two stages give the playwright top position. From Shakespeare the list has been expanded to include Tennessee Williams, Tom Stoppard, Robert Bolt, Joseph Kesselring as well as Webster, Gay, Moliere and Beaumont and Fletcher. Dr. Bowmer and his followers believe in giving the plays straight. Gimmicks to update (or "make relevant") established favorites are considered unworthy and the outdoor performances race along as they did in Shakespeare's day, without intermissions.

The audiences are a stirring reflection of the theaters' appeal. They are of all ages. Some come in posh cars, others by cycle. "No bare feet" is the only rule of dress and the audience costumes are as informal, though less contrived, than those of "Hair's" characters. You note a California car with the day's fishing gear strapped on top, there's a busload of kids from Portland and several seat spaces are reserved for wheelchairs at a convenient ramp. The audiences are strikingly attentive, responsive and, at the end, enthusiastic. That Oregon nights are chilly for outdoor sitting is blithely accepted; blankets are for rent.

This year's productions are: "Much Ado About Nothing," "A Midsummer Night's Dream," "Macbeth," "Henry IV, Part One," "A Man for All Seasons" and "The Glass

Menagerie." Banners around town proclaim to drivers-through: "See Four Plays in Four Days." Dr. Bowmer smiles ruefully: "We haven't got the money to change those yet. They should read: 'See Six Plays in Three Days.' "

The adjoining theaters couldn't be more different, though designer Richard L. Hay miraculously has made the new interior one seem an inevitable modern extension of the original outdoor amphitheater.

The latter was constructed in 1947 in the Tudor Style of London's Fortune Theater in Shakespeare's time, stucco and timber, a thrust stage with a two-level inner stage, a scheme which made possible the flow of scenes the plays originally had, a reversal of the elaborate picture-stage setting that engulfed them for a century or so.

Opened a year ago, the indoor Angus Bowmer Theater has the latest in design, a fan-shaped auditorium with continental (no aisles) seating and a stage that can thrust out but also reach back for picture-stage effects. The lighting for "Dream" indeed is magical and a delicately attuned sound system can flood the air with the modern sounds W. Bernard Windt composes for each production. Music at Ashland plays an important but never obtrusive role. A skilled luthier, scholarly Windt sometimes calls on period airs, sometimes turns to electric sound.

There are 74 actors in the company and 100 more people on the unseen staff. On a union basis such a group would be financially impossible but the score or two members I have talked with seem more than content to be doing their own thing for a living. Though prices have risen and unemployment exists in the Rogue River Valley, living costs here are well under those of the big cities where actors usually must live.

"Where else could I play such parts and in such non-polluted atmosphere?" one of the young principals asked me. "Look around you at the mountains, listen to the stream over the rocks here in Lithia Park. So, if I were making union scale—If—I say—in New York, Chicago, you name it, what would I have to look at when I'm not working? Frankly, I hope the unions never move in on us out here. We couldn't live with 'em."

There is one Equity Guest Artist, Jim Baker, an Ashland veteran and member of Equity companies in San Francisco and Milwaukee. A young man, he's here to play Falstaff and a splendid Falstaff he is, mixing the humor and pathos of the old man with judicious aplomb.

But the other players are experienced and professional and all veer from major roles to small ones. "Henry IV" for instance boasts two splendid actors, Ric Hamilton as Hotspur, Tom Donaldson as Hal Terrse, sinewy Hamilton is a California native, trained in Texas and has three other roles, "Ado's" Benedick, "Menagerie's" Tom, and "Dream's" Demetrius, a range of fellows to whom he brings striking subtleties. Donaldson, tall and blond, is a native New Yorker, Off-Broadway alumnus, creator of Cafe La Mama characters whose Hal is worthy of any company and also in scoring as Henry VIII in the Bolt drama.

Scarcely visible in several of the plays, J. Steven White (Illinois-born, SMU-trained) steps out as an absolutely brilliant, daring Puck for "Dream," a performance of marvelously conceived detail and elan. So often forced in many productions, the play-within-a-play of Ashland's "Dream" is accomplished with rollicking, rich humors, the social counterpart to Athenian highlife that it must be.

In Shakespearean works, actresses get fairly short shrift but the girls, given their chances, are the men's equals. One to watch is Brooklyn's Fredi Olster, an enchanting Helena, a resourceful Beatrice and Laura for the Williams play. Martha J. Tippin's Lady Macbeth is sharply individual and Shirley Patton is a witty Hermia. From her gritty "Macbeth" witch Diana Bellamy glides into Williams' Amanda.

One might go on but the point is that the leads are clearly experienced and share a forgotten discipline: speech. In general, I found Ashland's speech well above average and was delighted to settle for too much care rather than not enough. Finally, I enjoyed the luxury of getting the company's level not from a single production but from several.

Around the productions have grown a lardening of subsidiary activities. The area people have created their own supporting organizations, ushering, catering, financing. Running through August, the Institute of Renaissance Studies offers college credits for seminars on several themes, under respected scholars from all over the land.

In the manner of Ontario's Stratford, Ashland now has an information center, presenting an informative film (narrated by ex-Washingtonian Richard Lincoln) and a tour of the building complex. Radio programs, plus an NBC network special, are weekly events.

Most important, Oregon and California schools are now being reached throughout the year. Lecture teams last year covered 171 schools from grades 3 through 16, over 6,000 students from 223 schools attended special matinees. With the indoor theater, it's now possible to have winter and spring seasons for which the company is naturally very reduced but nonetheless active. The Oregon Arts Commission, with a modest grant, is beginning to see that Ashland's venture has enormous value to the whole state.

My own first Ashland visit was in 1964 and since then the group's advances have been immense. That year there were 70 performances in two cities (12 of them for California's Stratford Summer Festival). This year the total will be 217 performances at, so far, around 90 per cent capacity, with the usually sold-out final six weeks likely to raise that percentage much higher.

As for the future, Dr. Bowmer and his Let's-make-it-work-on-time wife, Gertrude, are more hopeful than seven years ago. Then they had reached that point Zelda Fichandler recognized when her first Arena Stage had to close because income had gone as high as capacity allowed. The income potential had to be expanded and what became the Bowmer Theater has afforded this.

Apart, probably, from San Diego's B. Iden Payne, Dr. Bowmer is the only man in the country to have produced all 37 of Shakespeare's plays. He's played 32 roles in them in 43 different productions and has such confidence in them that he laughs at directors who feel they have to be produced for "relevance," musing aloud that "the play I enjoyed doing the most, is 'Pericles.' Can you beat it, 'Pericles?' I've done it twice, 10 years apart, and I'm always learning something about that play some people claim Shakespeare didn't even write."

Because his successor, Jerry Turner, has been on hand either as actor or director for nine seasons, Dr. Bowmer is confident of the future. "Our job now is to broaden across the state and that's my job as development consultant. Each year Mrs. Bowmer and I escort a theater tour for a month in the British Isles, but apart from that, retired now from the college, I'll be on duty."

To succeed Bowmer, Jerry Turner resigned his post as drama chairman for the University of California at Riverside and his present main concern is to expand the winter and spring seasons in the indoor theater. A great believer in playing to his audiences and not a handful of critics, Turner is mulling old plays but is not averse to new ones.

With Turner is his wife, Mary, a former member of the company, which makes the visitor suddenly realize that for several days now he's met X, Y or Z whose wife, A, B or C also is a member of the company as actress, singer, dancer or technician.

Ashland, apparently, is as healthily sane a spot for theater people as it is for zestful Oregonians. If you're going to be West before the season ends Sept. 12, head for the Rogue River Valley, though you'd better check through one of the box offices scattered through California, Washington and Oregon. Only don't tell too many people. We don't want to ruin everything.

THE REAL ENVIRONMENTALIST

Mr. HUMPHREY. Mr. President, there is a lot of concern today about our environment. And there should be. We can hardly exist in a world that is polluted, clogged, and smog infested.

And, for many of us, ecology has been without partisan overtones.

Regrettably, this posture has not been the practice of the administration. It has claimed credit for being an "environmentally oriented administration." It points with unabashed pride to things "it has done to improve the environment.

Mr. President, I would like to set the record straight. On the crucial questions of the environment, this administration has been pulled and pushed into action.

Peter G. Stuart, in a recent Christian Science Monitor article, "Environmental President," makes this clear. Stuart notes that the Council on Environmental Quality was devised by Democrats in Congress, that the rejuvenation of the 1899 Refuse Act was the work of the House Conservation and Natural Resources Subcommittee, and that much of the antipollution legislation was written by the Senate Air and Water Pollution Subcommittee.

Mr. President, I ask unanimous consent that Mr. Stuart's article be printed at this point in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Environmental President

(By Peter C. Stuart)

Washington.—Richard Nixon, we are now told, is "the first truly environmental President."

The Chamber of Commerce at Nashua, N.H., got the word firsthand from Secretary of the Interior Rogers C. B. Morton.

The source is a curious one. Mr. Morton is remembered as the man whom Mr. Nixon appointed six months ago after firing his administration's most outspoken envrionmentalist, Walter J. Hickel.

The new Interior Secretary, too, is evidently given to overstatement, at least where his boss is concerned.

Rhetorical pollution spews freely these days from all quarters. But when it comes from the top of the government, it carries the stamp of officiality—and deserves special examination.

The nation's "first truly environmental President," someone has calculated, never once mentioned the topic of environmental quality during his 1968 election campaign.

He has since compensated for this oversight, however, with a sprinkling of solid environmental works—and a torrent of environmental words.

"The President," Secretary Morton proclaimed back in New Hampshire, "restructured and revitalized the federal government to cope with the critical problems of the environment." He specifically mentioned creation of the President's Council on Environmental Quality.

Whoa, there. The council—the President's environmental right arm—was devised by Democrats in Congress (Sen. Henry M. Jackson of Washington and Rep. John D. Dingell of Michigan) and foisted upon a reluctant President Nixon.

Another member of the President's environmental "team" also has let his rhetoric get away from him. William D. Ruckelshaus, administrator of the Environmental Protection Agency, boasted to the National Press Club earlier this year that "we dusted off the 1899 Refuse Act."

Nothing could be further from the truth. Not only was the musty old law against water pollution "dusted off" by someone else (the House Conservation and Natural-Resources Subcommittee chaired by Rep. Henry S. Reuss (D) of Wisconsin), but the Nixon administration resisted enforcing the rediscovered law for months.

"Judge us by our actions, not our words," the President (in substance) has counseled his critics. What better measure of environmental action than money spent?

In its first two fiscal years, the "first truly environmental President" and his administration spent proportionately less money for natural-resources functions than the average for the previous 10 years.

Although Mr. Nixon proposes nearly doubling such outlays in the upcoming fiscal year, among the budget's 13 functional categories natural resources still falls tenth.

When this budget was released earlier this year, pollster Louis Harris was reporting that Americans rated environmental pollution as "the most serious problem" facing their communities.

All of which gives an ironic twist to the claim made by Secretary Morton last month to the National Audubon Society convention:

"President Nixon's leadership is helping us develop a better understanding of priorities."

There is some evidence that environmental drumbeating, while it won't clean up pollution, may sway public opinion. The Harris Poll recently reported that Americans rate environmental newcomer Nixon higher on "air and water pollution control" than Sen. Edmund S. Muskie (D) of Maine (36 percent to 33 percent). Never mind that Senator Muskie has been writing antipollution legislation, virtually alone, since the early 1960's—long before it became good politics.

GENOCIDE: ASKING THE HARD QUESTIONS

Mr. PROXMIRE. Mr. President, there is no anguish like that of the man who loves his country, and who believes that his country is committing grave errors in policy. We prefer to believe that our own Government is right most of the time; but it remains a part of reality that sometimes governments do make mistakes—sometimes very grave mistakes. Often it seems that there is little that any individual can do to affect change in government; a government may seem unresponsive or even arrogant in its disregard for the concerns of its citizens. But it is the duty of the conscientious citizen to stand up and do whatever he can, however minute in scale, to make his objections known.

The great French writer and philosopher, Jean-Paul Sartre, found his country—and, as a citizen, himself—in such a position during the French intervention in Algeria. In Sartre's view, the French had become involved in a war which inevitably led to acts of genocide. What could be done? What could a man do to preserve his integrity and his decency?

The problem, Sartre wrote, is that the French had not been willing to ask themselves the hard questions about their Government which so sorely needed to be asked. If such actions should ever occur, would they be willing to condemn acts of genocide committed by their own soldiers as vociferously as they condemn genocide perpetrated against the French?

Admittedly, the answers do not come easily.

I do not think that the United States will ever find itself in such an untenable position; there is a basic decency, I believe, which would never permit or condone such a situation. Therefore I think that the United States would have nothing to lose, and much prestige to gain, by ratifying the convention against genocide. Surely we are united in opposition to the crime of genocide. By ratifying the convention, we would be applying the substance of law to our common belief.

Hopefully the United States would never have to be confronted with the situation which Sartre describes as:

> This terrible truth: that if nothing can protect a nation against itself, neither its traditions nor its loyalties nor its laws, and if fifteen years are enough to transform victims into executioners, then its behaviour is no more than a matter of opportunity occasion. Anybody, at any time, may equally find himself victim or executioner.

Mr. President, I do not believe that the American people will ever find themselves cast in the role of victim or executioner. The Senate can help guarantee that by ratifying the Genocide Convention.

At this point I ask unanimous consent that excerpts from an essay written by Sartre, who discusses some of his thoughts about the French experience in Algeria, be printed in the RECORD. I believe that they bear upon the present situation.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM "A VICTORY" BY JEAN-PAUL SARTRE

In 1943, in the Rue Lauriston (the Gestapo headquarters in Paris), Frenchmen were screaming in agony and pain: all France could hear them. In those days the outcome of the war was uncertain and we did not want to think about the future. Only one thing seemed impossible in any circumstances: that one day men should be made to scream by those acting in our name.

There is no such word as impossible: in 1958, in Algiers, people are tortured regularly and systematically. Everyone from M. Lacoste (Minister Resident for Algeria) to the farmers in Aveyron, knows this is so, but almost no one talks of it. At most, a few thin voices trickle through the silence. France is almost as mute as during the Occupation, but then she had the excuse of being gagged.

Abroad, the conclusion has already been drawn: some people say our decline has gone on since 1939, others say since 1918. That is too simple. I find it hard to believe in the degradation of a people; I do believe in stagnation and stupor. During the war, when the English radio and the clandestine Press spoke of the massacre of Oradour, we watched the German soldiers walking inoffensively down the street, and would say to ourselves: "They look like us. How can they act as they do?" And we were proud of ourselves for not understanding.

Today we know there was nothing to understand. The decline has been gradual and imperceptible. But now when we raise our heads and look into the mirror we see an unfamiliar and hideous reflection: ourselves.

Appalled, the French are discovering this terrible truth: that if nothing can protect a nation against itself, neither its traditions nor its loyalties nor its laws, and if fifteen years are enough to transform victims into executioners, then its behaviour is no more than a matter of opportunity and occasion. Anybody, at any time, may equally find himself victim or executioner.

Happy are those who died without ever having had to ask themselves: "If they tear out my fingernails, will I talk?" But even happier are others, barely out of their childhood, who have not had to ask themselves that *other* question: "If my friends, fellow soldiers, and leaders tear out an enemy's fingernails in my presence, what will I do?"

Suddenly, stupor turns to despair: if patriotism has to precipitate us into dishonour; if there is no precipice of inhumanity over which nations and men will not throw themselves, then, why, in fact, do we go to so much trouble to become, or to remain, men? Inhumanity is what we really want. But if this really is the truth, if we must either terrorize or die ourselves by terror, why do we go to such lengths to live and to be patriots?

These thoughts have given us strength; false and obscure, they all unravel from the same principle: that man is inhuman. Their purpose is to convince us of our impotence. They will descend on us if we do not face them squarely. We must let other nations abroad know that our silence is not an assent. . . .

Torture is neither civilian nor military, nor is it specifically French; it is a plague infecting our whole era. There are brutes East as well as West. One could cite Farkas, who not so long ago tortured the Hungarians, and the Poles who admitted that before the Poznan riots the police often used torture. The Khrushchev report shows conclusively what was happening in the Soviet Union when Stalin was alive. Men who only yesterday were being "interrogated" in Nasser's prisons have subsequently been raised, still in a rather battered state, to high places. Today there are Cyprus and Algeria. In other words, Hitler was only a forerunner.

Disavowed—sometimes very quietly—but systematically practised behind a facade of democratic legality, torture has now acquired the status of a semiclandestine institution. Does it always have the same causes? Certainly not: but everywhere it betrays the same sickness. But this is not our business. It is up to us to clean out our own backyard, and try to understand what has happened *to us*, the French.

OUTSTANDING PERFORMANCE BY THE NEW JERSEY SYMPHONY

Mr. WILLIAMS. Mr. President, during this past weekend the New Jersey Symphony Orchestra gave several performances at the new Wolf Trap Farm for the Performing Arts in Vienna, Va. In Monday's Washington Post, music critic Alan M. Kriegsman reviewed the orchestra's Saturday evening performance in glowing terms. To quote Mr. Kreigsman, the orchestra rates "only a few notches beneath the Nation's finest," and "the sound and texture are glorious." Mr.

Kreigsman singled out the orchestra's conductor, Mr. Henry Lewis, for lavish praise, which I am certain is well deserved.

Mr. President, I know that all New Jerseyites join me in a feeling of great pride in their State's symphony orchestra, and I ask unanimous consent that Mr. Kriegsman's review describing the orchestra's outstanding performance at Wolf Trap be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 3, 1971]

NEW JERSEY SYMPHONY

(By Alan M. Kriegsman)

Until Saturday night, when he led the New Jersey Symphony in one of several appearances at Wolf Trap, it had been quite a few years—perhaps seven or eight—since last I heard Henry Lewis conduct. Back then, in California, he seemed a promising youngster, no more and no less. Now that promise has been realized, more fully and more brilliantly than anyone could have anticipated in so short a time.

To start with, there is the miracle he has wrought with the New Jersey Symphony. If you have been entertaining any vague notions, as I have, that the Jersey orchestra must be some hick outfit, you couldn't be more in error. I don't know what it was like when Lewis took over in 1968, but now it rates only a few notches beneath the nation's finest.

It is prefectly clear from the orchestra's response to his command that Lewis must have had a great deal to do with the ensemble's present excellence.

The sound and texture are glorious, throughout every choir. The strings could use more body, possibly, but their quality is wondrously silken. Splendid winds and brass; the horns are particularly strong, and the first oboe is outstanding. I looked over the fine percussion section and noted to myself that only once before, years ago in New York, had I seen a lady timpanist of this caliber. Sure enough, inquiry confirmed the same gal, Elaine Jones, who really knows how to make those tubs sing and is right there rhythmically with an exactitude that is rare.

From this extraordinary instrument, Lewis drew extraordinary results. His baton work is a pleasure to watch, not just because it is crystal clear and graceful, but because it is a perfect graphic analogue of the ebb and flow of the music. And from the orchestra it summons amazingly vital rhythms, lively articulation and supple, shapely dynamic curves.

The opening orchestral potpurri from "Der Rosenkavalier" was as voluptuous, as subtle, as endearingly romantic as one could wish, and incidentally, it couldn't have sounded more thoroughly "Viennese" in style had Strauss himself been at the helm. All of which is to say that the most impressive thing about Lewis is the interpretive maturity he has achieved.

If I have delayed this long in talking about Lewis' illustrious wife, soprano Marilyn Horne, who was the evening's guest soloist, it was only because she is a known quantity, while to many of us, he is not. But certainly, the concert's triumph was as much of her making and, together, they are quite some combination indeed.

It is hard to think of another singer today who is as much the total artist as Miss Horne. She's got everything—staggering technique, a voice as radiant and true from chesty bottom to soaring top, impeccable musicianship, and a personal intensity that makes listening to her almost unbearably affecting.

She delivered the goods, too. Her sensitivity and restraint in the "Che faro" from Gluck's "Orfeo" were no less winning than the luscious cantible of her "Nobles seigneurs, salut!" from Meyerbeer's "Les Huguenots," or her infinite tenderness in "Mon coeur s'ouvre à ta voix" from Saint-Saëns "Samson et Dalila." In Rossini's "Non temer d'un basso affetto," from "The Seige of Corinth," she has as fantastic an exhibition of coloratura virtuosity as I ever hope to hear, yet her unfailing musicality kept it within the strictest bounds of tastefulness. She requited the prolonged cheers of the crowd with equally stunning "Cruda sorte," from the same composer's "Italiana in Algeri."

The program ended with Glazunov's Symphony No. 5 in B Flat, resurrected from its relative obscurity in a performance of immense warmth and spirit. This was the final sign—a conductor who can make second-rate music sound supremely inspired is really one to watch.

THE CROSS OF MICRONESIA

Mr. FONG. Mr. President, with the advent of the Nixon doctrine and the reversion of Okinawa, the strategic importance of Micronesia has become increasingly clear to more and more Americans. But what is the U.S. strategic interest in Micronesia? What are the U.S. political interests? And what do the Micronesians want?

I invite attention to an important article on Micronesia which appeared recently in the Naval War College Review. It was written as a research paper at the Naval War College, the senior naval school for future flag officers.

The authors are Lt. Col. Vincente T. Blaz, a native of Guam who is a career Marine officer, and Samuel S. H. Lee, a native of Hawaii who is a career Foreign Service officer. While the opinions expressed in the article are theirs personally, the authors bring an unusual perspective to a complex problem.

I ask unanimous consent that the article entitled "Cross of Micronesia," published in the Naval War College Review for June 1971, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CROSS OF MICRONESIA

(A research paper prepared by Lt. Col. Vincente T. Blaz, U.S. Marine Corps and Mr. Samuel S. H. Lee, Department of State School of Naval Warfare)

INTRODUCTION

The cross of Micronesia

In the summer of 1970 the Congress of Micronesia rejected a U.S. offer of commonwealth status that would have enabled Micronesians to obtain U.S. citizenship easily and permitted an indefinite continuation of funds for the economically poor Trust Territory of the Pacific Islands.

To most Americans the rejection must seem surprising and puzzling. It must also be especially bewildering, for in recent years the United States has been increasingly generous in meeting Micronesian needs. After years of a constant budget ceiling of $7.5 million, the budget was more than doubled to $17.5 million in fiscal 1963 and then raised to $25 million in 1967, $35 million in 1968, $50 million in 1970, and $60 million in fiscal 1971.

This lavish attention, however, followed 20 years of neglect, indifference, and thoughtless decisions on the part of the United States. The political, economic, and social stagnation of those years was aggravated by the removal of the entire population from Bikini, Eniwetok, and Kwajalein to permit the use of these islands for nuclear tests and antiballistic missile development. This past is the cross which the United States bears today in Micronesia, and this burden—despite an increasingly active program of development in all fields—is compounded by the dilemma which the United States faces between its strategic interest and its moral and legal obligation for democracy, self-government, and self-determination.

The Micronesians, on the other hand, bear a much heavier cross—an accumulated burden of 450 years of foreign rule. One can imagine hearing the sigh of an old Saipanese who learned Spanish as a child, went to a German school in his youth, spoke Japanese as an adult, and now struggles with English in the twilight of his life.

Unlike the previous administrations, however, and despite its record of past neglect, the United States has intended in good faith to further the best interests of the Micronesians. The United States is now devoting increasing resources toward improving its administration, fostering the development of political institutions, promoting economic progress, and developing educational and health programs.

Yet, there is a growing feeling among Micronesians that the United States, in the development of Micronesia, is changing the islands and the islanders utterly—if it has not already done so. In other words, the development of Micronesia would mean the Americanization of Micronesia. Not all Micronesians would object to such a prospect, but the coming of age of Micronesia is intertwined with a crisis of identity and status.

In examining the Cross of Micronesia, the authors sought to consult with as many United States, Micronesian, and United Nations officials as possible, although this was difficult because of their location at the Naval War College in Newport. They were fortunate, however, in having the opportunity of meeting with Senator Henry M. Jackson and Representative Wayne N. Aspinall, Chairmen of the respective Senate and House Committees on Interior and Insular Affairs.[1] They also consulted with officials in the United Nations Secretariat and especially acknowledge their gratitude to Minister Kenneth Rogers of Australia, Chairman of the United Nations Visiting Mission to the Trust Territory in 1970. Finally, while on an official visit to Washington, two prominent Micronesians—Leo A. Falcam, Executive Officer of the Trust Territory Government, and Dwight Heine, Special Consultant to the High Commissioner of the Trust Territory—were most gracious in taking time off from their busy schedules to discuss the future of their homeland. The authors were unable to travel to Micronesia although one of them became acquainted with several elected Micronesian representatives while visiting the trust territory several years ago, and it is principally through the words of these Micronesian representatives and their official documents that the Micronesian side of the story of the Cross of Micronesia will be presented.

Description of Micronesia

Micronesia is now used as a term synonymous with the Trust Territory of the Pacific Islands. It comprises the islands of three archipelagoes—the Marshalls, the Carolines, and the Marianas with the exception of Guam which is an unincorporated U.S. territory—lying north of the equator and considerably west of the Hawaiian Islands. There are six administrative districts, four of

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which—Palau, Yap, Truk and Ponape—lie within the Carolines. The Marianas and the Marshalls each form a district.[2]

There are more than 2,000 separate islands scattered over an ocean area of 3,000,000 square miles or approximately the size of the continental United States. However, the total land area is less than 700 square miles or somewhat larger than the island of Oahu. Although there are large volcanic islands, the great majority are less than 1 square mile in area, giving rise thereby to the name Micronesia (small islands) which distinguishes this area from Melanesia (black islands) to the south and Polynesia (many islands) to the east.[3]

The people of the trust territory are classified as Micronesians except for about 1,000 Polynesian inhabitants of Kapingamarangi and Nukuoro. This classification, however, carries no implication of a homogeneous population, for regional and local groups exhibit marked variations in physical characteristics, languages, and customs. Nine major languages with multiple dialects indicate clearly the distinctive ethnic entities within the trust territory.[4]

The Chamorros of the Marianas and the Marshallese are the most Westernized, the former reflecting Spanish acculturation and the latter mirroring over 150 years of contact with American sailors and missionaries. Japanese influence remains strong, particularly in the Carolines where there was extensive intermarriage between the Japanese and the local people. The total population was 102,250 in 1970.[5]

Historical background

Despite the disparate cultures separated by vast expanses of water, there is a basic similarity in the life style of island dwellers—that fine adjustment to the ecology of a small tropical island. The real common bond, however, has been foreign bondage. The Spaniards, the Germans, and the Japanese all have left their imprint, and each departed in haste and in defeat.

Micronesia first came to the attention of the Western World when Ferdinand Magellan sighted Guam on 6 March 1521.[6]

The Spanish claim of sovereignty over the Marianas, the Carolines, and the Marshalls was challenged in the 19th century. In 1885 Germany seized the Marshalls. In 1898 the United States defeated Spain in a brief war and acquired Guam and also Puerto Rico and the Philippines. The next year Spain withdrew from the Pacific and sold the rest of the Marianas and the Carolines to Germany.[7] German control of Micronesia was abruptly terminated at the outbreak of World War I when Japanese naval squadrons took possession of the undefended islands.

Spanish colonial policy in the Pacific was autocratic and restricted to the pacification and Christianization of the Marianas. The Chamorros resisted Spanish rule, and the most obvious result of the Spanish-Chamorro wars in the 17th century was the decimination of the native population from an estimated 50,000 to 100,000 to less than 5,000.[8]

The German administration was also autocratic but efficient in economic development, including the use of forced labor which provoked a futile rebellion in 1910 by the Ponapeans on Sokehs. The Germans publicly shot 17 Ponapeans under a tree in Colonia which still stands and shipped the rest of the community to Palau, a thousand miles away. It was a severe punishment to inflict on the Micronesians, one of whose chiefs expressed their attitude toward their homes thusly, "Even though I travel on all the islands, my own island will remain in my head. No one can make me forget it." The exiled Ponapeans succeeded in prevailing upon the Japanese to repatriate them to their homeland in 1922.[9]

Japanese rule was complete and direct, and the policy was to develop the islands economically and settle Japanese colonists and subsequently in the 1930's to establish military bases in preparation for World War II.[10] Although Japanese rule was intended for the benefit of Japan, most Micronesians now look back fondly to the period between the wars which was marked by prosperity, peace, and propriety of relations between the two peoples. For some other Micronesians, however, there are unhappy memories. Dwight Heine, for example, was impressed into a Japanese labor battalion during the war, and both of his parents were beheaded by the Japanese.[11]

UNITED NATIONS STRATEGIC TRUSTEESHIP

The Wilsonian legacy

It may be said that world is a little different today because of American idealism. The map of Europe was redrawn in 1919 because of the Wilsonian principles of self-determination and nonannexation. And so were the maps of Africa and Asia after World War II.

At the Versailles Conference, Japan sought outright annexation of the Mariannas, the Carolines, and the Marshalls, to which Great Britain and the other European Allies had agreed secretly in 1916. President Wilson, however, opposed Japanese annexation—not only in principle but also because of the realization that Japanese possession of Micronesia was not in the interests of the United States, since the islands could be used against Guam and the Philippines.[12]

Only force would have dislodged the Japanese, but Wilson succeeded in preserving both his principles and the minimal U.S. strategic interest through the adoption of the concept of mandates. In 1920 the Council of the League of Nations confirmed a Class C Mandate for Japan which provided that the islands were to be open to visitation and unfortified. While this did not prevent the Japanese from closing off the islands in 1935, recent investigation indicates that large-scale militarization did not occur until the late 1930's when the road to war was discernible.[13] A postwar inspection also indicated that the vaunted Truk bastion was a fraud among fortresses" in that its defenses were superficial.[14]

That Japan was to lose the islands completely at the end of the war was clear, but there was an intense debate among civilian and military officials as to whether the United States should seek outright annexation or submit to some form of internationalization in succession to the mandate system.[15] The Atlantic Charter ("no aggrandizement, territorial or otherwise") and the Cairo Declarations ("no thought of territorial expansion") had now been added to the Wilsonian legacy which again triumphed, this time in the form of a strategic trusteeship.

In the Trusteeship Agreement approved by the Security Council and the U.S. Government,[16] the Trust Territory of the Pacific Islands was designated a strategic area and the United States the Administering Authority with the right to fortify the islands and to close off any part of the territory for security reasons. The terms of the agreement cannot be altered without the consent of the Administering Authority. Finally, the functions of the United Nations relating to the strategic trusteeship were to be exercised by the Security Council with its rule of unanimity instead of the General Assembly.[17]

The strategic trusteeship may be described as an excellent example of the reconciliation of the requirements of international law with the security interests of a great power. That the United States chose this road, not once, but twice in a lifetime, is testimony to the traditional American championship of freedom and a tribute to the vitality of the Wilsonian legacy.

Objectives of the trusteeship

The historical importance of the mandate system was that it embodied the principle of international accountability—that the well-being and development of the dependent people former "a sacred trust of civilization." There were three classes of mandates: A for the Middle East, B for Africa except Southwest Africa, and C for the Pacific Islands and Southwest Africa. The class C designation denoted that the people were not deemed capable of self-government for the foreseeable future.

The League of Nations Covenant was silent on the future poltical status of the mandated territories except for those in the Middle East which were classified as A or suitable for eventual independence. The United Nations Charter, however, explicitly declares in article 76(b) that a basic objective of the trusteeship system shall be the progressive development of the inhabitants of the trust territories toward "self-government or independence."

This basic objective is contained in article 6 of the Trusteeship Agreement which spells out in detail the responsibilities of the United States. In return for unfettered strategic control and use of the islands and in discharging its obligations under article 76(b) of the United Nations Charter, the first paragraph of article 6 of the Trusteeship Agreement commits the United States to:

"1. foster the development of such political institutions as are suited to the trust territory and shall promote the development of the inhabitants of the trust territory towards self-government or independence as may be appropriate to the particular circumstances of the trust territory and its peoples and the freely expressed wishes of the peoples concerned; and to this end shall give the inhabitants of the trust territory a progressively increasing share of the administrative services in the territory; shall develop their participation in government; shall give due recognition to the customs of the inhabitants in providing a system of law for the territory; and shall take other appropriate measures toward these ends."

The remaining three paragraphs of article 6 obligate the United States to promote economic advancement, including the protection of the inhabitants against the loss of their lands and resources; social advancement, including the protection of fundamental rights and freedoms; and educational advancement.

When the Trusteeship Agreement came into force in 1947, the U.S. Navy continued to administer the islands. In 1951 responsibility for administration was turned over to the Department of the Interior. The headquarters, then in Honolulu, was transferred to Guam in 1954 and finally to Saipan in 1962.

FRUGALITY AND NONDISTURBANCE

The first 15 years of the trust territory were marked by a policy of frugality and nondisturbance of the Micronesians. The policy was intended to foster the growth of a modernized native society by encouraging only that which is believed desirable in the native culture. It was opposed to the school of assimilation into the "superior" society of the dominant group (i.e., the United States).

In reality, however, the policy of frugality was dictated by a sense of priorities embodied in the Marshall plan and point 4. A leading student of Micronesia, Professor Norman Meller of the University of Hawaii, concluded that the policy more closely approximated the "zoological park" idea.[18] Another writer termed it the "squirrel philosophy"—"The islands became a treasured 'nut' to be buried in the South Seas and not to be disturbed until 'winter'—when the hardships of political climate would stimulate growing hunger for a reliable western Pacific defense line."[19]

Micronesia, however, was not a zoological park under the Japanese who had developed it economically. The Micronesians profited in the process and became increasingly dependent on a money economy and began to

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appreciate the efficiency of the machine age and its products. The Japanese also provided education, medical care, and community services such as electricity in the urbanized areas.[20]

Of greater significance were Japanese immigration and intermarriages with the Micronesians. By 1940 the Japanese outnumbered the Micronesians by 70,000 to 50,000. The Japanese not only ruled Micronesia, but also worked and lived with the Micronesians. At the end of the war, however, the United States repatriated all Japanese nationals from the islands. The abrupt departure of so many people could not but entail cases of personal hardship, including the separation of relatives, and Micronesian petitions to the United Nations in the immediate postwar years often centered around Japanese husbands and relatives.[21]

In this context the "zoo" policy meant turning the clock back.[22] The infrastructure destroyed during the war remained largely unreconstructed, and a long period of economic stagnation ensued. Willard Price estimated that the per capita annual income of the Micronesian in 1964 was only one-fifth of what it was during the heyday of Japanese rule.[23]

As the only American writer who had visited and studied Micronesia under both the Japanese and American administrations, Price was constantly asked during his 1964 visit to the islands, "Is it better now, or worse?" Although he felt that the only answer was the equivocal "better and worse" [24] and devoted two chapters to explaining it, Price concluded: "But, when everything favorable that can be said has been said, the fact remains that the Trust is progressing backward." [25]

He recommended: "Nothing would do the Trust more good than some bad publicity. Only by a thorough dose of the bitter truth can a generous but uniformed public be alerted of its responsibility for the Forgotten Sisters of the richest nation on earth." [26]

Bikini, Eniwetok, and Kwajalein. Under the Trusteeship Agreement the United States has the right (article 13) to close portions of the territory for security reasons and the right (article 5) to direct their military use. Until 1962 severe restrictions on entry into Micronesia, including entry by U.S. citizens, were maintained and enforced. Security clearance by the Chief of Naval Operations was required before the High Commissioner would consider issuing an entry permit. With almost no exceptions, the only entrants into Micronesia, other than Armed Forces personnel, were the American employees of the trust territory government.[27]

The policy of frugality and nondisturbance of the natives, however, was waived in matters pertaining to the strategic use of the islands. On Saipan the CIA built a $28 million facility which was used until 1962 as a training center for the Chinese Nationalist return to the mainland. The trust territory government, which had its seat in Honolulu and Guam, inherited the CIA facility and thus found a home in the territory it was to administer.[28]

In 1946 the 166 inhabitants of Bikini Atoll were removed to Kili, a tiny single island without lagoon in the far south of the Marshalls. For atoll people, it was an environmental wrench. At Bikini they had 36 islands with a total area of 2.32 square miles and, what was equally important, a lagoon of 229.4 square miles. Kili is a single island in the middle of the ocean, lagoonles sand .36 of a square mile.[29]

In 1947 the 146 inhabitants of Eniwetok were evacuated to Ujelang Atoll where the conditions of existence are "not satisfactory" in the words of the 1970 United Nations Visiting Mission.[30] The 166 Bikinians were paid $25,000 in cash and a $300,000 trust fund, while the 146 natives of Eniwetok, whose islands were smaller, received the same lump sum and a $150,000 trust fund.

In 1954 a hydrogen bomb test in Bikini resulted in radioactive fallout on Rongelap, nearly 100 miles away. Ten years passed before the U.S. Congress appropriated $10,494 for compensation of each of the 86 Rongelapese, 13 of whom were already dead, although there was no reason to believe that they had not died from natural causes.[31] Many Marshallese were enraged by the Rongelap incident, particularly since a similar incident in 1954 involving the 23 men of a Japanese fishing boat resulted in a prompt U.S. compensation of $100,000 for each Japanese.

In the 1960's U.S. nuclear testing was conducted on Christmas Island, an uninhabited island far removed from the Marshalls. There have been no such U.S. tests in the Pacific since signing of the limited test ban treaty in 1963.

The only major strategic activity now undertaken in the trust territory is the Army Missile Range Facility on Kwajalein which represents a billion dollar investment since 1947.[32] The use of the land was not regularized until a 99-year lease was signed in 1964 on the basis of $500 an acre for past use and $500 an acre for future use—that is, $10.10 per year per acre.[33] An additional payment of $40 per month was provided for the original 148 residents of the Mid-Corridor Islands who were relocated to Ebeve in the early 1960's as a safety precaution.[34]

These cases represent examples of inept acquisition of land, inequitable compensation, and insensitive resettlement of the population. Compensation was not even based on the income the land produced on a subsistence economy.[35] Indeed, what the Micronesians now need is compensation for life on a money economy, not a coconut economy.

In April 1970 the Mid-Corridor people took matters in their own hands, returned to the missile range islands, and staged a sit-in, bringing missile testing to a halt and thus forcing the Army to renegotiate the 1964 agreement. On 18 December 1970 the Army agreed to pay $420,000 per year to the Mid-Corridor people until they are allowed to return to their islands. In 1975 the agreement will be subject to reexamination and renegotiation.[36]

THE SHIFTING OF THE CROSS

Winds of change

The neglect and indifference of the 1950's were replaced by a renewed interest in the welfare of the Micronesians in the 1960's. This was the result of several converging developments.

In 1959 Hawaii became the 50th State of the Union, and the American public's warm reception of Hawaii was matched by official uneasiness over past deficiencies in America's Pacific and Caribbean dependencies. For the first time in history, the Pacific islanders are represented in the U.S. Congress as the Hawaiian Congressmen also serve as spokesmen for the Guamanians, Samoans, and Micronesians. It should also be noted that the plight of the people of Appalachia was also recognized at this time.

Hawaii is an area akin in outlook and cultural background to Micronesia, and the Hawaiian Congressmen began to press for greater assistance for their fellow Pacific islanders. They not only supported larger appropriations for the trust territory budget, but also introduced amendments to extend the benefits of Federal programs to Micronesians. As a result, the Micronesians became eligible for participation in a variety of Federal programs such as those relating to education, health, food assistance, and job training.[37]

Meanwhile, the achievement of statehood by Hawaii coincided with the granting of independence to British, French, and Belgian colonies. In 1960 alone the number of new African members of the United Nations leaped by 16, and the balance of voting power shifted to the Third World. Furthermore, of the 11 United Nations trusteeships, only two remain—Micronesia administered by the United States and New Guinea by Australia. Two trust territories in the Pacific were among those which became independent—Western Samoa in 1962 and Nauru in 1968.

The 15th session of the General Assembly in 1960 was noteworthy not only because of the appearance of Nikita Khrushchev, but also because of the adoption of two resolutions. Resolution 1541 (XV) was an affirmation that the United Nations would be satisfied with decolonization including independence, free association, or integration with an independent state; but also served as a justification for censuring Portugal for not transmitting information under article 73(e) of the United Nations Charter.[38]

The Fifteenth General Assembly, however, should be known for its Anti-Colonialist Charter–Resolution 1514 (XV), adopted 14 December 1960, the "Declaration on the Granting of Independence to Colonial Countries and Peoples." [39] It solemnly proclaims the necessity for a speedy end to colonialism and declares that all peoples have the right to self-determination. Almost every development at the United Nations since that time in the field of decolonization has been in terms of this declaration and the Special Committee of 24 established thereunder.[40] This is the Committee of 24 from which the United States and the United Kingdom withdrew in early 1971.

The United States, already uneasy over the possible consequences of neglect in Micronesia, was aware of the possible implications of Resolution 1514 (XV) and the Committee of 24. The real impetus from the United Nations, however, came from the Trusteeship Council which is composed of equal numbers of administering and nonadministering members, including such other permanent members of the Security Council.[41] Since there are now only two administering authorities, the United States and Australia, there are no other nonadministering members to be elected because of the inclusion of the Republic of China, France, the Soviet Union, and the United Kingdom.

Members of the U.N. Visiting Missions are drawn from the membership of the Trusteeship Council, and no mission has ever included a Soviet representative. The inspections and findings of the various missions have always been undertaken in a critical but constructive spirit, reflecting its makeup, and the United States was thus unusually receptive to their recommendations.

Until 1961, Visiting Missions appointed by the Trusteeship Council dallied but briefly in Micronesia. The decolonization of Africa and Western Samoa's imminent independence, however, prompted the 1961 mission to conduct a proper survey. Its report was not hypercritical, but pointed to so many deficiencies that the new Kennedy administration was stimulated into unaccustomed activity.[42]

An energetic Alaskan, M. Wilfred Goding, was appointed High Commissioner in 1961. One of his first accomplishments was to persuade the U.S. Congress to more than double the budget from $7.5 million to $17.5 million. Goding made 38 trips to Washington in 4 years, mostly in order to raise funds. A new Micronesian quip was coined, "In Goding we trust," to be added to the early nickname, "Rust Territory." [43]

The budget continued to rise until it reached $60 million in fiscal 1971. A survey of the territory's resources by Robert R. Nathan Associates, Inc., provided a long-range plan for economic development. The administration did not accept all the recom-

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mendations, particularly that on alienation of land (i.e., sale of land to nonnatives), but proceeded on the road to tourism by modernizing air transport and building tourist hotels.

Major emphasis was placed on education, especially the teaching of English as a second language (the TESL Program) and thus the *lingua franca* for the nine major linguistic groups, and public high schools were opened in each of the districts. A crash program began the improvement of health services and was spurred on further by a critical World Health Organization (WHO) investigation in 1965, which highlighted the prevalence of tuberculosis and the poverty of general sanitation.[44]

The Peace Corps was invited in 1966 and reached its peak in 1968 with 665 volunteers. The dispersal of so many Americans could not but significantly influence the attitudes and aspirations of the Micronesians. Their overwhelming presence became a matter of controversy among Americans and Micronesians alike. The number of volunteers was reduced to 338 in 1971.[45] Most Micronesians, however, were impressed by the young Americans who were willing to live among them in their villages and also to intercede on their behalf with the administration, in the latter respect, the Peace Corps volunteer lawyers rendered invaluable service for the Micronesians, but their efforts were often considered "meddling" in local politics by administrators. On balance, however, the volunteers gave the Micronesians a look at a type of American different from the occasional Government employee.

The accomplishments

By 1962 the United States had concluded that it was to the advantage of American security to recast the old policy of frugality for one of generosity. The decision was made to bring the Micronesians into the orbit of the 20th century as quickly as possible by accelerating the planned educational, social, economic, and political development of the islands. The last was to be undertaken with a view toward shaping future relationships between Micronesia and the United States.[46]

What have been the accomplishments of the new deal for Micronesia during the past decade? A useful reference for taking stock is the report of the 1970 U.N. Visiting Mission which consisted of Mr. Kenneth Rogers of Australia as Chairman, Mr. Men-Hsien Wang of China, Mr. Alain Deschamps of France, and Mr. David Lane of the United Kingdom.

In education the U.N. Mission recognized the formidable task of providing educational services for the widely scattered islands. Progress noted by the 1967 Visiting Mission has been continued, and very significant advancement has been made in some sectors in education. The mission recommended greater priority to vocational and technical education and more attention to curricula of more relevance to Micronesian society and economy.[47]

The deplorable state of health during the first 15 years has now been remedied, and both the administration and the Congress of Micronesia are optimistic that the Comprehensive Health Plan will meet the goal of bringing the health services up to, if not surpassing, the minimum standards of a U.S. community. Micronesians have taken over most positions in the medical and health services and account for 96 percent of the 900 persons employed.[48] The major problem in social advancement is juvenile delinquency.[49]

In the economic development, the following is the conclusion of the 1970 Visiting Mission:

"The Visiting Mission did not see signs of significant progress in the economy of the Territory as a whole. In particular, the basic infrastructure is still in a lamentable state, agriculture is stagnant and seems to be threatened by the movement of population to the towns, the adverse trade balance is increasing and, apparently, some pressure is beginning to be felt on prices." [50]

The mission did notice some encouraging developments in tourism and air transport and the readiness of the administration to consider reforms and to continue financial assistance.

The Visiting Mission also discussed a number of unresolved issues, particularly those relating to land and war claims. Indeed, the mission found that Palau representatives gave priority to the restoration of public lands to Palauan control and the payment of war damage claims over discussions of the future political status of the trust territory.[51] The Micronesians are also suspicious of the land registration program, a 5-year program costing $5 million, which many now believe might take over 15 years for completion.[52]

One generation after the end of World War II, the damages suffered by an innocent people remain uncompensated. It was not until 1969 that the United States was able to obtain agreement from Japan for a settlement of the war claims. The agreement treats all Japanese claims in Micronesia as fully and finally settled and commits both Governments to a joint ex gratia grant of $5 million each to the Micronesians.[53] The Micronesians have been disappointed over the long delay in the settlement of the claims and have expressed dissatisfaction over the $10 million figure as well as the fact that the Micronesians were not consulted during the negotiations. Representative Patsy T. Mink, in testimony before a House Foreign Affairs subcommittee, supported the Micronesians and asked for House approval of a fund up to $100 million to pay all claims.[54]

Another category of claims concerns the use or loss of property after the securing of the islands, thus the postsecure or postwar damage claims amounting to some $20 million. Legislation for the settlement of both categories is still pending, and the Visiting Mission hoped that it would be treated with priority "in justice to the claimants and in the interests of good government and popular confidence in government procedures." [55]

Of the four areas of development, the United States was most successful in political and constitutional development. The Micronesians themselves acknowledged this contribution:

"Whatever our particular evaluations of the American administration in Micronesia may be, we feel that one contribution has been indelible, one achievement almost unqualified: the idea of democratic, representative, constitutional government. Our recommendation of a free associated state is indissolubly linked to our desire for such a democratic, representative, constitutional government. We endorse this system—which was brought to us by America and which we have come to know as an essentially American system." [56]

The U.N. Visiting Mission paid tribute to the fact that the inhabitants of the trust territory enjoy a degree of personal freedom and civil liberties which would be regarded as enviable in many parts of the world.[57]

The United States had succeeded in educating a leadership which is articulate and creating a political institution which has become a vehicle for political advancement.[58] The problem was the pace, degree, and direction of self-government. The U.N. Visiting Mission, in tracing the achievements of the Congress of Micronesia aud its Status Commission, recommended that greater responsibility be given to the Congress, including the possibility of cabinet government.[59]

COMING OF AGE OF THE MICRONESIANS

1968: Summer of dissent

When the United States created the Congress of Micronesia in 1965, it took the first important step toward promoting political advancement on a territory-wide basis. By that time most of the world had been decolonized and most of the trust territories had already assumed the responsibilities of self-government or independence. Thus the Micronesians are coming of age politically somewhat belatedly—after Western Samoa, the Cook Islands, and Nauru.

The question of land was the first issue for the new Congress of Micronesia. Land is Micronesia's scarcest resource and its most precious—precious not only because of its scarcity (the density of population is 140 per square mile and only 100 of the 2,000 islands are inhabited or inhabitable) but because of the role it plays in traditional cultural patterns. Only in the Marianas does land tenure resemble the Westen system in law and spirit.

The administration has acknowledged this fact and has gone to great length in protecting the inhabitants against the loss of their lands in accordance with article 6(2) of the Trusteeship Agreement. It has continued to adhere to the policy of nonalienation of land to non-Micronesians,[60] and it has excepted the application of common law to the ownership, use, inheritance, and transfer of land.[61] And nothing is more eloquent than the administration's description of land tenure in the U.S. annual reports to the United Nations, viz, "Land is identified with food. . . . That is my food." [62]

For the Micronesians the unhappy experience of land and the administration was embodied in Eminent Domain, always spoken of in capital letters. The existing law allows the administration almost unlimited power to take private land for public use, even though 60 percent of the land (90 percent in the Marianas) are "public." [63]

The Congress of Micronesia and the administration, as well, believe that this power should be limited, but neither is able to agree on how. In 1966 Senator Amata Kabua of the Marshalls, Kwajalein to be precise, introduced an eminent domain bill which the Congress passed. The High Commissioner vetoed it.

In 1967 the administration submitted its proposal. The Congress amended it extensively to reflect their 1966 version. The High Commissioner did not approve it.

In 1968, the summer of dissent,[64] the Congress did three things—it voted to override the 1967 pocket veto, it passed another bill identical to the 1967 one, and, for good measure, it passed a bill repealing the existing statutory provisions on eminent domain. The High Commissioner refused to give his approval to these measures.

In 1968 the Congress of Micronesia also passed a bill to provide that the burden of proof shall be on the trust territory government to establish the ownership of certain interests in land and to permit the validity of certain land transfers occurring between the last day of the German administration and the first day of the American administration of the trust territory to be challenged. The High Commissioner also refused to approve this legislation.[65]

The Micronesians contend that much of what is classified as public land really belongs to Micronesians from whom the Japanese administration appropriated it. Judge Joseph Fanachoor of Yap, who has served as an interpreter for the Germans, a policeman for the Japanese, and a judge for the Americans, relates how the Japanese beat up the Yapese to force them to sell their land and then returned to beat them up to force them to contribute the money to the Japanese war effort.[66] This account was corroborated by E. J. Kahn, Jr., in *A Reporter in Micronesia* which gave the following description of the

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fortunes of the Etscheit brothers who were born in Ponape of a German father and a Belgian mother:

"Both brothers were constantly bedeviled by the Japanese, who at one time or another "bought a good deal of their land at prices arbitrarily set by the purchaser. The brothers have since recovered most of their property, after long and not altogether tranquil negotiations with the Trust Territory administration." [67]

The United States has insisted that it is protecting the people against the loss of their lands under article 6(2) of the Trusteeship Agreement by prohibiting the alienation of land to non-Micronesians, and as for the public lands, it is holding these in trust for the Micronesians. At the 1970 session of the Trusteeship Council, Edward Johnston, the High Commissioner, stated the position of the administration:

"Before leaving the subject of land in Micronesia, we would again point out that the Administering Authority holds no land title on its own behalf in the Trust Territory of the Pacific Islands. Those lands which are designated "public lands" are held by the Administering Authority in trust for the people of Micronesia, and we thank the representative of France for his suggestion that we must obviously work harder to assure that the citizens of Micronesia truly understand this important point." [68]

The Micronesians do know that the land is theirs, and the message is clear—they want it back.

1969: Summer of decisions

At the first session of the Congress of Micronesia in 1965, the House of Representatives turned down a bid for organic legislation for the trust territory and did so again at its second session. Resolutions calling for closer ties or special relations with the United States were also defeated at the latter session. However, in this 1966 session the Congress of Micronesia did petition the President of the United States "to establish a commission to consult the people of Micronesia to ascertain their wishes and views, and to study and critically assess the political alternatives open to Micronesia." [69]

A year passed while the Departments of State, Defense, and the Interior deliberated upon the terms of the resolution to be introduced into the U.S. Congress providing for a status commission.[70] When the Congress of Micronesia reconvened for its third session, 10 July to 8 August 1967, it decided to establish its own status commission to study the future political alternatives and to help educate the people politically. This move coincided with the growing Micronesian determination to gain control of the land and represented a recognition that the shape of the political future would have an important influence on the shape of their future society. The Micronesians decided they had better make themselves heard. Having seized the initiative, the Congress of Micronesia has been off and running since.

The U.S. response came shortly after the Congress of Micronesia adjourned. On 21 August 1967, President Johnson sent a letter to the U.S. Congress asking for the adoption of a joint resolution setting up a Federal status commission, with the view of enabling the Micronesians "freely to express their wishes as soon as possible, and not later than June 30, 1972, on the future status of the Trust Territory." The joint resolution failed to pass in 1967, again in the election year of 1968, and yet again in 1969.[71] The proposal and the proposed plebiscite have been overtaken by events.

In the meantime, the Future Political Status Commission of the Congress of Micronesia went to work. At the end of June 1968 the Commission produced its Interim Report, a document of 125 pages, which concentrated on identifying alternative options for Micronesia, viz, independence, free association, integration with a major power, and continuation as a trust territory.

The Interim Report made a favorable impression on the Congress which extended the mandate of the Commission and appropriated the relatively large sum of $70,000. The Commission held public hearings in each of the six districts; talked to the political leaders of Nauru (whose 6,000 inhabitants on 8 square miles became independent in 1968) and the Cook Islands (which opted for free association with New Zealand in 1965); visited American Samoa, Western Samoa, Fiji, and the Trust Territory of New Guinea administered by Australia. Finally, the Commission engaged Professor James W. Davidson of the Australian National University, Canberra, as its consultant. Davidson, a New Zealander, had been one of the architects of the Cook Islands free association and Western Samoa's independence Constitution. He was also an adviser to the Nauruans during their negotiations for independence.

In July 1969 the Commission issued its final report, the tone of which is reflected in the statement that the United States has not lacked good will but rather a clearly defined objective and a sense of urgency.[72] It recommended a self-governing Micronesia in free association with the United States.[73] Its concept of free association was derived from United Nations General Assembly Resolution 1541 (XV) of 15 December 1960. It summarily dismissed association or integration with Japan as being neither advantageous nor practicable. It recommended independence only as a second alternative to be considered if self-government in free association with the United States should not be possible.[74]

While recognizing the opportunity for an American standard of living that integration with the United States would bring, the Commission rejected that option. The disadvantages were greater—other U.S. citizens would have an equal right to acquire land and conduct business in Micronesia; Micronesia would lose control of its own affairs; Micronesians would be subject to U.S. taxes; Micronesians would have fewer opportunities to hold key positions in the Government; and intensified Americanization would diminish the prospect of preserving Micronesian cultures.[75]

In arriving at its conclusions, the Commission recognized the powerful emotional component of the sentiment in the Marianas District for reintegration with Guam. It treaded carefully around "this peculiar circumstance" and went so far as to state that "it will not oppose a political union which reflects the freely-expressed desire of a majority of the residents of the district." [76] But it also noted that it was ultimately for the United States and the United Nations to resolve this question and expressed the hope that separation would not be taken until all the possibilities for partnership had been explored.

The significance of the Commission and its report lies in the fact that the Micronesians, in examining the future status, finally became aware of the implications of the strategic trusteeship; that is, under current legal authority the United States may locate military bases on any Micronesian island at any time. The Commission considered the most surprising aspect of its hearings in the six districts was the degree of anxiety at the prospect of the location of U.S. military bases. This concern expressed itself in three different ways—use of land; the social-cultural impact of numerous foreigners on vulnerable, conservative, and numerically insignificant Micronesian communities; and the risk of war and destruction.[77]

The Commission, nonetheless, stated:

"Our experience with the military has not always been encouraging. But as a self-governing state in free association with the United States, we would accept the necessity of such military needs and we would feel confident that we could enter into responsible negotiations with the military, endeavoring to meet American requirements while protecting our own interests." [78]

The Future Political Status Commission thus recognized two inescapable realities: the fact of longstanding American strategic interest in the area and the need for Micronesian self-government. Micronesia had to become fully self-governing "because the continuation of a quasi-colonial status would prove degrading to Micronesia and unworthy of America." [79]

1970: Summer of determination [80]

The Congress of Micronesia endorsed the report of the Status Commission and established a Political Status Delegation. The Micronesian Delegation was authorized to press for an early resolution of the future political status of Micronesia and to take part in preliminary discussions regarding future relations between Micronesia and the United States.

Talks were held in Washington in September 1969, on Saipan in January 1970, and again on Saipan in May 1970. The Micronesian Delegation was headed by Senator Lazarus Salii of Palau who also headed the Status Commission. The U.S. Delegation was chaired by the Honorable Harrison Loesch, Assistant Secretary of the Interior for Public Land Management.

The Micronesian Delegation submitted its report to the Congress of Micronesia on 22 July 1970, and it is on this report that the following is perforce based. The writers have not seen the report of the U.S. Delegation and presume that it is classified.

The Micronesian Delegation presented a list of 11 topics for discussion during the Washington talks which lasted about 3 weeks. These 11 topics were: [81]

1. That the people of Micronesia will draft and adopt their own constitution;
2. That the Micronesians will be assured that there will be no confiscation of their land and no military bases will be established in the islands without full consultation and consent of the Government of Micronesia and fair compensation; that land currently held, controlled or possessed by the United States under lease or other arrangements will be renegotiated;
3. That the United States, subject to certain exemptions, limitations, and conditions, will conduct Micronesia's external affairs and provide protection from outside aggression and consult with Micronesia before entering into international obligations with respect to Micronesia;
4. That Micronesia will agree not to allow any other country to enter into Micronesia for military purposes;
5. That the United States will agree to an early settlement of Micronesia's postwar damage claims;
6. That the United States will remove all barriers to the free movement of Micronesians into the United States;
7. That the United States will also agree to remove all barriers to the free movement of goods from Micronesia into the United States;
8. That the United States will seek full consultation with the Government of Micronesia in matters of shipping, civil aviation and communication;
9. That Micronesians will have access to the United States Ninth Circuit Court and the United States Supreme Court;
10. That Micronesia will continue to have access to banking facilities in the United States, to the use of United States currency and postal services; and
11. That the United States will guarantee financial aid to Micronesia.

No conclusions were reached during these

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preliminary discussions in Washington, but the Micronesian Delegation reported U.S. agreement in principle with the basic Micronesian position except for the question of the control of land. The Micronesians insisted on unqualified control of land, while the U.S. Delegation presented a formula for the acquisition of land which gave the President of the United States ultimate power to acquire land in Micronesia. There was also disagreement as to whether any association would be permanent or revocable.

The next exchange between the two delegations occurred in January 1970, during the special session of the Congress of Micronesia on Saipan. Assistant Secretary of the Interior Harrison Loesch informally presented to the Micronesians a draft bill which would have made Micronesia an unincorporated territory of the United States, like Guam and the Virgin Islands. Surprised and taken aback by this turn of events, the Micronesians could not but find this to be "almost totally objectionable." [82]

Discussions were resumed on Saipan from 4 to 8 May 1970. The Micronesian Delegation, in pursuing free association, put forth the following four principles.[83]

1. That sovereignty in Micronesia resides in the people of Micronesia and their duly constituted government;
2. That the people of Micronesia possess the right of self-determination and may therefore choose independence or self-government in free association with any nation or organization of nations;
3. That the people of Micronesia have the right to adopt their own constitution and to amend, change or revoke any constitution or governmental plan at any time; and
4. That free association should be in the form of a revocable compact, terminable unilaterally by either party.

From the Micronesian point of view, it was understood that following agreement on the principles, the United States and Micronesia would prepare a compact detailing the rights and obligations of both parties. Briefly, it meant that the United States would have control of external affairs and defense, and the Micronesians full and unqualified powers in their internal affairs.[84]

The U.S. Delegation presented a proposal for commonwealth status, thus implying rejection of or nonreceptivity to the Micronesian desire for free association. Under the proposal the Micronesians would become U.S. nationals or, on simple application to the Federal Court, U.S. citizens. The Micronesian Delegation found the U.S. proposal unacceptable on three basic issues: control of land, control of laws, and control of future status.[85]

Land. Under the terms of the U.S. proposal, the U.S. Government would have the right to retain whatever land it now holds and the right, failing negotiation, to acquire additional land under a complicated formula with ultimate resort to eminent domain. The Micronesians replied that they must insist on unqualified Micronesian control of land because of their circumstances and traditions:

"This does not mean that a Government of Micronesia would not be ready to enter into negotiations with the United States for the lease of certain areas. Moreover, in making this statement, we are fully conscious that the United States would be the more powerful partner to such negotiations. But, on the issue of legal control, we are unable to agree to any compromise. This, indeed, has been one of the primary motives for insistence upon a relation of free association." [86]

The U.S. proposal would also permit the purchase of land in Micronesia by a non-Micronesian provided he is an established resident and the transaction is approved by a majority of a special commission of local residents. The Micronesian Delegation doubted the efficacy of such safeguards within the context of the current proposal. It did not point out that the Constitution of American Samoa, ratified by the Secretary of the Interior in 1967, continues the policy of protecting Samoans against the alienation of their land and also that the U.S. Congress reintroduced nonalienation of Indian tribal land in the Indian Reorganization (Wheeler-Howard) Act of 1934.

Control of law

The U.S. proposal stipulates that the future constitution of Micronesia must provide for a republican form of government (and separation of powers), include a bill of rights, and not be contrary to the provisions of the U.S. Act establishing the commonwealth relationship or the Constitution of the United States. No law enacted by the Congress of Micronesia could be inconsistent with the Constitution of the United States, laws of the United States, or treaties entered into by the United States. The Micronesians objected to this unlimited application of the principle of federal supremacy.[87] They have already indicated that they are prepared to accept federal supremacy only in external affairs and defense.

Control of Future Status. The Micronesian Delegation found the single most objectionable feature to be the permanent and irrevocable status under the commonwealth proposal. While the Micronesians have consistently pressed for a status which is unilaterally terminable, they indicated a receptivity to safeguards against abrupt or hasty termination by either party. The report itself cited the free association relations between the United Kingdom and certain former British territories which provided that a 90-day period must elapse between the introduction and passage of legislation to terminate the relationship, and such legislation must be adopted by a two-thirds majority of the legislature. In addition, the approval of two-thirds of the electorate in a referendum is required.[88]

The Micronesian Delegation concluded that the U.S. proposal, however well-intentioned, would make Micronesians an insignificant, remote minority at the mercy of whatever changes in policy, politics, and administration occur in the United States.

The delegation next discussed independence, which it maintained was a real alternative which Micronesians have the right to choose and should consider. It believed that "any valid strategic interest in Micronesia could as readily be accommodated in terms of an honorable treaty between Micronesia and the United States, as by a clause in a Trusteeship Agreement in which Micronesians did not participate." [89]

On the other hand, the disadvantages of independence are substantial and arise principally out of economic factors. "The lack of certain natural resources, the small population, geographical dispersion, cultural diversity, communications and transportation difficulties would gravely challenge any administration and would particularly test a newly-independent government." [90] These factors which the Micronesian Delegation cited were the same ones which the U.S. Delegation called the particular circumstances that would not make independence a realistically appropriate status for some time to come.[91]

The Micronesian Delegation concluded that, despite the differences described, there was some advantage in continuing negotiations with the United States, and there was also the possibility of discussions with Members of the U.S. Congress who must eventually endorse any change in Micronesia's political status.[92] These differences, however, do not obscure the agreement among the Administering Authority, Micronesian representatives, and the United Nations that Micronesia must eventually be self-governing.[93]

The delegation believed that the transition to self-government must be begun now, even though the final nature of this government—free association, independence, commonwealth—has not yet been decided. It recommended that the Congress of Micronesia consider immediate measures for the introduction of an executive council or cabinet government, the power of advice and consent in the appointment of the next High Commissioner and other key officials of the administration, increasing legislative control of the budget, and the transformation of the district administrations into district governments responsible to the people. Self-government at the district level would help safeguard the interests, identities, and traditions of the individual districts.[94]

Finally, the Congress of Micronesia was asked to consider the possibility of convening a constitutional convention, a survey on the economic implications of free association and independence, expert legal assistance in Washington, and assistance from the United Nations.[95]

A look backward

In looking back, one cannot but be struck at how far the Micronesians have traveled in a very short time. There was no territorial forum from which the elected representatives of the Micronesians could speak as a whole to the Americans until the Congress of Micronesia met in 1965. Since that year they have set up a status commission to study their circumstances and their options, they have made their choices and authorized a negotiating delegation, and they have pursued their goals with consistency and persistence.

In doing so, the Micronesians have shown themselves sensitive and imaginative, and seem to indicate that they have come to realize that no nation—Spain, Germany, Great Britain, Japan, or the United States—is made up of people who are all good or all bad, all efficient or all inefficient, all honest or all dishonest. Of the Americans, the Micronesians are certain of their good will, but fault them for their lack of a clearly defined objective and a sense of urgency or priority in Micronesia.[96]

Acting on that assumption, the Micronesians have consistently seized the initiative and held the high ground with the view of forcing the United States to pay attention to them and to take them seriously. They have appealed to the conscience and sense of fair play of the Americans by acting within the tradition of American freedom and democracy. They could not do otherwise since that tradition is now part of their heritage. They have sought to have the United States act in consonance with the Trusteeship Agreement and the Wilsonian legacy. They have done this, simply and briefly, by forcing the United States to negotiate with them as if they were not only constituent but also sovereign representatives. In other words, they refused to play Indians.

Yet, as the report of the Micronesian Delegation states, the two delegations have arrived at something of an impasse concerning Micronesia's future. The report suggests some of the responsible factors.[97]

1. First and foremost, United States security interests in Micronesia seem to be the overriding consideration in the position of the United States.
2. Second, the position of the United States seems to be based upon its past experience with its territories and possessions, the United States now seeking to fit Micronesia into the commonwealth slot based upon a status similar to that of Puerto Rico.
3. Third, the two Delegations approached the May discussions in different manners. The Micronesian Delegation hoped to center discussions on the major issues and to reach agreement on general principles defining free association. The United States Delegation entered the discussions with a firm proposal,

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Footnotes at end of article.

hoped to center discussions upon it, and was not authorized to deviate in substance.

4. Lastly, the Report discussed "the matter of the attitude of the United States Delegation and its apparent misunderstanding or misinterpretation of the wishes and desires of the people of Micronesia." In other words, the United States offer implies that the Micronesians want to become Americans, and the United States apparently believes that it can best determine what is the best status for Micronesia.

DILEMMA FOR THE UNITED STATES

Strategic interest

The Micronesians are convinced that the U.S. strategic interest in Micronesia is undiminished and inflexible and is the basis for the U.S. insistence on eminent domain, federal supremacy, and permanent association. In practical terms, they believe that the Department of Defense is planning to relocate existing bases in the Philippines, Okinawa, and Japan to various islands in Micronesia.

But, is it simply a matter of bases? What then is the U.S. strategic interest in Micronesia? The primary and paramount interest is—denial.

Japan was able to undertake the surprise attack on Pearl Harbor because it controlled Micronesia. From the Carolines the Japanese then advanced to the west, the south, the east, and even the north. By the end of December 1941, Guam, Wake, the Gilberts, and most of the Philippines were in Japanese hands. Before the middle of the next year the Japanese had moved down to New Guinea, the Bismarcks, and the Solomons.

Over 6,000 Americans were killed wresting Micronesia from Japanese control.[98] Today, a generation after Pearl Harbor, the temper of the American people is still such that it would hardly countenance permitting the islands to return to Japan or to go to any other nation. It should be emphasized that the American people include the citizens of the State of Hawaii and the Territory of Guam, two American territories which bracket Micronesia from the east and from the west and which were not only subjected to enemy attack but also, in the case of Guam, suffered grieviously under enemy occupation for 3 years.

On the other hand, perhaps three or four thousand Micronesians died during the fighting in World War II.[99] The number will never be known, and this was out of an estimated 50,000 Micronesians. The virtual total destruction of the economic structure has yet to be made up, while losses in personal property were massive in the combat zones. For the Micronesians, a policy of denial means the removal of Micronesia from the contention of the great powers and stability during a period of unsettled international conditions.

Denial is thus in the interest of both the United States and Micronesia. It is the only undiminished and inflexible element in the strategic importance of Micronesia.

THE POTENTIAL OF BASES

Other elements of the U.S. strategic interest in Micronesia consist of the Kwajalein Missile Range Facility and potential sites for future bases. The use of Kwajalein has now been placed on a mutually satisfactory basis through negotiations and increased compensation. See *supra*.

As for future bases, a glance at a map shows clearly that the potential sites are in the Marianas, Yap and Palau, for these islands are in the proximity of the Asian mainland and its offshore islands. Hanson W. Baldwin maintains that continued U.S. control of Micronesia is essential but points out that Guam, with its fine harbor of Apra and well-developed airfields and ammunition storage areas, is the natural focus for U.S. military facilities in Micronesia. Because of overcrowding on Guam, he believes that ultimately Rota and Saipan will be required, and there may well be need for development of staging fields or refueling or communications facilities at Ulithi Atoll (Yap) and in the Palau group.[100]

Mr. Baldwin's scale of priorities—Guam first, then the Marianas, and later possibly Yap and Palau—coincides with the political receptivity of these islands to military facilities. Guam is U.S. territory and the Guamanians are U.S. citizens who have long been accustomed to the presence of the military. The people in the Marianas have expressed their desire to reintegrate with Guam and become U.S. citizens and also have petitioned for U.S. bases. The Yapese are apprehensive, however, while the Palauans have gone on record against military bases.

Except for Guam which is American and Kwajalein which is in being, the matter of bases is still a potential but valuable asset. There are plans, but plans are not decisions. Recently, however, such plans have acquired an immediacy because of the reversion of Okinawa and the post-Vietnam scene; and, if there should be a need for alternate sites to bases in Okinawa and/or the Philippines, Micronesia's westernmost islands would be the logical candidates. In this eventuality it appears highly unlikely that the U.S. Congress would authorize enormous sums, say, several billions of dollars, for the construction of an "Okinawa" in Micronesia. Indeed, even if congressional sentiment and limited budgetary resources were not real-world constraints, a good case could be made for a modest basing plan designed to support a maritime strategy (with ground forces afloat) over one which envisions forward deployment of grounds forces in permanent facilities such as those in Okinawa.

In the latter respect, the role which the United States should play in Asia under the Nixon Doctrine would have to be defined more precisely in terms of the sort of presence in the Western Pacific required to support it before the Department of Defense can determine what forces and facilities are needed. In the meantime, hardware will get better and better but more costly; new concepts (sea base and strategic mobility) utilizing new hardware will continue to be developed; officers in the Pentagon will continue to revise plans for bases in Micronesia; and students at the war colleges will add further knowledge and understanding of the 100,000 Micronesians and their 2,000 islands.

Removing the uncertainty

Most Micronesians are aware of the difference between planning and actual decisions. That, however, is exactly what agitates them—the certainty of strategic interest and the uncertainty of bases. They know that the United States is increasingly attracted to the idea of bases in Micronesia, but they do not know where, when, or how the land needed would be taken. Now and then every district is racked by rumors that this or that piece of land is about to be confiscated and used as a base.

Philip W. Quigg, managing editor of *Foreign Affairs*, has recommended that the United States make a policy statement that no land would be acquired for bases without full consultation and adequate compensation.[101] This, he believed, would improve the climate in Micronesia, pending a resolution of the status question.

Another suggestion has been to consider locating bases on uninhabitated islands, an appealing idea since only 100 of more than 2,000 islands are inhabited. Such islands are well suited as training sites for amphibious forces. Most of the uninhabited islands, however, lack sufficient land and water to support a typical base area, and the development of a port facility would be very expensive.

Nevertheless, the above ideas do not appear sufficient to quiet the anxiety or fear of the Micronesians outside of the Marianas, for they do not end the uncertainty of where the bases would be located and if eminent domain would be exercised. This frustration must be removed before there could be a satisfactory resolution of the future political status of Micronesia and its relationship with the United States.

After 25 years it might also be time for the United States to state definitely what it needs, even if it is simply an option to build. But how could the Department of Defense and the services define their land requirements in Micronesia when important decisions on force structure and future missions are yet to be taken? Would not the military simply color up the map and continue to hoard the land as the proverbial squirrel does?

Not if they have to pay for it from their current budget—in the manner airlines take out options on aircraft under development and Federal agencies obtain PL 480 counterpart funds from the Treasury by giving up dollars from their budgets. The need to negotiate a satisfactory lease and to pay hard cash for it appears to be the only practical means of obtaining a rational definition of military land requirements. The lease will provide the trust territory government with needed revenues, and, like the Kwajalein agreement, it could be subject to reexamination and renegotiation after 5 years.

There is sufficient public land available that there need be no resort to acqusition of private land. In this case, eminent domain would not be needed. In any case, the complicated formula entailing ultimate resort to eminent domain under the commonwealth proposal is so diluted that it is doubtful whether the United States would wish to go to the ultimate step in the face of adamant popular opposition. Good community relations are a necessity in Japan and elsewhere, and there is no reason to make an exception in Micronesia.

Finally, the B–29 airfields and deepwater wharves built during the war in the Marianas are waiting to be rehabilitated, and the people there have been asking for the return of the military. The Marianas are, of course, 700 miles further away from Southeast Asia than are the Palau and Yap Islands. On the other hand, the Marianas are closer to Shanghai, Peking, Tokyo, and Vladivostok.

Defining military land requirements as suggested above sight produce some unexpected results, for the desires of any consumer, including the military, generally outrun available means. The Micronesian fear of bases might simply evaporate when it comes down to a matter of hard cash, particularly as long as the market is limited to only one purchaser and if the seller seeks to drive too hard a bargain.

Legal and moral obligation

The strategic interest has generally preoccupied most Americans who have been interested in Micronesia. The United States, however, has a strong political interest in the termination of the Trusteeship Agreement and in the future development of Micronesia. Economically, of course, the islands are a liability and would continue to require large sums of money unless or until the oceanic resources are developed.

The political interest results from a legal obligation in the Trusteeship Agreement to develop the Micronesians for self-government or independence as well as from a moral obligation that derives from the traditional American championship of freedom and democracy. It would be extremely damaging to the prestige and position of the United States as the leader of the free world if it were to allow an exclusive concern with its strategic interest to preclude an honorable fulfillment of its legal and moral obligations. The consequences of such an unfortunate development, although difficult to predict

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now, cannot be lightly brushed aside, for who could have predicted the repercussions resulting from thoughtless neglect and arbitrary decisions on Bikini and Eniwetok?

The United States has dealt intelligently with dependent members of the American political family. The Philippines received its independence in 1946, and the status of commonwealth was newly created for Puerto Rico where the sentiment is now shifting toward statehood but with a rise in militancy among those favoring independence. Alaska and Hawaii became States, while Guam and the Virgin Islands received Organic Acts with the status of unincorporated territory. It should be stressed at this point that friends and allies of the United States—Australia, the United Kingdom, China, and France—have reaffirmed in the Trusteeship Council the right of the Micronesians to self-determination, including independence.[102]

There is no doubt that the United States will find a bold and imaginative resolution of the dilemma between its strategic interest and its legal and moral obligation. It will then add a new dimension to the Wilsonian legacy which has given international law the mandate and the strategic trusteeship. It can do so if it perceives clearly what its paramount strategic and political interests are in Microneisa.

BEHIND THE RHETORIC

Fragile unity

That the widely dispersed and culturally different islands of the Marshalls, Carolines, and Marianas are now a political entity is a historical happenstance—not once but four times. Spain, Germany, Japan, the League of Nations, the United States, and the United Nations—without these outside forces there would not have been an entity known as the Trust Territory of the Pacific Islands.

If outside forces were responsible for the unity of Micronesia, they were also responsible for one significant fragmentation—the artificial detachement of Guam from the rest of the Marianas. By every criterion—ethnic, cultural, geographic, and popular wish—the Marianas and Guam are one.

In a special unofficial poll in the Marianas on 9 November 1969, a total of 1,942 voted in favor of reintegration with Guam, 19 for independence, 107 for unincorporated territory of the United States, and 1,116 for free association. Of 4,954 registered voters, 3,233 voted in this poll.[103] Another indication of popular feeling consists of petitions by the Saipan Legislature for the return of U.S. military forces to Saipan.[104]

A few days prior to this poll, another unofficial poll on Guam showed 2,688 voted for reintegration with the Marianas and 3,720 against. However, only 6,408 out of about 18,000 registered voters took the trouble to vote, and this poll cannot be taken as a definitive indication of Guamanian popular wishes.[105]

In the 1970 elections for the Congress of Micronesia, the future political status of the trust territory was a real issue and the decisive factor in the Marianas. Those Congressmen who had spoken out for free association and/or independence were defeated by members of the Popular Party which seeks union with Guam. Elsewhere the status issue was not a factor, and American officials generally agree that the other Micronesians, although not as fully informed as the Chamorros of the Marianas are, support their elected representatives in the drive for a new status, i.e., free association.

When the first session of the Fourth Congress of Micronesia convened on 11 January 1971, the differences between the Chamorros who want to join the United States in one form or another and the rest of the Micronesians who want free association became more pronounced. The representatives from frozen out of the work of the Congress. Their secessionist sentiment flared up when the the Marianas found themselves increasingly Congress passed an income tax bill which the Mariana District leaders say is not equitable.

On 19 February the Marianas District Legislature unanimously adopted a resolution advising the Security Council and the Trusteeship Council of the United Nations that the Mariana Islands "will secede from the Trust Territory of the Pacific Islands by force of arms if necessary, and with or without the approval of the United Nations."

Less than 24 hours later, at about 4:30 in the morning of 20 February, the Senate and House chambers of the Congress of Micronesia were burned to the ground. The fire appeared to have been deliberately set, according to investigators on the scene. Late that afternoon the Congress met in an old club building and decided to adjourn *sine die*, but a special session will be called as soon as vital records destroyed in the fire can be reconstructed to permit a continuation of the work of the Congress. The Congress still had 9 working days remaining when the fire occurred, and only three bills had been passed.[106]

Rumors spread widely after the fire, and officials of the trust territory government sought to calm the people, denying that there was any evidence to connect the fire with opposition to the tax bill. The government, however, thought it prudent to ask Air Micronesia to bump enough passengers so that nine representatives from Ponape and Palau could leave Saipan on the first available flight the next morning.[107] Conversely, it is unlikely that any representative of the Marianas would dare to set foot in Palau or any of the other districts.

The consequences of this unfortunate incident are only dimly perceived at this is being written, but there appears to be a profound cleavage in the fragile unity.

A simmering volcano?

If the Chamorros are the disaffected element in the Trust Territory, the driving force are the Palauans. Ambitious and aggressive, the Palauans are sometimes spoken of as the Jews or the Ibos of the Pacific.

For example, the first Micronesian lawyer is a Palauan.

The Palauans adapted well under the Japanese administration which had its headquarters in Koror, the capital of Palau. The Palauans have never forgotten the benefits and the prestige they enjoyed then nor the bombings and attendant deprivations ensuing thereafter. Willard Price wrote in 1964 of the decay he enountered at every turn in Palau [108] and concluded that there was "a simmering volcano," the more dangerous because it had religious and fanatic overtones.[109]

If any individual Micronesian stands out as the leading personality in the drive for a new status, he would be Senator Lazarus Salii of Palau. As chairman of both the Status Commission and the Negotiating Delegation, Senator Salii has been responsible for much of the impetus and direction of the Micronesian movement for free association. Many Americans believe he could be Micronesia's first elected High Commissioner, while others think he harbors the ambition of being the George Washington of Micronesia. On the other hand, articulate Micronesians, who are prone to sloganeering, tend to refer to Salii as Thomas Jefferson or Patrick Henry. Unlike the stereotyped, boisterous Palauan, Salii is quiet, thoughtful, often cnigmatic.[110]

In the Marshall Islands, American whalers and missionaries had a long impact on the people before the Germans and the Japanese came. The Marshallese are therefore more aware of the world around them than some of the other districts. The Marshallese appreciate keenly both the material benefits of the American presence and the potential value of their 70 square miles in their future relationship with the United States. Despite resentment over Bikini, Eniwetok, and Kwajalein, the Marshallese are widely regarded as being more pro-American than the people of any district except for the Marianas.[111]

If the Chamorros of the Marianas want to opt out, the Ponapeans appear to appreciate the advantages of a united Micronesia and the dangers of insular separatism. This may be due to their remoteness and to the diversity of the cultures in the Ponape District. Besides a Polynesian element in the south, the two main islands—Ponape and Kusai—are inhabited by two different peoples who are at odds so much that in 1968 the Congress of Micronesia endorsed their separation into two districts.[112]

Of the two remaining districts, both Truk and Yap have been less receptive to American influence and have remained relatively conservative and traditionalist. Yap, in particular, would prefer to remain a picturesque anachronism, but change is coming and expectations are rising.

The two worlds of Micronesia

Truk and Yap illustrate the disparity of development among the different islands of Micronesia, not only in terms of plumbing, but also in the matter of outlook. Indeed, there are two worlds in Micronesia.

According to the 1967 Territorial Health Census,[113] 16,600 or about 40 percent out of a labor force of 41,000 were reported to be remuneratively employed. And half of the 16,600 were listed as subsistence-copra farmers, fishermen, handicraft producers, or boatbuilders who receive a small cash income. The average copra producer, for example, earns an estimated $285 annually.

The above figures indicate that in 1967 only 20 percent of the total labor force received wages on either a regular or part-time basis. Of the 8,222 wage earners, 5,235 were employed by the trust territory government, municipal and district governments, and other governmental agencies. Of the 2,987 in the private sector, the largest group was in construction. The average annual wage was $1,306 for the government employee and $741 for the privately employed. Micronesian wages and employment have continued to rise steadily, and in 1969 the comparable figures had become $2,015 and $947. The gap between the government employee and the private worker is unfortunately widening instead of narrowing.

This is the world of the district centers where anyone who is anyone is connected with the government and where most of the residents are now dependent almost entirely on wages for the purchase of food, ready-made clothing, and other necessities. The rest of Micronesia still lives on a coconut economy, and the Administering Authority has reported: "Fully 50% of the population remains on a traditional subsistence economy, depending on homegrown food crops and fish, and producing copra and handicraft only for cash to purchase essential items. For many such families the annual income is less than $100 a year." [114]

William R. Norwood, the previous High Commissioner, has described the great contrast between living in the district center and living in the more remote communities. He was not prepared for the fact that "in certain islands of Micronesia the residents are living in substantially the same conditions as their ancestors maybe two hundred years ago, the time Captain Cook and others were exploring the Pacific . . . while others in the district centers are living as people in Hawaii were living maybe thirty years ago." In addition, he had not expected to find "the tradition of castle and clan and the stratification of the society in some of the districts." [115]

A Micronesian view of this second world was given recently by Garl Heine, Deputy Dis-

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Footnotes at end of article.

trict Administrator for Yap, who spoke of "that mythological absurdity called 'Micronesian dignity'": "Is life so cheap, and 'Micronesian dignity' so important that human hunger, ignorance, poverty and poor medical care can be deleted from the agenda of the status delegation? Can true dignity be conferred if the soul is hopeless and the body destitute?" [116] Carl Heine, who is sympathetic to the quest for a new status except for independence, concluded that it would be a mistake for Micronesia to return to the mobility of its obsolete past where only a few shared honor and dignity and the multitude lived in bondage.

CONCLUSION

Since the impasse

When the Congress of Micronesia considered the report of its Status Delegation during the summer of 1970, there was growing sentiment for independence. Of the 23 speakers whose statements were published in the *Political Status Digest*,[117] eight spoke explicitly in favor of independence, while only two were for the commonwealth status and even then not in its entirety as offered.

Senator Salii, however, stated that independence, while it might be desirable in the long-range, was not a responsible choice for Micronesia now. He recommended that the Congress recognize that "the only position which will protect Micronesian interest, and at the same time salvage what is left of United States integrity in Micronesia, is self-government in free association with the United States." As for the commonwealth offer, it would make Micronesia "the newest, the smallest, the remotest non-white minority in the United States political family—as permanent and as American, shall we say, as the American Indian."

The following paragraph from Senator Salii's statement on 14 August 1970 probably sums up Micronesian feeling with all the eloquence he could muster:

"I have always thought that Micronesia belonged to Micronesians and that the Micronesians had the right to rule their home islands. I have never believed that the fact that other nations fought wars in our islands and waters and negotiated agreements, mandates, trusteeships among themselves when they finished fighting ever affected the fact that we were Micronesians and this was Micronesia. In peace and in war, this was our home. To others, it was a strategic area, a defense perimeter, a Trust Territory, but we considered this our home. And in the last few years, we have insisted that we have the right to rule our homes." [118]

The status question dominated the Third Congress of Micronesia which ended 27 August 1970. The Congress adopted the report of its Status Delegation, endorsed the four principles for free association, rejected the commonwealth offer in its present form, invited the United States to continue discussions, insisted on the primacy of its role in the status question, solicited the advice of the United Nations, and established a Joint Committee on Future Status to continue the work of the Status Commission and the Status Delegation.

Unlike the Third Congress, the Fourth Congress of Micronesia, which convened on 11 January 1971, exhibited no great sense of urgency or concern about the status question. It soon became apparent that the new Congress was proceeding to implement the recommendations in the report of the Status Delegation for the transition to self-government.

Measures introduced to further this objective include those on the election of the High Commissioner and the Deputy High Commissioner, advice and consent powers over major administrative appointments, the establishment of an executive council, and the income tax. Only the latter passed the Congress before the unfortunate fire aborted the session. There were also proposals to extend the territorial seas to 12 miles and to invite the Committee of 24 to the trust territory. On the other hand, the Micronesians indicated where their education and development were leading them by asking the administration to seek the extension of the Rural Electrification Act of 1936 to the trust territory.

At the same time, the new Joint Committee on Future Status was organized with Senator Lazarus Salii and Representative Ekpap Silk as cochairmen. The Joint Committee was authorized by the Third Congress not only to continue discussions with the United States, but also to conduct a study on the economic implications of free association and independence and a study of government with the view of ultimately holding a constitutional convention. In other words, the Joint Commission was also charged with the implementation of specific recommendations in the Status Delegation report.

The future

The past is prolog. In the 19th century the United States showed no interest in the Marshalls, and Guam would likely not have been detached from the Marianas if the Philippines had not been acquired. In 1945 the United States would not have insisted on a strategic trusteeship except to prevent Micronesia from ever becoming a staging base for another Pearl Harbor. Once the islands were denied to others, the United States lost interest.

Changed conditions in East Asia have brought about a reexamination of the current base structure in the Western Pacific and a renewed interest in Micronesia. The United States has attempted to pick up where it left off 25 years ago—hurrying up to catch up, trying to do too much too late. Much more than 25 years, however, have gone by, to wit:

There is no question but that the yearning of the world's peoples for control over their own political destinies is a fact of 20th century life which must be intelligently dealt with by the present administering powers, the dependent peoples themselves, and the international community as a whole. . . .

"The smallness, the isolation, and the lack of adequate economic resources to make them self-supporting, clearly dictate for almost all of these areas some sort of association—at least economic and defensive—with a stronger power which can provide continuing assistance to them. As political opinion in these areas matures, it should become obvious to the people that such an association, rather than complete freedom, will be most conducive to their long-term interests. It is therefore considered that given the time and the opportunity to develop their political maturity, self-determination in these small island territories will follow the lead of the Cook Islanders—a free association with the administering power which leaves the population in complete control over its internal processes but which continues the responsibility of the administering power over external affairs." [119]

This is the point which the Micronesians have sought to convey across the waves of the Pacific. An appreciation of their attitudes as a political fact is not meant as a criticism of U.S. administration. Rather, it constitutes a *sine qua non* for building a sound relationship which would encompass both the welfare of the Micronesians and the security of the United States.

The Micronesians have already rejected the commonwealth offer in its present form, and although they have flirted with the idea of independence since the impasse last year, their position remains complete internal self-government and free association with the United States. The task for both the Micronesians and the Americans is to define in concrete terms those elements in the spectrum between the commonwealth proposal and the free association concept with which both sides could live. This task challenges the imagination and statesmanship of those who have the responsibility.

Meanwhile, until the future status of the trust territory is resolved, there are some steps which the United States could take. Philip W. Quigg in his *Foreign Affairs* article, for example, makes five recommendations: [120]

1. Assure the Micronesians that the United States will not confiscate land or establish bases without full consultation and fair compensation.
2. Take the administration of the islands out of the Department of Interior and place it directly in the White House.
3. Encourage the Micronesians to tax themselves and give them genuine experience in appropriation of funds and the administration of projects.
4. Remove all barriers to the entry of Micronesian products to the United States.
5. Explore further the possibility of admitting foreign capital, especially Japanese.

To these must be added, as a matter of urgent priority, a prompt and satisfactory settlement of the damage claims arising out of a war which ended 26 years ago and a review of the land registration program and the question of public land, perhaps entailing ultimate Micronesian responsibility and participation, in a spirit befitting an administration which returned the sacred Blue Lake and its surrounding 48,000 acres to the 1,400 Taos Indians in New Mexico.[121]

Subsequent to the completion of this paper, President Nixon announced on 13 March from Key Biscayne, where he was spending the weekend following his visit to Newport, the appointment of Franklin Hayden Williams as his personal representative with the rank of ambassador to negotiate an agreement with the Micronesians. Ambassador Williams, who is president of the Asia Foundation, was reported to have been tasked to resolve the somewhat disparate views within the administration and to convince the Micronesians to accept whatever plan he works out.[122]

The United States is now entering a critical period in its relations with the Micronesians. If the Micronesians choose to continue their association with the United States, they should be allowed to do so in freedom and in dignity, for they really have no viable alternative.

FOOTNOTES

[1] Appreciation is due to Antonio B. Won Pat, Guam's Representative in Washington, who was instrumental in arranging the appointments and furnished valuable staff assistance. The writers also met with each of the Hawaiian Congressional Delegations. Among the many helpful officials in the Departments of Interior and State, Assistant Secretary of the Interior Harrison Loesch, who headed the U.S. Delegation to the status talks in 1970, was most generous with his time.

[2] U.S. Dept. of State, *22nd Annual Report, Trust Territory of the Pacific Islands* (Washington: U.S. Government Printing Office, 1969), p. 1.

[3] John W. Coulter, *The Pacific Dependencies of the United States* (New York: Macmillan, 1957), p. 162–163.

[4] *Ibid.*, p. 169.

[5] Office of the High Commissioner, Trust Territory of the Pacific Islands, *Highlights*, 1 December 1970, p. 3.

[6] Paul Carano and Pedro C. Sanchez, *A Complete History of Guam* (Rutland, Vt.: Tuttle, 1964), p. 41. A good historical account of Micronesia may be found in Harry W. Bergbauer, Jr., "A Review of the Political Status of the Trust Territory of the Pacific," *Naval War College Review*, March 1970, p. 43–51.

[7] Germany paid $4.5 million. Coulter, p. 173.

[8] Carano and Sanchez, p. 86.

[9] Ely J. Kahn, Jr., *A Reporter in Micronesia* (New York: Norton, 1965), p. 22; also, Coulter, p. 272. The hanging tree used by the Germans in Koror, Palau, still exists—complete with iron rungs to facilitate elevating victims to the desired branch.

[10] Stanley A. de Smith, *Microstates and Micronesia* (New York: New York University Press, 1970), pp. 125–127.

[11] Kahn, p. 83.

[12] Paul H. Clyde, *Japan's Pacific Mandate* (New York: Macmillan, 1935), p. 31.

[13] De Smith, note 10 on p. 129.

[14] Dorothy E. Richard, *United States Naval Administration of the Trust Territories of the Pacific Islands* (Washington: Office of Chief of Naval Operations, 1957), v. II, p. 14.

[15] *Ibid.*, pp. 58–63. Also, Ruth R. Russell and J. Muther, *A History of the United Nations Charter* (Brookings Institute, 1958), pp. 336–346, 573–587; Norman Meler, *The Congress of Micronesia* (Honolulu University of Hawaii Press, 1969), pp. 334–336.

[16] United Nations, *Yearbook of the United Nations, 1946–1947* (New York: Columbia University Press, 1947), pp. 394–400.

[17] United Nations, Office of Public Information, *Charter of the United Nations and Statute of the International Court of Justice* (New York July 1968), p. 43–44.

[18] Meller, p. 16.

[19] Edward C. O'Connor, "Micronesia—America's Frontier in the Far East," *National War College Forum*, Spring 1970, p. 73.

[20] The Trust Territory Census of 1958 included a question on literacy in English and Japanese. Of the total population, 5 years of age and over, 27.2 percent spoke Japanese and 21.1 percent could still read it. The comparable figures for English were 25.6 percent and 25.2 percent, U.S. Dept. of State, p. 178.

[21] As late as 1967, Ponapeans in Kitti asked the United Nations Visiting Mission as to whether relatives in Japan could return. This request, along with other questions, was typed for the Visiting Mission by the Reverend William McGarry. United Nations, Trusteeship Council. *Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1967* T/1658/Add. 1 (New York: 1967), p. 49, or T/1668, p. 60.

[22] See Robert Trumbull, *Paradise in Trust* (New York: Sloane, 1959), p. 168, for an account on how urbanized Palauan women had to give up rice and learn to grow taro again.

[23] Willard Price, *America's Paradise Lost* (New York: Day, 1966), p. 199.

[24] *Ibid.*, p. 184.

[25] *Ibid.*, p. 233.

[26] *Ibid.*, p. 234.

[27] Robert R. Nathan Associates, Inc., *Economic Development Plan for Micronesia* (Washington, 1966), pt. 1, p. 39.

[28] Kahn, p. 39–40.

[29] *Ibid.*, p. 76–77.

[30] United Nations, Trusteeship Council, *Report of the United Nations Visiting Mission to the Trust Territory of the Pacific Islands, 1970* T/1707, (New York: 1970), p. 42. See a passionate account by a former Peace Corpsman regarding rat bites on Ujelang in Jerry Fite, "Colonizing Paradise," *Washington Monthly*, December 1970, p. 50–58.

[31] Kahn, p. 81–82.

[32] *Ibid.*, p. 64.

[33] *Ibid.*, p. 85.

[34] *Pacific Daily News*, 2 November 1970, p. 25.

[35] William R. Norwood, former High Commissioner from 1966 to 1969, cited Eniwetok as the classic example in which pricing was inequitable in terms of the value of the land to the Micronesians. *Micronesian Reporter*, Third Quarter 1970, p. 8. Also see Trusteeship Council, *Report of 1967 UN Visiting Mission*, p. 98.

[36] *Micronesian News Service*, 23 December 1970.

[37] In February 1971 Senator Hiram L. Fong, for example, reintroduced legislation to make the trust territory eligible for benefits under the Public Works and Economic Development Act, which already covers Hawaii, Guam, and American Samoa. The chief executives of the four island areas formed a Pacific Islands Economic Development Commission in 1970 to seek Federal assistance under the act to develop skipjack tuna fisheries. The bill, reintroduced by Senator Fong, was cosponsored by Senator Daniel K. Inouye. See "Bill to Aid Economics," *Pacific Daily News*, 4 February 1971, p. 1. In the House, Representative Patsy T. Mink provides the Micronesians with unique representation for their welfare and interests in the House Committee on Interior and Insular Affairs, while Representative Spark Matsunaga supported floor action in raising the budget ceiling from $50 million to $60 million in fiscal 1971. *Congressional Record*, vol. 116, pt. 23, p. 31448.

[38] De Smith, p. 31. See Resolutions 1541 (XV) and 1542 (XV), United Nations, General Assembly, *Official Records of the General Assembly*, 15th sess., supp. no. 16, A/4684 (New York: 1961), p. 29–31.

[39] *Ibid.*, p. 66–67.

[40] See especially William O. Miller, "The United Nations and Oceania: New Dimensions in the Cold War Refrain," *Naval War College Review*, June 1969, p. 45–59.

[41] *Charter of the UN*, art. 86.

[42] De Smith, p. 136.

[43] *Ibid.*, p. 137; Kahn, p. 37–38.

[44] United Nations, Trusteeship Council, *Report of the World Health Organization on Its Investigation of the Complaints Contained in a Petition Concerning the Trust Territory of the Pacific Islands*, T/1647 (New York: 14 January 1966).

[45] United Nations, Trusteeship Council, *Provisional Verbatim Record*, T/PV.1362 (New York: 3 June 1970), p. 32.

[46] Meller, p. 18.

[47] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 103.

[48] *Ibid.*, p. 72 ff.

[49] *Ibid.*, p. 81.

[50] *Ibid.*, p. 40–41.

[51] *Ibid.*, p. 38.

[52] *Ibid.*, p. 40–41.

[53] U.S. Congress, Senate, Committee on Interior and Insular Affairs, Report 91–4278, S.J. Res. 211, 6 October 1970, p. 1–12.

[54] *Pacific Sunday News*, 28 June 1970, p. 31.

[55] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 106–107.

[56] Congress of Micronesia, *Report, the Future Political Status Commission*, 3d Cong., 2d sess. (Saipan, Mariana Islands: July 1969), p. 8.

[57] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 126.

[58] The story of the use of the Congress of Micronesia for political advancement is told authoritatively by Norman Meller in *The Congress of Micronesia, op. cit.*, who was not only recording history but also participating in it as a teacher and adviser to the Micronesians.

[59] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 115.

[60] U.S. Dept. of State, p. 56.

[61] *Ibid.*, p. 33.

[62] *Ibid.*, p. 54–56.

[63] *Ibid.*, p. 232.

[64] After Marjorie Smith's "The Summer of Dissent," *Micronesian Reporter*, Fourth Quarter 1968, p. 22–25.

[65] U.S. Dept. of State, p. 159.

[66] "Interview: Joseph Fanachoor," *Micronesian Reporter*, Second Quarter 1969, p. 2–4.

[67] Kahn, p. 162.

[68] United Nations, Trusteeship Council, *Provisional Verbatim Record*, T/PV.1368 (New York: 11 June 1970), p. 13–15.

[69] De Smith, p. 170.

[70] Meller, p. 402.

[71] De Smith, p. 170.

[72] Congress of Micronesia, *Report of Status Commission*, p. 12, 14.

[73] *Ibid.*, p. 17.

[74] *Ibid.*, p. 49.

[75] *Ibid.*, p. 48–49.

[76] *Ibid.*, p. 37.

[77] *Ibid.*, p. 26.

[78] *Ibid.*, p. 9.

[79] *Ibid.*, p. 8.

[80] After Office of the High Commissioner, "Congress Adjourns 'Summer of Determination,'" *Highlights*, 1 September 1970, p. 1.

[81] Congress of Micronesia, *Report of the Political Status Delegation of the Congress of Micronesia*, 3d Cong., 3d regular sess. (Saipan, Mariana Islands: 22 July 1970), p. 2–3.

[82] *Ibid.*, p. 4.

[83] *Ibid.*, p. 11.

[84] *Ibid.*, p. 16.

[85] *Ibid.*, p. 37.

[86] *Ibid.*, p. 39.

[87] *Ibid.*, p. 40–41.

[88] *Ibid.*, p. 12.

[89] *Ibid.*, p. 23.

[90] *Ibid.*, p. 24.

[91] *Ibid.*, p. 29.

[92] *Ibid.*, p. 56.

[93] *Ibid.*, p. 48.

[94] *Ibid.*, p. 50–52.

[95] *Ibid.*, p. 52–56.

[96] Congress of Micronesia, *Report of Status Commission*, p. 12, 14.

[97] Congress of Micronesia, *Report of Status Delegation*, p. 44–46.

[98] Meller, p. 14.

[99] De Smith, p. 127.

[100] Hanson W. Baldwin, *Strategy for Tomorrow* (New York: Harper & Row, 1970), p. 280.

[101] Philip W. Quigg, "Coming of Age in Micronesia," *Foreign Affairs*, April 1969, p. 493–508.

[102] United Nations, Security Council, *Official Records*, S/9400 (New York: 1969), p. 75–76; United Nations, Security Council, *Official Records*, S/9893 (New York: 1970), p. 78–79.

[103] Trusteeship Council, *Report of 1970 UN Visiting Mission*, p. 172.

[104] *Ibid.*, p. 180.

[105] *Ibid.*, p. 139.

[106] *Micronesian News Service*, 20 February 1971.

[107] "Heavy Guard on TT's American Community," *Pacific Daily News*, 22 February 1971, p. 1, 23.

[108] Price, p. 129.

[109] *Ibid.*, p. 227.

[110] Smith, p. 26.

[111] De Smith, p. 135.

[112] *Ibid.*, p. 157.

[113] U.S. Dept. of State, p. 83–85.

[114] *Ibid.*, p. 88.

[115] Interview: William R. Norwood," *Micronesian Reporter*, Third Quarter 1969, p. 4.

[116] Carl Heine, "Micronesia Is Confused about What It Wants," *Pacific Islands Monthly*, September 1970, p. 118.

[117] Congress of Micronesia, *Political Status Digest* 3d regular sess., July-August 1970. This contains all major speeches and remarks, texts of six resolutions, and newspaper and magazine articles.

[118] *Ibid.*, p. 25.

[119] Miller, p. 56–57.

[120] Quigg, p. 504–506.

[121] Winthrop Griffith, "The Taos Indians Have a Small Generation Gap," *The New York Times Magazine*, 21 February 1971, p. 94.

[122] "President Appoints an Aide to Resolve Micronesia Impasse" *The New York Times*, 14 March 1971, p. 16:3; also William M. Blair, "Morton Says He Plans Steps to Ease Micronesia Problem," *The New York Times*, 12 March 1971, p. 48:4.

PHARMACISTS AS DRUG EDUCATORS

Mr. HUMPHREY. Mr. President, several of my colleagues have introduced bills in the Senate to deal with drug abuse and drug addiction in the military. More than 25 bills have been introduced in the House for consideration by its Members.

However, in my opinion none of these bills goes far enough in specifying the type and design of drug abuse prevention programs the armed services should establish.

One improvement in these programs which should immediately be implemented is to better utilize the services of pharmacists who are serving in the military forces.

These professionals should be utilized in our armed services as part of the drug abuse education team.

Pharmacy schools have been active in preparing pharmacists to be drug abuse educators for several years. This effort started at the University of Minnesota when pharmacy students persuaded the student union board of governors to cosponsor a college drug abuse education program in 1967. They titled the program, "The Ice Cream Habit," a slang term for experimenting with drugs. From that successful program, Minnesota pharmacy students and students at the University of Texas and Butler University were able to advise students in 74 other colleges of pharmacy about the ingredients of successful drug education programs.

Since 1967, nearly every college of pharmacy has sponsored annual drug abuse programs on their university campuses. Many of these schools have made faculty and students available as speakers or participants in high school, junior high school, and civic club programs. In many States, the pharmacy students were the first, and are still the only, health professionals involved in drug education. And I believe this is good because college students relate to students as peers of other students.

Unfortunately, under present selective service regulations and DOD directives, civilian trained pharmacists in the military services are often not assigned to do pharmacy work. Instead, the services maintain technician schools which purport to train a "pharmacist" in 16 weeks. These 16-week "pharmacists" in many cases are assigned to relevant jobs while graduate, registered pharmacists are assigned to positions which do not utilize their training.

This waste of trained expertise should be corrected as one way to improve the military attitude about drugs and drug abuse. We should be commissioning most, if not all, pharmacists to assist in providing proper pharmaceutical services and to play an important role in drug abuse education programs.

Our servicemen deserve the best education on drugs that we know how to provide. This cannot be done without real drug experts as a part of the team.

An author of numerous drug abuse articles and a pharmacist and attorney, William J. Skinner has said—

> What is needed is an officer who knows drugs, has authority to deal with the causes of drug abuse on various command levels, and who has the respect of the troops he "educates". Today's pharmacy graduate is just the man for the job. With five or six years of college education, and understanding of people through clinical work, ability to scientifically discriminate fact from fiction, the pharmacist would need only proper authority and inspiring leadership to be an effective drug abuse combatant.

I agree and I ask unanimous consent that Pharmacist Skinner's article entitled "Pharmacists as Military Drug Abuse Specialists," published in the May 1971 issue of the Tennessee Pharmacist, be printed following my remarks. I further request that a report of drug abuse programs entitled, "On the Campus," be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PHARMACISTS AS MILITARY DRUG ABUSE SPECIALISTS

(By William J. Skinner,* pharmacist-attorney)

Official after official from the Defense Department has testified in recent months that drug abuse is rampant in Vietnam and in other places where American troops are serving. These admissions are openly given, but that is all. There are few ideas to stop the illicit use of drugs; there are few suggestions for helping our American boys cope with and overcome the dread problems associated with drug abuse and narcotic addiction.

In April, a Senate Armed Services Subcommittee staff, under the direction of Sen. Harold Hughes (D-Iowa), long a fighter of alcoholism and drug abuse, reported to the nation in the *Congressional Record*,[1] a study of the drug problem in the military.

How is drug abuse being handled? The Senate staff found that the law enforcement approach is used. "This effort is aimed at reducing the supply of illicit drugs, at eliminating drug pushers and users where detected, and at providing a negative incentive for the use of drugs. Second priority is given to treatment and rehabilitation of those using drugs. The lowest priority is given to activities which would lead to reduced demand for drugs." Unfortunately, the staff also found "one of the major thrusts of military drug education is to stress the legal consequences of marihuana use."

Military enforcement agencies were found overburdened, hampered by lack of laboratories to verify drug identification, and in short, multiplying disrespect for law. At the same time, "there has been an increased caseload upon all military doctors." About 1500 physicians were drafted in March 1971 to lighten this load and provide health care to servicemen and their dependents.

Heavy demands are made on military physicians, particularly psychiatrists, to establish, promote, and participate in drug abuse education programs. "These functions place a burden upon doctors who are already overburdened because of a reportedly inordinate reduction of medical personnel in relation to the reduction of other U.S. military personnel. This is a serious problem because military doctors are faced with an increase in drug abuse for which there are few, if any, proven methods of treatment available."

Pharmacists have known for some time that prevention of drug abuse is the only way to stop it. Countless federal, state and local law enforcement authorities acknowledge this: education is the key to prevention! That education must not be legalistic or use scare tactics. Above all, it must be honest, based on scientific fact, and available when needed.

Defense officials must soon decide whether a more intensive troop education program will be effective in reducing drug abuse and whether the "Drug Abuse Suppression Teams" are an effective and useful technique.

A typical lawyer's answer is "yes—but!" Yes, more education programs are necessary and more teams should be used, but more of the same will not do any good. What is needed are more drug experts and the proper use of same in the military. Unfortunately, the military does not believe in using pharmacists as pharmacists. The military trains pharmacy technicians and provides a second class pharmaceutical service. Few pharmacists are given commissions and no pharmacists have *ever* been drafted. There are few pharmacy officers—real drug experts—in the military.

There will never be enough psychiatrists to handle drug abuse in the civilian community, let alone in the military. Nor will there be enough physicians or law enforcement personnel to handle the results of drug dependency. What there could be enough of, if the Defense officials would come to grips with the realities of drug abuse, is a real drug expert in the military. What is needed is an officer who knows drugs, has authority to deal with the causes of drug abuse on various command levels, and who has the respect of the troops he "educates." Today's pharmacy graduate is just the man for the job. With five or six years of college education, and understanding of people through clinical work, ability to scientifically discriminate fact from fiction, the pharmacist would need only proper authority and inspiring leadership to be an effective drug abuse combatant.

At the same time, the Veterans Administration should strengthen its capability to handle drug dependent servicemen. American troops should be sent home free of life-shortening diseases contacted in military service. There will be enough problems finding jobs for 250,000 young men in the next couple of years. They should not have to start out with one strike against them.

Next year, unless something is done soon, some pharmacy students will have their education stopped by the draft. This would not be so bad, but they will enter a military system which places little value on drug knowledge. Most of those finishing pharmacy school and desiring a military career will have to make other plans because they will not receive commissions for the same reasons.

The Continental Congress commissioned apothecary generals in 1777. If the Defense Department refuses to use today's pharmacist in the drug abuse fight, maybe the 92nd Congress should assert more control over the military and tell the generals how to win the war against drug abuse.

ON THE CAMPUS . . . DRUG ABUSE PROGRAM

(By Dale W. Doerr, Hugh F. Kabat, William J. Sheffield, and William J. Skinner)

Pharmacists are aware of the current publicity being devoted to drug abuse on the nation's campuses. Newspapers, magazines and other media abound with reports on drug misuse among America's college students.

Unfortunately, these reports rarely give an objective appraisal—a true picture—of the situation. The press has a tendency to magnify a provocative problem out of all proportion, and this overzealous coverage seems especially evident where drug abuse on the campus is concerned. From many press reports on the subject, the casual reader would have to conclude that glue, "pep pills," cough syrups and LSD are as much a part of the college curriculum as Western civilization or English literature, as physics or chemistry.

To a degree, the college drug abuse problem has suffered from such journalistic exaggeration. But only to a degree. Careful studies have shown that drug abuse does exist in many, if not most American colleges and universities. At this time the problem appears to be confined to relatively few students in any one institution, but if sensational press reports continue to be the only communication to college students on the subject, the problem will not be confined much longer. Experience has shown that drug abuse is a highly contagious disease and the kind of publicity the problem has been getting—publicity that often makes drug abuse help spread the contagion.

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*Assistant Executive Secretary, American Association of Colleges of Pharmacy. Mr. Skinner's views are his own and do not necessarily represent those of the AACP.

[1] CONGRESSIONAL RECORD, April 20, 1971, at page 10872.

To combat the campus drug abuse problem effectively, somebody has to talk to students about it without glamorizing it—without making it sound like the "in" thing to do. Perhaps what is needed is a balanced drug abuse education program for college students which explains in an objective manner the benefits of legitimate, medical drug use and the dangers of illegitimate, abusive drug use. This paper describes a unique method of providing such education—a promising new program in which pharmacy students play the key role.

About a year ago, in Dallas, Texas during the APhA annual meeting, we discussed the drug abuse problem on the nation's campuses. Our discussion led to these conclusions—

Students on college campuses must receive a more balanced presentation of the use and abuse of drugs than they now receive.

Students just won't be preached to—they won't respond to being told only that drug abuse is harmful and against the law (they already know that).

Students respond to a balanced presentation of the facts, without overtones of authority, and then make up their own minds.

Students will listen more readily to other students than to faculty members on a topic of this nature; therefore, whatever educational program is developed would be more effective and generate more student enthusiasm if it were organized and conducted by students themselves.

Since the students responsible for any drug abuse education program must be well versed in the use and abuse of drugs themselves, pharmacy students would appear to be the ideal group for the task. If they want to enlist the aid of other student groups, this step would be fine. But pharmacy students alone should be responsible since drugs are the tools of their chosen profession.

Subsequent to the Dallas meeting, we agreed to set up pilot programs on our respective campuses to test the new drug abuse education idea. The proposed programs were explained to the pharmacy school deans and their permission to proceed was obtained. After we found student organizations which were active, imaginative and self-starting, to sponsor the test programs, we helped the students organize and develop their particular programs. To help with the planning, Smith Kline and French Laboratories of Philadelphia prepared a special *College Drug Abuse Manual*. The manual, an 8½- by 11-inch binder, contained several valuable suggestions and ideas. Following the guidelines set forth in the manual and the advice of the faculty, we put the programs in effect. Implementation of the new drug abuse education idea varied slightly on each campus.

MINNESOTA—THE ICE CREAM HABIT

The drug abuse program at the University of Minnesota was developed after discussions with the student activities bureau, dean of students, student union director and dean of the college of pharmacy. The consensus was that the project must include student participation from the beginning. Consequently, the APhA student chapter was given the responsibility for planning, publicity and programming. The Union Board of of Governors (UBOG), a student executive group, agreed to co-sponsor the program and to devote $150 to publicity. Kappa Epsilon, Phi Delta Chi and Kappa Psi each devoted manpower for the project as part of their professional activities.

The sponsors agreed upon a two-day afternoon conference. The time of day was an important factor since 75 to 80 percent of the students are commuters who leave the campus after their last class. October 25 and 26 were selected since these days followed homecoming by 10 days and preceded mid-quarter exams by about a week. The UBOG, which sponsors regular noon-hour programs in the ballroom, permitted us of that facility for the program.

Plans called for a film to be shown during the noon hour of the first day, with the main presentations, a series of tasks followed by a panel discussion, to be given the following day. The idea behind a film-only program the first day was that it would serve as a publicity device for building an audience for the next day's major presentations.

Since student advisors felt that a catchy title for the program was necessary, the planners came up with "The Ice Cream Habit," a drug-abuse term, meaning a small, irregular habit. During the summer, members of the university staff made arrangements for speakers, most of whom were drawn from the school of medicine.

In publicizing the program, 30 two-by three-foot tagboard signs were placed in major campus buildings, residence halls and eating establishments. An exhibit was set up in a large display window at the Minnesota Union. One hundred and fifty 8½- by 11-inch notices were placed on campus bulletin boards, each housing unit counselor read an announcement at the unit's regular meeting, WMMR, the university residence hall station, taped an interview with the student chapter president and a press release from the university news service aided the advertising and word of mouth communication.

The film, *Narcotics, The Decision*, which had been obtained from the unversity's extension film library, was shown twice during the first day of the program, at 11:30 and 12:30. The first showing drew about 500 students, the second between 350 and 400. Though rather dated, this film was selected because it portrayed the abuse of non-narcotic drugs. A student introduced the film before each showing and explained the purposes of the two-day conference.

The main program featured seven half-hour talks followed by a one-hour panel discussion. Each speaker was introduced by a different student chapter representative. The subjects discussed were—

growing problem of drug abuse.
drug taker personality.
use and abuse of narcotics.
use and abuse of stimulants—depressants.
use and abuse of alcohol.
use and abuse of hallucinogens.
human cost of drug abuse.

The panel, moderated by a student and composed of representatives of government, medicine, police, the religious community and campus officials, discussed the subject "Drugs on Campus." Each person who attended the program was given a copy of the SK and F brochure, *The Empty Life*. More than 1,900 were distributed.

A tape recording was made of the conference with portions used on WMMR and KSTP, the NBC radio affiliate. News accounts of the proceedings appeared in the *Minneapolis Star* and the campus newspaper, the *Minnesota Daily*.

In evaluating the two-day program, the sponsors made the following recommendations—

1. For maximum impact, the entire program should be presented in one day. This conclusion was based on the drop in attendance from the first to the second day.

2. The one-day program should be no longer than two and a half hours. It was felt that the individual presentations had been too long and that the four talks on use and abuse could have been given as one presentation.

3. A follow-up program for residence units would carry the message to smaller groups in a more intimate setting.

4. The program should be presented every other year.

TEXAS—DRUG ABUSE ON CAMPUS

Lambda chapter of Phi Delta Chi, the professional pharmacy fraternity at the University of Texas, sponsored the program, a symposium during which five speakers each made 20-minute presentations. A question and answer period followed the last talk. The program ran from 7:30 p.m. to 10:30 p.m. in the student union ballroom. The audience, including pharmacy students, numbered between 350 and 400.

Four of the speakers were drawn from the university faculty; the fifth speaker was the director of the Dallas office of the Bureau of Drug Abuse Control. The faculty members were an associate professor of pharmacology, assistant professor of psychology, assistant professor of sociology and the director of the student health center, a psychiatrist. The moderator was W. J. Sheffield, associate professor of pharmacy.

Press releases were distributed personally to the student newspaper, to newspapers in Austin, Dallas, San Antonio and Houston, to the wire services and to area radio and television stations. All news media were also sent a letter describing press facilities at the program and inviting coverage. Four radio stations used their "Community Bulletin Board" to announce the program from three to five days in advance. One tv station carried some film of the program while it was still in session.

Approximately 120 cardboard signs, 14 by 22 inches, were tied on trees and posted on bulletin boards around the campus. The signs, printed on a Line-O-Scribe machine, carried the following copy—

PHI DELTA CHI Pharmacy Fraternity Presents Drug Abuse On Campus: An Objective Symposium On College Drug Abuse Today, Wed. Feb. 8—7:30 p.m., Union Ballroom.

An eight- by eight-foot painted wooden sign with similar copy was placed on the west mall, one of the most trafficked areas on campus. Faculty members, of the college of pharmacy and other schools, were encouraged to make announcements concerning the program in their classes.

The sponsors were disappointed by the small turn-out which they attributed to the overabundance of student-sponsored programs, the lack of well-known speakers and a small advertising budget ($15). They concluded, therefore, that a successful program depends on well-known speakers, a topic of vital interest and heavy advertising.

BUTLER—POP DRUGS—DRUGS FOR KICKS

Sponsored by the Phi Delta Chi fraternity at Butler University, the program, "Pop Drugs—Drugs for Kicks," consisted of group discussions in housing units climaxed by a formal symposium. The total program ran one week.

In January and February of 1967, the president of the local chapter of Phi Delta Chi, met with the Pan-Hellenic Council (governing body of the university's sororities), the interfraternity council and residence hall presidents to arrange the times and dates for group discussions on drug abuse.

Before their visits, the Phi Delta Chi men spent approximately three hours in group preparation, with special attention to the pharmacology of amphetamines and barbiturates. The 21 pharmacy students involved were either fourth- or fifth-year students with previous apprentice employment.

From February 16 to February 22, each housing unit was visited by a three-man team from the pharmacy fraternity. These men led group discussions on drugs, their use and misuse and, at the same time, explained the purpose of the program to stimulate attendance at the symposium. Each presentation averaged a half hour, followed by a question and answer session. Some of the students brought along charts and diagrams to highlight the discussions.

The speakers—a psychiatrist, pharmacologist, research specialist and inspector for the Indiana State Board of Health—were originally contacted by Dale Doerr, co-advisor for the chapter. Prior to the meeting, the panelists met three times to exchange ideas and make preparations.

The university's public relations director handled initial contacts with the two television stations and two city newspapers. As a result the program received both newspaper and TV coverage. Local and university radio stations gave spot announcements during the week prior to the symposium. Based on the near-capacity attendance and on audience reaction, the program was judged to be a success. Much of the success was attributed to the preprogram visits which reached one-fifth of the students and helped build considerable interest in the subject of drug abuse.

SUMMARY

What was learned from these pilot programs? Several things. First, the programs represent an ideal way to counter the sensational—and often negative—publicity that the college drug abuse problem has been receiving. Second, that such programs attract the favorable attention of other communities and other campuses to the pharmacy schools involved. Third, the programs highlighted some of the practical problems (*e.g.*, in content, length, publicity and visual aids) which must be ironed out to assure maximum success in the future. Fourth, the programs demonstrated the keen interest of college students in drug use and abuse. Finally—and perhaps most important of all—the programs demonstrated that pharmacy students relish the chance to talk about drugs, the tools of their profession, in real-life situations.

So far, the new pharmacy-oriented drug abuse education program has been extremely successful. This isn't the first program designed to educate college students about drugs; but this is the first educational program designed to be organized by pharmacy students, promoted by pharmacy students and actually run by pharmacy students.

As practicing pharmacists you can do a great deal to extend this educational effort. First, you can offer your support to the campus drug abuse education programs that are getting underway. During the next few months, we will be contacting pharmacy deans across the country and asking them to approve such programs on their campuses. Several pharmacy educators have already written us to ask for assistance in developing such programs.

You can support these efforts by writing to the dean of the pharmacy school in your community to let him know that you recognize the need for more balanced drug education on our campuses; that you know about and approve the new drug education programs being developed by pharmacy students. Your encouragement and support will mean a lot to him—and to the success of the program. Nominal financial support to the student organization for publicity costs would be helpful in some instances.

There is, however, a much more important contribution you can make—you can extend the same balanced drug education message to the young people in your own community. Today, your time-honored role as a dispenser of medication is being expanded. More and more, the modern pharmacist is called upon to dispense drug information as well as medication. And rightly so. As pharmacists, you have a better opportunity than any other member of the health team to educate the public about the drugs they take. The late W. W. Charters underscored this fact when he once said—"A well-informed pharmacist is the best single individual to disseminate information about public health."

Nowhere is the need for such information more critical than it is with the nation's youth. Existing facilities for educating them about drugs leave a lot to be desired. Smith Kline & French Laboratories has been involved for the past few years in providing drug abuse education and instruction to law enforcement officers throughout the country. This work has carried them into contact with several state agencies responsible for developing the educational materials used to teach children about drugs. As a result, they have had many opportunities to see the materials teachers are using in various parts of the country to teach this subject. Much of the material they examined was outdated, incomplete, misleading, one-sided or—even worse—totally inaccurate! In many instances, educational agencies had no material on the subject.

This is why your efforts on this behalf are so vital. You have a professional duty to see that the children in your community get the right information about drugs. There are several ways to do this—speaking engagements before high school groups, grade school groups, church groups and other youth organizations; checking on the kind of drug education being offered in your community schools and, if you feel it needs improvement, working with the local parent-teacher organization to improve it. Above all, you should promote your own drug expertise to your patrons. To the average layman, especially the impressionable youngster, drugs are exotic, mysterious substances. He may read or hear that some drugs are capable of producing pleasant effects on his mind, but he doesn't know much more. Because of your professional training, you are better able to explain to him both the good and bad properties certain drugs have, thus keeping them in their proper perspective.

Today's problem of drug abuse among young people, combined with your emerging role as health educators, constitutes a clear call to action.

Mr. HUMPHREY. Mr. President, I recently asked the DOD for a report on their use of the pharmacist as a drug educator, and I ask unanimous consent that the report be inserted in the CONGRESSIONAL RECORD. The Department has been unable to identify the number of pharmacists used in drug education programs nor does it have a knowledge of how many of these potential drug abuse educators are in the military ranks as jeep drivers, typists, and infantrymen. I hope that DOD, in dealing with the drug abuse problem, will improve its program of drug education, in part through the use of pharmacists as drug experts and drug educators.

I also request permission to insert in the RECORD at this point a letter from Dean Kenneth L. Waters of the University of Georgia School of Pharmacy citing examples of the nonpharmacist military assignments of pharmacists.

There being no objection, the report and letter were ordered to be printed in the RECORD, as follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 15, 1971.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: This is in response to the verbal request of Mr. Martino of your office for the number of pharmacy officers authorized and on board by Service, comments concerning the drafting of pharmacists, number of pharmacists utilized in drug abuse programs and the number of registered pharmacists not utilized in their profession in the Services.

Registered pharmacists serve as officers of the Medical Service Corps of the Army and Navy and of the Biomedical Sciences Corps of the Air Force. The authorized and on board count is as follows:

	Authorized	*On Board*
Army	163	174
Navy	96	100
Air Force	97	102
Total	356	376

In addition to the above, there are 50 registered pharmacists in the Army Medical Service Corps who for career progression purposes or personal reasons have elected to serve in other fields and retain pharmacy as a secondary military occupational code. Also, there are approximately 100 civilian registered pharmacists employed by the military medical services.

Registered pharmacists have never been drafted by profession. They have, however, been inducted in the "general draft" much the same as members of many other professions. Military procurement of pharmacists to serve as commissioned pharmacy officers has not been an appreciable problem in the past. The number of applicants for commissions have been in numbers sufficient to allow the Services to be highly selective in those accepted. In general, the pharmacy officers are secured from volunteers direct from civilian life, from the ROTC programs and from the enlisted ranks within the Services. It is generally thought that those from both the first and last mentioned groups are mostly draft motivated and that in the absence of a draft provision, volunteers from civilian and enlisted status would most likely decline significantly and perhaps necessitate special procurement programs to meet future requirements.

The drug abuse programs in the Department of Defense are progressing satisfactorily and as exprience is gained, modification and/or new innovations in handling, processing and treating of these patients will be implemented. While the number of registered pharmacists utilized in these programs is not known, it is felt that they have, as a group contributed to the programs through their responsibility for the accountability and control of narcotics, dangerous drugs, and all other medications subject to abuse.

It is regretted that we are unable to provide a response to the last question. Inasmuch as this special group are not drafted by profession, our personnel accounting system is not geared to provide the requested data.

If this office may be of further assistance, please do not hesitate to call on us.

Sincerely,

GEORGE J. HAYES,
Brigadier General, MC USA, Principal Deputy.

THE UNIVERSITY OF GEORGIA,
SCHOOL OF PHARMACY,
Athens, Ga., July 22, 1971.

Dr. WILLIAM SKINNER,
Assistant Executive Secretary, American Association of Colleges of Pharmacy, Silver Spring, Md.

DEAR BILL: Following up on my letter in which I mentioned Linder, Weldon, Walls, and Wise, here is the situation as I know it now exists:

1. John Weldon, who graduated in 1970, has orders to report to Fort Belvoir, Virginia on 12 October 1971 for the Engineer Officer Basic Course.

2. Kenneth Walls has a delay until April 1972 in the Field Artillery.

3. William W. Wise graduated in 1971 and also has a delay in Armour.

Those who were assigned this year are as follows:

James T. Chaffin, graduated in June 1971 has a year's delay in Infantry.

Charles Lott, graduated in June 1971 assigned to Infantry.

Robert F. Watterman, a graduate student has a delay in Field Artillery until June 1972.

I have also heard of one ROTC student who was assigned to the Infantry and not permitted to change to the Medical Service Corps, unless he signed up for a four-year tour of duty.

I have not been able to gather any information about those who were drafted. If I do I shall forward this information on to you. We have Frank Knapp, who graduated in 1967, is in the National Guard serving in truck maintenance and a second year student who is also in truck maintenance with the National Guard.

I contacted Cecil Clifton's office but he could not get together any information on those who are in the service. Neither could I get any information from the Chief Drug Inspector's Office.

Sincerely yours,

KENNETH L. WATERS, *Dean*.

REPLY TO AMA POSITION ON HEALTH CARE PROGRESS

Mr. KENNEDY. Mr. President, on July 14, opening a hearing of the Subcommittee on Administrative Practice and Procedure, I had occasion to comment on the role of the AMA in obstructing the major recommendations for health care reform over the past half century. The text of my remarks appears on page 26384 of the CONGRESSIONAL RECORD for July 21, 1971. I received no reply at that time from the AMA, but on July 19, 1971, Mr. Harry Hinton, the director of the AMA's Washington office wrote to the Democratic senatorial campaign committee pointing out the support of the AMA political arm, AMPAC, for the campaign committee, and suggesting that my statements on health care reform and on the AMA would be damaging to this support. I described that letter as a "blackmail message," and made other comments on it which appear with the text of the Hinton letter at page 26749 of the RECORD for July 22, 1971. At that time I also offered the AMA the opportunity to present its views on my charges and to explain the Hinton letter at hearings of the subcommittee scheduled for July 27 and 29.

The AMA refused to appear on either date and continues to refuse to appear for a full discussion of both its record on health reform and its efforts to alter the positions of Members of Congress through AMPAC political contributions.

Instead, however, it is today releasing a document dated July 30, purporting to be a statement before the subcommittee. Since there was no meeting of the subcommittee on that date and since we have none planned until September, I will continue to hold open the request for the AMA to appear, and I hope they will do so.

In the meantime, a few comments on today's release appear in order.

First, the statement confirms the assertions that I made on July 14, and I stand by them completely. Basically, the AMA's only defense is that it is now in favor of some of the reforms it used to oppose. Certainly it is gratifying to hear that it now supports the group practice it used to describe as "medical Soviets." And it is pleasing to know that in recent years it "has not attempted to limit the production of physicians," in contrast to its former concern about "an oversupply of doctors" and the resultant "need for professional birth control."

Second, let me say that I object very strongly to what can only be read as the calculated and arrogant distortion by which the AMA consistently attempts to read my criticisms of organized medicine as an attack on American doctors themselves. Nothing could be further from the truth. The doctors of America are among the most selfless and dedicated individuals of our Nation, and I have enormous respect for their compassion and commitment to the good health of the American people.

But the AMA does not even speak today for a majority of American physicians. There could be no more eloquent testimony to the declining respect of the AMA in the modern medical affairs of the Nation than the fact that today, for the first time in 50 years, less than half of the physicians of America are members of the AMA. Sadly, the doctors of America are far ahead of the organization that is supposed to lead them.

In closing, let me say that I also find much that is constructive in the AMA's reply. I am optimistic that we can work closely together in the future, and I look forward to the coming weeks and months of debate in Congress as the most fertile opportunity we have had in many years to improve the quality of health care for our people.

Mr. President, I ask unanimous consent that the document submitted today by the AMA, together with a cover letter from Dr. Ernest B. Howard, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN MEDICAL ASSOCIATION BEFORE THE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE OF THE SENATE JUDICIARY COMMITTEE, JULY 30, 1971

Mr. Chairman and Members of the Subcommittee: In his opening statement before the Subcommittee on July 14, its chairman, Senator Edward M. Kennedy, directed a number of criticisms at the American Medical Association and, by implication, at its component societies.

This document is in reply.

Senator Kennedy's charges date from 1913 onward. Thus, many of his allegations are old as well as inaccurate.

While this reply will cover many points that go back to the past, it seems to us that a more valid measure of the AMA's positions on health is its record in more recent years.

An affirmative legislative stance of the AMA has been maintained in the present Congress, as many members of the House and Senate—from both sides of the aisle—will readily attest.

Nonetheless Senator Kennedy's allegations, covering more than half a century of history, accuse organized medicine of unvarying obstruction to progressive legislation.

It is true that AMA disagrees with Senator Kennedy's government-run health care proposal. But we suggest constructive alternatives and seek to present them fairly and temperately.

The AMA will continue to do so. But the charges made by Senator Kennedy have been widely publicized and cannot be ignored. The AMA therefore has no alternative but that of a detailed response, which is herewith respectfully submitted.

Sincerely,

ERNEST B. HOWARD, M.D.

INTRODUCTION

Senator Kennedy begins his argument with a selection of AMA positions on health issues. He next uses this selection to "prove" an unbroken record of obstructionism, accusing the AMA of blocking progress at every turn. Finally, he reaches the conclusion that America's doctors of medicine consistently act from the basest of human motives. Their organization, he says, "puts the wealth of doctors ahead of the health of the people."

This is a grave charge indeed. Even though offered in a political context, its validity merits some sober tests. First, is the selection process employed fair? Are the facts selected in reasonable context? Second, does the weight of the total public record justify the conclusion of unrelieved obstructionism? Third, is the conclusion logically connected to the suggested motive? Or are there motives other than greed to explain AMA's actions?

In our opinion, the body of charges assembled by Senator Kennedy either lacks factual basis or is, by turn, out of date, out of context, and out of balance. And his conclusion, that doctors act primarily for gain, is outrageous.

The cogency of the argument that the AMA is obstructive can be most easily tested against the recent AMA record before Congress. An appendix is attached to this statement which lists in complete and specific detail the AMA record with the 91st Congress. On 35 occasions the AMA offered statements to this Congress. The bills or hearings are identified. The AMA witnesses are named, and the dates of their appearance specified.

In these 35 cases where the AMA offered statements, the AMA took a positive, affirmative position in favor of the proposal under discussion 31 times. In four cases, the AMA's response was partly favorable, partly unfavorable.

It requires a certain strain on the process of human logic to interpret this record as negative.

Before the present Congress, we have urged full funding for the Maternal and Child Care programs under Title V of the Social Security Act, and we have actively supported the Health Professions Educational Assistance Act which provides for construction grants and loans, assistance to medical students, with incentive provisions for service in shortage areas, and family practice training programs.

The AMA is *in favor* of government support to expand medical schools.

The AMA is *in favor* of increased financial aid to medical students.

The AMA is *in favor* of expanded nurse training programs.

The AMA is *in favor* of physician assistant programs.

The AMA is *in favor* of clean air legislation.

The AMA, finally, is *in favor* of national health insurance which, through government subsidy, would remove economic barriers between the poor and mainstream medical care and would insure everyone against "catastrophic" medical costs.

The AMA supports its own legislative proposals (Medicredit) for improved health care. It opposes Senator Kennedy's health bill, true. So do a number of people, in and out of Congress. It does not follow that because we oppose one particular piece of legislation we are opposed to all progress. Senator Kennedy believes progress can be made one way. The American Medical Association happens to believe that greater progress can be made in another way. That is quite different from 'obstructionism" as charged by Senator Kennedy.

Senator Kennedy levels the additional charge that the AMA "has a virtual stranglehold on the health programs of the (Nixon) Administration." The merits of this allegation also deserve examination.

For this to be true—if a stranglehold does indeed exist—a large measure of consistency would have to exist between the positions of the AMA and the Nixon Administration on important health issues.

Is such the case? Let's take a look at two major actions in the last year.

President Nixon vetoed the extension of the Hill-Burton Act and exercised a pocket veto of the Family Practice Act. The position of the AMA in both cases was precisely the opposite.

Senator Kennedy voted to override the veto on Hill-Burton (which would place him closer than President Nixon to the AMA position). He is not recorded as voting on the Family Practice Act, and it is interesting to note that both the AMA and Senator Kennedy occupied common ground on the recent health education assistance measure.

If a stranglehold or a marriage of convenience exists between the Nixon Administration and the AMA, it is also logical to ask, "Why two differing national health care insurance proposals? Why not just one?"

As a matter of fact, why should there be any AMA national health insurance bill if, as charged, the AMA is so unresponsive to the needs of the people? Or why should 70% of its budget go for health and scientific informational activities?

A third charge is made that the AMA has throttled the efforts of various governmental commissions to bring about better health care. It must be kept in mind that commission reports go to Congress for legislative action. This process includes hearings and other informational input. The role of Congress is not designed to be that of a rubber stamp for whatever governmental commissions recommend.

One example offered is the Commission on Heart Disease, Cancer and Stroke, appointed by President Johnson in 1964.

Again, the charges should be weighed against the record.

"From the outset," said the AMA at that time, "we want to make unmistakably and unequivocally clear our agreement with the President's Commission . . . in the ostensible objective of reducing or eliminating the incidence of, and deaths from, these diseases."

Legislation, passed by a Democratic Congress under a Democratic President, did result from the Commission, and this legislation contained substantial AMA input. The final results may have disappointed some of its original sponsors. One of the principal difficulties arose from the haste with which the Commission study was translated into legislation.

Dr. Robert C. Long, then a member of the AMA Board of Trustees, said, "In effect, the Commission's findings were published a full two months before the data upon which they were supposedly based became available."

Anthony Celebrezze, then Secretary of HEW, said, "I am surprised we came in with any kind of legislation because, as I say, this report was just finalized in December of last year (1964), and we are just in February now."

Senator Kennedy himself said at the time it would be difficult to defend the bill on the floor without more information.

After the AMA testimony on the legislative proposals which grew out of the Commission on Heart Disease, Cancer and Stroke, Representative James Harvey of Michigan, a member of the House of Representatives Committee which heard all the testimony, said, "Certainly the easy way for the medical association (AMA) would have been simply to have agreed with the President's Commission and say, 'Yes, anytime you spend money on these diseases it is bound to be a good thing.'

"Certainly we in this country, and I speak for myself here as a Congressman, don't want our medical profession to be composed of yes-men. I don't think we have obtained the finest medical profession in the world because you have been yes-men, but because of the reverse; they (doctors) have always had the courage to come in and express their views and to challenge the views as they have seen them . . . I thank you."

It should be noted that in the course of the discussion over this whole matter, the AMA maintained that the best attack on heart disease, cancer and stroke was more through basic research than the addition of facilities. Through his support of the recent cancer bill, Senator Kennedy expresses at least in part agreement with the broad approach suggested by the AMA six years ago.

The remainder of this paper takes up in further detail the matter of the AMA record on health issues over the years. This record should be measured carefully against what has been recently charged. A fair-minded reading should correct many popularly accepted misconceptions. It should lay to rest some outright untruths. It should present a more balanced picture and thus reduce the emotional heat that is being injected into the national dialogue on health care.

Far more important, however, is the question raised as to motive. There is room for considerable, honest disagreement on almost every piece of health legislation. Over the years—and currently—the AMA has favored far more health proposals than it has opposed. It is automatically so sinister that the AMA agrees with some people on these complex issues and disagrees with others? Must the expression of sincere opinion or the submission of factual testimony raise a question as to motive?

That is the basic allegation. We resent it. And we respectfully enter this protest.

A. STATEMENTS BY SENATOR EDWARD M. KENNEDY AND RELEVANT AMA POLICY POSITIONS

1. The AMA opposed health benefits for veterans after World War I.

Reply: The AMA House of Delegates adopted the following resolution at its meeting in May, 1925:

"That the House of Delegates disapproves the plan of furnishing financial aid or personal service to beneficiaries able to pay . . . (and) that such subsidies be limited to those veterans whose disabilities have arisen from and in the course of military service, and in line of duty." The House also, however, at the same meeting, endorsed a statement that if non-service connected conditions were covered then treatment should be restricted "to those veterans who are unable to pay for same."

The AMA simply advocated that Veterans Administration medical care be administered as originally intended by Congress.

The philosophy that patients able to pay for treatment should pay has been consistently stated by the AMA for many years. A concomitant philosophy has been that no one should be denied quality care because of inability to pay. As an example, the AMA policy on veterans' care was revised in 1956 to add that in rendering treatment for non-service connected disability, priority should go "to those suffering from illnesses or disabilities which are economically catastrophic."

2. The AMA opposed Blue Cross and private health insurance.

Reply: As early as 1917, AMA policy was to cooperate in the development of health insurance legislation which would benefit the public. The AMA has never opposed development of voluntary sickness insurance plans in this country as they exist today. The first plans, initiated in the early 1930's, were very different from contemporary voluntary sickness insurance plans. Some features of early plans to which the AMA objected—and still objects to—were the depriving the patient of his free choice of physician and the basing of the plans on an uncertain actuarial basis.

AMA officials, by the way, warned against a similar uncertain actuarial basis in Medicare, saying that the cost estimate was too low and that the premium would have to be raised. It has since been raised several times.

One of the latest AMA actions in regard to private health insurance was a recommendation in 1970 that policies be expanded to cover out-of-hospital services, as a means of reducing the costs of care.

Critics of the AMA pursue a curious course. They attack the AMA for "opposing" private medical insurance. And they attack the AMA for advocating a national health insurance program (Medicredit) which relies heavily on private medical insurance.

3. The AMA opposed government support for medical education.

Reply: In 1949, the AMA said that since medical schools were finding it difficult to secure sufficient funds to maintain their standard of training, it might become necessary for some schools to accept aid from the federal government. The AMA made clear that it would prefer to see the support come from private philanthropies or local public funds. It also said federal aid should be accompanied by assurance of freedom from political control and regulation.

In 1968, the House of Delegates of the AMA approved a joint statement by the AMA and the Association of American Medical Colleges that indicated the need for adequate financial support from governmental and various private sources for medical schools.

Long before then, however, the AMA was active in supporting the need for more medical schools and in recruiting young people for medicine. For 12 years beginning in 1951, the AMA urged Congress to make federal grants available for medical school construction and expansion before this legislation was finally enacted.

One of the more important pieces of legislation concerning medical education has been the Health Professions Educational Assistance Act providing funds for facilities and aid to students. The AMA supported it originally in 1963 and supported its extension in 1971.

4. The AMA opposed innovations in medical school curricula.

Reply: As early as 1917, the AMA expressed interest in efforts to shorten the period of medical education. In 1923, the House of Delegates endorsed a report saying ". . . it would be most desirable that medical students should graduate and enter practice at an earlier age than at present . . . that the plan of covering the medical course in three years . . . instead of four . . . and any other adequate plan of reducing the length of the medical course are greatly to be desired . . ."

In the intervening decades, of course, drastic revisions of medical curricula aimed at shortening and modernizing the course of instruction have been effected. The AMA has been widely active in the field of medical education and quite naturally so, since it accredits medical schools and, with other organizations, hospitals.

One of the latest AMA actions, taken in 1970, was to direct that internships and residencies be combined, to streamline postgraduate training and thus get more doctors into practice more quickly. Over 25 medical schools are now experimenting with shortened curricula programs.

5. The AMA opposed efforts to achieve equal opportunity in medical education.

Reply: The AMA has forcefully pointed out, to Congress among others, the inadequate representations of black and other minority group students in medical schools. The AMA, together with the predominantly-black National Medical Association, the Association of American Medical Colleges, and the American Hospital Association, recommended major efforts to increase the number of minority group students, primarily through financial aid.

And there have been results.

Dr. C. H. William Ruhe, director of the AMA's Division of Medical Education, told Congress early in 1971:

"Medical schools had a 94% increase in first-year black students for 1969–70 compared to the 1968–69 academic year, and an additional 58% increase in 1970–71 over the 1969–70 figure."

Dr. Ruhe noted that minority students, however, still accounted for only about 2.2% of the physician population (as compared to 12% of the general population) indicating the need for continued intensive efforts to increase their enrollment.

As an example of other AMA activity, the Association has given financial support to a Chicago program aimed at taking young men and women from poverty areas and training them as physicians, in hopes of getting them back into the needy areas to provide care.

In July, 1971, the AMA began a new loan program to make medical education possible for relatively poor, and minority students. It was launched in California and it is hoped to expand the project into other states.

John M. Chenault, M.D., President of the AMA's Education and Research Foundation, said the program is being launched through the Bank of America, with cooperation of the eight California medical schools, the Guggenheim Foundation, the Sloan Foundation and National Medical Fellowships, Inc.

The program consists of grants and loans with interest on the loans paid by the foundations during the first four years of medical school. There will be no repayment of loan principal in this period. Loans will be guaranteed by AMA–ERF. About 50 students will have their education financed through the project next year.

The AMA believes most firmly in the proposition that all qualified students should have the opportunity to study medicine. In addition to its support for other programs of scholarship aid, the AMA-Education and Research Foundation has guaranteed more than $48 million in loans to more than 20,000 students, interns and residents.

6. Long after the doctor shortage was clear to every impartial expert, the AMA obstinately maintained that there was no shortage at al. and that any views to the contrary were the product of misleading propaganda emanating from Washington.

Reply: It is true that in the early 1950's the AMA House of Delegates repeatedly denied there was a shortage of physicians.

Ernest B. Howard, M.D., executive vice president of the Association, in a speech last year, said the position "reflected the research conducted by an eminent AMA economist who made an important contribution in a study of medical service areas. Unfortunately, he did not include in his calculations the increased supply necessary to accommodate the surging 60's, when new legislation, increasing affluence and rising demands would elevate markedly the number of M.D.'s required to serve the nation."

However, despite charges to the contrary, the AMA has not attempted to limit the production of physicians. Excerpted from AMA policy established in 1951 are the following statements:

". . . The AMA has no desire to limit the production of properly trained physicians to serve the American people. The policy of the Association is to assist and encourage any responsible group or institution endeavoring to create new facilities or expand existing facilities for the training of physicians.

". . . The number of medical schools approved is determined entirely by the ability of the schools to meet educational standards."

". . . The number of students in approved schools has been steadily increasing . . . The AMA has lent every aid and encouragement to sound expansion. In many states the medical societies have provided effective leadership in the establishment of new medical schools and the expansion of existing schools."

Later, in 1959, the AMA House of Delegates acted favorably on a recommendation that reflected a growing concern over the increasing evidence that superior students are being deterred from the study of medicine for financial reasons at a time when the national production of physicians should be increased.

And, in 1960, the House of Delegates received a report urging a goal of 10,000 medical graduates annually by 1975. The 1972 estimated number of graduates is 9,363. Since that would be an increase of 367 over the 1971 class a projection shows that the goal should be easily met before 1975. Even more medical schools—and their number rose from 86 in 1961 to 103 in 1971—are opening, and training periods are being shortened. The University of Miami medical school is even inaugurating a program to train highly qualified persons in other fields, such as Ph.D's, to become medical doctors in just two years.

In the school year 1961–62, 86 medical schools had an enrollment of 31,078 students. An estimated 43,143 students will be enrolled in 108 medical schools in the school year 1971–72. Some 20 additional schools are in various stages of planning.

The AMA is presently engaged on a broad front in expanding the supply of physicians and other key health personnel. The Congress has recently passed two health manpower bills (now in conference) which will provide many billions of dollars to increase the supply of physicians, nurses, dentists and other health professionals. The support, as well as the data and expertise, furnished by the AMA to the House of Representative Subcommittee considering this legislation has been acknowledged by its chairman.

In the United States in 1960, there was one physician for every 712 Americans; in 1970 there was one doctor for every 632 Americans. And the ratio continues to improve.

The AMA has long contended that maldistribution of physicians has also been and is a major problem.

In Washington, D.C., for example, there is a physician for every 30 persons; in Arkansas, one for every 1,400 persons. Additionally, many rural and ghetto areas are underserviced.

The problem of distribution is a complex one and one that does not necessarily yield to a totally governmental approach.

The AMA believes that other approaches, such as inducements to physicians to practice in certain areas, will help solve the problem. One of the latest such calls for action came from Dr. Walter C. Bornemeier, immediate past president of the AMA. He urged that consideration be given to low-cost federal loans, or Hill-Burton type grants, to encourage groups of physicians to locate in low-income areas.

AMA testimony before the House and Senate Appropriations committees for the past several years has stressed the need for financial support of medical schools and students above all other federal health expenditures.

It should also be noted that the AMA has for many years recruited actively for all the health fields. Over 100,000 copies per year of just one of its recruiting booklets—*Horizons Unlimited*—are distributed to those investigating a career in medicine. A film, *A Matter of Opportunity*, is in circulation to encourage blacks to become physicians. The AMA supplied leadership in the development of programs for physician assistants.

In summary, the AMA does indeed realize that we need more doctors, and that distribution must be more effective. It is doing something about these very real problems.

7. The AMA opposed group practice.

Reply: The steady and rapid growth of group practice in the United States in the last few decades would seem to render this charge frivolous, since doctors comprise those group practices and 82% of the doctors engaged in office-based patient care are members of the AMA. Two members of the current Board of Trustees, including the vice chairman, are in group practice. The AMA publishes a book for the profession, *Group Practice—Guidelines to Joining or Forming a Medical Group*, and has since 1962. A copy is available on request.

The AMA has maintained, and does maintain now, that a pluralistic system of medical care, utilizing solo practitioners, group practice, prepayment and other mechanisms is the best way to assure quality care for all Americans, and to give them the right of choosing the type of care they like best.

In 1969, a total of 38,834 physicians were practicing in 6,162 groups, compared with 13,009 doctors in 1,546 groups in 1959.

Official AMA policy was stated this way in 1970:

"That the American Medical Association recognize the need for multiple methods of delivering medical services, and that it encourage and participate in efforts to develop them,

"And that in the interest of attracting the most highly qualified candidates to the field of medicine, it simultaneously make every effort to maintain and create incentives in medical practice. Among these incentives are a multiplicity of practice options, maximum professional independence and freedom of choice for both physicians and patients."

The misconception over the supposed AMA opposition to group practice stems from its opposition to something else. In the 1930's the AMA questioned so-called "contract" practice, in which entrepreneurs hired willing physicians and sold their services in such a way that both the physicians and the patient were exploited. Many people have wrongly classified this as group practice. In medical terminology it is "contract" practice. Group practice, as currently conceived, is something different—and it has AMA support.

8. The AMA opposed Medicare.

Reply: The AMA position on Medicare was this: government funds should not be used to finance health care for those readily able to pay their own way; they should be used to provide better health care for those who could not. The AMA continues to believe that help should go to those who need help, but that government medical programs should not assist those who are perfectly capable of handling their own medical expenses.

The AMA also questioned the actuarial soundness of the cost estimates made for the original Medicare plan. Subsequent events have shown those doubts to have been thoroughly justified.

While the AMA did speak out against Medicare when the national debate was in progress, it cooperated fully once the public decision was made. Hundreds of AMA members and many of the AMA staff played a considerable role in developing the guidelines and regulations needed to turn the promise of Medicare into the fact.

9. The AMA opposed any real role in the organization for young doctors, interns and residents to the point where these young physicians, so full of ideas for health reform, have been driven to form their own independent organization.

Reply: All physicians, young or old, are constantly urged to make their views known to their local medical societies. A new class of membership in the AMA has been created for interns and residents, with reduced dues. Liaison is maintained with the Student American Medical Association and AMA members have been urged to buy sustaining memberships in SAMA. Views of the medical students and interns are aired, often at great length, in the American Medical News, published by the AMA. It might be noted that SAMA, an independent organization of medical students founded some 20 years ago, has not endorsed any of the major health proposals, neither Senator Kennedy's, President Nixon's nor the AMA bill.

Colorado, Indiana and Pennsylvania have in recent years admitted medical students to full membership, and last year the Kansas Medical Society followed suit.

"We would prefer they (younger doctors) were county and state members as well as AMA members," Dr. Richard S. Wilbur, until recently deputy executive vice president of AMA, told an interviewer recently. "If the direct AMA membership provision should so stimulate the counties and states that they went out and got every intern and resident to join them without being direct members, that would be the best possible result."

10. Over the years, many local AMA groups in different parts of the country have opposed all sorts of public health programs and health reforms, even including immunization against polio with the Salk and Sabin vaccines.

Reply: The allegation that the AMA has opposed vaccination programs is an old one. And it is false.

In 1960, the vaccination program the AMA was alleged to have opposed was a program for smallpox rather than polio. That charge was false, too. In 1899, the AMA House of Delegates urged local boards of health to adopt laws requiring *compulsory vaccination* for smallpox. Two months ago the AMA wrote President Nixon to urge full funding for the current federal immunization plan.

However, in 1863 an AMA committee did say that compulsory vaccination seemed impractical that year—no doubt because the Civil War was then raging. But even then it took the position that the AMA had "a duty to institute measures looking to the vaccination, ultimately, of every person living within the limits of the country."

The criticism alleging that "many local" unnamed groups opposed polio vaccination is vague. Countless medical societies led and participated in mass polio immunization campaigns. In one five-hour campaign, the Cullman, Alabama, Medical Society gave Sabin vaccine to 41,608 persons, or 98% of the county's population.

11. The AMA opposes any meaningful efforts for effective peer review to improve the quality of medical care.

Reply: The AMA House of Delegates in June, 1970 resolved to "support continuing efforts by the American Medical Association to inform the medical profession of the value and benefit to be realized from the implementation of adequate peer review programs" and directed the Board of Trustees, the Council on Medical Service and "other appropriate sections of the AMA" to give peer review "the highest priority and emphasize its urgency to all state and component societies."

Peer review—the evaluation of medical services by physicians—is a fundamental concept of medicine. Self-regulation in various forms has been conducted for decades. The tissue committee in a hospital, which judges whether an operation was justified, as an example.

The AMA offers guidelines and acts as a clearing house to component medical societies for establishing peer review mechanisms. It publishes a *Peer Review Manual* over a hundred pages long so that local medical societies can improve procedures. More than 40 medical society foundations have been established in 20 states for the purpose of peer review. These foundations are being funded in a variety of ways. Federal funds have been awarded to foundations in San Antonio, Denver and Sacramento. Foundations in New Mexico and Florida have signed contracts with their state health departments for the peer review of Medical patients. The Georgia Medical Society is negotiating a contract with the state, and Missouri, Iowa, Pennsylvania, Virginia and Ohio are moving in this direction.

John Kenney, M.D., an official of the Sonoma Foundation for Medical Care (California), estimates that California's Medicaid program could save $5.5 million annually by utilizing existing medical society peer review mechanisms.

AMA bills for peer review have been introduced into the Congress (S 1898 and R 8684). Under the provisions of these bills peer review programs (for services provided to Medicare, Medicaid, and other health care program patients) would be carried out by state medical societies that would enter into separate agreements with the Secretary of HEW, for the establishment of statewide systems for review of the reasonableness of charges and quality of medical and other health care.

B. REPLY BY THE AMERICAN MEDICAL ASSOCIATION ON STATEMENTS RELATING TO THE COMMISSION ON HEART DISEASE, CANCER AND STROKE

At the Subcommittee hearings on July 14, Senator Kennedy charged that the proposal of the Heart Disease, Cancer and Stroke Commission suffered major weakening at the hands of the AMA during its course through Congress.

Reply: The Commission proposals included creation of 60 regional complexes for care and clinical investigation of the three diseases, creation of research institutes and diagnostic and treatment stations, increasing manpower in clinical and research medicine and expansion of existing programs. It was a sweeping document prepared by a 28-member body of laymen and physicians, appointed by President Lyndon B. Johnson in 1964.

The American Medical Association said: "From the outset, we want to make unmistakably and unequivocally clear our agreement with the President's Commission on Heart Disease, Cancer and Stroke in the ostensible objective of reducing or eliminating the incidence of, and deaths from, these diseases."

But it did have objections, primarily that the originally proposed legislation for regional medical programs was vague.

AMA officials told Congress:

"There are no definitions really of a program: no limitations on authority. No guidelines for pursuing a course of action, no meaningful limitations of expenditures except for lump sum allotments." They said they feared the legislation could "seriously hamper our well-proven existing patterns of research, education and patient care."

This concern was heightened by the haste with which the bill was being pushed through Congress. "In effect, the Commission's findings were published a full two months before the data upon which they were supposedly based became available," noted Dr. Robert C. Long of Louisville, Kentucky, then a member of the AMA Board of Trustees.

This concern was shared by others.

"I am surprised we came in with any kind of legislation because, as I say, this report was just finalized in December of last year (1964), and we are just in February now," then HEW Secretary Anthony Celebrezze told a Senate subcommittee which was asking for some information on the bill.

One Senator, Edward M. Kennedy, said it would be difficult to defend the bill on the floor without more information.

Aside from the inordinate haste, which it deplored, the AMA said the report was based on an undocumented assumption: that American physicians are unable to keep abreast of and apply new knowledge.

James Z. Appel, then president of the AMA, told the House Interstate and Foreign Commerce Committee in July, 1965:

"There is not a doctor practicing in this country today who does not have knowledge of an institution of recognized merit to which he can and does transfer patients whose condition requires treatment beyond that which he can provide."

The Commission's own Subcommittee on Research said:

"This Subcommittee and its consultants are unaware of any significant body of fundamental information which is stagnantly awaiting clinical application by competent practitioners.

"Indeed, it considers that the art of clinical investigation consists, in large measure, of a considered deliberate judgment of the utility and applicability of such fundamental information and careful avoidance of the meaningless, feckless, and indeed harmful activities which are the consequences of ill-considered attempts to apply the inapplicable."

And this concern was shared by the Commission's Subcommittee on Manpower which stated:

"In the face of rising demand for physicians in every field of service, it is futile to think of diverting physicians into heart disease, cancer and stroke programs. To do so would be catastrophic in a nation in which faulty distribution of physicians and increasing abandonment of general practice is already posing serious, if not critical, problems for the provision of medical care."

After the AMA testimony before the Interstate and Foreign Commerce Committee, Representative James Harvey of Michigan said:

"Certainly the easy way for the medical association would have been simply to have agreed with the President's Commission and say, yes, anytime you spend money on these disease it is bound to be a good thing.

"Certainly we in this country, and I speak for myself here as a Congressman, don't want our medical profession to be composed of yes-men. I don't think we have obtained the finest medical profession in the world because you have been yes-men, but because of the reverse, they (doctors) have always had the courage to come in and express their views and to challenge the views as they have seen them . . . I thank you."

In late August, and AMA committee met with the President and the new HEW Secretary, John Gardner, and asked that the bill be deferred for a short time till more data was available. Instead, the President directed HEW to work with the AMA committee "to make the bill less objectionable."

That evening and the next day, some 20 changes were drafted, accepted by the House of Representatives Committee, and promptly supported by the Democratic Administration. Ultimately, they became part of the law.

An important change put emphasis on pilot projects "whose effectiveness will be subject to review before new projects are approved."

Since then, the AMA has supported the extension of Regional Medical Program legislation (as it came to be known) and recently urged *increased* funding for the program.

C. SOME FURTHER NOTES ON THE HISTORICAL RECORD OF THE AMERICAN MEDICAL ASSOCIATION

Since the matter has been reopened by recent charges and allegations, this paper touching on some highlights of AMA actions in the past seems appropriate. History is not always relevant, but since AMA's record has been questioned it should be spelled out. It may come as a surprise to those who would maintain the AMA has a record of unrelieved obstructionism.

In 1876, the AMA said states and cities had a duty to make a sanitary survey of water supplies to guard against contamination, possibly the first anti-pollution campaign.

In 1891, it recommended a cabinet-level medical secretary of public health; and did so again in 1970.

In 1910 came the famed AMA-initiated Flexner report which eliminated the diploma mills and paved the way for the highest standards of medical education anywhere in the world.

In 1912, the AMA adopted recommendations as to qualify standards in milk. In 1914 it commended states that had passed legislation to protect children under 16 from "the disastrous consequences of unsuitable work and bad industrial conditions" and urged that all states pass such laws.

In 1930, it sent to toy makers a resolution regarding the hazards of sharp edges and projections on children's toys. This is a major area of public interest today, 40 years later.

In 1937, the AMA sought action to bring the use of barbiturates and derivative drugs under proper governmental control and in the same year endorsed creation of a division of water pollution control in the U.S. Public Health Service.

In 1946, the AMA played a prominent role in the support of the Hospital Survey and Construction Act (Hill-Burton) which in the past 25 years has furnished $3.7 billion towards the construction of the nation's health facilities and, by its mechanism of matching grants, provided the incentive for most of the $12.6 billion now invested in the brick and mortar of our health care plant.

Even more important, 1946 saw the AMA champion the stand that ". . . the support of scientific research by the federal government presents a challenge and compelling opportunity for government to foster the public welfare by assisting in the support of scientific research (Vannevar Bush Report)." Since this time biomedical research has provided the American people with an outpouring of new medical knowledge that has increased in exponential fashion. Today there are specified treatments for health conditions where none existed a few years ago, and a number of diseases have all but disappeared with the application of new vaccines.

In 1954, the AMA recommended to car makers that they consider equipping all autos with safety belts and give increasing emphasis to safety in design of all autos.

In 1958, the AMA played a prominent role in the introduction of an amendment to the Federal Housing Authority Act that permitted qualified nursing homes to receive insured mortgages on construction loans.

In 1965, during the administration of Lyndon Johnson, Dr. Edward Annis, an AMA past president, and Dr. R. B. Robins of Arkansas, appeared before the Democratic Party platform writers to ask action by the government at all levels and by private agencies to improve health. They called for an attack by government on air and water pollution and more funds for research and treatment of mental illness, among other things.

Today, the AMA cooperates with the Office of Economic Opportunity in developing neighborhood health centers. Two years ago the AMA supported in the House a multi-year OEO appropriation for neighborhood health centers so that it could attract and recuit better staffs.

Under the leadership of a distinguished black woman physician, Dr. Effie Ellis, a special assistant to the AMA Executive Vice President, an intensive campaign to improve maternal and child health is underway. The Association is urging that every community develop and operate a centralized community-hospital based newborn intensive care unit.

The AMA is especially concerned today with drug abuse. It is cooperating fully with government and private efforts to combat the problem. Some medical societies have voluntarily suspended the prescribing of amphetamines or tightened up procedures, and the AMA has assured the Bureau of Narcotics and Dangerous Drugs that it will do everything possible to aid in implementing a proposed regulation aimed at curbing abuse of amphetamines.

AMA officials appeared before Congress in July, 1971, to support creation of the Special Action Office on drug abuse.

Yet in the light of AMA appeals for joint medicine-government efforts to reduce infant deaths and curb drug abuse, and other action, Senator Kennedy said the AMA "deserves to be ignored, rejected and forgotten."

In addition to its other activities, the AMA is sponsoring a program for national health insurance in the Congress. The plan, Medicredit, would provide financial aid, through tax credits, for Americans to buy thorough health coverage. The poor would receive health coverage free; others on a sliding scale. Everyone would be covered against "catastrophic" medical costs.

Medicredit does not seek to solve all problems at once, but it is designed to end for all Americans the burden of expense, and to make all Americans truly equal in their access to all types of medical care.

We are united with Senator Kennedy, labor and others who seek to insure good medical care for all Americans. But we do not believe in scrapping our present system for one that is new and untried. We prefer to have evidence that something will work before it is put into effect on a nationwide basis. This applies especially to massive government intervention in health. We are opposed to a health system which would deny a physician his freedom to practice as he wants to and denies a patient his freedom to choose the type of care he wants.

All about us today we can see good evidence that massive government programs can fail human needs. Governments are created to govern. They are not designed to manage. In housing, in welfare, in poverty, multi-billion dollar government programs, even after decades of experience, have not only failed to resolve the basic problems, they have often in fact made them worse.

This effect has been noted by Dr. Jay W. Forrester, Professor of Management at the Massachusetts Institute of Technology as quoted in a recent article in the New York Times. "Forrester's Law" holds that "in complicated situations efforts to improve things often make them worse, sometimes much worse, on occasion calamitous."

"Forrester's Law" is no deterrent to new programs or to progress. It is a warning to be wary of massive, ill-founded panacea approaches to national problems. We have learned that lesson in welfare and poverty. Must we learn it anew with health care?

Let us set aside old, worn-out charges. Let us set aside emotional language and political opportunism. Let us, instead, seek together valid and workable solutions to the health care problems that confront us.

The AMA will support every such effort.

APPENDIX

AMA STATEMENTS ON HEALTH LEGISLATION—91ST CONG.

Bill number	Description	To—	AMA position
(1) H.R. 6797, H.R. 7059.	Hospital and medical facilities construction and modernization amendments.	House, Mar. 26, 1969, H. P. Hampton, M.D.	Supported, with recommendations.
(2)	HEW appropriations—medical education.	House, May 28, 1969, C .H. W. Ruhe, M.D.	Supported, full funding.
(3) H.R. 11223	Medical Library Assistance Act, extension.	House, May 28, 1969, E. B. Howard, M.D.	Supported.
(4) H.R. 11102, S. 2182.	Medical facilities construction and modernization amendments.	Senate, June 12, 1969, H. P. Hampton, M.D.	Supported, with recommendations.
(5) H.R. 9312	Drug Abuse Education Act	House, July 10, 1969, H. Brill. M.D.	Do.
(6) S. 1622, S. 2264.	Vaccination Assistance Act of 1969. Communicable disease control amendments of 1969.	Senate, July 3, 1969, E. B. Howard, M.D.	Do.
(7) S. 2549, H.R. 11223.	Medical Library Assistance Act.	Senate, Aug. 4, 1969, E. B. Howard, M.D.	Supported.
(8) H.R. 445	Cultural exchange visitors program.	House, Sept. 15, 1969, C. H. W. Ruhe, M.D.	Do.
(9) S. 2637	Controlled Dangerous Substances Act of 1969.		
S. 1895	Omnibus Narcotic and Dangerous Drugs and Addict Rehabilitation Act of 1969.	Senate, H. Brill, M.D., Sept. 18, 1969.	Supported, with recommendations.
S. 2590	Commission on Marihuana	Sept. 18, 1969	Opposed as unnecessary.
(10) S. 2608	Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act.	Senate, Sept. 18, 1969, H. Brill, M.D.	Supported, with recommendations.
(11) H.R. 13373, H.R. 843, H.R. 3809, H.R. 4294.	The Occupational Safety and Health Act of 1969.	House, Oct. 1, 1969, R. L. Wells, M.D.	Supported H.R. 13373, Opposed H.R. 3809.
(12) H.R. 13432	Migrant Health Service Act Amendments	House, Oct. 24, 1969, E. B. Howard, M.D.	Supported, with recommendations.
(13) S. 2660	Migrant Health Service Act	Senate, Oct. 28, 1969, E. B. Howard, M.D.	Do.
(14) S. 3071	District of Columbia Comprehensive Drug Abuse and Narcotics Crime Contol Act.	Senate, Nov. 25, 1969, D. L. Farnsworth, M.D.	Supported.
(15)	HEW appropriations for medical appropriations.	Senate, Dec. 2, 1969, C. H. W. Ruhe, M.D.	Supported, full funding.
	Student loan program	SAMA and AAMC and AMA.	
(16) S. 2108	Family Planning and Population Research Act.	Senate, Dec. 9, 1969, G. D. Dorman, M.D.	Supported.
(17) S. 2788, S. 2193.	Occupational Safety and Health Act of 1969.	Senate, Dec. 16, 1969, R. L. Wells, M.D.	Supported S. 2788; Opposed S. 2193.
(18) H.R. 11701, H.R. 13743.	Comprehensive Drug Abuse Control Act of 1969 and Controlled Depressant and Stimulant Drugs Act of 1969.	House, Feb. 17, 1970, H. Brill, M.D.	Supported, with recommendations.

APPENDIX—Continued

AMA STATEMENTS ON HEALTH LEGISLATION—91ST CONG.—Continued

Bill number	Description	To—	AMA position
(19) H.R. 12934, H.R. 15848.	Clean Air Act Extension and Clean Air Act Amendments of 1970.	House, Mar. 19, 1970, J. S. Chapman, M.D.	Supported.
(20) S. 3229, S. 3466.	Air Quality Improvement Act and Clean Air Act Amendments of 1970.	Senate, Mar. 20, 1970, J. M. Blake, M.D.	Do.
(21) S. 3562	Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970.	Senate March 23, 1970, H. Brill, M.D.	Supported with recommendations.
(22) S. 2898	Health Organization Act of 1969.	Senate April 21, 1970, E. B. Howard, M.D.	Supported.
(23) S. 3096 S. 3297 S. 3652	Labeling and indentification of drugs.	Senate April 29, 1970, J. J. Curry, M.D.	Supported with recommendations.
(24) S.3835	Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.	Senate May 21, 1970, M. A. Block, M.D.	Do.
(25)	HEW Appropriations for Medical Education.	House June 3, 1970, C. H. W. Ruhe, M.D.	Supported full funding.
(26) H.R. 14284, H.R. 14486, H.R. 15895, H.R. 15960, H.R. 16147, H.R. 16425, H.R. 16798, H.R. 17570, H.R. 17670.	Regional medical programs, comprehensive health planning.	House June 4, 1970, B. W. Cannon, M.D.	Supported with recommendations.
(27)	HEW appropriations for medical education.	Senate June 18, 1970, C. H. W. Ruhe, M.D.	Supported full funding.
(28) H.R. 13100	Allied Health Professions Training Amendments.	House June 17, 1970, E. B. Howard, M.D.	Supported.
(29) S. 3418	Training in the field of family medicine.	Senate July 8, 1970, William R. Willard, M.D.	Supported with recommendations.
(30) H.R. 17463	Controlled Dangerous Substances Act.	House, July 22, 1970, H. Brill, M.D.	Do.
H.R. 13742	Controlled Narcotic Drug Act of 1969.	------------------	
(31) H.R. 17269	Narcotic Addict Rehabilitation Act of 1970.	House, July 29, 1970, H. A. Raskin, M.D.	Do.
(32) S. 2108	Family Planning and Population Research Act.	House, August 10, 1970.	Supported.
(33) S. 3835	Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.	House, Sept. 17, 1970, H.A. Raskin, M.D.	Do.
(34) H.R. 17550	Social Security Amendments of 1970.	Senate, Sept. 23, 1970, W.O. LaMotte, Jr., M.D	Supported in part; Opposed in part.
(35) H.R. 15793, H.R. 16360, H.R. 16400, S. 3418.	Training in the field of family practice.	House, Sept. 30, 1970, W.A. Sodeman, M.D.	Supported with recommendations.

FARM CREDIT ACT OF 1971

Mr. MONDALE. Mr. President, a few days ago, the Senate passed S. 1483, the Farm Credit Act of 1971. This legislation passed with no real opposition and little discussion on the floor of the Senate.

However, the short time devoted to consideration of this bill should not be allowed to obscure its enormous significance for our Nation's farmers.

My State of Minnesota is a major agricultural producer. The 950 farmer cooperatives in Minnesota make up over 12 percent of those in the country. Because agriculture is such a vital part of my State's economy, I was pleased to sponsor S. 1483. I have followed the progress of the hearings with interest and have given this bill my full support.

Farmers must be able to obtain adequate credit in the years ahead if they are to withstand the vicious cost-price squeeze that has overtaken our agricultural economy. Congress has a responsibility to see that farmers be able to provide and improve their output which has made America the best fed and best clothed Nation in history.

Technological improvements in agriculture require that farmers "retool" their operations in much the same way that manufacturers must modernize their plants and equipment. To do this, farmers must have access to adequate credit. Cooperatives for marketing of farm products and for furnishing supplies to farmers efficiently at the local level are needed to maintain the continuity of farm operations. The Farm Credit Act of 1971 will give the Farm Credit System the statutory mechanism to effectively provide sound credit to our Nation's farmers.

I have confidence that the farmer-controlled boards of the 20 Federal land bank associations and 18 production credit associations in my State will carry out a sound lending program for farmers under the provisions of this act and the regulations which will be prepared to carry out the legislative intent. Likewise, I am sure that the district board directors elected by the members of the associations and the borrowing cooperatives will assure sound operations of the Federal Land Bank, the Federal Intermediate Credit Bank, and the Bank for Cooperatives of Saint Paul.

The Farm Credit Act will benefit the farmers and will strengthen the lending activities of the Farm Credit Banks of my State. I am equally convinced that this legislation will benefit the entire country.

AUTOMOBILE EXHAUST INSPECTION

Mr. RIBICOFF. Mr. President, on May 5 I offered amendment No. 67 to S. 976, the Motor Vehicle Information and Cost Savings Act, a bill now before the Commerce Committee. The amendment would require a periodic air pollution emission inspection in addition to the diagnostic safety inspection required for all vehicles under the bill.

New Jersey will soon require such an air pollution inspection for all vehicles in the State, according to this morning's New York Times. Every vehicle will have to meet certain emission standards at an annual inspection.

I applaud New Jersey for becoming the first State to take this important step in controlling air pollution. The legislation I have introduced will enable the other States to follow New Jersey's lead and thereby to improve significantly the quality of the environment.

I ask unanimous consent that the article, entitled "Jersey Cars Face Test of Exhaust Emissions," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JERSEY CARS FACE TEST OF EXHAUST EMISSIONS

(By Ronald Sullivan)

TRENTON.—New Jersey environmental officials said today that they were going to start testing automobiles under the most comprehensive air pollution inspection system in the country.

At least a third of the state's 3.3-million cars are expected to fail the test.

The 33 state motor vehicle inspection stations will begin measuring the exhaust emissions on every registered car next year. Any car that fails will have a red sticker placed on the windshield and thus be banished from the state's roads unless the emission pollutants are eliminated within a two-week period. The driver of a car that is used after the grace period expires will be arrested.

Existing Federal automobile pollution responsibilities apply only to new cars and the anti-pollution devices that are now being built into them. In contrast, New Jersey's program will apply to all cars—from $50 jalopies to cars just off the showroom floor.

The over-all impact of the new inspection system is expected to cost New Jersey car owners about $20-million next year when it begins. Its political, social and ecological ramifications are expected to have a significant effect in a state that is gaining a tough antipollution reputation.

California has a program of automobile emission inspections but it is a roadside, spotcheck operation that applies only to 1966 models or newer vehicles.

The testing procedures here were developed by the State Department of Environmental Protection with the financial help of a Federal grant designed to test the effect of a full-scale auto emission inspection system.

New Jersey was selected by the Federal Government as a demonstration state because it is the most densely populated state with the highest urban concentrations in the nation and has the most densely traveled highways. Under the state-operated automobile inspection system, every registered car is passed or failed on an annual basis.

"Up to now we've mainly gone after the major polluters and the big smokestacks," remarked John Elston, the 31-year-old supervisor of the project. "But now, for the first time anywhere, we are going to place the onus on the individual car owner, and not on the factory down the street from him."

As a result, state officials anticipate an angry reaction from car owners and face expensive repair costs.

EXTENT OF REDUCTION

What it will mean for the average car owner whose car is not passed Mr. Elston said, is a $20 service station or garage repair bill for a partial motor tuneup. But he emphasized that better engine performance would offset the repair cost.

All told, the state expects to remove about 20 per cent of the 4.5 million tons of carbon monoxide gas and 32 per cent of the 750,000 tons of smog-producing hydrocarbons produced by cars during the first year of the program's operation. Because inspections are spread throughout the year, with each vehicle assigned to a certain month, the effect of the program is not expected to be felt until late in the first year.

In the second year of operation, the state estimates that about 45 per cent of the cars now on the road will fail still higher antipollution standards that will be implemented.

The major impact will be felt by car owners with low incomes who generally operate the oldest and most rundown cars in the state.

Included in Chapter 15 of the New Jersey Air Pollution Control Code, the program will be the subject of a public hearing on Monday at the Teaneck campus of Fairleigh Dickinson University.

After the hearing, Commissioner Richard J. Sullivan of the Department of Environmental Protection plans to promulgate the new inspection code under the power granted him by the Legislature in 1966. The new regulations will take effect six months after Commissioner Sullivan signs the order.

According to Mr. Elston, the inspection will be carried out in 30 seconds by a machine—about the size of a gas pump—that will check a car's exhaust as it goes through an inspection lane for other, usual tests, for such things as brakes and lights.

BASES FOR REJECTION

The department has formulated three standards. Cars built in 1967 or before will be rejected if their exhaust emission is 7.5 per cent carbon monoxide or 1,200 parts for each million parts of hydrocarbons.

Visible smoke will mean automatic failure.

For cars made in 1968 and 1969—the years when federally mandated antipollution devices were first installed by car makers—the standards will be 5 per cent carbon monoxide and 600 hydrocarbon parts for each million parts.

For 1970 models and later, the standards will be 4 per cent carbon monoxide and 400 parts for each million parts of hydrocarbon.

In 1973, the standards will be toughened.

The department says 38 per cent of the 1967 and older models and 36 per cent of the 1968 and 1969 models will fail. Eighteen per cent failure is expected for the 1970 and 1971 cars.

GOVERNMENT AND BUSINESS

Mr. BIBLE. Mr. President, few issues have generated more heat than the Lockheed financial crisis and the administrations proposals for dealing with it. An interesting aspect of the Senate debate on the subject—and one of special interest to me as chairman of the Senate Select Committee on Small Business—was the question: If the Federal Government is going to mount a program to bail big business out of its financial difficulties, what about small business? What about the real backbone of the American free enterprise system—the 5½ million small business firms that account for 40 percent of all our jobs and more than one-third of our gross national product?

My feeling throughout the "great debate" was—and still is—that the public interest would not be served by permiting the Lockheed case to degenerate into a contest between big business and small business for the favor of their Government. Nor did I feel it helpful to an understanding of the issues to be bantering about old chestnuts such as the charge that a guarantee program would be a "dangerous precedent."

Let us face it. There is plenty of precedent for Federal assistance to business. It all began at least as far back as the days of the land grants that enabled and encouraged the Nation's railroads to push westward. Agriculture, airlines, the maritime industry, and the housing industry—to mention a few—have all been the object of Federal assistance programs for many years. The Reconstruction Finance Corporation kept thousands of big, middle-sized, and small businesses afloat from the time it came into existence in 1932 until it closed its books in 1953. The Small Business Administration has provided financial support for thousands of small concerns over the years.

And our Government's assistance to business has not been limited to this side of the ocean. Following World War II numerous foreign countries, including West Germany and Japan, two of today's toughest international business competitors, received massive economic assistance from our Government.

Cutting through the mass of verbiage that attended the Lockheed proposal, the stark facts were that the Congress was confronted with a major business emergency involving the possible loss of some 60,000 jobs, more than a billion dollars in past investment, the prospect of hundreds of millions of dollars in tax losses, and because of Lockheed's deep involvement in our satellite and missile systems possibly serious detriment to essential national defense programs.

The issue was thoroughly and painstakingly considered. As evidenced by the length of the debate and the closeness of the vote in both the Senate and the House, there was a reluctance to interfere with the normal competitive forces at work in our economy, but in view of the magnitude of Lockheed's problems, and the already unacceptable level of unemployment across the country, the Congress deemed Federal action warranted in this instance.

To repeat, I do not think it serves the public interest to pit big business against small business. However, I do think the Lockheed case provides a good vehicle for making comparisons. Throughout the debate I was frequently asked about the similarities and differences between big business and small business when it comes to invoking the necessary assistance of their Government.

Probably the biggest difference is that big business speaks with a much louder voice that can be heard in more places. Others are that the national interest is heavily involved; serious unemployment would result if most of the 60,000 employees hired by Lockheed and its suppliers, some of them small businesses, were turned out on the streets.

The major similarity is that regardless whether a business is big or small when financing is unavailable—when the bank either cannot or will not help—when banks take the position that they would rather be in the no-risk Government-guaranteed loan business than in the old fashioned kind of risk-taking free enterprise type of lending operation—then the business, be it large or small, is likely to become a bankruptcy statistic. But, with its weaker voice and smaller staying power, the regrettable fact is that the small businessman can end up in the graveyard a lot sooner.

There must be hundreds if not thousands of present or former small businesses which have been denied Government loan assistance, which must have watched the congressional debate on the Lockheed loan question and wondered why the Federal Government chose not to bail them out of their financial difficulties.

Last year a total of 10,174 businesses, most of them small, failed, many of them undoubtedly because they could not get loan dollars from private financial institutions or from the Small Business Administration because of tight money, record high bank interest rates or the absence of Government loan dollars.

It seems to me that looking back a year or two, we may serve a useful purpose for the future by keeping the record straight. Two years ago, some of us interested in the Small Business Administration's direct loan program appealed to the White House to permit $170 million in loan authority to go to needy small businesses. This was not done and the loan authority expired. At that time, our letter to the President pointed out that:

> A cut in the public lending program of last resort in the order of 58.5 percent is creating a massive squeeze on our 5½ million small businessmen.

We stressed that:

> Immediate action is required if small business is not to bear a disproportionate part of the sacrifices necessary to curtail inflation.

Again, last December, I made an appeal to the President urging that the fiscal year 1972 budget be restored to the higher fiscal year 1968 level of $307 million for direct and participation small business loan funds. Instead, the administration cut the SBA loan budget further to $99 million, climaxing a reduction of more than two-thirds over the past 4 fiscal years.

If there is one lesson we hope that the White House credit and loan planners will learn from their recent push to get the Congress to save the Nation's largest defense contractor from bankruptcy, it is that the Nation's small businesses are also entitled to more meaningful Government loan assistance.

It is true that the Small Business Administration in fiscal year 1971 made 12,000 Government-guaranteed business loans nationwide for a total of $836 million. But there is a glaring difference between the ground rules applied in those cases and the new rule devised for Lockheed. If a small business had been on the verge of bankruptcy, the small business would never have received its loan.

With this Lockheed experience behind it, I hope that the Nixon administration will now see the economic desirability of allowing the Nation's small businesses more direct SBA loan dollars than it has in the last 2½ years. Actually, the SBA direct loan program became practically nonexistent starting in January, 1969, with only 635 direct loans made in fiscal year 1969, 42 in 1970, and 35 up until May 31, 1971.

Many of us in the Senate believe that small business has been, and continues to be, the backbone of our economy. We have felt that it makes sense in attempting to revive the economy to pay attention to the needs of the small business community. In our view, stimulating small business could quicken the flow of new and improved goods and services which could expand our economy. Such products could be provided at lower costs in many instances, thereby combating inflation.

In Nevada, as elsewhere, our industry and commerce are overwhelmingly in the hands of small business.

There are only 14 companies out of a total of 6,294 in our State that employ more than 1,000 people. In comparison 4,389 of these firms had less than 10 employees; 627 had 10 to 19; and another 305 had 20 to 50; and 87 firms had 50 to 100 employees, according to a recent survey by Dun and Bradstreet.

To the extent information is publicly available, only 231 firms showed a sales volume of over $1 million—1,710 firms not reporting.

Some years ago we heard that "what is good for General Motors is good for the country." Now the word Lockheed has been substituted.

This slogan provoked considerable partisan political comments, but the fact is that the health and security of our Nation do go hand in hand with our economic prosperity. I would like to add the words "small business" to the formula. And I want to see it followed up by vigorous and constructive help from the White House for those of our 5½ million small businesses that need loan assistance to save them from becoming bankruptcy statistics.

COMPREHENSIVE CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, this morning's Washington Post contains an editorial endorsing the comprehensive child development provisions in S. 2007, the bill extending the Economic Opportunity Act which was reported by the Committee on Labor and Public Welfare last Friday.

This editorial, entitled "A New Chance for Children," lends strong support to the child-oriented, developmental day-care approach of this legislation which is drawn from the comprehensive child development bill I introduced in April with Senator JAVITS, Senator NELSON, Senator SCHWEIKER, and 29 cosponsors.

The editorial recognizes the necessity of making child development programs comprehensive, voluntary, educational and available to the middle income as well as poor families. It underscores the essential nature of meaningful parental involvement in child development efforts. Perhaps more importantly, it understands the distinction between custodial day care and real child development.

I ask unanimous consent that the editorial, and a similar editorial published recently in the Minneapolis Tribune be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 4, 1971]

A NEW CHANCE FOR CHILDREN

There is no way of figuring the United States Congress. Sometimes they take their own sweet time over major social legislation. The passage of Medicare took a whole generation of pressure, debate and publicity. At other times the wheels of change turn quickly and almost silently. We may witness this second phenomenon in the current session if—as now seems at least possible—Congress passes a Comprehensive Child Development Act. This piece of legislation could be as important a breakthrough for the young as Medicare was for the old.

The Senate Committee on Labor and Public Welfare has reported, as a new title of the Economic Opportunity Act, a Comprehensive Child Development Bill, sponsored by Senator Mondale and 29 of his colleagues from both sides of the aisle. A somewhat similar bill is being shepherded along on the House side by Congressmen Brademas and Reid.

The Mondale Bill would provide federal funds for locally administered child development programs of an extremely comprehensive sort. The emphasis would be on child development centers for pre-school children, which would be much more than day care centers. They would aim to provide a stimulating educational experience, as well as health services and attention to nutrition. Funds could also be used for infant care, after-school activities for older children, parent education programs and a variety of other activities. Parents would have a strong voice in the decision-making process through a series of local child development councils. Priority would be given to low income groups, but this is not just a program for welfare families. Services would be extended to all children, with special emphasis on children of working mothers and single parents. Families with incomes above a certain level would pay part of the cost.

Although some details might be improved, it is our view that the Mondale Bill embodies a highly constructive new approach to the well-being of children. It gets away from the dismal question of whether mothers should be *forced* to work—of course not, participation would be voluntary—and recognizes the fact that millions of mothers *do* work and more would like to if they could only make satisfactory arrangements for their children.

As every working mother knows, unless she is lucky enough to have a trusted relative down the street, it is almost impossible to find a good child care setup in most communities at any price. All-day programs for pre-school children, even where available, are usually dreary, under-staffed, custodial arrangements that promise little more than to keep the child from physical harm, if that. Good nursery schools provide intellectual stimulation and creative play programs, but the private ones are expensive, the public ones are usually restricted to the very poor, and hardly any are geared to the needs of working mothers. Most nursery schools operate three to six hours a day, send the child home if he has a sniffle and close down for the whole summer. Even when the child reaches school age the average working mother is constantly worrying over makeshift arrangements for coping with after-school hours, illness and the long vacations. Those nice pictures of children learning and playing happily and safely while their mothers work always seem to be taken in Scandinavia or Israel or Eastern Europe.

The Comprehensive Child Development Bill is a recognition that good child-care arrangements are not just a concern of the poor, but of vast numbers of middle-income families. Indeed, the main reason why "day care" has such a dismal image and such inadequate support may be that it has mistakenly been regarded as just "something for the poor." A law giving the non-poor a stake in good public programs may be needed to break out of the current mold. It could also provide an opportunity for mixing children from different economic and racial groups and for genuine cooperation among diverse groups of parents. Bringing in the non-poor does not have to mean that services are free to everybody. One can have a sliding scale of fees for those who can afford them.

But the most important thing about this bill is that it is not a day-care bill; it is a child-development bill. It is not primarily intended to free mothers to work, but to provide comprehensive development services for children, whether their mothers work or not. This shift of emphasis to the child and his well-being may be the bill's most important feature. Day care of the custodial variety is probably not a good national investment even in the strict economic sense. But there is accumulating evidence that the early years of life are crucial—that stimulating the natural curiosity of children and developing their creativity and self-confidence can make a vital difference. This bill just might provide a vehicle for a new national effort to make childhood livable.

TO GIVE CHILDREN A BETTER START

The evidence has been building that millions of America's children are not happy, healthy, bright and on their way to successful adulthood. On the contrary, studies have revealed extensive hunger and malnutrition, neglected health defects and other problems of environment that impede learning. Poverty and lack of education limit many parents in what they can do for their children. Increasing numbers of mothers go to work, and many are unable to obtain proper care for the children while away.

These conditions are not new, but in the last few years they have been described with more facts, figures and interpretation by experts, and therefore with greater impact. At the same time, active interest in social problems has arisen. Consequently, the climate seems promising within both Congress and the Nixon administration for new legislation to help children. The child-development cause is bringing together lay organizations with interests ranging from women's liberation to civil rights, as well as professionals working on all aspects of children's growth.

As a result, Sen. Mondale's child-development bill, and its counterpart in the House, which a few months ago seemed like a long-range dream, are rapidly gaining sponsors, and the administration is pushing its more limited program for children. The congressional child-development plan would offer comprehensive services to children in both poor and more affluent families. This plan, starting at $2 billion the first year, would cost as much as $13 billion for the first four years. The administration proposal, which puts emphasis on expansion of day-care services, would double present spending for children, to a total of $1.2 billion a year.

We like the thoroughness and flexibility of the Mondale bill—its recognition of interlocking factors that hamper or help a child in physical, mental, emotional and social development. Thus far the administration proposal seems lacking in specific objectives beyond the day-care provision, which relates to a goal of getting more welfare mothers back to work. The nation needs from Congress a better total welfare system, which would be of major benefit to children, but it also needs the kind of child-development law that would launch direct attacks on problems that now cripple many children for life long before they reach their teens.

OCEAN MAMMAL PROTECTION ACT

Mr. STEVENS. Mr. President, from time to time in the past few months, I have expressed strong opposition to S. 1315, the Ocean Mammal Protection Act, and similar measures now pending in the House. In speeches before this body, I have expressed the view that the act is extremely unsound from both an ecological and an environmental point of view in that it would terminate one of the most successful wildlife management programs in history—the Pribilof Islands seal harvest.

The leaders of many prestigious conservation groups have also stated that enactment of the act would seriously jeopardize the management program on the Pribilofs. To document the case against S. 1315 and the similar House bills, I recently inserted in the CONGRESSIONAL RECORD letters to the President and all Members of the House and Senate from the executive officers of these groups.

Today, I am inserting additional documentary material. One of the documents is a news release issued by Secretary of Commerce Maurice H. Stans after a recent visit to the Pribilof Islands. Secretary Stans concluded his statement with the observation that—

> Ending the program (on the Pribilofs) would not be in the interest of a sustained seal population, the Aleut workers, or the federal government. I repeat, if and when more humane methods for harvesting are found and satisfactorily tested, they will be adopted.

The Secretary also observed that the seal management program on the Pribilofs has been one of the most effective wildlife conservation and management programs in history.

In addition to this statement, I am also inserting an article printed in the July 1971 edition of NOAA, a publication of the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce. In this article entitled, "A Thriving Herd," Mr. John A. Guinan points out that under National Marine Fisheries Service management, the Pribilof seal herd has come back from near extinction. In addition, he describes the management techniques employed on the islands and exposes certain fictions that have been widely disseminated about the seal harvest.

Mr. President, I ask unanimous consent that the article from NOAA and the press statement issued by Secretary Stans be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SECRETARY STANS REPORTS ON SEAL HARVEST AT PRIBILOFS

Secretary of Commerce Maurice H. Stans today reported his conclusions on methods used in the harvesting of seals, following his return from a visit to the Pribilof Islands off the Alaskan Coast in the Bering Sea on July 8th and 9th.

Secretary Stans went to the Pribilofs to observe fur seal management and conservation practices there, and to review harvesting methods in light of recent criticisms of the practices.

While there, he consulted with the following:

1. A group of six veterinarians named by the American Veterinary Medical Association to study the methods employed in fur seal harvesting.

2. Members of the administration of St. Paul, the major Aleut community in Alaska, located on one of the Pribilof Islands.

3. Representatives of the American Humane Association, the International Society for the Protection of Animals and the Humane Society of the United States, who were on the island to observe the harvesting.

4. Representatives of the Canadian government with responsibilities for seal harvesting in Canada.

5. Members of the National Marine Fisheries Service, which is responsible for the harvesting and preparation of the seal skins.

"The issue is not whether we will or will not continue to manage the fur seal herd," the Secretary said. "The issue is how we will manage the seal herds at their optimum levels most humanely."

The Secretary said present management practices were arrived at after the near extinction of the herd sixty years ago, and cessation of the internationally-negotiated management program now very likely would result in the same catastrophic effects. He said these could include resumption of high seas hunting of the seals, with indiscriminate slaughter, and a very high mortality rate of the pups on shore.

"As a result of my meetings and my personal review of the situation," he said, "I can report the following conclusions:

"1. There is no molestation or harvesting of the female seals, the pups or the male bulls associated with the harems in the rookeries. The only harvesting that takes place is of male seals three or four years old who situate themselves at a distance from the breeding herds.

"2. Except for the fact that the operation takes place in the open, the method of harvesting is very similar to that which takes place in a meat-packing plant. The herd of male seals is removed about 100 yards from the beach, sorted into groups of from six to ten, and each animal in a group is then rendered unconscious by a quick blow to the head and immediately killed by bleeding. The entire process, including the skinning of the dead animal, takes about one minute.

"3. Investigations have been conducted over a period of years to determine whether or not there is a more efficient method of harvesting. None has been found. The six veterinarians on the spot have been asked by me to make any recommendations for a more humane method of harvesting, and their report will be made to me upon the completion of the assignment. If their scientific studies establish that a better method is practicable, it will be adopted.

"4. The annual period of harvesting and the number of seals harvested is determined carefully on a basis that will maintain the population of the seal herd at its optimum level. As a result of this process, the number of seals on the Pribilofs is currently estimated at 1,300,000, compared to only 200,000 in 1911. There is no present danger whatsoever of extermination of the herd under these policies.

"5. The harvesting of the seals is the source of practically all of the income of the 700 Aleut residents of the Pribilof Islands. To deprive them of this income would make them dependent on the government. The local officials make it quite clear that they want the harvesting to continue so that the residents can earn a living and that under no circumstances do they want to move from the Islands.

"6. Any implications, such as those recently published, to the effect that baby seals are harvested, that harvesting is depleting the herd, that harvesting methods are inefficient or inhumane, or indiscriminate, are totally unfounded. The crop of these animals is being managed and harvested under scientific practices just as domestic animals are raised and harvested.

"Ending the program would not be in the interest of a sustained seal population, the Aleut workers, or the federal government. I repeat, if and when more humane methods or harvesting are found and satisfactorily tested, they will be adopted."

Secretary Stans said the fur seal management program has been one of the most effective wildlife conservation and management programs in history.

A THRIVING HERD

(By John A. Guinan)

On the grim, mist-shrouded Pribilof Islands off the coast of Alaska, an annual ritual that predates recorded history is taking place once again.

The Northern Fur Seals have arrived at the rookeries on these lonely islands. The snowdrifts along the rocky beaches and rough volcanic hillsides have not melted completely when, in late May and early June, the big breeding bulls begin to appear. Heavy with fat from the long winter's feeding, belligerent and full of fight, the bulls or "beachmasters" lumber ashore. Each establishes his individual territory—about 30 to 50 feet in diameter—which another bull enters at his peril.

Mature male or "bull" fur seals are much larger than the females or "cows." The fur seal cows average about 100 pounds in weight, but the great breeding bulls weigh from 400 to more than 600 pounds. The young of these fascinating creatures are called "pups."

Soon it is summer on the tiny islands where no tall tree grows, but where for this brief season hundreds of varieties of wildflowers of rare color and beauty burst into bloom.

About mid-June, the cows begin to arrive. Until this time, once their territories had been established, the bulls have slept or rested from their long sea journey. When the contest for their harems begins, however, there is no rest for the big beachmasters. Polygamous to an amazing degree, each gathers in as many docile cows as possible; the number varies from one or two to a hundred, but the average is about 40. Day and night, the air is filled with the bleating of females and young, and with the roars of the mighty males as each bull defends his harem against all comers. Battles between males are savage. From now until the end of the breeding season, the bulls live without food and get little sleep, gradually losing the layers of fat with which they came ashore.

Almost as soon as the harems are formed, the pups conceived the year before begin to appear, and soon after a pup is born the mother is bred again. One pup per cow is the rule, and the young are carried for an entire year before birth. Not all cows bear young each season; the proportion is about 80 percent.

The pups are precocious, their eyes wide open. They are active and have a coat of hair. It will be some weeks before any fur appears. They are entirely dependent on the mother's milk for food. The cow generally stays close to her youngster for several days, then leaves to go to sea for food. The mother may be away for a week, her trip taking her as far as a hundred miles from the rookery, but when she returns, the pup makes up for lost time.

It takes on several times more milk than would a human infant of the same body weight—up to a gallon of rich, creamy milk at a feeding. The little stomach swells like a toy balloon as the pup drops off for a long sleep. The mother seal will feed only her own pup and, despite her lengthy absence, the miles she travels, and the thousands of pups in a rookery, she finds her own.

Baby fur seals venture to the water at about four weeks. Even though they can swim at birth, they have very little endurance. Their first trips to the cold water are taken with trepidation.

The cow seals nurse their young for about three months, and no human disturbs them. By now the weather is taking a turn for the worse, and the pups are left abruptly to shift for themselves. Early mortality is high. Many pups succumb on the island before migration; others are prey to killer whales or big sharks; still more are lost in storms at sea. Yet more than enough young seals survive each year to keep the herd at its maximum healthy size.

Around the edges of the breeding rookeries range the younger bulls, varying in age from six to eight years but not yet strong enough to compete with the fully matured beachmasters. Now and then they may steal a wayward wife or two, or even take over the harem of a disabled monarch. But most of the younger bulls await the end of the active breeding season when the young unbred females appear on the shore to join their first harem.

And while all this activity goes on, the younger male seals, up to six years of age—known as "bachelors"—congregate in their own area nearby. It is from these males that the annual harvest of fur seal skins is taken, primarily from three and four-year old animals. Because the number of males and females at birth is approximately the same, and because the breeding bulls are so polygamous, many of these bachelors are surplus to maintaining the population of the herd.

Removing bachelors from the hauling grounds is comparatively easy and does not disturb seals in the breeding rookeries. The weeks from late June until early August find the Aleut sealers on the hauling ground each morning at daybreak. The bachelor seals are driven a short distance inland from the beaches and sorted into progressively smaller groups or "pods," until only those to be harvested remain on the grounds. The seals are dispatched by a single blow to the head with a long club, immediately-followed by sticking the heart. It may look cruel, but it does render a quick death. In fact, no quicker or more efficient way has been found to kill the animals in spite of a great amount of research over the past three years to find another method. The National Marine Fisheries Service, which administers the Pribilof Island Fur Seal Program, continues to seek an alternative method of dispatching the animals and this year has a six-man team of consultants referred by the American Veterinary Medical Association studying the problem on the islands.

After the pelts are taken, they are transported to a processing plant on the islands where they are cooled and washed, and the fat or blubber is removed. The pelts are then cured in brine; when this process is complete, they are packed in wooden barrels.

Fifteen percent of all skins taken by the United States go to Japan and another 15 percent to Canada, under terms of an international treaty. In return for a share of the skins, Japan and Canada refrain from what is called "pelagic"—sealing—that is, taking seals at sea. Pelagic sealing is a wasteful process, because the sex or age of seals is most difficult to determine when they are in the water, and because many animals are merely wounded and lost.

The Soviet Union harvests fur seals on the Commander Islands and Robben Island and has the same percentage arrangement with Japan and Canada. Representatives of the four nations meet annually under terms of the Interim Convention on the Conservation of North Pacific Fur Seals.

The Alaska fur seal herd, the world's largest, today numbers some 1.3 million animals. Early in this century, the seals faced extinction as the population declined to about 200,000. Since then, under the sound wildlife management practices of the NMFS (formerly the Bureau of Commercial Fisheries), the herd has increased and stabilized. Scientists determine how many seals can be taken each year without endangering the population, and the kill is limited to that number. The restoration of the herd has been hailed throughout the world as an outstanding achievement in wildlife management and conservation.

NMFS scientists and technicians travel to the Pribilofs to supervise the annual harvest. They join the year-round and temporary Aleut employees who work on all phases of the harvest. Sealing and related services are the only real employment available to the people of the islands.

The inhabitants are Aleuts, a people said to have been taken to the Pribilofs to harvest seals for the Russians shortly after the islands were discovered. They are generally somewhat shorter than their fellow Americans in the "Lower 48" and somewhat stockier in build. They are not Eskimos, and maintain they are a separate race. Some of the present residents can trace their ancestry back for 180 years; more than 95 percent were born on the Pribilofs.

St. Paul, the larger of the two inhabited islands, is home to about 400 residents. Compared to many towns in Alaska, it has excellent physical facilities—reliable electrical service, pure water, a volunter fire department and a sewer system. The frame homes are arranged on streets, and new homes may soon outnumber the older residences.

The Aleuts are keenly aware of the importance of sealing, because it is their primary source of employment except for the relatively few service and maintenance jobs. There is no agriculture. St. Paul has several local businesses. There are four cafes, or refreshment stands, two movie houses, several taxis or rental cars, and one intermittent barber shop.

Since 1962, all workers employed by the United States have received standard government wages in accordance with the work performed and the period for which they were employed.

The Aleuts are full-fledged U.S. citizens who vote in local, state, and national elections. They all speak English, pay taxes, and young men are subject to the draft. Elementary school education is available, but for a high school education youngsters must go to the mainland.

Residents of the Pribilofs do not yet have telephones or television, but practically every family has at least one short-wave and long-wave radio. Many homes are equipped with citizens-band short-wave radios which substitute for telephones, except that there is no privacy. With these radios, they can communicate with each other on St. Paul and with friends and relatives on St. George, the other occupied island. The story is told of an Aleut lady who wanted to have a semi-private chat with a friend at the other end of the village via the citizens-band radio, so she whispered.

A small herd of wild reindeer roams St. Paul Island; and bird lovers come from all over the world, equipped with cameras and binoculars, to see the tufted puffins, the murres, the kittiwakes, the pelagic cormorants, and many other species.

And each year, the seals return, in a migration that has continued for eons.

THE TRUTH ABOUT THE U.S. FUR SEALS

FICTION

The U.S. kills baby seals on the Pribilof Islands.

FACT

The U.S. does not kill baby seals on the Pribilofs or anywhere else. Misleading advertisements have used pictures of a Canadian harvest of a different species of seal.

FICTION

The U.S. seal harvest takes place on the ice.

FACT

The U.S. harvest takes place on land a short distance from the rookeries where animals can be carefully selected for sex and age.

FICTION

Clubs are used because it's the cheapest way to kill the animals.

FACT

Scientific evidence has shown that clubbing and sticking the heart with a sharp knife is the quickest and most humane way known to dispatch the seals.

FICTION

At the rate we are killing them the last seal will soon be gone.

FACT

The Pribilof Island seal herds are scientifically managed to maintain the herd at its stabilized population of about 1.3 million animals. That is close to the number which will provide the greatest annual harvest.

FICTION

Seals are skinned alive.

FACT

There is no possibility that the animals could be alive or could recover after being struck with the club and the heart stuck with a knife.

FICTION

Clubbing and stabbing are cruel.

FACT

The method is consistent with current humane slaughter practices. The United States refuses to use a less effective method merely for the sake of appearances.

AN INCOMES POLICY: WHY NOT?

Mr. MONDALE. Mr. President, last Monday, the Minneapolis Tribune ran a most intelligent editorial on our present economic troubles.

The editorial points to the broad range of economists, businessmen and political leaders who have joined in the call for some kind of incomes policy. In this category, it mentions the chief executives of Motorola, AMF, and Borden, George Meany, Arthur Burns, and Professor Galbraith.

The editorial concludes with the following observation which, in my judgment, is the heart of the matter:

> An incomes policy is no panacea. Surely, though, it would be better than the present administration policy of unfounded optimism.

I ask unanimous consent that the Minneapolis Tribune editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, Aug. 2. 1971]

AN INCOMES POLICY: WHY NOT?

Everyone who proposes an incomes policy—some form of federal review or control of wages and prices—wishes such a move could be avoided. It's like jumping from the fire into the frying pan. Americans are being badly singed by inflation, and those who normally would do a slow burn at the prospect of federal intervention are coolly calling for an incomes policy.

Early this year, for example, Forbes magazine quoted such unlikely advocates of wage-price controls as the chief executives of Motorola, AMF and Borden. Before that, the prestigious Committee for Economic Development recommended voluntary controls, with a few members leaning toward the mandatory version. Only three weeks ago, George Meany of the AFL–CIO conceded the need for setting limits on wages and prices. Bruce MacLaury, new president of the 9th District Federal Reserve Bank, has called for an incomes policy. And economists from Arthur Burns to John Kenneth Galbraith have been telling Congress that guidelines at least, controls at most, are necessary.

The Nixon administration expresses confidence in present policies. We are among those who do not share that confidence. The annual rate of increase in cost of living remains, like the unemployment rate, around 6 percent. Major labor contracts have been settled—sometimes after costly strikes—with requirements for annual pay increases that often are double that 6-percent figure and continue for two or three years. Last week's report of leading business indicators was a forecast for declining economic activity in the months ahead. Finally, the $23 billion deficit in the federal budget for the year just ended is likely to be exceeded in fiscal 1972. Burns, chairman of the Federal Reserve Board, nicely understated the problem last month: "The rules of economics are not working in quite the way they used to."

We don't know whether an incomes policy would be a workable economic rule. Among those who think it would be, opinions vary widely as to just what point in the range between voluntary and mandatory controls would be best. Some experts say controls should be applied only to big business and big labor. Some would make them comprehensive. Others would freeze wages, but not prices. Still others would settle for presidential "jawboning."

All that seems really clear is the inadequacy of present policy. President Nixon assured Congress in February that "the basic conditions to bring about a simultaneous reduction of unemployment and inflation are coming into being." On that premise, his reaffirmed opposition to wage-price controls, direct or indirect, was logical. No president should be blamed for making a faulty forecast, but when the forecast proves wrong, adherence to past policy is not commendable consistency. An incomes policy is no panacea. Surely, though, it would be better than the present administration policy of unfounded optimism.

JEWS IN RUSSIA

Mr. HRUSKA. Mr. President, a number of Senators have taken the Senate floor to speak out against the oppression and persecution directed against Jews who live in the Soviet Union. I wish today to add my voice to theirs in the hope that, together, we can make ourselves heard in Russia.

Everyone in the free world is concerned with the Communist attitude toward religion in general. Christians in Communist bloc countries must endure a significant degree of discrimination which, of course, varies from country to country. Soviet anti-semitism is perhaps the most serious symptom of the anti-religious disease that is inherent in communism. In Russia, this symptom has from all reports produced intolerable results for Jews who merely wish to be left in peace to live as their religion and ethnic heritage dictate.

The evidence which filters out of Russia through reliable sources makes the official and unofficial Soviet attitude toward Jews quite plain. Synagogues and cemeteries continue to be desecrated, and some destroyed completely. Essential religious articles can be neither manufactured nor imported. The study of Hebrew has been effectively precluded. Kosher food is well-nigh impossible to obtain. And both religious and ethnic publications are nowhere to be found as far as the Soviet Jew is concerned.

This is but a part of the whole. The cultivation and encouragement of anti-Semitism by those in positions of influence over the Russian people is the most insidious aspect of the misery which Soviet Jews must face daily. The public media misses no opportunity to arouse the people against Jews and Judaism. In short, there is persecution of the worst sort at every official and unofficial level.

The bitter irony of this situation is that Jews must remain and face this kind of treatment. They have been made exiles in their own land. Yet they are not allowed to emigrate to another country for the same reason that the Communists built the Berlin Wall—it would be an embarrassment to the idealistic existence one is supposed to enjoy in a Communist state. In their desire to leave, the many Jews who wish to do so are of course joined by significant numbers of others throughout the Communist world. If Soviet Jews were allowed to leave freely they would be joined and followed by more people of different faiths and beliefs who nevertheless share a common desire: the wish to be free.

Contrast this situation with America, where our citizens are free to emigrate. They are even encouraged to do so by advertisements in certain quarters which state: "America—Love It or Leave It!" But relatively few Americans do leave, in spite of their disenchantment with certain aspects of life in this country.

I am certain that Jews and other minorities in Russia would be willing to remain if they were given reasonable equality of treatment and allowed to live in peace. If Russia is unwilling to grant these people such status, it should allow them to leave in peace. But up to this point, neither has been done.

This deplorable situation must not be allowed to continue. The world grows smaller each day, and each day we renew our hopes for international harmony. President Nixon has made great strides during his term of office in attempting to lessen tensions between America and the Communist powers. We are told in various ways that Russia seeks an understanding with us as well.

Mr. President, how can we hope to reach an understanding with a country which will not treat its own people in a civilized manner? How far can we go in dealing with a nation which has so little regard for the rights of people living within its own borders?

The plight of the Soviet Jews should be of grave concern to every citizen of this country, both for its own sake and for its larger implications. We must not allow these people to be forgotten, and we must not permit Soviet officials to ignore their responsibilities. I urge the Soviet Government to act responsibly in this matter, and to provide its Jewish citizens with fair and equal treatment. I further urge that all citizens of Russia be given the right to emigrate as provided by the United Nations Declaration on Human Rights.

Mr. President, I firmly believe that appropriate action by the Soviet Union in this matter would go a long way in the cause of world peace. It is my hope that they will see the wisdom of such action.

BRUTAL REPRESSION IN EAST BENGAL

Mr. MONDALE. Mr. President, there can be no doubt of the grave and mounting danger of major catastrophe in Asia. One region is already devastated, with hundreds of thousands of innocent civilians brutally murdered in East Bengal. Now seven million more face starvation or deadly disease as refugees in India. Tens of thousands join them every day.

Journalists and other independent observers have thoroughly documented the role of the West Pakistan government and military in carrying out the systematic destruction of East Bengal. People in the United States and many Senators are shocked and deeply grieved by that regime's brutal repression of the East.

America's true principles as well as sympathy lie in offering maximum assistance to the victims of this tragedy and at the same time in opposing the inhumanity displayed by the government of West Pakistan.

But in spite of all the evidence, the State Department here in Washington still clings to the out-dated assumptions which first inspired economic and military aid to Pakistan. Continuation of such aid not only breaks faith with our principles, it undermines our national security interests as well.

The old abstractions about balance of power in Asia have little connection with the incredible suffering now taking place among the Bengalis. But the desperation of these people and growing tensions in India may erupt at any moment. Still it is the near incomprehensible proportions of human loss—not the old assumptions—which the administration apparently considers irrelevant to American diplomatic policy in Asia.

If, as we are told, one purpose for continuing support for West Pakistan is to gain leverage to prevent bloodshed, we must understand the error implicit in that kind of logic. Such thinking could justify support for the worst imaginable dictatorship.

In truth, the primary purpose for our aid to Pakistan has little to do with the bloody repression in the East. But the effect of our aid is directly connected with the destruction going on there. Our weapons and our economic assistance help to carry out the inhumanity.

And that link is not unobserved by India and other countries in Asia. It will have a great impact on the way these countries regard us and it could irreparably damage our long-range diplomatic interests with them.

More immediately, our aid to Pakistan only contributes to the volatility of relations between India and Pakistan. As new refugees pour out of East Bengal, India may soon be unable to even barely sustain the millions there now.

The level of hostility has grown and will continue to do so until these conditions are alleviated.

Earlier this month, I received an extremely thoughtful and troubling report from Prof. Martin E. Abel of the University of Minnesota who has just recently returned from New Delhi. Dr. Abel has firsthand knowledge of the tensions caused by massive migration of Bengalis to India. I believe his letter reveals many important considerations our present diplomacy badly neglects.

I have written to Secretary Rogers for his response to these serious concerns. I have also asked him to provide concrete evidence of any positive results from our support for Pakistan since the terror began last March. I am looking forward to his answer because I can myself conceive of no gain which could possibly compensate for the most remote U.S. association with chaos and terror of the past 4 months.

I would like to share Dr. Abel's letter with my colleagues and ask that his comments be given urgent consideration by the Senate.

Mr. President, I ask unanimous consent that two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MINNESOTA,
St. Paul Minn., July 9, 1971.

Hon. WALTER F. MONDALE,
Senate of the United States,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I have recently returned from India after a two year assignment as Program Advisor in Economics with the Ford Foundation in New Delhi. In this position I was able to observe closely economic and political developments in India.

I am writing to express my personal concern about the refugee problem in India created by the actions of the Pakistan government in East Pakistan and the economic and political consequences of this problem for India. The situation is extremely grave. However, the United States has not recognized the magnitude of the problem, its long-run consequences, or what it should do to contribute to stability in the region. I will confine my remarks to the problems created for India by the Pakistan situation. The inhumanity of the situation within East Pakistan has been treated by the world press as well as by others.

There are now over six million refugees from East Pakistan in India. They have been coming in at the rate of about 100,000 a day and continue to do so. While the initial influx of refugees was predominantly Muslim, the vast majority of them are now Hindus escaping persecution in East Pakistan. There are two very serious long-term consequences of the quantity and composition of the refugees for India.

First, because the refugees are predominantly Hindu, they can't be sent back to East Pakistan and must be absorbed by India. This presents a terrible, long-term economic problem. Problems of rural and urban underemployment and unemployment have already reached critical proportions in Eastern India. The refugees cannot be absorbed through effective employment—there is just not enough land or jobs. Also, there is a severe shortage of administrative staff! The financial burden to India is enormous. Maintaining six million refugees will cost India annually nearly $600 million; an amount almost equal to the *net* foreign aid it receives. The financial burden is sufficient to halt progress in economic development and certainly to undermine the new and promising directions in which Mrs. Gandhi is trying to move the country. As of a few weeks ago, total foreign assistance to India for the refugee problem totaled a mere $47 million.

Second, severe political problems have arisen. Hostilities have been created because some of the refugees are competing with local labor for employment. Wage rates in West Bengal, which are already very low, have been depressed sharply as a result of the influx of refugees. There are sharp language differences between the refugees (Bengali speaking) and people in more distant states (U.P., Bihar and Madhya Pradesh—Hindu speaking). This complicates absorbing the refugees outside of the immediate environs of Eastern India. Furthermore, certain political elements in India are exploiting the present situation to their advantages. Prior to the Pakistan problem, the political situation in Eastern India, especially West Bengal, was precarious. Additional political unrest could have very grave consequences for India, and the world will be touched by it. It could dash all hopes for stability in that part of the country and undermine India's economic development!

Increased communal (Hindu-Muslim) tensions have also to be noted. This problem is widespread. There have been numerous large riots in the past two years. There could be a much larger explosion of Hindu-Muslim confrontations as a result of the Muslim persecution of Hindus in East Pakistan.

Time is running out for India and she will have to act soon, although no bright alternatives exist. Most of the refugees now in India can't be sent back. The flow of new refugees will have to be stopped. Under these circumstances, it will be difficult to avoid some form of military confrontation between India and Pakistan at least along the borders of East Pakistan. It could be costly to both countries.

India needs help and needs it fast! Immediately, recognition of the extreme and long-term nature of the political dimensions of the problem by the United States would be terribly helpful. So far, only the USSR has seen this aspect of the problem. And, there are many in India who are dismayed by the influence this will gain for the Soviet Union. The Pakistan problem, for India, is not an internal one. This must be recognized by the U.S. The political and economic problems created in India must also be recognized. India cannot cope with these problems without significant long-term assistance from other countries. For reasons given above, it would be well for the world to recognize such action as a necessary defensive measure and not view it as another Indo-Pakistan confrontation of the 1965 type. India needs now, and will continue to need for a long time to come, considerable economic assistance to effectively absorb the million of refugees and minimize domestic political repercussions. What it is now receiving is a mere pitance. A strong and forthcoming position by the United States would mean a great deal.

The U.S. has much to gain. Mrs. Gandhi won a smashing political victory in March and wants to use it to develop sound economic policies and programs. Some promising initial steps have been taken. However, the Pakistan situation has side-tracked all of this. Further delay will be costly. The U.S., like it or not, has a big investment in India. Some added expenditure on "insurance" for this investment may make good sense. With sufficient assistance, India might be able to cope with the explosive political situation created in the Eastern region of the country and to keep it from spreading to other parts.

I would hope that you would be able to help in quickly moving our country toward a more constructive set of policies in the Pakistan situation and, particularly with respect to India. I will be happy to further discuss this matter with you.

Sincerely yours,

MARTIN E. ABEL,
Professor.

U.S. SENATE,
Washington, D.C., August 2, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I have recently received a deeply thoughtful and troubling report from Professor Martin E. Abel of the University of Minnesota regarding the desperate refugee situation in India.

Dr. Abel has first-hand knowledge of the dangerous tensions created by massive migration of Bengalis to India. His letter raises several immediate questions about our present diplomatic policies with respect to India and Pakistan.

I would appreciate your responses both to Dr. Abel's perceptive comments, and to several questions related to his observations. Specifically, I would like to know:

1. If—as we are told—continued support for West Pakistan is designed to deter further violence, what concrete evidence do you have of any positive results since the terror began last March? I believe this appraisal must be made in full awareness of the use of American weapons and economic aid in carrying out brutally repressive policies in the East.

2. Since our diplomatic policies lend support to the West Pakistani regime, what steps have we taken to validate that government's promise for the safe repatritation of refugees? What measures have we taken to guarantee no retaliation will be taken aginst members of the political opposition to the West Pakistan regime? What assurances are we prepared to offer as to the lives and freedom of refugees who voluntarily return to East Bengal?

3. If we are not prepared to make assurances to the refugees, what provisions has the Department of State made to respond on a continuing basis to the overwhelming burdens facing India in sustaining nearly 7 million refugees? How much additional relief is contemplated? How many State Department officers are now assigned to assure a timely and effective U.S. response to the refugee crisis?

As you know, the foreign aid bill will soon be coming before the Senate for a vote. Our policies with respect to India and Pakistan are central to any debate on this legislation. I am confident that your response would shed much needed light on the discussion of our policies to alleviate the terrible suffering and loss in India and East Bengal.

I look forward to receiving a reply at your earliest convenience.

With warmest regards,

Sincerely,

WALTER F. MONDALE.

VOTER REGISTRATION

Mr. KENNEDY. Mr. President, as every Senator is aware, one of the most serious contemporary blights on our democracy is the maze of confusing and conflicting voter registration requirements that operate in virtually every State to deny the right to vote to millions of American citizens.

The figures from the 1968 presidential election tell a dismal story of American voter participation. Of the 120 million potential voters in that election, only 61 percent—or 73 million—actually went to the polls. Forty-seven million people stayed home, in an election in which the winner himself, President Nixon, received only 31 million votes.

The turnout in the United States was lower than that in almost every other major democratic nation of the Western World. In 1970, in Britain, 72 percent of the eligible voters went to the polls, and it was called one of the lowest turnouts in British history. In Ireland, the voter turnout in the most recent election was 75 percent. It was 76 percent in Canada, 80 percent in France, 87 percent in West Germany, and 89 percent in Sweden and Denmark.

The heart of the problem today is our outdated and ineffective system of voter registration, the system by which we determine the eligibility of citizens to vote. Designed for another era to meet a different problem, voter registration today is a nonsystem that has become the largest single obstacle to the most fundamental right of all in a democratic society—the right to vote.

One of the brightest chapters in the history of America is the progress we have made toward our goal of universal suffrage and full participation by every citizen in the political life of our Nation. The route we have traveled in the past hundred years since the Civil War is marked with the major milestones of the efforts we have made to broaden our democracy. Indeed, six of the last 12 amendments to the Constitution have been concerned with extending the right to vote:

The 15th amendment, adopted in 1870, guaranteed the vote to citizens regardless of their race or color.

The 17th amendment, adopted in 1913, provided for the direct popular election of Senators.

The 19th amendment, adopted in 1920, extended the franchise to women.

The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in presidential elections.

The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections.

Most recently, the 26th amendment, adopted last June, extended the franchise to 18-year-olds in all elections.

Hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court and historic laws by Congress, all concerned with insuring the broadest possible exercise of the right to vote. Within our recent memory, legislation like the Civil Rights Acts of the fifties and sixties and the Voting Rights Acts of 1965 and 1970, and the one-man, one-vote decisions of the Supreme Court, stand as eloquent tributes to the Nation's continuing commitment to extend and secure the right to vote.

Now the time has come to take another great step, by ending the arbitrary and unfair practices of voting registration that operate in so many States to deny the right to vote. The defects of the present system are well known. They are not confined to any particular State or region of the country. They are as current as today's headlines.

With the exception of 3 days of precinct registration 30 days before an election, the only place that a person can register to vote in the Nation's largest city is at the downtown central office of the board of elections. For thousands of the city's residents, the expense and inconvenience of a trip downtown is an overwhelming deterrent to voting.

The situation is the same in a large Midwestern city. With the exception of 3 days of registration in local precincts a month before an election, the only place that anyone can register is at city hall. Year round, with the exception of these 3 days, there is one central place for voter registration in the entire city. For thousands of citizens, the path to the polls is made unnecessarily difficult by the requirement of central registration.

In another Midwestern city, shortly before a primary election last spring, approximately 2,500 black citizens were purged from the voter lists. They were not notified of the action until less than a week before the primary, when they were told that if they wished to be reinstated on the lists, they would have to go in person to the county courthouse, which is outside the city limits.

A much more extensive purge took place in a large eastern city, in connection with a primary election last spring. Before the primary somewhere between 80,000 and 90,000 citizens were purged from the lists of eligible voters.

And, in a major southern State, large numbers of potentially eligible citizens will be denied the vote in the coming fall elections because of the State's requirement that voter registration books must close 4 months before an election. The burden of this early closing requirement falls most heavily on young citizens newly enfranchised by the 26th amendment to the Constitution, which lowered the voting age to 18 in State and local elections. The amendment was ratified on June 30. Less than 48 hours later—at 5 p.m. on July 2—registration closed, thereby effectively depriving tens of thousands of young residents of their newly won right to vote. Yet, we know their strong desire to vote. In the 2 short days of registration, there was a rush to join the voter rolls. According to press reports, large numbers of eager 18- to 20-year-olds formed long lines outside courthouses throughout the State, hoping to register on the 2 available days. But many were turned away, still standing in line, at the close of business on July 2.

These examples are only the tip of the iceberg. Comparable problems and obstacles can be found in every community throughout America. Wherever we look, we find citizens disfranchised by one or another of the multiple burdens imposed by our archaic registration system. For some persons, it means loss of income or time away from the job to register. For others, it is the sheer difficulty, complexity, and inconvenience of the registration process. For still others, it is the problem of early registration deadlines, frequent purges of the registration rolls, or the lack of any effective absentee-registration procedure. At every turn, requirements like these frustrate the right to vote in almost every election. Their burden has become intolerable.

In an effort to end these unfair practices, I had hoped to add a provision to the pending election reform legislation to establish a simple postcard system of universal voter registration for Federal elections. In recent weeks and months, a number of other Senators—especially Senator DANIEL INOUYE, Senator HUBERT HUMPHREY, and Senator THOMAS EAGLETON, have proposed highly constructive solutions to the problem. In light of the urgency of enactment of the pending election reform legislation, and the developing interest in Congress in registration reform in its own right, I do not plan to call up this amendment. Instead, I intend to reintroduce the amendment as a separate bill.

In light of the clear-cut power conferred on Congress by article I, section 4 of the Constitution, and the Supreme Court's strong decision last December in Oregon against Mitchell, the 18-year-old voting case, there can be no doubt that Congress has the power to act by statute in this area. The call for reform is clear, and the time has come for Congress to respond.

I am hopeful, therefore, that hearings and other action will take place promptly on the bills that have been and will be furnished, so that, before this session of Congress adjourns, we may yet enact comprehensive registration reform legislation, capable of ending, once and for all, the clear injustices that now exist.

BEHAVIORAL SCIENTISTS URGE ESTABLISHMENT OF COUNCIL OF SOCIAL ADVISERS

Mr. MONDALE. Mr. President, the Special Subcommittee on the Evaluation and Planning of Social Programs, which I have the honor to chair, recently held hearings on the Full Opportunity and National Goals and Priorities Act. S. 5. This bill, which I introduced initially in 1967, is cosponsored by 22 Senators from both parties.

Although the social science community has been reluctant to support this proposal vigorously in the past, I am happy to see that opinions are shifting. Last October, the Brookings Institution conducted, at the request of the U.S. Office of Education, a "Symposium on Applying Knowledge from the Behavioral Sciences to Social Legislation Programs." Distinguished participants included persons from the academic world, from the executive branch, and from Congress. I think that Senators will be interested to know that this group recommended the creation of a Council of Social Advisers. The report of the symposium states, on page 10, that—

> Many participants came to the symposium strongly opposed to the creation of a Council of Social Advisers. . . . After reexamining the issues, however, the group felt that the legislation and structures should be created.

Two additional statements supporting enactment of this measure were made by social scientists in testimony on the bill. Prof. Raymond A. Bauer, of the Harvard Graduate School of Business Administration, has long been known as an expert in this field. He is the editor of a book called Social Indicators, published in 1966 by the MIT press. He also served as the senior consultant to the National Goals Research Staff established by President Nixon in 1969 and summarily abolished in 1970. His testimony makes an excellent case for the urgency of moving ahead with social accounting and the institutional arrangements necessary to make this possible.

Dr. Nicholas J. Demerath III, executive officer of the American Sociological Association—on leave from the University of Wisconsin—also presented impressive testimony on the need to bring social scientists into the councils of government. He recounts some of the substantial progress that has been made in the social sciences in recent years.

The Chairman of the National Urban Coalition, Mr. Sol M. Linowitz, also testified in support of the bill. He made an outstanding statement on the need for a Congressional Office of Goals and Priorities Analysis, as well as for a Council of Social Advisers.

Mr. President, I ask unanimous consent that an excerpt from the report of the Symposium conducted by the Brookings Institution and the testimony of Professor Bauer, Dr. Demerath, and Mr. Linowitz be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

To encourage systematic data collection and its use in decision making, the group endorsed a recommendation that has been made before:

6. That efforts be made to increase the flow of social data to operating agencies at all levels of government; and that continuing systems of social indicators be devised, collected, maintained and published regularly; and that a Council of Social Advisers be created which would report annually to the President and to the Congress.

The "continuing systems of social indicators" involves the collection of "time series" data from which longitudinal inferences can be drawn. While endorsing the work currently being done in the Office of Management and Budget, the group felt that this proposal encourages a considerably expanded effort. OMB is attempting to compile data already collected by government agencies. These data are not systematic and are mostly "static." A creative effort—similar to that performed by the economists some years ago—is required to devise and collect comprehensive data about the "social state of the Union."

Oddly enough, many participants came to the symposium strongly opposed to the creation of a Council of Social Advisers. Some had even testified in Congressional hearings against proposed legislation that would create such a body. After reexamining the issues, however, the group felt that the legislation and structures should be created to provide the necessary information for the development and articulation of social goals, and for creating systematic programs for the achievement of those goals.

Many participants felt that the Council of Economic Advisers ideally should be expanded into a Council of Economic and Social Advisers. Such a council could provide comprehensive advice and guidance to the President. In turn, a Joint Economic and Social Committee of the Congress could review legislation comprehensively in light of national needs. Current reality suggests, however, that it may prove easier to create a new Council of Social Advisers than to tamper with present institutional arrangements. In some later government reorganization the two councils and their joint committee counterparts in the Congress could be meshed.

Great stress was laid upon the need to begin. It will be several years before a Council of Social Advisers can provide the sophisticated guidance now provided by the Council of Economic Advisers. But with a legislative requirement for annual reporting, it was felt that this sophistication would come more quickly.

TESTIMONY ON "THE FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT"

(By Raymond A. Bauer)

My name is Raymond A. Bauer. I am Professor of Business Administration at the Harvard Graduate School of Business Administration. By professional training I am a social psychologist. There are two items in my background that are especially relevant to my testimony on The Full Opportunity and National Goals and Priorities Act. A few years ago I assembled a group of scholars, and with them produced a book called *Social Indicators* which called attention to the weakness of our understanding of the non-economic aspects of our society. The book appears to have been one of the events which stimulated interest in social reporting and social indicators featured in Title I of this act. However, if my memory serves me right, I should say that the idea had occurred independently to Senator Mondale even before the book appeared. Secondly, I served for a number of months as Senior Consultant to the National Goals Research Staff of the White House. The National Goals Research Staff had a mandate, during its brief life, with certain resemblances to the proposed Council of Social Advisors. In general, I might say that its mandate covered most of the tasks, though certainly not all of the status and powers, which Title I would give the Council.

Before I proceed with the substance of what I have to say, let me express my appreciation for the efforts Senator Mondale has made over recent years to address certain vital concerns that we all share. On matters as complex as the application of the behavioral and social sciences to national problems it is inevitable that there will not be complete and precise agreement as to exactly what should be done. Nevertheless, the entire informed behavioral and social science community has been appreciative of the Senator's understanding of the relevance and contribution of these disciplines—both potential and actual.

I shall confine my remarks to Title I, where my competence is most relevant. I should, however, say in passing that the proposals of Title II appear to offer a valuable contribution to Congressional decision-making as I understand it.

Title I declares that it is the policy and responsibility of the Federal Government to promote such conditions as to offer "every American the opportunity to live in decency and dignity," and specifies a considerable number of areas of life in which this policy should be pursued. It requires the President to report annually on progress in implementing this policy. This report shall be called the social report. To aid the President, a Council of Social Advisors shall be established in the Executive Office of the President which will aid him in preparing the social report, which will establish a series of social indicators for measuring social progress, and which will do a variety of research and analysis to facilitate the policy established in Title I.

The attractiveness of this proposal is so great that one may perhaps best proceed by considering some of the reservations which have been raised against it in the past.

One objection is that we should not clutter up the Executive Office any further with another unit reporting to the President. I am very sympathetic to this desire to avoid further administrative complexity. However, we already have a Council of Economic Advisors and a Council on Environmental Quality, an Office of Science and Technology, and so on. Much of what is important to the "decency and dignity of Americans" does not fall in the mandate of any of these existing agencies. It seems to me that the argument for administrative simplicity does not carry sufficient weight to warrant our not giving equal attention to these central areas of human concern.

A version of the preceding argument is that the functions of a Council of Social Advisors should be included in an expanded version of the Council of Economic and Social Advisors. It is my understanding that a previous CEA was resistant to this suggestion. I do not know the stand of the present CEA. However, a strong argument could be made, and I would subscribe to that argument, that the work of the Council of Social Advisors would develop better if that group were permitted to operate independently of the more mature discipline of economics—though maintaining close liaison with the CEA. It is conceivable that a version of a combined Council of Economic and Social Advisors could be presented of which I would approve. However, we are not confronted with that option, and the non-economic part of that which is "social" goes relatively neglected.

Finally, the most important question that has been raised is that of whether the relevant disciplines—presumably the behavioral and social sciences other than economics—are prepared to undertake the job of a Council of Social Advisors. The answer to that question depends, of course, on what one thinks the job is, and what level of contribution short of perfection he aspires toward.

A clue to the thinking that lies behind the question of whether we are competent to undertake the task of a Council of Social Advisors can be found in the recommendations of the highly prestigious Behavioral and Social Sciences Survey Committee of the National Academy of Sciences and the Social Science Research Council, the so-called BASS Committee report. These recommendations, which cover a wide variety of topics, were inserted by Senator Mondale in the Congressional Record of January 25, 1971 immediately following his introduction of the Act.

The BASS Committee does not recommend a Council of Social Advisors at this time. Rather, they recommend the development of an annual social report in the private sector to run for some unspecified period of time until it has proven itself. At this point, says the report "a natural next step would be to establish a council of social advisors to consider the policy implications of this report." The model for this sequence obviously is the pioneering work of the National Bureau of Economic Research which developed a system of national economic accounts prior to the establishment of the Council of Economic Advisors in 1946. The inevitable yardstick that is used for assessing our competence to undertake a Council of Social Advisors is that of whether the other behavioral and social sciences are as well developed as was economics with the establishment of the CEA. And, specifically, it is pointed out that we do not have a model of the American social system comparable to the model of the economy on which economists could reach at least reasonable agreement some twenty-five years ago.

The answers are several.

We are far from having a model of the social system as adequate as I understand the economic model of 1946 was. There may be a minor blessing in this in that the existence of such a model might evoke images of widespread social control which I am sure is far from the intent of this Act. However, such a model could indeed be useful—if properly employed—when and if we are to develop one on which there is susbtantial consensus.

It does not follow that the existence of a single unified model of anything is the sole criterion by which to judge the level of development of such a wide range of disciplines as the social and behavioral sciences. The other social and behavioral sciences have a work agenda considerably broader than that of economics. And in their several areas of concern each of these disciplines has made considerable progress in the way of substantive knowledge, technique, and theory. The proper way to put the question is whether these developments are adequate to the tasks proposed by this Act.

In his introductory remarks of January 25, 1971, Senator Mondale characterizes the Council of Social Advisors as "a social monitoring, data gathering, and program evaluation agency." If this description reflects the central core of competencies required, then there is little reason to blush. We have long experience in developing, collecting, and interperting social statistics and other social data, and we have the technique to develop still better ones. The gathering of social data is an art that will ever improve, but it already has respectable status. And, program evaluation, while difficult and tenuous is being done and will improve. There is every reason to believe that program evaluation carried out by disciplined professionals will be better than the hip-shooting that is often practiced. If I were to make an argument against a Council of Social Advisors it would not be based on our inability to do these things. The methodology exists and is in use.

I would state that judged by the central core of what the Council of Social Advisors is being asked to do, as contrasted to what the CEA was supposed to do,—help run the economy—there is no clear reason to believe that the social disciplines are relatively less advanced than was economics at that time.

Every one of the tasks assigned to the Council (except one I will shortly mention) is something we are already doing with reasonable success. There is every reason to extend our sights, and from a technical and especially from a theoretical point of view our competence will always be stretched. If, however, the basis for deciding whether or not to go ahead is if we can already do a respectable job, then there is no technical reason for halting. Some specific things will be beyond our ability, and we should say so.

The exception I just referred to is under Section 103, c, 4, which instructs the Council "to develop priorities for programs . . ." etc. At least a portion of this task may be more the province of policy makers than of social advisors. The wording of the Act may be a trifle ambiguous on this point, but I do not see priority setting as a staff function. I will return to this later.

If, so far, I have seemed uncritically optimistic I would now like to consider the difficulties I see. They are formidable, and they are all of a practical nature. I recite them not to discourage so venturesome and promising an enterprise, but rather to generate a realistic set of exceptions so that the enterprise will be pushed with appropriate resolution and not be judged a failure for failing to run when it can scarcely be expected to have learned to crawl. The conclusion I will draw is that if we are ever going to undertake this task we might as well get started.

We already have a little history of social reporting to look back on. Almost forty years ago, under the Hoover Administration a group of scholars produced several volumes entitled *Recent Social Trends*. This report is still looked on with admiration. Those scholars had the time and resources and did an excellent job given the information available at that time. More recently, under the Johnson Administration, a prototype social report was produced under the title *Toward a Social Report*. Still more recently, the now defunct National Goals Research Staff produced a different kind of report, *Toward Balanced Growth*. Neither of these last two reports was greeted with resounding cheers. Both suffered from pressures of time and other resources.

Toward a Social Report is perhaps more instructive for our purposes. It is much more like the type of social report contemplated in this Act. It summarized trends in major areas of American life, documenting our successes and failures in meeting goals which are broadly shared. While it was modest in its scope, it certainly demonstrated that which there was no reason to contest, namely social reporting is possible.

To the discerning eye, *Toward a Social Report* documented the limitations of our present measures of social change both by what it said, and by what it did not say. It documented the wisdom of the present Act in specifying that one of the major tasks of the Council of Social Advisors should be to develop a system of social indicators—a topic to which I will shortly return.

Both of the recent reports teach me that it would be wise, or perhaps only realistic, to have modest expectations of the first few social reports. This modest expectation should in the first instance be a function of the fact that our data for tracking social change are not going to be suddenly better than those available to the drafters of *Toward a Social Report*. In the second instance, the job of simultaneously assembling and organizing a staff, launching some of the other tasks assigned to the Council and preparing a substantial first report will be insuperable. Finally, there will have to be considerable thought and perhaps some experimentation devoted to the form of the report. Social data that pertain to the dignity and decency of the lives of our citizens do not change as rapidly as do economic data. Whereas quarterly or even monthly variations in economic data are interesting, or even vital, interesting changes in non-economic social data are likely to occur only over a span of several years. There are a number of formats that might suggest themselves, but I call attention to this circumstance only because it is one of several reasons for expecting that early social reports may not reflect the full potential of social reporting as it might be done at a later date.

Having enjoined modesty of expectation for early social reports, I would now like to return to the topic of social indicators.

Since the passage of the Full Employment Act of 1946 we have made remarkable, though somewhat uneven, progress in the running of the economy. More recently it has been widely proclaimed from the President on down that economic growth for its own sake is not what we should value, and that an increase is GNP is not necessarily an increase in happiness. The phrase "quality of life" has become our newest, most popular, and least defined cliche. There seems to be a spreading consensus, both in the United States and in many countries abroad, that we should guide economic and social development more deliberately to serve man's values and aspirations. If we think in terms of the intent of the present Act, we should not be content that members of minority groups may be closing the income gap if this advance in economic status is not accompanied by an increased sense of personal dignity and worth.

If we are to implement what I perceive as a growing national consensus, we need, as the Senator has well observed, to increase "the quantity, quality, and visibility of information." While we already have many social statistics, many of these are inappropriate for what they purport to measure, and for many things we simply have no data. While we would reduce hunger, we do not know just who is hungry. While we would reduce crime, our knowledge of even how many crimes of what type are committed is highly imperfect. While we would improve the "quality of life" we do not know what our citizens value in their lives—except for such obvious things as not being hungry or breathing safe air.

Both of the two recent Presidents have encouraged not only social reporting but the development of social indicators, of better measures of social change.

In this Administration, the Office of Statistical Policy in the OMB has been given the task of reviewing statistical series to generate a regular report of those dimensions of the society that can measured *from existing data*. A first version of these series will be available for criticism toward the end of this year. However, as mentioned, it will be limited to data series already in us, and will certainly be marked by weaknesses and absences. Additionally, the National Science Foundation now has, as I understand it, two separate programs funding social indicators work. Part of this funding will be for the development of new measures of social change, including in so far as we can properly understand it, measures of the quality of life. Other funding will go to the development of better models of our social system so that we may make a better choice of what to measure and know better how to interpret what we observe.

Here and there new interesting series of Federal statistics are being inaugurated. It is reported that the Bureau of Census will conduct a regular sample survey to locate the victims of crime for purposes of getting a better assessment of various types of crime, and of the consequences of the crime for the victim. Pilot work here and in Britain with such so-called "victimization" surveys indicate that many classes of crime are markedly (but unevenly) underreported. Furthermore, the consequences of the crime to the victim are a matter of as much importance as the fact that a criminal has done something for which he may be sentenced. While there are technical limitations to such victimization surveys, they promise us another useful way of understanding the incidence and meaning of this crucial type of social pathology.

However, there is insofar as I can discern, no central guidance and stimulus to this effort. The proposed Council of Social Advisors would serve such a vital role. The development of such social indicators is crucial to the function of social reporting. These new social indicators in themselves give promise to change markedly the way in which we "keep score." This can be perhaps more concretely illustrated from the related, but somewhat different, revolution that is taking place in the evaluation of social programs. We have been accustomed to keep score on social programs by way of the inputs: number of dollars spent on medicine or education, doctor-patient ratio, teacher-student ratio, and the like. These inputs do not tell us what has been done for the patient or for the student. The present movement is to develop measures of output, of performance. What effect has a medical or educational program had on the health of the patient or the condition of the student? This trend toward output measures has two profound consequences. It promises to increase the efficiency with which we allocate and use our resources by judging programs in terms of what they produce. It also will sharpen our sense of the human consequences of our programs. An urban renewal program will be judged not by the amount of money spent, or by the number of houses built, but by its effects on the lives of people.

These two related movements, the social indicators movement, and the new trend in program evaluation promise to convert the phrase "quality of life" from a popular cliche into an actual guiding principle of American society. While the full realization of this dream may never be realized, any step in this direction will be salutary. Again, as with the development of social reporting, we are dealing with a task with a long time horizon. Therefore, the sooner we get on with it, the better. There will be difficulties along the road, and the ideas will ebb and wane in popularity. It will be perhaps vital to have the assignment in the hands of an established statutory body for whom it is a main responsibility.

It should be noted that I have not used the terms "social accounts" or "social accounting" which the Senator and others have sometimes used. This is because these terms connote in many minds the aspiration or promise of a national social balance sheet comparable to the system of economic accounts. We are far from such a goal, and it may be unattainable in principle because we cannot reduce the varieties of human experience to a single yardstick such as the economists' dollar. I suspect that the use of the terms "social accounts" and "social accounting" has contributed to the tendency to judge progress in the other behavioral and social sciences according to criteria more applicable to economics.

An improved series of social indicators will not only permit the Council to do an improved job of social reporting, it will improve our general ability to evaluate social change and the state of the society as well as providing better information for Congressional and Executive decision making. While I have rejected the BASS Committee's notion that a decision on a Council of Social Advisors should wait on a privately developed social report, I do see merit in such a private report or reports as a complement to the work of the Council. Social reporting is saturated with political implications. And, social reporting from the Executive Office of the President, just as other reporting from that Office, will have to be done in the context of the programs and policies of the Administration in office. The annual social report will be in some sense a political document. This is not to deny its usefulness, but to acknowledge its inevitable limitations. However, the basic information on which the report will be based will be public property. Hence, the broader and the better informed the basis of criticism, the better will the nation be served.

I have spoken of two functions of the Council, social reporting and the development of social indicators. As long as Congress has legislated these functions and appropriated funds for the Council, and as long as the President has appointed a reasonable group of members of the Council, these functions are likely to be carried out. There may be variations from Administration to Administration in the extent to which the social report will be constrained by administration policy, and in the extent to which innovative series of social indicators are introduced. However, it is a good bet that these tasks will move forward. It would be a source of political embarrassment for any Administration to interfere too blatantly with these functions.

The other functions of the Council leave me with a feeling of somewhat greater uncertainty. They consist generally of supplying data, analysis, and presumably judgments to the President and the domestic council. The intent of these functions is conveyed by Senator Mondale in these words: ". . . it would provide the new domestic council with much of the information which that body will need to make its policy and program recommendations to the President."

I am amused by what I see as the reactions of both parties to this transaction. My guess is that the domestic council and other members of the official family would have the spectre of being deluged with gratuitous "advice" from a bunch of wild-eyed academicians. They miss the fact that there is ample power for them to ignore the whole business. On the side of the academicians and their non-academic representatives, there is the spectre of being asked the answers to cosmic questions for which they have no answer, or the enticing prospect of pontificating on issues on which I would regard them as only partially qualified. They miss the fact—both pessimists and optimists—that they may have trouble ever being listened to.

The more realistic estimate is that the "advisor" function will be long and torturous in developing. The policy personnel in the White House will have control over the situation. They will have the vital power I have just mentioned, the power to ignore. This situation is not peculiar to the office of the President of the United States. It is characteristic of the introduction of such staff functions in almost any organization. It is particularly accentuated when the staff function is imposed from without, as a Council legislated by the Congress is apt to be perceived.

With a not too unreasonable amount of bad luck, I can see the Council sitting up 17th Street in FOB 7 never being asked to contribute a thing. With good luck, I can see them in the EOB as welcome members of the official family, only to be moved back up 17th Street with the next Administration.

The point is that for the Council to achieve its full role it will take diplomacy, skill, opportunism, and luck. This is particularly true of the Council's role in setting priorities about which I raised a question earlier. I believe that the Council can make a technical and judgmental input into the largely political process of priority setting only after close rapport and working relationships have been worked out with other members of the official family. All these things can take their favorable toll only if the council has a long time horizon which will give it both patience and confidence. Again I reach the same conclusion. If we are going to do this thing, it is better to start it now, and with a realistic sense of expectations.

I know that Senator Mondale is thoroughly conversant with the history of the many other agencies the Congress has added to the Executive Office of the President, particularly in situations where the Administration was not initially enthusiastic about the addition. Such agencies have had to find their place and establish their usefulness over time. It would be well if the public, and particularly the behavioral and social science community, were aware of this.

In the meantime, with all of the considerations I have introduced, I am deeply committed to the Mondale-Javits Act, particularly if it is adopted with a legislative record that reflects the sort of time horizon and level of expectation about which I have been talking.

Testimony in Support of the Full Opportunity and National Goals and Priorities

(By N. J. Demerath, III)

It is a special privilege for me to testify before you today, Mr. Chairman, because it is an opportunity for me to thank you and your committee for your continuing effort and foresight in behalf of the social sciences and social policy. I say this not only for my colleagues, but also as a personal note. When I decided to take a perverse sabbatical from my professorship in Madison and assume my present post for two years, I did so not out of a masochistic yen for administration but rather out of a deep commitment to narrowing the gap between social science and social policy. Knowing of your similar commitment helped me to make that decision and has buoyed me since.

Actually this is a long-overdue expression of gratitude from a constituency which may have appeared ungrateful in the past. As you are well aware, the exciting prospects of an Annual Social Report, a Council of Social Advisors, and a Congressional Office of Goals and Priorities Analysis have met with an uneven reception among the nation's social scientists during the past several years. For a variety of reasons including feelings of scientific inadequacy and concern over scholarly identity, many have felt that such developments may constitute too much too soon and with potential set-backs over balancing potential gains.

Happily, I can now report that this mood of uncertainty has given way to greater confidence, indeed to a kind of restlessness to get on with the task of fulfilling our promise to the nation. During the past year I have discussed the matter with a great number of leading social scientists who have altered their views on the issue only recently. I think there are several reasons for this change, all of which constitute recommendations for moving ahead with the legislation without further delay.

Certainly one major factor in the change of mood is that social scientists are as sensitive as any other portion of the nation's informed and affected citizenry to the continuing blight of social problems and the continuing frustration in coping with them. There is no question but that the phrase "Full Opportunity" continues to be honored as much in the breach as in the observance. In some cases, the problems themselves have proliferated and worsened; in all cases, awareness of our pathologies have deepened considerably. Nowhere is this awareness more conspicuous than on university campuses where students and faculty both have lost a quality of innocence which may never be recaptured. As social scientists increasingly confront the dilemmas of the day in their classrooms and in their private lives, many have now come to feel that it is irresponsible to spurn the opportunity to use their expertise in dealing with the problems more directly.

In all of this, social scientists have given increased attention to the government's own actions concerning social policy. Of course, even a decision to make no decision on a problem is worth noting. Moreover, while social scientists have no illusions of offering panaceas, they are increasingly aware that the tasks of codifying pertinent information and framing policy alternatives must be done by someone, and it is now someone who is even less equipped to understand the many variables and complexities involved. The time has passed when we can ignore difficult chores in order to spare our collective pride from possible failure. And because there is so much to be learned if we are to contribute effectively, there is little excuse to delay the learning further.

And yet to admit to the responsibility is not to determine how it should be discharged. As you know, Mr. Chairman, in the past two years there have been several reports on the status of the social sciences and their relation to the Federal government which have concluded that we should make our first attempts at an Annual Social Report and a Council of Social Advisors on a private basis. The assumption was that private money would provide an opportunity to experiment in developing our capacities and that we should wait until we are more seasoned before creating a new Federal structure and undertaking an annual report as required by statute.

Here too there have been recent changes of opinion. In talking with some of the key authors of these reports, I have learned that many are now persuaded that such a private venture is neither realistic nor efficient. It is unrealistic partly because foundation support which seemed abundant at the end of the 1960's is now in much shorter supply. Moreover, while several foundations might have reacted favorably to such projects two years ago, all are now more cautious in light of the Tax Reform Act and its constraints on foundation support of any policy-oriented activity.

But even if private support was more available and less fettered, social scientists are increasingly dissuaded from this approach on other grounds. One can question the efficiency of any experimental venture which offers inconclusive results, and this could very well apply here. If successful, one would wonder whether the success could be maintained once the activity was placed within the bureaucratic labyrinth of the Executive branch with all of the conflicting demands and expectations so common to the present Council of Economic Advisors. On the other hand, if the experiment were unsuccessful, might this not be for the lack of data and facilities which could only be available to an agency of the Federal government or because of the failure to attract the high-quality personnel more easily recruited once the activity is institutionalized as an important aspect of the governmental process?

There are, however, other reasons for supporting your proposal as against a private alternative, Mr. Chaiman. Social scientists, like those they study, are creatures of their habitat—in this case, the ivory tower. We have grown accustomed to the remove of the academic sidelines while at the same time we know all too little of the governmental process we now purport to aid. It is simply not enough to analyze the nation and its alternative courses at such a distance. The time has come when social scientists must be both allowed and encouraged to work within the government rather than outside of it. Personally I would favor an amendment to S. 5 providing for a temporary crash program of junior and senior internships to bring many social scientists into government agencies for, say, a one-year stint of service and learning. And yet I don't mean to be greedy; surely the creation of a Council of Social Advisors would be the most important single indication to my colleagues that the time is ripe to cultivate their utility by developing policy-pertinent career options as a complement to traditional academic employment. As you yourself have pointed out in earlier hearings, Mr. Chairman, the government has not given sufficient status to social science to attract first-rate scholars. While there are social scientists in Washington, with the exception of the economists, they tend to be either second-rate researchers or bureaucrats removed from their base disciplines. Of course, many of the nation's best social scientists do appear on advisory boards and review panels, but once again this role involves them as occasional outsiders rather than as staff members using their research skills to maximum advantage from the inside. While scholars can make important contributions as consultants, these are rare and tend to be little rewarded, seldom publicized, and generally unmonitored by their scientific peers. This suggests yet another advantage of a Council of Social Advisors, namely, exposing the knowledge and analysis of the social scientists involved to full public and scientific scrutiny. This, of course, is the way science has always operated at its best. To have second-rate scholars serving in a quasi-private fashion is hardly conducive to either social science or social policy.

But there is a final and most important reason for the change in view of many social scientists and for proceeding with the legislation as proposed. As I have already mentioned, many social scientists were convinced several years ago that our disciplines were not sufficiently developed to discharge the responsibilities entailed in a Council of Social Advisors and an Annual Social Report. In my judgment, such modesty was appropriate at that time, but fortunately, the social sciences have developed rapidly since. Indeed, I think it fair to say that we are well along with a methodological revolution that is producing greater rigor in handling more complex phenomena. I shall curb my natural tendency to pedantry here, but, in the case of sociology, this has involved the development of methodological techniques largely borrowed from econometrics which have ushered in a shift from static to dynamic and from descriptive to causal analysis. According to some, it is about time that we should move from social philosophy to real social science. Certainly, we are now in a far better position to analyze policy alternatives in light of more competent assessments of the reality at issue.

Nor has this methodological change occurred in a substantive vacuum. Indeed, it has partly emerged from our recent work on social indicators, the particular field in which it was felt that more experience was required. With the support of both private foundations and Federal agencies, the area has burgeoned in both aspirations and, I think, accomplishments. At the moment, for example, the Office of Management and the Budget has a major project underway, while the National Science Foundation has two funding programs with social indicators as their central thrust. Much of the same could be said concerning developments in the methodology of social experimentation and program evaluation.

The point in all of this is not that we are on the verge of generating a scientific elixir for the nation's ills or even that we are now to be compared favorably with the economists. Instead, I mean to suggest only that for the first time our best minds are at work on the problems at issue in the bill and we are prepared to take the next and most important step in putting our knowledge on the line and learning how to develop it further while putting it to greater use. This we can only learn by doing what the economists themselves did in 1946; namely, beginning with a sense of humility than hubris and beginning despite knowledge of our limitations. I think it is clear that the Council of Economic Advisors would never have been launched had it awaited a full demonstration of the competence it has since developed. I think it is equally clear that a Council of Social Advisors must begin now if it has to have anything substantial to offer in the future. Indeed, if lessons of the past are any guide to the future, our social policy can hardly suffer from the effort.

To mention the Council of Economic Advisors raises an issue which has recurred in past hearings concerning this legislation. As you well know, Mr. Chairman, there are those who feel that the social sciences would fare best by restricting their first steps to participation in an augmented Council of Economic Advisors. Certainly there would be advantages in such an arrangement, as pointed out for example in Mr. Califano's testimony last year. On balance, however, I agree with you concerning the greater wisdom of a separate Council of Social Advisors. This may be an organizational inconvenience to the President and an already heavily congested Executive Branch. But it would help to avoid possible dominance by the economists while allowing the social scientists to develop their own role and style without the contrivances of a temporary partnership. As many have pointed out, the two Councils would be quite distinct in their mandates and their performances. In my judgment, it is appropriate to recognize that difference from the start, realizing that the start of the new Council can hardly be as productive as the current performance of the experienced CEA.

In closing, Mr. Chairman, I think these hearings have made it abundantly clear that the gap between the social sciences and the Federal government has narrowed considerably in the past few years, owing in no small measure to the efforts of you and your committee. The day has apparently passed when one of my colleagues could be informed during similar testimony that the Congressman simply did not believe in sampling techniques and insisted on analyses of whole populations. I don't think he appreciated it when my colleague then asked impishly if, during a blood test, he demanded that all of his blood be removed. Now is clearly the time to take advantage of our mutual understanding and shared commitments. The nation's own lifeblood may be at issue.

STATEMENT OF SOL M. LINOWITZ, CHAIRMAN NATIONAL URBAN COALITION

Mr. Chairman, I welcome this opportunity to appear before your Committee. These hearings on the Full Opportunity and National Goals and Priorities Act represent an important part of the growing effort, both in and out of government, to discover more democratic and rational procedures for making public choices.

As this Committee is well aware, rational government decision-making is impossible without clearly stated national goals and priorities to guide resources allocation. And given the content of the legislation being considered here today, it is also clear you recognize that mere repetition of the need for new priorities is not enough. If rhetoric alone were sufficient to implement national goals and reorder priorities, federal spending patterns would have been altered radically half a decade ago when the clamor began for a major change in the way we allocate federal tax dollars.

As we all well know, the past five years have seen the call to "reorder priorities" become a kind of Pavlovian response to a recitation of the nation's social and economic ills.

Yet, as we also know, despite all the talk, very little has happened.

Instead of producing reordered priorities, the avalanche of talk has produced more talk.

Instead of becoming a guide to new public decision-making processes, the call for new priorities has become a fashionable cliche!

So the problem we face today is: How can we rescue this critical effort to reorder priorities and improve public choices from the rhetorical deadend into which it has stumbled?

It was in search of answers to this question that the National Urban Coalition, in the Spring of 1970, initiated a project never before attempted by a non-governmental organization. We undertook to construct a complete alternative federal budget offering careful estimates of the dimensions of national needs, the costs of alternative programs to respond to those needs, and the resources required to pay for them for each of the next five fiscal years.

Our principal purpose was to determine how resources would have to be reallocated, both within the federal budget and between the private and public sectors, to translate our goals and priorities into realistic and attainable federal policies and programs.

The final product of this year-long effort is the Counterbudget document before you, prepared by the staff of the National Urban Coalition after consultation with literally hundreds of people and groups around the country.

In the process of conceiving and producing Counterbudget, we gained some insights into the requirements for moving from the desire for new goals and priorities to public action—insights that bear directly on the proposed Full Opportunity and National Goals and Priorities Act.

To begin with, if national goals are to serve as policy guides, they must be defined in terms of the public resources required to achieve them—not in the abstract. Simply cataloguing objectives such as the elimination of substandard housing, an end to hunger, and equal educational opportunity for all, without reference to the resources involved, results in nothing more than a "wish list"; a set of vague promises that raises expectation and eventually frustrations without providing answers to the difficult choices forced upon us by virtually unlimited public demands competing for very limited public resources.

Therefore, if future talk of new priorities is to serve as more than balm for social conscience, it must be applied to our single most important instrument for relating goals to scarce resources: the federal budget.

As the instrument through which public resources are allocated, the federal budget is the medium for setting national priorities—which is why the Coalition's blueprint for changing America's priorities is cast in the form of an alternative budget.

Next, we discovered that efficient allocation of public resources demands the application of a cost-benefit approach. By cost-benefit approach, I mean looking at the individual and social gains produced by alternative uses of federal resources.

Counterbudget sought to find a set of budget outlays which could move the United States farthest toward the national goals we had postulated. Comparing the benefits to be gained from spending scarce resources for a variety of purposes, it undertakes to allocate funds to those programs which promised *the largest marginal benefits per dollar invested.* That is, it is based on a comparison of the benefits produced by different uses of each additional tax dollar and seeks to invest that dollar in the program with the biggest payoff.

For example, extra spending for both institutional support for higher education and compensatory elementary and secondary school programs would be desirable if public resources were unlimited. However, in the world of limited federal revenue in which the budget exists, choices must be made.

Based on a careful review of existing social data and program evaluations in the field of education, as well as after extensive consultation with scores of experts, the *Counterbudget* staff concluded that dollars invested in compensatory elementary and secondary education would yield the higher return. And this conclusion is reflected in our alternative budget.

Stated as theory, the cost-benefit approach is simple and straightforward. However, when actually applied to the allocation of federal resources, it can become quite confusing.

In particular, certain ways of analyzing public problems persist that prevent a rational application of the cost-benefit concept.

First, there is the tendency to believe that just because a problem is massive, it necessarily ought to receive a major share of federal funds.

Programs—no matter how urgent the problems they seek to solve—often have a limited capacity to absorb resources. In the quest to discover a cancer cure, for example, the number of qualified, available scientists imposes an important constraint on the number of federal dollars that can be effectively invested.

No one would dispute the fact that the maintenance of an adequate system of national defense should remain a high priority. But this is not tantamount to stating, as one frequently hears, that "you can't have too much defense".

You clearly can have too much defense when scarce resources—which might have been used effectively in furthering health care—are committed in order to gain a doubtful additional military benefit.

Second, the use of the cost-benefit approach in public decision-making will mean that we stop confusing what goes into a program with what results from that program. In this view of the world a doubling of education expenditures is assumed to result in a school system that is twice as good.

Costs become benefits.

Every program succeeds by definition if it is fully funded.

In short, good intentions backed with enough money become the sole requisities for successful government programs.

Are we eliminating the damaging disparity in educational achievement between rich and poor children in this country? If costs are benefits, we must be. For we have been spending more than $1 billion a year since 1965 on compensatory education through Title I of the Elementary and Secondary Education Act.

Unfortunately, a careful look at how much Title I children are learning—as opposed to how much money we are spending on them—reveals that Title I is having virtually no measurable impact on the educational performance of the vast majority of the children it is serving. Accordingly, *Counterbudget* proposes a reconstituted Title I program in which federal funds are distributed and their effectiveness is appraised on the basis of actual student achievement.

Unless we devise and evaluate programs on the basis of their impact on people, the cost-benefit comparisons upon which efficient resource allocation depends will remain impossible.

Third, effective implementation of this will require an end to reliance on individual, uncoordinated programs to contribute to the solution of complex, interdependent social problems.

Programs relate to a single part of a system. Policy seeks to respond to the system in its entirety.

By advancing individual programs in the absence of any policy framework, we intervene in one part of a social system blind to important interrelationships between that part and the rest of the system. Oblivious to these interrelationships, our intervention more often than not results in unintended and undesirable consequences.

The problem is not that these isolated programs don't work. They do work. It is just that very often the unintended consequences cancel the avowed ones.

One good example of this phenomenon is the federal Interstate and Defense Highway program. Initiated with the limited objective of providing the nation with a better system of road transport, the program has had a profound impact on many metropolitan areas.

By failing to perceive highways as an integral part of an urban system, this program created and exacerbated a vast array of problems such as urban sprawl, shattered neighborhoods, and the shrinkage of center city tax bases—problems not nominally related to the objectives of the highway program and therefore no one's responsibility.

Furthermore, the failure to develop broad policies to coordinate public attacks on social problems makes it impossible to determine where resources should be invested for the largest return.

For example, one of *Counterbudget*'s goals was to ensure that every public school student enters the labor market with the capacity for self-support. At first glance this would seem to suggest a massive concentration of resources in vocational educational programs. However, a look at our education and manpower training systems as a whole reveals that success in today's economy demands the capacity to learn new tasks easily; and that most of an individual's capacity to learn is developed during the first five years of life.

Thus, it rapidly becomes clear that the largest gains towards making an individual employable result from investments in early childhood development—a conclusion which the Chairman of this committee already has drawn and is vigorously pursuing on a number of legislative fronts.

Finally—in addition to the importance of defining priorities in budgetary terms and the need to allocate resources with a cost-benefit approach—*Counterbudget* taught us that by spending federal tax dollars differently, we can produce a set of public policies and programs more responsive to the nation's needs than our current set; that the nation's priorities can be significantly reordered within the context of the realities of the federal budget and the American economy.

We discovered that, without a major increase in the share of the nation's income devoted to public spending, and with only a modest boost in the federal income-tax rate, we could, by 1975:

Establish an income maintenance program to raise all 24 million Americans currently trapped in poverty above the official poverty line;

End hunger with a food stamp program covering all impoverished families;

Create a National Health Insurance System that would finance basic medical care for every American;

Expand federal housing programs to attain a level of construction capable of replacing all substandard housing units in the U.S. by the end of the decade;

Develop new reading, math and career preparation programs in the elementary and secondary schools to ensure that no American enters the labor market without the capacity for self-support;

In summary, Mr. Chairman, our year-long experience with *Counterbudget* convinced us that talk of new national goals and priorities need not be empty or idle. Major changes in the way we allocate federal resources can produce major changes in the nature and character of our society and our relations with the rest of the world.

However, the job of attempting to reallocate resources rationally requires an enormous amount of information and analysis. In the preparation of *Counterbudget*, our staff consulted with more than 500 experts in and out of government. Seminars on particular problem areas such as health, education and equal opportunity were convened to provide the most current data and experiences.

The average Senator or Representative simply does not have the time or financial resources to replicate this process. Nor, in some instances, does Congress have the institutional capacity to utilize extensive data and analysis if they were available.

Enactment of S. 5, the Full Opportunity and National Goals and Priorities Act, would provide many of these resources and the capacity to use them efficiently.

At present, the Congress is forced by its fragmented committee system to pursue a "let's-see-what-we-gave-them-last-year-and-give-them-a-little-more-this-year" approach to the budget; an approach that precludes major resource reallocations by the legislative branch. The Congressional Office of Goals and Priorities created by S. 5 would provide Senators and Representatives with the means to analyze the budget as a whole for the first time.

Congress also lacks the ability to generate alternative federal budgets of its own; a condition which engenders Congressional dependence on the executive branch with respect to the major contours of the budget and, hence, the shape of our priorities. The establishment of an Office of Goals and Priorities with the mandate and capacity to produce a variety of budgets from which to choose would end this unhealthy dependence.

Finally, Congress currently is compelled to operate without the social data required to choose rationally between alternative resource uses, to evaluate program effectiveness, and to formulate comprehensive public policy. The Council of Social Advisors and the annual Social Report of the President authorized in Title I of the Act would help to fill this information vacuum.

In other words, if Congress is serious about employing its constitutional power over the purse to reorder the nation's priorities, it could begin at no better place than with the passage of the Full Opportunity and National Goals and Priorities Act.

With the enactment of the Full Employment Act in 1946, America acknowledged that Adam Smith's "invisible hand" could not be relied on in a society as complex as ours to ensure the economic welfare of its citizens.

Passage of Goals and Priorities Act would constitute an equally historic acknowledgment. For the "invisible hand" implicit in our fragmented and haphazard approach to many social problems is no more effective than its economic counterpart; and must similarly be replaced with disciplined, informed planning if the social well-being of our citizens is to be secured.

CONSUMER CREDIT

Mr. TAFT. Mr. President, consumer credit continues to be an area of deep concern for all Americans viewing economic planning for the future.

Those of us with good memories will recall that, in the final hours of debate on the "Truth in Lending" bill Members of both the House and the Senate came to realize how little is really known about the intricate workings of the consumer credit system in this country. Indeed, the Congress discovered at that time that, never in our history, has our Nation done the kind of basic research on consumer credit that is essential to wise and prudent legislation. It was this paucity of reliable information that prompted the Congress to agree on two principles at that time: We agreed to limit "Truth in Lending" to the matter of disclosure; and we agreed to establish, on a bipartisan basis, the National Commission on Consumer Finance, whose duties—as defined by the act—are to "study and appraise the functioning and structure of the consumer finance industry, as well as consumer credit transactions generally," and to report to Congress on:

First. The adequacy of existing arrangements to provide consumer credit at reasonable rates;

Second. The adequacy of existing supervisory and regulatory mechanisms to protect the public from unfair practices, and insure the informed use of consumer credit;

Third. The desirability of Federal chartering of consumer finance companies, or other Federal regulatory measures.

I remind the Senate of these facts only because bills have already been introduced in both the House and the Senate—long before the Commission has developed the factual information that we agreed was essential to informed legislation. By various means, both bills would regulate the existing credit rate structure—asking the Congress to embark upon a course of action that we specifically, and quite recently, rejected.

I am reliably informed that the Commission is well along on its study of consumer credit and that it will meet its 1972 deadline. I am also told that research by the Commission up to now reinforces the need for added study. What has been learned to date is just how much we do not know about credit.

For example, we don't know what a law that limits the price of credit would do to the supply of credit. Would such a law make credit more or less available to consumers of low and marginal income?

We do not know whether a limit on the price of credit represents a real saving for our constituents or whether that consumer would wind up paying less for credit and more for the merchandise purchased.

We do not know what happens to people whose applications are rejected. Do they give up their desire to buy? Or, having been rejected by legitimate credit grantors, do they seek relief by turning to unscrupulous moneylenders who operate beyond the law?

Various of our States have now enacted laws regulating the price of credit. What has happened in these States? The laws differ widely. How do the results compare? Again, we do not know.

In short, there is almost nothing about credit that we do know for sure. We do not even know if a law which limits the price of credit would be a spur to our competitive system or whether such a law would make chaos of the existing and viable competitive relationships among retailers, banks, small loan companies, and other credit grantors.

My purpose in making this statement is not to suggest that the Congress close the books on credit legislation for all time. It may well be that additional legislation will be required. It is my purpose, however, to urge the Congress to act from knowledge and not from ignorance. Having established the National Commission on Consumer Finance, having spent the taxpayers' dollars to make sure we are acting in their interest, it seems to me we have no choice but to restrain our eagerness to legislate—at least until the facts are in hand in July 1972.

I would also remind the Senate of the dangers of whimsical tinkering with an economic force as intricate as credit. Our Nation is only now recovering from the economic downturn of 1970. Let us not imperil that recovery by needlessly hasty action.

CONCLUSION OF MORNING BUSINESS

Mr. PASTORE. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be closed.

The ACTING PRESIDENT pro tempore. Without objection, the period for the transaction of routine morning business is closed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of $1,000; and

H.R. 2894. An act to incorporate the Paralyzed Veterans of America.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. GAMBRELL).

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PASTORE. Mr. President, what is the pending matter now?

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Maryland has been withdrawn.

The pending business is S. 382. The pending question is on the Pastore substitute amendment, as amended.

AMENDMENTS NOS. 267 AND 280

Mr. MATHIAS. Mr. President, I call my amendments Nos. 267 and 280, and I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendments will be stated.

The amendments were read as follows:

AMENDMENT NO. 267

On page 3, line 16, strike "(e)" and insert: "(f)".

On page 6, line 25, strike the closing quotation marks.

On page 6, after line 25, insert the following:

"(e) One who willfully and knowingly violate the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection."

On page 10, strike lines 1 through 3 and insert in lieu thereof:

"(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed $5,000 or imprisonment of not more than five years, or both."

AMENDMENT NO. 280

On page 20, strike lines 23 through 25 and insert in lieu thereof the following:

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Mr. MATHIAS. Mr. President, these two amendments are technical in nature. They deal with some of what we might call the fine points of the bill.

One of the provisions of the bill as written is to provide criminal penalties for violation, and the penalties are different for the broadcast and nonbroadcast media

The purpose of amendment No. 267 is to equalize the penalties as applied to the broadcast media and the nonbroadcast media. The amendment makes no other change in the bill except to put these two media in a state of equality.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. Mr. President, I have considered the amendment carefully. It will bring about a high performance of standards. It is a good amendment. I am willing to accept it.

Mr. MATHIAS. Mr. President, amendment No. 280 is a technical amendment that amends the definition of "state" in title III to conform to the definition of "State" in title II so that those who have to interpret this act can deal with a uniform definition.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. Mr. President, that is exactly true. This merely clarifies the definition of "State," which means "each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

I am perfectly willing to accept this amendment, as well.

The ACTING PRESIDENT pro tempore. Do Senators yield back their time?

Mr. MATHIAS. I yield back my time.

Mr. PASTORE. I yield back my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments to be considered en bloc.

The amendments (No. 267 and No. 280) were agreed to.

Mr. MATHIAS. Mr. President, I send to the desk four amendments and I ask unanimous consent that they be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be considered en bloc. The amendments will be stated.

The amendments were read as follows:

On page 25, line 18, strike "in excess of $100" and insert in lieu thereof: "of $100 or more".

On page 27, line 9, strike the semicolon and the word "and" and insert in lieu thereof: "and a continuous reporting of their debts and obligations after the election at such periods as the Comptroller General may require until such debts and obligations are extinguished; and"

On page 21, line 14, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 21, line 23, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 22, line 3, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 25, line 13, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 26, line 6, after "addresses" insert the following: "(occupations and the principal places of business, if any)".

On page 26, line 19, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 26, line 25, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 13, line 3, insert after the word "regulations," the following: "and in the ordinary course of business".

On page 14, line 4, insert after the word "regulations," the following: "and in the ordinary course of business".

Mr. MATHIAS. Mr. President, I think the most significant of these amendments, the one with substance for the electoral process, is amendment No. 284, which requires the reporting of contributions of $100 or more. I think this is an important amendment because it gives confidence to the public that it is actually getting disclosure in a meaningful way.

The bill as written requires reporting of contributions in excess of $100 and, of course, that would exempt from reporting one of the most common devices that we know of, which is the $100 dinner. Whoever heard of a $10 dinner? It is perfectly true that these are arbitrary lines. It might be a $99 dinner, but the usual figure we see is the $100 dinner. So I think this amendment will show more than anything else the intent of the Senate to deal with election reform by requiring disclosures as to the $100 dinners to public view.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. The amendment is perfectly agreeable to the committee and to me, and I am willing to accept it, but from now on, as I said to the Senator, we will see the $99 dinner—$99.98 dinner.

Mr. MATHIAS. If I can observe to the Senator——

Mr. PASTORE. But the Senator is right. I hope he does not misunderstand me. I will buy the amendment.

Mr. MATHIAS. I was going to say that if the $99 dinner comes into vogue, at least it will be the first reduction in the cost of living for some time.

Mr. PASTORE. Well, I hope it breaks the inflationary spiral.

Mr. MATHIAS. Mr. President, amendment No. 286 requires that campaign debts remain on the books until they are extinguished. They cannot just drop out of sight and be forgotten. I think this is an important amendment, because the public has the right to know what happens to campaign debts, just as it has the right to know what happens to campaign assets.

Amendment No. 282 would require the insertion of the occupation and place of business of the contributor. This is a bit of exposure of the contributor's interest. I think it is important public business.

Finally, amendment No. 276 would exempt bank loans made in the ordinary course of the banking business from classification as contributions.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MATHIAS. I am happy to yield.

Mr. PASTORE. Here again I am perfectly willing to go along with this amendment. Of course, there are certain aspects that could be criticized. Where there is a very nominal debt, it means the committee would have to be in existence ad infinitum; but there may be cases where the debt is pretty large. That is what the Senator from Maryland is aiming at. This amendment would work out very well in that case. I am perfectly willing to accept it.

The ACTING PRESIDENT pro tempore. Do Senators yield back their time?

Mr. MATHIAS. Mr. President, before I yield back my time, I ask unanimous consent that, in amendment 286, the words "Comptroller General" be changed to "Commission."

Mr. PASTORE. Mr. President, I have no objection. That should be done.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be so modified.

Do Senators yield back their time?

Mr. MATHIAS. I yield back my time.

Mr. PASTORE. I yield back my time.

The ACTING PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the amendments of the Senator from Maryland en bloc, as modified.

The amendments, as modified, were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, I have an amendment, which I ask to have stated.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 11, line 15, strike "and 614" and insert in lieu thereof "614, and 615".

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a)(1) No person (other than a candidate or political committee) may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office. For purposes of this paragraph, a contribution shall be held and considered to have been made to such a candidate if it is paid to such candidate or his agent.

"(2) No such person may make contributions directly or indirectly to political committees in excess of an aggregate amount of $5,000 during any calendar year.

"(3) No candidate may receive contributions from, nor authorize expenditures by, political committees in connection with his campaign for nomination for election, and election, to Federal office in excess of an aggregate amount of $75,000 during any calendar year.

"(b)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(c) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(d) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both."

On page 17, strike out the matter between lines 6 and 7 and insert in lieu thereof the following:

"608. Limitation on contributions and expenditures.";

Mr. PASTORE. Mr. President, the Senator from Maryland (Mr. MATHIAS) had to leave the Chamber temporarily. The Senator from Florida (Mr. CHILES) is here. I yield the floor.

Mr. CHILES. Mr. President, the amendment that was just read is the amendment that was offered by the Senator from Maryland (Mr. MATHIAS) and myself to place a limit on the amount of money that an individual can contribute to a campaign; also, to place a limit on the amount that a candidate can receive from one person.

I think, when we are dealing with the subject of campaign expenditures, if we are going to have a meaningful bill, in addition to putting a lid on the amount of money that a candidate can spend, we must address ourselves to the amount of money that we are going to allow an individual to give to a campaign and the amount of money we are going to have a candidate receive from an individual.

What we are really trying to do when we put a lid on expenditures is work toward getting some public confidence into the elective process. If one wants to assume that every candidate is absolutely honest, that he is not going to be swayed by the amount of any money contributed, then there is no reason for any limitation to start with.

In many instances that can be true, but I think what we are trying to do, in addition to putting a limit on spending, is to restore some public confidence on the part of the people. The people cannot understand, today, why a candidate receives $25,000 or $250,000 from one individual, and they cannot understand how a candidate is not going to be influenced by receiving that amount of money. I cannot understand it either. If you receive that kind of money, there does not have to be any quid pro quo offered; there does not have to be any bargain struck, but from the day you take that kind of money from a contributor, you put the screw in yourself if you are running for office, because all that man has to do is look at you some time in the future and say "This is important to me" or "That means something to me," and then you are going to feel the responsibility and the debt that you owe, because you have accepted that kind of money.

We are trying to provide that $5,000 is the maximum amount of money that an individual contributor should give or that an individual candidate should receive from a contributor. As we look around this country today, we do not find many people who can make a $5,000 gift; but if we look at the campaign contributions, we find that many people made gifts amounting to more than that; and we also find that those people who gave more than $5,000 had an interest, in many instances a vital interest, in what was going on and in what they were seeking.

I have some experience with campaign contribution money. When I wanted to seek the office of U.S. Senator, most people said I could not even run for that office, because I did not have the ability to raise a war chest and get the kind of money that I would need.

I found I was in a campaign in which one candidate spent $450,000 of his own money in the first primary. All he had to do was write a check. I believe some kind of limitation on that is needed; because, for example, we have court cases which have held that if a candidate has only so much money to spend for qualifying, you cannot raise the qualifying fee to the point where you would be able to put him out of reach of qualifying for that office. But you are doing the same thing if you allow one candidate to spend his own personal wealth, as opposed to another candidate who is without such success.

I do not think we want to build into our offices the requirement that you have to be wealthy in order to seek the office of U.S. Senator or Governor or Representative. I do not think that should be a qualification, that you have to have large individual wealth. So this would be a limitation that a candidate for President could spend only $50,000 of his own money, a candidate for U.S. Senator could spend $35,000, and a candidate for Representative could spend $25,000.

I think that is an important limitation. It is most important, I think, that we put some curbs on the amount of money that an individual can give and the amount of money that a person individually can take from a contributor. I think that is important to restore public confidence. I think it is fine, if we are really dealing seriously with a campaign expenditure bill. We are just dealing with one little phase of it, if we are going to put a total limit on the amount one can spend, but do not put any limit on the individual contribution, because what we are concerned with is how a candidate is influenced.

Mr. PASTORE. Mr. President, will the Senator yield for several questions?

Mr. CHILES. I yield.

Mr. PASTORE. I think we ought to show in the RECORD exactly what this amendment would do, so that those who vote on it will know exactly what they are doing.

As I understand the Senator's amendment, one can give only to the extent of $5,000 to any candidate personally; is that correct?

Mr. CHILES. That is correct.

Mr. PASTORE. And one can give that $5,000 to as many candidates as he chooses, personally, is that correct?

Mr. CHILES. Individually, in their names.

Mr. PASTORE. In their names.

Mr. CHILES. Yes.

Mr. PASTORE. But if you do give to a committeee, then all you can give is $5,000 maximum, period. In other words, you cannot give $5,000 to the committee of one candidate, $5,000 to the committee of another candidate, and $5,000 to the committee of a third candidate. Do I understand that to be the correct interpretation of the Senator's amendment?

Mr. CHILES. That is correct.

Mr. PASTORE. I mean, I would like the record to show that.

Mr. CHILES. Yes; whether you give to one committee or a series of committees, you can give only $5,000 through the committee system.

Mr. PASTORE. In other words, if, in a State, there were, let us say, 25 Representatives running for office, and two Senators—or there would be one Senator because they would not be running together unless there were a vacancy—and each of them had a committee, that would formulate 26 committees, would it not?

Mr. CHILES. Yes.

Mr. PASTORE. According to the interpretation of the Senator's amendment, the top amount one could spread out to those 26 committees would be $5,000?

Mr. CHILES. That is correct.

Mr. PASTORE. In its entirety?

Mr. CHILES. Yes.

Mr. PASTORE. I just wanted the record to show that, so that everyone will understand this amendment.

Mr. CHILES. Yes. But one contributor could give $5,000 to each one of those candidates individually.

Mr. PASTORE. That is right; but he would have to make it as a personal contribution to an individual.

Mr. CHILES. That is right. The public, therefore, would be informed of who was giving it and who was getting it, and that would stop some of this proliferation of having the committee really hiding, through the committee, who is making the gift and who is ultimately receiving it.

Mr. PASTORE. I understand. I just wanted to clarify that, so we would all understand.

Mr. CANNON. Mr. President, will the Senator yield further?

Mr. CHILES. I yield.

Mr. CANNON. Does the Senator's interpretation, then, also mean that this includes national committees as well as committees for a particular candidate? For example, would a man be able to make only a total $5,000 contribution to the political committee for Chiles, the political committee for Jones, and the National Democratic Committee or the National Republican Committee? And some of them do contribute to both.

Mr. CHILES. Yes.

Mr. CANNON. $5,000 would be the total?

Mr. CHILES. Yes.

Mr. CANNON. I must say that I find the Senator's proposal quite unrealistic. The committee has considered these matters over the years, and I must say that, without exception, the testimony before the committees by both of the political parties, by people who have considerable expertise in the field, was opposed to this type of amendment—not only the limitation on the committees, but the limitation on the candidates.

I have for years been trying to get out an election reform bill that was meaningful, and we came to the conclusion, after our hearings, that such a limitation was not only not meaningful, but perhaps was in violation of constitutional rights; and Assistant Attorney General Kleindienst testified before my committee to that effect, that he had grave doubts about the constitutionality of such a proposal and would recommend against it.

Though I do not recall precisely, in our last series of hearings I do not believe there was a solitary witness who did not testify against this sort of proposal, but rather favored the proposal of complete and full disclosure, leaving it up to the public to make their judgments based on the available information as to what the contributions are, and by whom and to whom.

I shall verify, before the discussion on the bill is concluded, whether there were any witnesses who testified in favor of that proposition.

Mr. CHILES. I appeared before the Senator from Rhode Island and his committee.

Mr. PASTORE. Mr. President, may we have order? There is a rumbling going on here; we cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHILES. I certainly spoke for having an individual limitation in that testimony.

I can see where perhaps the national committee of the Republicans and the national committee of the Democrats would be against this proposal, because they like to take contributions this way. It is a good way to get people to give so that their names are not disclosed. But I think the people of the country are entitled to know. I think they are entitled to have a limitation, and if we say that all you have to do is have a fair disclosure, then we do not even need the upper ceiling that we are putting on. And if we can put on an upper ceiling, for the life of me I do not understand why we cannot put on an individual ceiling.

My State has an individual ceiling on the amount a candidate can receive and a contributor can give, and that has been tested in the courts of my State and upheld. I do not have any great concern as to the constitutionality of placing a limit on what a person can give.

Mr. CANNON. When the Senator says "upper ceiling" I do not know what he refers to, unless he is referring to the amount a person can spend on radio or TV.

Mr. CHILES. I am talking about the total ceiling imposed by this bill.

Mr. CANNON. There is not a total ceiling now. That, we found, did not work. Ever since the law has been enacted, we have had a ceiling on the amount that a candidate could spend, so we have had the proliferation of committees. We are trying to get around that, because we found that that did not work and it is unrealistic, and we are trying to get to something that is more meaningful.

When the Deputy Attorney General testified before our committee, I queried him about a limitation. He said:

> Yes; I know that, Senator.
>
> This view is also supported by the 1970 report of the Twentieth Century Fund Task Force on financing congressional campaigns (electing Congress—the financial dilemma). Given full contributions disclosure during a campaign, we think the voter is capable of safeguarding the integrity of the election process. The reporting and disclosure provisions of the bill are adequate to permit contribution limitations to be set at the ballot box.

He went on further:

> A further, and not insubstantial, argument against an individual campaign contribution limitation is the fact that this approach to the problem may be unconstitutional. In his testimony on this bill before the Senate Commerce Committee, Prof. Ralph Winter of Yale Law School expressed the view that a limitation on individual campaign contributions violates the first amendment. The Supreme Court, of course, has not yet ruled on this question.

He continued at considerable length.

As I have said, he and the other witnesses who testified before my committee opposed any limitations, for the reasons I have stated. Frankly, they convinced me, even though I initially did vote for a $5,000 limitation on contributions, and I was convinced in the course of the hearings; and I will have to oppose the proposal of the Senator.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SCOTT. I yield myself 5 minutes on the bill.

Mr. President, I began with the same theory in discussing, over a period of years, how best to secure campaign reform; and I began with the theory that the obvious thing to do is to impose limitations on the candidates. I had no objection, and I still have no objection, to imposing limitations on contributions by candidates to their own campaign—the so-called rich man's amendment. But I question seriously the efficacy of the limitation on contributions to candidates by others.

One reason why I question it is that, as my staff went into the consideration of a bill, we discovered that almost all the academic experts on this matter—the professors of political science, agencies such as the Committee for an Effective Congress, and others who have long been interested in campaign reform—said that the way to do it is to have some very tough provisions, to safeguard the right of the public to know, to administer the law by an independent agency, and to limit the overall amounts which can be spent in a campaign—for example, through the media. The bill does all these things.

But it would seem to me to be in contravention of the approach already approved by many civic and public and nonpartisan agencies—they are all quoted in the hearings—for us to reverse the trend and attach a limitation and then wait for the inevitable evasions of the limitation, because they are easily evaded.

With respect to the limitation of $5,000 by an individual, all he has to do is to get a brother-in-law, who is not related to him. He puts up $5,000. Then his second cousin's wife puts up $5,000, and somebody else puts up $5,000, and the law becomes a shambles and a mockery.

What we are trying to do here is to get a law that will work. I want a law that will work and through which a team of mules cannot be driven, a law which would not take a Philadelphia lawyer to interpret. I am a Philadelphia lawyer, but I would not want to interpret the evasions of this bill.

So I hope we can put together a bill which the other body can accept with reasonable cheerfulness, and that we can avoid reversing our wheels when we are about two-thirds through toward passage.

I am for the reform bill, and I am for the various features we have been discussing as we have gone along. Some of the amendments have clearly strengthened the bill and improved the possibility of effective enforcement. This will not. This is an open invitation to evasion. Instead of having a large number of committees, as we do now, to evade the present laws, we will just have a large number of friends and relatives and people who are willing to lend their name and go ahead and make a donation in their name.

Every one of us in Congress knows what is wrong with the election laws. What is wrong with them is that they are not being observed, they are not being enforced, and they are being wilfully evaded, and the evasions are so widespread that there is no chance of enforcement. Let us try legislation that works. The proposed legislation has an independent agency. It has overall limitations on expenditures which, in my opinion, are a little too tight, but perhaps that is all right. It has tough reporting provisions, and that is all right. It has instructions to the regulative agencies to come up with some rules and regulations to keep people from running a campaign on other people's money and not paying them back, particularly presidential candidates, who are notably bad credit risks for the most part.

I would not lend a presidential candidate a wooden nickel. But that is because I have been in politics long enough to understand about presidential candidates. They have to get their advertising somehow. They will travel and let the airlines pay for it if we do not do something about it. They will let Ma Bell's burden become ever greater if we do not do something about it.

So we can have a bill, and a good one, but I do not think we ought to have campaign limitations of this type, which is the prohibition of putting more than a given amount of money into a campaign by an individual. Yes, let the rich man be limited. Let the man be limited who should not try to buy public office by putting in $150,000 or $500,000 of his own money. But let us not limit the right of any individual—it is of doubtful constitutionality, anyway—to help another person run for public office. If he is limited, he will find another way to do it.

Mr. President, I think this amendment should be rejected.

Mr. PASTORE. Mr. President, I think this was one of the most controversial parts of the bill and the one problem that we had to wrestle with the most.

I am one of those who feel that there should be some kind of limitation. If we adopt the theory here that the sky is the limit, I am afraid that we can get into some scandalous situations. On the other hand, we have to be pretty careful what we do, because we may stymie the whole process of democratic elections.

Under this amendment, as it is presently drawn, it is my understanding that an individual who gave, let us say, $3,000 to one of my committees could give the national committee only $2,000, or if he gave my committee $5,000, he could not give anything to the national committee. Let us face it. It will take millions in the electronic media alone to run a presidential campaign. We have to raise the money. That is what puzzles me about this amendment. But we have to find an answer to the problem. When it comes to giving a contribution to one running for the Senate or Congress, frankly, I think that $5,000 from any one individual to that candidate is sufficient. Then we have to go around and get enough people to make a contribution, so that we can fit it into the ceiling as prescribed under the law. When we get into the question of committees, we do not find too much trouble with this interchangeability of the committees for various candidates running for Federal office, outside of the office of the President and Vice President. There, I am afraid, we do meet an unrealistic situation.

Mr. SYMINGTON. Mr. President, will the Senator from Rhode Island yield to me briefly?

Mr. PASTORE. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. It is necessary for me to go to a markup, but I would simply tell the able senior Senator from Rhode Island and present to him the fact that I believe there is great merit in this amendment, based on the personal experience I had in the last campaign. I will make a talk on that, if the able Senator will give me some time later on, and go into a little detail as to why I think, based on my actual experience, that this is a very important amendment.

Mr. PASTORE. Well, we may be disposing of this amendment this morning. I want to remark that to the Senator from Missouri. I also want to say to him that I am in accord with what he says, because he had a problem, where a wealthy person stated that no matter what it cost him, he was going to get his son elected to the Senate. That is one of the scandals I have been talking about. So that I think there should be a limitation on how much an individual can contribute to his own campaign so that he does not smother someone else, who has to go about scrounging for funds. What bothers me is: What are we going to do about our national committees?

Mr. SYMINGTON. If the Senator from Rhode Island would yield further for an observation, I understand that the amendment will be debated. I will be back here for the vote. The only reason I am taking the time of the distinguished Senator right now is that I heartily endorse the amendment and would hope that the Senate would agree to it.

Mr. PASTORE. Well, I realize that——

Mr. SCOTT. Mr. President, will the Senator from Rhode Island yield?

Mr. CANNON. Mr. President, if the Senator will yield, let me say that I regret the Senator from Missouri will not be in the Chamber to hear this debate on the pending amendment, because the arguments against it, I think, are overwhelming. A number of other people who have testified with expertise in this field are adamantly opposed to the amendment.

Let me say that I started out favoring the initial concept and——

Mr. SCOTT. So did I.

Mr. CANNON (continuing). But after hearing the testimony at great length, and going into the matter thoroughly, I have completely changed my position and I am adamantly opposed to it. I am sorry that the Senator will not be here.

Mr. SYMINGTON. I am very much impressed with what my good friend from Nevada, for whom I have the greatest respect and admiration, says. He knows more about it than I do. But, from what I heard of the amendment, and based on what my staff's analysis of it was, I felt it was important for me to take this position, based on my own experience.

Mr. BAKER. Mr. President, will the Senator from Rhode Island yield me some time?

Mr. PASTORE. Mr. President, how much time do we have on this?

The ACTING PRESIDENT pro tempore. The Senator from Florida has 1 minute remaining, and the Senator from Rhode Island has 11 minutes remaining on the amendment.

Mr. SCOTT. Mr. President, I yield the Senator from Tennessee 10 minutes on the bill, if I have the time.

Mr. BAKER. I am not particular whose time I speak on. Five minutes?

Mr. SCOTT. I yield 5 minutes to the Senator on the amendment if necessary, or on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. BAKER. I thank the distinguished minority leader.

Mr. President, I have always felt that there should be a limitation on the amount that a candidate may contribute to his campaign, or on the amount that is contributed to his campaign by his family. That is a unique and special circumstance. I, too, started out, as did the distinguished minority leader, favoring a limitation on the amount any person could contribute to a political campaign. As a result of consideration of this matter in the Commerce Committee, and in the Subcommittee on Communications, as well as the diligent inquiry which was made by the Senate Committee on Rules and Administration before which I had the privilege of testifying, all of us came away with less certainty, thinking a little less ferociously about the matter than we did before the inquiry had started.

I am not convinced that there is a practical way to limit the amount of an individual contribution but I am sure, on the other hand, that if we are going to have a limitation on third-party contributions, it will have to be realistic. As the distinguished minority leader has pointed out, if it is not, then it is an open invitation to evasion and grievous injury will be done to a brand new bill. There is far more good in the bill than there is bad, but I would say that the effect of this effort would be to distort it by placing an unrealistic ceiling on third-party contributions.

I think that a distinction should be made between a limitation on the amount that a candidate and his immediate family may contribute to his own campaign and a limitation on contributions by third parties to his campaign. There should not, in my opinion, be a limitation on third party contributions. The limitation, if there is one, should apply to a candidate and his immediate family.

With those prefatory remarks out of the way, Mr. President, I should like to ask the distinguished junior Senator from Florida (Mr. CHILES) a question or two with regard to the amendment, which will help to clarify its import in my mind.

Is it fair to say to the distinguished junior Senator from Florida that the effect of the bill—and I am referring now to section 203–A1—is to limit to $5,000 the amount that a third party can contribute to a candidate or a committee?

Mr. CHILES. That is not exactly correct. Under this, he could contribute $5,000 to the candidate. He could also contribute $5,000 to a committee or a series of committees. So, in effect, he could contribute $10,000, if he wanted to.

Mr. BAKER. That is the point I wanted to try to reach. Is there a limitation on the number of committees to which a $5,000 contribution could be made?

Mr. CHILES. On the committee section, in the amendment, the way it is now drawn, there would be a $5,000 limitation on a committee or committees.

Mr. BAKER. So that on the aggregate limitation of $5,000 on committees—and I came in after debate had begun, so the Senator will have to bear with me for a moment if I ask a question which has been already covered—is there a distinction between campaign money for a particular candidate and either the Democratic or Republican National Committees?

Mr. CHILES. Not the way this is drawn.

Mr. BAKER. Is there a distinction between the candidate himself and the Democrat and Republican senatorial campaign committees?

Mr. CHILES. No.

Mr. BAKER. Is there a limitation that would apply to the candidate and all committees regardless of their nature and scope? May I ask, then, do I read subsection 3 on page 2 correctly when I surmise that no single committee can contribute more than $75,000, but there is no limitation on the number of committees that can contribute $75,000?

Mr. CHILES. No, sir. Subsection 3 puts a limit on the candidate. It says that the candidate shall not receive from the committee or accumulation of committees more than $75,000 from the committee method. The rest of the contributions he would receive from individual contributions.

Mr. BAKER. Is that not, then, an effective limitation on the amount of money a candidate can spend when we combine that with the limitation the individual can spend?

Mr. CHILES. No.

Mr. BAKER. Have we not unintentionally limited the total amount the candidate can spend to $75,000 plus $50,000 that he can spend on his own behalf?

Mr. CHILES. No; because he can then receive individual contributions for any other amount. This is saying how much he will receive via the committee method.

Mr. BAKER. So, in effect, what we are doing is raising the options to three sources, that is, all committees in the aggregate can contribute $75,000. The candidate may contribute, if he is running for the Senate, $35,000 of his own funds, or those of his immediate family, and then he may receive individual contributions to take up the balance to the expenditure maximum, if he intends to spend the maximum, from personal contributions. Is that correct?

Mr. CHILES. I missed the Senator's question.

Mr. BAKER. Aside from the aggregate total of $75,000 from all committees, and in the case of a race for the Senate, $35,000 from his own funds or those of his immediate family, the balance of the funds, if he chooses to spend the funds that we allow in other sections of the bill, would have to be raised by individual contributions.

Mr. CHILES. Correct.

Mr. CANNON. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. CANNON. The Senator has very well pointed out many of the problems that exist in this amendment. Actually, it is being retrogressive rather than directly making this a meaningful election reform bill.

This would take us back beyond even the present law which we found to be completely unworkable and completely unrealistic. For instance, the present law contains the maximum of $5,000 contribution that a person can make. So he can make contributions to a lot of different committees. This would restrict it so that he could only contribute $5,000 to all of the committees together.

On the other hand, a candidate for the Senate can spend $25,000, or whatever the figure is, under the present law. It is somewhat different. But here we are saying that the committees can all pay money over to him from all committee sources, but that he can only raise $75,000. And he can only spend $35,000 of his own money.

There is no prohibition against committees going out and spending. We are leaving a loophole big enough to drive a truck through in that form if we are going to try to impose restrictions. This is the answer. We finally came to the conclusion that the best way to go about it was to go about getting a full disclosure.

There are so many ways we can get around the practicalities of what has to exist if the campaign is to be run properly.

Mr. BAKER. Mr. President, I commend the Senator from Nevada for his perception of the whole issue. As I conceive it, we are trying to move away from an unworkable bill which has failed to accomplish its purposes in the past elections. This bill threatens to put us back in the position we were in before.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 2 additional minutes on the bill to the Senator.

Mr. BAKER. Mr. President, I thank the minority leader. I feel that if there is a limitation at all, it applies in two different ways that an individual can contribute to the candidates. I think there are two different situations. However, after having considered every effect of this that could be brought to my attention or that I was aware of, I finally concluded, and reluctantly, that it was physically impossible to have a workable limitation on individual contributions. If the Mathias amendment relates to the candidate's own efforts, I think that would be related in a new amendment.

I do not feel that this is the right approach, and I will vote against it.

Mr. CANNON. Mr. President, on that point, concerning the limitation, a candidate to the office of Senator would be able to spend $35,000 of his own money. We do not put any limitation on the amount he can spend in a campaign.

We say that if a candidate has money, he can only spend $35,000 of his own money. However, he has to spend half of the time necessary to run a campaign trying to raise money from friends, to the extent of $5,000 each. If we are going to let a man spend $100,000, is it any worse if he spends it from his own money or spends it as a result of solicitations through the mail and the collection of contributions in the amount of $1 or $5?

Mr. BAKER. Mr. President, there is a point that relates to this, and that is that those who are rich have very rich friends and it would be very easy to get such contributions. And we would have a valid campaign.

Mr. PASTORE. Mr. President, I yield myself time from my own time.

The thing that bothers the Senator from Rhode Island is this: Let us assume that the President can spend $6 million. Does not the Senator think it would be improper for him to, let us say, collect $1 million from six different people to finance his campaign? Does the Senator not think that smacks of scandal?

Mr. BAKER. I think it would if it were concealed from the public.

Mr. PASTORE. Even if it were disclosed that an individual was putting up $1 million toward the election of the President, I would be wondering what position as ambassador to what country he would pick.

Mr. BAKER. Mr. President, I point out to the Senator from Rhode Island that if any such situation as the Senator visualizes were to occur with a Republican candidate, the Senator from Rhode Island would make exactly the same speech he has made now in a public forum. And it would be very damaging indeed.

Mr. PASTORE. Mr. President, I want to say, and I hope I am not being accused of plagiarism, that in discussing the bill, the Senator came up with a solution that I thought was rather practical. What he said was that any individual could contribute to any candidates for different offices. I think one office involved the Presidency, and I think the Senator said an individual could contribute $25,000. He also said that he could contribute $15,000 to a senatorial race and $10,000 to a congressional race.

I do not see why anyone, unless they have an angle, wants to contribute more than $15,000 to a senatorial campaign—unless it happens to be a wife who loves the candidate very much.

Mr. BAKER. Mr. President, the Senator from Rhode Island recalls correctly. As I said in my earlier remarks on the floor today, throughout the process of the consideration of this bill in the Commerce Committee under the leadership of the Senator from Rhode Island and in the Committee on Rules and Administration, before which committee I testified, we had three sets of opinions on this.

I finally came to the reluctant conclusion that I hold now: that the thrust of this effort must be to have a workable bill and that this amendment leads us away from that direction.

Mr. CANNON. Mr. President, the Senator from Rhode Island raises a very good point. The Attorney General got into that matter. We could find questions involved if we imposed a limitation. A person could make the amount of that contribution and, on the other hand, turn around and make a contribution to political committees, to a county committee, to a State committee, and to a national committee. They in turn could spend the money for the candidates.

This could lead inadvertently to a violation of the law, as the Attorney General pointed out in his testimony. Therefore, we could have a man violating the law on the matter of the limitation we impose. On the other hand, he could contribute money to respective committees that in turn spend funds for the same candidate.

The point the Senator from Rhode Island made was about the tremendous contributions that were made. This information is made public today. I am sure the Senator will recall the situation. It was given notoriety in the newspapers and concerned the tremendous amount of contributions made during the last election. But what was bad about that? The bad feature was that the publicity occurred long after the election was over.

We have tried to get at that matter. We have set the reportings we require in the bill so that they will make the information available to the public and the public can make an informed judgment as to whether it constitutes an undue influence.

We saw an example of this with relation to 16 ambassadors, I think, that were appointed who were big contributors to the party. That is not unusual. It consistently happens. However, the point is that the public knows the amount of the contributions before the election and they can make an informed judgment and make a decision. However, certainly when we do not learn these facts until long after the election, there is not any opportunity for the public to be informed in any way.

Mr. BAKER. I agree with the Senator from Nevada. I think he is right.

Mr. PASTORE. Mr. President, there is this to be said about the bill. Subsidies have a ceiling, and the spending restriction is very tough and, I might add, brutal on disclosures. There is no question about that. But the thing that bothers me is that I do not like the idea that the sky is the limit.

Mr. SCOTT. Mr. President, would the Senator agree that the amendment is not exactly the way it should be?

Mr. PASTORE. The amendment is faulty in several respects. There is no question about that. Whether we can reach some kind of a solution on this matter, I do not know. However, this question comes under the jurisdiction of the Senator from Nevada, who has gone into this matter thoroughly, even more so than we did on our committee, because we did not have primary or original jurisdiction with respect to the question.

Mr. CANNON. Mr. President, we have come a long way now in trying to get election reform. We have gone up the hill and down the hill in past years and we have not been able to get it through. We have an opportunity here at this time to take a step forward. I would hope that we do not try to take so many steps forward at the same time that we fall flat on our faces in the process.

Let us try to get a bill that is meaningful from the standpoint of the election reform and let the public know what is happening. Let us see if we cannot move along and make progress in this field, progress that is long overdue. Then, if we need to make changes as time goes on, we can do it. But let us not kill the bill by trying to get in everything that everybody wants. There are many things that I wanted. But I have changed my thinking in order to try to get a bill.

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I agree we should not kill this bill with kindness. What happened here is that the Committee on Commerce considered this measure at great length and with a good deal of expertise available. There were many witnesses over the years.

The Committee on Rules and Administration also considered the bill most carefully. Many Senators have worked on this bill.

In the course of working on it, a number of Senators, including several of us who have spoken, began with the idea that the way to pass a reform bill was to limit campaign expenditures. We discovered, and we were supported in testimony by nearly all who testified, that the way to reform campaign expenditures is through disclosure and an overall limitation on how much is spent in various ways, so that the public knows how much is being spent, who is spending it, why it is being spent, and where it is being spent.

The amendment process here often involves the submission of amendments, motivated by the greatest of good will, but submitted by Senators who have not heard the testimony, who have not gone through the process of changing their minds as they have heard the witnesses, and who have the same ideas now which the Senators on these two committees began with and rejected.

Mr. President, here is what the Committee on Rules and Administration said on page 121 of the committee report:

> The committee carefully examined the desirability of having a limitation on individual contributions. The committee rejected placing a limitation on individual contributions for three reasons:

I especially emphasize the first reason; I mentioned it before:

> (1) Such a limitation probably is unconstitutional;
>
> (2) Such a limitation is completely unworkable; and
>
> (3) Full disclosure makes such a limitation unnecessary.
>
> Prof. Ralph Winter, of Yale Law School, stated the following:
>
> "It is my judgment that the first amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown."
>
> Even if such a limitation were constitutional, it clearly would be unworkable. Section 204 of S. 382 as originally introduced, would have limited individual contributions to an aggregate amount of $5,000, whether given directly or indirectly to a political candidate. Not only would the $5,000 limitation have invited evasion of the law—

I already mentioned that.

> by encouraging backroom cash contributions but also it would have created a situation whereby both the contributor and the candidate could have inadvertently violated the law. Such a situation would arise whenever an individual gave $5,000 to a particular candidate and any additional money to an organization or committee which in turn made any contribution to the same candidate. Deputy Attorney General Richard G. Kleindienst in testifying before the committee succinctly summed up the problem:
>
> "Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor."

So, Mr. President, you can go to jail without meaning to do so, or you can go to jail without violating the law, or you can go to jail because somebody takes part of your contribution and applies it in a way you did not know about or did not intend.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 5 additional minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I continue to quote the statement of Deputy Attorney General Richard G. Kleindienst, which appears on page 122 of the committee report:

> In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.
>
> Moreover, it was recognized that full and compete disclosure really solves the problem of large contributions. Under the new disclosure provisions contained in title II the public will know exactly how a candidate's campaign is financed. Since the disclosure provisions require reports 15 days and 5 days before an election, the voter will be in a position to make a judgement at the polls concerning the effect of large individual contributions to a political candidate.

Mr. President, this well-intentioned amendment serves only the purpose of creating a question of constitutionality in connection with an important part of the bill. Not only that, but it also raises questions of concurrence in the other body; it reverses the processes on which the bill is predicated, the process of disclosure and total limitation of expenditures through the media; it is unworkable, and, as the Deputy Attorney General said, it is unenforceable.

Mr. President, I do not know how many more faults one can find in an amendment. Then, it is said that it is against the law, that it could not be enforced if it were a part of the law. In any event, it is an evasion and contradictory to the rest of the bill. I think if those who introduced the amendment had heard the testimony they would not have pressed the amendment.

I would suggest we have the rich man's amendment separately, and some limitation on how much a man can give to his own campaign, because I can see a great evasion in this amendment. If he is limited to $5,000, what does he do? He has no limitation on his own money. He is a man of influence. He wants to find $200,000. He finds 40 friends and gives it to them and each of them gives back $5,000.

Let us close that loophole and go after the man who would bribe the election because he is so well fixed. But on top of the spending limitation and the media section let us not add something that will not work.

The PRESIDING OFFICER (Mr. NELSON). The Senator's 2 minutes have expired.

Mr. CANNON. Mr. President, what is the present time situation?

The PRESIDING OFFICER. Five minutes are left on the amendment; 4 minutes to the Senator from Rhode Island and 1 minute to the other side.

Mr. MATHIAS. Mr. President, how much time do I have remaining on the amendment?

Mr. CHILES. The Senator can take time from the bill.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. MATHIAS. Will the Senator from Pennsylvania yield me time?

Mr. SCOTT. I yield 5 minutes to the Senator from Maryland on the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, as the sponsor of this amendment I request that we have a division of the amendment into sections (a) and (b), as offered, and a separate vote on section (a) and section (b).

The PRESIDING OFFICER. Is the Senator asking for a separate vote on section (a) and a separate vote on section (b)?

Mr. MATHIAS. The Presiding Officer is correct. I further request that we vote first on section (b), which the Senator from Pennsylvania called "the rich man's section."

The PRESIDING OFFICER. That would require unanimous consent.

Mr. CANNON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHILES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. MATHIAS. I yield.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. CHILES. Can the sponsor of the amendment, in effect, ask to conform his amendment to take up section (b), and would that require unanimous consent, the yeas and nays not having been ordered, if he asked to conform his amendment to have section (b) read section (a) and section (a) read section (b)?

The PRESIDING OFFICER. The Chair is informed that it cannot be done since the amendment is printed, unless there is unanimous consent to change it.

The Parliamentarian advises the Chair that since the yeas and nays have not been order, the author of the amendment may withdraw his amendment and offer section (b) as an amendment.

Mr. MATHIAS. Mr. President, I will withdraw the amendment and offer section (b) of the amendment as a new amendment.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

Mr. MATHIAS. The amendment is at the desk.

The PRESIDING OFFICER. The clerk will read the amendment as now offered.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, in view of the fact that this amendment is an integral part of the previous amendment, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, I object. I have not heard.

The PRESIDING OFFICER. Objection is heard. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

On page 17, strike out the matter between lines 6 and 7 and insert in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

Mr. MATHIAS. Mr. President, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), very aptly described this as a rich man's amendment. It is a very simple amendment. It simply says that a man running for the presidency cannot contribute, either directly from his own funds or from the funds of his family, more than $50,000 to his political campaign for President or Vice President; that a man or woman running for the U.S. Senate will be limited, under the same circumstances, to $35,000 of personal or family money; or $25,000 in the case of a candidate for the U.S. House of Representatives.

I do not think these are unreasonable restrictions.

I think there is nothing more destructive of confidence in representative government and in the democratic process than enormous sums of personal or family money invested in a campaign.

Let me say—and I think it is a vindication of our system—that sometimes these investments of vast private fortunes do not work. That was the case of the Ottinger campaign in New York in 1970. Although the money was spent, it did not work; and I think that should give us some confidence, but I do not think we can allow the public trust and the public respect for the electoral institutions to depend upon these vagaries of chance, and I think we can build into the system in this bill some protection against even the suspicion that a man can buy a seat in the House of Representatives or buy a seat in the Senate or buy the White House itself.

These are arbitrary figures, of course. It is difficult to set what should be an exact or accurate figure which the law should allow a man to give to his own campaign, but I think it is essential that we do.

History is replete with lessons on this. There was, at the end of the Julian dynasty of the Caesars, at the time of Nero's death, no more of the family of Julius and Augustus Caesar to inherit the empire, and so Galba bought it. He just bought it, lock, stock, and barrel. There is a further lesson for us in the history of Galba, because he welshed on the deal. He was a man with a reputation of great wealth. He never went for a ride in his carriage without carrying with him a million cisterians of gold. So he get the reputation of being a rich man. So when the opportunity came to use his credit to get the imperial throne, he bought it on credit, and he welshed.

Mr. President, let us not have any Galbas in America. Let us not give anybody that chance. Let us not give anybody the expectation that the gold is available for that purpose.

I think this is a very important amendment, and I am very appreciative of the support of the Senator from Florida (Mr. CHILES), who is cosponsor.

Mr. CHILES. Mr. President, I wanted to ask the Senator if he knows why, in our system, in a democratic government, there should be an advantage to being born to wealth in seeking public office. Should that be an advantage, under our system, that we should give a candidate?

Mr. MATHIAS. It is not a case of whether someone is born with wealth, but the mere possession of wealth should not in itself be a qualification for political office, and the ability to control vast sums of money should not be a qualification for public office. Of course, as the Senator knows, it is impossible to totally equalize a great society such as ours, but this amendment goes in that direction.

Mr. CHILES. When we make a law with respect to qualifying fees, and when the courts have struck down high qualifying fees as denying equal protection under the law to individuals not of wealth, which would really fix it so individuals of wealth could seek office and those without wealth could not do so, are we not really talking about the purpose that is contained in the amendment—that we wish people to start equal and not give a great advantage to someone because one candidate is wealthy and the other is not?

Mr. MATHIAS. The Senator is correct.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 5 minutes on the bill.

I respect very much the attitude and the sincerity of the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from Florida (Mr. CHILES). But, as a practical matter, this amendment is very likely to backfire. It may work exactly the opposite from what these very dedicated gentlemen intend.

I happen to live in a State that has a rigid restriction or ceiling on contributions of individuals to campaigns. If one runs for the U.S. Senate, he cannot have more than $3,500 from any individual or group of individuals. That is the limit of the contribution.

Mr. President, if any unknown person is seeking to oppose an incumbent Senator, and he starts his campaign, it is going to be very difficult, in the early part of his campaign, for him to raise money. If he is not allowed to advance a reasonable amount of money from his own resources to get his campaign underway we would just be insuring the renomination and reelection of an incumbent Senator, because a well-known incumbent naturally receives more contributions.

Mr. President, there is no way on earth, and I do not believe that any human mind can devise legislation, to make a poor man as fortunate as a rich man. If you and I sit down around a poker table, it makes no difference whether we are playing for 10 cent stakes or $10 stakes, the fellow who has more money has the advantage because his losses do not concern him as much.

I certainly am not wealthy. In fact, I am of very limited means. And after 40 years of campaigning for public office, it is my opinion that the only way to prevent what the Senators seek to prevent is by rigidly enforced, periodic disclosure of who is spending what and for whom, so that before any election the public can read and know everything that has been spent or has been contracted to be spent. Such rigid disclosure will enable the public—and they are sophisticated enough—to form their own judgments when they see a rich man trying to buy an office.

For many years I was an attaché working for a Member of this body. I was here 40 years ago, when Vare of Pennsylvania and Smith of Illinois were denied seats in this body because it was found that they had spent great sums in securing nomination and election to the U.S. Senate. I remember that occasion as a young man, and others through the years.

The people can determine if a man is trying to buy a seat. But, there is nothing we can put on that will not give a rich man an advantage. What we are going to do, if we adopt this amendment in this form, is fix it so that some humble unknown, who is trying to run for Congress or trying to run for the Senate, whose name is not prominent enough to attract contributions, and who certainly at the outset of his campaign has to depend on raising money, will have greater difficulty in winning a seat.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. COTTON. Certainly I yield to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. The Senator, of course, speaks a great deal of home truth here. It is like the old doggeral verse with which we are all familiar:

> It's the same the whole world over.
> Isn't it a shame?
> It's the rich that gets the gravy.
> And the poor that gets the blame.

I do not deny that, and I do not think the Senator from Florida denies it. If you have plenty of money, instead of riding around in an old car that has got 100,000 miles on it——

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. I yield myself 3 additional minutes, and yield 2 minutes of it to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS (continuing). An old car with threadbare tires, as compared with the affluent candidate who happens to have a big, comfortable car than can get there, or maybe even an airplane, surely the rich candidate is going to have some built-in advantage. We cannot legislate all those advantages out of the system. But we can, I think, reduce them to the irreducible minimum.

That is all this proposal would do. It does not say, as the Senator from New Hampshire suggests, to some obscure but worthy candidate, that he is going to be put at a disadvantage because that obscure and worthy candidate is not likely to have more than $25,000 of his own money to put in a House race, or $35,000 of his own money to put in a Senate race, or $50,000 of his own money to put in a presidential race.

This is merely saying to that obscure candidate, "We are not going to let you be bargained out of the marketplace by someone who can do more than that." This is simply putting a limitation on the advantage of wealth.

Mr. COTTON. If the Senator will recall, I did not say a poor obscure candidate. I said a new man trying to break in—that is a new candidate. I say that even in a small State like my own, you cannot have a hotly contested battle for a seat in the U.S. Senate without spending $100,000.

Mr. MATHIAS. And you should have it.

Mr. COTTON. All right. But, I say that if John Doe who is a member of a State legislature comes along, for example, and tries to run for a Senate seat held by a popular and well-known Senator, then he is going to have to start financing his campaign in advance. The money contributions come in later. However, the Senator's amendment would fix it so that he cannot do that.

Mr. MATHIAS. But, if the Senator will yield, since he has held himself up as an example here——

Mr. COTTON. No, I withdrew that.

Mr. MATHIAS. Suppose, after the many years of loyal and effective service which the Senator has rendered not only to the people of his State, but the entire Republic, some enormously wealthy individual rides in, invests a million dollars of his own money, and puts on the kind of publicity broadside that would obscure the solid contributions the Senator has made; is that fair?

Mr. COTTON. I can tell my good friend, as a practical matter, that I would like to see some rich man run against me. I can assure you that everyone in the State of New Hampshire would know before that campaign was over that he was rich; that he was spending money; and that he was thereby attempting to "buy" the office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CANNON. Mr. President, will the Senator yield for some further questions on this subject?

Mr. MATHIAS. I have no further time, but if the Senator will yield on his time.

Mr. CANNON. I yield myself 5 minutes on the bill.

This provision says that no candidate may make expenditures from his personal funds in excess of a stated amount. Does that mean a candidate could not go out and get credit in excess of that amount, and then later try to have a fundraising dinner or something to pay off those obligations? What is the situation there?

Mr. MATHIAS. I do not understand exactly what the Senator means.

Mr. CANNON. The provision says:

> "No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—
>
> "(A) $50,000, in the case of a candidate for the office of President or Vice President;
>
> "(B) $35,000, in the case of a candidate for the office of Senator; or
>
> "(C) $25,000, in the case of a candidate for the office of Representative,

What I am asking is, does that mean the candidate could not go out and secure credit in excess of that amount, with the hope of later paying it out of contributions? The question is, if he does that, then what happens if he does not raise contributions in that amount, and eventually winds up for the deficit that exceeds the amount he is permitted to spend?

Mr. MATHIAS. Of course, these are difficult questions in practice. My own feeling would be that I would take the strict construction, that a candidate should not rely on his own resources, because this could be a very neat way to circumvent the intent of Congress here, if in fact this turns out to be the intent of Congress.

If a candidate were a man of very substantial wealth, and, relying upon the statement of his banker, he could go and open the till at any time, not in reliance upon what he might hope to get because of his political campaign, but because the banker knows he has got the rest of it stashed away, I think we would nullify, really, the attempt here, which is to equalize the access to public office between those who are wealthy and those who are not.

Mr. CANNON. Does the Senator feel that there is evil inherent in a man spending more than $35,000 of his own money, rather than going out and getting $40,000 from eight of his friends at $5,000 apiece? Is that an inherent evil the Senator is trying to correct?

Mr. MATHIAS. The Senator uses the word "evil." I think what we are dealing with here is a reinforcement of public confidence in the stated ideals of this Republic, that in the eyes of the law, in the eyes of the Government, men are equal, and that we will not tolerate the personal or the natural inequalities that providence may impose upon us to become fixed as a part of our political and social system; that we are saying that we are going to give men equal access, to the greatest extent possible, to the privilege and to the responsibility of public office.

Mr. CANNON. Does the Senator feel that the public is going to have its confidence instilled by the adoption of legislation that is obviously unworkable and obviously is unreasonable and probably infringes on a constitutional right?

I pointed up one practical problem already, that of a man extending credit. He goes out and gets credit during the campaign and does not happen to be able to raise all the funds to pay it off, and he has to pay it off himself over a period of time, and it amounts to more than $35,000. Under this proposal, he would be in violation of the law.

Take the case of a man who does have some wealth and happens to have his own airplane. How is that going to be allocated, when he flies his airplane? What is the amount that should be allocated to this $35,000 if he has his own airplane that he can fly around and use to visit people to try to sell a campaign?

Is this proposal going to cover the postage which a man has to buy to send out his mailing? Suppose he buys a great many stamps and sends out a great deal of mail, and his people come in and say, "Mr. Candidate, we have a lot of letters that have to go out, and we have to have stamps, and you are up to your $35,000 limit." Can he not go out and buy stamps? Can he not pay the telephone bills that he might have incurred on an extension of credit on his telephone credit card?

I believe there are many practical problems here that are not going to help instill confidence of the public in the elective process. The public is going to have their confidence instilled, if they have it instilled, by knowing what is going on and then making a decision as to whether or not they will support that particular candidate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, will the Senator from Nevada and the Senator from Pennsylvania yield me 5 minutes on the bill?

Mr. CANNON. I yield to the Senator.

Mr. PROUTY. I yield time to the Senator.

Mr. DOMINICK. Mr. President, I want to inject a couple of statements with respect to this amendment. I believe many things are involved.

I think that anybody who is dumb enough to contribute that much to his own campaign probably is not going to get elected, anyway. But, over and beyond that, he has a right to do it. I would say that this is as much of a right under the first amendment as the right of free speech.

I do not agree or think it is sensible for people to walk barefooted even in a peace march to the Capitol. I do not think it adds very much. Nevertheless, those who want to do it have a right to do it, and I am not going to stop them from doing it, as long as they do not interfere with anybody else's rights.

I do not see any reason why, just because somebody's family may have some money, they are prohibited from contributing. This is an exercise of free speech. It is an exercise of political participation. Why do we take it out only on the President and the Senator and the Representative? What about the Governors?

I understand that the present Governor of Pennsylvania, Governor Shapp, spent an enormous amount of his own money in his campaign, and so did Mr. Ottinger. Shapp was defeated the first time and won the second time. Ottinger was defeated. Perhaps they were defeated because they spent so much money. I do not have the faintest idea.

I do not see why we should take upon ourselves the banner of righteousness and say that simply because somebody has some money, he should not be allowed to spend it. It seems to me that is a total limitation on the right of free speech in our country.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. MATHIAS. I think the Senator has raised an interesting constitutional question, and I do not ignore that constitutional question. Since it has been raised, perhaps it ought to be addressed.

Let us assume, for the sake of our discussion, that there is a constitutional question. I pose to the Senator a parallel kind of problem, which is the problem we have under the first amendment, including the right of a free press and the constitutional guarantee of a fair trial. We have discovered in the course of our political experience that the guarantee of a free trial is not always compatible with the guarantee of a totally free press, and there has to be some coordination of these two very essential and basic constitutional principles.

I admit, only for the sake of this argument, that there is a constitutional problem here. But if there is, I would say it is the kind of constitutional principle which has to recognize that there are other equally and important constitutional principles that also have to be recognized.

Mr. DOMINICK. If I may say so, the constitutional restrictions, as I understand them—and I am not sure that anybody understands them—on the free-press situation at this point, the ones I can see, are those which definitely involve the national security of the country or which definitely create hazards to individuals, visible hazards, such as yelling "fire" in a crowded theater. This is the type of situation in which there is a restriction. In this case, one is not yelling "fire" in a theater by spending more money or having his family spend more money, if they want to be dumb enough to do it, as I have said.

Second, the national security is not being endangered, unless the person who is being attacked by a person who is spending that kind of money thinks he is the only savior in the United States; and if he thinks so, he should be put out of office, anyway.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MATHIAS. Let me say that I would have to disagree violently that if one condones the practice of recent years—since I have mentioned the Ottinger case, I mention it again—if there is a feeling around the country that it is all right to spend—I have forgotten the exact figures—more than $2 million of one's money or the money of one's immediate family in a campaign for the U.S. Senate, and nobody objects, and everybody says that is all right, or at least they do not say it is wrong, then I say to the Senator that he is yelling "fire" in a crowded theater.

Mr. DOMINICK. I say to the Senator that the people of that area said they did not want him, so they said they thought it was wrong, and they voted him out. I do not see any real horror in that. I do not see any crowded theater. I am happier that he spent $2 million of his own money, or whatever the figure was, than $2 million of other people's money that he went around and collected all over the place and then spent. I think it is much better for him to do it this way and let him help the economy, as the Senator from Kansas just whispered in my ear. I do not see anything wrong with that.

It seems to me that injecting the idea that we are able to limit what somebody else can say as to their right of expression or support of a candidate is just plain wrong. I think it is unconstitutional, and I think it is morally wrong.

Mr. COTTON. Mr. President, I yield myself time on the bill to say that we have explored this amendment thoroughly. I understand that the distinguished Senator from Florida is about to use 5 minutes. I hope it will not be taken amiss if, after he has used his 5 minutes, I move to table this amendment.

Mr. PASTORE. I yield 5 minutes on the bill to the Senator from Florida.

Mr. CHILES. Mr. President, I have been listening with great interest to a number of the discussions and arguments on this bill and on this amendment. I have heard many things about it being wrong, about it being unconstitutional, and that it will create all kinds of problems. What I hear sounds to me like a lot of nit-picking.

It seems to me that all we are talking about is really the confidence of the people in this body and in the Presidency, and whether we are going to have the people feel that one can buy an office in the Senate and Congress or in the Presidency. Some Girl Staters were up here the other day, and I sat with them in the gallery for a few minutes. They were looking down on the Senate during its deliberations and one of them said to me, "We were talking with our counselor and in our classes and we came to the conclusion that you were the only person in the Senate who is not wealthy, that you have to be wealthy to get into the Senate."

Well, of course, that is not true, but there are many people who believe that. However, it made me realize that this is a concept that not only Girl Staters have but many other people, that we have to be wealthy to be a Senator.

It is a concept that, in some ways, is true, that we have to have wealth, or some resources, or the ability to get some money together in order to seek office. I do not believe that should be true, if we are talking about gaining the confidence of the people of this country.

I do not believe that if we are wealthy, all we have to do is write out a check, because we have so much money, for all the television time we need, all the radio time we need, all the money needed for billboards, and have all that done by writing one check, as opposed to the candidate who must seek contributions from his friends and other people who are willing to support him, to try to run a campaign.

I do not believe that is the American way. I do not believe the American way is that we should be able to buy an office. The courts have already spoken to that when they asserted that the qualifying fee cannot be raised to put a man out of office.

What disturbs me is that the limitations are so high. I do not see why a candidate should be able to spend $25,000 or $35,000 in order to buy the job.

Mr. BROCK. Mr. President, will the Senator from Florida yield?

Mr. CHILES. I yield.

Mr. BROCK. I personally agree with what the distinguished Senator from Florida is trying to accomplish. The Senator just mentioned the fact that the limitations are so high; $50,000 is the limitation on the presidential campaign and that is probably less than two-tenths of 1 percent of the amount which will be spent; $35,000 is the limit for a senatorial race. On the average, that is only 3 percent to 10 percent of what the total campaign cost of the race will be. As to the congressional race, allowing the $25,000, that will be maybe 50 percent, on the average cost of a House race which, it seems to me, is a figure which is high.

Another point I should mention, Mr. President, it seems to me that the Members of this body should vote for an amendment of this kind out of self-protection if nothing else, because all of us are accused of spending more money than we could ever possibly spend on our own campaigns, so that I would like the protection of law.

The Senator has a very good point with his amendment.

Mr. CHILES. I thank the Senator from Tennessee. I have a hard time conceiving of $50,000. That seems a lot of money to me, even for a presidential campaign, or if someone talks about coming to the Senate, by spending $35,000 or $25,000.

Mr. BROCK. $25,000 is a high percentage of the amount to run for Congress, but a person could almost afford that.

Mr. CHILES. The Senator has a good point. The senior Senator from Ohio in his discussion earlier said, "What is wrong with our election laws? We have disclosure in the bill." I am sure everyone will agree that disclosure is important and valid but part of it is that we are setting a standard to which all the people of this country will look. They will look at the standard and determine for themselves whether it is a good one or not.

What are we looking for in the House of Representatives or the Senate? We are looking for a body of men and women who will reflect the overall judgments of the people of this country. I do not believe that we want all wealthy people, all lawyers, or all insurance men. The whole genius of our system is to have a deliberative body made up of people from all walks of life who will come to the Senate and House and put their knowledge and expertise together to improve the welfare of all the people. They should not all be wealthy. They should all be capable of being able to run for the Senate or the House without possessing wealth.

Mr. President, I think that this is a good amendment.

Mr. CANNON. Mr. President, I yield myself 1 minute on the bill. As I said before, this is not a good amendment. It would be unenforceable completely, particularly in view of the credit arrangements that I discussed earlier. I hope that the Senate will reject the amendment, because it is unrealistic.

Let me point out that in the bill itself we have provided for complete disclosure. The public will know if a candidate is spending his money, and how much. They will form their own judgments and then they can decide whether the candidate is trying to buy the election, or is having someone buy it for him, because that information will remain available periodically and fully through a commission which we have appointed and the public will be able to make its own informed judgments.

Mr. LONG. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. LONG. Mr. President, in my experience, I have been aware of people who wanted to serve their Government and the public was willing to share in the campaign expenses, but the candidate could afford to do it by himself, so why would we want to make someone be obligated to someone else for campaign contributions when he is fully able to take care of it himself?

Perhaps the candidate inherited the money from his mother or father and he does not want to throw any financial obligations on the shoulders of anyone else. He has plenty of money to contribute to his favorite charity. He would also like to serve in public office and do things for the good of the people. Why should he not be permitted to pay for campaign costs if that is what he wants to do? Why obligate him to someone else when he can afford to pay it? Why should we want to require that he seek contributions from people far less able to afford it than he? It makes no sense to me.

Mr. COTTON. Mr. President, in accordance with the notice I gave earlier, I move to lay this amendment on the table.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BENTSEN). The motion to table is not in order. The Senator from Maryland has 9 minutes left on his amendment.

Mr. MATHIAS. Mr. President, I yield back my remaining time.

Mr. COTTON. Mr. President, I renew my request.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire (Mr. COTTON) to lay on the table the amendment of the Senator from Maryland (Mr. MATHIAS).

On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, will the Chair please state the form of the question as it is now proposed to the Senate?

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the motion of the Senator from New Hampshire (Mr. COTTON) to lay on the table the amendment of the Senator from Maryland (Mr. MATHIAS).

Mr. ALLOTT. I thank the Chair.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

The legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahome (Mr. HARRIS), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Wyoming (Mr. HANSEN) and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 33, nays 58, as follows:

[No. 191 Leg.]

YEAS—33

Allott
Baker
Bellmon
Bennett
Bentsen
Bible
Buckley
Cannon
Cook
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Gurney
Hruska
Inouye
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Montoya
Pastore
Pell
Prouty
Stennis
Taft
Tower
Young

NAYS—58

Aiken
Allen
Anderson
Beall
Boggs
Brock
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Chiles
Church
Cooper
Cranston
Eagleton
Fulbright
Gambrell
Gravel
Griffin
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Jackson
Javits
Kennedy
Mansfield
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—9

Bayh
Eastland
Hansen
Harris
McGee
Mundt
Percy
Thurmond
Weicker

So Mr. COTTON's motion to lay Mr. MATHIAS' amendment on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland (Mr. MATHIAS). [Putting the question.]

The amendment was agreed to.

Mr. HARTKE. Mr. President, I have an amendment at the desk which I ask to have read.

The PRESIDING OFFICER. Will the Senator identify his amendment by number?

Mr. MANSFIELD. Mr. President, would the Senator from Indiana withhold his amendment? There is another part to this amendment, and it was understood when action on this part of the amendment was completed that the Senator from Arizona (Mr. FANNIN), who has been on the floor for the last hour and a half, would offer his amendment.

Mr. HARTKE. Could the Senator from Indiana and the Senators from Illinois and Minnesota be recognized after that amendment?

Mr. MANSFIELD. Yes. Mr. President, I make that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, to make the record clear, it has been agreed that after the disposal of the Mathias-Chiles amendment, which will be laid before the Senate shortly, the Senator from Arizona will be recognized, and then the Senator from Indiana and his associates will be recognized——

Mr. PROUTY. Mr. President, we cannot hear the majority leader.

The PRESIDING OFFICER. Will the Senator from Montana restate his request?

Mr. MANSFIELD. Mr. President, it is my understanding that it was understood that the second part of the Mathias-Chiles amendment would now be offered, to be followed by the amendment of the distinguished Senator from Arizona (Mr. FANNIN), to be followed, when disposed of, by the distinguished Senator from Indiana (Mr. HARTKE) and his associates.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from Minnesota (Mr. HUMPHREY) may be added as a cosponsor of amendment No. 366.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, who has the floor?

The PRESIDING OFFICER. Is the Senator from Maryland offering his amendment at this time?

Mr. MATHIAS. Mr. President, I advise the Chair that the Senator from Florida (Mr. CHILES), who is cosponsor of the amendment, is seeking recognition, I think.

The PRESIDING OFFICER. The Senator from Florida.

Mr. STEVENS. Mr. President, will the Senator yield for me to make a correction of the RECORD?

The PRESIDING OFFICER. Will the Senator permit us to have the amendment read first?

Mr. CHILES. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(b) (1) No person (other than a candidate or political committee) may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office. For purposes of this paragraph, a contribution shall be held and considered to have been made to such a candidate if it is paid to such candidate or his agent.

"(2) No such person may make contributions directly or indirectly to political committees in excess of an aggregate amount of $5,000 during any calendar year.

"(3) No candidate may receive contributions from, nor authorize expenditures by, political committees in connection with his campaign for nomination for election, and election, to Federal office in excess of an aggregate amount of $75,000 during any calendar year.

Mr. CHILES. Mr. President, this is the second part of the amendment that we divided after we had offered it earlier. This portion of the amendment says that no person can give to a candidate more than $5,000 in a contribution.

The next part provides that no person can give to a committee or series of committees more than $5,000.

The third portion provides that no candidate shall receive from committees a sum in excess of $75,000 from the committee sources.

I think this provision would really complete the package of what we are talking about in election reform and in election campaign reform. Now we have done something about contributions of individuals and their families from their wealth. This amendment would go a further step that is necessary and provide that no one is going out, because he is wealthy, and buy himself a stable of Senators, Representatives, or any other candidates because he is making a contribution in excess of $5,000. This amendment is going to give the people some faith in our system that a candidate is not going to be bought, that he is not going to give special favors and consideration to someone who has paid a huge sum of money for his campaign, because they are going to know that no sum in excess of $5,000 will be given.

I think this is necessary to give us a meaningful campaign contribution bill. What are we seeking in a campaign contribution bill? We are seeking the confidence of the people. Obviously we are seeking a disclosure. We are seeking a limitation on overall spending. But, in addition to that, we are seeking to know that we are going to have candidates and officeholders who are not beholden, because they were responsible for their election to a single person. We are seeking to make sure that no person of individual wealth can use his wealth to obtain office against the public interest. More than that, we are seeking the confidence of the people in the electoral system.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. PASTORE. I am rather amenable to the idea of limiting the contribution to $5,000. What disturbs me—and I repeat it—is the second part of the amendment, in which it states that no person may make contributions directly or indirectly to political committees in excess of an aggregate amount of $5,000 during any calendar year.

Would the Senator be amenable to having the provision read that no such person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of, and so on?

Mr. CHILES. Yes, I would be.

Mr. PASTORE. What the Senator is actually doing here is providing that if a person is limited to contributing $5,000 to committees, if there are five people in his State running for Federal office, let us say one Senator and four Representatives, he is limited to $5,000; beyond that he could not make a contribution to the national committee, according to this amendment. Am I correct?

Mr. CHILES. Yes. I would be amenable to the suggestion the Senator makes.

Mr. PASTORE. In other words, the Senator would confine it to $5,000 for all committees for one candidate?

Mr. CHILES. Yes.

Mr. President, I would ask the Chair if, the yeas and nays not being ordered on the amendment, I could have the amendment conform to that language.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. CHILES. Mr. President, to add the following——

Mr. PASTORE. After the word "committees" on next to the last line of the amendment, add the words "on behalf of any candidate."

The PRESIDING OFFICER. Is the language accepted by the Senator from Florida?

Mr. CHILES. Yes, it is.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. McCLELLAN. Mr. President, I should like to inquire of the distinguished Senator, the author of the amendment, what effect this has on senatorial or campaign committees up here that raise money by the process of having dinners, such as it is the practice to have? If one gives $5,000 to that dinner, is he precluded from making a contribution to the candidate of his choice thereafter?

Mr. CHILES. No, he is not.

Mr. PASTORE. Not with the modification I made.

Mr. CHILES. With the modification, he would not be precluded.

Mr. McCLELLAN. One other question: They raise money at these dinners and they raise possibly more than the $5,000 for the candidates that will be entitled to receive those donations. Can the congressional committee which raises the money at those dinners be prohibited now from distributing more than $5,000 to any one candidate?

Mr. CHILES. Under the modification that I have accepted, under subparagraph (3), the overall limitation will be $75,000 on behalf of the candidate who received it from the committee.

Mr. McCLELLAN. Do I understand one candidate can receive $75,000 from one of these dinner committees held here to raise money?

Mr. CHILES. Under the modification, if the money was not given to the committee of an individual Senator, it would be possible. That would be the overall limitation. Today there is no limitation at all.

Mr. McCLELLAN. I am concerned about an individual Senator. I would like to know. Let us say $500,000 was raised up here at a dinner.

Mr. CHILES. Yes.

Mr. McCLELLAN. For congressional assistance for certain candidates, certain Members of Congress. They are entitled to receive contributions from that. Tell me what the limit is under this proposed legislation that one Senator can receive or one Representative can receive from this character of fundraising process.

Mr. CHILES. Today there is no limitation. He could receive the whole $500,000. Under this amendment, if adopted, there would be a limitation of $75,000.

Mr. McCLELLAN. That is very intriguing, if you can give, out of this fund up here, as much as $75,000 to one candidate.

Mr. CHILES. Today, as I say, you could give as much as $500,000, under the Senator's example.

Mr. McCLELLAN. Well, that is hardly likely. It is impractical; I think we all agree with that.

Mr. CHILES. I think the $75,000 is a little impractical.

Mr. McCLELLAN. I am just trying to find out if you can still give more than the $5,000 from this fundraising to any candidate.

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what we want to clear up.

Mr. CHILES. Yes.

Mr. McCLELLAN. So this has no reference, then, and there is no application, to these fundraising dinners that we have up here, where we ask our friends to send in money, to make contributions to the overall campaign fund?

Mr. CHILES. That is correct.

Mr. McCLELLAN. So a Senator or Representative can receive, or any committee or combination of committees can receive for him, more than $5,000 out of this fund?

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what I thought we ought to clear up, because this fund has been raised and is available, and there will be others.

Mr. PASTORE. But the Senator should realize, if he will yield at this point, that we have got to qualify that. The question has been raised by the Senator in the context of the entire legislation that we are passing, I hope, today, and that is, No. 1, the candidate is limited as to how much money he can spend for his campaign, regardless of where the money is coming from; and No. 2, we have a very strict—and I have used the expression "very brutal"—disclosure law, whereby the candidate has to indicate where the money comes from.

Mr. McCLELLAN. That is correct.

Mr. PASTORE. So thereby, if he receives $75,000 from the central campaign committee, he has to show it, and he has to file it with that independent commission that we have created.

All this proposal would do, as I understand the amendment now, is permit any individual to make a contribution of $5,000 to a candidate, or, if he has a multitude of committees, he can make a $5,000 contribution in the aggregate, for that particular candidate. But he cannot contribute $5,000 here, $5,000 there, and $5,000 somewhere else for the same candidate.

Mr. CHILES. That is correct.

Mr. PASTORE. That is all it amounts to.

Mr. McCLELLAN. I understood that in the amendment, but I did not understand how it would apply to these fund raising dinners, as to someone who may have contributed $5,000 to a dinner.

Mr. PASTORE. I wish to say to my friend that this is the crucial provision, upon which a veto might hinge.

Mr. SCOTT. Does this apply to all candidates, or just candidates for Congress?

Mr. CHILES. No; it would apply to all Federal offices.

Mr. COOK. Mr. President, will the Senator yield?

Mr. CHILES. I yield to the Senator from Kentucky.

Mr. COOK. Let us take the example of a candidate for the Presidency; we have a major dinner, and it is in that candidate's name as the presidential candidate. Is it correct that regardless of how much money is received as a result of that dinner, he can only, if only one committee is involved, receive a maximum of $75,000 from it?

Mr. CHILES. As a maximum.

Mr. COOK. What happens to the remainder of it, if more than $75,000 is raised?

Mr. CHILES. I am sure the money could go to the national party, or he could give it to his favorite charity.

Several Senators addressed the Chair.

Mr. CHILES. The Senator from Kentucky had not completed his colloquy.

Mr. COOK. Might I say this all sounds well and good, but I am sure the contributions that are made as a result of buying tickets are made with the idea of contributing to the individual whose dinner is being attended; and I am sure that if the contributor knew the money was going to charity, he would make the contribution to charity so that he could deduct it from his income tax.

What the Senator is saying is that if a major dinner were given in the name of a presidential candidate, by a committee, that they would have to sell $75,000 worth of tickets, plus the expense of the dinner, and then stop; is that correct?

Mr. CHILES. Well, what I am saying is that they could make that contribution up to $5,000 to the candidate, instead of to the dinner.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. SCOTT. Under the Senator's amendment—and I think the mischief is beginning to come out here—suppose a person were interested in the outcome of the election in six States, where he would like to help a given candidate for the Presidency. He would like to give a thousand dollars; but, as I understand it, under the Senator's amendment, that would exceed what he could contribute, because that would be $6,000 instead of $5,000.

Mr. CHILES. That is correct.

Mr. SCOTT. So there are 50 States of the Union, and if somebody wanted to help out in all 50 States, he would be permitted to give $100 in each State; is that correct?

Mr. CHILES. That is right.

Mr. SCOTT. So a contributor is limited, in a presidential campaign, to campaign contributions, not of $5,000 per candidate, but $100 per candidate in each of the 50 States, if he were interested in doing that; is that right?

Mr. CHILES. If he would like to divide it that way, and that is the way he wanted to make the gift, that is fine. If he would like to give the presidential candidate $5,000 he can do that, but this amendment would spell out that he could not give the individual candidate more than $10,000. He could give him $5,000 individually and $5,000 through committees, but the amendment would spell out that one person could not bankroll a candidate for President of the United States.

Mr. SCOTT. Of course, my heart is bleeding for the half dozen or more presidential candidates in this body, who must be shivering in their shoes, at least, at the very thought of the impact of this amendment.

But beyond that, for the benefit of Senators who were not here earlier, I made these points, as Senators will recall:

First, the amendment is unconstitutional according to the testimony given in the committee.

Second, the Attorney General says it is unenforcible.

Third, it is open to any kind of evasion under the sun, because any candidate with means can call upon his uncles and his cousins and his sisters and his aunts, and we are back to the same old evil of having multifarious committees, except that now we are going to have multifarious relatives, if a man is fortunate enough to have the multifarious relatives.

The Senator from Nevada is opposed to the amendment, I am opposed to the amendment, and I would like to add something else: If this amendment goes into the bill, we are not going to get any bill, because the bill will be vetoed, and I would support the veto.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, I think we can solve the question by deleting from the amendment section 3. If the amendment is primarily directed toward what you can contribute, why mess it up with what you can receive from committees?

First of all, this law does limit you as to the amount of money you can spend. This law does have a provision for very strict disclosure. We can solve the problem, I think, in this way. It has been called to my attention that I had the wrong piece of paper in my hand, because the Senator has added a subsection to his amendment, and that is the one that is causing the trouble. Why not just delete that subsection?

Mr. CHILES. All right. I ask that the amendment be further modified by deleting subsection 3, which would take away the restriction of the $75,000 from fund-raising dinners.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PASTORE. In other words, we are getting away from the collection element and getting into the contribution element, which is what we are dealing with here, and I do not think we ought to confuse them.

As it stands now, under this amendment, any person can contribute up to $5,000 to any individual candidate and up to $5,000 to any committee or combination of committees for that particular candidate; is that not it?

Mr. CHILES. That is correct.

Mr. SCOTT. Mr. President, would the Senator further clarify what happens to all the fundraising dinners around here, to which I hope to avoid contributing?

Mr. CHILES. I think we are giving some protection to the Senator.

Mr. SCOTT. How? In other words, now you can raise it, if you want, by the fundraising dinners, and there will be no limitation; is that correct?

Mr. CHILES. No. Presently there is no limitation, that is correct, that there is no limitation now. We are seeking to put some meaningful limitations on this bill.

It is interesting, Mr. President, that on the one hand, when we seek to put the limitations on the bill, we hear the cry that that would be unconstitutional, that it is going to be vetoed, that it will bring down the wrath of heaven; but, on the other hand, when we take away what appears to be something that would be unenforceable, we are told that now we are opening up the door.

Mr. SCOTT. What I am trying to find out, though, is whether the Senator has withdrawn the $75,000 limitation.

Mr. CHILES. That is right.

Mr. SCOTT. If he has, he has opened the door; and thereby, rather than my sounding inconsistent, I point out that what the Senator is doing is encouraging the evasion. It seems to me that now they can have a half-million-dollar fundraising dinner and go ahead and give the man all he wants.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SCOTT. I think the Senator needs the help of the Senator from Rhode Island, with his mastery of logic, to see whether he can make sense out of that.

Mr. CHILES. I yield.

Mr. PASTORE. With respect to the question raised by distinguished Senator from Pennsylvania, a person is limited as to how much money he can spend. Irrespective of this amendment, the Democratic Senatorial Campaign Committee or the Republican Senatorial Campaign Committee could give the Senator, provided he disclosed it, up to the maximum amount he could spend for his campaign. This does not inhibit that at all. This does not touch that element at all. That is what we are solving here now.

When we take out section 3, all we are confining this to is to what a person can contribute, not what he can receive. He can receive, provided he discloses it, up to the maximum amount he can spend.

Mr. DOMINICK. Does this mean that any one person can give to a variety of different political committees?

Mr. PASTORE. Not for the same candidate.

Mr. DOMINICK. Suppose there is the Republican Committee for Senatorial Support in Colorado, the Republican Committee for Senatorial Support in Washington, D.C., and the Republican Committee for Senatorial Support in South Carolina. Can they give $5,000 to each of these?

Mr. PASTORE. Yes, and nothing has been done in this bill to change that.

Mr. SCOTT. What do they do?

Mr. PASTORE. They distribute it, as they have been doing up to now—and I am told that the Senator's side has done a little better than we have.

Mr. SCOTT. We try. We are not always successful.

Mr. CHILES. What would be done in that situation is that now we have a disclosure. The Senator from Florida—if I may refer to myself—would disclose that he got his money from the committee in the District of Columbia, the Committee for Better Government in Florida, the Committee To Elect Good Democrats somewhere else. There are all those nefarious and hidden ways in which I could have received my money, as opposed to the standards set by this amendment, that an individual shall give not more than $5,000 and that he shall put his name on it. So that there would be a test by which the public could judge, with the disclosure in the bill and with the standards set by the individual contributions.

Mr. DOMINICK. Mr. President, will the Senator yield for some questions?

Mr. CHILES. I yield.

Mr. DOMINICK. Do I correctly understand that under the Senator's amendment, as he is proposing it, any person can give to any number of political committees so long as they are not for just one candidate?

Mr. PASTORE. That is correct.

Mr. DOMINICK. Is that correct?

Mr. CHILES. So long as they are not giving to a candidate.

Mr. DOMINICK. Without the Senator's amendment, one would still have to make disclosures of where he got his money; would he not?

Mr. CHILES. That is correct.

Mr. DOMINICK. So the only effect of the Senator's amendment would be to put up a kind of blazoning sign which is going to inhibit the ability of the Senator from South Carolina and myself to raise money for our respective candidates.

Mr. CHILES. No; it certainly is not going to prohibit the raising of money, but it is going to put a standard to the people by which the people will see that a candidate is not to take more than $5,000 from an individual, and then the standard of judging how much money he receives, whether it is from nefarious committees.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. CHILES. I yield.

Mr. DOMINICK. The effect of the Senator's amendment is that the Senator from South Carolina and myself, being the chairmen, respectively, of our senatorial committees, can create committees in each State and raise a great deal of money because we have a multitude of candidates. But when we come to the President, on either side, although an individual or our committees might give us as much as $50,000 for the Senators, they can give only $5,000 for the Presidency.

Mr. CHILES. No; the national committee also could collect money there.

Mr. DOMINICK. Not for an individual candidate.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. CHILES. I have told the Senator from Arkansas that I would yield to him.

Mr. McCLELLAN. I must attend a committee meeting.

The PRESIDING OFFICER. All time of the Senator from Florida has expired.

Mr. PASTORE. Mr. President, let us find out about the time. Do we have any idea of when we are going to vote on this amendment?

I yield 10 minutes to the Senator on the bill.

Mr. McCLELLAN. I should like to ask one other question, for clarification. This matter has become very complicated, as is evidenced by the colloquy that has taken place.

I present a hypothetical case now, and I ask the Senator to tell me what his amendment does. The Senator says that one person can contribute only $5,000 to a single candidate.

Mr. CHILES. That is correct.

Mr. McCLELLAN. If they have a dinner for the Democratic candidates, or for one candidate, where the plates are $5,000, or the amount for a given number of plates should come to $5,000 and one fellow buys that number of tickets, can he afterward contribute $5,000 to that candidate, if this money is distributed?

Mr. CHILES. He can give $5,000 to a committee or a series of committees for the candidate. He can give $5,000 to the candidate. So he can make a total contribution of $10,000.

Mr. McCLELLAN. He can make a total contribution of $10,000?

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what I thought. I think the Senator really is simply inviting a lot of dinners. That is what the result would be—just a lot of dinners, and a fellow could contribute all he wanted. He could buy all the tickets he wanted.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. PROUTY. I think I am raising a rather important question, and I should like to have it clarified.

The Senator's amendment states that

no person can make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office; is that correct?

Mr. CHILES. That is correct.

Mr. PROUTY. Suppose someone is solicited for $5,000 for a certain candidate. Then he is asked to contribute to one of the political action committees such as the Committee for an Effective Congress or some other committee, such as an environmental committee of some kind, supporting the same candidate. He has given $5,000 to the candidate. He gives $2,000, perhaps, to one of the committees and does not know how that money is going to be spent. Is he not in violation of the law?

Mr. CHILES. Not with the removal of subsection (3). The provision would be under subsection (2), and subsection (2), with the modification—we changed the language in subsection (2). I do not know whether the Senator has that. With the amendment, he would not be in violation if he gave it to a committee other than a committee for an individual candidate.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. MATHIAS. I think he could be in violation if he gave to an individual the maximum amount, $5,000, and then gave to a committee an earmarked contribution.

Mr. CHILES. In excess.

Mr. MATHIAS. In excess of his original contribution.

Mr. PROUTY. But if he earmarked it, he would not be in violation of the law?

Mr. CHILES. That is correct.

Mr. SCOTT. Even if he did not earmark it and it still got to the candidate, he would not be in violation.

Mr. CHILES. That is correct.

Mr. SCOTT. That is an evasion.

Mr. BROCK. What possible effect would this amendment have? All that the respective parties would have to do would be to set up multiple candidate committees, and then everybody would be excluded from the law.

Mr. CHILES. There is the possibility.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. PASTORE. What we are trying to avoid is the element of being beholden. If one makes a contribution to the Republican Senatorial Committee, that money goes into a pot. The candidate does not become responsible to the giver. Nobody becomes responsible to the giver.

Now we have something a little different. Where one makes a personal contribution to an individual, there is the intimate contact of the person to person. That is where we are disturbed a little, because that is where you become beholden. You can take this thing and stretch it to any ridiculous proportion you want. But what we are trying to do is to measure the amount any individual can give another individual, or any committee can give on behalf of that particular candidate. When you give it to a campaign committee, or go down here to a banquet being held by the National Democratic Committee or the Republican National Committee, you are not beholden to anyone, so that the committee gives you $50,000 and you have got to state that the $50,000 came from the committee, and the committee has got to state where they got the $50,000. But you are not beholden to the giver. That is the point we are trying to get over. We could take a quarter of a million dollars, or half a million dollars, or $1 million, and put it in someone's campaign pot. That is what we are trying to avoid. We are trying to free the democratic process. If Senators do not believe in that freedom, then vote against this whole bill.

Several Senators addressed the Chair.

Mr. CHILES. Mr. President, I yield to the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. I should like to address myself to the point the Senator from Colorado made, and over which the eyebrows of the distinguished Senator from South Carolina were being raised. As I udnerstand it, philosophically, this is going to add to the structure of committees, be they the party committees, or committees for peace causes, or committees for hawk causes. It will add to these, because they will be the vehicle through which money will be able to be contributed in an unlimited fashion. It will facilitate the task. It might develop party regularity. It might throw into motion new aspects of our system that are not now there. We might move away from committees and identify more with individuals. What the Senator is doing is a sensible device that will accomplish more with organizations. It will have that effect.

Mr. STEVENS. Mr. President, I should like to comment on what the distinguished Senator from Rhode Island said. As I understand it, this means that some people are not beholden to the large givers, those in the party structure, those in the committee structure.

Shades of Carmen Di Sapio. Shades of all the bossism I have ever seen. Every candidate will be beholden to the political committees that you are forcing into the political stream today. I hope that I do not have to be beholden to any political boss. I am not beholden to anyone right now. I am perfectly willing fully to discuss every contribution I get from anywhere, and require anyone that makes a contribution to disclose it. But why create a political figure who has the power? You assume somebody will be beholden. Why not assume that the political boss will not be beholden to the contributor? You assume that we would.

Mr. PASTORE. I do not know Carmen Di Sapio. I have never met him. But I do know ERNEST HOLLINGS and I do know PETE DOMINICK, and they are not bosses. They are not bosses. They are chairmen of campaign committees of the Senate. Take Larry O'Brien, the present national chairman. Take any other names the Senator wants. He does not impress me by using the name Di Sapio.

Several Senators addressed the Chair.

Mr. CHILES. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, this amendment refers to $5,000——

Mr. CHILES. That is correct.

Mr. CURTIS. I take it that it would not include services or gifts other than dollars; is that correct?

Mr. CHILES. I do not know what the definition of the overall bill is in regard to services. I would be open to a legal interpretation on the basis of that definition.

Mr. MATHIAS. It is a thing of value.

Mr. CHILES. Yes I think it is a thing of value, so that I think services could be computed within that

Mr. CURTIS. I still do not think it will effectively reach those situations where organizations delegate great armies of manpower to go out and carry on a candidate's campaign.

Mr. CHILES. I would answer that by saying that there are many things the amendment does not reach and a lot of things I would like to see in the bill are greater than the amendment. But I think what we are trying to do here is to set a standard that will be such that the public will be able to see that an individual should not give more than $5,000 to a candidate, and the candidate should not get more than $5,000 from an individual. He should not be beholden to anyone by more than that. That is the standard we are trying to set. If we go around it by way of a committee, we can do that now. The committees are there.

What the bill does do is to set up disclosure for the committees. When we go around it by those committees, the press, your opponent, the public, will be able to see that you did not go by the standard that was set in the bill and someone is trying to give all his money through committees, or someone is trying to receive all the money through committees. So I think we still have that standard, whereby we can judge the guy in the white hat or the guy in the black hat. The public needs that standard. They want to have us say that we are not beholden to anyone, that we are not taking money from one man and owing him for that, that we are not going out to try to buy a stable of office holders. So we will set that standard. That is what it comes down to. I think Senators can disagree with that and can also find all kinds of technical things to disagree with, all kinds of loopholes as to what the amendment does not do. There are some things that it does do. But what we are talking about is the philosophy of whether we think there should be a standard, a hallmark that we see the office is not for sale, the candidate is not for sale, a Senator is not for sale, and that we will see that we are putting a prohibition on what an individual can give. That is what the amendment does.

Mr. President, I yield the floor.

Mr. SCOTT. Mr. President, I yield myself at this time 10 minutes on the bill so that I may yield to the Senator from Kansas (Mr. DOLE); but before doing that, I would like to point out a further evasion committed by this amendment. For example, if any three Senators running for office in 1972, of the same political party, get their heads together and organize a committee called "a Committee to Elect Senators We Like" or "a Committee to Elect Senators Who Will

Do What We Say," whatever they want to call it—and of course they will really call it "the Committee for Clean Government," I was only suggesting the real name—but they form a Committee for Clean Government and the three of them have an arrangement whereby they can get $5,000 from each contributor only, but the committee for clean government can get all the money it wants because it is not earmarked and you have tacit consent that it may be $150,000. To the candidates' immense surprise, they send $50,000 to candidate A, $50,00 to candidate B, and $50,000 to candidate C.

The Senator from Florida indicated that the committees can spend all they want. So long as they do not earmark it, they will get it. This implies that politicians were born yesterday. It also turns over to a bunch of newly created committees the function heretofore exercised by reasonably respected organizations know as the Democratic National Committee and the Republican National Committee. In deference to my friend from Kansas I should say highly respected, since he and I held that same job.

I now yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the Senator yielding to me. I see some great possibilities here, as the chairman of the Republican National Committee, and I have a few questions to ask the Senator from Florida.

As I understand part 2, there would be no limit on the amount of money any person might contribute to the Republican National Committee; is that correct?

Mr. CHILES. That is correct, unless he tried to contribute to a committee on behalf of an individual candidate.

Mr. DOLE. Unless it was earmarked, and I understand that part. Because President Nixon said I should be chairman, it would be all right for an individual to contribute $50,000 or $100,000 to the Republican National Committee; is that correct?

Mr. CHILES. In spite of what President Nixon said, he would be able to contribute.

Mr. DOLE. Right. Then I, in turn, as chairman of the Republican National Committee—and certainly Larry O'Brien also of the Democratic National Committee—under this amendment could make a distribution any way I saw fit insofar as a campaign was concerned, as the committee chairman, not as an individual.

Mr. CHILES. That is right. I mean, although the limitation was under the bill as to what the candidate's spending would be.

Mr. DOLE. Then I would not be guilty of any crime if I make a contribution as a chairman of a party to a candidate; is that correct?

Mr. CHILES. That is correct.

Mr. DOLE. Mr. President, secondly, does the limitation apply to both primary and general elections?

Mr. CHILES. Yes, it does apply. It is an overall limitation.

Mr. DOLE. So if we have John Doe, a millionaire, who contributes $5,000 to the nomination efforts of someone who wants to be elected President or Senator, he could not contribute $5,000 in the general election.

Mr. CHILES. Not individually; the Senator is correct.

Mr. DOLE. Then, he could contribute $5,000 in each calendar year. He could start preparing now for 1976 by contributing $5,000 each year, starting this year.

Mr. CHILES. The Senator is correct.

Mr. DOLE. I think it is important to point up that about all we do, as I understand it, is limit the amount that John Doe, whoever he may be, can contribute if he has money and if he is concerned about politics. He is more or less limited to contributing $5,000 to one presidential candidate, but he could contribute $5,000 to any number of senatorial candidates.

Mr. CHILES. Individually; the Senator is correct.

Mr. DOLE. So, he has to limit his contributions to a candidate for President which is rather unfair, for I think that a candidate for the Presidency is perhaps a little more important than a candidate for Senator. However, John Doe can contribute money to the national committees. Is there any limit to the number of committees to which he can contribute?

Mr. CHILES. As long as they were not set up individually for him, he could contribute to committees. But there would be a disclosure under the bill as to who was contributing.

Mr. DOLE. It occurs to the Senator from Kansas that disclosure is the way to solve the problem. However, it does appear that it would give the national committees much more power. I do not concur completely in what the Senator from Alaska said. However, it appears to me that if John Doe, a millionaire, could not contribute more than $5,000 to Mr. X's candidacy for President but could contribute to the Democratic or Republican National Committees an unlimited amount, it would put us in a strong position as chairmen of the national committees.

Mr. CHILES. I think he could contribute to the party now. Much of the money would be coming through the committee now. I do not know how that would change the matter.

Mr. DOLE. Mr. President, as a practical matter, we have great difficulty in the Republican National Committee—and I assume in the Democratic National Committee—raising money. It is particularly true in a presidential year. There is a lot of competition for the dollar. However, if the amendment is adopted, it would strengthen the position of the national committees and we could have, if we were so inclined, great stature in our positions.

Mr. PASTORE. Mr. President, is there any reason the Senator should not have?

Mr. DOLE. I want some, but not all of it.

Mr. PASTORE. How much does the Senator want?

Mr. DOLE. Not all of it but it appears that if we had all the money, we might even name the candidate.

Mr. PASTORE. The point is that this goes to the amount an individual could spend. This goes to what an individual could contribute.

If the Senator does not believe in a limitation he ought to be against the amendment. I am not trying to persuade anyone to go along with me. As a matter of fact, I went out of my way to make corrections in the modification so that it would be this way. It was a labyrinth of confusion before.

If the Senator does not go along with me, he can be as sincere as possible and vote against it. However, we are trying to limit the amount an individual can give to an individual candidate.

Naturally a President does not go around collecting money for a campaign. No one collects money for a President. His national committee does it. It is always done that way. That is done by the national committee, not by President Nixon. It was not done by President Kennedy or any other President. The national committee does that.

We do not want to do anything to render the national committee innocuous. We do not want to do that. If in the process we involve the person-to-person obligation, we are better off than if we make the democratic process weaker.

Mr. DOLE. Of course, in every presidential campaign, the Veterans Committee for HUMPHREY, the Veterans Committee for Nixon, the Citizens Committee for Nixon—I am sorry if I used that name without permission.

Mr. HUMPHREY. Go right ahead. I like it.

Mr. DOLE. Whoever might happen to be the candidate, could that candidate get $5,000 from an individual.

Mr. PASTORE. Not to each one. An individual can give any amount up to $5,000. If he has five committees, $5,000 can be given to each committee.

Mr. DOLE. What about the candidate for Vice President? Could he also give money to Vice President AGNEW, for example, if he is a candidate?

Mr. PASTORE. That is correct. Any person could give up to $5,000 to him or to any of the committees.

Mr. DOLE. Mr. President, in effect, the Vice President is elected because he is connected with the presidential candidate.

Mr. PASTORE. Well, he could lend the money to the President.

Mr. SCOTT. That would constitute another evasion.

Mr. PASTORE. There is no evasion involved.

Mr. CURTIS. Mr. President, some of us have heard about contributors who oftentimes give to both sides. Those givers could still give twice as much as the loyal supporters of those candidates if this amendment were to pass.

Mr. PASTORE. I think that the strong disclosure law that we will have would give him away.

Mr. DOLE. Mr. President, I share that view. Disclosure would take care of the fellow who plays both sides of the street.

Mr. PASTORE. They cannot straddle the road after this.

Mr. SCOTT. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, let me

say to the Senator from Kansas that in this amendment, as in any statute passed by Congress, it is possible to evade the law or to avoid the law or to just break the law. But we have to assume that people want to uphold the policy and standard which Congress sets. That is all we are doing. We are setting a standard and a goal for the American people. I think that it is worth setting. I hope that the Senate will adopt the amendment.

Mr. SCOTT. Mr. President, I have undertaken to yield to the Senator from Alaska. So I will yield 2 minutes to the Senator from Alaska and then turn over control of the time on this side to the manager of the bill on this side, the Senator from Vermont, who seeks recognition.

Mr. GRAVEL. Mr. President, is there a limitation in the bill on how much any political party or committee can spend on whomever might be their candidate? If a group for peace had $1 billion or $1 million, could they spend that as they chose?

Mr. PASTORE. Not if they are campaigning for the one candidate. All they can spend is up to the amount named. They cannot spend any money on the candidate's campaign without his permission.

Mr. GRAVEL. And what if they do not have it?

Mr. PASTORE. Then there would be a violation of the law if they were to do that. This is not my amendment that these questions are addressed to. I just sought to clarify the amendment. I just put in the amendment.

Mr. GRAVEL. I am trying to make up my mind. Although I agree with the Senator from Florida and I think this is a laudatory standard to achieve, I do not think the amendment will accomplish this. It will set into motion a brokerage system that we have gotten away from in which a person would become very powerful as a professional fundraiser. He would be able to go out and collect money and parcel it out and have great power, and yet not be an elected official.

Mr. PASTORE. I cannot imagine any person being in that position unless he happens to be chairman of either of the political parties, unless he happens to be Senator Dole, chairman of the Republican Party, or Lawrence O'Brien, chairman of the Democratic Party.

Mr. GRAVEL. I disagree with the Senator. If I were to live in the Southwest and wanted to raise a lot of money to defeat peace candidates, I might have very good access to a very large sum of money.

I could parcel that sum out from one or two individuals to as many candidates as I might choose under this system, and it would actually be encouraged because they would be given this subterfuge. In other words, Mr. President, if you want to give a lot of money to a candidate, do it through a committee. I think the national commitees are clean, but it would open up a proliferation of committees.

Mr. PASTORE. Mr. President, I yield myself time on the bill.

The PRESIDING OFFICER (Mr. Roth). The Senator from Rhode Island is recognized.

Mr. PASTORE. I answer that if there were no ceiling as to the amount of money that could be spent in the Senator's behalf the Senator would be correct, but the Senator must consider this amendment in the context of the entire bill. Whoever receives a dime from any person in any campaign has to disclose it under the law.

Mr. GRAVEL. But that is a virtue that would exist without this amendment.

Mr. PASTORE. But it does not exist today. That is why we are here.

Mr. GRAVEL. The Senator misunderstands me. That virtue exists in the bill, without this amendment.

Mr. PASTORE. That may be so but without this amendment any individual could give any amount without restriction. The Senator from Florida wants to do something about that. He does not want the money to come from not only any one particular source but from many sources. That is the approach of the Senator's amendment. If the Senator from Alaska does not go along with him he can vote against it.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, on the bill, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I wish to ask a question for clarification. Much of the discussion has been about the national committees, but everybody knows we have State committees, county committees, and city committees. There is a county Democratic committee, a county Republican committee, a State Democratic committee, and a State Republican committee.

Does this particular amendment deny an individual the right to contribute to those committees that do not have particularly any one man in mind?

Mr. PASTORE. No; it would not change that at all.

Mr. HUMPHREY. An individual could make a $5,000 contribution to 50 State committees, and he could make a similar contribution to any number of county committees. Second, once that happened, insofar as individual amounts of expenditures are concerned, how do we measure out, for example, if the Democratic committee of my State decides to run a full-page ad for all the candidates in 1972, starting with the presidential, vice-presidential, and county candidates?

Mr. PASTORE. It would have to be exposed to the Senator from Minnesota and they would have to get his consent to do it for him. In other words, the Senator would become responsible for any act done in his behalf. That is why this is a strong bill.

If Senators think it should not be that strong, it should be weakened, but we have made this a strong bill.

If anyone who conducts a campaign in the Senator's behalf or spends money in the Senator's behalf, that is chargeable to the Senator and it cannot be done without his permission.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. SCOTT. Suppose, in that county and in that State there is no one running for Federal office except one person. Now, someone has exhausted his $5,000 to that person but would like to give it through the county committee and the county committee gives it to the only candidate running for Federal office in that State. Is that an evasion?

The Deputy Attorney General said that if that is done, there could be prosecution for a felony.

Mr. PASTORE. I do not think so. All he would have to do is declare——

Mr. SCOTT. Then, he has given $10,000, so the only one who can receive the $10,000——

Mr. PASTORE. We are not talking about receiving. I thought we had corrected that.

Mr. SCOTT. No one is vaccinated against receiving the money.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. CANNON. This is right back where we started. This is section 608 of the code, title 18, and we are just rolling it back.

I think we are destroying this bill if we continue as we are going now. We are rolling it back to where it has been over the years. We have found it is not a good law. All of the witnesses testified to that effect. We have tried to make a good law.

Mr. SCOTT. Not only destroy the bill but invite a veto just as sure as this is left in.

Mr. PASTORE. I want to make the further point that I am not here to destroy the bill. Everybody knows that. I have made that clear. Let us get this matter straight.

One of the complaints that has been made is that we have a Corrupt Practices Act today, and under that Corrupt Practices Act, all that can be given is $5,000. That is the law today. This figure of $5,000 has not been picked out of the sky. It is in the law today.

The only trouble with the law today is that you can give $5,000 to 50 committees for the same candidate. That is what we are removing here. All we are saying is, "You can give the $5,000, but insofar as giving it to various committees, you are confined to $5,000 in the aggregate."

What we are doing is removing the loophole. That is all we are doing. We are removing the loophole.

Mr. CANNON. Mr. President, I respectfully have to disagree with my colleague. We are simply widening the loophole.

Mr. PASTORE. I do not think so.

Mr. CANNON. We say you cannot give more than $5,000 to all committees for Humphrey, let us say, but you can turn around and give $5,000 to as many committees as you want—State, national, and county committees and they can turn around and give Humphrey a good part of that money.

So we are not doing one thing in this that is not covered in section 608 of the present code.

Mr. PASTORE. Mr. President, the Senator has disagreed with me and I can disagree with him. The point which he complains of exists today. You can give a county or a State committee all you want to. We are not affecting that at all. That is under State law.

All we are saying is, with respect to the abuse today, where a person can set up 50 committees and give 50 committees $5,000, we are cutting that out. We are correcting a loophole. That may bring about a veto. I do not know.

The question has been raised time and time again that the trouble was not with the $5,000 limitation, but the idea that you can multiply that $5,000 by many different committees. We are cutting that out and saying that no matter if there is one committee or 50 committees, the aggregate can be only $5,000. We are closing that loophole.

Mr. HUMPHREY. Mr. President, I think the Senator made a very able point. If we are looking for an amendment to cover all possibilities of the evasion it is not going to be decided here—maybe in heaven, but not here—because the ingenuity of the human mind is beyond comprehension.

Mr. PASTORE. They would not do it in heaven because there are no politicians up there.

Mr. HUMPHREY. JOHN, speak for yourself.

Mr. SCOTT. What you would be doing would be to put Presidential candidates in purgatory.

Mr. HUMPHREY. It does place a guideline and a standard and it will, as the colloquy has demonstrated, strengthen the respective political committees, both Republican and Democratic committees.

I think one of the great errors in politics is the proliferation of committees. They destroy political responsibility.

The important thing is, first, to account for contributions; second, to account for disbursements and expenditures; and third, to place ceilings on how much can be expended. In other words, accountability, and that is more important than all the detail we write into this bill. It is the exposure that would be gotten; the fact that you could not disguise, avoid, or evade. That is what is important in this bill.

Mr. PROUTY. Mr. President, I yield myself 5 minutes on the bill.

I think we are missing the entire question before us. I want to read again from the amendment, as modified.

> No person * * * may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office.
>
> No person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of an aggregate amount of $5,000 during any calendar year.

I think that means no candidate can receive more than $5,000 from any individual.

Does the Senator from Rhode Island agree with that?

Mr. PASTORE. That is correct.

Mr. PROUTY. Suppose there are 35 or 50 committees spread throughout the country, in support of various candidates. I am solicited or somebody solicits me to contribute to a half dozen or more of those committees. I have already given $5,000. Actually, I do not have the money, but if I had it, suppose I gave to some candidate for Federal office. I have also been asked to contribute to various other committees. I do not know how they are going to spend that money or on what candidates. I think disclosure is going to put us in an impossible situation.

The Deputy Attorney General summed up the problem before the committee when he said:

> Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor. In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.

I think the central issue is that we are perhaps going to create, or perhaps result in bringing, charges against innocent contributors.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. DOLE. I trust this is not a frivolous question but there is nothing that says one cannot contribute $5,000 against some candidate. This amendment says on behalf of a candidate. One could organize a committee against President Nixon and he could give $5,000 or $10,000 or $50,000 to that committee. This provision speaks in a positive way of being for a candidate. Nothing prohibits a man from giving to a committee against a candidate. So one could give a million dollars against a candidate but only $5,000 for a candidate for President?

Mr. PASTORE. The answer is that the question is not frivolous, but the fact is that when they begin to bandy money around, the person who is running against Nixon has to account for it, because he cannot use it without disclosing it.

Mr. DOLE. Even if he is supporting no candidate?

Mr. PASTORE. Of course, there is free speech.

Mr. DOLE. There is a "Committee on Good Government."

Mr. PASTORE. What does that mean? Everybody is for good government, but the minute they mention the name "DOLE" or "PASTORE," they had better add that.

Mr. BAKER. Mr. President, if the Senator will yield, we have discussed this at some length. I think the Senator will agree that this limitation will apply only to radio or television. If someone were buying an advertisement for some particular candidate, the advertisement would be subject to a limitation, but there are a hundred other things one can do against a candidate which are subject to no limitation.

Mr. PASTORE. That is right. In other words, one could come out against the Vietnam war and people would have to decide whether he was for or against a candidate. We could not write a law to cover that. Somebody raised the point, what if a faculty got together on a candidate and they wanted to put an advertisement in the paper, "Ban the Bomb." We cannot stop that. Perhaps many of us would not want that done; perhaps many would. We cannot provide for everything.

Mr. BAKER. While it is not possible to have a perfect limitation on advertisements against a candidate or in favor of some abstract issue, it is possible to do something. This amendment is completely devoid of any restriction at all in that respect. I think the distinguished Senator from Kansas is entirely right when he says this amendment applies simply to expenditures for a candidate, while there is no prohibition against contributions directly or indirectly against a candidate. I think we should do something, but I do not think we should approve this amendment.

Mr. PASTORE. If I may make my reason clear, my substitute does not include the provision we are talking about now. As a matter of fact, there is no limitation on contributions in my substitute, because I followed the recommendation of the Committee on Rules and Administration, and it insisted that it be written the way that committee thought it should be written. I did not disturb that at all.

I am saying to Senators and I can live with or without the amendment. I shall vote for the amendment, if it comes to a vote, because I feel what we are doing is adopting an amendment directed against abuse of a multitude of committees. I think we have done that. But I say, frankly, every Senator is left to his own conscience. It would not bother me which way this amendment goes. I think we have talked about it from every angle and we ought to bring it to a vote. If Senators vote it up, it is all right with me. If they vote it down, it is all right with me, because the name of the game in this bill is the limitation, the ceiling, a candidate can spend, and full disclosure.

Mr. PROUTY. Mr. President, I yield to the junior Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, one clarification. This amendment does have a prohibition on committees and the amount that can be contributed to them. What is sought here is to prevent dumping $5,000 in various committees, because then the candidate will not have any control over that. Then you set up a power system that will operate within our system, and I submit that ill is greater than the ill we are trying to correct.

Mr. PASTORE. That is not so, because the minute that money is spent, the candidate is responsible.

Mr. President, I yield 10 miuntes to the Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, there has been so much discussion that the Senator from Virginia is a little confused as to just what this amendment does do.

First let me say that I favor a limitation on campaign spending. The record will show that I supported the bill which passed the Senate last year, presented by the Senator from Rhode Island.

I favor the Pastore bill, S. 382, which is before the Senate today. The RECORD will show that a few minutes ago the Senator from Virginia supported the placing of a limitation on the amount that a candidate himself or his immediate family may contribute to his campaign.

Now we get to the amendment under consideration. As I say, there has been so much discussion that I may not be certain that I undertand the facts, and that is the only reason why I wish to discuss the amendment.

As I understand the Senator from Rhode Island, a candidate for the Senate, to take an example, may receive a contribution up to $5,000 from one individual. I understood the Senator from Rhode Island to say the same individual may make a contribution to the Democratic senatorial campaign committee or to the Republican senatorial campaign committee. Such committee, in turn, may funnel back that $5,000 to the candidate.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. PROUTY. Not if he has already contributed to the candidate.

Mr. PASTORE. No, no; the Senator from Virginia is correct. He may give the $5,000, as I understand the amendment, to a committee in the candidate's behalf. Is that correct?

Mr. CHILES. That is correct.

Mr. PROUTY. If the Senator will read the language, he will see that that is not so:

> No such person . . . may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of $5,000 to any candidate for Federal office.

That means whether the money comes from the Democratic National Committee, a county committee, a State committee, or a committee for effective government that may be established anywhere in the country. How is it going to be possible for any committee to know the facts?

Mr. BYRD of Virginia. I am trying to establish exactly what the amendment does. The Senator from Vermont has one interpretation; the Senator from Rhode Island has another interpretation.

Mr. PASTORE. I am not the sponsor of the amendment. The sponsor is the Senator from Florida (Mr. CHILES). I made certain corrections and asked him questions, and that is what he told me.

Mr. CHILES. I think with the additional language, if the Senator reads subparagraph 2, he will see that no such person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of an aggregate amount of $5,000. You have to read section 1 and section 2 together; that will, in effect, allow contributions in an amount of $10,000.

Mr. PROUTY. Mr. President, if the Senator will yield further, that does not have the effect the Senator intends.

Mr. CHILES. I refer to line 8 on the first page. I think you have to read the language in the total of the two paragraphs.

Mr. PROUTY. If I may say so to the Senator, that is what I have been doing.

[Several Senators addressed the Chair.]

Mr. PASTORE. The Senator from Virginia has the floor.

Mr. BYRD of Virginia. I yield to the Senator from Nevada.

Mr. CANNON. I thank the Senator.

Mr. President, this is exactly the problem that the Deputy Attorney General directed himself to when he appeared before our committee. He pointed out that inadvertently situations like this could occur, that a person might make a $5,000 contribution to a candidate, and might make another $5,000 to a political committee which, in turn, turns around and pays $3,000 of that amount back to the candidate, and that would be a violation of the law, even though it might be inadvertent.

That was one of the reasons, as I understand it, that he said, first, that he believed it was unconstitutional, and second, that he believed that it was unenforceable, and he also said that it would lead to many inadvertent violations of the law, and I must say that I think the Senator from Vermont has made a good point there, that in section 1 where it says that no person can make a contribution directly or indirectly of more than $5,000 in a particular year to a particular candidate, certainly, if he has made another $5,000 or $10,000 or $50,000 contribution to a committee that is not for a particular candidate, which he has a right to do, and that committee turns around and makes a contribution back to the candidate, that certainly is an indirect contribution to the candidate.

Mr. BYRD of Virginia. Mr. President, in that regard, there is nothing in this amendment—I suppose I should address this question to the Senator from Florida: There is nothing in this amendment to prevent the same individual who has made a contribution to a candidate from making a similar $5,000 contribution to the Democratic senatorial campaign committee or the Republican senatorial campaign committee; is that correct?

Mr. CHILES. That is correct.

Mr. GRIFFIN. Mr. President, will the Senator from Virginia yield to me?

Mr. BYRD of Virginia. I yield.

Mr. GRIFFIN. As I understand it, it is not limited to $5,000 to the national central campaign committee; he can make a $100,000 contribution to either committee, under the amendment.

Mr. BYRD of Virginia. May I ask the Senator from Florida, is that correct?

Mr. CHILES. That is correct. It is correct today, and it would be correct under this amendment.

Mr. BYRD of Virginia. Then we are not putting a ceiling on campaign contributions by this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. I give the Senator 5 minutes more. Is that enough?

Mr. BYRD of Virginia. No, I do not believe it is. Let me take that, and we will see how we get along.

Mr. PASTORE. All right.

Mr. BYRD of Virginia. This is a very important matter.

Mr. PASTORE. I know, but I want to say this to the Senator from Virginia—and I hope I do not assume the position here today that this is my amendment. I keep saying that time and time again It is not in my substitute.

Mr. BYRD of Virginia. No, I am not aware of that.

Mr. PASTORE. But something has just happened here that has boxed us in. What we have done here today has put us in the position that no one can spend more than $35,000 of his own money to run for the Senate, and yet we are saying, in the same breath, that anybody else can give him $1 million. Is that not ridiculous? If we had not agreed to the amendment, I will say frankly, I do not think we should agree to this one, but where we have boxed ourselves in by saying, a short while ago, that nobody can spend more than $35,000 of his own money, but he can collect more than a million dollars from someone else for his campaign—is that not ridiculous? I say both provisions ought to go out, or both provisions ought to go in, and that is the reason I am on my feet.

Mr. BYRD of Virginia. I have the floor, as I understand it.

Mr. PASTORE. And I will give the Senator 10 minutes.

Mr. BYRD of Virginia. I am not arguing either for or against the amendment right now. I am trying to understand the amendment. I am not sure other Senators understand the amendment, and I do not think we ought to vote on it until we do understand it.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. In just a moment. I want to say to the Senator from Rhode Island that I am not in favor of taking the lid off and permitting people to spend a million dollars. What I want to do is correct that, but I submit that the amendment does not do that, if I understand it correctly.

Mr. PASTORE. If the Senator will yield, I did not intimate that at all. The reason I am making speeches this afternoon is that I voted to table the former amendment because I did not think it had any place in this measure. I think if a man wants to run for public office and has the money, and there is only so much he can spend, why should he not use his own money? It is a precious possession; if he wants to become a Member of the Senate, and can afford it, and can exceed what the amendment prescribes, why should we stop him for using his own money, and make him go around and try to collect it from somebody else? But I say, also, there ought not to be any limitation to what someone else can give him.

Mr. BYRD of Virginia. I am not taking that attitude.

Mr. PASTORE. I understand.

Mr. BYRD of Virginia. But I do not believe this amendment accomplishes what the Senator from Rhode Island wants to accomplish.

Mr. MATHIAS. Mr. President, will the Senator yield for a short comment? I believe it might throw some light on the question in the Senator's mind.

Mr. BYRD of Virginia. I will yield to the Senator from Maryland and then to the Senator from Tennessee, but then I want to address my question to the Senator from Florida.

Mr. MATHIAS. In the amendment that the Senator from Florida and I have cosponsored, we provide this language:

> No such person may contribute directly or indirectly to political committees or on behalf of candidates in excess of the aggregate amount of $5,000 during any calendar year.

But I wish the Senator from Virginia would remember that this is an amendment to the bill, and he has to go back and read the bill. And if he will go back and read the bill, there are some definitions which will help him in an overall understanding of what is being done.

Mr. BYRD of Virginia. If the Senator will yield, I am not arguing against the amendment or for the amendment. I am trying to understand the amendment.

Mr. MATHIAS. That is what I am trying to help the Senator with.

On page 14 of the bill—and I am talking about the Pastore substitute—in line 21, the word "person" is defined as meaning an individual, partnership, committee, association, corporation, or any other organization or group of persons.

If you read these 2 sections together, it will be found that what we are trying to do here—and I do not know whether it will help the passage of the amendment or hurt it, but I think people ought to understand it—Senators will find that taken together, it does form a substantial limitation, and I think that if the Senator understands that, he will understand that we are doing something here which will change the political mores of America.

Mr. BYRD of Virginia. I yield now to the Senator from Tennessee, and then I should like to put some questions to the Senator from Maryland or the Senator from Florida.

Mr. BAKER. Mr. President, I thank the Senator from Virginia.

The PRESIDING OFFICER. The Senator's initial time has expired.

Mr. PASTORE. How much time would the Senator like to have?

Mr. BYRD of Virginia. Twenty minutes.

Mr. PASTORE. I yield 20 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, the Senator from Oregon would like to make a brief unanimous consent request. I wonder if the Senator would yield to him for that purpose?

Mr. BYRD of Virginia. I yield.

Mr. PACKWOOD. Mr. President, since I intend to propose several amendments to this measure, I ask unanimous consent that my legislative assistant be permitted to remain on the floor during votes, so that I might work with him during that period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I do not want to reargue the merits of this amendment. I have done that on previous occasions this morning and this afternoon. But I would like to point out another uncertainty of interpretation, in my view, in this amendment.

The Senate agreed this morning that section 608(a)(1) provides that no person may make contributions, directly or indirectly to any candidate for Federal office, in excess of $5,000; and I think there is reason to believe that the word "contribution" includes contributions by any committee to that candidate. I think it is entirely possible that a contribution to the Republican National Committee of, say, $100,000, distributed in part to the Senator from Virginia or the Senator from Tennessee, would fall within the prohibition of this section.

I caution that the felony provisions of this statute apply to the candidate as well as to the donor.

I also respectfully point out that section 2, when read in para materia—as the distinguished Senator from Florida correctly indicates we should—with the rest of the amendment and the rest of the bill, does not help much; because I, for one, am not in a position to say with certainty, as a matter of legal interpretation, that the added language "on behalf of any candidate," which appears after the word "committees," modifies and relates to contributions on behalf of a candidate or committees on behalf of a candidate. I think it is equally susceptible to either interpretation.

It seems to me that the Senator from Virginia is doing a signal service to the Senate in trying to clarify the meaning of these terms; that the amendment, even as modified, is still ambiguous; and that it does not lead to the results being espoused and not necessarily to all the results being criticized. The fact remains that we are in a morass of uncertainty so far as this amendment is concerned, and I think we are headed for disastrous trouble unless we clear it up.

Mr. BYRD of Virginia. I thank the Senator.

I put this question to the Senator from Florida and the Senator from Maryland, who I understand are the cosponsors of the amendment.

The distinguished Senator from Michigan stated on the floor a few moments ago that an individual could contribute $100,000 to the Republican senatorial campaign or the Democratic senatorial campaign. Is that statement correct?

Mr. CHILES. I think that is correct.

Mr. BYRD of Virginia. Then, there is no restriction as to how much of that $100,000 can be put to the use of any particular senatorial candidate anywhere around the country. I assume that is correct.

Mr. MATHIAS. I would recall to the Senator the definition of "person" which I just read. I believe it is on page 14 of the Pastore version of the bill. It includes within the definition of "person" a committee or an organization. Under those circumstances, if "person" is to be taken to include a committee and if a person as so defined is restricted in what he can give to any single candidate, we do have some restriction.

Mr. CANNON. Mr. President (Mr. CHILES), will the Senator yield, so that I may answer on that point?

Mr. BYRD of Virginia. I yield.

Mr. CANNON. The Senator must take into consideration the language of the proposed amendment that is now pending, for section 208, which says "No person" and then, in parenthesis, "other than a candidate or political committee." So this has made an exclusion of the political committee, which technically falls within the definition of "person" on page 14 of the original bill.

Mr. MATHIAS. I agree that that is what the bill should say. I have some apprehension. But perhaps we can clear it up by this colloquy, that we do not need it, because the section to which the Senator refers talks about contributions to a candidate. The succeeding section talks about no such person and imposes the $5,000 limitation.

I raise this point so that we can have absolute clarity. The Senator from Virginia is doing a great service by helping us to reach this clarity.

Mr. BYRD of Virginia. Let me phrase it this way: Mr. X contributes $5,000 to a senatorial candidate in a particular State, and then he contributes $100,000 to the senatorial campaign committee. Can the senatorial campaign committee then make a contribution for the benefit of the particular candidate concerned of $5,000 or $50,000 or $25,000, or any other figure they wish to contribute?

Mr. MATHIAS. I was diverted for a moment. Would the Senator repeat that?

Mr. BYRD of Virginia. I will restate it.

Mr. X makes a $5,000 contribution to a candidate in the State of Maryland, let us say, a Republican candidate in the State of Maryland.

Mr. MATHIAS. I do not recall any such contribution.

[Laughter.]

Mr. BYRD of Virginia. Mr. X also makes a $100,000 contribution to the Republican Senatorial Campaign Committee. Can the Republican Senatorial Campaign Committee make a contribution of $5,000 or $50,000, or any other amount, for the benefit of the Republican candidate in Maryland?

Mr. MATHIAS. That is the assumption we have been working on——

Mr. PASTORE. No; that answer is "Yes." I think that ought to be explained to the Senator from Virginia. We have gone through that. The answer to that is in the affirmative.

Mr. BYRD of Virginia. That is what I am trying to establish.

Mr. PASTORE. I think we ought to clear the record, not use a lot of "ifs" and "buts."

Mr. MATHIAS. I think we agree that that is the way it ought to be.

Mr. PASTORE. Whether it is right or wrong, the answer is "Yes."

Mr. BYRD of Virginia. So there is no limitation as to the amount that the Senatorial Campaign Committee, whether it be the Republican Senatorial Campaign Committee or the Democratic Senatorial Campaign Committee, can contribute to a particular candidate. The answer is "Yes."

Mr. PASTORE. The answer is "Yes." That is why we knocked out the $75,000 limitation.

Mr. BYRD of Virginia. There is no limitation.

Mr. PASTORE. There is no limitation now.

Mr. BYRD of Virginia. Let us get to another candidate. Let us take a candidate in the State of Maryland, or in the State of Virginia, who is a candidate for the Senate as an independent. He does not receive $1 from the Democratic Senatorial Campaign Committee, not $1 from the Republican Senatorial Campaign Committee. As I understand it, he is restricted, then, to a total contribution of $5,000. His Democratic opponent can get x number of dollars, without limit. His Republican opponent can get x number of dollars, without limit. Is that correct?

Mr. MATHIAS. That is correct. But I point out that he is not restricted in what he might get from the Good Government in the Old Dominion Campaign Committee, which would be the counterpart of the regular party committees.

Mr. BYRD of Virginia. In other words, if there were a committee called Virginians for Byrd, as there happened to be last year, that committee would be considered in the same context as the Republican and Democratic Senatorial Campaign Committees and could receive unlimited funds?

Mr. CANNON. No. That committee could not.

Mr. BYRD of Virginia. That is what I thought.

Mr. CANNON. Because that is a committee for a specific candidate. Therefore, it would be limited to a $5,000 contribution from a contributor.

Mr. BYRD of Virginia. That is the way I understand it.

Mr. CANNON. If that contributor had already contributed to some other committee for BYRD, they could only contribute, in the aggregate, $5,000.

Mr. PASTORE. That is correct.

Mr. BYRD of Virginia. I thank the Senator. That is my understanding of it.

I ask the Senator from Maryland—is that not correct?

Mr. MATHIAS. I think the Senator has stated it correctly.

Mr. BYRD of Virginia. I admit that not many individuals run as an Independent, and perhaps no one should run as an Independent; but I do not think a man should be precluded from running as an Independent.

Yet, by this amendment, if a man runs as an Independent, his contributions would have to be held down to $5,000; but if he were a nominee of a party, he could get x number of dollars in unlimited amount.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. YOUNG. Suppose a candidate could not spend more than 10 cents a vote and his committee was given $50,000 and he was not allowed to spend more than $30,000. Could he take the other $20,000 himself? What would happen to the other $20,000?

Mr. BYRD of Virginia. I am frank to say that I am not competent to answer that question, it should be answered by the manager of the bill.

Mr. PASTORE. The answer is very simple. He would be compelled to give it back.

Mr. MATHIAS. Common sense might enter the procedure earlier than that. He might not get more than he could spend in the first place.

Mr. CANNON. Furthermore, there is no such limit as 10 cents a vote—an overall limit.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. COOK. I should like to expound on the theory that I think the Senator has correctly stated. The candidate also finds himself in the position that he must use at least a degree of subterfuge to set up an all-encompassing national committee that does not have his name attached to it so that it can receive the sums and utilize it in his campaign, whereas in the long history of the Republican senatorial campaign committee and the Democratic senatorial campaign committee, their ability and reach are all over the United States. The independent who finds himself in that position who runs is either totally limited to his own area or else sets up or has set up for his benefit a committee for an independent slate of candidates, where they can reach into the entire United States for resources. The independent candidate is totally restricted as to the sphere of influence that such a newly created committee could establish between the time of its creation and the time of the election.

Mr. BYRD of Virginia. That is my understanding exactly, what the Senator from Kentucky has just stated. It seems to me that what this is doing is discriminating against every candidate except a candidate running on a major party ticket.

When I first ran for the Senate, the Conservative Party put up a candidate against me. If this amendment had been enacted into law at that time, I would have been entitled to have obtained as much money as I wished, or as they were willing to give me, from the Democratic senatorial campaign committee. But the conservative candidate, and the Socialist candidate, which that party also put up against me, did not have any senatorial campaign committee. So I would have been able to draw unlimited funds from my committee to the extent that they were giving me money from the Democratic senatorial campaign committee. So that those opponents would have been discriminated against.

However, in the past election, I would have been discriminated against, in that the Republican senatorial campaign committee could have made an unlimited contribution to its candidate, as could have the Democratic senatorial campaign committee. But I, as an Independent, would not have been able to be in that position. A limit would be put on a conservative candidate, a Socialist candidate, a progressive candidate or an independent candidate—but there would be no limit on the contributions which could be received by a Democratic candidate or a Republican candidate.

Mr. BAKER. Mr. President, if the Senator from Virginia will yield to me briefly, I should like to add one point to the element of confusion here, if the Senator will permit me to do that, and I apologize to him in advance. If the interpretation is correct, that there is no limitation on what someone may give the Republican or Democratic senatorial campaign committees and they, in turn, can give to a candidate for President, or a candidate running for the Senate or House of Representatives, what happens to the amendment that we just passed? What happens to the limitation on contributions by a candidate to his own campaign?

Mr. PASTORE. Is the Senator speaking to me?

Mr. BAKER. I was speaking to the Senator from Virginia (Mr. BYRD) but I expect that the Senator from Rhode Island may have some comment to make. I wonder what happens to the amendment we just adopted on limiting personal contributions. Might we not have a situation where X candidate for President is limited to, say, $50,000 that he can contribute of his own funds, but he can contribute $1 million to the Democratic National Committee which, in turn, will advance it to the committee?

Mr. PASTORE. That is exactly what bothers me. I tell the Senator, frankly, that is why I voted to lay the amendment on the table.

Mr. BAKER. I think we should reconsider this whole thing and start all over.

Mr. PASTORE. I tell the Senator frankly, the position I take is, if we are going to keep the limitation as to what a candidate can spend of his own money, we should have a limitation on what contributions he can receive.

Mr. BYRD of Virginia. Mr. President, I have several other questions I want to try to clear up.

I want to preface this question by saying, since I am going to quote the Senator from Rhode Island, that the Senator from Rhode Island is not the author of the amendment we are discussing. He has merely been attempting to interpret it, as I understand it. But, he is not the author.

Now in the colloquy the Senator from Rhode Island had with the Senator from Minnesota, as I understood it, the Senator from Rhode Island replied in the affirmative when the Senator from Minnesota made this statement: Under this amendment is it possible for an individual to make a $5,000 contribution to State committees, city committees, county committees, local committees, of all types. I understood the Senator from Rhode Island to reply in the affirmative.

Now, in Virginia we have 96 counties and 36 cities. Thus, we have 96 Democratic committees in the counties and 36 Democratic committees in the cities, making 132 units. We have the same number of Republican committees.

Do I correctly understand that an individual, if he so desired, could make a $5,000 contribution to each of the committees? Am I correct on that?

Mr. PASTORE. Provided that committee was not set up for you as a candidate, except——

Mr. BYRD of Virginia. It is a recognized——

Mr. PASTORE. That is right. In other words, it is for the Democratic Party of the State and the answer is "Yes." Your answer is "Yes".

Mr. MATHIAS. I concur fully.

Mr. PASTORE. That would have to be apportioned to his expenses.

Mr. BYRD of Virginia. I am trying to get the contribution side. An individual could contribute $5,000 to 132 different committees; is that correct?

Mr. MATHIAS. That is correct, so long as he does not earmark the contribution, or so long as the committee is not prima facie for a single candidate.

Mr. BYRD of Virginia. Now we come to the independent candidate. Can he set up 132 different committees and have one individual contribute $5,000 to each of those committees under the amendment, I ask the Senator from Maryland?

Mr. MATHIAS. He can give $5,000 to each committee, yes, and contribute to the committee $5,000, so long as it is not earmarked, or so long as it is not for a single candidate.

Mr. BYRD of Virginia. How would the Senator get away from the single candidate? Here is a man who is running for a specific office, at a specific time, as an independent candidate.

Mr. COOK. If I could interject there, if I understood the Senator from Nevada (Mr. CANNON) correctly, he could not—that if those committees were set up and there was one independent candidate, and only one independent candidate, then he could only give $5,000 in the aggregate. He could not give $5,000 to each one of the 132 committees.

Mr. MATHIAS. Let me say to the Senator from Virginia (Mr. BYRD) that I was assuming there would be more than one independent candidate.

Mr. BYRD of Virginia. The Senator could not assume that, because last year there was only one independent candidate.

Mr. MATHIAS. Then I would have to agree with the Senator.

Mr. BYRD of Virginia. Then a person who wants to run on some other ticket is in a very serious, if not an impossible, disadvantage, whether he runs on the Conservative ticket, as one individual ran against me, or whether he runs on the Socialist ticket, as one individual ran against me. It likewise would put the independent candidate at a great disadvantage.

Mr. PROUTY. If the distinguished Senator from Virginia will yield to me briefly, I do not think, the way this amendment is drafted, that the 132 committees the Senator refers to could give more than $5.000 to an individual candidate, or to the Democratic or Republican committees either.

Mr. BYRD of Virginia. The Senator from Maryland answered the question in the affirmative. I do not know. All I am doing is seeking information.

Mr. GRIFFIN. Mr. President, if the Senator will yield, looking at the language, it says that no person other than a committee or a political committee may make contributions. That excludes the political committee.

The PRESIDING OFFICER (Mr. HART). The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I would like a little extra time.

Mr. PROUTY. I shall be glad to yield 5 minutes on the bill to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I think we had better understand what we are doing with this amendment.

Let me take a little time here, because I want the record to be straight. During my last campaign I reduced the amount of advertising I had planned to use in the last 10 days of the campaign because I was determined to go on a pay-as-you-go basis.

I also asked my finance chairman to put a limit on any individual contribution.

I am proud to say that my campaign committee received contributions from about 6,000 individual contributors.

Never before in Virginia have so many individual citizens contributed to a political campaign.

I agree with the statement made on the floor the other day by the Senator from Rhode Island (Mr. PASTORE). He said that he thinks half of the money is wasted in campaigns. I agree. However, the problem and the trouble is that we never know which half is wasted.

We must get campaign spending under control. But this amendment does not do it. It leaves the matter wide open. There is no limit on the contributions one can make to committees under this proposal. I think that before we adopt the amendment, we should be sure of what we are doing.

I voted for the Campaign Reform Act proposed by the Senator from Rhode Island in the last session of the Congress. I support his proposal in this session of Congress. But this particular amendment—which is not the Senator from Rhode Island's—would just wreak havoc, it seems to me, with anyone who desires to run as a Progressive, a Socialist, a Conservative, or an Independent, or anyone else who chooses to run on a ticket outside of the party structure.

What we would be doing in the Senate is saying, "We will not consider anyone unless he is in the party structure. We in the campaign committee here in Washington will determine how much this candidate will get and how much the other candidate will get. And we will parcel it out in whatever amounts we want to and make them beholden to us."

The amendment would put no limit on contributions to established party campaign committees. I think there should be such a limit.

The amendment is unsound and should be defeated.

Mr. COOPER. Mr. President, will the Senator yield so that I may make a motion to reconsider?

Mr. BYRD of Virginia. I will be glad to yield.

Mr. SCOTT. Mr. President, I would like to join in the motion to reconsider since I also was on the prevailing side.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Mr. President, am I correct in saying that the pending amendment is on page 11, line 15, to strike——

Mr. BYRD of West Virginia. Mr. President, would the Senator use his microphone? We cannot hear him.

The PRESIDING OFFICER. The Senator from Kentucky may proceed.

Mr. COOPER. Mr. President, is the pending amendment the amendment on page 11, line 15, to strike "and 614" and insert in lieu thereof "614 and 615", going down through section 203, subsection (a), subsection (2).

The PRESIDING OFFICER. The Chair would like to confer with the Parliamentarian.

Mr. COOPER. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that I be permitted to make a motion to reconsider the amendment which was previously considered.

The PRESIDING OFFICER. Is there objection?

Mr. CHILES. I object.

Mr. COOPER. Mr. President, I voted for the previous amendment. So, I am, in a parliamentary sense, permitted to ask for reconsideration of the amendment. After looking at the record of the Committee on Rules and Administration, on which I serve——

The PRESIDING OFFICER. The Chair must first inquire as to who is yielding time to the Senator from Kentucky.

Mr. PROUTY. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, after studying the report following our discussion, I think the adoption of the previous amendment was inconsistent with the position we took in the committee, and that is that there should be no limit on contributions. However, we took that position, as I know has been explained many times in the debate, first, because we thought it was practically impossible to enforce the limitation of $5,000 or any other limitation; second, because the disclosure was the best method to apprise the people of the sources of contributions made to the defendants; third, because the Deputy Attorney General, Mr. Kleindienst and the other witnesses testifying before the committee expressed the view that to impose a limitation on contributions was not correct from the constitutional standpoint.

Under the first amendment of the Bill of Rights, the contribution to a candidate would probably have the same constitutional protection as would a person speaking on behalf of a candidate. That is a method of expressing support.

I think that the best way to end this controversy, if it is possible, would be to move to reconsider. Then, if the motion to reconsider is successful, we would vote on the prior amendment on its merits. If that should be successful, I think we will have solved the situation. As I understand it, I am not permitted to make the motion at this time unless I secure unanimous consent.

Mr. AIKEN. Mr. President, will the distinguished Senator from Rhode Island yield me 1 minute?

Mr. PASTORE. I yield to the Senator from Vermont.

Mr. AIKEN. I have one rather important question to ask. I am sure that the answer will be very much appreciated by the distinguished junior Senator from Louisiana. I understand the problem of a candidate who is not a candidate of either major party. However, assuming that the nominee is the candidate of both parties, could he accept twice as much in the way of contributions to which he would be entitled to?

Mr. PASTORE. If he collects twice as much as he is allowed to spend under the law, then he can only spend up to the limit of the law.

Mr. AIKEN. I understand, but he would have to defend himself against a write-in campaign, and he would need more money.

Mr. PASTORE. He does not need to spend money if he has the endorsement of both parties. And the nearest thing to it is the Senator from Vermont. I understand that he only spent 17 cents the last time out.

Mr. President, there may be misunderstanding on the part of some Senators as to what happened here and also on the part of the press. What we are interested in here is a campaign spending bill that will make some sense. I know that we cannot solve all the problems of the world with one stroke. No matter what kind of bill we pass, we may achieve nearness to perfection, but there will never be perfection.

Paradoxically, the situation we are in at the present moment is this: There seems to be a tremendous amount of resistance to a limitation of $5,000, for the reasons that have been expressed on the floor of the Senate. If the amendment does not carry, we shall be left in the position that the sky is the limit as to what a person may contribute to another person's campaign. Yet this is the irony of it all. Only a short while ago we adopted an amendment which provided that an individual may not spend more than $35,000 of his own money for his own campaign, but that he may spend $1 million for somebody else's campaign.

The point I am making is that if we are to keep a limitation on what a person may spend for his own campaign, we have to go along with this amendment. We have to be fair. On the other hand, if we are not going to go along with this amendment, then, of course, the previous amendment would present a rather awkward situation.

This is a very, very controversial area. I said so this morning. It was controversial when it was before our committee. I do not want to do anything to jeopardize the bill. I have heard some mutterings here—some of it perhaps substantiated, some of it perhaps gossip—that if these two amendments creep into the bill and are sustained by the House, there will be a Presidential veto.

The name of the game here is a limitation on spending by a candidate. The name of the game is full disclosure. These other things may be important, but they are quite incidental. As a matter of fact, with the evolution of time, if certain corrections have to be made, we can make them.

I would strongly recommend—and I do so in the hope that we will pass a bill that will be acceptable not only to the House but also to the administration—that if the sponsors of the amendment will find it convenient in their hearts, in view of what has transpired on the floor of the Senate, to withdraw the pending amendment, we can clear the way for the Senator from Kentucky to move for reconsideration and leave the elements of the Pastore substitute exactly as they were submitted, and as they stand without these two amendments.

Mr. President, I leave this question up to my colleagues.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum for a moment so that we can arrive at some secret covenants secretly arrived at and maybe we can publish them, without the time being taken from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, we are nearing the end of the time. The time has nearly expired. Therefore, if the Senator from Florida has a motion to make we are prepared.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. PASTORE. Mr. President, what is the parliamentary situation on the pending amendment?

The PRESIDING OFFICER. The question is on agreeing to the Chiles-Mathias amendment.

Mr. PASTORE. Mr. President, has all the time been used?

The PRESIDING OFFICER. The time has expired.

The question is on agreeing to the Mathias-Chiles amendment.

The amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 4590) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; that the House had agreed to the amendment of the Senate numbered 2 to the bill, with amendments, in which it requested the concurrence of the Senate; and that the House had agreed to the Senate amendment to the title of the bill.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 309) to provide for recognition of the 50th anniversary of the establishment of the General Accounting Office, and for other purposes.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 6666. An act for the relief of Maj. Michael M. Mills, U.S. Air Force;

H.R. 7871. An act for the relief of Robert J. Beas;

H.R. 9910. An act to amend the Foreign Assistance Act of 1961, and for other purposes;

H.J. Res. 98. Joint resolution authorizing the President to proclaim the 28th day of September of 1971 as "Teacher's Day";

H.J. Res. 527. Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week";

H.J. Res. 543. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 6666. An act for the relief of Major Michael M. Mills, United States Air Force;

H.R. 7871. An act for the relief of Robert J. Beas;

H.J. Res. 98. Joint resolution authorizing the President to proclaim the 28th day of September of 1971 as "Teacher's Day";

H.J. Res. 527. Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week";

H.J. Res. 543. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the one hundred and twenty-fifth anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution; to the Committee on the Judiciary.

H.R. 9910. An act to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 309) to provide for recognition of the 50th anniversary of the establishment of the General Accounting Office, and for other purposes, was referred to the Committee on the Judiciary.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 325

Mr. **FANNIN**. Mr. President, I call up my amendment No. 325.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. **BYRD** of West Virginia. Mr. President, may we have order in the Senate?

The **PRESIDING OFFICER**. The Senate will be in order.

Mr. **FANNIN**. Mr. President, I would like to make certain technical modifications in the amendment. On page 1, strike lines 1 and 2 and insert:

On page 36 insert the following:

On page 1, strike line 7.

On page 2, beginning with line 10, strike the words "and which is described in subsection (c) or (d)."

The **PRESIDING OFFICER**. The amendment is so modified.

Mr. **FANNIN**. Mr. President, I ask unanimous consent that the reading of the amendment as modified be dispensed with, and that the amendment be printed in the RECORD.

The **PRESIDING OFFICER**. Without objection, it is so ordered; and without objection the amendment will be printed in the RECORD.

The amendment (No. 325) as modified, is as follows:

On page 36 insert the following:

"TITLE IV—AMENDMENTS TO INTERNAL REVENUE CODE

"PART A—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE

"PART B—PROHIBITION OF CERTAIN POLITICAL ACTIVITIES

"SEC. 411. (a) Section 501 of the Internal Revenue Code of 1954 (relating to exemption from tax) is amended by redesignating subsection (f) as (g) and by inserting after subsection (e) the following new subsection:

" '(f) PROHIBITION OF CERTAIN POLITICAL ACTIVITIES.—No organization described in section 501(c)(5) which requires any person to pay membership dues, fees, or other assessments, as a condition of employment shall be exempt from taxation under subsection (a) for any taxable year in which any part of its income or of the amounts received for its support is used—

" '(1) to support or oppose any candidate for public office.

" '(2) to support or oppose any political party, or

" '(3) to carry on voter registration.'

"(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act."

Mr. **FANNIN**. Mr. President, I yield myself 10 minutes.

The **PRESIDING OFFICER**. The Senator is recognized for 10 minutes.

Mr. **FANNIN**. Mr. President, I wish to thank the following Senators who cosponsored the amendment: Senators TOWER, BENNETT, BROCK, GURNEY, CURTIS, HANSEN, and GOLDWATER.

Mr. President, the purpose of the bill is to find a way to treat all segments of our society equally. Our goal is to correct inequities so evident in past election campaigns. The bill as presently constituted does not so provide.

To reach this goal it is necessary for this bill to provide checks and balances on expenditures. Regretfully, there is one unclosed loophole that the bill does not cover—I refer to compulsorily collected dues of union members being used for political purposes—something the Congress has never intended.

There has been much said about the rich man's amendments Mr. President—I ask my colleagues—who is richer than the unions?

Mr. President, first, I will talk about individual rights, about protecting the working man.

Millions of American working men and women are forced to pay dues each month to unions. Contrary to the wishes of many of these union members, their dues and assessments are being used for political purposes.

Two weeks ago I pointed out to the Senate that unions reported spending $10.7 million for political purposes in the 1970 elections. This is only the very tip of the iceberg. Millions more were spent by the unions for unreported contributions, to provide facilities for campaigns, to pay for supplies for campaigning, to pay the salaries of supposed union officials who actually were full time political campaigners for various candidates.

In the 1968 elections union contributions were estimated at from $60 million on up.

Mr. President, at this point I ask unanimous consent to insert in the RECORD two tables from the book, "Financing the 1968 Election" by Herbert E. Alexander.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 6-1.—LABOR NATIONAL-LEVEL COMMITTEES GROSS DISBURSEMENTS, 1956, 1960, 1964, 1968

	Reporting committees	Gross disbursements (in millions)
1956	17	$2.2
1960	21	2.3
1964	31	3.7
1968	37	7.1

TABLE 6-2.—GROSS DISBURSEMENTS OF THE TEN LARGEST LABOR NATIONAL-LEVEL COMMITTEES, 1960, 1964, 1968

	1968	1964	1960
Committee for Good Government	$251,000	$122,000	$77,000
COPE (AFL-CIO)	1,207,000	989,000	794,000
DRIVE (Teamsters)	211,000	270,000	50,000
ILGWU	1,077,000	426,000	316,000
Machinists	572,000	260,000	193,000
Marine Engineers	262,000		
Seafarers	947,000	121,000	
Trainmen	215,000	43,000	10,000
UAW	309,000	269,000	61,000
Steelworkers	240,000	251,000	239,000

Adding the two UAW committees together, $560,000 was spent in 1968, $391,000 in 1964, and $138,000 in 1960.

Mr. **FANNIN**. Mr. President, these tables show that in 12 years the number of labor committees reporting on the national level more than doubled. Their reported contributions went from $2.2 million to $7.1 million. Again, let me point out that these represent only a fraction of the actual union expenditures for political campaigning.

The executive director of COPE, Alexander E. Barkan, has provided some impressive statistics on the role that his organization and other union bodies played in the 1968 elections.

Barkan has said that they distributed 110 million pieces of printed matter.

They registered 4.6 million voters—mostly of one political party.

COPE operated telephone banks in 638 locations with a total of 8,055 telephones.

This—and again it is only a very small sample—shows how deeply the unions were involved in the election of public officials. It was the union members who paid the freight for the materials and facilities used, and for the salaries of union officials who served as the key political organizers.

No one asked the union workers whether they approved of this.

No one asked the union rank and file which candidates should be supported.

The decisions were made by the union bosses who have fantastic resources at their disposal to use in grinding their favorite political axes. These union bosses naturally are going to use these resources to promote the election of public officials who will support legislation and policy that is to the benefit of the union bosses.

One of the major jobs of Government is protecting rank and file workers from exploitation by ruthless union leaders. How is Congress supposed to do this when so many Members become deeply indebted to the union bosses?

This brings me to the second point, protection of the integrity of our entire political system.

Congress has enacted laws—effective laws—to prevent big business from gaining an iron grip on the Government. In the legislation we are considering today, the objective is to keep home balance in our campaign and election system—to prevent candidates from "buying" their way into office and to prevent special interests from "buying" the candidates.

Mr. President, I believe that a paragraph from a brief filed in 1962 with the Presidential Commission on Campaign Costs pretty well summarized this concern:

> No one can adequately document or even estimate the persuasive effects of Big Money on our public officials. Those who are experienced in political campaigns make these points: candidates must constantly think of the financial problem; campaign costs have mounted sky-high, particularly for television, a large proportion of the money candidates need comes from those who can afford substantial contributions; those who make such contributions expect at the best "sympathetic consideration" of their viewpoint and at the worst outright promises of support of their special interest. This vulnerability to Big Money is most obvious in the closing days of every campaign, when candidates take money from almost any source, in a frantic effort to get ahead of, or catch up with, the opposition in television time. The necessity of relying on these large contribu-

tors puts every political candidate in an increasingly untenable position.

This was presented to the Presidential Commission by the late Walter P. Reuther in behalf of his United Automobile, Aircraft and Agricultural Implement Workers of America. Of course, Mr. Reuther argued that it was big money from big business that was bad, not big money from the union bosses.

It is my contention that big money from union bosses is the biggest threat to our political system because of the concentration of resources and the control of not only funds but the facilities and manpower that can make or break candidates for public office.

If we do not put some meaningful restraint on the unions they will be left free to "buy" the candidates election after election.

And I would point out that this can apply to primary as well as general elections. Politicians who are now the chosen ones of the chosen party could find the situation changed should they incur the displeasure of the few who control access to union resources.

Unions have prospered because they have been given broad protection by Congress. Our laws are heavily biased in their favor. This is why they can exact dues and assessments to amass the resources that can make or break politicians in certain areas of our Nation.

Yet, the union membership makes up a small portion of our country—less than 10 percent of our population.

Mr. President, it is time that we whittle the political power of the union officials back down to its rightful size. If we do not take action on this, the campaign reform bill we are considering will be a farce.

The amendment would prohibit any organization which requires the payment of dues or other assessments and which membership in such organization is a condition of employment from claiming an income tax exemption for any taxable year in which any part of its income or of the amounts received for its support is used—

First, to support or oppose any candidate for public office,

Second, to support or oppose any political party, or

Third, to carry on any voter registration.

Labor unions currently are taxed on unrelated business income, but under 501 (c)(5) of the Internal Revenue Code they are not taxed on passive or investment income, such as dividends, interest, annuities, or royalties.

501(c) of the code provides some 17 categories of exemptions for a number of varied organizations.

501(c)(5) is the only one of the 17 paragraphs that contain no definitions, limitations, or prohibitions. Because of this, my amendment is an absolute necessity.

Tax exemption under section 501(c) of the code is a special privilege which was intended only if tax exempt organizations do not engage in activities beyond their exempt purposes.

Congress clearly intended that unions should not engage in political activities through the use of involuntary dues. This was spelled out in the Federal Corrupt Practices Act.

The Internal Revenue Code has been interpreted as permitting a union tax exempt status no matter how much of its money it spends for political purposes. In a very real sense, the Internal Revenue Code is condoning illegal political activity and rewarding it with a tax exemption.

Mr. President, it is common practice for a portion of involuntary union dues to be allocated to special committees which channel these funds into political campaigns. These often are called "political education" or "community action" committees, but this is a very thin veil. These committees "educate" people to support the politicians who are in favor with the union bosses. They bring about "community action" which will boost the political fortunes of the chosen party or candidate. They conduct so-called voter registration drives which are in fact door-to-door canvasses on behalf of individual candidates or a single party.

This amendment is intended to put some reasonable restraint on the staggering sums of money and resources now being poured into these political activities by the unions.

This would not prevent the use of separate political arms or organizations. I do not dispute the right of unions to have political action machinery which is truly supported by voluntary contributions.

This amendment would not affect other voluntary political action groups such as the League of Women Voters or associations which are allowed to engage in certain political activity under other sections of the Internal Revenue Code.

Someone is bound to argue that we do not need this amendment because political spending by unions already is illegal.

Mr. President, it is obvious that the Federal Corrupt Practices Act has not done the job. There have been attempts to enforce this law, but the results have been singularly unimpressive.

Allow me to cite from the report of the President's Commission on Campaign Costs. Recommendation No. 4 in the report, Financing Presidential Campaigns, says:

> *Recommendation No. 4—Prohibition of Partisan Campaign Contributions and Expenditures by Corporations and Labor Unions*
>
> Section 610 of Title 18, United States Code, is the principal controlling statutory provision relating to political contributions and expenditures by corporations and labor unions. The prohibitions of this section make it unlawful for corporations or labor unions to make—
>
> "A contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section."
>
> A general misconception appears to exist about the effect and intent of this provision. From our study of the section, its legislative history, and the *applicable court decisions*, it is clear to us that no distinction is intended between corporations and unions with respect to political contributions and expenditures.
>
> Section 610 reflects a proper congressional policy to restrain equally without exception or discrimination the activities or corporations and labor unions with respect to political contributions and expenidtures. *We recommend that section 610 be vigorously enforced and that the present equal legislative treatment of these organizations with respect to political contributions and expenditures be maintained.*
>
> *Financing Presidential Campaign, Report of the President's Commission on Campaign Costs, pages 20–21.*

During Mr. FANNIN's statement on his amendment:

Mr. CANNON. Mr. President, will the Senator yield for 30 seconds?

Mr. FANNIN. Mr. President, I yield with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the last amendment was adopted.

The PRESIDING OFFICER. We are now on an additional matter of pending business.

Mr. MATHIAS. Mr. President, I ask unanimous consent to reconsider the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object, I would like to find out what the unanimous-consent request was.

The PRESIDING OFFICER. The Senator from Maryland has asked unanimous consent that it be in order to enter a motion to reconsider the vote by which the previous amendment was adopted.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. FANNIN. I yield to the distinguished Senator from Nebraska.

Mr. CURTIS. I commend the Senator for what he is saying, and for the preparation of an amendment dealing with this important aspect of Federal elections. Any law to control or limit campaign expenditures or activities is most difficult to write. We are all agreed that we do not want to prohibit that contribution or that activity which is in the interest of the public good, and which encourages individuals to be active participants in this job of self-government.

On the other hand, whatever attempt to control expenditures and political activities we undertake by law certainly should treat all segments of our society alike. The present law does not accomplish that. The bill before us would not accomplish it.

In a sense, it is quite easy to police a contribution made by a private citizen for a political cause. In all probability, the money has to be withdrawn from the bank, even if it is not paid by check. The individual is a taxpayer. That means that his books are open to the U.S. Government, so that they can find out where his money comes from, where it goes, whether a tax deduction was claimed when he was not entitled to it, and so on.

But in dealing with labor unions, we

have an altogether different situation. They are by law tax exempt. The Internal Revenue Service has an obligation to audit tax-exempt organizations, but they never have been audited and they are not now auditing labor unions. They give as the reason that it takes so much manpower they have just never gotten to it.

So here we have an activity that neither the spotlight of public opinion nor the eyes of the Government ever get a look at. I am inclined to believe that there are situations where money is taken from the treasury of a union and given to candidates. I believe that happens. I certainly would not condemn all unions or all union officers, but they are openly in the business of supporting and electing candidates to Federal office. I believe that the workingman's dues are being taken to support candidates which the individuals, or at least many of them, do not believe in and do not support, and we have provided no effective way of protecting the worker from it.

Then there is another field of activity that goes unnoticed so far as the Government is concerned, or the exposure to public opinion, and that is the use of manpower, the assignment of many individuals whose salaries and expenses may be paid by unions, who are active in registering voters, distributing literature, and advising voters, who are providing the means to get a favorable story across to voters for their candidate and an unfavorable story across to the voters as to the opposing candidates.

All of these things go to the very heart of politics. Registering voters, getting the names on mailing lists, building up your own candidates, getting the criticisms of the opponents—all of that is direct political activity. Yet anyone who has experienced it knows that it goes on. It is neither stopped nor controlled nor regulated.

I am not prepared to say that it should be stopped. But I believe that if there is one candidate who is supported financially by individuals, and through the money he receives must pay for all these things, any system that regulates him, limits him, and controls what he should do should also apply to the situation where there is a candidate who is supported by a huge organization, having a membership, perhaps, in a given congressional district, of a good many tens of thousands of members, who provided the wherewithal, the time, the energy, and the expense money to carry on that candidate's campaign.

I commend the Senator from Arizona for giving attention to this matter, because the first objective of a bill regulating campaign expenditures and campaign activities should be to do justice and to allow for a fair campaign, which means treating both sides alike. The legislation before us fails in that regard.

I thank the Senator for his generosity in yielding.

Mr. FANNIN. Mr. President, I certainly commend the distinguished Senator from Nebraska for what he has said. I am in agreement with the intent, as he has expressed it, of Congress. Certainly when we see the variation in the ways in which our statute is interpreted, we are vitally concerned.

Mr. CURTIS. Mr. President, will the Senator yield for one further observation?

Mr. FANNIN. I am pleased to yield to the Senator from Nebraska.

Mr. CURTIS. I believe illustrations can be cited, though I shall not do so, where a candidate supported by an organization with a great membership in his particular district or in his State, has carried on a massive campaign, and in that campaign, by all public appearances, he hardly seeems to have an opponent; yet from the financial reports, the person who has had a massive campaign carried on in his behalf reports much less in the way of expenditures. The reason is that someone else has taken over and carried on the campaign for him. Yet there is uneven treatment given the two candidates, as far as legislation of this type is concerned.

Mr. FANNIN. I thank the distinguished Senator from Nebraska, and I assure him that is the exact intent of my amendment, to treat equally everyone involved in the election. And we cannot do that where we are giving special privileges to one segment of our society.

I do feel that this is one area in which we should have corrective legislation, and that is why I have offered the amendment.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. FANNIN. I am glad to yield to the distinguished Senator from Tennessee.

Mr. BROCK. Mr. President, I am particularly impressed with the amendment, and I thank the Senator from Arizona for offering it. I have had some personal experiences in connection with the problem to which the amendment is addressed.

I remember that in my first campaign, in 1962, one particular organization brought in 50 women who were paid full time, 8 hours a day, to operate a telephone bucket shop. They hired the women, rented a building, installed telephones, and went to work, and not one dime of that expense was reported as a contribution to any candidate. In fact, they were not successful, but they did have a very marked effect.

This is something that has been a loophole in the law for a number of years.

I think the Senator's point about the Department of Internal Revenue is valid. The question I have is that if the Internal Revenue feels that it has inadequate laws, why do they not have the courage to come and tell us what laws they need with which to do an adequate job? If the laws are adequate, they ought to have the courage to enforce the laws. But somehow, the Department of Internal Revenue has failed miserably in its duty to protect the American people from other tax exemption privileges.

Mr. FANNIN. I agree with the Senator.

I may comment that I wrote the Internal Revenue Service and questioned them on this issue—at least challenged them—as to the way they interpreted our statutes. I received a letter which was very disappointing. They said:

> Therefore, it is the Service's position that if a labor union has as its principal purpose the representation of employees in such matters as wages, hours of labor, working conditions, and economic benefits, and the general fostering of matters affecting the working conditions of its members, the exemption of the organization is conferred by the statute. We find no basis to support modification of this position.

The weakness I see here is the way they interpret the economic benefits and "the general fostering of matters affecting the working conditions of its members." They are going so far in their interpretation that it is unrealistic.

Mr. BROCK. I am sure the Democratic Party and the Republican Party and every other organization in the United States is acting to protect the interests and the working conditions of its members. So, why does not every organization in America have a tax exemption? That, to me, defies logic.

The fact is that the Department of Internal Revenue has lacked either the integrity or the ability to proceed to protect the rest of the American people who are subsidizing such actions, in effect, by granting tax exemptions to an organization which abuses its franchise and privileges.

For the Senator's benefit, I should like to cite an example that happened to me last year.

I well recall, in September or early October, a piece of the most vituperative propaganda one has ever seen. It was pure slander and fallacious. It was mailed from Nashville, Tenn., in opposition to my candidacy. It had no foundation in fact. Yet, it was paid for by a labor organization, without the consent of its membership, using the tax-exemption privileges, using the mail privileges.

I think that what the Senator is proposing is simply an addendum to the bill of rights for the workingman. It seems to me that the worker has a right, and must have a right, to say where his dues are being spent. If he does not have that right, we are missing our obligation to him.

Fortunately, I have sizable support from most of the membership of organized laborship, to the chagrin, I will admit, of some labor bosses. The fact is that they did support me, and that is one of the reasons why I was successful. Yet, their funds were collected under a mandatory agreement and were spent in opposition to their own wishes, and I think that is just as much a violation of the Bill of Rights as anything possibly could be. The Senator is trying to address that problem, and I support him.

Mr. FANNIN. I commend the distinguished Senator from Tennessee for his verification of what has been brought out here today in the statement I have made. I agree with him wholeheartedly that we are not giving the member of a union his personal rights. He does not have the opportunity to designate where his money will be spent, how it will be spent; in many instances his assessed or involuntary dues are utilized adversely to his desires.

I think this is a sad process. We have had proposed legislation before us for some time to correct it.

Mr. President, in its report, "Financing a Better Election System," the Committee for Economic Development followed similar reasoning. The first sentence covers the intent. It reads:

> Corporations and labor unions should be treated alike with respect to political campaign contributions and activities.

Mr. President, I ask unanimous consent to have the full statement printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FINANCING A BETTER ELECTION SYSTEM

Corporations and labor unions should be treated alike with respect to political campaign contributions and activities. Both should be prohibited from using corporate funds or unions dues to support any candidate or political party at any level of government, either through direct cash contributions or through services in kind such as compensation to officers or employees for time used in fact for campaign purposes. This prohibition should extend to religious, social, educational, philanthropic, or other organizations not explicitly and openly organized in support of political parties or candidates, including business partnerships and "political education" affiliates. Stringent penalties for violation should be imposed and enforced.

Federal law presently forbids both corporate and union gifts to parties and candidates in national elections, but the loopholes and evasions are widely evident. The states follow variable patterns, more commonly limiting corporations than unions. Only individuals can vote; no organization or group can cast a ballot. Therefore, only those organizations openly chartered to do so should engage in political campaigns. This would not, of course, inhibit the work of foundations or other research and educational organizations, nonpartisan in character and concerned with issues of broad public policy.

Mr. FANNIN. Mr. President, my amendment would bring an effective new restraint on the undersirable and illegal political spending by labor organizations. These organizations are more concerned about maintaining their tax-exempt status than they are about the remote possibility of prosecution under current law.

As I said earlier, tax exemption under section 501(c) is a special privilege. The amendment would make it clear that this privilege will continue only so long as unions do not abuse the privilege.

Unions could remain tax free simply by sticking to the business of being unions rather than playing at the role of kingmaker. To keep their tax-exempt status, they would have to remain free of political wheeling and dealing.

One more point I would like to make is the fact that my amendment is consistent with the Supreme Court decisions in the Street and Allen cases. The Justices held that Congress did not intend to authorize unions to use compulsory dues and fees for political purposes.

As Justice Douglas said:

> The collection of dues for paying the costs of collective bargaining of which each member is a beneficiary is one thing. If, however, dues are used, or assessments are made, to promote or oppose birth control, to repeal or increase the taxes on cosmetics, to promote or oppose the admission of Red China into the United Nations, and the like, then the group compels an individual to support with his money causes beyond what gave rise to the need for group action.
>
> I think the same must be said when union dues or assessments are used to elect a Governor, a Congressman, a Senator, or a President. It may be said that the election of a Franklin D. Roosevelt rather than a Calvin Coolidge might be the best possible way to serve the cause of collective bargaining. But even such a selective use of union funds for political purposes subordinates the individual's First Amendment rights to the views of the majority. I do not see how that can be done, even though the objector retains his rights to campaign, to speak, to vote as he chooses. For when union funds are used for that purpose, the individual is required to finance political projects against which he may be in rebellion.

Mr. President, let me summarize the purpose of this amendment.

It is intended to protect the rights of rank and file union members who are now forced to contribute to political causes they do not believe in.

It is designed to maintain some balance in our political system by requiring unions to abide by the same regulations that apply to other segments of our society.

Without this provision, this bill will be a sham.

Mr. TOWER. Mr. President, I strongly support the adoption of the Fannin-Tower amendment to S. 382, the campaign spending bill.

The subject of this amendment is, perhaps, the most important topic which the Senate will consider during its deliberations on this most important piece of legislation. If we, as a legislative body, are to adopt a fair and just campaign spending bill that will apply equally to all candidates running for office, it is crucial that this amendment be adopted.

I should like to reiterate the purpose of this amendment. This amendment would remove the tax exemption from any organization which uses compulsory membership dues to support or oppose a candidate for political office or to support or oppose any political party.

It may be argued that this amendment is somehow antiunion or antilabor. I cannot accept this interpretation of the intent and effect of it. I would not support such a measure. The amendment can be construed to be prolabor, for it seeks to restrict the power and control certain organizations exert over funds gathered from union members.

It is important to remember that funds gathered by union leaders for political purposes are not done so on a voluntary basis. If a man is to be a member of a union, he must pay his monthly dues to that union. As the law stands now, this union can use all or part of the dues to support a candidate for public office. Mr. President, I have never believed that a man should be forced to join a union in order to work, although that is the law in many States. It is far worse, however, to force a man to contribute to a political campaign if he is to work. That, Mr. President, is the practical effect of present union practices. That is the grievance which this amendment seeks to redress.

There is ample evidence that these political contributions, exacted from union members as the price for their jobs, are often used to elect candidates which the union member himself neither supports nor votes for. No piece of legislation can properly be referred to as "a bill to promote fair practices in the conduct of election campaigns for Federal political offices" if it fails to eliminate a practice which often forces a man to contribute to a candidate whom he opposes.

Recent elections have proved that union members do not vote in one bloc and that they do not give landslide support to the candidates which benefit from their compulsory membership dues. Therefore, the rights of many members are being abused because they oppose at the ballot box a candidate who has benefited from their membership dues. This practice of using compulsory dues to support certain political endeavors is contrary to our basic democratic framework of government and must be halted. It is certainly an insult to many union members who would like to support the candidate of their own choice during an election.

Mr. President, I have received hundreds of pieces of correspondence from union members who are unhappy with seeing their hard earned money being spent to support partisan politics.

I, myself, have received a great deal of support from union members and local unions throughout the State of Texas. This is so even though the official organs of organized labor have not supported me.

I do not believe that the cause of labor will in any way be hindered by the adoption of this amendment. I do feel, however, that the cause of the rank and file union member will be advanced because under this amendment the rank and file union member will have a better chance to support the candidate of his choice.

Mr. President, this amendment will remove the tax-exempt status from any organization that uses compulsory dues to support partisan political activity. It will apply to any organization, regardless of the particular ideological persuasion of the leadership of that organization, which engages in such practices.

This amendment is essential to a fair campaign spending bill and essential to a participatory democracy which is safeguarded by the Bill of Rights. It is for this reason that I urge the Senate to adopt the Fannin-Tower amendment.

Mr. CANNON. Mr. President, this is an amendment to the Internal Revenue Code to deny to any organization the privilege of a tax-exempt status for any year in which it uses any dues, fees, or other assessments as a condition of employment to first support or oppose any candidate for public office, second, support or oppose any political party, or third, to carry on voter registration.

Political contributions by national banks, corporations, and labor organizations are prohibited by section 610 of title 18 of the United States Code. This amendment would go further and prohibit even such civic, public spirited programs as voter registration. Voting records in the United States ought to be improved. Millions neither register nor vote. Now, millions of 18-, 19,- and 20-year-olds are eligible to vote in 1972. It is important to encourage all qualified citizens to register and to cast their votes. Tax exempt organizations ought not to be penalized because of their worthy programs in the public interest. Those programs are educational and nonpartisan. They should be encouraged not prohibited under pain of loss of tax-exempt status.

Mr. President, I am opposed to the amendment. If the Senator has no more to say about the amendment, I intend to raise a point of order.

Mr. FANNIN. Mr. President, I did not hear everything the Senator said. This amendment would apply only to unions that use involuntary dues or assessments for political purposes. It does not extend to groups such as the League of Women Voters.

Mr. CANNON. If the Senator has concluded—we have concluded on this side—we intend to raise a point of order.

Mr. FANNIN. I have concluded.

Mr. CANNON. Mr. President, I raise a point of order on this amendment that it is not germane.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. FANNIN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada raises the point of order that the amendment is not germane. The Chair sustains the point of order on the ground that nothing in the bill or in the amendment deals with the Internal Revenue Code or the subject of taxes. Therefore, this does present new subject matter and would not be germane to the bill. Under the unanimous-consent agreement, amendments must be germane to be in order.

Mr. FANNIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FANNIN. Do I correctly understand that the amendment is automatically withdrawn by the ruling of the Chair?

The PRESIDING OFFICER. By the ruling of the Chair, the amendment is ruled out of order.

Under the previous order, the Chair will now recognize the Senator from Indiana (Mr. HARTKE).

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be taken out of this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

ECONOMIC DISASTER AREA RELIEF ACT OF 1971—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader, after consultation with the minority leadership and principal parties to the bill, to propose the following unanimous-consent request:

I ask unanimous consent that at such time as the bill is called up, debate on S. 2393, a bill to amend the Disaster Relief Act of 1970, be limited to 2 hours, to be equally divided between the distinguished Senator from New Mexico (Mr. MONTOYA) and the equally distinguished Senator from Kentucky (Mr. COOPER); provided further, that time on any amendment thereto be limited to 1 hour, to be equally divided and controlled by the mover of such amendment and the manager of the bill (Mr. MONTOYA); provided further, that time on any amendment be limited to 20 minutes, the time to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill (Mr. MONTOYA); provided, that no amendments not germane be received; ordered further, that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. COOPER. Would the Senator amend his request to provide that the senior Senator from Tennessee (Mr. BAKER) will control the time on the minority side?

Mr. BYRD of West Virginia. Yes. I so modify my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

Ordered, That, during the consideration of the bill (S. 2393), to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes, debate on any amendment, motion or appeal, except a motion to lay on the table shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment, or motion and the manager of the bill (Mr. MONTOYA). *Provided further*, That, any amendment to an amendment be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the bill (Mr. MONTOYA).

Provided further, That, no amendment not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill debate shall be limited to 2 hours to be equally divided and controlled respectively by the manager of the bill (Mr. MONTOYA) and the Senator from Tennessee (Mr. BAKER). *Provided*, That the time on the passage of the said bill may be allotted to any Senator during the consideration of any amendment, motion or appeal, except a motion to table.

EMPLOYMENT ASSISTANCE APPROPRIATIONS—UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished majority leader, after consulting with the ranking minority member of the Appropriations Committee and with the chairman of the Appropriations Committee, I propound the following unanimous-consent request:

I ask unanimous consent that, at such time as it is called up, debate on the $1 billion employment assistance appropriations bill be limited to 1 hour, with the time to be divided equally between the distinguished manager of the bill, the Senator from Louisiana (Mr. ELLENDER), and the ranking Member, the distinguished Senator from North Dakota (Mr. YOUNG); that time on any amendment thereto be limited to 30 minutes, with the time to be equally divided between the mover of the amendment and the manager of the bill; that time on any amendment to an amendment be limited to 20 minutes, to be divided equally between the mover of the amendment in the second degree, and the distinguished manager of the bill; provided further, that no amendment not germane be received; ordered further, that Senators in control of the time on the bill may, from the time on the bill under their control, allot additional time to any Senator during the consideration of any amendment, motion, or appeal, except a motion to table; and provided further, that on any committee amendments the time be taken out of the time on the bill.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous consent agreement reads as follows:

Ordered, That, during the consideration of the resolution (H.J. Res. 833), Labor, Emergency Employment Assistance Appropriations Bill, debate on any amendment (except committee amendments, debate of which shall come out of the time allotted on the bill), motion or appeal, except a motion to lay on the table, shall be limited to 30 minutes to be equally divided and controlled by the mover of any such amendment or motion, and the manager of the bill (Mr. Ellender).

Provided further, That debate on any amendment to an amendment shall be limited to 20 minutes to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the bill (Mr. Ellender).

Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said resolution shall be limited to 1 hour, to be equally divided and controlled respectively by the manager of the bill (Mr. Ellender) and the Senator from North Dakota (Mr. Young).

Provided, That, the time on the passage of the said bill may be allotted to any Senator during the consideration of any amendment, motion or appeal, except a motion to table. (August 4, 1971).

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 366 AS MODIFIED

Mr. HARTKE. Mr. President, I have an amendment at the desk, No. 366, which I ask be modified in accordance with the changes in the bill and that it be stated.

The PRESIDING OFFICER. The amendment as modified will be stated.

The assistant legislative clerk read the amendment, as modified, as follows:

> On page 6, after line 25, add the following:
> "(e) No television broadcasting station may sell or otherwise make available broadcast time in segments of less than one minute duration for use by or on behalf of a legally qualified candidate in connection with his campaign for nomination for election, or election, to Federal elective office."

Mr. HARTKE. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 4 minutes.

Mr. HARTKE. Mr. President, during the past decade, the influence of television on American society has grown dramatically. We have come to know it as both a force for good and an instrument of evil. It can educate and it can entertain, but—in the hands of professional promoters—it can be used to create false images and erroneous impressions. By day, television can teach our children to read. By night, it can promote violence and destruction.

The enormous potential of television is just now being realized by the American viewing public, but it has long been realized by advertisers. Where still pictures and printed words were once required to sell products, now moving pictures and spoken commentary are able to reach millions of potential consumers at almost any given moment of the day.

The importance of television to the political candidate became apparent almost 20 years ago. Through this new medium, a candidate could get his message to a larger audience than had ever before been possible. And when that message was sandwiched into the regular program fare, the candidate had a captive audience. They could avoid his personal appearances, his leaflets and his newspaper ads far more easily than they could his television promotions.

Once again, we learned the dual potential of television. It could give political candidates far more exposure than other mass media—certainly, a welcome influence upon a democratic society—but it could also serve to create "public" images of candidates that bore scant resemblance to reality.

In recent years, the promotion of this superficial imagery has been accentuated by candidates of both major parties throughout the Nation. At times it is harmless, but all too often it can be diabolical. Using advertising techniques developed by publicists of detergents, deodorants and automobiles, political candidates have used 30-second and 1-minute advertisements on radio and television to misrepresent facts and create false and baseless impressions about their opponents.

My own experience is not unlike that of my colleagues. Subjected to a difficult race during the last campaign in which spot advertisements were used by the opposition to cloud the issues and belie the truth, I learned at firsthand the damage which these ads can do.

At least $59 million was spent on political broadcasting in 1968, enough to buy over 6 million spots. Since 1964, the proportion of money used to purchase ads of 60 seconds or less had increased from 81 to 95 percent in 1970. At the same time, use of programs of 5 minutes duration or longer has decreased 38 percent between 1966 and 1970.

Because the bill now before us places a ceiling on media expenditures in campaigns, there will likely be increased pressure to buy short segments of time in order to get the broadest exposure and the highest impact per dollar. This trend foreshadows a lessening of opportunity for viewers to hear a rational discussion of issues. If television is to achieve its positive potential as an educating medium and a promoter of democratic institutions, this trend must be reversed.

It is in this spirit that the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I offer an amendment which would eliminate completely all campaign broadcast segments of less than 1 minute duration.

At the present time, candidates for major offices spend 95 percent of their broadcast funds on spot ads. Must the Government structure of this great country be determined by the political cosmetology of Madison Avenue? Are we to select our leaders with little more to commend them than a smile, a witticism, and a slogan? Are legislators to be selected on the basis of mass merchandising?

Let us look at what is happening today in the field of television advertising. Products from toys to sleeping remedies are being hawked in a fashion which has offended the American public and aroused the retribution of the Federal Trade Commission and other regulatory agencies. The consumer of a product has administrative and legal recourse for misrepresented merchandise, but what about political candidates? What agency can tell the candidate that it is not enough to decry the conditions which beset us, but that he must tell what he intends to do to correct those conditions? What agency can tell the politician that he must produce what he promises?

No 30-second commercial ever was able to explain how brand X eliminates grease and dirt, and no 30-second commercial will ever be able to allow a political candidate to engage in a rational discussion of a single issue.

Mr. President, spot ads cheapen politics. They make the political process a game of images rather than an ongoing debate of issues. Today, Americans are rejecting the politics of superficiality. They demand far more than cliches and invective. What they long for is an honest and frank discussion of the issues which concern them and their country.

We can help to bring about this new and long-awaited politics by adopting the amendment which the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I offer today.

Mr. President, I yield 6 minutes to the Senator from Illinois (Mr. STEVENSON).

Mr. STEVENSON. In 1936, the Republican Party sponsored a series of skits on radio which suggested that contemporary young couples were postponing marriage, because of the size of the national debt.

In 1944, the Democrats' use of radio spots in the presidential campaign led Broadcasting magazine to comment "we have elected a President with singing commercials and with jive and jabberwookie."

In 1956, the Republican National Committee chairman set the tone of the Republican campaign:

> Politics these days is like a business . . . you sell your candidate and your programs the way a business sells its products.

The Democratic presidential candidate in 1956 was repulsed by this attitude toward American politics. He said:

> This idea that you can merchandise candidates like breakfast cereal—that you can gather votes like box tops—is, I think, the ultimate indignity to the democratic process.

But the trend has continued. With every election more money, more letters, and more radio spots, continue. With every election the intelligence of the voter is insulted. His decencies are offended more. And our politics is cheapened more.

It is not a partisan issue. No one forgets the mushroom cloud and the voice of doom used in support of Lyndon Johnson in 1964.

It is an American issue. We simply cannot afford it any longer. Political spots reached new heights of silliness in 1966 when a gubernatorial candidate spent $1.5 million on TV spots in which he never appeared. An animated fish did the talking for him.

More spots were used than ever before in 1968—over 6 million. The Republicans produced a spot showing the Appalachian poor, urban street riots, and wounded GI's in Vietnam, all followed by the laughing face of our esteemed colleague, HUBERT HUMPHREY. Democrats countered with a spot presenting hysterical laughter at each mention of the name SPIRO AGNEW.

And in 1970 the commercials reached a new low in American politics. We have passed the point of public tolerance. Ninety-five percent of expenditures for political advertising went to spots in 1970. They ranged from corny gimmicks to the worst of demagoguery. A candidate for Governor ran a spot which began "are we going to be ruled by the bloc? Look what it did in Watts and in the Nation's Capital." In Indiana our colleague, Senator HARTKE, was subjected to one televised smear after another. His opponent even attempted to link him to the Vietcong. And it was no better in Illinois and Utah and Missouri and in many other States. I need not recall for my colleagues the political pornography employed in that campaign. It is not now, nor will it soon, be forgotten. But it will continue unless we act to stop it.

What we will not change for the better, time may even change for the worse. Political advertising has become a big business. Nearly 100 advertising agencies handled major candidates in 1970. Fees for ad agencies ranged from $30,000 to $100,000. Many of the media men switch back and forth between soaps, cereals, and deodorants, on the one hand, and candidates for public office on the other. They utilize what is known in the trade as the "unique selling point," seeking a message which, repeated through saturation broadcasting, is intended to reach the viewers subliminally and influence them to respond subconsciously in the polling place. Spots are encouraged. Repetition is the key. Among the popular strategies for "people selling" are the "spurt" technique, the "telenews" technique, and "instant information."

A brochure for one ad agency specializing in political advertising boasts that it has a "track record of 95 percent wins." The brochure begins:

> We believe that winning your election depends upon your ability to mobilize the English language and send it out over the mass media to claw its way into the voter's mind, telling him what's in it for him if he votes for you.

One image maker, Robert Goodman, says of candidate AGNEW:

> He was a beautiful, beautiful body, and we were selling sex.

Of his own political philosophy, he says:

> We try to make the candidate bigger than life and we try to do it emotionally. Our job is to glamorize them and hide their weaknesses . . . if he's got it, we project it. If he hasn't, we try to fudge it.

Another ad man has said of the American public:

> You know your audience. They are not very bright, and they succumb to the sensational new word.

Another, Harry Trealeaven, says:

> Most national issues today are so complicated, so difficult to understand and have opinions on, that they either intimidate, or more often, bore the average voter.

There is no telling where this trend will end. All we can say is that it must end. The effect of these spots is to cheapen politics. It takes the dignity out of running for public office. It may well be that such political poison accounts in large measure for the crisis of confidence in our politics. Its use insults the intelligence and the decency of the people. It suggests to an increasingly informed public that it is held in contempt by candidates whom it then holds in contempt.

The public wants this mutual antagonism to end. A recent Gallup poll revealed that 74 percent of Americans support some kind of restriction or control of political advertising. We should want it to end, too.

This amendment would ban the purchase by Federal candidates of television segments less than 60 seconds in length. As a practical matter, the amendment applies almost entirely to spots of 10, 20, and 30 seconds, since those are the most commonly used time segments.

These short spots are the ones offering the greatest potential for superficiality and demagoguery. These ads lend themselves to the subliminal techniques. These are the spots which are repeated again and again to a captive audience. They are inappropriate to serious discussion of issues. They last just long enough for an appeal to emotions, not long enough for an appeal to intellect.

Unless something is done, we may soon reach the time when our only exposure to candidates is through short spots. The amount of money spent on programs of 5 minutes or longer has declined by 38 percent over the past 4 years.

This amendment would be an important step toward reversing that trend.

Elimination of political spots under 60 seconds may not be the whole answer to cleaning up our politics, but it is a step. It would help restore integrity to our political process. And it might help to make election campaigns something more than devices for obtaining public office—at all costs and by any means.

Mr. PASTORE. Mr. President, my colleagues from Indiana and Illinois know the affection and respect I have for their judgment. But this is an amendment that is within a very, very critical area. I agree with everything they said. There have been some very, very shabby pornographic slogans, not only during political campaigns, but sometimes on a regular schedule.

For me to stand on the floor of the Senate and say, "You can be pornographic for 5 minutes but not for 1 minute," I am afraid we would be using a measuring instrument that would not make much sense.

The trouble was not with duration. Some people can say a great deal in 1 minute and some people can take 2 hours and say nothing. Time is not significant. Maybe the 1-minute spot is not a desirable spot, but I am afraid we are getting into something here involving the first amendment of the Constitution.

Who am I to say to the candidate that he cannot have a 1 minute spot, if that is the spot he wants? Senators would be surprised at how much can be said in 1 minute. We have been in this Chamber time and time again when a minute is granted here and there, and a Senator is supposed to state his position in a minute.

This is not a new issue. This issue has been raised several times by my friend, the Senator from Indiana (Mr. HARTKE). I know he has a very strong feeling about the matter and the fact that it involves Madison Avenue techniques and deception.

But like everything else, that cannot be measured in terms of 1 minute, 5 minutes, or 10 minutes. Some people can be very deceptive in 1 minute and some people can be very deceptive in 5 minutes.

We brought this matter to the attention of the Federal Communications Commission and we have had an opinion rendered by the Chief Counsel, who thinks this would be unconstitutional.

Frankly, I think this gets into the area of censorship. When we say to a man he cannot speak or perform for 1 minute, I am afraid we are saying to him that we are denying him freedom of speech.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from R. E. Wiley, General Counsel, Federal Communications Commission, dated March 31, 1971, and his enclosed memorandum, which is printed on page 588 of the hearings.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on Communications, U.S. Senate, Washington, D.C.

DEAR SENATOR PASTORE: In response to your request at the recent hearings on political broadcast bills, I am enclosing a memorandum on the question of the legality of establishing minimum time limitations for political broadcasts.

It is concluded that dictating an important aspect of a candidate's format in political broadcasts by setting an absolute minimum time may abridge the First Amendment. Additionally, such a limitation may violate the equal protection clause as incorporated in the Fifth Amendment due process clause if the minimum time is not reasonably related to the evil sought to be avoided.

Please advise me if I can be of further help to the Committee.

Sincerely,

R. E. WILEY,
General Counsel.

MARCH 31, 1971.

MEMORANDUM OF THE GENERAL COUNSEL, FEDERAL COMMUNICATIONS COMMISSION, ON THE LEGALITY OF ESTABLISHING MINIMUM TIME DURATIONS FOR POLITICAL BROADCASTS

The question addressed by this memorandum is the validity of a requirement by Congress or the Federal Communications Commission that no political broadcasts may be carried unless they are of a minimum length—perhaps five minutes. It is believed that such a limitation upon political broadcasts would probably violate the First Amendment and would also raise questions of compatibility with the Fifth Amendment insofar as it "incorporates" the equal protection clause of the Fourteenth Amendment to the Constitution. The Congress or the Commission probably could take other types of action to discourage the presentation of political candidates in a manner akin to selling commercial products, i.e., through brief spot announcements.

The conclusion that an absolute bar against the presentation of political broadcasts of less than a specified length would run afoul of the First Amendment rests upon a long series of cases in the Supreme Court holding that the government may limit speech only where it poses a clear and present danger of bringing about a substantive evil which the government has a strong interest in avoiding. *Konsigberg* v. *State Bar of California,* 366 U.S. 36, 50, n. 11 (1961); *Terminiello* v. *Chicago,* 337 U.S. 1, 4–5 (1949); *Bridges* v. *California,* 314 U.S. 252 (1941); *Schenck* v. *United States,* 249 U.S. 47 (1919). Moreover, a limitation on speech is unconstitutional if Congress has available a less restrictive alternative to achieve the same ends. See *United States* v. *Robel,* 389 U.S. 258, at n.20 (1967). The Court has also struck down indirect limitations upon speech which tend to "chill" free debate, e.g., *New York Times* v. *Sullivan,* 376 U.S. 254 (1964), as well as those which impose direct prior restraints, e.g., *Near* v. *Minnesota,* 283 U.S. 697 (1931).

Congress, of course, has large discretion in controlling the Federal election process, although the extent of its power with regard to State Elections has been limited recently, *Oregon* v. *Mitchell,* ——U.S.——, 27 L. Ed. 2d 272 (decided December 21, 1970) (18-year old voting age sustained for Federal elections, but not for State and local elections). Thus, Congress has been upheld in requiring public disclosure of political contributions, *Burroughs* v. *United States,* 290 U.S. 534, (1934), and restricting political activities of government employees, *United Public Workers* v. *Mitchell* 330 U.S. 75 (1947) (the decision in tihs case resting on the government's interest in an efficient public service). However, the Supreme Court has also recognized that political speech merits a particularly high order of protection against government interference. Thus, it has stated that "speech concerning public affairs is more important than self-expression; it is the essence of self-government," *Garrision* v. *Louisiana,* 379 U.S. 64, 74–75 (1964). See also *Mills* v. *Alabama,* 384 U.S. 214 (1966), where the Court found unconstitutional an Alabama statute which prohibited election day newspaper editorials on issues which were on the ballot. To the same general effect is *Farmers Educational and Cooperative Union* v. *WDAY,* 360 U.S. 526 (1959), where the Court held that a broadcast licensee could not be held liable for defamatory matter in political broadcasts which it was forbidden to censor under section 315 of the Communications Act, 47 U.S.C. § 315, and emphasized the importance of free political debate. Any limitation on political speech would appear to carry a very heavy burden to overcome an attack on its constitutionality. In the present context, it is unlikely that the courts would find a clear and present danger of a serious evil sufficient to support the direct interference with political speech which will be imposed by the proposal under consideration.

It is of course true that because "radio is inherently not available to all," a system of regulation in the public interest is both necessary and constitutionally valid. *National Broadcasting Co.* v. *United States,* 319 U.S. U.S. 190, 227 (1943). In this context it has been held that the power of a broadcast licensee to limit use of his facilities to those with whom he agrees may be curtailed in favor of the paramount interest of the listening and viewing public in hearing both sides of public issues. See *Red Lion Broadcasting Co.* v. *F.C.C.,* 295 U.S. 367 (1969), where the Commission's fairness doctrine, which generally requires a broadcaster to afford a reasonable opportunity for the presentation of conflicting views on public issues, was sustained as an effectuation of the First Amendment principle that "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public . . ." *Associated Press* v. *United States,* 326 U.S. 1, 20 (1945). See also *Banzhaf* v. *F.C.C.,* 405 F. 2d 1082 (D.C. Cir., 1968), *cert. denied,* 396 U.S. 842 (1969), which sustained the Commission's requirement that broadcasters who carried cigarette advertisements should also carry anti-cigarette smoking announcements.[1] However, neither these nor any other decisions suggest that a direct limitation on speech would be permissible. As the Court stated in *Red Lion,* 395 U.S. at 389–390:

"This is not to say that the First Amendment is irrelevant to public broadcasting. On the contrary, it has a major role to play as the Congress itself recognized in § 326, which forbids FCC interference with 'the right of free speech by means of radio communication.' Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor or others whose views should be expressed on this unique medium. But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. See *FCC* v. *Sanders Bros. Radio Station,* 309 U.S. 470, 475 (1940); *FCC* v. *Allentown Broadcasting Corp.,* 349 U.S. 358, 361–362 (1955); 2 Z. Chafee, Government and Mass Communications 546 (1947). It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee. *Associated Press* v. *United Sttes,* 326 U.S. 1, 20 (1945); *New York Times Co.* v. *Sullivan,* 376 U.S. 254, 270 (1964); *Abrams* v. *United States,* 250 U.S. 616, 630 (1919) (Holmes, J., dissenting). '[S]peech concerning public affairs is more than self-expression; it is the essence of self-government.' *Garrison* v. *Louisiana,* 379 U.S. 64, 74–75 (1964). See Brennan, The Supreme Court and the Meiklejohn Interpretation of the First Amendment, 79 Harv. L. Rev. 1 (1965). It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."

The people's "right to hear" appears to be directly impinged by a refusal to permit short announcements by political candidates or their supporters, imposed without regard to the licensee's other coverage of the particular campaign.

It is important to note in this connection that the Commission has held that a licensee may reject the use of paid spot announcements to discuss public issues where it is otherwise covering all substantial conflicting views. *Business Executives' Move for Vietnam Peace,* 25 FCC 2d 242 (1970), appeal pending *sub nom., Business Executives' Move for Vietnam Peace* v. *F.C.C.,* No. 24,492 C.A.D.C. This ruling was designed to preserve the licensee's capacity to serve the paramount public interest by arranging a schedule not governed by ability to pay, and in recognition that selling ideas like soap should not be encouraged. Congress or the Commission might in similar vein withhold from political spot announcements some preference otherwise given to political broadcasts. The validity of such an approach would of course depend upon its terms.[2]

As mentioned above, the Fifth Amendment might also be relevant to a proposal to prohibit spot political broadcasts. The Supreme Court has held that conduct violative of the equal protection clause of the Fourteenth Amendment (applicable only to the States) may also be so unjustfiable as to constitute a violation of the due process clause of the Fifth Amendment, *Bolling* v. *Sharpe,* 347 U.S. 497 (1954). It may be assumed that the same standard of equal protection applies to the Federal Government as to the States. It could be argued that a law which bans political broadcasts of less than a stated minimum duration invidiously discriminates against poor candidates by making the broadcast media accessible only to the rich.[3] While the use of large scale spot campaigns has in the past been the hallmark of the wealthy candidates, an absolute prohibition on the sale of short time periods could work to the disadvantage of the less well financed campaign.

The poor candidate, of course, may be said to be in essentially the same position under present law as he would be under the proposed limitation on political spots. The well-financed candidate can now buy large amounts of time for spot (or program-length) political broadcasts, and the licensee is obligated only to afford the opposing candidatees equal opportunities to buy time. See § 315 of the Communications Act, 47 U.S.C. § 315. However, section 315 does not operate as would the proposal under discussion to cut off an opportunity to buy cheaper time which is otherwise available to the candidate.

The equal protection clause requires only that the classification which is made by reasonably related to legitimate governmental interests, *McGowan* v. *Maryland,* 366 U.S. 420 (1961), and here the government's strong interest in safeguarding the political process by avoiding the marketing of candidates in non-informing spots would be a strong factor in defense of a reasonable specification of a minimum time, such as one minute. Where the line would be drawn would probably depend on variables such as what minimum time is necessary for adequate expression of a viewpoint, the cost of obtaining broadcasts of the minimum time duration, and, of course, the need for the legislation. Depending on the length of the minimum time allowed under the proposed spot limitation, the proposal might withstand constitutional attack on equal protection grounds, but this issue nevertheless would be of serious concern.

The above discussion of the constitutional issues applies to both the Commission and Congress. If the constitutional problems were surmounted, action by the Commission would still have to be rooted in authority granted it by the Communications Act. The Commission has broad authority under Sections 303, 307, 308, and 309 of the Communications Act, 47 U.S.C. §§ 303, 307, 308, 309, to make regulations it finds to be necessary in the public interest, convenience and necessity. It would have to determine whether a further limitation on political broadcasts of the type under discussion was consistent with § 315, in which Congress has laid down specific standards in the area of political broadcasts. See *Letter to Nicholas Zapple,* 23 FCC 2d 707 (1970). In view of the discussion above of the First Amendment considerations, it seems unnecessary to attempt to resolve the issue of the Commission's statutory authority.

In conclusion, the proposal to limit political broadcasts to those which last at least a specified number of minutes raises serious constitutional problems, and would probably be in conflict with the First Amendment.

Mr. PASTORE. Mr. President, if there are no further remarks to be made on this amendment, I shall move to table the amendment.

Mr. HARTKE. Mr. President, I would like to say that I am not persuaded by the question of constitutionality or the first amendment. That question can only be directed at the entire matter of whether Congress has the power to deal with regulations of any kind of a licensee of the Federal Government. If that argument has any merit, it has this merit as to the question of regulations, generally. So I am not persuaded by that.

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[1] It should be noted, however, that the congressional ban on cigarette announcements on electronic media subject to the jurisdiction of the FCC, Public Law 91–222 (Apri. 1, 1970), has been challenged in the courts on constitutional grounds. *Capitol Broadcasting Co.* v. *Mitchell,* U.S. Dist. Ct., D.D.C.. Civil Case No. 3495–70.

[2] The decision of the Court of Appeals in *Business Executives' Move for Vietnam Peace* v. *F.C.C.* may bear upon this question as well as the broader questions discussed in this memorandum:

[3] At some point, a minimum time duration for political broadcasts (say, one hour) would unreasonably prevent even the average candidate from purchasing time on the broadcast media.

I would like to call attention to the fact that the position which the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I are advocating has been endorsed, and really not in this limited fashion, by the report of the 20th Century Fund Commission on Campaign Costs in the Electronic Era entitled "Voters' Time."

The Commission on Campaign Costs in the Electronic Era at that time consisted of Newton N. Minow, the former Chairman of the FCC from 1951 to 1963, and four other commissioners. The present Chairman is Dean Burch. In addition there was Thomas G. Corcoran, Alexander Heard, and Robert Price. Mr. Corcoran was a Washington attorney who was a close adviser to President Franklin D. Roosevelt and other Democratic candidates and Presidents; Alexander Heard is a Democrat and political scientist, who is chancellor of Vanderbilt University, the author of "The Costs of Democracy."

Mr. President, I might point out to the Senator from Rhode Island with respect to any argument made against this provision in regard to 1 minute, that certainly, in my opinion, I would like to see them go to 5 minutes. Probably the most minor issue on this floor is debated under the chairmanship of the distinguished majority leader for 20 minutes, with 10 minutes equally to a side.

Mr. President, at this time I wish to yield to another of the cosponsors, the former Vice President of the United States, the Senator from Minnesota (Mr. HUMPHREY).

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I am sure that the arguments for this amendment have been well stated by the Senator from Indiana and the Senator from Illinois.

I wish to state that it boils down to one thing. What can be said in 10 seconds that explains something about the candidate's qualifications or about the great issues of our time? We have read all the documents about how to get elected and about how to put a candidate's image on the screen. The great trouble in politics today is that there is too much imagery and not enough substance. I imagine that Abe Lincoln would have had a little trouble with image, but he would have had no trouble with matters of issue, program, and policy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, how much more time does the Senator desire?

Mr. HUMPHREY. Two minutes.

Mr. PASTORE. I yield 2 minutes to the Senator from Minnesota on the bill.

Mr. HUMPHREY. Mr. President, I hope that this particular amendment will be taken very seriously and included as part of our campaign elections bill.

I have before me an editorial from Broadcast magazine of August 2, and the editor of this particular magazine feels the limit should be 5 minutes. It is his feeling that political broadcasting of the 10 second, 30 second, and even 1 minute variety is both demeaning on the one hand and often misleading on the other.

There is a very prominent Midwestern broadcaster who called on national broadcasters to provide the use of 30-second and 60-second spots for political candidates. Thirty seconds is bad enough, 10 seconds is deplorable and 1 minute gives everyone a chance to see the spots on the candiate and to be able to find out a little bit about what he has to say.

I realize we cannot write this bill as a code of ethics for campaigns, but I think there is enough merit in this amendment. I was pleased to join as a cosponsor.

I hope we can come through another election without talking about the selling of candidates. What this country needs is an explanation of basic issues and there is little that you can explain in 10 seconds that is worth listening to. It is not selling toothpaste, deodorants—although at times that might be helpful—a bottle of beer or a pack of cigarettes. We talk too much about that in American life. We need honest and open discussion with all the valid opinions that the American people have or are willing to listen to and to make that possible through the use of the electronic media.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator's time has expired on the amendment.

Mr. PASTORE. Mr. President, I yield to the Senator from Nebraska so that he may ask a question.

Mr. HUMPHREY. I would be glad to answer.

Mr. CURTIS. Were this amendment to be agreed to, would it be lawful for a broadcaster to sell time for an announcement that said, "Send a full-time farmer to Congress. Vote for John Doe." Would that be lawful?

Mr. HUMPHREY. No; not only that, but I think it would be awful if it were done. This business about sending a full-time farmer or a full-time businessman, or whatever it is, to Congress, in a 5- or 10-second billing, in between announcements of the football game, is not the way I think American politics should be promoted for the best effect.

Mr. CURTIS. It is not deceptive. Is it?

Mr. HUMPHREY. Not deceptive; it just is not informative.

Mr. LONG. Mr. President, will the Senator yield me 1 minute?

Mr. PASTORE. I yield 1 minute on the bill to the Senator from Louisiana.

Mr. LONG. Mr. President, I have looked at the memorandum supplied by the Federal Communications Commission. I hope the distinguished Senator from Minnesota and his distinguished colleagues will not offer it. I believe it would raise a serious constitutional issue, and that is, if a person wants to go in for less than 1 minute and make his pitch over and over again, whether we have the right to deny him that privilege.

I am frank to say that, inasmuch as this bill has merit, I would dislike to see it stricken down as unconstitutional by putting something in it of dubious constitutionality, because it is clear from the cases cited in this memorandum that a serious question is presented whether there is a right to deny a person the privilege of making a simple pitch that he can put in, in 1 minute or less.

Mr. HUMPHREY. Mr. President, there is concern about this question. I am not unaware of that. I have just had brought to my attention a copy of the memorandum. Nevertheless, I say the FCC can establish standards.

Mr. STEVENSON. Mr. President, will the Senator yield me 2 minutes?

Mr. PASTORE. Mr. President, I yield 2 minutes on the bill to the Senator from Illinois.

Mr. STEVENSON. Mr. President, this amendment does not limit access to television for candidates for messages of a minute or more. It eliminates the 30-second spots, the 10-second spots, the 20-second spots—spots which most obviously lend themselves to abuse. These are advertisements; they are not speeches. Advertisements do not come within the constitutional guarantee that protection of free speech is entitled to in our society. After all, Congress has placed a prohibition against advertising of tobacco on television. If it can constitutionally prohibit the advertising of tobacco on television, I should think it could limit 10-, 20-, or 30-second spots which very clearly do, from painful experience, lend themselves to abuse.

I would also say it is not an intrusion, it is not an unreasonable meddling into the affairs of candidates, and it certainly is no more intrusive than many other provisions in the bill. It is no more intrusive or troublesome than the reporting provisions or the ceilings set for coverage of radio and television.

I thank the Senator for yielding to me.

Mr. PASTORE. Mr. President, I do not want to argue with my colleagues, because I have the highest respect and affection for them. I think that some sensible messages can be given 30 seconds. Some things one can say and some things one cannot say in that time. For instance—and I do not mean to be personal about it, and I do not want my distinguished colleague to misunderstand—but suppose my colleague should say, "I am Adlai E. Stevenson, Jr. I am the son of a great, illustrious father, a great statesman, and I would like to pursue his career in the Senate, and I would appreciate your indulgence." That can be done in 10 seconds. Is there anything wrong with it. How can we say it is wrong? We cannot say that. That is the question we are dealing with in a very sensitive area. A constitutional question is raised.

Are we to say to an individual that he cannot speak for less than 1 minute if he wants to and let the public decide whether he is saying anything wrong? Let us not deprecate the intelligence of the American people. It does not take them too long to find out a person is a phony. It does not take long. I know that frauds are perpetrated and I know about the Madison Avenue gimmicks. I am merely pointing out that we have pursued this question with the FCC and the General Counsel has rendered a memorandum questioning the constitutionality of the bill. I think we should not weaken the bill with such a provision and give some one an excuse to veto the bill. I am trying to avoid that.

For that reason I am going to move to lay the amendment on the table.

Mr. HARTKE. Mr. President, did the Senator from Rhode Island make the motion?

The PRESIDING OFFICER. Who yields times?

Mr. PASTORE. Mr. President, I withdraw the motion to table for a moment. I understand that the Senator from Alaska wishes to speak.

Does the Senator from Indiana want more time?

Mr. HARTKE. Mr. President, I just want to ask for the yeas and nays.

Mr. PASTORE. Very well, Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion has been withdrawn. There is no motion pending.

Mr. PASTORE. Mr. President, I yield 1 minute to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I would like to endorse the views of the chairman of the committee; that is, very simply, how can we truly get to this level and try to legislate to outlaw less than 1-minute broadcasts? There is an old saying by Aristotle, "If I had more time, I would write you a more concise memorandum." If a person had more time, he could write a better message, and it might take 20 seconds. That would not necessarily have to be outlawed. The 20-second spot might be good or bad. It is a tool. For us to try to legislate what tool should be is a colossal error, particularly if we do not understand the processes involved, when McKeden and Carpenter and others are trying to probe this matter in a scientific fashion. We do not know the full impact of it. Yet we are trying to legislate on it here. We do not know what the real problem is.

I think it is legislative arrogance to think in terms of outlawing something which is a method of communication. We are not prepared to say whether a message should not be put out in less than 1 minute. Let us have freedom to do it. It is like saying, "Henceforth, you have to advertise only in English." Suppose I wanted to communicate with some people in Polish. Suppose I wanted to communicate with some people in German. Why should that be legislated against? This would be an error which would become obvious 6 months or so from now.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Garmatz, Mrs. Sullivan, Mr. Lennon, Mr. Pelly, and Mr. Keith were appointed managers on the part of the House at the conference.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MUSKIE. Mr. President, at the time our Nation was founded, many States had property qualifications for voting. It was believed that only a man who wanted to preserve his land and wealth was responsible enough to participate in political affairs. Fortunately, our concept of political equality has developed tremendously since that time; now the belief that all citizens, regardless of wealth, should have an equal opportunity to participate in politics is an axiom of our political system. This idea that wealth could be a prerequisite for voting today would be met with well-deserved outrage.

But as our practices of equality in voting have grown, our opportunities for equality in seeking office have shrunk. Once again, wealth is a barrier to democratic practice. Today, it is not State statutes, but the extraordinary cost of running a campaign that keeps all but those who can raise vast amounts of money from seeking office. If we do not drastically alter our campaign practices, only those who are wealthy, or who are chosen by the wealthy will be able to compete for elective office. This is an outrage in a democratic Nation.

Certainly, great wealth or the ability to solicit that wealth is not a proper prerequisite for office in a democracy. Nor is it healthy to have elected officials making decisions about the common good knowing that they will depend upon wealthy interests to survive reelection.

The increasing dependence of our elections upon money is a distortion of the elective process and produces terrific pressure towards corruption. As long as millions are spent to sweep men into office on a wave of superficial advertising more appropriate to soap or cereal than national politics, the structure of democratic practice and our faith in that practice will continue to decay.

What our Nation needs is a simple and inexpensive way for each candidate to communicate intelligently and fully with the voters. Our Nation has just that device: television. But we have, nearsightedly, failed to use this public tool to serve the public good.

The central question before us is relatively simple: Will we structure our electoral process so that every candidate has a chance to speak to the voters and that no candidate gets too many chances? Or shall we cynically do nothing of television advertising too often won by the candidate with the bigger wallet?

I think the answer is clear—we desperately need a change. And so I support the major changes in our election laws contained in the Federal Election Campaign Act now before the Senate.

First, I believe media spending should be limited so that no candidate can overwhelm his opponent or the electorate with an advertising campaign of monumental cost, and, in effect, buy his way into office.

While even the poorest candidate will have some access to the voters, he is not protected from a barrage of advertising from a wealthy campaign chest. Such a massive public relations effort serves no purpose. It is a waste of resource and a distortion of the democratic process.

The answer to this problem of money running political campaigns is to limit campaign spending. Ideally, a limit on all spending would be best. But a limit on media spending would be an effective control over spending, because television and radio have such a unique role in public persuasiveness. It is not appropriate that they should be limited, because they are the most expensive part of the present campaign expenditures and because the airwaves belong to the public. Finally, media spending can be monitored relatively easy so that enforcement of spending limits does not become a serious problem.

Therefore, I favor the 5-cent limitation per eligible voter on spending on the electronic media that was contained in the Commerce Committee version of this legislation. I also favor the 5-cent-per-voter limitation on the nonelectronic media. The 5-cent-per-voter limitation on television and radio spending is near the outer limits of effective control; I personally believe that a 5-cent-per-registered-voter limitation would be more effective and realistic. But I feel the compromise at a 6-cent level that was agreed to yesterday will be both reasonable and effective.

I also strongly favor the provisions of this bill which require candidates to be sold television and radio time at the lowest unit cost for the station during elections. This means that candidates will not have to pay expensive rates, thereby sharply increasing the costs of campaigning.

A second major reform contained in this bill is the provision for the disclosure of campaign financing. It is time that the financing of elections in the United States came out into the open. This will permit honesty in the solicitation and use of these funds. It will allow the public to judge the type of financial support that each candidate receives as well as each candidate's possible dependence upon individuals or groups with particular views. Public disclosure will do much to restore confidence in our electoral processes. Therefore, I favor the disclosure provisions contained in this legislation which will require public listing of all contributions and expenditures of over $100 relating to political campaigns

The third and vitally important part of the legislation is the tax credit provisions which encourage small contributions to campaigns for Federal office. These provisions are an important attempt to encourage widespread support for candidates for Federal office, thus decreasing their dependence upon large contributors. I hope they will be passed by the Senate this year.

A combination of media spending limits and widespread small contributions could alter the entire structure of American campaigning. There would be a limit to how much money any candidate reasonably needs, and there would be access to funds for any candidate who has widespread appeal. This would allow any candidate, regardless of his access to resources, to compete fairly for public office.

Much of the credit for the present legislation must go to Senators PASTORE and CANNON who have worked so hard on this complex legislation. They deserve our commendation.

Mr. President, the legislation before us today will provide one of the most far-reaching and significant reforms in our campaign processes in our Nation's history. It will restore confidence in the openness and honesty of our elections. And it will remove the influence and the belief in the influence of money in the selection of our most important leaders. I feel it is absolutely essential that this legislation be enacted into law this year.

Mr. TALMADGE. Mr. President, the legislation which I am privileged to cosponsor with the Senator from Rhode Island, the Senator from Nevada, and the distinguished majority leader, represents a major effort in an area vital to our democratic society—the problem of campaign reform and exorbitant campaign costs.

It is of concern to those who either hold or plan to run for public office. More importantly, it is of vital concern to the electorate—the people of this country who are entitled to the best leadership and the maximum possible influence in the electoral process.

It is alarming that the right to seek public office is rapidly becoming contingent upon the independent wealth of the candidate or the ready availability of large-scale financial support from groups with a particular ax to grind.

I think all of us will agree that the situation worsens with every election. If this trend is not arrested, we may arrive at a day when elections are nothing but a spending contest between powerful vested interest groups to see who can present the slickest and most commercial package to the American voter. In a word, Mr. President, the objective of this legislation is to provide maximum information to the voters consistent with reasonable spending limitations.

In pursuit of these objectives, we have devised a comprehensive approach. The provisions of this legislation deal with the use of the communications media, spending limitations, and disclosure and reporting requirements.

In its substantive provisions, the legislation repeals the equal time requirement in primaries and general elections for the office of President and Vice President of the United States.

It further requires both broadcast and nonbroadcast media to charge candidates at the lowest unit rate of advertising during specified periods before the primary and general elections.

The bill also enacts limitations on campaign spending. Candidates for Federal elective office can spend 5 cents for each resident of voting age or $30,000, whichever is greater. This amount can be spent in the broadcast media, and a similar amount can be spent in the nonbroadcast media. This sum can be spent in primaries, runoffs, and general elections. Amounts can be expended only by the candidate himself, or upon the written authorization of the candidate or his representative. Finally, there is a provision which adjusts the spending limitation automatically, based on the consumer price index.

The disclosures and reporting requirements of the bill apply to every candidate for Federal elective office and every political committee which spends over $1,000 in a calendar year for the purpose of influencing an election.

Any expenditure or contribution in excess of $100 must be reported along with the name and address of the donor or the person on whose behalf the expenditure is made.

Under the bill's punitive provisions, a violation of the act by a candidate, a member of the media, or a third party can be punished by a $50,000 fine, a 5-year prison sentence, or both.

Mr. President, the need for a bill of this nature is clear. We are attempting to strike a delicate balance here—but it is one which must be struck.

The spending limitations must be sufficiently broad to allow the candidate to adequately acquaint the voters with himself and his program.

Within a democratic society, the road to public office must be free and open. Instead, we are turning it into a toll road—and the toll is becoming prohibitive.

Furthermore, we should remember that the vote in this country is the cornerstone of our liberties. Countless patriots have given their lives to secure it for us. Americans have a sacred obligation to exercise their franchise and to do so in an informed and intelligent manner.

A limitation on campaign expenditures which is too severe would defeat this purpose. But so also does no limitation at all. The superabundance of campaign money has resulted in the injection of public relations firms into the electoral process. Candidates are being presented to the public in slick commercial packages like so many new cars. The public relations firm which helps the candidate construct his image will not be there to help him after his election. The public needs to know the man himself, not a carefully constructed image.

Perhaps the most important function of this bill is that it will return elections to a mutual exchange of information instead of a massive sales campaign. In so doing, it serves a salutary purpose, and I wholeheartedly recommend its adoption.

Mr. MATHIAS. Mr. President, as you know, I have introduced amendment No. 291 to S. 382 for the purpose of creating a franking privilege at reduced rates for all candidates—incumbents and challengers alike.

I do not wish to encumber this bill with amendments which do not go to the heart of S. 382—amendments which neither tighten up nor plug up holes in the reported bill. In the little time remaining before recess, the Senate has enough of these substantive amendments to consider. I would rather see the Senate spend its time on these, for I feel the more we add to the bill, rather than spending time to clarify the already existing bill, we are likely to give campaign reform a lethal blow.

Therefore, I shall not call up amendment No. 291, upon the assurance from the chairman of the Post Office and Civil Service Committee, that his distinguished committee will consider hearings on this matter as soon as possible.

I strongly believe in this concept of the franking privilege; it will greatly equalize the candidates before the eyes of the public as well as decrease the great advantage of incumbents in all Federal elections.

And I do not think this Chamber can proceed in this important matter without the benefit of this committee's views, I am glad to be able to submit for the Senate a copy of the chairman's letter assuring us of his intention to give this matter prompt attention.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 2, 1971.

Hon. CHARLES McC. MATHIAS, Jr.,
United States Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your note concerning your interest in removing your amendment No. 291 to S. 382, the Federal Election Campaign Act of 1971.

Like you, I see great advantages to limiting the number of amendments to the campaign reform bill. Your offer to withdraw your amendment is commendable.

As you know, the Administration has introduced legislation which comes very close to accomplishing what this amendment would provide. This administration bill has already been referred to this Committee.

Although we have not yet had the opportunity to hear this legislation, you can rest assured that following the August recess this Commitee will schedule hearings as soon as the calendar allows.

Best wishes.

Sincerely,

GALE MCGEE,
Chairman.

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, I would hope if this amendment should have an opportunity to come up again, in event the motion to table is not agreed to, that there would be a great deal of research by the proponents of the amendment, and not only as to the first amendment but as to the fifth amendment and the equal protection clause under the 14th amendment, because we are not dealing with the question of whether the Senate should legislate against a particular group, but we are legislating for a distinct group against the ability of another group to function under another set of rules and regulations. This poses a serious constitutional question, and not merely with respect to the first amendment. I would hope that a great deal more research would be done in this field before the amendment would be adopted by the Senate.

Mr. PASTORE. Mr. President, I move that the amendment be laid on the table, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Indiana for himself and other Senators. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), and the Senator from New Jersey (Mr. Williams) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Carolina (Mr. Thurmond) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

The result was announced—yeas 74, nays 17, as follows:

[No. 192 Leg.]

YEAS—74

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gravel
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
Miller
Mondale
Montoya
Moss
Pastore
Pearson
Pell
Prouty
Randolph
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Tower
Tunney
Weicker
Young

NAYS—17

Cooper
Cranston
Fulbright
Hartke
Humphrey
Mansfield
McGovern
McIntyre
Metcalf
Muskie
Nelson
Packwood
Proxmire
Ribicoff
Roth
Stevens
Stevenson

ANSWERED "PRESENT"—1

Taft

NOT VOTING—8

Bayh
Gambrell
Goldwater
Harris
Mundt
Percy
Thurmond
Williams

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. PASTORE. Mr. President, I yield 12 minutes on the bill to the Senator from Missouri.

Mr. LONG. Mr. President, will the Senator from Missouri yield me just 1 minute?

Mr. SYMINGTON. I am happy to yield to the Senator from Louisiana.

MILITARY CONSTRUCTION AUTHORIZATION BILL

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5208.

The PRESIDING OFFICER (Mr. Brock) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Long, Mr. Hollings, Mr. Griffin, and Mr. Hatfield conferees on the part of the Senate.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. SYMINGTON. Mr. President, the Federal Elections Campaign Act of 1971 offers an enforceable, and reasonable method of requiring a candidate, or political organization, to account for receipts and expenditures made in seeking Federal office.

In a democracy, accountability to the public is the foundation of Government.

An informed public must be given "maximum information" about those who hold public office if they are to have an opportunity to properly evaluate their actions and decisions. This accountability cannot begin with the holding of a Federal office. It must also apply to those who are candidates for Federal office.

Accountability alone, however, is not enough. Reasonable limitations must be applied to the expenditures of a candidate so as to prevent any person with unlimited resources from "buying" an election; and also to encourage those qualified people without such resources to nevertheless seek public office.

Recently the chairman of Common Cause, the Honorable John W. Gardner, observed to All American citizens,

> You Are Being Had.

Mr. Gardner went on to say,

> It isn't a pleasant thing to admit that in this great nation elective offices can be purchased; that votes of Federal, State and local officials are bought and sold, every day; that access of the people to their government is blocked by a "Chinese wall" of money. It isn't pleasant but it's a fact—and, today, a dangerous fact.

Mr. Gardner presented a thesis which should guide democratic Government in the United States, when he also stated:

> People need to feel they have access to their government. They need to believe their government is responsive. They need to feel it can be called to account. But whenever they look they find that the access of money to power is blocking the access of people to power.

The legislation before us represents a major bipartisan effort in the Congress to close the loopholes; and to make accountability as much a part of a political campaign as any issue before the candidates.

At the same time it proposes fair limitations on the amounts which candidates can spend on broadcast and non-broadcast media—areas which have experienced a "spiraling competition" of rising costs in Federal elections.

It is shocking indeed to note some of the loopholes which a candidate can now use to prevent disclosure of all contributions and expenditures made on behalf of his candidacy.

Although millions of dollars have been spent on primary election campaigns—as well as in efforts to secure a party nomination for the presidency—a candidate does not have to report those expenditures.

Committees working on behalf of a candidate who state they do so without the "knowledge or consent" of the candidate, and who do not operate in more than one State, are not required to make Federal reports of their receipts and expenditures.

A candidate's report often does not reveal the identity of contributors by failing to provide a "complete address." In some instances, as was true with respect to contributions to the campaign of my recent opponent, large contributions were made and were reported as anonymously given.

Even if some provision of the Corrupt Practices Act is violated, as of today there are not sufficient resources or procedures for investigating and bringing action against a candidate or committee which violates the law.

Furthermore, the laws of the respective States generally leave the committees which support a candidate various means of hiding their true activities and actual expenditures.

As illustration, recent articles in the St. Louis Globe-Democrat and the St. Louis Post-Dispatch reveal how loopholes in the State and Federal laws may be employed.

These articles refer to the fact that my opponent in the 1970 Missouri senatorial campaign, who was then, and still is, the attorney general of our State, asserted that he was not aware for some time that treasurers of committees which had supported his candidacy had filed their reports in the States of Illinois and Oklahoma rather than in Missouri.

In other words, voters of the State of Missouri not only did not know before the election, but do not know as of today, the amount of money spent, or the names of all his contributors.

Nevertheless, my opponent did say that the treasurer of one committee was a Mr. Sam Powell, who served during my opponent's campaign as his press secretary; also, that the committee report in question was filed in Oklahoma, but that he did not know where.

The voters of Missouri still do not know, because members of the news media have been unable to find where they were filed, or even whether they were ever actually filed.

According to State Senator John J. Johnson, who brought these facts to the attention of the Missouri Senate, the Illinois treasurer served as the treasurer of 43 committees in Missouri, and raised tens of thousands of dollars on behalf of my opponent.

But his reports were filed in Illinois.

My opponent also was reported as saying that he knew the treasurer of these committees was raising money for him, but that he had no knowledge of the committees involved.

In an editorial on this issue of accountability to the public, the Daily Dunklin Democrat of Kennett, Mo., called for a new State Corrupt Practices Act, stating in the editorial:

> As the State's chief law enforcement officer, Mr. Danforth has some obligation to observe both the spirit and the letter of the law . . .

I ask unanimous consent that the text of these articles: "Danforth Explains Filing of Reports Out of State," St. Louis Post-Dispatch, June 10, 1971; "Danforth Backers Filed Campaign Reports in Illinois," St. Louis Globe-Democrat, June 10, 1971; "Campaign Expense Loopholes," the Daily Dunklin Democrat, June 14, 1971, be printed in the RECORD.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, June 10, 1971]

DANFORTH EXPLAINS FILING OF REPORTS OUT OF STATE

(By Louis J. Rose)

JEFFERSON CITY, June 10.—Republican state Attorney General John C. Danforth acknowledged yesterday that some reports listing campaign contributions in his unsuccessful race for Senator last year were filed in Illinois and Oklahoma, rather than Missouri.

He denied, however, allegations by State Senator John J. Johnson (Dem.), Affton, that this violated the spirit of the law by utilizing a loophole in Missouri's Corrupt Practices Act governing reporting of campaign contributions.

Johnson criticized Danforth in remarks on the Senate floor and produced photostats of reports filed last December in Madison County, Ill. The reports listed contributions totaling $53,000 to various committees that worked on behalf of Danforth's candidacy.

The reports were filed by Louis P. Holst, treasurer of the committees involved.

Johnson said a loophole in Missouri's Corrupt Practices Act apparently permitted a candidate to avoid filing a report in Missouri by having a resident of another state serve as a treasurer of his campaign committee.

He asked the General Assembly to set up an interim committee to review and rewrite state statutes governing campaign contribution reporting requirements.

Johnson told the Senate it was not his intention to single out Danforth as the only candidate to take advantage of the reporting loophole.

"It is common knowledge that these laws are seldom enforced and they are, indeed, widely violated and ignored by many," Johnson said. "It does appear to me, however, that when campaign committees for the chief law enforcement official of this state feel free to start using loopholes in the law, then the time has come for the General Assembly to take some action to have meaningful and enforceable corrupt practices laws."

Danforth told the Post-Dispatch that he was not aware of the existence of the committees involved in the Illinois reports until about two months after the general election last November. He said he learned also at that time that similar reports had been filed in Oklahoma but said he did not inquire into the amounts of contributions listed in the Oklahoma reports.

Danforth said Holst was a certified public accountant with offices in St. Louis and was the father of Cathy Holst, who was a staff assistant in Danforth's campaign. He said Holst filed the reports in Illinois because he was a resident of that state.

Of the $53,000 in contributions cited in the Illinois reports, $26,000 was given by Randolph P. Compton, an uncle of Danforth. Compton's home is in Scarsdale, N.Y.

Danforth said that throughout his campaign he remained aloof from fund-raising efforts. He did not want, he said, to become involved in soliciting contributions for fear this would "impair my independence."

He said he never violated either the spirit or letter of the law. "I think the only thing you can do with the laws that set specific requirements is comply with them. I am confident no law has been violated," Danforth said.

The reports filed in Oklahoma, he said, were submitted there because the treasurer of the committees involved was Sam Powell, whose home was in Oklahoma. Powell was Danforth's press secretary in the campaign.

Danforth questioned why he was singled out by Johnson and called on him to make public the names of other candidates whose campaign committees may have filed reports in other states.

He said he would not be surprised if the same was true of committees that aided Stuart Symington, particularly committees that may have been set up in the Washington, D.C., area. Symington, a Democrat, won re-election to a fourth six-year term in the Senate last year by defeating Danforth by 37,500 votes.

[From the St. Louis Globe-Democrat, June 10, 1971]

DANFORTH BACKERS FILED CAMPAIGN REPORTS IN ILLINOIS

JEFFERSON CITY.—Some fund-raising committees for Attorney General John C. Danforth's campaign for the U.S. Senate in 1970 did not file their reports in Missouri; they filed them in Illinois and Oklahoma.

These reports were brought to the attention of the Missouri Senate Wednesday by Sen. John J. Johnson (Dem.), Affton, as he cited what he called a loophole in the corrupt practices statute in Missouri. He said he was not singling out the attorney general.

"It is common knowledge that these laws are seldom enforced and they are, indeed, widely violated and ignored by many," the senator said

But, he said, the attorney general is an example, and he produced documents showing that at least $53,000 was raised by 43 committees in Missouri, but the reports were filed in Illinois.

The Missouri statute reads that such fund-raising committees must make reports "in the office of the recorder of deeds of the county in which such treasurer resides."

Johnson said the treasurer of the Danforth committees in this instance was Louis P. Holst, who lists his residence as Madison County, Ill., and the reports were filed in Madison County.

Danforth told The Globe-Democrat that he had intentionally isolated himself from the fund-raising committees in his campaign last year against Sen. Stuart Symington. He said he knew Holst as an accountant and the father of a girl who worked in his campaign office in St. Louis.

He said he had no knowledge of the committees mentioned in the report and did not know that Holst was raising money for him.

"There were a number of people operating a variety of stuff in the campaign," Danforth said, "and I remained very remote from the contributors."

Johnson called on the Senate to set up a study committee on the corrupt practices act.

"Since this is a Missouri law and the campaign for elective office is within Missouri, it certainly would indicate that the intent of the law is such that it presumes that a campaign committee report should be filed in the state of Missouri," Johnson said.

"Not so. The loophole in the law apparently permits a candidate to simply find a resident of another state to serve as a treasurer of his campaign committee and thus avoid filing the report of campaign receipts and expenditures within the state of Missouri. The likelihood of Missouri citizens having knowledge of campaign contributions is thus greatly diminished."

He added that it appeared to him, though that when the campaign committees of the chief law enforcement official of the state feel free to use loopholes, "then the time has come for the General Assembly to take some action."

Danforth said he was curious as to why Johnson singled him out when he admitted "that others are doing the same thing."

He said he was ready and willing to help the legislature improve the election laws and had said so in the past.

"The laws should provide for a complete disclosure of all receipts to candidates, before, not after, the election," he said.

Danforth told The Globe-Democrat that there was a similar operation in Oklahoma for his candidacy. He said he did not know how much money was collected there.

He said the treasurer there was Sam Powell, who ran his Jefferson City office during the campaign. He said reports were filed in Oklahoma but he did not know where.

"I think both treasurers were even overzealous in filing the reports in the counties where they live, complying with the Missouri law," he said.

Reminded that the Missouri law does not cover Illinois or Oklahoma, Danforth said there was "no reason why they needed to file at all."

Danforth said he did not know how much was spent on his entire campaign. But he said the amount contributed in Illinois "was hardly a major share of the expense."

Two of the major contributors on the Illinois reports were an uncle of Danforth and "anonymous."

The reports show that Randolph P. Compton, whom Danforth identified as his uncle from Scarsdale, N.Y., gave $26,000 through the Holst committees. Danforth said he did not know why his uncle chose to donate in this manner.

"Anonymous" donated $15,000. Danforth said he did not know who this was.

Other contributors were Spencer T. Olin, chemical company executive from St. Louis, with $6,000; the National Republican Senatorial Committee, with $5,000, and F. M. Webb with $1,000.

Holst made affidavits certifying himself as the head of the St. Louis Television Committee for Danforth, the Greene County Committee for Danforth, the Jackson County Television Committee for Danforth, the St. Louis County Television Committee for Danforth, the Jackson County Citizens Committee for Danforth and the City of St. Louis Citizens Committee for Danforth.

All of these are Missouri committees for the general election campaign. The rest of the 43 committees Holst listed himself as treasurer of in the primary election were also in Missouri, and the report for the primary filed in Madison County noted that there were no receipts and no expenditures.

Of Holst, who headed this multitude of committees in his behalf, Danforth said:

"I think I met him. In fact, I did shake hands with him."

[From the Daily Dunklin Democrat, June 14, 1971]

CAMPAIGN EXPENSE LOOPHOLES

We must confess ignorance to a loophole in Missouri's election laws permitting candidates and their campaign officials to file expense reports in another state. It was not until state Sen. John Johnson, St. Louis County Democrat, revealed that some of John Danforth's 1970 expense accounting has been filed in Illinois and Oklahoma that we were aware such was possible under what is obviously a loosely-worded state law.

Sen. Johnson provided the evidence, with photostat copies of reports filed last December in Madison County, Ill., for the unsuccessful Danforth campaign for U.S. Senator. Other Danforth campaign reports were filed in Oklahoma.

Danforth told reporters he was not aware of the campaign reports being filed in Illinois until about two months after the November election. We believe him. But what we do question is his permitting this to occur after he learned of it, as well as his failure to determine just how much was listed on his campaign expense report in Oklahoma. As the state's chief law enforcement officer, Danforth has some obligation to observe both the spirit and the letter of the law, and we're certain that even Clyde Orton and Jet Banks would rule that if Danforth did not violate the actual provisions of the staute, he certainly violated the spirit.

Sen. Johnson is correct in his contention that Missouri's corrupt practices act should be tightened. There are now too many loopholes in the law, as evidence the failure of some Bootheel candidates to file any report at all, while others file what appear to be highly erroneous reports.

The corrupt practices act was written, of course, by men who were elected to public office and it can be reasonably assumed wished to remain in public office. They are not inclined to be overly-stringent in writing regulations concerning their own conduct at election time.

Perhaps it is time for other groups to suggest a model law that would permit the state to have an accurate accounting of all expenses from all candidates—and filed in this state. Perhaps it would be well if a group such as the Missouri Bar Association tried its hand at writing a model law. Most certainly the Missouri Bar could do much better than the Missouri Legislature has done.

Mr. SYMINGTON. Mr. President, the Federal Elections Campaign Act is the thoughtful product of many experienced Members of the Senate and goes far toward closing these and other loopholes which exist in the present law.

Without the confidence of the people in their Government and those who lead it, our Nation cannot stand erect. That confidence can only be earned by the honesty and candor of elected officials, as they perform their responsibilities to those they represent.

Loopholes in the law which have permitted deception, and incomplete disclosure in the past, have earned no confidence, rather the distrust and suspicion of the voter; and this would seem to have discouraged many able and experienced citizens from involvement in fields of public service.

The report of the Committee on Commerce perhaps best summarizes the necessity for this legislation when it stated:

> No one individual or group stands to gain under S. 382. The American people do, however, because they have staked their all on a democratic system of electing their leaders—and the integrity of that system is now being threatened.

In summary, Mr. President, integrity incident to the election process, along with the confidence of the American people in that process, are too vital to the concept and workings of our form of government to permit further delay in achieving needed and meaningful reform in the rules which govern campaign spending.

It is for these reasons that I support this bill and would hope it is approved by the Senate.

AMENDMENT NO. 315

Mr. DOMINICK Mr. President, I call up my amendment No. 315.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I ask unanimous consent that my amendment be modified to conform with the Pastore substitute amendment to S. 382

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, reads as follows:

> On page 17, between lines 2 and 3, insert the following:
>
> "SEC. 206. Chapter 29 of Title 18, United States Code, is amended by adding at the end thereof, the following new section:
>
> "§ 614. Use of labor organization funds for political purposes.
>
> "(a) No part of the dues, assessments, or other moneys collected by a labor organization from any person covered by an agreement requiring membership in such organization or the payment of dues, fees or other moneys as a condition of employment shall be made available to or for the benefit of any candidate or political committee.
>
> "(b) Any person who willfully violates this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both."
>
> On page 17, in line 3, strike the words "Sec. 206" and insert in lieu thereof the words "Sec. 207".
>
> On page 17, between lines 10 and 11, insert the following:
>
> "(4) adding at the end of such title the following:
>
> "614. Use of labor organization funds for political purposes."

Mr. DOMINICK. Mr. President, I yield myself 15 minutes at this time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. Mr. President, I might say for the benefit of the Senate that I do not intend to take much time because I do not think it will need much time to explain the amendment.

Mr. President, this amendment is aimed at correcting what I view as a great infringement on the rights of many individual union members in the United States—the use of funds collected from employees, subject to compulsory union membership or compulsory payment of fees for the support of political candidates unknown to the member or not really supported by the union member.

The single most important factor in the elective process is the right of any private citizen to participate in a political campaign—in other words, to engage in some form of political activity. As the debate on this bill amply demonstrates, that participation today often takes the form of financial support or contributions. I believe that this participation is gravely abused by the practice of labor organizations in providing, through political education committees and other dummy groups, financial aid to candidates from union dues assessed against the membership. The records of the Clerk of the House and various State offices show that in the 1970 senatorial campaign, labor oragnizations admit to expending a total of $1,767,044.73 on behalf of senatorial candidates. Six senatorial candidates received over $100,000 from various labor groups with two of these getting over $150,000. Another eight got between $50,000 and $100,000 while 19 others got between $10,000 and $50,000. One estimate places total union spending for all campaigns at over $10,700,000. In 1968, 46 labor union committees reported expenditures of $7,631,868 to the Clerk of the House of Representatives for a percentage of 12.2 percent of total outlays.

These vast expenditures are made in the face of the current law. As we all know, section 610 of title 18 of the United States Code proscribes the expenditure of money by a labor organization "in connection with any election at which Presidential and Vice Presidential electors, or Senator or Representative, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select political candidates for any of the foregoing offices."

Violation of this section by labor organizations are punishable by a fine of not more than $5,000. Officers of the organization who consent to the expenditure shall be fined up to $1,000 or imprisoned for up to 1 year.

Section 610 defines a labor organization as "any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Because of this definition, labor organizations are able to avoid direct violations of this law by setting up the so-called political education committees to receive union funds and then distribute them to various candidates. This is frequently accomplished with only the thinnest veil of disguise. In addition, the law does not circumscribe the use of union dues money for State and local elections.

Mr. President, I do not really begrudge this use of "political education" committees by labor organizations to circumvent the section 610 provisions. Many other interest groups utilize the same gimmick. What I do object to—and this is the crux of my amendment—is the funding of these "political education" committees—and through them various candidates—with funds collected under some form of compulsory union membership or fee-paying agreement.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. DOMINICK. I would be happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I voice my concern along with that expressed by the distinguished Senator from Colorado.

I would like to note that just a few months ago a group of McDonnell Douglas Corp. employees in California achieved a notable legal victory. In 1967 they filed a lawsuit challenging the use of their compulsory "agency shop" fees for political purposes. Their complaint was dismissed by the trial court, but last year their appeal was upheld by the U.S. Court of Appeals for the Ninth Circuit. In a commonsense opinion reversing the trial court, the Court of Appeals held as follows:

> The diversion of the employees' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and causes the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own convictions, their own ideas and support their own causes." (*Seay* v. *McDonnell-Douglas*, 427 F. 2, 996, CA9 (1970)).

Mr. President, rejection of the pending amendment will unfailingly serve to encourage the continued use of forced union dues and fees for partisan political purposes. If we defeat the amendment, our constituents will conclude that the Senate is unconcerned about the intolerable plight of conscripted union members. I appeal to my colleagues to approve the Dominick amendment.

I thank the Senator from Colorado very much.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Wyoming, who has done a lot of very able work in this field. I think the McDonnell Douglas case is about as much on the nose of what I am driving at as anything I know of. I am delighted that the Senator brought it up.

It will be noted that my amendment provides that where there are compulsory union dues or assessments as conditions of employment, they cannot use any portion of those moneys for political purposes.

That does not touch the labor unions' ability to do a lot of other things. They can conduct lobbying and exert legislative influence and anything they want to along those lines that is legal. However, they cannot support political candidates.

Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the Senator for yielding. I am pleased to associate myself with the arguments made on behalf of this amendment and to give strong support to his amendment.

Frankly, I do not see how any Senator can maintain he is for campaign spending disclosure reform if he is against this amendment.

The amendment of the Senator from Colorado would block the biggest loophole that is left in the bill as reported. We will be only fooling the public. I will vote for the bill as will other Senators, even if the amendment is rejected because, realistically, we have no choice. But we will not reform the situation without the amendment of the Senator from Colorado.

Mr. DOMINICK. I deeply appreciate those remarks.

Mr. GRIFFIN. If the Senator will allow me, I wish to point out that under the law at present, a labor organization can collect dues from workers who are required to belong to the union in order to hold their jobs and use those dues for political purposes in many different ways.

It is true that the law provides that a labor organization cannot contribute money directly to a canidate for Federal office, but that does not preclude a labor organization from supporting a candidate for Federal office in many other ways, and, of course, much of the money collected as union dues is used in other ways to support the candidacy.

Of course, the Corrupt Practices Act does not prevent the use of union dues collected under union shop agreements from being used directly to support the candidacy of candidates running for other than Federal office, for example, for governor in most States, or people running for judgeships, prosecuting attorneys, and many other offices. The Federal law does not apply.

During the last election in Michigan there was a strike against the General Motors Corp. As I understand it, and as was widely reported, union members were given an option: They could either walk the picket line and receive their strike benefits or they could get out and work in the campaign and receive their strike benefits.

There is nothing illegal in that so far as the present law is concerned, because that involved a State office and not a candidate for Federal office.

I will be interested to listen to the arguments against the amendment. The Senator's amendment in no way would infringe upon the right of a labor organization voluntarily to have a political committee and voluntarily to receive contributions to be used for political purposes.

Mr. DOMINICK. The Senator is totally correct.

Mr. GRIFFIN. The only restrictions are the use of union dues that are collected when a person is required to join a union in order to hold his job.

For many years we have been fighting the battle in the Senate as to whether section 14(b) of the Taft-Hartley law should be retained. Section 14(b) of the Taft-Hartley law leaves it up to each State to determine whether compulsory unionism should be legal.

A few years ago when I was serving in the other body this issue was coming up again. I introduced a bill to repeal section 14(b) of the Taft-Hartley Act, providing, however, that any union that required membership as a condition to work was restricted in three ways: Their union shop agreement would be void if, first, they discriminated on the basis of race, color, or creed in admission or membership; two, if they discriminated on the basis of religion; and, three, if dues collected under such agreement were used for any purpose other than collective bargaining and legitimate union business.

Mr. DOMINICK. I wish they had adopted it.

Mr. GRIFFIN. In Michigan I had no trouble explaining the validity of that kind of provision to workers. Every group I talked to said, "That is fine. We do not think our dues should be used for political purposes."

I do not see why we do not stand up for that in the Senate.

Mr. President, I hope the Senator's amendment is agreed to.

Mr. DOMINICK. Mr. President, I appreciate the Senator's remarks.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 15 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I know the tremendous expertise which the Senator from Michigan has in this field. He is one of the authors of the Landrum-Griffin bill.

In this colloquy I wish to say that I introduced similar legislation when I first entered the Senate. We never had hearings on that legislation. I have introduced it in every Congress since and still there have been no hearings.

During a recent election period, when I was not one of those running for election, two union members came to my office in Colorado. They were complaining about pension-welfare funds of their unions.

In the process of that meeting they started out by saying, "Why can't we do something about determining where our dues go?" I said, "I have a bill in to that effect. The bill provides that they would not be able to use dues for political purposes on behalf of a political candidate." Both of these men said, "Holy smoke. Get us a copy of that bill and we will get you 2,000 signatures." I gave them a copy of the bill and they came back with 5,000 signatures.

Mr. President, union members and their families object strenuously to having dues collected expended for political candidates they do not support.

Mr. GRIFFIN. I wonder if those who are strong advocates, as I am, of civil rights do not see the relationship of this particular amendment to civil rights because certainly there is very much involved in the civil rights of an individual who wants to work. In effect, by using his dues, which are collected under compulsory agreements, for political purposes, the union is thereby decreasing or infringing upon his franchise and interfering with his full rights as a citizen of the United States.

The worker may be going out and voting against a candidate and his dues are being used against his point of view.

Mr. GRAVEL. Mr. President, will the Senator yield for a question on that point?

Mr. DOMINICK. I yield.

Mr. GRAVEL. I do not particularly understand this feature where dues are actually used. Can the Senator give me an example of where in the country that money is collected and turned over for that purpose?

Mr. GRIFFIN. Mr. President, will the Senator from Colorado yield to me?

Mr. DOMINICK. I yield.

Mr. GRIFFIN. If the Senator's point is that dues are not being used, he could certainly join in this amendment and support it. Will the Senator support the amendment?

Mr. GRAVEL. I would be happy to but I do not think it is broad enough.

Mr. GRIFFIN. I thank the Senator very much.

Mr. GRAVEL. If the Senator wants to shackle labor unions I think we should do it to corporations because I can give the Senator chapter and verse how corporations shell out money to executives and they turn around and give it to politicians. If the Senator wants to attack organizations let us amend this amendment, and if the Senator will support that I will support this—to include all corporate funds, so that anyone getting paid from a corporation cannot donate to a political candidate.

Mr. GRIFFIN. This amendment does not state that someone working for a labor organization cannot voluntarily, if he wishes, support a candidate for office.

Mr. GRAVEL. What is the Senator's definition of "other moneys collected"? If the head of a labor organization wants to form an organization to collect money under this amendment, he could not do it. You are actually making second-class citizens out of people who belong to labor unions but still do not do that to corporate people, also.

Mr. DOMINICK. Is the Senator asking a question?

Mr. GRAVEL. Yes.

Mr. DOMINICK. Otherwise, I would insist on my right to the floor.

The point I am making is with respect to dues that are a condition of employment in a union shop, or where you have assessments which are a condition of continuing employment. That happens in a union shop. It happens in other types of labor agreements where the worker is required, as a condition of employment, to pay in those dues, and in most instances the corporation itself is the one that checks off those dues given to the labor union, which then gives them to COPE or other organizations, and that money is used in behalf of a political candidate.

It may be that some other organizations do the same thing, and the Senator from New York has an amendment which may enlarge the scope of this amendment, but before I yield on that, I will finish what I have by way of a statement and then I shall be glad to answer questions, as I said I would.

The Senator from Iowa said he had a question, and I yield to him.

Mr. MILLER. I had a question I would like to ask.

Reading from the amendment, it states:

> No part of the dues, assessments, or other moneys collected by a labor organization...

Mr. DOMINICK. Yes.

Mr. MILLER. If I understood the colloquy between the Senator from Colorado and the Senator from Michigan, this does not stop COPE from operating.

Mr. DOMINICK. Not a bit.

Mr. MILLER. COPE can go out and collect dues from individual members.

Mr. DOMINICK. Yes.

Mr. MILLER. Because it is not a labor organization.

Mr. DOMINICK. That is right, but it can only do it on a voluntary basis.

Mr. MILLER. That is right. I think it is important, because some people confuse COPE with a labor organization. It is not; it is a committee which has to do with political activities, but it does not have to do with membership of the people who work in plants.

Mr. DOMINICK. The Senator from Iowa is totally correct.

Mr. MILLER. If that is so—and I believe the Senator from Michigan said this would not prevent committees from being established for that purpose——

Mr. DOMINICK. That is correct.

Mr. MILLER. Then the question is, if committees can be established for that purpose—if COPE, for example, can still collect contributions—are those committees covered by the clean elections bill?

Mr. DOMINICK. I believe that they are to this extent: What I am saying here is that the committee on Political Education—COPE—can form very useful purposes for the union people. They can lobby down here for and against a bill. They can go out with the money they receive from voluntary contributions and support a candidate or oppose another candidate. The only thing I am trying to get at is to prevent the dissolution of an involuntary subrogation of the dues. The rest of it I am not even touching.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MILLER. I know what the Senator is trying to get at, but as long as the Senator from Michigan brought this up, I think the Senate ought to understand one thing clearly: Whether or not the committees the Senator from Michigan referred to, which would include COPE, are required to comply with the reporting requirements and the other provisions in the bill. I do not know, because I am not on the committee that considered the bill, and I do not find anything in the committee report which makes that clear; but, as a matter of legislative history, I think we ought to have it understood one way or the other.

Mr. DOMINICK. I would say, in reply to my friend from Iowa, that I would interpret it as covering those groups because they are organizations and associations which would be contributing to or on behalf of a candidate, and therefore would presumably have to file.

Would the Senator from Rhode Island agree with that?

Mr. PASTORE. That is right. That is absolutely correct; and under the law, union dues cannot be used for political purposes. That is the law. Are we talking about a voluntary checkoff?

Mr. DOMINICK. No; we are talking about involuntary dues or dues paid as a condition of employment.

Mr. PASTORE. Do we have proof that that is happening?

Mr. DOMINICK. All the time.

Mr. PASTORE. What does the Senator mean, all the time? Can he give us the cases? Let us not issue an indictment here——

Mr. DOMINICK. I gave the Senator the cases of the fellows who came into our office and said this is happening to them with respect to their dues.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I do not want the statement of the floor manager, for whom I have high regard and affection, to go unchallenged. The corrupt practices law does not say a union cannot use dues for political purposes. It says only that a union cannot use dues to contribute to a candidate for public office. That leaves a lot of room. They can do anything else with the dues except contribute them to the candidate for public office. They can spend money for television programs. They can spend money for advertising. They can bid workers to go out and register voters. They can go out and get voters to vote for a political candidate. They can contribute to Americans for Democratic Action, and that organization can contribute money to a candidate. So there are many ways the law can be avoided. The Senator's amendment closes the loopholes of the abuses. If there is agreement on this, I do not see any reason for objection to the amendment.

Mr. DOMINICK. Mr. President, I will yield myself more time in order that questions may be asked, but I would like to finish my statement.

Mr. PASTORE. All right. We have plenty of time.

Mr. DOMINICK. In the United States today, there are approximately 20 million workers covered by collective-bargaining agreements and of these nearly 80 percent are covered by some form of compulsory union membership agreement. Looking at the largest union agreements, Department of Labor figures show that in 1970 there were 252 collective-bargaining agreements which covered 5,000 or more workers. These 252 agreements covered 4,103,075 workers. Two hundred and eighteen of these agreements covering over 3,766,000 workers contained clauses which required, in one form or another, membership in a labor organization or the payment of an "agency shop" fee as a condition of employment.

What this means is that in our largest collective-bargaining agreements over 90 percent of the employees were subject to being compelled to pay some money to a labor organization as a condition of keeping their jobs and livelihood.

Much of this money and the rest of the $1 billion of dues, initiation fees and other funds collected by labor organizations annually are used for supporting political candidates.

It is particularly upsetting to have in a supposedly democratic society a situation where union leaders use compulsorily collected dues to support candidates chosen by the union leaders rather than by each individual member.

I am not opposed to nor am I attempting to frustrate the free political expression of union members or their bargaining representatives. Nor am I opposed to the compulsory collection of fees for valid union functions. I am merely trying to insure that the critical right of financial support for political candidates will rest in the hands of individual union members rather than in union bosses.

Mr. President, I believe that my amendment, which has been very carefully worded, achieves this objective. I also believe that my amendment is sound for what it does not do as well as for what it does.

My amendment protects against the abuse of a certain kind of funds—money collected by a labor organization from individuals covered by an agreement requiring membership in such an organization or the payment of dues, fees, or other moneys as a condition of employment. These funds are not to be used by anyone for candidate support.

Why these funds? Because they are required as a condition of employment. A man must pay these dues and fees or lose his job. I also include within my amendment mandatory assessments required as a condition of maintaining membership. What good is it to say to a man that even though he will not lose his job, he is required to pay a compulsory assessment for political purposes or face a fine or expulsion from the union? My amendment is intended to apply to all funds not paid voluntarily for political purposes.

Mr. CASE. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. CASE. I accept the Senator's interpretation of his amendment, of course; but I do think there is a question as to whether the language of the amendment fits that interpretation. Is it the Senator's intention that the amendment applies to any moneys which are collected from union members where there is a provision for checkoff of dues?

Mr. DOMINICK. I do not see how the Senator gets that impression, because other money is collected by the labor organization.

Mr. CASE. Coming from any person?

Mr. DOMINICK. Coming from any person.

Mr. CASE. In other words, this cover is intended to apply not to the person but to the moneys collected? Is that correct?

Mr. DOMINICK. From any person covered by the agreement.

Mr. CASE. Suppose there were a union having a provision for a checkoff of dues. Suppose the union later on said to all its members, "We want each of you to contribute $10 to us toward this candidate," and that that money was not checked off. Would the Senator's amendment apply or not?

Mr. DOMINICK. Let me say that I think this would be a violation of the law, as it is now written.

Mr. CASE. I did not mean to get into that question, because that is one that the Senator can argue with Senators on the other side about. What I wanted really to determine is the Senator's interpretation of his own language. Does he maintain that a voluntary contribution requested by a union from a member in a shop which has a checkoff of dues would be covered by the amendment?

Mr. DOMINICK. If it is a legitimate, voluntary contribution, I have no objection whatsoever. Just like any other citizen, they are entitled to make a contribution to any candidate they want to.

Mr. CASE. The Senator's interpretation is that his amendment would not cover such a contribution?

Mr. DOMINICK. Only dues, assessments, and so on, taken from them as a condition for maintaining employment.

Mr. CASE. In other words, a voluntary contribution the Senator would not interpret to be covered by his amendment.

Mr. DOMINICK. The Senator is correct.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Iowa.

Mr. MILLER. Another footnote to the answer, I think, is this: It is my impression that generally speaking a labor union does not do what the Senator from New Jersey suggests in his example. That would be done by a political committee, not by the union itself, such as COPE or DRIVE or some other political committee, this committee, consisting perhaps of officers of the union, but not the same entity as the union, and not putting money in the union bank account, for example.

Mr. CASE. That is my understanding also, but I wanted to be sure that the language, which seems to me to cover any connection, voluntary or not, was not intended to cover such situations, unless it was the dues themselves, or other moneys collected under a checkoff agreement involuntarily contributed by the union member.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. DOMINICK. I yield.

Mr. MILLER. I think we had better be careful on this point, because if I detect properly the thrust of the amendment of the Senator from Colorado, he does not want to have what may appear to be a voluntary contribution become an enforced contribution, such as through a general checkoff, and I think that is what the complaints have been about.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. DOMINICK. I yield myself an additional 15 minutes.

Mr. MILLER. As I say, generally, to my knowledge, a union does not do this. They do not go around to the individual and say, "Now, we want to have a contribution from you." The local committee on political education would do that, and in fact in some cases goes to management and obtains an agreement from management that management will check off a contribution to the committee from each individual union member's check.

That is not done by the labor organization itself. But I feel that if we do not have this clear, it might be claimed that everything is nice and voluntary, but because of the union's tie-in with the management on the agreement, it might turn out to be more compulsory than voluntary in some cases.

Mr. DOMINICK. The Senator is correct. That could happen. What I am trying to do is say that they should not take moneys which are being paid in for the purposes of the union membership, their pensions, their rights, their strike fund, their lobbying activities, and so on, and use them in a political sense, unless they voluntarily say they want to so use them, and I would think it would be up, then, to the union or the organization portion of the labor union to show that the act was voluntary.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. DOMINICK. I yield.

Mr. GRAVEL. I do not read that language that way. I do not arrive at the same interpretation the Senator does. I think DRIVE would be wide enough, I think COPE would be wide enough, that I think the whole labor movement would not be able to spend a dime on politics or a candidate, with this language.

As I read the language—

> No part of the dues, assessments, or other moneys—

Other moneys means just that, other moneys, anything in the way of money—

> collected by a labor organization from any person covered by an agreement—

That means anybody belonging to the Teamsters; for example, you cannot get any money from, either on a volunteer or nonvolunteer basis. That is just what the language says. The Senator had another interpretation, but his language is specific.

I do not know how the Senator can actually make the interpretation that he has provided to this body, when his own language speaks volumes to the contrary. Maybe he construes this language differently, and I would like to hear again how he construes it, but the way I read it, any person covered by an agreement means any member of the union, and "other moneys," tying that together, that is wide open. "Other moneys" means just anything.

Mr. DOMINICK. "From any person covered by an agreement requiring membership in such organization or the payment of dues, fees, or other moneys as a condition of employment."

Mr. GRAVEL. Do not union agreements require membership?

Mr. DOMINICK. Those moneys cannot be used that way, when collected for a political candidate or a political committee. I do not see anything wrong with that.

Mr. MILLER. Mr. President, may I say to the Senator from Alaska, I do not believe there is any union member I have known in any AFL or CIO affiliate to be a member of COPE.

Mr. GRAVEL. The language is not concerned with COPE. It says "any person covered by an agreement."

Mr. MILLER. It refers to collections by a labor organization, and, as I pointed out, the collection is not normally by the union, but by COPE or some similar committee.

Mr. GRAVEL. The Senator is not addressing himself to the wording of the amendment, which is that any employee of such a company cannot give any money, voluntary or not, to any political cause whether or not the labor union itself is associated therewith.

Mr. MILLER. The Senator has not read the complete sentence: "An agreement requiring membership in such organization," and "such" refers to a labor organization. My point is that COPE is not a labor organization, and there is no requirement of dues being paid by a union member to such organization.

Mr. GRAVEL. How many members of the union movement in this country today belong to organizations that require membership, that have as part of their contract, "If you are going to go to work, you must become a member of the union"? That is what we are talking about.

Mr. MILLER. The Senator's question is not quite responsive, because he should read on and see that the reference is to an organization requiring membership as a condition of employment. I do not know of any labor union members who are employed by COPE as such. That is not what the amendment of the Senator from Colorado is talking about.

Mr. GRAVEL. We are not talking about COPE. We are talking about the individual member of the union. If I am a union member, and I have to be a union member to have a job, then by this language, I cannot, then, donate to any political candidate.

Mr. MILLER. Yes, you can, if you donate through COPE. That was the point of my colloquy, through COPE or DRIVE. It does not relate to involuntary collections required of union members.

Mr. DOMINICK. Mr. President, I am not sure whether the Senator from Alaska is trying to kill the amendment or clarify it. If he is trying to clarify it, I would be happy to put in the word "such" before the word "dues" in line 1 on page 2.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. PASTORE. This amendment, as I understand it, is subject to a point of order, and I shall raise it.

Mr. DOMINICK. The Senator has not raised his point of order yet, and when he does, I shall wish to discuss that, too.

Mr. PASTORE. I know. I just thought before we overexercised ourselves on modification of amendments, I wanted to put the Senator on notice of what I intended to do.

Mr. DOMINICK. I thought the Senator from Rhode Island probably would, but I do not believe it is necessarily a good point of order. But, Mr. President, in order to make the amendment as clear as possible, I modify my amendment by inserting the word "such" before the word "dues" on line 1 of page 2.

The PRESIDING OFFICER. The amendment is so modified.

Mr. DOMINICK. Mr. President, I had been pointing out, when we got into this fruitful discussion—it certainly clarifies the purpose I am seeking—that if a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections. I might point out that I do object to contributions that are not truly voluntary. Coercion and compulsion are foreign to the free exercise of political rights and should be fought in every situation.

For what purposes it is improper to use this money? Under my amendment, this money cannot be made available to or for the benefit of any candidate or political committee. This would circumscribe any activity which supplies assistance to the candidate. For example, paid workers, telephones, posters, radio or TV time, printing, or transportation.

My amendment is not intended to bar labor organizations from pursuing legitimate union objectives. For example, a union may express views on legislation. Recent examples of legislative activity by unions include the Occupational Health and Safety Act, the Emergency Employment Act, the Lockheed guaranty, and the minimum wage legislation. These and many others are legitimate matters of concern of working men and women throughout the country and their representatives should be able to work to achieve their best interests.

A labor organization should be able to expend its funds on behalf of its position in a collective bargaining dispute—for example, an advertisement informing the public of its position in a strike situation. Furthermore, nonpartisan political activity such as voter registration or voter education on campaign issues are clearly activities permitted by my amendment. My amendment would not bar a labor organization from endorsing a particular candidate in its normal union publications. This, I believe, is a legitimate exercise of free speech.

However, a contribution, either direct or indirect, seems to me to go beyond the expression of opinion. It carries with it consequences far beyond the attempt to persuade its members to back a particular candidate by means of the free expression support.

Mr. President, I am trying to achieve a balance between the interests of individual workers and the interests of their labor organizations. What is at stake here is the question of who shall exercise the right of choice in political campaigns—the individual worker or the union bosses.

I do not believe that we can fail to protect the right of the individual American worker even against the unions who are in theory supposed to be their protectors. The law must be zealous in protecting the right of the individuals.

Let me make a personal observation on this point for the Senator from Alaska. During the last election in which I ran, in 1968, I was called by the head of our local AFL–CIO, a very fine man, whom I have known, who was a State senator when I was in the State legislature. I was not in the office when he called. I called him back promptly, and he said:

> Why do you call me back when I call? After all, you know I'm not going to support you.

I replied:

> I know that, but I'm representing you, too.

He said:

> We just took a poll among our union members, and you'll be surprised how much support you have.

Then he went on to give me the results of the poll he had taken among his own members. It developed that 38 to 40 percent of the union members—despite all the activities of the union leaders—were going to vote for me, and they did.

In the meantime, however, they had been collecting money all over the place, and they were spending liberally on behalf of my opponent.

Among other things, some of the union members did not like this, and they came up and said so. They said:

> Our dues are being used against you, but we're going to vote for you, anyhow.

It seems to me that this was a waste, and it does not reflect what they want to do.

It seems to me to be a fundamental right to support a candidate with your own efforts and your own money and not have someone else determine how it is going to be done.

So this is the balance I am trying to achieve, to get away from the political campaign and keep the dues within the area of legitimate interest.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

In most democratic situations, a conflict between individual choice and organizational choice can usually be resolved by the individual leaving the group if he fails to secure support for his position. This preserves the institutional integrity and insures the individual's freedom of choice. But when the union member is prevented by law from leaving the organization except at the price of losing his job, the individual's freedom of choice is at least restricted, and to use his dues money for candidates not of his choice seems to me to be a clear violation of his political and individual privileges.

I urge my colleagues to preserve the rights of the individual worker against the institutional privilege of the unions. To do otherwise is to deny true freedom to the men and women of America who make her strong through their daily toil.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. ALLOTT. Mr. President, I think my colleague has performed a very great service. I am in favor of this elections bill. It is long, long overdue. But when we put a maximum on the amount that a candidate can spend, when we put a maximum on the amounts that people may give, when we provide for complete reporting not only of the amounts given but also how they are spent, then we are really befuddling the people if we say that we have taken care of the job and we do not include this amendment. It is a farce of the worst kind to have the people in the categories to which Senator DOMINICK has referred—those who see their money taken and who have to be a member of a union as a condition for the retention or holding of their jobs, and also have to pay dues—pay money into unions, with the union fund used as a pass-through to other false fronts for the support of individual candidates.

This is not an antiunion measure. I know that I could never have been elected in Colorado without the support of a great many of the dedicated union members in Colorado, and I think this is probably true with my colleague. But they recognize the fact that their funds are being used by their unions in support of candidates who do not represent their personal choice in that State.

If we do not adopt this amendment, we will be going to the people with a complete farce; because there will not be full reporting of campaign gifts or their resources unless this is done.

I congratulate my colleague. I think this amendment is a necessity, if we are going to be frank and honest with the people. If we are really going to lay out a bill that is a clean elections bill, it should contain something like this.

Mr. DOMINICK. I sincerely thank my colleague. I know what support he has in the State from the union members, and I think they are going to cheer for this amendment if it is adopted. I do not think they are going to object to it in the slightest. The leaders will. They will scream as though their ox had been gored. In fact, it will have been gored a little, because they will not be able to collect the dues and spend them for people with whom the union members do not agree.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. GOLDWATER. I want to join Senator ALLOTT in thanking Senator DOMINICK for what I consider to be a job that should have been taken care of long ago.

I should like to point something out that I feel is a matter of fairness. A corporation cannot give money to a political campaign, and the basic reason why that law was passed was that they could not represent the total views of their stockholders. The stockholders might be opposed to the candidate they would support. So corporations are barred from giving money to political campaigns. As a matter of fairness, I think we should apply the same rules to the unions. In fact, the president of a union has his right to support whoever he would like to; but I do not think he, any more than the president of a corporation, can presume to judge the desires of all his members.

I would certainly add my voice to those who urge the adoption of this amendment, not as an antiunion measure but as a measure of fairness to all working people.

Mr. DOMINICK. I think the difference we have in this particular situation, as I know the Senator from Arizona is aware, is that the labor union itself cannot give to a political candidate or a committee, but they get around it through this COPE situation. A corporation does the same, through DRIVE. They are a political action group too. The difference is that in the union situation, the dues that are collected are being used for that, and then at that point these are conditions of employment, to have to pay those dues, or an assessment, which comes on, then, as involuntary instead of voluntary.

Mr. President, I reserve the remainder of my time. However, the distinguished Senator from New York (Mr. BUCKLEY) wanted some time to offer an amendment to my amendment. Now, what do we want to do, talk on this amendment first before we get to the Senator from New York? I am asking for information.

Mr. PASTORE. We should resolve the question of whether this is germane. I do not care how the Senator does it, if he wants to propose the amendment first. I do not think the amendment is in order, is it, Mr. President, until they have consumed all their time?

The PRESIDING OFFICER (Mr. BROCK). The Senator is correct, until all time has expired.

Mr. PASTORE. Then that amendment is not in order yet. We should resolve the question of germaneness.

Mr. DOMINICK. Mr. President, do I correctly understand that my amendment cannot be amended until the remainder of my time has expired?

Mr. PASTORE. And my time, too.

Mr. DOMINICK. And that of the Senator from Rhode Island as well?

The PRESIDING OFFICER. The Senator's amendment cannot be amended until all time has expired or has been yielded back, except under unanimous consent.

Mr. DOMINICK. The Senator from Colorado could, however, modify his own amendment; is that not correct?

The PRESIDING OFFICER. That is correct. The Senator has a right to modify his amendment, or by unanimous consent.

Mr. DOMINICK. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty-nine minutes.

Mr. DOMINICK. I thank the Chair. Mr. President, I yield 10 minutes to the distinguished Senator from New York (Mr. BUCKLEY).

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. BUCKLEY. Mr. President, I want to thank the distinguished Senator from Colorado (Mr. DOMINICK) for making this time available to me. I should like to talk about the subject matter of the amendment which I shall be proposing to his amendment, as I believe it meets some of the concerns expressed by the distinguished Senator from Alaska (Mr. GRAVEL).

We all recognize that the abuses which have been so clearly described by the Senator from Colorado and the Senator from Michigan are not confined to the labor union situation. There are some situations, for example, where in county governments, obtaining a county job requires that there be a kickback of such and such a percent of any salary to the county political caucus. Also, there are a number of trade associations which impose similar types of conditions to obtaining employment or the maintenance of employment.

Therefore, the amendment which I shall be proposing would substitute for the language of amendment No. 315 dealing explicitly with labor organizations, the following:

> No part of dues, assessments, or other moneys collected by an organization from any person as a condition of employment, or of maintenance of employment, shall be made available to or for the benefit of any candidate or political committee.

I believe that that language would broaden the scope of this particular provision and would meet all the abuses of this order.

Mr. DOMINICK. Mr. President, I think that the Senator from New York has made a good point, relating to any organization where moneys are taken as a condition of employment and then are used for the benefit of any candidate or political committee other than a labor union under a collective-bargaining agreement, which is now a union shop or which requires this as a part of collective bargaining.

Mr. BUCKLEY. There is the well-publicized situation in the State of Indiana in which it is alleged at least that a condition of getting a State job is that *x* percent of the pay check will be remitted to the political organization. There is no proof of the facts in this particular instance, but certainly we are all aware that it is not an uncommon practice.

Mr. DOMINICK. The Senator's amendment, as I understand it, would then affect subsection (a) and the wording of it, and if we took this as a modification of my amendment and I assume the Senator wants to be a cosponsor of it——

Mr. BUCKLEY. I would feel pleased and privileged.

Mr. DOMINICK. In order to get around the parliamentary situation, Mr. President, I ask unanimous consent that my amendment be modified to include the provisions of amendment No. 367 of the Senator from New York (Mr. BUCKLEY), and that he be added as a cosponsor of my amendment No. 315.

The PRESIDING OFFICER. The amendment is so modified; and, without objection, the Senator from New York (Mr. BUCKLEY) will be added as a cosponsor of Amendment No. 367, as modified.

Mr. DOMINICK. I thank the Senator from New York. I think he has enlarged the scope so that it looks a little less vindictive, even though it accomplishes the same purpose. I think that is great.

Mr. MILLER. Mr. President, will the Senator from Colorado yield me a little time?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, I believe that a further amendment to the pending amendment would be helpful so that everyone understands exactly what is intended and what is not intended. I recognize that it is not too easy to fathom all the ramifications of the language of the bill. The Senator from Colorado has done his utmost to make certain things clear, but, try though we may, I guess it is difficult, sometimes, to reduce to writing what we intend.

I would propose to my friend from Colorado that on page 2, line 3, we add a further statement which should satisfy anyone who has any qualms about what is intended here. I would particularly like to have the Senator from Alaska (Mr. GRAVEL) follow the proposed amendment, so that if it does not satisfy what I think he intends, and what the Senator from Iowa intends, then we may have some further discussion.

What I would propose would be to add this sentence at the end of line 3 on page 2:

> Nothing herein shall prohibit the voluntary contribution by individual members of any organization to or for the benefit of any candidate or political committee, as long as such contribution is unrelated to dues, fees, or other monies required as a condition of membership in such organization, or is a condition of employment.

Mr. President, I do not know how we could make that any clearer. I think that it would help the amendment. I would guess it would satisfy some of the concerns some of us have expressed. I believe it accords with the intentions of the Senator from Colorado if I follow his comments correctly.

For example, a contribution to COPE by any individual union member is a voluntary contribution. It is unrelated to his dues, fees, or other moneys required as a condition of membership in a labor organization or required as a condition of employment. We said, no problem. That is all right. Well, let us spell it out in the amendment so that there will not be any question about it.

I would suggest to my good friend from Colorado, that he might want to consider modifying his amendment to reflect this language.

Mr. GRAVEL. Mr. President, if those comments were meant for me to answer, I would say to the distinguished Senator from Iowa that that would not be an adequate modification. For example, I do not think it would be an adequate modification because we are starting out with this piece of legislation which dodges the issue.

This is just sheer antilabor legislation. One can call it anything he want to, but this is an effort, as I view it, to gut the ability of organized labor in this country to participate in the democratic process.

If we really want to make a correction, we could amplify this legislation to gut the ability of corporate enterprises in this country to partake in the democratic process. That could be done. I see no difference in a union member putting up money that will go for political purposes and a corporate executive putting up money that will go for political purposes.

Mr. DOMINICK. Mr. President, whose time is the Senator speaking on?

Mr. PASTORE. He can have my time.

Mr. GRAVEL. As I say, I see no difference between a union member putting up money to go to political purposes and an executive of DuPont who gives a candidate $100,000. It is a lot more difficult to have labor pony up the money because labor has to get it from a lot of people. The corporate side deals with smaller numbers.

If we want to correct the situation and limit how we get funds into the political process, let us do it right. However, when the Senator comes forward with legislation designed to gut the labor aspects of the matter, I think it is totally unfair. I think the fact that he stands up and says that this amendment does not block labor membership from participating in the political process makes it no different. If it looks like a duck, walks like a duck, and quacks like a duck, it is a duck.

This amendment is an effort to keep the laboring man from participating in the democratic process.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

I am happy to accept the amendment of the Senator from Iowa. I modify my amendment accordingly and ask him if he would be a cosponsor.

The PRESIDING OFFICER. The amendment will be so modified. Will the Senator send the modification to the desk?

Mr. DOMINICK. Mr. President, I am not sure the Senator from Alaska listened to the amendment. We put this in to try to persuade those who have not heard the debate that we are not after labor organizations. What we did was to include any organizations.

Mr. GRIFFIN. Mr. President, will the Senator yield for purposes of clarification?

Mr. DOMINICK. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, if the amendment as modified were adopted, would any person who worked for a labor organization or who worked for a corporation be restricted from giving a voluntary contribution to a candidate or a political committee?

Mr. DOMINICK. Not in the slightest.

Mr. GRIFFIN. Mr. President, would anyone be compelled to be either a stockholder in a corporation or to contribute to a candidate under the Senator's amendment?

Mr. DOMINICK. Not in the slightest.

Mr. GRIFFIN. This preserves the principle, as I view it, that there is a civil right involved in each individual citizen being able to support a candidate and a political party of his choice. And that support would be a voluntary choice. It should not involve coercion from either management or labor.

Mr. DOMINICK. The Senator is totally correct. I know how hard the Senator worked to get that accomplished in his original efforts.

Mr. GRIFFIN. Mr. President, as I said before, I do not understand how anyone who is really for reform in campaign spending can fail to be for the amendment, and I do not see how anyone who is really for civil rights would be against the amendment.

Mr. President, I hope the amendment will be adopted. And I hope that it will not be ruled to be nongermane. This is as germane as anything we could get in the bill.

Mr. PASTORE. Mr. President, we have seen a very, very dramatic exhibition here today of what is the best way not to legislate for the benefit of America. Here we are. This is an amendment that almost no one had heard of until it came up here a short time ago. It is tantamount to an indictment of the labor unions of this country.

Here we are. We are going to begin to punish someone and no evidence has yet been produced. We have not heard of the culprits yet. Here we are. We are tampering with the labor unions of this country on the floor of the Senate in a summary way with an amendment that has already been modified twice and no one knows what is in the modification. Only a handful of the membership of the Senate is on the Senate floor. And they are saying that if we have to have a limitation on campaign spending, we have to pass this amendment.

Mr. President, I have heard this story before. As a matter of fact, this amendment came up last time in another form. This is only a reshaping of it with the dramatic claim that two or three people have called somewhere or that someone made a complaint. We are now going to punish the labor unions of the country.

The amendment is not germane. The bill has nothing to do with labor unions.

If the Senator from Colorado is willing to yield back his time, I am ready to yield back my time and raise the question of germaneness.

Mr. DOMINICK. Mr. President, I would be happy to do that provided I have time to speak on the item of germaneness. I do not want to yield back the remainder of my time and not have any time remaining.

Mr. PASTORE. I did not hear the Senator.

Mr. DOMINICK. I would like to find out why the Senator says it is not germane, so that I may answer the Senator.

Mr. PASTORE. The Senator may answer it now. I raise the question now and the question will be decided by the Chair.

Mr. DOMINICK. Mr. President, do we still have time to talk on the matter of germaneness?

Mr. PASTORE. How much time does the Senator want?

Mr. DOMINICK. I will not take too long. I do not have much time remaining anyhow.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Mr. President, do we urge the question of germaneness within the time on the amendment, or do we argue it after we yield back the time, and if so, how do I get time in which to argue it?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, is the ruling of the Chair subject to debate once a point of order is raised?

The PRESIDING OFFICER. The ruling of the Chair is not subject to debate. It can be appealed and at that point it can be debated.

Mr. DOMINICK. Mr. President, I want to find out why the Senator says it is not germane and have a chance to answer the Senator's statement.

Mr. PASTORE. I have already stated it is not germane because the bill has nothing to do with unions.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, is there any limitation of time available in which to argue the point of order?

Mr. PASTORE. Just on appeal.

The PRESIDING OFFICER. A point of order having been made, the Chair then rules and at that point an appeal can be taken from the Chair's ruling and time can be yielded from the time on the bill for debate thereof.

Mr. GRIFFIN. No limitation, except as may be imposed by the Chair.

Mr. DOMINICK. Mr. President, may I find out why the Senator thinks the amendment is not germane?

Mr. PASTORE. It is not germane because this bill has nothing to do with unions or with the conditions of unions.

Mr. DOMINICK. Mr. President, we are dealing in the amendment, as modified, with any organization which collects money and uses it for political purposes, including money which was collected as a condition of employment.

The PRESIDING OFFICER. Does the Senator yield himself a specific period of time?

Mr. DOMINICK. That is what I asked for to begin with.

The PRESIDING OFFICER. The Senator is presently within the time on his amendment.

Mr. DOMINICK. If I yield my time back, do we have unlimited time? What do we do then?

The PRESIDING OFFICER. If the Senator yields back his time on a point of order the Senator will be given the opportunity to address himself to the point of order. Up to that time, the time will come out of both sides.

Mr. DOMINICK. How much time do I have remaining on my amendment?

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes to start with, and I may go on from there.

In the first place, and I hope the Parliamentarian and the Presiding Officer will listen to this carefully, the amendment I have applies to any organization. So we are dealing with people who are using moneys for political candidates and political campaigns, which is what the bill is all about.

Second, we are amending titles XVIII and XIX of the code, which is what this bill deals with.

Third, to complete the picture, we are saying we have the need for making reforms in political spending. That is the purpose of the bill. If we are going to make those reforms in political spending, it seems to me perfectly proper that we may talk about not only contributions by Government contractors, and I refer to pages 16 and 17 of S. 382, as proposed by the Senator from Rhode Island, but also about other organizations contributing funds in political campaigns.

Fourth, I say that this is an extremely important point. The unanimous-consent agreement, according to the Parliamentarian, was arrived at July 21. My amendment was filed July 21. It had been my thought that if a Senator had an amendment on file when a unanimous-consent agreement was entered into that amendment would be germane.

If it is not considered germane, I want to put the Senate on notice that I will not agree to any more unanimous-consent agreements until we get that problem straightened out because I do not see how we can deal with a bill that is as important as this bill is to everyone in the United States and say that we will not consider this because there is a unanimous-consent agreement and the amendment would not be germane.

Mr. PASTORE. The Senator from Rhode Island is perfectly willing to move to lay the amendment on the table when the Senator's time has expired.

Mr. DOMINICK. That is better than saying that it is not germane. I hope the motion to table is not agreed to. I hope the Senator does not have the votes.

Mr. PASTORE. Mr. President, will the Senator yield further?

Mr. DOMINICK. I yield.

Mr. PASTORE. The Senator is threatening me on whether in the future, at some time in the future on some other bill, which might even involve the Ten Commandments, he will not agree to limited debate.

Mr. DOMINICK. Not until the germaneness question is settled. I do not want to get hung up on a unanimous-consent agreement in connection with something that I consider to be an important amendment simply because we have a unanimous-consent agreement.

We had this argument before. I believe the Senator from New Hampshire had a big discussion on this point last year.

I think the idea of going forward and saying you cannot take up something as important as this because there is unanimous-consent agreement is a nullification of the right of the Senate to decide what is needed by the public.

Mr. GRIFFIN. Mr. President, will the Senator yield to me so that I may speak on the point of order?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I ask that the clerk read the Dominick amendment, as modified.

The PRESIDING OFFICER. The clerk will read the amendment, as modified.

The amendment as modified was read as follows:

> On page 17, after line 3, insert paragraph 615, Use of Organization Funds for Political Purposes
>
> (a) No part of the dues, assessments, or other moneys collected by any organization from any person as a condition of employment shall be made available to or for the benefit of any candidate or political committee.
>
> On page 2 and the material following line 8, strike the word "labor".
>
> On page 2, after line 3, add the following: "Nothing herein shall prohibit the voluntary contribution by an individual member of any organization to or for the benefit of any candidate or political committee as long as such contribution is unrelated to dues, fees, or other moneys required as a condition of membership in such organization or as a condition of employment.

Mr. GRIFFIN. Mr. President, I wanted the amendment, as modified, read so that everyone would have it clearly in mind.

Mr. DOMINICK. Mr. President, will the Senator from Michigan yield to me for 1 minute?

Mr. GRIFFIN. I yield.

Mr. DOMINICK. On page 2, line 8, strike out the word "labor"—it is wrong.

In the amendment I did not put it in so it should not be in there at all.

The word "labor" the clerk referred to is in section 615.

Mr. GRIFFIN. Mr. President, I wish to ask the Senator from Colorado this question. Does the amendment now speak in terms of "organization" or "labor organization?"

Mr. DOMINICK. Organization.

Mr. GRIFFIN. That is the point I want to make clear.

The amendment speaks in terms of any organization. I want to direct the attention of the Chair and the Senate to page 18 of the Pastore substitute, which defines a political committee, line 20:

> "(d) 'political committee' means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;"

The Senator's amendment refers to an organization, any organization, that makes expenditures, and it certainly is in line and it is germane insofar as the language on page 18, line 20, where reference to the definition of a political committee is made.

Certainly a labor organization is one kind of an organization which receives contributions and which makes expenditures, and this applies to an organization.

It seems to me it would clearly be germane under the bill.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GRIFFIN. If the Senator from Rhode Island is not going to make the point of order, then we can go on.

Mr. PASTORE. Mr. President, I come back to my original argument. We have changed it several times. Even the Parliamentarian has to study the amendment, it has been changed so many times on the floor, and even as late as 1 minute or so ago the Senator from Colorado, the sponsor of the amendment, said there is something in there that should not be in there.

I admit this is important and it involves a great many people and a dignified organization.

I am perfectly willing at this moment if we can resolve this—I am going to move to lay it on the table and not raise the point of order at this point.

Mr. GRAVEL. Mr. President, I would like to address myself to that point raised by the Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. It is on germaneness.

Mr. PASTORE. Mr. President, I went up to the Parliamentarian and I asked him whether or not there is a likelihood of this being considered nongermane. He has to study the amendment because it has been changed three times. We have to wait for the report and decision.

If the Senator is ready to yield back his time, I will yield back my time and move to lay the amendment on the table and let the Senate express its will.

Mr. DOMINICK. I will be happy to do that. On the question of germaneness, I think I was right in the first place. We are dealing with Government contractors in title XVIII, and I do not see how the amendment is not germane.

Mr. PASTORE. I went to the desk and I asked the Parliamentarian whether or not in his opinion it would be subject to the opinion that it is not germane. He replied in the affirmative. I asked for the opinion; I did not create it.

Now, there have been several changes and a doubt has been raised. I am not going to press it, but I will move that it be laid on the table.

Mr. DOMINICK. Mr. President, I want to read the amendment, as amended, if the Senator will hold up his motion to table, so that everybody will know what it is.

It will read:

> Use of organization funds for political purposes
>
> (a) No part of the dues, assessments, or other moneys collected by any organization from any person as a condition of employment shall be made available to or for the benefit of any candidate or political committee.

There is the Miller voluntary contribution modification at this point, and then it goes on to subsection (b):

> Any person who willfully violates this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

Mr. GRAVEL. Mr. President, will the Senator yield for a brief question?

Mr. DOMINICK. I am happy to yield.

Mr. GRAVEL. For my knowledge, will the Senator name an organization which would come under the definition of "organization" other than a labor organization or a union that would embrace the compulsory aspects of it? Would the Senator tell me what other organization this amendment would apply to other than a union?

Mr. DOMINICK. I asked the Senator from New York the same question. He said there were very strong rumors that this was a condition of employment in the Indiana State government. So I said, "Let us put that in there."

Mr. GRAVEL. Other than that, what organizations would be affected other than labor organizations?

Mr. DOMINICK. I do not know. There were some rumors—I think the Senator brought it up—that some corporations have such organizations, and they might say, "If you are going to continue in your position as an officer, you ought to contribute to X."

Mr. GRAVEL. Other than rumors, does the Senator's amendment affect any organizations other than labor organizations, and if so, what are the organizations?

Mr. DOMINICK. It will handle anybody who is in this kind of situation.

Mr. GRAVEL. Is there anybody other than a labor organization?

Mr. DOMINICK. I have given the Senator examples that I know of offhand. I do not know whether there are others.

Mr. GRAVEL. The example of Indiana?

Mr. DOMINICK. And in corporations the Senator referred to that might have that problem.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. GRIFFIN. In the State of Michigan it is compulsory that lawyers belong to the bar association.

Mr. DOMINICK. That is true of Pennsylvania.

Mr. GRIFFIN. Would the Senator's amendment prohibit the use of dues by lawyers who are required to belong to bar associations from having their dues used for that purpose?

Mr. DOMINICK. Yes, it would.

Mr. GRIFFIN. That is fine. This is another example.

Mr. GRAVEL. The bar association is the oldest organization in the country.

Mr. PASTORE. Where the contributions can be used for that purpose.

Mr. KENNEDY. Mr. President, if the Senator will yield, does this include the American Medical Association?

Mr. DOMINICK. If it is a condition of practicing medicine.

Mr. KENNEDY. It engages in political action through AMPAC, and it is necessary for physicians to belong to the association in order to practice in certain hospitals and get certain privileges. They have to belong to certain kinds of organizations. The AMA has a political organization called AMPAC.

Mr. DOMINICK. If the contributions are voluntary, which I understand they are, they would not be covered. If they are not, then they would be covered.

Mr. KENNEDY. What about the National Rifle Association?

Mr. DOMINICK. The same with them.

Mr. KENNEDY. Is the Senator going to include the National Rifle Association as well?

Mr. DOMINICK. As far as I know, the National Rifle Association is purely voluntary.

Mr. KENNEDY. What about their political action group? Is the Senator going to look beyond and behind these various groups? Is the Senator going to look beyond AMPAC? Is the Senator going to look into what doctors have to do in order to practice? Is the Senator going to look beyond the NRA and make it applicable to them? If the Senator does, perhaps he will get a supporter here.

Mr. DOMINICK. The Senator was not present on the floor when we discussed this matter earlier. We are trying to get at organizations which collect dues or impose assessments as a condition of employment and then to say that those dues cannot be used for political purposes—in other words, for a candidate or a political committee. Anyone who is able can contribute to anybody he wants to voluntarily. Anybody in one of those unions or organizations can form a political action committee and collect voluntarily from the members. The point is that dues which are collected involuntarily should not be used for political purposes.

Mr. KENNEDY. Mr. President, who has control of the time?

Mr. PASTORE. Mr. President, how much time does the Senator from Massachusetts want?

Mr. KENNEDY. Three minutes.

Mr. PASTORE. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Would the Senator be willing to look behind these organizations, to ascertain whether those contributions are in fact voluntary, and if so, is the Senator going to look beyond those assessments or dues to find out if they are in fact voluntary?

Mr. DOMINICK. In a State like Pennsylvania, where a lawyer has to belong to the bar association in order to practice, it is obvious that those dues are not for voluntary purposes, and they would be prohibited from using those dues for political purposes. The same thing is true of the State of Michigan. As far as the American Medical Association is concerned, if it collected dues as a condition of practice in a particular State, the money collected for that purpose would not be eligible to be used on behalf of a candidate.

Mr. KENNEDY. Not just in terms of practice, but is the Senator aware that in certain places the extension of hospital rights is made available only to those who belong to certain organizations? Otherwise, that doctor does not get that opportunity.

I think the amendment, as the Senator from Rhode Island said, raises many questions. I commend the Senator for bringing the whole issue up. If it could be as expansive and reach the various kinds of issues the Senator was attempting to do, I would support it, but as interpreted here, I just am not sure that it does not isolate certain groups, labor organizations in particular, and therefore I shall vote against it.

I thank the Senator for yielding.

Mr. PASTORE. Mr. President, let us face this question. Labor organizations have been charged with certain things, and the amendment covers them. I say to my colleagues, frankly, that none of us is for abuse. If there are abuses, they should be eliminated, but this question should be studied in depth. It involves many organizations. I am afraid that if we do something summarily, as I said, we may learn to live to regret it. I think it is the wrong thing for the wrong people. I think the whole question ought to be studied.

The Senator referred to dues. Every doctor pays dues to the American Medical Association. That association has a lobby down here. I am not finding fault with that, but it has a lobby. Does this amendment include that kind of activity? Is the Senator going to close them down? The National Teachers Association has an organization here. Is the Senator going to shut them down? This matter has many ramifications.

Mr. DOMINICK. We are not shutting down any of them. We are talking about involuntary collection of dues.

Mr. PASTORE. But the Senator is tying it in to the right to practice and the right to work and an employment condition. All this subject has to be studied. I think it is time that this amendment be laid on the table. If it should be investigated, I think it should be done properly, by the appropriate committee, but it ought not be done here on the floor this afternoon.

I am ready to yield back my time.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. ALLOTT. Mr. President, I am surprised the bill has gotten this far without having this question considered, because it is a question which has been in the forefront of people's minds for a good many years. This question was raised when I was on the Labor and Public Welfare Committee, and that was 15 or 16 years ago. I do not quite understand how this bill has gotten this far without having this matter considered.

The question, however, with reference to doctors or teachers is not a question of what they do with their money. The question is whether or not the payment of dues is a part of involuntary payment they must make as a condition of their employment.

That is the point here. That is the only point.

Mr. DOMINICK. The Senator is absolutely correct.

Mr. GRAVEL. Mr. President, if the Senator will yield on that point, it is against the law to use union dues for political purposes. However, the amendment does not address itself to that point. It addresses itself to the qualification of the individual as a union member. What it really hinges on is the uniqueness of the development of our labor society through compulsory membership, in order to survive. The Senator could refine that, and include the corporate society to arrive at the same end, so that they could not use their money.

This amendment would compromise the uniqueness of labor organizations. It might grab a few other organizations in the process, but surgically, it is aimed at gutting the labor people's ability to participate in the democratic process.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. DOMINICK. Mr. President, I cannot let that stand as a summary of the amendment, because what the amendment is doing is preserving the right of the union member to select his own candidates whom he wants to support. That is why the people came into my office. That is why they got the petitions from all over the State in nothing flat, with signatures from 5,000 people all over the State in 2 weeks.

Mr. GRIFFIN. Mr. President, if the Senator will yield to me, I do not want the record of this debate to leave the impression that this question was not considered, that it comes to this floor as a matter of first impression. I, for one, serve on both the Commerce Committee and the Rules Committee, through which this bill has gone, and this matter was considered in the Commerce Committee and——

Mr. PASTORE. Mr. President, will the Senator yield? What matter was considered?

Mr. GRIFFIN. The subject was considered.

Mr. PASTORE. The subject was labor unions, and now the Senator is changing it. That is what I am talking about.

Mr. GRIFFIN. The Senator from Rhode Island would have been for it if we had left it at labor unions?

Mr. PASTORE. No; but do the Senators not see how they have vacillated on the Senate floor? They started out by attacking labor unions, then they tried to mollify it by saying any organization. Why do they retreat? If you mean labor unions, stand up and say labor unions.

Mr. GRIFFIN. I am not retreating, but I am saying to the Senate that this is not a matter of first impression. This matter was considered by the Commerce Committee, and the amendment was voted down by the committee.

Mr. DOMINICK. And, I am frank to say, one of the real problems we have is with the labor unions.

Mr. PASTORE. That is right.

Mr. MILLER. Mr. President, I would like to ask the clerk to read the modifications of the Dominick amendment which followed my colloquy with the Senator from Colorado.

The PRESIDING OFFICER. Is the Senator requesting his addition, as suggested to the Senator from Colorado?

Mr. MILLER. That is correct.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk proceeded to read the modification.

Mr. MILLER. Mr. President, before the clerk reads it, I would like to ask that the Senator from Alaska give his undivided attention to what is going to be read.

Mr. GRAVEL. I shall be happy to.

The assistant legislative clerk read as follows:

> Nothing herein shall prohibit a voluntary contribution by an individual member of any organization to or for the benefit of any candidate or political committee as long as such contribution is unrelated to dues, fees, or other moneys required as a condition of membership in such organization, or as a condition of employment.

Mr. MILLER. Mr. President, I point out to the Senator from Alaska that while I do not qualify as an expert, I do think I know something about the situation, and I can assure the Senator from Alaska that most of the COPE organizations and DRIVE organizations that I know of would not be inhibited one iota by that language. That language is designed to protect them. How the Senator can say that this amendment, with that modification, would gut the political activities of labor union members, is completely beyond me. I think his interpretation may not have rested upon his knowledge of what has just been read, but I suggested to the Senator from Colorado that that be put into the amendment for that very reason.

Mr. EAGLETON. The time for an overhaul of our campaign financing procedures is long overdue. I am pleased that the Senate is now well on its way to passing such a measure.

Before I turn to Senator DOMINICK's amendment, I want to acknowledge the hard work of many of my colleagues and bipartisan organizations, such as the Committee for an Effective Congress. Without that hard work and dedication, for the past few years we would not be acting on the proposal this afternoon.

The Dominick amendment to S. 382 can only be understood by relating its prohibitions to the present law on the books—18 U.S.C. § 610 prohibits unions from utilizing all dues moneys, whether they are collected from employees working in a right to work State or under a union security agreement, to make "a contribution or expenditure in connection with any Federal election." Moreover, in two cases involving the Railway Labor Act—*Street*, 367 U.S. 740 and *Allen*, 373 U.S. 113—the Supreme Court has held that as to political matters union members who do not agree with the organization's position have a right to block the use of their dues moneys in a manner inconsistent with their views. Thus, as to elections, unions are limited to using their dues moneys to communicate with their members and for nonpartisan registration drives. These limited permissions are clearly consistent with the public interest and are basic to a meaningful enjoyment by labor union members of the constituted right of association. Indeed the Supreme Court's opinion in *U.S.* v. *CIO*, 335 U.S. 106, indicates that a union's right to engage in such educational nonpartisan activities is constitutionally protected:

> If [18 USC § 610] were construed to prohibit the publication, by corporations and unions in the regular course of conducting their affairs, of periodicals advising their members, stockholders or customers of danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality.

The upshot of the matter is that Congress has already regulated in political activity to fullest extent permitted by the Constitution and that these regulations, and the court decision referred to above fully protect the rights of members who disagree with the political positions of the majority of their fellow members.

The plain lack of merit of the Dominick amendment in both constitutional and policy terms makes it plain that it is not an attempt to perfect the political process, which is the aim of the balance of S. 382, but is simply an attempt to harass the labor movement by whose who wish to weaken it. This amendment is simply a device to overturn the balance Congress struck between opposing viewpoints on the union security issue in 1947.

Mr. PASTORE. Mr. President, does the Senator from Colorado yield back his time? If so, I am willing to yield back mine.

Mr. DOMINICK. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time, and I move to lay the amendment on the table.

Mr. GRIFFIN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Brock). The question is on agreeing to the motion to lay on the table the amendment of the Senator from Colorado (Mr. Dominick) as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Oklahoma (Mr. Harris), and the Senator from Illinois (Mr. Stevenson), are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. Stevenson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from South Carolina (Mr. Thurmond) is necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

The result was announced—yeas 56, nays 38, as follows:

[No. 193 Leg.]

YEAS—56

Aiken
Allen
Anderson
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Ellender
Fulbright
Gambrell
Gravel
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott
Sparkman
Stevens
Symington
Talmadge
Tunney
Williams

NAYS—38

Allott
Baker
Beall
Bellmon
Bennett
Brock
Buckley
Byrd, Va.
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Hruska
Jordan, N.C.
Jordan, Idaho
Metcalf
Miller
Packwood
Prouty
Roth
Saxbe
Smith
Spong
Stennis
Taft
Tower
Weicker
Young

NOT VOTING—6

Bayh
Harris
Mundt
Percy
Stevenson
Thurmond

So the motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I move that the vote by which the motion to table was agreed to be reconsidered.

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, while all Senators are present in the Chamber, I should like to ask how many more amendments there are to the pending bill.

Frankly, my position is that I should like very much to finish the bill tonight, if possible; but, on the other hand, if it means going until 8 o'clock this evening or later, then we cannot finish this bill and I would as soon that we stopped now.

Several Senators. Louder—louder—we cannot hear.

Mr. PASTORE. I will speak louder. I have been on my feet since 9 a.m. this morning. So I wish to ask the Senators now present, how many more amendments do we have?

Mr. PROUTY. I have one which will take only a few minutes.

Mr. PASTORE. Will the Senator ask for the yeas and nays?

Mr. PROUTY. No.

Mr. BAKER. Mr. President, I have one amendment, and I shall not ask for the yeas and nays.

Mr. CURTIS. Mr. President, I have an amendment. If acceptable, I would like to have the yeas and nays on the amendment, in two parts. I am going to ask that it be considered as one amendment.

Mr. PACKWOOD. I have eight amendments.

Mr. PASTORE. Is the Senator going to ask for the yeas and nays?

Mr. PACKWOOD. Yes.

Mr. PASTORE. On all eight?

Mr. PACKWOOD. That is right.

Mr. DOMINICK. Mr. President, I have one amendment but will not ask for the yeas and nays.

Mr. HART. Mr. President, I have one amendment. I shall be very brief.

Mr. HUMPHREY. Mr. President, I have an amendment—

Mr. PASTORE. Is the Senator going to ask for the yeas and nays?

Mr. HUMPHREY. I am not going to ask for the yeas and nays. I am going to refer to it later on. I want to discuss it with the Senator first.

Mr. ALLEN. Mr. President, I have one amendment, with no yeas and nays.

Mr. PASTORE. There you are, Mister Majority Leader. There are seven or eight amendments with the yeas and nays to be asked for and two others. Multiply that by 20 minutes and we will be here until midnight.

Mr. MANSFIELD. I believe the Senator from Oregon indicated that he would not ask for the yeas and nays on his eight amendments?

Mr. PACKWOOD. Mr. President, I would like to defer to the distinguished majority leader but I have waited for 2 days now to offer these amendments. I would like to have a yea and nay vote on them; yes. I thought I had a yea and nay on four earlier today, but I do not.

Mr. MANSFIELD. On that basis then, I think we should mark an end to consideration of the pending bill at this time. It has been a long day since 9 a.m. this morning for the manager of the bill and other interested Senators.

So, I ask unanimous consent, first—I believe we will come in around 8 o'clock tomorrow morning, because we have a number of speakers——

Mr. BYRD of West Virginia. 8:45 a.m.

Mr. MANSFIELD. 8:45 a.m., yes. If any other Senator wishes to speak, we will come in earlier—gladly.

Then we will, first thing after we get through with the speeches, the special orders, we will take up the military construction appropriation bill under a time limitation.

VOTER REGISTRATION

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate my amendment No. 266 to S. 382 and ask that it be printed in the Record at the conclusion of my remarks.

Mr. President, the Federal Elections Campaign Act of 1971 which is now before the Senate provides Congress with a vehicle to alter and reform a process vital to American democracy.

The American political campaign has become such a complex and intricate operation that I fear we often lose sight of its main goal of electing fairly those persons the people believe worthy of the public trust.

I believe that fundamental reform of the campaign process is not only necessary but desperately needed now if the political arena is not to become the property of the wealthy. Equal opportunity for all—which so many of us seek to make a daily reality—must be extended to the political process.

If participation in politics becomes a luxury only to be afforded by a few, then millions of Americans will lose not only their right to enter the political world, but their right to judge the capability of a candidate on standards other than his ability to accumulate money in order to purchase television time and advertising space.

Fair campaigns at the State or Federal level will only become a reality if the Congress moves now to institute the provisions of the Federal Elections Campaign Act. At stake is the quality of American political leadership as it struggles to solve the problems which endanger American democracy.

But, Mr. President, I do not believe revision and reform of campaign practices can alone meet our urgent need for a more responsive and democratic system of government. The campaign legislation which is now before the Senate does not touch upon an integral part of the political process in need of reform: The system by which Americans register to vote.

Mr. President, campaign reforms are of little value if we fail to remove barriers to voting and to voter registration. Reform of the campaign process without reform of the entire electoral process is only a halfway house toward complete reform of our political processes.

In every State registration is a prerequisite for voting. It is a necessary requirement to prevent election abuses.

But, I believe that Congress should do all it can to remove the obstacles to voter registration. Let us take a look at some statistics:

In 1968 approximately 37 million Americans did not register to vote. At the present time there are 11.5 million Americans who are between 18 and 21 years of age and who can now register. This means that there is a pool of 48.5 million persons who could now register to vote in State and Federal elections.

The Democratic National Committee's "Freedom To Vote Task Force" reported that a Gallup poll study of registration found that residency and other registration qualifications—not disinterest on part of the voter—provide the greatest barrier to voting.

Past election data indicate that once people overcome the burden of registering to vote they go to the polls in great numbers. Figures from the election of 1968 show that there were 120 million Americans of voting age. Of that figure, only 60.9 percent voted. However 89.4 percent of those who took the trouble to register voted.

Mr. President, I ask unanimous consent that a State-by-State compilation of voter registration and turnout in 1968 prepared by the "Freedom To Vote Task Force" be printed in the RECORD.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

TABLE 1.—REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE[1]

State	1968 voting age population	Total registration	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2,037,000	1,389,198	1,044,177	75.2	51.3
Alaska[2]	151,000	NA	83,035	NA	55.0
Arizona	1,003,000	614,718	486,936	79.2	48.5
Arkansas	1,188,000	845,759	609,590	72.1	51.3
California	12,052,000	8,587,673	7,251,587	84.4	60.2
Colorado	1,211,000	966,700	806,983	83.5	66.6
Connecticut	1,813,000	1,341,519	1,256,232	93.6	69.3
Delaware	306,000	248,915	214,367	86.1	70.1
District of Columbia	515,000	201,937	170,578	84.5	33.1
Florida	3,924,000	2,765,316	2,187,805	79.1	55.8
Georgia	2,824,000	1,850,000	1,250,100	67.6	44.1
Hawaii	421,000	274,104	236,218	86.2	56.1
Idaho	708,000	366,532	291,183	79.4	41.1
Illinois	6,580,000	5,676,131	4,619,749	81.4	70.2
Indiana	2,947,000	2,653,219	2,123,597	80.0	72.1
Iowa[2]	1,653,000	NA	1,167,931	NA	70.7
Kansas[2]	1,339.000	NA	872,783	NA	65.2
Kentucky	2,062,000	1,471,343	1,055,893	71.8	51.2
Louisiana	2,032,000	1,449,231	1,097,450	75.7	54.0
Maine	596,000	509,888	392,936	77.1	65.9
Maryland	2,168,000	1,595,779	1,235,039	77.4	57.0
Massachusetts	3,379,000	2,591,051	2,331,752	90.0	69.0
Michigan	4,853,000	3,950,000	3,306,250	83.7	68.1
Minnesota[3]	2,097,000	NA	1,588,510	NA	75.8
Mississippi[3]	1,308,000	775,000	654,509	84.5	50.0
Missouri[3]	2,770,000	NA	1,809,502	NA	65.3
Montana	412,000	331,078	274,404	82.9	66.6
Nebraska	891,000	637,719	536,851	84.2	60.3
Nevada	285,000	188,811	154,218	81.7	54.1
New Hampshire	418,000	387,660	297,190	78.5	71.1
New Jersey	4,402,000	3,319,752	2,875,395	86.6	65.3
New Mexico	562,000	445,304	327,281	73.5	58.2
New York	11,773,000	8,113,216	6,691,690	85.5	59.1
North Carolina	2,919,000	1,858,987	1,587,493	85.4	54.4
North Dakota[2]	370,000	NA	247,882	NA	67.0
Ohio[4]	6,235,000	3,907,000	3,959,698	101.3	63.5
Oklahoma	1,546,000	1,163,328	943,086	81.1	61.0
Oregon	1,193,000	971,851	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	384,938	81.7	68.6
South Carolina	1,455,000	853,014	666,978	78.2	45.8
South Dakota	408,000	348,254	281,264	80.0	68.9
Tennessee	2,361,000	1,840,077	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	3,079,576	75.6	49.0
Utah[3]	562,000	475,000	422,568	89.0	75.2
Vermont	244,000	208,221	161,403	77.5	66.1
Virginia	2,690,000	1,510,592	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	754,206	76.0	70.3
Wisconsin[3]	2,484,000	2,425,000	1,691,538	69.8	68.1
Wyoming	202,000	142,739	127,205	89.1	63.0
Totals	120,353,000	82,029,426	73,359,762	89.4	60.9

[1] These figures are from State and U.S. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substantial agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.

[2] States which have no Statewide registration, or where registration is not required.

[3] Approximate figures, furnished by Secretary of State.

[4] Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.

NA—Not available.

Mr. HUMPHREY. Mr. President, voter turnout in the United States compares poorly with other democratic countries. In 1968, 75 percent of Canadian citizens voted. For the same year, voter turnout in Sweden was 89 percent. The French registered an 80 percent voter participation level in 1968 while nearly 90 percent of the Danes voted that year.

In analyzing a Census Bureau report of the 1968 election, the "Freedom to Vote Task Force" said that—

> The highest proportion of those not registered and/or not voting fall among blacks, those who did not finish high school, manual and service workers and those of lower incomes.

While 84 percent of those having family incomes of $15,000 and over voted in 1968, only 53.5 percent of those with family incomes under $3,000 voted.

I submit that failure to register often results from lack of understanding of requirements and complexities in the registration process.

At the moment when we are considering a significant campaign reform bill and when the Census Bureau tells us that there could be as many as 25 million voters under age 25 who will be entering a polling booth for the first time in 1972, we must also remove the barriers to voting in Federal elections. State registration procedures often become such a burden that the potential voter does not have time to comply with them or does not learn of them soon enough to register.

In Texas, annual voter registration is required, although this regulation is now being appealed in Federal court.

In Rhode Island, registration closes a full 60 days before the election.

Ten States including the most populous, California, require voting in every general election to retain registration.

I do not believe that Congress intended that State registration procedures discourage Americans from voting.

Mr. President, I am today calling up a Federal voter registration amendment to S. 382, the Federal Elections Campaign Act of 1971.

My amendment would enable all citizens of the United States to register to vote in Federal elections at the same time they file their income tax returns.

The amendment directs the Secretary of the Treasury to mail all taxpayers two voter registration forms with the 1040 form which they could complete to obtain a Federal certificate of registration. The taxpayer and his dependents over 18 would be able to use this convenient registration procedure. It would be optional, however. There is no compulsion involved. And the existing State registration procedures also would remain available.

Mr. President, in tax year 1969, for which forms were filed in 1970, the Internal Revenue Service received 75,856,703 returns accounting for 196,750,468 individuals or exemptions. The IRS reaches 95 percent of the American people.

I believe that it is an excellent organization to carry out a registration function. The IRS has a reputation for the responsibility, efficiency, and confidentiality, all of which are necessary if this national voter registration system is to work.

The association of the Internal Revenue Service with the registration process is in the best tradition of taxation with representation.

I realize that many people do not file an income tax form but are eligible to vote. For these people, State registration channels remain open, and the amendment specifies that registration forms also may be obtained at local post offices to be mailed to the appropriate regional IRS office. The amendment also directs the Treasury Secretary to advertise in Spanish, as well as English, to all nontaxpayers advising them of their right to register.

I would hope that these provisions for nontaxpayers would begin to bring into the political process those who have been excluded because of the inconvenience of the registration procedures.

Registration has often proven difficult for the poor, the elderly, and the handicapped, because of lack of transportation to get to the designated place, infirmities, or other reasons. With my amendment, all that is needed is a postage stamp.

I would like to emphasize that the Federal voter registration amendment does not eliminate or change State registration laws. Persons will be certified for Federal registration through the IRS only if they are also eligible to register through a State's own registration system. An individual's registration will be effective as long as registration is in effect under the applicable State law. Constitutional residency requirements also remain in effect.

My amendment does not interfere with the rights of the various States to make their own election and registration laws. It is designed to remove hindrances to registration.

No national registry of persons will be compiled or maintained in order to protect individuals and preserve their privacy. There are adequate penalties in the amendment to safeguard this program from fraud or any attempt to deny a person his right to register.

Mr. President, the responsibility lies with the Congress to enact legislation which will offer the greatest number of people the opportunity to vote. We cannot pass laws which will interest the disinterested. But the Congress can and should enact legislation which can enlarge the electorate. This is in the intent of my amendment.

There can be no more serious defect in our democratic process than the one which denies a man his vote.

Mr. President, in order for my colleagues to understand how amendment No. 266 typically could work in practice, I would like to show how an average voter would go about registering to vote under the procedures outlined in the amendment.

John Jones is a 20-year-old auto mechanic in Duluth, Minn. He is married. Neither he nor his wife who is also 20 years old and who is not employed have ever registered to vote in Minnesota or any other State.

When Mr. Jones receives his Federal income tax forms from the Internal Revenue Service, he will also receive two identical, simple enclosures which he and his wife have the option to complete in order to register to vote in any general, special or primary election for President, Vice President, presidential elector, Senator, or Representative. Mr. and Mrs. Jones would then supply the IRS with the basic data on age, residence, and other details required by election laws.

Mr. and Mrs. Jones will have to sign a statement at the bottom of the form attesting to the truth and accuracy of the information they supply. There are penalties for fraud and misrepresentation.

Mr. and Mrs. Jones are not familiar with the voter registration laws of the State of Minnesota. When they mail the form to the IRS they are not sure whether or not they meet the State's registration requirements.

Mr. Jones mails the registration applications with his tax return to the IRS.

Upon receiving the Joneses' applications, the IRS begins to process them in order to determine if they indeed qualify for a Federal registration certificate according to the registration laws of the State of Minnesota.

The computerized examination of the applications submitted by Mr. Jones and his wife reveals that they meet all of the registration and voting qualifications of the State. The IRS issues them separate Federal certificates of registration.

The Internal Revenue Service will also provide the Minnesota commissioner of registration with a record of the Joneses' Federal registration and any other information which the commissioner may need to maintain an accurate Federal voter registration list.

On election day, Mr. and Mrs. Jones will present themselves at their local polling place. Upon presentation of their Federal registration certificate, they may vote for candidates seeking Federal office.

Under the procedures of amendment No. 266, a State has the option of allowing persons holding a Federal registration certificate to also vote for candidates seeking State offices, if the State makes provisions for this by law.

If Mr. and Mrs. Jones had not been taxpayers and thus had not received an application for a registration certificate, they could have obtained a similar form at their local post office, to be mailed to the IRS for processing.

My proposal has but one objective; namely, to facilitate and increase registration—to remove unnecessary obstacles and to maximize voter participation.

It is a great disappointment to me that the Senate will not be able to consider my voter registration amendment at this time. I trust that when the amendment is reintroduced at a later date we will have the opportunity to discuss it thoroughly.

I believe that this amendment shows great promise in solving one of the most perplexing obstacles to electoral participation—registration.

Mr. President, political scientists have long argued that the mechanics of registering to vote have deterred some citizens from exercising their franchise. In our Nation, between about 60 to 70 percent of the electorate vote in presidential elections. For local elections and for primaries, the figure is even less.

People get sick, they work late hours, or they just forget to go to their county courthouse and register to vote.

The registration problem will likely become even more serious, now that the 26th amendment, giving 18-year-olds the right to vote, has been adopted. And, with this influx of new voters, a move I emphatically endorse and have fought for, the reason to uncomplicate the registration mechanism is even more compelling.

The Humphrey amendment would eliminate the necessity for a person to travel beyond his own home in order to register. Simply put, my amendment would have the Internal Revenue Service issue certifications of registration to qualified voters of the States. These certificates would serve as proof of registration, making the person able to vote in Federal and State elections.

And, all of the paperwork would happen the same time that the family income tax returns were prepared.

I believe that this method is concise and easy to understand. I have also been assured by the Internal Revenue Service that their agency, through their computers, could handle any extra workload placed on them by this registration procedure.

Mr. President, when this amendment comes up again, I ask all Senators to join forces and make the act of voting as free from complications as possible.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6531) entitled "An Act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile.

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile.

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile.

S. 755. An act to authorize the disposal of shellac from the national stockpile.

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile.

S. 757. An act to authorize the disposal of iridium from the national stockpile.

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile.

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile.

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile.

S. 761. An act to authorize the disposal of diamond tools from the national stockpile.

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile.

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile.

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile.

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile.

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile.

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile.

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile.

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile.

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile.

S. 774. An act to authorize the disposal of vanadium from the national stockpile.

S. 775. An act to authorize the disposal of magnesium from the national stockpile.

S. 776. An act to authorize the disposal of abaca from the national stockpile.

S. 777. An act to authorize the disposal of sisal from the national stockpile.

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile.

H.R. 7586. An act to amend the Act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for two additional years.

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes.

H.R. 9272. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

SCHOOL BUSING

Mr. JAVITS. Mr. President, I yield myself 1 minute.

Mr. President, the President of the United States sent a statement, substantially addressed to the other body, regarding school busing yesterday, which has received considerable public attention. I have issued a statement on that, and I wish to read it into the Record and make comments thereon.

President Nixon's statement yesterday on busing to achieve school desegregation presents a clear issue for the Nation, and I wish to declare my stand on the issue: Shall the use of Federal funds for busing by school districts be prohibited to those which are desirous of using them for such purpose; and should the proposed prohibition cover districts required to bus by court order, as well as districts which are voluntarily seeking to desegregate their schools?

Most regrettable in the White House statement is the apparent lack of recognition of the great educational, social, and moral problems with which busing plans—such as that proposed by the Department of Health, Education, and Welfare for Austin, Tex., which, incidentally, it rejected—have sought to deal; and the lack of recognition of the legitimate aspirations—which are directly affected—of black and other minority group parents to achieve quality education for their children.

My views are as follows: Busing is not the exclusive means for equalizing educational opportunities, and indeed must be supplemented by quality education within the schools involved if it is to be a useful component of integrated education. Even prior to the desegregation movement, I wish to point out for this particular reason, more than 40 percent of American children rode schoolbuses, including the tens of thousands in my own State, where they rode to central school districts as contrasted to the little red schoolhouse.

But busing is often an essential element in attaining both desegregation and quality education; it is a vitally needed option and a proper component of an Emergency School Aid Act—which is an act we have already passed in this body and which is now pending in the other body—worthy of its name. Hence, I believe the prohibition which the President has proposed placing upon busing as an element of Federal funds for emergency school aid unwise. I continue to hope very much that the administration will finally support at least the use of Federal aid under the Emergency School Aid Act for busing if desired by the local school district or required by court order. Personally, I would allow complete freedom with regard to the use of Federal funds for busing, and I regret very much that the President has seen fit to take the position he did in this respect.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, was read twice by its title and referred to the Committee on the District of Columbia.

EDUCATION AMENDMENTS OF 1971

Mr. MANSFIELD. Mr. President, at this time, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 342, S. 659, the Education Amendments of 1971.

The PRESIDING OFFICER. Is there objection?

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, reserving the right to object, so that I might ask a question—I shall not object, of course—I had to step out for a moment. Is there time in there of 15 minutes for myself, the Senator from North Carolina (Mr. Ervin), and the Senator from Nebraska (Mr. Hruska), to discuss a bill? Is that included in it?

ORDER FOR RECOGNITION OF SENATOR McCLELLAN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I know about this. The distinguished Senator from Arkansas has just discussed it with me.

I ask unanimous consent, in response to his request, that tomorrow morning, immediately following the remarks of the able Senator from Maryland (Mr. Mathias), the senior Senator from Arkansas (Mr. McClellan) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, what time do we come in?

Mr. BYRD of West Virginia. We come in at 8:45.

Mr. McCLELLAN. I will be here at 9 o'clock.

EDUCATION AMENDMENTS OF 1971

Mr. GRIFFIN. Mr. President, reserving the right to object, is the bill that is being laid before the Senate the higher education bill?

Mr. MANSFIELD. It is.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

Calendar No. 342 (S. 659) a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes, which had been reported from the Committee on Labor and Public Welfare, with an amendment.

Mr. MANSFIELD. Mr. President, as a brief word of explanation, the joint leadership is laying the bill before the Senate because it stated to the Senate over the past several days that it would. Some Senators think they have not had time enough to study the voluminous report. And they have a point. But the joint leadership feels honor-bound to proceed on this basis. I think this explanation is due from the joint leadership for the action being taken.

Mr. GRIFFIN. Mr. President, reserving the right to object, I wonder if the distinguished majority leader could give us any guidance as to whether there will be votes tonight and how long we would take.

Mr. MANSFIELD. I would have to see the manager of the bill, the Senator from Rhode Island (Mr. Pell). The ranking minority member of the committee is the senior Senator from New York (Mr. Javits). May I ask the Senator from New York if he anticipates that there will be votes this evening?

Mr. JAVITS. Mr. President, I should not think so in view of so many Senators being absent. We have time for debate. There will be some general debate. There would not be any vote unless someone were to press for a vote on an amendment, and I doubt that that would happen.

The majority leader has a lot to say about that, however. He could keep us here until we get through with our debate time.

Mr. MANSFIELD. No one wants to get the calendar clear more than I do. However, it has been a very vigorous day. I agree with what the Senator from New

York has said. There will be no votes on the pending legislation.

Mr. SYMINGTON. Mr. President, reserving the right to object, and I shall not object, may I ask the majority leader for the benefit of those who are interested in the military construction bill what time that bill will be taken up?

Mr. MANSFIELD. It will be taken up at approximately 9:30.

ORDER FOR RECESS TO 8:30 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight it stand in recess until the hour of 8:30 tomorrow morning.

Mr. HUMPHREY. Mr. President, will the Senator yield a moment?

Mr. MANSFIELD. I yield.

Mr. HUMPHREY. Mr. President, is it possible tonight to bring up an amendment which may not be controversial and which may be acceptable to the manager of the bill and not delay it until tomorrow?

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. I say to the Senator from Minnesota that I would think so, if there were no question about the amendent.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER. Would the Senate suspend for a minute? Will the Senators return to their seats?

Is there objection to the unanimous consent request?

Mr. MAGNUSON. Mr. President, reserving the right to object——

Mr. MANSFIELD. I thought the Chair had already given its consent and that the questions came up afterward.

The PRESIDING OFFICER. The Chair has not had an opportunity to bring up the question on the unanimous consent request of the majority leader.

Mr. MANSFIELD. All right.

Mr. JAVITS. Mr. President, what is the unanimous consent request?

Mr. MAGNUSON. Mr. President, I have asked the majority leader a question because we have a bill listed here that is of great interest to many Senators.

Mr. MANSFIELD. Mr. President, I know the bill the Senator refers to. It is coming up and there is a time limitation on it.

Mr. MAGNUSON. Mr. President, may I ask a further question?

Mr. MANSFIELD. Mr. President, I want to notify the Senate that it is anticipated that the bill having to do with disaster relief will be brought up some time later tomorrow on a time limitation.

Mr. COOPER. Mr. President, I thank the majority leader.

Mr. MAGNUSON. Mr. President, obviously tomorrow is Thursday. We have until Friday. I note on the whip's notice that there are other matters listed such as the continuing appropriations resolution, the Labor-HEW appropriation conference report, the $1 billion employment assistance appropriation bill, the OEO, the Disaster Relief Act, and the higher education bill on which we have a 6-hour limitation on the bill, 3 hours on the Dominick amendment, 2 hours on two Metcalf amendments, and 1 hour on other amendments.

If we are going to take up the higher education bill, we obviously are not going to do anything else tomorrow.

Mr. MANSFIELD. Yes, we are. The Senator need have no worry about that, because some of this time will not be used up. The 2 hours on the 2-hour amendments offered by my distinguished colleague, Senator METCALF, will not be used up.

Personally, I would like to stay in late tonight. However, the Senate is tired. We will stay in late tomorrow and late on Friday. And we will clear up as much as we can. However, it takes cooperation.

Mr. MAGNUSON. I will cooperate. If I were handling the higher education bill, I would suggest that we pass it over until after the recess, because it will not get anywhere.

Mr. MANSFIELD. Well, if it is not going to get anywhere, it will be passed.

Mr. MAGNUSON. The Senate will pass it. I will vote for it. But it will not be finished during that time. These bills constitute important legislation.

Mr. MANSFIELD. That applies to all of them. Let us do the best we can and take our chances and act accordingly.

Mr. MAGNUSON. Mr. President, if we bring up the disaster relief bill, I hope that it will be passed.

Mr. MANSFIELD. So do I. There is a reasonable time limitation on it. It will be brought up tomorrow.

Mr. MAGNUSON. I want to be sure these things will be taken up if we have to stay in session until 3 o'clock in the morning.

Mr. MANSFIELD. Mr. President, if the Senate would like to do so, and it meets with the approval of the Senator from Kentucky, we could take it up tonight. However, it took a long time to get agreement. We will agree on a smaller time limitation tomorrow.

Mr. MAGNUSON. I thank the Senator.

EDUCATION AMENDMENTS OF 1971

The PRESIDING OFFICER. The Senator from Montana made a unanimous consent request with regard to the recess tonight. Is there objection to that unanimous consent request?

Mr. ALLOTT. Mr. President, reserving the right to object, could we have that consent request repeated for our information?

Mr. BYRD of West Virginia. Mr. President, may we have order so that we can hear the Senator?

Mr. ALLOTT. Mr. President, reserving the right to object, and I will not object, could we have the consent request repeated for those of us who were conferring outside of the Chamber so that we will know what it was?

ORDER FOR RECESS

The PRESIDING OFFICER. The unanimous consent request of the Senator from Montana was that the Senate recess tonight until 8:30 tomorrow morning, to be followed by the Senator from Maryland (Mr. MATHIAS) for 15 minutes, and the Senator from Arkansas (Mr. McCLELLAN) for 15 minutes.

Is there objection? The Chair hears none, and it is so ordered

Mr. ELLENDER. Mr. President, there was to be a meeting of the Appropriations Committee before 5:30 tonight. However, I have to announce that I have been informed that the House will not enact the bill until late tonight. We will have a meeting of the Appropriations Committee tomorrow downstairs at 10 o'clock.

THE EDUCATION AMENDMENTS OF 1971

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana that the Senate proceed to the consideration of H.R. 6598. The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare with an amendment.

Mr. PELL. Mr. President, I am very happy to bring before the Senate S. 659, the Education Amendments of 1971. As chairman of the Subcommittee on Education, I do this with a certain amount of pride, for this major omnibus education bill is cosponsored by one-quarter of the Senate, including the complete membership of the Committee on Labor and Public Welfare.

At this point, I ask unanimous consent that the name of the Senator from Oregon (Mr. HATFIELD) be added to the bill as an additional cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. This bill is the fruit of 26 days of hearings during both the 91st and 92d Congresses. It is a distillation of measures introduced by Senators from the majority and minority, and sent up by the administration. It contains features introduced by many. In truth, this bill has no one author.

It should be understood that, although many call S. 659 the higher education bill, it is not just that, but is an omnibus measure whose five titles cover a wide gamut of education concerns. I ask unanimous consent that a summary of the bill be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

TITLE I— HIGHER EDUCATION

This title amends, revises, and extends the Higher Education Act of 1965. Portions of the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966 are incorporated into the Higher Education Act of 1965 with the result that, if the Committee amendment is enacted, the Higher Education Act of 1965 would constitute a single Federal law which includes all continuing higher education financial assistance programs. In general, unless otherwise specified, title I extends the authorizations for higher education programs for four years, through fiscal year 1975, at the same level as those for fiscal year 1971.

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

This part amends title I of the Higher Education Act of 1965. Such title I authorizes grants to States for assistance to institutions of higher education to enable them to help solve community problems through community service programs and continuing education programs. It is proposed that—

(1) title I be amended to authorize a reservation of appropriations for special projects designed to meet national and regional problems;

(2) title I be amended to authorize a special appropriation for projects designed to meet urban problems in Standard Metropolitan Statistical Areas;

(3) the Commissioner be required to conduct a special evaluation of title I and submit reports to the Congress on such evaluations.

PART B—COLLEGE LIBRARY PROGRAMS

This part amends title II of the Higher Education Act of 1965. Such title II authorizes—

(1) grants to institutions of higher education for the acquisition of college library resources;

(2) grants and contracts for research and training in librarianship; and

(3) funds for the Library of Congress for cataloguing of library materials and distribution of cataloguing information.

The amendments made by part B—

(1) reorganize the authorizations of appropriations by providing for a single authorization for parts A and B of title II and a percentage division of the appropriation for specific purposes;

(2) authorize the Commissioner to waive maintenance of effort requirements for grants for the acquisition of library resources;

(3) increase the maximum amounts for supplemental grants; and

(4) require an annual evaluation of the program operation by the Library of Congress.

PART C—DEVELOPING INSTITUTIONS; EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

This part (1) amends title III of the Higher Education Act of 1965, and (2) contains a special authorization of appropriations for emergency interim assistance to institutions of higher education which are in serious financial distress, and (3) requires a study of financing higher education, including uniform cost accounting standards.

Such title III of the Higher Education Act of 1965 authorizes grants to developing institutions of higher education to enable them to strengthen their academic and administrative capacities. Part C revises such title III to improve the program of strengthening developing institutions and increase emphasis on institutions which serve a significant proportion of students who come from disadvantaged backgrounds.

PART D—STUDENT ASSISTANCE

This part amends present law as it relates to financial assistance to students in institutions of higher education. The amendments made by this part—

(1) revise part A of title IV of the Higher Education Act of 1965 to authorize—

(A) a Basic Educational Opportunity Grant of $1,400 for any student minus the amount his or her family can reasonably be expected to contribute for his or her postsecondary education;

(B) a Supplemental Educational Opportunity grant (a continuation of the present educational opportunity grant program) for students who are in exceptional financial need and who would be unable to receive the benefits of a post-secondary education without such a grant, which grants are (i) to supplement the basic grants, and (ii) to aid students who are not eligible for basic grants but who are in need of financial assistance;

(C) matching grants to States to encourage the development and expansion of State scholarship programs;

(D) special services to encourage disadvantaged students to complete secondary school and to enter and continue programs of postsecondary education;

(E) cost-of-instruction allowance payments to institutions of higher education at which basic grant recipients are in attendance;

(2) modify the insured student loan program—

(1) by permitting an increase in the maximum amount of student loans in exceptional cases, and

(2) by authorizing the Commissioner to audit eligible institutions, to set reasonable standards of financial responsibility for such institutions, and suspend or terminate their eligibility;

(3) create a Student Loan Marketing Association for warehousing student loans and in order to create a secondary market for such loans;

(4) modify the determination of need under the College Work-Study Program by requiring that the actual cost of attendance at the institution be taken ino consideration;

(5) transfer the provisions for direct student loans under title II of the National Defense Education Act of 1958 to title IV of the Higher Education Act of 1965, with minor modifications; and

(6) require an affidavit by students stating student assistance funds received by the student will be used for education related purposes.

Part D also requires the Secretary of Health, Education and Welfare to conduct a study of financing postsecondary education.

PART E—EDUCATION PROFESSIONS DEVELOPMENT ACT

This part amends title V of the Higher Education Act of 1965, the Education Professions Development Act. The Education Professions Development Act authorizes the Teacher Corps and a variety of programs designed to improve the quality of teaching in elementary and secondary schools, vocational education programs, and in institutions of higher education. The amendments made by part E—

(1) combine the seven authorizations under the Education Professions Development Act into a single authorization with a percentage division of the appropriations among the programs authorized by the Act.

(2) clarify the status of the Teacher Corps; and

(3) together with minor and technical amendments, expand the scope of the training programs authorized by the Education Professions Development Act.

PART F—INSTRUCTIONAL EQUIPMENT

This part extends title VI of the Higher Education Act of 1965. Such title VI authorizes financial assistance to institutions of higher education for the improvement of under graduate instruction. Funds may be used for the acquisition of instructional equipment and closed circuit television equipment.

PART G—ACADEMIC FACILITIES

This part transfers the provisions of the Higher Education Facilities Act of 1963 to title VII of the Higher Education Act of 1965, with modifications and a new authorization for mortgage insurance on facilities.

PART H—NETWORKS FOR KNOWLEDGE

This part extends title VIII of the Higher Education Act of 1965, with technical and clarifying amendments. Such title VIII encourages cooperative arrangements among institutions of higher education for the joint use of facilities and resources to form networks for knowledge. The amendments make clear that law schools are to be included.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

This part creates two new titles IX and X, in lieu of the present titles IX and X of the Higher Education Act of 1965. The new title IX—

(1) in part A, combines a number of present graduate programs into a single program of assistance to strengthen graduate schools;

(2) in part B, combines various fellowship programs into a broad program of Federal fellowships.

The new title X provides for State wide plans for postsecondary educational opportunities through community colleges and authorizes grants for—

(1) the establishment of New Community Colleges;

(2) the expansion of present community colleges;

(3) the lease of facilities.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

This part extends and makes minor changes in the program to encourage law schools to provide clinical experience in the law.

TITLE II—VOCATIONAL EDUCATION

This title extends for one year those authorizations for appropriations for programs under the Vocational Education Act of 1963 which expire June 30, 1972. The Vocational Education Act of 1963 is also amended—

(1) to clarify the definition of vocational education, with respect to industrial arts, and to include volunteer firemen; and

(2) to create, within the Office of Education, a Bureau of Occupational, Career, and Adult Education.

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

This title establishes an Education Division within the Department of Health, Education and Welfare which is headed by the Commissioner of Education. The Education Division will include the present office of Education and the newly created National Foundation for Postsecondary Education and the newly created National Institute of Education.

TITLE IV—INDIAN EDUCATION

This title amends Public Law 874, Eighty-first Congress and the Elementary and Secondary Education Act of 1965 with respect to Indian children. The title also amends the Adult Education Act to authorize special projects for Indians and makes miscellaneous amendments. Part D of title IV establishes, within the Office of Education, a Bureau of Indian Education to administer the newly established programs.

TITLE V—MISCELLANEOUS

This title, other than minor and technical amendments—

(1) provides for uniform application requirements;

(2) extends title III of the National Defense Education Act of 1958 for four years;

(3) requires a study of and report on regulations and guidelines issued by the Office of Education.

(4) amends the Elementary and Secondary Education Act of 1965, authorizing an Ethnic Studies Centers Program;

(5) establishes a Consumers' Education Program;

(6) makes the University of Guam and the College of the Virgin Islands land-grant colleges;

(7) amends title I of the Elementary and Secondary Education Act of 1965 with respect to migrant children.

Mr. PELL. There are, however, some major provisions which I should like to call to the attention of the Senate.

Title I of S. 659 contains amendments to the Federal programs of assistance to higher education. And while there are many titles involved, what we are in essence speaking of is Federal assistance to students going on to postsecondary education.

Programs presently in existence always seemed to me to be incomplete. The education opportunity grant program makes grants to needy students, coupled with a work-study grant. The national defense student loan 3 percent loan program is also available to those in need, while the guaranteed loan program of 7 percent loans is available to others.

To my mind, these programs, while estimable, contain a gap. For it is my belief, and one which has been adopted by the committee, that the Federal Government has the obligation to insure that each individual in our country should be able, as a matter of right, to pursue some type of postsecondary education if he is capable and able to do so. What we seek to do in S. 659 is provide a floor of Federal support. Using this floor, an individual can attend a local or low-cost institution, or utilizing his own resources and the other forms of student assistance can attend a higher cost institution.

I have often been struck by the fact that while 85 percent of the children from families of $15,000 plus incomes go on to college, it is estimated that 85 percent of the children from families of less than $3,000 income do not do so. The bill before the Senate seeks to redress what is obviously an inequitable situation.

Starting with the school term of September 1972, there is created a basic educational opportunity grant to all students at accredited postsecondary schools of education. This basic grant will be of $1,400, from which will be deducted a reasonable family contribution. I ask unanimous consent that the table found on page 34 of the committee report be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BASIC GRANT ELIGIBILITY

[Key: A=$1,400 less expected family contribution [1] (CSS tables) B=$1,400 less expected family contribution [2] (ACT tables)]

Levels of adjusted income [3]	Number of dependent children									
	1		2		3		4		5	
	A	B	A	B	A	B	A	B	A	B
$3,000	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400	$1,400
$5,000	1,150	1,280	1,400	1,400	1,400	1,400	1,400	1,400	1,400	1,400
$7,500	455	565	860	1,050	1,130	1,315	1,300	1,400	1,400	1,400
$10,000	0	0	300	300	660	626	850	895	930	1,115
$12,500	0	0	0	0	200	0	400	200	550	380
$15,000	0	0	0	0	0	0	0	0	0	0

[1] $1,400 less expected family contribution: From table A of the College Scholarship Service Manual, 1970–71 (CSS) 1970 Manual For Financial Aid Officers (the most commonly used need analysis system.

[2] $1,400 less expected family contribution: From 1970 revisions in the ACT student need analysis service.

[3] A definition—Parents' contribution from net income by size of family—for uncomplicated cases. B definition—American college testing (ACT) need analysis system definition of income available after Federal income tax deductions but before any value for assets is ascertained.

Mr. PELL. That table clearly demonstrates the flexibility of the basic grant in connection with various family sizes and varying levels of income. For example, a child from a family with three dependent children, one of whom is in college, with an income of $10,000 would receive a grant of approximately $650. It is estimated that in the first year of operation about 1,900,000 students will be eligible for this basic grant.

The committee is keenly aware of the financial plight of institutions of higher education. Indeed, the bill contains a special provision for emergency assistance for institutions in dire straits. Mainly, however, we sought a means to provide for a continuing program of institutional aid. Many approaches for institutional aid were proposed. The committee adopted a form of aid which recognizes that increased Federal student assistance increases the burdens of the institutions accepting these students. For each student receiving a portion of the basic grant I have spoken of, the institution will receive a payment dependent upon the size of the student body. I ask unanimous consent that the table showing institutional eligibility be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The following table governs the amount to which an institution is entitled under subpart 5:

If the total number of students in attendance is—not over 1,000; the amount of the grant is—$500 for each recipient.

Over 1,000 but not over 2,500; $400 for each recipient or, if the number of recipients is at least 100, $50,000, plus $400 for each recipient in excess of 100.

Over 2,500 but not over 5,000; $300 for each recipient or, if the number of recipients is at least 250, $110,000, plus $300 for each recipient in excess of 250.

Over 5,000 but not over 10,000; $200 for each recipient or, if the number of recipients is at least 500, $185,000, plus $200 for each recipient in excess of 500.

Over 10,000; $100 for each recipient or, if the number of recipients is at least 1,000, $235,000, plus $100 for each recipient in excess of 1,000.

Mr. PELL. Some may have noted that in discussing this legislation I have used the words postsecondary education, rather than higher education. S. 659 recognizes that education after high school need not be college work. There is a great need for quality career education. This bill recognizes that need by making the student assistance programs available to youngsters who wish to pursue postsecondary training in a technically oriented school, be it public or private for profit.

Our concern about this type of career education prompted the committee to amend a proposal calling for a "foundation on higher education" to one on "postsecondary education."

S. 659 contains the efforts of the Committee on Labor and Public Welfare to bring some order into the Federal statutes affecting education. Last year, Public Law 91–230 consolidated various laws affecting elementary and secondary education. This year's bill does the same for higher education. Title I of the bill brings together all Federal statutes affecting higher education into one statute, the Higher Education Act of 1965. It also consolidates authority presently found in the International Education Act, titles IX—education for the public service—and X—improvement of graduate programs—of the Higher Education Act and titles IV—fellowships—and VI—area language development—of the National Defense Education Act into a new title IX of the Higher Education Act covering graduate programs. Two types of graduate programs will be authorized:

First, grants to institutions to strengthen graduate programs; and

Second, fellowships for graduate and professional degrees.

Title III of the bill contains a major reshaping of the Federal approach toward education. I have long been convinced of the desirability of a single Cabinet-level Department of Education. The administration, upon taking office, called for the establishment of a National Institute of Education—to conduct educational research—and a National Foundation on Higher Education—to support innovative projects in higher education.

Accordingly, S. 659, as I originally introduced it and as presented to the Senate today, contains a provision establishing within the Department of Health, Education, and Welfare a Division of Education, headed by an upgraded Commissioner of Education who would be the equivalent of an Assistant Secretary. Within this Division will be the present Office of Education, the National Institute of Education, and the National Foundation for Postsecondary Education. It is hoped that new vitality will be engendered into Federal education endeavors through the establishment of this single Division. This action by the committee also reflects the support for an independent Department of Education. Indeed, this newly established Division could well be spun off into a separate department at some future date.

Mr. President, the bill before us is, I believe, one which can truly be called landmark in nature, for it establishes by law the right to a postsecondary education for all of our Nation's citizens desirous of it and capable of satisfactorily absorbing it. No longer will higher education be the province of some of us—it will be the birthright of all. I am sure that during the debate on S. 659, mention will be made of the cost of this program, and I will be the first to admit that it will be costly. But, to my mind, there is no better nor more frugal investment that a nation can make than in the education of its citizenry. A nation's true wealth or strength is measured by the sum total of the education and character of her people. In a practical sense, a better educated citizenry earns more money and pays more taxes, thereby repaying the Government's investments many times over. On a philosophical basis, the Nation with an enlightened and intelligent citizenry can surely expect to take its place in the forefront of the civilized world, better equipped to cure its own ills and assist its neighbors. I urge the Senate to consider our bill favorably.

Mr. DOMINICK. Mr. President, I take this time only to say, for the purpose of the record, that we are considering a bill which is of enormous importance to the people of our country, which involves an expenditure, as I understand it, in excess of $16 billion, which covers 4 years, and on which we have no printed report.

One of the matters we tried to work out at the beginning of the session was that we would have a 3-day report understanding. If there is a report——

Mr. PELL. Mr. President, if the Senator will yield, it is on his desk.

Mr. DOMINICK. It is on the desk?

I beg the Senate's pardon. I take it all back. I have one.

It looked like the hearing record, although I realized that the hearing record was longer than this; but here we have a report which itself covers 584 pages, to be exact, containing supplemental and individual views.

Those of us on the committee who may have been attending most of the hearings and who were present in the markup, spending considerable time on it, are aware of the large number of major policy positions and a good deal of the details we had to cover. I am sure Senators have not had an opportunity to read the 584 pages in this report, and yet we are dealing here, as I pointed out, with over $16 billion of the taxpayers' money.

I am going to go forward—we agreed to do this before—but it seems to me it would be terribly difficult to try to legislate with any degree of clarity or knowledge of the membership of what we are doing with a bill this large and a report this voluminous and to have them realize how this is going to affect various groups in the country in their own particular States, as well as the edutional system as a whole.

For that reason, I would think that, wherever we can—and I am not going to make any motion or anything like that, but I call the attention of the leadership to this matter—we ought to try to abide by the 3-day rule for reports, so that we will at least have some opportunity, if not ourselves, to read the report, then to have our staffs read it and brief us on it.

I thank the Senator for allowing me to proceed.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. The Senator's point is well taken, but, on behalf of the leadership on the majority side, may I say that under the Reorganization Act, as the Senator well knows, the 3-day rule may be waived by agreement between the majority and minority leaders to take up a bill prior to the expiration of 3 days, and it was only because of the time situation that the leadership waived the 3-day rule in this instance. Under different circumstances, I am sure the majority leader and the minority leader would not have waived the rule.

Mr. DOMINICK. I fully understand that and I appreciate the Senator's having made that a part of the record. My recollection, to be perfectly frank, was that there was a question when the campaign reform bill would be brought up, and the theory was that it would not be brought up until we had made an agreement on this bill with regard to a time limitation. So we were caught in a box, and I am willing to admit that.

The point I was making was that we have a complicated bill here, and we have some others coming up, and I would hope we would not waive this rule, because it makes it very difficult for Members of the Senate to know what we are talking about, and, after all, we are dealing with an enormously important bill.

Mr. BYRD of West Virginia. As I have said, the Senator's point is well taken. I am sure the majority leader and the minority leader would not have waived the rule under different circumstances and that they will, under the circumstances obtaining at a given time, be willing to accord every consideration to the wishes of the membership of this body.

Mr. PROUTY. Mr. President, the bill before us is, in my opinion, a landmark measure in the tradition of the Morrill Act of 1862, the National Defense Education Act of 1958, and the Higher Education Act of 1965. Modestly entitled the "Education Amendments of 1971," S. 659 has escaped notice except by the educational community and in a highly favorable editorial in the Washington Post.

Can it be that there is no longer time or space for good news? This bill is good news for millions of young Americans who need the assurance that their aspirations will not be limited by their economic circumstances. This bill is good news for schools which are committed to expanding educational opportunities for all Americans. This bill is good news to those who realize that there is much to be learned about how we learn and how to teach. The bill is good news to those who see strength in a diversified educational system and wish to expand education and training options. This bill is good news to those with vision, who are constantly seeking new ways to make government responsible to the aspirations of the people. This bill is good news for the Nation. Perhaps its passage by the Senate will cause S. 659 to be noticed by the media. I hesitate to suggest what the media should report, but I can and do urge Senators to support this historic measure.

As a cosponsor of the bill, I commend S. 659 to Senators as a measure unanimously reported by the Education Subcommittee and the full Labor and Public Welfare Committee in the bipartisan tradition of education legislation in the Senate. I commend S. 659 as a worthy product of 2 years of hearings and weeks of intense deliberations.

I also commend the chairman of the subcommittee, Mr. PELL, for his patience and perseverance during the exhaustive process of bringing this measure to the Senate for consideration. To my knowledge, this bill is the most lengthy and one of the most costly ever reported by the Committee on Labor and Public Welfare. However, the bulk and price tag of S. 659 hardly recommend themselves alone. Rather, the principles contained in this measure are what is important. Realizing the constraints on time, I would like to review the most important principles embodied in S. 659.

STUDENT ASSISTANCE

S. 659 contains the unprecedented principle of an assured minimum level of support for every American who seeks a postsecondary education. This minimum level of support is the sum of $1,400 less than the expected family contribution of the student, and not to exceed one-half the cost of attendance at an institution of postsecondary education.

This assured support is called a basic educational opportunity grant. Simply put, the basic educational opportunity grant provides that between the student's family and the Federal Government a student has $1,400 a year for his or her education at higher cost schools, or the Federal Government will pay up to one-half the cost of attendance at less expensive schools.

One of the most compelling features of this new basic educational opportunity program is its simplicity. The tables of expected family contributions will be published February 1 of each year so that students in high school will know what they can expect in the way of basic student aid. The basic educational opportunity grant will take much of the uncertainty out of their planning. While existing Federal student aid programs have helped expand educational opportunities for many young people, they have been characterized by uncertainty. This uncertainty should be eliminated and would be eliminated under S. 659.

The basic educational opportunity grants proposed in S. 659 are rightly limited to a maximum of either $1,400, or one-half of the student's cost of attendance. There is clearly a limit to the amount of aid the remote Federal Government should grant as a matter of entitlement. We in Washington obviously cannot assess the specific needs of individual students. This is the responsibility of the various schools through their financial aid officers.

The basic educational opportunity grant is only the first rung up the student aid ladder. The Federal role continues on higher rungs where student aid is allocated to the schools to meet the particular needs of individual students.

Advancing up the student aid ladder, as proposed by S. 659, a student would find cash grants available. These supplemental educational opportunity grants would be available to augment the funds granted to a recipient of a basic educational opportunity grant or to assist a student whose family's expected family contribution was high enough to preclude a basic grant.

A student would find employment available through the college work study program, which has proved an excellent way of earning while learning.

Higher up the ladder a student would find direct Federal loans—the national defense student loans at 3 percent interest—to meet those costs not met by either basic or supplemental educational opportunity grants or the college work study program.

On the top rung of the student aid ladder would be guaranteed student loans. The bill enhances this present program by the creation of a secondary market mechanism, the Student Loan Marketing Association, which will be a Government-sponsored private corporation similar to the Federal National Mortgage Association and provide liquidity for lenders and thus expand the amount of loan funds available to student borrowers.

S. 659, in adding the new basic EOG's and revising and expanding existing student aid programs, recognizes the need for a broad range of programs to respond to each student's financial needs.

The bill creates a logical progression of student aid options with the assurance that every student will reach the first rung and with ample discretionary aid to enable him or her to reach the top.

The student aid provisions of this bill are consistent with and necessary to carry out the President's declaration in his March 15, 1970, message on higher education that:

> No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal. I propose that we achieve it now.

The bill before us brings us to this goal and yet as we reach this milestone I find myself looking ahead to new forms of student assistance which respond to the rising costs of postsecondary education. On July 8, I introduced S. 2233, the Post Secondary Education Finance Study Act, the provisions of which have been incorporated in S. 659 as section 140.

Section 140 of the bill requires the Secretary of Health, Education, and Welfare to conduct a comprehensive study of the financing of postsecondary education. Specifically, the Secretary is required to evaluate new forms of student aid, including loans which respond in whole or part to a borrower's future income levels.

I see such new forms of aid as perhaps a solution to the dilemma of high cost schools and lengthy courses of study, the cost of which the American taxpayer cannot reasonably be expected to pay.

I see loan repayments responsive to a borrower's income level as remedying the present problem of high repayments during a borrower's early, low-income years.

I am pleased the committee incorporated the provisions of S. 2233 in S. 659, for it is necessary that we have this study to look beyond the goal we are about to reach with S. 659.

This goal is the "great American goal" to which President Nixon referred. It is a goal which requires the clearly expressed policy of the Federal Government that no qualified student should be denied the opportunity for a postsecondary education because of a lack of money. This bill states this goal clearly with solid, workable programs to carry out its intent.

The priority in this bill is clearly the students, yet we can only carry out our intent and reach our goal with the help of our institutions. They must assume the burden of our intent and the desire to reach our goal.

INSTITUTIONAL AID

The "education amendments of 1971" significantly increase the Federal responsibility in expanding educational opportunities for all Americans. The principle of assurance embodied in the new basic educational opportunity grant program requires a coincident mechanism of support to the institutions assuming in large part the burden of the Federal responsibility.

The financial condition of our post secondary education system in general, has been alternatively described as a "crisis" and a "crunch."

Whatever the proper description, there appears no easy prescription for remedying the financial malaise of our schools and colleges. Proposals for general institutional aid raise important constitutional questions. They also raise the basic question of whether the responsibility for the support of institutions should be reallocated to the Federal Government.

Throughout over 100 years of providing support for higher education, the Federal Government has always distributed its funds on the basis of the services or functions which higher education institutions perform for our society. The States in contrast have provided basic and general support to public institutions.

The question of institutional aid was of great concern to the members of the subcommittee and full committee and the resulting cost of instruction allowances provision represents not only the members' best efforts, but reflects the basic aid concept proposed by the administration in testimony by Health, Education, and Welfare Secretary Elliot Richardson before the subcommittee on June 9.

Secretary Richardson set four guidelines for judging new forms of institutional aid. His first guideline is most important to our consideration of S. 659.

Secretary Richardson said:

> First, additional aid should be related to the effort which the institutions themselves are making to fulfill a recognized national purpose. New institutional aid should—at least for the time being—carry through on commitments the Nation has already undertaken, such as equalizing opportunity, stimulating reform and innovation, sponsoring research, and encouraging specific programs, which are in the national interest.

The principle of student aid assurance in this bill massively reinforces and amplifies the recognized national purpose of removing the financial barriers of post-secondary education.

As we provide low-income students with funds not previously available, we require the assistance of institutions in enrolling and educating these students.

In his June 9 testimony, Secretary Richardson clearly set forth the consequence of the responsibility we are asking the institutions to assume as their part of our national purpose. He said:

> . . . low-income students are far more frequently less prepared for a traditional academic education than our students. Further, we believe that the institutions which are undertaking a major commitment to serve these students should have the additional resources necessary to redesign programs suited to the ever-widening spectrum of students entering colleges and universities.

Our subcommittee and committee agreed with the Secretary's observation and provided a cost of instruction allowance to each school based on the number of students enrolled who receive basic educational opportunity grants. The amount of the grant per basic educational opportunity grants recipient is inversely proportioned to the size of the school. This is necessary to compensate for the economies of scale which larger institutions have in adjusting curriculum and faculty. Small schools must be encouraged to increase their enrollment of low-income students or we may someday find that we have a dual system of postsecondary education with the affluent attending small private schools and the less affluent attending large public schools. Our Nation needs a diverse system of postsecondary education. It needs our small colleges as much as our large universities, and all must pursue our national purpose of education opportunity.

In weighing the cost of instruction allowances, on a declining scale from $500 to $100 per basic educational opportunity grants recipient, it should be pointed out that for the larger schools a larger sum is allowed when the number of basic educational opportunity grants recipients reaches 10 percent of the enrollment.

The cost of instruction allowances are an essential component of this bill. The allowances insure that as we increase the demand for postsecondary education we also increase the supply. We are asking our institutions to help us carry out our responsibility. The cost of instruction allowances aid them in this, the national purpose.

INNOVATION AND REFORM

The inequality of postsecondary educational opportunity is greater than that to which we respond directly in this bill, because low-income students have less chance of finishing high school or of scoring well on conventional tests even if their ability is high.

In recent years we have begun to realize these and other education problems, which cannot be solved by money alone.

We realize now that we have much to learn about how we learn and how to teach and we need to focus on educational research and innovation. I was pleased to cosponsor the administration's bill to create a National Institute of Education and to see the Institute included in S. 659.

As a nation we are committed to providing a quality education for every American, yet we are not committed to any one curriculum or system and we must not be. The National Institute of Education should challenge all educators to seek new educational methods and concepts and improve the quality of our teaching and learning. S. 659 provides for the creation of a vital Institute overseen by a strong National Council on Educational Research.

In recognition of the magnitude of education research that must be conducted, S. 659 authorizes appropriations of $550 million over a 4-year period and this sum may well be insufficient for the task the Institute will undertake.

The need for innovation and reform transcends the entire range of education. Postsecondary education in our Nation clearly needs a new source of support for experimentation, for probing into new areas of scholarships and totally different kinds of education.

S. 659 includes the administration's proposal for a National Foundation for Higher Education.

Thus, this bill provides the opportunity for a good measure of reform and innovation.

Perhaps in years to come as we look back on this bill we shall discover that our greatest decision was to establish the Institute and Foundation, for in so doing we eagerly sought what we did not know. Perhaps the knowledge gained will be of greater importance than the other provisions of this bill. It is exciting to contemplate what we may derive from the Institute and Foundation.

A LOOK TO THE FUTURE

The "Education Amendments of 1971" constitute more than "this year's education bill." This is a bill which lays a solid foundation for the future of all education in our Nation. It provides solutions to problems we have studied and requires studies of problems we have perceived, but not fully grasped. It answers questions where the answers are available and raises questions where the answers are not. It creates mechanisms to perceive, define, and solve problems of which we may not now be aware.

It is a monumental measure in the principles it establishes and strengthens, yet, its basic strength lies in its faithful adherence to the need for diversity in our Nation's system of postsecondary education.

The future of our Nation depends in large measure on our educational processes. Our strength as a nation has depended, and shall continue to depend, on the diversity of our people. We cannot afford to replace this diversity with a monolithic educational system where all Americans are taught the same subjects, in the same fashion and in the same setting.

We need our small colleges and large universities. We need business and technical schools and community colleges. We need a wide range of choice so that equal educational opportunity means an equal chance for every American to choose freely among many options. That is what our country is all about.

Mr. President, this afternoon I received a letter from the Under Secretary of the Department of Health, Education, and Welfare, John Veneman. In his letter, Secretary Veneman outlines the administration's position on S. 659, the "Education Amendments of 1971." As a cosponsor and supporter of the bill, I do not agree with all that is contained in this letter. However, I do feel that it is essential to the debate that Senators be apprised of the administration's position on the pending bill. Therefore, I ask unanimous consent that Secretary Veneman's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., Aug. 4, 1971.

Hon. WINSTON L. PROUTY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROUTY: As the Senate prepares to take final action on S. 659, the Education Amendments of 1971, I should like to take this occasion to share with you the results of our review of the bill reported by the Committee on Labor and Public Welfare.

We are pleased that the bill incorporates several major Administration initiatives, including the targeting of student aid on the neediest, creation of a National Institute of Education, a National Foundation for Post-Secondary Education, and a secondary market mechanism for student loans. These provisions will do much to achieve the dual national goals stated by President Nixon in his Messages of March 19, 1970 and February 22, 1971: equalizing opportunities in higher education and encouraging renewal, reform and innovation in the structure of higher education.

However, there are three major aspects of S. 659 which are of great concern to the Administration and which I would like to bring to the attention of the Senate as it considers this measure:

First, the bill provides for authorization levels in excess of $6 billion in Fiscal Year 1973, the first year during which the bill would be fully effective. It is estimated that two provisions alone, regarding Basic Educational Opportunity Grants and institutional cost-of-instruction allowances, would, if fully funded, cost more than $1.6 billion in fiscal year 1973. The fiscal year 1972 appropriation for the entire Office of Education totals $5.024 billion, of which $1.344 billion is available for higher education; these sums represent increases over fiscal year 1971 of, respectively, $500 million and $370 million. We believe that the unrealistically high authorization levels set by S. 659 will foster budgetary expectations which cannot possibly be fulfilled in the near future by the Executive Branch or the Congress. This is neither wise nor humane to the students and the institutions which are awaiting action on this measure. It would be far preferable to set authorization levels closer to actual projections of need and budgetary realism.

Second, the bill authorizes several new categorical programs, including consumers' education, support for community colleges, and emergency assistance for institutions of higher education. In addition, existing authorities have been expanded in the areas of impact aid, community service and continuing education, vocational education, and graduate education. The further expansion of categorical programs runs counter to one of the missions of the proposed National Foundation for Postsecondary Education: to bring into rational ordering the great variety of programs supporting postsecondary education. The expansion of the elementary and secondary programs is also counter to the Administration's goal of consolidation at the elementary and secondary level through such proposals as Education Revenue Sharing.

Finally, several organizational changes in the Office of Education are mandated by S. 659. These include a community college unit, a GS–17 Director of Consumers' Education, a Bureau of Indian Education, and a Bureau of Occupational and Adult Education with several new positions in grades GS–16 through GS–18. Also mandated are promotion of the Director of the Teacher Corps to the grade of GS–18 and severe restriction on the Commissioner of Education as to the duties which may be assigned to the Director. We believe that efficient administration of the Office of Education is more likely to be achieved by permitting the Commissioner to determine the necessary organizational relationships within his agency in accordance with the practice which the Congress has generally followed.

I very much appreciate having this opportunity to state the Administration's views on S. 659 as it is presented to the Senate.

Sincerely,

JOHN VENEMAN,
Acting Secretary.

Mr. PROXMIRE. Mr. President, I congratulate the distinguished Senator from Rhode Island (Mr. PELL) on this bill and on the excellent statement he has made.

Did I correctly understand the Senator to say that he regards this as landmark legislation, in part?

Mr. PELL. Yes.

Mr. PROXMIRE. Because it would provide an opportunity for all American young men and women who are capable of qualifying for higher education to earn it, provided, of course, they have the intellectual capabilities, and so forth. This would provide the beginning basis for the funding. Is that correct?

Mr. PELL. It would provide such a floor.

Mr. PROXMIRE. The inquiry I should like to make relates to the point the Senator has made that this is landmark legislation providing an opportunity for the first time—at least, the basis for an opportunity—for all Americans who are qualified to go on to postsecondary education, as the Senator has put it.

In this connection, the Senator will recall, I wrote the Senator and asked him to consider an amendment which would provide for a study of an approach which Yale University, I understand, is trying and which the Governor of Ohio proposed. Whether the proposal of the Governor of Ohio has been accepted by the Ohio Legislature, I do not know, but at least he proposed it. The proposal is to permit those who can qualify to enter an institution of postsecondary education and the cost, including the cost of room and board, as well as the cost of tuition, would be loaned to them and would be paid back based on their future income. The Senator, I think, has incorporated into his bill an excellent section providing a study of that, section 140.

I note that on page 232, lines 7 and 8, the section indicates that there will be a study of this kind of approach, including loan programs based on income contingent lending.

I should like to ask the Senator a couple of questions, which will take me a minute or two, to try to spell out what this study would include.

As I understand, it relates to the feasibility of a universal national higher education program under which undergraduate and graduate students receive low-interest loans for education, other fees, and living expenses, and repay such loans when the student borrower begins employment, based on a percentage of his annual income above a certain minimum. This does not indicate that the bill provides this. It provides a study of its feasibility.

Mr. PELL. That is correct. It is a study of the development of what was originally the Zacharias proposal.

Mr. PROXMIRE. I think so, although I proposed it to the president of Harvard University back in 1947, some 24 years ago.

Mr. PELL. As the Senator knows, we have had this idea before the committee for some time. We thought it would be a good idea, partly motivated by the Senator's communication to the chairman of the full committee, to incorporate this material in the study.

Mr. PROXMIRE. In that connection, in carrying out the study, I hope that the following points would be considered.

Present and projected rates of tuition and fees and living expenses; present and projected rates of enrollment in post-secondary schools and institutions of higher education; the effect of the availability of a universal national loan program would have on present and projected tuition and enrollment; the amount of Federal funds necessary to indemnify such a loan program at its inception; other methods of funding such a program, including secondary market mechanisms; the best method of repayment of the loans made under such a program; and the amount each year which could reasonably be expected to be needed for the loan portion of the program and the expected amount for each such year.

What I am saying is that I think these details would then give us a notion of the financial feasibility, the size of it, and whether or not it is the kind of program which Congress would choose to undertake in view of the amount of money involved.

Mr. PELL. I would agree with the Senator, and I would consider this colloquy as further legislative history delineating even more the intent of Congress.

Mr. PROXMIRE. I thank the Senator very much.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. SPONG). The Senator will state it.

Mr. JAVITS. How is the time controlled and by whom?

The PRESIDING OFFICER. The Senator from Rhode Island and the Senator from New York have control of the time on the bill.

Mr. PELL. Do we have time jointly or separately?

The PRESIDING OFFICER. Separately.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, this is probably as much of a landmark bill in terms of higher education, because of the new programs which are referred to here, as any we have had before us since I have been a member of the Committee on Labor and Public Welfare, and certainly since I have been its ranking minority member.

The provisions of the measure, in my judgment, are imaginative and broad in scope. Considering the fact that we now have more than 7 million college students, this is vital.

The student assistance provisions reflect the basic proposition enunciated by the President of the United States in his March 19, 1970, message on higher education, when he said:

> No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now.

In my judgment, this bill—I hesitate always to use a completely inclusive term—as far as all practicality will allow, will achieve it now in very great part.

The bill not only looks toward the young American in the poverty category but also toward the large number of young people from middle-income families whose resources—that is, the family's resources—are insufficient to meet the rapidly mounting costs of a higher education.

Mr. President, we face a danger that our campuses may be occupied either by the very poor or the well-to-do. Aid to the poor is essential, and nobody wants to discriminate against the well-to-do. But we also have to remember that pricing out the middle-income groups would be violative of the American system.

This bill really also goes a very long way toward meeting the feelings of those in the Chamber who have moved heretofore to give an income tax credit to middle-income families sending their children to college, as against the arguments of many of us that this was an unwise way to divert resources and that a better way would be found. I believe this bill finds it.

Mr. President, the man who is really entitled to the greatest approbation in respect to this bill is the chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL). In the first place, he devoted himself to it in an unparalleled way. He had a unique quality of being able to bring together a wide variety of divergent views and an eclecticism in filtering through the desirable and the workable in terms of many amendments respect to this bill is the chairman of the and proposals we faced, and concluding with the finished product, which enjoys not only the support of our committee, which cosponsored this measure, but also, as he has said, enjoys the cosponsorship of 25 percent of the Senate.

I might add, too, that the Senator from Vermont (Mr. PROUTY), who is the ranking minority member of this subcommittee, follows, in the fine work he did on the bill, in the footsteps of his predecessor from Vermont in the 19th century, Justin P. Morrill, author of the Land Grant College Program—in a very real sense, a historic grandparent of the legislation now before us.

Now, Mr. President, other members of the minority did a great deal to help in making this the landmark bill it is. The Senator from Colorado (Mr. DOMINICK), for example, among other things, contributed the Student Loan Marketing Association provision, which should have a profound and helpful effect in making available more student loans from the private sector, the big pool of money loaned to students, now more than $1 billion but probably will be twice that before we get through. Our appreciation also to the Senator from Pennsylvania (Mr. SCHWEIKER) who offered, in addition to other parts, the provision establishing ethnic heritage study centers for study of the contributions of the cultural heritage of the ethnic groups of the Nation and to the Senator from Maryland (Mr. BEALL), a freshman member of the subcommittee, who included among his contributions the program of emergency assistance for institutions of higher education experiencing serious financial distress.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief summary which may be useful to Senators for reference of the bill's provisions as prepared by the minority staff.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

A BRIEF SUMMARY OF S-659

Title I (Higher Education):

Part A—Extends Title I (Continuing Education), HEA*, adding setaside for special national and regional programs and new authorization for Metropolitan Area Programs.

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*HEA—Higher Education Act.

Part B—Extends Title II (College Library Programs), HEA, specifying percentage authorizations for various programs and making minor changes.

Part C—Extends Title III (Strengthening Developing Institutions), HEA, broadening opportunities for developing institutions in other programs, clarifying definition, and other minor changes. New program of Emergency Assistance for Institutions of Higher Education.

Part D—Revises and extends Title IV (Student Assistance), HEA, as follows:

Subpart 1—New Basic Educational Opportunity Grant program providing aid entitlement based on formula of $1,400 minus family contribution (computed on basis of income, assets, family expenses, etc.), not to exceed half college cost nor less than $200 (minimum can be waived).

Subpart 2—Supplemental Educational Opportunity Grants, similar to existing Educational Opportunity Grant program, with minor changes.

Subpart 3—Grants to States for State Scholarship Incentives, new, matching States 50/50 for their student assistance programs similar to Federal educational opportunity grants.

Subpart 4—Special Programs for Students from Low-Income Families, consolidates existing programs and adds new program for Educational Opportunity Centers.

Subpart 5—Payments to Institutions of Higher Education for Cost of Instruction, new, payments to schools based on number of Basic Educational Opportunity Grant students and school size.

Part D also extends guaranteed student loan program, with changes; sets out provision for Student Loan Marketing Association to enhance lender fluidity; extends Emergency Insured Student Loan Act, work-study and co-operative education programs; rewrites with some changes, NDEA student loan program, codifying it as Part E (Direct Loans to Students in Institutions of Higher Education), Title IV, HEA; study of higher education finance.

Part E—Revises and extends Title V (Education Professions Development), HEA, including changes to strengthen programs and set minimum authorization levels for EPDA programs.

Part F—Extends Title VI (Instructional Equipment), HEA.

Part G—Transfers facilities construction provisions of Higher Education Facilities Act to new Title VII, HEA, adds new Academic Facilities Loan Insurance and minor revisions in existing law; establishes State higher education commissions.

Part H—Extends Title VIII (Networks for Knowledge), HEA, with minor changes.

Part I—Sets out two titles of HEA, as follows:

Title IX (Graduate Programs)—grants to institutions and Federal fellowships, consolidating existing programs with new provisions.

Title X (Improvement of Educational Opportunities Through Community Colleges)—new program for grants for state planning, establishment and expansion, and leasing of facilities; establishes OE community college unit.

Part J—Extends Title XI (Law School Clinical Experience) with minor changes.

Title II (Vocational Education):

Extends existing programs, establishes new OE Bureau of Occupational and Adult Education, adds "industrial arts" to definition of vocational education; adds volunteer firemen to vocational education programs.

Title III (HEW Education Division):

Establishes Education Division within HEW headed by Commissioner of Education (assistant secretary level). Within Division are Office of Education (as presently constituted), a new National Foundation for Postsecondary Education for stimulating innovation and new National Institute for Education for education research.

Title IV (Indian Education):

Part A—Amends impacted aid program (PL 874) for new program of grants to local educational agencies for educating Indians.

Part B—New programs of grants for special programs and projects to improve educational opportunities for Indian children.

Part C—New Indian adult education program.

Part D—Establishes Bur. of Indian Educ. and Natl Adv Council on Indian Educ.

Part E—Miscellaneous provisions amending existing laws on behalf of Indian Education.

Title V (Miscellaneous):

Amends General Education Provisions Act with respect to administration of programs and projects.

Extends Title III, Part A (Grants to States) of National Defense Education Act.

Mandates Commissioner of Education to study post-1965 rules, regulation, guidelines, etc. as they relate to statutory authority.

A new Title IX (Bilingual Education), ESEA, to establish new ethnic heritage center program.

Amends Title VIII (General Provisions), ESEA, to establish new consumer education program.

Gives land-grant status to College of Virgin Islands and University of Guam.

Amends Title I, ESEA, for migrant and delinquent children.

Mr. JAVITS. Mr. President, the President sounded the challenge when, in his March 19, 1970, message on higher education he stated:

> No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now.

The bill contains a well-designed response to this summons to meet the needs of the present and of the future. It looks not only toward the young American in the poverty category but also toward the large number of our young people from middle-income families whose resources are insufficient to meet the rapidly mounting costs of a higher education. We must be careful lest our campuses be occupied principally by those at the poverty level, who qualify for aid, and those from the upper income brackets, who can afford to pay—a campus peopled only by the very rich and the very poor, pricing out the middle income, is also violative of the American system.

Mr. President, I ask unanimous consent to have printed in the RECORD a description of how the student assistance program proposed by S. 659 would operate, expressly adapted to the needs of children of middle-income as well as lower-income families.

There being no objection, the description was ordered to be printed in the RECORD, as follows:

PROPOSED STUDENT ASSISTANCE PROGRAM

An undergraduate student* would be eligible, as follows:

Basic educational opportunity grant:

An entitlement of an amount equal to $1,400, less his expected family contribution, such amount to be not more than one-half college cost to the student. Family contribution is determined by family income, assets, dependents, and unusual expenses (e.g., hospitalized parent) and standard would be first published in Federal Register, subjected to public and Congressional review (with provision for Congressional rejection), before becoming effective. (In cases where a student receives a Basic Educational Opportunity Grant, the school which he attends will receive a grant of from $100 to $500, in reverse ratio to the size of the institution.)

If (a) this amount is insufficient to meet college expenses or (b) if family income too high for student to qualify for basic grant but college costs above student's capacity to pay, student would be eligible for one or more of the following:

Supplemental educational opportunity grant:

Similar to present EOG grant ($200 to $1,000), with following changes: (a) The student matching requirement is waived so that basic grant may be considered as part of matching; and (b) an additional $200 eligibility for students in upper half of college class.

Work-study:

Similar to present work-study program.

NDEA student loan:

Similar to present program, with following changes: (a) Annual loan limit increased from $1,000 to $1,500 and total limit increased from $5,000 to $7,500; (b) monthly minimum repayment increased from $15 to $30; and (c) Commissioner to reimburse schools for forgiveness—the latter two provisions will result in an increase in the loan revolving fund, thus making more money available for NDEA loans.

For (a) those middle-income students ineligible for the foregoing and (b) those in high-cost institutions for whom the foregoing is insufficient, there would be available:

Guaranteed student loans:

Similar to present program, with warehousing and secondary market provision added to help lender fluidity; annual loan limit increased from $1,500 to $2,500 in exceptional cases.

Mr. JAVITS. Mr. President, I also ask unanimous consent that certain figures furnished to me earlier this week by the Office of Education as to the costs of higher education to students, showing the urgent need for the provisions which we have inserted in the bill, be printed in the RECORD.

There being no objection, the figures were ordered to be printed in the RECORD, as follows:

*Costs of higher education to the students**

[Figures are based on estimates for
1971–72]

TOTAL COSTS

(These figures include tuition and room and board.)

Public schools:	
Public universities	$1,523
Other 4-year schools	1,303
2-year schools	1,094
Private schools:	
Private universities	3,344
Other 4-year schools	2,811
2-year schools	2,431

TUITION COSTS

Public schools:	
Public universities	482
Other 4-year schools	364
2-year schools	223
Private schools:	
Private universities	2,100
Other 4-year schools	1,734
2-year schools	1,280

ROOM AND BOARD COSTS

Public schools:	
Public universities	1,041
Other 4-year schools	939
2-year schools	871

Footnote on next page.

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*For part-time students, aid is prorated.

Private schools:	
Private universities	1,244
Other 4-year schools	1,077
2-year schools	1,151

* These figures will appear in the next publication of the "Digest of Educational Statistics."

Mr. JAVITS. Now, Mr. President, a few observations on what I consider to be some of the real highlights of the bill.

The bill also makes it possible for half-time students to participate for the first time in all student assistance programs on a prorated basis. As a student who attended law school in the afternoons and evenings and worked the rest of the time, I am in a unique position—as are other Members of this body—to appreciate what this means; also to have had the privilege of joining in proposing it as a member of the committee. Part-time students form a substantial portion of the student body in our Nation, some 1.03 million of the 2.2 million attending junior and community colleges and 1.65 million of the 6.35 million attending 4-year institutions. If it were not for the opportunities of part-time study, many of these young people would be unable to obtain a higher education due to the fact that family or personal circumstances oblige them to work while pursuing their studies. I have an especial personal sympathy for young people who find themselves so constrained because as a student I also found it necessary to work part-time while undertaking my law studies at New York University, a circumstance which I am sure was shared by many Members of this body.

The bill also takes note of the special role of the States in assisting students to attain a higher education. Again I refer to something which makes me especially proud of my own State of New York which provides student incentive grants of an unusual kind, approached only by the State of California. I felt deeply honored to have this provision accepted by the committee.

I refer particularly to the new subpart 3 of title IV–D of the Higher Education Act which provides grants to the States for State scholarship incentives. This provision, which I authored with excellent technical assistance from the State University of New York and the New York Department of Education, provides student incentive grants to the States on a 50–50 matching basis to assist young people from families of substantial need to obtain a postsecondary education. It is designed to encourage the States to expand their present programs of grant assistance to students, and complements existing and proposed Federal student-aid programs. As States would receive funds only when they expand current efforts, Federal funds would supplement, not supplant, existing programs

At a time when some 8 million of our young people are enrolled at the Nation's colleges and universities and higher education has an annual budget of $26 billion—and both figures are steadily growing—it is vital that innovation, reform, and educational excellence be nurtured if postsecondary schooling is to be able to meet the challenge of this new age.

The bill contains, in title III, provision for a National Foundation for Postsecondary Education along the lines of the proposal which I had earlier introduced on behalf of the administration. The foundation has as a principal purpose the fostering of innovation, enabling institutions to undertake efforts which they heretofore have not been able to venture into because of the narrow confines of existing programs and their own tight budgets. The foundation, for example, will have authority to make grants for programs based on developing cost-effective methods of instruction and operation, introducing reforms in the structure of the academic professions, new combinations of academic and experimental learning, and the creation of programs tailored to individual needs.

In an era where enrollments have tripled since 1955, higher education budgets have doubled since 1960 and annual expenditures per student have been rising three times as fast as the cost of living, innovation must be the key if our colleges and universities are to be able to offer quality higher education to the growing numbers of our people of all ages and from all walks of life desirous and capable of achieving it. New models of teaching and learning must be developed. We need to encourage experimentation. We need probings into new kinds of education. We need to determine in a more finite way how long it should really take to receive a post secondary education. All the shibboleths of the number of years required to be a doctor, lawyer, accountant, or the fact that we get 3 or 4 months off during the summer, must be reexamined in the light of the tremendous breakout of the educational system in terms of higher education for all who seek it.

It will be noted that increasingly reference is made to "postsecondary education" rather than merely to "higher education". Education after high school for many means an academic or professional future. For others it means schooling in the occupations. A significant number of our young people do not seek to pursue their education after high school in purely academic fields but rather seek occupational, or career, training. Some 2 million Americans are now enrolled full time in postsecondary vocational or technical training courses—this is contrasted with 150,000 such students in this category as recently as 1964. This phenominal growth is perhaps one of the most significant developments in American education today.

Half of all jobs opening up in the 1970's will require training beyond high school but less than a 4-year degree. The U.S. Office of Education has estimated that as many as 25 million Americans now need some form of occupational training. Less than half this number are now receiving such training. Yet, despite persistent national requirements in the occupational field, the Federal Government spends $4 in remedial manpower programs for every dollar it invests in vocational education as a source of prevention of unemployment and welfare, and invests only a dollar in vocational-technical education for every $14 spent on the Nation's colleges and universities.

I would like to point out that community colleges, in a provision authored by the chairman of the committee, the Senator from New Jersey (Mr. WILLIAMS), received special attention in title I of the bill, and quite properly expanded the horizons to include occupational education. In my own State of New York, for instance, new curricula at community colleges have included aircraft-operations technology, correction administration, physical, and occupational therapy, and environmental health technology.

This bill offers opportunities for the non-academic student to attend the eligible institution of his choice, whether a public community college, a proprietary school or a nonprofit private institution which offers the specialized training which he seeks. A Bureau of Occupational and Adult Education is also established within the U.S. Office of Education to give especial attention to these needs.

CONCLUSION

Within the confines of the time limitations on debate, I have confined my remarks to only several salient points of the bill. If I were to say anything within the necessary confines of succinctness in summary, I would quote from the concluding paragraph of the supplemental views signed by all the minority members of the committee:

> In the years ahead our Nation needs strong institutions to give high-quality education to a vastly expanded student population and to meet the challenges of a new world and new ideas. As we have for more than a century, we are pledged in the Federal establishment to continue to foster that growth, as trustees and catalysts, never by order or control.

Finally, Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the text of the supplemental views of the minority members of the committee.

There being no objection, the supplemental views were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS OF MESSRS. JAVITS, PROUTY, DOMINICK, SCHWEIKER, PACKWOOD, TAFT, AND BEALL

The undersigned members of the minority on the committee support the Education Amendments of 1971, S. 659. Our support of this measure is consistent with the historic sponsorship and support of constructive education legislation in the Congress on a bipartisan basis and our party's own traditions dating back more than a century when, in 1862, during the administration of Abraham Lincoln, the first Morrill Act for land grant aid to colleges became law.

HIGHER EDUCATION OPPORTUNITIES FOR ALL

The President commenced his March 19, 1970 message on Higher Education with the declaration—

"No qualified student who wants to go to college should be barred by lack of money. That has long been a great American goal; I propose that we achieve it now."

And he concluded the message with the observation—

"The time has come for a renewed national commitment to post-secondary education and especially to its reform and revitalization. We must join with our creative and demanding young people to build a system of higher education worthy of the ideals of the people in it."

And the members of the minority of this committee, in their views appended to both the 1966 and 1968 higher education bills, stated:

"As Republicans we are actively interested in achieving the goal sought by our party for more than a century—making available a higher education for all young Americans who qualify and who seek it."

In considering the availability of a higher education, we refer not only to those in the poverty category but also the large number of young people from middle-income families whose resources are insufficient to meet the mounting costs of a college education. We must be careful lest our campuses be occupied principally by those at the poverty level, who qualify for special aid, and those from the upper income brackets, who can afford to pay—a campus peopled only by the very rich and the very poor, pricing out the middle income, is also violative of the American system.

We wish also to stress that post-secondary education is not only for the very young. The average age of the students in the nation's community colleges is 26, illustrative of the fact that educational opportunities cannot be confined to those recently out of high school.

This bill, we believe, is a landmark measure which is a great stride forward toward the goals enunciated by the President in his March, 1970 message and by the members of the minority of this committee. We take understandable pride in our contributions to it.

CONTRIBUTIONS OF THE MINORITY

We are particularly gratified to note some of the principal contributions of the minority to this bill as finally reported. These provisions include:

1. Establishment of the National Foundation for Postsecondary Education to stimulate innovation in higher education.
2. Establishment of the National Institute of Education to foster educational research.
3. Establishment of the Student Loan Marketing Association to enhance liquidity for guaranteed student loans through providing a warehousing and secondary market mechanism.
4. Establishment of ethnic heritage studies centers for study of the contributions of the cultural heritage of the ethnic groups of the Nation.
5. Program of emergency assistance for institutions of higher education experiencing serious financial stress.
6. Authorization of matching grants to States for State scholarship incentives.
7. Requirement of a comprehensive report by the Secretary of Health, Education, and Welfare on the financing of postsecondary education.
8. Inclusion in definition of developing institutions of junior and community colleges located in or near Indian reservations.
9. Inclusion of special problems of career education in National Institute of Education.
10. Authorization of grants to improve planning and management capability of higher education institutions.
11. Inclusion of half-time students in educational opportunity grant programs.
12. Establishment of a new academic facilities loan insurance program for non-profit private institutions of postsecondary education.
13. Requirement for study to result in specific recommendations on a nationwide cost-of-education cost-accounting methodology.
14. Inclusion of young delinquents in adult correctional institutions in Title I, Elementary and Secondary Education Act, on same basis as delinquents in juvenile institutions.
15. Establishment of Educational Opportunity Centers to counsel poor and others on entering college.
16. Requirement that Basic Educational Opportunity Grants, Supplemental Educational Opportunity Grants, the College Work Study program, and contributions to the National Defense Student Loan program fund receive priority in funding.
17. Permit developing institutions to receive two-thirds Federal funds for construction grants.
18. Provision for employment of high school and college students as tutors or instructional assistants for educationally disadvantaged children.
19. Authorizing an additional $200 in amount of Supplemental Educational Opportunity Grant for students in upper half of college class.
20. Provision for the retraining of teachers to enable them to teach other grades or subjects in which teacher shortages exist.
21. Establishment of a Bureau of Occupational and Adult Education within the U.S. Office of Education.
22. Elimination of restrictions in Education Professions Development Act on training of teacher aides and on training teachers and teachers aides serving in non-public schools.
23. Amendment to meet problem of discrimination against particular categories of students in guaranteed loan program.
24. Expansion of program of improving training opportunities for elementary and secondary education personnel to encourage persons to serve as tutors in pre-school, elementary and secondary classes.
25. Authorization of construction grants for removal of architectural barriers to handicapped persons.
26. Authorizing use of Education Professions Development Act funds to train teachers of American Indian children.
27. Inclusion of at least one student in governing board of National Foundation for Postsecondary Education.
28. Increasing to 5% or $20,000, whichever is greater, the amount which a State may expend for administration of its plan for attracting and qualifying teachers to meet critical teacher shortages.
29. Consolidation of certain higher education programs.
30. Provision for uniform application requirements under Title II (College Library Assistance), Title III (Strengthening Developing Institutions), and Title V (Education Professions Development) of the Higher Education Act.
31. Inclusion of volunteer firemen in vocational education programs.

In addition to these, the minority members were responsible for numerous minor and technical improvements to the bill.

CONCERN FOR NATION'S COLLEGES

We have long had the strong conviction that our colleges must be institutions free of political controls nurtured by a concerned citizenry through both public and private sources. American higher education now stands foremost in the world both in terms of scholarship and in terms of the opportunities offered our people. We intend that it should continue so.

We are much concerned with the future of our Nation's private colleges, now comprising about one-fourth of all enrollment, many in dire financial straits, whose growth is not keeping pace with that of higher education generally.

These non-public schools, whose place in the ranks of American higher education dates back to 1780, provide not only higher education for more than 2 million young Americans but, also as important, are a leavening and stimulating influence for public colleges and universities. Their continuing vitality is essential to the continuing vigor and diversity of all higher education, both public and private.

A particular plight faced by many private institutions of higher education in all parts of the nation, a plight shared by public institutions as well, is what the Carnegie Commission on Higher Education termed "a financial crisis, unmatched in its impact in any previous period of history". Programs of Federal assistance, such as are provided in this bill must be complemented by strengthened State and local support, and by contributions from individuals and the private sector in our economy.

In addition, innovation must be the key if the Nation's colleges, universities and other institutions of postsecondary education are to be able to offer quality higher education to the growing numbers of our people of all ages and from all walks of life capable of achieving it. New models of teaching and learning and of institutional management must be developed. There must be a source of support for research, for experimentation, for probing into new areas of scholarship and for different kinds of education and the facilities in which to undertake them.

Increasingly reference is made to "postsecondary education" rather than to "higher education". For, while education after high school for many represents additional schooling in academic or professional channels, many others find their schooling in the occupations. American education must not be strangled by degrees or become mired in the bog of credentialism. As former HEW's Secretary John Gardner wrote:

"An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

Provisions in this bill for a National Foundation for Postsecondary Education, for a National Institute of Education, and for new and expanded institutional and student assistance programs, sponsored by minority members of the committee and supported by the Administration, will, we believe, appreciably assist in bringing in the new era of American higher education which we envision.

With these provisions, this bill has the potential of being as great in its importance and its impact as the National Defense Education Act of 1958, the Cooperative Research Act of 1954, and the establishment of the Department of Health, Education, and Welfare in 1953.

CONCLUSION

In the years ahead our Nation needs strong institutions to give high-quality education to a vastly expanded student population and to meet the challenges of a new world and new ideas. As we have for more than a century, we are pledged in the Federal establishment to continue to foster that growth, as trustees and catalysts, never by order or control.

Jacob K. Javits,
Winston Prouty,
Peter H. Dominick,
Richard S. Schweiker,
Bob Packwood,
Robert Taft, Jr.,
J. Glenn Beall, Jr.

Mr. JAVITS. Mr. President, finally I wish to state that there has been, as I said, in another connection a little earlier, there has been much erosion in the motivation of our people and an erosion in their confidence in the destiny which always for generations was unquestioned, the great destiny of the United States.

Mr. President, in my judgment, the three ways in which this erosion can be repaired and a new birth of confidence in our future development in this country are as follows:

First, if we show we are able to get out of the quagmire of Vietnam, and we are on the way to doing that.

Second, if we show we are able to get out of the quagmire of the syndrome of inflation and unemployment, and I am hopeful that we are on the way to doing that.

And, third, if we show our ability to accord to our people the degree of education which they are capable of absorbing without allowing the economics of that opportunity to be a barrier to them.

If we do all three of these things, Mr. President, we can be satisfied in our consciences that the future of America in the eyes of its own people has again been restored to that brightness which has been a hallowed tradition and which it so richly deserves.

Mr. PELL. Mr. President, I thank the distinguished senior Senator from New York, the ranking minority member of the full committee, for his eloquent words and for again underlining the fact that the pending bill is the product of us all, not only the members of the committee, but also the staff members. It enjoys the broad support that it has because each member has been very much a part of its writing and that is the way it should be.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, as one who supports appropriations for higher education, I wonder if there is a committee report, and I do not mean the green book on my desk, but is there a relatively brief committee report giving the purport of this legislation?

Mr. PELL. Mr. President, there is on pages 2 through 9, a short summary of the bill.

Mr. BYRD of Virginia. What is the timetable on the legislation? I notice that we have a committee report that contains 575 pages. The bill was laid before the Senate at 5 o'clock tonight. What is the timetable?

Mr. PELL. There is a unanimous-consent agreement that was arrived at yesterday that provides for 6 hours on the bill, an hour on amendments, half an hour on amendments to amendments, 3 hours on the Dominick amendment, and 2 hours for each of the two Metcalf amendments.

Mr. BYRD of Virginia. What is the amount of money involved? How much money is involved in the bill?

Mr. PELL. It is $18 billion.

Mr. BYRD of Virginia. It is $18 billion, and we are going to dispose of it tomorrow.

Mr. PELL. That is somewhat more time than we sometimes take in disposing of military appropriations bills.

Mr. BYRD of Virginia. I do not think we ought to dispose of miiltary appropriation bills in any such time. I certainly do not defend disposing of military appropriation bills in any such time as that. As a matter of fact, it took 7 weeks last year to dispose of the military appropriation bills, and I approve of that. It should take a long time. We are dealing with a lot of money. I favor the legislation, but I would like to know what is in it.

Mr. PELL. I can at least assure the Senator that it will go over until tomorrow.

Mr. BYRD of Virginia. I appreciate that. However, that is not much assurance.

I am speaking seriously, not just on this legislation, but on all appropriation bills. This country is in a dreadful condition financially. Many of my colleagues will not agree with me on that, but I am entitled to my opinion on that, and I am going to state it. This country is in a dreadful condition financially.

For the fiscal year ending this past June, there was the largest Federal funds deficit since World War II—$30 billion.

In the year we are in now, the administration estimates that there will be another $30 billion deficit. Congress is just as much to blame as the administration, and vice versa.

I do not find very much concern on the part of either Congress or the administration in putting the Government's financial house in order. I want to raise my voice as one Senator and urge that we do not go so fast in handling the taxpayers' money. There is $18 billion contained in this bill. I am probably in favor of most of it. I do not know. What I do know is that there are 575 pages in the report that has just been laid on our desks late this afternoon after the Senate had been in session all day long. Then we will have a vote on it tomorrow, I assume. If that is the way to handle the taxpayers' money and a good way to run the Government, it escapes me. However, it is not the fault of the Senator from Rhode Island and I am not blaming anyone at all. But I just want to express the view of one lowly Member of the Senate.

I just hate to see us take these gigantic sums of money and appropriate or authorize vast sums of money that can only come out of the pockets of the taxpayers, out of the pockets of the wage earners. That is where the money is coming from.

We talk on the floor about wanting to help the little man. Certainly I do. We say that we want to help the individual citizen. Certainly I do.

The best way to help him is to get the Government spending under control.

I submit that we are not doing it by bringing in a great big bill, the report on which consists of 575 pages without the individual views of various members of the committee, and then expect us to vote on it in a matter of a few hours.

I thank the Senator from Rhode Island.

AMENDMENT NO. 337

Mr. HUMPHREY. Mr. President, I call up my amendment No. 337, which is at the desk. I ask unanimous consent that the amendment not be read but that its text be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of amendment No. 337 is as follows:

At the appropriate place in the bill insert the following new section:

"SEC. . (a) Title IX of the Higher Education Act of 1965 is amended by adding at the end thereof the following new part:

" 'PART C—INTERNS FOR POLITICAL LEADERSHIP

" 'PROGRAM AUTHORIZED

" 'SEC. 931. The Commissioner is authorized to plan, develop, and carry out an internship program under which students will be provided practical political involvement with elected officials in the performance of their duties at all levels of government through internships in their offices. Such internship program shall be carried out through arrangements with such nonprofit agencies as are appropriate, with institutions of higher education, and with State and local governments. Under such program the interns, who are students in their third and fourth years of study at any institution of higher education will be assigned duties in offices of State and local elected officials, which will give them an insight into the problems and operations of the different levels of government, as well as an opportunity for research and for involvement in the policymaking process. Such arrangements shall provide for coordination between the on-campus educational programs of the persons selected and their activities as interns, with commensurate credit given for their work and achievement as interns. Such internship program shall also provide opportunities for students who have participated in the internship program at State and local levels to become interns in the offices of Members of Congress, who wish to participate, for up to three months during the first year following the receipt of their bachelor's degree.

" 'SELECTION OF STUDENTS FOR PARTICIPATION

" 'SEC. 932. The students who are to participate in the internship program provided for in this part shall be selected from among students whose names are proposed by participating institutions of higher education. Internships shall be distributed among the States so that insofar as practicable the number for each State bears the same ratio to the total number as the number of Members of Congress from that State bears to the total number of Members of Congress.

" 'FEDERAL SHARE

" 'SEC. 933. The Federal share of the cost of carrying out the program provided for in this part may not exceed 50 per centum.

" 'ADMINISTRATION

" 'SEC. 934. The Commissioner shall prescribe the stipends to be paid to the interns participating in the program provided for in this part, and the duration and other terms and conditions of such internships. The cost of administration of a program may be paid by the Commissioner.

" 'APPROPRIATIONS AUTHORIZED

" 'SEC. 935. There is authorized to be appropriated to carry out this part the sum of $10,000,000 for the fiscal year 1973 and for each of the two succeeding fiscal years.

" 'DEFINITION

" 'SEC. 936. For the purpose of this part, the term "State" as used in this part means the fifty States, Puerto Rico, and the District of Columbia. For purposes of the distribution of internships among the States, in determining the number of Members of Congress for purposes of section 932, the Resident Commissioner for Puerto Rico and the Delegate from the District of Columbia shall be considered Members of Congress, and interns in the offices of Members of Congress shall be attributed to the State of the Member in whose office they are serving.'

"(b) The amendment made by subsection (a) shall be effective after June 30, 1972."

Renumber the succeeding sections in title I accordingly.

Mr. HUMPHREY. Mr. President, I yield myself 5 minutes. I have discussed the amendment with the manager of the bill, the distinguished Senator from Rhode Island (Mr. PELL), and also with the ranking member of the committee, the distinguished Senator from New York (Mr. JAVITS). It is an amendment which, I believe, fits very well into the total program of higher education. It relates to giving our students an opportunity for internship at the State and local government levels, and ultimately at the Federal Government level.

The amendment would provide grants on the part of the Federal Government in cooperation with the State and local governments on a 50-50 basis. The program would be administered by the Commissioner of Education, who would set standards and criteria for the entrance of prospective candidates.

The program has already had a trial run. It is sponsored by two foundations. It has been working very well. The report on its operations shows that it has tremendous possibilities for a great expansion of educational opportunity for our young people.

Amendment No. 337, the Interns for Political Leadership Act, amends title IX of the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government. This amendment is a revision of S. 1410, introduced on March 30, 1971, and cosponsored by Senators HART, MONDALE, MUSKIE, GRAVEL, MATHIAS, PERCY, and STEVENS.

Under this program, highly qualified and motivated students interested in a political career would be offered the opportunity, with academic credit, to learn how the political system works at first hand and at the same time to evaluate and develop their leadership potential through involvement in the policymaking process. In general, they would serve as professional assistants to elected officials. The strong merit of this program has already been established under a privately sponsored pilot project operated since last year at seven colleges in four States, with some 50 students working under city elected officials.

Operated by the Commissioner of Education through arrangements with appropriate nonprofit agencies, institutions of higher education, and State and local governments, the internship program would assign selected college students in third and fourth years of study to research and public service operations duties in the offices of State and local elected officials. This work experience would be coordinated with the ongoing educational programs, including evaluation and guidance seminars, of the persons selected. It is expected that this program will also provide important incentives for the direct interchange of insights and experiences between students, political science professors, and those serving in elected office.

Students who have participated in the internship program at State and local levels would be offered opportunities to become interns in the offices of those Members of Congress who wish to participate in the program. Experience has shown the great need in congressional offices for intern competence and training that can be immediately utilized.

Intern nominations would be proposed by participating institutions of higher education, with internships distributed among the States on the basis of the ratio a State's congressional delegation bears to the total number of Members of Congress. Provision is made for the inclusion of Puerto Rico and the District of Columbia in this program.

The program would be financed by 50 percent Federal matching grants for the stipends of State and local interns, with 100 percent Federal financing of the costs for interns serving in the office of Members of Congress. Appropriations are authorized at a level of $10,000,000 for fiscal 1973–75.

It is anticipated that in the first year about 1,000 college students would participate in this program.

I have discussed this amendment with the Senator from Rhode Island and the Senator from New York. I do not seek to take the time of the Senate, but I should like to ask the Senator from Rhode Island for his comments.

Mr. PELL. Mr. President, I have discussed the amendment with the Senator from Minnesota. We have studied the amendment. I remember first talking about this concept with Dr. Edgar Berman. I am aware of the interest of the Senator from Minnesota in his amendment. It seems valid and good.

If the ranking minority member of the committee bears with me, I would suggest that we accept the amendment and take it to conference.

Mr. JAVITS. Mr. President, I am very sympathetic to this amendment which the Senator from Minnesota (Mr. HUMPHREY) has discussed with me, and I am very sympathetic to the program.

I would like to have somewhat of an understanding with the Senator from Minnesota on this matter. I think the administration should have a full opportunity to take a look at this program. Therefore, I hope it will be understood that a motion to reconsider agreement to the amendment will not be made tonight. I would like to have a look at it. We can agree to the amendment and I have little doubt that it will be agreed to.

Second, I want it understood that in conference we will deal with these 2 aspects of the amendment, because it will probably be here and not the other body: One will be the fact that technically it is locked into the educational process in connection with supervision and return of the intern to the institution, so we are not authorizing a congressional or State government internship program. We are authorizing a study program; that is, a program for studies in government, part of which is work and a part of which is study.

Mr. HUMPHREY. It is not for college credit. It is the practical aspect of education, as related to social science.

Mr. JAVITS. And the control would be in the institution.

Mr. HUMPHREY. Under the institution of higher education.

Mr. JAVITS. The second thing to be considered is quantity. The Senator estimated there would be 1,000 students involved. We want to check this.

But subject to those caveats, I think the Senator will be agreeable—because I think I read his mind on this matter—to accept that gentleman's understanding, as it were.

Mr. HUMPHREY. Yes; and to accept the amendment on that ground.

Mr. JAVITS. I thank the Senator.

Mr. HUMPHREY. Mr. President, may I say respectfully that the analysis of the bill by the Office of the Comptroller has been taken care of in the amendment. We had an original bill. That bill was withdrawn and an amendment to S. 659 was prepared.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I yield myself 1 additional minute.

The point raised in the letter from the administration, which is included in the RECORD, had been covered in this particular amendment.

With the understanding the Senator from New York has given me, I fully accede to that request because I am confident there will be no difficulty whatever.

This same measure has been introduced by the chairman of the subcommittee in the House and there has been sponsorship, as it were.

Nothing would please me more than to have the Senator from New York as a cosponsor.

Mr. JAVITS. I thank the Senator.

Mr. HUMPHREY. Mr. President, I move that the amendment be agreed to.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HUMPHREY. I yield back my time.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRANSTON. Mr. President, the higher education amendments now being considered contain an important section providing for the development of a consumer education program. I introduce this section because of the current inadequacy of Federal aid to provide consumer education.

The consumer today is confronted by a plethora of goods. We live in a society which is more affluent than any other in history. The average supermarket stocks from 8,000 to 10,000 separate products. Ten years ago, the average supermarket stocked less than 3,000 products. The marketplace has developed to an unbelievable level. The proliferation of goods and services; the variety, the quantity, the range of quality—all reflect the technology of our modern world. Given the complexity of the market, the consumer needs both protection and education.

In the past decade, the Congress has enacted a variety of measures to help protect the consumer—truth-in-packaging, truth-in-lending, and the Federal Highway Act exemplify the recent trend to provide the consumer with needed information. There is currently legislation pending to provide truth-in-advertising, detailed information on the durability of automobiles and the effectiveness of drugs.

The Federal Government now spends more than $200 million annually for the protection of consumers—$25 million in lawsuits alone.

There is no question that we need additional protection and assistance for the consumer, and this is available through the legislative process. Much has been done, but we cannot legislate everything, and we should not legislate everything. Along with the legislative effort, we must have, and personally I believe this is most critical, education of the individual to his consumer role. This education will provide an important ounce of prevention instead of the more expensive pound of cure. Educated consumers will be less likely to make errors which have led to the abundance of consumer disputes in our courts.

The need for consumer education courses in addition to protection for the consumer was also highlighted in the comments of the Consumers Union on the pending legislation:

> For example, the Consumer Credit Protection Act of 1968 which has been accompanied by some educational and informational activities on the part of the Federal Reserve Board and the Federal Trade Commission has been much more effective than the Fair Packaging and Labeling Act of 1966. Admittedly, neither is a panacea and, the latter is inherently the weaker piece of legislation. But the lack of any educational effort and other negative elements has resulted in minimal impact on the marketplace and consumers. The studies which have examined various local unit pricing experiments also demonstrate that the usefulness of this information is directly related to educational level or specific education on the way to use unit pricing. Usage is restricted due to ingrained habits and attitudes as well as lack of information. But where an effort to inform has been made, poor consumers as well as suburban housewives have altered their pattern of supermarket behavior to take advantage of the aid being offered.

The need for consumer education has been broadly recognized. President Nixon in his consumer message of February this year stressed the importance of consumer education. He said:

> Consumer education is an integral part of consumer protection. It is vital if the consumer is to be able to make wise judgments in the marketplace. To enable him or her to do this will require a true educational process beginning in childhood and continuing on.

The President went on to direct the Secretary of Health, Education, and Welfare to—and I quote:

> Work with the nation's education system to (1) promote the establishment of consumer education as a national education concern; (2) provide technical assistance in the development of programs; (3) encourage teacher training in consumer education; and (4) solicit the use of all school and public libraries as consumer information centers.

The current Federal program to assist States develop consumer education programs is however totally inadequate. Federal aid is currently limited to providing consumer education in the context of home economics courses, but only 35 percent of high school girls and less than 1 percent of high school boys take such courses. Moreover, the consumer education aspects of home economics is narrowly limited to such things as nutrition and home budgeting.

We desperately need specialized courses that deal extensively with such things as consumer purchasing of food, clothing, furniture, and appliances; the environmental effects of consumer decisions; purchasing and maintaining an automobile; apartment rental and home buying; short term consumer credit; budgetary and money management; fraud, quackery, and deception; banking and savings; investments; life and health insurance; consumer law, and social security, medicare, and medicaid.

This bill provides for the development of such general consumer courses and the training of teachers to teach them. It authorizes $80 million over the next 3 years for that purpose.

Mr. METCALF. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Pell). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. METCALF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

> On page 368, between lines 3 and 4, insert the following:
>
> "'(b)(1)(A) The Director shall carry out a program of making grants to institutions of higher education and other nonprofit organizations, institutions, and agencies to assist them (i) in making studies and reports relating to Federal and State laws, regulations, decisions, and rulings affecting consumers; (ii) in making studies and reports relating to the needs of the consumer in the fields of energy, communication and transportation and the special problems of consumers in areas served by regulated industries (whether regulated by State or Federal agencies); (iii) in training persons for research relating to such studies and reports, and (iv) in development of curricula and programs of study in consumer interests in such fields.
>
> "'(B) The Director is authorized to conduct such studies and make such reports relating to the activities set forth in paragraph (A) as he may deem appropriate, and to furnish such advice and technical assistance as may be appropriate, on request, to any State or local government, institution of higher education, or other nonprofit organizations for the purpose of establishing and carrying out any program of education in utility consumer interest within the scope of such activities."
>
> On page 368, line 4, strike out "(b)(1)" and insert in lieu thereof "(2)".

Mr. METCALF. Mr. President, this is one of the amendments that I have time on under the unanimous-consent agreement.

The PRESIDING OFFICER. There is 1 hour on each side.

Mr. METCALF. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, before talking about the immediate amendment I wish to congratulate the Senator from Rhode Island, the Senator from New York, and members of the Subcommittee on Education for the outstanding legislation that has been introduced today. A couple of times during the debate already it has been suggested that this is landmark legislation. It truly is. Not since the Morrill Act more than a century ago has legislation as significant as this been introduced in Congress.

This is legislation that recognizes in this 20th century that perhaps 12 years of school is not adequate to train boys and girls to cope and compete in the modern world, and it is recognized everyone should have an opportunity to realize the American dream of equality of education.

I only wish I had been a part of the committee so that I would have been able to bring this kind of legislation to the Senate.

Mr. President, I again renew my congratulations. I will be proud to vote for the bill and to be a part of the Senate that participated in the enactment of such landmark legislation.

Mr. President, the amendment that I have submitted is an amendment that would provide for a special type of education in consumer areas. My amendment would restore to the bill the section dealing with grants by the Director of the Office of Consumers' Education, for studies relating to consumer needs in the fields of energy, communications, transportation, and other regulated industries.

This amendment simply restores to the bill subsection (b)(1) which appeared on page 333 of committee print No. 2, dated June 28, 1971. The amendment conforms with my bill S. 404, on which I testified before the Senate Education Subcommittee.

As the hearing record shows, there are practically no educational materials available in these important areas except for literature developed by the industries themselves or their close associates. That information is frequently false and misleading. In addition, important areas of concern, from the consumers' viewpoint, are neglected entirely.

Government consumer programs do not help the consumer in these areas. The Federal Power Commission, for example, plans to discontinue its one inexpensive consumer aid, the FPC News Digest. Chairman Nassikas said that this discontinuance of inexpensive consumer information is part of the President's economy program.

As much as we all admire Mrs. Knauer, the President's consumer adviser, we must in candor recognize that her office does not meet consumer needs in this area. We all complain about the impotence of regulatory agencies. Yet we spend millions of dollars on obscure research in the social science field, administered by the Department of Defense, without having any program of independent research, by universities and nonprofit groups, into some of the biggest items in a consumers' budget—his utility bill, his insurance payments, his transportation costs, his banking arrangements.

Unless the Congress declares its intent that such areas will at least be subject to independent research, the consumer education programs authorized in this bill will not cover them because the huge corporations which dominate the regulatory process will dominate the Office of Consumer Education and channel it into other directions.

The amendment which I propose is supported by the National Education Association, the Consumers Federation of America, and Consumers Union. Originally the amendment was included in S. 607, the Utility Consumers' Information and Counsel Act, on which many days of hearings were conducted during the 91st Congress. This section received support from the chairman of the Federal Power Commission. From the spokesmen for the Federal Communication Committee, the American Gas Association, the Independent Telephone Association, and university professors.

Let me quote from the supporting testimony of one of the witnesses whom many of you know, the Honorable Charles Ross of Vermont.

Charlie Ross now lectures and consults on regulatory affairs. He spoke from a rich background as chairman of the Vermont Public Service Board and as a member of the Federal Power Commission.

The educational grant program is important, he said, because it would provide "some assistance to the universities, to lecturers, to people who want to make constructive criticisms of regulation, and would enable them to continue to do so without the necessity of seeking clients, either public or private power clients." The public, he said, "might thereby gain something in objectivity from these people."

Mr. President, when I started several years ago to familiarize myself with regulatory matters, I was appalled to find out that very little has been written on this subject in recent years, except for what has been prepared or endowed by the regulated industries.

Some of the questions propounded by the utility-endowed studies are as irrelevant to today's problems as was the ancient theologians' argument as to the number of angels which could stand on the head of a pin. On the other hand, literature is extremely scarce or nonexistent in the following relevant and important areas which readily come to mind:

First, beneficial ownership and control of energy companies.

Second, use of automatic data processing by regulatory commissions to obtain timely, detailed information on utility expenditures. Under the present primitive procedures, utilities have received literally hundreds of millions of dollars in annual rate increases based upon their 1969 data. We were well into 1971 before the Federal Power Commission and the Federal Communications Commission published their bare bones statistical comparisons for 1969. Commissions and opponents of rate increases were thus disadvantaged because they did not have comparative data when the rate increase requests were heard and decided.

Third, customer advance deposits and interest rate thereon. Courts have held that these deposits, totalling in the hundreds of millions of dollars, belong to the customers. Yet in some States these deposits end up in the utility rate base. Interest paid is below the going rate, and some customers have encountered difficulty in obtaining refunds.

Fourth, flat rates, under which large users of our dwindling energy supplies would not, as at present, be rewarded by lower rates.

Fifth, differing State policies in allowing various items—ranging from deferred taxes to deposits from friendly banks—in the rate base, and the effect of this padding on rates charged customers.

Sixth, use of industry advisory committees to influence policy and Government officials.

Seventh. Allowance of advertising as an operating expense.

Eighth. Truth in advertising, and use of advertising to forestall divestiture, as in the case of Western Electric's advertising, extolling the alleged benefits of being part of the Bell system.

Ninth. The lack of adversary proceedings before regulatory commissions, who hear elaborate customer-financed presentations by utilities but who often receive little informed comment from the public, which does not have access, as the utilities do, to customer-supplied funds for use in rate cases.

Tenth. Policy among the various commissions regarding requirement of disclosure of the fundamental information upon which regulation should be based.

Eleventh. Recapture of hydroelectric projects by the Federal Government, or relicensing to other than the present licensee.

Twelfth. Savings that would be possible to low-income housing projects through use of master meters rather than individual meters.

Thirteenth. Policy and procedures in the different States for franchise renewal.

Fourteenth. State-by-State comparison of regulatory commission effectiveness. A nonprofit group recently made a study of the relative effectiveness of the various State legislatures. A similar regulatory commission comparison would be most instructive.

Fifteenth. Anticompetitive consequences of utility entry into real estate and other businesses. The list could go on and on.

Mr. President, my major point, which I could elaborate at length, is that materials for students about the real world of government-business relationships are in short supply. On the other hand, students are misled by some of the materials that are used in schools, as I documented in my testimony before the subcommittee. Before going into further detail I should like to inquire of the distinguished senior Senator from California (Mr. CRANSTON) and the distinguished chairman of the subcommittee (Mr. PELL) regarding the committee's intent in using the language which appears in this bill.

Is it the intent of the committee that studies and reports regarding consumer interests in regulatory agencies and regulated corporations be funded and encouraged through the Office of Consumer Education?

I will ask the Senator from California if he would wish to comment on that inquiry.

Mr. CRANSTON. Mr. President, I agree with the distinguished Senator from Montana (Mr. METCALF), first of all, on the leadership that the Senator from Rhode Island (Mr. PELL) has provided in handling this measure in the very expert way he has. We have here a very important bill, which will do a great deal, and we are all in debt to the Senator from Rhode Island.

I agree also with the Senator from Montana (Mr. METCALF) that it is of prime importance that we educate students about the operations of public utilities and the consumer's role in relation to these utilities.

Senator METCALF has zeroed in on a very important matter in his usual penetrating way, with his characteristic leadership, and most of all with his heart that causes him to be concerned for his fellow Americans who can use a holding hand.

The consumer education section envisioned by the consumer education provisions of this bill would include an educational program of the sort Senator METCALF desires. In order to be an educated consumer and an educated citizen, students should be taught how our regulatory agencies operate. They should know the difference between private and public power. They should understand how airline and telephone rates are made and what part they might play in that process. They should know about the different types of power resources, and the environmental and financial costs of developing each type. They should know how utilities licenses are granted. They should learn how to obtain information concerning disputes before regulatory agencies.

The need for education in the public utilities field is manifest. I receive numerous constituents' complaints about telephone, airline, and electrical rates. Citizens ask me how they might object to increased rates, how these utilities operate, and how the regulatory process works. A consumer education program should provide the answers to these questions. It should establish a basis for citizen participation in regulatory fields.

Senator METCALF has pointed out that almost all educational material about public utilities has been developed either by the utilities themselves or by the regulatory agencies. There has been practically no material developed by disinterested parties. This bill would provide funds to educational institutions to prepare such educational materials.

It is important to have educational material describing consumer problems prepared by disinterested parties. This is done in fields such as nutrition, consumer credit, and automobile maintenance. It should also be done in the public utilities area. Unfortunately, most consumer education courses contain no information about the citizens' role as consumer or the services provided by public utilities. That situation must be remedied.

The committee's report on this bill stresses the need and importance of providing consumer education in the public utilities field.

While I support the need for consumer utilities education, I am not sure that Senator METCALF's amendment is necessary. There have been objections raised by others to the Senator's amendment on the ground that it was not the Office of Education's function to make comprehensive studies of the operations of public utilities, the law and ordinances governing their operation or the functioning of regulatory agencies. These objectors have failed to understand Senator METCALF's true intentions.

He has made it clear that it has not been his purpose to have the Office of Education perform functions of regulatory agencies. He desired to have curricula developed showing the consumer how the regulatory process works and how public utilities operate. The development of such curricula is clearly within the scope of the Office of Education's functions and the intent of this bill; and all of us—and every utility consumer in America—is indebted to Senator METCALF for his leadership in this vital matter.

Mr. METCALF. Mr. President, I thank my friend from California. With his assurance that my proposals for consumer education in the utility area and in the area of the regulatory commissions is contained within the scope of this bill, I am convinced that the amendment I am proposing is a little too narrow and that the provisions of the bill are broader and wider and more comprehensive than what I have suggested. So with the assurance that the provisions of the bill include my suggestions that we should have some consumer education as to what happens in the regulatory commissions, I certainly thank the Senator and thank the chairman of the subcommittee for putting language in the bill that would take care of what my amendment provides.

Mr. President, I ask that my amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CRANSTON. Mr. President, I thank the Senator, and assure him that we understand it in the same light.

Mr. METCALF. We may be back again if, within the scope of the provisions of the bill, it is not taken care of, but at least we have the necessary legislation.

The PRESIDING OFFICER (Mr. CRANSTON). Who yields time?

Mr. PELL. Mr. President, I also would like to join in assuring the Senator from Montana (Mr. METCALF) that I think his judgment is correct. Thanks to the senior Senator from California, we have in the bill an amendment on consumer education which is perhaps wider in scope than that of the Senator from Montana. From the viewpoint of the legislative history of the bill the committee reports speaks of this matter and includes this type of consumer education, as the Senator from Montana would wish.

Mr. METCALF. I thank the Senator from Rhode Island.

Mr. KENNEDY. Mr. President, I take pleasure in speaking in favor of the education amendments of 1971, S. 659, as reported by the Committee on Labor and Public Welfare. As a member of the Education Subcommittee and a cosponsor of the bill, I watched the development of this measure during hearings conducted both in the 91st Congress and in the current session. Much of the credit for what I believe to be landmark legislation in the field of higher education must go to the Education Subcommittee chairman, Senator PELL, for his continuing leadership in this area.

Mr. President, for too long, the Nation has denied access to post-secondary education to young men and women by placing financial barriers in their path. For too long, the level of a family's income has determined whether the children will obtain adequate education. For too long, we have had the resources to assure every qualified student an equal opportunity to training beyond high school, and for too long we have not directed our resources to that end.

Three years ago, the Carnegie Commission spotlighted the absence of equal educational opportunity in the United States. Their studies disclosed that while 19 of the 20 most able students from high-income families entered college, only 10 of the 20 top students from low-income families were able to afford the cost of a college education.

Today, the statistics are nearly as depressing. Commissioner of educatiton Sidney P. Marland, Jr. told the education Subcommittee earlier this year that a student from a family with an income of $15,000 is almost five times more likely to attend college than a student from a family with an annual income of $3,000. Those statistics document a failure within this land that cannot continue. No one, whether he be white or black, Indian or Mexican American, Catholic or Jew, should be denied the right to attain the limits of his ability because he cannot afford the cost of a college education.

I ask unanimous consent to insert at this point in the RECORD statistics provided by the Office of Education.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

GENERAL ASSISTANCE TO HIGHER EDUCATION INSTITUTIONS BASED ON THE NUMBER OF FULL-TIME-EQUIVALENT STUDENTS ENROLLED BY INSTITUTIONS FOR THE UNITED STATES DISTRICT OF COLUMBIA, AND OUTLYING AREAS, FALL 1970

State and institution	Full-time equivalent enrollment					Total undergraduate full-time enrollment
			Degree credit			
	Non-degree credit	Extension	Lower division	Upper division	Graduate	
MASSACHUSETTS						
American International College	0	0	1,104	976	145	2,080
Amherst College	0	0	653	580	1	1,233
Andover Newton Theol. Sch	0	0	24	191	94	215
Anna Maria College, Women	0	0	280	299	0	579
Aquinas Junior College Bus. Main Cam	173	0	0	0	0	173
Aquinas Junior College Bus. at Newton	154	0	0	0	0	154
Assumption College	0	38	571	373	208	982
Atlantic Union College	70	0	279	278	0	627
Babson college	0	0	470	453	298	923
Bay Path Junior College	0	0	520	0	0	520
Bay State Junior College of Bus	240	0	0	0	0	240
Becker Junior College	0	0	422	0	0	422
Bentley College Acct—Fin	0	0	1,476	843	0	2,319
Berklee College of Music	625	0	369	100	0	1,094
Berkshire Christian College	0	0	84	43	0	127
Boston College	0	0	3,757	4,415	1,365	8,172
Boston Consv of Music	0	0	267	159	20	426
Boston University	0	61	8,339	8,455	3,495	16,855
Bradford Junior College	0	0	405	0	0	405
Brandeis University	27	0	1,092	1,063	725	2,182
Bryant-McIntosh Junior College	110	0	204	0	0	314
Bryant-Stratton Coml. Sch	0	0	1,559	0	0	1,556
Burdett College	0	0	426	0	0	429
Cambridge Junior College	0	0	149	0	0	149
Cardinal Cushing College	34	0	169	183	0	386
Chamberlayne Junior College	0	20	964	0	0	984
Clark University	0	314	963	729	343	2,006
College of the Holy Cross	0	0	1,362	1,072	6	2,434
College Our Lady of Elms	0	0	272	294	0	566
Curry College	0	0	582	278	0	860
Dean Junior College	103	46	799	0	0	948
Eastern Nazarene College	0	0	503	307	8	810
Emerson College	0	0	884	702	89	1,586
Emmanuel College	0	0	741	659	0	1,400
Endicott Junior College	0	0	836	0	0	836
Episcopal Theol. School	15	0	0	116	0	131
Fisher Junior College	0	0	340	0	0	340
Forsyth Sch Dentl Hygnsts	0	0	209	0	0	209
Franklin Inst of Boston	422	0	510	0	0	932
Garland Junior College	0	0	416	0	0	416
Gordon College	0	0	436	265	0	701
Gordon-Conwell Theol Sem	0	0	3	0	302	3
Grahm Junior College	124	0	1,123	0	0	1,247
Hampshire College	0	0	251	0	0	251
Harvard University	0	1,155	3,553	3,826	7,674	8,534
Hebrew College	0	0	45	38	10	83
Hellenic College	2	0	65	42	32	109
Lasell Junior College	0	0	917	0	0	917
Leicester Junior College	0	0	321	0	0	321
Lesley College	0	4	371	251	86	626

GENERAL ASSISTANCE TO HIGHER EDUCATION INSTITUTIONS BASED ON THE NUMBER OF FULL-TIME-EQUIVALENT STUDENTS ENROLLED BY INSTITUTIONS FOR THE UNITED STATES, DISTRICT OF COLUMBIA, AND OUTLYING AREAS, FALL 1970—Continued

State and institution	Full-time equivalent enrollment					Total undergraduate full-time enrollment
			Degree credit			
	Nondegree credit	Extension	Lower division	Upper division	Graduate	
MASSACHUSETTS—Continued						
Lowell Technological Institute	0	0	2,572	1,440	260	4,012
Massachusetts College of Optometry	0	0	0	200	0	200
Massachusetts College of Pharmacy	0	0	277	328	23	605
Berkshire Community College	315	15	921	0	0	1,251
Bristol Community College	1,081	0	913	0	0	1,994
Cape Cod Community College	216	0	982	0	0	1,198
Greenfield Community College	473	0	959	0	0	1,432
Holyoke Community College	503	239	1,801	0	0	2,543
Massachusetts Bay Community College	799	209	898	0	0	1,906
Massasoit Community College	636	266	906	0	0	1,808
Mt Wachusett Community College	574	67	612	0	0	1,253
Nthn Essex Community College	0	300	1,772	0	0	2,072
North Shore Community College	918	498	1,328	0	0	2,744
Quinsigamond Community College	1,007	279	642	0	0	1,928
Springfield Technical Community College	1,598	334	559	0	0	2,491
Mass Inst of Technology	0	0	1,947	2,121	3,422	4,068
Boston State College	0	201	3,263	2,181	927	5,645
Bridgewater State College	0	769	1,896	1,359	252	4,024
Fitchburg State College	0	267	1,406	1,217	187	2,890
Framingham State College	0	231	1,353	846	528	2,430
Lowell State College	0	0	1,040	839	145	1,879
Mass College of Art	0	81	549	262	0	892
Mass Maritime Academy	0	0	200	75	0	275
North Adams State College	0	0	860	486	152	1,346
Salem State College	0	388	2,484	1,863	449	4,735
Westfield State College	0	0	1,395	959	309	2,354
Worcester State College	0	25	1,753	1,002	325	2,780
Merrimack College	0	0	1,138	838	0	1,976
Mount Alvernia College	0	0	11	6	0	17
Mount Holyoke College	0	0	1,102	750	50	1,852
Mount Ida Junior College	166	0	333	0	0	499
New England Consv of Music	0	0	180	144	161	324
New England School of Law	0	0	0	226	0	226
Newton College Sacred Hrt	0	0	471	354	0	825
Newton Junior College	0	0	534	0	0	534
Nichols College Bus Adm	0	0	339	329	0	668
Northampton Junior College	0	0	522	0	0	522
Northeastern University	229	0	10,728	9,772	2,185	20,729
Oblate College and Seminary	0	0	31	14	0	45
Perry Normal School	0	0	126	90	0	216
Pine Manor Junior College	0	0	547	0	0	547
Quincy Junior College	0	0	1,080	0	0	1,080
Regina Coeli College	0	0	0	1	0	1
Regis College	0	0	426	447	0	873
Saint Hyacinth College-Seminary	0	0	24	28	0	52
Saint John's Seminary	0	0	82	228	0	310
Saint Stefhen's College	0	0	5	22	0	27
School of Museum Fine Arts	0	215	268	186	17	669
School Worcester Art Museum	0	0	96	0	0	96
Simmons College	0	0	814	750	381	1,564
Simon's Rock	0	0	74	0	0	74
Smith College	0	0	1,397	920	140	2,317
Sthestn Mass University	0	422	1,746	1,416	57	3,584
Springfield College	0	0	1,090	913	338	2,003
Stevens College	0	0	109	0	0	109
Stonehill College	0	0	698	831	0	1,529
Suffolk University	0	83	885	2,269	383	3,237
Swain School of Design	0	0	59	50	0	109
Tufts University	0	0	1,902	2,787	333	4,689
University of Massachusetts Amherst Campus	0	81	9,034	7,394	2,405	16,509
University of Massachusetts Boston campus	0	0	2,504	1,740	10	4,244
University of Massachusetts Medl Sch-Worcester	0	0	0	16	0	16
Wellesley College	0	9	993	753	20	1,755
Wentworth College Techn	0	0	0	112	0	112
Wentworth Institute	184	0	1,513	0	0	1,697
Western New England College	0	2	1,052	672	261	1,726
Wheaton College	0	0	702	441	0	1,143
Wheelock College	0	0	317	280	52	597
Williams College	0	0	707	659	22	1,366
Worcester Junior College	0	37	1,503	0	0	1,540
Worcester Poly Institute	0	0	1,141	651	271	1,792
State total	10,798	6,656	118,656	78,257	28,966	214,367
Public total	8,542	4,672	46,472	23,095	6,006	82,781
Private total	2,256	1,984	72,184	55,162	22,960	131,586
2 year total	9,796	2,310	28,741	90	0	40,937
Male total	184	0	4,178	2,446	7	6,808
Female total	767	13	12,189	6,198	677	19,167
Minority group total	0	0	0	0	0	0

Full-time enrollments (size)	Number of institutions			Full-time enrollment students in institutions		
	Total	Public	Private	Total	Public	Private
Under 1,000	64	5	59	26,551	2,649	23,902
1,000 to 1,999	28	11	17	43,134	17,075	26,059
2,000 to 2,999	15	8	7	36,675	20,304	15,341
3 000 to 3,999	2	1	1	6,821	3,584	3,237
4,000 to 4,999	6	4	2	25,772	17,015	8,757
5,000 to 5,999	1	1	0	5,645	5,645	0
6,000 to 6,999	0	0	0	0	0	0
7,000 to 7,999	0	0	0	0	0	0
8,000 to 8,999	2	0	2	16,706	0	16,706
9,000 to 9,999	0	0	0	0	0	0
10,000 and over	3	1	2	54,093	16,509	37,584
Total	121	31	90	214,367	82,781	131,586

The financial contribution of the educational and general account has declined markedly: The contribution of the educational and general category has decreased by $11.2 million in the last 3 years. The growth rates between 1965–66 and 1968–69 for each revenue and expenditure component in this category (presented in Table 7) suggest the key reason for this deterioration in the educational and general contribution. That is, each of the major educational and general expenditure items has grown faster than total educational and general revenues. In particular, instruction and departmental research expenditures, by far the largest expenditure component, have grown at 12.5 percent per year while tuition and fees, the chief revenue component, have grown at only 10.9 percent per year.

TABLE 7.—EDUCATIONAL AND GENERAL REVENUE AND EXPENDITURE TRENDS 1965–66 AND 1968–69

[Dollars in millions]

	1965–66	1968–69	Growth rate [1] (percent)
Revenue:			
Tuition and fees	$168	$230	10.9
Endowment income	39	50	8.4
Gifts and grants	40	58	12.8
Other	13	17	12.2
Total revenues	260	355	10.9
Expenditures:			
Instruction and departmental research	128	182	12.5
Library	15	23	16.0
Plant maintenance and operation	36	50	11.7
General, administrative, and student services	55	80	13.4
Other	10	15	14.5
Total expenditures	244	350	12.8
Net contribution	16	5	

[1] Annual compound growth rate over the 3-year period.

Source: Survey ("Report on the Select Committee for the Study of Financial Problems of Private Institutions of Higher Education in the Commonwealth of Massachusetts, January 1970).

Mr. KENNEDY. Mr. President, it is not only the students who are suffering from a lack of adequate financing. The mounting enrollments of the past two decades and the decline in both private and government expenditures have combined to force the Nation's colleges and universities to the financial wall.

Enrollment this fall in institutions of higher education is estimated to hit 8,700,000. That is nearly 60 percent higher than in 1965. At the same time, the American Council on Education reported in June that Federal support to colleges and universities declined by $227 million between 1969 and 1970 to the lowest level since 1966. Rising inflation combined with these and other factors produced a gloomy forecast for the future of the Nation's colleges and universities.

A Carnegie Commission study a year ago underlined the extent of the financial crisis when it found that 60 percent of the 2,340 institutions of higher education in the Nation were either heading for financial trouble or already deep in the red. The study preface by Dr. Clark

Kerr, Carnegie chairman and former University of California president, noted:

> It is clear that institutions of higher education will not be in a position to meet their responsibilities in the 1970's and subsequent decades if their financial status continues to deteriorate.

Among the Nation's colleges, it was the small private college which was faring the poorest. In my own State of Massachusetts, the serious implications of this situation are readily understood when one recognizes that more than half of the 215,000 full-time undergraduates were enrolled in private schools. The financial failure of the small private colleges would place an impossible burden on the public colleges and universities in the State.

Thus, a select committee on the financial problems of Massachusetts private higher education reported last year that—

> Without substantial increases in revenues or curtailment of educational programs, the private institutions in Massachusetts could face deficits of $50 million by 1975–76 and perhaps two to three times that amount by 1980–81.

I ask unanimous consent to insert a table showing the enrollment of students in Massachusetts colleges and universities and a table showing the increase in expenditures at Massachusetts private colleges.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—ESTIMATED NUMBER, AND ENROLLMENT, OF INSTITUTIONS OF HIGHER EDUCATION, BY FINANCIAL STATUS, UNITED STATES, SPRING 1970

Institutions by control and type	All institutions	Not in financial trouble	Headed for financial trouble	In financial difficulty
Total institutions: [1]				
Number	2,340	905	1,000	435
Percent	100	39	42	19
Total enrollment:				
Number (in thousands)	7,265	1,570	3,940	1,755
Percent	100	22	54	24
Public institutions:				
Number	1,170	580	500	90
Percent	100	50	43	7
Enrollment—public:				
Number (in thousands)	5,300	1,330	3,150	850
Percent	100	25	59	16
Private institutions:				
Number	1,170	325	500	345
Percent	100	28	42	30
Enrollment—private:				
Number (in thousands)	1,935	240	790	905
Percent	100	12	41	47
Universities:				
Number	165	30	85	50
Percent	100	19	51	30
Enrollment—universities:				
Number (in thousands)	2,380	450	1,470	460
Percent	100	19	62	19
Liberal arts colleges:				
Number	730	210	310	210
Percent	100	29	4	28
Enrollment—liberal arts colleges:				
Number (in thousands)	770	710	400	200
Percent	100	22	53	25

[1] Total includes comprehensive colleges and 2-year colleges, but data for these types of institutions are not shown separately, since there were relatively few of these institutions in the study sample; total excludes specialized institutions of higher education, which were not included in the study. All numbers have been rounded, because precise numbers are not statistically significant.

Source: Carnegie Commission on Higher Education staff.
From: The New Depression in Higher Education, Earl Cheity.

Mr. KENNEDY. It is against those overwhelming needs in our higher education system that the bill now before us has been gaged. It is to these needs, that we are seeking to respond. Mr. President, I believe that Senators will find that this bill takes major strides forward in meeting the Nation's educational needs.

STUDENT ASSISTANCE

Perhaps the major thrust of the legislation is to establish as the policy of the Federal Government the basic right of every qualified high school student to further education, whether in accredited community colleges, 4-year universities, or vocational training centers.

I have long endorsed the concept of a Federal "educational entitlement," equivalent to the GI bill of rights, which would assure every high school graduate the financial resources to enter postsecondary schools. In April 1969, I introduced a higher education bill of rights along with several of my colleagues which incorporated the recommendations of the Carnegie Commission on Higher Education. Those recommendations called for basic opportunity grants and supplementary assistance to those with greatest financial need.

The bill now before us, which the Senator from Rhode Island has in large part authored, has refined those elements and hopefully insured their enactment.

Under this bill, a basic opportunity grant of $1,400, less the family contribution, would go directly to each student enrolled at an accredited institution—whether liberal arts or vocational—as long as it was not more than 50 percent of the total cost of attendance, including tuition, room and board, books, fees, and so forth.

Under the estimates currently provided by the Office of Education, students from families of up to $10,000 with two children would receive $300 per year under this formula. A student from a family of two children earning less than $5,000 would receive the full $1,400 under this formula. I think the committee has taken into account the financial pressures that affect not only the poor but lower middle class as well. In this way, at least some relief is given to the family that is faced with the largest tax burden and which is hit hardest by inflation.

This measure seeks to authorize whatever funds are needed to provide a basic grant to every qualified student. This, hopefully, will be fully funded each year in the appropriations process, thus permitting students to plan their education, knowing they will receive at least a modicum of assistance.

In addition to the basic grant program, which will reach 1,800,000 full-time students, the bill provides supplementary educational opportunity grants which are identical to the current EOG program. In fiscal year 1971 some 290,200 students received assistance under this program. This year, the $7 million increase to $175 million means that additional students will be assisted.

The supplemental grant will be awarded to students who are receiving a basic grant but who are attending schools where the basic grant is insufficient to meet their costs of attendance. Also, this program will permit the Secretary to direct a portion of the supplemental grant program to exceptional students who come from borderline families, families which cannot qualify for the basic grant but who still require financial assistance to send children to college. Under the proposed $200 million authorization, Massachusetts will be allocated $7.2 million for this program.

In addition to these programs of student assistance, which are authorized through 1975, the college work-study program, the guaranteed student loan program and the National Defense Education Act—NDEA—loans also are extended for an equal period of time. Also, the bill recognizes the liquidity difficulties which have restricted the number of loans that banks have been willing to make and establishes authority for the creation of a secondary loan market to provide additional sources of capital.

In an effort to stimulate State scholarships programs, $50 million is authorized to match any increases in State grants to students. Under this program, it is estimated that Massachusetts will receive an additional $1.7 million in matching funds. Also, the bill authorizes a new program of Federal fellowships to graduate students in teaching, ecology, public service, foreign languages, mineral resources as well as those graduate students from disadvantaged backgrounds who will be working in fields to which their backgrounds are particularly relevant. The new program will authorize 13,200 scholarships in 1973, 19,200 in 1974, and 25,200 in 1975.

Under the current bill, the existing Talent Search and Upward Bound programs are extended. Their authorization along with special services for the disadvantaged is increased to $100 million, double the total for last year. These programs also will be bolstered by the establishment of educational opportunity centers in poverty areas to aid in recruiting the disadvantaged for higher education.

These programs of student assistance are designed to offer a broad spectrum of aid that will fulfill the overriding responsibility of the Nation to assure that no one is denied access to higher education because of inadequate financial resources.

COMMUNITY COLLEGES

At this point, I think it is important to mention another innovation of the current legislation which will combine with the student assistance provisions to open access to post-secondary education.

During the past decade, there has been a fourfold increase in the number of students enrolled in 2-year community colleges. The enrollment pressure has continued to increase with each passing year. By 1980, the estimates are that some 230 to 280 community colleges will be needed.

I believe that the chairman of the full committee, the Senator from New Jersey (Mr. WILLIAMS) deserves credit for introducing legislation to expand the community college system, legislation which I cosponsored, and legislation which is now part of the pending measure.

This measure will make it the policy of the Federal Government to expand the community college system so that "every American will have an adequate opportunity to attend a community college within a reasonable commuting distance of his residence." Some $250 million are authorized over the next 3 years to establish new colleges, to expand existing colleges to provide comprehensive educational programs and to lease facilities for those purposes. Massachusetts will receive an estimated $17 million over the same 3-year period for this purpose. Also, the bill will require statewide studies to pinpoint areas where new community colleges must be built and where existing colleges require the expansion of their programs and facilities not only to meet the needs of students with different career goals but also to meet the special needs of minority and bilingual students as well as the needs of all community residents for continuing education.

INSTITUTIONAL ASSISTANCE

In addition to the direct assistance to community colleges, the bill recognizes the emergency nature of the financial crisis that many colleges face. For that reason, $150 million is authorized for emergency interim grants to those colleges which would either cease to operate or be forced to cut their programs drastically without this assistance.

For the first time, S. 659 provides direct Federal payments to colleges and universities to help defray the rising costs of instruction. Under the formula provided in the bill, colleges will receive from $100 to $500 for each student who is receiving some Federal assistance. In this way, colleges will be offered a stimulus to attract lower income students. Also, to balance the need of small private colleges, which are facing the greatest financial difficulties, the smaller schools will receive $500 and larger schools will receive $100 per student.

For those small colleges, particularly black colleges in the south, the bill provides a special $100 million authorization to enable them to meet the needs of their heavily low-income student populations. These schools face the stiffest competition for the educational dollar in this decade. If they are to survive, they "need to overcome the cumulative effects of underfinancing that characterizes their history," as a recent special report of the Carnegie Commission noted.

The bill also continues and expands the grants and loans to colleges and universities for the construction of academic facilities. These programs are vital if universities are to meet the increased enrollment projected for this decade.

EDUCATION PROFESSIONS DEVELOPMENT

The teacher corps is continued and given new independence within the Office of Education and the efforts to recruit and train teachers for elementary, secondary, vocational and higher education are expanded. In addition, new provisions are included to improve the education of disadvantaged and bilingual children through retraining teachers, employing high school and college students as tutors and improving teacher training programs. In committee, my amendment to focus greater attention on the use of these programs for the needs of bilingual children was adopted.

VOCATIONAL EDUCATION

The committee has recognized the need for forcing the Office of Education to concentrate more of its efforts on improving vocational education. Thus, within the Office of Education, a separate Bureau of Occupational and Adult Education is established which is responsible for administering all of the Nation's vocational education programs. At the same time, these vocational education programs are extended for a year and the new Bureau Director is directed to undertake a study of the results and accomplishments of the existing programs to permit a full evaluation and more responsive legislation in the next session of the Congress.

INDIAN EDUCATION

As a vital first step in responding to the educational requirements of the Nation's Indians, the amendment I introduced to expand our Indian education programs has been incorporated in this bill. It reflects the year-long hearings conducted by the Special Subcommittee on Indian Education in 1968. The bill establishes three new programs: First, to assist local educational agencies in meeting the special needs of Indian students and in maintaining and operating their schools; second, to provide funds for special programs and projects to improve Indian educational opportunities; and, third, to support the improvement of adult Indian education.

These programs will do much to meet the long deferred responsibilities of the Nation to its Indian population.

DIVISION OF EDUCATION

The bill insures that there will be a single Federal agency headed by a commissioner who is the spokesman for Federal education policies. To accomplish this purpose, the committee establishes a division of education with the Department of Health, Education, and Welfare, including the present Office of Education, a new National Foundation for Postsecondary Education and a new National Institute of Education.

The function of the foundation will be to examine the Nation's postsecondary education system—its junior colleges, community colleges, universities, private colleges, vocational schools, proprietary schools—and promote excellence, innovation and reform. In addition to curricular change, the foundation also will focus on the design of new educational structures. As noted in the committee report, it is time that new educational models were encouraged and promoted. We know that our educational institutions will fail in their purpose if they remain rigid and wedded to traditional methods. Through grants and contracts, the foundaton is authorized to stimulate new ideas, new methods and new programs.

As a separate and co-equal branch within the new division of education, a semi-independent National Institute of Education will be established to coordinate all educational research, both basic and applied. The institute will appoint interdisciplinary teams where necessary to mount cross-the-board inquiry into the problems of learning, the effects of education, and the ways to measure educational output.

I believe that this bill, in its new programs of student assistance, its attempt to meet the financial crisis in higher education and its efforts to promote innovation and challenge within the educational system presents to the Nation a program for educational excellence and I strongly urge its passage.

Mr. WILLIAMS. Mr. President, we are today considering a historic piece of legislation which provides new directions in the Federal effort to increase educational opportunities in the United States. It represents the most far-reaching and significant education program ever developed and approved by a congressional committee and provides us with the opportunity to enact a program which will insure the excellence of American higher education.

This bill, the Education Amendments of 1971 is designed to be an omnibus education law through which the 92d Congress will deal with education programs which expire in 1971 and 1972. The programs for which authorizations expired on June 30, 1971, are those authorized by—

First, the Higher Education Act of 1965;

Second, the Higher Education Facilities Act of 1963;

Third, the National Defense Education Act of 1958; and

Fourth, the International Education Act of 1966.

The authorizations which expire on June 30, 1972, are—

First, those in the Vocational Education Act of 1963—with the exception of the permanent authorization for parts B and C; and

Second, those special authorizations in the Elementary and Secondary Education Act of 1965 providing special programs for Indian children.

Title I of this bill addresses itself to the higher education programs which have expired; title II of the bill deals with vocational education; title III concerns itself with the organizational structure of agencies administering Federal education programs and responds to a widespread interest in the creation of a National Foundation for Postsecondary Education and a National Institute of Education; title IV deals with Indian education; and title V contains miscellaneous provisions which affect education generally or which do not properly fall within the other categories.

In brief summary, S. 659, as reported from the Labor and Public Welfare Committee, contains the following provisions:

TITLE I—HIGHER EDUCATION

This title amends, revises, and extends the Higher Education Act of 1965. Portions of the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and the International Education Act of 1966 are incorporated into the Higher Education Act of 1965 with the result that, if enacted, the Higher Education Act of 1965 would constitute a single Federal law which includes all continuing higher education financial assistance programs. In general, unless otherwise specified, title I extends the authorizations for higher education programs for 4 years, through fiscal years 1975, at the same level as those for fiscal year 1971.

PART A—COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

This part amends title I of the Higher Education Act of 1965. Such title I authorizes grants to States for assistance to institutions of higher education to enable them to help solve community problems through community service programs and continuing education programs. It is proposed that—

First. Title I be amended to authorize a reservation of appropriations for special projects designed to meet national and regional problems;

Second. Title I be amended to authorize a special appropriation for projects designed to meet urban problems in standard metropolitan statistical areas;

Third. The Commissioner be required to conduct a special evaluation of title I and submit reports to the Congress on such evaluations.

PART B—COLLEGE LIBRARY PROGRAMS

This part amends title II of the Higher Education Act of 1965. Such title II authorizes—

First, grants to institutions of higher education for the acquisition of college library resources;

Second, grants and contracts for research and training in librarianship; and

Third, funds for the Library of Congress for cataloging of library materials and distribution of cataloging information.

The amendments made by part B—

First, reorganize the authorizations of appropriations by providing for a single authorization for parts A and B of title II and a percentage division of the appropriation for specific purposes;

Second, authorize the Commissioner to waive maintenance of effort requirements for grants for the acquisition of library resources;

Third, increase the maximum amounts for supplemental grants;

Fourth, require an annual evaluation of the program operation by the Library of Congress.

PART C—DEVELOPING INSTITUTIONS; EMERGENCY ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

This part, first, amends title III of the Higher Education Act of 1965, and second, contains a special authorization of appropriations for emergency interim assistance to institutions of higher education which are in serious financial distress.

Such title III of the Higher Education Act of 1965 authorizes grants to developing institutions of higher education to enable them to strengthen their academic and administrative capacities. Part C revises such title III to improve the program of strengthening developing institutions and increase emphasis on institutions which serve a significant proportion of students who come from disadvantaged backgrounds.

PART D—STUDENT ASSISTANCE

This part amends present law as it relates to financial assistance to students in institutions of higher education. The amendments made by this part—

First, revise part A of title IV of the Higher Education Act of 1965 to authorize—

First, a basic educational opportunity grant of $1,400 for any student minus the amount his or her family can reasonably be expected to contribute for his or her postsecondary education;

Second, supplementary grants for students of ability who are in exceptional financial need and who would be unable to receive the benefits of a postsecondary education without such a grant;

Third, matching grants to States to encourage the development and expansion of State scholarship programs;

Fourth, special services to encourage disadvantaged students to complete secondary school and to enter programs of postsecondary education;

Fifth, cost-of-instruction allowance payments to institutions of higher education at which basic grant recipients are in attendance;

Second, modify the insured student loan program—

First, by permitting an increase in the maximum amount of student loan in exceptional cases, and

Second, by authorizing the Commissioner to audit eligible institutions, to set reasonable standards of financial responsibility for such institutions, and suspend or terminate their eligibility;

Third, create a Student Loan Marketing Association for warehousing student loans and in order to create a secondary market for such loans;

Fourth, modify the determination of need under the college work-study program by requiring that the actual cost of attendance at the institution be taken into consideration;

Fifth, transfer the provisions for direct student loans under title II of the National Defense Education Act of 1958 to title IV of the Higher Education Act of 1965, with minor modifications; and

Sixth, require an affidavit by students stating student assistance funds received by the student will be used for education-related purposes.

Part D also requires the Secretary of Health, Education, and Welfare to conduct a study of financing postsecondary education.

PART E—EDUCATION PROFESSIONS DEVELOPMENT ACT

This part amends title V of the Higher Education Act of 1965, the Education Professions Development Act. The Education Professions Development Act authorizes the Teacher Corps and a variety of programs designed to improve the quality of teaching in elementary and secondary schools, vocational education programs, and in institutions of higher education. The amendments made by part E—

First, combine the seven authorizations under the Education Professions Development Act into a single authorization with minimum percentage division for the use of appropriations;

Second, clarify the status of the Teacher Corps; and

Third, together with minor and technical amendments, expand the scope of the training programs authorized by the Education Professions Development Act.

PART F—INSTRUCTIONAL EQUIPMENT

This part extends title VI of the Higher Education Act of 1965. Such title VI authorizes financial assistance to institutions of higher education for the improvement of undergraduate instruction. Funds may be used for the acquisition of instructional equipment and closed-circuit television equipment.

PART G—ACADEMIC FACILITIES

This part transfers the provisions of the Higher Education Facilities Act of 1963 to title VII of the Higher Education Act of 1965 with modifications and authorization for mortgage insurance on facilities.

PART H—NETWORKS FOR KNOWLEDGE

This part amends and extends title VIII of the Higher Education Act of 1965. Such title VIII encourages cooperative arrangements among institutions of higher education for the joint use of facilities and resources to form networks for knowledge. The amendments make clear that law schools are to be included.

PART I—GRADUATE PROGRAMS AND COMMUNITY COLLEGE PROGRAMS

This part creates two new titles IX and X, in lieu of the present titles IX and X of the Higher Education Act of 1965. The new title IX—

First, in part A, combines a number of present graduate programs into a single program of assistance to strengthen graduate schools;

Second, in part B, combines various fellowship programs into a broad program of Federal fellowships.

The new title X provides for statewide studies of postsecondary educational opportunities through community colleges and authorizes grants for—

First, the establishment of new community colleges;

Second, the expansion of present community colleges;

Third, the lease of facilities.

PART J—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

This part extends and makes minor changes in the program to encourage law schools to provide clinical experience in the law.

TITLE II—VOCATIONAL EDUCATION

This title extends for 1 year those authorizations for appropriations for programs under the Vocational Education Act of 1963 which expire June 30, 1972. The Vocational Education Act of 1963 is also amended—

First, to clarify the definition of vocational education, with respect to industrial arts, and to include volunteer firemen; and

Second, to create, within the Office of Education, a Bureau of Occupational, Career, and Adult Education.

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR POSTSECONDARY EDUCATION AND A NATIONAL INSTITUTE OF EDUCATION

This title establishes an Education Division within the Department of Health, Education, and Welfare which is headed by the Commissioner of Education. The Education Division is made up of the present Office of Education and the newly created National Foundation for postsecondary Education and the newly-created National Institute of Education.

TITLE IV—INDIAN EDUCATION

TITLE V—MISCELLANEOUS

This section—

First, provides for uniform application requirements;

Second, extends title III of the National Defense Education Act of 1958 for 4 years;

Third, requires a study of and report on regulations of the Office of Education;

Fourth, amends the Elementary and Secondary Education Act of 1965, authorizing an ethnic studies centers program;

Fifth, establishes a consumers' education program;

Sixth, makes the University of Guam and the College of the Virgin Islands land-grant colleges;

Seventh, amends title I of the Elementary and Secondary Education Act of 1965 with respect to migrant children.

Mr. President, it is clear from this short description that this is a most complex bill and has required days upon days of hearings during this and the last Congress. It has taken countless hours of the Senators and staff of the Labor and Public Welfare Committee to sift through all of the proposals to deal with the needs of American higher education and to weigh all of the considerations necessary to produce the final product before us today.

I could, of course, speak at great length about each of the provisions of this bill. Every change in existing law has been fashioned to substantially improve on current programs and to eliminate abuses and duplications which have come to our attention. But there are three new initiatives which are of utmost importance to the future of higher education in the United States and which deserve special attention.

The student assistance programs which we have enacted since 1958 have gone far in opening the doors to higher education to a large segment of our society. National defense student loans, the guaranteed student loan program, educational opportunity grants, and the work-study program have been a vital part of our commitment to postsecondary education. Yet, it is clear from the available data before the committee that these programs alone are not adequate to keep up with the rising demands for higher education and the rising costs of going to college. To meet this need, this bill creates a new program of basic educational opportunity grants for all students in institutions of higher education for whom family contributions are insufficient to enable them to attend a college or university. For the 3 years ending in 1975, the Commissioner of Education shall pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education, a basic educational opportunity grant of $1,400 minus the amount which can reasonably be expected to be contributed by the student's family. No grant may be in excess of 50 percent of the actual cost of attendance at the college or university and, except under special circumstances, no grant shall be made if the amount computed is less than $200. This program marks a milestone in Federal student assistance programs, and I am proud that I was able to play a role in its formulation.

Under the original bill, this grant was established at a maximum rate of $1,200, and in my judgment and the judgment of many of my colleagues on the committee, it would have excluded large numbers of students from middle-income families who are in need of funds. To provide a greater balance to this program, I offered an amendment during committee consideration of the bill to increase the maximum grant to $1,400 per year. With this amendment, families with two children and an income of $10,000 per year who were previously ineligible for the basic grant, will now be in a position to receive $300 in aid if one child is in college. In addition this larger amount of student assistance from the Federal Government will provide a larger basic grant for disadvantaged students and will free up substantial funds which schools may give to students who could not now expect such scholarships.

The second landmark program in the bill provides assistance for schools for each student who is a recipient of a basic grant and who is in attendance at such college or university. This program is designed to encourage institutions of higher education to enroll more low- and middle-income students which will broaden their student base and, we hope, open up greater opportunities for students who do not now attend college. In addition, these institutional grants will help reimburse the schools for improving the quality of teaching and providing specialized services which may be needed by less-advantaged students we are inducing them to enroll.

Many of us would like to provide a greater measure of support to the colleges and universities in order to help them alleviate their increasing financial burdens which have developed over the past decade. However, serious questions have been raised regarding direct, across-the-board institutional support, particularly in light of recent Supreme Court decisions, and it is my feeling that we will have to defer on this matter until many of these issues have been clarified. Nonetheless, the $1.7 billion cost of education programs is a significant step forward, and merits the enthusiastic support of us all.

The third significant program which I will speak to concerns the development of community colleges.

During the past 10 years, one of the most striking developments in American higher education has been the phenomenal growth of community colleges. In 1960, 660,216 degree credit and nondegree students were enrolled in 2-year community colleges. In the fall of 1970, this number grew to 2,499,839, representing almost a 400-percent increase for that period of time. According to the U.S. Office of Education, 44 percent as many students enrolled in 2-year institutions as are enrolled in the first 2 years of universities and other 4-year institutions. The number of these schools has grown from 678 in 1960 to 1,091 in the fall of 1970.

There are many reasons accounting for this community college "explosion." It is the comprehensive community colleges which have demonstrated that they are best equipped for the task of extending and expanding much-needed educational opportunities in the United States. They are low-cost institutions, some of which charge no tuition at all. Those public community colleges which do charge tuition average approximately $250 per year. According to the U.S. Office of Education, the average community college student budget is $1,400, including tuition, fees, reasonable commuting cost, books, personal expenses, and room and board. At public 4-year schools, these same costs have been estimated at $2,000 per year, and this figure rises to $3,200 per year in private 4-year institutions.

Community colleges are of particular appeal to students because of their proximity to those they are designed to serve, because of their flexible admission arrangements, and their strong counseling and advising services. They offer a greater number of programs for a wider variety of students, and the curriculum of a community college grows out of the needs of society, the community it serves, and the needs of its students. They have designed their course offerings to meet personnel requirements in such diverse fields as medicine, engineering, and social service. In addition, they provide new directions in urban education as well as offering promise in job preparation and cultural, academic, and remedial education.

Because of their great popularity, the Carnegie Commission estimates that by 1980 there will be a need for approximately 230 to 280 new public community colleges. And the report continues:

> The Commission's estimates of needs for new community colleges by 1980 are based on the assumption that all public two-year branch campuses and two-year specialized institutions that do not have comprehensive programs will move promptly to develop curricula that are truly comprehensive, as the Commission has recommended. If this should not occur, there would be a need for some 400 to 450 new community colleges by 1980 rather than only 230 to 280.

In addition to the inadequate number of community colleges, we face the fact that there has been a disproportionately low-allocation of Federal funds for these schools. The community colleges of the Nation serve a truly comprehensive role in our educational system. Not only do they offer the first 2 years of traditional higher education providing the student who so wishes, the ability to transfer to a 4-year school to earn a baccalaureate degree, but their significance as community institutions is found in the ability and effort to provide education at a wide variety of levels. Yet, during fiscal year 1971, it has been estimated that they will receive less than 6 percent of the $4.4 billion budget administered by the U.S. Office of Education.

In response to the growing demand for community college education and the relatively small amount of Federal support for this form of education, I introduced a bill in the 91st Congress, S. 1033, designed to provide substantial assistance for comprehensive community college education. During 2 days of hearings on July 21 and 22, 1970, the committee heard exciting and persuasive testimony from educators across the country. Without exception, those individuals made an urgent plea for more direct Federal attention to community colleges and those other schools which fulfill the role of providing a comprehensive community college education. We heard of the great flexibility of these young institutions which neither have, nor intend to acquire, the rigidity that comes from overbearing traditions. We found that the shedding of a sense of "status" puts community colleges in closer empathy with the poor, the unaccepted, and the classless. We saw a new breed of administrators who are challenging the "Establishment." And the committee learned that the responsiveness of community colleges to the needs of their constituency had made them "rebellion reluctant."

The press of other legislative business did not permit the committee to complete action on this bill, and it was reintroduced in the 92d Congress in substantially similar form. One additional day of hearings was held on April 1, 1971. The witnesses at this hearing once again emphasized the need for expanded Federal support of community college education, but indicated that many of the provisions of S. 659 would incorporate important features of the Comprehensive Community College Act of 1971. They expressed their support for the increased set-aside for community colleges in the Higher Education Facilities Act and were enthusiastic about the student aid in institutional support provisions of that bill. It was their feeling, therefore, that the necessary additions to S. 659 should encompass provisions for State planning start-up and expansion grants for community colleges, provisions for the leasing of facilities for new and expanded community colleges, and the establishment of a unit within the Office of Education which would coordinate all programs administered by the Commissioner which affect community college education.

All of these have been incorporated in a new section of the bill which could provide up to $290 million for these 2-year institutions over the next 4 years.

Mr. President, the directions for higher education in the United States which this bill contemplates are bold, innovative, and of utmost importance to the future of this great Nation. The bill before us today is the result of long, hard work, and is a tribute to the creativity of the men with whom I serve on the Labor and Public Welfare Committee. Each one of them deserves the greatest praise for his interest and concern for the development of a rational and forward-looking approach to education in America. Yet above all, I must point to the tireless efforts of the chairman of the Education Subcommittee, Senator PELL. He has demonstrated an understanding for the problems of higher education which is second to none among the Members of this body. He has shown his compassion for the needs of the students whose aspirations have created the enormous demand for postsecondary schooling. And his success in guiding this bill through the committee, clearly shows his brilliant legislative ability. We are all in his debt for the fine service he has rendered to the Senate and the Nation.

Mr. President, the United States cannot afford to lock the doors to education. Too much is at stake for ourselves and for our children. Today we are in a unique position to pass legislation which can be the key to open those doors and show the way to full educational opportunity for all Americans. We can afford to do no less.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Rhode Island yield me time on the bill?

Mr. PELL. Absolutely.

ORDER FOR RECESS UNTIL 8:45 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS MATHIAS, MOSS, AND McCLELLAN TOMORROW

Mr. BYRD of West Virginia. I ask unanimous consent that, immediately following the recognition of the two leaders under the standing order tomorrow, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. MATHIAS, Mr. Moss, and Mr. MCCLELLAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. I further ask unanimous consent that at the conclusion of the orders recognizing Senators on tomorrow, there be a period for the transaction of routine morning business for not to exceed 10 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE MILITARY CONSTRUCTION BILL, H.R. 9844, TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the period for the transaction of routine morning business tomorrow, the Senate proceed to the consideration of the military construction bill, H.R. 9844.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on the disposition of the military construction authorization bill tomorrow, the Senate return to the consideration of the unfinished business, S. 382, the so-called Federal elections campaign bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM TOMORROW UNTIL 8:30 A.M., FRIDAY, AUGUST 6, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in recess until 8:30 a.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS PROXMIRE, RIBICOFF, AND GRAVEL ON FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders on Friday under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Senators Proxmire, Ribicoff, and Gravel.

The PRESIDING OFFICER. Without objection. it is so ordered.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT ON THE DISASTER RELIEF ACT, S. 2393

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previously entered unanimous-consent agreement on the disaster relief measure, S. 2393, be modified to provide for 1 hour on the bill, rather than 2 hours on the bill, to be equally divided.

Mr. GRIFFIN. Mr. President, reserving the right to object, has this been cleared with the ranking Member on our side?

Mr. BYRD of West Virginia. Yes. In response to the distinguished acting Republican leader, may I say that the distinguished majority leader indicated to me a little while ago that he had cleared this with the senior Senator from Kentucky (Mr. Cooper).

Mr. GRIFFIN. I thank the Senator.

Mr. BYRD of West Virginia. And I have since cleared it with the junior Senator from New Mexico (Mr. Montoya), the manager of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

CORRECTION OF THE CALENDAR WITH RESPECT TO A UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, with respect to the unanimous-consent agreement on the higher education bill—which is, at the moment, the pending business—in my request on yesterday I asked that time on any amendment to an amendment thereto be limited to one-half hour. I note that in the verbiage of the unanimous-consent agreement as set forth on the calendar of business for today, no reference is made to time on amendments in the second degree.

I call attention to my specific request, which is stated on page 13019 of the Record, and I ask unanimous consent that the written agreement which will appear on the calendar of business for tomorrow morning, and that any other statements of such agreement that may have been printed, be modified in accordance with my original request which which specified one-half-hour on any amendment in the second degree.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Cranston). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION AMENDMENTS OF 1971

The Senate continued the consideration of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

AMENDMENT NO. 393

Mr. PELL. Mr. President, I send to the desk an amendment on behalf of myself and the junior Senator from Michigan (Mr. Griffin), to provide for the Office of Education to undertake a national program of metric education in the United States.

The PRESIDING OFFICER. The amendment will be printed and will lie on the table.

Mr. PELL. Mr. President, this past Friday, the Secretary of Commerce, Maurice Stans, recommended to the Congress—

> That early priority be given to educating every American schoolchild and the public at large to think in metric terms.

In recommending action steps, Secretary Stans stated:

> Two areas merit immediate attention, *even if a national program is not adopted*: education and international standards.

In the U.S. metric study report which the administration presented to Congress, it was stated:

> Almost all the participants in the United States Metric Study stressed the importance of education in any change to metric. . . . The National Education Association has urged that, as early as possible, all children be taught metric as the primary language of measurement. Timely government assistance may be needed to help develop teacher training plans and materials.

The metric study also suggested the need for an adult education program in metric.

Noting that only 10 percent of students in elementary and intermediate education now have been taught metric, the metric study brought out a most important point:

> Children starting school this fall will be 35 years old at the turn of the century. To fail to train them adequately in metric will be to fail to equip them properly for the world they will inherit.

Mr. President, the amendment I offer is simply to provide the Office of Education with the authority to enact the mandate recommended by the U.S. metric study. It would provide authority for the Office of Education to undertake, in coordination with the Department of Commerce, a national education program to prepare the country for metric conversion.

As a long time advocate of metric conversion, and as the one who sponsored the legislation authorizing the U.S. metric study, I could cite many reasons for the need for metric conversion. For example, the U.S. trade position is hurt by the fact that it is the only major industrial country that is not metric. However, at this late hour, I will not elaborate except to note that one way or other—that is, by law or by volunteer efforts—it would seem inevitable that the United States will be going metric, and our citizenry should be prepared.

Moreover, I would note that the Secretary of Commerce recommends a massive metric education program as an urgent priority, not notwithstanding any steps taken by the United States to convert officially to the metric standard.

Mr. President, there are a number of sections in the U.S. metric study which outline in more detail the need for the type of metric education program I have suggested. I ask unanimous consent that material and Secretary Stans' letter of recommendation be printed in the Record.

There being no objection, the material and the letter were ordered to be printed in the Record, as follows:

Education

Educators are nearly unanimous in their endorsement of the metric system. A public hearing devoted to education was attended by representatives of all leading teacher and school administration societies as well as many firms in the educational field. They represented a total of 1,600,000 people.

Speaking for more than one million of these, one participant said in a prepared statement: "The National Education Association believes that a carefully planned effort to convert to the metric system is essential to the future of American industrial and technological development and to the evolution of effective world communication." He further urged that, starting with the upcoming school year, all teachers should teach metric as the primary system of weights and measures in the U.S.

Virtually all the individuals in the educational system and the firms associated with it make some use of the metric system and are in favor of a planned conversion program, a finding supported by a special survey conducted as part of the U.S. Metric Study. This survey found that about 10 percent of the boys and girls in elementary and intermediate grades are taught something about metric units. Nevertheless, like their parents, they still think primarily in terms of inches, pounds, and degrees Fahrenheit—inevitably, since they live in a mostly non-metric environment.

"It's easy to compute with metric units. All you have to do in many cases is add a zero or move a decimal point."

"There are only a few units and the relationships among them are pretty simple. No need to remember how many cubic inches in a gallon or whether an ounce is fluid or avoirdupois."

"Decimal relations are intellectually more satisfying."

"The International Metric System has different terms for mass (the kilogram) and force (the newton), eliminating a confusion between mass and force that has perplexed generations of students."

Children starting school this fall will be 35 years old at the turn of the century. To fail to train them adequately in metric will be to fail to equip them properly for the world they will inherit.

Through newspapers, magazines, radio, television, and other media; the British Metrication Board is informing people about kilograms, meters, degrees Celsius, and a few other metric units they are likely to encounter in everyday life, trusting them to pick up on their own any more technical details they may desire to know.

A U.S. national program could presumably rely on a similar approach to adult education. The American Association of Museums has volunteered to display popular exhibits on the metric system. And the Advertising Council, which helped greatly to publicize such national programs as the Peace Corps and the campaign against cancer, has offered to help in a national metric changeover.

* * * Education Association has urged that, starting this fall, all children be taught metric as the primary language

of measurement. A survey conducted especially for the U.S. Metric Study suggests, however, that school systems are not ready to move that rapidly. The consensus was that for primary and secondary education a five-year transition period would be a bit tight, since two or three years would be needed for planning. But textbooks would probably present no obstacle; one major publisher of science texts assured the survey team that he could convert his entire line of books from Customary to metric units in successive printings over three years.

* * * * *

Educators and the firms that work with them see substantial benefits more than compensating for the costs of a metric changeover. The education survey, conducted as part of the U.S. Metric Study, indicated that changing textbooks and equipment would cost about $1 billion spread over three to five years. If they were changed for no other reason than going metric, the cost could be attributed to a metric changeover. In fact, however, most textbooks are replaced anyway after a few years of use and, thus, most of the $1 billion could be completely absorbed and would not appear as an extra item in school budgets. Indeed, new science curricula based on the metric system are already planned for schools.

Training teachers who are still not familiar with the metric system would represent another expense. But since most teachers these days pursue programs of continuing education, the cost would probably be inconsequential and could be absorbed if the conversion were made over a period of several years. It was suggested during the public hearings that much teacher instruction in metric could be done through programs on educational television.

The intangible benefits of going metric might well be substantial. Some teachers pointed out, for example, that it is very difficult for small children to learn to interpret the graduations on a Customary ruler; centimeters and millimeters are conceptually much simpler than small fractions of an inch.

Citing a study it had sponsored, the American Association for the Advancement of Science mentioned an additional intangible benefit. It has been found that slower children learn metric more readily than they do the Customary system—a factor that could not possibly be expressed in monetary terms.

Much more important, though, is the time that could be saved if students did not have to be drilled in the fractions necessary to cope with the Customary system. Estimates varied, but mathematics teachers said that in elementary school they spend from 15 to 25 percent of their class time driving home the details of adding, subtracting, multiplying, and dividing common fractions. They believe much of this is unnecessary. If the metric system, with its simpler decimal relationships, were taught, they could rapidly give their pupils the basic principles of fractions and then move on to other useful aspects of mathematics.

The Australian metric study (see Appendix Two) arrived at an almost identical conclusion: "There seems no question that considerable time would become available for valuable new work if metric units were taught in place of the Imperial. The arithmetical procedures required for use with the metric system would be no different from those of ordinary decimal work and money sums, which would give a unity to this phase of mathematical education . . . Various estimates have been made of the actual saving in time which would result from the adoption of the metric system. The British Association for the Advancement of Science and the Association of British Chambers of Commerce estimated in 1960 that there would be a saving of 20 percent in the teaching of arithmetic or 5 percent in the total school time for children between seven and eleven years."

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C.

HON. PRESIDENT OF THE SENATE,
HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIRS: I have the honor to transmit to you the Report on the U.S. Metric Study, which was conducted by the National Bureau of Standards of the Department of Commerce.

Thousands of individuals, firms and organized groups, representative of our society, participated in the Study. After weighing the extensive evidence presented by these participants, this report concludes that the United States should change to the metric system through a coordinated national program.

I agree with this conclusion, and therefore recommend

That the United States change to the International Metric System deliberately and carefully;

That this be done through a coordinated national program;

That the Congress assign the responsibility for guiding the change, and anticipating the kinds of special problems described in the report, to a central coordinating body responsive to all sectors of our society;

That within this guiding framework, detailed plans and timetables be worked out by these sectors themselves;

That early priority be given to educating every American schoolchild and the public at large to think in metric terms;

That immediate steps be taken by the Congress to foster U.S. participation in international standards activities;

That in order to encourage efficiency and minimize the overall costs to society, the general rule should be that any changeover costs shall "lie where they fall";

That the Congress, after deciding on a plan for the nation, establish a target date ten years ahead, by which time the U.S. will have become predominantly, though not exclusively, metric;

That there be a firm government commitment to this goal.

The Department of Commerce stands ready to provide whatever further assistance the Congress may require in working out a national plan and putting it into effect.

Respectfully submitted,
MAURICE H. STANS,
Secretary of Commerce.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of the Military Construction Authorization Act, 1972, that it be stated by the clerk, and that time thereon not begin to run until tomorrow when it is laid before the Senate at the close of routine morning business.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read the bill as follows:

H.R. 9844, to authorize certain construction at military installations, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:45 a.m. Immediately following the recognition of the two leaders under the standing order, the following Senators will be recognized for not to exceed 15 minutes each, and in the order stated:

Senators MATHIAS, MOSS, and MCCLELLAN.

At the conclusion of the orders recognizing Senators, there will be a period for the transaction of routine morning business, for not to exceed 10 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will again proceed to the consideration of the Military Construction Authorization Act, 1972, H.R. 9844. The time is controlled thereon, there being 1 hour on the bill and one-half hour on any amendment thereto. At least one rollcall vote can be anticipated on final passage, and there may be other votes on amendments.

Upon disposition of the Military Construction Authorization Act, 1972, the Senate will return to the consideration of the unfinished business, S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices and for other purposes. It is anticipated that action will be completed on the Federal elections bill tomorrow. Several rollcall votes have been indicated on amendments, and a rollcall vote on final passage can be expected.

Following the disposition of the Federal elections campaign bill, the Senate, at that point, will either immediately resume consideration of the higher education bill, or it may at that time take up the Disaster Relief Act, depending on the judgment of the distinguished majority leader under the circumstances which may obtain at that point.

In any event, the majority leader has indicated that the Senate will be in session late tomorrow evening, and that there will be votes throughout the day, and on Friday.

Among the measures—other than those I have just referred to—which remain for consideration before the August 6 recess begins at the close of business on Friday, are these:

The continuing resolution.

The Labor-HEW conference report.

The $1 billion employment assistance appropriation bill.

There may also be other calendar items and/or conference reports, including, hopefully, action on S. 2007, the economic opportunity bill. I repeat, there will be several rollcall votes ahead of us before the summer recess begins at the close of business on Friday.

RECESS TO 8:45 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 8:45 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 7 minutes p.m.) the Senate recessed until tomorrow, Thursday, August 5, 1971, at 8:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 4 (legislative day of August 3), 1971:

DEPARTMENT OF THE TREASURY

Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue.

NATIONAL MEDIATION BOARD

Peter C. Benedict, of Virginia, to be a member of the National Mediation Board for the term expiring July 1, 1974.

OFFICE OF SCIENCE AND TECHNOLOGY

John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology.

U.S. AIR FORCE

The following officer to be placed on the retired list, in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Selmon W. Wells, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code:

Maj. Gen. Louis L. Wilson, Jr., [redacted] FR (major general, Regular Air Force), U.S. Air Force.

U.S. NAVY

Vice Adm. Thomas F. Connolly, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general:

Harry C. Olson
Ralph H. Spanjer
Fred E. Haynes, Jr.
Lawrence F. Snoddy, Jr.
Ross T. Dwyer, Jr.
Joseph C. Fegan, Jr.
Leslie E. Brown

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

William L. McCulloch
Robert W. Taylor
Adolph G. Schwenk
William H. Lanagan, Jr.
Francis W. Vaught
Robert L. Nichols
Clyde R. Mann
Albert C. Pommerenk
Herbert L. Wilkerson
Manning T. Jannell
Ernest R. Reid, Jr.

IN THE ARMY

The nominations beginning Robert W. Sherwood, to be lieutenant colonel, and ending Strathmore K. McMurdo, Jr., to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on July 14, 1971.

IN THE NAVY

The nominations beginning Doyle E. Campbell, to be commander, and ending Ronald R. Yates, to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the Congressional Record on July 14, 1971.

IN THE MARINE CORPS

The nominations beginning Paul R. Ahrens, to be second lieutenant, and ending Stephen L. Shivers, to be second lieutenant which nominations were received by the Senate and appeared in the Congressional Record on July 14, 1971.

HOUSE OF REPRESENTATIVES—*Wednesday, August 4, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If we confess our sins, He is faithful and just to forgive us our sins and to cleanse us from all unrighteousness.—I John 1: 9.

We thank Thee, our Father, that in the stress and strain of daily living we may pause a moment before the altar of prayer and lift our hearts unto Thee.

We confess that we have not lived up to our own high ideals. We have done many things we ought not to have done and left undone many things we ought to have done. Forgive us, we pray Thee, and help us to amend our ways. By Thy grace may we not waste time in vain regrets nor take ourselves too seriously but in humility and with courage and faith may we enter this new day to do the work Thou hast given us to do, in the spirit of Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9272) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 26, to the foregoing bill.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make a statement. Until the conference report on the draft bill is disposed of the Chair is not going to receive unanimous-consent requests, but will thereafter, due to the fact that we are trying to adjourn the House as soon as possible.

CONFERENCE REPORT ON H.R. 6531, EXTENSION AND REVISION OF THE DRAFT ACT AND RELATED LAWS

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 578

Resolved, That immediately upon the adoption of this resolution it shall be in order to consider the conference report on the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, and all points of order against said conference report are hereby waived.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes for the minority to the able and distinguished gentleman from California (Mr. SMITH); and, Mr. Speaker, pending that I yield myself such time as I may consume. I assure the Speaker and those Members present that the time consumed will be brief.

Mr. Speaker, the House some 7 or 8 weeks ago passed the so-called draft bill. It went over to the other body, and that body placed a substantial number of amendments upon that bill, and it went to conference.

Among the amendments which were placed on the bill was the so-called Mansfield amendment.

I think most of the Members are familiar with the Mansfield amendment and its purpose. When the bill got to conference the conferees had some difficulty in coming to an agreement on the issue and on the language involved. To be plain and specific and blunt about it, the Senate amendment, the so-called Mansfield amendment, specified a time for withdrawal of all of our troops in Vietnam.

The House conferees, under the able leadership—and I emphasize that—the able leadership of the chairman of that committee, the gentleman from Louisiana (Mr. HÉBERT), and the gentleman from Illinois (Mr. ARENDS), upheld the House position in the matter, but finally, as in all matters of this nature, there was some necessity for compromise.

The compromise arrived at, in my judgment, upholds the position of the House. It also gives the President of the United States, the Commander in Chief, some elasticity in trying to wind up this unfortunate war rather than allowing 535 quarterbacks, in this body and the other one, attempting to call the signals along a particular line.

Mr. Speaker, I was attempting to observe to anyone interested in my own opinion on this matter, that the President of the United States is responsible more than anyone else for trying to wind up this war, and you cannot have 535 other people trying to tell him how to do it, particularly when he is doing his best to wind up, I repeat, an unfortunate and tragic war.

I could go on and talk for hours about that if time and your patience permitted it. However, that is the principal thing involved here.

Your Committee on Rules has had its own difficulty in coming to a conclusion about what type of rule we should have. Well, we finally came up with a rule waiving all points of order against the conference report.

Mr. Speaker, let me say for the benefit of those who are inclined to be critical of that position that the Committee on Rules last year adopted, not a rule, but a policy that we would not grant general waivers, but would require the legislative committees to point out the specific points of order which they desired to have waived.

This conference report presented so many parliamentary problems that it was recommended to the committee that a general waiver should be granted.

As one of the less—well, as one of the more humble members of that committee, I was constrained to go along with that recommendation, but other members of the committee—with justification, and I want to emphasize that—thought that we should follow our present policy.

But we ran into stumbling blocks. We were told that it was highly desirable, if not necessary, since the matter originated in the House of Representatives, that the House act upon the conference report first. Another argument was made that the other body would not act upon it before the recess, and therefore we should not act now.

But somewhere along the line our committee in our branch of the Congress had to take the initiative, and that is what we did. As I pointed out a moment ago, with considerable reluctance the committee came to the conclusion of granting a general waiver. And that is the rule you have before you.

Mr. Speaker, I want to briefly comment on the other side. I do not like it. Some of you do not like it, but what are you going to do? I understand some people are saying, "We are going to vote down the previous question."

Well, what does that get you? Of course, if you are against a continuation of the draft I can understand that position, but if you happen to subscribe to my theory that we have got to have the draft, at least for the foreseeable future, then what do you gain by voting down the previous question, and what would you have before you then?

I do not know what those who propose that program would gain by it. If that should happen then I hope that the House will sustain the Committee on Armed Services and the Committee on Rules, both of whom have labored earnestly and conscientiously on this subject. I urge you to vote up the previous question and adopt the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this year the Committee on Rules has brought to the floor a number of really different type rules, maybe rather unique at times. This I think is a rather unique situation. I would like to take these few minutes to explain my opinion as to why we happen to be where we are today.

As you will recall the House passed this bill back I believe on April 1, several months ago. There was a delay as I understand it among the conferees before they came up with a report. Primarily their problems were in connection with the so-called Mansfield amendment. There are a number of points of order that can be raised so far as the conference report is concerned—at least seven were presented to the Committee on Rules. And as the distinguished chairman has stated we are attempting to get specifics on each point of order and include this in the resolution rather than a general waiver.

In view of the Reorganization Act passed last year those of us on the Committee on Rules felt that in this instance at least two of the seven should not have a waiver of points of order.

One of those has to do with the date which both the House and Senate bills set—the date for the enactment of the pay provisions of this legislation, as being the first day of the first month following its becoming law.

As the bill passed both bodies the date would be September 1, assuming congressional action is completed this week. The conferees changed that making the effective date October 1. Clearly that is a violation of the Reorganization Act which we passed last year.

The other has to do with the amendment offered here in the House by the gentleman from North Carolina (Mr. BROYHILL) having to do with the induction of the remaining persons in a family and as to whether or not he would have to go if a father, brother, or sister previously had been killed. That was changed by the conferees to tie down as I understand it the particular conflict that we are now engaged in, and to limit it to relatives of the whole blood. In any event I think it clearly would be subject to a point of order; so we decided in the Committee on Rules that we would write a special rule. We waived points of order on all the other five but would not waive points of order on these two.

That is what we first did. It was brought to our attention that this cannot be done—that the conference report is a single amendment, with the result that if any part of it were stricken out then the entire conference report would fall.

The Rules Committee could write a rule and just say that if any part or parts of the conference report are stricken out it shall not affect the balance of the conference report, any precedents or rules to the contrary notwithstanding. I think that would work—up to a certain point. The Committee on Rules can report anything to the floor that we wish to propose to you so long as it is not unconstitutional—and it is up to the majority of the Members as to whether or not they adopt our proposal. We cannot do anything about changing the rules ourselves.

The majority of Members present and voting must agree with the proposal that is sent down. If our first decision would work we would get clear down to the end of the street, but we could not get home—it would be a deadend. Let us assume that the first amendment which I mentioned were stricken out because of the change in the date, as well as the other one concerning the family relationship. Then we get down to the question—assuming we pass the rest of the conference report—how are you going to get home from there? Very frankly I do not know how you are going to get home from there because you have the same conference report adopted without two parts—at least two parts—and there may be other points of order that could be made which were not brought to our attention. It would be an incomplete conference report.

In any event we are getting down the end of the street where we do not have a conference report and where we are either going to have to have new conferees or the present conferees are going to have to go back and start all over again.

I thus came to the conclusion that I was wrong and in order for this matter to be considered here today we would have to waive all points of order.

Now, I want the House to know I am going along with it because I think it is so important that this measure be voted upon this week. From that standpoint, I will go along and I intend to support the rule, and I intend to support the conference report. But I want the record clearly to show that I do not like the conferees coming in here in violation of the Rules of the House and the Reorganization Act which we passed last year. This is the first important measure that has come in where the conferees turn around and violate the rules we fought so hard to place into the Reorganization Act.

So I want to state that, so far as I am concerned, this is not a precedent which I intend to follow in future matters. If conferees bring in subjects or material which are outside the scope of authority of the conference as defined by clause 3 of rule 28, they should not expect the Rules Committee to protect them.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am glad to yield to the distinguished chairman.

Mr. COLMER. The gentleman has first stated what I wanted to emphasize. Since he has said, that so far as he is concerned, this is not setting a precedent, I would like to add to the statement of my able friend that we want to serve notice now that this is not setting a precedent that we in the committee expect to follow. We treat these matters on their own individual basis, and it does not mean that we do not expect to follow our general policy of pointing out specifically the points rather than making general waivers.

Mr. SMITH of California. I thank the distinguished chairman.

There is one further point that I would like to talk about and that is with respect to the effective date of the pay provisions. Unless the other body acts on the conference report this week, the question would be moot, for if the conference report is not finally adopted until September, it would not become effective until October 1 in any event.

Some of the Members who are in support of changing these two parts of the conference report have indicated to me that they would possibly try to vote down the previous question on the rules. So far as I am concerned, I think that would be an unwise thing to do. We would simply be wasting our time, because if you vote down the previous question, you will never be able to proceed any further from that point. You would not have anything then. It would then be up to the conferees to determine whether or not they wish to bring the conference report back to the floor simply under what would be, in effect, regular procedure—with no waivers of points of order. They could call up the conference report at any time. At least seven things would be stricken out, and we would be worse off than we would have been a long time ago.

So rather than voting down the previous question, I think if Members are going to try to do so, they should merely vote against the rule, because technically if you vote down the previous question, then one of the Members who is opposed to the rule and has led the fight against it would be recognized by the Speaker for the purpose of offering an amendment. If the Speaker recognizes a Member for the purpose of offering an amendment, what could he offer? The only thing he could offer would be the same thing the Rules Committee has attempted to do in the first place—and we would be right back where we started in the beginning. We shall be at the end of the street and we will not get home.

So far as I am concerned, Mr. Speaker, there is justification to approve House Resolution 578, to waive all points of order. Let the distinguished members of the House Armed Services Committee explain their conference report, and then all Members can subsequently vote in accordance with their desires.

Mr. Speaker, I urge adoption of the rule. I reserve the balance of my time, and in that regard I do have some requests for time.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, as one of those who supported the Draft Act and supported a 2-year extension of that act, I well recognize the importance of the issue coming before us today.

I think it is essential that we do pass this act and permit the necessary activities in order to give us the security force that our country is entitled to. However, let me say I am going to vote against this rule. I am not here advocating anyone to follow my lead in that, and this may sound a little bit foolish, but I am simply going to assert my privilege as an individual, to express my displeasure with what occurred in connection with this conference.

I am not here condemning the distinguished gentleman from Louisiana, our able chairman of the Committee on Armed Services and his conferees, and I can well understand the very difficult situation they had in the conference. I am doing it rather to serve notice on the other body that our rules are somewhat sacred to us, and we passed these rules to be abided by, to give us orderly procedures, and that we are not going to continuously stand aside for nongermane material, for legislating within the confines of a conference, but that we, as individuals, are going to jealously guard the prerogatives of this House in having rules and abiding by the rules which we have.

I recognize that upon every occasion after the conferees have gone through a very serious and sometimes controversial conference, we are going to find a situation that, to some extent, seems to be a crisis. There is going to be an emergency. We are going to hear this time after time. It just simply seems to me that now is the time that we should have drawn the line.

It was for that reason that I moved the substitute rule to the one which is here before us today, the one which actually waived points of order on five items but did not waive points of order on two additional items, and to specify those items on which we were waiving points of order.

I still maintain that we could have written a rule that would have permitted this.

In this instance I find myself in some disagreement with the leadership. I think, as I say, we could have written a rule that would have permitted us to have knocked out those two points, which are in direct contradiction to actions taken almost unanimously by this House just last year, and provided for substitution of other language, and for sending it back to the other body, take it or leave it. Unfortunately we did not get the kind of cooperation we needed to carry that out, so we are here today with this rule.

I appreciate the position of our friend and colleague, the chairman of the committee, the gentleman from Mississippi (Mr. COLMER) and my friend, the gentleman from California (Mr. SMITH) and their position. I well understand their position, and I sympathize with it. As I said, it just seems to me, though, that it is imperative that we take a position.

I understand the concern about the Draft Act. I want it extended. I recognize the need. I think we all recognize, though, the facts of life here today. Nothing is going to happen to this act in the other body this week, and we would be lucky if anything happened to it over there before the 1st of October.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I commend the gentleman for his statement.

Did I understand the gentleman to say he was going to vote against the rule?

Mr. SISK. Yes; I want to join the gentleman in his statement that I think it would be a waste of time to vote down the previous question.

Mr. SMITH of California. That is what I understood.

Mr. SISK. There is nothing to be gained by voting down the previous question, because under the procedure we find ourselves in now, there is nothing to be gained.

I am not asking anyone to join me, but I am going to vote against the rule just to express my strong feeling and give notification to the other body, as well as my own colleagues and to all the Members, that we do not propose to join in this waiving of points of order.

Mr. SMITH of California. I thank the gentleman.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I rise in opposition to the rule. The House today faces its first test of a provision of the Legislative Reorganization Act of 1970, under which conferees are prohibited or limited regarding the insertion of new or nongermane language into conference reports.

The conference report on the draft extension bill contains seven violations of these new rules, against which points of order could be made. Regrettably, the Rules Committee has recommended that this conference report be considered under a rule waiving all points of order.

I would like to discuss one of these provisions which has been changed by the conferees. During the floor debate on the draft bill, I offered an amendment which was accepted by the House by a large majority. My amendment expanded the present sole-surviving son law to provide that no young man who had lost a member of his immediate family for service-connected causes would be subject to the draft.

A similar amendment was offered during the Senate debate by Senator BOB PACKWOOD and accepted by the Senate. The intent of the amendments was the same, although Senator PACKWOOD added language providing that any young man already serving in the military who became eligible under this provision could be discharged. It is because of this additional language in the Senate version that this part of the draft bill was a conferable point.

The conference committee, in resolving the differences in the House and Senate language, took the language of the Senate bill for the conference version. However, the conferees took it upon themselves to add a date of effectiveness which appeared in neither the House or the Senate version and which severely limits the impact of this change in the law. This added language provides that exemption shall apply in the case of family members lost subsequent to December 31, 1959.

This limitation severely restricts the effect of the provision and for all intents and purposes nullifies exemption from the draft for any young man whose father died as a result of World War II or the Korean war. The amendment as passed by the House implied a limit on its effectiveness by the family members listed—father, brother, or sister. The original language would limit the effectiveness to one generation and would vary with the circumstances in each family.

This unwarranted change from the House and Senate versions is a flagrant violation of the rules of the House—rule 28, clause 3. This is the first test of this important rule on a piece of legislation before the House.

Mr. Speaker, I cannot make a point of order against this new language in the conference report. I oppose the rule for this reason and I urge my colleagues to do likewise. By adopting this rule, the House would negate a key provision of the Legislative Reorganization Act of 1970.

It has been argued that the need for the passage of the draft extension is too urgent to take the additional time needed to return the bill to conference. I say to you that the test of this rule adopted by the House last year will not come on an easy bill but on a difficult one. It would not be difficult for the conferees to meet and resolve these points. If the House does not insist on this course, we will be setting a dangerous precedent for conference committees in the future.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Ohio.

Mr. LATTA. I thank the gentleman for yielding. I just want to say I am very much for the gentleman's amendment, and regret the fact that the conferees did not see fit to adopt it. Unfortunately, the parliamentary situation does not permit us to adopt the amendment on the floor today. I would hope the gentleman would pursue the matter in separate legislation.

Mr. BROYHILL of North Carolina. Certainly if we are defeated today in this attempt I am going to introduce legislation, and would hope the committee would give it proper attention.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, at the outset let me say I voted for the Legislative Reorganization Act of 1970. I believe in the basic aims and objectives of that reform legislation. I believe in most, if not all, of its provisions.

I regret that on this occasion we are apparently to some extent violating some of the intent and some of the provisions of that legislation. I add, however, that I do not consider this action here today a precedent for any subsequent situations that might arise. In that I agree with the gentleman from California and the gentleman from Mississippi.

Let me say this about the substance of the conference report. I say this because we have received, all of us, a circular letter from several of our Members on both sides of the aisle raising some questions about the substance and particularly as it relates to several of the points of order that might have been made.

I should say categorically, as I have said before, that I believe in the concept of a volunteer military organization. It is my impression that the bill passed by the House in late March or early April was a big step in that regard primarily because it added substantially to the pay for those who initially volunteered for military service. The President had recommended a pay increase that involved $1,049 million in 1 year in order to induce young people to volunteer for the military. The House version increased that pay increase to $2.7 billion annually. The other body took a somewhat different approach, but the net effect of their action was to increase the pay in a 1-year span by $2,789 million. Now the conference report calls for an annual pay increase of $2,384 million, which is $1.3 billion over what the President asked for.

I concede it is less of a pay increase than either the House or the Senate version, but let me say that a pay increase of $2,384 million in 1 year is a substantial inducement for young people to join the military service on a volunteer basis.

Mr. Speaker, I defend what the conference committee did in taking this substantial step toward a volunteer military force.

I do not think you should vote against the resolution for the rule. I do not think you should vote against the conference report just because of the action in this regard taken by the conferees. They have been generous. They have taken a big step forward, and I think the conference report ought to be supported.

Secondly, the gentleman from North Carolina offered an amendment during the consideration of the bill in the House involving sole survivors of a family affected by the draft. I supported that amendment. The Senate made a change in regard to the so-called Broyhill amendment. The conferees came back with a slightly different version. The gentleman from North Carolina should take pride in the fact that his amendment is substantially in the conference report. It is not identical with what he proposed, but it is about 90 percent of what he recommended and what the House approved. All of us here on both sides of the aisle know that if you end up with a 90-percent version of what you recommend, that is not a bad batting average in this league.

I do not think you ought to oppose the rule. I do not think you ought to oppose the conference report on this ground. I think we ought to compliment the Congress and we ought to be grateful to the gentleman from North Carolina for initiating this legislation.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SMITH of California. Mr. Speaker, I yield 30 additional seconds to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, let me conclude by saying that the conference report does incorporate a version of the Mansfield amendment. Personally, I did not believe we ought to have a Mansfield amendment, or a Nedzi-Whalen amendment in the legislation, but we have a constructive version in the conference report. I am willing to accept it.

I think it is probably a step forward in light of all the developments. I hope and trust that we vote for the resolution and we vote for the conference report. This is important legislation and it ought to be enacted now.

The SPEAKER. The time of the gentleman from Michigan has again expired.

The gentleman from California (Mr. SMITH) has 11½ minutes remaining.

Mr. SMITH of California. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, last year at this time the spirit of reform prevailed in the House as we fashioned the Legislative Reorganization Act of 1970. In a burst of creative energy, this body fashioned the most sweeping revision of the legislative process in modern times. Now, less than a year later, we are faced with the first major test of its effectiveness.

There is much that is good, Mr. Speaker, in the conference report—particularly the manner in which the gentleman from Louisiana (Mr. HÉBERT) upheld the views of the House on the Mansfield amendment. It is with the greatest reluctance that I have opposed his request for a waiver of points of order, because he has done such an outstanding job over the years in providing for the welfare of our soldiers. As one who supported the need for a year's extension of the draft in order to make a smooth transition to the volunteer force, and as one who voted for final passage of H.R. 6531, I have no desire to delay final action on the bill—in fact, I am hopeful that if a point of order is made and sustained, the conferees would meet and return quickly with a real compromise on military pay. But I cannot sit by while an attempt is made to force the House to accept a measure which blatantly violates the most important legislative reform of the modern era, and which severely discriminates against our men and women in uniform.

Clause 3 of rule 28 allows conferees to amend only the differences committed to them. Both the Senate and the House provided for enactment of the pay raises on the first day of the first month after enactment, in this case September 1. But the conferees decided to delay the pay increases until October 1 against the will of both the House and the Senate.

The Rules Committee, recognizing the validity and importance of this point, voted 9 to 6 on Monday to allow a point of order on this matter. Yet, now a rule has been granted waiving all points of order against this direct violation of the Legislative Reorganization Act.

I would point out to the House that under the pay rates in effect today—and which the Defense Department has assured me will not be cut in spite of the expiration of the Dependents Assistance Act—a recruit with a wife and two children receives total compensation of only $3,500 a year, compared to the Federal poverty level of $3,900 for a family of the same size.

Mr. Speaker, today we have heard much about the possibility that first-term pay will be cut. But Defense has assured me that no such cut will be made. In whose interest, then, was the Legislative Reorganization Act violated?

Was the Legislative Reorganization Act violated in the interest of the 330,000 married first-termers who must depend on a military compensation system that is a national disgrace?

Was the Legislative Reorganization Act violated in the interest of the 142,527 military families who would be eligible for food stamps if criteria were applied uniformly?

Was the Legislative Reorganization Act violated in the interest of the several thousand GI's receiving welfare payments? Or the service families of 21 States which refuse to give aid to military personnel which is available to civilians at the same income level?

Was it violated in the interest of the 134,000 first-termers who are forced to moonlight, often in two jobs, in order to support their families? Or the thousands more who cannot moonlight because their KP and guard duties leave them little free time?

Was it violated in the interest of 117,000 wives of junior enlisted men—many with preschool children—who hold down full-time jobs in order to supplement their husband's poverty level wages?

Was the Legislative Reorganization Act violated in the interest of the 1,600 Fort Gordon families who must live in grossly substandard housing? Or the 5,429 Fort Hood families who must live in equally inadequate housing? Or was it violated in the interest of the 2,918 married men at Fort Hood—many of them Vietnam veterans—who could not bring their families to Texas to join them because of inadequate financial means?

I submit, Mr. Speaker, that the violation of the Legislative Reorganization Act is not in the interest of our men and women in uniform. The impact of the delay has been compounded by the violations in terms of regular military compensation. The House bill provided the recruit with $5,036 a year, the Senate set his pay at $5,320 a year, yet the conferees reduced him to only $4,872. Thus, the annual increase for the recruit of $1,707 was less than the increase than the $1,898 raise they granted the four star general, the $1,788 slated for a lieutenant general, or the $1,709 for a major general.

Now I am not opposed for increases for our senior officers—I supported them in the House bill and I will support them in a compromise—but I am unalterably opposed to violating the Legislative Reorganization Act in order to provide increases for the generals at the expense of the recruits.

In closing, Mr. Speaker, I should like to quote from a letter I received from the Navy's senior enlisted man, Master Chief Petty Officer J. D. Whittet:

> DEAR MR. STEIGER: I read your article in Sunday's WASHINGTON POST concerning the inequities in military pay for low ranking enlisted people with great interest.
>
> The physical and mental suffering, that psychological deprivation and deterioration, and the social indignities you outlined are all true. They exist and will continue to exist until taxpayers and legislators realize that military service is not servitude and that people are more important than property. I sincerely hope your article in the POST will point out the horrible financial facts of life to those unaware of them and affect a rapid change in such conditions.

Mr. Speaker, we can legislate those changes today. I urge rejection of the rule.

Mr. SMITH of California. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, in the brief time allocated to me I would like to make one point—and respond to another point.

In the first place if we do not pass this very quickly the Department of Defense is going to be forced to dip into the pool of those who have been previously deferred and that includes fathers and students. If this happens I predict that you will hear from a great many citizens across the country.

Mr. Speaker, the second point is one which I make by way of response. The gentleman from Wisconsin in his remarks to the House yesterday made the point that the total compensation figure in the conference report is $2.4 billion—which is less than the $2.7 billion in the House bill, or the Senate bill and therefore violates House rules.

The gentleman from Wisconsin is confusing the concept of military compensation. This is not just salary. There is basic pay. There is quarters allowances. And there is dependents' assistance allowances.

If you take each of these considerations by themselves you will find that the conference report is within the limits of both the House and the Senate bills.

The basic pay recommendations of the two bodies range from a low of $1.8 billion up to $2.6 billion. In the case of basic pay, the conferees agreed to accept the House figure.

In the case of quarters allowances the House had recommended an increase of $842 million. The Senate had cut this to $79 million. The compromise agreement was on the figure of $515.7 million. It was this cut on this individual item which forced the entire conference report below the House-passed bill.

Now let us take an example. If you had two military construction projects—one project A for $1 million as it passed the House, and project B for $5 million as it passed the House. The Senate reverses the figure on project A so that project A gets $5 million and project B gets $1 million. Now the total overall figure is $6 million in both Houses. If you compromise that at $3 million for project A and $1 million for project B you would have a total of $4 million which would be $2 million below the total figure in each House.

But it is certainly not in violation of the rules. The business of the conference is to settle each individual item. And when you compromise between the limits set by both Houses on individual items, you can quite possibly come out below the overall figure of either House.

Mr. Speaker, I hope this clarifies the issue. Certainly it emphasizes the point that the House conferees did not go below or beyond the limits and that they acted responsibly. We must adopt this rule and this conference report.

Mr. SMITH of California. Mr. Speaker, I yield 3½ minutes of the 4 remaining minutes on this side to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, the discussion of the resolution this afternoon has already made it perhaps abundantly clear that the Committee on Rules was faced with the proverbial Hobson's choice in reporting this resolution.

Mr. Speaker, I rise to defend the rule under which this conference report has been brought to the floor. I do not do so because I necessarily condone everything the conferees have done; the fact is, I share some of the displeasure of my colleagues over the controversial changes made in this report. I do not defend this rule because I think the Congress can ignore with impunity the provisions of the Legislative Reorganization Act of 1970; the fact is I was a strong supporter of that act and think we should adhere to its provisions to the maximum extent feasible. Therefore, I do not intend by my vote in Rules Committee and my defense of this rule today to signal that the floodgates have been opened and a precedent established which future conferees can somehow count on. The fact is I would want to serve clear warning today that I would be extremely reluctant to grant such a rule in the future.

Why then do I defend this rule? I defend this rule because I think we are confronted with an extraordinary and emergency situation; namely, the expiration of the President's induction authority and the disruptive effects this will have on our military manpower program and the threat this consequently poses to our national security. The fact is, this bill could be bounced back and forth between the conference and the floor from now until Christmas and beyond if everyone who differs with one aspect or another of this report insisted upon having their way. And as I indicated earlier, I am not entirely pleased with everything contained in this report. But it seems to me there is a larger interest involved here than these individual points of difference, and that is the national security interest. The overriding issue before us today is whether we are willing to bite the bullet and provide the President with the necessary continuity in meeting our defense manpower needs. Whether the pay increase provided for under this bill takes effect on September 1 or October 1 will be a moot question if this matter is not resolved before the recess. And while I realize that there is some doubt that the other body will complete action on this by that time, I think our decisive action on this today may have a positive impact on expediting this in the other body. But regardless of what the realistic chances of this might be, I think it would ill behoove us to engage in the delaying tactics for which the other body is noted and of which we have so often been critical.

Let us consider briefly the positive aspects of the report before us today. I think it is important to note that while the pay increase provided for here is slightly less than approved by either body, it is still considerably more than the administration request and will definitely enhance our goal of zero draft and an all-volunteer army by an early date. On the other hand, the more we delay on this, the more we will be impeding the early implementation of this goal.

A second major point to consider is the language of the modified Mansfield amendment. There are some who claim that the Mansfield amendment has been completely gutted and that as it now stands, it is meaningless. I fully disagree with that interpretation. The fact is that by this language the Congress will be going on record for the first time for withdrawing by a date certain contingent only upon the release of our prisoners of war. This constitutes a very substantive policy declaration by the Congress—one which I feel does fill the policy vacuum left by the repeal of the Tonkin Gulf resolution. The only substantial change made by the conferees was dropping the 9-month timeframe for our withdrawal. That does not mean the Congress thinks such a timeframe is unreasonable or unrealistic; it simply means that the Congress recognizes that setting a date certain should be a negotiable matter and that we do not wish to force our negotiators into a corner and tie their hands as they begin to seriously negotiate over the recent Vietcong peace proposal. I think it is of crucial importance that the Congress makes such a policy declaration now—at this critical stage in the negotiations; that we make it clear to the administration and our negotiating team where we stand as the people's representatives.

And so in conclusion, Mr. Speaker, I urge adoption of this rule and adoption of the conference report. Time is of the essence both in terms of our defense manpower program and in terms of any impact we might have on the Paris negotiations. Any further delay on our part would be contrary to the national interest on both of these points.

I cannot condone each and every thing that was done in this instance by the conferees. I would repeat that I do not consider that the action today should be interpreted as any precedent to open the flood gates and to condone future violations of that act.

I defend the rule this afternoon because I think we are confronted with an extraordinary and an emergency situation, namely, the expiration of the President's induction authority, and that that could have a disruptive effect on our military manpower program and thereby pose a threat to our national security. So I am willing, albeit reluctantly, to accept the work of the conference committee and to urge the adoption of the rule.

I believe also that the conference committee should be commended. They do deserve commendation for the language that they were able to agree on in substitution for the so-called Mansfield amendment. I do not agree with those who say that that amendment has been completely gutted and that it is meaningless. It seems to me by this language we do for the first time put the Congress clearly on record for withdrawing by a date certain, contingent only upon the release of our prisoners of war. I think that is a very signal accomplishment for which the conference committee should be commended. So for those reasons I urge adoption of the rule.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I have one observation to make on the debate on the rule. The gentleman from California said that if the rule is not adopted, they are going to be dipping into the pool of the deferred people.

Well, you know, some guy over in the Defense Department, some lawyer said they could do this, but if I were a deferred fellow and they tried to "dip" me, I would go to court and that would be the end of it, because if there is no draft law, they are not going to dip into anything.

INCREASE IN PRICE OF HAIRCUTS

(Mr. HAYS asked and was given permission to speak out of order.)

Mr. HAYS. Mr. Speaker, I asked permission to speak out of order to make an announcement to the House, which I think the Members will approve of and understand, that the House Administration Committee today raised the price of haircuts in the barbershop to $2. That will apply to Members and also to the press, who have been writing all the stories about the 75-cent haircuts, but getting them just the same.

Further than that, since the barbers are on the payroll, there is going to be an accounting system, and half of the $2 they get they are going to get to keep as they have been given the 75 cents, which will raise them a little, and the other half is going to go into the Treasury and pay for the towels, the lights, the tools, and all the other appurtenances of the trade which the taxpayers have been furnishing to them.

I am sure that that is not going to be news. You know, anything that the House does that is good is not news. But at least I can say to the membership that there will not be any more semiannual stories in the media about free haircuts for House Members.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. HÉBERT), the distinguished chairman of the Committee on Armed Services.

Mr. HÉBERT. Mr. Speaker, I have but one regret, that I did not get my hair cut yesterday, what little I have. It was impossible to get it cut because I was sweating it out waiting for the Rules Committee to give us a rule to bring this conference report before the House.

I merely want to make two very simple points. Unless we adopt the rule, there will be no conference report on the extension and revision of the Draft Act adopted.

I recognize what the gentlemen have said in opposition, as to the precedent. I accept what they have said, and I will say this to the Members: that it certainly was no easy matter for the conferees to have to give in on some of these points which we knew were in violation. The arguments were valid, the arguments were logical but in a conference expediency and compromise must have its moment, and an elastic conscience must prevail. We had to do it in order to get a conference report here. We had to get the conference report back to the Members as we had been instructed to do, and we had to come here to keep faith with the Members today.

So there are two items in contest. On the pay bill, we must remember that if this report is voted down, there will be no pay increase at all for anybody. In addition to that, the allowance for dependents goes out the window for more than 300,000 individuals, and nobody wants that on his conscience.

As related to the amendment offered by the gentleman from North Carolina (Mr. BROYHILL) and the change in that date, we had to do that in order to bring some stability as to fixing a date, or it could have gone back to the Civil War. We had to put a date in.

I bring attention to these two matters also. The amendment of the gentleman from North Carolina (Mr. BROYHILL), as offered in the House, was accepted by the chairman of the committee. We did not oppose it, but we did accept it on a voice vote, as I recall it. We were in complete accord with it. But because of the administrative difficulties we had to set a date.

As related to the pay bill, I ask the Members not to forget that it was the Committee on Armed Services that brought out the big pay bill, and it was not objected to on the floor of this House. A few remarks were made concerning it by the gentleman from New York (Mr. PIKE) but outside of that, the House bought that bill. We did the best we could.

In connection with the so-called Mansfield amendment, we accepted the Mansfield amendment as a vehicle on which to talk, but we brought back to the Members the very essence and the guts of what this House wanted and voted accordingly on six different occasions. The President's hands are not tied. There is no date for a cease-fire. The field is wide open for negotiation. This was the mandate of the House to us. This is what we were told to do.

I would also say to the gentleman that the members of this conference, standing there for 4 weeks and fighting for this conference report, stood solidly together shoulder to shoulder. Not one time did they break their lines. That is why we have a conference report today.

The October 1 date on the pay bill becomes a moot question if the Senate does not act—and it appears that the Senate may not act. Let the blight be on their house. Let us do our duty and tell the world we are ready to accept our responsibility and respond by passing the rule and accepting the conference report.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 250, nays 150, not voting 33, as follows:

[Roll No. 236]

YEAS—250

Abbitt
Abernethy
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Belcher
Bennett
Betts
Bevill
Blackburn
Blanton
Boggs
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Evans, Colo.
Findley
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frelinghuysen
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gonzalez
Goodling
Grasso
Gray
Griffiths
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Hébert
Henderson
Hicks, Mass.
Hillis
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Kee
Keith
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClory
McCloskey
McClure
McEwen
McFall
McKay
McKevitt
McMillan
Macdonald, Mass.
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Reid, Ill.
Reuss
Rhodes
Roberts
Robinson, Va.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Runnels
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—150

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Annunzio
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Blatnik
Boland
Brasco
Broyhill, N.C.
Buchanan
Burton
Carey, N.Y.
Carney
Chisholm
Clausen, Don H.
Collins, Ill.
Conte
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellenback
Dellums
Denholm
Diggs
Dow
Drinan
Dulski
du Pont
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Fascell
Fish
Foley
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Gibbons
Goldwater
Green, Oreg.
Green, Pa.
Gross
Gude
Halpern
Hamilton
Hanley
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hungate
Jacobs
Karth
Kastenmeier
Keating
Kemp
Koch
Kyros
Landrum
Link
McCollister
McCormack
McDade
McDonald, Mich.
McKinney
Madden
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Minish
Mink
Morse
Mosher
Moss
Obey
O'Hara
Pettis
Podell
Pryor, Ark.
Quie
Railsback
Rangel
Rarick
Rees
Reid, N.Y.
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schmitz
Schwengel
Seiberling
Sisk
Skubitz
Snyder
Steiger, Wis.
Stokes
Symington
Thompson, N.J.
Udall
Ullman
Vanik
Whalen
Wyatt
Yates
Yatron

NOT VOTING—33

Alexander
Celler
Chappell
Clark
Clay
Conyers
Corman
Dent
Donohue
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Flynt
Gallagher
Giaimo
Griffin
Hanna
Jones, Tenn.
Leggett
Long, La.
McCulloch
Mitchell
Mollohan
Patman
Peyser
Saylor
Teague, Tex.
Tiernan
Van Deerlin
Waldie
Wiggins
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mr. Tiernan against.

Mr. Evins of Tennessee for, with Mr. Clay against.

Mr. Charles H. Wilson for, with Mr. Conyers against.

Mr. Jones of Tennessee for, with Mr. Waldie against.

Mr. Alexander for, with Mr. Mitchell against.

Mr. Mollohan for, with Mr. Esch against.

Mr. Saylor for, with Mr. Celler against.

Until further notice:

Mr. Hanna with Mr. Wiggins.

Mr. Leggett with Mr. Peyser.

Mr. Clark with Mr. Long of Louisiana.

Mr. Chappell with Mr. Donohue.

Mr. Dent with Mr. Eshleman.

Mr. Corman with Mr. Patman.

Mr. Giaimo with Mr. Gallagher.

Mr. Flynt with Mr. Griffin.

Mr. Van Deerlin with Mr. Edwards of Louisiana.

Messrs. HOLIFIELD and DOW changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HÉBERT. Mr. Speaker, I call up the conference report on the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 30, 1971.)

Mr. HÉBERT (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. The gentleman from Louisiana (Mr. Hébert) will be recognized for 30 minutes and the gentleman from Illinois (Mr. Arends) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. Hébert).

Mr. HÉBERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the debate and discussion on the adoption of the rule was in progress I could not help but recall to mind some lines which many of you, perhaps—those of my vintage, anway—have heard, from the famous play "The Student Prince." The old German professor said to the young Prince of Heidelberg:

A promise keep, all night you'll sleep;
A promise break, all night you'll wake.

I have to recall those lines because of the conferees who served with me in the conference with the Senate for 4 weeks, and at times with very vigorous debate and discussion. On my right were Mr. Price of Illinois, Mr. Fisher, and Mr. Bennett, and on my left were Mr. Arends, Mr. O'Konski, and Mr. Bray.

We seven people kept the promise which we had made to this body, and we had peaceful nights, I am sure, knowing that a promise had been kept.

I also must recall to you the fact that when the discussion and debate was held on instructing the conferees to accept the so-called Mansfield amendment I asked you not to shackle my hands or put handcuffs on the conferees but allow us to go into the conference free to negotiate. We promised you that we would come back with language, particularly on the Mansfield amendment, which would be acceptable to this body. We, too, have kept that promise and we have kept faith with you.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding to me.

I want to add my congratulations to the chairman of the Committee on Armed Services and the conferees particularly on the language that is in the conference report regarding the termination of hostilities in Indochina.

The gentleman will recall, I am sure, that during the consideration of the bill on the floor of the House we had a colloquy about the possibility of instructing conferees. He gave me assurances, and he has certainly lived up to those assurances in every way.

I want to take note especially of the language which says "terminate at the earliest practicable date all military operations of the United States in Indochina." This is a very inclusive phrase. The use of the word "prompt" in regard to the withdrawal of all "U.S. military forces at a date certain" I think is a very significant legislative pronouncement. It is good for the President. It helps to protect his flanks in case difficulties arise in the future, and it is the sort of legislative pronouncement in support of total withdrawal at the earliest practicable date I have long felt we owe to the President and the people of the United States.

I congratulate the gentleman from Louisiana for seeing to it that it is now before us.

Mr. HÉBERT. I thank the gentleman for his observation.

Now, Mr. Speaker, chronologically and in order, let me review the circumstances that bring us to this particular moment in the House.

Mr. Speaker, on Friday, July 30, 1971, your conferees on H.R. 6531 reached a compromise agreement on the differing provisions of the bill as it passed the House and Senate.

The specific details concerning the conference agreement are reflected in the statement of managers and the conference report which have been printed in the Congressional Record of Friday, July 30, 1971, and which are also available as House Report No. 92–433.

No great purpose would be served in reviewing each and every one of the specific items in the conference agreement since they are, I believe, thoroughly explained and easily identified in the statement of managers. However, certain elements of these 28 major differences in the House and Senate versions of H.R. 6531 have caused some controversy, and therefore I will discuss these subjects in some detail.

The bill H.R. 6531, among other things, authorizes an extension of the induction authority of the draft law and provides a very substantial increase in military pay.

This House bill was completely rewritten by the Senate, both in committee and during floor action. The Senate committee struck all after the enacting clause and provided completely new language in the form of a substitute. When acted upon by the Senate, the bill was amended in many particulars, including the addition of a number of matters quite obviously, under the House rules, not germane to the bill as passed by the House.

Since it was apparent to the House conferees that as a practical matter it would be impossible to reject in total certain of these Senate amendments, such as the so-called Mansfield amendment on the war in Vietnam, the House conferees reluctantly agreed to accept some of these Senate changes, recognizing full well the ultimate necessity for obtaining a rule waiving points of order so as to permit consideration of the conference report by the House.

Some Members of Congress have questioned the action of the conferees in establishing an effective date for the military pay raise of October 1 rather than the first day of the first month following the month of enactment.

The effect of this action taken by the conferees is to delay the overall pay raise for a month, representing a savings of approximately $200 million. However, this saving was reduced substantially when the conferees made retroactive to July 1 of this year the increase in Dependence Assistance Act allowances. This action will provide approximately 330,000 military personnel in the lowest four pay grades with an immediate increase in their monthly pay ranging from $15 to $60 per month, at an additional cost for the period July 1 to October 1, 1971, of $26.5 million. This immediate increase, therefore, will go to military personnel who need it most—the lowest ranking enlisted member with dependents.

The action taken by the conferees is sound. It represents an effort to provide our men and women in uniform with a level of compensation which is truly competitive, in all grades, with the civilian economy, while at the same time recognizing the enormous fiscal ramifications of this action as it affects every U.S. taxpayer.

The most complex and controversial provision in the bill was that referred to as the Mansfield amendment.

Although this issue was only one of 28 major issues confronting the conferees, most of the time and attention of the conference was directed to this single issue. As a matter of fact, the entire month of July was devoted to this single issue.

I will not dwell on the many ramifications of the original Senate language. However, I can say with complete conviction that the language finally agreed to by the conferees does, in my view, achieve all of the objectives desired by Senator Mansfield, without imposing upon the President of the United States, limitations which would have seriously impaired our ability to negotiate an early and satisfactory withdrawal from Indochina.

The conference language emphasizes the sense of Congress that all U.S. military operations in Indochina cease at the earliest practicable date and that this objective be accomplished by, first, negotiating an immediate cease-fire; and, second, negotiating with the Government of North Vietnam for the establishment of a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release, at a date certain, of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government.

I believe it significant that all conferees agreed that it was imperative that we enter into negotiations to immediately establish a cease-fire since such action could bring a termination to the killing in Southeast Asia.

Although I personally believe that the language of the Mansfield amendment should never have been included in the bill, the revised language does fairly and honestly reflect the views of the majority of Members of Congress of both bodies on this major issue of foreign policy.

This statement of the sense of Congress articulates the views of the legislative branch on the subject of the Vietnam war, but at the same time carefully avoids encroachment of the Congress upon the constitutional prerogatives of the President, and does not tie his hands in negotiating on these vital matters. We have, therefore, kept faith with the House in agreeing to this revised language.

I am therefore hopeful that both Houses of Congress will give this language and the conference report their unanimous support.

I again remind you that here today at this moment this body recognizes its responsibility and discharges its duty without regard to any delay or any tactics which would delay the immediate passage of this bill by the other body.

If the other body delays or filibusters or shirks its responsibility and fails to perform its duty to the American people and to the Nation this is a responsibility which it must bear—this is a blight upon its house, as I suggested before.

But certainly those of us in this House can leave here now on our recess and go home to our own districts and meet our own people with heads high and eyes straight forward looking into the eyes of our constituents and we will be able to tell them that we have done our job—that we have given our soldiers and our sailors and our airmen the support necessary to bring this horrible tragic war to an end and that we have done our job and we have no apologies to offer.

Mr. Speaker, this is a statement of fact. This is the explanation that we offer to you today. This is asking you, again, to express to your Committee on Armed Services and the conferees who have been appointed and who have come back to you, for that resounding vote of confidence which you just expressed in us by your vote in adopting the rule.

On behalf of the Committee on Armed Services let me thank you—both from the majority side and on the minority side for the splendid support that has always been at hand under the very willing and able minority leader, the gentleman from Illinois (Mr. ARENDS). We could not function in our committee with the unanimity with which we have functioned, in that spirit if we did not function in a nonpartisan manner. We are all Americans whose only objective is to protect our country.

We thank you from a grateful heart for what you have given us today and ask you to repeat that vote of confidence. Please adopt this conference report.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I want publicly to express my appreciation to the chairman for his leadership, in addition to the other House conferees, on this very delicate matter. But more specifically I want to relate to him my personal appreciation for the consideration he gave to recommendations that not only I made to him personally and to the other conferees, but I know many other Members made in trying to come up with the kind of compromise language that would be acceptable, not only to the Congress, but also the executive branch.

I am pleased to vote the close similarity in the compromise language to the Mansfield amendment to that which I had submitted to you and the conferees for consideration and adoption.

Also, the incentive pay provisions should go a long way toward advancing the volunteer Army concept we have been supporting.

Again, I thank the distinguished chairman of the Armed Services Committee for the time and attention you gave to my suggestions and requests.

Mr. HÉBERT. I thank the gentleman. I say to the gentleman, as my predecessor said so often, and I repeat now, we are all passengers together in the same boat, and we are heading for the same objective—peace in our time.

Mr. ARENDS. Mr. Speaker, I yield myself such time as I may desire.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. ARENDS. Mr. Speaker, I rise in support of the adoption of this conference report. Before I enter into some remarks that I prepared, part of which will be repetitious, but yet so basic that I think they should go into the RECORD so all might know and see exactly what we tried to do during our deliberations on this very important matter, I want to commend our chairman for his wonderful performance, shall I say, at the conferences which we had. They were long and drawn out, rather upsetting at times, and yet in the final analysis we all came out with a friendly feeling that we had accomplished a very good job.

One thing I would like to point out also is that since our committee was wholly nonpartisan, we were able to work together, and our conferees acted as a unit, Republicans and Democrats alike, with no difficulty whatsoever, undertaking the obligation we felt we had from this House to seek a good conference report as instructed by the rather overwhelming vote on rollcall No. 45 when we adopted the bill. That vote was 293 to 99, which was rather overwhelming.

Mr. Speaker, a great deal of comment has been made in respect to the action taken by the conferees on that portion of the bill concerned with military pay. Some of this commentary has been accurate. Unfortunately, a great deal has not been based on fact but merely on personal interpretation.

For purposes of the record let me review the action taken by the conferees on the military pay question.

As the Members of this body are aware, the House-passed bill included increases in both basic pay and quarters or Dependents Assistance Act allowances for all grades of service personnel. The Senate bill largely confined proposed increases in compensation to basic pay with modest increases in Dependents Assistance Act allowances.

The conference agreement resulted in acceptance of the basic pay increases recommended in the House bill. The conference agreement also accepted the proposed increases in basic allowances for quarters and Dependents Assistance Act allowances reduced to approximately 85 percent of the monthly amounts recommended by the House.

Thus, the reduction in the total compensation increase was confined to that portion of the House bill relating to quarters allowance increases since the Senate had virtually provided no increase in that area. The House had recommended increases in the amount of $842.2 million while the Senate had recommended an increase in the amount of only $79 million. The resolution of this difference by the conferees was an acceptance of an annual increase in these allowances amounting to $515.7 million.

The House conferees also accepted a Senate provision providing for an initial enlistment bonus into the combat elements. This provision will authorize certain new entrants into military service a bonus of $3,000. Included in the report agreed to by the conferees is language to the effect that this bonus authority could, at the discretion of the Secretary of Defense, be payable for enlistments occurring on or after February 1, 1971.

As a consequence of the foregoing action, along with a number of related minor changes, the conference agreement resulted in an annual compensation increase of $2.38 billion.

It is also important to note that the action of the conferees in providing a substantial increase in compensation in the form of allowances, actually provided $287 million in additional economic benefits to military personnel. This results since the compensation increases provided in the way of allowances are not taxable. Thus, although the annual cost of this military compensation increase is $2.38 billion, the military forces are receiving $2.67 billion in economic gain.

A related consideration stems from the fact that this action also precludes increased retired pay costs. By 1980, the Senate proposal would increase cumulative nondisability retired pay costs by $30 million and by 2001 costs would climb $472 million. Costs under the conference agreement would be $2 million and $67 million respectively.

In reaching this agreement on adjusting military compensation levels, the conferees were also mindful of the fact that in addition to this increase in military pay, there will also be another automatic increase in military pay on January 1, 1972. That increase is now calculated to approximate a 7.9-percent increase in basic pay at a cost approximating $1.3 billion.

These considerations, therefore, prompted the conferees to agree to establish an effective date of October 1, 1971, for the pay adjustment provided in H.R. 6531.

I must concede, as I am sure you will also, that establishing an equitable level of military compensation for the various grades is a judgmental matter and one upon which there can be honest disagreement. Some military personnel may consider these levels too low, while at the same time many taxpayers will consider them too generous. In any event, let me urge you to take a look at the final results of the conferees' action. I am inserting into the record at this point a brief table which compares average levels of regular military compensation for each of the pay grades below the rank of general or admiral. This table reflects present rates, as well as those proposed initially in the House and Senate bills, and finally the conference agreement.

As your review of this table will show, the compensation level of a new recruit, an E–1, is presently $3,165 annually. Under the conference agreement this will be increased to $4,872, an increase of $1,707. This includes a 100-percent increase in basic pay.

Within 4 months after a recruit enters military service he will become an E–2, and therefore receive regular military compensation of more than $5,300 a year, an increase of almost $2,000 over existing compensation levels. Military pay then becomes progressively higher thereafter with promotions and "years of service" increases. For example, virtually all personnel entering military service attain the grade of E–3 within 9 to 10 months.

These compensation figures do not include numerous other special pays, tax benefits for certain overseas service, and fringe benefits that servicemen receive. For example, dependents of military personnel, as a consequence of their status, were authorized medicare from civilian medical sources during calendar year 1970 at a cost to the Federal Government approximating $300 million. This cost does not include the cost incurred for medical care provided to these eligible dependents at uniformed services medical facilities.

My point, I believe, is obvious. Military personnel and related costs are very substantial and now represent much more than half of the total annual defense budget. Therefore, I personally feel that the conferees have arrived at a very equitable, effective and honorable solution to a most difficult and complex problem.

COMPARISON OF AVERAGE REGULAR MILITARY COMPENSATION [1]

Pay grade	House bill	Senate bill	Conferees' agreement	Present (Jan 1, 1971) rates
O-6	$27,197	$24,850	$26,389	$24,850
O-5	21,821	19,796	21,122	19,796
O-4	18,234	16,527	17,630	16,527
O-3	15,025	13,591	14,501	13,516
O-2	11,474	11,138	11,045	10,166
O-1	8,985	9,611	8,659	7,807
W-4	17,653	16,088	17,074	16,088
W-3	14,537	13,097	14,023	13,097
W-2	12,299	11,108	11,859	11,104
W-1	10,138	9,195	9,738	9,033
E-9	14,919	13,417	14,392	13,417
E-8	12,812	11,571	12,334	11,571
E-7	11,063	9,980	10,634	9,980
E-6	9,550	8,647	9,160	8,611
E-5	7,691	7,248	7,356	6,889
E-4	6,457	6,329	6,189	5,253
E-3	5,893	5,831	5,663	3,931
E-2	5,484	5,530	5,311	3,345
E-1	5,036	5,320	4,872	3,165

[1] Regular military compensation is defined as basic pay, basic allowances for quarters, basic allowances for subsistence and the tax advantage which accrues because the allowances are not subject ot Federal income tax.

CONFEREES AGREEMENT ON PAY IN H.R. 6531

[In millions of dollars]

	Administration	House	Senate	Conferees agreement
Basic pay	908.0	1,825.4	2,667.0	1,825.4
DAA	79.0	184.1	79.0	105.9
BAQ	0	640.1	0	409.8
BAS	0	37.8	0	0
Enlistment bonus	40.0	0	40.0	20.0
Recruiter expenses	2.9	2.9	2.9	2.9
Optometrists	0	.5	.6	.6
DAA Reservists	20.0	20.0	0	20.0
Annual total	1,049.9	2,710.8	2,789.5	2,384.6

Let me repeat, if I might, the words, if only for emphasis, which the chairman of our committee said a moment ago. What we did in finally reaching agreement on the Mansfield amendment was that we said it should be the sense of Congress—rather than the words used by the Senate. Furthermore, we then said it would not be 9 months after the setting of a termination date, not 9 months, but rather we said the President should negotiate with the Government of North Vietnam for an immediate cease-fire in Indochina.

In line with this we urge the President to negotiate for the withdrawal from Indochina of all military forces of the United States, and to negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina, subject to a phased release of American prisoners.

May I add one more thing. The language deletes setting of a date 9 months after enactment, as proposed in the original amendment. However, the conferees, as the joint statement says, agreed "that it was imperative to emphasize negotiations to establish a cease-fire since such could bring a termination of the killing in Southeast Asia at the earliest date." That is what all America longs for at this particular time.

We have put together the machinery so that this can happen, and most earnestly and sincerely hope it will happen.

Mr. Speaker, I trust that the conference report will have the overwhelming support of the Members of Congress, and that the Senate body will be called upon to act.

Mr. PIRNIE. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman for yielding.

I take this opportunity of expressing to the chairman of the committee, and the gentleman in the well my commendation for their leadership during this very difficult task which relates directly to the security of this country, equity for those in uniform, and also peace in the world.

I believe the result represented by this conference report is a tribute to the objectivity of the conferees, their patience and their skill. They have brought back to the House that which can be enthusiastically supported and it will enable every Member to go back to his constituency and give intelligent and encouraging answer to the questions of constituents and the families of our servicemen.

Mr. ARENDS. I thank the gentleman.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

I believe the gentleman has properly taken note of what the language in title IV does not say with reference to 9 months termination of our military presence in Indochina.

What remains does say a lot.

It is my belief, and I think the facts support it, that this is the first time the House will have stated legislatively its support for termination of all military operations of U.S. military forces in Indochina and for the prompt withdrawal of all such forces; so this is indeed a historic day.

Mr. ARENDS. I might say to the gentleman from Illinois. I know this is something he has been terribly interested in for a good long time. I am glad we are in agreement.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I want to compliment the gentleman on his presentation.

There is one thing which troubles me in this report, and that concerns the prisoners who are being held by the North Vietnamese and by their allies. It is my understanding that we propose to withdraw more or less concurrently with the release of prisoners.

The question I ask is, What will happen if they hold out on us? What will happen if they, let us say, release 350 prisoners when it is really true that they have 300 or 400 more, but deny they have them and, when we give them the names, say, "We do not have any idea of what happened to them"? What means do we have in this legislation to insure that some group, such as the Swiss or others, make all investigations it is possible to make to find out exactly how many prisoners they do have and to make sure they do not hold back on us? That is one question.

Mr. ARENDS. Of course that is a very difficult question to even attempt to answer. I believe we have opened the door by simply saying to negotiate. They can negotiate as hard and as long as they want, through any medium, ally, friend or other nation. They can negotiate. At least the pathway is there. We are starting down the road. We are trying to deal with people recognizing that we have to solve the problem of prisoners of war.

Mr. LONG of Maryland. The other question concerns those prisoners who do not want to come back, or say they do not. Certain American-held prisoners will be alleged to have been either won over to communism or otherwise who do not want to come back. Many Vietcong and North Vietnamese captured by our allies in South Vietnam may genuinely not want to go back to North Vietnam. In fact, a great number have already said they do not want to go back.

I would suppose the way to handle this would be to have some agreement whereby the so-called reluctant returnees would be turned over to some neutral authority—let us say the Swiss. Put them into their hands and then let them have complete control over them. They can make a genuine decision as to whether or not they want to go back. As you know, we will not trust the Communists when they tell us that they have men who do not want to return and they will not trust us when we tell them that we have men who do not want to return. And there will be many cases, I know, in which there will be men who genuinely do not want to go back. What provision is there in this legislation to cover that?

Mr. ARENDS. As far as I know, there is no provision. I have never heard it discussed in that kind of language. I would not know how to answer you. It comes under the broad umbrella of negotiation and how we will agree on it I do not know.

Mr. LONG of Maryland. Will the gentleman agree that it is a difficult problem? Will not it make it difficult to carry out the term of the Vietnam withdrawal provision?

Mr. ARENDS. Yes; it is a difficult problem.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield to me?

Mr. ARENDS. I am glad to yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I would like to add my compliments to those already heard for a very fine presentation on the part of the gentleman and also add my compliments to those received by the chairman of the committee and the ranking minority member and all of the conference managers on the part of the House.

Mr. Speaker, as anti-American elements throughout this country and the world consider what we do here today in adopting this conference report, there will be those who will attempt to interpret it as a division of one group against another in our policies relating to Southeast Asia. I suggest that in their interest and in the interest of world peace, they should be very cautious in any misinterpretation of what we do. We are not dividing our great Nation. To the contrary, by our action today we are bringing together the Chief Executive of our Nation and bringing together the elected Congress of our Nation and bringing together the U.S. Senate and the U.S. House of Representatives. For the first time in many months we will be presenting to the enemy and to the world a most united front as it relates to our involvement in Southeast Asia. I urge caution on those, especially the anti-American elements, who would try to misinterpret this as being anything other than a bringing together of the people of this Nation in a unified effort to bring a just and humane end to the hostilities in Southeast Asia.

Mr. ARENDS. Mr. Speaker, I want to thank the gentleman from Florida for that very pertinent observation. It is very constructive.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio, a member of the committee (Mr. WHALEN).

Mr. WHALEN. Mr. Speaker, I am disturbed by both the form and the substance of the draft conference report.

With respect to form, the report in at least two instances negates a very key provision of the Legislative Reorganization Act of 1970. Regrettably, the Committee on Rules, which supported this very key reform last year, chose to ignore it when it received its first test.

Substantively I am concerned by at least three provisions of the draft conference report.

First, the changes in the pay scales I think do damage to the concept of an all-volunteer military force. Second, the changes in the so-called Broyhill of North Carolina amendment certainly alter the original intent of this provision. Third, I think it goes without saying that the so-called Mansfield amendment has been emasculated by this report by the elimination of any definite withdrawal date.

For these reasons, Mr. Speaker, I plan to vote against the draft bill conference report.

Mr. ARENDS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, it is not easy to come to a decision on this bill.

I am, of course, disappointed that the rule was granted waiving all points of order which precluded the opportunity for Members of the House to raise what have been recognized as valid points of order in areas in which this conference report exceeds the rules of the House. I had intended to offer, if I were recognized at the appropriate time, a motion to recommit with instructions to have the conferees insist on the House-passed pay package, and the so-called Broyhill amendment, but I must admit, Mr. Speaker, that were I to do that I would then be in a position of being forced to vote against the adoption of the conference report on final passage. I simply cannot do that.

The pay package, imperfect as it is, is significantly better than the pay scale that now exists. The fact that first-termers are going to be increased way above where they are now, even though it is below even that which the House passed earlier, is nevertheless a step in the right direction. Even though the conference report increases the pay of generals more than that which is given to those in the lower ranks, it nevertheless is a step toward attempting to alleviate the poverty wages from which the men in the armed services in the first terms now suffer.

Thus, Mr. Speaker, if a straight motion to recommit is offered, I shall vote "yea" on the basis of attempting to force the conferees to come to grips with the date, the Broyhill amendment, and the pay package.

But on final passage I shall vote "aye" because the pay package is so important. I have tried in every way I know to force change in the conference report but having failed I shall support adoption of the report as being an improvement for the men and women who serve our Nation.

This morning, Mr. Speaker, we received a letter from Chairman HÉBERT noting that the expiration of the Dependents Assistance Act on June 30 might result in a decrease in pay for first-term servicemen.

In view of the financial plight affecting our GI's, I wrote Assistant Secretary of Defense Roger T. Kelley on July 14 and noted:

> In view of the possibility that the draft bill may not be enacted for some time, I would be interested in what plans have been developed to deal with the loss of income associated with the expiration of the Dependents Assistance Act.

On July 23 the Defense Department responded:

> At this time, we are formulating plans to continue payment of Dependents Assistance Act allowances until final action on H.R. 6531 has been completed. We have advised the joint committee members, in conference on this bill, of technical corrections needed to continue current entitlement to DAA allowances . . .

I then confirmed by phone call that the Defense Department has no intention of stopping payments to our lower ranking GI's.

The major problem, of course, is that the conference committee decided to delay enactment of the pay bill until October 1, even though the House and Senate both stipulated implementation on the first day of the first month after enactment.

Further, Mr. Speaker, it is my belief that the draft bill conferees, in violation of clause 3 of rule 28, used the archaic distinction between basic pay and the quarters allowance to reduce the benefits in the military pay bill by over $300 million:

[In millions of dollars]

	House	Senate	Conference
Basic pay	1,825.4	2,667.0	1,825.4
Dependents Assistance Act[1]	184.1	79.0	105.9
Basic allowance for quarters	640.1	0.0	409.8
Subsistence allowance	37.8	0.0	0.0
Total	2,687.4	2,746.0	2,341.1

[1] This is the technical term for the quarters allowance provided men in pay grades E–4 (under 4 years service) and below.

The result of this compromise is to provide the first-termers—who were the target of the pay reform in the first place—with a lower rate of compensation than they would have received in either bill; only the careerists are given a compromise that splits the difference between the two bills. As can be seen from the table below, the increases for the careerists fall in between the two bills, while those for the privates, corporals, and lieutenants fall below the lowest House or Senate figure:

COMPARISON OF AVERAGE ANNUAL REGULAR MILITARY COMPENSATION

	House	Senate	Conferees agreement
Pay Grade:			
O–10	$43,872	$40,827	$42,725
O–9	39,169	36,319	39,107
O–8	35,772	33,042	34,751
O–7	31,654	29,065	30,689
O–6	27,197	24,850	26,389
O–5	21,821	19,796	21,122
O–4	18,234	16,527	17,630
O–3	15,025	13,591	14,501
O–2	11,474	11,138	11,045
O–1	8,985	9,611	8,659
W–4	17,653	16,088	17,074
W–3	14,537	13,097	14,032
W–2	12,299	11,108	11,859
W–1	10,138	9,195	9,738
E–9	14,919	13,417	14,392
E–8	12,812	11,571	12,334
E–7	11,063	9,980	10,634
E–6	9,550	8,647	9,160
E–5	7,691	7,248	7,356
E–4	6,457	6,329	6,189
E–3	5,893	5,831	5,663
E–2	5,484	5,530	5,311
E–1	5,036	5,320	4,872

The distinction between basic pay and allowances is a technical provision left over from the days when few soldiers were married, but it has little relevance to today's 1.5 million married servicemen. There is strong support, in the United States Code, for the principle that these elements should be considered together. As the Committee on Armed Services noted in the report to H.R. 6531:

> The Congress in Public Law 90–207 defined Regular Military Compensation (RMC) as consisting of the following elements that service members receive in cash or kind every payday: basic pay, basic quarters allowances, subsistence allowance, and tax advantage (received because the quarters and subsistence allowances are not subject to Federal income tax).
>
> It is the Regular Military Compensation that is used to establish competitive military pay levels which bear a reasonable relationship to civilian wages for equivalent levels of work . . .
>
> In developing the pay proposals on which the committee bill is based, the Department of Defense constructed a military pay standard to assure that military pay was properly equated with remuneration in other areas of national life . . .

The Committee's bill would provide total increases in Regular Military Compensation of $2,687.4 million per year. This includes $1,825.4 million in basic pay increases, $824.2 million for increases in basic allowances for quarters, and $37.8 million for increases in basic allowances for subsistence. (House Report 92–82, pp. 24 ff.)

The regular military compensation concept derives from enactment of the "Rivers amendment" in 1967, which was passed to insure that military personnel received pay increases which were equivalent to the increases granted civilian Federal employees. As the Committee on Armed Services noted in the report accompanying that measure:

Regular Military Compensation is defined as basic pay, quarters, and subsistence allowances, either in cash or in kind, and the tax advantage thereon. This regular compensation is considered to be the equivalent of the gross salaries payable to Federal employees under the Classification Act. (House Report 90–787, p. 3)

A dialog from the 1967 hearings on military pay illustrates why the total concept of regular military compensation, as defined by law, must be considered when looking at the pay of our servicemen. This dialog explains why the archaic concept of military "basic pay" must be increased by a greater percentage than civil service pay, in order to achieve the same end result in individual compensation:

The President has recommended that uniformed services personnel be provided a 4.5% increase in their compensation. . . . This increase which translates into a 5.6% increase in basic pay is therefore identical with the first stage salary increase provided classification employees.

The Chairman. Now does anybody not understand how we arrived at 5.6%?

* * * * *

Mr. Halleck. Mr. Chairman, when you put that 5.6 up there, that is what is going to be written, and I, for one, voted for the motion to recommit, to strike that 6 down to 4.5 (for civil service employees), and to strike out the subsequent year raises.

The Chairman. That is already passed.

Mr. Halleck. I have to be consistent about it.

The Chairman. You would be consistent.

Mr. Halleck. . . . but when we make the blanket statement in this statement here, referring to 5.6, what I am afraid of is that that is going to be the figure in everybody's mind, and those of us—the President has been trying to hold it to 4.5. Where does that leave us?

The Chairman. That is what the President recommended, the 5.6.

Mr. Slatinshek. Mr. Halleck, this is precisely what the President recommended, a 4.5 increase in regular compensation, which translates into a 5.6% increase in basic pay. Basic pay is only one element of the monthly, or one element of the monthly compensation for military personnel.

The Chairman. Mr. Halleck, are you for the 4.5?

Mr. Halleck. Yes, sir.

The Chairman. Well, you are therefore also for a 5.6% increase in basic pay.

It is our belief that the strong support the Armed Services Committee has shown for the regular military compensation standard, should be considered when viewing the action of the conferees on military pay. If the House had passed a Civil Service pay bill authorizing a GS–1 to be paid at the annual rate of $5,036, and the Senate had authorized $5,320, would the conferees have the authority to reduce him to $4,872? It is not our belief that this action would be permissible under the Legislative Reorganization Act. As Mr. Sisk said during the debate on his amendment:

For example, the House passes a piece of legislation authorizing $1 million; the other body after having considered the legislation passes a bill authorizing $5 million; then the conference committee could not come back and report $10 million or, going the other way, report $500,000.

The point is that it should stay within the scope of what the two bodies have done initially.

Thus, it would seem that in the area of military pay, the conferees were in error in reporting a lower level of regular military compensation than that passed by either the House or the Senate. Otherwise it would seem to indicate that the Legislative Reorganization Act was designed to protect the compensation of civilian employee, but not the remuneration of our men and women in uniform.

At this point, Mr. Speaker, I want to include the text of my letter to Chairman Hébert outlining my comments on the actions of the conference committee:

House of Representatives,
Washington, D.C., July 21, 1971.

Hon. F. Edward Hébert,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Thank you for your prompt and very detailed response to my letter regarding the actions of the conference on military pay. As it appears that the conferees may remain in session for some time, I should like to discuss the points raised in your letter in hopes of having the pay cuts restored.

1. The pay cut was justified because the conferees provided a combat arms enlistment bonus.

As you know, it is highly unlikely that this bonus will be paid to more than 60,000 men in the next fiscal year, as compared to over 440,000 required accessions. Moreover, the combat bonus will have no effect on the first-termers who entered service before February 1971. Thus, the overwhelming majority of our servicemen will receive no economic improvement from this item.

2. The tax advantage in the conference bill will create an additional $287 million in economic gain. "Thus, although the annual cost of this military compensation increase is $2.38 billion, the military forces are receiving $2.67 billion in economic gain."

The House bill, however, provided an even more substantial increase in tax advantage ($450.6 million). Therefore, even in terms of total economic gain, the conference bill is inferior to the versions passed by either House:

Economic Gain (cost plus tax advantage, $ Billions)

Senate	2.88
House	3.16
Conference	2.67

3. Retired pay costs would be higher in the Senate bill than in the conference bill.

It should also be noted that the retired pay costs in the conference bill are *identical* to the retired pay costs in the House bill. Moreover, as you will recall from the letter I sent you on 22 June, it is possible to devise a pay scale compromise which splits the difference between the House and Senate bills, yet maintains retired pay costs at a rate identical to that developed by the conferees. Therefore, it does not appear to be necessary to cut the pay bill below either the House or Senate versions in order to hold down retired pay costs.

4. Another automatic pay increase is scheduled for January 1, 1972.

Throughout the debate it was known that such an increase was scheduled for next year. Senator Stennis, in particular made numerous references to the cost of this pay hike during the debate, yet the other body chose to go for the full $2.7 billion increase by a 51–27 margin.

More importantly, the automatic increase simply continues the discrimination against the first-termer. If the increase is 7.4% as expected, under the conference bill the Major-General will get a $204.71 raise, the colonel will get a $133.42 hike, but the recruit would only receive an increase of $19.83 in his monthly pay. Since the comparative increase for the first-termer is so small. I am hopeful that the conferees will restore this pay bill to the range provided by the Senate and the House.

5. ". . . establishing an equitable level of military compensation for the various grades in a judgmental matter and one upon which there can be honest disagreement."

As the Committee pointed out in House Report 92–82 (pp. 24–25):

"The Congress in Public Law 90–207 defined Regular Military Compensation (RMC) as consisting of the following elements that service members receive in cash or in kind every payday: basic pay, quarters allowances, subsistence allowance and tax advantage. . . . In developing the pay proposals on which the Committee bill is based, the Department of Defense constructed a military pay standard to assure that military pay was properly equated with remuneration in other areas of national life."

The Senate, of course, chose to provide the entry grades with even a *higher* level of compensation than the House bill. Therefore, it is not clear why the conferees would settle for a standard which provides the recruit grades with less RMC than in either the House or Senate bills.

6. These compensation figures do not include the opportunity for the serviceman to receive fringe benefits, including special pays and dependant medical care.

Detailed studies have revealed that the serviceman has no advantage over his civilian counterpart in terms of fringe benefits. As Assistant Secretary Kelley recently noted before the Defense Appropriations Subcommittee (Part 3, pp. 47–49):

"I am conscious, of course, of the additional fringe or supplemental benefits which military people get, some of which are unique to the military and are not to be found commonly in civilian employment.

"We have therefore attempted to ascertain the total of these supplemental benefits as compared with the total of basic pay. The total supplemental benefits, expressed as a percentage of regular military compensation, runs somewhere in the range of 32 to 35 percent.

"The so-called fringe benefits received by his civilian counterpart—group insurance, retirement benefits, hospitalization insurance, the opportunity to purchase stock or to participate in savings plans with the employer matching the contribution—I am saying that these things for the industrial apprentice typically represent 35% of what he receives in regular pay, just as in the militry these additional benefits outside regular military compensation amount to about 35 percent of the regular military compensation."

More importantly, in terms of the conferees' actions regarding pay at the entry level, is the fact that all servicemen are eligible for these benefits. However, as you know, there are a host of important fringe benefits denied to those in the recruit grades.

When making changes of station, careerists are given free travel of dependents, transportation of household goods, dislocation allowances, trailer allowances, transportation allowances for automobiles overseas, overseas allowance and evacuation allowance. If unaccompanied careerists receive $30 a month in family separation allowances. But the underpaid and oft moved first-termer is ineligible for all of these benefits.

I am still convinced, Mr. Chairman, that the type of bill originally reported by your committee represented a measure that was fair to both the first-termer and the careerist. I am hopeful, therefor, that the conferees will be able to agree upon a measure that retains the best of the House and Senate military pay bills.

Sincerely yours,

WILLIAM A. STEIGER, *Member of Congress.*

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. ARENDS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I thank the gentleman for yielding, and I, too, agree with the gentleman who just preceded me, the gentleman from Wisconsin (Mr. STEIGER) in wishing that it were possible to insist upon the changes in the amendment which I offered in the House.

I still feel that the intent of my amendment was clear, and that the conference committee far exceeded their authority under House rules in writing in new language. The amendment is now too severely limited by the inclusion of a date. The legislative language as originally proposed, implied a limit on its effectiveness only by the family members listed—father, brother or sister. This new language, added contrary to the rules, would not exempt from the draft the young man whose father had died as a result of service during the Korean war. The legislative intent of my original language was clear and would have limited its effectiveness to one generation.

However, I want to make it clear that I support this conference report and intend to vote for it on final passage. I think that on balance this conference report is good; that it is needed, and should be enacted. I hope that the House will enact it so that it can be considered by the other body at an early date.

However, in the future, conference committees should be most careful in considering differences in House-Senate passed bills.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. ARENDS. Mr. Speaker, I yield back the balance of my time.

Mr. HÉBERT. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I have asked for these 2 minutes to make an observation on the statements of the last two gentlemen who have spoken, the gentleman from North Carolina (Mr. BROYHILL) and the gentleman from Wisconsin (Mr. STEIGER).

I do so because I want to bring to the attention of the House that this is exactly the type of discussion that we welcome in the Committee on Armed Services. When we are in disagreement the gentlemen recognize we are in disagreement, and the gentlemen recognize we are entitled to our own thoughts in our disagreement.

As I suggested in my original presentation, we are in fact partners, and we are working together, and we are working under the Rules of the House and working for the rule of the majority.

So I want to thank the gentlemen for their contributions, and their discussion, and in their appearances before the Committee on Rules and the Committee on Armed Services. This is the way we should conduct ourselves. This is the manner in which I welcome opposition, and this is the way I welcome contributions, whether they may agree with me or not.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I simply want to join in this colloquy, and to compliment the chairman of our committee, the gentleman from Louisiana (Mr. HÉBERT) and the ranking member of the committee, the gentleman from Illinois (Mr. ARENDS) and the conference committee for the very excellent job they have done in negotiating this conference report, a job that I believe they did under very, very trying circumstances.

The very able chairman and the other members of the conference on the part of the House have exhibited the utmost patience and good judgment in bringing to us today a draft bill which we can in all conscience support.

It would have been tragic had we postponed action on this measure until September because then the President might have been called upon to dip into the pool of deferments and interrupted the plans already made by many young men. We cannot possibly meet our military commitments without this draft bill, and our failure to pass one has been seized by those who would attack the military and by those who would destroy our country both from within and without as an indication of our weakness. The United States must present a strong, solid and unified front, especially at these trying times.

As a member of the Draft System Oversight Subcommittee and as a member of the full Committee on Armed Services, I am delighted to have played a very small part in the settlement of this difficult issue.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I rise to support the conference report on H.R. 6531 which is at one and the same time a draft bill, a military pay increase bill—and a sense of Congress resolution to end the Vietnam war. In my judgment the conference agreement justifies support because it contains a minimum change of the House position on all the major provisions of the bill as passed by the House by a vote of 293 to 99.

To support extension of the draft is unpleasant but nevertheless necessary. To say that any draft legislation is less than popular is almost a masterpiece of understatement.

There is another interim happening that galls us all. After the passage by the House of the extension of the draft, the Supreme Court rendered a decision on the appeal of Cassius Clay—alias Muhammad Ali. When I heard of this decision I became tempted to vote against any further extension of the draft. Now the passage of time has allowed our emotion to subside. Stated differently, our temptation to vote against extension of the draft because the nine Justices ruled as they did must now be submerged under the realities we face today.

Yes, extension of the draft is unpleasant and highly unpopular, but for a while longer is necessary. But this is not just a draft bill. We must remember we are not only voting for the draft but we are also voting for the greatest increase in pay ever accorded our military personnel. This bill may be called a draft bill but it is at the same time an honest and sincere effort toward recreation of an ultimate realization of a volunteer Army.

I regret to hear the frequently repeated comment that the only way we will ever get a volunteer Army is to draft one. This belief could prove to be correct. But I hope these prophets are wrong. I hope this bill will induce enough volunteers to come forward that the draft provisions of this enactment will have less meaning than anticipated.

This bill is more than even an effort to achieve a volunteer army. It is the vehicle that carries by incorporation the so-called Mansfield amendment on termination of the war in Vietnam. Without comparing word for word the version of the Senate's amendment on the Vietnam war with the wording adopted by the conferees, there is no doubt that the wording agreed upon by the conferees states that it is the sense of Congress that all U.S. military forces be withdrawn at a date certain subject only to the release of American prisoners of war and an accounting of all Americans missing in action. In other words this conference report provides that the Congress calls for a termination of the war at the earliest practicable date. For those who prefer to remain doubters as to the wording of the amendment set by the conferees, let us remind them that provisions of this conference report also urge upon the President the establishment by negotiation of an immediate cease-fire in Vietnam.

I do not know what more the Congress can do at this time than urge the President to negotiate such an immediate cease-fire. We have no power or authority to encroach upon his constitutional powers. Moreover, we should not tie his hands in the process or procedures of negotiation. But we have expressed in clear language consistent with our duties as Members of the Congress that this Nation shall commence immediately to negotiate for a cease-fire to stop the killing in Vietnam.

I would be less than candid or straightforward if I were to omit to say for the record that I have entertained some mixed emotions as to the level of pay that has been set by this report, all as an inducement to enlistments to the point the draft will no longer be necessary.

Our House-passed bill called for an annual increase of $2.7 billion. The conference report calls for a total annual increase of $2.3 billion in pay. Some segments of the military will, of course, regard this as too low a figure. The taxpayers on the other hand will probably think the figure is too high. The concern which I cannot let go unexpressed is to wonder what will happen should our Nation be faced with another emergency such as World War II. In such a situation with the vast numbers that would have to be paid at the pay rates provided in this conference report, the question must be considered, with some concern—what will happen to the Federal budget under such circumstances.

I have not made a careful comparison of the pay provisions between the bill passed by the House and the conference report except to point out I believe a new recruit will now receive about $3,200 in annual pay. What a great difference from the pay many of us received when we started at the lowest level in World War II.

It has been argued that there is no urgency for the adoption of this conference report. Such an argument is just not in accordance with the facts. If we do not act before the August recess 330,000 military families of inductees and recruits may suffer actual reduction in their present monthly income ranging from $15 to $105. This is true because of the necessity of extending the terminal date of the Dependency Assistance Act beyond July 1, 1971.

Furthermore, to omit to extend the draft leaves us with the distinct possibility that those who have been previously deferred could now be called. This would include deferred fathers as well as deferred students. If this should happen I am sure we would hear from those who were called.

If we adopt this conference report, as the chairman of our committee so eloquently put it, we can go home to our districts with our heads held high. We can look our constituents in the eye and say to them we are not responsible for any inaction by the other body. We have done our job. We have done our best on our side of the Capitol. We will have to make no apologies.

Mr. Speaker, before concluding let me repeat again the conference report is not just a draft bill. It is also an honest sincere effort to create a volunteer Army. Equally important, this conference report is the document which for the first time contains language we have been able to agree upon to express the sense of Congress that the United States immediately terminate the Vietnam war and to withdraw now contingent only upon release of our American prisoners of war. This report for the first time contains agreed language that the President commence immediately to negotiate for a cease-fire. For all of these reasons the conference is worthy of the support of every Member.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I am in support of the conference report. I believe the committee has done a good job on the conference report. Notwithstanding the merits of the report, I am not in accord with the conference procedure which made necessary the obtaining of waivers from the Committee on Rules.

If conferees can violate the House rules by changing items which were identical in both House- and Senate-passed legislation—as in the case of the effective date for pay raises to servicemen—then the change goes beyond a compromise and becomes new legislation by the conferees. Such action makes a nullity of the function of the authorization and appropriation actions of the Members of both legislative bodies.

The same principle is present in lowering the annual pay raise figures, as passed by both Houses for the two lowest grades, below the lowest figure as passed by the House. Again this is not a compromise between House and Senate figures, but new legislation by the conferees.

I therefore voted "no" on the rule which permitted such practice.

Mr. McCLORY. Mr. Speaker, I rise in opposition to the adoption of the conference report on H.R. 6531, extension and revision of the Selective Service Act. I am somewhat disturbed by the fact that the conferees appear to have acted contrary to certain provisions of the Legislative Reorganization Act of 1970. I am also bothered by the fact that this legislation would permit the President to abolish student deferments since I feel that it is essential that the 2-S deferment be retained. My opposition stems chiefly, however, from my belief that extension of the draft for the next 2 years is both unnecessary and unfair.

Mr. Speaker, I joined as a cosponsor of H.R. 4451, a bill to create an all-volunteer armed forces, because, in my opinion, we have burdened our Nation's youth with this antiquated manpower procurement device for too long a time already. The unanimous recommendations in the Gates Commission report establish that our defense needs can be met adequately and efficiently by a volunteer military force. There is simply no overriding necessity for maintaining a system which had its origin in medieval feudalism as a basis for our national defense.

Although it seems to have been in effect forever, in point of fact compulsory military service has never been the pattern of our Nation. The draft, first enacted during the Civil War, resulted in widespread dissension and even violence. The World War I draft was rescinded following the armistice. Thereafter, the selective service law enacted in 1940 was extended by a margin of only one vote just weeks before the 1941 attack on Pearl Harbor. Continuation of the draft since the end of World War II is quite out of harmony with the traditional policy in this country.

Mr. Speaker, I am committed to working for the elimination of the draft and establishment of a volunteer Armed Forces. Such action is necessary to bring our military service in harmony with the ideals and principles of other governmental institutions.

Mr. OBEY. Mr. Speaker, I intend to vote against the draft extension bill now before the House for two reasons.

While I have strong doubts about the establishment of a voluntary army, I have little doubt that the Congress is wrong in approving the extension of the draft for longer than 1 year. This bill provides for a 2-year extension and by doing so I believe the Congress loses what little power it has to influence the use of draftees by the administration in defining and coordinating foreign policy.

I am also persuaded that this legislation unjustly provides a large part of the pay increase voted by the House and Senate for the career officer while giving men in the lower four pay grades an increase smaller than that provided in either the House or Senate bills.

This action, by violating the provisions of the Legislative Reorganization Act passed by the Congress last year authorizing conference committees to consider only the differences between versions of a bill passed by both Houses, contributes to the further leakage of power away from the House and to the conference committees.

In the long run, Mr. Chairman, it is just as dangerous for the House to yield its independent judgment to conference committees as it is for the Congress as a whole to yield its powers to either the Executive or the bureaucracy.

In either case, the eventual result is congressional impotence.

Mr. BROOMFIELD. Mr. Speaker, I would like to take this opportunity to briefly explain my vote on this legislation.

Unfortunately, as the question is presented to the House, it is impossible to vote on the separate issues contained within this bill. Forced to vote up or down on the entire bill, after careful consideration, I am unable to reconcile my opposition to two particular provisions.

As an early supporter of a volunteer army, I opposed a 2-year extension of the draft. Along with a substantial minority of this body, I voted for prolonging the draft for only 1 more year, with the hope that it would then be replaced with a volunteer force. It is my position, that the mobilization of a volunteer army can and should be implemented, without any sacrifice to our national security, by fiscal year 1973. Thus the Selective Service System, with its present inequities, will not be needlessly prolonged for an extra year.

Again, as regards the Mansfield amendment which set a fixed date for American withdrawal from Vietnam, I was disappointed that the originally strong Senate language was not preserved. As reported out of the House-Senate conference, the concept of a fixed date of disengagement 9 months after the enactment of this bill and contingent upon the release of American prisoners of war, was eliminated. As presently constructed, the text states that it is the "sense of Congress" to withdraw at the earliest possible date, thus dulling the thrust of the amendment as initially proposed. At a time, when increasing numbers of the American people support a deadline for military withdrawal, I feel that Congress should reflect this sentiment as strongly as possible.

Regretfully, in order to demonstrate my opposition to a 2-year extension of the draft and the watered-down Mansfield amendment, it is necessary to vote against the military pay increase. Since an adjustment in salaries for the Armed Forces is a necessary prerequisite for the realization of an all volunteer army, this action deeply disturbs me. Should the Draft Extension Act be defeated, I would sincerely hope that this provision will be reintroduced separately at the earliest convenience.

Mr. PRICE of Illinois. Mr. Speaker, in our consideration of the conference report on H.R. 6531, the Military Selective Service Act, I want to discuss what I consider one of the most important provisions; namely, that proposing an immediate cease-fire in Vietnam.

As the sponsor of that provision, I want to reiterate my support for a cease-fire as a means of resolving the terrible Vietnam tragedy. As you may recall, last year I served as a member of the President's Factfinding Commission on our Cambodian operations. That experience caused me to again focus on the advisability of a cease-fire as means of ending the hostilities. In June 1970, in a speech before the Belleville Junior Chamber of Commerce I outlined my proposal. This past April I introduced House Concurrent Resolution 276 which incorporates the essentials of the proposal.

My proposal calls for the President of the United States to publicly announce that as of given date and time the United States would cease all offensive action by U.S. forces—air, land, sea—for a limited period of time, long enough for the North Vietnamese and the Vietcong to join in the cease-fire, either tacitly or officially.

If they responded favorably, a U.N. or other international truce force would be ordered into South Vietnam to oversee the cease-fire and the withdrawal of all foreign troops—a move that should in turn generate meaningful negotiations.

If the Communists refused to accept or observe or abide by the cease-fire, the United States would, of course, clearly reserve the right to defend itself against attack. Simultaneously, the President would declare that the United States would repeal the cease-fire initiative in 2 weeks' time. If that failed, it would be repeated a third and fourth time—until the Communists were convinced the United States was serious about ending the war.

A cease-fire would bring an immediate end to the killing and destruction; it provides for the protection and safety of American troops and provides for their early withdrawal; it guarantees the simultaneous withdrawal of North Vietnamese troops, thereby precluding any mistake about an American "surrender" or "sell out"; it offers a realistic opportunity for a political rather than a military settlement to the war through resumption of meaningful negotiations in Paris leading to the return of our prisoners of war, and it provides the Vietnamese people with full opportunity for self-determination.

For these reasons, Mr. Speaker, I advocated the inclusion of a cease-fire provision in the conference report on the draft and pay bill.

Mr. BELL. Mr. Speaker, I oppose the rule that has been adopted waiving points of order to the conference report on the military pay and draft bill.

If allowed to pass as currently worded, the conference report will endanger both the financial stability of our first term GI's and the intent of Congress in passing the Legislative Reorganization Act of 1970.

Both the House of Representatives and the Senate passed military pay bills that would become effective on the first day of the first month after enactment. The conference committee rejected both versions; the effective date has been delayed to October 1.

Both the House of Representatives and the Senate passed pay bills that would provide sizable compensation increases to all servicemen. Using the technical distinction between basic pay and quarters allowance, the conference committee rejected both versions; total compensation has been reduced by over $300 million.

Furthermore, the pay increase reduction does not apply equally to all servicemen. The conferees only chose to split the difference between the two versions for the careerists, while providing the first-termer with less than under either bill.

Can Congress today condone these delays and reductions?

When the executive branch and a majority of both the House and the Senate tentatively praise the idea of a future volunteer armed services, can we fail to protest a report which may adversely affect the ability of the military to end the draft as soon as possible?

To quote the Assistant Secretary of Defense for Manpower and Reserve Affairs:

> Even if the goal of zero draft was not at stake, it is unfair to use the power of the draft to enforce inordinary low pay levels . . ." In passing the pay raises, it was the intention of Congress to assure that military compensation is "properly equated with remuneration in other areas of national life.

When the House and Senate can appropriate money to cover cost-overruns in defense procurement, is should certainly be able to pay living wages to its enlisted men.

Can Congress today condone an apparent violation of the Legislative Reorganization Act of 1970?

Clause 3 of rule 28 holds that the conference committee may only consider the differences between versions of a bill passed by both Houses. As a result of the Sisk amendment, clause 3 of rule 28 now holds that the report of conferees:

> **Shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue or proposition as so committed to the conference committee.**

Some individuals contend that this legislation must be finally enacted before the August recess to avoid the possibility that military families may suffer an actual reduction in their present monthly income ranging in amounts from $15 to $105. This particular problem is said to arise because of the necessity of extending the terminal date of the Dependents Assistance Act beyond July 1, 1971.

In view of the financial plight affecting our GI's, my distinguished colleague from Wisconsin (Mr. STEIGER) wrote the Assistant Secretary of Defense Roger T. Kelley on July 14 regarding this specific matter.

A week later he received the following reply:

> At this time we are formulating plans to continue payment of Dependents Assistance Act allowances until final action on H.R. 6531 has been completed. We have advised the joint committee members, in conference on this bill, of technical corrections needed to continue current entitlement to DAA allowances . . .

Mr. STEIGER further confirmed by phone that the Department of Defense has absolutely no intention of stopping payments to our lower ranking servicemen.

The major problem is still the conference report; it is their compromises which threaten to reduce the GI's monthly income. It is their actions that we should be able to debate and vote on today.

Mr. HARRINGTON. Mr. Speaker, I rise to oppose the rule waiving points of order against the conference report on the military pay and draft bill. If the decision of the Rules Committee stands, the House will have acquiesced in a clear evasion of a crucial provision of the Legislative Reorganization Act of 1970 that seeks to restrict the authority of conference committees within the limits of the differences committed to them.

Chairman HÉBERT argued eloquently during the Armed Services Committee consideration of the military pay bill for the necessity to act quickly and generously to bring financial relief to the long suffering lower pay grades. The report of the committee in March 1971 stated, in support of a pay scale that exceeded the administration's request by $1.7 billion, that "budget constraints" were not a compelling reason for not adopting levels of pay that were required by the standard of equity. The committee emphasized:

> If constraints were to be placed on the budget, they were not to be placed there at the expense of young men who make an inordinate commitment to their country by being inducted into the Armed Forces.

But for reasons that I cannot comprehend the conference committee decided to provide the lower grades with levels of pay below those set by either the House or the Senate, while splitting the difference between the two Houses only for the already much higher paid careerists. The increases for the higher ranks in this illegitimate conference bill are achieved by reducing the increases for the privates, corporals, and lieutenants.

Former Senator Albert Gore has written this year of "Congress House of Secret Deals" and of how secrecy and abuse of power pervade the House-Senate conference committees. All sessions are closed and no record is kept of what is said and how conferees vote. These secret meetings are detrimental to public confidence in the legislative process and one would have hoped that adoption of the Legislative Reorganization Act would have curbed at least some of the excesses. The example before us today, however, indicates that we are all too willing to betray our own hard-won reforms.

Mr. **RARICK**. Mr. Speaker, as we hear the pros and cons of extending the draft bill, I regard the several views and alternatives suggested as cliches and rationalizations which only becloud the hysteria and pressures of the hour.

Last night 198 Members voted against the Foreign Aid Assistance Act, having grown disillusioned at scattering taxpayers money to foreign countries around the world. Now today, less than 24 hours later, many of those same colleagues indicate their support of a measure to force American boys to be sent to foreign countries along with the money to supply arms, equipment, and housing in the foreign countries.

I do not oppose the draft per se. I feel that any country has the right to draft its men to come to the defense of that nation from attack or to prepare against its enemies. But who are America's enemies today and where are we fighting communism? With Cuba 90 miles off our shore and no precaution or military preparation, we are not being asked to ready an army for America. We are being asked to revitalize the draft laws to force American men to serve in an international army which is controlled by international policies and which will be used to achieve international goals. I could never, in good conscience, vote for any draft law which would force our men to supply bodies or numbers as policemen for secret and unidentified goals over indefinite periods of duration around the world.

Our young men are a natural resource and are just as vital to the survival and defense of our country as any other strategic resource. But forcing them to serve for purposes that they do not understand and without any hope of achieving victory so as to see an end to their military service is not only criminal, but immoral. The effect is displayed our country over. By forcing our young men to serve in other than American forces for over 26 years, many have turned against their country and are embittered at our form of government, not even understanding that their grievance has been the international politicians and not our Government.

By extending the draft, I fear that we are only wasting our manpower and gaining nothing for the freedom and interest of the American people. America is being bled white; her tax dollars drained into foreign aid, and now by a continuation of the draft, the drain of her sons into foreign aid to serve as policemen.

Those most wronged have been the patriotic Americans. The patriotic conservative Americans have never been responsible for wars or entangling international alliances. Rather, their aspirations have always been peace and individual liberty. Yet, after our country is manipulated into international commitments and foreign conflicts it is the patriotic American who rallies to the defense of his country, right or wrong, and who gets caught in trying to defend nearly indefensible actions. The real policymakers and manipulators who are responsible for America's tragic mistakes grow weary of their madness and failures, back off, and attack the extreme policies of their country—which in turn the patriotic dedicated American feels he is honor bound to defend.

Korea was clearly an international war where American men were drafted to fight under the U.N. flag. South Vietnam is but another U.N. war operated under SEATO, which is a regional defense pact under the U.N. charter, as is NATO. American men drafted to fight in any of these theaters will never be under American control nor permitted to end any conflict in the American tradition of victory.

I can never, in good conscience, support a draft to conscript American men unless they are to serve in an American army or military force for the protection of the people of the United States.

Mr. **HÉBERT**. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. WHALEN

Mr. **WHALEN**. Mr. Speaker, I offer a motion to recommit.

The **SPEAKER**. Is the gentleman opposed to the conference report?

Mr. **WHALEN**. I am, Mr. Speaker.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WHALEN moves to recommit the conference report to the committee of conference.

The **SPEAKER**. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER**. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. **WHALEN**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 273, not voting 29, as follows:

[Roll No. 237]

YEAS—131

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Biester
Bingham
Blatnik
Brademas
Brasco
Broomfield
Burton
Carey, N.Y.
Carney
Collins, Ill.
Conte
Cotter
Coughlin
Culver
Delaney
Dellenback
Dellums
Denholm
Diggs
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Fascell
Foley
Ford, William D.
Forsythe
Fraser
Fulton, Pa.
Fulton, Tenn.
Gaydos
Gibbons
Goldwater
Grasso
Green, Pa.
Gude
Halpern
Harrington
Harsha
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Howard
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Landrum
Link
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Morse
Mosher
Moss
Obey
O'Hara
Pettis
Podell
Pryor, Ark.
Quie
Railsback
Rangel
Rarick
Rees
Reid, N.Y.
Reuss
Riegle
Robison, N.Y.
Rodino
Roncalio
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
St Germain
Sarbanes
Scheuer
Schmitz
Schwengel
Seiberling
Snyder
Steiger, Wis.
Stokes
Stuckey
Symington
Thompson, N.J.
Udall
Ullman
Vanik
Whalen
Wolff
Yates
Yatron

NAYS—273

Abbitt
Abernethy
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Belcher
Bennett
Betts
Bevill
Biaggi
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Evans, Colo.
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hastings
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Long, Md.
Lujan
McClure
McCollister
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pickle

Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quillen
Randall
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Runnels
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton,
J. William
Stanton,
James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—29

Celler
Chappell
Chisholm
Clark
Clay
Conyers
Corman
Dent
Donohue
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Flynt
Hansen, Wash.
Jones, Tenn.
Leggett
Long, La.
McCulloch
Mollohan
Patman
Peyser
Saylor
Teague, Tex.
Tiernan
Van Deerlin
Waldie
Wiggins
Wilson,
Charles H.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Tiernan for, with Mr. Teague of Texas against.

Mr. Clay for, with Mr. Evins of Tennessee against.

Mr. Conyers for, with Mr. Charles H. Wilson, against.

Mr. Celler for, with Mr. Jones of Tennessee against.

Mr. Dent for, with Mr. Mollohan against.

Mrs. Chisholm for, with Mr. Leggett against.

Mr. Waldie for, with Mr. Eshleman against.

Until further notice:

Mr. Chappell with Mr. Esch.
Mr. Patman with Mr. Peyser.
Mr. Clark with Mr. Saylor.
Mr. Corman with Mr. Wiggins.
Mr. Flynt with Mr. Long of Louisiana.
Mr. Donohue with Mr. Van Deerlin.
Mrs. Hansen of Washington with Mr. Edwards of Louisiana.

Mrs. **SULLIVAN** and Mr. **FISH** changed their votes from "yea" to "nay."

Mr. **COLLINS** of Illinois and Mr. **METCALFE** changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The **SPEAKER.** The question is on the conference report.

Mr. **HÉBERT.** Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 298, nays 108, not voting 27, as follows:

[Roll No. 238]

YEAS—298

Abbitt
Abernethy
Addabbo
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews,
N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Baker
Baring
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen,
Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Evans, Colo.
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hébert
Henderson
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McCloskey
McClure
McCollister
McDade
McEwen
McFall
McKay
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Michel
Miller, Calif.
Mills, Ark.
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Reid, Ill.
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stafford
Staggers
Stanton,
J. William
Stanton,
James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—108

Abourezk
Abzug
Adams
Anderson,
Calif.
Anderson,
Tenn.
Badillo
Barrett
Begich
Bingham
Brademas
Brasco
Broomfield
Burton
Carey, N.Y.
Chisholm
Collins, Ill.
Culver
Danielson
Dellums
Denholm
Diggs
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Foley
Ford,
William D.
Forsythe
Fraser
Fulton, Pa.
Fulton, Tenn.
Gaydos
Gibbons
Green, Pa.
Halpern
Hanna
Harrington
Harsha
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Wash.
Howard
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Landrum
Leggett
McClory
McCormack
McDonald,
Mich.
Macdonald,
Mass.
Madden
Matsunaga
Melcher
Metcalfe
Mikva
Miller, Ohio
Minish
Mink
Mitchell
Morse
Mosher
Moss
Nix
Obey
O'Hara
Podell
Pryor, Ark.
Rangel
Rarick
Rees
Reid, N.Y.
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Schmitz
Schwengel
Seiberling
Snyder
Stokes
Stuckey
Symington
Thompson, N.J.
Udall
Ullman
Vanik
Whalen
Wolff
Yates
Yatron

NOT VOTING—27

Celler
Chappell
Clark
Clay
Conyers
Corman
Dent
Donohue
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Flynt
Jones, Tenn.
Keith
Long, La.
McCulloch
Mollohan
Patman
Peyser
Saylor
Teague, Tex.
Tiernan
Van Deerlin
Waldie
Wiggins
Wilson,
Charles H.

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Teague of Texas for, with Mr. Tiernan against.

Mr. Evins of Tennessee for, with Mr. Clay against.

Mr. Charles H. Wilson for, with Mr. Conyers against.

Mr. Jones of Tennessee for, with Mr. Celler against.

Mr. Mollohan for, with Mr. Waldie against.

Mr. Chappell for, with Mr. Dent against.

Until further notice:

Mr. Clark with Mr. Saylor.
Mr. Donohue with Mr. Peyser.
Mr. Patman with Mr. Esch.
Mr. Corman with Mr. Wiggins.
Mr. Flynt with Mr. Keith.
Mr. Van Deerlin with Mr. Eshleman.

Mr. **DOW** changed his vote from "yea" to "nay."

Mr. **MAYNE.** Mr. Speaker, when the name of Congressman CLAY of Missouri was called I advertently answered "yea." I have been advised by his office that he is out of the city. I ask unanimous consent that the RECORD be corrected so that he will not be shown as voting.

The **SPEAKER.** Is there objection to the request of the gentleman from Iowa?

There was no objection.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **HÉBERT.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to, and to include extraneous material.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5208, COAST GUARD AUTHORIZATION

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

The Chair hears none, and appoints the following conferees: Mr. GARMATZ, Mrs. SULLIVAN, and Messrs. LENNON, PELLY, and KEITH.

AUTHORIZATION FOR CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Wednesday, September 8, 1971, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

AUTHORIZATION FOR SPEAKER TO ACCEPT RESIGNATIONS AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until September 8, 1971, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 5208) entitled "An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. LONG, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. HATFIELD to be the conferees on the part of the Senate.

COMMUNIST PRISONER REPATRIATION

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the Communists are expert at sowing confusion in the ranks of their opponents. They used this tactic to very good advantage at the time of the recent proposal by the South Vietnamese to repatriate North Vietnamese war prisoners. It will be recalled that more than 600 Communist prisoners refused to go home. Most people in the United States saw this as an indication that the Communists would rather be prisoners in the South than return to the North. Whatever happened, the Communists succeeded in covering up the facts to the point that some now believe the Communists who remained prisoners in the South were acting on instructions from Hanoi. Undoubtedly Hanoi is willing to use its own people as pawns. Had the North Vietnamese prisoners been repatriated, there would have been additional world pressure for Hanoi to free Americans who are in Communist hands. Whatever the situation, we know that the Communists are completely callous to the problems of their own people as well as to those of other nations. I think it very likely the Communist prisoners know this and prefer to take their chances in South Vietnam.

NATIONAL TOBACCO SPITTING CONTEST

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I am happy to announce that the 17th annual national tobacco spitting contest was held this past Saturday in Smith County, Miss., which is located in my district. I had the pleasure of participating in the politicking part of the annual affair, but not the actual contests.

The two main events are for accuracy and distance. The distance title was won for the fourth straight year by Don Snyder, of Eupora, Miss. He managed a distance of 24 feet, 9½ inches. Don set the world's record last year with 25 feet, 10 inches. The accuracy event was won by Mike Thompson, of Raleigh, Miss., when he hit the bull's-eye three consecutive times.

I am told that you need a good pucker and a lot of wind to be proficient in tobacco spitting. I would suggest in good humor that some of my colleagues consider entering the contest next year.

OPPOSITION TO FORCED BUSING

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I want to take this occasion to commend President Nixon for his announcement of yesterday, in which he stated once again his opposition to the policy of forced busing to achieve a racial balance in our public schools.

This announcement, Mr. Speaker, was more than a statement by the President. It was, in the truest sense, the voice of the American people. Every opinion poll ever taken on this subject has revealed that an overwhelming majority of the American people oppose forced busing.

President Nixon, as the elected representative of all the people, spoke forcefully in their behalf yesterday, when he made unmistakably clear that his administration will enforce only the minimum busing standards as required by the Supreme Court's interpretation of the law.

As Chief Executive Officer of the Government, the President is charged with the responsibility of seeing that laws, as interpreted by the courts, are enforced. That is his constitutional duty, as we all must understand.

But the President also has a constitutional duty to "insure domestic tranquillity," and this he is attempting to do by minimizing the disruption and chaos that has come to characterize the implementation of forced busing in this country.

President Nixon is doing what he can do to try and "insure domestic tranquillity," as evidenced by his announcement yesterday that he will seek an amendment to his emergency school funding bill to prohibit the use of Federal funds for forced busing.

This action represents the limit of the President's authority in this matter. He can only enforce the law.

But we in this body have the power to make law, even to change the Constitution itself if such a change is required.

In view of the Supreme Court's recent decision in the Charlotte case, it appears that only such a constitutional amendment can bring about the change in policy the American people have persistently and rightly demanded.

I have introduced a joint resolution, House Joint Resolution 646, which calls for a constitutional amendment prohibiting the assignment of students to a particular school on the basis of race.

I urge my colleagues to join me in this effort to restore rightful authority to the people's will, and to restore sanity to public education in America.

OPPOSITION TO MASSIVE BUSING OF SCHOOLCHILDREN

(Mr. BAKER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BAKER. Mr. Speaker, it is heartening to see the President remains strongly opposed to massive busing of our children for the sole purpose of achieving numerical racial balance in our schools.

We who believe that such massive busing unfairly heaps burdens on the children and parents involved, and presents school districts with staggering financial and logistic problems, will follow closely indeed the Justice Department's appeal to the U.S. Fifth Circuit Court of Appeals in New Orleans.

OPPOSITION TO MASSIVE BUSING OF SCHOOLCHILDREN

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, in view of the President's statement yesterday with regard to his request that no funds be appropriated for the busing of schoolchildren to achieve racial balance, I think it is incumbent upon this body to take the additional step of passing a constitutional amendment which will restore the neighborhood school to our communities and end the madness of forced busing once and for all.

The people in my district, in the cities of Norfolk and Portsmouth, are being forced to bus children in grades 1 through 12 this September. Hundreds of parents have written to me, bitterly protesting the inconvenience and expense, and the deprivation of the right of their children to go to the school closest to them. Many people who can ill afford it will have to pay for this out of their own pockets. They must truly believe that madness has seized us.

On the one hand, the President has declared that he is against massive busing and has instructed the Secretary of HEW to keep it to a minimum and not to request funds for that purpose. Yet on the other hand the courts are forcing our school boards to accept bizarre plans which are bringing about a mass shuttle of pupils from one portion of the city to another.

I say again, let us end this madness once and for all with a constitutional amendment which will say to everyone—to the courts, to HEW, and to the people of the United States: Every public school child shall have the right to go to the school that is in his neighborhood.

Thank you, Mr. Speaker.

HAILS PRESIDENT NIXON'S ANTI-BUSING STAND

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. YOUNG of Florida. Mr. Speaker, during the 1968 Republican National Convention, I discussed with President Nixon the crisis facing America's school systems and the injustices of massive forced busing of our young people. As a candidate for President, Nixon spoke out strongly against forced busing.

Later, as our President, he spoke out again, against busing, and for the preservation of the neighborhood school system which has helped make this country great.

I am proud to note that yesterday, the President courageously repeated his stand against forced busing, and repudiated an extensive busing plan mapped out by some of the social experimenters in the Federal bureaucracy.

The biggest threat to our school and quality education in America today comes from meddling by the Federal courts. The President is opposed to busing; the Congress is opposed to forced busing yet the courts order it anyway.

The Congress must break the deadlock and amend the Constitution to protect the right of every student to attend his neighborhood school without regard to race, creed, color, sex, or national origin.

Such legislation is bottled up in committee. We must get it to the floor so the people of America, through their elected representatives, can be heard on this critical matter.

I respectfully urge my fellow Congressmen to join this cause by signing discharge petition No. 6 to bring a constitutional amendment to preserve the neighborhood school system, House Joint Resolution 600, to the floor for action.

COMMENDATION OF PRESIDENT FOR OPPOSITION TO MASSIVE BUSING OF STUDENTS

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I should like to commend the President for his statement of yesterday reiterating his opposition to massive busing of students for the purpose of achieving racial balance. The President's statement should help to dispell the fears of many parents.

I believe the time has come, Mr. Speaker, when we need to be more concerned about the quality of education in our schools throughout the entire Nation than achieving an artificial racial balance. We need to treat students not as black students or white students but as individuals. The test of whether a school meets the desegregation requirements of the Nixon administration should be that no discrimination is allowed not that children must be forced to attend a certain school in order to have a certain racial balance.

I hope, Mr. Speaker, that this test will apply in other areas of our social problems as well, including employment and housing and not that we require racial quotas in these areas. In fact, Mr. Speaker, I should like to see enacted an amendment to the Constitution which would state that we shall not have, in schools, housing, or jobs, classification of Americans based upon race but that each American be judged on himself as an individual.

CONSTITUTIONAL AMENDMENT TO PRESERVE NEIGHBORHOOD SCHOOLS

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, for some time I have had a proposed constitutional amendment to preserve neighborhood schools before the House Committee on the Judiciary. The chairman of that committee advised me in writing that no hearings would be held on this proposed legislation. Therefore, I introduced a discharge petition on the basis of that letter from the chairman of that committee.

Any Members who would like to join in trying to preserve the neighborhood schools will find that a good vehicle to do so, and may wish to sign the discharge petition.

Mr. Speaker, with regard to the President's position in respect to busing, there is one thing about it that I do not know, and which I have not heard clarified by the news media. What needs clarification is what is going to be done with regard to the many millions of dollars of expenditures required of the southern schools to accommodate themselves to the various decisions by the various courts? Is not Federal financial assistance required for this? In the district I represent there will be some 85,000 students required by Federal courts to be bused this fall for racial reasons, over 60 percent of the entire school population. There are not sufficient local funds to accomplish this busing and also provide minimal education. Both the Negroes and the whites are protesting. As a matter of fact, I understand that the NAACP is appealing the decision because Negroes do not wish to have their children bused all across the wide territory involved, much of it in congested city streets.

Please each of you sign the discharge petition.

THE PRESIDENT'S FORTHRIGHT STATEMENT ON THE BUSING ISSUE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I am pleased to see so many Members of the House on both sides of the aisle speak out in praise of the President's very forthright statement yesterday on the busing issue. It is my firm belief that the President's statement will now put the whole desegregation bill into a more positive perspective. I am particularly pleased to see this statement, because recently, when I said that the desegregation bill was nothing more than a massive busing bill, Secretary Richardson challenged my analysis.

It is quite apparent, now that the President has taken a look at this bill, he has taken his action yesterday to make sure it does not become a massive busing bill.

I have a special order at the end of our proceedings today to discuss at length legislation pending before my subcommittee, and I should like here to just add one footnote: I was impressed that this message came down the pike from the White House yesterday, 24 hours after the House took positive action, by a vote of 351 to 36, on a related issue.

Miss Maggie Hunter, of the New York

Times, was the only one who covered a story on the House vote and pointed out the one-sided vote of 351 to 36 in support of the Collins amendment shows the extent of growing concern among House Members about massive busing plans plaguing the Nation.

Obviously, Mr. Speaker, Miss Hunter's story proves once again that when the New York Times sneezes, the White House catches pneumonia.

HEW BREAKS OWN GUIDELINES TO APPROVE REPRESSIVE REAGAN WAIVER REQUEST

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker, I am outraged to learn that the director of California's State health-care services program, Dr. Earl Brian, has just released information indicating that the Department of Health, Education, and Welfare plans to approve Governor Reagan's waiver request entitled "The Medi-Cal Program Plan To Evaluate the Effects of Token Copayment, July 1, 1971–June 30, 1974."

When the waiver request first came before it, HEW guaranteed that no decision would be made until after August 20 in order to allow all interested parties to comment on the proposal.

Now it seems that the final decision has already been made.

The copayment plan requires welfare recipients to pay $1 for each outpatient visit, each prescription, each pair of eyeglasses. In conjunction, a statewide 3-year study would be conducted to determine effects of the scheme upon the demand for medical services by welfare recipients.

I totally oppose such a plan. Those people who manage to subsist in California on welfare payments can barely pay for rent, utilities, food, and clothing. To add new financial burdens to people who already receive the worst medical care is irresponsible.

One dollar may seem little to us, but to welfare recipients, it can be margin between seeking medical care and not seeking it. And we must remember, that in most poor neighborhoods, medical care is not readily available, and so there are always expensive transportation costs for those seeking health care.

I am sending the following letter to Secretary Richardson today seeking to know why the waiver has been approved, and why the August 20 dateline was abrogated.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, August 4, 1971.

Hon. ELLIOT T. RICHARDSON,
Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: I have just learned that the Department is going to approve Governor Reagan's waiver request "The Medi-Cal Program Plan to Evaluate the Effects of Token Co-payment, July 1, 1971–June 30, 1974".

I understood that the Department set a date of August 20, 1971 for all interested parties to comment on the proposed waiver. Now I learn that the Director of the state Health Care Services program says the Department is going to approve the request.

Can you tell me, as soon as possible, why the August 20 dateline has been abrogated, and why the Department is giving its approval to this scheme.

Thank you very much.

Sincerely,

RONALD V. DELLUMS,
Member of Congress.

PERSONAL STATEMENT

Mrs. MINK. Mr. Speaker, the gentlewoman from New York (Mrs. ABZUG), was unavoidably detained in New York on official business during rollcalls Nos. 147 and 148. Had she been present, she would have voted in the affirmative on both.

Mr. Speaker, I would like to state that the gentlewoman from New York (Mrs. ABZUG) was unavoidably out of the Chamber during rollcall No. 199. Had she been present, she would have voted for the adoption of the resolution.

PERSONAL EXPLANATION

Mr. KEITH. Mr. Speaker, I was unavoidably detained during the vote on the conference report on the draft bill. Had I been here I would have voted "yea," and I would like the RECORD to so show.

PLAYBOY PLAZA PLAYMATES

(Mr. GROSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, the Southeastern Association of Community Action Agencies will stage an all-expenses-paid meeting in Miami Beach, Fla., August 11 through 14, 1971. These "poverty fighters" have been extended a special invitation by the Playboy Plaza Hotel in Miami Beach. Among other inducements to go to the Playboy Hotel is a beautiful pool and cabana area living room, playmate, VIP room, and penthouse.

Mr. Speaker, I hope that the "poverty fighters" have a very pleasant sojourn at the Playmate Playboy Hotel.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am happy to yield to the gentleman.

Mr. HALL. Did the gentleman say "playmates" were furnished as a part of this package deal?

Mr. GROSS. I cannot say they are furnished, but "playmate" is specified in the invitation.

Mr. ANDREWS of Alabama. Will the gentleman yield?

Mr. GROSS. Of course I yield.

Mr. ANDREWS of Alabama. Will the taxpayers pay for that era of entertainment and play?

Mr. GROSS. It is an all-expenses-paid meeting.

Mr. ANDREWS of Alabama. Well, the taxpayers will pay for it.

INTERSTATE AGREEMENT REGARDING CERTAIN MOTOR VEHICLE FEES

Mr. McMILLAN. Mr. Speaker, I call up the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

H.R. 9580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, which shall stipulate that any person—

(1) who operates in the District of Columbia and in the State which is a party to the agreement a single unit motor vehicle which has three or more axles and which is designed to unload itself;

(2) who has registered that motor vehicle in the District of Columbia or in that State; and

(3) who but for the agreement is required to pay the fee for an annual hauling permit prescribed by the fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5–316), and a similar fee imposed on the motor vehicle by that State;

shall not be required to pay a fee described in paragraph (3) which is imposed by a jurisdiction other than the jurisdiction in which the motor vehicle is registered.

The SPEAKER. The Chair recognizes the gentleman from South Carolina.

Mr. McMILLAN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Speaker, I thank my chairman for yielding.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: Page 2, insert at the end of line 13 the following: "If the Commissioner enters into an interstate agreement under this Act, he may adjust the annual hauling permit fees of the District of Columbia referred to in paragraph (3) so that the total amount of fees (including registration and inspection fees) required for the operation in the District of Columbia and in each State which is a party to such agreement of the vehicles referred to in paragraph (1) shall be uniform."

The SPEAKER. Is there objection to the present consideration of the amendment?

There was no objection.

Mr. McMILLAN. Mr. Speaker, I have had an opportunity to discuss this amendment with the Members on the minority side and the Members on the majority side, and we agreed to accept this amendment.

Mr. NELSEN. Mr. Speaker, I want to

comment that Mr. MIKVA had some well founded concern about this bill, and we discussed it with the majority and the minority, and we believe that this amendment will produce some of the adjustment that Mr. MIKVA was concerned about.

Mr. Speaker, I am in full agreement with the bill as passed with the amendment.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the bill, H.R. 9580, of which I am pleased to be a cosponsor.

The purpose of this bill is to authorize the Commissioner of the District of Columbia to enter into reciprocal agreements with the States of Maryland and Virginia, to the effect that the owners of single-unit, self-unloading trucks with three or more axles which operate both in the District of Columbia and in either of these neighboring States will be required to pay registration and hauling fees only in the jurisdiction in which the vehicle is registered.

We have recently been apprised of a very serious inequity which exists at the present time in regard to these fees, particularly with respect to the operation of these dump trucks between the District of Columbia and the nearby counties of Maryland, which is posing a very real threat to the ready operation of these vehicles on an interstate basis.

No problem existed in this area before last April. Prior to that time, out-of-State trucks weighing not more than 44,000 pounds could operate in the District of Columbia on an interstate basis without the payment of any fee to the District, though such a truck engaged in point-to-point operation in the District was required to be registered and licensed in the city. Such trucks with a gross weight in excess of 44,000 pounds but not more than 49,000 pounds—the maximum weight then permitted to operate on the District of Columbia streets—were issued a special hauling permit for an annual fee of $28.

A section of the 1970 District of Columbia Revenue Act, however, which became effective on April 5, 1971, changed this picture radically. This provision increased the maximum gross weight allowed for dump trucks operating in the city to 65,000 pounds, which was realistic in view of modern trends in the trucking industry. However, this new law also imposed a requirement that all single-unit dump trucks with three or more axles and with a gross weight of more than 44,000 pounds, obtain an annual hauling permit in the District of Columbia, the fee for which is set, first, for trucks placed in service prior to July 1, 1970, at rates ranging from $380 to $680, depending on the weight capacity of the vehicle; and, second, for trucks out into service subsequent to that date, $680 per year. All such vehicles operating in the District of Columbia, regardless of where they are registered, must obtain this hauling permit.

In addition, the requirement still exists that all trucks registered outside the District but operated from point to point within the city must be registered in the District. The annual fee for this registration presently ranges from $53 to $269.50, according to the weight of the vehicle. Since the typical modern dump truck is a vehicle with a wheel base of 16 feet and a gross weight capacity of 65,000 pounds, most such vehicles pay the maximum District of Columbia registration fee.

I wish to state at this point that inasmuch as the State of Virginia maintains a maximum gross weight limit of 50,000 pounds for single-unit dump trucks operating in that State, there is relatively little interstate operation of such vehicles between Virginia and the District of Columbia. Hence, no real problem exists in this regard, and the authority provided in H.R. 9580 for an agreement between the District and the State of Virginia has no real significance under present circumstances. The reason for this provision in the bill, however, is to arm the District of Columbia Commissioner with this authority in the event that this situation between these two jurisdictions may change in the future.

The situation with respect to the small trucking operators whose vehicles are registered in the District of Columbia or in Maryland, however, and who of necessity must operate in both these jurisdictions, is grim indeed by reason of this very substantial increase in the fee for annual hauling permit imposed in the District of Columbia.

The problem besetting the small truck operators whose vehicles are registered in Maryland is briefly the following. A Maryland dump truck may be operated into or out of the District of Columbia, on an interstate basis, but not point to point within the District, without payment of any additional fee, provided the gross weight of the vehicle does not exceed 44,000 pounds. This, however, applies to only a small number of such trucks, because few are within this weight limitation.

In order for the Maryland vehicle to operate in the District at a gross weight of 65,000 pounds, which is a typical weight capacity, the operator must purchase a District of Columbia annual hauling permit for $680 which allows the operation of his vehicle into or out of the District, on an interstate basis, but not point to point within the District.

For operation point to point within the city at 65,000 pounds gross weight, the Maryland registered vehicle would also be required to have a regular District registration plate in addition to the annual hauling permit, at a cost of $269.50.

Thus, for full and unlimited operation in the District of Columbia, such a Maryland vehicle would have to pay the District a total of $949.50, on top of his very substantial fees to the State of Maryland. To appreciate the full impact of this situation, it must be remembered that in many cases the Maryland truck is required to operate in the District for only a very short period of time, in connection with a particular contract, but the full annual fees to the District must still be paid, regardless of the time involved in the operation.

The small-scale truck operators in the District of Columbia, most of whom are minority contractors, face the same problem because the nature of the trucking business makes it virtually imperative that they operate to some extent in Maryland.

A dump truck not registered in Maryland, and with a gross weight not in excess of 48,500 pounds, may operate interstate in Maryland, though not from point to point within that State, without charge. Again, however, this offers little benefit to the District of Columbia operators because most such vehicles in present-day use will exceed that weight limitation.

As is the case in the District, point-to-point operation in Maryland requires Maryland registration, and the fee for a truck not more than 48,500 pounds in weight, for such registration, would be $280.

In the case of dump trucks in excess of 48,500 pounds, rather than levy the $280 registration fee plus a separate charge for the additional weight, Maryland simply requires a dump service registration at a fee of $13 per thousand pounds. Thus, a 65,000 pound such vehicle would pay Maryland an annual special registration fee of $845. In the case of the truck registered in the District of Columbia, this charge is in addition to the large fees he must pay to the District.

Again, it must be pointed out that this requirement of $845 to the State of Maryland is imposed on the District trucker regardless of the fact that his operation into Maryland may be of very short duration.

While the larger trucking firms in the area may be able to absorb these charges with little real difficulty, I am advised that for the small operators this very substantial increase in the District of Columbia annual hauling permit fee has created a real hardship. I am told that these 65,000-pound dump trucks cost some $30,000, and with the proliferation of fees and taxes with which these truck operators are faced, they must operate necessarily on a small margin of profit. Thus, they actually cannot afford this newly increased charge incident to their operation between Maryland and the District.

At the time we enacted the 1970 District of Columbia Revenue Act, we were requested by the District of Columbia government to include this section which increased the weight limitation on trucks operating in the city, and also to enact the new schedule of fees for the annual hauling permit. The rationale for setting this maximum fee at $680 was that the District of Columbia Department of Highways and Traffic estimated that this charge would bring in just sufficient revenues to pay for the additional damage to the streets in the city which these heavier trucks would cause. It is presently estimated that this fee will bring in some $347,250 annually to the District. Of this amount, 70 percent, or $243,000, will accrue from trucks registered in Maryland, and only 1 percent, or $3,450, will be attributable to trucks from Virginia.

As I have said, I am convinced that the

increase in maximum gross weight of these trucks to operate in the District of Columbia was a sound move, simply because the dump trucking industry has developed to the point where vehicles of 65,000 pounds gross weight capacity are in common use and now provide for the most economical operation. Also, I recognize the indisputable fact that such heavy vehicles do indeed cause additional damage to the streets and roadways on which they operate. What I did not realize at that time, however, and which has since been brought to my attention quite forcefully, is that it is basically unfair to the small truck operators to charge this expense solely to the industry itself, in the form of this exorbitant hauling permit fee.

In view of the tremendous volume of hauling which must be accomplished in the District of Columbia, and in the entire metropolitan area in the next few years, by reason of the construction of the Metro rapid rail transit system, and the many other large building projects now underway or scheduled for the near future, it is apparent that the demand for dump truck operations will tax the available facilities in the area for some years to come. For this reason, I feel strongly that it is in the public interest that steps be taken to assure the truckers in the Washington metropolitan area the opportunity to engage in business, on an interstate basis, under fair and reasonable conditions.

Under existing law, the Commissioner of the District of Columbia has the authority to enter into reciprocal interstate agreements with respect to the registration and licensing of trucks, and in fact, the District entered into just such an agreement with the State of Virginia in 1947, for which reason District registered trucks do not have to register in Virginia nor vice versa, even for point to point operation in the other jurisdiction. However, the District of Columbia Commissioner does not have authority at present to enter into such agreements with respect to the District of Columbia annual hauling permit fee; and as I have pointed out, this is the crux of the present problem existing between the District of Columbia and the State of Maryland. Maryland does have the authority, however, to negotiate such an agreement with the District of Columbia, and a spokesman for the Maryland Department of Motor Vehicles has indicated that they are ready and willing to do so. Thus, the bill H.R. 9580, which will afford the District of Columbia Commissioner the requisite authority, holds the key to the solution of this problem.

Any opposition to this proposed legislation on the grounds that it will cost the District of Columbia government some $245,000 per year in loss of revenue from the District of Columbia annual hauling permit fee is shortsighted indeed. In the first place, this estimate assumes that all trucks presently registered in Maryland but operated in the District will continue to be registered in Maryland, when actually there may be reason to believe that some of these vehicles may become registered in the District of Columbia instead, in which case there will be no loss of revenue to the city where these vehicles are concerned. Furthermore, in the event this agreement is not consummated between the District and the State of Maryland, the only recourse available to these small truckers, other than to go out of business in the Washington metropolitan area, will be to increase their charges for their services. Should this occur, the increased cost of construction of the Metro system alone will probably exceed any loss these agreements may cause to the District of Columbia highway fund. Thus, the taxpayers certainly cannot lose by the enactment of this proposed legislation.

Mr. Speaker, I urge the support of my colleagues for the speedy passage of this bill.

Mr. MIKVA. Mr. Speaker, I am grateful to the ranking minority member of the District Committee, the gentleman from Minnesota (Mr. Nelsen), and to the members of the committee who supported H.R. 9580, for their willingness to reach an agreement on this amendment which removes some of the objections I had with the bill as it was reported.

As introduced and reported H.R. 9580 would have authorized the District of Columbia to enter into agreements with the suburban jurisdictions lowering the total fees required for operation of heavy dump trucks. At present, many trucks which haul dirt from excavation sites in the District to landfill sites in the suburbs are required to pay fees both to the District of Columbia and to the suburban State. H.R. 9580 is intended to lower the total fees required for interstate operation by providing that both suburban and District of Columbia truckers need pay the fees only to the one jurisdiction where the business is located. The justification urged on behalf of the bill is that without such relief, small truckers in the District of Columbia, as well as in the suburbs, will be driven out of business by the high cost of licensing and hauling fees.

My amendment would insure that some measure of relief is provided to truckers in the District of Columbia, many of whom are small operators and many of whom are minority entrepreneurs. The amendment would authorize the District of Columbia to adjust its trucking fees so that, after an interstate compact is concluded, the total amount of fees required is the same for suburban truckers as for District of Columbia truckers. At present, District of Columbia truckers pay about $100 more than Maryland truckers. Interstate agreements such as those contemplated under this bill as it was originally introduced would have provided reciprocality, but not uniformity. In other words, all truckers would have paid less, but District of Columbia truckers would still have been paying $100 more than Maryland truckers. This inequality would have made it more difficult for District of Columbia truckers to bid competitively for hauling contracts. My amendment will result in equalization of the total fee burden, and will enable District of Columbia truckers to compete on an equal basis. This is especially important in light of the substantial amount of hauling which is being generated by excavation for the new Metro.

The District of Columbia will be deprived of some revenue if such reciprocal agreements are put in force. But with the amendment which my colleagues have graciously agreed to support, the bill will at least maintain the competitive position of minority and other small truckers in the District of Columbia who wish to get their fair share of business from such massive construction projects as the Metro and the new Library of Congress addition.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois (Mr. Mikva).

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

House Resolution 574 was laid on the table.

TO AMEND TOBACCO MARKETING QUOTA PROVISIONS

Mr. ABBITT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6915) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 318(b) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting in clause (1) following the word "county" the following ": *Provided,* That in the case of Virginia fire-cured tobacco type 21 and Virginia sun-cured tobacco type 37, any such transfer may be made to a farm in another county in the same State".

(Mr. ABBITT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ABBITT. Mr. Speaker, H.R. 6915 simply provides that as to Virginia dark-fired tobacco type 21 and Virginia sun-cured tobacco type 37, both of which are raised exclusively in Virginia, transfer and sale or lease may be made across county lines in said State. This bill is vitally important and will be of tremendous assistance to the producers of Virginia dark-fired and air-cured tobaccos. There is no opposition so far as I am able to ascertain by anyone to this bill. The Department of Agriculture has recommended its passage and other types of dark-fired and air-cured tobacco producers have indicated that they have no objection to the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPROPRIATION FOR EMERGENCY EMPLOYMENT ASSISTANCE, DEPARTMENT OF LABOR, 1972

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 588 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 577

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. Sisk) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 577 provides an open rule with 1 hour of debate on House Joint Resolution 833, which implements the emergency assistance Employment Act of 1971.

House Joint Resolution 833, being for a single purpose, is not regarded as a general appropriation bill. For this reason it was necessary to grant a rule providing for its consideration.

The purpose of House Joint Resolution is to appropriate funds to implement Public Law 92–54, the Emergency Employment Assistance Act of 1971. This act provides during times of high unemployment for programs of public service employment for unemployed persons and assistance to States and local communities in providing needed public services.

House Joint Resolution 833 provides appropriations in the amount of $1 billion designed to provide jobs in public service to approximately 150,000 people. This is the amount requested by the President for this purpose.

Under this legislation $600 million will be allocated on a two-part formula in which both the numbers of unemployed persons and the relative severity of unemployment will be given equal weight. The funds will be apportioned among the States, based on the number of unemployed nationwide, and on the number of the States' unemployed in excess of 4.5 percent. No State will be allocated less than $1,500,000 regardless of its unemployment status. The Secretary of Labor is given discretion in allocating $150 million which also includes the funds for administrative expenses and program direction.

The sum of $250 million is reserved for areas of substantial unemployment. An "area of substantial unemployment" is defined as "any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 6 percent for 3 consecutive months as determined by the Secretary."

House Joint Resolution 833, as reported by the Appropriations Committee, is in accord with the budget proposal of the President, with the exception of a limitation on the amount which may be used for program direction and support, administration of the program at the local level, and for agent assistance and statistics. Funds for this purpose are limited to $50 million.

Mr. Speaker, the presentation of this legislation before the Committee on Rules was quite interesting. I might say the hearings before the subcommittee conducted by the gentleman from Pennsylvania (Mr. Flood) were rather interesting. Many of us who supported this legislation at the time of the authorization, of course, were hopeful that this program would be beneficial and certainly we still have that hope.

However, upon reading the testimony that was offered in the hearings during the time that the Committee on Appropriations was considering this, it leaves something to be desired, in my opinion.

It seems to me there is a great possibility that there may be some considerable distortion by the administering agent in this case as against what the intent of the Congress was at the time that this act was passed.

I think a mere perusal of the hearings indicates some concern in connection with this and I would hope that during the debate on the matter there will be some further explanation as to the way in which we are going to see to it that this money is properly used.

I think there is no doubt—and in fact it was brought out pretty clearly in the testimony—that this is definitely revenue sharing and that there are some rather interesting things that can occur in connection with the administration of the program even though according to the testimony the Department retains a complete veto over any program that is proposed.

Mr. Speaker, I urge the adoption of the resolution in order to permit the Committee on Appropriations to explain the bill.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I concur in the remarks made by the distinguished gentleman from California (Mr. Sisk).

I can simply add that this is another rather unique rule from the standpoint of the fact that it is a 1-hour open rule for the consideration of an appropriation bill. Usually we do not set time on those bills but as the gentleman from California stated this is not a general appropriation bill and in this case we had to have a rule because it did not come through the regular channels according to the Constitution and according to the rules. But on July 12 we did pass the Emergency Employment Act which authorized $1 billion and this is for the purpose of funding that $1 billion.

I certainly hope it works out in accordance with the intention of those supporting this particular resolution as well as the bill.

Mr. Speaker, I urge the adoption of the resolution.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. Colmer).

Mr. COLMER. Mr. Speaker, I am going to take about 3 minutes, not to explain the workings of this bill or how it is to be implemented, because I have not been able to find out, and no one else that I have appealed to seemed to understand just how this $1 billion is going to be spent. But the idea here is that we are going to spend $1 billion. We are going to hand it out, first, to the Secretary of Labor. Then he is going to dole it out to cities or counties under certain conditions. Under other conditions the Governor will be able to dole it out.

Incidentally, I just want to say that I never saw so much money appropriated in such a small bill. The joint resolution appropriating $1 billion contains only 2½ lines, without the trimmings.

I do not know how the money is going to be spent and, as I have said, I have not found anyone who knows how it is going to be spent. But I imagine that there is going to be a lot of politics involved, both on the local and the national level. I am not charging that there is any partisanship in this. Both sides feel that they are going to get some benefit out of it. Whenever money is spent, people expect to get something out of it.

I just want to call your attention to one thing. Where are you going to get this $1 billion? We just had a report from the President of the United States that instead of the expected surplus we have a $23 billion-plus deficit, and that is under one definition of a deficit. If you bring in the trust funds, it is more than a $30 billion deficit for 1971. Can anyone here say that it is going to be less than $30 billion for 1972? It is anticipated that we will have a $35 billion deficit for 1972 in addition to the trust funds which must be borrowed and paid back.

One of the able, learned, and knowledgeable members of the Appropriations Committee told me the other day that we were spending $40,000 a minute—get this—$40,000 a minute to pay the interest on the national debt. Incidentally, that interest is almost five times what it was costing us to run the whole Federal Government when President Franklin D. Roosevelt and I came to Washington. We owe over $400 billion at the present time.

We are told by those in authority that

they are going to have to come to you again to increase the public debt ceiling above $430 billion, the present debt limit.

How long can we go on with this kind of business? Can we continue to spend and spend and spend and elect and elect and elect indefinitely? Again, my purpose in arising here was just for the umpteenth time to raise the storm warnings, and I would suggest that we take heed of those warnings before the storm overtakes us and engulfs us.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee for the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 833), with Mr. BOLLING in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas (Mr. MAHON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. BOW) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. WILLIAM D. FORD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 239]

Abourezk
Alexander
Ashley
Baring
Blanton
Buchanan
Carey, N.Y.
Celler
Chamberlain
Chappell
Clark
Clay
Conyers
Dent
Diggs
Donohue
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Flynt
Foley
Fraser
Frenzel
Gray
Hébert
Horton
Jacobs
Jones, Tenn.
Landgrebe
Long, La.
McCulloch
McEwen
Mikva
Mollohan
Moorhead
Patman
Peyser
Powell
Pryor, Ark.
Railsback
Rees
Reid, N.Y.
Rosenthal
Roy
Saylor
Scheuer
Sullivan
Teague, Tex.
Tiernan
Van Deerlin
Waldie
Widnall
Wiggins
Wilson, Charles H.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution, House Joint Resolution 833, and finding itself without a quorum, he had directed the roll to be called, when 376 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. MAHON. Mr. Chairman, if Members will look closely at the measure pending before them they will find they are quite involved and no doubt interested in the pending legislation.

This joint resolution is being brought before you under some unusual circumstances. It is not a general appropriation bill; therefore, it came before you under a rule, and the rule provides for 1 hour of general debate before the 5-minute rule begins. The time is to be divided equally between each side of the aisle.

This is an appropriation to implement the Emergency Employment Act of 1971. When the basic authorizing legislation was originally before the House it was passed in a different form by a vote of 244 to 142. There were 142 of us who voted against it.

In conference it was sharply revised, and on July 1 the House adopted the conference report. There were 343 of us voting for the conference report and 14 voting against it.

The authorization is for $1 billion for public type employment, like working for cities, counties, States, political entities. It is for public type jobs. It is anticipated about 150,000 people would be employed in the first year of this 2-year program.

The highest amount of pay that could be given to any unemployed person employed under this program is $12,000. The legislation provides I believe that not more than one-third of the employees under the program can be of the professional type.

The money involved is $1 billion, but it is divided in this way: $750 million is to be utilized to relieve unemployment under one system of calculation and $250 million is to be used under another system.

It is proposed that the $750 million authorized by section 5 would be distributed as follows: A sum equal to 80 percent or $600 million will be allocated on a two-part formula in which both the absolute numbers of unemployed persons and the relative severity of unemployment will be given equal weight. The funds will be apportioned among States, based on the number of unemployed persons in the State as a percentage of the number of persons unemployed nationwide, and on the number of the State's unemployed in excess of 4.5 percent as a percentage of national unemployment in excess of 4.5 percent. No State will be allocated less than $1,500,000 regardless of its unemployment status, as the law prescribes. The Secretary is given discretion in allocating the remaining $150 million of the $750 million which also includes the funds for administrative expenses and program direction.

As to the $250 million authorized by section 6, this is set aside for areas of substantial unemployment. No State necessarily gets a certain percentage or a certain amount. This sum of $250 million is for these areas of substantial unemployment which are defined as an area of sufficient size and scope to sustain a public service employment program and which has had an unemployment rate of 6 percent or above for 3 straight months. This section of the bill is designed to take care of the most urgent unemployment problems in various areas of the Nation.

There are those who argue that the $600 million should be given to all of the States on the basis of each State's proportion of the total unemployment of the Nation. These people argue that relief for areas of high unemployment should come only from the $250 million authorized under section 6.

That is a factor about which you will want to inform yourself—and make a decision on, depending on your views.

There is a table made available by the Committee on Education and Labor which shows how each State would fare under each of these two methods of distribution.

The Committee on Appropriations, in considering this matter, adopted a provision which says that the Department of Labor cannot, as it had proposed, spend some $99 million for administration, but could spend only about half that amount—$50 million. It was thought that to spend approximately $100 million for administering this $1 billion program was excessive. The committee feels that administrative costs should be held down in order to make more money available for jobs. That was the purpose of that amendment.

The conference report on the bill authorizing $1 billion for this program for fiscal 1972 passed the House by a large vote, as I said a while ago, with only 14 Members voting against it. There is no question but that we do have very serious unemployment problems. The Congress has passed this act by an overwhelming margin and I propose that we proceed to provide the approriation.

Mr. GERALD R. FORD. Mr. Chairman, would the distinguished gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I wholeheartedly endorse the comments and the observations made by the gentleman from Texas (Mr. MAHON), and I, too, intend to support the full amount, and support the action recommended by the Committee on Appropriations.

I should add, however, the footnote that I totally endorse the amendment that was made in the committee to reduce the burden of the administration of the program. As a matter of fact, I think with considerable legitimacy the limitation could have been made less because the function of the Federal Government in this regard is quite formal, and you can argue in reality it is primarily just a checkwriting responsibility, and certainly this did not justify $99 million as administrative overhead. I think we could even go a little lower.

Mr. MAHON. I thank the gentleman from Michigan for his comments.

I was concerned that such a large

amount was requested for the administration of the program. I think that the action of the committee limiting such expense to $50 million was very appropriate.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Connecticut.

Mr. MONAGAN. I would just like to ask a question about the $250 million that the gentleman said goes to areas of severe unemployment; that is, with 6 percent or above unemployment. Do they go directly to the localities, or do they go to the States?

Mr. MAHON. Assistance under this section as shown by the law itself may be provided by the Secretary of Labor to areas of high unemployment—equal to or in excess of 6 percent as the gentleman indicates.

An applicant might be a unit of local government or public agencies and institutions which are subdivisions of State or general local government, or Indian tribes on Federal or State reservations.

So applications would be made for the $250 million, as I view it, in much the same way as they would be made under the $600 million except that the 6-percent unemployment yardstick would apply.

Mr. MONAGAN. It could be a discretionary grant to divisions of local government directly, or Indian tribes, rather than to a State

Mr. MAHON. It is not required that grants be made to States or cities or subdivisions.

Mr. MONAGAN. I thank the gentleman.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield

Mr. MAHON. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, in order to clarify the question raised by the gentleman from Connecticut (Mr. MONAGAN) who just spoke, there are two funds in this bill. Under section 5 the bill provides for an authorization and appropriation of $750 million, and those funds are to be allocated to eligible applicants, and the eligible applicants are the ones the gentleman from Texas has just enumerated, and the eligible applicants are set forth in section 4 of the bill, which may be units of Federal, State, and general local government, or public agencies and institutions which are subdivisions of State or general local government, and institutions of the Federal Government, or Indian tribes on Federal or State reservations.

Now, those are the eligible applicants.

However, section 6 is an entirely different fund. That provides for an authorization—and now an appropriation of $250 million for areas of high substantial unemployment. Those areas would not necessarily be a Federal unit. It would not necessarily be a State. It would be an area—even a local community—and in the conference report it is clearly set forth. And also in the House report accompanying the bill, when it came here, we gave examples of what such areas may be. It could be the Watts area in the city of Los Angeles—and Los Angeles could itself be an eligible applicant. Or it could be Bedford-Stuyvesant.

Mr. MAHON. There is very, very wide latitude given here in the administration of this program.

There is some doubt as to what the legislative committee really meant in the authorizing legislation, as to how the 80-percent allotment should be made under section 5. I am not sure whether the committee handling the legislation, the Committee on Education and Labor, meant that all section 5 funds should be allocated under one system or whether they favored allocation under the two-part system as recommended by the Secretary of Labor in testimony before the Committee on Appropriations.

Section 9 of the bill says that the amount appropriated under section 5 of this act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

> (1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such State bears to such total number of such persons, respectively, in the United States, * * *

There is the question of whether or not the Secretary has the authority under this very broad bill to do what the Secretary says that he proposes to do.

What does the gentleman think about whether or not the Secretary has that authority?

Mr. DANIELS of New Jersey. We gave the Secretary the authority to distribute money in an equitable manner.

Mr. MAHON. In an equitable manner—he could have two or three or four systems to distribute section 5 money.

Mr. DANIELS of New Jersey. No, no, because we say in this bill whenever national unemployment arrives at 4.5 percent or higher and continues for 3 months it triggers off the program. And should it go below that it triggers the program off.

Mr. MAHON. That is the national program?

Mr. DANIELS of New Jersey. That is the national program.

Mr. MAHON. Yes; but we are not interested in that for the moment.

Mr. DANIELS of New Jersey. That is to the other program, the local programs—that is triggered when the unemployment reaches a certain figure.

Mr. MAHON. Does the gentleman say that the allocation to each State is on the basis of its percentage of unemployed in relation to the total unemployed in the Nation?

Mr. DANIELS of New Jersey. Eighty percent of the $750 million, or $600 million shall be allocated to the States on the basis of the ratio of the unemployment in that State to the national unemployment.

Here is where the confusion arises. Recently, Secretary of Labor Hodgson stated——

Mr. MAHON. The Secretary of Labor has stated that he is going to allocate the funds otherwise, as I understand the situation.

Mr. DANIELS of New Jersey. I believe that the Secretary of Labor can allocate these funds in the same manner in which this legislation was written and not in the manner that he proposed to do it.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin. I cannot yield at length, because the time is so short, and I want to reserve some time for Members who have made requests for time.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding. I must say in all honesty that I think it is very clear the authorization bill does not require the Secretary of Labor to follow only the factors listed in the bill. We said in the authorization that they should take into consideration a factor. I would not want the record to stand as showing in some way that the Secretary of Labor has exceeded his authority. Clearly, he has not.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I should like to ask the distinguished gentleman about an area of concern to me, and that is the small, rural areas. As I read the statement of Secretary Lovell, he seems to indicate that a 75,000 population level would be the amount that would qualify. I read the statement and it reads both ways apparently.

Mr. MAHON. In response to the gentleman's inquiry, the testimony before the committee indicated that in towns and counties of 75,000 or more one procedure would be followed in making the application, but in the smaller, less populous areas the Department of Labor, I believe, proposes that those applications be submitted by the State acting as agent. The State would be the agent for the less populous areas, whereas perhaps the mayor or some other local official would otherwise make the application.

Mr. DE LA GARZA. I understand that, Mr. Chairman, and this is where the problem comes and we see a lack of wisdom. For example, one county is with a group of counties for purposes of economic development. It is with another group of counties for OEO programs. It is economically and socially linked with a third group of counties. With such a multiplicity of effort, the small county gets nothing as an end result.

I am concerned that if you impose any amount of limitation as regards population, as has happened before, and I hope we might put a stop to it, that you do not neglect the smaller areas by imposing any population limit.

Mr. MAHON. I have no doubt myself but that in the administration of the program the Secretary of Labor will undertake to give equitable consideration to the rural areas and the less populous areas.

Mr. Chairman, I reserve the remainder of my time.

Mr. BOW. Mr. Chairman, I yield myself 3 minutes.

The CHAIRMAN. The gentleman is recognized.

Mr. BOW. Mr. Chairman, I shall yield to others who have more details on this bill than I have. I merely wish to say that I wholeheartedly support the proposed appropriation of $1 billion. There are many who raised their eyebrows when they heard I was supporting the measure because of some of the speeches I have made here on the floor opposing big spending. I remember one of the last ones that I delivered was when I was objecting to a vote on an agriculture bill.

May I remind you that this bill is not over the budget. It is the budget figure. When I objected to the Agriculture bill, that bill was $1.3 billion over the budget, and it contained in it some $3.6 billion to pay people for not growing crops and providing other benefits.

Now we bring an appropriation measure for $1 billion to take care of people who are out of work, whose welfare has stopped, men not on welfare now, but engineers, men who have been employed in good positions, and who, because of the winding down of the war and the closing down of defense plants, are now in need. This measure is to tide them over.

Let me point out that in the city of Cleveland, Ohio, 200 policemen had to be removed from duty in that great city because there were no funds to take care of them. If this joint resolution passes, some policemen will go back to work in Cleveland. This relates to law and order in a great city.

So I do not have any hesitancy at all, nor do I apologize to anyone for my position in respect to fiscal responsibility in saying that for a billion dollars, if we can help the unemployed and solve the problem of suffering of so many of our fellow citizens who through no fault of their own have no work but are willing to work and want to work, we shall accomplish something that will benefit our country.

This is not a welfare bill. This is a transitional bill to take care of those people over this period of time.

Mr. Chairman, I urge my colleagues to remember that time and time again we go over the budget. We talk about inflation and a $30 billion deficit. How much of that has been brought about by the House by going way over the budget on many bills that do not help those who are desperately in need?

I am very happy to say, Mr. Chairman, that in my own city of Canton, Ohio, unemployment is 3.9 percent. I am proud of that. I am happy. I think those who complain that we are not giving them enough in these formulas should be pleased if their States and localities do not need the money, but I think places like Wichita and Seattle and other places have been severely hit because of changes from a wartime economy to a peacetime economy and are really severely affected. For that reason, Mr. Chairman, I wholeheartedly support this resolution.

I hope we can find some other area where we are way over the budget so we can try to do something to cut down a bit on the large deficit.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOW. I said I would not yield, but I yield to the gentleman.

Mr. EDMONDSON. I just want to ask a question. Are the formulas under which this money is allocated to the States determined by statute, or have they been determined administratively?

Mr. BOW. It is my opinion they are determined by statute, but there are others here who are much more capable of answering the gentleman's question to whom I will yield time, and I will be glad to have them answer the question.

Mr. Chairman, at this time I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I rise in support of this bill, but I do so with some real misgivings in supporting the full funding of the bill at $1 billion. It has the potential for being a billion dollar boondoggle. It is a badly written law, loose as a goose, and because it is so nebulously written, there is a tremendous burden thrust upon those responsible for administering the bill.

The chief witness before our subcommittee was the Assistant Secretary for Manpower, Malcolm Lovell, who has had a great deal of experience in this field with job training and work programs. He wants to do a good job. I think we all feel he is sincere and devoted to the cause of making this thing work.

It could be an administrative morass. There are certainly pitfalls in doling out a billion dollars in such a short span of time, but to do what the authorizing legislation seeks to do—put people to work who currently are unemployed—requires our moving expeditiously, and this measure is supposed to provide for transitional employment in public service fields. I am concerned that it may lead to a permanent Federal subsidy for public service employees. We were told that if the average salary paid to these people is in the neighborhood of $5,000, we can expect to employ 172,000 people. If it is at the level of $6,000, we can employ 144,000. If it is at the level of $7,000, we can put on 123,000 people.

Our good chairman mentioned that under the law we can pay as much as $12,000 per individual, but the law specifically states that it shall be limited to no more than one-third of the total number at that subprofessional or professional class. But bear in mind that in the city of New York the average salary for public service employees is close to a level of $7,000. So it cuts down the number of persons we would actually like to take off the unemployed rolls. I would hope that emphasis would be placed on providing the greatest number of jobs at the lower salaried figures.

The question has been raised here as to whether or not the enabling legislation prescribed formulas for doling out this $750 million to the States.

I say again the legislation was not very specific and is open to very flexible administration.

I believe in promulgating this second factor; the people downtown charged with this responsibility have taken the Congress at its word—that we wanted to give more emphasis where the problem was more severe. First we take into account the total number of unemployed in a State compared to the total in the country. Then giving equal weight to a similar comparison of only that number in excess of 4½ percent. That is good and sound.

The third step would be those areas of 6 percent or more qualifying under the special $250 million.

I must confess if we were to use only one factor my own State of Illinois would fare much better. Instead of getting $18 million or $19 million we would get $30 million. Several other States would be in the same kind of situation. But, as a State, we are relatively in pretty good shape in Illinois. We do not have as severe unemployment as some of the others do.

Frankly, from the standpoint of pure philosophy, I would much rather help those areas which are more destitute, with higher unemployment than we have in Illinois. So when that issue is enjoined, if it is later this afternoon, I will have to support the committee proposition here, because it puts the emphasis on the severity of unemployment, and that is the way it should be.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Indiana.

Mr. DENNIS. There were 142 of us here on the second day who voted against this bill in its original form. I realize there have been considerable changes. I wonder if the gentleman would mind refreshing this Member's memory, at any rate, as to what are those basic changes which might justify a change of position.

Mr. MICHEL. I must say that I was one of those voting against the legislation originally because it was of a permanent nature. The conference report came back with a bill that was considered to be transitional and I want it limited to simply helping us over this unemployment problem that confronts us currently. That is why I opposed the original bill and voted for the conference report.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, it seems as though the greatest concern today comes from the proposal of the administration to use two factors in devising the formula for distributing the money.

The law in section 9 reads that not less than 80 percent shall be apportioned among the States in an equitable manner, and then it reads "taking into consideration the proportion which the total number of unemployed persons in each such State bears to such total of such persons, respectively, in the United States," and then not less than $1.5 million in any one State.

When the administration looked at that, from all the legislative history they could see, it appeared they were supposed to do it as equitably as possible and they have to take that one factor into consideration, which they did, as to the amount of unemployment as it relates to total unemployment in the country. As indicated before, in the debate in both bodies, there is more severe unemployment in some parts of the country than in others. The administration felt if they were going to distribute this as equitably as possible they had to take into consideration the extreme unemployment which exists in some States.

As Members know, we never went below 3 percent unemployment at a time when there was full employment, supposedly, in this country, so we are going to have some unemployed people in communities all over this Nation no matter how good the economy is.

Therefore, you cannot distribute this money so that a little bit of it dribbles to where there are just one or two people unemployed. We should really have an impact with this $1 billion. We will have to concentrate some of the money and put some of the money where severe unemployment is.

Title VI is written for the purpose of concentrating money with $250 million where the unemployment is above 6 percent. However, the administration decided that where the unemployment was above 4.5 percent in a community, which is a national triggering device, it appears that the Congress would want to have more of the money distributed there. For that reason, I guess, we have come into this conflict. Many Members look at the table and see which formula gives his State the most money. But there should be a concern for the Nation as a whole. That is really our major concern. Our major concern is helping to relieve unemployment in this country and not bring home as much bacon as possible to our own districts. It is true we want to bring home the bacon that is fairly ours, but we want to do it in an equitable manner.

I think we ought to permit the administration to take into consideration not only the amount of the unemployed in the State related to the total number of unemployed in the Nation but also the amount of severe unemployment which is existing in certain communities as it relates to severe unemployment around the Nation.

The Congress in the authorization bill it passed, put down 4.5 percent as the amount of unemployment nationally which appears to them to be severe and which therefore triggers this formula.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield to me?

Mr. QUIE. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. It is my recollection that consistently the Congress in many Federal aid programs cranks in an extra genorous amount of help for those States or areas where there is a special need. It just happens in many, many cases my State, for example, has not been able to qualify for those extra benefits under one program or another. We have been willing to be more generous in such cases because our needs in certain instances did not exist to the extent that others had it. In this case, because in our State we have relatively high unemployment and we have pockets in the State where unemployment is even higher, naturally we believe that the Secretary's decision is the right one. I hope and trust that some of those States that over the years have been the beneficiaries of the generosity of some States like Michigan will not now say, "Well, let us spread it across the board. That is the right way." We did not take that attitude a few years ago in many, many programs.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I will be glad to yield to the gentleman.

Mr. BOLAND. I want to congratulate the gentleman on his explanation of this particular point.

Is it the opinion of the gentleman and others who serve on this committee that the discretion of the Department of Labor, the Secretary of Labor, with reference to his formula is a correct one? Can he make this decision under the law itself?

Mr. QUIE. It is my belief that the Secretary of Labor can make that determination. He has the authority in the act. It is also understood some members of the committee do not like that, but the fact is that he has the authority.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOW. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. QUIE. He does have the authority, as I read it. We require distribution in an equitable manner and specify one formula that have to be taken into consideration.

Mr. BOLAND. Will the gentleman yield further?

Mr. QUIE. I am happy to yield to the gentleman.

Mr. BOLAND. It seems to me that the Secretary is making the right decision here. He is putting the money where unemployment is most severe under his formula.

Mr. QUIE. That is correct. That is the reason why he did it.

Mr. PUCINSKI. Will the gentleman yield?

Mr. QUIE. I will yield to the gentleman.

Mr. PUCINSKI. I think the gentleman tried to explain this as much as he could, but he overlooked one point. I agree that section 6 does provide for concentrating this money in areas of the highest need. However—and our friend from Massachusetts ought to pay attention to this—applying the 4.5 percent factor at the State level before you can apply your State's unemployed against the national total is absolutely unauthorized. There is nothing in the authorization to permit this arbitrary rule and the Department is violating this act by requiring you deduct the first 4½ percent from your State's unemployed before you qualify for the national allotment.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I recognize full well that there is some controversy and some misunderstanding about this authorized program. I support the $1 billion and I commend the Committee on Appropriations for having moved promptly in this matter. I think all of us are going to have to recognize that we have imposed upon the Department of Labor an exceedingly difficult task. We just authorized this program and we have said here is $1,750 million under one section and $250 million under another section. And there are already literally scores of cities that are coming to the Department of Labor saying, "Tell us when we get our money. Here is our application. How soon can we find out how much money will we get?"

It is estimated that there are over 80,000 eligible applicants for money under this program, and there is only $1 billion available.

Now, with all due respect to those who think the formula is not right, and with all due respect to those who think there may be some other provision we ought to apply in place of the agency concept that the Department intends to use, I am going to be very honest and tell you if we start goofing around with the formula under this House joint resolution, or if we start goofing around with the Department's agent concept, then you are saying to those who are unemployed, and to those cities that are standing in line that they will have to wait an additional 2, 3, 4, 5, 6, 7, or 8 weeks before they get their money. It is just that simple.

I do not know how anybody can expect the Department of Labor to handle 30,000 applications for funds under this program if they do not set up some kind of check system. That is what the agent concept is all about. It says for cities and counties of 75,000 and over you can act as agent, and all applications by school districts, water districts, sewage disposal districts, Federal agencies, State agencies within that jurisdiction can come to them, and they can make a determination to all of those within that jurisdiction. That has to come forward to the Department of Labor for clearance, and they can get their money. For all of the others, cities and counties under 75,000—and the gentleman from Texas, I know, is concerned about this—they will go to the State as the agent. It does not require a county to go together, it does not require two counties to join to make 75,000. All it says is that the State will act as the agent for the distribution of funds within the State under their formula.

Let us also be very clear that the authorization is one of the problems in that within the authorizing legislation we said that it had to be distributed—I do not have the section in front of me in the act—to "areas" within a State. We did not say to cities within a State, and we did not say to counties within a State, and we did not say to school districts within a State, we said it had to go to areas within the State.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. I would like the gentleman in the well to explain to this House where in the conference report do we authorize the Secretary of Labor to designate a State, a county, or a municipality as an agent?

Mr. STEIGER of Wisconsin. Clearly, the act does not preclude the Secretary from making an administrative arrangement of that kind. What you are asking me, I will say to the gentleman from New Jersey——

Mr. DANIELS of New Jersey. Is it authorized?

Mr. STEIGER of Wisconsin. I am not yielding.

What you are asking me, I will say to the gentleman from New Jersey, is that you want the regional manpower administration to handle every single application for every single eligible applicant, and that is an intolerable burden. You are asking also that the money ought not to be distributed promptly and equitably.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield further?

Mr. STEIGER of Wisconsin. I yield further to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. The gentleman from Wisconsin has been very active in the committee, and the gentleman has taken a prominent role in this legislation, and I want to commend the gentleman on his activities. The gentleman also served as a conferee. The gentleman understands this bill as well as I understand it, and as well as the Members on my side of the aisle understand it, and there is nothing in this act which authorizes the Secretary of Labor to designate a State or any municipality as an agent, nor is there anything in the act which authorizes the Secretary of Labor to direct that only a city or county having a population of 75,000 or more may be an eligible applicant who may go directly to the Secretary of Labor. The Secretary of Labor here is formulating his own rules.

Therefore, when he gave his release out to the press a week ago Friday, I summoned the Secretary of Labor before our committee and we had two informal conferences with him and you were present and members of the committee and the question of guidelines was heard, is that not true?

Mr. STEIGER of Wisconsin. Yes, there were formal meetings. There was disagreement on the part of some on this committee who have apparently a different view on it. I think the Labor Department is acting within the law and appropriately.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman. I, too, strongly support the appropriation that is before us today. I likewise commend the administration for its rapid submission of the billion-dollar request to the Congress and for the very immediate action taken by the House Committee on Appropriations in bringing this bill to the floor for action.

Of necessity, this authorizing legislation had to be very broad if we were to utilize the funds in those areas where the greatest need existed. And, if the authorizing legislation had tied down the administration so tightly that they could not move with speed and with adequate funds, the justification for the legislation would have been considerably less. You have to have flexibility for this kind of program to work.

Therefore, I hope there will not be a great deal of controversial discussion with reference to the inclusion of some restrictive language in this case because if that is done we could undermine very substantially what I understood was the basic intent of the legislation when it was first authorized.

I suppose that one could argue as the gentleman from Wisconsin and the gentleman from New Jersey have argued. But in a time of emergency such as this I do not think it is productive to argue back and forth about some vague intent, when there are communities and when there are people who are unemployed.

Let me refer to my own State of Michigan. Our unemployment today is 9 percent or thereabouts. Some areas in the State have even a larger unemployment. The gentleman from Bay City (Mr. CEDERBERG) has an unemployment which is in the neighborhood of 12 percent or thereabouts.

I can assure you that there are communities in my State, and my own community of Grand Rapids is one such community, where unless we move quickly and make funds available they will be in the position of having to lay off a substantial number of policemen, firemen, and other essential employees. If we do not get this appropriation through before the Congress goes in recess that community and many other communities throughout my State of Michigan and other States will be deprived of essential services which provide for the protection of the health and welfare of our local citizens.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman is raising a very interesting point.

How do we deal in this bill, however, with a community that has, let us say, plenty of unemployment but which simply takes this money and uses it to accomplish something that they would otherwise have to spend money for and either reduce its taxes or keep taxes from going up—so the community does not provide any extra employment but merely shifts the burden of its local cost of administration onto the Federal Government. Take the case of policemen, for example.

Mr. GERALD R. FORD. I would respond to the gentleman by suggesting that that question be asked of somebody on the authorizing committee as to what limitations or restrictions they included in the authorization.

But if there are no such limitations or restrictions in the authorizing legislation, it seems to me that those who have the job of administering the disbursement of the money ought to examine the facts in each application to make sure that the potential abuses the gentleman raises do not exist. I can only speak categorically about my own community, because the mayor and others were down here approximately a week ago. They pointed out to me that, I think as of August 1st, they will have to or had to lay off x number of firemen and policemen. Even though they had raised taxes, even though they had done other things to raise sufficient revenue, they had to lay off so many firemen and so many policemen.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. It is quite possible that this would occur as the gentleman has described it. But what do we do if the community merely were to claim that this would be true? In other words, these people are not reemployed people. There are merely people who claim that they might otherwise become unemployed if this money did not become available. Whether they would be unemployed in fact, if the Federal funds did not become available is speculative. For all we know, the community may decide, if they cannot get Federal money, to dig a little deeper into its pocket and keep the people on the payroll, notwithstanding.

Mr. GERALD R. FORD. It is my understanding this is legislation and this is an appropriation to employ people in a public service capacity who are unemployed. If we find in the future that there have been abuses such as the gentleman indicates, the Committee on Appropriations, particularly the subcommittee, will find out in the hearings a year from now. I cannot imagine the gentleman from Pennsylvania and the gentleman from Illinois, if they find abuses, permitting such abuses to continue in the next fiscal year.

On July 12, President Nixon signed into law the Emergency Employment Act of 1971. In his statement at the time of signing, the President urged Congress to appropriate the full $1 billion authorized by the act for this fiscal year. As the President stated:

> America needs more jobs, and it needs them now.

The overwhelming vote in both Houses of Congress is testimony to our awareness of this need. The Emergency Employment Act of 1971 will provide more than 150,000 additional new jobs and it will provide them now, not months from now. It will provide payroll checks to unemployed persons, not unemployment checks or welfare checks. It will provide cities, counties, and States with the ability to meet the demands for increased public services. It will not saddle our Nation with the scandal of leaf-raking make-work activities that characterized the work-relief efforts of the 1930's.

The Emergency Employment Act of 1971 can do all of this, and more, if we take immediate action today to provide the requested $1 billion appropriation.

If today we act favorably upon the appropriations request and if our colleagues in the Senate give favorable consideration to our actions, the first public service employees funded under the Emergency Employment Act of 1971 should be on the job and have received their first pay check long before we in Congress have returned from our scheduled recess.

If we fail to act, if we delay action until after Labor Day, if we fail to approve the full amount authorized in the legislation, then we must be held accountable for depriving employment to thousands of our deserving unemployed and, perhaps more significantly, we must be held accountable for depriving all of the citizens of the Nation of needed and essential public services.

The administration has fulfilled its pledge of immediate implementation of the Emergency Employment Act. On July 23, Secretary of Labor Hodgson announced the initial decisions implementing the act, including a listing of the allocated funds for each of the States. These data, together with broad information on the allocation formula and the proposed method of making the funds available to the eligible units of general purpose government, was made available to Congress and the public only 11 days following the President's signing of the act.

The Committee on Appropriations has responded to the President's call for fast action. Less than a month following the enactment into law of the Emergency Employment Act, the committee has laid before us the appropriations request which we now consider.

Congress must respond to its pledge to the Nation—its pledge to provide the means for alleviating the current levels of unemployment and for meeting the emerging public service needs of our general units of State and local government.

Our response must be evidenced by favorable action on the appropriations request now before us. I call for favorable consideration of this appropriations request. I call for Congress to fulfill its pledge to the Nation. I call for Members of this House to lay aside partisan and parochial considerations and to overwhelmingly endorse this request for appropriations to bring the benefits and services of the Emergency Employment Act to the citizens and units of government of our Nation. I call on you each, as individuals, as Representatives of areas which should share in the benefit from this act, to vote in favor of this appropriation request.

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Chairman, we have waited 3 years for someone to help the unemployed. Last December we passed a manpower measure, which the President vetoed. We passed a program of accelerated public works, which the President vetoed. Now we have on the floor a joint resolution to help meet the problem with $1 billion. We went out of here one night wondering if the President would veto it.

This is our bill. It was given to us by the gentleman from New Jersey (Mr. DANIELS) and the gentleman from New York (Mr. DULSKI) in the House committee. The measure provides only $1 billion. We cannot cure unemployment with $1 billion. It is too little and too late. We should not even be talking about it. We have the authorization. The President said that he will go along with this. Let us provide the $1 billion. I would not have the nerve to leave on a vacation without having done so.

I would like to make a prediction. I am an old WPA mayor. I know people jumped off the bridge and committed suicide. The kids who brought about the May Day confrontation will look like a Boy Scout picnic but a new unemployed march will make Hoover's Shanty Town look like a social if we do not solve this problem. Don't you dare pass by this problem. The only choice we have now is to vote this $1 billion. You will be back to consider the problems of the unemployed and you will have plenty of opportunity to debate and vote better plans.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

Mr. BOW. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Chairman, I rise in support of this legislation. The discussion here this afternoon reminds me of the discussion we had in the full committee. There was a great deal of confusion as to the formula under which this will be administered. I hope it will not be amended today to make even more confusion.

One of the things that concerns me is that I believe we are building up unreasonable expectations within our local counties and our cities as to what they are going to receive from this legislation. They will expect far more than can be granted when we take this amount of money and this number of people and spread it nationwide.

I believe this has been referred to as our first revenue-sharing bill. The only difference is it is a revenue-sharing bill with many administrative complications. If we wanted really to do something for our cities, we should have passed the general revenue-sharing bill requested over a year ago by the President in the amount of $5 billion. We would have had this money going now to our local counties and cities, and they could be using it to take care of the very problems we are discussing here.

As I said in the full committee, if it were germane to this legislation, I would offer an amendment to substitute the general revenue-sharing provisions proposed by the President.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I understand what the gentleman is saying. Can the gentleman answer me this? How does the gentleman know, when we give a certain amount of money to an area that has unemployment, that the community will use the money to employ people? Maybe they will use it to reduce taxes or raise salaries.

Mr. CEDERBERG. I do not know about the gentleman's community near Baltimore, but I can tell the gentleman about some of my communities. They are having a difficult time holding their present employees. This is what they would use to employ people to provide services at the proper level.

Mr. LONG of Maryland. If the gentleman will yield further, some of them will be responsible communities, and some of them will not be. I go back to the WPA period and there is an interesting case about the University of Florida football team. Two hundred and sixty-five unemployed people were waiting assignment, and the members of the University of Florida football team squad were carried on the WPA rolls as certified relief clients. The coach and members of the university were involved, too. Would the gentleman deny this could happen?

Mr. CEDERBERG. I would not deny it could happen. I think under any legislation we can have irresponsible administration. There is always that possibility, but I do not know any other way to get at this situation when we are trying to help people who are unemployed.

I would prefer the general revenue sharing bill. I am supporting this, because people are unemployed. I think with the general revenue sharing bill we would all be better off, and the local cities and counties would know what they could expect, not only this year, but every year as this general revenue sharing progresses. Their problem is now they do not know what they can get, and they are expecting a great deal more than they will receive under this legislation.

Mr. LONG of Maryland. I agree with the gentleman that this raises a great many expectations that will not be met, but more strings should be attached to this, so we can make sure this does reemploy people. The gentleman is talking about unrestrained revenue sharing, and I wonder if that will accomplish the purpose.

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, this bill is very reminiscent of the WPA—and I am not one of those who feel the WPA was a terrible thing. Whether it was good or bad depended on whether you looked at the tremendous number of things that were good that came out of it, or whether you looked at the tremendous number of things that were bad that came out of the WPA. There were 4,674 allegations of fraud, which were substantiated. These included administrative personnel carried on project payrolls; collusion in having projects approved; dual compensation; equipment, material and labor diverted to private use; equipment rented from employees; material diverted for projects and charged to other projects; padded payrolls; padded vouchers; property lost, stolen or diverted; sale of jobs and promotions; and shortages in accounts. It also included golf courses built for private use.

If we have to employ people and cannot possibly come up with any restrictions to prevent abuses, I say go ahead. But if we can prevent these kinds of abuses we should try to.

I wonder whether we have enough restrictions here. Does the Secretary of Labor, when he passes out the money to various communities, have any real control, to make sure that these tremendous numbers of abuses cannot take place? Can he do anything to stop it? Does he not merely hand over the money to the community on the basis of unemployment and beyond that have very little control over how it is spent?

Can any Members of the authorizing committee answer that question?

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Ohio.

Mr. BOW. I am not on the authorizing committee and not as familiar with the measure as I wish I might be. In studying the hearings and the plans, it seems to me that when the agents, the people back at the local level, prepare these plans and make recommendations as to who shall be hired, that is subject to review again by the local level and must then be reported here, and there is a right of veto.

I wish a member of the Legislative Committee would correct me if I am wrong, but it seems to me there is a right of the Administration to veto a plan where they might indulge in the things the gentleman from Maryland is worried about.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Minnesota.

Mr. QUIE. There are specific prohibitions, as I see it, in the law. It does give authority for the Secretary of Labor not to fund that. I would say section 12(a)(1) is the prohibition against using this money for the types of things the gentleman mentioned.

Mr. BOLAND. Mr. Chairman, I am delighted that this bill calls for a full $1 billion appropriation for the Emergency Employment Act—the very maximum authorized by law. Throwing open more than 100,000 new community service jobs during its first year of operation alone, the Emergency Employment Act will attack the economy's knottiest problem: unemployment so severe and so widespread that it has taken on the dimensions of a crisis.

Unemployment rates are moving upward more and more, soaring to all but dizzying heights in some regions of the country—14 percent in Seattle, Wash., for example, to 12 percent in Lowell, Mass. Unemployment in my own congressional district's labor market, a market already designated an EDA redevelopment area, has crept up to 10 percent.

Jobs are vanishing overnight, throwing millions of people out of work. Major layoffs are no longer startling. Indeed, they are now drearily familiar everywhere in the United States. Yet the administration still stands aloof to the plight of the workingman, giving us comforting homilies instead of the decisive action that this problem demands.

It is high time we acted, Mr. Speaker.

The Emergency Employment Act calls for just the kind of action needed. It will ultimately create hundreds of thousands of new jobs—not merely temporary make-work jobs, but meaningful jobs leading to lasting employment.

Administered through two funds, a general fund distributed evenhandedly throughout the United States and a special fund for regions with the most alarmingly high unemployment rates, the act will help to solve economic problems that have defied solution for years now.

Now that the act itself has been signed into law, we must fund it as amply as possible.

Again, Mr. Speaker, I urge the passage of this appropriations bill.

Mr. JAMES V. STANTON. Mr. Chairman, the approval of $1 billion for the Emergency Employment Act of 1971 in the House today is good news for Cleveland.

These funds will help put more than 2,000 Clevelanders back to work in the coming months. This influx of Federal funds will put an end to diminishing city services and increased crime rates that have plagued the city during the past year.

Cleveland has already applied for $16.2 million to rehire 1,500 city employees laid off last fall. This includes doctors, nurses, dentists, 637 waste collectors, maintenance workers, laborers, housing inspectors, and clerks.

The Cuyahoga County commissioners this week submitted a proposal for $7 million to rehire another 900 employees. The county will use its funds for health care, public safety, street repair, parks, crime control, welfare, sewage disposal, the courts, and mental health programs.

These programs will directly help those persons who have been forced out of work by the present state of the economy, and create more jobs for Vietnam veterans and the unemployed in the inner city.

I understand these funds should be approved next month, and that city and county employees can plan to return to work this fall.

And this is only the beginning. More funds will soon be available for public works projects under the Economic Development Act of 1971. This public works program will directly help thousands of workers in the Greater Cleveland area.

These are the kinds of programs I have urged the Congress and the administration to begin since January. I am confident the job picture will improve in Cleveland as these programs get underway.

Mr. HARRINGTON. Mr. Chairman, it gives me great pleasure to rise today in support of the full appropriations for the Emergency Employment Act. This legislation is long overdue, and as personal experience and statistics demonstrates, it is desperately needed.

I congratulate the Congress for passing this bill, and I commend the Appropriations Committee for not only giving it the full funding it is due, but for doing it so quickly. I also commend the Education and Labor Committee for its perseverance in seeing that the authorization bill become law.

It would give me great pleasure to be totally positive about this legislation. It is one of the few times in my experience in the House that we have an opportunity to vote on adequate funding for a bill which clearly meets the demands of at least part of the domestic sector of our economy, and it is a pleasure to vote for legislation on whose merit I feel no reservation.

Nevertheless, I am deeply disturbed by an administrative action taken by the Labor Department which I fear will seriously undermine the effectiveness of the legislation and will run contrary to congressional intent. I have been told by the Department that it intends to restrict direct Federal contracts under the Emergency Employment Act to cities of 75,000 or over, and to require smaller communities to qualify for funds through procedures to be established by their State governments. This is a grave error.

To its credit, the Congress recognized the urgent need for this legislation last year. But the President, refusing to acknowledge this need, vetoed it. This year, however, the grave economic crisis confronting us has become clear even to the White House and the President signed the bill.

Unemployment statistics are rising. The crisis is worsening and the unemployed need immediate help. If there were ever a time to cut down on redtape and bureaucracy it is now.

Yet the Labor Department's tentative decision will slow down the flow of these funds to the affected communities, and the unemployed men and women within them will suffer longer because of bureaucratic insensitivity and myopia.

What the Labor Department is doing is simply to impose an unneeded layer of bureaucracy between the program initiated and enacted by the Congress and the intended recipients.

The Emergency Employment Act does not exclude States from participation. State governments are eligible recipients under the act. But, so are local governments, and their fiscal needs are even greater than those of the States. To require municipalities to await the formulation of statewide plans before they can receive funds we are voting on today is to defeat the efforts of Congress to make this money available immediately to meet the pressing needs of cities and towns.

The report on the Emergency Employment Act and the act itself make no mention or recommendation that funds should be funneled through the States. In fact, it is clear that the intent of the Congress is that the funds should be utilized to decrease unemployment as quickly as possible. Our cities and towns are in desperate need of workers to improve the level of services they provide to their citizens. They should not have to wait any longer. The money will be available by the end of this week. Why deliberately delay its expenditure?

It cannot be argued that the large number of local communities forced this requirement. In the first place, the Labor Department—and all other Departments—have experience in dealing with local communities. Moreover, many of the communities in my district have, on their own initiative, taken steps to form regional consortia of several cities and towns aggregating upward of 100,000 in population to apply for Federal funds. The Labor Department ought to encourage this sort of regional initiative. The proposed action of the Department in this bill does the exact opposite. By forcing local communities to apply through their States, it perpetuates a policy of treating municipal governments as inferior, dependent units, unable to formulate their own programs and respond to their own needs.

I have written to the Secretary of Labor urging him to comply with the spirit of this act and to make funds directly and immediately available to those who need them. I hope that other Members will do the same.

Unless we object and object now, the unemployed men and women and the citizens of every community under 75,000 in population will be the losers; and the Emergency Employment Act will turn into the "Bureaucracy Proliferation Act."

Mr. SHRIVER. Mr. Chairman, this special appropriation bill we are considering today is one of the most important bills we will debate this year. It is designed to combat directly two of our Nation's most pressing problems, and to do it now. These problems are the tragic unemployment rate in certain areas of the country and the equally important demand for adequate public services in these areas.

Our Appropriations Committee has recommended full funding of the $1 billion authorized for fiscal 1972 under the Emergency Employment Act, which was signed by the President last month. Over 86 percent of these funds will go for actual wages and employment benefits for unemployed persons. They will be hired by local public agencies, which will provide at least 10 percent matching funds, to expand local services in the fields of environmental quality, health, education, public safety, crime prevention and control, transportation, park maintenance, recreation, rural development, and sanitation.

It has been mentioned, both here on the floor today and during our subcommittee's hearings on this bill, that administrative difficulties will arise in the implementation of this program. This is to be expected in any new Federal program.

I want to point out, however, that in passing the Emergency Employment Act, Congress purposely wrote the legislation broadly to allow for different local employment and services needs. What we have here is a bloc grant approach to a national problem, or, if you will, a revenue sharing program.

Under the broad guidelines which are now being completed by officials in the Manpower Administration, local officials will act as agents for the Federal Government. These local people will be responsible to their own constituents in using these funds in the most effective way. This is as it should be.

At the Federal level, we are fortunate to have two experienced administrators directing the initiation of this program. Malcolm Lovell, Assistant Secretary of Labor for Manpower, has overall responsibility. He is well respected by the committee and others who are familiar with his past efforts in manpower training and placement. Mr. Lovell has asked William Mirengoff to take actual responsibility for this act. Mr. Mirengoff is a veteran of 35 years of government, no small accomplishment in itself. More important, he worked for about 10 years in the old WPA program of the thirties and is well aware of the pitfalls of that program.

These gentlemen have a tremendous task ahead of them, but they are well qualified to do the job. I know they will have the support of our committee and the Congress as they proceed.

As described during our hearings, the administrators intend to conduct this program so that those areas with the most problems will get the most help. As denoted in the title of the act, this is an emergency measure and will be treated as such. With the appropriation of these funds, Mr. Lovell testified that people can be put to work by September 1.

Priority will be given to those who have exhausted their unemployment benefits and would otherwise have to go on welfare. This is important, as this program will allow an alternative to growing welfare rolls with all the accompanying costs, both monetary and personal.

Public service employment is not a new area of Federal Government involvement. The manpower administration has experience with the summer youth program, the Neighborhood Youth Corps and Operation Mainstream, which are all public service employment programs. The local employment service offices will be utilized, and these agencies will coordinate this program with ongoing manpower training programs.

Many of our cities have had to lay off needed public servants because of budgetary restrictions. This is especially true in areas of high unemployment where tax revenues have been reduced. This appropriation will provide for the rehiring of some of these policemen, firemen, teachers, nurses, and others. These people will be paid the same amount of money as other individuals performing comparable work for the same employer, and will be subject to the same employment regulations and requirements. In other words, these will be real jobs, not just make-work jobs.

Mr. Chairman, my home city of Wichita, Kans., has an unemployment rate of 11 percent, and it has been at that level for many months. This high rate is due largely to cutbacks in defense and areospace spending by the Federal Government. Congress has been responsible for many of these cutbacks in demanding reorientation of our national priorities. Now Congress must face the consequences of these cutbacks in terms of jobs.

This appropriation is not the whole answer. This is no substitute for needed reforms in our manpower programs, nor is it a permanent solution to the problems of our cities. More adequate revenue-sharing measures are needed.

What this bill will accomplish is a start in what I hope will be larger efforts on the part of the Government to control the rate of unemployment which seems to have stabilized at much too high a level. I urge prompt and positive action on this appropriation.

Mr. VANIK. Mr. Chairman, I support the amendment of the gentleman from Iowa, the Honorable NEAL SMITH.

The Labor and Education Committee, in setting the formula for distribution under this bill, apportioned these funds among the States based on the number of unemployed persons in the State as a percentage of the number of unemployed nationwide.

When Congress, by its action, establishes a formula for distribution of Federal funds, the administration has the authority to implement the formula, but certainly does not have the authority to distort the formula. In this situation, the administration added a second test to the one provided by the Congress in acting on the authorizing legislation, by adding as a factor "the number of a State's unemployed in excess of 4.5 percent as a percentage of national unemployment in excess of 4.5 percent."

It is not by mere coincidence that this provision added by the Secretary of Labor provides an increased distribution to 11 States, 10 of which are headed by Republican Governors. It is dreadful that the administration should make this effort to play politics with unemployment and the allocation of Federal funds.

An unemployed person is just as critically affected by unemployment whether or not his State has more unemployed persons in excess of 4.5 percent unemployed. It is impossible to meet the crisis which confronts him in his daily life by an explanation that he cannot be helped by this legislation because of this factor added by Executive indiscretion.

Mr. FISHER. Mr. Chairman, this bill appropriates $1 billion to be used as a downpayment on a modern-day WPA program. It is to be scattered over the Nation, hopefully to employ some unemployed people who seek work. It is called a public service employment program, and a rather substantial portion of it is to be used to pay the salaries of those who administer it.

I am constrained to vote against the measure. There is nothing urgent about this hasty action. Once begun, we all know it will be continued and will get larger each year. The guidelines under which the money is to be allocated and spent are somewhat hazy, and the waste will undoubtedly be enormous.

Mr. Chairman, people I represent are understandably concerned about inflation and the excessive spending that is taking place. If there is an urgent and really justified need for an expenditure, that is one thing; but unless that is true then we had better stop, look, and listen.

It is true—there is unemployment, approximating 6 percent of the labor force. That means that some 94 percent of Americans are gainfully employed. It is well known that a small percentage of employable people do not want to work. A good many of them are known to decline job opportunities for reasons best known to themselves. A number draw unemployment compensation, and are quite content with that income. Yet they are counted as unemployed. A good many others leave jobs because of pregnancy, temporary illness, movement from one locality to another, change in jobs, some young people who are still in school, and so forth. Then, there are those who live by their wits—gamblers, opportunists, those with some income who can get by without working, and another group which prefers to live on welfare rather than exert themselves in a search for jobs.

A PALLIATIVE, NOT A CURE

So, while any unemployment is deplorable, the picture is not half as bad as some would have us believe. We know that by creating a public job program, the incentive to get out and hustle and hunt for work will be reduced. Some of those who will be favored with these jobs will prefer to become locked into such employment as a permanent way to make a living.

This WPA-type program is admittedly a palliative, not a cure for the cause of unemployment. It provides no permanent solution for anything. Indeed, over the long pull it can be expected to create and aggravate more problems than it will solve.

The real answer to unemployment is through the private sector, by the removal of shackles which cause business enterprises to slow down and lay people off. It is well known that the high minimum wage is causing thousands of people to be out of work because of their limited capacity to produce. Those are the fringe workers, the handicapped, the youngsters, and others who would be employed except for the minimum amount of wages that must be paid. Many of these would be quite willing to work for less, and still get along very well, particularly where there are two, three, or four potential wage earners in one family.

The minimum wage law should take these situations into account.

In addition, if necessary, tax laws could be amended to encourage business to expand and hire more people. Our public works programs and highway construction could be accelerated to permit more employment on sound projects which are needed and are justified.

But, instead, we are being asked to begin a massive public service program which admittedly will add little to the Nation's economy. This is the wrong approach when there are sound and desirable alternatives available.

CAN WE AFFORD IT?

Mr. Chairman, our country can ill afford this kind of unnecessary spending at a time when our public debt is approaching $400 billion. Every dime of the money appropriated here today will be added to the public debt. During the last fiscal year the deficit was in excess of $23.3 billion. It will be more this year. The combined 2-year deficit for last year and this year will exceed $44 billion—by far the largest in history except during World War II.

No wonder we have inflation. Because excessive Federal spending is a prime cause of inflation. Today we are being asked to pour more fuel on that fire. It has become stylish to spend and spend and spend. There are those who insist that by spending enough money we can cure anything. That concept is as fallacious for the Government as it is for the management of a household.

The simple fact is that Federal spending is running dangerously out of control, and unless there is a change in the direction we are going we must be prepared for a catastrophe.

Mr. MATSUNAGA. Mr. Chairman, I wish to express in strong terms my support for House Joint Resolution 833, which provides appropriations for the Emergency Employment Act of 1971.

The resolution, I am pleased to note, appropriates the full amount authorized under the legislation, $1 billion for the current fiscal year. Under the formula contained in the new law, my own home State of Hawaii will receive approximately $1,670,000 to be used for public service employment.

Mr. Chairman, the Appropriations Committee and its chairman, the distinguished gentleman from Texas (Mr. MAHON), are to be commended for the dispatch with which they acted in bringing this measure to the floor. It fulfills the promise of the Emergency Employment Act: to enable us to begin dealing with the twin problems of first, meeting a serious need for increasing public services at State and local levels and, second, providing employment for 5 million Americans willing and able to work but unable to find work.

No one suggests, Mr. Chairman, that the Emergency Employment Act will provide a complete solution to this Nation's economic problems. But when Congress passed the Employment Act of 1946, it committed the Federal Government to the goal of assuring every American the opportunity for useful, full-time employment at reasonable wages. Periodically we have reaffirmed that commitment. By providing full funding for the Emergency Employment Act, Congress can deliver, at least partially, on that commitment.

I, therefore, urge immediate and overwhelming approval of House Joint Resolution 833.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.J. RES. 833

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1972, namely:

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

EMERGENCY EMPLOYMENT ASSISTANCE

For expenses necessary to carry into effect the Emergency Employment Act of 1971, $1,000,000,000, of which not to exceed $50,000,000 shall be available for program direction and support, administration of the program at the local level, and for agent assistance and statistics, to remain available until June 30, 1973.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 2, after the period on line 3, insert the following: "*Provided*, that the formula for distributing funds under section 5 of such Act shall be based solely and entirely upon the proportion total unemployment in each State bears to total unemployment in the United States."

Mr. SMITH of Iowa. Mr. Chairman, I want first of all to say that I support the joint resolution and I support all of it, including the limitation of $50 million on administrative expenses.

My amendment, I believe, is a friendly amendment. I do not believe it is inconsistent with this measure at all.

We have been talking here about needing more money for areas where there is more unemployment. That is section 6 of the resolution and not affected by my amendment.

What we are really talking about is, should all the money be distributed in that manner? Section 5 is for general distribution. Section 6 is so those areas that have more than 6-percent unemployment can get extra money. I believe the areas of the greatest need should have some but not all of the money.

If we follow these arguments to their logical conclusion, why not give it all to one State or to two States? Why cut off at 4½ percent arbitrarily? They could have said it would all go to one or two States.

What they really propose to do is to make both sections of the resolution deal with only those areas of highest unemployment.

The law provides that:

> Not less than 80 percentum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such State bears to such total number of such persons, respectively, in the United States.

Now that is, they say, subject to the interpretation that they can do use any formula they want to.

Mr. QUIE. Will the gentleman yield?

Mr. SMITH of Iowa. Let me finish, and then I will yield.

In my opinion, it is not equitable to say that those persons who are in an area that happens to have less than 4.5 percent of the unemployment shall have less of a chance to secure one of these jobs than if they live in an area that has 5 percent. That is just not equitable under the law.

In addition to that, the report on the bill says this regarding the distribution under section 5:

> The House amendment provides for an allocation of 80 percent of the funds according to a formula based on the proportion which the total number of unemployed persons in an area bears to the total in that State and the total in the State bears to the total nationally.

That is exactly what I am trying to do here in this amendment. This amendment provides exactly what was intended as shown by the report.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield on that point?

Mr. SMITH of Iowa. Yes; I yield to the gentleman.

Mr. WILLIAM D. FORD. The gentleman explained very carefully what I believe to be our intent, since I was the author of the amendment in the committee. More importantly, it should be recognized that we are only dealing with 80 percent of the money in section 5. The other 20 percent can be spent anywhere that the Secretary wants to with any formula that he devises. The section 6 money can be spent any place that the Secretary wants to according to any formula that he wants to devise. Out of the entire $1 billion, however, we wanted to say that you had to take at least $600 million of it and put it across the country so that every State ought to share according to its portion of the total unemployed in this country. In other ways in the bill we have taken care of the concentrated unemployment. Any other construction I believe strains the credibility of anyone who participated in the conference, and I am surprised at the memory of some of the people who participated in the negotiations in what we thought was an agreement to fit this into an overall report but who now have a lapse in their memory.

Mr. SMITH of Iowa. I want to point out that these people I am talking about are U.S. citizens. It does not matter whether he happens to be from an area that represents 4, 4.5, or 5 percent of those neighbors of his who are in areas close to him. They are American citizens and they pay taxes and they have the same rights. When we administer the food stamp program, we do not use a different kind of standard in certain areas where you have 4 or 5 percent of the unemployed or something in between. We have American citizens here who have a right to the equal protection of the law under the 14th amendment of the Constitution.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. When I finish.

There has been reference to some areas which happen to have less than 4½ percent unemployment. Do you know what the facts are on that? It has been shown over and over again in the last 10 years that most of those areas that have less than that percentage of unemployment have a situation where the people left there and went to areas with higher employment.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 3 additional minutes.)

Mr. SMITH of Iowa. In rural community after rural community in this country young men and young women, when they graduate from high school, do not see a job in the offing in the area, so they leave immediately and go to areas of the highest unemployment. It is about time that we try to help those areas provide jobs so that these young people will have an opportunity to stay there. Some of those counties do not even have enough money to pay the public officers that they are required to have under their State constitution. They cannot raise the taxes to do that let alone hire the additional people to help with the rural development and the development of the public facilities and to meet the various needs of their areas.

What I am trying to do here is restore what I believe was intended, and rightly so, which is to give a U.S. citizen equal protection of the law no matter where he happens to live—at least under one section of this act.

Under the Department's arbitrary ruling, in the guidelines which they set up. unemployed people will have only one-half the same chance to secure one of these jobs as they would have in another State. There is a list on the table if you want to see how it affects your State. I think at least one section of this act ought to provide for general distribution with equal rights for the unemployed people equal to all of the rest of the unemployed people in the United States.

Mr. VANIK. Will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. VANIK. Mr. Chairman, I support the amendment offered by the gentleman.

Mr. Chairman, I thank the gentleman for yielding.

That gentleman from Iowa is telling us that in effect what he objects to is an administrative change to a formula that had already been established by the Congress?

Mr. SMITH of Iowa. That is correct. Even if it is agreed that they have a right to a change, we have the right to write the guidelines. There seems to be a great deal of disagreement about what the guidelines should have been, and this gives us a chance to write the guidelines ourselves. We do not have to rely upon the administrators to write the guidelines.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I want to thank the gentleman from Iowa for offering his amendment because it reasserts and reaffirms the legislative intent. However, in the gentleman's discussion of his amendment, which he so ably discussed, I believe the gentleman neglected to state that no State may receive less than $1.5 million. Is it the gentleman's intention that his amendment was also to eliminate that minimum allowance?

Mr. SMITH of Iowa. No; it does not change that. It refers only to the 80-percent distributed by a formula. It does not affect the minimum.

Mr. DANIELS of New Jersey. I thank the gentleman for yielding.

Mr. SMITH of Iowa. Under section 6, they will have, on top of that, some more in those areas where they have more than 6-percent unemployment.

Mr. DANIELS of New Jersey. Again I thank the gentleman.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Iowa (Mr. SMITH) says that the Secretary of Labor's interpretation is that he can write a formula in any way he want. Well, that is just not true. The law specifies that he shall take into consideration the proportion which the total number of unemployed persons in each such State bears to such total number of such persons in the Nation. And that is what he did. He did exactly that, but he also took another factor and added to it, which is permitted by the law, which says he shall do it in an equitable manner.

If the committee intends that he not take anything else into consideration here is the way they would have written that section; it would have said:

> Not less than 80 percent shall be apportioned among the States based on the ratio of the total number of unemployed persons in each State bears to the total number in the nation.

The section would not have read "in an equitable manner" if it was not intended.

We have written laws before which lay out specifically how the allocation formula shall be, and it does not carry this language, "in an equitable manner."

Evidently the committee assumed that there were other factors that could be taken into consideration to do it in an equitable manner, and that is what the Secretary chose to do. The gentleman from Iowa gets $1.8 million more under this new formula which he proposes. We could sit here all evening and devise new formulas, I imagine, to get our States up on the schedule some way.

However, let us now look at the manner in which we can do it the most equitable way for the Nation. If everybody was treated equitably we would then provide that they shall be provided this public service employment even if the unemployment went below 4.5 percent. But the Congress had something else in mind when it said that the triggering device is 4.5 percent. Therefore I think it is absolutely clear that we have a higher consideration for the State which has unemployment that is above 4.5 percent. Otherwise you could just consider that this was not important at all, because the Congress has already said that this is not important enough to have a public service employment bill if the unemployment nationally goes below 4.5 percent.

Although the gentleman from Iowa indicates that there is some outmigration, the formula is not concerned with outmigration, because this is not the area that is limited by either formula. To the extent that people leave and go outside the State, that is the same factor which shows up if you count the total number of unemployed as if you count those where there is greater impact of unemployment. I do not see how that should be considered at all, outmigration. Outmigration happens. We could take the unemployment figure in each area each day, but that isn't possible. And as far as that is concerned, it gets corrected the next time there is a determination of unemployment. The Secretary will make another determination next year.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for yielding. I say to the gentleman that those areas are going to be given less jobs under the guidelines than they would have had under the original guidelines.

Mr. QUIE. It is the allocation for the States that we are talking about.

The Secretary indicates he does not use the excess of unemployment within the areas of that State. Because as you know he is going to distribute this amongst the areas within the State and to some extent through the State itself in less populous areas.

So my feeling is very strong that Congress did the right thing in leaving some flexibility to the Secretary. All down the line this Congress has shown concern for severe unemployment and for disadvantaged children and disadvantaged groups.

I think we ought to vote down the amendment and stick with the equitable formula devised by the administration.

Mr. CASEY of Texas. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, you have heard the gentleman who preceded me stating that this is equitable. Just take any city in your district, if you have any such city, of 100,000 population. They would be qualified without this amendment.

They have to have 4.5 percent unemployment or more. They have to have 4,500 people out of work, if my arithmetic is correct.

Now, if that city of 100,000 population has only 4,000 people out of work they would not be qualified.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I am sorry but the gentleman is not correct.

Mr. CASEY of Texas. Why am I not correct?

Mr. STEIGER of Wisconsin. Because there is nothing in the legislation or in what the administration has proposed under this formula or in the law that you have to have a certain percentage of unemployment to be an eligible applicant.

Mr. CASEY of Texas. That is right but—that is what we have been led to believe.

Mr. STEIGER of Wisconsin. No.

Mr. CASEY of Texas. That is not going to be the requirement?

Mr. STEIGER of Wisconsin. No; it is not. Every city and every county and every school district and every Indian reservation and every State regardless of the level of unemployment is eligible as an applicant under the act.

Mr. CASEY of Texas. Well, let us make sure and vote for the amendment offered by the gentleman from Iowa and then we will be sure.

Mr. STEIGER of Wisconsin. You are not sure?

Mr. CASEY of Texas. No; I am not sure.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield further?

Mr. CASEY of Texas. I yield to the gentleman.

Mr. STEIGER of Wisconsin. That has nothing to do with the question of how the funds are distributed within a State. All that the amendment offered by the gentleman from Iowa does is to say that here is the formula you will use to distribute the funds.

Mr. CASEY of Texas. It is going to be what the gentleman from Ohio said a while ago. He said he had only 3.9 percent unemployment in his district and was glad he was not concerned but glad other communities could take advantage of this bill. I do not have any 4.5 percent of unemployed people in my district. And I think that those who are out of a job want a job just as badly as those where there is 4.5 percent or more. I do not think they should be ignored. I think if you want to be sure all are considered, then vote for the amendment offered by the gentleman from Iowa or you are going to find yourself in trouble when you get home.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield.

Mr. STEIGER of Wisconsin. I would vote against the gentleman's amendment if for no other reason than that the amendment would take away from Wisconsin some $2 million under the allocation formula that the administration has developed.

Mr. CASEY of Texas. Maybe I could get some of that money from Wisconsin.

Mr. STEIGER of Wisconsin. You would.

Mr. CASEY of Texas. Texas needs it because it has some high unemployment areas.

Mr. STEIGER of Wisconsin. I will say to the gentleman from Texas you can vote for $14 million for Texas. From others you can be parochial, but that is not a reason to be for or against this amendment.

Mr. CASEY of Texas. I am going to be parochial on this bill, you can rest assured and I am going to vote for the amendment offered by the gentleman from Iowa. And the rest of you had better be parochial too, because that is where your votes come from.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I want to offer my nonparochial support for this because if the gentleman's amendment is adopted it is very obvious from the sheet that is around on the floor Michigan would get less money out of this particular section of the bill than it otherwise would get. But I do not feel that this in any way is counter to the best interests of the people of Michigan because we have made provision for States like mine with a high concentration of unemployment in other parts of the bill.

In fact, you cannot qualify at all unless you have at least 6 percent unemployment for those funds; $250 million, or one-quarter of the entire package, was given to the Secretary and he was told, "You can spend it all in one State if that is where you find the heaviest concentration of unemployment. You can spend this money wherever unemployment is at its worst, as you identify it." We suggested no formula for the distribution of that money.

Section 5 is $750 million. We said that 80 percent of that $750 million must be spread so that it goes all across the country.

Then, if you will read section 9, you will see, Mr. Secretary, you take the remaining 20 percent and you spend it any way you want, wherever you want.

That is the money he should be using also to equalize the formula if he wants to do so to give an advantage to the high concentrations of unemployment. We have two sections of the bill in which we intended to let him do what he is trying to do here. But at the same time he is trying to subvert the intention of the Congress when we said we intend to give every community in this country and every school district and every township and village an opportunity to apply for some money. The only way we could guarantee that was through the language of section 9.

I should like to point out something else. Section 9 will not be amended merely with regard to the distribution of funds between States by the gentleman's amendment. His amendment goes to the formula of all section 5 money, and the second part of that formula says that when you distribute money within a State, you will distribute it according 'to the level of unemployment found within any given area measured against the total unemployment in that State. That is the guarantee that a little community is not going to be run over by the dominant communities that have the political power. We did not want to have somebody out in the State taking care of their friends to the exclusion of those people with whom they did not have a common interest. That is why we have a double guarantee in here to get this kind of distribution.

Once again, both sections I have mentioned are completely within the discretion of the Secretary to spend. It can be used in any community within a State without regard to the other communities in that State. There is all the latitude in the world for the Secretary without trying to cross the line to rewrite this formula, and even though it might appear to be rather foolish to be down here supporting an amendment that seems to take money away from my State of Michigan, to try to strain this language now, after we represented to Members of Congress whom we asked to support this legislation—and the support was over here with the gentlemen who are now concerned—to try now to strain the language and say, "Oh, no, we led you to believe that this was how it was going to be distributed, and, really, it was a clever device on our part. We left latitude so we could do it quite differently."

I would not want to come back as a member of our committee, to this floor, in the future and ask for the confidence and support of the people who have supported this legislation from the beginning if we allow this to happen. I feel very strongly that we have a moral obligation, every single one of us on this committee, in both political parties, and particularly my Republican colleagues. I would like to remind them that in the conference there was a long period of negotiation, and in order to accommodate them and in order to reach a final conference report that they would join in, we made a lot of concessions.

They are now saying to us that we wrote a loose bill. I think the gentleman from Illinois said, "as loose as a goose." I quite agree with him, but most of the looseness came out of the concessions we had to make to Republicans to get votes to vote this measure out of the conference. We had no support from that side of the aisle.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. The gentleman from Michigan was a member of the authorizing committee with respect to that committee, as I understand it, one body had a bill that was for general distribution only and the other body had a section in their bill providing extra money for areas of higher unemployment.

Mr. WILLIAM D. FORD. That is correct.

Mr. SMITH of Iowa. The other body held to the section for more severe unemployment. You did not adopt just one formula but two separate propositions, one providing general distribution and one providing extra for areas with more than 6 percent unemployment. If neither section were supposed to provide a general distribution, why have two sections?

Mr. WILLIAM D. FORD. As a matter of fact, there was a continuous battle in the conference to knock out section 6. It was a part of an agreement that we had made. We made a lot of concessions to members of that committee to leave section 6 in with the complete understanding on the part of everyone that we had the protection of this formula in section 5. I negotiated with the Assistant Secretary of Labor in person, and he had no question in his mind about the meaning of this language before the bill was passed.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. KAZEN. I would like to ask a question of the gentleman from Michigan who just spoke in the well on the amendment. I am one of those who have supported this legislation from the very beginning. I did so because I have always figured that the word "community" meant every incorporated community in the United States. I did not know that a community under 75,000 was not, in effect, a community. What I would like for the gentleman to answer me is where in the authorization bill did we give the Secretary the authority to divide communities by population?

Mr. WILLIAM D. FORD. There is no authority any place in the legislative history of this. There was not even an amendment offered at any stage in the consideration of this bill to use population as a test of eligibility for application or as a distinction in any way at all. We have never talked about it at any stage in the handling of this bill in 2 successive years, that is, using a population cutoff. There is, however, pending over there a plan for a thing called manpower revenue sharing. It is a dream of the administration that has so far not kindled a spark in the eye of anybody in our committee, and we have not brought it to the floor.

But if the Secretary gets away with the 75,000 criteria, he will have set the stage for the infrastructure within each of the States that will fit, just by coincidence, the infrastructure of manpower revenue sharing.

Mr. KAZEN. Mr. Chairman, I would say, however, that along with many other Members in the House who represent communities of less than 75,000, and who have more than a 6 percent unemployment figure, have now concluded that those cities under this section 5 who could have become applicants, to the Department of Labor will find the Department of Labor, according to their formula, disqualifying them.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. In a minute. I will be delighted to have an explanation of this statement that: "The proposed appropriation is composed of two principal parts, $750 million to carry out the provisions of section 5, and $250 million to carry out the provisions of section 6." And the special provision applies to communities with more than 6 percent unemployment. The guidelines for the second section have up until this time not been formulated. I am wondering if the Department is going to follow the precedent set for distribution of funds under section 5 for this section 6, because if they do, then many of the cities in my district will not be able to be agents and will not be able to receive the money due them even though they have consistently had over 6 percent unemployment.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, let us be very clear about this. I am appalled at the confusion that exists on the situation of the agent versus the use of the words "eligible applicant". There is nothing promulgated by the Department of Labor that in any way denies to any city of any size the right to be an eligible applicant. So any city the gentleman has in his district is eligible. I have no city in my district that is over 75,000. All are under. They all are eligible applicants under the act. Let us have no confusion about this.

Mr. KAZEN. Is it not true that in any city over 75,000, the mayor, for instance, can apply to become the agent for that program?

Mr. STEIGER of Wisconsin. There are two different concepts. Let me try to explain, if I may.

Mr. KAZEN. Please do, because I want in all sincerity to support this program, but I want my communities to be able to take full advantage of this act because many of them have over 6 percent unemployment and are under the 75,000 population figure.

Mr. STEIGER of Wisconsin. Let us take the city of Oshkosh, which is under 75,000. It is a city eligible under the act. It has a rate of unemployment over 4.5 percent, let us say. It applies to the State, which would be the agent under the rules and regulations promulgated by the Department of Labor. In no way is it denied its right to be an applicant and receive funds.

In the case of Green Bay, a city of over 75,000, in that case the mayor can go to the city or to the Brown County Board and say it is to act as their agent for all eligible applicants in this county. Then every community in the county or even the school districts can apply.

Mr. KAZEN. Let us stay with the cities.

Mr. STEIGER of Wisconsin. All right. Let us take the city. Every eligible applicant within the city—that is to say, a school district, a State agency, a county, a Federal agency—would be eligible.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

In the case of the city of Green Bay, you are talking about all of the eligible applicants within that jurisdiction being able to go to the city and to say, "Here are our applications for assistance under this act to put people to work." Then the determination is made by the agent on behalf of the Department of Labor as to what is distributed among the various applicants for the amount of money available.

I would hope it is very clear there is no denial of the opportunity to be an applicant.

May I say to the gentleman from Texas, what we are talking about is whether or not we want thousands and thousands of applications to go to the Regional Manpower Administration, wherever it is for the State of Texas—in Wisconsin it is the Chicago regional office—to make the determination.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Texas.

Mr. KAZEN. Let me ask a question on the $250 million, in the other section.

Mr. STEIGER of Wisconsin. Yes, sir.

Mr. KAZEN. Will this money be available in addition to other moneys received by a city by virtue of having an unemployment rate above 6 percent?

Mr. STEIGER of Wisconsin. Yes.

Mr. KAZEN. And those communities may apply directly to the Department of Labor?

Mr. STEIGER of Wisconsin. Yes.

Mr. KAZEN. And the Department cannot then come back with their 75,000 population limitation?

Mr. STEIGER of Wisconsin. It is my understanding, I say to the gentleman from Texas, based on section 6, that in this case we are talking about a special program separate from the section 5 money, and that it is designed by the Committee on Education and Labor for areas with extensive unemployment for a protracted period of time, and it can go to areas within a city such as Watts or Harlem.

Mr. KAZEN. In other words, there is no chance that the Department of Labor would limit those areas to areas over 75,000 people; is that correct?

Mr. STEIGER of Wisconsin. That is my understanding.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Texas.

Mr. MAHON. On page 6 of the committee hearings, near the middle of the page, is set forth a colloquy I had with Assistant Secretary Lovell, who is the top man in the Department of Labor for the administration of the manpower programs. The colloquy is as follows:

> Mr. Mahon. In other words, you write off smaller areas of the country right off the bat?
>
> Mr. Lovell. No, sir; quite the contrary. Really, I think we are saying there are three units that will receive an allocation on the basis of the same formula. The first unit is the cities and the counties that have less than 75,000. They will get their share according to this formula.
>
> Take the unemployment in all the areas that do not have 75,000 and you will apply that proportion to the State allocation and that money must be used in those geographic areas.
>
> Second, you take the cities and counties with a population of 75,000 or more and you apply the formula and you give them that share to be used in that area.

That is interpreted to mean that in areas of 75,000 or more they can get the allocation from the mayor of the city—as an example—but in areas of less than 75,000 they operate through the State. That is the clear intent of the language in the hearing, regardless of what the law says.

Mr. STEIGER of Wisconsin. That is correct. That does not apply, as I know the gentleman understands, to section 6 money.

Mr. MAHON. No. This has no reference to section 6 money.

Mr. STEIGER of Wisconsin. Mr. Chairman, I urge the defeat of the amendment offered by the gentleman from Iowa.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would strongly wish and hope the House would seriously consider this amendment and adopt it. The distinguished minority leader made a very impassioned plea here about the need for this legislation to be very quickly adopted because of problems there are all over the country.

I would like to tell my colleagues, as a member of the Committee on Education and Labor who participated in writing this bill, that if we fail to adopt the Smith amendment, there will be litigation, prolonged litigation, because what they are doing here is handing down a formula in implementing this act without any basis in law.

When we wrote this law we agreed that the money would be distributed among the States on the basis of each States' rate of unemployment in relation to the national total unemployment in excess of 4.5 percent. What we in effect said, is that this law goes into effect whenever the national unemployment rate reaches 4.5 percent. Under a purely arbitrary rule, without an iota of authorization, the Department added another dimension to it, that is, that you can count in your State, in order to qualify for the formula for the 50 States, only those in your State who are unemployed above 4.5 percent.

There is no basis for this. They have shortchanged a whole series of States. What we had proposed under section 6 is that in areas of highest unemployment we could, if unemployment exceeds 6 percent within an area of high unemployment, apply for funds under the act for such an area. You can go to the area in back of the Chicago stockyards, which was just closed, and find 30 to 40 percent unemployment. These areas will be seriously shortchanged under the Department's arbitrary formula.

The amendment before us would cure this arbitrary administration policy. So I hope we can go along with the gentleman from Iowa (Mr. Smith) and accept this amendment and get this bill to the President. Let him sign it, and fund it, and get this help to the people where it is needed as soon as we can, because it was very eloquently stated by the gentleman from Michigan (Mr. Ford) that it is needed.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in enthusiastic support of this measure. The jobless situation in this country is intolerable. Throughout every section of the Nation, people are experiencing the frustration, the humiliation, the heartbreak of being deprived of a means of earning a livelihood.

My own district in Massachusetts has not been spared from the devastating effects of high unemployment. The latest estimates from the Massachusetts Division of Employment Security indicate a jobless rate of 6.8 percent for the Pittsfield area, 9.5 percent for Greenfield, 11.9 percent for North Adams, and 9.9 percent for the Springfield area. The statewide rate stands at 8 percent—the highest since 1951.

So I know from firsthand experience that the time for debating and commiserating about the economy is over. The millions who are struggling to survive and maintain their human dignity have no use for cold discourses on the inflationary effects of the wage-price spiral. We must act. And we must act now.

The persons behind these grim statistics are our people—our friends and neighbors. Through no fault of their own, they have been cruelly thrown out of their jobs. With every ounce of determination they can muster, they want to go back to work. These people are not seeking a handout. They are seeking the dignity and satisfaction that comes from honest human labor.

The $1 billion lifeline provided under the Emergency Employment Assistance Act would help achieve their objective. Besides putting people back to work, the act would also provide for job training to move people from public service jobs to positions in the private sector. Thus the measure which we are considering will yield real and lasting benefits to the unemployed. This is not a public subsidy. It is a response to a public need. This is not another welfare or giveaway program. It is a means of helping those who sincerely desire to put in an honest day's work for an honest day's salary.

Nor would this legislation create a make-work type of program. Studies for the Urban Coalition and the National Commission on Technology, Automation, and Economic Progress have documented the existence of a huge job potential—as great as five million—in providing needed public services. These services are not now available, because State and local government agencies lack sufficient funds. As a result, our schools, parks, libraries, public safety organizations, and health care and recreational facilities are severely understaffed. The 150,000 to 200,000 jobs that this legislation would create will help to fill this gap.

There has been a lot of talk about revenue sharing in the last year or so. This resolution constitutes revenue sharing in the truest sense. By channeling money back to the States and the localities—$24 million alone to Massachusetts—it will create a viable partnership at all levels of government. And it will offer our citizens what, in all justice, they have a right to expect: the chance to hold their heads high and make a productive contribution to their own lives and the lives of their fellow men.

The administration has shown its good faith by submitting its budget request for this program in less than 3 weeks after the President signed the act into law. Many of the administrative procedures needed to distribute the funds have already been developed and a number of the basic decisions as to how the funds will be allocated have already been made.

Let us now show our good faith by promptly allocating the money that is needed to get this program off the ground. I exhort my colleagues to support this resolution.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa (Mr. Smith). I am sure every Member in this House wants to see these funds allocated on the basis of the legislation that we passed, and they would want to carry out the intent of this House specifically as we have tried to understand it. So if we are honest in that approach let me call, then, to your attention language which you will find in report No. 92–310, and I would like to read this language to the Members. There are several copies of this report on the desk, and I would invite you to get a copy of it if any of you have any doubt about it. This was the language that was written in an attempt to explain what we meant when we made such reference to "no less than 80 percent shall be apportioned among the States in an equitable manner that considers"—and so forth.

This is what we said in the report, and I quote:

> The House amendment provides for the allocation of 80 percent of the funds according to a formula based on the proportion the total number of unemployed persons in an area bears to the total in that State, and the total in the State bears to the total nationally.

Now, there is no doubt about that. If

you want to follow the language that is in your conference report, then you are obviously going to follow the amendment that is offered by the gentleman from Iowa.

The report even goes further, and says that it requires this to be done on "an equitable basis among the States, and among the urban and rural areas, giving consideration to the relative incidence of unemployment in the area served by the applicant." And it adds, "The Senate recedes."

So this question was brought up in conference when this particular bill was reported that accompanies S. 31.

The reason the question was brought up was, what was the intent of the House? And clearly the intent of the House is to say that these funds ought to be allocated on the basis of unemployment in that State as it relates to the unemployment in the Nation.

If anybody questions that on either side I would be willing to yield to them.

I say it is absolutely stated here that the funds should be allocated on a basis stated on page 17 of this particular report.

When you go back and look at the language of the bill I must admit that there is confusion, because the bill does say "in an equitable manner, taking into consideration the proportion which the total number of employment," and so forth.

I do not know how that language crept in the bill, or how it stayed that way. But the question was raised by the gentleman from Michigan (Mr. Ford) in which he wanted to know what did we mean—and he offered the amendment and we therefore put in the conference report exactly what was meant. It would seem to me that leaves little doubt what we meant, and therefore, if you do not adopt the amendment offered by the gentleman from Iowa, then you are simply allowing the Secretary of Labor to write a formula that is not intended and that was not clearly delineated when we considered this bill. It would seem to me we would really have no alternative, if we do not want to write the bill altogether different from what we try to outline in our conference report. The same language that is in the conference report was in the original bill when it was brought before the Committee on Education and Labor. So there is not any doubt that the language is the same in both instances when this question was raised and clearly it was based on the unemployment that the State has relative to the national figure. It seems to me that is obvious and therefore I rise in support of that particular amendment and I support the gentleman from Iowa, and I hope we do reach an accord on this amendment and pass this needed legislation.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. RONCALIO. Mr. Chairman, I would like to support this amendment but I see from the formula in Public Law 92–54 the document being distributed on the floor here that the State of Wyoming under its entitlement would receive only $600,000, and that is $900,000 less than we would receive under the other.

I ask, Is this a typographical error?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MAHON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we have sought to give ample time for debate and I think it is time to ask unanimous consent to conclude debate at a given time.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair has noted the names of Members standing who wish to be recognized under the limitation of time.

The Chair recognizes the gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO. Mr. Chairman, I want it in the legislative history of the debate on this bill—I want it affirmed by the chairman of the committee that if we pass this bill every State will be guaranteed a minimum of $1.5 million.

Mr. MAHON. The amendment is not intended in any way to change the provision whereby at least $1.5 million goes to every State as stated in the public law which says "* * * but, not less than $1,500,000 shall be apportioned to any State, except that not less than $1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands," and so on.

So every State gets at least $1.5 million, regardless of the formula otherwise.

Mr. RONCALIO. I thank my colleague and I appreciate his consideration and I am grateful to the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Michel).

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment. On very few occasions would I oppose the gentleman from Iowa, a valuable member of our committee. Too, perhaps it seems odd that I should oppose an amendment by which my own State would gain $11 million. But that does not make it a right move for me.

Frankly, the fact that the administration has developed this formula to help those who need the help most is a good thing. In my original remarks I said I did not want this to be a permanent piece of legislation but supported it as a transitional. I frankly feel, Mr. Chairman, that the 4½-percent figure for triggering this legislation is too low and should be at 5 or 5½ percent, because we have not had unemployment at a rate lower than 4½ percent in my lifetime without a war on our hands. I hate to see this thing become a permanent Federal subsidy. So in this time of special need for cities, counties, and areas with high unemployment we ought to zero in on the hardest hit areas with the most help.

The reason I opposed the measure when it passed the House was that it was legislation of a permanent nature. In conference it became something of a transitional piece of legislation. So I again address myself to the point. If we have an opportunity by this formula to help these people with a very severe problem, I think we should target in on those areas and give them assistance rather than simply having a bigger, broader, and grander revenue-sharing program of a permanent nature. I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Mahon).

Mr. MAHON. Mr. Chairman, I think the matter has been fully debated, and I have no desire for further time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Smith).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. SMITH of Iowa. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. SMITH of Iowa. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Smith of Iowa, Bow, Mahon, and Casey of Texas.

The Committee divided, and the tellers reported that there were—ayes 172, noes 213, not voting 49, as follows:

[Roll No. 240]
[Recorded Teller Vote]

AYES—172

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Albert
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Badillo
Baker
Baring
Belcher
Bennett
Bergland
Bevill
Biaggi
Bingham
Blackburn
Blatnik
Boggs
Brasco
Brinkley
Brooks
Broyhill, N.C.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Cabell
Caffery
Carney
Casey, Tex.
Chisholm
Collier
Collins, Ill.
Collins, Tex.
Colmer
Coughlin
Culver
Daniel, Va.
Daniels, N.J.
de la Garza
Delaney
Denholm
Derwinski
Dorn
Dow
Downing
Dulski
Duncan
du Pont
Edmondson
Evans, Colo.
Fascell
Fisher
Flowers
Ford, William D.
Fountain
Fraser
Frey
Fulton, Pa.
Fuqua
Galifianakis
Garmatz
Gettys
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Haley
Halpern
Hanley
Harsha
Hays
Henderson
Horton
Jarman
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Kemp
King
Koch
Landrum
Latta
Lennon
Lent
Long, Md.
Lujan
McDade
McMillan
Mahon
Martin
Mathis, Ga.
Matsunaga
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Mink
Mitchell
Mizell
Montgomery
Moorhead
Mosher
Murphy, Ill.
Murphy, N.Y.
Nichols
Passman
Pepper
Perkins
Pickle
Poage
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell

Quillen
Railsback
Rangel
Rarick
Reid, N.Y.
Rhodes
Roberts
Robison, N.Y.
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Scheuer
Schwengel
Scott
Seiberling
Slack
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Steed
Stephens
Stokes
Stuckey
Taylor
Thompson, Ga.
Thone
Udall
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Whitten
Wright
Yates
Young, Fla.
Young, Tex.

NOES—213

Adams
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspin
Begich
Bell
Betts
Biester
Boland
Bow
Brademas
Bray
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Conable
Conte
Conyers
Corman
Cotter
Crane
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Dellums
Dennis
Devine
Dickinson
Diggs
Dingell
Drinan
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Flood
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Fulton, Tenn.
Gallagher
Gaydos
Giaimo
Goldwater
Goodling
Grasso
Griffiths
Grover
Gude
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Hungate
Hunt
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Kastenmeier
Keating
Keith
Kyl
Kyros
Landgrebe
Leggett
Link
McClory
McCloskey
McCollister
McCormack
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias, Calif.
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Calif.
Mills, Md.
Minish
Minshall
Monagan
Morgan
Morse
Moss
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pettis
Pike
Pirnie
Poff
Powell
Price, Tex.
Pryor, Ark.
Quie
Randall
Rees
Reid, Ill.
Reuss
Riegle
Robinson, Va.
Rodino
Roe
Rooney, Pa.
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
St Germain
Scherle
Schmitz
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Sisk
Skubitz
Smith, Calif.
Snyder
Spence
Stafford
Staggers
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Symington
Talcott
Teague, Calif.
Terry
Thompson, N.J.
Thomson, Wis.
Ullman
Veysey
Ware
Watts
Whalley
Whitehurst
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Zablocki
Zion
Zwach

NOT VOTING—49

Barrett
Blanton
Bolling
Brown, Ohio
Carey, N.Y.
Celler
Chappell
Clark
Clay
Dent
Donohue
Dowdy
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Flynt
Foley
Gross
Gubser
Hagan
Hawkins
Hébert
Hull
Ichord
Jones, Tenn.
Kluczynski
Kuykendall
Lloyd
Long, La.
McClure
McCulloch
Mollohan
Patman
Peyser
Saylor
Sikes
Springer
Teague, Tex.
Tiernan
Van Deerlin
Vander Jagt
Waldie
Widnall
Wiggins
Wilson, Charles H.
Yatron

So the amendment was rejected.

(By unanimous consent, Messrs. COLLINS, MATHIS, KEMP, and LENT changed their votes from "no" to "aye.")

AMENDMENT OFFERED BY MR. WILLIAM D. FORD

Mr. WILLIAM D. FORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM D. FORD: On line 3, page 2 after "June 30, 1973" add the following: "*Provided*, That, no funds appropriated herein may be used to pay, by way of reimbursement or otherwise, any state or local government which may be itself an eligible applicant under the Emergency Employment Act of 1971 (P.L. 92–54), or any officer or employee thereof, for the performance of any function required of the Secretary of Labor in administering such Act or in reviewing or performing any function with respect to the applications of other eligible applicants."

Mr. MAHON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. MAHON), reserves a point of order on the amendment offered by the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, this amendment would attempt to restrict the use of these funds so that the Secretary of Labor could not go forward with an announced program of appointing the Governors of the several States as his agents to perform the duties that we in the statute charged him with performing. At this stage the only way we can stop him from using this money to build little bureaucracies or another level of bureaucracy in each of the several States is to adopt this amendment.

It has been announced to us by the Secretary that he intends to create an artificial segregation of the communities in the country into two groups, those over 75,000 population and those under, notwithstanding the fact that our legislation clearly intended that each State, village, township, county, or unit of government that was an eligible applicant in this country should have the right to take its specific application directly to the Federal Government through the Labor Department for funds.

He proposes to say that only those communities having a population of more than 75,000 will be able to apply to Washington. Now, that is 5 percent of the total in number of all the communities in the country. What do the other 95 percent do? The other 95 percent will wait home until he makes an arrangement with each of the respective Governors. The Governor who is the principal officer of the State, which is itself an eligible agent to apply for funds, will then decide how to distribute the funds within the State, and put together a State plan for all the communities of 75,000 or less.

So the little communities are going to the State capitals for their funds, and the ones over 75,000 will come to Washington for their funds. And we have not found out what he suggests is going to be the solution of knowing who got what, or got nothing in the coordination between the several levels of bureaucracy that would be created.

There is a very serious conflict-of-interest problem involved here. We said that a State, a county, or any local unit of government could be an applicant, and for us to allow any one of the applicants to become the agent to process the applications of other eligible applicants is wrong.

Mr. Chairman, it just seems very foolish to me to say to a State that can itself be an applicant—we are going to make you an agent of the Secretary of Labor—who is supposed to decide who is going to get a grant under this program. So you can pass upon all of the competing applications in your State. Usually the State will have an application and the State is going to be competing with every other unit of government in that State for its share of that allocation.

How can you expect that Governor or his designee to fairly deal with the competing applications in instances of that kind? There has never been anything like this that I have been able to find in any local community, State or Federal Government. It will be an absolute monstrosity. I seek today to prevent the use of these funds for paying State employees to do the job that the Secretary of Labor should be doing. He has 2,700 employees now in the field service of the manpower department of the Department of Labor and he has 1,900 employees here in Washington. So he has 4,600 employees on hand who could very well handle this program. We did not pass this program through the Congress to start hiring a bunch of bureaucrats at either the Federal or the State level. We tried or at least we think we tried with this legislation to get some money out to every little community in this country and to put some people to work where they live.

Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. MAHON. Mr. Chairman, with respect to my reservation of a point of order I have examined the amendment and withdrew the reservation of the point of order.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if we adopt this amendment we shall severely delay the opportunity for public service employment jobs to become available in the communities of this country. The Department of Labor has already developed their delivery system. The delivery system that they have chosen I believe is necessary for speed because in each community of your State—and it will not just be the cities—that has jobs available to it—the school districts, the hospitals and the State hospitals and Federal hospitals and the Federal agencies and State agencies—all within each community—it is not possible for the Secretary of Labor to determine which one of those units of government and agencies in each community should have how much money. Somebody has to do that. Now, you could hire a whole hierarchy of Federal agents to go out and make that determination. But it is not possible for them to have the intelligence or the sensitivity to make local decisions wisely. The Secretary of Labor needs to pick somebody as his agent who is there in the local community or State who can make that determination.

Mr. Chairman, you all have had experience with some quickly hired Federal employees coming out to your communities to administer or to tell you how to run some new Federal program. I think all of you would like to see some of your local people who understand your community make as many decisions as possible.

Section 12 says:

> (e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act.

So what the Department of Labor has chosen to do is clearly under the law. It is also specified in the law under section 8(3) that an opportunity must be given to the officials of the appropriate units of general local government to submit comments in regard to every application, and also in subsection (4) an opportunity must be provided the Governor of the State to submit comments in respect to applicant and to the Secretary.

He must go through the local units of government and the Governor for comments by them.

What is the quickest way in which this could be administered? The quickest way is to go through the people who have the right to make comments, who can act as the agents. The Secretary of Labor should be able to use them as his agents. Each will have to do what the Secretary of Labor tells him to do. They cannot go contrary to law.

If the Governor or the mayor chooses not to do that, does not distribute the money equitably to make certain the schools have an opportunity, the hospitals and the police department and other local, State, or Federal agencies in the community have an opportunity to hire public service employees, he will go through them and act himself without an agent.

Mr. Chairman, I believe we ought to vote down the amendment because we need to get this job done as quickly as possible and utilize the personnel who know their communities wherever possible.

Mr. MEEDS. Mr. Chairman, I rise in support of the amendment, and move to strike the requisite number of words.

Mr. Chairman and members of the committee, I submit that while there may have been some question about the language in section 9(a)(1), there is absolutely no question about the language employed for the distribution of funds within the States. I read 9(b):

> The amount appropriated to each State under Clause 1 of subsection (a) shall be apportioned among areas in each State in an equitable manner, taking into consideration—

Et cetera. It said "to be distributed among areas of the State." It did not say to be distributed among artificially created municipal layers of government.

There was the clear intent—and I was a member of the conference committee as were some others on this floor—that we pass to the lowest level of local general government the ability to hire people now and not to have to go through another layer of bureaucracy to get at it. The gentleman from Minnesota says that this will delay the procedure. I submit to you it will enhance the procedure and speed it up, because every local unit of government knows the employees that it needs. They can submit an application direct to the Secretary, and that application can be approved or denied. But under the plan which is being submitted by the Secretary it will be necessary to go through yet another layer of government. So it has to go, first of all, through this artificially created agent, and then it has to go to the Secretary. I submit to you that that is the delaying tactic, the delaying tactic which puts the power of the dispersal of money in the hands of the Governors of the States against the intention of the members of the committee.

Let me point out what it does to you. They should have taken counties or standard metropolitan statistical areas and distributed the money to the local units of government. We could have immediate distribution and it would be effortless, but many of you are in the same position I am. I do not have one city in my district over 75,000, and yet every one of those cities will be lumped in with the State-at-large.

If unemployment, say, in one of my cities is 15 percent and the unemploymen across the State is 10 percent, that city, instead of sharing as it should as an area, will be sharing as a governmental unit on the State basis and will be receiving approximately 5 percent less than it should. So this is clearly the kind of program which will not redound to the benefit of smaller units of government, and on the basis of where the unemployment is.

If the Secretary does follow the language of this bill and the clear intent of this bill, he would be putting money into the areas where the unemployment is instead of into the areas of some fictitiously created units of government.

I submit to you that the amendment of the gentleman from Michigan will help prevent this by refusing funds to those agents which would be eligible applicants themselves, and therefore, the tendency will be to give the money immediately and directly to the units of local general government where we intended it to go.

Mr. BADILLO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to point out that we would not have to guess what would happen if this amendment is not passed, because it has come to my attention that the Governor of Puerto Rico has already announced what he intends to do and what he will be forced to do under the regulations issued by the Secretary of Labor. Under the regulations as issued by the Secretary of Labor, the Governor of Puerto Rico has announced that only two cities, San Juan and Ponce, would qualify, would be eligible for assistance, because they are the only two cities with a population of 75,000 or more.

The mayor of Mayaguez, who is the president of the Puerto Rican Conference of Mayors, Benjamin Cole, has indicated his organization's very strong opposition. He has called me and told me that over 75 mayors who are involved protest the proposed regulations because most of the people who are in need of this program will not be able to benefit from it.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, the point is that notification is absolutely in error, because that project or application would never be approved under those circumstances, because it does not take account of what the Secretary of Labor has in mind for those areas under 75,000.

Mr. BADILLO. The guidelines have been issued by the Secretary and they indicate that $600 million will be available to approximately 700 governmental units, and the 700 governmental units will be composed—and I am quoting: "of States and cities with a population of at least 75,000," and that the governmental units will be eligible to receive funds if they submit the projects as agents of the Governor. I am quoting directly from the press release, and this is the exact statement read by the Governor, and the exact statement that the president of the Puerto Rican Conference of Mayors is objecting to. It may be true there is another section under which the aid might be provided, but the vast majority of these funds will be limited to those 700 governmental units, and that applies to the 700 governmental units throughout the Nation.

I have spoken to the chairman of the committee, the gentleman from New Jersey (Mr. DANIELS) and not only is there nothing in the bill which sets up such a limitation, but the chairman indicates there was never any intention in committee or otherwise to have such a limitation imposed.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. BADILLO. I yield to the gentleman from Minnesota.

Mr. QUIE. There is also nothing in the Constitution that prohibits aid to education, and we also go ahead and do it. We set up the Secretary of Labor to administer the act and we gave him a great deal of latitude in doing it.

But in talking about the 700 units of government, all government units will be eligible to be applicants. None of them will be cut out of the money under the $600 million. The Secretary of Labor only needs to speed this up. He just could not handle the multitude of requests if he did not do it through the 700 agents.

Mr. BADILLO. Theoretically all units will apply through the Governor, but at least the Governor of Puerto Rico is being honest about it and saying, "Do not bother to apply, because these are the guidelines I must go by."

We were talking about being eligible not only to apply, but also being eligible to receive the benefits when we were writing this legislation; but we must, at least in this instance, be grateful to the Secretary of Agriculture for having tipped us off to what he is going to do, so we can support this amendment and make sure he does limit the legislation we have passed.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

It is not clear to me what the effect of the amendment would be. I saw the amendment for the first time only a few moments ago. I am concerned about what might happen in the smaller counties and smaller communities, those under 75,000 population.

The areas under 75,000 do not come directly to the Secretary of Labor, as we understand the proposal of the Secretary, and therefore they have to go through the Governor. Many of the States are having financial difficulties. If this amendment would preclude them from having sufficient staff in order to commence the program it seems to me the communities might be in difficulty. As I say, I am not clear as to the exact import of the amendment.

In the circumstances, as a matter of precaution, we ought not do anything that might unwisely tie the hands of the Secretary with respect to the matters dealt with in this amendment. I therefore am constrained to urge that the amendment be defeated.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. What the gentleman describes is precisely what we want to do. I am trying to discourage a network of State employees passing upon and administering this program and performing duties the Secretary of Labor and his employees ought to perform.

All I am saying is we should not permit the payment of wages for a State employee to administer some other unit of Government's program or to pass upon its application. I am trying to discourage the Secretary from doing this. He cannot force any Governor to accept the designation as agent. Some Governors will be willing to do it, and others will not be.

In some States every town is going to be able to come to Washington with an application because the Governor will say, "No, I am not interested." In other States it will be only those under 75,000. It is just another compounding of the layers of bureaucrats with whom people have to deal.

I have confidence that the Federal employees now in the Department of Labor could handle this adequately. If they apply the formula in this bill they can get all this money out to the communities within 60 days.

Mr. MAHON. The local communities in the smaller areas would have to originate these applications. If under the regulations they have to go through the Governors and they have no personnel with which to assist these communities, there might be difficulty.

I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. WILLIAM D. FORD).

The question was taken; and on a division (demanded by Mr. WILLIAM D. FORD) there were—ayes 101, noes 114.

TELLER VOTE WITH CLERKS

Mr. WILLIAM D. FORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WILLIAM D. FORD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. WILLIAM D. FORD, Mr. BOW, Mr. MAHON, and Mr. MEEDS.

The Committee divided, and the tellers reported that there were—ayes 171, noes 219, not voting 44, as follows:

[Roll No. 241]

[Recorded Teller Vote]

AYES—171

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Ashley
Aspin
Badillo
Baring
Barrett
Begich
Bergland
Biaggi
Bingham
Blatnik
Boggs
Brademas
Brasco
Brooks
Burke, Mass.
Burton
Byrne, Pa.
Caffery
Carney
Casey, Tex.
Chisholm
Collins, Ill.
Conyers
Corman
Culver
Daniels, N.J.
Danielson
Dellums
Denholm
Diggs
Dingell
Dow
Downing
Drinan
Dulski
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Fascell
Foley
Ford, William D.
Fraser
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Latta
Leggett
Long, Md.
McCormack
McFall
McKay
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Passman
Pepper
Perkins
Pike
Podell
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rarick
Rees
Reid, N.Y.
Reuss
Roberts
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sandman
Sarbanes
Scheuer
Seiberling
Sisk
Smith, Iowa
Staggers
Stanton, James V.
Steed
Stokes
Stratton
Sullivan
Symington
Taylor
Thompson, N.J.
Udall
Ullman
Vigorito
Waggonner
Watts
Wolff
Wright
Yates
Yatron
Zablocki

NOES—219

Abernethy
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Belcher
Bell
Bennett
Betts
Bevill
Biester
Blackburn
Boland
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conte
Cotter
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Duncan
du Pont
Dwyer
Edwards, Ala.
Erlenborn
Evans, Colo.
Findley
Fisher
Flood
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Gettys
Giaimo
Goldwater
Goodling
Grasso
Griffin
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hansen, Idaho
Harsha
Harvey
Hastings
Heckler, Mass.
Hillis
Hogan
Horton
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Keating
Kee
Keith
Kemp
King
Kyl
Landgrebe
Landrum
Lent
Link
Lujan
McClory
McCloskey
McCollister
McDade
McDonald, Mich.
McEwen
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Melcher
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Moorhead
Morse
Mosher
Myers
Natcher
Nelsen
Nichols
O'Konski
Patten
Pelly
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Quie
Quillen
Railsback
Reid, Ill.
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rousselot
Runnels
Ruppe
Ruth
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stafford
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vanik
Veysey
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOT VOTING—44

Abbitt
Blanton
Bolling
Brown, Ohio
Carey, N.Y.
Celler
Chappell
Clark
Clay
Dent
Donohue
Dowdy
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fish
Flynt
Gross
Hébert
Hull
Jones, N.C.
Jones, Tenn.
Kuykendall
Lennon
Lloyd
Long, La.
McClure
McCulloch
Mollohan
Patman
Peyser
Saylor
Sikes
Springer
Teague, Tex.
Tiernan
Van Deerlin
Vander Jagt
Waldie
Widnall
Wiggins
Wilson, Charles H.
Young, Tex.

So the amendment was rejected.

(By unanimous consent, Mr. ABERNETHY and Mr. MELCHER changed their votes from "aye" to "no.")

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 833) making an appropriation for the Department of Labor for the fiscal year 1972, and for other purposes, pursuant to House Resolution 577, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. SCHERLE. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. SCHERLE moves to recommit House Joint Resolution 833 to the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. DELLENBACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 321, nays 76, not voting 36, as follows:

[Roll No. 242]

YEAS—321

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clancy
Clausen, Don H.
Cleveland
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Devine
Diggs
Dingell
Dow
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Kyros
Latta
Leggett
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Scheuer
Schwengel
Seiberling
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Ullman
Vanik
Veysey
Vigorito
Wampler
Ware
Watts
Whalen
Whalley
White
Widnall
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—76

Abernethy
Andrews, Ala.
Archer
Ashbrook
Baker
Baring
Blackburn
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Camp
Clawson, Del
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, S.C.
Denholm
Dennis
Derwinski
Dickinson
Dorn
Downing
Fisher
Flowers
Fountain
Gettys
Goodling
Griffin
Hagan
Haley
Hall
Hammerschmidt
Henderson
Jarman
Landgrebe
Landrum
Lennon
Long, Md
McCollister
McMillan
Mann
Martin
Mathis, Ga.
Mills, Ark.
Montgomery
Nichols
Passman
Poage
Poff
Price, Tex.
Purcell
Rarick
Roberts
Robinson, Va.
Rousselot
Runnels
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Sikes
Smith, Calif.
Snyder
Spence
Steed
Steiger, Ariz.
Stephens
Thone
Waggonner
Whitehurst
Whitten

NOT VOTING—36

Abbitt
Brown, Ohio
Carey, N.Y.
Celler
Chappell
Clark
Clay
Dent
Donohue
Dowdy
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Fish
Flynt
Gross
Hébert
Hull
Jones, Tenn.
Kuykendall
Long, La.
McClure
McCulloch
Mollohan
Patman
Peyser
Saylor
Springer
Teague, Tex.
Tiernan
Van Deerlin
Vander Jagt
Waldie
Wiggins
Wilson, Charles H.

So the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Tiernan for, with Mr. Teague of Texas against.

Mr. Celler for, with Mr. Evins of Tennessee against.

Mr. Charles H. Wilson for, with Mr. Chappell against.

Mr. Dent for, with Mr. Hébert against.

Mr. Carey of New York for, with Mr. Flynt against.

Mr. Clark for, with Mr. Dowdy against.

Mr. Mollohan for, with Mr. Abbitt against.

Until further notice:

Mr. Hull with Mr. Esch.

Mr. Jones of Tennessee with Mr. Kuykendall.

Mr. Waldie with Mr. Clay.

Mr. Van Deerlin with Mr. Wiggins.

Mr. Donohue with Mr. Gross.

Mr. Long of Louisiana with Mr. Peyser.

Mr. Edwards of Louisiana with Mr. Brown of Ohio.

Mr. Patman with Mr. Saylor.

Mr. McClure with Mr. Springer.

Mr. Eshleman with Mr. Fish.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the joint resolution just passed and to insert extraneous material, and I ask unanimous consent that all Members of the House may have 5 legislative days in which to revise and extend their remarks on the joint resolution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HASTE AND EMOTIONALISM IN THE ELIMINATION OF DETERGENT PHOSPHATES LEADS TO BURNED AND POISONED CHILDREN

(Mr. ANDERSON of Tennessee asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. ANDERSON of Tennessee. Mr. Speaker, the Department of Commerce has come under recent heavy criticism for its laxity in bringing into effect on a timely basis regulations designed to require a high degree of flame resistance in children's sleepwear. Too many children have died because of the slow pace of carrying out the intent of Congress.

The public is less aware, if not indeed unaware, that flameproof sleepwear which is considerably more expensive, will lose its fire-retardant qualities after relatively few launderings in the leading nonphosphate detergents now on the market. Had the Department of Commerce moved more expeditiously, this problem probably would have been squarely faced some time ago.

As I understand it, the effect of nonphosphate detergents on flame retardants is dependent upon several factors—the hardness and temperature of the water, in some cases the alkalinity of the water, the presence of soap in the detergent, and particularly the relative alkalinity of the detergent. Nonphosphate detergents usually contain sodium carbonate and sodium metasylicate which affect the flame-retardant chemical—THPC. This is because of the high alkalinity of nonphosphate detergents, especially when coupled with hard water and high water temperatures. The calcium in hard water precipitates to create calcium oleate or calcium carbonate, both of which interfere with THPC. When THPC burns it turns to phosphoric acid which dehydrates and carbonizes the cotton to a form that will not burn. But calcium carbonate and calcium oleate neutralize the phosphoric acid and the clothing article burns.

If a flame-retardant fabric is washed in one of the new nonphosphate detergents, the product usually fails to meet the test for flame resistance after as few as 10 washings. Paradoxically, if the product is then washed in a phosphate detergent, such washing may reverse the effects of the nonphosphate detergents. The reversible effects of phosphate detergent depend upon how many times the product has been previously washed in nonphosphate detergents. Only limited data are available on this point.

Equally distressing, some if not all of the nonphosphate detergents now available are toxic and extremely harmful to children when ingested, so much so that warning labels are being required. Phosphate detergents are not harmful when ingested.

To top this off, a large number of scientists doubt that there is any relationship between detergent phosphates and the eutrophication process which is so damaging to water quality in our lakes and streams. Besides this, it is well established that through proper sewage treatment methods, phosphorus from detergents as well as from human waste and other sources, as well as related contaminants, can be removed at relatively low cost.

Other considerations regarding the use of nonphosphate detergents are reported:

A visible coating on dark colored clothes which resembles fading. A buildup in clothes which causes them to be harsh and stiff. Breakage of threads, fading of colors and yellowing of white clothes. Shorter washing machine life.

In conclusion, Mr. Speaker, I am just as anxious as any Member of this body to clean up our environment, preserve and conserve our resources, and improve the quality of life. But we must be thoroughly enlightened in our approaches.

First. We urgently require clean water in our lakes, rivers and streams, nonflammable fabrics and non-toxic detergents. It is incumbent, therefore, upon the Nation to vastly enlarge the scope of research to achieve all three results on a timely basis.

Second, any precipitous action restricting phosphates in detergents is a prime example of trading a possible environmental hazard for two certain environmental hazards to young children. I strongly urge that governmental entities give due consideration to this paradox before precipitously adopting stringent bans against detergent phosphates.

I would hope also that industry will accelerate its efforts to develop fabrics which are inherently fire retardant.

THE SERIOUS MILITARY DRUG ABUSE PROBLEM

(Mr. HAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAGAN. Mr. Speaker, on April 27, 1971, I rose to address my colleagues in this Chamber on the Report of the Special Armed Services Subcommittee on Drug Abuse in the Military. I was chairman of that subcommittee and explained the basic results of our inquiry and the immensity of the problem which faced all of us in finding a solution to widespread illicit drug abuse in our civilian and military communities.

Without the fanfare of broad speculation, klieg lights and press conferences, we sought to issue a report reflecting as accurately as was humanly possible the sobering circumstances concerning the extent and significance of the drug problem in the military. For example, from the various reports, our consensus was that upward to 10 percent of our military personnel in Vietnam could be using hard narcotics. Notice carefully we did not speculate that maybe 15 percent or 25 percent were addicted to heroin. We did not speculate about this tragic business of addiction for the simple reason there was no way of knowing at the time how many among that 10 percent who could be using hard narcotics might be truly addicted. Today our hesitancy in that regard seems more than justified with the emerging results of scientific testing which have caused careful reexamination of earlier estimates of heroin addiction in Vietnam.

We presented to the Secretary of Defense 26 recommendations addressed to minimizing drug abuse in the military. Reported efforts implementing those recommendations are encouraging but there remains a long, hard road ahead. Thus, this subcommittee was reestablished on June 27 by Chairman Hébert of the House Armed Services Committee to hold hearings on legislation proposed by the President to improve and enhance the drug abuse treatment and rehabilitation programs in the military services. Again, I have been appointed chairman of that subcommittee along with a knowledgeable membership consisting of Floyd V. Hicks of Washington, Richard C. White of Texas, Bill Nichols of Alabama, Dr. Durward G. Hall of Missouri, John E. Hunt of New Jersey and C. W. "Bill" Young of Florida, and we have set our plans for open hearings on H.R. 9503 immediately after the recess. Our panel will receive testimony from the Executive Office of the White House, the Secretaries of Defense and the services, as well as the heads of other Federal agencies offering treatment and rehabilitation programs for members of the military. Also, time will be set aside for public witnesses who are competent to contribute to the subcommittee's deliberations on practical and effective legislation to further military efforts in attacking this serious drug abuse problem.

We plan to complete our work at the earliest possible date and again issue a report which we trust will represent accurately the situation as we find it, both during hearings and visits to military installations.

EFFORT TO BLOCK THE EFFECTS OF HEROIN ADDICTION

(Mr. ROGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, as chairman of the Subcommittee on Public Health and Environment, I am pleased to announce that today members of the Subcommittee on Public Health and Environment have asked the Nation's research-oriented pharmaceutical manufacturers to pool their scientific resources to develop a long-acting, nonaddicting drug to block the effects of heroin addiction.

I expect a response Thursday, tomorrow, when the Pharmaceutical Manufacturers Association testifies before the subcommittee at 10 o'clock.

The development of an effective antagonist would give us a major weapon to deal with the drug epidemic which we are now witnessing in this Nation. What we hope for is a safe and more effective successor to methadone which will not be addicting itself.

We do not minimize the challenge we have posed for the pharmaceutical industry.

There will be many scientific bridges to cross before a drug treatment or cure for addiction emerges from the laboratories and clinics. But I hope that major drug manufacturers will be willing to commit themselves to this task regardless of its difficulty.

If we do receive the desired response from industry, the committee will take all appropriate steps to obtain cooperation from Federal and State agencies with scientific and other expertise in the field, and from the medical and scientific community at large.

The job cannot be done by industry alone. Assistance will be needed from such organizations, for example, as the National Institute of Mental Health, the Food and Drug Administration, the Addiction Research Center at Lexington, and others with applicable medical and scientific knowledge.

I anticipate a summit conference of the scientific leaders of industry, Federal, and State, the universities, and medical schools so that we can get this important project started.

TRIBUTE TO GIRLS NATION

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the finest citizenship training program in the Nation is Girls Nation. I am certain that many Members of both the House and Senate thoroughly enjoyed the visits from the outstanding young women of their States and in particular the sound viewpoints expressed by these young leaders.

Earlier today, I am sure that Members of the House greatly appreciated the chance to see and meet with their Girls Nation representatives. I was particularly impressed with the conversations I had with one of West Virginia's representatives to Girls Nation, Miss Martha Chadwick, of South Charleston, W. Va.

The practical training in citizenship which these young women obtain during their stay in the Nation's Capital will enable them to return to their home communities with new qualities of leadership and understanding. I commend and congratulate all of the 1971 participants in Girls Nation for their fine work and the influence I know they will have in their home communities in the future.

OLD CHINA TRUTHS DESERVE REWARD

(Mr. BURTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. BURTON. Mr. Speaker, on Friday, July 23, 1971, the Marquis Childs column entitled "Old China Truths Deserve Reward," appeared in the Washington Post. It was a provocative and thoughtful commentary on the renewal of national interest in the China question.

More pointedly, and of great interest and concern to me because of my friendship and high regard for John Paton Davies, it highlighted vividly the tragic loss to this Nation of the talent, knowledge, and integrity in public service that the witch hunting and the fear and hysteria of the McCarthy era caused.

John Paton Davis is a scholar and a man who towered above his detractors, even in those days some 20 years ago, when, under the influence of McCarthyism we temporarily lost some portion of our national sanity and decency. Mr. Davies does not now need words from me to add luster to his career or character, for neither was ever tarnished.

It is, however, good to see the pendulum start its return and to see men like John Paton Davies, who spoke out honestly and courageously, vindicated. Let us hope that Marquis Childs is correct and "that truth is rewarded no matter how long the reward is in coming."

I am placing the full text of the Childs' column in the RECORD at this time and in doing so, I cannot help but recall the words of George Santayanna:

> Those who cannot remember the past are condemned to repeat it.

The column follows:

[From the Washington Post, July 23, 1971]

OLD CHINA TRUTHS DESERVE REWARD

(By Marquis Childs)

In the general euphoria over the Nixon pilgrimage to Peking it is well to recall why the United States was for 20 years entirely cut off from the mainland of China. On the maps of American policy-makers China was a large blank space, and earth-shaking events, such as the Chinese nuclear and missiles successes and the People's revolution, were reported at secondhand.

The lesson of that fantastic illusion should not be lost now that with the reversal we Americans with characteristic enthusiasm, are lining up to 10 deep to rediscover the lost work. The 20 years of illusion brought the United States perilously close at least twice to a direct attack on China. This would almost certainly have meant world war III—a nuclear war in all probability.

The vicious McCarthyism of the late '40s and early '50s played on the theme of who "lost" China.

In the witch hunt that followed, a generation of distinguished Chinese specialists were driven out of public life, or, for a fortunate few, hidden away in innocuous posts having nothing to do with China.

One of the principal victims was John Paton Davies Jr. Born and brought up in China by Baptist missionaries, Davies had spent most of his 23 years in the Foreign Service in the country we knew so well. He served in Chungking, Chiang's wartime capital, when Chiang and his Kuomintang armies were disintegrating in a welter of corruption.

Davies' crime was that he was right. He reported the truth as he saw it. Such blind partisans of Chiang as Gen. Albert C. Wedemeyer reported that Davies has had contacts with Communists. Of course he had in order to try to judge the sources of their strength and in the interval of the futile report to being Chiang's regime together with the Communists.

But the McCarthy bark grew into a roar. For a time Davies was hidden in the embassy in Lima. As the roar from the Asia-Firsters and the China Lobby grew louder he was summoned to Washington.

Although he had been cleared in nine separate investigations, still another security review board made up of officials from government departments with no knowledge of China found him guilty of a "lack of judgment, discretion and reliability." Secretary of State John Foster Dulles called him in and fired him on those grounds.

IN A STATEMENT he issued on that day in November, 1953, when he was fired Davies indulged in no recrimination. He repeated, as he had said in his dispatches, that he had seen Chiang's forces crumbling and the Communists steadily gaining. Then came this memorable passage:

"When a Foreign Service officer concludes that a policy is likely to betray our national interests, he can reason to himself that, as ultimate responsibility for policy rests with the top officials of the department, he need feel no responsibility for the course upon which we embarked; furthermore, his opinions might be in error or misunderstood or misrepresented—and so the safest thing for a bureaucrat to do in such a situation is to remain silent. Or a Foreign Service officer can speak out about his misgivings and suggest alternative policies. I spoke out."

Living as a private citizen, with continuing scholarly interest in his field, it would be simple justice if Davies were now brought back. His judgments are as cool, as reserved, as they were when he saw quite clearly what the end was for the armies of Chiang and American policy which had staked so much on the legend of his invincibility. Davies is not likely to be overwhelmed by the current euphoria. He knows too much about the character and temperament of the Chinese across the long span of the centuries.

One of the tragic consequences of the witch hunt that drove out the China specialists was the demoralization of the Foreign Service and, indeed, the State Department. The rule was: Keep your head down and don't speak out. Restoring Davies would be a healthy lesson, in that truth is rewarded no matter how long the reward is in coming.

CONSUMER POLLUTION CONTROL TAX CREDIT ACT

The SPEAKER pro tempore (Mr. LINK). Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, I introduce today, along with 19 cosponsors, H.R. 10406 to amend the Internal Revenue Code of 1954 in order to provide a tax incentive for homeowners, apartment owners, small businessmen and car owners to purchase and install pollution control devices. I think that this bill, the Consumer Pollution Control Tax Credit Act, will effectively complement the regulatory elements of legislation enacted in recent years and presently being considered by Congress to promote the control of pollution through positive incentives.

Environmental pollution of virtually every variety lately has become the subject of legislative interest as the serious effects of pollution have been detected in problems of health and personal comfort and in changes in climate, ocean ecology and in large terrestrial ecosystems.

The Clean Air Amendments of 1970 represent perhaps the most effective and thoroughgoing effort aimed at ending pollution. The clean air laws now set automobile emission standards and deadlines for their achievement. They provide for national air quality standards and deadlines for their achievement. They require effective pollution control equipment for new plants, give the Environmental Protection Agency Administrator power to set low hazardous substance emission levels and have stiff penalties for violation of State implementation plans and abatement orders. Further, the clean air laws now authorize citizen suits against industrial and governmental polluters.

Presently under consideration are bills that would more effectively deal with water pollution, solid waste disposal, noise control, land conservation, and other problems. These bills—enacted and being considered at this time—involve or will involve great changes in our life styles and changes in the ways our industrialized, technologically advanced society operates. These laws will affect everyone, both the large corporations and businesses and individual citizens. So much attention has been devoted to the large business and industrial and governmental polluters in our society, however, that the individual taxpayer, the small businessman, the individual car owner feels helpless—the victim of industry, of technology, of society or circumstances. He may be impressed—even staggered—by the fact that the McGraw-Hill publications survey of pollution control expenditures estimated in May of this year that American business and industry will spend over $7 billion for air and water pollution control in 1971; or that $18.2 billion is the estimated total cost of bringing all of American business' existing facilities up to pollution control standards. He will not, however, be made to feel by these facts that his discrete, individual and personal choices and actions matter. In fact they do.

The bill I introduce today, the Consumer Pollution Control Tax Credit Act, recognizes that we are all polluters or potential polluters in our individual actions and everyday activities. We use water in bathrooms, on lawns, in washing machines. We use power in air conditioners and home appliances. We use chemicals in detergents and in other cleaning substances. We burn fuels in furnaces, fireplaces, and incinerators. We drive cars. Our individual actions are efficacious in reducing waste and pollution or they aggravate the problem. In every case, they matter.

This bill would amend the 1954 Internal Revenue Code to provide a tax credit for taxpayers to purchase and install pollution control devices. Allowed as a credit against taxes imposed under the Code would be an amount equal to 25 percent of all amounts paid or incurred by the taxpayer to buy or install any certified pollution control device.

The Environmental Protection Agency Administrator would, under this act, certify devices as being substantially useful in limiting pollution with respect to dwelling units, small business concerns or used automobiles. Initially, "certified pollution control devices" would include the following: First, a used vehicle device or system certified by the Administrator as meeting in all material respects the standards prescribed for remission control devices or systems designed to prevent or reduce air pollution from pre-1968 autos—those presently not possessing any devices to lower emissions; and second, any certified trash compressor, garbage diposal, septic tank or incinerator reburner.

At the present time, 90 million automobiles—almost one for every two Americans—release pollutants into the atmosphere. High concentrations of carbon monoxide, hydrocarbons and nitrogen oxide in our cities make life unpleasant and threaten health. While the clean air laws provide that 1975 model cars must achieve at least a 90 percent reduction from emissions of the 1970 models, older cars are not immediately affected. By permitting an individual tax credit, under this bill, the cost of having a cleaner car would be partially offset and more common ownership of these useful devices encouraged.

Proper solid waste disposal, another grave pollution concern, is encouraged under this bill. The Health, Education, and Welfare Department has documented this problem, reporting that each year Americans soon will be discarding over 30 million tons of paper, 4 million tons of plastic, 48 billions cans, and 26 billion bottles. Testimony taken on the Resource Recovery Act of 1970 during the last session of Congress revealed that paper consumption has risen about 100 percent since 1950 and plastic consumption has risen 759 percent in the same period. The current annual cost of collecting, transporting, and disposing of urban solid wastes of all kinds was set at $4.5 billion. Individual taxpayers, landlords and small businesses—not only the largest municipalities or business concerns—should be encouraged to buy and use devices that effectively reduce the bulk of solid waste while producing minimal amounts of undesirable byproducts. This bill provides that incentive.

The garbage disposals, septic tanks and like pollution control devices also aim at the amelioration of present and potential pollution problems of the water and land. The use of garbage disposals assures the proper disposition of unwanted and unneeded waste and the use of septic tanks promises to head off the poisoning of our precious and limited land resources.

The generous individual tax credit provided by this bill can serve as an important inducement to encourage taxpayers—small businessmen, householders, car owners—to do something about pollution and it can show our determination to enter into a new stage of national development, a stage characterized by concern over environmental quality. I urge, therefore, wide support of this new bill.

Mr. Speaker, much has been said about the role of the private sector with respect to pollution abatement. But unfortunately, most of the commentary is concerned with the investment in pollution control equipment by private business—particularly, big business. My preceding comments were designed to emphasize the role of the individual in the private sector's efforts in pollution abatement. A role that should no longer take a back seat to other programs.

In addition, Gov. Andrew Brimmer, member of the Federal Reserve Board, in his speech "Economic Impact of Pollution Abatement" points out that the cost of antipollution equipment for big business is passed along in higher prices to the consumer. He said:

> In a very important sense, when we add to the cost of electricity, for example, by insisting upon putting a cost on the use of natural resources such as water and air, we are adding to social costs.

He added:

> Instead, I see the need for all of us to exercise the critical judgment and make the hard choices which seek a reasonable balance between our hopes and possibilities.

Mr. Speaker, what would be more equitable or strike a better balance than a tax credit for those consumers who want to make an investment to control pollution. Dr. Brimmer, in fact, obtained an assessment of the implications of channeling a greater proportion of private investment to control pollution.

According to Federal Reserve estimates, real GNP might rise from $724 billion in 1970 to $893 billion in 1975. But the projections were based on business investment in plant and equipment for pollution abatement. I submit that the enactment of my bill, which is concerned with private individual investment, will add substantially to the increase in our gross national product.

Mr. Speaker, Dr. Brimmer made an excellent speech and I will include the entire text at the end of my remarks.

I also want to call attention to the speech of the distinguished chairman of the House Ways and Means Committee, the gentleman from Arkansas (Mr. MILLS), at the appreciation dinner for the gentleman from Utah (Mr. McKAY) on July 16. The chairman pointed out that if inflation comes under control, then two additional economic moves should be considered. He said:

> One relates to tax incentives to spur private investment and consumer spending.

I quote the chairman:

> For example, it is desirable that some form of the investment tax credit should be restored in connection with other appropriate actions. There is excess capacity in the economy, obviously made up of antiquated, marginal and obsolete equipment. All of this must be considered in connection with the present low rate of spending for new plant and equipment in 1971. With reduction in expenditures for the Vietnam war, there will tend to be more slack. Certainly an expansion in real investment in new plant and equipment would directly increase employment, reduce the number of labor surplus areas and reduce the unemployment rate.
>
> Moreover, an investment credit would tend to be anti-inflationary in the long run since it would increase cash flow, reduce external corporate borrowing needs, and make more goods available.

Mr. Speaker, I agree wholeheartedly with the chairman and I want to emphasize I feel that not only business but the consumer as well should get an investment tax credit—just what my bill is designed to do. Second, recently released economic indicators show the rate of inflation has slowed considerably from a year and a half ago. And third, as the chairman indicated, under these conditions consumer spending could be stimulated with tax incentives.

Moreover, this is a progressive piece of legislation. The tax credit can be used in addition to itemized or standard deductions, and will provide the same 25-percent credit at all income levels. Under the itemized and standard tax deduction approach, persons at higher income levels receive greater tax savings.

It will help stimulate industry which produces antipollution devices, provide more job opportunities and provide welcome tax relief and additional buying power to the people. In addition, Mr. Speaker, I think it would rekindle the early American spirit to help make our neighbor's life better and to conserve our precious land and air resources.

Mr. Speaker, at this point I include Dr. Brimmer's speech followed by a list of the cosponsors and the bill.

Economic Impact of Pollution Abatement

(By Andrew F. Brimmer)

One is not surprised to note that the problems of checking pollution and improving our environment are among the most popular topics for commencement speakers this year. In fact, if the issue were not such a vital one, I might be inclined to apologize for raising the subject again. However, we are confronted with a stark and unpleasant reality: many of our lakes and rivers (and even the oceans themselves) *are* polluted. Much of our air *is* contaminated—to the point of creating a serious threat to the health of some of our citizens in specific areas. In a variety of ways, our overall environment has suffered considerable deterioration.

On an occasion such as this, there is little to be gained by an attempt to assign blame for the circumstances in which we find ourselves. To a considerable extent, all of us—as citizens of a country with the most sophisticated technology in the world as well as possessing some of the earth's richest natural resources—are guilty of allowing our environment to be abused. On the other hand, we know a great deal about the main sources of pollution, and we have a fairly good idea of the requirements that must be met—if we are to cope successfully with the problem.

SOURCES OF POLLUTION

We know that certain industries, partly because of the inherent nature of the production processes which they employ and partly because of hesitancy in recognizing their responsibilities, have posed serious dangers to the environment:

A sizable share of the air pollution can be traced to electric power plants, to coke ovens in steel mills, and to smelters of nonferrous ores.

Paper mills pollute streams, and chemical plants produce waste that is discarded in lakes and oceans.

Faulty oil wells and accidents in petroleum transportation pollute ocean waterways and damage beaches.

In agriculture, drainage from feed lots spoil streams, and pesticides harm some beneficial plants, fish, birds, and people.

In transportation, airplanes, buses, trucks, trains, and other modes of transport also add to the pollution of the atmosphere.

But industry is not alone. Governments also contribute in significant ways to the deterioration of our environment:

Municipal incinerators rank high as a source of air pollution.

Garbage dumps scar the landscape, foul the air, and provide havens for rats and other vermin.

And above all, individual citizens collectively are probably the most important factor in air and water pollution in the United States:

The private automobile is obviously the chief source in the household sector.

Some furnaces and the burning of leaves and grass are also major contributors.

Drainage of septic tanks contaminate the subsoil and foul our lakes, streams and rivers.

Discarded solid waste disfigures our streets and highways and turns much of the countryside into a junk-heap.

So, we must accept the fact that the task of pollution abatement is both large and urgent. This conclusion seems self-evident—even after we discount (as we should) many of the overly dramatic claims of some of the more shrill environmentalists, some of whom do not distinguish between the wise and conservative development and use of our natural resources and the wanton squandering of our heritage. But we must also accept the fact that—left to themselves—some of the principal polluters (businesses, governments, and private individuals) would not correct the situation on their own responsibility.

Yet, the extent of the pollution problem varies greatly from industry to industry and even among firms within the same industry. Because of differing geographical and climatic conditions, one area with essentially the same industrial structure possessed by another may be relatively free of air or water pollution while the other staggers in smog or swirls of effluvium. So, what is needed is a national policy on pollution control—a policy with firm national standards, but one that also gives due weight to the diversity of experience and circumstances among industries and localities.

I realize, of course, that we do not need to begin from scratch in this effort. Laws and regulations on the books, at the Federal, State and local level, have already created much of the necessary framework for such a policy. And in a number of industries, business firms have gone a long way in adapting and upgrading their facilities in an effort to meet the more rigorous standards. Moreover, existing anti-pollution laws are being tightened, and new measures are being adopted.

ROLE OF PUBLIC SECTOR

In implementing these more stringent requirements for pollution abatement, the public sector (at all levels) does have a vtial role. In fact, the Federal Government has projected a sizable expansion in the volume of budget resources to be devoted to pollution control in the next few years. Nevertheless, in the current fiscal year (ending on the last day of this month), outlays for these programs may amount to only $1.2 billion. And, despite a relatively large increase projected for next year's budget, outlays for pollution abatement in the year ahead still may not exceed $2 billion.

Moreover, as we look further into the decade, it is becoming increasingly clear that the resources of the Federal Government will be almost fully committed—despite the outlook for renewed economic expansion—through 1975. This prospect seems to be virtually assured because of the further maturing of programs already in force and because of the expected impact of new initiatives whose adoption appears to be well underway. State and local governments also will be hard-pressed to raise the revenue necessary to finance an expanding demand for public services.

Consequently, the major role in the campaign to control pollution must rest with the private sector. But, within the private sector, the efforts of households to expand consumption and the efforts of business firms to expand investment will make heavy claims on our limited resources. Under these circumstances, we must face squarely an inescapable fact: there is a fundamental conflict between our efforts to maximize the growth of our gross national product (GNP) as traditionally defined and our efforts to devote a substantial share of our real resources to pollution control.

While activities to check pollution and to improve our environment will undoubtedly take many forms, above all they will require a significant increase in the level of investment in pollution abatement equipment. This will mean a drastic change in the pattern of investment spending in both the private and public sectors. Historically, the vast proportion of the new investment in private industry has been made to increase production capacity, and only a modest share has been devoted to suppressing the pollutants generated as a by-product of industrial activity. To get a firm grip on the pollution problem will require a considerable reordering of investment priorities; a much larger share of new investment will have to be devoted to making production processes themselves far cleaner and to repairing the environmental damages suffered in the past.

RATE OF GROWTH

And here we encounter the toughest choice of all: the rate of growth of real output in the United States—as in any other advanced industrial society—depends heavily on the pace of investment in plant and equipment to expand productive capacity. With much more of our net investment being channeled into pollution abatement, the rate of expansion of the American economy as a whole will probably slow down perceptibly. So, with our population continuing to grow, we would be faced with the likelihood of a slower growth in real per capita income—and in our standard of living as traditionally defined. Some of us, of course, would accept such an outcome as a reasonable price to pay to halt the deterioration of our environment. Others would decry it as an unwarranted penalty to be paid primarily by those segments of society least able to bear it—under-developed regions of the country, the poor and disadvantaged, hard-pressed urban communities—all of which may benefit considerably from a high level of sustained economic growth. And, finally, still other observers would hope and search for a viable means of reconciling these conflicting goals.

That these goals are in conflict is shown clearly in the results of a systematic analysis of the effects of pollution abatement efforts which I undertook with the assistance of the Board's staff and the computer-based econometric model which we have had in operation for the last few years. These results are not altogether comforting; while pollution abatement activities would undoubtedly create many new jobs, the adverse impact of reduced or disrupted output in some sectors would partly off-set these gains. There would also be an adverse impact on residential construction and personal consumption. But perhaps one of the most disturbing adverse effects is the impetus to inflation that the pollution abatement efforts would produce. While some of the resulting increased costs and higher prices can be viewed as reflecting higher quality of output, there undoubtedly would be a further strengthening of inflationary pressures in the American economy.

Thus, the fundamental question that must be asked is this: are we prepared to pay these real costs? Only the American people as a whole can answer.

In the rest of these remarks, I will comment more fully on these major issues.

PUBLIC POLICY AND POLLUTION CONTROL

As I indicated above, the public sector is relying largely on the private sector for implementation of a large measure of environmental control. Essentially encouragement is given to the private sector with the stick of judicial procedures and the carrot of a modest amount of grant assistance. So far, the emphasis of the Federal programs is mainly on water pollution. About 80 per cent of Federal obligations are currently in this area, with the largest share of funds reflected in grants and loans for construction of municipal waste treatment facilities. Air pollution control, in second place, lags far behind with about 11 per cent of the obligated funds. Small sums are planned for activities relating to the pollution of land, for example, from mine drainage, nutrients, pesticides, and other substances. Most of these funds will be for research.

Altogether, outlays for these programs in fiscal 1971 are estimated at approximately $1.2 billion. In fiscal 1972, outlays for pollution control and abatement activities are expected to rise by a large percentage amount (71 per cent) but in absolute terms only by $838 million. Budget authority for these programs so far has been considerably greater than outlays. To some extent, these low expenditure figures reflect difficulties in starting up programs, and perhaps there have been difficulties in the original drafting of some of the expenditure provisions. But, whatever the explanation, budget authority for pollution control in 1972 will increase rather significantly—from an estimated $1.8 billion in fiscal 1971 to $3.1 in fiscal 1972. On the other hand, these budget obligations are spread over a number of years in the future, and the amounts are relatively small.

WATER POLLUTION STANDARDS

As of this date, the Administration's program for fiscal 1972 has not been passed, and there are at least two major alternative programs being considered by Congress. However, there is a significant departure from previous policy in the Administration's new proposal for water treatment plants. From 40 to 60 per cent of the cost of waste disposal is apparently directly traceable to industrial users, and new proposals would require communities receiving waste treatment grants to recover from industrial users that portion of project costs that is allocable to the treatment of the specific company's waste. In other words, there would be a user charge associated with waste treatment, and industries would have a direct incentive to economize in their use of water. This clearly differs from past policies which relied on enforcement of water standards through judicial procedures, which could result in long delays and often were limited to a few conspicuous violators.

For the last 1½ decades, the central theme of Federal Government policy in this area has been that most pollution control must be effected by industry. In 1956, Congress amended the Federal Water Pollution Control Act and initiated Federal efforts to establish water quality standards and to enforce them. Federal involvement grew slowly, but the 1965 Water Quality Act provided Federal supervision in the establishment of water quality standards on all interstate water ways. As legislation now stands, Federal water pollution control is based on the required development by each State of water quality standards for each interstate lake, stream, or coastal area within its jurisdiction. Provision is made for Federal and State negotiations on the problem and judicial enforcement of the agreed upon standards against pollutors. To meet these standards, industry has already invested large sums of capital. The present structure of legislation and the apparent shortage of available government funds suggests, however, that the bulk of the effort will have to continue to be made without financial assistance from governments.

RECENT AND PROSPECTIVE PATTERNS OF BUSINESS INVESTMENT

These new investment requirements will follow a heavy volume of investment activity by American industry. In the 1960's, the growth in real private business investment outlays was particularly rapid, averaging about 6.5 per cent annually—well above the 2.7 per cent annual expansion during the 1950's. In 1970, real plant and equipment expenditures declined—partly because of the general economic slowdown and partly because of the lagged effects of monetary restraint in 1969. During the next few years, we expect outlays to expand again at a fairly rapid pace, if long-term capital markets remain favorable and if investment and depreciation allowances are made more liberal. In addition, if the investment tax credit were to be re-enacted, it too would provide inducement to expand durable equipment investment.

More generally, however, part of the unusually large volume of investment in recent years is undoubtedly attributable to inflationary psychology. The rapid rise in the prices of plant and equipment (especially in construction costs) caused business to push ahead with new programs even when the need for these facilities was not immediately urgent to meet current demand. As price increases moderate, this source of stimulus to investment should fade somewhat, but it will probably be quite some time before businessmen completely forget present inflationary conditions and the pressure of rapidly rising unit costs. Moreover, strong consumer demand (especially for durables with their greater capital investment requirements), the expected demand from the public sector (particularly from urban transportation systems), and requirements for changes in the production process to keep up with accelerating technological advances will undoubtedly generate large capital requirements.

Consequently, additional investment to curtail pollution of the environment will add importantly to already large capital outlays by private business. One recent survey estimates that investment in pollution-control activities by American companies this year will rise by 46 per cent over last year, to a total of $3.6 billion—or 4.4 per cent of total capital investment in the 26 industries surveyed compared to 3.1 per cent last year. To meet legal standards set up as of last January, it is estimated that, from the end of last year through the mid-1970's, it will take a cumulative total of more than $18 billion—and it is possible that standards will be stiffened further in the years ahead. Seven industries will probably have to spend more than $1 billion apiece, with electric utilities being hardest hit with an estimated cleanup bill of $3.2 billion. Electric utilities plan to spend $679 million this year, compared with only $127 million in 1966.

ALTERNATIVE APPROACHES IN ASSESSING POLLUTION ABATEMENT COSTS

The above outlays are obviously large, and they should make a significant impact on industry's capacity to cope with pollution. However, an economist would want to pose a number of specific questions in order to make a fairly good assessment of the probable costs of the investment necessary to meet the more stringent pollution standards. I addressed such a list of questions to representatives in two industries (steel and electric power generation), and they were hopeful of responding in time to permit an analysis of the replies in connection with these remarks. Unfortunately, the answers were not available.

In the absence of such data, I decided to try a different approach to obtain an assessment of the implications of channeling a greater proportion of private investment to conrol pollution. For this purpose, I relied on the Federal Reserve Board's staff and the modern, computer-based econometric model which the staff has had in operation during the last few years.[1] Essentially, I wanted to know what would be the general economic impact—both direct and indirect—of devoting a larger share of business investment in plant and equipment to pollution abatement. To answer this question, it was first necessary to have an indication of the contours of investment and the level and composition of GNP in the absence of special efforts to change the configuration of investment spending. Using the Board's econometric model, a "base projection" of real GNP—and its principal components in 1975—was prepared.[2] The results (in constant 1958 dollars) are shown in the attached table.

According to these estimates, real GNP might rise from $724 billion in 1970 to $893 billion in 1975. Producers' durables equipment (the most likely place where outlays for pollution abatement would be registered) might be in the neighborhood of $63.6 billion, representing about 7.1 percent of GNP, compared with $56.1 billion and 7.7 percent of GNP in 1970. Expenditures on producers' structures (mainly plant and other nonresidential structures) would approximate $25.7 billion, slightly more than in 1970, and equivalent to 2.9 percent of total output. Residential construction expenditures might amount to $24.7 billion compared with $20.6, claiming the same share of total output (2.8 percent) in both 1970 and 1971. This pattern of private investment and the overall structure of GNP associated with it should be kept in mind: without a conscious effort to modify the flow of investment, we might expect to see a slightly smaller proportion of our real resources devoted to capital accumulation in the private sector, and the increase in investment in plant and equipment would account for about 6 percent of the rise in real output between 1970 and 1975.

UNIT COSTS WOULD RISE

The next step was to determine the effects of raising the level of investment to cope with pollution. It was assumed initially that pollution control devices are added to new equipment purchases but that old equipment is not altered. Greater investment in pollution control equipment would increase the amount of capital required per unit of output [3]—because no increase in production capacity would be associated with a more expensive—but less polluting—production process. The result of this second exercise is labeled "new equipment projection" in the table.

In this projection, real GNP might rise to $918 billion in 1975 with investment in producers' durable equipment at $69.5 billion, accounting for 7.6 percent of total output.[4] Personal consumption expenditures would be held to proportionally less than in 1970, 64.9 percent of GNP compared to 65.9. Producers' structures and residental construction also would be held to proportionally smaller shares of total output than in 1970 as more investment is shifted to new pollution abatement equipment. The unemployment rate, however, would drop substantially below the 4 percent level, and the pressure on prices and interest rates would be increased significantly.

The final step in the exercise was to estimate the effect of raising the level of investment to cope with pollution in both new equipment and the cost of upgrading equipment already in place. It was assumed that rehabilitation of the old stock of producers' durable equipment would cost $3 billion a year from 1971 through 1975.[5]

The resulting projected GNP (labeled "upgrading" in the attached table) was $887 billion, nearly $5.5 billion less than the base projection (without special anti-pollution efforts) and $31 billion less than the projection for investment in new equipment provided with pollution control devices. As expected, producers' durable equipment, at $70.6 billion in 1975, claimed an even greater share of total GNP (8 per cent) than with either of the other projections, while plant held the same relative share. The increase in investment accounted for 10 per cent of the increase in GNP from 1970 to 1975. In addition, although they accounted for a slightly greater proportion of the total (66.3 per cent), personal consumption expenditures were lower than in the other projections, amounting to $588 billion in 1975. Outlays for residential construction and consumer durables were held to lower levels than in the base projection. The unemployment rate held at the same level as that of the base projection when no modifications were planned for pollution abatement, and interest rates rose only slightly.

The most disturbing aspect of this exercise is the projected effect on prices. Prices as measured by the GNP deflator began to rise more rapidly with the additional investment in pollution control. This, of course, raises

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Footnote at end of article.

the whole question of national accounting vs. a fuller set of social accounts. In a very important sense, when we add to the cost of electricity, for example, by insisting upon putting a cost on the use of natural resources such as water and air, we are adding to social costs. Since our traditional measures of cost cannot easily be adjusted for environmental savings, the standard price indexes will continue to register increases.

In summary, the increase in producers' durable investment for pollution control was purchased at the cost of slight reductions in expenditures for plant and residential housing, and sizable drops in personal consumption and total GNP.

CONCLUDING OBSERVATIONS

Before closing these remarks, I want to emphasize again that I personally share the concern being expressed increasingly (especially by young people) over the quality of our environment. Fortunately, the handful of critics (and it is good that there are so few) who try to minimize the seriousness of the pollution problem have not been able to divert attention from the genuine threat that confronts us. Hopefully, from now on, we will insist that consideration of environmental consequences be placed high on the agenda of any resource development projects—whether public or private. We can no longer defend a scheme simply because it will expand the supply of energy, increase the availability of building material, reduce transportation costs, or in other ways add to the material welfare of our citizens. The costs to the environment must also be added in the calculus of decision.

On the other hand, I certainly would not stand with that small band of intolerant men and women (and here also it is good that there are so few) who would so elevate environmental concerns that we would be virtually precluded from using our economic and natural resources to improve the lot of the poor and disadvantaged, to spur the growth of depressed regions, or to ease the plight of our cities. In all of these areas, too, we are still faced with a long agenda of unfinished tasks. They also have large and legitimate claims which must be honored through the allocation of a greater share of our real resources.

So, I am left in the middle. I see a basic conflict among competing goals, and a shortfall in the means to satisfy them all. And we cannot afford the illusion of believing that we can: despite our obvious affluence as a nation, we do not have the capacity to produce enough so that households can maximize their consumption (while minimizing taxes); so that an adequate volume of housing can be built; so that business can expand their production facilities at a maximum rate (and also make the investment needed to abate pollution); so that governments can meet the increasing demand for public services (while tax revenues lag behind spending). Instead, I see the need for all of us to exercise the critical judgment and make the hard choices which seek a reasonable balance between our hopes and possibilities.

In short, some things must be left undone; some goals must remain beyond our grasp—at least for the time being. And some common aims must be pursued—despite the cost and pain to some of us individually. Put another way—perhaps an old fashioned way—there are still many sacrifices ahead.

With respect to pollution abatement alone, the issue can be stated succinctly: in the next four or five years, it will take about 10 per cent of our net increase in the nation's real output (or roughly $16 billion in real terms, based on 1958 dollars) to finance the capital investment necessary to check pollution. At the same time, however, it might also place a substantial drag on the continued improvement in the material conditions of our lives.

How many of us are willing to pay this price?

FOOTNOTES

[1] The model was developed with the technical assistance of economists at the Massachusetts Institute of Technology and the University of Pennsylvania.

[2] Key assumptions underlying the exercise were that tax rates were unchanged and that resources were fully utilized, with unemployment in the neighborhood of 4 per cent in 1975.

[3] Economists refer to the capital required per unit of output as the "capital-output ratio". It was assumed that the pollution control devices add 5 per cent to the cost of a unit of producers' durable equipment.

[4] A ten-year simulation indicates that real GNP in the "new equipment" projection will drop below the level for the "base projection" in about seven years, compared with 3½ years for the projection discussed below.

[5] This assumption appears consistent with results of the industry survey cited on page 11.

PRINCIPAL CLAIMS ON REAL GROSS NATIONAL PRODUCT, 1970, AND ALTERNATIVE PROJECTIONS TO 1975

[Amounts in billions of 1958 dollars]

Sector	1970 (actual)		1975 base projection [1]		1975 new equipment projection [2]			1975 upgrading projection [3]			
										Variance from—	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Variance from base projection	Amount	Percent of total	Base projection	New equipment projection
Gross national product	724.1	100.0	892.6	100.0	918.0	100.0	25.4	887.2	100.0	−5.4	−30.8
Personal consumption	477.1	65.9	593.8	66.5	595.6	64.9	1.8	488.2	66.3	−5.6	−7.4
Producers' durable equipment	56.1	7.7	63.6	7.1	69.5	7.6	5.9	70.6	8.0	7.0	1.1
Producers' structures	23.1	3.2	25.7	2.9	26.2	2.9	.5	25.3	2.9	−.4	−.9
Residential construction	20.6	2.8	24.7	2.8	23.7	2.6	−1.0	24.3	2.7	−.3	.6
Consumer durables	82.0	11.3	106.6	11.9	110.2	12.0	3.6	105.3	11.9	−1.3	−4.9
Memorandum:											
Treasury bill rate (percent)	6.37		6.20		7.40		1.20	6.50		.30	−.90
Prices (GNP deflator)	134.9		159.9		162.9		3.0	163.0		3.1	−.1
Unemployment rate	4.8		3.8		2.7		−1.1	3.8		0	1.1

[1] The base projection" is derived from a simulation of the national economy by using the Federal Reserve Board's econometric model. A key assumption was that resources were fully utilized with unemployment in the neighborhood of 4 percent in 1975.

[2] In this projection, it is assumed that pollution control equipment is required on all new equipment, adding 5 percent to cost.

[3] This projection assumed that in addition to adding pollution control devices to new equipment, old equipment will be renovated for pollution abatement at a cost of $3,000,000,000 a year from 1971-75.

Cosponsors of Consumer Pollution Control Tax Credit Act

Mr. Bevill, Mr. Brasco, Mr. Byrne, Mr. Collins of Texas, Mr. Denholm.

Mr. Derwinski, Mr. Dulski, Mrs. Grasso, Mr. Halpern, Mr. Hogan.

Mr. Mazzoli, Mrs. Mink, Mr. Minshall, Mr. Morse, Mr. Runnels.

Mr. Sandman, Mr. Schwengel, Mr. Thone, Mr. Yatron.

H.R. 10406

A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for homeowners, apartment owners, small businessmen, and car owners who purchase and install certified pollution control devices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Pollution Control Tax Credit Act".

Sec. 2. Allowance of Credit

(a) General rule.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 40 as section 41 and by inserting after section 39 the following new section:

"Sec. 40. Tax Credit for Certain Pollution Control Devices

"(a) General rule.—There shall be allowed as a credit against the tax imposed by this chapter an amount equal to 25 percent of all amounts paid or incurred by the taxpayer during the taxable year to acquire or install any certified pollution control device.

"(b) Eligible taxpayers and uses.—The following taxpayers are eligible for the credit provided by this section:

"(1) any person with respect to a device for a home, apartment, housing project, or other dwelling unit (whether single family or multiple unit) which he owns, leases, or occupies,

"(2) any person with respect to a device for an automobile manufactured before 1968, and

"(3) any person opearting a small business concern with respect to any device used in the trade or business of such concern.

"(c) Certified pollution control device.—

"(1) In general.—For purposes of this section, the term 'certified pollution control device' means—

"(A) a used vehicle device or system certified by the Administrator as meeting in all material respects the standards prescribed by the Administrator for emission control devices or systems designed to prevent or reduce air pollution emissions from used vehicles,

"(B) any trash compressor, garbage disposal, septic tank, or incinerator reburner certified by the Administrator, or

"(C) any other device or system which the Administrator may certify after the date of the enactment of this section as being substantially useful in limiting pollution with respect to dwelling units, small business concerns, or automobiles manufactured before 1968.

"(d) Definitions.—For purposes of this section—

"(1) Administrator.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) Small business concern.—The term

'small business concern' means any concern which qualifies as such pursuant to the standards, criteria, and procedures set forth in regulations implementing the Small Business Act."

(b) Clerical Amendment.—The table of sections for such part IV is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"SEC. 40. Tax credit for certain pollution control devices.

"SEC. 41. Overpayments of tax."

(c) Effective Date.—The amendments made by this Act shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

NATIONAL DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPENCE) is recognized for 60 minutes.

Mr. SPENCE. Mr. Speaker, the gentleman from New York (Mr. STRATTON) and I asked for this special order because of our concern for a problem which threatens the very survival of our Nation. We, along with many of our colleagues, have witnessed with alarm the steady growth of Soviet military power, while at the same time our own preparedness has been neglected.

This trend has developed to the extent that we are presently in serious danger of becoming a second-rate military power. For example, the balance of seapower in the world today is, at best, only precariously tipped in favor of the United States. In fact, there are indications that in a nonnuclear confrontation with the Soviet Union at sea, the U.S. Navy may come out second best.

We have been so preoccupied with "reordering our priorities" that many of us have let go unnoticed our relative position in the world from the standpoint of military preparedness. I agree wholeheartedly with Senator BUCKLEY, who concluded last week that it is time to "re-reorder" our priorities.

Mr. Speaker, about a year ago, the late Honorable L. Mendel Rivers stood in the well of this great body and described in frightening terms the deterioration of our military capability vis-a-vis the Soviet Union. Though his message has gone largely unheeded, the urgency it expresses is even more significant today. He said at that time:

> Consideration of the defense budget, contrary to what some would have us believe, is not a question of assigning relative priorities between defense and domestic programs. Decisions on the defense budget should be based on the simple questions of national survival—nothing more.
>
> The final measure of our ability to survive as a nation in a hostile world will not be how well we have managed our domestic resources and domestic programs, but whether or not we have avoided and frustrated the forces of evil which would draw us into the crucible of war with the Soviet Union. If we fail in this endeavor, we will have failed in everything.

After that speech, one editorial writer whom no one could describe as a hawk, wrote that the rhetoric was appalling but the logic indisputable. Yet, that message was, and still is, totally drowned out by the loud chorus calling for more and more reductions in defense expenditures. Mr. Speaker, this is suicide.

While it is true that some of us in Congress are privy to information not available to the general public, the material that is in the public domain should be enough to stand everybody's hair on end.

Item: Since 1962, the Soviets have undertaken a determined and ambitious surface ship building program. For every year of the last decade, new classes of rocket cruisers, missile destroyers, escorts, minesweepers, missile boats, and/or torpedo boats have appeared in the Soviet Navy. The past year was no exception. Not only has a new class of missile cruisers appeared, but also a new type of general purpose destroyer leader and two new classes of nuclear-powered submarines have been deployed. In 1962, the Soviet Navy numbered about 600 warships of ocean escort size or larger. By mid-1970, it had grown to over 720 such units.

Item: Jane's Fighting Ships is the authoritative source of the navies of the world. The latest edition of this highly respected British publication was issued last week, and the foreword contains the following statement:

> By any standards, the Soviet Fleet now represents the super-navy of a super-power.

For the fourth consecutive year, the Soviet section of Jane's has been considerably enlarged, reflecting the growing size and power of the Soviet Navy.

Item: Again quoting from the foreword of Jane's Fighting Ships:

> In the strategic/nuclear balance of forces the USSR has gained superiority over the United States in numbers of ICBM's and the megatonnage that can be delivered. . . .

Jane's goes on to say that the predicted Soviet strategic forces of the mid-1970's could destroy virtually all U.S. land-based ICBM's in a surprise first attack, and at the same time, their missile submarines could destroy most U.S. manned bombers before they could become airborne.

Item: The Russian submarine construction program has reached proportions which are indeed impressive—and frightening. They now have a fleet of attack submarines which is three times the size of ours. Furthermore, their subs are increasingly high performance, unlimited endurance, nuclear powered units. At this moment the Russians already have considerably more nuclear submarines than we do, and they possess three times the nuclear submarine construction capacity of the United States. They continue to build at a rapid rate, while our program through 1975 is essentially fixed by budget and procurement decisions already made.

Item: Beyond the threat the Soviet Navy poses by virtue of increased numbers of sophisticated weapons, is the vast expansion of operations into all oceans of the world. In the early 1960's, Soviet warships were a rare sight anywhere but near their own home ports. Today, the Soviet Navy averages 100 ships and submarines deployed daily. Again, according to Jane's the U.S.S.R. is now able to maintain a standing naval force in the Mediterranean five times stronger than they could 5 years ago to counter the U.S. 6th Fleet. Also, they now have bases in the eastern Mediterranean to support their navy, which they did not have a few years ago.

Item: A blue ribbon defense panel has recently reported to the President:

> It is not too much to say that in the 1970's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure. . . .

Item: While we are spending most of our resources on defensive weapons, the Soviets are going all out in the strategic offensive weapons area. In terms of percentage of GNP, Russia is devoting twice as much money as we are on offensive capabilities.

Mr. Speaker, I have only one question to ask of those who insist we have nothing to fear from Soviet Russia: While we have voluntarily cut back on defense spending and levied self-imposed restraints in any effort to relieve tension, why have the Soviets gone beyond parity with us and devoted more and more of their budget to an offensive military capability?

Mr. Speaker, as I noted earlier, many of our colleagues of both political parties and of widely divergent philosophies have come forward today to express concern. This is not a partisan issue. It is an issue which deals with our very survival as a free nation. We are not a people who like to fight wars. History will show that we fight only when forced to protect our freedom. History also records that the road to peace has never been through appeasement, unilateral disarmament, or negotiation from weakness. The current weakness of the United States—in areas of military capability and national resolve—is a grave threat to the peace of the world.

Our freedom was purchased for us by our ancestors with their life's blood. We were born clothed in the precious cloak of freedom, and we have never known what life is like without it. We are heavily in debt to those who made it possible for us to be free; and we can repay this debt only by guarding that legacy with all the resources at our command. We are not doing this.

If we fail—if our desire for the easy life is more important to us—we will have to answer to the spirits of those who have gone before, and to the generations yet to come.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of my special order.

The SPEAKER pro tempore (Mr. LINK). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GOLDWATER. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I am glad to yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, I have joined with my distinguished colleagues today in this special order to express my deep concern over the growing weakness in our national defense posture. Here in Congress we have a certain specialized access to inside information, and we have long known that things were not what they should be vis-a-vis our Nation's enemies.

Now the American public is finally awakening to the hard reality which has haunted us for months. Major articles in popular magazines are hammering home the theme that we have dreaded. The United States, once paramount in defensive and offensive technology, is being knocked from its position of world leadership in a variety of fields. Not since the age of sputnik have we fallen so drastically behind in aerospace-defense technology. It used to be that opponents of a large defense budget could accuse its proponents of scare tactics and juggling figures.

But this is no longer the case. The plain fact is, about the only defensive arena in which we are not either equalled by the Russians or behind them is that of submarines.

What is even more frightening, Mr. Speaker, is what is happening to the great manpower and technology pool which has been the source of our traditional preeminence. We are dismantling a great machine which has operated at maximum performance since World War II, perhaps the greatest machine for technological progress in the history of mankind. It has wrought both good and evil, and has done so with equal impartiality. The atom bomb ended a war, and its threat has prevented any further world conflict. At the same time, it has offered, in the form of a peacetime technology, the most economic form of universal power to drive a technological civilization ever encountered.

Yet the people of America have failed to understand the very impersonality of technological progress. They have equated this progress, which has, of course, dollar costs, with an increasing visibility of our social evils. But they have forgotten that it has been human decisions which have misused our technological bounty.

Thus, in the sudden shift toward totally humanistic priorities, the first victim has been technology—the technology of defense, the technology of aerospace, the same technology which could be solving social ills. We have, in the past few years, seen the most dramatic shift in this Nation's priorities ever undertaken. We have made a commitment to feed our hungry, house and clothe our poor, care for our aged, and clean up our environment. I applaud these commitments, these new priorities.

But do they mean that we should abandon our old commitments out of hand? Should we no longer care about the defense of this country, about our commitments to our allies, and about our future technological needs? This is the direction we are taking, and it frightens me more than any other single development in our history. I am gratified to note that it is finally beginning to frighten other people as well.

I do not think the American people really realize the erosion that has taken place in our national defense posture. I do not think they realize that the great defense machinery is being dismantled, and that it will take years to gear it up again—years which we will not have if there is a national or world emergency. Lines of defense technology are being broken off, new developments stifled for lack of Government support. We have stopped investing in our Nation's future, in order to apply palliatives to today.

There is a trite tendency to regard defense moneys as an investment in destruction only. This is a parochial view which fails to take into account both the world situation and our national situation.

The truth of the matter is, that no matter the kind words, the trade concessions, and the exchange of visitors and cultural events, the United States is faced with two gigantic opponents who have sworn to destroy the United States and every freedom for which it stands. The world situation has changed in certain superficial aspects, but what has not changed is the lesson we should know by heart—sheer strength and world leadership are the only things that the Communists really respect. The moment we let that strength lapse, the wolves are at our throat. Let me just point out an outstanding example of this Where the U.S. 6th Fleet once dominated the Mediterranean, it is now being jostled rudely by scores of Russian ships. And the belligerence of Soviet-supported nations toward our allies has grown correspondingly, until the peace of the entire Mediterranean lies in a delicate balance.

Another example of this: We all know the best way to negotiate is from a position of strength. It gives the other party a powerful motivation to cooperate in reaching a mutual goal. But what has happened to us at the SALT talks? We have not had much cooperation from the Soviets, who seem to feel that if we continue on our present course they will soon be bargaining from the position of strength.

A strong defense, then, is an investment in the freedom and growth of mankind. It is a statement to the American people, and to the oppressed of the world that individual freedoms will be maintained, that communism will not be allowed to spread unchecked.

A strong defense constitutes another sort of investment on the national level. Defensive growth and flexibility are an investment in the future of this Nation—in the maintenance of our manpower and technology pool, and of our economy as a whole. Defense technology, like aerospace technology, is not a thing in itself. It provides jobs, education, and skills in a variety of related areas which feed into the civilian economy and advance it in parallel fashion. The alloys developed for a top-secret plane may turn up in the shell of civilian aircraft, or in a high-speed rapid transit car. In a recent example brought to my attention, the specialized procedures used to assemble miniaturized components led to the creation of a dust-free environment for a specialized operation allowing thousands of persons freedom from a crippling disability.

It is absolutely imperative, then, that we reconsider our new goals, and insure that our defense posture remains of utmost importance. We should also listen to the voices of the true Americans—not the people constantly clamoring for a Government handout, for the Government to pay all the bills of society. I suggest we listen to people such as my constituents, who indicated in a recent poll that the national defense had the top priority over any other financial need. I suggest we listen to our President, who has constantly spoken out against those people in the Government who would dismantle the defense apparatus; a President who has fought for the B–1 bomber, the salvation of leading defense contractor Lockheed, the maintenance of an adequate ABM defensive network, and a foreign policy based on deterrent strength.

Humanistic priorities have long been the outstanding feature of this country. But I suggest that we will forfeit our ability to maintain these priorities and to spread them throughout the world if we abandon our capability to defend them.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I am happy to yield to my colleague from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, it is with pleasure I join my colleague from South Carolina today in this great issue of informing the people of the great need which faces this country. We have for too long thought too little about our national defense. It is only through the efforts of gentlemen such as Mr. SPENCE and others here tonight who are really concerned that we can bring this important story to our Nation. It is with pleasure I join at this time with him and those others here tonight.

Traditionally a great Eurasian land power and currently a state that has attained strategic parity with the United States, the Soviet Union has now dynamically extended its military challenge to the world's oceans as well. While the Soviets were strengthening their armed forces during the past two decades, the West was generally able to take comfort in the advantage it continued to enjoy at sea. Today, due to the diligent development of the Soviet Navy, this advantage has been seriously jeopardized.

Progressing from a quantitative expansion during the 1950's to a qualitative concentration during the 1960's, the Soviets have methodically transformed their fleet from a coastal defense force to a formidable deep water navy which has demonstrated its capabilities to operate anywhere in the world. In the Mediterranean, where our Sixth Fleet has controlled the seas in the interest of peace for over 20 years, a Soviet squadron with considerable combat potential now limits our politico-military options. To foster Soviet state interests in the Indian Ocean, a group of naval ships has been regularly maintained on station since 1968. Closer to our shores, we have the bold example of four separate Soviet naval deployments to the Caribbean/Gulf of Mexico area since 1969. Last year, in what has been described as the largest, most complex exercise conducted by any navy since World War II, the Soviets employed over 200 surface ships and submarines and a thousand aircraft sorties. the geographic scope of these integrated maneuvers ranged from the North Atlantic to the Philippine Sea and amply attested to Soviet accomplishments in the intricate categories of staff planning, communications and command and control of distant naval forces.

This expertise is also inherent in the continuous maintenance of Soviet Polaris-type ballistic missile submarines off our shores. By 1974, their present construction program promises to provide the Soviets with a Polaris force that is the numerical equivalent of our own.

Heavy emphasis on submarines has also furnished the Soviets with an undersea fleet to interdict our vital sea lines of communication. In such attack submarines, the Soviets have three times the number we do and, increasingly, they are high performance, unlimited endurance nuclear-powered units.

Nor has the surface fleet been ignored. Soviet shipyards have launched eight classes of major combatants in the last dozen years. Each successive design has displayed improvements that have enhanced antiair, antisurface and antisubmarine warfare capabilities. Especially ominous has been the arming of several of these modern units, as well as many submarines and naval aircraft, with unique breeds of antiship cruise missiles. These weapons, which do not exist in our fleet, have substantially complicated our defensive problems at sea.

It is also important to bear in mind the growth of overall Soviet maritime strength. Though the Navy's activities are often our major concern, the presence of manifold Soviet merchant, fishing, and research ships on the world's oceans and in the world's ports is even more pervasive. Each of these vessels underscores Soviet appreciation for the economic and political value of seapower to compliment its naval component.

Mr. Speaker, I say that it is incumbent in this Congress that we meet the needs of our Navy so that we shall not become the No. 2 naval power in the world. Our future is at stake.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, I thank the gentleman for yielding, and I wish to commend him for taking this time in order to present this very, very important issue to the American people.

If I were to ascribe a title to the few remarks that I would like to make I would call my statement. "The Realities of Lead Time."

I think you all remember the campaign for the Presidency in 1960. Remember what the big issue was? A missile gap. A missile gap which many of us knew did not exist, yet the American people were so afraid of that alleged missile gap that I suppose you might say that in a close election it determined the outcome of the Presidency.

Twelve years have gone by, or almost 12 years, and a strategic gap has in fact developed, so ably presented and documented by the gentleman from South Carolina (Mr. SPENCE).

There is a strategic gap today, and yet the emphasis is all in the other direction, reorient our priorities, take everything out of the military budget.

Unfortunately, America has never been enveloped in a war that it was prepared to fight, but usually our great industrial base, the genius that American industry possesses, made it possible to tool up and produce the implements of war so that after a reasonable period of delay we were able through industrial might and military genius to come out on top. But the next war is not going to be fought with 75 millimeter artillery pieces, it is not going to be fought with bayonets and rifles and machine guns, and relatively simple things to construct from an engineering point of view; the next war we imagine will be the most technical war ever fought. It will be push-button warfare, and we will not have time to tool up.

Those are the realities of leadtime.

It took 10 years to develop the Lance surface-to-surface tactical missile system. It took 8 years to develop the TOW antitank missile. It took 8 years to develop the Shillelagh missile system, and the Sheridan vehicle that goes with it.

The F-111 took 8 years in the development stage. The SSM688 submarine is going to take 10 years. The Polaris missile system took 5 years, and the Minuteman ICBM system took 5 years. And to each of these leadtimes you must, if you are realistic, add still another 2 years for preliminary studies and the formulation of ideas.

Let us face the reality of leadtime. You do not crank up an industrial production line overnight. It takes 8 to 10 and sometimes 12 to 15 years for a missile system or an item of defense to get out of the idea stage and into the hardware stage where it can be deployed.

Our present policies of weapons systems acquisition are designed to minimize risk, and to reduce cost and to insure extensive testing to see that it can work. When we look to the future, leadtimes are going to get even longer.

One of the principal ingredients necessary to produce a weapons system, and one of the first ingredients when you do go into it, is research and development.

And what are we as a people doing to keep input into the pipeline which will eventually produce the weapons which we need to defend ourselves? Let us take a look. Let us look at fiscal years 1969, 1970, and 1971. In fiscal year 1969 we cut back research and development by $303 million.

In fiscal 1970 we cut it back by almost another $300 million.

In 1971 we cut research and development for military purposes back by $275 million.

Now, when you consider that we have an inflationary factor of about 9 percent in research and development you not only have a sizable cut in dollars but you have a much greater cut in productive effort in research and development.

In our report which accompanied the procurement bill for this year we stated the cost index for research and development for the calendar year 1970 increased more than 7 percent and it has increased over 30 percent in 5 years.

The appropriations for defense research and development over the past 7 years were reduced more than $2 billion by the Congress from what is requested by the Department of Defense.

According to the testimony which our committee has received the Soviet level for research and development effort has shown a dramatic increase over the past several years to the point of threatening our previous advantage of technical superiority.

I have before me a graph which shows that shortly after 1960 the Russians passed us in research and development efforts for military purposes and today Russia through all sources of research and development spends about $11 billion against $8 billion for ourselves when reckoned in constant dollars.

So far as the civilian space effort is concerned the ratio is about $16 billion for Russia to about $10 billion for the United States.

The Russian people have need for social gains. They wish the comforts of life. Why is their Government insisting on this massive research and development effort? They must intend to use it for some purpose.

I would like to say in conclusion that this country can never again in this technological era in which we live count on what we did in World War I and World War II and the Korean conflict—there will not be that much time. Leadtimes are getting longer—and our time of safety is getting shorter.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SPENCE. Mr. Speaker, I thank my colleague.

Mr. Speaker, I yield to the gentleman from Florida (Mr. BURKE).

Mr. BURKE of Florida. Mr. Speaker I thank my colleague from South Carolina not only for taking this special order but for recognizing me and allowing me to be a part of it.

Mr. Speaker, those in our country who preach the unilateral disarmament of our country, as the road to peace, make as much sense as Nero who fiddled while Rome burned.

In fact, if we follow their suggestions we are not only going to pay the fiddler, but we as a free nation are going to get burned.

Mr. Speaker, the Blue Ribbon Defense Panel, appointed by the President and the Secretary of Defense in July, 1969, submitted its report September 1, 1970. The members of the Panel reserved the right to submit supplemental statements on areas not addressed by the Panel's report. Seven members issued a statement entitled "The Shifting Balance of Military Power." This statement is essential reading for all Americans.

The authors of this statements are William Blackie, Peoria, Ill.; George Champion, New York; William P. Clements, Jr., Dallas, Tex.; John M. Fluke, Seattle, Wash.; Hobart D. Lewis, Pleasantville, N.Y.; Wilfred J. McNeil, New York, N.Y.; and Lewis F. Powell, Jr. Richmond, Va.

The material contains a shocking statement of growing Soviet strength and a corresponding decline in our own military posture.

The authors point out that—

> In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of our clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's. . . . The U.S. retains, for the time being, a substantial edge in the smaller, short-range SLBM's launched from Polaris submarines. Yet, the Soviet Union has 700 intermediate range ballistic missiles (IBBM's) deployed within range of defenseless Western Europe cities and NATO forces including 300,000 American troops stationed in Europe.
>
> In addition the Soviet Union has a major submarine construction program which by 1973–74 might well nullify our advantage of submarines. The U.S. subsonic B–52 bomber force still outnumbers the Soviet strategic bombers by a three to one margin, but both nations recognize the relatively obsolete character of this weapons system.

The report states that—

> No informed person now denies that the period of U.S. superiority has ended. The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's.

In fact the Soviet force is capable of killing 100 million Americans on first strike.

While there are many in our country who speak of reordering priorities, and of conciliation with the aggressive forces of world communism, the authors of this report have correctly expressed the view that—

> The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military and its will—could be the gravest threat to the United States and to the peace of the world.

I wish to share with my colleagues the summary of this Blue Ribbon Panel's report, and insert it into the RECORD at this time. I would like also to recall the statement of President Eisenhower who said:

> Until war is eliminated from international relations, unpreparedness for war is well nigh as criminal as war itself.

SUMMARY

The principal points in the accompanying Statement may be summarized as follows: [1]

The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union.[2] These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

A Second-Rate Power. If these observable trends continue the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

A Soviet World Order. Since World II a degree of world order has been maintained by the dominance of U.S. Strategic military strength. This American preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives.

THE END OF U.S. SUPERIORITY

In a dramatic shift in the balance of power, largely unnoticed by the public, the quarter century of clear U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age. The U.S. retains, for the time being, a substantial edge in the smaller, short-range SLBM's launched from Polaris submarines. Yet, the Soviet Union has a major submarine construction program which by 1973–74 could nullify this advantage. The U.S. subsonic B–52 bomber force still outnumbers the Soviet strategic bombers by a three to one margin, but both nations recognize the relatively obsolete character of this weapons system.

There are, of course, other elements in the equation of strategic military power. In some of these—such as MIRV and Poseidon—the U.S. is ahead of the Soviet Union. In others—such as strategic defense against missiles (ABM's) and against bomber attack—the Soviets are significantly ahead.

But however one may view the balancing, no informed person now denies that the period of clear U.S. superiority has ended. The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's.

A SOVIET FIRST-STRIKE CAPABILITY

Our planners in the 60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability. This evidence includes: (i) the continued Soviet production and deployment of ICBM's *after* having attained a clear numerical and megatonnage advantage; (ii) the emphasis on SS–9's designed as counterforce weapons capable of destroying U.S. hardened missile silos; (iii) the development of MRV with warheads also designed as counter-force weapons, and of MIRV by 1971–72; (iv) the development of a fractional orbital missile which significantly minimizes warning time; (v) the construction of a Y-class atomic powered submarine SLBM launching fleet capable, with no effective warning, of destroying our national command centers and much of our B–52 bomber force; and (vi) the continued Soviet emphasis on strategic defense systems against both missiles and bombers—an emphasis without parallel in this country.

The characteristics of these offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capability. Such a weapons mix and volume are not required for effective retaliation.

A CHALLENGING SOVIET NAVY

The Soviet navy, modern and rapidly expanding, is now challenging U.S. naval superiority in every category except aircraft carriers. This Soviet naval buildup is a major element in the shifting balance of military power.

RETREAT FROM THE THREAT OF THE 70'S

The situation which our country faces is without precedent. As we enter the 70's, the strategy of American superiority has given way to the concept of deterrence by maintaining an assured retaliatory capability. But there is no longer any certainty that our nuclear deterrent will remain credible to a Soviet Union which apparently seeks a preemptive strike capability, and which is moving rapidly into the role of the world's dominant military power. Red China, bitterly hostile to the U.S., also is acquiring a significant ICBM capability. It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

CUTBACK IN DEFENSE SPENDING

Although the President has submitted for FY 1971 a "bare bones" defense budget, reflecting the largest single cuback since the Korean War, public and political pressures are mounting for even more drastic reductions. As U.S. defense spending goes down, the trend of spending by the Soviet Union continues steadily upward. Its total military funding about equals that of the U.S., although its gross national product is barely half that of this country. The mix of Soviet spending is especially meaningful. Without the drain of a Vietnam War or public pressures to curtail defense funding, Soviet expenditures in dollar equivalents on strategic offensive and defensive weapons significantly exceed those of the U.S.

THREAT TO TECHNOLOGICAL SUPERIORITY

U.S. qualitative superiority in weapons, due to its advanced technology, has afforded a decisive advantage over the past years. This advantage is now being eroded away, as the U.S. falls behind the Soviet Union in the support of R&D and in the training of scientists and engineers. There is an ever present risk of disastrous technological surprise in major weaponry where an open society is in competition with a closed Communist society. We are neglecting, by inadequate support and planning, to minimize this risk.

NEGOTIATIONS—TRAP OR OPPORTUNITY?

Since the end of World War II repeated attempts have been made by the U.S. to negotiate limitations on the "arms race." Negotiations for sound enforceable limitations should be continued and hopes are now high for the success of the current SALT talks. But the total experience of negotiating with Communist nations suggests the utmost caution and the need for the most critical analysis of the possible consequences of any proposed terms. Not only is the security of this country at stake, but it is possible that a limitations agreement as to strategic weapons could have the effect of neutralizing the U.S. as a strategic power, leaving the

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[1] This Summary is necessarily incomplete and reference should be made to the full Statement for the views of the authors.

[2] The principal threat to U.S. security for the 70's is the Soviet Union, and this paper is addressed primarily to that threat. By the late 70's and beyond, the most menacing country in the world may be Red China.

Soviet Union and Red China relatively free to employ their superior tactical capabilities wherever this seems advantageous.

HOSTILITY TOWARD THE MILITARY

At this critical time, when the balance of military power is shifting, it is uniquely unfortunate that public hostility toward national defense and the military is at an unprecedented level. This attitude reflects a broad spectrum of opinion from honest pacifists and dissenters over Southeast Asia to New Leftist revolutionaries. But the base is sufficiently broad, and the voices supporting various aspects of it sufficiently powerful, to have a profoundly adverse effect upon almost every aspect of national defense. In a democracy, national defense suffers when there is inadequate public understanding and support. It may be fatally undermined when a significant segment of public opinion is not merely negative but irresponsibly hostile.

A VIABLE NATIONAL STRATEGY

Unless the American people wish to accept irrevocably the status of a second-rate power—with all of the probable consequences—the only viable national strategy is to regain and retain a clearly superior strategic capability. This can be accomplished by reversing the trends identified above, and by eschewing agreements which freeze the U.S. into a second-rate status. The margin of our overall strategic strength must be sufficient to convince the most reckless aggressor that, even after a surprise first strike, the capability to retaliate will in fact survive and be adequate to impose unacceptable destruction on the aggressor nation. This course of action is not incompatible with continued negotiations for arms limitations. Indeed, it will significantly enhance the chances of negotiations being genuinely fruitful without constituting a trap.

THE CONSEQUENCES OF SECOND-RATE STATUS

Basic Communist dogma contemplates the employment—over such time spans as may be necessary—of the entire arsenal of pressures against the U.S. as the strongest democratic power. Despite discord among Communist states, there has been no amelioration of this doctrinal goal. Throughout the past quarter century, when the Soviet Union was relatively weak strategically, it precipitated or supported crisis upon crisis—directly or through puppets and satellites—designed to extend its influence and to create disarray within the U.S. and the Free World.

It is irrational to think, with the balance of military power shifting in its favor, that policies of the Soviet Union will be less hostile, disruptive and imperialistic.

The consequences of being second rate, even if national survival is not threatened, could be seriously detrimental to the most vital diplomatic and economic interests of this country.

WEAKNESS—THE GRAVEST THREAT TO PEACE

The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I would like to congratulate our colleague in the well, Mr. SPENCE of South Carolina, and all of those who are participating in this discussion here this evening. I think it is important as we prepare for the August recess to put the Nation's defense needs in a proper perspective so that the Members can indeed discuss these matters with their constituents when they get back home.

I am very much impressed with the statistics that our colleague has listed here on the deteriorating situation in American defense. And it is regrettable, really regrettable, that the system under which we operate here in Congress does not afford us a larger forum to call these facts to attention. While it is true that this material appears in the CONGRESSIONAL RECORD, and while it is true it has been a long, hard day here and it is late in the evening, it does seem to me somewhat lamentable that the excellent presentation being made here this evening on this extremely important subject does not have a greater participation, and I sincerely hope that our Members will take time to read the remarks of the gentleman in the RECORD, for the message he has delivered here today should be of deep concern to everybody.

The late Robert Kennedy made a rather interesting observation. He said the right thing for the wrong reason, but we cannot ignore what he did say. He made the statement that the enormous disappointment of well-meaning Americans in the long and bitter struggle in Vietnam has cast our Nation into a posture where even when our most vital national interest is involved, many Americans just do not want to react and respond. That is why the task the gentleman has taken on today is such a difficult one. He is trying to arouse the Nation into a realization that the Communists have not given up. They are going along with their plans. They are spending vast sums of money for an offensive military establishment. We in our country for the most part develop defensive equipment. We have tried to impress upon the Soviet Union over the years that we have this enormous defensive capability, and if they are foolish enough to disturb the peace they will, of course, have to suffer the consequences, but that we are, first of all, prepared to defend ourselves.

The gentleman quite properly points out that as our index of capability goes down, the prospects of a major war go up. If we had learned that lesson in the 1930's, even though we were in the throes of a terrible depression, then the horrible World War II might have been avoided, and communism would not be the menace that it is today.

So I respect, I admire, and I thank our colleague for taking this time. I know it seems a hopeless job and to some degree unrewarding. Sometimes one feels he is a lone voice in a big forest, but I think somewhere along the line the American people will have to realize the Communists have not given up. They have not altered their plans; and as tired as we may be of Vietnam and as tired as we may be of spending $50 or $60 or $80 billion a year on a Defense Establishment, this Defense Establishment of ours is the greatest guarantee for peace.

Once we Americans ignore and forget that, and once we give the Soviet Union the superiority which it is now trying to reach, the ball game is over, and this country could lose all its precious freedoms without a single shot being fired.

This is the message our colleague is trying to get through today. I sympathize with him. I wish there was some way I could assist in getting this very urgent and eloquent message to the American people. I hope his message will get wide distribution, because, indeed, the alarm he is sounding here today needs to be sounded. The American people must be reminded that this battle is nowhere near over, and that the end of hostilities in Vietnam is not going to change the order of things. The President's visit to China is not going to change the order of things. If anything, I would say it is going to polarize the great dangers that exist in this world for a major conflict.

As was stated by the gentleman from California (Mr. GUBSER), in the next major conflict we will never again have the security of the oceans that we had in World War II. The next conflict is going to be instantaneous, enormous, monumental—and unless we are fully prepared, we may never have a chance to retaliate.

So I would like to thank my colleague for his enormous contribution here this evening.

Mr. SPENCE. Mr. Speaker, I thank the gentleman from Illinois. He said it better than I could say it.

Mr. Speaker, I yield to the gentleman from California (Mr. ROUSSELOT).

NATIONAL SURVIVAL—NO. 1 PRIORITY NOW AS ALWAYS

Mr. ROUSSELOT. Mr. Speaker, the dangerous ebbing of our Nation's defenses must be brought to the attention of the American people.

There has been much talk in recent months about reordering our priorities, especially since the apparent winding down of the Vietnam war. I cannot agree with the peace-at-any-price group. The No. 1 priority of this country has always been, and always should be, national survival with freedom. Strength is our heritage—without it we would not have become the leader of the free world. Peace-at-any-price is not peace, but a delusion of peace. The price the enemy demands is relinquishment of our natural sovereignty and yielding to their dominate power. Let us, on this occasion, bring into clear focus the aims and peace objectives of our Nation and the responsibility of Congress to execute the authority clearly defined in the U.S. Constitution. Article I, section 8.

We Americans pride ourselves on being practical and realistic, and in many ways we are. In the face of the threat from the World Communist Movement, since 1917, we have become wishful thinkers in the matter of survival. In 1933, this country recognized as legitimate a regime in the Union of Soviet Socialist Republics which previous administrations, both Democrat and Republican had correctly identified as a gangster regime without honor since its inception in 1917.

Everyone loves the bearer of good tidings. No one likes bad news. It is only natural that we are not anxious to hear anything unpleasant. Yet, in our daily lives, we individually know we have to be alert to bad news and take corrective action. At home, a child's carelessness may require corrective action—a plumber or repairman may need to be called, and that costs money. At work, any number of incidents arising purely out of competition may cause a businessman to hire more salesmen, purchase new equipment, or rent more space, and that costs money. In each of these cases the individual faces up to the problem and does what is necessary at the moment, despite the cost. We must face the immediate problem of our national survival in precisely the same manner. A loving parent cannot ignore his child's immediate need, nor the businessman his immediate competitive need, neither can we, this Congress, ignore our most pressing, immediate need. We cannot afford to make believe that the Communist problem just isn't there, or that someday it will go away because the Communists are changing—mellowing is the cliche—and, therefore, Communists no longer pose a real danger.

Now, if the Communists were to truly change, they would be giving up their goal of world conquest and their philosophy of dialectical and historical materialism which asserts and requires the inevitable establishment of a human society called communism. If, in fact, we found there was evidence that the dictatorial Communist leaders disbanded their worldwide agitation and propaganda apparatus called the Communist Party, and gave up their functions as agents or missionaries of that philosophy within that party to further the goal of world conquest by the power structure now identified as the Soviet or Socialist bloc, we would be wrong not to consider some change in our defense posture. The facts, however, show the opposite. In no way are the Communists giving up any of the three above-mentioned interlocking characteristics of the World Communist movement.

It is because too many of our leaders—in both political parties—have insisted, against all the facets of Communist doctrine, and against all the logic that decades of experience with Communist duplicity should have driven into our senses, that these diabolical criminals are still not what their words and deeds prove them to be, that we now find ourselves in a most perilous situation.

The United States of America can no longer claim to be the most powerful country in the world, capable of withstanding the assaults of any enemy on earth. The Soviet bloc has pulled even with us in almost every area of weapons systems. They are capable of delivering nuclear megatonnage far surpassing the power of U.S. warheads. This development has been the subject of a report of a blue ribbon defense panel appointed by President Nixon entitled, "The Shifting Balance of Military Power." The general press has failed to give this Presidential commission report the same attention it has given other commission reports.

Why has this shift in military power occurred? It has happened because the enemy—the Communists have been defined as our enemy in U.S. law—has cunningly played upon our natural desires to avoid bad news, or our unwillingness to face the total truth as to their actual intentions. How have they successfully put us to sleep and what are their intentions?

They have done much of this through their daily worldwide fact-distorting propaganda which lays the groundwork for coups and capitulations. Czechoslovakia, in 1948, was a major example. They rely all too successfully on the communications media of the free world to imply truth to their propaganda.

International agreements and treaties have been a particularly effective weapon, in the Communist arsenal of strategical and tactical maneuvers, to get and keep us off balance to exploit our weaknesses. Lenin, who masterminded the coup by which the Communists overthrew the Kerensky government in Russia in 1917, justified the signing of the Brest-Litovsk Treaty with Germany:

> As every sensible man will understand, by signing this peace treaty we do not put a stop to our workers' revolution; everyone will understand that by concluding peace with the Germans we do not stop rendering military aid; we are sending arms to the Finns, but not military units which proved to be unfit. Vladimir I. Lenin, "War and Peace" (1918), *Selected Works* (International Publishers, New York, 1943), Vol. VII, p. 303.

Lenin further instructed his followers on the value of treaties as weapons with which to implement wartime policy goals:

> In war never tie your hands with considerations of formality. It is ridiculous not to know the history of war, not to know that a treaty is the means of gaining strength. Lenin, "Reply to Debate on War and Peace" (1919), Ibid., p. 309.

Lenin's pupil, Joesph V. Stalin, wreaked havoc against the free world's post-World War II solidarity in negotiations at Yalta, Teheran, and Potsdam. Yet, Stalin's own outlook had been expressed many years earlier:

> A diplomat's words must have no relation to action—otherwise what kind of diplomacy is it? Words are one thing, actions another. Good words are a mask for the concealment of bad deeds. Sincere diplomacy is no more possible than dry water or iron wood. Joseph V. Stalin, "Elections in Petersburg" (Jan. 12, 1913), *Sochineniya* (Gospolitizdat. Moscow, 1946), Vol. II, p. 277.

Communists take no foolish gambles in their negotiations. They simply break them off—walk out—if things do not go their way. In the July 30, 1971, issue of Life magazine, long-time apologist for Red China, Edgar Snow, makes this statement about Chou En-lai:

> Chou quickly cuts to the heart of matters, drops the impractical, dissimulates when necessary, and never gambles—without four aces.

What Snow says of Chou can be said in general of all Communists who enter negotiations on any level. They gamble only with four aces. The Communists are today moving toward their "four aces" in defense weapons and the strategic deployment of those weapon systems.

We, on the other hand, gamble with foolish hopes. We refuse to understand that Lenin's instructions and long-range intentions are being carried out today. We refuse to believe that the Communists today have the same scorn for truth in diplomacy which Stalin expressed. Our "want-to-believe-and-be-fair-to-the-other-guy" attitude played into the hands of Hitler even after he laid out his clear intentions in "Mein Kempf" for the whole world to see. The Communist leaders of today are no different in their plans and intentions.

Even since Brest-Litovak, the Communists have utilized negotiations to gain great advantages. Non-Communist countries in good faith have entered into what were expected to be long-term agreements with them benefiting both sides. The Communist signatories never considered the treaties to be anything more than temporarily necessary tools in the long and devious road to world conquest, to be discarded the moment they no longer were required, to be ignored, or repudiated with scorn. Their word has been meaningless, their signatures worthless. Yet, we go right on deluding ourselves that things are otherwise.

The U.S. Senate Committee on the Judiciary, on August 1, 1955, published a staff study entitled, "Soviet Political Treaties and Violations." A third revision updated the study as of January 1, 1964. In the foreword of the first edition, Senator JAMES O. EASTLAND, chairman of the Subcommittee on Internal Security, emphasized the following important facts:

> The staff studied nearly a thousand treaties and agreements of the kinds described above, both bilateral and multilateral, which the Soviets have entered into not only with the United States, but with countries all over the world. The staff found that in the 38 short years since the Soviet Union came into existence, its Government had broken its word to virtually every country to which it ever gave a signed promise. It signed treaties of nonaggression with neighboring states and then absorbed those states. It signed promises to refrain from revolutionary activity inside the countries with which it sought "friendship," and then cynically broke those promises. It was violating the first agreement it ever signed with the United States at the very moment the Soviet envoy, Litvinov, was putting his signature to that agreement, and it is still violating the same agreement in 1955. It broke the promises it made to the western nations during previous meetings "at the summit" in Teheran and Yalta. It broke lend-lease agreements offered to it by the United States in order to keep Stalin from surrendering to the Nazis. It violated the charter of the United Nations. It keeps no international promises at all unless doing so is clearly advantageous to the Soviet Union.
>
> I seriously doubt that if during the whole history of civilization any great nation has ever made as perfidious a record as this in so short a time.
>
> On the basis of the record, this question inevitably arises: Is the Soviet record merely a series of individual and unrelated misdeeds, or has treaty breaking been an instrument of national policy since the U.S.S.R. itself came into existence? Employed by the United Nations, the subcommittee showed that this had been answered as long ago as 1920 by Bainbridge Colby, who was Woodrow Wilson's Secretary of State. The existing regime in Russia is based upon the negation of every principle of honor and good faith, said Mr. Colby. The responsible leaders of the regime have frequently and openly boasted that they are willing to sign agreements and under-

takings with foreign powers while not having the slightest intention of observing such undertakings or carrying out such agreements.

At the time he uttered these historic words, Secretary of State Colby had available to him many examples of how Communist leaders "frequently and openly boasted" that their pledged word was worthless. Let me call attention to just one of those examples, given by Zinoviev, Lenin's lieutenant, as long ago as 1919.

> We are willing to sign an unfavorable peace . . . Ainoviev said.
>
> It would only mean we should put no trust whatever in the piece of paper we should sign. We should use the breathing space so obtained in order to gather our strength so that the mere continued existence of our Government would keep up the worldwide propaganda which Soviet Russia has been carrying on for more than a year.

Mr. Speaker, I am convinced that we are more brainwashed by our own "wishful thinking" than Soviet propaganda has ever accomplished. The Communist policy statements I quoted from Lenin and Stalin, and the last by Zinoviev, are on the record. Why do we continue to insist the Communist do not mean what they say?

In the updated 119 page study by the Senate committee, President Eisenhower is quoted in his note to Premier Bulganin of the U.S.S.R. protesting the Soviet's failure to keep promises made at Geneva:

> I must confess that I am perplexed as to how we can work together constructively if agreements which are negotiated at the highest level after the most thorough explanations do not seem dependable.

Yet, today as I speak in this Chamber, a President who was Vice President when Mr. Eisenhower wrote those words is enmeshed in the toils of still another endeavor through which, I am afraid, the Communist world leaders will gain more advantage in their power play against the free world. The very designation of these negotiations reflects the supreme irony of our position. Instead of taking their propositions with more than the perverbial "grain of salt" because of decades of Communist treaty breaking, our American diplomats now are meeting in secret with the Communist masters of duplicity in what are called the SALT talks, for the ostensible purpose of reaching agreement on strategic arms limitation by the two major world powers. We can be certain, however, strategic arms limitation talks have been entered into by the U.S.S.R. only according to Lenin's dictum—to gain strength and to advance the goal of world domination.

Mr. Speaker, at this point in my statement, I am including a paper written by Dr. James B. Whisker of the political science department of West Virginia University which expressed his opinion on this country's participation in the SALT talks:

THE U.S. AND THE SALT TALKS

(Opinion by Dr. James B. Whisker, West Virginia University)

It has long been my considered opinion that we are wasting our time and losing valuable time in attempting to deal with the communists in regard to strategic arms limitation. Nothing I have read or seen in recent days has in any way altered that opinion.

After the Second World War we suggested that we limit the use of nuclear weapons, but the Soviet leaders said that it was not surprising that the U.S. wanted to do so since the U.S. had a monopoly there. Later, we suggested certain limitations on the use of nuclear devices, but the Soviet Union balked since its development lagged behind American research and development. The United States has in effect demonstrated its good will by unilaterally refraining from developing and manufacturing increasingly massive offensive weapons and from creating adequate defense of American cities via the installation of defensive weapons such as the ABM.

America now faces a growing Soviet threat of superiority on every front. Now that Soviet superiority is achieved they wish to speak of arms limitations. Their equipment is the most modern in the world, especially their naval equipment. Much of our obsolete and obsolescent equipment simply must be replaced in the very near future or we will face an even more dangerous lag than now exists.

Beyond arguing over what posture the Soviet Union has vis a vis the United States, the following must never be forgotten as general-philosophical principles:

1) The Soviet view, following marxism-leninism, of treaty-making accepts the principle of *autolimitation*. Treaties are "scraps of paper" whose use is entirely pragmatic. "Two steps forward, one step backward" as Lenin was quoted.

2) There is technologically no safe inspection practice under consideration. And we have absolutely no reason to take their word for it. We could limit our weapons and never know where they stand. Word of new American development would surely leak out; not necessarily so in the Soviet Union's closed state.

3) War is at the heart of marxist-leninist theory, past and present. Lenin wrote constantly of using "peace" and "disarmament" moves to throw the West off course. We failed to read Hitler, Marx or Lenin in the past and we found out in each case a little late that what they said they try. Basic theory has not changed.

4) The religious-like belief in dialectical and historical materialism, the inevitable fall of the West, etc., leads them to believe that their way of life will win inevitably.

5) It is a basic communist tactic to dupe the opponent until his weakness is discovered; and then to move in with force while he sleeps.

6) Accord with even a trustworthy Soviet Union presents no guarantees against Red Chinese aggression. Even if it were to be somehow proven that the Soviets are negotiating in good faith, still the Red Chinese must be considered. In face of Red Chinese nuclear potential—to say nothing of other potentials—we are deadly foolish to seek to curb our military response. The Red Chinese have long sought the war which would destroy the latest vestiges of the capitalist states.

7) In areas where communists around the world could lessen tension, tension which we have not created, they have not chosen to do so. Let them, if they be of good will, begin a tradition of peace: in Berlin, in Korea, in Vietnam, in the Middle East and so on. There is no reason to suspect that they would not exploit their potential, as they have done so often in the past, in the future when we are in a weakened posture.

The range of American policy in the future, especially as affects such policies as the "Nixon Doctrine", the Monroe Doctrine, and the "Containment of Communism"-Truman Doctrine, will be limited by SALT accords with the communist nations. Our range of policies in the Middle East, for example, is greatly limited now by Soviet superiority. We could not interfere as we chose to in 1956 in the Middle East.

In a time when communist aggression has never been more obvious it is certainly an unwise policy to limit our range of research and development and replacement alternatives. The United States, as a great power, seems to stand alone facing two communist leviathans, each of whom say that the other does not control its internal or external policies. If the one communist nation can give, by disarmament talks or arms limitations talks, an advantage to the other, what is the likely outcome? It bodes evil for the U.S.

The Vietnam conflict has had the very unfortunate side effect of limiting research, development and replacement of strategic weapons. During this time both the Chinese and the Soviets have been working to increase their respective stockpiles of important, new, strategic weapons. With that war now "unwinding" a new method has been devised by the communist world to keep America behind in weapons of strategic types—arms limitations.

I suggest we wait for the communists to show us some of their "good will" while we create parity with both communist giants, and, hopefully while we reconsider our alliance systems. Then let us talk as equals—if there then be anything to talk about.

Long ago the Communists learned our greatest weakness. They are mindful of our willingness to face up to the reality of their goals, to accept the fact that they really believe in the tenets of dialectical materialism, and that the Communist Party is functionally designed as a vehicle of world revolution. With the Soviet Union as the power base—that is, the armory for world conquest supplying most of the material needs of some 40 million Communists operating in every country—these foes have made tremendous strides by alternating their propaganda impulses calculated to raise our hopes for peace or deepen our fears of war, depending on the response needed to advance their goals. Hope or fear, hatred or love, in fact every emotion known to man has been exploited by these clever manipulators for their own devious purposes. The Russian people were misled by Lenin. Mao Tse-tung and Chou En-lai accomplished the same purpose in the same manner. The Communists have never departed from Leninist teaching and training, and we should not be deceived into believing otherwise. In too many cases, American officials have been deluded by Communist propaganda and have cooperated in the division of peoples—Germany, Korea, and Vietnam have been cut in two. Communist training is intensive. Communist operations follow a consistent pattern, Communist union leaders in the free world negotiate no differently than do Communist diplomats. They are sure-thing gamblers—playing only with four aces. They go into negotiations asking for the sun when their objective is only the moon, and they smile when we believe we have reached a compromise.

Mr. Speaker, we cannot be misled into thinking the Communists have changed. A July 28, 1971, broadcast from Moscow contained this declaration which demonstrates that Communist philosophy has in no way changed over the decades:

Communists struggle so that everyone should have work, a piece of land, bread, a good dwelling, the right to education, medical care, and support in his retirement. The threat of war and imperialism must be done away with. Communists struggle for the security and peace for all peoples. Our people have followed the teachings of Lenin and our Communists have been in the vanguard in the task of building a new and happy society and a better life for the people.

Mr. Speaker, and my fellow colleagues, let us think carefully on these words vis-a-vis the key teachings of Lenin and the state of our national defense:

> Socialists, without ceasing to be socialists, cannot oppose any kind of war . . . In the first place, socialists never have and never would oppose revolutionary wars . . . In the second place, civil wars are, also, wars. He who accepts the class struggle, cannot fail to recognize civil wars which under any class society represent the natural, and under certain conditions, inevitable continuation of the development and aggravation of class struggle . . . Socialism cannot win simultaneously in all countries. It will win initially in one or several countries, while the remainder will remain for some time, either bourgeois or prebourgeois. This should result not only in frictions, but also in the direct striving of the bourgeoisie of other countries to smash the victorious proletariat of the socialist state. In such cases, a war on our part would be lawful and just. This would be a war for socialism, for the liberation of other people from the bourgeoisie. Engels was completely right when in his letter to Kautsky of 12 September 1882 he directly recognized the possibility of "defensive wars" by already victorious socialism. He had in mind exactly the defense of the victorious proletariat against the bourgeoise of other countries . . . Only after we overthrow, completely defeat and expropriate the bourgeoisie in the entire world, and not only in one country, will wars become impossible. And from the scientific point of view, it would be completely incorrect and completely unrevolutionary to by-pass or tone down the most important, the suppression of the resistance of the bourgeoise—which is the most difficult, the most struggle-requiring of transition to socialism. "Social" priests and opportunists are always ready to dream of future peaceful socialism, but this is precisely the way they differ from revolutionary social-democrats, because they do not wish to think and ponder the embittered class struggle and class wars which are required in order to bring about this wonderful future. (Vladimir I. Lenin, "Military Program of Proletarian Revolution" (written 1916, published 1917) *Collected Works* (International Publishers, New York, 1942), Vol. XIX, pp. 362–366)

Lenin, the "revolutionary social-democrat," declared that:

> Embittered class struggle and class wars are vital in bringing into being this wonderful future, world socialism.

He said—

> Note well, wars will become impossible only after we overthrow, completely defeat and expropriate the bourgeoise in the entire world, and not only in one country.

So, the recent Moscow broadcast—which was in Arabic—identifying with Lenin's teachings, was clearly calling for still greater militancy in the class struggle and so-called class war in the Middle East. As we all know, an unending series of guerrilla outbreaks and civil wars of varying intensities have broken out in the Middle East in recent years. There are those leaders, however, whose dreams for a peaceful world have become confused with reality.

Lenin clearly stated the Communist position on war and imperialism. Communists, of course, define all free enterprise or capitalistic countries as imperialistic. In 1918 Lenin said:

> Either the Soviet governments triumph in every advanced country in the world, or the most reactionary imperialism triumphs, the most savage imperialism, which is throttling the small and feeble nationalities and reinstating reaction all over the world—Anglo-American imperialism which has perfectly mastered the art of using the form of a democratic republic. One or the other, there is no middle course. (Lenin, "Valuable Admission of Pitirim Sorokin," 1918, *Selected Works,* International Publishers, New York 1943, Vol. VIII, pp. 148–149.)

In 1919 Lenin declared:

> We are living not merely in a state, but in a system of states, and the existence of the Soviet Republic side by side with imperialist states for a long time is unthinkable. And before that end supervenes, a series of frightful collisions between the Soviet Republic and the bourgeoise states will be inevitable. That means that if the ruling class, the proletariat, wants to hold sway, it must prove its capacity to do so by its military organization. (Lenin, "Report of Central Committee at 8th Party Congress", 1919, Ibid., Vol. VIII, p. 33.)

Even more succinctly, Lenin summed it all up in 1920:

> As long as capitalism and socialism exist, we cannot live in peace; in the end, one or the other will triumph—a funeral dirge will be sung over the Soviet Republic or over world capitalism (Lenin, "Speech to Moscow Party Nuclei Secretaries", November 26, 1920, Ibid., p. 297.)

Finally, we must realize the distinction Lenin made—and the distinction Moscow still makes today—between a war as waged by a capitalist country and one waged by a Leninist, Socialist country. On one occasion he clarified his distinction in this way:

> If war is waged by the exploiting class with the object of strengthening its class rule, such a war is a criminal war, and 'defencism' in such a war is a base betrayal of socialism. If war is waged by the proletariat after it has conquered the bourgeois in its own country, and is waged with the object of strengthening and extending socialism, such a war is legitimate and 'holy.' (Lenin, "Left-Wing Childishness and Petty-Bourgeois Mentality", May 3–5, 1918, Ibid., Vol. VVI, p. 357.)

Mr. Speaker, Lenin remains the great all-time strategist of the World Communist Movement. Let us learn a lesson from Adolf Hitler's "Mein Kampf." Many have wisely remarked that had Hitler's principles and goals been read and studied, World War II might have been avoided. The Communists issue a "Mein Kampf" every day in every language, as they pour out billions of words in an unending propaganda barrage throughout the world.

Although Lenin is the major architect for world communism, his successors have never hesitated, when it suited their purposes, to seemingly contradict him. We let ourselves be brainwashed. We look for every shade of meaning, hopefully seeking some clue to a new outlook by the Communists. There is none, but we insist on finding one. They put before us what they think we want to believe—and they are usually right. For example, Joseph Stalin was Lenin's immediate successor, although he had to have Leon Trotsky murdered in exile in Mexico to insure his position, and an interview with Roy Howard, publisher of the New York World Telegram, March 1, 1936, Stalin said to the free world:

> American democracy and the Soviet system can exist peacefully side by side and compete with each other. But one cannot evolve into American democracy or vice versa. We can exist peacefully side by side. If we do not find fault with each other over every trifling matter. (New York Times, March 5, 1936).

This was merely a shift of emphasis from a much clearer position given by Stalin to the Communist Party of the Soviet Union in 1927 when he specified the purely temporary nature of peaceful coexistence:

> We cannot forget the saying of Lenin to the effect that a great deal in the matter of our construction depends on whether we suceed in delaying the war with the capitalist countries, which is inevitable but which may be delayed either until proletarian revolution ripens in Europe or until colonial revolutions come fully to a head, or finally, until the capitalists fight among themselves over the division of the colonies. Therefore, the maintenance of peaceful relations with capitalist countries is an obligatory task for us. The basis of our relations with capitalists countries consists in admitting the co-existence of two opposed systems. (Speech to the 15th Congress of CPSU (b), Dec. 2, 1927, *Sochineniya* Gospolitizdat, Moscow, 1949, Vol. X, pp. 288–289.)

Stalin enunciated the core of Lenin's teaching that war with the capitalist world was inevitable, but it is to the socialists' advantage to delay it until the situation becomes more advantageous to them. Are we fools to think they will not make the most complete preparations for that war while successfully delaying it? But how many Americans grasped at the straw that Stalin threw them in his words to Roy Howard, "We can exist peacefully side by side." He simply omitted the key word—"temporarily."

Stalin's successor, Georgi Malenkov, followed suit. In his speech at Stalin's funeral, March 9, 1953, he said:

> The Soviet Union has pursued and is pursuing a consistent policy of maintenance and strengthening of peace, a policy of struggle against the preparation and unleashing of a new war, a policy of international cooperation and development of business relations with all countries, a policy preceeding from the Leninist-Stalinist thesis on the possibility of prolonged co-existence and peaceful competition of the two different systems—the capitalist and the socialist. (Pravda, March 10, 1953.)

What welcome news from the new face in the Kremlin. Hope abounded. The tyrant Stalin was dead. The new Communist leader sounded forth for peaceful competition and coexistence. The free world chose to continue to ignore the Leninist mold in which Malenkov had been cast. A peace-hungry world ignored his use of the world "prolonged" and his omission of the key strategy, "until the time is advantageous for the socialist countries in the inevitable war with capitalism." Soviet psychology succeeds primarily because of freeman's wishful thinking.

Nikita Khrushchev followed next. Malenkov found little peaceful coexistence among his Communist compatriots who, unwilling to utilize the tried and true Stalinist pattern of personal liquidation, merely exiled him to run an electric complex well removed from Moscow. Khrushchev proved himself an able disciple of the Leninist creed and strategy. He denounced Stalin as a ruthless dictator. He parroted Stalin's and Malenkov's line on peaceful coexistence. But, he, too, relied on our wish for peace to stop us from facing the issue of the Communist threat. We wanted to be convinced that now, indeed, a new era had arrived in the relations of the Soviet Union with the rest of the world.

When Khrushchev denounced and downgraded the great Joseph Stalin, on February 25, 1956, in a "secret speech" that strangely got quick world notice and tremendous commentary, the entire world seemed to shout for joy. But the same world overlooked other words by Khrushchev to the same Twentieth Party Congress of the Communist Party of the Soviet Union earlier on February 14, in a report that was not secret. Pravda published it the next day.

Khrushchev would talk of peaceful competition between the capitalist and socialist systems in words like these:

> We say to the representatives of the capitalist world: "You are for the development of capitalism. We are for socialism. We do not want to impose our institutions on you, but we will not allow you to interfere in our affairs. Therefore, there is only one way open to us—peaceful competition." (Speech at the All-Union Conference of Young Builders, April 11, 1956, Pravda, April 13, 1956).

But precisely just how Khrushchev intended "not to impose" socialist institutions on the capitalist world was made amply clear in the February 14 speech:

> Our enemies like to depict us Leninists as advocates of violence always and everywhere. True, we recognize the need for the revolutionary transformation of capitalist society into socialist society. It is this that distinguishes the revolutionary Marxists from the reformists, the opportunists. There is no doubt that, in a number of capitalist countries, violent overthrow of the dictatorship of the bourgeoisie and the sharp aggravation of class struggle connected with this are inevitable. But the forms of social revolution vary and it is not true that we regard violence and civil war as the only way to remake society . . .
>
> Leninism teaches that the ruling classes do not surrender power voluntarily. However, the greater or lesser intensity which the struggle may assure, the use or non-use of violence in the transition to socialism depend on the resistance of the exploiters, on whether the exploiting class itself resorts to violence, rather than on the proletariat . . .
>
> In the countries where capitalism is still strong and has a huge military and police apparatus at its disposal, the reactionary forces will; of course, inevitably offer serious resistance. There the transition to socialism will be attended by a sharp class, revolutionary struggle.
>
> Revolutionary theory is not a collection of 'frozen' dogmas and formulas, but a fighting guide for practical activity for the transformation of the world, for the building of communism. Marxism-Leninism teaches that theory isolated from practice is dead, and practice not illuminated by revolutionary theory is blind.

Mr. Speaker, would that the President and every Member of this Congress read, reread, and memorize those words of Nikita Khrushchev. He was no grinning buffoon as some would have had us believe. He put in many years of apprenticeship in the ranks of the Communist Party. Labeled the Butcher of Budapest for his ruthless suppression of the Hungarian Revolution in 1956, he had long been well known as the tyrant of the Ukraine after January 1938. Over the he conducted a reign of terror. He served as First Secretary of the Central Committee of the Communist Party of the Ukraine after January, 1938. Over the span of those years he played a vital role in the man-made famine there, and purged the enemies of Stalin's regime. In 1943, 9,439 bodies were exhumed at Vinnitsa alone under the German occupation. Khrushchev was sent back in 1944 to purge those who had greeted the Germans too warmly. It is estimated some 400,000 were killed under Khrushchev. This was a positive public policy calculated to terrorize any who might wish to dissent from the Communist regime. When he got to the top position in the Party, he knew his job. The above exposition of gut Communist thinking and purpose was as definitive as anything Lenin ever wrote or uttered, and varied from the master in no single detail. Khrushchev successfully led the world Communist apparatus while simultaneously misleading the free world.

Nothing has changed. Under Khrushchev's successor, Leonid Brezhnev. We have the SALT talks at the moment to keep us concentrating in disarming and on limiting our scientific development of stronger defenses against Soviet intentions. But what do the Soviets keep right on doing? They continue to practice their theory. For example, Pravda reported on April 3, 1971, a speech given by U.S.S.R. Defense Minister, A. A. Grechko to the 24th Congress of the Communist Party of the Soviet Union:

> The army and navy communists fully approve the political and practical activity of the Central Committee and support without reservation the domestic and foreign policy of the Communist Party and the Soviet Government!
>
> Our army, which was created and nurtured by the Communist Party in order to defend the gains of the Great October Socialist Revolution, is obligated for all its successes and victories over the revolution's enemies to the firm leadership of the party and its Central Committee. It is precisely as the result of the party's concern and efforts that scientifically substantiated ideologic and theoretical as well as organizational principles of armed forces building have been created in our country . . .
>
> The constant strengthening of the armed forces is an objective necessity for the successful building of socialism and communism, and one which results from the law-governed patterns of social development and from the particular features of the class struggle between capitalism and socialism. The experience of more than 50 years of socialist building in our country has fully confirmed the rightness of the military policy and practice of armed forces building being firmly pursued by the Communist Party.

Mr. Speaker, this is precisely why just a few days ago the highly respected Jane's Fighting Ships could report to the free world that the Soviets have developed a "supernavy" while the United States has allowed its naval strength to decline.

This is why the Soviet Union has developed and tested nuclear warheads of at least 58 megatons capacity.

This is why the Soviets have been producing the SS-9 missiles of far greater destructive power than in-place U.S. ICBM's.

On the other hand, Communist propaganda about peaceful coexistence and the need to negotiate differences has continued to mesmerize some of the free world's leaders.

Let us very briefly look at the history of nuclear arms negotiations and Soviet weapons development during that period.

In the fifties various proposals for nuclear testing cessation were presented to the United Nations, with India's Nehru playing a leading role. In 1955 at the Geneva summit meeting, Bulganin of the U.S.S.R. proposed a moratorium on nuclear testing in the atmosphere as a first step toward the end of testing and ultimate reduction of atomic weapons. Nehru proposed in the U.N. the establishment of a scientific committee on the effects of atomic radiation that would make yearly reports. It was set up and still exists. In 1958 a meeting of experts discussing the effects of radiation in Geneva concluded that physical inspection was not necessary to determine atomic testing activity. This removed a roadblock in President Eisenhower's desire to have inspection.

On October 31, 1958, the United States and the United Kingdom announced they would suspend for 1 year nuclear testing in the atmosphere provided the U.S.S.R. would observe the same moratorium. On November 3, 1958, the U.S.S.R. in a similar statement announced it would also stop atmospheric testing. The moratorium remained in effect until August 30, 1961.

On that day the Soviet Government announced the resumption of nuclear testing. In the months that followed, the U.S. Atomic Energy Commission made periodic specific announcements of 69 atmospheric tests totaling 300 megatons of explosive power conducted by the U.S.S.R. from September 1, 1961, until December 25, 1962. Without announcing them specifically, the Commission declared the Soviets conducted additional tests in this period over and above the 69.

The largest of the announced tests was a nuclear device of 58 megatons.

Mr. Speaker, may I remind the Members of this body that the nuclear bombs dropped on Hiroshima and Nagasaki only had a yield of some 15 kilotons, that is a blast effect of some 15,000 tons of TNT. A megaton is equal to 1 million tons of TNT.

The 15,000-ton explosion over Hiroshima killed 78,000 people. Why did the U.S.S.R. test a device of 58,000,000 tons?

For one thing, they want the world to know, fear, and be mesmerized by its power. They also wanted to know the precise effects of such power on the radar network that makes an ABM system operative. It has been conjectured in intelligence circles that the electromagnetic pulse following such a blast could also instanty knock out our country's communications over a vast area—including that required by the President personally to release the firing of our second-strike ICBM's that remain undamaged by the Soviet's first strike.

As Defense Minister Grechko put it, "ideological principles of armed forces building" require such qualitative and quantitative developments of Soviet weaponry.

The U.S.S.R.'s announcement of test resumption opened with this statement:

> The peoples are witnessing the ever increasing aggressiveness of the policy of the NATO military bloc. The United States and its allies are spinning the flywheel of their military machine ever faster, fanning up the arms race to unprecedented scope, increasing the strength of armies, making the tension on the international situation red-hot. (Documents on Disarmament, 1961, U.S. Arms Control and Disarmanent Agency, p. 337ff)

Many pages followed along the same offensive line blaming the free world for the Soviets' need to resume testing. It also said:

> And if the Soviet Government has nevertheless decided to carry out nuclear tests, it was with a heavy heart.

This self-serving balderdash was discounted by the explosion of the 58 megaton weapon just 60 days later. In the announcement's concluding paragraphs the following chest-beating declaration was for world consumption:

> The Soviet Union has worked out designs for creating a series of superpowerful nuclear bombs of 20, 30, 50, and 100 million tons of TNT; and powerful rockets similar to those with the help of which Major Y. A. Gagarin and Major G. S. Titov made their unequalled cosmic flights around the earth, can lift and deliver such nuclear bombs to any point on the globe wherefrom an attack on the Soviet Union or other socialist countries could be launched.

But the Soviets backed it up in 60 days with a most horrendous weapon. They would have us think that as of August 30 when they broke the moratorium they only had designs for such a weapon. Obviously it had been not only designed, but developed and built, and testing facilities set up.

On the other hand, the President of the United States, John F. Kennedy, who said on the same day of the Soviet announcement that the Communists' action would force a resumption of U.S. testing, authorized underground testing, on September 5.

Finally, late the following April, the United States was ready for atmospheric testing. From April 25 until November 4, 1962, this country conducted atmospheric nuclear tests of megatonnage yields far below those of the Soviets. Our 39 atmospheric tests totaled only 37 megatons—compared to a single U.S.S.R. explosion of 58 megatons. In fact, the largest device we ever tested—February 28, 1954, yielded only 15 megatons.

Clearly, under cover of an agreement—though an unsigned one that we lived up to—the U.S.S.R. adhered to the Leninist principle of gaining strength through treaties and, according to the ideological principle of "armed forces building," did just that in a colossal way. Perhaps as a result of their testing, in 1963 Soviet military men spoke of the possibility of using "maneuverable warheads" against Western defenses. For some reason the United States did not learn from this incident. With the U.S.S.R. far ahead of us in tested destructive power, on August 5, 1963, the United States signed a partial test ban treaty in Moscow with the U.S.S.R. and United Kingdom. This banned all atmospheric and underwater nuclear testing but permitted it underground.

The Soviets continued to develop and build larger, more refined ICBM's and on July 1, 1968, we signed the Nuclear Non-Proliferation Treaty with the U.S.S.R. which was aimed at not allowing other states to become nuclear powers. Under this, we no longer have the option of utilizing our allies to help us catch up with any Soviet nuclear superiority.

Never giving up the hope that the Communists would live up to their word, this country proposed on January 21, 1964, to the ENDC—the Eighteen Nation Disarmament Committee—a limitation on both the number and characteristics of offensive and defensive weaponry. This in essence dealt with the systems aspects as well as quantitative aspects and would encompass submarines, bombers, ICBM's and the ABM's.

On January 28 the U.S.S.R. followed suit, obviously pleased with another opportunity to gain strength in the Leninist tradition of utilizing treaties.

By the summer of 1968 both the U.S. and the U.S.S.R. were in agreement to meet in what would come to be known as the SALT talks.

But a little affair which might be characterized as "internal" peaceful coexistence interfered. The Soviet Union invaded Czechoslovakia on August 20, 1968. So the atmosphere wasn't just right. On August 22, our Secretary of State, Dean Rusk, said of the invasion:

> The action cannot help but damage East-West relations—get in the way of possible moves to more detente.

He meant detente with the lion who was in the midst of proving he devoured sheep—even his own brand of sheep. On October 6, 1968, Mr. Rusk on the TV program "Issues and Answers" said—

> If these talks occur it would be very important that the general atmosphere be such that it would give them a chance to succeed or make important headway.

Clearly Soviet invasions—like those of Hungary and Czechoslovakia—do not help treaty negotiations with non-Communist states. But the atmospheric dust does settle, and such "disturbances" are conveniently forgotten. So on November 17, 1969, the SALT talks opened in Helsinki.

But we now are appraised by experts and a Presidential commission that the U.S.S.R. during all these years of ostensibly promoting such negotiations to limit all strategic armaments, has gone right on developing and producing such weapons systems until they no longer trail behind this country.

Our policymakers held back on more effective weaponry and ABM systems because of a fear it would be "provocative" to the U.S.S.R. since we already had superiority in strategic weapons. This suicidal policy was based on an ignorance of Communist intentions expressed by Lenin, Stalin, Malenkov, and Khrushchev as detailed herein. Yet those Communist declarations and the lessons of experience were no more hidden from those policymakers than they were from me. These men unfortunately feared—or told us that they did—that "provocation" on our part would cause the U.S.S.R. to proceed with building a stronger strategic missile and submarine capacity. Now the proof is in that they did just that in spite of our wishful thinking and "nonprovocation."

The greatest need if we are to survive is realism. The Communists may be dreamers by virtue of the philosophy they hold fast to, dialectical materialism. But they are supreme realists and ruthless criminals when it comes to applying it in practice against the non-Communist world. We cannot be any less realistic.

Yet one incident after another, unfortunately, proves that we abandon commonsense.

Our entry into SALT talks on the executive level despite the history of Communist doctrine, discipline, and duplicity is absolutely unreal.

But this same lack of realism pervades our citizenry on the individual level. We cannot blame only our leadership. The American people as a group are no more alert, I am afraid, to what has been and is transpiring around the world because of Communist machinations. But they have been affected by it. Both fear and wishful thinking are characteristic of individual citizens as well as leaders. Communist psychology of applying in alternating patterns the warm, cozy, and hopeful propaganda about arms reduction, peaceful coexistence, and the rest, with sabre rattling, thundering denunciations of American imperialism, and boasts of the inevitable victory of world communism over decadent capitalists, has had its effect on our people.

A case in point is that of the Lithuanian sailor who recently sought to gain asylum on an American Coast Guard cutter off New England. A number of individuals in various capacities in the Coast Guard betrayed an appalling lack of commonsense because of their apparent excessive concern over how the Russian personnel involved would react. The net result was that the seaman has been sentenced to 10 years in a Soviet concentration camp, and the United States received a black eye all over the world for its crassness in dealing with a man who sought freedom in the land of the free and the home of the brave.

Perhaps the individuals concerned had the North Korean seizure of the *Pueblo* on January 23, 1968, in mind, and feared some repeat of that incident. In any event, right off Martha's Vineyard in American territorial waters, a much more shameful incident took place on November 23, 1970.

Simas Kudirka, an English-speaking radio operator abroad a Soviet fishing vessel, the *Sovietskaja Litva*, which was moored together with the Coast Guard vessel ironically named *Vigilant*, jumped aboard the American ship several hours after he had passed a note to our sailors that he intended to defect and seek asylum aboard her. In the intervening and succeeding hours an incredible succession of acts took place, all entirely apart from our long tradition of affording a haven for the refugee from tyranny of any kind. The chief culprits were officers so perhaps the American crew which stood by unmovingly cannot be blamed in any way.

The rendezvous had previously been arranged to allow American and Soviet representatives to discuss fishing matters, mostly relating to the "overharvesting" of the yellow tail flounder, and three civilians from the New England fishing industry and two from the Department of Commerce Marine Fisheries Service were on the *Vigilant*.

The rear admiral who was the First Coast Guard District Commander in Boston advised that the defector be given back to the Communists if they wanted him, an unthinkable order—Hardly more unthinkable, however, than Operation Keelhaul, the official executive level project by which American servicemen under orders forcibly repatriated Russian defectors from the Soviet Red Army in Germany at Moscows' request right after World War II. Many committed suicide in their barracks to avoid it.

The Admiral told the cutter's skipper:

> In view of the nature of present arrangements with them and in the interest of not fouling up any of our arrangements as far as the fishing situation is concerned, I think they should know this and if they choose to do nothing, keep him on board, otherwise put him back . . . If the man jumps into the water give the Russian ship the first opportunity to pick him up. Don't let him drown. Go get him if they are not going to retrieve him . . . make sure you don't preempt them in taking that action.

The admiral had been told by his chief of staff that the seaman feared for his life. The admiral's reply to this was:

> I don't think we have any reason to believe this will happen. They are not barbarians.

The admiral evidently never heard of the Hungarian or Czechoslovakian invasions by these same Communists. I quote my colleague, the gentleman from Ohio (Mr. HAYS), concerning this admiral, in his report to the Committee on Foreign Affairs as chairman of the Subcommittee on State Department Organization and Foreign Operations which held hearings on the Kudirka incident:

> In his testimony before the subcommittee when he was reminded of the mass executions under Stalin, he defended his characterization (that they were not barbarians) because he thought "the situation has changed considerably." He was not familiar with more recent actions.

The press told of the barbaric beating the defector received at the hands of the Russians who were invited by the Coast Guard officers to come aboard our cutter to take back the man forcibly.

The New York Times reported May 22, 1971, that Kudirka was sentenced to 10 years on treason charges. On June 1, the Washington Post reported that the Soviet Lithuanian Supreme Court rejected his appeal against the sentence.

The Soviets would not have had a leg to stand on to try to get the seaman back. if, indeed, they would have known of his defection before the two ships parted. The point I wish to make it is that self-brainwashing played the major role in the admiral's thinking, and in that of those who went along with him. No Communist pressure whatsoever was applied until the admiral asked for it, literally. Of course they then insisted on Kudirka's return. There is no doubt, however, but that a subconscious awareness of the fact that the Communists can and do make trouble, helps induce self-brainwashing.

Let Americans put an end to our suicidal lack of realism. Let us all, whether public officials or private citizens, let neither fear of Communist strength, real or apparent, nor wishful thinking about it, cloud our ability to think clearly, assess our country's true position and that of the Soviet bloc, and then do what has to be done to insure our national survival as a free people.

Let us not be mesmerized and mentally paralyzed by the charming, cobralike "peace movements" of the Communist acts while we permit our superior defense system to be dismantled or to deteriorate.

Mr. Speaker, the theme of my presentation may be best summed up in the words of one of this Nation's greatest realists, Patrick Henry. Spoken in 1775, they are, I believe, even more meaningful in 1971 for our survival as a free people.

> It is natural for man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to be the number of those who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

Speech in Virginia Convention, Richmond, March 23, 1775.

From William Wirt, Patrick Henry, 1818.

Certainly none should be more heedful of Patrick Henry's timeless warning, his call for realistic vigilance, than we in the Congress who are charged by article I, section 8 of the Constitution to—

> Provide for the common Defence and general Welfare of the United States.

Let not the "illusions of hope" not the siren song of today's enemies undermine our responsibility under the Constitution "to raise and support Armies" and "to provide and maintain a Navy" that will be second to none. Like Patrick Henry, let us not fear "to know the worst, and to provide for it."

Mr. SCHMITZ. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from California (Mr. SCHMITZ).

Mr. SCHMITZ. Mr. Speaker, I appreciate this opportunity to join my colleagues in this special order devoted to alerting the Nation regarding this Nation's deteriorating defenses vis-a-vis its enemy's capabilities for war. I will focus my remarks on the status of SALT and MIRV.

Mr. Speaker, recently an administration spokesman has reaffirmed that no agreement will be made at the strategic arms limitation talks simply on the issue of anti-ballistic-missile systems. Testifying before the Senate Committee on Armed Services Dr. John S. Foster, Director of Defense Research and Engineering, stated that:

> Until we can obtain an arms control agreement that will constrain the threat to Minuteman solely through offensive force limitations, we must continue with the deployment of Safeguard and the development of Hardsite defense for the protection of Minuteman.

This makes good sense. In fact the basic asymmetry of the Soviet and United States strategic forces makes this type of approach mandatory. Those who advocate an agreement concerning ABM systems prior to any agreement concerning strategic offensive weapons have failed to grasp a very important point. The Soviet Union's land-based missile force has the capability to destroy a large percentage of land-based missile force while our land-based force does not possess this same capability. While our ABM system will protect our second-strike retaliatory force, the Soviet ABM system protects basically civilian-industrial areas since their land-based missile force does not need active defense from a U.S. force which cannot critically degrade it in any case. For us to discontinue work on our ABM system is to jeopardize our second-strike retaliatory capability, lower the credibility of our deterrent and thus create a destabilizing situation. The Soviet land-based forces already have a very good defense of their missile systems in the fact that the United States does not have an offensive capability against it.

The best approach to reaching an arms control agreement at SALT is to create a condition whereby the Soviet Union feels that it is to its advantage to reach an agreement. With the United States currently in a condition of self-imposed restraint the Soviets have very little reason to work seriously for an arms control agreement. Why should they when they are already controlling our deployment of strategic weapons before an agreement is reached?

Fortunately there is a relatively inexpensive method by which we can bring conditions conducive to arms control into being. The first step we can take is to MIRV both our entire Minuteman force and our Polaris-Poseidon submarine force. This will increase the number of U.S. warheads surviving any Soviet strike, thus making it simpler to reach an agreement with the Soviets on limiting offensive weaponry. There is small chance that the Soviets will even think of limiting their strategic offensive forces when they see that if they simply continue building, these forces could be successfully used in a first strike on the United States in the not too distant future. By making plain to the Soviets the fact that no matter how hard they may try to acquire a first-strike capability we will not allow them to achieve the necessary force level, it will be easier to reach an agreement concerning the limitation of offensive weapons. If they see that their building is to no avail they will be influenced to stop.

The history of arms control agreements shows that once the technological potential of a weapon is fully exploited there is possibility for an agreement concerning the limitation of that weapon. The full deployment of MIRV by the United States is absolutely necessary as a step toward reaching an enforceable arms control agreement with the Soviet Union. This is even more the case when, as Senator BUCKLEY has pointed out:

> The Soviet Union now has a payload capability in her intercontinental and submarine launched ballistic missiles which is capable of delivering eight times as many nuclear warheads as the United States.

With this tremendous advantage in payload capacity which can be fully exploited by MIRVing their forces, the Soviets are hardly likely not to MIRV.

The second step which the United States should take at this time in order to create conditions conducive to an arms control agreement at SALT is to increase the accuracy of our missile forces to the point where they have a forward damage limiting capability. This is necessary because of the quantitative superiority in land-based missiles currently enjoyed by the Soviets. The Soviets currently have 50 percent more land-based missiles than we do. If the Soviets feel that they can successfully reduce our retaliatory capability below an unacceptable level of damage to themselves through the use of their counterforce weapons and ballistic missile defenses while holding back a sufficient number of invulnerable strategic rocket weapons to use as a blackjack to induce surrender, the temptation to strike will be very high. A successful first strike theoretically ends in victory and this is the reason for constructing a first-strike capability. By eliminating the possibility of holding back an invulnerable ICBM force through equipping our retaliatory systems with a damage limiting capability we dampen the hopes for victory and concurrently the incentive to build for a first strike.

Senator THURMOND pointed out in a speech last week that achieving this capability in our Minuteman force is relatively inexpensive. Senator THURMOND said:

> We have on the drawing boards an improved guidance system based on a new inertial measuring unit. Final development would cost $155 million over four years. Production cost to equip the Minuteman III would be $162.5 million.

This is a small price to pay for a system which can go a long way toward forestalling any possible Soviet attack on the United States.

Immediately upon suggesting any type of improvement in our strategic forces the cry goes up that fuel is being added to the arms race. This is despite the fact that United States Deployment of Strategic Weapons has been in what Defense Secretary Laird characterizes as "moratorium" since 1967 while the Soviets have been adding new strategic systems and expanding existing systems in what appears to be almost frantic haste. This historical fact is enough to overcome the arms race argument.

It is well to remember that even to the extent that the Soviets do react to our initiatives, they attempt to fit that reaction into the framework of their own strategic objectives. For example those who argue that a United States ABM system will force the Soviets to step up their deployment of ICBM's are tacitly admitting that the purpose of the Soviet ICBM's is to destroy our land based Minuteman force. Since an ABM is purely defensive, it is impossible to draw any other conclusion. We are building an ABM system precisely because the Soviet Union has increased its ICBM forces approximately seven fold since 1965. To allow the Soviets to feel that they can overcome our land based missile force if they will just continue building strategic offensive weapons is to encourage them to do just that.

The reason the Soviet Union is constructing forces far past any reasonable level needed for deterrence based on capability can only be that they have some strategic objective in mind other than deterrence. If mutual sufficiency consists of the second strike capability of each power exceeding the acceptable margin of damage of the other the Soviets have more than sufficient forces. In fact they have approximately 1,500 ICBM's which we cannot damage through application of our own strategic missile forces even if we wanted to. While we used to talk about deterrence resting upon a basis of our being able to deliver 300 warheads, what it is today the administration will not say but estimates range from 10 to 150 deliverable warheads, the Soviets have the capability to deliver approximately 1,500 warheads on the United States even if we were to strike first. Has anyone thought about this? Does this suggest anything to anybody? To me it suggests that they are not interested in deterrence as a desirable end policy.

How about MIRVing our forces? Is this destabilizing? Is this adding fuel to the arms race? While stability used to refer simply to the deployment of weapons systems which made credible a surprise attack, that is the deployment of a quantity and quality of weapons systems which gave one the capability for successful surprise attack was destabilizing, the meaning of the term was changed to include deployment of all weapons systems which might provide the Soviet Union with the incentive to increase its own forces. Now as everyone who has ever used an incentive system knows, what will stimulate one person will not necessarily stimulate another. It depends on what the individual values are, what he desires.

If the Soviets feel stimulated to higher efforts in strategic weapons construction because the United States is making efforts to assure the survival of its retaliatory force, does this mean that we should not attempt to assure the survival of our forces? I hardly think so. If the Soviets feel compelled to rapidly expand their forces until they can disarm the United States through a first strike, then it is necessary for us to take those measures which keep them building. For, if this is the case, and it looks very much as if it is, when the Soviets stop building, that is when the war begins. More to the point, that is when the war begins on the North American Continent.

So perhaps we can stop talking simply about what will or will not spur Soviet efforts in arms building and start talking about constructing strategic offensive and defensive forces which assure the survival of our Nation and preclude the possibility of the Soviet Union acquiring a first strike capability. If they wish to continue building weapons to the point where they can overwhelm our defenses that is their business. It is our business to see that they do not achieve this capability.

What about "MIRVing" our forces at this point? Recently a statement was made that a MIRV was a MIRV and to deploy multiple warhead missiles in any case whatsoever was destabilizing. This is nonsense. To discuss the deployment of any strategic weapons system without taking into consideration the environment in which it is to operate is ludicrous. In this case it is simply at attempt not to talk about the growing Soviet threat. If we do not discuss the deployment of weapons systems in light of present and projected enemy capabilities we are not taking into consideration the very factor which is in actually the determinant.

In present circumstances equipping our land- and sea-based missile forces with more than one warhead is simply a counter to the growing Soviet counterforce capability. As Soviet ability to degrade our land-based missile system increases, MIRVing is an attempt to simply maintain a more or less stable number of surviving warheads. Remember that it is the number of warheads surviving after a Soviet strike which determines one-half of our deterrent capability. The less Minutemen remaining after a Soviet strike the greater the need to increase the number of warheads on the smaller force.

After surviving an attack it is necessary that warheads penetrate enemy defenses. MIRVing increases the number of aim points which an enemy antiballistic system must take into account. Just as our Safeguard system is set up to work on the exhaust principle, that is the Soviets will have to expend one offensive missile for each interceptor which we install to be sure of overwhelming the system, so we must have the capability to exhaust the Soviet Union's anti-ballistic-missile system. The Soviets already have a four-site system operational around Moscow and are working on four more sites which will possibly incorporate a new loiter type of antiballistic missile which they have been developing. There is also the matter of what is known as the Tallin Line. This consists of around 1,200 SA–5 surface-to-air missiles of which the head of our Strategic Air Command said in testimony this April:

> I am about as convinced as I can be it is an ABM system or can reasonably be with simple changes.

We must have enough warheads to exhaust the totality of Soviet ABM systems. MIRV, therefore, is also an attempt to assure our ability to penetrate an increasingly sophisticated and dense Soviet anti-ballistic-missile defenses. It contributes to the requirements of the second half of deterrence penetration.

Putting these two aspects of MIRV together we find MIRV maintains, up to a point, a stable level of surviving warheads and therefore, markedly contributes to exhausting the Soviet ABM system, assuring penetration and destruction of targets in the enemy homeland. It is essential in order to maintain the credibility of a quantitatively decreasing deterrent. MIRV contributes to stability as far as any type of stability is possible with the Soviet Union in a position of strategic superiority. To say it is not is to completely overlook today's strategic imbalance.

In order to assure that all my colleagues are familiar with the threat which is the reason for this discussion we are having today I would like to insert the latest threat assessment prepared by the deputy chief of staff for intelligence for the Strategic Air Command, Gen. Harry N. Cordes. This is the environment in which the SALT talks are taking place and the environment in which the deployment of weapons systems by the United States must be considered. It is an environment which is becoming increasingly dangerous for the United States.

The Strategic Threat

(By Brig. Gen. Harry N. Cordes, USAF)

(Note.—Brig Gen. Harry N. Cordes has been DCS/Intelligence at Hq. SAC since April 1970. A dual-rated pilot/navigator, he was at the 1946 Bikini atomic bomb tests, and has served in SAC bomb and reconnaissance units, as a SAC intelligence staff officer, and as a member of the joint Strategic Targets Planning Staff. Prior to his present assignment, General Cordes was Deputy Director of Plans for Force Development, Hq. USAF. He is a graduate of the Air Command and Staff College, the Industrial College of the Armed Forces, and holds a master's degree from George Washington University, Washington, D.C.)

An inescapable fact of the 1970s is the Soviet Union's inventory of powerful and modern strategic weapons approaching—and in some cases, surpassing—ours in quantity and in quality. The importance of this change in relative power of the U.S. and USSR should be of real concern to all Americans, and countless officials and unofficial statements have addressed the relative strengths of the two superpowers.

Before analyzing this threat, one fact of traditional Soviet military policy must be considered: a reliance on mass—the concentration of arms at the critical place and time to the maximum extent possible. This is evident in their large land forces, their emphasis on firepower, and their propensity to retain older, proved systems. At the same time, they deploy barely operational new systems with the view of incorporating qualitative improvements in later modifications. These Soviet policies are apparent today in both strategic offensive and defensive forces.

THE SOVIET ICBM FORCE

The expanding Soviet strategic threat is reflected in the rapid growth of their ICBM inventory. Since initial deployment in the early 1960s, the Soviets have developed a number of ICBM systems, although growth of the force was quite moderate until 1965. Since then, an accelerated research, development, testing, production, and deployment program has resulted in a force today approaching 1,500 launchers—considerably larger than the 1,054 US ICBMs and almost seven times larger than the Soviets' 1965 inventory. Furthermore, deployment continues.

Currently, three ICBM systems—the SS–9, SS–11, and SS–13—are being deployed, through at reduced rates, and two of the earlier versions still are retained. These early systems, the liquid-fueled SS–7 and SS–8, were deployed in only limited numbers; however, their retention in the Soviet inventory illustrates the point made earlier about the propensity to retain older, proved systems. At this time, the largest segment of the ICBM force consists of SS–11s. Deployment of these launchers appears to have leveled off at the present time at somewhat in excess of 900. In addition, the Soviets have tested SS–11s with a new reentry vehicle that has shown improved performance. Last August, Secretary of Defense Melvin R. Laird announced that two extended-range tests of the SS–11, into a Pacific Ocean impact area, may have carried as many as three reentry vehicles. Thus, multiple reentry vehicles are a distinct probability for this system.

Little is known about the only solid-fueled ICBM system in the Soviet inventory—the SS–13—except that deployment has been limited. Its testing continues, and deployment could be resumed at any time. It could also provide the technology for a mobile, land-based ICBM in a few years or for a completely new system.

Their most awesome and destructive weapon today is the SS–9. Liquid fueled, it is deployed in nearly 300 silos operational or under construction. The SS–9 has been tested in a variety of strategic roles. Its payload options include up to a single twenty-five megaton warhead or combinations of smaller multiple warheads. The multiple reentry vehicle version as already tested can carry three reentry vehicles, each capable of delivering a five-megaton weapon to a range of more than 5,000 miles. The SS–9 also has served as the booster for tests of a fractional orbital bombardment system (FOBS)). The large-payload SS–9 missile appears to have great versatility, with its flexibility offering the potential for a wide variety of employment or deployment options.

As mentioned previously, there has been an apparent slowdown in deployment of the three current systems—the SS–9, SS–11, and SS–13. One possible reason for this was revealed recently by Secretary Laird. The Soviets may be deploying a new ICBM with concurrent construction of new silos. While the missile associated with these new silos has not been identified as yet, it could be an improved version of already proved, flexible systems.

Based on the level of missile activity in recent years, the Soviet ICBM force could exceed 2,000 ICBMs by the mid-1970s. The total number of ICBMs is significant, but even more important are the qualitative improvements, total payload capacity, their emphasis on multiple reentry vehicle testing, and the wide variety of options thus provided by these systems.

Supplementing the ICBM force are many shorter range, medium- and intermediate-ranged ballistic missiles. Although not a direct threat to the United States, since the 650-plus launchers are deployed mainly along the western USSR border, they do present a threat to our overseas forces and bases as well as to our allies.

SUB-LAUNCHED MISSILES

The third category of ballistic missiles involves the submarine-launched force. Its growth has paralleled that of the land-launched systems. In less than five year, the threat has tripled, mainly due to the production of the new Yankee class submarine.

Currently, four ballistic-missile-carrying submarine types are in the inventory. Three are older classes but the fourth, the Yankee class nuclear-powered sub, is by far the most significant factor in the expanding SLBM threat. Like the United States Polaris/Poseidon subs, each Yankee carries sixteen missiles. At least seventeen of these subs are considered operational, while about fifteen more are being outfitted or are under construction.

Today, the United States still holds a lead in numbers of SLMBs, but the Soviets are continuing to close the gap. Present production rates for the Yankee submarines—about six to eight per year—could bring them to equality with the US in the next couple of years. By the mid-1970's, they could have about fifty Yankee submarines carrying 800 missiles.

The missile carried by the Yankee subs has a range of about 1,300 miles. However, testing is under way on a new, longer range, submarine-launched missile with the potential of doubling the present missile range and thus increasing the flexibility of their ballistic-missile submarine force.

SOVIET BOMBERS

Rounding out the Soviet offensive power is their bomber force, which has remained relatively static at a little over 900 aircraft since 1965. Although the United States stopped production of heavy bombers in 1962, the Soviet Union only recently discontinued a modest production. Currently, their heavy bomber force numbers 195 Bears and Bisons, about fifty of which are normally used as air refueling tankers. The Long-Range Aviation bomber force consists of about 700 Badgers and Blinders. While their range is less than the Bears and Bisons, when deployed at northern USSR staging bases, they could cover most of the United States on one-way missions. Therefore, in assessing the total threat to this country, the Badgers and Blinders must be considered as well as the Bears and Bisons. In addition to these bombers, the Soviet Navy has more than 500 Bear, Badger, and Blinder aircraft, configured in both reconnaissance and bomber versions.

In accord with their tradition, these older systems are regularly updated with modifications. At the same time, the Soviets continue to develop new and improved aircraft. The Soviet supersonic transport (SST) has been flying for more than two years, and although there is no known direct military application, it nevertheless would provide valuable engineering data for a follow-on strategic bomber.

In addition, there are indications that a new prototype strategic bomber is now flying in the Soviet Union. Available information points to a variable-sweep-wing, supersonic aircraft with range improvements over the

Badger and Blinder. Further indications are that it might be air-refuelable and could possibly carry a long-range air-to-surface missile, thus giving it an intercontinental capability. Since this prototype possibly is already flying, its deployment could, if it became operational, precede that of the USAF B–1 by several years.

Despite predictions to the contrary, the Soviets have made only minor reductions in their strategic bomber force during the past six years. We see a continued reliance on a mixed strategic force concept similar to our own Triad. In view of reductions in United States air defenses over the past several years, the relative threat becomes even more apparent.

SOVIET AIR DEFENSES

In order to gain a full appreciation of Soviet strategic strength, one must look at the defensive forces, as well as their offensive forces. By almost any yardstick, overall Soviet aerospace defenses are the strongest in the world. In all defensive categories, from antiaircraft artillery to antiballistic missiles, their forces are quantitatively superior. For example, with a land area not quite three times that of the US, they have from five to twenty times as many radars, surface-to-air missiles (SAMs), and interceptors. Furthermore, programs to improve air and missile defenses continue, and they have made significant progress in antisubmarine warfare.

Air defense radars number in the thousands and provide extensive warning and interceptor control throughout the Soviet Union. One feature—overlapping redundancy—characterizes the mass of warning and control radars. These radars span the full usable frequency spectrum and incorporate all the latest advancements to counter electronic jamming. In addition, the Soviet Union has under way an extensive program to improve their ability to detect and track low-flying bombers.

A key new development in air defense that may be deployed later in this decade is an airborne warning and control system (AWACS) aircraft, which could extend Soviet detection of penetrating bombers by a considerable distance. Even without adadvanced technology, it could probably detect low-altitude aircraft against the background of a calm sea. In any event, the AWACS could further complicate our bomber penetration problems.

The fighter-interceptor inventory is at an impressive level of more than 3,000 aircraft. Some of them are older aircraft—1950 versions—but most, including the MIG–17, MIG–19, and MIG–21, are still effective aircraft and have good all-weather capability. Production continues on the MIG–21, which is employed throughout the Communist sphere of influence.

A dynamic modernization program has seen the introduction of a new fighter aircraft about every eighteen months, and in the past five years, three new fighters have become operational. One of these is the Fiddler, a large, long-range interceptor that could be a perfect complement to the AWACS. Another is the Flagon, a small, fast, point-defense interceptor that has been in service for more than two years. The Foxbat, a long-range, Mach 3 class fighter, has established several speed, payload, and altitude records and still holds two official world speed records over a closed-circuit course. This aircraft may be equipped in the future with radar and armament to attack low-altitude aircraft. We believe it was recently deployed as an air defense interceptor and may have a tactical role in the future.

SURFACE-TO-AIR MISSILES

The fighter-interceptor force is supplemented by an extensive deployment of surface-to-air missile (SAM) systems—on the order of 10,000 launchers—again illustrating the Soviet penchant for massive firepower. Besides numerous antiaircraft artillery weapons, the Soviet Union has literally thousands of surface-to-air missile launchers in both fixed and mobile configurations. In accordance with their policy of retaining older, proved systems, the SA–1, designed for defense against mass raids such as occurred in World War II, is still deployed around Moscow.

The backbone of the SAM defenses in the Communist world, however, is the SA–2. This medium- to high-altitude system has been spread throughout the Soviet Union and pro-Soviet nations, including Cuba, China, North Korea, North Vietnam, and the United Arab Republic. The SA–3 has better low-altitude characteristics and thus provides an excellent complement to the SA–2s.

In addition, the Soviets also have mobile SAM systems—the SA–4 and SA–6—which are ideally suited for defense of army field units. The one remaining system—the SA–5 Tallinn system—provides an excellent defense against high-speed, high-altitude aircraft. It also has the inherent potential to intercept ballistic missile reentry vehicles. The deployment pattern for the SA–5, as we know it, adds very little to the SA–2/SA–3 coverage against the sort of air attack we can mount. We in SAC believe this to be a strong 'argument that the SA–5 Tallinin system was deployed with a dual purpose in mind: air defense and ballistic missile defense. This thesis will be developed further in the discussion of Soviet ballistic missile defense.

ANTISUBMARINE WARFARE

The Soviet Union has declared its intentions on and beneath the high seas as illustrated by a well-documented naval production program. The naval exercise Okean in 1970, which was the widest in scope ever attempted by any navy, and displays of naval presence in the Mediterranean and Caribbean Seas are well known. Less well known, perhaps, are the two large helicopter carriers—*Moskva* and *Leningrad*. These ships carry sophisticated electronic gear for detection and tracking of submarines, and armed helicopters to attack undersea vessels.

In addition to the helicopter carriers, the Soviet Union has developed several long-range, land-based aircraft for the antisubmarine warfare (ASW) mission. These aircraft probably are equipped with a high-resolution radar and magnetic anomaly detection equipment, using torpedoes and depth charges as weapons. The long-range naval version of the Bear bomber could also be used for the ASW role. With such an aircraft recovering in Cuba, as has already been done with the reconnaissance version of the Bear, it would be possible to cover the entire North Atlantic in a routine fashion.

BALLISTIC MISSILE DEFENSE

The third portion of the Soviet Union defensive system is ballistic missile defense, where there is considerable activity under way. The deployed Moscow system consists of sixty-four launchers in four complexes, supported by several radars. Dr. John S. Foster, Jr., the Department of Defense Director of Defense Research and Engineering, described this system as a "relatively complete ballistic missile defense" and also stated that there is "no reason to doubt the effectiveness of this system."

About five years ago, construction began on extremely large and powerful early-warning acquisition and tracking radars designated Hen House. This is a giant radar, approximately 900 feet long and ninety feet wide, providing early-warning acquisition and tracking functions. A new acquisition radar, known as Dog House, stands hundreds of feet tall and provides refined data for improved battle management. Final target tracking and missile guidance probably is provided by large, dome-covered tracking radars known as Try Adds at the four Moscow sites.

The interceptor weapon associated with the Moscow ABM system is a multistaged missile designated Galosh. It probably has a range of several hundred miles, can carry a nuclear warhead of one to two megatons, and appears suitable for a high-altitude area defense. As now deployed, it could give the Soviets some capability against Minuteman or Polaris missiles on northern trajectories. Completion of this entire system is still two or three years away, when the half dozen Hen House installations around the Soviet Union are operational.

However, some estimates do not limit the ABM missile inventory to just the Galosh, since the SA–5 Tallinin system has the potential of a second system. It has been pointed out that it could have considerable capability in making successful intercepts of incoming ballistic missiles if the system is given information from the aforementioned large ballistic missile acquisition and tracking radars.

In addition, extensive research, development, and testing of new and improved ABM components is under way. The sum total of these efforts indicates that by the mid-1970s the Soviets could have 2,000 or more ABM launchers defending all important industrial areas in the Soviet Union.

SOVIET R. & D.

Underlying this strategic buildup, which has been accomplished in an incredibly short time, is a dynamic research and development program efficiently managed and adequately funded. Again quoting Dr. Foster, "The Soviet Union is now about to seize world technological leadership from the United States." The basis for his conclusion is the comparative state of technology between the two nations and the current level of research and development efforts. The United States still retains an edge in overall technology, but unfortunately this edge may exist in nonessential or irrelevant areas.

Three features characterize research and development practices of the Soviet Union. (1) They are bold in the approach to program concepts. Construction on the large Hen House radar, for example, actually began several years before a working interceptor to complement it became available. (2) The Soviets organize their system development around a few prototypes, most often pitting two teams of designers against each other. The wide variety and variations of USSR fighter aircraft are examples of this methodology. (3) They seldom abandon a proved piece of equipment or system, but instead, rebuild or modify it to improve its usefulness or extend its life. Prime examples of this are the numerous modifications made to the Bear heavy bomber and the versatility of the SS–9 missile.

Allocation of funds and qualified personnel indicates heavy emphasis on research and development. Soviet efforts in defense-related R&D have exceeded those of the United States. The Soviets have expanded their research, development, test, and engineering (RDT&E) budget annually by ten to thirteen percent while the United States RDT&E budget has remained essentially constant. Looking at military, space, and atomic energy R&D, the US is already behind about $3 billion a year.

The production from this Soviet effort is phenomenal, and has had disquieting results in at least three major military areas. The Soviets have publicly flown twenty-five prototype bomber and fixed-wing, support-type aircraft in the past sixteen years. The regularity of their production output is amazing and apparently quite unaffected by the high-priority missile and space programs. In the last twenty years, fifteen fighter systems have been developed. All have flown at least in the prototype stage and have been seen in public.

Since 1957, the Soviets also have designed and tested a total of eight defensive ABM and SAM missile systems. The emphasis on development, initiation of programs, and competition between systems is evident.

COMMUNIST CHINA

By far the gravest military threat to the United States today is posed by the Soviets' massive strategic power. However, one must also keep an eye on the emerging threat from the Chinese Communists. The Chinese apparently are convinced that the possession of a strategic nuclear strike capability will greatly enhance Red China's bargaining position throughout the world.

As a step toward attaining this goal, the Chinese thus far have achieved a modest nuclear capability. They have conducted nuclear testing since 1964, totaling eleven detonations. Several have been thermonuclear devices, including both air- and, possibly, missile-delivered weapons, with yields in the megaton class.

They are working hard on all forms of delivery systems. The Chinese have successfully orbited two satellites, one in the spring of 1970, and one in March of this year. The technology displayed in launching these nearly 400-pound payloads provides an insight into their missile potential. Based on their demonstrated space technology, the start of ICBM testing could occur at any time. Following testing, an operational ICBM could become available as early as 1973 and could be deployed in limited numbers (ten to twenty-five) by late in the decade.

A parallel potential exists with mid-range ballistic missiles. Although the Soviet Union provided MRBMs in the early 1960s, the Chinese have been testing their own designs. It seems likely that they have developed an indigenous missile, and limited deployment could have begun already. A force of eighty to 100 MRBMs could be available by 1975. Emphasis in their missile research and development appears to have shifted last year to the development of an IRBM. This system could be operational within one or two years.

The present Chinese nuclear-capable delivery force consists of a limited number of medium-range bomber aircraft. These bombers include about ten B–29 type piston aircraft acquired from the Soviet Union in the late 1950s. They also have a small but growing jet-powered medium bomber force of Chinese-produced Badgers.

Communist China's air defense is a vintage version of the USSR's, with 3,000 fighter aircraft, mostly of Soviet design. Indications are that they may now be producing domestically designed fighter aircraft. A radar network supporting these fighters consists of nearly 1,500 air defense radar sets. In addition, key targets are protected by more than fifty surface-to-air missile sites and nearly 4,500 antiaircraft weapons.

While growth of the strategic forces of the Chinese Communists is hardly comparable to Soviet growth, the threat they pose does include improvements in all areas. The medium-range bomber force is expected to continue to grow at a modest rate. Missile deployment may have begun last year with MRBMs, followed by IRBMs, with an ICBM at the earliest by 1973. By the mid-1970s, total missiles on hand could reach as many as 125.

THE GROWING THREAT

In summary, there is no doubt that the threat is growing. The Soviets are testing improvements for three types of ICBMs and may be deploying a completely new system. Steady growth is also evident in the submarine-launched ballistic missile force, and testing is under way of a new sub-launched missile that could double the range of the current missile. They continue to maintain a large strategic bomber force, and a new bomber is undergoing extensive testing.

Although the Soviets already have superiority in all stages of air defense, they are deploying improved surface-to-air missiles, fighter-interceptors, and are working on antisubmarine and ballistic missile defenses. Finally, they are striving to build the world's finest technological base to support their expanding research and development program, which will provide them with options for the future.

The Chinese Communist efforts to attain an independent strategic force only complicate the problems facing the United States.

The impact on the United States and its overall strategic posture is at least threefold: First is the threat to the US Triad of strategic forces, in their daily posture, from the Soviet ICBMs, SLBMs, and antisubmarine warfare forces. Second, the penetration of defenses becomes increasingly difficult, for both US bombers and missiles. Finally, the enlarging and more complex strategic offensive and defensive system complicates the deterrence task of our strategic forces.

This article has focused on the strategic threat—offensive and defensive—but Soviet developments in tactical air, land, and sea forces are equally imposing. They have built an impressive force covering the full spectrum of warfare. Coupled with emerging Chinese military power, the threat to the United States is ominous and growing.

Mr. SPENCE. I thank the gentleman.

Mr. ASPIN. Mr. Speaker, there has been considerable talk about the increasing threat and the declining confidence in the U.S. capability to keep the peace, honor commitments and deter aggression. At the same time, the American taxpayer cannot help but be aware of the billions we spend on defense. He may even have the feeling we are spending more for defense than last year. And in fact, he would be right, since the 1972 Defense budget request is about $2 billion more than last year, after allowing for the decline in Vietnam costs and pay and price increases.

In short, Mr. Speaker, we appear to be spending more and getting less for our money. Certainly, if there is one overriding problem in the U.S. defense posture, it is the matter of getting a dollar's worth for a dollar spent.

Everyone knows the sky is not the limit for defense spending year after year in peacetime. Other needs must be met as well within the means available. Of course there is give and take on how much we spend on defense and how much goes to domestic programs, but given present political realities there is little likelihood of large increases in military spending in the foreseeable future. Hence, unless we begin to get more for our money in defense, we will just continue to get less and less defense.

I

A major cause of the problem is continued and increased spending for programs which make little if any contribution to national security. Obviously, there is room for reasonable men to disagree on which programs are marginal. But the list is too long to believe that the old problems of waste, outdated force planning, goldplating, and cost overruns have disappeared. In fact, there is considerable evidence of this kind of fat in the defense budget that Congress is now considering.

For example, some of the assumptions used in developing the budget submitted in January have been overtaken by events. Whereas the budget allowed for a force of 150,000 in Vietnam by June 1972, the President's troop withdrawal schedule announced to date leaves only 50,000 troops in Vietnam by end of fiscal year 1972. This outdated force planning alone has caused the current defense budget to be $1.4 billion too high.

The support structure also can be sharply reduced. In fact, each of the services has proposed eliminating three to five bases in the current year. In hearings on the Defense appropriations bill, the Defense Department "noted that the requirement for civilians is a function of the relative mix of personnel—military and civilian—required to support approved force levels and mission requirements." Non-Vietnam force levels are 5 to 30 percent lower in fiscal year 1972 than the prewar levels. But civilian manpower—even allowing for the civilianization program—has dropped only 3.7 percent from the level in fiscal year 1964. A reduction in support activities, and hence civilian employment, in proportion to the reduction of forces in each service reduces civilian end-strength by 185,000 or about 17 percent.

A major contributor to increased spending in fiscal year 1972 is continued goldplating of obsolete or obsolescent systems. The B–1 and ABM are expensive yet nonetheless futile attempts to upgrade the manned bomber and land-based ICBM components of our strategic forces. Such attempts are unnecessary given the Polaris submarine force.

Continuation of the new sea-based ASW aircraft program—S–3A—is also unnecessary. The ASW carriers—CVS's—are approaching 30 years old. Hence, in the late seventies and beyond, a dual use of attack carriers is the only means of retaining the sea-based ASW capability. Moreover, the same mission can be accomplished using the land-based ASW aircraft—P–3's.

Procurement in fiscal year 1972 is higher in part because programs are funded which are not needed now and in fact may never be needed if a projected threat does not materialize. Continuation of the MIRV program for the land and sea-based ICBM forces—namely, the Minuteman III and Poseidon programs—can be deferred until such time as the Soviets in fact deploy a large ABM capability. We can install MIRV before the Soviets can deploy a large ABM system after such a deployment has been detected. Moreover, the likelihood that the Soviets might deploy such an ABM system is greater if we install MIRV's now.

Ship construction in 1972 is not consistent with the naval force levels needed or for that matter likely to obtain over the next 10 years. No more nuclear attack submarines—SSN–688—are needed for the next 5 to 10 years to maintain effective ASW barriers, yet the budget includes construction of five more such submarines. The fiscal year 1972 buy of seven more DD–963's is also not needed. By 1980, there will be no more than 12 carriers as opposed to 24 when the new ASW destroyer—DD–963—program was developed. Destroyers, frigates, and cruisers currently in the force and authorized to date are all that is needed to provide escort protection for a 12-carrier force.

In addition, there is needless duplication of systems between the services to accomplish what is essentially the same mission. Buying the Air Force's A–X, the Army's Cheyenne, and the Marine Corps' AV–8A is needlessly expensive. One—or at most two—of these systems could accomplish the close air support mission for considerably less.

There should also be certain albeit limited productivity increases reflected in the fiscal year 1972 budget. During most of the 1960's, the military budgets incorporated an annual productivity increase of 1 to 1.5 percent. As new equipment and weapon systems entered the inventory, it was possible to buy the same capability for less. New generations of equipment were more operationally effective, reliable, and maintainable, and automation of particular functions reduced the need for personnel. In addition, management sought to eliminate marginal programs, policies and procedures, and implement cost reductions. The potential exists for similar productivity increases in fiscal year 1972. For example, many of the management procedures which can and should be implemented were outlined by the Blue Ribbon Defense Panel.

Finally, the fiscal year 1972 budget continues to reflect two procurement problems confronting the Pentagon's managers. First is the problem of quantity and sophistication. Replacements invariably incorporate costly technology all too often for the mere reason that such technology is available. The following table shows what has happened in constant dollars of tanks, air-to-air munitions, and fighter aircraft. Similar charts could be made of other weapons. Even though the new systems are more effective than the systems they replace, we continue to replace older weapon systems on a one-for-one basis. Either we should continue to buy on a one-for-one replacement basis and eliminate the new technology and sophistication, or we should continue to upgrade the capability of new systems but buy fewer of them. Table I follows:

TABLE I.—INCREASED COST OF REPLACEMENT WEAPONS

[In constant fiscal year 1970 dollars]

(1) TANKS

Weapon	Date	Amount
M-3	Early 1940's	$125,000
M-48	Early 1950's	175,000
M-60	Early 1960's	200,000
M-60-A1-E2	Early 1970's	500,000
MBT-70	Middle 1970's	900,000

(2) AIR-TO-AIR MUNITIONS

Weapon	Date	Amount
AIM-9B	Late 1950's	$10,000
AIM-7D	Middle 1960's	50,000
AIM-7F	Early 1970's	120,000
AIM-54	Middle 1970's	400,000

(3) FIGHTER AIRCRAFT

Weapon	Date	Amount
P-51	Early 1940's	$200,000
P-86	Late 1940's	400,000
F-100C	Middle 1950's	1,100,000
F-104C	Late 1950's	1,600,000
F-4B	Early 1960's	3,500,000
F-15	Middle 1970's	9,000,000

In addition, the problem of cost growth continues. Decisions to precede with procurement of new systems are based too often on low-cost estimates which fail to reflect adequate inflation, design changes, cost of spare parts, buying in, and so forth, over the life of the program. In short, we should not have to decide on a new program, such as the Navy F–4, until firm cost estimates are available, which can be evaluated in the context of the importance of the mission and available options.

The following table summarizes the possible reductions which could be made in the fiscal year 1972 budget. Of course, these are illustrative, but they show there is considerable slack in the 1972 Defense budget. Table II follows:

TABLE II.—LIST OF POSSIBLE REDUCTIONS IN THE FISCAL YEAR 1972 BUDGET[1]

[Dollars in millions]

Strategic forces:	
Cut Minuteman III (MIRV)	$590
Cut Poseidon (MIRV) and associated Polaris conversion	800
Cut ABM	1,200
Eliminate B–1	370
Eliminate AWACS	150
Total	3,110
General purpose forces:	
Eliminate new destroyer (DD–963)	600
Cut 2 of 5 attack submarines (SSN–688)	325
Eliminate S–3A procurement	500
Eliminate F–14, more R. & D. on new plane	950
Cut 2 of 3 close air support systems (Cheyenne, A–X or AV–8A)	85
Total	2,460
Military and civilian manpower:	
Revise troop strength in Vietnam as of end fiscal year 1972 from 150,000 to 50,000	1,400
Reduce civilian employment by 185,000 in proportion to force reductions from prewar levels	1,900
Total	3,300
Management DOD-wide:	
Implement blue ribbon defense panel recommendations to realize 1 percent productivity increase	600
Total	9,470

[1] Gross savings estimated on annual basis. Excludes 1-time costs incurred in making the reductions in fiscal year 1972.

II

Continuation of such unnecessary spending jeopardizes programs needed to improve our defense capability and overcome current shortcomings. The point should not be missed, Mr. Speaker, that there is a need to increase defense spending, but only in certain problem areas. However, programs needed to overcome these problems are in jeopardy so long as we allow continued funding of programs which make, at best, a marginal contribution to our military capability.

Some of the programs which warrant increased funding include improved sonar capability for the ASW forces. Unless we have a better capability to detect enemy submarines, increases for construction of ASW submarines and destroyers is of little consequence.

Similarly, we need to find ways to overcome the problem of the maldeployment of forces in NATO Europe. Otherwise, increased spending to buy new generation hardware for our NATO-oriented forces has a limited effect on the overall capability of those forces.

A major problem confronting all the services is the increasing inability to maintain the complex and sophisticated weapons systems and equipment in the inventory. More spending for new weapons systems and equipment will not measurably improve our military capability until we can operate and maintain the weapons systems and equipment we have.

Yet another problem is in intelligence and communications critical to both our strategic and general purpose forces. Technology has given us the capability to acquire vast amounts of data and relay them to any point in the world. But the commanders on the receiving end lack the capability to discriminate between what is important and what may be merely interesting to know.

These are but a few examples. But throughout our military forces there are problems of survivability, maintainability, reliability, and so forth, which need to be addressed and overcome. Yet, many of the programs designed to resolve these problems are underfunded, while other programs which make a marginal contribution to military capability continue to be funded and even account for increases in defense spending.

We might call this aspect of the U.S. defense posture the shape of the defense budget. The issues concern what we spend the defense dollar on and how the money is spent.

III

Of course, Mr. Speaker, control of the shape of the Defense budget is not control of the size of military spending. We could simply buy the programs we need and at the same time continue to fund the unnecessary and wasteful programs. But that solution only works if there is an unlimited amount of money for defense.

On the other hand, the unlimited availability of funds is likely to be counterproductive. All of us know what can happen when people fail to budget their personal income. Decisions are made in a haphazard fashion and many times there is no money for what is needed. This is true in business and it is also true in government. Hence, unless there is control of the size of the Defense budget, the hard decisions on tradeoffs, alternatives, and priorities are not likely to be made.

How much we should spend on defense each year is a matter of judgment. Although we can illuminate issues and options, no amount of analysis leads conclusively to a given level of spending. The underlying foreign policy, strategy, and planning factors are themselves matters of judgment. Even for a given set of commitments, defense policy, and force structure, the level of defense spending can vary by a rather wide margin. This is largely because the capability and effectiveness of force components can vary. Hence, any attempt to control how much we spend on defense is no guarantee in itself of how we spend defense resources. On the other hand efforts to eliminate marginal programs alone do not guarantee that future or even current overall spending will be held down.

The Congress should control both: how much we spend on defense and what we spend it on. We must be concerned with both the size and shape of the Defense program. But efforts to control them should be separate.

A review of the administration's request for fiscal year 1972 clearly shows the need for a limit on overall defense spending in addition to whatever specific programs the Congress may take issue with. The following table shows that the program level for fiscal year 1972 is about $1.6 billion more than the fiscal year 1971 level, after allowing for, first, price and pay in creases including the volunteer force; second, the incremental costs of the Vietnam war; and third, financing adjustments involving prior-year budget authority. Table III follows:

TABLE III.—REAL INCREASE IN MILITARY SPENDING

[Dollars in billions]

	Fiscal years 1971	Fiscal years 1972
Military functions, total program level (TOA) [1]	$73.8	$78.0
Less: Vietnam incremental costs (TOA)	10.1	−7.6
Non-Vietnam program level (TOA) in current dollars	63.7	70.4
Plus: pay increases including volunteer force	+3.8	
Plus: price increases on goods and services (at 3½ percent)	+1.3	
Non-Vietnam program level (TOA) in constant fiscal year 1972) dollars	68.8	70.4
Net real increase (fiscal year 1972 dollars)		+1.6

[1] Includes TOA for programs subject to appropriation bills other than the defense appropriation bill—military construction and family housing; civil defense; supplementals for comparability pay increases; and the pay increase for the volunteer force. Excludes TOA for the military assistance program (MAP)

Yet the $1.6 billion increase in spending on non-Vietnam forces, after allowing for the effects of inflation, understates the real increase in defense spending which the administration proposes for fiscal year 1972. First, there is no justification to increase defense spending for modernization to offset deferrals because of Southeast Asia requirements. No such backlog exists. The following table shows obligations for procurement for fiscal years 1965–72. If there was a backlog, as the administration has suggested, there should be a decrease in procurement for non-Vietnam forces during the war from the prewar level after allowing for pay and price increases. Strategic forces should be treated separately since they were subject to factors independent of the war. Table IV follows:

TABLE IV.—MODERNIZATION OF FORCES

[In billions of constant 1972 dollars]

Procurement use	1964	1965–71	1972
Total	$19.3	$23.7	$19.7
Strategic nuclear forces	6.1	3.3	3.3
Vietnam		5.6	2.3
Non-Vietnam general purpose forces	13.2	14.8	14.1

Rather than a decrease, procurement for non-Vietnam forces increased on the average over the 7-year period 1965–71. Moreover, considerable modernization was financed by the war itself. As older equipment was attrited, replacements were procured. In many cases, replacements were of newer generations and models with more sophistication, reliability, maintainability, and firepower than the material and weapon systems they replaced. This is not to say that particular segments of the force structure are not without need of modernization. However, that is a separate matter of allocating the resources among the services and particular programs. What the administration has failed to justify is an increase in overall defense spending to make up a backlog in modernization.

Second, non-Vietnam force levels dropped considerably during the past few years. Instead of an increase in fiscal year 1972, there should be a reduction in overall defense spending. Most of the force reductions were in non-Vietnam general purpose force levels and took place last year. Reductions included 3⅔ divisions, four tactical air wings and three carrier task forces. The full annual cost of these forces alone is about $6 billion at fiscal year 1972 prices. Of course, not all of this amount can be saved in the first or even the second year following the reduction. During the first year savings average a half-year's pay at most and onetime costs associated with the spending reductions must be absorbed. This is true even when the Defense Department has planned ahead for reductions, such as those carried out in fiscal year 1971. In succeeding years, however, recurring savings should begin to approach the full annual cost as indirect support is identified and eliminated. Even assuming that a large amount of indirect support has yet to be cut, the force reductions in fiscal year 1970–71 should result in savings in fiscal year 1972 of at least $3 to $4 billion—of the $6 billion full annual cost of those forces.

In summary, the administration has requested an increase for non-Vietnam forces of $1.6 billion in fiscal year 1972. Spokesmen have sought to justify the increase on the grounds of a modernization backlog because of Vietnam when in fact no such backlog exists. Moreover, allowing for the reduction in non-Vietnam force levels, the administration request is actually about $5 to $6 billion more than is needed. In other words, we are being asked to pay $5 to $6 billion more than it cost last year to buy and maintain a comparable size military capability.

IV

Mr. Speaker, it is clear that, if we are to get a dollar's worth for a dollar spent, the Congress must control the size and the shape of the Defense budget. Control of one without the other provides no guarantee that the problems concerning the effectiveness and capability of our military forces are being faced.

To control the size of military spending, Congress should place a ceiling on the Defense budget. A reasonable objective of this ceiling would be to hold Defense spending to the amount paid in previous years for a comparable size military capability, after allowing for inflation. In other words, the Defense Department would be able to make improvements in the capability of our military posture but only after cutting those programs which are no longer needed or make a marginal contribution to capability.

A ceiling is not always an intelligent way to manage Defense budgets or to control defense spending. However, many of the problems encountered with ceilings in the past can be overcome.

For example, a ceiling placed on the appropriation rather than on outlays results in smaller cutbacks in the first year. Further provision can be made to prorate the savings on an annual basis and adjust the ceiling accordingly, since the cutback could not begin until after enactment of the appropriation and subsequent planning in Defense. Of course, the full amount of the savings on an annual basis would be realized the following year.

In any spending cutback, there are one-time costs in phasing out operations and activities. Rather than expecting the Defense Department to take these out of their hide, steps can be taken to apply a portion of the funds otherwise saved by the ceiling to cover these onetime costs.

Finally, any spending cut is going to affect certain individuals and communities. However, some of the funds otherwise saved can be set aside to assist those directly affected by reduction in Defense programs.

Mr. Speaker, given present political realities and alternatives, such a ceiling, together with congressional action on particular programs, is probably the best way of controlling defense spending that we have. Until the Congress begins to take the necessary steps to control the size as well as the shape of the Defense budget, Congress lacks the control of defense spending needed to assure the American taxpayer that we are getting a dollar's worth for a dollar spent.

Mr. HUNT. Mr. Speaker, we have been discussing the deterioration of our strategic situation vis-a-vis the Soviet Union, and a great deal of emphasis has been placed upon the growth of Soviet hardware deployment and the development of new Soviet systems. I certainly do not want to take away anything from what has been said by my colleagues who have been pressing the point. However, I want to point out a more complicated problem which could have a devastating effect on the relative balance of power between the two major powers. I want to point out that our strategic situation would be affected adversely by unwise decisions in mutual arms limitation.

I am not one of those who fear negotiation, and fear the ability of American negotiators to drive a tough bargain. However, I am greatly concerned that the very fact of negotiations on this topic may lead to a state of euphoria among the general public, and may lead them to expect too much. There are, in fact, serious problems that stand in the way of reaching an agreement which will leave us more secure than before.

The experts in international relations are well aware of the dangers of an unbalanced or destabilizing agreement. I recently came across a fine paper on the topic written by Prof. Morton Kaplan of the Committee on International Relations of the University of Chicago. Dr. Kaplan is forthright in making this point. He writes as follows:

> Unless an agreement reduces the probability of war and the vulnerability of the United States to a first strike, and unless it improves the stability of the contending strategic systems against technological surprise, it is likely to be worthless or to do positive harm.

There are some people who assume that the Soviets will react to an international situation in the same way that we do. They assume that the Soviets will hold no objective that is likely to justify a first strike, and that the Soviets are fairminded and rational.

This may turn out to be a valid assumption. Yet when we are dealing in decisive strategic terms, there is no room for error or unfounded assumptions. Professor Kaplan says:

> The more appropriate analogy would be that of Russian roulette.

Why would such a tragedy be like Russian roulette? The simple reason is that we can't predict the future. We do not know what type of men will be ruling the Kremlin in a future crisis. Professor Kaplan says:

> As any intelligent and honest social scientist will admit, we are unable to predict the future and many surprises will occur. In a regime or bloc crisis, a first strike against the United States might prove tempting to the Soviet Union, provided that some reasonable calculations could be provided by the Soviet high command, whereas under normal circumstances, I agree, such a proposal would no doubt be instantly dismissed. Moreover, short of this, in a serious international politial crisis, if the American leadership made a calculation that the Soviet Union could contemplate a first strike against us, even though we did not believe they would actually engage in it, and we calculated that we could not even contemplate the possibility ourselves, our political will would likely erode.

Another problem which makes it difficult to stabilize the international strategic situation is the fact that technology brings sudden breakthroughs. The manned aircraft has certain vulnerabilities. We already know that by the mid-1970's the Minuteman system will have certain vulnerabilities, and we are taking steps to overcome them. Even the Polaris system, invulnerable as it presently appears, is undoubtedly the object of intensive study by the Soviets.

For this reason, we need all of the strategic system at our command. Says Professor Kaplan:

> Retaining a mix of strategic systems is the best procedure, for it complicates an enemy's attack and introduces uncertainties that reduce its probability.

Mr. Speaker, we should also remember that our strategic posture includes not only offensive weapons systems, but also defensive systems. We need to rely more on our defensive systems, such as the Safeguard antiballistic missile system, and expand it to protect not only our strategic forces but also our people.

It is disquieting, therefore, to see the misplaced emphasis which the SALT talks have been giving to offensive weapons, giving second place to a limitation on defense. As Professor Kaplan says:

> It is obvious that it would be sheer insanity for the United States to agree to dismantle ballistic missile defense without some limitation on offensive arms.

Indeed, Professor Kaplan considers it a distinct mistake to sacrifice ballistic missile defense. And the reasons are not only technological, but moral. As Dr. Kaplan points out:

> Defense enables us to avoid a strategy that in its absence may be necessary but that contains the seeds of deep immorality—namely, a strategy that depends upon the incineration of the other side, a revenge strategy. Ballistic missile defense is one of several steps that need to be taken to reduce the dangers of and to defuse the nuclear weapons race.

Mr. Speaker, I want to congratulate Dr. Kaplan for his clear and incisive statement, and I insert it in the RECORD:

STATEMENT OF PROFESSOR KAPLAN

All people of good-will, and in particular the government of the United States, desire a successful agreement or series of agreements to come out of the SALT talks. On the other hand, it would be extremely unfortunate if our desire for an agreement would outweigh our prudence concerning the terms of the agreement. Unless an agreement reduces the probability of war and the vulnerability of the United States to a first strike, and unless it improves the stability of the contending strategic systems against technological surprise, it is likely either to be worthless or to do positive harm. The emphasis therefore should be upon the attainment of an agreement with the Soviet Union that is of genuine strategic benefit to both sides. The Soviet Union is most unlikely to enter into an agreement that does not improve or stabilize its strategic situation. It does not have to contend with a democratic public opinion and has a hard-nosed attitude toward matters of diplomacy. On the other hand, it has no incentive to assure the United States of like results unless the United States is prepared to bargain in the same tough terms used by the Russians.

Although an agreement that improves international stability is obviously desirable, many people in the United States desire an agreement for reasons that will not withstand analysis. They believe that an agreement will improve the quality of the international system. However, a bad agreement may do just the opposite. It may lead either to a diplomatic defeat for the United States or to a renewed and intensive arms race when the unfortunate characteristics of the particular agreement become apparent to the American public. A failed agreement will be worse psychologically than no agreement. A second reason for reaching an agreement stems from the desire of people to reduce the cost of the arms race. However, the strategic arms race has already been reduced in scope from the approximately 11 billion dollars of 1961 to the approximately 8 billion of 1971, not taking inflation into account. The additional savings to be reached are likely to be quite small. A third reason for the desire for agreement lies in the lack of public awareness of the extent to which tacit rather than explicit agreements may already limit the arms race.

A fourth reason for the public desire for agreement may rest in a failure properly to understand the nature of the choices. People treat the arms race as if the proper analogy would be poker. They assume that finite deterrence will work under all circumstances, that no objective is likely to justify the Soviets' use of a first strike and that the world will develop in benign directions. Therefore they wish to place their bets on the probably winning hand. Yet the more appropriate analogy would be that of Russian roulette. It could be pointed out in defense of Russian roulette that there is only one chance in six that the chamber will have a bullet in it and the person be killed. Yet any sensible person would refuse to play the game in the first place. The truth is that we live in a world with one history, that we are seldom able to correct past mistakes, and that a catastrophe will be irrevocable. In this kind of world, a relatively small payment to insure that the game is not one of Russian roulette would be quite worthwhile, even if we could be assured that there are forty chambers to the gun and that only one chamber will have a bullet in it.

As any intelligent and honest social scientist will admit, we are unable to predict the future and many surprises will occur. In a regime or bloc crisis, a first strike against the United States might prove tempting to the Soviet Union, provided that some reasonable calculations could be provided by the Soviet high command, whereas under normal circumstances I agree such a proposal would no doubt be instantly dismissed. Moreover, short of this, in a serious international political crisis, if the American leadership made a calculation that the Soviet Union could contemplate a first strike against us, even though we did not believe they would actually engage in it, and we calculated that we could not even contemplate the possibility ourselves, our political will would likely erode.

Even in a game in which both contestants are terrified, it remains true that the one whose will collapses first is the one who loses. And, although political will surely consists of much more than calculation of nuclear interchanges, it woud require a state of sublime indifference to deny that such calculations are among the important considerations that go to make it up.

Many refer to the current strategic situation as one of parity between the United States and the Soviet Union. This is a very unsophisticated way of looking at the situation. Even if it were true, and it is not true, parity could be consistent with either stability or instability, depending upon the characteristics of the weapons systems. And, conversely, lack of parity need not be inconsistent with stability, again depending upon the degree to which parity does not exist and the specific characteristics of the weapons systems. In fact, stability, at least for crisis management, is not as easy to achieve as many believe. There are distinct vulnerabilities in the present strategic situation. The vulnerabilities of manned aircraft, although the system has its distinctive utility, are fairly obvious. The calculations leading to the vulnerability of Minuteman by the middle 1970's are well known. There are other calculations based upon more esoteric considerations that could speed that timetable up. The Navy and the New York *Times* have argued strongly against vulnerability of Polaris. It is good that we have the system and one hopes that it is not yet vulnerable, but the confidence placed in this is exaggerated. A New York *Times* story referring to the recent defection of a Soviet space expert also contained the interesting item that American intelligence wanted to interrogate him to learn about the extent to which Soviet space efforts could result in the tracking of our Polaris submarines. As a matter of fact there are also other potential vulnerabilities of the Polaris system that the Navy tries to ignore. Retaining a mix of strategic systems is the best procedure, for it complicates an enemy's attack and introduces uncertainties that reduce its probability.

Some of the reports coming out of the SALT talks with respect to potential agreement concerning ballistic missile defense are disquieting. It is obvious that it would be sheer insanity for the United States to agree to dismantle ballistic missile defense without some limitation on offensive arms. The proposal that ballistic missile defense be limited to national commands is almost equally bad. Washington is a relatively unimportant city in the United States, whereas Moscow is the hub of the economic activities of the Soviet Union. A ballistic missile defense system around Moscow would quickly be expansible into a thick population and area defense system that would be consistent with Russian achievement of a first strike capability against the United States, whereas the dismantling of our point defense systems for Minuteman would simplify the Russian attack potential. The proposal is only superficially symmetrical, for the countries are structured quite differently.

However, even apart from all these considerations, it is a distinct mistake to sacrifice ballistic missile defense. A ballistic missile point defense system does a number of things to improve international stability, both for the Russians and for the United States. It further complicates enormously and thus reduces significantly the kinds of calculations that could support a first strike. And, it is for this very reason that the attempt to overcome it by increasing offensive capabilities is a losing game, for it is cheaper to expand defense than offense. Ballistic missile defense, therefore, defuses the arms race. It also permits the defending system to ride out an initial attack and therefore not to precipitate nuclear World War III by responding to warning—a warning that may either be mistaken or that may not imply a genuine attack against our retaliatory system. Since the numbers of attackers in the first wave could be considerably smaller than most people believe, this is an extremely important consideration. In addition, defense enables us to avoid a strategy that in its absence may be necessary but that contains the seeds of deep immorality—namely a strategy that depends upon the incineration of the other side, a revenge strategy. Ballistic missile defense is one of several steps that need to be taken to reduce the dangers of and to defuse the nuclear weapons race. A SALT agreement that strikes at ballistic missile defense is an agreement that eventually will accelerate, rather than decelerate, the arms race.

Mr. BROYHILL of North Carolina. Mr. Speaker, I join today with several of my colleagues in focusing attention on our current military commitments around the world and the defense posture we must maintain for the preservation of a free America.

The American people have, from the beginning, never been a militaristic people and in all the conflicts in which we have been engaged, we have turned to the citizen soldier to bear the burden of battle and protect this Nation from the onslaught of aggressors.

During the past generation, the realities of this uncertain world, in which we see the threat of continual advances from hostile nations have forced America to maintain a strong defense in view of the expansionist policies of not so friendly nations. The man in uniform has served us well and with the tremendous resources and emphasis that this Nation has put upon military preparedness in the past two decades, it is a significant fact that we have civilian control of the military.

Now the pressures are on us to give serious attention to reordering our military commitments. As the history of our involvement in Southeast Asia has tragically pointed out, we can no longer give carte blanche commitments to protecting the world.

I, for one, feel that in exercising civilian control of the military, there is a need to give close scrutiny to military decisions and expenditures, as well as our overall defense posture. There have been times in the past when expenditures in different areas appear to be inviolate to public discussion and examination.

The present administration has provided leadership and direction in reducing defense expenditures along responsible lines at the same time reevaluating our foreign policy commitments. The Congress must, however, take the role of partner in effecting substantial changes in this area.

A call for an examination of our defense priorities should not, however, be construed as a call which would jeopardize our national security or our vital defense systems. On the contrary, a critical review of what is vital to our national security and what constitutes necessary and adequate defense should result in policies and expenditures better suited to provide for our common defense without creating "white elephant" programs and outdated systems. It is my strong feeling that we can and must intelligently and safely reexamine our defense policies to this end; that we can and must aid other nations to help themselves and that we can and must put our own domestic house in order.

I would caution at this time, however, against a distressing trend that I have seen in the current wave of antimilitarism—a trend that goes directly against the American grain. We cannot allow this detailed look at the military to turn into a witch hunt to make the individual soldier bear the burden of errors of the past. There are too many today who would discredit the man who wears the uniform of his country and to demoralize the Vietnam veteran in this manner is to do him a great injustice. These are men who have shown ample courage and devotion under grave difficulties and hardships.

The Nation as a whole must move ahead in reexamination of our foreign military commitments, making the necessary adjustment in our defense posture to meet these commitments. Railing against the military as we make these changes will not bring us the security and peace that we all demand.

Mr. THONE. Mr. Speaker, I believe our Nation should be prepared. We must be strong enough not only to defend ourselves against attack but also strong enough to deter attacks. We must also be prepared to seek peace.

The most effective way to negotiate for peace, in my opinion, is from a position of strength.

We are already engaged in disarmament negotiations with Russia in the SALT talks at Helsinki. Now we know that our Nation and the People's Republic of China will be negotiating at the highest levels within the coming months.

The defense posture of the United States needs immediate bolstering in order that we may negotiate from strength at these meetings.

In particular, our Navy needs strengthening. The U.S.S.R. is building nuclear submarines at a far faster pace than is the United States.

Senator BARRY GOLDWATER has pointed that the average age of a U.S. Navy ship is 23 years, compared to an average age of 10 years for a Russian Navy ship.

Unless the U.S. Navy is strengthened swiftly, the Soviet Union will dominate the Indian Ocean, the Straits of Malacca, the Suez Canal, the Mediterranean Ocean and the Straits of Gibraltar.

The Russian Navy has gained on, and threatens to pass, the U.S. Navy in power because the U.S.S.R. has used modern technology to its advantage, while our Navy has clung to ways of the past.

We have sunk billions into the world's most expensive ships—aircraft carriers—which are also among the easiest targets for an enemy to hit. The Soviet Navy has concentrated on ships that are fast, small, and inexpensive.

The U.S. Navy has relied almost entirely on manned aircraft both for offensive and defensive purposes. The Soviet Navy has gone beyond manned aircraft and arms its ships with missiles—both surface-to-air and surface-to-surface missiles.

The U.S. Navy has yet to deploy a single surface-to-surface missile on any of its ships. This is despite the fact that compared to aircraft carriers, missile ships are cheaper to build, less vulnerable to attack because they are smaller targets, require less manpower, provide for greater maneuverability and can attack through more formidable defenses.

I believe our U.S. Navy must engage at once in building modern, fast ships armed with surface-to-surface missiles. These should be the size of patrol boats, of destroyers and of light cruisers. These could be built quickly, deployed quickly and would not require gigantic crews.

Such a modern Navy will add greatly to the strength of the United States and put us into position to negotiate for peace from a position of power.

Mr. DEL CLAWSON. Mr. Speaker, the great challenge for the U.S. Navy in the 1970's is supporting a strategy of realistic deterrents as envisaged in the foreign policy of the United States described in the Nixon doctrine. The sharing of security burdens with allies is the focal point of this doctrine; and while recognizing the importance of Western Europe and the Atlantic Alliance to the U.S. security interests, a strong U.S. force capable of application in a range of situations and types of response requiring a considerable mobility is demanded.

It must be a force capable of countering Soviet military power and initiatives. It is essential that the sea lines be maintained to our sources of raw materials and to our allies. The necessity to control the sea areas of the world is the foundation of our ability to protect U.S. interests. It is in this very area that the Soviet Union is now developing a capability second only in danger to their challenge in strategic nuclear arms. The logical military strategy consistent with our national interests, the threat posed by potential enemies, and the new approaches of this policy is sea-based mobility. Mobility to shift our forces to where they may be needed and to support them there as long as their presence is required.

The Navy must provide this mobility and the means to protect it. The military services and more particularly, the U.S. Navy must provide a foundation comprising five separate, but closely related concepts. First, credible strategic deterrent forces which will make strategic nuclear attack and unacceptable option for any national enemy. Second, deterrent theater nuclear and conventional holding forces in NATO and Korea and in Vietnam during withdrawal. Third, mobile conventional deterrent forces capable of: Maintaining an overseas presence; projecting allied power into subtheater conflict areas; and maintaining the security of vital sea lines of communication. Fourth, effective military assistance to our allies. Fifth, greater contribution to mutual defense by our allies as we disengage portions of the holding forces we now maintain overseas.

As we contemplate reductions in the sizes of forces stationed overseas, naval forces assume greater political and military significance. They are a constantly visible reminder to allies, and adversaries, that forces removed can be returned swiftly and that any adversary intending to usurp the use of the oceans, must first contend with our naval forces.

Whether our forces are constituted as holding forces or as mobility forces, their deployment from the United States will inevitably establish a dependence on sea lines of communication for sustained support. A basic assumption underlying any decision to deploy U.S. forces to any overseas area must be that we or our allies will control the sea lines of communication to the area in which friendly forces are to be deployed.

Having vital overseas interests we must give consideration to situations in which our interests are involved and our Allies vital interests or treaty commitments are not. In such cases as during the recent Mid-East crisis, our deterrent mobility forces must be capable of carrying out their missions without the support of Allies.

Secretary Laird has said:

> Moreover U.S. involvement in world affairs is not based exclusively on our alliances, but rather our formal and informal obligations derived from and shaped by our own national interests. To protect our interests we must insure free use of international air space and free access to the world's oceans. Thus our future defense planning must also insure a U.S. capability to prevent an effective challenge to free use of international air space and the oceans of the world.

The ongoing development of the Soviet Navy and its large modern development in the 1960's has its own implications for us. Parity of strategic nuclear forces and reductions in U.S. Navy conventional forces make it more likely that Soviets will use military force to achieve their political objectives. Thus, there has been an increase in the importance of the portion of our conventional force that is capable of overseas presence.

The continuing withdrawal of the United States from foreign bases and in Asia, the change in the forms of armed support we plan to make available to our Allies place additional responsibilities on our sea control and projection forces.

The Nixon doctrine has effectively raised the threshold at which we would commit land forces overseas. We have moved closer to a situation in which Soviet or PRC involvement is the primary circumstance that might force us to intervene. We, therefore, face conventional war that will not include the sanctuary of full use of our sea lines of communication. The Soviets have conceded us this luxury in the past, in part because of our nuclear superiority, in part because of their belief that we could defeat them at sea in conventional war. We can expect these concessions to disappear.

It is for this reason that the Navy, in conjunction with our allies, must defend the sea lines of communication from and to the United States. Perceiving this as a weakness, the Soviets have optimized their new navy to be capable of pressuring us at what they perceive to be our Achilles heel. Thus their growing capability can deny us the seas as sanctuaries.

We must maintain and improve our forces committed to NATO and while we are doing what is necessary in this area we must also encourage our European allies to take up a greater share of the collective responsibiilty.

Other allies can provide the manpower for their defense and when necessary the United States will provide the necessary naval, air, and logistic support. A role that might be phrased "off-shore containment."

In the Middle East and in the Indian Ocean area the Navy is the most effective means of keeping our activities in balance with those of the other major powers concerned—principally the Soviet Union, which has maintained several combatants plus support ships in this area continuously since early 1969.

Thus, the Navy's role in our defense and in the Nixon doctrine ranges from a low profile peacetime presence and assisting allies to become more capable on through the provision of mobility and sea control forces necessary to project U.S. power worldwide in support of our interests and alliances.

The United States cannot permit the U.S. Navy to be anything but the best equipped, the best manned, and the most sophisticated of any military force in the world.

Mr. McKEVITT. Mr. Speaker, good intentions, wishful thinking and relaxation of vigilance have never defended freedom.

The lesson of history is loud and clear; a weak defense posture is an invitation to attack. There is no prudent alternative for this great Nation than to remain strong in weaponry and, of course, national will.

Most of the American people have learned the lesson of history. President Nixon restated those lessons not too long ago when he said:

> We have accepted the necessity of war. But our purpose is peace. Peace with freedom . . . so that peace may be worth having. Peace with justice . . . so that peace may be worth keeping. And peace with strength . . . so that peace may be preserved.

The President continued:

> We must have strength. If all the world were free, we might have no need of arms. If all the world were just, we would have no need for valor. But as we see that the values we cherish are not cherished universally, and that there are those who feel threatened by the prospects of freedom and justice, then we must keep the strength we need to the values we cherish.

And if we need to be reminded even more of the need for a strong defense posture, we need only look at the daily headlines. They tell of growing Soviet naval power, expanded missile forces, new aircraft and, of course, the growing nuclear threat from Red China.

Mr. Speaker, I believe the facts speak for themselves. I do not believe that now is the time for self-chastisement and pennypinching as we look at our Defense Establishment and defense posture.

The lesson of history is clear. I only hope it is loud enough for all to hear it clearly.

Mr. WHITEHURST. Mr. Speaker, in these days when a Babel of voices in our politics, books, and media urge us to turn our gaze inward and away from the harsh world outside, a great change has been in process which only the foolhardy or the negligent dare ignore. The perils attending this change are as great as any the United States has had to face in its close to two centuries of national existence. Gradually the massive scales of nuclear strategic strength have been tipping in the Kremlin's favor. The unmistakable and ever-growing signs of this great shift have not passed wholly unnoticed or unreported. Yet many figures in our public life have either minimized or ignored these signs. They are a bit like the improvident among the inhabitants of earthquake country who deceive themselves into believing that a series of tremors and minor shocks do not forewarn of a coming earthquake.

The latest tremor came about a week or so ago in the 1971–72 issue of Jane's Fighting Ships. As you may recall, the editors of this authoritative yearbook noted that the Soviet fleet in only a few years has grown into a supernavy of a superpower and that a serious corresponding decline in American naval strength has taken place. By the mid-seventies the yearbook sees the new Soviet supernavy possessing a potential for destroying in a single surprise blow all of our land-based missiles. It would be wrong to see in the new Soviet venture onto the sea as simply part of the normal and inevitable course of things in Soviet Russia's rise as a great power role. Rather, the rapid buildup of a powerful nuclear navy by a country which has traditionally relied largely on land-based forces in only one of the highly visible prongs of a conscious and concerted drive by the Soviet rulers to surpass the United States in overall nuclear, military, and naval power in the shortest possible span. That decision can be traced back at least to the 1962 Cuban missile crisis. With our strategic advantage as an arguing point we were able then to persuade Khrushchev to take the nuclear missiles he had put in Cuba back home. Today's Soviet rulers, it is clear, intend not to be faced down in the same fashion in any future crises.

The current forced-draft buildup of Soviet military power has taken place in a period when many have unilaterally declared that the cold war was over. Yet anyone with eyes to see can observe that hand-in-hand with the rapid rise of Soviet nuclear strategic power to a level with the American, has gone a steady and massive projection of the U.S.S.R.'s military presence into the world beyond its own borders. Quantum jumps in the Soviet military presence in the Middle East and in global naval operations from Cuba to the Indian Ocean came one upon another.

The new means of coercion now in Moscow's hands obviously is meant to be used, if not in direct warfare, then by proxy as in Vietnam and the Middle East and as levers in international power plays.

American strategic thinking, however, lulled itself with the assumption that Soviet attainment of nuclear parity with the United States meant stabilizing of the balance of power and a strengthening of mutual deterrence. That assumption was only shaken by such Soviet actions last year as the placement of Soviet missiles in the Arab-Israel cease-fire zone and the attempt to set up a nuclear submarine base in Cuba. Such events should have been a reminder that there is nothing very peaceful about the Soviet doctrine of "peaceful coexistence"—which is but a euphemism for the Leninist view that politics is war by other means. Moreover, Moscow has never made a secret of its view that from the Communist viewpoint there is no advantage in a balance of power or deterrence per se but ultimately, only in a preponderance of power for the Soviet side.

At the mass Soviet military maneuvers at Dvina in European Russia last year, Brezhnev indicated that each new increment of Soviet military power will be translated into power-political advantage not for stabilizing any United States-U.S.S.R. power balance, but rather for prosecuting, as he expressed it, an uneven but steady intensification of the global "class struggle."

Both in word and deed Moscow in the past few years has unmistakably revealed its earnest design for winning supremacy in the world arena. The Soviet rulers are now close to obtaining the means for realizing their desire. If the SALT talks have had any value, they have shown that the Soviet missile force is now on a level with ours and still rising, the Soviet Army is bigger than ours, and the Soviet Navy is starting to outdistance ours.

Mr. BAKER. Mr. Speaker, on September 28, 1970, the late and honored, Mr. Mendel Rivers, in a statement to the Members of the House of Representatives addressed the Soviet threat. His opening remarks were:

> Mr. Speaker, never before in the 30 years of my membership in this body have I stepped into the well of this House with greater concern for the future of this Nation.
>
> The fears that I have are those that must be shared by every American regardless of his political or social philosophy or his economic status.
>
> All Americans have been given the blessed and priceless heritage of freedom—a freedom which I am convinced is in terrible jeopardy.

Mr. Speaker, I echo the late Mr. Rivers' grave concern, for I too am of the opinion that the freedom of the people in the United States is in jeopardy. It is in jeopardy because of the Soviet Union—a Communist state, that in a quarter of a century has raised itself from a war-ravaged nation to a point where it is challenging the United States for world leadership.

I am deeply concerned about the future Soviet capability for warfare when we consider the money being invested by the Soviets in research, development, test, and evaluation of military weaponry. Their investment today will allow them to gain a decided strategic military superiority tomorrow.

As the Director of Defense Research and Engineering, Mr. John S. Foster stated recently:

> It is today's research and development that provides tomorrow's weapons for 1975 and beyond.

Conversely, it can be stated that today's weapons were provided by yesterday's research and development, that is 1965 and before. In this vein, therefore, let me make a comparison of what the Soviet Union has accomplished with the technology of the early 1960's in comparison to the United States.

We have MIRV's while the Soviet Union has only tested multiple reentry vehicles. On the other hand, the Soviet Union has tested and possibly deployed a fractional orbit bombardment system; we have none. The Soviet Union has already developed a new strategic bomber; we are just now developing such an aircraft. The Soviet Union has an operational antiballistic missile and is developing an improved system; we are just now developing the Safeguard, 9 years after the Soviets began work.

Four years ago, the Soviet Union publicly demonstrated five short takeoff and landing fighters and one vertical takeoff and landing aircraft. The United States bought the Harrier VSTOL from the United Kingdom last year and has just approved development of the AX. And, finally, all of you are aware that the Soviet supersonic transport is nearing operational status, while development of an SST in the United States is doubtful, and may be foreclosed.

Mr. Speaker, these Soviet systems are tangible, they have been seen, they have been demonstrated. They are the product of the Soviet research and development base of the early 1960's and will constitute a significant portion of the threat to the United States throughout this decade.

What then of the Soviet weaponry of the more distant future, that weaponry which will emerge from the research and development activities of today? We may not know until those systems are deployed in the field or willingly displayed to us by the Soviets. However, there is no doubt that there will be new Soviet weaponry, and that it will be advanced weaponry, and that it will be produced to equip Soviet forces of the future.

The Soviets have already invested in the development of this new weaponry. In fact, they are—and have been—investing in the development of new military weaponry at a higher level in recent years than have we in the United States. For example, in 1955, defense-related research and development effort in the United States was $3 billion; in the Soviet Union it was the equivalent of $2 billion. In 1965, the United States spent $13 billion; the U.S.S.R. $10 billion. In 1968, the Soviet investment in defense-related research and development equaled that of the United States at $14 billion. In 1969, the Soviets surpassed the United States in this regard by investing $15 billion as compared to some $14 billion spent by the United States. In 1970, the United States spent about $14 billion, while the U.S.S.R. spent approximately $17 billion.

Certainly, this reflects a Soviet determination to match and surpass the United States in the development of advanced technology for military hardware. To understand the significance of the research and development gap, we must realize that a relatively small amount of research and development keeps many programs going on a yearly basis.

According to Dr. Eberhardt Rechtin, Deputy Director of Defense Research and Engineering:

> The $3 billion difference per year between the U.S. and Soviet R&D budgets is the equivalent of the development costs of the Minutemen, Poseidons, Polarises, Safeguards, B-1 bombers, F-14 and F-15 aircraft, main battle tanks, Cheyenne helicopters, C5-A, F-111s, and several dozen other major systems.

The real significance of the Soviet research and development effort now being made is that their research and technical advances will not be evidenced in weapon systems until the mid to late 1970's, at a time when there will be no possibility of catching up with these technical improvements. In other words, if we permit the Soviet Union to develop hardware that will cancel out our present technical capability in offensive and defensive weapons, the Soviets will so surpass us in military might as to preempt any possible influence we may desire to exert in future world affairs—and jeopardize the freedom of the people of the United States.

Mr. FREY. Mr. Speaker, one of the least discussed, but most important areas where technology can be applied for military purposes is in space. The Soviet Union takes the use of space for military operation very seriously. The Soviets have already demonstrated in their Cosmos series of experiments that they have a capability to destroy the communication and surveillance satellites in space at time and place of their own choosing. The Soviets can inspect and destroy space-based vehicles without nuclear weapons—something which the United States cannot do—thus avoiding violation of the Test Ban Treaty of 1963 which prohibits the detonation of nuclear weapons in space, and the Outer Space Treaty which merely prohibits the basing of weapons of mass destruction in space.

Perhaps the most important uses of space are in the field of surveillance of earth-based weapon systems, and potentially as a permanent space platform for truly effective defenses against ballistic missiles.

The Congress has recently authorized the start of work on the "space shuttle" program. This effort would permit low-cost launches of vehicles into earth orbit, and outer space including launches for military purposes. At the present time, the cost of placing large numbers of vehicles in space is prohibitive, but the space shuttle promises to reduce the launch cost per pound from nearly $1,000 to as low as $100.

Space is very much the "frontier" for the application of military technology to national security problems on earth. The vigorous effort being made by the Soviet Union in exploiting space for military purposes explains the significance of this area for future defense and security problems. Nevertheless, since 1970, research and development expenditures in this country for military astronautics have been reduced from $637 million to $499 million as proposed for fiscal year 1972. When one takes into account the impact of inflation, this amounts to nearly a 25-percent reduction in research and development effort in 2 years.

If the United States is to avoid the risk which could occur from the military parallel of a "sputnik-type" space vehicle placed in orbit by the Soviets during the 1970's, we must give vigorous support to programs which would exploit the military uses of space. Space-based systems are, for example, the most promising theater for the use of laser weapons against ballistic missiles. Scientific effort which has gone on to date indicates that lasers could be extremely effective against ballistic missiles, because basing a defense system in space would permit the defender to destroy the attacker's missiles midway in its flight rather than near the end of its trajectory. The race for the military exploitation of space is a race which has but one winner, because the first nation to dominate space would have the capacity to prevent the use of space by any other nation for military purposes.

We can no longer take a complacent attitude toward the manifest gains the Soviet Union has made in space. The time has come for us to assert our technological superiority into the space area before it is too late.

Mr. STAFFORD. Mr. Speaker, the Soviet Union is embarked on a program which reveals a singular awareness of the importance of seapower and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy. They are surging forward with a naval and maritime program that is a technological marvel.

Since the end of World War II when the Soviet Union had a fleet of 200 diesel-powered submarines, they have pursued a massive building program, producing over 550 new submarines through 1968, at least 65 of which are nuclear powered. During the same period, the United States built 99 submarines, 82 of them nuclear powered. The Soviets have scrapped or given away all their World War II submarines as well as some built since. They now have a new submarine force of about 375; we have 143, which includes 61 diesel submarines most of which are of World War II vintage. Thus the Soviets have a net advantage of about 230 submarines. It is estimated that by the end of 1970, they will have a numerical lead in nuclear submarines.

To achieve this, the Soviets greatly expanded and modernized their submarine building facilities. Just one of their numerous submarine building yards has several times the area and facilities of all U.S. submarine yards. They use modern assembly line techniques under covered ways, permitting large-scale production regardless of weather conditions.

In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. In looking to the future, it is estimated that by 1974 they will add about 70 nuclear powered submarines to their fleet, whereas we will add but 26—further increasing their numerical superiority. In the case of the ballistic missile submarine, the Soviets have undertaken a vigorous building program to surpass our Polaris fleet of 41. They have more than seven of the new Polaris-type submarines, and have the capability to turn out one a month. We have no Polaris submarines under construction or planned. We must assume that by the 1972–73 time period, they will be up to us.

The Soviets have frequently announced their intent to be the preeminent world power. Why do we not believe them? Hitler in "Mein Kampf" plainly anounced his intent to dominate the world. We did not believe him either—until it was nearly too late. Admiral Gorshkov, Commander in Chief of the Soviet Navy, said recently.

> The flag of the Soviet Navy now flies proudly over the oceans of the world. Sooner or later, the United States will have to understand that it no longer has mastery of the seas.

And just recently, the Russians announced a projected 50 percent increase in the size of their merchant fleet. These facts should be weighed when assessing the judgment of those who argue for a reduction of American military power while the Soviet military power, particularly their submarine force, is rapidly expanding.

Unless we take drastic action to improve the degree and quality of effort spent on submarines, we will lose our ability to use the oceans of the world in time of conflict—we may already be at that point.

Mr. KEMP. Mr. Speaker, despite the widely-published Pentagon papers and other Defense Department leaks confronting Americans in daily news reports, it seems that the best kept secret is that the era of U.S. military superiority has ended.

Although the public is not generally aware of it, a Presidential Panel consisting of distinguished citizens reported over a year ago that—

> The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union.

These trends, detailed in a supplemental report made by the Panel after an examination of our Defense Department and military contracting procedures and an assessment of Communist capabilities, point up ironical contrasts between the open society of the United States and the closed society of the Soviet Union.

Despite sophistication of our spy reconnaissance satellites and the vast intelligence these vehicles supply us about the kinds of weapons systems and their deployment the Soviets have arrayed against us, we are still largely in the dark about Soviet intentions even as we negotiate for weapons limitations at the SALT talks.

Our intentions are chronicled in the CONGRESSIONAL RECORD, the reports of congressional committees and other documents for all the world to see.

While we debated the ABM, the Soviets continued deployment of their system.

While we discuss defense authorizations and appropriations, the Soviets continue to build more missile launching submarines and otherwise continue their buildup of strategic weapons.

While the Soviet research and development budget has increased 10 to 13 percent a year since 1968, our budget has remained, essentially, constant.

Based on the equivalent of 1968 dollars, the Defense Department now estimates that Russia is spending some $3 billion more annually on military and space research and development than the United States.

As a result, we are faced with the prospect that, in the mid-to-late 1970's, we may find ourselves lagging behind the Soviets in some critical weapons areas but more critically in the area of technology.

These circumstances bring me to the subject of inspection at the SALT talks, inspection beyond that we are capable of achieving by electronic means.

The Communists, who even rigidly control the movement of their own citizens within their borders, let alone the movement of outsiders, have steadfastly rejected our requests for inspection. Their treatment of the "Soviet Jews" tragically illustrates this point.

If we could trust their announced intentions—and the Cuban missile crisis proved we cannot—our request for inspection could, one can speculate, not be necessary.

But we must squarely face the realization that we cannot depend upon announced intentions, made at the SALT talks or elsewhere.

The invasion of Czechoslovakia was not announced beforehand.

Only when U.S. tanks and other military muscle were arrayed against Soviet power across the Berlin wall were we able to halt Soviet expansion.

Only when we brought our nuclear forces to an alert were we able to convince the Soviets that they had to withdraw their missiles from Cuba.

Despite our mistakes and despite the criticisms of American foreign policy it was chiefly through our military assistance, our contributions to NATO and our actions in Southeast Asia that we have helped prevent additional Communist expansion.

Recognizing that the Soviets and other Communist nations have closed societies, we cannot be optimistic about assessing their intentions with any degree of certainty under any circumstances.

But we can insist upon some degree of inspection at the SALT talks to more fully assess their research, industrial, and military capabilities.

And we can, through our individual efforts, more clearly apprise our citizens in an open society of our present and future capabilities vis-a-vis the Communist nations.

In this colloquy and that conducted July 29 in the Senate, our present strategic position with reference to that of the Soviet Union and other Communist nations has been eloquently placed upon the record.

From that record, it is clear that the security of the United States is already endangered to an extent unparalleled in contemporary history.

I strongly support ending, with honor, this Vietnam involvement as early as possible but it is clear that our current military capability and that in the near future is constricting U.S. support of its legitimate foreign policy objectives and, at the same time, enhancing the fulfillment of Communist objectives. It is not a question of trying to police the world, which we no doubt cannot do, it is a question of our assuming and retaining our responsibilities as the leaders of the free world.

It is clear we are not taking adequate advantage of our research and development and technological talents and facilities.

History is clear that our maintenance of peace depends on a realistic nuclear deterrent for a second strike in retaliation to a first-strike attack.

Each of us is here with the fervent hope that the United States will never be compelled to react to such an attack. Each of us must admit, I believe, there is no inherent value in maintaining extensive and costly weapons and forces which are unjustified.

Each of us, I believe, longs for lasting peace and substantive breakthroughs at the SALT talks which would add substantially to the maintenance of such peace.

I include the following:

[Washington Report, Washington, June 28, 1971]

ANALYSIS OF DEVELOPMENTS AFFECTING THE NATION'S SECURITY

The best kept secret in the United States seems to be the news that the period of U.S. superiority of military power has ended and that "in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure . . ."

THE BLUE RIBBON DEFENSE PANEL

Shortly after his inauguration in 1969, President Nixon appointed a select group of distinguished citizens, to examine the organization setup and contracting procedures of the U.S. Department of Defense, and to make recommendations for improvements therein. On July 1, 1970, the Panel submitted to the President and the Secretary of Defense its report on those specific matters, including a number of recommended changes which the Defense Secretary has since announced have been or are in process of being introduced in that Department.

Subsequently, seven members of the Panel submitted a supplemental statement on related matters which they deemed to be of vital concern to the Nation at large, as well as to themselves as American citizens. It should be read by every American.

The principal points made may be clearly appreciated from the opening paragraphs and key phrases of the Summary of the Supplemental Statement:

"The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union. These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S."

"Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American-preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it.

"U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age.

"The End of U.S. Superiority. . . . The Soviet SS-9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's. . . .

". . . The situation which our country faces is without precedent. . . .

". . . It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure . . .

". . . Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

"In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country."

A WELL KEPT SECRET

This solemn statement, throwing into question, for the first time, the survival of American life and liberty, had been in the hands of our governmental leaders since September 30, 1970. When it was released by the Pentagon on March 12, 1971, neither Government nor the media (with the single exception of *U.S. News & World Report* for April 5, 1971) deemed it a matter to be explicitly made known to the American people.

Whereas previous warnings of a dangerous shift in the balance of military power were often discounted on the grounds that those raising the alarm were "military-oriented", this cannot be said of the authors of the special "Blue Ribbon" report. Although several of them had wartime service in one or another of our Armed Services, they are all primarily noted for distinguished accomplishments in civilian pursuits. The seven signers of the Supplemental Statement are:

William Blackie—Peoria, Illinois; Chairman of the Board, Caterpillar Tractor Company.

George Champion—New York, New York; President, Economic Development Board of New York.

William P. Clements, Jr.—Dallas, Texas; President, Southeastern Drilling, Inc.

John M. Fluke—Seattle, Washington; President, John Fluke Manufacturing Company, Inc.

Hobart D. Lewis—Pleasantville, New York; President, Reader's Digest Association, Inc.

Wilfred J. McNeil—New York, New York; Director and Advisor, Fairchild-Hiller Corp.

Lewis F. Powell, Jr.—Richmond, Virginia; Lawyer, Past President, American Bar Association (1964–65).

1971 POSTURE STATEMENT

The statement of Secretary of Defense Melvin R. Laird before the House Armed Services Committee on the FY 1972–1976 Defense Program and the 1972 Defense Budget, dated March 9, 1971, comprising 191 pages, devotes 39 pages in Section II *Toward Better Management of Human, Material and Economic Resources in the Department of Defense*, growing, in part, out of the work of the Blue Ribbon Defense Panel.

It gets down to such subjects as "drug abuse in the armed forces" and to such details as following the Blue Ribbon Panel's recommendations in telecommunications. But, curiously, no mention is made of the Blue Ribbon Panel's Supplemental Statement on the Nation's peril and the chilling portent to the Free World, of our now overshadowed defense posture which no longer provides a realistic deterrence. Yet the term "Strategy of Realistic Deterrence" is used repeatedly as a statement of national policy, as if realistic deterrence could be achieved by mere use of the words!

How is it that recommendations of the Blue Ribbon Panel can be adopted as to "major changes in the organization of the Department [of Defense]" and other recommendations affecting the survival of our national life be swept under the carpet?

Further, the Laird Report states: "The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy." If this is true, how is the balance of strategic power being restored? The American people have a right and a "need" to know.

On page 12 of the Laird Report as a part of the Secretary's Summary it is said: "In the past two decades we achieved first place in nuclear capability, became pre-eminent in space, and substantially strengthened our conventional capabilities." In direct contrast, the Blue Ribbon statement said "Within a span of less than two decades we have moved from complete security to perilous insecurity."

On page 14—*The Changing Environment—Prelude to the 1970's*, one of the existing military realities listed as: "different from the situation just five years ago is: . . . A growing Soviet military capability and technological momentum." No mention is made of the existence of a massively overwhelming preponderance factor [about 8 times] of Soviet nuclear ICBM capability, expressed in megatonnage. The report continues: "Confronted with this changing environment, we conclude after careful analysis in the National Security Council that we must, whatever else, assume the following criteria in national security planning for the decades of the 1970's: 1. Preservation by the United States of a sufficient strategic nuclear capability as the cornerstone of the Free World's nuclear deterrent. . . ."

One has a right—and indeed a duty—to

ask what that means. How can we preserve what we do not have? Who decides what the subjective but key word "sufficient" means? And finally how decipher the meaning of the words "the cornerstone of the Free World's nuclear deterrent," when it is clear that our foreign policy as well as the "security of the lives and freedom of U.S. citizens" requires simply that we move to match if not exceed the present awesome balance of nuclear power now arrayed against the United States.

U.S. NEEDS "SUPERIOR STRATEGIC CAPABILITY"

The first duty of our responsible officials to "safeguard the security of the Republic", cannot be mixed up with other nations or the Free World's nuclear deterrent. The U.S. alone must look to its own security—as does the U.S.S.R.

The Blue Ribbon Panel's conclusion regarding the shifting balance was that ". . . the only viable national strategy is to regain and retain a clearly superior strategic capability."

As the Panel pointed out, "The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world."

Thus this is no time for circumlocution or the obscuration of life and death box-scores with statements of purpose which admit of any and all interpretations under the sun. Our clear course, as expressed by the special Blue Ribbon statement is to move at once to offset "The Soviet Union's advantage in numbers and megatonnage of missiles . . . that could result in a force more than double that of the U.S. by the Mid-70's . . . (when) . . . the Soviet Union would have the capability of effectively destroying both U.S. ICBM and bomber forces as well as our cities." Otherwise we must accept the consequences of becoming a second-rate power, ". . . incapable of assuring the future security and freedom of its people."

WHY NOT LET THE AMERICAN PEOPLE KNOW?

The Special Blue Ribbon report states: "Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic." Why?

In this day of electronic and communications pollution, every form of trivia can be and is elevated to the level of national interest. The media leave no electronic gap in the air and no tree standing that can be pressed into the service of engaging every ear and eye. Even the President of the United States must strain to fill two hours of chat over a nationwide network. Then how come the vital message of the Blue Ribbon Panel Statement, sufficient to alarm a group of distinguished citizens which had spent a year studying the Pentagon, was not deemed important enough to be expressly made known to the American people.

How come the President's 180 page *Foreign Policy Report for the 1970's* dated February 25, 1971 (five months after he received the Blue Ribbon Supplemental Statement) is silent on the consequences to our foreign policy while mentioning that we are outgunned as to numbers of ICBM's by some 40%. No megatonnage figures are given, but interestingly enough the meaning of the words "strategic sufficiency," as contrasted with "strategic superiority," is defined without clarifying very much the life and death aspects of the present shifting balance of power. However, the President's Foreign Policy Report does state: "The United States and the Soviet Union have now reached a point where small numerical advantages in strategic forces have little military relevance. The attempt to obtain large advantages would spark an arms race which would, in the end, prove pointless. For both sides would almost surely commit the necessary resources to maintain a balance."

If the 35 pages of the Blue Ribbon Panel's Supplemental Statement say anything, it is that the maintenance of that balance has long since gone by the boards. If that statement—in an official document—is untrue, it should be refuted—officially. If it is not untrue, then the President's Foreign Policy Report dated five months later needs re-evaluation.

THE PRIMARY STRATEGIC THREAT

Secretary Laird's Report, dated March 9, 1971, under Section III entitled, *The Threats to U.S. and Free World Security* states: "The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy. Before discussing specific force planning under the strategy, let me review briefly the current and projected security threats. Admiral Moorer, the Chairman of the Joint Chiefs of Staff will provide *a more detailed analysis of the threat* [emphasis added] in his statement to the Committee." (We shall turn to Admiral Moorer's report later.)

The Laird report stated: "The primary strategic threat to the U.S.—the capability of the Soviet Union to deliver long range, nuclear weapons against targets in the United States—has been a matter of grave concern to us. Shown on Table 9 are our estimates of Soviet strategic offensive and defensive weapon systems in the near term. U.S. strategic forces are shown for comparison on Table 3."

In the report, Table 9 applies to U.S. forces while Table 3 applies to the forces of the Soviet Union—a small matter, but a slip to which Freud would have attached great significance!

The "specific force planning'" of the Laird report still leaves the relative ICBM balance, U.S. versus U.S.S.R., unchanged: "at the end of FY 1972 (it) will consist of 1,000 Minuteman missiles, 54 Titan missiles" [ed. note: old and obsolescent] as against about 1,200 SS–11 and SS–13 missiles of around 1 megaton each and corresponding roughly to the U.S. Minuteman, and about 300 SS–9 missiles [ed. note: new] of 25 megatons each.

If all this is bewildering as a policy of "strategic sufficiency" for an announced "Strategy of Realistic Deterrence" the point has been made.

ADMIRAL MOORER'S REPORT

And now let us turn to the report entitled: *United States Military Posture for FY 1972* by Chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, USN, before the House Armed Services Committee, dated March 9, 1971. Here, surely, one seeking assurance against the spectre raised by the Blue Ribbon Supplemental Statement, must find it. Our problem, after all, is purely military and as promised in Secretary Laird's Report one may expect "a more detailed analysis of the threat". Perhaps this is where we should have looked in the first place to see the danger to the U.S. broadly delineated, and the few steps needed to parry this threat clearly stated.

Admiral Moorer starts out with a nicely balanced plea for objectivity, and that we neither underestimate nor overestimate the strength of an opponent. Neither, he says, should our enemies, our free world partners nor we ourselves, underestimate the military strength of the United States. But . . . "We dare not underestimate the military capability of those who seek to expand their influence and hegemony over peoples whose interests now coincide with ours." That about covers the subject.

Admiral Moorer reported that as of the end of 1970, the U.S. had "fallen distinctly behind the Soviets in total numbers of operational ICBM launchers" (1054 to 1440) and that "the Soviets are already far superior to us in total strategic offensive megatons." While the Soviet SS–9 ICBM is discussed at some length, no mention is made that the megatonnage of the 300 SS–9's alone, which the Soviets are expected to have by the end of 1971, ". . . each capable of delivering 25 megatons" (Blue Ribbon Panel assessment) exceeds by many times that of our total ICBM launchers and moreover are "designed as counter-force weapons capable of destroying U.S. hardened missile silos" (Blue Ribbon Panel Statement).

Admiral Moorer also said: "While I do not believe the United States today is in a position of inferior military strength vis-a-vis the Soviet Union, the balance is tenuous in certain areas and, therefore, we cannot help but be concerned. The United States no longer has clear, superiority in strategic nuclear weapons."

THE PROBLEM IS NOW!

But then the Admiral went on to make what must be the most incomprehensible statement in modern military history by saying: "Due to long lead time in acquisition of modern weapons systems, the problem we see is in the future."

A "long lead time", far from putting the problem in the future stresses the present imperative.

But in line with the concept of the problem being in the future, Admiral Moorer recommends the adoption of the Administration's proposed military budget for Fiscal Year 1972. This budget does not in any way call for a reversal of the shift in strategic military power balance. In fact, since the Nixon Administration took office deep cuts have been made in the defense budget. Most of the dollar cuts have been made by the Administration, itself; though some have been made by the Senate. An even larger reduction in the *effective* level of spending for defense has been caused by inflation and pay raises for military personnel without additional appropriations to cover the cost of those pay raises.

The combination of these several factors has reduced our *effective* defense spending by about 25% under the Nixon Administration—a sharper rate of decline than that under the preceding two administrations.

In all fairness, one must hasten to point out that the Laird and Moorer reports cited were prepared by dedicated, patriotic Americans striving to advance the interests of the U.S., to the best of their abilities, within the framework of Administration policy.

HOW TO REVERSE THE TREND

Also, reversing a trend such as this is a problem of great complexity; a multiplicity of facts and factors must be taken into consideration. To forewarn without frightening is a necessary prerequisite to action in a democracy. Yet *The Wall Street Journal* for April 28, 1971, says, in part: "Defense Secretary Melvin Laird's increasingly grim assessment of Soviet strength may be a prelude to another escalation of the arms race and a possible request for a boost in the Pentagon budget.

". . . Mr. Laird's new threat assessment is likely to produce some skepticism and anger on Capitol Hill. here, lawmakers critical of defense spending are likely to view the Secretary's remarks as part of the 'annual rites of spring'—when military men come forward with evidence of new and menacing Soviet developments to justify their budget submissions."

Other newspapers have made similar statements.

Small wonder that loyal Americans of good will, seeking to discharge their Constitutional responsibility "to provide for the common defense" may wonder in a political context how far to go in alerting a nation to its peril. On the other hand, because we are a democracy, the shifting balance of power which imperils our Nation, our freedom, and the rest of the Free World, cannot be offset by our taking appropriate action, unless and until the people—all of the people—are informed by our governmental leaders who have the duty to assign the highest priority and sense of urgency to preparing Americans for a recital of some unpleasant realities and proposing a program for changing these facts.

The American people—we believe are capable of taking the harsh truth of our present danger—and capable of marshalling the spiritual, human, and material resources needed to assure the survival of our way of life.

It is this which must be done.

DR. A. G. B. METCALF,
Physicist and Military Analyst.

But at this time, hopes and longing are not enough. World conditions have given us responsibilities we did not seek, but which, in the interest of our survival, we cannot escape.

Mr. Speaker, with these thoughts in mind and my conviction that I am duty bound to help expose the best kept secret from the American public, I request that, at this point, I be allowed to submit for the RECORD a recent Washington Report of the American Security Council which contains the report detailing the decline of our comparative military leadership as well as excerpts from an article by Joseph Alsop which addresses itself to the alternatives we face as Americans in this less than perfect world. He illustrates that our role as a world power has a direct bearing on the lives and freedoms of the people of Israel as well as millions of other freedom loving people who look to us for support and friendship.

Mr. Speaker, the following is the article by Joseph Alsop, to which I referred above. I would like to quote in part from the article appearing in the Washington Post, Wednesday, August 4, 1971, and include the excerpt at this point:

[From the Washington Post, Aug. 4, 1971]

(By Joseph Alsop)

The alternatives, basically, are to submit to the Soviets, thereby creating "one world" rather rapidly; or to make the great efforts and sacrifices and investments that are needed to maintain a plural world, with room in it for free societies. The choice is uniquely American, for the reasons indicated in the last report in this space.

At bottom, there are two reasons. On the one hand, the Soviet Union can, and moreover quite surely will, create its own kind of "one world," if the Soviets ever manage to attain a nuclear monopoly. Given an effective nuclear monopoly, plus the will to make some hard examples, any nation today has world empire within reach.

On the other hand, the United States, as the only other serious nuclear power, is therefore all that stands today between the Kremlin and world empire. If you think about it at all, this clearly means that the unique American situation is also a most exposed situation.

Here, however, the main fact to note is rather different. It is the simple fact that Americans cannot possibly escape the responsibilities resulting from America's present unique situation. They are heavy and costly responsibilities. A great many people in this country now wish to ignore these responsibilities—to pretend that they are not really there—because of their unhappiness over Vietnam.

Yet this is an utterly untenable position, unless, for instance, you are cold-bloodedly prepared to see Israel crushed out of existence by the surrounding Arabs, with active military support from the Soviets. In 1970, the record is clear that the Kremlin gave serious consideration to just this enterprise of crushing Israel. And if the Kremlin has drawn back today, American power is the ultimate reason.

The plain truth is that until there are other serious nuclear powers among the nations, American power alone can prevent the Soviets from repeating, at will, other operations like the one that crushed the Czechs' new birth of freedom. Nor is that the end of the story. The new isolationism is not merely cruelly cold-blooded; it is also ludicrously impractical, at least for those neo-isolationists who sincerely desire what used to be called "Fortress America."

When the Soviets were seriously considering striking down Israel, for instance, their real aim was not Israel's destruction. Their aim was to get the whole Middle East in their grip, and thereby to turn the whole world balance of power almost upside down.

Yet we cannot maintain a true "Fortress America," while permitting the Soviets to do what they choose with the world power balance. It is simply not a feasible thing to attempt.

Mr. YOUNG of Florida. Mr. Speaker, in 1968 Congress first recognized the urgent need for a new class of high-speed attack submarines. As a result of this recognition, an additional submarine of the SSN 688 class was added by the Congress to the President's budget in each of the past 2 years bringing to seven the total number of these submarines we have previously authorized. Funding authorization in the amount of $1,310 million has also been provided. This year we are asked to authorize $881 million for the building of an additional five SSN 688 class submarines.

We cannot ignore the grave danger to our national security and freedom of the seas the Soviet submarine threat poses. This continuously expanding threat with its ballistic missile, cruise missile, and attack type submarines must be effectively countered. As the first all-new class of submarines in over 10 years, the SSN 688 with its tested and proven nuclear power plant, latest noise reduction features, improved sensors, advanced fire control and computer complex and improved countermeasures can provide the necessary counter. It will also be capable of performing many other missions including the traditional submarine role of attacking surface ships with torpedoes.

I call upon the Members to continue our support of the submarine construction program. We cannot afford to accentuate the erosion of our naval forces by cuts or deferments to this vital program. It is incumbent upon us to enable our Navy to prepare today to meet clearly foreseeable contingencies in time of need.

The Soviet ballistic missile submarine force has been significantly augmented in size and capability by the introduction of the *Yankee* class submarine with its capability for launching 16 nuclear ballistic missiles. The U.S.S.R. currently has a force of at least 17 *Yankee*'s, and an intensive construction program is underway. The threat posed by this rapidly growing force has a unique quality represented by its short time of flight capabilities against time-sensitive targets.

ASW command, control, and communications are essential to effective reaction to an attack, and the potential of the command and control system, as well as the alert system of our manned bomber force, raises questions about the continued ability of the United States to maintain a posture of strategic sufficiency, unless our ASW forces retain the capability to protect the credibility of our deterrent.

More serious than its obvious second-strike role is the possible employment of the Soviet nuclear-powered ballistic missile submarine force as the spearhead of a coordinated first-strike disarming attack, in which the submarine-borne missiles would be launched from close range at the most time-sensitive U.S. strategic targets—the National Command Authority—NCA, the commanders in chief, the alert Strategic Air Command bombers, other fixed targets, and critical communication links. ASW forces have the potential to trail *Yankee* submarines and to provide warning at the launch of the first wave of submarine-launched ballistic missiles; however, improvements in underseas surveillance capabilities and communication systems are required in order to maintain an effective early warning system against these improved Soviet submarines. Although our ASW forces have a potential to destroy the missile-carrying submarines during a first-strike launch, major ASW weapon system improvements are required if this potential is to be maintained against a high missile firing rate.

The Navy is taking the following actions in recognition of the submarine-launched ballistic missile threat:

First, conducting at-sea exercises to measure and improve the coordinated strategic capabilities of our ASW air, surface, and subsurface forces working in conjuction with other surveillance systems.

Second, supporting research and development in acoustic surveillance and developing new and all-source information processing systems.

Third, exploring improvements in systems and procedures to provide reliable and timely warning of submarine-launched ballistic missile attack.

Fourth, initiating research and development programs for development of early intercept, and improved SSBN kill capabilities.

These efforts must be strongly supported in order to provide an adequate qualitative response to the Russian strategic submarine threat.

Mr. ARCHER. Mr. Speaker, we have already heard a great deal about the consequences of our involvement in the Vietnam war. But I am compelled to rise and point out a seldom discussed byproduct of that war which is, to me, extremely alarming and disturbing. I am talking about what that war has done to the American spirit and American self-confidence. There is really no way at present to measure with certainty what the long-range consequences of Vietnam may be. But it must be clear to every American that the war has seriously damaged the valiant American spirit.

Mr. Speaker, we are probably the most self-critical nation on earth. That quality has always been part of our national equipment and, in many ways, it has proven to be an asset. It has helped us to eliminate many of the flaws and injustices of our society, to correct most of the imbalances and inequities, and to repair the mistakes which all human institutions, because they are human institutions, make. Self-criticism, if it is constructive and properly directed, is a virtue and even a blessing.

We think of ourselves as an established country, mature in our judgment, responsible in our actions. Yet we continue to search for answers to problems that we could not conceive of just 20 years ago. At times our goals seem clouded, our aims unsure. Those ideals which we hold so dear have come under criticism both from home and abroad. But, to those who would have us believe that this country is suffering from some incurable disease because of the seemingly many mistakes we have committed, let me remind them of what Theodore Roosevelt said:

> It is not the critic who counts, not the man who points out how the strong man stumbles—the credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat, who strives valiantly; who errs and comes short again and again; who knows the cause; who, at the best, knows in the end the triumph of high achievement; and who, at the worst, if he fails, at least fails while daring greatly.

We should be proud of what our country stands for and what our country is. But we should not let our pride confuse us into thinking that we have no room for improvement. And it is our tradition of constructive self-criticism that will continue to guide us.

However, we seem to be on a binge of destructive self-criticism. I suggest that the long and costly war has helped to bring this about. Opposition to the war has spawned a whole class of individuals who have made it their purpose to disparage our country and our institutions. The result has been a concerted attack on the reputation of America.

But I believe these critics are ignoring our values and our greatness. The very fact that these critics are allowed to speak out so freely is a tribute to the freedoms we have always cherished and are striving to protect throughout the world. We must keep fully in mind that our ability to defend our freedoms depends upon our national defense posture. We must maintain a strong strategic position capable of meeting any foreign challenge.

I think we would all admit that there are things in this country that need to be corrected, that we have made mistakes, and that we are not perfect. But to ignore our progress and our ideals, our leadership in virtually every area of human involvement, is the greatest mistake of all. It is too easy to criticize and then say no more. Self-criticism carries with it the burden of finding a solution. The freedoms and privileges we enjoy are coupled with awesome responsibilities to protect those freedoms.

We can admit that we have made mistakes; fallability is the common burden of mankind. But we must resist the temptation to turn inward, to revive the isolationism of the past, to turn away from hard choices and difficult responsibilities. Responsibility is always difficult, whether on the personal level or on the level of international affairs. The temptation is always to go the easiest route, the path of least resistance. In the past, those who have sought the simplest solution often have found neither security nor peace. Weakness has only invited aggression, whether in the time of Caesar, Napoleon, Hitler, or Stalin.

Our country must not turn her back on her responsibilities now—the stakes are too great. We cannot allow a complete disavowal of our commitments. We cannot take the counsel of the prophets of doom, whether their motives are sincere or sinister. Although I wish it could be otherwise, we cannot accept the counsel that we have nothing to fear from the Russians; that we must scrap the military and rely on the good faith and beneficent intentions of the Communists; that an era of peace and understanding will be ours if only we will disarm unilaterally and then ask our enemies to renounce their warlike posture—these "simple solutions" can only compound the likelihood of international conflict.

As I said at the beginning, Mr. Speaker, we cannot as yet measure the long-term consequences of Vietnam. But it is clear at this point that disillusionment and frustration the war has caused has given birth to a new sort of isolationism and has given rise to many irresponsible demands for unilateral disarmament. abandonment of our allies, and rejection of our role as the defender of freedom.

I share President Nixon's confidence that our country will in the end shake off the "crisis of the spirit" that he correctly described as afflicting our people today.

Until our people regain their lost confidence in their government, in their will, and in their future, we will be passing through a difficult period. Hopefully, it will be a short period. However long it should last, we should resist the counsel of despair that America is "an outlaw state," the counsel that would have us turn inward, weaken our defenses, neglect our friends, and reject our international responsibilities. America, as President Eisenhower said 10 years ago, is the hope of free men everywhere. Let us keep it that way.

Mr. HILLIS. Mr. Speaker, the Preamble to the U.S. Constituiton says:

> The first duty of the national Government is to provide for the common defense of our country.

Ralph Waldo Emerson—1803–82:

> For what avail the plow or sail, or land or life, if freedom fail?

Theodore Roosevelt, speech at 1901 Minnesota State Fair:

> Speak softly and carry a big stick.

Gen. George C. Marshall:

> We have tried since the birth of our nation to promote our love of peace by a display of weakness. This course has failed us utterly.

L. Mendel Rivers, House speech October 7, 1970:

> Decisions on the defense budget should be based on the simple question of national survival—and nothing else. The issue should be "what is required to survive?" and not "how should we allocate the national budget between defense and domestic programs?"

Secretary of Defense Melvin R. Laird, in defense posture statement to Congress March 9, 1971:

> I reject the view that peace is well served if military power is unilaterally weakened.

Today, and in the near future, some serious and difficult decisions will have to be made concerning the future security of our great country. These decisions are far reaching. They affect the freedom of the entire free world.

The threat against our way of life is very real. In the 1962 Cuban missile crisis, President John F. Kennedy ordered the Strategic Air Command—SAC—to orbit B–52 bombers in and out of Russian radars at 50-second intervals. This overt show of force persuaded Nikita Khrushchev to withdraw Soviet missiles from Cuba. Following that humiliation, the Soviet Union has accelerated its military buildup at an unprecedented clip.

Referring to the Cuban confrontation, Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations, told a group of American Legion students at the Pentagon July 27, 1971:

> Just as the Soviets have been rational and back down in the face of our superiority, they will expect us to be rational and back down if they gain that superiority—and I think that we would have to.

Evidence is abundant that we will soon be No. 2 as a world power, if we are not already.

Janes Fighting Ships is a private British publication used the world over as a naval reference book. The 1971–72 edition, just published in July 1971, states that—

> The Soviet fleet now represents the super navy of a superpower.

While—

> The size and relative capabilities of the U.S. Navy continue to decline at what many authorities consider to be an alarming rate.

The Blue Ribbon Defense Panel—16 business and professional men appointed by President Nixon to study U.S. Defenses—concluded that the American-preserved world order is disintegrating and that no informed person denies that the quarter century of clear U.S. superiority has ended. The panel said evidence is reasonably conclusive that the Soviets have attained a numerical and megatonnage advantage in long-range missiles, an atomic submarine fleet capable of destroying our national command centers, and bombers that are more modern than ours.

George P. Hunt, a retired Marine Corps lieutenant colonel and former Life managing editor, said in a Life article published June 18, 1971:

> It will take fast and skillful work to put our military back in shape.

The current U.S. defense strategy calls for a balanced mix of deterrent weapons to meet a variety of threats. In today's situation, no single deterrent weapon can be depended upon to do the job alone. To counter Communist threats of military aggression and world domination, the United States must maintain sufficient military strength to make nuclear war not worth trying. We must also be able to suppress "brushfire" conflicts where nuclear destruction would be unthinkable. Our arsenal must be versatile enough to permit the President several options in the event of a flareup—not just the single option of overkill. That is like if you want to punish a youngster, and you have no choice other than capital punishment.

To nullify the awesome forces lined up against us, the Department of Defense employs a triad of deterrent strategic weapons: First, manned long-range bombers, second, land-based intercontinental ballistic missiles, and third, submarine-launched ballistic missiles.

Of these three weapon systems, the bomber is the only one able to operate across the total spectrum desired. The manned bomber can deliver either nuclear or conventional payloads. It can be diverted, recalled and reused. It can survey the target area and assess damage. Nuclear missiles offer only total destruction—nuclear only response. In the current division of strategic targets, bombers have 60 percent of the job to do, with 25 percent assigned to ICBM's and 15 percent by SLBM's. Most of our strategic firepower—measured in numbers of weapons or megatonnage—is carried by the bomber fleet. ICBM's and SLBM's primarily are targeted against cities. There is no way to beef up our existing long-range nuclear missiles so they will carry enough megatonnage to destroy hard targets—missile silos and dug-in defense installations—now assigned to bombers.

It is imperative, therefore, that we modernize our bomber fleet. Weapon systems must be updated and improved continually to insure their credibility.

SAC has been using the B-52 as its principal strategic bomber for nearly two decades. This eight-engine, subsonic jet has done its job well—but it was not designed, nor can it be further modified, to perform today's heavy bomber role competently. Would you drive a 1952 car on a long, hard trip?

SAC's new B-1, now under development, is the answer. The B-1, though only two-thirds the size of the B-52, provides twice the payload, better prestrike survival—quick launch and dispersal or air loiter—50 percent greater low-level penetration speed, alternate supersonic defense skirting capability, shorter takeof and landing, better targets coverage requiring fewer missions, requires smaller crews, and consumes one-third less fuel than the B-52. The B-1's four new jet engines and swing-wing design provide supersonic dash speed, subsonic low-level penetration—cruise speed—and aerial refueling with existing KC-135 tankers.

The B-1 is a first priority "must" for maintaining the credibility of our defense triad.

Mr. LENT. Mr. Speaker, the potential threat to this Nation's national security interests is at a perilously dangerous level. If present trends continue to make the country's defense budget the whipping boy of Federal appropriations, the President's defense options in a confrontation situation will be seriously impaired.

Past Secretaries of Defense have perpetuated defense postures based on parity with the Soviet Union. While this posture may have seemed sufficient in the early 1960's, the Soviets have failed to reciprocate in this parity theory. Indeed, they have drastically increased their own nuclear forces, increasing intercontinental missiles eightfold in the last 5 years alone.

It should be clear to all of us that while the Soviets continue to speak gently of coexistence and disarmament, their ongoing expansion of sophisticated nuclear weaponry certainly detracts from their credence.

In the fact of this Soviet buildup, assured destruction has become an outmoded defense posture for this Nation to follow. We can no longer be assured that we are even at parity with the Soviets, and if the disregard for keeping this country militarily abreast continues in the Congress, I am troubled that we might soon find our own defense capabilities a sad second.

I firmly believe we must expediently devote attention to the modernization of our forces. We just cannot permit the country's "Vietnam hangover" to obscure the real and continuing need for a credible national armed force.

Temptation has abounded after every war to further slice the number of men in uniform and curb development of advancing weaponry. But technology has made it imperative that the United States maintain a credible deterrent in the 1970's and beyond.

I am especially troubled by the comparable backslide in our naval force and the reluctance to fund research and development projects commensurate with their importance.

While most Members of this body were all too eager to accept the Blue Ribbon Defense Panel's recommendations on an all-volunteer armed force, we seem anxious to ignore the supplemental findings that the United States is falling behind the Soviets in research and development.

I believe, Mr. Speaker, that a new defense strategy is required for dealing with the realities of the 1970's. Let us move forward to adopt that new strategy and back it firmly and adequately.

Mr. GETTYS. Mr. Speaker, we are discussing today one of the Congress' most fundamental rights, the power to raise armies and build navies. And I believe we must realize that with this right goes responsibility, a serious responsibility, to our security as a nation and to the men we call on to risk their lives preserving it.

We face today a formidable adversary who has brought the best products of modern technology into the service of an impressive military machine. If we fall behind him in this respect, if we fail to keep in the forefront of our defense forces the sharp cutting edge of our superior technological developments, we fail unforgiveably in our responsibilities to our Nation and its fighting men.

One area where the Soviets are putting great emphasis is in their submarine force, the largest in the world. They are launching a steady stream of nuclear submarines with all the benefits of sophisticated technology. We expect our Navy to keep the sealanes open. But we cannot expect our Navy to beat the challenge of the Soviet submarine with aging and deficient ships and obsolescent aircraft.

Antisubmarine warfare is particularly sensitive to technology. To find a submarine hidden in the ocean's depths calls for an impressive application of technology, and as the enemy submarines improve, so must our abilities to detect and kill them.

In this year's budget we see the Navy—very properly, I believe—increasing its emphasis on this uniquely naval mission.

We see an increase to 36 P-3C antisubmarine patrol aircraft, reflecting its outstanding performance in the fleet since its introduction last year.

We see the first production lot of 13 S-3A aircraft, designed to protect our carriers and to carry an advanced antisubmarine capability wherever needed.

We see the continuation of the latest classes of destroyers and submarines, with a program for seven 963 class detroyers and five 688 class nuclear submarines.

We see an increase of the MK-48 torpedoes so badly needed to insure our submarine superiority to the Soviet challenge.

We see two of the submarine tenders needed to support the advancing technology of our submarine forces.

And we see the R. & D. program necessary to put the latest achievements of our science in the service of our security at sea.

I support these items.

And I call on the Members of this House to defeat any measures which leave our Armed Forces dependent on outmoded technology and obsolete equipment.

Mr. RUNNELS. Mr. Speaker, I rise today to join with my colleagues in expressing concern about the posture of this Nation in regard to our national defense. There is no greater problem facing this Nation—since our very survival depends upon our strength. In the past several years, it has become fashionable to attack our Defense Department, to ridicule those who are responsible for our security. And it seems to this Member of Congress that these sentiments are growing day by day. I would also like to say that I campaigned for Congress on a platform of concern about the rising cost of national defense. I felt, and I still feel, that much money has been wasted by bureaucrats on unnecessary items. I felt, and I feel, that much of our national treasure can be saved by closer scrutiny of the Defense Department now, and in the future.

But I also feel that we must spend whatever is necessary to protect our Nation, since our national survival is necessary for us to enjoy all of the other fruits of our freedom. Mr. Speaker, I ask, what good is a welfare program—if we have no nation? What good is a social security program—if we have no nation? What good is a medicare program—if we have no nation?

There was a time—not too many years ago—when this Nation could not have been defeated by the arms of all the nations in the world combined. But I have reservations today. I no longer feel as confident about the future of this Nation as I once did.

I am no longer positive that we could survive, as a nation, if we were subject to trial by fire. We have seen our enemies increase their expenditures for defense; we have seen the Soviet Union build up a "supernavy" in just the few short years since the Cuban missile crisis. We have seen the Soviet Union move ahead with their own intercontinental missile program; we have seen the Red Chinese test their nuclear weapons; and we have seen strong evidence that they are perfecting their delivery systems.

There simply can be no doubt—we are no longer the only supergiant. Others have moved into the arena, and our superiority has been effectively challenged. The question now seems to be what are we going to do about it? How are we going to meet that challenge?

I think that the first step we must take is to inform our fellow citizens. I believe that we must go to our people and tell them in no uncertain terms just exactly where we stand.

I still have faith in the people of this Nation and I believe that a vast majority of our citizens still have faith in this Nation. If our people are properly informed—without rhetoric or political hogwash—then I believe our people will respond with an outcry demanding that we move to close the security gap.

At one point in our national history the great rallying cry of the American people was "millions for defense, but not 1 cent for tribute." I believe today our people will say: "Do not spend one penny more than we must for national security, but in the name of the Almighty God, do not spend one penny less than we must."

Mr. MIZELL. Mr. Speaker, I first want to congratulate the distinguished gentleman from South Carolina (Mr. SPENCE) for reserving this time for us to discuss our national defense preparedness, a matter of the most extreme importance.

We are now seeing hopeful signs of progress in easing the tensions that have strained international relations, and posed serious threats to world peace, for a generation.

But in this period, as we attempt to move from an era of confrontation to one of negotiation, it is imperative that we keep our defenses strong, that we maintain our ability to negotiate from strength, rather than weakness.

This is no time for the United States to let its guard down, or to be lulled into dangerous complacency. For if this Nation loses its military preeminence in the world, the world will lose its greatest single hope for peace.

Again, I commend Mr. SPENCE for his efforts to forcefully remind the Congress, and the Nation, of the necessity for a strong defense, the very foundation of our freedom.

Mr. CAMP. Mr. Speaker, as my contribution to today's discussion on questions of military preparedness and strategic arms, I should like to make a few remarks on the subject of national sovereignty, which is what national defense is really all about in the final accounting. A nation which cannot defend its own borders is no longer sovereign; a nation which cannot defend its own interests abroad is well on the way to losing its sovereignty. We seem to be moving very much in that direction at the present, and this is a situation to which we need to draw attention now, since its stark reality may not become clear to everyone so long as there is no clear-cut confrontation between the Communist world and the free world at some point on the globe. That confrontation, by the way, need not necessarily occur at some faraway spot; it might very well take place in our own backyard.

Mr. Speaker, before the Soviet invasion and occupation of Czechoslovakia in 1968, a great many people—including many Czechs themselves—thought that the Soviet Union would never dare invade that country. Those who looked at the matter in this way were really analyzing things in their own terms: If they had been in the shoes of the Soviet leaders, they would not have contemplated doing such a thing. But the Soviet leadership has different ways of seeing things than we do, and they recognized very well that the Czech experiment, if allowed to succeed, would pose great dangers to communism in Eastern Europe and indeed all over the world: A reform movement from within is sometimes more difficult to cope with than foreign invasion. The only thing which might have deterred them from their move was the prospect of armed resistance from their victims, but the Czechs are well known for their reluctance to resort to arms, though for some reason they maintain a good army, and the Soviets knew there was very little chance that they would meet with any active opposition. They were right. And since the west hastened to forget what they had done as quickly as possible, the Soviets really paid a rather minimal price for averting a great danger to their system.

After the invasion was all over, the Soviet leader, Leonid Brezhnev, enunciated a policy now known as the Brezhnev doctrine. Whereas before, at least consistent lipservice had been paid to the principle of noninterference in the internal affairs of other nations; now that was discarded, and the Soviet Union assumed not only the right but the duty to intervene in domestic affairs of countries of the Soviet bloc in Eastern Europe if it deemed that the Socialist system was endangered there. In a way the Czechs had even set themselves up for this. It is not usually noted that, whereas most of the East European countries still call themselves people's republic—for example, the Polish People's Republic and the Bulgarian People's Republic—the name of the Czech state was the Czechoslovak Soviet Socialist Republic, the same term as that used to designate the constituent republics which go to make up the Soviet Union, or the Union of Soviet Socialist Republics. Thus the long-term prospect was that Czechoslovakia would be annexed to the Soviet Union as a republic, and thus would, of course, lose all its sovereignty. The other Eastern European countries would probably follow suit. So the liberalization in Czechoslovakia simply forced the Soviet leadership to speed up their timetable a bit and to declare that the Czechs were now deprived of their national sovereignty even if formally they remained an independent nation. In short, the interests of international socialism, as interpreted by the Soviet Union, override any principles of national sovereignty. This principle has been rigidly adhered to in the case of Czechoslovakia.

But, Mr. Speaker, Mr. Brezhnev has been willing to go a good deal further than this, especially when he began to extend his doctrine to such countries as West Germany. Eventually the Soviet Union will extend its claim to be the protector of international socialism in disregard of national sovereignty, not only to the countries of the Communist bloc, but also to those non-Communist countries in which the Socialists do not rule but where they have large constituencies, as in West Germany. In such instances it does not take much imagination to see the Soviet Union using all its military potential, up to and including invasion, if it decides that the interests of socialism are threatened in the free world. So long as the Western World has the power and the resolve to defend its interests, this power may be kept at bay, but we should not delude ourselves that it will not be used, as it was in Czechoslovakia, if it can be employed with impunity. So long as the West is strong, even if it seems irresolute, there is always the chance that it may find its resolution, and this may be enough to stay the Soviet leaders' hand; but if it has nothing with which to fight, it can discover all the resolution it wants, but it will get nowhere in the crisis. If our military power continues to decline at its present precipitous rate, we may someday find the Brezhnev doctrine applied to us. On that day there would probably be nothing we could do about it. And we would be no longer sovereign.

Mr. MANN. Mr. Speaker, I join in this colloquy today to restate a very simple fact—a fact so obvious, indeed, that it seems at first blush, both ludicrous and presumptuous to assume that it even bears repeating.

The fact is this. The Soviet Union is a nuclear power, and the United States is a nuclear power. They are the only serious nuclear powers in the world today. And they represent philosophies, political structures, economic forms, and social orders which are at virtually every significant point diametrically opposed. In this situation, the United States is all that stands between the Kremlin and world empire. It is all that stands between the Kremlin and totalitarian government for all people. It is all that stands between the Kremlin and an atheistic morality. It is all, in short, that stands between the Kremlin and the destruction of the values and the freedoms, imperfect as they may appear to some, that this Nation guarantees to its people and has committed itself to help defend in behalf of the free world.

That is a rather obvious fact. But it is a fact that seems all too often forgotten today amid the disenchantment with our unhappy experience in Vietnam and the naive rhetoric which hammers away at the theme that we could solve all our domestic problems if only we could get out of Vietnam, cut the defense budget back to a nubbin and use the money to attack domestic blight. Without discussing the idea that society's problems can be solved by merely spending more money—a trite old saw that should have been laid to rest long ago—without refuting the erroneous idea that the end of the Vietnam war will mean bushels of dollars to spend on domestic ills—an idea already adequately repudiated by the facts which my colleagues have stated here today—let me simply say that I am indeed grateful for this discussion today and for the opportunity to participate in it. I deeply hope that it will go a long way toward dispelling the euphoric fog into which we have been drifting as regards the priority which defense should have in our planning and the importance of its being adequate to meet any of the threats to our continued existence which the international Communist conspiracy poses for us.

In this connection, I believe Mr. Joseph Alsop's column in today's Washington Post is both timely and pertinent, and I include it at the conclusion of my remarks:

ALTERNATIVES FOR UNITED STATES

(By Joseph Alsop)

On the day before they loosed the bomb on Hiroshima, this reporter came within an ace of deciding to join the Communist Party. Even today, the reminiscence is perhaps relevant.

In brief, the China theater commander, Gen. Albert C. Wedemeyer, had been warned by the Joint Chiefs of Staff that a nuclear bomb would be dropped on Japan. The indicated drop-time was still about 48 hours ahead when Gen. Wedemeyer gave a farewell dinner for my old chief of those days, Gen. Claire L. Chennault. And Gen. Wedemeyer told us at dinner what lay just ahead.

The news meant, of course, that the war would soon be over; but it meant, too, that the ultimate weapons had been perfected. In consequence, although I do not want to overdramatize, the sole emotion that I can now remember feeling was undiluted horror.

The next day, Gen. Chennault's plane took us on to New Delhi. On the long air journey, there was ample time to think and all too much, alas, that needed thinking about. With the ultimate weapons unleashed upon the world, it seemed to me that what was then called "one world" was the only rational solution. But I had enough sense to see that "one world" would never be produced by such an instrument as the United Nations.

I also had enough sense to share very few of the squashy-minded delusions about Josef Stalin's Soviet Union, **that were so common** at that time. Yet it appeared to me that the Communist Party was the only organization seeking to create "one world" in what may be called a practical manner.

So for hours in the air, I wondered whether I should become a Communist. Only as we reached New Delhi, I concluded that this particular alternative was basically unbearable.

The little anecdote of over a quarter century ago may seem ridiculous; yet it still has its point today. The point is, quite simply, that the rational alternatives still confronting every American are really hardly different from those I pondered over the Himalayas.

The alternatives, basically, are to submit to the Soviets, thereby creating "one world" rather rapidly; or to make the great efforts and sacrifices and investments that are needed to maintain a plural world, with room in it for free societies. The choice is uniquely American, for the reasons indicated in the last report in this space.

At the bottom, there are two reasons. On the one hand, the Soviet Union can, and moreover quite surely will, create its own kind of "one world," if the Soviets ever manage to attain a nuclear monopoly. Given an effective nuclear monopoly, plus the will to make some hard examples, any nation today has world empire within reach.

On the other hand, the United States, as the only other serious nuclear power, is therefore all that stands today between the Kremlin and world empire. If you think about it at all, this clearly means that the unique American situation is also a most exposed situation.

Here, however, the main fact to note is rather different. It is the simple fact that Americans cannot possibly escape the responsibilities resulting from America's present unique situation. They are heavy and costly responsibilities. A great many people in this country now wish to ignore these responsibilities—to pretend that they are not really there—because of their unhappiness over Vietnam.

Yet this is an utterly untenable position, unless, for instance, you are cold-bloodedly prepared to see Israel crushed out of existence by the surrounding Arabs, with active military support from the Soviets. In 1970, the record is clear that the Kremlin gave serious consideration to just this enterprise of crushing Israel. And if the Kremlin has drawn back today, American power is the ultimate reason.

The plain truth is that until there are other serious nuclear powers among the nations, American power alone can prevent the Soviets from repeating, at will, other operations like the one that crushed the Czechs' new birth of freedom. Nor is that the end of the story. The new isolationism is not merely cruelly cold-blooded; it is also ludicrously impractical, at least for those neo-isolationists who sincerely desire what used to be called "Fortress America."

When the Soviets were seriously considering striking down Israel, for instance, their real aim was not Israel's destruction. Their aim was to get the whole Middle East in their grip, and thereby turn the whole world balance of power almost upside down.

Yet we cannot maintain a true "Fortress America," while permitting the Soviets to do what they choose with the world power balance. It is simply not a feasible thing to attempt.

Mr. MONTGOMERY. Mr. Speaker, I want to commend my distinguished colleagues, Congressmen SPENCE, STRATTON, and CRANE, for requesting this time in order that the Members might have an opportunity to express their strong opinions on America's defense posture or lack of it. I can remember distinctly on an early fall afternoon in September of last year, when the late Mendel Rivers stood in the well of this House and in his own words begged and pleaded with the Members to become aware and take note of America's deteriorating defense posture. As chairman of the House Armed Services Committee, he was in a position to know of what he spoke. Unfortunately, no one took Mr. Rivers' advice. I hope the discussion this afternoon will have some effect on my colleagues and make them realize the precarious situation into which our Nation has fallen.

Congressman Rivers ended his remarks by quoting from President Nixon who said:

> If the present trend continues, the United States, a very few years hence, will find itself clearly in second position—with the Soviet Union the greatest military power on earth.

Congressman Rivers followed by saying "I am afraid that that day has already arrived."

Mr. Speaker, what we seem to forget is that, in the last analysis, it is the American people who stand to lose everything if we fail to discharge our awesome responsibilities in respect to our national defense.

Consideration of the defense budget, contrary to what some would have us believe, is not a question of assigning relative priorities between defense and domestic programs.

Decisions on the defense budget should be based on the simple question of national survival—and nothing more. The issue should be "What Is Required To Survive?" and not "How should we allocate the national budget between defense and domestic programs?"

Mr. Speaker, I would like to deal specifically with our naval preparedness. I wonder how many of my colleagues realize that approximately 80 percent of the major ships in the Atlantic fleet are over 10 years old, and over 50 percent are over 20 years. The average age of the ships in the 6th Fleet is almost 19 years.

Those who are more knowledgeable than I on our naval might believe that our ships are capable of handling a contingency situation, but are only marginally capable of maintaining a high level of sustained operations.

At the same time, we find the Soviet Union building more modern ships that are capable of traveling anywhere on the high seas. We find the Russians flouting their seapower in the Mediterranean and assigning their nuclear submarines to patrol the coastline of America at a discreet distance. Even with these direct threats to our national security, some of us appear to sit back and be content. Some feel that by closing their eyes, it will just all go away.

The best way I know to describe the situation is to compare it to a football game. A few years ago we were entering the fourth quarter with a 20-point lead over the Russians. By next year or the next, we will be entering the fourth quarter with the score tied.

Mr. Speaker, it is time we all waked up and became aware of the deteriorating condition of our national defense posture. We need to face facts and realize that we can no longer sit back on our laurels and live on a reputation of the 1940's. This is 1971. Times have changed and we may find them changing even more and in a way none of us care to think about.

We cannot as a nation afford to spend one penny less on national defense than that amount which is required to insure that you and I and the generations that will follow us can continue to live as free citizens in a free and democratic America.

Mr. DANIEL of Virginia. Mr. Speaker, a once mighty nation is moving inexorably toward the status of a second-class power.

That once mighty nation is the United States of America.

Beset with domestic problems, real and imagined, torn by the war in Vietnam, harassed by seemingly uncontrollable inflation, slowly succumbing to a hedonistic indifference and complacency that is not only frightening but shocking, this Nation, as a representative democracy, may well be in its death throes.

There are many things right in America. There is still more freedom in the United States than in any nation in the world. The people of our country are still the best fed, best clothed, and best housed in the world. For the first time, we are spending more money for health, education, and welfare than we are spending on national defense. But somewhere, somehow, our sense of values has become distorted. We seem more determined to bring about shorter working hours and higher wages and profits than we are in preserving the system that has made America the wealthiest nation in the world.

If we are not already a second-class naval power compared to the Soviets, then certainly we shall soon become a second-class naval power.

We are spending more money on Navy shipbuilding this year than we have since unification of the armed services. But even the amount we are seeking this year leaves us far behind in our goal to at least maintain parity with the Soviet Union.

The Soviets are building submarines at a fantastic rate, not less than six to eight per year, a production rate far in excess of ours. Their shipyard capacity is even greater. These are nuclear and Polaris-type submarines. In 3 or 4 years they will have the equivalent of our Polaris fleet and then they will surpass us. They are far ahead of us in their guided missile capability on board their naval vessels. They have passed us in the production of new fighter aircraft. And while they are flying a new medium range bomber, and new supersonic fighters, we are still arguing about the B-1, the F-14, and F-15.

No one can question the fact that the Soviets today have a definite superiority in intercontinental ballistic missiles. I am not making this statement based upon my own conclusions. Let me quote from the supplemental statement to the report of the Blue Ribbon Panel which noted the following trends in our defense posture:

First. The growing Soviet superiority in ICBM's;

Second. The Soviet commitment of greater resources than the United States to strategic offensive and defensive weapons, with the continued deployment thereof;

Third. The possibility that present U.S. technological superiority will be lost to the Soviet Union;

Fourth. The convincing evidence that the Soviet Union seeks a preemptive first-strike capability;

Fifth. The rapidly expanding Soviet naval capability; and

Sixth. The mounting hostility of segments of the public toward the military, the Defense Establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the United States.

The panel concluded that if these trends continue the United States will become a second-rate power incapable of assuring the future security and freedom of its people.

In the forward to "Jane's Fighting Ships," which is certainly not a parochial publication, you will find these words:

> The size and relative capabilities of the United States Navy continue to decline at what many authorities consider to be an alarming rate. This situation, hitherto discussed in closed sessions of naval officials and in this annual, is now being addressed openly. The Chief of Naval Operations has told Congress that the Navy has "a lower than prudent level of current forces" and has "been falling well behind a responsible replacement rate."

The only naval superiority that remains exclusively in American hands is the aircraft carrier and it must be perfectly clear by now that the days of the big carriers are rapidly coming to a close. They are irreplaceable, but they are not being replaced. They are as invulnerable to attack as anything that floats, but they have been made vulnerable by attacks from all sides by those who argue that welfare programs must supersede defense programs. They are frightfully expensive—but they are also indispensable.

Mr. Speaker, America may be approaching the eventide of its short and glorious history. It may even now be too late to stop the clock. And unless this Nation tightens its belt, restores its initiative, rekindles its patriotism, and recognizes the awesome challenge to its way of life, then in not too many years from now we may simply be a short paragraph in Soviet history books.

I read recently in a book by James Michener that—

> In this country we get stuck with taxes, but in the old country we used to get stuck with bayonets.

I am not an alarmist, but I am a realist, and that day may be closer than we think.

Mr. PODELL. Mr. Speaker, there are 46 nations that are presently receiving American military assistance. Several of these nations make no pretense of allowing their own citizens political freedom. Several others are using our aid not for defensive, but for offensive purposes. Still others are employing American weapons not to protect themselves from foreign aggression, but to suppress lawful dissent at home.

Thus, much of the congressional debate over our military assistance program has necessarily centered around negatively oriented problems: Which nations currently receiving aid are underserving? Which nations are abusing our friendship? Which nations should be excluded from the next year's program?

My purpose, however, approaches the foreign assistance dilemma from a different, more positive direction. It is not to see support taken away from any of our friends. Rather, it is to insure that a highly deserving nation, the State of Israel, does become a recipient of U.S. military assistance.

Mr. Speaker, it is unanimously agreed among all rational statesmen that Israel is the only democratic ally we have position in the Middle East. The massive infusion of Soviet arms into the Arab States has made the situation clear. Israel is the only democartic ally we have in that area of the world. If the international security interests of the United States are to be preserved, Israeli political and military integrity must likewise be preserved. Even President Nixon has stated:

> We support Israel because we oppose aggression in every form. We support Israel because it is threatened by Soviet imperialism and we support Israel because it offers hope in the Middle East.

The Presidential words echo a fine statement. However, as has happened so often, the State Department has failed to match noble sentiment with equally noble action.

Allow me to document for you a procession of newspaper headlines which successfully highlights the absurdity of our present Mideastern policy:

September 4, 1970: "Arms Survey Shows Aid by Soviet Has Rebuilt Arabs to Prewar Power."

March 30, 1971: "Survey Discloses Massive Buildup of Soviet Military Force in Egypt."

April 19, 1971: "Soviet Spur Arms Flow to Egypt."

April 23, 1971: "Egypt Reportedly Gets New Air Defense Missiles." And finally, the crowning irrationality, on July 13, 1971: "U.S. Aides See No Shift in Mideast Arms Balance."

Mr. Speaker, in view of the overwhelming evidence of the Soviet arms buildup, I find it incredible that our Government can assert that it sees no threat to Israeli security.

During the last 10 months, Egypt alone has received over 100 new Mig-21 fighters. Under a Soviet-Syrian military pact signed last February, Syria has already received 21 Mig-21's, five Sukhoi-7 fighter-bombers, and 22 MI-8 helicopters, designed for troop transport. Another Arab belligerent, Lybia, has over 100 fighter jets currently on order from France.

Perhaps even more significant than the huge quantities of arms being shipped to the Arabs, is the extremely advanced quality of these weapons. For while the United States has dawdled over selling our older model planes to Israel, Russia has been giving her newest, most sophisticated weapons to the Arab aggressors.

Among these new armaments are a squadron of Mig-23 Foxbat fighters. Reputed to be the world's fastest warplane, the Foxbat has been judged by Israel and the West to demonstrate a clear superiority over the aircraft currently flown by the Israelis.

The Soviets have also supplied to Egypt the new SA-4 surface-to-air missiles, with an effective range of 80,000 feet.

Finally, Russia has installed "Swamp" and "Markham," two electronic military communications systems which effectively link fighter planes, radar, ground troops, and gun emplacements.

We are all familiar with the jokes regarding Egyptian military incompetence. However, these jets are no longer applicable, for the new weapons systems are being manned almost exclusively by Russians. There is no longer any doubt that the Soviets have undertaken a major military gambit in the Middle East.

The question before us is then, "Just what is the United States going to do about the Soviet-Arab militarization?" Recent developments seem to indicate that the administration intends to do nothing. It is my purpose to spotlight this do-nothingness.

So that the public can finally see how we have spent billions in aid for 46 different nations—yet for the firmest, most democratic of our allies, the State of Israel, we have not granted one penny of assistance.

I firmly hope that Congress may not only discover, but may correct the inconsistencies and irrationalities in our policy.

Why, for example, are we supplying aid to several nations which neither deserve nor require American military assistance as urgently as Israel, when at the same time, we are even balking at our promise to sell supersonic planes to the Israelis?

Due to the classified nature of the information, I cannot at this time reveal any specific facts or figures. However, I do wish to announce my intention to introduce, legislation that would include Israel in future U.S. military assistance programs.

Mr. WYMAN. Mr. Speaker, for the first time since the War of 1812 this Nation has genuine cause for concern as to its national security. The decade of the sixties witnessed the defense posture of the United States plummet from unquestioned superiority to the point where potential enemies have reason to seriously consider blackmailing the United States into submission to the will of another nation.

The Soviet Union today has deployed and operational more intercontinental ballistic missiles than does the United States targeted so as to wipe out most of our land-based ability to retaliate against attack. More ominous is the Soviet Union's research and development effort involving rapid and substantial increases in their already awesome first- and second-strike capability.

Russian research and development has also provided the Soviet tactical forces with a new fighter design almost every 18 months. The United States is not scheduled to have a new fighter until 1975—and this at a time when Soviet tactical aircraft are operationally superior to our most advanced.

Most alarming in the U.S. overall defense posture is the deplorable status of the U.S. Navy. The latest edition of the authoritative Jane's Fighting Ships credits the Soviet Union with superpower status in terms of its naval vessels in-being and rates the U.S. Navy as inferior at the present time, with the situation steadily worsening. Even after reducing the fleet to a 700-ship level, most of those remaining are at least 20 years old and many date back to World War II. Few modern replacements have been authorized and fewer are actually on the way. The Soviet Union, however, is presently expanding its new and efficient navy at three times the rate of the United States. At the same time, the Soviets are constructing additional shipyards to further accelerate their naval expansion. As with tactical aircraft and missiles, the Soviets have taken the lead in the oceans of the world and are making every effort to increase their lead.

The disquieting Soviet military advantage coincides with a rise in isolationism and antimilitary feeling in this country which is based on the naive belief that even defensive weapons, rather than the aggressive designs of men and nations, are the true causes of war. This is simply not so. In the rush to satisfy domestic priorities such as exist in no other nation, the damage to our defense capabilities is appalling. We cannot put the cart before the horse. It is impossible for this Nation to advance the principles upon which it is founded without first assuring freedom from outside aggression. Often forgotten is that in the last analysis, it is the American people who stand to lose a 200-year experiment in freedom—an experiment in which the well-being of the individual has risen to heights never before equaled. We, as representatives of the American people, cannot afford to fail in our responsibilities to provide an adequate national defense.

The following articles further illustrating the precarious state of our defense efforts merit serious consideration:

NIXON'S BIG TASK: DEFENSE FUNDING

(By William S. White)

Democratic defense leaders are privately pleading for more Republican help to beat off a gathering new-liberal, neo-isolationist assault upon the administration's military budget that is, in fact, by far the gravest challenge President Nixon has yet faced.

For while many have seen Senate rejection of two of the President's southern nominees to the Supreme Court as his most profound defeats ever, these would indeed be fairly relative to a loss by him of control of the defense posture of this nation.

The Senate's refusal to confirm Judges Clement Haynsworth and Harrold Carswell was no mere tap on the presidential wrist, to be sure. Still, he has already partly recaptured initiative there by bringing Associate Justice Harry A. Blackmun through to Senate confirmation, and there is no doubt that before too long Mr. Nixon will have put another conservative court appointee through the Senate.

So the President will ultimately win this war. To lose the war for the Pentagon's budget, however, would be an irreversible disaster, both in terms of our national safety and of Mr. Nixon's own authority as commander-in-chief.

For wild, deep cuts in military spending are now being demanded by a highly emotionalized and mixed bag of plain, old-fashioned budget-slashers, conscientious objectors to any and all wars or even defense appropriations, and howling evangels for limitless appropriations for domestic reforms. These people confront national security with its greatest crisis since the isolationists of the '30s very nearly destroyed our entire military establishment.

Such highly responsible men as the chairman of the Senate and House Armed Services Committees, Sen. John Stennis of Mississippi and Rep. F. Edward Hébert of Louisiana, are thus poignantly aware of the magnitude of the job ahead of them.

It is not merely that so many of the headlined Democratic senatorial candidates for President are in headlong flight from the maintenance of adequate American military power before increasing Soviet military power. There is the immense complication that substantial ranks of liberal Republicans in Congress have joined the clamor against "militarism." Their rhetoric is almost word for word an echo of some three decades ago while Hitler was rising in Germany and the Japanese war lords were following suit in the Pacific.

Then, the leader of the isolationists, Sen. Gerald Nye of North Dakota, was running a high-decibel propaganda "investigation" against "the merchants of death." A rather less hysterical description of these fellows was that they were simply men who were trying to make such weapons of defense as were minimally vital against the onset of what everybody but the isolationist could see was the gathering storm of the second World War.

Interestingly, the leader of the new isolationists, the new adversaries of the despised Pentagon, is also from the upper Middle West, which more than any other section has for generations tended to believe that to see-no-evil and hear-no-evil was the best guarantee of "peace." The new Gerald Nye is Sen. William Proxmire of Wisconsin.

The great American war lover of old was a Democratic President named Franklin D. Roosevelt—who was, in fact, all but frantically trying to keep this country neutral. Now the great American war lover is a Republican President called Richard Nixon—who is, in fact, all but frantically trying to withdraw from Vietnam without intolerable loss of American honor and national interest.

We barely made it 30 years ago in the matter of an adequate defense establishment. And, with all our belated rearmament, we should possibly have been thrown off the Normandy beaches—and quite possibly have lost the war then and there—had fate given us three more days of the foul weather that hit us on D-Day. Those who were there know and remember this; it is a pity that those who were not do not and cannot.

[From the Manchester Union Leader, Feb. 1, 1971]

ADMIRAL RICKOVER EXPLAINS NAVY REQUIREMENTS: NUCLEAR WARSHIPS NEEDED FOR U.S. SECURITY

(By Adm. Hyman G. Rickover)

We are returning from the post-refueling sea trials of the USS Enterprise (CVAN65), our first nuclear-powered aircraft carrier. The ship completed all tests, including full power operation, powered by her new design reactor cores which have enough fuel to last more than 10 years. The Enterprise was overhauled and refueled by her builder, the Newport News Shipbuilding and Dry Dock Co. of Newport News, Va.

The Enterprise was commissioned Nov. 25, 1961. She operated three years before her first refueling, including a 30,000 mile cruise around the world without logistic support with the nuclear Long Beach and the nuclear frigate Bainbridge in 1964.

Following her first refueling, the Enterprise operated four years on her second set of reactor cores, including four deployments to Vietnam before entering the shipyard for her second refueling and overhaul. The Enterprise has steamed more than 500,000 miles to date.

During the last year the Enterprise has been completely overhauled and reactor cores of an entirely new design have been installed in her eight reactor plants. These new cores contain energy equivalent to the amount of oil which could be carried on a train of tank cars stretching from Washington to Boston. This will provide her enough fuel to carry out all operations for the next 10–13 years, thus making her truly independent of fuel logistics support.

The new nuclear-powered aircraft carriers, Nimitz (CVAN68) and Dwight D. Eisenhower (CVAN69), now under construction at Newport News, will each have two reactors which will produce about as much power as the eight reactors in the Enterprise. The initial reactor cores to be installed in the Nimitz class carriers will provide for 13 years of ship operations without refueling.

We now have three nuclear-powered guided missile ships in operation, the cruiser Long Beach, the frigate Bainbridge and the frigate Truxtun. Two more are under construction: the frigates California and South Carolina. Funds have also been appropriated for the first two ships of a new class of nuclear frigates called the DLGN38 class and advance procurement funds have been appropriated for three more. The Navy plans to build more nuclear frigates in later years.

Nuclear power in surface warships gives them the ability to operate continuously at high speed which affords them protection not available to nonnuclear ships. This can mean the difference between winning and losing battles. As the number of our advance bases decreases and the size of the Fleet shrinks the need for ships independent of the logistic umbilical cord for propulsion fuel will continue to increase.

Next to providing the major deterrent to all-out nuclear war, the most important mission of our Navy is to insure that our first line naval striking forces can carry out their mission against the threats the Soviets are presently developing. A significant portion of our surface warships must be nuclear-powered or we may end up without a credible deterrent to Communist encroachments which do not warrant escalation to a nuclear war.

As the Soviets achieve parity in nuclear weapons strength, a credible deterrent against lower levels of aggression becomes vital. As recent developments have shown, we can no longer rely on the threat of nuclear war to stop Communist aggression unless the issue is so vital to us that we are willing to risk destroying ourselves to resolve it.

INVITES DISASTER

To structure our defenses on Vietnam-type wars and let our capability to hold our own in a larger nonnuclear war go by default is to invite disaster. It is widely understood that American nuclear superiority over the past 25 years has deterred nuclear war; it is not as widely understood that our naval superiority over this period has deterred lesser wars.

If we do not maintain the capability to operate our first line naval striking forces in all areas our national interests dictate, we will have given up the ability to carry out sustained military operations away from our shores, not only by the Navy but by the other services as well.

For the foreseeable future the aircraft carrier will be the principal offensive striking arm of the Navy in a nonnuclear war. No other weapon system under development can replace the long-range sustained, concentrated firepower of the carrier air wing.

Torpedo-firing nuclear submarines, cruise missile-firing nuclear submarines, nuclear frigates with antiair and antisubmarine capabilities, are all needed to supplement and augment the capabilities of the nuclear carrier.

Our carriers are vulnerable to attack by Soviet cruise missiles—as are all surface ships. However, the first line of defense our surface ships have against such missiles and their launchers is carrier based aircraft. Without carriers and their aircraft, other warships, replenishment ships and amphibious forces would all be much more vulnerable.

The nuclear carrier task force with its capability of unlimited operation at high speed is the most powerful, least vulnerable surface ship force in the history of naval warfare.

FUEL UNNECESSARY

Nuclear-powered carrier task forces can steam at high speeds without concern for fuel conservation or slowing to refuel. When necessary, nuclear ships can steam at high speeds to areas of low threat for replenishment of combat consumables such as weapons and aircraft fuel. These options are not available to conventionally powered ships.

Oil-fired warships must be refueled every few days, their operations will be restricted if the tankers they need are sunk or diverted by the presence of enemy ships. The United States lost more than 130 tankers in the World War II Atlantic Campaign, mostly due to German submarines an order of magnitude slower and less capable than the submarines the Soviets have today. The Germans started World War II with 57 submarines. The Soviets today have 350 submarines at least 85 being nuclear-powered.

Some have objected to nuclear warships on the basis of higher initial investment cost. These ships are often compared in cost with cheaper conventional ships of much lesser military capability, the argument being that we should build more of the cheaper conventional ships rather than fewer of the nuclear ships.

Yet study after study has shown that when all costs are considered nuclear warships cost little more than conventional warships having the same weapons systems—and the nuclear warships are far superior militarily.

Further, the cost of war itself far exceeds any cost needed to be prepared to prevent a war. The best warships we can build, hence the cheapest, are those which are never used in combat because they have served to prevent war.

With the heavy military and nonmilitary demands on the budget the United States must only spend where it is necessary and where the value received is clear. But the real value of having a Navy capable of countering the Soviet threat cannot be measured in dollars alone; our survival may depend on it.

The Soviets recognize the importance of becoming the world's strongest sea power.

We have now chosen not to challenge them with numbers of ships. It is, therefore, essential that the ships we do build are the most powerful and effective weapons we know how to build.

This means nuclear propulsion for major warships. The penalty for any other approach is the steady erosion of our conventional military forces; a consequent reduction in our influence and in our "options" in world affairs; and the reliance for our security on a nuclear weapons force which, if used, could mark the supreme failure of mankind.

[From the New York Times, July 29, 1971]

Jane's Says U.S. Fleet Declines While Soviet Has a "Supernavy"

London, July 29.—A British military expert said today that American naval strength in a serious decline while the Soviet fleet has expanded into a "supernavy" with a greatly increased sphere of influence.

"The situation for the U.S. Navy is serious," Raymond V. B Blackman, editor of the authoritative Jane's Fighting Ships, said in a foreword to the 1971–72 edition, published today.

"By any standards," Mr. Blackman added, "the Soviet fleet now represents the supernavy."

He wrote:

"So prolific has the Soviet naval shipbuilding effort been that the U.S.S.R. is now able to maintain a standing naval force in the Mediterranean five times stronger than five years ago to counter the American Sixth Fleet.

"Again, five years ago the U.S.S R. had no warships in the Indian Ocean, but today there are a score of surface ships alone, and there is no telling how many Soviet submarines are in the area."

ROLE OF MISSILE BOATS

Mr. Blackman underlined a relatively new development in "the recognition, not only by major powers but also by smaller countries, of the tactical power and strategic influence of the fast and diminutive warship armed with the optimum payload of guided missiles."

An alarming feature of the last decade, he said, was the rapidly increasing cost of building fighting ships. "Confronted with this escalation problem several of the smaller countries decided that the answer was smaller and cheaper vessels," he wrote.

"The diminutive missile boats with surface-to-surface systems will give smaller navies an offensive power out of all proportion to their modest over-all size."

Norman Polmar, editor of the American section of the 729-page annual, painted a gloomy picture of the United States naval development.

"The size and relative capabilities of the United States Navy," he said, "continue to decline at what many authorities consider to be an alarming rate. The force levels of the fiscal year 1972 budget reduce several categories of warship to their lowest strengths for a decade."

This has affected nearly all categories of vessels except aircraft carriers, in which the American Navy "now and for the near future maintains a decisive advantage," he said

The Soviet Union, however, "has already exceeded the United States in active surface ship and submarine numbers, including near parity in nuclear submarine strength and a larger nuclear submarine construction program," Mr. Polmar wrote. "In some respects the characteristics and capabilities of the Soviet ships obviously are superior to those of their U.S. Navy counterpart."

[From the Boston Herald Traveler, July 29, 1971]

U.S. Navy Decline Seen Serious

(By Louis Nevin)

London.—A British miltary expert said today that American naval strength is in a serious decline while the Soviet fleet has expanded into a "super navy" with a greatly increased sphere of influence.

"The situation for the U.S. Navy is serious," Raymond V. B. Blackman, editor of the authoritative Jane's Fighting Ships, said in foreward to the 1971–1972 edition, published today.

"By any standards," Blackman added, "the Soviet fleet now represents the supernavy of a superpower."

Increasing Soviet naval power, he said, has led to "a somewhat belated but now acute awareness evinced by hitherto quite autonomous navies of the need for international cooperation and mutual security."

This brought greater cooperation in both the Atlantic and Pacific oceans, he said, but the British withdrawal from the Indian Ocean left a hole in Western global defenses.

"The prime necessity would appear to be a multinational Standing Naval Force East, comprising warships seconded from each of the countries with military or commercial interests in that oceanic hemisphere from South Africa to Indonesia," Blackman said.

He wrote: "So prolific has the Soviet naval shipbulding effort been that the U.S.S.R. is now able to maintain a standing naval force in the Mediterranean five times stronger than five years ago to counter the American 6th Fleet.

"Again, five years ago the U.S.S.R. had no warships in the Indian Ocean, but today there are a score of surface ships alone, and there is no telling how many Soviet submarines are in the area."

Blackman underlined a relatively new development in "the recognition, not only by major powers but also by smaller countries, of the tactical power and strategic influence of the fast and diminutive warship armed with the optimum payload of guided missiles."

He added: "Ironically it is the new world sea power of the Soviet Union which had engendered the yen for cooperation, and it is the Soviet navy which has pointed the way to the ascendency of the missile boat over much larger orthodox warships."

An alarming feature of the past decade, he said, was the rapidly increasing cost of building fighting ships. "Confronted with this escalation problem several of the smaller countries decided that the answer was smaller and cheaper vessels," he wrote.

"The diminutive missile boats with surface-to-surface systems will give smaller navies an offensive power out of all proportion to their modest over-all size . . ."

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The Soviet navy, however, "has already exceeded the United States in active surface ship and submarine numbers, including near parity in nuclear submarine strength and a larger nuclear submarine construction program," Polmar wrote.

Mr. BENNETT. Mr. Speaker, the 30 destroyers provided by the DD–963 program are urgently required as a vitally important segment of the Navy's future ASW force structure. Let me, for a few minutes, expand on why this need is so pressing at this time.

Although the U.S.S.R. is basically self-sufficient in that she can secure essentially all the raw materials she requires from the Eurasian Continent and does not have to rely on sea communication—the United States and its allies are not. Yet, the self-sufficient Soviets are continuing to expand their seapower while ours is being reduced. There is little doubt that the Soviets understand the geographic importance of seapower.

Our Navy's primary task is to insure that the sealines of communication are maintained—unbroken—in order to sustain our overseas forces and our allies. Today, the Soviet Navy is appearing in all the oceans of the world. Their large submarine force, in particular, constitutes a challenge to our primary task. Remember that in late 1942 the Germans, with only about 65 subs at sea in the Atlantic almost succeeded in severing our vital sealanes of communications. The Russians have almost six times that number, and to underestimate this threat could be fatal. We can only maintain our sealanes by a dedicated, modern Navy with adequtae resources in terms of modern ships and aircraft.

Because of this submarine threat, the U.S. Navy must have capable up-to-date ASW units. The backbone of any ASW force is the destroyer. It is the destroyer which has the speed and seakeeping qualities to keep up with our fast task forces and high speed, high value military convoys. These ships must be able to carry out protracted ASW missions at high speeds and in all sea conditions anywhere in the world. The destroyer has always been and will continue to be known as the workhorse of the Navy. A modern, capable destroyer force composed of adequate numbers of ships is more essential to our country's defense today than ever before.

Today, more than 25 years after World War II, the greatest portion of the fleet's destroyer force consists of ships whose basic design stems from the late 1930's and whose construction was completed in the early 1940's. These ships have been modernized to the limits permitted by their basic hull and machinery. The fact is that they are not capable of being further updated.

The DD–963 class destroyers, which have been optimized for ASW, are in part, the replacements for overage destroyers now in the fleet. The Navy has consistently reported to Congress the requirement for a minimum of 30 of these ships, which is far from a 1-for-1 replacement.

From the beginning, the objective of the DD–963 program has been to deliver highly capable, multipurpose destroyers to the fleet through series production of a standard design at a reasonable cost. All weapons and sensors for the DD–963 were selected from those available systems that have already been in production, or systems that will have completed extensive tests and proofing prior to being installed. I think it is important to stress that the program is no longer in the study phase but is now under development and production. We are not involved in guesswork or speculation—no research is involved.

There has been some talk that the DD–963 will be only comparable to its Soviet counterparts at sea today. This is not so. For its expressed purpose, the DD–963 has the best ASW weapons and electronic systems available. Its staying power, habitability, and growth features are the best yet developed by our Navy, and in those areas it will be far superior to any Soviet ship. In fact, Navy information shows that the DD–963 will be the best ASW ship in any navy.

There also has been some talk that the DD–963 program will be delayed by the LHA program. This is not so, either. To date, all contract milestones have been met and the program is on schedule.

Finally, the DD–963 program is the product of over 4 years of careful step-by-step planning which has resulted in a ship that will carry the most effective and modern weapons, sensors, and other equipments available. This program has already been subjected to unusually detailed and well-documented review by the Congress. It has gone beyond the initial funding stage. The contract was executed June 23, 1970, and funds have already been appropriated for nine ships: three in fiscal year 1970 and six in fiscal year 1971. The fiscal year 1972 Defense authorization bill now before Congress contains a requirement for the seven-ship third increment. Cost estimates have not changed since last year's program presentation, except for estimates of escalation. Any reduction in the 30-ship program would involve substantial cancellation costs and reduce any savings in cost that accrue from a multiyear contract. I urge Members of Congress to support full funding for the seven DD–963's now in the budget before Congress.

Mr. WHITE. Mr. Speaker, the weakness of our strategic defense doctrine is becoming more apparent every day. For example, rather than being able to quickly settle the dispute with the Soviet Union over the Middle East as we were able to do in 1956, we are now forced into an inconclusive and dangerous period of dealing with the Soviets when we are unable to influence their actions through diplomatic means. This is partly due to the vast growth in Soviet strategic forces.

While the United States has been clinging to the "assured destruction" doctrine of national defense for almost 10 years since it was forced upon the Department of Defense, the Soviet Union has been seeking strategic superiority. Rather than stopping at "parity" as Secretary McNamara assured us they would, the Soviet Union has been building strategic nuclear forces at a rate which far exceeds any plausible requirement of deterrence.

The result is that the task of the Department of Defense has become to assure the vulnerability of the citizens of the United States—in service of a doctrine that is without logical or empirical support for any of its premises.

The assured destruction doctrine has been concisely analyzed by Dr. Donald G. Brennan, a staff member of the Hudson Institute in an article published in the New York Times, entitled "Strategic Alternatives I and II" on May 24–25, 1971. While I may not necessarily endorse all its arguments, I think much of what is said should be considered, and therefore, I include the complete text of Dr. Brennan's essay in the RECORD:

STRATEGIC ALTERNATIVES: I

(By Donald G. Brennan)

American strategic nuclear policy has been dominated in recent years by an idea called "assured destruction." This concept is that the dominant task of the U.S. strategic forces is to be able to mount a nuclear attack that would reliably destroy a substantial fraction of the Soviet society, even after a major Soviet strike on American forces. Recent public statements of the Nixon Administration have emphasized a doctrine called "strategic sufficiency." Although published formulations of this doctrine are ambiguous, it is clear that something like the concept of "assured destruction" still dominates American strategic policy, even if the terminology itself is no longer used in official statements.

This domination extends to strategic arms-control matters. It is widely argued that the most peaceful, stable, secure, cheap, and generally desirable arrangement is one in which we and the Soviets maintain a "mutual assured destruction" posture, in which no serious effort is made by either side to limit the civilian damage that could be inflicted by other. Most of the opposition in the West to substantial systems of missile defense for cities and some of the opposition to the Safeguard ABM system derives from the alleged benefits of such a posture. This is pertinent to the forthcoming Soviet-American negotiations on offensive and defensive forces announced by President Nixon last Thursday.

I believe that the concept of mutual assured destruction provides one of the few instances in which the obvious acronym for something yields at once the appropriate description for it; that is, a Mutual Assured Destruction posture as a goal is, almost literally, mad, MAD.

If the forces of technology and international politics provided absolutely no alternative, one might reluctantly accept a MAD posture. But to think of it as desirable—for instance, as a clearly preferred goal of our arms-control negotiations, as many current proposals automatically assume—is bizarre. This can be made very clear by considering the simplest and most effective means of realizing it.

At present, we and the Soviets achieve a MAD posture by means of long-range missiles and bombers armed with thermonuclear weapons. There are, however, many problems associated with these forces; missiles and bombers may be attacked before they are launched, they may fail to perform properly, or they may fail to penetrate enemy defenses. Concern about such vulnerabilities in our posture helps drive the arms race. These forces are also expensive; the U.S. alone spends about $2 billion a year on them.

Now, if it were genuinely desirable to have a MAD posture, we could achieve it far more effectively, reliably and cheaply than at present. As Leo Szilard remarked ten years ago, we and the Soviets could have an arms-control agreement to mine each other's cities. We could install very large thermonuclear weapons with secure firing arrangements in Moscow, Leningrad, Kiev, and so on, while the Soviets could install similar weapons and arrangements in New York City, Chicago, Los Angeles, and so on. It is technically feasible to make such a system very secure, and the vulnerabilities mentioned above could be eliminated, which would reduce arms race pressures. While such a system would have its own technical problems, analysis indicates they would be far simpler to solve than those of the present system. It would also be much cheaper than the current system; it could have billions.

Yet almost everyone will judge it starkly absurd, even after consideration. And, since a mined-city system is clearly the best way of realizing a MAD posture, it follows that a MAD posture as a goal is itself fundamentally absurd—it is, indeed, mad.

This reduction-to-absurdity argument is useful for sharply drawing attention to the fact that something must be wrong with MAD as a way of life. However, one can discuss the problems of MAD directly. There are at least three interrelated problems.

The first is that, in spite of our best efforts, a major nuclear war could happen. An institutionalized MAD posture is a way of insuring, now and forever, that the outcome of such a war would be a nearly unlimited disaster for everybody. While technology and politics may conspire for a time to leave us temporarily in such a posture, we should not welcome it—we should rather be looking for ways out of it. And they can be found.

The second fundamental difficulty is, in essence, political: The body politic of the United States did not create a Department of Defense for the purpose of deliberately making us all hostages to enemy weapons. The Government is supposed, according to the Constitution, to "provide for the common defense," and plainly most Americans would revolt at the idea that a mined-city system is a sensible way to do this. They would be quite right. The Defense Department should be more concerned with assuring live Americans than dead Russians.

The third fundamental difficulty is moral. We should not deliberately create a system in which millions of innocent civilians would, by intention, be exterminated in a failure of the system. The system is not that reliable. If we accept a MAD posture as an interim solution, we should be seeking ways out of it, not ways to enshrine it.

Tomorrow I shall discuss alternative directions for strategic policy and arms control.

STRATEGIC ALTERNATIVES: II

(By Donald G. Brennan)

Yesterday I explained that many people regard a posture of Mutual Assured Destruction—MAD—as a desirable objective of our arms-control policy. I also explained that a mined-city system was obviously the most efficient way of achieving a MAD posture, and, since the mined-city system was clearly absurd, it followed that a MAD posture itself must be absurd.

Why, then, do some Americans advocate a MAD posture? The advocates involved are, in the main, technical or technically oriented people accustomed to theoretical models, and the arguments involve appeals to "stability" of various kinds and references to other sophisticated jargon—jargon that I understand very well, having helped to articulate it a decade and more ago. For instance, one argument sometimes heard is that this posture will best protect against nuclear war altogether, but this proposition is very dubious indeed.

While these advocates are undoubtedly sincere, and many of them are even intelligent, I believe have been bemused by theoretical models of strategic interactions, models which seem sophisticated and intellectually appealing but which are in fact much oversimplified descriptions of reality. Indeed, some few technical people, who have at least had the integrity to follow the logic of their analysis to its conclusion, have been so bemused by these models that they have seriously advocated the actual deployment of a mined city system.

Well, if an institutionalized MAD posture is not desirable as a permanent way of life, and it is not, what alternative is available? The answer is to provide increasing emphasis on defense, and corresponding reduction in the relative effort devoted to strategic offensive forces.

There is much controversy about just how effective defense (such as ABM) can be made against current offensive forces, or against further enlarged offensive forces. I cannot discuss this controversy here. However, there is very little controversy over the fact that defense can be made quite effective if the opposing offense is held down or actually reduced, while allowed defense is built up. This is precisely the direction that negotiations in the Strategic Arms Limitation Talks should be taking, but, so far as I can see, have not yet been taking. The forthcoming negotiation on offensive and defensive forces will provide both Governments with a good opportunity to pursue this possibility.

Even if it were held that currently achievable defense is too ineffective to be useful against even a suitably reduced offensive threat (a position that few informed persons would believe), it makes little sense to preclude the possibility of a more effective defense being found in the future. Most of the current approaches to these matters would do so.

It might be possible to achieve similar effects simply by sharply reducing offensive forces, without any defense, if it were not for two factors: (a) there are other countries in the world besides the United States and the Soviet Union, and (b) perfect inspection of sharply reduced offensive forces probably cannot be achieved, and defense can provide protection against clandestine weapons.

The most desirable postures providing increased defensive emphasis would be those achievable through negotiations with the Soviets. If such negotiations should fail, other alternatives, though less desirable, are available. I believe a sensible unilateral American strategic program would be governed by the following three rules:

The Budget Rule. We should spend about as much money on strategic offensive and defensive forces combined as the Soviets do, neither greatly more, which might stimulate arms-race effects, nor greatly less, which would leave us in a position of increasing risk.

I shall, for obvious reasons, call this the Brass Rule. In terms of possible strategic nuclear wars, we should be able to do about as badly unto the Soviets as they can do unto us. This makes its unlikely that the Soviets could "dictate" terms to the United States in a crisis. Note that this formulation—in contrast to the McNamara formulation of "assured destruction"—leaves open the possibility of reducing our threat to the Soviets, if their threat to us can be reduced by whatever means.

The Defense Rule. Of the money provided by the Budget Rule, spend as much on defense as is compatible with the Brass Rule. For the foreseeable future, this would require major continued expenditures on offense.

We should not be busily engaged in forging a permanent Sword of Damocles, to hang forever over our heads, by our own design and efforts. It is too likely to fall. We should rather devote our best efforts to escaping from this MAD posture. The alternatives are available.

Mr. ASHBROOK. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues an extremely interesting study written by Mr. Frank J. Johnson. This article, entitled "America In Danger," paints an alarming picture of the shifting balance in military power now underway. Mr. Johnson is a magna cum laude graduate in international affairs from Dartmouth University with a M.A. from Johns Hopkins University where he specialized in Soviet affairs.

As a member of the House Committee on Internal Security I am intimately familiar with the increasing domestic unrest which has characterized our Nation for at least the last 5 years. Internal subversion is a real and pressing problem with which members of the House Committee on Internal Security are trying to cope. However, as Mr. Johnson points out in this article, we must not let our internal problems distract us from maintenance of the defenses necessary to forestall an armed attack on the United States by the Soviet Union and, if such an attack should occur despite our best efforts, enable us to emerge from war the winner.

The Soviet Politboro has been concentrating its attacks against our Nation in various interrelated fields of unarmed revolutionary warfare up to this point. They have been conducting what one of the greatest military theoreticians of all time, Karl von Clausewitz, referred to as "war in the wider sense." The fact that they have been using this approach up to now does not mean that they will not resort to the use of nuclear weapons to bring about the revolution should the opportunity to successfully utilize them arise. If the 250,000 demonstrators which assembled in our Nation's Capital last spring had been 250,000 members of the Red army, the situation today would be quite different.

Mr. Johnson points out that there is overwhelming evidence that the Soviet Union is constructing its strategic offensive and defense forces in such a manner as to acquire a first-strike capability against the United States. Although there are some who state that it is impossible to achieve such a capability we can very easily visualize situations where a disarming first strike on the United States is clearly possible within the not too distant future. A first-strike capability consists of being able to lower the U.S. retaliatory capability, through the use of counterforce offensive weapons and ballistic missile defense, both active such as ABM and passive civil defense procedures, below that level of damage which the Soviet Politboro would consider unacceptable. We know that the Soviet Union has immense missiles such as the SS-9 with a 25-megaton warhead capacity, and a strategic defensive system which the Deputy Chief of Staff for Intelligence of the Strategic Air Command has characterized in these words:

> By almost any yardstick, overall Soviet aerospace defenses are the strongest in the world.

The Soviets long ago went beyond any reasonable force level which is designed simply for deterrence. A first-strike capability on the part of the Soviet Union is not only easily conceivable but it is apparent that they are moving toward the point where the reality of the relative strategic military balance will coincide with the conception. I would like to remind all my colleagues that the head of the Strategic Air Command, Gen. Bruce K. Holloway, stated before the Senate Committee on the Armed Services just last April that in his opinion:

> This country is in greater danger today than it was at the time of Pearl Harbor or at any time, in my judgment, since the 18th century, but the danger isn't generally recognized.

I would have to agree wholeheartedly with General Holloway's evaluation of the situation. The question is, What can we do about it? One fact Mr. Johnson mentions several times is that the United States had denied itself a damage-limiting option for its missile force even though the state of the art allows us to give our ICBM's such a capability. General Holloway testified before the House Committee on Armed Services that nothing had a higher priority as far as he was concerned. He also testified that the Department of Defense did not request that our strategic forces be upgraded to include this essential damage-limiting capability.

The reason for this reluctance to make our strategic rocket weapons as accurate as they might be, seems to be that some of our policymakers are enmeshed in a vicious theory concerning the effect of counterforce weaponry on stability. They hold that a counterforce damage-limiting capability on the part of the United States, that is the ability to limit damage to ourselves through knocking out Soviet strategic offensive missiles prior to launch, may lead the Soviets to believe that we are contemplating a first strike and thus motivate them to strike first in a crisis situation. It is interesting to note in this context that some of these same people do not seem to regard the Soviet counterforce weapons as destabilizing or, if they do, would simply prefer not to mention the fact, since they are usually not only opposed to increasing the accuracy of our missile force, but also opposed to the construction of an ABM system which would help protect our land-based Minutemen from the Soviet counterforce weaponry.

In any case what would seem to be an obvious fact, that an adequate defensive posture must include the capability to eliminate enemy weapons prior to launch as well as after launch, seems to have become lost in the semantic shuffle. An example will serve to illustrate the extreme peril in which we are placing ourselves by refusing to perform a relatively inexpensive modification of our existing forces so that they will have a forward damage-limiting capability.

The time period when the Soviets were projected to have the capability to critically degrade our land-based Minuteman force was 1975 until, in February of this year, construction of new large Soviet silos was observed. This projection is now, according to testimony of Dr. John S. Foster, Director of Defense Research and Engineering, obsolete. This construction of new missile fields is taking place during the SALT talks.

Although we are now satellite basing our strategic bomber force, dispersing them to a number of airfields away from our coast to increase the time available for takeoff in case the Soviets decide to attack them with their growing SLBM force, the B-1 bomber, with its much faster reaction time, will not be deployed until 1980. By the time the B-1 enters the force we will probably be down to a strategic bomber level numbering approximately 225 G and H model B-52's. To put this in perspective, our strategic bomber force numbered 1,500 in 1961. At the same time, Soviet deployment of Y-class ballistic nuclear submarines—similar to our Polaris—is proceeding at a much faster rate than originally projected, and they will probably equal us in numbers of Polaris-type subs by early 1974.

These two factors taken together lead me to believe that should present trends continue, Soviet momentum in deployment of new weapons systems, and lack of appropriate U.S. response will, in the not too distant future, result in the survivability of both our Minuteman force and our bomber force being in grave doubt. These two increments of our strategic triad contain 92 percent of our deliverable megatonnage. Should the Soviets be able to destroy our land-based Minutemen through the use of their SS-9's and new missile system, and our strategic bomber force through the use of SLBM's, this would leave us with 25 to 30 Polaris-Poseidon submarines, assuming that the Soviets do not make a breakthrough in ASW techniques, on station and ready to retaliate.

The Soviets on the other hand will still have unlaunched a force of 900 SS-11 ICBM's—similar to our Minuteman—in hardened silos, plus about 100 SS-3's—also similar to our Minuteman. Due to the influence of the "assured destruction doctrine" on our force structure neither our Polaris nor our new Poseidon have the ability to neutralize this Soviet countercity reserve force. Our SLBM's can only be used against civilian-industrial targets and are ineffective against hardened missiles such as the SS-11. We have only two options.

If stability has anything to do with preventing the Soviet Union from acquiring a first-strike capability and if stability implies anything, it implies this: failing to equip our Polaris-Poseidon force with warheads which can be delivered with enough accuracy to deny the Soviets an invulnerable missile force is highly destabilizing.

It is time we all came to grips with the reality of present-day conditions. By limiting our own strategic options, specifically by failing to equip our missile forces with a damage limiting option, we are increasing Soviet options and undermining the credibility of our deterrent.

The following study, written for distribution by the American Conservative Union by Mr. Johnson and released in July 1970, merits careful consideration and I include it at this point in the RECORD:

AMERICA IN DANGER—THE U.S. AND THE SOVIET UNION; THE SHIFT IN THE BALANCE OF POWER

From the beginning of the so-called "cold war" the principal weakness in the American conduct of that struggle has been the factor of will. Except, perhaps, for the era of Louis Johnson (Secretary of Defense under President Truman), preceding the Korean War, the military power has been available to accomplish almost any objective to which the U.S. Government and the nation set its mind. Had it been the Soviet Union which enjoyed the atomic monopoly in 1945, rather than the U.S., the world today would quite probably be controlled by Moscow through means of nuclear blackmail against any nation that might not "cooperate." No such "solution" to the problem of peace was ever open to the United States because of our national character; we are not aggressors. Our great military advantage did offer us, however, the valid option of an uncompromising defense of national freedom—a defense which could have prevented—or at least undone—the subjugation of Eastern Europe, China, and Cuba, and which might have contributed to favorable political changes within the Soviet Union itself.

But we failed this historical test. Time and again we settled for half-hearted compromises in response to Communist moves and ignored opportunities to exploit the dissensions and weaknesses of our opponents. The Communists have always been encouraged to keep on trying in the knowledge that the price of failure would be limited. For twenty-five years we have sought to deny Douglas MacArthur's great dictum that "in war there is no substitute for victory." It could not, it cannot be done. Not when the enemy's own objective is total victory over us.

Our failure to act decisively when the military advantage lay overwhelmingly with us may well prove to be ultimately suicidal. The United States is coming now into quite a new situation. In conjunction with the accelerating erosion of our political will to defend order and stability in the world (to be the world's policeman), there is occurring a pronounced adverse shift in the military balance of power. This means that before long, we may find ourselves without the effective capability to defend our friends and allies, and finally not even ourselves, when the chips are really down.

Granted, to some it is somewhat superfluous to worry about the roof blowing off when the walls are already leaking so badly that the water is up to the armpits inside the house. Why worry that the Soviets have passed us in numbers of ICBMs when the much more urgent problem is plainly one of internal revolution and domestic disintegration?

The answer is that the Soviet Union thinks it important, notwithstanding Weathermen, Black Panthers, the Workers' (Communist) Liberation League, Senator Fulbright *et al.*, to surpass us in ICBMs. There is no need for the Soviets to build such a large force for reasons of deterrence as we understand the concept. Russian imperial ambitions may not, after all, be entirely satisfied merely by the overthrow of capitalism in the United States. There is no "security" in the Kremlin so long as any state, regardless of ideology, still has the means to defy the Soviet will. The Radical Left, even if it wins all its points here at home, will still have those grim Soviet marshals to reckon with.

THE AMERICAN AND SOVIET POSTURES

One point must be grasped clearly or no mere comparison of Soviet and American military strength makes sense. The United States' strategic posture is, as President Nixon put it in his Foreign Policy statement to Congress, "political and defensive; to deny to other countries the ability to impose their will on the United States and its allies under the weight of strategic military superiority." The Soviet strategic posture, on the other hand, is the exact reverse of this. Its purpose may be said to be political and offensive; to impose the will of the Soviet Union on the United States and its allies under the weight of Soviet strategic military superiority.

The interesting thing about these divergent purposes in the nuclear age is that one is open-ended and the other in finite. The U.S. must maintain its deterrent power indefinitely. The Soviets achieve their objective at that point in time when ours is no longer tenable. And best of all, they can win the strategic struggle without the necessity of any nuclear exchange whatsoever. All that is required is a strategic situation in which all elements of the American retaliatory forces have ceased to become invulnerable to a Soviet first-strike. At that point the Soviet planners can be reasonably certain that the American will to resist them any further will collapse.

Secretary of Defense Laird has quite rightly pointed out that the question of whether the Soviets *intend* to strike first is less important than the factual question of whether or not they could acquire the *capability* to do so. The evidence here is overwhelming that they are building such a capability. Both their doctrine and their weapons systems are clearly oriented in a *counterforce* direction, i.e. toward neutralizing each and every American military threat to the Soviet Union. The U.S., on the other hand, has now shifted over essentially to a counter-value force, limited to being able to inflict unacceptable damage to Soviet cities and industrial installations after absorbing an initial Soviet attack. Warheads capable of attacking Soviet missile silos have been rejected by our planners. We no longer have the capability to strike first. Ours is a "deterrent" posture only.

SOVIET CAPABILITY

This is not the case with the Soviets. While some of the Soviet weapons systems, e.g. the SS–11 and SS–13 ICBMs and the Y class Polaris type submarines might reasonably be construed as targeted against cities rather than, or as well as, counterforce weapons, and therefore deterrence oriented, there can be no doubt at all about the giant SS–9 warheads or the fractional orbital bombardment system (FOBS). It would make no sense at all to use them in any other way than as part of a first-strike at American retaliatory forces. With the unveiling of these weapons, the Soviets have tipped their hand in a manner which is unmistakable. They have gone beyond deterrence of "sufficiency". They are going to outright strategic superiority.

The rate of construction is such that the current estimate of Soviet operational ICBMs by mid-1970 is now 100 more than it was projected to be last year at this time. Between September 1968 and September 1969, 160 were added. By mid-1970 another 200 were projected, which will bring the Soviet ICBM force to 1260, including over 275 SS–9s. At this rate they could have over 2500 launchers by the mid-1970s. The Y class submarine construction rate is also ahead of our earlier estimates. The Soviets could have 35–50 of these ships, carrying 560–800 missile launchers, by 1974–75. Just as the SS–9s would be a major threat to our Minuteman silos, the submarine missiles would be a threat to our land-based bombers.

We ought to be quite clear about the circumstances surrounding this Soviet effort. The Soviet strategic arms program is conditioned by what the U.S. does only to the extent that the Soviets identify the general nature of the American threats to themselves and set out to counter them. This obviously requires very long-range planning and cannot be influenced by any transitory congressional debate or executive decision to build this or that specific weapon system. Generally speaking, the Soviets have four distinct threats to overcome. These are 1) land-based ICBMs, 2) land-based bombers, 3) submarine-launched missiles, and 4) carrier-launched bombers. The Soviets are, and have been since at least the mid-1950s, systematically building a force structure capable of knocking out all four of these elements of the U.S. strategic threat to the Soviet Union.

In pursuit of this goal the Soviets produce an average of eight new aerospace weapons systems (space, missiles, aircraft) each year. These include an average of one new model ICBM each year, a new spaceship each two-thirds of a year, and a new fighter bomber every year, as well as transport aircraft, naval missiles, etc. This constant rate permits the Soviets to plan and develop new weapons systems methodically. Almost all are counterforce oriented.

For example, the latest in the Soviet series of aircraft is the Mig-23 "Foxbat" Mach 3 all-weather fighter. Like all other Soviet aircraft in the Mig series, this plane is primarily a "point defense" weapon. The U.S. builds aircraft primarly to control the air. The Soviets build for air warfare, but for point defense as well. Soviet tactical fighters are characterized by short combat radii and small payloads. Their primary objective is to defend the Soviet Union against air attack. Along the same lines, the SA–5 surface-to-air missile system constructed along the U.S.S.R.'s western borders and elsewhere (sometimes known as the "Tallinn" system) is now generally thought to be a long range defense system against bombers, rather than an ABM system as earlier believed (though some analysts still think it could be upgraded to have an ABM capability). This is because the Soviets take the bomber threat to themselves very seriously and wish to be fully prepared against it.

ON THE SEAS

The naval situation further illustrates the Soviet concentration on the neutralizing role of their armed forces. The threats come from our carrier aircraft and our Polaris/Poseidon submarines. Soviet naval forces are particularly designed to counter these forces. For nearly fifteen years the Soviets have been equipping their own submarines with cruise-type missiles which could be used in an anti-shipping role. They now have more than 30 of their 60 general purpose nuclear submarines so equipped in addition to older diesel types. They could also be used against land targets, of course, which gives them a dual capability. The Soviets have also gone in extensively for surface-to-surface missiles on their cruisers and destroyers as well as on smaller patrol types. The newer ships of this type have been built with the specific purpose of attacking our aircraft carriers. It is extremely significant that Soviet missile-armed destroyers have now begun to shadow our carriers in the Mediterranean Sea more or less permanently and at very close range. What this is doing is to establish for the Soviets the capability to destroy our carriers as part of a first-strike. There is no present defense against such weapons fired from close range. The U.S. Navy not only has no cruise-missile firing submarines of its own, but we have no surface-to-surface missiles on our surface ships either. We are not equipped to fight surface actions with the Soviet Navy. Both navies are now well equipped with surface-to-air missiles. If used in conjunction with nuclear warheads, these would be extremely effective against attacking aircraft. But what about the surface threat? U.S. admirals, at least, are plenty worried.

Polaris/Poseidon is still a tough nut for the Soviets to crack; at present they have no real defense against it. But there, too, they are working on the problem. The new Moskva class of helicopter carriers, two of which have been deployed into the Mediterranean, is now credited with being almost entirely oriented toward an anti-submarine warfare capability. The presumption is that the targets are our Polaris submarines. More than that, the Soviets are turning out a new V class of ASW (Anti-Submarine Warfare) submarines whose mission is probably to seek out Polaris. And both the Badger and Bear bombers have an ASW capability. The U.S. Navy still feels that there is not as yet a major threat to Polaris, but no one can bank on this for the indefinite future. The Soviets are making a particularly intensive effort to locate the launch areas of the Polaris boats.

On the defensive front, the Soviets have resumed work on their Galosh ABM complexes around Moscow. Some 60 sites have been brought to an operational status. Testing has been observed on an improved Galosh, and research and development related to a new long range ABM system has also been noted.

Still another ominous development is the Soviet anti-satellite capability. The Russians have set up a division of their defense system known as *protivo-kosmicheskaya oborona,* Russian for defense against space-orbiting combat missiles or intelligence satellites. One successful test of this system took place in October 1968 when Cosmos 248 homed in on two other members of the Cosmos class, 249 and 252, and destroyed them some 300 miles above the earth's surface. Destruction was by means of explosion. The Soviets could actually do the job by methods easier than the one used.

The U.S. has no comparable capability at present, but even if we had, the destruction or elimination of each other's reconnaissance satellites would benefit the Soviets proportionately more than ourselves. Assuming that the Soviets might choose to neutralize our reconnaissance efforts at some point in the future as part of a gigantic campaign of nuclear intimidation and outright blackmail, the sudden loss of much of our early warning against missile attack would greatly increase the discomfort of our position. To reply in kind by knocking down Soviet satellites would not help much because the rules of the game and the actual balance of forces concede the Soviets the first-strike. The U.S. has no effective counterforce capability and thus no first-strike threat, even if we needed, for bargaining purposes, to be able to exercise it.

This is the dimension of the bind into which the across-the-board Soviet military build-up is rapidly putting the United States. Their military posture is assuming a balanced offensive-defensive position wherein their first-strike weapons can destroy an ever higher percentage of our retaliatory forces while their defensive capabilities just as steadily increase in their ability to destroy whatever U.S. weapon may escape the initial attacks. While this is going on, their "conventional" forces are by no means being neglected. Theater air defenses, particularly in Eastern Europe, have received increased attention in improved equipment and facilities. These include hardened shelters for their aircraft and extensive and sophisticated camouflage. The swift, superbly executed invasion of Czechoslovakia stunned NATO commanders with a new appreciation of the military machine facing them in the East.

DETERIORATION OF THE AMERICAN POSITION

Confronted with this situation, it is little wonder that the Nixon administration ordered a review of U.S. strategic doctrine immediately after taking office. As the President pointed out in his statement to Congress, the outlines of the Soviet threat were becoming apparent as early as 1965, but the Johnson-McNamara team *assumed* that the Soviets were only interested in a retaliatory capability (so pervasive was the spirit of "detente" nurtured by the Soviets and their American dupes after the signing of the nuclear test-ban treaty in 1963) and tock heart in the comfortable belief that our own "assured destruction" capability could not be seriously affected by anything the Russians did anyway. Our own "restraint" in strategic weapons developments would supposedly provide a strong incentive for restraint by the U.S.S.R.

By 1969 these dream castles were in ruins to anyone with eyes to see what was going on. (More perceptive observers, in fact, had been warning of what was happening at least two years previously, only to be attacked as "alarmists" by Secretary of Defense McNamara and his spokesmen.) "The Soviets' present build-up," said Nixon, "raises serious questions about where they are headed and the potential threats we and our allies face." He went on to raise himself the spectre of blackmail: what if the Soviets should begin by knocking out a high percentage of our strike forces? Could a U.S. president reply by ordering an attack with the remaining forces against Soviet cities, knowing full well that this would result in a counter Russian devastation of U.S. population centers?

Thus the question is presumably no longer merely one of wishful thinking and false optimism at the top of the U.S. government. President Nixon and his Secretary of Defense have shown that they are aware of the problem.

THE INSUFFICIENCY OF "SUFFICIENCY"

What is not clear, unfortunately, is that the Nixon administration can or will do anything about that problem before it is too late. What is needed is a Churchillian "blood, toil, tears, and sweat" approach to a critical problem of national security. What is now being proposed, instead, is an "austere," "rockbottom" budget, a "minimum program essential for our security" for at least one more year during which we are to explore with the Soviets at the Strategic Arms Limitation Talks (SALT) the prospects for a mutual freeze on strategic weapons systems. Beyond this "year of transition", there is to be a five-year defense program based upon "four specific criteria for strategic sufficiency." The criteria are unspecified, but, according to the President, "there was general agreement that postures which significantly reduced or increased our strategic programs and deployments involved undesirable risks."

Risks, however, are being taken. The Administration appears to feel that it has no choice. "Changing national priorities," the battle against inflation, and strong congressional determination to reduce military spending persuaded the Administration to opt for a general politico-military policy of retrenchment. Since this policy is in no way being reciprocated by our foes, even Secretary Laird had to admit that there is "*some risk*" in the cutback. The actual result is a continuing relative shift in the balance of power to the side of the enemy.

For example, in the 1971 budget, funds are requested for a modest increase in the Safeguard ABM system, involving a third site. This will continue to be vital in counteracting the development of a Chinese threat when the Chinese develop an ICBM force—now expected to begin testing this year. But there is already some question about whether anything but a point defense of our Minuteman missile silos is feasible. This is because of the development of the Soviet FOBS. The characteristics of this orbital bombardment system are such that the warhead could be deorbited from a maneuverable trajectory to strike its target within a matter of a very few minutes, or before an area defense system could react.

Secretary Laird may have been alluding to this, in part, when he warned in his posture statement that "to be perfectly candid it must be recognized that the threat (to Minuteman) could actually turn out to be considerably larger than the Safeguard defense is designed to handle." Laird promised that should the threat go beyond levels which active defense can handle, he would not hesitate to recommend accelerated development of the Underwater Launched Missile System (ULMS), which would be a missile of intercontinental range fired from submarines stationed in U.S. home waters. But, so far, this is only in the planning stage.

A few general figures tell the overall story. The U.S. 1971 defense budget outlay is $71.8 billion, down from $77.0 billion in fiscal 1970. This represents 34.6% of the Federal budget of $200.8 billion and 7.0% of the Gross National Product, both the lowest percentages since before the Korean War. In the all-important area of research and development, the total expenditures will be about $13 to $14 billion for defense, space, and atomic energy research and development and for other space-related activities. The Soviet Union, on the other hand, is expected to spend in 1970 some $16 to $17 billion in the same areas, except that *all* of their space programs appear to be directly oriented to military purposes. According to Secretary Laird, "during the last few years, Soviet expenditures on such research and development and space expenditures have been increasing at a rate of about 10–13 percent per year, while comparable U.S. expenditures have remained relatively constant, and our actual effort has declined when inflation is taken into account. As a result, the Soviet Union has probably forged ahead of us in terms of the total effort currently being devoted to defense-related research and development. Nevertheless. I believe we still have a technological lead over the Soviet Union because of our greater past expenditures."

But a bit further on in his posture statement, Laird says: "Nevertheless, we simply do not know enough about specific details of the Soviet Research and Development programs inside their laboratories and research institutes to assess fully the entire threat."

From what we do know of the Soviets, it is unlikely that what we don't know about their programs would be of any assurance to us if we did know.

Up-to-the-minute intelligence, of course, is absolutely vital in the kind of life and death struggle in which we are engaged. The overall ten percent cut in the Pentagon budget applies equally to the Defense Intelligence Agency and the service intelligence branches. Officials concerned report that the cutbacks have not yet interfered with their activities, but that by next year, some programs will have to be cut out. They also point out that as the United States withdraws from some of its overseas bases, intelligence collection operations will suffer accordingly. These include in particular reconnaissance flights by manned aircraft. The "Fortress America" concept, if that is what our politico-military policies ultimately reduce us to, will weaken us at home as well as abroad by crippling our ability to stay informed of what the enemy is up to.

In view of the pull-back from our overseas bases, and the increasing sophistication of enemy defenses, it would appear more obvious than ever that we need long range, flexible response weapon systems like the F–111 fighter and F–111B bomber, which has the high speed, low altitude, terrain-following penetration capability necessary to cope with Soviet countermeasures. Nevertheless, economy considerations and structural problems now threaten its existence.

Many more examples could be cited to show that the United States military capability—both nuclear and conventional—in relation to that of the U.S.S.R. is eroding. Severe cutbacks in funds for operation and maintenance are degrading the fighting edge of our armed forces, particularly of the Navy, which is having to put many of its ships in mothballs. At a time when the Soviet Fleet continue to expand quantitively and qualitatively, and to show the flag in such distant areas as the Gulf of Mexico and Carribean Sea, this hardly reassures those fence-sitting nations whose policies are determined mainly by the hard power reality of international politics.

HOGWASH AND AMERICAN SECURITY

The President and his Secretary of Defense continue to assure the country that the military risks now being run are not "unacceptable," but the assurances fall flat. A strong anti-military tide is running in the nation and, even though it knows the score, not nearly enough is being done by the Administration to counter it. Too many soothing soporifics still issue forth, like the following from Secretary Laird: "Vietnamization, SALT, and the development of a new national security strategy are concrete manifestations of major progress. The threats from abroad, while growing, continue to be contained for the present at less expense than in recent years, and a new vigorous attack on our domestic problems has been set in motion."

This is hogwash. The United States today presents to its friends and foes alike the appearance of a great nation which is over the hill of its power and on an accelerating slide down the reverse slope. General world disorder threatens as even the smallest nations come to realize that the stabilizing role of the United States is ending. The prospects for SALT have been grossly oversold. The Soviets told us at Helsinki that they would accept nothing less than "parity," and their definition of the world would entitle them to build enough ICBMs to match every weapon carried by the whole U.S. carrier and land-

> based bomber force. This is obviously no good when the enemy is always conceded the privilege of striking first.
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> The open lobbying now carried on by Soviet ambassador Dobrynin and his aides against expansion of the Safeguard ABM system and the U.S. deployment of MIRV shows Moscow's current evaluation of the U.S. domestic scene. Last summer they failed to give much in the way of verbal assistance to the Safeguard critics, to the considerable chagrin of those gentlemen. The one-vote margin of approval must have convinced the Soviets to play their cards differently this time around.
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> The situation is grim. By rejecting the capability to destroy Soviet missiles on the ground, the U.S. appears to have adopted a strategic posture which is a loser. We cannot threaten the U.S.S.R. in the same way that she can threaten us. In the crises of the future—and they will make previous confrontations appear as nothing by comparison—this may be all-important. We put too much faith in the notion that the Soviets think like us; that like us, all they want is security against attack.
>
> Untrue. We want to survive only. They want to win. The difference may cost us our lives, or our country, or both.

Mr. HOGAN. I thank the gentleman from South Carolina for yielding to me.

Mr. Speaker, I have on occasion voted to cut some military programs, feeling that we were probably spending too much money on military expenditures.

Ever since the early days in this country when a ragtag American Army of civilians beat a polished military aggregation, we have had an antimilitary, tradition in this country. We have always been jealous and suspicious of the military. As a consequence we have subjected the military to more intensive scrutiny than any other aspect of our Government.

Reflecting this attitude, the news media have been zealous in trying to expose scandals and waste of money by the military. Cost overruns on military contracts have been exposed by the news media. The American public has been shocked by these exposures and have brought pressure upon their elected public officials to reduce military expenditures.

One of the shortcomings in our form of government is that we sometimes overreact to situations. I fear we have done so in regard to military spending.

The military has not been the only part of our Government which has had shocking cost overruns. The Kennedy Cultural Center was supposed to have cost $31 million, so far it has cost $61 million. The news media has not given any attention to this, as far as I know. Nor am I aware of any campaigns to point out how much money has been squandered by the Office of Economic Opportunity. If we are concerned about cost effectiveness, there is no worse example than OEO.

The real news peg for today is not cost overruns in the military, but how the Soviets are outstripping us militarily.

A strong defense posture is the sine qua non in this country. If we cherish the things we have in this country—our freedoms, our culture, our benefits—we should remember that they are only as secure as our military defenses are strong. And the sobering point I want to make tonight is that we are becoming a second-rate military power.

The growth of the Soviet fleet in the Mediterranean is, of course, very noticeable to us because our own Sixth Fleet has been on station there practically since the end of World War II. Our fleet comes in almost daily contact with the Soviet fleet by aerial sightings, radar, sonar and so on; comparisons of the respective strength of the two forces are inevitable.

The U.S. Navy no longer controls the Mediterranean. As recently as 1965, the Soviet Union had five ships in the Mediterranean; today it has 50. In 1965, we had 40; we still have 40. Russia has more submarines in the Mediterranean than the United States.

I would also like to point out that the situation in the Indian Ocean is equally serious.

The British decisions to cut back, and ultimately to eliminate, its forces in the Indian Ocean during the 1960's was essentially an economic one: The British economy could no longer afford the burdens of having a fleet on station and army garrisons at key points "east of Suez," as they called the area in the days of British imperial glory.

British military presence in the Persian Gulf, at Aden, in Singapore, and elsewhere is now only a memory. Only Hong Kong remains, and there, too, the lease is running out. We have a tendency to take too many good things for granted, and we appreciate them only when they are lost. Certainly, we took the British presence in the Middle East and in the Indian Ocean for granted, failing to appreciate its stabilizing influence and the identity of British and American goals.

This is a good example of the "future shock" that Alvin Toffler talks about: the acceleration of history, the blinding speed with which change occurs. Within two generations—in a series of events witnessed from start to finish by people still alive, Britain has gone from almost universal political and military ascendancy to a minor, and still diminishing, role in world affairs. The decision to abandon its last pretensions east of Suez in 1967 was really the end of the line.

As the British retracted in the Indian Ocean, the Russians advanced. Let me quote from the 1971–72 Jane's Fighting Ships which came out last week:

> Five years ago the USSR had no warships in the Indian Ocean, but today there are a score of surface ships alone, and there is no telling how many Soviet submarines are in the area.

This new Soviet presence has great implications for the United States and for the free world. Because we have neglected our own shipbuilding program for so long, because we have cutback on naval research and development, the balance is shifting against us in the Indian Ocean just as it is in the Mediterranean.

Mr. Speaker, I include in today's RECORD an article which appeared in the New York Times on November 13, 1970; it was written by Mr. T. B. Millar, who is the Director of the Australian Institute of International Affairs. It is entitled, "The Indian Ocean—A Soviet Sea?" Mr. Millar details what he sees as a menacing problem in the growth of Soviet power in the Indian Ocean. Let me quote him:

> Over the past few years, the Soivet Union has become the principal supplier of arms to nine countries on the Indian Ocean periphery. Through aid to harbour development, it has obtained access to ports and dockyard facilities in places such as Mogadishu and Berbera (Somalia), Hodeida (Yemen), Aden, and Vishakapatnam (India), and to a lesser extent to other key ports such as Mauritius, Singapore, and Port Blair in the Andamans. It has forced its way into the shipping organizations trading between Europe and the Far East and Australia. It is engaged in extensive hydrographic, oceanographic and maritime intelligence activities. It is erecting some kind of military facilities on the island of Socotra at the entrance to the Gulf of Aden (the London Times reported them to be a naval radio station and an ammunition depot).

Mr. Millar is very concerned, but clearly not hopeful of a solution:

> Do they matter? [Soviet intentions] They do if you live in the area, are a small state and see no evidence that any major power is interested in either verbal or practical restraint upon the Soviet Union's undeclared but increasing ambitions.

It seems to me, Mr. Speaker, that Soviet ambitions in the Indian Ocean should matter very much to the United States and it is time that we exercise that restraint that Mr. Millar hopes for.

Adm. Thomas H. Moorer reminds us that the Soviet deep water fleet, over the past decade, has been steadily expanding in size and capability. They are expected to have some 217 operational combat surface ships by the middle of this year, and this number will probably increase through the 1970's. In contrast to our fleet—which still has a sizable number of combat ships more than 20 years old—the Soviet fleet is much newer, with very few ships more than 20 years old.

President Nixon said this year:

> We believe the number of Soviet strategic forces now exceeds the level needed for deterrence.

He went on to say:

> The design and growth of these (Soviet) forces leads inescapably to profound questions concerning the threats we will face in the future, and the adequacy of our current strategic forces to meet the requirements of our security.

Dr. John Foster, Defense Department Director of Research and Engineering, testified in recent hearings before the Armed Services Committees of the House and Senate that since 1968 the Soviet Union has allocated most of its funding in research, development testing and engineering to the military.

Since 1968, there has been an annual growth rate of about 15 percent in Soviet military expenditures. As a result, the Soviets will be devoting the equivalent of about $11 billion to military research and development during fiscal 1972, 40 to 50 percent more than the United States.

Secretary of Defense Laird has said, that "reductions in technological areas already have seriously affected our ability to sustain essential technological leadership."

According to a study published by the American Enterprise Institute and the

Foreign Policy Research Institute, the capacity to retaliate after a first strike is affected crucially by the type of weapon available.

The study says current American ICBM and Polaris capabilities would be most effective against cities. In contrast, the Soviet nuclear force, with its SS–9 ICBM armed with a 25 megaton warhead, seems to be designed primarily for destroying ICBM silos and other strategic capabilities without employing the smaller warhead SS–11 ICBM's or missiles deployed on the submarine force. The United States could retaliate with its Polaris squadrons primarily against Soviet cities. But this would still leave the Soviet Union with a capability for destroying American cities, the study says.

In this context I think it is important, Mr. Speaker, that we look at Soviet attitudes toward international expansion.

At the 1971 24th Congress of the Communist Party of the Soviet Union Leonid Brezhnev said:

> In recognition of its international duty, the CPSU (Communist Party of the Soviet Union) will continue to pursue a line in international affairs toward promoting the further activation of the world anti-imperialist struggle and the strengthening of the combat unity of all its participants. *The total triumph of socialism the world over is inevitable,* and for this triumph, for the happiness of the working people, we will fight, unsparing of our strength.

We should also look closely at the attitude of Soviet military leaders regarding military force and use.

In 1961 a leading Soviet general said:

> The growing superiority of the socialist forces over the forces of imperialism. . . . will make it actually possible to banish war from the life of society.

But this year, that same general talked of the threat of a new world conflict which he said is present in the policies of U.S. imperialism.

The general added:

> If a third world war should become a fact, it will differ greatly from previous wars. It will take the form of a decisive class struggle between socialism and imperialism on a global scale with the most up-to-date weapons of armed conflict.

So, apparently Soviet military leaders who express in public only ideas that they have agreed upon, have made contingency plans for a third world war.

How do the top Soviet military leaders feel about the threat of war? Recently in their writings all four men emphasized not negotiations, not an effort to eliminate world tensions by reduction of military burdens, but in one man's words, "strengthening and keeping the Soviet defenses at top level."

And one general exulted, "Our modern armed forces are mighty as never before."

Throughout the statements by the four military leaders this year has run a shift from confidence in the irreversible strength of socialism to heavy emphasis on the increased imperialist danger.

How do analysts view the attitudes of these Soviet generals?

Milorad M. Drachkovitch, writing in the National Review, says that their statements show that—

> Instead of showing any inclination to replace confrontation with negotiations, the Kremlin's military chiefs seem bent on sharpening the ideological struggle between socialist and capitalist systems.

He also says that—

> These Soviet military leaders emphasize in the bluntest possible terms the strength and growth of a Soviet military might that goes far beyond the legitimate requirements of national defense.

Mr. Speaker, despite the ever dwindling difference between American and Soviet forces, the United States has sought to achieve security at "bargain rates." The proof of this can be seen in the continuous decline in the portion of our ever-expanding GNP that is committed to national defense—in contrast to the steady increase in comparable Soviet expenditures.

Although the wide margin of superiority we enjoyed over the Soviet Union a decade ago has, until recently, sustained the psychological appearance of U.S. advantage, we have failed to recognize that national security and international peace cannot be bought cheaply.

Leonid Brezhnev's declaration to the 24th Party Congress—"the total triumph of socialism over the world is inevitable"—should remind us that the Soviet Union has not changed its plans for world conquest.

As costly as it may be, we must be as strong, or stronger than our potential adversaries in the world. The question is not whether we can afford it or not. We cannot afford not to.

The above mentioned material follows:

THE INDIAN OCEAN—A SOVIET SEA?

(By T. B. Millar)

CANBERRA.—The Public Accounts Committee of the Australian Parliament has been examining witnesses over a budget allocation for the first stage of a naval base facility at Cockburn Sound near Perth on the West Coast of this three-million-square-mile continent. A pacifist geologist solemnly raised with the Committee the question of pollution, while a senior naval officer justified the allocation partly in terms of the growing Soviet presence in the Indian Ocean area.

A prominent East European visitor said here recently that there are two basic reasons why the Soviet Navy is in the Indian Ocean: (1) there is a Soviet Navy, and (2) there is an Indian Ocean. However sophisticated this may or may not be as a rationale, it does not go very far towards clarifying Soviet objectives.

Although it has occasioned a good deal of comment, some highly exaggerated, the Soviet Navy has not yet been out in strength in the Indian Ocean. According to reports, the number of surface ships has been as low as two or three in the whole ocean at any time, or as high as twenty-five or thirty. Submarines of course are less easily counted. The significance of the Soviet vessels lies less in their quantity than in their novelty, in the fact that they have so little competition, and in their being part of a collection or pattern of Soviet activities, strategic, political and economic.

Over the past few years, the Soviet Union has become the principal supplier of arms to nine countries on the Indian Ocean periphery. Through aid to harbour development, it has obtained access to ports and dockyard facilities in places such as Mogadishu and Berbera (Somalia), Hodeida (Yemen), Aden, and Vishakapatnam (India), and to a lesser extent to other key ports such as Mauritius, Singapore, and Port Blair in the Andamans. It has forced its way into the shipping organizations trading between Europe and the Far East and Australia. It is engaged in extensive hydrographic, oceanographic and maritime intelligence activities. It is erecting some kind of military facilities on the island of Socotra at the entrance to the Gulf of Aden (the London Times reported them to be a naval radio station and an ammunition depot).

No one has publicly objected to these developments. The impression one has in Australia is that the U.S. Navy would like to engage in some competitive appearances well beyond the Polaris program, but neither the State Department nor the White House sees that a major American interest would be so served.

The British Conservative Government is going to keep small naval and other forces in Malaysia and Singapore and perhaps the Gulf for a few years more. These will be local rather than oceanic. It would like South African co-operation in the southwest of the ocean but may be finding the stated price—arms supplies—a hotter potato than it had realized. Japan has a growing trade across the ocean, and almost all its oil comes from the Middle East through the Malacca Strait; but neither the public mood nor the defense vote is such as to provide protection so far from home. France has its Somaliland, Réunion, and other islands, but no major strategic interest in the area.

Of the peripheral countries, only India and Australia have navies of any size. India is too dependent on Soviet arms aid and Australia is too small to protest effectively against Soviet activities which are in any case quite legitimate and pose no apparent threat as yet to anyone. Only if Australia had some support from the U.S. or Britain could it demonstrate local superiority against Soviet incursions into its waters.

Some commentators believe the Russians are in the Indian Ocean to promote the containment of China. This seems too simple, and at best provides but part of the answer, most relevantly with respect to India and Pakistan. The Chinese have a foothold in Tanzania and are irritatingly active among Palestinian and other Arab guerrillas, but China is far from being an Indian Ocean power. To dominate the Suez passage; to have a major influence in the oil-producing states; to be able to exert political pressure, with modest military backing, at key points during times of decision; and to trade profitably—these are the Soviet Union's apparent intentions, or the likely effects of their endeavors.

Do they matter? They do, if you live in the area, are a small state, and see no evidence that any major power is interested in either verbal or practical restraint upon the Soviet Union's undeclared but increasing ambitions.

THE SOVIET NAVAL PROGRAM

(By Vice Adm. H. G. Rickover)

The Soviets are embarked on a program which reveals a singular awareness of the importance of seapower, and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy.

Starting with 200 diesel-powered submarines at the end of World War II, most of which were obsolete, the Soviet Union embarked on the largest peacetime submarine construction program in history, producing over 570 modern submarines in 25 years—most designed for long-range operations. During the same period the United States built 106 submarines. In two years alone, 1955 and 1956, the Soviets completed 150 submarines, one and one half times the total number of submarines this country has produced in the past 25 years.

They now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States.

They are credited with a nuclear submarine production capability of 20 ships a year on a single shift basis. They have the facilities to increase this rate of production considerably. At present, while our Poseidon conversions are going on, the maximum U.S. capacity to build nuclear submarines is less than half that of the Soviets. Upon completion of these conversions—about 1977—the best we could do would still be well below their capacity.

According to the latest unclassified data the Soviets now have a total of 355 to 363 submarines, all built since World War II. Anywhere from 75 to 83 of these are nuclear-powered. The total U.S. force is 141 submarines, 88 nuclear-powered, the remainder diesel-powered. Most of our diesel units are of World War II vintage.

Today, as a result of the Soviets' large-scale construction program, our lead in nuclear-powered submarines is rapidly disappearing. Based on current force levels and estimated Soviet nuclear submarine building rates, they will be ahead of us numerically before the end of this year.

Of even greater concern than total numbers is the fact that since 1968 the Soviets have introduced several new designs besides converting older designs to improve their capabilities.

One of their current new designs is the Yankee Class nuclear-powered ballistic-missile submarine introduced in 1968. These submarines look very much like our Ethan Allen Class—our latest Polaris type—and are capable of submerged launching of 16 ballistic missiles within a range of over 1,000 miles.

They now have 13 of the Yankee Class in operation; additional units are under construction at a rate of about 12 a year. It is estimated that they will surpass our Polaris fleet of 41 by 1973 or 1974, possibly sooner. Further, it must not be forgotten that the Soviets also have over 30 conventional and nuclear-powered ballistic-missile submarines of the earlier design. Thus, we are faced with the imminent loss of our lead in numbers of sea-based strategic missiles.

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used to support foreign policy in various areas of the world. In 1969 the tempo of worldwide Soviet submarine operations was at an all time high. This tempo has continued to increase in 1970. During recent naval maneuvers a large number of nuclear submarines were deployed in two oceans and nine seas.

The Russians are in the Mediterranean. They operate regularly and continually in the North Atlantic and the Norwegian Sea. Russian naval units now are being seen with regularity in the Indian Ocean and off both coasts of Africa. They are in the Pacific, the Arctic, and the Antarctic. The swimming Russian bear is not yet ten feet tall, but he is 5 feet, 8 inches, and growing rapidly. He has not yet wrested supremacy of the seas from the free world but he is making a determined effort to do so.

Throughout our history the waters that wash our shores have been friendly. They have given us geographical protection, making it practically impossible for anyone to attack us. They have also given us time to build up our strength when danger threatened.

But the tempo of modern technology has changed all this.

Yankee Class submarines off each coast can blanket practically the entire United States. When the Soviets have the 3,000-mile missile they are presently developing they will be able to do this from either ocean.

Let me first say that based on the best evidence available, I believe that today our Polaris submarines are safe from a massive, neutralizing blow. Further, I am not aware of any valid information indicating that the Soviets possess a means to track and destroy our Polaris submarines while they are on station. However, there is no assurance that this situation will prevail for long.

Given the recent Soviet progress in undersea warfare and the sheer magnitude of their nuclear submarine program, the conclusion is inevitable, that unless we are willing to match their effort, they will surpass us in this field during the 1970's.

Mao and Moscow's Navy

Although Mao has recently called for the development of the Chinese Navy into a force at least able to defend the coastal lines of shipping communications and the coast itself against attack, the Chinese Navy is at present so weak as to be virtually helpless in face of an attack by the Soviet Pacific Fleet. Accordingly the coverage given to Soviet Navy Day this year in the Soviet Party newspaper *Pravda* can scarcely be interpreted otherwise than as a subtle reminder to Mao and Chou that they are virtually defenseless and open to Soviet assault and invasion by sea at any point . . .

The signs are twofold. In the first place, the issue of *Pravda* on Navy Day was not only sent from a special *Pravda* correspondent assigned to the Pacific Fleet, it also concerned the anti-submarine warfare capabilities of that fleet . . .

The second sign was simply that the *Pravda* of the day after Navy Day, in a front-page presentation of reports from each of the four Soviet fleets, carried the fleets out of any customary order to give the Pacific Fleet pride of place.—*From a Radio Liberty report.*

Mr. NICHOLS. Mr. Speaker, for almost 10 years, our strategic defense policy has been guided by a policy known as "assured destruction." This policy, the product of former Defense Secretary Robert S. McNamara, is an academic theory which suggests that world stability in international relations will be achieved if both the United States and the Soviet Union have the mutual power to destroy each other's society should nuclear war break out.

The only problem with this theory—a theory which was so appealing to many on paper—is that the Soviet Union does not accept that notion. The Soviet Union has not stopped building strategic weapons at the point where some sort of "parity" exists with the United States. The Soviet Union has gone far beyond that—they already have 600 more ICBM's than we have, and are building *Yankee* class submarines—similar to our Polaris—at a rate of 10 to 12 per year.

The time has come for the United States to take seriously the problem of defense against attack by ballistic missiles, and seriously begin to develop plans and programs for an improvement in this Nation's capacity to protect our populations against attack. This means that we must change our strategy from "assured destruction" to a strategy which would reduce the vulnerability of ordinary American citizens to Soviet attack, while permitting the United States to become sufficiently strong to support U.S. foreign policy objectives abroad.

Senator JAMES L. BUCKLEY recently addressed himself to the subject of a new strategic defense policy—one that is appropriate to the realities of the 1970's. I include the text of Senator BUCKLEY's remarks in the RECORD:

A New Strategy for the 1970's

The security of the United States is endangered to a degree unparalled in its modern history. If present trends continue much longer, the ability of the President of the United States to support U.S. foreign policy objectives in Europe, the Middle East, in Asia and even in the Caribbean will be in jeopardy because of the precipitous erosion of U.S. strategic power in the late 1960's and early 1970's.

One need not look far to support the conclusion that there has already been a dramatic weakening of the ability of the strategic forces of the United States to deter Soviet diplomatic adventurism. The United States has permitted the Soviets to gain a striking advantage in the payload capacity of her intercontinental ballistic missiles and submarine launched ballistic missiles. If the Soviet Union achieves the same level of technical competence which we now possess on a production line basis for the Minuteman III and the Poseidon missiles, this advantage could be translated into an eight-to-one superiority in deliverable warheads. Despite the formidable lead we now possess in intercontinental bombers, our 1955 vintage B–52's must face 12,000 reloadable Soviet surface-to-air missile launchers. Thus our numerical advantage in heavy bombers may have a questionable operational significance in the face of Soviet defenses.

The strategic forces we now possess, with the exception of the Minuteman III and Poseidon MIRV programs, are the same forces which we had in 1965. The doctrine which has dominated our strategic policy was developed during the Kennedy and Johnson Administrations by former Secretary of Defense Robert S. McNamara. This doctrine is known as "assured destruction," and we see its legacy in the present Administration's doctrine of "realistic deterrence."

The policy of "assured destruction" established the notion that America's security was best safeguarded by the maintenance of sufficient forces-in-being to make sure that enough of these forces would survive a first strike launched by any aggressor or collection of aggressors to enable us to deliver a retaliatory strike which would inflict unacceptable losses upon the enemy.

As the Soviet strategic arsenal grew in recent years, it became increasingly evident that whatever validity the "assured destruction" doctrine might have had in the early and mid-1960's, it was a policy which could no longer be supported. The significance of the Soviet strategic buildup emphasized some of the critical weaknesses of the doctrine. Because a serious level of population defense was considered "destabilizing" under this doctrine, the Department of Defense became an instrument of a policy which would prefer the killing of enemy civilians to saving the lives of our own, should deterrence fail. The buildup of Soviet forces has now reached a point where it may soon become doubtful that the United States would have a sufficiently large retaliatory force available after a Soviet first strike to meet even the minimum requirements of "assured destruction" or of "realistic deterrence."

What is required is a new strategy—one which would accomplish the objectives of saving American lives in the event deterrence failed, while insuring that the United States would have sufficient strategic power to support its foreign policy objectives abroad.

In his annual State of the World message, the President stated that he should have some other option than simply retaliating against Soviet cities in the event of a Soviet first strike. This he does not have, because the legacy of the mistaken policy of assured destruction has lead to steadfast opposition to a program which would improve the guidance systems on our Minuteman and Poseidon missiles which would give them the capability to destroy Soviet missiles in their silos following any Soviet attack on our strategic forces, and before they had an opportunity to threaten our cities.

In order to implement a new defense strategy appropriate to the conditions of the 1970's, we need to press for improvements in our strategic posture which must include the following: We must (a) proceed on an urgent basis to upgrade the guidance systems of the Minuteman and Poseidon programs as far as the state-of-art will permit; (b) replace all 1000 of our Minuteman II missiles with Minuteman III missiles rather than just the 500 or so now being replaced; (c) replace all of the Polaris missiles with Poseidon missiles, rather than three-quarters of them as is now planned; (d) proceed with all possible speed with programs currently in the advanced stage of research and development—especially the B–1 manned bomber and the Undersea Long Rance Missile System; and (e) conduct a stepped-up R&D program into means of reducing the vulnerability of U.S. citizens to strategic attack.

These incremental improvements in our strategic posture would make it possible for a new strategy to be pursued—one in which live Americans are valued more highly than dead Russians; one in which the Defense Department once again becomes the instrument for assuring the survival rather than the vulnerability of American citizens. It is new strategy which will assure an American President of the continuing ability to support American foreign policy objectives as well as to protect her citizens. It is a strategy which is necessary, desirable, and feasible, and it is the only strategy which will secure our essential defense and foreign policy.

Mr. HALL. Mr. Speaker, as a long-time member of your Committee on the Armed Services, a six-time elected Representative of the Seventh Congressional District of Missouri, and a citizen who wants to see his nation second to none, in any area; I wish to commend my colleagues here today for the expressions of concern they have voiced over the strategic posturing of this Republic, vis-a-vis that of the Soviet Union.

Mr. Speaker, last September 28, I stood where I am standing today, having gained the floor following an eloquent and memorable statement on this very same subject by the late L. Mendel Rivers, at that time, the chairman of the Committee on the Armed Services. We were eventually to be joined by 21 other Members of this body who desired to express, for the record, their own dismay at the state of our defensive posture.

Our colloquy was spirited and enlightening, yet, unfortunately, was almost totally ignored by the news media. Perhaps it was because they would prefer to gain such information by more clandestine methods.

During the course of his remarks, Mr. Rivers quoted from a 1969 report by the Comptroller General to the effect that:

> Approximately 80 percent of the major ships in the Atlantic Fleet were over ten years old, and 50 percent were over 20 years of age. In April 1969, the average age of the ships of the Sixth Fleet was 18.3 years

It saddens me to report that those figures have not shown improvement to date. They have further deteriorated.

Chairman Rivers went on to say:

> I can only warn the Members of this House that we are on the brink of disaster and I have never before been so concerned.

Just 3 months later, to the day, L. Mendel Rivers was to breathe his last, but the warning that he sounded cannot be permitted to be buried with him. That is why today's "special order" is of such high importance.

I put it to you, that the strategic position of this Nation is going through a critical stage. The rising crescendo of the antimilitarist, who desires to decimate the budget of the Department of Defense, under the guise of reordering priorities, are threatening to shove this Nation out on the limb of "opportunism" while the Soviets look on with a saw in their hands ready to cut it off.

Mr. Speaker, it is a fact that the operational level of the U.S. Navy's inventory of major combat ships is at its lowest level since 1950.

The strength of the U.S. Army in Europe is lower than at anytime since 1952.

U.S. aircraft in Europe have declined steadily since 1955.

The Soviets have surpassed us in land-based ICBM's.

Even the Communist Chinese now have a nuclear capability, and are hard at work developing a system to carry it.

You can go right down the line, ship after ship, weapon after weapon, plane after plane. The story is the same. We are falling behind, steadily and relentlessly, all the while failing to heed the warnings of such men as Dr. John Foster, Director of Defense Research, who revealed that the Soviets are putting the equivalent of more than $3 billion a year into defense-related technology than we are.

Mr. Speaker, today this Government is participating in strategic arms limitation talks with the Soviet Union.

We are attempting to negotiate a settlement of the Vietnam war in Paris.

For years we have met at Panmunjom with the North Koreans.

Our envoys continually visit the Mideast seeking to settle that conflict.

We continue to talk with the Communist Chinese in Warsaw, to say naught of ping-pong games and Presidential visiting plans.

Our efforts in behalf of peace are monumental, but one thing is certain, a government that cannot negotiate from a position of strength and respect, is a government that is doomed to failure.

Some time ago, Dwight D. Eisenhower made a speech, where he coined the phrase, "military-industrial complex." While that part of his remarks have received the most attention there was another paragraph that deserved equal time. "Ike" also said:

> A vital element in keeping the peace is our Military Establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction. We face a hostile ideology, global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transitory sacrifices of crisis, but rather, those which enable us to carry forward, steadily, surely, and without complaint, the burdens of a prolonged and complex struggle with liberty at stake.

Mr. Speaker, with these words, I rest my case, hoping that properly informed America will do her part.

Mr. WILLIAMS. Mr. Speaker, since coming to office, President Nixon has said on a number of occasions that the world is coming out of an era of confrontation and entering an era of negotiation. He has stated that American foreign policy is aimed at achieving that goal.

I think we can all applaud that resolve. "Jaw-jaw," as Winston Churchill said, "is better than War-War."

But negotiation is, by definition, a two-way street. There cannot be a one-sided negotiation; it requires two parties to negotiate, just as it requires two partners to tango. Merely labeling our times as the epoch of negotiation is not sufficient. Here, as elsewhere, wishing will not make it so.

I think this is one of the great problems we have as a nation in the SALT talks which are now underway: We want them to succeed desperately. We recognize—Members of all persuasion, both sides of the aisle, left, right, and center—we recognize the enormous burden that the arms race has put on our country. We can each offer a score or a hundred ways in which those staggering sums could be spent here at home or around the world for good things: Schools, or houses, or health, or improving the environment, or advancing the knowledge of mankind. We cannot help thinking that investing billions in weapons and weapons systems that will never be used is a waste.

And, that I suppose is the irony of our defense system: If it is good enough, sophisticated enough, powerful enough, it never will be used. The success of our deterrent is measured by its nonuse. If we ever have to use it, it will have failed in its central and essential purpose; to use it will be acknowlegment that it has failed to deter the enemy. To use it will be to admit that it was not sufficiently strong, sufficiently sophisticated, sufficiently powerful.

We all know—and I think our enemies know also—that our strength would never be used for a first strike. So our defense has been tied to the notion that we must be able to survive an enemy first strike with sufficient power to retaliate: With power sufficient to deliver a retaliatory blow which inflicts unacceptable damage or losses on the enemy. Nuclear stalemate, according to Robert McNamara when he was Secretary of Defense, was the ideal to be hoped for. That, of course, was at a time when the United States was unquestionably superior in nuclear strength.

But, times have changed: Since 1965, since the fall of Khrushchev, the Soviet Union has, at enormous cost, revamped and modernized every aspect of its strategic forces, its navy—which is now according to "Jane's Fighting Ships" a supernavy—and its air force—whose capability is very much in evidence on Israel's frontiers—and, of course, its missile and nuclear capability. If we assume that the Soviet MIRV is operational—

and that is not an unreasonable assumption—then the Russians can equip their more than 300 SS-9 missiles with independently targetable warheads, each with three to six warheads of its own. That means right now, the Soviet could dispatch a minimum of 900, or a maximum of 1,800 warheads, of 2 to 5 megatons each. Could the United States respond or retaliate after absorbing such a blow?

This is the setting for the SALT talks which resumed for their third stage at Vienna on July 8. Our new national position is that we are going to seek an agreement with the Russians on the question of defensive weapons—the ABM's. Heretofore, we had solemnly announced that separate agreements on defensive and offensive weapons would be unacceptable. Presumably, now it is acceptable. Why, I cannot say.

Mr. Speaker, I cannot understand the news story of July 23 which recites that the United States has asked for a land and sea missile moratorium. At Vienna, as elsewhere, I think we labor under enormous disadvantages when we seek to negotiate with the Russians. This does not mean that I am opposed to any negotiations; on the contrary, I am very much in favor of a settlement, by negotiation, of the substantial matters which separate our two nations. But, frankly, I am afraid that if we go into these talks with the naive ideas some of our officials apparently have, we will lose our shirts, as we have done on so many occasions in the past.

One Member of the other body, Henry M. Jackson, the distinguished Senator from Washington, has given us some good advice about how not to negotiate with the Russians. Mr. Speaker, I include in today's Record, at the conclusion of my remarks, an article from the Nation's Business for April 1971, by Senator Jackson. I think we are all indebted to Senator Jackson for the work which his subcommittee—the Subcommittee on National Security and International Operations of the Senate Government Operations Committee—has done over the years on the question of American methods of negotiation with the Russians. The research has been first rate. I commend it to the attention of the Members. I wish I had it in my power to make some of those committee prints required reading for our State Department, Foreign Service, and Disarmament Agency people.

The article follows:

How Not To Negotiate With the Russians

(By Senator Henry M. Jackson)

In Paris, Viet Nam talks drag on; SALT negotiations proceed at Helsinki and Vienna; the status of Berlin is under discussion; there is diplomatic jockeying over a European security conference; and talks about a Middle East settlement go forward.

Clearly, international negotiations are the order of the day.

If we handle such negotiations effectively, we are able from time to time to act together with the Soviets in ways consistent with our own interests and purposes. Certainly, Americans want to identify areas of common or parallel interest with the Soviets.

Yet negotiating with them is a most complicated process, and Moscow's objectives and tactics create enormous difficulties. Negotiations would be hard enough to bring to a successful outcome if those on our side handled themselves skillfully. That is very often not the case.

Watching America conduct its foreign affairs, I've seen blunders lead to missed opportunities and serious setbacks to the national interest, including unnecessary wars.

Here, for the benefit of those who want to avoid these pitfalls, is a "Bungler's Guide to International Negotiations"—or "How to Botch the Talks."

1. In approaching a negotiation, the born bungler will discard in advance any proposal he thinks the other side will object to.

As the American government formulates its position on an issue, it often happens that a possible proposal is scrapped as being "unacceptable" to Moscow—even though the idea has much to recommend it from the U.S. point of view. Since a proposal obviously can never be accepted if it is never submitted, the effect of ruling one out as "unacceptable" is to guarantee its unacceptability.

There is the possibility, however, that an adversary can be brought to change its evaluation of what is acceptable as a negotiation proceeds. It is, after all, one of the main purposes of negotiation to persuade the other side to change its mind about what is an acceptable outcome.

The Austrian State Treaty is a classic case in point. We and our allies remained firmly committed to a free Austria and we pressed the Soviets with proposals that were "unacceptable" from their point of view. Finally, in 1955, the Russians decided it would also be to their advantage to end the occupation and partition of Austria.

Another important postwar agreement with the Soviets—the partial nuclear test ban (i.e., it does not cover underground tests)—was realized after some five years of negotiations, although part of U.S. officialdom had classified the partial ban as "unacceptable" to Moscow.

2. The perfect patsy will banish from his mind any ugly suspicions about the intentions of the opposing side.

Ignorance of the other side's real intentions is obviously no help in negotiating. But understanding these intentions does not necessarily augment trust and make your task any easier. America's decision to enter the Atlantic Alliance did not result from failure to grasp what the Kremlin wanted. We needed that defensive alliance because the Kremlin's designs on Europe were crystal clear.

Averell Harriman tells how—at the Potsdam Conference in 1945—he said to Stalin that it must be very gratifying for him to be in Berlin, after all the struggle and tragedy. Stalin replied: "Czar Alexander got to Paris." As Mr. Harriman adds: "It didn't need much of a clairvoyant to guess what was in Stalin's mind."

Moscow may now share the common interest of avoiding a general nuclear war. But it does not follow that Moscow wants all-out peace. There is much room for maneuver between trying to avoid a nuclear holocaust and seeking a genuine peace.

The Russians know it.

Leonard Schapiro, dean of Soviet studies in Great Britain, stated the matter this way to our Senate subcommittee:

"Soviet policy is unremittingly dynamic. It is not directed towards achieving equilibrium, or balance of forces, or peace, or collective security. . . . Its ultimate aim is 'victory,' which means communist rule on a world scale. However, unrealistic this aim may seem, it is the case that it has been thoroughly inculcated into the minds of all Soviet leaders from Lenin onwards for over 50 years. . . .

"There is no time factor attached to this ultimate ideological aim—in contrast in this respect, say, to Hitler, or Genghis Khan. And so . . . the Soviet Union seeks to advance wherever this is possible, to gain one advantage here, and another there, and to move forward or halt as advantage dictates. . . ."

Understanding Soviet intentions today, far from diminishing concern, arouses it. What the Kremlin wants—if it can get it—is not in the interest of the Free World and the future of individual liberty.

3. The truly timid negotiator will not want to ambarrass the other side.

If it comes to light that an adversary is guilty of bad faith, you can make a lot of trouble for yourself by hiding the truth about it.

A classic example of how not to deal with the Russians was the U.S. response to the Soviet and Egyptian violations of the Mid-East cease-fire. We were taken to the cleaners in that August, 1970, fiasco.

No sooner had agreement on the military standstill been achieved than the first Soviet-Egyptian violations occurred. We saw the violations taking place. By failing to corroborate them, the State Department invited still further illicit movement of surface-to-air missiles into the prohibited zone.

The fact that we turned our backs on gross violations of an initiative proposed and arranged in Washington, and concurred in by Moscow, can have the effect of encouraging the Soviets to deliberate deception and greater boldness elsewhere.

U.S. officials should know by now that the consequences of telling the truth about Soviet bad faith will be easier to live with than the consequences of not telling it.

4. The brilliant bumbler will signal the opponent that he is desperate to get some kind of agreement, especially for domestic political reasons.

In adversary relations the appearance of overeagerness is bound to stimulate stubbornness and intransigence on the other side.

When top U.S. officials give the impression that some arms control treaty or agreement is indispensable to them they make it enormously more difficult for the American negotiating team to strike a favorable bargain in the talks.

We should not negotiate *any* agreement just for agreement's sake. We should vigorously pursue arms control agreements that can add to the stability of the strategic balance, while rejecting proposals that have a built-in incentive to instability. What we really want are agreements that will reduce the risk of nuclear war; and this means careful agreements which are extremely difficult to contravene and which confer no destabilizing advantage.

What security exists in the world today depends on the delicate balance of military, political and economic forces.

As the Soviet Union reaches parity (or more) with the United States in strategic arms, its leaders are likely to become more energetic in trying to spread Soviet influence and more willing to run dangerous risks in the interntional arena.

Those who live in freedom are able to do so only under the shelter and power of ourselves and our allies. This is a grave responsibility, and while we strive for sensible and salutary arms control agreements, we must not imperil a stable Free World deterrent.

5. The gregarious sap will put a premium on being popular with the other side.

A persistent danger of all diplomacy is what Harold Nicolson called "the human difficulty of remaining disagreeable to the same set of people for many days at a stretch."

If you have obstinately refused on Monday to agree in a matter pressed by the other side, you may be tempted to be less stubborn than you should be on Tuesday when a wholly different subject is under discussion. You may ask too little and offer too much.

Popularity-seekers seldom make good negotiators. They are likely to give the wrong signals.

If you are so concerned about being a "good fellow" that you shrink from speaking bluntly when this is called for, you may lead your adversaries to misjudge your fortitude, thereby whetting their appetite. What might be appropriate to say on the Senate floor to one's colleagues is not necessarily appropriate to say in talks with top officials in Moscow.

Americans, often great conciliators in working with allies, sometimes lack perseverance in pursuing their cause against a hostile opponent.

6. The eager sucker will try for accord by giving something for nothing.

A sure way to worsen one's problems is to make unilateral concessions in hopes the opponent can be "conciliated" and will return the "favor."

When closely allied nations are engaged in a long-term common effort, there may be enough "community spirit," to use Jean Monnet's phrase, so that an act of generosity on one issue establishes credit on another issue. However, in negotiation with the Russians, a concession without any assurance of an equivalent countergain weakens one's bargaining position.

The policy of making gratuitous concessions to dynamic powers has been tried in the past from time to time, and the results have been disastrous.

There is the example of the obliteration of Carthage, which had allowed itself to be disarmed by Rome in the hope this would lead to peaceful coexistence. And there is the example of French and British appeasement of Nazi Germany, which led directly to World War II.

Moreover, things given as gifts cannot be traded.

A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Kremlin. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet government be encouraged to move in this direction? Certainly not by our making a substantial, unilateral, and unrequited reduction of American forces in Europe, as some U.S. Senators are urging.

Clearly, NATO should sustain the bargaining position it has worked so long and hard to construct, and actively pursue acceptance of gradual, mutual and balanced revisions in forces on both sides of the Iron Curtain.

Mr. PRICE of Texas. Mr. Speaker, I welcome the opportunity to participate in this much needed and overdue airing of the state of this Nation's military security. For as I have haid on previous occasions, if the United States is unable to guarantee the sanctity of its borders and the safety of its citizens then the prospects for the future of our country are grim indeed.

As we are well aware, the SALT talks have assumed historic importance in the present phase of the arms race. Out of these talks could come the framework for a new period of peace among the nuclear superpowers, or out of these talks could come the seeds of Armageddon. Given the import of these negotiations, I think it would be wise for this body and the American people to focus on what is their essential purpose; namely, achieving a bilateral limitation of both offensive and defensive stratgic weapons.

From the time the SALT talks commenced in Helsinki in 1969, President Nixon has repeatedly emphasized the policy of this Nation; that the talks were being held for the purpose of achieving a bilateral limitation of both Russian and American offensive and defensive strategic weapons. This purpose was underpinned in the minds of U.S. policymakers on the premise that such a comprehensive agreement would result in greater military security for the people of this Nation.

President Nixon has thought long and hard about the problems of maintaining U.S. national security in the nuclear age; his views on the balance of weapons power were clearly expressed in his report on U.S. Foreign Policy for 1970's, which was issued last February. The President stated the crux of the problem in the following terms:

> The strategic balance would be endangered if we limited defensive forces alone and left the offensive threat to our strategic forces unconstrained. It would also be dangerous, however, if only offensive forces were restrained while defenses were allowed to become so strong that one side might no longer be deterred from striking first.

As regards this view in relation to the SALT talks, the President declared, in the same report, that:

> The United States believes that to be stable and satisfactory, an agreement should include limitations on both offensive and defensive systems.

At the formal opening of the SALT talks in Helsinki on November 17, 1969, Gerard C. Smith, chief of the U.S. delegation, read a satement by President Nixon, who asserted that the United States would be guided by the principle of maintaining "sufficiency in the forces required to protect ourselves and our allies."

While recognizing that the Soviet Union had similar defense responsibilities, President Nixon affirmed:

> I believe it is possible, however, that we can carry out our respective responsibilities under a mutually acceptable limitation and eventual reduction of our strategic arsenals. . . . We are prepared to discuss limitations on all offensive and defensive systems, and to reach agreements in which both sides can have confidence. . . . We seek no unilateral advantage. Nor do we seek arrangements which could be prejudicial to the interests of third parties.

On February 18, 1970, in a foreign policy message stressing the new strategy for peace, President Nixon referred to the preliminary SALT talks which had taken place in Helsinki from November 17, 1969, to December 22, 1969, and termed them "serious and businesslike." He also said that the United States "would make a determined effort throughout these negotiations to reach agreements that will not only protect our national security but actually enhance it."

On March 21, 1970, at a news conference, President Nixon again stressed the U.S. intention to achieve a comprehensive and balanced limitation of strategic missiles:

> Our goal certainly is to limit offensive and defensive missiles and if the Soviet Union has the same goal, we will make a bargain. . . .

On April 16, 1970, the day the second series of SALT talks opened in Vienna, President Nixon briefed congressional leaders on the talks and according to the New York Times of that day, administration policy aimed at an agreement limiting each of the superpowers to a relatively small ABM system and imposing a numerical ceiling on ICBM's or SLBM's.

This balanced principle in limitations reflected the President's concern about the U.S. defense position, a concern he voiced a few days later, on April 23, when addressing GOP leaders of Congress. He warned then that Soviet military buildup was still going on and that the United States was in danger of becoming a second-rank military power, adding that:

> If we become the second power, world opinion will move toward the support of the strongest power.

President Nixon also reportedly told the congressional leaders that it would be "destructive" for the United States to agree to a unilateral limitation of strategic weapons. A "unilateral moratorium" he said, would "remove the incentive" for the Soviet Union to negotiate a strategic arms limitation.

President Nixon's awareness of the necessity for U.S. security to insure bilateral and balanced arms limitation was likewise manifested in his state of the world message delivered on February 25, 1971, in which he cited the continual development of Soviet arms buildup even while SALT talks were in progress.

While citing encouraging developments such as "a serious dialogue in the talks," he added that while the United States had not increased the number of its operational ICBM's, retaining a level at 1,054 during 1970 and the number of SLBM's at 656, the U.S.S.R. had increased its ICBM's from 1,109 to 1,440 and its SLBM's from 240 to 350.

Because of this continuing military buildup during SALT, the President stressed the need to clarify the relationship between negotiations and "actions taken during the talks and even after an initial agreement." It was clear, he said—

> That restraint is essential. If the Soviet leaders extend their strategic capability especially in ways that increase the threat to our forces, we would face new decisions in the strategic field.

The President said it was necessary to have the option to make a selective nuclear response to a provocation—

> We must insure that we have the forces and procedures that provide us with alternatives appropriate to the nature and level of the provocation. This means having the plans and command-and-control capabilities necessary to enable us to select and carry out the appropriate response without necessarily having to resort to mass destruction.

The President likewise said that the Soviet Union and the United States differed in their definition of strategic offensive weapons. The Soviet Union considered as strategic offensive weapons any system that could "reach the other side's territory," such as those on the U.S. aircraft carriers, but excluded its own theater nuclear forces with medium or intermediate range missiles. The United States on the other hand, included ICBM's, SLBM's and heavy strategic bombers in its definition of strategic offensive weapons.

The President, therefore, said that—

> We shall strive for an initial agreement which is as broad and comprehensive as possible but which "must deal with the interrelationships between offensive and defensive limitations."

In his report on U.S. foreign policy for the 1970's, President Nixon also clearly pointed out the necessity for a comprehensive, balanced limitations of strategic weapons, stating that—

> The stable and satisfactory agreement should include limitations on both offensive and defensive systems.

In spite of the difficulties presented by the SALT talks, President Nixon still felt on March 15, 1971, when he commented on the opening of the fourth series of the SALT talks held in Vienna, that now "for the first time, a realistic dialogue is taking place between the Soviet Union and ourselves about the management of our strategic relations."

About 2 months later, on May 20, the United States and the U.S.S.R. announced that they had decided to discuss an agreement on defensive nuclear weapons alone at the SALT talks. Considering that some progress was better than none, President Nixon, speaking on a brief televised address on the matter, called it "a significant development" in the SALT talks which were "deadlocked for over a year." Both parties had "agreed to concentrate this year on working out an agreement for the limitation of the deployment of anti-ballistic-missile systems—ABM's." The President added that "together with the agreement on ABM limitation, the two states will agree on certain measures with respect to the limitation of offensive strategic weapons." The President said that "intensive negotiations will be required to translate this understanding into a concrete agreement." Nevertheless, the next day, May 21, addressing a conference at the State Department, President Nixon said that he expected that an agreement on defensive strategic weapons could be implemented "some time this year." Let us hope that the parallel "certain measures" will also impose limitation on the offensive weapon systems.

In conclusion, Mr. Speaker, I would in spite of all the difficulties facing this Nation in trying to reach an accord with the U.S.S.R. on the armaments, encourage my colleagues not to lose hope. At the same time, I would urge those who have unbridled enthusiasm about the SALT prospects to rethink their position in the light of reality. Russia wants to talk with us because Russia conceives it to be in its self interest to do so. Similar motives prevail on our side as well. There is though, as I see it, a crucial difference between the two nations. Nothing Russia has said or done since the talks started over 2 years ago has demonstrated that its conspiratorial plans for world domination and control have diminished one iota. Russia looks at the SALT talks as a vehicle for achieving its Marxist goals. The United States, in contrast, looks at the talks as a hope for world peace.

From my point of view, and I know I speak for millions of Americans when I say this, while world peace is a noble goal, to gain that goal at the expense of our Nation and our people would be to gain a prize worth nothing.

Mr. BRINKLEY. Mr. Speaker, as a former military pilot, I believe in the credibility of "air power." Thus, today, my topic is the F–14.

A little over 2 years have passed since the Navy signed a development contract for this aircraft. As you know, there have been many controversial issues with respect to a new Navy air superiority fighter. The Department of Defense, the Navy, and the aerospace industry have repeatedly been accused of designing an aircraft that would not meet the threat, proceeding too rapidly from R. & D. to production and would most certainly cost more than first estimated.

I think it is time to review the record. Clearly the threat has become more serious than it was 2 years ago. The continued deployment of tactical weapons including surface-to-air, surface-to-surface and new Soviet fighters in the Middle East highlights the growing threat to the free world. The Secretary of Defense, Mr. Laird, has testified to the alarming growth and deployment of intercontinental missiles such as the SS–9. The Soviet nuclear submarine fleet is growing and there is little doubt the missile launching capable nuclear submarines are deployed outside Soviet waters.

The Soviets have been busy developing new and advanced aircraft—particularly fighters and interceptors. They have introduced a new or an improved fighter into their operational inventory at the rate of one per year. In July 1967 the Soviets flew six new fighters plus major "block improvements" of three older ones in an air show. Two of these new fighters, the Foxbat and Flagon A, are estimated to have performance comparable to the F–4 at low and middle altitudes but higher top speeds and higher ceilings.

The Soviets have shown both ability and intention to create improved weapons and fire control systems. Their latest fighters appear to have all-weather, all-aspect, long range air-to-air capabilities. Fiddler, Foxbat, and Flagon A have large radomes to house new radar fire control systems. Badger and Blinder bombers can launch any of five guided air-to-surface missiles at ranges up to 150 miles. Most of these missiles have terminal homing. In addition, advanced surface-to-surface guided missiles have been developed and are in service in Soviet forces. These weapons are accurate and lethal—witness the Israel *Eilat* incident—and can be launched from submarines, ships, and shore installations.

The Navy must have a new fighter as soon as possible that is superior in air combat to the best Soviet fighters in close-in visual encounters and in standoff all-weather conditions. This fighter must also be able to defeat enemy bombers, air-to-surface missiles, and surface-to-surface missiles. This threat is already in being and serious now. It has become more severe because Soviet investment in military technology has reached the payoff stage across the board.

To ignore or doubt the severity of threat predictions and not adequately prepare for them is to invite future conflicts with an enemy who becomes stronger every day. Certainly defense of our country is expensive in dollars and the time our youth must give to it, but unpreparedness which could lead to losing future conflicts is immeasurable and infinitely more permanent.

The F–14, to be operational with the fleet in 1973, will replace the aging F–4 Phantom in the Navy/Marine Corps fighter inventory. The F–14 has been designed as an air superiority fighter. It is a weapon system capable of long-range fighter escort on internal fuel and can shoot down long-range multi-raid aircraft and cruise missiles as well as successfully engage enemy fighters in close-in combat. The F–14 employs any combination of Phoenix, Sparrow, and Sidewinder missiles as well as an internal 20-millimeter cannon. This flexibility provides fleet/area defense and escort capability two or three times more effective than the F–4 Phantom. The unique design of the F–14 also permits the incorporation of a significant air-to-surface capability without penalizing its air superiority performance.

In January 1969 the Navy described a very precise ambitious development program for the F–14. Included in this program were performance, cost estimates, major milestones, and assessment of the technical risks involved.

To date the F–14 program has met or exceeded all major milestones. First flight was successfully flown December 21, 1970, approximately 21 months from contract award. On second flight an untimely and unfortunate accident occurred to F–14A No. 1 on landing approach. The accident board reported fractures of hydraulic lines in both main hydraulic systems. A contingency plan reassigning flight test tasks has been in existence since early planning to cover the possible loss of any R.D.T. & E. aircraft. However, since the loss of the first F–14 a great deal of positive testing, evaluation and corrective action has ensued. The result has been not only to preclude the recurrence of the failures which caused the crash but also to incorporate many design refinements into aircraft No. 2 which would not have been possible until later in the program.

The flight test program, resuming in May 1971, has been restructured to permit the necessary test and contractor demonstrations required to commence board of inspection and survey—BIS—trials, now delayed approximately 6 months. In accordance with the original plan Navy preliminary evaluations—NPE—BIS, and fleet operational evaluation are being coordinated to avoid redundancy and reduce costs. In addition the loss of No. 1 F–14A does not indicate any major design deficiencies nor does it endanger meeting the F–14 initial operating capability in 1973.

I feel that there are no major risks that would prevent the program from proceeding as they have planned. Progress to date has been according to schedule. For instance, the performance characteristics with respect to speed, weight, radius of action, and carrier suitability have remained essentially as initially specified. To date about 26,000 hours of wind tunnel testing have been completed. The fighter takeoff weight remains within 1 percent of that predicted. This is an unprecedented achievement in the design and development of military aircraft. The systems integration test station—SITS—is operating at NAS Point Mugu, Calif., and actual testing of avionics is already underway in the airframe environment. Static and fatigue tests of the wing pivot have been completed. All sections of the wing will be fully tested by this time next year. The static and fatigue tests for the entire aircraft will be complete well before fleet introduction. This too has never been done before.

About the Phoenix missile. It has a 60-plus nautical mile guidance range using semiactive, midcourse guidance and active terminal guidance to deliver a conventional warhead. It is an all-aspect all-weather weapon possessing outstanding capability in a heavy ECM jamming environment. The Phoenix is controlled by the long range airborne weapon control system—AWG-9—to be installed in the F-14. Near simultaneous launch of multiple missiles is possible against widely separated targets. Selection of target priority can be performed by the AWG-9 computer, flight crew, or naval tactical data system. The Phoenix missile is intended to destroy fighters, bombers, or cruise missiles—ASM's and SSM's—in fleet/area defense and other fighter roles. It also has the energy and ability to successfully destroy maneuvering targets.

The Phoenix/AWG-9 R. & D. program has been extremely successful. To date 27 of 42 missiles have guided to either direct hits or near misses. The AWG-9 has also successfully guided two Sparrows in two attempts. These shots have explored a substantial envelope and served to reinforce the Navy's confidence in this flexible weapons capability. The Phoenix missile will become operational concurrently with the F-14 in 1973.

I do not mean to convey that the F-14 will have no further problems in development. However, this program has been subject to many extensive technical reviews within the Navy, the Department of Defense, and the National Aeronautics and Space Administration. All have substantially agreed that the F-14 performance estimates are attainable. In addition extensive congressional reviews and investigations have been favorable to the F-14. With respect to cost, there is no doubt that a new fighter is expensive, but do not be deluded by inaccurate cost comparisons with yesterday's weapons systems for tomorrow's defense. There is no evidence that the cost estimates as presented in acquisition reports for the F-14 program are not sound and that the projections are not reasonable.

The F-14 must continue without delay so that we may be able to meet the threat at the earliest possible time consistent with a sound technical approach and an effective funding profile. We cannot afford to do otherwise.

Mr. DUNCAN. Mr. Speaker, let me quote a single sentence:

> If these observable trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people. Neither the facts concerning these trends nor the ultimate danger is generally understood by the public which for the most part remains uninformed and hence apathetic.

Mr. Speaker, that stunning conclusion is contained in the summary of the conclusions of the report of the Blue Ribbon Defense Panel which President Nixon appointed shortly after he took office. The report, called "The Shifting Balance of Military Power" was delivered to the President and the Secretary of Defense in September of 1970, although its release to the public was delayed until late March of this year. The first published report of it I saw was in U.S. News & World Report in its April 5 edition. The report has been printed in full in the CONGRESSIONAL RECORD but it has been neither discussed nor heeded since then. The lack of attention paid to its conclusions is, I suppose, proof of the apathy and indifference which it correctly diagnoses as the American disease of the 1970's.

Mr. Speaker, let me quote again from the summary:

> *The Converging Trends.* The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union. These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S. . . .
>
> *A Soviet World Order.* Since World War II a degree has been maintained by the dominance of U.S. strategic military strength. This American preserved world order is now disintegrating as doubts arise as to our will and strength to preserve it. There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives. . . .
>
> *A Soviet First-Strike Capability.* Our planners in the 60's assumed that if both superpowers had an adequate retaliatory capability neither would prepare for or risk a first strike. The evidence is now reasonably conclusive that the Soviet Union, rejecting this assumption, is deploying strategic weapons systems designed for a first-strike capability. This evidence includes: (i) the continued Soviet production and deployment of ICBM's after having attained a clear numerical and megatonnage advantage; (ii) the emphasis on SS-9's designed as counterforce weapons capable of destroying U.S. hardened missile silos; (iii) the development of MRV with warheads also designed as counter-force weapons, and of MIRV by 1971-72; (iv) the development of a fractional orbital missile which significantly minimizes warning time; (v) the construction of a Y-class atomic powered submarine SLBM launching fleet capable, with no effective warning, of destroying our national command centers and much of our B-52 bomber force; and (vi) the continued Soviet emphasis on strategic defense systems against both missiles and bombers—a emphasis without parallel in this country.
>
> The characteristics of these offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capability. Such a weapons mix and volume are not required for effective retaliation. . . .
>
> *Weakness—The Gravest Threat to Peace.* The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to peace of the world. . . .

Mr. Speaker, the Constitution in its preamble makes clear that the first duty of our national Government is "to provide for the common defense." We all have an oath, registered in Heaven as Lincoln said, to uphold the Constitution and to carry out its provisions.

That translates into a direct and unavoidable obligation on all Members to acquaint themselves with the problem of our national defense, and to equip themselves with the information necessary to force a valid judgment. It may be that a Member who reads this document will be inclined to agree with its conclusions; on the other hand, a Member may reject those conclusions in part, or out of hand. So be it. But, in my judgment, there is no excuse for a Member failing to read this seminal document and forming his own judgment about its contents. I implore the Members who have not done so to acquaint themselves with it.

Mr. TERRY. Mr. Speaker, the authoritative annual, Jane's Fighting Ships, just published, has taken somber note of the meteoric rise of the Soviet Navy and the concurrent decline of the American Navy. While still giving a slight edge to the American fleet, due to the striking power of aircraft carriers plus our still superior capability in amphibious warfare, the long-term outlook is not good in view of the declining number of ships in the U.S. Navy, with our global commitments remaining at a constant level.

The Soviet Union, for its part, has reaped the harvest of a carefully laid out plan. Since World War II, the Soviet Union has devoted nearly all its shipyard capacity to naval construction. At the same time she has not neglected her merchant fleet. She contracted with various satellites to construct certain types of merchant ships as well as many Western European nations.

What started out as a modest expansion of her merchant and naval fleets in the postwar years became a "military phenomenon of the 1960's which looks to be rising to a floodtide in the 1970's," according to this recent issue of Jane's. To mention just one example, that of submarine construction, the Soviet Union has the largest submarine-building yard in the world and now is constructing nuclear submarines at about three times the rate of the United States.

It is no wonder that Brezhnev recently spoke about having talks to limit naval forces. The Soviet Union now has nearly three times as many submarines in commission as the United States. It has slightly over twice as many cruisers in operation. It falls slightly short of our number of destroyer and escort type ships, but more than makes up for this in possessing nearly three times the number of minor combatant and auxiliary ships as we do. It is no wonder that Brezhnev feels this is the time to talk. It is easy to recall that the Soviets did not feel the need of serious discussion of the test ban treaty proposal until they had achieved parity and some say superiority.

Skeptics, may argue, however, that all of the Soviet buildup has not hurt the United States directly, but most of the evidence is to the contrary. Our 6th Fleet is sharply circumscribed in its activities in the Mediterranean as a result of the large Soviet fleet maintained there. The Soviets maintain facilities for their fleet in Syria and Egypt, where our ships are not welcome. Sometimes numbering up to 60 ships, the Soviet Mediterranean fleet represents a force in being that could challenge us on an instant's notice. Beyond this, the Soviets maintain a presence in all critical areas of the world with one of their intelligence gathering ships monitoring every known operational area of the U.S. fleet as well as NATO exercises. In addition, the Soviet fleet is now a "deep water" navy. They have learned our methods of replenishment at sea and this coupled with their informal overseas base system would enable their fleet to react on a very flexible basis to any worldwide crisis.

The picture that all of this presents is the critical need to modernize our own Navy or face the prospect that we could not maintain control of the seas in some areas of the world if conflict with the Soviet Union developed.

It is therefore, necessary to maintain our strength as a nation through a strong, effective military force. But if this military force is to be strong; if we are to recruit the type of intelligent, dedicated men and women so vital to an effective military, the armed services will have to put their own house in order, as well.

Shortly after this Congress convened in January, I received word that Sp4c. Brian P. Russell of Port Byron in Cayuga County has been killed in action in Vietnam. I visited his family to express my condolences and learned from his mother that her son had been seriously wounded during a previous tour in Vietnam. She told me that her son was not physically capable of returning to Vietnam for a second tour.

After learning of the details of Specialist Russell's injuries, I began an investigation into the circumstances surrounding his reassignment to Vietnam. It was never possible to determine the physical status of Specialist Russell because of incomplete and incorrect information in his files.

However, we did discover a series of errors in the medical, personnel, and administrative procedures of the Army which resulted in Specialist Russell's being reassigned to Vietnam 3 months before he was eligible. This occurred because of the lack of proper procedures at one of the facilities at which he had been stationed.

Throughout the investigation, a variety of errors were discovered which reflected poorly on the cohesiveness of Army administrative practices. Voluminous regulations were vague in their content; policies were not understood at virtually every level from the company to which Specialist Russell was assigned while in the United States to the special actions branch of the Department of the Army; and confusion as to what a soldier could and should do in such circumstances was extremely common.

If we are to achieve an all-volunteer military force as is the declared goal of the President, then the military must be prepared to present itself to potential volunteers in a more positive light.

I am skeptical that a well-financed public relations campaign will attract the types of volunteers the Army needs. I am concerned that the security of this Nation will not be sustained if the military does not respond to the legitimate concerns of its career personnel.

Therefore, it seems appropriate that we commit ourselves to two goals. As we continue to disengage from Vietnam, we must be mindful of the needs for strengthening the capacity of a smaller military force to preserve our Nation's security. At the same time, we must insist that the military not become a force which is unresponsive to Congress and to the needs of its personnel of all ranks.

Mr. SANDMAN. Mr. Speaker, I would like to quote some remarks that Admiral Rickover, the father of our own nuclear submarine, made last winter:

> The Soviets are embarked on a program which reveals a singular awareness of the importance of seapower, and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy.

It behooves us all to consider some of the specifics which Admiral Rickover and other experts have been trying to get across to the people and to the Congress for some time.

These are not generalities, but cold, hard specifics:

The Soviets in the last 25 years have produced 570 modern submarines;

During that same time period, the United States built 106 submarines;

According to the last unclassified data available, the Soviets now have between 355 and 363 submarines operational, all built since World War II;

Anywhere from 75 to 83 of these Soviet subs are nuclear-powered;

The U.S. Navy has 141 submarines operational of which 88 are nuclear-powered; the remainder are diesel-powered, most of them dating from World War II;

The Soviets now can build up to 20 nuclear submarines a year on a single shift basis;

Because we are now converting our Poseidon submarines, our present capacity is less than half that of the Soviet Union; even when the Poseidon conversions are completed—and that will not be until 1977—we will still be far below Soviet capabilities;

Since 1968, the Soviet Navy has been producing a new class of submarines—and converting their older ones, improving their capabilities;

The new Soviet class—the Yankee class—is a nuclear-powered, ballistic missile submarine, each capable of submerged launching of 16 ballistic missiles with a thousand-mile range;

The Soviets now have at least 15 of the Yankee class subs operational; they are producing new units at a rate of 12 per year and this means that they will surpass our own Polaris fleet by late 1973, possibly earlier.

What are the implications of the facts, the warnings we can draw from them? Let me quote Admiral Rickover:

> Throughout our history, the waters that have washed our shores have been friendly. They have given us geographical protection, making it practically impossible for anyone to attack us. They have also given us time to build-up our strength when anger threatened.
>
> But, the tempo of modern technology has changed all this.
>
> Yankee class submarines off each coast can blanket practically the entire United States. When the Soviets have the three thousand mile missile they are presently developing, they will be able to do this from either ocean.

Admiral Rickover ties the facts, figures, and implications together thusly:

> Given the recent Soviet progress in undersea warfare and the sheer magnitude of their nuclear submarine program, the conclusion is inevitable, that unless we are willing to match their effort, they will surpass us during the 1970's.

Mr. Speaker, I am not a Cassandra but I frankly am very alarmed; and, I think we all should be. Admiral Rickover is not a Dr. Strangelove but he is clearly alarmed and with good cause. Unless we decide to take corrective steps immediately, we are inviting Soviet blackmail. That cannot be, and we must not let it come to pass.

Mr. Speaker, I insert Admiral Rickover's article from the New York Times in the RECORD:

THE SOVIET NAVAL PROGRAM

> The Soviets are embarked on a program which reveals a singular awareness of the importance of seapower, and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy.
>
> Starting with 200 diesel-powered submarines at the end of World War II, most of which were obsolete, the Soviet Union embarked on the largest peacetime submarine construction program in history, producing over 570 modern submarines in 25 years—most designed for long-range operations. During the same period the United States built 106 submarines. In two years alone, 1955 and 1956, the Soviets completed 150 submarines, one and one half times the total number of submarines this country has produced in the past 25 years.
>
> They now have the largest and most modern submarine building yards in the world, giving them several times the nuclear submarine construction capacity possessed by the United States.

They are credited with a nuclear submarine production capability of 20 ships a year on a single shift basis. They have the facilities to increase this rate of production considerably. At present, while our Poseidon conversions are going on, the maximum U.S. capacity to build nuclear submarines is less than half that of the Soviets. Upon completion of these conversions—about 1977—the best we could do would still be well below their capacity.

According to the latest unclassified data the Soviets now have a total of 355 to 363 submarines, all built since World War II. Anywhere from 75 to 83 of these are nuclear-powered. The total U.S. force is 141 submarines, 88 nuclear-powered, the remainder diesel-powered. Most of our diesel units are of World War II vintage.

Today, as a result of the Soviets' large-scale construction program, our lead in nuclear-powered submarines is rapidly disappearing. Based on current force levels and estimated Soviet nuclear submarine building rates, they will be ahead of us numerically before the end of this year.

Of even greater concern than total numbers is the fact that since 1968 the Soviets have introduced several new designs besides converting older designs to improve their capabilities.

One of their current new designs is the Yankee Class nuclear-powered ballistic-missile submarine introduced in 1968. These submarines look very much like our Ethan Allen Class—our latest Polaris type—and are capable of submerged launching of 16 ballistic missiles with a range of over 1,000 miles.

They now have 13 of the Yankee Class in operation; additional units are under construction at a rate of about 12 a year. It is estimated that they will surpass our Polaris fleet of 41 by 1973 or 1974, possibly sooner. Further, it must not be forgotten that the Soviets also have over 30 conventional and nuclear-powered ballistic-missile submarines of the earlier design. Thus, we are faced with the imminent loss of our lead in numbers of sea-based strategic missiles.

The Soviet submarine force, like the entire Soviet Navy, has become capable of sustained open-ocean operations and is being used to support foreign policy in various areas of the world. In 1969 the tempo of worldwide Soviet submarine operations was at an all time high. This tempo has continued to increase in 1970. During recent naval maneuvers a large number of nuclear submarines were deployed in two oceans and nine seas.

The Russians are in the Mediterranean. They operate regularly and continually in the North Atlantic and the Norwegian Sea. Russian naval units now are being seen with regularity in the Indian Ocean and off both coasts of Africa. They are in the Pacific, the Arctic, and the Antarctic. The swimming Russian bear is not yet ten feet tall, but he is 5 feet, 8 inches, and growing rapidly. He has not yet wrested supremacy of the seas from the free world but he is making a determined effort to do so.

Throughout our history the waters that wash our shores have been friendly. They have given us geographical protection, making it practically impossible for anyone to attack us. They have also given us time to build up our strength when danger threatened.

But the tempo of modern technology has changed all this.

Yankee Class submarines off each coast can blanket practically the entire United States. When the Soviets have the 3,000-mile missile they are presently developing they will be able to do this from either ocean.

Let me first say that based on the best evidence available, I believe that today our Polaris submarines are safe from a massive, neutralizing blow. Further, I am not aware of any valid information indicating that the Soviets possess a means to track and destroy our Polaris submarines while they are on station. However, there is no assurance that this situation will prevail for long.

Given the recent Soviet progress in undersea warfare and the sheer magnitude of their nuclear submarine program, the conclusion is inevitable, that unless we are willing to match their effort, they will surpass us in this field during the 1970's.

Mr. SCHERLE. Mr. Speaker, the question of the United States-Soviet naval balance has become one of increasing importance in recent years. The strategic arms limitation talks have highlighted the significance of all phases of the strategic nuclear balance, but the accelerated development of the Russian Navy over the past decade has focused particular attention on the maritime rivalry between the two nations.

In an apparent effort to overtake the United States which, until recently, unquestionably dominated the seas, the Soviet Union has built up a formidable fleet. The expansion of the Russian Navy has, however, charted a course quite different from ours. Comparison of relative strengths and weaknesses, therefore, is difficult to make, and must be qualified by an explanation of the disparities in measurement and the real differences in purpose and requirements.

Both the United States and the U.S.S.R. have commissioned roughly an equal number of nuclear attack submarines of approximately the same size and power over the past 10 years. Here the basic similarity between the two navies ends.

The Russian Navy has grown from a defensive, coastal-oriented operation, with large numbers of small ships designed for flexibility and maneuverability on the Baltic, Black and Caspian seas. Its new offensive capability is based largely on surface-to-surface antiship missiles. The American Navy, on the other hand, relies heavily for its offensive punch on large attack aircraft carriers. Thus while the Soviets have built more combat ships in the last decade than we have, American surface combatant tonnage tripled that of the Soviet force in the same time period. There is an approximate correlation between tonnage and cost, so it is fair to say that we are spending about three times as much, too.

The total Soviet submarine force numbers three times that of the United States. Many of the Soviet subs, however, are short range, conventionally powered vessels, suitable only for attack against shipping or European targets, but posing no threat to strategic targets in the United States. It should also be noted in this connection that our NATO allies have considerable navies of their own—the French fleet, for example, exceeds the Soviet force in the Mediterranean—while the members of the Warsaw Pact have essentially none.

Among the most significant of the Soviet developments is the modern, high-speed patrol boat, capable of launching surface-to-surface missiles. Russia now has 150 of these; the United States has none. We do not lack the technology—the Norwegians and even the Libyans have them, and it would be relatively easy to develop our own—but until recently, the American Navy saw no need for them. This year's budget, however, includes an interesting new request for "initial procurement for a force of high-speed patrol boats with surface-to-surface missile capability." The United States has apparently decided to diversify its fleet and build more and smaller ships, more flexible in function and design and cheaper to operate.

Clearly Russia has been imaginative and innovative in using limited resources to challenge American control of the seas based on our carrier task forces, and to threaten U.S. strategic targets with their imitation of American Polaris submarines. Equally clearly, the United States must meet this challenge as resourcefully as it first asserted its preeminence in seapower. With intelligent planning and adequate funding, there is no question but that we can do the job.

At this point, I would like to include an article from the Des Moines Register of July 29, 1971, entitled "Hails Soviet 'Super Navy' as U.S. Slips."

HAILS SOVIET "SUPER NAVY" AS U.S. SLIPS

LONDON, ENGLAND.—A British military expert said Thursday that American naval strength is in a serious decline while the Soviet fleet has expanded into a "super navy" with a greatly increased sphere of influence.

"The situation for the U.S. Navy is serious," said Raymond V. B. Blackman, editor of the authoritative Jane's Fighting Ships. In a foreword to the 1971–72 edition, published Thursday, he added:

"By any standards, the Soviet fleet now represents the super navy of a super power."

Increasing Soviet naval power, he said, has led to "a somewhat belated but now acute awareness by hitherto quite autonomous navies of the need for international cooperation and mutual security."

This brought greater cooperation in both the Atlantic and Pacific oceans, he said, but the British withdrawal from the Indian Ocean left a hole in western global defenses.

"The prime necessity would appear to be a multinational Standing Naval Force East, comprising warships from each of the countries with military or commercial interests in that oceanic hemisphere from South Africa to Indonesia," Blackman said.

RUSSIAN STRENGTH

He added: "So prolific has the Soviet naval shipbuilding effort been that the U.S.S.R. is now able to maintain a standing naval force in the Mediterranean five times stronger than five years ago to counter the American 6th Fleet. . . .

"Again, five years ago the U.S.S.R. had no warships in the Indian Ocean, but today there are a score of surface ships alone, and there is no telling how many Soviet submarines are in the area."

Blackman underlined a relatively new development in "the recognition, not only by major powers but also by smaller countries, of the tactical power and strategic influence of the fast and diminutive warship armed with the optimum payload of guided missiles."

Blackman noted that several smaller countries have stressed "diminutive missile boats with surface-to-surface systems (that) will give smaller navies an offensive power out of all proportion to their modest over-all size."

Norman Polmar, editor of the American section of the 729-page annual, declared that "the size and relative capabilities of the U.S. Navy," continue to decline at what many authorities consider to be an alarming rate. . . .

"The force levels of the fiscal year 1972 budget reduce several categories of warships to their lowest strengths for a decade." This affected nearly all categories except aircraft carriers, in which the U.S. Navy "now and for the near future maintains a decisive advantage," he said.

NUCLEAR SUBS

The Soviet navy, however, "has already exceeded the United States in active surface ship and submarine numbers, including near parity in nuclear submarine strength and a larger nuclear submarine construction program," Polmar wrote. "In some respects, the characteristics and capabilities of the Soviet ships obviously are superior to those of their U.S. Navy counterpart."

He noted that "winding down the war in Indochina will make U.S. Navy sea duty and its family separation less attractive—in addition to the increasing hostility toward the military in the United States."

He added that, meanwhile, U.S. "commitments are continuing and, in some areas, increasing."

U.S. inflation and cost increases, he said, "are making ship and aircraft procurement difficult and new ships with relatively inferior capabilities are compounding the problems."

Mr. FRENZEL. Mr. Speaker, I agree with my colleague that the Soviet presence in the Mediterranean continues to be an alarming situation, but I would like to call the attention of the House to some implications of that presence which my friend mentioned, but did not elaborate upon.

I am referring to the continuing Soviet campaign against Israel. The New York Times indicated on July 20 that since last September, the Soviets are alleged to have delivered more than 100 Mig-21 jets to Egypt. Abba Eban, the Foreign Minister of Israel, cited this step up in arm deliveries in request to the United States for additional Phantom jets.

Mr. Speaker, an analysis of the Middle East confrontation, in which I concur, was made by the distinguished Senator from Washington, HENRY M. JACKSON, in his report to the Senate Armed Services Committee earlier this year. His thesis was simply this: Russian policy in the Middle East is aimed at achieving Russian hegemony in the area.

Inflaming the passions of the Arabs and playing on their age-old hatred of the Jews is a means consciously employed on a continuing basis by the Russians to achieve their basic goals. If Israel did not exist, the Senator said, the Russians would have invented it.

That analysis is essentially correct. But, even if we can stipulate as to the ultimate Soviet goal, there is a question of how the Soviets plan to proceed. One school of thought holds that the Soviets want neither peace nor war but a continuation, indefinitely, of the tension that now exists, because Russian purposes are best served in a state of continuous confrontation. The argument is that if Israel were to be destroyed or overwhelmed, Soviet influence with the Arabs would immediately be reduced and Arab dependence on Soviet armaments would diminish accordingly. The military stalemate and the seeming inability of the Arab leadership to do anything about Israel, encourages the Arab radirals in whom the Soviets are interested, especially in places like Jordan and Iraq.

The second school of thought is that the Russians intend first to build up Arab, especially Egyptian, defenses with the SAM-2 and SAM-3 missiles, to prevent another devastating Israel first-strike such as the one that won the Six Day War in 1967, and then to mount an offensive which would destroy Israel. Certainly the MIG's and the other Russian hardware flowing into Egypt and Syria right now are not exclusively defensive weapons.

Either way you look at it, it is hard to imagine that the Russians have much enthusiasm for a negotiated settlement. They really have nothing to lose—except the hardware—if the Arabs were to strike again and lose. The Israelis have no such luxury. If they lose once, they lose for all time.

Mr. Speaker, while we are discussing a negotiated settlement in the Middle East—whether such a possibility is real or illusory—it should be restated emphatically that no peace can be negotiated until the Russians are willing to endorse such negotiations. So far Russia has obviously been contrary minded. If there is any incentive for Russia that is controllable by Israel, that incentive must be the opening of the Suez Canal. Therefore, it seems to me to be both foolish and dangerous for us to suggest that the Israelis allow the canal to be reopened without a complete settlement including treaty, safeguards, normalized relations, open shipping, and monitored reduction of forces and armaments.

It would be sheer folly to give the Russians the thing they want most without asking in return for the things Israel needs to stay alive as a nation or that we think are necessary to prevent Russian Middle East hegemony.

Opening the Suez Canal would give the Russian shipping, commercial and military, direct access to the Red Sea and the Indian Ocean. If the Russians could command the mouth of the Red Sea, they would be in position to cut Israel's southern supply route through the Gulf of Aqaba. Furthermore, they could command the routes around the Arabian Peninsula to the oil fields of the Persian Gulf.

I believe that it is directly contrary to Israel's interest and to our own to give Russia this capability by the reopening of the canal without demanding in return a complete settlement which would insure normal relations with appropriate, monitored safeguards.

Mr. MATHIAS of California. Mr. Speaker, our discussions here today have centered not only upon our current strategic posture, but also upon the SALT negotiations, and the resulting effect upon our strategic posture.

I think it is wise to explore the Soviet position through negotiations, but that we have to be well aware of the pitfalls which may come to those who do not have a clear idea of what they want to obtain through negotiations. Some people are expecting too much.

I recently came across an interesting statement on the SALT talks by Prof. Anthony T. Bouscaren, of Le Moyne College, in Syracuse, N.Y. Professor Bouscaren is a distinguished writer and lecturer, as well as an eminent scholar in his field, and he outlines some of the difficulties.

Professor Bouscaren points out that we have reached limited agreements with the Soviets in the past in the realm of disarmament. Professor Bouscaren said:

> Yet none of these agreements has slowed the pace of Soviet armaments or its manifest quest for superiority. Indeed we have magnified and perhaps even misconstrued the significance of such agreements.

The chief difference between the United States and the Soviet attitude toward negotiations is that each side enters for contrasting purposes. Professor Bouscaren points out:

> It is prudent to remember that the Communist concept of negotiation differs from our own. They view it as a component of conflict, with the objective of gaining an advantage without conceding anything.

He goes on to point out the Soviets have no qualms about violating any treaties or agreements when it is in their immediate interest to do so.

Indeed, the Soviets have already been violating the spirit of the negotiations. The purpose of the talks is supposed to be to put an end to the arms race. Yet the Soviets have been going full blast ever since the talks began. As Professor Bouscaren points out:

> The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic superiority over the United States.

Even when the Soviets make a concession, the resulting situation turns out to be to the detriment of the United States. Our Nation has made a determined effort for peace. We have done nothing to provoke the Soviets. Yet, as Professor Bouscaren has said:

> While we stopped building ICBMs and nuclear submarines, and refused to go ahead with the development of an ABM system, the Soviets moved ahead on all fronts. Now that we have started an ABM complex, the Soviets appear interested in blocking it through a freeze which would lock them in a position of superiority.

Mr. Speaker, we should look at our overall military posture as we conduct our negotiations at SALT. Certainly, the Soviets have caught up to us in strategic systems. But, as Professor Bouscaren points out, their ground forces in Europe exceed those of NATO, and we have heard much about the spectacular growth of their Naval fleet. Let us be wise, then, at the SALT talks, and consider the over-all effect of our negotiations.

Mr. Speaker, I include the entire statement by Professor Bouscaren in the RECORD at the conclusion of my remarks:

STATEMENT ON SALT TALKS BY PROF. ANTHONY T. BOUSCAREN

One of the reasons assigned for the "transitional" budget for FY 1971 is the hope that the present Strategic Arms Limitation Talks (SALT) will be fruitful. Some political leaders have urged even greater restraint than that reflected in the reduced budget, arguing, despite all experience to the contrary, that the Soviets might be influenced favorably by our example.

There is nothing new about our seeking disarmament through negotiation. Few seem now to remember the U.S. offer to prevent an atomic arms race by delivering its stockpile to the United Nations, an offer rejected by the USSR. Periodically since then various efforts to slow or halt the arms race by negotiation have been frustrated in every instance by the intransigency of the Soviet Union.

It is true that three negotiations have been successful in the sense that limited agreements were reached on important issues.[1] Yet none of thees agreements has slowed the pace of Soviet armaments or its manifest quest for superiority. Indeed we have magnified and perhaps even misconstrued the significance of such agreements.

It is prudent to remember that the Communist concept of negotiation differs from our own. They view it as a component of conflict, with the objective of gaining an advantage without conceding anything. As James Reston writes: "Their idea of give and take in a talk is simple: You give, then take." (*New York Times*, Dec. 8, 1960, p. 46.). The Soviet record of treaty violation extends right down to sabotage of the Middle East cease fire. The Kremlin broke its word, lied to the United States, and double-crossed the developing peace (see Joseph Alsop, *Washington Post*, Sept. 21, 1970; Evans and Novak, *Washington Post*, Sept. 21, 1970). The Soviets have acted with stealth, surprise and ruthlessness, when it attacked Poland in concert with Nazi Germany; when it subjugated its allies Hungary and Czechoslovakia; and when it moved to deploy missiles in Cuba.

The Soviet Union has been making a massive effort, out of all proportion to its own resources or any external threat, to acquire and extend strategic superiority over the United States. It is possible that the Soviet Union sees SALT as an opportunity to assure for itself by agreement, an indefinite position of military superiority. This would be accomplished if we were foolhardy enough to agree to an arms limitation which left the U.S. vulnerable to a Soviet first-strike capability.

President Nixon has announced a joint agreement with the Soviet Union to concentrate on negotiating an ABM limitation pact at the SALT talks. The Soviets have been demanding that an ABM limitation be negotiated first, before offensive weapons are discussed. The previous U.S. position was that offensive and defensive weapons systems are intimately connected, and that neither could be considered in isolation.

While we stopped building ICBMs and nuclear submarines, and refused to go ahead with the development of an ABM system, the Soviets moved ahead on all fronts. Now that we have started an ABM complex, the Soviets appear interested in blocking it through a freeze which would lock them in to a position of superiority. An ABM freeze would leave the Soviets with 67 launchers already protecting Moscow while the U.S. has only authorized work at four sites.

The Soviets have caught up to us in strategic weapons they have surpassed us in tactical weapons; their ground forces in Europe exceed those of NATO, and their energetic Naval building program threatens to reduce our Navy to second-rate status. If our nuclear weapons are neutralized by SALT, the Soviets would be left with an unmatched strength on land and sea.

Mr. THOMPSON of Georgia. Mr. Speaker, for my part in today's effort to bring into focus the defense needs of this Nation, and the dangerous degree to which they have been allowed to deteriorate in recent years by comparison with the offensive buildup in which the Soviet Union has been engaged, I should like to stress the importance of the B–1. I have chosen this particular aspect of our defense triad, because it seems to me that the B–1 has come in for special and totally unjustified abuse as a primary target of the antimilitary clique in Congress and the press.

The Air Force Association has recently prepared an excellent position paper on the B–1 entitled "The B–1: Vital to National Defense." It outlines the significance of this strategic manned bomber as a key and necessary element of our defense program for more succinctly and effectively than I could do from my own knowledge and I include it in the Record at the conclusion of my remarks.

In conclusion let me express my appreciation to the sponsors of this special order and my hope that it will go a long way toward creating a climate of realism and understanding regarding our present defense posture and the futility of laying magnificent plans for new and improved domestic social programs. If we do not protect our Nation's future against our foreign enemies, to what purpose do we plan for our Nation's future on the domestic front?

The material follows:

The B–1: Vital to National Defense

Diverse political forces have launched a series of well-planned attacks on a number of weapon system development programs. This is a well-organized campaign which is lethal in intent and ingenious in its use of half-truths and no-truths at all.

The first target in this devious effort is the B–1 strategic bomber program of the United States Air Force.

The driving force behind these activities is a loosely constituted group of legislators who call themselves Members of Congress for Peace through Law. And they have tasted blood. They spearheaded the successful drive that killed our SST program earlier this spring.

At the latest count, there were 115 members in the so-called Peace through Law group—29 Senators and 86 Congressmen. Senator Mark Hatfield of Oregon is Chairman of the Steering Committee. Senator William Proxmire of Wisconsin chairs the committee concerned with Military Spending, Arms Control and Disarmament. The task force which concentrated on the B–1 was headed jointly by Senator George McGovern of South Dakota and Congressman John Seiberling of Ohio. Not surprisingly, this group of Congressmen is broadly and eagerly supported by the liberal news media and the New Left.

Three points stand out in this anti-B–1 campaign. They are the claims that the country no longer needs a new strategic bomber . . . that if it did, the B–1 would be the wrong airplane . . . and finally, that the financial management of the program is a failure. Let's take these points one by one.

In order to do this, we must raise a few questions. The most obvious one is "Do we need a diversified force for our strategic nuclear deterrence?"

The primary objective of our strategic forces is to deter nuclear attack upon ourselves or our allies. We seek to achieve that objective, first by ensuring that our strategic forces always have the capability to retaliate decisively against an all-out surprise attack. This is our "Assured Destruction" capability.

Also, we incorporate into our strategic forces the capability to provide the President with a range of nuclear options for situations short of an all-out nuclear exchange.

A secondary objective of our strategic forces, in the event deterrence fails, is to limit damage to ourselves and our allies, and to exert pressure on the attacker to end hostilities promptly and on favorable terms.

Of these tasks, "Assured Destruction" is the most crucial, since it is the keystone of our entire strategic posture. It requires, obviously, that there never be any question about the ability of our forces to accomplish the "Assured Destruction" task—now or in the future. Uncertainties in any one element of the strategic forces, which are bound to arise from time to time as technology advances and the threat changes, must be offset by capabilities provided in other elements.

Moreover, we must not only guard against "foreseeable vulnerabilities" in our strategic forces, but also against those which may not as yet be clearly visible or understood.

For example, we know a great deal about the theoretical vulnerabilities of land-based missiles and bombers simply because we have studied them intensively and critically over a period of years. The potential vulnerabilities of the sea-based missiles, in contrast, have not been subjected to the same kind of critical and intensive analysis.

Yet, unless we believe that technological progress will come to a halt—which flies in the face of all our experience—we must assume that "potential" vulnerabilities of sea-based missiles will in time become much more visible. Dr. John Foster, the Pentagon's Director of Research and Engineering, has pointed out that the Soviets "could today with their technology make the sea transparent."

Given the long lead times involved in the development, production and deployment of major new weapons systems, we must plan ahead for at least 10 to 15 years. By that time, new and totally unanticipated vulnerabilities may appear in one element or another of our strategic forces, just as they have in the past. The only way in which we can ensure that these unanticipated vulnerabilities will not fatally weaken our deterrent is to maintain well diversified forces and to make sure that each element has distinctly different survival and penetration characteristics.

For this reason we have created a triad of forces, consisting of bombers—of which a large proportion are maintained on continuous ground alert . . . land-based missiles deployed in hardened underground silos that are dispersed in the central part of the U.S. . . . and sea-based missiles deployed in submarines.

Each element depends on a different mode for survival. Bombers depend upon tactical warning coupled with quick reaction. Minuteman depends upon dispersion and hardness. Polaris/Poseidon depends upon uncertainty as to location. If the Soviets could deploy SLMBs with depressed trajectories close to our shores, it would bring into question the survivability of some of our bombers. If the Soviets deploy many highly accurate ICBMs, then our Minuteman force in silos is threatened. If the Soviets can reduce the uncertainty of location of our submarines at sea, then our SLBMs are threatened. If the Soviets achieve a significant advance in ABM technology, the value of both our ICBMs *and* SLBMs is compromised. But a diversified force has the strong redeeming feature that a breakthrough in Soviet capability in any one area affects only that area and not our overall deterrent.

Further, and this is most important, by having a diversified force, temporary vulnerabilities in any one element are not fatal. We can counter the vulnerability with deliberate well thought-out actions because we have confidence that the other elements of our forces will still work. On the other hand, if we put all our eggs in one basket then we must be absolutely certain that there never is any gap in the survivability of that force, however temporary.

Further, a composite force of bombers and land-based missiles greatly complicates Soviet "first strike" attack planning. That is, if the Soviets want to attack our land-based missiles and bombers at the same time with their ICBMs and SLBMs, they have two basic choices: (1) launch the ICBMs first, then the SLBMs, so that both arrive over target simultaneously, or (2) launch both forces simultaneously.

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[1] The test ban treaty of 1963, the UN ban on the use of outer space for military purposes, and the non-proliferation treaty.

If the Soviets make the first choice, then our bombers would have ample time to clear their bases before the SLBM warheads arrive. Our early warning system, which is already operational, can detect Soviet ICBM launches while they are still in the boost phase. We have under development a new system which could provide increased warning.

If the Soviets make the second choice, then there would be an interval of about 15 to 20 minutes between the detonation of the first SLBM warheads over our bomber bases and the arrival of the first ICBM warheads over the Minuteman silos. This would give our National Command Authority time to make a final decision and launch our ICBMs before they could be attacked.

Obviously, the presence of bombers and land-based missiles in the force greatly feeds the retaliatory capability of both and thereby strengthens our over-all strategic deterrent posture. It confronts the Soviets with two mutually exclusive alternatives, each of which would be highly risky from their point of view.

Second, a mixed force of bombers and missiles complicates the Soviets' defensive problem. While an antiballistic missile defense would be equally effective against sea-based missiles and land-based missiles, it would be of little value against low-flying B–1 bombers. Conversely, a good defense against low-flying B–1s would be of little value against land or sea-based ballistic missiles. In addition, the B–1 bomber is the only weapon system that's capable of fighting its way through whatever defenses the enemy creates because it can detect and destroy the radar installations needed for any kind of defensive system. Missile defenses and bomber defenses require different sets of equipment and technologies. Moreover, it is not enough to defend some targets against bombers and others against missiles—*all* must be defended against both if the defenses are to be of value.

Now, what is it that the bomber allows us to do . . . or more importantly, causes the enemy to realize what we can do . . . that the other two elements of the triad can't do . . . or do as well?

First, we have the potential for limited and controlled actions, as expressed in the President's desire to ". . . insure that all potential aggressors see unacceptable risks in contemplating a nuclear attack, or nuclear blackmail, or acts which could escalate to strategic nuclear war . . ."

If we think in terms of limited nuclear responses, we must immediately recognize the utility of the strategic bomber. After launch, the bomber can be redirected or recalled over a period of hours, always remaining fairly noncommital with respect to the area it is threatening.

In the case of ballistic missiles, the only way we could "show the force" is to launch the missile. But the ballistic missile, once launched, cannot be recalled and will irrevocably detonate in a matter of minutes. In a situation which demands action with discretion, the strategic bomber offers a singular way to show our force and still provide the opponent with important time to evaluate our intent and reconsider his own.

Finally the presence of a strategic bomber in a diversified deterrent force helps our position in SALT-type negotiations. This hinges on the fact that the bomber—because of its relative slowness—is an unlikely first-strike weapon. As such, it is less destablizing than missiles and should be less subject to critical bargaining at the SALT table. If our objectives in SALT are to achieve stability while making deterrence work, we should decidedly benefit from possessing a strategic system that minimizes the possibility for first-strike and still assures that we retain a strong second-strike capability for retaliation.

I now come to the second major point that is being raised by the members of the Peace Through Law group and many of the news media. Simply stated, the accusation is made that if the country needed a bomber at all, then the B–1 is the wrong kind of airplane. The claim is made that a subsonic strategic bomber, serving exclusively as a standoff platform for a new air-to-ground missile, would be better than the B–1. For this reason, the Peace Through Law group has urged cancellation of the B–1 program and allocation of limited funds for basic research on such a standoff system.

I submit this reasoning is not only illogical but also leads to a weapon system that would provide less deterrence for higher costs than the B–1. There are two ways of achieving the standoff capability. One is by using a large aircraft as a launching platform for ballistic missiles. This is not only enormously difficult in terms of guidance system and very expensive but also gets us right back to my earlier argument against putting all of our eggs in one basket. Remember that a single major advance in Soviet ABM technology would be effective against *all* long range missiles whether launched from under the sea, from silos, or from aircraft. *All* have ballistic trajectories.

So, the only alternative that makes any sense at all is to have a standoff missile that penetrates at low altitudes and over great distances. Extensive studies by the Air Force, the Department of Defense, and outside experts over a number of years have addressed this question . . . and rejected it because of higher cost, lower performance and other ill effects. I don't want to belabor the highly technical aspects of such a system.

The gaggle of other accusations levelled against the B–1 is equally invalid. I am proud to say that the Air Force Association is dealing with these false claims in detail . . . refuting the range of errors from the B–1's alleged need for a special new tanker to insinuations about its inadequacy in terms of penetration speed. For reasons of time, I will single out only one other major point . . . that of costs.

Cutting the DOD budget in order to fund allegedly underfunded social programs is the name of the game in the Congress and it is being played with the greatest degree of ostentation. The most cynical charges against the B–1 program are in the financial field, and suggest cost overruns and financial mismanagement.

The most transparent hoax perpetrated by the Peace Through Law group is to charge the B–1 with such tangential elements as the cost of the Short Range Attack Missile (SRAM) which was developed for the B–52 and FB–111, and the eventual need of a new tanker . . . which would serve TAC as well as SAC.

With the help of this kind of financial fast shuffle, the committee arrives at the insinuation that the B–1 program will cost the tax payer between 47 and 75 billion dollars. Actual cost forecasts by DOD and the Air Force are around $11 billion . . . and during the past year alone, frugal management techniques have reduced the cost of the current R. & D. phase by about half a billion dollars. To me the devious juggling of figures by opponents of the B–1 is the height of irresponsibility.

At AFA's National Convention last fall Secretary Seamans made this statement: ". . . It might be possible to undermine the effectiveness of either missiles or bombers alone, but to counter both at the same time would be a vastly more difficult problem. We must retain this stabilizing capability for the indefinite future. The B–1 gives us an improved system to do the job and represents the most economically feasible means to achieve this end . . . we must expedite the development of this aircraft."

The Air Force Association believes ardently that attainment of this goal is one of the most vital tasks this nation faces in today's troubled world. And we hope and pray that like the venerable B–36 before it the B–1 will provide many years of service . . . providing free men with peace without having to fire a shot in anger.

Mr. DEVINE. Mr. Speaker, a report of the Members of Congress for Peace Through Law attacking the B–1 bomber has been widely circulated since its release in early May.

This report is full of errors and discrepancies which only serve to muddy the waters regarding our defense needs and, taken seriously, as they seem to be in some quarters, such inaccuracies could prove fatal to our future security.

Senator BARRY GOLDWATER, in a speech to the Senate on June 9, 1971—see CONGRESSIONAL RECORD, page 18887—performed an outstanding service in pointing out and correcting many of the errors and discrediting the report in general.

However, the June issue of Air Force magazine contained several excellent articles addressed to the erroneous information contained in the MCLP report, and I feel these observations are pertinent to matter under discussion in this special order today.

Therefore, I include in the RECORD at this point excerpted articles by George D. Hardy, president of the Air Force Association; John F. Loosbrock, editor; and Edgar Ulsamer and Claude Witze, both senior editors of Air Force magazine:

IN BEHALF OF THE B–1

The Air Force's most crucial need is for a new strategic bomber. Replacement of the aging B–52s is essential to the nation's deterrent power in the 1980s and beyond.

The Military Spending Committee of the "Members of Congress For Peace Through Law" has circulated widely a paper attacking the B–1 bomber. The paper, bylined by Senator George S. McGovern and Congressman John F. Seiberling, contains misinformation and half-truths that should be corrected in the interest of rational debate on this important issue. The June 1971 AIR FORCE magazine will include several articles that respond to charges made in the Committee's document.

The Air Force Association has long been on record in favor of rapid development and full operational deployment of the B–1. We believe that the B–1 is among the most vital needs of this nation in a period of increasing national insecurity. Our analysis of the B–1 program, therefore, is being distributed in advance of publication. The attached papers provide a factual basis on which the B–1 development program and its management by the Air Force may be judged. The papers may be quoted or reproduced in whole or in part without further permission, providing AIR FORCE magazine is properly credited.

GEORGE D. HARDY,
President, Air Force Association.

THE B-1 IS A MUST

(By John F. Loosbrock)

One hopes that the B-1 strategic bomber will never be tested against Soviet defenses. If it never is, then it will have done its job to perfection, just as did the B-36 and, up to now, the B-52. That is the nub of deterrence—not to have to fight, by virtue of being constantly prepared to do so.

Right now, the Soviet air defense system is not the problem. Long before the B-1 ever gets off the ground, indeed, almost three years before its first scheduled flight, it is running into flak. The flak is political, of course. Evasive action against it will not work and is not advised. Decoys or other diversionary penetration aids are not recommended. No, the best defense against the kind of opposition the B-1 currently faces is that peerless countermeasure known simply as the truth.

As noted elsewhere in this issue (*see "Airpower in the News," page 14*), an anti-B-1 paper has been circulated by a congressional group calling itself Members of Congress for Peace Through Law (MCPL). Among other assertions, the point is made at length that, if the country needs a new bomber at all, it does not need the B-1.

Instead of the B-1, the Committee for Peace Through Law wants to start basic research and development on a new and quite different aircraft. It would be subsonic and designed to stand off and launch a new air-to-ground missile that would not be ballistic. (Obviously, the latter requirement was stipulated so as to, in the words of the paper, "continue the mixed defenses problem confronting the adversary.")

So, right off the bat, the Members of Congress for Peace Through Law are seriously proposing that we terminate an on-going and thus far very successful program and start from scratch, not only on a new standoff bomber but on a new missile as well. This would be a dubious way to save money, an impossible way to meet the postulated threat timetable, and, worst of all, the deterrent job would not get done. The proposal would be bad fiscal policy, bad technological policy, and bad strategic policy.

In the jargon of the day, "No way!"

The members of the group obviously are forgetting, or choosing to ignore, the kind of laws that the Congress can neither make nor repeal, including the law of gravity, which obtains in any discussion of air-delivered weapons, whether ballistic missiles, cruise missiles or bombs dropped from an aircraft. The B-1, with its SRAM missiles, which can be launched accurately at high altitude as far as 100 miles from a target or from on the deck at thirty miles range, is designed to reduce to a minimum the adverse effects of gravity. The standoff-bomber system, with its sluggish, oversized cruise missile—inaccurate, easy to find, easy to shoot down with surface-to-air-missiles—would be fighting gravity every inch of the way to a target. And high-yield gravity bombs carried in the B-1, but unavailable in any standoff system, are still the only reliable way to sure-kill superhardened targets. This is an important plus for the B-1 that is simply not obtainable in any conceivable standoff system.

Suffice it to say at this juncture that the arguments in favor of the standoff bomber set forth in the paper of the Peace Through Law Committee are not persuasive. Indeed, they consist largely of a rehash of various proposals and concepts that were carefully considered in arriving at the B-1 concept and which were discarded long since by the Air Force and the Department of Defense. The B-1's attractive combination of characteristics—high prelaunch survivability, on-the-deck penetration capability, low radar cross section with efficient electronic countermeasures (the B-1's low radar cross section permits it to obtain the same ECM protection with 1,000 pounds of avionics gear that a B-52 could get with 100,000 pounds), its mixed load of SRAM missiles, penetration aids, and high-yield gravity bombs, its high-altitude supersonic capability—makes all other alternative proposals come off as shoddy Brand-X goods.

In fact, the Committee's proposed substitute system is so weak that one gets the uneasy feeling that the main thrust of the paper is against the triad concept itself—that a bomber is not needed at all. This ties in nicely with the known cordiality of many of the best-known and most vocal members of the group toward the concept of a single-mode, solely undersea-based deterrent force. Thus, we find the anomaly of such Senators as Proxmire and McGovern embracing this concept, whose vulnerabilities have never been subjected to the kind of critical and intensive analysis that has been applied to both bombers and land-based missiles, while loosely and irresponsibly criticizing the B-1, which has been through the analytical wringer. Apparently they choose to overlook the words of Dr. John S. Foster, Defense Director of Research and Engineering, that the Soviets "could today with their technology, make the sea transparent."

As transparent, that is, as the logic of the Committee for Peace Through Law.

THE B-1 STRATEGIC BOMBER

(By Edgar Ulsamer)

When the Air Force awarded engineering development contracts for the B-1 strategic bomber last June, three factors set the pace and direction of the program. (*See "The B-1: USAF's Most Versatile Bomber," April '70 issue of* AIR FORCE *Magazine*.) First was the obvious need to get the test aircraft into the air as soon as possible; second, this had to be done at a minimum of cost; and third, the test aircraft had to be sufficiently developed to be reproducible as a production aircraft.

These requirements, General Stewart told this reporter, led the B-1 Program Director, Maj. Gen. Douglas T. Nelson, to use management techniques "comparable to the Skunk Works approach," meaning a very close working relationship between the Air Force and the contractors (North American Rockwell Corp. and General Electric) with maximum flexibility and reduced reporting requirements. [The Skunk Works is the nickname for Lockheed's high-security facility in California, where the YF-12A and SR-71 were developed in secret.]

General Nelson explained that "between fifty and sixty military and civilian Air Force personnel under Deputy Program Director Col. M. M. Bretting are being assigned on a permanent basis to the contractor's facility in Los Angeles, where they work side by side with North American Rockwell. A smaller contingent is in residence at the GE engine facility in Evendale [Ohio]."

This arrangement provides two major benefits. The Deputy Program Director in residence is empowered to make routine decisions on the spot, which avoids delay. At the same time, the Air Force finds out about problems the minute they surface, without having to wait days for a written report.

General Nelson has introduced other innovative management techniques, after a sweeping review of management procedures in cooperation with the contractors last August. Partly because the SPO staff is in residence at the contractor facility, "the individual reporting requirements were reduced from several hundred to forty, which is saving many millions of dollars. Previously, many functions performed by the contractor were duplicated or reformatted to meet Air Force standards. Layers of personnel accumulated on both sides, and the contractors had to assign large numbers of people merely to satisfy USAF's reporting requirements. What we are doing on this program—with the exception of the DoD's Cost Schedule Control System, which is fully implemented—is to adapt our way of doing business to the methods of the contractor."

In a similar vein, the Air Force early this year decided to cut back the number of flight-test aircraft from five to three, and the number of complete ground-test airframes from two to one, and thereby save about $300 million. "This involves an element of risk since loss of one of the three test aircraft would have considerable impact on the program. But on balance, I believe it is a good trade off. With good supervision we can live with the increased risk, and I think we will wind up doing a much more efficient job during the flight-test phase. We plan a combined Air Force-contractor flight-test program. Both parties will participate in all activities and receive benefit from all test data. Previously, flight testing was done first by the contractor and then again by the Air Force, resulting in duplication of more than fifty percent of the effort," General Nelson said.

By changing the flight-test program to a "team effort," the Air Force not only assures "full engagement in all facets of the effort but is saving itself and the contractors a great deal of cost and effort," he explained. (Universally, ASD program managers view the "disengagement" policy, in effect in the late 1960s, which held contact between the government and the contractors to a minimum, as a prime factor in cost overruns and technical difficulties in recent weapon system procurement programs.)

FRUGAL MANAGEMENT TECHNIQUES

Another innovative means for cutting cost during the B-1's RDT&E phase is the SPO's decision to use civilian airworthiness standards, in place of the more stringent military specifications, where reasonable.

"We are doing this to minimize the government's fiscal commitments prior to a production decision. By eliminating a high percentage of the formal military qualification testing of various system's components, we are running a small calculated risk. If and when a production decision is made, we will have had the advantage of actual flight-test experience instead of merely bench tests and analyses in the qualification testing on some key components. Still, I believe that about sixty percent of the components involved will not have to be requalified to military standards when we go into production," General Nelson said. However, because of their crucial importance, the Air Force is proceeding with standard military testing of the engines.

Another cost-cutting move, during the RDT&E phase is the "deferment" of all design and development work on the B-1's ground-support and training equipment until a production decision is reached. A similar tack is being taken with the B-1's avionics. "While we have designed into the airframe provisions for extremely sophisticated defensive and offensive avionics, we will use only off-the-shelf systems for the flight-test program. We will start the first production aircraft with perhaps no more than fifty percent of the full avionics potential. Over the years, we can add to our capabilities. While I don't want to commit myself categorically at this time, I think that the first SAC aircraft will have an offensive avionics system similar to that of the FB-111. On the other hand, it is quite probable that early model will require a new defensive avionics system, as well as a new computer installation to operate both the defensive and the offensive systems," the B-1 Program Director said.

PERFORMANCE CHANGES

In his no-holds-barred review of cost factors, General Nelson initiated a number of performance changes that have helped cut costs without impairing the aircraft's ability to perform its mission. Among them is a reduction of the airframe's titanium content. Titanium is a high-priced difficult-to-machine metal which combines high strength with the ability to resist high temperature. While the B–1's supersonic cruise speed is classified, it is known to be between Mach 2 and Mach 2.5 and, therefore, not subjected to the high temperatures that would require extensive use of titanium. The airframe, therefore, contains no more than twenty percent titanium. Titanium is being used to provide extra strength for components exposed to high aerodynamic loading and in this limited application is considered quite cost-effective.

Following extensive trade-off studies, the initial performance criteria for takeoff performance were relaxed by about 500 feet. The refueling altitude requirement was relaxed slightly and the supersonic penetration range reduced a little. In addition, the size and weight of the aircraft were reduced slightly, compared to the original contract specifications. The aircraft's exact weight is classified, but is slightly above 350,000 pounds.

According to present plans, General Nelson said, the B–1's engineering mockup is to be completed by October of this year, the engine is to be qualified for flight testing late in 1973 and the aircraft is to fly for the first time in the spring of 1974. At about the time of first flight, the government will request production funding from the Congress and begin actual production in Fiscal Year 1975.

The production "buy" the Air Force is expected to propose will involve about 240 aircraft. While no Initial Operating Capability (IOC) has been established, it is likely that the aircraft will begin to enter the SAC inventory by mid-1977.

The program's technical progress so far "has been very good, regarding both airframe and engine. We are already running scaled-down engine components, such as half-scale fans, half-size turbines, and a full-size prototype compressor. The engine is an afterburning turbofan akin to the TF30 engine of the F–111, but using significantly higher temperatures and pressure ratios. By using new, sophisticated materials, such as the newly developed nickel alloy Rene 120, and advanced cooling techniques, we attain substantial increase in temperatures and, therefore, in efficiency, over the best engine currently in operation. GE was able to come up with a single high-pressure turbine design—in place of the several needed previously. This eases the task of maintaining the aircraft in the field. The engine can be disassembled and reassembled easily and quickly [vital for a bomber which is to be dispersed widely]," according to General Nelson.

General Nelson termed the B–1's mode-stabilizing Softride system a breakthrough of considerable importance. Without it, the high rate of turbulence encountered at altitudes below 400 feet during the B–1's high-speed penetration runs could severely impair both crew and systems performance. North American Rockwell's Softride represents the first application of a new technology, called CCV (control configured vehicle), essentially an adaptation of missile control systems to aircraft. The B–1's Softride system suppresses up-and-down motion of the airframe with the help of a movable horizontal vane placed on each side of the aircraft's nose. These control surfaces are electronically activated by motion sensors in the fuselage.

GETTING OUT IN A HURRY

Within the framework of the U.S. deterrent triad, the strategic bomber's ability to take off rapidly from dispersed fields, before it can be destroyed by sea-launched missiles, is critical. The B–1's ability to "flush on warning" is outstanding. "We expect to be off the ground within no more than four minutes from the time of warning. Allowing for depressed-trajectory SLBMs, this is not good enough if the bomber is based in our coastal areas. It is, however, more than adequate if, as planned, we locate the aircraft and their supporting tankers about 300 miles or more inland. With the crews standing by in the cockpit or near the aircraft, and by starting all four engines simultaneously, we can gain additional, significant reductions in reaction time.

"Many detailed analyses and scenarios indicate that we can cope with the threat of depressed-trajectory sea-launched missiles by dispersing the fleet—say, two bombers and two tankers on alert per base—throughout the north-central part of the country. This can be done easily because the B–1 takes off from any runway that can accommodate medium- and long-range commercial aircraft," General Nelson explained.

The B–1 can carry three times the internal payload of the aging B–52, in either nuclear bombs or SRAM missiles. It is designed to fight its way through the heaviest air defense concentrations and to deliver high-yield nuclear bombs with extreme accuracy. At present it is the only weapon system capable of dealing with superhardened targets.

If an enemy has small chance of destroying a significant number of B–1s on the ground and "because there is no technology in sight that can prevent it from penetrating to target, the B–1 represents a pivotal element of our national deterrence in the years ahead," according to General Nelson.

The need for the B–1, reaffirmed by recent high-level defense studies, is not affected by a possible shift of part of the nation's ICBMs to a mobile-basing mode, be that either ground mobile or air mobile. "Whether you launch a ballistic missile from a silo, a submarine, a mobile ground launcher, or an aircraft on the ground or even in the air makes no significant difference to the enemy's ABM system. The basing does not change the penetration mode, and any Soviet breakthrough in ABM technology would jeopardize *all* ballistic missile systems. We tend to underestimate the ABM capabilities of the Soviet Union. For instance, does it make sense that the Tallinn system, involving thousands of interceptor missiles and ostensibly designed to defend against B–52s, would be made accurate to an altitude of 150,000 feet if there were no intent to use its missiles against our ICBMs and SLBMs?

"Our deterrence capability is only as good as the Soviets think it is. To maintain this credibility, we need an advanced strategic bomber that can provide us with various levels of deterrence. Also, only the bomber compensates for the fact that the Soviets don't expect this country to launch its missiles on warning but rather to absorb a first strike. They also know that we would launch our bomber force on warning, because it can be recalled," General Nelson said.

B–1 PAYLOAD AND TANKER COMPATIBILITY

Recent criticism of the B–1 program by the Military Spending Committee of the "Members of Congress for Peace Through Law" (see also "Airpower in the News," p. 14) raised questions as to the B–1's SRAM payload and the new bomber's compatibility with the KC–135 tanker fleet.

It was insinuated that the Air Force recently acquiesced to a twenty-five percent drop in the number of Short-Range Attack Missiles (SRAMs) to be carried internally aboard the B–1. The facts are that the Air Force, well in advance of the release of the request for proposals in 1969, devoted considerable effort to establish the optimum payload capability of the B–1. Cost-effectiveness studies showed that, within certain limits, the number of offensive weapons and decoys required was relatively constant. This optimum payload configuration has not been changed since the RFPs were released to industry, and no change is now anticipated.

The committee also claims that the B–1 is incompatible with the existing fleet of USAF KC–135 tankers and requires a new tanker fleet. This is not so either.

Adequate basing in the north-central part of the US is available for both the bombers and the tankers, which need not be located at the same fields. The KC–135s, which do not carry nuclear weapons, can be dispersed to civilian fields (a large number of which have adequate runway lengths) during periods of increased tension and alert. The B–1's relatively short-runway takeoffs, as presently specified, provide for a wider choice of dispersal bases, both military and civilian. And the B–1 can still reach a considerable portion of the Soviet target system unrefueled, should the tanker for a particular sortie not survive.

Another alternative would be to reduce the full offload available from the KC–135s, to permit them to take off from shorter runways. This would also limit somewhat the B–1's penetration capability, but much less so than complete loss of tanker support.

In addition, the KC–135 can be modified to shorten reaction time and takeoff distances. These modifications could include replacing the present engines with existing airline-type turbofans, as well as simultaneous engine start, using cartridge-starter techniques.

Air Force studies show conclusively that adequate basing facilities are available for both the B–1s and the KC–135s, which meet all criteria of safe escape from the most serious ICBM or SLBM threats.

THREATS: AT HOME AND ABROAD

(By Claude Witze)

WASHINGTON, D.C., May 7.—Senator George McGovern of South Dakota, who thinks he should be President of the United States, believes the Air Force wants a new supersonic bomber "to enhance the excitement for strategic bomber pilots and the glamor of Air Force recruiting programs." One of his conferees, Rep. John F. Seiberling of Ohio, says the USAF B–1 project is "utterly impractical." He describes the proposed new bomber as a "weapons system in search of a mission."

Against these learned viewpoints stands the opinion of Melvin R. Laird, the Secretary of Defense, himself a former member of Congress. He is worth quoting at greater length. A couple of weeks ago, Mr. Laird told a convention of the American Newspaper Publishers Association in New York that this country may be moving toward "a second-rate strategic position." He said, "Recent evidence confirms the sobering fact that the Soviet Union is involved in a new—and apparently extensive—ICBM construction program. This new ICBM construction effort, coupled with additional momentum in the strategic defensive area—all clearly planned months ago—must be of major concern. Moreover, while we have an advantage in submarine-based missiles today, the USSR is rapidly closing that gap with an energetic construction program that continues."

Mr. Laird has concluded that prudence dictates "accelerated development of a new strategic bomber, the B–1, and a new undersea-launched strategic missile system, the ULMS. We are proceeding at the optimum development rate consistent with sound management, but, of course, no procurement decisions have yet been made."

A few days later, at a press conference, the Defense Secretary expanded on this. He said he does not know whether the new Russian ICBM is a modified SS–9 or a new weapon. He added that Moscow is continuing development of its ABM system, with evidence of sophisticated tests and more construction. He reiterated that the B–1 and ULMS must be pushed as fast as the services can handle the programs, because of the Soviet momentum. If necessary, he will ask for supplementary funds to keep up the pressure. If Congress makes a blanket cut in the proposed Fiscal 1972 budget, leaving it up to the Pentagon to decide where the money will be saved, there will be a tremendous reduction in manpower "because that is the only way you can get your money rapidly." It would not come out of the B–1 and ULMS programs, "because really when you're in the development stage you do not have large expenditures."

Probably the only important reaction to Mr. Laird's disclosures has been from the few concerned observers who are demanding that the increased threat be defined more precisely. And illustrated, if you will. If Russia is intent on nuclear superiority, the Baltimore *Sun* editorializes, the fact must be faced. A couple of columnists call on the Nixon Administration to be more frank. What they have in mind, obviously, is the fact that our information comes from satellite reconnaissance, that these satellites transmit pictures, and that the pictures are not shown to the American public.

When the Kennedy Administration faced a similar credibility problem in the early days of the Cuban missile crisis, it bridged the gap by distributing photos taken from U–2 reconnaissace planes. When the White House made a firm demand on Moscow, in that case, the American people, including all the Senators and Congressmen, had no doubts or reservations about the nature of the threat. Questioned, Pentagon spokesmen will say only that the idea is under consideration.

Mr. Laird's reasoning, tnat it is manpower he will cut if Congress makes an across-the-board slash in his budget, will be fully understood by most of Congress, but not by all of it. The ones who do not hear are the men who favor unilateral disarmament and refuse to recognize there is a growing threat. In the forefront are the Members of Congress for Peace Through Law (MCPL). At latest count, there are 116 of them, led by Sen. Mark O. Hatfield as chairman. He says MCPL, first organized in 1966, aims to "coordinate congressional concern for world peace into specific actions in the Congress. Our goals include the development of international cooperation, strengthening the United Nations, and the pursuit of a disarmed world under enforceable world law."

To take a monster step toward disarmament in Fiscal 1972, MCPL will do what it can to destroy the B–1 bomber project, new fighter planes for the Navy and Air Force, the ABM system, MIRV missile heads, antisubmarine warfare, nuclear weaponry and testing, and US troop deployment in Europe. In all, it has a list of fourteen areas where it will carry out an attack. Studies, made from the viewpoint of legislators who are in "pursuit of a disarmed world," will be released weekly between now and the first of July. The releases will be made at press conferences designed to get maximum publicity in the press and on the television tubes.

It was at the first of these sessions, early this week, that Presidential Candidate McGovern gave his evaluation of the new B–1 bomber project as a device designed not for deterrence, but for glamor. He and Mr. Seiberling claim joint authorship for a report on the new aircraft that, in effect, recommends the project be killed and new studies be undertaken, aimed at a flying platform for "a new air-to-ground missile with the range and flight characteristics required to penetrate from beyond enemy defenses in a fashion which achieves the greatest possible variation from the nature of SLBM and ICBM penetration."

This would be a cruise missile. It would have to be big, with a range of 1,500 miles or more, and a weight in the 2,000-pound class. It would have to be subsonic, nonballistic, and jet-powered. This means it would be slow and carry no penetration aids. Being unmanned, it would lack flexibility, one of the things that makes a manned bomber practical in combat. It would be vulnerable to surface-to-air missiles (SAMs) because of its slow speed and the larger radar image its jet engine inlet would create for the defending forces. In addition to the danger such a missile faces over a target heavily defended by SAMs, the cost would not be cheap.

On top of this, the airplane that launches the cruise missiles is itself vulnerable. Certainly, the enemy will try to intercept it, and the technology for doing this is on hand. Eventually, the carrier aircraft would have to be fitted with longer-range missiles and its own penetration aids to get within range.

The McGovern-Seiberling paper on the B–1 is too long for detailed analysis on these pages. It contains a great number of careless statements of fact, such as the assertion that fifty percent of the B–1's anticipated cost will be spent to give it supersonic capability at altitude.

Asked for his authority for this figure, Mr. McGovern said he obtained it from a study by Congressman William Moorhead of Pennsylvania. The contractor estimates the figure should be sixteen percent. There are other estimates; the highest of them is thirty percent. At another point, the report says nuclear warheads are delivered at far less cost by missiles than they are by airplanes. This is true, but only if you consider that each bomber flies only one sortie, the way a missile does. Bombers, of course, fly many sorties, a fact that Mr. McGovern should know. He piloted bombers in World War II.

The McGovern-Seiberling report says "enormous cost overruns" already have occurred in the B–1 project. This is not true. The latest B–1 program funding and expenditures chart, with figures up to April 1, 1971, show that the contractor, North American Rockwell, is achieving an *underrun* so far in the development. As of April 1, the actual cost of work performed was $44.6 million. The budgeted cost of that work was $48.52 million.

What the MCPL study intended to say is that costs have escalated since the first Air Force estimates. USAF acknowledges this. In a speech three days ago before the Aviation/Space Writers Association, Maj. Gen. Douglas T. Nelson, B–1 Systems Program Director, said the cost estimate went up $1.3 billion "between the . . . preliminary estimate of total program costs and the time that the Request for Proposals was received from the aircraft industry." The increase was not "uncovered" by anyone, and it is not a cost overrun. The $1.3 billion, General Nelson said, will pay for (1) inflation, (2) part of the AMSA program that preceded the B–1, and (3) testing support and SRAM interface not previously charged to the B–1.

Another item of easy dispute in the MCPL report is its apparent assumption that if the B–1 project is completed, a new tanker will be required as part of the system. The paper even includes one cost estimate that says $16.7 billion should be added to the B–1 bill to pay for 255 new tankers and their maintenance for ten years. Well, a tanker is not a B–1 requirement; it is a USAF requirement that is used in support of several weapon systems in both the Strategic and Tactical Air Commands, in addition to some other operations. The existing KC–135 still has many useful years ahead. When it is worn out, USAF will need a new tanker. Eliminating the B–1 will not eliminate the tanker requirement. Mr. McGovern also declares that the KC–135, requiring longer runways than the B–1, will be restricted in its dispersal to the airports it now uses. This also is incorrect. The tanker, unlike the bomber, be it B–52 or B–1, has its choice of many more bases because it has no nuclear weapons aboard and poses no security problem comparable to that of a bomber.

Throughout the MCPL study there is constant reference to the B–1's capability to penetrate Soviet defenses, with the suggestion that it will not differ materially from that of the existing B–52. It does not appear that the authors are familiar with the potential of modern electronic countermeasures (ECM), despite the advances made even in the years of the war in Vietnam. Men working in the area, and themselves pressing the state of the art, are convinced that the B–1 will penetrate.

The McGovern-Seiberling document tosses arithmetic around with some abandon. It says the current USAF estimate of B–1 program costs is $11.1 billion. Then it turns to Representative Moorhead for a figure and reports that he has two of them. They are $20.27 billion and $33.47 billion. From here, it goes to a professor at Princeton University, one Bruce W. McDonlad, who makes a guess at $75 billion.

From this, the conclusion is drawn that the cost, counting bombers and tankers, "is so staggering as to make the question of continuing any strategic bomber program one of great national concern."

The report then gets simplistic:

"The issue need not be decided, however, in order to deal with the Fiscal 1972 B–1 funding request. The B–52 useful life assures ample time to hold the project in abeyance while considering other alternatives." It suggests that the $370 million sought for continued research and development be cut to $20 million, and that money used to terminate the contracts and "preserve the advanced research and development option."

The Air Force, supported by Mr. Laird and his Defense Department staff, clearly is convinced that the time has passed for procrastination about the new bomber. The combination of land- and sea-based missiles and bombers—the triad—must be maintained in the face of the growing threat. The diversified force is considered essential, with or without a SALT agreement with Russia. Bombers are a critical portion of the mix. They also are convinced, in view of the state of the art, that the B–1 will have the required flexibility to meet the threats that are possible over the years ahead. The United States cannot save money by postponing this decision to develop a new bomber.

The MCPL, it is evident from this first report of fourteen scheduled, is a genuine threat to our security program. Mr. Hatfield, the MCPL chairman, scorns Administration claims that national priorities have been rearranged and says, "Federal spending consists largely of military spending," a statement that is not true and would not be meaningful if it were true, in view of the threat and the changes made in the past few years.

No one has argued that the nation's efforts at improving our society should not be pressed on every front. The picture of that problem is in every city and town. The pictures of the threat, taken from satellites, are classified. If they are given to the public, Mr. McGovern, an Air Force veteran, may remember it was not excitement and glamor he was seeking in the cockpit.

[From the Chicago Tribune, July 26, 1971]

CHIEF OF SOVIET NAVY BOASTS OF FLEET'S GLOBAL NUCLEAR MIGHT

MOSCOW, July 25.—The commander-in-chief of the Soviet Navy today warned "imperialists" that his fleets can attack any point on the globe with nuclear missiles.

Adm. Serge Gorshkov used the occasion of Soviet Navy Day to proclaim: "Never before has our navy been so powerful and efficient.

Gorshkov said in an article in Pravda, "The navy's regular maneuvers and exercises are proof of the Soviet Union's ever-growing strength as a naval power.

CITE OCEAN PERIL

"This is not to the taste of the inspirers of aggression . . . who are trying to frighten the world public with the threat of Soviet fleets on the world's oceans."

No one has felt that newfound strength more than the United States 6th Fleet in the Mediterranean, which faces the possibility this year of being outnumbered and outgunned by an expanded Russian Black Sea fleet. Up to 60 Soviet warships now regularly patrol the Mediterranean, compared to about 40 U.S. vessels.

In the last eight years, the Soviet Union has transformed a small border fleet into the world's second largest naval force.

HAS NO CARRIERS

The Soviet Pacific, Baltic, Black Sea and Polar fleets today boast about 25 cruisers, 100 destroyers, 1,600 smaller craft and more than 400 submarines.

The Soviet Navy has no aircraft carriers but operates two new helicopter carriers each with 30 aircraft designed to hunt and destroy submarines.

Gorshkov said the United States has developed submarine missile systems with which it "hopes to divert from U.S. territory a considerable number of possible retaliatory nuclear strikes."

"Vain hopes," he declared. "No strategy, including this so-called 'ocean strategy' will save any aggressors, who risk waging war on the U.S.S.R. and other countries of the Socialist community, from a crushing retribution."

Gorshkov's top aide, Adm. Vladimir Kasatonov, backed up the warning by proclaiming in the Defense Ministry newspaper Krasnaya Zvezda [Red Star] that nuclear submarines are now the main striking force of the Soviet Navy.

EIGHTY-SEVEN ATOM SUBS

Latest figures reported by the U.S. Defense Department show the Russians have 87 nuclear submarines and have achieved parity with the United States.

Since 1968, the Soviet Union has been adding a nuclear submarine to its fleet at the approximate rate of one each month.

The Soviets still lag in the number of submarines capable of firing nuclear missiles—17 to 41—but U.S. naval experts feel this gap will close by 1973.

Mr. DON H. CLAUSEN. Mr. Speaker, I sincerely appreciate this time and this opportunity to speak today on the mounting Soviet threat in the Middle East.

I do so because of deep concern that our national preoccupation over the situation in Southeast Asia has had the effect, in my judgment, of literally blinding us to the realities of what is happening in the Middle East.

Ever since Israel's creation in 1948, the Arab world has remained in a self-imposed state of war—encouraged, supported and aided by Communist economic, military, and diplomatic assistance. As such, the Soviet Union has taken advantage of and used the Arab States as a pipeline for military assistance and propaganda in an open effort to undermine the West, gain control over the vast oil resources in the Near East and Africa, establish a foothold in the Middle East and the Mediterranean and, in the process, aid and abet the Arab defeat of Israel.

In 1967, Israel won a war in 6 days which she neither wanted nor provoked, against the combined efforts of the Soviet-backed United Arab Republic. Because Israel won, rather than accept military defeat or diplomatic surrender, she has repeatedly been condemned by the United Nations. Because Israel refuses to submit to diplomatic blackmail by giving up the territory she now occupies as a result of that victory, Arab enthusiasm and hostility is again being pumped up by the Soviets through increased military and technical assistance on an unprecedented scale.

The presence of a Soviet flotilla in the Mediterranean, now complete, means that, for the first time, our NATO allies and the uncommitted nations of the Middle East now have Russian guns pointed at them from both the north and the south. In addition, the Soviet Union has nearly completed replacement of all Russian-made weapons and military equipment destroyed during the 6-day war and subsequently.

Of equal importance is the report, just made public, that the Soviets are now supplying the Mig-23 jet fighter-bomber to Egypt and of particular significance is the fact that there are no Egyptian pilots or crews trained to fly the Mig-23. They must be flown by Russians.

While the United States cautiously considers Israel's latest request for military aircraft, the "Soviet bear is once again riding the Egyptian tiger." While President Nixon postponed Israel's request for Phantom fighter-bombers last year, he did so in the hope that the Soviet Union, by his example, would also limit its military aid to the Arab States and thus bring about stability in the Middle East.

Once, again, however, the leaders in the Kremlin have literally "thumbed their noses" at any and all efforts to stabilize the Middle East "tinderbox" and, instead, have deliberately reignited the fires of intimidation and aggression. There are now more Sam-3 missiles, more Mig-21 fighters, more Russian troops, and technicians and advisers, more Russian tanks and guns and ammunition, and more Russian "influence peddling" than ever before in the Middle East.

The presence of Soviet pilots flying Mig-23's in Arab skies poses a grave threat to the President's direct and ongoing efforts to achieve some kind of an agreement on the Middle East crisis. If, as believed, Russian pilots are now flying "operational missions" for the Egyptian Air Force, the delicate balance of power in the Arab-Israeli conflict, has been "tipped" dangerously to the point that there should be absolutely no question of honoring Israel's request for planes. I am sure President Nixon is aware of this, but I want to take this opportunity to place maximum emphasis on the urgency and importance of this request.

What is at stake? Historically, the Soviet Union has had a compelling interest in obtaining warm-water outlets in the Mediterranean and extending their influence over Turkic and Arabic territory. This, since 1955, has become a reality.

With a surplus of their own to export, the Soviets can hardly be seriously interested in Mideast oil, except perhaps to deny the United States and Western Europe of its source. Also, they are determined to advance their own ideological campaign to convert the Islamic world to Communism.

Most experts agree that, what is actually at stake, is Soviet control of the strategic Suez Canal—a waterway of vital importance to their growing Indian Ocean and Mediterranean fleets and the man-made gateway to Asia. Soviet control of the canal would, in effect, "turn the flank" of NATO in the Middle East.

The regional implications if the Soviets are permitted to continue to surpass us in naval superiority are many. Because of its strategic location linking Europe, Asia, and Africa, the Middle East has long been a target for the Soviets. The most immediate aim of the Russians appears to be the reopening of the Suez Canal and the withdrawal of Israeli forces from its Eastern bank. The canal could then be used as a channel for the extension of Soviet influence throughout the Middle East and into the oil-rich Persian Gulf. Our 6th Fleet now has the growing Soviet Navy to oppose it.

Mr. Speaker, I know I speak for many in this body when I say that I, for one, am gravely concerned over the possibility of surrendering the Middle East to the Soviet Union or allowing 2 million Israelis to be pushed into the sea by a Soviet-Arab onslaught. We simply can no longer afford to sit idly by and watch what is happening in the Middle East as if there were no tomorrow.

If current efforts fail to achieve a peaceful agreement in the Middle East, I can foresee three distinct possibilities:

First. Following their pattern of having others do their fighting for them, the Soviets could pressure the Arab countries to get involved in another war with Israel; this time with Russian pilots flying the planes and Russian technicians controlling the sophisticated weapons systems now in place.

Second. The Soviets are also capable of trying to achieve control of the Middle East through diplomatic attrition—wearing Israel down by means of threats, powerplays, and offers to come to terms.

Third. Also within the realm of possibility is a combined land, sea and air invasion of Israel by the Soviet Union in concert with their Arab client states. Recent reports indicate the presence of Soviet landing craft and waterborne invasion training underway in Egypt. This, of course, would raise the question of a direct confrontation between the superpowers. Some of our top naval leaders in this country now believe that the balance of power in the Middle East has swung so decisively in favor of the Soviet Union that, in another year, the United States could not counter a joint Russian-United Arab Republic thrust across the Suez Canal and the Sinai Desert.

At this moment, Israel is facing a struggle for existence and against attrition. She needs material help and she needs it now. The Reds are convinced Israel can be overcome by a "grinding-down process" and the awesome threat of overhelming military odds.

For those who believe that reports of Russian presence in Egypt are exaggerated, consider the fact that the three main Egyptian airfields at Cairo, Alexandria, and Aswan are now Russian controlled so completely that Egyptians are barred.

As we all know, there is far more involved in the Middle East crisis than just Israel's security. The very location of Israel as the single "land bridge" linking three continents—Europe, Asia, and Africa—is so strategic that she remains the key to the Middle East, and the Soviet Union is well aware of this fact.

Today, only Israel stands between free institutions and complete Soviet domination in the Middle East and, although she has "bucked the odd" alone in the past—she cannot stand alone much longer.

Should present efforts to achieve an agreement in the Middle East fail, the United States may well be faced with a Middle Eastern "Cuban crisis" of such magnitude that to blink and look away could prove disasterous.

Israel is a living example of what the Nixon doctrine is all about. She seeks assistance but has never asked for and does not want a single foreign soldier, adviser, or technician. Certainly, she deserves our help.

Mr. MICHEL. Mr. Speaker, from a variety of sources, we are simultaneously getting the disquieting news that our defense system, in which we have invested so much money for so long a time, is not in the condition that we thought—or hoped—it would be in.

We seem to be getting news of this fact from all sides, from liberals who are looking for the peace dividend; from radicals who want to see the Defense Department closed and put out of business; from the President's own Blue Ribbon Defense Panel; from our own committees; from our own military men who are pleading for reforms and modernization; from Jane's Fighting Ships; and from the media and press.

We have heard earlier today about the deterioration of America's nuclear strength vis-a-vis the Soviet Union. Unfortunately, we can find little reassurance by inspecting our arsenal of conventional weapons.

Here as elsewhere, the balance seems to be shifting against us. We know from Jane's, and we heard earlier today here in the House about the deplorable diminution of our naval strength. I think we are going to have to face the hard reality that we will have to come up with a great deal of money now to begin a naval building program. We need new carrier-based airplanes; we will have to invest in nuclear-powered frigates to match Soviet hardware; we shall have to fund the Navy's hydrofoil; and we will have to increase the production of our nuclear submarines and step up the conversion of our existing subs.

I think, Mr. Speaker, it is a great mistake to underemphasize the importance of conventional weapons. It is perhaps an irony of our age that they are becoming more important as the nuclear weapons become most complex and most devastating. As a hypothetical example for instance, let us suppose that an enemy announced its intention to launch an attack against the United States using manned bombers carrying incendiary bombs: would, or could, our response be retaliatory nuclear strike against that enemy? That is perhaps a far-fetched example, but it is not unreal or unwise to consider the possibility of an enemy seeking to blackmail the United States by the use of conventional weapons. It can be done, especially if any kind of a substantive agreement comes out of the SALT talks.

What we need in the area of conventional weapons, just as in the nuclear field, is leadtime, a commodity that is today in short supply. Let me quote the President again. This is from the "U.S. Foreign Policy for the Seventies: A Strategy for Peace," February 18, 1970. Comprehensive planning is necessary, the President said:

> Because of the leadtime in building new strategic systems, the decisions we make today substantially determine our military posture—and thus our security—five years from now. This places a premium on foresight and planning.

In the months ahead, Mr. Speaker, we are going to have to make decisions on systems and research in the context of a number of very embarrassing Pentagon blunders: the TFX boondoggle, the C–5A cost overruns, the apparently missed estimates for the B–1 bomber, and the F–14 episode.

Let us be candid, Mr. Speaker, and admit that some of this current rash of criticism of the Pentagon is both legitimate and deserved.

Patriotism does not require that we endorse waste, mismanagement, or spendthrift habits. Far from it.

The days for congressional rubber-stamping of Pentagon money requests are over, and happily so.

Part of the problem—one of the reasons things got out of hand—was that Congress failed to properly scrutinize DOD money requests and estimates. In the future, Congress must live up to this responsibility.

But, let us not throw out the baby with the bath water. If some of the criticism of the Pentagon is valid and constructive, much of the more lurid criticism is destructive and brainless. We should make it our task to separate the two. If you have a headache, you can cure it by aspirin or by cutting off your head; both methods cure the headache, but decapitation is not a sensible cure. Let us not decapitate the Pentagon for past crimes. real or imagined.

All things considered, our military has served us well. Its strength, our strength, is still the best hope for peace in the world. In his 1970 strategy for peace statement, President Nixon put it this way:

> Peace requires strength. So long as there are those who would threaten our vital interests and those of our allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations.

I concur entirely, Mr. Speaker.

Mr. STEIGER of Arizona. Mr. Speaker, since World War II, there have been two major developments which have revolutionized strategic warfare, the intercontinental ballistic missile, and the nuclear-powered submarine. While the technology of guidance systems for ICBM's has improved to the point where such missiles can be attacked by an opponent, nuclear submarines are relatively invulnerable to attack, and thus form a major portion of our deterrent.

We cannot expect that technology will stand still—submarines will not remain invulnerable forever. There is grounds for belief some scientists close to antisubmarine warfare technology say, that if submarines are pursued long enough—say 30 to 60 days as might occur in an extended period of tension during a United States-Soviet political crisis—they can be located and attacked.

Since 1964, the number of vessels in the U.S. Navy available for antisubmarine warfare has fared about as badly as the rest of the Navy from the antimilitary hysteria which has been reduced by about one-third. This has occurred at the same time that the Soviet Union has increased its submarines capable of launching ballistic missiles at a rate of 9 to 12 per year. Moreover, since the mid-1960's, the Soviet Union has become extraordinarily active in the Mediterranean to the point that the United States may have great difficulty in supporting its foreign policy objectives in the region.

The large increase in the number of Soviet surface vessels has increased the Soviet antisubmarine warfare effort in the region to such an extent that to rely exclusively upon the invulnerability of our Polaris submarines would be a dangerous assumption. It is for this reason that the Defense Department is beginning to push ahead with the development of the undersea long-range missile system to minimize the exposure of our nuclear submarines to Soviet antisubmarine warfare efforts.

Nevertheless, we cannot simply refuse to develop forces capable of meeting the magnitude of the Soviet submarine capability. The Soviets currently possess about 350 submarines—both conventional and nuclear-powered, to about 150 U.S. submarines. We cannot afford to ignore the fact that Soviet nuclear-powered submarines now patrol within striking distance of our bomber and missile bases.

First, research and development activities for antisubmarine warfare programs should receive a far higher fiscal priority than they have received in the past. An energetic R. & D. program is necessary if we are to take advantage of such advances in the state-of-the-art as "super sonar" and other more exotic techniques for the detection and tracking of submarines. It should be recalled that Nazi Germany was able to cripple England for many months with 65 submarines. If we do not build up sufficient forces with the technological capability of coping with the Soviet submarine threat a U.S. President may become an easy target for Soviet blackmail in a political crisis in the future.

Second, we must maintain sufficient forces-in-being to cope with the present Soviet threat—rather than decommissioning vessels capable of antisubmarine warfare work. Where modern vessels are available for employment, their procurement should be accelerated. The time has passed for the long delays associated with such equipment as SSN–688 class nuclear-powered attack submarine, and the Mark 48 torpedo. Effective antisubmarine warfare is perhaps the potentially most significant means of reducing the threat of nuclear annihilation from our midst, for the ability to destroy one nuclear submarine, can prevent the launching of as many as 16 ballistic missiles at American territory. It is time that antisubmarine warfare received the high priority it deserves.

Mr. DENNIS. Mr. Speaker, national defense is a fundamental national priority. It is, and has always been, a Federal responsibility, and no philosophical doubts or questions exist on this score. Moreover, without the protection of an adequate national defense we will not long remain in a position to do any of the other things we may wish to do.

It is essential that we maintain an adequate defense—and if peace is to be maintained this requires better than parity on our part—particularly in the nuclear and missile field, since our policy rightly rules out any preemptive first strike on our part, and we must be able to respond effectively even if we have first been attacked—and potential enemies must know that we can do this.

Today the only part of our nuclear armament in which we retain any clear superiority, as I understand it, is in respect to our Polaris submarines. This superiority, too, is being challenged and it must be maintained.

The other side of this grim coin is an adequate missile defense. Safeguard, by best advices and according to tests, will work and is worth having; but it can be successfully saturated by a sufficiently massive attack and it is probably not the best, or at least not the sole, means of defense for the future. Future adequate missile defense probably requires a defense in depth, by a variety of means now on the scientific drawing boards, and this will include a defense system based, to a substantial extent, in space itself—a spaceborn defense system.

It is noteworthy that the Russian space program tends to concentrate on the near-orbit problems of inner space. This area, in a military way, could become truly decisive in a manner heretofore unknown. It is imperative, I think, that this same area have our immediate attention. We need, indeed, to address this vital area with the same energy with which we have tackled travel to the moon.

Mr. Speaker, I am no warmonger. I favor international negotiation and an international rule of law. But we must negotiate from strength in today's world; and, as for me, I have no desire—as a Member of this great national assembly—to be, as I fear some of my colleagues are, a grasshopper legislator, voting for and enjoying all the good things of life, and never thinking of the winter, which always comes.

Mr. WAGGONNER. Mr. Speaker, I would like to add my voice to those of my colleagues who are becoming increasingly alarmed about the state of our national defenses. A recent series of articles by Joseph Alsop which appeared in the Washington Post outlined some of the reasons why we should all be concerned about what is going on in the Soviet Union as far as increasing their military forces goes, and what is not going on in our own Nation to cope with what is becoming a really massive threat.

Mr. Alsop wrote these columns while at Offutt Air Force Base, the headquarters of our Strategic Air Command. He wanted to see firsthand what the situation really was. I would like to make a few comments on these articles before inserting them into the RECORD for the benefit of any of my colleagues who may have missed them since the situation has, if anything, deteriorated since April when they were written.

In the first column entitled, "The Trouble Ahead," Mr. Alsop states that—

> Leaders of our Strategic Air Command are not merely convinced that the huge former American power has now been lost. They are further convinced that the Soviets today probably enjoy a favorable margin of nuclear strategic power that is now on the order of five to three.

Gen. Bruce K. Holloway, head of SAC, has stated in recently released testimony before the Senate Committee on Armed Services that in his opinion the United States is presently on the downside of parity in relationship to the Soviet Union. What are the implications of the current state of U.S. inferiority? To begin with it means that it is going to be much harder to deter the Soviet Union from expanding its influence to areas outside the continental United States. Mr. Alsop uses the Middle East as an example.

As our strategic power relative to that of the Soviet Union continues to decline we are losing what is known as an "extended deterrence capability." Extended deterrence is basically the ability to shape, limit, and hopefully preclude enemy actions beyond one's own borders by virtue of potential rather than actually performed actions. Although deterrence is basically a psychological phenomenon, it is ultimately based on capability.

Unquestioned nuclear superiority on the part of the United States, a Nation not bent on extending its influence through the use of military force, acted as a shield for many other nations who did not have, and do not have, the capability to successfully defend themselves should the Soviets decide to annex them. As our power relative to the Soviet Union continues to decline this nuclear umbrella is beginning to wear rather thin. It is really not too difficult to imagine the Soviets deciding to rapidly annex, for example, a portion of Norway, by using their tremendous general purpose force superiority in that area of the world, and presenting the United States with a fait accompli where our only alternative is either to cede the area to them or launch a nuclear strike which would mean our own total destruction.

Our extended deterrent capability is called into question not only by the quantitative force relationship now existing, but also by the type of forces to which we are limiting ourselves.

We have purposely denied ourselves a capability to degrade the hardened Soviet missile forces by making our land and sea based missile forces less accurate than they might otherwise be. If the Soviets understand, as I am sure they do, that we do not have the capability to render inoperable those weapons systems with which they can decimate our Nation, the sense of security with which they undertake aggressive action against weak neighbors is obviously enhanced. To my way of thinking, this is a highly provocative and destabilizing situation. Stability would seem to be dependent first and foremost on the United States maintaining a strategic capability which precludes situations of the type mentioned above from arising.

In the second column, entitled "The Nondeterrent," Mr. Alsop draws out some implications of basing our defense posture on the "assured destruction" doctrine. If present trends continue as far as relative Soviet and United States military efforts go—and Secretary of Defense Laird has characterized these efforts as "momentum" on the part of the Soviet Union and "near moratorium" on our part—Mr. Alsop forsees a situation arising in which the Soviets have the capability to severely degrade our land based missile force through an SS-9 ICBM strike and our B-52 strategic bomber force through an SLBM—submarine launched ballistic missile—strike. Dr. John S. Foster, Director of Defense Research and Engineering, testified recently before the Senate Committee on Armed Services, that former estimates of the time period when the Soviets would achieve the capability to cause attrition of our Minuteman force below what is considered a critical level, circa 1975, were now obsolete due to the appearance of a new type of large silo now under construction in the Soviet Union. It should also be kept in mind that the Soviets are deploying new Y-class ballistic nuclear submarines—similar to our Polaris—at a rate of 8 to 10 per year, which will equal our force of ballistic nuclear submarines in numbers sometime in 1974. This is a year earlier than previous estimates.

If the Soviets do achieve the capability to virtually eliminate two portions of our triad, the Minuteman force through the use of SS-9's and the B-52 force through use of SLBM's, we will then be in a situation where the Soviets will have 900 SS-11's—similar to our Minuteman—in hardened silos still unlaunched while the United States will have only the 50 to 60 percent of its Polaris-Poseidon force which was not destroyed in port still usable. Now, if our nuclear submarines had a counterforce capability—the capability to limit damage to the United States through knocking out hardened missile sites—we would probably be in a strong enough war fighting position to deter the Soviets from attempting an attack in the first place. Unfortunately, our submarine-launched missiles do not have the capability to destroy hardened Soviet silos. They do not have this capability because we have purposely limited their accuracy to the point where they are only good against civilian-industrial targets. Lacking a counterforce capability, the President would be in a position of either giving the order for our ballistic nuclear submarines to launch a retaliatory strike against Soviet cities, thus dooming our own population, or accepting a "Czechoslovakian solution."

This is by no means what is generally shunted off as a "worst case scenario." A "worst case" is one in which all our forces are inoperable and all the Soviet forces function perfectly. This is rather a case, given a certain strategic force relationship, in which both sides forces work adequately. It is a force relationship toward which we are currently headed.

The third Alsop column, entitled "What If They're Wrong?" deals with what is known as the Tallinn line. The Tallinn line is a system of surface-to-air missile launchers stretching from, I believe, Tallinn, Estonia, to somewhere around Archangel in the Soviet Union. It covers the northern approach to the Soviet heartland. The Tallinn line system having an ABM capability necessisome elements of the intelligence community believing that it does not have antiballistic missile capability and others, including the Strategic Air Command which is responsible for overcoming it, believing that it does. General Holloway has testified on this subject that—

> I am about as convinced as I can be it is an ABM system or can reasonably be with simple changes. With this tremendous radar system, those powerful radars, they are many times more than you need for early warning. I can't imagine what they are for if it is not to serve an ABM system, and a large ABM system.

While the technical arguments should be left to the experts, although personally I am quite willing to accept the SAC assessment since practically all the evidence I have seen points toward their evaluation of the Tallinn line's capability, one thing we must understand is that even the possibility of this SA-5 system having an ABM capability necessitates the continued MIRVing of both our ballistic nuclear submarine and Minuteman forces. In fact, as Soviet counterforce capabilities continue to grow at a staggering rate, they have multiplied their number of strategic offensive missiles almost sevenfold since 1965 and at current deployment rates will have a hardened missile force numbering almost 2,000 by 1975, it is absolutely necessary that the forces we may have remaining after any possible Soviet strike, have enough warheads to assure penetration of the Soviet ABM system. This is vital to maintaining a deterrent capability. The strategic offensive and defensive forces of the Soviets must be considered together when assessing our capability to retaliate since a first strike capability consists of being able to lower the opposite side's ability to do damage through a combination of counterforce weapons and ballistic missile defenses. Any combination of Soviet offensive and defensive weaponry which seems to them to be able to reduce our retaliatory capability to what they would consider an acceptable level of damage means that deterrence based on United States capability, which is what we must base it on unless we wish to rely on the benign intentions of the Soviet Politburo, has ended.

We cannot take a chance on the Soviets achieving this capability. In fact, it is our duty to our country and our people as elected Representatives to see that they do not. While MIRVing our land and sea based missiles is at best a reactive and defensive stopgap procedure for assuring that we maintain enough surviving warheads in the face of growing Soviet counterforce capability to penetrate Soviet defenses, it is essential that we proceed with all dispatch.

I highly recommend the following columns by Joseph Alsop to all my colleagues. Although the reality of the situation he paints is unpleasant the consequences of ignoring this reality are worse:

THE TROUBLE AHEAD

(By Joseph Alsop)

OFFUTT AIR FORCE BASE, OMAHA.—When you come out here to the rather unpretentious headquarters of American deterrent power, you find yourself endlessly reliving the Cuban missile crisis of the autumn of 1962.

At that time, the United States enjoyed a margin of nuclear-strategic power that was at least five-to-one; and it may have been as high as ten to one. Despite this huge margin of superiority, and despite the wisdom and courage of President Kennedy, it is not too much to say that the leaders of the U.S. government were breathless with fear until the Cuban missile crisis ended successfully.

You find yourself haunted by these facts, out here at Offutt nearly nine years later, for two very simple reasons. To begin with, the leaders of our Strategic Air Command are not merely convinced that the huge former American margin of power has now been lost.

They are further convinced that the Soviets today propably enjoy a favorable margin of nuclear-strategic power that is now on the order of five-to-three. This is not the view of those like Secretary of Defense Melvin Laird, who say that there is now "parity" between the U.S. and the U.S.S.R.

But the Laird claim of "parity" is squarely based on optimistic rejection of important evidence. Notably, there is the evidence, firmly believed by the SAC analysis, that the Soviets already possess an extensive ABM defense system disguised as a system of antiaircraft defense. The balance of power, and therefore the margin of either side, of course includes defensive strength as well as offensive strength.

As to the second reason, the power of the American deterrent has remained absolutely stable, or has even declined, for a period of years. Small advances have been, and are being made, here and there. But SAC's B-52 force, for example, has declined from 600 to 452 aircraft. Many items of SAC's equipment, including many of the strategic missiles, have reached the stage of obsolescence. Over-all, in sum, the American deterrent has been complacently neglected for years on end.

In contrast, Soviet nuclear power has been built up, continuously, remorselessly and often with surprising advances, ever since the period just after the Cuban missile crisis. The technical components of this Soviet power do not matter as much as the over-all balance. That is probably five-to-three in the Soviets' favor at present, as stated above. By 1974, or thereabouts, the balance should be at least two-to-one in the Soviets' favor. And it just could be much worse than that!

To see the dreadful meaning of this dreadful forecast, it is only necessary to think of two things. First, think of the fear (and in some quarters, the plain weakness and uncertainty) that could be seen in the U.S. government in the 1962 Cuban crisis, when this country had a five-to-one margin over the Soviets.

Second, think of Israel. For Israel is confronted nowadays, not just by her surrounding Arab enemies, but by Soviet airmen and other soldiers ready to fight side by side with the Arabs. The Middle Eastern situation has again deteriorated gravely. The wisest men in Washington are again talking of "war breaking out again this summer."

That is no sure prediction. But one prediction is absolutely sure. If the Soviets finally push forward their Arab clients against Israel, they will never tolerate another great defeat in the Middle East. They will stop at nothing; they will do anything that is required, to avert such defeat—if they ever take the road of renewed war. And averting defeat for the Arabs necessarily means defeat, if not destruction, for Israel.

In these circumstances, empty-headed people in the U.S. government still prate about this country "never letting Israel be destroyed." But because of the factors above-described, they are lying. The "never" is what makes them liars. Suppose there is no way to prevent Israel's destruction except a nuclear confrontation, with all the advantages on the side of the Soviets. In that horrible event, the American attempt to save Israel will not go beyond hand-writing, empty gestures, and United Nations twaddle.

Such are the cruel realities of the changing nuclear-strategic balance. The Soviets are clearly aiming for what the Pentagon calls a first strike capability. For various technical reasons, however, there is little need to fear a Soviet first strike against the U.S., at any rate in the years just ahead.

But there is every reason to fear U.S. impotence in the face of the most terrible future developments, of which a Sòviet-supported attack on Israel is only one example. And U.S. impotence is sure, if the nuclear-strategic balance goes on being neglected.

THE NONDETERRENT

(By Joseph Alsop)

OFFUTT AIR FORCE BASE, OMAHA, NEBR.—The strategy of "assured destruction" is still the official basis of U.S. nuclear-strategic planning. But "assured destruction" is also held to be illogical, erroneous and phony by the President of the United States, and also by all the leaders of the Strategic Air Command here at Offutt, who have the actual job of implementing this strategy of "assured destruction."

If these statements sound insanely remote from normal American affairs, the answer is, of course, that they are indeed remote. Everything is automatically remote, that has to do with the hideous new weapons that modern science has made available to the giant powers.

The question is, however, whether this remoteness can be permanently maintained. Here, the central fact to face is that the simple mechanics of the historical process have been radically changed by these new weapons.

The change is greater, in truth, than that which occurred when the Bronze Age followed the Stone Age, or the Iron Age followed the Bronze Age. It even exceeds the change when the industrial revolution once again made obsolete all former methods of making war.

The essence of the change wrought by the new weapons is really rather simple. For world empire in the last half of the Twentieth Century, you do not need Indian armies, or governors general in plumed hats, or any of the rest of the outmoded apparatus of old fashioned western imperialism. You need only one thing, an effective nuclear monopoly!

If the Soviet Union ever gains such a monopoly, the experience of the unhappy Czechoslovaks can be rather easily repeated, world-wide. It will not then be a question of imposing a docile Gustave Husak, to rule as the Kremlin commands in Prague. It will then be a question, rather, of men like Gustave Husak being imposed, to rule as the Kremlin chooses in Paris, London, Washington and any other capital the Kremlin fancies.

If you think about it, this enormous change in the basic historical situation places this country in an exceedingly exposed position. The U.S. and the U.S. essentially alone, now stands between the Soviet Union and world empire. This is because the U.S. alone is a serious obstacle to world-wide Soviet nuclear monopoly.

These are the reasons, in turn, for the extreme danger in basing everything on this strategy of "assured destruction", abovementioned. It is not just that the strategy is not credited by the President, or by the leaders of the Strategic Air Command here at Offutt. The real flaw is that the strategy cannot possibly seem credible to the Soviets.

Speaking of "assured destruction", Presi-Nixon told the Congress on 9 March, this year, "I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when that response involves the likelihood of triggering nuclear attacks on our own population."

The President could hardly have stated more cogently the reasons that this strategy of "assured destruction" can never seem credible to the Soviets. These are reasons, in fact, that mean we are rapidly moving towards having a deterrent that will not deter.

Consider the situation schematically, and you will soon see how this works. To begin with, the Soviets have been making enormous, highly impressive efforts to gain the capability of breaking the back of our main deterrent, the Minuteman missile system. They have also been making similar efforts to gain the capability of knocking out SAC's bomber force.

Suppose, then, that these efforts are permitted to succeed. Still speaking schematically, suppose that the back of the U.S. deterrent is broken, mainly by a first strike of the huge Soviet SS–9 missiles. In theory, our nuclear submarine fleet would still give the President the option of "assured destruction" our official strategy calls for.

But in practice, what would be the President's real option? Would he hurl against the Soviet population centers a few scores of Polaris and Poseidon missiles, with the certain knowledge that this would cause our population centers to be utterly destroyed by the huge numbers of SS–11 and other missiles the Soviets would still have in reserve? Would he wipe out the American people, in fact, for the sake of inadequate retaliation?

The answer is, of course, that no President in his senses would do anything of the sort. The time of Husak-government in Washington would thus have come. So the further answer is that we very badly need a brand new national strategy.

What if They're Wrong?

(By Joseph Alsop)

Omaha, Nebr.—"And what if the estimates are wrong?" That is the question you find yourself asking, over and over again, if you come to the headquarters of the Strategic Air Command. Here the whole world balance of power is concentrated, as it were, in a single converted but still old-fashioned U.S. Army post.

The journey to Offutt Air Force Base was made to get the facts before the Senate's annual storm in a cave of winds over the next appropriations for American antiballistic missiles. And the journey raised the fairly worrying question above recorded for reasons of the utmost grimness.

In brief, the analysts of the Strategic Air Command are rather firmly convinced that the Soviet Union already has an extensive and efficient antiballistic missile system disguised as part of its antiaircraft defenses. In this matter, moreover, SAC analysts are supported by most Defense Department analysts, including the department's able chief scientist, Dr. John Foster.

It is a strange feature of our era that issues of potential life-and-death significance are quite often debated in private, in the most secret chambers of the government. In this instance, the issue of "SAM-upgrading," as the problem is called, is known to have been given nearly 30 hours of close, consecutive study by the director of Central Intelligence Agency, Richard Helms.

Any issue requiring that amount of desperately hard homework by a man in the position of the director of the CIA can only be an issue with potential life-and-death significance. And who on earth, outside the government's most secret chambers, has ever heard that such a problem as "SAM-upgrading" so much as exists?

But for the very reason that it has potential life-and-death significance, it is well for more people to understand the nature of the problem. The problem begins, then, with the Soviets' deployment of approximately 1,200 defense ballistic missiles of unusual size and power, which our people call "Tallinns" or "SA–5s."

As the designation "SA–5" should indicate, these Tallinns were originally classed as antiaircraft missiles, in the same series as the SA–2 and SA–3 that the Soviets have deployed in Egypt. The question whether the Tallinns really belong in this series was what engaged Director Helms' attention so many hours.

There are three facts of great importance that bear upon this question. In the first place, incoming ballistic missile warheads, greatly slowed by their descent and incapable of evasive manpower, are actually rather easier to knock down with missiles than are properly flown and equipped bombing planes.

Secondly, the Tallinn is an exo-atmospheric missile. In other words, with a range of 100 miles, it also reaches an altitude of 100,000 feet. This is somewhat above the atmosphere in which airplanes fly. Thirdly, in most parts of the Soviet Union where Tallinns are deployed, they are duplicated, as it were, by SA–2 missiles, whose antiaircraft character is beyond dispute.

Thus the Soviets have today 1,200 missiles which can be ABMs masquerading as antiaircraft missiles. This is of course in addition to the acknowledged ABMs of the type known as Galosh, deployed only around Moscow. That is by no means the end of the story, however.

The 1,200-plus-or-minus Tallinn missiles could not possibly be used as ABMs, without a complex system to give them the needed radar-targeting and radar-guidance. This is where the huge "henhouse" and "doghouse" radars come in, which the Soviets have also been deploying for some time.

These vast radars, over 100 feet high and as large in area as a couple of football fields, again appear to be superfluous, like the Tallinns' power to reach outside the atmosphere, except on one condition. That condition is that the radars are intended to be married to the Tallinns. This would make an ABM system protecting most of the other Soviet industrial centers, additional to Moscow which is protected by the Galosh system.

If this is true, as the SAC analysts believe, the upset in the balance of nuclear-strategic power is already far greater than the worst pessimists suppose outside the government's secret chambers. The untruth of the SAC analysts' conclusion is meanwhile stoutly maintained by most of the government's civilian analysts.

These are the same people who first maintained that the Soviets' giant SS–9 missiles were not aimed at our Minuteman system, and then repeatedly argued that SS–9 deployment would soon be stopped. They took five years to admit that other error, so the track record is not reassuring.

Mr. LANDGREBE. Mr. Speaker, while I have always believed that the best defense is a strong offense, I fully appreciate the importance of maintaining defensive mechanisms, capable of fielding any enemy nation.

In the first place, there is always the possibility of an accidental release of an enemy warhead. Second, if negotiations with unfriendly nations are going to be fruitful at all, our negotiators must be "backed up" by defense weaponry of the most modern design and superior effectiveness.

Therefore, it is most difficult for me to understand the reasoning of Senators Muskie and Fulbright as reported by Holmes Alexander and printed as follows:

National Scene

(By Holmes Alexander)

Washington, D.C.—Ed Muskie is absolutely certain that we'd be safer if we were militarily weaker. Bill Fulbright is convinced that Mao Tse-tung and the late Ho Chi Minh wanted to be friendly with us in the past, and that from Harry Truman onward our Presidents have misread Communist intentions. Clifford Case believed there is no reason to be concerned just because Russia is ahead of us in nuclear striking power.

So help me. It's the solemn truth that these three U.S. Senators made those preposterous statements when they had Deputy Defense Secretary David Packard on the grill before the Foreign Relations Committee.

When Gail McGee (D., Wyo.) and Hugh Scott (R., Pa.) aren't there, this whole committee seems to walk around with hands in the air and gripping white flags to surrender. Some of its senior members, as those named, talk like men who've been scared out of their wits.

MAKES RUSSIANS NERVOUS

Muskie argues that it's dangerous for us to arm ourselves because that makes the Russians nervous, trigger-happy and causes them to speed up the arms race. This man most likely to be the next Democratic candidate reasons like a jealous woman: it's all our fault the Russians have all those SS–9s; they were just imitating us.

Fulbright is willing to discount all the anti-capitalist, anti-American literature by Chairman Mao, and to believe that Red China means us no harm.

He's dead set against moving our nuclear weapons from Okinawa to Taiwan in order to keep them pointed at the Mainland. Case is married to the simplistic theory of overkill, and he can't see any harm in Russian nuclear supremacy since the two nations are scorpions-in-a-bottle.

BEARS UP VERY WELL

Dave Packard, a tough hombre, bore up very well under the caustic and sarcastic treatment which is the fare now usually offered to any person who supports American security. The Deputy Secretary went through the A-B-Cs of international negotiating, showing that it's no good going to the SALT meetings with empty hands. Bargaining chips are the weapons there.

When the President announced two years ago his intention to go ahead with the ABM Safeguard system, the Russians showed a willingness to give up some of their own weapons if we would give up Safeguard. More recently, the American decision to press on with the MIRVs, the multiple-warhead missiles, has kept the bargaining sessions going.

DOUBTS SENATORS LISTENING

I don't think the Senators were listening, but Packard was saying that—contrary to ignorant opinion—the MIRV'ed weapons are more effective, but less destructive, than the pre-MIRV weapons.

The MIRVing of submarine borne missiles has raised their destructiveness to 106 per cent, but the MIRVing of the land-based Minutemen has made them only 63.9 per cent as destructive. It averages out to be a reduction of nuclear bang. This may indicate the direction of sophisticated weaponry. The more we improve and modernize, the better the accuracy, but the smaller the megatonnage.

Perversely enough, Muskie, Fulbright and Case don't want to hear this. They won't listen to anything good about weapons. They would rather believe that all arms are bad arms, and that any kind of a disarmament arrangement is a good arrangement.

WOULD LIKE LIBERATION

But a lot of people in Poland, Muskie's ancestral country, would like enough guns to liberate themselves. When Case said we'd all be better off without gunpowder, he must have forgotten that America won her independence on ammunition shipped in by France. The sword traditionally is not just a throat-cutting knife, but a symbol of freedom and gallantry. Fulbright's committee needs somebody to say a good word about weapons.

And that committee is one which should cause American knees to knock when you pause to consider that power is passing from the presidency to the Congress. Hardly a day passes but Mike Mansfield, Wilbur Mills or Harley Staggers don't do something that the Executive Branch used to do for itself.

It would be a case of Good Night, Nurse, if the Foreign Relations Committee ever got to running the U.S. foreign relations.

Mr. COLLIER. Mr. Speaker, I thank my colleague from Illinois for yielding.

I believe it is significant to bring the attention of the Members of this House to the recently issued handbook of Raymond Blackman, Britain's renowned expert on naval affairs. He pointed out that Russia now maintains 83 nuclear-powered submarines, 318 conventional submarines, two helicopter carriers, 26 cruisers, 100 destroyers, 130 frigates, 270 escorts, 320 minesweepers, 125 missile boats, and 325 torpedo boats. He compared the U.S. Navy today with its strength 3 years ago and concluded that we now have 13 attack aircraft carriers instead of 16; three antisubmarine carriers instead of six; 160 cruisers, frigates, and destroyers instead of 240; and 93 attack submarines instead of 103.

According to the Armed Services Committee we have 41 Polaris submarines which are nuclear-powered and have a tremendous striking capability.

These figures are significant and certainly must be the cause of concern. I feel sure that despite the strong antiwar sentiments which have spread across the country at varying levels, that most Americans do not wish to risk the ability of the United States to meet any attack in the future.

Recognizing that we must constantly review our defense requirements and update military weaponry with restraint and sensibility, we can ill afford to slip into the category of a second-class power nor weaken the basic strength of the North Atlantic Treaty Organization.

An adequate defense is a deterrent to war and can therefore well be the most effective means of maintaining peace—at least until a meaningful bilateral reduction of arms is achieved.

Mr. CHAMBERLAIN. Mr. Speaker, the spectacular growth in the size and capability of the Soviet Navy has been a matter of increasing concern to me and many of my colleagues as well. Further evidence has recently come to light which can only serve to heighten that concern. I refer to the assessment of the world naval situation given by the authoritative publication "Jane's Fighting Ships," as contained in the forward to its 73d edition, which includes the following appraisal:

> The expansion of Soviet maritime power was a military phenomenon of the 1960s which looks like rising to a flood tide in the 1970s. At the turn of the decade not only have more warships been added to the Fleet compared with last year, but another two million deadweight tons aggregate of new merchant ships have sailed on the world-chess board of military strategy to join the Soviet high-seas fleet of so-called "fishing" vessels, the flotillas of sophisticated "research" ships, and the squadrons of para-military support ships which contitute a long Fleet Train.

This sober report is something that cannot be ignored by anyone who wishes to be fully informed about this vital area affecting our national security. I am, therefore, taking this opportunity to place it in the RECORD for the benefit of my colleagues and for the wider circulation that it deserves.

I was particularly pleased to note that the release of this report has not gone unnoticed, and I also wish to insert at this point an editorial appearing in the State Journal of Lansing, Mich., on July 31 entitled, "America Can't Risk Second Rate Status," which offers some very timely and much needed comments about some of the hard realities concerning the Soviet Union's military buildup.

JANE'S FIGHTING SHIPS, 1970–71—FOREWORD

In this edition, the 73rd year of issue of *Jane's Fighting Ships,* a great volume of new facts and figures have been added. Throughout the book the technical ship data, reference tables and specialised notes have been extensively revised and in many cases liberally amplified in the light of new information received and to keep abreast of the ever changing naval scene.

The amount of fresh material in this edition is well above the average. More new photographs have been added in the new issue than in previous years. And the volume is published some two months earlier in the year. Indeed, it is the earliest publication date in any year of the 22 years of the present editorship.

More than 1,250 new illustrations have been added in this issue, including over 300 new scale drawings. Altogether there are some 2,500 illustrations in the book comprising over 2,000 photographs and nearly 500 scale drawings. Particulars are given of about 15,000 ships and craft in the navies or sea defence forces of over 100 countries.

The numerical strengths of the 55 largest navies are summarised in a two-page spread table at the end of the ship reference section, thus affording quick comparison between the maritime nations of the world. And the preamble to each national chapter includes the additional summary of a table giving the number of ships in the main categories, affording sight assessment of the strength of the fleet without having to turn the pages and make a count.

There has been a good response this year from correspondents east and west, and with the goodwill and cooperation of all except one or two of the 100-odd naval and maritime authorities concerned there has been a steady flow of information and photographs to this annual, enabling the new edition to give the latest pictorial and descriptive portraits of newly built warships, reconstructed vessels and converted units, and to maintain the *Fighting Ships* tradition, established in 1897, of presenting a comprehensive panorama of all the world's fighting ships together with their support ships and auxiliaries.

Particularly thorough up-dating has come in for the navies of France, Germany, Italy, Netherlands, Sweden, United States and the USSR, either direct from defence headquarters or from other sources. For the first time in the history of this naval encyclopaedia the number of pages in the ship reference section alone exceeds six hundred. Commensurate with the greatly expanded and still growing navy of the USSR the size of the Soviet section in this volume has been increased by over 70 per cent.

USA

Those of responsible opinion in the United States are worried about the military posture and budget of the US Navy, which is considered to be inadequate to meet worldwide national and international commitments, or even to compensate for the natural wastage of an ageing fleet, an alarming proportion of which was built during the 1939–45 war emergency.

The force levels which the 1971 Fiscal Year Budget supports include 15 strike aircraft carriers, 4 anti-submarine aircraft carriers, 41 nuclear powered ballistic missile submarines, 52 nuclear powered fleet submarines, 53 conventionally powered fleet submarines, 10 guided missile cruisers, 234 frigate, destroyers and ocean escorts, sufficient amphibious forces for four Marine expeditionary brigades, and the necessary logistic support ships and miscellaneous craft.

But the US Navy will end the fiscal year with force levels reflecting a net reduction (i.e. total inactivations less new and converted ships) of 175 active fleet ships and 732 active aircraft below the levels operated at the end of the 1968 fiscal year which saw the height of activity in Southeast Asia.

The problem of the US Navy faces is still the encroaching obsolescence of much of the Fleet. The replacement of these worn out ships and aircraft is expensive under present market conditions, but cannot be further delayed if the Navy is to have the combat capabilities which the United States can rely on in the future.

The increased expenditure of recent years necessitated by the Vietnam war have had relatively little constructive effect on the long term modernisation of the US Navy. Some weapon sub-systems necessary to meet the demands of that unusual situation have been provided, but the bulk of the increased Navy expenditure was devoted primarily to sustaining combat operations, to catering for attrition, not modernisation. To rectify this situation it is necessary to provide, on a reduced time scale, several new ship and aircraft programmes repeatedly deferred during the mid-1960s.

In the Atlantic US Navy resources are stretched thinly in order to maintain the Sixth Fleet in the Mediterranean as well as a modest force in the Middle East. For several years the Atlantic Fleet has been called upon to provide a share of the naval requirements in Southeast Asia and the Navy has given first priority to Pacific Fleet forces in actual combat. But as a result the Navy has been unable to maintain the modernity, readiness and capability of the Atlantic Fleet at the desired level.

There is, however, one bright feature of United States replacement and modernisation policy. As the older of the big front-line aircraft carriers (nearly half of which are still of World War II vintage) are reduced to support roles they are being replaced by new aircraft carriers (the large nuclear powered *Nimitz* and *Eisenhower* are under construction); and the US Navy very creditably has its sights firmly fixed on a permanent force of 15 "attack" aircraft carriers.

It appears that the offensive power of US carrier strike and amphibious assault forces is to be maintained at the levels required to fill the Navy's role in the national strategy, both for credible deterrence and wartime application. But what the US Navy would additionally like to ensure is the maintenance of the full array of forces required for control of the sea lines of communication to sustain Allies and forward deployed US Forces.

The planners of the US Navy of the future are perhaps understandably very preoccupied with what they see as the continuing growth and pervasive spread of Soviet maritime power in all its aspects, acutely conscious that while the USA has been severely reducing her Navy, the Soviet Union continues maritime expansion at a rapid rate. US Navy chiefs believe that careful consideration should be given to the changed situation in the Mediterranean where the recent increase in the number of Soviet warships is regarded as an "intrusion" with "significant military undertones for the North African littoral." During 1969 there was a 22 per cent extension of Soviet naval operations and the Soviet squadrons were increased to over 60 newer and more effective ships, with access to shore facilities in Egypt and Syria.

US experts point to certain discernible technological trends and observed new weapons systems of the Soviet Navy as being of particular significance to US naval planning. Among these are the continued construction and deployment of the new Polaris-type nuclear powered submarines, and it is now estimated by the US Navy that the USSR could have a ballistic missile submarine fleet equal to that of the United States by the mid-1970s.

In the USA the thrust and obviously sustained momentum of Soviet technological efforts and their impressive achievements recently are indicating the extent to which the US naval forces of the future must not only be redesigned and strengthened but prepared to match the same degree of sophisticated weaponry in many parts of the world where Soviet military equipment has been supplied to client states.

The missions which the US Navy aims to fulfil to provide for the future defence of the country and the free world are manifold. They include not only containing Soviet naval expansion, and the obvious duty of maintaining the sea lines of communication in hot war in Southeast Asia or cold war in the Middle East, or any other area of conflict, but protecting the flanks of NATO and preventing the isolation of Greece and Turkey by controlling the eastern Mediterranean, assisting Asian allies, and control of the airspace over the seas as well as of the seas.

To these ends, *inter alia*, the conversion of six more Polaris submarines to carry Poseidon is projected towards the ultimate target of 31 Poseidon submarines, constituting the most survivable components of the presently programmed national deterrent force to meet the increasing intercontinental and submarine-launched ballistic missile threat.

The proposed Undersea Long Range Missile System would support the Polaris and Poseidon forces. With its long range missile the ULMS increases the ocean areas available for operations and permits deployments around virtually the entire defence perimeter of the foreseen potential enemy.

A sea-based ballistic missile defence system, or SABMIS, is also being investigated. Deployment of this system in the adjacent sea buffer areas would permit interception of intercontinental ballistic missiles before they reach the US battle area and complement the SAFEGUARD system to provide a defence in depth.

A third nuclear powered aircraft carrier of the "Nimitz" class is projected to complete the three-ship programme. This is a ship for the 1980s and on into the 21st century, and it will be one of the cornerstones upon which the USA can build whatever maritime posture is then required. (Would that other nations had as much forethought instead of living from hand to mouth.)

Four nuclear powered guided missile frigates (fully as big as cruisers) are being provided in various funding instalments. There will also be a continuation of the nuclear powered fleet submarine construction programme, and the building and conversion of various categories of surface combatant warships and support ships, see reference pages.

But the US Secretary of Defence has indicated that the allies of the United States are expected to make an increasing effort for their own defence, and there will be a trend towards a somewhat reduced US forward defence posture with greater reliance being placed on a centralised strategic reserve to uphold US treaty obligations abroad.

Despite the severe reductions in the US active fleet the United States section of this edition is larger than in previous years due to the addition of considerable new material, especially data on shipboard electronics and advanced weapon systems, and several chapters having undergone major revision, especially the mine warfare, service craft, and Coast Guard pages. Six pages of new drawings appear in the US section.

USSR

It seems that once in her stride there is no stopping the Soviet Union in her naval progress. The pace of acceleration in naval strength has marched in parallel with the greatly increased and still rising strength of the Soviet mercantile marine. There is no hiding place from the Hammer and Sickle. It has long been said that trade follows the flag, but in this case it appears that the flag is following the trade routes all over the world. The Soviet merchant fleet has expanded from 1,000 ships aggregating 2,300,000 tons gross in 1955 to 7,000 ships aggregating 16,000,000 tons gross in 1970. The increase in the fighting fleet has been no less spectacular, particularly in the later 1960s.

The USSR is no longer copying and emulating. She is initiating and inventing. Regularly there appears a new class of warship peculiar to Soviet requirements. Each year for the last few years a new type of rocket cruiser or missile destroyer has appeared. Each year a new class of submarine has been observed, either nuclear or conventionally powered. And for years now improvements have progressively been made in a series of deadly little missile boats running into hundreds of units.

Recently *Leningrad*, the second of the large cruiser helicopter carriers emerged from her lengthy builders' and proving trials. She and her sister ship *Moskva* afford the most extensive vertical lift off and touch down flight facilities ever contrived in the limited compass of a guided missile cruiser's platform abaft the funnel. It would be no surprise if after the experience gained with these ships the Soviet Navy went the whole hog and produced a flat-top carrier for operating fixed wing aircraft.

In Soviet submarine construction the pendulum seems to have started to swing the other way. From an all out concentration on large nuclear powered and missile armed vessels in the last few years a return is being made to conventionally propelled and orthodox armed boats of quite modest dimensions. All the same the USSR is currently building at least three types of nuclear powered submarines and one class of diesel-electric propelled submarines.

The Soviet Union is not neglecting any aspect of naval warfare, and all classes of warships, from the largest to the smallest are being built. Even the supposedly outmoded cruisers are being employed. Although it was stated officially as long ago as 1960 that cruisers would be phased out and that submarines would be the main force of the Navy, one of the still extant 16 orthodox cruisers has been converted to a guided missile ship and new rocket cruisers continue to be built.

The USSR also continues to build or improve destroyers, and there is an extensive new construction programme providing for escorts of the small frigate type, coastal escorts of the submarine chaser or patrol vessel type, coastal minesweepers, missile boats, torpedo boats, amphibious vessels and support ships.

The expansion of Soviet maritime power was a military phenomenon of the 1960s which looks like rising to a flood tide in the 1970s. At the turn of the decade not only have many more warships been added to the Fleet compared with last year, but another two million deadweight tons aggregate of new merchant ships have sailed on to the world-chess board of military strategy to join the Soviet high-seas fleet of so-called "fishing" vessels, the flotillas of sophisticated "research" ships, and the squadrons of paramilitary support ships which constitute a long Fleet Train.

The Soviet roaming fleet of non-combatant ships, the largest in the world, continues to grow and expand its operations far distant from the USSR, while the Soviet fleet of fighting ships is extending its activities throughout the world, demonstrating growing confidence in the Navy's technical and operational competence and pursuing its missions with imagination, ingenuity and flexibility. At most all this adds up to a Soviet drive to attain supreme seapower. At least it means the not so new custom of the biggest boy "showing the flag" brought to a fine art.

The Soviet penetration of the Mediterranean is of special significance. By its concentration and continued presence the Soviet Fleet in this middle sea can deflect the influence of the U.S. Sixth Fleet, turn the political axis, upset the *status quo* for all the European, Minor Asian and African nations on the long Mediterranean seaboard.

"Mare Nostrum", the Italians called it, though it hardly ever was. For a century and a half from Trafalgar onwards it was *mare nostrum* for Great Britain imposing a Pax Britannica. Then for all too short a time the Mediterranean was indisputably American. Now the USA shares uneasily with the USSR in a situation which is neither peace nor war, both holding the flints and the sparks which could touch off the explosive ingredients in the hands of Egypt and Israel.

It is not only the Mediterranean in which the USSR is interested. Her outsurge extends to all the seven seas. So much so that the question might justifiably be posed: Who is policing the world now? Britain is withdrawing into isolation like any mid-west state, and the US has well defined and limited-compass fleets in several spheres somewhat reduced to provide reinforcements or replacements for the considerable fleet supporting the war off Vietnam; but the USSR has warships all over.

It is estimated that the Soviet Navy now includes 75 nuclear-powered submarines, 320 diesel-driven submarines, 2 helicopter carriers, 25 cruisers, 100 destroyers, 100 escorts, 275 patrol vessels, 300 minesweepers, 125 missile boats, 300 torpedo boats, 100 amphibious ships, 130 amphibious craft, and literally thousands of support ships, auxiliary vessels and service craft.

It is significant that the USSR, after concentrating on nuclear powered submarine construction over the last few years, has gone back to building conventional submarines as well. It is not unreasonable to assume that the Soviet Navy can see no merit in employing a nuclear powered submarine of 5,000 tons costing £30,000,000 on a task that could be performed equally well in the required circumstances by a diesel powered submarine of 1,000 tons costing only £3,000,000 but equipped with the same number of torpedo tubes.

Admiral Hyman Rickover, father of the nuclear powered warship, is reported to have predicted that by the end of 1970 the USSR will have more nuclear powered submarines than the United States (this is unlikely on the existing figures he gave—70 for the USSR and 87 for the USA). But there is no magic in nuclear power which automatically makes the vehicle it is driving better than a conventionally propelled vessel. A nuclear reactor is merely an alternative form of steam generator to the boiler, and the turbines and associated machinery are the same as in any other ship. A big diesel-electric powered submarine could carry ballistic missiles as easily as a nuclear powered submarine. Its limitation is that it has to be refueled periodically giving even a breathing tube submarine only temporary invisibility, whereas a nuclear powered submarine through its unlimited range has permanent anonymity. The USSR has a number of diesel driven submarines carrying ballistic missiles.

UNITED KINGDOM

The naval planners in Britain have multifold tasks, not made any easier by having to be done simultaneously: to reduce the fleet to its lowest ever peacetime level commensurate with the abdication of a worldwide role and superpower status; to conserve and maintain what remains and prepare it against emergencies in the areas from which it has nominally withdrawn but to which it might have to return; and in the meantime to build up the fleet of the future to a size and shape adequate for the envisaged requirements of the late 1970s and 1980s.

Good progress is being made with the three classes of surface ships to be brought into service in the Fleet in the 1970s. The design for the new cruisers which will succeed the converted helicopter cruisers of the "Tiger" class is being developed to provide three main capabilities: the deployment of anti-submarine helicopters, command and control of naval and maritime air forces, and a contribution to area sea defence. Their construction will also provide an optional capability of operating vertical or short take off and landing aircraft, but further work has to be carried out before any decision can be taken as to whether the advantages of taking up this alternative propensity would justify the substantial cost involved. The cruisers will be powered by gas turbines: they have been designed with a through deck unimpeded by superstructure for the operation of aircraft. The ships will be armed with "Sea Dart" surface-to-air missile launchers. Design assistance contracts are being placed with the shipbuilding industry in 1970.

Sheffield, the first of the new destroyers to carry "Sea Dart" missiles, and *Amazon*, the first of the new frigates of Yarrow-Vosper design, are under construction; and further destroyer contracts will follow during the year while three more frigates have been ordered.

HMS *Blake* has completed proving trials after her rebuilding aft to carry three "Wessex III" helicopters and is now on a world cruise. The similar conversion of her sister ship *Tiger* to carry "Sea King" helicopters will be completed by the end of 1971, and the reconstruction of *Lion*, the third ship of the class, is scheduled.

The aircraft carrier *Ark Royal*, is now operational after her three years' special refit and conversion costing about £32,500,000 to enable her to operate Phantom aircraft. She is now one of the most up-to-date aircraft carriers in the world, a vast and wonderful military machine constituting a potent instrument of sea power, and representing a massive contribution to Britain's deterrent against war.

Her sister ship *Eagle* is also in active service during the year and can operate Phantom aircraft. This great vessel was also redesigned and reconstructed a few years ago and is an equal partner with *Ark Royal* in Britain's front line striking power. Her rejuvenation, which cost £31,000,000, gave her an extension of life into the 1980s.

During their modernisation and rehabilitation they were not only converted and strengthened to carry the latest aircraft but the opportunity was taken while they were in dockyard hands to update them from stem to stern, from keel to truck, and from the starboard island to the port fully angled deck. Every compartment in each ship was brought to current and foreseeable future standards, with generously reappointed accommodation and furniture, air conditioning and insulation, every scientific aid to operating aircraft and fighting the ships, and every possible amenity for the efficiency, health and recreation of the ship's companies.

Each of these vessels is a mobile airstrip extending for one sixth of a mile, carrying its own hangar, control tower and the base facilities afforded by a flight deck area of four acres and a population of 2,800 sailors, airmen and engineers, from ocean to ocean at a speed of over 31 knots. They can project overseas the visible evidence and voice of a still first class naval power. Surely it would be at least inadvisable to phase out these magnificent concentrations of military power, the largest moving machines ever built, before they have expended their economical lives and before new types of ships capable of operating an improved type of longer endurance VTOL aircraft are built to replace them.

One cannot envy the awesome responsibility of a Defense Minister identified as the one who found it expedient to draw the nation's front teeth, nor measure the fearsome prospect awaiting a Government which would go down in history as the one which took away Britain's aircraft carriers and henceforth sent her naked to the conference tables of the world.

Actually the death knell has already sounded for one of Britain's only three remaining carriers, for it is officially stated that HMS *Hermes* will be phased out from her present fixed-wing flying role during the year. On a date of original completion basis *Hermes* is the Royal Navy's most modern aircraft carrier. She first joined the Fleet only ten years ago, so could normally be expected to serve until 1980 at least, especially as she was extensively refitted during 1964–66 at a cost of £10,000,000 and widened and rearmed with guided missile launchers. She seems destined to be converted into a commando ship, as it would indeed be folly to scrap a warship of her size, cost and complexity. She will doubtless replace the most worn of the two invaluable commando ships, *Albion* and *Bulwark* which with the ubiquitous assault ships *Fearless* and *Intrepid*, constitute Britain's amphibious forces.

It is a source of disappointment in naval circles that only one new fleet submarine, HMS *Churchill* has been completed after an interval of several years. The first nuclear powered fleet submarine, *Dreadnought*, was completed in 1963, the second, *Valiant*, in 1966, and the third, *Warspite*, in 1967 (in the interim the four deterrent submarines *Renown*, *Repulse*, *Resolution*, and *Revenge* have been completed).

Meanwhile the number of conventionally powered patrol submarines has been drastically reduced. There are now only 27 comprising 21 operational or preparing for service and six in reserve or under refit. This is the lowest number in the history of the Submarine Service since it first gained impetus over 60 years ago.

Attention was called to an impending reduction in the number of submarines in these columns two years ago. It was pointed out that the surviving war-built submarines had been gradually whittled down on account of age until only 16 remained and that these would have to go shortly. That warning was not very graciously received by the protagonists of the Submarine Service who pointed out that the boats in question had all been refitted; but since then no fewer than ten of them have been officially approved for scrap and the surviving six cannot last much longer. The only compensation from new construction in the same period is the one fleet submarine.

It is true that three more nuclear powered fleet submarines, *Conqueror*, *Courageous* (ex-*Superb*) and *Swiftsure* are under construction and that two more are in the pipeline, but before even one more fleet submarine is completed a total of 28 conventional submarines (15 "A" class and 13 "T" conversions and streamlines) will have been disposed of over a period of three years, leaving Britain with a bare handful of nuclear powered fleet submarines and the 21 post-war built diesel driven boats.

This is simply not good enough even in peacetime for a country with as many worldwide interests as Britain and investments abroad running into billions of £s sterling. Nor is it commensurate with her history, her still considerable influence and the voice that she presumes to have in the world's affairs. As a nucleus for war emergency it is entirely inadequate. If Britain is not to remain an aircraft carrier power she should at least continue to be a submarine power. Otherwise the Royal Navy will be reduced to merely a frigate navy, especially as it seems that the vagaries of the "Seaslug" missiles and the difficulties involved in refitting the sophisticated ships in which they are carried will limit the number of the "County" class destroyers that can be operational to only about half of the eight at sea at any one time.

What is wanted to redress the declining submarine strength situation is a crash new construction programme of a dozen utility patrol submarines of medium size, say 1,000 tons, powered by diesels, which would span the interim until a sufficient number of nuclear powered fleet submarines can be completed. These conventional submarines could be built in pairs or groups of three or four simultaneously by a number of specialist submarine builders in little more than a year if the necessary go ahead signal were given. They could have just as many torpedo tubes as is now customary in the largest nuclear powered submarines and therefore in that respect constitute just as deadly weapons, and they would do useful for both operations and training.

NATO

The Standing Naval Force Atlantic (STAN AVFORLANT), the North Atlantic Treaty Organization's permanent, multi-nation squadron, the purpose of which is to demonstrate NATO solidarity and unity, has again had a successful year of operational exercises and manoeuvres. It has been and could be any number and any combination of vessels of any of the ship contributing nations in NATO, namely Belgium, Canada, Denmark, Germany, Greece, Italy, Netherlands, Norway, Portugal, Turkey, United Kingdom and United States.

The Standing Naval Force Atlantic could be much more viable and effective as a deterrent against war if it were promoted from an international squadron to a supra-national fleet administered and controlled by a Greater Atlantic Treaty Organization (GATO) comprising not only the erstwhile North Atlantic Treaty Organisation (NATO) but a South Atlantic Treaty Organisation (SATO) and a Mediterranean Treaty Organisation (METO).

A GATO extending south from the present arbitrarily fixed tropical line of latitude limits could link up South Africa, never before in such a strategic position on the trade route round the Cape, and the Atlantic coast nations of South America. It could make sorties into the Indian Ocean to pierce the void caused by the withdrawal of British forces from their traditional spheres of influence. (Chinese naval activity in the Indian Ocean has already been observed).

In these days of financial stringency and political expediency a number of warships are being sacrificed to the shipbreakers before their economical lives have been expended. These could be turned over to GATO and operated for the benefit of the Atlantic Treaty countries as a whole or maintained in reserve on a short notice basis for use in emergency.

The Netherlands has dispensed with her only aircraft carrier and Canada is disposing of her one aircraft carrier. Britain is scheduled to phase out one of her three remaining aircraft carriers (only ten years old) shortly. This means that NATO as at present constituted will have lost the potential backing of three aircraft carriers, no mean diminution of Allied striking power.

The United States arrived at the figure of 15 as the absolute minimum number of front line aircraft carriers required in the overall scheme of national and allied security. But in assessing this figure she must have taken into consideration the number of aircraft carriers possessed by the other NATO countries who could hold the fort in the Atlantic, the Mediterranean or South East Asia while her own carriers were occupied elsewhere. So each aircraft carrier scrapped by other NATO countries means that the USA will have to build another carrier if the predetermined strategic pattern is to be maintained. But if redundant allied carriers were transferred to a supra-national GATO, financed by the constituent nations according to their means, the *status quo* could be preserved.

[From the State (Mich.) Journal, July 31, 1971]

AMERICA CAN'T RISK SECOND RATE STATUS

For many years U.S. defense strategists have expressed fears that the United States would become a second rate military power. Until fairly recently their message was effective in maintaining a high level of defense preparedness.

In large part this fear stemmed from the pre-World War II era when widespread isolationist sentiment helped reduce the armed forces to a dangerously low level. Americans paid a grim price for the reduction in the months immediately after the Pearl Harbor disaster.

Following the war the emphasis switched to a high state of military preparedness because of the emerging power of the Soviet Union. For nearly two decades U.S. military leaders had little difficulty in persuading Congress to pay for a big peacetime armed force and for new weapons development—but then came a new push for a turnaround.

Today, there is growing evidence that the U.S. is drifting back to the position of a second rate military power while the Soviet Union, whose leaders are unhampered by elections and public opinion, continue to accelerate a total military buildup.

Various civilian panels studying the situation have concluded that Russia, with vast geo-political goals, is not seeking military parity with the U.S. but is determined to become the unchallenged military power of the world. Some analysts contend the Soviets are already near that goal.

Latest to suggest this is Jane's Fighting Ships, a British based military research organization which for decades has studied the relative navy power of many nations.

Jane's recently reported that the Soviet navy is rapidly surpassing the United States in almost every area except aircraft carriers, and that the Soviets will have enough nuclear strength by the mid-1970's to knock out all American land based missiles and bombers in one blow.

The agency also contends Russia has gained superiority over the U.S. in numbers of intercontinental ballistic missiles and that it could soon surpass the U.S. in Polaris-type submarines—one of the most vital weapons in the American defense system.

Many could brush this off as so much scare talk, and the frequent revelations of American military waste during recent years in cost overruns, development of non-workable weapons and the like have not done anything to encourage sympathy for the defense planners. Too, American military leaders have often cried wolf in the past when solid evidence was lacking. The missile gap uproar of ten years ago is one example.

So there is little surprise that numerous congressmen are chipping at the defense budget in response to public complaints about waste and the need of more money to meet the nation's domestic problems.

While it is certain that few want to engage in a continuing and unlimited arms race, there does come a time when realities must be considered. One major reality, we believe, is that the United States cannot engage in unilateral disarmament to the extent that this nation has no real deterrent power left.

The Soviet military buildup has been real enough to shake up the leaders of Red China, which faces Russia along a massive northern border.

The Soviet military presence is real enough in the Middle East, the Indian Ocean, the Mediterranean and Eastern Europe as well as Africa.

Certainly, there must be a continuing campaign to wipe out military spending waste and for closer scrutiny of weapons development and costs.

And efforts to achieve safe arms control agreements must be pursued, for this is still the ultimate solution.

But at the same time, the lessons history has taught us should be remembered. Foremost of these is that the cost of being militarily unprepared is disastrous.

Mr. CLANCY. Mr. Speaker, I am sure that every Member of this body and rational men all over the world would agree that the greatest benefit mankind could do for itself would be to eliminate weapons and wars.

As man has progressed through the centuries he has also progressed in the art of destroying himself. His weapons have become much more sophisticated. When one thinks of the results of an all-out nuclear world war between today's super powers the mind boggles at the destruction that would be wrought.

Some say that if we lay down our arms others will do the same. The sentiment is admirable, but reality tempers the sentiment. We must ask, "Can we afford to make such a move?" Mankind's history answers with a resounding "no."

A quote by Gen. George Marshall sums up the problem. He said

> We have tried since the birth of our nation to promote our love of peace by a display of weakness. This course has failed us utterly.

Since World War II, America has had an overwhelming advantage in strategic weapons. Not in manned armies, or numbers of tanks, or even in numbers of airplanes. The power has been in the ability to deliver enough destruction to make any direct move against this country absolute suicide for a nation contemplating any such move.

What have we done with this power? Have we attempted to conquer nations, acquire more land mass? No, and we are the first super power in world history not to follow a course of military expansion while holding the strategic balance of power.

When the Monguls had the greatest military power in the world Genghis Khan wreaked havoc in Asia Minor. When the Greeks had it, Alexander conquered in India. When the Romans had it, Caesar built forts in England. When Hitler had it, total world dominance was his goal.

Yet the United States of America—at the time when it owned $99\frac{44}{100}$ percent of all the world's atomic power—chose to use diplomacy against Russia over Iran. The United States—when the only nuclear strike force in the world was the Strategic Air Command—chose to use air transport to move the goods of life in order to break the Berlin Blockade rather than employ weapons to destroy the blockaders.

And since World War II another interesting fact surfaces. Between the World War I and World War II 22 years passed. It has now been 26 years since the end of World War II. In that more than a quarter of a century there have been several localized wars, the first two that come to mind are Korea and Vietnam, but there are dozens of others, including the Middle East crisis. Yet, no major military confrontation between super powers. We, by design, have avoided using what has been overwhelming superiority. The other side has avoided a direct military confrontation, undoubtedly because it was weaker from a strategic, or nuclear delivery standpoint.

This country has grown and prospered for the past 26 years, and at the same time helped a good portion of the world rebuild from the rubble of World War II. This has been accomplished behind the unused shield of our strategic forces. Unfortunately, we are faced with the grim prospect that we are no longer the dominant strategic power in the world.

The Blue Ribbon Defense Panel, comprised of business and professional leaders, recently reported that—

> . . . U.S. strategic superiority has ended.

The panel reported, and I quote—

> The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age.

The panel also reported, and again I quote—

> There is reason to believe that the Soviet Union envisions a new era which it will dominate, employing superior military power and the threat of its use to achieve long-cherished political, economic and even military objectives.

The words of the panel, which was appointed by the President and the Secretary of Defense in 1969, are sobering indeed.

We and the Soviets employ the same Triad concept of strategic forces, consisting of manned bombers, and land and sea-based missiles. The tremendous growth in the Soviet strategic forces can be shown by a comparison of numbers of strategic weapons in 1965 and 1970. In 1965 we had 854 ICBM's, they had 270. The numbers today are the U.S. 1,054 ICBM's and the Russians 1,500. In submarine-launched missiles we had 464 in 1965, they had 120. Today the totals read U.S. 656, U.S.S.R. 400. At the rate they are building missile-launching submarines the Soviets will have at least 900 missiles under water by 1975.

In the area of heavy strategic bombers this country still maintains a lead, but our force of B-52's is getting old. The first ones went into service in 1955, and the new Strategic Air Command bomber, the B-1, is 3 years away from its first flight. The Russians are reported to be flight testing a new swing-wing strategic bomber, which means it could go into service probably by the time the first B-1 is making its first test flight. Another point to remember about the Russian nuclear-delivering bomber force is that they kept their 1,000 or so B-47-type bombers in service while we chose to retire ours.

The blue ribbon panel pointed out what could be the result of this shift in strategic superiority. It said—

> If these observable trends continue, the U.S. will become a second-rate power incapable of assuring the future security and freedom of its people.

Gentlemen, it is our job to see that this does not happen. We are the ones who control the purse strings of the country. It is a difficult job to balance the distribution of funds, but one thing is clear, if we cannot defend ourselves in a crisis, all other "priorities" become academic. There are military development programs now underway that are vital to our strategic forces and to the future of our country. Among these I would list in order of priority the B-1 bomber for SAC, the SRAM attack missile, and the updating of our Minuteman and Poseidon submarine forces when appropriate. All of these systems are vital to making our triad the credible deterrent it must be through the rest of this century. It is our responsibility and duty to the American people, as is so clearly pointed out in the preamble to the Constitution, which states:

> The first duty of the national Government is to provide for the common defense of our country.

Mr. KUYKENDALL. Mr. Speaker, I think this body should remember from time to time the words of the philosopher Santayana, who said—

> Those who do not learn from the past are condemned to repeat it.

We have, all of us in our lifetimes, seen nations and governments fall through neglect of their defenses, and we have seen other regimes shake and quake, barely recovering themselves in time to avoid collapse.

We have heard excellent summations today on our national defense posture, vis-a-vis the hardware that our Armed Forces must have. When you hire a workman, you want him to have the best tools possible, and we in Congress recognize that fact.

But what of the workman himself? Are we doing everything we can do to assure our Nation that its fighting men will be the best in the world, that they will be led by the best in the world?

Mr. Speaker, we are not doing everything we can do when we let a much-needed military pay raise languish in the halls of Congress while we fight about extension of the draft. Difference of opinion plays an honorable role in the deliberations of the Congress; but there is no honor in allowing the differences over one issue to hamstring a matter so vital, a totally unrelated matter that had the misfortune to be coupled with the thornier issue.

Fortunately, this matter is being resolved, but I wonder how many excellent officers and noncommissioned officers were lost to us during the waiting period. How many skilled technicians and able leaders must we now train and inspire to replace those we have lost? And when we delay, how much inspiration is that?

Mr. Speaker, I do not mean to carp at our Defense Establishment in its treatment of the men who serve in our Armed Forces when I say that these men must be told, and told in tangible ways, that their fellow citizens think of them as members of an honorable calling. I think, by and large, that what faults there are in our system, can be laid elsewhere—to the Congress, and to the people.

Kipling summed up the feelings of the soldier, Mr. Speaker, who saw himself scorned and shunned by polite society until that society needed him, and then it was different.

> It's Tommy this, and Tommy that, and Tommy you're a brute; but it's "Thin red line of heroes," when the guns begin to shoot.

When was the last time, Mr. Speaker, that any of us drove 20 miles northeast of our city to look at the Naval Academy at Annapolis? How many of us have talked with the cadets and midshipmen that we appoint to our service academies, to learn what they think of their military futures, whether they are being inspired to become the type of men we want, to whom we will turn over the reins of our national defense one day?

I do not believe in a mercenary army, Mr. Speaker. But I want the best kind of leadership available in our Army, Navy, and Air Force, and I am prepared to cast whatever votes are necessary in this House, however long I may stay here, to accomplish that goal.

Mr. POWELL. Mr. Speaker, I rise today to participate in this special order of business on our deteriorating national defense posture, because I believe our Nation faces a period of grave peril not sufficiently recognized by this Congress or this country.

The two great oceans which have long protected us from foreign foes now can peril us instead, for they are full of undersea vessels bearing the Hammer and Sickle. The Soviet Navy can come closer to our cities and military installations than we can to theirs. They can come right up to our borders, so to speak, but they have a buffer of Iron Curtain countries protecting most of theirs. Russia may be land-locked, but we may find ourselves sea-locked after having enjoyed world maritime supremacy.

The newest edition of "Jane's Fighting Ships," the 1971-72 edition, was published last week, and the news it contained, news, that is, for the American people, but not for those of us who have been concerned about this for years, is very serious and troublesome. Jane's, which I think is universally regarded as an authoritative work, the definitive work on all the world's fighting ships, flatly states that American naval strength is in serious decline while the Soviet fleet "now represents the super-navy of a superpower."

Stated in its most extreme and perhaps oversensationalized form, but deducible from the Jane's findings, the peril to America could be posed in this question: Does the survival of the United States and the rest of the non-Communist world rest in the hands of a scant score or more of U.S. Polaris submarines and their crews at some given zero hour in world history?

For Jane's glumly predicts that the Soviet Union could well have the nuclear punch by the mid-70's to destroy virtually all American land-based Minuteman missiles and SAC bombers in one surprise attack.

Such a successful strike would leave America's 41 Polaris/Poseidon submarines as the most survivable U.S. strategic deterrent forces for the foreseeable future, Jane's says.

But Jane's—and an article last year in the prestigious Armed Forces Journal as well, based on testimony of then Chief of Naval Operations, Adm. Thomas Moorer—also reminds us that of the 41 submarine ballistic-missile force, only 50 to 60 percent, about 24 or so—is on deterrent patrol at any given time. The remaining operational submarines are alongside tenders undergoing a 28-day replenishment and refit between deterrent patrols or are undergoing overhaul and conversion to the Poseidon capability.

These 24 Polaris crews could conceivably stand between us and the end of the whole free world as we know it. Do we want to allow such a narrow margin to determine the future fate of so many people?

But aside from this in extremis scenario, the struggle for control of the world's seas is an even more immediate and pressing concern. And on this score also Jane's gives us little to cheer about.

The editor of Jane's, Raymond V. B. Blackman, paints this gloomy picture of the Mediterranean situation:

> So prolific has the Soviet Naval shipbuilding effort been that the U.S.S.R. is now able to maintain a standing naval force in the Mediterranean 5 times stronger than 5 years ago to counter the American 6th Fleet.

The picture in the Indian Ocean is hardly better:

> The British withdrawal from the Indian Ocean has left a hole in Western global defenses—again, 5 years ago the U.S.S.R. had no warships in the Indian Ocean, but today there are a score of surface ships alone, and there is no telling how many Soviet submarines are in the area.

And we all know, Mr. Speaker, that today there is a real Soviet naval presence in the Atlantic and the Caribbean, and need we say, along the coastal corridors of these United States?

The new Jane's details, with all the available statistics, the declining American, and booming Soviet naval and ballistic missile strengths.

Consider the evidence, as presented in Jane's. As given by Navy officials to Congress. The Soviet Navy has already exceeded the United States in active surface ships and total number of submarines. It is now pulling even in the number of nuclear-powered submarines and is gaining in the race to have more ballistic nuclear submarines than the U.S. Navy. The lead we enjoy in this category is dangerously tenuous.

Not only this, the Soviets have a larger nuclear submarine building program. They build nuclear submarines at the rate of one a month and current Soviet construction of six Polaris-type ballistic-missile submarines a year could give them parity if not superiority in this crucial category by 1975.

In addition, the Soviet Navy is ahead of the American Navy in vessel categories which could prove important. They have, for example, 270 submarine chasers to our one. They have 450 missile and torpedo boats to our 37, and so on.

The Chief of Naval Operations, Admiral Zumwalt, told Congress this year in his annual statement:

> We estimate the Soviet Navy will equal the U.S. Navy in total major combatants in 1972.

While the Soviet Union has been engaged in a crash program of naval building—conventional and nuclear submarines, fast, small and sophisticated missile boats, and very swift and up-to-date destroyers, there has been an American naval letdown so that our Navy is actually deteriorating while the Russian Navy is going full speed ahead in the opposite direction.

Between the fiscal year 1968 budget and the fiscal year 1972 budget, the Navy has been forced to reduce the number of total active commissioned fleet ships by 28 percent—or 269 ships, down to 658 from a high of 976—a severe reduction for the U.S. fleet. Most of the ships were mothballed because of old age. The encroaching problem of block obsolescence is now upon us.

Whereas no Soviet warship assigned a combat role is over 20 years old, about 37 percent of U.S. warships are 20 years old or older. Age is even becoming a factor among submarines. Eight of the 57 nuclear attack submarines are no longer considered first-line submarines, Jane's says, and 24 of the 36 conventionally powered attack submarines were constructed during World War II.

Meanwhile U.S. antisubmarine forces have been reduced as part of the overall cutback of the U.S. military establishment. Particularly hard hit have been the number of surface antisubmarine warfare ships and antisubmarine aircraft carriers and their squadrons.

Not only are old ships being dropped from the fleet without being replaced, not only are we starting to lag relatively in numbers, speeds, and certain weapons capabilities of our nuclear submarines, but important new naval capabilities—some possessed by the Russian Navy—have not been funded or developed for the U.S. Navy, or will not see the light of day until the eighties. The antiship missile capability. Guided cruise missile submarines. The undersea long-range missile system—ULMS.

The dangerous and disturbing thing about all these gaps is that we cannot mount a modernization and revitalization program for our Navy in 10 minutes. It takes leadtime and as the weaponry and ordnance become more sophisticated and complex, that leadtime grows even longer.

Jane's says that the alarming U.S. Naval situation "hitherto discussed in closed sessions of naval officials and in this annual, is now being addressed openly."

But you do not have to believe me, or even Jane's fighting ships. Listen to the carefully chosen words of Admiral Zumwalt to Congress this year. And note the undercurrent of urgency as he goes out to the very verbal end of his bureaucratically imposed tether as a service chief:

> Unlike the high level of confidence I have in our nuclear deterrent forces, I have a much lower level of confidence in our sea control forces. In my estimation, our 1972 sea control forces must be regarded as high risk base line forces from which we must build in consonance with our national security strategy based upon the Nixon doctrine.

Admiral Zumwalt noted that since 1968, we have allocated an average of less than $2 billion of new obligational authority annually to ship construction and conversion programs, and less than $3 billion to aircraft and missile procurement and modernization programs. He said the replacement value of the active fleet is roughly $75 billion. Thus, assuming a 25-year replacement cycle, it would require a minimum of $3 billion annually for shipbuilding alone and "we have been falling well behind a reasonable replacement rate," he noted.

For keeping up in the nuclear submarine department, Admiral Zumwalt told Congress in May that he considers up to eight attack nuclear submarines a year should be built. Funds for five are being sought from Congress this year, the highest in several years.

The late chairman of our Armed Services Committee, L. Mendel Rivers, rightly dubbed by some as the "Paul Revere of the nuclear age," once estimated the cost of bringing the U.S. Navy up to a par with the Russian Navy at $5 billion a year minimum for 5 years, or $25 billion.

Our current chairman, the distinguished gentleman from Louisiana, Mr. HÉBERT, has suggested that the Navy's obsolescence is the achilles heel of American defense posture. This sentiment was seconded recently by the former managing editor of Life magazine in an article on deteriorating American defense posture:

> Today the U.S. Navy as the service bearing the brunt of Soviet confrontation. It is challenged and vulnerable. The logical approach is not to cut the Navy back, which is what has been happening, but to put a fast, sure and serious rebuilding effort into it.

Do the American people want to have the world's No. 2 Navy? I say they do not. Not any more than they wanted to be the second nation to land a man on the moon.

I believe we should show them vividly and graphically the perils we face. As a first step toward restoring a meaningful balance between the Soviet and American Navies—and by that I mean modernizing our Navy—I would respectfully urge that our own Armed Services Committee—possibly through its seapower subcommittee—conduct nationally televised hearings into this crisis situation as soon as possible. Once the people see what we are up against, I feel sure Congress will get the necessary grassroots support to take the needed action.

America's special order of business must be to attempt to bridge what some say is already an unbridgeable gap. It must be to get the modern navy we must have for national survival.

Mr. Speaker, I ask unanimous consent that the New York Times story entitled "Jane's Says U.S. Fleet Declines While Soviet Has a Supernavy," datelined July 29, 1971, be reprinted in today's RECORD at the conclusion of my remarks.

JANE'S SAYS U.S. FLEET DECLINES WHILE SOVIET HAS A "SUPERNAVY"

LONDON.—A British military expert said today that American naval strength is in a serious decline while the Soviet fleet has expanded into a "supernavy" with a greatly increased sphere of influence.

"The situation for the U.S. Navy is serious," Raymond V. B. Blackman, editor of the authoritative Jane's Fighting Ships, said in a foreword to the 1971–72 edition, published today.

"By any standards," Mr. Blackman added, "the Soviet fleet now represents the supernavy of a superpower."

Increasing Soviet naval power, he said, has led to "a somewhat belated but now acute awareness evinced by hitherto quite autonomous navies of the need for international cooperation and mutual security." This has brought greater cooperation in both the Atlantic and Pacific Oceans, he said, but the British withdrawal from the Indian Ocean has left a hole in Western global defenses.

"The prime necessity would appear to be a multinational Standing Naval Force East, comprising warships seconded from each of the countries with military or commercial interests in that oceanic hemisphere from South Africa to Indonesia," Mr. Blackman said.

He wrote:

"So prolific has the Soviet naval shipbuilding effort been that the U.S.S.R. is now able to maintain a standing naval force in the Mediterranean five times stronger than five years ago to counter the American Sixth Fleet.

"Again, five years ago the U.S.S.R. had no warships in the Indian Ocean, but today there are a score of surface ships alone, and there is no telling how many Soviet submarines are in the area."

ROLE OF MISSILE BOATS

Mr. Blackman underlined a relatively new development in "the recognition, not only by major powers but also by smaller countries of the tactical power and strategic influence of the fast and diminutive warship armed with the optimum payload of guided missiles."

He added: "Ironically it is the new world sea power of the Soviet Union which had engendered the yen for cooperation, and it is the Soviet Navy which has pointed the way to the ascendancy of the missile boat over much larger orthodox warships."

An alarming feature of the last decade, he said, was the rapidly increasing cost of building fighting ships. "Confronted with this escalation problem several of the smaller countries decided that the answer was smaller and cheaper vessels," he wrote.

"The diminutive missile boats with surface-to-surface systems will give smaller navies an offensive power out of all proportion to their modest over-all size."

Norman Polmar, editor of the American section of the 729-page annual, painted a gloomy picture of United States naval development.

Mr. FRELINGHUYSEN. Mr. Speaker, I am happy to participate in this colloquy on national defense.

The goal of this administration has been to rest our national security on the twin pillars of arms control and strategic arms sufficiency. Both these factors are important. President Nixon has stated that our Government is committed to achieving a stable strategic relationship with the Soviet Union through negotiations. In pursuit of lowering the current immense expenditures for strategic weapons systems, this administration has initiated a dialog with the Soviet Union on how to arrive at a mutually acceptable limitation on offensive and defensive weapons. On May 20 of this year President Nixon told the Nation that the strategic arms limitation talks would concentrate this year on reaching an agreement on antiballistic-missile systems. At the same time our two countries will try to agree on certain measures to limit offensive strategic weapons.

The basic aim of these talks is to achieve a mutually acceptable status of strategic sufficiency for both the United States and the Soviet Union. The President, in his annual review of foreign policy entitled "U.S. Foreign Policy for the 1970's: Building for Peace," defined the term sufficiency. He said that in the traditional military sense it meant the maintenance of strategic retaliatory force capable of inflicting a level of damage sufficient to deter an adversary from attacking. In the broader political sense sufficiency also requires the maintenance of forces adequate to prevent us and our allies from being coerced by an adversary. Interestingly enough, the President added a third definition of sufficiency, designed to lessen any fear the Soviets might have that we might launch a first strike. He said in his foreign policy report:

> Sufficiency also means numbers, characteristics and deployment of our forces which the Soviet Union cannot reasonably interpret as being intended to threaten a disarming attack.

As the President explained:

> Insofar as we can do so by unilateral decisions we seek to obviate the need for costly, wasteful and dangerous cycles of strategic arms deployments.

However, this policy should be interpreted as a sign of prudence and not weakness. The decision to pursue a policy of strategic sufficiency rather than strategic superiority does not represent any lessening of our resolve not to permit our interests to be infringed. Indeed the policy of this administration has been to pursue a balance development of our strategic forces.

As I said at the beginning of my remarks, the pursuit of limiting the arms race through negotiations is only one aspect of our national security policy. We must continually be on guard against possible unfavorable shifts in the balance between ourselves and the Soviet Union. In this regard, we have seen some disturbing signs of an accelerated Soviet buildup of both conventional and strategic weapons.

For example, just last week I saw an article on the latest edition of the authoritative "Jane's Fighting Ships." The 1971–72 edition details the buildup of Soviet naval forces, and says that the Soviet strategic forces are growing at a rate where by 1975 they would equal or surpass ours. This accelerated rate of building all their forces may or may not represent simply a Soviet effort to achieve parity with the United States.

Unfortunately we cannot be sure of Soviet intentions. We must guard against the possibility that the Soviets may try to achieve conventional and strategic superiority. This would clearly not be acceptable to us. We must make adequate preparations to assure that there is no further deterioration in our position as compared to the Soviet Union.

In this regard, we may find ourselves forced, after 2 consecutive years of reductions in appropriations, to increase defense spending again. Much of our Navy is over-age and needs replacement. Unless we see signs of a slowdown in the Soviet program, our nuclear submarine building program may need to be accelerated. If the Soviets continue to build land-based missiles, which already outnumber ours 1,400–1,000, we may be forced to improve radically our land-based strategic systems. We may also have to go ahead with development of a manned strategic bomber to give our forces a multipronged retaliatory capability.

Mr. Speaker, far preferable to such a serious acceleration of the arms race would be an agreement on arms limitations. It is to be hoped that ultimately China and other nuclear powers might also join any accord that SALT may produce. This would be far preferable to a situation where we constantly have to buy costly new weapon systems. However, as long as we live in a world of uncertainty we have to prepare for every contingency. This means maintaining a force structure adequate to defend our security interests around the world. It means also implementation of the Nixon doctrine by giving security assistance to allow our friends to defend themselves.

Mr. MYERS. Mr. Speaker, many of us remember that in the 1960 election one of the major issues between Richard Nixon and John F. Kennedy was that of an alleged "missile gap." President Kennedy advanced the view that we were falling seriously behind the Russians. Fortunately, the case had been overstated and we maintained our superiority through the 1960's.

Now, however, a real missile gap crisis appears to have arisen. The Soviet Union is today far ahead of the United States in long-range missile, possessing at least 1,500 to our 1,054. Beyond this, it is believed that their SS–9 missiles, of which they have over 300, could destroy in a first strike our land-based Minuteman missile system, the backbone of U.S. nuclear power.

It is not only in the field of nuclear weapons, however, that we seem to be falling behind. According to the distinguished English publication, Jane's Fighting Ships:

> The U.S. Navy will end the fiscal year with force levels reflecting a net reduction (i.e. total inactivations less new and converted ships) of 175 active fleet ships and 732 active aircraft below the levels operated at the end of the 1968 fiscal year which saw the height of activity in Southeast Asia.

The Soviet Union, on the other hand, continues maritime expansion at a rapid rate. During 1969 there was a 22-percent extension of Soviet naval operations and the Soviet squadrons were increased to over 60 newer and more effective ships, with access to shore facilities in Egypt and Syria.

Why, at the very moment when we are falling behind the Soviet Union in all major weapons systems are we negotiating at the SALT talks with an intention to "freeze" our relative inferiority? In fact, President Nixon says that any decision made on such a "freeze" will not even be a treaty but will be only an "understanding."

Human Events recently pointed out that:

> Back in 1958, we came to another "understanding" on nuclear matters with the Soviets. Instead of concluding a treaty, we, along with the Russians agreed to suspend all atomic tests. In September of 1961, the Soviets, to our everlasting sorrow, unilaterally broke the moratorium and conducted some 50 atmospheric tests, including the largest man-made explosions in history.

Human Events notes that:

> From this series, our scientists and defense experts believe, the Soviets obtained enough knowledge to perfect a wide array of sophisticated nuclear weapons, including an ABM system. The stupendous strides in nuclear weaponry the Soviets have made in recent years can be directly attributed to this event.

Those who doubt that a new "missile gap" is now being created should carefully consider the material in the following Human Events article which I wish to share with my colleagues, and insert into the RECORD at this time:

Nixon Creating Missile Gap Issue for Democrats

Who-Said-This Department: "I think that we are entering the critical era insofar as the confrontation between the United States and the Communist powers is concerned. . . .

"Within a year the Soviet Union will catch the United States and, if we don't get a change of leadership and policy in Washington, will pass us in deliverable nuclear capability. According to a British study, they already have equalled us and may have passed us in land-based nuclear deliverable capability.

"Now, that changes the balance of power in negotiation in the world, and it means that whoever is President for the next four years may be in the very difficult position of having to negotiate from weakness rather than from strength. . . ."

And who said this: "At this time I do not believe that the United States can afford to accept the concept of parity with the Soviet Union. I believe that we face a . . . potentially dangerous situation . . . to negotiate a de-escalation of trouble points around the world, whether in the Mideast or Viet Nam or Western Europe or what have you, if the next President of the United States goes into those conferences with the possibility that the Soviet Union rather than the United States is in a strong power position, I think that we would not be able to effectively reach the goals that we want to reach.

"I do not mean that the United States maintain superiority for the purpose of threatening anybody or waging war. I do mean that, as you look at today's world, the Soviet Union's goal in the world is somewhat different than ours, strikingly different. They are still in an expansionist stage. Our goal in the world is defensive, to keep the peace.

"And at any kind of negotiation when one side wants to expand and the other side to defend, make sure that the side which is in the defensive position has more strength than the other side."

These words, of course, were uttered by candidate Richard Nixon in 1968. These were the cogent arguments he used to gather support from Senators Strom Thurmond, John Tower, Barry Goldwater and other defense-oriented Republicans who were crucial in helping him win the GOP presidential nomination in Miami two and one-half years ago.

But Richard Nixon has not come close to fulfilling his pledge. He has obviously not provided the United States with a nuclear force that is superior to the Soviets. We do not even seem to be opting for "the concept of parity."

Indeed, it is not too much to say that the President appears willing to accept a posture of nuclear inferiority, one that may well be ratified in agreements resulting from the Strategic Arms Limitations Talks.

Sources in the White House say the President is well aware of the grave situation facing the country. He has reportedly come to the sad conclusion, however, that Congress will not approve the hefty sums necessary for our strategic strength because of the "climate of opinion" in the Senate and the incessant hostility of the news media towards the military.

But how does the President know that Congress will not grant his request? The truth is that he does not know, and the hard fact is that he has made no major effort to persuade Congress to approve such a request. Unlike his determined—and so far successful—efforts at selling the Vietnamization program, he has conspicuously avoided trying to galvanize Congress and the public behind a policy that would greatly improve our dangerously weakened military posture.

By lulling the populace to sleep with such dovish promises as an "era of negotiations," a "generation of peace," a "shifting of national priorities" and the like, the President has also helped to foster the psychological climate of euphoria and appeasement he now privately complains he cannot combat. He is somewhat like the general who tells his troops to take it easy on the enemy, and then complains they aren't fighting very well.

Disturbing as the President's failure to alert the country to the Soviet threat has been, even more ominous were his statements last week regarding possible agreements with the Soviets at SALT. The President reinforced the belief that he may very well come to an understanding with the Soviets that many disarmament experts predict will provide the Russians with an overwhelming advantage in both offensive and defensive weapons.

The U.S., said the President, would most likely submit any agreement on an ABM limitation in the form of a treaty to the Senate. Under a proposed antimissile limitation said to be in the works the U.S. would be permittted to erect a thin ABM system that could protect a small portion of its Minuteman retaliatory weapons.

As White House and Pentagon sources have suggested, however, the U.S. would not be permitted to deploy an ABM defense that could shield its major population centers from a swift, nuclear assault or could even provide protection from an accidental strike. Stripped forever by treaty of any nuclear defenses, our major cities would become permanent hostages not only to Soviet firepower but to any mini-nation with nuclear capabilities.

Yet such conditions, as explained on the cover last week, would apparently not hold true for the Soviets. According to top government sources, the USSR would be permitted to keep its "thick" ABM system around the capital city of Moscow, a system that is capable of—or will soon be capable of—protecting the Kremlin's leaders and some 50 million Soviet citizens from long-range missile attacks.

Equally startling, however, was the President's suggestion that any interim proposal to halt offensive missile development would not be in the form of a treaty but would be nothing more than a mere "understanding" between the two superpowers. The Soviets, of course, are far ahead of the United States in long-range missiles, possessing at least 1,500 to our 1,054.

Furthermore, it is believed that their monster SS-9 missiles—of which they have over 300—could destroy in a first strike our land-based Minuteman missile system, the backbone of U.S. nuclear power.

Thus any "freeze" on long-range missiles—and that appears to be the thinking in Washington and Moscow at this point—would be to the Soviet's advantage anyway. But surely it would be far more to their advantage if they were not even hampered in limiting their offensive missile production by a solemn treaty.

The Soviets, as most sane people have learned by now, are barely willing to keep treaties they have signed. And their word is even less trustworthy when not bound in ink.

The massive Soviet violation of the standstill cease-fire agreement along the Suez Canal last fall—when the Egyptians moved Russian-manned SAM missiles into neutral territory—is but the latest example of Soviet perfidy. Yet a more apt parallel exists.

Back in 1958, we came to another "understanding" on nuclear matters with the Soviets. Instead of concluding a treaty, we, along with the Russians, agreed to suspend all atomic tests. In September of 1961, the Soviets, to our everlasting sorrow, unilaterally broke the moratorium and conducted some 50 atmospheric tests, including the largest manmade explosions in history.

From this series, our scientists and defense experts believe, the Soviets obtained enough knowledge to perfect a wide array of sophisticated nuclear weapons, including an ABM system. The stupendous strides in nuclear weaponry the Soviets have made in recent years can be directly attributed to this event.

Equally important, America's most eminent scientists, including Dr. Edward Teller, were convinced that while we were honoring the moratorium the Soviets had been violating it in clandestine fashion. In referring to these huge Soviet tests, President Kennedy was prompted to say at the time: "We know now enough about broken negotiations, secret preparations and the advantage gained from a long test series never to offer again an uninspected moratorium."

Yet President Nixon's suggested "understanding" with the Soviets about long-range missiles has ominous parallels with our "moratorium" diplomacy back in 1958.

President Kennedy, it is interesting to recall, defeated Richard Nixon for the presidency in 1960, partially on the fallacious charge that the Eisenhower-Nixon Administration had created a missile gap. The Democrats might very well be able to wrap a real "missile gap" issue around the neck of President Nixon in 1972.

Mr. DICKINSON. Mr. Speaker, I was recently honored to be appointed as a congressional adviser to the Conference of the Committee on Disarmament.

As a congressional adviser to the Conference of the Committee on Disarmament I am vitally interested in the SALT negotiations. I will be attending conference meetings in Geneva next week and I hope to go on to Helsinki where SALT negotiations are now in progress.

It is an excellent thing that a number of my colleagues have requested the time necessary to do some thinking out loud in advance about the hazards of the SALT talks currently being conducted between the United States and the Soviet Union in so much secrecy. Secrecy can be a very necessary thing in some negotiations, but in questions of such primary importance one may wonder whether secrecy is in the best interests of the United States in the long run. President Nixon succeeded in keeping his intentions to visit Communist China secret for a long time. When he made the announcement, everyone was caught off guard, and to many it seemed almost futile to raise any substantial objections to his decision, even though many people have grave misgivings about it. Many in the media and in the Congress lately have raised a hue and cry over the people's right to know in connection with the publication of the Pentagon papers. But the Pentagon papers are largely history now—though it is true they have their impact upon current policymaking—whereas the ingredients now going into the SALT negotiations are of the utmost importance for policy decisions to be made right now. Is it not possible that, just as has happened with the President's trip to Peking, we will be presented with a neatly packaged agreement on SALT which could have disastrous consequences for our survival as a free society in the very near future? Under these circumstances, is it not good to raise the question as to whether secrecy is necessary in these negotiations? And if secrecy is insisted upon, would we not be remiss in our duty if we did not raise many of the questions with which the negotiations are presumably dealing? That is the purpose of today's session, and I am glad to have the opportunity to participate in it, Mr. Speaker.

The problem of the SALT talks, as everyone knows, is inextricably bound up with the question of our strategic doctrine and our military posture as against the Soviet Union. I should like to consider briefly a very important element in that strategic posture; namely, our antiballistic-missile system. I am sure that my colleagues remember the very heated debate over the installation of the Safeguard ABM system which occurred a couple of summers ago. Those who opposed the Safeguard system did so with much heat, and their arguments flowed from a whole strategic conception of deterrence based upon the McNamara doctrine of "assured destruction." If we made any effort to defend ourselves, the opponents of Safeguard said at the time, we will provoke the Soviets and "destabilize" the whole international strategic situation. So the first line of argument of the ABM opposition was that the best defense is a good offense. Now this may be true in sports oftentimes, but one has to be careful about accepting it uncritically in military matters at such a high level. You can see that this is especially so because, if you pushed the ABM opponents they would have to say that, yes, the best defense is a good offense, but you will never have to use that offense; but if it should turn out that we had to use the offense, they would be horrified, and oppose it with all their might, I am sure. So the upshot of the matter is that we would have no defense at all.

Mr. Speaker, this sort of policy is really based upon psychology, and not really upon weapons. Weapons for the sort of men who are now conducting the SALT negotiations, I am afraid, are really only psychological or bargaining counters. We might have to have them, they would say, but it is unthinkable that we should ever actually use them. They produce reactions only in the minds of our opponents.

Now, psychological warfare can be a very important thing, but it would be suicidal to rely only upon that. We cannot simply blank out the possibility that we may have to employ some of these weapons someday. We cannot put ourselves into the position of hiding behind a maginot line which can be outflanked, or in the situation of the Czechs, who in 1938 had a very well equipped army but who submitted to Hitler because they would not order their army into combat. If we are to spend money on weaponry, we must be ready to use it if necessary. Otherwise we might as well abolish the military and cease to exist as a sovereign state.

The Soviet leadership seems to have a much clearer view of the current situation than ours. They realize that they need a proper mix of offensive and defensive weaponry, and in particular, they see nothing at all harmful in anti-ballistic-missile systems, either for themselves or for us—let me repeat that once again, since it is important: For us either, and this despite what we have been told by our anti-ABM experts. Instead of listening to our American "specialists" tell us how they would react to the ABM if they were Russians, we should instead take a look and see what the Soviets themselves have to say about the matter. When we do, we discover that the Soviet leaders do not consider defensive missilery destabilizing at all: quite the contrary. In a chapter of the book "Why ABM?" published at the time of the ABM debates 2 years ago, Johan Holst did an investigation of the Soviet reaction to those debates. He concluded that:

> The Russians have adhered rather strenuously to the position that active defenses are, in fact, a peace-promoting value. It was only four days after the U.S. Senate voted favorably on construction funds for Sentinel in June, 1968, that the Soviet Union officially agreed to hold strategic arms talks with the U.S.

More than that, when Soviet Premier Kosygin was asked about the ABM decision after it was made, he took the whole situation quite calmly, and made it clear that in his opinion a country had not only the right, but the duty, to protect its civilian population against attack—and this applied not just to the Soviet Union, but to the United States as well. Consequently the Soviet Union has continued to construct ABM complexes to protect its major population centers, and apparently has programed many of its offensive missiles to kill our offensive missiles in their silos. Is this policy not the only one which makes much sense? Is it not insane to threaten to slaughter huge numbers of the unarmed Russian citizenry and refuse to try to stop Soviet missiles in order to protect our own people. Do we want Hiroshimas many times over, and Hiroshimas visited upon ourselves? Can the doctrine of "assured destruction" be considered a sensible one, especially now?

From what we know of the proceedings at the SALT negotiations, it appears that our negotiators are running entirely along the old lines. They want to reduce defensive weaponry while leaving offensive weaponry until later. It strikes me that, as Herman Kahn of the Hudson Institute has said, this is precisely the opposite of what we ought to be doing. We should first make it clear that we will continue our ABM deployment and construction efforts and discuss a methodical reduction in offensive missiles and a methodical reduction of defensive missiles but not on a freeze basis. In other words, we do not want to be in the position of agreeing not to further deploy Safeguard on the grounds that the Soviets not deploy any more of their ABMs, since we would then leave the Soviets with a very distinct advantage of having an operational ABM system and we would have nothing.

We need to recognize that the best defense is a good defense, only when it is combined with the proper offensive capabilities, and not a horrendous offense which we would never dare to use. The Soviets have a responsible view of defensive weaponry, and they are hardly likely to be so foolish as to accept the arguments of our disarmament "experts." We ought not to be that foolish either.

Mr. BETTS. Mr. Speaker, Russian adventurism in the Mediterranean is a new wrinkle in an old suit. We tend to forget that, since Czarist times, Russia has been a power in the Middle East: it has a common border with Afghanistan, Iran, and Turkey, and a substantial Muslim population, absorbed in its imperialist wars of the 18th and 19th centuries. Russia's quest for territory and influence in the south dates back at least to the time of Peter the Great at the beginning of the 18th century. Britain and France joined forces to head off Russian expansion to the warm water posts of the Black and Mediterranean Seas in the 1850's during the Crimean War, successfully I might add.

And of course in our times, Stalin's attempt at takeovers in Greece, Turkey, and Iran in 1946–47 was thwarted by the Truman doctrine, massive American aid and the 6th Fleet.

I realize that it has become fashionable, Mr. Speaker, in this Chamber and elsewhere to downgrade the talent, intelligence, and, at times, even the loyalty of our military men. There is an unfortunate tendency to caricature our military men in the lurid fiction of our times.

At the risk of being accused of being a flag-waver, or a superpatriot, I would like to say something complimentary about the U.S. 6th Fleet and its presence in the Mediterranean: the U.S. 6th Fleet carried out its mission there for two decades with honor and with dedication. Furthermore, it has succeeded. If now it is ceasing to be an effective force, it is not the fault of the Navy. If the blame is ours, the ability to set things straight is also ours.

Unlike the Russians, the United States has no territorial designs in the Mediterranean. Our presence there has been to guarantee the territorial integrity of all the littoral States. Whether it was Lebanon in 1958, or Israel in 1967, or 1956 or 1948, the American presence has been directed toward stability and peace.

We have nothing to apologize for its presence in the Mediterranean.

But, Mr. Speaker, the times have changed and we have blindly allowed the balance to shift. Six years ago, the 6th Fleet had 40 ships on station in the Mediterranean; we still have 40. In 1965, the Russians had five ships there; today they have more than 40. Soviet influence extends as far west as Algeria where for more than a year, Soviet ships have been secretly calling at Mers El Kebir, which has, in effect, become a Soviet port.

The Russians have been wooing, formally and more importantly secretly, the government and the political leaders of Malta, hoping obviously to convert that island into a Russian base in the Western Mediterranean. As part of its quid pro quo for economic and military aid, the Russians got port concessions and service facilities for its Mediterranean fleet at Latakia and Tarsus in Syria, and at Alexandria and Port Said in Egypt. Its Arab client states are pleased; Russia is pleased. One tiny state is not; that tiny State is Israel, the friend of the West, which is further encircled.

The Russian influence in the Mediterranean is great and growing: this has enormous implications from our point of view, implications which we have not really begun to take the measure of.

The long-term Russian goal is to substitute its influence for that of the United States and the Western powers in the Middle East. And, they are well on the way to achieving that goal. While many Americans who should know better prattle about peace, an era of negotiation and a Lucarno-type treaty to eliminate all international problems with the stroke of a pen, the Soviets continue their buildup, their preparation for war.

We are told by some columnists almost daily that the cold war is over. The more radical chic is that the cold war never really existed, except in the minds of some trigger-happy American generals. I think those gentlemen would have a hard time convincing the Czechs, who saw their first feint steps toward freedom run over by Russian tanks, that this new breed of Kremlin leadership is "liberal." I imagine the Israelis must wonder about America's national sanity when they read of respected American leaders who are telling the people about "the peaceful intentions" of the Soviets. And, the captive peoples of Eastern Europe must be amazed to learn from Western sources how conciliatory, liberal and peace-loving their Russian masters have become: certainly they could never learn that from their own daily experiences.

And, the thousands of people who flee or try to flee every year from Communist oppression—all the way from Canton Province in China; to Jews trying to escape Russia; to Cuban fishing boats in Florida; to East Germans trying to go over, under, around the infamous Berlin Wall; to that unfortunate sailor in Martha's Vineyard last year—those unfortunate men and women give the lie to the whole preposterous notion that communism has become "liberal."

If communism is so incredibly liberal, why do Communists shoot people who want to go elsewhere? And, why are so many people willing to be shot at to get away?

Benjamin Franklin said in the 1750's:

> The wolf sheds his coat once a year, but his disposition never.

Mr. SHRIVER. Mr. Speaker, I want to commend my distinguished colleagues for reserving this time to provide an opportunity to bring to the Nation's attention this vital matter of America's national defense posture.

We hear a great deal today about changing priorities. The Secretary of Defense earlier this year pointed out that the defense portion of the gross national product at 6.8 percent in the budget year is the lowest it has been since 1951 when it was 6.7 percent.

Our total expenditures for human resources this year, including health, education, and welfare and manpower programs, will be more than $83 billion, about $7 billion more than has been requested for national defense.

No one questions the need and the importance of expenditures for human resources. But are we keeping our guard up, so to speak, in this important matter of national defense?

The Appropriations Committee in reporting the defense appropriations bill last year pointed out that:

> The Soviet Union continues to increase its inventory of land-based intercontinental ballistic missiles and sea-based submarine launched ballistic missiles. Soviet naval forces are being augmented steadily and modernized both in surface ships and in submarines . . . Competition with the Soviet Union is becoming keener every day and there is no room for American bungling in the field of defense.

The House Armed Services Committee has emphasized that at a time when defense expenditures are being reduced and the nuclear threat is being increased it is particularly important to assure that the weapons of our Armed Forces are the best that can be made available.

There is evidence that we have clearly fallen behind the Soviets in quantity of weapons. It is imperative that we improve the quality of our weapons.

At a time when we are winding down and phasing out American involvement in a most unpopular war, it is distressing to note what appears to be a deliberate effort to downgrade military service and our armed services.

Lt. Col. Donald B. Vought, a 17-year military veteran who holds two master's degrees and is an instructor at the U.S. Army Command and General Staff College, writing in the August issue of the VFW magazine states:

> American society today is virtually awash in a sea of change—in values, in technology and, it would seem, for the sake of change to avoid being accused of not changing.
>
> Nowhere has the penchant for change seemed to be more dramatic than in the society's relations with its military.
>
> The young man in service in 1960 was conceded generally to be performing an honorable duty he as a citizen owed his country. By 1970 he is frequently looked upon as an oddity, a "weirdo" or simple-minded while his professional commanders are vilified as being "Fascist Pigs."

We owe a great debt to the young men and women who today make up our American military forces throughout the world.

Congress must not remain silent in regard to our national defense posture; indeed we have a constitutional responsibility to make certain that America remains strong. The peace of the world rests upon our determination and our ability to resist aggression.

Mr. KING. Mr. Speaker, shortly after he came to office, President Nixon on April 10, 1969, spoke to the North Atlantic Council. He said:

> I believe we must build an alliance strong enough to deter those who would threaten war; close enough to provide for continuous and far-reaching consultation; trusting enough to accept a diversity of views; realistic enough to deal with the world as it is; flexible enough to explore new channels of constructive cooperation.

Certainly, Mr. Speaker, those are lofty goals and noble sentiments. But somewhere along the line, the train seems to have strayed from the track; things have not been going well for NATO in the last few years.

My colleagues today have been concentrating their remarks on the growth in Russian military might—missiles, the new navy the Soviets built in the last decade, the Russian thrust into the Middle East, and the Mediterranean.

Certainly, those are topics we should pay more attention to, but, without detracting in any way from what my friends have said about hardware and military goals of the Soviet Union, I would point out that the Soviet Union has been recently engaged in a diplomatic offensive in Europe which we have either failed to admit, or if perceived, have chosen to ignore.

I think it is time for us to bite the bullet and talk about it. The Soviet goal, now and for the past 25 years, is and has been aimed at destroying America's presence and influence in Western Europe. Chancellor Brandt's policy of ostpolitik is a means, I suggest, which the Soviets are consciously employing to accomplish that end. Brandt is not responsible for ostpolitik—the Soviets are. I suggest also, and I know this is not a polite thing to say, that the Soviet-West German Treaty, signed by Brandt and Kosygin in Moscow on August 12, 1970, just about a year ago, is aimed at forcing West Germany out of NATO.

I suggest that the economic provisions of the treaty—the building of the Siberian pipeline and the sale of Siberian natural gas to West Germany—are of slender importance in the long haul. And, I think the Soviets are thinking in terms of the long haul. The abandonment of its "Eastern territories" by West Germany has litle lasting significance; it is at best a formal recognition of the realities of geography. The real meaning is more psychological than territorial; the wonder is that the West German Government sought it so eagerly. For, in the final analysis, the West Germans had nothing to gain by it and the Russians stood to lose nothing by it. One can also wonder at the reception of it by politicians in the West—an uncritical, almost childish reception.

If ever there was a period in international affairs when the United States required hardheaded, mature, and sober thinkers, it is now; and, this is precisely the time that the sophomoric thinkers are emerging from the State Department woodwork.

I think it is almost inevitable that, if this treaty is ever successfully submitted to the Bundestag for ratification, that the next Soviet ploy will be an offer of "preliminary talks" looking to the reunification of the two Germanys. The Government of West Germany—regardless of which party may be in power at that time—would have to accept such an offer. The offer, the bait, would of course, have several conditions attached: first and foremost would be the notion that reunification could not be discussed or accomplished while West Germany remained a member of NATO. Would West Germany abandon NATO for the sake of reunification and accept "Finlandization"—becoming a neutral, demilitarized state between East and West? Such a solution is unthinkable at this time, but times change.

And the Russians, give credit where it is due—the Russians adapt very well to changed conditions. Witness their policy in Western Europe—it began after the war with threats and intimidations. Those threats and the dangers we perceived in Russian militarism gave birth to the NATO alliance and the mentality of collective defense. The Soviet theme has been basically one of harshness, intimidation and bullying since the war, interrupted by occasional sweet talk, as if for emphasis.

We are now in a full-fledged period of sweet talk, talk of detente and accommodation. It will be ironic, as well as disastrous, if the Russians accomplish by detente what their bullying and threats for 20 years could not. That is, the weakening of NATO to a point of ineffectiveness, and the removal of the American protective umbrella.

It seems to me, Mr. Speaker, that we owe it to ourselves and our allies to rethink and reexamine our NATO policy and to make the consultation and cooperation that President Nixon rightly called the hallmarks of the NATO union, flesh and blood realities and not abstractions to which lipservice is perfunctorily paid.

I wish to associate myself with the remarks of the other gentlemen speaking under this special order, and as I have in the past, would like to urge the Secretary of Defense and the other members of the Defense Department to bring home to the American people the dangers confronting us in the weakening of our defense posture at a time when the Soviets are rapidly increasing theirs. One of the gravest mistakes, in my opinion, that we are making is in discussing with the Soviets ABM's before ICBM's. In other words, in my opinion, we are putting the cart before the horse. We should be discussing offensive weapons rather than defensive weapons. Along these lines I would like to call to my colleagues attention, an interesting article written by Crosby Noyes for the Washington Star, and I would like to have the same be made a part of my remarks:

RUSSIA'S DRIVE FOR AGREEMENT ON ITS TERMS

(By Crosby S. Noyes)

With the reopening of the Strategic Arms Limitation Talks (SALT) in Helsinki, it has become clear that the Russians are pressing for a quick decision on limiting defensive nuclear weapons—basically on their terms.

For many months now, the Soviet negotiators have been trying to separate the problem of antiballistic missiles (ABM) from the more complicated problem of limiting offensive nuclear weapons. It is beginning to appear that they may have succeeded.

The Americans have argued that the package of defensive and offensive weapons cannot be untied and that a limitation on nuclear defenses without a similar curb on the deployment of offensive weapons would be ineffective and dangerous.

Now it seems that the Russians have returned to Helsinki more determined than ever to separate the issues. An agreement on the ABMs, they are saying, can be reached relatively quickly and easily. The problem of offensive weapons, they say, is much more difficult.

There are some signs that the Nixon administration, in its anxiety to reach positive results in the SALT meetings, may go along with the Russian logic.

The Russians, of course, have a point. They are right in saying that limiting offensive weapons is more complicated than simply clamping a ceiling on the deployment of ABMs.

For one thing, there is no agreement on what "strategic weapons" are, since the Russians insist that any weapon which can reach the Soviet Union—including tactical aircraft stationed in Western Europe—should be classified as strategic. And apart from this, great differences in size between Russian and American warheads make it difficult to arrive at any common definition of equivalency between the two weapons systems.

So, say the Russians, let's forget about offensive weapons and concentrate on the ABMs. Their basic proposal is to limit ABM launchers to about 100 on each side, deployed in the vicinity of Moscow and Washington. The Russians already have set up sites for 64 launchers in the Moscow area and are working on additional ones.

In support of their proposition, the Soviet press has been quoting arguments of American experts who have opposed the development of an ABM system here, to the effect that the system is unreliable, very costly and would lead to an acceleration of the arms race. As Pravda put it:

"Action is met by counteraction. If one side strengthens its defense, then the other feverishly looks for new, more powerful means to pierce the defensive shield of the opponent. This process, if it is not stopped with the help of reasonable agreements on curbing the arms race, is endless."

Fair enough. The very obvious joker in this argument, however, is that the Russians already are feverishly expanding their arsenal of offensive nuclear weapons.

The Soviet Union now has deployed close to 1,500 intercontinental ballistic missiles, as against 1,054 in the United States. These include nearly 300 of the giant SS–9 missiles which carry nuclear warheads 25 times as powerful as the largest American weapons. The American missile force has remained stable for several years. The Russian effort shows no sign of leveling off.

It is against this background that the Soviet offer at Helsinki must be judged. In effect, they are demanding that the United States stop the deployment of its Safeguard ABM system, which is designed to protect our Minuteman missile sites from a Soviet first-strike. Setting up 100 ABM launchers in the vicinity of Washington, as the Russians suggest we should do, would do nothing whatever to protect our second-strike capability.

The agreement that the Russians propose would leave their own missile defenses, deployed to protect major population centers, entirely intact. It would permit them to continue building their offensive capability to the point where they could destroy all of our land-based missiles in an opening nuclear attack.

The United States cannot accept such a deal in the vague hope that the Russians thereafter will go on and agree to limit their deployment of offensive weapons. For the Russian game-plan is ominously discernible. And this is one game that is played for keeps.

Mr. PIRNIE. Mr. Speaker, it would be difficult to overemphasize the importance of having adequate military forces—both conventional and strategic—to support our diplomatic efforts abroad.

To appreciate the importance of adequate military forces, one need only contemplate the impact of existing Soviet forces upon a contemporary version of the 1962 Cuban missile crisis. In 1962, when the Soviet Union precipitated the major United States-Soviet political confrontation of the 1960's, the Soviet Union had less than 200 intercontinental ballistic missiles. Arrayed against these forces, the President of the United States had available a force of over 2,000 medium and heavy bombers capable of hitting nearly all Soviet targets. Further, the President had at his disposal about 200 ICBM's and medium-range ballistic missiles stationed abroad, as well as several nuclear-powered submarines capable of launching nuclear warheads against Soviet targets.

In the now famous "eyeball-to-eyeball" confrontation, the Soviet Union was forced to back down and remove its intermediate-range ballistic missiles from Cuba. It is inconceivable that the Soviet leadership—men who reached political maturity as the faithful servants of Stalin—would have backed down in the absence of this existing capability to use force.

In 1971, nearly 10 years after the Cuban missile crisis, the President of the United States faces a like threatening set of circumstances. The United States now possesses a force of land-based ICBM's of about 1,054, a submarine-launched ballistic missile force of about 656 missiles on 41 submarines, and about 450 B–52 bombers. Arrayed against the U.S. arsenal is a Soviet land-based ICBM force of over 1,500 missiles—about 20 submarines capable of launching 16 ballistic missiles each, 200 bombers, an operational ABM system, and 12,000 antiaircraft missiles. According to Gen. Bruce Holloway, the head of the U.S. Strategic Air Command, and Dr. John S. Foster, Jr., head of Defense Research and Engineering in the Department of Defense, the Soviet Union could convert some of the antiaircraft missiles to an ABM system without our knowledge.

It becomes less and less certain that the President of the United States—any President—will be able to sustain its position in a confrontation with a major power in a conflict over our vital national interests anywhere in the world. In short, it might become our turn to back down in the next crisis.

We should recognize that we will pay, and pay dearly in a political crisis with the Soviet Union or other powers if the will of the President cannot be effectively substantiated by an adequate military force. The Congress cannot afford any longer to ignore the ominous growth of Soviet strategic forces and its probable effect upon our diplomacy—we must arm adequately without delay. Our peace and the peace of the world is at stake. The power to prevent war is as important or more important than the power to win one.

Mr. VANDER JAGT. Mr. Speaker, one of the tragic consequences of our prolonged involvement in the war in Vietnam has been our neglect and failure to pay attention to our duties and responsibilities around the world. Whatever views we have on the Vietnam war, however we may differ on the conduct of that tragic war, however we may assess the causes that led us there; of the blunders we committed once we got there, I think that all the Members will agree that our preoccupation, during the last 6 years, with that tiny corner of the world has diverted our attention from other strategic and legitimate concerns.

While we have been bogged down in a land war in Asia—in exactly the sort of war that General MacArthur counseled us to avoid 20 years ago—while we have concentrated our efforts and spilled our blood and our treasure in Vietnam, our enemies have been extremely busy. As far as the Soviet Union is concerned, the last 6 years have been profitably spent.

During that time, the Soviets have developed, almost from scratch, a very strong challenge to our Navy. It is no accident, I think, that the Soviet shipbuilding program began in earnest shortly after Khrushchev's fall from power in 1964. That is, of course, the same period in which our participation in the Vietnam war became significant. As many of us are aware, Jane's Fighting Ships, in its new edition, calls the Soviet navy a "supernavy of a superpower." We had to take the *New Jersey*, a pre-World War II battleship, out of mothballs to shell North Vietnamese coastal towns. While we were doing that, the Soviets were building missile frigates by the score and nuclear submarines by the dozen.

In 1965, the Soviets had five ships on station in the Mediterranean; today they have 50 there.

We have tragically neglected our responsibilities in Latin America. We have watched Cuba continue to export her revolution; in Guatemala, in Uruguay, in Brazil, in Argentina, in Peru, and in Bolivia, our diplomats and the representatives of other friendly states have been subjected to a reign of terror financed and directed by Cuban-style revolutionaries. The Alliance for Progress, which was launched with such high hopes and such lofty rhetoric in the early 1960's, has proved to be—let us be candid—a dismal failure.

While we were involved in Vietnam, the Russians were on the move in the Middle East, wooing the Arab countries. The campaign has been enormously successful. The Arabs look to Russia for leadership, for weapons, and "advisers." The Soviet-Arab relationship is becoming one of "master-servant." The hardware that the Arabs lost in the disastrous 6-day war with Israel has been replaced, and then some. Israel's aerial supremacy has been blunted by the introduction of Soviet ground-to-air missiles in Egypt.

I agree with President Nixon's assessment that, potentially at least, the Middle East is a more dangerous situation to the peace of the world than even Vietnam, involving as it does the confrontation and possible showdown between the nuclear superpowers.

Similarly, the Soviets have been on the move, diplomatically at least, in Europe. Our response to the Soviet diplomatic offensive has been, in my judgment, inadequate and ineffective. In the face of this offensive, we have allowed the NATO alliance to fall into disrepair. Some wag recently called NATO the "sleepwalker of Europe."

Soviet saber rattling and the threat of Soviet aggression in Europe caused the Western allies to form NATO in 1949. Continuing Soviet threats kept it alive and vigorous through the 1960's. It is ironic that Soviet sweettalk and talk of detente is on the road to accomplishing what Soviet threats and blackmail failed to accomplish: the destruction of NATO.

Mr. Speaker, at the risk of being labeled a "cold warrior" I will say that my conviction is that Soviet world goals have not changed in the past 25 years. The Soviet goal in Europe is to dominate Europe. To accomplish this, the Soviets know that American presence must be removed and American influence must be denied. That, I suggest, is why the Russians are wooing Chancellor Brandt and that is why the Russians are so receptive to Brandt's "ostpolitik." I think I can understand why the Russians would behave in this fashion; it is in their interest to do so. What I cannot understand is why the State Department views "ostpolitik" as such a desirable thing from our point of view.

If Soviet goals have remained constant, their tactics certainly have changed to accommodate changing circumstances. In my judgment, we are not responding adequately to these new Soviet initiatives, probes and pressures. I am thankful that American participation in the Vietnam war is ending. Perhaps it is not ending fast enough, for some, but it is ending.

My hope is that as we pull out, we will turn more attention to the American problems in other critical areas of the world, problems which we have too long neglected, neglected to our detriment.

Mr. BRAY. Mr. Speaker, it is time to acknowledge the fact that for a quarter-century, since the beginning of the cold war at the end of World War II, our Republic's Defense Establishment has been unwittingly, but nonetheless effectively, sabotaged and crippled by a near autonomous, poorly regulated and almost unknown combine that is practically an extra branch of the Federal Government.

I refer directly and specifically to the so-called think tanks across the United States that have engaged in contract research work on many aspects of our national defense. Let me make it perfectly clear at the outset that I have no quarrel with, and I do not include in my remarks today, those institutions, or parts of institutions, that deal with the cold, hard scientific precision needed to research and plan weapons systems. There are very important areas of defense research where the best scientific minds in the country have been utilized, and should continue to be utilized. But there is a wide and unbridgeable gap between the physicist, the chemist or the engineer wrestling with the problems of ICBM construction, fueling and guidance, and the behavioral scientist attempting to resolve the vagaries of human nature into graphs, charts, and equations. The first must and do predicate their work upon immutable and proven laws of the physical world. The second deal to a great degree in mindless moon-spinning and theorizing; they do not, like the physical scientist, adopt conditions to facts. Instead, they seek to twist facts to fit conditions, and to merge with their own preconceptions of what should be, instead of the all-important factor of what is.

There is a sharp distinction between development and production and emplacement of strategic and tactical weapons, and the methods and manners in which they will be used. The research and development for the former has been highly productive; no one can fault it. I believe that on balance, we have as basically as good a Defense Establishment as any other nation, and far better than most. But the edges of superiority, so carefully whetted and honed, have been dulled by group-think methods which have rendered this superiority next to useless.

Let me give an example of what I mean. War may not be the world's oldest profession, but I am certain it is the most written about. The card files in the Library of Congress under that heading are probably one of the most extensive for any topic in that institution's records. Yet, we seem to have the idea that more study, and throwing good money after bad, will "prove" something, possibly turn up a hither-to-ignored theorem or proposition or formula, that will succeed in putting this most difficult, complex and subjective of all things onto paper in simple truths of eternal verity.

Earlier this year the National Science Foundation awarded $149,000 to a team of researchers at the University of Michigan at Ann Arbor for a further 4-year study on a project called "Correlates of War." Little publicity has been given to this. The one most detailed account I have seen in the press—New York Times, May 6, 1971—tells me nothing that I would not expect any competent Ph. D. in history to know by second nature, and, indeed, something probably well-known by many college sophomores or well-read amateur military historians.

For instance—and these are some of the results of 7 years work to date—this team came to the conclusion that there has been war in all but 24 of the 150 years studied since 1816; 144 nations spent 4,500 "nation months"—1 month in combat by one nation—in combat; there were 29 million battle deaths, not counting civilians. There were 6.2 wars for each decade. Most wars begin in spring or autumn, generally April or October. Europe has been most war prone.

One would think that these statistical bases, drawn from data going back 150 years, would be of questionable value in the nuclear age. This point has been raised by some social scientists. Also, I must add, other social scientists say that war is too complex by far to even attempt to reduce its causes to equations. Here I would strongly agree.

The mentalities that find this occupation useful to the national defense of the American Republic are costing us more than money. They are costing us time, and they are getting our sights completely out of line.

Somewhere along the way we have totally lost our perspective. We have poured out millions to structurally unemployed academicians to theorize, conjecture, philosophize about war and how we should wage it—and walk out the door with classified material if things do not suit them; more about that later—all the while our adversaries have carefully, coldly, and profitably studied and shaped their tactics by the works of just two men: the Chinese Sun Tzu, who wrote his classic: "The Art of War" in the fifth century, B.C., and a Prussian major general who died in 1831, Karl Maria von Clausewitz.

Clausewitz in particular has a few sentences which apply to my remarks today; they come from volume III, page 126, of "On War":

> In one word, the Art of War in its highest point of view is policy, but, no doubt, a policy which fights battles instead of writing notes.
>
> According to this view, to leave a great military enterprise . . . to *a purely military judgment and decision* is a distinction which cannot be allowed, and is even prejudicial; indeed, it is an irrational proceeding to consult professional soldiers on the plan of a War, that they may give a *purely military opinion* upon what the Cabinet ought to do; but still more absurd is the demand of Theorists that a statement of the available means of War should be laid before the General, that he may draw out a purely military plan for the War. (Italics in original)

"Defense intellectuals" is a common name for these people; one writer has called them "Pentagon Irregulars". Names aside, I would say that by and large they have been educated far beyond their capacity to absorb. They were allowed to become a more or less secret source of power, which has been wielded carelessly with poor service to the American Republic. If there are any doubts, the near-disaster of Vietnam should dispel them. If this is to be the product of 25 years of spin-the-bottle group thought, then I maintain the whole concept of much of this contract research is open to very grave doubt and question.

The recent notorious episode of the Pentagon papers must have mention. It was not enough that these were seized upon by the gullible as being the last and final word on our involvement in Vietnam, in spite of the fact that there were no State Department or White House records contained in them. The very circumstances surrounding their theft and publication indicate existence of a sievelike network of security leaks in these think tanks that is nothing less than intolerable.

Rand Corp., one of the oldest and largest think tanks, was warned 2 years ago that Dr. Daniel Ellsberg was a security risk. At that time, while he was still with Rand and on their payroll, he was making public speeches against the Vietnam war. Rand, obviously, took no heed of these warnings.

It is gratifying to note that Defense Secretary Laird has moved quickly to prevent such incidents in the future. Early in July Defense ordered a tough crackdown on all think tanks that had classified documents; Rand had its documents withdrawn from its custody and placed directly under control of the Air Force. "Special access" data—higher than top secret yet, and dealing with such matters as strategic war plans, codes, and nuclear weapon designs—have been totally removed and Rand's need to have these is being "redetermined."

Security procedures in think tanks have long been sources of concern to the military. Academic freedom on the campus is one thing; this ceases the instant an academician undertakes secret work for his Government, which gives him access to secret material. He is no longer his own man; that is harsh, and it may be regrettable, but that is the way it is and that is the way it must be. If he does not like it then he is free to look for employment elsewhere. He is no more free to do what he likes with this data than is a Member of Congress free to disclose secret testimony given him in a closed committee hearing. The rules apply equally to all.

I must say that Defense has not been entirely blameless in this matter. For instance, Defense could not tell the exact number of classified documents held by Rand. This in itself is inexcusable; surely somewhere in that mammoth complex there is room for some highly qualified persons to keep a close, constant, and accurate record of who has what, and how long they have had it, and who has access to it. This would require a lot of work; very well, but it must be done nonetheless. The Ellsberg incident will I am sure eliminate these shortcomings but they should not have appeared in the first place.

Subscribing to this footnote mentality has proven to be a dangerous luxury, and an expensive one as well. In 1969, there were contracts worth over $300 million held by 16 companies. How much has been spent over the last 25 years probably never can be accurately tabulated.

A great deal has been said lately about the right of Congress to be kept informed. Here is one instance where this should certainly apply, and to date it has been neglected. It can be neglected no longer.

I am recommending serious consideration be given to creating a joint House-Senate committee, composed of the chairmen and three ranking members of each party of the House and Senate Committees on Armed Services. This committee would periodically, on a schedule to be determined in consultation with the Office of the Secretary of Defense, meet and receive and review, from the Department of Defense, full details on all Defense-sponsored research contracts.

Full justification for each contract, those granted and those planned, would be presented to the committee. In addition, the committee would be advised of the disposition of studies completed—what their nature was, to what use they had been put, and their effect on our national defense posture. Both military and civilian officials would appear as witnesses. The Armed Services Committees, when they act on military authorization requests, should have more knowledge of this facet of our defense planning than we have had in the past.

It is probably impossible to determine to what extent think tanks have influenced—and possibly corrupted—our defense policy to the point we have reached today. But it is not too late to try and learn—now. It may be too late—later.

Mr. PELLY. Mr. Speaker, I appreciate very much the opportunity to participate in this session and, along with some of my esteemed colleagues, raise certain questions about our military position in the world today and also about our attitudes in the SALT talks now being conducted in Vienna and Helsinki. These are very serious questions, and need to be given the most serious attention, but in recent years that is just the sort of attention which has not been given them. The first duty of a government, after all, is to provide for the security of its citizens. When it ceases to do that, it ceases to function as a real government: it will be subjected to anarchy within and intimidation from without, intimidation against which it can do nothing. It is vital to see to it that the SALT talks do not take us a giant step further down the road to unilateral disarmament.

Some people may wonder about my referring to unilateral disarmament, Mr. Speaker, but when we look at the trends in defense spending in the United States and the Soviet Union over the last decade we can see something which looks very much like unilateral disarmament. We can look at the relative strengths of the military forces of the Soviet Union and our country at any particular time and not be excessively alarmed. But the important thing to watch is the trend over time. And when we look at that trend, we discover we have everything to be alarmed about. In the course of a decade we have gone from superiority to parity to sufficiency, and now very soon, if the trend is not reversed, we shall end up at inferiority. McNamara and his experts assured us that the Soviet Union only wanted not to be inferior to us, that once they had acquired parity, the arms race would level off. In this, as in so many other things, history has proved them completely wrong, for the Soviet Union has kept right on driving for complete superiority in armaments. It has made no secret of this intention, and its actions demonstrate that its words are not empty ones. The McNamara reading of Soviet intentions was a very comforting one, but this world is not always a comforting one, and we have to deal often with very hard facts which we often wish were not facts. At present we are faced with just such a fact: the fact not only of Soviet military superiority, but also their intention to utilize that superiority very skillfully for their own ends in a way we never did when we possessed superiority.

Mr. Speaker, the Soviet Union realizes very clearly that control of the oceans gives the nation which exercises that control great advantages in world diplomacy. The Soviet fleet, modern and well designed, is gradually challenging our control over the seas in the entire world, especially in the Mediterranean where the military situation is now least stable, but also along our Atlantic and Caribbean shores. The Soviet Union, from all we know, is going right ahead with its plans for establishing naval bases in Cuba, which will give it the increased ability to harass our Atlantic coasts and our large population centers located along that coast. The Soviets even now are making probes to see how much they can get away with. They have damaged the equipment of our lobster fishermen off the New England coast, deliberately, so far as we can tell, and it seems that our only reaction to this provocation is to be bland and conciliatory.

The entire Nation felt a sense of shame when the Coast Guard allowed a Soviet citizen who wished to defect on the seas to be brutally beaten on board an American vessel and then returned to his ship. Now it seems that he is paying a heavy price in a prison camp for being so foolish as to think that the United States would defend the interests of freedom within even a few miles of its own shores. The entire Cuban situation is another sad example of our lack of resolve. President Kennedy was able to win at least a partial victory in the 1962 Cuban missile crisis because we had unchallenged domination of the seas near our shores at that time. We can imagine the difficulties of instituting a similar blockade of Cuba in 1971, when we seem unable even to protect our commercial fishermen pursuing their legitimate business.

The Soviets would undoubtedly at least threaten to break any such blockade with military vessels, and the chances of a confrontation would be so great that one wonders whether we would ever risk it. But if we are unable or unwilling to stand up for our own interests when they are attacked virtually on our own territory, what will we do on the seas further away? And what will we do when a few more years have passed and our Navy is even more inferior to the Soviet fleet? Can we hope to conduct diplomacy then that will be anything other than continuous humiliation and defeat for the free world? With the best intentions in the world, we will find ourselves powerless then to accomplish our aims, to protect our allies or even ourselves, it seems. And then we shall no longer be a sovereign Nation.

Such, Mr. Speaker, is the grim prospect with which we are faced at the present moment if we do not take action now. The hour is late. Let us not repeat the mistakes which have gotten us into other wars. Let us learn something from history this time.

Mr. HARSHA. Mr. Speaker, for over a decade, a key element of America's deterrent power has been her arsenal of 41 nuclear powered submarines carrying ballistic missiles capable of underwater launch. These forces remain perhaps the most invulnerable portion of our deterrent since they can remain under water on station for days on end ready for instant retaliation, should such a fateful order have to be given.

There is growing evidence, however, that we cannot count upon our existing Polaris-class nuclear submarines remaining invulnerable under all circumstances during the 1970's. The Soviet Union now possesses a large surface fleet whose size now exceeds that of the United States in the aggregate. The Soviet surface fleet has grown so large that the authoritative British survey of naval power, Jane's Fighting Ships has concluded that the Soviets now possess a "super navy" comparable to, or more impressive than our own. This large surface fleet presents the U.S. Polaris submarine fleet with a formidable foe—a foe which could endanger its continued survival through the 1970s. Advances in antisubmarine warfare—a certainty since the Soviets are spending $3 billion more in defense research and development than the United States—coupled with a large surface fleet to conduct a search for American submarines could weaken our deterrent to a point where it might be impossible for a U.S. President to emerge from a 1975 version of the 1962 Cuban missile crisis with U.S. foreign policy objectives in tact. What is required in a nuclear powered submarine whose characteristics would substantially reduce the advantage the Soviets are building up through their investment in antisubmarine warfare and their large surface fleet.

This can be done by providing the U.S. Navy with a submarine with ballistic missiles with a range sufficiently long as to permit extended cruising far from Soviet territory. Such a vessel could complicate the submarine tracking task of the Soviet Union for many years to come, while providing the President of the United States with an appropriate element of military strength which could enhance his bargining power in a political crisis with the Soviet Union.

The basic characteristics of such a submarine, known as the undersea long range missile system or ULMS was presented to the Department of Defense as early as 1966. Congressional hostility toward improving our defense posture in recent years has prevented us from moving forward with this important effort. With the Soviet strategic nuclear force so large, that they possess a potential 8-to-1 advantage in the number of individual warheads if they apply the technology to warhead design that we already have on a production line basis, that we can delay no longer with ULMS.

For several years, the ULMS program has been carried along at a very low research and development priority. The Congress must act swiftly to accelerate the research and development work on ULMS so that an appropriate system can be available to our forces at the earliest possible date. We can no longer tolerate a situation where the Soviet Union is able to use the occasion of the Strategic Arms Limitation Talks as a vehicle to slow down legitimate programs to insure our own security while the Soviet Union continues to build nuclear powered submarines at a rate of between nine and 12 per year.

The time has come to assign ULMS, and other important research programs designed to improve the ability of the President to protect America's security, a high priority without delay.

Mr. SHOUP. Mr. Speaker, I should like to contribute a few thoughts to the discussion being pursued on the floor of the House of Representatives today. These comments will be confined to the very idea of negotiation and bargaining, something at which Americans have historically not been very skillful. The results of our most recent bargaining sessions with the Communist world, especially those which are dragging out their weary existence in Paris at the moment, do not encourage anyone to believe that our grasp of the essence of bargaining has improved much of late.

It seems to me, Mr. Speaker, that one of the chief reasons why we do so badly in negotiations with the Communist world is that we enter them with the firm conviction that something must come out of them. I believe that if we were really to pause and consider the psychology of bargaining, we might come to realize that we are likely to get better results if we enter negotiations from the beginning with the thought that we do not necessarily have to emerge with an agreement at all, that no treaty may be preferable to one which is badly done from our point of view. This may seem like a paradox, but the world is full of paradoxes, and we should not reject them out of hand.

Americans are not temperamentally accustomed to bargaining. If we see something in the store we might want, we generally either pay the price on the tag or decline to buy at all. Most Americans do not haggle over the price in the attempt to beat the seller down to an acceptable level. Somehow this sort of competition does not suit us. But let us imagine a situation in which we do begin to bargain over the price. If the seller knows that we absolutely will not leave his shop without the item, although of course we would prefer to pay less rather than more and may even bluff a bit to make the seller think we just might, after all, walk out of his store—if the seller is almost certain that this is a bluff, he will have every reason to reduce his price not at all, or very little, since he is sure he will get what he asks for in the long run. If the buyer is in fact prepared to walk right out of the store and do without the item in question, though, the chances are much better that he can strike a truly advantageous bargain, can bring the price down to a level where the item he wants is really worth it. So the paradoxical fact is that the buyer can truly get something for a reasonable sum if he is truly ready to do without it. This is a fundamental axiom of bargaining which I am afraid our diplomatic negotiators do not comprehend.

Let us take another example of bargaining and negotiation at a higher level. We have a system of exchanges with the Soviet Union which have been in existence now for nearly 15 years. Many of them do not work very well from our point of view: our scholars are often denied access to materials they need, they are hampered in their travel, people who want to investigate the wrong sorts of subjects from the Soviet point of view are not allowed to participate, and so forth. We on our side make only feeble attempts to have these inequities corrected, and the reason is that we are convinced that the exchanges in and of themselves are so terribly important that it is unthinkable to interrupt, curtail or stop them. But in fact, if we want them to work to our advantage at all, we will have to be prepared to give them up. Only if we are ready to do without them will we derive much advantage from them.

The same sort of thing can be said about our treaty negotiations and peace negotiations. I dare say the Paris peace talks would be much more productive if we were not eternally protesting about how eager we are to reach a negotiated settlement, and if we were genuinely prepared to recess or cancel them when they are not productive. And the same situation obtains with the SALT negotiations. It is very easy to imagine circumstances in which no strategic arm limitation agreement would be preferable, from our point of view, to the wrong sort of pact. If we conduct the negotiations on the basic premise that we do not necessarily have to come out with an agreement, then the chances are much improved that we will obtain a suitable treaty. But if we are totally convinced that we absolutely must conclude a pact, and even tell the other side this all the time, then there will be no reason at all for them to make any concessions: if they wait long enough, we will accept their terms almost intact. So this is the warning note I would like to sound today. If all the "breakthroughs" in the SALT negotiations turn out to be unilateral concessions on our part, then when any treaty is presented for ratification, we will probably be well advised to reject it and do without any agreement at all. The wrong sort of agreement can do much greater damage to our defenses and our national security than going on in the way we are now. In order to be successful at bargaining, we must grasp the basic principles of negotiating.

Mr. KYL. Mr. Speaker, the SALT or strategic arms limitation talks have now been going on for close to 2 years, and we are in the middle of the fifth series. So far, even the most sanguinely optimistic observer could hardly qualify them as successful insofar as bilateral strategic arms limitation are concerned.

For those who still believe that it is better to talk than to fight, the SALT talks offer clear evidence that talking does not preclude military buildup, at least not as the Soviet Union is concerned.

But talks go on in the hope of achieving some result favorable to world peace. We are ready to go to any lengths to prove our good faith. We have already gone so far as to deliberately slow down if not completely stop in some instances, our military construction program.

The divergence of our attitude from that of the Soviet Union is clearly illustrated by the statement on June 1, 1971, in Krasnaya Zvezda, the Soviet Defense Ministry daily:

> The desire for peace of the Socialist countries does not free their peoples from the necessary development of military weapons and of strengthening their defense.
>
> Our readiness to support practical steps towards disarmament must coincide and do coincide with our preparedness for any turn in the development of events.

The SALT talks should have begun already in 1968, but they were postponed owing to the Soviet occupation of Czechoslovakia.

The five series of SALT talks held to date have taken place alternatively in Helsinki, Finland and in Vienna, Austria, starting on November 17, 1969. The delegations have remained largely unchanged all through the series, and consist of five major delegates and close to 30 experts on both sides.

SALT–I—The first preliminary series of SALT talks took place in Helsinki from November 17 to December 22, 1969.

It was decided to have no daily press briefings but only brief communiques issued from time to time. A December 22 joint brief communique called the 5 weeks of "preliminary" talks "useful" to both sides.

Shortly before the SALT talks opened, the Institute for Strategic Studies in London published its annual report, the Military Balance for 1969–70, which stated that at that time the U.S.S.R. had reached parity with the United States in the number of land-based ballistic missiles—1,050 versus 1,054—and that the Soviet Union was expected to increase its ICBM strength to 1,150 by the end of 1969. The United States had still retained its superiority in SLBM's—656 to 160—but the U.S.S.R. was building ballistic missile submarines similar to the U.S. Polaris at a rate of at least four a year.

The above estimates were later proven to have been extremely conservative.

SALT–II—The second series of SALT talks was held in Vienna, Austria, from April 16, 1970 to August 14, 1970, and comprised some 32 meetings.

On June 25, Secretary of State Rogers told a Washington press conference that the SALT talks "have progressed very well" and that "there is reason to hope that we can reach an agreement," but a rather limited than a comprehensive agreement.

Meanwhile, the Department of Defense was receiving news of military buildup by the Soviets. On July 9, 1970, Secretary of Defense Melvin Laird told a Pentagon news conference that the Soviet Union had "gone forward with new starts" in deployment of ICBMs. "They have developed more SS–9 missile sites as well as SS–13 and SS–11s. They have proceeded with this program since the strategic arms limitation talks started in Helsinki," and "have gone forward with new starts since the talks opened in Vienna."

He said these new starts included SS–9s and were in addition to the 60 sites reported under construction earlier in 1970.

A few weeks later, on August 21, 1970, the U.S.S.R. conducted its first two tests of the MRV's on its SS–11.

SALT–III—The third series of SALT talks were held in Helsinki from November 2, 1970 until December 18. The U.S. side seems to feel that the talks had not progressed as much as had been hoped, and the Soviet said that they found the talks "useful."

Meanwhile, an annual report by the Institute of Strategic Studies in London revealed that as a result of a rapid increase in the past year, the Soviet Union now had 1,300 land-based ICBM's compared with a constant of 1,054 for the United States. The United States led in the number of SLBM's with 656—unchanged—but the Soviet Union although still lagging behind, now had 205 SLBM's—as compared to 160 in the fall of 1969.

On the naval side, the 1970–71 edition of Jane's Fighting Ships noted on August 27 that the Soviet naval strength was rising to "a flood tide in the 1970's."

On November 2, 1970, the day of opening the third series of SALT talks, Defense Secretary Melvin Laird was reported to have told a meeting of NATO defense ministers in Ottawa, that the Soviet Union now had 1,400 land-based ICBM's and 30 missile launching nuclear submarines of the Polaris type either operational or under construction.

SALT–IV—The fourth series of SALT talks opened on March 15, 1971 in Vienna and lasted until May 28.

It was reported that the delegates were working on the details of an ABM agreement, although the United States had officially expressed a preference for a more comprehensive agreement.

And then on May 20, President Nixon announced that:

> We have agreed to discuss an agreement on defensive nuclear weapons alone, with only "certain measures with respect to the limitation of offensive strategic weapons," to be discussed simultaneously.

The next day, May 21, addressing a conference at the State Department, the President said that:

> He expected that an agreement on limitation of defensive strategic weapons (ABMs) could be implemented "some time this year."

The same day, however, Secretary of Defense Melvin Laird remarked that "we should not anticipate any sudden successes."

The talks adjourned on May 28, the U.S. negotiating team voiding its opinion that they had ended "on a positive note" and that the United States was "quite satisfied with the developments at this session, particularly after the May 20 agreement was reached."

Meanwhile a comparative listing of U.S. and Soviet nuclear strength presented by the New York Times on May 20, 1971, showed that the figures for land-based ICBM's for the United States were still unchanged—1,954, while those for the U.S.S.R. had climbed to 1,500. The figures for U.S. SLBM's were likewise unchanged—656, while those for the U.S.S.R. had risen to 400.

The above report said the Soviet SS–9 ICBM's could be equipped to carry an estimated three warheads of 5 megatons each or six warheads of 2 megatons each, while the U.S. Minuteman-3 ICBM were said to be able to carry two or three warheads of 160 kilotons each only, and the Poseidon missile was said to carry 14 warheads of 40 kilotons each.

SALT–V—The fifth series of SALT talks opened in Helsinki on July 8, 1971. Its basic mission seems to be the working out of the agreement reached on May 20 of this year, on the limitation of ABM's and also the eventual freeze on construction of new land-based ICBM's and SLBM's.

It should be remembered that the U.S. ABM system is oriented exclusively to protect our second strike retaliatory power in the event of enemy attack and that the Soviet Union's ABM's are designed also to protect the hinterland of the Soviet Union against a possible second strike.

Meanwhile, the Soviet Union is feverishly building up its land-based ICBM strength while our own is still largely where it was several years ago.

The 1971–72 edition of Janes Fighting Ships just published in London said that by the mid-1970's, Russia will have enough nuclear muscle to knock out practically all U.S. land-based missiles and bombers, unless the United States will take fast, elaborate, and clostly measures to prevent it.

It is with such sobering considerations in mind that we should participate in the SALT talks now underway.

Mr. LUJAN. Mr. Speaker, I wish to associate with my fellow colleagues here today who are once again at this important time in history calling attention to the need of maintaining a strong national defense posture in order to adequately protect the citizens of our free society here in America. I would like to point out that one of the main reasons that the Original Thirteen Colonies banded together to form a constitution and establish a new concept of government was to provide for the common defense of its people. George Washington advised that:

> There is nothing so likely to produce peace as to be well prepared to meet an enemy . . . we must always keep ourselves in a respectable defensive posture . . . if we desire to avoid insult, we must be able to repel it, if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war . . . to be prepared for war is one of the most effective means of preserving peace.

That important tradition of a strong defense which was woven into our society at this early time cannot be neglected at this important moment in our history because once again we are potentially threatened.

Our Founding Fathers stated over again in the federalist papers, at the constitutional convention, in their many deliberations as they struggled to form a union, the absolute necessity and responsibility of the Federal Government maintaining an adequate and continuing strong defense.

Alexander Hamilton knew that "A Constitution of the kind proposed by the convention cannot operate without the aid of a military force." And Congress is clearly charged to "provide for the common defense and general welfare of the United States—to raise and support armies—to provide and maintain a navy—to make rules for the Government and regulation of the land and naval forces."—Article I, section 8.

John Adams knew that "the jaws of power are always open to devour, and her arm is always stretched out, if possible, to destroy the freedom of thinking, speaking, and writing," the principles of a strong national defense that so adequately applied to the original colonies apply even more to our Nation today.

Thomas Jefferson told us that "the good sense of the people will always be found to be the best army." My colleagues, the American people have placed their trust in this great body to preserve the liberty and happiness of the country and I say this cannot be done unless the Congress exercises the good sense to undertake its obligation to secure this Nation with a power superior to those who would threaten our right to freedom.

Mr. WHALLEY. Mr. Speaker, on July 28, 1971, in a UPI dispatch datelined "London," it was reported that "The Soviet Union will have the nuclear punch by the mid-1970's to destroy virtually all American land-based missiles and bombers in one surprise attack." This is the opinion of the authoritative publication, Jane's Fighting Ships.

Jane's is not alone in its assessments of the vulnerability of the American deterrent force. Recent studies, from many sources, tend to confirm that the American strategic position is deteriorating to the point that the President's "Blue Ribbon Defense Panel" concluded that the United States faces an immediate future where it might not be able to maintain the Nation's independence and security.

It is now almost common knowledge that the Soviets have made fantastic strides in development of their nuclear and missile capabilities. What is less well known is the priority given to and the successes achieved in building the Soviet Navy into the world's most formidable nautical force. The Soviet Union already leads the United States in active surface ship and submarine numbers. Jane's reported that the only category of warships in which the United States maintains numerical superiority is aircraft carriers.

In the face of formidable advances by the Soviet Navy the United States has been carrying forward the systematic reduction of its nautical capabilities. We have reduced the number of aircraft carrier wings from 24 to 15; overall, our active ship numbers have gone from 932 to 658. While the Soviet Union is proceeding with a vigorous program of building Polaris-type subs, we have frozen our force at 41. Since the mid-sixties, no new nuclear subs have been authorized. By 1974–75, it can be expected that the Soviet Union will have at least four attack subs for every one the United States has operational.

Recent reports indicated the naval strength that the Soviets are adding to the Mediterranean Basin. Once a sea secured by the free world and the U.S. 6th Fleet, the Mediterranean is rapidly becoming a Soviet lake. The political implications for southern European, African, and Middle East nations will become increasingly clear as Soviet power makes its presence felt. Presently, the Soviet Union has twice as many subs as the United States patrolling that historical sea and a 25 percent larger surface force. These figures do not take into account the Soviets' Black Sea fleet, which is by itself larger than either of the Mediterranean fleets. Taken together, the Soviets outnumber American subs 6-to-1 and surface vessels 3-to-1 in the Mediterranean Basub.

With few exceptions the accounts are the same. In a recent report compiled by CBS, based on the NATO report, it was contended that the Soviet Union now presents a major threat to control of the vital North Atlantic shipping lanes.

Mr. Speaker, for almost two centuries American Naval Forces have patrolled the waters of the world to secure them for peaceful purposes. We are now coming face to face with the realization that within a relatively short period of time the United States will no longer be the superior naval power. At that time we will be faced with the situation that international waters will become an extension of the political expansionism of the Soviet Union.

The United States cannot afford to allow itself to continue to slip toward the status of a second-rate power. Our freedom, our security, our future depend upon the leadership of the United States' facing the facts and coming to the realization that the Soviet Union is seeking world military superiority. Editorial writers can debate the reasons why the Soviet Union is aiming at harnessing this quantity of military power; it is the responsibility of American military planners to meet this threat. In a world of aggressive powers leading revolution and seeking dominion, the United States must be prepared. To insure our continuation as a nation we must have a superior position in all fields of military preparedness. We must rereorder our priorities if there is to be an independent United States.

Mr. RARICK. Mr. Speaker, soon after his inauguration, President Nixon appointed a "Blue Ribbon Defense Panel" to study the workings of the Defense Department and recommend how to make it more efficient. In the course of their investigation, seven members of that blue ribbon panel became so alarmed about the inability of the United States to defend itself against the growing Soviet nuclear threat that they wrote a "Supplemental Statement" and submitted it to President Nixon on September 30, 1970.

That statement declared that the United States, as a "second rate" power will be "subordinate to manifest Soviet military superiority. The world order of the future will bear a Soviet trademark, with all peoples upon whom it is imprinted suffering Communist repressions." If our current defense policies continue, the panel reported:

> In the '70s neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

The blue ribbon statement warns in the strongest language against "the danger of fatal concessions or even of a deliberate trap" at the SALT talks now going on between the United States and the U.S.S.R. in Helsinki. The statement says that it would be "egregious folly" for the United States to agree to freeze strategic capabilities "at some level of specified parity" because this would actually enable the Soviet Union to "strengthen its overall military and political position."

Mrs. Phyllis Schlafly has devoted her newsletter for July 1971 to a discussion of this important question. She writes that:

> Americans are justly proud of having a system of government that guarantees more freedom than any nation in the world ever

enjoyed. Let us always remember that our American freedom includes the freedom to commit suicide. In the opinion of our best informed citizens, this is exactly what we are doing.

Mrs. Schlafly concludes by asking her readers:

Are you, my friends, doing the very best you can to save our beloved America from being 'hell-bent on national suicide?'

I wish to share Mrs. Schlafly's newsletter with my colleagues, and insert it into the RECORD at this time.

[From the Phyllis Schlafly Report, Alton, Ill., July, 1971]

"HELL-BENT ON NATIONAL SUICIDE"

Americans are justly proud of having a system of government that guarantees more freedom than any nation in the world ever enjoyed. Let us always remember that our American freedom includes the freedom to commit suicide. In the opinion of our best informed citizens, this is exactly what we are doing. Here are four warnings which have gone largely unreported by most of the press.

GENERAL LEMAY'S WARNING

General Curtis E. LeMay, the great commander who built up the Strategic Air Command as our first line of defense, on February 24 in Santa Ana, California predicted that within 18 months the Soviet Union will serve a "capitulation-or-else" ultimatum on the United States, and President Nixon will have no choice but to surrender and succumb to Soviet demands.

Asked what he meant by the words "or else," General LeMay replied that "or else" means an attack by "nuclear weapons." Continuing, he said:

"While the United States is wasting money on TNT for use in the jungles and rice paddies of Southeast Asia, Russia is spending money on what today is the finest strategic weapons system in the world. We have become a second-rate power, and our whole military establishment is rapidly going downhill because our weaponry—both offensive and defensive—is outmoded . . . . Like it or not, we are at war with the Communists—and we'd better do something about it, fast, before it's too late."

General LeMay said the American people are deceiving themselves if they "believe we have a strong national defense system. That's what we're told, but it's not so—really. And I know."

This sensational statement by one of America's greatest living military leaders was reported in newspapers in California and Indiana. It was apparently censored out of newspapers and television and radio reports in most of the rest of the country. Five months have passed since General LeMay gave his warning about "18 months," but nothing has been done in Washington to rebuild U.S. nuclear strength.

JOINT COMMITTEE WARNING

The Joint Committee on Atomic Energy, made up of nine Senators and nine Congressmen, some hawks, some doves, some conservatives, some liberals, ten Democrats, eight Republicans, is one of the best informed bodies in our Government. On May 24, 1971, this Committee issued an ominous warning: The United States, unless it moves quickly to counter a rapidly expanding Soviet naval threat, faces a future in which it will have to surrender to the Soviets on all issues or risk nuclear annihilation. Any delay may mean "no future."

The 278-page report contained hitherto unpublished official reports and statements by Admiral Hyman G. Rickover and other experts on the status of Soviet and U.S. naval forces. The bald facts are these.

The Soviet Union has a surface navy of 2,009 units compared with a U.S. surface navy of 563 units. The Soviet submarine strength is 355 compared with 142 for the United States. The advantage in nuclear submarines in which we long took comfort has disappeared. Soviet ballistic missile submarines armed with Polaris-type nuclear missiles now patrol off both coasts in range of most of our urban industrial areas.

This prestigious Congressional Committee concluded that unless prompt measures are taken to build up a nuclear navy, America will have "to give in on all issues. . . . There may be no future. . . . We will soon find ourselves unable to defend our national interests." The Committee urged recollection of the statement by President Eisenhower quoted on the keel of the nuclear aircraft carrier which bears his name: "Until war is eliminated from international relations, unpreparedness for it is well nigh as criminal as war itself."

BLUE RIBBON WARNING

Soon after President Nixon's inauguration, he appointed a "Blue Ribbon Defense Panel" to study the workings of the Defense Department and recommend how to make it more efficient. In the course of their investigation, seven members of that Blue Ribbon Panel became so alarmed about the inability of the United States to defend ourselves against the growing Soviet nuclear threat that they wrote a "Supplemental Statement" and submitted it to President Nixon on September 30, 1970.

Although this Statement expressly said that its purpose was to "contribute to public discussion" and result in "wider public understanding" because "the public remains uninformed and apathetic" in the face of the Soviet threat, the Pentagon suppressed it for nearly six months. When the Defense Department finally released it on March 2, 1971, no explanation was given for why it was kept secret so long.

On April 5, *U.S. News & World Report* printed a short summary of this Supplemental Statement. It was largely ignored by the press. On April 19, Congressman John G. Schmitz of California put the full text into the CONGRESSIONAL RECORD, page 10799. This Supplemental Statement was signed by William Blackie, board chairman of Caterpillar Tractor Company, Peoria; George Champion, president, Economic Development Council, New York; William P. Clements, Jr., president, Southeastern Drilling, Dallas; John M. Fluke, president, John Fluke Manufacturing Company, Seattle; Hobart D. Lewis, president, Reader's Digest Association, Pleasantville, N.Y.; Admiral Wilfred J. McNeil, director, Fairchild Hiller Corporation, New York; Lewis F. Powell, Jr., lawyer, Richmond.

The Blue Ribbon Statement publicly recognizes "the abandonment by the U.S. of its former policy of maintaining strategic superiority." It will be recalled that Richard Nixon, in campaigning for the Presidency, on October 24, 1968, specifically promised to restore our "clearcut military superiority." The Blue Ribbon Panel members, all of whom are Nixon appointees, tactfully refrained from mentioning this, but they make clear that the President's promise has not been kept.

A "SECOND RATE" POWER

The Blue Ribbon Statement bluntly states that the United States, as a "second rate" power, will be "subordinate to manifest Soviet military superiority. . . . The world order of the future will bear a Soviet trademark, with all peoples upon whom it is imprinted suffering Communist repressions." *That clearly means all Americans.* "In the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure."

The Blue Ribbon Statement says that our present danger "was predetermined by decisions made in the 1960's, which resulted in the reduction, postponement and abandonment of strategic defense measures and weapons systems." Of course, all readers of the Schlafly-Ward book, *Strike From Space,* knew this in 1965, *at the time it was going on.*

The Blue Ribbon Statement explodes the myth of relying on the "Sino-Soviet split," saying "the friendship between the Soviet Union and Red China has dissolved. . . . But this disunity among Communist powers does not necessarily enhance the chances of peace for the Free World. . . . Each has always proclaimed that the principal enemy is 'imperialistic America.' . . . The Marxist purpose of communizing the world remains the goal of every Communist party."

The Blue Ribbon Statement says flatly that "the reopening and control of the Suez Canal" is a Soviet objective; "this waterway [is] as important to the Soviet Union as the Panama Canal has been to the U.S." If Secretary of State William Rogers would read the Blue Ribbon Statement, he would see that he is directly serving the Soviet Union by his frantic efforts to pressure the Israelis into allowing the opening of the Suez Canal.

There has been much public debate in the last few months about the number of American troops which should be stationed in Western Europe. The truth is that whether we have 150,000 or 300,000 troops in Europe is an exercise in irrelevancy, as the Blue Ribbon Statement makes clear: "The Soviet Union has some 700 IRBM's deployed within convenient range of defenseless Western European cities and NATO forces." Note the word "defenseless." Western Europe has no strategic defense against the Soviet nuclear threat because former Secretary McNamara scrapped all our European-based IRBM's.

ICBM SUPERIORITY

The Blue Ribbon Statement warns flatly that "the Soviet Union has attained for the first time a superior strategic capability—where it counts the most—in ICBM's. . . . While we imposed a limitation on additional strategic weapons, the Soviets pressed forward to overtake and pass us. . . . More serious than the numerical superiority is the substantial megatonnage advantage enjoyed by the Soviet Union. The enormous payloads of the SS–9's have a destructive capacity incomparably greater than any U.S. missiles. . . . The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's. . . . It is well to remember that we have *no defense whatever* against Soviet ICBM's and SLBM's which *now* have the capability of killing perhaps *half of our population*—more than 100 million people—by a surprise first strike." (emphasis added)

The Blue Ribbon Statement calls attention to the heavy Soviet financial commitment to building a first-strike capability: "The trend of Soviet defense spending continues steadily upward. . . . The Soviet Union is spending significantly more than the U.S. in the buildup of its strategic offensive and defensive weapons" even though its gross national product is only half of ours.

The Blue Ribbon Statement concludes: "The only viable national strategy is to regain and retain a clearly superior strategic capability," which can be done (1) by building enough new strategic nuclear weapons, and (2) "by eschewing agreements [such as SALT] which freeze the U.S. into a second-rate status. . . . The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive."

The Blue Ribbon Statement warns in the strongest language against "the danger of fatal concessions or even of a deliberate trap" at the SALT talks now going on between the U.S. and the U.S.S.R. in Helsinki. The Blue Ribbon Statement says that it would be "egregious folly" for the U.S. to agree to freeze strategic capabilities" at some level of specified parity" because this would actually enable the Soviet Union to "strengthen its overall military and political position."

President Nixon's announcement that he has made "a major step in breaking the stalemate" in the SALT talks is the "egregious folly" of which the Blue Ribbon Panel members warned. What was hailed as a "major breakthrough" was really a U.S. surrender of our previous position that any agreement must cover all offensive weapons and not prevent our catching up with Soviet ABM systems.

Many people ask, "why do we need more nuclear weapons when we already have enough to kill every Russian?" The Blue Ribbon Statement clarifies the reason. We have no assurance whatsoever that our weapons can kill any substantial number of Russians because of the extensive Soviet anti-missile and anti-bomber defenses. More important, the U.S. has no missiles which can destroy Soviet weapons, while the Soviets are approaching the capability of wiping out our entire missile force with their giant SS-9's.

OUR "ONLY HOPE"

Although the Blue Ribbon Statement is "respectfully submitted to The President and The Secretary of Defense," it offers not the slightest trace of optimism that they will accept the recommendations. The impression given is that the Blue Ribbon Panel members have despaired that President Nixon will fulfill his promise to restore our "clearcut military superiority," and so are appealing over his head to the American people. The Statement repeatedly admonishes the American people to rise up and demand nuclear superiority, but never calls on President Nixon to do anything. At one point the Blue Ribbon Statement says our "only hope . . . is to assure a wider public knowledge of the facts and an understanding of the probable consequences of second-rate military status." If we fail, "there is little future for America as we know it or for our cherished freedoms."

What the Blue Ribbon Panel members are saying is: Voters, if you want America to survive in the face of the Soviet nuclear threat, it's up to you to do something about it, because the President, the Defense Department, and the Congress certainly are not doing what needs to be done.

CONGRESSMAN RIVERS' WARNING

The Congressional committee which is directly concerned with defense is the House Armed Services Committee. Its chairman for many years until his death this year was Congressman L. Mendel Rivers. Last September 28 he made a speech called "The Soviet Threat" which must rank as one of the most important ever given in Congress. He laid it on the line about the critical danger America faces today. Because this great speech was given the silent treatment by most of the press, we reprint here selected excerpts. The full text can be found in the CONGRESSIONAL RECORD, volume 116, part 35, page 33898.

"Mr. Speaker, never before in the 30 years of my membership in this body have I stepped into the well of this House with greater concern for the future of this Nation.

"The fears that I have are those that must be shared by every American regardless of his political or social philosophy or his economic status.

"All Americans have been given the blessed and priceless heritage of freedom—a freedom which I am convinced is in terrible jeopardy. . . .

"Consideration of the defense budget, contrary to what some would have us believe, is not a question of assigning relative priorities between defense and domestic programs. "Decisions on the defense budget should be based on the simple question of national survival—and nothing more.

"The issue should be 'what is required to survive'? and not 'how should we allocate the national budget between defense and domestic programs?'

"The final measure of our ability to survive as a nation in a hostile world will not be how well we have managed our domestic resources and domestic programs, but whether or not we have avoided and frustrated the forces of evil which would draw us into the crucible of war with the Soviet Union.

"If we fail in that endeavor, we will have failed in everything.

"It is this circumstance which demands that we maintain a level of strategic and conventional military capability that will insure against any misunderstanding by the leaders in the Kremlin of our intentions to survive.

"Regrettably, the leaders in the Kremlin are now evidently unimpressed by both our military capability and our national determination to survive. . . .

"Since the deterioration of our military capability vis-a-vis the Soviet Union is no secret to the Kremlin, I believe it is high time that we tell the American people the facts of life. I plan on doing that today. . . ."

[Congressman Rivers then set forth in specific detail how the Soviet Navy has achieved superiority over the U.S. Navy, especially in submarines, modernization, speed, and surface-to-surface missiles. He spelled out the formidable Soviet naval threat in the Mediterranean, in the Caribbean, in the Atlantic, and off Cape Kennedy.]

"THE BRINK OF DISASTER"

"I cannot overemphasize the seriousness of this situation. Yet, I know that there are people in the Congress of the United States who will say 'so what?' I can only warn the Members of this House that we are on the brink of disaster and I have never before been so concerned in all the years I have served in the Congress of the United States.

"We must, therefore, acknowledge the fact that our naval vessels are today simply not capable of discharging their wartime mission requirements if called upon to do so. . . .

"The deliberate and calculated offensive plans of the Soviet Union are now becoming crystal clear with the release of information by the administration of evidence of new Soviet activity in Cuba. I have no doubt that the Soviets are now building a missile-launching nuclear-submarine naval base in Cuba. . . .

"We cannot live with this new Soviet threat at our very doorstep. We cannot permit the cities of the eastern seaboard to become hostages of the Soviet Union. . . .

"Do not be misled into believing we can make up for this frightening loss of naval superiority by relying upon a superior strategic nuclear capability vis-a-vis the Soviet Union. Since 1965, the Soviet Union has engaged in a major effort to change the balance of power in this area of military capability. In that period it has more than tripled its inventory of strategic offensive nuclear weapon launchers. . . .

"In the same period, the United States has made no increase in its established level of 1,710 strategic nuclear missile launchers, and has reduced its heavy bomber strength from 780 to less than 600. . . .

"Although the 300 SS-9's will represent considerably less than half of the total inventory of the Soviet land-based ICBM's, this portion of the Soviet ICBM inventory will alone be capable of delivering a megatonnage in nuclear weaponry which exceeds the combined total nuclear weapon megatonnage delivery capability of all of our existing strategic delivery systems, including not only our ICBM force, but our Polaris force, as well as our heavy bomber force. Certainly this fact alone ought to raise serious questions concerning the alleged 'defensive' posture of the Soviet Union.

"We have no counterpart for this huge Soviet nuclear weapon delivery system. . . .

"In 1965 neither the Soviet Union nor the United States had a depressed trajectory ICBM or a fractional orbital bombardment system—FOBS. Today, the Soviet Union has tested both, and could very well have operational versions of these weapons systems already deployed. Both of these developments have far-reaching implications on our defense capability.

"Unfortunately, we have nothing like these, and to the best of my knowledge, none on our drawing boards.

"Today the Soviets can launch over 200 ballistic missiles from their nuclear-powered submarines. Two years from now 400 to 500 of these Polaris-type missile launchers are expected to be operational, and by early 1974, this Soviet submarine-launched ballistic missile force will inevitably exceed the constant U.S. force we now have of 656 Polaris launchers. Further, most of our major cities are close to our coasts within short range of their submarine stations. . . .

"Our tactical air capability, when compared to the Soviet capability, also raises serious questions as to our ability to cope with the Soviet Union in a conventional confrontation. For example, since 1954 the Soviets have designed and produced 18 new types of fighter planes—13 of these models we have actually photographed in flight. In the same time frame, the United States has not produced a single new air superiority fighter, and actually we have not had one on order until this year. . . .

"HANGS BY A THREAD"

"I say to this House that the future of this Nation hangs by a thread.

"We are in a far more serious situation than many would have you believe. Our way of life is not only being challenged from within, it is being very definitely threatened from without. . . .

"Now let me summarize for a moment. I have outlined to you that our former 5-to-1 margin in nuclear strategic weapons has in a few short years vanished. The Soviet Union now has a nuclear strategic weapon capability in excess of ours, and this superiority will continue to increase if we do not take dramatic action to stem the tide. We can no longer look upon our threat of nuclear war as a satisfactory deterrent to aggression with conventional arms, as we could in the two decades past. From here on if we threaten nuclear war in response to aggression, we risk our own destruction.

"Moreover, I pointed out that the Soviet Union has within a few short years negated our naval superiority. This same accomplishment is evident in other areas of conventional warfare, including our ground and air capabilities.

"As a matter of fact, while Congress is still debating the necessity for building an advanced manned strategic bomber, the B-1, we now know that the Soviet Union has already built such an aircraft, and it should be coming into their operational inventory at least 3 to 4 years before we can hope to have our B-1 operational.

"HELL-BENT ON NATIONAL SUICIDE"

"The circumstances of the B-1 bomber debate in this country illustrate the reasons why we seem hell-bent on national suicide. While we debate the question of maintaining our military capability, the Soviet Union quietly but openly forges ahead.

"It may be that the gap which has now been created in our defense capability can never be bridged. The Soviets have the bit in their teeth, and make no mistake about it, are both capable and determined to maintain this newly developed superiority. . . .

"In calendar year 1969, the United States spent a total of $7.5 billion on strategic offensive and defensive weaponry. During that same period, the Soviet Union expended approximately $13 billion for the same effort. Thus, it is evident that the Soviet Union in a single calendar year has spent approximately $5.5 billion more for increased strategic capability than did the United States.

"I recognize that a $5.5 billion added effort is somewhat difficult for laymen to comprehend. However, since the cost of a single Minuteman missile is approximately $4.8 million, the added Soviet effort is roughly equivalent to the procurement of a thousand Minuteman missiles.

"All of this in one calendar year. . . .

"As a matter of fact, this circumstance alone illustrates the cold and calculating master plan of the Soviet Union, who in entering the SALT negotiations hope to freeze the United States in an inferior position in strategic weaponry.

"I pray to God that the American people, and the Congress in particular, will soon awaken to these realities and recognize that the question confronting us is no longer one involving the relative allocation of priorities in spending between defense and domestic programs, but rather the fundamental question of national survival.

"We cannot as a Nation afford to spend one penny less on national defense than that amount which is required to insure that you and I, and our children, can convince the Soviets they dare not pull the trigger when a Soviet gun is placed against our heads.

"The issue, therefore, is very simply how much money must be spent to insure our survival—since if we fail to demonstrate to the Soviet Union our determination to survive—the amount of money we spend for domestic programs will become merely an academic exercise.

"I plead, and I beg you, my colleagues who collectively have the responsibility of the security of our Nation in your hands, to ponder these facts which I have brought to you today. They are proof positive that we are in serious trouble. Unpleasant as these facts may be, you cannot ignore them, for if you do, you are failing not only your constituency but also all the peoples of the world who, in the final analysis, look upon the United States as the fountainhead and guardian of the highest aspiration of genuine freedom in this chaotic world. . . .

"These are the facts which reflect the prophetic wisdom of an observation once made by a gentleman by the name of Mr. Richard M. Nixon, when he said:

"'If present trends continue, the United States, a very few years hence, will find itself clearly in second position—with the Soviet Union undisputably the greatest military power on earth.'

"I am afraid that the day has already arrived."

"IF NOT US, WHO?"

When Congressman Rivers concluded his speech, he was warmly commended by Congressmen of both parties. Congressman Durward Hall said: "What you have said today can be construed as neither hawkish, nor dovish, but eaglish, that gallant and magnificent creature that symbolizes the strength and honor of this great Nation. . . . In the defense of freedom, if not us, who? If not now, when? If not here, where? I hear no answers. . . . If we do not first concern ourselves with the survival of this Nation, all the rest will go for naught."

Congressman Don H. Clausen said: "This historic and well-documented speech of Chairman Rivers could well record him as the 'jet, space, and nuclear age Paul Revere.'" Mr. Rivers responded: "I only hope that someone, somewhere in the smoldering ruins, will say, 'Old Rivers did the best he could.'"

Are you, my friends, doing the very best you can to save our beloved America from being "hell-bent on national suicide"?

Mr. ZION. Mr. Speaker, the best-kept secret in the United States seems to be the news that the period of U.S. superiority of military power has ended and that "in the 1970's neither the vital interests of the United States nor the lives and freedom of its citizens will be secure."

This is the warning given by seven members of a select group of distinguished citizens appointed shortly after his inauguration in 1968 by President Nixon to examine the Defense Department.

The principal points made by these seven men may be clearly appreciated from the opening paragraph and key phrases of the summary of the supplemental statement. They state that—

> The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union. . . . Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it. U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBMs, the principal weapons system of the nuclear age.

Discussing the administration's response to this alarming situation, Dr. A. G. B. Metcalf, physicist and military analyst for the American Security Council, notes that—

> This budget does not in any way call for a reversal of the shift in strategic military power balance. In fact, since the Nixon Administration took office deep cuts have been made in the defense budget. Most of the dollar cuts have been made by the Administration itself; though some have been made by the Senate. An even larger reduction in the effective level of spending for defense has been caused by inflation and pay raises for military personnel without additional appropriations to cover the cost of those pay raises.

"The combination of these several factors," writes Dr. Metcalf, "has reduced our effective defense spending by about 25 percent under the Nixon administration—a sharper rate of decline than that under the preceding two administrations."

This alarming situation must be reversed. But such a reversal will never come until the American people are made aware of the seriousness of the situation.

I wish to share with my colleagues the thoughtful analysis of Dr. Metcalf which was issued by the American Security Council on June 28, 1971. It is inserted into the RECORD at this point.

[From the Washington Report, Washington, June 28, 1971]

TOP SECRET

The best kept secret in the United States seems to be the news that the period of U.S. superiority of military power has ended and that "in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure. . . ."

THE BLUE RIBBON DEFENSE PANEL

Shortly after his inauguration in 1969, President Nixon appointed a select group of distinguished citizens, to examine the organization setup and contracting procedures of the U.S. Department of Defense, and to make recommendations for improvements therein. On July 1, 1970, the Panel submitted to the President and the Secretary of Defense its report on those specific matters, including a number of recommended changes which the Defense Secretary has since announced have been or are in process of being introduced in that Department.

Subsequently, seven members of the Panel submitted a supplemental statement on related matters which they deemed to be of vital concern to the Nation at large, as well as to themselves as American citizens. It should be read by every American.

The principal points made may be clearly appreciated from the opening paragraphs and key phrases of the Summary of the Supplemental Statement:

"The Converging Trends. The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union. These trends include: (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

"Since World War II a degree of world order has been maintained by the dominance of U.S. strategic military strength. This American-preserved world order is now disintegrating, as doubts arise as to our will and strength to preserve it.

"U.S. strategic superiority has ended. The Soviet Union has moved significantly ahead of the United States in ICBM's, the principal weapons system of the nuclear age.

"The End of U.S. Superiority . . . The Soviet SS–9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's. . .

". . . The situation which our country faces is without precedent. . .

". . . It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure. . .

". . . Yet, many of our most influential citizens respond to this unprecedented national peril, not by a renewed determination to assure an adequate national defense, but rather by demands for further curtailment of defense measures which can only increase the peril.

"In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country."

A WELL KEPT SECRET

This solemn statement, throwing into question, for the first time, the survival of American life and liberty, had been in the hands of our governmental leaders since September 30, 1970. When it was released by the Pentagon on March 12, 1971, neither Government nor the media (with the single exception of *U.S. News & World Report* for April 5, 1971) deemed it a matter to be explicitly made known to the American people.

Whereas previous warnings of a dangerous shift in the balance of military power were often discounted on the grounds that those raising the alarm were "military-oriented", this cannot be said of the authors of the special "Blue Ribbon" report. Although several of them had wartime service in one or another of our Armed Services, they are all primarily noted for distinguished accomplishments in civilian pursuits. The seven signers of the Supplemental Statement are:

William Blackie—Peoria, Illinois; Chairman of the Board, Caterpillar Tractor Company.

George Champion—New York, New York; President, Economic Development Board of New York.

William P. Clements, Jr.—Dallas, Texas; President, Southeastern Drilling, Inc.

John M. Fluke—Seattle, Washington; President, John Fluke Manufacturing Company, Inc.

Hobart D. Lewis—Pleasantville, New York; President, Reader's Digest Association, Inc.

Wilfred J. McNeil—New York, New York; Director and Advisor, Fairchild-Hiller Corp.

Lewis F. Powell, Jr.—Richmond, Virginia; Lawyer, Past President, American Bar Association (1964–65).

1971 POSTURE STATEMENT

The *Statement of Secretary of Defense* Melvin R. Laird before the House Armed Services Committee on the FY 1972–1976 Defense Program and the 1972 Defense Budget, dated March 9, 1971, comprising 191 pages, devotes 39 pages in Section II *Toward Better Management of Human, Material and Economic Resources in the Department of Defense,* growing, in part, out of the work of the Blue Ribbon Defense Panel.

It gets down to such subjects as "drug abuse in the armed forces" and to such details as following the Blue Ribbon Panel's recommendations on telecommunications. But, curiously, no mention is made of the Blue Ribbon Panel's Supplemental Statement on the Nation's peril and the chilling portent to the Free World, of our now overshadowed defense posture which no longer provides a realistic deterrence. Yet the term "Strategy of Realistic Deterrence" is used repeatedly as a statement of national policy, as if realistic deterrence could be achieved by mere use of the words!

How is it that recommendations of the Blue Ribbon Panel can be adopted as to "major changes in the organization of the Department [of Defense]" and other recommendation affecting the survival of our national life be swept under the carpet?

Further, the Laird Report states: "The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy." If this is true, how is the balance of strategic power being restored? The American people have a right and a "need" to know.

On page 12 of the Laird Report as a part of the Secretary's Summary it is said: "In the past two decades we achieved first place in nuclear capability, became pre-eminent in space, and substantially strengthened our conventional capabilities." In direct contrast, the Blue Ribbon statement said "Within a span of less than two decades we have moved from complete security to perilous insecurity."

On page 14—*The Changing Environment—Prelude to the 1970's,* one of the existing military realities listed as: "different from the situation just five years ago is: . . . A growing Soviet military capability and technological momentum." No mention is made of the existence of a massively overwhelming preponderance factor [about 8 times] of Soviet nuclear ICBM capability, expressed in megatonnage. The report continues: "Confronted with this changing environment, we conclude after careful analysis in the National Security Council that we must, whatever else, assume the following criteria in national security planning for the decades of the 1970's: 1. Preservation by the United States of a sufficient strategic nuclear capability as the cornerstone of the Free World's nuclear deterrent . . ."

One has a right—and indeed a duty—to ask what that means. How can we preserve what we do not have? Who decides what the subjective but key word "sufficient" means? And finally how decipher the meaning of the words "the cornerstone of the Free World's nuclear deterrent," when it is clear that our foreign policy as well as the "security of the lives and freedom of U.S. citizens" requires simply that *we* move to match if not exceed the present awesome balance of nuclear power now arrayed against the United States.

U.S. NEEDS "SUPERIOR STRATEGIC CAPABILITY"

The first duty of our responsible officials to "safeguard the security of the Republic", cannot be mixed up with other nations or the Free World's nuclear deterrent. The U.S. alone must look to its own security—as does the U.S.S.R.

The Blue Ribbon Panel's conclusion regarding the shifting balance was that ". . . the only viable national strategy is to regain and retain a clearly superior strategic capability."

As the Panel pointed out, "The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world."

Thus this is no time for circumlocution or the obscuration of life and death box-scores with statements of purpose which admit of any and all interpretations under the sun. Our clear course, as expressed by the special Blue Ribbon statement is to move at once to offset "The Soviet Union's advantage in numbers and megatonnage of missiles . . . that could result in a force more than double that of the U.S. by the Mid-70's . . . (when) . . . the Soviet Union would have the capability of effectively destroying both U.S. ICBM and bomber forces as well as our cities." Otherwise we must accept the consequences of becoming a second-rate power, ". . . incapable of assuring the future security and freedom of its people."

WHY NOT LET THE AMERICAN PEOPLE KNOW?

The Special Blue Ribbon report states: "Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic." Why?

In this day of electronic and communications pollution, every form of trivia can be and is elevated to the level of national interest. The media leave no electronic gap in the air and no tree standing that can be pressed into the service of engaging every ear and eye. Even the President of the United States must strain to fill two hours of chat over a nationwide network. But how come the vital message of the Blue Ribbon Panel Statement, sufficient to alarm a group of distinguished citizens which had spent a year studying the Pentagon, was not deemed important enough to be expressly made known to the American people.

How come the President's 180 page *Foreign Policy Report for the 1970's* dated February 25, 1971 (five months after he received the Blue Ribbon Supplemental Statement) is silent on the consequences to our foreign policy while mentioning that we are outgunned as to numbers of ICBM's by some 40%. No megatonnage figures are given, but interestingly enough the meaning of the words "strategic sufficiency," as contrasted with "strategic superiority," is defined without clarifying very much the life and death aspects of the present shifting balance of power. However, the President's Foreign Policy Report does state: "The United States and the Soviet Union have now reached a point where small numerical advantages in strategic forces have little military relevance. The attempt to obtain large advantages would spark an arms race which would, in the end, prove pointless. For, both sides would almost surely commit the necessary resources to maintain a balance."

If the 35 pages of the Blue Ribbon Panel's Supplemental Statement say anything, it is that the maintenance of that balance has long since gone by the boards. If that statement—in an official document—is untrue, it should be refuted—officially. If it is not untrue, then the President's Foreign Policy Report dated five months later needs reevaluation.

THE PRIMARY STRATEGIC THREAT

Secretary Laird's Report, dated March 9, 1971, under Section III entitled, *The Threats to U.S. and Free World Security* states: "The threats to U.S. and Free World security obviously were a central factor in planning forces and programs to implement the new strategy. Before discussing specific force planning under the strategy, let me review briefly the current and projected security threats. Admiral Moorer, the Chairman of the Joint Chiefs of Staff will provide *a more detailed analysis of the threat* (emphasis added) in his statement to the Committee." (We shall turn to Admiral Moorer's report later.)

The Laird report states: "The primary strategic threat to the U.S.—the capability of the Soviet Union to deliver long range, nuclear weapons against targets in the United States—has been a matter of grave concern to us. Shown on Table 9 are our estimates of Soviet strategic offensive and defensive weapon systems in the near term. U.S. strategic forces are shown for comparison on Table 3."

In the report, Table 9 applies to U.S. forces while Table 3 applies to the forces of the Soviet Union—a small matter, but a slip to which Freud would have attached great significance!

The "specific force planning" of the Laird report still leaves the relative ICBM balance, U.S. versus U.S.S.R., unchanged: "at the end of FY 1972 (it) will consist of 1,000 Minuteman missiles, 54 Titan missiles" (ed. note: old and obsolescent) as against about 1,200 SS–11 and SS–13 missiles of around 1 megaton each and corresponding roughly to the U.S. Minuteman, and about 300 SS–9 missiles (ed. note: new) of 25 megatons each.

If all this is bewildering as a policy of "strategic sufficiency" for an announced "Strategy of Realistic Deterrence" the point has been made.

ADMIRAL MOORER'S REPORT

And now let us turn to the report entitled: *United States Military Posture for FY 1972* by Chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, USN, before the House Armed Services Committee, dated March 9, 1971. Here, surely, one seeking assurance against the spectre raised by the Blue Ribbon Supplemental Statement, must find it. Our problem, after all, is purely military and as promised in Secretary Laird's Report one may expect "a more detailed analysis of the threat". Perhaps this is where we should have looked in the first place to see the danger to the U.S. broadly delineated, and the few steps needed to parry this threat clearly stated.

Admiral Moorer starts out with a nicely balanced plea for objectivity, and that we neither underestimate nor overestimate the strength of an opponent. Neither, he says, should our enemies, our free world partners nor we ourselves, underestimate the military strength of the United States. But . . . "We dare not underestimate the military capability of those who seek to expand their influence and hegemony over peoples whose interests now coincide with ours." That about covers the subject.

Admiral Moorer reported that as of the end of 1970, the U.S. had "fallen distinctly behind the Soviets in total numbers of operational ICBM launchers" (1054 to1440) and that "the Soviets are already far superior to us in total strategic offensive megatons." While the Soviet SS–9 ICBM is discussed at some length, no mention is made that the megatonnage of the 300 SS–9's alone, which the Soviets are expected to have by the end of 1971, ". . . each capable of delivering 25 megatons" (Blue Ribbon Panel assessment) exceeds by many times that of our total ICBM launchers and moreover are "designed as counter-force weapons capable of destroying U.S. hardened missile silos" (Blue Ribbon Panel Statement).

Admiral Moorer also said: "While I do not believe the United States today is in a position of inferior military strength vis-a-vis the Soviet Union, the balance is tenuous in certain areas and, therefore, we cannot help but be concerned. The United States no longer has clear, superiority in strategic nuclear weapons."

THE PROBLEM IS NOW!

But then the Admiral went on to make what must be the most incomprehensible statement in modern military history by saying: "Due to long lead time in acquisition of modern weapons systems, the problem we see is in the future."

A "long lead time", far from putting the problem in the future stresses the present imperative.

But in line with the concept of the problem being in the future, Admiral Moorer recommends the adoption of the Administration's proposed military budget for Fiscal Year 1972. This budget does not in any way call for a reversal of the shift in strategic military power balance. In fact, since the Nixon Administration took office deep cuts have been made in the defense budget. Most of the dollar cuts have been made by the Administration, itself; though some have been made by the Senate. An even larger reduction in the *effective* level of spending for defense has been caused by inflation and pay raises for military personnel without additional appropriations to cover the cost of those pay raises.

The combination of these several factors has reduced our *effective* defense spending by about 25% under the Nixon Administration—a sharper rate of decline than that under the preceding two administrations.

In all fairness, one must hasten to point out that the Laird and Moorer reports cited were prepared by dedicated, patriotic Americans striving to advance the interests of the U.S., to the best of their abilities, within the framework of Administration policy.

HOW TO REVERSE THE TREND

Also, reversing a trend such as this is a problem of great complexity; a multiplicity of facts and factors must be taken into consideration. To forewarn without frightening is a necessary pre-requisite to action in a democracy. Yet *The Wall Street Journal* for April 28, 1971, says, in part: "Defense Secretary Melvin Laird's increasingly grim assessment of Soviet strength may be a prelude to another escalation of the arms race and a possible request for a boost in the Pentagon budget.

". . . Mr. Laird's new threat assessment is likely to produce some skepticism and anger on Capitol Hill. There, lawmakers critical of defense spending are likely to view the Secretary's remarks as part of the 'annual rites of spring'—when military men come forward with evidence of new and menacing Soviet developments to justify their budget submissions."

Other newspapers have made similar statements.

Small wonder that loyal Americans of good will, seeking to discharge their Constitutional responsibility "to provide for the common defense" may wonder in a political context how far to go in alerting a nation to its peril. On the other hand, because we are a democracy, the shifting balance of power which imperils our Nation, our freedom, and the rest of the Free World, cannot be offset by our taking appropriate action, unless and until the people—all of the people—are informed by our governmental leaders who have the duty to assign the highest priority and sense of urgency to preparing Americans for a recital of some unpleasant realities and proposing a program for changing these facts.

The American people—we believe are capable of taking the harsh truth of our present danger—and capable of marshalling the spiritual, human, and material resources needed to assure the survival of our way of life.

It is this which must be done.

Dr. A. G. B. Metcalf,
Physicist and Military Analyst.

Mr. ANNUNZIO. Mr. Speaker, I am glad to join my distinguished colleagues who have taken this special order, in focusing attention on our Nation's deteriorating military position.

The facts of our increasing military inferiority have only recently become known to the American people. It has not been long since they learned that in the past 8 years the Soviet Union has caught up and is now moving ahead of us in many categories of missile strength. In an important article in Life magazine, George P. Hunt, managing editor of that magazine from 1961 to 1969, writes that—

> Russia today could concentrate off Cuba a powerful surface fleet, newer, faster than ours and equipped with weapons we do not have and an underwater fleet outnumbering ours by many teams.

Mr. Hunt states that—

> It will surprise most Americans that today, as opposed to 1962, we are the ones who could find ourselves at a military disadvantage.

He notes that—

> In the intercontinental nuclear competition between the U.S. and the Soviet Union the balance has shifted to Russian superiority in sheer weight of numbers: 1,900 Soviet ICBMs and submarine-launched missiles. Furthermore, while the U.S. is superior in long-range bomber strength (552 to 175 planes), the Russians also have about 1,200 intermediate range bombers. In the event of a nuclear exchange, it has been assumed, some of them could make one-way bombing runs, landing in Cuba.

How many Americans realize that we have not built a really new fighter plane since 1955? The Russians virtually produce one each year. They have only recently shown us a family of six new planes that have more maneuverability and acceleration than anything we have.

The same alarming facts are equally true with regard to naval strength. George Hunt writes that—

> The Soviet navy began in World War II as a defensive coastal fleet with a strong emphasis on the submarine. In the late 1950's the Russians started their nuclear underwater development, pouring billions into it. They erected huge construction yards, which, on a one-shift basis, build at least one nuclear sub a month. The U.S. production rate is five a year. They have now matched the U.S. fleet in two categories; nuclear attack submarines (each about 50) and the even more critical strategic subs (with long-range ballistic missiles). In 1968 they revealed their new Yankee nuclear-powered sub, which is similar to the latest model of the Polaris and can fire a missile almost as far. At least 17 Yankee-class subs are now prowling the seas, some regularly patrolling both U.S. coasts, and more are being built at a rate of eight a year.

We must take immediate action to regain American superiority. Unless we do, we will be unable to defend our own country and unable to fulfill our commitments to our allies. We will, in effect, have surrendered our position of world leadership.

I wish to share Mr. Hunt's article with my colleagues. It appears in Life magazine and I insert it in the Record at this time:

OUR FOUR-STAR MILITARY MESS; THE BLUNT FACT IS THAT WE ARE ABOUT TO BECOME NO. 2

(By George P. Hunt)

In past weeks, several developments have freshened hopes for international disarmament. After months of deadlock, the U.S. and Russia agreed in Vienna on an agenda for future Strategic Arms Limitation Talks (SALT). Then, quite unexpectedly, Soviet party chief Leonid Brezhnev opened up the possibility that mutual troop and weapons reductions might be negotiated between NATO and the Warsaw Pact nations. Against this background, we should take a hard look at the present state and future prospects of our armed forces.

The truth is that the U.S. military establishment is in ragged shape—lagging in technology, undermined by inflation, by worn-out strategies, by entrenched old ways of top direction and allocating budget money. The Vietnam war has ravaged it—gnawing at morale and discipline. The war has bred a disturbing dislike for the politician in the career officer, who believes the politician let him down over there and kept him from a victory. Into the civilian world has seeped the poison of suspicion—even scorn—for military men, who in turn resent the attitude bitterly; and in the wake of public revulsion to PX scandals and atrocities, there has lately surged the turmoil over the Calley trial.

The world saw the outcome of the Cuban missile crisis in 1962 as a victory for John F. Kennedy; and Nikita Khrushchev never forgot it. The Soviet leader was confronted by two-to-one superiority in nuclear missiles and by an overwhelming naval majority on the high seas. Indeed, the fantastic spurt in growth of both Russia's missilery and her fleet dates from that humiliating experience.

Khrushchev probably had no intention of using the missiles in Cuba but rather of waving the threat of them at us—90 miles from our coast; the missile beachhead would have given him a powerful new negotiating stance. But when his challenge was met, Khrushchev could hardly go to war about it, since no major Soviet national interest was at stake; indeed, in retrospect, the political situation was not so nightmarish that a genuine nuclear confrontation was plausible. More, the U.S. could—and did—mass from all directions a convincingly superior force at the strategic spot. Khrushchev had to back down.

Q: Could we still mass a convincingly superior force off Cuba today?

A: No. In some eight years Russia has caught up and is now going ahead of us in many categories of missile strength. She could today concentrate off Cuba a powerful surface fleet, newer, faster than ours and equipped with weapons we do not have and an underwater fleet outnumbering ours by many times. It will surprise most Americans that today, as opposed to 1962, *we* are the ones who could find ourselves at a military disadvantage.

It will take fast and skillful work to put the military back in shape. The Pentagon's budget for the fiscal year beginning this month calls for $76 billion, of which roughly $10 billion is directly attributable to the Vietnam war. By this time next year, as the war diminishes, our commitment in Southeast Asia should cost one-half as much—$5 billion—for the next fiscal stretch. However, the non-Vietnam cost, $66 billion, will inexorably increase by about 10% because of climbing service-pay scales and the effect of inflation on the price of materiel and new technology. Thus, the price of maintaining our defenses as they now stand is bound to balloon, without even taking into account the cost of the sizable amount of modernization they need. Right there, if the Pentagon gets its way, we dash the hopes of Americans that all the money saved by ending the Vietnam war—the "peace dividend"—will be available for the troubles of the home front.

What kind of military establishment we have, how strong and how effective it should be and how much it should cost are major problems that concerns all of us. The military, of course, is primarily a supporting arm of our foreign policies which, as they shift in purpose or method, naturally affect the shape and posture of our defenses. Perhaps, in the years to come, changes will occur in international affairs—intelligent steps taken, new ground rules established, agreements signed—which will ease or even sharply cut military demands and stresses. But until such things happen, if they ever do, we are faced with some stern realities: a monstrously big, yet apparently inadequate, defense budget, and a military which, in large part, is in a mess.

Obviously, bold and fundamental changes must be made in the military—in its strategies, in its overall structure and in the way it spends its money. This in one reporter's investigative assessment of the condition of each of our military services, of what must be done, and how to do it in such a way as to achieve an efficient modern defense and at the same time save money desperately needed for domestic problems.

NUCLEAR POWER

A review of our military status must begin with a look at our nuclear arsenal—our most powerful and most dangerous weapons. In the intercontinental nuclear competition between the U.S. and the Soviet Union the balance has shifted to Russian superiority in sheer weight of numbers: 1,900 Soviet ICBMs and submarine-launched missiles. Furthermore, while the U.S. is superior in long-range bomber strength (552 to 175 planes), the Russians also have about 1,200 intermediate-range bombers. In the event of a nuclear exchange, it has been assumed, some of them could make one-way bombing runs, landing in Cuba.

The U.S. defines its nuclear force as "second-strike" or "retaliatory," effective enough to deter through the threat of powerful response: 1,710 missiles now being improved. We calculate that if only 200 of our warheads of bombs can penetrate the Soviet defenses and hit the mark, the destruction of major cities and the deaths of so many Russians would make the Russians hesitate to attack us.

On both sides the competition is in the varieties of ICBM delivery sites—land, sea, air; in the accuracy of guidance; and in two sharply diverging technologies: the defense against missiles (ABM), and a new form of missile attack (MIRV)—the Multiply Independently Targetable Reentry Vehicle). MIRV is a missile-launched package which, on approaching the enemy's defenses, aims and fires its many warheads at preselected targets. It not only multiplies firepower and the chances of penetration, but it carries the surprise of unpredictable numbers.

The overall U.S. nuclear force is called "the Triad" since it is composed of three delivery systems, each capable of large-scale thermonuclear destruction: the air force's land-based Minuteman (ICBM) and its manned bombers (Strategic Air Command or SAC), and the navy's underwater Polaris system. The Minuteman II force now in place throughout the U.S. is being augmented by Minuteman III, which fires the MIRV warhead. The Polaris submarines are also being converted to carry a MIRVed missile called the Poseidon.

The concept of the Triad is itself becoming controversial. As the navy perfects its missile systems, its advocates ask: why not move all U.S. ICBMs out to sea, on ships and in submarines, where sites are less vulnerable—mobile or hidden or both—and where survivability is more assured? The air force argues that technologies of surveillance, detection and guidance may develop to the point where missiles at sea would become as vulnerable to attack as on land, that concentrating on only one system is dangerous.

For the navy, Rear Adm. George H. Miller: "Instant retaliation is not credible unless weapons can survive relatively intact. If they can't do that, you don't have a deterrent. If most of our missiles are deployed at sea, then we're forcing the enemy to invest in countermeasures other than ICBMs aimed at the U.S.A. What you're doing is trying to preserve your country by keeping it out of the line of fire."

For the air force, Maj. Gen. Leslie W. Bray: "We need land-based as well as sea-based systems. The manned bomber, for instance, can be launched on warning, is subject to recall and can be reused. Our mix of weapons actually beef's up our deterrent threat because it compounds the enemy's defense task. It also complicates his offensive problems. With three systems to cope with, he may catch us with a technological surprise in one of them, but not in all three."

Of course, both countries also have thousands of small nuclear warheads, designed for tactical combat, which might be tempting to an embattled field commander. But the decision to use such weapons is the President's, and he would have to be ready for eye-for-an-eye retaliation; the succeeding exchanges could become hideous. It would take an insanely provocative act to compel a Soviet premier or an American President to pull any nuclear trigger—tactical or strategic—and cause mutual near annihilation.

A nuclear square-off deters both sides. It has created in effect a nuclear umbrella, sometimes described as a shield, under which daily life nonnuclear-style goes on as before. Peace can flourish, yet wars can too—nonnuclear or comparatively "safe" wars fought with conventional arms.

Since 1946 there have been 57 "conventional" armed conflicts on this earth. In the U.S. those charged with conventional fighting are called the "general purpose forces"—the elements of the military services not involved in the Triad.

THE ARMY

Condition: Because of Vietnam, the most criticized, even vilified, of the services; morale reeling but beginning to steady itself as withdrawal from Vietnam proceeds, seeking new definitions and fulfillment. Mission: All-out emphasis on support of NATO and on other troop commitments on foreign soil; military aid to treaty countries; counterinsurgency; defense of the Minuteman system and of selected U.S. targets through the "Safeguard" Anti-Ballistic Missile (ABM) program; continental defense against attack. Budget: $21.5 billion for fiscal 1972 as against $22 billion in 1971, $24 billion in 1970 and the decade high of $25 billion in 1968. Strength: 1.1 million men, but reducing to 900,000 by the end of 1972. Most Urgent Needs: Rebuilding purpose, morale and discipline; faster, heavier tanks, improved aircraft for front-line support of infantry, new battlefield technology, antitank inventions to counter massive numbers of Russian tanks.

Lt. Gen. William E. DePuy is assistant vice chief of staff of the army, a job which involves, among other far-reaching matters, the dilemma of the budget. Slim, articulate, he has the alert, impatient manner of an officer inundated with piles of paper and compelled to get to the point fast.

He swings around in his desk chair and says with brisk gloom: "1970 was a bad year for the army, one of the worst since before World War II. Aside from Vietnam we can't put a full-strength corps in the field. We're so short of money we have hundreds of trucks on blocks because we can't afford to keep them running. In NATO we are supposed to have four and one-third divisions, but some of the rifle squads and tank crews are at zero strength."

Lt. Gen. Richard G. Stilwell, deputy chief of staff for operations, tough, but punctiliously courteous, fixes blue eyes on his guest and says: "Yes sir, NATO is our first mission. The President and Mr. Laird have instructed us to bring those divisions up to strength and modernize them. This is a political decision as much as a military one, but vital either way. We have a lot of work to do."

It is current doctrine that the possibility of conventional war with Russia or its satellites or both on the plains of Europe must be assumed. To prepare for such a war, says the army, is to help prevent it. After the implausible confusions of Vietnam, the army is pointing with a sigh of relief toward the renascence of its NATO role, where its charge is clear. (There is blunt disagreement about this role in the other services. Snorts a marine, "The army is streaking out for that big NATO thing like a goosed cavalry horse with blinders on.")

The army envisions an "automated battlefield" which would use some of the equipment being employed in Vietnam: combat helicopters and, to detect approaching enemy, hidden radio reconnaissance sensors whose antennas can be disguised to look like hay, weeds or anything indigenous to the countryside. The sensors signal back to mortar, artillery or air headquarters, which quickly calculate the range to the sensors' known locations. Another device recently being used in Vietnam is a laser range finder for artillery; it is unerringly accurate at pinpointing distances to known enemy positions.

What the army imagines ultimately is almost here technologically: a battlefield reconnoitered by hundreds of disguised sensors chattering silently to mobile computers which—in seconds—would calculate ranges, then aim and fire automatically sighted artillery. Front-line troops would be protected by mobile air-defense units firing surface-to-air missiles. Wary of Soviet armor, the army intends to use swarms of little helicopters, unmanned and remote-controlled, firing a new antitank missile.

Close air support is as crucial for the infantry as mortars and artillery. Since 1946 the air force has had this supportive role, but elements within the army are increasingly dissatisfied. An impassioned exchange of memoranda has exploded in the Pentagon. The air force wants to build a new close-support plane (the A–X); but the army has already built the prototype of an armored 250-mph helicopter, the Cheyenne. Given the classic battlefield confrontation, the army wants to draw a line 300 yards beyond the front and say to the air force, "You interdict the battlefield from that point on, give us air cover. But *we'll* take care of the action inside that line." The air force flatly refuses such a plan: "close air support" is its assigned job in the formal roles and missions of the services.

Traditionally, it is a "citizens' army," but the citizenry is fed up with the draft; so the President promised an all-volunteer army. But will 900,000 Americans eventually volunteer? General Stilwell says, "It's a long chance, but we're going to do our damnedest to make it work."

The air force and navy are perturbed by the whole idea. Their volunteers mostly sign up to escape being drafted into the army. Since the draft has recently been extended, their fears for the moment have been alleviated, but should it ever be dropped, the temptation to join their services is likely to disappear too.

Comment on the army—by a young lieutenant colonel in charge of a Pentagon group assigned to study army problems and suggest solutions to the top command. He is a tank officer, veteran of Vietnam, graduate of West Point and a former professor there. He is both loyal and irreverent, and here prefers to remain anonymous.

"As an institution the army is confused," he says. "It doesn't really know where it's going. Bright individuals in the army do, but it's hard to swing the whole thing around. Our basic problem is people. Things have happened outside this building which affect these people, and we have to figure out how to do what's right. The volunteer army is a big question mark and it's not the final answer anyway. Even if we were to have a volunteer force, we would still have many problems concerning how we organize, train and motivate people. It's up to us to seize on new standards of command that will give us the discipline to form up the new divisions. The talk about 'Mickey Mouse' regulations is on the surface. The trouble is deeper and we have to be deeper too."

THE AIR FORCE

Condition: Morale good to lively; firm direction in its missions; seriously weak in certain tactical missiles; key planes obsolescent; badgered by interservice rows with army and navy. Mission: Strategic nuclear deterrence—ICBMs and intercontinental bombers (SAC); continental defense in the air; in tactical combat, interdiction of battlefield, close air support, airlift for the army. Budget: $22.8 billion for fiscal 1972 as against $22.9 billion in 1971, $24 billion in 1970 and $25 billion in 1968. Strength: 757,000 right now, to be reduced to 747,000 by 1973; 54 Titan IIs (liquid-fueled ICBMs, the largest weapon in our nuclear arsenal); 1,000 Minuteman (solid-fueled); 552 strategic bombers; 2,600 fighter and attack planes; 17 cargo and troop-lift squadrons. Most Urgent Needs: New sophisticated tactical bombs and missiles to penetrate Russian antiaircraft defenses from points out of range of Soviet AA projectiles; more airlift capacity for troops (C5As); two new planes: a strategic bomber to replace the aging B–52, and a fighter to replace the old F4E. (The new B–1 bomber, supersonic, operational in 1978, will be smaller, faster than the B–52 with twice the arsenal; the new F–15 fighter, operational in 1973, will be an air-superiority plane, faster, more maneuverable than the F4E, with updated close-in guns and rockets.

The air force is young, uninstitutionalized, and it does not suffer from great brooding self-examinations. It has relatively few people problems. Its membership has always thought itself special. Rich in budget money over the years, it has provided comfortable living quarters which are the envy of the other services. Conditions are relaxed, discipline nonformat.

The man who presides over this service as chief of staff is a direct-talking, broad-shouldered, 55-year-old officer who grew up in SAC. In the tradition of his office, Gen. John D. Ryan offers his visitor a cigar. Then, committing a heresy that would make his cigar-smoking predecessors wince, he proceeds to light up a cigarette and puff on it as though it were, in fact, a cigar. He responds succinctly to the question: what does the air force need most?

"Modernization."

Down along Pentagon corridor "E" is the office of the director of defense research and engineering, Dr. John S. Foster, physicist, craftsman in nuclear configurations. He is wiry, 43 years old, and a shock of light brown hair is carefully smoothed back from the top of his forehead. In his shirt sleeves he sits down at the head of a conference table, leans back in a straight-back chair and talks, his face wrinkling and contorting as he makes his points.

"It seems to me that we'll have to have strategic bombers in our inventory for the foreseeable future. The B–52s are about 17 years old and they'll be more than 25 years old before we can replace them with the B–1."

The strategic missile picture?

Foster walks to the other end of the table where missile models stand like a forest. He starts pushing them around like chessmen. As he moves each Soviet missile, he places the U.S. equivalent beside it.

"Here is the SS–13. It's their first solid-propulsion ICBM and about the size of our Minuteman. These here are the Russian intermediate missiles—shorter ranges. And this big one (meticulously painted green with thin red stripe and hammer and sickle) is the SS–9, the largest ICBM in existence. It's like our Titan. They have less than 300 of them. If they were to deploy, say, another 125 of them, and the whole force were MIRVed with three warheads apiece, they'd have the capability of taking out almost every one of our Minutemen."

Prowling around the end of the table, Foster reaches to push a black-and-white ICBM model into place. "But now we're putting in Minuteman III, and that's a MIRVed missile."

The tactical picture?

"Do you know that we haven't built a really new fighter plane since 1955? The Russians turn one out every year. They've just shown a family of six new planes that have more maneuverability and acceleration than anything we have. But we're taking action to get two first-class fighters—the F–14 for the navy and the F–15 for the air force."

Foster doodles on a white scratch pad, drawing arrows from one side to the other. "We've got to arm our air force planes with 'smart' bombs and air-to-ground missiles. We have to be able to penetrate the Russians' air defenses. We certainly don't want to have to resort to throwing our aircraft and pilots against all that fire. I think a far better tactic is to stand off a a safe distance and fire missiles which will home in on their defenses and knock them out. We don't have any such missile in operation now."

A go-ahead for SAC's new B–1 bomber would be controversial: opponents argue that it is redundant with Minuteman. However, a human crew has the initiative and judgment a missile does not have. SAC is an elite command, and normally it keeps a 40% ground alert: within 15 minutes of warning, 200 nuclear-armed bombers and airborne tankers would be off the ground. When real trouble is imminent, SAC goes on a 40% air alert: 200 planes airborne, the remaining 300 ready on the runways.

One cannot be as sure as that about the Minutemen emplaced inland in the U.S. The missile cannot be tested in the silo from which it is meant to be fired, for fear that a down-range mishap would kill people and damage property.

"This is a serious matter," says Dr. Foster. "Let's face it, since we haven't done it yet, we can't be sure the Minuteman will fire from its operational silo. We test it every other way. It should fire. But we haven't proved it. The navy," he adds, "doesn't have the problem because it can test-fire Polaris and Poseidon at sea."

Several years ago the air force tried to test Minuteman publicly. It figured out a way to test-fire a Minuteman in North Dakota so that, only seven seconds after launch, it would drop harmlessly into a nearby field. VIPs were invited out to watch, as the event promised to be an occasion. The great silo cover rolled back; the switch was turned on. Flame and smoke spewed from the silo; there was a rumble of noise. The missile didn't budge. Two more times at other sites the air force tried again and, to its embarrassment, the same thing happened. Official explanation: unique conditions; the launching mechanism had to be disconnected from the established nationwide hookup and specially wired for the test. Says a colonel, pained by the memory, "Oh, those seven-second tests! We should never have done the damn things. The system isn't designed for them."

Since the air force cannot test-fire Minutemen from operational sites, it does so from two silos at Vandenberg Air Force Base in California, where they are shot out to sea. The exercise works in lottery style. At any moment, without warning, a Minuteman crew at any silo anywhere in the country receives the order to take its missile to Vandenberg. By truck trailer and cargo plane they fly it to the coast where they themselves do the firing in the Vandenberg silo. There, the firing record has been good.

But the doubt continues that the unused inland silos are precisely the same as the proven ones at Vandenberg. Though it firmly believes they are precisely the same, the air force has a plan to stake out a firing range from the north midland states (where numerous Minutemen are emplaced) into the Rocky Mountains. Carrying it out would entail moving people, cattle and sheep away from the line of fire and would cost $30 million, an expense the air force says it cannot now afford.

The air force is dueling with the army on one flank and tilting with the navy on the other. There are several high-ranking officers in charge of repelling hostile boarders, and one of them is Maj. Gen. Leslie Bray, the enthusiastic and voluble 50-year-old spokesman for air force doctrine. Two of his current worries:

"The army wants its own helicopters for close air support. Okay in a benign environment like Vietnam, where the enemy has no air power, but even there they're losing a hell of a lot of choppers. Against a modern army with artillery and planes, the army's Cheyenne is a duck on the pond. An air force plane can loiter over the battleground and still have the speed and power to fight off air attack.

"As you know, the navy is pushing to take the ICBMs out of the silos and out to sea. I've even heard it suggested that our Minutemen be transferred to freighters roaming forever around the oceans. Certainly the navy, with its underwater missiles, should play a big role in our overall strategy. Submarines are hidden and mobile and, I agree, have good survivability. But a sizable share of our missile strength has to stay on terra firma."

Why?

Bray shrugs. "If we move all or most of our force to sea, we could face a protracted war at sea, a nonnuclear war of slow attrition. One of our subs is suddenly reported missing. How do we react? A week later another mysteriously disappears, and two weeks later a third fails to return home. Stop and dwell on this. It raises all sorts of possibilities, none of them good."

THE NAVY

Condition: Morale fair to very good; vulnerable; without more money and congressional-civilian support, potential disaster ahead; only military service confronting—day by day, ship against ship—the power of the Soviet Union. Mission: Responsible for Polaris system; for attack by sea, for sea-lane control, for world "presence." Budget: $21.5 billion for fiscal 1972 as against $19.6 billion in 1971, $20 billion in 1970, and $18.3 billion in 1968; 1972 figure up from this year's, but not enough to regain strength and decisive superiority. Strength: Challenged by Soviet navy in numbers, technology and fleet profile; outnumbered three-to-one underwater, but in nuclear subs about even; superior in carriers (the Russians have none); seriously weak in missiles to attack enemy ships; many surface ships too old and too slow; 11 aging air wings, but Russians have no shipborne naval air. Most Urgent Needs: Crash development of sophisticated missiles and bombs to attack enemy ships; vastly improved techniques in antisubmarine warfare; electronic interception systems to protect surface ships against Soviet missiles; development of high-speed surface ships; new fighter to replace the Phantom (the F-14, faster with more range and firepower, will be operational in 1973).

Adm. Elmo R. Zumwalt, chief of naval operations, is forward-looking, dynamic, strikingly handsome. He has shaken up naval rigidity about beards and sideburns (his are long and flecked with gray); he is trying to make the navy an inviting place to work.

Sitting in his office, leaning forward with his elbows on his knees, chin slightly jutting, he deals with his implicit constant worry; that on some hideous day in the onrush of history his navy will not be able to concentrate the superiority it needs in a confrontation with Admiral Gorshkov's navy. In the last two years the U.S. fleet has been cut from 900 to 700 ships, and Zumwalt has personally presided over the liquidation of 108 of them—most of them, fortunately, obsolescent.

"Our ship construction has declined. The downward trend was accelerated by Vietnam. Go out and look at our ships, old tin cans and cruisers built in World War II. See for yourself how patched up they are. We should have been spending at least $3 billion a year on new construction just to replace our obsolete ships. Instead, because of Vietnam, we averaged less than two-thirds of that amount from '64 through '71."

He speaks of the navy's role as a four-part assignment: first, "Strategic Force"—putting our missile clout underwater, away from the homeland; second, "Sea Control"—keeping the shipping lanes open and getting the supplies through; third, "Projection"—attacking across the cleared oceans, carrying planes, marines, soldiers, cargo; and fourth, in peace or war, "Presence"—showing the flag.

Presence. Here is the suggestive arm of diplomacy—gesture of friendship, note of assurance, implication of threat, glimpse of power. The Soviet navy has learned about presence. Its fleet already is in the Mediterranean, the Caribbean, the Indian Ocean, the Red Sea, the Persian Gulf, along the coasts of Africa and, in time, probably will be in Chile: stopping at ports, establishing bases, offering its support and friendship. It is moving out into the world in a kind of neocolonialism, with people and equipment following along behind to firm up the arrangements made—to build the bases from which they can operate ships, submarines, planes, and from which the expansion continues.

"The President and Secretary Laird believe in the navy. They're cooperative. But it's up to the Congress. Last year it cut us back $800 million and that was a serious blow. Now we've asked for $1 billion more. Will they give it to us?" Zumwalt shrugs his shoulders, arms spread out. "The Congress represents the people, and when the Congress says no—as happened last year—that must be what the people want. And the people seem to be against what we're trying to do."

The Soviet navy began in World War II as a defensive coastal fleet with a strong emphasis on the submarine. In the late '50s the Russians started their nuclear underwater development, pouring billions into it. They erected huge construction yards which, on a one-shift basis, build at least one nuclear sub a month. (The U.S. production rate is about five a year.) They have now matched the U.S. fleet in two categories: nuclear attack submarines (each about 50) and the even more critical strategic subs (with long-range ballistic missiles). In 1968 they revealed their new Yankee (NATO designation) nuclear-powered sub, which is similar to the latest model of the Polaris and can fire a missile almost as far. At least 17 Yankee-class subs are now prowling the seas, some regularly patrolling both U.S. coasts, and more are being built at the rate of eight a year. These figures do not include some 250 diesel-powered subs of modern design, which were built in the '50s and '60s. Besides converting Polaris to Poseidon, the U.S. Navy is beginning to build 17 nuclear attack submarines, at $170 million apiece, to start coming off the ways in 1974; final delivery in 1977.

Eyeing the U.S. surface fleet right after the 1962 Cuban missile crisis, the Russian admirals noted that its primary striking power lay in the capabilities of the carrier task force. Instead of building carriers and planes to fight carriers and planes, they decided to build the world's most modern system of tactical guided missiles. Their ships now bristle with them.

The Russians, on defense, can fling up around their ships a deep, broad antiaircraft missile screen designed to hit attacking U.S. planes at a distance before they can get close enough to strike. On offense, one dangerous weapon of the Soviet tactical missile system is a stand-off, air-to-ship guided missile fired from big-land-based intermediate-range attack planes. Another more ominous weapon is its ship-to-ship "cruise missile"; there are at least six types with accurate ranges of up to 200 miles. They are launched from surface vessels but, most important, they can also be fired from submerged submarines.

The U.S. carrier, always vulnerable to underwater attack, is now wide open from this new direction and its power thereby blunted. Worse, our navy has no cruise missile of its own. If it did, it could wield the same offensive threat the Russians now have, plus the thrust of an air arm the Russians do not have.

It will be two to three years before the navy gets its first true cruise missile, to be called the Harpoon. The navy is now testing an interim cruise weapon, the Standard, which is a short-range antiaircraft missile fired from an antisubmarine rocket-launcher. It will be operational by the end of this year.

Vice Adm. Gerald Miller, newly named commander of the Mediterranean's Sixth Fleet, sits in a deep sofa in the living room of his Norfolk home. He wears brown slacks and a tan jacket. At 51, he is one of the youngest and most junior of his rank. Ebullient, impulsive, words alternately flow and burst out of him.

What about the Soviet navy?

"They've become good seamen. They handle their ships well and seem to be pretty nice people, at least from signal distance. They're cooperative about our keeping track of them around Cuba. The other day a new Soviet destroyer appeared there for the first time, and the skipper of one of our destroyers flashed a blinker message in Russian asking him to report his position every day. The Soviet skipper answered back in amiable English, agreeing and congratulating my man on his Russian.

"Gorshkov! I don't know how he did it. He must be a genius. He started 14 years ago and now he's got a first-class fleet. And his ships make us drool—new, beautifully equipped, fast. He's a man I'd certainly like to meet."

Sixty days on patrol, 30 at home, then the cycle repeats—way of life of a Polaris crew. Eugene Parks Wilkinson, vice admiral and commander of the Atlantic submarine fleet, was the first naval officer to skipper a nuclear sub and take her to sea. In the tradition of his service, he tells little of what goes on under the sea. But he says enough to let one know that it is an evolving mutual search for the other side's subs, an eerie game of watch and be watched, of trail and be trailed, of hiding and listening in the valleys of the ocean floor. "Yes, we think we know where the Russian subs are, but can you ever be sure?" The accelerations of a smartly handled nuclear submarine are swift and elusive.

Our Polaris submarines navigate for 60 days without surfacing—by charts of the sea bottom, by inertial guidance, by loran C, by fathometer, by satellite. All calculations pour into computers which, in seconds, tabulate the positions. At any given moment a patrol must know where it is within 200 yards. Should it have to fire its missiles, accuracy of aim depends on knowing the precise position of the firing.

It is reliable scuttlebutt around the Atlantic fleet that on maneuvers Wilkinson's submarines regularly penetrate our own "antisubmarine warfare" defenses. The navy has sub-killer teams of destroyers and helicopters, antisub projectiles, sonar, and detection buoys dropped from planes or helicopters.

But the trouble is, the technology of the submarine has outdistanced the technology of defense. The nuclear submarine is faster than most surface ships, it is more silent, more maneuverable, more accurate with its sonar, more deadly in its armament. New antisubmarine destroyers are being built, but even these have stirred a controversy about whether they are already outdated. At the moment, and probably for some time to come, the best antisubmarine weapon is another submarine. The final answer may be a surface ship so fast that a sub cannot catch it. The hydrofoil is under increased study; so is the hovercraft.

Dr. John Foster gazes at the ceiling of his office overlooking the Potomac, and dreams. His new U.S. fleet would travel on foils and on a cushion of jet-produced air to lift above the sea, be propelled by equally powerful air jets in its stern. "It is," he says, "what technology is all about—getting ahead uniquely and surely. If we can make this work, it will keep us a jump ahead of the Russians. Imagine a 70-knot navy; 50 knots in heavy seas; big ships. Carriers. A fleet transformed!"

MARINES

Condition: Excellent; roles limited and sharply directed; traditional stress on professionalism; morale high and down-to-business. Mission: Readiness for anything that comes along, planned or unplanned, including full-scale amphibious assault; autonomous yet allied to the navy. Budget: $1.8 billion in fiscal 1972, down from $2.2 billion in 1971, $2.7 billion in 1970; most fighting efficiency for dollars spent. Strength: 220,000, but coming down to 206,000 by the end of 1971—or three divisions and three wings. Most Urgent Needs: A vertical-take-off close air-support jet fighter, a new landing vehicle, a new navy-provided ship to deliver a 2,000-man amphibious force, complete with helicopters and landing craft. All three are in the works.

"General Chaisson's quarters?"

"Please get out, sir, and wait for your escort."

From the darkness emerges a six-foot-six captain with white cap and belt, dress sword, dark-blue heavy coat, gold hilt, buckle and buttons gleaming even in the dim light. The officer of the day, he marches along the concrete walk with such an erect and contagious military swing that anyone next to him, even with civilian coat flopping around below the knees, must fall into step.

Hup, two, three, four . . .

"Like this duty?"

"It's great."

Hup, two, three, four . . .

"Where were you stationed before?"

"Vietnam; been here six months."

Hup, two, three, four . . .

"Here's the general's quarters. Have a good evening, sir."

"Thank you."

Lt. Gen. John R. Chaisson is deputy chief of staff of the Marine Corps. Son of a New England boat builder, graduate of Harvard, he has fought in three wars and is the rising intellect in the corps, a brilliant and blunt man. He feels "good" about the corps. "We're amphibious shock troops, emissaries, police, whatever comes up. We are prepared to move the elements of a division from either coast in a matter of hours, with the whole force following within a few days."

Chaisson is wearing gray flannels and a tweed jacket. Highball next to him, feet up on a stool, he launches forth on today's kids.

"They'll listen if they get facts, not pap. I'm called on a lot to give speeches in colleges. There might be 700 kids in the hall wondering what this jerk from the military is going to say. I start out this way: 'If I were to tell you that the Russians have as many intercontinental missiles as we have, or maybe more, you wouldn't be surprised. If I were to tell you that the Russians have a bigger army than we have, you still wouldn't be surprised. But if I were to tell you that the Russians have a navy which is almost as powerful as our navy in some ways and more powerful in others, you would be damn well surprised. Well, that's what I'm telling you.'

"It grabs them."

Until recently Ray Davis, general USMC, wore three stars on his shoulders and was in command of Marine Corps Schools and the Development Center in Quantico, Va. He has been promoted to the second job in the corps, assistant commandant. A slim man with a gentle southern intonation in his voice, he does not at first reveal the tough fibers within him. The ribbons on his chest reveal some of it: two Silver Stars, the Navy Cross, the Congressional Medal of Honor won in Korea during the retreat from the Chosin Reservoir (Ray Davis, a general said, "brought the 7th Regiment out on his back").

Davis: "I gave a talk the other day to the class of second lieutenants. I told them, 'If you gentlemen are interested in the length of your hair, or your sideburns, beards or mustaches, you're in the wrong service.' "

The corps reflects the personality of its commandant. Gen. Leonard F. Chapman is a 57-year-old southerner, an erect, somewhat aloof officer who demands elegance of detail in performance. Since taking over as commandant in 1968, he has carried the corps through a potentially disruptive time and brought it out ahead. Ugly rivalries between the marines and the army, accusations about diverging tactical choices and different fighting styles in Vietnam boiled, but stopped short of erupting. Chapman publicly ignored them, privately muffled them and kept the corps about its business. While the army and the navy eased their disciplines, Chapman told his marines to toughen up. The military haircut is very much in evidence around his headquarters, and some of his officers are reviving the Sam Browne belt, though he himself is not yet wearing his.

Toughening up reflects Chapman's personal belief. But it is also aimed at recruiting. Chapman is counting on a backlash civilian sentiment against permissiveness in an elite fighting force. So far it is working. The marines need 35,000 enlisted volunteers and 2,000 officers a year, and they are meeting recruiting quotas in every U.S. city except New York.

The commandant: "I'm determined to preserve our manners and bearing. I've just gotten the okay from defense to make our blue uniform regular issue for enlisted men. I want to see a whole division parading in 'blues.' What a sight!"

PROPOSAL

The money we are spending for military defense—$66 billion a year exclusive of Vietnam—is not enough even to maintain parity with the Soviet Union, let alone regain the superiority we are losing or have already lost in critical military categories. That's a lot to spend—to the detriment of domestic problems which demand the same money and more—only to lose out. If we are serious about defense vis-à-vis Russia (and, in a decade or so, China), *we must either go on paying more and more, or figure something else out.*

The following proposal is an effort to figure something else out.

There is hope that the Strategic Arms Limitations Talks (SALT) between U.S. and Soviet representatives will save the day and cut the costs for everyone. If that happens, everybody will gain. If it doesn't happen, what are we to do?

This proposal is based on new strategies, technologies and strengths, all to be completed and in operation (except for SAC requirements) by June 1974. It is based, too, on a change in the way the military has for years divided up the money. Each of the four services has its own money bin. As strategy is made and money allocated each year, these bins rise and fall proportionately. If an economy drive is on, all bins dwindle proportionately; if spending is in the air, they increase proportionately. Only occasionally does one bin swell above the proportionate allocations to the others. Bin-leveling has become practically institutionalized since its start in the late '40s. We should change the relative sizes of the bins and reshape the strategy whose demands fill them.

The Triad, for the most part, should be let alone. Its role as a deterrent, a retaliatory system, is essential. But there is danger in relying entirely on the technology of missilery, so it would be a mistake to let SAC and the manned bomber fade away into obsolescence with the B–52. The new B–1 bomber must be built and should begin, as already planned, to take over in 1978. With the completion of the MIRVed Minuteman III program, the U.S. will have enough sophisticated land-based ICBMs. After that, any new ICBM weaponry should go to sea. The navy's Undersea Long-Range Missile System (ULMS), future successor to Poseidon, promises to be such a weapon. The decision on whether or not to press ahead with it awaits results of the SALT talks. We should press ahead with research and development anyway. If SALT turns up with good news, we can cancel ULMS.

Safeguard is a limited ABM system to protect Minuteman and a few other prime targets. It should be canceled. The U.S. figures Minuteman can penetrate the Soviet ABM network with adequate megatonnage, and it is logical that the reverse would be just as true. The key to deterrence is the threat of annihilating offense—not a defense against it.

The Army is already reducing from 1.3 million men to 900,000 (13 divisions), but it should reduce further—to 500,000 skilled men, furnishing six superbly equipped reinforced divisions. They would constitute a highly mobile force organized for air or sea lift and have the accouterments of the automated battlefield. Instead of supporting treaty countries with garrisoned troops, this army would provide support, as needed, through swift movement from the U.S.—and thereby preserve its strategic options and eliminate the logistical costs, the human problems and the dangers of unnecessary involvement arising from being scattered permanently around the world. They would become elite divisions summoning up the spirit of the former army. Soon, we may hope, they would be genuine volunteer forces. Equipped with the Cheyenne helicopter, they would pilot and control their own close air support. They would be backed by a knuckled-down U.S. Army Reserve and National Guard.

Only one reinforced army division would continue to be deployed overseas—in NATO, whose countries exclusive of the U.S. can put into the field a force of more than a million men. The recent U.S. decision to maintain 4⅓ divisions in NATO is largely political and sets a base of troop strength from which to negotiate with the Russians. One division would be as much of a showpiece, underlining U.S. support, as the understrength, underequipped divisions now there.

The Air Force is spread over the world. It has a vast network of 50 bases, and it keeps many tactical squadrons watching for long periods of time where there may be nothing to watch. The air force should cut back its number of tactical wings from 21 to 14, a personnel cut of 40,000, an aircraft cut of 700. Excluding strategic air defense areas, it should shut down 43 bases in favor of the strategy of swift, long-range movement of its squadrons from U.S.-centered pools. The deserted airfields should, by arrangement with the countries involved, be kept ready for potential use.

The air force is already working on long-range tactical movement. Known as the "Bare Base" operation, studies and exercises are going on at Langley Field under the command of Gen. William Momyer. Momyer is preparing to move entire tactical wings by in-flight refueling to any threatened location or combat zone within 48 hours at most. They arrive complete with meshed runways (if needed), water, fuel, food, ammunition and spare parts for the first two days of fighting, after which more logistics are flown in.

Capacity for troop lift is a key to this proposal because the success of the reduced army will depend on efficient and ready mobility. The air force should be able to lift in 48 hours one light army division to any foreign area, and in theaters as close as Europe in a day or less. It is a crucial demand and, aside from the technology and organization needed, it succeeds or fails on the teamwork—or lack of it—between the two services.

In conjunction with the navy, the air force should develop the critical "smart" missile or bomb needed to cope with the screens the Soviets fling up around their land targets and ships. To provide close air support for treaty-country troops, something like the A–X—with firepower punch and loitering capability—should be built in limited numbers for "bare-base" operations.

So far, under this proposal, the money bins of the army and air force are reduced; but the navy's would be filled higher.

The Navy should proceed with what it is doing now, but faster:

Press a crash program to develop Harpoon and other cruise missiles to match the Soviet cruise weapons.

Press perfection of a compact missile defense system to protect carrier task forces against enemy cruise and air-to-air missiles.

Build a fleet of fast, cheap sub-killers.

Develop hydrofoil and surface-effect ships.

Continue modernization of the carrier force for use in antisubmarine warfare and as a way of deploying ready, ocean-roaming airstrips.

Keep building subs.

The Marines are on the right azimuth. But the corps will be too big, even when it has reduced its strength from 300,000 to 195,000—three divisions and three wings. That size is the legal floor for the Marine Corps, set by act of Congress in 1953—a level the Congress should be willing to lower. Two divisions and two wings of that remarkable corps—about 150,000 men—are sufficient: one division on each coast, providing three seaborne battalions in the Atlantic, three in the Pacific.

Strategically, a defense posture with naval emphasis is sensible for a country which, by geography and history, is a maritime nation, dependent on the seas for much of its protection, for most of its international trade, and in large part for the safety of its alliances and interests abroad. No one can control all the seas; but the power which is able to mass a convincing superiority at the point of confrontation can sway diplomatic decisions, the course of history—and do it without a fight.

Today the U.S. Navy is the service bearing the brunt of Soviet confrontation. It is challenged and vulnerable. The logical approach is not to cut the navy back, which is what has been happening, but to put a fast, sure and serious rebuilding effort into it.

The proposal for military redesign just described will save a total of $9.5 billion a year. However, $6 billion of this, through 1974, will have to be plowed back—mostly into the navy, some into the army and air force. Thus, we achieve a defense which gives us not only an effective strategy and a stronger defense in the critical areas but a net saving of $3.5 billion to start with. Once new costs have been funded and a start made in paying for them, the net savings, which are based on permanent manpower cuts, will begin to increase. And this does not include additional savings that are possible in another area where costs can and should be cut: the Pentagon itself, which is monstrously overstaffed and overorganized.

The treaty countries from whom we withdraw our forces would at first be distressed. But the withdrawals, to be completed by mid-1974, would take place gradually, giving the countries time to adjust to the fact that their own armed forces must bear the initial responsibility if trouble arises. The U.S. would have the strategic option to help: first, with its enlarged, faster navy, including carriers and marines, and second, with forces swiftly lifted and "bare-based" in from the U.S. To assure the treaty countries that U.S. support is as implicit in the new system as in the old garrison concept, we would be able to execute timely maneuvers in a given country or alliance, forcefully demonstrating the modern techniques.

For most of our history, our military stance has been inconsistent. Its size and shape have varied with the peaks and valleys of war and peace. As our involvement in Vietnam subsides, the temptation, as we look down into another welcoming valley, is to breathe another marvelous sigh of relief. That would be a mistake. Until the international realities change, we must keep ourselves militarily fit and progressive. But we should make a serious effort to do it with intelligence, imagination and efficiency. The old way is obsolete, wasteful and hopelessly expensive. Besides, it isn't working.

Mr. DORN. Mr. Speaker, since 1965, the Soviet Union has engaged in an unprecedented program of building up her naval forces on a worldwide basis. There has been a special emphasis upon a traditional area of Soviet concern—the Middle East. It is in the Middle East, that President Nixon has stated that there exists the greatest risk of nuclear war.

Perhaps the key impediment to Soviet expansionism in the Middle East, and by implication, the reduction in the possibility of nuclear war breaking out is the U.S. Sixth Fleet. The deterrent capacity of the Sixth Fleet lies primarily in the ability of the fleet to decisively defeat the Soviet Mediterranean fleet. That ability is waning every day.

The Soviet Union now has deployed IL–28 Maritime patrol craft at the former U.S. Air Force base in Libya, Wheelus Air Force base. These aircraft now can maintain constant surveillance of Sixth Fleet vessels. Moreover, it seems that every major capital ship in the Sixth Fleet is now shadowed by Soviet missile-launching surface vessels. It is, therefore, becoming less and less likely that the Sixth Fleet can continue to present a credible deterrent to Soviet expansionism in the Middle East.

It is imperative that the Congress take the initiative to seek to build up and modernize the military forces of the United States if they are to continue to guarantee the security of our country and of our allies.

Recent remarks by U.S. Senator JAMES L. BUCKLEY have crystalized the problem of the growing loss of ability of the Sixth Fleet to cope with the Soviet buildup. I include Senator BUCKLEY's remarks in the RECORD:

THREAT TO THE 6TH FLEET

Mr. BUCKLEY. Mr. President, as the distinguished Senator from Colorado (Mr. ALLOTT) has pointed out in his remarks, in a period of just 5 years the Soviet Navy has grown from a coastal defense force of negligible importance into the world's most modern naval force. Her surface fleet now exceeds 2,000 ships; and over the past two decades, she has produced 585 modern conventional and nuclear submarines as compared with 110 for the United States. On the other hand, in the past few years, the U.S. Navy, which once sailed unchallenged in every ocean, has grown in creasingly obsolescent. Our submarine force has now more or less stabilized at 142 vessels; and since 1968, the number of ships in the U.S. fleet has declined by about 30 percent. We now have 270 fewer vessels in active service than we had in 1968, and half of this loss has been in surface combat ships.

Russia's transformation into a major naval power, perhaps the major naval power, has important implications around the globe. This morning, however, I will confine my remarks to the impact of these developments on the military situation in the Mediterranean because this is the area in which any United States-Soviet conflict would most likely take the form, in military terms, of a naval conflict.

The growing Russian presence in the Mediterranean and along North Africa poses obvious threats both to the southern flank of Europe and to the Middle East. It is the Middle East. It is hte Middle East, however, which is under the most immediate pressure. It is, in fact, the area which was singled out in the President's state of the world message last February as the one in which a United States-Soviet confrontation was most likely to occur, a confrontation which could spark a third world war.

The Middle East is a region of decisive strategic importance for the global balance of power. It is a crossroads of land and sea communications between the continents. Its oil deposits, by far the largest known on earth, are critically important for the economies, perhaps even the survival of Western Europe. Thus the critical interest of the West in preventing Russia from acquiring dominance of the Middle East is self-evident.

What is less well appreciated, however, is that the 6th Fleet has been the principal instrument on which we have relied in implementing American policy in this vital area. For over 20 years that fleet has assured the West of the unchallenged control of the Mediterranean Sea. And it has been the power represented by the 6th Fleet which American Presidents have relied upon to back our policy decisions. As of today, however, *it is* no longer certain that the 6th Fleet can long survive the kind of deterrence required to contain Soviet ambitions in the Middle East.

Since 1965, the Soviet Naval presence in the Mediterranean Sea has increased fourfold. Total Soviet ship-days have grown from about 4,000 in 1965 to 18,000 in 1970. On the other hand, total U.S. ship-days in the same region have declined from about 17,000 to 13,000 over the same period.

This development becomes especially significant when one takes into account the differences in missions of our respective navies. The mission of the U.S. Navy is to assure this country of the use or control of the seas at times and places of our own choosing. On the other hand, the Soviet Navy has an objective which places fewer demands upon their resources. Their objective is simply to deny the U.S. Navy the ability to carry out that mission. For this reason, the types of vessels in each fleet are different.

The United States still has a significant advantage in gross fleet tonnage in the ratio of about two to one; 4 million U.S. tons to about 2 million Soviet tons. However, when one examines the specific numbers and character of the major and minor surface combat vessels of the United States and the Soviet Union, the growing ability of the Soviets to deny the U.S. Navy the use of the seas becomes apparent. While the United States has 249 major surface combatants to the Soviets' 214, Russia has at her command 1,795 minor surface combatants to America's 309. This disparity is especially important because in the patrol craft category, all 160 Soviet patrol craft are equipped with surface-to-surface missiles of the variety which sank an Israeli destroyer in 1967, while none of the U.S. patrol craft are so equipped.

The Russians now routinely patrol the Mediterranean with naval units of a size and number which increasingly challenge the ability of our Navy to support a credible American presence in the area. According to an article published in the New York Times on March 14, 1971, the Soviet Black Sea fleet, which operates in the Mediterranean, is composed of 62 surface craft and 40 submarines while the U.S. 6th Fleet possesses only 45 surface vessels, and from six to eight submarines. Moreover, the Soviets have acquired basing rights for their surface vessels in Port Said and Alexandria in Egypt; their submarines are reprovisioned at the former French base of Mers-el-Kabir in Algeria; and the movements of 6th Fleet vessels are continuously monitored by Soviet maritime surveillance aircraft operating from the former U.S. Wheelus Air Force base in Libya.

Because of the continuing erosion of the 6th Fleet's ability to meet the Soviet challenge in the Middle East, one major objective of U.S. foreign policy; namely, the preservation of the State of Israel, will become increasingly difficult to carry out. The Russian-built air defenses in Egypt have already deprived the Israelis of their ability to duplicate the preemptive attack on Egyptian airfields which they carried out in 1967. Further, the growing Soviet naval strength in the Mediterranean will significantly weaken Israel's position in bargaining with the Egyptians because it is no longer clear that the United States has the power to deter Soviet intervention on the Arab side in the event of renewed Arab-Israel hostilities. If this inability of U.S. naval forces to support American foreign policy objectives is not reversed by modernization of our forces, the ability of Israel to survive as a nation through the 1970's is called into serious doubt.

The 6th Fleet has also been a vital link in the defenses of Western Europe, a link which has become increasingly vital as one by one the Western Powers have abandoned military bases in Morocco, Algiers, and Libya. Thus any doubts as to the fleet's continuing ability to discharge its mission in the defense of the NATO alliance will have the most important impact politically and psychologically on future decisions made by the member countries. To the extent that their confidence in the security provided by the NATO alliance is eroded, to that extent will they become tempted to make accommodations with the East which would increasingly isolate the United States.

There are the implications of our deteriorating military position in the Mediterranean. We simply cannot afford, at this critical time, to lose sight of the fact that in the last analysis our ability to achieve our essential policy objectives in the Mediterranean basin and elsewhere depends on the plausibility of the military power which we can mobilize in their support. This is what makes it so vitally important that we reverse the damage done to the 6th Fleet in particular, and to our Navy in general, by the budgetary constraints under which it has had to operate in recent years. We simply cannot afford to fall further behind the Soviet Union.

I submit, Mr. President, that the hard realities leave us no choice but to rebuild our defenses to the level which are required for us to maintain the peace.

Mr. President, this morning after I had prepared my remarks I came across an article in this week's Newsweek magazine entitled "A Mediterranean Tide Runs For the Russians," written by Arnaud De Borchgrave, which supports the details of my position. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Mediterranean Tide Runs for the Russians

(By Arnaud de Borchgrave)

Aboard the U.S.S. Springfield last week, a young naval intelligence officer could hardly contain his admiration for the latest Soviet warships steaming in the Miditerranean Sea. "That's a beauty," he said, pointing to a photographic blowup of a Kresta-class guided-missile cruiser. "There's nothing like it on our side." Standing nearby, Vice Admiral Isaac C. Kidd, the commander of the U.S. Sixth Fleet, readily agreed. "A humdinger," he said of the Soviet ship. "Only 3,500 tons. But it's got the punch of a pocket battleship."

Nowadays, the Soviet Union packs quite a wallop in the Mediterranean. On a typical day last week, the wall-to-wall situation room (map) at NATO's surveillance headquarters in Naples bristled with symbols for Soviet men-o'-war: 55 versus the 44 in the Sixth Fleet (map). And Russian political influence in the strategically important inland sea has grown apace with its fleet. Last week, the Kremlin dispatched Ambassador Mikhail Smirnovsky to the Maltese capital of Valletta in hopes of securing an embassy in the one-time British possession. Both British and American spokesmen professed to see no threat to the NATO installation on Malta, doubting that its newly elected leftist Premier will turn over those naval facilities to the Russians. But there was no mistaking their fear—expressed also by Israeli Defense Minister Moshe Dayan last week—that the successful Soviet penetration of the Mediterranean is bringing about a fundamental change in the balance of power in the area.

There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

U.S. admirals in the Mediterranean claim to be confident that, in the event of a military showdown, the Sixth Fleet could still overwhelm the Soviet fleet and fulfill its "second strike" nuclear mission against assigned targets in East Europe and southern Russia. This claim to naval superiority is evidently based on the American fleet's two aircraft carriers, ships whose firepower the Soviet fleet cannot match on a ship-to-ship basis. But it is worth remembering that the newly installed Russian tactical air force in Egypt—which has recently been dug into 220 hardened sites—can fly cover for the Soviet fleet in the Mediterranean and, if need be, attack the U.S. flat-tops. Moreover, some military experts are convinced that the two U.S. carriers have already been effectively neutralized by the latest Soviet guided-missile cruisers to arrive in the sea. Finally, the ships of the U.S. fleet are of much older vintage than the Russian vessels, and at the present rate of deployment, these experts believe, the Soviet Mediterranean fleet will clearly surpass the American armada in potency by mid-1972.

In the eyes of West Europeans, this expansion of Soviet power is directly related to critical changes in the American home front. The Europeans realize that the bitter taste of the Vietnam war has soured the U.S. on overseas commitments, and they are coming to believe that they may soon have to fend for themselves. But with the proliferation of Soviet power in the Mediterranean and along Europe's oil-supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism. The combination of neo-isolatioism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

Raymond Cartier, one of Europe's most widely respected journalists, recently wrote: "America has given Europe a quarter of a century of invulnerabiilty but Europe has not had the foresight to transfer some of its opulence to the problem of its own security. The withdrawal of American forces in the relatively near future is a certainty. The Mediterranean is now blanketed by Soviet naval power lapping against Europe's southern coastline. The northern front has also been outflanked by the same Soviet naval power reaching into the Atlantic."

Disarray: If Europe existed as more than a geographic expression, there might be an alternative to U.S. power. But many countries that now might wish to reduce their dependence on one or the other of the two superpowers regretfully conclude that there will be no European alternative for a long time to come. The European monetary union project, a prerequisite for an integrated European defense community, was dealt yet another blow in the Franco-German summit meeting last week when Chancellor Willy Brandt and President Georges Pompidou failed to reach agreement on the status of the floating Deutsche mark (page 69). This kind of European disarray, coupled with the fact that the U.S. is already in retreat—at least psychologically—means that things will continue to go Russia's way in an area of vital concern to the entire Western world.

Many Western officials and commentators, convinced that gunboat diplomacy is dead in an age of multi-headed nuclear missiles, have dismissed the Soviet effort in the Mediterranean as wasteful and useless. But the Soviets know better. When Egyptian President Anwar Sadat purged pro-Soviet plotters from his entourage two months ago, Moscow managed to more than offset its losses; it swiftly extracted from Sadat a new fifteen-year treaty that tied Egypt even closer to the Soviet Union. Among the many reasons that led Sadat to sign the treaty, presumably one was his belief that the massive Soviet presence in the Mediterranean was visible proof of Moscow's commitment to the Arab cause.

Vacuum: The same kind of gunboat diplomacy, Europeans fear, might be used in countries all along the North African and European littorals of the Mediterranean in the years to come. Nonalignment is tantamount to a power vacuum in the Soviet book, and with the withdrawal of Western influence from North Africa, the Soviets are making a determined effort to move in. Morocco, the last remaining monarchy in North Africa, is ripe revolution—as last week's attempt to remove King Hassan showed—and the Soviets would be happy to help. Europe-oriented Tunisia, squeezed between revolutionary regimes in Algeria and Libya—and heavily dependent on ailing President Habib Bourguiba—would be another likely target.

The Soviet power in the Mediterranean basin will also make itself felt in the critically important Persian Gulf area once the Suez Canal is reopened. The gulf area supplies 60 per cent of West Europe's and 90 per cent of Japan's fuel needs. The British are phasing out of the gulf later this year and the U.S. has no intention—or desire—to fill the power gap. Moreover, London's plan for a gulf federation collapsed and the oil sheikdoms are about to opt for independence. "A few modern Soviet warships calling regularly at these ports and entertaining impressionable sheiks will work miracles," a longtime gulf resident told me. "Especially if there is no countervailing U.S. force."

It won't be long before the sheiks realize where the real power lies. The Soviets already have twenty new warships on station in the Indian Ocean (as against two U.S. ships). Anticipating the reopening of the Suez Canal, they have also just completed construction of a new naval base at Port Sudan on the Red Sea (in return for free MIG's and tanks for the Sudanese), halfway between the Mediterranean and the Persian Gulf. Should the Soviets successfully expand their Mediterranean presence into this part of the world, they would be able to exercise additional political leverage on Western Europe by controlling its sources of oil.

Détente: No one suggests that the Soviets don't have a right to be in the Mediterranean in whatever force they wish, and in the Indian Ocean and Persian Gulf for that matter. But what is needed is a credible countervailing force. Instead, America is pulling out, and Europe is dithering. In the past five years, NATO forces in Central Europe have been allowed to run down by 25 per cent (including the loss of 500 aircraft). During the same time, Soviet forces alone, on the same front, have increased by six divisions. Despite U.S. pledges to maintain and improve its strength in Europe, it was revealed two weeks ago that two Air Force squadrons were pulled out of Europe in 1970 without a word being said to America's European allies. "The very prospects of détente," commented the outgoing NATO civilian chief, Manlio Brosio, last week, "have created a climate in Western opinion in favor of unilaterally reducing NATO force levels." Moscow, of course, remains unencumbered by the restraints of public opinion, and whenever anyone in the West tries to halt the drif toward a lax defense posture, the Russians fire off accusations that such talk impedes détente.

Even more important than Soviet intentions, however, is the American trend toward introspection and isolation. "The steady encroachment of Congress on the President's ability to conduct foreign policy," one of Europe's leading policymakers told me recently, "means that a formal pledge isn't what it used to be." Moreover, the release of

> the Pentagon papers has, in a sense, vindicated those in the U.S. who regard power politics as evil and un-American. But that doesn't mean that the power realities will oblige us by simply disappearing.
>
> Under these circumstances, Europeans are keeping their options open. Even Franco Spain and the colonels in Greece are doing what they can to improve relations with Moscow. For by conveying the impression that over the next few years domestic affairs will enjoy priority over foreign affairs, America is, in effect, telling Moscow: "This is your round in the Mediterranean. Make the most of it." It is an absolute certainty that the Russians will do just that.

Mr. HOSMER. Mr. Speaker, pressures are growing toward a nuclear test ban and cancellation of Cannikin. Before acceding to any such pressures the President and Congress should weigh very, very carefully the probable long-term results by way of narrowing of U.S. national options which such an action would entail.

Cancellation of Cannikin would be tantamount to a bald public confession that Safeguard is dead and that the Spartan will never be deployed. We could not develop the warhead it requires. Aside from its direct adverse effects upon U.S. national security such action would certainly risk opening a wide credibility gap between our words and our actions. Note up to now our consistently strong insistence on the essentiality of Safeguard. That has been our national posture since March 1969, suddenly and unilaterally to abandon the possibility of any ABM at all, even for the national command center, would have deleterious effects on SALT and sacrifice our only leverage to obtain limitations on Soviet strategic forces.

Of even greater deterrent would be the effect of a nuclear test ban. Consider the following:

According to the policies and strategies announced by the President and Secretary of Defense—the Nixon doctrine and realistic deterrence—the United States commits itself to honor its overseas security commitments. The strategy for doing so has been specified essentially to be deterrence, which will be accomplished by means other than the large-scale commitment of U.S. ground forces anywhere overseas except for Europe during the next couple of years or so.

Irrespective of what may come out of SALT, even if nothing comes, a new strategic balance has been established, by which the United States has a 3 to 2 inferiority in numbers of strategic offensive missile launchers—ICBM's and SLBM's—and a much greater inferiority in throw weight, that is, payload capability. This, however, does not mean that the United States has become incapable of deterring a nuclear attack. Despite these numbers, it still retains a sufficiency for deterrence.

But, whether we regard this overall strategic situation as inferiority or parity or mutual sufficiency, the result is at best a stalemate at the strategic level. Hence, U.S. strategic forces are relevant to deterrence only for direct nuclear attacks on the United States. These forces are virtually irrelevant to deterrence of lower levels of violence and particularly as regards conventional aggression by means of limited theater attacks outside the United States, even in NATO.

Pressures for troop reductions in U.S. forces, first, overall and, second, specifically in Asia and Europe, will continue to bring reductions and withdrawals, further limiting the U.S. ability to honor its commitments by employing only conventional type weaponry. Many, particularly Europeans, believe that NATO cannot or will not match the U.S.S.R./Warsaw Pact forces in conventional, nonnuclear forces. This situation is bound to grow worse as U.S. manpower levels in Europe are reduced over the next several years.

Thus, with a stalemate at the strategic level and inadequate conventional defenses against large-scale but limited theater attacks, reliance for theater deterrence rests, if it rests any place at all, upon tactical nuclear capabilities as the only remaining military alternative.

Any review of the unclassified literature, however, reveals that these capabilities are, first, old and based on out-of-date technology largely of the 1950's, and, second, of higher yield, dirtier, more inflexible, and more handicapped by outmoded survival, safety, and dual capability characteristics than need be. Yet the very same literature hints that we have the technology to develop a credible "war-fighting" tactical nuclear capability which is survivable, accurate, flexible, discriminate, low-yield, and clean.

I well realize that many people regard the subject of tactical nuclear development and improvements as taboo. But it seems to me that we have boxed ourselves into a position where we are going to have to resort to a clean and discriminate new generation of such weapons or simply let the chips in the game being played under cover of the overall strategic nuclear umbrella be picked up by the other side.

This box can be got out of by means of a refurbished tactical nuclear arsenal which is credible to use because its destruction can be limited to the battlefields of land and sea. Such a posture can enhance deterrence without trying the impossible task of coupling all scales of hostilities to a now incredible threat of first use of U.S. strategic retaliatory forces. All we need is full appreciation of the need to modernize, and the will to do it.

Such a program should be given high priority by the Joint Committee on Atomic Energy, the Atomic Energy Commission and the Government as a whole.

A modernized and credible tactical nuclear capability—credible in that the threat of its use for deterrence, rational defense and war termination without great collateral damage to our allies can be recognized as obviously inherent in its characteristics—is essential to maintain theater deterrence and therefore essential to U.S. commitments and policy in accord with U.S. alliances, the Nixon doctrine, and realistic deterrence.

Any move toward a comprehensive test ban treaty, of course, would foreclose this option based upon stockpile changes and leave us with either, first, reliance upon eroded and inadequate tactical nuclear and conventional general purpose force capabilities, or second, a tacit retraction of our commitments to the security of allies, U.S. interests overseas, and world stability.

I would hope, Mr. Speaker, for at least some rational consideration of these suggestions, something at least a little better than the customary knee-jerk negativism that characteristically has greeted the mere mention of the tactical nuclear stockpile and its inevitable problem of obsolesence.

Mr. J. WILLIAM STANTON. Mr. Speaker, the fact the Soviet Union has suddenly bypassed the United States in strategic weapons is one which has not yet been understood by the American people.

From 1968 to 1970, the Russians have approximately tripled the number of their deployed ICBM's. No similarly rapid escalation of strategic forces has occurred since World War II. In the decade 1965–75, they are expected to have at least quintupled the number of deployed nuclear delivery systems.

This escalation of destructive power consists of three major components: counterforce-capable missiles—SS–9; missiles for urban-industrial targeting—SS–11's and SS–13's; and submarine-launched missiles, formerly of a cruise type and more recently of a ballistic type similar to our Polaris.

In an analysis of their developments Charles Benson points out that:

> The SS–9 counterforce weapons (i.e. weapons designed for use against the U.S. nuclear strike capacity) are the startling new element. Each carries three five-megaton warheads, which are designed to attack the three silos in the triangle configuration in which our Minuteman missiles are deployed. . . . Over-all, the Russians appear to be headed for a 25 per cent to 50 per cent numerical superiority in offensive and retaliatory delivery systems; they already have a five to one superiority in megatonnage, and are headed toward as much as a twenty to one superiority if they choose to use a smaller number of high yield warheads rather than low-ield, high-accuracy warheads as employed by the U.S.

The serious implications of this situation are beyond the imagination of most Americans who continue naively to believe that their Nation is the most powerful in the world. Mr. Benson states that:

> The potential rupture of the strategic detente could completely change America's relations with the rest of the world, including those with our closest allies, by weakening the credibility of the U.S. "nuclear umbrella." The policy of avoiding positive action while tacitly encouraging the achievement of "parity" by the Soviet Union has already proved itself a failure. If uncorrected, it will eventually lead to some form of strategic surrender by the United States.

Such strategic surrender can only be avoided if steps are swiftly taken to restore our position of superiority. This can only be done with the proper leadership making the American people aware of the grave risks of pursuing a policy of parity, or sufficiency while the Soviet Union is determined to achieve superiority for itself.

Mr. Benson states that:

> The United States, having committed itself to a policy of abstention from aggressive war, is burdened by the need to deter any attack upon itself and presumably upon its allies. If the present basis of our strategic deter-

rence should fail, our policies must be drastically changed.

Unless something is done now, this failure will become a reality. To illustrate the nature of the threat before us, I would like to share with my colleagues the thoughtful article, "Deterrence Through Defense," by Charles Benson. It appeared in the March 9, 1971, issue of National Review, and I insert it into the RECORD at this time:

DETERRENCE THROUGH DEFENSE

(By Charles Benson)

The United States, having committed itself to a policy of abstention from aggressive war, is burdened by the need to deter any attack upon itself, and presumably upon its allies. If the present basis of our strategic deterrence should fail, our policies must be drastically changed.

In the popular consciousness, and to an alarming extent in the mental processes of our political leadership, deterrence is equated with fear; it is supposed that our strategy of deterrence works because the enemy is afraid of our weapons. Naturally he is afraid of them; they are frightful enough, and we are afraid of them ourselves. But military decision-makers do not operate in a context of fear. Their strategic and operational planning is done in conditions often far removed from direct combat. The commanders who effect these plans are inured to fear, and insofar as humanly possible they ignore it. The natural reaction to the effects of nuclear weapons—the reaction which the layman is likely to have—does not dominate the decision-making process which establishes the conditions under which these weapons are to be employed, to the extent that military and civilian professionals contribute to that process. In the normal organization of both superpowers, the influence of professional military expertise in these decision processes is formidable indeed, and it could hardly be otherwise.

The nature of deterrence is rational. To deter an act is to make the potential perpetrator of that act realize that it will avail him nothing. He must be made to realize this clearly and in advance. If he is not acting rationally he may go on and do it anyway; a strategy of deterrence will not be operative against him. Thus any strategy of deterrence must posses a certain psychological finality, an absence of doubt. A treat is not a deterrent; a questionable threat may act as an incentive to aggression. When doubt is introduced into a deterrent posture, deterrence vanishes.

MUTUAL DETERRENCE

Much of the confusion in recent discussions of nuclear strategy and weaponry in the Congress and elsewhere has resulted from a failure to understand clearly the nature of deterrence, and to keep it constantly in mind. Our nation has set upon itself the requirement, not of winning a nuclear war, but of deterring the initiation of such an event. It is by meeting this requirement during the past twenty years that we have continued to exist. The introduction of doubt into our deterrent posture is a war-generating process.

The stability of the nuclear balance between the Soviet Union and the United States during the Sixties was the result of an asymmetric detente involving both the level of strategic forces and the doctrine which directed the deployment and conditions of employment.

The Soviets almost certainly realized that no American President was likely to initiate a first strike under any plausible set of circumstances unless he was utterly convinced that a Russian strike was imminent (and even this was and will probably continue to be unlikely). According to our announced policy, our President would not even preempt under those circumstances, but would wait and order a second strike after the initial elements of any enemy first strike had been absorbed. Not only did we abjure launch-on-warning, but we did not press to acquire the necessary technology, and refrained from deploying weapons capable of targeting the Russian silos (or at least this was our publicly stated position).

The Soviets felt secure in maintaining a minimum deterrent posture that gave them a fairly high level of confidence that they could inflict a few tens of millions of casualties on the U.S. in a nuclear war—although by no means sufficient to destroy the U.S. as viable society. As the U.S. is now learning in the Middle East, and as the Soviets learned during the Cuban missile crisis, the power to deter is not necessarily the power to influence. The sobering character of this experience apparently encouraged the Soviets to build up a strategic nuclear force that could be plausibly employed in a first-strike role. Until the mid-1960s, they were unwilling to commit the research and development resources necessary to achieve such a capability.

America on the other hand possessed a substantial assured destruction capability during the entire decade. Even though we credited the Soviet government with enough malevolence to launch a first strike, we could not imagine a Soviet leader risking the loss of the Soviet Union merely for the satisfaction of having massacred the United States. As for a first strike of our own, this problem was considered by military professionals, but was not articulated in either crisis or noncrisis situations by a responsible political leader.

Russian deterrence was based on a first-strike philosophy, and American, on a second-strike philosophy. The Russians had no intention of striking second. They had almost no real suspicion that America might strike first. During the Fifties and Sixties, they were at least as much worried about an accidental war as about a calculated war resulting from a Presidential decision. Thus threat and counterthreat balanced for ten years even though the balance of forces was heavily in America's favor.

RUPTURED DÉTENTE

From 1968 to 1970, the Russians have approximately tripled the number of their deployed ICBMs. No similarly rapid escalation of strategic forces has occurred since World War II. In the decade 1965–1975, they are expected to have at least quintupled the number of deployed nuclear delivery systems.

This escalation of destructive power consists of three major components: counterforce-capable missiles (SS–9s); missiles for urban-industrial targeting (SS–11s and SS–13s); and submarine-launched missiles, formerly of a cruise type (i.e., air-breathing propulsion rather than rocket engines) and more recently of a ballistic type similar to our Polaris.

The SS–9 counterforce weapons (i.e., weapons designed for use against the U.S. nuclear strike capacity) are the startling new element. Each carries three five-megaton warheads, which are designed to attack the three silos in the triangle configuration in which our Minuteman missiles are deployed. The other weapons had been deployed earlier, but are suddenly being substantially increased in numbers. Their mission is destruction of "soft" targets, including cities, airfields, port facilities and the like. Over-all, the Russians appear to be headed for a 25 per cent to 50 per cent numerical superiority in offensive and retaliatory delivery systems; they already have a five-to-one superiority in megatonnage, and are headed toward as much as twenty-to-one superiority if they choose to use a smaller number of high-yield warheads rather than low-yield, high-accuracy warheads as employed by the U.S.

THEIR SCENARIO

The Russian first-strike scenario could be somewhat as follows: in a synchronized strike (some of their Polaris-type missiles, possibly together with FOBS (Fractional Orbiting Bombardment System), will wipe out our airbases, while most of the SS–9s will be used to destroy our Minutemen in their silos. At this point they will be in a position to destroy the United States no matter what we do, because our Polaris/Poseidon force is not expected to be accurate or powerful enough to strike their SS–11s and SS–13s, and even if it were, they would still have most of their Polaris-type missiles undischarged, holding our cities hostage in the event of a second and even a third exchange. An American retaliatory strike under these conditions would clearly mean suicide.

Thus they could rationally expect an American President to concede to a limited form of surrender after their first strike, even though our Polaris/Poseidon force and a few bombers and Minutemen remained intact. The perception that the Soviets have such a capability could cause an American President to back down in almost any important political crisis.

This is not a philosophy of an ideal or "splendid" first strike. The Russians are betting that an American President would prefer some form of limited surrender—for example, one allowing them to seize Northern China, the Middle East, and possibly even some part of South America—without nuclear retaliation. In these circumstances they could also rapidly complete the "Finlandization" of Europe. A major expansion of territory would give Russia much to consolidate so that she could afford to offer a long period of peaceful coexistence. American antiwar politicians and their allies would use the promise of such a period as a rationalization for nonviolence, even for unilateral disarmament.

This concept of a limited first strike makes "assured destruction"—heretofore the key to our nuclear strategy—an unwise posture, to say the least, in view of the magnitude of forces arrayed against us. Yet U.S. strategic doctrine remains committed to assured destruction, long after its usefulness has been obviated by events.

Within present weapons deployment, our only direct response (the U.S. MIRV program began earlier) to the developing first-strike threat has been to increase the blast resistance of our land-based ICBM silos. It remains very doubtful that we can absorb an SS–9 strike and retain our deterrant posture. Apparently, the situation has not yet deteriorated far enough for our government to admit this; although, if and when it does, it will probably try to suppress the fact.

If our side goes on a warning basis, the nuclear stalemate will be over. Russian fears of accidental or whimsical triggering will reemerge. Since they have from the beginning been committed to a first-strike philosophy, and will have developed a first-strike capability, they will be under pressure to preempt in order to prevent the U.S. from launching a disarming first strike.

DEFENSIVE DETERRENCE

The potential rupture of the strategic détente could completely change America's relations with the rest of the world, including those with our closest allies, by weakening the credibility of the U.S. "nuclear umbrella." The policy of avoiding positive action while tacitly encouraging the achievement of "parity" by the Soviet Union has already proved itself a failure. If uncorrected, it will eventually lead to some form of strategic surrender by the United States.

The influence of former Secretary of Defense Robert S. McNamara has been pervasive in these matters. He emphasized in his testimony to Congress and elsewhere that he could buy assured destruction forces to overwhelm any Soviet ballistic missile defense more cheaply than the enemy could buy the defense, thus preserving deterrence through assured destruction for the foreseeable future. This position reveals a blind faith in the operability of deterrence and a blind eye to the inexorable historic dialectic between offense and defense, together with a remarkable indifference to the distinction between saving lives and killing people. Deterrence based on assured destruction is not always operable; if nonrational processes such as panic or anger take control of decision-making, no type of deterrence is operable; and we have a right to be interested in saving American lives, and also the lives of others.

The only fundamental addition to our strategic *offensive* capability which is available to us within the immediate future is a first-strike counterforce capability for our strategic attack forces, especially Minuteman and Polaris/Poseidon. We may be forced to make this change in order to preserve any effective threat against Soviet offensive power. But this change will not necessarily reestablish the stable strategic detente of the Sixties. On the contrary, many analysts before that such an advance would be destabilizing.

The re-establishment of the mutual deterrence typical of the Sixties requires a satisfactory ballistic missile defense.

America needs a means of suppressing ballistic missile attack:

1) regardless of point of origin;

2) without detonating nuclear warheads, defensive or offensive, within the atmosphere, or at least cutting such detonation to a minimum;

3) without otherwise causing heavy local fallout in the case of atmospheric detonations or nuclear blackout in the case of high altitude detonations;

4) capable of being applied against satellite-borne bombs as well as missiles;

5) nonsaturable by MIRV and decoy attack;

6) capable of defending itself, or being defended, as a system.

The technology is either available or on the verge of being available to accomplish these objectives if the resources are committed to them. Unless these defensive criteria are fulfilled concomitantly with the Russian achievement of a first-strike capability, the predictable truth is that the United States will be faced with a choice between strategic surrender and annihilation, and that this outcome will occur during the 1970s.

If a satisfactory defensive system is to be deployed before 1980, America today needs an explicitly stated program, comparable to that initiated by the late President Kennedy when he announced that we were going to put a man on the moon within the decade. This program would not be a waste; it would not be an international pr stunt; it would be a program concerned with the real task of preserving human life in the real world.

Research on defense against ballistic missiles began with the Nike-Zeus project back in 1956. The feasibility of such a defense was widely disbelieved, not only in popular thinking but in the scientific community. People talked about "hitting a bullet with a bullet." This very feat was accomplished over Kwajalein in 1962 by a Nike-Zeus intercept of an ICBM fired from Vandenberg AFB. Skepticism as to the basic feasibility of ballistic missile defense (BMD) has thus been anachronistic for nearly a decade.

Nike-Zeus suffered from various limitations, primarily arising from the slow sweep rate of mechanically rotated radar antennas and the limited information-handling capacity of the associated computers. With the advent of phased-array radars, which depend upon purely electronic means for their sweep rate, and with the rapid progress of computer technology, these limitations were overcome by 1967. The Nike–X system, the successor to the Nike-Zeus, incorporates these basic advances as well as others.

BALLISTIC MISSILES

Nike-X operates by acquiring and tracking an incoming warhead with a phased-array long-range radar, designating this warhead as a target to the fire-control system and the tracking and guidance radar, which then fires a long-range Spartan antimissile to intercept the incoming warhead in late mid-course, above the atmosphere and several hundred miles from the target. In case of a miss, or if for any reason a Spartan has not been launched, or a kill has not been verified for this incoming warhead, the fire-control system launches a short-range Sprint antimissile to intercept the incoming warhead in the upper atmosphere, on the order of 75,000 to 100,000 feet above the earth. In this back-up Sprint intercept, there is the advantage that the radar can discriminate between real warheads and decoys after they have entered the atmosphere and thus the Sprint intercept is not likely to be spent against decoys.

Nike–X works. Given an incoming warhead within its range and operating characteristics, it will destroy that warhead with a high degree of probability; given two simultaneous inputs, it will destroy both of them; given five, it will destroy several and possibly all of them; but given five followed within a short interval by five more, there is very little chance indeed that the system will stop them all. This is due both to operating limitations, which while high are not infinite, and to environmental effects of large numbers of nuclear explosions within the atmosphere—especially blackout, in which the nuclear explosion itself blocks the rays on which the radar depends for detection of further incoming warheads. It is therefore particularly important that all means be used to stop missiles outside the atmosphere, in order to avoid overloading the very last defense, the Sprint stage, in which blackout occurs.

ENTER SAFEGUARD

Nike-X was turned down for deployment in 1967. Certain of the radars in the then-called Nike-X have been modified or replaced. Still, the present system, Safeguard, is the product of the same development project and the changes have been in the nature of improvement evolved during the continuing development effort. Additional improvements will include increased range and other capabilities of the radars, a slightly longer-range Spartan, and possibe replacement of Sprint with Hibex, a hotter and more maneuverable antimissile interceptor.

Safeguard has been the subject of a debate worthy of a crowd of evangelists faced with a pretended Second Coming. It is in fact a practical system for shooting down hostile H-bombs, and little more need be said about it except to note certain limitations and disadvantages. These are that it is saturable, which is to say that it can be overwhelmed by a sufficiently large number of warheads and/or decoys arriving in a short enough time interval; and that one stage (Sprint) relies upon nuclear explosions within the atmosphere for its kill effect.

The saturability factor can be improved, but not eliminated, by improving the information-handling capabilities of the radar and associated computers, and by improving the accuracy and thus allowing a lower-yield nuclear charge to effect the kill. It is not likely that any missile defense system now under development can eliminate the necessity of having the final shot at some incoming warhead discharge a nuclear explosion in the upper atmosphere. This is undesirable because of well-known fallout effects, and because of blackout. This non-improvable feature of Sprint should motivate a search for means of minimizing the number of warheads in an all-out attack which are allowed to reach the Sprint stage.

Thus far Spartan, an integral part of the Safeguard system using the same radars, is the only stage in advance of Sprint. Spartan kills in the last two or three hundred miles of the incoming trajectory. By this time the independent warheads in a MIRV are widely separated, but the true warheads are not yet distinguishable by present means from decoys. Spartan is therefore more subject to saturation than Sprint, even though blackout is not yet a problem, at least on the first launch. In the present system, therefore, Sprint will take more of the load, and most of the kill explosions will occur within the atmosphere. No modification or deployment of Safeguard can avoid this weakness.

Two other missile defense systems are currently being advocated. One is SABMIS, a sea-launched antimissile capable of intercepting hostile missiles in early mid-course. It has all the advantages as well as the disadvantages of a seaborne system. It is mobile, and thus could be deployed against different threats, or even to protect different countries; it can be located close to the enemy's shores, exposing his missiles to attack shortly after launch. In this early mid-course part of the trajectory, the independent warheads and decoys in each MIRV have not separated, or are just beginning to separate; thus a kill brings down the entire vehicle, destroying all components of the MIRV at once. The explosion is outside the atmosphere. As of the present, the Department of Defense is against going ahead with a SABMIS system, primarily on cost-effectiveness grounds. Technological advances might, however, overcome the present objections.

The Air Force is studying a system that would use a modification through which the already available Minuteman would acquire antimissile capability. Early studies show the system to be entirely feasible, and probably cheaper than any other. Intercept would occur in mid-course. It could be used against orbital (FOBS) as well as high trajectories. The explosion would be far outside the atmosphere, and could be of high yield. Thus even though the MIRV components had partly separated, there would be a high probability of killing all of them in a single explosion. The Air Force also has under study a system called ABMIS, an airborne antimissile comparable in its effect to the Navy's SABMIS.

All of the above systems have multishot capability, in case of a misfire or a miss. All are within the present (1970) state of the art in electronics and missilery. They could be developed and deployed within a few years.

LASERS AND OTHERS

More exotic defenses have been studied. BAMBI was a projected spaceborne system which would have intercepted hostile missiles at launch, before their boosters had burned out. (This is a desirable objective, because any explosions, including secondary explosions, occur over enemy territory.) The system was determined to be non-feasible, not because it "wouldn't work," but because the task of maintenance in orbit would be prohibitively expensive. (This was the conclusion in terms of 1965 technology—at that time nobody had walked on the moon.)

The Defense Department is now conducting research into a giant laser, a concentrated beam of light in which the power density is so high that it will melt steel in milliseconds. Small laboratory- or shop-sized lasers have been in use for several years, but the idea of developing one of the huge magnitude required to kill a missile is still under study. The gas-dynamic laser seems most promising. *Ordnance* Magazine has reported that a drone aircraft was destroyed in flight over an Air Force base in New Mexico by an experimental laser. The laser kills the warhead by generating such heat within it that circuits and other components melt, thus rendering the fusing and detonation systems inoperable and turning the bomb into a dud. It might tumble, and burn up within the atmosphere, or it might fall to the earth. The Russians are also known to be working on this idea.

The laser beam, if reliably operable, would undoubtedly be a superior kill mechanism, and it is conceivable that it could be mounted permanently in space without incurring prohibitive maintenance costs, because the mechanical systems within which it would operate are much simpler than BAMBI, and also because the reliability of electronic components and systems has been greatly improved over the past five years. Since the presently envisaged laser defense would be earth-mounted, its range and effect would be limited by atmospheric absorption and flicker. These limitations are serious and cannot be eliminated unless the system is mounted in space. For immediate (1971–74) purposes, the giant laser must be considered exotic technology.

ATTENUATION

We have available to us today at least three and possibly four defensive stages of demonstrated feasibility: a revised SABMIS (or substitute advanced stage), Minuteman (modified for antimissile defense), Spartan and Sprint. The last stage has by far the highest kill probability, but it suffers from major disadvantages. It is critically important that the proportion of the total missile defense problem handled by Sprint be minimized. Only by minimizing the load on Sprint can we minimize the probability of a successful hit by an enemy missile, because only in this way can we protect Sprint from being blinded by blackout or otherwise overwhelmed. Reducing the load on Sprint also minimizes fallout from our own nuclear explosions and fallout from possible detonations of hostile warheads by the kill process. If the number of incoming warheads dealt with by the Sprint stage at each Safeguard missile site can be kept small enough we have an excellent chance of avoiding any nuclear detonations at the altitude of maximum effect, and a fair chance of avoiding any nuclear detonations at all, except those from the relatively small charge of the Sprint missile itself. This achievement would make the protection of cities as well as missile silos feasible. Such a result cannot rationally be hoped for by means of Safeguard alone.

In order to attain satisfactory protection against a massive enemy strike, it is necessary to utilize not just one or two of the proposed stages, but as many as are feasible.

A four-stage Ballistic Missile Defense (Figure 1) would operate by placing SABMIS (or a substitute advanced stage) as close in to enemy shores as possible, from which vantage it would knock out some of the enemy strike before the payloads separated into MIRVs and decoys. This first stage would be backed up by the Minuteman modification, which would stop a portion of the strike, and by virtue of a high-yield detonation would also knock out entire payloads or perhaps multiple payloads, since the enemy's MIRVed components would not yet have reached full separation. When the remaining warheads, now fully separated into MIRVs and decoys, came within range of the Missile Site Radar (MSR), Spartans would be launched to effect a third attenuation of the attack outside the amosphere. As the remaining warheads and decoys entered the atmosphere, the decoys could be discriminated and Sprint would be launched against the true warheads only.

Thus, to protect the Sprint stage, the key and final defense element, from saturation by the MIRV technique we must put more stages of defense ahead of it, even though these stages may possess relatively low-kill probability. A kill probability on the order of one-half for the advanced stages is compatible with testimony of Defense officials before Senate committees. But whatever the actual probability, a multistage system, compared to the two-stage (Spartan, Sprint) Safeguard system, would reduce the proportion of warheads that got through to the final Sprint stage. This would mean a much smaller total megatonnage detonation in our atmosphere, and, in particular, fewer warheads detonating on target.

Because of the MIRV technique and decoying, Spartan is the least effective stage of the system. If an attack on the order of four hundred SS–9s were to come in against Safeguard alone, not only would the MSRs be overloaded in launching Spartans, but the entire stock of Spartans would be exhausted. Twenty-four hundred Spartans would have to be launched. Bearing in mind that roughly half of the incoming targets would be decoys and that roughly half of the remainder would be missed, eighteen hundred of the Spartans would be wasted. There is no similar waste in any other stage of the system.

WHY NOT MIMI?

There is an obvious answer to this weakness: MIRV the Spartan. The Spartan must be given multiple-kill capability in order to preserve a satisfactory attenuation coefficient in this stage of the system without excessive expenditure of missiles, as well perhaps as excessive reduplication of radars. (A similar effect could be improvised by resorting to a huge nuclear detonation, but this approach has obvious disadvantages.) MIRV, of course, is not the appropriate acronym, because the Spartan warhead is not a re-entry vehicle. Something like MIMI, for Multiple Independent Missile Interceptor, might be suggested.

To accomplish this by the guidance techniques presently utilized in the system might require extensive redesign of the MSR, which is already the most complex radar ever designed. If the MIMI components themselves had maneuverability and homing guidance, the maximum redesign required in the MSR would be the capability to designate and hand off control to the homing guidance. The question would be the cost and feasibility of a set of maneuverable MIMI interceptors with homing guidance mounted on a Spartan configuration, against the extent of redesign required for the MSR to take over guidance of a multiple set of interceptors as they separate from a Spartan.

Extension and refinement will tend to diminish somewhat the probable success of the system described, but not in sufficient degree to alter the major conclusions:

1) a 99 per cent or better ballistic missile defense is achievable against a massive missile attack within present technology;

2) any BMD within present technology, in order to cope with a massive enemy strike, must consist of successive stages of defense applied at different segments of the hostile missile's trajectory;

3) the portion of the defense which is loaded upon Sprint—or Hibex or whatever final stage—must be minimized in order to realize the full potentiality of the defense;

4) Spartan is the weakest stage in the proposed system, and must be given multiple-kill capability in order to apply the high-kill probability of Sprint to the best advantage.

THERE'S MORE

The four-stage defensive system can provide adequate defense against any attack reasonably to be expected in the early and middle Seventies, and can be deployed in time to forestall an SS–9 first strike. But the enemy will do his best to complicate the problems of this defense. Specifically, he will do everything possible to improve his FOBS, which theoretically can attack from any direction, thus multiplying defensive problems indefinitely, and he will endeavor to develop a spaceborne system.

The only type of defense that can literally stop anything is one that destroys the missile at launch, or at any rate during the launch and boost process, before it has entered its final trajectory. Such a defense would be applicable against cruise missiles, ballistic missiles, satellites and possibly even aircraft. It would destroy them at their point of origin, before they could be decoyed or disguised, or engage in evasive maneuvers. Such a defense would, essentially, put a fifth stage ahead of the four stages of attenuation already discussed. Depending upon the effectiveness of this fifth stage, the others might be reduced or even phased out completely. Depending upon the promptness of its development, it might be possible to substitute such a boost-stage defense for SABMIS and Minuteman from the beginning.

BAMBI is the only such system which has so far been envisaged. It was turned down for good reason. It seeems impossible to conceive of such a system without assuming that it will be spaceborne. Yet most of the arguments used against BAMBI would apply to any spaceborne system. The most conclusive of these arguments is the inordinate expense of maintaining a complex system in orbit. Either the units must be returned to earth for periodic maintenance, and then re-orbited, or men must be sent aloft to service them. There is no such thing as a system so reliable that it does not need to be serviced. Returning the units to earth would mean fitting them with re-entry vehicles, which would greatly complicate the design of the units, which in turn would greatly increase the servicing requirements. Sending men up to service them would mean developing our ability to carry out docking operations routinely, and to perform delicate technical operations in space which are far beyond the present state of the art in space technology, as well as dependent on an enormous number of space launches.

It is significant that the Russian space program has tended to concentrate on near-orbit problems. The Russians hold the record for time spent continuously in orbit, a fact that bears witness to their achievements in life-support systems and space medicine; and they have a number of firsts in humble processes such as welding pieces of metal together in space, which we have not yet duplicated.

One possible way of decreasing the maintenance costs of a spaceborne system is not to mount all of it in space. The less we have to put up there, the lower the maintenance requirement will be. For example, the detection and fire-control systems might be in orbit, perhaps a deep-space orbit, while the interceptors themselves, or some of them, might be located on submarines as close in as possible to enemy shores.

This configuration would replace boost-intercept with early mid-course intercept. Again, if a sufficiently rapid and reliable communications channel could be established, only part of the fire-control system need be mounted in space. The large computers and associated elements could be located in earth bases. Location of the sensors and other data-acquisition elements in slow orbits out in the stationary orbit region (roughly 20,000 miles up) would not only drastically reduce the number of sensors required, but would eliminate thousands of cross-designation operations which might be involved in nearer orbits (depending on how the system was designed). The range would be great, but the consequent simplification of the system could be the key to its feasibility.

In another configuration, the data acquisition, guidance and computing functions might be located in deep space, and the interceptors in near orbits, with semipermanent space stations serving as maintenance shops at a slightly higher orbit (Figure 2).

Shuttle operations would then supply the space stations, and the individual interceptor satellites could be called to the space stations for regular maintenance.

These systems implicitly accept the nuclear bomb as the kill mechanism. As already stated, the giant laser has been put forward as a superior kill mechanism; masers and conventional explosive bombs have also been discussed.

A space-mounted laser is a marvelously efficient device. Without absorption and refraction in the atmosphere, a laser beam can produce its almost instantaneous destructive effects at virtually unlimited range. Thus a giant laser could be mounted in deep space, with relatively few devices being required to cope with an attack on the expected scale. Reliability also might be superior to the near-orbit nuclear bomb, because of the smaller number of components required. Hence maintenance costs could be lower.

Whatever its virtues as a kill mechanism in relation to ballistic warheads, it would probably be unwise to bet our entire stake on the giant laser. It is a device in the research stage; we cannot yet estimate the lead time required for its deployment. Unforeseen difficulties, unforeseen and perhaps very simple defenses, or limitations on its application may make it impractical, or make a mix of lasers and other weapons more desirable.

SPACEBORNE DEFENSE

The over-all prospect as the Seventies progress is for an increasing vulnerability of all earth-based strategic systems, whether land, sea or air, to a spaceborne system. Such a spaceborne system would have the very significant capability of prohibiting the establishment of a similar enemy system. For this reason it is imperative that the U.S. move forward into a space-borne defensive posture as rapidly as possible.

It is less necessary in this discussion to envisage the system than to state the scope and character of the effort required in system development. In order to render a space-mounted defense system practicable, at least eight major development efforts must be successfully carried through:

1) perfection of a suitable kill mechanism, whether orbited nuclear bomb, giant laser, or both, or something else;

2) development of a delivery system or systems capable of intercepting missiles or satellites in arbitrary trajectories at orbital or near-orbital velocities;

3) development of spaceborne detection, fire-control and information-processing systems, presumably including large arrays of infrared sensors and radars;

4) development of vehicles, including a reusable booster stage, a space shuttle, and space tugs and taxis;

5) development of semipermanent space stations with life-support systems for extended manned operations;

6) development of long-lasting high-output power sources in space;

7) development of technical shop operations in space;

8) improvement of reliability of all system components.

It is evident that most of these efforts are more appropriate to NASA than to the military services; NASA has, in fact, already begun preliminary work on 4), 5) and 7). It is therefore desirable to reconsider the mission of NASA. The entire complex of industries, government activities, quality-control procedures and standards, and other features of the NASA program has displayed to the world a technical competence unexampled anywhere. This competence is dying out for lack of funding, which of course results from the lack of a suitable mission. If the NASA mission were redefined to include the development of a spaceborne defense system, the chances of our achieving an adequate defensive posture by the end of this decade would unquestionably be improved. As in the Apollo program, when the initial goal is set there remains much uncertainty and a lot of work. It took us nine years to get a man on the moon, and it may very easily take nine years to achieve a spaceborne defensive system. It is urgent, therefore, that we become involved in the project as soon as possible.

STRATEGIC ASPECTS

The primary strategic function of ballistic missile defense is to forestall the achievement of a first-strike capability by the Soviet Union, and thus re-establish the stalemate in strategic power typical of the Sixties. If this can be accomplished, American political leaders will be able to rock along from crisis to crisis indefinitely without drifting into a nuclear war unless someone exercises more than usually poor judgment. If the Russian first-strike capability is not forestalled, the best America can hope for during the remainder of the Seventies is an acquiescence to Russian expansion wherever it occurs, and a slow drift toward outright strategic surrender.

The key concept in present strategic thinking on the subject of a "credible" first-strike capability is *acceptable damage.* No one knows what an acceptable level of damage would be to the Soviet leaders, under a given set of circumstances. It is possible that the Russian leaders would be willing to accept a very large loss of population and industry in exchange for a virtually complete knock-out of the United States. If they managed to save 50 per cent or so, there is no doubt that they could then proceed to polish off China, France, Britain and any other powers they chose to eliminate. In this sense, the United States is the sole protector, not only of our allies, but of many nations that consider themselves our enemies. Thus the "credibility" of the Soviet first-strike capability is a subjective concept, probably no clearer to the Soviet leaders than to our own. Basically, if the Soviet Union possesses the means to destroy our land-based retaliatory missiles (Minutemen), and if their submarine-based missile force equals or exceeds our own, then they will have a first-strike capability, whether any officials of our government choose to find it credible or not. This state of affairs is imminent in the early or middle Seventies.

A spaceborne defense is achievable by means of present technology and presently foreseeable advances in technology. The first nation that seriously sets about the task of developing it and putting it up there is going to have most of the say in international affairs for at least a decade and probably for the rest of this century.

More basically, the establishment of an effective ballistic missile defense will revive the importance of the strategic defensive as a successful instrument of national policy. During the past two decades everyone on earth has been tyrannized, not so much by any one nation as by the imperious superiority of the offensive. Under this strategic condition, the only means of stability is terror. It is reasonable to hope that the re-establishment of a rough balance between offensive and defensive strategic capability will permit a saner and more civilized approach to international relations than has been typical in recent times.

Mr. FISHER. Mr. Speaker, there has unquestionably been an erosion of U.S. military strength in the past few years. The fact that Soviet strength is increasing should come as no surprise in that they have been making steady efforts, year in and year out to improve their military posture. What is surprising is that the United States has taken no serious effort to halt the erosion of U.S. military strength—especially strategic strength, and the strength of key elements of our conventional forces on a worldwide basis.

At the present time the Soviet Union now has an 8-to-1 potential advantage in individual warheads which can be delivered by ballistic missiles. In is long past the time when we can discuss the possibility that the Soviet Union merely seeks "parity" with the United States. The well-known dimensions of the Soviet strategic nuclear buildup have gone far beyond the requirements of simple deterrence. It is become evident to all but the most ideological observer that the Soviet Union is seeking to use its new military strength to support her diplomatic objectives.

Recently freshman Senator JAMES L. BUCKLEY addressed the National Press Club on the subject of, "The Erosion of U.S. Military Strength: Can There be Peace Without Power?" In my view, Senator BUCKLEY's remarks are a cogent statement of what has happened to our military strength—and what is likely to happen to our diplomatic posture in the future if an early and rapid rearming of the U.S. strategic and conventional forces does not take place. I include the text of Senator BUCKLEY's remarks in the RECORD:

[From the CONGRESSIONAL RECORD,
July 15, 1971]

THE EROSION OF U.S. MILITARY STRENGTH: CAN THERE BE PEACE WITHOUT POWER?

(By Senator JAMES L. BUCKLEY)

I would like to talk about the urgent need to *re-order* our priorities.

In simpler times, when it was somehow easier to maintain touch with reality than it is today, it was understood that the first priority of any society was to provide for its own survival. This fundamental principle ought to be as self-evident today as it ever has been in the past. Yet for some time now we have been on an anti-military binge which has forced drastic cutbacks in large categories of defense spending which are essential to our security. As a result we are not only falling critically behind in the necessary business of military research and development, but we have allowed our existing forces to deteriorate to a point where the ability of the President of the United States to assure the defense of vital national interests may be in jeopardy.

Because of the attrition caused by inflation, these cutbacks have been far more severe than would appear on the basis of dollar figures alone. We have not simply cut the fat out of military budgets, we have been hacking away at the sinews and muscles as well. By way of illustration, because of inflation and because payroll costs have risen from 40 per cent of the defense budget for fiscal 1964 to 60 per cent of the defense budget submitted for fiscal 1972, in the coming year we will be purchasing 40 per cent less in military research and hardware than we did eight years ago before we became actively involved in the Vietnam war. These same figures have forced us over the same eight-year period, to reduce the number of our Navy carrier wings from 24 to 15, the number of our tactical Air Force squadrons from 119 to 105, and to reduce by almost 30 per cent the number of our active naval vessels, from 932 vessels to 658.

I take no pleasure in reciting these figures.

I have never had a consuming interest in military affairs, but because of the responsibilities of my office and because of the growing evidence of America's rapidly deteriorating defenses, I have found it necessary to seek out the facts. And the facts that I have been able to determine and their implications are so very serious that I feel I must do what I can to contribute to a better public understanding of what is at stake. We simply cannot any longer afford the blind attacks on just about every program for military research or military procurement which continue to be made in the name of an overriding need to reorder our priorities. Because in the words of Hanson W. Baldwin, "For the United States . . . the eleventh hour is here."

Now admittedly, there is no inherent virtue in maintaining extensive and costly military forces or in developing increasingly sophisticated weapons. No nation with peaceful intentions requires or can justify a defense establishment which is larger than that which is necessary to meet the needs of her own security. But the adequacy or inadequacy of a nation's defenses is not determined by consideration of domestic priorities, but by the power relationships within which it must operate. And we must keep in mind that in the real world, no country can conduct an effective foreign policy without a military capability which is appropriate to its responsibilities.

In our case, our responsibilities since World War II have necessarily been international in scope as they have concerned themselves primarily with the need to contain the aggressive outward thrust of the Communst powers. These are responsibilities which we did not seek, but which we cannot escape as the only free world power capable of facing up to the Russian challenge. In the past we have succeeded time and again—witness, for example, the Berlin and Cuban crises—in causing the Soviets to back away from confrontations which might have ignited a Third World War precisely because we had the military power to back the positions we had to take. The Soviets simply could not risk a test of strength. Our military might, in other words, has been the critical factor in our ability to maintain the tenuous peace which by and large has existed since the end of the Second World War.

While the effectiveness of our foreign policy has ultimately rested on our power to unleash nuclear devastation on any enemy, it has long been an accepted fact at home and abroad that it is unthinkable that the United States should ever initiate an atomic strike. Therefore, the whole fabric of our defense policy has depended on our having sufficient strategic weapons survive any attack launched by an enemy to assure us the ability to deliver a retaliatory strike which would inflict unacceptable losses. This is what our policy of nuclear deterrence has been all about. This is what has been called the balance of terror.

It has therefore been with deep concern that I have found my investigation confirming those recently published stories which conclude that we will soon find ourselves in a position where our deterrent capacity will no longer be sufficiently plausible to cause the Soviet Union to back away from future confrontations involving interests vital to the West. What this means, quite simply, is that we are rapidly approaching a point where no American President will be able to emerge from a political confrontation with the Soviet Union with our foreign policy objectives intact, whether that confrontation takes place in the Middle East or Western Europe or even in the Caribbean.

Since 1965, the Soviet Union has launched and sustained a truly extraordinary drive to increase and modernize every sector of her strategic and conventional forces. As a result, the Soviet Union now has a payload capacity in her intercontinental and submarine-launched ballistic missiles which is capable of delivering eight times as many nuclear warheads as the United States. This buildup so far exceeds any plausible requirement for a policy of deterrence that we can only conclude that the Soviet Union has developed this extraordinary capacity for use in support of her own diplomacy, a diplomacy whose historic goals have always been aggressive.

The conventional wisdom states that any development of nuclear warheads beyond a certain point, whether by the United States or the Soviet Union, is simply superfluous—the disparity in warheads representing merely an "overkill" capacity. I suggest however, that there is no evidence whatever that the Russians buy this analysis.

For an insight into what may be the Russian view, let us consider what might plausibly be the result of a hypothetical "first strike" attack by the Soviets on our strategic forces. If we assume that Russia's production line technology is equal to our own—and we must—then the existing three hundred Soviet SS–9's could each be equipped with between three and six independently targeted warheads, having a yield of from two to five megatons each. This would give their SS–9's the present capacity to deliver between 900 and 1800 warheads, each capable of attacking and destroying one of our Minutemen ICBM's. If we assume further that the Russians employ guidance systems equivalent to those available to us for our Minutemen III and Poseidon missiles, then a "first strike" attack by their SS–9's could destroy on the ground or in port about 90 per cent of our land based ICBM's, 50 per cent of our aging B–52 bombers, and one-third of our Polaris submarines before we could even consider a retaliatory strike. And this destruction of our deterrent force could be significantly increased by advances in guidance technology which our own research has already shown to be feasible.

Assuming such an attack, the Soviets would have left over sufficient forces-in-being to pose a continuing threat to our remaining strategic forces and to our cities. This remaining capacity would include over 900 SS–11's, over 400 submarine launched ballistic missiles, and nearly 200 bombers. We would, as of the present, still have the suicidal capacity to inflict devastation on those Russian cities not protected by ABM systems, but this remaining deterrence could soon be taken from us by any expansion of Russia's ABM defenses.

There are many, of course, who are pinning their hopes on the strategic arms limitation treaty negotiations which are now taking place between the United States and the Soviet Union. In a sensible, rational, truly peace-seeking world, we could have high hopes for the success of these discussions, and the optimist in me believes that such success may in fact be possible, but only if the Soviets are satisfied that we will not deal away our strength in exchange for unenforceable promises. One thing which ought to be clear is that we cannot hope for success if we hide from the cold realities of life, if we let ourselves be carried away by euphoria at every small concession. Let us keep in mind that the SALT talks are now in their second year, and that we have experienced the scope of our research and development of new and more exotic weapons. We simply cannot afford any longer to ignore the fact that the Soviet Union is currently spending $3 billion per year more than we are on military and space R&D, and that she is expanding these expenditures at the rate of 13 per cent per annum while ours have been declining. For us to continue to fall behind in this critical area is to invite a technological Pearl Harbor.

And further, we must devote a significant portion of this research to developing ways of reducing United States vulnerability to strategic attack. Specifically, we must capitalize on the promising advances which have been made in the once maligned Safeguard program, advances which indicate that major gains in effectiveness can be achieved within the next several years.

This, of course, suggests the need for a major shift in the U.S. strategic philosophy whch dominated our planning during the Kennedy and Johnson administrations, and which still limits the options available to the Nixon administration. I speak of the theory known as "assured destruction." This doctrine, in brief, holds that our security is best maintained if we make certain that sufficient Russian and American missiles will survive any first attack to guarantee mutual suicide. This requires that each side maintain the vulnerability of its respective populations to nuclear annihilation. Thus, as a result of this involuted reasoning, it became the official policy of McNamara's defense department to make certain that our citizens were exposed to maximum danger. Our failure to deploy defensive ballisic missiles around our major centers of population has resulted in the grotesque implication that U.S. policy prefers dead Russians to live Americans.

Now the trouble with this doctrine is that the Russians have evidently refused to play the game in accordance with the McNamara rules. Since 1964, they have been deploying ballistic missile defenses around their major population center, Moscow; and this system, which is constantly being improved, now offers some measure of protection for 15 per cent of the Soviet population. And as I mentioned earlier, the Russians have expanded their offensive capabilities far beyond the limits required by a philosophy of "assured destruction." Under the circumstances, I cannot see how we can afford to delay any longer those measures within our capabilities which will assure some measure of protection to our major population centers; and I cannot view with equanimity any agreements which might be arrived at in the SALT discussions which would have the effect of preventing us from developing such defenses while preserving for the Soviet Union her current offensive advantage.

Our strategic posture, of course, is only part of the story. Under any philosophy of strategic defense, the objective has been to assure a balance of forces which will preclude a resort to nuclear warfare. But while the maintenance of such a balance might avert the horror of an atomic holocaust, it does nothing to eliminate recourse to more conventional forms of warfare; and to the extent that nuclear warfare becomes unthinkable, to that extent must we make certain that we maintain the conventional strength essential to our needs. But here again, while we have allowed our position to deteriorate, the Soviets have been overtaking us with astonishing determination and speed, with consequences which are far from academic.

Let me illustrate the significance of these developments by focusing on one area in which it is generally conceded that the West has strategic interests of critical importance. I speak of the Middle East.

Because of the extreme danger to the interests and security of the West which is posed by Soviet expansionism in the Middle East, and because Israel sits athwart Soviet ambitions, we have had a special interest in Israel's continuing independence. American policy, therefore, has sought to assure Israel of the weapons required for her defense against her Arab neighbors, while at the same time we have sought to dissuade the Russians from the kind of adventurism which might escalate Arab-Israeli hostilities into an American-Soviet ccnfrontation. To the latter end, we have relied on the United States Sixth Fleet to provide the credible threat required to deter the Soviets from any temptation to intervene on the side of the Arabs in an all-out attempt at a military conquest of Israel.

In the past, the United States has been able to achieve these twin objectives, and as a result she has helped to keep the Middle East from blowing apart. She has been able to avert, in other words, a crisis of the kind which might have triggered a third world war. But as a result of the persistent cuts in research and procurement which have been imposed on our military in recent years, it is no longer at all certain that the United States will continue to have the capability of meeting these objectives in the future.

The Soviet Union, for example, has recently introduced the MIG–23 Foxbat into Egypt's already formidable arsenal. This is an aircraft which can outshoot and outmaneuver anything the Israelis have, and we can do nothing about it because we simply have nothing in our existing military inventory which can challenge the Foxbat. And this of course applies to the primary aircraft utilized by the Sixth Fleet for its own defense and for support of ground operations. I speak of the F–4 Phantom which until recently the Israelis had also counted upon to maintain their air superiority. Yet it is typical of the blinders worn by so many in and out of the Congress today that there are active attempts to scuttle the F–14 Tomcat which is the only aircraft competitive with the Foxbat which we are in a position to deliver to the Navy at a reasonably early date.

But this isn't the only problem now facing the Sixth Fleet. The growing obsolescence of its combat vessels, the abandonment of NATO bases along North Africa, the rapid expansion of modern Soviet naval forces in the Mediterranean, and the deployment of Soviet fighter, bomber and reconnaissance squadrons at air bases in Egypt, Libya and Algeria are reducing to the vanishing point the effectiveness of the Sixth Fleet as an instrument of American policy.

Because the simple, quite inescapable fact is that unless action is taken to modernize and reinforce the Sixth Fleet; and unless we are able to develop and deliver to Israel weapons which can challenge those which the Soviets can provide to the Arab states, we will find our Mideast options foreclosed. If our compulsive antimilitarism is not soon brought to heel, we will find that American foreign policy objectives will have become irrelevant because we will be without the means of implementing them. It will be irrelevant that the United States is committed to the survival of the State of Israel, or that the United States opposes a Russian hegemony in the Middle East, because in a showdown the United States will have no choice but to back down.

And once we begin backing down under pressure here and there around the globe, we will court the disaster of a third world war. Because aggressive nations seem inevitably to overestimate the readiness of free men to retreat. This was the lesson of the first and second world wars. It is a lesson which we will forget at our mortal peril.

Military forces are not a luxury but a necessity. So long as we live in a world in which some nations feel a compulsion to dominate others, we have no choice but to maintain those levels of defense which are essential to our survival. Great nations are not allowed the luxury of retiring from the world. For such nations, there can be no peace unless they have the power and the will to defend it.

NATIONAL DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, I want to express my congratulations to the gentleman from South Carolina (Mr. SPENCE), my colleague on the Armed Services Committee, for taking the initiative in setting up this time today—these 2 hours of special orders he and I have taken—so that together Members of Congress on a bipartisan basis could take some time to point out some of the more disturbing aspects of the current military situation that is facing the United States.

I do not intend to take all of my time, but I believe it is important we should spend some time pointing up some of the problems we face, recognizing that there is a different story to be told from just the criticisms of the military we hear so frequently.

Mr. Speaker, for the past year or more we have been beset by a mounting antimilitary movement, not only in portions of the country and in the public press but here in Congress as well, with special emphasis in the Senate but to a growing extent also in the House. This has been marked by repeated efforts to cut back our military forces, to block the development of new weapons, to discontinue our system of military recruitment, and a general bias, usually expressed in highly emotional terms, against the so-called military-industrial complex.

Mr. Speaker, I am sure that virtually all of us here in this Chamber are interested in obtaining peace, and I would think that most of us were also interested in eliminating excessive spending, not only in the military but elsewhere. Until recent years our basic objective had been to achieve military superiority over our chief potential antagonists, the Russians. This was superiority both as regards our nuclear capability and our conventional capability. Now our goal has been switched to "sufficiency." I am not sure whether this is a genuine change or only a semantic one, but the real crux of the problem is what is sufficiency? What is enough?

The point I want to make briefly here this afternoon is that while we have focused so much of our energies and our attention on eliminating unnecessary military activity, we are in real danger of having gone too far. We are in real danger of having started a process that has already cut our forces below what is adequate to meet our defense needs, and may even have already tipped the balance of world military power against ourselves.

Military strength is not an absolute. It is not something that can be considered in a vacuum. It is always relative to something else, like the old chestnut about "How's your wife?" and the rejoinder comes back, "Compared to what?" The real question here is how does our military power stand compared to the Soviet military threat which faces us around the world?

Frankly, the picture is not reassuring, and it is well for Members who take their responsibilities in this body seriously to look the facts squarely in the face. While we have been rapidly decreasing our military power, the Soviets have been steadily increasing theirs, and doing so on a worldwide basis. As happens in the case of two airplanes approaching each other from opposite directions, the relationship between ourselves and the Soviet Union has been changing a good deal more rapidly than many of us are aware.

Let me cite just three examples which will point up what I have been speaking about. The foreword to the 1971 edition of Jane's Fighting Ships contains these quotations which should be of interest:

> The size and relative capabilities of the United States Navy continue to decline at what many authorities consider to be an alarming rate. . . . The Chief of Naval Operations has told Congress that the Navy has "a lower than prudent level of current forces" and has "been falling well behind a responsible replacement rate."
>
> U.S. strategy calls for maintaining a capability for countering the other super-power at sea. But the Soviet Navy has already exceeded the United States in active surface ship and submarine numbers, including near parity in nuclear submarine strength (and a larger nuclear submarine construction program). In some respects the characteristics and capabilities of the Soviet ships obviously are superior to those of their U.S. Navy counterparts.
>
> In the strategic nuclear balance of forces the USSR has gained superiority over the United States in numbers of ICBMs and the megatonnage that can be delivered; and the current Soviet ballistic missile submarine construction rate of at least 6 submarines per year would give the USSR parity if not superiority in 'Polaris' type submarines by 1975 . . . Soviet progress in the strategic weapons area is of utmost concern to U.S. defense leaders because improved guidance and multiple warhead technology (MIRV) could permit the predicted Soviet strategic forces of the mid 1970s to destroy virtually all land-based ICBMs in a surprise first-strike attack.
>
> The situation for the U.S. Navy is serious. By any standards the Soviet fleet now represents the super-navy of a super-power.

These excerpts from Jane's Fighting Ships are of particular interest since this publication is not generally regarded as being an unthinking spokesman of the so-called military-industrial complex.

Second, Mr. Speaker, consider an article that appeared in the June 18 issue of Life by George P. Hunt, formerly managing editor of Life, under the heading "Our Four Star Military Mess: The Blunt Fact Is That We Are About to Become No. 2." Here are some quotes from that article:

> The truth is that the U.S. military establishment is in ragged shape—lacking in technology, undermined by inflation, by worn-out strategies, by entrenched old ways of top direct and allocating budget money. The Viet Nam war has ravaged it—gnawing at morale and discipline.
>
> In some 8 years Russia has caught up and is now going ahead of us in many categories of missile strength . . . It will take fast and skillful work to put the military back in shape.

Here are some other details the Life article inventories. The Soviets have roughly 1,900 ICBM's and submarine-launched missiles, 1,200 intermediate-range bombers, and 175 long-range bombers. In contrast the United States has 1,710 land- and submarine-based missiles and 552 long-range bombers.

Today the U.S. Navy is the service bearing the brunt of Soviet confrontation, the article concludes. It is challenged and vulnerable. The logical approach is not to cut the Navy back, which is what has been happening, but to put a fast, sure, and serious rebuilding effort into it. Until the international realities change, we must keep ourselves military fit and progressive. But we should make a serious effort to do it with intelligence, imagination and efficiency. The old way is obsolete, wasteful, and hopelessly expensive. Besides, it is not working.

It is interesting to observe, incidentally, that this recent Life article pointing out the seriousness of our comparative military position still takes the Congress to task for our failures. Yet Life and other publications have until recently been attacking the same Congress and its individual Members for wanting to spend too much money on military weapons, and too little on other "more urgent" priorities.

Finally, Mr. Speaker, as my third example, let me cite some recent political developments that have not caused too much attention in the press but which have very profound and unfavorable implications for our future. Needless to say, our protection against the massive Soviet submarine threat involves our ability to keep track of these submarines. And one of the areas from which we have been able to observe their movements into the north Atlantic has been Iceland, from our important base there at Keflavik. Yet only the other day there was a change in the Iceland Government which was followed in turn by an announcement by the new leadership that our American base in Iceland will now have to be closed within the next 4 or 5 years.

Similarly, our ability to confront the Soviet forces in the Middle East with a credible deterrent depends very substantially upon the 6th Fleet forces stationed there, and upon their ability to operate in the eastern Mediterranean in the face of a superior Soviet force and a superior number of Soviet submarines. This kind of activity could not take place without adequate antisubmarine aircraft patrol operations in the eastern Mediterranean. Until now these patrol flights have been flown out of the British base at Malta. But the British are phasing their operations completely out of Malta in another year or so, and a recent change of government in Malta has led to a firm statement by the new Prime Minister that Malta will not welcome NATO forces nor will she welcome American forces to that strategic island. So if Malta is closed to the operations of the NATO forces in the Mediterranean, the balance in the Mediterranean shifts dramatically against us, and our ability to deter Soviet aggression in the Middle East and to come quickly to the defense of Israel in case of renewed hostilities, will be gravely eroded. This is the situation many of us here in this House have ignored.

Mr. Speaker, these disturbing facts can be multiplied at great length. The Armed Services Committee report on the 1972 defense authorization bill contains the information that as of May 1971 the Soviets have a total of 356 operational submarines compared to our 142. They also have a total of more than 92 nuclear submarines compared to a total of 92 for ourselves. Moreover, by 1975, the report states, the Soviets will have at least 70 nuclear submarines, which will give them a total of between 145 to 153, or a nuclear superiority over us of 50 percent in nuclear submarines. We, incidentally, are producing these submarines at a rate of about two or three a year at best. They are producing at a rate from 6 to 10 a year. Moreover their submarines are faster than ours and have achieved significant improvements in other areas.

The American fleet, as Jane's Fighting Ships has indicated, is already seriously obsolete. It is disturbing enough that the Soviets have considerably more ships in the Mediterranean today than we have, sometimes as many as twice our number. But in addition to that virtually all of their Mediterranean fleet units are modern ships, while most of ours are close to 20 years of age. Even by the time all of our recently announced fleet retirements take place, our fleet will have an average age of 15 years, while the Soviet fleet average will be 8.8 years. During this period the U.S. Navy has been reduced from 894 ships to 642 ships, or 21 ships less than we had at the beginning of the Korean war. At the same time the Soviet Navy has increased from 1,575 ships to 1,604.

Another disturbing comparison is the amount of money spent in the field of research and development. At the present time Soviet expenditures for research and development are more than $3 billion greater than those in the United States.

These are serious and sober trends, indeed, Mr. Speaker, and I believe it is time for us to be aware of them and of the future dangers that our actions today or our omissions are encouraging.

In announcing his new strategy of realistic deterrence, Secretary Laird was particularly careful to emphasize why this new strategy is based on the concept of realism. As a prelude to his report he said to the Congress:

> It's based on a sober and clear view of the multiple threats to peace that exist in today's world. It neither exaggerates nor underestimates those threats.

Accordingly, the new strategy has as its cornerstone an extremely clear perspective as regards the threat today and into the future.

Our task today is to meet an increasingly formidable Soviet threat while reducing the resources allocated to defense.

Five years ago, the United States possessed a marked strategic nuclear superiority. Our policy, and that of our allies, was based on the fact of that advantage.

Today, however, we face a Soviet strategic force that is roughly comparable to our own.

Specifically, the Soviets now have 1,440 land-based ICBM's, while we have 1,054—and have been at this level for several years.

Among the Soviet's ICBM arsenal are the monster SS–9 missiles, which are capable of carrying a single large warhead, and have been tested with multiple reentry vehicles since late 1968.

It is estimated that the SS–9's accuracy could be greatly improved by fiscal year 1976. This improved accuracy could present a serious threat to the survivability of undefended Minuteman silos.

Another area in which the Soviets are eroding our lead is in submarine launched ballistic missiles—SLBM's. Our Polaris fleet has been constant at 656 missiles for several years.

The Soviets now have at least 17 similar submarines operational, with a capability of launching at least 272 missiles, each of which has a range of 1,300 nautical miles. We estimate that at least 15 additional Polaris-type submarines are under construction. At present construction rate, the Soviet fleet will match or exceed ours by 1974. And this does not include the older Soviet missile subfleet, with more than 75 missiles.

The Soviet also have a large intercontinental bomber force—about 200, including about 50 tankers. Although this force continues its slow decline in numbers, we must not dismiss it. In addition, the Soviets do have a new swing-wing bomber under development and it is estimated to have an intercontinental range.

In strategic defense, the Soviets have a long lead. They have over 3,000 interceptor aircraft. Four new interceptors have been added in the last 7 years.

Furthermore, the Soviets have four different surface-to-air missiles—SAM's—with about 10,000 launchers currently deployed. Some of these launchers could theoretically be upgraded to ballistic missile defense. The Moscow ABM system contains 64 operational launchers. The Soviets are working on research and development of new ABM system components, including a new missile.

The Soviet Union is building up its strategic forces. The most obvious example of this is the massive increase in Soviet naval capability.

The Soviet Navy is projecting Soviet power to every area of the world. In the Mediterranean alone, the number of ships steaming days increased from 750 in 1963 to over 16,000 last year.

Last spring, the Soviet Navy conducted a worldwide exercise involving over 200 ships that was closely coordinated from Moscow.

In short, the Soviet Union is embarked on an unprecedented military buildup. While attacks on the United States are unlikely, if we maintain a sufficient deterrent capability, incidents in the past decade—such as the Cuban missile crisis—have shown that military superiority can play a vital role in crises and greatly increase a nation's political options.

We must always remember that weakness is more provocative than strength. Should deterrence fail—at any level—we and our allies must be prepared to counter aggression forcefully and to whatever degress is required to protect our mutual interests.

Mr. Speaker, under leave to extend my remarks I include a chart setting forth in greater detail the imbalance in our relative nuclear deterrent situation. In addition I include two articles by Joseph Alsop which appeared in the Washington

Post which bears directly on this subject. The first appeared on August 2, 1971. The second appeared just this morning:

Operational	United States	U.S.S.R.
ICBM's	1,054	[1] 1,500
Polaris-type submarines (number of boats/number of SLBM tubes)	41/656	[2] 20/320
Intercontinental bombers	569	[3] 175–195
Total offensive force loadings weapons	4,600	2,000
Air Defenses:		
Fighter-interceptors	599	3,000–3,300
Surface-to-air missile launchers	1,136	10,000
ABM launchers	0	65

[1] Includes ICBM's associated with MR/IRBM fields.

[2] With 15/240 more under construction.

[3] Includes 50 Bison bombers configured as tankers.

Praying To Be Wrong

(By Joseph Alsop)

At this season, sensible men in their sixties head for the mountains or the sea. In four decades of hard work, moreover, this reporter has almost never used the pronoun "I" in the print. And this has only happened when the first person seemed wholly unavoidable, in order to record a very personal experience.

These ancient, sensible rules—regarding the pronoun as well as the August vacation—are both going to be broken in this space for a while, however. A personal explanation is needed. The truth is that unless I am gravely mistaken, I am the only reporter in this city teeming with reporters, who goes to bed every night praying that he is dead wrong.

It is an odd predicament for any reporter, since reporters always prefer to be dead right. Yet it is easy to explain why I pray that I am dead wrong.

I see danger—fearful danger—hanging over this country that I love. I keep hoping it is a mirage, in which case I shall indeed be dead wrong. Yet history says that the danger can be all too real.

History, of course, is sadly outmoded in the United States today. "Our young people," they now say solemnly (as though that were final), "have rejected history." At least in reverse, it reminds me of the story of Margaret Fuller and Thomas Carlyle.

Margaret Fuller was a self-inflated female belonging to Emerson's circle. She made the somewhat pompous announcement: "I accept the universe!" On hearing of her announcement, Carlyle remarked bleakly, "By God, she'd better!" As to rejecting history, the suitable comment is: "By God, better not!"

The existence of laws of history is firmly denied by the sleazy anti-historians who now flourish in the alleged history departments of so many of our universities. Unfortunately, however, history has its laws, although they were few in number. All can be included in a single sentence:

"Nothing endures, because there is always change and there is always war."

As will be noted, there are three statements in the sentence, that "Nothing endures," that "There is always change," and that "There is always war." If these statements do not express historical laws, it must be noted that human history, at any rate to date, has produced no exception to them.

No human society, however successful, has ever lasted indefinitely, for just the reasons stated. I can see no reason, either, to suppose that God, or providence, or history, has made a special exception in favor of our country.

If that is true, moreover, our country is now in a situation that has no real precedent in the past. By no accident at all, the main historical ages have been traditionally named after the main raw materials of men's tools and weapons—the Stone Age, the Bronze Age and the Iron Age, to be exact.

Now, however, we live in the age of the H-bomb. That is the vast and dreadful change that has occurred in the lifetimes of many of us.

There are two reasons why this change has placed our country in a unique and unprecedented situation. The first is economic. Besides the Soviet Union, and perhaps Communist China in the fairly remote future, only the United States can afford the huge investments that must be made by any serious nuclear power.

As to the other reason, it has to do with historical process itself. Ancient societies have fallen by the wayside; Ancient ways of life have to be abandoned: Strong and ancient peoples have dwindled (or have been extirpated)—with each great change that has caused the historical process to mutate. From stone to bronze; from bronze to iron; from iron, indeed, to industrial steel, this has always been true.

The present mutation of the historical process is the most extreme on record, however. Power, alas, rules men. In the new situation, those who seek to rule all men—to have world empire, in short—ultimately need only two things. They need a worldwide nuclear monopoly, plus the toughness to use this monopoly in an exemplary manner.

Look at any photograph of Marshal Andrei Grechko or Leonid Brezhnev. Above all, read their records, in the Stalin time or concerning Czechoslovakia, for instance. You cannot rationally doubt their toughness or their liking for empire.

Yet this country, alone and foolishly guilt-ridden and confused by false councils is literally all that stands between these hard-faced men and the rule of the whole world. That is what now places us in such a lonely and unknown situation. And that situation cannot be escaped.

Alternatives for United States

(By Joseph Alsop)

On the day before they loosed the bomb on Hiroshima, this reporter came within an ace of deciding to join the Communist Party. Even today, the reminiscence is perhaps relevant.

In brief, the China theater commander, Gen. Albert C. Wedemeyer, had been warned by the Joint Chiefs of Staff that a nuclear bomb would be dropped on Japan. The indicated drop-time was still about 48 hours ahead when Gen. Wedemeyer gave a farewell dinner for my old chief of those days, Gen. Claire L. Chennault. And Gen. Wedemeyer told us at dinner what lay just ahead.

The news meant, of course, that the war would soon be over; but it meant, too, that the ultimate weapons had been perfected. In consequence, although I do not want to over-dramatize, the sole emotion that I can now remember feeling was undiluted horror.

The next day, Gen. Chennault's plane took us on to New Delhi. On the long air journey, there was ample time to think and all too much, alas, that needed thinking about. With the ultimate weapons unleashed upon the world, it seemed to me that what was then called "one world" was the only rational solution. But I had enough sense to see that "one world" would never be produced by such an instrument as the United Nations.

I also had enough sense to share very few of the squashy-minded delusions about Josef Stalin's Soviet Union, that were so common at that time. Yet it appeared to me that the Communist Party was the only organization seeking to create "one world" in what may be called a practical manner.

So for hours in the air, I wondered whether I should become a Communist. Only as we reached New Delhi, I concluded that this particular alternative was basically unbearable.

The little anecdote of over a quarter century ago may seem ridiculous; yet it still has its point today. The point is, quite simply, that the rational alternatives still confronting every American are really hardly different from those I pondered over the Himalayas.

The alternatives, basically, are to submit to the Soviets, thereby creating "one world" rather rapidly; or to make the great efforts and sacrifices and investments that are needed to maintain a plural world, with room in it for free societies. The choice is uniquely American, for the reasons indicated in the last report in this space.

At bottom, there are two reasons. On the one hand, the Soviet Union can, and moreover quite surely will, create its own kind of "one world," if the Soviets ever manage to attain a nuclear monopoly. Given an effective nuclear monopoly, plus the will to make some hard examples, any nation today has world empire within reach.

On the other hand, the United States, as the only other serious nuclear power, is therefore all that stands today between the Kremlin and world empire. If you think about it at all, this clearly means that the unique American situation is also a most exposed situation.

Here, however, the main fact to note is rather different. It is the simple fact that Americans cannot possibly escape the responsibilities resulting from America's present unique situation They are heavy and costly responsibilities. A great many people in this country now wish to ignore these responsibilities—to pretend that they are not really there—because of their unhappiness over Vietnam.

Yet this is an utterly untenable position, unless, for instance, you are cold-bloodedly prepared to see Israel crushed out of existence by the surrounding Arabs, with active military support from the Soviets. In 1970, the record is clear that the Kremlin gave serious consideration to just this enterprise of crushing Israel. And if the Kremlin has drawn back today, American power is the ultimate reason.

The plain truth is that until there are other serious nuclear powers among the nations, American power alone can prevent the Soviets from repeating, at will, other operations like the one that crushed the Czechs' new birth of freedom. Nor is that the end of the story. The new isolationism is not merely cruelly cold-blooded; it is also ludicrously impractical, at least for those neo-isolationists who sincerely desire what used to be called "Fortress America."

When the Soviets were seriously considering striking down Israel, for instance, their real aim was not Israel's destruction. Their aim was to get the whole Middle East in their grip, and thereby to turn the whole world balance of power almost upside down.

Yet we cannot maintain a true "Fortress America," while permitting the Soviets to do what they choose with the world power balance. It is simply not a feasible thing to attempt.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I take this opportunity to commend the gentleman from New York and the gentleman from South Carolina for the leadership they have exhibited in this discussion this evening, with participation by a very substantial number of Members, which has indicated, I believe, their wisdom and the objectivity with which they have approached this subject. I commend them both for the excellent presentations and leadership.

Mr. Speaker, I welcome the opportunity to take part in this special session today, in which we give consideration to some of the great questions of war and peace as they relate to problems of national defense. This gives us an opportunity to raise some serious questions about the progress of the SALT talks, so shrouded in secrecy, and some of the "breakthroughs" we have been told about in them which may turn out on closer inspection to be simply concessions we have made without receiving anything in return.

It is in the interests of the United States, whose people we represent, to see to it that this sort of thing does not happen. After all, the results of the SALT negotiations will have tremendous implications for all of us, for the future of our own society and of the free world. It is only fitting that we should examine, long and carefully, the positions which both sides are taking in the negotiations and, at the same time, the whole problem of our defense capabilities, which—as we are beginning to recognize more and more widely—have declined by comparison with the arms buildup of the Soviet Union.

In my remarks, Mr. Speaker, I would like to say a few words about the psychology of the Soviet citizen as compared with our own. One naturally is inclined to interpret the reactions of foreigners to specific events in terms of how he himself would react to them. We tend to assume that all other people are pretty much like us, from the Vietnamese peasant to the Arab nomad. This misreading of the world gets us into some pretty serious difficulties on occasion. When you think of how frequently we are surprised by things our own people do and which we did not expect, we ought to be even more careful about assessing citizens of foreign nations.

In the case of the Russians, we are dealing with people who are not only of another nationality, but who also espouse a world view which we call Communist, and which is very different from ours. These two things superimposed—the difference in national character plus the difference in ideology—mean that in negotiating with the Soviets we face people who look at things very differently indeed from the way we do. Even if we made no attempt to define what these differences consist of, it would be very helpful to remember simply that these differences exist.

For one thing, the Russians are very definitely accustomed to overstatement. Whenever the ordinary Russian hears his leaders say something—that the production of television sets will be increased by 20 percent, say—he will automatically scale it down in his mind by a very large percentage, if he believes it at all, for he has become used to the notion that political leaders exaggerate. Anglo-Saxons, on the other hand, tend to understate things very often. Thus, when the Russian hears an American say something which is understated to begin with, and then scales it down by the usual fraction in his own mind, he arrives at an estimate which is very far from the truth. The lesson from this is that if an American wants to communicate effectively with a Russian, he has to exaggerate his own statements a bit, and at the same time discount a great deal of what the Russian tells him. Then the two sides to the exchange may be closer to the truth.

The greatest difference between Russians and Americans, however, is one of ideology. The sorts of Americans who conduct our negotiations with the Russions tend to be intellectually trained and are not ultra rigid in a philosophical sense. Most Russian negotiators, however, do believe in Marxism-Leninism as a philosophy of history; they give intellectual assent to a philosophical system which answers most of their questions rather neatly. The Americans, being pragmatic and practical, cannot understand the commitment of their Soviet counterparts: they dismiss Soviet doctrine as something in which they must appear to believe, but which they do not really take seriously. Since we Americans do not take it seriously, it follows that they cannot either. The Russians, though, look at things the other way: They cannot understand how Americans can operate without philsophical beliefs with a rigid structure. As a result, they attribute beliefs which are the mirror-image of their own to us, or else they seize upon Christianity as the only ideology available to us.

If negotiations between the United States and the Soviet Union are to be realistic, we must keep the difference in our psychologies clearly in mind, and not assume that the Russians are just Americans who happen to speak another language. We are separated by more than language, and the recognition of this fact is the beginning of negotiating wisdom.

Mr. Speaker, I reemphasize the point that a number of Members have made this afternon that the foreign policy of the United States is to seek a world of peace, while the foreign policy of the Soviet Union and of Red China is to impose some form of communism throughout the world. Our Armed Forces face the responsibility of defending our freedoms, and maintaining our obligations to our free world allies. The offensive buildup of Soviet armed forces is consistent with the dreams of world control that the Communists maintain.

Mr. STRATTON. Mr. Speaker, I appreciate the very generous remarks of the gentleman from Illinois.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, I want to join my colleagues who are speaking this evening, as well as the gentleman from New York (Mr. STRATTON) and the gentleman from South Carolina (Mr. SPENCE), whom I congratulate for taking the initiative in this great and vital area of our national security.

In all the discussions today about our strategic position, many have pointed to the lamentable decline and fading of our superiority in strategic weaponry. Others have pointed out that the current SALT talks may lead to dangerous technological and political imbalances which may leave us without the means to defend ourselves against Soviet attack.

However there is another danger, a danger of which many are seemingly unaware. Some people seem to think that it is of no practical difference whether we have nuclear superiority or not. They think that a treaty—a mere scrap of paper—can provide us with the necessary security against enemy attack.

Mr. Speaker, I wish to address myself to the real meaning of strategic superiority, and that meaning goes to the very essence of our nationhood. We forget that the ability to defend ourselves successfully is the very basis of our sovereignty.

Smaller nations can depend upon their stronger allies to remain free. But when you are the most powerful nation in the free world, there is no one to whom you can turn. If we become strategically inferior to the Soviet Union, we have lost our nationhood; we have lost our sovereignty. In short, we have lost the freedom to make our own decisions uncoerced by the rest of the world.

Moreover, there is a more subtle danger. We can also lose our sovereignty through negotiations. There is always the temptation that supranational arrangements may take the place of our Constitution as the supreme law of the land. When such negotiations could conceivably place us in a position of strategic inferiority, then it is plain that our sovereignty could be swallowed up in the trap of negotiations.

Mr. Speaker, I was greatly concerned about this question when I recently read a paper on the subject by Prof. Henry Paolucci, of St. John's University. Professor Paolucci is no ivory-tower academician. He is a distinguished scholar in his own right, and a recognized political thinker. But more important, he has been in the realm of practical politics.

Professor Paolucci warns against the atmosphere of secrecy which has surrounded the SALT talks, and points out that the Soviet Union and the United States do not enter the talks upon the same basis. Dr. Paolucci says:

> Although the Soviet Union is not constituted as a nation-state—although it legally and ideologically rejects the notion of occupying a 'separate and equal station' among the powers of the earth—it has consistently exercised the prerogatives of sovereignty in its relations with the United States.

In other words, the Soviet Union has as one of its goals the elimination of the concept of the nation-state. Dr. Paolucci says:

> From its inception, the Soviet Union has regarded itself as a powerful means for the realization of a stateless, classless world community, to be built upon the ruins of the traditional nation-state system. It has acted like a sovereign nation-state, but it has never accepted the nation-state system.

With such an unequal situation prevailing at the negotiation tables, Professor Paolucci believes that the Soviets will take advantage of the different goals to tempt the United States to purchase a "secure peace" by a sacrifice of the prerogatives of sovereign nationhood. Under such an agreement, the Soviets would sacrifice nothing, because they do not believe in the nation-state system anyway.

The danger comes when the architects of the American negotiating posture draw up their guidelines for the negotiating effort. Professor Paolucci points out that President Nixon's chief adviser, Henry Kissinger, is only one in a long line of Presidential advisers who have urged an end to our Constitution and the sovereignty it enshrines. Like Walt Whitman Rostow and McGeorge Bundy, says Professor Paolucci:

> Henry Kissinger, too, expresed as recently as 1965 the conviction that the time was at hand for a surrender of nationhood because "institutions based on present concepts of national sovereignty are not enough." The ultimate goal of a supranationalist world community, he wrote, "will not come quickly; many intermediate stages must be traversed before it can be reached. It is not too early, however, to prepare ourselves for this step beyond the nation-state."

All of this brings us to the question then, of what is actually transpiring at the SALT talks. Are we gradually being sucked into a system that will supplant our national sovereignty with a supranational arrangement. Is this what Rostow meant by "an end of our nationhood as it has been historically defined?"

Mr. Speaker, Professor Paolucci's paper is well reasoned, and of immense benefit to all those studying this question, and would like to include it in the RECORD at the conclusion of my remarks:

THE "TOP SECRET" STRATEGIC ARMS LIMITATIONS TALKS AND OUR NATIONAL SOVEREIGNTY

If Henry Kissinger and the President he advises were committed to guarding the sovereign independence of this nation at all costs, nothing could be more conducive to the stabilizing of international relations at this time than strategic arms limitations talks with the Soviet Union.

On the other hand, if Henry Kissinger and the President he advises are committed to eliminating the possibility of a general war *at all costs,* then nothing could be more dangerous, nothing could be more disloyal than to veil in absolute secrecy, as the SALT meetings are indeed veiled, the negotiations whereby our sovereign independence of almost 200 years' standing may be bargained away.

Although the Soviet Union is not constituted as a nation state—although it legally and ideologically rejects the notion of occupying a "separate and equal station" among the powers of the earth—it has consistently exercised the prerogatives of sovereignty in its relations with the United States. It was not in the least tempted to make a sacrifice of its sovereign independence to purchase peace even when the United States enjoyed an absolute monopoly of atomic weapons. Certainly it is not prepared to do so now. Our atomic monopoly was reduced to a preponderance before it faded into parity. And now parity has been reduced to sufficiency, which, by definition, cannot suffice to do what preponderance or parity could do. Sufficiency is a move downward.

Meanwhile the Soviets have passed from total deficiency through sufficiency (in our current sense) to parity; and they are now rapidly on the way, with only the vaguest propaganda-hint of any possible self-restraint, toward absolute preponderance. Thus, in this nuclear arms "race," the United States and the U.S.S.R. have been for a moment on the same level—but only in the sense that an elevator going down may be for a moment on a level with an elevator going up.

What are the Soviets disposed to sacrifice in the SALT negotiations to spare mankind the risks of a nuclear holocaust? We can be certain of this: they will not sacrifice their sovereign independence with all the prerogatives of their major power status.

Can the same be said of the government of the United States in this time of acute domestic turmoil and intellectual alienation? Is our political independence, our sovereign nationhood, on the bargaining table? Is it to be a sacrifice of last resort, if peace cannot be purchased otherwise?

From its inception, the Soviet Union has regarded itself as a powerful means for the realization of a stateless, classless world community, to be built upon the ruins of the traditional nation-state system. It has acted like a sovereign nation state; but it has never accepted the nation-state system; it has never defined its independence as the assumption of a "separate and equal station" among the powers of the earth. American independence is, and has been from the beginning, the independence of membership in a system of independent states, Soviet independence, on the contrary, presupposes the "fading away" of its sovereign political characteristics once the non-communist nation-state governments have been destroyed.

One way the government of the United States could purchase a "secure peace" with the Soviets would be by a sacrifice of the prerogatives of sovereign nationhood. Is it conceivable that Henry Kissinger and the President he advises might, for reasons best known to the great brain-trust of civilian war strategists who had advised our Presidents since 1961, contemplating such a sacrifice? Today, because of the shift of focus in our war-peace debate—a shift brought to unexplored frontiers by the Pentagon Papers affair—Walt Rostow can now be represented as some sort of hard-line traditionalist, whereas, when he came to Washington in 1961, he was clearly a revolutionary in his concept of "security" in the nuclear age. He had argued in *The United States in the World Arena* (New York, 1960, p. 549)):

"It is a legitimate American national objective to see removed from all nations—including the United States—the right to use substantial military force to pursue their own interests. Since this residual right is the root of national sovereignty and the basis for the existence of an international arena of power, it is therefore, an American interest to see an end to nationhood as it has been historically defined."

Despite its academic articulation, that is a highly revolutionary doctrine. The legitimacy claimed for it is certainly not an American constitutional legitimacy. It proposes to sacrifice the sovereign national union of which the Constitution is the organic law. If it indeed comes to pass, as many of our professed enemies hope, that there is an end of our nationhood, our Constitution will constitute nothing.

McGeorge Bundy shared Rostow's view of the matter. And Henry Kissinger, too, expressed as recently as 1965 the conviction that the time was at hand for a surrender of nationhood because "institutions based on present concepts of national sovereignty are not enough. "The ultimate goal of a supernationalist world community, he wrote, "will not come quickly; many intermediate stages must be traversed before it can be reached. It is not too early, however, to prepare our selves now for his step beyond the nation-state."

Bundy, Rostow, and Kissinger have put their theory into practice in their increasingly powerful service as chief presidential advisors for national security affairs under Presidents Kennedy, Johnson and Nixon. The Ellsbergs have been impatient for results. But the Rostow-Kissinger counsel has been: Be patient in your hearts, however much you protest on the campuses and in the streets, and raise a hullabaloo with stolen "top secret" papers. Americans must learn how to lose while armed with nuclear weapons before they can be induced to give up (in Rostow's words) "the right to use substantial military force to pursue their own interests."

Is the time now ripe for negotiation to put an end to our nationhood, for taking the step beyond the nation-state? If it is done in secrecy, while the Times and its powerful allies are celebrating an end to secrecy, it will have to be registered in the annals of history as the greatest betrayal of public trust ever perpetrated in a civilized nation.

That is the great danger of the secret SALT negotiations. The "temptations" not to lose the Vietnam war experienced by Presidents Kennedy and Johnson have been extravagantly publicized. Now we ought to have comparable publicity on "temptations" of Henry Kissinger, and the "devoted pacifist" he advises, to put an end to our nationhood as it has been historically defined.

Just after leaving office in 1968, Robert S. McNamara wrote (*The Essence of Security,* p. 53):

"If the United States is to deter a nuclear attack on itself or its allies, it must possess an actual and credible assured-destruction capability . . . capable of damaging the aggressor to the point that his society would be simply no longer viable in twentieth century terms. That is what deterrence of nuclear aggression means. It means the certainty of suicide to the aggressor, not merely to his military forces, but to his society as a whole."

That was what deterrence of nuclear aggression meant in U.S. policy up until the end of President Johnson's term. But, with the entry of Mr. Nixon and Mr. Kissinger into White House offices in January 1969, there was a basic change. In the "State of the World" message of 1970, Nixon referred explicitly to the inherited policy of assured destruction, remarking that, "once in office, I concluded that this strategic doctrine should be carefully reviewed." He went on to say that, as part of that review, Kissinger and his staff would explore the following question: "Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of the certainty that it would be followed by the mass slaughter of Americans?" That question was answered in the 1971 message, where we read:

"I must not be—and my successors must not be—limited to the indiscriminate mass destruction of enemy civilians as the sole possible response to challenges. This is especially so when the response involves the likelihood of triggering nuclear attacks on our own population."

Thus, the policy of McNamara, which was a drastic reduction of deterrence in the quantitative sense, as compared with the Eisenhower-Nixon-Dulles policy of Massive Retaliation, is here reduced to non-existence. What McNamara defined as the *essence* of nuclear deterrence—"the certainty of suicide to the aggressor, not merely to his military forces, but to his society as a whole"—has been abandoned by the Nixon-Kissinger administration.

If the Soviets are assured, through secret SALT negotiations, that our posture of nuclear deterrence is indeed what the Nixon-Kissinger messages say it is, then that "American interest," of which Rostow wrote, "to see an end to our nationhood as it has been historically defined" will have been realized.

If we have not the will to do what McNamara defined as the essence of deterrence then we have no deterrence. We invite the ultimate form of nuclear blackmail.

Needless to say, if the secret papers on this subject are published, and, by some act of military boldness, our armed forces prevent an American surrender to blackmail, there are bound to be recriminations.

[From the Congressional Digest, December 1965]

"The Soviet Union and International Agreements", issued by the U.S. Department of State: "It is clear that the Soviet Union has violated a number of major international agreements and treaties. The record is well known, and there are various lists of the agreements which the Soviet Union has violated."

At least 55 major treaties and other agreements have been violated by the Soviet Union since the early 1920's—42 treaties entered into since U.S. diplomatic relations were established. More than 100 agreements have been concluded; 42 of these are formally termed treaties.

Mr. STRATTON. I thank the gentleman.

These are not comments by members of the Committee on Armed Services, these are not comments by the military-industrial complex, this is Jane's Fighting Ships, a document that has been recognized for years as being a sober, conservative estimate of the comparative military powers around the world.

Let me give a second example. The June 18 issue of Life magazine, which has not been particularly gentle on the Congress of the United States, contained an article by George Hunt, former managing editor of Life magazine, under the heading of "Four-Star Military Mess. The blunt fact is that we are about to become No. 2." And this article says that the truth is that the U.S. military is in ragged shape, lacking in technology, undermined by inflation, by wornout strategies, by wornout ways of top direction, and allocating of budget money. The Vietnam war has ravaged it, gnawing at morale and discipline. In some 8 years Russia has caught up, and is now going ahead of us in many categories of missile strength. It will take fast and skillful work to put the military back in shape.

That is Life magazine, not the military-industrial complex.

As a matter of fact, the irony is that this article criticizes Congress for allowing our military posture to deteriorate, and yet I am sure I remember that not too many weeks ago this same magazine was criticizing Congress for spending too much money on military expenditures.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a question?

Mr. STRATTON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I know the gentleman in the well, the gentleman from New York (Mr. STRATTON), as well as the gentleman from South Carolina, are very, very hard-working members of this committee, and I have always respected them for their sincerity and for their perseverance, but has anybody on your committee or anyone else that you know of developed a formula to give us some idea of how many minutes to zero we have before the Soviet Union does issue an ultimatum on this country once it has gained military superiority?

Mr. STRATTON. That of course, as the gentleman from Illinois knows, is the real problem that we face. Some people seem to think that this matter of nuclear balance is something that can be determined carefully by a scale. Some people seem to think that the question of sufficiency is something that can be accurately measured in comparison to superiority, and as long as the scale rises in this direction and does not begin to swing over this way, we are all right. But the fact of the matter is that these are not precise determinations. What really is important is what the enemy thinks. We could well find ourselves, as the gentleman suggests, confronted with the kind of superiority in nuclear weapons on the part of the Soviet Union that is very similar to the superiority that we had at the time of the Cuban missile crisis, and then we could find ourselves blackmailed into accepting some particular demand.

That is the kind of thing that we have got to avoid, because if we should be confronted, let us say, with a Soviet threat to hit our cities with nuclear missiles unless we allowed Egypt to drive the Israelis to the sea, I do not know what the answer of this country would be.

Many people who have been deploring our attempt to build up our defenses are strong in urging us to come to the aid of Israel in the Middle East. I have been one of those who supported our coming to the aid of Israel. But we cannot provide a deterrent to the Soviet Union's attempts to stimulate the Egyptians to drive the Israelis into the sea without having a strong military defense of our own. And the gentleman is absolutely correct in indicating that we could be blackmailed.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield further?

Mr. STRATTON. I yield to the gentleman.

Mr. PUCINSKI. Does the gentleman see any parallel between the middle 1930's and the middle 1970's? As the gentleman recalls, because of the economic problems we had in the 1930's and because of the deficits, we just hopefully kept shortchanging the Defense Establishment to the point where we did not have anything.

Now, is there any possibility in the gentleman's judgment that we are perhaps approaching the same situation now where there is great pressure on the Congress to balance the budget even at the expense of our minimum defense needs to protect this country?

Mr. STRATTON. The gentleman from Illinois is much younger than I am and I had not realized that he could remember back that far. But I must say that I have been seriously disturbed by the parallels between our situation today and the situation in the early 1930's and the late thirties and the parallel I am afraid is frightening.

We have a temper in this House I am afraid and particularly in the other body that is very much like the temper in the House of Commons under Neville Chamberlain—and those who speak about the need for defense are regarded as crackpots just as Winston Churchill was regarded as a crackpot back in 1938.

I can remember, although I am not sure that the gentleman can remember as far back as that in 1938 reading an article in the New York Times magazine section about a rather sad member of the British Parliament who had had a rather promising career and who had been a brilliant writer and who had gone into politics at an early age and who had been Chancellor of the Exchequer and First Lord of the Admiralty. He seemed to have a great future but as he had grown older he had gotten hit on the subject of defense—and everybody knew he was a little bit off his rocker. And he was a back-bencher in the Conservative Party. And that of course was Winston Churchill.

We find, I am afraid, some of the same kind of consequences because of the initiative of the gentleman from South Carolina and those of us who are taking part in this. Maybe we can prevent that from happening here.

Mr. Speaker, there is one third point that I want to mention and then I will close and that is that there have been two developments in the last 2 weeks which I do not think many people have realized but which could also have a very serious impact on our future.

One concerns Iceland. We are concerned about the Soviet submarines there in the North Atlantic. Those submarines come down from the north through the narrow passage between Iceland and the Faeroe Islands. We have a base at Iceland on Keflavic. We can keep an eye on those submarines and we know what the threat is.

The other day they had a political change in Iceland and the new administration is threatening to throw us out of our base there, in the next 4 or 5 years. That could have a very disturbing and unsettling impact on the balance of our NATO forces.

The other development is as to what has taken place in Malta. The problem we face in the Mediterranean is the Soviet operation there and also our trying to protect Israel and prevent war in the Middle East.

First our 6th Fleet has to operate in the eastern Mediterranean. But with all of the Soviet submarines there we cannot do much without an adequate air cover and without adequate antisubmarine aircraft protection—and that protection has been flying from Malta. But the British are leaving Malta in the next year. They had an election the other day and the new Premier of Malta who is very chummy with the new Premier of Libya, who as you know ordered those jet aircraft to bring down the Soviet airliner the other day—the new Premier of Malta has told us he is going to kick out the British and he is not going to let the Americans into Malta. And if we do not have any air protection out of Malta I do not know whether we are going to be able to back up Israel and the eastern Mediterranean.

That is the third serious development.

So all of this points up the shifting balance of power and I think it is time we in this House realize that we are faced with a problem and as the gentleman from Illinois has eloquently implied—let us not get in the position of the British House of Commons in the 1930's under Neville Chamberlain.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from Illinois.

Mr. CRANE. I would like to take this opportunity to offer my profound congratulations to the gentleman from New York as well as the gentleman from South Carolina, both distinguished members of the Armed Services Committee, both in a unique position to understand the nature of the peril to our national security that has been revealed through the remarks made by colleagues this evening.

I had the privilege of attending a press conference this morning where yet another colleague, the distinguished gentleman from Maryland (Mr. HOGAN) made in my judgment, a most astute observation. He pointed out that the news media unfortunately have chosen to fix in a most critical manner on our Defense Establishment, particularly with respect to the so-called cost overruns that occasionally occur in defense bidding, and he then observed that these overruns occur in virtually every area where the Federal Government contracts to have services performed.

One example that he cited most specifically of the cost overrun was the Kennedy Art Center here in Washington, D.C., where the costs have come to approximately double what was initially anticipated. He did not intend to be critical of this overrun in that instance. He did observe the fact that it is difficult for one to be able to make a projection as to what his costs may be in a time of extreme inflation and the steadily rising prices we are confronted with as a result of rather dramatic wage increases. What he did attempt to fix on was the refusal on the part of many in the news media to devote equal attention to that kind of cost overrun as they do to cost overruns in military apropriations, and I think it was a most significant and important point, and one which we should keep in mind when we are inclined perhaps to be a little bit critical of this unfortunate procedure that does occur and not, I am sure, because of a malicious intent to do so, but because of the factors that the distinguished gentleman from Maryland referred to; namely, inflation and inability to make this kind of projection as to what our costs may be in any Federal enterprise.

But the final point he made in that press conference this morning was that we have to be aware that the foremost responsibility of the Federal Government is to guarantee our national security and, as a result, because of an imbalance in terms of news media attention to one aspect of our problem here in Washington, we are confronted increasingly with the prospect of a deteriorating defense posture that could conceivably lead to the demise of all those hopes, ideals, aspirations and values cherished by all Americans. It is in this context that I wish to address some remarks to the subject that we have touched upon tonight.

We have always prided ourselves on being the world's most powerful nation. We have said to ourselves and to others that we would use whatever force was necessary to preserve our freedom, and theirs, from any potential aggressor. We have used that power to defeat nazism and fascism during World War II, to defeat Communist aggression in Korea, and to prevent the Communist domination of Europe and Asia in recent years. This we have done through a series of alliances, such as NATO and SEATO, and through many bilateral treaties and agreements with nations who have depended upon us to support and defend them against possible aggression. Today, we say that our commitments are as firm as ever—to Israel, to Western Europe, to South Vietnam, to Taiwan, and elsewhere.

Yet, today our leaders no longer tell us that our country is the world's most powerful. In more technical terms we once spoke of "superiority," and later spoke of "parity." Now we hesitantly argue that our military forces and weapons arsenal will provide "sufficiency," a term which remains undefined.

It is as if Americans awakened one morning to find that all of their confident assumptions about their country were no longer true, as if they discovered that not only could their country not fulfill its commitments to others, but could not even defend itself.

For some months there have been bits and pieces of commentary, in the press and in scholarly journals, to the effect that something is drastically wrong with our national defense posture. Let us, briefly, review some examples of this growing concern.

Only last week a British military expert said that American naval strength is in a serious decline while the Soviet fleet has expanded into a "supernavy" with a greatly increased sphere of influence.

> The situation for the United States is serious—

Raymond V. B. Blackman, editor of the authoritative Jane's Fighting Ships, said in the foreword to the 1971–72 edition. Mr. Blackman added:

> By any standards the Soviet fleet now represents the supernavy of a superpower.

He wrote:

> So prolific has the Soviet naval shipbuilding effort been that the U.S.S.R. is now able to maintain a standing naval force in the Mediterranean five times stronger than five years ago to counter the American Sixth Fleet . . . Again, five years ago the U.S.S.R. had no warships in the Indian Ocean, but today there are a score of surface ships alone, and there is no telling how many Soviet submarines are in the area.

Norman Polmar, editor of the American section of the 729-page annual, painted a gloomy picture of U.S. naval development:

> The size and relative capabilities of the United States Navy, he said, continue to decline at what many authorities consider to be an alarming rate . . . The force levels of the fiscal year 1972 budget reduce several categories of warship to their lowest strength for a decade.

Mr. Polmar wrote:

> The Soviet Navy, however, has already exceeded the U.S. in active surface-ship and submarine numbers, including near parity in nuclear-submarine strength and a larger submarine construction program. In some respects the characteristics and capabilities of the Soviet ships obviously are superior to those of their U.S. Navy counterpart.

That our position in the Mediterranean is in a serious state of decline is beyond question. In an important report in the July 19, 1971, issue of Newsweek magazine, senior editor Arnaud De Borchgrave states:

> There is no question in my mind that the Russians see America's loss of taste for international leadership as the opportunity to become the dominant power in the Mediterranean and, ultimately, in the entire Eurasian land mass and adjacent oceans.

Looking forward to the possible "Finlandization" of all of Western Europe, Mr. De Borchgrave points out:

> With the proliferation of Soviet power in the Mediterranean and along Europe's oil supply routes, Moscow hopes to discourage a separate European defense effort as futile, thereby encouraging a trend toward West European neutralism.

Looking to the future, and aware of the danger of the growing neo-isolationism in the United States, not only among the New Left but even among more allegedly responsible spokesmen, Mr. De Borchgrave notes that—

> The combination of neo-isolationism in the U.S. and neutralism in Europe could be the mix that removes the Sixth Fleet from the Mediterranean without a shot being fired.

Because of their fear of an imminent American withdrawal from the Mediterranean, the Newsweek editor reports:

> Even Franco Spain and the colonels in Greece are doing what they can to improve relations with Moscow. For by conveying the impression that over the next few years domestic affairs will enjoy priority over foreign affairs, America is, in effect, telling Moscow: "This is your round in the Mediterranean. Make the most of it."

Our Government cannot be both sincere in its commitment to NATO, to Israel, and to our other allies in the Mediterranean and committed to the kind of "reordering" of priorities which places defense in a lesser position. At some point, a real choice must be made.

The Mediterranean, however, is only one of our problems. Shortly after his inauguration in 1969, President Nixon appointed a select group of distinguished citizens to examine the organization setup and contracting procedures of the U.S. Department of Defense, and to make recommendations for improvements. On July 1, 1970, the panel submitted to the President and the Secretary of Defense its report on those specific matters. Subsequently, seven members of the panel submitted a supplemental statement on related matters which they deemed to be of vital concern to the Nation.

This supplemental statement declares:

> The convergence of a number of trends indicates a significant shifting of the strategic military balance against the United States and in favor of the Soviet Union.

The trends set forth include, first, the growing Soviet superiority in ICBM's; second, the Soviet commitment of greater resources than the United States to strategic offensive and defensive weapons, with the continued deployment thereof; third, the possibility that present U.S. technological superiority will be lost to the Soviet Union; fourth, the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; fifth, the rapidly expanding Soviet naval capability; and, sixth, the mounting hostility of segments of the public toward the military, the Defense Establishment, and the "military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the United States.

Citing facts which are shocking to most Americans, the report states:

> The Soviet SS-9 ICBM force alone is capable of delivering a megatonnage of nuclear warheads several times greater than that of the entire U.S. force of ICBM's and SLBM's . . . The situation which our country faces is without precedent . . . It is not too much to say that in the 70's neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure.

This alarming statement, throwing into question for the first time the survival of our society, had been in the hands of our Government leaders since September 30, 1970. When it was released by the Pentagon on March 12, 1971, neither Government nor the media, with the single exception of U.S. News & World Report for April 5, 1971, deemed it a matter to be made known to the American people. Dr. A. G. B. Metcalf, physicist and military analyst for the American Security Council, points out that the statement of Secretary of Defense Melvin Laird before the House Armed Services Committee on the fiscal years 1972–76 Defense program and the 1972 Defense budget, dated March 9, 1971, comprising 191 pages, devotes 39 pages in section II "Toward Better Management of Human, Material, and Economic Resources in the Department of Defense," growing, in part, out of the work of the Blue Ribbon Defense Panel.

It gets down to such subjects as "drug abuse in the Armed Forces" but, curiously, no mention of the Blue Ribbon Panel's supplemental statement on what Dr. Metcalf calls the Nation's peril and the chilling portent to the free world, of our now overshadowed defense posture which no longer provides a realistic deterrence. How is it that recommendations of the blue ribbon panel can be adopted as to "major changes in the organization of the Department" and other recommendations affecting the survival of our national life be swept under the carpet?

While those who have the authority and responsibility to maintain our national strength seem surprisingly hesitant to discuss the facts and to propose programs which will once again place us in a superior position, military experts have been vocal in attempting to set these very facts before the public. In an important article in the spring 1971 issue of Modern Age, Anthony Harrigan, an expert on military matters, points out that—

> Today—less than a decade after the Cuban missile crisis—the United States no longer is the first military power in the world . . . in terms of overall military capability the Soviet Union is ahead of the United States. Where the Soviets are now on a basis of parity with the U.S., they are moving ahead rapidly.

Mr. Harrigan notes that at the present rate of Soviet missile deployment, the U.S.S.R. should have 2,500 ICBM launchers by 1975. He states that—

> Unless dramatic action is taken this year, the United States will still have only 1,054 missile launchers four years from now.

In addition, while the Soviets are expanding their missile submarine force at a rapid rate, no U.S. missile-firing submarines have been built in more than 2 years. None is definitely announced for the future.

Despite these facts, and others which Mr. Harrigan sets forth in this article, many in our own Government speak of SALT talk agreements as if we were superior to the Soviet Union, or at least on a parity with them. By June of this year, for example, the number of Soviet ICBM's will have increased sixfold over what it was in 1965. Adm. Thomas Moorer, Chairman of the Joint Chiefs of Staff, projects a Soviet ICBM force numbering 1,500 at that time, a force 50 percent larger than that possessed by the United States.

Numbers alone, however, do not tell the whole story. The 300 Soviet SS-9 missiles now deployed, a weapon which far overshadows our Minuteman ICBM, by themselves possess several times the destructive capability of our entire land and sea based missile force. Since the Blue Ribbon Defense Panel report was issued, Secretary of Defense Laird has noted that the Soviets have started a "new—and apparently extensive ICBM construction program." These new ICBM's will be at least as large if not larger than the SS-9's. Weapons of this size are not designed to destroy cities but rather to be used as counterforce weapons, that is, used to knock out our Minuteman force and help preclude a U.S. response to a Soviet attack.

This confirms another significant trend identified by the Defense Panel:

> The evidence is now reasonably conclusive that the Soviet Union . . . is deploying strategic weapons systems designed for a first strike capability. The characteristics of their offensive and defensive weapons systems, which the Soviets continue to expand, are consistent only with a preemptive strike capacity.

Things have gotten so bad that experts say that our present inferior nuclear position would now make the United States rather than the Soviet Union back down in the event of a 1971 version of the Cuban missile crisis. Thus, our pledge to defend Western Europe with our "nuclear umbrella" becomes less and less credible, for if we canot really defend ourselves, which is becoming more and more evident, we will hardly risk nuclear war to protect anyone else. The moment Western Europeans feel this to be the case, our whole system of alliances will come to an end.

In his 1968 campaign Richard Nixon declared:

> Within a year the Soviet Union will catch the United States and, if we don't get a change in leadership and policy in Washingon, will pass us in deliverable nuclear capacity.

Candidate Nixon also stated at that time that—

> I do not believe that the United States can afford to accept the concept of parity . . . the Soviet Union's goal in the world . . . is still in an expansionist stage. Our goal in the world is defensive . . . And at any kind of negotiation when one side wants to expand and the other side to defend, make sure that the side which is in he defensive position has more strength than the other side.

Yet, we are failing to provide the United States with a nuclear force which is superior to the Soviet Union. In fact, we no longer seem to be opting for parity. We have achieved only inferiority into the future. The President has stated with regard to the SALT talks that any interim proposal to halt offensive missile development would be nothing more than a mere "understanding." The Soviets, of course, are far ahead of us in long-range missiles, possessing at least 1,500 to our 1,054. As a result, any "freeze" on long range missiles would be to the Soviets' advantage.

The President also said that the United States would most likely submit any agreement on an ABM limitation in the form of a treaty to the Senate. The United States, under the proposed agreement, would not be permitted to deploy an ABM defense that could shield its major population centers from a swift, nuclear assault, but this would not hold true for the Russians. According to top Government sources, the U.S.S.R. would be permitted to keep its "thick" ABM system around Moscow.

Discussing the current policies of the administration, Dr. Stefan T. Possony, a highly regarded Soviet defense analyst now with the Hoover Institution of Stanford University, stated:

> The Republican Administration has resigned itself to accept decisive Soviet superiority . . . the longer the talks last, the stronger the USSR will get. Indeed, as the talks have stretched out, we are continuing to discover dramatic new deployment of Soviet missiles, both defensive and offensive. By the end of the current Nixon Administration, or at the latest by 1974, the USSR will possess a crushing long range missile superiority.

Experts at the Hudson Institute express a similar view. In the SALT talks, they argue that the current policy is the exact reverse of what it should be. The administration is trying to negotiate limits on defensive weapons such as ABM's which are designed to limit damage, while leaving open the question of offensive weapons. Donald G. Brennan, an expert on nuclear strategy, notes that this is a policy designed to maximize destruction. We should, he says, be more interested in saving American lives than in killing Russians.

The Soviet military advantage comes at a time when a new isolationism is growing in our country together with an antimilitary feeling, based upon the naive idea that armaments are the cause of war rather than the aggressive designs of men and nations. This same view dominated our political life in the years between World Wars I and II. The Nye committee, it must be remembered, discussed the "merchants of death" much as political spokesmen today decry the "military-industrial complex."

One result of that flirtation with weakness, and a "reordering of priorities," was that our Nation was helpless just prior to Munich and exposed at Pearl Harbor. In 1945, Gen. George Marshall wrote:

> We finish each bloody war with a feeling of acute revulsion against the savage form of human behavior, and yet on each occasion we confuse military preparedness with the causes of war and then drift almost deliberately into another catastrophe.

We already find ourselves exposed and helpless in the Middle East. The Soviet Union, for example, has recently introduced the Mig–23 Foxbat into Egypt's already formidable arsenal. This is an aircraft which can outshoot and outmaneuver anything the Israelis or the United States have. The unfortunate fact is that we can do nothing about it because we have nothing in our existing military arsenal which can challenge the Foxbat. This also applies to the aircraft in use by the 6th Fleet for its own defense and for support of ground operations. Today, there are attempts to scuttle the F–14 Tomcat which is the only aircraft competitive with the Foxbat which we are in a position to deliver to the Navy at a reasonably early date.

There are Members of Congress who have spoken out on the growing threat of American military inferiority. The Joint Committee on Atomic Energy, made up of nine Senators and nine Congressmen, of varying political views, 10 Democrats and eight Republicans, issued a report on May 24, 1971, which states that the United States, unless it moves quickly to counter a rapidly expanding Soviet threat, faces a future in which it will have to surrender to the Soviets in all issues, or risk nuclear annihilation. Any delay may mean "no future."

The 278-page report contained hitherto unpublished official reports and statements by Adm. Hyman G. Rickover and other experts on the status of Soviet and United States naval forces. The facts are that the Soviet Union has a surface navy of 2,009 units compared with a U.S. surface navy of 563 units. The Soviet submarine strength is 355 compared with 142 for the United States. The advantage in nuclear submarines in which we long took comfort has disappeared. Soviet ballistic missile submarines armed with Polaris-type nuclear missiles now patrol both of our coasts, in range of many of our urban-industrial areas. Unless we act quickly, the committee stated:

> We will soon find ourselves unable to defend our national interests.

We must remember the statement by President Eisenhower which is engraved on the keel of the nuclear aircraft carrier which bears his name:

> Until war is eliminated from international relations, unpreparedness for it is well nigh as criminal as war itself.

Why responsible public officials seem unconcerned with these alarming facts is difficult to understand. Perhaps many of them are as concerned as we, but feel the political imperatives of the day preclude laying the facts before the American people.

This is not a time to permit politics to interfere with national safety. The American people will never support a government which presides over the deterioration of our means of self-defense. This makes a strong defense posture, in the long run, the best political posture as well as the only one consistent with the constitutional mandate to provide for the common defense.

The future of the entire free world, not only our own, rests in the balance. Either we will be strong enough to resist aggression or we may slowly see a world in which we stand alone, not only unable to fulfill our commitments to others, but unable to even maintain our own national integrity.

It is, indeed, that nightmare time, when a nation has awakened to find itself second best, to find that its military has been permitted to deteriorate, that critics have urged weakness and leaders have refused to speak for strength.

Unless we become both shocked and alarmed at our current condition, and quickly resolve to reverse current trends, all of the ominous warnings cited here will become a reality. When that occurs Western civilization itself will have died—not of attack from without, but from suicide. It would be an ignoble death indeed.

Abraham Lincoln summarized the problem for us more than a century ago:

> At what point is the approach of the nation's danger to be expected? If it ever reaches us, it cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of free men, we must live through all time or die by suicide.

Finally, Mr. Speaker, I would like to call to the attention of my distinguished colleagues the various remarks I have made in the past concerning our deteriorating defense posture and also a news item which appeared in the Sunday, August 1, edition of the New York Daily News and which indicates that the need to speak out on this very serious issue is being recognized in the Senate as well. A list relating to my previous remarks follows:

March 30, 1971, Congressional Record, Page 8723, "The Path to Peace in the Middle East."

May 25, 1971, Congressional Record, Page 16960, "U.S. Strategy Beyond Vietnam."

May 26, 1971, Congressional Record, Page 17222, "Soviet Union Seeking Credit From the U.S."

June 8, 1971, Congressional Record, Page 18818, "Keep Locomotives."

July 1, 1971, Congressional Record, Page 23383, "The Selling of the Soviet Pentagon."

July 12, 1971, Congressional Record, Page 24646, "Soviet New Tactics in Germany."

July 13, 1971, Congressional Record, Page 24812, "America's Weakness Threatens Israel's Security."

July 21, 1971, Congressional Record, Page 26512, "The Plight of Totalitarian Captives."

July 28, 1971, Congressional Record, Page 27761, "America's Deteriorating Defense Posture."

July 31, 1971, Congressional Record, Page 28516, "Russians Gain in the Mediterranean."

[From the Sunday News, Aug. 1, 1971]

BUCKLEY BREAKS SENATE TRADITION AND SPEAKS OUT

(By Jerry Greene)

WASHINGTON, July 31.—New York's Sen. James Buckley (C.R.) alarmed by Russia's rapid arms development and disturbed over the growing power of the anti-Pentagon bloc in Congress, has broken the freshman senator's vow of silence in the interests of national security.

Moving quietly behind scenes, collaborating with another GOP freshman, Sen. William Brock (Tenn.), Buckley is speaking up strongly for adequate military strength to defend the country and meet vital commitments.

Buckley and Brock are developing a counterlobby within the Congress, a force to offset such outfits as the "Members of Congress for Peace Through Law," which has as one aim a drastic cut in military spending.

"If our compulsive antimilitarism is not soon brought to heel," Buckley said in a recent speech, "we will find that American foreign policy objectives will have become irrelevant because we will be without the means of implementing them, it will be irrelevant that the U.S. is committed to the survival of the state of Israel, or that the U.S. opposes a Russian hegemony in the Middle East. . . ."

When the Conservative Party's Jim Buckley came to Washington in January to take his Senate seat with the Republicans, he had determined he would not seek a leading national security role, despite a deep interest therein. He brought with him a campaign worker who became his legislative assistant, William Schneider, expert military analyst of the Hudson Institute think tank.

But Buckley, mindful of his junior status and the fact that there were veteran senators expert in the area of national defense, planned to sit in the back row and listen, at least for a respectable time.

Unfortunately, from his viewpoint, all he heard was criticism from liberal Democrats who used antiwar sentiment to assault the military from almost every angle. The Pentagon budget, the draft, the ABM, the size of the armed forces—these and more came under fire almost from the opening gavel.

Buckley and Brock and a handful of others listened with increasing concern.

The prime defenders of national security, indeed of the Nixon administration's military budget, were two Democrats—Sens. John Stennis (Miss.), chairman of the Armed Services Committee, and Henry (Scoop) Jackson (Wash.).

It was true enough that they had an occasional assist from Republicans Strom Thurmond (S.C.) and Barry Goldwater (Ariz.), but both these men were retired generals and bore a pro-military brand.

One item of note that Buckley and the rest heard, or rather, read, was a translation in April of a speech made before the 24th Communist Party Congress by Soviet Defense Minister A. A. Grechko. He wrote:

"The constant strengthening of the armed forces is an objective necessity for the successful building of socialism and communism, and one which results from the law-governed patterns of social development and from the particular features of the class struggle between capitalism and socialism. The experience of more than 50 years of socialist building in our country has fully confirmed the rightness of the military policy and the practice of armed forces building being firmly pursued by the Communist Party."

TO FILL THE VACUUM

A few weeks later, Buckley had made a decision: There was a vacuum in the Republican ranks in the Senate and he would seek to fill it.

About the same time, Brock, like Buckley a Navy veteran, reached a similar conclusion. The two senators had neighboring offices, and the collaboration was a natural.

Buckley made his first defense speech in late June. On July 14, without fanfare and definitely without any big public relations push, they arranged the first of what they called "colloquies" on the Senate floor—a series of pro-defense speeches.

The pair's aids got little cooperation from the Pentagon. Relatively new in town, they couldn't even find the right people to answer technical questions. This was a do-it-yourself sort of counterlobby; the mini-filibuster by four or five senators drew little notice. But they began a record, and they laid the facts on the line. They submitted hard evidence to show that, as Buckley put it, "we have allowed our existing forces to deteriorate to a point where the ability of the president of the U.S. to assure the defense of vital national interests may be in jeopardy."

MORE NAVY MUSCLE

The first colloquy was directed toward beefing up the Navy—the number of ships in the U.S. fleet has declined 30% since 1968, while Russia has been filling the seas. Brock acted as a sort of master of ceremonies for the fledging group.

Brock took the same role in the second production, two days ago, when eight senators voiced deep concern about strategic forces, with emphasis on the massive increases in Russian missile strength.

Buckley spoke at both these affairs. He had also been busy with other projects. At their invitation, he had addressed a group of 20 representatives on national security requirements. We are told that these 20 and 15 of their colleagues are scheduling their own defense colloquies after the congressional recess.

The New Yorker is planning an expansion of his national security activities in coming weeks. He doesn't figure there is time for him to keep playing freshman, in silence, any longer.

Mr. STRATTON. I appreciate what the gentleman from Illinois has said. I might say what he mentioned with respect to overruns is, of course, very true. The Kennedy Center, which will be opening in another month, is an example of an overrun certainly close to 100 percent, and I think it makes it perfectly clear the military is not the only area in which there are overruns.

We have a classic example in my own State, in my own district in New York, the so-called South Mall in Albany, which was the architectural dream of Governor Rockefeller. Estimated originally to cost something like $500 million, it is now well over $1 billion and it has not even been completed. In fact, I am holding my breath that they complete it, or otherwise we will have another Washington Monument in the center of Albany which will sit around for 40 or 50 years half completed, except that will be a much bigger hole than the Washington Monument was.

This is a very important point the gentleman makes, and certainly we must protect our defense in order to protect these other things.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am very happy to yield to the gentleman from North Carolina.

Mr. RUTH. I thank the gentleman from New York for yielding. I would like to commend my colleague from South Carolina for taking this special order on an issue which is so vital to our Nation.

Mr. Speaker, since the end of World War II, America has loaned money, given money away, and has shouldered much of the burden to maintain freedom for more than half the people of the world. Our people have paid in money and in lives for those decisions, which I think most Americans have supported. But now there is developing a mood in this country that it is time to cross the river and rest for awhile under the trees.

While this is understandable in view of all our past burdens, there are consequences to be paid by lowering our guard. If we will all look closely, we can observe the Soviet Union building its military and political strength in strategic areas around the globe—in the Indian Ocean, the Middle East, and in Latin and South America, for example.

I submit for the RECORD today the conclusions of the American Enterprise Institute for Public Policy Research on "Soviet Military Trends: Implications for U.S. Security." This is an authoritative report that indicates our military capabilities may not be as good as the new military capabilities of the Soviet Union. We need to take a hard look at our position. The article follows:

CONCLUSIONS

In this study, we have attempted to assess the potential implications of Soviet military capabilities and to relate current Soviet policy emphases to the growth of those capabilities. We have found that the nuclear protection provided by U.S. strategic forces to our friends and allies is being reduced by the vast increase in Soviet military capabilities. In addition, the Soviet Union appears to be developing naval and air forces capable of projecting its political influence on a global scale.

Through its superior conventional strength and growing nuclear forces, the Soviet Union is enjoying the status quo in Eastern Europe, while maneuvering to keep Western Europe divided and to strengthen forces friendly to the Soviet Union. Soviet influence and presence are expanding in the Mediterranean, in the Middle East and in the Indian Ocean. Through skillful manipulation of local conflict and direct military intervention along the Suez Canal, the Soviet Union is bidding for control of the old British imperial route to the Indian Ocean and Far East. Whether the purpose of this policy is to obtain leverage against European and Japanese oil sources in the Persian Gulf, to assemble the forces and alliances necessary to contain Communist China, or simply to replace declining American or Western influence remains to be seen. Meanwhile, the Soviets are doing nothing to lesson tensions in the Middle East or Southeast Asia. Instead, they are extending their political and military influence by seeking naval and air bases in those regions.

This policy is paralleled in Latin America where an embryonic Soviet Caribbean fleet is based at Cienfuegos, Cuba. The political trends in the Southern hemisphere—anti-American and revolutionary—favor Soviet activities which have the effect, at the least, of restricting future U.S. flexibility in dealing with crises like Cuba (1962) and the Dominican Republic (1965). Recent Soviet nuclear submarine visits to Cuba have violated the spirit if not the letter of the 1962 agreement between President Kennedy and Premier Khrushchev not to station Soviet offensive missiles in Cuba.

What policy emphasis will the Soviet Union adopt? The Soviet leadership could take advantage of the military weakness and public divisions in the West by adopting an opportunity strategy. Alternatively, it may find itself compelled to decide between pressing an opportunity strategy against the West or seeking condominium with the West, in order to prepare against a threat from China. Finally, it may conclude that the caution strategy is least likely to frighten the West and will, at the same time, provide maximum advantage for Soviet political gains—whether these are at the expense of the United States or in preparation against the Chinese, or both.

It is most likely that the Soviet Union will continue its past performance of alternating and combining these approaches, as the situation warrants. This task is made easier by the existence of many more military options than it has ever possessed. The uncertainty associated with nuclear deterrence cannot check a calculated, incremental extension of Soviet foreign policy interests and commitments, buttressed by conventional military presence and an ever more powerful strategic nuclear force. Even the most cautious and least pretentious of the tendencies in Soviet foreign policy presumes the growth of Soviet power and influence in areas from which the Soviet Union has been historically excluded—from the Middle East to Southeast Asia to Latin America. The Soviet Union stands ready, as never before, to complement and consolidate the political gains of the indirect approach by militray might.

Those who wish the United States to avoid this prospect in the face of growing Soviet strategic power are concerned especially about the decline in national morale caused by the Indochina war. Both Presidents Truman (in 1953) and Johnson (in 1969) retired from political life because they took measures, respectively, in North and Southeast Asia to resist what they considered to be communist aggression. In neither of these cases, however, were Soviet military forces employed, although Soviet military and financial support was crucial to both.

These precedents dramatically illustrate the limitations inherent in the polarization of the American people on questions of foreign affairs: the ultimate limitation is the threat to a President's continuation in office if his concept of the national interest compels him to commit large numbers of American troops in areas where Soviet forces are not directly involved. Thus, the failure of the United States to counter the "indirect" application of Soviet military resources is complicated by the problem of a growing Soviet military presence deriving from the USSR's increased capabilities.

A leading Soviet student of American affairs, G. A. Arbatov (director, Institute for the Study of the USA, Moscow), analyzed the contemporary U.S. mood in a recent article on American foreign policy prospects for the 1970s:

"A situation has arisen in which continuation or, beyond that, further activation of a policy aimed at strengthening the military might and international influence of the United States is beginning, in the opinion of many sober Americans, to threaten serious domestic complications and the undermining of the foundations of the "national power of the USA." From this derive the deep differences in the ruling circles themselves, in the 'political elite' as such."

The reluctance of many Americans to cope with the world beyond U.S. borders could be read by Soviet policymakers as presenting

> opportunities to alter the global balance of power, to fragment our alliances, and to threaten U.S. security itself.
>
> Growing American incapacity and irresolution before Soviet advances is already making the United States a questionable partner for those who must risk our friendship as an alternative to accommodation with the Soviet Union. The United States can have no policy save retreat if it is unable or unwilling to maintain political commitments with a defense capability sufficient to deter the Soviet Union from *political* exploitation of the vast Soviet military establishment.
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> Yet in recent years, we have sought to achieve security at "bargain rates." The proof of this can be seen in the continuous decline in the portion of our ever-expanding GNP that is committed to national defense—in contrast to the steady increase in comparable Soviet expenditures. Although the wide margin of superiority we enjoyed over the Soviet Union a decade ago has, until recently, sustained the psychological appearance of U.S. advantage, we have failed to recognize that national security and international peace cannot be bought cheaply. The United States may have forgotten the maxim that there is room for only one at the top Leonid Brezhnev's declaration to the 24th party congress—"the total triumph of socialism the world over is inevitable"—reminds us that the Soviet Union wants to be that one.

Mr. MATHIS. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from Georgia.

Mr. MATHIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Georgia.

Mr. MATHIS of Georgia. Mr. Speaker, I congratulate my colleagues for taking this special order today to call the attention of the American people to our country's deteriorating defense posture. It will not be possible for America to maintain a strong defense unless the people of this Nation are given the facts about the serious national security problems we face.

During the almost 200 years this Nation has been in existence, we have faced and overcome many dangers and adversities. But this is an especially critical time for America. At a time when our enemies are capable of destroying us, we are counseled by many who should know better to lay down our arms and depend on the good will of our enemies for survival.

There can be no question about the fact that the American public has an overwhelming desire for peace in our time. We all dislike wars and dissension, but we are a people who finally do what we must do.

A majority of our fellow citizens must realize that the most essential requirement in terms of national survival is to assure the adequacy of our strategic deterrent.

We face the very real possibility of finding ourselves in a second-rate strategic position by the time we celebrate America's 200th birthday—just 5 years from now. I, for one, have not seen enough positive action being taken to prevent America from finding herself in a position that would have been unthinkable just a few short years ago.

The Soviet Union continues to reach out with its navy into the far corners of the world's oceans. The Peoples Republic of China continues to develop a nuclear arsenal of its own. Our other enemies are not sitting still.

And despite the growing menace, it is far from clear that the Western response has been adequate. Instead, the familiar cry in Washington has been for less in defense expenditures, not more.

We simply cannot provide the capabilities necessary to prevent war by playing the role of an ostrich and by putting off until tomorrow what should be done today.

Hope springs eternal that true peace will return to this troubled world of ours so that our children and our children's children will never have to know—firsthand—the horror, the tragedy, and the finality of war.

But until we are absolutely sure that our enemies share our desire for world peace, we must face the challenge of survival with determination—determination to get the job done without regard for cost.

I want to face 1976 and the years following with the knowledge that America has the strength, the determination, and the capability to survive.

My fervent hope is that other Members of the Congress will feel as I do—and as the other Members who have participated in these special orders.

Mr. STRATTON. Mr. Speaker, I appreciate the remarks of the gentleman from Georgia. They are helpful.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, again I would like to express my appreciation to the gentleman from New York (Mr. Stratton) for joining with me in this effort, in an attempt to inform the American people and the Congress of the serious situation in which we find ourselves relative to our Defense Establishment.

I also want to thank all the other Members who have joined with us to make it a bipartisan effort.

Mr. STRATTON. Mr. Speaker, I want to express my appreciation to the gentleman. I feel sure although the hour is late and our colleagues have departed the Chamber largely, that perhaps what we have to say will provide some material in the Record that will be helpful to Members, particularly as they go through the Record and as they go back to their districts during the August recess, so they will realize there is a problem that perhaps has been overlooked in the mad rush to denigrate the military services instead of to recognize the need to maintain our strategic deterrent.

Mr. HÉBERT. Mr. Speaker, I must commend the gentleman from New York (Mr. Stratton) and the gentleman from South Carolina (Mr. Spence) for their leadership in arranging for their special orders today and for leading the discussion on the status of our national defense.

The gentleman from New York has been a member of the committee since 1961, has served on a number of subcommittees and has chaired the Subcommittee on Antisubmarine Warfare and is presently the chairman of the Real Estate Subcommittee. He has done an outstanding job for the committee.

The gentleman from South Carolina has just joined the committee in this Congress and has already made significant contribution to the Armed Services Committee.

We in the Armed Services Committee have been trying to bring this situation to the attention of the Congress and of the public for a long time. Last year our late, great chairman, Mendel Rivers, stood in the well of this House on September 28, 1970, and delivered his impressive address on the Soviet threat.

That speech became so popular that it was distributed by the thousands.

Again on October 8, 1970, he stood in the well of this House begging for appropriations for the nuclear Navy and especially for nuclear submarines. On both occasions he was raising his voice in protest against the weakening of American military forces when he should have been in the hospital for an operation. Mendel Rivers literally gave his life trying to warn the American people that our military forces are being seriously depleted.

Mr. Speaker, what Mendel Rivers had been saying, what the Armed Services Committee has been saying would happen, has now come to pass. The foreword of the latest edition of Jane's Fighting Ships had this to say about the Soviet Navy:

> By any standards the Soviet Fleet now represents the super-navy of a super-power. This tends to serve as the red rag to the bull to some countries whose spheres of influence, commensurate with their declining navies, are shrinking, while in step with her expanding navy Soviet spheres of influence are widening.

On June 26 of this year there was a keel laying ceremony at Newport News for a new nuclear-attack submarine named the U.S.S. *L. Mendel Rivers*. At that time, I dedicated myself to carry the torch that he had carried so well. I especially dedicated myself to the restoration of the U.S. Navy and to the development of an adequate nuclear naval capability. There is only one way we can meet this situation and that is boldly and forthrightly. It is a shame that we have allowed our forces, and particularly our Navy, to fall so low.

Mr. Speaker, I insert the complete foreword to Jane's Fighting Ships in the Record at this point:

> FOREWORD
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> Since last year's edition of this annual was published two factors have projected from the maritime defence concept which could influence the composition and deployment of many navies in the immediate future.
>
> One is a somewhat belated but now acute awareness evinced by hitherto quite autonomous navies of the need for international co-operation and mutual security.
>
> The other is the recognition, not only by major powers but also by smaller countries, of the tactical power and strategic influence of the fast and diminutive warship armed with the optimum payload of guided missiles.
>
> Ironically it is the new world sea power of the Soviet Union which has engendered the yen for co-operation, and it is the Soviet Navy which has pointed the way to the ascendency of the missile boat over much larger orthodox warships.

As regards international naval co-operation, the North Atlantic Treaty Organisation is, of course, now well established, and there is a Standing Naval Force Atlantic, a permanent, multi-national squadron, albeit not nearly as powerful as it could and should be; but there is no comparable multi-national naval force in the Indian Ocean.

Recently, however, there has been a change in the climate of opinion. From last year, when it seemed that few countries officially showed the slightest interest in the void created by a combination of the prospective withdrawal of British warships from the Far East and the preoccupation of United States naval forces in Vietnam and the Mediterranean: to this year when, not only several navies, but almost every thinking-ahead authority, is suggesting or formulating ways of filling the Indian Ocean gap from Cape Town to Singapore.

If the arms for South Africa controversy has done nothing else it has shed light on the problems of sustaining the European ocean trade routes round the Cape to India, Pakistan, Malaysia, Hong Kong and Australasia, and has brought home to all countries on the Indian Ocean seaboard the extent to which they are laid open to foreign maritime infiltration and influence.

The prime necessity would appear to be a multi-national Standing Naval Force East comprising warships seconded from each of the countries with military or commercial interests in that oceanic hemisphere from South Africa to Indonesia. Ideally this Standing Naval Force would include ships from U.S.A., Britain, Australia, New Zealand, India, Pakistan, Malaysia, Singapore, Portugal and South Africa.

As regards the new era of guided missile boats in spate it is quite remarkable how many of the smaller countries as well as the major powers have seen the light and have taken up the small fast boat with the long-reach big-punch.

An alarming feature of the past decade has been the progressively increasing cost of fighting ships of the categories to be found in most navies: destroyers, frigates and escorts. When confronted with this escalation problem several of the smaller countries decided that the answer was smaller and cheaper vessels.

This policy was given impetus after the sinking of the Israeli destroyer *Eilath* by an Egyptian missile boat, and several western navies became aware of the possibilities of equipping small and fast vessels with modern guided missile systems for the surface-to-ship role.

Of particular interest are the missile boat flotillas created by Norway, which represent a considerable increase in the effectiveness of her navy. Adopting the indigenously designed "Penguin" system, four missile launchers are being installed in six new fast torpedo boats and six missile launchers have been or will be installed in 20 existing fast gunboats in addition to their present armament.

Germany has also taken up guided missile boats in a very decided way. Abandoning what seemed to be a firm project to build four guided missile frigates of 3,500 tons, the German Navy is instead to build ten guided missile boats of 350 tons and 20 guided missile boats of 250 tons.

Among the other countries which have or are building missile boats are Denmark, Israel, Italy, Greece and Malaysia; and Algeria, China, Cuba, Egypt, Finland, East Germany, Indonesia, Poland, Romania, Syria and Yugoslavia, indeed most of the satellite countries who take their marine armaments from the Soviet Union.

Much the same as the submarine was in the past reckoned to be the weapon of the weaker power, so the diminutive missile boats with surface-to-surface systems will give smaller navies an offensive power out of all proportion to their modest overall size.

In fact, viz-a-viz a country with a much greater fleet of larger warships without missiles the smaller country with missile boats could hold the balance of deterrent power and exert a containing influence. And withall the missile boats are cheaper and quicker to build, easier to maintain and much more economical in manpower.

Yet there is seeming reluctance on the part of some of the larger maritime powers to build missile boats. The British Navy, for instance, has no missile boats and has not shown any inclination to operate such craft, although at the time of writing the Royal Navy is temporarily using the guided missile boat *Tenacity* built by Vosper Thornycroft. The two fast patrol boats of the "Brave" class have been laid up and Britain's representatives of the Coastal Forces are three new fast but unarmed training boats. However, these are eminently suitable for arming with missiles and doubtless would be if emergency required.

A great volume of new facts and figures and a large number of pictures have been added in this edition, the 74th year of issue of *Jane's Fighting Ships*. For the fourth successive year the Soviet section has been considerably enlarged and is now three times the size that it was in the late sixties, reflecting the growing size and power of the Soviet Navy. And the volume is again issued earlier in the year, the earliest publication date in the 23 years of the present editorship. More than 1,100 new illustrations have been added in this issue, including over 200 scale drawings. Altogether there are some 3,200 illustrations in the book comprising nearly 2,700 photographs and nearly 500 drawings. Particulars are given of over 15,000 ships and craft in 110 navies or sea-defence forces.

U.S.A.

Norman Polmar, editor and compiler of the American section, has given an outline of the American naval scene:

The size and relative capabilities of the United States Navy continue to decline at what many authorities consider to be an alarming rate. This situation, hitherto discussed in closed sessions of naval officials and in this annual, is now being addressed openly. The Chief of Naval Operations has told Congress that the Navy has "a lower than prudent level of current forces" and has "been falling well behind a responsible replacement rate".

The force levels of the Fiscal Year 1972 budget reduce several categories of warships to their lowest strengths for over a decade. The situation is evident in the planned force of 13 attack aircraft carriers (one with a mixed attack/anti-submarine air wing) compared to 16 attack carriers three years ago; three anti-submarine carriers instead of six in 1969; 160 cruisers, frigates (leaders) and destroyers decreased from 240; and 93 attack submarines, a drop of ten boats since 1969. The number of nuclear-powered attack (fleet) submarines has increased from 41 to 57 during the past three years, but this is limited compensation for the reduction in destroyer-type ships and ASW carriers with their air groups.

Despite the wind-down of the Vietnam War, the responsibilities of the US Navy remain. The Navy will long be engaged in supporting US and South Vietnamese forces on the Indochina peninsula; the "Nixon Doctrine" for foreign policy in the 1970s calls for meeting overseas military commitments and responsibilities, but with a "low profile" of US forces overseas, an obvious mandate for the astute employment of sea power. Simultaneously, US strategy calls for maintaining a capability for countering the other super-power at sea. But the Soviet Navy has already exceeded the United States in active surface ship and submarine numbers, including near parity in nuclear submarine strength (and a larger nuclear submarine construction programme). In some respects the characteristics and capabilities of the Soviet ships obviously are superior to those of their US Navy counterparts. Expanding Soviet naval operations during the past few years, notably the 200-ship-plus "Okean" exercise of April 1970, demonstrate that the Soviets have developed the ability to operate these ships on the high seas; regular deployments of warships to the Caribbean, Mediterranean, and Indian Ocean areas demonstrate that the Soviets are in fact using these ships as politico-economic-military forces.

The only category of warship in which the U.S. Navy now *and for the near future* maintains a decisive advantage is the aircraft carrier. No other ship or even combination of surface ships can match the versatility, striking power and range, or endurance of the modern attack carrier and her 80 to 90 aircraft. Yet even this margin over the Soviet Navy is narrowing as the number of attack carriers in commission is being reduced, the construction of a fourth nuclear-powered carrier (the CVAN 70) is in doubt, and the adequacy of the F-14 ship-borne fighter (successor to the F-4 Phantom) is being questioned.

In their stead, some naval authorities are advocating smaller and lower-cost air capable ships, hydrofoil missile boats and surface effect ships for a variety of missions. However, it seems questionable to consider even a squadron of air capable ships, each with perhaps six Harrier V/STOL attack aircraft and six SH-3 helicopters, as comparable to a single attack carrier.

But if the United States is seriously to address the question of countering the Soviet Union at sea, or indeed the Soviet allies equipped with advanced aircraft, missile boats, and submarines, the question of maintaining *and even increasing* attack carrier strength must be considered and difficult decisions have to be made. The aircraft carrier has been viable for so long, proved itself so often in hot and cold wars, and is so versatile that its place in modern warfare should be understood and properly evaluated.

The cost of modern air power—both land-based and sea-based is rising at an awesome rate. The costs of aircraft, ordnance, support equipment, manpower, and bases all are increasing. The CVAN 70 probably will cost more than $800 million if constructed under the Fiscal Year 1972 or 1973 programme; the cost will most likely be a *billion* dollars if delayed until 1975. However, this cost is comparable if not actually less than the cost of supporting an equivalent number of aircraft at land bases overseas in view of vulnerability, political considerations, support and logistics. Korea and Vietnam have amply demonstrated this comparison.

Solutions to the problem of maintaining a strong Navy with limited funds are difficult to devise. However, there are some alternatives that warrant consideration: To maintain carrier strength the Navy could consider a halt to the construction of destroyers and frigates—which are being criticised for poor design as well as increasing costs—to permit carrier construction and operation. This would result in fewer screening ships, but this partially could be compensated by increased use of ship-based early warning and anti-submarine aircraft and helicopters, operating nuclear submarines as ASW escorts for carriers, and expansion of passive defensive activities (e.g. operating the carriers under conditions of electronic silence). Imaginative concepts of operation can compensate for shortages of escorts as long as carriers are available to provide the increase reconnaissance and strike capabilities over opposing naval forces.

All of the above is predicated on the thesis that a naval confrontation with the Soviet Union is possible (or could be avoided by strong US naval forces); similarly, sea-based tactical air would be the key in supporting US and allied operations ashore, and in operations against other naval and air forces. The North Korean capture of the US intelligence ship *Pueblo* and downing of a naval reconnaissance plane have called attention to the "other" military threats to US activities.

In the strategic/nuclear balance of forces the USSR has gained superiority over the United States in numbers of ICBMs and the megatonnage that can be delivered; and the current Soviet ballistic missile submarine construction rate of at least six submarines per year could give the USSR parity if not superiority in "Polaris" type submarines by 1975. (In addition to which the USSR has a number of nuclear powered and diesel-driven submarines with shorter-range missiles). Soviet progress in the strategic weapons area is of utmost concern to US defense leaders because improved guidance and multiple warhead technology (MIRV) could permit the predicted Soviet strategic forces of the mid-1970s to destroy virtually all US-based ICBMs in a surprise first-strike attack; simultaneously, Soviet missile submarines could destroy most US manned bombers before they could become airborne. Accordingly, the US Navy's 41 Polaris/Poseidon submarines are acknowledged as the *most survivable* US strategic deterrent forces for the foreseeable future.

Arguments for partially or entirely replacing the land-based missiles and bombers with additional missiles at sea are being countered by arguments for maintaining the "triad" of deterrence—the combination of land-based bombers, land-based missiles, and sea-based missiles that have been the premise of US strategic forces for more than a decade. Although modern technology argues against this "triad", political and separate service concepts survive. Increasing the seaborne portion of deterrence, either in submarines or surface ships, would increase weapon survivability, remove strategic targets from the heartland of the United States, and eliminate or reduce the need for the Safeguard Anti-Ballistic Missile (ABM) system that will have the primary purpose of protecting land-based Minuteman ICBMs.

The US Navy is receiving the largest portion of the proposed Fiscal Year 1972 defense budget allocation to the services, 34.56 per cent compared to 33.77 percent for the Air Force and 31.66 per cent for the Army (about $500 million more than the Air Force and $2 billion more than the Army). This is the first budget since the "unification" of the armed services in 1947 that the Navy has received the largest share. However, the FY 1972 military budget represents the smallest portion of the Federal budget (32.1 per cent) and the smallest portion of the Gross National Product (6.8 per cent) since before the Korean War of 1950–1953. A comparison of FY 1972 defense spending in terms of constant dollars represents a decrease of $23.9 billion from FY 1968, the Vietnam War peak.

The situation for the US Navy is serious: winding down the war in Indochina will make sea duty and its family separation less attractive; there is increasing hostility toward the military in the United States; reductions in ship strength make deployments longer and more arduous; commitments are continuing and, in some areas, increasing; inflation and real cost increases are making ship and aircraft procurement difficult; and new ships with relatively inferior capabilities are compounding the problems. There are no simple answers. The US Secretary of Defense declares: "I pledge that I shall continue to urge actions which will assure the supremacy of the US naval power". The President of the United States avers: "What the Soviet Union needs in terms of military preparedness is different from what we need. They are a land power, primarily, with a great potential enemy on the East. We are primarily, of course, a sea power, and our needs, therefore, are different."

U.S.S.R.

By any standards the Soviet Fleet now represents the super-navy of a super-power. This tends to serve as the red rag to the bull to some countries whose spheres of influence, commensurate with their declining navies, are shrinking, while in step with her expanding navy Soviet spheres of influence are widening.

But it might well be the case that the Soviet Union is just as concerned about what she considers to be a threat to her overseas trade and ultimate security, namely the knitting together of NATO navies and the deployment of the fleets of western countries the breadth of the Atlantic and the breadth of the Pacific away from their own domains, as the USA is worried about the expansion and broad-scattering of the Soviet Navy.

After all, seen through Soviet eyes, the naval squadrons of the USSR are only just off their own Baltic doorstep in the North Sea, only just off their own Black Sea doorstep in the Eastern Mediterranean, and only just off their own Vladivostok doorstep in the China Seas. It is only in their recent forays into the Indian Ocean that Soviet warships are off limits and even then the excuse could justifiably be made that they are on passage from one part of the Soviet Union to another.

Whereas, also from the Soviet point of view, the USA maintains a powerful fleet in the Mediterranean 4,000 miles from New York and a huge fleet in South East Asia 5,000 miles from San Francisco.

So the USSR probably fears the overseas extension of the USA and the constant liaison of the British, French, Italian and German navies, through NATO, as much as the USA fears the ever widening ripples of Soviet sea power all round the world. And the USSR can always say that they are merely "showing the flag", much the same as the US Navy has done since the Second World War and the British Navy did when it had a comparable navy.

"The Soviet Navy on the seas and oceans reliably guarantees the USSR's security and its state interests", says the Soviet Minister of Defense. The men of the Soviet Navy were tirelessly improving their military and political knowledge, successfully mastering modern combat equipment and weapons, and enhancing vigilance and combat preparedness. They were ready at all times to defend the sea frontiers of the socialist motherland. The shipbuilding industry was reaching new achievements in equipping the Navy with combat ships and formidable armaments.

"Our strong ocean-going Navy is the basis of the might of our country" says the Commander-in-Chief of the Soviet Navy. "Soviet fighting ships are systematically present on the seas, including the areas where the shock navies of NATO are present. The presence of our ships in these areas binds the hands of the imperialists and deprives them of the possibility of unhindered interference in the internal affairs of peoples. This situation is undoubtedly not to the liking of the imperialist 'hawks' who are trying to distort the purpose of the voyages of Soviet ships and to diminish their importance for the cause of peace. Of decisive importance in present day conditions is not only the number of ships, but mainly the quality of their nuclear missile, weapons and technical capabilities and the high morale and fighting capabilities of their personnel.

"In this respect our Navy is up to the level of present day demands. Its equipment and the vigilance of the crews protect our country from all kinds of surprises. The pride of our Navy is our nuclear submarines, which are fitted out with a variety of missiles which can be launched from under water. Our submarines, together with the Navy's missile-carrying and anti-submarine high speed, long range aircraft, are the basis of the striking might of the Navy. Up-to-date surface ships, equipped with the most modern weapons are assigned a major role in carrying out the Navy's tasks. The Soviet Navy is an impressive deterrent in the way of imperialist reaction and adventures. At the same time the Soviet Navy is a symbol of our fraternal assistance to the friendly and freedom-loving peoples," declared the Commander-in-Chief.

Friend or foe will read what they will from this peroration, but it sounds very much like "show the flag and police the world", which is what Britain did until the Second World War and what the United States has been trying to do ever since.

Every year for the last decade or so a new class of rocket cruisers, missile destroyers, submarines, escorts, mine-sweepers, missile boats and/or torpedo boats has appeared in the Soviet Navy and most western observers have been impressed by their sophistication and novelty.

The past year has been no exception. Not only has a new class of missile cruisers appeared, the "Kresta II" class, bristling with their missile and radar control complex, but a new type of general purpose destroyer leader, the "Krivak" class, see photographs in the Late Addenda, and two new classes of nuclear-powered submarines have been operationally deployed, and a new class of guided missile corvettes is being built.

So prolific has the Soviet naval shipbuilding effort been that USSR is now able to maintain a standing naval force in the Mediterranean five times stronger than five years ago to counter the American Sixth Fleet. Recently a US admiral remarked to the Editor of this annual with some bitterness that he could count more guns in the Soviet Fleet in the Mediterranean than he could in his own fleet there.

Again, five years ago the USSR had no warships in the Indian Ocean, but today there are a score of surface ships alone, and there is no telling how many Soviet submarines are in the area. The Soviet Navy is believed to be completing nuclear powered submarines at the rate of one every long month. (There was a gap of three years between the completion of Britain's third nuclear powered fleet submarine *Warspite* and the completion of the fourth, *Churchill*).

The United States is very worried about the growth of the Soviet Navy's mounting strength in the Mediterranean, along North Africa and in the Indian Ocean. But while the USA is shackled to an enervating war elsewhere she expects the countries of NATO in general and the countries bordering the Mediterranean in particular to increase their naval contribution to the common effort.

It is estimated that the strength of the Soviet Fleet now comprises 83 nuclear powered submarines, 318 conventionally powered submarines, 2 cruiser helicopter carriers, 26 cruisers including missile ships, 100 destroyers including missile armed vessels, 130 escorts of the small frigate and corvette type, 270 coastal escorts and patrol vessels, 320 minesweepers, 125 missile boats, 325 torpedo boats, 125 amphibious ships and 75 smaller landing craft excluding minor LCMs. Support ships, auxiliaries and service craft run into thousands.

This navy list constitutes a very formidable force indeed, both as a strategic deterrent and for conventional sea warfare. It indicates the transition of the USSR from a land power to a sea power, and suggests that the Soviet Union is just as concerned about the ganging up of smaller Western navies, which have little power individually but immense power collectively, as the United States Navy is about the growing spread of the Soviet Navy all over the world.

UNITED KINGDOM

The bald statement in the 1971 Defense Estimates that "Work continues on the design of a through-deck cruiser" was hardly calculated to inspire credibility in the fashioning of the Royal Navy of the 1970s, to encourage those in the Fleet Air Arm to perfect their skill in those incredibly efficient dual-element machines *Ark Royal* and *Eagle*, or to aid recruiting.

With a change of Government it seems likely that *Ark Royal* will continue in service until the end of the decade and that *Eagle* will not now disappear from the naval scene until her economical life is expended. In which case, providing the so-called "through-deck cruiser" is completed and in operational service by 1980, the viability of the Fleet Air Arm would be assured in continuity.

From the first picture impression, the new through-deck cruiser appears to be quite an aircraft carrier in its own right, capable of operating vertical and short take off fixed wing aircraft as well as helicopters. "What's in a name? That which we call a rose by any other name. . . ."

In this particular case there is quite a lot in a name. Had it been generally known at the time of the great Fleet Air Arm controversy, when the late Government was cutting down Britain's aircraft carriers right and left under the expedient euphemism of "phasing out", that the new through-deck cruisers, of which three are envisaged eventually, were going to be so viable for operating aircraft it would have been realised that it was in the nation's interests to maintain at parity, or even above par, the recruitment of pilots and aircrew into the Royal Navy, thus ensuring a continuity of training and expertise right through from the passing of the great angled-deck carriers to the advent of the smaller through-deck, aircraft-carrying cruisers.

Smaller or not, however, the new style cruiser-carrier does not appear to be any the less complex or cheaper, judging by the time it is taking to get it off the drawing board and the figures mentioned as being the likely eventual cost. £50,000,000 was the estimate for the projected fixed-wing aircraft CVA 01 which was cancelled a few years ago on the grounds of economy, but the first through-deck cruiser will probably give no change from that. The constant fear of the Royal Navy is that it will price itself out of existence.

Perhaps it could be forgiven if the question were posed as to why the "thing", as it has been both bitterly and affectionately called, has to be so costly. A few years ago, the Americans wanted a class of ships quickly "in the vertical envelopment concept" to support the Marine Corps. The US naval architects simply took a wall-sided mercantile hull of the C 2 type, virtually an oblong steel box sharpened at one end and faired-off at the other, and fitted in all the offices and shops required to operate and maintain helicopters around this platform which of its own nature provided the large hangar in its belly for the stowage and servicing of helicopters and the long flat top for a flight deck. The resulting first "amphibious assault ship", essentially a helicopter carrier, but a potential take-off-and-landing strip for vertical fixed-wing aircraft, was the *Iwo Jima*, built for only $40,000,000/£16,000,000, less than the cost of a modern British destroyer. Six more ships of the class have been built since in an average time of only two years. So it can indeed be said that the USA got its amphibious/helicopter carrier squadron cheaply and quickly. Yet it serves the purpose. That splendid acrobatic flying machine, the Harrier, capable of hovering, lifting and dropping vertically, and crabbing sideways, could be operated from simple ships of this type as well as helicopters. And the flight deck is ample for a short take-off to save fuel and boost the payload.

It is greatly to be trusted that the three through-deck cruisers will materialise and not only for strategic and tactical reasons. There is a lot in prestige. Prestige is power, and power is a deterrent, the last stop deterrent before the nuclear one. But there is little prestige in an entirely small ship navy, desirable though smaller and cheaper ships are in many ways. There must be the leaven of the capital ship whatever form it may take. When Britain ceases to have big ships she will have lost face forever and she will have no voice at the conference table.

Of the few big ships remaining in the Royal Navy; the former fixed wing aircraft carrier *Hermes* (Britain's youngest carrier, completed only eleven years ago) is being converted into a commando ship/helicopter carrier; and the conventional cruiser *Tiger's* conversion to a *commandement* helicopter ship is nearing completion, but the conversion of her sister ship *Lion* has been cancelled.

The fixed-wing aircraft carrier *Centaur*, only fifteen years old, and originally a sister ship of *Hermes*, is regrettably being scrapped: the question could logically be posed why she is not also being converted into a commando ship/helicopter carrier (for *Albion* and *Bulwark* have now been running almost continually for a decade or so and must eventually be retired) or at least into some form of amphibious ship combined with a vertical take-off interim role, until the new through-deck cruisers materialise.

The last two of the class of eight "County" class guided missile armed destroyers, *Antrim* and *Norfolk* have been completed, and *Bristol*, the only guided missile armed destroyer of her type, is nearing completion. The first of a new class of guided missile armed destroyers, *Sheffield*, has been launched.

Work continues on the design of a new class of general purpose frigates, the "Type 22". The last two of the 26 very successful general purpose frigates of the "Leander" class, *Apollo* and *Ariadne*, are being completed. The first of the new "Type 21" frigates, *Amazon* has been launched.

In the underwater field, the fifth and sixth nuclear-powered fleet submarines, *Conqueror* and *Courageous* are being accepted from the builders; the seventh, eighth and ninth, *Swiftsure, Sovereign* and *Superb*, are under construction; and the tenth is being ordered. But a matter of concern is that the number of submarines being produced is not nearly keeping pace with the number being scrapped. The "T" class diesel-powered submarines have gone, even though 13 were reconstructed and converted in recent years, and only a handful of the 16 "A" class conventional submarines remain in service.

So the backbone of the Royal Navy's submarine patrol service, apart from deterrent and strategic considerations, are the 21 diesel powered boats of the "Oberon" and "Porpoise" classes. The need is clearly pointed for the urgent building of more medium sized diesel-electric boats of about 1,000 tons for normal operational patrol, fleet exercises and routine training.—RAYMOND V. B. BLACKMAN.

Mr. HOLIFIELD. Mr. Speaker, I appreciate the gentleman's yielding to me for a few remarks concerning our national security.

It is not my purpose to go into the numbers of men, missiles, ships, and aircraft involved in our military capability vis-a-vis the Soviet Union.

For this comparison, and a clear statement of the threat to world peace, I recommend a careful reading of the report of the Joint Committee on Atomic Energy issued on May 24, 1971.

The late distinguished chairman of the Armed Services Committee, Mendel Rivers, expressed the apprehension of many in a major speech in the well of the House on September 28, 1970.

These assessments of the Communist threat, made by the Joint Committee and Chairman Rivers, were made on the basis of the best information available to the Congress—not the pipe dreams of "counter budgets" or the false hope that unilateral disarmament will assure peace.

Hope is a wonderful and sustaining quality, however it is a poor basis for decisions on national security or foreign policy. In the past, hope about the intentions of others has led to isolationism, weakness and world wars.

If the lessons of the 20th century have taught us anything, it is that decisions on national security must be based upon reality. The world is as it is, not as we wish it to be.

We faced the real world when we entered into collective defense treaties with 43 other countries in the years following World War II. These treaties are the highest law of the land and commit the United States to war upon certain conditions.

The realities of the situation demand answers to some basic questions.

Will the United States honor all, some, or none of these treaties?

If the answer is yes, we must maintain standing forces and provide for their mobility.

If the answer is no, our national honor demands that these treaties be repealed. In this case, we must be prepared to see Western Europe, Africa, Japan, and Australia fall under the influence and control of the Soviets and a Communist China armed with nuclear weapons. We must be prepared for world wide economic and military blackmail.

Short of nuclear war, the only means we have to honor those treaties is through control of the seas. Yet, our surface Navy has been reduced to 536 units and will be further reduced by 322 units by the end of June 1972.

We are also being out produced and outnumbered in submarines capable of cutting off our Nation's lifeblood of raw materials, and capable of devastating our cities with nuclear weapons.

Our Air Force has also suffered through obsolescence. Our Army is currently suffering from its greatest morale problem in our history.

I believe that much of the uncertainty, division, and even expense connected with our defense posture is a part of the cost of maintaining a democratic society.

Partisan and personal politics too often influence the development or nondevelopment of weapons. Inflation, weapons modifications, and even increased procurements are referred to as "cost overruns." Good men are accused of cupidity and gross misconduct.

It has become politically popular to cast all military men in the role of Attilla the Hun, while, at the same time, there are calls for an all-volunteer Armed Force.

We are urged to support a policy of "peace at any price" in one geographic area, and to intervene in conflicts in other areas.

In the face of all the evidence, it is proposed that the defense budget be reduced below pre-1964 levels—thus assuring our decline to the status of a second-rate power.

Mr. Speaker, I have spoken in this House many times on this subject. I have never advocated the expenditure of more tax money than was necessary to assure an adequate national defense. I do not do so now.

We must not let frustration lead to isolationism.

We must not mistake hope for reality.

And in our desire to improve the quality of the lives of our citizens, we must not forget our first priority—national survival.

A flight from reality means relieving the past, and a flight from international responsibility.

Our unwillingness to properly attend to the priority of survival must inevitably result in our inability to set any other priorities. If we refuse to maintain a deterrent military power, there will be nations that will continue increasing their military power until they can defeat us first at the diplomatic table and then unless we surrender to their wishes they will be able to defeat us in a war at a time and place of their choosing.

GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

RESEGREGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks and to include a table and other extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I know it is late and we have had a very long and difficult day, but I did want to call to the attention of my colleagues some things that are happening in the educational field which I believe are of importance and which I hope will give them some food for thought during the August recess.

It occurs to me, Mr. Speaker, that we may very well be on the threshold of a major turnaround in judicial thinking in this country on the whole question of busing schoolchildren for the purpose of overcoming racial imbalance or eliminating racial isolation.

I am aware of the historic Swann decision and some of its ramifications, but I am also aware of two very significant decisions handed down within the last few weeks, which I believe have a significant bearing on what is happening across the country and may very well indicate that district judges are taking a second look at the whole question of mass busing of children to overcome racial imbalance.

The most recent such decision comes from the District Court of Georgia, the Atlanta Division, where the court handed down a decision rejecting a proposal for massive busing in Atlanta, Ga.; and the court held that such busing would adversely affect that community and the city's school system.

In the decision, which I am going to include in its entirety at the conclusion of my remarks, the court quite properly stated that the problem is no longer how to achieve integration but how to prevent resegregation. I submit, Mr. Speaker, that the court has very succinctly stated the case.

With my remarks today I shall include a table of a study that I have just concluded showing the degree of resegregation which is occurring in some typical school districts that we have selected which are under court order.

There is no question in my mind that this is a matter of deep concern to educators, and of course to legislators. It appears to me that it is a subject which has even reached the highest councils of our Government, namely the White House, because last night the President issued a very strong statement challenging the validity and the desirability of mass busing in the desegregation bill which the President has proposed to this House and which my subcommittee has reported out of the subcommittee for action before the full committee.

Indeed, it does appear that what we are witnessing across this country is such a preoccupation with moving youngsters around that we have interfered to a great extent with the educational process. And we are finding that, similar to the finding of the court in Atlanta, many responsible parents in this country, both black and white, are now seriously asking the question whether massive busing is the answer to the problem.

Mr. Speaker, I was interested in the Atlanta decision because this is a decision handed down by the court that has been overly sympathetic to the plight of minority groups, and it has shown deep compassion in trying to put together a system which would assure every young American, black and white, an equal opportunity to develop intellectual resources to the best of his ability. So it is rather significant and historic and, in my judgment, of more than just passing notice when a court in Atlanta says, "halt, stop." We want to take another look at this whole concept of massive busing. The court quite properly says that the problem is no longer how to achieve integration but it is how to prevent resegregation, for indeed, Mr. Speaker, if resegregation does occur, where do you go for further relief? What court do you go to then?

I think all of us as Americans, black and white, can agree that if resegregation does occur in areas of large minority concentration, public interest in public education will wane and public education in itself will suffer enormously. We need each other. So I think that the time has come soberly and dispassionately and, above all, honestly to discuss this problem.

I think there has been too much demagoguery on both sides in discussing this issue of race relations in our educational institutions. So it occurs to me what we are now witnessing is a major turnaround in judicial thinking.

I am aware of the fact that two swallows do not make a spring, and I am aware of the fact that these two decisions are subject to review, and I am aware of the fact that the Justice Department has already announced that it will appeal the Austin, Tex., case where a judge similarly dismissed massive busing; but all of this being taken into consideration, I think it is of more than passing interest when two distinguished panels of Federal judges decide to take a second look at the whole concept of massive busing as a means of overcoming racial isolation.

In the Atlanta decision the court stated of paramount significance, however, is the obvious result, meaning the result of the proposal. Atlanta now stands on the brink of becoming an all-black city. A fruit basket turned over through busing to create 30 percent white and 70 percent black uniformity throughout the system would unquestionably cause such a restriction in a few months' time. Intelligent black and white leaders in the community realize and fear it. Responsible citizens are deeply concerned with preservation of biracial identity of the city. Without it the ultimate goal of equality in all its aspects is doomed. The court further stated its various objections to massive busing and then addressed itself to the Swan decision itself in which the court said that Swan holds that once de jure status is removed a district court is not required to integrate continually due to desegregation.

The Speaker, I bring these facts before the Congress today because as chairman of the House Subcommittee on General Education my committee is responsible for the educational needs of 55 million young Americans in this country.

So I bring this fact before the House, so that we may consider it, and point out that there is this possible turnabout. The courts are looking at the whole system because in my judgment we have lost a great deal of valuable time. This is not to say we ought to turn back the historic Brown decision of 1954 which struck down the doctrine of separate but equal education, this is not to suggest that we should turn our back on minority groups and ignore their needs, nor is it to suggest that anybody will tolerate an educational system which will deny young people equal educational opportunities because of the color of their skin. I think we Americans are past that. I think that we have reached an era of maturity when we accept the fact that we Americans are all equal, and that we must learn to live together regardless of what our race may be, or what church we worship in, or what our national origin is.

But it does seem to me that there is an important and necessary national dialog in this country taking place on what has happened to the American school system. You cannot discuss American education without addressing yourself to the most pressing problem, the turmoil that is being created in the American public school system because of the great struggle between the races and the effort to try and find some formula for assuring every young American an equal educational opportunity.

In the Atlanta decision the judges quoted the Swan decision, and said:

> In essence, Swann holds that the essentials of any unitary system are the elimination of invidious racial distinctions in regard to (1) transportation, and (2) faculty and

> supporting personnel, and (3) extra-curricular activities, (4) construction and site selection, and the presence of an (5) optional majority-to-minority transfer provision. To the extent that they apply, Atlanta has had such essentials for some time.

And that is why it refused to alter the original order.

Mr. Speaker, I am going to ask unanimous consent to place in the RECORD the Atlanta decision in its entirety. I hope the Members will read this decision and then apply their own rationale accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, in the Austin decision the court had a similar question about a massive busing plan, and the court held:

> The testimony at the earlier hearing of this case convinced this Court that extensive crosstown busing could only harm the local education system.

And the court quoted Dr. Cecil Hardesty, superintendent of schools in Jacksonville, Fla.

> An unbiased educational expert who has had extensive experience with crosstown busing ordered in his school district, delineated the many adverse effects from this remedial technique.

The court said:

> The added time requirements imposed on students by busing often reduce attendance and produce higher dropout rates, especially among minority students, and limit the opportunity of all transported students to participate before and after school in extracurricular activities, which both parties agree are an important factor in the educational process.

Mr. Speaker, I ask unanimous consent to place the entire Austin, Tex., decision with my remarks today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. I do so because I believe that these two decisions indicate perhaps a pattern of practice and a pattern of thinking by at least some judges have taken a hard look at the whole prospect of mass busing.

Mr. Speaker, I should like to now address myself briefly to the President's statement yesterday.

Mr. Speaker, yesterday, the President, reacting obviously to a growing concern across the country to this problem of massive busing stated he is opposed to it. And he even suggested some language for an amendment to the desegregation bill.

The language reads: "No funds appropriated pursuant to this Act may be used to acquire or pay for the use of equipment for the purpose of transporting children to or from any school, or otherwise to pay any part of the cost of any such transportation."

My judgment is that the President's proposed amendment to the desegregation bill will make it substantially easier to get the bill through the Rules Committee and through the House to final passage.

What the President is in effect saying is he wants his $1.5 billion desegregation bill to have as his main thrust a substantial contribution in improving the quality of education for children attending desegregated schools.

The President is of course right, because as we look at many of the programs in this country now, under court orders huge sums of money are being diverted to busing alone.

In Tampa, Fla., under a court decision there and a court order the Tampa School Board has to buy 187 buses and has to hire 187 drivers and train those drivers and set up maintenance facilities for those buses. This is money that really should be going to improve the quality of education among both the white children and the black children of that community.

In Los Angeles, Calif., the school system under a State court order there which calls for busing some 278,000 children every day at an estimated cost of some $40 million a year—money that in my judgment could be better used to improve the quality of education.

So the President yesterday quite properly reacted and wanted to assure the Congress that financial assistance that the Federal Government will give to the local school districts to overcome the problems of integration must be used for improving the quality of that education and not for busing youngsters around from one part of a city to another.

The President's amendment is going to create some problems because the amendment undoubtedly is going to be adopted by the House and Senate—at least I hope it will—and if that is done the local communities that are depending on the Federal Government to provide them financial assistance to purchase buses and operate those buses will find that they have to find this money from their own local resources. But in many instances the local resources are not available—and then there are those who think well, they can use the local resources for this purpose and then use the Federal funds for other needs and they will find the same disappointment because the desegregation bill requires a maintenance of effort by the local educational agency before it can qualify for Federal assistance.

So they are not going to be able to shift local funds into the busing operation and then use Federal funds to replace those local funds for maintaining the local school system.

So it seems to me we are now on somewhat of a collision course with the judiciary, because the judiciary order certain activities and actions and it occurs to me that many local communities are not just going to have the financial wherewithal to meet those obligations and carry out those court orders. And I am not sure what the action of the courts are going to be in that situation.

One court in Richmond City in Virginia has ordered a local school board to purchase the buses necessary to carry out a court order and then ordered the local board to impose a levy against the taxpayers to pay for this equipment. I should like to remind the distinguished court that the American Revolution was fought over the issue of taxation without representation.

I seriously doubt if a court can order the imposition of taxes to pay for this equipment and for these services. So while I applaud the President's proposal and I applaud the forthright stand he has taken on this whole question of using Federal funds for busing I think it is my responsibility to point out that that decision is going to create some very serious problems.

Finally, Mr. Speaker, I should like to include in the RECORD today an analysis I have made of a number of typical school districts in this country which are under court order and which have been for some time, showing the flight of white students as the percentage of minority students increases in the school system.

Mr. Speaker, the matter referred to is as follows:

RESEGREGATION TABLE

These statistics give some indication of the degree of integration within the school districts and also indicate the degree to which blacks and whites are leaving particular school districts.

This chart has dealt with those school districts which are among the nation's largest 100, and of this group, the ones that are in the South. (For purposes of this chart the South includes Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, Arkansas, South Carolina, North Carolina, Virginia, and Tennessee).

Among this group those districts which had approximately 30% black enrollment or higher showed white exodus. There were only two exceptions, Richmond, Va., and Memphis, Tenn. However, the large increase in white enrollment in these districts is attributable to annexations which have changed the dimensions of the districts.

In considering whether resegregation is, in fact, occurring in those districts which have come under desegregation orders, many factors must be considered. Approximately 30% black enrollment, appears to be a crucial figure. As the percentage of blacks increases to around that figure and the degree of integration within the district increases, the percentage of whites exiting grows. Exodus of relatively small percentages might, however, be attributable to any variety of factors. Some of the school district officials who were contacted in the course of this study mentioned students being lost to private schools, but some also mentioned employment shifts, changing district boundaries, migratory families, etc., as effecting enrollment levels. Within districts, the direction is toward lower percentages of blacks attending predominantly minority schools. At the same time, however, this increased integration, in at least those districts in which black enrollment is 30% or higher, may be spurring the white exodus.

In estimating the results of white exodus, one must weigh against this, any positive effects of increased inter-racial contact within the school districts. From the figures on this chart, it is impossible to determine the quality of the integration and the interpersonal effects of increased integration within the districts.

Following is a table showing some typical school districts in the South which either are or have been under court order.

These figures reflect the situation in 1968 and in September 1970. We shall view with interest whatever changes occur in September 1971.

District	Year	Total number of students	White students		Black students		Spanish-surnamed students		White students		Black students		Spanish-surnamed students		Percent blacks attending minority schools							Total population	Black population	
			Number	Percent	Number	Percent	Number	Percent	Increase or decrease in	Percent variation in population	Increase or decrease in	Percent variation in population	Increase or decrease in	Percent variation in population	0-49	50-100	80-100	90-100	95-100	99-100	100		Number	Percent
Atlanta, Ga	1968	111,227	42,565	38.3	68,662	61.7	(1)		−9,490	−22	+3,861	+6			5.4	94.6	91.8	90.0	90.0	89.3	78.1	496,973	255,051	51
	1970	105,598	33,075	31.3	72,523	68.7	(1)								6.6	93.4	87.0	77.9	74.3	65.4	33.6			
Austin, Tex	1968	51,760	34,021	65.8	7,783	15.0	9,956	19.2	+1,475	+4	+501	+6	+1,238	+12	13.1	86.9	86.0	84.6	65.1	57.6	22.2	(2)		
	1970	54,974	35,496	64.5	8,284	15.1	11,194	20.4							16.0	84.0	78.5	78.5	66.9	42.8	14.7			
Birmingham, Ala	1968	66,434	32,278	48.6	34,156	51.4			−4,153	−13	−287	−1			7.2	92.8	92.7	91.6	90.2	90.2	84.6	300,910	126,388	42
	1970	61,994	28,125	45.4	33,869	54.6									15.8	84.2	73.5	69.7	64.5	55.0	33.5			
Brevard County, Fla. (Titusville).	1968	62,563	56,236	89.9	6,327	10.1			−946	−2	+291	+5			69.8	30.2	30.2	30.2	30.2	30.2	30.2	230,006	20,628	9
	1970	61,908	55,290	89.3	6,618	10.7									88.8	11.2	11.2	11.2	11.2	0	0			
Borward County, Fla. Ft. Lauderdale)	1968	103,003	77,664	75.4	24,516	23.8	823	0.8	+10,544	+14	+2,714	+11	+1,063	+129	14.5	85.5	79.7	79.7	79.7	77.8	68.9	620,100	77,382	12
	1970	117,324	88,208	75.2	27,230	23.2	1,886	1.6							52.1	47.9	41.1	39.2	33.8	22.3	15.8			
Caddo Parish, La. (Shreveport).	1968	60,483	34,054	56.3	26,429	43.7			−6,589	−19	−28				2.5	97.5	97.4	97.4	97.4	97.4	94.0	230,184	83,947	36
	1970	53,866	27,465	51.0	26,401	49.0									25.7	74.3	68.0	65.1	62.2	52.5	44.5			
Charleston County, S.C	1968	58,164	31,655	54.4	26,509	45.6			−1,304	−4	+550	+2			30.8	69.2	59.9	53.7	47.2	33.5	13.6	247,650	77,884	31
	1970	57,410	30,351	52.9	27,059	47.1																		
Charlotte-Mecklenberg County, N.C.	1968	83,111	58,870	70.8	24,241	29.2			−1,767	−3	+1,163	+5			27.7	72.3	68.1	58.9	58.9	57.2	39.0	354,650	84,254	24
	1970	82,507	57,103	69.2	25,404	30.8									90.7	9.3	4.1	1.8	.3	0	0			
Chatham County, Ga. (Savannah).	1968	42,416	24,967	58.9	17,449	41.1			−2,033	−8	+514	+3			9.3	90.7	86.5	86.5	86.5	86.5	77.1	187,767	63,522	34
	1970	40,897	22,934	56.1	17,963	43.9									19.5	80.5	67.1	64.5	48.5	23.5	15.6			
Cobb County, Ga. (Marietta)	1968	40,918	39,582	96.7	1,336	3.3			+3,525	+9	+61	+5			93.3	6.7	6.7	6.7	6.7	6.7	6.7	196,793	8,180	4
	1970	44,504	43,107	96.9	1,397	3.1									100.0	0	0	0	0	0	0			
Corpus Christi, Tex	1968	46,110	22,124	48.0	2,496	5.4	21,490	46.6	−1,151	−5	+94	+4	+1,239	+6	1.7	98.3	78.5	77.6	76.6	32.5	25.6			
	1970	46,292	20,973	45.3	2,590	5.6	22,729	49.1							2.7	97.3	84.0	54.0	38.5	12.2	.5			
Dade County, Fla. (Miami)	1968	232,465	136,460	58.7	56,518	24.3	39,487	17.0	−6,323	−5	+4,439	+8	+9,896	+25	12.4	87.6	82.0	80.7	77.3	72.7	48.6	1,267,792	189,763	15
	1970	240,447	130,137	54.1	60,927	25.4	49,383	20.5							21.7	78.3	53.1	41.9	33.3	20.6	12.3			
Dallas, Tex	1968	159,924	98,493	61.6	49,235	30.8	12,196	7.6	−3,350	−3	+6,413	+13	+1,749	+14	2.1	97.9	93.0	87.6	82.1	53.1	32.1			
	1970	164,736	95,143	57.7	55,648	33.8	13,945	8.5							2.7	97.3	94.1	91.4	84.9	67.4	23.2			
DeKalb County, Ga. (Decatur)	1968	77,967	73,843	94.7	4,124	5.3			+6,637	+9	+1,255	+30			44.6	55.4	47.0	47.0	47.0	47.0	10.2	393,444	48,213	12
	1970	85,859	80,480	93.7	5,379	6.3									70.5	29.5	14.7	14.7	.9	.9	.9			
Duval County, Fla. (Jacksonville).	1968	122,637	87,999	71.8	34,638	28.2			−1,560	−2	+1,416	+4			12.6	87.4	87.4	87.4	87.4	85.0	76.9	528,864	118,140	22
	1970	122,493	86,439	70.6	36,054	29.4									25.6	74.4	57.5	54.9	54.9	54.9	37.0			
East Baton Rouge Parish, La	1968	63,725	39,974	62.7	23,751	37.3			−561	−1	+1,034	+4			5.6	94.4	94.2	91.0	91.0	89.8	80.0	285,167	81,415	29
	1970	64,198	39,413	61.4	24,785	38.6									22.0	78.0	71.9	68.7	63.0	54.1	29.1			
El Paso, Tex	1968	62,105	26,662	42.9	1,804	2.9	33,639	54.2	−896	−3	+83	+5	+1,253	+4	61.8	38.2	28.3	25.9	21.0	10.8	4.3			
	1970	62,545	25,766	41.2	1,887	3.0	34,892	55.8							57.8	42.2	20.3	18.5	15.1	10.2	3.2			
Escambia County Fla. (Pensacola)	1968	46,875	33,951	72.4	12,924	27.6			−407	−1	+519	+4			22.5	77.5	71.3	70.0	70.0	70.0	70.0	205,334	40,384	20
	1970	46,987	33,544	71.4	13,443	28.6									41.3	58.7	16.6	3.8	0	0	0			
Fairfax County Va. (D.C. area)	1968	122,107	118,785	97.3	3,322	2.7			+10,369	+9	+892	+27			100.0	0	0	0	0	0	0	455,021	15,856	3
	1970	133,368	129,154	96.8	4,214	3.2									100.0	0	0	0	0	0	0			
Fort Worth, Tex	1968	86,528	58,193	67.3	21,398	24.7	6,937	8.0	−1,745	−3	+2,144	+10	+1,168	+17	9.7	90.3	85.4	85.4	85.4	76.6	60.7			
	1970	88,095	56,448	64.1	23,542	26.7	8,105	9.2							9.8	90.2	80.0	75.3	73.4	65.3	48.4			
Greenville County, S.C	1968	56,306	43,853	77.9	12,453	22.1			+581	+1	+355	+3			14.8	85.2	83.3	83.3	83.3	83.3	74.3	240,546	39,829	17
	1970	57,222	44,434	77.7	12,788	22.3									98.5	1.5	.6	0	0	0	0			
Hillsborough County, Fla. (Tampa).	1968	100,985	74,994	74.3	19,225	19.0	6,766	6.7	+3,180	+4	+1,192	+6	−10		18.3	81.7	77.4	73.3	70.8	70.8	64.3	490,265	66,648	14
	1970	105,347	78,174	74.2	20,417	19.4	6,756	6.4							23.4	76.6	62.8	49.4	41.3	25.9	11.3			
Houston, Tex	1968	246,098	132,352	53.8	81,966	33.3	31,780	12.9	−11,937	−9	+3,999	+5	+2,979	+9	5.3	94.7	90.9	88.0	86.4	79.2	64.5			
	1970	241,139	120,415	50.0	85,965	35.6	34,759	14.4							8.4	91.6	85.4	73.7	65.0	34.6	8.8			
Jefferson County, Ala. (Birmingham area).	1968	65,328	47,142	72.2	18,186	27.8			−4,201	−9	−1,410	−8			3.0	97.0	96.7	96.7	96.7	96.7	96.7	344,081	80,073	23
	1970	59,717	42,941	71.9	16,776	28.1									19.3	80.7	78.4	77.6	76.7	76.7	47.8			
Jefferson Parish, La. (Gretna).	1968	59,485	46,673	78.5	12,812	21.5			+3,698	+8	+389	+3			20.5	79.5	79.5	79.5	79.5	79.5	79.5	337,568	41,873	12
	1970	63,572	50,371	79.2	13,201	20.8									48.7	51.3	36.3	31.7	19.5	19.5	19.5			
Memphis, Tenn	1968	125,813	58,418	46.4	67,395	53.6			+13,583	+23	+8,908	+13			2.6	97.4	95.4	92.7	92.2	83.4	73.3	623,530	242,513	39
	1970	148,304	72,001	48.5	76,303	51.5									6.5	93.5	90.1	89.5	83.5	73.8	49.8			
Mobile County, Ala	1968	75,464	44,023	58.3	31,441	41.7			−5,266	−12	−407	−1			10.9	89.1	87.5	87.5	85.3	85.3	59.9	317,308	102,383	32
	1970	69,691	38,757	55.5	31,034	44.5									18.2	81.8	54.4	47.1	41.3	31.0	10.1			
Muscogee County, Ga. (Columbus).	1968	42,373	29,856	70.5	12,517	29.5			−920	−3	+557	+4			7.1	92.9	87.5	87.5	85.9	85.9	70.0	167,377	42,981	26
	1970	42,010	28,936	68.9	13,074	31.1									12.0	80.0	85.8	80.9	79.7	73.4	61.9			
Nashville-Davidson County, Tenn.	1968	93,720	71,159	75.9	22,561	24.1			+681	+1	+912	+4			16.8	83.2	69.4	61.3	56.5	54.3	51.8	448,003	87,876	20
	1970	95,313	71,840	75.4	22,473	24.6									25.0	75.0	67.0	62.4	49.7	39.5	21.1			
Norfolk, Va	1968	56,029	32,530	58.1	23,499	41.9			−2,170	−7	+1,258	+5			11.5	88.5	82.3	79.6	78.0	73.3	49.6	307,951	87,275	28
	1970	55,117	30,360	55.1	24,757	44.9									32.9	67.1	55.9	46.3	40.2	37.6	26.1			
Organce County, Fla. (Orlando).	1968	76,089	63,034	82.8	13,055	17.2			+6,838	+11	+2,343	+18			20.1	79.9	77.1	77.1	77.1	77.1	77.1	344,311	48,462	14
	1970	85,270	69,872	81.9	15,398	18.1									40.7	59.3	52.0	33.3	26.6	16.6	16.6			
Orleans Parish, La. (New Orleans).	1968	110,783	36,405	32.9	74,378	67.1			−2,937	−8	+2,010	+3			8.8	91.2	83.3	81.2	81.2	80.3	62.3	593,471	267,244	45
	1970	109,856	33,468	30.5	76,388	69.5									7.8	92.2	81.9	78.6	74.6	71.1	48.5			
Palm Beach County, Fla	1968	61,715	43,004	69.7	17,158	27.8	1,553	2.5	+3,219	+7	+1,180	+7	+646	+42	18.6	81.4	79.8	76.2	76.2	72.3	72.3	348,753	61,015	17
	1970	66,760	46,223	69.2	18,338	27.5	2,199	3.3							25.1	74.9	40.6	29.4	11.9	2.5	0			
Pinellas County, Fla. (Clearwater).	1968	78,446	65,751	83.8	12,715	16.2			+5,600	+9	+1,051	+8			21.7	78.3	73.2	72.1	72.1	64.5	25.9	522,329	42,774	8
	1970	85,117	71,351	83.8	13,766	16.2									45.5	54.5	20.9	20.0	20.0	16.5	4.8			

Polk County, Fla. (Barton)	1968	52,255	40,603	77.7	11,652	22.3			+1,878	+5	+247	+2			32.7	67.3	66.7	66.7	66.7	66.7	66.7	227,222	40,201	18
	1970	54,380	42,481	78.1	11,899	21.9									72.5	27.5	12.1	11.4	5.2	0	0			
Richmond, Va.	1968	43,115	13,674	31.7	29,441	68.3			+3,529	+26	+1,344	+5			6.4	93.6	88.6	84.6	84.6	82.8	78.0	249,621	104,766	42
	1970	47,988	17,203	35.8	30,785	64.2									11.7	88.3	56.8	44.7	28.2	28.2	9.6			
San Antonio, Tex.	1968	79,353	21,528	27.1	11,637	14.7	46,188	58.2	−3,615	−17	+216	+2	+1,299	+3	10.6	89.4	85.6	85.3	81.8	56.0	52.7			
	1970	77,253	17,913	23.2	11,853	15.3	47,487	61.5							9.3	90.7	67.1	60.1	51.4	28.6	11.1			
Spring Branch, Tex. (Houston area).	1968	35,704	35,689	100.0	15	0			+4,060	+11	+7	+47			100.0	0	0	0	0	0	0			
	1970	39,771	39,749	99.9	22	.1									100.0	0	0	0	0	0	0			
Virginia Beach, Va.	1968	41,272	36,900	89.4	4,372	10.6			+3,552	+10	+421	+10			62.2	37.8	37.8	37.8	37.8	29.2	29.2	172,106	15,688	9
	1970	45,245	40,452	89.4	4,793	10.6									87.4	12.6	12.6	12.6	0	0	0			
Winston-Salem-Forsyth County, N.C.	1968	49,831	36,033	72.3	13,798	27.7			−246	−1	−71	−1			15.3	84.7	84.7	84.4	84.4	79.4	70.9	214,348	47,825	22
	1970	49,514	35,787	72.3	13,727	27.7									37.0	63.0	57.4	57.0	57.0	53.4	43.8			

We find a rather striking parallel here, as we look over these statistics, that when the minority population of a school reaches somewhere around 30 percent, then the flight of youngsters becomes very pronounced. In Atlanta, Ga., when the minority population of that school system reached 68 percent, 22 percent of the white children left that school system. We have these statistics showing other districts where the population has reached close to 30 percent in the minority ranks and the flight of white students becomes more apparent.

I cite these figures only to support to some degree the conclusion reached by the Atlanta court in which the court stated that the problem today, perhaps the most significant problem in areas of large minorities, minority concentration, is the problem of resegregation, and we are going to have to address ourselves to that problem before we can deal with the whole specter of education in America.

I should like to suggest this as an alternative, Mr. Speaker. We have talked about the desegregation bills to some extent. We have provided $1.5 billion in the next 24 months of special aid to schools undergoing desegregation. We have talked about the President's busing amendment. I submit that perhaps there is another alternative that we might look at, and that is the question of general aid. I think the time is long past due when the Federal Government ought to take a greater responsibility for producing quality education for every American child in this country, for as we look over the whole school system of America, we find that there is a great disenchantment among American parents in the quality of the education of their children. This disenchantment we find among minority people as well as those in the very rich and affluent suburbs of America.

So we will have an opportunity as we work on the desegregation bill to study the prospects of perhaps offering a general aid bill, an alternative to the President's revenue-sharing proposal for education—a general aid bill which by 1974 or thereabouts, hopefully, would make the Federal Government a partner in the financing of better education for the children of this country, so that every school administrator can then make a sincere, honest, bona fide effort to improve the quality of education in his community.

I submit that if the trend of these judicial decisions handed down in Austin and in Atlanta continues, and that the court does go back to the neighborhood school system, depending on neighborhood schools to provide a good education for the children of that community, and as North and South turn to that kind of system, and as we find educators struggling to improve the quality of education in that kind of a system, in my judgment the color line will then disappear. When every American youngster in this country gets a good education, whether he is attending an all-white school, an all-black school, or an integrated school, only then, when the American people are convinced that every school is a quality school in this country, will the fears and the prejudices and the apprehensions that have quite properly dominated so many of our citizens in this country will disappear, and maybe we will have made a significant contribution, a contribution where the next generation of young Americans will be able to face the complex world which they are inheriting.

I have said many times the one fear that we as free people have is an inability by our citizens to understand the complexity of freedom. For that reason, in my judgment, education is the keystone of our very existence. If we Americans do not understand, we do not have the comprehension, the ability to communicate and to understand the complex nature of the world in which our children are growing up and in which we live, then we become easy prey for the prophets of the false gods and the false ideologies.

I feel so strongly about an educational system which will give every single American in the country, boy or girl, white or black, younger or older, an opportunity to develop his resources to the best of his ability.

Mr. MATHIS of Georgia, Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Georgia.

Mr. MATHIS of Georgia. Mr. Speaker, I would like to commend the distinguished gentleman from Illinois, the chairman of our Subcommittee on Education, for bringing this to the floor of the Congress today.

Mr. Speaker, we must face this issue honestly, and we must face it foursquare, and we must do it soon, because the public education system in this country is in danger of being destroyed.

Also I would like to commend the gentleman for bringing his subcommittee to my district a few weeks ago to discuss how education has been affected by this question. I understand the gentleman was to have several of the members of his subcommittee, and he came to my district alone. This made me wonder whether the other members shared our concern for the future of public education in this country. I thank the gentleman for coming to my district to find out about the problems we face in the South and the problems we will be facing in the country in general on education.

I concur with what the gentleman has said that the President is sincere, but I have serious doubts about what the President has said, as contrasted with what his administration has done. During his campaign for the Presidency, the President opposed busing to achieve racial balance, and yet I would point out to the gentleman we have experienced more busing during his administration than at any time previously.

Mr. PUCINSKI. Mr. Speaker, I thank the gentleman from Georgia for his contribution, and I thank him for the hospitality shown to me in his district.

Mr. Speaker, I wish we could get the Members of this body and the members of the Supreme Court to take that trip to the gentleman's county in Georgia and let them see the problems faced by the people there and see how the people there are trying to face the problem.

Yes, we are aware of the fact that some people do not want to face the problem. We will always find such people in a country as large as ours, but I believe the people generally have tried to adapt themselves to the orders of the Supreme Court in an orderly fashion. I

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[1] In calculating the number of white students for Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas and Tennessee school districts, the number of black students were subtracted from the total number of students in the district. This remainder was taken to be the number of white students. The percentage of black students in those districts was subtracted from 100 to arrive at the percentage of white students. HEW table 2–B cites Texas and Florida as among the 10 States having a significant population of Spanish-surnamed Americans as judged by number and by percentage of the population. HEW table 3–B was used to obtain the statistics on Spanish-surnamed Americans used in this chart. In compiling HEW table 3–B, the 10 States having a significant Spanish-surnamed population were selected out. Only large school districts were considered, and, of these, school districts were included on table 3–B, which had an enrollment of at least 1,000 Spanish-surnamed Americans. By using table 3–B, it is likely that those school districts in which the Spanish-surnamed American enrollment would sifinificantly affect the tabulations, have been considered.

[2] Statistics for Texas on total population in the school districts, black population in the school districts, and percentage of black population in the school districts, are not available at this time.

wish the Members could see the guerrilla warfare being waged by the Justice Department against these people. I was dismayed to hear that the Austin decision is going to be appealed simply because they did not cross all the t's and dot all the i's. The Judges are honestly and sincerely facing up to the problem.

I think my colleague is so right. We Americans are going to have to sit down and reason together, because this is a problem that can destroy the whole educational system. It could bring great disillusionment to the black children of our country as well as to the white children.

I remember so vividly being in the gentleman's district and having a lovely young girl, a junior in high school, a black girl, appear before our committee. She broke down three times and cried, because she said—

> Mr. Congressman, I am not interested in whether I go to an integrated school or to a segregated school. What I want is to go to a good school, so I can go to college and get the things my mother never had.

I remember also a young man, a senior, who had just graduated from school in Baker County, a very bright young man, who said—

> Mr. Congressman, I received actually no education during this last year, because of the turmoil there was in our school because of these court orders and all these plans.

He said—

> We are being short-changed on education simply because they will not give us a chance to learn.

I think these things sometimes are missed as a point, as a mark in the cold vocabulary of the legal brief. It is easy enough for people in Washington to go into the hustings and insist on every i being dotted and every t being crossed, and they say, "You have not done enough," or "You have not purged yourself completely of a dual school system."

If indeed a community is making an honest effort, and the judge is supervising the school board, and there is a decent effort being made to break down a dual school system, to break down discrimination, to break down the denial of opportunity to all children, it seems to me that school board ought to have an opportunity to move forward and develop an educational system for those children.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from South Carolina.

Mr. SPENCE. I should like to thank the gentleman from Illinois for bringing to our attention the problem, which is not peculiar to any one section of our country. I will predict that in the next year this will be one of the biggest problems we will have throughout this whole Nation of ours. I just do not believe our parents, school administrators, teachers, and citizens throughout this country will stand for this kind of situation to exist which the courts are forcing on us right now.

Mr. PUCINSKI. I would make just one minor correction. The gentleman is absolutely correct, but this is already a national problem.

In San Francisco, where they have ordered massive busing, there is violent reaction from all the citizens there, minority groups and others. In one of our northern cities the black people have served notice on the school board if their children are going to be bused clear across town they will refuse to send the children to school.

We are finding that black people, the minority people, are just as outraged at these schemes as are their white neighbors.

We have looked at this as a problem affecting only the South, but, for instance, Mr. Pottinger, the head of the civil rights section in the Department of Health, Education, and Welfare, in his statement recently which appeared in the CONGRESSIONAL RECORD, said that we have attorneys in some of these northern school districts that are going back 25 years scrutinizing board proceedings if they can find some seed, some basis which would indicate that the school system was segregated de jure. Going back 25 years? He said it takes countless hours, that it takes in some instances 2,000 hours to complete an investigation. This kind of harassment against a community that is trying to do a decent job in giving its children education?

I agree with the gentleman, the time has come when we Americans ought to take a hard look at this whole subject, black and white, reason together and find a common answer to this problem.

Right now black children are being short-changed in public education as well as white children. I hope that somewhere along the line we can rally enough support in the Congress to get some answers to these pressing problems. Otherwise I fear the mass exodus of white youngsters into private schools is going to leave the public school system a shell, a public school system totally segregated nonwhite, a public school system which has lost the support of the general public.

I can actually see, if we look far enough into the future, a public school system without any public support, and no system at all. I cannot think of any greater tragedy that could beset our country than to see the public school system of America strangled by its own foolishness.

Mr. RUTH. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, I would like to commend my colleague, the gentleman from Illinois, for addressing himself to this most important problem in our schools today.

Mr. Speaker, desegregation has come a long way since it was first introduced in the South. In lieu of this progress the Supreme Court would do well to recognize it and begin to base its decisions with a greater regard for quality education. The time has expired for punitive decisions and the time has come to bring the people together. It is indeed strange to have our court decisions not in accord with either the executive or legislative branch of Government. I refer to the recent statements of both the Secretary of Health, Education, and Welfare and the President of the United States; and of course, from the beginning the civil rights law stated that Federal funds would not be used to achieve racial balance or for forced busing.

The material previously referred to is as follows:

[In the U.S. District Court, Northern District of Georgia, Atlanta Division]

CIVIL ACTION NO. 6298

Vivian Calhourn, et al., plaintiffs, v. *Ed S. Cook, et al., Defendants.*

This case is on remand from the Fifth Circuit with directions to require implementation of a pupil assignment plan in compliance with the principles of *Swann* v. *Charlotte-Mecklenburg Board of Education,* —— U.S. —— (39 L. W. 4437, April 20, 1971). Specifically, it directs only two changes: (1) The provision for majority-to-minority transfer with transportation and space being guaranteed under the option and (2) The filing of semi-annual reports. *United States* v. *Hinds County School Board,* 433 F.2d 611 (5th Cir. 1970). After hearing on remand the court finds the following:

HISTORY

This case is now in its thirteenth year before this court, having been filed in 1958. Atlanta in 1961–62 was one of the first major southern cities officially abandoning the dual school system. In its court experience, the original desegregation order was one of the few unappealed and assented to. Periodically as each new specific to *Brown* v. *Topeka* [1] was belatedly developed by the higher courts, the School Board has been returned to court and given new directions under such landmark cases as *Jefferson,*[2] *Green,*[3] *Singleton,*[4] *Montgomery County,*[5] and *Orange County.*[6] Each has been accepted and promptly implemented. In the interim, the system voluntarily accelerated from the early concept of grade-by-grade annual integration to system-wide integration; it voluntarily and studiously located new schools and rezoned so as to maximize integration; it voluntarily liberalized its pupil-transfer plan; and in various ways increased responsibility for its black teaching personnel, principals, and area superintendents. Through court order, it has advanced from the initial requirement of two teachers of opposite race to each school to a computerized mathematical distribution of its facility by race throughout the city; and from historical and traditional attendance zones to a court-supervised optimum *Orange County* plan. No one has successfully challenged the good faith of its elected Board of Education, the appointed Superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade. Its efforts were early described as "commendable" by the Supreme Court. *Calhoun* v. *Latimer,* 377 U.S. 263 (1964). Each change has produced convulsive implosions within the system and what has now become the annual agony of Atlanta has caused significant change in the character of the system, both physically and psychologically.

When this suit began, Atlanta had a pupil ratio of 70% white and 30% black and a predominantly white faculty; today, its racial complexion has reversed to 70% black and 30% white and its 4,800 teachers are 60% black and 40% white. From an enrollment of 115,000 students its has dropped to 100,000 in the school year 1970–71, during which it lost 7,000 whites and gained 1,000 blacks. The system itself covers an area approximately 16 miles long and 14 miles wide wide lying in Fulton and a portion of DeKalb counties. The Atlanta City School System is a so-called "independent system" in that it is separately organized and operated from the county systems, each receiving direct grants from the state, supplemented by local tax funds. It is one of the 31 remaining independent city systems within the state.

Footnotes at end of article.

As such, it receives no state funds for transportation. It has never transported students, owns no busses, and there is no school "bussing" available. Based on information furnished by each principal as to location and times, the private Atlanta Transit System arranges routes to accommodate students at reduced fares provided by each student individually. The system presently maintains 123 elementary/primary schools and 29 secondary schools, with two units to be opened this coming year.

The white students remaining are concentrated at the extreme northern and southern ends of the district, while the vast middle is a broad belt of industry and high-density solid black housing. The line between these areas is steadily creeping towards the ends, with increased black housing and diminished white housing. Since 1961, it has anually achieved substantial temporary integation by the establishment or construction of "line schools". However, 34 of those schools have gone from all-white to 90% or more black during the period. This "tipping process" is so rapid that it sometimes occurs by the time a facility deliberately located to increase integration can be completed and occupied. Seldom does it last longer than two years. Since official desegregation in 1961, 24 new schools have been constructed, several of which have been especially built to serve federal housing developments in the inner city. Others were appropriated for such purposes. In spite of official laws and directives to the contrary, the bulk of such developments have been operated as all-black since inception. As a natural consequence, 29 schools provided for such "controlled situations" are substantially black. Enforcement of fair housing legislation under *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409 (1968), and Title VIII of the Civil Rights Act of 1968 will automatically integrate these zones. See *Hightower* v. *West*, 430 F.2d 552 at 556 (5th Cir. 1970).

The cause of such frustrating results lies in factors completely beyond the control of school authorities. Segregated housing, whether impelled by school changes or not, remains the unconquerable foe of the racial ideal of integrated public schools in the cities. The white flight to the suburbs and private schools continues. As far back as 1967, in an offshoot of this case involving the proposed construction of an all-black school in the heart of the black belt, the problem was accurately characterized by plaintiffs' witnesses and the court as *de facto* rather than *de jure*. *Griggs* v. *Cook*, 272 F. Supp. 163, *aff'd* 384 F. 2d 705 (5th Cir. 1967). Only last year, the parties and Judge Hooper for this court exhaustingly investigated possible remedies for over seven weeks of trial, culminating in the orders involved in this appeal and remand. Some of the fruits of those "best efforts"[6] have already slightly soured in the face of evolutional *de facto* changes. Through it all, the Atlanta system has maintained a traditional position of leadership in the public schools. It remains at the top of the state in pay scale, curriculum development, and innovative efforts in quality education.

THE PRESENT SITUATION

In this litigation, the longtime standard of measurement has been the classification of schools in excess of 90%–10% enrollment by race as "integrated". Presently, 38 elementary schools and 13 secondary schools meet this test in that they have integration in excess of 10% (many at 50–50) of the minority race at such schools. Of the remainder of 101, all but 46 have either completely resegregated, serve special controlled housing situations, or have been built since official desegregation as previously discussed. Of some 46 schools in neither category, the information furnished the court reveals substantially the following:

24 have integration of less than 10% (ranging from 1%–7% black and 1%–5% white);

7 have only token integration (less than 10 students of the opposite race, ranging from 1–4 blacks and 3–9 whites);

15 are either all-black or all-white.

The closest schools with a majority of the opposite race are located as follows:[7]

Less than ¾ mile, 1.
¾ mile to 1½ miles, 5.
1½ miles to 2 miles, 11.
2 miles to 8½ miles, 29.

Last year, 1140 students took advantage of the unlimited transfer option in effect.[8] There is, in fact, no serious problem of overcrowding at any facility. Annual zone changes and excellent modern portable classrooms are used to take care of increasing enrollments in either white or black schools. There are, proportionately, as many vacant classrooms at black schools as at white. The court is convinced that no device of packing is being used to preserve segregation. To the contrary, crowding at one school has been used to increase integration at another school. The Board assures the court there will be no problem of overcrowding at any school during 1971–72.

When the remand issued, the Board promptly agreed to the specifics required therein by formulating plans with the Atlanta Transit System to afford transportation by direct grants to the students taking advantage of the majority-to-minority transfer option. Prior thereto and following the issuance of *Swann*, it formed administrative task forces to study the possibilities of increasing integration by pairing, rezoning again, etc. All of those efforts have been reviewed by the court and representatives of the plaintiffs. Pairing or additional zone changes along the line either produce substantial hardship increases in travel time for the children involved or seriously imperil existing integration at one of the schools involved. In either event, the end result at best would accomplish only a temporary change soon to be wiped out in the historical pattern already established.

With the exception of an innovation in the transfer system, no single measure appears hopeful under the circumstances. There is evidence in the prior record that Atlanta has encouraged maximum majority-to-minority transfers on an individual basis. The court reasons that if such transfers could be effected on a bus-load basis, the prospects can be enhanced. The Atlanta Transit System is in dire straits itself. However, it has agreed to allow the Board to utilize the same total number of busses previously employed on an individual pick-up route basis for "group transfers". Thus, if a bus-load group of students in one area opt for a transfer to a particular school of the opposite race in another area, they can be transported at the same time in the same bus rather than individually along with the general public. The attached order so provides.

Additionally, the Board has agreed to make special efforts in the black area to encourage such group transfers through its area superintendents and other personnel stationed there. Already, it has given wide-publicity to the new transfer option through local newspapers, television, and radio. Over 100,000 bulletins have been placed in the neighborhood schools and a teacher is on duty to explain the plan to all interested parties. A central information center with a publicized telephone number has been established to impart the details to anyone inquiring. Each pupil may readily apply for the new transfer at the school he last attended on a quarterly basis on or before two days before the quarter opening.

CONCLUSIONS

Other than the above, it is apparent that the only device which could effect any significant change is mass-busing in an endeavor to achieve a 30%–70% ratio throughout the system. As seen, distances alone would require 40 minutes or more for each child transported and all of this would have to be achieved by a system which has no busses, no drivers, and no funds with which to acquire and operate them. The pairing of non-contiguous attendance zones is, under urban circumstances where a half-mile for a school child is a long distance to walk, but another term for busing. The court has considered the possibility of requiring the transportation of black students from the center to the white ends. This move is opposed by a large group of blacks except on a voluntary basis as described. On the facts alone, the court concludes that wholesale busing is neither "reasonable, feasible, or workable."

Of paramount significance, however, is the obvious result. Atlanta now stands on the brink of becoming an all-black city. A fruit-basket turnover through busing to create a 30% white–70% black uniformity throughout the system would unquestionably cause such a result in a few months time. Intelligent black and white leadership in the community realizes and fears it. Responsible citizens both in and out of the school system are deeply concerned with preservation of the biracial identity of the city. Without it, the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened.

The Atlanta School Board is made up of ten members, three of whom are black. Its chairman is Dr. Benjamin Mays, a respected black educator and civil rights leader. The Board deems it unrealistic to go further than stated and unwise to do so. The Biracial Committee appointed by this court is composed of ten outstanding civic and business leaders, five of each race. Its Chairman is Mr. Lyndon Wade, the black Executive Secretary of the Urban League. A majority of 9 [8A] of its members have furnished the court with a resolution praising the Board's efforts and recommending no further action. Short of mass busing, the plaintiffs whose counsel and advisors have vast experience in such matters can offer no other alternatives. The Department of Health, Education and Welfare has long ago approved the present plans.

The remedy of mass bussing under these circumstances is rejected. Nor is it deemed required under *Swann*. "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process." [*Swann* at Part V(4)]

The time and distance which would be involved is impractical, particularly for children in the primary and elementary grades. If the premise of *Brown* is correct and education in an all-black system is injurious, then certainly the results here would impinge the educational process for the children remaining. At least now there is complete integration administratively and substantial integration in pupil assignment. In a similar situation (Memphis), the Sixth Circuit in its post-*Swann* remand, indicated that the "extensive transportation of pupils to schools all over the city, regardless of distances involved in order to establish a fixed ratio in each school" is not required; and seemingly recommends that the trial court review all of those other devices already considered in Atlanta. *Northcross v. Board of Education*, ——— F.2d ———) 6th Cir., June 7, 1971).

Swann holds that once *de jure* status is removed that a school district is not required to reintegrate continually due to *de facto* changes. "Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the sys-

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Footnotes at end of article.

tem." [*Swann*, Part VI]. On this basis, there is considerable merit to the position that this case ought to be dismissed forthwith. Atlanta's *de jure* status has long since been removed by Board action and by successive court decrees. Its present problems are entirely *de facto*. There is absolutely no evidence of any affirmative action by the board to increase segregation. *Cf. Hobson v. Hansen*, 320 F. Supp. 720 (D.C.D. 1970). To the contrary, all official action for many years has been to promote integration. It appears to be a unitary system "within which no person is to be effectively excluded from any school because of race or color." *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969). On such basis, Atlanta is entitled to a dismissal.

However, should Swann be considered as a starting point for such a goal, the present qualify. In essence, Swann holds that the essentials of any unitary system are the elimination of invidious racial distinctions in regard to (1) transportation, (2) faculty and supporting personnel (3) extracurricular activities, (4) construction and site selection, and the presence of an (5) optional majority-to-minority transfer provision. To the extent that they apply, Atlanta has had such essentials for some time. With this order, the payment of public transportation and space guarantee has been added to the transfer provision. On pupil assignment, the Court, sitting in equity, may utilize any number of devices to achieve a "realistic and workable" plan for the district. All of the devices named, with the exception of mass bussing, have been considered by the Board and the Court and optimum results obtained. Insofar as one-race schools are concerned, the Board has satisfied its burden of showing that "their racial composition is not the result of present or past discriminatory action on their part." [*Swann*, Part V(2)].[9] Accordingly, upon implementation of the attached order, the system will be judicially declared unitary and a dismissal will be directed on January 1, 1972, the court retaining the inherent jurisdiction to deal with future problems.[10] "But in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary." [*Swann*, Part VI].

COMMENT

Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes, and quality education, such consolidations normally produce long-range improvements. In terms of the current problem, such consolidation might well produce partial, even though not perfect, solutions. Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be community-wide, crossing lines of industry, government, and transportation as well as education. While the School Board should certainly participate, it cannot function successfully alone. A special Mayor's Committee of both races might be appropriate. The existing Biracial Committee might well be expanded to 20–30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved Short of such critical reevaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, Jr.,
U.S. District Judge.
ALBERT J. HENDERSON, Jr.,
U.S. District Judge.

FOOTNOTES

[1] *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

[2] *United States* v. *Jefferson County Board of Education*, 380 F.2d 385 (5th Cir. 1967).

[3] *Green* v. *County School Board*, 391 U.S. 430 (1968).

[4] *Singleton* v. *Jackson Municipal Separate School District*, 419 F.2d 1211 (5th Cir. 1970).

[5] *United States v. Montgomery County Board of Education*, 395 U.S. 225 (1969).

[6] *Ellis v. Board of Public Instruction of Orange County, Florida*, 423 F.2d 203 (5th Cir. 1970).

[7] These distances are calculated in straight lines without regard to traffic patterns, transportation barriers, etc. In many instances, there is an intervening interstate highway, railroad, or similar artificial barrier.

[8] Under the old freedom-of-choice provisions, an unusually large number of blacks by-passed closer white and black schools to attend a "prestige" black school; and white students by-passed closer white and negro schools to attend a "prestige" white school.

[8A] The tenth member was out of the city for an extended absence.

[9] As seen, on a school-by-school basis there is existing integration of some kind or there is a purely *de facto* situation occurring since official desegregation in all but 15 all-black or all-white schools, or less than 10 percent of the total facilities in operation.

[10] In this respect, it should be made clear that for the present, the *Singleton*-type faculty assignment ordered by the court on March 20, 1970, calls for an annual adjustment. See *Carter v. West Feliciana Parish School Board*, 432 F.2d 875 (5th Cir. 1970). Implicit in the attached order is the admonition that it be so administered until further direction is received.

[In the U.S. District Court, Northern District of Georgia, Atlanta Division]

CIVIL ACTION No. 6298

Vivian Calhoun, et al, Plaintiffs, v. *Ed S. Cook, et al, Defendants.*

Upon consideration of this case under the remand of the Fifth Circuit, the defendant is ordered and directed as follows:

1. To abide by the previous decrees of this court regarding faculty and pupil assignment in the Atlanta public schools and specifically the orders of February 9, 1970; March 20, 1970; and August 31, 1970;

2. To provide for majority-to-minority transfers by application at the school last attended or at the central office each quarter of the school year at any time on or before the second day prior to the beginning of each quarter with space to be guaranteed each applicant at the school of his choice.

3. To provide for transportation for majority-to-minority transfers on the following basis:

(a) Where a sufficient number of students from a given community, zone, or point of origin will be traveling to a single destination, transportation will be provided by direct-billing contract with the Atlanta Transit System or some other carrier.

(b) Where the number of children moving to a given destination school is smaller than a bus load, transportation will be provided in the form of special bus tokens, distributed directly to the pupil involved on a weekly basis, to be used on regular Atlanta Transit System routes.

4. To furnish to the court and to the Biracial Committee through its chairman, reports on at least a semi-annual basis by October 1st and February 1st of each year containing the data set out in Appendix "B" of the district court order approved in *United States* v. *Hinds County School Board*, 433 F. 2d 611 (5th Cir. 1970). If such data is presently available in the existing monthly/quarterly reports published, *such* reports may be furnished in lieu of a special report.

5. To consult with the Biracial Committee, in its advisory capacity, in the areas of the promulgation and maintenance of school zone lines, in the selection of sites for new schools, in student transfer and school transportation policies, together with such additional matters as may be assigned to the Biracial Committee by the School Board for consultation and advice. *United States* v. *Hinds County School Board*, 433 F. 2d 611 at 612 (5th Cir. 1970).

To the extent stated herein, relief is granted; otherwise, it is denied. The motion by plaintiffs to hire a prfessional consultant at the expense of defendant is rejected. Considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary. Moreover, such action would delay these proceedings several more weeks up to the projected opening of school.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, Jr.,
United States District Judge.
ALBERT J. HENDERSON, Jr.,
United States District Judge.

[In the U.S. District Court, Western District of Texas, Austin Division]

United States of America vs. Texas Education Agency, et al. (Austin Ind. School District).

CIVIL ACTION No. A–70–CA–80

MEMORANDUM OPINION AND ORDER

On June 28, 1971, this Court entered an Order determining the absence of *de jure* segregation against Mexican Americans, but the continuation of the vestiges of a dual school system as regards Blacks. This Order incorporates that earlier Memorandum Opinion and Order and proceeds to outline a plan for eliminating the dual school system.

Despite this Court's repeated requests for a joint plan, the parties were able to agree only as to the high school integration plan submitted by the Austin Independent School District. *See* Report and Submission filed July 15, 1971. As regards junior highs, the Plaintiff continued to disregard this Court's guideline three as to the unsuitability of Anderson for a junior or senior high facility. The previously determined unsuitability of the Anderson facility, the greater costs, and longer transportation time involved in the Plaintiff's plan require this Court to reject it. *See* Defendant's Exhibits 37 and 82.

In reviewing the plans submitted for elementary school integration, this Court first reiterates its guideline calling for minimized busing. The testimony at the earlier hearing of this case convinced this Court that extensive crosstown busing could only harm the local education system. Dr. Cecil Hardesty, Superintendent of Schools in Jacksonville, Florida, an unbiased educational expert who has had extensive experience with crosstown busing ordered in his school district, delineated the many adverse effects from this remedial technique. The added time requirements imposed on students by busing often reduce attendance and produce higher dropout rates, especially among minority students, and limit the opportunity of all transported students to participate before and after school in extra-curricular activities, which both parties agree are an important factor in the educational process. Busing similarly reduces parental participation in school activities, particularly where it necessitates dividing a family's children among a number of schools. It also taxes the capability of health facilities in individual schools to deal with at-school injuries and illnesses. Of course, the objections to busing thus far enumerated might in many circumstances apply with equal validity to the traditional role bus transportation has played in overcoming the geographical separation between pupil and school. However, such objections take on a new and much larger dimension in the urban environment where massive transportation of students is involved.

Moreover, both Dr. Hardesty and Dr. Davidson further testified that busing students simply to achieve racial balance, as opposed to the traditional function of bus transportation, raises new educational problems not heretofore experienced. Transportation of students, particularly the very young, from their home neighborhoods into strange and often hostile environments causes raised anxiety levels in both students and their teachers that constitute psychological barriers to learning progress, and subjects students to traumatic experiences that they are not equipped by age or experience to handle. The Court is also aware of other barriers posed by community opposition to forced busing. Cf. United States v. Haynes,— F.2d. — No. 71-1165 (5th Cir. June 17, 1971). Because such large numbers of students must be transported within a reasonably short period of time, busing to achieve desegregation in Austin will necessitate assembly of students at their neighborhood schools prior to transporting them to another school. Thus inclement weather may pose problems in sheltering up to twice the school's student capacity during the busing period in the morning and afternoon. Moreover, in Austin, the bus routes would require transporting many students through a heavy traffic complex consisting of downtown Austin (Colorado River to 11th Street), the Capitol complex (12th Street to 19th Street) and the University of Texas campus (19th Street to approximately 27th Street). The traffic situation is further complicated by the fact that Interstate Highway 35, which is the main north-south traffic artery in Austin, is undergoing major construction work involving the closing of traffic lanes and various detours. This Court therefore finds that the traffic situation presents a serious and substantial obstacle to the safe transportation of school children. Finally, it should be noted that transportation costs in excess of those normally incurred in the traditional function of busing are essentially a non-productive expenditure, since such costs contribute little, if anything to academic achievement. Dollars spent on additional buses, driver's salaries, gasoline, tires and other maintenance yield little or no educational return to the community; dollars spent on productive programs, teacher's salaries, books, facilities and teaching equipment do.

Accordingly, this Court finds as a fact that busing to achieve desegregation in the Austin community will result in serious interference with the educational process. Because of this, the Court has examined both the HEW Recommendations and the AISD plan with a view toward minimizing busing and maximizing the use of neighborhood schools. Normally, in fashioning a remedy, the recommendations of the Department of Health, Education, and Welfare are entitled to great weight, U.S. v. Jefferson County Board of Education, 372 F. 2d 836, 847 (5th Cir. 1966), and "the school districts are to bear the burden of demonstrating beyond question, after a hearing, the unworkability of the [HEW] proposals . . ." Carter v. West Feliciana Parish School Bd., 396 U.S. 290, 292 (1969) (concurring opinion of Justice Harlan.) In the instant case, however, the evidence adduced at trial, especially the uncontradicted testimony of Mr. Cunningham and Dr. Davidson, shows that despite AISD's repeated attempts to communicate with HEW, over a period of several months, nothing was forthcoming from HEW until approximately 30 days prior to trial. At this time, HEW filed with this Court its comments on the desegregation plan formulated by the AISD. These comments (Letter from Thomas Kendrick, Senior Program Officer to Dr. Jack Davidson, Superintendent, AISD, dated and filed May 14, 1971) [Hereinafter called HEW Recommendations] as they have been amended at trial through the introduction of Plaintiff's Exhibits 23, 25 and 26, and the Report and Submission filed with this Court on July 15, 1971, constitute the only documentary evidence of any desegregation plan developed by HEW. At trial, several further modifications to the HEW Recommendations were revealed for the first time through the oral testimony of Mr. A. T. Miller, the HEW Project Officer. The only explanation offered by HEW for this course of conduct was the testimony of Mr. Miller that he was not authorized to deviate from the HEW plan, which had been drawn in Washington, D.C., but that he had been "available" for consultation throughout the pendency of the suit. The fact remains, however, that the AISD was not given the benefit of HEW recommendations in drawing its plan, despite repeated efforts to obtain such recommendations, until approximately 30 days prior to trial. This inflexibility on the part of HEW is inconsistent with this Court's understanding of the role to be played by HEW in the complex, difficult task of urban school desegregation, and it is further inconsistent with the clear and obvious purpose of this Court's Order of September 4, 1970, directing the parties to attempt agreement on a common desegregation plan. This case thus appears to depart substantially from the usual run of school cases in that here the uncommunicative, uncooperative and recalcitrant party has been not the local school board, but the Department of Health, Education and Welfare.

This Court has therefore weighed both plans according to their relative merits under the two-pronged test developed in the cases:

(1) Does the plan convert *now* the existing dual school system "to a unitary system in which racial discrimination would be eliminated root and branch?" Green v. County School Board, 391 U.S. 430, 437–38 (1969), and

(2) Is the plan "reasonable, realistic and workable?", Swann v. Charlotte-Mecklenburg Board of Education, supra, at 575.

HIGH SCHOOLS

The parties have agreed that the plan submitted by AISD for implementation in the Fall of 1971 (see Defendants' Exhibits Nos. 35 and 37) would assign all black high school students to schools that are not identifiable as Negro schools, (Report and Submission of July 15, 1971, at I), and the Court so finds. The AISD plan for the high schools, (Alternate Plan No. 2, for the 1971–72 school year) together with the planned construction of three new high schools and proposed revision of attendance zones, (Alternate Plan No. I, for the 1973–74 school year) meets all constitutional requirements and is therefore approved.

JUNIOR HIGH SCHOOLS

The parties similarly agree that the AISD plan for junior high schools. (Defendants' Exhibit No. 36, Alternate Plan No. 2, as modified by the closing of Kealing Jr. High School for the 1971-72 school year) would assign all black junior high school students to schools that are not identifiable as Negro schools, although HEW expresses doubt that this would comply with the fourth guideline contained in this Court's Memorandum Opinion and Order of June 28, 1971, since it, together with AISD's high school plan "unnecessarily places on the black community the entire burden of desegregating on the secondary level." Report and Submission of July 15, 1971, at 2–3. The guideline in question was addressed to any attempt on the part of either party to achieve desegregation merely by integrating blacks with Mexican-Americans as opposed to integrating them throughout the entire community. Although some of the same considerations of fairness support HEW's position, this Court believes that they are outweighed by the continuity of zone lines and feeder patterns, decreased likelihood of "white flight," transportation efficiencies and coordination with the AISD elementary plan afforded by the AISD junior high plan. Moreover, the HEW proposals for secondary schools disregard an additional cost of some $246,200 for portable buildings made necessary by the crowding of some facilities and drastic underutilization of others under the HEW plan, and involves the use of Anderson High School as a junior high facility, which this Court finds unsatisfactory. The AISD junior high school plan (alternate Plan No. 2), as modified by the closing of Kealing Jr. High, also meets all constitutional requirements and is APPROVED.

ELEMENTARY SCHOOLS

Austin's 55 elementary schools, which are widely scattered across the city to meet neighborhood needs, pose the major problem in implementing an effective desegregation program. HEW suggests pairing for a few contiguous attendance zones, but in the main recommends the groups of contiguous zones be "clustered" with "satellite" or non-contiguous zones. *See* HEW Recommendations at 3–5 and Attachment 1, and Plaintiff's Exhibit 1. Each cluster, usually consisting of one predominately Black school, one predominately Mexican-American school, and four predominately Anglo schools, would be thoroughly integrated on a daily basis through extensive cross-town busing. Mr. Miller, the HEW Project Officer, indicated that in each cluster all students in one of the schools, or several grades could be divided among several of the schools in the cluster. In the Report and Submission of July 15, 1971, HEW further suggests "full time pairing of the five all-black elementary schools (counting Rosewood and Oak Springs as one school encompassing grades one through six) with ten or more non-contiguous Anglo schools."

While employing a form of clustering similar to that proposed by HEW at trial (*see* Defendant's Exhibit 78 at 16) AISD offers a unique new approach to elementary desegregation. Integrating not only people, but the entire educational process, the AISD plan creates learning resource centers, provides inter-school visitations, and sponsors joint field study trips. A "Companion School Team Planning Advisory Council", composed of representatives from each school in a given cluster as well as staff representatives, would develop integrated educational programs for the cluster. As explained more fully in Defendant's Exhibit 80, [t]he primary purpose of the multi-cultural learning activities at the Learning Resource Centers is to provide new dimensions of understanding by placing greater emphasis on the cultural influences and contributions of various ethnic groups of American society.

To accomplish this objective, one center each for fine arts, social sciences, avocations, and science, would be established in vacant or underutilized facilities designated by AISD. According to Defendant's Exhibit 78, "Major Program Thrusts" would be "1. Bolster academic programs in one race schools (cognitive learning) (and) 2. Develop wholesome attitudes and understandings (affective learning)." As "a major portion of the social studies curriculum," these centers will concentrate on "instructional groups" "composed of "four multi-ethnic student teams consisting of 6, 7, or 8 students each, depending on the size of the companion school group." Defendant's Exhibit 80. These instructional groups would regularly be assembled for inter-school visits, field study trips, and planned programs at the learning resource centers. The bus transportation used both to assemble the groups and transport them to these activities would be integrated into the educational program through the use of supervised on-bus activities.

Under the AISD plan the Court finds that elementary students would be in a desegregated environment as much as twenty-five (25) percent of the school year. This Court further finds that the AISD elementary plan, particularly in its creation of learning resource centers, possesses great educational benefits. It is a program designed specifically to develop in elementary school children the capacity to understand, appreciate and respect cultural values other than their own by providing, in a structured, supervised program, a common bond of experience with members of other ethnic groups. The central thrust of the AISD plan is to eliminate the mutual fears that lie at the heart of racial prejudice, and the discriminatory attitudes that flow from such fears, through educational activities specifically tailored to reach this objective. Its underlying premise is that meaningful and effective desegregation depends primarily on the quality, and only secondarily on the quantity, of the multicultural experiences to which each elementary school child is exposed.

HEW attempts to stigmatize this innovative proposal with the label "part-time desegregation", relying on *Bivins v. Bibb County Board of Education*, 424 F.2d 97, 98 (5th Civ. 1970) where only 25% of the Negro students were attending formerly all-white schools and only "nine percent of the white students were participating or waiting to participate on a part-time basis in virtually all of the all-Negro schools in response to the incentive of special courses there . . . ." No such scheme is proposed by the AISD elementary plan, which is mandatory on all elementary students and which encompasses virtually all of the system's Anglo elementary students for a much larger portion of their academic time in a far wider and more meaningful range of multicultural experiences. This Court therefore considers *Bivins v. Bibb County*, supra, inapplicable to this case.

Nor can the HEW Recommendations be said to provide a more satisfactory distribution of ethnic groups. Plaintiff's Cluster No. 5, when examined in view of the more accurate enrollment figures provided in Defendant's Exhibit 79, includes only eighteen Blacks or about 1% of the cluster's student population; Cluster No. 6 includes only twenty-one Blacks or about 2%. *See* HEW Recommendations, Attach. E for composition of clusters. At the same time HEW would pair three schools—Becker, Mathews, and Pease—which, as indicated in Defendant's Exhibit 79, are already integrated on a tri-ethnic basis.

While the HEW Recommendations strictly avoid any discussion of implementation methods, which, of course, from the core of any determination as to reasonableness and workability, Mr. Miller's testimony indicates almost total reliance upon extended daily busing of 89% elementary students. *See* Plaintiff's Exhibit 26. This Court finds as a matter of fact that this proposal entails all the educational disadvantages of busing previously discussed. Moreover, the cost comparison of the HEW proposal with that of AISD is startling. Because the AISD can employ during the school day at the elementary level the same buses used to transport secondary students, no additional equipment is required. Consequently, expenditures would be held to $100,000 in operating costs. Defendant's Exhibit 82. In this same exhibit, the AISD estimates that the HEW elementary proposal would cost $1,708,000–$1,573,000 for transportation, and $135,000 for additional portable rooms. Even the Plaintiff's Exhibit 26, with its understatement of the number of buses required to implement the HEW Recommendations estimates total first year costs of $717,900. This Court finds as a matter of fact that, by either estimate, the cost of this proposal places an unreasonable burden upon the school district. This Court further finds that the minimum number of buses necessary to implement the HEW proposals cannot be obtained until late in the 1971–72 school year. See direct testimony of Dr. Leon R. Graham.

After a review of the evidence, particularly Defendant's Exhibit 82, Attach. A, this Court finds that the AISD plan is preferable also because it imposes lesser time burdens on students in going to and from school and lessens traffic hazards. Unlike the HEW Recommendations, the limited amount of busing required by the AISD will occur during hours of lessened traffic flow, as a part of the learning day with teacher participation. This Court finds that the AISD plan minimizes the disadvantage inherent in busing

The AISD elementary plan is a wholly new approach to the problems of desegregating elementary schools locked deeply in areas of urban minority concentration. Under difficult circumstances, the plan achieves maximum desegregation consistent with reasonable cost, student safety and educational soundness. It is the finding of this Court that Defendants have met their burden of showing the non-feasibility of the HEW proposals, and that the AISD elementary plan is the only physically possible desegregation plan for the 1971–72 school year because of the nonavailability of additional buses until late in the second semester.

With the closing of St. John's Elementary School, a predominantly black school, the students of which can easily be assigned to neighboring schools, and the addition of a majority-to-minority transfer provision, the AISD elementary plan will also meet all constitutional requirements.

CONCLUSION

Upon implementation of the AISD plans for the high schools, junior high schools and elementary schools, as modified herein, the defendant school district will be in full compliance with the previous Orders of this Court dated September 4, 1970, December 15, 1970, February 26, 1971, and April 14, 1971, all terms of the Civil Rights Act of 1964, and the constitutional principles announced in Brown v. Board of Education, 347 U.S. 483 (1954), Green v. County School Board, 391 U.S. 430 (1968), and Swann v. Charlotte-Mecklenburg Board of Education, — U.S. —, 28 L.Ed. 2d 554 (1971), and will have achieved a unitary school system. This memorandum Opinion shall constitute this Court's findings of fact and conclusions of law pursuant to Rule 52, Federal Rules of Civil Procedure.

Order

Based upon the foregoing memorandum Opinion, it is Ordered, Adjudged and Decreed that"

1. Alternate Plan No. 2, proposed by the Austin School Board, is to be put into immediate effect subject to the following modifications:

a. Kealing Junior High School is to be closed for school year of 1971–72.

b. St. Johns Elementary School is to be closed and its students reassigned to the neighboring white schools.

c. Paragraphs B, C, F and G of the Interim Desegregation Plan for the Austin Independent School District implemented by this Court's Order of September 4, 1970, shall remain in effect.

2. The site locations for the proposed high schools, junior high schools, and elementary schools are hereby approved; the School Board is further Ordered to report back to this Court on June 1, 1972, and every six (6) months thereafter, on the site acquisition, progress, planning and construction of new schools.

3. Since the AISD plan for elementary desegregation is unique in approach, the Board will report to this Court on October 1, 1971, and each February 1, and June *1, of* succeeding years the progress made in desegregation at all levels with special emphasis on information pertinent to the elementary program, such reports to include, but not be limited to, student involvement, racial composition of staff and students, participation in extra curricular activities, and transportation utilized to accomplish both Board Alternate Plan No. 2 and the AISD plan for elementary schools.

4. Prior to the occupation of the new high schools and junior high schools at Northeast High School, Northwest High School, Austin High School, Rundberg Lane Junior High School, Northeast Junior High School, and the South First Street Junior High School, the Board will submit to this Court a projected ethnic composition for each school so that this Court can determine whether the features of Alternate Plan No. 2 should be continued or altered.

5. As authorized by the Supreme Court in *Swan* v. *Charlotte-Mecklenburg Board of Education, supra,* this Court will retain jurisdiction of this case to insure that the unitary system hereinabove provided and required is operated in accordance with these orders to achieve the objective specified. For this purpose, it is required that the Austin School Board shall, on or before the 1st day of the months of November, December, February, March, April and May, during the 1971–72 school year, submit to this court reports each of which shall cover the following topics:

a. Students, including (1) the number of students by race enrolled in the school district; (2) the number of students by race enrolled in each school in the district; (3) the number of students by race enrolled in each classroom in each of the schools in the district; and (4) the number of school days during each month that each child has participated in multi-cultural activities pursuant to the elementary school program, broken down by learning resource center visits, inter-site visits, and field-study trips.

b. Teachers, including (1) the number of full-time teachers by race in the district; (2) the number of full-time teachers by race in each school in the district; (3) the number of part-time teachers by race in the district, and (4) the number of part-time teachers by race in each school in the district.

c. Transfers, describing the requests and results which have accrued by race, under the majority-to-minority transfer provision which is a part of this Court's Order.

d. Specifying any change which may have been made in the boundaries of any zone or zones.

e. Transportation system, including the number of vehicles in use and the extent to which black and white students are transported daily on the same buses.

f. Utilization of equipment, including a statement that all gymnasia, auditoriums, cafeterias and like facilities are being operated on an integrated basis.

6. If it appears that the plan hereby adopted does not in actual fact and in operation provide the unitary system for which it was designed and adopted, the Order of this Court may be changed to whatever extent necessary to accomplish the objective.

Signed at Austin, Texas, this 19th day of July, 1971.

JACK ROBERTS,
U.S. District Judge.

[In the U.S. District Court, Western District of Texas, Austin Division]

CIVIL ACTION No. A–70–CA–80

United State of America v. Texas Education Agency, et al.

ORDER

Pursuant to Rule 60(a), Federal Rules of Civil Procedure, the Court's Memorandum Opinion and Order of July 19, 1971, is corrected on the last line of page eight to read 8900 elementary students rather than 89%.

It is so ordered.

Entered this 22nd day of July, 1971, in Austin, Texas.

JACK ROBERTS,
U.S. District Judge.

CIA SHOULD REPORT TO CONGRESS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, in 1947 Congress passed the National Security Act, which greatly restructured the executive branch of Government. In addition to combining the various armed services into the Department of Defense, the act also established the Central Intelligence Agency to coordinate the work of the individual intelligence-gathering branches of each armed service, and also to report directly to the National Security Council and the President of the United States.

Thus, the President was given the tools which would permit him to make the decisions which could lead to peace and to war in the coming decades.

Unfortunately, Congress did not give itself the same tools, although the legislative branch of Government is equally charged by the Constitution with making those same decisions. The National Security Act of 1947 did not specifically exclude Congress from receiving reports and periodic and regular briefings, nor did it specifically provide for them. It was silent. As might have been expected, regular reports have not been forthcoming. When specific requests for information on the activities of the Central Intelligence Agency have been made these questions have generally not been answered.

The problem with that approach has been that, with such a supersecret agency, it is difficult to know just what questions need to be asked. Since requests for the CIA are carefully hidden in the President's budget and in authorization and appropriation bills, it is impossible to know even how much money is spent by the intelligence community, let alone for what purposes it is spent.

Congress should have that information—even though most of it must necessarily be highly classified, because it does have the responsibility for major decisions of foreign policy. The power of the purse and the power of the sword are the two major power grants committed to the Congress by the Constitution. Each is intimately connected with operations of the Central Intelligence Agency, and so far, Congress has neglected to use either power.

The bill I am introducing today will help Congress to fulfill its responsibility. It is a companion measure to S. 2224, introduced in the Senate by the senior Senator from Kentucky, JOHN SHERMAN COOPER. Its sole purpose is to require the CIA to make regular and special reports to the House Foreign Affairs and Armed Services Committees and the Senate Foreign Relations and Armed Services Committees. Such reports would deal with the intelligence information collected by the Agency and analyze its significance in terms of our relations to foreign countries as well as national security.

Naturally, such reports would often deal with sensitive subjects, and the Members of the committees and their staffs would be subject to the same security clearance as members of the executive branch dealing with the same reports. The only purpose for receiving such reports would be to enable the Congress to fulfill adequately its decision-making role. The question of the public's right to know is not at issue.

In 1954, when Congress set up the Atomic Energy Commission, it specifically provided that the appropriate body of Congress constantly be kept apprised of the Commission's activities. The act states plainly:

> The Commission shall keep the Joint [Atomic Energy] Committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities or responsibilities of that agency in the field of atomic energy.

Those serving on the Joint Atomic Energy Committee describe it as a "refreshing experience" because "the committee does not have to go after the information; the information is volunteered."

The Congress should have similar access to information gathered by the intelligence community. Only in this way can we can be better equipped for the decisions which we have the responsibility for under the Constitution.

I hope that this bill will be thoughtfully considered in both Houses of Congress, and that it will be enacted into law at an early date.

Text of bill follows:

H.R. ——

A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:

"(g) It shall also be the duty of the Agency to inform fully and currently, by means of regular and special reports to, and by means of special reports in response to requests made by, the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security, including full and current analysis by the Agency of such information.

"(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any Member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access."

ENVIRONMENTAL QUALITY ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, earlier this year, I and 20 other Congressmen introduced H.R. 4911 to provide that State and local laws and regulations on environmental matters shall not automatically be preempted or nullified by Federal law; the bill would correct a major error in the Environmental Quality Act of 1970. Today, I and 27 other Congressmen introduced H.R. 10353 to amend the Clean Air Act to clarify California's right to enforce its own stringent motor vehicle emission standards.

Recently, two matters have come to my attention which show the urgency of immediate passage of such legislation.

The city of Inglewood borders Los Angeles International Airport. Its residents are subjected to physically harmful noise levels 24 hours each day. Taking an important lead in local noise standards, the city of Inglewood, therefore, passed legislation fining any airline, first, in violation of FAA regulations, and second, emitting noise at a level greater than 90 dbA. A noise level of 90 dbA is equivalent to the sound of a subway car.

Here was no danger of an "impossible ordinance" destroying the aviation industry. Any airline that violated Inglewood's regulation would have violated FAA regulations. Inglewood could be accused of nothing worse than following through on FAA's responsibilities.

On March 9, according to Inglewood's surveillance devices, Continental Airlines Flight 25 flew over the city at a height below FAA standards. The citizens below were subjected to 102 dbA of noise. Inglewood filed suit.

Continental asked for and received a temporary restraining order. They relied on two points: First, a dispute over whether the aircraft had actually been lower than FAA standards; and second, but more important, the preemption of authority by the Federal Government. To make matters worse, the FAA has now joined in asking for a preliminary injunction.

To quote a constituent's recent letter:

> I am distressed that the federal government is suing the City of Inglewood concerning jurisdiction over airplane noise. Inglewood's noise ordinance is one of the few rays of hope I have seen in the seemingly losing battle against noise.

Congress has built itself into a corner. It has not only preempted the mild and realtively valueless noise regulations of some communities, but also the progressive and necessary regulations of communities like Inglewood. If a community wishes peace and quiet, why must they be frustrated by the Federal Government.

Substantial improvement in the abatement of air pollution is also delayed by current Federal laws. On April 30, William D. Ruckelshaus, Administrator of the Environmental Protection Agency, denied California's request for assembly line emission inspection for all 1973 model cars.

Mr. Ruckelshaus backed his denial with two rationales. First, "California introduced no evidence to indicate that such a requirement would significantly improve air quality in California." But the so-called Murphy amendment to the Air Quality Act of 1967 placed the burden on the Federal Government to present evidence showing the waiver to be inconsistent with Federal requirements.

Congress obviously needs to clarify the intent of the Murphy amendment; H.R. 10353 would do just that.

Second, Mr. Ruckelshaus contended that "the requirements would not have allowed sufficient time for manufacturers to obtain and install necessary testing equipment." However, Ford Motor Co. specfiically stated that they could meet the deadline proposed by California.

Thankfully, Mr. Ruckelshaus is now reconsidering his stance.

State and local governments have finally taken the initiative in solving today's pollution problems. It would be unfortunate if the Federal Government now stops them.

FEDERAL GASOLINE TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 15 minutes.

Mr. SEBELIUS. Mr. Speaker, today I am introducing legislation that would reduce the Federal gasoline tax 2 cents per gallon for gasoline containing grain alcohol made from wheat as a substitute for lead.

This bill would help answer three great social needs. A true no-lead gasoline would mean a cleaner environment. The use of wheat to make grain alcohol would improve farm income. The use of high protein byproducts that stem from grain alcohol production would give us additional products to fight malnutrition and hunger in our Nation and throughout the world.

First let us consider the quality of our environment. In this regard, lead is the oldest recognized environmental poison in the history of man. The natural level of lead in human blood is believed to have been less than .01 parts-per-million in preindustrial times. Today, the average American has 0.2 to 0.3 lead parts-per-million in his blood. Classical lead poisoning occurs when the level reaches 0.5 to 0.8 parts-per-million.

Since one of the main identifiable sources of lead pollution to humans is leaded gasoline exhausts, we should consider positive programs with incentives to utilize no-lead gasoline. Data from Southwest Research, Inc., San Antonio, Tex., indicates that grain alcohol gasoline utilization improves combustion and results in an 80-percent reduction in chamber deposits and exhaust emissions compared with leaded gasoline.

Second, widespread utilization of no-lead grain alcohol gasoline offers many social and economic benefits. To make the complete transition to all-grain-alcohol gasoline would require more than 3.2 billion bushels of cereal grains annually. This potential market would certainly improve farm income which is imperative if the family farm operation is to be saved and if we are to improve conditions in rural and smalltown America.

The fermentation plants which would be required for manufacturing would logically be located in farming areas with a high concentration of grain production close to markets for the high protein byproducts. This employment potential coupled with improved farm income would provide the necessary ingredients for a successful rural development program.

Third, aside from environmental protection, it is apparent that this proposal has the potential of improving the quality of life for all Americans. New jobs and increased economic opportunity in rural and small town could achieve a better distribution of our population and economic balance between rural and urban America. The overcrowded conditions in urban America have created impossible demands on urban resources to meet the requirements of transportation, education, welfare, crime control, pollution control, health care, public services, and housing. We must find answers to these urban problems and I feel this legislation represents a direct and inexpensive solution.

Fourth, the byproduct of grain alcohol production is a protein concentrate containing about 25 to 30 percent protein. I have been most encouraged by the joint research efforts of the Kansas Wheat Commission, the Kansas Association of Wheat Growers, and FAR-MAR-CO, Inc., of Hutchinson, Kans., regarding the utilization of this high protein byproduct. This research coupled with the efforts of Midwest Solvents Co., Atchison, Kans., and the Southwest Research Institute underscores the byproduct market potential in our efforts to satisfy skyrocketing protein requirements and to fight hunger and malnutrition at home and abroad.

In the quest for world peace, for too long now we have overlooked the talents of the most successful producer in the American economy, the farmer. A hungry world is a troubled world. Our greatest weapon in our arsenal of peace should be our willingness to share our agricultural abundance and expertise with the developing nations. This legislation provides the vehicle to accomplish this most far-reaching and worthwhile goal.

Many comments have been made regarding the economic feasibility of this proposal and a profitable market for the high protein residue is the key. It has been reported that 100 percent conversion to lead-free gasoline by 1975 would cost the petroleum industry approximately 3 cents per gallon more than current production. If you consider present gasoline costs of approximately 20 cents per gallon, not including tax, and if you assume that a 10-percent ethyl alcohol blend would give satisfactory combustion characteristics, this increased cost to 23 cents per gallon would make the ethyl alcohol worth about 50 cents per gallon as an additive. An added 2-cent tax incentive for grain alcohol as proposed in this bill would make the grain alcohol worth approximately 70 cents per gallon as an additive.

However, a recent article, "Industrial Alcohol From Wheat" prepared by Dwight L. Miller, Assistant Director, Northern Utilization and Development Division, Agricultural Research Service, USDA, estimates the cost of grain alcohol to be 59.5 cents per gallon with wheat at $1 per bushel, 69 cents per gallon at $1.25 per bushel, and 78.7 cents per gallon at $1.50 per bushel. It becomes clear that the price and market demand for the high protein byproduct of grain alcohol production are the keys to the utilization of grain alcohol gasoline at a competitive price and at a price to assure the farmer a fair return for his grain above the cost of production.

This tax reduction would be handled by the retailer and would be passed on directly to the consumer. A sign on the retailer's gasoline pump would be required to serve notice to consumers that it contained lead-free grain alcohol gasoline and a 2-cent reduction in the Federal gasoline tax.

Any loss in tax revenue would be more than offset by cleaner air, income relief to the farmer and the development of high protein products to feed the hungry and malnourished. This kind of positive approach certainly merits serious consideration by Congress as opposed to punitive control measures. I am hopeful that it will be possible to schedule this legislation for a comprehensive hearing some time in the near future.

THE SHARPSTOWN FOLLIES—XXVII

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, in the Frank Sharp empire there were certain patterns of operation. These would have been familiar to anyone of any importance in the Sharp enterprises, including of course Will Wilson.

One of the curious things about the investigation of the Sharpstown scandal is that as far as I know, Will Wilson has never been asked about his role by official investigators. Surely he has much to say that would be of interest, in view of his key role in the construction and operation of the great scheme.

Surely Wilson would have recognized the patterns of Sharp's deals, and surely he would have known of their questionable legality. Were he to be asked to tell what he knows, under oath much might emerge. It is curious that he has not been asked.

Wilson might have been able to tell investigators of the three or four Sharp patterns of operation, such as the pattern of self-dealing loans, which I have described time and again. In these deals, Sharp would lend money to his interests from his banks, secured by stocks in his companies, or occasionally by letters of guarantee from one of his insurance companies.

Wilson might be able to tell investigators about Sharp's kiting of assets from one company to another. Though this reached its peak after Wilson left the Sharp empire, he must have known of the practice almost from its inception.

Or Wilson could tell about the many political figures in the Sharp operations. After all, he was one of them. He might be able to explain how all these men got involved, what they did, and why, for the benefit of Sharp, his pals, and themselves.

Wilson might also be able to tell something about Sharp's fourth general pattern of operations, the manipulation of company stocks. After all, he traded in those stocks, just like other insiders did, and he gave legal advice on which those deals were based. He knew the laws, and how to skate around their extreme edges.

Wilson might be able to tell something about how the great Sharp schemes started, and how they grew with his help, and what he did and did not do to prevent illegal acts from taking place. He might be able to tell many things. I can only wonder why he is not asked.

COSPONSORS OF HIGHER EDUCATION FUNDING ACT OF 1971

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, today I am refiling my bill H.R. 5, the Higher Education Funding Act of 1971 with additional cosponsors Congressmen WILLIAM R. COTTER of Connecticut, GUY VANDER JAGT of Michigan, and JACK F. KEMP of New York. These Members add to the following list of sponsors of H.R. 5:

LIST OF H.R. 5 SPONSORS

Watkins M. Abbitt, Virginia.
Thomas G. Abernethy, Mississippi.
Joseph P. Addabbo, New York.
William R. Anderson, Tennessee.
Frank Annunzio, Illinois.
Edward G. Biester, Jr., Pennsylvania.
Edward P. Boland, Massachusetts.
Joel T. Broyhill, Virginia.
John Buchanan, Alabama.
James A. Byrne, Pennsylvania.
Bob Casey, Texas.
Frank M. Clark, Pennsylvania.
James C. Cleveland, New Hampshire.
George W. Collins, Illinois.
Edward J. Derwinski, Illinois.
Harold D. Donohue, Massachusetts.
Thaddeus J. Dulski, New York.
John J. Duncan, Tennessee.
Joshua Eilberg, Pennsylvania.
Walter Flowers, Alabama.
William D. Ford, Michigan.
James G. Fulton, Pennsylvania.
Richard H. Fulton, Tennessee.
William J. Green, Pennsylvania.
Charles H. Griffin, Mississippi.
Gilbert Gude, Maryland.
G. Elliott Hagan, Georgia.
Seymour Halpern, New York.
John Paul Hammerschmidt, Arkansas.
Julia Butler Hansen, Washington.
Ken Hechler, West Virginia.
Henry Helstoski, New Jersey.
Floyd V. Hicks, Washington.
Louise Day Hicks, Massachusetts.
John C. Kluczynski, Illinois.
Speedy O. Long, Louisiana.
Paul N. McCloskey, Jr., California.
John Y. McCollister, Nebraska.
John Melcher, Montana.
Robert H. Michel, Illinois.
Abner J. Mikva, Illinois.
Parren J. Mitchell.
John S. Monagan, Connecticut.
G. V. (Sonny) Montgomery, Mississippi.
F. Bradford Morse, Massachusetts.
John M. Murphy, New York.
Thomas P. O'Neill, Jr., Massachusetts.
John J. Rhodes, Arizona.
Benjamin S. Rosenthal, New York
William R. Roy, Kansas.
Edward R. Roybal, California.
Fernand J. St Germain, Rhode Island.
Robert H. Steele, Connecticut.
Frank A. Stubblefield, Kentucky.
Charles Thorne, Nebraska.
John C. Watts, Kentucky.
Charles H. Wilson, California.
Lester L. Wolff, New York.

H.R. 5 is an idea which has "caught-on" and is meeting with widespread support in all sections of the country. As you all know considerable attention is being focused on the need for financial assistance for families attempting to meet the high costs of college education. H.R. 5 provides an answer to this problem by encouraging families to set aside limited amounts of money annually to meet future college expenses.

I submit for the RECORD an excellent New York Times article appearing in the personal finance column written by Robert Cole. This news item I believe indicates that the merits of H.R. 5 speak for themselves:

CONGRESS IS CONSIDERING TAX BENEFITS ON TUITION COSTS AND AUTO INSURANCE

(By Robert J. Cole)

Congress is taking a close look at revolutionary consumer legislation designed to provide meaningful Federal income tax deductions in two major areas: college tuition expenses and automobile insurance premiums.

Both proposals have the backing of important segments of the financial community as well as that of key Congressional leaders.

Under present tax laws, if you happen to have $30,000 you don't need and a child under 8 years old, you can build up a tax-free college fund at the rate of at least $1,800 a year simply by buying stock or putting the money into savings and setting up a trust.

The income is reported, of course, but no tax is paid on the first $1,800. That's Federal law. Next year the amount goes up to $1,850.

But this, obviously, benefits only the rich. What about the millions of others who don't have the $30,000 to put away all at one time?

John P. Meehan, president-elect of the National Association of Life Underwriters, has devised a savings plan that has resulted in a bill introduced in the House by Representative James A. Burke, Democrat of Massachusetts. It is co-sponsored by more than 50 Congressmen, Republicans as well as Democrats. In the Senate, it is also expected to be supported by Senator Robert J. Dole, Republican of Kansas.

Known as the Higher Education Funding Act, or H.R. 5, the measure is similar to the Keogh Act, which today enables thousands of self-employed workers to set aside tax deductible funds for their retirement.

This is how H.R. 5 would work:

You would be able to set aside 10 per cent of your adjusted gross income or $500 per child, whichever is less, up to $2,500 a year.

If, for example, your adjusted annual income is $25,000 and you have five children, you could deduct $2,500 a year from your gross income. If you earn $20,000 a year and have four children, you could deduct $2,000. If you earn $15,000 and have three children, you could deduct $1,500.

You would be able to build up a college nest egg in any one of several investment vehicles—a trust fund, a mutual fund, an insurance policy, an annuity contract, a custodial account or even certificates and Government bonds.

Other proposals to relieve the burden of parents sending children to college are now before the Congress but have languished because of strong opposition from the Treasury which contends that they represent a strong drain on tax income. One popular device is a proposed tax credit—say of about $300 a year. Another proposal calls for itemized deductions similar to those now permitted on medical bills.

Mr. Burke maintains that his proposal will be much less of a burden on the Treasury.

Commenting on his proposal, Representative Burke said it was specifically intended to help what he called "the neglected middle income family, which just misses qualifying for Federal assistance and yet does not possess an income sufficient to take increasing college costs in stride." The measure is expected to receive strong support from banks, savings and loan associations, insurance companies and other financial institutions.

Meanwhile, in a move to help automobile owners, the National Association of Mutual Insurance Agents has been successful in getting a bill introduced in the House by Representative Thomas P. O'Neill Jr., Democrat of Massachusetts. It would give taxpayers a deduction of up to $150 a year on their auto insurance premiums.

Representative O'Neill, the House majority whip, in calling for such legislation, noted that Congress already had "adequate precedent" for such a tax deduction on car insurance.

He noted, for example, that taxpayers already get a deduction for hospitalization insurance premiums while employers get one for the health insurance premiums they pay for their workers.

He also noted that only about 60 million of the more than 75 million cars on the road today are insured.

"Perhaps," Mr. O'Neill said, "the owners of the 15 million uninsured vehicles will be more inclined to purchase adequate insurance if they can deduct the premiums on their Federal income tax."

He also pointed to legislation introduced by Senator Philip A. Hart, Democrat of Michigan, and Senator Warren G. Magnuson, Democrat of Washington. It would enable employers to take a tax deduction on any contributions they make on the premiums of workers who are able to buy auto insurance on the job.

Mr. O'Neill did not oppose the tax break for those who might get it on the job but maintained that such a deduction would discriminate against the estimated four out of five auto owners whose insurance probably never would be subsidized in this manner.

James S. Kemper Jr., president of the Kemper Insurance Group, recommended in testimony recently before the Senate Commerce Committee that the Hart-Magnuson bill be amended to include the millions of motorists who may never qualify for a tax break.

It is too early to forecast the outcome of either measure but strong forces are behind both. If action is not taken in this session of Congress, insiders maintain that something may happen very soon.

ALLOWANCE FOR RENTAL OF DISTRICT OFFICES

(Mr. HAYS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAYS. Mr. Speaker, House Resolution 457, adopted by the House of Representatives on July 21, 1971, provided the Committee on House Administration the authority to fix and adjust from time to time various allowances by order of the committee. During House debate on House Resolution 457, the Members were assured that any order adopted by the committee under the authority of the resolution would be published in the CONGRESSIONAL RECORD in the first issue following the committee action. Pursuant to that commitment, the following order of the Committee on House Administration is submitted for printing in the CONGRESSIONAL RECORD. After careful consideration, the order was approved unanimously by the Subcommittee on Accounts on July 29, 1971, and adopted unanimously by the Committee on House Administration August 4, 1971.

TO ADJUST THE ALLOWANCE FOR RENTAL OF DISTRICT OFFICES

Resolved, That effective August 1, 1971, until otherwise provided by order of the Committee on House Administration, each Member of the House of Representatives shall be entitled to office space suitable for his use in the district he represents at not more than three places designated by him in such district. The Sergeant at Arms shall secure office space satisfactory to the Member in post offices or Federal buildings at not more than two locations if such space is available. Office space to which a Member is entitled under this resolution which is not secured by the Sergeant at Arms may be secured by the Member, and the Clerk shall approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for such office space not exceeding a total allowance to each Member of $200 per month; but if a Member certifies to the Committee on House Administration that he is unable to obtain suitable space in his district for $200 per month due to high rental rates or other factors, the Committee on House Administration may, as the Committee considers appropriate, direct the Clerk to approve for payment from the contingent fund of the House of Representatives vouchers covering bona fide statements of amounts due for suitable office space not exceeding a total allowance to each Member of $350 per month. No Member shall be entitled to have more than two district offices outfitted with office equipment, carpeting and draperies at the expense of the General Services Administration.

As used in this resolution the term "Member" means any Member of the House of Representatives, the Resident Commissioner of Puerto Rico and the Delegate of the District of Columbia.

THE ONE-SIDED NATURE OF THE NEGOTIATIONS WITH RED CHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, there must be many students of Government who are apprehensive about the direction of United States-Red China discussions. President Nixon already has yielded substantial concessions, presumably in an effort to provide a more favorable atmosphere for serious bargaining later. There are no indications that the Chinese have accepted these concessions in the spirit in which they were given. In fact, nothing has come from China except an invitation to an American ping-pong team and an agreement to talk with President Nixon if he travels to China for the privilege. They appear to have ignored their gains and now they bring out additional conditions which they expect to require before resuming normal diplomatic relations with the United States. These demands are accompanied by a continuing drumfire of criticism.

One of the new demands is that the United States remove all of its forces from Southeast Asia and that we abandon our commitments for the defense of Taiwan. Presumably Red China expects to gain membership in the United Nations and support for this already has been promised by President Nixon. They also want the seat on the Security Council now held by the Republic of China. That would mean swapping a friend for an enemy—and we do not need more enemies. They even want Taiwan handed over to Peking. The blood bath which would follow needs no description. The doubtful friendship of the Chinese Reds would not be worth this cost to U.S. policies and U.S. prestige.

We should remind ourselves that Red China is the principal supplier of conventional weapons to Communist forces in Indochina and, second only to Russia, provides other supplies and equipment which supports the North Vietnam and Vietcong war effort.

It will come as a surprise to some that the Chinese Reds also have forces in Indochina. They have maintained military service units in North Vietnam throughout much of the conflict and they have a 50,000-man work force, protected by Chinese troops, cutting a road across helpless Laos. The road will make it easy for Red China to disrupt conditions in Laos and provide quick access to Thailand and North Vietnam. Nothing has been said about the withdrawal of these forces. It is not sound policy to ignore the one-sided nature of the negotiations which are proposed.

There are reliable reports that numerous Asian leaders friendly to the United States have misgivings about our course of action. Some are fearful that U.S. policies will help to drive neutral and Western-leaning nations toward greater neutrality or toward the best deal they can make with Red China for their own preservation. When we embark on doubtful ventures without preconsultation with our friends, it is small wonder that they find it difficult to understand.

A PRAYER FOR GROWING OLD GRACEFULLY

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, to live graciously, to stay young even though the years may take their toll motivates me to call attention to a beautiful prayer which is most appropriate.

A PRAYER FOR GROWING OLD GRACEFULLY

Lord, Thou knowest better than I myself that I am growing older and will someday be old. Keep me from the fatal habit of thinking I must say something on every subject and on every occasion.

Release me from craving to straighten out everybody's affairs. Make me thoughtful but not moody; helpful but not bossy. With my vast store of wisdom, it seems a pity not to use it all; but Thou knowest, Lord, that I want a few friends at the end. Keep my mind free from the recital of endless details; give me wings to get to the point. Seal my lips on my aches and pains; they are increasing, and love of rehearsing them is becoming sweeter as the years go by.

I dare not ask for improved memory, but for growing humility, and a lessening cocksureness when my memory seems to clash with the memories of others. Teach me the glorious lesson that occasionally I may be mistaken.

Keep me reasonably sweet, for a sour old person is one of the crowning works of the devil. Give me the ability to see good things in unexpected places and talents in unexpected people, and give me O Lord, the grace to tell them so. Amen.

SCHEDULE OF HEARINGS ON HOUSING AND URBAN DEVELOPMENT LEGISLATION

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the subcommittee on Housing of the House Banking and Currency Committee began hearings this week on 1971 housing and urban development legislation. On August 3, Secretary of HUD George Romney testified before the subcommittee on two administration bills dealing with housing and urban development. On August 5, six witnesses will testify on the recommendations contained in H.R. 9688, the bill proposed by the three housing subcommittee panels.

I would like at this time to announce the schedule and witnesses for the balance of the hearings which will resume after the congressional summer recess. They are as follows:

SEPTEMBER 8

Morning: The National Governors Conference; and a panel consisting of representatives of State legislatures.

Afternoon: A panel consisting of chief elected officials of small cities in metropolitan areas; and William H. Wilcox, secretary, Department of Community Affairs, Commonwealth of Pennsylvania.

SEPTEMBER 9

Morning: The AFL–CIO; and the U.S. Conference of Mayors—League of Cities.

Afternoon: The National Association of Counties; and the Rural Housing Alliance.

SEPTEMBER 10

Morning: Allan K. Campbell, dean of the Maxwell School, Syracuse University, and Lyle C. Fitch, president, Institute of Public Administration; and James Pellish, New York Urban Development

Corp., and Robert Piper, architect, Chicago, Ill.

Afternoon: The American Institute of Architects; and the American Institute of Planners.

SEPTEMBER 13

Morning: The National Urban League; and a panel of mayors—to be announced.

Afternoon: The Investment Bankers Association; and the National Association of Building Manufacturers.

SEPTEMBER 14

Morning: Robert C. Wood, former Secretary of HUD; and the National Urban Coalition Action Council.

Afternoon: Members of Congress—to be announced.

SEPTEMBER 15

Morning: The National Association of Housing and Rehabilitation Officials; and the National Association of Real Estate Boards.

Afternoon: The Mortgage Bankers Association; and the National Association of Mutual Savings Banks.

SEPTEMBER 16

Morning: Rev. Theodore Hesburgh, the U.S. Civil Rights Commission; William Morris, the National Association for the Advancement of Colored People; and Nathaniel Keith, the National Housing Conference.

Afternoon: A panel on the implementation of the HUD "new community program," consisting of Edward Logue, the New York Urban Development Corp.; William R. Mason, the Irvine Co.; Raymond D. Nasher, Co-Sponsor Flower Mound, New Town, Tex.; and Keith Heller, chief executive office, Cedar Riverside, Minn.

SEPTEMBER 17

Morning: The National Association of Home Builders; Governor Sherman Maisel, the Federal Reserve Board; and Philip Brownstein, the Council of Housing Producers.

All morning hearings will begin at 10 a.m., afternoon hearings at 1:30 p.m. p.m.

PLIGHT OF RURAL AREAS IN LOWER RIO GRANDE VALLEY

(Mr. DE LA GARZA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DE LA GARZA. Mr. Speaker, for the past several months I have been bringing to the attention of my fellow Members the plight of rural areas, small cities, and counties in the United States regarding Federal aid, and I have here a resolution adopted by the Lower Rio Grande Valley City Officials' Association, Region 12 of the Texas Municipal League, which I wish to bring to your attention:

"Whereas, the Lower Rio Grande Valley City Officials Association, Region 12 of the Texas Municipal League, held their quarterly meeting at the Fort Brown Motor Hotel in Brownsville, Texas, on Thursday, July 22, 1971; and,

"Whereas, it was unanimously agreed that member cities of the Lower Rio Grande Valley City Officials Association should petition by an emergency Resolution all federal and state agencies for a two year moratorium on complying with those agencies on air pollution control; and,

"Whereas, member cities feel like during the two year moratorium legislation can be enacted by those governing bodies that will enable those small municipalities to conform to air pollution requirements imposed by federal and state government; and,

"Whereas, the Valley cities have a unique condition due to the low water table level of approximately three feet; and,

"Whereas, any land purchased for sanitary landfill will be filled very rapidly; and

"Whereas, this is creating an extensive economic crisis and burden on the small municipalities in the Lower Rio Grande Valley; and,

"Now, therefore, be it Resolved, that all federal and state governmental agencies be apprised of the desires and feelings of the cities of the Lower Rio Grande Valley in the State of Texas concerning their need for a two year extension to comply with pollution laws and their need for federal assistance.

"Unanimously passed and approved on the 22nd day of July, 1971."

We in Congress pass the laws concerning the matters which need to be done on the local level, but yet the responsibility is ours that many of the small towns and rural areas do not have the necessary wherewithal to match these Federal funds. Many times we say such small areas will receive a 50-percent grant or a 75-percent grant, which means nothing to a small city which has nothing except the means to run a day-to-day operation, and cannot go out and borrow the remaining funds needed.

Mr. Speaker, and my colleagues, we must not forget rural America when we consider legislation which must in the future reach out to these areas as well as to the large cities.

A BILL TO PROVIDE THAT A GOLD MEDAL BE PRESENTED TO THE WIDOW OF THE LATE LOUIS ARMSTRONG

(Mr. RANGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANGEL. Mr. Speaker, Louis (Satchmo) Armstrong once pointedly stated—"Either you got it or you ain't."

And as the master showman, Satchmo, certainly had it. We all recall that deep guttural voice, that grin as wide as a keyboard, and that horn which blew sweet and clear.

On July 6, Satchmo suddenly left us. He died in his sleep of heart failure shortly after observing his 71st birthday. I was in the process of drafting legislation to honor his enormous contribution to music, when I learned of his death.

He will always remain in my mind as one of the main forces in the development of jazz that help shape it into the great musical form it is today.

I am proud to have introduced with the support of my 53 colleagues legislation to provide that a gold medal be presented to the widow of the late Louis Armstrong in recognition of Mr. Armstrong's contributions in the field of music and in recognition of his great achievement as a good-will ambassador abroad for the United States.

The legislation authorizes the Secretary of the Treasury to strike a gold medal with suitable inscriptions.

At this point I wish to introduce into the RECORD a copy of the bill, a list of these Congressmen and an eloquent article which appeared in the New York Times the day after his death:

A BILL To provide that a gold medal be presented to the widow of the late Louis Armstrong

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the great achievement of the late Louis Armstrong as a goodwill ambassador abroad for the United States and in recognition of his contributions to the culture of this Nation in the field of music, the Secretary of the Treasury is authorized and directed to cause to be struck, and the President is authorized and directed to present to Lucille Armstrong, the widow of the late Louis Armstrong, a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 2. The medal provided for in this Act shall be considered a national medal within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 3. There is authorized to be appropriated such sums as may be necessary for the carrying out of this Act.

List of Congressmen who have indicated their support:

Congresswoman Bella Abzug, Cong. Joseph Addabbo, Cong. Glenn Anderson (Calif.), Cong. John Anderson (Ill.), Cong. Herman Badillo, Cong. John Brademas, Cong. John Buchanan, Congresswoman Shirley Chisholm, Cong. Harold Collier, Cong. W. C. Daniel, Cong. Mendel Davis.

Cong. Ronald Dellums, Cong. John Dent, Cong. Charles Diggs Jr., Cong. Don Edwards, Cong. William Ford, Cong. Bill Frenzel, Congresswoman Ella Grasso, Congresswoman Martha Griffiths, Cong. Seymour Halpern, Cong. James Hanley, Cong. Michael Harrington.

Cong. James Hastings, Cong. Augustus Hawkins, Cong. Henry Helstoski, Cong. William Hungate, Cong. Walter Jones, Cong. Clarence Long, Cong. John McFall, Cong. James Mann, Cong. Romano Mazzoli, Cong. Parren Mitchell, Cong. John Monagan, Cong. Bradford Morse.

Cong. John Moss, Cong. John Murphy, Cong. Thomas Pelly, Cong. Claude Pepper, Cong. Otis Pike, Cong. Thomas Rees, Cong. John Rhodes, Cong. Peter Rodino, Cong. Robert Roe, Cong. Benjamin Rosenthal.

Cong. Harold Runnels, Cong. Philip Ruppe, Cong. Paul Sarbanes, Cong. Keith Sebelius, Cong. John Seiberling, Cong. William Steiger, Cong. Charles Thone, Cong. Robert Tiernan, Cong. Larry Winn.

LOUIS ARMSTRONG, JAZZ TRUMPETER AND SINGER, DIES

(By Alben Krebs)

Louis Armstrong, the celebrated jazz trumpeter and singer, died in his sleep yesterday morning at his home, 34–56 107th Street, in the Corona section of Queens. He had observed his 71st birthday Sunday.

Death was attributed to a heart attack. Mr. Armstrong had been at home since mid-June, when he was discharged from Beth Israel Medical Center after 10 weeks of treatment for heart, liver and kidney disorders. He seemed in good health during an interview June 23, in which he played his trumpet and announced his intention to return to public performances.

"I'm going back to work when my treaders get in as good shape as my chops," he said, noting that his legs were weak from his hospitalization.

President Nixon released this statement:

"Mrs. Nixon and I share the sorrow of millions of Americans at the death of Louis Armstrong. One of the architects of an American art form, a free and individual spirit, and an artist of worldwide fame, his great talents and magnificent spirit added richness and pleasure to all our lives."

Tributes to Mr. Armstrong also came from a number of leading musicians, including Duke Ellington, Gene Krupa, Benny Goodman, Al Hirt, Earl (Fatha) Hines, Tyree Glenn and Eddie Condon.

Mr. Ellington commented: "If anybody was Mr. Jazz it was Louis Armstrong. He was the epitome of jazz and always will be. He is what I call an American standard, an American original."

"He could play a trumpet like nobody else," Mr. Condon said, "then put it down and sing a song like no one else could."

Mr. Hines, who frequently said he had taken his piano style from Mr. Armstrong's trumpet style, remarked: "We were almost like brothers. I'm so heartbroken over this. The world has lost a champion."

In Washington, the State Department, noting that Mr. Armstrong had toured Africa, the Middle East and Latin America on its behalf, said:

"His memory will be enshrined in the archives of effective international communications. The Department of State, for which he traveled on tours to almost every corner of the globe, mourns the passing of this great American."

The entertainer's final appearance was last February, when he played a two-week engagement at the Waldorf-Astoria Hotel.

A master showman known to millions as Satchmo, Mr. Armstrong lived by a simple credo. Putting it into words a couple of years ago, he said:

"I never tried to prove nothing, just always wanted to give a good show. My life has been my music, it's always come first, but the music ain't worth nothing if you can't lay it on the public. The main thing is to live for that audience, 'cause what you're there for is to please the people."

Mr. Armstrong was first and most importantly a jazz trumpet player without peer, a virtuoso soloist who was one of the most vivid and influential forces in the development of American music.

But he was also known to delighted millions around the world for his ebulliently sandpapery singing voice, his merry mangling of the English language and his great wide grand-piano keyboard of a smile.

Jazz music, probably the only art form ever wholly originated in America, and Louis Armstrong grew up together in New Orleans. It was in a seamy slum there that Mr. Armstrong learned to love and play jazz in the company of gamblers, pimps and prostitutes.

But in time he was to play his trumpet and sing in command performances before royalty and, through his numerous worldwide tours, to become known unofficially as "America's ambassador of good will."

RECOGNIZED FOR ROLE

Jazz experts, even the purists who criticized Mr. Armstrong for his mugging and showmanship, more often than not agreed that it was he, more than any other individual, who took the raw, gutsy Negro folk music of the New Orleans funeral parades and honky-tonks and built it into a unique art form.

Over the years, his life and his artistry changed radically. He left New Orleans for Chicago in the early nineteen-twenties, when he was still playing the cornet, and before 1930 made some of his most memorable recordings—with his Hot Five or Hot Seven groups.

Mr. Armstrong won his initial fame playing an endless grind of one-night stands. Under constant pressure to put on a show that made the customers tap their feet and cry for more, he did not hesitate to exploit a remarkable flair for showmanship. His mugging, his wisecracking and most of all his willingness to constantly repeat programs that had gone over well in the past won him the cheers of his audiences, along with the disapproving clucks of some of his fellow musicians and jazz specialists.

The criticism that he no longer improvised enough, innovated enough, mattered little to Mr. Armstrong. He dismissed the more "progressive" jazz approved of by some leading critics as "jujitsu music."

He did not mind being called "commercial" because he followed popular music trends, and he deliberately introduced into his repertory crowd-pleasers such as "Mack the Knife" and "Hello, Dolly!," which put his recordings on the best-seller charts when he was in his 60's.

LIKE "SANDPAPER CALLING"

As his ability to play his horn exceptionally well waned with the years, Mr. Armstrong supplanted his trumpet solos with his singing voice. An almost phenomenal instrument in its own right, it has been compared to iron filings and to "a piece of sandpaper calling to its mate."

Just watching an Armstrong performance could be an exhilarating experience. The man radiated a jollity that was infectious. Onstage he would bend back his stocky frame, point his trumpet to the heavens and joyfully blast out high C's. When he sang he fairly bubbled with pleasure. And as he swabbed away at the perspiration stirred up by his performing exertions, Satchmo grinned his famous toothy smile so incandescently that it seemed to light up the auditorium.

"I never did want to be no big star," Mr. Armstrong said in 1969, in an interview for this article. "It's been hard work, man. Feel like I spent 20,000 years on the planes and railroads, like I blowed my chops off. Sure, Pops, I like the ovation, but when I'm low, beat down, wonder if maybe I hadn't of been better off staying home in New Orleans."

Mr. Armstrong's early years, spent in New Orleans, were marked by extreme poverty and squalor, but he emerged able to recall them without self-pity and even with good humor.

"I was a Southern Doodle Dandy, born on the Fourth of July, 1900," said Daniel Louis Armstrong. "My mother Mary Ann—we called her Mayann—was living in a two-room shack in James Alley, in the Back O' Town colored section of New Orleans. It was in a tough block, all them hustlers and their pimps and gamblers with their knives between Gravier and Perdido Streets."

LEFT WITH GRANDMOTHER

Mr. Armstrong's father, Willie Armstrong, who stoked furnaces in a turpentine factory, left Mrs. Armstrong when the boy was an infant. Leaving the child with his paternal grandmother, Mrs. Armstrong went to live in the Perdido-Liberty Street area, which was lined with prostitutes' cribs.

"Whether my mother did any hustling I can't say," Mr. Armstrong said. "If she did, she kept it out of my sight."

However, Louis, who rejoined his mother when he was 6 years old, recalled that for many years afterward there was always a "stepfather" on the premises and that before his mother "got religion and gave up men" around 1915. "I couldn't keep track of the stepdaddies, there must have been a dozen or so, 'cause all I had to do was turn my back and a new pappy would appear." Some of them he added, "liked to beat on little Louis."

However, Mr. Armstrong was always intensely fond of his mother, and he cared for her until her death in the early nineteen-forties.

Dippermouth, as he was called as a child, and his friends often sang for pennies on the streets. To help support his mother and a sister, Barbara, Louis delivered coal to prostitutes' cribs and sold food plucked from hotel garbage cans.

The night of Dec. 31, 1913, Louis celebrated the New Year by running out on the street and firing a .38-caliber pistol that belonged to one of his "stepfathers." He was arrested and sent to the Colored Waifs Home for Boys.

"Pops, it sure was the greatest thing that ever happened to me," Mr. Armstrong said. "Me and music got married at the home."

PLAYED IN HOME'S BAND

Peter Davis, an instructor at the home, taught Louis to play the bugle and the cornet. Soon the boy became a member of the home's brass band, which played at socials, picnics and funerals for a small fee. Louis was in the fifth grade when he was released from the home after spending 18 months there. He had no other formal education.

The youth worked as a junkman and sold coal, while grabbing every chance he could to play cornet in honky-tonk bands. The great jazz cornetist Joe (King) Oliver befriended him, gave him a cornet and tutored him.

"I was foolin' around with some tough ones," Mr. Armstrong recalled in 1969. "Get paid a little money, and a beeline for one of them gambling houses. Two hours, man, and I was a broke cat, broker than the Ten Commandments. Needed money so bad I even tried pimping, but my first client got jealous of me and we got to fussing about it and she stabbed me in the shoulder. Them was wild times."

In 1918, Mr. Armstrong married a 21-year-old prostitute named Daisy Parker. Since Daisy "wouldn't give up her line of work," Mr. Armstrong said, the marriage was both stormy and short-lived.

The same year he was married, Mr. Armstrong joined the Kid Ory band, replacing King Oliver, who had moved to Chicago. In the next three years he marched with Papa Celestin's brass band and worked on the riverboat Sidney with Fate Marable's band. Dave Jones, a mellophone player with the Marable band, gave him his first lessons in reading music.

FAME WAS SPREADING

By then Mr. Armstrong's fame was spreading among New Orleans musicians, many of whom were moving to Chicago. In 1922 King Oliver sent for his protege. Mr. Armstrong became second cornetist in Mr. Oliver's by then famous Creole Jazz Band. The two-cornet team had one of the most formidably brilliant attacks ever heard in a jazz group. Mr. Armstrong's first recordings were made with the Oliver band in 1923.

The pianist in the band was Lillian Hardin, whom Mr. Armstrong married in 1924. Miss Hardin had had training as a classical musician, and she gave him some formal musical education.

Mrs. Armstrong, convinced that as long as her husband stayed in the Oliver band he would remain in the shadow of his popular mentor, persuaded him to leave the band in 1924 to play first cornet at the Dreamland Cafe. The same year he joined Fletcher Henderson's orchestra at the Roseland Ballroom in New York.

For the first time, Mr. Armstrong found himself in the company of musicians of an entirely different stripe from those he had known in New Orleans and Chicago who, like himself, had fought their way up out of the back alleys and were largely unschooled in music. From these men, many of whom had conservatory educations, he learned considerable musical discipline.

Moving back to Chicago in 1925, Mr. Armstrong again played at the Dreamland Cafe, where his wife, Lil, had her own band, and with Erskine Tate's "symbonic jadd" orchestra at the Vendome Theater. It was at that point that he gave up the cornet for the trumpet.

"I was hired to play them hot choruses when the curtains went up," Mr. Armstrong recalled. "They put a spotlight on me. Used to hit 40 or 50 high C's—go wild, screaming on my horn. I was crazy, Pops, plain nuts."

BILLED AS 'WORLD'S GREATEST'

During his second Chicago period, Mr. Armstrong doubled in Carroll Dickerson's Sunset Cabaret orchestra, with billing as the "World's Greatest Trumpeter." The proprietor of the Sunset was Joe Glaser, who became Mr. Armstrong's personal manager and acted in that capacity for the rest of his life. Mr. Glaser died on June 6, 1969.

In that Chicago period, Mr. Armstrong began to make records under his own name, the first being "My Heart," recorded Nov. 12, 1925. Louis Armstrong's Hot Five (and later Hot Seven) recorded, over a three-year span, a series of jazz classics, with Earl (Fatha) Hines on the piano. These records earned Mr. Armstrong a worldwide reputation, and by 1929, when he returned to New York, he had become an idol in the jazz world.

While playing at Connie's Inn in Harlem, Mr. Armstrong also appeared on Broadway in the all-Negro review "Hot Chocolates," in which he introduced Fats Waller's "Ain't Misbehavin,'" his first popular-song hit. (He later appeared as Bottom in "Swingin' the Dream," a short-lived travesty on "A Midsummer Night's Dream." Over the years he appeared in many movies, including "Pennies From Heaven," "A Song Is Born," "The Glenn Miller Story" and "High Society.")

For several years, Mr. Armstrong "fronted" big bands assembled for him by others. By 1932, the year he was divorced from Lil Hardin Armstrong, he had become so popular in Europe, via recordings, that he finally agreed to tour the Continent.

It was while he was starring at the London Palladium that Mr. Armstrong acquired the nickname Satchmo. A London music magazine editor inadvertently invented the name by garbling an earlier nickname, Satchelmouth.

ONE FOR THE KING

While he was in London, Mr. Armstrong demonstrated memorably that he had little use for the niceties of diplomatic protocol.

During a command performance for King George V, Mr. Armstrong ignored the rule that performers are not supposed to refer to members of the Royal Family while playing before them and announced on the brink of a hot trumpet break, "This one's for you, Rex."

(Many years later, in 1956, Satchmo played before King George's granddaughter, Princess Margaret. "We're really gonna lay this one on for the Princess," he grinned, and launched into "Mahogany Hall Stomp," a sort of jazz elegy to a New Orleans bordello. The Princess loved it.)

One of Mr. Armstrong's pre-World War II European tours lasted 18 months. Over the years his tours took him to the Middle East and the Far East, to Africa and to South America. In Accra, Ghana, 100,000 natives went into a frenzied demonstration when he started to blow his horn, and in Leopoldville, tribesmen painted themselves ochre and violet and carried him into the city stadium on a canvas throne.

His 1960 African tour was denounced by the Moscow radio as a "capitalist distraction," which made Mr. Armstrong laugh.

"I feel at home in Africa," he said during the tour. "I'm African-descended down to the bone, and I dig the friendly ways these people go about things. I got quite a bit of African blood in me from my grandmammy on my mammy's side and from my grandpappy on my pappy's side."

PLAYED WITH BIG BANDS

Before the war, Mr. Armstrong worked with several big bands, including the Guy Lombardo orchestra, concentrating on New Orleans standards such as "Muskrat Ramble" and "When the Saints Go Marchin' In" and on novelties such as "I'll Be Glad When You're Dead, You Rascal You." He did duets with Ella Fitzgerald and he accompanied Bessie Smith.

After 1947 he usually performed as leader of a sextet, working with such musicians as Jack Teagarden, Earl Hines, Joe Bushkin and Cozy Cole. He was a favorite at all the jazz festivals, in this country and abroad.

Mr. Armstrong lost track of the number of recordings he made, but it has been estimated there were as many as 1,500. Dozens have become collectors' items.

The jolly Mr. Armstrong was quite inured to his fame as a jazz immortal. Not too many years ago, he was interviewed backstage by a disk jockey who began with the announcement, "And now we bring you a man who came all the way from New Orleans, the Crescent City, to become a Living American Legend." The Living American Legend, who was changing his clothes, dropped his trousers and began the interview with the observation, "Tee hee!'

"Tee hee" was part of a uniquely Armstrong vocabulary, which included Satchmo-coined words such as "commercified" and "humanitarily." In his speech he arbitrarily inserted hyphens in the middle of words ("ar-tis-try" and "en-ta-TAIN-uh") and, unable to remember names too well, peppered his conversations with friends and interviewers with salutations such as "Daddy" and "Pops."

Despite the hard life he led—traveling most of the time, sleeping too little, living out of suitcases, eating and drinking too much or not enough—Mr. Armstrong, even into his 60's, was still going strong. His chest was broad and powerful, and his 5-foot-8-inch frame carried a weight that varied between 170 and 230 pounds.

CONCERNED ABOUT HEALTH

He was, however, keenly aware of his health. "I'm one of them hy-po-CHON-dree-acs," he would say with a delighted laugh. He was afraid of germs and always carried his trumpet mouthpiece in a carefully folded handkerchief in his back pocket. He liked to talk at length about his physic, a herbal mixture called Swiss Kriss, while at the same time he recounted how unwisely he sometimes ate especially when his favorite food, New Orleans-style red beans and rice, was set before him.

Although in latter years he suffered from a kidney ailment, Mr. Armstrong's greatest worry was chronic leukoplakia of the lips, what amounted to a tough corn that resulted from blowing his horn. He used a special, imported salve to soothe his lips.

"If you don't look out for your chops and pipes," he said, "you can't blow the horn and sing. Anything that'll get in my way doin' that, out it goes. That trumpet comes first, before everything, even my wife. Got to be that way, I love Lucille, man, but she understands about me and my music."

He was referring to the former Lucille Watson, whom he married in 1942.

He loved all forms of music. When asked what he thought of the country-and-Western and folk music so favored by the young, he replied. "Pops, music is music. All music is folk music. I ain't never heard no horse sing a song".

Some Negro militants criticized Mr. Armstrong for his earthy speech and his habit of rolling his eyes and flashing his toothy grin while performing. They said he was using stereotyped characteristics of the happy-go-lucky Negro and playing the Uncle Tom. Mr. Armstrong ignored the charges.

COMMENT ON SELMA

Nevertheless, Mr. Armstrong, on learning in 1965 that the police in Selma, Ala., had taken violent action against freedom-marching Negroes in that city, told an interviewer:

"They would beat Jesus if he was black and marched. Maybe I'm not in the front line, but I support them with my donations. My life is my music. They would beat me on the mouth if I marched, and without my mouth, I wouldn't be able to blow my horn."

For many years Mr. Armstrong refused to perform in New Orleans, his hometown, because of segregation there. He did not return until 1965, after passage of the Civil Rights Act. On that occasion he triumphantly played with an integrated band in the city's Jazz Museum, a shrine built around the remains of the old shack in which he was born.

Reflecting on his more than 50 years as a musician, Mr. Armstrong said, "There ain't going to be no more cats in this music game that long."

There was no doubt that he was the most durable of the great jazzmen, nor that millions of people held him in great affection. His fellow musicians, many of whom were influenced by his artistry, looked upon him with awe.

Miles Davis, a contemporary jazz star, has asserted that "you can't play anything on a horn that Louis hasn't played." Teddy Wilson, who played piano with Mr. Armstrong in 1933, has called him "the greatest jazz musician that's ever been."

And Leonard Feather, the eminent jazz critic and author of "The Encyclopedia of Jazz," wrote of Mr. Armstrong:

"It is difficult . . . to see in correct perspective Armstrong's contribution as the first vital jazz soloist to attain worldwide influence as trumpeter, singer, entertainer, dynamic show business personality and strong force in stimulating interest in jazz.

"His style, melodically and harmonically simple by the standards of later jazz trends, achieved in his early records an unprecedented warmth and beauty. His singing, lacking most of the traditional vocal qualities accepted outside the jazz world, had a rhythmic intensity and guttural charm that induced literally thousands of other vocalists to imitate him, just as countless trumpeters through the years reflected the impact of his style.

"By 1960, Armstrong, set in his ways, improvised comparatively little; but he retained vocally and instrumentally many of the qualities that had established him, even though entertainment values, by his own admission, meant more to him than the reaction of a minority of musicians and specialists."

As for Mr. Armstrong, it was pleasing his listeners that really mattered.

"There's three generations Satchmo has witnessed," he said, "the old cats, their children and their children's children, and they still all walk up and say, 'Ol' Satch, how do you do!' I love my audience and they love me and we just have one good time whenever I get up on the stage. It's such a lovely pleasure."

Mr. Armstrong is survived by his widow, the former Lucille Wilson, and by an adopted son, Clarence Hatfield of New York. He also leaves a sister, Mrs. Beatrice Collins of New Orleans and two half-brothers, Henry and William Armstrong, both of New Orleans.

A funeral service will be held Friday at 1 p.m. at the Corona Congregational Church, 34th Avenue and 103d Street. Burial will be in the Flushing Cemetery.

The honorary pallbearers will include Governor Rockefeller, Mayor Lindsay, Bing Crosby, Ella Fitzgerald, Guy Lombardo, Duke Ellington, Dizzy Gillespie, Pearl Bailey, Count Basie, Harry James, Frank Sinatra, Ed Sullivan, Earl Wilson, Alan King, Johnny Carson, David Frost, Merv Griffin, Dick Cavett and Bobby Hackett.

Mrs. Armstrong requested that flowers and cards be omitted and said those wishing to do so could send contributions in her husband's memory to the Kidney Research Foundation and to the Sickle Cell Anemia Foundation, which promotes research on a disease that mainly afflicts blacks.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. As stated in the World's Nations:

> The development of natural unity is one of the salient features in American life. In spite of diversity of ethnic origin, the United States possesses one of the most homogeneous cultures in the world. This unity results from the interaction of many factors. Historically the Declaration of Independence and the Constitution of the United States established concepts and a form of government that united the people into a great Federal Republic. The U.S. with its freedom of religion, speech and opportunity for every man to seek his future according to his abilities has been a haven for many of the oppressed peoples of the world. But more important these peoples wanted to turn away from their old form of life and adopt the American way.

QUALITY EDUCATION

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, everywhere our priorities are muddled. Education is no exception.

Today, no one would deny that our schools are plunged in a crisis of unprecedented severity. Funds are no longer available for adequate professional staffing, proper learning facilities, satisfactory compliance with court orders, or sufficiently long school sessions. Our public schools are rapidly decaying, their downfall hastened by a social unheaval threatening cities and suburbs alike.

School leaders—wide awake to the rugged world they are putting children into—have had to hack away at the fiber of school budgets—dismembering limb by limb the tree of learning.

More and more rank and file black Americans are speaking out for quality education rather than the mere mythical matching of numbers of children of a given color in a given room.

Annoyed by the disruption of neighborhood schools, many white parents are incensed by the dreams of those who think children are numbers.

The very strong need for general aid to schools has been overlooked. We need to phase out categorical programs as we bring in general aid. Apparently the message is believed that a veto awaits any measure that authorizes general aid as well as aid to schools under court or Federal directives to desegregate.

If that is to be the congressional consensus then we are face to face with the absurd.

We can be witness to the travesty of seeing a child hauled at the crack of dawn in a shiny new bus from his neighborhood to a school from which the heart and viscera have been cleavered by the budgetary ax.

The President is to be commended for the wisdom which has led him to repudiate the elaborate school busing plan originally proposed by his Secretary of Health, Education, and Welfare. I am greatly heartened by his pledge given August 3 "to hold busing to the minimum required by law."

Busing will not create good schools and the President speaks for millions of Americans when he wisely and carefully points this out. Indeed, busing might only hasten the already rapid demise of the good schools we have left. Busing has no educational value, and it has dubious social value as well. I am greatly encouraged that the President recognizes these facts, too, and I will welcome whatever efforts are forthcoming to deemphasize busing in any rational order of national priority.

Otherwise, a lost generation of American children will later understand that their elders smugly practiced easy virtue because it was fashionable—and cheap.

I do not think America is in a mood for tricks. Middle America will not be bamboozled and black America will not be fooled by a well-publicized emphasis on racial equality. I submit that if we can give a guarantee to Lockheed, if we can go to the moon, if we can go to Cambodia, if we can explore the ocean floor, and go to China, then we can guarantee to the children of this country some quality in their equality.

To help reestablish priorities in the pursuit of the central goal of quality education in all our schools, I have drafted a bill which I am introducing today. It will provide general aid instead of fragmented categorical programs to our hard-pressed schools. One component of that aid will help those under court order in desegregation, but most of the money will help to make possible quality education programs for those districts determined to strive for it. Local districts can begin to decide their problems, their priorities. Parents will be happy to enroll their children in schools offering quality as well as equality. Money spent on such an effort has a better chance of solving our racial problems than forced busing of children in an artificial attempt to obtain a magical racial balance.

We cannot legislate morality. We should have learned that from the failure of prohibition. It forced our citizens into personal decisions of evasion. Desegregation can and must be accomplished, but not as national moral legislation. It must be achieved through maintaining and raising the level of quality education available to all our children.

We must use our national resources to strengthen, not weaken, our local communities and their schools. My bill would foster local autonomy, not only by providing general aid to schools, but also in making some of the school facilities into community centers available for use by all children, for use in the evenings by adults in vocational and educational training, and for all members of the community in recreational as well as educational activities. We must revive and strengthen community ties if our society is to recover its old strength and vitality.

A major step in that direction is that provision in my bill which would allow a local school district to choose to use part of the Federal aid for local tax relief. In so many places, real property taxes are so high as to disorient the local economy. Help here will revitalize the local community.

I urge you to give the question of general aid special thought. And I urge on you the words of President George Washington:

> In a country like this, if there cannot be money found to answer the common purposes of education, there is something amiss in the ruling political power.

There follows the language of the bill being introduced today by myself, the gentleman from Illinois (Mr. PUCINSKI), the gentleman from New Jersey (Mr. THOMPSON), the gentleman from New Jersey (Mr. DANIELS), the gentleman from Michigan (Mr. FORD), the gentleman from New York (Mr. BIAGGI), the gentlewoman from Massachusetts (Mrs. HICKS), the gentleman from Kentucky (Mr. MAZZOLI) and all members of the Education Committee in the House.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Quality Education Act of 1971."

POLICY FINDINGS

SECTION 1. The Congress finds that there is a crisis in the Nation's school systems that directly and immediately affects the future of this generation of young people and therefore the future of the Republic. The crisis in education reflects a larger crisis arising from the social and economic tensions and distortions produced by a rapidly developing technology and the migration of rural populations into the cities. The crisis is beyond the unassisted social and financial capability of our hard pressed local school systems to restrain or control. The Federal Government must extend its responsibility for pre-school, elementary, and secondary education and must, while preserving local autonomy, assume a direct role in the financial support of local schools.

The Congress finds that effective desegregation and the avoidance of the resegregation resulting from erosion of quality in schools can be accomplished only through universal quality education.

The Congress finds that the national interest requires the strengthening of the autonomy of local educational agencies. Accordingly as general aid is funded, appropriate special legislative programs should be phased out. The present diversity among the Nation's schools should be preserved and fostered. Programs of mutual cooperation, including the sharing of facilities, should be encouraged.

The Congress finds that the burden of local school support must be shifted at least in part from the local real property tax. That tax, local by its nature, produces intolerable inequities in resource availability that is reflected immediately in differences in quality of education available to our young people.

PURPOSE

SEC. 2. It is the purpose of this Act to furnish assistance to local educational agencies—

(a) so that their resources, with the Federal supplement to State and local funds, will help provide a quality education at the pre-school, elementary, and secondary levels for all children and

(b) to strengthen communities by (A) assisting in providing community facilities which students from private and public schools together with members of the community may use throughout the day and into the evening twelve months of the year, (B) permitting relief in local taxes, and (C) phasing out categorical programs as funding of general aid reaches commensurate levels.

(c) to meet the special needs incident to the elimination of racial segregation and discrimination among the students and faculty in elementary and secondary schools by plan required by court order or approved by the Secretary under title VI of the Civil Rights Act of 1964. The provisions of this Act shall be applied uniformly in all regions of the United States.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3(a) The Secretary shall carry out a program during the fiscal year 1972, and each of the four succeeding fiscal years, for making general assistance grants to States and to local educational agencies as provided in section 4, and shall carry out a program during the fiscal year 1972 and the fiscal year 1973 for making special desegregation grants to local educational agencies and other public and nonprofit organizations and agencies as provided in section 5.

(b) There is authorized to be appropriated for the fiscal year 1972 and the fiscal year 1973, such amount as may be necessary to make the grants provided for in this Act, and for the fiscal year 1974 and each of the two succeeding fiscal years, there may be appropriated such sums as may hereafter be authorized by law, but in no event may the amount so appropriated exceed an amount (determined by the Secretary) which, when added to the amount appropriated to carry out the provisions of all Federal education programs for elementary and secondary schools or schoolchildren exceed the percentages set forth in the next sentence of the aggregate current expenditures for elementary and secondary education made by all local educational agencies. The percentages referred to in the preceding sentences shall be 10 per centum for the fiscal year 1972, 18 per centum for the fiscal year 1973, 20 per centum for the fiscal year 1974, 22 per centum for the fiscal year 1975, and 25 per centum for the fiscal year 1976.

GENERAL ASSISTANCE

Entitlement Allotments to Local Educational Agencies

SEC. 4(a). From the amount appropriated under section 3(b) for the fiscal year 1972, the Secretary shall allot to each local educational agency in a State for making grants under this section an entitlement amount equal to the aggregate of—

(1) 10 per centum of the product obtained by multiplying the estimated number of children who will be in the membership of pre-school, elementary, and secondary schools in the school district of such agency at the beginning of the school year ending during the preceding fiscal year by the current expenditure per public school child for the State or for all of the States, whichever is the higher, and

(2) an amount which bears the same ratio to one-third of the amount determined for all local educational agencies in the States under clause (2) as the number of disadvantaged children to be counted for purposes of this clause as hereinafter determined bears to the number of children so counted for all local educational agencies in the States.

The number of such disadvantaged children shall be determined as follows: If the Secretary determines that satisfactory data for that purpose are available, such number shall be the number of children who are aged 3–17, inclusive, in the school district of such agency (based on the latest available date from the Department of Commerce) who are in families having an annual income of less than $3,000, or in families having an annual income in excess of $3,000 from payments under the program of aid to Families with Dependent Children under a State plan approved under title IV of the Social Security Act. In any other case, such number shall be the number of children of such ages in such county or counties in which the school district of the particular agency is located who are described in the preceding sentence, and shall be allocated among those agencies upon such equitable bases as may be determined by the Secretary. In the case of local educational agencies which serve in all or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the Secretary may allocate the number of children among such agencies in such manner as he determines will best carry out the purposes of this section.

An amount equal to not more than 1 per centum of the amount allotted under clauses (1) and (2) shall be allotted to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands from the amount so appropriated according to their respective needs for assistance under this section, and the Secretary shall set the maximum amount which their local educational agencies shall be eligible to receive.

Annual Increase in Entitlement Allotments

(b) From the amount appropriated under section 3(b) for the remaining fiscal years ending prior to July 1, 1976, the Secretary shall make allotment to each local educational agency in the same manner as in subsection (a), except that for the purpose of making entitlement determinations under clause (1) of such subsection the per centum factor shall be 18 per centum for fiscal year 1973, 20 per centum for fiscal year 1974, 22 per centum for fiscal year 1975, and 25 per centum for fiscal year 1976.

Local Tax relief

(c) Any local educational agency may determine to use funds received under this section to replace funds which would otherwise have been raised by local taxes for pre-school, elementary, and secondary education: *Provided, however,* that such relief shall be limited to a local education agency in which the effective tax rate for education support taxes is above the average of the State and then only to the extent that such relief would not reduce it below such average. In those states in which education support funds are obtained in whole or in part from other than a local tax, the State educational agency may determine to use funds received under this section to replace such funds. Determinations under this subsection shall be made in accordance with objective criteria prescribed by the Secretary.

Categorical Program Phase-Out Upon Full Funding of General Assistance

(d)(1) The aggregate of appropriations under section 3(b) and of appropriations under all federal education programs for elementary and secondary schools or school children for any fiscal year may not exceed an amount equal to the aggregate of the allotments under Section 4 and the amounts payable under section 5 for the preceding fiscal year. If such appropriations aggregate equals or exceeds such allotments aggregate, then effective with respect to appropriations for that fiscal year the following statutes are repealed or amended as indicated:

(A) repeal of Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 821–827);

(B) repeal of Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 841–848);

(C) repeal of Title III of the National Defense Education Act of 1958 (20 U.S.C. 441–455); and

(D) repeal of subpart 2 of Part B of title V of the Higher Education Act of 1965 (20 U.S.C. 1108–1110c);

(E) amended by striking out "reserved in section 304(a) for the purposes of this section" in section 309(a) of the Adult Education Act and inserting in lieu thereof "appropriated pursuant to section 312(a)"; and striking out sections 304, 305, 306, 307, 308, and 310, and subsection (b) of section 312 of the Adult Education Act.

(d)(2) The Secretary shall submit to the Congress within ninety days after the date of enactment of this Act recommendations for the repeal or amendment by July 1, 1976, of all unnecessary, duplicative, or obsolete programs, both State grants and discretionary grant programs, which are administered by the Federal Government. These recommendations for repeal and amendment must include proposals to assure that no local educational agency will receive less under this Act than it is presently receiving under Federal programs for preschool, elementary, and secondary education.

Application by Local Educational Agency

(e) Any local educational agency which desires to receive for any fiscal year a grant under this section shall submit to the appropriate State educational agency an application which contains—

(1) a proposal for the use of funds granted under this section;

(2) such information as the Secretary and the State educational agency may reasonably require to enable them to evaluate the effectiveness of the grant expenditure and to perform their duties under this section;

(3) an evaluation of the effectiveness, including objective measurements of educational achievement, of programs and projects funded in the preceding fiscal year from funds provided under this section; and

(4) assurances that—

(A)(i) to the extent consistent with the number of children in the school district of such agency who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, will provide where feasible in such schools for the benefit of such children secular, neutral, or nonideological services, materials, and equipment including such facilities as necessary for their provision, consistent with subparagraph (B) of this section, or, if such are not feasible or necessary in one or more of such private schools as determined by the local educational agency after consultation with the appropriate private school officials, such other arrangements, including but not limited to dual enrollments and shared facilities, which will assure adequate participation of such children, and (ii) from the funds received by such agency, will expend for the purposes of fulfilling the requirements of this paragraph, an amount which bears the same ratio to the total amount received as the number of children enrolled in private nonprofit schools who are counted for the purposes of section (4)(a) bears to the total number of such children enrolled in elementary and secondary schools in the school district of such agency."

(B) (i) the control of funds provided under this section and title to property acquired therewith shall be in a public agency for the use and purposes provided in this section, and that a public agency will administer such funds and property; (ii) the funds provided under this section shall not be commingled with the State or local funds; and (iii) subject to the tax-offset provisions of section 4(c), Federal funds made available under this section will be so used as to supplement and, to the extent possible, increase the level of funds that would have, in the absence of such Federal funds, been made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this section;

(C) it will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such applications; and

(D) no more than 25 per centum of the funds received under this section in any fiscal year will be used for capital outlay and debt service.

Responsibility of State Educational Agency

(f) The State educational agency shall not finally disapprove in whole or in part any application for funds under this section without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

(g) Any State which desires to participate under this section shall submit through its State educational agency to the Secretary an application, in such detail as the Secretary deems necessary, which provides satisfactory assurances that the State educational agency will make to the Secretary (A) periodic reports (including the results of objective measurements required by subsection (e) evaluating the effectiveness of programs and projects assisted under this section in improving educational attainment, and (B) such other reports as may be reasonably necessary to enable the Secretary to perform his duties under this section (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year.

Responsibility of Secretary

(h) (1) The Secretary shall approve an application which meets the requirements specified in this subsection, and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State education agency.

(2) (A) The Secretary shall, subject to the provisions of subsection (i), from time to time pay to each State the amount which the local educational agencies of that State are eligible to receive under this section.

(B) From the funds paid to it pursuant to paragraph (A) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved pursuant to subsection (e) the amount for which such application has been approved, except that the amount shall not exceed the allotment to that agency pursuant to subsection (a).

(3) The Secretary is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this section (including technical assistance for the measurements and evaluations required by subsection (e)), except that the total of such payments in any fiscal year shall not exceed—

(A) 1 per centum of the total grants made to local educational agencies of such State within that fiscal year, or $150,000 whichever is greater;

(B) $25,000 in the case of Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

By-Pass

(i) In the case of an application to be funded under this section which is submitted by a local educational agency which is located in a State in which no State agency is authorized by law to provide, or in the case in which there is a substantial failure by a local educational agency whose application was approved under this section to provide for secular, neutral or non-ideological services or for effective participation on an equitable basis in programs provided under subsection (e) by children enrolled in any one or more private nonprofit elementary or secondary school located in the school district of such agency, the Secretary shall arrange for the provision, on an equitable basis, of such services or programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Secretary may arrange for such services or programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

(2) In determining the amount to be withheld from any State's allotment for the provision of such services or programs, the Secretary shall take into account the number of children who are excluded from participation therein, and who except for such exclusion, might reasonably have been expected to participate.

Enforcement

(j) Whenever the Secretary, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under subsection (g), the Secretary shall notify the agency that further payments will not be made to the State under this section (or, in his discretion, that the State educational agency shall not make further payments under this section to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this section, or payments by the State educational agency under this section shall be limited to local educational agencies not affected by the failure, as the case may be.

Appeal

(k) If any State is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under subsection (f) or with his final action under subsection (h), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Special Assistance to Combat Racial Segregation and Discrimination

SEC. 5. (a) From the amount appropriated pursuant to section 3(b) for a fiscal year, the Secretary shall make a grant to each local educational agency which is implementing a plan—

(A) which has been undertaken pursuant to a final order issued by a court of the United States or a court of any State, or any duly authorized judicial authority, and which requires the desegregation of racially segregated students or faculty in the elementary or secondary schools of such agency, or otherwise requires the elimination or reduction of racial isolation in such schools;

(B) which has been approved as adequate under title VI of the Civil Rights Act of 1964 for desegregation or racially segregated students or faculty in such schools.

(b) The aggregate amount which may be granted under this section shall be an amount equal to 20 per centum of the amount granted under section 4 for that year. The amount granted each local educational agency shall be an amount equal to the additional costs which will be incurred by such agency in carrying out the plan referred to in subsection (a). In the event the funds available for carrying out this section for a fiscal year are insufficient to permit the Secretary to make the full grant to which such agencies are entitled under the preceding sentence, the grant to each shall be reduced pro rata.

(c) Grants under this section shall be made upon application to the Secretary, and upon such terms and conditions as he may prescribe, but such funds may only be used to meet the additional costs incurred by local educational agencies in carrying out plans referred to in subsection (a).

Attorney Fees

(d) Upon the entry of a final order by a court of the United States involving a local educational agency, a State (or any agency thereof), or the United States (or any agency thereof), for failure to comply with any provision of this section or for discrimination in violation of title VI of the Civil Rights Act of 1964, or the fourteenth amendment to the Constitution of the United States as they pertain to elementary and secondary education, the court, in its discretion, may allow the prevailing party, other than the United States, costs including a reasonable attorney's fee.

Resegregation

(e) If a local educational agency has successfully carried out a plan pursuant to a final order issued by a court of the United States requiring the desegregation of racially segregated students or faculty in its elementary and secondary schools, or has successfully carried out a plan which has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 1964 for such desegregation thereafter no officer or agency of the United States may require the submission or adoption of another such plan (or amendment of the original plan) to correct any condition of resegregation which may have occurred in such schools, but only if such resegregation has occurred without any action or encouragement of any public officer or agency.

Payments

SEC. 6. Upon his approval of an application for assistance under this Act, the Secretary shall pay to the applicant such amount, in advance or by way of reimbursement, and in such installments consistent with such implementation of the approved plan as he may determine.

Definitions

SEC. 7. As used in this Act, except when otherwise specified—

(1) The term "local educational agency" means a public board of education or other

public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act is vested in an agency subordinated to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purpose of this Act.

(2) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(3) The term "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(4) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(5) The term "State educational agency" means the State board of education, or other public agency or office primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(6) The term "State" means one of the fifty States or the District of Columbia or Puerto Rico.

Evaluation

SEC. 8. Such portion as the Secretary may determine but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to the State educational agency for evaluation (directly or by grants or contracts) of the uses to which the general assistance provided under Sec. 4 and the special assistance provided under Sec. 5 have been put. Such evaluation shall be reported to the Secretary. In the case of allotments or allocations for any such appropriation, the amount available for allotment or allocation shall be reduced accordingly.

Joint Funding

SEC. 9. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any program, project, or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced.

Reports

SEC. 10. The Secretary shall make annual detailed reports concerning the effectiveness of general assistance and special assistance under this Act in achieving the purposes of this Act. The report shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives.

Reductions Necessitated by Insufficient Appropriations

SEC. 11. If for any fiscal year the amount appropriated under section 3(b) is insufficient to make to local educational agencies the full amount of the allotment provided for in section 4(a) or the grants provided for in section 5(a), then the amount of each such agency's allotment or grant under each such section shall be reduced by a percentage (which shall be uniform for each such agency and both of such sections) which will result in allotments and grants which do not exceed the appropriations available therefor.

General Provisions

SEC. 12. (a) The provisions of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such Act with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1971;" after "the International Education Act of 1966;".

INTRODUCTION OF WATER POLLUTION BILL

(Mrs. ABZUG was granted permission to extend her remarks at this point in the RECORD.)

Mrs. ABZUG. Mr. Speaker, the pollution of our streams, rivers, and waterways has grown to disastrous levels. Human waste is dumped directly into our water. It is a health hazard just to be near some bodies of water. A river in the Midwest has become a fire hazard. Practically every body of water has become a dumping ground for industry to unload its waste. Drinking water has become contaminated and our natural waterways are ceasing to be the recreational and esthetic places they once were.

I have today introduced legislation providing for a comprehensive revision of the Federal Water Pollution Control Act which will dramatically change our approach toward the pollution of our waterways.

My bill increases the annual appropriation for administrative and enforcement grants to State and interstate water pollution control agencies from $10 million to $30 million, beginning July 1, 1971, through June 30, 1976.

It provides that the money used to develop and carry out plans to implement, maintain, and enforce water quality standards for all waterways; to carry out a program of State certification of Federal permitting and licensing agencies under the act that their proposed activities will comply with applicable water quality standards; to train water pollution control personnel and to assist local governments in pollution control.

It increases the Federal share of such grants from 66⅔ percent to 75 percent, and calls for State or interstate plants to be approved by EPA before these grants are made. It extends the waste treatment construction grant through June 30, 1976; authorizes $5 billion annually for these grants; and increases from 50 to 60 percent the amount of grant that can be made for treatment works and increases up to 80 percent if the State agrees to pay 15 percent of the cost. Ninety percent of the cost will be paid by the Federal Government beginning in 1973, if the project is in a river basin or if it is specifically designated to insure coordinated and effective waste treatment by EPA.

It provides for a system of "user charges" where industry will be charged for the use of such treatment facilities based upon the volume and strength of the user's waste. Such money shall revert to the Treasury of the United States.

The first $100 million will be allocated on the basis of population and per capita income. Of the sum remaining, 50 percent will be allocated on the basis of population and 50 percent to those projects in which preliminary planning is complete and sufficient local financing is assured.

It provides for reimbursement to those States which have begun projects after June 30, 1966, and which met the requirements but for which money was not available. Two billion dollars is authorized for these provisions.

It extends water quality standards programs to all navigable waterways. Each State must adopt and submit to EPA water quality standards and a plan for implementation, maintenance, and enforcement within 9 months after enactment. EPA must approve or disapprove them within 6 months after they are submitted to EPA. The plan must require that no toxic or other hazardous wastes be discharged from any stationary source, and include effluent requirements and schedules.

EPA's enforcement powers are strengthened with increased minimum and maximum penalties; civil and criminal charges against pollution violators are also increased.

Citizen class action suits are provided for against any violation of the standards or schedules or the Administrator for failure to perform any act or duty under this act. Employees who give information or testify about polluting discharges are protected.

Emergency pollution action can be taken through civil proceedings to control pollution that endangers the health and welfare of persons or presents substantial economic inquiry to persons.

It prohibits the exclusion of any person from participation in any program under this act on the basis of sex.

Mr. Speaker, at this point I include the text of the bill in the CONGRESSIONAL RECORD:

H.R. —

A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Federal Water Pollution Control Act is amended as follows:

(1) Section 1(b) is amended by striking out the second and third sentences thereof.

(2) Section 2 is hereby repealed, and sections 3 and 4 are redesignated as sections 2 and 3, respectively.

(3) Redesignated section 2(a) is amended by striking out "interstate waters" and inserting in lieu thereof "the navigable waters of the United States".

(4) Before the heading above section 5 insert "TITLE I—RESEARCH, TRAINING, AND GRANTS FOR WATER POLLUTION CONTROL".

(5) Redesignate sections 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, and 20 as sections 101 through 111, respectively.

(6) Before the heading above section 10 insert "TITLE II—WATER QUALITY STANDARDS AND ENFORCEMENT".

(7) Redesignate section 10 as section 201, and sections 11, 12, 13, and 21 as sections 206 through 209, respectively.

(8) Before the heading above section 9 insert "TITLE III—ADMINISTRATION".

(9) Redesignate sections 9, 22, 23, 24, 25, 26, and 27 as sections 301 through 307, respectively.

(b) All references to sections of the Federal Water Pollution Control Act redesignated by this section are amended to correspond with such redesignated sections.

SEC. 2. Redesignated section 103 of the Federal Water Pollution Control Act is amended to read as follows:

"GRANTS FOR STATE AND INTERSTATE WATER POLLUTION CONTROL AGENCIES

"SEC. 103. (a) There is authorized to be appropriated annually to the Administrator for the fiscal year ending June 30, 1972, the sum of $30,000,000, and for each succeeding fiscal year to, and including, the fiscal year ending June 30, 1976, for the purpose of making grants to State and interstate water pollution control agencies under this section. The portion of the sums appropriated for each fiscal year which shall be available for such interstate agencies shall be specified in the Act appropriating such sums, except that such portion shall not exceed 15 per centum of the total sum appropriated for that year.

"(b) Beginning in fiscal year 1972, the Administrator is authorized to make grants to State and interstate agencies having effective plans approved under this section for the enhancement of water quality through the prevention, control, and abatement of water pollution, to assist such Sate and interstate agencies—

"(1) in developing and carrying out plans for the implementation, maintenance, and enforcement of water quality standards for all waters;

"(2) in carrying out the certification requirements of section 209(b) of this Act;

"(3) for the effective enforcement of water pollution control laws and regulations;

"(4) in the training of water pollution control and enhancement personnel of public agencies; and

"(5) in assisting political subdivisions of a State in developing and carrying out effective water pollution control programs.

"(c) Beginning on and after July 1 of the fiscal year ending June 30, 1971, each State water pollution control agency or appropriate interstate agency shall adopt and the Administrator shall approve annually a plan for the enhancement of water quality through the prevention, control and abatement of water pollution which—

"(1) provides for the orderly development, implementation, maintenance, and enforcement of water quality standards and plans for each river basin or portions thereof within such State, including procedures to assure that all sources of waste within a basin or portion receive effective treatment to prevent the degradation of any waters and to enhance water quality;

"(2) provides for the administration of, or for the supervision of administration of, the plan by the State or interstate water pollution control agency;

"(3) provides that such agency will make such reports, in such form and containing such information, as the Administrator may from time to time reasonably require, but at least annually, to carry out his functions under this Act, and that such reports shall be available to the pubic;

"(4) sets forth the plans, policies, and methods to be followed in carrying out an approved State (or interstate) plan and in its administration;

"(5) provides for extension or improvement of the State or interstate program for water quality enhancement and for prevention and control of water pollution;

"(6) sets forth (A) effective criteria, consistent with an adopted plan for implementation, maintenance, and enforcement of water quality standards, established by the State, in determining priorities for treatment works, and (B) the priorities so determined;

"(7) contains assurances that such agency has or will employ an adequate and competent staff of trained personnel to carry out effective water pollution control laws, standards, and regulations;

"(8) contains assurances that grants provided under this section will supplement, not supplant, existing State or interstate water quality enhancement and pollution control programs;

"(9) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of an approved plan;

"(10) sets forth applicable State or interstate water pollution control laws and regulations;

"(11) provides an effective waste treatment management program under which treatment works are planned, constructed, and maintained so as to achieve efficiency, water quality enhancement, and economy; and

"(12) meets such additional terms and conditions as the Administrator may prescribe from time to time in furtherance of, and consistent with, the purposes of this section.

"(d) The Administrator shall approve any plan which, in his judgment, effectively complies with the requirements of this section. He shall not finally disapprove any plan or modification thereof submitted under this section without first affording the appropriate State or interstate water pollution control agency reasonable notice and an opportunity for a public hearing. In disapproving any plan or modification thereof, he shall make findings of fact, and issue a decision incorporating such findings therein.

"(e) Whenever the Administrator, after reasonable notice and opportunity for a public hearing, finds that, in the administration of an approved plan, there is a failure to comply with one or more of the requirements of this section, the Administrator shall issue a decision, incorporating his findings and a notice to such agency therein, that no further payments will be made to the State or interstate agency, under this section (or, in his discretion, that further payments will not be made to the State or interstate agency for treatment works under that portion of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Administrator shall make no further payments or shall limit such payments to such State or interstate agency under this section.

"(f) Any State or interstate water pollution control agency aggrieved by a decision of the Administrator under subsection (d) or (e) of this section may file within thirty days from the date of such decision with the United States Court of Appeals for the District of Columbia a petition praying that such action be modified or set aside in whole or in part. The court shall hear such appeal on the record made before the Administrator. The court may affirm, vacate, or remand the proceedings to the Administrator for such further action as it directs. The filing of a petition under this subsection shall not stay the application of the decision of the Administrator, unless the court so orders.

"(g) (1) From the sums available therefor for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter, the Administrator shall from time to time make allotments to the States, in accordance with regulations promulgated by him, on the basis of (A) the population of each State, and (B) the extent of the water pollution control problem of each State. The population of each State shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(2) From the allotment of each State made under paragraph (1) of this subsection for any fiscal year, the Administrator shall make grants to such State in an amount equal to its Federal share (as determined under this section) of the cost of carrying out a State plan approved under this section.

"(3) The Federal share for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico, the Virgin Islands, and Guam shall be 66⅔ per centum. The Federal share shall be determined and promulgated by the Administrator between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the State and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. As used in this subsection, the term 'United States' means the fifty States and the District of Columbia.

"(h) From the sums available therefor for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter, the Administrator shall from time to time make allotments to interstate agencies, in accordance with regulations promulgated by him, on such basis as the Administrator finds reasonable and equitable. He shall from time to time pay to each such agency from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under this section as may be determined in accordance with such regulations. The regulations relating to the portion of the cost of carrying out a plan of an interstate agency which shall be borne by the United States shall be designed to place such agency, so far as practicable, on a basis similar to that of the States.

"(i) Beginning in fiscal year 1972, the method of computing and paying grants pursuant to this section shall be as follows:

"(1) The Administrator shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State or interstate water pollution control agency for such period on the basis of such records of the State or interstate agency and information furnished by it, and on the basis of such investigation, as the Administrator may require.

"(2) The Administrator shall pay to such State or interstate agency, from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State or interstate agency for any prior period was greater or less than the amount which should have been paid to such agency for such prior period. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Administrator may determine."

SEC. 3. Redesignated section 104 of the Federal Water Pollution Control Act is amended to read as follows:

"GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

"SEC. 104. (a) There are authorized to be annually appropriated for the purpose of making grants under this section for the fiscal year ending June 30, 1972, the sum of $5,000,000,000 and for each succeeding fiscal year to and including the fiscal year ending June 30, 1976. At least 50 per centum of the first $100,000,000 appropriated each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under. Sums appropriated under this subsection shall remain available until expended.

"(b) The Administrator shall, in accordance with the provisions of this section, make grants (from the sums appropriated under subsection (a) of this section) to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to provide for the effective treatment of sewage and other wastes of any kind or description prior to the discharge thereof into any waters, and for the purpose of reports, plans, and specifications made in connection therewith.

"(c) Except as provided in this subsection or subsection (d) of this section, the amount of any grant for approved treatment works under this section shall not exceed 60 per centum of the estimated reasonable cost thereof (as determined by the Administrator), except that such percentage limitation shall be increased—

"(1) to a maximum of 80 per centum, in the case of grants made from funds allocated for any fiscal year to a State under this section, if the State agrees to pay not less than 15 per centum of the estimated reasonable cost (as determined by the Administrator) of all treatment works in such State for which grants are to be made under this section from such allocation.

"(d) The Administrator shall designate any river basin or region as eligible for up to a maximum of 90 per centum grants under this subsection whenever he finds, and publishes such finding, that there exists therein a river basin or regional plan for a basin or region which provides an effective and economical system, consistent with applicable water quality standards, for the collection and treatment of sewage and all other municipal and industrial wastes of any kind or description throughout such river basin or region for which recycling is not technologically practicable. Such river basin or regional plan shall provide that (1) each user of treatment works in the basin or region participates equitably in the non-Federal construction costs of such works; (2) adequate reserves to offset the cost of future treatment works constructed therein are provided; (3) the costs of operating and maintaining treatment works assisted by grants under this section are equitably shared by the users; (4) the degree of treatment to be provided is compatible with the long-range needs of the basin or region which shall be identified in the plan and shall include, among other things, an inventory of approved sites for the location of new industrial facilities, residential communities or developments, and municipalities in the basin or region and the effluent requirements to be imposed on such facilities, communities or developments, and municipalities; (5) each user pay the cost of any new treatment works constructed after fiscal year 1976 where such works are required by new industries, increased population, or expanded usage of facilities in the river basin or region; and (6) such plan is in accordance with any approved water quality standards and implementation plan for that basin or region. The Administrator may designate one or more portions of a basin or region, if he finds, from a pollution control and water quality enhancement standpoint, that, because of the geographical size of the entire basin or region, an effective and economical basinwide or regionwide treatment system is not practicable for the entire basin or region. The Administrator shall make grants for up to 90 per centum of the costs of eligible treatment works within such designated basin or region or portion thereof from funds allotted or reallotted under this section.

"(e) Notwithstanding any other provision of this section, the Administrator may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any treatment works which has been certified by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term 'metropolitan area' means either (1) a standard metropolitan statistical area as defined by the Office of Management and Budget, subject, however, to such modifications and extensions as the Administrator deems appropriate for the purposes of this Act, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

"(f) Before approving grants for any treatment works under this section, the Administrator shall determine—

"(1) that such works are included in any applicable comprehensive program developed under section 2(a) of this Act;

"(2) that such works are in conformity with the State water pollution control plan approved under section 103 of this Act;

"(3) that such works (A) have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with such approved State water pollution control plan, and (B) have been approved by such agency;

"(4) that the applicant proposing to construct such works agrees to pay the remaining non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring after construction thereof (A) proper and efficient operation, including the employment of trained personnel, and (B) maintenance of such works in accordance with an effective plan of operation approved by the State water pollution control agency, or, as appropriate, such interstate agency, and the Administrator;

"(5) that such works will provide effective treatment for all sewage and other wastes prior to discharge thereof into any waters, including the use of new or improved treatment processes and procedures;

"(6) that the source and composition of all industrial wastes discharged into such works is identified and, where appropriate, provision is made for treatment of such wastes at the source (A) to insure that no toxic or other hazardous industrial wastes which threaten the public health, safety, or welfare shall be discharged from such works, (B) to prevent damage to such works, or (C) to prevent impeding the efficient operation of such works;

"(7) that such works meet such other requirements as the Administrator may from time to time prescribe by regulation, or by conditions in any grant agreement, or by both, which are consistent with the purposes of this section; and

"(8) that the applicant (A) has imposed, or will impose, a system of charges to insure that each user of any treatment works participates equitably in the operation, maintenance, and construction costs of such works; and (B) has legal, institutional, managerial, and financial capabilities to assure adequate operation, maintenance, expansion, and replacement of treatment works throughout the applicant's jurisdiction as determined by the Administrator. The amount of project costs recovered from each industrial user shall be based on the proportion which the volume and strength of such user's wastes treated by the project bears to the volume and strength of all wastes treated by the project and shall include charges which shall be adequate to encourage reduction in the quantity and character of such wastes. Revenues derived from such cost recovery, to the extent apportionable to the Federal share of eligible project costs allocable to the treatment of industrial wastes, shall revert to the Treasury of the United States.

"(g) (1) The first $100,000,000 appropriated pursuant to this section for each fiscal year shall be allotted by the Administrator from time to time, in accordance with regulations promulgated by him, as follows: (A) 50 per centum of such sums in the ratio that the population of each State bears to the population of all States, and (B) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. Sums allotted to a State under this paragraph, which are not obligated at the end of the fiscal year for which they were allotted because of a lack of treatment works which have been approved by the State water pollution control agency and certified as entitled to priority, shall be reallotted by the Administrator on such basis, as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having treatment works approved under this section for which grants have not been made because of lack of funds.

"(2) All sums in excess of $100,000,000 appropriated pursuant to this section for each fiscal year shall be allotted by the Administrator from time to time, in accordance with regulations promulgated by him, as follows: (A) 50 per centum of such sums in the ratio that the population of each State bears to the population of all States, and (B) 50 per centum of such sums specifically for waste treatment facilities in any State for which preliminary planning has been completed, and sufficient local financing is available. Sums allotted to a State under this paragraph which are not obligated within six months following the date of such allotment, because of a lack of treatment works approved by the State water pollution control agency and certified as entitled to priority, shall be reallotted by the Administrator, in accordance with regulations promulgated by him. Priority in such reallotment shall be given to States which are eligible under this section for up to 80 per centum grants for such works and to States having designated basins or regions eligible for a maximum of 90 per centum grants under this section for the construction of such works in such basins or regions.

"(3) All reallotted sums shall remain available for obligation for one additional fiscal year following the end of the fiscal year for which they were appropriated. Any sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this section during any fiscal year.

"(4) The allotments and reallotments under this subsection shall be available, in accordance with the provisions of this section, for payments with respect to treatment works in such State approved under this section.

"(5) (A) In the case of any treatment works on which construction was initiated after June 30, 1966, and which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of this section but was constructed without a grant under this section because of a lack of available Federal appropriations, such allotments and reallotments for any fiscal year ending prior to July 1, 1976, shall also be available for payments in reimbursements of State or local funds expended for such works prior to July 1, 1976, to the extent that grants could have been provided under this section if such works had been approved pursuant to this Act and if Federal appropriations up to the level of those authorized under this Act since July 1, 1966 were available, and

"(B) in the case of any treatment works on which construction was initiated after June 30, 1966, and which was constructed with a grant under this Act but the amount of such grant was a lesser per centum of the cost of construction than is allowable under this section because of lack of available Federal appropriations, such allotments and reallotments shall also be available for payments in reimbursement of State or local funds expended for such works prior to July 1, 1976, to the extent that grants could have been provided under this section if Federal appropriations up to the level of those authorized under this Act since July 1, 1966 were available.

"(C) There is authorized to be appropriated $2,000,000,000 to carry out the provisions of paragraph (5) of this subsection.

"(6) Nothing in this section, including a finding by the Administrator that any treatment works meets the requirements of this section for approval for a grant under this section, shall be construed to constitute an actual or implied commitment or obligation of the United States to provide funds other than those appropriated under this section for purposes of reimbursement of State or local funds under paragraph (4) of this subsection.

"(h) For the purpose of this section, (1) population shall be determined on the basis of the latest available figures, as certified by the Secretary of Commerce, and (2) per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"(i) The Administrator shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the treatment works for which the amount was paid. As used in this section the term "construction" includes (1) preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specificatons, procedures, and other actions necessary to the construction of treatment works; (2) the erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works; and (3) the inspection and supervision of the construction of treatment works.

"(j) The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on treatment works for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5), and the Secretary of Labor shall establish effective safety standards for the protection of such laborers and mechanics. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

"(k) The provisions of this section shall apply to all treatment works for which grants are made from funds appropriated under this section."

SEC. 4. Redesignated section 201 of the Federal Water Pollution Control Act is amended to read as follows:

"WATER QUALITY STANDARDS AND IMPLEMENTATION PLANS

"SEC. 201. (a) Water quality standards and plans for the implementation, maintenance, and enforcement thereof, including compliance schedules and timetables and effluent requirements, and revisions thereof established pursuant to this Act shall have the purpose of protecting and improving the public health, safety, and welfare, protecting and enhancing the quality of the Nation's waters for the benefit and enjoyment of present and future generations of Americans, and otherwise serving the purposes of this Act. In developing and considering such standards and plans or revisions thereof, the Administrator and the appropriate State—

"(1) shall take into consideration (A) the present and future quality, use, and value of the applicable body of water for public water supply, propagation of fish, shellfish, and wildlife, and recreational purposes, and for agriculture, industrial, navigation, and other legitimate uses, and (B) the present and future sources of waste discharges into such waters and the composition, quantity, frequency, and extent of treatment of such discharges, and

"(2) shall strive to enhance the quality of such water body. Public participation in water use designations of all or part of any such waters and in the development, revision, and enforcement of such standards and plans at all levels of government shall be provided and encouraged.

"(b) (1) The Administrator shall develop and publish, within sixty days after the effective date of this paragraph, criteria of water quality which, in his judgment, is requisite for the protection of the public health, safety and welfare and for the protection and enhancement of water quality. Such criteria shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health, safety, and welfare and on water quality which may be expected from the presence of a pollutant or combination of pollutants in any body of water in varying quantities and at varying times.

"(2) Simultaneously with the issuance of criteria under this subsection, the Administrator shall issue to State and interstate water pollution control agencies information on pollution control techniques. Such information shall include technical data relating to the technology and costs of effluent control and such data as are available on the latest available technology and on alternative methods of prevention and control of water pollution, including cost-effectiveness analyses.

"(3) In order to assist in the development of information on pollution control techniques, the Administrator may establish one or more standing consulting committees which shall be comprised of technically qualified individuals representative of State and local governments, the academic community, industry, and the public. A verbatim transcript shall be kept of all meetings of such committees which shall be available to the public.

"(4) The Administrator shall from time to time review, but at least every two years, and, as appropriate, modify and reissue any such criteria or information.

"(5) Such criteria and information shall be set forth in the Federal Register.

"(c) (1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator, within nine months after the enactment of this section—

"(A) water use designations and water quality standards for all navigable waters and tributaries affecting such waters within or bordering such State, including interstate and underground waters, which are consistent with subsection (a) of this section and the criteria published by the Administrator, and

"(B) a plan, including compliance schedules and effluent requirements, for the implementation, maintenance, and enforcement of such standards (hereinafter referred to in this title as the 'plan').

"(2) Water quality standards, including any implementation plan, approved under the Water Quality Act of 1965 and any enforcement action taken or pending prior to the date of enactment of this title shall continue in full force and effect until superseded or modified pursuant to this title, but all such standards and plans shall be reviewed and, where appropriate, revised to conform to the requirements of this section.

"(3) The Administrator shall, within six months after the date required for submission of water use designations, water quality standards, and a plan under paragraph (1) of this subsection, approve or disapprove such designations, standards, and plan or each portion thereof. The Administrator shall approve such designations and standards, or any portion thereof, if he determines that they were adopted after reasonable notice and hearing and are consistent with subsection (a) of this section and the criteria published by him under subsection (b) of this section. He shall approve such plan, or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

"(A) it provides that no toxic or other hazardous wastes which threaten the public health, safety, or welfare shall be discharged from any stationary source into any waters;

"(B) it provides for the attainment of such standards as expeditiously as practicable, but in no case later than three years from the date of approval of such plan or any revision thereof;

"(C) it includes effective effluent requirements for all stationary sources discharging wastes into such waters and schedules and timetables for compliance with such requirements, and such other measures as may be necessary to insure attainment and maintenance of such standards, including, but not limited to, land use controls;

"(D) it provides that, wherever technically feasible, effluent requirements shall, except in the case of municipal waste treatment works, provide for the recycling of wastes or for other means which eliminate or substantially reduce discharge of wastes into any waters;

"(E) it includes provision for (i) the establishment and operation of appropriate devices, methods, and procedures necessary to monitor, compile, and analyze data on water quality, and (ii) upon request, making such data available to the Administrator and the public;

"(F) it contains, where appropriate, adequate provisions for intergovernmental cooperation, including measures needed to insure that discharges of wastes from any stationary source located on or near navigable waters or tributaries thereof located in or bordering one State, including interstate waters, will not interfere with the attainment and maintenance of such standards in another State;

"(G) it provides—

"(i) necessary assurances that the State water pollution control agency has or will have (within one year from the date of approval of such plan) adequate funding, authority, and trained personnel to carry out and enforce such plan;

"(ii) for installation, where appropriate, of equipment by persons owning, leasing, or otherwise controlling stationary sources to monitor discharges therefrom;

"(iii) for periodic reports on the composition, frequency, and quantity of such discharges, which shall be available to the public; and

"(iv) for authority comparable to that in section 204 of this Act, including effective contingency plans to implement such authority; and

"(H) it provides (i) for periodic review, at least every three years, and, where appropriate, revision, after public hearings of such standards and designations, or plan, or both, to achieve the purposes of this section, (ii) for revision of such designations and standards or plan, or both, whenever the Administrator finds on the basis of information available to him that such designations and standards or plans are substantially inadequate to achieve the purposes of this section.

"(4) The Administrator shall, in accordance with the procedures and requirements of this subsection, approve any revision of such designations and standards or plan.

"(5) The Administrator may, whenever he finds it necessary and publishes his finding, extend the period for submission of any plan or portion thereof not to exceed six months.

"(d) The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth such designations and standards or plan or portion thereof, or both, if (1) a State fails to submit water use designations and water quality standards or a plan for implementation, maintenance, and enforcement of such standards within the time prescribed, or (2) the designations and standards or plan, or portion thereof, or both, submitted is determined by the Administrator not to be in accordance with the requirements of this section, or (3) the State fails, within sixty days after notice by the Administrator or such longer period as he may prescribe, to revise such designations and standards or plan as required by this section. If such State held no public hearing associated with adoption of such designations and standards or plan, the Administrator shall provide an opportunity for such hearing within such State on any proposed regulation for such State. The Administrator shall, within six months after the date required for submission of such designations and standards or plan, promulgate any such regulation unless, prior to such promulgation, such State has adopted and submitted designations and standards or plan which he determines to be in accordance with the requirements of this section. Such designations and standards or plan promulgated by the Administrator for any State shall be the designations and standards or plan, or both, applicable to such State in the same manner as if such designations and standards or plan had been adopted by such State and approved pursuant to this section, and shall remain in effect until such State submits such designations and standards or plan and it is approved under this section.

"(e) (1) A petition for review of any action of the Administrator approving such designations and standards or plan, or both, may be filed in the United States court of appeals for the circuit which includes the applicable State. Such petition shall be filed, within thirty days from the date of such approval, by any person praying that it be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the Administrator and thereupon the Administrator shall certify and file in such court the record upon which the approval complained of was issued, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm or set aside the determination complained of in whole or in part. The findings of the Administrator with respect to questions of fact shall be sustained if based upon a fair evaluation of the entire record at such hearing.

"(2) Proceedings before the court under this paragraph shall take precedence over all the other causes of action on the docket and shall be assigned for hearing and decision at the earliest practicable date and expedited in every way.

"(3) Such approved designations and standards or plans with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any subsequent civil or criminal proceeding for enforcement thereof under this Act."

SEC. 5. The Federal Water Pollution Control Act is amended by inserting after redesignated section 201 the following new sections:

"FEDERAL ENFORCEMENT OF PLANS FOR THE IMPLEMENTATION, MAINTENANCE, AND ENFORCEMENT OF WATER QUALITY STANDARDS

"SEC. 202. (a) (1) Whenever, on the basis of any information available to him, the Administrator or his authorized representative finds that any person violates any applicable water quality standard or applicable plan, or both, he shall notify such person and the appropriate State water pollution control agency of such violation. All such notices shall be made public when issued. Unless the Administrator finds, and publishes his finding, that such violation is being effectively abated by such agency within ten days after such notice, he shall immediately issue or cause to issue an order requiring such person to comply with such standards or plan, or both.

"(2) On or after the effective date of this title, whenever the Administrator or his authorized representative finds that any person is discharging into any navigable waters or tributaries thereof, including interstate or underground waters, a hazardous substance, he shall issue an order requiring the abatement of such discharge within ten days after the receipt of such order, or he shall bring a civil action in accordance with subsection (d) of this section. The Administrator shall notify the appropriate State water pollution control agency of such action.

"(b) A copy of any order issued under this section shall be sent to the State water pollution control agency of any State in which the violation occurs. Any order issued under this section shall state with reasonable specificity the nature of the violation, specify a time for compliance which the Administrator or his authorized representative determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply. In any case in which an order under this section is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers. All such orders shall be made public when issued.

"(c) (1) Any person issued an order pursuant to the provisions of this section, or any person affected by such order or by any modification or termination of such order, may apply to the Administrator for review of the order within thirty days of receipt thereof or within twenty days of its modification or termination. Any person issued a notice pursuant to this section may, if he believes that the period of time fixed in such notice for the abatement of the violation is unreasonable, apply to the Administrator for review of the notice within twenty days of the receipt thereof. Upon receipt of such application, the Administrator shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of any such person to present information relating to the issuance and continuance of such order or the modification or termination thereof or to the time fixed in such notice. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

"(2) Written notice of the time and place of the hearing shall be given at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(3) Upon receiving the report of such investigation, the Administrator shall make findings of fact, and he shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the order, or the modification or termination of such order, or the notice, complained of and incorporate his findings therein.

"(4) In view of the urgent need for prompt decision of matters submitted to the Administrator under this section, all actions which the Administrator takes under this section shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

"(d) (1) The Administrator shall commence a civil action for appropriate relief, including a permanent or temporary injunction, whenever any person—

"(A) violates or fails or refuses to comply with any order issued under this section; or

"(B) fails or refuses to comply with any requirement of subsection (f) of this section.

"(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given to the appropriate State water pollution control agency.

"(e) (1) Any person, who violates any requirement of an applicable plan or fails or refuses to comply with any final order issued under this section, shall be assessed a civil penalty by the Administrator which penalty shall not be less than $1,500 or more than $50,000 for each such violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. If any violation is a continuing one, every third day of such continuing violation the minimum civil penalty shall be increased by $1,000 until the maximum penalty is reached. The Administrator shall not have the power to compromise such penalties.

"(2) Whenever the Administrator believes that a person is subject to the imposition of a civil penalty under the provisions of this subsection, he shall notify such person in writing (A) setting forth the date, facts, and nature of each act or omission with which the person is charged, (B) specifically identifying the particular provision or provisions of the section, rule, regulation, order, standard, or plan involved in the violation, and (C) advising of each penalty which the Administrator proposes to impose and its amount. Such written notice shall be sent by registered or certified mail by the Administrator to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Administrator shall be regulation prescribe, why such penalty should not be imposed or why the amount of such penalty is not warranted. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Administrator the penalty shall be collected by civil action. All such notices and writings shall be available for public inspection.

"(3) The Administrator is authorized to institute a civil action to collect a penalty imposed pursuant to this section.

"(f) (1) Any person who knowingly—

"(A) violates any applicable water quality standard or requirement of an applicable plan, or

"(B) violates or fails or refuses to comply with any final order issued by the Administrator under this section, shall, upon conviction, be punished by a fine of not less than $5,000 per day or more than $75,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $200,000 or less than $10,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, system, or method required to be maintained under this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"(3) One-third of any fine imposed upon conviction of a violation under this subsection shall be paid to the person or persons giving information leading to such conviction.

"INSPECTIONS, MONITORING, AND ENTRY

"SEC. 203. (a) For the purpose of (i) designating water uses for any water or developing or assisting in the development of any water quality standards and any plan for the implementation, maintenance, and enforcement thereof, including any effluent requirement and schedule or timetable for compliance, (ii) determining whether any person is in violation of any such standard, plan, requirement, timetable, or schedule, or of any prohibition of discharge of a hazardous material, or (iii) of carrying out section 204 of this Act—

"(1) the Administrator may require the person who owns, leases, or otherwise controls any effluent source to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain monitoring equipment or devices, (D) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information as he may reasonably require; and

"(2) the Administrator or his authorized representative, upon presentation of his credentials—

"(A) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under paragraph (1) of this subsection are located, and

"(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (1) of this subsection and sample any effluents which the owner or operator of such source is required to sample under paragraph (1) of this subsection.

"(b) Each State shall develop and submit to the Administrator a procedure for carrying out subsection (a) of this section in such State. Nothing in this subsection shall prohibit the Administrator from carrying out this subsection in a State.

"(c) In carrying out the provisions of this title, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and other documents, he may administer oaths. Any records, reports, or information obtained under this title shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the Administrator has access under this title if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(d) Subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, Attorneys appointed by the Secretary may appear for and represent him in any proceeding instituted under this section.

"(e) There is authorized to be appropriated annually to the Administrator beginning July 1, 1971, and ending June 30, 1976, $75,000,000 to carry out his enforcement responsibilities under this title, and he shall submit to the Congress on March 1 of each year a detailed report concerning the enforcement activities of the Administrator, including a discussion of the violations discovered, during the preceding calendar year. Such sums shall be available until expended.

"(f) The Administrator shall periodically hold public hearings in various regions or States of the United States to determine the effectiveness of approved water quality standards and plans and the enforcement thereof and to investigate significant pollution problems.

"EMERGENCY POLLUTION CONTROL

"SEC. 204. Upon receipt of evidence that a pollution source or combination of sources, including moving sources, (A) is presenting an imminent or substantial endangerment to the health or welfare of persons or to treaty-protected fish or wildlife, or (B) may present a substantial economic injury to persons because of their inability to market any products in commerce because of such pollution, the Administrator shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which the persons owning, leasing, or otherwise controlling such source or sources, is located or resides or is doing business. The district court shall have jurisdiction to hear and decide such actions and to issue such orders as it deems appropriate.

"CITIZEN SUITS

"SEC. 205. (a) Any person may commence a civil action on his own behalf or on behalf of a class of persons—

"(1) against any person (including the United States, and any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) any water quality standard or plan or effluent requirement, schedule, or timetable of compliance, or prohibition of discharge under this Act, or (B) any order issued by the Administrator or a State with respect to any violation under this title, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act, including the enforcement of any water quality standard, plan, effluent requirement, schedule, timetable of compliance, or prohibition of discharge.

"(b) The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to hear and decide such actions and to issue such orders as may be necessary.

"(c) In any such action, the Administrator, if not a party, may intervene as a matter of right.

"(d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any such standards or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(e) No bond shall be required by the court of the plaintiff, except that the court may, upon clear and convincing evidence offered by the defendant other than the Administrator, that the relief required will result in irreparable damage to the defendant, impose a requirement for security to cover the costs and damages as may be incurred by defendant when relief is wrongfully granted. Such security shall not be required of the plaintiff if it would unreasonably hinder the plaintiff in the maintenance of his action or would tend unreasonably to prevent a full and fair hearing on the activities complained of. The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, shall award costs of litigation (including reasonable attorney and expert witness fees) to citizens or citizens groups in any case in which such citizens or citizens groups successfully maintain an action under subsection (a) of this section.

SEC. 6. The Federal Water Pollution Control Act is amended by adding after redesignated section 209 the following new section:

"EMPLOYEE PROTECTION AGAINST DISCHARGE OR DISCRIMINATION BY EMPLOYER

"SEC. 210. (a) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee or any authorized representative of employees by reason of the fact that such employee or representative of employees has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact.

If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act. Violations by any person of subsection (a) of this section shall be subject to the provisions of section 202 of this Act.

"(c) Whenever an order is issued under this section to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation."

SEC. 7. Redesignated section 209 of the Federal Water Pollution Control Act is amended by adding a new subsection at the end thereof as follows:

"(e)(1) Any person (A) required to comply with any order issued by a Federal court pursuant to this Act, who fails to comply within the time period specified in such order, or (B) convicted by a Federal court for a knowing violation of any applicable schedule or timetable of compliance, effluent requirement, discharge prohibition, or water quality standard shall be ineligible to enter into any contract with any Federal agency for the procurement of goods, materials, and services to perform such work at or with any facilities which are subject to such action by the court and which are owned, leased, or supervised by such person. Such ineligibility shall continue until the Administrator certifies compliance with such order, or that the condition giving rise to the violation has been corrected.

"(2) The Administrator shall establish procedures to provide all such Federal agencies with the notification necessary for the purposes of paragraph (1).

"(3) In order to further implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than one hundred and eighty days after enactment of this paragraph cause to be issued an order (A) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (B) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(4) The President may exempt any lease, contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount interest of the United States and he shall notify the Congress of such exemption.

"(5) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including but not limited to the progress and problems associated with implementation of this section."

SEC. 8. The Federal Water Pollution Control Act is amended by adding after the new section 210 a new section to read as follows:

"DECEPTIVE ADVERTISING

"SEC. 211. (a) It shall be unlawful for any person who manufactures any equipment, devices, or systems of any kind or description for commerce to make any false or deceptive claims, statements, or representations concerning their use and effectiveness for the control of pollution or the enhancement of the human environment. The Administrator shall promptly refer any complaints received by him concerning any violation of this subsection to the Federal Trade Commission for prompt investigation. All such complaints and the reports of each investigation thereon and supporting material shall be available to the public.

"(b) Any person who violates subsection (a) of this section shall be assessed a civil penalty by the Federal Trade Commission in accordance with the provisions of section 202 (e) of this Act.

"(c) Any person who knowingly violates subsection (a) of this section shall, upon conviction, be punished by a fine of not more than $25,000, or by imprisonment for not more than six months, or by both."

SEC. 9. Redesignated section 303(e) of the Federal Water Pollution Control Act is amended by inserting the word "navigable" before the word "rivers."

SEC. 10. Redesignated section 102 of the Federal Water Pollution Control Act is amended by adding the following new subsection:

"(f) No research, demonstrations, experiments, or other such work shall be carried out, contracted for, sponsored, or authorized under this Act after the effective date of this subsection, unless all information, uses, products, processes, patents, and other developments resulting from such work will (with such exception and limitation, if any, as the Secretary may find to be necessary in the public interest and he publishes his finding) be available to the general public."

SEC. 11. Redesignated section 302(a) of the Federal Water Pollution Control Act is amended by adding the following new sentence: "All regulations, criteria, or guidelines issued under this Act, unless otherwise provided in this Act, shall be published as proposed rule making under section 553 of title 5, United States Code, and adequate opportunity shall be provided for public written comment thereon and copies of all such comments shall be available for public inspection."

SEC. 12. Nothing in this Act or the Federal Water Pollution Control Act, as amended, shall be construed as limiting the authority of the Secretary of the Army and the United States attorneys under the River and Harbor Act of 1899 to vigorously enforce that Act against any person or corporation violating the provisions of that Act or any regulation issued thereunder.

SEC. 13. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under the Federal Water Pollution Control Act. This provision shall be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

ROGERS COMMENDS PRESIDENT NIXON ON FORCED BUSING STATEMENT

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, I wish to commend the President for his statement yesterday on the issue of forced busing to achieve racial balance in our schools, and I regret that the Departments of Justice and HEW are intent on pursuing forced busing, even when it means the destruction of the neighborhood school concept and the disruption of education for all children.

I have supported and continue to support the "freedom of choice" approach to desegregation and I believe that the House of Representatives should have the opportunity to vote on a proposed constitutional amendment which would prohibit forced busing to achieve racial balance in our schools. I, therefore, am today again introducing such a proposed constitutional amendment.

In addition, because of the urgency of this matter, I am signing a discharge petition for House Joint Resolution 30 introduced by my good friend and colleague, CHARLES BENNETT, which would also prohibit forced busing, in order that the House may vote on this matter more quickly.

I also am pleased that the President has proposed an amendment to the school desegregation aid bill that would prohibit the use of funds from that measure for forced busing. I have previously supported efforts to prevent the use or withholding of Federal funds to achieve forced busing and I am hopeful that the Congress will agree.

BIG CYPRESS WATERSHED

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I have introduced legislation which authorizes to the Secretary of the Interior funds not to exceed $200 million for the purchase of the Big Cypress watershed and the Ten Thousand Islands, an adjoining estuary, in southwestern Florida.

At a time when Americans are critically conscious of their dwindling and deteriorating natural resources, the importance of protecting a life-supporting watershed cannot be overemphasized. The Big Cypress watershed is part of a delicate ecosystem which must come under Federal scrutiny if it is to continue to survive and prosper. I believe that the future safety of Big Cypress can be best insured by Federal acquisition and regulation.

Big Cypress is a flat, slightly sloping watershed that provides a myriad of economic, ecological, and cultural benefits to southern Florida. As a source of fresh water, Big Cypress bountifully supplies many of the new gulf coast communities and provides more than half of the water that nourishes Everglades National Park. Furthermore, because of its unique topography, Big Cypress is able to extend the "wet months" well beyond the duration of actual rainfall. Thus, the ability of Everglades National Park to withstand drought is due, in large part, to Big Cypress' distinctive ability to act as a natural reservoir.

Yet, besides its obvious value as a vital link in south Florida's ecological chain and its value as an abundant source of fresh water for Florida's evolving gulf coast, Big Cypress also has an intangible, inestimable value because of the part it plays in the Miccosukee and Seminole Indian cultures. To the Seminoles and Miccosukees residing on the fringes of Big Cypress, the watershed represents the center of their spiritual and economic existence. The watershed's destruction would be their ruin.

Clearly, therefore, the Congress must act with a sense of urgency to protect this vastly important resource. Oil probing and agricultural carelessness has already had its toll on Big Cypress. Water tested near Naples shows significant concentrations of iron, lead, and aluminum contaminants. In addition, unsupervised agricultural developments are already foreshadowing Big Cypress as another episode in the continuing saga of ecological destruction.

The legislation which I have introduced today, if enacted promptly, will prevent Big Cypress from following the senseless path of Lake Erie, the Potomac River, and thousands of other natural resources whose rampant exploitation now weigh heavily on the American conscience. I strongly encourage my colleagues to give this matter the urgent attention that it demands.

AMENDING THE BAIL REFORM ACT OF 1966

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am introducing a bill to amend the Bail Reform Act of 1966 so as to increase the penalties for violating bail provisions in felony cases. This bill would have the effect of raising the penalty for "bail jumping" to a term of years or fine equal in magnitude to the possible sentence of the underlying crime.

There is a two-fold basis for such legislation. First, enactment of this bill would bring the penalty for bail jumping in felony cases in accord with that covering misdemeanors (18 U.S.C. 3150 (2)). The misdemeanor section already provides for sentences consistent with the sentence for the underlying crime.

The second reason, and perhaps the most persuasive, is the fact that many criminals are using the bail jumping route as a method of avoiding retribution for their crimes. The select committee on crime has received evidence that in many instances—most involving major drug offenses—defendants are jumping bail, and avoiding trial, for substantial periods of time. In these situations, informants become reluctant to testify; evidence dries up; witnesses die or disappear; and in general a conviction is more difficult to obtain after a lapse of even a moderate period of time. Authorities are then forced to prosecute under the bail jumping statute which, at present, has a maximum penalty of 5 years. Thus, for example, an individual who would have otherwise received a sentence of 15 to 20 years, had he been convicted of the offenses for which he had been arrested, may instead be out on parole in 20 months or less. It can be seen then, that one arrested on a felony charge is, in practice, encouraged to jump bail in hopes of, at the worst, receiving a lesser sentence. Such encouragement is not consistent with the sound administration of justice.

While increasing the penalty for bail jumping may at first appear severe, upon reflection it is actually not. An involuntary absence or an absence with extenuating circumstances will, of course, not be punishable under this section. A trial will be held to determine whether the bail provisions were willfully violated since willfulness is an element of the crime. While it is true the maximum penalty is increased, no minimum is set and the judge will have discretion in finally setting the sentence.

An increased penalty does not necessarily represent a jaundiced view of the civil liberties of individuals. As noted, the bail system is being flagrantly misused by people who are arrested on charges carrying severe penalties. It is believed that the increasing of penalties under this section, either by the coercive effect of their presence in the statute, or by the use of the maximum in certain situations, will decrease the incidence of bail jumping in felony cases. No rules of procedures and no constitutional safeguards would be altered by this legislation.

Mr. Speaker, the bail system cannot be allowed to become a vehicle for avoiding a just punishment. The bill I have introduced today would rectify the inequities of the present system; and hopefully bring about a smoother more consistent operation of our criminal justice system. I urge its passage.

H.R. —

A bill to amend title 18 of the United States Code to provide that a person found guilty of willfully failing to appear as required while charged with a felony and free on bail be liable to receive the same penalty provided for the felony charge pending when he failed to appear

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. It is the purpose of this Act to amend section 3150 of Title 18 of the United States Code (penalties for failure to appear) to provide that the penalty for any person released on bail while charged with a felony who willfully fails to appear as required shall be liable to a penalty equal to the maximum sentence of imprisonment, the maximum fine, or both, provided for the offense that person was released in connection with.

SEC. 2. Section 3150 of Title 18 of the United States Code is amended to read as follows:

"§ 3150. PENALTIES FOR FAILURE TO APPEAR

"Whoever, having been released pursuant to this chapter, willfully fails to appear before any court of judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall—

"(1) if he was released in connection with a charge of a felony, be fined not more than the maximum fine or imprisoned for not more than the maximum sentence of imprisonment provided for such felony, or both;

"(2) if he was released while awaiting sentence or pending appeal or certiorari after conviction of any offense, be fined not more than $5,000 or imprisoned for not more than five years, or both; or

"(3) if he was released in connection with a charge of misdemeanor, be fined not more than the maximum fine provided for such misdemeanor or imprisoned for not more than 1 year, or both; or

"(4) if he was released for appearance as a material witness, be fined not more than $1,000 or imprisoned for not more than 1 year, or both."

THE UNITED NATIONS AND THE FREEZING OF POWER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Brazil is represented in our country by a very distinguished Ambassador, the Honorable J. A. de Araujo Castro, who took his post in Washington in May of this year. The Ambassador had 2 years of eminent service as Ambassador to the United Nations before coming to Washington, and behind that lay an illustrious career. I have had the privilege of seeing a very able address by Ambassador Castro, delivered before the National War College of Brazil on June 11, 1971, entitled "The United Nations and the Freezing of Power." This is the first statement of Ambassador Castro on the Brazilian position since his arrival in Washington. It represents an attempt out of his wide experience to set forth the way in which Brazil views not only its own interests but the broad problems of great power relationships as well. It is a thoughtful study by a concerned and knowledgeable spokesman for a great country. We will benefit by reading Ambassador Castro's learned address and will always be pleased to hear the representative of our long-time and great friend in Latin America and in the world, Brazil. Accordingly, Mr. Speaker, I insert Ambassador Castro's address, immediately following my remarks, in the body of the RECORD:

THE UNITED NATIONS AND THE FREEZING OF POWER

(By Ambassador J. A. de Araujo Castro)

I. SPHERES OF INFLUENCE

If the international scene has been gloomier and more somber than it is today; if we have been closer to a Third World War and if certain situations have in the past been more explosive and fraught with peril, it is none the less true that we have never been faced with a more complex and fluid state of affairs. It would be impossible to define today's world in erstwhile terms such as black-and-white, all-or-nothing, infrared and ultraviolet. Observe how greatly the world has changed since October 1962, or in other words since the "thirteen days" of the crisis precipitated by the emplacement of Soviet missiles in Cuba. From that moment on there has seemed to prevail a certain tacit understanding between the Super-Powers in the sense of avoiding the exacerbation of crises and tensions in certain areas held to be of special interest to one or the other of them. It is really noteworthy that while many decried the invasion of Czechoslovakia, there were few—and not necessarily the most powerful ones—who condemned the uncouth doctrine of "limited sovereignty" on which it was allegedly based and by which it was obviously inspired. Now, the invasion, as an episode, was perhaps less dangerous than the doctrine, as a political norm, responsible for ideas and concepts of spheres of interests and areas of influence, capable of evolving into areas of domination.

We had an opportunity of witnessing facts and circumstances related to this matter, in August, 1968, when we were charged with the responsibility of presiding over the meetings of the United Nations Security Council. The reciprocal interest shown by the two Super-Powers in the preservation of the spirit of *détente* was so strong that it proved capable of withstanding everything—the Viet Nam conflict, the invasion of Czechoslovakia, and even the confrontation in the political and strategical area of the Middle East.

II. PEACE, DISARMAMENT AND DEVELOPMENT

The Super-Powers appear determined to avoid the outbreak of a world conflict charged with nuclear overtones, but they appear at the same time to have despaired of Universal Peace, in the same way as they appear to have despaired of General and Complete Disarmament. Today there is very little talk about Peace; the talk centers almost exclusively around *Détente*. Today there is very little talk about Disarmament; the talk is almost exclusively about "Arms Control" or "Limitation of Armaments". As we have reiteratedly stressed at the United Nations, a process of devaluation of the concepts and basic ideals of the San Francisco Charter is well under way. In tribute to considerations of "political realism", the concept of Peace is being transformed into a "tolerable state of war"; the concept of Disarmament is being transformed into a "tolerable arms race" and the concept of Development, of such great importance to three quarters of mankind, is reduced to the meager proportions of a "tolerable state of poverty".

III. THE FREEZING OF WORLD POWER

On various occasions, within the setting of the United Nations, before the General Assembly and before the Economic and Social Council, Brazil has sought to characterize what is now clearly looming as a firm and indisguised trend towards the *freezing of world power*. And when we speak of Power, we speak not only of Military Power, but also of Political Power, of Economic Power, of Scientific and Technological Power. The Non-Proliferation Treaty, the highest point of the detente between the USSR and the United States, is the main instrument of this policy of freezing of World Power. According to all extant indications, the Treaty was demanded by the Soviet Union as a *sine qua non* condition for the continuation of the process of detente. It aimed and still aims primarily at impeding the military nuclearization of West Germany and Japan, countries defeated in the Second World War, and is thus linked to the effort, already reflected in the San Francisco Charter towards the immobilization of the 1945 political and strategical framework. The Super-Powers are conducting a joint effort for the stabilization and freezing of world power, based upon two arbitrary historical dates: October 24, 1945, when the Charter of the United Nations came into force, and January 10, 1967, the deadline for countries to qualify as Nuclear Weapons Powers under the provisions of the Non-Proliferation Treaty. The Treaty, which is interpreted as a complement to the Charter in the process of freezing of World Power, is in direct violation, however, of several of its Purposes and Principles, insofar as it established distinctive categories of nations: one comprising strong and therefore adult and responsible countries, and another comprising weak and therefore non-adult and non-responsible countries. Contrary to all historical evidence, the Treaty starts from the premise that prudence and moderation are built-in features of Power. It institutionalizes inequality between nations and apparently accepts the premises that the strong countries will become ever stronger and the weak ones will grow ever weaker. On the other hand, the Non-Proliferation Treaty extends to the fields of Science and Technology privileges and prerogatives which the Charter of the United Nations had limited, within the specific field of peace and security to the five Permanent Members of the Security Council. It should be noted that because of the two-face China Syndrome, the five Permanent Members of the Security Council no longer perfectly coincide with the five Nuclear Weapon States.

IV. THE CO-CHAIRMANSHIP AND THE DWINDLING CIRCLES

Clear symptoms of this process of freezing of the World Power can be detected in recent development in the Disarmament field with special emphasis on the proceedings of the Conference of the Committee on Disarmament in Geneva, the new label now attached to the former Eighteen-Nation Disarmament Committee. The Committee, installed in 1962 under the terms of the Zorin-Stevenson Agreement, functions under the co-chairmanship of the United States of America and the Soviet Union. Its composition is tripartite, in line with the old cold-war blueprints: one group of NATO countries, one group of Warsaw Pact countries, one group of countries designated at times as neutralist, at times as non-aligned, at others as mediators (the latter designation proposed and always used by Brazil). Within nine years' work in the field of General and Complete Disarmament, it never went beyond two imprecise paragraphs of a would-be preamble to a would-be Treaty. In the beginning, the function of the mediator countries was that of seeking to reconcile the supposedly antagonistic positions of the Super-Powers and of their allies. Perhaps the mediators may have been a little too successful in their diplomatic efforts, since through the mechanism of the Co-Chairmanship, the two Super-Powers became reconciled and went on to act jointly to try to disarm—or prevent the arming of—the mediator countries. "Disarm the countries already disarmed"—this seems to be the slogan and the program of the Committee. This is what happened with the conclusion and signature of the Nuclear Non-Proliferation Treaty, to which Brazil made and continues to make so many objections. The same phenomenon is applicable both in regard to conventional disarmament and to regional disarmament. An almost total impasse prevails over the negotiations on nuclear "disarmament" while the intermittent SALT talks do not aim in reality at the suppression of nuclear power, but rather at its regulations and disciplining. These conversations aim at best at the elimination of the *over-over-kill*, with the ostensive understanding that the over-kill will subsist. Meanwhile, there arise and spring up frequent attempts to discipline the flow of conventional arms to the underdeveloped countries, under the allegation that such flow constitutes a new obstacle to the tasks of economic development.

The danger now seems to lie in conventional armaments, for security purposes, of the Medium and Small Countries, not in the great arsenal of the Nuclear Super-Powers. The latter appear to be generally in favor of the emphasis on conventional disarmament and on regional disarmament; a recent proposal at San José de Costa Rica seems to be affiliated with this type of ideas and preoccupations. Brazil has opposed this manner of posing the problem of Disarmament, which should be General and Complete, with specific obligations for *all* nations. The regionalization and sectorialization of the problem of Disarmament or even of that of Arms Control—in keeping with the terminology now used by the Super-Powers—are mere aspects of a process of freezing of World Power, under the aegis of the "new, elusive but all-pervasive art of Co-Chairmanship" under the charges of the Super-Powers. The general philosophy appears to be that arms are extremely dangerous in the hands of the Small Ones, not in those of the strong, adult and responsible countries. No Delegation to the United Nations has been so active and assertive as the Brazilian Delegation has in pointing out and denouncing these attempts at the establishment of a Directorate or a Co-Chairmanship that would be in charge of a new world regimentation. Brazil has consistently decried the tendency to discuss world problems—and particularly the problem of Disarmament—within dwindling circles of great powers.

V. 1945 AND 1967

Due to all these reasons, in such a process of freezing of World Power, the superpowers tenaciously oppose all attempts at review or revision of the San Francisco Charter, which, as we have stated, would seek to immobilize the 1945 political and strategical set-up and render it static. With the support of an important group of Latin American countries, Brazil has taken up, with firmness and determination, the problem of revision of the Charter, with the argument that "we cannot live for ever in the year 1945" and that, anyway, any attempts to freeze and immobilize history are futile and pointless. Any revision of the Charter can only be approved with the concurring vote of five permanent Members of the Security Council, and it is evident that none of those Members would agree to divest itself of the privileges and prerogatives conferred upon them by the San Francisco Charter and extend to other Member States those self-same privileges and prerogatives. The San Francisco Charter and the Non-Proliferation Treaty, 1945 and 1967 have thus become the two basic documents on an entire process of Freezing of the World Power.

VI. COLLECTIVE SECURITY IN THE ECONOMIC FIELD

The same purposes of stabilization and maintenance of Power have led the Great Powers to oppose tenaciously the efforts of the developing countries towards modifying the norms that still govern international trade. It is clear that some evolution has occurred in the attitude of the industralized countries since March 1964, the date of the installation of the UNCTAD I. It happens, however, that the specific problems of the developing countries have become aggravated at a much faster tempo than that of the changes in question, and in consequence the problem of underdevelopment has never presented more somber and discouraging aspects.

It suffices to consider the following: the entire development program of the United Nations (UNDP) has at its disposal yearly a maximum of two hundred and thirty million dollars, representing one tenth of one percent of merely the world's yearly military expenditures. At one of the General Assemblies of the UN, Brazil advocated that a quantitative fund corresponding to one percent of such expenditures be allocated for the tasks of development, which would permit a tenfold increase in the effort actually undertaken. "We are only asking for one percent of human folly"—was the explanation then given by the Brazilian Delegation.

It should be noted that the attitude adopted by the USSR and the other socialist countries has been extremely negative in the matter of multilateral programs for economic development. In this field, the socialists paradoxically cling to outdated principles of economic liberalism and show themselves to be ultra-faithful followers of Jean Baptiste Say's "laissez faire, laissez aller". It has been said that when the socialist Delegates are preparing to attend any meeting of the Economic and Social Council or of the Second Committee of the UN General Assembly, they take the elementary precaution of leaving in the cloakroom all their books by Karl Marx.

Actually, what the developing countries are seeking to do is to transpose into the international field certain principles of social justice and redistribution of wealth that have been gradually gaining ground within the internal systems of the more politically advanced countries. Ultimately, the objective is to obtain international recognition of the principle of "collective security in the economic field", similar to that which we are trying, gradually and slowly, to outline in the field of peace and international security. It must be admitted that the results to date have not been too promising. The First Decade of Development implemented by the United Nations was a failure and the prospects for the Decade which is now beginning are not very promising either. At bottom, it is a matter of determining whether the United Nations, or rather, the States compromising that Organization, are willing or not willing to accept a collective responsibility in the field of economic development.

This, on the multilateral plane. On the plane of of bilateral assistance, which should be held today more and more as signifying "fair and equitable conditions for the pursuance of international commerce", the positions of the Great Powers generally coincide in a stubborn resistance to the claims of the developing countries. On the other hand, as the "cold war" progressively fades away, the former motivation for bilateral assistance is gradually disappearing as one of the formative elements of the old policy of alliances or "alignments".

VII. THE DIVIDEND AND THE DIVISOR

There exist, however, other factors that are beginning to affirm themselves within this process of freezing of world power. We refer specifically to some tendencies which are emerging in the treatment of the problems of population and preservation of the environment. It is said that the "population bomb" can become more fatal and nefarious than the nuclear bomb itself and there is a growing tendency to handle the problem on uniformly universal bases, ignoring that the matter lies within the exclusive competence of each State, which, in the exercise of its full sovereignty, has to take into account facts and circumstances of an eminently national character. No one doubts that there are overpopulated States, just as no one should doubt that some States, such as Brazil for instance, with its ninety five million inhabitants—are requiring a demographic growth in line with their needs for full use of their natural resources and the effective occupation of their territories. To try to solve the problem in the abstract, on allegedly cold and statistical terms, without taking into account a series of factors of the greatest importance to the survey of the general problem of Development, strikes us as an attitude devoid of logic and surely fated to political failure. It is argued that demographic growth neutralizes the advantages of the growth of the Gross National Product, in the evaluation of per capita income, held nowadays in a rather simplistic manner as the sole and absolute index of economic development. In short, instead of insisting on an increase in *dividend*, or in other words the GNP, insistence is being made on the immobilization of the *divisor*, that is, the population contingent. Still in other words: It is attempted to convert the grave problem of underdevelopment into a mere problem of stabilization, thus ignoring the fact that any attempt to stabilize the economies of many countries at their present levels would be tantamount to accepting extremely low levels as a target for stabilization.

VIII. AGAIN, THE HAPPY SAVAGE

On the other hand, in tackling the problems related to the preservation of the human environment, the tendency is to place an unduly strong accent on the dangers of rapid industrialization. Emphasis is laid on the dangers of pollution, certainly serious for the highly industrialized countries, while the larger part of the planet is still in a stage of pre-contamination, or, in other words, it has not yet had a chance to become polluted. Two-thirds of mankind are far more threatened by hunger and poverty than by the evils of pollution. For this same reason, much concern was felt over the recent statement by Mr. McNamara—contradicted by Brazil in the Economic and Social Council—to the effect that the World Bank henceforth would not authorize any project for economic development without a minute prior evaluation of possible repercussions on the environment. It is clear that the developing countries will not want to fall into the same errors incurred by the highly industrialized countries, but it is evident that we could not passively accept the resurrection, in the twentieth century, of Rousseau's theory of the "happy savage" which lent flavor and color to French romanticism. "Do not let happen to your cities what has happened to New York". "Preserve your beautiful landscapes" such warnings are constantly hammered into the ears of the representatives of developing countries. Now, these developing countries start from the premise that the preservation of the human environment ought to take into account the basic factors of Development, since underdevelopment represents by itself one of the worst forms of pollution of the human environment.

IX. POLITICS AND TECHNOLOGY

At the moment, the great Powers appear to be interested in "depolitizing" the United Nations, which is becoming really irrelevant in the matter of international Peace and Security. Every effort is now being centered on the so-called "new task" (Non-Proliferation, Population Control, Narcotics, Environment, etc.), which should be requiring new norms of international cooperation on *supra-national* terms. The Brazilian Delegation has consistently and openly opposed this tendency to transform the United Nations into a sort of "International Institute of Technology", or into a mere ineffective chapter of the International Red Cross. For this very reason, Brazil proposed, in a memorandum dated April 3, 1970, addressed to Secretary General U Thant, an entire process of "diplomatic reactivation of the UN", through the establishment of Ad-hoc Negotiation Committees within the scope and under the authority of the Security Council. More specifically, it proposed that one of those Committees be immediately constituted to explore the modalities of a peaceful solution of the question of the Middle East. Arabs and Israelis have, in principle, welcomed the Brazilian suggestion, which, to date, has been received coldly by the Great Powers. An effort is being made at the moment to "rationalize" the working methods of the General Assembly, with the concentration of all *technical* subjects in one of the *Political* Committees of the Assembly. Technical consideration of political subjects is one of the elements of this policy of Freezing of the World Power, it being well known that the developing countries are much less prepared for discussion on this terrain. Another method utilized by the policy of freezing consists in the idea of the constitution of Committees with memberships of experts or "wise men" instead of official and direct representatives of the Member States. Now, experience has shown that such scholars and wise men are by the very reason of their wisdom, to defend the interests of the highly industrialized countries. The "depolitization" of the United States ,a tendency that grows daily, is thus one of the main features of the whole process of the "freezing of World Power."

X. "MARE NOSTRUM"

On subjects relating to the Law of the Sea, the same tendency toward freezing is prevalent. The great maritime Powers are tenaciously opposed to the fixing of limits to territorial seas beyond the perfectly arbitrary distance of twelve miles. Here, also, it is argued that national sovereignty must yield ground to norms of a supranational character that should govern the subject on the basis of the principle of freedom of the seas, "for the common benefit of mankind". It is pertinent, however, to note that in regard to the utilization and exploitation of the resources * * * of the thesis of the "common heritage of mankind". Through the initiative of the Brazilian Delegation, adoption by the XXIV General Assembly of the United Nations was obtained—actually by two-thirds of the membership—for a Resolution establishing a moratorium or freeze for the exploitation of the sea-bed pending an agreement on an international regime on the matter. The Great Powers not only opposed stubbornly the Resolution but declared expressly that they would not comply with the recommendations of a Resolution adopted against their will. They even held that Resolutions of this type could not be approved by a simple majority or even by a qualified majority of two-thirds; on subjects of such a general scope they said, unanimity or consensus would normally be required. This signifies that for all practical purposes, the Great Powers now wish to extend to the UN General Assembly the right of veto—already in force within the Security Council. On this particular subject, of the free and unlimited right to exploit the resources of the seabed the Great Powers, holders of the monopoly over adequate technology, cling to the traditional right of sovereignty, which they try to discredit in other areas.

XI. INDEPENDENCE AND INTERDEPENDENCE

In order to provide a better international regulation of these questions of nuclear non-proliferation, population control, preservation of the environment and restrictions to the free and unimpeded exploitation of natural resources, the Great Powers, who make not the slightest concession of a political character in regard to the major themes of International Peace and Security, now appear to favor a concept of interdependence, which would imply a sensible attenuation of the concept and practice of national sovereignty. No one doubts that the world tends to become ever more interdependent. No one doubts that any tangible progress in the international field will have to be stimulated by reciprocal concessions of sovereignty. All this is true. It is our standpoint, however, that interdependence presupposes the independence, economic emancipation and sovereign equality of nations as an indispensable prerequisite. We cannot declare that the Principles inscribed on Article 2 of the San Francisco Charter are superseded, before we apply them and transform them into reality. First let us be independent. Then let us become—and as rapidly as possible—interdependent.

XII. THE INTERNATIONAL POLICY OF BRAZIL

The International Policy of Brazil, such as it has been defined and expressed within the United Nations, has as its objective the removal of all obstacles whatsoever that may counter its full economic, technological and scientific development, the preservation of its cultural heritage and national identity as a sovereign country, and the affirmation and growth of its National Power. Pending the establishment of a system of distributive justice among Nations, each State has the right, and even the duty, of promoting the active defense of its national interests. And these Brazil has not renounced. In the development of its International Policy, Brazil must continue to oppose tenaciously any attempt at *containment*, all the more so since it is sure that with the country at the threshold of a full economic development, Brazil would be, among the countries in the world, one of those that would suffer the most through the affirmation of a policy of Containment, or in other words, of a Policy of Freezing of World Power. Brazil cannot accept shackles and hindrances to its free take-off towards a full economic development. Nor can it accept limitations to any aspect of its growth, whether economic or demographic, in defense to a doubtful principle of interdependence or of supranationality. On matters of sovereignty, concessions are possible when nations feel strong enough to make them. The moment has not yet come for us to yield. This International Policy is authentic in the measure in which Brazil preserves its national identity and in the measure in which it can fulfill its needs for social and economic development. This Policy was affirmed with perfect clarity at the General Assembly of the XXV Anniversary of the United Nations when presenting, on behalf of all the political and regional groupings of the United Nations, the Draft Declaration of International Security (approved by 124 votes in favor and only two abstentions), Brazil succeeded in obtaining recognition of the principle that International Security signifies security for all nations, as well as recognition of the intimate and close inter-relationship between the concepts of International Security, Disarmament and Economic Development. For an understanding of the guidelines of the International Policy of Brazil, we should ponder each word and each concept contained in the following passage of the Message from the President of the Republic to the Brazilian Congress on March 21, 1971:

"Conditioned by its position as an Atlantic, American and developing country, Brazil maintains the traditional guidelines of its foreign policy, the principal aims of which are the maintenance of the integrity of its geographical space, the preservation of its security and the pursuance of an accelerated economic, cultural and social development.

"These objectives are translated into continued action in behalf of the organization of peace and friendly relations between peoples, Inter-American solidarity, political security on the Hemisphere and the implantation of a system of cooperation leading to collective economic security.

"Persistently adhering to a line of historical coherence, Brazil is opposed to the division of the world into zones of influence, considering peace to be an essential condition to the achievement of progress and remaining faithful to the precept of a peaceful solution of disputes as a main line of action of its diplomacy. For this reason, while recognizing that the United Nations is in need of reforms for improvement, it maintains its faith in the destiny of the Organization, which has already proved able to reduce tensions and curtail conflicts throughout various parts of the world. Brazil is convinced that the political character of the UN must be revitalized, and for this reason it has played an active role in the preparation of a document on measures relating to the strengthening of international security, which as President of the Latin American Group, it presented on the occasion of the celebration of the 25th Anniversary of the United Nations.

"This document of signal importance, advocating the strengthening of the United Nations as a political institution and as a center for diplomatic activities and negotiations, was approved by unanimity and is now an essential part of the new philosophy for the World Organization as an element for peace, justice and progress and not only as an instrument for the maintenance of the International status quo.

"In the awareness that the distances are becoming greater between the developed countries and those in process of development, Brazil is working unceasingly for the elimination of the economic, scientific and technological inequality between the Nations, and undertaking activities of continued reasoning and agglutination, not only in its bilateral relations, but also within agencies engaged in multilateral action."

Brazil's repudiation of the tendency towards the Freezing of World Power could not have been more clearly forcefully and authoritatively stated than it was in the Presidential Message. Therein are contained the guidelines of the *International Policy of Brazil.*

ADDRESS OF AFL–CIO PRESIDENT GEORGE MEANY AT THE CONVENTION OF THE INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, I should like to insert at this point in the RECORD the transcript of an address by AFL–CIO President George Meany at the Convention of the International Longshoremen's Association held at the DeLido Hotel, Miami Beach, Fla., on Monday, July 19, 1971. This address is indeed a very forceful one, and I am sure that most of the membership of this body will subscribe to the expressions set forth therein.

The address is as follows:

ADDRESS BY AFL–CIO PRESIDENT GEORGE MEANY

Mr. Gleason, my good friend, Senator Jackson, officers of the ILA and delegates to this very important convention of a very important trade union, a trade union that is doing its job today, day in and day out, to uphold the interests of its membership and, at the same time, make its contribution to the society in which we are a part.

Now, I could talk to you this morning about a number of things.

Naturally, the first two items that come to mind are the economy and foreign affairs. These are also uppermost in the minds of the trade union movement because when you talk about the economy you are talking about our membership; you are talking about those who work for wages; you are talking about jobs; you are talking about lack of jobs; you are talking about all the things that are important to the ordinary citizen in taking care of his family, educating them and bringing them up.

And when you talk about foreign affairs, then you are also talking about our people because we find out that any mistakes made in that field, we pay. Labor is in the front line in all of these things, and we have this great relationship with workers all over the world. So, we are interested in all phases of foreign affairs.

Now, as far as the economy is concerned, I hear it's O.K. in 1971 or what's left of it, it is going to be a good year. 1972 is going to be a very, very good year.

So, if you think things are bad, better get up to date, because these statements are made by the President of the United States. He says, "Everything is fine. Everything is okay."

Then we have Mr. Connally, the big industrial and financial man from Texas who has very, very little familiarity with the problems of workers, but he says that everybody knows—he said this the other day—everybody knows that things are turning better every day.

Then George Schultz, oh, he says, "Why, look at the stock market. It's gone up about 30 percent since Mr. Nixon took office." He said that a few weeks ago. He hasn't said anything in the last few weeks because it dropped down a little bit.

Then we get to the Secretary of Labor. Essentially he makes his contribution to this little chorus. He says, "Everything is on the up." He said, "We dropped six-tenths of one percent in the unemployment rate between May and June."

Well, this sounds awfully good.

Then he says, "Of course, this percentage figure is a little misleading because it has got to be weighted and adjusted to what they call the seasonal adjustment and all this."

But the one important fact, and he has confirmed this, that there were 1.1 million more people out of work in June than there were in May.

So, you can take the six-tenths of one percent drop or you can take 1.1 million increase in unemployment. And I'm quite sure that those people who are unemployed, newly unemployed, are not very much impressed by the so-called "seasonally adjusted figure" of six-tenths of one percent.

And then we hear about inflation. That is going to be brought under control any minute now. Any minute the prices are going to start to come down.

Well, this is the kind of an Administration we have in Washington.

The public relations image is building every minute of every day, day in and day out. Madison Avenue gimmickry. And what Madison Avenue has as its stock in trade is, "Fool the public." They make a virtue of deceit.

Well, we don't buy this sort of thing. We are very practical people in the trade union movement and we are concerned with facts and we deal with people and their problems and that is what unions are all about.

And what are the facts and where are we now? And how did we get where we are?

Well, Fact No. 1: There are five million people unemployed in this country at this minute and hundreds of thousands of those have run out of unemployment insurance benefits.

In the last three years, 500,000 jobs have been shipped overseas due to an outmoded, discredited foreign trades policy, and we have a new record on the poverty question.

Twenty-five and a half million people in this country, one out of every eight, are now below the poverty level, the official government poverty level.

We have an unemployment rate for blacks of 10 percent; construction workers 10 percent; returning GI's 10 percent; teenagers 17 percent.

And where is the cost of living going?

Now, the annual rate of increase is six percent, the highest in many, many years. So, despite all the statements, despite all the looking for bluebirds, despite all the propaganda, we are faced with hard, cold disagreeable facts.

And how did we get where we are.

This was arranged by President Nixon and his experts, Dr. Burns and Dr. McCracken, because they were going to cool off the economy. They were going to bring down prices curb inflation, by cooling off the economy by tightening up on the money, all this sort of thing.

Well, in 1968, Mr. Nixon promised that he would halt inflation, he would do it without causing any additional unemployment.

And in 1969, in February, he put it in writing in a letter to the Executive Council of the AFL–CIO, that he was going to cool off the economy but he was going to do it without causing more unemployment.

Well, in 1968 before Mr. Nixon took office, the annual increase in the inflation rate was 4.2 percent.

In Nixon's first year, it went up to 5.4 percent.

In 1970, 5.9 percent.

This year it is going up at the rate of six percent.

So, what happened? He piled a recession on top of inflation.

In January, 1969, when Mr. Nixon took office, the unemployment rate was three percent. Two million, seven hundred thousand people out of work. The lowest figure in many, many years.

And despite the fact that we were told by Mr. Nixon that he was going to create five million new jobs in four years, if he was elected, we now find out we do not have the new jobs, but we have got 2½ million more people unemployed than when he came into office.

So, when we look at this picture, we have to look behind the cold statistics because behind the cold statistics are the five million human beings and their families, with responsibilities to take care of those families and responsibilities as members of the community.

So, due to this policy at the highest level, we have come to this state and what do we get? We get bunk, propaganda, a lot of baloney about everything going to be all right.

Well, we've heard enough about this and we feel that Mr. Nixon will be better served if he faced up to the truth and used the powers of his office, the powers granted him by Congress to do something about these situations.

Maybe he might even put a ceiling on interest rates which have been going up and seem to do good only for the bankers. They don't do any good for the small businessman. They don't do any good for the home buyer.

We have a situation in this country where now if you make $15,000 a year you can't afford to buy your own home.

We used to talk about six percent interest, five and a half percent interest.

Well, go out and buy a home today and see what you get. Nine and nine and a half and ten percent after they add on the so-called points.

This interest rate is determined by government policy at the highest level.

And then we have the search for jobs. We have had some action from Congress. We had the Accelerated Public Works Jobs, 200,000 jobs it would provide.

Mr. Nixon vetoed it. He said that they are not the right kind of jobs.

I'll tell you what kind of jobs these were: They were jobs doing the things that the cities and the counties and states are prepared to do. The plans are drawn for things that they need; roads, repairs here, repairs there, new libraries, community centers, parks, and all these sorts of things, useful things, and they are on the drawing boards and all we asked was that the government, the federal government, help them financially to get these things off the drawing boards and put them to work immediately.

Mr. Nixon said, "No."

He is for revenue sharing, but it has to be his kind of revenue sharing.

So, he passed up this opportunity to be helpful.

Then, we got this thing which I think you are interested in about five years ago, and President Kennedy, a little more than eight years ago—it happened really at the end of President Kennedy's term—was asked to sell wheat to Russia. This great, big collossus, this great, big workers' paradise where they have got all the answers, suddenly ran short of wheat, despite the fact that you find they have got the greatest wheat area in Europe.

So, President Kennedy decided he would sell them some wheat, but he laid down a provision that a least 50 percent of that wheat would be shipped in American ships.

Then, in came our big wheat dealers, Continental Grain, Cargill, people like that, and they had some way of getting into the Commerce Department through some door that we didn't know about, and they started to come down with waivers. They waived the 50 percent rule and within the period of three or four months, early in President Johnson's term, we found out that instead of 50 percent being shipped in American ships, it was down to 26 percent with 74 percent going in foreign ships.

Now, we were willing to share this work but we wanted our half, but they were taking it away from us, cheating us.

Well, the Maritime Trades and the Longshoremen did something about that and you all remember it, and I know Teddy remembers it and I know the other Maritime leaders remember it, and we didn't load any ships. Then I reached an agreement on behalf of the AFL–CIO with the President of the United States, and it was quite simple, that there would be no more wheat shipments in foreign vessels above the 50 percent; that we would stick to the 50 percent; that what we lost would be made up by Public Law 480 shipments, which is a Food For Peace thing, and we went back to work under this agreement, and Mr. Nixon publicly committed himself to this idea.

He said it was absolutely unfair to think of any other idea; we are at least entitled to the 50 percent.

Well, in his effort to see that we don't get too many jobs, evidently the desire to see that unemployment goes up—for what reason, I don't know—he decided last week or the week before that, "We are going to waive the 50 percent rule," that this was archaic, this was out of date.

Well, I don't know what the trades are going to do about it, but whatever they decide to do, they will have the AFL–CIO in back of them in this particular fight.

Well, what happened to Dr. Burns, who was the architect of this Nixon game plan that failed? He didn't get sent to Siberia which he would have if he was working for the Russians, but he got promoted.

He was made head of the Federal Reserve Bank.

And what does he say now? Well, he made a speech a few months ago on the economy and he didn't make any apology for the fact that he led us down the wrong road. He didn't even mention it. He didn't even say, "Sorry about that, boys." No, not as much as an apology.

But he has some new ideas about what to do with the economy and he is saying that the trouble with the economy is high wages and unions and we have to keep wages down; we have got to destroy collective bargaining; we have got to go to compulsory arbitration.

This comes from this egg-head who fell on his face two years ago.

He now comes up with some new ideas and labor is going to be the whipping boy—not a word about bank profits or anything like that.

Oh, he wants to suspend the Minimum Wage Law as it applies to teenagers. This is so the kids getting out of school can work for a $1.50 and their old man can go home and sit down and wash the dishes. He'll lose his job.

I think we are fed up with this, and let me say something about this idea: The people have an idea that America can be prosperous on the basis of low wages.

Well, that's absolute bunk. Just read the record. Just look at the history.

What has sustained this great dynamic economy that we like to boast about? We talk about the American standard of life. We talk about the good things that our people can buy. We point to the factories and their parking lots, and we say, "Those thousands of cars, they don't belong to the bosses; they belong to the workers." And when you go through the suburbs, you see radio and TV aerials, all the good things.

Where did they come from? They come from a high wage economy. And they come from no other kind of economy.

And if we want to turn this thing around, as Dr. Burns and some of his friends want to do, to a low wage economy, then you will have a low wage country and America will not be the first world power that she has been in the past.

And who is going to suffer? Not only the workers. These people who advocate low wages—do not understand that 95 percent of the things we manufacture we sell here.

If you destroy the wage structure, who is going to buy them? There are not enough people getting $10,000 or $20,000 a year to buy all the things we can make.

You've got to look to the little guy and here is where the unions come in. Here is where the union has played its part in raising the wages, raising the mass purchasing power of this country that made this country a great nation, and we are going to try to keep on doing just that in the future.

Now, let's take a look at the foreign situation.

On the winding down of the Vietnamese War, we give Nixon a plus, up to now.

It seems that he is ready to turn it over to the South Vietnamese, but we are all very much interested in a little maneuver that took place in the last couple of weeks, and that is Dr. Kissinger's secret trip to Peking, and this was a great stunt, this "Fool the newsmen."

This allowed the President to make an announcement which kept everybody in suspense. He made a three-minute announcement—couldn't tell anybody what it was about.

Well, as a stunt, it was a good stunt, I guess, to fool the newsmen; get away with something like this.

And there is no question that Mr. Nixon feels he has enhanced his stature as a foreign policy strategist.

Anyone who can pull a Houdini stunt like that must be good, and likewise, he has enhanced his chances of re-election, he believes, and I'm sure that many agree that this has built up his stature. There is no question that this little maneuver may raise the hopes of people everywhere that in some way the proposed visit of our President to Communist China will bring peace in Southeast Asia and perhaps help us get our prisoners of war back home.

That is a hope.

In addition, I'm sure it will cause some misgivings in the smaller nations in that part of the world that things are now going to be decided by the so-called big powers. They are going to make the decisions.

But, still, there are some questions that come to mind. What happened? What has happened to change Red China's attitude?

For 20 years, we have been the international aggressor, we have been the ruthless invader, the capitalist exploiter, and all this other bunk. What's happened?

Well, I note where Dr. Kissinger had 20 hours of discussion with Chou En-lai before he finally got the invitation for President Nixon to visit Communist China.

Well, the question comes up: "Who made what concessions on what in order that the visit would take place?"

You know, in September, we may get one of the answers. The United Nations will again be voting on the question of the admission of Red China to membership in the U.N., a membership which Red China has stated time and time again that they would not accept unless it was accompanied by the simultaneous expulsion of America's longtime friend, the Republic of China, on Taiwan.

Well, of course, it is possible that in the 20 hours of discussion between Chou En-lai and Dr. Kissinger, maybe this question never came up. After all, 20 hours is just so much time. You can just say so much in 20 hours.

But everybody is watching to see how we handle the Red China question of admittance to the United Nations.

Some other old friends that we have had for many years will be watching, like Golda Meir and Willie Brandt, people who feel that we are good friends.

And the question comes up, "What is Red China's contribution to the cause of peace in our time? Are they going to put a little pressure on their junior partners in Hanoi to look at the prisoners of war issue in a humanitarian way?"

Well, while we can hope as a consequence of Kissinger's long conversations that the Americans still imprisoned in Red China, missionaries, men of peace, and the like of that, tortured over the past twenty years, can we hope for a better day for them? Is it possible that the Red Chinese will think of them in human terms?

Only time will give us the answer to these and many other questions. But, if we will, do not place our hopes too high on this coming visit.

Red China is still a slave state where human freedom is nonexistent. It still has its program in company with the Soviets for Communist world domination, and the only difference between them and the Soviet Union on this question is: "How do you accomplish your objective?"

So, let's hope and let's, at the same time, keep our fingers crossed on the coming meetings between President Nixon and the Red Chinese Communist voice.

Now, I want to say a few words to you about Teddy Gleason.

I don't have to tell the job he does for the ILA. You know his record.

But I'm sure you are not so familiar with his activities in behalf of the labor movement in the United States and, in addition, his activities for many years in behalf of workers all over the world.

Few people in the labor movement are aware of this participation in trade union affairs abroad by Teddy Gleason.

He is a strong voice in the International Transport Federation to which most dockworkers' unions, maritime unions in the free world are affiliated.

His organization promotes free trade unions and helps to build them in many newly merging areas of the world.

At the request of the United States government through the AFL–CIO a few years ago, Teddy made a major effort to modernize and make efficient the port facilities of Saigon and Cam Ranh Bay in South Vietnam.

At the time when off-loading was taking months in those harbors and cost millions in time and effort, your president, on several working visits to Vietnam, straightened that situation out and he straightened it out for the workers, the Vietnamese workers in those ports also.

He made visits to Laos, Nigeria and Kenya, Africa, to inspect their maritime facilities, and he made recommendations, brought them back to Washington, and they were conveyed to these governments and they are now acting on them. Their situation is improving because of his interest.

A year ago, he represented the AFL-CIO as a fraternal delegate to the British Trade Union Congress.

Well, the left-wing agitators tried to upset him over there. They interrupted him quite a bit. But he stood his ground. He gave them as good as they gave him, and he held to his point of view. And, at the conclusion, he was given a standing ovation by the British Trade Union Congress.

I can tell you, this is an unusual phenomena for the British Trade Union Congress. They booed hell out of me a few years ago.

Teddy effectively represented the AFL–CIO at the inauguration of Luis Echevarria in Mexico, took part in all those activities, saw the new President, talked to him, and got our American labor message across.

He has taken the lead to coordinate the activities of the trade unions all over the world in the maritime industry in meeting the problem posed by "containerization" and I'm delighted to see this group of delegates from the other parts of the world present here at this convention and who are also concerned with the many problems that Teddy Gleason is active in, not only for his own union but for unions all over the world.

I can tell you from my knowledge something that happened a few months ago, when millions of letters were mailed in this country and there was a question how they were going to be delivered to the representatives of the Hanoi government on the release of American prisoners of war. These were written by citizens all over this country, millions of them, tons of mail.

Well, the Commies had their own way of handling things and they decided that mail was not going to be delivered. But Teddy Gleason decided it was going to be delivered, and it was all dumped—all the tons of it, all the millions of letters—were dumped on the doorstep of Hanoi's Embassy in Paris.

I don't know how he brought it about but I can assure you if it wasn't for Teddy Gleason those letters would never have reached their destination.

Finally, as a member of the Executive Council of the AFL–CIO, he makes his contribution on every problem that affects the AFL–CIO and that affects all of our affiliates.

I don't know how much your people know about these things. I know that Teddy doesn't like to talk about them, but I felt it was my obligation to talk about them here today and express my appreciation to him on behalf of the entire American trade union movement for his activities.

Well, you can see that we have got a lot of problems here in the American trade union movement, problems at home and abroad, problems as trade unions, and problems as citizens, but we are practical people. We try in every way to solve our problems in a practical way.

When we feel we are not getting the type of cooperation governmentally that we feel we deserve, not getting the type of cooperation that we feel is best for the country, we have a very practical approach to that problem, too.

We have an organization known as COPE. In the year coming up, 1972, it is going to be an important year for COPE and COPE is going to do a good job. It is going to carry the message of American labor to the members of American labor, to their homes, in every single precinct in America, and we are going to try to see to it that come 1972 we get the kind of Administration in Washington that is responsive to the ideals and the principles espoused by the American trade union movement on behalf of the "little people" of America.

I'm sure that in that effort, in 1972, we are going to have the whole-hearted cooperation of Teddy Gleason and the ILA.

Thank you very much.

GREECE—A NEW VIETNAM?

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Mr. Eliot Janeway, a highly respected economist, has sent me a copy of a speech delivered at MIT on April 27 of this year by Mr. Elias P. Demetracopoulos. Before the 1967 coup, Mr. Demetracopoulos was the political editor of three Greek newspapers, as well as the chief Mediterranean correspondent for the North American Newspaper Alliance. He escaped from Greece in September of 1967 with the aid of the United Nations, and is now a leader of the Greek resistance movement.

I feel that the speech is of particular significance after yesterday's welcome termination of economic and military aid to Greece, and I would like to take this opportunity to put it before our colleagues by inserting it in the RECORD:

GREECE—A NEW VIETNAM?

(By Elias P. Demetracopoulos)

I would like to discuss the situation in Greece; a situation which I believe not only denies the Greek people basic democratic rights but is also harmful to the national interests of the United States and contains the seeds of another "Vietnam." The element of time is terribly important in this connection, as the dangers posed by the current Greek situation leave little time for constructive action by the United States. In other words, I believe the clock is running out in Greece, and unless some major changes are forthcoming in American policy toward Greece, both the U.S. and NATO are apt to be faced with the reality rather than the potential of explosive political, military, and economic developments on NATO's Southern Flank.

U.S. foreign policy in Greece, inherited by the Nixon Administration, is based on the hypothesis that the present dictatorial regime provides sufficient military, political and economic stability to satisfy America's strategic interests in the area—the kind of stability, supposedly, which could not be guaranteed by any realistic alternative.

If that were true—if indeed the regime offered the only reasonable hope of stability in Greece—it would be possible for me to understand, even though both as a Greek and as a supporter of free democratic systems of government as a matter of moral and political principle, I am strongly opposed to dictatorship in any form. In my opinion, however, the premise that the Junta has or can bring stability to Greece is false. On the contrary, not only has the Junta failed to provide stability in spite of dictatorial and ruthlessly repressive tactics; it has actually created instability, uncertainty and the very real risk of civil war in Greece.

First, let us begin with the premise that the Junta has brought military stability. Both Pentagon and other senior U.S. officials claim that the Greek armed forces and terrain, as well as the U.S. and NATO bases in Greece, are necessary to maintain control of the Eastern Mediterranean, to deter direct communist aggression from the North, and to provide a vital link with Turkey which would otherwise not be a viable military ally. In addition they cite increased Soviet naval strength in the Mediterranean to strengthen their argument. I agree with their assessment as to the importance of a strong and stable Greece as far as NATO is concerned. The key question then is: have the Colonels indeed provided his stability?

The Greek armed forces today are far less effective than they were prior to the coup. They are mainly an internal security force in which the Junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the Greek military establishment four whole years after the April 21, 1967 coup are a key indicator.

The Junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers were trained at enormous American expense in the U.S., other NATO countries and Greece, since the Truman Doctrine of 1947. The officers urged were not and could not possibly be communist, considering the nature of the recruiting process and the close ties between the Greek Armed Forces and the U.S. military and intelligence communities. Indeed many of these officers fought against the communists in the Greek guerrilla war. In fact, the officers purged by the Junta were generally considered by Washington, the NATO authorities and the Joint U.S. Military Aid Group to Greece to represent the elite of the Greek officer corps. Their only sin was to have opposed the illegal seizure of power by a relatively small group of officers. It is interesting to note that "the hatchet fell with particular alacrity," according to the May 1969 issue of *Le Monde Diplomatique*, "on those officers who, during the German occupation . . . chose the path of resistance, either inside Greece or outside, especially those who served in the 'Sacred Battalion' which distinguished itself in all Mediterranean campaigns alongside the British forces . . . For any man who was capable of choosing to fight against an oppression (the Nazis) is perfectly capable of fighting a new oppression. . . ."

The usurpers, the officers who seized power four years ago, are reliably reported to number no more than 300, with a good percentage of them having intelligence and security training and background.

The purging of the cream of the Greek officer corps and a preoccupation with the internal security duties make the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves an agonizingly open question mark for NATO planners. Thus the illegal seizure of power by the Junta and its subsequent actions have not only seriously weakened the combat capabilities of the Greek armed forces; they have also undermined Greece's political and moral ability to fulfill its NATO commitments. For any crisis which required full mobilization would in all probability lead to the speedy overthrow of the Junta. This really explains why the Junta thought it wise to "defuse" the Cyprus crisis in November 1967. The armed forces have become mostly a police force which, under the new constitution, are also charged with preserving the "existing Social Order." The same reasoning applies to the U.S., NATO bases and other American listening posts and propaganda machinery operating on Greek territory. These bases are important. Yet in view of the climate in which they exist today it is a real question how much long-range strategy in the area can be built around them.

The Soviet naval build-up in the Mediterranean, the Middle East crisis, the events in Czechoslovakia and the outflanking of Greece and Turkey by the Soviet Union's rapid strategic deployment along North Africa's coastline and the Middle East, were used by the Johnson and Nixon Administration as reasons for supporting the Junta. This is indeed tragic, since the Junta's actions have weakened the military capabilities and stability of the Greek armed forces and consequently NATO's strength in the area.

Let us now turn to the key question of political stability which the supporters of the 1967 coup—including the Junta itself—cite as one of the prime benefits of the current Greek dictatorship. Measuring political stability is not easy when there is martial law and press censorship, when no opposition is permitted, and when violence, although on the increase, is still sporadic. The Junta alleges that they stepped in to save the country from the danger of communism—yet even Greek Conservative leaders emphasize the fact that the danger of communism was nonexistent in Greece. They overthrew a conservative government.

Those who place too great an emphasis on the confused political situation in Greece as a justification for the Colonels' coup must remember that Greece fought a hard and dirty war against a foreign dominated and supported communist aggression at the peak of the "Cold War" in Europe. The victory, although assisted greatly by U.S. material help and advice, was finally wrested with Greek, and only Greek, blood. If Greece were able to win this victory under a parliamentary government with basic democratic institutions functioning it is inconceivable that the current military dictatorship is necessary to correct alleged political instability.

There are some who argue that there was no political stability prior to the Junta and that the present arrangement is at least an improvement. This argument is superficial. Its evaluation needs a detailed recording of the events and the over-all background that preceded the coup.

The fact is that political stability was damaged in the 1965–67 period by the intervention of the Greek Monarchy and its military establishment in the political process, thus perverting the institution of parliament and the mechanism of achieving political stability which had worked well until then. This was done by repeatedly denying the use of the best safety valve available to real democracies—free elections.

In 1963 and early 1964, the eight years of conservative (ERE) rule under Prime Minister Constantine Caramanlis, ended at the polls with the largest majority in modern times for the Center Union Party led by the late George Papandreou. The peaceful transfer of power was accomplished in the middle of the Cyprus crisis involving the threat of a shooting war with Turkey, following years of impressive aggregate growth and financial stability.

The victors (the Center Union) promised a better distribution of income, a more rapid modernization of Greece to enable it to enter the Common Market, and a reform of Greece's institutions which included a reduced role of the Crown in controlling the Armed Forces and the political processes. In short, a return to the intent of the constitution which would have the King "reign, not rule." In foreign policy, Greece was to become a fully equal member of the NATO alliance, with a real voice in determining its own destiny. In pursuing these goals there is no question that the Papandreou Government committed a number of mistakes and lost many opportunities.

The Center Union party was soon faced with the violent and growing opposition of the Crown, the Armed Forces leadership, and the economic oligarchy—an opposition which was enjoying the support of a large part of the official American establishment in Athens. The result was the overthrow of the elected government and a series of almost comic-opera attempts to make parliamentary rump-governments from mid-1965 through Christmas 1966. The agreement of the Conservative and Center Union Parties to hold elections in 1967 in order to restore real parliamentary government, and thus political stability, led directly to the Colonels' coup, only a few weeks before the elections were to be held under the conservative government of Mr. P. Canellopoulos—who, by the way, has spent a good part of the last four years under strict house arrest.

The Athens Colonels have since persecuted the leaders of all of Greece's major political groupings, i.e., the conservatives, the royalists, the Center Union—among whom were several of America's best friends—as well as the left and the extreme left. They have resorted to systematic torture of opponents, as was shown at the Strasbourg hearings of the European Human Rights Commission and as has been publicly condemned by leaders of the British, Danish, Swedish, Norwegian, Dutch and Italian governments, among others.

Many senior U.S. government officials, at the time of the Colonels' coup, argued that there was little the U.S. could have done because the coup took the U.S. by surprise and once it was successfully carried out the U.S. was faced with a *fait accompli*. This is untrue as the threat of dictatorship in Greece was spotted early and this threat greatly disturbed politically prominent Americans well before the actual coup took place.

As early as September 4, 1962, and again on October 13, 1963, Senator Barry Goldwater (R-Ariz.) in published interviews with this writer stated: "I am particularly concerned about the political developments in that country (Greece) and I do believe that careful investigation should be carried out on those accusations against our U.S. Embassy role in Athens in the last Greek elections." And in 1963 he said: "I am against the establishment of a dictator any place. That is why I strongly attacked the suggestion made that the establishment of a dictatorship in Greece would be an effective solution to Greece's problems. Oh, Lord, No. Greece is the most sophisticated, civilized country in the world. Our democratic way of government came from Greece. It would be tragic if Greece, where democracy itself was first founded, were to go back to a dictatorship. I can't even imagine the Greeks thinking about it."

And in the summer of 1966 a galaxy of highly placed and influential U.S. personalities, covering the spectrum of American political life, condemned publicly, very strongly and in no uncertain terms, the possibility of a military dictatorship of any kind in Greece, under whatever pretext. They also urged the Johnson Administration to take all necessary steps to ensure that such a catastrophic development for American interests will not occur.

Their names are: The Speaker of the House of Representatives J. McCormack, Senators V. Hartke, S. Thurmond, E. McCarthy, J. Javits, W. Morse and E. Kennedy; the Chairmen of the House Judiciary, Armed Services and Agriculture Committees, Congressmen E. Celler, M. Rivers and H. Cooley; the former Chief of Naval Operations, Admiral A. Burke, the former Supreme NATO Commander in Europe, General L. Norstad; and the Governor of California E. Brown.

They spelled out their views to me in question-answer format, taped, typed and in officially signed press interviews, which received wide coverage both in Europe and America. In short, there were numerous, early and authoritative warnings given to Washington, but to no avail.

Since 1947, America has played a decisive role in Greece, and, beginning in 1959 with Ambassador Ellis Briggs—now a strong advocate of the Athens Colonels—America has pursued disastrous, contradictory and vacillating policies—policies largely influenced by inter-service and personality rivalries. Should these policies be continued the communists will have an opportunity to organize and lead a liberation movement in Greece, for the first time since the late 1940's, with wide support and backing from non-communist elements in both Greece and Western Europe. Such a movement, even if led by communists, would ironically be formed under the banner of returning democracy to Greece. Thus, the tragic makings of a new Vietnam in Greece are all present.

It is very important for Americans to understand that there is widespread belief in non-communist Europe that Washington was involved, either by commission or omission, in the April 21, 1967 coup and is responsible for keeping the Athens Colonels in power. While the substance of the more extreme forms of these theories has not been proven yet, the U.S. should realize that these beliefs have done much more than the criticism of the Vietnam War or the de Gaulle policies to undermine basic U.S. positions and interests in this vital area. This point, in many ways the most telling, is supported by such a personality as Mrs. Helen Vlachou-Loundras, well-known publisher of the most influential conservative Greek newspapers, who was forced into exile in London when, after the Junta seized power, she bravely refused to publish under censorship. Mrs. Vlachou-Loundras spoke about the Greek regime in London on October 17, 1968:

"So the moment of truth is approaching, and the first brand new European dictatorship since the war is about to emerge, born of The Pentagon by the CIA, reared by NATO, surrounded by doting businessmen. It is no use criticizing the Americans, divided as they are between those who would like to chase the junta but can not do it, and those who can and will not." In this connection it is very significant that the Johnson Administration in December 1967 let down, in a shameful, unbelievable and humiliating way, even the untra-conservative greek monarchy which, since the Truman doctrine of 1947, has been a basic element of U.S. foreign policy towards Greece. This happened when King Constantine finally decided to overthrow the Junta in his armed but ill-fated attempt.

That is why I strongly believe that an over-all and thorough congressional investigation of the U.S. role vis-a-vis Greece would not only be completely justified but also urgently advisable if the blunders of the past are not to be repeated and a new "Vietnam" is to be avoided.

The European reaction to the Greek coup can be gleaned in the following statements: West German Deputy, Klaus Schultz, said, "It was 36 years ago that Hitler took power in my country. And he did it under conditions far more democratic than those imposed by the Greek colonels." British Deputy Robert Edwards, during the debate whether to expel Greece from the Council of Europe for violating the 18-nation organization's statutes on human rights, said: "I am amazed at some of these speeches. We heard them between the wars—Franco was going to hold elections. Hitler was no dictator and Mussolini made the trains run on time."

In a futile attempt to improve their international image, to buy desperately needed time and to overcome the stubborn refusal of Greeks of prestige and ability to work for the regime, the Junta announced a referendum on a new constitution in September 1968. This document, which received the private blessing of some American officials, in fact makes the Armed Forces the sole final source of power, the guardian of the status quo and the dispenser of civil liberties in Greece. Thus the constitution in effect gives the wolves the responsibility for guarding the lamb by giving the Athens Junta full power to "protect" the liberties they had already seized from the Greek people.

The subsequent referendum on the Colonels' constitution, carried out under conditions of martial law, resulted in a Soviet-style vote of 92.2%. The really free sentiments of the Greeks became manifest a few weeks later when over 300,000 people in Athens spontaneously demonstrated against the regime and for democracy on the occasion of the funeral for George Papandreou, the last elected Prime Minister.

Let us turn now to the economic stability that allegedly the junta brought to Greece.

Under democracy the Greek economy had achieved one of the highest rates of economic growth in the world together with monetary equilibrium. Greece was officially and repeatedly cited as one of the two or three countries, which made the best possible use of American economic aid and achieved a spectacular recovery from the ravages of war. Sustained sharp increases in domestic saving, coupled with massive inflow of foreign long-term development capital, allowed for an accelerated capital formation and expansion of the industrial basis of the economy. But instead of burdening you with details I may simply refer to assessment of the free Greek economy by the Nobel prize winner Professor Paul A. Samuelson on May 22, 1967 in Newsweek.

In short, the junta inherited a sound and rapidly growing economy the momentum of which somehow survived the Colonels although there are increasing signs of deceleration and strain. It, indeed, takes some time to undo a good thing! . . . Reaping the benefits from the successful development efforts under parliamentary governments the junta in vain strived to buy popular support through measures of utter financial irresponsibility.

For example, a massive giveaway took place when all farm debts amounting to some $280 million to the formerly U.S.-financed Agricultural Bank were written off. This not only penalized farmers who had paid their debts but probably convinced all farmers, who constitute some 45% of the total population, that there is no point in paying future loans. What is perhaps worse is that the immense resources distributed in this way have not been directed towards raising farm productivity and bringing about the long needed structural reform of Greek agriculture.

The Government made numerous appeals to attract foreign capital. Its most publicized achievement for political, propaganda and lobbying reasons, was the signing of a lucrative contract with Litton Industries (a few weeks after coming to power) which guaranteed the latter a handsome annual fee as well as a commission on all investments it induced to come to Crete and the Western Peloponnesus. It is of interest to note that Litton withdrew its proposals prior to the coup, due to overwhelming parliamentary opposition. Litton produced some studies and very small investments coming mainly from the Litton group companies. It would seem that even their corporate name has not been sufficient to overcome the doubts of those who might have put their money in Greece. That is why this contract was terminated.

Alhough most foreign investors found pre-Junta Greece a favorable spot for private enterprise, a difficulty did arise in the case of the Esso-Pappas refining, petrochemical and steel complex. This contract was strongly criticized by the Center Union before it came to power and was renegotiated to Greece's advantage while they were in power. Oddly enough, Thomas Pappas of Boston has since then managed to avoid, with Junta approval, most of the less profitable investments he was supposed to undertake and he has emerged as one of the most influential and vocal backers of the Junta in the U.S.

Much has been made of an agreement of the Junta with Onassis to establish a new refinery, aluminum plant and tourist investments, reportedly totaling some $600 million. It is significant that the Onassis effort to build the alumina-aluminum plant in partnership with the U.S. Reynolds Metals Company has fallen through. On April 15, 1971 the Junta publicly and strongly hinted that the agreement with Onassis is likely to be cancelled while Onassis has requested international arbitration.

By contrast to the massive net inflow of capital from abroad for investment purposes in pre-Junta Greece, today this type of capital inflow is equal to zero on a net basis. It is the first time since the end of World War II that Greece has such a heavy short-term debt burden.

The overindebtedness created for the economy by the large amounts of short-term borrowing abroad in order to conceal the impending balance of payments crisis may well lead to external insolvency in the next few years.

In summary, instead of bringing about stable economic growth the Junta has presided over a tragic misuse and waste of national resources, in an attempt to buy acceptance and some semblance of legitimacy. The resulting "gold rush" to extract favorable concessions from the Athens Colonels in return for supporting their dictatorship has resulted in the sacrifice of important Greek economic resources and interests which no parliamentary government could have undertaken and remain in office.

The political anomaly of a new post-war dictatorship in present day non-communist Europe has led to a suspension of some $55 million of European Investment Bank loans to Greece under the Treaty of Association with the Common Market. The long-run future of Greece's association with the Common Market, the first of its kind, is in fact in doubt. As Greece's chief Common Market negotiator John Pezmatzoglu, then Deputy Governor of the Central Bank, said in a 1966 Bank of Greece message, the economic union of Greece with the EEC was based on the mutually agreed, basic objective of an ultimate political union of Greece with its European partners.

Since then the Governor of the Central Bank, Professor X. Zolotas, an internationally respected central banker, and the equally prominent Professor J. Pezmatzoglu have resigned in protest over the Junta and its policies. In fact, the great bulk of Greece's trained professionals have refused to participate in the Government, a phenomenon which has seriously hindered efforts at rational economic policy formulation and implementation.

I believe that it is imperative for the Nixon Administration, which is in the advantageous position of having no responsibility for the events of April 21, 1967 and December 13, 1967 to conduct a basic and urgent review of U.S. policy towards Greece on the following grounds:

A. The assumption that the current military regime in Athens has or can bring stability is incorrect.

B. The Junta has greatly weakened Greece's military capability and political ability to fulfill its NATO commitments.

C. The situation in Greece is potentially dangerous. If present policies are continued, a new Vietnam could result.

D. The widespread belief in Europe that the U.S. is responsible for the coup and for keeping the Colonels in power is seriously damaging to America's position in Europe.

E. The existence of a military dictatorship in Greece is morally and politically repugnant especially to the extent that it appears that the United States is supporting this regime.

In considering U.S. policy towards Greece I would like here to make several points directed primarily to American conservatives. It has been a tragedy that many American opinions and actions concerning Greece have been viewed as a political issue between conservatives and liberals. As a result of the opposition to the Greek Junta by many prominent American liberals, all too many American conservatives have not realized the true nature and intent of the current Greek regime. While Greek political liberals have suffered as a result of the coup, as many Greek conservatives with well-known anti-communist credentials have been suppressed, imprisoned, and driven into exile by the Junta. In fact, many of the most severe critics of the coup and the current regime could be described as conservatives.

In the light of the Athens Colonels' past and continued repression of anti-communist Greek conservatives and the often-forgotten fact that the Colonels seized power from a conservative government, I would ask some

American conservatives who have either largely remained neutral or have supported the current Greek regime to reconsider their positions. For the situation in Greece cannot be described or understood along American political lines. In this case both American liberals and conservatives, perhaps for different but compatible reasons, should oppose the authoritarian dictatorship imposed on the people of Greece by a small group of colonels in Athens.

Thus, in reviewing U.S. policy towards Greece I would suggest that the following specific changes in the policies inherited by the Nixon Administration would be both in the interest of the United States and the Greek people:

1. A clear-cut public condemnation of the Greek Junta by the Nixon Administration and real efforts of disassociation from the Johnson Administration policies, attitudes and methods used in dealing with Greece.

2. Terminate immediately and completely all U.S. military aid to the Athens regime and reverse the disastrous decision taken on September 22, 1970 to resume delivery of major U.S. military equipment to the Athens Colonels. Such a decision gave in effect official public U.S. government approval to the Athens military dictatorship.

3. Take the initiative for joint NATO action against the Junta by exercising maximum diplomatic, economic and military aid pressure, on a well-coordinated basis, in behalf of the Atlantic Alliance. Such an American initiative will take options away from Moscow policy-makers and will build up U.S. influence in NATO and among the European liberals, intellectuals and youth. Such a U.S. initiative would have worldwide favorable repercussions and Washington will be in a better position to exploit existing turmoil among Moscow's Eastern European communist satellites, non-satellites and the communist parties in non-communist Europe.

4. Give full U.S. support to the efforts of the Common Market and the Council of Europe to isolate morally, politically and economically the Athens Colonels.

5. Find appropriate ways and means to support actively and effectively all anti-Junta, anti-communist elements who represent the vast majority of the Greek people.

6. Strong efforts should be made to dispel the belief of U.S. involvement and support of the Greek Junta in Greece and the rest of Europe, including the use of the Voice of America. Such efforts are essential to forestall violent anti-American backlash in Greece, which otherwise is a virtual certainty.

In evaluating the merits of the above basic recommendations it is important to understand the following points:

A. All the above peaceful measures are sufficient if used effectively, in my opinion, to overthrow the Greek dictatorship without bloodshed, and without risking American lives, as you do in Vietnam today, or you did in Korea, Lebanon and in the Dominican Republic. The Nixon Administration must have learned some very valuable lessons with the events in Pakistan, the crisis in Peru and the negotiations over the Spanish bases. These events proved the grave risks inherent in dealing with anti-communist military dictatorships and should help dispel the myth that such regimes serve effectively the U.S. interests.

B. If the Junta is overthrown by these peaceful measures proposed to the Nixon Administration, Washington will be in a much better position to deal also with the Middle East crisis, having the full support and cooperation of the liberated (with American support) Greek people, and the U.S. and NATO bases presently in Greece will not any longer be surrounded, as is the case today, by an increasingly hostile population, which makes their value presently, in the case of emergency, at least doubtful.

C. More than 100,000 hard-core Greek communists live in various parts of the Eastern European communist world, including the thousands of young children abducted by the retreating Greek communist guerrilla forces in 1949. These children are now completely trained militarily and indoctrinated. Greece has very extended and rugged mountain frontiers with her northern communist neighbors. These facts may represent, at a given moment, an ace in the hands of Moscow and Peking.

D. Greece's unique geographical position places her athwart the crossroads of Europe, Asia, the Middle East, and Africa. The Middle East and Africa are two areas where the Greeks for centuries have maintained the closest ties and interests. On the northern borders of Greece is a kaleidoscope of three different kinds of communism: the Peking style in Albania (where hundreds of Chinese advisors are stationed in this first Chinese beachhead in Europe), the Moscow style in Bulgaria, and the Tito style in Yugoslavia. This fact itself makes Greece a very good western "window," an ideal listening and influence post for the Southeastern European area. But it also makes Greece far more exposed to external communist and Slavic-chauvinistic pressures now greatly complicated by the current Sino-Soviet confrontation.

E. The U.S. record over the last decade clearly shows a very benign attitude toward right-wing military coups while registering great alarm over left-wing ones. The so-called Schwartz doctrine (State Department senior official and former top Pentagon authority on international security affairs) makes clear the U.S. will not interfere with extra-constitutional, totalitarian rule by anti-communist governments. This double standard justified accusations all over the world and, naturally, Greece.

We were all dismayed at the ruthless crushing with Soviet military power of the modest liberal reforms which were taking place in Czechoslovakia. No satellite could be allowed to sway that far from orthodoxy and control in the minds of Warsaw Pact hard liners. Moscow paid a heavy price in terms of world condemnation and the discrediting of hard-core Czech communists. To many, the parallel of the U.S. position in Greece is disquieting. And Moscow's diplomats and propagandists are counter-attacking criticism aimed at their Czechoslovakian action by pointing to the U.S. role in Greece since April 1967. For the coup against the prospect of a liberal but pro-NATO government was carried out by people closely connected with the U.S. military, intelligence and financial complex, with U.S. weapons and using a top-secret emergency NATO plan. All in the name of anti-communism, the preservation of the orthodoxy of Greece in the Western Alliance and protecting the Monarchy—which the Junta forced into exile eight months later. Moscow intervened with Soviet troops to crush what she considered dangerous Czechoslovak liberalization tendencies.

While I do not believe that the use of U.S. troops to protect the freedom of the Greek people was, or is, necessary, it is a tragedy that the Johnson and Nixon Administrations played the role of Pontius Pilatus while U.S.-supplied tanks were used to crush Greek democracy even though ample warnings about the impending coup existed. That the Johnson and Nixon Administrations, on many occasions, has given the impression of supporting the dictatorship of the Athens Colonels, is doubly disquieting, considering that the freedom of the Greek people was guaranteed by NATO which Greece freely joined as a free nation in 1952.

In the process the U.S.'s best friends were systematically destroyed. In the end the Greeks will force their oppressors out of power. The process could be bloody and might well involve the U.S. in another Vietnam-type situation. It is, therefore, legitimate to ask why long-term U.S. interests are being sacrificed in Greece for the sake of an ephemeral appearance of security and stability and whether it is wise to continue along this road to disaster much longer.

MORE ON POLYGRAPH TESTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, last week I reported to our colleagues on the use of polygraph tests by a New York department store. I am pleased to report that today's New York Times indicates that this store has halted its use of such tests.

Although this decision appears to have been made on "practical" grounds rather than civil libertarian ones, I am glad to learn that the store's employees will be spared this invasion of privacy.

I want to call our colleagues' attention to my bill H.R. 9449, which would prohibit an employer requiring a polygraph test for an individual's employment or promotion. I urge the passage of this legislation to assure the protection of all persons' right of privacy.

[From the New York Times, Aug. 4, 1971]

Bonwit Teller Ends Lie-Detector Tests of Store Employees

William Fine, president of Bonwit Teller, said yesterday that the Fifth Avenue specialty store would discontinue its "experiment" with polygraph interviews, or lie-detector tests.

The tests had been tried as a possible technique in reducing stock losses through pilferage by employes.

About 30 tests were administered by a professional tester to volunteers from management and some of the men's department sales staff.

"Our testing of the test proved it was ineffectual for our purposes," Mr. Fine said.

He said that he was disturbed by the reaction of many employees to reports that the tests might become general, but that the main reason for abandoning the experiment was that "the kind of thing we wanted doesn't show up—how much of our stock loss is from internal theft or external theft or simply disappears on paper."

All such losses last year at the four Bonwit stores in the New York area were reported of nearly $2-million. This was about 4 per cent of total sales, compared with 1.5 per cent a few years ago.

Mr. Fine said he would wait until "we have discussed it among ourselves" before making any further announcements about what steps the company might take to solve the pilferage problem.

Samuel Fass, president of the Employes Mutual Association, said the organization took no position on the polygraph experiment since it was concerned only with "personal contact and assistance" for ill or needy employes or retired employes. The association receives most of its funds from canteen vending machines in the store. Mr. Fass is head of the new-accounts department.

H.R. 10400: THE URBAN TRANSPORTATION EMERGENCY RELIEF ACT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extranous matter.)

Mr. KOCH. Mr. Speaker, I am introducing today a bill, H.R. 10400, to provide a 5-year, $1 billion emergency relief program for rapid transit and commuter railroad systems in urban areas. There is no more pressing problem for many of our metropolitan areas than providing efficient and economic mass transportation. H.R. 10400, entitled, "The Urban Transportation Emergency Relief Act" would establish a program of annual assistance to help offset transit deficits by paying for the maintenance and repair of their rights-of-way. This means that the Federal Government would pick up the full cost of the maintenance of their tracks, tunnels, signals, trestles, subways, bridges, elevated structures, and power substations.

Public transportation has suffered a cycle of deteriorating service and falloff in ridership, and now is being hit by deficits and frequent fare hikes. In my own city of New York, the transit authority operating the city's subways and buses anticipates a cash deficit of $100 million by the end of this fiscal year, even without the added cost of whatever wage package is negotiated in the late fall. The fare is already 30 cents, with 18 percent of the riders having to pay a double fare for a single trip—according to estimates made by the Citizens Budget Commission, Inc. If some other sources of revenue for transit operations are not found, the fare will go up another 10 to 20 cents.

Other large cities are faced with a similar problem. Chicago's subway fare is 45 cents, Cleveland's is 50 cents up from 45 cents this year, Boston is 25 cents with an expected increase and Philadelphia is 30 cents with a pending change to 35 cents.

High fares work the greatest hardship on persons with low and moderate incomes—the very people who are most dependent on public transportation to get to work and back home again. The age of the farebox paying for the total operating costs of public transportation has passed. Costs simply have gone too high for a reasonable fare to support all expenses; and only if there is a reasonable fare can public transportation serve the number of people it must to insure mobility in our urban areas. Thus, some form of revenue must be found and the question becomes not whether there should be a subsidy but where it will come from.

New York City is already paying a total of $244 million annually to the MTA for debt service and certain operating expenses such as transit police and reduced fares for children and senior citizens. It is time that the States and Federal Government do their share in supporting public transportation facilities so vitally important to our country's major metropolitan areas. In the case of New York, H.R. 10400 would provide between $70 million and $85 million in the program's first year.

The availability and utilization of public transportation have a great impact on commerce, the cost of labor for employers, a person's opportunities for employment, auto congestion, and even air pollution. Our cities cannot hope to survive without public transportation that is reasonable in cost and used by a major portion of the public. And surely, the economic and social viability of our metropolitan areas affects the entire country.

The Federal Government spends approximately $1 billion annually on air traffic safety. And the Federal-Aid Highway Act of 1970 provided for a new program of $100 million in Federal assistance this year for the repair and reconstruction of bridges on federally aided roads. Certainly, we should be able to allocate $200 million a year, as my bill prescribes, to defray mass transit operating expenses.

Mr. Speaker, I view H.R. 10400 as an interim, emergency measure designed to stem the increase in operating deficits and the continual fare hikes until the Congress can enact a comprehensive national transportation program. On February 18, I introduced H.R. 4571 providing for the creation of a national transportation trust fund, placing in a single trust fund all transportation programs and providing more resources for urban transportation on a long-range basis. I continue to believe this is the most desirable approach and will work toward achieving it.

In the meantime, we cannot stand by while existing facilities deteriorate. H.R. 10400 makes a modest contribution to urban transportation systems and provides and incentive to State and local bodies with existing facilities to maintain them until more adequate resources can be provided under a long-term approach.

I would emphasize that the approach taken in this bill avoids, I believe, the problems raised with approaches that involve grants to defray general operating expense deficits. The cost of the maintenance of rights-of-way is a fixed and determinable amount calling for a limited, defined, and ascertainable amount of Federal assistance. Such a Federal aid program represents a realistic extension of the present authority under the Urban Mass Transportation Act of 1964 for capital improvements.

The Urban Mass Transportation Act of 1970 directed the Department of Transportation to conduct a study of the feasibility of the Federal Government's providing some form of mass transit operating subsidy. The report is due in October. I know that objections have been raised by administration officials to the Government's providing any operating subsidies for mass transit. I hope, however, that a realistic appraisal will be given of what the needs are and the simple fact that the farebox alone cannot support the operations of transit service; that public transportation is the lifeblood of an urban area; and that it is vital if the country is to survive that the cities be made more habitable—and this depends in part on better and reasonably priced public transportation.

The text of H.R. 10400 follows:

H.R. 10400

A bill to amend the Urban Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes

Be it enacted by the Senate, and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Urban Transportation Emergency Relief Act."

FINDINGS AND PURPOSE

SEC. 2. The Congress finds—

(1) that the continued operation of existing rapid transit and commuter railroad facilities in urban areas is threatened by the lack of resources;

(2) that the Federal Government has a responsibility to help support the operations of these facilities until more adequate long-term programs can be enacted; and

(3) that immediate Federal assistance is needed on an emergency basis to avoid the shutting down of some of these facilities and to prevent fares from escalating beyond the reach of rapid transit and commuter railroad users.

EMERGENCY GRANTS TO MAINTAIN RIGHT-OF-WAY

SEC. 3. The Urban Mass Transportation Act of 1964 is amended by redesignating Sections 6 through 16 as Sections 7 through 17 and inserting after Section 5 a new section as follows:

"Emergency Grants to Maintain Rights-of-Way:

"SEC. 6. (a) Notwithstanding any other provision of this Act, the Secretary shall make grants to states and local public bodies and agencies thereof in an amount equal to all or a part of the total cost incurred on and after January 1, 1972, of the regular maintenance and repair of the right-of-way of a rapid transit or commuter railroad facility serving a city or the metropolitan area surrounding a city.

"(b) Payment of such grants shall be made quarterly, in arrears, based upon such interim proof as shall be required by the Secretary of Transportation that the said costs have in fact been incurred, subject to subsequent verification and adjustment by the Secretary of Transportation upon the completion of detailed post audits.

"(c) Regular maintenance and repair of the right-of-way shall include maintenance and repair of (1) grade, tunnels, subways, bridges, trestles, culverts and elevated structures; (2) track, including replacement of ties, rail, other track material and ballast; (3) signal systems, inter-lockers (including operation thereof) and grade-crossing warning and protection systems (including operation thereof); and (4) power substations (including operation thereof) and power transmission and distribution systems, including replacment of third rail. Where the cost of maintenance and repair as aforesaid reflects the salary of an employee of such facility, such salary shall be augmented by a factor to approximate payroll taxes, fringe, pension and retirement benefits and general overhead and supervision expense attributable to such employee.

"(d) A state or local public body or agency shall be considered to have incurred costs of the regular maintenance and the repair of a right-of-way of a rapid transit or commuter railroad facility if such state or local public body or agency is charged by law or contract with the responsibility to operate or to provide at least eighty per centum of any annual deficit arising from the operation of the rapid transit or commuter railroad facility.

"(e) To finance grants under Subsection (a) of this Section, there is authorized to be appropriated $200,000,000 for each of the fiscal years 1972, 1973, 1974, 1975, and 1976. Any amount appropriated pursuant to this subsection shall remain available until expended, and any amount so authorized but not appropriated for any fiscal year may be appropriated for any subsequent fiscal year."

THE REGIONAL AIRPORT OF THE FUTURE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the following is the text of my remarks delivered at the Aviation Conference held in Huntington, W. Va., on August 2:

STATEMENT OF REP. KEN HECHLER DELIVERED AT AVIATION CONFERENCE

Unless specific and positive steps are taken now toward construction of a modern regional airport to serve the Huntington-Charleston metropolitan area, West Virginia is condemning itself to a second-rate economic future. Everyone agrees that basic improvements must be made at the existing airports to protect the safety of passengers while a regional airport is being planned and built. But to use such improvements as an argument for delay on what West Virginia needs to serve the future is both shortsighted and self-deluding.

I specifically urge that the voters of Cabell County have an opportunity for a separate vote on the issue of whether they continue to believe, as they expressed at the polls in 1967, that there must be early and positive action toward building a regional airport at the same time as the Tri-State Airport is improved. We must proceed immediately to purchase the land at the Midway site, and take all other planning steps necessary to start building at the earliest possible date. If this means teaming up with Putnam County and those communities of Kanawha County like St. Albans and Nitro wishing to proceed by any means possible, then let us begin.

There will be efforts at this aviation conference to try and persuade those who want to look to the future to look instead at the present, and forget the future. I predict there will be a strong attempt to "sell" this conference on a "study" of the future possibilities and feasibility of a regional airport to serve the great Huntington-Charleston area. Federal funds from the Federal Aviation Administration will be dangled in front of our noses to try and persuade us that FAA will do such a study at little local cost. There will be a great propaganda drive to try and persuade the advocates of a regional airport that they can have their money for a meaningless study of what everybody already knows, in exchange for silently approving a multimillion dollar expenditure on an airport which cannot serve West Virginia's indefinite future needs.

Now we face a stern test of West Virginia's mettle. Four years ago, the advocates of a regional airport predicted that unless action occurred, the major airlines would leave West Virginia. Now Eastern Airlines, after reducing its flights to the bare bones, is ready to pull out of West Virginia. There will be more reductions in service, and more outright abandonment of West Virginia unless our leaders wake up and display some vision for the future.

What disturbs me most is that the people of West Virginia see so clearly what is happening, yet those who aspire to positions of leadership or who hold positions of leadership on the statewide level refuse to acknowledge either the problem or what the people want as a solution. May I remind this conference that the total combined vote in the 1967 bond elections on the Midway Airport in Cabell, Putnam and Kanawha Counties was 34,329 FOR and 28,615 AGAINST. This is a time for courage, foresight and determination, not timidity, myopia and indecision. I trust that those represented at this conference will solemnly consider their obligations to the future, and act decisively to protect lives today, tomorrow and for the future. West Virginia has looked through the small end of the telescope for too long. If we really want to provide economic opportunities to persuade young people to remain in West Virginia, then we must move forward and build a first-class airport to serve an area which is destined to grow.

Finally, to those who repeatedly and resignedly say a regional airport is five, ten, or fifteen years away, I would relate one of President Kennedy's favorite stories. The French Marshal Lyautey consulted his gardener about planting a tree, but the gardener responded: "Why, that tree won't grow to its fullest height for a hundred years!" Whereupon Marshal Lyautey immediately answered: "In that case, there's not a minute to lose. Plant it this afternoon!"

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FLYNT (at the request of Mr. BOGGS), for today, on account of official business.

Mr. TEAGUE of Texas (at the request of Mr. BRASCO), for Wednesday, August 4, and balance of week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KEATING) and to include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

Mr. BELL, for 10 minutes, today.

Mr. SEBELIUS, for 15 minutes, today.

(The following Members (at the request of Mr. MATHIS of Georgia) and to include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. ASPIN, for 20 minutes, today.

Mr. PODELL, for 30 minutes, today.

Mr. HARRINGTON, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HAYS (at the request of Mr. MCFALL) to extend his remarks in the body of the RECORD.

Mrs. ABZUG (at the request of Mrs. MINK) to extend her remarks in the body of the RECORD.

Mr. MAHON, to revise and extend his remarks today on the Emergency Employment Act appropriation bill, and to include extraneous material.

Mr. BROYHILL of Virginia, immediately prior to the passage of H.R. 9580 today.

Mr. MIKVA, immediately prior to the passage of H.R. 9580 today.

Mr. ABBITT, immediately prior to the passage of H.R. 6915 today.

(The following Members (at the request of Mr. KEATING) and to include extraneous matter:)

Mr. SCHERLE in five instances.

Mr. CRANE in five instances.

Mr. COUGHLIN.

Mr. CLEVELAND.

Mr. BOB WILSON.

Mr. HARVEY in two instances.

Mr. LENT.

Mr. WYMAN in two instances.

Mr. STEIGER of Arizona.

Mr. MILLER of Ohio.

Mr. MOSHER.

Mr. CHAMBERLAIN in two instances.

Mr. WIDNALL in two instances.

Mr. SCHMITZ in three instances.

Mr. BRAY in two instances.

Mr. NELSEN in two instances.

Mr. PRICE of Texas in two instances.

Mr. FRELINGHUYSEN.

Mr. HOSMER.

Mr. LANDGREBE.

(The following Members (at the request of Mr. MATHIS of Georgia) and to include extraneous matter:)

Mr. GARMATZ in two instances.

Mr. REES in two instances.

Mr. WOLFF in four instances.

Mr. FRASER in four instances.

Mr. EDWARDS of California in two instances.

Mr. HARRINGTON in three instances.

Mr. JAMES V. STANTON.

Mr. JACOBS in two instances.

Mr. MAZZOLI in three instances.

Mr. MURPHY of New York in three instances.

Mr. RANGEL in two instances.

Mr. FAUNTROY in three instances.

Mr. METCALFE.

Mr. FUQUA.

Mr. GONZALEZ in three instances.

Mr. VANIK in two instances.

Mr. DINGELL.

Mr. CASEY of Texas.

Mr. ROYBAL.

Mr. RARICK in three instances.

Mr. DOW in two instances.

Mr. GALLAGHER in two instances.

Mr. ANDERSON of California in three instances.

Mr. CHARLES H. WILSON in two instances.

Mr. PICKLE in 10 instances.

Mr. CORMAN.

Mr. KYROS in two instances.

Mr. EDMONDSON in two instances.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7586. An act to amend the act of December 30, 1969, establishing the Cabinet Committee on Opportunities for Spanish-Speaking People, to authorize appropriations for 2 additional years;

H.R. 7931. An act to amend the District of Columbia Code with respect to the administration of small estates, and for other purposes;

H.R. 9272. An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations;

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of Metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile;

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile;

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

ADJOURNMENT

Mr. MATHIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, August 5, 1971, at 12 o'clock.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1030. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for the medical stockpile of civil defense emergency supplies and equipment, covering the quarter ended June 30, 1971, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1031. A letter from the Administrator, Small Business Administration, transmitting the 1970 Annual Report of the Small Business Administration; to the Committee on Banking and Currency.

1032. A letter from the Secretary of Commerce, transmitting a report covering calendar year 1970 on the administration of the Flammable Fabrics Act, as amended, pursuant to section 14(b) of the act; to the Committee on Interstate and Foreign Commerce.

1033. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes; to the Committee on Merchant Marine and Fisheries.

1034. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide for the review of certain veterans' benefit cases forfeited for fraud on or before September 1, 1959, and for remission of forfeiture; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SANDMAN: Committee on the Judiciary. H.R. 2118. A bill for the relief of Amos E. Norby (Rept. No. 92–443). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4485. A bill for the relief of Estelle M. Fass (Rept. No. 92–444). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 6503. A bill for the relief of Capt. Claire E. Brou (Rept. No. 92–445). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 7312. A bill for the relief of Catherine E. Spell (Rept. No. 92–446). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 7829. A bill for the relief of Stephen H. Clarkson (Rept. No. 92–447). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. S. 47. An act for the relief of Flore Lekanof (Rept. No. 92–448). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. S. 415. An act for the relief of Mr. and Mrs. Arvel Glinz (Rept. No. 92–449). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. S. 708. An act for the relief of the village of Orleans, Vt. (Rept. No. 92–450). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 10364. A bill to amend the Internal Revenue Code of 1954 to increase personal exemptions after 1973 by an amount based on annual variations in the Consumer Price Index; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 10365. A bill to clarify the right of States and local subdivisions to provide for domestic preference in acquiring materials for public use; to the Committee on the Judiciary.

By Mrs. ABZUG:

H.R. 10366. A bill to amend the Federal Water Pollution Control Act to provide for its uniform application to all of the navigable waters of the United States and to provide financial assistance to States and municipalities for water quality enhancement and pollution control, and for other purposes; to the Committee on Public Works.

By Mr. ASPINALL (for himself, Mr. Haley, Mr. Edmondson, Mr. Taylor, Mr. Meeds, Mr. Begich, Mrs. Mink, Mr. Steiger of Arizona, Mr. Kyl, Mr. Camp, Mr. Terry, Mr. Abourezk, Mr. Sebelius, and Mr. Stephens):

H.R. 10367. A bill to provide for the settlement of certain land claims of Alaska Natives, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI (for himself, Mr. Hanley, and Mr. Hull):

H.R. 10368. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself and Mr. Mikva):

H.R. 10369. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 10370. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Mikva, Mr. O'Neill, and Mr. Ryan):

H.R. 10371. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Perkins, Mr. Nix, Mrs. Grasso, Mr. Anderson of Tennessee, Mrs. Chisholm, Mr. Brasco, Mr. Charles H. Wilson, Mr. Byrne of Pennsylvania, Mr. Rosenthal, Mr. Harrington, Mr. Stokes, Mr. Riegle, Mr. Begich, Mr. Horton, Mr. Ryan, Mrs. Heckler of Massachusetts, Mr. Drinan, and Mr. Mikva):

H.R. 10372. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. BIAGGI (for himself and Mr. Mikva):

H.R. 10373. A bill to amend title XVIII of the Social Security Act to provide payment under the supplementary medical insurance program for optometrists' services and eyeglasses; to the Committee on Ways and Means.

H.R. 10374. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. Mikva and Mr. O'Neill):

H.R. 10375. A bill to amend titles II and XVIII of the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. BOLAND:

H.R. 10376. A bill to amend title 39, United States Code, as enacted by the Postal Reorganization Act, to facilitate direct communication between officers and employees of the U.S. Postal Service and Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Massachusetts (for himself, Mr. Cotter, Mr. Vander Jagt, and Mr. Kemp):

H.R. 10377. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 10378. A bill to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for articles previously exported from the United States composed in part of fabricated components the products of the United States, when returned after having been exported, without having been advanced in value or improved in condition while abroad; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 10379. A bill to amend the Tariff Schedules of the United States to provide for a partial exemption from duty for articles previously exported from the United States composed in part of fabricated components the products of the United States, when returned after having been exported, without having been advanced in value or improved in condition while abroad; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. Aspin, Mr. Brasco, Mr. Cotter, Mr. Danielson, Mr. Fulton of Pennsylvania, Mrs. Grasso, Mr. Harrington, Mr. Hawkins, and Mr. Hicks of Washington):

H.R. 10380. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN (for himself, Mr. Anderson of California, Mr. Bell, Mr. Don H. Clausen, Mr. Danielson, Mr. Goldwater, Mr. Hawkins, Mr. Mailliard, Mr. Miller of California, Mr. Pettis, Mr. Roybal, and Mr. Charles H. Wilson):

H.R. 10381. A bill to amend the customs brokers licensing provisions of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 10382. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such Agency; to the Committee on Armed Services.

By Mr. FUQUA (for himself, Mr. Hungate, Mr. Stuckey, Mr. Broyhill of Virginia, and Mr. Smith of New York):

H.R. 10383. A bill to enable professional individuals and firms in the District of Columbia to obtain the benefits of corporate organization, and to make corresponding changes in the District of Columbia Income and Franchise Tax Act; to the Committee on the District of Columbia.

By Mr. GARMATZ (for himself and Mr. Dingell):

H.R. 10384. A bill to amend the act of September 28, 1962 (76 Stat. 653), as amended (16 U.S.C. 460k–460k-4) to release certain restrictions on acquisition of lands for recreational development at fish and wildlife areas administered by the Secretary of the Interior; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRASSO:

H.R. 10385. A bill to make specific provisions for ball or roller bearing pillow block, flange takeup, cartridge and hanger units in the Tariff Schedules of the United States; to the Committee on Ways and Means.

By Mr. GUDE:

H.R. 10386. A bill to provide home rule for the District of Columbia; to the Committee on the District of Columbia.

By Mr. HALL:

H.R. 10387. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

By Mr. HENDERSON:

H.R. 10388. A bill to provide for the acquisition of career status by certain temporary employees of the Federal Government serving under overseas limited appointments; to the Committee on Post Office and Civil Service.

H.R. 10389. A bill to provide a uniform administrative workweek for wage board employees of the Federal Government and employees of nonappropriated fund instrumentalities, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOSMER (for himself and Mr. Camp):

H.R. 10390. A bill to extend the life of the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McDADE:

H.R. 10391. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. MELCHER:

H.R. 10392. A bill to amend the Federal Coal Mine Health and Safety Act of 1969; to the Committee on Education and Labor.

H.R. 10393. A bill to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Mont.; to the Committee on Interior and Insular Affairs.

H.R. 10394. A bill to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Mont.; to the Committee on Interior and Insular Affairs.

H.R. 10395. A bill to authorize the Secretary of Agriculture to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. Addabbo, Mr. Mazzoli, Mr. Eilberg, Mr. Kuykendall, Mr. Harrington, Mr. Blanton, Mr. Halpern, Mr. Morse, Mr. Sikes, Mr. Anderson of Tennessee, Mr. St Germain, Mr. Forsythe, Mr. Stephens, Mr. Carter, Mrs. Abzug, Mr. Rees, Mr. Podell, Mr. Rostenkowski, Mr. Don H. Clausen, Mr. Kyros, Mr. Hathaway, Mr. Gonzalez, Mr. Thompson of New Jersey, and Mr. Carey of New York):

H.R. 10396. A bill to provide for national educational campaign to improve safety on the highways by improving driver skill, driver attitudes, and driver knowledge of highway regulations; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS:

H.R. 10397. A bill to establish further means of economic stabilization; to the Committee on Banking and Currency.

By Mr. ROYBAL (for himself, Mrs. Abzug, Mr. Danielson, Mr. Edwards of California, Mr. Gubser, Mr. Hawkins, Mrs. Hicks of Massachusetts, Mr. Mikva, Mr. Moss, Mr. Rees, Mr. Riegle, Mr. Charles H. Wilson, and Mr. Yates):

H.R. 10398. A bill to establish a program to replace, through the cooperative efforts of Federal, State, and local governments, elementary and secondary schools which are in a dangerous location or unsafe condition or are otherwise deficient; to the Committee on Education and Labor.

By Mr. RUNNELS (for himself, Mr. Link, and Mr. Baring):

H.R. 10399. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain social security taxes; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 10400. A bill to amend the Urban Transportation Act of 1964 to authorize certain emergency grants to assure adequate rapid transit and commuter railroad service in urban areas, and for other purposes; to the Committee on Banking and Currency.

By Mr. SEBELIUS:

H.R. 10401. A bill to provide a 2-cent-a-gallon tax reduction on gasoline sold for use in highway vehicles where the gasoline contains cereal grain alcohol as a substitute for lead; to the Committee on Ways and Means.

By Mr. SYMINGTON:

H.R. 10402. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended; to the Committee on the Judiciary.

By Mr. SYMINGTON (for himself and Mr. Vigorito):

H.R. 10403. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 10404. A bill to amend the Consolidated Farmers Home Administration Act of 1961, and for other purposes; to the Committee on Agriculture.

By Mrs. GREEN of Oregon (for herself, Mr. Pucinski, Mr. William D. Ford, Mr. Daniels of New Jersey, Mr. Biaggi, Mrs. Hicks of Massachusetts, Mr. Mazzoli, and Mr. Thompson of New Jersey):

H.R. 10405. A bill to assure quality education for all children by establishing a partnership of cooperation in education between the Federal, State, and local governments; to the Committee on Education and Labor.

By Mr. KEMP (for himself, Mr. Bevill, Mr. Brasco, Mr. Byrne of Pennsylvania, Mr. Collins of Texas, Mr. Denholm, Mr. Derwinski, Mr. Dulski, Mrs. Grasso, Mr. Halpern, Mr. Hogan, Mr. Mazzoli, Mrs. Mink, Mr. Minshall, Mr. Morse, Mr. Runnels, Mr. Sandman, Mr. Schwengel, Mr. Thone, and Mr. Yatron):

H.R. 10406. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for homeowners, apartment owners, small businessmen, and car owners who purchase and install certified pollution control devices; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 10407. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of the income of an individual who is over 65 years of age shall be exempt from income tax; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 10408. A bill to provide that cigarettes furnished to certain facilities for the treatment of addicts shall not be subject to the Federal excise tax; to the Committee on Ways and Means.

By Mr. MARTIN:

H.R. 10409. A bill to amend the Airport and Airway Development Act of 1970 to postpone for 1 year the effective date of the prohibition against the operation of certain airports without an airport operating certificate or in violation of the terms of any such certificate; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 10410. A bill to authorize the Secretary of the Interior to acquire certain lands within and adjacent to the Big Cypress watershed in the State of Florida; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER (for himself, Mr. BRASCO, Mr. MANN, Mr. MURPHY of Illinois, Mr. RANGEL, Mr. WIGGINS, Mr. STEIGER of Arizona, Mr. WINN, Mr. SANDMAN, and Mr. KEATING):

H.R. 10411. A bill to amend title 18 of the United States Code to provide that a person found guilty of willfully failing to appear as required while charged with a felony and free on bail be liable to receive the same penalty provided for the felony charge pending when he failed to appear; to the Committee on the Judiciary.

By Mr. ULLMAN:

H.R. 10412. A bill to amend the Internal Revenue Code of 1954 to provide a carryback and carryover of certain foreign taxes on mineral income; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 10413. A bill to amend the Internal Revenue Code of 1954 to deny tax-exempt status to churches which carry on propaganda or otherwise attempt to influence legislation and to provide that no deduction may be taken for any charitable contribution to any such church; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.J. Res. 839. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. HAMMERSCHMIDT:

H.J. Res. 840. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mr. JONES of Tennessee:

H.J. Res. 841. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MORSE (for himself and Mr. MIKVA):

H.J. Res. 842. Joint resolution limiting military assistance and military sales to Pakistan; to the Committee on Foreign Affairs.

By Mr. RARICK:

H.J. Res. 843. Joint resolution to provide for the protection and political asylum for the people of the Republic of China; to the Committee on the Judiciary.

By Mr. ROGERS:

H.J. Res. 844. Joint resolution proposing an amendment to the Constitution to provide that no child shall be deprived of education or otherwise be forced to attend a school not chosen by such child when such child is not in the school nearest the area of residence of such child; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H. Res. 579. Resolution authorizing the Speaker, during the remainder of the 92d Congress, after agreement with the minority leader, to entertain motions to adjourn the House to a day and time certain; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK:

H.R. 10414. A bill to declare that certain federally owned land is held by the United States in trust for the United Sioux Tribe of South Dakota Development Corp.; to the Committee on Interior and Insular Affairs.

By Mr. RAILSBACK:

H.R. 10415. A bill for the relief of Howard D. Harden; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 10416. A bill to provide that a gold medal be presented to the widow of the late Louis Armstrong; to the Committee on Banking and Currency.

By Mr. SPRINGER:

H.R. 10417. A bill for the relief of the J. L. Simmons Co., Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

121. The SPEAKER presented a petition of William J. Layton, Bloomfield, N.J., relative to the military draft, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

FAITH AND HARD WORK STILL THE BEST WAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BOB WILSON. Mr. Speaker, it is heartening to be reminded from time to time of individuals who, despite obstacles, have achieved those goals they have set for themselves through faith and hard work. It is very easy when faced with hardship, particularly with the specter of discrimination, to retreat into cynicism. The two individuals I will talk about today have faced racial discrimination. They have faced it in a time when racial discrimination was so well rooted as to make any meaningful protest futile. There is much to be learned from the examples that they pose to us. Rather than becoming overburdened with bitterness, they have seen their way clear to outstanding achievements and contributions. The two articles that I am entering in the RECORD today discuss the careers of these two men, one who has distinguished himself in the Air Force as a brigadier general, and one, who dedicated himself to police work, entered the legal profession at the age of 53.

GENERAL ANSWERS CYNICISM—"YOU THINK IT'S TOUGH? YOU SHOULD'VE BEEN WITH ME"

(By Edward W. O'Brien)

WASHINGTON.—It is easy to feel depressed from overexposure to the crass cynicism and venality that can be found in this city.

Then you spend an hour in conversation with a rugged 6-foot-4 Air Force brigadier general named Daniel James Jr. and you walk out of the Pentagon mended in spirit and elevated in outlook.

"Chappie" James is the second Negro American to attain the rank of general in the Air Force and the fourth in the history of the military services.

He also is an outstanding fighter pilot. He is a veteran of 179 combat missions in the Korean and Vietnam wars, and he personally led the famous sweep in 1966 in which seven Communist MIG-21 fighters were destroyed.

YOUNGEST OF 17

He was the youngest child in a blue-collar family of 17 children. He was reared in Pensacola, Fla., in the 1920s and 1930s, before the bonds of racial discrimination began to fall.

"There were some angry young men in those days, but they were a small minority," he recalls.

"We grew up under a different code of ethics, discipline and everything else. There wasn't much democracy in child-rearing in the average home at that time. It was, 'You do what I say because I'm paying the bills and if you don't like what I say, get out of here.'

"Today—and I'm not criticizing—they don't go for the rod any more, and they are still raising some fine kids.

'REACHING OUT'

"But that former theory of life and living is what kept me from being an angry young man. I was too busy reaching out. I didn't want to drive a cab or work on the garbage truck and do the other menial chores that I saw most of the black community doing at that time.

"I wanted to accomplish something.

"Oh, I did get angry at times, sure. I felt the rebuff of the signs that said 'colored' and 'white' on the water fountains, and because of this I'd never drink water downtown.

"And there were the benches for whites and benches for colored in the park, so I wouldn't sit on any of them rather than sit on segregated benches.

"That was really the only way you had of fighting segregation at that time because the laws were not there to protect you if you attempted to mount any sort of violent protest.

"Now you find that a black man can speak up for his cause anywhere in this country."

Pensacola has a big Navy air training base, but in those days the Navy did not accept Negro pilots. Instead, young James received a bachelor's degree at Tuskegee Institute in Alabama and completed civilian pilot training under a government-sponsored program.

RECEIVED PROMOTION

He became a civilian instructor in the Army Air Corps and then entered the corps. He was commissioned in 1943 and over the years served at many bases around the world, rising to command and staff positions and winning many decorations and awards.

He was promoted to brigadier general last year and also was sworn in as deputy assistant secretary of defense, a civilian position that makes him the third-ranking official in the Pentagon's public affairs division.

Despite his competence, James had rough experiences in the service, but he also had the inner equipment to survive, grow and move up.

For this, he credits his parents—"strong patriots," he says, "who had less reason to keep the faith than now. My mother . . . used to say, 'Don't be part of the problem. Always contribute to the solution.'

"I am not nonviolent. No fighter pilot is, but I fight for my country, and I have never been discouraged or encountered any obstacles in the Air Force that I have never overcome.

"My mother used to say things like, 'Always perform in such a manner and live your lives in such a way that you eliminate all the reasons they say you're not ready.

"'And don't be so busy practicing your right to dissent that you forget your responsibility to contribute. We shall prosper in proportion as you contribute to the welfare and progress of our nation.'"

In his present assignment, James spends much time on the road making speeches, especially to college students. The letters flowing back to his superiors describe how powerfully he has moved his audiences, young and old, Negro and white.

"You can shout 'freedom now,' he often tells his listeners. "But first you need a place to be free in.

THINGS CHANGED

"Things have changed. Progress has been made. You think it's tough, black son? You should have been with me.

"I want to give you hope, because I point out to you the progress that has been made by the majority of the fair-thinking people of this nation, no matter what their color. And they are here, believe me."

James has no apology for his place in society.

"I'm a member of the establishment and proud of it—and I mean established order and established justice within the law," he says.

"I'm for the President of the United States—and Richard Nixon is the president. I'm for the elected head of my government and I want to back him up. I happen to believe that this one is doing all he can to effect change.

"I am a citizen of the United States. I am not a second-class citizen, and no man is unless he thinks like one, reasons like one or performs like one.

MY COUNTRY

"This is my country, and I believe in her, and I believe in her flag, and I'll defend her, and I'll fight for her and serve her."

His own career, he believes, is proof that in this land, things are eventually made right.

"It puts a lie to the stories that you can't make it if you happen to be a member of a minority group or come from certain sections of the country," he declares.

"It's not as easy to make it with these handicaps, but I do say that in America, everything is possible."

Negro Leader's Climb . . . Leaves No Bitterness—Ritchey Recalls The Hard Years

(By Joe Stone)

William Bert Ritchey cannot trace his ancestors, black or white, beyond his maternal grandparents, who settled in La Jolla before the turn of the century.

"I suppose some of the white ones were French," said Ritchey. "My mother's father was fair and his name was Henry Dubois. He was from Illinois and he was a truck farmer and owned land around where The Bishop's School is now."

Ritchey's father, born in Kentucky, was an orphan. He took as his surname the name of a family who employed him out of an orphanage. He came to San Diego as a domestic for an Army officer, later was a janitor for Alfred Stahl and Sons, a crockery firm here.

Son Bert, one of a family of four boys and five girls, was born in San Diego almost 62 years ago, May 18, 1909. The family home was on the southwest corner of front and F Streets.

LAW CAREER

Ritchey's ancestors, whatever color, passed along some desirable genes including those of durability. In 1948, at the age of 39, while working full time as a San Diego police officers, Ritchey decided he wanted to be a lawyer. It was rough.

"I had to quit twice to keep from flunking," he said.

In 1958, now a sergeant, Ritchey decided at another run at the law degree and enrolled in the California Western University Law School. He worked eight hours a day, five days a week as a policeman and eight hours a day * * *.

He got his law degree in 1962, passed the state bar examination in 1964, and retired from the Police Department the same year. He joined Alpha M. Montgomery in the general practice of law. Their offices are at 2878 Imperial Ave.

"I decided to practice in the black district where I have lived and worked most of my life," said Ritchey. "I decided to practice where I could be most helpful to people who most need help."

MANY POSITIONS

Those among San Diego's three quarters of a million citizens who have heard of Bert Ritchey probably knew him as a police sergeant or, at present, chairman of the San Diego Stadium Authority, or as past president of the Urban League, or as a member of the board of trustees of Children's Hospital, or as a member of the regional advisory council of the U.S. Small Business Administration.

When the population of San Diego was 600,000 fewer there were few names better known and, among Negroes, probably only the late Dennis V. Allen, pioneer civil rights activist, was as well known.

Ritchey, in the mid-1920s, was a football star at San Diego High. He was a fullback whose plunges produced thuds and grunts which could be heard by the most distant spectator.

When Ritchey, 6 feet, 1 inch, 200 pounds, broke through the line of scrimmage and cut away, his cleats tossed chunks of turf across the sidelines. Would-be tacklers got an armful of air or wished they had after encountering the Ritchey straight-arm. Many a high school boy decided the game was not as much fun as he had supposed.

"He was the greatest thing ever to come out of San Diego High," said a classmate, Nelson Fisher, turf editor for The San Diego Union.

Some who remember Ritchey as Fisher remembers him may wonder what happened to him as a football player. Why didn't he become famed nationally, a football immortal, as they knew he could have been and as they expected him to be?

Younger ones who have not heard of Ritchey may be interested. They can compare things as they were and as they are. Among things to compare is the fact that times have changed enough that the story can be told, and Ritchey is willing to tell it, publicly, for the first time.

The publicity department of Ritchey's college says it has no statistics on his performances other than one newspaper clipping which has one sentence about him, "Ritchey went 17 yards for a touchdown."

But Fisher has Ritchey's college statistics.

13-YARD AVERAGE

"He averaged 13 yards every time he got the ball," said the turf editor.

The defenses of the finest football teams in the land didn't stop Ritchey, on the rare opportunities they had to try. But Jim Crow did.

"I thought I'd finish high school and get a job," Ritchey recalled. "I didn't know I had a chance to go to college."

During Christmas vacation of his senior year in high school he discovered that colleges recruited athletes, especially football players, and gave them scholarships. The two state universities of Oregon, and the state universities of Washington, Michigan and Arizona came courting.

Ritchey, aware now, recalled a week he had spent at Stanford University as a high school track athlete. He thought it was the most beautiful place he had seen, and he wanted to go there. He made inquiries.

"Stanford was not interested in Negro athletes, or students," he said. "I decided to go to the University of Southern California, because they tried harder."

He had been so casual about his studies he had to go to summer school to get some of his grades up to college entrance caliber.

As Ritchey recalls now the only reminder of his race when he was the only black of his high school football team was the attention he got from his coach, John Perry.

"He was always looking out for me," said Ritchey. "He didn't want anything to happen."

What happened in college Ritchey prefers now, and probably always has preferred, to discuss in calm good humor. Incidents one would imagine being recalled with bellows of rage are now referred to as being embarrassing.

WORST EMBARRASSMENT

"The worst embarrassment I ever had," he recalls, "is when we went to play Washington State. The USC alumni around Pullman had the team as guests at a dinner.

"Just before we were to leave for the dinner I was told, 'You are not going.' I was given $5 and told to take in a show."

What, Ritchey was asked, would happen if such an incident occurred now?

"The graduate manager would be looking for another job," he said. He pondered a while and added, "The university would be looking for a new team.

"None of the players, white or black, would stand for it. I was born 30 years too soon."

JONES SYSTEM

With that remark Ritchey exercised some hindsight on the wisdom of his choice of USC as a college. Howard Jones was the coach and under his system the quarterback was also the tailback. He called signals, handled the ball first on nearly every play and carried it nine plays out of 10.

Since Ritchey was, from high school to the last quarter he ever played, an almost incomparable ball carrier, he was a candidate for quarterback.

"I played behind all-Americans every year," he recalls, "and I was better."

How can he be sure of a thing like that?

"It's not hard," he said. "I was bigger and faster and I did better in practice and when I got in a game."

But the world was not ready for a Negro student in a major university to call signals for execution by white teammates on the football team.

DELAYED ACTION

That would not happen until Sandy Stephens led the University of Minnesota to the Rose Bowl in the early 1960s. Now USC has a Negro quarterback, Jimmy Jones. It happened 40, not 30 years after Ritchey.

In 1929, just before the team was to entrain for Chicago to play Notre Dame, Ritchey was told he was ineligible and would stay home. He was a chemistry major and his grades were up, so he did not understand then, or when the team returned from Chicago and he was told he was eligible again.

"They could have used him in Chicago," Fisher recalls. "They lost it, 13–12."

COACH'S BITTERNESS

In 1930 USC beat California 74–0 and Ritchey was the only USC player who did not play. What happened then would now be called a confrontation. Ritchey, old fashioned, said, "I went to see Howard Jones."

The coach, he said, told him he would never play much football for USC.

"He said," Ritchey recalls, "that he had no use for Negroes. I asked him about Brice Taylor, a Negro who had been an All-American guard at SC and he said, 'I hate his guts.'

"I asked him why I was recruited and he said, 'Because you can't hurt us here.'"

In track, Ritchey was a high hurdler.

"Herman Hill was a high jumper and he was black, too," said Ritchey. "I did the highs in 14.6 and he could jump 6 feet, 4 inches. In those years that would place in both events in any meet and win a lot of them.

DECATHLON INTEREST

"Herman and I would compete in the early spring, in the dual meets. Then when the weather got warm and you had to do preliminaries, which we were good at because we were durable, we never got to go."

Late in his college career Ritchey got interested in the decathlon, 10 grueling events.

"The university loused me up on that," he said. One event was all he was allowed, and no big national meets.

In 1932 Ritchey's athletic eligibility was gone but he was still in school and still keeping fit. It was the year the Olympic games were held in Los Angeles.

James Bausch of Kansas won the decathlon in those games.

"I worked out with Bausch before the Olympics," said Ritchey. "I could beat him in seven of the 10 decathlon events. He was better in the shot, discus and pole vault. I think, with some work, I could have beat him in the vault."

NEVER FINISHED

Ritchey never finished at USC.

He was married in 1933. He and his wife, Ruth, now live in La Mesa. They have no children.

Until 1936, he worked as a deputy sheriff and social worker in San Diego, then joined the Police Department.

"I intended to work six months, save my money and go back to USC and finish," he said. Instead, he was on the department 28 years.

COLOR BLIND

He walked a beat. He used his background in chemistry to help set up a crime laboratory. He took the first color pictures ever admitted as evidence in a murder trial in San Diego County.

He found some prejudice on the department, practically none among the citizens of the city.

"When a person is in trouble and needs a policeman," he said, "they are glad to see the uniform or the badge and they do not care about the color of the skin.

"When Ed Dieckman was head of homicide, I was a detective and I worked all over town. Later, as a sergeant in homicide, I did detective work but I also was assigned to work with minorities—community relations."

It apparently never occurred to Ritchey to be bitter, to let bitterness be an excuse for failure or to carry a grudge against USC. He returns often to the campus.

He sees blacks on the football team, in the band, marching with the university drill and pep organizations—black men and black women.

"DUES PAID"

Some of the black football and track athletes are San Diegans who are at USC on his advice. He is a recruiter. They are there, the saying now is, because someone paid "dues."

"Jackie Robinson, of course, and people like him, are the well known examples," Ritchey said, "but we all helped, just by going and sticking it out, even if things weren't like we thought they would be."

The whole world is conscious now, said Ritchey, and the white public is willing now to recognize the right to citizenship for all.

"The black, he has an opportunity if he is willing to work," said Ritchey.

Ritchey is too thrilled to have had a little part in it to harbor grudges. He even says, with such conviction he'll argue about it with detractors:

"Howard Jones was a great football coach."

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART III

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. HARRINGTON. Mr. Speaker, in two previous discussions, both printed in the CONGRESSIONAL RECORD on July 31, 1971—pages 28572–28584 and 28636–28645—I have presented materials concerning comparative Soviet and American military technology. Today I continue this series of explorations of the "R. & D. Gap" alleged by the Defense Department.

Dr. John Foster's statement to the Armed Services Committees in March of this year, abbreviated and expressionistic as it was, contained the most extensive public discussion to that date of DOD's estimates of Soviet military R. & D. expenditures and output. Dr. Foster, to be sure, painted the gruesome picture of the Soviet threat—ever expanding, purposeful, and darkly ominous—that has historically proven so effective in moving Members of Congress to vote the funds that the Defense Department desires.

The Director of Defense Research and Engineering did state that:

> I consider this problem to be of such importance that I urge you to make your own assessment of the comparative levels of the U.S. and Soviet military R&D efforts and of the probable significance of a substantial disparity in the Soviets' favor.

I have responded to Dr. Foster's urgings and, despite the limitations of time and resources available to a single Member of Congress and the continued and probably unjustified classification of the relevant DOD and CIA studies, I have attempted to make my own assessment and to stimulate further open discussion.

A series of questions that I presented to Dr. Foster during the House Armed Services Committee hearings on the military procurement bill have elicited the most extensive description yet publicly available of DOD's data and methodology in estimating Soviet military R. & D. and making comparisons with the United States and projections into the future. I congratulate Dr. Foster and his associates for gradually surfacing this information but we nonmembers of "the intelligence community" require substantially more materials that can be openly available to independent experts before we can realistically be expected to make our "own assessments of the comparative levels of the United States and Soviet military R. & D. efforts," to quote Dr. Foster's words.

Urgings that we conduct our own evaluations have a hollow ring when, for example, the agent of Congress, the General Accounting Office, is denied access to DOD's supporting documentation of its estimates of the Soviet Union's military-related R. & D. budgets.

I have asked the Stockholm International Peace Research Institute to comment on both Dr. Foster's March 1971 statement and on his answers to the questions that I submitted to him. The memorandums that Randall Forsberg of SIPRI has prepared indicate both the controversial nature of many of DOD's assertions and the need for further disclosure by DOD by the bases and logic behind its assertions. I have previously inserted in the RECORD SIPRI's excellent seminal critique of U.S. estimates of Soviet expenditures for military research. At this point in the RECORD I request that the materials to which I have referred today be printed in order that they may receive wider distribution and discussion:

EXCERPTS CONCERNING SOVIET MILITARY

(By Mr. John S. Foster, Jr.)

B. The Soviet technological challenge

Secretary Laird noted the Soviet's increasing effort to achieve military technological superiority. For several years our analysts have watched the growing Soviet commitment to militarily related R&D with increasing concern. While our R&D spending in this area has leveled out and then declined in recent years, the Soviets have continued to increase their expenditures at a rate of about 10 percent per year, according to calculations. In previous testimony, I have expressed concern about these trends and emphasized that this situation would be watched carefully and reported to you. Gentlemen, the Soviet thrust in this area has not stopped. It continues, and we must now realistically acknowledge that their effort in military R&D is significantly larger than ours. Our best estimates are that this differential is now equivalent to some $3 billion a year in terms of 1968 dollars. We understand also that, if these trends continue, the greater Soviet effort could provide the U.S.S.R. and its allies with weapon systems that will be superior to ours and those of our allies! I consider this problem to be of such importance that I urge you to make your own assessment of the comparative levels of the U.S. and Soviet military R&D efforts and of the probable significance of a substantial disparity in the Soviets' favor.

Most people have the feeling that somehow the larger Soviet effort in *military* R&D can be compensated for by the larger American *total national* R&D expenditures. Our R&D in the non-defense sector, however, even though large and important to the nation, is not oriented to, or motivated by, defense needs. To be sure, our civil industrial R&D base can and will contribute to defense in the case of a prolonged emergency, but it cannot provide now for the engineering of major weapon systems, prototyping, or test and evaluation. These areas account for the lion's share of the military R&D budget. In other words, civil R&D in the U.S. does contribute to defense needs, but not at all in ways sufficient to compensate for a larger Soviet defense R&D effort.

In many areas, the results of the Soviet thrust in military R&D are already becoming visible to us. We now find our forces threatened in new ways in several mission areas. For instance, fundamental to our national defense policies is the ability to deliver tactical forces overseas. Since any sustained effort requires that most of the transportation be provided by ships, we must have the ability to successfully counter Soviet sea forces. This mission is jeopardized by a large, growing, and innovative Soviet fleet, which includes:

Surface ships and submarines equipped with sea-skimming cruise missiles with ranges up to several hundred miles; these units are capable of sinking surface transports from standoff positions;

A growing number of quieter nuclear submarines that make ASW much more difficult and add to an already large Soviet submarine force;

In the areas of land and air warfare, Soviet technological competence is exhibited in formidable new techniques of air defense deployments, such as those present in Egypt, in their leadership position in the development of heavy lift helicopters, and the emergence of new fighter aircraft.

The future sufficiency of our strategic deterrent is also threatened by such developments in the Soviet Union as:

the Soviet's large ICBM force, particularly the SS-9 with its large payload and potential MIRV capability,

missiles aboard the growing number of Y-class submarines,

a large and growing air defense system, and an improving potential for ballistic missile defense.

It would seem that the missiles likely to be placed in the new type of large silos will add to the threat to our strategic forces. In addition, further technological improvements in tactical areas, such as ASW and air defense, are likely to reflect new problems for our strategic forces.

Today, while our R&D level of *effort* is now smaller, we believe that the United States is still *technologically* ahead of the Soviet Union—ahead on quality of weapons—by perhaps 2 to 3 years on the average. *If* present trends continue, however, the larger and increasing Soviet effort could result in the following:

The Soviet Union could assume technological superiority in military research and development in the latter half of this decade. This superiority might be observable by the mid-1970's through the appearance of unexpected prototype military systems which, if produced, could make major U.S. weapon systems obsolete in the late 1970's. The new silos may be an early first example of results of the incremental Soviet effort.

The present relative trends in quality, coupled with the comparable trends in quantity—indicated by relative numbers of improved weapons deployed—could seriously jeopardize the U.S. margin of security in the 1975–1985 time period.

Recovery from such a loss of U.S. technological leadership would require enormous expenditures over many years—years of grave risk to our national margin of safety.

I do not believe—and do not mean to imply—that the foregoing trends, while ominous, are sufficient justification for an effort to match the Soviets dollar for dollar in FY 1972. The infusion of $3 billion into our military R&D budget next year could not be efficiently assimilated. We should not be under any illusion, however, that the continuation of the U.S. FY 1971 program level can prevent the Soviets from assuming technological leadership if their present trend continues. The budget request presented here will not close the gap, but it is an optimum level under realistic guidelines.

2. ASSESSMENT OF RELATIVE U.S./U.S.S.R. TECHNOLOGICAL EFFORT

Turning now from the summary of my statement to the supporting details, I would like to discuss the reasons for our concern today about the general level of the U.S. Defense RDT & E effort.

One of our most serious concerns is an apparent Soviet challenge in outright investment rate in defense RDT & E. This kind of challenge is difficult for most people to accept as a reality. We are used to being ahead technologically, whether it is in weapon systems or in automobiles, commercial television, or home appliances. It is hard for an American who knows the Soviet standard of living to believe that the Soviet government could mount an across-the-board challenge to the United States in military technology. As a people, we tend to discount the ICBM's, which aren't readily visible to the American public, and the unmanned landing on Venus, which seems weak compared to our manned landings on the moon. Because the United States invests more in R&D nationally (some $28 billion in FY 1971), it is hard for some people to believe that the weaker Soviet total investment of more than $20 billion could present a significant threat to our national security. We again tend to discount past Soviet "firsts," such as space vehicles and large boosters for ICBMs, by which Soviet concentration in limited areas has produced technological leadership in the past—at least, for a while.

The seriousness of a Soviet challenge in RDT&E investment rate really turns on whether the Soviets can accomplish across the board what they have done occasionally in the past in limited areas. Whether they can or not depends upon their national will to use resources available to them.

To judge their national will, we can look at their history. Science and technology have been vital in Soviet Communist thinking since Lenin. Being behind in military technology has hurt the Soviets in the past, and they have used R&D to better their position. Alone among the nations of the world, they successfully took on the United States in space technology. Decisions were made to sacrifice on the national standard of living in order to invest in R&D for atomic energy, space, and military objectives. The planning and allocation of national resources have reflected long-term steadiness of purpose—the steady expansion of military and space RDT&E matching the growth of the Soviet economy and the conversion from an agricultural to an industrial society.

In some ways, it is more accurate to say that the Soviet RDT&E investment rate challenge—considering the military and space investments lumped together—is *unchanged*, rather than that a new challenge has appeared. The change is the Soviet's return to allocating RDT&E growth to the military sector, after a period of about 6 years in which the growth went into the space sector. In the United States, meanwhile, R&D growth has gone into the civilian sectors, public and private. The steadily widening difference in the military RDT&E investment rate of the U.S. and the U.S.S.R. since 1968 might not even be recognized by a Soviet planner as a "new" Soviet challenge to the U.S. Jumping ahead a bit in this presentation, the Soviet RDT&E effort is now apparently sufficiently high that, without further increases, the Soviets could pass us in military technology by the mid-1970's. This means, among other things, that the Soviet planners could assign future RDT&E growth to the civilian sector and still reach military technological supremacy by the mid-1970's. Soviet consumer pressures, in other words, do not have to be put off indefinitely.

This brings us to a comparison of Soviet and U.S. resources allocated to military RDT&E.

In order to mount a technological challenge to the United States, it has been necessary for the Soviets to increase the number of technically qualified people available, to improve the quality and quantity of laboratory and engineering facilities, and to increase the amount of money devoted to their military research and development efforts. Independent studies indicate that these steps have been and are continuing to be taken.

First, the people: Results of a study performed by the Defense Intelligence Agency show that the U.S.S.R. increased the number of higher education graduates in the fields of engineering and natural sciences (mathematics, physics, chemistry, etc.) from 145,000 in 1960 to 247,000 in 1970; the U.S. graduated 83,000 in 1960 and 142,000 in 1970. It is estimated that by 1976 the comparable graduates will be 359,000 for the U.S.S.R. and 181,000 for the U.S. I have noted these trends before. They are continuing.

Information obtained from the National Science Foundation and the Department of Commerce indicates that in 1968 the Soviet Union had almost one and one-half times as many qualified scientists and engineers employed in research and development as the United States (745,000 compared with 515,000) and that this disparity is continuing to increase.

Next, the facilities: Studies performed by the Air Force Foreign Technology Division indicate that the Soviets have continued to improve the quality and number of their major research facilities. The United States is not making such improvements. On the contrary, many of our laboratory and other R&D facilities are declining because of lack of effective use.

The third major resource required to achieve technological leadership is funding. Our conclusions pertaining to fiscal inputs are based largely on the result of studies, begun several years ago, which analyzed Soviet budgets in terms of U.S. dollar equivalents for space and defense-related research and development. These studies show a steady increase in Soviet RDT&E investment, *military plus space*, beginning in the early 1950's. Through 1965 the average annual growth exceeded 10 percent, and since 1965 it has averaged about 8 percent.

In the early 1960's the roughly 10-percent growth each year, which previously had been applied solely to military technology, was applied instead to civil space technology, until the latter reached a level of roughly 5 billion in equivalent U.S. dollars, after which the growth was again applied to military technology. The 8-percent growth in total RDT&E in 1968, when applied only to the military portion which was in equivalent U.S. dollars about $7 billion, means about a 15-percent growth rate per year in military RDT&E alone. U.S. military RDT&E funding during the post-1968 period had been approximately constant.

As a result of the divergent trends, it appears that this year the Soviet Union will be devoting about 40 to 50 percent more in equivalent effort to military R&D than the U.S. This additional effort amounts to about 3 billion in equivalent U.S. dollars.

This analytic work is an impressive pioneering attempt to help resolve questions about comparative U.S./U.S.S.R. efforts in defense research and development. The data presented, even with the problems associated with converting "defense rubles" to dollars and the Soviet budget concealments, are believed to be accurate to within 10 to 20 percent.

Since analyses of resource inputs to research and development cannot address the question of whether these resources are used effectively, last year we initiated a study to compare the relative military and space technological outputs of the United States and the Soviet Union.

In this study, we compared the date on which each nation had the option to produce a given comparable weapon system; for example, in 1968 the Polaris boat was considered to have a 5-year technological lead over the comparable Y-class submarine.

By making many such comparisons over intervals, it was possible to follow technological changes over time and thus determine how many years it took the Soviet Union to reach given levels of U.S. technology.

The findings of this net technical assessment were as follows:

Both countries had about the same number of major systems under advanced (visible) development.

While the technological lead time in years changed for individual major weapon systems and even for major weapon-system categories on the average the United States retained its 2- to 3-year technological lead in military systems.

In space technology, the U.S. advanced its technological lead by several years.

These findings are probably no real surprise to the members of this Committee. Thinking back, you may recall that we were ahead and stayed that way in most military systems and that we pulled sharply ahead in space systems during that time period.

There is a clear correlation between this net technical assessment and the resource comparisons for the same time period, which show that:

Both countries had about the same military RDT&E budget.

After a development lead time is considered, the payoff in weapons quality seems commensurate with level of effort in both countries.

We still have a lot of work to do to refine these comparisons, but I believe that, give or take 10 or 20 percent, the funding picture is also a picture of expected results. This leads to any serious concern about the post 1968-period.

Though our best judgment is that the United States still is technologically ahead of the Soviet Union by perhaps 2 to 3 years in most major areas, the trends should give all of us cause for grave concern. They indicate that, if present relative trends were to continue:

Starting about 1971 we could reasonably expect several technological surprises from the Soviet Union.

The Soviet Union would assume technological superiority in military research and development in the middle of this decade.

U.S. recovery from such a loss of technological leadership would not be feasible without enormous expenditures over many years—and without grave risk meanwhile of losing our national margin of safety.

The analytic estimates indicate that the Soviets are doing an equivalent of some $3 billion worth more than we are doing in RDT&E, and that, if we remain level while the Soviets' RDT&E continues to increase, they will be ahead by still more in future years.

It is too early for us to tell how the Soviets are allocating their additional available effort. If we assume they are partly aware of potential U.S. vulnerables, we can predict some of the more logical choices, some of which lie in the area of naval warfare.

It is useful to ask ourselves whether we should be concerned about losing technological leadership.

Why do we need the lead any more than the Soviets? That is, why not settle for technological parity or inferiority?

Even assuming that this comparison with the Soviets is correct, what should we do about it? It isn't clear that just adding $3 billion to the U.S. miltiary RDT&E budget would make sense. What should be the programs, and why?

To address the question of the significance to us of technological parity or inferiority, the essence of the matter lies in the sharp differences in the secrecy levels of U.S. and U.S.S.R. RDT&E Their secrecy prevents us from obtaining information on early Soviet R&D efforts and, in particular, on their decisions to initiate prototype development. Those decisions typically precede the appearance of a prototype in conspicuous testing (or in a Moscow May Day Parade) by 3 to 4 years. I might add that it frequently takes several years more before critical aspects of a prototype are understood.

If we are to be ready with an appropriate response, the development of either a counter weapon or a similar one, we must be able to, (1) understand the Soviet system, (2) conceive a counter system, (3) develop and, as necessary, demonstrate the counter system; and (4) provide the option to produce such counter systems before Soviet production could seriously upset the force balance. Such a U.S. posture requires not only a reasonable breadth of exploratory and advanced development but also enough technological lead to compensate for the time it takes to recognize and respond to the Soviet challenge.

On the Soviet side, our openness in military RDT&E, and particularly our open discussions and decisions on whether or not to initiate prototype development, permits the Soviets to be more selective and to follow our technology relatively easily—though they might not be able to develop weapons prototypes for several years thereafter. Hence, technological parity or inferiority in the United States, coupled with strict secrecy on prototype development decisions in the Soviet Union, would provide a real and substantive advantage to the Soviets.

This secrecy advantage, in a situation of technological parity, would permit the Soviets to get the jump on the U.S. in the subsequent steps of production and deployment. Experience has taught us that attempting to reduce lead-time advantage by crash production and deployment is very risky and expensive.

In short, technological leadership is essential for the U.S., given the nature of the Soviet society.

The next point to address is the question of what we should do about the level of our military RDT&E budget. One solution to the problems posed by the net technical assessment might be to match the Soviet commitment by the infusion of equivalent funds into our FY 1972 budget. We are not recommending such a solution for even if it were fiscally realistic, there is no assurance that such an increase would necessarily redress the situation. We could not prudently and efficiently utilize such an increase this next fiscal year on existing programs. In addition, we presently do not have knowledge of Soviet programs in the pre-prototype and pre-testing stages; thus we cannot initiate programs to counter them. Nevertheless, we cannot afford simply to ignore the warning relayed.

In recognizing these facts, we have taken the attitude that the disparity in U.S./U.S.S.R. efforts is a warning to alert us to potential dangers in future years, and it is a demand to ensure that our military RDT&E effort is properly structured to minimize these dangers.

Thus, we *have* restructured our programs. We have added money in key areas to give programs the necessary initiative to provide for our security. In addition, we have reduced, or completely cancelled, certain other programs which we simply could not include in this request because of fiscal realities. These changes have strengthened our total programs; however, they are at best an interim solution. This process of change and restructuring must continue for the next several years as more information about the Soviet developments becomes available and as new programs which offer initiatives to meet the challenge evolve.

Important as it is to restructure and reorder our programs to insure that they are strong, we also must recognize that if present trends continue the Soviet commitment will require us to meet this challenge by substantially increasing our current level of effort, if we are to maintain technological leadership and minimize the dangers to our national security.

STOCKHOLM INTERNATIONAL PEACE
RESEARCH INSTITUTE,
Stockholm, Sweden, April 20, 1971.

To: Congressman HARRINGTON.
From: Randall Forsberg, SIPRI.
Subject: Some comments on the estimates in the 1972 DOD RDT&E posture statement of military R&D funds and level of military technology in the Soviet Union

I. ON THE RELIABILITY OF THE ESTIMATES

1. Dr. Foster says, concerning the 1972 estimates of Soviet military R&D and space expenditures: "The data presented, even with the problems associated with converting 'defence rubles' to dollars and the Soviet budget concealments, are believed to be accurate to within 10 to 20 percent."

Estimates of the level and trend of Soviet military R&D and space expenditures presented by Dr. Foster in the 1970 and 1971 posture statements and accompanying hearings were also said to have a 10 to 20 percent margin of error.

The revisions made between the most recent estimates and the earlier ones indicate, however, that the earlier estimates were not reliable to within 10 to 20 percent: The *current* estimates of the *growth* of Soviet military R&D and space expenditures during the 1960s are about 10 percent a year through 1965, and about 8 percent annually since then. *Last year*, it was suggested that Soviet military R&D and space expenditures had grown by about 13 percent annually over the entire decade of the 1960s, and that this rate had not diminished in recent years. The drop in the estimates of the growth rate for recent years, from 13 percent annually to only 8 percent annually, represents a *40 percent reduction* in the estimates of the rate of growth of Soviet military R&D and space expenditure.

This change, and the evidence about budget analysis as a method of obtaining estimates of Soviet military R. & D. funds, suggest that a statement that the margin of error for the current estimates is only 10 to 20 percent cannot be justified.

2. With regard to the DOD estimates of the relative level of military technology in the United States and the Soviet Union, it is important to note that the theoretical problems of output measurement are tremendous. The weapons produced by the two countries are not alike, and the composition of the armories differs. This means that there must be very difficult problems of "weighting" involved in trying to arrive at an average lead-time for all weapons. In addition, the capabilities of Soviet weapons, the standards and capacities of their components, and so on, are not known in detail; and there is considerable uncertainty on the question of the times at which the Soviet Union has in fact had the technical capability to produce various weapons.

Confidence in results of the kind of output analysis described by Dr. Foster could not, therefore, be warranted without a far more detailed description than that provided in the posture statement, of the evidence, assumptions and methods used in the analysis.

3. The reliability of the overall result of the output analysis—that, during an unspecified period in the 1960s, the United States retained a constant lead of, on average, 2–3 years in military technology—is, furthermore, called into question by the very low figure given for the U.S. lead.

In the single example given in the posture statement of a lead-time comparison between a U.S. weapon system and a "comparable" Soviet system, it is suggested that in 1968 the Polaris submarine had a 5-year lead over the Soviet Y-class submarine. Evidence presented in the 1969/70 SIPRI Yearbook (pp. 42–43) suggests a 7–8 year lead.

There is, in addition, a good deal of U.S. evidence which suggests that at various times during the 1960s, the U.S. lead in, for example, ICBM accuracy, ASW bottom-mounted systems, computer technology, or tactical aircraft capability, was more of the order of 5–10 years, than 2–3 years.

SIPRI does not have the resources to undertake a comparative analysis of total output of new weapons. In view of the examples of longer lead times for major aspects of military technology which are available, however, a great deal more evidence would be required to support the DOD estimates of an advantage of only 2–3 years.

4. Attention is drawn, in the posture statement, to a "correlation" between (a) the results of the comparative technological assessment, which are said to show that the rate of advance in military technology in the U.S. and Soviet Union has been the same over an unspecified period in the 1960s, and (b) the estimates of relative military R. & D. expenditures, which are suggested to have been roughly equal and roughly constant over the same period. There is a fairly clear implication that this "correlation" lends greater reliability to both the technological

assessment and the estimates of military R. & D. expenditure for the Soviet Union.

A closer look at Dr. Foster's estimates reveals that the figures for Soviet military R&D expenditure do not match U.S. DOD RDT&E expenditures in either magnitude or rate of growth for the period from 1960 to 1966—when, due to weapons development lead-times, most of the R&D producing the weapons compared in the technological assessment must have been performed:

(1) In discussing Soviet R&D expenditures, Dr. Foster says that a "new challenge" has appeared in recent years: "The change is the Soviets' return to allocating RDT&E growth to the military sector, after a period of about 6 years in which the growth went into the space sector." This change is given considerable emphasis. Dr. Foster then continues further on:

"[S]tudies show a steady increase in Soviet RDT&E investment, *military plus space*, beginning in the early 1950's. Through 1965 the average annual growth exceeded 10 percent, and since 1965 it has averaged about 8 percent.

"In the early 1960's the roughly 10-percent growth each year, which previously had been applied solely to military technology, was applied instead to civil space technology, until the latter reached a level of roughly 5 billion in equivalent U.S. dollars, after which the growth was again applied to military technology. The 8-percent growth in total RDT&E in 1968, when applied only to the military portion which was in equivalent U.S. dollars about $7 billion, means about a 15-percent growth rate per year in military RDT&E alone."

(2) These statements suggest that there was very little increase in Soviet military R&D expenditure for a period of about 6 years in the early 1960's—say, 1960–1966. (It would make little difference to the overall picture developed in the following argument if the period were assumed to be 1959–1965 or 1961–1967 instead.) The significant build up in Soviet military R&D funds is implied to have started somewhere between 1966 and 1968, with an annual increase of something between 5 percent and 15 percent beginning in either 1966 or 1967. Since Soviet military R&D expenditure is said to have been around $7 billion in 1968, it can be shown that, according to the DOD estimates, this expenditure was probably *not more than*—and possibly much less than—around $6.3 billion in 1966, and, working backwards, *not more than* about $6 billion in 1960. Through the 1960–1966 period, the level was, thus, probably not more than about $6.3 billion.

(3) In contrast, *US DOD RDT&E expenditures*, starting at about $5.8 billion in FY 1960, rose sharply in FY 1961 to about $6.8 billion, and continued to rise over the next three years to a level of $7.4 billion in FY 1964. These expenditures were somewhat lower during the next two years—$6.5 and $6.35 billion in FY 1965 and 1966 respectively, but they do not appear to have been as low as the comparable Soviet expenditures even in this period. In FY 1967 and FY 1968 DOD RDT&E expenditures were back up at the $7 billion level; and this is consistent with Dr. Foster's suggestion that by 1968, Soviet military R&D expenditures, at about $7 billion, had finally reached the U.S. level. (All figures in constant (1963) prices. U.S. figures from National Science Foundation SNF 69–31, p. 245, deflated by the consumer price index.)

Thus, given Dr. Foster's assumption about Soviet military R&D expenditure, the sharp early increase in U.S. military R&D funds, and the much higher level throughout the period, would lead one to expect the U.S. lead in military technology to have grown substantially during the 1960s, with, perhaps, a slight decline in the rate at which the gap widened right at the end of the period. This is a quite different picture from Dr. Foster's suggestion that the U.S. simply retained a constant 2–3 year lead throughout the period. The estimates of relative financial input and technological output do not, therefore, appear to be sufficiently well "correlated" to lend any support to either the input or the output estimates.

II. On the line of argument in the 1972 posture statement, concerning the relation between the estimates of U.S. and Soviet financial input and technological output for military R&D.

5. The explicit line of argument in the 1972 posture statement is the following:

A. DOD has some estimates of financial input into Soviet military R&D, which are based primarily on analysis of Soviet budgets. While the financial estimates are given in "equivalent U.S. dollars" they do not, according to the posture statement, take into account potential differences in the efficiency with which R&D resources are used in the United States and the Soviet Union. What they do take into account is, presumably, differences in the financial cost of R&D manpower and materials in the two countries. They should therefore reflect equivalent *input;* but they cannot be used to predict equivalent *output*, since this will vary according to the relative efficiency with which R&D inputs are used.

B. DOD would like to know whether the dollar estimates of Soviet input into military R&D can be expected to produce a technological output comparable to that which would be produced if the same amounts were spent in the United States—or whether one should expect, instead, *greater* Soviet output, in case the Soviet Union uses its R&D resources *more* efficiently than the United States, or *smaller* output, in case it uses its resources *less* efficiently.

C. A comparison is therefore drawn between relative financial inputs into military R&D in the U.S. and the Soviet Union, for an unspecified period in the 1960s, and relative level of military technology achieved over the same period, as shown by a comparison of dates at which each country had the capacity to produce a comparable weapon or weapon system. In the output comparison, an 'average' leadtime for one country over the other has been obtained by somehow combining all the different lead-times for different weapons, and for different points in time over the period under observation.

D. It is suggested on the basis of this comparison that Soviet inputs did, in fact, produce a level of output comparable to that which would be obtained from similar inputs in the United States—that is, that "the payoff in weapons quality seems commensurate with level of effort in both countries"—so that for the Soviet Union, "the funding picture is also a picture of expected results".

6. Concerning this line of argument, three main points may be noted:

First, the conclusions about relative efficiency in the use of R&D resources are entirely dependent on the *initial reliability* of the input estimates and the output assessment for *both* the United States and the Soviet Union. Suppose, for example, that the estimates of Soviet input and output were both biased in an upward direction. In this case, Soviet output/input, relative to that of the United States, might turn out to be the same as that observed in the posture statement—but this would prove nothing about relative Soviet efficiency.

Second, the conclusions about relative efficiency also depend on the input data and output data being *entirely independent* of one another. Dr. Foster says that the input data have been obtained "largely" from budget analysis: but the possibility is left open that evidence concerning outputs has played some role in the determination of the input estimates. It has, furthermore, been suggested that it may be mainly the year-to-year growth shown in the DOD estimates of Soviet input which has been obtained from budget analysis; and that the *absolute magnitude* of the DOD figures for Soviet input may have been obtained, at least in part, by looking at Soviet outputs and estimating what it would cost to produce equivalent weapons in the United States. If this were the case, the input estimates would reflect *U.S.* efficiency in the use of R&D resources; and they would signify very little indeed about Soviet inputs, and could not be used to try to measure comparative Soviet efficiency. If these estimates were compared with estimates of U.S. expenditure required to achieve a comparative level of military technology, one would be looking for a correlation between estimates which were, for this purpose, already identical—so that finding a correlation would mean nothing.

Finally, it should be noted that even if it is assumed that the financial estimates and the output estimates have been derived completely independently—that is, that no evidence about outputs has been used in the construction of the financial estimates, then the "correlation" which is observed in the posture statement, between comparative U.S. and Soviet input and output, still does not lend more than the most marginal support to either the input or the output estimates for the Soviet Union, for the following reasons:

(1) It is likely that efficiency in the use of R&D resources does vary between the United States and the Soviet Union. Even more important, it is likely that the comparative level of efficiency in the two countries will itself vary over time, according to variations in the lag in military technology between the two countries.

There is fairly widespread agreement among experts that the Soviet Union is less efficient, perhaps much less efficient, than the United States with regard to the conduct of R&D generally. Some experts suggest that with regard to military R&D in particular, comparative Soviet inefficiency may be somewhat less, since military R&D is presumably a high priority sector, and laboratories may be better equipped, management and flow of information may be better, etc. In addition, it should be noted that if there is a substantial lag in Soviet military technology, the Soviet Union has every possibility of simply imitating U.S. developments, given the comparatively free flow of data on weapons and of defence-related scientific and technical information in the United States Copying the United States is of course much easier and cheaper than undertaking entirely original development projects, which involve false starts, original solutions to complex technical problems, and, usually, a high rate of project "failure". As the level of Soviet military technology approaches that of the United States, both direct copying and assimilation of defence-related scientific and technical information become much more difficult, however. There may well be, therefore, both a longer-term variation in the comparative level of Soviet efficiency, which will depend on the overall level of Soviet military technology relative to that of the United States; and, in addition, short-term variation in comparative Soviet efficiency, which will be the result of a faster catching up in technology for some types of major weapons than for others, or a greater possibility of imitation at some points of time than at others.

The hypothesis which the posture statement attempts to confirm—that, in general, efficiency in military R&D in the United States and the Soviet Union is the same—cannot therefore be assumed. This means that if the results of an analysis of Soviet military technological outputs were completely reliable, they could not be used to obtain input estimates with anything other than a very wide margin of error—perhaps 30 or 40 percent, perhaps 60 or 70—due to uncertainty about the relative, and possibly changing, level of Soviet efficiency.

(2) Evidence that the results of the output analysis may not be completely reliable suggests, further, that the output estimates described in the posture statement may not provide a basis for any kind of input estimates.

DIRECTOR OF DEFENSE
RESEARCH AND ENGINEERING,
Washington, D.C., May 25, 1971.
Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have attached a set of questions and answers which respond to a letter of April 9, 1971 from Congressman Harrington. He has asked that, if possible, these questions and answers be included in the transcript of FY 1972 budget hearings. If you concur that these questions and answers will be valuable addition to the record of your hearings, then I recommend that they be inserted into the transcript for March 29, 1971.

As you know, the GAO is conducting an anlysis of the techniques used by DoD in comparing U.S. and U.S.S.R. technological efforts and has a short time schedule for completing the analysis. Because I think the attached questions and answers will assist in the work, I am sending a copy of them to the GAO.

Sincerely,

JOHN S. FOSTER, Jr.

QUESTIONS AND ANSWERS FOR THE RECORD OF THE TESTIMONY OF DR. JOHN S. FOSTER, JR.

1. How were the Soviet funding estimates derived:

a. To what extent are they based on Soviet science data?

b. To the extent that the estimates are derived from Soviet science data, what was the basis for selecting the percentage allocated to military R. & D.? How do you determine how this varies from year to year?

c. What was the ruble/dollar ratio that was used and how do you justify the ratio used?

d. Are the categories allocated to RDT&E the same in the U.S.S.R. and in the U.S. budgets? For example, is testing included in both cases?

Answer. Over the past years, considerable research has been carried out in and out of the government in an effort to determine the scope and effectiveness of the Soviet defense-related research, development, test and engineering program. Much of this research has involved analyses both of the open and the secret portions of the Soviet budget. Enough information is now available to build some tentative "models" of what the Soviet defense-related RDT&E budget must look like. The data from the analyses of the Soviet Union was used in the Statement on the Fiscal Year 1972 Defense RDT&E Program made to the Congress in March 1971.

To answer these questions without the use of classified information or going into economic details, it is easiest to use the simplest of several budgetary models for the Soviet RDT&E effort—all of which agree rather closely in their essential conclusions. This model makes almost exclusive use of the All Soviet Union Science Budget to determine trends in RDT&E funding. The All Union Science Budget has several important features: it contains a great deal of money (billions of rubles); the purpose of most of the money has been labeled as "classified" by the Soviets; the visible, non-military and non-space results over the last 15 years account for only a small portion of the funds; and the "classified" portion does appear, over the years, to agree with the kinds of annual amounts and growth rates that would have been needed to accomplish the military and space results which we have seen. In this model, the percentage of this Budget allocated to *military* RDT&E as compared with *space* RDT&E is determined by "costing" the relatively visible Soviet space program each year up to the present, subtracting that amount from the total, and assigning the rest to military (and nuclear) RDT&E. The space RDT&E costing is done first in terms of US dollar cost to the US to accomplish the Soviet results and then converted to the Soviet rubles based on exchange ratio consistent with other independent estimates of this ratio for the kind of work.

[Deleted.]

[Deleted.] The Soviet space program, according to our best information, has remained at an essentially constant level since about 1968. Therefore, the growth in the All Union Science Budget since 1968 has, in this model, been assigned by analysts in the intelligence community to military and nuclear RDT&E. The amounts and growth rates, over the years 1954–1968, do appear to be consistent with the military RDT&E results over those years. Further, were the growth applied elsewhere, its size (about a billion dollars equivalent growth each year) would have meant extraordinarily high percentage growth elsewhere and thus, presumably, very visible, "nonclassified" activities and results. Such results are not apparent elsewhere in either end results or in announced new, large, programs.

A second, more complex, model recognizes the possibility that part of the Soviet RDT&E costs may be borne elsewhere in the Soviet budgets. However, since most of the necessary cost does seem supportable by the All Union Science Budget, the remainder seems unlikely to amount to more than 20–30% of the total. Assuming only that the total program is "balanced", this remainder, over the years, is likely to stay at about the same percentage of the total; i.e., the remainder is likely to be proportional to the All Union Science Budget portion and hence follow the same trends. It turns out that the other presently identifiable candidate budgets do indeed appear to follow the same trends. The principal advantage of this more complex model is that it makes "justification" (by both the Soviets and our analysts) of some kind of expenses somewhat easier elsewhere than just in the All Union Science Budget. Examples are pay for military support people, general purpose support facilities on test ranges, etc.

However, regardless of the model of the ruble "input" to RDT&E, the optional results of the model must remain the same; namely, the new systems which we do observe. Thus, if we compare the simplest model above with the more complex one, the latter might contain more rubles than the former. This would not, and cannot, mean that the latter produces more results, only that the dollar to ruble ratio should be somewhat lower for the latter model than the former. Alternatively, the second model could require somewhat fewer rubles from the All Union Science Budget to pay for the military and space programs.

The dollar to ruble ratio used thus depends to a limited extent on the model used. The nominal value was $2.00 per ruble, with a spread of 10–20% being adequate to handle differences in the models. (See also the answer to Question 13.) In analytical terms, because the output results are fixed, the dollar to ruble ratio and the fractions of the All Union Science Budget for military and space RDT&E are coupled. Knowing one determines the other; however, neither can vary too much from a nominal value without violating other considerations.

The categories allocated to RDT&E are defined to be those necessary to produce the observed RDT&E results in each country. In that broad sense, the categories in both countries' budgets are the same. However, this input/output analysis is not based on *how* the results were produced, only on *that* they were produced. The Soviets, for example, appear to use more scientists and engineers than we but fewer computers; but the total results, so far, have been comparable. The analysis is insensitive to those differences in the categories excluded from the RDT&E budget (but presumably included elsewhere) which follow the same trends as the main (or total) budget. For such differences, the analytic effect is to change the effective dollar to ruble ratio in the model as discussed above. This is true whether the "excluded" category is in the Soviet or the U.S. budget. (See also Question 7.)

Specifically, with regard to testing, developmental testing is included, but not operational testing.

2. What is the basis for estimating that the funds for Soviet RDT&E are accurate to 10–20%?

Answer. The 10–20% uncertainty reflects the variance we find if we look at the estimates of the Soviet military, nuclear energy, and space RDT&E efforts from several points of view. The conclusions we reach are consistent with all our sources of information, including the several budgetary models of the Soviet RDT&E effort discussed above, within a 20% range, but probably not as close as 10%. The mutually consistent "yardsticks" within a variance of 10–20% are:

(1) The pricing of the Soviet *space* budget in dollars as compared with U.S. space budgets. At the classified level, members of the Congress have been given information which permits a confirmation of confidence in the accuracy of assessment of the Soviet space program to wit 10 to 20%. [Deleted.]

(2) The relative progress of space activities in the two countries. As mentioned in the answer to question 6, it has been estimated that in 1959 the NASA manned space program was about one year behind the Soviet program and ten years later the NASA program lead the Soviet's by about two years. This relative progress is corroborated by the relative funding levels during that period.

(3) The relative progress of military weapons development activities of the two countries in terms of both numbers of weapons systems under development and the rates of technological progress. Few weapons of either country are directly copied from those of the other in any detail, which means that neither country is "carrying" the other along. Our comparison of relative US/USSR technological lead times for major weapon systems indicates that, on the average, the U.S. had a 2- to 3-year lead from 1960 to 1968. With respect to the *accuracy* of the overall weapons systems comparison, a one-year difference in the conclusions could be detected in the 8-year span, 1960–1968, over which the comparisons were made. This can be considered in some sense to be an accuracy or uncertainty of one part in eight, or 12.5%. Practically, this accuracy seems quite reasonable—a 1% change could not be detected; a 25% change would be dramatic and certainly detected. Hence, we have concluded that the accuracy for such an assessment method is on the order of 10 to 20%.

(4) The size and past trends of the Soviet budgets, particularly the All Union Science Budget, as discussed above.

(5) Manpower and facilities apparently committed to RDT&E in the two countries. This yardstick is presently the least accurate, because the data is in rather raw, unstructured form, and as a consequence has been used to support, not determine our conclusions. The best available data indicates that both Soviet technical manpower and facilities for defense-related work are expanding rather than leveling or declining. In addition, comparisons with US resources reveal relative US/USSR trends similar to those of the budgets—a rather planned, steady increase by the Soviets so that disparities to our potential disadvantage either already

exist or can be forecast to occur. Such trends are consistent with the other yardsticks but are insufficiently quantitative to be used alone.

The use of input resources and output results as yardsticks tend to be reinforcing when used to describe a single parameter, the US/USSR RDT&E effort. The individual accuracies vary and our judgment of the overall accuracy considers them accordingly.

The information which follows is a further clarification of item (3) above.

[Deleted.]

The approach used in determining this relative progress was to compare the technological positions of the US and USSR, to compare the resources allocated to achieve these results, and to conclude with a projection of possible future results based on present and possible future resource allocations.

A practical way of comparing the technological positions of the US and USSR is to compare the dates at which comparable weapon prototypes first appeared. Comparing technologies earlier in the R&D cycle is limited by Soviet secrecy. Comparing them later can lead to confusion with production and deployment issues. Over 100 major systems were reviewed in the 1960–1968 time period.

Comparisons before 1960 could also be made but would have less immediate significance. Comparisons after 1968 can also be made but become more controversial as they become more recent—it is easier to evaluate the 1988 position looking back on it than to reach consensus on our 1971 position.

There are several ways of comparing the total set of US and USSR weapons systems. The approach used here is to compare *similar* weapons systems on the basis that the vast majority of USSR systems have US counterparts and vice versa. (Both countries have weapons from ICBM's to rifles.) This approach, however, does leave out systems without counterparts (US attack aircraft carriers, USSR SS-9s) but their numbers are smaller and they are usually composed of subsystems which individually have counterparts and which can be found in other counterpartable systems. Another, but more complex, approach might be to compare technologies of opposing weapons (offensive weapons against the defensive weapons), an approach which perhaps has more operational utility significance, but which adds difficult questions of scenario, tactics, doctrine, force levels, etc.

Thus, considering the desired accuracy and scope of the assessment a comparison of the technological positions of similar weapons systems appear to be a reasonable way of determining the overall, relative technological positions of the two countries' military RDT&E.

Table 1 (pages 2–12 through 2–18) [deleted from CONGRESSIONAL RECORD], *Catalog Listing of Weapons and Weapon Systems*, indicate that the US and USSR have developed roughly comparable *numbers* of weapon systems.

[Deleted] the conclusion:

During the period 1960–1968, US military RDT&E showed neither gain nor loss in overall technological lead within the accuray of this assessment.

One other calibration from the 1960–1968 period is useful: an estimate of how much technological lead has been felt to be adequate and why. The several year leads in 1968 appeared to be adequate both at the time and in retrospect, at least within the limitation of our understanding of the more recent Soviet developments (1965–1970). The 1968 leads seemed to be adequate for understanding and responding to Soviet developments in strategic offense, intelligence systems, and space systems, crash programs were few; deployed weapons continued to be generally equal or superior technologically. There were some limited areas of serious concern. [Deleted.] But, on balance, the 1968 technological leads did not appear to give serious concern to military planners and strategists.

The historical U.S. need for a 2–3-year lead can be associated with an asymmetry in secrecy of the two countries; in particular, the extreme secrecy surrounding Soviet decisions to initiate prototype developments. These decisions typically precede the appearance of the prototypes in conspicuous testing (or in a Red Square Parade) by 2–3 years. Prototype decisions are the result of an assessment of military approaches; vital information for RDT&E planning available to the USSR but not the U.S. When the prototype first appears from under the secrecy curtain, the U.S. must recognize it, understand it, know a counter system (preferably having built one), and be able to produce the counter system before Soviet production can seriously upset the force balance. At the very least, one possible response must be known; an argument might be made that more than one option should be available to the U.S. decision makers. It typically takes a year or so to recognize the significance of the Soviet prototype and to decide to respond. Thus:

Given the uncertainties in measuring technological lead, a 2–3-year U.S. technological lead at the prototype stage of development appears necessary to offset Soviet RDT&E secrecy.

From the Soviet point of view, given the relative openness of the U.S. R&D and our decision process, being a year behind (with little uncertainty in position) might be acceptable and being equal would be to their advantage.

3. In DoD's analysis, the numbers of engineering and science graduates are similar to those developed in the 1950's and used to predict that the Soviets would have a commanding technological lead in the mid-to-late 1960's. Why do we still seem to have the same 2–3 year technical lead we had then? Why will it suddenly be so different in the 1970's?

Answer. There are three parts to the answer to this question. First, in retrospect such predictions might indeed have come true, if the United States had not reacted and if the Soviets had proceeded as history shows they did. The NASA and DoD effort increased markedly between 1958–1965, nullifying the predictions based on no US response.

Second, we now know considerably more about the effective productivity of the Soviet scientists and engineers than we did in the 1950's—having observed the results of their work for a decade—and hence are in a somewhat better position to predict future results than in the 1950's. It is possible that Soviet productivity is now increasing faster than ours—they seem to be less productive per man than we at the moment and hence the percentage improvement may be greater—but we have not included this factor. If included, it would have made the future Soviet advantage greater (see also question 7).

Third, we have used manpower (and facilities) in our analyses largely as a cross check; i.e., to help answer the questions of whether or not the Soviet Union has committed the *other* assets, in addition to funding, needed to produce increased military and space RDT&E results in the future. From what we have seen, the Soviet Union is qualitatively increasing its people and facilities consistent with planning for increased funding and increased results. As we obtain more data and understanding, perhaps the manpower and facilities trends can be refined and used more precisely to predict future results. In any event, it is clear that the total number of Soviet scientists and engineers is still increasing while both our employment and our education rates of our own are decreasing.

The quality of scientists and engineers in the two countries can be markedly different without changing our conclusions that Soviet technical manpower is numerous, is adequate to the observed output and is increasing in numbers, while US manpower is diminishing. With the two sides roughly equal in quantity and quality of output, the contrasting trends in input is immensely serious in its implications for the future.

4. It has been said that technological surprises come primarily from basic research and exploratory development, not from the later stages of RDT&E. Yet the proposed major increases in the U.S. budget are in these later stages. Why is this so, if technological surprise is what is worrying us? Do we know Soviet allocations of funds for basic research and exploratory development?

What scientific areas which might lead to potential significant breakthroughs are we leaving uncovered due to lack of funds?

Answer. A distinction needs to be made between a technological surprise, such as Sputnik, and a scientific breakthrough, such as the derivation of the theory of relativity. Sputnik involved no new discoveries in principles of physics; it did involve major amounts of technological effort. In the sense we have used "technological surprise" and "prototype", Sputnik was a "surprise prototype" of things to come in the rather immediate future (2–4 years). Perhaps most important for this discussion, technological surprises are more predictable as future possibilities than scientific breakthroughs. Experience shows that their rate of occurrence depends largely on how much effort is applied to achieve them.

To be able to respond at all, of course, requires an excellent research base. But to respond quickly, requires increased effort largely in applied research and engineering. It is too late to respond by doing basic research. The time to produce a scientific breakthrough is indefinite, if a breakthrough is possible at all. The time from first elucidation of a new physical principle, [deleted] to a prototype weapon tends to be a long time, about a decade. The time from successful exploratory development to a prototype is about 3–5 years. Thus, to respond quickly to a Soviet prototype virtually requires that we have developed a counter prototype or be close to it.

Soviet secrecy, compared with our openness, presents the United States with a difficult problem. We first see their technological surprises at the stage of conspicuous testing of a prototype—two or three years at least after the decision to develop such a prototype and many years after discovery of a new physical principle. By that time, they will have invested considerable resources in specific directions. (They may or may not have discovered the physical principles, but they almost certainly will have developed the prototype by themselves.)

Given unlimited funds, the United States could respond to this situation by developing large numbers of prototypes of weapons and counter-weapons. Such a course is neither practical nor desirable. We clearly have to be selective in the prototypes we develop. The FY 1972 "Initiatives" illustrate this selectivity in accelerating only certain areas; e.g., new ocean control technologies and defense suppression.

The areas we worry about most are those where surprise would most diminish our strengths or our abilities to deter wars or to project our forces overseas, [deleted]. The apparent difference in relative RDT&E levels is sufficient to produce surprise prototypes in many areas.

To address another part of the question, Soviet allocations of funds for basic research and exploratory development have not yet been derived by our analysts, but certain things can be said. They have a sufficient scientific base, for instance, to have discovered the principle of lasers simultaneously with the United States. Their materials research is outstanding. Their mathematics is second to none. The Soviets demonstrably have a sufficient research base to produce prototypes of many kinds. Their total RDT&E program is probably balanced and they, as we, recognize that the long term future depends upon excellent research. They might, therefore, expand their *applied* research base roughly proportionately to the expansion of the total Defense and Space budget, but evidence to this effect is limited. An expansion of about 10% per year, proportional to the "Science" Budget expansion in the 1950's and 1960's would be an easily sustained expansion rate.

Estimating the Soviet funding of *basic* research depends upon whether Soviet basic research is carried out in an unclassified or classified mode. In an unclassified mode, and taking advantage of the US openness in basic research, Soviet funding might tend to be proportional to US funding, based on a Soviet need to be as broadly informed of scientific developments as the US. In a classified mode, and again taking advantage of the US openness, Soviet funding would partly depend upon their estimates of the military potential of areas *not* emphasized by the US. Identifying possible secret scientific areas where the Soviets might be working—and where we are not—is sheer speculation at this time. To put these budgets in perspective, and if we judge by US standards, basic research comprises less than 5% of the military RDT&E budget and applied research, about 15%.

Addressing the last part of the question, we are unaware of any basic scientific areas relevant to Defense that are completely uncovered due to lack of funds. On the other hand, we have very little information on possible secret Soviet work in the basic research area; we can only say that it probably supplements our open work.

A comparison of the DoD basic research and exploratory development budgets for the last two fiscal years, in fiscal 1972 dollars, shows a 5% decline from FY 1970 to FY 1971 and a 2% increase from FY 1971 to the FY 1972 request. The requested increase of about 2% in purchasing power is intended primarily to halt a decline in our research and technology effort.

5. Have you examined the effectiveness of Soviet application of R&D to military purposes? Despite the large amounts of funds that they are said to spend, it would appear that they are not going ahead as fast as one might expect. Why are they not already ahead of us? Have you compared the quality of U.S. and Soviet laboratories?

Answer. The DoD net assessment of U.S./U.S.S.R. RDT&E indicates that the Soviets have proceeded at a rate consistent with their apparent resources and with effective use of their RDT&E in subsequent weapons production and deployment. We have no evidence that they are excessively funded for their observed rates of development of application.

The Soviets are not now ahead of the United States, because past U.S. RDT&E efforts and choices of programs were adequate to achieve and maintain a lead. The average lead[1] approximately 2 to 3 years as of 1968, will take time for the Soviets to overcome, even with more effort than that exerted by the U.S. The crossover point in relative levels of effort seems to have occurred in about 1968. We estimate that they could now be gaining at a rate of one-fourth to one-third of a year per year, based on apparent relative inputs. If present trends continue, they could gain at an increasing rate. Depending upon the specific mission area concerned, the U.S. lead in that area as of 1968, and the relative U.S./U.S.S.R. efforts in that area, one might expect a zero-lead condition varying from 1973 for some tactical systems to 1977 for some strategic systems. Soviet technological surprises in significant numbers might thus be expected by the middle of this decade.

The average lead of the U.S. has never been so great that the Soviets could just copy to keep their relative position; [deleted].

As far as Soviet laboratories are concerned, beginning in the early 1960's, the Soviets allowed U.S. scientists and engineers to visit selected research institutes in the Soviet Union. From these visits, it is clear that the quality of some "open" laboratories, for instance, those seen at Novosibirsk [deleted], is quite good. From sketchy information—Soviet scientists commenting on the priority accorded military and space efforts—one could conclude that the "closed" laboratories were at least comparable. From our examination of Soviet weapons systems' technical characteristics, it is clear that the Soviets have a high-quality RDT&E program. In certain areas of military technology, the Soviets are presently ahead of us, for example, [deleted] is heavy-lift helicopters.

[Deleted.]

6. How could the Soviets conceivably achieve technology superiority in 1975 if in 1971 they are 2–3 years behind? We would have to just about do nothing. If the Soviets can surpass us in four years, why would it take us many years to catch up to them again?

Answer. The 2 to 3 years referred to above was given by us as the average technological lead time held by the U.S. in 1968. The "technological lead time" for a weapon system is defined as the number of years a U.S. prototype system appears ahead of a comparable Soviet prototype. The implications of this definition are important. A country with a technological lead, by this definition, has at least the same scientific understanding as its competitor and, in addition, has made the heavy prior investment in research, exploratory development, advanced development *and* engineering required to produce the prototype ahead of its competitor. This definition was chosen because it is particularly Defense relevant and measurable. Experience shows that this kind of technological lead does depend upon reliable effort.

Our 1960–1968 "calibration" indicated a 2- to 3-year U.S. lead as of 1968, not 1971. Our estimates also indicated that the Soviet Union currently appears to be expending 40 to 50 percent more in relative effort on military RDT&E than the United States. At this rate, should it be sustained, we could lose our technological lead at a rate of as high as one-third to one-half year per year. If present diverging expenditure trends continue, the relative disparity in effective U.S. and U.S.S.R. efforts would increase; and as a consequence our rate of loss of technological lead could also increase. If we elect to do nothing new about this situation, we believe we would begin to lose our technological superiority at the prototype stage in certain selected areas by as soon as 1973 and in most areas within several years thereafter.

The loss of technological superiority in *deployed systems,* assuming the prototypes are produced, would occur a few years after the prototype appeared.

If we permit the Soviets to equal or surpass us technologically and then elect to regain our current relative positions, it would be necessary to *exceed* the Soviet efforts by a considerable margin for several years, assuming the Soviets allow us to exceed them.

"High" rates of gain in lead are not uncommon, if enough effort is exerted. A few years ago, Dr. Harold Brown summarized the history of the U.S. ICBM program by saying that the U.S. started 2 years behind in the early 1950's and a decade later was 2 years ahead. The NASA manned space program started about one year behind in 1959 and was about 2 years ahead one decade later; the apparent relative funding levels for space were 1.25 to 1, U.S. to U.S.S.R., remarkably consistent with the rate of gain in lead. There is no obvious reason why the Soviets could not move up quickly in many defense areas, should they choose to do so, given the apparent trends in effort in the two countries.

7. The U.S. has a very substantial nondefense investment in computer technology and development which has important military applications. The Soviet civilian computer effort, as far as is known, is relatively small and certainly significantly less advanced. Have these facts been taken account of in making comparisons between the U.S. and the Soviet Union as regards military R&D effort?

Answer. Yes, in several different ways. As a generalization, of course, commercial computers are tools and not weapons. But they do affect the efficiency with which R&D is accomplished. As noted in the answer to Question 1d, the Soviets have achieved their results somewhat differently from the U.S., using larger numbers of scientists and engineers and fewer computers. This suggests that a very worthwhile area for the Soviets to fund more heavily than in the past is computer manufacturing technology. Such an investment would probably increase the individual productivity of their technologists significantly. We have not yet used this possibility in our projections.

In the United States, the total computer R&D effort, civilian and military, is estimated at about $1 billion per year. The major fraction of this is supported by Defense and space, directly or indirectly. Special-purpose military computers are fully funded by Defense RDT&E, and from them have stemmed many manufacturing advances. Another evidence of heavy Defense and space underwriting is the number of first-of-a-kind computers bought or funded by Defense and NASA.

The difficult part of this field for the Soviets is production technology. [deleted.] Software, for the Soviets, should not present a major problem, given their known excellence in mathematics. Costs of software should be less for them than for us, owing to lower manpower costs. A Soviet catch-up could be dramatic, should they develop a novel physical configuration, e.g., based on amorphous semiconductors or optical processing.

In making the funding comparisons between the U.S. and the U.S.S.R. (see earlier questions), an attempt was made to estimate the equivalent RDT&E value to the U.S. military RDT&E budget of U.S. non-Defense, non-space R&D items which the Soviets might have to include in their military and space budget in the interest of secrecy. Computer manufacturing technology was a major item. The estimate for such civilian-furnished RDT&E to Defense was between $500 million and $1 billion per year in 1970, with prior-year trends similar to the total Defense and space RDT&E. As noted in the answer to Question 1, our budget analyses and conclusions tend to be insensitive to R&D categories of this kind.

In summary, Soviet computer availability is presently at least adequate in the defense-related RDT&E. But it could show dramatic improvements in the future leading primarily to improved Soviet RDT&E productivity per man.

8. Please comment on the statement that an assessment of relative Soviet and U.S. technological outputs cannot be used to provide or support any estimates whatsoever of relative R&D inputs for at least the last three years, due to the long lead times in weapons development.

Answer. The statement as written does not match experience. Recent R&D inputs can be fairly easily estimated for the "civilian" space program. This program, in order to be effective in international prestige, must be relatively visible. The individual projects and facilities tend to be relatively large and relatively few.

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[1] See definition in answer to Question 4.

The military RDT&E resource inputs since 1968 can be estimated in several ways with varying degrees of accuracy. The most accurate estimates, in the sense of using the most data in a single context, use the input/output models described in the answer to Question 1, in which outputs during a long prior period are compared with inputs (funding, manpower, facilities) in order to identify the appropriate Soviet budget lines. These lines are published by the Soviets, and hence presumably yield both past and present RDT&E inputs. Another estimating technique compares the number of technological innovations of the Soviets year by year. This technique is less accurate, but yields qualitative conclusions in the same direction.

In space and military major projects, peak funding tends to occur within a year of the appearance of the first prototype in conspicuous testing. As noted earlier, the great majority of RDT&E funds are expended in engineering development of prototypes. Thus, one should expect a reasonable correlation between the number and kinds of new prototypes appearing in any year with the funding level in that year—give or take a year. Individual cases may vary from this general average. A program intended to achieve its goals by extensive testing may evidence a prototype very early, e.g., the AX aircraft. A program intended to achieve its goals essentially all at once may evidence its prototype late, e.g., the U.S. Apollo.

But it is true that there is a delay in our ability to assess Soviet outputs and to correlate them with inputs. The reason is the inherent difficulty in understanding the characteristics and intent of a Soviet prototype when it first appears. Definitive data on the new prototype is accumulated slowly. It was for this reason that we limited our "calibration" of the US/USSR RDT&E efforts to the period ending in 1968. We were able to define the technological lead times in 1968 with a two year retrospection. Even so, our accuracy is only on the order of a year. A small change in average lead a year later—say 1/10 of a year consistent with a 10% increased effort—is below our estimating accuracy. The longer such trends continue, of course, the easier they are to detect.

By the time the Soviets have picked up a year in overall position, which we can just detect clearly a few years later, they will be about half way to reducing our 1968 lead to zero and will have considerable momentum in doing so.

In brief, we will just about be able to confirm, unambiguously, the 1968 change in the input trends given by the budget model by observed changes in output technological lead times at about the time when the predicted minimal leads become potentially dangerous. This characteristic of our intelligence observation and analysis—and of the dynamics of RDT&E—is perhaps one of the strongest justifications for a U.S. lead of 2–3 years. Such a lead buys time to detect changes.

A better version of the suggested statement in the Question would be that a year-by-year *confirmation* of input trends by output results is least firm in the most recent years. How serious that situation is depends upon how detailed a confirmation is demanded on a year-by-year basis. The value of the input/output model is that its confirmation by past data lends confirmation to present data; however, the model could be upset by drastic revision by the Soviets of their budgeting system. Such a change has apparently not occurred yet.

The above discussion helps suggest why the Soviets classify as much of their budget as possible—they may well believe that it gives a fairly good indication of future intent.

9. During last year's Senate Armed Services Hearings on the procurement authorization bill (p. 761, Part 1) Senator Stennis asked General Betts, head of Army Research and Development, for examples of Soviet R&D superiority. General Betts could give only one classified example and said that "Except for the one I mentioned, I can't think of an R&D superiority that they have demonstrated." Please comment.

Answer. The excerpt cited was a response General Betts gave to a more specific question than indicated here. During this portion of the Hearings, the topic being addressed dealt with tanks, artillery and tactical missile support. Chairman Stennis asked where the Soviets were ahead of us in this type of weaponry, particularly research examples and areas of research where the Soviets had the lead as known to General Betts.

As you can note in the classified transcript of the Hearing, General Betts identified an advantage that might lie with the Soviet Union and then commented, "Except for the one I mentioned, I can't think of an R&D superiority that they have demonstrated."

General Betts' statement is consistent with the relative positions of the U.S. and the U.S.S.R. as given in our overall assessment as of 1968. As noted earlier, it is difficult to state positively that the Soviets are a *small* amount ahead only a few years later. In my opinion, General Betts answered correctly for the subject area (research examples) under discussion.

[Deleted.] Tactical weapons systems present more than the usual difficulty in assessing progress, because we seldom see them before they are deployed to Warsaw Pact or other Communist associated countries.

10. Please comment on Gen. Betts' statement (p. 726–727, Part 1, SASC FY 1971 Hearings) that "So much has been blamed on the Vietnamese conflict that it is natural to wonder if our hardware development programs have been distorted by Southeast Asia requirements. This is simply not the case. In the first place, the Army's research and development appropriation is not force oriented. That is to say that research and development is fundamentally not related to peace or war, to the size of the Army or to the geographic deployment of our forces. It is related to technology, and of all factors, it is technology that most accounts for the steady increase in our budget requirements.

"While Vietnam has served as an impetus to modernizing certain of our equipment, almost all the items accelerated for SEA use also have worldwide application . . . In almost every case, these programs involved hardware already under development for worldwide use. In short, Vietnam has been a catalyst to our development program; not the origin."

This statement would indicate that the Army, at least, has not neglected its non-SEA R&D requirements during the past few years and that in fact the war may have accelerated R&D efforts that have a worldwide application. Please describe in as precise terms as possible the extent to which the Vietnam war has actually impacted on U.S. military R&D activities.

Answer. The expanded testimony of General Betts which appears as an insert for the record, requested by Senator Symington, before the Committee on Armed Services, United States Senate, on March 5, 1970, is as follows:

"First, I want to emphasize that in stating that priority effort for Southeast Asia has distorted the basic pattern of our research and development program, I was addressing budgetary aspects and not the selection or design of hardware or systems. I intended to point out that the war contributed to underfunding our research and exploratory development programs, programs which the Soviets heavily support. Unfortunately, I was unable to qualify my statement before Senator Symington had to leave, and I understand his concern.

"So much has been blamed on the Vietnamese conflict that it is natural to wonder if our hardware development programs have been distorted by Southeast Asia requirements. This is simply not the case. In the first place, the Army's research and development appropriation is not force oriented. That is to say that research and development is fundamentally not related to peace or war, to the size of the Army or to the geographic deployment of our forces. It is related to technology, and of all factors, it is technology that most accounts for the steady increase in our budget requests.

"While Vietnam has served as an impetus to modernizing certain of our equipment, almost all the items accelerated for SEA use also have world-wide application. The fact that there have been so few requests for urgently nonstandard equipment is itself a tribute to the quality of the items already in our inventory. However, to provide our troops in Vietnam the best possible equipment as quickly as possible, certain programs were accelerated. In almost every case, these programs involved hardware already under development or previously planned for future development for worldwide use. In short, Vietnam has been a catalyst to our developments programs; not the origin.

"At this point, I want to make it clear that the RDT&E, Army Appropriations were not markedly increased to defray the additional cost of accelerating the development of hardware adaptable for use in Vietnam. For example, the FY 1966 new obligational authority after being adjusted to include emergency funds was about $1470 million. For FY 1967 it was $1597 million; for FY 1968 is dropped to $1558 million, and for both FY 1969 and FY 1970, it was approximately $1599 million. Considering that these amounts included the costs of inflation, pay raises and decisions relative to our ballistic missile defense programs, costs that had to be absorbed, it is apparent that much of the additional cost of accelerating hardware for Vietnam also had to be provided by reprogramming funds from other important programs less oriented to Southeast Asia and/or longer range considerations. The combination of these factors, including Southeast Asia, diluted our appropriation.

"The influence of Vietnam upon Army RDT&E also occurs during the budget formulation period. At that time, RDT&E has to compete with other appropriations within the overall budget ceiling. It is natural that force-oriented appropriations such as PEMA and O&MA carry greater emphasis, especially in the light of Vietnam. As a result, RDT&E is under pressure as a candidate to help defray war-oriented expenses in the other appropriations within the Defense and Army budgets. Paradoxically, in this way the Southeast Asia conflict indirectly constrains the Army RDT&E budget. I mention this aspect to reinforce the fact that the war has provided no windfall to Army research and development, and that even the extent of our response to SEA requirements is carefully gauged in order to stay within our budget. Simply stated, there is no room in our program to finance provincialism, except for small quick reaction type developments such as executed by our Land Warfare Laboratory at Aberdeen.

"The effects of absorbing the additional costs of inflation, national programs and Vietnam over the past several years has diluted our entire program, including our research and exploratory development effort."

In general, I agree with General Betts' statement. In the fall of 1969 and again last spring, we conducted informal studies—cross-country samplings of our Southeast Asia-oriented R&D programs—to determine how much of that work should be terminated "were the war to end tomorrow." We found that about 5% of that R&D had probable application only in Southeast Asia. These exclusive developments were directed primarily at such things as individual soldier equipments to improve his comfort and effectiveness in jungle warfare, Vietnam Laboratory Assistance Programs to develop, modify, or adapt equipment for use by the RVNAP (Vietnamese Forces). [deleted] etc. Other developments in the lower end of the combat spectrum [deleted] though accelerated, or even initiated in response to urgent requirements growing out of our immediate involvement in SEA, certainly have a continued and direct application in our postwar tactical forces.

Major mission areas (except electronic warfare) at the upper end of the General Purpose Forces combat spectrum—such as air defense, tank warfare, submarine and ASW, anti-ship missile defense—did not receive the added impetus from Vietnam simply because of the absence of their application in that war. These areas and their supporting technologies, while not totally neglected in favor of SEA-oriented R&D, have not received equal emphasis and there is now a serious need for their modernization in order to achieve a General Purpose Force structure with balanced effectiveness.

This statement by General Betts is also consistent with the US/USSR RDT&E net assessment for the period 1960–1968 which indicates that the Vietnam War did not result in serious loss of our technological position, on the average, vis a vis the Soviet Union. As noted above, the Army may have picked up some technological lead for combat in jungles. The upper end of the combat spectrum may have suffered a bit.

The concerns expressed by the Defense Department have rather been over Soviet modernization of major combat forces (largely a production problem) while the US expended its operational resources in Vietnam (or failed to replace them and let them age). RDT&E concerns relate to a quite different, independent, apparent Soviet change in RDT&E investment rate beginning in about 1968.

11. Admiral Moorer said in his statement this year that "there is an interaction between what we do and what the Soviets do. But precisely how the Soviets will react to a particular action on our part can only be a matter of conjecture." Do you agree with this statement: Cannot one make reasonable guesses about how the Soviets are likely to react, for example, to the development of highly accurate ICBMs by the US? Is it not the responsibility of military officials to take into consideration possible Soviet responses to U.S. steps that might unnecessarily accelerate the arms race? Please provide examples of past inter-actions between what we do and what the Soviets do.

Answer. I agree with Admiral Moorer. It is not possible to precisely determine how the Soviet Union will react to any given action. At times they react as we have estimated they might—other times they have exercised different, rather unexpected options. There are several reasons why individual Soviet actions may differ from those we might expect in response to individual US actions:

The Soviets also have to worry about problems with China and Germany (European NATO). Example: The Soviet deployment of their ABM is presumably partly determined by the Chinese IRBM deployment. Example: The Soviets invested heavily in medium bombers in the 1960's, an action presumably prompted by European considerations.

It is not clear that the Soviets have the same strategic policies, or even definitions, as the U.S. Although it is admittedly an oversimplification, a case could be made that the Soviet policy in the 1960's tended to be one of "damage limitation" whereas that of the U.S. tended to be one of "assured destruction". Since the Soviets haven't described their underlying policies, it is hard to predict the weapons system decisions that should flow from such policies. [Deleted.]

The Soviets, or their U.S. counterparts, may evaluate an action by the other side differently than the other side and act accordingly. [Deleted]. Example: The Soviets may have evaluated the announced Apollo time scale as optimistic and thus planned their own program at too slow a pace to be first to the moon with men.

There may be more than one response possible and the Soviets may choose one which optimizes on other than purely military grounds or with purely military hardware solutions. Example: There are several ways of reducing U.S. influences in the Mediterranean, some by direct military confrontation, some by political moves, some by combination. [Deleted.]

With respect to increased accuracy in ICBM's, the responses might include: mobility, hardening of fixed targets, local defense, proliferation, no response, a SALT agreement, counterforce, etc.

It is the responsibility, as you state, for military officials to take into consideration possible Soviet responses to U.S. actions, and indeed, this is done. Deliberate restraint has been, and will continue to be, exercised. But the prime responsibility is to provide for national security not to either accelerate or decelerate a given weapon production. The steps we recommend are those we believe provide for this security and would take what we believe are only *necessary* actions in furthering it.

12. *Part I.* Admiral Moorer said in his statement that "While it can be fatal to the national security to underestimate the strength of an opponent we must also guard against overestimating his strength." Do you agree?

Answer. I agree with Admiral Moorer and would like to amplify on one aspect of the estimates, their uncertainties. Estimates can never be exact, and a range of uncertainty always exists. This fact makes the use of these estimates difficult in that the consequences of under-estimation and over-estimation determine, in part, whether a low-side or a high-side estimate should be used in further decision making. In some cases the effect of under-estimation is so critical that a high-side estimate is the prudent choice; but in most instances a balanced or median estimate is more appropriate.

12. *Part II.* David Packard has said that "The military planners tend to overstate the threat and, therefore, the requirements." (House Military Operations Subcommittee, September 22, 1970.) Do you agree?

Answer. I agree with Mr. Packard on the apparent tendency. Military planners have also understated the threat at times. As noted above, the range of uncertainty in the estimates means that prudent judgment must be exercised, influenced by the consequences of over- or under-estimation. The more dangerous threats also tend to be the more discussed and conspicuous; hence the more prominent threats tend to be estimated on the high side. The military planners may well consider this prudent, but it clearly is a matter of judgment.

12. *Part III.* Please provide examples of occasions in the past when DoD officials have exaggerated the threat or over-estimated the Soviets' strength. What steps have you taken to assure that your estimates of Soviet military R&D effort are not exaggerated?

Answer. DoD officials seldom estimate independently, such estimates are almost always those of the U.S. Government. As noted above, the seriousness of over- or under-estimation depends somewhat on the consequences. The United States over-estimated the Soviet intent to produce ICBM's in the 1958–1962 time period. Considering the consequences of under-estimation, an over-estimate was probably more prudent at the time than an under-estimate. We over-estimated the Soviet intent to deploy an ABM system around Leningrad in the early 1960's and undertook anti-ABM developments which stood us in good stead later.

On the other hand, we under-estimated, consistently, the number of ICBM's the Soviets would deploy after 1965, [deleted]. We under-estimated their bomber force, reasoning they would decrease it and they didn't. Neither of these underestimates was serious in that our deterrence was already adequate. Under-estimating the future SS–9 force today, however, could be serious if the intent of that force is to attack our Minuteman deterrent force. We have also consistently under-estimated the naval attack threat in past years; the seriousness of that under-estimation may be changing. [Deleted.]

Concerning our estimates of Soviet military R&D effort, we have tried to stay about in the middle and have tried to indicate what we believe is the range of uncertainty. We have assumed that the Soviets would level their military RDT&E at the equivalent of $10.5 billion per year, rather than assuming a continuing rise, in predicting the surprises and their dates. We have given our analyses considerable exposure and have invited Congressional inquiry. We have welcomed correspondence with others interested in this subject. We have asked for, and received, assurances from the intelligence community that the Soviet numbers we have used are the best available.

In my judgment, a median estimate is appropriate for overall RDT&E. As I have noted above, technological surprise becomes dangerous when it comes across the board, and hence average lead is a more appropriate measure of the situation than an extreme lead, in either direction.

12. *Part IV.* Please comment on the Blue Ribbon Defense Panel's criticisms of DoD's lack of objective capabilities for making net assessments of U.S. and foreign military capabilities, as well as DoD's deficiencies in the area of long-range planning.

Answer. The Blue Ribbon Defense Panel recommended that DoD increase its capability for making net assessments of U.S. and foreign military weapon systems and improve long-range planning capabilities. Both of these recommendations are in process of being implemented. The former is well along.

13. Please comment on the SIPRI Yearbook Critique.

Answer. The section of the publication, *SIPRI Yearbook of World Armaments and Disarmament, 1969/70*, dealing with U.S. estimates of Soviet expenditures for military research (pp. 288–306) contains an analysis based on data available to the author as of mid-1970. The data consisted of published budget data and unclassified statements by various officials up to that time. As such, the analysis should be expected to have significant limitations.

The SIPRI conclusion that valid estimates of Soviet RDT&E are not possible (with that data base) is probably correct. Missing data includes the dollar pricing of the space program, the quantification of technological positions with time for space and military RDT&E, the manpower and facilities cross-checks, and an appreciation of the overall magnitude of the Soviet effort.

The analysis is remarkable in its deduction of the U.S. estimating techniques, however. The techniques had not been published as of that date.

Earlier in the SIPRI Yearbook (p. 265) an estimate is made of the average dollar to ruble conversion factor for defense armaments work: about $2.25.[2] The RDT&E portion should be somewhat less. (On average, the Soviets obtain their defense at less cost than the U.S. due to lower manual labor costs. Their RDT&E should have less of this effect than the average defense armaments work.) If $2.25 were used in the All Union Science Budget and in the simplest model, the Soviet military RDT&E budget would be about equal to the U.S. budget for 1960–1968 instead of the estimate of about 10% lower given in our assessment. This is within the estimating accuracy of this model, and is another useful cross check that helps confirm the accuracy and value of our work. Also, dollar to ruble exchange rates consistent with observed output results are also within the economic uncertainty range described by SIPRI above, another helpful check.

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[2] "The average for military expenditure as a whole produced a dollar-ruble exchange-rate lying between 2: 1 and 2.5: 1."

STOCKHOLM INTERNATIONAL
PEACE RESEARCH INSTITUTE,
Stockholm, Sweden, June 12, 1971.

To: Congressman HARRINGTON.
From: Randall Forsberg, SIPRI.
Subject: Memorandum on the DOD method of estimating Soviet military R&D expenditures, as described in Dr. Foster's answers to Congressman Harrington's questions, HASC hearings on the 1972 budget.

1. The estimates are derived, in the first instance, from an analysis of Soviet state budgets and science expenditure statistics. The derivation of the original rouble estimates of total Soviet military RDT&E and space expenditure from these data appears to have required the adoption of quite arbitrary assumptions about the proportions of various categories of expenditures going to military-space R&D, rather than other uses. Dr. Foster does not give any new budgetary evidence to back up these assumptions. The lack of reliability of ruble estimates obtained in this way has been indicated in John Holmfeld's statement: "Whatever can be concluded from analysis of budget data appears to be highly tentative and speculative." (See also the SIPRI Yearbook review of analyses of Soviet budgetary data.)

2. Dr. Foster's description of the budgetary analyses made suggests that the assumptions involved have been moderate, and that, overall, in calculating the estimates, DOD analysts "have tried to stay about in the middle". The estimates he presents are, however, several billion dollars higher than the ones I obtain, using the methods he describes. See table 1. It would appear, therefore, that the methods actually used involved more generous assumptions than those Dr. Foster describes, either about the categories of science expenditure which include military RDT&E/space funds, or about the proportions of these categories going to military RDT&E/space, or both.

Furthermore, one might question the apparent assumption that military RDT&E and space expenditures have taken a constant or rising proportion of certain categories of Soviet science expenditure, particularly during the last few years. Defense-related R&D expenditures (DOD, NASA, AEC equivalent) have been declining as a share of both Government R&D and total national R&D expenditure since around 1960 (in some cases, 1965) in all major industralised countries. In the United States, where the relative proportions of these expenditures have been particularly high, defense and space R&D expenditures have declined from about 55% of total U.S. R&D expenditures in 1960, to about 40% in 1970, the latest DOD estimates appear to put the share in the Soviet Union, in 1970, at about 65–70%.

3. Dr. Foster suggests that output analysis (the comparison of relative US and Soviet levels of weapons technology) has been used primarily to confirm the estimates obtained through budgetary analysis. Concerning the degree of reliability which the output analysis may have lent the estimates, the following points may be noted:

a) To my knowledge, no studies have ever been published which tried to calculate an 'average' lead time of one country over another for a group of technologies, or objects of technological effort.

TABLE 1

[Amount in billions of U.S. dollars, approximately]

	DOD estimates of total Soviet military R.D.T. & E. and space expenditures (1)	Estimates I obtain using the simple DOD budgetary model assuming 75 percent all-Union science expenditure goes to classified uses,[1] and converting at $2 per ruble (2)	Estimates I obtain using the more complex DOD model assuming col. 2 represents 75 percent of total military R.D.T. & E. and space and converting at $2 per ruble (3)
1960	5.3	2.9	3.8
1962	7.3	3.8	5.0
1964	9.2	5.3	7.0
1966	11.4	5.9	7.8
1968	13.3	7.0	9.4
1970	15.5	9.2	12.2
Same, excluding DOD estimates of space component, i.e., military R.D.T. & E only:			
1960	4.9		3.4
1962	6.3		4.0
1964	5.4		4.2
1966	6.6		3.0
1968	7.8		3.9
1970	10.4		7.1

[1] This assumption is made in a number of published analyses. by DOD analysts: it is based on an inference that a 1958 Soviet document, which published a type-of-expenditure breakdown for about 25-percent of all-Union science expenditures only, did not present a similar breakdown for the remaining 75-percent because these expenditures were going to R. & D. establishments performing secret or top priority R. & D. The inference has been debated, has not been proven conclusively and has not been substantiated by any more recent evidence. To my knowledge, and contrary to the suggestion made by Dr. Foster (p. 3690.1), the Soviet Union has never labeled any all-Union science expenditures as "classified."

b) It seems very doubtful that, if various ways of trying to calculate such an average were published, a consensus could be reached among experts on the best, most "correct" or most appropriate way of proceeding.

c) It is impossible to evaluate the results of DOD's level of technology comparison with the fragmentary description of the method which has been provided thus far.

d) Evidence of greater U.S. lead times than two to three years with respect to major weapons systems and weapons-component technologies—and lack of lead times less than 2–3 years for major systems—makes it equally impossible to accept the results of the DOD study on faith.

e) Leaving aside the question of the output analysis itself, very little is known about the economics of the R&D process—about the level of input necessary and sufficient to achieve various levels of output, or about variations in the input/output relationship between countries, or within countries over time or within different sectors. I know of no studies which have attempted to work backwards—or to see how reliable the results might be if one attempted to work backwards—from data on R&D output to estimates of R&D imput.

f) Dr. Foster does not suggest that DOD analysts have actually tried to estimate Soviet military R&D input directly from information on output of new weapons. Instead, they have compared their input estimates with their output estimates, and found the two not inconsistent. This implies (i) the output data, unlike the available data on the Soviet space program, are not sufficiently complete or precise to attempt to estimate R&D inputs directly; thus (ii) the input estimates which could be inferred from the output evaluation must have a very wide margin between their upper and lower limits—wider than the 10–20 per cent on either side of the middle attributed to the estimates of the space program; (iii) DOD's input estimates might, therefore, be changed significantly, and still be found to be not inconsistent with the output evaluation; and (iv) it appears most unlikely that the output evaluation permits a sufficiently precise indication of relative Soviet inputs to confirm any one of the budgetary models on which the estimates for the post-1969 period are based.

4. There is a final point, which concerns the exchange rate used to convert the ruble estimates into dollars. Since the purpose of the DOD estimates is to help predict comparative Soviet military R&D output, the exchange rate used by the DOD analysts attempts to allow for lesser Soviet productivity. I am not familiar with any independent studies which provide a basis for judging whether the dollar/ruble ratio ($2 per ruble) allows sufficiently for the difference in U.S. and Soviet productivity or efficiency in R&D work. If it is true, as Dr. Foster suggests, that the Soviet Union has been narrowing the gap in military technology, between the super powers, by about one-third of a year annually since 1968, then the use of a constant exchange rate, rather than a declining dollar/ruble ratio, may overstate the relative effort for this period, since it may be expected that productivity of R&D input is lower as one approaches the forefront of technology.

ETHICS AND STANDARDS NEED TO BE TAUGHT IN SCHOOLS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BENNETT. Mr. Speaker, our culture, like that of other civilizations, is built upon a certain set of values. America's heritage stems from our Founding Fathers, who wrote into the Declaration of Independence their strong dependence upon God; and into the Constitution a prohibition against governmental interference with freedom of worship.

Traditionally the teaching of ethics and moral values has been the responsibility of the home and church, but now those persons who need this instruction most are not obtaining it from those sources. Crime and violence accelerate in this country at an alarming rate. Although the courts emphasize that the Constitution prohibits instruction in religion in public schools, they have not outlawed instruction in morals or standards of acceptable social behavior.

There is a great need in America today for broad instruction in the development of man's moral and ethical values. Such a program can be developed in the elementary and secondary schools of our Nation; and the Federal Government can give stimulus to this through the grant procedure. I have introduced a bill, H.R. 8722, with cosponsors, to accomplish this and I believe it should receive favorable attention by the Congress.

One of the Nation's most prominent advertising executives, who has had a successful career in several business and education areas, Ivan Hill, has written me a very thoughtful letter on this subject of ethics and standards for our young people. I would like to call attention to his suggestions and ideas and include his letter and a copy of my bill in the CONGRESSIONAL RECORD:

CHAPEL HILL, N.C.,
July 6, 1971.

Hon. CHARLES E. BENNETT,
U.S. House of Representatives, Rayburn Building, Washington, D.C.

DEAR MR. BENNETT: In reference to your Bill "to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles" (H.R. 8722), I believe that churches of all denominations will generally welcome ethical instruction in the schools and the national church organizations may now give more than mere endorsement support. There is evidence, too, that educational leaders around the country have become increasingly aware that the schools however overburdened some feel they already are, must give increased attention to helping children to make better value decisions. The business community is certainly quite aware that a deteriorating sense of moral and ethical obligations, along with a loss of individual responsibility, has cost American business an enormous price not only from shoplifting, embezzlement, payoffs and countless other crimes but also from the decline in quality productivity. Lack of pride and care in performance creates an ethical problem in shoddy products and indifferent service that affects every consumer.

From the standpoint of public interest, the timing is right for your Bill to be brought out and discussed widely. The Calley case provided a most extraordinary argument in moral questioning. There is also the pill, abortion, drugs, new legal and medical questions, and on and on.

Extremely important at this time are the moral questions brought up by the Pentagon papers. If we look at only one instance of nationwide Pentagon papers discussion, the NBC television network interview with Dean Rusk, we must conclude that the moral questions being asked and certain moral views being promulgated may call for hearings that have a direct bearing on our national security.

America should take the lead in the race for credibility and responsibility from the national government down to every local political unit. As our technocratic, independent society becomes the supertechnocracy that sociologists have been warning us about, we will learn that ethics and the logic of the Golden Rule is ultimately very practical selfishness—our own survival as a free society. Recently, Mr. J. Grimond, a Member of Parliament, writing in The Times of London on the dilemmas of democracy, stated: "A society which runs on a system that makes no effort to come to terms with morality will always be unsatisfactory and may become unmanageable." For years our own youth have been trying to tell us that they need better value guidance. Extreme conduct, moral anarchy, is evidence of their frustration.

You may think that I have overemphasized the importance and scope of H.R. 8782 and H.R. 527. Considering my many years of interest in business, education and politics, I would be negligent if I did not look at the needs of the country and recognize the possibilities of great service inherent in your Bill. The public hearings preceding its passage could, in themselves, make an incalculable contribution to the improvement of ethics and the stability of our society. The national press should give the hearings excellent coverage because of the timeliness of the subject and the renown of the educators, churchmen, and business leaders who would be willing, even eager, to focus greater attention on better values and higher morality for America. In the July 4th Washington Post you will note the major full page headline on "The Revolution in American Values." Regularly, the press looks for morality news. Your Bill is, indeed, important and timely and I believe you will find strong support from a full range of Democrats and Republicans. And why should there not be a broad area of agreement on this most constructive form of basic patriotism, the original July 4th American patriotism that emphasized courage, responsibility and morality?

Sincerely,

IVAN HILL.

[From the Washington Post, July 4, 1971]

THE REVOLUTION IN AMERICAN VALUES

(By Haynes Johnson)

(NOTE.—For the past six months, staff writer Johnson has been traveling across the country writing the American Diary column for The Washington Post. These are his impressions at a pause in his journey.)

My friend Pete Bujacich, the Puget Sound fisherman, put it in perspective. "We're just a young country," he said. "The older you are, the smarter you get."

Perhaps, Pete. Certainly anyone who wanders across the country talking to Americans today returns home with a renewed sense of optimism—and a deep feeling of pessimism. That is the paradox. It is, as ever, the best and worst of times.

Everywhere there is evidence that America is in the midst of a kind of revolution it has not experienced before. Not over labor and capital, not over race, not over political theories or forms, not over ideologies, but over personal attitudes and values. Never, in nearly a decade of extensive travels throughout the nation, have I encountered so many people asking so many serious, intensely personal and searching questions—about their jobs, their wives or husbands, their children, their country, their aspirations, their future.

Americans have changed. They have reexamined some of their most deeply held values—about the worth of their material comforts, their desire for their children to "succeed" or even automatically go to college, their old vision of the good life in the city or suburbs, their supreme confidence in their country's inevitable rightness—and rejected many of them.

"I want a life that is whole rather than chopped up," said a teacher, explaining why she left the city for a new life in a rural New England town. Out on the West Coast a middle-aged professional man who was also starting over again put it differently: "I think people are missing the point because they confuse money with real wealth. They spend a lifetime working for a future that never comes." And from a former student radical came another common note of personal introspection. "There isn't going to be any violent revolution in America," she said. "The real revolution is how we're going to live our own lives."

Yet no matter how successfully they have redefined their values or recognized the way they have changed, the process itself is unsettling. It leads to even more questions. "Maybe one of the reasons I'm uncertain is because I've experienced so many new insights myself," said a white minister in the Deep South who confessed he never had spoken to blacks seriously or personally until after the civil rights revolution engulfed his city in the mid-1960s. "Sometimes it's difficult to know whether you're changing or the other person is changing. Probably everything is changing all at once."

He expressed it as well as anyone. There are no final answers then, only strong impressions of a nation undergoing rapid transformation.

If the people I have met during the last six months of traveling are typical, Americans today are more sophisticated, better informed, less intolerant. They no longer are talking in such fearful terms about race or communism. They are rejecting the rigid moral positions of the past, whether on abortion or extra-marital affairs or "aberrant" sexual behavior. They have far fewer illusions about themselves, or their country. They are desperately looking, indeed yearning, for leadership. They are ready to move on with the work of creating a better, more equitable, society. And despite all the current climate of doubt and concern over the failings of "the system," America is recording significant progress. Even, paradoxically again, if the people themselves don't seem to think so.

Only a few years ago you could cross the country and hear people in every section express the opinion that the nation was falling apart. Cities were going up in smoke, riots were breaking out everywhere, leaders were being assassinated, the war was escalating, youth was turning on and turning off, and next summer—always the next one—was going to bring the final scorching fire. It was what you heard over and over again, like the fall of the Roman Empire.

A CHANGE IN MOOD

We survived. None of our worst fears was realized. Revisit some of those earlier scenes of trouble or disaster and you would scarcely recognize them. In Selma and in Watts people are going about their business peacefully. Much of the old rancor has been dissipated. Economic problems notwithstanding, people seem prosperous and blessed with an abundance of material goods. Their communities are generally free of tensions. It isn't by any means, in that easy phrase, a cooling or greening of America that is taking place, but neither is it an America in the process of destroying itself. Most important of all, the individual outlook is markedly different.

Listen, for instance, to the voices of today in Selma, Ala.—Selma, once the very symbol of the most unyielding attitudes.

"People are more realistic now," said a black man who had been through all the bitter fights of the past. "They're willing to let the law handle it, and they believe the law will handle it fairly. Nobody, black or white, wants trouble again. It isn't because of love, you understand, and it isn't the millennium, but there's been a remarkable change here."

A young black girl who was just completing her first year in an integrated school there "found out that all white people aren't against the black people as some people believed". Another black student, this one a young man, told how he had made friends with whites during his school term. "I wrote down something that one of my friends said, because it really made me think," he said.

What he had written down from his white friend was this:

"Two thousand years ago men with long hair were walking around preaching love. They called themselves Christians, and so they threw them to the lions. And today there are men with long hair walking around preaching love, and they are throwing them to the Christians."

Modern myth-making aside, it isn't only young Americans who are raising those kind of questions about their society. In fact, the most noticeable change in attitudes is taking place among parents—and from whatever stereotyped group you might choose: hard-hats, Middle Americans, silent majority or what have you. They, too, are wrestling with new questions about American life.

All to the good. It indicates a maturity that is the best hope for the future. That is the source of optimism.

The darker side is equally apparent. Americans may still believe in themselves, but they have lost faith in most everything else. They do not believe in their President. They do not believe in their politicians. They do not, indeed, seem to believe in any institution. This is, of course, a sweeping generalization, but in my experience it is the simple truth.

WHAT DO YOU BELIEVE?

One night last spring I was sitting in the living room of the mayor's home in Galesburg, Ill. The mayor and the city manager of that traditionally conservative Middle Western community were talking about Vietnam, and how their own attitudes had changed.

"And the Laos situation," the city manager was saying. "No one admits it yet, but it was a fiasco, really. Now, Cambodia was not."

"How do you know?" the mayor asked quietly.

The city manager thought a moment, then laughed ruefully and said: "What do you believe? That's a problem, all right."

It is *the* American problem.

No matter where you go, or to whom you speak, the same underlying doubt and distrust are expressed. The contents of the secret Pentagon documents undoubtedly add to the general lack of faith. In that sense, next year's presidential election promises to be one of the most critical and difficult in our history. The issue, if I'm right, is not the war—or the economy—or crime and permissiveness and youth and drugs—or pollution of the environment—or national priorities—although these are all factors. It is what kind of country America is going to become, and whether the people will believe what anyone tells them.

At this point, there does not appear to be anyone to whom people are looking for leadership. Ask them what man they would like to see as President and invariably you get the same reaction. Silence. A blank look. That doesn't mean they don't want to be led, or are unwilling to follow; they just don't know where to turn.

The distrust in leaders is profound, and it extends into every segment of society.

A Harvard law student who had been emotionally committed to liberal causes said: "I'll tell you one thing: liberals in this country are bankrupt." His friend, who had been listening, nodded in agreement and remarked that he had been a radical. "But the radical leaders left and never came back. Where are they now?" A third young man in that group summed it up for them all: "You know what I think? I think we're all jaded."

The same weary sentiments come from blacks about their leaders and from conservatives about theirs. America the brave, the land of the heroes, does not exist any more. Or if it does, I didn't find it.

A TURNING INWARD

While that conception may have in it the seeds of greater maturity—don't wait for someone else to do the job and chart the course—it also has another effect. With all their introspection, Americans are turning inward. There is, particularly among the young, a definite sense of living for the moment. Part of it is essentially selfish, the kind of attitude that dictates a take-what-you-want-and-forget-about-the-other - guy behavior. It's not uncommon to meet Americans who espouse noble goals but also live a kind of hedonistic existence. They wander and roam with no set purpose. Often, they will argue that two wrongs make a right, and the end justifies the means. The government is evil, Leaders are unworthy of trust. Therefore, take things in your own hands. Rip off what you want. It's all bad anyway, so get it while you can. Why not?

These attitudes are not unusual.

In Washington, during the Mayday disturbances when demonstrators attempted to shut down the government, a psychiatrist voiced a typical sense of unease about what he saw developing. "Some of the young people expect too much too soon," he said. "At first I thought the student protests were productive and good, but now I think I see a change. There's a roaming about, a vagabondism, a refugeeism present. Yes, I've been doing a lot of searching myself about all this. There's something out of balance here. These people don't seem to be able to direct their energies toward the meat of life. Unless, of course, you accept the idea that they see life as empty for them and there's no future."

Many young people would say they do feel life is empty. Ask what they want, what goals they have set for the future, and often the response is vague. A more thoughtful person might say, as one did: "I want to follow my conscience. Just be oriented toward life. Not just making money." A more hostile viewpoint, as another expressed it, is: "If you want to say we're doing illegal things, fine. That's their law, not ours."

As always, it's easier to identify the symptoms than to pinpoint the causes or prescribe a remedy.

Certainly, the war lies at the heart of the unrest. It would take a Tolstoy to tell what the longest, most divisive war in our history has done to American values and attitudes. But it's enough to say that it has touched every American in a personal way—and in ways that our leaders only recently seem to comprehend.

In that marvelously simple way of children, one seventh grade student in a small town expressed the problem in terms for everyone. She wrote a poem as a school exercise. Her topic was Vietnam:

> The war's going on in Vietnam
> Our soldiers are fighting
> And throwing bombs.
> The fellows at home
> Are getting uptight.
> And we know the reason—
> They don't want to fight.

But it isn't just the war that's a problem. Citizens seem to feel they have lost their identity, that the individual no longer counts, that one person no longer can command his destiny. Society is too big and too impersonal and too complex.

"I was the product of a society that tends to emphasize the individual in terms f economics and other aspects," said a San Francisco carpenter, "and that society doesn't seem to be working very well any more. The quality of life seems poorer and poorer. I guess it seems to me that the decision-making that we see all around us in this country is no longer leading to decisions that most of the people would take.

He, like others, doesn't know where to turn or in whom to trust. He hasn't given up, but he is less confident about the future.

"I will continue to vote," he said, "but with less and less hope. Democracy itself seems tyrannical in that our resources, our time, our very lives are conscripted by the government."

There's no need to belabor the point. America is at a crossroads. It can go either up or down.

If that is the broad picture, a traveler comes home with other, more personal, impressions of America the beautiful and America the ugly. (The beauty is still there, but it is rapidly being eclipsed by the same monotonous scene in every city, the same blizzard of signs and hamburger and pizza joints, the same tangle of highways and boxes in the form of houses. You can't tell the outskirts of Miami from the outskirts of Seattle.

And with all the talk about improving the quality of life, I wonder why so many people seem so unhappy in their personal lives. Marriages are dissolving, drug usage is increasing, work seems less satisfying. We certainly have not yet achieved the sense of singing and dancing on the lawn that Eugene McCarthy used to talk about during the 1968 presidential campaign. But neither have we succumbed to the prophets of gloom.

Long ago, Alexis de Tocqueville completed his wanderings in a young America with a strong conviction. "America," he said, "is a land of wonders in which everything is in constant motion and every change seems an improvement."

My friend Pete, the fisherman, would agree. It's a great country, he still likes to say. Like everyone else, Pete, I'd like to believe that, too. But like everyone else, I'm no longer so sure.

H.R. 8782

A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Elementary and Secondary Education Act of 1970 is amended by adding at the end thereof the following new section:

"GRANTS FOR TEACHING MORAL AND ETHICAL PRINCIPLES

"SEC. 807. (a) The Commission shall make grants to State educational agencies to assist them in establishing and carrying out programs under which students attending public elementary and secondary schools will be provided instruction in moral and ethical principles. The content and nature of such instruction shall conform to general standards prescribed by such State agencies.

"(b) For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1972, and each of the two succeeding fiscal years."

SEC. 2. Section 422 of the General Education Provisions Act is amended by inserting after "the Elementary and Secondary Education Act of 1970" the following: (other than section 810)".

FRUSTRATIONS OF THE RAILROAD WORKER

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. WALDIE. Mr. Speaker, we are all aware of the hardships caused many members of our Nation by the current railroad strike. It seems to me, however, that too often we only hear the somewhat esoteric arguments that go on between labor and management. The letter I have introduced into the RECORD is from a union member on the Santa Fe Railroad, to the President and details the frustrations that many of these men feel. To the end of broadening all our perspectives on this problem, the letter follows:

STOCKTON, CALIF.,
July 26, 1971.

Hon. RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

DEAR PRESIDENT NIXON: I wish to express a sincere vote of commendation for myself and many other railroad workers, for your refusal to follow the pattern set forth by President F. D. Roosevelt. The pattern I refer to is forcing arbitration on the rail workers on the terms set forth by people who have not the faintest idea of the working conditions of a railroad worker, and what is more, they could care less, because they know if they give the right decision that they will be well taken care of by the Association of American Railroads, through this forced arbitration on the workers, is the reason the railroad workers have slipped from third place to near the two hundredth place as far as working conditions and pay is concerned . . . plus fringe benefits, in comparison with other industrial workers.

I am a man exactly three weeks your junior; my father was a railroad worker from 1901 until his tragic death on the Santa Fe Railroad at Seligman, Arizona in May of 1939. I began my railroad career in August on 1935 and have been continuously employed by the Santa Fe ever since. With this background I feel qualified to speak with some authority regarding the working conditions on the railroads.

In the Spring of 1935 I was working as an oiler on a power shovel for N. G. Hill Construction Co. in Arizona doing highway construction. At that time that job paid $0.62½ per hour. The job I took on the railroad as switchman paid $0.821½ per hour. Today a shovel oiler gets over $7 per hour while a railroad switchman makes $4.41 per hour. This rate includes the 13½% raise which was granted by the Congress of the United States last December.

The news media, which will not print one word in behalf of the railroad workers, paid for or not, said that this afore-mentioned raise would bring the average rail workers wages to more than $5.00 per hour, which would have inflationary effects on the economy of the country. I have never seen where the news has said that granting the railroads a freight increase would affect the economy of the nation. I am enclosing a copy of our pay rates which were in effect until 6:00 A.M. July 16, 1971; these rates are figured on a 100-mile basis being considered a day's work . . . if we are fortunate enough to catch what we call a "Hot Shot" we might make our run in 3 or 4 hours, but if we catch a train doing the "Local" work, and we are on duty 8 hours, we do not get any additional pay; we are required to work at any time in the 24 hours, 7 days a week, including holidays, all for straight time, in addition, when we are off duty at either end of the line, we are required to keep in touch with the office at all times, because if we miss a call, we are subject to be disciplined. The Management says there is no excuse for anyone missing a call for duty, yet they are not willing to pay standby time.

There have been times when I have been held at an away-from-home terminal for as long as 3 days, with the only compensation for away-from-home expenses being $3.50 after I had been in the away-from-home terminal more than 4 hours. This $3.50 only covers each trip—it does not cover each 4 hours in the way-from-home terminal. There have been times that the dispatchers have held our train for as long as 4 hours in a side track where there was no place to eat, not even a farmhouse short of a half-mile and we had been less than one hour on duty out of the away-from-home terminal. This often happens in the wee hours of the morning when everyone except the railroad SLAVES are in bed, sound asleep.

Railroad management is continually screaming poverty, asking for government handouts in cash plus tax exemptions. They accuse the employees of feather-bedding, etc. If the truth was known, the featherbedding and all the bungling would be found in and among the Chiefs rather than among the few Indians which are left. I personally know that Management was instrumental in running off all the passenger business; then they screamed to the high heavens that they were losing money on their passenger business, which resulted in them being allowed to pull off the passenger trains. Now they are doing everything possible to run off all perishable business, together with all other types of business. They are milking the railroads of every penny they can, letting tracks and equipment go to Hell and investing in pipelines, airlines, shiplines, marinas, and what-have-you. . . . A very good example of what I am saying is to check the records of the Penn Central. I predict that in the very near future many more railroads will fall in the same category with the Penn Central.

Will you please explain to me what happened to the obligation the railroads took when the U.S. Government gave them every other section of land across the nation; also will you please explain how Big Business gets around the Anti-Trust Law which was enacted during Teddy Roosevelt's term in office as President?

A bulletin posted for the benefit of all Santa Fe train employees on the Coast Lines of the Santa Fe Ry by Mr. R. A. Adams, general manager, mentioned rules changes that were put into effect July 16 at 6:00 A.M. These rules changes set the Rail workers conditions back over 70 years. At that time the crews had regularly assigned cabooses in which they could sleep and eat at their away-from-home tie-up points. Today we have no regular cabooses . . . the only thing in our favor is the House of Service Law.

I strongly recommend that the Law Makers pass laws requiring the Association of American Railroads to sit down and honestly bargain with the representatives of the employees, otherwise Nationalize the railroads, forcing the various companies to forfeit all holdings connected in any way with the parent company; also remove all management officials from any part of management of any railroad as long as they live.

Very truly yours,
ROY E. TOMBLIN.

DRAFT BILL CONFEREES LOWER PAY RATES IN VIOLATION OF LEGISLATION OF LEGISLATIVE REORGANIZATION ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. STEIGER of Wisconsin. Mr. Speaker, the point has been raised by the draft bill conferees that they could cut the rates for the lower enlisted grades, and delay enactment of the pay bill, because an automatic increase was scheduled for January 1972. I would first like to note the remarks of Senator GORDON ALLOTT, on these automatic increases:

Mr. President, sure, there are plans for a 7.4-percent cost-of-living increase for January 1, 1972. But what will that do for the soldiers who need help the most? The raise of last January and the raise of this coming January are only raises to keep them even—holding actions—as far as inflation in this country is concerned. Under the 7.4 cost-of-living increase planned for January 1, 1972.

A major general would receive a monthly increase of $204.71, but E–4's, corporals with over 4 years' service, would get only $26.40.

Where is there any justice in a situation like that? New recruits would get a paltry $9.94 monthly increase as a result of the 7.4-percent cost-of-living increase.

Clearly, cost-of-living increases do little for those who need help the most, and we can only help them by adjusting their pay schedules, as my amendment does.

Secretary Laird, before the Senate Armed Services Committee, has said that even considering cost-of-living increases, the military services are in poor competitive position compared to civilian professions and occupations which are open to young men entering the job market.

The administration's pay proposal will not change that. Only the amendment under consideration will change that and will make these services truly competitive.

We must remember that, as regards military pay, the word "noncompetitive" is a polite way of saying "unjust."

Second, I would recall the words of the report written to explain the institution of automatic increases in 1967 as a temporary measure—House Report 90–787:

The committee wishes to emphasize that enactment of this section of the bill as amended will in no way preclude the Congress from acting affirmatively in the future in respect to possible changes in the uniform services compensation structure.

In other words, when the Rivers amendment was passed granting automatic increases for the military every time civil service pay was raised, there was no intention of using this device to preclude changes in the pay structure, such as the increases provided first termers by the House and the Senate.

It is difficult to understand why the conferees provided the recruit with compensation of only $4,872, when the House increased him to $5,036, and the Senate raised him to $5,320.

Likewise, it is difficult to understand why the conferees provided the other first termers with less compensation than provided for in either the Senate or House bills, when the increase for a recruit of $1,707 is less than the $1,898 pay hike slated for a four-star general, the $1,788 increase for a lieutenant general, or the $1,709 for a major general.

It has been argued that the conferees merely acted within the range of technical elements of military compensation in making the following reductions:

House, $2,687.4 million.
Senate, $2,746 million.
Conference, $2,341.1 million.

I would remind my colleagues that the distinctions between basic pay and quarters allowances are archaic, and have been combined in the United States Code to form Regular Military Compensation. As House Report 90–787 noted:

"Regular Military Compensation" is defined as basic pay, quarters, and subsistence allowances, either in cash or in kind, and the tax advantage thereon. This regular com-

> pensation is considered to be the equivalent of the gross salaries payable to Federal employees under the Classification Act.

Mr. Speaker, if the House had passed a civil service bill authorizing a GS-1 to be paid at the annual rate of $5,036, and the Senate had authorized $5,320, would the conferees have the authority to reduce him to $4,872? This would clearly be a violation of the Legislative Reorganization Act. Since the concept of regular military compensation has the force of law in setting annual military pay raises, I am convinced that the actions of the conferees on military pay rates is a clear violation of the Legislative Reorganization Act.

Mr. Speaker, it appears that the conferees might have acted out of a misconception of the Sisk amendment when they lowered the pay figure. As the chairman of the Armed Services Committee, Mr. HÉBERT, said in testimony before the Rules Committee this afternoon:

> What we did on the pay rates was not a violation of the House Rules. The House Rules do not allow us to go above the highest figure approved, but we can go below the lowest figure. And that's what we did. We came in with a figure that was less.

I would respectfully submit, Mr. Speaker, that such was not the intent of the Legislative Reorganization Act. As the gentleman from California declared during debate on his amendment:

> For example, the House passes a piece of legislation authorizing $1 million; the other body after having considered the legislation passes a bill authorizing $5 million; then the conference committee could not come back and report $10 million or, going the other way, report $500,000.
>
> The point is that it should stay within the scope of what the two bodies have done initially.

Thus, I believe a dialog from the 1967 hearings on military compensation for those matters. This dialog, beyond any doubt, shows that the total concept of regular military compensation, as defined by law, must be considered when looking at the pay of our servicemen. This dialog explains why the archaic concept of "basic pay" must be increased by a greater percentage than civil service pay, in order to achieve the same overall result:

> "The President has recommended that uniformed services personnel be provided a 4.5% increase in their compensation . . . This increase which translates into a 5.6% increase in basic pay is therefore identical with the first stage salary increase provided classified employees."
>
> The CHAIRMAN. Now does anybody not understand how we arrived at 5.6%? . . .
>
> Mr. HALLECK. Mr. Chairman, when you put that 5.6 up there, that is what is going to be written, and I, for one, voted for the motion to recommit, to strike that 6 down to 4.5 (for civil service employees), and to strike out the subsequent year raises.
>
> The CHAIRMAN. That is already passed.
>
> Mr. HALLECK. I have to be consistent about it.
>
> The CHAIRMAN. You would be consistent.
>
> Mr. HALLECK. I believe the military authorization—I believe they should have more, but when we make the blanket statement in this statement here, referring to 5.6, what I am afraid of is that that is going to be the figure in everybody's mind, and those of us—the President has been trying to hold it to 4.5. Where does that leave us?
>
> The CHAIRMAN. That is what the President recommended, the 5.6.
>
> Mr. SLATINSHEK. Mr. Halleck, this is precisely what the President recommended, a 4.5 increase in regular compensation, which translates into a 5.6% increase in basic pay. Basic pay is only one element of the monthly, or one element of the monthly compensation for military personnel.
>
> The CHAIRMAN. Mr. Halleck, are you for the 4.5?
>
> Mr. HALLECK. Yes, sir.
>
> The CHAIRMAN. Well, you are therefore also for a 5.6% increase in basic pay. [Laughter.] (House Armed Services Committee hearings, Nov. 27, 1967, p. 5436.)

Mr. Speaker, I am for the recruit getting regular compensation that falls within the level of $5,036 set by the House, and $5,320 set by the Senate. I, therefore, intend to raise a point of order against the conference committee, not only on the effective date, but also on their rates, as a violation of clause 3 of rule 28.

H.R. 8866, SUGAR ACT AMENDMENTS OF 1971

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HANNA. Mr. Speaker, I must voice my deep concern over a serious omission in the sugar bill passed by the Senate. The Senate deletion of three new quota countries friendly to the United States, a practice traditional in past sugar quota bills, comes at a time in our international relations when we can ill afford the creation of a crisis in Latin America or Africa.

The House, after careful consideration on the merits of each case, assigned a 15,000-ton quota to each of three new quota countries—Uganda and Malawi in Africa, and Paraguay in Latin America. The 15,000-ton quota is the equivalent of a boatload, the minimal amount recommended by the State Department.

We can imagine the consternation which struck these three firm friends of the United States when the news quickly spread throughout Africa and Latin America that Uganda, Malawi, and Paraguay had been eliminated by the Senate, without any substantive justification or explanation. They do not accept the explanation of past performance in sugar deliveries to the United States, a rigid and inflexible formula concocted, they feel, to deliberately exclude new quota countries. To them, the allocation of a 15,000-ton quota by the House, only to be taken away by the Senate, constitutes bad faith. How can we perform, they ask, when we have no quota.

Africa and Latin America are two areas where our relationships must be strengthened, not weakened. Africa and Latin America are two areas where we should try to build more solid friendships, not weaken existing ones. What will the people of Latin America think if we should exclude Paraguay, the one remaining friendly country in that area seeking a sugar quota? And what will the peoples of Africa think when we exclude Uganda and Malawi, two strongly democratic and pro-United States African countries.

Is it necessary to taunt and defy the United States, is it necessary to burn the American flag as some have done, is it necessary to confiscate or expropriate U.S. property, is it necessary to discriminate against the United States, is it necessary to have a home-town Communist threat—they will ask—in order to be considered important enough to obtain a sugar quota?

I fervently beseech the House conferees to rectify the fatal omission by the Senate and to insist firmly on the House version, thereby restoring the faith of these three countries, and all the peoples of the two areas of Africa and Latin America, in the greatness of the United States and its concern for all friendly nations, big and small, rich and poor.

CLOSE FORT SHERIDAN? HERE'S HISTORY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. McCLORY. Mr. Speaker, the current indications are that Fort Sheridan will continue in its historic role as a military post serving many of the vital needs of the Midwest—as it has done traditionally throughout the past 80 years.

In line with the continued interest in Fort Sheridan, an interesting and informative article has been prepared by Joan Vorgias of the Lake County Paddock Publications staff. This article, entitled "Close Fort Sheridan? Here's History," appeared in the July 28 issue of the Herald, and details the role of Fort Sheridan during these 80 years.

I am pleased to submit this article for the edification of my colleagues and the public:

CLOSE FORT SHERIDAN? HERE'S HISTORY

(By Joan Vorgias)

> After surviving a number of conflicts and five wars, it's highly unlikely that Ft. Sheridan will be demolished by the battle being fought over what exactly should be done with it.
>
> Ft. Sheridan was erected in the late nineteenth century in answer to an appeal from residents of Chicago for army protection in times of state crisis. The Great Chicago Fire and violent fights raging between labor and management during the era led to the appeal.
>
> In the three days that the Chicago fire raged in 1871, over 17,000 buildings were destroyed and 2,000 acres charred. Approximately 250 persons lost their lives amidst the scorching flames, and 90,000 more were left homeless. Damage rose to over 200 million dollars.
>
> To prevent further loss from looting, Chicago Mayor Mason declared martial law and turned the city over to Gen. Philip Sheridan who had accompanied his troops to the disaster area from Ft. Leavenworth, Kansas.
>
> In 1877 Chicago businessmen were further appalled by mob action during the railroad riots. The president brought Sheridan and his Indian fighters back from the plains to end the widespread disorder.
>
> It was again necessary for the federal government to intervene during the Haymarket

riots in May, 1886 when mob rule prevailed and seven men were killed by a bomb.

Following this uprising, the leaders of Chicago asked the War department to establish a military post in the area. On Oct. 6, 1887, A. C. Bartlett, representing a group of businessmen, presented a warranty deed for the land now occupied by Ft. Sheridan to the Secretary of War.

This site, consisting of 630 acres, was located in the northeast corner of Deerfield, close enough to Chicago to provide a permanent garrison for the protection of the heart of the country's transportation system.

According to a newspaper of the times, anyone who lived through the desperate days of 1871 or 1877, breathed more quietly when he knew that "Uncle Sam was on the deck and the regulars at the bat."

The first troops, headed by Maj. William Lyster, arrived at the fort on Nov. 8, 1887. Their assignment was to strip the countryside of heavy underbrush and erect temporary living quarters.

In the Army Bill of 1888, $300,000 was allocated for the construction of permanent buildings. Work began on the fort's historic water tower in 1889 and barracks and quarters for field grade officers soon followed. Between 1891–1908 a guard house, commissary, bakery, and several stables were added.

The regulars were quickly pressed into service. In 1894 the Pullman Car Company employes went on strike following an ordered reduction in wages due to currency legislation passed between 1876–1890.

Irritation towards the company grew daily. When an injunction against Eugene V. Debs, president of the American Railway Union, was filed by Pullman, frenzied strikers burned thousands of railroad cars.

President Cleveland, to protect interstate commerce and the mail, ordered the Ft. Sheridan regulars to Chicago. They marched into the riot torn area on July 5. By July 14 railroad traffic was resumed and an impending food shortage due to the stoppage prevented.

Cuba-bound troops were quickly processed though the newly constructed post offices following the sinking of the battleship Maine in Havana Harbor. April 20, reports the Chicago Tribune, was a day of unrest and excitment as troops prepared to leave for the front.

A buglar blew assembly, and several girls gathered to take part in a sentimental farewell. Following the singing of "The Girl I Left Behind Me" and "Auld Lang Syne" the troops fell in with alacrity, climbing aboard a train consisting of 11 tourist sleeping cars and two pullmans.

After the war, the fort took on a festive peace time atmposhere. Long skirted belles and handsome, uniformed gallants attended gala balls in the officer's club. Tennis, horseback riding, and band concerts helped to while away the hours.

Smart afternoon receptions were held in the three-storied brick officer quarters with a maid or orderly in attendance. The quarters, which are still in use, were constructed on looping, picturesque streets.

Peace and tranquility faded after the assassination of President Madiero of Mexico in 1913. An outbreak of incidents on the Texas border followed the death of the president, and the men stationed at Ft. Sheridan were called into action. At one point in the crisis, when several units had joined Gen. John Pershing in his fight against Panco Villa, 16 soldiers and their sergeant-commander were the sole military occupants of the post.

From 1893 until 1917 the fort remained a regular army post. The picture changed with the onset of World War I. Following the declaration of war against Germany on April 16, 1917, the Lake County facility was re-established as an officer's training camp.

Five thousand men from midwestern states attended the first training session. To meet the increased housing needs, temporary quarters were erected east and west of Sheridan Road. Over 5.800 recruits attended two successive camps and were commissioned as officers. Of these men, 250 were killed while serving in France.

As the war drew to a close, the function of the fort changed. In 1918 the facility became a huge convalescent home. Construction and alterations amounting to $2,950,450 prepared the buildings for the arrival of thousands of wounded soldiers from Europe. The hospital, designed to hold 200 beds in pre-war times, became a 4,780 bed unit.

The passage of the last patients out of the gates in 1920 hailed the change of the fort to a military garrison. A cooking and baking school was established and continued through World War II. The cavalry remained, and horses occupied their brick stables until 1940 when more modern methods of transportation prevailed.

A program of "national preparedness" was prevalent in the 1920's. Ft. Sheridan ranks swelled with representatives of the Reserve Officer Training Corps (ROTC) and the Citizen Military Training Corps (CMTC). The Civilian Conservation Corps (CCC) was established on post in the 1930's and construction of bridges and other structures followed.

Emergency status was resumed when U.S. involvement in World War II became imminent. A recruiting center was established at Sheridan on Nov. 18, 1940. During the ensuing years, over one-half million of the cream of American manhood was inducted at the center.

Smartly garbed women warriors took over Ft. Sheridan quarters following the signing of a bill by President Roosevelt in 1942. The second group of WAC's created under the bill, including 150 enlisted personnel and two officers, were housed at the post.

German prisoners of war were also in residence. The fort served as the administrative headquarters for 46 prisoner camps in Michigan, Illinois, and Wisconsin. Nine enemy soldiers detained in the camps died and were buried in the post's cemetery at the request of their families.

In the postwar years, the fort became a Nike Ajax defense site. The Fifth Army headquarters was transferred to the post bringing with it 900 military and 800 civilian employes in 1967. To meet the needs of the increased population, apartment housing was rapidly construed and temporary buildings turned into offices.

The removal of the headquarters this year resulted in a number of studies as to how necessary the fort was by several factions.

According to a Ft. Sheridan spokesman, no one connected with the fort knows what the facility's future status will be. There are still 1,000 military and 800 civilian employes on the post in addition to 1600 dependents.

The Fifth Army, said the spokesman, comprised only to 8 percent of the post mission. In addition CENA (Coordinating Element Northern Area), including 91 staff members, has been transferred to the fort and taken over one-third of the offices used by the departed army personnel.

A great deal of the work done at the fort today entails humdrum, but necessary, bookkeeping for other military establishments in the middle west.

"This may not seem glamorous but it is still very essential to the defense establishment," said the spokesmen.

The fort, like the tops of the Lake Michigan waves striking against its shoreline, should continue to ride the doldrums and peaks of military history for many a year.

CHRISTIANS SPEAK OUT ON RECENT TRIALS OF SOVIET JEWS

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. McCORMACK. Mr. Speaker, in April 1971, the Interreligious Affairs Department of the American Jewish Committee published "Christian Reactions to the Leningrad Trial of Soviet Jews," a compilation of responses to that trial, and to the underlying issue of Soviet anti-Semitism, from Christian sources—including public statements, telegrams, and letters of protest and concern sent to Soviet and American Government officials, editorial responses in the Christian press, and communitywide activities throughout the country. The document, which provided an impressive record of Christian concern with the fate of Soviet Jewry, has elicited widespread interest among both Jews and Christians in the United States and abroad. It was my privilege to place this material in the CONGRESSIONAL RECORD on May 26, 1971.

Since the publication of that document, additional trials of Jews took place in the Soviet Union, notably in Leningrad and Riga in May, and in Kishinev and Odessa in June but also in the provincial cities of Sverdlovsk, Rostov-on-Don, and Chernovits.

As a result of these closed trials, nearly 30 Jews received sentences ranging from 1 to 10 years for so-called antistate activities, including the printing, possession, and distribution of Jewish and Hebrew material.

These trials elicited additional protests, telegrams, public statements, community activities, and editorial comment. Some of the response was prompted by the visit to the United States of Mrs. Rivka Aleksandrovich whose daughter, Ruth, was tried in Riga and sentenced on May 27 to 1 year in prison.

Because of the sustained interest on this subject in both the religious and general community, and because the earlier document necessitated an arbitrary cutoff date, I am submitting herewith this additional material to fill out the record of Christian involvement and concern for the fate of Soviet Jewry.

This survey of responses, while far from complete, constitutes an impressive testimony of the growing understanding on the part of thousands of Christians and others of the fundamental human rights issues that are at stake in the resolution of the plight of Soviet Jewry. It also represents dramatic evidence of the increasing identification of the American people with this crucial human and Jewish cause of liberty—and that development is one of the most hopeful signs in the struggle for the religious and cultural rights of the 3 million Jews in the Soviet Union.

Mr. Speaker, I submit the following material:

[From Religious News Service, May 21, 1971]

RESPONSES OF NATIONAL AND DENOMINATIONAL LEADERS

[Presbyterian]

PRESBYTERIANS HEAR RUSSIAN MOTHER'S PLEA FOR DAUGHTER FACING USSR TRIAL

ROCHESTER, N.Y.—A mother's impassioned plea for her 23-year-old daughter, soon to go on trial in the Soviet Union, brought a standing ovation from the General Assembly of the United Presbyterian Church in the U.S.A.

Tears were noted in the eyes of many of the delegates as Mrs. Rivka Aleksandrovich begged the delegates "to help Ruth and to do something important for the cause of all Soviet Jews."

The incident marked the first time a Jewish person had ever addressed the General Assembly of the 3.1-million-member body, and the first time that the plight of Soviet Jewry has been brought to the annual meeting of a major Christian denomination in this country.

Mrs. Aleksandrovich declared that her daughter's only "crime" is "being Jewish, her desire to lead a national cultural life which is her right, and her desire to go to Israel, the homeland of her forefathers."

She told the delegates that her home in Rigs, Latvia, was searched by K.G.B. (Soviet Secret Police) agents who confiscated Hebrew books and articles and copies of the family's letters to the Supreme Soviet concerning its desire to emigrate to Israel. . . .

"I appeal to you to help her and to do something important for the cause of all Soviet Jews," she said. . . .

After Mrs. Aleksandrovich's 20-minute talk to the General Assembly, the 1,500 persons attending the plenary session rose to their feet in sustained applause. The first to rise, said one observer, were the black delegates to the annual meeting.

PRESBYTERIAN OFFICE OF INFORMATION, THE UNITED PRESBYTERIAN CHURCH IN THE U.S.A.

ROCHESTER, N.Y., May 21.—A Russian Jewish mother today appealed to United Presbyterians to support her quest of securing the freedom of her daughter now in a Soviet jail awaiting trial for attempts to emigrate to Israel.

Mrs. Rivka Aleksandrovich, for 25 years a university teacher of English in Riga, was invited to address the 183rd United Presbyterian General Assembly (1971) this morning.

She said her 23-year-old daughter Ruth will face Soviet judges next Monday, May 24, in Riga. The daughter has been held incommunicado since las October 7, when she was arrested for attempts to leave Russia to emigrate to Israel.

"I am deeply moved by your willingness to hear me, a mother," Mrs. Aleksandrovich said. "I have a moral right to appeal to you; my daughter is religious. Help me save my daughter who stands accused of undermining and weakening the power of the Soviet Union.

"This is because her only fault is that she is Jewish and wishes to lead a national cultural life which corresponds to her beliefs, her religious beliefs."

Mrs. Aleksandrovich said her daughter had applied four times for permission to leave the Soviet Union. This was not granted.

"It is impossible for people of good will to stand aside and not try to do their best to help," the Jewish mother told commissioners.

In a civilized world, she said, people should not be punished for ideals and ideas, but for crimes.

She recalled being questioned by the Soviet police about a Bible in her possession. A Bible in Russia costs 50 rubles on the black market in Moscow, which is an unbelievably high price. But when she arrived in the United States last Saturday, it came to her as a shock to see a Bible in every hotel room.

Pointing out that her daughter's trial will be held in secret, Mrs. Aleksandrovich said: "I don't know to whom to appeal for help so that my daughter at age 23 won't become the youngest political woman prisoner in the world, which I am told she would be."

She said her daughter is suffering from asthma and that her husband Isaac stayed behind in Russia when the opportunity to leave was given the family, so that he could stay near his daughter.

Mrs. Aleksandrovich was introduced by Rabbi Marc H. Tanenbaum, National Interreligious Affairs director of the American Jewish Committee.

Rabbi Tanenbaum said he wanted to draw attention to the "crucial human and moral issues of the plight of three million Russian Jews and other religious communities in the Soviet Union."

He said that in appealing for massive moral support of the human rights of Russian Jewry and others who are being denied cultural and religious self-determination, the "Jewish community is not interested in heating up the cold war."

The Jewish leader recalled how the world turned a deaf ear on refugees from Nazi Germany in the 1930s "and we have not yet recovered morally and spiritually from that trauma."

He urged Presbyterians "to see Mrs. Aleksandrovich as the latest missionary of mercy to your consciences, to open your hearts and souls to her message, and then to allow the Holy Spirit to move you to do that which this moment of decision requires of men and women of faith.". . .

SPECIAL RESOLUTION ON HUMAN RIGHTS IN THE SOVIET UNION

(Adopted Unanimously by 183rd General Assembly of United Presbyterian Church in the U.S.A., May 26, 1971, Rochester, N.Y.)

In response to the persuasive appeal to this Assembly by Mrs. Rivka Aleksandrovich on behalf of Soviet Jewry; in reaffirmation of the United Nations' Universal Declaration of Human Rights; and in continuing concern for all those who suffer religious persecution and repression in any part of the world; the Standing Committee on Church and Society calls upon this 183rd General Assembly, 1971, to denounce the unjust confinement and forthcoming trials of those Soviet citizens of Jewish and Christian faith who are being denied their right of self determination and their right of emigration.

We appeal to President Nixon to use his good offices and to intercede with authorities of the Soviet Union in order to secure the release and the restoration of full civil rights of these citizens.

We request the World Council of Churches to raise this concern with our fellow Christians within the Soviet Union and ask them to furnish fuller information on this matter to all member churches.

TELEGRAM TO PRESIDENT RICHARD M. NIXON

[National Council of Churches]

At time of the present trials in Latvia I wish to register my deep concern because of information supplied by Mrs. Rivka Aleksandrovich and others concerning deprivation of rights in the U.S.S.R. as defined by the Universal Declaration of Human Rights. Express hope you will continue to exercise all influence to gain human rights, especially of the Jewish community. Supporting your promising negotiations with the U.S.S.R. on critical issues. I must also ask for vigilance and use of good offices to seek redress where violations of human rights occur. We continue to be concerned for all those who suffer religious persecution and repression in any part of the world.

Mrs. THEODORE O. WEDEL,
President, National Council of Churches.

(This telegram was sent on May 25 with copies to the Russian Embassy in Washington, the Soviet Mission to the UN in New York, and Metropolitan Nikodim of the Russian Orthodox Church.)

STATEMENT OF DR. BILLY GRAHAM, MAY 25, 1971

I am deeply concerned and disturbed about the plight of Soviet Jews, some of whom have been imprisoned and held incommunicado. Apparently, their only crime is that they are Jewish. I am asking Christians everywhere to join in prayer on their behalf, especially should we pray for Ruth Aleksandrovich, one of the youngest political prisoners in the world, who has been imprisoned and held incommunicado in Riga for nine months.

JOINT SOUTHERN BAPTIST-JEWISH RESOLUTION REGARDING FREEDOM OF RELIGION IN SOVIET

(Adopted June 16, 1971, at Second National Conference sponsored by Southern Baptist Convention and American Jewish Committee, Cincinnati, Ohio)

[Baptist]

Baptists and Jews share much in common both in rich spiritual heritage and in historic experience. Part of their shared history has been that of victims of a denial of political and religious liberty. Jews have suffered the agonies of anti-Semitism ranging from discrimination to the demonic holocaust of Nazi Germany. Baptists have been forced to flee from nation to nation in search of liberty. Jews and Baptists have both struggled to be loyal to their faiths built on the freedom of the individual conscience. This belief is based in both communities on a deep reverence for Holy Scripture.

Therefore, the Second National Conference of Southern Baptist-Jewish scholars, deeply concerned over the denial of fundamental human rights of Baptists, other Christians and Jewish persons in the Soviet Union, condemns the unjust confinement of the ailing Ruth Aleksandrovich in a brutalizing labor camp which imperials her life. We plead for amnesty for her and other defendants of conscience who have been repressed.

We further denounce the forthcoming trials in Kishinev, the scene of Czarist programs, and in Odessa of Soviet citizens who are being denied religious liberty, cultural self-determination, and the right to emigrate to which the Soviet Union is pledged as a signator of the United Nations Universal Declaration of Human Rights.

We Baptists and Jews appeal to President Nixon and the proper United States government officials to intercede with the highest authorities of the Soviet Union in order to bring about the release of these persons, and to restore their full human rights.

We request also that the Southern Baptist Convention and the American Jewish Committee undertake to make available fuller information on this matter to their respective communities, and to carry forward vigorously a joint effort of intercession in behalf of their persecuted brothers in the Soviet Union. (M. Thomas Starkes, Secretary, Department of Interfaith Witness, Home Mission Board of the Southern Baptist Convention.)

LETTER TO AMBASSADOR ANATOLI DOBRYNIN, JUNE 16, 1971

You are aware of the reports which are reaching the American public about the systematic suppression of Jewish cultural life in the Soviet Union. It is disturbing to read and to hear that Jews who identify themselves with the Jewish world community and the State of Israel are subject to severe forms of harassment, even to the extent of imprisonment.

I write to you in the name of an agency whose 100-year history is a record of protest and action in behalf of people seeking selfhood and dignity. It is in this spirit that I appeal to you to personally use your good offices to safeguard the freedom of Jews, to preserve their heritage, and to assure their right to reside wherever they may choose.

Please advise me how we can join you in efforts to achieve social justice for Jews throughout the world and particularly in Soviet Russia.

JAMES A. CHRISTIAN,
Executive Secretary, American Baptist Home Mission Societies, Valley Forge, Pa.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 26, 1971

[United Church of Christ]

The administrative committee of the United Church of Christ calls upon you to use the great influence of your office to intercede with the appropriate authorities of the Soviet Union in order to secure the release and restoration of full civil rights of Soviet citizens of the Jewish faith who are being denied their right of self determination and their right of emigration.

JOSEPH H. EVANS,
Secretary.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 25, 1971

[The United Methodist Church]

Appeal to you to use your good offices to intercede with authorities of Soviet Union to secure release of Ruth Aleksandrovich and others now on trial in Riga and restore their full civil rights. This request is an expression of our concern for all who suffer religious persecution and repression in any part of the world.

DR. TRACEY K. JONES, Jr.,
General Secretary of the Board of Missions.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 25, 1971

As a citizen women's organization we are deeply moved by plight of 23 year old Ruth Aleksandrovich. Urge you to use your office to intercede with Soviet Union on her behalf and others on trial with her in Riga. Urge their release and restoration of civil rights. We cannot stand by while people anywhere endure religious persecution and repression.

THERESSA HOOVER,
Associate General Secretary, Women's Division, United Methodist Board of Missions.

TELEGRAM TO AMBASSADOR ANATOLI DOBRYNIN, MAY 24, 1971

The staff of the United Methodist Board of Christian Social Concerns hereby expresses its profound concern at the trial of Jews now being conducted in secret at Riga. We urge you to convey this concern to those who have the power to effect release and restoration of rights to those now on trial.

WARREN EBINGER,
Assistant General Secretary, Board of Christian Social Concerns.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 25, 1971

This morning heard personal testimony of Mrs. Rivka Aleksandrovich concerning her daughter Ruth and others now on trial in Riga. Moved by plight of this young woman who seems to be persecuted for religious convictions. Appeal to you to use your good offices to intercede on their behalf with Soviet authorities. Urging their release. Religious persecution and repression in any part of the world must be resisted.

PEGGY BILLINGS,
Assistant General Secretary, Women's Division, United Methodist Board of Missions.

TELEGRAM TO PRESIDENT RICHARD M. NIXON, MAY 28, 1971

Saddened by news in this morning's *New York Times* about conviction of Ruth Aleksandrovich and others. Now that USSR courts have rendered their verdict would they not be open to plea for clemency. Especially in Aleksandrovich case since she has health problem. Urge you to plead for clemency.

PEGGY BILLINGS,
Assistant General Secretary, Women's Division, United Methodist Board of Missions.

CATHOLICS SPEAK OUT FOR SOVIET JEWS

[Roman Catholic]

Newsletter, National Conference of Catholic Bishops Secretariat for Catholic-Jewish Relations, Vol. 2, No. 3, June 1971

Christians throughout the world have responded to the urgent need to protest the Soviet treatment of the 2½ million Jews living in Russia. In the Roman Catholic community, the Pope, cardinals, bishops, priests and the laity have expressed their concern that the human rights of their Jewish brothers are being denied them.

Pope Paul VI, in response to numerous appeals, intervened on behalf of the Jews on trial at Leningrad, as was reported in the Vatican daily, *L'Osservatore Romano*. . . .

Terence Cardinal Cooke of New York, during a talk to 15 Carmelite nuns in a convent built on the site of the former Nazi concentration camp at Dachau, asked them to pray for all suffering today "loss of freedom in various parts of the world, in particular, the Jews of Soviet Russia."

Lawrence Cardinal Shehan of Baltimore, in a statement said, "I join my voice with the chorus of protests at the harsh and inhuman handling of these unfortunate victims of Soviet intimidation."

Archbishop Leo C. Byrne of St. Paul-Minneapolis, in a similar statement urged the USSR to release the Jews who have been arrested, imprisoned and tried "for what appears to be no other crime than their professed desire to emigrate from Russia and to seek their destiny as Jews in Israel and elsewhere."

Archbishop Joseph McGucken, at a "Rally of Conscience for Soviet Jews" held in San Francisco, concluded with the prayer "that each may may live under his own vine and fig tree."

Archbishop Thomas Connolly of Seattle sent a telegram to President Nixon, urging government intervention in the Leningrad trials, and a similar telegram to the Hon. U Thant, Secretary General of the United Nations.

Bishop Joseph L. Bernardin, General Secretary of the U.S. Catholic Conference and of the National Conference of Catholic Bishops . . . supported a petition sent . . . to the Communist party on the eve of its meeting March 30th, asking for a "review of all Soviet policy toward the Jews since 1948."

Bishop Russell J. McVinney of Providence directed an appeal to Christians, stating: "The Jewish people have so often been the victims of tyranny. But now the conscience of the Christian community must decry a further affront to their dignity."

Bishop James W. Malone of Youngstown, in a telegram to the Soviet Ambassador, said, "The conscience of humanity is aroused and the USSR must understand that its anti-Jewish policies are morally intolerable to free men everywhere."

Fifty-four Catholic Bishops, and 8300 Christian clergy, teachers of religion and ecumenists, signed a Statement of Conscience drawn up by the Anti-Defamation League of B'nai B'rith, presented to the U.S. Ambassador to the United Nations. . . .

NATIONAL CATHOLIC ORGANIZATIONS

The National Federation of Priests' Councils, meeting at Baltimore, adopted a resolution on Soviet Jewry. Recognizing that "the discriminating treatment of Jews in the Soviet Union and the suppression of their rights to live in accordance with their cultural and religious heritage is an injustice that summons us to speak in the name of moral and religious principles," and being aware that "the suffering of Jews in the Soviet Union, elder brothers in a special tradition, strikes at the very nerve center of our fraternal consciousness," the priests urged the Soviet authorities to permit Jews to enjoy all the human rights to which they are entitled.

Institute of Judaeo-Christian Studies. Msgr. John M. Oesterreicher, director of the Institute, sent a telegram to Soviet Ambassador Dobrynin, in which he said, in part: "I trust that the Soviet authorities have enough sense of justice to realize that . . . neither the desire of Jews to live as Jews and go to Israel, nor public expression of that desire, can be treated as crimes."

National Council of Catholic Women was one of the national women's organizations taking part in an interfaith meeting at the U.N. Association communications center. At this meeting, sponsored by the American Jewish Congress, Mrs. Jacqueline Grennan Wexler, president of Hunter College, said that women must support all Jews on trial in Soviet Russia. Sister Rose Thering, a member of the Institute of Judaeo-Christian Studies, speaking on this occasion, said: "All who are concerned about their neighbor's well-being, all who are devoted and committed to what is right, moral, and just, simply cannot remain silent when courageous outspoken Jews are being persecuted and imprisoned because of their belief, their convictions."

"The road to Leningrad is the road to Dachau," claims the *National Coalition of American Nuns* in a statement of sympathy and outrage regarding treatment of Russian Jews. The NCAN, an organization of 1,800 Roman Catholic Sisters, voted to protest the Leningrad trials.

Rev. John F. Hotchkin, Executive Director of Bishops' Committee on Ecumenical and Interreligious Affairs, speaking at a prayer vigil for Soviet Jewry in Washington on June 3rd, expressed his solidarity with the Jewish community and assured his listeners that they were not alone in their anguish over the plight of their brothers in Soviet Russia. The vigil was sponsored by the Synagogue Council of America.

DIOCESAN RESPONSE

The Ecumenical Commission of the Diocese of Worcester issued an appeal on behalf of Soviet Jews, which was sent to each parish and also published in the Worcester (Mass.) *Telegram and Gazette.*

The Second Annual Clergy Conference, drawing participants from the Newark Archdiocese, concluded its deliberations at Seton Hall University by preparing a statement on Soviet Jewry which was sent to Ambassador Dobrynin.

Diocesan representatives in *Rockville Centre* (NY), *Cleveland, Toledo, Scarsdale* (NY), also sent telegrams to government leaders. Prayer vigils and demonstrations were held in *Washington, New York, Brooklyn, Hartford, Galveston-Houston, Dallas* and *Los Angeles.*

A letter to all pastors in the *Chicago Archdiocese* from Msgr. Francis Byrne, Vicar General, urged all Catholics to pray "in the spirit of brotherhood" for clemency for the Soviet prisoners.

The Committee on Catholic-Jewish Relations of the Archdiocese of Boston, composed of members of the Archdiocesan Ecumenical Commission and other Christian leaders in the fields of education and social actions, representatives of the Rabbinate, and representatives of several principal Jewish agencies, adopted a statement signed by nine Catholic and seven Jewish members, calling upon all men of faith to join in the outcry against the suppression of human rights and denial of religious liberty to Jews in the USSR.

Telegram to President Richard M. Nixon, May 25, 1971

[Ecumenical and Interfaith]

We appeal to you to use your good offices to intercede with authorities of the Soviet Union in order to secure the release and the restoration of full religious and civil rights of those Jewish citizens currently on trial.

Glenn C. Stone, Editor, *Lutheran Forum,* New York; John G. Donohue, Co-Chairman, Catholic-Jewish Relations Committee, Archdiocese of New York; Dr. Lewis J. Maddocks, Executive Director, Council for Christian Social Action, United Church of Christ, New York; Peggy Billings, Women's Division, United Methodist Board of Missions, New York; David Kucharsky, Managing Editor, *Christianity Today,* Washington, D.C.; Robert A. Fangmeier, Christian Church (Disciples of Christ), Indianapolis, Indiana; Dagmara Vallens, Latvian Press Society and United Baltic Appeal, Inc.; Sister Donna Purdy, Secretariat for Catholic-Jewish Relations, So. Orange, New Jersey; Ricardo Robinson, Office of Communications, United Church of Christ; Allan R. Brockway, Editor, *Engage* Magazine, United Methodist Board of Christian Social Concerns; Betty Thompson, United Methodist Board of Missions; Valerie Brodin, National Council of Churches; Arthur Moore, United Methodist Church; Blahoslav Hruby, Managing Editor, Religion in Communist Dominated Areas; Rev. Robert H. Platman, Chairman, Committee of Christian-Jewish Relations, Episcopal Diocese of Long Island, Garden City, New York; The Rev. Canon William S. Van Meter, New York City Council of Churches.

[From National Catholic News Service, June 9, 1971]

Interfaith Group Calls for Halt to Russian Bias Against Jews

New York.—A petition calling for an end to discriminatory treatment of Jews in the Soviet Union was presented here June 8 to George Bush, United States Ambassador to the United Nations.

The document, containing the signatures of 8,300 leading American Christian clergy and lay church officials, was submitted in an effort to bring it to the attention of the Soviet's UN representative, and the UN's Human Rights Commission.

An interfaith delegation presented the appeal, called a "Statement of Conscience," at the UN headquarters here.

Members of the group were: Father Edward Flannery, executive secretary of the National Conference of Catholic Bishops (NCCB) Secretariat for Catholic-Jewish Relations; Father John Hotchkin, head of the NCCB Ecemenical and Interreligious Affairs Committee; Bishop J. Brooke Mosley, president of Union Theological Seminary; Bishop Francis J. Mugavero of Brooklyn; Dr. Jon L. Regier, associate general secretary of the National Council of Churches, and Suffragan Bishop J. Stuart Wetmore of the Episcopal diocese of New York.

The delegation was headed by Seymour Graubard, national chairman of the Anti-Defamation League of B'nai B'rith, and Benjamin R. Epstein, national director of the league. . . .

The statement protests the suppression of Soviet Jews' "rights under the Soviet constitution to practice their cultural and religious heritage." The petition demanded that Soviet authorities:

Extend to Jews in the Soviet Union the full measure of equality to which they are entitled under the Soviet constitution.

Permit Jews to live accordingly to their cultural and religious heritage, freely and openly.

Eradicate every vestige of anti-Semitism and institute a vigorous campaign against all anti-Semitic manifestations.

Grant permission to those Jews who desire to emigrate to Israel or to any other country and to insure the unhindered exercise of this right.

Among those who signed the petition were Cardinal John Cody of Chicago; Archbishop Thomas Donnellan of Atlanta; Archbishop Philip Hannan of New Orleans; Archbishop Joseph T. McGucken of San Francisco; Archbishop Daniel Sheehan of Omaha; Bishop Walter P. Kellenberg of Rockville Centre, New York; Msgr. John M. Oesterreicher, director of the Institute of Judaeo-Christian Studies at Seton Hall, New Jersey; and Father William F. Graney, executive secretary of the National Federation of Priests' Councils.

[From Religious News Service, July 2, 1971]

Oppression in USSR Draws Believers Together, Mrs. Aleksandrovich Says

New York.—Mrs. Rivka Aleksandrovich, whose daughter Ruth has been imprisoned for "anti-state" activities in Riga, Latvia, addressed a group here on the problems facing her fellow Jews and all religious people in the Soviet Union.

In remarks that were largely off the record, she noted that in Russia, as in various countries during World War II, people of differing religious persuasions have drawn together in their common belief in God.

Among the groups she mentioned as facing state opposition were the "dissident Baptists," so-called dissidents because they refuse to bow to the government's demand to "register" as a sect and comply with restrictive laws.

Mrs. Aleksandrovich's appearance here was made before a regular meeting of the Advisory Committee of *Religion in Communist Dominated Areas,* a publication which has, for 10 years, covered church-state developments in Eastern Europe.

Her visit here was arranged through the cooperation of Rabbi Marc Tanenbaum, head of the interreligious affairs department of the American Jewish Committee, who attended the meeting.

Participating in the session were Church Women United and the Interchurch Center; both joined with editors of the publication in forwarding a plea to the USSR for the release of Ruth Aleksandrovich. Addressed to N. V. Podgorny, president of the Soviet Presidium, it said:

"Before we come to you with our urgent request we would like to express to you our shock about the tragic death of three Soviet space heroes and our sympathy to you and the people of the USSR.

"Profoundly disturbed by the plight of Jews, Christians, and other believers and national groups and by the recurring manifestations of anti-Semitism in the Soviet Union we join in protest with people of all faiths around the world against the violation of religious freedom and other human rights and in making the following urgent request to the Soviet government:

"To extend to Jews in the Soviet Union the full measure of equality to which they are entitled under the Soviet Constitution.

"To permit Jews to live in accord with their cultural and religious heritage freely and openly.

"To eradicate every vestige of anti-Semitism and to institute a vigorous campaign against all anti-Semitic manifestations.

"To grant permission to those Jews who desire to do so to emigrate to Israel or to any other country of their choice and to insure the unhindered exercise of this right.

"To release Miss Ruth Aleksandrovich of Riga from prison or at least to give her medical aid at the prison hospital and permit her to emigrate to Israel, and to review all recent trials of Jews in the USSR and permit them to emigrate to Israel if they so desire.

"To release from prisons and labor camps members of various religious communities who were condemned because of their religious beliefs and practices, and to take steps that families of imprisoned believers be reunited.

"We subscribe to this appeal because of our firm conviction that religious freedom and other human rights must not be violated."

The note ended with the report to Mr. Podgorny that a copy of the petition was being forwarded to U Thant at the United Nations and to President Nixon at the White House.

Mrs. Aleksandrovich was introduced to the gathering at the Interchurch Center here by Dr. Blahoslav Hruby, managing editor of the *Religion in Communist Dominated Areas.* In coming to the U.S. to tell the story of the Jews' plight in the USSR, he said, "she is doing a great favor and service to this country, and in particular, to the Christian community."

Americans, he said, "are inclined to forget the harassed and persecuted in Communist and Fascist countries . . ."

"When I see how seriously the Jewish community is concerned about the Soviet Jews, how many committees and conferences there are to keep this issue alive before the eyes of the USA and the world, I am ashamed that as Christians we do so little for Jews, Christians and other people suffering in the USSR and other Communist lands." . . .

* * * * *

Letter to Richard M. Nixon, January 6, 1971

[YWCA]

As an organization deeply concerned with human rights, the National Board of the YWCA of the U.S.A. has been appalled and dismayed at the signs of increasing repression of the Jewish minority in the Soviet Union. While we are relieved at the commutation of the death sentence against two of those convicted in the recent Leningrad trials, the harshness and severity of the sentences meted out to all the defendants, and the recurrent rumors of more Jewish trials to come seem ominous portents.

We urge you to give to the government and people of the USSR the strongest expression of the profound feelings of Americans of all religious faiths on this subject. The Young Women's Christian Association as an organization of more than two million women and girls has repeatedly advocated open doors of mutual understanding and communication between nations and peoples. We believe that the free flow of peoples and ideas on all levels, both individual and governmental, is essential to world peace.

It is our earnest hope that the great Soviet nation, like our own country composed of many ethnic and cultural groups, will seek to provide a living demonstration of the principles embodied in the Universal Declaration of Human Rights. No nation has yet found a way to embody fully this great statement of human rights and responsibilities; but no nation on that account should fail to speak out in protest when human rights are denied in any part of the world. As we seek greater justice at home for all our people, so must we be unequivocal in our stance on justice in the family of nations.

Mrs. ROBERT W. CLAYTOR,
President, National Board, YWCA.

COMMUNITY RESPONSES IN THE UNITED STATES

BOSTON, May 28, 1971.—The Committee on Catholic-Jewish Relations of the Archdiocese of Boston is composed of members of the Archdiocesan Ecumenical Commission and other Christian leaders in the fields of education and social action, representatives of the Rabbinate, and representatives of several principal Jewish agencies, who plan and sponsor programs of mutual interest to Catholics and Jews. At its last meeting, the Committee on Catholic-Jewish Relations adopted the following statement:

We the undersigned members of the Committee on Catholic-Jewish relations of the Archdiocese of Boston, protest the discriminatory treatment of Jews in the Soviet Union and the suppression of their rights to live in accordance with their cultural and religious heritage. It is an injustice that compels us to speak in the name of moral and religious principles. We urgently call upon the Soviet authorities

1. to extend to Jews in the Soviet Union the full measure of equality to which they are entitled under the Soviet Constitution

2. to permit Jews to live in accord with their cultural and religious heritage freely and openly

3. To eradicate every vestige of anti-Semitism and to institute a vigorous campaign against all anti-Semitic manifestations

4. to grant permission to those Jews who desire to do so to emigrate to Israel or to any other country and to insure the unhindered exercise of this right.

We call upon all men of faith to join in this outcry against this suppression of human rights and denial of religious liberty.

Rev. James L. Hickey, Archdiocesan Ecumenical Commission, Chairman Sister Elizabeth Corbin, Secretary Committee on Catholic-Jewish Relations.

Mr. Frederick Andelman, American Jewish Committee.

Sister Gertrude Anne, Cardinal Cushing College.

Rabbi Ephraim Bennett, Massachusetts Board of Rabbis.

Sister Janet Cronin, Notre Dame Assembly.

Rev. Robert Kelleher, Confraternity of Christian Doctrine.

Rabbi Samuel Kenner, United Synagogue of America.

Mr. Sol Kolack, Anti Defamation League of B'nai B'rith.

Mr. Sol Leabman, Jewish Community Council of Metropolitan Boston.

Rev. William Murphy, Archdiocesan Ecumenical Commission.

Sister Mary O'Rourke, Marian High School.

Rabbi Murray I. Rothman, Massachusetts Board of Rabbis.

Sister Claire Ryan, Regis College.

Mr. Robert E. Segal, Jewish Community Council of Metropolitan Boston.

Rabbi Sanford Seltzer, Union of American Hebrew Congregations.

Rev. Msgr. Matthew Stapleton, Archdiocesan Ecumenical Commission.

STATEMENT TO AMBASSADOR DOBRYNIN

We are gathered here today, May 26, 1971, at Seton Hall University in South Orange, New Jersey, in a clergy conference on Israel—Roman Catholic and Greek Orthodox Priests, Protestant Ministers, Rabbis and laymen—concerned about justice for Jews in their quest for national and religious survival.

We are deeply disturbed by the manner in which Jews in the Soviet Union are deprived of their rights. We vigorously object to the actions of the government of the USSR seeking to prevent the learning of Jewish tradition and the practice of a Jewish way of life. We insist on the right, of those who desire to leave the Soviet Union to do so, as specified in the Universal Declaration of Human Rights.

Specifically at this time, we call upon the government of the USSR to release those Jews who have recently been incarcerated at the Leningrad trials, and who now face trials in Riga and Kishinev, whose only "crime" is that they want to live as Jews.

We address this to you in the name of justice and in the ideals that helped give birth to your country.

(This statement was unanimously adopted by approximately 75 conference participants and endorsed by representatives of the following organizations: Newark Archdiocesan Committee for Ecumenical and Interreligious Affairs; District One, Greek Orthodox Archdiocese of North and South America; Institute of Judeao-Christian studies, Seton Hall University; Rabbinical Assembly, New Jersey (Conservative); New Jersey Association of Reform Rabbis; Rabbinicial Council, New Jersey (Orthodox); Metropolitan Ecumenical Ministry; New Jersey Council of Churches; Essex County Board of Rabbis.)

THE LONG ISLAND COMMITTEE FOR SOVIET JEWRY, JUNE 21, 1971

A planning meeting was held on the evening of June 16th at *Molloy Catholic College for Women* under the auspices of the Long Island Committee for Soviet Jewry. Sister Marie Celeste, President of Molloy College, graciously welcomed the 36 assembled women leaders of major Christian and Jewish organizations, and Sister Rose Anthony, Head of Religious Studies of Molloy College, the evening's hostess, offered a blessing for the assemblage. Following some brief informative remarks by Harold Applebaum of the American Jewish Committee, the women turned to the purpose of the meeting, the creating of a mechanism for bringing thousands of Christian and Jewish women together in a major fall mobilization whose theme will be Long Island Interfaith Women for Freedom for Soviet Jewry.

The meeting concluded with a unanimous vote to send telegrams protesting the current Soviet trials to the appropriate Soviet representatives and to Rita Hauser, American delegate to the Human Rights Committee of the U.N.

[From the Buffalo Jewish Review, Mar. 26, 1971]

CATHOLIC EPISCOPAL BISHOPS WELCOME DR. RIGERMAN

Some four hundred people attended the "Prison Camp Supper," held at Temple Sinai on March 8 sponsored by the Buffalo Committee on Soviet Jewry and co-sponsored by the Most Reverend James A. McNulty, bishop of the Roman Catholic Diocese of Buffalo, the Right Reverend Harold B. Robinson, bishop of the Episcopal Diocese of Western New York, and Rabbi Joseph Herzog, President of the Buffalo Board of Rabbis.

The guest speaker, Leonid Rigerman, the 30-year-old physicist, recently freed from the Soviet Union, was greeted by a standing ovation as he stepped to the podium. Dr. Rigerman, a short, bespectacled, bearded man, with sparkling eyes, spoke hopefully of the chances for Soviet Jews to emigrate if world opinion is activated and pressure is continually exerted upon the Soviet government. Dr. Rigerman asserted that the Soviets were taken aback by the public outcry at the death sentences given to the two Jews from Leningrad. He asserted that it is world opinion and public protest that will eventually free the Jews of Russia.

[From the Newark News, Mar. 10, 1971]

JERSEY CHURCHMEN BACK RUSSIAN JEWS

Six leading New Jersey clergymen, under the auspices of the New Jersey Council of Churches, yesterday wrote to President Nixon, urging him to do "all that lies within your power" on behalf of Soviet Jewry.

The letter was signed by Paul L. Stagg, general secretary of the council; Joseph Heartberg, president, New Jersey Baptist Convention; Bishop Leland Stark of the Episcopal Diocese of Newark; Edwin L. Ehlers, president, New Jersey Synod, Lutheran Church in America; L. Earle Winters, field secretary of the Reformed Church of America, and Charles G. Chamberlain, associate conference minister, United Church of Christ.

The churchmen said they had been greatly encouraged when the Soviet Union commuted the death sentences of two Jews charged with conspiring to hijack a plane. The charges were denied.

However, the clergymen expressed distress at the news that the trial of other Jews wishing to leave for Israel would be reopened.

"We are convinced that by commuting the death sentences, the Soviet Union intended only to stifle the world's outcry against the barbaric sentences," the letter said in part. "Now that the wave of public protest has subsided, we have reason to believe that the Soviet Union is preparing to resume its campaign of repression and intimidation."

The letter asked the President to try to persuade the Soviets to grant clemency to the Jews who have received severe sentences for their efforts to go to Israel.

[From the Miami Herald, June 12, 1971]

Miami's Christian clergymen are beginning to join their Jewish colleagues in the fight against the tyranny which pollutes the life of religious people in Russia.

More than 100 of Florida's church leaders joined 8,300 others across the country in signing an urgent appeal to end the discriminatory treatment of Jews in the U.S.S.R. The petition was presented Tuesday to George Bush, the American ambassador to the United Nations, to bring to the attention of Soviet representatives and to the U.N. Human Rights Commission.

Then on Wednesday, five of Miami's Protestant and Orthodox leaders and three Jewish spokesmen flew to Tallahassee where they joined two Catholic representatives and appeared before the state legislature to receive from the law-makers a resolution denouncing the treatment of Soviet Jewry.

The Protestants involved were the Rev. I. B. Hall, pastor of the University Baptist Church and president of the Metropolitan Fellowship of Churches; the Rev. J. Lloyd Knox, coordinator of the United Methodist Urban Ministries and secretary of the Greater Miami Ministerial Association; the Rev. Robert Barber, of Good Shepherd Lutheran Church who is chairman of the American Lutheran Church's Pastors Council and past president of the Ministerial Association; and the Rev. Thedford Johnson, of St. John's Baptist Church, who is president of the Baptist Ministers Council and past president of the Fellowship of Churches.

The Orthodox clergyman in the group was the Rev. Demosthenes Mekras, of St. Sophia Greek Orthodox Church, who is vicar of the archdiocese.

The Jewish leaders included Eric Wishner, secretary of the Synagogue Youth of America; the Rabbi Solomon Schiff, executive vice president of the Greater Miami Rabbinical Association and Rabbi Mayer Abramowitz, of Temple Menorah, who, as chairman of the South Florida Conference of Soviet Jewry, organized the group.

In Tallahassee they were joined by Thomas Horkin, executive director of the Florida Catholic Conference and the Rt. Rev. Leo Danaher, personal representative of Archbishop Coleman F. Carroll of the Miami Archdiocese.

JOINT STATEMENT OF RELIGIOUS LEADERS, ST. LOUIS AREA

(Issued during Lenten season, 1971)

Our dedication to the Brotherhood of man under the Fatherhood of God impels us to voice our concern for the desperate plight of Jews in Russia.

As responsible churchmen, motivated by our Christian love and concern for all human beings, we renew our indictment of offenses of the type allegedly perpetrated against the freedom and security of Jews to the Soviet Union.

We firmly believe it is immoral for any state to abridge the freedom and justice of any peoples. We speak for minorities whereever they may be. We cannot forsake justice for any persons or people.

In speaking for the Jews, our deep concern grows out of the reported inability of Russian Jews to emigrate. While free exercise of their religious and cultural traditions are restricted, Soviet Jews are forbidden to leave that country. Unable to live freely as Jews, they risk imprisonment even in seeking visas or passports. Many Jews yearning to go to Israel are not permitted to do so.

In principle, the USSR confirms Article XIII of the Universal Declaration of Human Rights which avows, "a man's right to leave any country including his own." In addition, Premier Alexis Kosygin stated on December 3, 1966, in Paris, that "there shall be no problem concerning Jewish emigration. The doors will be open."

John Cardinal Carberry, Archdiocese of St. Louis;

Bishop George L. Cadigan, Episcopal Diocese of Missouri;

Bishop Eugene M. Frank, Missouri Area, United Methodist Church; and

Pastor Herman Scherer, President, Missouri District, Lutheran Church, Missouri Synod.

[From the Kansas City Star, June 20, 1971]

PRAYER FOR SOVIET JEWS ADDED TO AREA WORSHIP

Nineteen independent fundamental churches of the Kansas City area have introduced prayers for Jews in the Soviet Union in their religious meditations.

The action was in response to the request of the Rev. Lyle P. Murphy, superintendent of the Messianic Witness of Kansas City. In a letter to the church leaders Mr. Murphy called for "a special prayer program for Jews of the Soviet Union in consideration of the general truth that Jews in Russia are persecuted without reason."

Mayor Charles B. Wheeler, Jr., proclaimed a National Day of Prayer for Soviet Jewry June 3, after meeting with local representatives of various faiths.

The proclamation noted that "Jews have been arrested, tried and convicted on charges of anti-Soviet activity when their real 'crime' was their desire to emigrate to Israel as their last hope to live as Jews and pass on their history and traditions to their children."

Among the responding churches: Beth Haven; Bethel Baptist, Raytown; Blue Ridge Bible; Bonner Springs Bible; Central Bible; Centropolis Baptist; Cornerstone Baptist, Muncie, Kansas; Faith Bible, De Soto in Johnson County; First Baptist Mission; Marmon Baptist Bible; Independence Bible; Merriam Bible; New Hope Baptist, Independence; Open Door Baptist, Kansas City, Kansas; Pleasant Grove Bible; Southwest Bible, Prairie Village; Springvale Bible, Kansas City, Kansas, and Victory Bible, Sunflower.

MINNESOTA COUNCIL OF CHURCHES,
June 2, 1971.

From a variety of sources, it seems clear that the current treatment of Jews in Russia is cause for serious concern by all religious-oriented people. Archbishop Leo C. Byrne of the Archdiocese of St. Paul-Minneapolis, Dr. Melvin A. Hammarberg, President of the Minnesota Council of Churches, joined in issuing an earlier public statement to this effect. Each also spoke of his concern and support at a public service at Temple Israel, Minneapolis, some weeks ago.

The time is here to broaden the base of this concern and support.

When millions of Jews faced the holocaust under Hitler during World War II the Christian world said, "we did not *know*." We pleaded ignorance. Today the beginnings of such persecution is reported to be taking place in Russia. In our opinion, it is our religious responsibility to get the facts—to *know*, and then to *act* accordingly.

ALTON M. MOTTER,
Executive Director, Minnesota Council of Churches.

JEROME QUINN,
Chairman, Commission for Ecumenism, Archdiocese of St. Paul-Minneapolis.

CATHOLIC WOMEN FOR SOVIET JEWS

SAN FRANCISCO.—*Catholic Women for Soviet Jews* was established to give encouragement and moral aid to the Jews of the Soviet Union: encouragement from Christians, and particularly Catholic women.

Two hundred and fifty million Catholic women in the world, showing their public support of the desire of three million Jews, who may wish to emigrate, can be an important voice in this dramatic struggle.

Some church leaders have already spoken out for Soviet Jews (Archbishop Joseph T. McGucken for example) and an increased effort would clearly be welcome. This, at a time when the World has been alerted to the sad plight of these oppressed people.

The World community is growing ever closer through travel, public media, and commerce, and we recognize that all mankind is one family. Religious, or ethnic or political differences are purely accidental. We are one human family, and as such, we must care for one another.

As founder of Catholic Women for Soviet Jews, I have, in that spirit, adopted the 3,000,000 Soviet Jews in your behalf. I need Catholic women across the land to help me in caring for these people. Our office has on file the names and addresses of Soviet Jews who are begging for international support and correspondence . . . We must answer their call.

Christ preached the brotherhood of men, perhaps it takes the sisterhood of women to put it into effect.

You are urged to:

(1) Write to as many Soviet Jews as possible (Please: self addressed, stamped envelopes).

(2) Encourage a personal friendship, and do so in the spirit of "adopting" your family.

(3) Support other groups you know of, who are fighting to alleviate the suffering of Soviet Jewry.

(4) Write your congressman or congresswomen in support of the Soviet Jews Relief Act of 1971 (H.R. 5606). A copy of this bill is available from our office. This bill can be approved with your help. It would authorize 30,000 special visas for Soviet Jews who might be allowed to come to the U.S. A similar act was successful after the 1956 Hungarian revolution. Write your friends in other states to write their Congressmen.

(5) Please show your support of Catholic Women for Soviet Jewry by phoning our office or writing to us.

CLARA MARIA HENNING.

[From the San Francisco Jewish Bulletin, June 11, 1971]

More than 70 Catholic and Protestant clergy and lay leaders gathered last Monday in St. Mary's Cathedral to organize the Christian Committee in Support of Soviet Jewry.

Sparked by Father James Purcell, Secretary of the Senate of Priests, Archdiocese of San Francisco and Dr. Clifford Crummey, Executive Director of the Northern California Council of Churches, the group pledged to bring the issue "a matter of human rights," according to Father Purcell, to their churches, their organizations and other religious bodies and to join with the Jewish community in urging the Soviet government to let those Jews who wish to emigrate.

[From the San Francisco (Calif.) Monitor, May 20, 1971]

PRETTIEST CANON LAWYER FIGHTS FOR SOVIET JEWS

"Christ preached the brotherhood of men, perhaps it takes the sisterhood of women to put it into effect," said America's prettiest (and only female) canon lawyer at a recent San Francisco press conference.

Clara Maria Henning outlined plans for a new organization, "Catholic Women for Soviet Jews," which she founded to bring Christ's concern to Jews ensnared behind the Iron Curtain today.

Miss Henning speaks of Soviet oppression from personal experience. Born in Germany in 1941, she was interned in a Russian refugee camp where her grandmother died of starvation. . . .

Miss Henning also urges support of Edward Koch's Soviet Relief Act of March 1971 calling for issuance of 30,000 visas to Soviet Jews. And if they can leave Russia, she asks that Catholics give them active support in establishing themselves in America.

Miss Henning has been in San Francisco for seven months and plans to stay permanently. The first office of "Catholic Women for Soviet Jews" is her apartment. . . . In time, she hopes to open branch offices in Detroit, New York, and Washington, D.C. . . .

PALMA TRENTACOSTE.

CHRISTIAN PRESS REACTIONS

[From Christianity Today, June 18, 1971]

CRIES FOR LIBERTY GROW LOUDER

Devout, courageous Jews are stimulating a major revival of concern for religious liberty.

The immediate focus is the plight of Jews in the Soviet Union. Their activities have been restricted for many years, but the issue has been coming to a head only recently. Many want to emigrate to Israel. Soviet authorities have frowned on this but have let a few go.

The latest event interpreted by Jews as repression was a trial in May of four Jews in Riga, Latvia. They were found guilty of anti-Soviet activity and sentenced to prison terms ranging from one to three years.

The trial provided Exhibit A for a crusading Jewess, Mrs. Rivka Aleksandrovich, 47, who has crisscrossed the Western world in recent weeks to call public attention to Soviet persecution of those who take their Judaism seriously. Her 23-year-old daughter was one of the Riga defendants. "The only crime is that Ruth is Jewish," said Mrs. Aleksandrovich, who taught English in Riga for twenty-five years and was allowed to emigrate to Israel with an 18-year-old son only a few weeks ago. Ruth, a nurse, has been in jail since last October. At the trial in May she was given a one-year term. Her father has remained behind with her in the Soviet Union.

Pleas like those of Mrs. Aleksandrovich are arousing the interest of many who heretofore have thought that religious persecution existed almost exclusively in the minds of right-wing nuts. They are also putting ecumenists on the spot, obliging them to speak up on the denial of religious freedom in many Communist countries. Thus far, the ecumenical movement has been promoting the kind of dialogue with Communists that sweeps such unpleasantries under diplomatic rugs. . . .

In a meeting with churchmen in New York, Mrs. Aleksandrovich said there are still about forty Jews awaiting trial in the Soviet Union, including nine in Kishinev, Moldavia. But she made it clear that Protestants, Catholics, Orthodox, and even Muslims also were under attack in the Soviet Union. . . . She said she had attended the trial of a Baptist peasant and marveled at his calmness. "I'll never forget his speech," she said. "He told the judge, 'I'm not afraid of you. You are not a judge. I have only one Judge.'"

She said that the prison camp to which her daughter was being sent had eighteen women prisoners, and that most of them were Baptists.

She described as 'an evil position" the stance taken by churchmen who say they avoid speaking out against specific acts of religious persecution because of fear of reprisals against those involved. "It is high time to go ahead and speak," she declared. "Each step is a drop in the cup, and someday it will overflow."

There is a remarkable renewal of interest in religion in the Soviet Union, according to Mrs. Aleksandrovich, especially among young people. . . .

DAVID KUCHARSKY.

RUSSIAN JEWS AND AMERICAN CHRISTIANS

Engage, June 15, 1971 (Published semimonthly by the Board of Christian Social Concerns of the United Methodist Church)

On May 28 four Latvian Jews were convicted, after a four-day secret trial outside Riga (the Latvian capitol) of reproducing and distributing "anti-Soviet publications from Tel Aviv and salacious material," according to the Russian news agency, Tass.

This was the third such trial of Jews in the Soviet Union. The first, we remember, was in Leningrad last December, when eleven Jews were tried for plotting to hijack a plane. The second, in May 1971, resulted in the conviction of nine more for what was called complicity in the hijack plot and for general anti-Soviet activity. The third, and most recent, has nothing to do with hijacking. The charge was simply anti-Soviet activity. All together, only twenty-four persons, all Jews, appeared before Soviet judges.

Yet, the world Jewish community is profoundly disturbed—and is trying to get Christians, as such, disturbed, too. Why? BUT that's not the real question. The real question is: Why do Jews have to work so hard at arousing Christians? Why don't Christians immediately see and understand that when Jews are threatened, Christians are threatened as well? . . .

Many Christians are quick to support and defend the civil rights of Jews here and around the world, including the Soviet Union. But usually the defense is on the basis of *universal* human rights; seldom is it founded on the right of people to be religiously and culturally *different*. The latter right, however, is what is jeopardized by the Riga and the Leningrad trials.

Mrs. Rivka Aleksandrovich, mother of the twenty-three-year-old nurse who was sentenced at Riga to one year in prison, spoke in New York to a group of Protestant and Catholic leaders just prior to announcement of the sentences. The crime of the four on trial, she said, was "being Jews. Their guilt was wanting to be real Jews. Their great guilt was applying for visas to Israel, fighting for their right to immigration." Mrs. Aleksandrovich said she couldn't understand why simply wanting to leave the country to live in Israel was considered to be "anti-Soviet," but Americans, including American Christians, know the answer well. We know the threat that comes to the dominant—"universal"—culture when determined efforts are made by those living within it to act, think, look, believe—in other words, live—differently. In the United Methodist Church we know the threat, not only economically and numerically, but to our self-understanding, to our "faith," when members choose to leave because they reject our life style and/or belief and education structure.

"It is terrible," Mrs. Aleksandrovich said, "that in our civilized age, in the twentieth century, people should be persecuted, should be tried and punished, for belief—and not for crimes, not for deeds. It is not for the first time that the fate of the Jews has become a criterion for what is going on in the world. I insist upon the fact that keeping silence, stepping aside, is a sin."

It is not the first time that a Jew has instructed Christians about sin. This time Christians and the church must harken well. We must heed in words that are themselves action—not simply because we have a universal human concern for persons, but because *Christian faith* requires it of us. . . .

Four trials of Jews, on similar charges (Ruth Aleksandrovich and her three friends were charged with photocopying a Hebrew language primer), are scheduled in the Soviet Union. Where will Christian America be then—and before then? Should we protest through our government and directly to the USSR? Will our protest perhaps make things even worse for those whom we want to help? Mrs. Aleksandrovich thinks not: "No, no! The world was afraid of interfering on behalf of Jews in Germany so it would not be worse for them. It is high time to go ahead and speak. Every step on your part is another drop, which falls into the same glass. The day will come, the obligatory day will come, when the water will overflow."

Another Jew, a long time ago, might have added, "He that has ears to hear, let him hear."

[From Christianity and Crisis, Feb. 8, 1971]

SOVIET POLICY TOWARD ITS JEWS*

From earliest times Jews in Russia have been subjected to various pressures. The parallel alliance of the Russian Orthodox Church and the Tsarist Russian State which ruled medieval Russia could not tolerate persons willing only to be subjects of the throne but not believers in the state religion. Hence the attempts to regularize the Jews' status usually left them with even fewer rights than other Russians. . . .

Under Stalinism, the Soviet citizen was restricted in many ways. But the Jewish people, being both a religious and a national minority, suffered the restrictions doubly. Judaism, like all religions, was viewed as inherently an enemy of the reigning order, namely materialistic scientific-socialism. Therefore, Hebrew, the language of prayer and religious instruction was forbidden from the inception of the Revolution. The teaching of Yiddish has also been forbidden in the Soviet Union since 1948, when even this cultural vehicle of the Jewish "nationality" was suppressed by the Stalin regime. . . .

So strong is the effort to deny Jews legitimate participation in Soviet society that the hundred Jewish soldiers awarded the "Hero of the Soviet Union" title during World War II are no longer included on the rosters relating to that era. The Jewish backgrounds of other important Soviet Jewish figures, including novelist, Pasternak, ballerine Plisetskaya and violinist Oistrakh, are never mentioned. Even Karl Marx's Jewish origins are now omitted from the Great Soviet Encyclopedia. The effect of all this propaganda, however, has not been to reduce the attachment of Jews to their identity, but more often to stir up traditional Russian and Ukrainian peasant anti-semitism into acts of discrimination or vilification against Jews.

Everyone in the Soviet Union carries internal passports as required means of identification. One's nationality is recorded upon birth. Because surveillance is a major purpose of the identification papers, and because Jews are under special surveillance because of their dispersed condition and international ties, a child of Jewish parents is not allowed to claim another nationality. In this way the regime perpetuates its own problem by preventing Jews from assimilating (even if they wanted to). Only children of mixed marriages may legally claim a non-Jewish nationality.

So the unhappy situation continues. While other nationalities in the USSR have schools and publications in their own languages, Yiddish is banned as one link that could hold this people together. While other minority religions (Baptist, Armenians, Orthodox, Georgian Orthodox) have central organizations to coordinate their activities and seminaries to train their ministers, and can occasionally publish holy scriptures and prayerbooks for their congregations, Judaism has no central organization and was allowed but two students and a single training school in the early 1960's. Hebrew is forbidden to be printed because it is viewed as a "Zionist" and "cosmopolitan" threat to Soviet society, and not as just a religious language. And the State continues to close synagogues in many cities, initiating newspaper and radio campaigns of vilification against Jews as a race and against the house of worship as a meeting place for swindlers. . . .

Though the regime disclaims anti-semitism and though its policies may be only rarely motivated by traditional Slavic anti-semitism, still its desire that the Jewish nationality simply meld into the surrounding nationalities, together with its antipathy to all religions and its fear of all external connections (especially now that it has been drawn in heavily to the Arab side of the Middle East conflict), lead it to persecute Soviet Jews more than it generally harms its other citizens.

A partial solution to the regime's dilemma and to the Russian Jews' problem could be the actualization of the minimal demand frequently voiced by Jews and others outside the USSR—including some Western Communist parties—that at least the Jewish families separated by the Nazi onslaught of World War II be reunited through emigration of their Soviet members to relatives residing outside the USSR. This "anti-fascist" move should be the easiest form of "emigration" for the Soviet regime to accept. And it could even be done, realistically, without wide public knowledge, as Jewish emigration has been allowed in recent years by certain other Communist regimes. It is a demand worth pressing to the Soviets, to United Nations officials and to other persons in a position to help implement it.

BRIAN ALMQUIST.

[Editorial from Newsletter, June 1971]

SECRETARIAT FOR CATHOLIC-JEWISH RELATIONS

It is assumed too often by some Christians that the plight of Soviet Jews is no worse than that of other religionists in the Soviet Union. Actually, from the beginning of the Soviet dictatorship, their plight has been much more aggravated than that of Christian bodies. Since early in the Stalin era, discrimination in employment, restriction on cult, suppression of cultural activities, and purges have been visited upon Jews to a degree that is well out of proportion to their number and significance in the Soviet Union.

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* Excerpted from a comprehensive article spanning Russian treatment of Jews from czarist times to the present.

Jews have always figured more than others in show-trials that go on to the present moment.

The Jew in Russia is caught in a contradictory Soviet policy. On one hand, efforts are made to "de-Judaize" Jews, to enforce assimilation upon them, and thus cause Jews and Judaism to disappear. On the other hand, they are set off from the rest of the population in special ways, not only by special discriminations but also by a requirement that their identification cards be marked by the word "Jew." According to the United Nations Charter of Human Rights—which has been signed by the USSR—all persons should be allowed to emigrate according to their choosing. Since Jews are marked as a separate nationality in Russia, they have a special claim to be allowed to leave the country, and particularly to emigrate to Israel if they consider this their homeland. To consider this desire as a "Zionist conspiracy" or treason is highly unjust. It is, moreover, but a weak disguise for a Russian anti-Semitism that goes back to Tsarist days. Then the overall policy of the government was the elimination of Jewry by conversion, assimilation, and pogroms. In new and thinly disguised ways this triple pogrom goes on under the Soviets. Jews are to be *converted* to Communism. They are to be totally *assimilated* in the Russification pogrom. Pogroms have been replaced by incarceration, exile to concentration camps, show-trials, and purges. The similarity between the old Tsarist and recent Soviet pogroms is patent.

The plight of the Russian Jew weighs heavily on the Christian conscience. Our Christian feelings impel us to cry out on behalf of that people from which our Founder and Church came, that people which has suffered so much in the course of history, often at Christian hands. We therefore urge all Christians, and Catholics in particular, to assist in bringing pressure on the Soviet government to put an end to the subtle persecution of Jews that is going on in Russia, to put a stop to the show-trials of Jews, and to allow them to emigrate as they desire. This can be done by public statements or by telegrams and letters to the U.S. Government, and United Nations, and Russian officials in the United States. The USSR has become increasingly sensitive to world opinion. A sufficiently large number of such measures would undoubtedly have a beneficial effect on the plight of the Russian Jews. There are few Good Samaritan types of action more worthy of the consideration of the Christian at this difficult moment in history than to extend a hand to the Jews in Russia.

[From the Christian Index, Mar. 11, 1971]

JEWISH FRIENDS NEED BAPTIST AID

The world has been somewhat revolted by the tactics of some militant Jewish people in recent weeks, as they have protested the treatment of their fellow Jews in Soviet Russia. Cries of outrage have risen up against the militant Jewish Defense League and its fellow activist protestors.

But, isn't it strange that so few Christians have spoken out just as strongly about an even more revolting development—the treatment of Jews in Soviet Russia and elsewhere? Why have our "responsible" voices been so silent that the "radicals" had to come into being and action?

Our Jewish brethren have been a downtrodden, persecuted people for too long. Their perpetual harassment around the world, including the United States of America, is one of the darkest stains on the fabric of human history. Evidently some Christians have a warped, twisted view of Jewish "responsibility" for the persecution of our Saviour and some feel duty-bound to avenge His crucifixion by tormenting all Jews.

How alien to the spirit of that crucified and risen Saviour can repression and discrimination possibly be? Baptists above all Christians should be leading the way in calling for compassion and justice and just-plain human kindness for all minority groups of the world, especialily Jews.

[From National Catholic News Service, July 1, 1971]

SYMPATHIZERS MOBILIZE FOR SOVIET JEWS

John E. McCarthy, director of Migration and Refugee Services at the U.S. Catholic Conference in Washington, recently cited a report issued by former Canadian Prime Minister Lester Pearson entitled "Partners in Development."

The report describes the world as a village—a community where the improvement of human conditions is the concern of every man. It says the world's response to this need for improvement will bear heavily on matters affecting the dignity of the individual and the structuring of an orderly but humane future society.

McCarthy—addressing the general conference of the International Council of Voluntary Agencies (ICVA) in New York—agreed with the former prime minister, saying: "The test we face is to ensure every individual his right to find a home of his choice, his right to develop and improve, and his right to determine his own destiny without intervention."

He asked the convention to take up the cause of the Jews behind the Iron Curtain and asked them to secure these basic rights for the multitudes of distressed in the world. Otherwise, he said, "we will not be solving the problem nor exercising our Christian principles."

His call for community action for the sake of the distressed throughout the world has yet to be taken up in full by the American government. In the case of Soviet Jewry, one state department official plainly said the American government "is not an international Jewish defense agency." So, for the most part, those who wish to come to the aid of Jews in the Soviet Union have turned to private groups and organizations—both Christian and Jewish. . . .

LAURA A. KIERNAN.

[From the Providence Visitor, Apr. 16, 1971]

To have been a Jew during any period of history meant exposure to misunderstanding and hostility; to be a Jew today in the Soviet Union is simply intolerable. Behind the smooth phrases of Russian diplomats and the constitutional guarantees of religious and cultural liberty, there lurks a virulent anti-Semitism that has blurred the all too easy distinction between right wing and left wing totalitarianism. Actually, there is no difference. Like an updated version of the same nefarious drama, Russian Jews are reliving the teetering existence of their German coreligionists of some four decades ago. . . .

APOLLO 15 RECEIVES GOOD COMMENT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the RECORD several editorials on the Apollo 15 mission. The Apollo 15 flight is the most successful and advanced moon flight to date. The good comments follow:

[From the Plain Dealer, July 27, 1971]

APOLLO 15 NOT HUMDRUM OR ROUTINE

Appearances are deceiving. No matter how easy the blastoff looked, there is nothing routine, humdrum or monotonous about the latest mission to the moon.

Apollo 15 whoosed off its Cape Kennedy pad in the most successful blending yet of many skills, many technologies and many mechanisms. That hundreds of thousands of spectators were on hand for the launch and uncounted millions more in a worldwide television audience viewed the action is evidence that Americans and others still cannot take such a meshing of perfections for granted.

In the wake of Apollo 15's moonward flight, congratulations go again to leaders and workers in the U.S. space program whose vision and practicality make lunar exploration possible. And best wishes for success go to Apollo 15's three Air Force crewmen—Col. David R. Scott, Lt. Col. James B. Irwin and Maj. Alfred M. Worden—who have accepted a number of complex and hazardous assignments.

Fear developed early in the flight that a moon landing might not be possible. But the short circuit indicated by a flashing light was found to be in a switch and not in any critical mechanism. So Apollo 15 speeds onward to the moon.

Omens for success in the 12-day Apollo 15 operation so far are excellent. The liftoff was perfect. The departure from earth orbit was on time and on target. The nose-to-nose docking of the Endeavor command ship with the Falcon lunar lander went without a hitch, a far cry from the trouble that marked the same maneuver in the flight of Apollo 14.

If all continues to go well, Apollo 15 will be another giant step for mankind in moon exporation. The mission is to spend more time, to collect more data and samples, to make more observations than previously attempted. For the first time, a vehicle is to be used to transport two of the astronauts on a tour of the lunar terrain.

Flying to the moon, landing on it and getting home again still tests man's skills, technologies and mechanisms. For Apollo 15 there is nothing routine, humdrum or monotonous about it.

[From the Birmingham Post-Herald, July 24, 1971]

OFF TO THE APENNINES

If all goes well (as it does remarkably so in this business) three young men will take off from Florida Monday for a three-day visit to the Apennines. As it happens, they are not interested in the range which splits the peninsula of Italy but the higher mountains of the moon.

Astronauts David R. Scott and James B. Irwin are scheduled to land at the foot of a lunar mountain which rises almost straight up some 12,000 feet. Meanwhile, Maj. Alfred M. Worden will set off in the command module for a continuous orbit of the moon until Scott and Irwin rejoin him Aug. 2.

Each moon landing becomes the "most dangerous yet," because each time the astronauts try to outdo the excursion before them.

Apollo 15 will attempt several new records: They will spend 67 hours on the moon's surface, longest yet; they will land near a mountain range for the first time; they will drive more than 22 miles in a "moon buggy," another first; they plan to bring back more rocks than any other crew, and there will be more television pictures of their activities.

As usual, some of the plans are based more on theory than experience. Nobody ever drove a vehicle on the moon's surface, so space officials. while confident, are not sure the buggy they have devised will operate as they hope. There is no air on the moon and gravity is one-sixth of earth's gravity, which will make driving a different experience.

It promises to be an exciting 12 days—especially on Aug. 2 when a television camera for the first time will give watchers on earth a view of the blast-off from the moon—probably the most nerve-tingling moment of any moon flight.

It will be years before the value of these adventures to science and to general knowledge can be fully measured, but it should be enormous.

Meanwhile, we can marvel at the precision, skill and knowledge which go into these projects—and get for ourselves a thrilling diversion from political squabbles, strikes, revolutions and other pigmy monotonies of a tired little world. Anyone near a TV set can get in on the act.

[From the New Haven Register, July 25, 1971]

"You Are There" An Electronic Reality

In commenting on the successful flight of Apollo 14 last February, we concluded with the observation that, as NASA's operational techniques improve, America may "one day sit back in its living room and take a vicarious trip to the moon, from start to finish."

The Apollo 15 moon voyage, whose launching is set for Monday morning, brings us a step closer to that realization. The color television camera is likely to be somewhat ubiquitous on this trip, and though we won't be treated to a minute by minute visual account, coverage is being expanded to more flight highlights, including the blastoff from the moon. As it is, previous flights have already presented us with the now common blast-off from earth and a pinpoint-targeted splashdown. And Apollo 14 has added the exciting mid-space docking.

Expanded TV coverage of the flights seems to be NASA's most effective answer, at the present stage of explorations, to public apathy to space achievements. Without the electronic picture jogging the mind, and after that first step by Armstrong, the man in the street doesn't appear to have much to stir his excitement. Certainly, the moon rocks don't do it.

Still, each trip has its purpose. And Apollo 15 is stirring the scientific pulse as being the most complex, information gathering voyage of them all. Astronauts Scott and Irwin will spend twice as much time on the moon as anyone did before, will have a great deal more to do and presumably will return with considerably more knowledge.

We suppose that in time, and unless the space flights produce still further advances, even expanded TV coverage will lose its fascination. Which would be a pity. Consider how 13th Century explorers dropped out of sight and lost complete contact with civilization for months on end. And that 20th Century man, thanks to electronic progress, virtually peers over the shoulders of his explorers on voyages that far exceed a sail halfway around the globe. The "You Are There" aspect as history is being made is itself a giant step for mankind.

[From the Los Angeles Times, July 26, 1971]

The Goals of Apollo 15

By anybody's definition, Apollo 15 should be the most impressive moon mission yet.

The astronauts will be away from earth longer—12 days and seven hours—than any previous Apollo crew. They are to spend almost three days on the surface of the moon, and if all goes well a full 20 hours of this time will be spent outside the lunar module.

For the first time, the moon explorers will have the use of a Lunar Roving Vehicle, or Rover—a jeep-like vehicle which can take them as far as five miles from their spacecraft.

This means they should be able to collect a far greater quantity and variety of rock and soil samples than did any of their predecessors. And in the process, they will get what should be a scientifically valuable look at the foothills of the mysterious mountains of the moon, which tower some 12,000 feet over the Apollo landing site.

Perhaps most dramatic of all, from the standpoint of earthbound televiewers, is the prospect that we will be able to watch the actual, rather than simulated, liftoff of the spacecraft from the moon when the astronauts are ready to return.

No Hollywood scriptwriter could ask for more.

Yet, if we read the current mood in the country correctly, there will be less public interest and excitement over Apollo 15 than the event deserves. We are becoming jaded. We are also becoming more insistent that our investment in space exploration pay off in terms which are concrete as well as spectacular.

This mood has been growing ever since the first manned landing on the moon. And the space agency, in response, has recognized that the space program henceforth must be justified in terms of the potential benefit to life here on earth.

In the eyes of space officials, Apollo 15 marks a giant transitional step between those flights which were primarily aimed at proving man's ability to land and function on the moon, and those which are primarily intended to gather scientific information.

But the program managers have been excessively slow, in our view, to begin using scientists as astronauts in order to maximize the scientific payoff. Thirteen scientists have been trained as astronauts. But none has yet flown in space, and none is currently scheduled to do so.

The space agency reportedly may include Harrison (Jack) Schmidt, who is a geologist by profession and an astronaut by training, in the crew of Apollo 17 next year.

Such a move is both sensible and overdue.

[From the Evening Bulletin, July 28, 1971]

The "Why" of Apollo 15

In Apollo 15, the United States has invested its greatest sum yet, $445 million, for its longest moon voyage, lasting 12 days and seven hours, and the riskiest of landings in the most rugged terrain on this side of the earth satellite.

The current flight, for these reasons and others, is also raising more questions than prior missions.

Why send men to the moon again and again when it has been proved we can do so, when public support is waning, and earthly problems appear so much more pressing?

Col. David R. Scott, Apollo 15 commander, calls this journey into space "the most singular, significant scientific expedition ever conducted; a journey backward in time to the first pages of the history of the creation of the solar system," 4.6 billion years ago.

It is not a matter of merely bringing home more moon rocks.

Apollo 15's mission is to deliver very special specimens from the foothills of the moon's tallest mountains and the lip of the deepest, most spectacular crevasse, Hadley Rille—rocks that were exposed by the collision or convulsion that shaped the moon's surface.

And thus man may learn what fores and elements formed the moon, and whether the earth is a product of the same.

Blastoff Monday was picture perfect. And except for a minor switch malfunction, the journey to the moon has gone well.

This is what the U.S. does best. Despite Russian successes with a remote controlled moon rover, and in setting up an earth-orbiting space station, American astronauts are still the eyes and ears of every man in a forbidding environment. Who can identify with a robot?

Why go? Because man seeks the answers to his existence, and the moon is a place to search for them. Until it has revealed all its secrets, to neglect them is to settle for speculation.

[From the Christian Science Monitor, July 27, 1971]

Perspective on Apollo

Apollo 15 heads moonward amid continued debate over America's priorities.

We think the issue is really one of perspective.

No one suggests that spaceflight take precedence over the needs of cities or the poor. But America does have to decide what to make of its spaceflight achievements.

As mission Commander David Scott remarked a few weeks ago, "Scientific exploration has to be one of the foremost priorities in any country's growth." He meant the kind of horizon-stretching, capacity-building present effort that opens new eras of profitable opportunity tomorrow.

Is manned spaceflight that kind of pioneering or not? Has the magnificently successful Apollo program put us in the posture to get commercial benefits from spaceflight, as NASA associate administrator Dale Myers claims, or hasn't it?

That is the question America should consider.

If the answer is negative, then the whole Apollo exercise has indeed been a farce. If the answer is affirmative, and a strong case can be made that it is, then the country cannot afford to drop its opportunity.

The spaceflight debate should focus on how best to realize that opportunity within a set of priorities that does put people first. Rhetoric about diverting funds from earthly needs sidetracks this fundamental issue.

NASA believes the wisest course would be to develop the reusable space shuttle. Mr. Myers argues that the shuttle's tenfold launching cost reduction would evoke a flood of commercial uses.

He envisions refineries using the super-hard space vacuum and gravity-free environment to make high-cost materials with a purity impossible on earth. He foresees ready access to orbiting laboratories for many kinds of industrial research and development. In short, he expects the shuttle to open a new world of profitable industry that we glimpse only dimly today.

NASA now is studying how to stretch shuttle development to keep its budget in check. It should have a program to recommend by October.

At that time, we hope the administration will put before Congress a definitive spaceflight plan for the rest of this decade. Then Congress can decide whether America does or does not have a spaceflight future.

[From the New York Times, July 27, 1971]

United Nations of the Moon

Apollo 15 blasted off on schedule yesterday for what is planned to be the most scientifically productive manned trip to the moon that has yet been made. Only two years have passed since Neil Armstrong first set foot on the lunar surface, but already the historic accomplishments of the Apollo 11 crew begin to look as though they belonged to the Model-T era of moon exploration.

The capabilities of Apollo 15 in terms of lunar exploration time available and of the lunar area it should be possible to cover represent a quantum leap far beyond Apollo 11. There is every reason to hope that the scientific dividends from the present journey will be substantially richer than the returns from all the other Apollo voyages put together.

Present plans call for only two more Apollo flights to the moon. After the second of these late next year the Apollo program will belong to history. However, lunar exploration by means of unmanned instrument packages is likely to continue. Soviet statements have indicated that Moscow plans to send additional devices to the moon similar to that which automatically returned a few ounces of lunar soil to earth last year, as well as to send robots akin to the Lunokhod device which is still slowly crawling about a section of the moon surface. Useful and ingenious as these complex machines are, it must be recognized that it would require the activities of a good many of them spread over a fair number of years to accomplish the kind of intensive exploration of one large area that is possible for an expedition like Apollo 15.

Since both the United States and the Soviet Union have apparently decided to give top priority this decade to creating manned space stations, there will evidently be for some years a kind of vacuum in manned lunar exploration, which provides a major political opportunity for far-sighted world leadership. Nothing would do more to unify this badly divided planet than the spectacle of an international group seeking to create the first permanent manned base on the moon, a base from which explorers could move out to every part of that satellite using either surface vehicles or flying rockets.

Creation of such a permanent manned base would require decades at least. But its politically unifying effects would be felt from the beginning of the planning work if it were evident that the project was to be truly international and truly aimed for the benefit of all mankind. If the leaders of the United States, the Soviet Union, China, Japan, Western Europe, the Arab states, Israel and other countries would like a project that would bring them all together, the goal of a manned base on the moon is still available.

[From the Chicago Tribune, July 27, 1971]

Bon Voyage, No. 5,351

A scant 15 years ago the average American would have regarded the possibility of a satellite whirling through space as fantasy from the comic strips. Even today, it is hard to believe that the Apollo 15 flight to the moon is the 5,351st manmade object propelled into earth orbit since the first Russian sputnik in 1957.

So commonplace have spectacular space flights become that the nation no longer grinds to a halt to watch the liftoff on television. Shortly after Astronauts David R. Scott, James B. Irwin, and Alfred M. Worden blasted off the Cape Kennedy pad, Walter Kapryan, the launch director, described the several hours before liftoff as "the most uneventful countdown that we have had." And the Houston space center reported that the pulse rate of Scott, the mission's commander, was 70 beats a minute—slightly below the normal 72—shortly after the launch.

Despite all of this, the mission is fraught with new dangers for a space flight. The landing target is a site in the midst of a mountain range with peaks towering up to 15,000 feet and near a canyon 1,200 feet deep. The astronauts plan to land on the moon Friday and spend 67 hours there, including 20 hours on the surface. A new form of transportation will be a two-seat lunar rover. On the way back, one astronaut is scheduled to take man's first "walk" in deep space. He will climb outside the spacecraft 200,000 miles from earth. Compared with this, the earlier space walkers were barely on the outskirts of town.

Accustomed as we older folk are to space flights, sometimes it's necessary for a member of the much, much younger generation to remind us how exciting a space flight really is. Like the 4-year-old boy of our acquaintance who, with eyes glued to the television set, kept his uninterested mother abreast of events with a moment-by-moment account of developments. Then, when the television network switched to another program shortly after the liftoff, the child of the space age—with great indignation—proclaimed: "Mom, this is so important it should be on until the soap operas."

Once again, we pray for the success and safe return of our latest team of lunar explorers.

IF ACCORD WITH RED CHINA COMES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. HOSMER. Mr. Speaker, I am not one of those who sees President Nixon's forthcoming visit to mainland China as the beginning of the end of the free world. Neither is columnist L. A. Collins, Sr., of the Long Beach Independent, Press-Telegram.

For my part, I can see no danger in the President's establishing a dialog with the leaders of the most populous nation on earth. Those who harbor deep suspicions about normalizing relations with Red China should, in all fairness, await the results of the President's visit.

In the July 18 edition of the Independent, Press-Telegram, Mr. Collins analyzes the forthcoming Peking trip and his hopes for its result. I share his feeling of anticipation and include his fine column in the Record.

Thereafter, is my own statement on the President's trip:

If Accord With Red China Comes

(By L. A. Collins, Sr.)

It may be the outstanding news release of this year will be the President's announcement of his projected trip to Red China. There may be later announcements of an accord with North Vietnam and ending of the war. But many experts feel that an accord reached with Red China would be essential to assure a peaceful settlement in Vietnam—Korea and the rest of Asia.

It has been well known that Red China has been the main supplier of arms—and some manpower—to North Vietnam. It has been its policy to aid any Asian nation that was fighting western powers. But the invitation to the touring U.S. table tennis players was an opening event that gave hope that some settlement was possible.

The electrifying announcement that the President's chief adviser on foreign policy, Dr. Kissinger, had had a meeting with Premier Chou En-lai—which resulted in an invitation to President Nixon to visit the country—may be the break that will end our participation in Asian wars for many years to come.

This if successful would have to mean some arrangement whereby the membership of Nationalist China—Formosa—will maintain its membership in the United Nations. It would assure the safety of South Korea—Formosa and hopefully South Vietnam. These are areas where past Red China policies have been a constant threat. Settlement of these problems will call for concessions on all sides. But there is reason to be encouraged when the leader of Red China and the President of the U.S. are ready to sit down and talk about them.

From past attitudes of Red China this has seemed impossible. But we must realize there has been a change in that attitude by Chou En-lai. It is probable he is as weary of war as we are. Sending Dr. Kissinger to meet with the premier may be the outstanding peace movement by President Nixon or any of his recent predecessors.

It is hoped the President will make his trip for the meeting in the near future. He will need the support of the other nations of the world to work out programs that will be attractive to the Red Chinese. He will have to accept conditions that have long been undesirable to this country. But if the Chinese are as anxious for peace and being part of the world peace movement there is hope.

There will be opponents in this country to the President's efforts. But they will be of little effect because the American people want a peace settlement of our differences—more than they have in many years. There may be objections from the Russians who have been at odds with the Communists of mainland China.

President Nixon has been quietly sending his envoys to these troubled places for many months. He deserves the support of all our people in his efforts to overcome the problems that have endangered the entire world. He has the problem of making concessions in response to concessions that may be offered. He has a strong group of realistic experts as his advisers. But the real hope is his attitude that concessions must be made and accepted to bring about a peaceful world. Each of us should pray for the success of the efforts he has been exerting to bring about a solution to the tragic wars we have fought in Asia.

Statement Regarding the President's Intention To Visit Mainland China

(By Congressman Craig Hosmer)

Mainland China is the most populous nation on earth and President Nixon should not be faulted for doing away with the fiction that it does not exist.

Events make it increasingly clear that means ought to be found for the governments of that country and the United States to communicate sufficiently to avoid collision courses.

Events also make it increasingly certain that the Soviet Union reaps needless politico-military advantages from this very lack of communication.

The President has stated that an interchange with mainland China will not be established at the expense of nationalist China. Nor need it be, nor should it be.

But, by like token, the basic interests of the United States cannot and should not be subordinated to those of nationalist China. Already the fragile status quo between the two Chinas and the United States has persisted longer than reasonably to be expected.

In his initiative President Nixon's objective has been to nudge the inevitable movement of events in a direction favorable to the United States rather than permit them to drift in adverse directions.

HOME RULE GAINS SUPPORT

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. FAUNTROY. Mr. Speaker, last week, Senator Brooke and I announced the formation of a national coalition to secure self-determination for the people of the District. Almost simultaneously, the Senate District Committee adopted a strong home rule measure, for which the members of the committee are to be commended. I want to share with my colleagues an excellent newspaper article and two editorials commenting on the committee's bill and on the national coalition. I could not agree more with the thrust of the two editorials, both of which accurately point out that the strong support of the President and his administration is vital if the momentum created by the bill approved by the Senate District Committee is to be carried forward. The text of these articles is set forth:

A Strategy of Compromise on a New Home Rule Bill

(By Irna Moore)

Senator Thomas F. Eagleton (D-Mo.) and the six members of his Senate District Committee don't believe in exercises in futility. Seated around a table in the majority leader's Capitol office last week they agreed not only on a new home rule bill but on a strategy of pragmatic compromise calculated to produce results.

"Like most compromises, this bill won't make everyone happy but it has what it takes to get the job done," said Sen. Charles McC. Mathias Jr. (R-Md.). "We weighed the human equities and the political realities and came up with an attainable solution," Mathias should know something of the political realities of home rule. As one of the chief supporters of the last home rule measure in 1965, he stood on the House floor and watched the Senate-passed home rule bill go down to defeat despite frantic last-minute attempts to modify some of its provisions. So this time around Mathias, now the ranking Republican on the Senate District Committee, collaborated with Eagleton to design a bill that was a compromise within the committee, a compromise with potential Senate opposition and a notice to the House that this Senate committee is ready to talk without getting hung up on any one item, and more interested in constructive action than in argument.

Neither senator, to be sure, was predicting that the bill would sail through the House, where six earlier Senate-passed home rule bills have been killed in the past two decades. Not only is sentiment in the House difficult to predict in 1971 on the basis of votes in 1965, but the total commitment from the White House that brought the 1965 bill out of the House District Committee has not been forthcoming this year. Without it, the prospects in the House are uncertain at best. What does seem certain is that the Senate committee's final product will at least be more difficult for House opponents to attack on any issue other than the merits of self-government for Washington.

What the committee sat down to work with were bills introduced by Mathias, Eagleton and D.C. Delegate Walter E. Fauntroy. All three called for vesting an elected mayor and 11-member city council with the legislative and fiscal authority to run the District of Columbia. But they differed in their approach to many of the same legislative details that House opponents of home rule used successfully to defeat the 1965 Senate bill:

Item: Should local elections be nonpartisan; wouldn't partisan voting plunge the District into conflicts over the Hatch Act's ban on political activity by government employees, and also guarantee the election of Democrats to local office?

Item: Should the President have the power to veto anything the local government enacted? Fauntroy said no. One of the last ditch concessions the 1965 proponents made to assuage fears about "protecting the federal interest" was the addition of a provision authorizing the President to use federal troops or take over the local police if necessary.

Item: How should the annual federal payment to the city be fixed? Opponents six years ago argued that a federal payment that didn't have to be approved each year by Congress amounted to "backdoor spending." And they claimed that a payment calculated as an off-set to the federal government's exemption from local property taxes would be tantamount to letting the District tax the Capitol and the Washington Monument.

Item: Should the President continue to appoint local superior and appeals court judges? Fauntroy said the mayor and council should have that power.

Item: Should the city government be allowed to enact a commuter tax on suburban residents who work in the District?

That last point would be the stickiest to compromise within the committee. Mathias clearly had to oppose anything short of an absolute ban on a commuter tax in the interests of his Maryland constituents. Looking ahead to the entire Senate, Eagleton could envision the two Maryland and two Virginia senators staging a filibuster against a home rule bill that would allow a commuter tax.

"We kept a prohibition on a commuter tax in the interest of getting a unanimous bill and in the best interests of getting the bill passed," Eagleton said. "Otherwise, it would have been a tough battle in the Senate and impossible in the House."

Some of the other questions were resolved by taking a piece from the Mathias and Eagleton bills here, and a section from the Fauntroy bill there: elections would be partisan, with the council setting its own and the mayor's salary; judges would be appointed by the mayor and confirmed by the council. There would be no presidential veto power.

"I think the fear that a veto is needed is inflated," said Sen. Daniel K. Inouye (D-Hawaii), a member of the committee. "There was a presidential veto when Hawaii was a territory and it was never exercised in 54 years."

"I felt strongly that there shouldn't be both a presidential and legislative (congressional) veto," Eagleton added. "I think the legislative veto is adequate."

The constitution clearly states that "the Congress shall have power . . . to exercise legislation in all cases whatsoever" over the capital city, and it has been argued that no further provision for a congressional veto is needed in a home rule bill.

But the past cries of "protecting the federal interest" led the District Committee to add a compromise provision to its bill: either house of Congress would have 20 days to nullify an action of the city government under its expanded powers. Action that the city now has the power to take—naming department heads, setting the property tax, reorganizing city agencies—would not be subject to the 20-day veto.

Finally, the prickly issue of the federal payment was made somewhat easier to handle by scraping the idea of a payment based on property tax the federal government would have paid. Instead, the committee decided on a payment based on a percentage of what the city would collect in local taxes each year. It would start at 35 per cent in fiscal 1973 and go up to 40 per cent in fiscal 1975. While this formula would blunt some of the past opposition, the committee kept the concept that the federal payment would be given to the city automatically each year without congressional approval.

Given the House's unbroken record of hostility to home rule legislation and the Nixon's Administration's apparent lack of support, why did the committee go to so much trouble? For one thing, the feeling was that you've got to start out with a bill to get a bill, something that hasn't happened in six years. For another, the Senate committee does not appear to be wedded to each and every one of its compromises and has left itself ample room for future maneuvering.

"This is a realistic bill," Eagleton replied when a reporter asked him if he considered the committee's work a futile gesture. "We've got to try."

[From the Washington Post, Aug. 2, 1971]

A "Reasonable Chance" for D.C.?

The Senate District Committee has produced an admirable bill to grant home rule to our colony and one can assume that in the Senate the chances are reasonably good but that in the House of Representatives the going will be rough. So in the end it will probably depend—as it has in the past—on whether the President of the United States cares enough to bring his power and prestige to bear, and unhappily, when one turns in that direction for some hint of whether there is any hope of getting somewhere this time, one discovers that, for all practical purposes, on this issue the White House is out for lunch. There is the trip to Peking to think about, and the cost of living, and the plight of Lockheed; we have a war policy dedicated to giving the South Vietnamese a "reasonable chance" to determine their own destiny and a foreign policy which would apply this principle of self-determination to every single nation in the world. But not to the capital of the United States. When it gets down to home rule for our colony, the Nixon administration has so far not spoken except in the most general way; it has endorsed no legislation or otherwise engaged itself in the cause. Worse, it has suggested that a Study Commission now looking into the management of the present city government consider various alternate approaches to self-government. Well, we all know what that means; when you consider the study that has been given to this subject over the years, to "study" can only mean to stall. And that is all the more lamentable in the light of the splendid start that has been made by Senators Eagleton and Mathias and the rest of the Senate Committee, with respect not only to the contents of their proposal but to the spirit with which they approached the job.

As described in an article by Irna Moore appearing elsewhere on this page today, the two ranking committee members of both parties went at their work with a careful eye to the obstacles ahead, both in the Senate and in the House. Without sacrificing anything of large significance, they have tailored their bill to anticipate the hang-ups that have bedeviled home rule legislation in the past—whether local elections should be nonpartisan, the extent of presidential veto-power over local government actions, the formula for fixing federal payments to the city. Some of the tougher questions were simply eliminated as issued (the computer tax) and otherwise were compromised (the federal payment would be fixed as a flat percentage of local general revenue; instead of a presidential veto, either house of Congress would have 20 days to cancel an action by the city government).

Just as the sponsors of this new blueprint for home rule are making no claims that it is perfect, so we would make no such judgment. In the main, however, it strikes us as an extremely sound and sensible proposition, with some details open to argument on the merits but nothing in it of a basic nature that you could seize upon as a fatal flaw unless, of course, you were basically against the whole idea. It is an honest effort—and the first effort of any kind for six years. All it lacks, really, is the support, all along the line, of all of those who profess to believe in the cause. As of now the most conspicuous absentee is the President.

[From the New York Times, Aug. 1, 1971]

The Captive City

Senator Edward Brooke, Republican of Massachusetts, has formed a National Citizens Committee to arouse support around the country in behalf of democratic self-government for the city of Washington. For nearly a century, the nation's capital has been deprived of home rule. A small breakthrough a few years ago produced an elected school board, but all other municipal affairs are controlled by a Mayor and City Council appointed by the President and tightly supervised by committees of Congress.

Since members of the Senate quite rightly regard running the city of Washington as a tiresome chore which their own constituents did not elect them to perform, they have six times in the last twenty years passed bills conferring home rule. Another such measure has now cleared the Senate District Committee. But the bills always founder in the House. A clique of parochial Congressmen, most but not all of them rural Southerners, enjoy the power and perquisites of being the unaccountable rulers of a large city.

It is an ugly fact that many members of the House in both parties have long been reluctant to turn control of Washington's municipal government over to its citizens because two-thirds of those citizens have black skins. The last major drive for home rule was in 1965 when President Johnson made a herculean effort and forced the bill to the floor by a discharge petition, only to be frustrated at the last moment by a parliamentary maneuver managed by Representative B. F. Sisk, a California Democrat fronting for Southern racists.

Turning sentiment around in the House now is going to be just as difficult as it was then. It cannot be done without the active support of President Nixon and the House Republican leadership. Instead of leading the fight, as his predecessor did, however, Mr. Nixon has kept a deep silence on the subject. Senator Brooke's admirable missionary effort will have to begin at 1600 Pennsylvania Avenue.

DRAFT BILL CONFERENCE REPORT VIOLATES HOUSE RULES

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. BROYHILL of North Carolina. Mr. Speaker, recently a House-Senate conference report on the draft extension was reported from conference committee. The conference report contains a number of changes from the House-passed bill. Many of these are major changes and in fact violate rules of the House of Representatives. So that Members will be familiar with the changes made in one part of the legislation, I include at this point a copy of a statement I made before the House Rules Committee today:

STATEMENT OF CONGRESSMAN JAMES T. BROYHILL

Mr. Chairman and members of the Committee, I am appearing to testify in opposition to the request for a rule waiving points of order on the consideration of the conference report on H.R. 6531, the extension and revision of the draft law.

I would like to concur in the remarks made by Mr. Steiger of Wisconsin on the pay provisions of this legislation.

I would also like to express my strong dissent from the action of the conference committee on an amendment which I sponsored providing exemption from involuntary induction for any young man who has lost a father, brother, or sister from service-connected causes.

My amendment was accepted by the House during the debate on the draft bill on April 1 by a large margin. It was removed from the bill by the Senate Armed Services Committee, and a similar amendment was offered during the Senate debate by Senator Bob Packwood and accepted by the Senate.

Although there were slight differences between Senator Packwood's and my amendments, the intent was the same. The language of my amendment provided exemption from involuntary induction under the following conditions: if the father or a brother or a sister was killed in action or died in line of duty or subsequently died or is totally disabled as a result of injuries received or disease incurred during military service, or during any period of time in which the father or a brother or a sister is in a captured or missing status as a result of military service.

Senator Packwood's amendment contained this language, with the inadvertent omission of the words "totally disabled". In addition, the Senate version contained additional language providing that any young man serving in the military could be discharged, upon his request, if he became eligible under these provisions subsequent to his induction. The Senate language also provided that such discharge could not be granted if court-martial charges were pending or if the serviceman was in military prison.

In presenting my amendment to the House, I had assumed that the section added by Senator Packwood could be taken care of by Department of Defense regulation and that there was no need to write it into the law. However, the Senator saw fit to include this additional language and it is because of this difference from the House-passed version that this part of the bill was a conferable point.

I would like to emphasize again that there was absolutely no contradictory intent in the Senate and the House versions of this section of the bill.

The conference committee, in resolving the differences in the House and Senate language, took the language of the Senate bill for the conference version. However, the conferees took it upon themselves to add a date of effectiveness which appeared in neither version and which severely limits the impact of this change in the law.

I would like to quote from the conference report at this point: "The conferees agreed to accept the Senate language with an amendment providing the sister or brother must be 'of the whole blood' and *providing further that the exemption applies in the case of family members lost subsequently to December 31, 1959.*" (emphasis added) This limitation severely restricts the effect of the provision and for all intents and purposes nullifies exemption from the draft for any young man whose father died during the Korean War or from injuries sustained during World War II. The amendment as originally proposed implied a time limit on its effectiveness by the family member listed—father, brother, or sister. This language would limit the effectiveness to one generation and would vary with the circumstances in each family.

Perhaps of greater significance, this unwarranted change is also a flagrant violation of the Rules of the House as amended by the Legislative Reorganization Act of 1970. Under an amendment sponsored by this Committee, clause 3 of rule 28 now provides that conference reports "shall not include matter not committed to the conference committee by either House, nor shall their report include a modification of any specific topic, question, issue, or proposition committed to the conference committee by either or both Houses if that modification is beyond the scope of that specific topic, question, issue, or proposition as so committed to the conference committee."

Because of the significant change in the effect of this section of the conference version from the House and Senate versions, and because of the violation of the Rules of the House, I urge the Committee to reject a rule waiving points of order so the conferees can bring this bill back to the House with these changes properly resolved.

THE CATFISH FARMING INDUSTRY

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. PRYOR of Arkansas. Mr. Speaker, on July 13, in the parking lot at South Capitol Street, over 2,000 people attended a catfish fry. For many of them, it was the first time that they had been given an opportunity to sample this succulent resource of my home State of Arkansas.

Roy Reed of the New York Times has recently written an article on the newly emerging catfish farming industry. I would like to bring it to the attention not only of those who were fortunate enough to have sampled, first hand, the product of that industry, but also to the rest of my colleagues whose first experience is still to come. I include in the RECORD at this time the article "They're Farming Catfish by the Acre, but Supply Is Short":

THEY'RE FARMING CATFISH BY THE ACRE, BUT SUPPLY IS SHORT

(By Roy Reed)

DUMAS, ARK.—On top of all its other troubles, New York is outside the catfish belt.

But help is on the way. Catfish are now being raised on the farm just like corn, wheat and potatoes, and as soon as the farmers get the kinks out of their marketing system, at least one of the city's problems will be solved.

The catfish was once despised and avoided everywhere except the South. But during the last three or four years, thanks to the genius of American agriculture, people have learned to love it in Los Angeles, Chicago, Kansas City, Peoria and many other places where it was once considered unfit to eat because of its scavenging diet.

INADEQUATE SUPPLY

Only the formidable size of the population of New York has kept the catfish out of that city. New Yorkers may think the reason is their taste but that is not it. Catfish farmers feel that it would be morally wrong and economically unsound to tease New York with an inadequate supply of their irresistible product.

Meanwhile, down on the farm, men like Edgar Farmer and his two sons, Harold and Kelly, are working night and day to raise enough fish to close the gap between supply and future demand.

"We've got about 800 acres of catfish and we're building another 300 acres of ponds this summer," the father said last week, sitting in the air-conditioned living room of his large, expensive brick house—the house that catfish built.

In speaking of catfish, farmers use the same language that they use in discussing their rice, cotton, soy beans or cattle, all of which Edgar Farmer raises on his 3,000-acre farm.

Ask a farmer how many catfish he is raising and he will reply in acres. Mr. Farmer has one pond that is populated by an estimated half a million six-inch catfish, but he refers to it as 6½ acres of fish. The fish are "fed" like chickens, "harvested" like rice, and eventually "skinned" and "dressed" like cattle. When ready for harvesting they weigh about a pound.

Mr. Farmer's acreage is part of about 50,000 acres that will produce 36 million pounds of catfish and bring $20 million to farmers in several states this year. The industry has almost doubled in size during the last five years.

Most catfish farms are in Mississippi and Arkansas, but they are moving rapidly into Louisiana, California and even beyond the nation's border.

Farmers in these warm regions are attracted to catfish farming because it can be more profitable than any other crop, if managed properly. Only the more substantial farmers can get into the business because large capital is necessary to build the ponds and buy equipment.

Once in, shrewd farmers have found that they can make up to $700 an acre in gross returns on the fish. That is about twice the return on rice.

Most don't make that much on the new crop because they have not learned to raise and market the fish efficiently. Many have tried and lost money.

Raising fish as a crop is considerably more complicated than throwing a hook into the Arkansas River, as the catfish lovers around here traditionally have done.

Mr. Farmer was one of the first to discover, in the late nineteen-fifties, that fish fed with a high-protein food, such as soy beans, would grow much more rapidly than fish left on their own to feed on smaller fish, crayfish and insects. That discovery made the industry possible.

After that, however, the farmers found that every step called for techniques they had never had to think about in raising cotton and other crops.

For example, feeding the fish by hand would have been impossible. Now there is a machine that blows soy bean pellets across a pond.

Harvesting is still a headache. One afternoon recently, when the temperature was a little more than 100 degrees and the sun was spinning vapors on the harsh, flat Delta land, Kelly Farmer and a crew of two other men and four boys waded into a six-acre pond 12 miles west of Dumas and began fishing in earnest.

First they spread a 150-foot seine in a wide semicircle across the middle of the pond. With one end tied to a tractor and the other to a pickup truck, they pulled the seine slowly to the bank. Then they went into the tightened crescent with a smaller seine, and wading in water to their armpits, pulled the trap closer to shore.

DELIVERED LIVE

Finally, a metal scoop swinging from a mechanical boom was lowered into the muddy water, and the flouncing fish were lifted into a tank truck. They would be delivered live in carefully cooled tank trucks to markets around the South.

Dr. Fred P. Meyer, chief of the Interior Department's fish farming experiment station at Stuttgart, Ark., said recently that perhaps the fish farmers' major problem was marketing: Where should the major outlets be, how many sizes of fish should be sold, should they be "breaded, steaked or fileted," how can the farmers provide large quantities with every fish the size of every other fish to a tolerance of half an ounce? These and other questions may take 10 years to answer, he said.

Leaders of the new industry and their allies in the Federal Government are confident that catfish will gain in popularity not only because of its taste—which is rather delicate, if the fish has had the proper diet—but also because of the increasing attractiveness of foods low in saturated fats.

Farm-raised fish generally are less polluted with pesticides and industrial wastes than wild fish, Dr. Meyer said.

LESS POLLUTED

"The levels in farm-raised fish are far lower than in those taken from the major natural streams," he said.

Farmers have to be careful not to build ponds on land used for long periods to grow cotton because cotton for many years has been treated with long-lasting pesticides. The fish will die in such ponds, Dr. Meyer said.

The farmers are trying to get a bill through Congress to have all phases of catfish farming regulated by the Department of Agriculture. They now have to deal with Agriculture, Interior and Commerce. The farmers feel more at home with the Agriculture Department and, some say, it would be easier to get Agriculture to approve new chemicals and drugs that might be used raising the fish.

But the Agriculture Department reportedly is not keen to take on this new job with little background of personnel and expertise. And, Government sources point out, setting standards for chemicals and drugs has been removed to the new Environmental Protection Agency.

For the inevitable invasion, New Yorkers should be prepared with an elementary knowledge of how to cook and eat catfish. It can be cooked many ways, but the most popular in the South has always been frying it in deep fat after coating it with corn meal. It is often served with hush puppies, small fried corn meal sticks that used to be tossed into the yard to quiet the dogs at meal times.

The Catfish Farmers of America held a fish fry in Washington last month for members of Congress. Senator J. William Fulbright's wife, Betty, explained for the visiting Congressmen and a skeptical press the proper way to eat catfish.

"You eat them with your fingers, like a chicken leg," she said, and then demonstrated with smiles and greasy fingers that she was right.

GAS SUPPLY THREATENED

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. MURPHY of New York. Mr. Speaker, New York and California are many miles apart, but they have this in common: both are threatened by a critical supply of natural gas.

I have spoken before about the situation in my State. Now I have learned that the California Public Utilities Commission reports a substantial and increasing need for new natural gas supplies from out-of-State sources to meet projected future requirements.

The expected deficit in supply, according to the report, will be particularly serious in the heavily populated southern California area by next January. Because there are no pending applications for new supplies for this section of the State before the Federal Power Commission at this time, the report concludes that projected demand, particularly for large interruptible gas service, "cannot be met from present resources."

The California commission explains that El Paso and Transwestern pipelines have already informed gas companies that they will not be able to furnish additional supplies of this indispensable fuel. The Southern California Gas Co. plans, of necessity, to reduce supplies available for electric power generation to Southern California Edison Co., the Los Angeles Department of Water & Power and other cities in the Los Angeles area, and the San Diego Gas & Electric Co.

The expected deficit in gas supply in southern California will be 400 million cubic feet per day by January 1972, rising to 1,350 million cubic feet per day by the end of 1975. And in northern California, gas distributors estimate that heavy additions to present supplies will be required in January 1972 and thereafter.

Mr. Speaker, it is a matter of great concern to the entire population that not enough gas is being produced in the United States to meet the constantly rising demand. The margin of safety provided by the Nation's proven gas reserves has been dwindling for some time.

During each of the last 3 years, more gas was consumed than was discovered. Known reserves in the 48 contiguous States have been reduced by a net total of 28.5 trillion cubic feet during these 3 years. That is why we find ourselves in such a grave plight. The ratio of discovered gas reserves to annual production has dropped steadily over the last 25 years.

Increased demand is only one reason. The demand could be met except for the fact that there has been a drastic faltering in the search for new gas reserves.

The interests of U.S. consumers are directly at stake in this matter. For their protection, it is essential that new sources of natural gas supply be found and developed.

H.R. 2513, which I introduced early in this session, is designed to make a start toward providing this necessary protection. It is a simple effort to give sales contracts between gas producers and interstate pipeline companies a validity they do not now have.

When I say that such contracts lack validity, I mean that under present law and regulatory policies of the Federal Power Commission the gas producer lacks knowledge about the price he will receive for his gas or how long he will be paid a set price. He does not know how much gas he must deliver or how long he must continue to make deliveries. All these factors are subject to change by the Federal Power Commission even though it originally approved the terms of a contract.

My bill does not remove the authority of the commission to control the prices at which gas is sold to interstate pipelines. New sales contracts will still have to be submitted to the Commission, as they are at present. The regulatory body can then exercise its power to approve the contract, to approve it subject to stated conditions, or to disapprove it.

Mr. Speaker, I do not claim that H.R. 2513 will immediately and completely solve the gas supply shortage looming over the consumers of our Nation. But its enactment by Congress would be a positive step toward that imperatively necessary goal. Assuring the gas producers of valid contracts will encourage them to intensify their efforts to find new supplies of gas, and that is of basic importance.

Hearings are scheduled on H.R. 2513 soon after the coming recess.

ARE THE NONPRESCRIPTION INSOMNIA PREPARATIONS HABITUATING?

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mrs. SULLIVAN. Mr. Speaker, recent hearings by Senator Nelson's Senate Monopoly Subcommittee have pointed up a problem which many of us have been concerned about, involving the advertising, particularly on television, of numerous preparations proposing to cure every ill or enable people to cope with the pressures of modern living. Testimony in the Senate hearings indicated a direct relationship between the experimentation by so many young people with narcotics, hallucinogens, and the so-called mind-expanding drugs and the degree with which adults in the same family use amphetamines or tranquilizers or barbiturates of various kinds, or reach for one or another of the magic pills advertised widely on television for the reduction of tensions. The American public seems to have become convinced that they must always feel, if not euphoric or happy, at least content, comfortable, and free of all aches and pains.

Our laws place upon physicians the responsibility for deciding when patients should be prescribed the more powerful medicines, including the prescription antidepressants, stimulants, or tranquilizers. Few of use feel competent to arrive at independent judgments on the use of such drugs. But nonprescription drugs are available to everyone in the stores as over-the-counter items and are, of course, widely sold. Under a provision of the Kefauver-Harris Act of 1962 which came originally from the 1961 version of H.R. 1235, my omnibus bill to rewrite the Food, Drug, and Cosmetic Act of 1938, we have a right to assume that such drugs are not only safe to use in the maner intended but are efficacious.

In the 9 years since the 1962 act was passed, however, it appears that very few of the drugs which were on the market 9 years ago, and were temporarily "grandfathered" by the 1962 act, have been subjected as yet to required proof of efficacy. My latest version of H.R. 1235 introduced this year would terminate the grandfather clause so that all pre-1962 drugs would have to establish proof of efficacy in order to remain on the market.

REQUIRING PROOF OF EFFICACY OF CERTAIN "OTC" DRUGS

Saturday's Federal Register contained what I believe is the first step toward requiring proof of efficacy of over-the-counter—OTC—nonprescription drugs for which no "new drug application" had ever been filed under the Kefauver-Harris Act. This was in the form of a notice, dated July 21, 1971, and filed with the Federal Register on July 30, by Dr. Charles C. Edwards, Commissioner of Food and Drugs, that suppliers of certain over-the-counter preparations intended as an aid in the relief of insomnia and in the inducement of sleep should provide the best available evidence supporting the safety and effectiveness of their product.

The notice referred to is as follows:

[From the Federal Register, Vol. 36, No. 148, July 31, 1971]

OTC Methapyrilene-Containing Drugs for Relief of Insomnia—Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has considered a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Dormin Capsules, containing methapyrilene hydrochloride, 25 mg.; marketed by Dormin, Inc., 1 Spring Street, Ossining, N.Y. 10562 (NDA 7–659).

The Academy evaluated Dormin Capsules as probably effective as an aid in the relief of insomnia and in the inducement of sleep.

The documentation on which the Academy relied was: Feinblatt, T. M., and E. A. Ferguson, Jr. Sedative and somnifacient effects of methapyrilene-niacinate: Comparison with methapyrilene hydrochloride in 53 cases. J. Amer. Geria. Soc. 11: 909–913, 1963; and Straus, B. J. Eisenberg, and J. Gennis. Hypnotic effects of an antihistamine-methapyrilene hydrochloride. Ann. Intern. Med. 42:574–582, 1955.

There are numerous OTC products on the market which contain a methapyrilene salt as a single active ingredient or in combination with scopolamine, aspirin, acetaminophen, salicylamide, and other drugs and which are recommended for use for relief of insomnia or inducement of sleep.

A partial, but incomplete, list is as follows:

Compoz Tablets; Jeffrey Martin, Inc., 1020 Commerce Avenue, Union, N.J. 07063.

Mr. Sleep Tablets; Jeffrey Martin, Inc.

Neo-Nyte Capsules; BBC Labs., 700 North Sepulveda Boulevard, El Segundo, Calif. 90245.

Nods Capsules; The Carroll Chemical Co., 2301 Hollins Street, Baltimore, Md. 21223.

Nytol Capsules and Tablets; Block Drug Co., Inc., 257 Cornelison Avenue, Jersey City, N.J. 07302.

Proquil Capsules; Hance Bros. & White Co., 12th and Hamilton Streets, Philadelphia, Pa. 19123.

San-Man Tablets; Plough, Inc., 3022 Jackson Avenue, Memphis, Tenn. 38101.

Sleep Tablets; Drug Fair, Inc., 6315 Bren Mar Drive, Alexandria, Va. 22314.

Sleep-Eze Tablets; Whitehall Laboratories, Inc., 685 Third Avenue, New York, N.Y., 10017.

Somnicaps Capsules; American Pharmaceutical Co., 120 Bruckner Boulevard, Bronx, N.Y., 10454.

Sominex Capsules and Tablets; J. B. Williams Co., Inc., Pharmaceuticals Division, Cranford, N.J., 07016.

Somnatron Capsules; Dart Drug Corp., Landover, Md. 20785.

Sure-Sleep Tablets; American Labs., Division of Towne, Paulsen & Co., Inc., 140 East Duarte Road, Monrovia, Calif. 91016.

Tranquil-Aid Tablets; Thompson Medical Co., Inc., 79 Madison Avenue, New York, N.Y. 10016.

Asper-Sleep Tablets*; Yonkers Labs., Inc., 923 Old Nepperhan Avenue, Yonkers, N.Y. 10703.

Excedrin P.M. Tablets*; Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.

The Administration's evaluation of the efficacy and safety of such drugs will be made after the review of any pertinent data which may be submitted pursuant to this announcement.

All such products on the market will be affected by the conclusions of this reevaluation. Therefore, before the Administration reaches a conclusion concerning the effectiveness of such drugs, suppliers of over-the-counter preparations containing methapyrilene salts, with or without other active ingredients, and offered for such uses as insomnia relief of sleep induction, and any other interested persons, are invited to submit to the Food and Drug Administration, within 180 days following the date of publication of this announcement in the Federal Register (1) the quantitative composition and complete labeling for the drug, and (2) the best available evidence, other than the studies relied on by the Academy, supporting both the safety and effectiveness of the drug. Any data submitted should be well organized, be accompanied by a full factual analysis, and be derived from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12(a) (5) of the regulations published in the Federal Register of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as the sole support of claims, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

Data submitted in response to this announcement will be reviewed, together with the Academy's evaluation by appropriate outside experts and the Food and Drug Administration. Upon completion of this review, the Administration will publish in the Federal Register its findings and whether or not additional supporting data will be required.

A copy of the Academy's report has been furnished to Dormin, Inc. Communications forwarded in response to this announcement should be identified with the reference number DESI 7659, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

Data and all other communications: Drug Efficacy Study Implementation Project Office (BD–60).

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 21, 1971.

Charles C. Edwards,
Commissioner of Food and Drugs

[F.R. Doc. 71–10928 Filed 7–30–71; 8:45 am]

"TAKE NYTOL . . . AND BE READY TO TACKLE PARIS IN THE MORNING"

Even though it has taken nearly a decade for action of this nature to be undertaken as regards "OTC" formulations or ingredients cleared for safety prior to 1962 but never subjected to the efficacy test under the 1962 act, I am pleased that the Food and Drug Administration has begun to look critically at the claims for these products.

Assuming that some or all of the preparations listed in the notice—including such highly advertised products such as Compoz, Nytol, Sleep-Eze, Somminex, Excedrin P.M., and so forth—can now demonstrate that they are effective for the purposes for which they are being promoted and sold, a very big question still remains as to the manner in which these products are advertised.

Do they encourage, or trap, people into becoming habituated in the use of sleep-inducing products which perhaps then turn out to be less effective in the individual case as time goes on, thereby leading to eventual requirement for, and dependence upon, barbiturates?

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*Presently in litigation regarding new drug status.

This issue was called to my attention some time ago by a constituent who advised me that he had been using some of the over-the-counter sleeping aids which had gradually lost their effectiveness. Once his dependency was established, however, he said he then went to the Veterans' Administration hospital for help, and was prescribed stronger medication—

> But I had to keep steadily increasing them until I couldn't sleep at all—just lay there in bed feeling intoxicated, then try to work in the morning. I lost my job, most of my possessions, my self respect, and still I couldn't sleep properly. So I wish you could force these companies to take all their sleeping pill and pep pill commercials off the TV Those pills are much worse to the moral fiber of the country than cigarets could ever be.

This man was prompted to write to me by a Nytol commercial showing, he said:

> Two girls in their first night in Paris. The blond girl is nervous and anxious about seeing the sights in the morning. She says she can't sleep. Her girlfriend then gives her a Nytol and assures her she will sleep like a baby and be ready to tackle Paris in the morning.

DOES THE ADVERTISING LEAD TO HABITUATION AND DEPENDENCE?

He added:

> My concern about this commercial is that it is an open invitation to kids to start taking drugs. I am a veteran and am under a doctor's care right now. The only way I can sleep is take large doses of Seconal and Librium. You government people finally got the cigaret commercials off the air. In my opinion, cigaret commercials were a little part of the problem of our over-drugged, over-stimulated society. So it takes 20 years and a risk of lung cancer. But the sleeping pills and tranquilizers can ruin your life in a few short months. I know from first-hand knowledge.

One individual's experience with a product advertised on television is hardly a basis for seeking legislation to prohibit such advertising, but the point my constituent raised about the potential dangers of habituation and overdependence on these drugs, leading eventually to barbiturate addiction, seemed to me to be worth pursuing, and I wrote to Commissioner Edwards early this year asking a series of questions on this issue. I asked if there was any indication of harmful effects from Nytol, Sominex, and similar products if used to excess, and also whether the man who had written to me had expressed a valid fear when he said that by providing perhaps some temporary or moderate relief from insomnia they may lead the user to become dependent upon ever heavier doses and perhaps into eventual dependence upon barbiturates.

REPLY FROM FOOD AND DRUG ADMINISTRATION

The following reply from the Food and Drug Administration will be of interest, I am sure, to all Members of Congress. The enclosures referred to in the letter, not included here, consisted of various pamphlets distributed by FDA warning against drug abuse, drug habituation, and drug dependence:

FOOD AND DRUG ADMINISTRATION,
Rockville, Md.

Hon. LEONOR K. SULLIVAN,
House of Representatives,
Washington, D.C.

DEAR MRS. SULLIVAN: This is in reply to your January 14, 1971 letter about Nytol and Sominex.

According to their labels, these preparations both contain the active ingredients methapyriline hydrochloride and salicylamide; Sominex contains, in addition, scopolamine aminoxide hydrobromide.

Several preparations of this type, offered as an aid in sleeping, have been marketed for years and have a large volume of sales. Although we have had an occasional report of individual adverse reaction to this type of product, we do not at this time have reason to believe they will generally cause significant adverse effects when taken according to directions.

We do, however, have serious reservations about some of the media advertising for these preparations. However, our jurisdiction is restricted to prescription-drug advertising; the advertising of nonprescription drugs is regulated by the Federal Trade Commission.

The subject of habit-forming potential is a complex one. We know that some people may become habituated to just about anything, including aspirin tablets. On the other hand, many people resort to nighttime sedation and never become habituated. Therefore, narcotics aside, as much depends on the personality of the patient and his environment as on the nature of the sedative or other medication being taken.

We do not believe it can be denied that people who habitually take any nighttime sedation to help them sleep are potentially capable of resorting to stronger depressants. Fear of this leading to habituation is valid, but it is a fear that could be applied to any drug, even though perhaps more particularly to depressant drugs.

Your constituent may find helpful the enclosed question and answer booklet on drug abuse; drug habituation and dependence are discussed. We are also enclosing a leaflet on sedatives.

We hope our comments and the enclosures will prove helpful. Please let us know if there is any additional assistance we can provide.

Sincerely yours,
M. J. RYAN,
Director,
Office of Legislative Services.

ARTICLE BY MORTON MINTZ IN THE WASHINGTON POST

Also, Mr. Speaker, I include as part of my remarks an article in this morning's Washington Post reporting on the action by the Food and Drug Administration over the weekend to inquire into the efficacy of the over-the-counter preparations sold for the relief of insomnia and the inducement of sleep. This article is by the Post's prize-winning consumer reporter, Morton Mintz, formerly a St. Louis newspaperman, whose articles about thalidomide in 1962 probably had more to do than any other single factor in the passage of the landmark Kefauver-Harris Act.

The article referred to is as follows:

[From the Washington Post, Aug. 2, 1971]

FDA WILL PROBE CLAIMS MADE FOR TRANQUILIZER PILLS

(By Morton Mintz)

The Food and Drug Administration is taking formal action today to assure at some time in the indefinite future, that non-prescription sleeping aids are safe and meet the claims of efficacy made by their manufacturers.

The action, announced in the Federal Register, affects all of the numerous over-the-counter (OTC) preparations that contain an antihistamine called methapyrilene—including such widely advertised ones as Compoz, Mr. Sleep, Neo-Nyte, Nytol, Sleep-Eze, Sominex, Excedrin P.M. and Dormin.

The FDA is giving manufacturers 180 days to submit "the best available evidence" of safety and effectiveness derived from "adequate and well-controlled investigations."

The agency then will review the evidence, along with earlier studies that were submitted a few years ago to the National Academy of Sciences-National Research Council for evaluation by FDA scientists and "appropriate outside experts."

The FDA will publish its findings and a decision whether to require additional supporting data.

Whether this process eventually may lead to an effort to require a drastic toning-down of claims made for the products was left vague.

Today's FDA action is based on an NAS-NRC report that found Dormin to be "probably effective" as an aid in the relief of insomnia and in the inducement of sleep, but on the basis of studies made at least eight years ago.

On July 21, however, FDA Commissioner Charles C. Edwards said that these studies, while warranting the NAS-NRC rating, were inadequate.

"The effectiveness of two tablets or a 50-milligram dose of methapyrilene hydrochloride in promoting and maintaining sleep has been noted in only two studies in the published literature, both before 1963," he testified at a hearing of Sen. Gaylord Nelson's Monopoly Subcommittee.

"Since that time the study of sleep and of sleep-producing drugs has improved considerably," Edwards continued.

"Three well-known investigators, in carefully controlled studies during the past few years, have found that 40 mg. of methapyrilene hydrochloride is no more effective than a placebo," or a dummy drug, he said.

Edwards commended to the subcommittee a study by Dr. Karl Rickels, a University of Pennsylvania psychiatrist, as "one of the few, or perhaps the only well-controlled evaluation of OTC sedatives."

Rickels, testifying the next day, told of a clinical trial of Compoz, claimed to be the largest-selling OTC sedative for temporary relief of nervous tension. Each tablet contains 15 mgs. of methapyrilene (compared with 25 in Domin), 10 mgs. and another antihistamine, pyrilamine, and small dosages of two other ingredients.

Rickels said the study, funded by the National Institute of Mental Health, showed:

That neither Compoz—"the prototype of a group of OTC tranquilizers"—nor aspirin was more efficacious in patients than a placebo.

That neither Compoz nor aspirin was as effective as Librium, a prescription drug, in reducing nervous tension.

That more side effects, none considered serious, were reported for Compoz (16) than for Librium (15), aspirin (6) or a placebo (8).

One of the ingredients of Compoz and numerous similar OTC preparations is scopolamine. Rickels cautioned that medications containing that substance cause such effects as blurred vision and increased urinary retention, and have a potential—with higher dosages and prolonged use—of producing mental confusion, excitement and delirium.

DICK ROBBINS: THE LAST OF THE GIANTS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. SHRIVER. Mr. Speaker, Richard W. Robbins, a distinguished Kansan who became first president of Transcontinental and Western Airlines, today known as Trans World Airlines, died suddenly on June 29, 1971. It was more than 35 years ago that he had left a successful business career in the growing aviation field to return to Kansas where he, along with his sons and nephews, developed a successful livestock and cattle business. He made his home in Pratt, Kans.

Mr. Robbins believed in speaking out on governmental issues; and he often took pen in hand to express his views to elected officials in Topeka and Washington. His voice will be missed by all of us who knew him and respected his opinions.

W. L. White, editor of the Emporia Gazette, asked a longtime personal friend and associate of Mr. Robbins, Mr. Harold P. Trusler of Emporia, to write an editorial eulogizing his friend—Dick Robbins. It is appropriately entitled, "Dick Robbins: The Last of the Giants."

I include the following excerpts in the RECORD from that editorial:

[From the Emporia Gazette, July 12, 1971]

DICK ROBBINS: THE LAST OF THE GIANTS

When Girdner Crofoot called to tell me of Richard Robbins' death, my first and continuing reaction was "the Last of the Giants is gone." For Dick was a Giant intellectually, ethically, financially and socially. He had no facade or front dressing; he needed none. He was genuinely interested in every person and in every problem. He never contradicted anyone. If told some preposterous story, he merely replied, "It could be."

Born in southwestern Kansas, he was sent to live with an aunt in Hartford, Conn., as a boy to attend the Hartford High School. At that time this school was ranked with the Ivy prep schools of New England. Latin, mathematics, English and even Greek . . . Upon graduation he entered Yale from which he graduated in 1913.

He spent some time at Carnegie Tech. How much I don't know.

Somehow he became acquainted with the Mellons, the DuPonts, and the General Motors crowd. Some or all of them must have financed the organization of Trans Western Airways in the late 1920's. Dick served as President of T.W.A. from 1931 to 1935.

It was during his presidency that President Roosevelt cancelled the air mail contracts between the government and the private air lines. He decreed that the Army Air Corps should fly the mail. The training for flying a bomber under most favorable conditions and the training for flying passenger planes regardless of weather, apparently were quite different. At any rate, the losses of pilots and planes by the Army Air Corps were so great and so constant that the plan soon was abandoned and the contracts were reopened with the private carriers.

During one of his campaigns President Roosevelt made an impassioned radio address expressing his sympathy for the "forgotten man." In depression times it was most effective politics. Pundits gave Roosevelt great credit for creating the phrase.

Not so, said Dick. That is the phrase of William Graham Sumner. Sumner was the very great professor of the Science of Society at Yale long before Dick's time.

I am able to report that Dick was correct. Sumner used the "Forgotten Man" as the subject of a lecture before the Brooklyn Historical Society on Jan. 30th, 1883 (Essays of William Graham Sumner, Volume I, Page 467).

Sumner's example went something like this: Do-gooders A and B have a meeting, and contrive to do something for downtrodden D. And C pays for it. C is the forgotten man. Quite differently than the way Roosevelt used it, Dick would chuckle.

After his TWA days Dick returned to Kansas, where his heart remained ever after. He maintained his eastern contacts and was frequently in Chicago and New York.

In 1941 he was elected a director of the Santa Fe and continued in that position until he retired in 1967 at the age of 75. I suspect they must have changed the by-laws to permit him to remain on the board at that age. But in addition to being immensely popular with all the Santa Fe crowd he happened to own more stock than most of the other directors combined.

During the 20 years before his death in 1951, Lacy Haynes was unquestionably the most powerful political force in Kansas. He had a secure base as Kansas Manager for the Kansas City Star, but he also had the faculty for making friends and knowing which ones would make good elected officials and also who could be elected. Mr. Haynes and Mr. Robbins became close friends. Dick was a Western Kansas man. Circulation of the Kansas City Star did not extend much west of Emporia so the combination of the two was perfect, at least mathematically. Dick Robbins never ran for public office (nor did Mr. Haynes). They were in politics for the joy of it and both had the confidence of all the political figures worthy of mention. This did not prevent Dick, in 1952, from supporting Robert Taft, his Yale friend, instead of Dwight Eisenhower, a fellow Kansan. But, of course, the Taft movement in Kansas was quickly smothered.

In 1964 Dick furnished the balance of power which elected Sam Mellinger as Republican National Committeeman. And after Sam's untimely death in 1966, Dick used all his influence for the election of Jerenne Millinger as Republican National Committeewoman. Dick had high regard for the Mellingers.

Some five years ago the Davy Evanses, J. L. Morgans and Truslers were in New York together. Dick Robbins chanced to be there at the same time. Among other rallies he took us to the University Club for a luncheon. During his T.W.A. days, Dick's first assistant was Charles Lindbergh and they both stayed at the University Club. Mr. Lindbergh was a national hero and so many people wished to shake his hand that Dick said it was hard to find time for dinner together.

Dick seldom missed a Republican National Convention. Others have written about his political power. And also about his immense land, cattle, and securities operations. So I shall not attempt to touch on them.

I might add a recollection which rather illustrates Dick's innate modesty. George Davis of Kansas City was one of the important directors of the First National Bank. He also owned a great deal of land in Chase, Morris and Wabaunsee counties. After Mr. Davis' death, the president of the First National Bank called Dick and asked him to be a director of the bank, to take George Davis' place. Dick replied, "I will be flattered to sit on the Board, but I doubt I can take George Davis's place."

In April of 1967 Dick had the good fortune to marry the very charming Mrs. Virgil Teeter, widow of a Hutchinson banker and long family friend. I think the remaining four years of his life was among his most happy ones.—Harold Parsons Trusler.

FEDERAL STRIP MINE LAW

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. HAYS. Mr. Speaker, the test of a great legislature is its ability to resolve conflicting interests with justice to all sides. The destruction of land caused by coal strip mining confronts the Congress with the most difficult of decisions. We must have power to serve our homes and to fuel a growing economy, but we have a pressing obligation to preserve the beauty and productivity of our land for ourselves and future generations. We need a strip mining law which will treat these opposing interests fairly.

The Columbus Dispatch recently published an editorial which gives a brief, astute analysis of our task. The editorial reads as follows:

FEDERAL STRIP MINE LAW

The failure of most states to protect themselves against coal strippers is putting new pressure on Congress either to ban strip mining altogether or to pass a tough reclamation law—like the one in Pennsylvania—requiring strip miners to restore the land after the digging is done.

Three major strip mining bills are before Congress. And even states that traditionally have catered to the mining interests are imposing new restrictions on coal stripping.

The reason is that the rising clamor for coal-fired electrical power is clashing head-on with the crusade to save the nation's natural resources.

Nearly half the states have surface mining laws of one type or another, but with rare exceptions these laws are too weak or too loosely enforced to prevent widespread devastation.

The damage to land and water caused by savage mining practices is even worse than it was eight years ago when Harry M. Caudill described the rape of Appalachia by the coal companies in "Night Comes to the Cumberlands."

For one thing, nearly 40 per cent of the nation's coal now comes from strip mines, compared to 30 per cent in the mid-1960s.

To ban strip mining outright, as Rep. Ken Hechler (D-W. Va.) suggests, simply would create an electric power shortage and put thousands of miners out of work. It also would force more men into dangerous deep-shaft mining to meet the demand for coal.

Yet the Hechler bill—which would outlaw all coal stripping in six months—has support in both the Senate and the House.

The Nixon Administration, meanwhile, is promoting a less drastic bill that would force estates to set minimum strip mine reclamation standards within two years or accept federal intervention.

More direct is a proposal by Rep. Wayne L. Hays (D-Ohio) who wants to set up a three-member federal Strip Mine Reclamation Commission with the power to issue licenses, collect bonds, fees and fines and require strippers to backfill and beautify ravaged land.

This is the approach used in Pennsylvania since 1963. It works—if it's properly enforced. And there is no reason why it couldn't be applied to all states by federal law.

SHOOTING OF EAGLES FROM HELICOPTERS IS ILLEGAL, UNSPORTSMANLIKE

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 3, 1971

Mr. SCHWEIKER. Mr. President, I was shocked and dismayed to learn yesterday of the outrageous shooting of nearly 500 rare bald and golden eagles from aircraft over ranches in Wyoming and Colorado.

Yesterday, in hearings before the Senate Environmental Appropriations Subcommittee, chaired by the distinguished Senator from Wyoming (Mr. McGee), a helicopter pilot named James O. Vogan testified that he had personally piloted flights during which eagles, coyotes, foxes, bobcats, and other animals were killed.

Mr. President, on April 19, 1971, I introduced S. 1563, a bill to amend the Fish and Wildlife Act of 1956, to provide a criminal penalty for shooting at certain birds, fish, and other animals, from an aircraft. An identical bill in the House, H.R. 5060, introduced by my Pennsylvania colleague, John P. Saylor, passed the House on May 17. Although shooting eagles is prohibited under Federal law, other animals, fish, and birds are not so protected.

This cruel and unsportsmanlike activity must be stopped. I call upon the Interior Department and the appropriate State agencies to prosecute those guilty of these killings to the full extent possible under existing laws, and I urge the Senate to act quickly on my legislation in order to prevent future needless shooting of wildlife.

I ask unanimous consent that this morning's article in the Washington Post, describing the hearings, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

FIVE HUNDRED EAGLES SLAIN FROM COPTERS, HILL TOLD; UNITED STATES VOWS PROSECUTION

(By Elsie Carper)

A helicopter pilot told a Senate subcommittee yesterday that nearly 500 rare bald and golden eagles were gunned down in flights last winter over ranches in Wyoming and Colorado.

James O. Vogan testified that he ferried sharpshooters on the flights but never shot any of the eagles himself. Sheep ranchers paid $30 a day or from $10 to $25 an eagle but some of the hunters were not paid and shot the eagles just for the sport, according to the testimony.

The ranchers ostensibly paid to have the eagles killed to protect livestock.

The Interior Department said that federal officials are now in Wyoming with subpoenas to seize the records of the eagle kills and are searching for a mass grave where the carcasses were buried.

Expressing "complete dismay and personal outrage," Interior Secretary Rogers C. B. Morton later issued a statement declaring that Interior will "take all possible steps to criminally prosecute those found responsible for the alleged slaughter of these regal birds."

Appearing before the subcommittee, Assistant Interior Secretary Nathaniel P. Reed called the killings a "callous, deliberate defiance of federal and state law."

The baid and golden eagles are protected by federal law. Both species are threatened with extinction.

Interior estimates that there may be two to three thousand bald eagles and up to 15,000 golden eagles in the lower 48 states, with more in Alaska.

Vogan, who appeared before the Senate Environmental Appropriations Subcommittee, refused to testify when the hearing opened, citing the Fifth Amendment protection against self-incrimination. But he opened up after subcommittee chairman Gale McGee (D-Wyo.) read an order issued by a Federal court in Wyoming granting Vogan immunity.

McGee said that Vogan called him several days ago to say that the poisoning deaths of 23 eagles near Casper, Wyo., that the subcommittee investigated last June was minor compared with what he saw while operating a helicopter for the Buffalo Flying Service, Buffalo, Wyo.

"We had a regular haystack of these eagles when we first started bringing them in," the 48-year-old pilot said yesterday. At one time last November, he said, more than 65 dead eagles were piled up at the Bolton Ranch, owned by Herman Werner, at Rawlins, Wyo., and that Wyoming game and fish wardens saw them there but did nothing. After that, he said, he was instructed to stack the dead eagles in a sheep-shearing shed and later the carcasses were buried.

PREDATORS HUNTED

Vogan said that he piloted aircraft hunting eagles, coyotes, foxes, bobcats, and other predators on 13 ranches, with the bulk of the flights over ranches owned by Werner. In one flight last December, he testified, 33 eagles and 14 coyotes were killed one day and 34 eagles and 12 coyotes the next day all on Werner's Bolton Ranch.

Killing of any species of wildlife from aircraft is prohibited by law. Eagles can be shot only under a special permit issued by the Interior Department on the certification by a governor of a state that the birds are killing livestock. Interior has not issued any such permits since 1969.

Vogan said that Doyle Vaughn, manager of the Buffalo Flying Service, told the shooters he had a permit under the predator control program.

SHOTGUNS USED

The eagles were shot while roosting or in flight with 12-gauge shotguns. The helicopter would retrieve the carcasses.

Vogan said he worked for Buffalo from last September to mid-February of this year and then was hired by Werner.

In the Interior Department testimony, Reed said that following the investigation of the poisoning of the eagles the department learned that some ranchers in Wyoming and Colorado were employing pilots and gunners using both fixed-wing aircraft and helicopters to kill eagles and coyotes. He said that estimates of the number killed this way far exceeds those poisoned by thallium. "If these figures turn out to be approximately accurate," Reed said, "they are absolutely sickening statistics."

GET THE GUNS OFF THE STREETS—II

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1971

Mr. MIKVA. Mr. Speaker, some people, including a number of my colleagues, have found it difficult to understand the need for stopping the sale and manufacture of handguns in this country. They maintain that current legislation is sufficient or that "guns don't kill people, people kill people." But the crime rate is rising. There are more shootings and more armed robberies. And the handgun is making it easy for the criminal.

Twenty-thousand Americans were shot to death last year, 200,000 people were wounded by gunfire. Since 1900, the casualties from civilian gunfire have exceeded the combined total of military casualties in all the wars, from the Revolution to Vietnam. The violence will not decrease until the number of guns decreases. We must have effective gun control legislation to begin to solve the problem.

A Washington, D.C., television station, WMAL, has been broadcasting a series of editorials calling for gun control. A transcript of the second editorial in the series follows:

GUNS—II

Get the guns off the streets. This is another in the editorial series pointing out crimes committed with the aid of a gun. Here is a typical case reported to the D.C. Police: A Glen Burnie woman stopped for a traffic light in downtown Washington, at 6th and Massachusetts Avenue, Northwest, 11:30 p.m. A young man thrust a hand gun through the open window of the car into the face of the driver. The woman, an employee of Fort Meade, quickly surrendered her pocketbook at the gunman's order. For the threat of murder, the holdup man got $15. That could have happened to anyone driving in any section of the metropolitan Washington region. It could happen to anyone until Congress acts to *get the guns off the streets*. Only the involvement of citizens writing their legislators will cause Congress to act. Each day we will suggest a different member of Congress that you can write to get the guns off the streets. For example, if you live in Maryland like the victim of the robbery mentioned today, write Senator Charles McC. Mathias Jr., U.S. Senate, Washington, D.C. Tell him you want to get the guns off the streets.

CENTENNIAL CELEBRATION OF LADDONIA, MO.

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HUNGATE. Mr. Speaker, this year marks the centennial of Laddonia, Mo., in my congressional district, and I would like to extend my congratulations to the citizens of Laddonia on this significant event and to share a glimpse of the history and people of Laddonia prepared by one of its most prominent citizens, Judge J. Gordon Pasley:

CENTENNIAL CELEBRATION OF LADDONIA, MO.

LADDONIA, MO.—The boyhood home of Congressional Medal of Honor Recipient Samuel G. Fuqua is observing its Centennial with eight days of celebration beginning August 7 and continuing through August 14, 1971. Retired Rear Admiral Fuqua was born in the Laddonia community and graduated from Laddonia High School before entering a career which would see him to the ranking surviving officer on board the *U.S.S. Arizona* in Pearl Harbor on December 7, 1941. Admiral Fuqua will be in Laddonia during Centennial Week and August 14 has been designated as "Admiral Fuqua Day."

Other famous Laddonians include Lloyd Morey and Roy Judson Snell. Lloyd Morey was born in Laddonia and graduated from Laddonia High School. He became a nationally prominent expert in the field of college and university finance, as Comptroller of the University of Illinois. Morey was President of the University of Illinois and, following the "Hodge Scandal", he was appointed State Auditor of Illinois. Morey and his wife achieved at least semi-professional status as musicians in Urbana, Illinois.

Roy Judson Snell was born in Laddonia. He was a noted radio lecturer and author of adventure books for boys. Between 1916 and 1945, Snell wrote at least one book per year and altogether wrote over 70 books. A display of Snell's books is on exhibit in the Laddonia library as a part of the Centennial festivities.

Laddonia's only woman mayor, Mrs. Alice Moss Ferris was prominent in Democratic politics. She was the first woman to speak from the platform of a Democratic National Convention.

Grain has always been important in Laddonia's history.

The home office of Slater and Fowles Elevators, Missouri Agricultural Enterprises (large grain trucks), and Fowles Elevators is located on Front Street in Laddonia. Slater and Fowles' Laddonia elevator has the largest capacity truck scales in Northeast Missouri and the elevator in Laddonia has a storage capacity of over 1,500,000 bushels.

Beginning 20 years ago with one truck, Clyde Brown has developed Soil Service into the major fertilizer plant in the area. In addition to a large plant in Laddonia, Soil Service operates another plant in Mexico, Missouri.

M. F. A. has a large grain elevator in Laddonia and Agrico has a fertilizer plant. Robert Schlemmer and Don Bishop run livestock feed grinding services for area farmers.

The home office of Guinn Enterprises is in Laddonia. These enterprises consist of Laddonia Lumber Company, Guinn Mova-Homes, and Guinn Lumber Company. One major feature of the operation is a large house building company.

Probably the most diversified businessman in Laddonia is Albert Watson. Watson does business as Laddonia Garment Company and also owns Value-Mart Hardware, Value Mart Clothing, and the local laundromat.

Apparently the longest continuously operating business in Laddonia is the Laddonia State Bank. Founded in 1931 at the height of the depression by H. P. French, it continues to serve the Laddonia area under the presidency of Edward P. French. The Laddonia State Bank has been the location of two mid-day armed robberies in the last twenty years.

Kenneth Gore has been in business in Laddonia for 36 years. He first called his business Gore's Produce and now calls it Gore's Insurance and Seed Service.

Kenneth Shinn, owner of Shinn Drug and Sundry Store, is another long time businessman in Laddonia, as is Wilbur Bienhoff, owner of Bienhoff Insurance and Wilkey-Bienhoff Funeral Home. John and Charles Heim own and operate Heim Equipment Company where they have been the local Allis-Chalmers dealer for 21 years. Joe Shaw is the local barber. Galloway and Naysmith are the area distributors of Phillips 66 products and also operate a service station and car wash. Other service stations are operated by Folta and Sons, Kenny Young, and Al Mackey. Ray Lovelace operates the Shady Rest Motel and Service Station. Ray Hamlett is the local M.F.A. Insurance Agent and Hamlett and Virgil Atkins are agents for Farmers Mutual Hail Insurance Company of Missouri. Richard DeTienne builds small farm buildings. Leland Brenneman operates a garage and used car dealership. Mr. and Mrs. Roy Woodruff operate the Country Kitchen Cafe. The local grocery store is Motley's IGA operated by Don Motley. William H. Robey, D.O., is the local doctor.

The Laddonia Athletic Association owns the Laddonia Ball Park and sponsors the local Khoury League activities. One of the largest Fourth of July Celebrations in Northeast Missouri is held each year at the Ball Park.

Laddonia has four churches—Baptist, Catholic, Christian, and Presbyterian. It is a part of Community School District R–VI, with the schools being located at Scott Corner, five miles south of Laddonia.

A new post office was dedicated in Laddonia in 1968. Congressman William L. Hungate gave the principal address at the dedication ceremonies.

The Audrain County World War I Memorial Building is located in Laddonia.

The second story serves as the Laddonia branch of the Audrain County Library and there is a public meeting room on the lower floor.

The City of Laddonia operates the water and sewer service. Missouri Power and Light Company supplies electricity and gas. Missouri State Telephone Company of the Continental System provides telephone service.

Laddonia was founded in 1871 by Amos Ladd. Ladd had been the superintendent of construction for the Iowa State Penitentiary in Fort Madison. He had served on the Fort Madison Board of Aldermen and had a construction contract on the Lee County Courthouse in Fort Madison. He operated a ferry boat between Fort Madison and Nauvoo, the Mormon stronghold.

Amos Ladd was Sheriff, Collector of Revenue, and Treasurer of Audrain County, Missouri. He was Mayor of Mexico, Missouri. He was an Audrain County newspaperman. (His son, J. Linn Ladd was also an Audrain County newspaperman and once owned the *Mexico Ledger* and *Vandalia Leader* at the same time. Linn Ladd founded the *Vandalia Leader* and sold the *Mexico Ledger* to Col. Robert White, grandfather of Robert M. White, II, the present editor.)

Amos Ladd was a major dealer in Audrain County real estate. Between 1859 and 1877, no name appears as often in Audrain County transactions. He was a principal landowner in Ladd's Addition and Ladd's Extended Addition to Mexico. He was a principal landowner in early Vandalia.

There does not seem to be a society to perpetuate the memory of Amos Ladd. It seems like bitter irony that this man should lie in an unmarked grave in Elmwood Cemetery in Mexico.

There is a memorial to Amos Ladd in Audrain County, Missouri. It has survived and grown during the past 100 years. It is Laddonia.

This year, 1971, also marks the centennial of operation for one of the railroads serving the Laddonia area. The Louisiana and Missouri River Railroad Company was chartered in 1859. The railroad was funded by local initiatives. When completed in 1871, it brought new growth and development to east-central Missouri, and it was connected with a major line, the Chicago and Alton Railroad, which agreed to operate its lines. The railroad was responsible for creating cities such as Laddonia, Farber and Rush Hill. It also made Mexico, Missouri, a hub city of east-central Missouri commerce.

INHERITANCE TAX REFORM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. PICKLE. Mr. Speaker, today I am introducing a bill to correct some inequities in our present Federal inheritance tax system—inequities which are hard hitting our small farms, ranches, and businesses. Specifically, I propose to base the amount of tax not on the estimated gross value of the estate, but on the basis of its earning power.

At the present time, the tax value of an estate is based on local market value. In the case of small farms and ranches, however, this can turn out to be grossly unfair.

In a growing number of instances, the market value of a farm or ranch is being based not on the amount the farmer or rancher might get per acre were he to sell his land to another farmer or rancher—but is based on the amount a nearby land speculator pays per acre for land he intends to develop or he purchased for tax purposes.

The earning power of a small farm is often small compared with the total value of the property, especially when speculative figures are used. This means that without a substantial source of outside income it is often impossible to pay the staggering inheritance tax.

And the alternatives are simple—the recipient can sell the property or he can borrow money to pay the taxes. But there may be no speculators around when he needs to sell—and instances are common where the tax is so high and the earning power so low that the annual interest on a loan to pay the taxes would outstrip the earning power of the farm.

I do not think a family should be forced to sell inherited property simply because they are middle or lower income and cannot pay the Federal inheritance taxes. Often the property is already heavily mortgaged and other taxes on ownership of property are also high.

I am not changing the tax rate. That would still be in effect. But it would not prohibit a middle or lower income family from inheriting an estate because it would be proportionate to the amount of capital the property brings in.

Mr. Speaker, I urge my colleagues to support this long-needed proposal. It attempts to correct a situation which was not foreseen but which can be corrected. I hope that in the near future it will once again be possible for families to receive what should be theirs—particularly with respect to our small farms, our small ranches, and our small businesses.

THE NEED FOR REVENUE SHARING AND WELFARE REFORM

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 3, 1971

Mr. SCOTT. Mr. President, in an address before the Republican National Committee in Denver, Colo. on July 23, Gov. Nelson A. Rockefeller, of New York, made a compelling case for immediate congressional action on the President's revenue-sharing and welfare reform proposals. I commend Governor Rockefeller's remarks to the Senate and ask unanimous consent that excerpts from them be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER AT THE REPUBLICAN NATIONAL COMMITTEE, DENVER, COLO., JULY 23, 1971

The President has accomplished an extraordinary amount in the short time he has been in office.

He is bringing to an end the long war which has torn the very fiber of our country as never before in history. He has taken a bold and daring initiative in relation to mainland China. It is an initiative which could well change the course of history. It could bring about a new era of constructive cooperation between three great nations who up to now have been spending such a large percentage of their resources for military purposes. It is a long and difficult course. The President needs our support.

On the domestic front he inherited another problem—inflation coupled with rising unemployment, and the actions he has taken to wind down and end the war have an inevitable impact on his program to restore the equilibrium of our economy. The return of hundreds of thousands of men from Vietnam, the sharp reduction in defense procurement and the cutback in the space program, together with the cancellation of the SST contracts in a period of tight money have all compounded the difficulty in achieving his goal of stopping inflation and increasing employment.

But I would like to speak briefly about two major initiatives which the President has successfully undertaken which in my opinion show his awareness and concern for basic human values, his deep belief in and understanding of our federal system of government and his vision and faith in our capacity as a nation to make the radical changes in our system that are essential to keep it relevant to human needs in these rapidly changing times.

The two areas I refer to are his Family Assistance Plan and his concept of revenue sharing to preserve the vitality of government close to the people—state and local—which has been one of the great strengths of our nation.

I. WELFARE REFORM AND THE FAMILY ASSISTANCE PLAN

The President's Family Assistance Plan for replacing the current welfare system ranks as the most significant social legislation proposed since the 1930's. Nowhere is the staggering and growing financial burden of state and local governments more evident, particularly in the urban areas, than in the case of welfare. Nowhere has the need for strong effective national leadership been clearer than in the case of welfare.

The fact that we have not had a national welfare system, with uniform standards supported by uniform taxes, has resulted in a tremendous disparity among the states in benefit levels and supporting tax structures.

This disparity has resulted in a flow of people from low-benefit states. In turn, this migration has overloaded the social system of high-benefit states—schools, housing, transportation, welfare and health services, etc.—forcing constant state and local tax increases and threatening a serious movement of job and revenue-producing businesses and industries away from high-benefit states.

The President's Family Assistance Plan for the first time, sets a uniform national minimum for public assistance. His plan, for the first time, offers assistance to the working poor thus ending the intolerable inequity, in certain cases, where those on welfare gets more than those who work. His proposal offers help where it is needed so that the poor are not driven to other states in search of higher standards of public services and benefits. Perhaps most important, the President's proposal recognizes, for the first time, that welfare is a national problem, and it offers a national solution.

H.R. 1., the bill recently passed by the House, largely incorporates the concepts contained and advanced by the President in his Family Assistance Plan.

But while the President's Family Assistance Plan and H.R. 1, represent a major step forward, they continue to give the greatest financial relief to the very states who have been doing least for their needy people. For those states that have tried to meet their responsibility to their needy, these measures do progressively less.

The ultimate need is for a program that provides a national solution in the form of a total Federal takeover of welfare costs.

In the meantime, however, the President's Family Assistance Plan is a historic step forward, and H.R. 1., incorporating most of the principles of the President's Plan, is legislation I support and which I urge the Senate to enact.

The New York State welfare situation

1. The Dimensions of New York's Welfare Problem

Yet, until a program of substantial Federal relief is enacted, the states that have done most for the needy face devastating welfare problems.

For example, in the past twelve years, total welfare costs in New York State have risen from $446-million to $4-billion, and we had to anticipate an increase this year in welfare of another $1-billion.

Right now, 15 per cent of the people in New York City are on welfare. Last year, 130,000 persons were added to the City's welfare rolls. At that rate, the welfare population in 5 years would equal about 23 per cent of the City's total population.

I don't believe our society can survive a situation where almost a quarter of the population which is non-productive is being supported by the other three-quarters.

2. New York's Recent Welfare Reform

We aren't even able to cope with the numbers of people on welfare now in New York. That is why I proposed and the Legislature adopted a total welfare reform program this year. In it, I reversed a position I had previously taken, and signed an emergency measure setting a one-year residency requirement. This requirement has temporarily been enjoined by a Federal Judge and we are taking the case to the Supreme Court.

Secondly, we tied welfare benefits to work and job training requirements. In the Home Relief category, that is the welfare program which is totally state administered since it gets no Federal funds, able bodied persons must either:

Take available jobs,

Be enrolled in work training;

Be in either a Federally financed or State-financed public service job program;

Or else they become ineligible for welfare benefits.

And finally, we created the Office of Inspector General with the responsibility to root out welfare fraud.

We are presently in the process of proposing that the Department of Health, Education and Welfare allow us to set up three demonstration projects, one each in a city, a suburb and upstate. In these districts we would set the welfare benefit for a family of 4 at $2,400, the amount set in H.R. 1. We would add to this $2,400 supplemental payments for work and work training sufficient to bring the total benefit up to the present State standard.

3. Recent Welfare Developments in New York

(a) Large number of checks not picked up

In keeping with the work requirement concept, we now require that the welfare recipient pick up his or her benefit check at an office of the State Employment Service. Previously these checks were mailed to recipients. Since this new procedure began on July 1, less than 1 month ago, a considerable number of these checks have not been picked up. The failure to pick up checks was initially running about 25 per cent of the total and has now leveled off at about 18 per cent.

Initially, we thought that the failure to pick up checks might have been largely due to communication failures in implementing the new policy. But now that the rate has steadied at the 18 per cent figure, we think there may have been numbers of people formerly receiving checks in the mail who should not have been receiving welfare benefits."

(b) An encouraging decline in caseloads

Also, there has been a decline noted in total caseloads in the most recent months for which figures are available. In what had been the big welfare growth categories, Home Relief and Aid to Families With Dependent Children, the rolls dropped last April by 6,835 persons statewide and by 2,630 in New York City. In May, there was an even sharper drop, 10,600 statewide and 4,802 in New York City.

These are somewhat encouraging signs that we may be starting to move towards our twin welfare goals: to halt the increase in persons going on welfare, and to reduce the numbers of persons already on welfare.

These are the various initiatives we have taken in New York State to instill the value of the work ethic into the welfare system. This is an absolute necessity. If we lose the concepts of work, of the dignity of labor, of individual responsibility, we will lose the vitality that is America's true greatness. We must have, as the President has said, a system for helping the poor "that will help them to raise their heads in pride and dignity—a system fair to the poor, fair to the taxpayer, and true to the spirit of independence that has built America and made it great."

II. REVENUE SHARING

The President's other great domestic initiative is the revenue sharing plan proposed in his State of the Union Message this year. As the President said in proposing Revenue Sharing: "The time has now come to reverse the flow of power and resources from the states and communities to Washington and start power and resources flowing back from Washington to the states and communities and, more important, to the people all across America."

I would like to discuss with you today the background to revenue sharing and why it is essential to state and local governments and to the future workability of our unique Federal system.

A. Economic and social developments

To trace the present plight of state and local governments, we have to go back to the Industrial Revolution which launched a steady migration from our Nation's rural areas to its industrial and urban centers. This migratory trend has been accelerated in our own time by the rapid industrialization of agriculture displacing unskilled workers particularly in the southern areas. The result has been a concentration of large populations of low-income people, particularly from minority groups in our cities.

B. Political and fiscal developments

At the same time that this migration has been changing the population makeup of our industrialized urban states, a political and fiscal revolution has taken place in the relationships between the Federal, state and local governments. The most drastic change began with passage and ratification of the 16th Amendment in 1913, permitting the Federal government to impose income taxes without returning the revenues proportionately to the sources from which the money was collected. Then, the Depression of the Thirties came along and gave the first major impetus to the vast expansion of Federal domestic programs to meet the tragic social problems of that period.

With the outbreak of World War II, Federal spending soared, financed largely by a major expansion of the Federal income tax.

At this time, the withholding principle was introduced, the tax was extended to include lower incomes and the rates were increased. Between 1940 and 1944 Federal income tax collection increased from $2.1-billion to $34.4-billion.

After World War II, there was a temporary cutback in Federal expenditures, but three developments caused a resumed surge of Federal spending, the Korean War in the Fifties, the Vietnam War beginning in the Sixties and the tremendous and rapid expansion of Federal grant-in-aid programs to state and local governments to accelerate the pace of social progress, also begun in the Sixties.

These grants required matching funds from state and local governments and they were restricted largely to new, enriched, or innovative programs. But categorical grants made virtually no contribution to basic, ongoing services such as primary and secondary education, police and fire protection and sanitation. Because of their restrictions and because of the need for state and local matching, the Federal grant-in-aid program has tended, year after year, to force state and local governments to continue to spend beyond their means and their resources.

The fiscal situation of state and local governments has been further exacerbated by inflation. Between 1960 and 1970, Federal government costs rose by about 40 per cent while state and local government costs increased by 54 per cent.

Up to now, the Federal government has had relatively little problem in financing these huge increases in its expenditures primarily because of two related factors. Our society has been going through the most fantastic period of economic growth in the history of any nation in the world; and this enormous expansion has generated a tremendous growth in Federal revenues. The Federal government has been the prime beneficiary of economic growth because it collects 91 per cent of all the income taxes paid in this country, and this is the tax that responds most readily to economic growth.

C. The problem today resulting from these forces

As a result of the migration from the land to the city cited earlier, we have today millions of the poorest and least skilled people concentrated in the urban centers of what had been regarded earlier as the wealthier states. Furthermore, there has been a complete reversal of the pattern of fiscal relationships in this country. While state and local governments collected more total taxes than the Federal government in 1930, today the Federal government collects two-thirds of all the taxes, while the states and their localities collect only one-third.

Adding to the problem is the fact that the Federal government was devoting over 80 percent of its total budget to domestic purposes prior to 1940, but today only 44 percent of the Federal budget goes for domestic purposes. However, contrary to this trend, services for the American people, where they live and work, are still expected from their state and local governments. Aggravating the situation further, the cost of state and local services which had been rising at an annual rate of 12 percent a few years ago are now rising at an annual rate of between 15 and 17 percent. But, state and local income from existing taxes is rising at a rate of only 4 to 6 percent annually.

In brief, the problem we face is that two-thirds of the people's tax money is going to Washington, while a good deal more than two-thirds of the people's problems are remaining and growing at the state and local government levels.

The immediate questions are how, under these circumstances, to close this growing gap between the costs of state and local government services and available revenues and how to hold down the rate of increase in the cost of government services. If this desperate situation is not resolved, this country is going to experience a wave of bankruptcies spreading from cities to states all over the Nation during the next five years.

D. The critical nature of the present situation

America's long-range need is to achieve a radical and revolutionary change in the structure of our Federal system so that states and localities can meet their traditional responsibilities under that system. However, we have to find an emergency, stopgap response to meet the immediate fiscal crisis that confronts state and local governments.

The total gap between the needs of these governments and their growth in revenues from existing taxes is already $20-billion this year. Based on recent trends, this gap is projected to rise steadily every year until in 1976 it could reach $40-billion.

Only three immediate, short-term approaches will close this continually growing gap: increases in state and local taxes, major increases in Federal aid or a drastic reduction in state and local services. Let us consider the practical realities of each.

1. Increased State and Local Taxes

Many states and localities admittedly now make a relatively low effort to tax themselves and could increase their taxes. If these states and localities raised their taxes to the level of the 10 highest tax-effort states, this would produce another $18-billion in state and local revenues for them.

But the top 10 states have virtually reached their practical taxing maximum. New York State offers a perfect example. We are now at the top in total state and local taxes per capita. Consequently, any further substantial increase in taxes in New York is going to drive out its job-producing, revenue-producing industries, and the individuals who have to pay high income taxes.

The same problem faces the other high tax-effort states. These states are attracting low-income persons from other states because of the higher level of social services they provide. And these migrations are overloading our fiscal capacity to continue providing these services. These high tax states, because of their competitive economic disadvantage, have virtually reached the end of their capacity to raise taxes to meet their needs and those of their local governments. The result of these growing disparities in state and local tax structures is a balkanization of America.

Only the Federal government has the power to impose taxes that will affect all the states equally and end this balkanization. But that is a matter for the future. State and local governments need financial relief now.

2. Increase in Federal Aid

(a) Increase in present categorical grants

There are three major problems with the expansion of the present categorical grant-in-aid programs as a response to the present state and local fiscal crisis. These grants are heavily weighted in favor of the so-called poor, rural states, a definition established during the depression which is no longer applicable in the light of the tremendous poverty in the Nation's industrial and urban centers. Further, the 1,000 various categorical grants generate an enormous amount of bureaucratic red tape.

Finally, the requirement on state and local governments to match these grants and to use them for new efforts causes constant increases in costs while these governments cannot even meet the costs of their ongoing programs.

The expansion of categorical grant programs, as presently constituted, will not meet the needs of state and local governments. But it would be an enormous improvement in the present grant system if categorical grants were simplified into more general block grants, as the President also proposed in his State of the Union Message.

(b) Revenue sharing to cities and local governments only

A plan of Federal revenue sharing just to cities and local governments would be an important step in the right direction. But revenue sharing to localities deals only with half the problem. It could have the very real effect of reversing one of the healthiest recent trends in state and local relations, the increasing willingness of state government to get involved with, and help solve urban problems.

Furthermore, aid exclusively to cities would perpetuate an archaic political structure no longer viable in its present form: the present structure of our big city governments. I believe that the restriction of revenue sharing to cities is likely to produce a situation in which cities will end up as "Federal reservations" in which most of the people will be dependents of the Federal government.

(c) General revenue sharing

The best immediate answer to the immediate fiscal crisis we face is a form of general revenue sharing that will provide Federal aid to states, the cities and all other local governments. I believe there should be a $10-billion revenue sharing program, half of the current state and local fiscal gap, if we are to avert a real breakdown in government at the state and local level in this country.

The only remaining alternative is the continual cutting back of state and local services such as we are now beginning to witness. This approach can only produce a continuing deterioration of public services, particularly in our urban areas. The Federal government will then have to pick up the pieces and take over the services. And that will make the end of the Federal system under which this Nation became great.

One word in conclusion.

We are the party of Lincoln—the party of the people. Our strength lies in our diversity and broad representation of all peoples and points of view—but a diversity that is welded together by a unity of purpose.

That purpose is the well-being and brotherhood of all Americans and the strength and integrity of our nation.

We are not a monolithic party.

We must constantly strive to broaden the base of our party's strength with the people, and guard against any attempts to move our party toward a monolithic base.

The biggest challenge facing us today as a party is the 18-year-old vote which both the President and I have advocated for a long time. We need the idealism, the faith and the perception of the young people in our party. They are the future of America and let's encourage them to help that future through the Republican Party.

1972 is not far away. We have a dedicated, proven leader. Let's give him the support he deserves—from coast to coast. As a long-time party leader in New York, I pledge my full support to him and to you in a united effort to win again in 1972.

GREECE IS PRO-WEST; AID SHOULD NOT BE DENIED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HUNT. Mr. Speaker, the Foreign Assistance Act of 1971 is scheduled to be taken up later this week, and I note that it contains a new provision, written in by the Foreign Affairs Committee, that will deny aid to Greece unless the President reports to the Congress in writing that the "overriding requirements of the national security of the United States" require the continuation of such aid.

I frankly doubt that our Greek friends will look very kindly upon this political blackmail and I, personally, view the effort as the kind of double standard which has characterized our foreign aid program to its serious detriment. Over the years, we have extended aid to certain Communist countries with the rationalization that perhaps when the chips are down, they might look to us with favor. We have continued aid to military regimes in South America without so much as a wince in the belief that if we did not do so, they would turn to Russia or China.

Now, for reasons that I suggest do not altogether meet the eye, there are some among us who evidently feel that the military regime in Greece is more of a threat than the pro-Communist governments which our country has nurtured for years at the expense of tens of billions of dollars, without return on the investment. This is not to say that I favor the military Greek regime over the restoration of constitutional processes, but we should certainly be realistic in the recognition of the existing regime as a pro-West stalwart. This fact should not be compromised or jeopardized by an ill-conceived move that will surely strain historically friendly U.S.-Greek relations.

I would like to share with my colleagues a well-reasoned letter I received from a constituent who is presently in Greece and is completing his thesis for a master's degree in political science on the topic: "The Role of the Military in Modern Greek Politics." This is the kind of perspective I feel will be particularly valuable when this provision of the Foreign Assistance Act is considered, and I trust it will be deleted.

The letter follows:

July 22, 1971.

Hon. John E. Hunt,
House of Representatives
Washington, D.C.

Dear Sir: I have read with great interest the proposal . . . introduced in the House of Representatives concerning aid to Greece. I am an officer in the United States (Armed Forces) stationed in Greece . . . While I am in Greece I plan to complete my thesis for my Master's Degree in Political Science. My thesis is entitled "The Role of the Military in Modern Greek Politics". I have read every source document on the subject that I could get my hands on. But, more significantly, I have talked to the Greek people. I admit that it is difficult for me to discuss politics with a large number of Greek citizens, but I believe my sample of interviews covers a broad cross-section of the population. The result of my survey is actually obvious to any alert visitor to this proud nation. The people are happy and satisfied. I dare say they are much more satisfied with their government than the silent majority is with the government in the United States. All over Greece—even in downtown Athens—women walk the streets at night with no fear of being molested. There are absolutely no restrictions on the movement of the people as there was prior to the Coup d'Etat of 1967. I have been told by some they were afraid to drive in downtown Athens during the turmoil years prior to the Coup. Now the people are free to carry on their personal and professional business without fear of mob interference. The people who instigated the trouble in quest of power are gone. And the Greek people are glad of it. Under the stable leadership of Papadopoulos, the country is prospering and growing. And all the Greeks I have talked to hope he lives forever.

The real tragedy of admonishing the Greek leadership and people by (the) proposal is the pain it will instill in the hearts of the Greeks who love and respect the great freedom-loving American people. The Greeks feel particularly close to the United States because of the support she gave Greece in her most desperate moment—during the civil war with the communists from 1946–1949. They give a great deal of credit to President Truman and his doctrine for their survival. The Greeks fought hard for their freedom and they are enjoying it immensely. Many of them fear that a return to democracy as it is known in the United States could only mean a restriction on their freedom because of the trouble-making power-hungry politicians it will let loose.

If it is necessary to cut-off aid to Greece for financial reasons, then go ahead; but when the reason is to interfere with the internal workings of the government of Greece, then the United States has exceeded her scope of authority. Greece is independent and free and does not need the United States to meddle in her affairs. Since she has gained her independence, Greece has had very few years of peace and quiet. Study her history and you will see this to be true. She has peace now—why should the United States interfere and maybe destroy the Greeks' great opportunity to progress peacefully?

I can understand Congressional committees making mistakes in judgment based on supposedly reliable information, but I can't understand how the committee can make a decision based on the testimony of the wife of Andreas Papandreou. Andreas was the main instigator of the political turmoil prevalent in Greece before the Coup of 1967. His quest for power placed no limit on the usage of disruption and corruption. As a result he was exiled and lucky that he wasn't executed. How could his wife present any semblance of objective testimony to the Congressional Committee? If you can explain, I would greatly appreciate it. I urge you to use all your influence on the floor of the House to defeat this proposal and preserve the dignity of Greece and prevent the United States from making another serious blunder into the affairs of other nations. I would appreciate your views on the subject and any information at your disposal that substantiates your views.

Sincerely,

(s) ———, ———.

Mr. Speaker, I have withheld the name of my constituent at my own discretion for his own protection as a member of the military service.

H.R. 10310—SEAL BEACH NATIONAL WILDLIFE REFUGE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HOSMER. Mr. Speaker, on behalf of myself and 16 California colleagues from all parts of our State and both sides of the aisle, I am pleased to introduce legislation today to create the Seal Beach National Wildlife Refuge. The bill introduced is H.R. 10310.

The purpose of this legislation is threefold. We want to protect the ecology of one of the last remaining natural salt marshes in southern California.

We also want to assure that the important activities at the Seal Beach Naval Weapons Station can be continued.

And we want to block construction of the proposed Pacific Coast Freeway right through the marsh and weapons station, where it has no business going.

Today, nearly 70 percent of California's prime coastal wetlands have already been dredged, filled, or otherwise lost to the fish and wildlife resources. Many waterfowl, shorebirds, and other water-associated birds are dependent upon these coastal wetlands for their continued survival, especially during migration and wintering periods.

The salt marshes we propose to include within the Seal Beach National Wildlife Refuge are contained within the boundaries of the naval weapons station. The Navy and the wildlife have lived in harmony at Seal Beach since the station was constructed in 1944. We want to keep it that way.

This area now supports the largest known population of light-footed clapper rails in California, estimated at 50 birds. This rail is now in danger of becoming extinct due to the loss of its salt marsh habitat. Furthermore, the least tern and the brown pelican also utilize the area. All three species have been classified by the U.S. Department of Interior and the California Fish and Game Commission as "endangered."

Assigning refuge status to this area would offer additional protection over and above that provided under existing environmental protection laws.

Joining me in sponsoring this legislation are my California colleagues Glenn Anderson, Alphonzo Bell, Don Clausen, Del Clawson, James Corman, George Danielson, Barry Goldwater, Jr., Harold T. Johnson, Robert L. Leggett, William S. Mailliard, Paul N. "Pete" McCloskey, Jr., Jerry L. Pettis, Lionel Van Deerlin, Victor Veysey, Charles E. Wiggins, and Bob Wilson.

A copy of H.R. 10310 follows:

H.R. 10310

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the Secretary of the Interior is authorized and directed to establish the Seal Beach National Wildlife Refuge (hereinafter referred to in this Act as the "Refuge") as part of the National Wildlife Refuge System.

Sec. 2. (a) The Refuge shall consist of certain lands, to be determined by the Secretary of the Interior with the advice and consent of the Secretary of the Navy, within the United States Naval Weapons Station, Seal Beach, California.

(b) Upon determination of the boundaries of the Refuge by the Secretary of the Interior and the Secretary of the Navy the Secretary of the Interior shall immediately designate the area agreed upon as the Refuge by publication of a description of such area in the Federal Register.

Sec. 3. The Secretary of the Interior shall administer the Refuge in accordance with the provisions of the Act entitled "An Act to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes", approved October 15, 1966 (16 U.S.C. 668dd et seq.), to the extent that such Act is not inconsistent with the operation of the United States Naval Weapons Station, Seal Beach, California.

H.R. 2502—SETTING UP AN EMERGENCY GUIDANCE BOARD TO COMBAT INFLATION

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MEEDS. Mr. Speaker, I am pleased to join in reintroducing H.R. 2502, to combat inflation by setting up an Emergency Guidance Board that would encourage voluntary adherence to price and wage guidelines.

The administration has fiddled along month after month while the hopes and futures of American citizens burn away in rising prices and vanishing jobs.

What makes it especially exasperating is the knowledge that Congress has repeatedly given President Nixon the tools to deal with the pocketbook cancer of inflation.

For a year now, Mr. Nixon has had congressional authorization to freeze prices and wages. The silence of inaction has been deafening. This inaction was proclaimed official policy in June, when Secretary of the Treasury Connally announced the administration was, in effect, going to do nothing but hope strongly for the best.

Well, you do not pay the mortgage or buy groceries on hope. I am sure inflation is a matter of strong statistical concern in the sheltered White House. But out here in shrinking wallet country, where the pocketbook that pays the prices is your own, those statistics on the cash register really hurt.

Inflation rose at an annual rate of more than 7 percent in June, the worst jump in more than a year. And the distinguished chairman of the Federal Reserve Board, Mr. Arthur Burns, told the Joint Economic Committee that inflation is roaring along unchecked just as it did in 1969 or 1970.

Yet, all Mr. Nixon seems to say is, let them eat promises—promises and statistical convolutions that prove by Catch-22 logic that things are getting better when they are worse.

A year ago, when I urged on the House floor that strong action be taken against uncontrolled inflation from prices and wages, I said the President is in a much better position to administer price and wage guidelines than is the Congress. But that if he did not act within a reasonable time, I would be willing to vote otherwise.

Well, the future is now. Mr. Nixon's economic nonpolicy, Nixonomics I believe it is called, has fought the twin evils of inflation and recession by giving us more of both. Everything that should be going up is going down and everything that should be going down is going up. The cost-of-living is way, way up, unemployment is up, the stock market and housing starts are down.

Under H.R. 2505, Congress would create an independent Emergency Guidance Board to set up price and wage guidelines—then publish reports on whether the guidelines are being lived up to. It is a sad case when Congress has to perfom presidential jawboning, but Mr. Nixon seems to have an unbreakable case of economic lockjaw.

Areas of the Nation that are reeling from the ailing economy, in particularly my own Pacific Northwest, are insulted beyond the injury of unemployment by being forced to suffer inflation, also.

This is a roundabout way of taking effective action to achieve economic relief, but the deadwood in the executive branch leaves no alternative. The costs of inflation, both statistical and human, are more than we can afford to pay.

BSI SCHEDULED FOR HOUSING HEARINGS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MOORHEAD. Mr. Speaker, the Housing subcommittee has begun hearings on the 1971 housing bill. Included in these important deliberations will be a morning of hearings on a bill which I sponsored, that could cut out much of the redtape and obsolete techniques currently employed in the building industry.

The bill would create a Building Sciences Institute that would develop and disseminate innovative construction techniques and principles. There would be a conduit through which these techniques would be employed in government sponsored construction programs, with the end result being, hopefully, national acceptance of new building materials, products, techniques, and codes—all developed by the Building Sciences Institute.

The July issue of Building Design and Construction carries both a very supportive editorial on BSI and an excellent article on the proposed Institute.

I insert in the RECORD at this time and congratulate Keith Ray, BD&C editor, for his fine work.

NIBS: A NEEDED SUPERAGENCY

Ordinarily we frown on the creation of U.S. government agencies; already there is a plethora of bureaucracies in the federal structure. But the idea behind creation of a National Institute of Building Sciences (NIBS), which would function as a sort of superagency at the federal level, is appealing.

Bipartisan legislation recently introduced in Congress calls for establishment of an organization to develop building material standards, promote and coordinate uses of new technology, and perform myriad other functions. While the emphasis is on housing and the need for revision of existing codes, the commercial, institutional and industrial building field would also be affected. Any federally assisted building project would have to comply with code revisions.

The Senate sponsor, Jacob Javits (R-N.Y.), rightly points out that building construction costs are boosted by lack of uniform building code standards. And on the House side, Rep. William S. Moorhead (D-Pa.), is aggressively promoting NIBS because of its potential usefulness in coordinating the efforts of the numerous agencies that develop code standards.

An inherent danger in such an agency, of course, is the tendency to generate reports in sextuplicate about studies of studies. And there seems to be no real safeguard against this activity in the proposed agency, which would function as a quasi-governmental entity under the National Academy of Sciences. We trust this wrinkle will be ironed out during hearings.

Another potential problem, that of creating an unworkable set of standards for the entire nation, has been avoided by inclusion of a realistic provision in the bill that allows for consideration of local conditions.

Industry support for the measure is broad-based. The AIA, the Building Research Advisory Board, the Producers Council, ANSI, and the Advisory Commission on Intergovernmental Relations, have endorsed the bill.

Similar but not identical legislation introduced last year was snagged on the method of financing the agency. Basically, the industry wanted 100 percent federal financing and 100 percent private industry control. This can't be.

We believe the current legislative packet contains a workable compromise; it stipulates federal funding on a declining basis over a period of five years, at which time NIBS would become self-sustaining. We urge your consideration.

CONGRESS TAKING SECOND LOOK AT BUILDING SCIENCES INSTITUTE

WASHINGTON.—Updating the building industry—removing it from the quagmire of antiquated state and local laws and building codes—is sought in pending federal legislation to create a National Institute of Building Sciences.

This is the second go-around for this bill. Similar, but not identical, legislation failed to make it in the last Congress. Sponsors see more support this year, and are optimistic that it will fare better.

The proposed Institute—a nonprofit, nongovernmental corporation—would (1) develop and publish standards affecting building materials and local building codes; (2) promote and coordinate tests and studies, and provide research and technical services for new building products and construction techniques; (3) assemble and coordinate all present activities in these areas, (4) generally promote and develop cost-saving innovations.

WOULD REQUIRE FEDERAL USE

The proposed law would require all federal agencies to make use of the standards, techniques and developments certified as acceptable by the Institute. The same requirement would apply to all programs and projects receiving federal financing or assistance.

The Building Sciences Institute would be "non-governmental, but government-related." For its first five years it would receive funds from the federal government, and its board of directors would be nominated by the President, with the advice and consent of the Senate. The intention is to "phase out" government participation.

Initial federal funding for the Institute is proposed to be on a declining scale—$5 million for the first two years, $3 million for the next two years, and finally $2 million. After that, it would become self-sustaining through contracts, donations and fees.

The board of directors—organized with the advice and assistance of the National Academy of Sciences-National Academy of Engineering Research Council—would represent various regions of the nation and segments of the building community including industry, labor, government, technical experts, professional societies and consumers.

The Institute would carry on a specific and continuing program of cooperation—including the development of in-service training programs for building officials—with state and local governments "designed to encourage changes in existing state and local laws that impede rather than facilitate modern construction techniques."

HAS IMPOSING SUPPORT

The legislation has imposing support. It has been endorsed by the President's Committee on Housing, AIA, the Producers Council, the

American National Standards Institute, the Building Research Advisory Board and the Advisory Commission on Intergovernmental Relations.

But some industry sources see flaws in the plan.

The CEC, for example, says the project is meaningless unless unions are required to handle new cost-saving materials.

"It would be an exercise in futility," said Larry N. Spiller, CEC's director of governmental relations, "to pass this bill without insisting unions use the products."

Spiller said:

"CEC/US generally endorses the concept of a National Institute of Building Sciences so long as its activities do not constitute promulgation of a national building code. Consultants would like to see much stronger assurance by its [the bill's] Congressional sponsors that NIBS will utilize, rather than compete with, private testing laboratories, and there should be some prohibition against unions refusing to handle cost-saving, prefabricated materials or products which NIBS has OK'd. It isn't going to do much good to obtain clearance and specify new products if union builders won't install them."

More enthusiastic support comes from William L. Slayton, executive vice president of AIA, and AGC Executive Director William Dunn.

NEED UNIFORMITY, CONSISTENCY

Said Slayton: "The need for increased public-private cooperation in the field of standards and codes has never been greater. It is our hope the legislation proposed by Sen. (Jacob) Javits and Congressman (William S.) Moorhead will provide a framework in which the concerns of all parties are fully assessed with the ultimate result fully in the public interest.

"The continuing lack of uniformity of standards and the inconsistency of codes and regulations represent two of the major obstacles in helping our nation meet its housing and general construction needs. NIBS could provide an environment in which the maximum feasible uniformity and consistency could be achieved."

Dunn, noting that AGC has long advocated simplification of the many complex building codes and standards used in the U.S., said: "Such standardization would result in savings that could be passed on to the public. An organization such as the proposed Institute of Building Sciences could also help to keep the industry informed on changing technology."

JAVITS: BUILDING GOALS NOT MET

In introducing the bill in the Senate, Sen. Javits (R-N.Y.), said, "The absence of an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally acceptable standards for local building codes has proved to be a great obstacle to efforts to meet the national housing goals set forth in the Housing and Urban Development Act of 1968.

"Moreover, the lack of a system of uniform building code standards increases cost of construction and inhibits innovation in techniques. The resulting fragmentation in the housing industry is clearly not in the public interest."

Rep. Moorhead (D-Pa.), who introduced identical legislation in the House, said, "For the first time, an authoritative technical institute would be available to coordinate the efforts of the many agencies, institutions, professional and trade groups now engaged in developing code standards and testing and evaluating new materials and methods."

ALABAMA'S OLDEST THEATER IS RESTORED

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BEVILL. Mr. Speaker, Alabama's oldest theater, the Fort Payne Opera House, is once again hosting musical plays, singing groups, drama, band and symphony orchestra concerts, thanks to the efforts of many dedicated citizens.

The theater, which was constructed in 1889 has undergone a complete restoration under the guidance of Landmarks of De Kalb County, city and county officials, the Chamber of Commerce and thousands of concerned people in the Fort Payne, Ala., area.

I am placing in the RECORD a most interesting article which recently ran in the Alabama Municipal Journal, describing the history of this famous building.

RESTORED FORT PAYNE OPERA HOUSE IS ALABAMA'S OLDEST THEATER

(By J. R. Kuykendall, President, Landmarks of DeKalb County, Inc.)

The Fort Payne Opera House was in the process of being built in 1889, the same year that the town was chartered. This was a thriving industrial center in those early days as many New England residents had migrated here through the effort of promoters of the Fort Payne Coal & Iron Company which had branch offices in Boston and Philadelphia. One member of the Board of Directors of this company, W. P. Rice of Boston, built the Fort Payne Opera House at a reported cost of $80,000. The theater opened in 1890 with many colorful performances to please the culture of the New England residents. During this "boom era," *The Fort Payne Journal* proclaimed, "Fort Payne can boast of the most convenient and handsomest opera house in the state."

The Opera House was threatened with oblivion many times. A host of present day residents recall the years that it was used for silent movies and vaudeville. It was during the 1930's that the Opera House ceased to be used as a theater, and many of the elaborate furnishings had been removed.

CITY ASSISTANCE

In 1969 during Alabama's Sesquicentennial year, Mrs. W. M. Beck, Sr. was appointed Coordinator for DeKalb County by the Governor and the local Sesquicentennial Committee surveyed the idea of using the old Opera House for DeKalb County's Headquarters. With the assistance of the City of Fort Payne and the DeKalb County Commissioners along with patrons and the fortitude of the Sesquicentennial Committee, the Fort Payne Opera House was opened for exhibits on July 12, 1969, with Mayor Hoyt Wilson and DeKalb County Commission President Morris LaMunyon cutting the ribbon at the entrance. The acceptance was overwhelming with visitors and local people. In August of that year Landmarks of DeKalb County was organized for the purpose of preserving a portion of our heritage and this non-profit organization purchased the Opera House from Mrs. A. C. Davis on October 2, 1969.

COMPLETE RESTORATION

A complete restoration was begun on the old theater and on May 3, 1970, "A Sunday Afternoon Musicale" was presented from the stage that had not been used in more than 30 years. Announcement was made on this date that the building had been placed in the National Register of Historic Places. Since this time, renovation has continued and Landmarks, Inc. has become one of the largest historical organizations in the state and received the Distinguished Service Award from the Alabama Historical Commission on July 13, 1970.

The 1970–71 season at the Opera House included musical plays, singing groups, drama, band and symphony orchestra concerts. The old theater is on the guided tour of the annual Pilgrimage held each year in mid-May. Additional restoration is planned for the Opera House and outstanding attractions are scheduled with the assistance of the Alabama State Council on the Arts & Humanities. The people of Fort Payne along with the Chamber of Commerce and the DeKalb County Tourist Association can boast of having the oldest theater in Alabama that was originally built as a theater and is in use today as a theater.

THE REBIRTH OR "GREETING" OF AMERICA

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. SHRIVER. Mr. Speaker, I include the following excellent address which was made by Miss Claudia Mason, of Wichita, Kans., during commencement exercises at Mount Carmel Academy in Wichita this year. Miss Mason was the class valedictorian. She has ably described the challenge which the young men and women of her generation face. Her thoughts and ideas are worthy of the attention of my colleagues in the House.

The address follows:

ADDRESS BY CLAUDIA MASON

John F. Kennedy once said, "We have among us the power to be either the greatest generation in the history of all mankind or the last."

These words, our Senior Class motto, have never seemed more timely than today, May 23, 1971. We hear from all sides that America is crumbling, and some of us panic when we take a look at the society we've built. We are plagued with war, poverty, uncontrolled technology, destruction of the environment, the decline of democracy, an artificiality of work and culture, an absence of community, and—most important—a loss of self. For years these symptoms have lingered benignly in the corners of our nation. Only recently have they been diagnosed as dangerous, malignant tumors.

Why has it taken so long for this crisis to crystallize? It is because we are just now realizing our powerlessness. We are being swept along by a system which has confiscated our ability to control our own lives. Technology, which was to have liberated man to the freedom of searching for the highest form of human existence, has enslaved us as robot-tenders of the machine. Thousands are trapped in unfulfilling jobs, frustrating personal relationships, and a general fear of the impersonal society in which they live.

It is to this paralyzed sense of helplessness that Charles Reich speaks in his book, *The Greening of America*. He says, "There is a revolution coming. It will not be like revolutions of the past. It will originate with the individual and with culture, and it will change the political structure only as its final act. It will not require violence to succeed, and it cannot be successfully resisted by violence. It is now spreading with amazing rapidity, and already our laws, institutions and social structure are changing in consequence. It promises a higher reason, a more human community and a new and liberated individual. Its ultimate creation will be a new and enduring wholeness and beauty—a renewed relationship of man to himself, to other men, to society, to nature, and to the land."

It is to this challenge that the new generation is called. We must channel our energies into the restoration of man's dignity. We cannot accept the position of injustice, war, and poverty as the inevitable human condition. This blossoming consciousness is going to help us make technology and science work for, not against us. If we can but match our material standard of living with an aesthetic and spiritual richness, we will have once again revived the great American dream.

The signs of redemption are already evident. We are striving to break out of our neon sterility: the systems, schedules, clocks, and customs into which we've patterned life. There is a new celebration of self. People are not allowing themselves to be instrumentally used. They are no longer content to work at a meaningless job which is inconsistent with their beliefs and interests. The new crime is alienation from one's self and others. Dishonesty in personal relationships or "using" another person violates the code of community and togetherness which is the only cure for our depersonalized society. This revolution of warmth and closeness will be responsible for restoring, protecting, and fostering our human senses. It is going to create an America where, once again, your neighbors will be your friends; not just the people who happen to live on your street.

The rebirth or "greening" of America has begun. As it picks up momentum, it will touch each one of us here, if it hasn't already. It is this awesome rediscovery of true values in life that can and will bring America to its full potential. The most important contribution of the new generation will be to ripen mankind for the "greening" of America.

GASOLINE BY ANY OTHER NAME

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BRASCO. Mr. Speaker, for years it has been increasingly obvious that the gas and oil companies of the Nation have become a power unto themselves. One way they do this is by seeking creation of power conglomerates they control, which become vertical monopolies and horizontal ones. Now many of the major coal companies are owned by oil companies.

Home heating fuels are rising rapidly in cost, particularly to the massive urban conglomerations of our Eastern and Midwestern cities. Constantly we hear that prices must rise as the Federal Power Commission meekly acts as an agent of the companies, allowing raises as often as it dares.

Yet nowhere is this trend more pronounced or vicious than in the sale of gas and oil products to the motorist. The average small businessman struggling to make a success of a gasoline and service station is more often than not victimized in the most vicious, unscrupulous manner. Unfortunately, the truth, ugly as it is, rarely emerges to public view. However, Nicholas von Hoffman, of the Washington Post, has written a devastating exposé of this barbarous series of practices. It is, strong as it appears, an understatement, not mentioning the gimmicks, promotions, nonsensical and parasitical trading stamps and the actual coercion and price undercutting that the major oil companies engage in.

Brooklyn has been the scene of many such atrocities against the small gasoline station operator. I offer his excellent column for inclusion in the CONGRESSIONAL RECORD.

LOSS IN THE GAS GAME

(By Nicholas von Hoffman)

LAUREL, MD.—George Pint bet his BP and lost.

Until June 1st, George and his partner, Les Adler, had the BP oil franchise on Route 198, an ugly, short stretch of road with 15 other gas stations on it. George's is the most modest, a white-painted cinder block affair with no ribbons, electrified signs or coins or glasses or silverware to give away.

It doesn't bother George that his small station isn't a luminescent eyesore. What George and Les want is to be able to work hard and make enough money so they will be their own bosses; they want to be economically free men.

They know something about that. George and Les are Hungarians who fought the Russians and then escaped to America. They know something about work, too. You should see George's hands. His face looks younger, but his hands show he has worked most of his 61 years.

George isn't just a hard worker; he's a good worker, a skilled technician and a craftsman who can renovate rusty old European sports cars to make them new again. The kind of worker whose disappearance we're always lamenting.

George is in danger of disappearing. He got the gas station a couple of years ago when the doctor told him to ease up on the 16-hour days; his heart couldn't take it. He didn't know what a heart breaker having a gas station franchise can be. He probably believed those ads the oil companies put in the classifieds. Like this one the other day: "Mobil Has Service Stations Available Now. Be Your Own Boss. Profits from $15,000 to $30,000. Paid training and business counseling available. Start Now! Why Wait?"

In fact, gas station owners are miserably unhappy in many parts of the country. The situation in Detroit is so bad that these be-your-own-bosses are trying to start a union. Similar efforts have been attempted in South Bend, Ind., and Oakland, Calif., according to "U.S. Oil Week."

To make money, George dropped his prices. He figured he could do it by selling a high volume at low prices, but he says that BP wouldn't sell him enough gas. Even so, he reports, sales quadrupled under his new policy and then, "Comes two young men from BP Company and ask why I sell so cheap? I say not his business even if I give away free because I pay for gas."

One thing led to another and George, in anger and without the advice of a lawyer, signed a paper terminating his connection with BP. Shortly thereafter, a flashy new BP station opened up across the street.

Mr. R. A. Straub, BP's regional manager, contradicts George's story. He says the company never put any pressure on George to keep the price of his gas up. "The termination," says Mr. Straub, "had absolutely nothing to do with it. Historically, that station has always been aggressively priced. We don't want to put Mr. Pint out of business. As for the new station, we had a sign up there for months saying it would be put there. We probably would have considered Mr. Pint for the franchise had he expressed a desire."

If BP wasn't mad at George for lowering its prices, why did it come to him and ask to terminate the agreement? Why didn't it offer him a crack at the fancy new station across the street? To these Mr. Straub was only able to answer that BP did what was good business for BP.

Don't get angry from this and go boycotting BP. You can't because Maryland officials have charged that BP gas has been delivered to and sold out of Esso, Mobil and Phillips station pumps. You may be buying BP when you think you're buying something else. Not that it matters to your car, because it appears that all gasolines differ far more in their advertising and merchandising than in their chemistry. Defense Department officials who buy 300 million gallons of gasoline a year have told a Senate Subcommittee that there's scarcely a particle's difference between the major brands.

Indeed, the whole gas business appears to be a rapacious chaos cum con game in which the big oil refiners give it to the jobbers, station owners and the general public. Everywhere you turn there's something new and fishy. And not just oil import quotations and tax breaks; lab tests reveal that the highly advertised lead free gasoline has lead in it; The Los Angeles Times reports that, continuing a trend that has reduced that percentage of independent California gas stations from 20 to 3 per cent in 11 years, 200 more private brand stations have been forced out in the last couple of months; at the same time, the major refiners are putting out spurious brands that are being marketed to look like cut-rate independents, and all the while the be-your-own-boss franchise owner is being forced to live off of thinner and thinner markups as the major refiners put in more and more gas stations, many of which a small businessman can't possibly compete with because they have self-service, vending machine pumps.

Millions of us wage slaves have always thought of the gas station as our little ace in the hole, the last place a guy with a couple of thousand bucks could go into business for himself, not to get rich but to make enough so we didn't have to take any guff. That pipe dream is over.

Look at George Pint. The only reason he is eating regularly, he says, is because his wife is working. The gas station, which now sells a private brand, doesn't make enough to feed him.

Still, George isn't giving up. As his partner Les says, he's a fighter. He fought for freedom in Hungary against the Russian tanks, and as long as he can hold out, he's going to fight for freedom against the corporate oil tanks here.

EDWYNA SYNAR SPEAKS ON 4-H COMMUNITY ROLE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. EDMONDSON. Mr. Speaker, it was a real pleasure for me to attend a recent breakfast here in Washington with a number of young Oklahomans who are actively engaged in 4-H Club work.

One of the finest speeches given at the breakfast was by Miss Edwyna Synar, daughter of Mr. and Mrs. Ed Synar of Muskogee, Okla. The Synar family is well known throughout all Oklahoma and was recently selected the 1971 All-American Family for our State. It is, therefore, no surprise that Edwyna should carry out this fine tradition of excellence in her 4-H work.

Edwyna was a contestant this year in the Farmers Union speech contest, and I think her remarks on the contributions made by 4-H organizations across the country are deserving of the attention of each Member of this body. I insert the text of Edwyna's speech at this point in the RECORD:

HOW MY ORGANIZATION PROMOTES GOOD COMMUNITY LIVING

My 4-H organization appreciates the excellent opportunity which is provided through the twenty-first annual Farmers Union Speech Contest to discuss, "How the 4-H Club organization promotes good community living." In behalf of 4-H Club work, we also express our thanks to the organization instrumental in our growth and creation.

The fifth "H" of the 4-H organization represents the home. The home is the bulwark and cornerstone upon which any strong progressive community is built. It is basic to good community living. The 4-H Clubs of America are like the burning torch of freedom, forever kindling a spark of hope by which to ignite the individual initiative and ingenuity of each of its members. Members whose individual talents and abilities are cultivated so as to produce sound successful citizens that can become full partners in building a better tomorrow.

By the exercise of the head to think clearly; the heart to be kind and sympathetic; the hands to be useful and skillful; and health to build a strong body, 4-H is helping to build successful men and women with vision who will serve as the future leaders of tomorrow to guide our America on the destination of liberty and individual freedom. Yes, liberty and freedom that will assure good community living.

The 4-H Clubs of America, like the Farmers Union with its many members, strives to promote and develop a better life for our rural America. Each, by working with its members, endeavors through joint projects or programs to promote the cause of American agriculture; to improve the environment and community in which we live. Each strives to encourage its members to prepare for the future, to better its position in society, and to provide our America with a sound segment of free thinking Americans who are and always will be the soundest armament against any threats by any subversive power which might seek to destroy us.

4-H Club work promotes good community living by giving its young people a purpose to perform to the best of their ability by striving to make the best better. The 4-H youth organization seeks to bring out the best qualities in its members so that they might strive for a home life that represents true character, comfort and contentment.

Our 4-H Club program attempts to mold each of its members into better citizens. Young citizens who have respect for law and order and who refute the radical elements of our society. Citizens who have the ability to stand on their own two feet and solve their own problems; citizens who have the wisdom to choose the proven performance of our American way of life over the unfulfillable promises of any foreign ideology.

Yes, the 4-H organization promotes the best in good community living. Show me a good 4-H Club family, and I will show you a happy, respected and successful family. A family who is looked upon as the leaders of their community. Above all a family who has faith in God.

My friends and fellow Americans, may God see fit to preserve a strong Union of American Farmers to produce a surplus crop of energetic 4-H youth, the leaders of tomorrow, the protectors of our democracy; builders of good community living.

Thank you.

THE PROBLEM OF EMERGENCY EGRESS FROM AIRCRAFT

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MILLER of California. Mr. Speaker, the Pan American Airways 747 accident on Friday, July 30, 1971, at San Francisco, Calif., has again brought the problem of aircraft safety to the attention of the Congress. While the crew and passengers involved in this 747 accident apparently did not have emergency egress problems, the incident reminds us that there may be the possibility of a survivability accident in a 747-type aircraft.

In the past, many people have died in accidents simply because they could not evacuate the aircraft due to doors and exits being jammed closed by the impact. The cause of death in almost every case was fire and asphyxiation. What is appalling is the number of people who may be involved in an accident in one of our new generation jet aircraft that carry as many as 300 or more people.

On June 6, 1971, an Allegheny Airlines Convair 440 crashed at New Haven, Conn., and of the 31 passengers and crew involved, 28 died. A major portion of these deaths can be attributed to jammed doors. We cannot imagine the horrible consequences of a 747-type aircraft, fully loaded, crashing and killing a major portion of the passengers and crew only because of jammed doors and exits.

A new high energy—pyrotechnic and explosive—system has been developed which can be utilized to open doors and exits in milliseconds during any post-crash situation. Variations of the same system have been proven in missiles, fighter/bomber aircraft, and in manned spacecraft such as Mercury, Gemini, and Apollo. The systems have been available for over 2 years, are said to be 100 percent reliable, quite inexpensive, and very safe in operation. However, these systems are not being used in either commercial air carriers or in military transport aircraft.

It is my opinion that serious and immediate attention should be given this problem of emergency egress by both the Federal Aviation Administration and the military services. The development has been accomplished, the record is proven, and such systems should be applied as quickly as possible to our aircraft.

A more detailed description of the egress system is described in the attached remarks which were given to the Committee on Science and Astronautics on July 22, 1971, by Mr. Hubert I. Bennett, president of Teledyne McCormick Selph:

EGRESS SYSTEM

Mr. Chairman, distinguished Congressmen, as one who has a deep respect for the Congress and the democratic process, I am honored to appear before you and to discuss a vital subject, the saving of human lives.

We in the aircraft safety business currently are faced with a number of significant problems. Each problem, in its own right, must be solved to insure the lives of aircraft passengers and crews as well as conserving expensive flight equipment.

My specific interest and the interest of my Company, Teledyne McCormick Selph, is in possibly the most critical and at the same time almost totally neglected area of safety. That area is: the safe emergency evacuation (emergency egress) of passengers and crews after a survivable aircraft accident. The broad definition of a survivable accident is one in which one or more fatalities occurred and one or more persons survived the crash.

Over the years we have had many survivable accidents but some have become classics due to the events recorded prior to, during and post-crash. Among these are the United Air Lines Boeing 727 at Salt Lake City (11/11/65—91 passengers and crew—43 killed), the Trans World Airlines Boeing 707 at Rome, Italy (11/23/64—73 passengers and crew—48 killed), the Trans World Airlines Convair 880 at Cincinnati (11/20/67—82 passengers and crew—69 killed), the ALM[1] Douglas DC-9 at St. Croix, Virgin Islands (5/2/70—63 passengers and crew—23 killed), the Capitol International Airways[2] DC-8-63 at Anchorage, Alaska (11/27/70—219 passengers and crew—47 killed), and most recently, the Allegheny Airlines Convair 440 at New Haven (6/7/71—31 passengers and crew—28 killed).

Our interest in emergency egress was initiated through our development of high energy (explosive and pyrotechnics) severance systems for various missiles and spacecraft, and later the F-111 aircraft. The highly successful use of these systems in manned spacecraft and military fighter/bomber aircraft led us to the realization that this new but proven technology could aid in saving lives in both public aircraft transportation and military transport operations. Our early studies had indicated that no really reliable means of emergency egress existed in the current jet aircraft. (A torqued-in exit will not respond to pneumatic, hydraulic or mechanical override mechanisms.)

I, therefore, in 1968, contracted with the Flight Safety Foundation, Inc. to study commercial air transport accidents through the period 1957-1967.[3] The resultant statistics pinpointed a number of significant safety problems, the main one being that there was no really reliable means of emergency egress from our modern jet aircraft. This is also true today, 2 years later, I refer to systems which will actuate and positively open a door or emergency exit within milliseconds during or after a survivable crash.

In the purely commercial area, the analysis of fatal accidents showed that 34 were survivable (those were accidents in which one or more persons came out alive) and 91 were non-survivable (there were mid-air collisions, hitting mountains and diving into the ocean, where no one survived). In addition, there were 22 emergency evacuations (bomb scares and engine fires prior to take-off). Of the total of 147 accidents, it was found that 56 were survivable at a 38 percent survival opportunity.

The total passengers involved in survivable accidents was 1,584, the non-survivors totaled 794. The number of passengers involved in emergency evacuation (bomb scare and engine fire prior to take-off) was 1,403 of which 143 were injured. It was discovered that perhaps as many as 35 to 50 percent of the 794 non-survivors of survivable accidents could have been saved if adequate exits had been available. The majority of these non-survivors died from asphyxiation and fire, not from trauma due to impact.

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[1] Overseas National Airways operating as Antilliaanse Luchtraart Maatschappi's

[2] Operating under USAF Military Airlift Command Contract

[3] Study of Failure in Aircraft Emergency Evacuation Systems, Flight Safety Foundation, Inc., May 1969

Incidentally, during the period 1968 through 1970, an additional 653[4] fatalities have occurred in survivable crashes.

Detailed data were available on only 26 of the 34 survivable fatal accidents. However, in the 26 analyzed, it was found that of the 215 exits available only 53 were used, or a percent usage of 24.7. Even during emergency evacuation of 17 aircraft with 152 exits available only 44 were used, or a percent usage of 28.9. Now this averages only 26.8 percent exit use for all these accidents.

In 1969, the USAF[5] presented statistics covering USAF passenger-carrying aircraft accidents during the period 1964 through 1968, where it was shown that 665 persons lost their lives. This set of statistics closely parallels the statistics on commercial aircraft egress discussed here.

There are logical reasons why 75.3 percent of doors and exits are not used in a post crash situation. After impact fuselages are torqued and the resultant effect is jammed doors and exits, equipment sometimes is torn loose and crammed against exits making them completely inoperable or impossible to open, and slide/rafts sometimes inadvertently are inflated inside the aircraft and contribute to blocking exits. Panic, nighttime and smoke darkness also play their part. In the St. Croix accident a slide/raft was inadvertently inflated inside the cabin and contributed to a number of lives being lost.

It is a fact that in almost every survivable accident the fuselage is twisted or torqued due to impact and in a large percentage of cases manual actuation of many doors and exits is impossible.

In the recent Allegheny Airlines, New Haven crash, the rear door was jammed. Twenty-eight persons died in that one. The testimony of the stewardesses after the DC-8-63 accident at Anchorage, Alaska disclosed that the galley service door wouldn't open, the cockpit door couldn't be opened, the main cabin door was jammed shut, and the door opposite was opened only 1-foot since it was jammed against an embankment. Of the 219 passengers and crew involved, 47 died and a substantial percentage was caused from fire and asphyxiation, not trauma. This was a typical survivable accident; only one of many where we have the facts related by the survivors. In my opinion, with an emergency egress system, we could have saved most of those lives.

Today, you don't have to have an accident to jam doors. In normal operations on current stretched version jet aircraft, after landing and taxi, the aircraft must sometimes be aligned by pulling the nose wheel in a perfectly straight line of 20 feet or more in order to allow easy manual opening of cargo doors. We also have it on good authority that excessive ground braking of the Boeing 747 has contributed to jamming some exits.

The net result of our studies and investigations shows us that we have a major and very serious problem facing us in getting people out of aircraft. There is, however, a solution to the problem and it is available to us now. We simply utilize high energy chemistry-explosives—to sever panels, doors, exits and hatches from the aircraft. When we talk explosive systems, we mean a highly reliable and technologically sound scientific discipline without which we would not have placed man in space. We used this technology to develop these systems for missiles and spacecraft because they were reliable, simple, safe and have the ability to deliver the greatest amount of power and work for a given weight or volume of any non-nuclear source of energy available.

Such a system has been part of the F-111 aircraft since inception, has been operational for six years and is used to separate the crew module from the remainder of the aircraft during an emergency. This allows the crew module, containing pilot and copilot, to be ejected and descend to earth by parachute. The system has worked perfectly in every case in which it was used and has resulted in many lives saved. We have lost some crews, but not from the failure of the severance system. Those losses were the result of parachutes not being deployed or activation of the system upside down at very low altitudes where recovery was impossible. The new B-1 Bomber will also incorporate a system similar to the F-111. Other high energy chemical systems are used for varying purposes on the F-5 and F-8 aircraft. In the missile and space field high energy systems are used in almost every major missile and spacecraft and their reliability cannot be questioned.

To create an exit in a typical transport aircraft linear shaped charge (LSC) is routed around the periphery of a door or exit and bonded in place. Linear shaped charge is an inverted "V" or chevron-shaped material some ¼-inch in width and of varying length which can be bent, routed or contoured to any skin surface, stringer or frame without comprising either the structural or aerodynamic integrity of the aircraft. When initiated, a high energy shockwave is concentrated on a very thin line along its length and results in a clean, knife-like cut in materials such as steel, aluminum and titanium. In the case of doors or hatches the cut will be made inside the door frame or jamb, thereby maintaining the structural integrity of the pressure hull. When severed and due to the explosive cutting, the door or hatch section will be ejected out and away and a positive opening created. The cutting action is instantaneous.

Even when the fuselage is badly torqued and bent due to impact, explosive cutting action will provide an escape path. Very little explosive is necessary to perform the work; approximately 50 grams of explosive to cut out a door or large emergency exit on a typical wide-diameter jet aircraft.

This system is nominally a backup system to insure egress. In some cases it will be possible to manually open doors after an accident; however, if they cannot be opened, they must be cut clear.

Escape slides are attached to main doors and exits and are automatically inflated as the door is ejected, to afford a rapid flow of passengers from the aircraft. In the event of ditching emergency exits are actuated in the same manner as a dry land situation. In a severe cabin fire, such as occurred in the Salt Lake City accident, temperatures may rise as high as 1800 to 2000 degrees F. In this situation, it is also possible to sever holes in the fuselage to vent the heat and save lives.

We have stated that these systems are currently available and can be built into new aircraft or retrofitted into older aircraft. They have been developed and engineered, considering all the system safety and human factors aspects to provide a positively fail-safe operational system.

I have made the following statement many times and wish to repeat it here. Until this technology was proven, we had to live with—and sometimes die with—hydraulic, pneumatic or other mechanical means to attempt to open doors. Such systems are normally useless in opening a jammed exit and no longer have to be relied upon.

The operating egress system for a transport aircraft is simple and effective. It is mechanically activated and will always operate even when the aircraft electrical power is lost. We have a master control panel with a visual readout located on the flight deck where the pilot can arm the system at each door and exit. He can safe the system at each door and exit; he can initiate the system at all doors and exits; or he can safe and arm, and then initiate the doors and exits selectively. A secondary master control panel with a visual readout is located and hidden by or near the stewardess jump seat in the passenger section of the aircraft. This secondary panel can perform precisely the same functions as the master control panel and allows the stewardess to control the exits if the flight crew is incapacitated. Doors and exits can only be initiated when they are armed and the system is only armed during take-off or landing or when there is a positive indication of an emergency underway. These procedures are part of the flight checklist and system status indicators are provided at each pertinent flight crew station.

Briefly, I would like to discuss safety and reliability of the system we've discussed. The explosives used are insensitive to impact; for example, high-caliber bullets can be fired into them without causing them to initiate. They will withstand temperatures in excess of 500° F. for hours without degradation. In a fire, they will not explode but will burn or melt and will not sustain a fire. Lightning will not set them off and they cannot be initiated by lasers. Finally, they will not ignite jet fuel or other fluids spilled during an accident.

This system is and has been available for the past several years. In order to brief and educate personnel of foreign and domestic airlines, ALPA, airframe manufacturers, individual members of both Houses of Congress, DOT, FAA, NTSB, NASA, and the military services, I enlisted the aid of Major General Joseph D. Caldara, USAF (Ret.), former President of the Flight Safety Foundation and earlier Director of Aerospace Safety, Headquarters, USAF, and Mr. Frank B. Pollard, Flight Safety Consultant. Between us, we have literally gone around the globe briefing the aviation community on this system which is so important in saving lives.

To further educate, I have put on eight live demonstrations for key members of the aviation community, many of whom have attended. I also have put on a live demonstration at Scott Air Force Base for General Jack Catton and members of his USAF Military Airlift Command.

I have found a great deal of interest and verbal approval of our approach. With the exception of some few diehards, everyone has expressed the fact that this is an extremely feasible system and should be utilized. They have, in fact, stated that such a system is the only reliable means available to insure life-saving capability, post-crash. I can say unequivocally that so far the only real, active interest aside from verbal gymnastics has come from the Military who understand the problem and are beginning to take action. The people concerned with public lives have not yet chosen to do so though the problem is very real and the solution is available.

If such a system were expensive or the weight penalty was excessive, we would understand its lack of use. The cost of a system for a 747 type aircraft, we estimate to be $25,000 per aircraft when installed during manufacture and system total weight is in the neighborhood of 20 pounds. This does not appear to be very much money to invest in saving even one life.

There are several companies in the United States qualified to design and build this kind of system; mine is only one, but the leader in this technology. The very fact that we are the leader in this field gives me a strong sense of personal responsibility and motivation to make it known that this proven life saving technology is available.

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[4] NTSB Annual Report to Congress 1970

[5] Emergency Ground Egress from USAF Passenger-Carrying Aircraft, Major Charles Brown, Directorate of Aerospace Safety, Headquarters, USAF, 1969.

I have tried to take the leadership in educating and making those who can take action aware of the problem. It has been expensive, time consuming and sometimes disappointing. It is also frustrating to see those who can take action and are aware of the problem, doing little or nothing in its solution.

We have worked with the FAA, that is, we have had many discussions with them, at the Administrator level and the working level. We have tried to interest them in testing a system on an FAA aircraft. Logically, the reason is that we want the system proven and certified for commercial use.

The FAA has not yet chosen to take any action and have not yet utilized the leadership which I believe is their prime function. In my opinion, they must recognize their responsibility, re-evaluate their position and their function in aircraft safety, and then exercise some initiative in this area. Without complete FAA approval first, no airline or airframe manufacturer will move to incorporate this system on their aircraft.

If I project our past statistics in survivable accidents and look at the future with the new generation of jet aircraft, such as the 747, carrying anywhere from 250 to 500 passengers, I am appalled. I know that sooner or later there will be a survivable accident with one of these aircraft and the fatalities will not be numbered in the 40's or 50's. The figure will more likely be 200 or more.

Now, after you've needlessly—and I mean needlessly, killed this many people, the storm of protest from the public will come through "loud and clear." I would not like to be on the receiving end of that outcry.

In earlier testimony before the House Appropriations Committee, Sub-Committee on Transportation, I called this "tombstone safety." That is, waiting until after you have a major disaster before you provide the solution to the problem: A solution which was available two to four years before. In addition, the emotionalism after such a disaster will force egress systems to be installed on aircraft immediately. This frightens the safety people, because when you rush systems into use, you many times compromise design and the results can be nearly as disastrous as no system at all.

I will continue to brief and educate everywhere I can to insure the fact that we never succumb to "tombstone safety" at least where emergency egress is concerned.

It is my hope that through briefing this Committee and others that this matter is brought to a head and that the Congress have the opportunity to exercise its authority in helping to save lives in this critical area.

We have the answer and can place emergency egress systems on any aircraft today. We want to be certain that they are fail-safe. We know that they are since we have reliability figures from long use in spacecraft and military aircraft. However, we must test them on commercial aircraft before they are declared operational. This work must be accomplished now. We need the systems in our aircraft.

In summary, there is a critical problem, a practical solution now exists and action is required to put it into use. I earnestly urge this Committee to use its great prestige and authority to see that the solution is applied.

Thank you.

BERLIN SELLOUT?

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. ROUSSELOT. Mr. Speaker, the publication of the secret telegrams of the West German Ambassador in Washington, Rolf Pauls, by the West German magazine Quick has created a political storm in Bonn. This magazine states that the telegrams of Ambassador Pauls to his home office disclosed very unusual, behind-the-scene political conversations between West German State Secretary Egon Bahr and Assistant to the President for National Security Affairs, Henry Kissinger.

This appears to be a strange exchange indeed. Mr. Bahr comes out of this conversation as the strongest advocate for a buildup of the Soviet position in West Berlin. Bahr not only clearly supported the Soviet demand expressed in the so-called Abrasimov Paper—of Soviet Ambassador Petr Abrasimov to East Berlin—of March 1971, for a Soviet General Consulate in West Berlin, but he also clarified the West German position that "Berlin is not the land of the Federal Republic of Germany" and that "no constitutional agencies of the Federal Republic should conduct any official business in West Berlin."

This unilateral, direct concession to the Soviet Union by State Secretary Bahr were made in spite of many previous statements to the contrary by his own government representatives, including Chancellor Willy Brandt. In a subsequent interview, Mr. Bahr denied to have made these statements but they are now on the public record and the Bonn Government is investigating the source of the leak.

This is, indeed, a very strange conduct for an official representative of government which is an ally of the United States. Our country has a direct and immediate interest in the status of Berlin. We are currently in the midst of negotiations on this matter. We have a very direct interest in whether or not the Soviets are in a power position as a result of the agreement. I find it shocking that Mr. Bahr has deliberately moved to strengthen the Soviet hand in these negotiations.

It is a fact that as far as the Brandt government is concerned, the "satisfactory" solution of the Berlin problem is sine qua non for the ratification of the West German Bundestag of the Moscow and Warsaw treaties signed by the Brandt government last year. Mr. Bahr who is responsible for the negotiation of these treaties, is now apparently trying to make concessions in advance to the Soviets on the Berlin problem in order to push the treaties through the Bundestag.

Mr. Speaker, the United States is in a key position in the Berlin situation. Our interests in the Berlin problem must be paramount. We cannot stand to have lesser officials of the Brandt government attempt to sabotage our position and the position of all those in the free world. If, in fact, Mr. Kissinger has not supported this effort, it should be denounced by him. Any attempt to make concessions with prestamped Soviet approval is much beyond a reasonable compromise acceptable to those in the free world.

EDUCATION SPECIAL REVENUE SHARING

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. QUIE. Mr. Speaker, after the recess the Committee on Education and Labor will take up the President's proposal for special revenue sharing in education. The issues involved in this proposal are important ones to American education and to local and State taxpayers. They deserve the fullest possible understanding in the Congress. The best exposition of the President's proposal which I have seen is in a recent address by Charles B. Saunders, Jr., the Deputy Commissioner of Education for External Relations, delivered at the seminar for State legislative leaders in Manchester, N.H., in July.

I hope that every Member of the House will have an opportunity to study Mr. Saunders' thoughtful analysis and exposition of the President's proposal.

ANOTHER LOOK AT EDUCATION REVENUE SHARING

(By Charles B. Saunders, Jr.)

You are all well aware of the national debate taking place on the issue of revenue sharing, and the potential significance of this proposal for State and local governments. President Nixon's $5 billion General Revenue Sharing proposal is now the focus of hearings, and we are optimistic about the prospects for action on this far-reaching legislation during the 92d Congress.

You are equally aware of the fundamental nature of the debate. General Revenue Sharing would not only provide critically-needed fiscal relief, it would strengthen and reinvigorate State and local government, thus restoring confidence in the basic institutions of the Federal system at a time of widespread disenchantment with its capacity to meet national needs.

Revenue Sharing, of course, is not a new concept. Such fundamental issues cannot be decided overnight, and the approaching climax of the debate is the outcome of a decade of discussion. The idea has long been advocated by leaders in both political parties—by both their 1964 Presidential candidates, and by both their platforms in 1968. Now the idea's time has come and the President's General Revenue Sharing proposal is approaching a point of national decision.

However, an important element of the President's recommendations has not yet received sufficient public attention or congressional scrutiny. Complementary to General Revenue Sharing, and integral to the total package of governmental reforms proposed by the President, are his Special Revenue Sharing proposals in six broad functional areas: transportation, manpower, law enforcement, urban community development, rural development, and education. While General Revenue Sharing would correct the fiscal mismatch between States and localities, where the needs for service are rapidly outpacing revenues, and the Federal government with its faster-growing revenue base, Special Revenue Sharing would correct the complex and inefficient way Federal assistance is provided, consolidating literally hundreds of categorical programs into broader areas of national concern, freeing states and localities from a maze of bureaucratic red tape and permitting them far greater freedom to determine their own priorities and how to meet them.

I submit that the implications of Special Revenue Sharing are as important as General Revenue Sharing—even though they have not received anywhere near the attention and are, for reasons of committee jurisdiction, outside the scope of the current debate. For while General Revenue Sharing offers the prospect of significantly increased Federal assistance, Special Revenue Sharing offers a far more effective mechanism for states and localities to use those Federal funds. The reform and revitalization of the Federal system will not be accomplished by money, unless the funds are accompanied by reform of the decisionmaking process which restores the authority of the state and local governments—and that is what Special Revenue Sharing is designed to do.

My purpose, then, is to underline the role of Special Revenue Sharing in the President's total strategy for governmental reform, and to emphasize that the importance of achieving these reforms must not be forgotten in the wake of mounting pressures for national action on General Revenue Sharing.

I will focus my remarks on Education Revenue Sharing, for several reasons. Of the six Special Revenue Sharing proposals, education best illustrates the desirability and need for the reforms intended. Education is the highest budgetary priority—claiming some 41 percent of state and local revenues. It involves the most sensitive relationships between the citizen, his schools, and his government at the local, state, and Federal levels. In education, of all the six fields of Special Revenue Sharing, existing Federal programs are the most complex. In this field, there is widespread recognition of the need for fundamental reforms. Yet curiously, the significance of Education Revenue Sharing as a catalyst for these reforms has been generally overlooked and underestimated.

Education Revenue Sharing calls for a redirection of the Federal role in elementary and secondary education; a redirection which becomes more urgently necessary with each new categorical program enacted—and not a day goes by in Congress without the introduction of several bills which would add further narrow, special categories of Federal assistance to deal with particular educational problems. Over the last dozen years, these programs have proliferated to the point where they severely restrict the capacity of the states and localities to deal with their own educational problems.

The categorical approach dates back to 1917 and the Vocational Education Act, but it was not until 1958 that the National Defense Education Act established the pattern for Federal aid to education. In response to identified needs for strengthened programs in science, mathematics, and foreign languages, the NDEA established a series of programs designed to encourage more young Americans to pursue studies and acquire skills in fields considered vital to the national defense. In subsequent years a broader range of national educational needs were identified, and Congress passed in rapid succession a series of laws providing special help for the disadvantaged, for the handicapped, to train more teachers, to modernize vocational and technical education, and to provide more books, equipment, and technology.

There is no question that these programs have had an enormous and beneficial impact on American education. The question is, how long can we continue to add more categories to the existing complex structure? The U.S. Office of Education already administers more than 100 categorical programs affecting elementary and secondary education, vocational education, and postsecondary education. Some of the programs affect each of these major areas at the same time. To complicate the picture further, at least 26 other Federal agencies also administer significant categorical programs affecting the schools and colleges.

The problems created by this proliferation of programs are best known to educators at the local level. Suppose a school superintendent wants to upgrade the program at an elementary school in a low-income area. He could obtain assistance under Title I of the Elementary and Secondary Education Act (for school districts with high concentrations of disadvantaged children), Title II (for acquisition of library materials); Title III (encouragement of innovative programs) and under various parts of several other acts and titles covering everything from teacher workshops to educational research.

In theory, these laws offer the potential for significant support of the local superintendent's program. Unfortunately, however, each categorical program requires a separate application—often to separate bureaus of the Office of Education, In most cases interim approval at the State level is necessary. Some programs require matching funds. Some only ask an acceptable project proposal for approval: others approve projects on a highly competitive basis. And each categorical program has its own complicated set of regulations, guidelines, and reporting requirements.

These requirements make it difficult for even the most affluent and best-staffed school district to put together a coherent package of Federal assistance. For smaller, poorer systems, the task is simply impossible. Just keeping informed of the array of programs available, how to apply for them, when, and where has come to an impossible undertaking for any local school superintendent unless he has professional assistance.

A recent computer analysis has revealed the extent to which OE programs have proliferated: there are currently 38 separate authorizations in support of instruction, 37 in support of low-income pupils, and 22 in support of reading instruction. If these separate purposes are combined into one broader heading—instruction of low-income students in reading—there are no fewer than 13 different categorical authorizations.

Growing problems with the categorical approach to Federal aid are also increasingly apparent at the state level, where the paperwork required is staggering. A typical state plan for a single formula grant program is several hundred pages long and takes thousands of man-hours to prepare. States often establish separate units to do this work for programs and projects that are Federally funded, because of their requirements for individual auditing and reporting. These units and their personnel are counterparts—reproductions on a smaller scale of the units that administer the programs in the Office of Education. They frequently work more closely with OE than with their own agencies, managing their Federal funds in isolation from state resources that are available for the same purposes—and isolated, too, from other Federally-assisted programs. This fragmentation, of course, only dimishes the possibility of comprehensive, coordinated educational planning at the State level.

Some of the other problems resulting from the proliferation of categorical programs may seem ludicrous, but they are very real to State and local officials. One employee of a State department of education receives 17 checks each payday, because his time is apportioned among 17 Federally-funded programs. The monitoring procedures necessary to assure that personnel and equipment charged to one program are not used for other purposes may make it impossible for a secretary working for one program to use a typewriter purchased for another; or a bookkeeping machine purchased with categorical funds may remain idle while other non-Federal units of the same office are using hand ledgers.

At both the State and local levels, paperwork involved in project grant applications sometimes results in administrative costs that actually exceed the amount of the eventual grant. Furthermore, because there is no "need factor" in the allotment formula for most categorical programs, they actually increase inequities in the distribution of Federal funds—particularly in the case of project grant programs which favor prosperous school districts which can hire skilled proposal writers, and discriminate against poorer districts which cannot. (The suggestion has been made, not entirely in jest, that project grants should only be awarded to those districts submitting the worst applications, since they are obviously in greater need than their more sophisticated competitors.)

At the Federal level, the proliferation of categorical programs also brings many problems. The paperwork generated at the local and State level flows in to the Office of Education, where a great deal of manpower is assigned to reviewing reports, records, and plans—an expenditure of man-hours which is largely wasted, for several reasons. First, most of this work is essentially sterile—a matter of checking to see that all is in order, a bureaucratic function which the laws require, but which adds little or nothing to the content of the paper, serving mainly to shuffle it from desk to desk and contribute to a cumulative delay in processing. Second, the information contained in these documents is often of little actual value. Instead of supplying data that can be used to evaluate and improve a State's performance, they too frequently amount to a pedestrian collection of routine program description, assurances that Federal requirements are being met, and voluminous statistics of doubtful worth. Third, the time required to shuffle these documents reduces the amount of time and manpower which the Office of Education might otherwise devote to worthwhile technical assistance to States and local educational agencies—just as the time preparing them reduces the capacity of State officials to contribute to statewide planning efforts or to work productively with local school authorities to improve educational programs.

Once again, I would like to make clear that I am not criticizing individual categorical programs. The bulk of them have been notably successful in achieving their original purpose of stimulating new efforts to meet special educational needs. I assume that there will always be a need for some categorical programs: there will always be areas where support is deemed in the national interest, and new areas of need are constantly emerging which require special stimulation.

The point is that categorical programs simply cannot be permitted to grow indefinitely. Once special needs have been recognized at the State and local level, there is no sense in the Congress of the United States continuing to sit as a national school board, telling States and communities what they should spend and how: such programs should be replaced by broader forms of Federal aid. Once areas of particular national interest have been identified and broad objectives established in law, the States and localities should be encouraged to find their own means of achieving stated national objectives instead of being circumscribed by detailed guidelines and regulations which assume that Washington knows best how to deal with problems which (it should be apparent) must differ in degree and intensity from State to State, district to district, and even from school to school.

The point is that if categorical Federal aid continues to proliferate, it will become more and more difficult for the fifty States to plan and operate effective programs tailored to their own educational needs and problems. There is no doubt that the States need Federal help. There is no doubt that the States must work together to achieve certain broad national educational objectives. But there is increasing evidence that the present structure of Federal aid cannot provide the kind of assistance that the States can use most profitably.

As categorical programs grow unchecked, the consequences for the States grow increasingly serious. It becomes more difficult for them to put Federal money to work where it is needed most. There is greater likelihood of duplication of effort and expenditures in precisely those areas where a State is already making an effort. There is mounting waste in the continuation of Federal funds for popular programs which have not adequately kept pace with changing educational needs. There is greater danger of distortion of State educational priorities, and shortchanging of other promising programs in order to qualify for the Federal funds available—particularly in the case of programs which require matching funds.

These are among the reasons why President Nixon has proposed Education Revenue Sharing. After 13 years of growth in the number, complexity, and rigidity of Federal programs, guidelines, and regulations, this Administration is saying that it is time to reverse the trend. It is time to reduce the number of categories, regulations, and guidelines; time to broaden and consolidate existing programs, eliminate counterproductive rigidities, and foster comprehensive planning to use Federal funds more effectively, placing greater responsibility on the States and local districts to deal with their educational problems in ways which seem best to them in the light of their own priorities.

That is what Education Revenue sharing seeks to accomplish. It would replace some 33 existing Federal formula grant programs in the elementary and secondary field, and put in their place a single program which would automatically distribute funds to the States by formula, to be used for five broad national purposes: the education of the disadvantaged, the handicapped, vocational education, assistance for schools in Federally-affected areas, and supporting educational materials and services.

In the case of the disadvantaged, and Federally-connected pupils whose parents live on Federal property, funds would pass directly through to the local educational agencies as a matter of right. The rest of the money would go to the States for distribution as they see fit. Up to 30 percent of funds for vocational education, education of the handicapped, Federally-connected children living off of Federal property, and supporting services could be transferred to any of the other national purpose areas, if they were determined to be of higher priority. Such determinations would be made through the development of a comprehensive State plan for use of the Federal funds. The plan would be developed as a result of broad public debate within the State, and with the advice of an advisory council representative of the persons served by the Federal programs. But the plan would be entirely the work of the people of the State, and there would be no requirement for submission to the Federal government for approval. Likewise, the ways funds would be used within each of the five national purpose areas would be a matter for determination within the State (subject to minimal necessary Federal requirements for auditing and other assurances that the funds are spent for the purposes authorized). Careful planning would be facilitated because the Federal appropriation would come in a lump sum, one year in advance. State and local administrative costs would be reduced because much of the tedious and expensive grant application process would be eliminated.

This proposal is, I submit, a vitally important response to the need for simplification and rationalization of Federal programs in elementary and secondary education. The need has been increasingly clear in recent years, and has been recognized at all levels of government. Over four years ago, in its landmark *Study of the United States Office of Education*, the Special Subcommittee on Education of the House Committee on Education and Labor reported that the growth of enabling legislation, and the administrative policies required to carry them out, were creating increasing problems of "confusion, delay, and unnecessary paperwork" for the beneficiaries. The committee report declared:

> These administrative problems are increasingly having another effect: that of greatly reducing the usefulness of Federal programs to school districts . . . which are most in need of assistance. It is apparent that . . . most of the Nation's school districts simply do not have the administrative staffs to cope with the numerous appplications and reports required . . . a disturbing evidence of the seriousness of the situation is the increasing number of . . . large school districts which have employed full-time professional personnel simply to keep track of the numerous Federal programs and to develop proposals for procuring Federal funds.

The rationale for giving States and localities greater responsibility in the use of Federal funds was succinctly stated in the same 1967 study, in additional views by Chairman Edith Green of Oregon, Albert H. Quie of Minnesota, and John N. Erlenborn of Illinois:

> In our opinion, it requires an amazing amount of arrogance to assume that all good judgment and wisdom reside in Washington. We believe that people in our States—and all States—know a great deal more about their problems and needs than the Office of Education in Washington or the Committees on Education in the Congress. The problems are different in Oregon than in New York; the problems are different in Illinois than they are in California, and different in Minnesota than they are in Arizona. Each State is in the best position to determine its own priorities.

Yet, for a proposal as far-reaching as Education Revenue Sharing, there has been surprisingly little discussion since the Administration's bill was sent to the Hill in April. Hearings have not yet been scheduled by the appropriate congressional committees. Some of the principal national associations have endorsed the concept of program consolidation, but there has been no concerted effort to obtain congressional action.

In one respect, this lack of response has been understandable. The education community has been preoccupied with critical fiscal problems. On the Hill, this has meant concentrating on the annual appropriations cycle which has just produced a record Federal budget for education. Outside of Washington, it has meant urgent appeals to State legislatures—and in some cases, early school closings.

At a time when educators are so pressed for additional funds, they may find it hard to generate enthusiasm for reforms which do not necessarily provide substantially increased Federal aid—even reforms as important as Education Revenue Sharing would produce. In fact, their initial reactions raise a suspicion that the education community does not yet appreciate the full significance of this proposal for American education.

One reaction has been to dismiss the bill "because it doesn't have enough money in it." This is pure misunderstanding, because there isn't any money in Education Revenue Sharing in the first place: the bill authorizes only such sums as Congress appropriates. It is true that there is a $3 billion price tag associated with the proposal in the President's budget, but this is simply the sum total of the requested amounts for the 33 formula grant programs proposed for consolidation, plus an additional $200 million for growth. Therefore it is not accurate to say that "there isn't enough money in it," since the amount would in any case be a function of the annual appropriations process, not the authorization bill.

Another reaction is to raise the question: "are the States capable of spending the funds responsibly?" This question must be dismissed as either sheer arrogance or rank hypocrisy. The States and local districts are currently spending 93% of all funds for public elementary and secondary education, and it is ridiculous to suggest that they are somehow unfit to spend any of the 7% put up by the Federal government. If we acknowledge that some States will spend the money more wisely than others, we must also ask how any State can be expected to be fully responsible, as long as Federal programs deny them full responsibility.

Still another reaction is that "present programs would be more effective if they were fully funded, and then there would be no need for Education Revenue Sharing." This is perhaps the most attractive—and the most dangerous—of the arguments against the proposal. This viewpoint deliberately ignores the obvious complexities and difficulties which Federal categorical programs already pose for schoolmen at the State and local level. To fund all Federal education programs to the limit of their current authorizations would approximately double the present level of Federal assistance—but this would be a massive waste of funds, because the programs in all their variety were never designed to provide a comprehensive approach to current educational needs at the State and local level. Rather, they reflect the accumulated priorities of previous decades. Their expansion would enlarge the inequities that already exist: it would not direct proportionately greater resources to areas of greatest need, it would provide no incentives for reform of State and local revenue systems—in short, it would not deal effectively with the fiscal problems of the schools.

Full funding of all existing legislative authorities would not only be bad public policy, it would enormously increase the problems of reporting, auditing, and conforming to Federal regulations which already loom so large for the States and localities. Full funding, if achieved, would not eliminate the need for Education Revenue Sharing, but would make it an urgent necessity to save the elementary and secondary education system from strangulation by Federal red tape.

There are other criticisms of the bill, but they are mostly matters of detail: issues which should be relatively easy to resolve if there is a determination to achieve the objectives of the proposal. The specifics are not set in concrete: they represent a first attempt to embody an important concept in legislative language. We expect Congress to amend and improve our language as it shapes the final law, and we are prepared to work in full cooperation to this end.

The details, at this point, are not as important as the concept. Of overriding importance is the determination that greater authority and responsibility must be placed where it belongs, in the States and local governments. That is the essence of the New

American Revolution which the President called for in his State of the Union message last January: "a peaceful revolution in which power (is) turned back to the people—in which government at all levels (is) refreshed and renewed, and made truly responsive."

BIG BUS BILL

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. SCHWENGEL. Mr. Speaker, the following editorials from the Louisville Times and the Courier Journal give an indication of the feelings of the residents of Kentucky with respect to the Big Bus bill.

[From the Louisville Times, July 23, 1971]

The Big-Bus Lobby Roars Ahead

The never-ending fight to keep dangerously oversized trucks and buses off the nation's highways has suffered a serious defeat. The House has passed and sent to the Senate a bill to increase the permissible width of intercity buses by six inches. On highways where 70 miles an hour is a normal speed, that six inches could measure the difference between life and death.

It would be bad enough if the widening were confined to buses. But lurking in the wings is a second bill that would permit trucks, too, to be even wider and heavier than the monsters now hogging the highways. Though this one has not yet cleared the House Rules Committee, there seems little doubt that it will. Having obliged the bus lobby, the committee is in no position to deny the truckers even if it wanted to.

Both measures were approved several weeks ago by the House Public Works Committee despite opposition from the federal Transportation Department and the National Transportation Safety Board. What the committee was thinking about we can't imagine, but it obviously wasn't highway safety.

Present law governing the dimensions of trucks and buses on interstate highways limits their width to eight feet. The interstate system was designed with these dimensions in mind. Its lanes are 12 feet wide, which leaves just 24 inches of clearance on either side for vehicles of maximum size. As a Kentucky safety expert once expressed it, any increase in vehicle width would render the system "marginal from a safety standpoint." That means, in plain language, dangerous.

And what about other highways, where the lane width often is less than 12 feet? It is true, as the truck-bus lobbies like to point out, that the bills before Congress refer to interstates only. That is because vehicle regulations on other highways and roads are fixed by state legislation. But nobody expects the bigger trucks and buses to remain on the interstates all the time. They would have to get off and onto lesser roads frequently, if only to load and unload their passengers or cargo.

It is true that local transit systems in some cities now operate 102-inch buses, the width proposed in the House-approved bill. But these vehicles, remember, are not competing in 70 mph (or faster) traffic. Nor are we persuaded by the argument that the bill is needed so that these buses can transport big-city commuters over interstate highways to the suburbs. There are other routes to the suburbs. The real beneficiaries of this outrageous legislation would be the big cross-country buses that zoom along with the fast intercity traffic—and after them, the box-car-size trucks.

The lobbyists figure that, once Congress has let down the bars on interstates, getting the various state standards relaxed would be easy. No doubt they are right in that assumption.

It now is up to the Senate to stop this threat to highway safety. Unfortunately, experience makes that body a dubious goal tender on this issue. This was demonstrated in 1968 when legislation for bigger trucks and buses won approval in the upper chamber.

It might have passed the House as well but for some embarrassing disclosures regarding congressional campaign funds. Like the bills now pending, the 1968 legislation had won the House Public Works Committee's endorsement and was ready for a vote on the floor when a Des Moines newspaper revealed that a "nonpartisan" truckers' committee had been feeding the campaign kitties of several key congressmen, including members of both political parties. That killed the goose for that session.

But now the lobby is back in full force, and making entirely too much headway for comfort. Does its latest success mean that most House members believe their constituents have forgotten 1968? It must.

[From the Courier Journal, July 26, 1971]

The Wider Buses Pave the Way for Wider Trucks

Behind the concrete curtain of the Interstate highway system, the slick operators of the automotive world are bamboozling the public. And they are getting away with it. As an example, the House has just passed a bill allowing wider buses to operate on Interstate highways.

That seems reasonable, especially the way the bus-makers tell it. Since Interstate driving lanes are wider, they can handle wider bus bodies without endangering anyone. But this brings up a question: What are these wide-bodied buses going to do once they leave the Interstates? Take wings? No, they are going to have to drive over the ordinary roads and small-town streets that are not as wide as Interstate lanes, and where their extra width will create danger and nuisance.

THE THING COULD PYRAMID

Actually, it's hard to see why the bus-makers bother. Wide-bodied buses can already operate on most city streets, and making over-the-road buses six inches wider isn't going to make much difference, either to the passenger or the bus company. Each passenger will have one inch more seat space, and each aisle will be two inches wider. Who is going to gain from this? Truck-makers, that's who. If wide buses are allowed on the Interstates, how long do you think it's going to be before wide-bodied trucks start demanding—and getting—equal treatment?

And once we get the wide-bodied trucks on the Interstates, no road will be as safe or as serviceable for ordinary automobile drivers. For like the buses, wide-bodied trucks are not going to take wings and fly from the Interstate to their destination in town. They will be using, and crowding more than ever, the ordinary, narrow-lane surface roads.

In fact, the trucks are already using the old "on Interstate highways" gimmick here in Kentucky where, for a fee, truckers are permitted to operate "double bottoms" (two trailers in line) on the Interstates. Since they must load and unload at points off the Interstates, the law also allows them to operate 15 miles from the Interstates, which means that, for a fee, a trucker can operate one of these highway freight trains practically anywhere in the state, including narrow country roads and small-town streets where they are a definite menace.

Now, with the wider-bus bill past the House, the truck-makers have a foot in the door. Soon we shall be hearing that wide trucks are no more dangerous than wide buses—on Interstate highways. And once they are permitted on the Interstates, watch out.

ARMS CONTROL AND TECHNOLOGICAL CHANGE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mrs. ABZUG. Mr. Speaker, peace and the arms race have long been major concerns of mine. As you know, I was the legislative director of Women Strike for Peace in the years before I became a Member of this body. I am particularly concerned with the problem of nuclear weapons testing, and with the various technological arguments which have been raised in opposition to a comprehensive test ban treaty.

The University of Chicago's Center for Policy Studies is sponsoring an Arms Control and Foreign Policy Seminar. The seminar, which will continue through 1973, is funded by the Ford Foundation. Its basic purpose is to clarify and contribute to the discussion and debate on arms control issues. In February 1971, Prof. Freeman J. Dyson of the Institute for Advanced Study at Princeton University delivered a paper entitled "Arms Control and Technological Change" before the seminar. It is a thoughtful study by one of our Nation's foremost physicists, and I commend it to you:

Arms Control and Technological Change

(By Freeman J. Dyson)

There are two extreme points of view concerning the relation of technological change to arms control. I will call these the technocrat's and the diplomat's points of view, although I am well aware that few technocrats and few diplomats hold such oversimplified positions.

The technocrat's view is that technological facts must be decisive in assessing the feasibility or desirability of arms-control measures. Much of the public debate on arms-control issues in the United States has been conducted as if the technocrat's view were valid. For example, the discussions of a comprehensive test-ban in the years 1958–63 revolved around esoteric questions of earthquake statistics and seismic instrumentation, until some of our Senators became as expert in seismology as the professors of geophysics who came to testify before them. A similar syndrome can be seen now in the public discussion of the current Strategic Arms Limitation Talks (SALT). A large part of it centers around detailed estimates of kill-ratios and cost-ratios, the feasibility of monitoring multiple warhead guidance development tests, and so forth, as if these were the only things that mattered.

In contrast, the diplomat's view is that arms control is a political problem in which technological factors in any but the broadest outline are irrelevant. Kennan was not thinking about arms control when he wrote: "The more I see of the life of this international society the more I am convinced that it is the shadows rather than the substance of things that move the hearts, and sway the deeds, of statesmen" (*Memoirs*, p. 351). He is too many-sided a man to hold oversimplified views about anything. Still, his words express well the essence of the diplomat's view, that arms control measures are not different in character from other political arrangements, and that the political shadows thrown by our weapon deployments are more important than their technical substance.

My main purpose here is to examine whether the technocrat's view or the diplomat's view comes closer to the truth. I shall discuss in turn three examples of arms control problems in which technological change plays an important role. I make no apology for giving part of the discussion an autobiographical flavor. A man often learns more from unimportant events in which he has been directly involved, than from important events which he sees only through books and newspapers. If you would like a more sensational title, it might be "How a Bomb-Designer Came to Believe that the Bomb Is Irrelevant." But this would also be an oversimplification.

I will begin the discussion with an episode from my own past. Once I spent a few weeks at the nuclear weapons laboratory at Livermore helping to design bombs. I was there during the bomb-test moratorium which began in August 1958 and continued until 1961. These were the only years in which our bomb-designers had to do their work without nuclear tests of any kind.

I worked with a small group of theoretical people who were thinking about radical improvements in weapon design. We had a number of ideas which seemed to make technical sense, and which would have had major effects on the weapons stockpile if they could have been implemented.

The result of my visit to Livermore was an article which appeared in the April 1960 issue of *Foreign Affairs* under the title "The Future Development of Nuclear Weapons." This article presents in impassioned prose the technocrat's view of arms-control problems. The main thesis of the article is that a permanent test-ban would be a dangerous illusion, because future improvements in weapons technology would create irresistible pressures toward secret or open violation of any such ban. When I re-read this article now, I do not know whether to be amused or ashamed. I quote now a couple of pages which will give you the flavor of it:

"I believe that radically new kinds of nuclear weapons are technically possible, that the military and political effects of such weapons would be important, and that the development of such weapons can hardly be arrested by any means less drastic than international control of all nuclear operations. . . .

"A fission bomb cannot explode at all unless it contains a certain quantity (the critical mass) of extremely expensive metal. . . . So the basic characteristic of all existing weapons is that it is relatively much cheaper to make a big bang than a small one. Below a certain yield of the order of a kiloton, nuclear weapons are grossly inefficient and extravagant. However, for military purposes other than wholesale annihilation, a kiloton is already an unreasonably big bang. There is a clear and acute military need for an explosive which will fill the gap between a ton and a kiloton of TNT with a cost which is proportional to the yield instead of being independent of it.

"There is theoretically a simple way to escape from the tyranny of the critical mass. This is to burn heavy hydrogen without a fission bomb to ignite it. A fission-free bomb, containing a small quantity of heavy hydrogen and no fissionable metal, is logically the third major step in weapon development after the existing fission and hydrogen bombs. Such a bomb has been occasionally mentioned in newspapers and magazines and described as a '100-percent clean bomb.' It would not be 100 percent clean. It would contaminate the countryside enormously less than existing fission or hydrogen bombs, but this is not its main advantage. The decisive advantage of a fission-free bomb is that it could be built economically in small sizes. It would have no critical mass. It would provide without gross inefficiency an explosive power adapted to the needs of small-scale and local warfare . . .

"Imagine a hypothetical situation in which the United States is armed with its existing weapons, while some adversary (not necessarily the Soviet Union) has a comparable supply of nuclear fuel and has learned how to ignite it fission-free. The adversary's bombs would then outnumber ours ten or a hundred to one, and theirs could be used with far greater versatility in infantry warfare . . . Any country which renounces for itself the development of nuclear weapons, without certain knowledge that its adversaries have done the same, is likely to find itself in the position of the Polish army in 1939, fighting tanks with horses."

There is a lot more of the same kind of rhetoric. The gist of the argument is that fission-free weapons are the wave of the future, and that any political arrangement which ignores or denies their birthright is doomed to failure. This is the technocrat's view with a vengeance. It is perhaps worthwhile to analyze in some detail the mistakes in this *Foreign Affairs* article. It is now clear to me that the conclusions of the article are wrong; yet in 1960 the editors of *Foreign Affairs* thought that the arguments had enough merit to be worth publishing. If we can identify the points at which these arguments went astray, this should help us to see in other situations the ways in which a technocrat's view of arms control may be misleading.

I was wrong on three counts, technical, military, and political. Technically, I misjudged the time-scale for development of fission-free weapons. I expected that they would be a reality within less than ten years. They may yet make their appearance, but ten years have passed without any visible sign of them. If during these years there had been a spectacular technical success, I imagine that we should all have heard about it. Things of that sort do not stay secret long in the United States. So the first lesson to be learned from this episode is that, even on the technical aspects of future technology, the judgment of a scientist is not always to be trusted.

Militarily I was wrong because I believed in "tactical nuclear war" as a feasible means of employing military forces. In 1960 I was not alone in this belief. I have since taken part in some detailed studies of tactical nuclear war, and I have seen the results of some relevant war games played by professionals. I am now convinced that tactical nuclear war, conducted between any two nuclear powers, will quickly degenerate into an uncontrollable chaos that can be terminated only by an immediate cease-fire (if we are lucky) or by an escalation to strategic strikes (if we are unlucky). In either case the outcome of the war will hardly be affected by the presence of fission-free weapons in the tactical forces on one or both sides of the initial conflict. The best that one can hope for from fission-free weapons is that they may reduce the level of general devastation in a conflict that is successfully halted at a very early stage. If the conflict is not halted within a few hours, the impossibility of knowing precisely where the enemy is will compel both sides to use high-yield weapons if they were not doing so at the outset.

Politically I was wrong in saying that a test ban would necessarily be ineffective as a means of stopping development of fission-free weapons. A total test ban would certainly stop *us* from developing these weapons. If it were known that we had stopped work on them and did not consider them to be scientifically or militarily important, the incentive for any other power to put much effort into developing them would be greatly reduced. In these circumstances, a total test ban would probably be successful in discouraging the signatory nations from building fission-free weapons, even if the necessary clandestine tests would be of such low yield as to be technically undetectable. On the other hand, the one way to make certain that our adversaries would soon possess these weapons would be for us to develop and deploy them ourselves.

I now believe that we should regard fission-free nuclear weapons politically as having the same characteristics as biological weapons. There are no plausible circumstances in which we would derive any meaningful advantage from using such weapons, even if they were first used against us. They are chiefly dangerous to us because they might become cheap and relatively easy to manufacture, and because they could be extremely formidable and destructive in the hands of guerrillas or terrorists. If these weapons ever get into the hands of terrorists, it will not be because the terrorists will carry out the necessary scientific experiments, but because we will do the experiments ourselves and will be incapable of keeping the matter secret. The best way to keep such inventions out of irresponsible hands is for us to refrain from inventing them.

I would now recommend as the political solution to the problem of fission-free weapons that we formally renounce all further research on them and with due ceremony transfer to open scientific work any staff and facilities that may still be devoted to them at Livermore. We could take this step unilaterally, without waiting for a comprehensive test-ban agreement. This is the course which we have wisely adopted in connection with biological weapons. Even if I agree with nothing else that Mr. Nixon has done, I am profoundly thankful to him for that.

This is all I have to say about fission-free weapons. They are a good example to illustrate the weakness of a too technical approach to arms control. They demonstrate with particular clarity that the "irresistible march of technology" in matters of weaponry is an illusion. The march of technology easily peters out if the political tide is running against it.

The other technological arms control problem with which I have been mainly concerned is ballistic missile defense (BMD). While at the U.S. Arms Control and Disarmament Agency during 1962 and 1963 I made a study of the policy alternatives open to us at that time in dealing with BMD. The main question at issue was whether we should seek to include or to exclude BMD from the list of weapons to be prohibited or restricted in a possible arms-freeze agreement with the Soviet Union. I decided we should exclude BMD. The policymakers at the Agency decided we should include it. The negotiations with the Soviet Union never became serious, and my policy study was buried in the Agency files and forgotten.

Now, eight years later, the SALT talks are reaching the serious stage and we are again forced to face the same old question: What should we do about BMD? I cannot here discuss all aspects of this complicated question. I will speak mainly about a narrower issue, namely, the question whether a consideration of future technological developments should influence our present negotiating positions. I do not need to remind you that I was wrong before about fission-free weapons and may be wrong again. Speculation about future technological possibilities is valuable only insofar as it is tempted with a high degree of skepticism.

Technologically speaking, there are two kinds of BMD, which I will call conventional and exotic. Conventional BMD is the kind which we and the Soviet Union have been experimenting with for the last fifteen years and are now hesitantly beginning to deploy. It consists of big interceptor rockets armed with nuclear warheads, big radars to detect and track incoming missiles, and big computers to direct the interceptors so that they can destroy attackers. Almost all the public discussion of BMD has been concerned with conventional BMD. All the systems which have been under serious development, whether designed for area or for terminal defense, for city or for hard-point defense, have been basically the same conventional BMD system. The distinctions between area and terminal, city and hard-point, are politically important but technically minor. The conventional BMD system is the only one we seriously think about building because it is the only one we know how to build.

Exotic BMD is anything that is not conventional. A great variety of exotic systems have been invented by ingenious engineers and scientists. Most of them are non-nuclear. Each of them seems to be feasible in theory but is formidable to design in detail. The two main categories of exotic BMD systems are supposed to kill missiles by direct hits of small non-nuclear interceptors (pellet systems) or by some kind of high-energy radiation (death-ray systems). The common feature of all exotic systems is that although they probably do not work at all, if by chance they do work, they may be spectacularly better than conventional systems. In particular, a non-nuclear BMD would avoid many of the political problems which conventional BMD raises, both domestically and internationally.

Four of the serious objections to conventional BMD are the following:

i. There is no politically acceptable way to find out whether or not the system works as advertised.

ii. A system controlled tightly enough to eliminate the risk of a nuclear response to a false alarm will be incapable of a sufficiently rapid response to a real attack.

iii. The large interceptor missiles with high-yield warheads can easily be converted into offensive weapons.

iv. The development of conventional BMD is now the main obstacle to a reduction or elimination of underground nuclear tests.

All four objections would disappear if we were dealing with exotic BMD. These political advantages of exotic BMD are to my mind more substantial than the technical advantages. It is possible that exotic BMD could be far more effective, and conceivably also cheaper, than conventional BMD, but these possibilities are necessarily remote and conjectural. The real promise of exotic BMD lies in its psychological acceptability. One can imagine a future world in which major powers protect themselves with non-nuclear BMD systems while gradually reducing offensive nuclear forces to insignificant levels.

This is a possible route to a stable international equilibrium no longer based on threats of mutual annihilation, and it is a route which most people would consider attractive if it were technically feasible. On the other hand, it is difficult to imagine reaching a stable and relaxed equilibrium with only conventional BMD systems. Even if the conventional BMD became technically capable of defending us, many of us would be unenthusiastic about relying on it as a permanent solution of our security problems.

It was probably a sound instinct that brought out the housewives of Tenafly to protest loudly when it was proposed to put a major BMD installation there as part of the Sentinel system for the defense of New York City. Though sadly misinformed about the technical details of Sentinel, the housewives made a correct political judgment that a large concentration of nuclear warheads in suburban areas, ready to be launched and detonated at a moment's notice, would not increase the security of the city's inhabitants.

The basic question which confronts decisionmakers in connection with the long-range future of BMD is whether we wish to perpetuate or to nullify the supremacy of the offensive. By "supremacy of the offensive" I mean the strategic doctrine with which the United States has been living since 1945, according to which nuclear forces are so overwhelmingly strong that any defense against them is at best a palliative.

The supremacy of the offensive dictates the strategy, which the U.S. has followed since 1960 and the Soviet Union since 1965, of giving first priority to invulnerable second-strike offensive forces and relying upon deterrence rather than defense to keep us alive.

Many experts in arms control have grown so accustomed to the supremacy of the offensive that they accept it as permanent and even desirable. People who think this way consider the "balance of terror" the only feasible basis of world peace; they violently oppose population defense as a misguided and vain attempt to upset the balance, Mr. McNamara, in his pre-Sentinel days a strong exponent of this attitude, seems to have succeeded in converting the post-Khrushchev Soviet leaders to his point of view.

The SALT talks will very likely result in an agreement which solidifies the supremacy of the offensive by limiting BMD to insignificant levels while allowing the offensive forces on both sides to remain at their present enormous size. This at least is the outcome which most arms-controllers in the United States seem to desire. In the present state of the world, it may well be the best outcome that we can hope to achieve.

On the other hand, the supremacy of the offensive has grave disadvantages as a basis for any kind of stable world order. I do not need to spell out the disadvantages in detail. There is, first and never to be forgotten, the moral disadvantage of building security on the threat of indiscriminate slaughter of populations. This threat inevitably deprives our government of moral legitimacy in the eyes of many people both abroad and at home. Second, there is the inability of deterrence to stop insane or irresponsible people from attacking us. Third, there is the disproportionate size of the disaster that results if, because of some accident or misunderstanding, the strategic offensive weapons are ever used.

These three disadvantages of the present strategic situation are so overwhelming that many of us who have lived with them for twenty years have learned to turn a blind eye to them. Nevertheless they are real enough. If BMD offers any hope of breaking the supremacy of the offensive and moving us toward a world in which the major strategic forces are defensive in character, we would be wise to do all we can to keep this hope alive.

The technical arguments about BMD are mostly related to the question whether deployment of population defenses can in the real world diminish the supremacy of the offensive. When country A deploys BMD to defend its population, country B may respond in either of two opposite ways: If country B believes that the BMD can be easily countered or saturated, then country B will presumably increase the numbers and sophistication of its offensive weapons as necessary to make sure that the effectiveness of the BMD is nullified. In this case the supremacy of the offensive is preserved or even increased as a result of deployment by country A and reaction by country B. On the other hand, if country B believes that the BMD is highly effective and that the cost of countering it with a new offensive weapon is unreasonably high, the preferred response for country B may be to build an equally good population defense and leave the offensive weapons alone. In the second case BMD deployment has effectively diminished the supremacy of the offensive; the way is then open for political arrangements leading to major reductions in offensive forces and to the solidification of a strategic balance based on defense rather than deterrence.

Most of the experts today, like Mr. McNamara of old, are strongly of the opinion that BMD cannot be or look good enough to produce the second reaction. So they believe that deployment of population defense will do nothing to mitigate the supremacy of the offensive and will only lead to an intensified and useless arms race. So far as the present state of the BMD art is concerned, the experts are probably right. Mr. Nixon certainly agrees with them. He used the same argument to justify his decision to abandon the Sentinel population-defense system and to convert it into the Safeguard hardpoint system.

But we should be careful not to take for granted the technical hopelessness of BMD for population defense. The present state of the art is not final. It is possible that in five or ten years the capabilities of conventional BMD will be enough improved that deployment of population defense would no longer be self-defeating. If any form of exotic BMD were to become feasible, population defense might suddenly become strategically sound as well as politically unobjectionable. So the main advice that I would give to the SALT negotiators is, "Do not do anything to permanently forbid a move to a defensively-oriented world in case of a technological change that would make this possible."

There are valid technical reasons for expecting that defensive technology may advance more rapidly than offensive technology. The supremacy of offensive technology during the last twenty years has been based on two physical inventions, the hydrogen bomb and the multiple-stage rocket, which are hardly capable of further radical improvement. In contrast, defensive technology is based on sensors and computers which are still at a stage of rapid and unpredictable development.

The offense/defense battle is primarily a battle of information. If the defense can detect a target in time and know accurately where it is, it is not too difficult to destroy it. The defense can in principle win if it has complete and accurate information and the ability to process the information and to respond to it. Ultimately, it seems reasonable to expect that the defense will be able to outmaneuver and outwit the offense, simply because the defense is fighting the battle at close range and in full view, whereas the offense is fighting it blind from a command center thousands of miles away.

So I can honestly say as a scientist that the long-range prospects for a technically adequate BMD are bright. But that alone would hardly be worth saying. Much more important, to my mind, is the fact that there are compelling moral and political reasons for us to desire an adequate BMD, so that we are not condemned to live forever by threatening instant death to our neighbors and to ourselves. When moral and political imperatives create a need, and when the technological problems are not insuperable, then there is a good chance that the need will one day be filled.

The problems of fission-free weapons and of ballistic missile defense are of too recent origin to allow any reliable judgment of their historical consequences. My third example of a technological arms-control problem is deliberately chosen for its longer history. From the perspective of 150 years one may be able to see more clearly the features of an arms-control agreement that give it durability. So I will briefly discuss the story of the Rush-Bagot Agreement limiting naval armaments on the Great Lakes of North America. I take the details from an excellent article, "Arms Control on the Great Lakes," published by James Eayrs in Volume 2 of *Disarmament and Arms Control* (Autumn 1964).

The agreement, made official in 1817 by Acting Secretary of State Richard Rush and the British Minister at Washington Sir Charles Bagot, stipulated as follows:

"The naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is—On Lake Ontario, to one vessel, not exceeding one hundred tons burden, and armed with one eighteen-pound cannon. On the Upper Lakes, to two vessels, not exceeding like burden each, and armed with like force. On the waters of Lake Champlain, to one vessel not exceeding like burden . . .". And so on.

For the full text of the agreement and for a detailed narrative of its later history I must refer you to Mr. Eayrs' account. The fleets existing on the lakes in 1817 were much larger than the agreed limit, and the individual ships were too big to be sailed down the St. Lawrence River. The agreement thus required a substantial act of disarmament, which was promptly carried out by dismantling ships on both sides. The main objective of the agreement was to avoid confrontations which might lead to a renewed outbreak of the indecisive War of 1812. This aim was achieved.

From my point of view the most instructive feature of the agreement is that it paid no attention at all to the problem of technological change. There is no sign in it that Mr. Rush and Sir Charles were disturbed by the thought that eighteen-pound cannon would not forever remain the last word in naval armament.

For a hundred years after the signing of the agreement, technological changes were constantly creating difficulties in its implementation. During these years the American-Canadian frontier was not always as peaceful as it later became. In 1841 Britain violated the agreement with two steam frigates. In 1843 the U.S. responded with a ship of 685 tons carrying two six-inch guns which could hardly have weighed less than eighteen pounds. And so it went. From the 1840s onward, there was never a time when one side or the other was not technically violating the agreement. As the political relations between the two sides gradually became less acrimonious toward the end of the nineteenth century, the magnitude of the violations increased. Each new violation was customarily greeted with vehement protests from the other side, but as time went on the protests became less public and more ritualistic. In 1920 a senior official of the Canadian navy was still writing, "It is . . . of the utmost importance that troops should be ready to immediately occupy the American shore of the St. Lawrence, that large numbers of small craft should be maintained . . ., and that a good supply of mines should be available in Canada for blocking the Straits of Mackinac, Detroit river, etc." But by that time nobody outside the military staffs was prepared to take such nightmares seriously.

The fact that the Rush-Bagot agreement was technically violated did not destroy its political usefulness. Through the worst periods of Canadian-American tensions the agreement was kept legally in force and was instrumental in holding these tensions in check. The political leaders on both sides found the agreement useful, and employed it effectively to pacify the bellicose minority on their own side of the border as well as to castigate the bellicose minority on the other side. The technical details of the agreement were important in 1817, but grew less and less important as its age and venerability increased. By the end of the nineteenth century there had developed a tacit understanding between the two governments that technical violations would be condoned provided that the "spirit of the agreement" was preserved. So now, after 150 years, the agreement is still legally in force, is still technically violated several times every year, and has passed into folklore as a symbol of enduring peace.

I cannot refrain at this point from quoting the last few sentences of Mr. Eayrs' essay:

"In 1960 there was public speculation that among proposals being considered for improving the apparatus of massive retaliation was a scheme for mounting Intercontinental Ballistic Missiles on Great Lakes missile ships. Nothing came of it. Had something come of it, the Rush-Bagot agreement would have been put to a supreme test of its malleability. Even the most seasoned manipulators of the 'clausula rebus sic stantibus' might blush while pronouncing the presence of scores of weapons, each of the destructive equivalent of millions of tons of TNT, to be consistent with the spirit of an Agreement forbidding the presence of anything exceeding the normal amount of ammunition for four eighteen-pound cannon. But that is not to say they could not have done it."

Let me now try to summarize whatever lessons can be learned from considering together these three very different episodes, the fission-free nuclear weapons that failed to disrupt a test-ban, the ballistic missile defenses that are now complicating the SALT negotiations, and the Rush-Bagot agreement that succeeded in pacifying a continent by harnessing in the cause of peace the powerful forces of human inertia and hypocrisy.

What can we learn from all this? Surely the main lesson is clear in all three instances: The diplomat's view of things has proved to be more valid than the technocrat's view. In each case the feasibility and effectiveness of an arms-control agreement has depended primarily on the political advantages which it has offered to both sides. The technical arguments which loomed so large in the public discussion of the test-ban and SALT negotiations were dealing only with one aspect, and not the most important aspect, of the whole situation.

The test-ban treaty of 1963 has already acquired a political solidity which technological change seems unlikely to upset. It is possible that the treaty will one day collapse, but if this happens it will probably be caused by some major political crisis rather than by the invention of some new kind of bomb. There are several indications of the growing immunity of the treaty to effects of technological change. One such indication is the readiness with which both sides have excused technical violations. Another indication is the fact that when programs of peaceful exploitation of nuclear explosives have come into conflict with the treaty it is taken for granted by everybody that the treaty shall prevail.

The Rush-Bagot agreement has shown in a spectacular way how the disturbances produced by technological change can be minimized by pretending that they do not exist. This method of handling technological problems cannot always be expected to succeed so brilliantly. Sometimes technological developments will refuse to be ignored. But it seems to me that the Rush-Bagot story teaches some lessons that apply to almost all arms-control situations. One lesson is that the value of an arms-control agreement is not automatically destroyed when the agreement is violated. The Rush-Bagot agreement has a withdrawal clause allowing either side to denounce the agreement by giving six months' notice, but this right has never been exercised even after flagrant violations. Another lesson is that the political interests which are served by a well-devised arms-control agreement and which tend to preserve the agreement are far more durable than any technological factors that may from time to time cause difficulties.

There are many examples in history of arms-control agreements that have failed. The conspicuous examples of failure have mostly occurred because one party viewed the agreement as attempting to keep him permanently in a position of political inferiority. I do not know an example of an agreement which failed primarily because of effects of technological change. If both sides have a strong and roughly equal political interest in maintaining an agreement, almost any technological change can be accommodated, either by ignoring it, in Rush-Bagot style, or, more rationally, by renegotiating it.

The SALT negotiations and the associated domestic discussions of ballistic missile defense are still at too early a stage to allow any firm conclusions to be drawn. My own judgment is that here, too, as in the other two instances, political interests will successfully override technological worries.

There are two alternative types of SALT agreement at which we can aim. One is an offensive-dominated agreement which freezes offensive deployments at about their present levels and forbids significant BMD. The technological worries in this case concern improvements in missile accuracy, MIRV, and the vulnerability of missile-carrying submarines. The other possible type of SALT agreement would give deliberate encouragement to both sides to turn gradually towards a defense-dominated posture. Such a defense-dominated agreement would freeze or reduce offensive deployments while allowing growth of BMD to continue. The main technological worry in this case is that BMD effectiveness might grow unequally on the two sides so that one side might achieve a real or imaginary strategic advantage.

I believe that if either of these types of SALT agreement were concluded, the technological worries would turn out to be unimportant. In other words, fears of technological surprise should not deter us from concluding whichever type of agreement we find politically preferable. For reasons which have little to do with technology, I think the defense-dominated agreement has greater promise as a basis for a lasting regulation of strategic power on this planet.

The defense-dominated agreement seems more likely to retain for long periods of time that political acceptability to all parties which is the only foundation for durability of such agreements. However, the prevailing climate of opinion, strongly influenced by some of my scientific colleagues, favors the offense-dominated alternative. It may be that an offense-dominated agreement will be easier to negotiate and ratify. If an offense-dominated agreement is the best we can achieve, let us sign it and be thankful. It is a great deal better than no agreement at all. But let us not delude ourselves into believing that the choice of an offense-dominated agreement is forced upon us by technology. The choice between defense and offense is a political choice, and we are free within wide limits to choose the strategic doctrines that will best serve our political interests.

If it happens that the SALT negotiations result in an offense-dominated agreement, I shall not grieve. I shall dream of some future meeting to be held 150 years from now, at which some future professor will be looking back on the history of the first 150 years of the SALT agreement. He will, if all goes well, be explaining how the technological defects of the agreement did not turn out to be fatal. He will be explaining how the clause of the agreement prohibiting the deployment of missile defense was progressively violated by each of the great powers in turn, after the first demonstration of a cheap and effective non-nuclear BMD system by the Japanese in the year 1995. And how, in spite of these violations, the agreement continued in force and was successful in dissuading each of the governments from embarking on a massive build-up of offensive weapons to counter each other's defenses. And how strategic offensive weapons gradually became obsolete toward the end of the twenty-first century and were retained only in small numbers for ceremonial purposes.

That is, if we are as wise as Rush and Bagot. And if all goes well.

PROBLEM OF THE AGING: "WE LIVE TOO LONG"

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. DOW. Mr. Speaker, one of the most serious problems facing this country today is how we take care of our elderly people. I recently held hearings in the 27th District of New York which I represent and heard a diverse array of problems these older citizens are facing.

Tragically, one theme ran through the hearings. This was summed up by Mrs. Lee Mailman, president of the Woodridge, N.Y., Senior Citizens groups, who said:

> I think it's a very sad situation. We're doing a lot for our youth . . . but we should really do something for the older people. We live too long.

This feeling of people living too long prevailed throughout the hearings.

The problems that the senior citizens told me about extended far beyond what I had imagined. These problems are not unique to my area, however; they exist on a nationwide scale. Senior citizens are hampered by lack of transportation, inadequate health care, high taxes, limited incomes which are depleted by inflation and many other problems that do not affect younger citizens and thereby escape their recognition.

So that my fellow Congressmen may become aware of the tragic plight of some of our elder Americans, beginning today I am going to submit portions of the transcript of the hearings that I held for senior citizens. Over the period of the next few days I intend to submit the entire text of these hearings so that the Congress will have a chance to learn about the problems of the aging and perhaps be spurred to take some action in this area of crucial need.

I hope to use the information I obtained to develop legislative proposals to bring relief to these senior citizens.

The material follows:

TESTIMONY—HEARINGS ON THE PROBLEMS OF THE ELDERLY

[Sponsored by Congressman JOHN G. DOW, June 25, 1971, Newburgh, N.Y.)

INTRODUCTORY REMARKS BY CONGRESSMAN DOW

Congressman DOW. I'm sort of an old fellow myself and so I'm interested in the problems of the aging and we're going to have hearings today to let any of the older people who want to come to testify about the problems of the aging and also we expect numerous officials of the different counties and also leaders of the senior citizens groups in this Congressional District. I receive a great deal of mail from all kinds of people most of them with problems, but the group of people that write me the largest number of letters with the most problems are the older people and their problems are quite difficult. They are very different in some cases and what I'm hoping we can find out today is what is really the worst problem they have—what is the real difficult problem. We hear that they have problems and difficulties because they can't find enough money or they're penalized if they're earning more than a certain amount of money. We hear that Social Security payments are not adequate. We hear that they're not covered for drugs and certain types of medical care. We hear that the Railroad Retirement isn't adequate. We hear that school taxes are too burdensome. There are any number of problems and I'm not trying to sit here now and say what ones are the worst problems, but I know there are problems in this area with older people and the idea today is to listen to some of the older people and some of the people who work with older people to see if we can't find out what is the main problem and if we can find out, we're going to take that down to Washington. We can go down there and we'll say now the main problem is this and the second main problem is that. Perhaps that will influence the legislation. These hearings are being recorded and we're going to have them taken down and typed out on paper and prepared into a book that will be submitted in Washington to the appropriate committees in the Congress. So I think that's the idea of what we're doing here today and I want anybody that comes here to talk about their problems or problems of the aged. I hope that they will be very frank. We have no secrets and this is a free country. So please everybody say what's on your mind and say it without fear. Just talk honestly the way you feel about the problems of the older people. Our first witness is Mrs. Janice Fitch who is the Director of the Putnam County Office of the Aging. I'm going to limit everybody within ten minutes. It will depend a little bit upon how many witnesses we have how we allot the time. But we'll give Mrs. Fitch ten minutes if she wants. She doesn't have to take it all. We're delighted to see you here, Mrs. Fitch.

MRS. JANICE FITCH, DIRECTOR, PUTNAM COUNTY OFFICE OF THE AGING, MAIN STREET, CARMEL, N.Y.

Mrs. FITCH. Thank you. The main problem—I have to speak only of Putnam County problems and I have done considerable amount of work toward the White House Conference on Aging and to that extent I have been thinking of the broader sense but to you I want to talk only of the Putnam County problems. You may not have these same problems all over the district.

The main thing in my mind, if you could put forth some kind of implementation and fix the responsibility. In many cases, unless a program is mandated by the state, the local governors or supervisors in our case either cannot or will not implement programs. Now this is a very difficult thing to do. I think it's much better that these things come from legislative action rather than the protest of the older people. I have a strong feeling that I would not like to see the aged people have to join in protests. This bothers me terribly. I think it's lacking in dignity, destroys a great deal, and also works a negative feeling in the community. I don't want the community to get to the point where they are forced only to take care of them.

Now, for instance, in Putnam County we need desperately more and broader public health facilities. We have a great deal of problems in getting good doctors. Whether or not you have the money or whether or not you don't have the money, this is still a problem. I think if the public health thing, the mental health clinic and public health nursing staff were broadened to a certain extent so that we could have home health aides. Many many times we have two people—one of them is not well enough to be left home, the other one is well. The moment the one has to go into the hospital for three days, the other one cannot be left alone. We sometimes put the person in a nursing home when this is unnecessary. It's very confusing for the people because if we had home health aides, we could send somebody in there and homemakers that can go and cook and take care of the home and maintain them. In this rural type place in Putnam County it is very difficult to get the people out of their homes and its also very expensive for us to get them out of their homes.

I'm sure you're aware of the cost of the nursing homes. We have over 100 people at a $1000 a month that are on Medicaid. That's a $100,000 a month which is down the drain on nursing homes, which still makes practically nobody happy, you know, the recipients are not happy. We need, of course, some restoration of the Medicaid things that have been cut back, and I'm hoping that you can restore these cuts and still hold the inflationary aspects down. Otherwise in five years you'll be exactly where you are now and the amounts both for Medicare and Medicaid that are allotted for doctors payments will no longer be adequate. The doctors are going to have to help with all this. This is a difficult proposition on the health things.

Now the income supplement is extremely difficult to handle in Putnam County. The people are overwhelmingly proud and I've had people gently led clear into Social Services and they will not sign for public assistance. Now this puts us in an awful ordeal because just increasing Social Security total I'm not really sure is really all the answer because many, many people that don't need it, of course, are given increases in Social Security and they have large incomes and don't need the money.

Is there any possible way to handle an income supplement either to get some kind of old age assistance out of the realm of Social Services and away from that stigma, like some kind of a State old age pension that has the connotations only of Social Security, which is not hard to take? The people will accept Social Security. They won't take welfare. That bothers me and also a broader availability of food stamps. We have a tiny county and I wheedle and coax and flatter the bank presidents. Only in banks can you get food stamps and we can only get them two places in the county, which brings me to the next part, which is transportation.

It's ridiculous. We give food stamps to these people, but they have no automobile and they have to go take a cab to go buy the food stamps, which kind of destroys the whole idea of the food stamps. So I think food stamps should be able to be purchased on almost every corner. I should think the post offices or any kind of governmental organization should be, because the banks just don't cooperate, and I suppose they feel that it's nothing to them, just extra work.

Also, of course, the school taxes. The other taxes don't bother the people: the school taxes they don't understand. They *do not* understand. They keep telling me "But I don't have any children in school, and I have no income." But they do own this little bit of property. A total tax reform, I'm sure, will be a little slower but much better than going on with further tax exemptions for the elderly. I don't think, in the long run, that's going to help. I presume that you think that some total tax reform should be done.

Now that finishes what I want to say, unless you want to question me about anything in Putnam County.

Mr. DOW. Well, you've made a very good statement, Mrs. Fitch. Now, you're the Director of the Putnam County Office of the Aging. Is that a public office, or is that a private organization?

Mrs. FITCH. That came under the Older Americans Act and Governor Rockefeller started it in the State and it's funded, you see, by Federal and State money on a three-year declining basis. At the end of three years it will be the total responsibility of the County, if they'll keep it, throughout the places. I believe that this County will keep it, because there's a lot of public feeling.

There's a State office and then there are county offices if the State can talk the local person into taking care of it. They fund it 80 percent, then 75, then 60, then zilch.

Mr. Dow. I see. Well, I'm sure it's necessary, and I'm sure that some program like that will continue. There's no doubt about that. Would you say, Mrs. Fitch, that the basic problem of the older people is a financial problem? Do you think that's true, when you take all these problems together?

Mrs. Fitch. You mean in the whole United States or in Putnam County?

Mr. Dow. Putnam County.

Mrs. Fitch. In Putnam County I think it's health. It's the lack of health facilities, either places to go or any work to be done in the home or doctors that will not come to the house.

Mr. Dow. Do you think health is the worst problem?

Mrs. Fitch. I realize I'm giving you only a tiny thing. I do think that totally income is the biggest problem.

Mr. Dow. We're not asking to tell us about Santa Fe, New Mexico——

Mrs. Fitch. Right, other people will tell about that.

Mr. Dow. We're just asking the witness to tell about what they know in their own area.

Mrs. Fitch. Right. Because of the rural aspect and the lack of getting to places, the health problems are much the greatest.

Mr. Dow. Well, that's very interesting. It's a problem of transportation, isn't it?

Mrs. Fitch. Yes, which, of course, is also a health problem.

Mr. Dow. Well, of course, the health problem in a way is a financial problem because when older people have lots of money, I suppose they can call the doctor——

Mrs. Fitch. Oh, if they have *lots* of money, but I'm talking about people that have an adequate amount of money and own a home and have some savings, and they have a health problem. Because if they undertake these private facilities, a nursing home, they won't have their little adequate amount, you see at the end of the year. They'll be considerably poorer. And they cannot get any help without giving up what little they have.

Mr. Dow. Do you think that the doctors today are taking such good care of the people as they did years ago? You remember years ago, if you called the doctor at three a.m., he'd get in his buggy and come hustling. Do you think the doctors are doing that as well today?

Mrs. Fitch. No. I speak to people that have been waiting five months, from some kind of instructions on the phone from the doctor, so that they know how to take care of a paralyzed husband, a totally disabled person. And they show a remarkable amount of creativity and courage in trying to carry on the best they can. If only a trained person could come into the home that we ran, the county ran or the State ran, that person works on a salary and they'll darn well go when they're asked by their director or nursing to go in there. But we're very inadequately staffed with these people. The single best thing that I see in the county that's done are the public health nurses. They're just like a lifeline to these people.

Mr. Dow. Yes, but you tell us there aren't enough of them.

Mrs. Fitch. No, there aren't enough and, you see, they can't go there and stay all day long, whereas a home health aide is much lower paying and can be trained by the nurses. She can go bathe the person, get him up, and do a great amount of help, because these people are not sick enough, necessarily, to be hospitalized.

Mr. Dow. They just need a little attention now and then.

Mrs. Fitch. Yes, and for four or five hundred dollars a month, you see, instead of a thousand, you have one home health aide that is serving more than one person.

Mr. Dow. You've heard this idea that we could expand the medical care by having paramedics, that is, people that don't have the eight year education of a doctor; but they have training for simple things like rubbing people down and taking their temperature or giving them injections and that kiind of thing. Do you think that would be good, if we had more people like that?

Mrs. Fitch. Oh yes, if we just flood the community with this sort of thing, because in many instances, I understand the doctor's feeling. The person is not going to recover, and I think the doctor, as inhuman as it seems, tends to lose interest. And I'm sure that the older people don't understand that the doctor has acute people who are dying and he's got to make some kind of a choice, whereas these paramedics, you see, could do an enormous amount of relieving of the problem.

Mr. Dow. I think, myself, that the American Medical Association has created a shortage of doctors by making it so difficult and so expensive to train them. And they haven't done anything with paramedics, and the net result is that we don't have enough doctors to go around.

Mrs. Fitch. Would you say, Congressman, that the time is very ripe to get along much better with the A.M.A. since their membership has fallen to 50 per cent and they are now in a position to talk?

Mr. Dow. Yes, well, the A.M.A. in my judgment has got to mend their ways. Well, Mrs. Fitch, we're very pleased to have you here and you've made some very clear and substantial statements.

Mrs. Fitch. Thank you. And I thank you very much for having the hearings. I think that you have no idea how much moral lifting this will have.

Mr. Dow. Well, we've got to get the story out, and thank you for coming.

Mrs. Fitch. Thank you so much.

Mr. Dow. Well, our next witness is Mr. Stephen Sund, President of the Senior Citizens of Putnam Valley.

MR. STEPHEN SUND, PRESIDENT, SENIOR CITIZENS OF PUTNAM VALLEY, LAKE PEEKSKILL, N.Y.

Mr. Dow. Good morning, Mr. Sund. We're glad to have you here, and you go right ahead and tell us what you'd like to say.

Mr. Sund. Congressman, I have so many complaints which would not fit in today to tell them all. So I've made the thing short. If you want some explanation or cases, I can bring it to you.

Mr. Dow. You tell us what you want to tell us.

Mr. Sund. For example, one part is the pension. Contributions are asked for employees. These are for five or ten years. As people are laid off or change their jobs, these contributions are mostly lost. After a time, they have paid the pension and don't receive anything in return. Common locals, even, do not transfer contributions from one local to the other in the same union. Pension funds are mismanaged. I have to bring to your attention what is in a newspaper. You read about these scandals. The lifespan of a man is shorter than his wife's. Generally, survivors are unprotected after the death of the man. Health insurance: People who are retired or disabled before 1965 have a vacuum in the health insurance. They are not entitled to Medicare. They have to pay an average of $400 a year for health insurance. But in case of need for hospitalization or doctors care, the deduction and reduction are so big that their contribution comes to $800 or $1000 before they even get a penny on their own. Private health insurance, which is offered by a lot of insurance companies are, not to mention other words, useless. You pay. You don't get anything in return because you have so much small print that it doesn't pay. Even the Blue Cross and Blue Shield for senior care is not correct. Medicare does not work at all.

Mr. Dow. It doesn't? Why not?

Mr. Sund. The charges of the doctors on one side are blown up out of proportion and, on the other side, Medicare, if they allow a claim, it is so ridiculously small that they have no value whatsoever. You have too much deduction. A doctor who is located on Fifth Avenue in New York is entitled to more than a doctor located in our neighborhood. It is completely out of proportion. I had an accident. I broke five ribs. The doctor came in a snowstorm. The Medicare allowed me five dollars for a doctor's visit. Complaints or hearings: If somebody is not satisfied with Medicaid, he can ask for a hearing. He has to hire a lawyer on his own account. Why should you need a lawyer to go to Medicare?

I listened to what Mrs. Fitch said before about the doctors. We had doctors which refused to come. This woman had a stroke and it was two weeks until a doctor came up. She was laying for two weeks at home. Then she spent a couple of days in the hospital and then they sent her right back. She is laying at home. Now the husband has had a heart attack. There is no care, whatsoever, for this woman.

You have another problem, transportation, in small communities. We are a relatively small community, but we have to cover a lot of ground, about 40 square miles, to get our people together for meetings or to help. We could use a minibus or anything else. It's a very small amount, but we cannot get any help either from the township, the State, or from the County. This minibus would help in each and every respect and would be relatively cheap because we would support a driver.

Mr. Dow. And then that would be available on call?

Mr. Sund. It would be available on call and would bring us to and from meetings. For example, a woman who has maybe $15 or $20 to spend, a widow, for food each week. She has to hire a taxi which costs her $2.50 to go to the shopping center and $2.50 back. This food bill is out of proportion then.

Mr. Dow. Well, Mr. Sund, we appreciate very much what you had to say. It's all helpful and we're taking it down on the tape and we're taking notes and we're going to add it up in the whole picture that we make about this meeting. And we're very grateful to you. We'd ask you more questions, but we have so many people to hear I guess I'll have to go on to the next one.

Mr. Sund. This was the reason I kept it short.

Mr. Dow. Well, this helps us. This is good testimony and I thank you.

Mr. Sund. If you have any additional questions, you can contact me any time.

Mr. Dow. All right, we know where to get you. Thank you very much. Our next witness is Mrs. Wylie Sypher, Vice Chairman of the Putnam County Senior Citizens. Is Mrs. Sypher here?

MRS. WYLIE SYPHER, VICE CHAIRMAN, PUTNAM COUNTY SENIOR CITIZEN, PUTNAM VALLEY, N.Y.

Mrs. Sypher. I'd like to leave this with you. These are the Putnam County proposals for the White House Conference. You'll never see them as county oroposals and may want to have them.

I'm really here to testify and to make a statement for the Democrats of Putnam Valley.

Mr. Dow. We're glad to see you, Mrs. Sypher, and you go right ahead.

Mrs. Sypher. I would like to urge the importance of partially relieving those with low incomes and especially the elderly, of the burden of the property tax. The local real property tax, based on a measure of wealth which was appropriate to an agrarian society, is now grossly inequitable, and is very poorly related to the taxpayers ability to pay. The property tax has risen sharply and most disproportionately in recent years and this, coupled with the inflationary spiral, has had a disastrous effect on those with fixed or low incomes. For many retired persons, the property tax is confiscatory.

Now, as a younger person and a parent of small children, I am alarmed at the effect of this situation on the entire community. Our school budgets and our needed bond issues are defeated, often by people who would like to vote yes, but can't afford the luxury of supporting public education. And there's growing resentment among the older Americans toward the young and the services that they demand and need. Similarly, there is resentment among young parents toward the elderly, who are often held responsible for these negative votes. Many of our municipal services do bear a logical relationship to real property and the property tax is not an unreasonable means of providing for them. However, school budgets and many costly items in our county budgets are totally unrelated to real property, and revenues for these services should be raised by more equitable means, preferably by taxes on incomes.

School taxes are the most burdensome of the property taxes, but in this area reform must come from Albany, as I hope it will come through the adoption of a state-wide judicial budget which would relieve the county of the costs of many of the state courts. However, we seek relief from Washington in two areas, because there are two parts of the county budget which are mandated by Washington and financed through the local property tax, and here I refer to the costs of welfare and of Medicaid. These, I believe, should be borne by the Federal government and we hope that, of course, eventually they will be replaced by some sort of family assistance plan and by national health insurance. But until that time we ask for the federal assumption of these costs.

The need for reducing real property taxes is urgent. The elderly, who have worked and saved for years, find their assets eroded or wiped out, and our children attend schools with inadequate classrooms and with austerity budgets. We ask you, and all of our legislators, to see to speedy reform of the tax structure so that all our citizens can live their later years in decency and security and that our communities may have the services they need.

Mr. Dow. Thank you, Mrs. Sypher. I guess you know that I'm the only Congressman that has put a bill in Congress to take the school tax off of real estate so it could be handled at the state level because I know it's very inequitable. I just got a letter from a man in Dutchess County who was complaining to me about the unfairness of his tax: His evaluation had no relation to the value of the house next door. There's a lot that's unfair about property taxes.

Mrs. Sypher. There's a lot unfair about the income tax, too, and we hope that there will be reform of this.

Mr. Dow. Well, the income tax, I think, has more justification than the school tax.

Mrs. Sypher. Absolutely. I was here to say "hear, hear" for your efforts.

Mr. Dow. Well, thank you. You're very good to come. You're the vice chairman of the Putnam County Senior Citizens.

Mrs. Sypher. Well, it's a group which is just forming. Actually, I'm here today as chairman of the Democratic Committee in Putnam Valley and they asked me to make this statement.

Mr. Dow. You don't look like a senior citizen.

Mrs. Sypher. Well, I get more senior every day.

Mr. Dow. Well, I'm glad you're here because the senior citizens need friends who are younger, and I'm glad you're here to help them. Well, I'd ask you more questions, but we've got so many witnesses. Thank you. The next witness is Mrs. Lee Mailman of Woodridge, New York. Woodridge is up in Sullivan County, up near Monticello.

MRS. LEE MAILMAN, PRESIDENT, WOODRIDGE SENIOR CITIZENS CLUB, WOODRIDGE, N.Y.

Mrs. Mailman. I got up at 5:30 this morning to make sure that I got here.

Mr. Dow. Well, then I guess you have something good to say.

Mrs. Mailman. Well, if we only get some help. I'm very happy that you were re-elected, Congressman Dow.

Mr. Dow. Well, I am too!

Mrs. Mailman. And I know and feel that you'll do a great deal for us. I have a lot to say, but I'm not going to say so much because I know you'll have a lot of speakers.

I am a senior citizen and I'm President of the Woodridge Senior Citizens Group. We're a very small group—we only have 900 population all year, but we manage to have a senior citizens group—and we're doing fairly well.

We have a program and I'm not going into that, but we met with Mr. Alan Dampman from Sullivan County Community College. He's the Executive Director of continuing education and Mrs. Yvonne Komisong, the Executive Director of Community Action; she was there too. We were trying to plan a program of what the senior citizens really need. We wanted to have investigations and we felt that there were very many investigations and we wanted certain needs done. We wanted to have a rally and we decided against a rally, but we met with Mrs. Komisong and she's very much interested in our senior citizens, and we want to form a senior citizens council for Sullivan County. All this came down to one thing: What we really need in Sullivan County, what we lack for senior citizens.

We have no bus service. If a senior citizen sits all day in a one room apartment and wants to go to Monticello or other places there is no place to go. She said that she could see that we'd get Federal funds up to a certain point. So if we decided we'd get a bus service once or twice a week to take these people out, it would be just as much as eating a meal. These are the things we thought were necessary.

We have no Department of Health in Sullivan County. And since I'm a doctor's wife, I lost my husband, and I have two sons that are doctors, this to me is very vital. We have no care for a patient who comes out of the hospital. They're entitled under Medicare, or even Medicaid, to a hundred nursing visits; they can't even get one. Now if a woman or man lies alone in an apartment, it's just too bad. We have no nursing homes in our vicinity. We have one or two, but it's very hard to get in them.

Now the medical needs. We feel that senior citizens should have an increase of services under Medicare to include Podiatry, glasses, medicines, and other things. We feel that senior citizens should get tax exemptions. We feel that senior citizens should have no limit, or a raised limit, of earnings under Social Security. We feel that there should be an arts and crafts program including woodworking, ceramics, knitting and so forth. We also feel there should be a tutoring program, singing groups, dancing (square and all). After we realized all these things that we need, we decided that we're going to form a senior citizens council where we're going to try to get all the senior citizens into this council of our own county, Sullivan County. The only thing is that we need money, and that's why we came to you, and we're glad that you had this meeting and we hope that you'll be able to do something about it.

Mr. Dow. Thank you, Mrs. Mailman. Would you tell me, so I'll have it sure, do you belong to a senior citizens group? Are you representing anyone?

Mrs. Mailman. I'm the President of the Woodridge Senior Citizens Group.

Mr. Dow. Well, you've said some very good things here, Mrs. Mailman. I'd like to question you more, but we do have so many others that have to speak that I'll go on to the next one.

Mrs. Mailman. I know. I realize that.

Mr. Dow. But we thank you very much for your testimony.

Mrs. Mailman. May I make one more point?

Mr. Dow. Yes.

Mrs. Mailman. I don't know that it's going to do much good, but some of us are on very limited Social Security amount of money, and the raise of 10 per cent and, the next time, 5 per cent, doesn't amount to a row of peanuts. Believe me, it doesn't. And I've been around and I've seen where people have to pay rent and they pay more rent than they can afford with the Social Security. I think it's a very sad situation. We're doing a lot for our youth, or I'm hoping we're doing; but we should really do something for the older people. We live too long.

Mr. Dow. Well, I don't know. I think we need you.

Mrs. Mailman. Thank you very much.

Mr. Dow. All right. Our next witness is Mrs. Julie Adams from Beacon.

MRS. JULIE ADAMS, PRESIDENT, SENIOR CITIZENS OF FORRESTAL HEIGHTS, BEACON, N.Y.

Mr. Dow. I'd like to say that Secretary Richardson of the Department of Health, Education and Welfare in Washington has sent a representative who is Mrs. Elena Morris. She's the Associate Regional Commissioner on Aging, an officer of the Social and Rehabilitation Services of the Department of Health, Education and Welfare for the State of New York. Glad to see you, Mrs. Morris.

Mrs. Morris. I'll take notes.

Mr. Dow. I think you'll learn something. You'll get it straight here. Now we want to welcome Mrs. Julie Adams of Beacon, which is the city right across the river. And what group do you represent, Mrs. Adams?

Mrs. Adams. The senior citizens of Forrestal Heights. I'm the President.

Mr. Dow. Well, you go right ahead.

Mrs. Adams. Well, I heard one of the ladies say that she was a Democrat, and so am I, if it's going to make any difference.

Mr. Dow. No, it doesn't make any difference here whether you're a Democrat or Republican. We're being nonpartisan today.

Mrs. Adams. That's right. Well, first of all, I agree with the young lady who was speaking on transportation. That's something we need badly. We're quite a ways over from all transportation. In fact we don't have any that comes past the Heights, and if we have to go across town, say to get our food stamps cashed in at the bank, which is a little trouble to the tellers in the office, we do need bus service for the senior citizens. There are, I would say, about 175 of us. There's 71 in the high rise, and we also have the small homes and there are senior citizens there. And everyone of them don't have cars. And when we go back and forth to do our shopping, that's $2 and we can't afford that out of the Social Security that we get.

Mr. Dow. Well, what would that $2 be for, a taxi?

Mrs. Adams. That's a cab.

Mr. Dow. That's pretty high.

Mrs. Adams. Yes, it is. And, of course, if you have extra, they charge you just a little bit extra for carrying bundles. And we have to do shopping at least once a week, and that's pretty rugged, pretty hard on us. And also, we do need more doctors to come over to see us. I remember one lady was quite ill there and she called the doctor and he came the next morning. We do need that badly. We do have the city nurses come in, but we could have someone there, really, around the clock to give us a hand because we do have some sick people over there and they just can't afford to go to these nursing homes, not on what they have. We really need a little federal funds. We could use a little bit of that, also, over there, you know.

Mr. Dow. You mean to increase the Social Security?

Mrs. ADAMS. Yes, we could use that badly. I think all of us could use that.

Mr. Dow. I could too.

Mr. ADAMS. We have very little care for the ill over there, as I said before. We have a senior citizens council now in the making because we just started also. We just started our group over there, and we would like to try to get a little help over there too, as much as possible. I don't want to take too much of your time because I have a couple of ladies here who have to be back by 12 o'clock and have to go to the hospital. One of the ladies is a grey lady; she has to be there, so I'm not going to take too much of your time. But I really hope and pray that you're really going to do something for all of us. I know that you're not going to do it for one unless you can do it for all. Cause if you're going to do it for one and not for all, I'm going to see you later on.

Mr. Dow. Well, I'm not a wizard, you know. I'm only one out of 435 Congressmen. I think the best I can do is take the highlights of this meeting when we decide, after listening to all the witnesses, what are the main points that are really hurting everybody, I can take that down to the proper committees in Congress and say "Now this is really where the shoe pinches the most," do you see? And maybe if we do that we can get some relief in that area.

Mrs. ADAMS. Well you let them know down there for me and for the rest of us that the shoe is pinching us, not them boys down there. They can have their shoes made, we can't.

Mr. Dow. I understand, and that's why we're having the hearing. Well, Mrs. Adams, we appreciate your coming here. I think you've done a good thing to come this morning and we're very glad to see you.

Mrs. ADAMS. Thank you very much, and also you.

Mr. Dow. Thank you. Our next witness is Rev. Henry Hammond of Grace Episcopal Church in Port Jervis. We're pleased to see you here, Mr. Hammond.

REV. HENRY HAMMOND, GRACE EPISCOPAL CHURCH, PORT JERVIS, N.Y.

Rev. HAMMOND. Thank you. I don't come representing any group. I come as a private citizen although I'm sure the people of the Grace Episcopal Church would agree with my point of view. I come to express the need for a nursing home in our city. I have a letter from the Acting Mayor, George Berthiaume of Port Jervis. I was not able, because Mayor Sakofsky was in Mexico, to get a letter from him and I wasn't aware that I was going to have this opportunity to speak before the hearings. I'd like to read to you the letter which expresses the concern which I wish to put across this morning.

Text of the letter

The undersigned acting mayor of the city of Port Jervis desires to express his own and is certain of the unanimous feeling of the governing officials of this municipality of the immediate and urgent need for nursing home care for the aged of this community. In this day of political ingratiation to this group and that group, it has almost become fashionable to lose sight of the basic health and living needs of our aged. Indeed, a challenging geriatric condition is unfortunately prevalent and widespread in Port Jervis as statistics clearly verify. According to most recent population-age records that have been furnished, 21 per cent of Port Jervis residents are 60 years and over. Truly, this can be termed the miniature St. Petersburg of the State of New York.

Under the circumstances, this is to implore and exhort those in a position to alleviate and abate this problem to exercise and expedite every effort at their disposal to render every possible assistance in this connection. George Berthiaume, Acting Mayor.

I'm sure that just about every political official connected with the city would agree with this opinion.

There are two acute hospitals in Port Jervis: St. Francis Hospital which is a Roman Catholic hospital that serves as a community hospital and Doctor's Sunnyside Hospital which is smaller, but also an acute hospital and privately owned. Now I have a letter from the administrator, Sr. Mary Jeanne of St. Francis Hospital expressing a similar concern. It's addressed to me; I asked her to write this letter.

Text of letter

This letter is written in support of your interest and concern for the senior citizens of this city and surrounding areas and for nursing home facilities for those whose needs require these. We at St. Francis recognize the need. In regard to patients who no longer require acute care beds, it is our observation that persons desire to be near where they formerly lived, to be near those who might visit and console them, and to be amid familiar surroundings. May God bless your efforts. Sincerely, Sr. Mary Jeanne, Administrator, St. Francis Hospital.

Now, I've been talking with a number of concerned citizens in Port Jervis about trying to establish a nursing home. It wouldn't be my job or function to do it. Most of the people I talked to I find not really equipped to get something going and giving various reasons why nothing has never been done. I've tried to pin down these reasons and find that, at base, they're simply excuses. Three years ago, apparently, there was a meeting of the Health and Hospital Planning Council of Southern New York. This is an organization of hospital administrators and doctors that decides how strategically to provide medical facilities and what facilities should be funded by public funds. The only name I have associated with this, a Dr. DiMartino. Anyway, this board determined that the number of beds needed for nursing care in Orange County, the adequate allocation, would be taken care of, this was three years ago, after the new facilities at Orange Farm Extension were completed, after a new part to St. Theresa's in Middletown and an addition to Horton Memorial were completed. Now Sr. Mary Jeanne told me that she attended this meeting and found out that these provisions for nursing care beds were thought to be adequately provided for three years ago and at that time they were planning an extension wing on St. Francis Hospital and decided against installing a geriatric unit for that reason. She tells me that recently she had been in touch with Dr. DiMartino and that the determination of the need for beds in Orange County has changed, and that there now is a need again, and that this projection of three years ago is an antiquated projection. But St. Francis is not planning on any geriatric unit.

Now, to talk a little of what is in Port Jervis itself, because I think that the statistics for Orange County, or the need in Orange County, is irrelevant to the need in Port Jervis. Sr. Mary Jeanne and Dr. Daniel Schultz, who is the principal doctor at Doctor's Sunnyside Hospital, gave me a list of 16 facilities to which they refer people for nursing care. This is a total list. It's not a list of all the facilities in the area, but just the ones that these hospitals would consider reliable enough to refer people. None of these 16 facilities are in Port Jervis. Only 9 are in New York State and 7 of those 9 are nursing homes. The other two are cancer hospitals. There is no nursing home facility in the city of Port Jervis, a city which has a population of close to 9,000, has a town around it—Deer Park—with a population of close to 5,000. The city officials had a statistic of 21 per cent of the people over 60 years of age. I got a different statistic; it might be a little more revealing. 16 per cent of the people in the city of Port Jervis are over 65.

You might wonder why I come here. I'm not that age yet, myself, but most of my congregation are elderly people. I talk to them. I know their problems. I think that this point, of the fact that there is no facility in Port Jervis, is very important because most people who are elderly have friends who are elderly and they like to have their friends visit them. When they become sick and need nursing care facilities, if they have to go to Andover, New Jersey, and they never see their friends again. If they have to go to Milford, Penn., which is another city only seven miles away, I think, they never see their friends again. We need something right there in Port Jervis. We need it in Port Jervis even though it might not be need in the rest of Orange County, which I think it is. But Port Jervis is kind of a separate entity; it's blocked by mountains and I think most of the community just has not been able to get together. They're not sophisticated enough politically. They don't have enough money to really initiate anything.

In my congregation, because I think that I might be a special authority on some of the problems of the aged, I have a hundred and sixty communicant members, that is people who really are church members and really have gone through all the motions. 14 of these 160 are over 80 years of age. 2 of these 14 are in nursing homes—1 in Utica, New York. No one has ever seen her since she went up there. The other is in a nursing home in Huguenot, which is in the Town of Deer Park, and the nursing home that she is in is not qualified, according to the two hospitals, to be one of those 16 institutions which I listed as referring geriatric cases to local facilities. In other words, she is in a nursing home that St. Francis Hospital and Doctor's Sunnyside don't feel as though they can refer people to. Now there are two such facilities in Huguenot, and the hospitals just won't send them there. So there are a few facilities like this, but none in a town of 10,000 people with a percentage of around 20 per cent of the people over 65. So I simply come to express this. I think my function is that of a catalyst, to make people who are in a position to do something about it aware. I'm willing to help personally as much as I am, but I'm a clergyman. I'm not a fund raiser or anything like that. I see this need. I think it's draining the community. It's draining the young people who are not really equipped or prepared to perform this nursing service and it's draining the spirit of our community. Thank you very much.

Mr. Dow. Thank you, Rev. Hammond. Again, we're short of time so I can't question you, but you've made a very strong point. Our next witness is Mr. Wm. Ackerman.

MR. WILLIAM ACKERMAN, NEWBURGH COMMUNITY ACTION COUNCIL SENIOR CITIZENS, NEWBURGH, N.Y.

Mr. ACKERMAN. Congressman, I represent the Newburgh Community Action Senior Citizens Club.

Mr. Dow. Sit down. Glad to see you. You go right ahead.

Mr. ACKERMAN. Thank you. We've had quite a problem in Newburgh to try to get funds. We have over 100 members and we've tried through the grandparents program, through FIND, and also through SOS, to get funds for this club. Now, we visit the hospitals and nursing homes; we also visit Castle Point Hospital. The club writes cards for birthdays to all the veterans in Castle Point Hospital.

They need a senior citizens center in the city of Newburgh. I have some other things I'll talk to you about a little later on. Now, I worked 2½ years with the poverty program as a neighborhood worker. I went from house to house, here, and we have a lot of senior citizens in the city of Newburgh that we have taken and gone to welfare with because they're not getting enough money from Social Security to take care of them. Some of these people have been sick in bed. We have even gone to the police department of the city of Newburgh to get them to go in the house with us, to open doors or break a window to get in when these people have been in the house sick. The welfare in the city of Newburgh has been pretty nice to us, amongst the old people; but our biggest problem is doctors in the city of Newburgh right now. All the doctors are filled up. They don't take any new patients and we only have one doctor, an old doctor in Newburgh that's partly retired. Dr. Schleiermacher on Broadway in the city of Newburgh, that we use in an emergency. When we have somebody that we have to get to him, we take him to Schleiermacher.

Mr. Dow. What's his name?

Mr. Ackerman. Dr. Schleiermacher.

Mr. Dow. You mean to say he's available and the other doctors are not?

Mr. Ackerman. He's available and the other doctors are not. Now, I have come into houses where a person has had a stroke and laid in the bed for three or four days where the woman couldn't even get out to get a doctor. She called one, but she couldn't get one. She couldn't get the visiting nurse in the city of Newburgh to come. I've went in the house and washed the person in the mess that they've laid in and called the ambulance and sent them to the hospital. I had to resign from the Newburgh Community Action because I had a stroke and my doctor had ordered me to resign. That program is under Rev. Jones in the city of Newburgh. He has only one neighborhood worker now and nobody working with the senior citizens. I would like to, if possible, be reinstated to work with the senior citizens in the city of Newburgh or get a center that is funded where we can work with the senior citizens. We have tried through the State. We have tried through the Federal government, but we haven't gotten anywhere. We really need a center where the people can come. If they have a problem, we can take care of it.

Mr. Dow. Now, you're not with the Newburgh Community Action Council any longer?

Mr. Ackerman. No, I've retired, last July 28, under doctor's orders. And then the doctor told me I could go back and Rev. Jones said he didn't have funds to carry on the program.

Mr. Dow. Do you belong to any senior citizens group now?

Mr. Ackerman. I belong to the Newburgh Community Action Senior Citizens.

Mr. Dow. Oh, I see, but not to the Community Action itself.

Mr. Ackerman. No. We have an awful problem with transportation and housing in the city of Newburgh for the senior citizens.

Mr. Dow. Now, when you say you have trouble with housing, where do the senior citizens live if you have trouble with housing?

Mr. Ackerman. A lot of them live in the neighborhoods now that are being torn down or have been torn down. I even went from house to house on the Heights in West Newburgh to see if anybody had two or three rooms that they could rent to a senior citizen. I got a lot of housing for the senior citizens through doing this, through going to people. If there's any possible way, give us some help about setting up a senior citizens center in the city of Newburgh where we can work with these people because there are a lot of them here that need it, a lot of them. Thank you for listening to me.

Mr. Dow. Well, Mr. Ackerman, I want to say I have this impression from your testimony that you're not here to help yourself, that you're one that has been helping people, like the veterans at Castle Point. And I think it's wonderful when the senior citizens who have problems themselves are trying to help other people besides.

Mr. Ackerman. Congressman, we still have them calling at our home and if they want a doctor or want to get to the hospital, I still transport them. The money I made from the poverty program, the money I got in wages, I used for transportation to take the people shopping, to take the people to Goshen. And this is another thing, another problem: These people are put in an infirmary out in Goshen. There's no transportation for their friends or anybody to go out there and visit them. Once in a while we take the car and a few of us go out and visit some of the people in the nursing home. We visit all the nursing homes in the city of Newburgh where we can get to them easy.

Mr. Dow. Well, sir, I'm impressed with your testimony, Mr. Ackerman, and I'd stay here and talk with you longer, but we still have . . .

Mr. Ackerman. Well, I'd like to talk with you longer, but I know you have others.

Mr. Dow. Our next witness is Mr. Sam Sosnowick, Director of the Rockland County Senior Citizens. Mr. Sosnowick I know myself from Rockland County. He's an old friend of mine and he's a very able man and a great champion for the senior citizens.

MR. SAM SOSNOWICK, EXECUTIVE DIRECTOR, ROCKLAND COUNTY COUNCIL FOR SENIOR CITIZENS, NEW CITY, N.Y.

Mr. Sosnowick. Thank you very much, Congressman Dow. Ladies and gentlemen, I have so many things to say because I've worked in this field for practically a lifetime. Therefore, to keep within the allotted 10 minutes, I'm going to read to you a prepared statement, and I'll have to read it at a rate that is listenable but still understandable.

Text of statement

Although certain differences will exist in the needs of the elderly based on the environment in a particular area, we think that the older men and women in Rockland County have problems similar to those of most older people in this region, in our State and in our country.

Since this statement is based on direct experience with older people in Rockland County, where there is a population of more than 23,000 persons over the age of 60 and here is our evaluation of the problems of the elderly as an office for the aging and as an agency to stimulate action to improve the lives of older people in the major areas of concern to them—adequate income, housing, transportation, employment, health and recreation. Virtually all problems fit into one of these broad categories depending upon your definition of what you want to include in each.

These areas of concern are of course interwoven and interdependent, but we shall develop them separately in so far as is possible. For example, adequate income results directly from personal, financial resources, employment income, social security, small pensions, old-age assistance, etc. However, adequate income is unquestionably affected by reductions in taxes, whether income or local property taxes on homeowners; it is affected by housing at rentals one can afford, by the availability of public transportation by the opportunities for employment and the ability to get there, by expenses for medical and health purposes, etc. Inflation, of course, plays havoc with fixed incomes, especially low incomes to start with, but counties cannot control this since it is by far a very complex and broader national problem, and even then, apparently insoluble although, hopefully, controllable to some extent. One of the many proposals which came out of the region's pre-White House Conferences on Aging was for the Administration to take the necessary steps toward control of inflation because such control would go a long way toward achievement of many of the other proposals.

Now let me detail some of the other major categories of concern to the elderly which contain the problems to which we are addressing ourselves.

Our Council completed a random sampling survey of the housing needs of the elderly in Rockland this year and found that about half of those over age 60 needed housing at rentals they can afford. This means about 12,000 older persons need such housing. By the close of this year, we might have about 3% of this need met. What about the remaining 97%? The survey also showed that about 90% of those who needed housing had annual incomes of under $5000, with most under $3000. This survey verifies other studies made and also the direct experiences of the Council from the many contacts with us by the elderly or by others on their behalf for housing them.

The demand for housing is increasing as taxes on homeowners increase and as tenants are required to pay higher rentals for their apartments in non-controlled areas like Rockland County, like all around here. I should like to quote a sentence from "The Golden Years—A Tarnished Myth", the 1970 report by the National Council on Aging on the results of Project Find (Friendless, Isolated, Needy, Disabled) page 72, under "housing"—"Safe and suitable housing is probably the most important single environmental factor in the well being of elderly persons . . . for the aged it may mean the difference between living independently or in an institution; between safety and danger, between solitude and socialization, or, in extreme cases, between life and death."

Any housing site selected for the elderly must be close to the shopping areas or to the transportation to them as well as to other places. This leads us to the transportation problem for older residents who are more seriously affected by the lack of adequate transportation than other groups who also suffer from such lack—the poor, the ill, the young.

Without transportation, the elderly cannot do the necessary things for their physical and mental well-being—shopping, getting medical attention, going to the senior citizens clubs or centers and other outlets for recreation or attending lectures and adult education programs for older adults, visiting children, grandchildren and friends, getting to places of worship, to possible jobs, to institutions which need their volunteer services to those less fortunate who appreciate and need sole close personal attention.

Among the elderly, many do not have cars or anyone to transport them, and, many who do drive, should not be driving and would not be driving if public transportation were available. Taxis are expensive for older people who are in the most disadvantaged group economically. Lack of transportation encourages shut-ins with consequent isolation and deterioration at a time when we should be encouraging movement and activity to the necessary outlets conducive to well being. The former County's Transportation Advisory Committee recommended the need for a subsidy to establish the necessary transportation to accommodate those who suffer from the lack of it. Our pre-White House Conferences on Aging also included in one of the proposals that Federal, State and County governments must consider subsidies as one of the methods to obtain the transportation so badly needed for our older residents.

We related transportation to employment which ranks high among the thousands of inquiries we have received from the elderly. Those who can work and want employment need to occupy themselves in jobs they can handle because of their ability, experience and reliability not because of sympathy for their age. The income is needed to supplement their inadequate social security or other small income to maintain themselves independently and away from public assistance. Older people need the self-respect and feeling of doing something worthwhile and being needed. Retired persons who have no need for remunerative employment and are active can remain active by volunteering their services provided they can get to the places which need them. With the increasing number of older persons, more opportunities are needed to occupy leisure time.

We have noted some of the indirect effects of the areas of concern to the health of the older person. More directly, improvements in Medicare must consider the preventive aspect of medical care as well as the improvements in coverage and the removal of premiums and other expenses to the elderly during the retirement years and substitute premiums during ones working years, like social security. Also, in view of the potential national health insurance programs, we must not overlook improvements in the present Medicare system until other programs take effect, one, two, three years from now, if at all.

Our final comment is in the area of recreation, which, in a broad sense, suggests proper use of leisure time. This not only is the direct enjoyment of the senior citizens clubs or centers and the trips, parties, theaters, etc., but also attendance at adult education courses, etc. We also include here the use of one's time in the service to others, whether by visiting or telephoning those who cannot get out. Transportation, as previously pointed out, has its direct effect on recreational activities of older people. More funds must be made available for expansion of present clubs and for senior citizens centers where the aged population is increasing to merit such centers. More government funds to match local funds in towns and villages and counties is one way. Some portion of these funds will be useful for payment of transportation to enable more elderly to take advantage of the recreation provided.

Achievements for our present elderly will be important to the middle aged now approaching the older years and for the future of our young.

Now although this 10 minute period is not sufficient time to present more completely the problems of our elderly, we appreciate this period because it's given us the opportunity to express many of the important needs of our older men and women, whether that be in Rockland, in this region, in this area, in the state, and, I know, in the country.

Mr. Dow. Thank you. I had one question for you, Mr. Sosnowick. You said that about 12,500 people in Rockland County over 60 are in need of housing, and that these people mostly have an income under $5,000 and a great many under $3,000. . . .

Mr. Sosnowick. Most under three.

Mr. Dow. Yes. Tell me, where do they get housing now? Where do they live? How do they make out?

Mr. Sosnowick. They're struggling in many different ways. Either they're living with children, or they're struggling to pay taxes on homes, or they are struggling with the rent increases in their apartments. And as soon as the increase comes, they take it away from food. They are eligible to go to the Social Services Dept., but their pride, in general, keeps them from doing it and they're really suffering. Now, we point out to them "You don't have to suffer this way." And increases have been made in rentals twenty-five to forty dollars a month, and they say "Where am I going to get it?", and "If I can't get it, where can I go? There's no place I can go. There is no housing for me." They must stay put. Your Social Services Dept., it's very costly for them to house people in various areas because the cost is tremendous. It's something like New York City, the cost of hotel rooms. We run into the same thing in the county.

Mr. Dow. Well, for the one's that are living with their children and families, don't you think that it's a good idea that they can live with the family?

Audience. (At this point, the audience indicated a strong negative reaction to Mr. Dow's question.)

Mr. Sosnowick. Let me answer that. You hear no's. In general, you're getting the response from the audience here. These are the people who are saying no. Very few people seem to be able to manage with families and they do that under very great self-control and disturbance to them and disturbance to the family. Now, in very exceptional circumstances do we know that elderly people can stay with families if they have them. But otherwise, they would be better off if mobile, if able to get around, to be on their own either with other senior citizens or with younger people. There's a division on that. We cannot recommend how. When housing is built, there are as many people who want to live with other elderly as there are who do not want to live with other elderly, who want to live with the young. We don't have a preference either way. So whatever you build in hundreds of units, you'll get enough wanting it if it's near the young, near where the action is. We're dealing with over age 60, over age 60 to 90 and so on. That's a big age group, and it represents the young old, the middle old and the old old. The 60 year old was 30 when he looked at the other 60 year old, as a parent and so on. I learned something very interesting recently. One out of every three people who are senior citizens have an older parent—one out of every three. That means a 65 year old would have an 85 or 90 year old parent in their custody. One out of three. So they have their problems and the parent problems.

Mr. Dow. Is that over 60 or 65?

Mr. Sosnowick. Over 65.

Mr. Dow. Think of that. Well, Mr. Sosnowick, I'd like to talk to you longer but we have to be fair with our time, so we thank you very much for coming up here.

Mr. Sosnowick. Thank you for letting me have all this extra little time.

Mr. Dow. No, you didn't have any extra, I don't think. The next is Mrs. Quill from Beacon. How are you, Mrs. Quill?

MRS. GEORGE QUILL (CATHERINE), BEACON SENIOR CITIZENS, BEACON, N.Y.

Mrs. Quill. Hello, Mr. Dow. I'm very pleased to meet you and very glad to be here. I represent the senior citizens, the Gadabouts, of Beacon.

Mr. Dow. You go right ahead.

Mrs. Quill. One problem that we do have that's very vital is transportation. We have no transportation whatever. There's one bus that goes to Poughkeepsie. If you don't go to Poughkeepsie, you can't go anyplace else, unless you have somebody to take you.

Mr. Dow. Why don't you come to Newburgh?

Mrs. Quill. You can come to Newburgh at 8 o'clock or 10 o'clock in the morning, if you want to stay out in the street until 3 or 4 o'clock in the afternoon and go back on the school bus.

Mr. Dow. That's a good answer.

Mrs. Quill. That still doesn't answer the problem, because on Saturday and Sunday there is no transportation whatsoever, even to Poughkeepsie. And there is no transportation after 6 o'clock.

Mr. Dow. No transportation on Saturday or on Sunday?

Mrs. Quill. There's no transportation at all on Sunday. The Poughkeepsie bus does not run after 6 o'clock, any day. So that is out, unless you have children or you want to ask somebody who can drive, you cannot go. The next thing is, in the transportation line, while we're talking about it, I've found out that in New York City and out on Long Island, senior citizens riding the buses ride at half fare.

They have tickets to ride whatever transportation there is half fare. Then our next thing is a meaningful health program. Now, many of us live on fixed incomes. Medicare and Blue Cross do not take care of your prescription bill, which is sometimes quite large. I know, because I have one, which amounts to about ten or twelve dollars a week if I use it properly. We should also, this year, taxes have been raised at a rate of seven dollars a thousand. Now if you own a home, you know what that means. And our water rates: our bills are two thirds of our water bill is taxed. Not counting your school tax and your real estate taxes.

We should also like to have a representative at the White House Conference, a senior citizens representative, the next time there is one. The medical program is very important. . . .

Mr. Dow. What program is that?

Mrs. Quill. The medical. The health. A meaningful health program. See, because Medicare and Blue Cross do not take care of all of it. Hospital costs are $50 a day, and Blue Cross is very lax in paying. I still have a Blue Cross bill from 1964 which they have not paid although I've written to them several times. And you still have that 50 or $60 deductible, and it costs you so much going back and forth, trying to get the thing straight. The Medicare takes care of their part, but the Blue Cross is very lax in their administration of the bill. But the prescription part is one of the things that we need. Mrs. Adams spoke of needing assistance to take care of some of the people who cannot get out.

That is another thing that's needed. There are many people who are not able to come up and in Forrestal they are very far removed from the shopping center. Someone has to bring them up. Now Mrs. Hamilton, who is the senior care worker, she walks down there, and she's a senior citizen too, though not a very old one. She hasn't got to her sixties yet, but she's still a senior citizen and she works for the senior citizens and she would know. You have to get someone from the Office of Economic Opportunity to drive you down there, or you have to walk. Mrs. Adams, I think, has the same problem. I don't know whether she drives or not. The transportation is really very important.

Another thing is entertainment or recreation. We have no movies in Beacon whatsoever. None.

Mr. Dow. No movie?

Mrs. Quill. Absolutely not one.

Mr. Dow. I suppose that they think that you get along with TV.

Mrs. Quill. TV's all right, but you want to get out sometime, someplace.

Mr. Dow. I'm sure you do.

Mrs. Quill. For what it costs you to go to Poughkeepsie, you could add a couple of dollars to it during the week and take a trip ticket to New York and see a decent show. You can get a trip ticket for $4.75. It costs you $1.10 to go to Poughkeepsie, $1.90 to see a movie. Now add a couple of dollars more to it. You get a trip ticket, you go to New York and you see a show. And a group can go. I think a group of the senior citizens did go to see the Easter show and it cost them just $3.50 each. So it's much better. They do need transportation, recreation and health care. I have often wondered why, in a place like Beacon, we have a hospital, but there is no clinic. Now it seems to me like a clinic, of some kind, a health clinic, could be set up in the city of Beacon at a minimum cost to the senior citizens so as not to make them feel that they were taking charity, at a few dollars. Now I know down in New York the Ear and Eye Hospital has a clinic, but you pay. I don't know what it is now—it used to be $2.50. Ear, eye, nose and throat and you paid for your glasses, but you were getting the best of service. And that is what is needed, I think, not only in Dutchess County but throughout this area where there is no real health service. And the health examinations at school, they are fine, but I spoke to the lady in the Health Department so she'll tell you the rest of it. I'll leave that to her.

Mr. Dow. Well, thank you very much, Mrs. Quill. Then our next witness is Joseph Mancinelli of Newburgh. Is Mr. Mancinelli here? We received a letter from you and that's one reason why we've asked you to come here.

MR. JOSEPH MANCINELLI, NEWBURGH, N.Y.

Mr. MANCINELLI. Well, the reason I didn't notify you sooner is because we never know when my wife is going to take ill and she's been ill this morning. I couldn't take her with me.

Mr. Dow. Go ahead.

Mr. MANCINELLI. Now I have a very serious problem. I was employed by my company for 13 years, until 1966 of August, when I had an operation and I had a stroke and it left me paralyzed on one side. I applied for Medicaid for myself, which I received. Later on, I applied for Medicaid for my wife and they refused with the answer that they cannot give her Medicaid because she was not disabled. Now the Medicaid book put out by the State, quote, says: "Medicaid is put out to help the needy so they may not be welfare cases." Now a person who is disabled and getting $156, at that time, a month, if that isn't considered need I don't know what is. Well, anyway, we thrashed this out and thrashed this out. I sent letters to Mr. Couser. He would never meet with me. This is over the phone and over the letters. Finally I asked for a fair hearing. I received a fair hearing, and after the fair hearing, I sent a letter registered mail to Commissioner Couser, and this is my letter:

Text of letter

Gentlemen: Your office at my request, has given my wife a "Fair hearing" as required under the Medicaid Law, and I wish to thank you for your cooperation.

I would like to know how "fair" is a hearing that does not consider the entire issues at hand? I am well aware that my wife is not disabled and capable of performing a few of her household duties at times, however, the main issue which is need has been completely ignored, and in view of this, your denial of medical assistance is a clear case of non-feasance. We are aware that medical assistance is provided for needy persons: "To help the needy avoid needless suffering, and to prevent them from becoming welfare cases." In view of this am I to believe that a person owning Life Ins. Policy in the amount of $1,000.00 less an encumberance of $465.00 ($535.00 payable at death) is no longer considered needy? If this is true, your enigmatic thinking transcends all laws of morality and human decency, and, your ruling is an aberration from the true purpose of the law. It appears that your decision was motivated by the actions of the Agency, and not by the true merits of the issues at hand. I have spent the past several months obtaining vital information on the subject at hand and find the Medi-Caid laws not only lacking in unanimity throughout the various State Agencies, but very obfuscating to say the least, in their varied interpretations and decisions.

Your decision makes it abundantly clear that morality and justice is still on the side with the heaviest artillery, thereby, making a mockery of the old cliche "to help others to help themselves." If the Agency insists on playing "pin the tail on the donkey, they should find a larger target or a wider "tail."

While the Agency was busy playing their games, my wife's health has been in a state of regression due to lack of finances vitally necessary for the promotion of good health. I have fully cooperated with the Agency in every respect, as attested to, by the fact that they have checked us, re-checked us, and finally made us the "20th case" whereby we were checked again. This was an obvious attempt to discourage me from pressing the issue further, hoping that I would abjurate my rights. The only purpose this served, was to make me more determined than ever to press the issue further.

In view of the fact that the Agency is incapable of having a meaningful dialogue of the issues in question, for obvious reasons, there is no other course left open to me but to request a Court hearing where I might obtain a proper adjudication and some very important answers to very pertinent questions, which the Agency either would not or could not answer.

It is quite obvious that no one is concerned with our health, except my wife and I, even though we are entitled to the same consideration as other "NEEDY" persons. The only favor I ask is your cooperation in expediting this Court hearing so that we may be in a position to adjust our lives accordingly.

In the interim, I hereby put you on notice, in the event that my wife's health is made to regress further, because of your unjust decision, I and/or my heirs will hold the Agency, State, and all personnel involved, legally responsible. Thank you for your indulgence in this matter.

Very truly yours,

JOSEPH MANCINELLI.

Now, after I sent that letter, I received an answer and it stated that they can't do anything about it. I would have to get an attorney, to go to Legal Aid. I went to the Legal Aid. They refused to take the case. Where do we go from here? Who do we see in times like this? That's the answers I want. We sit here and we talk about the same things over and over again. We know what's going on. We know the same things are happening day in and day out, but nobody has come up with an answer. Where are the answers? That is what I'm interested in, the answers. Aren't we all interested in that? I mean, I don't have to tell these people how they're living. They know. They are the experts. I am the expert, and they are living it. The people in the higher places, the politicians and everybody else, are not living this. We are, and we know what it is, and if you would let me here, just for a moment, read something here which I wrote up. . . .

TEXT OF STATEMENT: Rip Van Winkle supposedly slept for 20 years. How long are we going to sleep? When do we wake up to the fact that a few rabble rousers are slowly but surely destroying our very way of life? When do we wake up to the fact that some politicians, some, condone and aggravate these illegal, and immoral tactics? When do we wake up to the fact that taxation of all forms are hurting the middle and low income families, while the rich have loopholes which they take advantage of, thus putting the burden on those who can least afford it? When are we going to do something about the lies, distortions, and procrastinations fed to us by some of our elected, and/or appointed officials?

When are we going to get a firmer type of government? When are the many Attorneys who help make the laws, make them for the benefit of the majority instead of the rich and powerful? When are the loopholes going to be removed so that they may pay their fair share in taxes? When are the Judges going to mete out stiffer sentences to the guilty, and not just "slap" their wrists?

Of course, this cannot be done by the appointed and/or elected official alone, "we the people" must demand that this be done. We must let ourselves be heard, louder than the rioters and rabble rousers, and anyone who dares flaunt the law must be punished to the hilt.

A particular crime deserves a particular punishment, and no one should be allowed to either suspend, commute, or put on probation anyone who commits a crime against society, unless and until they have proven themselves to be deserving of it. When a person is brought to trial and was found to have committed perjury, he is supposedly found guilty of lying under oath, however, when a politician promises faithfully to carry out the duties of his office for the good of the people, and then does just the opposite, this is not considered lying. We must make this type of politician live up to his promises, or else "recall" him. This is up to the people, you and I, if we do nothing we will get nothing. No politician should be immune from punishment when he breaks the laws of the land. The examples they have set are coming back to haunt us in the form of crime, corruption, and devil may care attitude. Where will this end? I'll tell you where it could end. It could very well end in a 2 class people, the rich and the poor, with the middle class being wiped out. It could end in a revolution which will do no one any good, and we would wind up as a 3rd or 4th rate power, and a target for any country who is bent on our destruction from within.

Wake up Americans before it is too late, especially the young who will be the beneficiaries of this great country of ours. We have everything to gain and nothing to lose if we would really get together and make this country an even greater place to live and raise a family. Do not talk about the riots and crime in the streets at your favorite Tavern, social clubs, or gathering places, do something about it. Action in a legal manner can work wonders especially if we put pressure to bear on those persons responsible for our dilemma. An example of political indifference toward the heavily burdened taxpayer is the recent decision of 12 Orange County Legislators who voted against investigating the welfare fiasco, that is to say (The welfare recipients and the Social Services Dept.) This is an affront to 90% of the people who are being forced to support 10% of the people at a cost of 50% of the budget. Ridiculous? Yes indeed. In fact, this is the type of shenanigans the people must stop. Why not put this up to people, in the form of a referendum, we are well aware of the ensuing results of such a mandate. If the cost of such an investigation were to exceed $50,000.00, this would represent about 10% of the amount saved as a direct result of such an investigation. Now they are thinking about a County sales tax and/or a County income tax. They need this tax like a hole in the head (which undoubtedly some of them have).

I can assure you that when the smoke has cleared, they will vote themselves a comfortable raise, maybe 60%? Anyone can think up new taxes, it doesn't take a genius, how about finding someone that is capable of reducing taxes? Someone who will really work for the people and not their party or themselves. How long are we going to bury our heads in the sand, and then complain we've got sand in our eyes? The longer it takes, the more we will suffer and things will not change until "we" the people wake up and do something about it. People lose jobs while the lawmakers increase their salaries or "lulu's". Does this make sense? It is true that the cost for being a politician has increased, but the politician knew this before he ran for office. Are we supposed to pay for his $250.00 a plate dinner while the elderly have to live on a lot less than that per month? Pretty bad timing don't you think? In order to keep our underfed and overworked politician happy, while at the same time reduce taxes we must resort to a form of euthanasia for all the elderly and sick who are not self-sufficient. Once this has been done, then the politician can sit back and watch the fruits of their labor and indifference namely; crime, corruption, and the many other evils some of them have helped to create.

What shall it be? Only you "the people" are powerful enough to decide. Let's stand up and be counted, get the sand out of your eyes and look around you. Do you like what you see?

Mr. Dow. Well, thank you, Mr. Mancinelli.

Mr. MANCINELLI. I want to thank you, Mr. Dow, because I feel that you are the first one to have such a meeting of this type, and I hope something will come out of it, and I appreciate very much your asking me down here.

Mr. Dow. Well, thank you. Can I ask you one question. . . .

Mr. MANCINELLI. Certainly, any question at all.

Mr. Dow. About Mrs. Mancinelli. She's not in good health.

Mr. MANCINELLI. She has ——— disease. It was attested to by two physicians, and she has these dizzy spells and she has to go to bed for two or three days at a time and I have to fend for myself and I can't do anything myself even. And these people say that she's not entitled to Medicaid, which is ridiculous. Mr. Couser would never meet me face to face to find out what this was all about. He would just write letters. He would write letters to the Congressman, to the legislator that was down in Cornwall at that time. He's not with us any more. He wrote him a letter. I've got a copy here. The copy, as far as I'm concerned and I can prove it, the letter he sent to Mr. Gordon Cameron are all lies, every one of them, and I can prove it. I have all the data in here, which will be proof.

RESULTS OF SEVENTH DISTRICT SENIOR CITIZEN POLL

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MYERS. Mr. Speaker, during the month of May, designated as Senior Citizens Month, I asked nearly 5,000 persons from throughout the Seventh Congressional District of Indiana to give me the benefit of their opinions about the problems and needs of our older Americans. Those questioned are members of nearly every senior citizen club in the district. The results of that poll are now in and I want to share them with my colleagues with the hope they will provide us with some guidance in our effort to find solutions for the problems facing the Nation's 20 million senior citizens.

More than half the people who responded about their needs said they don't have enough money to make ends meet.

A total of 76 percent said they can't afford to buy the food they like.

Other areas of major concern expressed by the district's senior citizens included mass transportation, health care, and increasing property taxes.

We sponsored this questionnaire in cooperation with the White House Conference on Aging which President Nixon has called for this November to determine the needs of our senior citizens nationally. The results will be forwarded to the White House where they will be considered along with those from similar polls taken across the Nation.

This sampling has given me an indication of how older people feel about themselves and their problems. It emphasized one thing we already knew, that the many and complex problems relating to income are the most important concern of older citizens.

Beyond this the figures will be extremely useful in pinpointing issues which need the immediate attention of Congress. Many of them are already occupying the attention of thousands of people who will be delegates to the White House Conference.

The following is a complete list of the problems and needs which those who answered the questionnaire were asked to rate based on the urgency of the need. There are seven different categories and the respondents were asked to pick the primary problem or need in each:

Income	
[In percent]	
Raise Social Security benefits	50
Widow's benefits equal to husbands	30
Extend Medicare coverage	12
Remove income limitations	5
Lower age limit for Social Security	3
Education	
Adult education programs of general nature	46
Pre-retirement education	37
Vocational training	17
Nutrition	
Reduce costs of food	76
Meal delivery for shut-ins	12
Smaller packages of food	6
Improved consumer education	4
Subsidize meal opportunities	2
Transportation	
Need mass transportation system	52
Reduced fares or cost-free use of mass transportation	18
Tax deduction for health transportation	16
Improved safety standards	14
Health	
Tax deduction for full cost of health care	48
Home care for disabled	32
Additional out-patient clinics	10
Provide health information centers	10
Housing	
Exempt older persons from property tax	46
Improve nursing home facilities	14
Reduce qualifications for public housing	12
Rent control in non-public housing	10
Provide home maintenance services	10
Additional housing for low income	8
Activities	
More centers and clubs for older people	36
Special recreational programs for shut-ins	31
Improved education about aged persons and growing old	17
More opportunities for volunteer work	8
Increased publicity of services and programs for older people	8

SENATOR HOWARD BAKER WINS EDITORIAL SUPPORT FOR BILL EXEMPTING POW'S FROM PAYING INCOME TAX ON MILITARY PAY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BAKER. Mr. Speaker, the Chattanooga News-Free Press sees Senator HOWARD BAKER's bill to exempt Prisoners of War in Southeast Asia from paying income tax on their military pay as "Common Decency." An editorial under this title recently appeared in the columns of this fine paper and under leave to extend my remarks, I wish to bring this editorial to the attention of my colleagues.

COMMON DECENCY

Much special benefit legislation is questionable, but Sen. Howard Baker Jr. has a proposal that most Americans will believe common decency. Last week, he reports, he introduced a bill exempting prisoners of war in Southeast Asia from paying income tax on their military pay. Under present law, enlisted personnel who are prisoners are exempt from federal personal income tax but commissioned officers are exempt only from the first $500.

The special benefit here is for those the senator terms "the most deserving of all Americans"—the 465 known prisoners and the more than 1,600 missing in action. He properly points out, however, that "the principal goal of the bill is to express deep-felt national concern for the well-being of our imprisoned or missing servicemen" and "give special recognition by a grateful nation of the sacrifices these men have made."

Even better "special" treatment of servicemen, living or missing or dead, would have been for the nation not to have become involved in another "no-win" conflict that observed a sanctity of an aggressor's borders which has made our missing men inextricable and posed us as beggars at the "negotiations" table.

THIRD ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ROBISON of New York. Mr. Speaker, August 21, 1971, will mark the third anniversary of the Soviet invasion of Czechoslovakia. By this act of foreign interference, Czechoslovakia's right of sovereignty over its own affairs was clearly and unjustifiably violated.

It is without question appropriate that we once again express our outrage over this action, but at the same time we must be cautious not to act in a manner inconsistent with the overriding goal of American foreign policy. That goal, which now more than ever must be our constant guide, is to establish an atmosphere of peace in a world in which the people of every nation have the right of self-determination in structuring their governments and personal lives. The people of Czechoslovakia were fortunate in having made great strides toward obtaining increased liberties prior to the abrupt act of Russian intervention which we decry today.

Rather than to continue deploring this act in tired political rhetoric—although expressions of moral support are not without value—it is now time for us to encourage the Czech people to set out once again along the road to freedom. It is for us to determine and then act in whatever ways we can most significantly aid them in this critical project. Very possibly, the most constructive activities the American people can undertake are those which will, by expanding our influence through diplomatic channels, liberalize the Czechoslovakian nation as well as those nations engaged in similar struggles. This implies increased cultural exchange, more flexible trade agreements, and serious consideration of the future role of NATO and the possibilities for mutual and strategically equitable troop reductions in Europe.

This approach will not only aid the people of Czechoslovakia in their efforts to regain their freedom from Soviet control, but it will clearly have wider benefits as well, in the contribution it will make to the overall betterment of international relations.

THE ADMINISTRATION'S REVENUE SHARING PROPOSAL

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 3, 1971

Mr. BYRD of Virginia. Mr. President, news reports today quote a White House official as being concerned because the Congress has not acted on the administration's revenue sharing proposal.

I would like to support such a proposal.

But where is the revenue that is to be shared? The Federal funds deficit for the fiscal year just ended was $30 billion—and the administration estimates another $30 billion for the current fiscal year. This means back-to-back deficits of $60 billion.

I have prepared two tables dealing with the Government's financial situation.

Table 1 gives U.S. gold holdings, total reserve assets, and liquid liabilities to foreigners.

Table 2 gives the deficits in Federal funds and interest on the national debt, 1961–1972.

I ask unanimous consent that these tables be published in the Extensions of Remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[In billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
1957	22.8	24.8	15.8
1965	13.7	15.5	29.1
1970	10.7	14.5	43.3
June 1971	10.5	13.5	[1] 48.0

[1] Estimated figure.

Source: U.S. Treasury Department.

TABLE 2.—DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72 INCLUSIVE

[In billions of do'lars]

	Receipts	Outlays	Deficit (–)	Debt interest
1961	75.2	79.3	–4.1	9.0
1962	79.7	86.6	–6.9	9.2
1963	83.6	90.1	–6.5	10.0
1964	87.2	95.8	–8.6	10.7
1965	90.9	94.8	–3.9	11.4
1966	101.4	106.5	–5.1	12.1
1967	111.8	126.8	–15.0	13.5
1968	114.7	143.1	–28.4	14.6
1969	143.3	148.8	–5.5	16.6
1970	143.2	156.3	–13.1	19.3
1971	133.6	163.8	–30.2	20.8
1972 [1]	150.0	180.0	–30.0	21.2
12-year total	1,314.6	1,471.9	157.3	168.4

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

OPPORTUNITIES AND ATTITUDES EQUAL SUCCESS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HALPERN. Mr. Speaker, the place of women in American society is an issue over which there is much discussion and controversy. What cannot be disputed, however, is that women play an integral role in the American business community. The president of the American Business Women's Association, Marilyn R. Tucker, has made some excellent observations about this subject in her address, "Opportunities+Attitudes=Success." I urge my colleagues to take a few minutes to read her timely and pertinent remarks.

OPPORTUNITIES+ATTITUDES=SUCCESS

(Address by Marilyn R. Tucker)

Every American is entitled to success in business. By combining the growing opportunities available to women with desirable attitudes success will be ours. Today women make up 51% of the total population, and nearly 38% of the labor force. It is not surprising, then, to find women engaged in every imaginable occupation, from jockeys on our race tracks to having a "seat" on the "Big Board" of the New York Stock Exchange. There can be no doubt about it, women are an essential part of the American labor force.

All Americans are keenly aware of the escalating prominence of women in business, and also much aware of the enviable future for women who are trained and qualified for top level jobs. Let us briefly review the changes that have taken place in the past few years, and look at today's trends toward bigger and better opportunities for women.

Today there are over 31 million working women, more than twice the number in the labor force of 1940. In that year the average business woman was around 20, and single. Today more than half the nation's working women are 40 years old or older. More than half of all the women in America in the 40 to 54 age bracket are gainfully employed. It was interesting to find that today 48% of all women in the 55 to 59 age bracket work; 36% in the age bracket of 59 to 65 are working; and many over 65 are still employed.

In this decade opportunities are growing for capable, energetic women. Perhaps one of the most potent influences is the fact that in the late '60s changes began at the entry level of executive jobs. At almost every college placement office, women graduates began to be routinely hired for business posts that a few years ago were closed to them. Placement offices report increasing acceptance of women executive trainees on the same level as men. Women with advanced training in retailing or accounting often have their selection of prestigious top level jobs.

The trends are looking great! Since 1960 the number of women doctors has increased 26%—making about 22,000 women physicians and surgeons. Women rank high on entrance exams in medicine, and our women doctors of today feel we can no longer waste half of the potential supply, and they are recruiting women for medicine. Women have physical advantages enabling them to be excellent doctors. They are' adept with their hands, which is important in all phases of medicine, and particularly in surgery. Women, because of their high level of estrogen, are more vibrant than men and tend to tire less easily. Another very important factor is that women outlive men, 7 to 10 years, thus enabling them to practice a greater number of years.

Women account for 40% of those found in tests to have an aptitude for engineering; however, at the present time we supply only 2% of the nation's engineers. There is a tremendous opportunity in this field.

We find opportunities regardless of which direction we look. A spokesman for International Business Machines said, "Women appear to be getting in on the ground floor of electronics." He continues, "Women definitely are on the increase in our management positions; we have several hundred women who have a high level of responsibility in programming, systems engineering, and education, plus a good number in regular management."

In America the opportunities for women are broadening, yet we might ask ourselves, "Why is it that we are trailing far behind other countries?" In the United States 3% of the lawyers are women . . . compared to nearly 33% in Germany. In the field of medicine, American women account for 7½% of the physicians, whereas in Britain the percentage is 16%, and the Soviet Union exceeds that. In the field of science, 9% of our scientists are women compared with 74% in Russia.

Even though women are 51% of the total U.S. population, we hold less than 1% of the elected offices, and only 2% of the managerial positions. What are we going to do about this?

As ABWA members we have been doing something . . . through our educational programs! It is heart-warming to note that more women today than ever before are qualifying for key positions through education, and as more trained women enter the job market this trend will continue upward.

Education and earning go hand in hand, and today 40% of all college degrees are going to women. As members of ABWA it is a proud feeling to know that last year alone ABWA scholarships, amounting to well over $355,000, assisted qualified women in gaining their education. As a direct result of our help more women are graduating every year.

U.S. News and World Report indicates that "Women's enrollment in law schools in 1968 showed a gain of about 180% from 1958, during a period when total enrollment was rising on 61%." This increase means that a great many women will be entering the court room trying their cases in the exhilarating, competitive field of law.

American women are looking forward to sharing more responsibility in the U.S. economy, and as women become better educated this will become not a future dream, but rather a reality.

There is no doubt about it, the opportunities are here . . . today . . . now.

Each and every day you and I do have the opportunity to promote the American business woman. Stop and think for a moment about the message your attitude conveys to your business associates and your daily contacts. As members of the American Business Women's Association we must uphold women in business, we must respect one another's job, and we should be happy for another woman when she receives special recognition or a promotion for a job well done.

Our attitude is always on display. Our attitude toward young women working under us is so very important. We must exemplify the highest in business standards with the knowledge that our integrity, conduct, and performance is constantly being evaluated. Others will either look to us as an ideal, or look beyond us to someone who has more admirable business characteristics.

I regret to say that it has been my experience to hear women say, "I do not want to work for a woman, I prefer to work for a man." How this hurts for those in managerial positions. However, it has been my pleasure many times, particularly when visiting ABWA chapters, to hear a comment such as, "My boss is truly the best boss one could ever find—I think she's just great!" A fine compliment to a highly competent business person!

What can you and I do today, tomorrow, and every tomorrow after to elevate all American women in business? Perhaps we should do a little soul-searching. When you are asked, "Do you prefer to work for a man or a woman?" if you automatically say "a man," are you being fair? If you do not want to work for a woman, how then can we have deserving qualified women in key positions? We must be willing to work for a person on the basis of his or her leadership abilities. I would hope that if you are asked this question, your answer would be, "I have no preference; it depends on the individual's abilities." After all, a boss, regardless of sex, is a "human being" first. I would like to quote one businessman's viewpoint. He says, "I don't care whether I deal with men or women as long as they are intelligent, interesting, and want to do something."

What is your attitude regarding your worth in business? How much pay should you receive for the job you are doing? A personnel director for a large New York corporation said that in accepting lower salaries, "Women are discriminating against themselves. We have budgets to think about. A job has a price classification. A woman will usually accept a lower salary.". . . Have you thought about this before? I have given it a great deal of thought, and I feel there is much truth in his statement. Many of us tend to "jump" at the first job opportunity when entering or re-entering the labor force. I have always felt that as we are exchanging hours of our time for monetary reimbursement, before we quickly "snap up" what is offered, we should express our thoughts as to what we feel we are worth in the particular job.

I regard confidence in one's ability and worth as an admirable trait. Even though you may not start at your top dollar, you have expressed what you feel you are worth in a particular position. Now as you work and "prove" your capabilities, management is well aware that you expect to be advanced. You will not be taken for granted, but carefully watched, and as you perform your job with zest and enthusiasm you will be rewarded by being advanced up the ladder of success.

One of the fallacies hampering women being paid their worth is the attitude many have that women's is a "supplemental" salary. But think for a moment about the single career girls, divorcees, and widowed women who are their own sole support, and who in many cases support not only themselves but their children. If some of us are willing to work for peanuts (supplemental income), how then can the women who are carrying the full financial responsibility of a home earn their due? We pay the price when purchasing an item of good or superior quality, and when we perform our job at a good or superior level we expect to be paid an "equal" salary; thus we are earning "Equality through Responsibility." I have never heard of an example yet where a woman consumer has been able to purchase an item for "less" because of the fact that she is a woman!

There are other attitudes that we keep hearing about. You have heard the song "Love and Marriage." When we think of "Love and Marriage" we tend to think of the future pitter-pattering of little feet . . . just where does love and marriage fit in for the woman who also has enormous career ambitions? As one who wears the tri-cornered hat of wife, mother, and career woman, I will be the first to admit this situation does present its own special challenges . . . but no limitations!

I would say this situation requires what I like to call the 3 D's . . . you must have a definite sense of direction, loads of determination, and all the discipline you can muster. A few years ago at a women's new seminar at the American Press Institute at Columbia University, a survey was made of women wearing the tri-cornered hat for time management tips. The women gave some excellent time-saving tips for those of us who are constantly in perpetual motion. There was one male in the group who also wears a tri-cornered hat: husband, father, career man. He gave his best time management tip . . . "Stay single!" (I'm sure he was just kidding.)

It has been my experience working with married women with families, that these women are especially conscientious about being on the job, with very little absenteeism. Combining a business career with a family is becoming more and more a way of life in America. According to the Women's Bureau of the U.S. Department of Labor, the typical woman is now through with childbearing by the time she is thirty years old, and by the time she has her last child in school, she has 30 to 35 years of active working life ahead of her.

Many women merely take maternity leaves, which are early in their careers, making temporary replacement relatively easy. Some employers do not consider a maternity leave a serious handicap any more than they do a military leave, leaves for advanced education, or political activity.

It was particularly interesting to me, being a working mother myself, that in 1961 a research study was conducted in my home city, Cedar Rapids, Iowa. The study was conducted to see if there is or is not a relationship between "maternal employment indices" and "developmental characteristics" of the children of working mothers. To put it more plainly, the test was conducted to see how our kiddos were coming along. The test was given to 98% of all students in the 7th and 11th grades in Cedar Rapids, and consisted of 44 questions to be answered by the students and a 3-page questionnaire to be answered by the parents. Our students were then thoroughly analyzed for such things as "over-sensitivity," "fatigue," "anxiety and fright," etc. These answers were then compared with the family background, with particular emphasis placed on "Mother's Employment History."

This test was very interesting. On the basis of the study, scientists gave the working mothers' children a clean bill of mental health. Also, our children were tested for intelligence, school achievements, absenteeism, tardiness, etc. . . . Not only did our children pass—but so did we working mothers!

Being a success in business does not depend on any one thing. We may have ample opportunity, adequate education, ability, but unless we team these qualities with desirable attitudes, we will never be a "dramatic success," but rather we will perform on a mediocre level. If we take with us to our work each day, enthusiasm, interest, and a desire to learn more about our jobs, we will know a new feeling of job enrichment. Most all companies advance their employees on the basis of past performance.

Each day if we strive to perform our jobs with excellency we will be establishing a record of past performance that we can be proud of. But remember, one cannot rest on the high achievements of yesterday. To illustrate my point, I would like to quote world famous conductor Leopold Stokowski: He was enjoying tremendously dining with a friend one evening a few years ago and he said he had to leave because, "If I don't get back to work, somebody may get ahead of me." This sentence pretty well sums up the attitude of all successful people as they give advice and reveal their formula for success. The word is not new, it is not fancy, to some it is even undesirable, but to most of us it is the stabilizer in our lives; the word is . . . "WORK!"

There is nothing so convincing that success can be ours as examples of women who have reached the top. Successful women feel there is a reason for their success in the modern business world, and they will usually express their feelings to inspire others to greater achievements.

When Lyndon B. Johnson was sworn in as President of the United States in 1963, it was Sarah Hughes, Federal Judge, Dallas, Texas, that presided. She says of her success, "I nearly always got what I wanted, but then I went after it."

Adele Simpson says, "If a woman has the talent, tenacity, and ability to work, and the determination to be paid for it, she can get the money."

We have all heard a great deal about the extremely successful (she's a multimillionaire) Mary Wells, Founder and President of the dynamically successful advertising agency—Wells, Rich, Green, Inc. Mary is quoted as saying, "Ten years ago, men would have been scared of me, but not today. I've a sensational track record so far, and that's all that interests people."

One of our objectives in ABWA is to gain better recognition for women in business. I am very optimistic about the future of American business women because of ABWA. We play an important part in opportunities through education; we create a good example through our attitudes; and as we concentrate on these things, success will follow. Each day in our job we have the opportunity through good attitudes to become more successful. For, as Oliver Wendell Holmes so aptly put it, "The great thing in the world is not so much where we stand, as in what direction we are moving."

A TRIBUTE TO ROGER BRENNAN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. EDWARDS of California. Mr. Speaker, Roger Brennan, president of Painter's Union Local 388 in Santa Clara

County will be honored later this month, August 25, on the occasion of his retirement. I feel that notice of this man's achievements and selfless dedication to his fellow citizens should rightfully be made by all of us here in Congress. Roger, during his many years in the Bay Area, has served in the effort to help juvenile delinquents, served on the Social Planning Council of Santa Clara County, Health Facility Planning Groups, Labor Councils and is one of the original founders and constant supporters of the United Fund, to name just a few. He can look back now, as he retires, on a career of service to his fellow man. While no words I can say could possibly be as rewarding to Roger as the knowledge that he has helped to make this world just a little bit better, I feel that we all can learn a lot from Roger's efforts. Our lesson is in caring for our fellow beings, whether they be teenagers faltering in the attempt to grow up as responsible citizens, or whether it is helping the sick, our students or our fellow workers. Our world would be a better place if more of us were as active and dedicated as Roger Brennan.

ANOTHER ENVIRONMENTAL ADVANCE FOR GREAT LAKES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 2, 1971

Mr. DINGELL. Mr. Speaker, the U.S. Army Corps of Engineers issued a news release on July 29, 1971, announcing that the corps fleet on the Great Lakes will soon be fully equipped with no-overboard-dumping sewage systems.

I want to congratulate the corps for moving forward with this antipollution program and express the hope that all other governmental agencies and private boat owners will soon do as well.

I insert the text of the corps' news release to appear at this point in the CONGRESSIONAL RECORD:

ARMY ENGINEERS FLEET ON GREAT LAKES FIRST WITH NO-OVERBOARD-DUMPING SEWAGE SYSTEMS

The fleet of vessels operated by the U.S. Army Corps of Engineers on the Great Lakes will be the first equipped with self-contained sewage treatment systems which avoid any overboard discharge. Lt. General Frederick J. Clarke, Chief of Engineers, announced that the total retention systems of the Corps' fleet of 73 crewed vessels have been installed or are under contract. Installation of the units which will be 90% complete by the end of August will be completed during the winter lay-up season, General Clarke said.

Almost half of the Corps' Great Lakes fleet, primarily the smaller units with crews of less than a dozen men, are being equipped with simple holding tanks. They have up to 10-day capacity before pump-out to on-shore sanitary facilities is required.

Another system grinds the waste and reduces the volume needed in the holding tank by controlling the volume of flush water used and by boiling off waste water as sterile vapor into the atmosphere. The remaining sterile sludge, which has the consistency of 80-wt. oil, is pumped out periodically into on-shore sewage treatment facilities. The control-flush-with evaporator units were developed by the General American Transportation Corporation by adapting the units they developed for aircraft. The marine version of the GATX evaporative system which is being installed in seven Corps' vessels can operate up to 30 days between pump-outs.

The Hopper Dredge MARKHAM is being equipped with a totally self-contained recirculating chemical system capable of meeting the requirements of its 70-man crew for several months. This system, developed by SEA-PAX Inc., was observed in operation and evaluated by the Corps aboard the SCOTT-MISENER, a Canadian vessel. The solids are separated from the flush water which is chemically treated and re-used. The sludge is stored in a holding tank for eventual pump-out into on-shore sanitary facilities

In 1960, the Corps of Engineers initiated a program of testing and evaluating sewage treatment systems for use on ships and other floating plants. Then the state of the art and the equipment commercially available was such that the choice of sewage treatment facilities was limited to either macerating-chlorinating units or the larger aerobic digestion units. In 1960, a centralized macerator-chlorinator system was installed on the MARKHAM. This was the first such installation on an American ship. By 1965, the Corps had installed macerating-chlorinating units on most of its small vessels and had installed 12 aerobic digestion type of units on the largest of its vessels, the hopper dredges.

In the mid-1960s, the purchasing of aerobic digestion units was discontinued. Among the reasons for this action was an indication that the Federal Water Quality Administration was to issue more stringent effluent characteristics and consideration was being given to the enactment of Federal legislation which would determine the types of wastes and level of treatment required.

Since then, the Corps has coordinated its design, test, and evaluation effort with private industry in the marine sewage field. As the state of the art has progressed, the Corps has kept abreast of the latest technological advances in the field of marine sewage treatment and offered its vessels as test vehicles.

Marine sewage treatment systems with an effluent meeting the Federal water quality standards for secondary treatment of human wastes are acceptable in most coastal areas. General Clarke said "Program Shipshape" is being expanded to the Corps' entire fleet of 540 crewed vessels or floating plants. Several overboard-discharging systems which are expected to meet Federal standards for such discharge are being field tested and evaluated. However, the Corps decided to go to total retention systems on the Great Lakes because "they are the largest source of fresh water in this country," General Clarke said.

UHL URGES AEROSPACEMEN TO BEGIN NEW PROGRAMS

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BYRON. Mr. Speaker, recently Mr. Edward G. Uhl, president of Fairchild Industries, addressed the Aero Club of Washington and appealed to aerospace firms to go out out on their own and develop new programs without Government directions and aid. Uhl indicated that his industry should "stop feeling sorry for ourselves and face life as it is."

One project that must be launched, he said, is a supersonic transport "without Government support." Another program deserving attention, he said, in view of a growing Soviet military threat, is development of powerful lasers in space as true antimissile weapons. He also supported efforts to guarantee a loan to rescue the Lockheed Corp.

Mr. Uhl stated that Fairchild Industries is concentrating on its satellite program, but plans to pursue private financing of the SST. Uhl said that the industry has been looking at SST development only with conventional ideas. He believes that a consortium with many firms joining together to sponsor the development and eventually reap the profits is needed.

Uhl, commented on the current "damn the technology" attitude by saying, "We have to gain the respect of young people" by explaining what the aerospace industry is doing and can do. For its part, Uhl said, Fairchild plans to devote its entire advertising budget to programs directed at high school and elementary school students, "to sell technology" as a valuable contribution to man's development.

RUNAWAY YOUTH PROBLEM CONTINUES TO GROW

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. KEATING. Mr. Speaker, there was a time when running away from home meant Huck Finn seeking adventure on the Mississippi, Toby Tyler leaving to join the circus, Horatio Alger seeking fame and fortune. Today's runaway meets a far different fate—a hostile, sometimes tragic world.

Today I am introducing a bill dealing with the runaway youth.

The primary purpose of this legislation is to provide an alternative to drugs, prostitution, crime and physical harm for a place of shelter and medical attention.

It also will provide assurance for parents of runaways that there is a communications network to help the families of runaway children.

Estimates of the number of runaway youth in the United States are as high as 1 million a year.

FBI reports of runaway children arrested show an increase from 82,000 in 1965 to more than 200,000 in 1970.

The best estimates show about 600,000 runaways in 1970, double the number of just 7 years ago.

Juvenile Court Judge Benjamin Schwartz alerted me to this problem in Hamilton County, Ohio. Youths referred to juvenile court as runaway children totaled 618 in 1966. Last year the number rose to 1,015. The projected total of cases for 1971 is 1,275—a 106.3 percent rise since 1966.

Runaways are typically 13 to 17 years old. About 50 percent of the runaways are girls. A small percentage have left juvenile institutions, but the greatest number have left their homes.

Mr. Speaker, my bill has two main objectives.

The first section deals with the trauma and anxiety a parent faces when his child runs away.

Under my proposal, the Administrator of the Law Enforcement Assistance Administration is authorized to make grants to State and local law enforcement agencies to purchase necessary equipment and fund programs which will strengthen the availability and effectiveness of services for parents of runaway youth to report descriptions and possible destinations of their children to law enforcement officials in their localities and in other areas of the country.

Smaller communities, for instance, could purchase terminals to hook into the national teletype system.

Under a nationwide network of communications, parents will have the tools to help them locate their children.

The other section of my bill deals with establishing a safe and comfortable atmosphere for the youngsters at the so-called Runaway Houses which are springing up across the country to handle runaway youths.

Why do kids run away? A survey by my staff shows the reasons range from desire to escape parental restrictions, school failure, and unwanted pregnancy.

Some runaways have deep-seated emotional problems, but most run because they are unable to cope with the frustrations of family or school situations.

They run mainly to the big cities, though "back-to-nature" communes of runaways can be found in western Massachusetts, Hawaii, and Arizona. Most return home after a 3-day absence, but others are gone for weeks and even months.

In the larger cities, runaways often find that the escape from home is a road to drugs, prostitution, and tragedy.

Many of us have encountered young panhandlers, literally begging for food.

More hidden from our view are those runaways who turn to dope-peddling. stealing, and prostitution as a means of subsistence.

New York City police report the case of five men and eight women accused of raping and torturing four runaway girls until the girls agreed to join their prostitution ring.

Miami authorities cite the average age of prostitutes in the area—18 years—as evidence of the growing number of young runaways using sex as their occupation.

Charles Manson offered shelter and food to runaways, bringing them into his family.

The drug addiction, crime, and death associated with today's runaway phenomenon is something that runaway youth seldom realize awaits them, but they find this life when on the run.

Government cannot legislate family life or make it decent and fulfilling for youth or parents.

It can and must insure, however, that once a youth has run away, he has a place to turn for shelter, for care, for help.

If we do not provide such a place, runaway youth will continue to wind up in prostitution and dope-peddling rings, and filthy, disease-ridden, sometimes deadly environments.

We cannot leave runaway youth with only this latter choice.

The parents of a runaway can call the local police, request that descriptions be sent to other police departments, hire private investigators, or search themselves.

Grants under title I would be made through the LEAA to States and localities which want to strengthen their reporting and locating services for the parents of runaway youth.

Metropolitan areas could improve their computer techniques.

Funding improvements in this area is clearly a Federal responsibility, since the phenomenon of runaway youth is interstate in character, and certain areas of the country are disproportionately visited by runaways.

The runaway houses proposed to be funded in this bill will provide a place for the runaway youth to turn.

The facilities would provide shelter, counseling, medical help if needed, and a means of working out the problems that lie behind the youth's felt need to leave home.

Such houses could follow the lead of such established places as Huckleberry House in San Francisco, the Bridge in Minneapolis, and Runaway House in Washington, D.C. Only the bare requirements of shelter and welcome would be provided.

The houses would be required to contact an entering youth's parents within 36 hours of entrance, and respect the rights of parents according to the law in the parents' jurisdiction. They would also provide medical aid on at least a referral basis and contact proper authorities to determine whether a youth is being held by law enforcement authorities within 48 hours of entrance.

Grants would be made to existing houses to strengthen their activities on such considerations as their success in attracting and aiding youth.

Proposed facilities could be funded if other sources of money were limited and the area needed such a facility. Small grants would be appropriate for these facilities.

Runaway houses would not be havens from family life but bridges back to a decent, understanding homelife.

Our investment in such facilities can be investment toward a better family understanding and against drug addiction, crime, and broken homes.

The bill provides funds for family counseling services even after the child has left the facility, to help alleviate the home problems that may have been behind the child's running away.

The funds we spend here will be high-velocity in character—providing bare essentials for what is essential—providing runaway youth with an alternative to life of drug-peddling, prostitution, panhandling, filth, and disease.

Runaway houses can only deal with problems occurring after a youth has run away.

We must think of measures to deal with the causes of the runaway phenomenon.

Thus, the bill charges the Secretary of Health, Education, and Welfare to develop a program directed toward reducing the number of runaway children and solving problems associated with runaway youth. Ideas such as family counseling and temporary group foster homes should be explored, and the proper Federal role should be outlined.

This bill is an approach to solving the problems associated with runaway youth.

Others may have different views on the precise approach to take in this regard, and I hope that promptly held hearings will reveal the best method of dealing with these problems.

This bill is a call to action and a blueprint for discussion.

Let us agree on one thing—the problems deserve quick attention and solution.

The coming months will see new waves of young persons running away from home. Should we stand back and watch? Or will we help?

AILING AEROSPACE

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HARRINGTON. Mr. Speaker, with the debate the last week over the loan for Lockheed, I think all of us have learned a lot about the areospace industry. Although it is an industry dealing in billions of dollars, it is beset with problems.

An article by W. Stewart Pinkerton, Jr., of the Wall Street Journal outlines what the fundamental difficulties facing the industry are. Among them are a heavy reliance on advanced technology, high working capital requirements, poor contracting arrangements with the Pentagon, and a shrinking market for their products. Mr. Pinkerton's article is a perceptive one, and one which makes a difficult problem easy to understand.

The Lockheed vote, according to the article, may just be the first in a line of many others we may be forced to make to bail out other companies. At this point, I am inserting the Wall Street Journal article for my colleagues.

The article follows:

AILING AEROSPACE: LOCKHEED MAY SURVIVE, BUT INDUSTRY AS WHOLE FACES UNCERTAIN FUTURE

HIGH COSTS OF NEW SYSTEMS, RISK OF TECHNICAL UNKNOWNS DETER LENDERS, INVESTORS—A TECHNOLOGICAL LOVE AFFAIR?

(By W. Stewart Pinkerton, Jr.)

NEW YORK.—The congressional decision to bail Lockheed Aircraft Corp. out of its current financial crisis is clearly a boon to Lockheed, but it leaves unanswered some critical questions about the future of the U.S. aerospace industry.

For while the Senate's 49-to-48 vote yesterday to provide government backing for $250 million in loans to Lockheed may keep the company from bankruptcy, it does nothing to alleviate fundamental problems that could bring financial disaster to other aerospace concerns. Nor does it improve the long-term prospects for successfully financing major new commercial and military aircraft programs of the type that brought Lockheed to its knees. (For details of the Senate vote, see story on Page 2.)

Aerospace executives, Defense Department officials, Wall Street analysts and bankers generally agree that the Lockheed debacle simply represents an extreme example of the sort of nightmares that already have afflicted other aerospace companies and that are likely to continue to afflict them in the future.

Grumman Corp., for instance, has run into unforeseen technical and cost problems with its F14 Navy fighter plane; production costs of the combat jet threaten to exceed earlier estimates by some $2 billion, or $3 million a plane. General Dynamics lost $425 million on its disastrous venture into the commercial aircraft business some years back. Douglas Aircraft ran out of cash trying to build the DC9 passenger jet and had to be bailed out with a merger with McDonnell. Martin tried unsuccessfully to convert a World War II bomber into a line of commercial aircraft and finally wound up merging with a cement concern.

A SORRY STATE

Listing all the factors that have led the aerospace industry to such a sorry state could fill volumes. But some of the key factors are these:

An unusually high dependency on evolving and often unknown technology, coupled with huge research and development outlays. This has the effect of increasing financial risk substantially, especially when a company is committed to a billion-dollar program (like the Lockheed L1011 trijet) that far exceeds its net worth.

Extremely high working capital requirements, an unusually high level of debt financing and a profit rate below those of nearly all other industries, all of which tend to scare away potential debt and equity sources.

A generally unsatisfactory contracting relationship with the Pentagon in recent years. The most noteworthy example was the now discredited total-package purchase approach, which in effect transferred all the risk to the company by holding it to fairly rigid cost projections for all phases of the program. When unforeseen technical or inflationary problems cropped up, there was nothing to do but bring out the red ink.

Questionable management decisions, including what some critics see as a general tendency to underbid large defense programs and to make commitments to commercial aircraft projects without gauging the real needs of the customer.

A shrinking market for everything aerospace companies make: military, space and commercial aircraft systems. Not only will there be fewer major projects in years ahead, but those to come will be enormously more sophisticated and expensive and will likely be subject to more political pressures stemming from issues ranging from unhappiness with the Vietnam war to concern with the environment.

DRYING UP OF FUNDS

One of the most critical and immediate problems facing the aerospace industry—even those firms that are still relatively solvent—is likely to be a drying up of funds from traditional lending sources. As the sums needed for individual aerospace projects soar and as the record of failures grows longer, bankers and other financiers are growing increasingly wary. "Our reluctance to put much more (money) in is very genuine," says William H. Moore, chairman of Bankers Trust Co., one of Lockheed's major creditors. "All bankers are fearful that the numbers are getting too big."

Bankers Trust now has some 7% of its total loan commitments in aerospace. "That kind of shakes you up a bit looking down the road" at the industry's problems, Mr. Moore says. An official of another major New York bank agrees: "There are enough risks in credit in general without getting further involved with something that's even more risky."

Another possible source of money, of course, would be bonds, debentures or other debt securities sold to the public. But there's serious doubt that aerospace companies would be able to sell such securities if they were to offer them.

WELL BELOW PAR

Muriel Siebert, president and chairman of a New York Stock Exchange member firm that bears her name, recently pointed out in a letter to the House Committee on Banking and Currency that as of June 28 nine out of 10 issues of aerospace convertible bonds listed on the Big Board were selling for "substantially below par." This condition, in Miss Siebert's view, would make it hard for these firms, including North American Rockwell, Northrop Aviation, Rohr and United Aircraft, to sell any additional convertible bonds.

New issues of common stocks aren't likely to be hot sellers either, considering the industry's bleak profit performance of late. Pretax aerospace profits last year were a meager 3.5% of sales, down from 6% in 1968. (The profit margin of all manufacturing companies in 1970, by contrast, was 6.8%.) When Dudley E. Browne, senior vice president and chief financial officer at Lockheed, was asked recently what might be said of an encouraging nature to potential stockholders, he replied: "We couldn't say much of anything."

Many problems encountered by aerospace companies lately have resulted from technological surprises—difficulties that weren't foreseen in the early design phases of a project and that pushed costs up, sometimes disastrously.

In building the giant C5 military transport, for instance, Lockheed unexpectedly faced a weight problem that forced it to switch to titanium from aluminum for the metal fastening system. The titanium cost "millions more" than aluminum, a company official says. In addition, beryllium brake linings costing two to three times conventional steel linings had to be used to save another 1,800 pounds per plane.

Grumman encountered a totally unexpected problem that caused the crash of its first F14 last December. It turned out that vibrations in a hydraulic pump caused vibrations in hydraulic control lines, which ruptured and threw the plane out of control. "It was one of those one in 10 billion possibilities', says a Grumman official. "What it means, of course, is redesign and more testing."

The likelihood of such problems seems sure to increase as aircraft get more complex. "This situation will make it more difficult to estimate costs, delivery time and final performance of research and development work in the future," concludes a recent study by the Aerospace Industries Association.

Even without major technical problems, of course, aerospace comapnies share the vulnerability of all manufacturers to unforeseen labor and supply problems. Witness the crunch at Douglas in the mid-1960s when the company was trying to cope with a flood of DC9 orders. There were delays in engine deliveries from Pratt & Whitney due to the Vietnam war. Meantime, Douglas was so reluctant to turn away customers that it agreed to various custom design changes on the plane with the hope that it could somehow meet production schedules nonetheless.

Personnel problems developed with a near-doubling of the production staff at Douglas' Long Beach, Calif., plant within a year. Many of the new recruits were not very skilled; one foreman found a man who conceded he was loafing because he didn't know his job well enough and was afraid to make a mistake.

All these factors combined to put Douglas $27.6 million in the red in 1966. The company finally had to be rescued by merger with McDonnell.

A CONTRACT SWITCH

Analysts also trace many of the industry's current problems to contracting provisions initiated by the Pentagon in the 1960s. In the early 1960s there was a marked increase in the number of so-called firm-fixed-price contracts. In 1965, 61.6% of the Pentagon's production work was under such a plan, compared with only 27.1% in the 1959–1963 period. The percentage last year was lower (41%) but still well above the 1959–1963 level.

In an effort to bring even tighter control to defense buying, Pentagon officials devised the total package concept, whereby companies had to bid on a "womb to tomb" fixed-price basis for a particular project, including both research and development and production phases, as well as performance and delivery commitments.

It sounded great on paper, but aerospace companies just couldn't seem to put together realistic contracts on that basis. Staggering under an abundance of unexpected technical problems on the C5, Lockheed was finally persuaded by the government earlier this year to accept a $200 million loss on the contract. This left Lockheed with an after-tax loss of $80 million in 1970, a shrinkage in net worth to $240 million from $331 million, and a $100 million debt to be paid off in yearly installments over the next 10 years.

Grumman faces similar headaches on the F14. Though the F14 contract is somewhat less restrictive than the Lockheed pact, it is, in effect, a C5 contract, with all the woes of being locked into previous cost estimates that are no longer valid. To cite just one problem, the company's original estimates, made back in 1968, projected inflation at an annual rate of 4%. (It has been running at an average of 6%.)

A LITTLE HELP FROM EXPORTS

And because of shrinkage of overall sales ($995 million last year, compared with $1.18 billion in 1969) Grumman has had to allocate a larger share of fixed costs, such as real estate taxes, gas and electric bills, to the F14 program. The net result is that Grumman officials have privately indicated they would refuse to build any planes beyond those contracted for because of the losses that would occur under the current agreement. The Pentagon has so far refused to revise the F14 contract, but has dispatched a 40-man team of procurement experts to Bethpage, N.Y., in hopes of finding ways to cut the F14's cost.

Conceding that Grumman "has a problem," Deputy Secretary of Defense David Packard says he believes one way to avoid such crises in the future is to use more cost-plus-incentive contracts. In these a contractor would recover its costs as the program progresses, then earn a maximum profit only if the plane "works," and less profit if it doesn't match requirements.

"This will reduce risk substantially and should allow the industry to rely more on private financing," Mr. Packard says. A number of new projects, including the McDonnell Douglas F15, a new Air Force fighter, and the North American Rockwell B1, a bomber that would replace the aging B52, are on such a basis.

In addition, Mr. Packard, envisions widespread adoption of the prototype system of procurement, where two or more companies develop flying models, getting reimbursed for their development costs as they go along. The production award goes to the firm that comes up with the best product. That's being done with the AX, a close-air-support plane being developed by both Northrop and Fairchild Hiller. "This enables your good technical teams to design actual hardware instead of merely generating paperwork," Mr. Packard says.

NOT MANY PROJECTS IN SIGHT

Mr. Packard believes such approaches, along with other steps such as making interest payments on short-term loans an allowable expense on government contracts, would solve some of the industry's fundamental risk problems and would no longer encourage defense contractors to take on programs beyond their means.

But even assuming the widespread adoption of more favorable contracting arrangements, industry officials note with concern there just aren't that many more big aircraft projects in sight beyond those already in development. The No. 1 military buyer, the Air Force, is planning to spend only about $3.5 billion in the current fiscal year, down from $3.9 billion last year and $4.6 billion the year before. No new breakthroughs of the magnitude of the transition to jets from propeller-driven planes are foreseen.

While many of these problems would appear to be beyond control of industry executives, a number of critics maintain that management cannot be held blameless for the current miseries. Many aviation analysts, for example, while conceding that hindsight is 20-20, believe Lockheed officials were foolhardy to accept the C5 contract terms on so huge a project.

According to a May 1970 staff report of the Securities and Exchange Commission, "Lockheed wanted this contract badly and apparently knew they had to come in with a low bid to ge it." Lockheed's proposed target cost for the C5 program was $1.7 billion, compared with Douglas' $1.8 billion and Boeing's $2 billion, according to the SEC report.

EARLY WARNING

The SEC report says Lockheed's top management, after receiving a staff cost proposal, "ordered it cut by 10% in order to give Lockheed a better chance of getting the contract." Furthermore, a Lockheed financial officer attached to the C5 program was told during the summer of 1965 "by at least one Air Force analyst" that the company's estimates "appeared to be much too low," the SEC report says.

Mr. Browne, the Lockheed senior vice president, emphatically insists there was "no buy-in" on the C5. "The key factor in our original projection was a sound, stable economy," he says. "And we didn't get one." Mr. Browne further contends that the "first time it became apparent that we could face a loss on the project" was in November 1969—when the Pentagon announced a cutback to 81 planes from 115 on the C5 program.

There are also critics who argue that industry officials, in the words of one seasoned observer, are "too prone to fall in love with technology and make important program decisions more on the basis of what the engineers say rather than what needs to be built."

Lockheed took a huge risk in the late 1950s by bringing out the turboprop Electra precisely during the transition from pistons to jets. Lockheed tried to exploit the low-cost capabilities of turboprops for short hauls, while betting that jets wouldn't attract many passengers for a while. The result: Air travelers flocked to the jets, and structural problems caused a number of Electras to crash. Lockheed had to recall all of them for costly repairs.

TRYING FOR A FOOTHOLD

Similarly, General Dynamics sought to gain a foothold in the jet transport business with its Convair 880s and 990s—on the theory that it could build a souped-up plane that would be faster than either the Boeing 77 or Douglas DC8. It was. But to gain the additional speed, General Dynamics evidently felt it had to reduce the fuselage diameter and go with five-abreast seating instead of six-abreast. This was a penalty most airlines apparently felt was too high to pay for a few more miles per hour. The company wound up producing only 102 planes and losing $425 million.

Then, too, the decision to launch a new aircraft program may have even greater consequences for an airframe maker's customers. After losing the C5 competition to Lockheed (in retrospect, perhaps a happy development) Boeing found itself with a wealth of engineering data for a jumbo jet. Not wishing to see all that work go to waste, Boeing converted its C5 design to a commercial model and sold the 747 concept to Pan Am, which bought 33 of the $23 million craft—enough to commit Boeing to production.

Before long, other airlines had no choice but to order the plane, too, even though many would likely have preferred something less costly and more adaptable to existing airport equipment. As TWA president Forwood C. Wiser, Jr., has conceded: "There isn't any doubt in my mind that we would have been much better off in many ways" had the Lockheed 1011 or the Douglas DC10 preceded the 747.

Unfortunately for TWA, that didn't happen. After losing $63.5 million last year, the carrier is still trying to find ways of filling up its 747s during the current traffic slump.

NUCLEAR TEST—AMCHITKA ISLAND

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BEGICH. Mr. Speaker, for the past several months Alaskans have been concerned about the proposed nuclear test on Amchitka Island. As time progressed, more and more people have expressed great reservations regarding the blast.

In May of this year, I testified before the Atomic Energy Commission hearings in Anchorage. At that time I raised several questions regarding the advisability of such a test. Since that time, the Atomic Energy Commission has not replied to any of the objections I raised in Anchorage.

As you know, only two agencies, the Department of Defense and the Atomic Energy Commission believe that the test should go according to schedule. The Department of State as well as several environmental groups have advised otherwise.

On Monday, August 2, 1971, the New York Times wrote an editorial regarding this matter. I believe that my colleagues will find it both interesting and informative:

CHOICE ON AMCHITKA

The decision on whether to go ahead with the underground nuclear test on Amchitka Island in the Aleutians rests with President Nixon. It is very much a personal decision. His advisers are divided. Congress is uneasy but reluctant to take the responsibility.

The risks are both ecological and diplomatic—and almost equally incalculable. The test would explode a nuclear device with a force of five million tons of TNT which is 250 times larger than the bomb dropped on Hiroshima.

The ecological risks are threefold. There is the possible contamination of the surrounding waters with consequent damage to commercially valuable fisheries. If venting should occur as it has in some Nevada underground tests, radiation would escape into the atmosphere. Finally, there is the chance than an enormous explosion of this magnitude would trigger an earthquake which in turn might produce a disastrous tidal wave. Because Alaska and Hawaii have both had tragic experiences with earthquakes and tidal waves, the four Senators from those states—two Republicans, two Democrats—are united in vehement opposition to the test.

The A.E.C. naturally insists that it has taken every conceivable precaution and that the test will have none of these adverse consequences. But this will be the biggest underground nuclear test ever conducted by the United States, and Amchitka lies in a critical zone of earthquake activity.

Dr. Kenneth Pitzer, former president of Stanford University, headed a committee of scientists to investigate the safety of underground tests. The Pitzer committee report expressed "serious concern" with the problem of earthquakes resulting from large-yield nuclear tests and concluded that there is no way to eliminate the small but definite risk that "a large explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site."

* * * * *

The purpose of the Amchitka test is to learn technical details about the large Spartan warhead which might be used as part of the antiballistic missile system to protect Minuteman missile sites. The Defense Department asserts that the Spartan is "essential" and must be tested. The Soviet Union has already exploded a device of comparable size.

But there is keen dispute among scientists as to whether it makes sense to use high-yield warheads for the ABM because they would saturate the atmosphere with radioactivity and knock out this country's radar as well as incoming enemy missiles.

Meanwhile, there are the diplomatic imponderables. The ABM system is the subject of active negotiations with the Russians in the Strategic Arms Limitations Talks (SALT). The ABM has also been considered a "light defense" against future nuclear attack by Communist China. The President has to decide how a huge test occurring in October would affect the progress of the SALT talks and of the developing detente with China.

To examine this problem, Mr. Nixon requested seven agencies to submit their views. This so-called "committee of under-secretaries" has reportedly split 5-to-2 in favor of canceling or postponing the test. A.E.C. and Defense wish to go ahead. But the State Department, the Office of Science and Technology, the United States Information Agency, the Environmental Protection Agency and the Council of Environmental Quality raise objections.

The Office of Science and Technology believes that Spartan warhead is obsolete and not worth testing. The State Department wants to postpone the test at least until the SALT talks are concluded. The Environmental Protection Agency believes that even the small risk of a major earthquake makes the test unacceptable.

Under these circumstances, the argument for postponing the test is persuasive. A unilateral American ban on atmospheric testing helped lead the way to the partial Nuclear Test Ban Treaty of 1963. In making his decision, President Nixon has an obligation to take Congress and the public into his confidence. He has to explain fully his judgment on a weapon of disputed merit which can only be tested with accompanying ecological risks and to relate his decision to this nation's disarmament goals and diplomatic objectives.

LOSS OF CHOCTAW INDIAN LEADER

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MONTGOMERY. Mr. Speaker, last week the Choctaw Indian Tribe of Mississippi and the Choctaw Indians of the Nation lost a great and devoted leader with the death of Mr. Emmett York. He had worked hard and unselfishly for many years to enhance the opportunities available for his people. I would commend to my colleagues the following newspaper article, which appeared in the Neshoba Democrat in Philadelphia, Miss., Mr. York's hometown. The article enumerates the many accomplishments and honors of Mr. York during his lifetime:

CHOCTAW LEADER EMMETT YORK DIES; FUNERAL SET THURSDAY

Funeral services for Emmett York, 68, former chairman of the Choctaw Tribal Council, will be held Thursday at 11 a.m. in the Tribal Facilities Building on Pearl River Reservation.

Mr. York, who was Tribal chairman until two weeks ago when he did not seek another term because of ill health, died Monday morning in St. Dominic's Hospital in Jackson.

The body will be taken to the Tribal Facilities building from McClain-Hays Funeral Home on Wednesday at 11 a.m. Burial will be in Phillip Cemetery.

Indian leaders from across the nation and officials of the Bureau of Indian Affairs were expected to attend the funeral.

A nationally-recognized Indian leader, Mr. York last December received the Indian Leadership Award, the highest presentation of the Bureau of Indian Affairs. The citation was signed by Louis R. Bruce, commissioner.

In 1967, Mr. York was named one of America's Outstanding Indians.

Mr. York was also chairman of the United Southeastern Tribes and was responsible for the organization and development of that group. Named to Personalities of the South, Mr. York was also a delegate to the National Congress of American Indians; board member of the Southeastern Indian Anquities Association; and a board member of the East Central Mississippi Development District.

The Indian Leadership Award was presented ". . . in recognition of years of outstanding leadership and your invaluable contributions to the Mississippi Band of Choctaw Indians.

"During the past 22 years of service to the Choctaw Tribe of Mississippi, you have served in all official capacities up to and including the Chairmanship, the position you presently hold.

"You have worked progressively, conscientiously, and devotedly to improve the educations, social, economic, and emotional wellbeing of your people.

"As a leader of the Choctaw people, you participated with Bureau and tribal personnel for the construction of the Choctaw Central High School.

"You have been a strong proponent of the addition of the vocational-technical school to the present high school.

"In the area of economic development, you were successful in obtaining the services of a young Choctaw educator as an Economic Planner. You were active in the organization of the Choctaw Land Development Enterprise.

"You strongly promoted an active land purchase program to provide an adequate base for future economic growth of the tribe. You sponsored the planting of timber on unused tribal lands and promoted timber stand improvement to increase forestry yields.

"Your interest in economics and youth is well illustrated by your support of the 4-H Club. You have served as an outstanding example in the field of arts and crafts. You actively sponsored numerous projects to give your people a fair code of tribal law with tribal police and tribal judges.

"For these and many other contributions you have made toward the advancement of the Choctaw Indian people, it is a pleasure to present to you the Indian Leadership Award of the Bureau of Indian Affairs."

Mr. York is survived by nine daughters, Mrs. Linda Rohbach of Pomona, Calif.; Mrs. Evelyn Wickson of Chicago, Ill.; Mrs. Shirley Kile of Redwood City, Calif.; Miss Gloria York of the University of Minnesota; Mrs. Dessie Willis, Miss Stella York, Miss Marjorie York, Miss Joyce York and Miss Laurine York, all of Philadelphia.

Miss Laurine York is the new Choctaw Indian Princess, having been chosen two weeks ago at the Indian Fair.

Three sons also survive, Theodore York of Pomona, Calif.; Marlin York of Philadelphia and William York of Montgomery, Ala.; 17 grandchildren; two great-grandchildren; two sisters, Mrs. Eunice Ison of Claremore, Okla.; Mrs. Eddie Siebert of Los Angeles and a brother, Baxter York of Philadelphia.

VOTING RIGHTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. STOKES. Mr. Speaker, on June 30, 1971, my own State of Ohio became the requisite 38th State to ratify the 26th amendment to the U.S. Constitution. This amendment, as you know, lowered the minimum voting age from 21 to 18 in all elections.

Last year Congress passed a bill, extending the Voting Rights Act of 1965 until 1975, simultaneously lowering the voting age to 18. The President signed the law, but indicated his doubts as to the constitutionality of Congress' lowering the voting age. The Supreme Court agreed on December 21, 1970, in Oregon against Mitchell when it said that Congress could lower the voting age for Federal, but not State or local, elections. In response to this, on March 23, 1971, the House of Representatives passed House Joint Resolution 223, the proposed amendment which was subsequently sent to the State legislatures.

In Cuyahoga County, Ohio, the amendment's passage resulted in 80,000 potential new voters. Of this number 60 percent or 48,000 people between the ages of 18 and 21 reside in Cleveland proper. And between 24,000 and 25,000 of the new voters are black.

If the figures for other major cities of the country approach this estimate, and I am sure they do, the face of our national political scene could change radically by the next election. If we can convince the young people of the dire need for their participation in the political process, the politics of the 1970's might be very different from those of any preceding decade. It is conceivable that, with a real commitment on the part of millions of new young voters, an energy could be injected into our political system that has been absent for years.

Mr. Speaker, there are potentially 11.5 million new names to be added to the voting rolls. Our job is to convince these millions of young people that voting is worth the time and trouble it takes to cast a ballot.

Part of our task will be to either facilitate the process of voting by absentee ballot for young people in college or to make it legal for college students to vote in the towns and cities of which they are virtually residents for at least 4 years while attending college.

And, Mr. Speaker, I think all of our districts could profit by examining the voter registration drive that preceded the election for a nonvoting delegate to Congress from the District of Columbia. As each of us saw for ourselves, the District of Columbia Board of Elections did a magnificent job of bringing voter registration to the people. Washington residents were encouraged to register in their supermarkets, in department stores, in the colleges, in their churches on Sundays, at football games, in banks, in the District of Columbia jail. The Blackman's Development Center ran a door-to-door registration drive. In addition, each police precinct was opened as a registration center, with policemen serving as registrars. Prior to its next election, the District of Columbia Board of Elections plans to use public libraries as registration centers, and librarians will be sworn in as registrars. This intensive campaign produced overwhelming results in the last election. Out of 350,000 potential voters, 75 percent, or 260,234 individuals, registered. On election day 33 percent of the total electorate and 45 percent of those registered, or 116,946 persons, showed up at the polls.

Mr. Speaker, if we can ease the registration process, we will have taken giant steps toward bringing our young people into the political processes of our country. But even if every single young adult registered, we could not force them all to the polls. The only thing that will bring young voters out on election day will be each individual's awareness of the importance of his participation.

Our young citizens who have just been given the vote hold the seeds of change in their hands. The young people who want, so desperately, an end to the war can elect men and women willing to carry their mandate to Congress. Young black Americans who wish to see proportionate black representation in Congress and in the governing process, can accomplish this end with the vote. And young people who share the desire for a redirection of our Nation's course can be instrumental in determining new priorities.

A TRIBUTE TO VINCENT McKENNA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. EDWARDS of California. Mr. Speaker, Vincent McKenna, the first president of United Auto Workers local 560 in the Bay Area, will be honored later this month, August 25, on the occasion of his retirement. I feel that notice of Vince's achievements should be taken by those of us here in Congress. Vince has always taken an active part in labor activities, serving as president and secretary-treasurer to the UAW Local 560 for many years. In addition to this, he has served on the charter and the planning commissions in San Jose and has been active in the St. Vincent De Paul Society. He has worked through the Santa Clara County Community Welfare Council in addition to his activities in religious and charitable organizations. The United Fund has also benefited from Vince's dedicated energy. While there is no tribute that we can give Vince that could possibly match his sense of achievement and fulfillment, I feel that his way of life is an example for all of us to follow. Vince is living proof that you have the time and energy to do whatever is necessary and that the most rewarding life is the life that is dedicated to your fellow men. We would have a better world if more of us would follow Vincent McKenna's example.

CROSS-FLORIDA BARGE CANAL NOT TO BE RESURRECTED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. YOUNG of Florida. Mr. Speaker, on January 19, President Nixon called a permanent halt to further construction of the controversial Cross-Florida Barge Canal to prevent further damage to Florida's ecology and to preserve the State's water supplies.

Since then, canal advocates have kept tossing up smoke screens in a futile effort to resurrect the big ditch by saying that the termination may be reversed or that work is continuing.

Only last week we were told, in approving the Public Works appropriations bill for fiscal year 1972, that the House Appropriations Committee "has soundly recommended continued funding of the Cross-Florida Barge Canal. A budgeted amount of $3,750,000 and $350,000 available from carryover funds will provide $4,150,000—sic—for work on the one-third completed project."

However, the committee's report 92-381 says quite clearly:

> The Committee recommends the budgeted amount of $3,750,000 which together with $350,000 available from carryover funds, will provide a total of $4,150,000 (sic) *to complete work on four existing contracts and terminate work on two other contracts.* The Corps shall have flexibility, within the amount budgeted, to make such adjustments and to take such settlement actions as may be appropriate in connection with the project.

Quite clearly, then, the committee recommended, and the House approved, $3,750,000 in new funds and $350,000 in carryover funds—a total of $4,100,000, not $4,150,000—to complete work on existing contracts so that the canal will be left in a safe condition.

The House did not approve funds for any "new" work, but rather to complete work at the following sites:

First. Inglis dam and spillway.

Second. Bank protection work.

Third. State Route 40 bridge.

Fourth. Inglis bypass channel.

Fifth. Restoration work in area of two terminated contracts.

Sixth. Supervision and administration applicable to work.

The Army Corps of Engineers reported that this work is being continued "solely because it is necessary to leave the affected areas in a safe condition or mitigate adverse environmental effects. Continuation of these contracts does not represent resumption of the canal project which was permanently halted by President Nixon."

To help put the issue at rest, I also submit for the consideration of my fellow Congressmen and to clarify the record, a letter from the Assistant Director of Civil Works for Atlantic Divisions, Col. Frederick F. Irving:

JULY 30, 1971.

Hon. C. W. BILL YOUNG,
House of Representatives,
Washington, D.C.

DEAR MR. YOUNG: This is in reply to your telephone request regarding the amount of funds in the Fiscal Year 1972 Appropriation Bill, as passed by the House, to be applied to the contracts in the process of terminating work on the Cross-Florida Barge Canal.

As you know, in the orderly process of terminating work on the project, four existing contracts will be continued and two contracts will be terminated. The amount of $3,750,000 in the bill will be applied as follows:

Inglis Dam and Spillway	$1,258,600
Bank Protection Work	456,000
State Route 40 Bridge	786,000
Inglis By-Pass Channel (to be completed with available funds).	
Restoration Work in Area of two Terminated Contracts:	
Dunnellon Railroad Bridge Restoration	665,000
Engineering and Design applicable to above work	284,400
Supervision and Administration applicable to above work	300,000
Total	3,750,000

Sincerely yours,

FREDERICK F. IRVING,
Colonel, Corps of Engineers, Assistant Director of Civil Works for Atlantic Divisions.

Scientific evidence continues to pour in upholding the wisdom of the President's decision. People from Florida and across the Nation have hailed his action in halting the Cross-Florida Barge Canal, a project of marginal economic benefit and of no military value in a day of nuclear rocketry.

The Congress and the American public must not be led to believe that the administration is going ahead with a project that would do irreparable harm to the natural resources of our State.

BE FAIR WITH LOCKHEED

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. KEATING. Mr. Speaker, now that the Lockheed legislation has been approved, I believe it is in order to call for close scrutiny of Lockheed's relationship with the Federal Government and with the various Federal agencies which deal with Lockheed.

I continue to be of the opinion that the Lockheed legislation is basically unfair to other aerospace firms and I would urge close supervision of the award of contracts and revision of contracts with Lockheed by various Government agencies.

The Government now has a vested interest in Lockheed which is much more tangible than employment effect or general economic impact. I, for one, am fearful that the Federal Government may try to protect its vested interest by favoring Lockheed in other transactions. To my mind this would compound an already regrettable situation.

In urging objective action on the part of executive agencies, I realize that I am subjecting this body to the charge of demanding that these agencies "do as we say, not as we do," but some objectivity must remain in the relationship between the Federal Government and Lockheed.

ENVIRONMENTAL PROTECTION AGENCY LISTING

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. DINGELL. Mr. Speaker, on July 16, 1971, I placed in the CONGRESSIONAL RECORD the text of a letter I had received from the Environmental Protection Agency listing several firms which are represented on the National Industrial Pollution Control Council and against which pollution abatement proceedings were pending.

I have now received a letter from the Department of Justice listing the names of firms represented on the National Industrial Pollution Control Council against which civil or criminal proceedings are pending for violations of the 1899 Refuse Act. I would like to share this information with my colleagues and, therefore, I insert the text of the Department of Justice's letter at this point in the CONGRESSIONAL RECORD:

DEPARTMENT OF JUSTICE,
Washington, D.C., July 13, 1971.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Fisheries and Wildlife Conservation, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DINGELL: The Environmental Protection Agency transmitted to the Department of Justice your letter of June 9, 1971, requesting the names of companies presently subject to pollution abatement proceedings whose employees are members of the National Industrial Pollution Control Council.

The following companies have civil or criminal proceedings pending against them for violations of the 1899 Refuse Act, 33 U.S.C. 407.

Civil proceedings are pending against the following:

1. E. I. DuPont de Nemours and Company.
2. Weyerhaeuser Company.
3. Allied Chemical Company.
4. United States Steel Corporation (Four separate actions).

5. Republic Steel Corporation.
6. National Steel Corporation.
7. Armco Steel Corporation.

Criminal proceedings are pending against the following companies:

1. Union Carbide Corporation.
2. Atlantic Richfield Corporation.
3. Ashland Oil and Refining Company.
4. General American Transportation Company.
5. Goodyear Tire and Rubber Company.
6. Continental Can Company.
7. Chrysler Corporation.
8. E. I. DuPont de Nemours and Company.
9. United States Steel Corporation (Three separate actions).
10. Republic Steel Corporation.
11. Inland Steel Company.

Under the Guidelines for Litigation under the Refuse Act Permit Program, United States Attorneys are authorized to initiate any action, civil or criminal, referred to them for litigation by the District Engineer of the Corps of Engineers or the Regional Representative of the Environmental Protection Agency. Since the United States Attorneys only file monthly reports on actions initiated, the foregoing list represents actions pending as of May 31, 1971.

Sincerely,

SHIRO KASHIWA,
Assistant Attorney General.

MAKING AMERICA BETTER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BROYHILL of Virginia. Mr. Speaker, I should like to call the attention of my colleagues to a commendable effort on the part of the Northern Virginia Board of Realtors to motivate young people to think and write about their country. With the conviction that the greatest possible asset to our country is our youth, they felt today's young people would have a lot to say about how to make America better, so sponsored a contest in which students enrolled in the 11th and 12th grades in high schools in Alexandria, Arlington, Falls Church, and Fairfax were invited to participate by submitting writings entitled, "Dialogue on Making America Better."

The winners, based on merit of their ideas, originality, and self-expression were: first place, Miss Debi Sanders of Robert E. Lee High School in Springfield, who received a $1,000 scholarship and all-expense paid trips to the Virginia Association of Realtors State Convention and the National Association of Real Estate Boards Convention, where she is to present her paper at their Make America Better breakfasts; second place, Miss Judith Raine Baroody of Annandale High School, who received a $500 cash award; and third place, Miss Evelyn A. Buck of George Washington High School in Alexandria, who received a $300 cash award.

As I believe all our colleagues will be interested in hearing the ideas which have brought Miss Sanders this high honor, I insert her essay at this point in the RECORD:

MAKING AMERICA BETTER—MAB-SQUAD IN ACTION

We can Make America Better. The youth of our country, nurtured on the ideas of freedom and individual worth, have the ability to work and improve our society. I propose a two part program: The first consists of shortening, and changing the emphasis of, the present high school system. Its purpose would be to prepare the whole person for living in our society. The second phase is the formation of a Make America Better Squad, a two-year program after high school. It would be different from current federal and local programs and go much further in actually helping to improve the quality of American life. Upon completion of school and service with MAB, the young adult would have prepared himself in a certain skill, become confident of his purpose as an individual, and receive the inner satisfaction that he has helped to Make America Better.

Exactly what needs to be changed within the present educational system? Basic academic courses still need to be taught, such as a general background in American and world literature and history, as well as the maths and sciences with an emphasis on their practical application. Survey courses in a variety of fields should be included to give an awareness of the many possibilities life has to offer. Classes in human relations, family planning, sociology, and psychology, would teach students how to get along with others in our world.

As there would as yet be no classes for specialization, high school could be shortened by one year. A student would be able to really get into life (when he participates with MAB) before his education is over. After his term with the Squad, he could either go to college or begin a job. The fact that the two-year break occurs before the college-bound student has begun academic specialization would offset the interruption of his education. Those unsure of what they want to do with their lives would be given the chance to explore before having to make a final decision. Students who know what line of duty they want to follow will receive invaluable training in the Squad. High school should be changed from a preparation for college to a preparation for life.

How would the Make America Better Squad operate? The high school graduate would choose how he wants to help from among a limitless number of possibilities. He would spend the first few months training in this skill and the remainder of his two years using it to serve America. Possible services range from the military to carpentry, from clerical to conservation work, from teacher or hospital aides, to any other area the young person might elect.

In both rural and urban areas, these skills could be put to use in neighborhood centers. Local people would go there for information on new farming methods, better homemaking procedures, and general advice on how to improve their daily lives. Squad members could offer consumer advice, employment help, and operate child-care facilities. Clerical help would be needed for the administrative part of the center.

Those who want to help with conservation could work in national parks preserving our wildlife or restoring land that has been ravaged by man through strip mining and by nature through storms and erosion. Our improved society will need an improved country in which to expand, work, and live.

Carpenters, plumbers, and electricians could help people rebuild their homes so that they become decent places in which to live. Along with the other MAB Squad members, they would not only work for people but would teach the skills they know

Hospitals and schools cry that they are understaffed MAB could supply volunteers to ease their work loads and provide individual attention to patients and students.

Whatever interest a teenager might have could somehow be used for the betterment of America. Journalists and public relations people could let everyone know about the services the MAB Squad is able to render them. Those interested in politics could receive firsthand knowledge of our government if a politician let them assist him in his work. Aspiring lawyers could work with graduate lawyers and collect information on the ways some laws take unfair advantage of some impoverished people. The MAB Squad could find a use for everyone.

But what about the practical aspects of MAB? How will it be financed and where will the Squad live?

MAB would eliminate and combine various governmental programs and thus eliminate a great deal of money spent on administration. The government would support this practical education of America's youth as it now supports schools. As the squad is trained and in turn trains others, money spent on welfare would greatly diminish. The military would finance part of MAB, as it would be one of the options. Industry would be encouraged to lend its support; it would receive tax deductions, train possible future employees, and invest in a better and, therefore, more prosperous America.

Squad members would have several choices for living accommodations. They could live in their own homes, in dormitories built alongside the neighborhood centers, or in barracks in the national parks. Some teenagers might want to live with the people they are helping. Exchange programs between families who have MAB members could be initiated to allow teens to live in different parts of our country.

MAB Squad members would receive adequate salaries, perhaps minimum federal wage. They would be given their food (perhaps some government surplus?), housing in some cases, and training in a field of their choice. The improvement of their inner beings and a better world in which to live would be fringe benefits. They will have achieved dignity as individuals and confidence in their ability to accomplish a worthwhile purpose: hold a job, attend college, head a family, and make a significant contribution to our country. And America will be better.

LEST WE FORGET

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MILLER of Ohio. Mr. Speaker, in a land of progress and prosperity, it is often easy to assume an "out of sight, out of mind" attitude about matters which are not consistently brought to our attention. The fact exists that today more than 1,550 American servicemen are listed as prisoners or missing in Southeast Asia. The wives, children, and parents of these men haven't forgotten, and I would hope that my colleagues in Congress and our countrymen across America will not neglect the fact that all men are not free for as long as one of our number is enslaved. I insert the name of one of the missing:

CWO Dennis K. Eads, U.S. Army, 552–66–0633, Prophetstown, Ill. Married. The son of Mr. and Mrs. Clarence Eads. 1968 graduate of Canton Community College, Canton, Ill. Officially listed as missing April 23, 1970. As of today, CWO Eads has been missing in action in Southeast Asia for 467 days.

CIVIL DEFENSE GAP? PERSPECTIVES ON SOVIET DEVELOPMENT—PART 1

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BOB WILSON. Mr. Speaker, I would like to address the House on a subject which has been of great concern to me for a considerable time both as an individual citizen and as a member of the Armed Services Subcommittee on Civil Defense. While a storm of dispute continues to rage around the funding and deployment of MIRV and the antiballistic missile system, there can be little question as to the necessity of protecting our country through an effective and humane civil defense program.

It has been the fate of great nations in the past to neglect their own self-defense and to fall victim to the rising ambitions of other nations. I fear that we may be faced with a similar situation today. I would like to illustrate this point by drawing from an editorial which appeared in the January–February issue of Survive magazine—volume 4, No. 1, 1971. It is entitled "The Thousand-Year Night" written by John C. Leary.

I include this essay as a portion of my remarks:

THE THOUSAND-YEAR NIGHT

Prior to the Punic Wars, ancient Carthage, which also had luxury standards of living, failed to provide an adequate defense against Rome, and did not survive.

Carthage was an affluent society which persistently deluded itself about Roman intentions or glossed over Rome's capabilities. Carthage grew bored with the cold war of its own era; it became impatient with its raucous allies; it failed to sustain its great general, Hannibal, who perceived the threat clearly.

Across the Mediterranean, an old Roman senator ended all of his speeches with the words "Carthago delenda est," which translates as "We will bury you."

The Carthaginians, however, preoccupied with business-and-pleasure-as-usual, refused to believe that Senator Cato really meant what he said.

And so their civilization was swept into the dustbin of history.

Rome, in her turn, arrogant in her splendor, entertained with bread-and-circuses, did not survive the challenge of the Vandals and Visigoths.

Neither Roman law nor Roman architecture held back the barbarian horde. Nor did Rome's gross national product protect her. The Vandals had no gross national product whatsoever. They had weapons, will power, leadership and what, to the Roman civilization, must have seemed an "irrational" lust for conquest.

Is Roman history irrelevant to the space age?

We will soon be celebrating the 200th anniversary of the birth of the American experiment with liberty and opportunity.

Looking backward in the context of national defense we may conclude that America, alone of the great powers, has been incredibly fortunate in its geography.

And that fortune has created a dangerous illusion—the notion that war is an abnormal phenomenon.

Throughout most of our history, except for the past quarter of a century, we have been isolated from the direct shock of war by our great ocean moats and the shield of the British Empire.

So protected, we have devoted most of our energies to the taming of a continent and the improvement of our internal economy.

So protected, we have regarded peace as the "norm" and war as "unnatural." We have known no tragedy on our own soil since the civil war. Even World Wars I and II were "limited" wars, from the American viewpoint, since our factories and homes enjoyed sanctuary from enemy attack.

Now America, the first classless democracy to shoulder responsibility for world stability, stands cheek-to-jowl with the great powers of the vast Eurasian land mass. Unfortunately, abstract idealism finds echoes today in the voices of those who cannot discern the differences between the power grabs of the communist grants and the reactive foreign policy of the United States on behalf of communist victims. Most American civilians still prefer to ignore the unpleasant realities of defense. In our collective subconscious, we have agreed that we "aint's gonna war no more."

* * * * *

A nation that faces, as we do now, the possibility of nuclear war, must look beyond the immediate dislocation to the very continuation of its governmental system. Thus, we must not merely prepare for the survival of individuals but also the survival of our democratic system.

To insure that, the pre-war government has an obligation of highest priority to be certain that everything is done to preserve the post-war population's confidence in government. It is obvious that, in the case of nuclear war, confidence would be shaken to the point of anarchy if no or inadequate provision had been made for civilian defense.

The harm which any weapon can cause can be diminished by suitable protective measures. This applies to nuclear weapons. The questions to which we seek answers are, therefore, not whether protection against nuclear weapons is possible, but how such protection can be established, and how effective the protection can be. In the language of the social scientist, our inquiry is directed toward the costs and rewards of civil defense.

On the other hand, there must be a case for minimizing our defenses against nuclear attack, because opposition to nuclear defense has been powerful in three administrations. Despite the fact that he has identified himself as a proponent of both fallout protection through civil defense and the thin ABM system, Ex-Secretary of Defense McNamara is the main architect and advocate of the argument against nuclear defense. It is officially called the doctrine of "assured destruction." Others call it the "balance of terror." It might also be called the "doctrine of assured vulnerability." The theory says that peace between the two great nuclear powers is best kept by assuring the capacity of each to destroy the other.

The question remains as to why this nation, unlike the Soviet Union, finds civil defense—protection of people at home and at work—a controversial and unappetizing undertaking.

Civil defense is a basic factor in the deterrence equation. That is, a potential enemy is apt to refrain from attacking us if he knows that we can absorb the blow by sheltering the population.

Further, a nation that offers its people physical means of protection can stand up more resolutely to "nuclear blackmail" and other threatening maneuvers in the international area.

Either we create for ourselves, by serious study and forceful speaking-out, a healthy climate of opinion which supports a bi-partisan civil defense effort and an ABM policy, or the tides of political warfare wash away our civilization. Indeed, if America should ever be pushed into a corner by Soviet power and propaganda, isolated from her allies, divided against herself, the epitaph on her tombstone might well read:

"Here lies the only civilization which perished at the peak of its power, with its power unused.

"Here lies a decent people who wanted love, not Empire, and got neither; who tried to trade power for popularity and lost both.

"Here lies a nation of advertisers who knew how to change consumer tastes in cigarettes, but were themselves manipulated on all the issues that really mattered to their salvation and survival.

"Here died a sort of Lancelot in the court of nations who, granting all his grievous flaws, was still somehow the noblest knight of all; except this Lancelot, crippled with an undeserved guilt complex, let his weapons and ideals fall unused, and so condemned all mankind to 'the thousand-year night.'"

It was on October 4, 1957, that the Soviet Union first made us aware of its progress in the field of space exploration with the successful launching of sputnik. More recently, a less spectacular but nonetheless significant advance has been made by the Soviets in the area of civil defense. It is my intent to bring to your attention today some of the aspects of the Soviet civil defense program and to discuss what possibly may be a civil defense gap in the United States. First, let me note my source.

The "Soviet Civil Defense Handbook" was made available to me by the Oak Ridge National Laboratory which translated the original Russian text into English. It is their opinion, after researching this subject, that too little attention has been paid to the Russian civil defense program. They point out that in time of crisis the Russians could implement their city evacuation plans and thereby greatly reduce the effectiveness of our deterrent. I would like to highlight several important aspects of the report.

In the past, the United States has often been surprised at the technological achievements of other countries. As I noted before, the unexpected launching of the sputnik in the late 1950's resulted in a great uproar of publicity and sensation in this country. Unlike sputnik, the developing Soviet civil defense program has failed to arouse the imagination and concern of Americans. This is unfortunate. Multilateral disarmament is the desirable objective but until such a goal is reached, let us look to the safety of Americans in the urban, suburban, and rural areas.

We have much to learn from this report. It will help us to place civil defense in its proper perspective by understanding the Soviet attitude toward defense and by facing up to our responsibilities in this area. In essence, this handbook presents the Soviets' point of view on civil defense, the reasons behind their extensive preparations and their means and methods of implementing these goals. This handbook can be looked upon as a reliable account as, according to those who prepared the translation, it has the high endorsement of Soviet authorities. I would like to note a description of the Soviet civil defense system to place the handbook in perspective. It follows:

Soviet Civil Defense System

First, the Soviets have consistently put their civil defense effort within the framework of the threat of imperial aggression. This remains true today, the threat from Communist China and occasional allusions to it notwithstanding. (See Introduction, p. 2, and Chapter 1, pp. 4–5.)

Second, the civil defense program occupies an important position in the overall defense of the country. V. I. Chuykov, Chief of Soviet Civil Defense and a marshal of the Soviet Union, has admitted, "Civil defense alone is not capable of assuring the protection of the population and material resources." Such protection, he goes on to say, can be achieved only through the joint efforts of civil defense and the armed forces. But, he adds, neither is success in these areas possible without civil defense; in the event of nuclear attack, civil defense is vital to the "achievement of victory."

Third, it is important to remember that when Marshal Chuykov and other Soviets speak of the importance of civil defense, they do so from experience. There are many Russians living today who vividly remember enemy attack on their homeland during World War II. They have seen Red Square on fire and the Kremlin ablaze; they have participated in the evacuation of over 10,000,000 people and over 1300 basic industries from vulnerable areas to the interior.

Fourth, Soviet Civil Defense was given an authoritative boost at the Twenty-Third Congress, when the Central Committee of the Communist Party called for strengthening civil defense in 1966 and when the Soviet government strengthened this mandate by passing the Law on Universal Military Duty in 1967. Article 17 of this law calls for compulsory civil defense training in the grade schools, high schools, and technical schools throughout the Soviet Union. Implementation of the new law has taken place to the extent that today, by the time a Soviet school child completes the tenth grade, he has received a total of 115 hours of civil defense instruction. The publication of this 1969 handbook is a result of the continuing Party- and government-backed emphasis on civil defense.

Fifth, the entire Soviet civil defense program derives from the Soviet concept of modern warfare. Chapter 1 of this handbook explicitly describes World War III: "If the Imperialists were successful in unleashing war, it would be an armed struggle among countries of two opposite world systems—capitalist and socialist. . . . Thus, it follows that [such a war] would be waged with the widespread use of weapons of mass destruction and, above all, nuclear weapons. Such a war would encompass an enormous area and involve whole continents. Not only troops, but also centers of vital industry, transport, energy production, and communications would be subject to devastating attack. . . . Distinctions between front and rear would disappear" (p. 5).

Cities would be targeted: ". . . one nuclear explosion is sufficient to destroy a large city with a population of millions and to contaminate an enormous area with radioactive materials." And "in agricultural regions people, animals, and plants would be affected by fallout, and food products, fodder, water sources, and other assets would be contaminated" (p. 6).

Many administrative, industrial, political, and military centers, ports, airfields, mining enterprises, and other important installations could be subjected to nuclear and chemical attack, and the surrounding territories contaminated with radioactive fallout, poisonous chemicals, and bacteriological agents" (p. 9).

It is from this view of war that the rationale of the Soviet civil defense effort proceeds: If cities would be targeted, remove the bulk of the urban population into the country, providing those who would remain behind with blast shelters; if contamination from fallout, poisonous chemicals, and bacterial agents would constitute the main danger to people, animals, plants, food, water supplies, and fodder in the country, concentrate on providing protection (such as fallout shelters) from such contamination in rural areas. Moreover, confidence is expressed that civil defense will succeed. As Marshal Chuykov has pointed out, "Although the weapons we have examined are called mass weapons, with the knowledge and skillful use of modern defense measures, they will not injure masses, but only those who neglect the study, mastery, and use of these measures" (pp. iii–IV, *Civil Defense*).

From this statement several things should be clear. First, we in the United States have been fortunate enough in the past to never see enemy attack upon our homeland—a situation that many Russians once had to face. It would be truly unfortunate if we could not learn from the bitter experiences of others. I would also like to emphasize the position of Marshal Chuykov:

> Only those who neglect the study, mastery, and use of these measures . . . will face the possibility of injured masses (p. V).

They believe in their program. They believe in their ability through mass evacuation and dispersement to protect their citizens in case of nuclear attack Do we have the same faith in our programs? And, at the same time, what is the effect of such a civil defense program by the Russians on the effectiveness of our deterrent?

I would like my colleagues to consider these questions both in light of what I have said today and what previous experience suggests to them. In the following days I will place parts of the "Soviet Civil Defense Handbook" in the CONGRESSIONAL RECORD. I do this, not to advocate any particular position but to stimulate thought in an area which of late has been sadly neglected both in terms of funding and planning. I hope that others will review these excerpts and form their own conclusions regarding Soviet capabilities. The entire report, which exceeds 300 pages in length, can be made available upon request by my office.

SURVIVAL TIED TO FEDERAL AID

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. GIAIMO. Mr. Speaker, the House has proven increasingly responsive during the past year to the fiscal plight of medical and other health professions.

The subcommittees, led by the gentleman from Florida (Mr. ROGERS) and the gentleman from Pennsylvania (Mr. FLOOD), have worked hard to fashion equitable programs and appropriations to assure the stability and further progress of medical schools.

Another leader in this movement, outside the Congress, has been Dr. John A. D. Cooper, president of the Association of American Medical Colleges. A distinguished medical educator and effective spokesman for the medical schools, Dr. Cooper has been instrumental in bringing the problems and the future promise of medical schools to the attention of Congress.

A recent interview of Dr. Cooper illustrates his continuing concern with the ability of medical schools to carry out a balanced program of research and training, and at the same time to play a leading role in the evolution of health care delivery systems.

The interview follows:

[From the Biomedical News, July 1971]

Survival Tied to Federal Aid

(By Jean Wilson)

A massive transfusion of Federal funds now, and continuing into the foreseeable future, is the only way medical schools in this country can continue to survive.

This is the thinking of Dr. John A. D. Cooper, president of the Association of American Medical Colleges.

"We now have 61 schools that are in financial distress, and 29 of those schools are in severe distress . . . ," Dr. Cooper told BIOMEDICAL NEWS.

"Thirty-two of the schools are in lesser, but nevertheless serious distress," he comtinued, "and we have 102 schools. So you can see that more than 50 percent are in trouble."

"It does no good," he continued, "to have new schools open, and then have established schools close because they don't have money. This has already happened in dentistry.

"We've already had some private schools convert to state schools because they couldn't make it financially. The question is: How many more schools can the states take on when they are hard-pressed for adequate funds for all the problems that confront a state—urban housing, drug problems, ghetto problems, etc.?"

Another financial problem faced by the schools is a billion dollar backlog of construction needs which Dr. Cooper said is "growing at the rate of 1.5 percent a month because of inflation."

Bills now pending in Congress, he indicated, do not contain enough in appropriations to permit this backlog to be reduced. However, he hopes that legislation would be approved in such a way that not all funds would have to be appropriated for a particular project at one time. This, he said, would permit more starts to occur with subsequent construction proceeding adequately "with any reasonable level of appropriations."

If the Federal Government provides enough help with construction and in capitation support, Dr. Cooper continued, then the medical schools in this country should be able to achieve at least a 50 percent increase in entering class size by 1976.

"Whether we achieve our goals or not is going to depend on whether we get adequate financial support for the operating budgets of the medical schools," he stressed. "Construction is also an important part of helping us achieve these goals."

BUDGET SUM INADEQUATE

At this time, however, Dr. Cooper sees the President's budget for health manpower assistance as being drastically short of the needs. He calls the health manpower supply "the single most critical deficit facing the nation on the eve of new national health in insurance schemes for removing financial barriers to health services."

The amount in the President's budget is $540,801,000 for programs of institutional support, construction and student assistance for medical and other health training schools.

HEALTH MANPOWER GAP

In contrast, a Coalition for Health Funding made up of the AAMC and 18 other major health organizations, estimates the real need at $1,545,000,000, or a little over a billion dollars more. "This is the measure of our health manpower gap," said Dr. Cooper, who is chairman of the Coalition's steering committee.

Medical schools are in financial hot water, he said, because costs of educating medical students have now risen to about $20,000 a year per student. Most have now used up their endowments and other resources and have nothing left.

RESEARCH GRANTS NOT SOLUTION

While Dr. Cooper said he believed the Federal Government must greatly increase its support of medical education, he does not think that it should support it by giving research grants to professors on medical school staffs. We do not feel it prudent to trade the education of physicians for biomedical research," he said. "We need both, and the trade-off would be a very short-sighted solution to some of the many problems of biomedical research support."

Only about $2.5 billion of the national $70 billion health budget is spent for such research, he said, "which is at a level below that we think is wise to advance knowledge."

CANCER PROGRAM

The proposed expenditure of $100 million in the field of cancer research is good, he stated, but should not be isolated from the rest of biomedical research.

Dr. Cooper also warned that "an unfortunate misconception apparently is developing that the mere injection of additional Federal cancer research funds will produce somehow an instant cure for cancer. We are concerned that the frustration of public expectations . . . may generate a backlash that will seriously harm our entire research effort. We must not deceive [the public] by overpromising quick or spectacular results."

VARIED FACULTY NEEDS

Dr. Cooper said that there will be a continuing need on medical school faculties for both the basic research scientist and the physician interested in the more clinical side of medicine. He expects a "much broader spread of attributes in medical school faculties" in the future.

Students, he added, are becoming more interested in the "primary care" fields of medicine. But he stressed that the need for specialists continues unabated. "Have you ever tried to get an appointment with an opthalmologist?"

CLASS MAKE-UP CHANGES

He also sees a change in the make-up of medical school classes, as well as the size, with an increasing number of racial minorities and women represented.

Howard Manly, who is assistant director of the Division of Students and project Director for the Office of Economic Opportunity grant, predicted that 1,200 blacks would enter medical school this September. This compares with 697 in 1970, 440 in 1969 and 266 in 1968, the year the first "push" was on to get more blacks into medical school.

Mr. Manly said that "unfortunately" he had no figures on the drop-out rate of this group, although he expected to know the attrition rate of the 1968 class next year. He admitted that there were some problems in that blacks often attended inferior secondary schools and colleges where "rote" was stressed over concepts.

However, he and Dr. Cooper both mentioned that the new styles of "flexible" schooling in many medical colleges helped solve this situation by starting each student "where he is," and by providing tutorial help to minority students when needed.

A move to accelerate the pace of medical education already is underway. In 25 medical schools, some part of the class can now accelerate and finish in less than the traditional four years.

Nine colleges now offer a combined six-year pre-med and medical education course. They are Albany, Boston U., Johns Hopkins, Jefferson, Missouri, Kansas State, Northwestern, Massachusetts State, and Oregon.

NO PANACEA

While Dr. Cooper says that these measures to quickly increase the supply of physicians are important, they will not prove a panacea for the health manpower shortage.

"The most critical need," he said, "is to revamp and restyle the health care delivery system to make more use of the health professionals, in which you assign responsibility in keeping with their training."

"The final health care system has not been developed," he asserted, "but it will involve a health care team," including many others besides physicians.

NEW DIRECTIONS AT THE BUREAU OF INDIAN AFFAIRS?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. FRASER. Mr. Speaker, profiles of the Bureau of Indian Affairs appeared in the Minneapolis Tribune and the Washington Post this past weekend. Both papers focused on the efforts of young Bureau activists to stir their 187-year-old agency out of its traditional lethargy.

I am including the two articles at this point in the RECORD:

[From the Minneapolis (Minn.) Tribune, Aug. 1, 1971]

JOB SHIFTS ANNOY INDIAN ADMINISTRATORS

(By Frank Wright)

WASHINGTON, D.C.—The Nixon administration is clamping down on the small band of aggressive young reformers it recruited with great fanfare last year to revitalize the Bureau of Indian Affairs (BIA).

The reformers, most of them Indian themselves, are in turmoil.

Ten days ago Secretary of the Interior Rogers C. B. Morton started the controversy by announcing the creation of the post of deputy commissioner at the BIA; installing in it a veteran of previous BIA regimes, John Crow; and telling him to take over internal operations with a grant of power equal to that of the commissioner, Louis Bruce.

In his first week on the job last week, Crow:

Effectively downgraded two of the most outspoken reformers, both of them Indians from the Upper Midwest.

One is Ernie Stevens, 39, an Oneida from Wisconsin, who had been serving as acting associate commissioner for education and programs. The job, which had ranked second only to the commissioner's, was eliminated. Stevens reverted to his permanent post as director of community services, where he oversees housing, welfare and other social aid programs—and reports now to Crow rather than to Bruce.

The other Upper Midwesterner is Leon Cook, 32, a Red Lake Chippewa from Minnesota, who had been serving as acting director of economic development and had been running that program. He has been replaced by William Freeman, who has carried the title of economic development director but who was on special assignment as an assistant to the commissioner. Cook reverted to his permanent post as deputy director of economic development—where he now reports to Freeman.

Took control of the bureau's most important efforts by ordering that all funds for Indian tribes and other Indian groups, all directives to BIA field offices, all press releases, all correspondence with "policy implications" and all high-level personnel actions be cleared through the office of the deputy commissioner.

Crow and Interior Department officials said in interviews last week that the changes were designed to retain the innovativeness of the 15 or so newcomers brought in last year in the upper echelons, tighten up on somewhat slipshod administrative practices that were largely the result of inexperience and overeagerness and, in the long run, better enable the bureau to carry out President Nixon's policy of giving Indians a greater role in determining their own destiny.

Many of the reformers don't see it quite that way. Expressing perhaps at least in part the red man's historical suspicion of the white man who has done him in so often, they charged that the appointment of Crow was a step back toward the old day of "administrative paralysis" when they say, the bureau often seemed to care little about the Indian and did less.

Crow's selection stems from a management study of the BIA ordered by Morton early this year, shortly after he succeeded Walter Hickel.

The 30-day study was conducted by a five-man team of federal officials headed by Edward Preston, assistant commissioner for administration at the Internal Revenue Service.

One of its major recommendations was appointment of a deputy commissioner to tie together administrative strings at the BIA. Apparently no one, including the reformers, objected to the idea.

Initially, all hands agreed that the best man for the job was Preston, who had headed the study. He reportedly was interested but never made it. According to one story, he has Democratic connections that made him unacceptable to Mr. Nixon's Republican colleagues at the White House.

Bruce, according to several sources, then expressed a preference for William Schlick, BIA agency superintendent at Yakima, Wash. Schlick is regarded in Washington as a neutral in the infighting between reformers and old-line BIA personnel who want to retain much of their old power over Indian programs rather than turn it over to the Indians.

But Harrison Loesch, assistant secretary of the interior for land management, and the man who oversees the BIA, wanted Crow.

Loesch being Bruce's superior, Crow got the job.

Crow, 59, is a one-quarter Oklahoma Cherokee who has a long history of prior service in the BIA, including duty as superintendent of a number of reservations and as deputy commissioner and acting commissioner during the early and mid 1960s.

Since 1966 he had been associate director of the Bureau of Land Management in Interior.

Loesch said in an interview last week that he backed Crow because he was a "proved administrator who knew BIA and could get his hands on the reins real quick."

Bruce, Loesch said, will continue to function as an "interpreter of policy" and as a "front man." The commissioner, Loesch said, is "a helluva fella but no administrator."

Bruce, 65, is a member of the Oglala Sioux tribe of South Dakota and was a New York dairy farmer before being named commissioner in 1969. He has worked hard to implement self-determination and is regarded by the young BIA reformers, many of whom he recruited, as slowly gaining a degree of respect from tribal Indians but who often lacks clout in Washington.

The reformers say they fear that the selection of Crow will undercut Bruce and that there now will be "two commissioners."

They also note with concern that Crow is the second BIA veteran to be restored to a position of influence since Morton became Secretary.

The first was Wilma Victor, a 27-year career educator in the BIA. She lost out in a bid for the top education job under Bruce last year and wound up in the Phoenix, Ariz., BIA area office. Miss Victor had become particularly controversial when charges of brutality and racial discrimination were raised against the BIA's Intermountain Boarding School for Navajo students in Utah while she was superintendent there in 1970.

Miss Victor, 51, who reportedly has known Morton since their paths crossed during World War II, came back to Washington in March as his special assistant for Indian affairs.

According to a report by the American Indian Press Association, she was so jubilant over Crow's selection that she went to the Washington headquarters of the National Congress of American Indians to announce his appointment personally.

The Congress is the largest organization of Indians. It had complained earlier that it was not being consulted about the proposed appointment of a deputy commissioner.

Leo Vocu, executive director of the Congress, had issued a statement accusing the President of breaking faith with the Indians and failing to recognize "our rightful role in the decision-making process that will affect our lives."

The statement said Indians were "tired" of being given "rhetoric" about self-determination while administration officials "secretly push through this reorganization and appointment."

By week's end Crow had settled into Steven's old office next door to commissioner Bruce and was telling reporters that the reformers' fears "are groundless."

[From the Washington Post, Aug. 1, 1971]

UPRISING IN THE INDIAN AGENCY: THE BRAVES VS. THE BUREAUCRATS

(By William Greider)

As bureaucrats, they are a shaggy bunch, incautious and irreverent toward the accepted behavior in government, downright subversive toward the traditional slumber of their own agency—the Bureau of Indian Affairs.

Alexander McNabb, director of operating services, speaks with pride of a $40,000 contract he approved to help start a new newspaper on the Navajo reservation, a publication that attacks white traders, reservation officials and government agencies, including the Bureau.

"The green eye-shade boys," as McNabb calls the Interior Department's auditors, "really flipped over that one. They said it was the worst contract they'd ever seen."

Ernest Stevens, the Bureau's director of community services, talks contemptuously of the Bureau's relocation program, over which he now presides.

"Can you imagine what would happen if the federal government set up a program to ship blacks to Los Angeles? Yet they're doing it with Indians," Stevens said. "If you want to figure out where the Indian militants and activists are, look at Chicago, Denver, Los Angeles, San Francisco, Minneapolis. Those are all cities, where the Bureau has 'destination officers' for the relocation program Indians are enticed to the cities, then they get fed up with what happens to them."

Stevens' modest proposal for changing the relocation programs involves turning over the job-training and social services to, of all people, Indians.

F. Browning Pipestem, 27, a lawyer who is nominally a deputy in the Bureau's "legislative and tribal relations office," actually spends his time on legal research to support new policy. He recently discovered a buried legal opinion written by Interior lawyers 25 years ago, which supports Indians in their current demands for "Indian preference" in the Bureau's promotion system.

"You find all kinds of crazy things," Pipestem said. "The Bureau has the best welfare system in the country. It can provide 100 per cent of need, only it chooses to match state levels. If Arizona provides only 65 per cent of need to its welfare recipients, BIA does the same for Indians. They say we don't want one fellow to get more than his neighbors. It's got something to do with morality and development of character. Isn't that weird? To sit there with the authority to do good and not use it?"

William Pensoneau, 25, a native of Ponca City, Okla., traveled around the country this summer surveying Bureau boarding schools under the bland title of "youth affairs planning specialist." The school administrators remember him, however, as past president of the National Indian Youth Council, a group which has bedeviled them in recent years with complaints and protests about school conditions.

Now, as a government employee, Pensoneau is drafting a model Bill of Rights for Indian students, intended to set up student grievance machinery and eliminate the periodic complaints of the past—that life in the boarding schools often resembled episodes from *David Copperfield*.

DARK AND CYNICAL

"Most kids feel they don't get a chance," Pensoneau reported. "They feel intimidated by the whole federal system. When they go into the counsellor's office, with the picture of President Nixon looking down at them, it's as though he was sanctioning the punishment. The actions of school officials reinforce the student's darkest and most cynical impression of his place in the world."

Nothing in this sampling of criticism is especially new. Indians have been saying these things about the Bureau for years. What's different is that a Micmac, an Oneida, an Otoe-Osage or a Ponca should be saying them from inside—as officials of the government agency that oversees more than 250 reservations and tribal groups from Florida to Alaska.

These four, plus a dozen or so other Indians, were placed in top positions a year ago by BIA Commissioner Louis R. Bruce, a Mohawk-Sioux, as his "New Team" to further President Nixon's stated goal of self-determination for Indians. In the turbulence and controversy which followed, they have become known colloquially as the Katzenjammer Kids, Bruce's Braves, the Dirty Dozen and other, less-pleasant nicknames.

The new Indian blood injected into the Indian agency helped create a little-noticed paradox within the Nixon administration. The BIA, long regarded as the epitome of bureaucratic stagnation, became one of the liveliest social agencies in town, full of new ideas and bitter policy fights.

Practically a running war broke out between the new activists and more conservative career people. Furthermore, although the administration continues to get bad notices for its approach to minority groups, the administration's policy proposals of "self-determination" for Indians were so progressive that it startled skeptical Indians and outflanked liberal Democrats in Congress, who like to champion Indian causes.

But the outcome is still very much in doubt. The Nixon legislative package, with its far-reaching proposals for tribal control of federal programs, has hardly moved in the Democratic Congress.

Meanwhile, inside the bureau, a year of struggling to implement the President's new policies has produced some changes, but also abundant frustration and occasional chaos. Many of the activists recruited from outside now share a sense of impending doom, the feeling that the opportunity for dramatic change has been lost to the oldliners, who know more about the rules of bureaucratic gamesmanship and the uses of political clout.

Ernie Stevens, 39, an Oneida who went from Los Angeles street fighting to community organizing to leadership in the California Intertribal Council, describes the loss of momentum this way:

"I was a guy who always stood up in meetings and burned the Bureau. I don't knock that. But it's really easy. It's a helluva different matter to remain real in a structure like this."

Far from feeling any gratitude for the opportunity, most of these young men feel they sacrificed something special by even coming to work for the Bureau: a measure of their credibility with their own people.

FEAR OF CLAMPDOWN

Even Commissioner Bruce expresses uncertainty about the future and a fear that his superiors in the Interior Department may clamp down too tightly on the spirit of reform:

"So far, they haven't gone beyond what I feel is their responsibility to the point where I would want to raise hell about it—not yet—but I might want to change my mind."

Indians have plenty of precedent for remaining skeptical about reform. An elder at the Tesuque Pueblo in New Mexico told Bureau officials:

"I have seen the thunder and lightning many times before, but I have never seen the rain."

What President Nixon proposed in his 1970 message on Indians was compatible with his stated broader objective of strengthening local government and de-emphasizing federal control. It was also something that the more aggressive tribal leaders have clamored for—Indians managing Indian affairs, especially on reservations, more community control by the people affected by federal programs, and less paternalism from white managers. Tribes would contract with the Bureau to operate the government services—schools, roads, welfare, real estate management, police and so forth. These matters are mostly handled for them now by Bureau agencies, most of which are run by white superintendents.

To convey the colonialists atmosphere of the system, Bruce likes to remind people that, in Bureau legal terms, he is categorized as an "incompetent Indian," even though he is head of the Bureau, even though he was a successful businessman and dairy farmer in private life.

25 CENTS AN ACRE

Bruce inherited an allotment of 160 acres of South Dakota grazing land from his Sioux mother. Each year a Bureau land-management official at the Pine Ridge Reservation leases it for him. "I think I could get more than 25 cents an acre if I were negotiating that lease," Bruce said.

Even so, while Indians seek more control over their affairs, they have a deep fear that someday the federal government, despite all of the treaty promises, is going to abandon them.

President Nixon addressed that fear when he renounced the old "termination policy," born in the Eisenhower administration, the notion that federal responsibility for reservations could be phased out as, one by one, tribes become self-sufficient—"free" to enter the mainstream.

"Termination" was disastrous for the few tribes who tried it. Without federal trust protection, Indian lands and resources were gobbled up by competing economic interests. For others, the policy created deep anxiety about their survival as minority cultures. "Termination" seemed to say that tribes that show economic progress will be cut loose to disintegrate.

For the past decade, the government has been trying to overcome the trauma which that period induced. The new climate is reflected by Sen. Henry Jackson (D-Wash.), Interior Committee chairman and long considered an advocate of termination. He is now sponsoring a resolution to repeal the old policy. Jackson, too, endorses "self-determination" for Indian tribes, with the promise that Indian groups will maintain their unique status as federally protected minorities.

When the Bureau set out to implement the ideas in President Nixon's new Indian policy, the result was a year of clashes—new initiatives, advanced in a free-wheeling manner that shocked the old-liners, followed by political reaction and bureaucratic retrenchment.

LIKE THE OLD OEO

In many ways, the ferment is reminiscent of the days when the Office of Economic Opportunity was cranking up its "war on poverty," advancing new ideas and occasionally developing sloppy procedures that led to controversy and political reaction. At least eight of the Indian appointees under Bruce are veterans of OEO programs and the new Indian militancy is, in part, a legacy of the Great Society's programs.

Bruce concedes that they bungled their first fundamental reform effort when they announced last December a realignment and rotation policy for the eleven area directors and 76 agency superintendents in effect, shifting all of the career men who run the programs in the field.

The idea was to breakup the "dukes and barons" in area offices, long criticized as bottlenecks blocking new ideas. The reshuffling was also intended to give tribal councils and chairmen a larger voice about the performance of their agency superintendents.

Bruce and Interior, however, failed to prepare the groundwork with the tribes and Congress and all of the regional special-interest groups that influence Indian affairs.

Rep. Carl Albert (D-Okla.), the Speaker of the House, protested the transfer of an Oklahoma area director. Sen. Mike Mansfield (D-Mont.), the Senate majority leader, complained about moving one in his state. After several months of congressional attack, the Interior Department decided on strategic retreat. The new policies, Secretary Rogers C. B. Morton announced, would be held up for further review.

Still, Bruce and others insist that the idea behind the policy proposals has survived. "The BIA personnel have become more responsive to the Indians because of this," the commissioner said. "Superintendents now recognize the fact that they might be moved. The tribal council groups, now recognize that they might move a guy. That keeps a guy on the ball, the pressure is on him."

LIST OF CANDIDATES

When the commissioner fills a superintendent's vacancy now, he submits a list of candidates to the tribe for its reaction. And he is listening to tribal complaints about the agency managers.

"Right today, I want to move five superintendents because the tribes want them moved," Bruce said. "The problem is I can't find places for those people, and they're all civil service so I can't fire them."

The area directors retain their powers, but Bruce has made some changes at that level too. When he took office, one of the 11 was an Indian; now there are five Indians and a vacancy at Minneapolis, where he also hopes to appoint an Indian.

The main vehicle envisioned for establishing Indian control, however, is contracting—agreements under which tribal officials on their own option would take over the management of Bureau services, everything from schools to road maintenance to real estate management and welfare. The President asked for broad legislation to authorize the Indian takeover process. In the meantime, however, the Bureau tried to piece together various existing laws under which they could begin contracting.

MONEY, NOT BUREAUCRATS

"The Indian people don't need 15,000 or 16,000 federal employees to take care of them," McNabb said. "They do need the federal money that was promised to them."

McNabb and others began making contracts that ripened their conflict with the career people. Some claimed they were illegal; others said they skirted the edge. In any case, they were provocative, compared with the old ways. "The birds of prey swooped in," McNabb said.

One of McNabb's controversial contracts enabled Indian newspapers to form the American Indian Press Association, which is functioning now roughly like a news service among the reservations.

Ernie Stevens, after months of controversy including accusations aimed at him, pushed through a $125,000 contract with the Urban Indian Development Association of Los Angeles, giving this Indian group control of the housing aid and orientation provided to Indians who relocated there. Stevens is now trying to pry a $2 million contract away from the Philco Ford Corp. so that Indians can run the job-training center at Madera, Calif. (The company has taken its protest to Interior.)

"It's a lousy program," Stevens said. "My original intention was to close it down. I'd like to see if Indians could do it better."

SHOWPIECE CONTRACT

A half-dozen contracts have been approved for tribal takeovers covering Bureau programs from schools to agency administration. The showpiece is a $211,000 contract approved in May for the tiny Miccosukee tribe at Frog City, Fla., which after months of negotiations took over the whole Bureau program, service by service.

Twenty-three Bureau employees were displaced, though the tribe hired some of them back in its new role as the boss. Despite its smallness, the Miccosukee contract was supposed to be the model, a precedent that would speed up the takeover process for other reservations that wanted control.

Instead, Rep. Wayne Aspinall (D-Colo.), chairman of the House Interior Committee, and Rep. James A. Haley (D-Fla.) chairman of the Indian Affairs Subcommittee, registered strong objections—and threatened to add prohibitory language to Interior appropriations bills to stop such contracts.

"Regardless of the legal issue," Haley wrote, "I believe that a new Indian policy of this magnitude and significance should be based on new legislation enacted by Congress after careful consideration. Old statutes, enacted for different purposes and under different circumstances should not be stretched or distorted to support a new policy which Congress has never considered."

SOME WERE UPSET

The Government Accounting Office and Interior's office of survey and review looked at some of the new Indian contracts and, for various reasons, were also upset.

So the Department ordered a careful drafting of ground rules for the tribal contracts, both to insure that they are within the legal authority and to prevent waste and the potential for corruption.

Even some of the activists concede that tighter regulations are a necessity to keep the contracting alive, but they fear that bureaucratic caution will nibble the idea to death.

Now, for instance, Bureau educators are preparing "performance standards" for contracts under which Indian tribes will get control over federal aid for educating Indian children who attend public schools. Yet for years, the Bureau has been distributing millions in the same category to state governments and public school boards without imposing "performance standards" on those agencies—despite frequent complaints from Indians that the money was being misused.

UNIFORM STANDARDS

Now that Indians are demanding some leverage, the Bureau is prepared to apply "standards" to all.

Just last week the Indian activists in the Bureau were outflanked more directly when Secretary Morton appointed another Indian, John O. Crow, a Cherokee, to become deputy commissioner of the Bureau with broad authority to run the agency.

Since Crow is a career employee, closely associated with other long-time bureau officials, the new people figure this as a move to turn off the reforms and avoid any more controversy, much the way OEO was pacified in the closing days of the Johnson administration.

Morton and his aides, however, insist that Crow is committed to "self-determination without termination" and as an experienced manager, will render some orderliness, which the agency badly needs—and presumably avoid any more hassles over the legality of future contracts.

The question of which way BIA is actually headed—toward reform or back to its old slumber—should be tested in the coming months on various issues from personnel appointments to budgets. A backlog of dozens of tribal proposals for contracts has built up while the Bureau reviews its rules.

McNabb is pushing a road budget that would triple construction next year, a strategy intended to spur economic development and aid in the closing of more federal boarding schools.

Stevens is pushing for new training programs near or on reservations to shift the emphasis of the relocation program away from the eight "destination cities." A new tribal chairmen's association has formed which Bruce hopes will become a strong, independent voice for Indian control.

McNabb predicts gloomily: "We'll probably all be charged with insubordination sooner or later."

Others, however, think that fundamental changes have occurred, regardless of what happens inside the Bureau. The difference, they believe, is new awareness at the tribal level.

STARTLING CHANGES

James Hawkins, director of education who returned to the Bureau in January after seven years overseas, was startled by the change in atmosphere.

"I don't think there's anything anybody can do to reverse it," Hawkins said. "First, tribal chairmen have gotten a taste of the freedom to make decisions. Second, there is this new group of younger, better educated, far more agressive leaders coming forward that just wasn't here 10 years ago. It's almost like a developing country. Once you reach a certain level of takeoff, the process just goes by itself."

Ernie Stevens, despite his pessimism about the Bureau's momentum, believes that too.

"We've already won," he said, with pride and defiance. "These Indians are up now. They aren't going to have it any other way but to control this thing."

"INHERENT POWERS" AND PRESIDENTIAL GOVERNMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. EDWARDS of California. Mr. Speaker, this House just yesterday passed the conference report on H.R. 9272, the appropriations for Departments of State, Justice, and Commerce. This House and the conference report failed to accept Senator ERVIN's amendment which would have prohibited any of the funds being used to carry our new duties assigned to the Subversive Activities Control

Board under the President's Executive order of July 2, 1971.

In the debate of yesterday the distinguished gentleman from New York (Mr. Rooney) argued that appropriations bills were not the place for legislation. I agree. But I would point out that under our Constitution, the President has no authority to legislate at all. Senator Ervin's amendment is not calculated to be legislation through the appropriations process, but is a simple exercise of the legislative branch of Government prohibiting the executive branch of Government from executing an illegal Presidential order usurping the power of Congress over all legislation.

I commend to your attention, an editorial on this subject appearing in the August 3 edition of the Washington Post which follows:

"Inherent Powers" and Presidential Government

The Senate is to vote today, whether its members realize it or not, on a proposition which would put Congress in the position of acting as a mere appendage of the presidency. There were those in the early days of the New Deal who castigated Congress as no more than a "rubber stamp" because in a national emergency it followed vigorous presidential leadership by enacting promptly legislation recommended by President Roosevelt. Today, however, it is being asked to demean itself in a far more drastic and dangerous way. President Nixon has asked it to ratify legislation already "enacted" by himself through executive order and to signify its submission through approval of an appropriation bill. Twenty-eight senators, in a letter to Senate Majority Leader Mike Mansfield, have characterized the executive order—without any extravagance whatever—as "an outrageous assertion of unauthorized presidential power."

The executive order at issue concerns the Subversive Activities Control Board, that malign and functionless excrescence created by the Internal Security Act of 1950. Mr. Nixon proposed, by a wave of his presidential wand, to transform it from its well-deserved desuetude into a powerful censor of the voluntary associations which American citizens generally and government employees particularly may join; he proposed to do this by giving it functions entirely different from those given to it by Congress. At first, the President paid Congress the courtesy of asking it to enact legislation granting the SACB the powers he wanted it to wield; but finding Congress unwilling to do what he wanted, the President has indicated that he will regard passage of an omnibus appropriation bill (of which the SACB allotment constitute no more than a tiny fraction) as congressional approval of his executive order.

Fortunately, as so often happens when essential liberty is imperilled, Sen. Sam Ervin rode to the rescue. The President's order, he pointed out, "raises difficult constitutional questions. The most serious issue involves the President's attempt to exercise legislative power by amending the Act of Congress which sets out the board's duties. To assign a new role to an independent board is an exercise of legislative powers which the Constitution gives exclusively to Congress." He is manifestly right, of course. The Constitution says flatly in the very first section of its first article that "All legislative powers herein granted shall be vested in a Congress of the United States."

Senator Ervin succeeded, when the appropriation measure embracing the SACB was before the Senate, in attaching to it an amendment which specified that no part of the appropriation should be used to carry out the executive order. But his amendment was not included in the House appropriation bill and was deleted in the conference committee report. In view of the interpretation which the President proposes to put upon it, this appropriation bill ought to be defeated. "Congress," as the 28 senators wrote to Mike Mansfield, "cannot allow itself to be put in a position of approving in advance and in ignorance an executive usurpation of authority which the Constitution gives to Congress and denies to the executive branch.

The pretext for this executive usurpation is once more, so repetitively in the recent past, an assertion of "inherent" presidential power. "We hear 'inherent power' all the time these days," Sam Ervin thundered. " 'Inherent power' is just the modern equivalent of the devine sovereignty of kings," Congress had better put a stop to it before it puts a stop to congressional power.

OUR TIMES ON BALANCE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BROWN of Ohio. Mr. Speaker, on Sunday, July 25, 1971, Dr. Edward L. R. Elson of the National Presbyterian Church, presented an outstanding sermon entitled "Our Times on Balance" which I bring to the attention of my fellow Members:

Our Times on Balance

(By Dr. Edward L. R. Elson)

Daniel 5:27: "Thou art weighed in the balances and found wanting."

The phrase "handwriting on the wall" is such a common expression we fail to remember it arises out of an ancient historic episode. Belshazzar, said to be the King of Babylon, gave a great feast for his wives, his harem and his lords, a maudlin bacchanalia in which they drank from golden goblets pilfered from the temple in Jerusalem, At the height of their orgy and carousal, a phantom hand appeared, writing a warning on the wall: "Mene, Mene, Tekel, Upharsen." None of the soothsayers, none of the Chaldean wise men could tell Belshazzar what it meant. The prophet Daniel was summoned and he told the ruler what the writing on the wall of the banquet room meant. The King had been weighed in the balances and found wanting. Judgment day had arrived in history. The kingdom was about to pass to the Medes and the Persians.

On that same day Daniel was honored by elevation to the position of third ruler in the kingdom, and the position was symbolized by the scarlet robe and chain of gold with which he was invested.

Belshazzar's place in history is ambiguous. He is presumed to be descended from Nebuchadnezzar and is regarded as the last Chaldean king of Babylon. Whatever Belshazzar's identity may be, here is a good picture of Babylon in the days of the Captivity. Here is a fine tribute to the courage and intelligence of the Captive Jew. Here also is a pertinent study of the causes of empire collapse.

That day the prophet Daniel was honored and elevated. That night Belshazzar was slain. That year Cyrus the Persian took Babylon.

The lesson of history is clear. Long power begets carelessness; carelessness begets impiety; impiety begets immorality; immorality begets deterioration and collapse.

What does the writing on the wall of history say to us? For God is a God of history. He speaks to us in history and beyond history.

Gibbon in his book "The Decline and Fall of the Roman Empire" tells us that Rome collapsed, not through failure of her laws or her lack of military prowess but through inner corruption, softness and worship of sensuous dieties. This was pointed out several years ago, when in their pastoral message from Washington the Roman Catholic Bishops wrote:

"An alarming parallel exists between the situation facing us today and that which faced the Roman Empire 1500 years ago . . . barbarism on the outside, refined materialism and moral decay within. The lessons of history are evident to those with eyes that will see. The Roman Empire disintegrated from within and moral corrupton was the main cause." (A convocation of evangelical Christians in the General Assembly of the Presbyterian Church could have said that.)

Subsequently the Bishops of the Roman Catholic Church in America delivered a message which could have been uttered in any Protestant pulpit or convocation.

"The time has come to confess," they said, "that our national ideal no longer rests upon a foundation of broad and solid popular morality. Ignorance of moral principles and the rejection of the very notion of morality are on the rise today and threaten to undermine our nation and its most sacred traditions . . .

"This is more serious than in any past age of American history," they said, "because many men are questioning and often denying the objective distinction between good and evil and the ability of human reason to know with certainty what is right and wrong. They are cutting themselves off completely from moral traditions. For the first time in history they find themselves without a moral law to break."

Can it be that we are in our present mood and predicament because we have abandoned first principles? Can it be we are allowing the minority secularists and the atheist portion of the population to infect, then contaminate, and finally dominate the public philosophy?

One of the tragic aspects of our present predicament is the ambiguity of ethical values and the diminishing respect for the moral law. Unless we reestablish a public philosophy based upon the moral law as it has been revealed by the transcendent God, it is the lesson of history that doom awaits us.

Everywhere in our country there are signs of a moral sag. The signs of the times ought to make us aware of the impending judgment of God. The Senior Editor of Look Magazine, J. Robert Moskin, after a careful national survey, wrote:

"We are witnessing the death of the old morality. In our world of masses of people, jet age travel, nuclear power and fragmented families, conditions are changing so fast that the established moral guidelines have been yanked from our hands.

"No single authority rules our conduct. No church lays down the moral law for all; no tribal customs and taboos define the limits of our immoralities. We are free to be prejudiced or promiscuous, to cheat or chisel. We are left floundering in a money-motivated, sex-obsessed, big-city-dominated society. We must figure out for ourselves how to apply the traditional moral principles to the problems of our times. Many find this burden too heavy."

Samuel Grafton writes about the "Tense Generation" (Look Magazine, August 27, 1963) describing a segment of a generation of teen-agers from "good" homes who steal, take dope, shock their parents with sexual delinquency, who wage open warfare against society. They are a section of our society who are bored by school, useless to business and end up as human wastage."

It is not the preachers who are so alarmed about the moral lapse in America. Too many ministers are bogged down in ecclesiastical machinery or their energies are enervated by exclusive preoccupation with only one of our contemporary evils such as racial injustice. It is perceptive laymen like Jenkin Lloyd Jones, Editor of the Tulsa Tribune, who are seeing the handwriting on the wall and sounding the alarm—as he did some months ago to the Inland Daily Press Association Convention. Mr. Jones said, in part:

"More serious is our collapse of moral standards and the blunting of our capacity for righteous indignation.

"Our Puritan ancestors were preoccupied with sin. They were hag-ridden and guilt-ridden and theirs was a repressed and neurotic society. But they had horsepower. They wrested livings from rocky land, built our earliest colleges, started our literature, caused our industrial revolution, and found time in between to fight the Indians, the French and the British, to bawl for abolition, women's suffrage and prison reform, and to experiment with graham crackers and bloomers. They were a tremendous people.

"And for all their exaggerated attention to sin, their philosophy rested on a great granite rock. Man was the master of his soul. You didn't have to be bad. You could and should be better. And if you wanted to escape the eternal fires you'd damned well better be."

"In recent years all this has changed in America. We have decided that sin is largely imaginary. We have become enamoured with 'behavioristic psychology.' This holds that a man is a product of his heredity and his environment, and his behavior to a large degree is foreordained by both. He is either a product of a happy combination of genes and chromosomes or an unhappy combination. He moves in an environment that will tend to make him good or that will tend to make him evil. He is just a chip tossed helplessly by forces beyond his control and, therefore, not responsible.

'Well, the theory that misbehavior can be cured by pulling down tenements and erecting in their places elaborate public housing is not holding water. The crime rates continue to rise along with our outlays for social services. We speak of underprivilege. Yet the young men who swagger up and down the streets, boldly flaunting their gang symbols on their black jackets, are far more blessed in creature comforts, opportunities for advancement and freedom from drudgery than 90 percent of the children of the world. We have sown the dragon's teeth of pseudo-scientific sentimentality, and out of the ground has sprung the legion bearing switch-blade knives and bicycle chains.

"Clearly something is missing. Could it be what the rest of the world's children have been given—the doctrine of individual responsibility?

"Relief is gradually becoming an honorable career in America. It is a pretty fair life, if you have neither conscience nor pride. The politicians will weep over you. The state will give a mother a bonus for her illegitimate children, and if she neglects them sufficiently she can save enough out of her ADC payments to keep herself and her boy friend in wine and gin. Nothing is your fault." Everything is blamed for sin but the sinner—everyone is blamed for crime but the criminal.

Today I am deliberately speaking in the words of discriminating laymen and not in the words of what some might call the prudish preacher. You know what I am talking about or you ought to know. The good pastor who meets people in the confidence of his private pastoral position probably knows more about human dereliction than anybody else in the community. He must be "shock-proof" if he is to be at all useful. As God's servant he must speak for the righteousness "which exalteth a nation." Somebody must blow the trumpet; somebody must sound the alarm or we are doomed.

You must be blind or illiterate to be unaware of what is happening to literature—or what goes by that name. It beckons the shopper everywhere. We call it "realism." The truth is your fifteen-year-old-daughter can purchase a paper-back at the corner drug store, which in the most torrid language portrays openly a moral basis which our grandfathers relegated to the barnyard. The standard of conduct is to give gangway to your basic drives and "to hell with the ten commandments," the public sanctions and solemn vows. What kind of character will appear when our youth masticate this putrid refuse?

What is happening in America? It was not this way at the beginning. Although we have had our ups and downs, our tides of decadence and renewal, until now in our heart of hearts we have known better and always found our way back to a higher point of reference. All the while there goes on the debunking of our heroes of the past, smearing the founding fathers and the blemishing of the nation's great with all the black smudge which arises out of some author's subconscious. Patriotism is becoming a "dirty" word. A nation cannot be great and strong when it loses respect for its heroes and its symbols. A people who disdain their heritage or ridicule their symbols are already on the way down.

Nations have souls. The collective entity called a nation develops its own image, its own personality. When people think well of themselves they have morale, and morale is the most important element in strength. To be sure, nations as well as individuals need to stand humbly before the sovereign God. But when a nation ceases to believe in itself, when its institutions are regarded with cynicism, and its heritage with flippancy, that nation will not remain great. People who seek learning without effort, school grades by theft, athletic victories by bribes, and wages without work are already flabby. When people are dominated by erotic drives and their culture is pleasure-oriented they are in trouble. When crime becomes a way of life, when vows are repudiated and homes disintegrate, when race prejudice hardens and men stubbornly withhold justice from their fellow men, when greed and cynicism are revealed in government, labor and business, when there is a harsh pagan disregard for the sacredness of life, a society needs to do some soul searching.

One thing seems to be conspicuously lacking and that is a sense of national purpose. What is the mission America has to fulfill in the world? Toward what destiny are we moving? Once our aims and objectives were clear. Once we aspired to offer every man his freedom under God for his own life's fulfillment. Once we were saying that every man is equally free under God for his own maximum development. Washington, Jefferson, Abraham Lincoln, Woodrow Wilson said it in their time. Franklin Delano Roosevelt said it in the "four freedoms" of his time. Can it be that we are only able to state our objectives and strive to accomplish them when we are engaged in some great crisis, some cataclysmic world war?

Well, science has given us the atomic bomb, and the atomic bomb, through the balance of terror, has made world wars obsolete. But there are smaller regional wars where men get killed just as dead, wounded just as severely as in big wars. And the little wars, as we have seen, have a way of becoming big wars. Why can't we get it through our heads why we used military force in Southeast Asia? The troops seem to understand it better than the columnists and TV-conditioned people at home. And everybody who knows reports that in battle our young men are the finest in all our history. We didn't go into Vietnam to win a monumental victory, to impose terms on a destroyed and vanquished people. It was to prevent a regime in the north from imposing an unwanted regime on the south and to prevent the expansion of a system of life uncongenial and antagonistic to democracy, and it was to implement a treaty arranged by a member of this Church. John Foster Dulles, that the action was taken. And this has been completed. Senator Aiken said it two years ago. Others have said it. Why doesn't it get through to every American? And why can't we let the President and the professional soldiers do the professional thing?

Can it be that we are weighed in the balances and found wanting in great leadership around whom we can rally, to whom we respond, and who lead us with high purpose? As I came out of President Kennedy's funeral service with Dr. Franklyn Fry, President of the Lutheran World Federation, while the casket was being withdrawn from the Cathedral Dr. Fry turned to me and said, "Where do we turn for great national leaders? Where do we turn for leaders in the Church? Just look at us," he said, "We are supposed to lead the Church"—and we are in fact the only leaders the Church has.

There seems to be a great leveling down instead of a lifting up in leadership. A Representative or Republican form of government in church or state only works when there is an aristocracy of intellect and leadership. When first I went to the General Assembly of the Church you looked up on the platform where the former Moderators sat. There they were—every one a great preacher, elder statesman, spokesman for the total Church, nationally and internationally recognized as "weighty persons." I don't see that now. We elect titular leaders to represent various segments or special causes in the Church—usually someone symbolizing the cause for which denominational money will be needed during the year following the Assembly. And the Church—and government and education and labor and industry—suffer for the want of great minds and voices.

We think people are all equal in endowment, in skills, in talent, etc. That's not what we really mean by equality. As a matter of real fact people are not equal in physical power, brains, or talents. They are equally free under God to develop the resources God gave them.

Nor has the example of our lives before our children been good enough. Samuel Grafton notes this fact in his article:

"Psychologists say that the worst thing a time-pressed parent can do is to give up his own standards. With a helpless shrug, a father okays beer at a teen-age party because he wants the youngster to have a good time, to be popular, and because he's too busy to handle the situation positively and constructively. But when a father surrenders his own standards, the kids know it and the image they have of Pop grows dimmer and more confused. Children may become annoyed at discipline, but they know it means that their parents are concerned about them. They take lack of concern as lack of love, even while they may seem to be enjoying this easy freedom . . . If there is no authority, there is nothing to battle against; the world becomes confused and uncertain, and the signposts dissolve. Sometimes, children literally don't know what is allowed and what is not."

If we are weighed in the balances and found wanting, it is not too late to turn the tide and to be saved from the abyss. We cannot live long on the borrowed moral capital overflowing from previous generations. We cannot live long on an existential morality sustained too often by a subjectivistic theology. We cannot live by capricious judgments and transient standards.

There are thousands upon thousands of Americans who in themselves neither approve nor create the mood and manner of life so many see coming to the surface in America. There are enough Christians of conviction to change the tide and save the nation. We can refrain from seeing the pictures, buying the books, or supporting in any way the movements which corrupt, defile, and destroy. We can keep our own and our family's spiritual life at high tide and our moral standards sharp. A nation is sometimes saved by redeemed remnants, which will not compromise idealism or abandon faith. We can be saved from our sins by Jesus Christ. We can create a strong Church and make a vital Christian witness.

It is not like America or Americans to be morally lost or even uncertain. In our heart of hearts we know the way to moral rectitude, to integrity, to honor, to idealism.

Gilbert K. Chesterton once sent a telegram to his wife, saying "I am in Market Harborough; where ought I to be?" "Home," his wife replied, because, she said, it was easier to get him home and start him off again on the right track than to tell him how to get where he ought to be from where he was.

So it is with us. What we need is not direction from where we are so much as to return home to the God of our fathers and our God, who will start us out again and keep us on His highway, if we will obey His laws and do His will.

A MORATORIUM ON THE WILLFUL KILLING OF PORPOISES AND DOLPHINS

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. REID of New York. Mr. Speaker, I rise at this time to introduce legislation calling for a 10-year moratorium on the willful killing of porpoises and dolphins, and to instruct the Secretary of State to encourage the development and implementation of international controls to minimize the incidental killing of porpoises and dolphins in conjunction with the catching of tuna. Some 40 percent of the world's yellowfin tuna and almost 50 percent of the world's skipjack tuna are caught in the company of porpoises and dolphins.

There is evidence, according to Dr. Kenneth Norris—a participant in the International Symposium on Cetacean Research and editor of Whales, Dolphins, and Porpoises—with whom I have conferred while preparing this legislation, that these friendly and intelligent mammals are being decimated because of commercial fishing practices, particularly in the eastern intertropical Pacific area. The problem is that many commercial fishermen now use highly efficient purse seines—nets—to catch schools of tuna which swim behind and underneath the porpoise schools, perhaps to take advantage of the porpoise's ability to locate bait fish by natural sonar. These seines are four to five times more efficient than using lines and bait, but they encircle porpoises as well and too many die before they can be released. I have been informed by Dr. Carlton Ray of the Smithsonian Institution that well over 200,000 common dolphin—Delphinus delphis; spinner—Stenella longirostris; and spotter—Stenella graffmani—porpoises die each year in the purse seines of the United States, and when one considers that Japan takes as many tuna, and France over twice as many tuna by the same method as the United States, the probable figure of porpoise kills per year becomes staggering. There is also considerable evidence that the porpoise schools are becoming smaller than their normal 1,000 animals, according to Fishery Biologist William F. Perrin who presented a paper to this end to the sixth annual conference on Biological Sonar and Diving Mammals.

For reasons we do not understand, porpoises caught in purse seines do not jump out of the nets. The danger arises when tuna boats "back down" to draw in the nets. The porpoises navigate by natural sonar and the proximity of the enfolding nets apparently confuses them. Once encircled, porpoises swim around wildly, and then gather together in a group and sound to the bottom of the nets where many of them drown. Others become so frightened that they go into shock and rigor and also drown. These animals become highly distressed when a fellow-cetacean becomes injured, and will not leave it, which is a possible explanation as to why some porpoises will not jump out of the nets while others are still trapped.

Many marine scientific groups, including the National Oceanographic and Atmospheric Administration, have cooperated in the development of new nets with a smaller mesh for tuna fishing, so that the porpoises do not catch their snouts, as is presently the case. These new nets will be implemented by yellowfin-tuna fleets when the new season gets underway next January, and the boats begin to gather the United State's annual quota of 140,000 tons. The purpose of the international efforts I have requested would be to help NOAA through its component, the National Marine Fisheries Service, to develop and implement nets with two other safety features—an escape hatch, and an acoustic device in the net to emulate killer-whale calls. The killer whale is a natural enemy of the porpoise, and many scientists, including Dr. Alan Longhurst, Director of the Fishery-Oceanographic Center, NMFS, feel that devices emitting killer-whale calls should be run down lead-lines into the purse seines, thus stimulating porpoises to avoid the nets. In behalf of tuna fishermen, it must be granted that they frequently try not to fish on porpoise schools, and, as a rule, do not do so on the traditional fishing grounds, where they look for a "breezing school" of tuna which may hold up to 10,000 fish. Breezing schools of tuna feed just below the water's surface, sweeping through small bait fish so swiftly that the ocean appears to be ruffled by the breeze itself.

The Japanese slaughter annually some 20,000 porpoises for human consumption by driving them out of the water onto land. I fear that without international controls, areas where porpoises are trapped may spread to the Western Pacific, off Samoa, and perhaps to the Indian Ocean and African coasts. Porpoises of the "Flipper" variety—Tursiops truncatus—used to be killed off the coast of Cape Hatteras in order to make high quality lubricating oil, such as that used for watches, but this practice ended some 50 years ago. This oil is now imported from the West Indies, and is a byproduct of the pilot whale which is killed there for food. However, should a moratorium on the killing of whales go into effect, as is being considered by the House Foreign Affairs Committee, a new source of lubricating oil must be found and I fear that manufacturers will again turn to killing porpoises to obtain this oil.

There also has been some speculation that since a 10-year moratorium on whales would mean that pet food products containing whale meat could not be imported into or sold in the United States, pet food manufacturers may turn to the harvesting of porpoises to make their products. This does not mean that I oppose a 10-year moratorium on the killing of whales. I support it most strongly, but feel that porpoises and dolphins, which are also members of the cetacean family, should be given equal protection.

Porpoises normally exercise nurturant and succorant behavior similar to human beings, and as Aristotle has stated—

> This creature is remarkable for the strength of its parental affection.

Females exhibit great care for their young, nursing them until they are about 18 months old, and the mother-young relationship lasts an impressively long time. At around 4 to 6 years of age, young dolphins born in captivity have been known to seek out their mothers from the group when they become tired, sleepy or alarmed. A pertinent example of their succorant behavior was recorded by Drs. J. B. Siebenaler and D. K. Caldwell in 1956:

> When a charge of dynamite was exploded in the neighborhood of a school of dolphins, one of the school was stunned by the shock. Two adults immediately swam to its assistance and supported the injured animal. When the two assisting dolphins left to breathe, they were relieved by what apparently were different animals. The supporting behavior continued until the injured animal recovered completely, then the entire school left the area. Again it is note worthy that the school remained intact and stayed in the danger area until the disabled animal had recovered, instead of obeying what must have been a strong impulse to leave the area of the explosion. Such a quick mass departure occurred on another occasion when dynamite was exploded and none of the dolphins was injured.

There are no accurate figures available as to the number of porpoises and dolphins in our oceans; only the knowledge that the schools are becoming smaller and wider, and that the population structure is changing. This is due to a different sex-ratio, apparently because commercial nets primarily kill older animals, females and calfs, leaving the younger and wilder males in greater proportion than is normal. It is my feeling that until studies now underway on porpoise feeding, mating habits, life expectancies, and travel habits are completed, a moratorium is the only way to insure that disaster does not await the porpoise and dolphin in the future.

STATEHOOD COMMITTEE SCORES REPORT CIRCULATED BY CITIZENS UNION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mrs. ABZUG. Mr. Speaker, the Committee To Make New York City A State has challenged an anti-statehood report being circulated by the Citizens Union as a—

> Fundamentally misleading paper . . . based on secondary sources and faultily interpreted data.

In a report "Statehood for New York City: It Makes Sense," the committee emphasizes that, contrary to the claims in the paper prepared for the Citizens Union by Dr. Donna E. Shalala, an assistant professor of political science at Baruch College:

The tax base for New York City is growing, not shrinking.

Start-up costs for the new state would not be prohibitive and could be amortized over a period of years.

There would be an initial fiscal gain of approximately $650 million for New York City if it became a State.

The new state would not be walled off from the surrounding areas and would be in a stronger position to enter regional compacts.

The so called upward trend of state aid to the city was decisively reversed in the last session of the legislature.

I head up the statehood committee; cochairmen are Queens Congressman JOSEPH ADDABBO, Bronx Borough president Robert Abrams, Manhattan Borough president Percy Sutton and publisher William Haddad. Its membership includes hundreds of State legislators, city councilmen, city commissioners, labor officials, and religious and community leaders—as well as thousands of private citizens.

Statehood, according to the committee report, would provide—the people of the richest city in the world a mechanism for utilizing its wealth to create a community that truly serves the needs of its people.

The committee also emphasizes that the statehood movement "goes beyond fiscal issues" to encompass compelling political gains which the Shalala paper ignores.

Statehood would, the committee says:

> End the disfranchisement of New York City voters whose elected representatives were shut out of the political process by Governor Rockefeller and the Republican-controlled legislature.
>
> (Provide) a vehicle for New Yorkers to join together in a political movement to control their own destinies.

Referring to the claim that the city is a decaying giant in failing economic health and therefore dependent on the State government, the committee cites a recent report by the First National City Bank which corroborates the committee's research.

New York City's economic health—

Says the bank's report—

> is improving. Though it has huge problems, its growing tax base, higher-than-average per capita income and increased employment opportunities all point to a town that is better off than the hand-wringers say it is.

Concerning the relationship of the city to surrounding areas, the committee points out that the problems facing the city—are developing at a fast rate in the suburbs and it would obviously be desirable for the city and suburbs to join in a common effort to solve them. Under the existing (State) governmental framework, the suburbs are pitted against the city, with legislators from rural and small town areas allying themselves with the suburbs against the city.

But, in fact, the suburbs are economic satellites of the city. Noncity residents account for 30 percent of the wages earned in the city. Suburbs and city are bound together by common economic, social, cultural, and transportation ties that would be strengthened if New York City were free to enter into its own regional agreements.

Replying to Dr. Shalala's contention that the initial costs of statehood—buying State property and undertaking existing State services—would be too expensive, the committee says:

> Buying state property is a one-time expense that could be amortized over a long period of time. Just how costly it would be is purely a matter of speculation. According to city officials, because of the duplication of services involved, the city might have to take over half or even less of state property. Dr. Shalala also ignores the potential revenue producing assets of state facilities such as the tax-exempt State Office Building (in the city), which has a high percentage of commercial renters.

The committee also attacks as "naive and politically misleading" Dr. Shalala's argument that—

> The trend has been for New York City to get an increasingly larger share of state aid.

This trend, says the committee—

> Was killed in the recent legislature. New York City took the brunt of State ordered budget cuts. Our city's portion of direct State revenue sharing was reduced from the 1970 level of 21 percent to 18 percent. With the State getting into deeper financial trouble and the Republicans in firm control of the Legislature, New York City has little hope of getting more money from the State.

In addition, the committee says, the State itself faces a burgeoning financial crisis.

"New York City dwellers," the report says—

> Already penalized by the vacancy decontrol law, burdensome taxes, and other discriminatory measures, should be aware that the special session of the legislature slated for December may be asked by Governor Rockefeller to rush through new and still higher taxes to meet a budget deficit that may be from $600 million to $1 billion. Once again the heaviest burden will fall on our people.

The committee statement in reply to the Citizens Union statement is an interim report which will be followed shortly by an "Overview" on the statehood question.

At this point, I wish to insert in the RECORD the full text of the committee's report:

STATEHOOD FOR NEW YORK CITY: IT MAKES SENSE

Critics of Statehood are trying to depict New York City as a dying metropolis with a shrinking tax base that could not survive without Albany.

The Citizens Union is circulating a fundamentally misleading paper by an assistant professor of political science at Baruch College based on secondary souces and faultily interpreted data that puts forth this view. Unfortunately, this one report by one individual is being cited as proof that Statehood for New York City is fiscally impractical and isolationist.

It is time to set certain facts straight. Talk of a shrinking tax base is based on a myth. New York City is the richest city in the nation. Its tax base is growing, not shrinking. It has a great future as an employment, social and cultural center. But it needs a chance to govern itself and free itself from the oppressive rule of Albany.

We do not claim that Statehood in itself provides a solution to the city's problems, any more than the critics can claim that remaining in New York State will solve our problems. We have bad housing, poor health facilities for low income groups, a huge welfare caseload, an epidemic of drug addiction and crime and, most basically, a maldistribution of our enormous wealth and resources, aggravated by the heavy taxes imposed by the federal government to support its war economy.

Significantly, the same problems are developing at a fast rate in the suburbs and it would obviously be desirable for the city and suburbs to join in a common effort to solve them. Under the existing governmental framework, the suburbs are pitted against the city, with legislators from rural and small town areas allying themselves with the suburbs against the city.

But, in fact, the suburbs are economic satellites of the city. Non-city residents account for 30% of the wages earned in the city. Suburbs and city are bound together by common economic, social, cultural and transportation ties that would be strengthened if New York City were free to enter into its own regional agreements. Although legally New York City cannot include the suburbs in its Statehood referendum, the suburbs can conduct their own referenda on this issue.

Based on its own studies of state and city data, consultations with government officials, urban experts, university professors, economists, lawyers, and others, the Committee To Make New York City A State reaffirms its finding that Statehood makes both fiscal and political sense.

Nor is it isolationist. As a separate state, New York City-State could strengthen its links with the federal government and enlarge its capacity to enter into bistate and regional compacts.

Totally ignored by those who portray New York City as a decaying giant dependent on state beneficience is a report just issued by the First National City Bank (June 1971), which states bluntly:

"New York City's economic health is improving. Though it has huge problems, its growing tax base, higher-than-average per capita income, and increased employment opportunities all point to a town that is better off than the hand-wringers say it is."

Independent studies by our research staff confirm the findings of the bank's economists. They reveal the following:

New York City has one of the greatest concentrations of real wealth in the world. Its full real estate value for taxable purposes has more than doubled over the past decade to $61 billion in fiscal year 1971.

The average per capita income in the city was estimated to be more than one fourth higher in 1969 than the national average.

With less than 49% of the region's residents, the city currently holds 56% of the region's nearly 7 million jobs. "New York City remains, and for the foreseeable future will continue to be, the center of the region's job market and easily the largest single employment center in the nation." (Quote from report by First National City.)

The city is the leading office center of the nation and the world. Its loss of manufacturing jobs has been more than offset by the rapid pace of development in service industries, which is part of a nationwide shift.

The city's claim to be the office center of the nation was strengthened during the 1960's by construction of 90 million square feet of office space in Manhattan alone, almost half as much space as existed in Manhattan in the early 1960's. Twenty-seven percent of all office space under construction in the U.S. is taking place in our city.

Despite the reduction of manufacturing employment in the city, the area is still the largest single manufacturing center in the nation. The diversity of its manufacturing helps to insulate it against some of the recession effects felt in other cities with concentrated heavy industry.

The recent departure of several major corporate headquarters from the city has caused concern. But in the same period, major firms have moved into the city and others have expanded. According to Fortune magazine, 83 of the 250 largest industrial corporations in the U.S. had their head offices in New York City in 1970, an increase of 10 during the 1960's.

Predictions that the city faces increasing ghettoization, with huge pools of unemployed among blue collar workers, are unwarranted. They do not take into account "the increased levels of education among all segments of the population, including minority groups, and (do) not recognize that many office jobs can be handled by persons with the equivalent of a high school education, now achieved by the majority of those emerging from the city's schools."

The National City Bank Report, although it does not go into the merits of Statehood per se, puts the current debate over New York City's future into perspective. Whatever the outcome of that debate, it is all to the good that New Yorkers are learning the truth about city-state relationships and discussing alternate forms of government.

Statehood would eliminate buckpassing between the city and Albany.

It would end the disfranchisement of New York City voters whose elected representatives were shut out of the political process by Governor Rockefeller and the Republican-controlled legislature.

It would allow our City-State to negotiate for more federal aid and strengthen the campaign for a federal takeover of welfare costs.

It would give our City-State the right to enter into regional compacts that would safeguard our interests, as compared with the Port of New York Authority which has allowed Manhattan's freight shipping industry to lose millions of dollars in business and some 18,000 to 21,000 jobs to New Jersey.

It would allow the City-State to tax commuters more equitably.

Residents of New York City are responding with enthusiasm to our petitions to place the Statehood issue on the ballot this November. They are more concerned with the risks of remaining tied to New York State than the challenge of creating a new state.

New York City dwellers, already penalized by the vacancy rent decontrol law, burdensome taxes, and other discriminatory measures, should be aware that the special session of the Legislature slated for December may be asked by Governor Rockefeller to rush through new and still higher taxes to meet a budget deficit that may be from $600 million to $1 billion. Once again, the heaviest burden will fall on our people.

Residents of our city are already paying more than their share to support New York State. For every dollar we send to the state (and we contribute 50% of its budget), we get back 82 cents, while the rest of the state gets back $1.19.

According to the anti-Statehood report prepared by Dr. Donna E. Shalala, the trend has been for New York City to get an increasingly larger share of state aid. Therefore, it is argued, we should keep quiet and the state will inevitably give us more money.

That is naive and politically misleading. The "trend" was killed in the recent session of the legislature. New York City took the brunt of state-ordered budget cuts. Our city's portion of direct state revenue sharing was reduced from the 1970 level of 21 percent to 18 percent. With the state getting into deeper financial trouble and the Republicans in firm control of the legislature, New York City has little hope of getting more money from the state.

Dr. Shalala contends that there will be no fiscal gain in New York City's becoming a state. Our own research indicates that the city would net some $650 million, if it were to retain all that it now gives the state. We have never claimed that this amount is "a substantial fiscal gain."

But we make a distinction between dollar gain and gains of efficiency and reordered priorities that economic self-determination could bring.

Dr. Shalala cites the cost of buying state land and property in this city as being so expensive that it would wipe out any possible fiscal advantage in Statehood. But buying state property is a one-time expense that could be amortized over a long period of time. Just how costly it would be is purely a matter of speculation. According to city officials, because of the duplication of services involved, the city might have to take over only half or even less of state property. Dr. Shalala also ignores the potential revenue producing assets of state facilities such as the tax-exempt State Office Building here, which has a high percentage of commercial renters.

The campaign for Statehood goes beyond fiscal issues.

It provides a vehicle for New Yorkers to join together in a political movement to control their own destinies.

It serves notice on the New York legislature that we will no longer be supine victims of the state.

It provides the people of the richest city in the world a mechanism for utilizing that wealth to create a community that truly serves the needs of its people.

COMMITTEE TO MAKE NEW YORK A STATE

Chairwoman: Congresswoman Bella S Abzug.

Cochairmen: Congressman Joseph Addabbo, Bronx Borough President Robert Abrams, Manhattan Borough President Percy Sutton, Mr. William Haddad.

THE FAR AWAY BUT UNFORGOTTEN AMERICANS

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. McCOLLISTER. Mr. Speaker, while 7 years and 130 days seems like a long time to any of us, there is a group of men to whom that must seem like an eternity—our prisoners of war in Vietnam. On March 26, 1964, Captain Floyd Thompson became the first American prisoner of war in Southeast Asia. Today there are more than 1,600 men who are listed as prisoners of war or missing in action.

Certainly the Nation is divided in its feelings on the war and how to end U.S. involvement. But I think there is no one in our country who would not unite in the protest against Hanoi's inhumane treatment of our men and who would not urge a speedy and safe return home.

Mr. Speaker, hundreds of thousands in the United States join me in concern for the POWs. I pray for serious and meaningful negotiation from everyone involved and for the forthcoming release of these far-away but unforgotten Americans.

WHY SAVE SOUTH VIETNAM FROM THE SOUTH VIETNAMESE?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. LEGGETT. Mr. Speaker, it is sometimes asserted that the war in Vietnam is the result of an attempt by North Vietnam to take over South Vietnam by force. But the official Defense Department figures suggest it would be closer to the truth to describe the war as an attempt by the South Vietnamese people to rid themselves of a series of governments which were imposed on them by the United States by force.

Pentagon figures listing "Enemy Military Strength in South Vietnam" show that in 1964, the year we felt compelled to intervene to save South Vietnam from a North Vietnamese takeover, the enemy forces were 3 percent North Vietnamese and 97 percent South Vietnamese. We then engaged in several years of bombing to "halt the flow of men and supplies from the North." We halted the flow so brilliantly that the mix of enemy forces changed from 3 percent North Vietnam to 42 percent North Vietnamese, which is where it stands today. But despite our best efforts, the majority of the enemy is still South Vietnamese.

These statistics were cited in a recent letter to the Washington Post by Mr. Arnold Fraleigh of Falls Church, Va. His letter intrigued me, and I thought it might be worthwhile to check into another measure of enemy strength mix: the origin of the prisoners captured by our side. It seemed reasonable to assume these prisoners to be a representative sample of the enemy force as a whole.

So I asked the Defense Department to supply me with statistics showing how many of the men we and the ARVN's captured were South Vietnamese and how many were North Vietnamese.

The figures show that the enemy we have been capturing has been approximately 75 percent South Vietnamese. It is clear, then, that regardless of whether you regard Vietnam as one country or as two countries, we are intervening in a civil war. It is all very well to talk about "our obligation to the South Vietnamese people," but the forces opposing us are South Vietnamese people too. I suggest we will be doing all the South Vietnamese people a favor if we simply set a date, stick to it, get our prisoners back, and get out.

I insert at this point in the RECORD Mr. Fraleigh's letter, followed by the Pentagon POW statistics.

OUR WAR AGAINST THE PEOPLE OF SOUTH VIETNAM

We will have learned little from our tragic experience in the Vietnam war if we allow ourselves to be confused by former policy-makers about what went wrong. Dean Rusk drew a red herring across the trail exposed by the Pentagon Papers in his television interview of July 2 when he volunteered the confession that he had underestimated the determinaton of the North Vietnamese to wage war in Southeast Asia. Thereupon, TV interviewers, assuming this was the big mistake, asked first Maxwell Taylor on July 4th and then Walter Rostow on July 11 whether they wished to make the same confession. Taylor did; Rostow did not. However, in concentrating upon estimations of Hanoi's will power, both policymakers and interviewers tended to perpetuate the myth that the war in Vietnam has been primarily a war against the North Vietnamese—a defense against "aggression from the north."

Actually, as can be demonstrated more clearly now than ever before, our enemy has been primarily the South Vietnamese insurgents, not the North Vietnamese. No one disputes the fact that the guerrillas who began the fighting in the early years of the Diem regime were South Vietnamese. And, as is recounted in the Pentagon Papers, the South Vietnamese Vietcong continued to do all of the fighting against the Saigon government in South Vietnam until 1964. The percentage of South Vietnamese in the total enemy forces during the period from 1961 to date is shown in the accompanying table.

The figures are estimates made by the Defense Department and include both regular and guerrilla forces and, in later years, supply services, but exclude political cadre. If anything the figures can be suspected of underestimating the proportion of South Vietnamese in the enemy forces because of the guesswork involved in making the estimates and because our policy-makers have wished to portray the war as a defense against North Vietnamese aggressors rather than as the suppression of a widely-supported insurgency. The shakiness of the estimates was most apparent during the period after the Tet offensive in 1968 when several different sets of figures were produced to try to explain the sudden show of enemy strength all over South Vietnam.

Another statistic helps to reveal whom we have been fighting, the proportion of South Vietnamese to the total number of enemy held as prisoners of war. The United States has followed the practice of turning over all its prisoners of war to the Saigon government, which consequently has custody of all military prisoners taken by our side during the war. In The Washington Post for July 2 an official of the Saigon government is reported to have said that more than three-fourths of the enemy POWs now held by the Saigon government are South Vietnamese.

Of course it has been not only South Vietnamese enemy forces but South Vietnamese civilians with enemy sympathies who have exhibited strong wills throughout the Vietnam war. They have provided the "sea" in which the enemy guerrillas have swam. They have suffered the most from the destruction of homes, crops and countryside by ARVN and U.S. forces. They are the ones who have been victimized by the many My-Lai type incidents which we are told have occurred. In a letter of April 27, 1971, published in American Report for June 18, 1971, Don Luce says there are at least 100,000 and may be as many as 400,000 South Vietnamese civilians held as political prisoners by the Saigon government. From one-fourth to one-third of all of the people of South Vietnam have been forced to move into resettlement camps—mainly because they were too ready to give food and shelter to enemy forces.

When will our policy-makers be asked why among their calculations they did not include an estimate of the will and determination of the South Vietnamese to resist the military forces of both the Saigon government and the United States?

ARNOLD FRALEIGH.

ENEMY MILITARY STRENGTH IN SOUTH VIETNAM

Year	South Vietnamese	North Vietnamese	Total enemy strength	Percent South Vietnamese
1961	63, 400	0	63, 400	100
1962	79, 300	0	79, 300	100
1963	91, 700	0	91, 700	100
1964	122, 100	3, 300	125, 400	97
1965	159, 000	10, 000	169, 000	94
1966	190, 000	49, 000	239, 000	79
1967	203, 000	55, 000	258, 000	79
1968	210, 000	80, 000	290, 000	75
1968	140, 000	100, 000	240, 000	58
1970	140, 000	100, 000	240, 000	58
1971	140, 000	100, 000	240, 000	58

POW CAMP INPUT BY YEAR AND POLITICAL ORIGIN

	NVA	VC
Year:		
1965	165	201
1966	698	2, 605
1967	1, 088	7, 143
1968	2, 977	9, 732
1969	2, 380	7, 311
1970	1, 522	3, 685
1971 (May)	61	218
Total	8, 891	30, 896

NO GHOST TOWN

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MOLLOHAN. Mr. Speaker, the futures of communities and people are determined just as strongly by ideas and concepts as they are by industry and other materialistic facts of life.

Today the future of West Virginia is tied to the coal, steel, and chemical industries, but there is, over all of this, an idea, which we are struggling to break, which in the past has controlled the future of our State, and that idea is despair.

The despair of West Virginia grew in the early fifties, when, impelled by changes in the coal industry, thousands of people began leaving the State, and coal towns became, in the space of a few years, ghost towns.

In the past decade this despair was deepened by national publicity and became almost a jinx holding the State from progress and developing an unhealthy fatalism in its people.

Today we are beginning to break that jinx and West Virginia is emerging from her awkward adolescence and from her feeling of inferiority to discover that she is a beautiful woman with great potential.

Such is the case with the town of Idamay in northern West Virginia. A fine, clean town, so untypical of all that is conjured up by the stereotyped name, "coal town."

Idamay has not fallen into the despair which has ruined other towns faced with the closing of the mines.

On Friday, July 9, the Bethlehem Mines Corp., closed down its Idamay mine, which had employed 208 workers, and for some of those workers, for the first time in 28 years, the start of the work week did not find them walking to the portal of the Idamay mine.

The Fairmont West Virginian published a series of articles on Idamay, its people and the Bethlehem Mines Corp., showing how the town broke through despair and refused to die.

The articles follow:

[From the Fairmont (W. Va.) West Virginian, July 8, 1971]

TRANSFORMATION AT IDAMAY: IDAMAY WILL CLOSE FRIDAY

(By Helen Bickel)

The Idamay mine will cease operations at midnight Friday, bringing to an end more than half a century of coal mining, but the approximately 200 families in the community have no intention of letting their attractive village become a "ghost town."

The mine, operated since 1943 by Bethlehem Mines, will close at the end of the second shift. Some 208 hourly employes will be affected by the mine's closing, James McLeary, superintendent, said.

More than 55 per cent of the hourly employes are eligible for pensions if they choose to retire, mine officials said. Names of men too young for retirement and others wanting to work will be placed on a panel for employment at other mines operated by Bethlehem, it was pointed out.

SOME TO BUCKHANNON

Many will be employed at the new mine No. 105 now under construction by Bethlehem near Buckhannon. Bethlehem also operates No. 41 at Barrackville.

Salaried personnel will be transferred to Buckhannon or to other divisions of the company, officials said.

Efforts are under way to sell the property and buildings to another industry. The mine surface plant includes 11 buildings on almost 13 acres of nearly level ground.

"We will find some use for the property," a Bethlehem official said yesterday. "It will not be abandoned."

FINE FOR INDUSTRY

Condition of the modern, well kept brick buildings constructed by Bethlehem as well as those purchased from Consolidation Coal Co., original operator of the mine, available rail lines, water supply and large parking area make it "perfect for a small industry," the official said.

Since Bethlehem took over operations in April 1943 and through June 30 of this year, a total of 42,906,082 tons of coal have been mined for a yearly average of 1.5 million tons. The area from which coal has been removed covers about 3,600 acres.

More than 1,000 men have been employed at one time when the mine operated at peak capacity, officials said. Six hundred miners worked at Idamay as recently as 10 years ago.

LONG SERVICE

Because of good working conditions and the company's concern for the miners' welfare and safety, the turnover has been low at the Idamay mine.

Average age of men working at the present is 55 years while the average length of service is 29.7 years, Frank Lencek, division personnel director, said.

No serious tragedies have occurred at the mine and the average number of men affected by loss of time accidents during the year has been about four.

Idamay mine was presented an Award of Honor by the National Safety Council for outstanding safety performance during 1970.

Removal of some equipment to other Bethlehem mines is under way now and a general "cleaning up" of the plant, including the dismantling of the tipple and cleaning plant, will be undertaken when mining operations end, officials said.

[From the Fairmont (W. Va.) West Virginian, July 9, 1971]

THEIR LAST SHIFT AT IDAMAY: THE LAST DAY

(By Helen Bickel)

Men who will close out mine No. 44 at Idamay today have worked an average of almost 30 years. Some will leave with reluctance the underground cavern from which many millions of tons of coal have been removed.

Others, nearing a point in which they are almost as "worked out" as the mine they are abandoning, are looking forward to retirement and the pensions that will be theirs to live on for the rest of their lives.

All speak well of the mine that provided a better-than-average livelihood for their families, and this includes men who have long since retired from No. 44.

YOUNG MINER

Robert Wilson at age 41 is one of the youngest miners who will work for the last time at Idamay today. A miner since he was 18, Wilson was born and raised in the pleasant little town.

The Wilsons live in the last house on the hill above the playground and "we wouldn't like to leave it," Jeanne Wilson said this morning. Her husband's future is uncertain at the moment, however, and they "just have to wait and see what happens," she said.

Wilson, a mechanic has his name on the panel for a job at another Bethlehem Mines location. Mrs. Wilson admitted they were beginning to get "a little worried" but said "he is supposed to hear something today."

SON AT UNIVERSITY

A son, Robert Linn Wilson, 1971 graduate of Farmington High School, has enrolled at West Virginia University and "is all set to go," his mother said. Too long an unemployment period for her husband will affect the son's plans for an education, she said.

The Wilsons have two children at home in school and another one is married. The family lives in one of the original mining houses and they have done extensive remodeling.

"We have a beautiful location here on the hill." Mrs. Wilson said, "and we don't like the idea of having to leave. But if we have to, we have to, and there's not much we can do about it," she added.

MIXED FEELINGS

Mrs. Ray Cutlip, whose husband is a continuous mines operator helper, has mixed emotions about the mine's closing.

"I hate to see it close for some—the men who might have to go someplace else to work and live—but for Ray's sake, I'm glad," she said as we talked on the porch of her neat white cottage.

Cutlip has worked at the mine since 1939 and the family has lived in the attractive home surrounded by clipped hedges and green lawns for the past 31 years.

"Ray is eligible for a pension," Mrs. Cutlip said, "and so we'll stay right here where we are. This has been a good place to raise a family," she added, mentioning their two children who are now married and have homes of their own.

REGRETS CLOSING

Her husband, she said, "hates to see the mine close. He would stay on until he was 65 if he could." The Cutlips have a garden and large lawn to keep up, "so we'll have plenty to keep us busy," Mrs. Cutlip said.

"There has been something different about these last three days," the Idamay housewife and mother admitted. "I don't know what it is, but there's something," a look of sadness passed briefly over her face as she spoke.

C. Harold McIntyre, assistant foreman at No. 44 where he worked for 23 years, is now retired. He was definite in his answer when asked his opinion about the end of the mine.

"BREAKS MY HEART"

"It breaks my heart," he replied. "This is a closeknit community and many friendships have been made. We're concerned about the people who might have to leave here.

"This is a wonderful town." McIntyre continued. "We have lived here long enough to see the changes that have been made and people who live here like it. We don't like to see any of them have to leave Idamay."

The retired miner talked as we sat around the family dining table enjoying coffee and cake served by Mrs. McIntyre, assisted by Mrs. James McLeary, wife of the mine superintendent and a next door neighbor.

THE GOOD YEARS

He talked of the "good years we have had here" during which two sons were raised. Jack, a former Fairmont State College athlete, is now a coach and counselor at a high school in Maryland. Jimmy is employed in a supervisory capacity by Bessemer and Lake Erie Railroad in Greenville, Pa.

The McIntyres have lived since October 1948 in their present home situated on an Idamay hillside. They will continue to live there they said, "because there is no better place."

M'LEARY TO RETIRE

James McLeary will retire in January as superintendent of both No. 44 at Idamay and No. 41 at Barrackville. Employed in the mines for 43 years, he has worked at Idamay for the past 23.

McLeary said he was "sorry to see the mine worked out. It has been a good one and the men have always taken a lot of pride in working at Idamay."

The McLearys will continue to live at Idamay after the "super" retires. "There's no better place," he said and his wife agreed.

[From the Fairmont (W. Va.), Times-West Virginia, July 11, 1971]

IDAMAY IDEAL VILLAGE

(By Helen Bickel)

The story of a clean, beautiful and prosperous-looking village like Idamay has seldom been told, probably because it is clean, beautiful and prosperous-looking.

It doesn't fit in with the preconceived idea of the press and magazines that every mining town is a "coal camp" or "ghost town" in which miners live in misery in virtual hovels.

This is not to deny that such towns do exist in various parts of the country and that coal camps and miners' barracks weren't common here in an earlier day, but that day is past in this coal field.

MINE CLOSED

Idamay, here *Bethlehem Mine* No. 44 ceased operations after more than 55 years at midnight Friday, is a small community whose streets wind through hillsides overflowing with trees.

Every street in Idamay is paved and the signs informing the visitor of the names of these thoroughfares are sparkling white and visible. The homes are attractive, the lawns and surroundings well kept, and everywhere can be seen evidence of affluent living usually associated with suburbia or, at least, with larger towns.

Many of the homes date back to the beginnings of the community and there are several of recent vintage. It is hard to distinguish between the two.

PRIDE IN TOWN

Bethlehem Mines acquired the Idamay mine and the homes that went with it in 1943. Shortly thereafter, the company repaired and renovated the residences and then sold them to the families, most of which had lived in the houses since they were built in the years immediately preceding War I.

The new homeowners took it on themselves to make further improvements to the frame houses, and through the years a picturesque village has developed that is the pride of everyone who lives—or has ever lived—in this pleasant town.

GREEN PREDOMINATES

There is more green to be seen than anything else in Idamay. The trees, the hillsides, the lawns and shrubbery abound in the color. It comes as something of a surprise to realize that all this verdancy surrounds a coal mine that has produced more than a million tons of coal in each of the years it has been in operation.

On a recent day when we paid a visit to this unusual village, we noticed that several housewives had clothes blowing in the mild breeze on lines in back of or at the side of their homes—an unbelievable sight for one who would never dare hang clothes out to dry in her yard located not too far from the downtown area.

Men were down in the mine bringing out the last few tons remaining in the vast underground passageways and the cleaning plant was in full operation. Yet housewives were able to give their household linens and clothing the benefit of the sun and wind with no fear of soot and smog.

CLEAN OPERATION

The cleanliness of that part of the operation above ground has had much to do with the looks of the town that resulted when the mine was first opened. The buildings constructed by Bethlehem and those that were purchased from Consolidation Coal Co. are in excellent condition and the plant has more of the look of an institution than of an industry acknowledged to be just about the "dirtiest" that ever existed.

From the well-equipped, spotless dispensary—where Nurse Rose Cutlip has treated less serious injuries for almost eight years—to the supply building, oil and grease house and the various other structures necessary to the operation of a coal mine, the area is clean and amazingly free of debris.

MANY FLOWERS

The residents of Idamay and the company have worked together to transform the town into a village in which Marion County and the state of West Virginia can take pride.

Flowers grow in sculptured beds, alongside porches and in containers, placed where they will catch the sun as well as the eyes of a passerby. We noticed hollyhocks and Tiger lilies standing tall enough beside the heavy steel fence to almost hide from view the coal cars waiting to be moved over the railroad tracks.

Children in Idamay play in their own yards or in the playground built for them beside the elementary school. Many of the homes have their own backyard pools, we were told, and we noticed two or three pleasure boats on trailers ready for the family's weekend outing to the river.

The songs of birds were not dimmed by the work going on at the mine. We watched with delight the activities of a hummingbird as it approached a feeder in the back yard of the home of Mrs. Harold McIntyre with whom we visited briefly. Mr. McIntyre called attention to the vegetables growing in his garden and told us that "most everyone in Idamay has a garden."

MUCH REMODELING

While most of the houses are frame and are painted white—the better to show off awnings, flower boxes and trellised roses—many have been covered all or in part in stone. We were told that "there are no vacant houses in Idamay" and that by far the greater number are owned by the people who live in them.

Idamay has more than beauty, however. It has its own sewage disposal system—built for the town by Bethlehem Mines—and its water supply comes from Monongah. A spacious community building is almost completed, with a two-stall garage on the first floor to house fire equipment and a large meeting room above. Protection from fire has been furnished by the mine but since it has now closed Idamay residents will donate to Farmington and Worthington Volunteer Fire Departments, it was understood. Fire hydrants are placed throughout the community for the protection of Idamay's homes.

The attractiveness of the charming village goes beyond its environs. A slag heap has been reclaimed by Bethlehem and the result is an area with possibilities that exercise the imagination. (We could envision a subdivision of homes with a breathtaking view of the surrounding hillsides, a helicopter landing strip, slopes for skiing, to mention a few that come to mind.)

MANY INVOLVED

The story of Idamay is one that involves all of its residents. Organizations have had a part, including the Idamay Improvement Association, the Lions Club and the Idamay Homemakers. All groups have done much to help their town and they will continue to do what remains. Beryl Toothman is president of the Improvement Association, Charles Green is vice president, Mrs. Donald Barr is secretary-treasurer and members of the board of directors, in addition to the officers, are Harold McIntyre and James Willard.

Mrs. Steve Kropog Jr., is president of the Homemakers and Ray Kelley head the Lions Club. Each organization has carried out various projects that have resulted in improvements to the town.

Residents of Idamay describe it in various ways. James McLeary, superintendent of the mine who has lived in the village for 23 years said that on winter nights when the opposite hillsides are covered with snow it reminds him of a "little Switzerland." A wife whose husband is now retired said, "It's heaven to me." Her husband called it "peaceful."

Not all of the families who live in Idamay are connected with the mine. Someone said that only about 44 men of the some 208 hourly workers at No. 44 live in the town where they worked until this past week. "They would like to live here but there aren't enough houses," we were told. Once a family lives amidst the hills and trees and clean, open air, its members are not likely to want to leave.

Several new homes have been built in recent years and a few are under construction now. Homeowners work in various industries and business places in Fairmont and other nearby towns and cities.

TO STAY HERE

One young man, soon to be married, gave us an answer we liked when we asked why he planned to live in Idamay when his work is elsewhere. He is Trooper James McGraw of the Shinnston Detachment of the West Virginia State Police.

We were introduced to McGraw when we were driving back down to the mine after a visit to a pleasant park located on a hilltop wooded with tall walnut trees. His father was a miner and Trooper McGraw has lived in Idamay most of his life. He will marry the "girl next door" and will live on the street where his parents live now.

Why live in Idamay, we asked? The young man looked over the hillsides, stretching his arm and pointing his finger as he replied, "Just look at it."

We knew exactly what he meant. We knew, too, what Lew Savisky, assistant superintendent at Mine No. 44 was talking about when he summed up the story of Idamay by saying, It's pride. The men who worked here have it and so do the people who live here. That's all it is—pride."

[From the Fairmont (W. Va.), West Virginian, July 12, 1971]

IDAMAY GETS SMALL INDUSTRY

(By Helen Bickel)

The old company store at Idamay, where No. 44 ceased operations after 55 years last Friday, has been transformed into a small plant for the manufacture of homes to help meet the demand of families wanting to live in the picturesque little village that ignores the appellation "ghost town.'"

Superior Modular Homes Inc., a firm headed by Edgar Parks, has occupied the building since April. Extensive remodeling is under way in the large two-story frame structure to make it into the kind of factory needed to make the prefabricated houses quickly and efficiently.

Parks, who had worked as a man hoist operator at the mine for 24 years prior to its closing, has been building homes "on the side" for a number of years. He has had a hand in the construction of some 15 brand new homes in the small town in the past five years and "there are more to come," he said.

"We can't keep up with the demand," Parks said. "There are no vacant homes in Idamay and we aren't expecting any. More people are wanting to come out here to live in our town."

PLAN DEVELOPMENT

Home building in the attractive village will get a tremendous boost if plans for a housing development materialize.

Roy G. Arnott, Marion County supervisor for the Farmers Home Administration, has met with members of the Idamay Improvement Association to discuss the possibility of applying for a federal loan with which to start the development.

"The money is available," Arnott said, "and as soon as a site is settled on and plans made for its purchase, we'll get to work on the loan for the town."

Idamay, in Parks' opinion, is "the ideal place" for a housing development.

"We're located on a through road," he said, "and Route 15 is the most traveled secondary road in the county."

The streets are paved in Idamay and the sewage treatment plant—built for the community by Bethlehem Mine—"can handle another 100 houses," Parks pointed out.

OTHER ASSETS

A well-kept elementary school building surrounded by a playground with equipment for the youngsters, a community building under construction, a hilltop park and picnic area on company land are among other assets of the town.

"The water supply is good, we have fire protection from Farmington and Worthington," Parks said, "and one of these days, we'll have our own firefighting equipment."

Asked if the town would "suffer" because of the mine's closing, Parks replied in the negative.

"More than 75 per cent of the homeowners did not work at the mine," he said. "We have people who work in businesses, industry and other mines living out here and more are wanting to come. The town won't suffer," he added.

He called attention to a sprawling brick home of almost estate proportions which had been built by a man employed by a company in Fairmont. Other recently constructed houses also were pointed out and Parks showed one his firm is building at the moment.

ASSEMBLY UNITS

Superior Modular Homes puts the units together and then transports them on trailers to the building site. A new home can be put under roof in just a few days' time, the builder said.

The store building was constructed in 1916 and is located next to the small brick post office that serves the community. A porch extends across the front of the structure and the building is in exceptional condition, considering its age.

The store was operated by Consolidation Coal Co., original owners of the mine, and when Bethlehem Mine took over, the old "company store" was sold to Wesley Hatfield. Hatfield closed his general store in 1950 and until Parks purchased the building, it was used as a meeting place and "teen center."

Superior Modular Homes Inc., is a small firm with six employes currently. Parks hopes to add more men and predicts "we'll have 15 or so when we get going."

Along with Idamay, this home-owned and operated business is on its way.

[From the Fairmont (W. Va.) West Virginian, July 13, 1971]

IDAMAY DAYS RECALLED

(By Helen Bickel)

Ross Merriweather and Charlie Elekes have been retired from the coal mines for several years, but to both men the closing of Bethlehem Mine No. 44 at Idamay was a personal happening.

The two men visited the mine one day before it closed last Friday. They knew the mine was old and worked out—it had been in operation for more than 55 years and had given up millions of tons of coal from its underground depths—but the retired miners found it hard to believe that all activity around the tipple and cleaning plant would cease.

Elekes retired in 1959 after 48 years in the mines. "I'm sorry to see this mine close," he said, and there was a touch of sadness in his voice. "It was a good mine, a good place to work.

PRAISES COMPANY

"The company not only preached safety but lived up to it," Elekes emphasized his statement with slight gestures of one hand, then the other. He expressed concern for the miners of "55 or 60" who wanted to continue working but might have "a hard time" finding jobs.

"I've been lucky," he continued and said, "the mines have been good to me."

A native of Hungary, Elekes came to this country in 1911 as a lad of 17. He started working at No. 9 in Farmington and ended his career as a roof bolter in No. 44. "I have done practically everything in the mines," he said.

Elekes now lives in Farmington, a town he served as mayor from 1959–61. He was a member of the town council for 12 years before his election as mayor.

Mr. and Mrs. Elekes are the parents of eight children—five boys and three girls—and five members of the family attended college, a fact for which the pleasant retiree is rightfully proud.

DESCRIBES LIFE

"The mines have been good to me, too," Merriweather, soft-spoken and articulate, said. He is well known throughout the county for his work with the union.

The father of three daughters, two of whom attended college, Merriweather was born in Alabama and came to West Virginia as a boy. He has worked in the mines since he was 17 and most of his years have been spent in Marion County.

Merriweather retired in 1960 after 46 years in the mines and was a pin timberman at Idamay. He now resides at Carolina.

"I have had a fine life in the mines from the time Bethlehem took over. No other company can come up to the standards of this company," Merriweather said. "It's the greatest one I ever worked for," he added.

"They treated their men well and their safety program was one that worked" the long-time coal miner said.

Merriweather mentioned the many friends he had made during his many years as a miner and said that some of them were still working. He, too, expressed a hope that the ones not old enough to retire would be able to continue "working with Bethlehem."

The thought of the closing of No. 44 "is a gloomy one," Merriweather concluded, "but the time comes for a mine, the same as a man, when there's no more work to be done."

[From the Fairmont West Virginian, July 14, 1971]

GOB PILE GONE

(By Helen Bickel)

A land conservation program that can serve as a model for reclaiming West Virginia's mine "gob piles" is well on its way to returning a large area near Idamay to its original beauty.

Since 1965 when the project was started by Bethlehem Mines Corp., owners of Mine No. 44 which ceased operations last Friday, approximately 30 acres of mine refuse dump area have been covered with trees and some 40 acres have been covered with grass.

The vegetation is flourishing and provides a perfect camouflage for what once was an unsightly part of the Marion County countryside.

FAMILIAR SIGHT

Coal mine refuse is a gray-black mixture of slate, shale, sandstone and coal that remains after raw coal is cleaned in the preparation plant. When dumped indiscriminately and left uncovered, the huge heaps of refuse—a familiar sight in any coal mining area—are depressing and ugly.

Bethlehem Mines, wanting to provide productive and attractive land for the use of and enjoyment by future generations, decided on a landfill operation to dispose of refuse hauled by truck from the preparation plant at Idamay.

Located at the base of a hill, the landfill area was leveled and excess earth pushed to the edges. This area was then filled with alternate layers of mine refuse and earth, compacted and surrounded with earth to keep out and prevent spontaneous combustion.

SLOPE PLANTED

As the fill progressed upward, the slope border was planted with grasses and trees to provide erosion control and an attractive permanent cover.

Located below the now-green hillside is a "settling pond," into which mine refuse made up of finer particles is pumped in the form of a sludge.

As the water evaporates and the pond fills with solid material, it is covered with a two-foot layer of soil to provide a good planting base. The pond is then contoured to provide proper drainage and a more attractive appearance. The area used to dispose of this type refuse, approximately 15 acres to date, was seeded with Kentucky bluegrass, Kentucky fescue, perennial rye grass and lespedeza.

In cooperation with the U.S. Soil Conservation Service, Bethlehem Mines arranged with Monongahela Soil Conservation District to do some of the planting on an old mine refuse pile near Idamay at Bethlehem's expense.

VARIETY OF TREES

In the spring of 1965, some 4,000 seedlings were planted on a slope of the refuse dump which was first covered with a layer of clay. The trees planted were bristly locust, tree of heaven, European alder, speckled alder and mountain ash.

In 1966, approximately 15 acres of the old refuse area were planted with seedlings, consisting of 5,000 white pine, 5,000 Virginia pine and 2,000 black locust trees. Then the area was hydromulched with paper pulp and sown with a seed mixture of switch grass, alta fescue, perennial rye grass and ycca. The paper pulp mulch absorbs the water and fertilizer and retains it in the area of the seed, thereby promoting faster and better growth. It also reduces the amount of seed carried away by wind and water.

During the spring and fall of 1967, an additional 5,000 white pine, 6,500 Virginia pine, 3,500 black locust, 500 autumn olive and 500 European black alder seedlings were set out and 2,000 pounds of grass seed were sown.

In 1968, 10,000 white pine, 500 locust, 250 European black alder seedlings and 600 crown vetch plants were set out. In addition, switch grass, alta fescue and perennial rye grass seed was sown.

The reclaimed land sits high above the trees growing in a valley below and in the distance can be seen the town of Farmington. Looking towards the right over the highway that curves between Farmington and Idamay the section formerly known as "Bessie Ann" and "Gobbler's Knob" is visible.

Closer to the sky and clouds than any land surrounding it—except for the mountains that hover beyond a layer of hills—what was once a miserable, ugly refuse dump is now attractive acreage with unlimited possibilities for development.

[From the Fairmont (W. Va.) West Virginian, July 15, 1971]

CONFECTIONERY PERFECT STORE FOR IDAMAY

(By Helen Bickel)

The only place of business in Idamay is the perfect establishment for this beautiful little village. Located on one of the streets that curve around the hillsides and through the town, Rizzo's Confectionery and Pressing Shop has an appearance similar to the attractive homes that surround the store.

A large rectangular sign out front states the name of the owner and the purpose of the building. This is the lone feature that distinguishes Rizzo's store from the residences on the street.

Joe Rizzo has operated the multipurpose business on the ground floor of his home since 1953. In addition to the store—which has "a little bit of everything," to quote the owner—there is a pressing shop at the side and an office for residents to pay their gas bills in the rear.

SEES GROWTH

Closing of Mine No. 44 last Friday will have "a little bit but not too much" effect on his business, in Rizzo's opinion. Some 45 families depended on the mine for their livelihood but many of these miners will retire or be transferred to other mines operated by Bethlehem Mines Corp., Rizzo said, and he doesn't expect too many of them to move elsewhere.

As a matter of fact, the Idamay businessman believes the pleasant town will grow "I predict we will have another 100 families within the next few years," he said. "We have room for them and people are beginning to realize that this is a good place to live."

Born and reared in Idamay, Rizzo worked briefly in the mine at Carolina before opening a business in 1945. His first store was located on the old road between Idamay and Farmington.

Rizzo and his wife Mary work long hours in their place of business. The store is open seven days a week, from about 7:30 a.m. until 9:30 p.m. "Sunday hours are a little shorter," the store owner said.

LIVE ABOVE

Since their residence is located over the store the Rizzos are frequently asked to "open up when people run out of something," Rizzo said. "But we don't mind," he added "these are good people here and we do what we can to help them out."

Rizzo's store has enough of a variety of items to qualify as a "general store." A quick look around showed everything from castor oil to shoestrings, thumbtacks to potatoes, fuse plugs to bobby pins.

Included in the stock of the interesting establishment are groceries, confections, patent medicines, kitchen and cleaning supplies, beauty needs, toys and paint brushes.

Hanging from the ceiling are sacks of potato chips and similar snacks alongside neat rows of work gloves. A glass case at the side of the counter holds tobacco supplies. Small pieces of penny candy are in jars lined up at the rear of the counter.

OTHER SUPPLIES

Soft drinks, beer, and ice cream are in coolers not too far from the entrance to the store. A huge refrigerated cupboard with glass doors contains milk, cheese and other dairy products. Packaged cookies and picnic supplies are stacked on open shelves.

In spite of the vast array of items in stock, Rizzo's store is a neat place and everything is displayed for the convenience of the shoppers as well as the owners.

Mr. and Mrs. Rizzo run their triple-business themselves. Rizzo picks up clothing in Idamay and Carolina and brings it to Fairmont for cleaning. He does the pressing himself with help from his wife.

"When the boys were growing up, they used to help out," Rizzo said, "and whenever they're around, they still give us a hand when we need it."

The Rizzos are the parents of two sons. Jim, a Fairmont State College graduate, is an auditor with the state tax department. Sam is a student at Fairmont State.

FRIENDLY PEOPLE

Asked if they ever took a vacation, Rizzo looked around his store and said, "This is our vacation." He admitted, however, that he takes a day off now and then to play golf.

The Rizzos are friendly people and their customers who come to their store are addressed on a first-name basis. They especially like children who are among their best customers.

Treasurer of the town's active Lions Club, Rizzo is well aware of what is going on in Idamay. "We have been a lucky community," he said. "We can be thankful for a company that has done as much for us as Bethlehem has. They built our sewage treatment plant and paved the roads around here. All we have to do is keep them up."

Even though the residents of Idamay no longer have "the company to depend on," in Rizzo's words, he believes they will continue to "keep up their property and keep our town a nice place."

"And Idamay is a nice place. The kids are wonderful," the man who runs the town's only business said. "They are never a problem, they have never tried to steal anything. Why, we don't even have a policeman, but then we have never had any trouble."

With good citizens such as the Rizzos, Idamay should have no problem keeping this record.

AUTHORIZING THE DISTRICT OF COLUMBIA TO ENTER INTO THE INTERSTATE COMPACT ON MENTAL HEALTH

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. LINK. Mr. Speaker, I have today joined with the gentleman from Missouri (Mr. HUNGATE) in sponsoring a bill to authorize the District of Columbia to enter into the Interstate Compact on Mental Health. Forty States, including North Dakota, are presently members of this compact.

The following letter from the District government explains the purpose of the bill:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 14, 1971.

The Commissioner of the District of Columbia has the honor to submit for consideration by the 92nd Congress a bill "To Authorize the District of Columbia to enter into the Interstate Compact on Mental Health".

The purpose of the compact is fourfold. First, it guarantees that any person found to be mentally ill or mentally deficient within a party State will receive care and treatment in that State regardless of legal residence or domicile. Second, it permits the transfer of a mentally ill patient to an institution in another State when such transfer is found to be in the best interests of the patient. Third, it provides for interstate cooperation with regard to after-care, and supervision of patients on convalescent status or conditional release. And finally, the compact encourages supplementary agreements between two or more party States for the furnishing of care and treatment of patients on a cooperative basis.

Forty States are currently participating in the Interstate Compact on Mental Health. The District of Columbia is one of the few remaining jurisdictions in which eligibility for care and treatment of mental illness is based on the legal and technical definitions of residence or domicile, rather than on what is determined to be best for the patient from a medical and humanitarian point of view. The Commissioner is of the view that participation in the compact is necessary in order to update the District's approach to the problems of care and treatment, institutionalization and interstate transfer of mentally ill persons and to bring the District in step with the forty States already joined in this important example of interstate cooperation.

The Commissioner of the District of Columbia strongly urges favorable consideration of the attached draft legislation.

Sincerely yours,
GRAHAM W. WATT,
Assistant to the Commissioner.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"The question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"The question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: Provided, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

NEW JERSEY SYMPHONY ORCHESTRA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HELSTOSKI. Mr. Speaker, the music lovers of Metropolitan Washington, who attended the concert at the Filene Center of Wolf Trap Farm Park, were treated to a splendid musical performance of the New Jersey Symphony Orchestra, conducted by the able music director Henry Lewis.

We have always been proud of the New Jersey Symphony, but only since 1968 when Henry Lewis took over as musical director, has it risen to the prestige and acclaim it now holds.

Mr. Speaker, there is nothing better than to read a review of the concert to make one's pride become more pronounced. I have known for a long time that the New Jersey Symphony was well deserving of the accolades it has received in its past appearances. I am now of the opinion that Washington, one of the greatest cultural centers of this country, has received this symphony with the enthusiasm it deserves.

To illustrate the acceptance of the performance made by the New Jersey Symphony, Mr. Speaker, I would like to include as part of my remarks, the comments made by Alan M. Kriegsman which appeared in the Washington Post of Monday, August 2.

The review follows:

SYMPHONY NEW JERSEY

(By Alan M. Kriegsman)

Until Saturday night, when he led the New Jersey Symphony in one of several appearances at Wolf Trap, it had been quite a few years—perhaps seven or eight—since last I heard Henry Lewis conduct. Back then, in California, he seemed a promising youngster no more and no less. Now that promise has been realized, more fully and more brilliantly than anyone could have anticipated in so short a time.

To start with, there is the miracle he has wrought with the New Jersey Symphony. If you have been entertaining any vague notions, as I have, that the Jersey orchestra must be some hick outfit, you couldn't be more in error. I don't know what it was like when Lewis took over in 1968, but now it rates only a few notches beneath the nation's finest.

It is perfectly clear from the orchestra's response to his command that Lewis must have had a great deal to do with the ensemble's present excellence.

The sound and texture are glorious throughout every choir. The strings could use more body, possibly, but their quality is wondrously silken. Splendid winds and brass; the horns are particularly strong, and the first oboe is outstanding. I looked over the fine percussion section and noted to myself that only once before, years ago in New York, had I seen a lady timpanist of this caliber. Sure enough, inquiry confirmed that it was the same gal, Elaine Jones, who really knows how to make those tubs sing and is right there rhythmically with an exactitude that is rare.

From this extraordinary instrument, Lewis drew extraordinary results. His baton work is a pleasure to watch, not just because it is crystal clear and graceful, but because it is a perfect graphic analogue of the ebb and flow of the music. And from the orchestra it summons amazingly vital rhythms, lively articulation and supple, shapely dynamic curves.

The opening orchestral potpourri from "Der Rosenkavalier" was as voluptuous, as subtle, as endearingly romantic as one could wish, and incidentally, it couldn't have sounded more thoroughly "Viennese" in style had Strauss himself been at the helm. All of which is to say that the most impressive thing about Lewis is the interpretive maturity he has achieved.

It is hard to think of another singer today who is as much the total artist as Miss Horne. She's got everything—staggering technique, a voice as radiant and true from chesty bottom to soaring top, impeccable musicianship, and a personal intensity that makes listening to her almost unbearably affecting.

She delivered the goods, too. Her sensitivity and restraint in the "Che faro" from Gluck's "Orfeo" were no less winning than the luscious cantabile of her "Nobles seigneurs, salut!" from Meyerbeer's "Les Huguenots," or her infinite tenderness in "Mon coeur s'ouvre a ta voix" from Saint-Saens "Samson et Dalila." In Rossini's "Non temer d'un basso affeto," from "The Siege of Corinth," she gave as fantastic an exhibition of coloratura virtuosity as I ever hope to hear, yet her unfailing musicality kept it within the strictest bounds of tastefulness. She requited the prolonged cheers of the crowd with an equally stunning "Cruda sorte," from the same composer's "Italiana in Algeri."

The program ended with Glazunov's Symphony No. 5 in B Flat, resurrected from its relative obscurity in a performance of immense warmth and spirit. This was the final sign—a conductor who can make second-rate music sound supremely inspired is really one to watch.

FRANK OSTER AND ROBERT HOWELL: COPS WHO CARE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MAZZOLI. Mr. Speaker, the policeman of today finds in his work a difficult and growing challenge. It is only rarely that you find men who can accept and meet that challenge. That is why men like detective Walter Oster and officer Robert Howell of my district are so deserving of the attention of the House.

They and other members of the Louisville Division of Police render community service both during and after duty hours.

Through coaching, counseling, and teaching among the young they work to fight crime before it has happened. Such devotion is invaluable.

For the information of my colleagues, I insert at this point in the RECORD the text of a recent Louisville Times article by Frank Clifford about these devoted policemen:

COPS WHO CARE

(By Frank Clifford)

Finding a job for a dispirited ex-convict; chaperoning a group of city youths on a weekend camping trip; introducing an agile young street fighter to competitive athletics; becoming an adult "big brother" to a fatherless boy.

It's all part of the voluntary extra duty pursued these days by a growing number of Louisville police officers.

Between 100 and 150 city policemen are devoting their own time to coaching, counseling, teaching, or aiding in some capacity a variety of individuals and community groups, according to one estimate by an assistant to the chief of police.

Some of the officers, like 2nd District detective Walter Oster, have translated community spirit into everyday responsibility.

During his five-year career as a police officer, Oster, 26, also has been a sandlot baseball and football coach, a volunteer probation officer and a community house staff member.

"Just keeping in touch with the boys I've worked with takes up an hour or two each day," he said.

Oster credits his preoccupation with athletics and youth activities to natural inclination, but he said he became interested in working with delinquent boys after an investigation to which he was assigned last year.

"It involved a beating, one of the worst I've ever seen," he said. "For no apparent reason, a bunch of boys jumped a man and whipped him almost to death with lug wrenches and tire tools."

Oster arrested the boys responsible and helped convict them, but he said the incident stayed with him long after the assailants had been sent to prison.

"I got to thinking about my own childhood and about some of the factors that drove boys I knew to do things I wouldn't have believed," he said.

"It was a case of nothing to do and no place to go, of standing around so long and getting so bored that finally something snapped inside," he said.

"I know the same thing is true in a lot of neighborhoods today."

Oster said he began revisiting the scenes of arrests he had made and started talking to some of the same boys he had picked up for fighting, or cursing, or sniffing glue.

"At first, they would hardly talk to me," he said, "but after a while they started to realize that I wasn't down there just to push them around and hassle them."

Oster's street-corner encounters moved last summer to a nearby community center where he sponsored a weight-lifting program, helped form regular group discussions and monitored weekend dances.

When the community center closed last winter, Oster began working individually with boys he had arrested.

In three cases, Oster said, he asked a judge to probate youthful offenders to his custody. The judge agreed.

"It was an experiment," Oster said, "and I wanted to try it because after arresting these boys I felt they weren't entirely at fault for what they had done.

"I felt they were basically good boys who needed someone to give them some self-confidence."

Oster readily admitted that his efforts have not been completely successful.

"One boy just didn't want to have anything to do with me, and I lost track of him," Oster said. "Eventually, he got picked up for a pretty serious crime."

But Oster has not been discouraged by occasional failure, and he is not disturbed by the skepticism of some of his colleagues.

"Some policemen think that there's nothing to be done for these kids, that they're just a bunch of punks," he said. "But I don't know. I tend to feel like those sidewalk preachers you see around town, and you know what they say.

"If you can save one person, you've made a success."

Like Oster, 4th District officer Robert Howell started working with former lawbreakers after a series of casual sidewalk encounters.

In Howell's case, the sidewalk led to Dismas House, 124 W. Oak, a residence for recently paroled ex-convicts who are looking for work and, generally, trying to achieve a stable readjustment to society.

Last winter during the normal rounds of his beat, Howell began stopping outside Dismas House and chatting with the house director, Charles Eastland, and a group of current residents.

"At first, it was just a way of getting to know some of the people on my beat," Howell said.

But he started making visits during his off-hours, dropping by to talk some more, or to shoot a game of pool inside, or simply to listen.

JOINED ADVISORY BOARD

Several weeks after his first visit, Eastland invited the 28-year-old policeman to join the Dismas House advisory board. Howell accepted.

Since then, however, board meetings have represented only one facet of Howell's participation in the house's affairs.

He regularly contacts local employers in an effort to find jobs for house residents. So far, said Eastland, he has been responsible for putting seven men to work.

In addition, he has helped select new residents from applicants who are about to be paroled from the state reformatory near La Grange.

And, recently, Howell has conducted informal seminars for ex-convicts who are unfamiliar with state and local laws.

Initially, Howell said, some of his superiors at police headquarters expressed concern over his involvement with Dismas House.

CONFLICT OF INTEREST?

"They felt that maybe there was a conflict of interest between my regular duties and my activities at Dismas House," he said. "On one hand, they said, I was supposed to be arresting lawbreakers, and, on the other, I was helping them.

"I said I felt that if I could put a man in a good position where he was earning an honest wage and making a contribution, then I'd have one less troublemaker to worry about on the street."

If criticism still is voiced within the department toward the kinds of things Oster and Howell are doing, it is virtually inaudible compared with the outspoken praise from the offices of Police Chief C. J. Hyde and Safety Director George C. Burton.

"Oster and Howell are the kind of men we like to talk about when we are discussing what we mean by the 'modern policeman,'" Hyde said recently.

The department's official enthusiasm for off-duty community service has inspired an experimental project in the city's Model Police District in which policemen receive financial compensation for extra work they do.

The project is beginning to emerge from the planning phase, and, thus far, district officials estimate that about 50 men have volunteered for programs ranging from self-defense classes for women to vocational training for young people.

Although the volunteers will be paid according to the department's standard wage rate, at least one police official has said he would like to see the scale increased.

"Ideally," said Burton, "men who do this kind of extra work ought to be paid double time.

"What they do is that important."

DECEPTION BY THE AMERICAN SECURITY COUNCIL

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BINGHAM. Mr. Speaker, on September 10, 1970, in a statement on the House floor, I noted the deceptive practices of the American Security Council in conducting and reporting its annual poll on national security issues.

In the most recent issue of its newsletter, Washington Report, the American Security Council provides a misleading report on a supplemental "study" issued by seven members of the President's Blue Ribbon Panel on military procurement and management. The enlightening facts of this latest example of the ASC's biased reporting have been very ably exposed by Mr. Harold Willens, chairman of the Businessman's Education Fund. I commend Mr. Willens' analysis of this ASC report to the Members of the Congress, and I include it herewith:

In the immediate past issue of its 35,000-circulation *Washington Report* newsletter which the American Security Council distributes to military and industrial supporters and to Capitol Hill, the Council tries to elevate a supplemental report filed by seven members of the President's Blue Ribbon Panel on military procurement and management to the status of a suppressed document.

The headline on the newsletter is an emblazoned "top secret", and the ASC analysis starts out, "The best kept secret in the United States seems to be the news that the period of U.S. superiority of military power has ended."

Thereupon the ASC publication quotes liberally from the "secret" supplemental report to advance the Council's view that the U.S. should be spending even more of the national resource on military development. In thus dramatising its position, the ASC's newsletter omits much relevant information.

Sen. Barry Goldwater put the entire text of the "secret" report in the *Congressional Record* on May 12th on page 14676 and Sen. Harry Byrd put the entire text in again two days later on page 15136. Cong. John Schmitz likewise put in the complete text in the *Congressional Record*.

The complete text was also attached as an appendix to the Joint Atomic Energy Committee Report. The American Security Council is offering the "top secret" supplement which it appears to have had printed to persons sending in one dollar. It fails to note that it can be also secured for 30 cents from the Government Printing Office or seen free at any public library carrying the *Congressional Record*.

Dr. Marvin L. Goldberger, an original member of the President's Blue Ribbon Panel, was asked to comment on the supplement when he appeared before the Muskie Subcommittee this past June 17th. He characterized the supplement as completely irrelevant.

He now tells us, "This supplement is so off base it makes even the sort of thing the American Security Council usually publishes sound almost closely reasoned."

Since Doctor Goldberger was chairman of the Strategic Weapons Panel of President Johnson's Science Advisory Committee and is now chairman of the Federation of American Scientists, we have it on high technical authority that the supplement issued by seven non-technical men is nonsensical.

The supplemental statement was actually filed with the Pentagon last September and as the ASC newsletter does point out, was released by the Pentagon on March 12th.

While the ASC complains that "neither Government nor the media (with the exception of *U.S. News and World Report*) deemed it a matter to be explicitly made known to the American people," the probable explanation is that the media viewed this as simply another Pentagon effort to sell the nation on spending more money for armament. The timing of the release and of the various insertions in the *Congressional Record* all preceded the vote on military appropriations.

The ASC newsletter takes cognizance of this skepticism noting . . .

"Whereas previous warnings of a dangerous shift in the balance of military power were often discounted on grounds that those raising the alarm were 'military-oriented' this cannot be said of the authors of the special 'Blue Ribbon' report."

What the ASC conceals is that at the time of their appointments, six of the seven had ties to industries with defense contracts aggregating $426 million and to firms with defense industry holdings in excess of $200 million.

While these men are entitled to their no doubt sincerely-held views on national security, we are entitled to know their defense ties in evaluating them. There is no indication that the men signing the statement knew the American Security Council would attempt to conceal the ties. These links were traced in some detail by Sen. William Proxmire in his book Report From Wasteland.* The computation of the defense industry holdings is from the figures reported by Senator Proxmire.

PERSONS SIGNING THE BLUE RIBBON PANEL SUPPLEMENTAL STATEMENT

(Full description carried in ASC Washington Report, June 28, 1971). Summary of defense industry ties *at time of appointment* reported by Senator Proxmire in "Report From Wasteland."

William Blackie—Peoria, Ill.; Chairman of the Board, Caterpillar Tractor Corp. "Caterpillar . . . held nearly $43 million in defense contracts at time of appointment . . . also director of the Shell Oil Co. which held close to $33 million in defense contracts."

George Champion—New York, N.Y.; President Economic Development Board of New York. "Director of the Travelers Ins. Co., which has loans and stock interest in defense industries totaling almost $200 million . . . director . . . Int'l Paper Co., which held $665,000 worth of defense contracts, and of American Smelting and Mining Co., which had $448,000 worth of defense business."

William O. Clements, Jr.—Dallas, Texas, Pres. Southeastern Drilling Co. "Chairman of Board of Governor of Southern Methodist Univ., which held $735,000 in defense contracts . . . Chairman SEDCO, Inc., which held . . . $93,000 in defense contracts . . . Director, Fidelity Union Life Co. which has loans and stock interest in defense industries totalling $7.6 million."

John M. Fluke—Seattle, Wash.; President, John Fluke Mfg. Co., Inc. "which held $1,472,000 worth of defense contracts at the time of appointment."

Hobart D. Lewis—Pleasantville, N.Y.; President Readers Digest Assoc.; Inc. (no defense industry ties noted)

William J. McNeil—New York, N.Y.; Director and Advisor, Fairchild-Hiller Corp. "which (Fairchild-Hiller) has $148 million in defense contracts."

Lewis F. Powell, Jr.—Richmond, Va.; Lawyer, Past. Pres. American Bar Assoc. (1964–65). "whose law firm . . . represented Newport News Shipbuilding and Drydock Co. . . . with $181 million worth of defense contracts . . . Director of the C&P Telephone Co. . . . which held over $13 million in defense contracts."

CITIZEN'S ROLE IN NATIONAL PROBLEM SOLVING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HAMILTON. Mr. Speaker, I include the text of my speech prepared for the July 31 meeting of the Jaycee's Mid-American Institute at Bellarmine-Ursuline College, Louisville, Ky., at this point in the RECORD:

THE CITIZEN'S ROLE IN NATIONAL PROBLEM-SOLVING

The American people believe their nation is in trouble. Their traditional optimism about the nation's steady progress has faltered and most feel that the United States has slid backward over the past five years.

This public anxiety over the state of the nation focuses on the tensions and the divisions among us, and many Americans believe a real breakdown could occur.

These views are the carefully documented conclusions of a Gallup poll, as reported in a recent book entitled: "The Hopes and Fears of the American People."

Your own conference theme—and your seminar topics—reflect this unrest and concern about the nation. Your theme suggests that you are sufficiently concerned that you want to know: "How can I help?" "What can I do?"

Why is there this pervasive mood of unease and disquiet?

We are winding down the most frustrating war in American history—a war:

—that has cost $120 billion, and will cost in veterans benefits another $60 billion over the next 100 years

—that has resulted in over 350,000 U.S. casualties (More than we suffered during World War I).

We have strategic weapons in place today to cause, within twenty minutes from now, 240 million fatalities in the Soviet Union and the United States.

At every turn of the television dial or newspaper page we are reminded of the violence that bubbles and seethes around the world—in Sudan, Morocco and Jordan.

Despite all our efforts, the gap between the rich nations of this world and the poor nations increases with ominous implications for the future.

The performance on the American economy in recent years gives us cause for alarm. Unemployment and underemployment devastate many and inflation haunts all of us.

Although many say we have done too much for the black man, he is restive—and no wonder:

—He is three times as likely as the white man to die in child birth.

—Three times as likely to live in poverty.

—Twice as likely to be unemployed.

—Half of his housing fails to meet health and safety standards

—His income is 40 percent lower.

And even his life expectancy is 5 years shorter.

The rich natural heritage of our land is slowly being booted away as we proceed pell mell with the destruction and fouling of the natural environment.

We wonder where we, as individuals, really fit in.

Whether we can make our mark felt.

Whether we are shut out from the decision-making processes of the nation.

Part of the problem, of course, is that we face a constant bombardment of information about the details of problems at home and abroad. Recently I turned on an early morning news program and the announcer began by observing that there wasn't much news on that day. He then proceeded to talk of anarchy in Pakistan, air strikes in Vietnam, a $3 billion legislative battle in the Congress, and a coup d'etat in the Sudan.

It is no wonder my 13-year-old daughter said to me the other day after I had encouraged her to watch the evening news, "Dad, I just don't like the evening news. All the problems depress me."

We face a constant succession of problems of crisis proportions, and we cannot mobilize ourselves or others for any cause, no matter how meritorious or pressing.

Part of the problem is that we live in a maze of paradoxes that confuse and unsettle us. The GNP doubles in a decade as cities and states teeter on the edge of bankruptcy.

We have built a nation of incredible wealth and yet never have the problems of the poor so beset us.

We have passed civil rights laws of sweeping dimensions, yet discrimination still denies jobs and housing to millions. There are no blacks, for example, in the top 2500 executive positions of the top 50 corporations in America.

I can understand the frustration of the constituent who wrote to me the other day and said, "Congressman, you talk one day about progress and the next day about the problems. Are we making progress or not? Can't you make up your mind?"

We are progressing—but our expectations soar and the gap widens between where we are and where we would like to be.

So, as the report on the hopes and fears of the American people suggests, we are more aware of national divisions and differences, the breakdown of law and order, the constant threat of war, the uncertainty over the economy. A whole array of social problems—drugs, pollution, crime, political instability—seem suddenly to have sprung upon us. Although things seem to be going reasonably well for most of us in our personal lives and we each look forward to personal attainments and progress, the national scene causes us unrest and distress.

So it is appropriate that you, out of your concern as young leaders, ask, "What can I do for my government? Can I be part of the answer rather than part of the problem?"

Allow me to make only one suggestion in answer to your questions.

You can develop a sophisticated understanding of what the decision-making processes of this nation require of each one of us.

Nothing is more desperately needed in this nation than for large numbers of citizens to grasp the essentials of these requirements.

The founding fathers of this nation agreed upon a set of principles and what they thought was a perfect plan of government to preserve order and liberty. But they also knew in order to make that system work, people had to understand the democratic process, and what it required of them. They knew that if an insufficient number of us failed to get into our bones what the Democratic process meant and what it demanded of us, their noble experiment would fail.

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*Frerick A. Praeger, 1970.

The beginning of understanding is to realize that any one of the problems that confront this nation are enough to bring us to catastrophy, if left unattended. One reason for the disquiet among the American people is a growing awareness of the magnitude of the problems that we have, and a dissatisfaction with our rate of progress. A constituent said to me just the other day, half in jest, and half seriously, "Don't we ever solve problems any more?"

They are terribly complex. They are not going to be solved over night, not withstanding the soaring rhetoric of politicians who have become unhitched from reality.

We will not abolish poverty tomorrow afternoon. We will not beat aircraft carriers into tractors next week. We will not, by single act of the United States Congress, cause discrimination to fade into non-existence.

Not long ago a constituent burst into my office loudly denouncing the U.S. State Department for its stupidity, if not its treasonous intent. He had read a single newspaper article about Communism in Japan. The article blamed U.S. policy for much of the difficulty. I told my friend I knew little of the problem, but I suggested he talk to a friend of mine on the State Department's Japanese desk. He did so, and later in the day he returned to my office with a sheepish smile on his face, and a large stack of materials. His comment was, "You know that's not such a simple problem those fellows are wrestling with." He and I both learned something about the complexity of our problems.

There are some who want to ignore these problems, but they are not going to solve themselves. This government is so constituted that sufficient numbers of displeased persons will make their objections known and felt. And if we refuse to acknowledge that serious problems exist, or if we acknowledge them and don't do anything about them, then we make a very serious miscalculation about the nature of the democratic process.

Some, facing the complexity of these problems, will grasp for simple solutions. But there are none.

Some would solve the problems by pasting a label on the proposed solutions. If the proposal is labeled, "A conservative approach" the self-styled conservative automatically advocates it; if it is labeled a "liberal approach" the self-styled liberal proclaims it. But labels get in the way of real solutions. Forget them. Study the issue, the facts, the proposed solutions, and ask yourself: What will work? What is feasible?

Not long ago a constituent castigated me for voting wrong 80% of the time on the basis of ratings of Congressional voting by a certain national organization. I wrote back and said it must be easy to have a massive organization do your thinking for you, to accept blindly and faithfully its judgment on national issues. He was thinking by labels, and labels that someone else applied for him.

Some persons as they survey the national agenda, become too quickly discouraged. They are there for the parade, but not for the long, hard pull.

Right after the 1968 Chicago Democratic convention a cry of alarm ascended from many who rightly demanded reform of the Party—a reform which was badly needed to open up the decision-making processes of the Party. All kinds of committees and commissions were appointed, but many whose cries for reform were the most anguished in Chicago were not there to work out the details of reform, day by day, line by line, word by word.

This democratic process requires staying power. Without it, there is no chance of improvement or accomplishment.

It also requires us:

To be constructive

To speak for interests far beyond our own

To seek to build bridges of understanding and reconciliation

To emphasize positive proposals rather than protests

To build rather than to tear down.

It requires us to have an appreciation of the political process as the art of compromise or the art of things possible, as Count Cavore put it a century ago, without the constant exercise of compromise and accommodation a responsive government simply could not exist in the vast, complicated, diverse country.

There are 20 million persons over 65 years of age who want adequate, self-respecting systems of social insurance. At the same time, there are 70 million persons under 21 years of age most of whom want access to higher education. The nation's resources are limited. We must compromise the demands of each group.

The process of accommodation will meet a stern test with the new political leverage of young people. One of the decisive political influences of recent years has been the senior citizens. As a result, the government has been giving increasing attention to Social Security, Medicare, and other benefits. Now with the sudden growth of the younger voting group in the 1970s, we can expect, in the process of compromising conflicting interests and competing demands, more emphasis in public affairs and legislation for the benefit of the younger generation.

No single group, political party or politician has a monpoly on virtue or patriotism. The democratic process is the practice of compromise and accommodation. It does not provide perfect answers, but it does provide suitable answers, and it is the cement that keeps this country from coming apart at the seams.

It requires that we be alert for ways to improve the decision-making process.

One of the things the Pentagon Papers say to us is that we must improve the decision-making processes in this nation. While a handful of our top policy-makers were involved in raging debates over the Vietnam conflict, very little of the debate surfaced. The American people who had the most at stake, were given little or no opportunity to understand the stakes, the difficulties or the options.

One of the most disturbing aspects of these papers to me, as a Member of Congress, is the fact that the U.S. Congress seems not to have been a partner in foreign-policy making in Vietnam. The Congress was looked upon by the policy-makers as an obstacle to be overcome, a nuisance, and certainly not a vital part of the decision-making process.

Is that the way the founding fathers intended it? Is that the way the American people want it? I cannot believe so.

Your awareness of the weaknesses in the process are a fundamental prerequisite for changing it.

It requires from us a recognition that at the center of this process—indeed at the center of what this country is all about—is a respect for the individual, not just the individual we agree with, but all individuals.

Their opinions are to be respected.

Their views considered.

Their dignity enhanced.

Their development promoted.

And their opportunities widened.

Because the democratic process demands that we respect individuals—it requires us to adopt an attitude of trust and confidence in our fellow Americans—not a blind undiscriminating attitude of trust of everyone to do anything, but a prudent attitude that gives the other fellow the benefit of the doubt.

Because we respect other individuals we will expose our ideas and proposals to analysis, examination and suggestions by others, as the democratic process requires.

We will agree to disagree agreeably. And in the rough and tumble of vigorous and heated discussion of policies we will remember the words of Isaiah—"Come let us reason together."

The decision-making process needs more than your understanding.

It needs you to work for the solution of one or more of the problems that grip your community.

You need not look far to find work to be done.

One of the distinguishing characteristics of the United States in the 1970s is that virtually every major institution is under fire and in a state of crisis:

From the military to the university;

From Lockheed Aircraft to the Methodist Church;

From the courts of justice to the county hospital; and

From the United States Congress to the Ford Foundation.

Indeed, for an institution not be in a state of crisis is almost a badge of dishonor and ill repute.

Take a look about you.

The people, the President says, are simply fed up with government at all levels. Any politician can tell you that people are beginning to doubt—

Whether their government is responsive

Whether government can meet its problems before they occur or only fight off disaster after they occur.

The welfare system is a colossal failure:

It is costly

Almost impossible to administer

Degrading to the recipient.

No one is satisfied with it.

Our most responsible health officials say we are faced with a breakdown in the delivery of health care unless immediate and drastic action is taken. Health costs are rising rapidly while access to health care is inequitable and the quality of care is not as good as it ought to be.

In education—

Teachers strike;

Students riot;

Whites and blacks clash;

Taxpayers revolt; and

We have a crisis in the classroom.

The cities are described by the poet:

Why are the mayors all quitting?
Why are the cities all broke?
Why are the people all angry?
Why are we dying of smoke?
Why are the streets unprotected?
Why are the schools in distress?
Why is the trash uncollected?
How did we make such a mess?

The battle against crime falters. Our law enforcement agencies are undermanned and undertrained. The courts are clogged and prisons become universities of crime.

Not even the church stands serene. As its growth is leveled off—

New construction has slackened;

Circulation of religious publications is down; and

There is an alarming lack of interest in the organized church among large segments of the population.

And as one constituent reminded me one day, we don't even know how to keep the same time in Indiana.

Wherever you look then, you find institutions in crisis and crying out for help. The risk is that the cry for help from so many places will drown out the cry from any one place.

A Congressman is often asked the question what can I do? It's really an impossible question to answer in any meaningful way for a specific person.

If you understand the dominant problems

of your community, and you are dedicated to the public good, you will find ways and means to make a contribution to the most pressing human needs of your community.

I began by saying the American people believe their nation is in trouble and needs help. Your conference and its theme suggest to me that you agree with that view.

The remedy for that mood is not a national psychoanalysis or even hand wringing. It is for enough of us, beginning with those in this room, to enter the fray by working for the solution of one or more of the problems that grip our home town. You cannot solve all the problems. You cannot die on every cross, but you can enter the fray.

Anyone who knows one whit of American history knows that our people have often responded to challenge in a magnificent way. I believe the American system is on trial as never before. There are many reasons to have confidence in the future. None is more important than you.

A NATIONAL HORROR STORY HEALTH CARE FOR THE URBAN POOR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. MIKVA. Mr. Speaker, once again the American people have fallen victim to their own chronic short-sightedness. Just as we have disregarded the causes of the decay of our cities, and have overlooked the millions who go hungry in our country while others feast, so too have we refused to recognize the extreme inadequacies in our public health facilities and services.

In recent years, thousands of children, especially those of ghetto families, have died from diseases that could easily have been detected and arrested months before if proper facilities and adequate professional and paraprofessional staffs had been available.

There is a health crisis in this country which should shock and disgust every American. No amount of rhetoric from the American Medical Association can change the facts. The United States is first in space, first in military technology, first in economic power; yet, our health services trail most industrialized countries of the world. Twelve other countries have lower infant mortality rates than we do. In my home city of Chicago, the situation is even worse than the national average. In less than a year, 1089 black infants have died. While being the fifth largest state in population, Illinois ranks but 18th in ratio of physicians to population. Decades ago, Americans realized the profound effect an inadequate education would have on the life of every citizen and so provided for every American to receive a free public education. Today we must realize that inadequate health care of millions of Americans also has repercussions throughout the structure of our society that reach not only into the spirits of human beings, but are intermeshed with the present social programs of this country. A man incapacitated by an illness that could have been treated effectively at an earlier stage, becomes a burden to society. He is the victim of an illness that will affect his family life, his children's lives, and his outlook toward a society that has placed him on the welfare rolls. A child who does not receive adequate medical attention in infancy and early childhood may never fully develop either mentally or physically.

Two reporters for the Chicago Tribune recently spent 5 weeks posing as out-of-State public health observers, volunteer workers, and college students to gather information on health care in Chicago. During their investigation, they subjected themselves as patients to both licensed physicians and to the unlicensed healers who take advantage of the poor. What follows are a series of five articles which appeared in the Tribune June 20 through 24. I recommend them to all my colleagues; in them, you will find the duplicity and inefficiency present in probably all health care programs in our cities.

These articles demonstrate the urgency of the need for health care reform in the United States along the lines of the National Health Security Act proposed by Senator KENNEDY and, at last, Congresswoman GRIFFITHS. We must expand and redistribute health services so that health, like education, becomes the right of all those who seek it.

The articles follow:

BIRTHRIGHT OF PAIN: A CHICAGO HORROR STORY: CARE FOR ILL BLACK CHILDREN

(By Patricia Krizmis and Angela Parker)

They are children, Chicago's children.

They receive their birthright of pain, deformity and retardation in their mother's womb and are thrust into an insensitive world from the loins of poverty and disease.

They are black and they are dying.

In a city described by local officials as "the safest large city in which a baby can be born," 1,089 black infants, babies less than one year old, died last year, shaming Chicago with one of the highest black infant mortality rates in the nation.

But the story of health care for the black infant and young child is not merely one of dead babies and repugnant statistics.

SURVIVAL NOT ENOUGH

It is a horror story of those who survive the trauma of birth, of tiny bodies wracked with suffering.

It is the story of real hurt; of medical practitioners who bilk the poor and, indirectly, the taxpayer; and of city officials who take a callous and apathetic approach to the problem.

"The need is so apparent that it is burgeoning thru the doors and windows," said Dr. Albert Clements, head of pediatrics at the Martin Luther King Health Center, a government-funded center on the city's West Side.

"We are dealing with more than medical ills," Dr. Clements said. "One man can do a lot, but he can't do everything. Often, you must chip down the wall of fear and distrust with understanding and concern. Often, you must beat the system and its red tape for the sake of the patients."

We lived the health care crisis in Chicago for five weeks. And we saw some of the innocent victims sacrificed each year.

An emaciated 8-month-old boy lies in a bed of torment with tubes running into his skeleton-like body. He weighs only 10 pounds.

"Obviously the child is suffering from malnutrition," said Dr. Julian Berman, head of genetics and pediatrics at County Hospital, "but it isn't because his mother didn't feed him." The mother is only 15; she probably had no prenatal care, he said. If she had, she might have known to seek help earlier, he added. She tried continually to feed the baby, and when he reached this stage she brought him to County.

A 7-month-old boy twitches in agony and with each spastic jerk, there is a wail of pain, His body is covered with a skin infection. His mother repeatedly sought help from city-run clinics, but not until two days ago had health workers decided the condition was serious enough for referral to County Hospital.

And in a tiny grave in Restvale Cemetery, lies one of last year's morbid statistics. The mother had rejected Board of Health clinics because she had learned thru experience that sick children are not treated in the clinics in her neighborhood.

She sought the help of private physicians. The last one brushed off the ailment as stomach flu, as he had on four previous visits.

THE DOCTOR DIDN'T CHECK

Soon after, the child was rushed to a hospital in a coma. Emergency room doctors made desperate attempts to save her after immediately diagnosing the problem.

The cause of death: acute lead poisoning. The private physician had not bothered to administer the simple blood test that detects the child-killer.

There are many physicians who work among the poor, treating them as well as they would North Shore patients.

In fact, some of them, angered and frustrated by the health crisis, cooperated in this investigation.

We watched babies born in roach-infested, vermin-ridden hovels that are home for the poor. We saw these tiny human beings enter the world on beds or kitchen tables covered with newspapers, used as a desperate attempt to bring the most primitive forms of sanitation where there is none.

POSED AS PATIENTS

We became victims of the crisis by subjecting ourselves as patients to licensed physicians who have become prostitutes of their profession and to the unlicensed treatment peddlers who pose as legitimate healers and tinker with human life in the slums.

We found these medical swindlers preying on people in pain, in trouble or too young or too uneducated to know better. They prescribe unnecessary medicine, give not even perfunctory examinations and bilk their victims, while, at the same time, urging them to return.

ADVISES HOSPITALIZATION

And we felt the last ounces of human dignity being drained from us by these medical swindlers as it is every day from the poor in Chicago.

One doctor told a reporter she was so sick she should go to a hospital. When she said she had no money and no welfare care because she had just arrived in the city, he callously told her:

"You should go to the hopsital, but if you don't have any money, I guess there is nothing that you can do. I just hope you don't fall out in the street somewhere." There was no attempt to get her into a hospital.

"If Chicago, is indeed the healthiest city in the nation, as Mayor Richard J. Daley says, then the rest of America is in deep trouble," said Pierre de Vise, an expert on population, medical and urban problems who has conducted in-depth studies of Chicago's health care crisis.

FOR THE WELL ONLY

The health crisis involves a Board of Health priding itself on its 34 infant welfare stations which in reality are assembly-line factories for distributing pills and dispensing inoculations a few mornings a week to well babies and children.

The sick are turned away. Or, in the burocratic rhetoric spewing from the board's offices, parents of the sick infant or child are told to find a private physician or "referred" to County Hospital, where the poor take their hurt when there is no place else to go.

De Vise, project director of the Chicago Regional Hospital Study, pointed to "the incongruity of a 19th-century Board of Health whose clinics see only well babies and well mothers-to-be." He added:

"Many poor people are under the misapprehension that these Board of Health clinics see sick people and are frustrated and delayed in their search for an alternative to the long trip and wait at County Hospital clinics."

TELLS OF HEALTH CENTERS

Early this year, when Dr. Murray Brown, the city's health commissioner, announced that eight health centers would be opened, he said:

"Altho we have no legal responsibility to provide health care, we felt a moral responsibility because of the magnitude of the problem."

The first center, the Uptown Community Health Center, is at 4414 N. Clarendon Av. It is run by the United States Public Health Service under contract with the city. And Dr. Brown boasts that he goes to the center because of the excellent care provided.

POSES AS STUDENTS

However, the same could not be said for a child under the age of 5. When we visited the center, posing as college students working on research papers, a nurse told us:

"We treat sick children and adults. But this center treats children who are 5 years and over. We don't treat infants and preschoolers here. They go to the Board of Health well-baby clinics."

Involved in the health crisis are many of the city's private hospitals. They have their quota system—fill a few beds with patients who are both black and poor and send the others to County Hospital.

"Every patient on welfare has a card that supposedly allows her to have care just as anyone else," said Dr. Robert W. Blumstein, an obstetrician. "In reality, the poor go to County Hospital or have their babies at home, or if they are very lucky, they get in on the quota system."

"By law and statutes," de Vise said, "the poor of Chicago are free to choose their physicians and hospitals and these private vendors may be reimbursed by the state for their service to the poor.

"In practice, however, it does not quite turn out that way. Cook County Hospital, the only public charity hospital serving the 5 million people living in the 1,000 square miles of the county, is the primary hospital for Negroes, serving over half of the Negro patients residing in Chicago's 24 poverty communities."

MOTHER SHUNS COUNTY: ROACHES WATCH BIRTH IN A SLUM APARTMENT

(By Patricia Krizmis and Angela Parker)

Rain beat hard against the window, and thunder echoed thru the room, heralding the infant's birth in the South Side slum apartment he would call home.

It was 2:45 a.m. when Andy was born on a bed covered with newspapers. Roaches crawled along the wall molding far above him, and below, the floor was dotted with black gummy spots.

The newspapers had been placed on the bed in an attempt to bring the most basic forms of sanitation to the newborn and his mother.

MATERNITY TEAM ARRIVES

A little more than four hours before, a team from the Chicago Maternity Center had arrived at the frame building; a squad car had awaited its arrival. Police escort the teams at night in neighborhoods where the crime rate is high.

"Sure glad you're here," said a large black woman waiting at the door. She led the team down a dark, dingy hall and thru a living room and stopped in front of two long curtains serving as a door to the bedroom where a woman lay waiting her baby's birth.

A reporter, posing as a public health observer, accompanied the medical teams from the center as they traveled thru the city's slum areas delivering the babies of poor women who chose to give birth in their homes rather than go to County Hospital.

For those shunning County, the alternative, sometimes a grisly one, is to have a neighbor or friend deliver the infant.

DECIDES ON BIRTH AT HOME

This expectant mother had decided a Maternity Center team would deliver her baby.

"I hear we're going to have a baby tonight," said Dave, a Northwestern University medical student.

"You're going to be busy, the water bag broke," the patient said. "Yes, you and Willa [the registered nurse] are going to be busy."

Maternity Center teams had delivered her two other children. She liked the way they treated her; she trusted them.

DELIVER 85 BABIES A MONTH

Last year, center teams delivered 1,183 live babies. There were 10 fetal deaths and 14 neonatal (one month after birth) deaths. The total infant mortality rate for Chicago in 1970, covering both hospital and nonhospital births, was 27.7 for every 1,000 births. The Maternity Center's teams are delivering about 85 babies a month this year, but at times the number jumps to 100.

How severe were the pains; how often did they come, Dave asked the patient as he began timing the contractions. Willa spread newspapers over the brown dresser near the bed before setting down the medical bags and utensils. She then took over the timing detail to free Dave to examine the patient and listen to the baby's heart beat.

PAINS INCREASE

The pains were occurring more frequently now, and the team made every attempt to make her comfortable.

"Breathe deeply, honey, thru your mouth like this," Willa instructed, showing her how.

The Northwestern medical students who volunteer to serve the poor thru the center continually telephone reports to the center to inform them of the patient's condition and receive advice. They keep a constant record of the patient's condition.

Dave was fortunate; this patient had a phone. Often students must run up and down flights of stairs to use a neighbor's telephone.

DOCTOR HANDLES DELIVERY

As the time of birth nears, Dr. Beatrice Tucker, head of the center at 1336 S. Newberry Ave., or the doctor in residence there, is called to deliver the baby; first pregnancies take priority.

If complications are anticipated, the doctor comes to the home to examine the patient and determines if she should be taken to Wesley Memorial Hospital, the center's backup hospital.

Andy's mother suffers from high blood pressure. However, the condition did not necessitate hospital delivery, the center doctor determined.

While the patient left the room to provide a urine sample for testing, Willa and the reporter prepared the bed where the baby would be born.

INK ACTS AS STERILIZER

The family had collected stacks of newspapers, knowing a large quantity would be required. Layers of newspapers were spread over the bed, topped with a large piece of heavy plastic and then by more layers of newspapers.

"The ink in newspapers brings about some form of sterilization," a nurse had told the reporter on a previous case, "and bugs don't stay on newspapers."

Willa wrapped three soft drink bottles, lining them up one after the other, in newspapers and did the same with another three bottles. She placed the bottles on the bed in a right angle; the patient would brace her feet against them during the delivery. The bottles also would prevent the seepage of fluids onto the rest of the bed.

It wasn't necessary for Willa to drive a nail into the wall behind the bed or to bend coat hangers on which a bottle for intravenous feeding would be strung. The coat hangers remained from the last delivery.

BEGIN HEATING WATER

Center teams wear disposable paper surgical gowns, caps and masks and use plastic gloves. Every time the medical student conducts a vaginal examination, he wears a plastic glove, which is then discarded.

As Dave conducted the examination, the reporter followed Willa into the small kitchen, off the bedroom, to begin heating water in a large kettle to sterilize the instruments and clean up. Newspapers were spread over the stained sink's draining area and atop a small table. First pregnancies are delivered on the firmer surface of a kitchen table and an ironing board is set up for use as a surgical table.

The kitchen was small, made even more cramped by the dilapidated refrigerator which was pushed out from the wall. The floor was sticky, and missing chunks of linoleum exposed the wooden floor beneath. The medical bags were moved to the small table to provide more room in the bedroom.

Dave was sitting in a card table chair at bedside talking to the patient, reminding her to breathe deeply.

"IT HURTS—HELP ME"

Every so often, the large black woman who had met the team at the door pushed thru the curtains to check on her daughter.

The pains were getting very severe now, and the patient was screaming:

"It hurts. Oh, Jesus, please help me."

"Now I don't want to hear no more of that, girl," the grandmother scolded. "Remember, you're a woman, a lady."

The patient's dark eyes darted from her mother to the reporter, who held a wet cloth on her forehead. Her husband had left her; she lived with her mother, her sister, eight nieces and nephews and her own children; she was now on public aid.

At 24, a series of setbacks and struggles had conditioned her not to expect too much out of life, and she quietly replied:

"I'm sorry, Mamma. I'm sorry."

A diapered toddler ran into the living room, calling for his grandmother. Grandmother pushed thru the curtain toward him and carried him to a large overstuffed chair in the darkened room, where the television blared and the screen provided the only light.

SATISFIED WITH CARE

Years ago, the grandmother had come from Mississippi. She had delivered scores of babies, but she didn't want to talk about it. The Maternity Center was taking good care of her daughters and grandchildren. She was satisfied. There were the prenatal clinics there, where mothers-to-be are examined by doctors, instructed in baby care and told what to eat and how to care for themselves.

In this case, the center had put the patient on a special diet for high blood pressure. After the baby was born, she would be given a six-week checkup and birth control information. A nurse from the center would visit the home daily for a few days after the birth to check on mother and infant. The infant would receive his two-week checkup in the center.

CONCERNED ABOUT SHEET

The patient was crying loudly now and the reporter rushed into the room. The newspapers beneath her were wet and had to be changed. The intravenous feeding had been started. Willa gently placed fresh newspapers beneath her.

The young mother was concerned about the new blue sheet she had purchased for the baby's birth. In her own way, she had tried to do the special little things for her baby. There were the two baby blankets, the robe, the diapers and the four diaper pins with yellow bears on them.

She tugged at the curlers in her hair, trying to remove them before the baby was born, and placed them on the unpainted headboard above her. Suddenly she screamed:

"The baby's going to come!"

DOCTOR NOT THERE YET

She was right. Willa quickly supplied the surgical dress and sent the reporter to the kitchen for the boiled water. The Maternity Center doctor hadn't arrived. Dave, the medical student, prepared himself. He gave the reporter explicit instructions on what not to touch and then sterilized the birth area.

The baby's head appeared.

"Come here, come here," the patient shouted to the reporter, who was standing off to the side so as not to interfere. "I want your hand, please."

She clutched the reporter's hand and dug her nails deeply into it. On impulse, the reporter squeezed back tightly, trying to make the hurt go away.

CORD AROUND NECK

"Check the neck for the cord," Willa reminded Dave. The cord was wrapped about the baby's neck; Dave cut it.

The mother was exhausted; she impulsively stopped cooperating with the team.

"Push, push," Dave and Willa commanded, as the shoulders appeared. "Don't stop now, push, push."

The baby was born—a boy.

Dave swabbed the baby's mouth with his gloved finger and gave it the traditional whack across the backside.

There was no cry.

RESPONSE FINALLY COMES

He held the baby about an inch over the bed, and he and Willa snapped their fingers against its arms and legs.

A whimper. Then a cry. Then a full-fledged wail.

Those few seconds seemed like an eternity. As the wail came, so did the resident from the center. There had been another birth, and Dr. Tucker had been away delivering a baby. There were two more births anticipated.

Willa had been cleaning off the baby. Dave worked on the patient and told her:

"It's a boy, a beautiful boy."

The doctor took over, and Dave examined the baby.

Willa announced 2:45 a.m. as the time of birth.

The baby was fine and so was his mother.

AN EIGHT-POUNDER

Willa took a half sheet and placed the baby in it, bunched up the ends and attached the scale. "Eight pounds 2 ounces," she announced. Then she dressed the infant.

The team remains for two hours after the birth. After cleaning the area, Willa, Dave and the reporter sat down to help the mother decide on the baby's name.

Then it was 5 a.m., time for the team to leave. The family was grateful. The mother lay holding Andy, and, above them, the roaches crawled into the hole in the ceiling.

Where Do Sick Black Babies Go?

(By Patricia Krizmis and Angela Parker)

The killers roam Chicago's poverty areas, stunting the lives of their young black victims.

Doctors identify these major contributors to the city's high black infant mortality rate as pneumonia, influenza, prematurity, poisonings and congenital malformations.

THE SLOW KILLERS

There are the slow killers—malnutrition, sickle cell anemia, tuberculosis and infections—diseases and conditions that, like a cancer, eat away the health of the child, leaving him ill equipped to cope with society because of deformation, chronic pain and retardation.

Despite glowing reports from city officials, the Board of Health has made only piecemeal attempts to improve the health care of the black infant and child here.

For the most part, Board of Health stations serve as preventive and referral agencies, giving the free shots required by law and sending sick babies and children to other institutions.

One pediatrician described Board of Health stations as "factories where pills and shots are doled out by doctors who work a few four-hour days and where workers have an 'I don't give a damn' attitude."

NO HOURS POSTED

There are 34 infant welfare stations and four high risk clinics. The clinics, for infants up to the age of 1 year, serve babies born of mothers who are considered a high risk because of their age or a disease. Premature babies also are considered high risk.

Posing as college students, we visited Board of Health stations and found that:

1. Doctors spend only three to four hours, two or three days a week, seeing well babies and children in most of the clinics. Many of the 34 stations are housed in storefronts with cramped examining rooms.

2. There are no signs on most of the stations giving the hours or days the doctor will be in to see infants and children. To be served, a child must live in a specific geographical area. There is no followup service.

3. Several babies, stripped to their diapers to speed the process, were held in a large waiting room by their mothers in the station at 4350 W. 16th St. It was 11:30 a.m. on a Monday. When asked if the doctor [there was only one there] treats sick children, a large blonde nurse whose name tag was hidden by a handkerchief pinned to her uniform, replied:

"We send the kids and babies who are sick to the Martin Luther King Center [a federally-funded center]. The doctor has been here all morning and we're trying to get rid of the rest of these patients."

STATION LOCKED EARLY

4. All the doors to the station at 3704 S. Vincennes Av. locked at 2 p. m. on a Friday. The Board of Health claims the station is open until 4 p. m. A clerk finally responded to knocking at the door.

"The nurses are all upstairs having coffee," she said. "The doctors are gone. We see babies 8 to noon Wednesday and Friday. We give prenatal care the other times." What happens when a baby is sick? "We refer it to the hospital, Cook County Hospital. That's the best one for these people. We have three doctors, sometimes two, sometimes one is in. We give school inoculations, too."

5. In the high risk clinic at 1832 W. Washington Blvd., a licensed practical nurse, whose name tag identified her as Mrs. Pleasant replied to a query about how many doctors staff the clinic and when:

"It fluctuates. We've had a lot of changes. I can't say when they'll be in."

"COME BACK THURSDAY"

6. A reporter took a 3-year-old child to the station at 2231 W. Madison St. It was 11:45 a.m. on a Tuesday. When she entered the door a nurse yelled out:

"We're closed now. Come back Thursday between 9 and noon. Doctor's not in now. He'll be back then."

"The medical care in the city of Chicago is not the responsibility of the Board of Health by statute," said Dr. Murray Brown, the city's health commissioner. "It is the responsibility of the state and the county. Knowing there is a problem, we are looking for federal funds."

Dr. Edward Murray of the Health Department said there are 34 infant stations that serve healthy babies and give inoculations. Four of these clinics also are high risk baby clinics, he said. There are prenatal clinics in each of the infant stations and 17 of them are high-risk prenatal clinics.

"These children are not treated except for simple things like anemia," Dr. Murray said. "But the really sick are referred to some other pediatric agency or a nearby hospital. Some can go to private doctors."

Dr. Murray said there are seven clinics that see sick children. He first named three of them as the Woodlawn Children's Clinic, 936 E. 63d St., run by the University of Chicago Hospitals; the Near North Children's Clinic, 1441 N. Cleveland Av.; and the Martin Luther King Health Center, 3312 W. Grenshaw St.

CITY FUNDS NOT USED

City money is not used in these clinics. They are financed by the Children and Youth Program of the Children's Bureau of the Federal Department of Health, Education, and Welfare.

Dr. Murray cited four Board of Health clinics which he said see sick children. They are at 6504 S. Cottage Grove Av., 880 N. Hudson Av., 3448 W. Ogden Av. and 4350 W. 16th St.

In effect, these four clinics refer sick children. The Ogden and 16th Street clinics refer sick children to the King center; the Cottage Grove clinic refers the sick to the Woodlawn clinic and the Hudson clinic sends sick children to the Near North Children's Clinic.

"We could use 10 more clinics like this in the city," said Dr. Albert Clements, head of pediatrics at the Martin Luther King Center. "The total family is our target area. However, children under 13 are really under the Board of Health stations 14 and 16."

At the center, there are about 3,000 pediatrics visits every three months. Children wait with their mothers in a large room where tiny chairs are provided for the young patients. When the family's name is called, the mother and child go to an examining room to be seen by a pediatrician. The mother is given time to undress her baby in the examining room.

DOESN'T ACCEPT RESPONSIBILITY

"The Board of Health should have a program for comprehensive health care for the poor where all services would be available," said Dr. Harry Elam, director of Mile Square Health Center, operated by Presbyterian-St. Luke's Hospital with funds from the Office of Economic Opportunity.

"I don't think Mayor Daley has accepted health care as a political priority," said Pierre de Vise, director of the Chicago Regional Hospital Study. "The Board of Health's budget is up to $18 million. But in Chicago, the city doesn't accept the responsibility for health care. They say they made a departure from this with the announcement of the eight health centers [to be constructed by 1972].

"I doubt they will all be built. The announcement came before the mayoral campaign. But in 1966, during that mayoral campaign, the city announced 12 centers would be built. They've even dropped the number."

According to the Blue Cross and Blue Shield medical study in the model cities areas, residents there had a higher incidence rate of the 20 most frequently reported diseases than the city as a whole.

MEASLES RATE HIGH

"The rate of measles was four times the city rate, while the rates for venereal disease and lead poisoning were more than three and one half times," the report said.

"It is the opinion of the Blue Cross-Blue Shield medical staff that the incidence rate for many of the diseases such as measles, mumps, chicken pox, whooping cough, rubella and poliomyelitis could be reduced if preventive techniques were utilized," the report said.

Sickle cell anemia is a slow killer. It is so prevalent that black children have nicknamed it "sickly cells." The hereditary disease, found almost exclusively in Negroes, is carried by nearly 10 percent of all black people in this country and is fatal to about one out of 400, federal medical reports show. Tho Chicago is 35 percent black, the number of cases here has never been inventoried.

"The blood test detecting sickle cell costs 2 cents," said one black pediatrician. "It would cost $2,404.72 to test all black children under the age of 5 in Chicago. It would cost about $5,600 to test all black children ages 5 to 14. That's very little to insure the health of children."

NO SCHOOL TESTING

According to 1970 census reports, there are 120,236 black children under 5 and 279,786 children ages 5 thru 14 in Chicago.

Yet, Dr. Brown said there is no school testing for sickle cell in the public schools and the Board of Health has no plans to do so.

PRACTICING ON WEST SIDE—FIND UNLICENSED DOCTOR

(By Patrick Krizmis and Angela Parker)

An unlicensed practitioner is posing as a legitimate medical doctor on the West Side.

Le Roy S. Matthews, who practices medicine at 2400 W. Madison, St., admitted to THE TRIBUNE he is not a licensed doctor. He said he was licensed as a chiropractor in another state.

A TRIBUNE investigation has found that Matthews even sends in claims to insurance companies for treating patients.

WOULD TREAT DURING PREGNANCY

Matthews, who first told one reporter he was a pediatrician, told another reporter he would treat her during her pregnancy.

He leads the poor who come to him to believe he is a medical doctor. The door to his office reads: "Dr. Le Roy S. Matthews." He treats patients in a three-room panel office on the fifth floor of the Madison Street Building.

The office is equipped with medical supplies and utensils. There is an examining room with stirrups where he treats women patients and a large cabinet is filled with medicine bottles. Matthews wears a white coat worn by doctors. On his desk are stacks of books on gynecology, obstetrics and pediatrics.

The American Medical Association said Matthews is not registered with it and the Illinois Department of Registration and Education said he is not licensed with it.

SENDS INSURANCE CLAIMS

THE TRIBUNE obtained documents which show that Matthews sent in claims to insurance companies for treating patients as a medical doctor. He also ordered blood tests and pregnancy tests.

The United American Insurance Co., Dallas, is one of the companies which paid a claim sent in by Matthews. W. L. Mistrot, assistant vice president of United American, said the company's investigation shows that Matthews is not licensed. Company records show that one of its clients was examined by Matthews last March, Mistrot said. The company paid the claim, Mistrot said, but asked Matthews for more information which never was sent.

BARRED FROM MAKING TESTS

Edward Price, attorney for the Department of Registration and Education said a chiropractor is prohibited by law from making blood tests or taking blood from patients.

As part of the investigation, we subjected ourselves as patients to illicit treatment peddlers and to licensed physicians who have become prostitutes of their profession.

After visiting Matthews as patients, we asked him:

Q.—Are you a licensed doctor? A.—Yes [pause]. No, I'm not.

LICENSED AS CHIROPRACTOR

Q.—Do you have any license whatsoever that allows you to practice medicine? A.—I was licensed as a chiropractor, but not in this state, in another state.

Q.—What state? A.—I don't want to tell you.

Q.—Do you treat patients here? A.—Well, [pause] I never practiced.

Q.—What did you never practice? A.—I better not say anything else.

BETTER NOT SAY

Q.—Why do you have an examining table with stirrups and other medical equipment? A.—I better not say anything.

Q.—Why did you offer to treat me for pregnancy? A.—I'm not talking.

Q.—Are you aware you are violating the law? A.—I think I better leave this interview off.

At one point, Matthews recognized one reporter.

VISIT BY REPORTER

"You came to me a few days ago, as a patient," he said. "I remember you." He referred to the visit made by the reporter in which she told Matthews she thought she was pregnant.

"Get in there and take off your slacks so I can examine you," he had told her pointing to his examining room. The reporter had told him she would rather have a friend with her because there was no nurse there. He told her to come back any Thursday, Friday or Saturday afternoon.

Another reporter went to Matthews for treatment of a sore throat. He listened to her lungs with a stethoscope and sent her to a nearby private medical clinic after telling her:

"I'm a pediatrician. I see patients on appointments only."

HUMAN DIGNITY LOST

As we visited the office of various physicians who serve the poor, we felt the last ounces of human dignity being drained from us as it is from the poor every day. Here are our findings:

1. Many physicians practice production line diagnosis, spending only a few minutes with each patient. They offer no cursory examination and give very little explanation to the patient as to what is wrong.

2. Many don't even bother to gown a patient or to provide a sheet for cover. Many employ men who masquerade as physicians and give shots to the patients. These men wander in and out of examining rooms with no regard for the patient's dignity.

3. Many of the offices are vermin-ridden hovels where material is tossed on the floor. Often, the doctors don't even wash their hands between caring for patients.

SENT TO SPECIFIC DRUGSTORES

4. Many refer patients to specific drugstores to fill prescriptions. Others pull pills out of sample bottles and place them in boxes which are given to the patient.

In the clinic of Dr. Leslie S. Kaplan, 3527 W. Roosevelt Rd., a reporter presented herself as a patient with a sore throat. A man, who identified himself as Dr. Kaplan, conducted a brief examination, checking her throat, heart and lungs. No gown was provided.

After he left the room, a man who identified himself as Jim wandered in and told the reporter he was going to give her a shot.

OBJECTS TO SHOT

When she objected to the shot because he refused to tell her what it was, he told her, "I'm a doctor."

She began to complain. He then told her, "I'm a male nurse."

Later when the doctor returned, he explained:

"He is a medical technician. I prefer to have men here for a number of reasons."

But the medical swindlers who prey on the city's poor do more than drain dignity. Often, their lack of concern causes death.

HER DAUGHTER DIES

A mother, who will be identified only as Gloria, is a bitter woman. Her daughter, Stephanie, died last year at the age of 2 years, 28 days. Gloria, a recipient of public aid, took her child to private physicians. The last one has an office at 4809 W. Madison St.

This is Gloria's story:

"I kept taking Stephanie to Dr. F. and told him she was sluggish, not active like she always was. He told me she had a stomach virus and gave her a penicillin shot. He told me to bring her back if she wasn't better."

Stephanie's condition became worse and within two weeks, Gloria took her to the doctor four different times.

"I kept telling him she was losing weight. She even fainted once when she was walking into the kitchen. He said she had a lack of vitamins and he gave me vitamins for her. I told him she was vomiting a lot, and she would wake up in the middle of the night crying because her stomach hurt."

TELLS OF SYMPTOMS

Gloria also informed the doctor of other symptoms, but he insisted the child suffered from a stomach virus.

"A few weeks later, I got Stephanie up at 7:30, like I always did, and gave her a bath. She wanted some grapefruit juice. I went to get it, and my son ran into the kitchen screaming that something was wrong."

When Gloria reached her daughter, the child was sitting, staring. Her mother could get no response.

RUSHED TO HOSPITAL

"We wrapped her in a blanket and rushed her to Loretto Hospital—the emergency room. She was shaking so much. Then she passed out. A doctor—Dr. Paul Dunn—examined her. He said she was very sick. He said it might be lead poisoning or a brain tumor. Then they tested her."

LEAD POISONING CAUSE

The doctors determined the child suffered from lead poisoning.

"They worked so hard—those doctors—they really tried to save my little girl. But she died, 11 hours later," Gloria said.

The official death certificate lists acute and chronic lead poisoning as a cause of death. Though pediatricians contacted about the case said the symptoms demanded a test for lead poisoning, the private physician never bothered to administer the simple test that detects the child killer.

CAN BE ELIMINATED

"The medical prostitutes would not be there, if government did something," said Pierre de Vise, director of the Chicago Regional Hospital Study. De Vise has investigated the care given by many physicians to the poor.

"As in most poverty programs, it is the providers that make the money," he said.

HEALTH CARE FOR BLACKS: SOME SUGGESTIONS ON HOW TO IMPROVE IT

(By Patricia Krizmis and Angela Parker)

The cost of Chicago's health care crisis must be measured in the lives of its victims. And that price is great.

Last year, 1,089 black infants paid with their lives, giving Chicago one of the highest black infant mortality rates in the nation.

Chicago's total infant mortality rate in 1970 was 27.7 deaths for every 1,000 births. However, broken down by race, 34.8 black babies died for every 1,000 born, compared with the white infant mortality rate of 21.8 deaths for every 1,000 births.

But others who survive infancy also pay—the children who are both poor and black. They are forced to live in poverty and disease which take their toll slowly in pain, deformation and retardation.

DUAL SYSTEM BLAMED

Many medical experts blame the dual system of health care, with one system for the poor and another for those who can pay.

"Because the rich and the poor, the urban, rural and inner city persons, and the young and the old cannot receive equally adequate care, we have a health crisis," said Dr. James Haughton, director of Cook County Hospital. "The number of doctors and facilities do not coincide with the location and type of need for patient care."

"We cannot survive our medical problems," said Dr. Andrew Thomas, president of the Cook County Physicians Association, "if we continue this dual health care program. Our health program is an extension of the old royalty system. Anything we initiate in health care that is good for the rich should be good for the poor."

WHAT IS INVOLVED

Involved in the dual health care system, doctors say, are the shortage of qualified physicians serving poor areas, the lack of available care, the failure of existing facilities and the red tape which envelops government-funded programs. Slow payment of medical bills and piecemeal regulations also have forced many doctors to turn their backs on welfare patients.

Dr. Haughton defines the health crisis as the shortage and maldistribution of medical personnel.

"Their persistence in the use of the private solo practice, where a fee is paid each time for services, forces them to follow the dollar even when modern technology dictates that some other practice would be more sensible," he said.

Haughton suggested that a group medical practice in which each doctor receives a set salary would be a more efficient use of manpower.

"As a nation," Haughton said, "we have been giving money to medical schools for years but we have yet to tell them what kinds of doctors to train. We are turning out super-specialists, but we need good doctors who will serve the sick, the old and the poor. Most of the young doctors coming out of medical schools are trained to cure special things, but people are dying of common illnesses."

WANTS FEDERAL DIRECTION

To combat the problem, Haughton suggested that the federal government and other agencies which give grants for students to continue medical school should require that they practice the kind of medicine which is most needed at the time.

"Right now, we need physicians in the inner city," Haughton said, "physicians to treat common, everyday ailments like the common cold."

In an attempt to combat the health care crisis, Cook County Hospital is beginning a program for interns and residents. Each will have 40 families, said Dr. Julian Berman, attending physician in pediatrics, head of genetics and director of medical education.

"The intern or resident will follow the 40 families for three years and will provide entire family care."

Dr. Berman believes there are not enough health care facilities available to the poor in Chicago.

"But even if there were," he said "where would you get doctors to staff them? You'd have to pay good money to get good doctors."

County Hospital, he said, is attempting to change its image. Often the poor fear County Hospital, he believes, but they have no other choice in hospitals.

Dr. Berman believes education is a major solution for the health crisis. County Hospital, he said, has begun a program where young mothers attend classes to learn how to care for their babies. The program is in effect in the hospital's premature baby section.

MOBILE PLAN BEGUN

The Cook County Physicians Association is beginning a new program called the Metropolitan Chicago Mobile Health Project to offer preventive care to the poor in the Kenwood-Oakland community. Two mobile units will travel thru the community offering comprehensive medical care to the poor, said Dr. Thomas.

"Every individual in the area will have an opportunity to be immunized and will be tested for various diseases," he said.

A bill introduced by Rep. Robert Mann [D., Chicago] to take the responsibility for administering health programs for the poor away from the Illinois Department of Public Aid and to permit the State to buy comprehensive health coverage for them thru private insurance companies will come up for a vote this week before the state legislature.

DOCTORS ARE RELUCTANT

Delayed payment from the welfare department, because of heavy caseloads, makes many doctors reluctant to treat public aid patients, Mann said. Most of the poor end up in emergency rooms.

"Under prepaid care, we will tighten up eligibility," Mann said. "Once the person has an insurance company card, the medical vendor won't have to worry about not getting paid."

Mann believes that the prepaid plan will stimulate physicians to practice in the inner city.

"They will know their services will be financially rewarded," he said. "The quality of care will improve by doing away with the green card [the medical card provided by the welfare department] and substituting insurance cards for it."

WOULD NOT GRANT ACCESS

Dr. Haughton, however, believes that the Mann bill is not a complete answer. It would insure that the doctor would be paid, he said, but it offers no assurance that the patient would have any more access to doctors than he does now.

"We seem to assume that by making money available to pay for medical care, we ultimately will make medical care accessible to the poor," Haughton said. "That [the bill] will not guarantee that. The doctors make the care available to the poor. They should have learned this from Medicaid and Medicare programs."

Dr. Thomas said the Cook County Physicians Association supports the Mann bill as one means of offering adequate medical care to the poor.

CALLS MEDICAID INADEQUATE

However, he agreed with Dr. Haughton on the inadequacy of Medicaid, which he described as "hastily contrived and terribly inadequate with so many red tape restrictions."

Gov. Ogilvie, who has described the health care system in Illinois as "inefficient and fragmented," has called for state aid to develop health maintenance organizations as a means of offering a high level of care for a reasonable cost.

The organizations would be operated by a group of doctors who, for a fixed fee, would provide all necessary health care services from examinations to hospitalization.

Ogilvie also has suggested setting up comprehensive health planning on state and regional levels. The Illinois State Medical Society has authorized the creation of a non-profit physicians' organization to reach the same end—better care at a reasonable cost.

REASONABLE FEES SOUGHT

The new organization, called the Illinois Foundation for Medical Care, will attempt to set a reasonable fee schedule for its member physicians. It also will work with private insurance agencies and federal agencies to establish comprehensive health coverage programs.

To offer comprehensive care to the poor, a few private multispecialty groups are springing up in the city's poverty areas.

One such group is Comprehensive Medical Associates. In it, the general practitioner is surrounded by a complement of specialists in every area of medicine, said Dr. Robert Blumstein, an obstetrician and one of the founders of the group.

"The services of such a group must be available 24 hours a day, 7 days a week and no patient can be excluded for any reason," Blumstein said. "The patient must exercise free choice in choosing the group and the physician must have available a first rate hospital."

The multi-specialty group has organized two clinics, one on the city's West Side and another on the Near North Side.

Medical experts also see the health care crisis as more than a medical problem.

The mortality rate among Chicago's black children will not decrease, said Dr. Haughton, "as long as children in the ghetto live in housing where they are exposed to lead poisoning and are bitten by rats and where their parents can't afford to feed them or see that they get the proper nutrition and clothing.

"As long as these social problems exist, even if we have the best health services in the world, we are not going to stop children from dying."

MINORITY LANGUAGES

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HANNA. Mr. Speaker, probably very few people are aware that there are some 2,000 languages in the world with no written counterpart. The primitive life style of these peoples is due in large measure to the fact that the lack of a written language bars these people from participation with the world community of man.

Now through the efforts of the Summer Institute of Linguistics, primitive languages are being given written form. This group is building cultural bridges and literary roadways to people who have for many generations been intellectually isolated from the mainstream of their fellow man. Written language provides people with a collective identity and is the first rung in the ladder of progress.

On July 27 I was proud to introduce into the House, House Joint Resolution 813 which gives recognition to this important effort by authorizing the President to designate 1971 the "Year of World Minority Language Groups."

I know my colleagues in the House will want to join me in wishing the Summer Institute of Linguistics continued success in their most worthy endeavor.

THE PERSONAL WAY

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BAKER. Mr. Speaker, an example of how tensions can be relieved and people-to-people relations improved through attention to the little things is evident in a letter which Hardwick Caldwell, Jr., President of Modern Maid, Inc., Chattanooga, Tenn., sent recently to business leaders in his home community.

Mr. Caldwell saw an opportunity to respond to a need. In doing so he set a good example for others to follow. By spreading the word within a small circle of business associates he sees his act of solicitude multiplying with only good as the result.

Under leave to extend my remarks, I ask that Mr. Caldwell's letter be printed in the CONGRESSIONAL RECORD. I'm sure there are other leaders in other communities who can adopt his philosophy of community improvement. The letter follows:

> MODERN MAID, INC.,
> *Chattanooga, Tenn., July 29, 1971.*
>
> Have you heard the recent commercial "What can one man do?" which refers to some of the problems of our day? Right now we are in a temporary lull in the open bitterness which hit our community so hard a few weeks ago, but the sores aren't healed, just salved.
>
> What can one man do? He can't correct this situation all by himself, but I found one thing which may help just a little by chipping away at the edges of the problem, and in the process it has brought me a real and personal pleasure of being able to help others.
>
> Our factory used to be in the middle of a white neighborhood. Now it's turning into a black neighborhood. I don't know where the white kids used to play, but I never was especially aware of them. I am aware of the blacks, however. They are all over the sidewalks and all over the streets because there is no other place to play in this neighborhood. True, we have Montague Park and Warner Park and others like that, but the majority of kids are going to play in their own neighborhood.
>
> We owned an old house on a very small lot near the factory. The house was so terrible that we just tore it down. Why not put this vacant lot to use? I contacted one of the black ministers in the area and gave him some money to pay some of the neighborhood kids to clear the lot. Then we bought a couple of playground swing sets and a basketball backboard and before we knew it, we had a little playground. To relieve us of any insurance problems, we turned over the lot to the City at $1.00 per year rent.
>
> This one act isn't going to solve our racial problems, but if you'd see the kids all over that little lot, it would do your heart good. Fifty or even one hundred more of these playgrounds won't solve the problem, but it will be a start. Even more important, it will show that business leaders do care, that they do have a heart, that under the outward cool they are warm people who are really interested in others.
>
> This isn't a movement sponsored by the United Fund, the Chamber of Commerce, the churches, etc. In fact, it's just a letter from me to you asking you to consider something like this playground in your area or if not in your area, maybe you would want to look into a lot in Alton Park or off Third Street or somewhere in a black neighborhood.
>
> You can delegate most of the details but unless you are behind it *personally*, it will never be done. Here's how: 1) Find a vacant lot and buy it or lease it, 2) have it cleared by neighborhood kids under the direction of a black preacher in the area, 3) put some playground equipment on it and give them two or three basketballs, 4) give it to Steve Conrad's department. They will maintain it.
>
> If just fifty of us do this and as few as twenty kids use the playground each day, we've taken one thousand children off the streets. And we've let one thousand future employees and one thousand citizens know that we do care for something besides stockholders and financial reports.
>
> As I said before, this is not an organized campaign, but it is a way for you to derive a tremendous amount of personal satisfaction for a mighty small investment. If you want any more information, give me a call.
>
> Sincerely,
>
> HARDWICK CALDWELL, Jr.

TRIBUTE TO A FINE PUBLIC SERVANT—AND A CAUSE FOR CONCERN

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. VAN DEERLIN. Mr. Speaker, I rise today in tribute to an outstanding young public servant—John E. Ingersoll, who has just observed his third anniversary as the first and only director of the Bureau of Narcotics and Dangerous Drugs.

In this short time, he has honed BNDD into a highly effective instrument in combating the drug menace.

As many of our colleagues will recall, BNDD was formed through the merger and transfer into the Justice Department of the Treasury Department's Bureau of Narcotics and the Bureau of Drug Abuse Control in the Department of Health, Education, and Welfare. It was up to Mr. Ingersoll to coordinate and consolidate the somewhat disparate functions of these two former agencies, and I believe he has performed this task admirably—particularly in the extension of BNDD operations overseas.

In recent testimony to the subcommittee on Public Health and Environment of the House Commerce Committee, Mr. Ingersoll summed up some of the achievements—and problems—of his bureau.

I was particularly concerned about his comments on the gentle treatment many professional drug peddlers are receiving in the courts.

In far too many cases, it seems, known and convicted criminals either are handed relatively short prison sentences or do not go to jail at all.

Speaking of these hard core pushers, Mr. Ingersoll said:

> These people are not going to respond to the velvet glove . . . (they) are going to respond only when the risks of doing business outweigh the potential profit. The only thing they understand is jail—and quickly, and immediately, and certainly.

Most of the big time traffickers are well-heeled, and as Mr. Ingersoll points out, "they can post any bond that any court wishes to levy without taking a second breath."

Because of the leniency of the courts, and the ease with which pushers can raise bail, a number of individuals charged with trafficking have been able to jump bond and flee the country—Mr. Ingersoll estimates "some 30 major international traffickers" have done so in the past 6 or 7 months.

I could not agree more with Mr. Ingersoll, on the need to get tough with these criminals, and thus bring to an end the needless undermining of the excellent work of his agency.

But in expressing his concern so pointedly to the subcommittee, I wonder if Mr. Ingersoll was speaking for his superiors in the Justice Department and the Administration—or only for himself.

THE ATLANTA BUSING DECISION FOR A CONTROLLED ENVIRONMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. RARICK. Mr. Speaker, not content with destroying the inner city school systems through programs of massive forced integration, the Federal courts have recently come up with another historic landmark decision laying the groundwork for destruction of the suburban schools and communities established by whites who fled the crime and corruption of the inner city using their freedom to search for a new environment with some degree of quality education and safety for their children—education designed to train their children in the great heritage and culture of their forefathers.

The very fabric of American society is under attack by the Federal courts. A recent decision by the U.S. District Court in Atlanta, Ga., has held that all aspects of city life must come under bureaucratic control as a way to attain some theoretical goal of proper "racial proportions" in the city schools. The court decision reads:

> The situation calls for a sweeping examination of its [the school's] relationship to housing, planning, finances, rapid transit, and all the other external factors which vitally affect its role in the community.

The court dicta continued with the suggestion that Atlanta consider, as the first possible means of averting resegregation, the consolidation of the black inner city school system with the suburban white school system. In this instance the primary effect of such a plan would be the replacement of the traditional local forms of government with the metro system in which all control and power will be swallowed up by the big cities—including the power to tax those who fled from the city to the suburbs.

Such a recentralization can only serve to further the programs of increasing Federal control. The next logical step, when the metro form of government breaks down because of further flight of the whites, can be expected to be a system of statewide application of the unreasonable and unworkable concept of racial proportions under a regionally centralized government which is already established and waiting.

The one means left to the people to correct this intolerable situation is the power of the purse—to force their legislators to cut off funds for such de facto court-directed activities. Congress still controls the purse and still makes the law. If the Members of Congress will not defend their people from absurd judicial decisions, it is the right and privilege of the people to defend themselves and their constitution by finding and electing men to Congress who will uphold their oath.

I include the text of the Atlanta court decision, related news articles dealing with this decision, and the crisis facing our cities, and a news article at this point:

HERE'S THE TEXT OF BUSING DECISION

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, VIVIAN CALHOUN, ET AL., PLAINTIFFS VS. ED S. COOK, ET AL, DEFENDANTS

This case is on remand from the Fifth Circuit with directions to require implementation of a pupil assignment plan in compliance with the principles of Swann v. Charlotte-Mecklenburg Board of Education. Specifically, it directs only two changes: (1) The provision for majority-to-minority transfer with transportation and space being guaranteed under the option and (2) The filing of semi-annual reports. After hearing on remand the court finds the following:

This case is now in its thirteenth year before this court, having been filed in 1958. Atlanta in 1961–62 was one of the first major southern cities officially abandoning the dual school system. In its court experience, the original desegregation order was one of the few unappealed and assented to. Periodically as each new specific to Brown v. Topeka was belatedly developed by the higher courts, the School Board has been returned to court and given new directions under such landmark cases as Jefferson, Green, Singleton, Montgomery County, and Orange County. Each has been accepted and promptly implemented. In the interim, the system voluntarily accelerated from the early concept of grade-by-grade annual integration to system-wide integration; it voluntarily and studiously located new schools and rezoned so as to maximize integration; it voluntarily liberalized its pupil-transfer plan; and in various ways increased responsibility for its black teaching personnel, principals, and area superintendents. Through court order, it has advanced from the initial requirement of two teachers of opposite race to each school to a computerized mathematical distribution of its faculty by race throughout the city; and from historical and traditional attendance zones to a court-supervised optimum Orange County plan. No one has successfully challenged the good faith of its elected Board of Education, the appointed Superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade. Its efforts were early described as "commendable" by the Supreme Court. Each change has produced convulsive implosions within the system and what has now become the annual agony of Atlanta has caused significant change in the character of the system, both physically and psychologically.

When this suit began, Atlanta had a pupil ratio of 70 per cent white and 30 per cent black and a predominantly white faculty; today, its racial complexion has reversed to 70 per cent black and 30 per cent white and its 4,800 teachers are 60 per cent black and 40 per cent white. From an enrollment of 115,000 students it has dropped to 100,000 in the school year 1970–71, during which it lost 7,000 whites and gained 1,000 blacks. The system itself covers an area approximately 16 miles long and 14 miles wide lying in Fulton and a portion of DeKalb counties. The Atlanta City School System is a so-called "independent system" in that it is separately organized and operated from the county systems, each receiving direct grants from the state, supplemented by local tax funds. It is one of the 31 remaining independent city systems within the state. As such, it receives no state funds for transportation. It has never transported students, owns no buses, and there is no school "bussing" available. Based on information furnished by each principal as to location and times, the private Atlanta Transit System arranges routes to accommodate students at reduced fares provided by each student individually. The system presently maintains 123 elementary-primary schools and 29 secondary schools, with two units to be opened this coming year.

The white students remaining are concentrated at the extreme northern and southern ends of the district, while the vast middle is a broad belt of industry and high-density solid black housing. The line between these areas is steadily creeping towards the ends, with increased black housing and diminished white housing. Since 1961, it has annually achieved substantial temporary integration by the establishment or construction of "line schools." However, 34 of those schools have gone from all-white to 90 per cent or more black during the period. This "tipping process" is so rapid that it sometimes occurs by the time a facility deliberately located to increase integration can be completed and occupied. Seldom does it last longer than two years. Since official desegregation in 1961, 24 new schools have been constructed, several of which have been especially built to serve federal housing developments in the inner city. Others were appropriated for such purposes. In spite of official laws and directives to the contrary, the bulk of such developments have been operated as all-black since inception. As a natural consequence, 29 schools provided for such "controlled situations" are substantially black. Enforcement of fair housing legislation under Jones v. Alfred H. Mayer Co., and Title VIII of the Civil Rights Act of 1968 will automatically integrate these zones.

The cause of such frustrating results lies in factors completely beyond the control of school authorities. Segregated housing, whether impelled by school changes or not, remains the unconquerable foe of the racial ideal of integrated public schools in the cities. The white flight to the suburbs and private schools continues. As far back as 1967, in an offshoot of this case involving the proposed construction of an all-black school in the heart of the black belt, the problem was accurately characterized by plaintiffs, witnesses and the court as de facto rather than de jure. Griggs v. Cook. The problem is no longer how to achieve integration, but how to prevent resegregation. Only last year, the parties and Judge Hooper for this court exhaustingly investigated possible remedies for over seven weeks of trial, culminating in the orders involved in this appeal and remand. Some of the fruits of those "best efforts" have already slightly soured in the face of evolutional de facto changes. Through it all, the Atlanta system has maintained a traditional position of leadership in the public schools. It remains at the top of the state in pay scale, curriculum development, and innovative efforts in quality education.

HISTORY

In this litigation, the longtime standard of measurement has been the classification of schools in excess of 90 pct-10 pct enrollment by race as "integrated". Presently, 38 elementary schools and 13 secondary schools meet this test in that they have integration in excess of 10 pct (many at 50–50) of the minority race at such schools. Of the remainder of 101, all but 46 have either completely resegregated, serve special controlled housing situations, or have been built since official desegregation as previously discussed. Of some 46 schools in neither category, the information furnished the court reveals substantially the following:

24 have integration of less than 10 pct. (ranging from 1 pct.– 7 pct. black and 1 pct.–5 pct. white);

7 have only token integration (less than 10 students of the opposite race, ranging from 1–4 blacks and 3–9 whites);

15 are either all-black or all-white.

The closest schools with a majority of the opposite race are located as follows:

PRESENT SITUATION

Less than ¾ mile—1
¾ mile to 1½ mile—5
⅛–½ mile to 2 miles—11
1½ miles to 2 miles—11
2 miles to 8½ miles—29

These distances are calculated in straight lines without regard to traffic patterns, transportation barriers, etc. In many instances, there is an intervening interstate highway, railroad, or similar artificial barrier.

Last year, 1140 students took advantage of the unlimited transfer option in effect. (Under the old freedom-of-choice provisions, an unusually large number of blacks by-passed closer white and black schools to attend a "prestige" black school; and white students by-passed closer white and Negro schools to attend a "prestige" white school.) There is, in fact, no serious problem of overcrowding at any facility. Annual zone changes and excellent modern portable classrooms are used to take care of increasing enrollments in either white or black schools. There are, proportionately, as many vacant classrooms at black schools as at white. The court is convinced that no device of packing is being used to preserve segregation. To the contrary, crowding at one school has been used to increase integration at another school. The Board assures the court there will be no problem of overcrowding at any school during 1971–72.

When the remand issued, the Board promptly agreed to the specifics required therein by formulating plans with the Atlanta Transit System to afford transportation by direct grants to the students taking advantage of the majority-to-minority transfer option. Prior thereto and following the issuance of Swann, it formed administrative task forces to study the possibilities of increasing integration by pairing, rezoning again, etc. All of those efforts have been reviewed by the court and representatives of the plaintiffs. Pairing or additional zone changes along the line either produce substantial hardship increases in travel time for the children involved or seriously imperil existing integration at one of the schools involved. In either event, the end result at best would accomplish only a temporary change soon to be wiped out in the historical pattern already established.

With the exception of an innovation in the transfer system, no single measure appears hopeful under the circumstances. There is evidence in the prior record that Atlanta has encouraged maximum majority-to-minority transfers on an individual basis. The court reasons that if such transfers could be effected on a bus-load basis, the prospects can be enhanced. The Atlanta Transit System is in dire straits itself. However, it has agreed to allow the Board to utilize the same total number of busses previously employed on an individual pick-up route basis for "group transfers". Thus, if a bus-load group of students in one area opt for a transfer to a particular school of the opposite race in another area, they can be transported at the same time in the same bus rather than individually along with the general public. The attached order so provides.

Additionally, the Board has agreed to make special efforts in the black area to encourage such group transfers through its area superintendents and other personnel stationed there. Already, it has given wide-publicity to the new transfer option through local newspapers, television, and radio. Over 100,000 bulletins have been placed in the neighborhood schools and a teacher is on duty to explain the plan to all interested parties. A central information center with a publicized telephone number has been established to impart the details to anyone inquiring. Each pupil may readily apply for the new transfer at the school he last attended on a quarterly basis on or before two days before the quarter opening.

CONCLUSIONS

Other than the above, it is apparent that the only device which could effect any significant change is mass-bussing in an endeavor to achieve a 30 pct-70 pct ratio throughout the system. As seen, distances alone would require 40 minutes or more for each child transported and all of this would have to be achieved by a system which has no busses, no drivers, and no funds with which to acquire and operate them. The pairing of non-contiguous attendance zones is, under urban circumstances where a half-mile for a school child is a long distance to walk, but another term for bussing. The court has considered the possibility of requiring the transportation of black students from the center to the white ends. This move is opposed by a large group of blacks except on a voluntary basis as described. On the facts alone, the court concludes that wholesale busing is neither "reasonable, feasible, or workable."

Of paramount significance, however, is the obvious result. Atlanta now stands on the brink of becoming an all-black city. A fruit-basket turnover through bussing to create a 30 per cent white-70 per cent black uniformity throughout the system would unquestionably cause such a result in a few months time. Intelligent black and white leadership in the community realizes and fears it. Responsible citizens both in and out of the school system are deeply concerned with preservation of the biracial identity of the city. Without it, the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened.

The Atlanta School Board is made up of ten members, three of whom are black. Its chairman is Dr. Benjamin Mays, a respected black educator and civil rights leader. The Board deems it unrealistic to go further than stated and unwise to do so. The Biracial Committee appointed by this court is composed of ten outstanding civic and business leaders, five of each race. Its chairman is Mr. Lyndon Wade, the black Executive Secretary of the Urban League. A majority of 9 of its members have furnished the court with a resolution praising the Board's efforts and recommending no further action. (The tenth member was out of the city for an extended absence.) Short of mass bussing, the plaintiffs whose counsel and advisors have vast experience in such matters can offer no other alternatives. The Department of Health, Education, and Welfare has long ago approved the present plans.

The remedy of mass bussing under these circumstances is rejected. Nor is it deemed required under Swann. "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process."

The time and distance which would be involved is impractical, particularly for children in the primary and elementary grades. If the premise of Brown is correct and education in an all-black system is injurious, then certainly the results here would impinge the educational process for the children remaining. At least now there is complete integration administratively and substantial integration in pupil assignment. In a similar situation (Memphis), the Sixth Circuit in its post-Swann remand, indicated that the "extensive transportation of pupils to schools all over the city, regardless of distances involved in order to establish a fixed ratio in each school" is not required; and seemingly recommends that the trial court review all of those other devices already considered in Atlanta.

Swann holds that once de jure status is removed that a school district is not required to reintegrate continually due to de facto changes. "Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system." On this basis, there is considerable merit to the position that this case ought to be dismissed forthwith. Atlanta's de jure status has long since been removed by Board action and by successive court decrees. Its present problems are entirely de facto. There is absolutely no evidence of any affirmative action by the Board to increase segregation. To the contrary, all official action for many years has been to promote integration. It appears to be a unitary system "within which no person is to be effectively excluded from any school because of race or color." On such basis, Atlanta is entitled to a dismissal.

However, should Swann be considered as a starting point for such a goal, the present facts qualify. In essence, Swann holds that the essentials of any unitary system are the elimination of invidious racial distinctions in regard to (1) transportation, (2) faculty and supporting personnel, (3) extracurricular activities, (4) construction and site selection, and the presence of an (5) optional majority-to-minority transfer provision. To the extent that they apply, Atlanta has had such essentials for some time. With this order, the payment of public transportation and space guarantee has been added to the transfer provision. On pupil assignment, the Court, sitting in equity, may utilize any number of devices to achieve a "realistic and workable" plan for the district. All of the devices named, with the exception of mass bussing, have been considered by the Board and the Court and optimum results obtained. Insofar as one-race schools are concerned, the Board has satisfied its burden of showing that "their racial composition is not the result of present or past discriminatory action on their part."

As seen, on a school-by-school basis there is existing integration of some kind or there is a purely de facto situation occurring since official desegregation in all but 15 all-black or all-white schools, or less than 10 percent of the total facilities in operation. Accordingly, upon implementation of the attached order, the system will be judicially declared unitary and a dismissal will be directed on January 1, 1972, the court retaining the inherent jurisdiction to deal with future problems. (In this respect, it should be made clear that for the present, the Singleton-type faculty assignment ordered by the court on March 20, 1970, calls for an annual adjustment. See Carter v. West Feliciana Parish School Board, 432 F. 2d 875 (5th Cir. 1970). Implicit in the attached order is the admonition that it be so administered until further direction is received.) But, in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary."

COMMENT

Looking ahead, the court is compelled to note that the critical point for public education in the City of Atlanta and its environs has been reached. The situation calls for a sweeping examination of its relationship to housing, planning, finances, rapid transit and all the other external factors which vitally affect its role in the community. Apparently, no serious effort has been expended on the question of consolidation of the Atlanta system with the Fulton County system. In terms of efficiency, taxes, and quality education, such consolidations normally produce long-range improvements. In terms of the current problem, such consolidation might well produce partial, even though not perfect, solutions. Certainly for many reasons connected and unconnected with this case, this one aspect ought to be studied without delay. In any such investigation, the proper vehicle should be community-wide, crossing lines of industry, government, and transportation as well as education. While the School Board should certainly participate, it cannot function successfully alone. A special Mayor's Committee of both races might be appropriate. The existing Biracial Committee might well be expanded to 20–30 members to undertake such a task. If so, the court would gladly entertain a motion by any party or the committee itself to add sufficient members to represent the other community aspects involved. Short of such critical reevaluation, the Atlanta system faces a difficult task in merely "hanging on" to its present position, awaiting the uncertain reversal of white flight from its limits.

It is so ordered.

This the 28 day of July, 1971.

Sidney O. Smith, Jr.,
United States District Judge.
Albert J. Henderson, Jr.,
United States District Judge.

TEXT OF BUSING ORDER

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, VIVIAN CALHOUN, ET AL, PLAINTIFFS VS. ED S. COOK, ET AL, DEFENDANTS

Upon consideration of this case under the remand of the Fifth Circuit, the defendant is ordered and directed as follows:

1. To abide by the previous decrees of this court regarding faculty and pupil assignment in the Atlanta public schools and specifically the orders of February 9, 1970; March 20, 1970; and August 31, 1970.

2. To provide for majority-to-minority transfers by application at the school last attended or at the central office each quarter of the school year at any time on or before the second day prior to the beginning of each quarter with space to be guaranteed each applicant at the school of his choice.

3. To provide for transportation for majority-to-minority transfers on the following basis:

(a) Where a sufficient number of students from a given community, zone, or point of origin will be traveling to a single destination, transportation will be provided by direct-billing contract with the Atlanta Transit System or some other carrier.

(b) Where the number of children moving to a given destination school is smaller than a bus load, transportation will be provided in the form of special bus tokens, distributed directly to the pupil involved on a weekly basis, to be used on regular Atlanta Transit System routes.

4. To furnish to the court and to the Biracial Committee through its chairman, reports on at least a semi-annual basis by October 1st and February 1st of each year containing the date set out in Appendix "B" of the district court order approved in United

States v. Hinds County School Board, 433 F. 2d 611 (5th Cir. 1970). If such data is presently available in the existing monthly-quarterly reports published, such reports may be furnished in lieu of a special report.

5. To consult with the Biracial Committee, in its advisory capacity, in the areas of the promulgation and maintenance of school zone lines, in the selection of sites for new schools, in student transfer and school transportation policies, together with such additional matters as may be assigned to the Biracial Committee by the School Board for consultation and advice.

To the extent stated herein, relief is granted; otherwise, it is denied. The motion by plaintiffs to hire a professional consultant at the expense of defendant is rejected. Considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary. Moreover, such action would delay these proceedings several more weeks up to the projected opening of the school.

It is so ordered.

This the 28th day of July, 1971.

SIDNEY O. SMITH, Jr.,
United States District Judge.
ALBERT J. HENDERSON, Jr.,
United States District Judge.

[From the Atlanta (Ga.) Journal, July 29, 1971]

U.S. JUDGES BAR MASS BUSING FOR ATLANTA SCHOOL INTEGRATION: STUDY ASKED ON STEMMING WHITE OUTFLOW

(By Donna Lorenz)

A federal court here has rejected mass busing as "neither reasonable, feasible or workable" as a means of integrating Atlanta schools.

The court called for a "sweeping re-evaluation of housing, planning, finances, rapid transit and all other external factors" to preserve integration in the school system and in the city.

"Short of such critical reevaluation, the Atlanta system faces a difficult task in merely 'hanging on' to its present position awaiting the uncertain reversal of white flight from its limits," commented Judges Sidney O. Smith and Albert J. Henderson in an order issued Wednesday in U.S. District Court.

In a lengthy opinion accompanying the newest order in the 13-year-old school desegregation case, the judges commended the Atlanta school board for maintaining a "traditional position of leadership in public schools" in spite of a deluge of urban problems beyond its control.

The judges commented that mass busing is an attempt to integrate further city schools, which the order said was the "only alternative" offered by the plaintiffs, the NAACP, would eventually defeat that end and cause "severe hardship" for the students involved.

"Atlanta now stands on the brink of becoming an all-black city," the opinion read.

"A fruit-basket turnover through busing to create a 30 per cent white-70 per cent black uniform system would unquestionably cause such a result in a few months time," the judges wrote.

The court suggested that Atlanta's "responsible citizens" are concerned about preserving the "biracial identity of the city without which the ultimate goal of equality in all its aspects is doomed and Atlanta's position of leadership is severely threatened."

The court did, however, order what it called an "innovation" in the board's majority-to-minority (M&M) transfer system—which allows any student to transfer from a school where he is in the racial majority to a school where he is in the minority.

The judges commended the school board for "encouraging" M&M transfers on an individual basis, but suggested that integration might be "enhanced" by transfers by the busload under the choice plan.

The order was merely a formality, however, since the judges themselves pointed out that the school board has already "widely publicized" the new transfer option.

Specifically, the court ordered:

Any student wishing to use the M&M transfer option may do so at the beginning of any school quarter, provided he registers by the second day before school starts, with space to be guaranteed in the school of his choice.

The school board will arrange a direct billing system with Atlanta Transit System when the number of students transferring on one route is sufficient, or arrange to provide special bus tokens for individual students when fewer than a busload transfer on a route. The transit system last year allowed students to transfer at a discount rate of 10 cents. Under the new order, the school board will pay the transportation costs. This was also mainly a formality, since the board had included such a provision in its amended integration plan submitted to the court for this case. The Atlanta school system owns no buses and receives no state funds for transportation.

Semiannual reports, due Oct. 1 and Feb. 1 each year, must be sent to the court and the school board's biracial committee.

Consultation will be required between the school board and the biracial committee on "promulgation and maintenance" of school zone lines, new school sites, transfer and transportation and other matters assigned by the school board.

The board must abide by previous orders on faculty and pupil assignment.

The 13-year-old case surfaced again this spring in the wake of the recent U.S. Supreme Court decision on the Swann vs. Charlotte, N.C., case, which outlined approved methods of desegregation.

Judge Smith said earlier that the Charlotte case did not clearly compel the use of any method, but Wednesday's order stated that the payment of transfer transportation costs by the board and the issuance of semiannual reports are required.

The Atlanta case, along with another Georgia desegregation case involving 79 school districts and several other Southern cases, was remanded by the 5th Circuit Court of Appeals in New Orleans for reconsideration on compliance after it had laid dormant for some time pending the Supreme Court decision on Charlotte.

The Atlanta case was originally filed in 1958 by the National Association for the Advancement of Colored People (NAACP) and in re-arguing the case this year in a July 5 hearing, NAACP attorney Peter Rindskopf accused the school board of attempting to skirt Supreme Court desegregation requirements and, therefore, failing in its integration plans.

Rindskopf asked the court to order the board to hire a consultant to help formulate new integration plans. He recommended Michael J. Stolee, dean of the University of Miami School of Education and a staff member of a Department of Health, Education and Welfare Desegregation Assistance Center in Florida.

The court denied the consultant request in Wednesday's order, however, saying that, "considering the experience of the parties and the court in these matters, and the obvious factual situation, such expense is deemed unnecessary," and would delay the proceeding until the opening of school.

The court order was highly complimentary of the school board's history of integration and cited many "external factors" beyond the control of the board which make further integration measures unfeasible.

The judges blamed segregated housing "which remains the unconquerable foe of the racial ideal of integrated public schools" and the "white flight" to the suburbs for inner-city conditions which have caused the Atlanta student population to completely reverse from 70 per cent white and 30 per cent black to the opposite percentage in the 13 years the court has had jurisdiction in the case.

"Atlanta in 1961–62 was one of the first major Southern cities to officially abandon the dual school system," the court pointed out.

"No one has successfully challenged the would be built for a regional IRS data pro- of the appointed superintendent, Dr. John W. Letson, or of its administrative personnel throughout this uncertain decade," the judges said. Each change has produced convulsive implosions within the system and what now has become the annual agony of Atlanta has cause significant changes in the character of the system, both physically and psychologically.

"The problem is no longer how to achieve integration, but how to prevent resegregation," the judges said. "Atlanta is entitled to a dismissal."

The case was dismissed effective Jan. 1, 1972, leaving the court jurisdiction to handle further problems during that time, but "further intervention by a district court should not be necessary," the order read.

[From the Manchester Union Leader, Aug. 2, 1971]

THE TREND

Decade by decade America's largest cities are becoming more black in terms of population percentages. If the trend is not halted, many of the nation's largest urban centers will be predominantly black by the year 2000.

Here are approximate and preliminary figures for the 1970 and 1960 censuses:

Rank cities	Population	Negro 1970 population	Negro 1970 percentage	Negro 1960 percentage
1. New York City	7,771,730	1,666,636	21.2	14.0
2. Chicago	3,325,263	1,102,620	32.7	23.0
3. Los Angeles	2,782,400	503,606	17.9	14.0
4. Philadelphia	1,926,529	653,791	33.6	26.0
5. Detroit	1,492,914	660,428	43.7	29.0
6. Houston	1,232,802	316,992	25.7	23.0
7. Baltimore	895,222	420,210	46.4	35.0
8. Dallas	836,121	210,238	24.9	19.0
9. Washington, D.C	764,000	537,712	71.2	54.0
10. Indianapolis	742,613	134,320	18.0	10.8

Source: Taken from Parade, June 20, 1971. Intelligence Report edited by Lloyd Shearer.

[From Washington Post, Aug. 3, 1971]

RIGHTS SUIT ASKS BAR ON SUBURBAN IRS UNIT

(By Peter Braestrup)

Nineteen civil rights groups sued yesterday to bar the Nixon administration from opening a new 4,000-employee IRS center in suburban Brookhaven, Long Island, until "adequate housing" exists there for prospective low-income, nonwhite employees.

"The government had a share in creating apartheid, now it has some obligation to dismantle it," said Richard F. Bellman of the National Committee Against Discrimination in Housing, chief attorney for the plaintiffs.

In essence, Bellman argued, federal officials violated the 1968 fair housing law and President Nixon's own executive orders by locating the IRS center in all-white Brookhaven without a "meaningful" investigation of the local housing situation and thus access to the new jobs for blacks.

The suit is the latest of a dozen filed by civil rights groups against alleged suburban housing discrimination, notably racially exclusionary zoning (Black Jack, Mo.) or economic zoning to keep out low-income persons (Oyster Bay, N.Y.).

This one, the first against a federal agency rather than a local government, was filed in U.S. District Court in Brooklyn against the General Services Administration, which buys and leases property for the federal government.

Last Sept. 4, after inviting bids, GSA agreed to lease a $20 million building that would be built for a regional IRS data processing center in Long Island's Brookhaven Township. IRS is due to take over the building, now 30 percent complete, by mid-1972, paying annual rent of $3 million.

"PATTERN" DENIED

In Washington, a GSA official said the agency had not seen the brief filed by the civil rights groups. But he denied the contention made in the suit that there is a "pattern" of "GSA failure" to abide by national anti-discrimination in housing policy. An IRS project similar to the one in Brookhaven is being built adjacent to Mexican-American and black neighborhoods in Fresno, Calif., the GSA official said.

Other officials pointed out that housing is "not the only consideration" in federal site selection—that land costs, available space, and "the ability of the agency to carry out its mission" counted heavily.

In the case of Brookhaven, these officials said, the idea was that most of the 4,000 full- and part-time clerical jobs would be filled by people already living in or near Brookhaven Township.

Roughly 40 miles from New York City, the township last year had a population of 254,260—of which 3.6 percent was nonwhite and located for the most part in a few enclaves such as Gordon Heights and Bellport.

SEPTEMBER REPORT

However, Gerald Turetsky, GSA regional administrator in New York City, told The Post last April that after study he had been concerned—and then satisfied—about both low-income housing and access to the center by commuters from outside Brookhaven.

He cited a housing report to GSA from Township Attorney Oscar Bloom as among the key factors. According to attorney Bellman, the Bloom report went to GSA on Sept. 4, the same day that GSA approved the Brookhaven site and was misleadingly optimistic.

In any event, Turetsky said at the time, "we can't attempt to seek an overhaul of the entire housing situation."

Town Supervisor Charles Barraud, a conservative Republican, said then that he was flatly opposed to local civil rights groups' demands for a local housing authority, which could use federal funds to build low-income housing. He said private enterprise should be given a chance first. But he differed with GSA in his assessment of Brookhaven's low-income housing situation.

"You can't find rentals under $200 to $280 a month," he said. "It's hard on the newly married, the elderly. I'm very concerned about the low-income."

CONSERVATION OF AMERICAN WILDLIFE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HANNA. Mr. Speaker, I rise to commend my colleague from California, the Honorable GLENN ANDERSON, for his efforts on behalf of the conservation of American wildlife. Mr. ANDERSON's bill H.R. 9668, limits the use of poisons on federally owned land. It is clearly the responsibility of the Congress to protect the endangered species that use public land as their natural habitat. The indiscriminate killing of these animals cannot be allowed to continue.

Particularly repugnant is the use of poisons which can endanger all wildlife, predatory or nonpredatory, those in abundance and those on the verge of extinction. Mr. ANDERSON's bill would require the approval of officials of the Department of Interior and the Environmental Protection Agency for the use of any trapping or poisoning techniques on public land. I commend this bill, H.R. 9668, to the Members of this distinguished body and urge its swift enactment.

KENTUCKY LEGION HONORS BILL NATCHER

HON. FRANK A. STUBBLEFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. STUBBLEFIELD. Mr. Speaker, I am sure our colleagues on both sides of the aisle will take great pleasure in learning that one of our most respected and hardest working Members was recognized last week by his fellow Kentuckians when he was presented the highest honor the American Legion of the State of Kentucky can bestow, its "Distinguished Service Award." The recipient of the award, my good friend Congressman WILLIAM H. NATCHER, was so honored by the Department Convention of the American Legion in Lexington on July 10 in recognition of his many years of public service to his community and State prior to his election to the Congress and for his distinguished service to his district, State, and Nation in the U.S. House of Representatives.

In making the presentation, Legion State Commander John W. Adams, Jr., among other things, mentioned that BILL is recognized as one of the hardest working members of the House Committee on Appropriations and is chairman of its subcommittee on the District of Columbia. BILL NATCHER has never missed a roll call in the House and through the years has sponsored or supported many pieces of legislation of far-reaching benefit to his constituents and the Nation.

After responding to the presentation, Congressman NATCHER delivered a hard-hitting statement on our national security to the Legion delegates which carries such import that I believe it should be included in the CONGRESSIONAL RECORD. Mr. NATCHER's speech follows:

REMARKS OF CONGRESSMAN WILLIAM H. NATCHER, SECOND DISTRICT, KENTUCKY, TO THE 1971 KENTUCKY DEPARTMENT AMERICAN LEGION CONVENTION, LEXINGTON, KY., JULY 10, 1971

NATIONAL SECURITY IN THE SEVENTIES

A major drive is underway to discredit the military in this country. There has been a steady escalating attack on the entire United States defense organization in recent years. The assault is probably broader, more intensified and varied than at any other time in history.

A full page ad appeared in one of our large newspapers several days ago making one of the most vicious attacks on the military that I have ever seen. A bold headline across the top of the page stated that America has a tapeworm and since the year 1946 the military has devoured more than one trillion dollars of our resources and it is going through us at the rate of $200 million a day. This ad further stated that as the result of huge expenditures for our military we were permitting our cities to die; our public services were collapsing, and we were carrying a huge tax load that was not necessary. According to this ad 61 cents out of every dollar paid to the federal government including social security trust funds goes to the military. In bold heavy type it said that by squandering the wealth of our nation on the military for twenty-five years, by paying for it partly through the concealed tax of money inflation the government has in effect confiscated a substantial portion of the purchasing power that Americans have had in savings accounts, in bonds and in pensions.

It does not require a professional historian to inform us that it has been the United States military that has prevented a third World War during the last twenty-five years and that it has been this force that has successfully turned back Communist expansion during this period. Communism has found the United States military its chief obstacle to world domination just as the principles of democracy under God have been the chief challenges to Communism throughout the world.

Those who signed this ad do not express the opinion of the majority of our people. To accept the conclusion expressed in this ad would bring about further erosion of American might. If the American people are unwilling to provide adequately for their own defense it is evident that their survival instinct has been impaired.

Today and more often in the future we must decide as to whether or not we can solve our problems in our cities and our major domestic problems throughout this country and at the same time maintain adequate forces for the protection of our people. It is imperative that we meet both, because if not we shall meet neither.

We are now in the process of attempting to move our country away from war and toward peace; away from a wartime economy and toward a peacetime economy; away from arms competition and toward arms limitation.

For full protection in these uncertain times the United States will continue to need the long range bomber, the submarine launched missile and the land launched intercontinental ballistic missile. An effective military force is vital to United States foreign policy. We must be ever alert and insist that the United States armed forces be provided with all of the tools of defense—the nuclear Navy, missiles and conventional forces that spell the difference between national life and death.

Our country is still the strongest nation on earth, and there is no place in our country for a spirit that accepts retreat and defeat. There is no valid reason for us to become a second rate power, or to kow-tow to the Soviet Union.

Ads such as the one that I mentioned if accepted by the people in this country would ignore the lessons of history.

It is true that we have expended over a trillion dollars for defense in the last twenty-five years. In 1946 we had a budget totaling $60.3 billion. $43.2 billion of this amount was for defense. At this time our Gross National Product was $201.6 billion dollars. Our Gross National Product today is $1 trillion, $12 billion. Our total budget calls for expenditures of $176.9 billion. $77.3 billion of this amount is for defense. This means that 43.8% will go for defense.

When the war in Vietnam winds down we must continue to keep our country militarily fit and progressive. Our people must understand that the kind of military establishment we have and how strong and effective it is is a problem that concerns all of us.

The right kind of defense will continue to cost a large sum of money. We do have a certain amount of waste and duplication in our military services. The time has arrived for changes to be made in our military strategy, in the overall structure of our military services and the system used to spend the money appropriated for the military. The fight against military over-spending must be given the highest priority.

As we go along we must remember that the Soviet Union has during the five year period since 1965 surpassed this nation in land based intercontinental ballistic missiles. Today we have fewer missiles than they have. The Soviet surface fleet now includes two helicopter carriers, about twenty-four cruisers, thirty-five guided missiles destroyers, fifty gun-armed destroyers, more than 100 destroyer escorts and thousands of smaller ships consisting of mine sweepers, coastal escorts, support craft and intelligence collectors. The Russian nuclear submarine construction capability now is about twenty units a year. Our combat aircraft now number about 8,500. The Soviets have nearly 10,000. While we take ships out of commission the Soviet Union presses ahead with construction of the most heavily armed fleet in history.

It now has become obvious that unless we move promptly to rebuild our conventional armed forces and its nuclear deterrent we will be extremely vulnerable to Soviet Union blackmail. Our people must understand that ships, planes, missiles are instrumentalities of national purpose.

We have not ignored our cities and our major domestic problems during the past twenty-five years. More constructive legislation was enacted during the 1960's then at any other ten year period in the history of this country. Our elementary and secondary legislation, higher education legislation, water resources legislation, water and air pollution legislation, manpower training legislation, mental health and general research legislation have been enacted during this period. More housing, sewer and water grants and loans, classrooms, highways, and hospitals have been approved and completed than at any other ten year period. We have landed our men on the moon during this period and we all know that this is the greatest achievement of the twentieth century.

The drive underway to discredit the military in this country must not succeed. We can and we will solve our domestic problems and at the same time maintain adequate forces for the protection of our people.

REDUCING RESORT TO VIOLENCE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. WYMAN. Mr. Speaker, the spring 1971 issue of the Newsletter of the Institute of Social Research at the University of Michigan contains a special report on violence in the United States. Information contained in this report and the statistics included therein contribute to increased public understanding of the distressing emphasis on resort to violence by some persons in this country.

In the interests of seeking to reduce the causes of violence and to eventually eliminate violence as a means of settling disputes or expressing personal resentments and frustrations, I include this report in the Record at this point:

Violence Worries Americans; Men in Study Often Justify Severe Police Action To Quell Disorder

Violence in this country has become something of a daily, reoccurring nightmare—a vision we can't quite believe, and yet one from which we can't awake.

Violent crime is more prevalent. Individual acts of mass murder occur with a tragic frequency and assassination has felled some of our most charismatic leaders. In Southeast Asia our collective act of violence continues to make headlines, while at home an endless progression of domestic violence is punctuated by ghetto riots, student disturbances, and police actions.

Many recent social and political crises have highlighted the confusion and the tragedy surrounding the seemingly endless series of events in which one violent act justifies a violent return from someone, somewhere. The deaths of students at Kent State and Jackson State are but two widely-publicized examples of this kind of escalating domestic violence, and the conflicting judgments that are still being made of the events on the two campuses are typical of a division which pervades this country.

We can't, it appears, even agree as to what the phenomena of violence are; and certainly we are not of one mind on where the monotonous sequence of action and reaction begins. For as long as we can identify some preceding abuse as violence, the justification for future violence is near at hand.

To understand better how Americans feel about violence, a study of the Institute for Social Research's Survey Research Center has attempted to reduce these clamorous opinions on violence to something measurable. In the summer of 1969 interviews were conducted with a nationwide sample of 1374 men who are representative of the male population as a whole, but who were also picked to include a larger number of blacks than would normally have been included.

The study, under the direction of Monica Blumenthal, Robert L. Kahn, and Frank Andrews was particularly concerned with unearthing the justification we use to make different kinds of violence acceptable and to discover just what levels of violence American men would tolerate in different situations. Two quite different types of violence were isolated and studied specifically—violence for social control and violence for social change.

What first became apparent from the ISR data was the magnitude of concern over violence—particularly domestic violence; over 65 percent of the men questioned mentioned some form of violence when asked about the things in this country which "nowadays concerned them." Furthermore, 68 percent mentioned some form of civil disorder and protest as being related to violence, while only 27 percent mentioned crime.

When asked to describe what causes violence 20 percent of the men pointed to problems such as a lack of understanding, communication, and trust between people or groups. Another 15 percent mentioned frustrations and general dissatisfactions as the cause; and 11 percent pointed to racial problems.

While men agreed that the basic causes of violence rest with social problems such as unemployment, discrimination, and lack of education, 30 percent said the way to prevent violence is through more police force and stricter, more punitive legislations.

While there was nearly unanimous agreement with the idea that some changes in society of the type advocated by blacks and students will be necessary, there was considerable diversity of opinion on what it will take to achieve those changes (and certainly on the magnitude and scope of those changes as well).

On the whole, American men did not agree that violence is necessary to produce social change. In the interview the men were asked to indicate how much violence was needed to bring about change for blacks, for students, and how much violence was necessary to bring about change in general. They responded to all situations similarly with between 58 and 62 percent agreeing "a great deal" that "changes can be made fast enough without action involving property damage or injury." And another 24 to 25 percent agreed "somewhat" with that proposition depending on the specific situation.

There is a significant number of Americans who feel that violence is necessary to bring about needed changes fast enough. About 20 percent of the men questioned believed that protest involving some property damage or personal injury is necessary, and another 10 percent or so believed that protest involving extensive property damage or some deaths is necessary to bring about change fast enough. Although the 10 percent who believed in the necessity of violence of a severe nature is dwarfed by those who held the opposite view, it should be pointed out that the figure still represents some 5 million men—no trivial number.

There was also a larger minority at the other end of the spectrum willing to tolerate and justify the use of a great deal of police violence. Respondents were asked how police should handle disturbances involving hoodlums terrorizing a town, campus disturbances involving some property damage, and ghetto riots. In each case, the respondent could indicate the appropriate police action ranging from letting it go, making arrests without clubs or guns, using clubs, shooting without killing, and shooting to kill. Under these circumstances from 19 to 32 percent felt that the police should shoot to kill depending on the specific situations.

There is, however, the calming fact that a solid consensus wanted the use of police force in a threatening situation kept to a minimum. From 79 to 87 percent of Americans agree that police ought to make arrests in various disturbances without the use of clubs or guns "almost always" or "sometimes." Eighty percent thought that such arrests should be made using clubs but not guns "almost always" or "sometimes." There was considerably less agreement about the appropriate use of guns. From 48 to 66 percent of the American men, depending on the specific situation, felt that the police should shoot (but not to kill) "sometimes" or "almost always."

To further clarify the attitudes of people favoring one type of violence or another, the study directors combined three sets of questions dealing with the amount of force the police should use to handle a specific situation and formed a single scale—Violence for Social Control. They also took three sets of questions dealing with the amount of violence necessary for social change and came up with a scale for Violence for Social Change.

They then looked at the subgroups holding beliefs along these violence scales and measured their values, what they defined as violence, how they identified with certain groups, and how they looked at prominent social issues.

Who were the men that want to use high levels of violence to control the social forces of dissent and protest? They were, for the population as a whole, less well-educated than the average American, living in rural areas or small towns located in the Southern or Border states more often than in urban areas. They identified strongly with the goals and persons involved in police work, believed that if black protesters "get what they want" their life will change for the worse, and that few or no policemen dislike people such as themselves.

They were also more likely to have stronger belief in the principle of retributive justice—"an eye for an eye, a tooth for a tooth"—and they believed strongly in the right to defend their self, family, and home to the point of committing homicide.

They are also less likely than the average American to believe that violence has its roots in social problems, and that poverty and discrimination contribute to violence. Furthermore, they more often expressed the belief that the courts treat everyone equally, that the police should have more power, and that the Supreme Court has made it difficult to punish criminals.

Their attitudes support the violence of the legitimate powers of government to be used against disruptive or threatening forces. As such it is, for them, justified, necessary, and not really "violence" at all.

In fact, one of the key findings of the study was that what people *mean* by violence has a great deal of significance for other attitudes. And the more one labeled an act as violence, the more force one was willing to unleash to combat it.

It is not just a case of semantics. The study found that by-and-large when men talked about violence they all had the same qualities in mind: something bad, worthless, fierce, strong, and unnecessary. Blacks were the only exception to this; they tended to define violence as weaker, less bad, and less fierce than other groups.

All men, however, did not apply the term violence to the same events. American men generally, the study found, thought of protest as violence per se. They did not differentiate between burglary, draft-card burning, looting, and sit-ins in labeling them as violence.

When asked to mention violent events some 30 percent of the American men questioned came up with racial problems, another 23 percent with student protest and only 30 percent with crime problems.

When given nine specific events and asked if they were violence, the men cited looting the most often (85 percent), burglary next (65 percent), followed by draft-card burning (58 percent). Only 56 percent thought that "police beating students" was a violent act and only 32 percent believed "police shooting looters" was violent.

How can one account for the disparity between the study's own textbook definition of violence as "activities inflicting damage on persons or property" and what the public generally perceives as violence? How can the act of burglary—as aggressive toward property as it is—be spoken of in the same breath with the relatively benign (at least as far as physical damage) act of draft-card burning?

The study directors believe that one answer lies with the illegitimacy of the acts. Men tended to put under the rubic of violence actions they categorized as illegitimate, and the majority of American men believed force.

These matters are looked at quite differently in the black population where the majority of men regarded many police actions as illegitimate and violent. For example, 59 percent of the black sample defined "police shooting looters" as violence, while 23 percent of white union members did so.

This fundamental difference in the meaning of violence was also found between college students and white union members. Here the views were almost diametrically opposed. Seventy-nine percent of the college students (and 82 percent of blacks) regarded "police beating students" as an act of violence and only 45 percent of the white union members did so.

The situation was reversed on the question of draft-card burning—nearly two-thirds of the white union members regarded it as violence compared to only about one-fourth the college students.

Calling an act violence is to delete in a stroke all the nasty ambiguities. An action thus labeled will more easily justify a forceful response that is then seen as legitimate and necessary. The result is that if student protest is defined as "violent" one has to wrestle less with one's self and the language to mete out a just return of force.

If, on the other hand, we thought of violence in a purely objective, textbook way as "activities inflicting damage on persons or property," we would be struck with the much more uncomfortable and difficult task of prescribing violent medicines to heal the wounds of violence.

There is a rich history of gruesome examples of people's willingness to use violence against people who are not members of their group. People excluded from the status of "our people," or "our own kind" are treated with moral considerations different than members of our own peer group—even sometimes to the point of being seen and dealt with as less than human.

Justifications for violence were, of course, used against Jews in Europe 35 years ago as they have been used by whites against blacks for centuries in this country. Another example of this type of rationalization for violence in contemporary thinking can be found in the Vietnam War. A Newsweek article (Dec. 1, 1969, p. 37) in discussing the My Lai incidents states:

"Many U.S. fighting men under the stress of combat display a profound contempt for the people of South Vietnam. With hearty distaste, GI's commonly refer to the South Vietnamese—allies and enemies alike—as 'dinks.' And in the view of many longtime observers of the war, it is not unreasonable to conclude that the strong antipathy underlying such epithets—or the 'dink' syndrome as it is known in Vietnam—sometimes plays a part in the casual killing of civilian bystanders. 'Psychologically and morally,' says a U.S. civilian official, 'it's much easier to kill a 'dink' than it is to shoot a Vietnamese.' "

One wonders how much of the recent uproar in this country over the conviction and sentencing of Lt. William Calley is conditioned by the fact that he is so easily identified as one of "ours," while the women and children who were killed—as helpless as they may have been—are so much like the "enemy," so complicit with "them."

The study found that how men identified with the contenders in the violent scenarios enacted every day in this country did indeed strongly relate to how they approved or disapproved of their actions. Not only were men willing to use more force against persons or groups they didn't like, they were less likely to term that force "violence". The more a man was found to identify with the police, for example, the less he would call their actions violence and the more Violence for Social Control he would justify.

"These data imply," the study directors note, "that the less highly regarded the members of a particular group, the more likely men are apt to justify high levels of police force to be used against them."

People's values also add an interesting dimension to the picture. The researchers questioned the men about five basic values: (1) retributive justice, (2) self-defense, (3) person vs. property, (4) liberalism vs. conservatism, and (5) kindness. They found that retributive justice—"an eye for an eye"—and self-defense were the most potent values among American men generally in determining attitudes toward violence—kindness was the least potent: "One is tempted to say that the values that jusify violence are more important in the determination of attitudes than the values that oppose it."

The study found that the more justifiable a man found the use of violence by police to control hoodlums, students, and rioting blacks, the more he believed in the value of self-defense, retributive justice, material over humanistic values, property over persons, and the less he believed in kindness.

Blacks presented almost the exact mirror image of whites on this subject. For them, the values of self-defense and retributive justice were important, but they supported violence of the opposite type—for social change. The more a black-American believed in self-defense and retributive justice the more he believed violence necessary to change the social system. The experience of blacks in this country as a minority group suffering a history of oppression and discrimination has apparently reversed the role of aggressor and victim. Values, furthermore, did not have any correlation for whites on the Violence for Social Change scale.

With whom men identified was also effected by values. The individual who believed strongly in retributive justice was more likely to regard student demonstrators and black protesters as untrustworthy, looking for trouble, and likely to define their behaviors as violence and less likely to regard police actions such as "shooting looters" or "beating students" as violence. The plausible and somewhat frightening assumption follows that such a person may sanction strong police actions against students and blacks as a method of retribution—of "getting back at them."

The composite picture of a man who advocates a great deal of violence for social change was one who believes student demonstrations are helpful and that if student demonstrators and black protesters achieve their goals his life will change for the better. He was more inclined to regard the police as untrustworthy and looking for trouble and to define police actions such as shooting looters, beating students, and frisking suspects as violence. Furthermore, he did not believe that the police need more power, nor that the Supreme Court has made it more difficult to prosecute criminals. He was more apt than the average citizen to believe that violence is good, necessary, and unavoidable.

Nearly everyone in this study could justify some level of violence at some time. At the extremes of the spectrum the feelings for violence are most intense, most dramatically opposed; but the fact that a majority of us stand somewhere on the middle ground does not always mean that we are the peacemakers. Nearly all of us can find our share of situations where we justify some level of violence.

Breaking the cycle—freeing ourselves from the feeling that the omnipresent "violence" always deserves a violent return—will not be accomplished easily. Most of our attitudes toward violence are fed by deep, pressurized wellsprings.

One hopeful sign the study found was that with increased education came a general decrease in the level of violence recommended for police enforcement. This was true for both blacks and whites. For people of the other end of the spectrum, the same relationship exists but it was smaller—the higher the education, the less the violence for social change. It is interesting to note that the opposite was true for blacks wanting social change.

Increased education was also associated with a broadening of identifications, allowing men to see more with others' eyes and thus break down some of the neat, tight boundaries that so easily prompt violence. This is especially important since about one-fifth of the difference in attitudes toward the use of police force was due to how men identified with the police or with the objects of their force. An increase in education was also accompanied by a sharp decrease in the belief in retributive justice. Men with at least some graduate education disavow retributive justice four times as often as persons with an elementary school education.

Broadening our identifications to include people outside of our own group should also help to increase the general level of awareness of the social and political realities which prompt much violence. Doing so, the data suggest, would reduce the general level of violence: the people who rated highest on the Violence for Social Control scale believed least in the social causes of violence. But Americans generally did not mention the eradication of poverty, discrimination, lack of jobs, and poor education as solutions to the problem of violence, even though they overwhelmingly recognized them as sources of that violence.

The greatest hope for reducing violence in this country, the study seems to indicate, still lies with the frustrating task of improving basic human understandings. The rhetoric of violence too often becomes a cudgel to subdue an opponent rather than a language to communicate with him. It still remains for a large portion of the American public to recognize that the roles of aggressor and victim are not permanently cast, but are subject to the experiences of people. Perhaps the more we are able to get into each other's skins and see with each other's eyes, the more our rigid interpretations of what is "legitimate" and "violent" will relax. Then we may begin to communicate and explore where we now react violently.

ATTITUDES TOWARD VIOLENCE OF WHITES, BLACKS, COLLEGE STUDENTS, AND WHITE UNION MEMBERS

[Percent]

	White	Black	College students	White union members
Violence for social control:				
Low	23	37	25	16
Medium	51	46	54	54
High	26	17	21	30
Total	100	100	100	100
Violence for social change:				
Low	48	11	35	47
Medium	38	37	38	39
High	14	52	27	14
Total	100	100	100	100

WHO CALLS WHAT VIOLENCE

[Percent]

	College students	White union member	Blacks
Police:			
Police beating students is violence	79	45	82
Police shooting looters is violence	43	23	59
Police frisking is violence	16	10	34
Burglary:			
Looting is violence	76	91	74
Burglary is violence	47	67	70
Dissent:			
Student protest is violence	18	43	23
Sit-ins are violence	4	24	15
Draft card burning is violence	26	63	51
Denial of civil rights is violence	54	40	70
N	(63)	(279)	(303)

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART IV

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HARRINGTON. Mr. Speaker, on May 19, 1971, the Senate Armed Services Subcommittee on Research and Development, chaired by Senator THOMAS McINTYRE, held an important open hearing with representatives of the Federation of American Scientists on the subject of comparison of United States and Soviet technology. A reading of the transcript of the hearing is most useful for those who would try to understand this controversial subject.

The Federation of American Scientists in May 1971 released a report of its ad hoc committee on military R&D, entitled "Is There an R&D Gap?". This report, which strongly criticized Defense Department assertions, was printed in the RECORD on May 10, 1971, pages 14093–14101. The members of the FAS committee were:

Dr. Marvin L. Goldberger—chairman—chairman of the physics department at Princeton University, former member of the President's Science Advisory Committee and chairman of its Strategic Weapons Panel, and former chairman of the Jason Division of the Institute for Defense Analyses.

Dr. Richard R. Nelson, professor of economics at Yale, coauthor of "Technology, Economic Growth and Public Policy," published by the Brookings Institution in 1967.

Dr. George Rathjens, professor of political science at MIT, former deputy director of the Advance Research Projects Agency in DOD, former Special Assistant to the Director and former Deputy Director in the Arms Control Disarmament Agency.

Dr. F. M. Scherer, professor of economics at Michigan and coauthor of "The Weapons Acquisition Process."

I would point out that Dr. John Foster's comments on the Federation of American Scientists statements are printed at the end of the hearing. I would also suggest that the Director of Defense Research and Engineering has not in his comments been responsive to Senator McIntyre's request for "detailed evaluation and specific comments on each of the allegations and questions in the report and in the statement made by the federation." It is unfortunate that some DOD officials and others have sought to portray the FAS criticisms as being primarily a personal attack on Dr. Foster and thus have apparently sought to escape the need to respond adequately to these criticisms. I regret that Dr. Foster may perhaps have been given cause to feel unfairly and personally assailed but I find it disturbing that there seems to be operating here a mechanism which seeks to discredit critics and their criticisms by reference to essentially irrelevant matter.

The transcript of the Senate Armed Services hearing on comparative Soviet and United States military R&D follows:

COMPARISON OF UNITED STATES AND SOVIET TECHNOLOGY, WEDNESDAY, MAY 19, 1971, AD HOC RESEARCH AND DEVELOPMENT SUBCOMMITTEE OF THE COMMITTEE ON ARMED SERVICES

The subcommittee met, pursuant to recess, at 10:05 a.m., in room 224, Old Senate Office Building, Hon. Thomas J. McIntyre (chairman of the subcommittee) presiding.

Present: Senators McIntyre (presiding), and Goldwater.

Also present: Hyman Fine, professional staff member.

Senator MCINTYRE. The subcommittee will please come to order.

OPENING STATEMENT BY CHAIRMAN

This morning we are pleased to have before us representatives of the Federation of American Scientists, who have requested this opportunity to appear in connection with the research, development, test and evaluation part of S. 939, the fiscal 1972 military procurement authorization bill. The Federation was to be represented today by two members of its Ad Hoc Committee on Military Research and Development. It is at least represented by one member of the Ad Hoc Military Research and Development Committee. Dr. George W. Rathjens, professor of political science, Massachusetts Institute of Technology. It is my understanding that his colleague, Dr. Richard R. Nelson, is unable to get the airplane to take off because of fog and it is also my understanding that if he does not make this meeting this morning that Dr. Jeremy Stone, who is also here, the director of this Federation, will speak on behalf of Dr. Nelson and also on behalf of himself.

STATEMENT OF DR. JEREMY J. STONE, DIRECTOR FEDERATION OF AMERICAN SCIENTISTS

Dr. STONE. Dr. Nelson joins me in a statement I will make subsequently on the assertion that DOD has "broken the code" of the R. & D. budget. My further comments would be on behalf of myself and the Federation. (See p. 3333.)

Senator MCINTYRE. All right. I would like to place at this point in the record a copy of the letter dated April 5, 1971, from the Federation of American Scientists which requested this opportunity to appear before the subcommittee. That letter indicated that several senior members of the Federation had expressed doubts about the validity and meaningfulness of comments being made by Dr. John S. Foster, Jr., Director of Defense Research and Engineering, on relative rates of research and development spending here and in the Soviet Union.

(The letter follows:)

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., April 5, 1971.

Hon. THOMAS J. MCINTYRE,
Chairman, Ad Hoc Subcommittee, on Research and Development, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Several senior members of the Federation of American Scientists have expressed doubts about the validity and meaningfulness of comments now being made by Dr. John S. Foster, Jr., on relative rates of R&D spending here and in the Soviet Union.

The Federation would welcome a chance to express its view in unclassified testimony before your Subcommittee on Research and Development. We note that your hearings are indeed dealing in part with overall levels of R&D spending. And our membership includes prominent strategists, famous economists working in relevant fields, and former directors of research for DOD, CIA, and ACDA. We believe that we could make a useful presentation putting in some perspective what should and should not become a matter of concern in this general area.

As evidence of our competence to address these questions, may we call your attention to the testimony FAS presented on bomber defenses on March 11 before the Special Subcommittee of Senator Stennis. We enclose also our comments on the Military Procurement Bill before the Hébert Committee.

We believe that a reasonable outside voice on these questions can play a useful role in providing the Subcommittee with a point of view to contrast with official comments. For this purpose the Federation is the largest single collection of relevant expertise outside the Government.

We look forward to hearing from you,
Respectfully,
JEREMY J. STONE, *Director.*

DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., June 24, 1971.
Senator JOHN C. STENNIS,
Chairman, Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In testifying on 19 May 1971 before the Senate Armed Services Committee, Mr. George W. Rathjens quoted from my testimony of 27 April 1970 to the Defense Subcommittee of the House Appropriations Committee. He was concerned that I had predicted then that the Soviet Union might assume technological superiority in two years.

When this was brought to my attention I, too, was concerned. To clarify the issue, I wrote a letter to Mr. Mahon. Knowing that you have an interest in this issue, I have enclosed a copy of that letter. It may be of use to you in the coming discussion of the FY 1972 budget for RDT&E.

Sincerely,

JOHN S. FOSTER, Jr.

MAY 27, 1971.

Hon. GEORGE H. MAHON,
Chairman, Committee on Appropriations, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In recent days, my attention has been called to a statement I made before the Defense Subcommittee of the House Appropriations Committee on 27 April 1970 in answer to a question from Congressman Sikes. The transcript of the Hearing shows on page 9016 that I said:

"The primary significance, I believe, sir, is that, if the Soviets continue to increase their effort devoted to military-related research and development, and we continue our present trend, within the next two years the Soviet Union will assume technological superiority."

This appears also in the published record of the U.S. House of Representatives, Defense Subcommittee of the Appropriations Committee, Fiscal Year 1971, 91st Congress, 2d Session, Part 6, page 40.

I have difficulty believing that the above records accurately show what I said. The data available in April 1970 was inadequate to make any such precise prediction. I may have said: ". . . within the next few years the Soviet Union will assume technological superiority. . . ." and the reporter misunderstood the word "few" to be "two". If this is what happened—and it is my only explanation for this obvious error—then I must apologize for not having corrected the error in my review of the transcript.

The above reference was the first time I gave any estimate of when the Soviet Union might assume technological superiority over the United States—assuming present trends continue. In subsequent statements, based on a more accurate and complete analysis of Soviet Union R&D funding, I have mentioned the possibility of the United States' losing the technological lead in the mid to latter part of this decade. Of course I recognize, and I am sure you do too, that any such estimate is simply that—an estimate of what might happen. It cannot be precise and, in this case, can be thrown off by changes in either of the two countries.

I look forward to presenting to you on 1 June 1971 the current situation as I see it.

Sincerely,

JOHN S. FOSTER, Jr.

RESUMPTION OF HEARING

Senator MCINTYRE. I would like to make a number of observations before proceeding with this hearing. The civilian and military authorities who are charged with the responsibility for running the Department of Defense have been unanimous in their expressed concern about the dramatic increases in Soviet technological capability and the growing threat which this represents to our Nation. Dr. Foster has stated before this committee that the Soviets are now spending in 1968 equivalent dollars some $3 billion more annually on military and space research and development than is the United States. He also stated that their greater effort could provide the Soviets with weapons systems that are superior to ours. Further, that while the United States is still technologically ahead of the Soviet Union by perhaps 2 to 3 years on the average, if present trends continue, they would probably assume technological superiority in the latter half of this decade.

Soviet element of surprise

While I fully recognize the gravity of any Soviet technical surprises which may produce a better weapon than ours, and while I fully support the need for an adequate level of research and development to maintain our technological lead, I am not convinced that technology is synonymous with the total of the research, development, test, and evaluation program. Technology includes only those portions of the program which are identified as research, exploratory development, some portion of the advanced development program, and that part of the management and support area which pays for our laboratories and test facilities. A larger dollar fraction, which includes a portion of advanced development and management and support, and all of the engineering development and operational development programs, is so closely alined to production that it is not correct to consider these efforts as being part of the technology base. There is very little, if any, in the way of invention or innovation which results from the efforts of a very substantial body of engineers and machinists who are involved in translating designs and specifications into hardware. An analysis of the U.S. technology base, as compared with the Russian, but reflecting a more precise definition, would have much greater significance in arriving at a meaningful comparison.

I am deeply concerned about the statements of the Department of Defense. I am particularly concerned that larger amounts have not been requested for technology in previous year budgets if, in fact, their allegations are correct. It is noteworthy that there has been a scarcity of major new weapon systems entering the inventory in the past 5 to 10 years as compared with the Soviets. If their prediction is valid, I wonder if this predicament is not more a reflection on the quality of past judgments and decisions of the Department of Defense in their selection of the specific technology to be pursued and the major weapon systems to be developed. For example, termination of the Manned Orbiting Laboratory program several years ago, after an expenditure in excess of $1 billion, raises the question as to the judgment of the Department of Defense. This is particularly significant when we observe the Russian activity today which points to an earlier manned space station than we can achieve.

It is against this background of doubt and in this atmosphere of apprehension that an expression from the scientific community, outside the Government, is considered most timely and appropriate.

Dr. Rathjens, will you please proceed with your statement?

Senator GOLDWATER. Might I say a word or two?

Senator MCINTYRE. Yes.

Senator GOLDWATER. I think you made a good statement here. I think the base of our problem in this country is that for 10 years we have practically ignored research and development while the Soviets produced at least one new aircraft every 3 years in all their categories, including new engines. We found ourselves in the unusual position of having airframes waiting for engines, which is the opposite of the situation.

I believe in research and development, and I think the advancement of technology depends upon expenditures in this field. What I have lamented for years is that we had a Secretary of Defense who did not believe in it and we are now paying the piper.

Go ahead.

Senator MCINTYRE. Thank you very much, Senator Goldwater.

STATEMENT OF GEORGE W. RATHJENS ON BEHALF OF THE FEDERATION OF AMERICAN SCIENTISTS

Mr. RATHJENS. Mr. Chairman, Senator Goldwater, thank you very much.

I am honored to appear before you on behalf of the Federation of American Scientists to discuss military research and development.

A report on "R. & D. gap"

The Federation has recently completed a report which deals with a facet of that subject, the question of whether an "R. & D. gap" is developing. I understand that report and also a summary have been made available to you, and I would hope they could be included in the record.

Unfortunately, Professor Marvin Goldberger, who chaired the committee that produced the report, is unable to be here today. However, I will be pleased to answer any questions regarding it, particularly with the help of Dr. Stone, our director, who is sitting next to me.

In the next few minutes I will comment on some of the points made in the report. To the extent that my observations go beyond the content of the report they should be regarded as my own and not the considered views of the Federation, although I believe many of its members would agree with me.

During the last several years, Defense Department spokesmen, particularly Dr. John Foster, the Director of Defense Research and Engineering, have, on a number of occasions, asserted that the United States was in danger of losing its lead in technology to the U.S.S.R. To support this contention it is claimed that differences in the production of scientists and engineers, and in expenditures for R. & D., will lead to Soviet superiority, and it is claimed that, by considering the kinds of military equipment being developed and deployed, a trend in favor of the Soviet Union is observable. Such statements are based on very dubious premises and analysis, as our report shows, and they are dangerously misleading.

I have nothing to add beyond what our report says on the question of relative rates of production of scientists and engineers. I would like to comment briefly on the other two points.

Technological superiority

Of the various statements made by Dr. Foster on the erosion of U.S. technological superiority, probably the most irresponsible was one made a little over a year ago before the House Subcommittee on Defense Appropriations when he asserted, "If the Soviets continue to increase their effort devoted to military-related research and development and we continue our present trend, within the next 2 years the Soviet Union will assume technological superiority." Taken literally, that statement would, I assume, mean that by next April—that is, 11 months from now—the Soviet Union would be introducing into its operational forces equipment with performance superior to that being introduced by the United States. In a few areas that may be true, but I submit that, in most important areas of military technology, the United States now has a technological lead and will have next April, even though I assume the trends to which Dr. Foster has referred will have continued.

Let me cite a few examples, limiting myself to the strategic area which I know best and about which there have been the loudest alarms from the Defense Department. Unfortunately, because of security classification, my remarks cannot be as specific as I would like, but I suggest that you might find it useful to make detailed comparison between U.S. capabilities and those in our various intelligence estimates regarding the Soviet Union.

As regards ballistic missiles I believe you will find that the systems we are now deploying will deliver their warheads with higher accuracy than will the Soviet missiles now being deployed. The ballistic coefficients of U.S. warheads, you will, I believe, find to be higher than those of the U.S.S.R., an important consideration for the attainment of high accuracy and penetration of possible defenses. We have completed development of two MIRV systems and are now deploying them while, insofar as I am aware, there is still uncertainty about whether the Soviet Union has yet had a single true MIRV test. We have been using solid propellants since the early sixties. The Soviet Union introduced them at a much later date and is still deploying liquid-fueled systems.

If you consider submarines, I believe you will find that the ships we are now deploying are significantly less noisy than their Soviet counterparts, and in sonar development we also probably have a significant lead.

If you consider ABM defense, I believe you will find that, ineffective as Safeguard is likely to be, it incorporates interceptors and radars of higher performance than the Soviet systems.

Finally, in computer technology, which is essential not only to ABM systems but to many other military systems, you will find that the United States has a truly enormous lead.

If the United States is going to lose its technological superiority within the next year or so I submit that the present administration is grossly derelict in its responsibilities. If not, Dr. Foster is irresponsible in making such statements to the Congress and the public. The subcommittee should find out what the situation is by a careful examination, calling on not only the Department of Defense, but on the CIA and other relevant Government agencies for hard comparative data.

I would like to depart from the prepared text to comment in the light of your introductory remarks, Mr. Chairman.

Foster comment cited

I understand Dr. Foster has made a statement this last year in which he said—I believe you quoted him—we could lose our superiority in the latter half of the decade but we are now 2 to 3 years ahead. That is very different from the statement he made a year ago, and if you try to compare these two statements I would only conclude that the gap is improving very much in our favor.

A year ago he said we would lose technological superiority within 2 years; now he is saying we are 2 to 3 years ahead and that we could lose it within half a decade. I question whether the situation is improving as much as might be suggested by comparing these two statements, if at all. I simply do not know what to make of this except it seems to me there is a gross inconsistency.

Senator McINTYRE. May I ask you a question? You quote Dr. Foster before the House committee?

Mr. RATHJENS. Yes, sir.

Senator McINTYRE. Was he speaking of the entire spectrum of R. & D. or was he answering a particular question in some specific area of weaponry?

Mr. RATHJENS. To the best of my knowledge, he was speaking of the whole question of military technology.

Senator McINTYRE. I thank you.

Dr. STONE. We have in our report five quotes given since 1969, in the last 3 years, which say successively, that the Soviets either "will" or "could" achieve technological superiority over us in the following time periods: First, he said "in this decade"; next "in several years"; then in "2 years"; then in the "latter half of the decade" and then "in the middle of the decade." Of these five statements, four refer to the Soviets actually gaining technological superiority over us rather than us losing technological superiority.

Mr. RATHJENS. I do not know what to make of these. They seem to be grossly inconsistent. I expect the situation is about the same as it was a year ago. Both sides have made some progress. My guess is that the lead is about the same and has not changed dramatically, but I think the committee ought to find out.

Comparing budgets

Much of the DOD case regarding erosion of our technological lead has been based on budget comparison. Certainly budgets are indices which should be used for R. & D. comparisons, but they can be very misleading. Far more important than the amounts that are spent is how the money is spent. Initiation of a few unwise programs, or failure to terminate large projects when they should be terminated, can consume enormous amounts of money while producing very little useful capability. The amount being spent this year on SAFEGUARD R. & D. is comparable to the entire part of the Defense R. & D. budget for research. Yet, it should now be quite clear that SAFEGUARD will not provide a very satisfactory defense for MINUTEMAN and is being kept alive largely because of the administration's political commitment to it.

The proposed test of the SPARTAN warhead provides an even more flagrant example of wastage of R. & D. funds. Before we are through, that test, and the two predecessors, will probably have cost a couple of hundred million dollars. Yet, the principal role for that warhead, a defense against a possible Chinese nuclear attack, has been rejected—in my judgment, wisely so— by the Congress.

Security comparisons

Actually, unwise as some of our decisions are, I believe we probably do much better than does the U.S.S.R., and that brings me to my next point. Defense spokesmen have often argued that Soviet secrecy is a great advantage—that we cannot know until late in the Soviet R.D.T. & E. process what their capabilities may be, and that because of that Soviet advantage we must maintain a technological lead. I believe there is something in that argument, but that whatever advantage the Russians have in this regard is more than offset by the disadvantage of a closed society.

One of the strengths of our system is the informed criticism and questioning with respect to major weapons development and procurement decisions that goes on within the executive branch, by the Congress, and by the public. Without such questioning I believe we would have made many more unwise decisions than we have. With the Soviet penchant for secrecy and the consequent compartmentalization in their government structure I believe they suffer great disadvantage. To give a single example, they have undoubtedly invested billions of R. & D. rubles, not to mention procurement rubles as well, on the Leningrad and Moscow ABM systems—rubles that very likely would not have been spent had there been widespread and informed discussion of the technical limitations of those systems.

Before closing I would like to comment briefly on a facet of the "R. & D. gap" problem that has not been, I believe, adequately brought out either in DOD statements regarding the subject or in our FAS report. This is that rather different problems arise when one considers tactical systems on the one hand and strategic systems on the other.

Tactical and strategic systems compared

The tactical systems we develop are very likely to be used in combat, if not by us, perhaps by our allies, and the outcome may be quite sensitive to how well these systems perform. To me this suggests that, as regards tactical systems, we should have a fairly vigorous program that involves the whole R.D.T. & E. cycle. An aircraft that looks good on paper, or even one of which a prototype has been flown, may in fact not be very satisfactory. Thus, in considering tactical weaponry I find it had to argue that expenditures on research and exploratory development are necessarily more critical than those that must be incurred in the later stages of the R.D.T. & E. cycle.

The situation as regards strategic weaponry seems to me drastically different. The present situation is one of great overkill and considerable stability. I do not expect ever to see the strategic weapons used—and if they are, I do not expect this Nation will survive as a going society; and that will not depend on whether or not one side or the other has somewhat superior weaponry. Thus, in the strategic area I submit we need not be much concerned about modest differences in performance between Soviet and American systems or even about whether all of the systems have been thoroughly tested. What we must be concerned about is the possibility of a major technological breakthrough that could so alter the strategic balance that it could be exploited against us politically or militarily. Our best insurance against such surprise will be vigorous efforts in research and possibly in some exploratory development. Such work will let us know what is possible. Until such time as a true breakthrough appears in sight, vigorous efforts at advanced development will be unnecessary and even wasteful. As an example, it would seem to me that freezing the ULMS design and going into advanced development would be premature at this time.

In being as critical as I am of claims raised by the DOD I would not want to leave you with the impression that I am not concerned about the state of the technical community and the support of science and engineering in the United States. I am deeply concerned. We are now in a situation where we have vast numbers of talented technical people who are unemployed or underemployed. Many are bitterly disillusioned and would be reluctant to return to the aerospace industry even if there were opportunity. The Nation as a whole has been to some extent disillusioned with technology, seeing it as a source of troubles rather than a means for their solution. Finally, and this is most pertinent here, there has been a serious erosion in confidence, particularly among young people, in the American system and in particular in Government leadership. Much of this stems from the war in Vietnam. But it goes beyond that. There is a more general feeling that Government is not to be trusted in either what it does or what it says. This is why exaggerations by responsible governmental officials such as those about the R. & D. gap are so dangerous. They needlessly frighten the ill-informed public, further alienate the informed public, and are a serious impediment to the orderly processes of government.

I believe the most serious gap about which we must worry in this country is not missile gap, not an R. & D. gap, not a balance-of-payments gap, but a credibility gap which widens daily. In terms of our subject for today it means that, even if they are sorely needed, some of the best minds being produced in this country will not be available to the Government simply because they will have become conditioned to not believing what their Government tells them, and because they will be profoundly skeptical of the purposes to which their inventions and ingenuity might be put. It will be some time before this credibility gap can be closed, and we must face that realistically. But we must begin to close it; and in the hope that it will in time be closed, we must provide reasonable support for science and technology so that those with talent and interest in these fields can be educated, and so that the country can continue to develop its scientific and technological base on which its well-being depends.

Thank you.

Senator McINTYRE. Thank you, Doctor. Would you consider this an appropriate time for your statement, Dr. Stone, that you wish to make on behalf of Dr. Nelson and yourself?

Dr. STONE. Please; I would like to.

Senator McINTYRE. You may proceed.

Dr. STONE. If the committee please, I would like to first submit a short statement from the chairman of the federation, Dr. Herbert F. York, who would be here today, I am sure, were he not chancellor of the University of California at San Diego and both busy and a long way away.

Dr. York was, as you know, under President Eisenhower, the first Director of Research and Engineering, the position that Dr. Foster now holds as the third such Director. Dr. York authorized me to make this statement for him as chairman of the Federation.

(The statement follows:)

STATEMENT BY DR. YORK

I would like the record to show that I am in full agreement with the report, "Is There an R&D Gap?" being submitted to the Committee. Estimates of Soviet R. & D. spending are the special province of the Central Intelligence Agency and other intelligence agencies. Our document gives ample reason for questioning the Pentagon analysis under discussion. Therefore, these intelligence agencies should be called to testify on their opinion of the Pentagon assumptions.

I want to emphasize, however, that the Pentagon charge that the Soviets will gain "technical superiority"—as a result of the alleged spending imbalances—is alarmist and misleading and would be even if these imbalances existed. Technological superiority is based on many factors, including the efficient use of human resources, the facilities made available, the projects assigned, and the state of the civilian and military technological art in the society. For example, the Soviets have in the past demonstrated one particular weakness which I would hope we would not emulate—and which would certainly not lead to technological superiority—the actual building of a wide variety of prototypes of military hardware which, in many cases, add only marginally to their military strength and become rapidly obsolete.

RESUMPTION OF HEARING

Dr. STONE. I think, Mr. Chairman, this captured very much the flavor of many of the points you made just now, although we had not read your statement earlier.

Also, I would like to point out in our statement on page 16, Dr. York is quoted as having said many years ago that the most serious mistakes he made when he was Director of Defense Research and Engineering were those mistakes involving the initiation and carrying along to a considerable degree of completion of programs which it later turned out we did not need.

So, here again, I think this statement is very similar to that made by you, Mr. Chairman.

Now, if I might, I would like to state precisely formulations of the questions we are raising in our lengthy report, so there should be no mistake about exactly the points we would like to have the Pentagon answer for our part, and so that we can document for you that the charges we have made about the statements made by Dr. Foster are backed up in each case by serious questions on our part, and do not represent simply rhetorical exaggerations on our own part.

(The report follows:)

CONCERNING THE EVENING STAR REPORT OF MAY 18

1. On May 18, DDR&E began to claim that they had "cracked the code" of the Soviet budget for R&D according to Dr. Eberhardt Rechtin; the new study had been taken to Secretary Laird in late summer.

2. In November, Foster told the American Society of Naval Engineers (November 24, 1970) that:

"The President's Defense request to the Congress this year is about $72 billion. As we look for a comparable figure in Russia, some uncertainty exists about the ruble's value in dollars, and parts of the Soviet defense budget are hidden. Still, it is clear that the Soviets have increased their spending, the present 'ballpark' of U.S. expenditures, and they show no signs of leveling off."

If the present "ballpark" means within—let us say—5%, then the entire Soviet military budget is not known to within $3.5 billion.

3. According to the Evening Star report, "military experts could estimate the costs of running the Soviet armed forces—how much it costs to pay the soldiers, sail the ships and fly the planes. Something was found left over—research costs."

In short, the research costs are a residual and have in them all the errors associated with estimating the total. The entire $3.5 billion alleged Soviet advantage may be a residual error.

4. The Star report goes on to say:

"The American analysis added up the entire Soviet technological effort and began subtracting identifiable pieces . . . Space work similar to that done by the civilian U.S. space Agency is reasonably identifiable because it involves tests that can be seen or heard. A figure could thus be assigned to this part of the effort."

In short, the space effort was not estimated by breaking the code of the Soviet budget but by estimating how much it might have cost to set off each test that we observed.

5. In other words, although the Star report shows an attempt by DDR&E to suggest that it has somehow had an intelligence breakthrough, the calculations being made are traditional estimates from what we can see to what it might have cost.

Indeed, until pressed on this matter by the Federation of American Scientists, Dr. Foster made no such dramatic claims as "breaking any code." In his testimony to this Committee, he noted that his estimates of increases in Soviet R&D spending were "according to calculations" (p. 1–3) and according to our "best estimates" (p. 1–3).

And although Dr. Foster told the Star that he had asked the intelligence community to make another try last year, when Congress was "dealing pretty harshly" with his R&D budget, in order to decode the budget, he told the Armed Services Committee of this body quite a different story. He simply said:

"This analytic work is an impressive pioneering attempt to help resolve questions about comparative U.S./U.S.S.R. efforts in defense research and development. The data present, even with the problems associated with converting "defense rubles" to dollars and the Soviet budget concealments [sic] are believed to be accurate to within 10 to 20% (p. 2–5)."

And he noted that the "conclusions pertaining to fiscal inputs are based largely on the results of studies, begun several years ago, which analyzed Soviet budgets in terms of U.S. dollar equivalent for space and defense-related research and development" (p. 2–4).

6. Nor was Dr. Rechtin claiming that any budget code was broken in speeches early this year. Instead, he said:

"In the area of RDT&E our information is limited by Soviet secrecy, leading to controversy in any comparison of U.S. and U.S.S.R. efforts."

He said: . . . the Soviet RDT&E effort is very secret compared to ours—data is scarce. In addition, the U.S. and Soviet budgets are constructed differently. And then, the Soviet budgets are in rubles, not dollars, with the conversion factor from rubles to dollars depending on what one wants to buy.

7. When Dr. Rechtin went on to explain how the "analysts recently were able to reduce the uncertainty considerably" in Soviet spending, he confirmed that the refinement "took several steps" including an anlysis of the budget and results of the Soviet space program.

But in his second step he reveals the circularity of apparent DDR&E reasoning. He says:

"The next step was to take a look at whether the U.S. or the Soviet Union was pulling ahead technologically in military RDT&E. We compared ICBM's, ABM's, fighter aircraft, submarines, tanks and a variety of other weapons systems to see whether we were better off in 1968 than we were in 1960. We also made a similar technology comparison on the space side. *We then reasoned that if one country or the other was conspicuously pulling ahead it was probably investing more.*" (P. 8, speech given in Feb. 1971 to University of Southern Calif.)

In short, budget estimates are being made from assessments of *results*. Since there can be no significant assessments of across the board technological results since 1968 in the Soviet Union—the period is much too recent—this method will not work to estimate Soviet R&D expenditures of this recent period.

A direct estimate of technological results can be made for earlier periods and when it was applied to 1960–68, it revealed that:

"As a general rule, we *neither gained nor lost* very much of our several-year military technological lead over the Soviets from 1960–68. On the other hand, we *clearly picked up lead on* the Soviets in the space business" (italics added) (same speech as above).

8. Since, for the recent period, budget assessments cannot be made from results, DDR&E is assuming that the rate of growth of the Soviet space program is being held constant and that all efforts are being placed in the Soviet military R&D program.

Thus, in the two graphs provided by DDR&E, and in its statements, the sharp increase in Soviet military R&D arises from the assumption-conclusion that the Soviet Union will find it desirable to *continue* its rate of growth in total military-related R&D but will *cease* all growth in space R&D and *assign* total growth in military-related R&D resources to military R&D. The three italicized words reflect conclusions for which it would be hard or impossible to get firm evidence.

9. Having assumed that the Soviets will be spending ¾ as much as the United States, Dr. Foster is making statements saying that the Soviets "now seem to be gaining technologically" one year in every three or four. In short, Dr. Foster seems questionably to be basing his numerical estimates of Soviet *technological progress* on already highly questionable estimates of Soviet R&D *spending* and to be clothing these estimates in rhetoric that pretends to be looking at underlying technological capabilities."

10. The softness of these estimates, and their unreliability, is evidenced by the fact that, since 1969, Dr. Foster has said, in successive statements, that the Soviets would overtake or pass us in technological capability in a "decade", in the next "several years", in "two years", and in the, "middle of the decade".

11. And in four of these statements, he has suggested not that the United States would "lose" technological superiority but that the Soviets would achieve it. This is a further distortion of rhetoric since one ex-

pects the nation behind to catch up through copying but not to jump into a lead.

12. Finally, we would like to call attention to the fact—documented in our statement—that Dr. Foster misled the House Armed Services Committee by claiming that he could not break out "military R&D figures" while talking about increases in just that Soviet account and while producing figures that are easily shown to reflect U.S. superiority. And when asked by the Senate Armed Services Committee, in 1969, to document for the public record his charges, he failed to submit such a statement for the record at that time or later.

13. In conclusion, last-minute DDR&E assertions that they broke the code of the Soviet R&D budget—assertions released a day before these publicly announced hearings—are at best a gross exaggeration, and at worst, a snow job.

Dr. Herbert F. York, was, under President Eisenhower, the first Director of Defense Research and Engineering (DDR&E), the position that Dr. John S. Foster now holds. He had this statement to make for the hearing record:

"As Chairman of the Federation of American Scientists, I would like the record to show that I am in full agreement with the report 'Is there an R&D gap?' being submitted to the Committee. Estimates of Soviet R&D spending are the special province of the Central Intelligence Agency and other intelligence agencies. Our document gives ample reason for questioning the Pentagon analysis under discussion. Therefore, these intelligence agencies should be called to testify on their opinion of the Pentagon assumptions.

"I want to emphasize, however, that the Pentagon charges that the Soviets will gain 'technological superiority'—as a result of the alleged spending imbalances—is alarmist and misleading and would be even if these imbalances existed. Technological superiority is based on many factors including the efficient use of human resources, the facilities made available, the projects assigned, and the state of the civilian and military technological art in the society. For example, the Soviets have, in the past demonstrated one particular weakness which I would hope we would not emulate—and which would certainly not lead to technological superiority—the actual building of a wide variety of prototypes of military hardware which, in many cases, add only marginally to their military strength and become rapidly obsolete."

Resumption of Hearing

Dr. Stone. First of all, we wonder if the D.D.R. & E. statements were based on "questionable assumptions and exaggeratedly precise estimates" and under that category we would like to raise the following three questions:

First, we question whether accurate estimates can be made of the ruble value of the resources put into military-related R. & D.; that is, into space and atomic energy and military R. & D. That is, even if you group together all of the technological efforts in the priority sectors in the Soviet Union, we question—even in these gross quantities—whether the ruble value of those expenditures can be accurately estimated. In the second place, we question whether a meaningful breakdown of this Soviet military-related R. & D. can be broken down into military R. & D. on the one hand and space R. & D. on the other. This is, after all, what Dr. Foster said could not be done in early 1970 when he testified before the House Armed Services Committee.

In order to "break out" military R. & D., he is now explicitly assuming that the rate of growth of military-related R. & D. is all being assigned to military R. & D., an assumption we will talk about later. We think he was more accurate in the first place, when he said that military R. & D. could not be broken out—when, as we point out in our report, he precisely answered a question of your own, Mr. Chairman, before the Senate Armed Services Committee, saying he regretted it was not possible to break out these numbers. That statement of Dr. Foster's was made only a year ago.

Third, the ruble-dollar ratio, which is used to convert these estimates into dollar costs, so as to compare them with our own expenditures, itself varies in authoritative estimates by a factor of 40 percent.

Let me interject the comment here that in our prepared statement presented today we refer parenthetically to the pages in our basic document where we bear out these charges.

Soviet progress in last 2 years

Fourth, since it is charged that the Soviets have surged ahead of us only in the last 2 years, it is impossible to get independent observation of Soviet activity to confirm the estimates involved. Normally we confirm R. & D. estimates by looking at Soviet production in military areas and noting how much R. & D. must have gone into that much production. This is an independent way of confirming how much R. & D. is being spent. But if the charge is that the Soviets have surpassed us only in the last 2 years—from an almost stationary level over the last 8 or 10 years before which they were below us—then it is impossible to get independent confirmation of these estimates. Therefore, we conclude that it is absurd to argue that the graphs supplied by D.D.R. & E. are accurate to within "10 percent or so" as the principal Deputy of D.D.R. & E. has announced. We point out in our report that, in two different versions of that chart, they differ at a crucial point by 15 percent.

Next, we charged that the statements made by D.D.R. & E. in this matter had used misleading language and alarmist non sequitur conclusions; we would like to support that statement with these two questions.

You see, the best documented and most surprising fact admitted by D.D.R. & E. is the conclusion that the Soviets did not gain relative to us in military technology from 1960 to 1968 even though since they are behind and—since we are an open society—can read our literature, which is a great advantage to them.

Dr. Foster's charge that the Soviets "now seem to be gaining on the U.S. technologically" is evidently based on his concern about the last 2 years because D.D.R. & E. itself is admitting that the Soviets did no gaining relative to us over the whole period from 1960 to 1968. During this period D.D.R. & E. argues that we maintained a 2- to 3-year lead.

Now, what can it mean to say that the Soviets are now gaining on us technologically at a rate of 1 year in every 3 or 4 when the estimate is based only on the last 2 years of projected R. & D. spending? Evidently Dr. Foster is noting that, according to his estimates, the Soviets are spending 1⅓ as much as we are on R. & D. According to these estimates, which we find questionable, he has estimated that the Soviets must be catching up 1 year in every 3 or 4. But this clothes in the rhetoric of advances in technology a statement which really has to do with projected budget expenditures for the Soviet Union—a projection which itself cannot be confirmed.

Second, even if the Soviets were catching up technologically, as there is admittedly no direct evidence, according to D.D.R. & E.—but as one might expect, since they are behind us—it does not imply that the Soviets will assume technological superiority.

One would expect that two countries would come to a par if they are of equal strength in native intelligence, manpower, and resources. If one deployed a MIRV the other would see it deployed and, using that idea, would be able to copy it and match it. There is reason to believe two great powers like the United States and the Soviets will eventually reach a par technologically.

We also charged in our statement that there was selective disclosure indicated in the statements of Dr. Foster, which we recognize is a serious charge. We back that up with this question.

From the evidence produced to the House Armed Services Committee in early 1970 it is possible to deduce that the United States was spending more than the Soviet Union in military R. & D., and was doing so all the time from 1960 to 1968. In fact, 9 months later, the graph that Dr. Foster provided does say exactly that. Nevertheless, although Dr. Foster was talking at that time about the rate of growth of Soviet military R. & D., he was claiming—and he claimed to you—that he could not break out the total quantity of Soviet military R. & D. Thus, although he was telling that committee the percentage increases in Soviet military R. & D., he claimed not to know the absolute value of it and said that absolute value could not be broken out.

Now, second, we point out that Dr. Foster misquoted a speech of Brezhnev's in such a way to make it seem that this speech indicated greater Soviet emphasis on R. & D. spending in the priority sectors when in fact—as the Washington Post pointed out in an editorial a year ago—the full text of the speech discussed the Soviet interest and Brezhnev's interest in more R. & D. for tractors and other civilian products. This is not an isolated slip, but an important one, for this reason. Remember the basic assumption that Dr. Foster is making is this: From 1960 to 1968, the rate of growth of Soviet military-related R. & D. went into space. In 1968, the rate of growth of R. & D. in the priority sectors was switched into military spending.

Now, if you take these speeches of Brezhnev's as indicative of what the Soviets are interested in doing, then they indicate that the Soviets may be putting this potentially military-related R. & D. instead into civilian R. & D.

Finally, we charge that the data provided was often largely incomplete or irrelevant. We said so, for this reason. We question whether gross levels of R. & D. funding are closely related to the problem of technological surprise. Assume one is concerned that the United States maintain an adequate level of technological basic expenditure. These expenditures are that approximately 25 percent of the gross R. & D. budget that refer to basic research, exploratory development, and part of advanced development. These are relatively small quantities of money. We do not propose cuts in those budgets. In fact, we are not here today proposing any cut in the R. & D. budget at all, but we support a vigorous program of expenditures in exploratory development, advanced development. Also we support expenditures on those prototypes which are necessary to reduce leadtime against threats which we can see or which are so dangerous they must be prepared against.

Soviet R. & D. costs

What we are concerned about is most of the gross R. & D. budget is not associated with these kinds of expenditures. And, furthermore, R. & D. expenditures in the Soviet Union that are associated with these kinds of expenditures—the basic research, adcanved development, exploratory development—are expenditures of such a small amount, a few million dollars, that no one has ever claimed—and D.D.R. & E. does not now claim—that it can estimate what the Soviet Union is spending in this category. Therefore, there is no question of estimating whether the Soviets are spending more or less in this important category—a category which permits one to decide whether a given weapon can, or cannot, be built. Expenditures beyond this category involve engineer development on already "invented" weapons.

So we do not believe matching is necessarily a good idea; it can lead to a great deal of waste. Finally, as a hallmark of this general level of discussion, we are concerned that Dr. Foster has raised the specter again that the Soviets are producing "more scientists and engineers than we are."

The fact of the matter is, and his own table shows, we are producing twice as many scientists as the Soviet Union. We have been doing so for a very long time. We are continuing to do that and we have in gross total twice as many scientists as the Soviet Union.

The only reason Dr. Foster's statement is literally true is because it lumps together scientists and engineers. The Soviets have a great many more people than we do—four or five times as many—that claim they are engineers. This is partly because it is a very high-priority, high-status thing to say you are an engineer in the Soviet Union, and partly because 40 percent of the Soviet engineers are trained in correspondence courses.

The fear that the Soviets would be producing more scientists and engineers than we are is a fear that started in the late 1950's; we think it not a serious one today.

Finally, Mr. Chairman, if I may, I would like at this point to make some comments about the article that was produced in the Evening Star last night, which made new claims on the part of the Director of Defense Research and Engineering, released on the eve of this hearing and which we would like to answer in some detail.

If the committee please, may I proceed to that statement?

Senator McINTYRE. Surely.

Breaking code of the Soviet budget

Dr. STONE. Yesterday an interesting story was released which gave more information about the views of the D.D.R. & E. It claimed, according to Dr. Rechtin, principal deputy, late last year that D.D.R. & E. had broken the code of the Soviet R. & D. budget and this fact had been taken to Secretary Laird late last summer. We would like to make the following comments on this possibility and these comments are specifically agreed to by Dr. Richard Nelson, professor of economics at Yale, who is the author of one book and many articles on the question of military R. & D. and to whom I spoke about this statement this morning.

Dr. Nelson is also a co-member of our ad hoc committee on R. & D.

First of all, in November—this is after the summer in which this breaking of the code was supposed to have taken place—in November, Dr. Foster told the American Society of Naval Engineers the following thing. He said:

"The President's Defense request to the Congress this year is about $72 billion. As we look for a comparable figure in Russia, some uncertainty exists about the ruble's value in dollars, and parts of the Soviet defense budget are hidden. Still, it is clear that the Soviets have increased their spending the present "ballpark" of U.S. expenditures, and they show no signs of leveling off."

Now, first of all, there was evidently no breaking the code in November of the R. & D. budget. This is saying that, in the gross budget itself, we are only in the "ball park" as to what Soviet expenditures are. If the "ball park" means within 5 percent, then the Soviet military budget is not known to within $3½ billion.

This is a very important observation because, according to the Evening Star report:

"Military experts could estimate the costs of running the Soviet armed forces—how much it costs to pay the soldiers, sail the ships and fly the planes. Something was found left over—research costs."

Now, Dr. Nelson and I would like to observe that if the research costs are being estimated, as that report yesterday suggests, at what economists call a residual, then the research costs will have in them all of the errors associated with estimating the total. Any part of that $3.5 billion about which we may be uncertain in estimating the total military budget will be contained within the estimate of the Soviet R. & D. expenditures.

I note in passing that the total which the Soviets are supposed to be ahead of us in R. & D. is $3 billion.

Next, the Star report went on to say:

"The American analysts added up the entire Soviet technological effort and began subtracting identifiable pieces . . . Space work similar to that done by the civilian U.S. space agency is reasonably identifiable because it involves tests that can be seen or heard. A figure could thus be assigned to this part of the effort."

Dr. Nelson and I would like to point out that the space effort has not, therefore, been estimated by "breaking the code of the Soviet budget" but instead by estimating how much it would cost to set off each test that is observed. This is quite a different thing than breaking a code and quite a difficult thing to do.

Fifth. In other words, although the Star report shows an attempt by D.D.R. & E. to suggest that it has somehow had an intelligence breakthrough, the calculations being made are traditional estimates, from what we can see, to what it might have cost.

Indeed, until pressed on this matter by the Federation of American Scientists, Dr. Foster made no such dramatic claims as "breaking any code." In his testimony to this committee, he noted that his estimates of increases in Soviet R. & D. spending were "according to calculations" and according to our "best estimates."

And although Dr. Foster told the Star that he had asked the intelligence community to make another try last year—when Congress was "dealing pretty harshly" with his R. & D. budget—in order to decode the budget, he told the Armed Services Committee of this body quite a different story. He simply said:

"This analytic work is an impressive pioneering attempt to help resolve questions about comparative U.S./U.S.S.R. efforts in defense research and development. The data present, even with the problems associated with converting 'defense rubles' to dollars and the Soviet budget concealments [sic] are believed to be accurate to within 10 to 20 percent (pp. 2–5)."

And he noted that the "conclusions pertaining to fiscal inputs are based largely on the results of studies, begun several years ago, which analyzed Soviet budgets in terms of U.S. dollar equivalent for space and defense-related research and development." In other words, this was an ongoing, long-standing study which late summer reached these new conclusions.

Nor was Dr. Rechtin claiming that any budget code was broken in speeches early this year. Instead, he said:

"In the area of R.D.T. & E. our information is limited by Soviet secrecy, leading to controversy in any comparison of U.S. and U.S.S.R. efforts."

This was in February after the summer of last year when this code was supposed to be broken. He said:

"* * * The Soviet R.D.T. & E. effort is very secret compared to ours—data is scarce. In addition, the U.S. and Soviet budgets are constructed differently. And then, the Soviet budgets are in rubles, not dollars, with the conversion factor from rubles to dollars depending on what one wants to buy."

This is the same principal deputy who was quoted yesterday as telling the Star they broke the code of the Soviet budget.

When Dr. Rechtin went on to explain how the "analysts recently were able to reduce the uncertainty considerably" in Soviet spending, he confirmed that the refinement "took several steps" including an analysis of the budget and results of the Soviet space program.

But in his second step he reveals the apparent circularity of D.D.R. & E. reasoning. He says:

"The next step was to take a look at whether the U.S. or the Soviet Union was pulling ahead technologically in military R.D.T. & E. We compared ICBMs, ABMs, fighter aircraft, submarines, tanks and a variety of other weapons systems to see whether we were better off in 1968 than we were in 1960. We also made a similar technology comparison on the space side. We then reasoned that if one country or the other was conspiciously pulling ahead it was probably investing more."

In other words, the budget estimates are being made from assessments of results. It is from assessments of result that the graph that D.D.R. & E. is showing conclude we spent more than the Soviets in R. & D. from 1960 to 1968.

Soviet R. & D. in the sixties

D.D.R. & E.'s fear involves three different assumptions all of which would be difficult or impossible to prove from estimates of Soviet activity, D.D.R. & E. is saying, in effect, that the Soviet Union is going to find it desirable to do these things: first to continue its rate of growth in militarily related R. & D.—that is, as they have been doing for 10 years, to continue increasing their atomic energy, their space, and their military R. & D. total by 10 or 13 percent a year. This is already a very questionable assumption because if they did continue long enough all of the Soviet would be working on this. Furthermore, this estimate of 10 or 13 years gerater growth in the total is a completely steady projection for the Soviet Union over this whole 10-year period. It emphasizes the gross kind of estimates that are evidently those available to D.D.R. & E.

Second, D.D.R. & E. is assuming that space R. & D. will be kept constant. Third, D.D.R. & E. is assuming that the rate of increase of total R. & D. will be assigned to Soviet military R. & D.

In general, this is why we feel that Dr. Foster seems "questionably to be basing his numerical estimates of Soviet technological progress on already highly questionable estimates of Soviet R. & D. spending and to be clothing these estimates in rhetoric that pretends to be looking at underlying technological capabilities."

As we point out, his statements have peppered the public arena with different estimates of when the Soviets will or could gain technological superiority.

Finally, he is not only suggesting that we will lose superiority, but that the Soviets will gain it.

Furthermore, we want to point out as we do in our report that when the chairman of the full committee here, Senator Stennis, and when the chairman of the subcommittee urged Dr. Foster to put in the public record in early 1969 evidence in support of his charges that the Russians were gaining technological superiority over us, these Senators rightfully were arguing that the public should know about this in an unclassified way. Dr. Foster did not comply with that request and, to the best of our knowledge, submitted instead only a classified report which we have been informed cannot be declassified.

In conclusion, I would like to say for the Federation, in general, and for Dr. Nelson and myself in particular that these assertions that D.D.R. & E. broke the code of the Soviet R. & D. assertions—released the day before the public-announced hearings—seemed to us at best a gross exaggeration and at worst a snow job.

Senator McIntyre. Have you concluded?

Dr. Stone. Yes, sir, I have.

Senator McIntyre. I wonder did any committee or any group of your membership have an opportunity to meet with Dr. Foster informally and have a chance to look at some of the data that he could permit you to see prior to your basic report?

Dr. Stone. No, sir; we requested from D.D.R. & E. only a copy of the speeches made by Dr. Foster over the last 18 months, which were supplied, and a copy of the speeches made by Dr. Rechtin over the last 18 months, of which one speech was supplied.

Mr. Rathjens. I might point out that at least two members of the committee of the Federation that prepared this report, myself and Marvin Goldberger, who is the chairman, have had access and continue to have access to many of the intelligence reports. Perhaps the other two members do, too, I don't know, but at least the two of us have had that kind of access and continue to do so.

Senator McIntyre. I would like to observe that a request by your Federation or your committee to sit down and talk with Dr. Foster would be, I think, appropriate.

Mr. Rathjens. I think that is a very constructive suggestion and we would certainly try to do that.

Senator McIntyre. Dr. Rathjens, you are a former Director of the Weapons Systems Evaluation Group at the Institute of Defense Analysis which is a Federal Contract Research Center dedicated to the support of the Department of Defense. In addition, you have also been Deputy Director of the Advanced Research Projects Agency, a Special Assistant to the Director of the Arms Control and Disarmament Agency, and Deputy Director of the Bureau of Science and Technology at that agency. How are the views which you have expressed influenced by the insight which these positions 'n Government have afforded you? Would your views have been different if you were still with those agencies?

OPENING COMMENT OF DR. RATHJENS

Dr. Rathjens. I don't believe that they would be different. I have, I believe—at least for the last 20 years—been deeply concerned about the question of both the absolute level of scientific and technological capabilities of this country and the relative performance of the country with others.

I don't believe I would reach any broadly different conclusions today if I were still in one of those Government agencies; I say that because I do continue to have access to information both about our own programs and about those of the Soviet Union.

Of course, in detail, my views might be somewhat different if I were a full-time Government employee because I would likely spend a great deal more time on the problem and would know more about the particular programs than I now do.

To get to the first part of your question, I believe that the background that I have had certainly is important in reaching the conclusions that I reach. I have been concerned with these kinds of programs for many years and feel that in many respects I do understand what the R.D.T.&E. process is all about.

I would just like to reiterate at this time that I am concerned about research and development in this country and I am particularly concerned about the research end of the spectrum. I question whether we are spending enough in this area.

I note that this year the DOD R.T.D.&E. budget has, I believe, gone up half a billion dollars but very little of it has gone into that end of the spectrum which I believe is the important end in terms of insuring ourselves against surprises. So I am concerned, as I was when I was in the Government, and I do not think my views are very different in this regard.

I am perhaps more sensitive now than I was then, to what I regret to say I think is a change in the climate in this country, and about credibility in government, than I was at that time. I do not believe that we had this credibility problem when I was on the White House staff during the Eisenhower administration or during the Kennedy years or even during the early Johnson years. But I believe it is a very serious problem at this time.

Senator McIntyre. From your presence here and your testimony, it indicates the confidence that you have in the position that you are taking this morning and in your overall criticism of Dr. Foster's statement to the full committee which indicates that a comparison of the budgets had shown him that the Soviet Union was probably spending $3 billion annually more than we were in the field of R. & D. and space, and military work, and yet you do not have access to classified information that Dr. Foster has.

Dr. Rathjens. I think I do have access to most of it, perhaps not all of it, and I do frequently see information on what the Soviet Union is believed to be doing, at least by our intelligence community. He has, I am sure, some intelligence clearances that I probably no longer have. I do not know what that situation is. But I think I see most of it, or can see most of it, so I do not think there is a great difficulty there.

That reminds me a bit of the observation that President Kennedy is said to have made when two people came back and reported from Vietnam—"Have you fellows been in the same country?" When I read Dr. Foster's statement and think of what I have seen in terms of our planning factors, and our intelligence estimate, I wonder if we are reading the same documents.

Extent of Soviet expenditures

Dr. Stone. May I quote from Dr. Foster on this same subject because Dr. Foster is making two charges. One is that the Soviets are spending $3 billion more in equivalent effort. But he is also charging the Soviets are gaining technological superiority. It is not necessary to have any access to classified information whatsoever to know that there is a gross jump in logic between the spending of the R. & D. fund and concomitant technological advance.

When Dr. Foster was questioned on this same point some years ago he gave the answer we are now giving; he said, this was in 1968, only 1 year before these charges began:

"* * * as we indicated earlier, the Soviets are devoting about twice as much effort as the United States for research and development when considered on a gross national product basis. I suppose they could put three times as much. Does that mean, therefore, that we should plan on the basis that they will put three times as much and gear ourselves accordingly?

"It is not clear to me, however, that it would be the right thing to do. The Soviets, it seems to me, make a large number of models of different kinds of aircraft and missiles, only a few of which are actually put into the inventory. We tend to do less of that than they, relying more heavily on our confidence that these things are possible and that they do not all have to be demonstrated, relying more on our judgment of what should be the best characteristics of the thing we want, and then going out and getting it."

Senator McIntyre. Supposing you had been in Dr. Foster's position during the last 2 years or so. I think it was in fiscal year 1970, the request for R. & D. was $8,222 million and last year $7.4 billion. It was finally approved at $7.3 billion for fiscal 1970 and $7.0 billion for fiscal year 1971. And just as a matter of commonsense would it not be to come forward aggressively and perhaps state your position in order to bring to the attention of the men like Senator Goldwater and myself how deeply you felt we were slipping under these cuts that you had been subjected to?

Dr. Rathjens. Senator, I don't believe one should overstate one's position before a congressional committee. I think you people deserve the most straightforward answers that you can get out of an administration witness, and that he should tell you what he really believes and not exaggerate things in any way.

I recognize the fact, having been in various administrations, that an administration witness has to defend the administration position. But I do not believe that what I would regard as misrepresentation—I think this is probably the right word—or exaggeration is an appropriate tactic to use with a congressional committee. I think you people deserve better than that.

I don't envy you trying to make up your mind about how much should be spent in this area when on the one hand the administration comes in and does not ask for vast increases in expenditures and on the other hand tells you as they did a year ago that within 2 years the Russians are going to gain technological superiority, or as they now seem to be saying that it could happen within 5 years or so.

If I were in your shoes, these kinds of inconsistencies would confuse me greatly. You deserve better answers than that. I think that the main point of our discussion here is that the country and the Senate deserve better. One simply deserves to be told what the facts are. Any charges that are made should be documented more fully than they have been in some of these cases discusesd here.

To charge that we are going to lose superiority within 2 years I think is a very serious charge and it ought not to be made lightly without pretty adequate documentation.

Senator McIntyre. Well, Dr. Foster's statement can be taken in the context of Secretary Laird's statement which simply says to us on this committee that this as a barebones budget and we have pared it down. This year Secretary Laird gave us a comparison in real dollars and indicated the levels as between 1964 and 1972.

They come in and say: "Look, we are giving you the figure that we should have," and their attitude sometimes to me is that this figure, you should approve it, and if you don't think we are doing a good job then you should fire us.

Dr. Rathjens. My view is that if you read some of these statements that Dr. Foster and Dr. Rechtin have made—if you take them literally—I would think your response should be, "Bare bones or not you have cut too far" and you ought to ask for a good deal more.

If I really believed some of the statements that have been made—for example, the one last year which I think was the most troublesome—my reaction would be this country should be spending more. They are irresponsible, not to ask for more if they believe we are going to lose our lead in 2 years.

Senator McIntyre. This assertion of Dr. Foster's—even though we have been trying to supervise this thing and been as critical of the requests as we can within our capabilities—has led to the question to all of the R. & D. people: "Why, if this is so, are you not asking for more than you have been asking?"

Dr. Rathjens. I think this is a very fair question and they should be encouraged as vigorously as you can to respond adequately to that.

Senator McIntyre. Senator Goldwater.

Senator Goldwater. No questions.

Senator McIntyre. I would be interested in having, and I am sure Senator Goldwater would be, your assessment of the technology gap which separates the Soviets and the United States today.

Technology Gap

Dr. Rathjens. Well, I cannot comment with expertise in every area but I did not mention some of the areas in my prepared statement relating to military hardware where I asserted, for example, that I believe the missile accuracies that we were now achieving were probably better than theirs. I believe that the performance of our submarines is significantly better in terms of the noise levels they produce. Let me go beyond that and get a little bit more into some of the more basic areas of science and technology and comment briefly.

I would judge in some areas they are doing quite well. In mathematics and in certain areas of physics—for example, plasma physics and hydrodynamics—some of these areas I would think the Soviets were doing some of the best work in the world. I wouldn't say that they had a lead over us in these areas but in many respects I believe they are doing comparable work.

In the computer sciences they are dismally behind us, so far behind us I think, that there is a great inhibition on what they can do in terms not only of science and engineering, but also in management and that is a very severe limitation on them.

I think they are substantially behind us, particularly in biological areas. I had a conversation yesterday with a very distinguished colleague from Cambridge who said—discussing the hearing we were to have today—that our problem in biochemical science is we cannot bring the Soviets up to the level where they can help solve some of the world's problems because they are so far behind. So that is an area where they are indeed very far behind.

I am reminded here of another observation I would like to make in connection with the business of supporting research and development. At the engineering development end of the spectrum I think we can waste enormous resources as I indicated in my statement, and as Herb York did in his statement, by carrying programs too far that should be terminated. But at the reesearch end one can also make great mistakes by supporting the wrong kinds of people. The Soviets are notorious for that, and have been particularly so in the biological sciences. If you pour tens of millions of dollars, and that is a lot in the basic research area, into people like Lysenko, as the Russians did, it is money down a rathole. You do not advance the state of the art. You do nothing useful at all. When you make that kind of bad judgment you are not getting anywhere. It is another reason why I believe using budget levels is not necessarily a very good index of what you are getting out of your money.

In general I would judge that the Soviets are on a par with us in some basic areas and in some others rather substantially behind. In terms of military hardware development, there may be a few areas where they are ahead. But in most of the important areas, at least those with which I am familiar, the gap is rather significantly in our favor, varying from a couple of years to perhaps five or even more years in some areas.

Senator McIntyre. What would be your view in the field of electronics?

Russian electronics development

Dr. Rathjens. I would think that we would have a substantial lead there. I believe we do better work than they do in solid-state physics and probably do substantially better than they do in the communications field.

Senator Goldwater. Mr. Chairman, I might point out here that in testimony given before this subcommittee by the Navy they were extremely surprised with the excellence of Russian communications, radio communications, which they observed in the Russian maneuvers off our coast and in the Caribbean.

Dr. Rathjens. I am surprised by that, too, Senator.

Dr. Stone. I wonder if I could read into the record a statement by the famous Soviet scientist Sakharov who made this famous message?

Senator McIntyre. How long is the statement?

Dr. Stone. One paragraph.

Senator McIntyre. All right.

Dr. Stone. It is directly on this point. [Reads:]

"When we compare our economy with that of the United States we see that ours is lagging behind, not only quantitatively, but—and this is the saddest part—also qualitatively. The more novel and revolutionary the aspect of the economy, the wider becomes the gap . . . We are ahead of the United States in the production of oil, gas, and electric power, ten times behind in chemistry, and immeasurably behind in computer technology. The latter is especially essential, for the introduction of electronic computers into the national economy is of decisive importance and could radically change the face of the system of production and culture in general. This phenomenon has rightly been called the 'second industrial revolution'. Meanwhile, the total capacity of our pool of computers is hundreds of times less than in the U.S.A., and as for the use of electronic computers in the national economy, here the difference is so enormous that it is impossible to measure. We are simply living in a different era . . ."

Dr. Rathjens. I think most Americans who are knowledgeable in the computer science areas would agree with Sakharov.

Senator McIntyre. You have stated that you would welcome any effort by the committee to secure answers to your questions. It would interest you to know that the committee now is looking into those and other questions relating to this subject with the cooperation of the General Accounting Office.

Dr. Rathjens. That is a very constructive approach.

Senator McIntyre. I have been informed this morning it has been snagged a little bit because of the item of secrecy. Remind me to speak to you about that.

Senator Goldwater. Yes.

Senator McIntyre. You have stated that you support a vigorous program of military research and development fully adequate to our needs. Will you be more explicit and elaborate on that statement?

Research on aircraft engines

Dr. Rathjens. I can comment on a few areas. I am reminded by Senator Goldwater of the question of airplane engines. That is the kind of thing that we just have to have. In my prepared statement I indicated that, with respect to tactical kind of equipment, I think you have to carry it clear through their R.D.T. & E. process. If we are not doing adequate work on airplane engines, more money probably has to be spent, and not only for the basic research but for exploratory development and to carry the development through the whole cycle.

I was very pleased to note that, after what I regard as an unfortunate delay, the Navy has finally gotten around to putting some substantial effort into developing surface effects kind of vehicles. In this year's budget I understand there is a significant amount of money in that.

I think we are doing a number of things that we should be doing and doing them well.

I am very upset as I indicated earlier about the situation as regards the basic research and university education. We are in a situation where the Defense Department is now spending, I believe, something like $200 million in that area for all of the universities in the country. This is an amount which just about equals what we will have spent on the one nuclear test and its predecessor calibration shot in the Aleutians which I regard of marginal utility. In the educational institutions—here I probably would be accused of special pleading since I am now on a university faculty—we see in the physical sciences what I regard as a rather serious situation from the long-term point of view. We are unable to support as many physics Ph. D. students as they were able to support last year. These Ph. D. students are coming through the process this year without useful opportunities to use their talents. In those areas I am concerned. I think the country would be well advised to spend more in those areas.

Now, much of that, of course, is beyond the purview of this committee and, I suppose, to some degree beyond Dr. Foster's influence particularly in the light of the amendment that requires that much of this kind of research be supported by an agency such as the National Science Foundation.

I think when one considers basic research one has to look across the whole spectrum of what is being done in this country. I would hope that in basic research and exploratory development the country as a whole, not necessarily the Department of Defense, could have a more vigorous effort than we now have.

We all have to recognize that the rate of expansion obtained during the late 1950's, and in the 1960's, where we were expanding our base in this area by roughly 15 percent a year, could not go on indefinitely. On the other hand, I think the dramatic cutbacks of the last 2 or 3 years have gone too far.

Financial Cutbacks

We are not going to comment on whether the R. & D. money levels we now have are exactly right. I don't know. But I would think that there are a number of programs that are in engineering developments that involve large amounts of money that could be cut back without great loss. We would be well advised to do so and spend more money on the more basic things.

Let me give you two examples. I believe that the ULMS technology is an interesting one, something we should be looking into with some fairly intensive effort, but I really question whether we can spend $110 million constructively at this time. Budget expenditures at that level would imply to me freezing of the design, and going further into the engineering development than is warranted by the situation we are in.

In a similar sense I think we will be spending more money than we should on the B–1 bomber. I do not see that there is any great need for that decision at this time, and I regret we are spending that kind of money.

I think that reducing the expenditures on MOL was a very wise thing that saved a lot of money. It should have been cut back much earlier.

Mr. Fine. With respect to the B–1 program, without having specific knowledge of the details of the contract, or of the technical aspects of the program that is planned for fiscal 1972, do you feel that you are able without that knowledge to make the comment you did with respect to the dollar levels that have been requested?

Dr. Rathjens. Well, I may be in error here but it seems to me that the dollar level implies a degree of definition in commitment that is premature. I do not see why at this point in time we should be going that far toward the development and procurement of a new bomber.

To some degree I am inclined to believe that the intercontinental bomber is an obsolete kind of technology. We do live in the missile age, like it or not, and I question whether we really need a replacement at all for the B–52.

Now, there are some kinds of technology that would be relevant to both the B–1 bomber and to other bombers. Engine work, as Senator Goldwater mentioned, may be one, and some work in avionics would be important, but to commit oneself to the degree we have to a program to build prototypes in the expectation that we will then buy these bombers at some point in time seems to me to be premature.

Senator Goldwater. This is interesting that you would say that. We have been talking about technology here. Technology is important. Research and development is very important. I think the results are just as important, if not more so, and you want to remove emphasis on an intercontinental bomber but the Soviets are now building a large intercontinental bomber, but pretty much along the lines of our B–1. It will be at least as fast. So they are recognizing a need.

Now, the only military area that we can say we are still ahead of the Soviets is in the heavy bomber. This will not be true as the B–52's phase out and by the time we get to the 1980's it is my feeling, and I am trying to put figures to go to prove this, that the 52's we have left will have more money put in them than the new B–1's would cost. So I don't agree with you that we are in a new period where we have to disregard the heavy bomber. The Soviet recognizes the need and are developing this.

Dr. Rathjens. Senator, I do not believe we should necessarily emulate them. Further, I do believe that in all of the other areas of strategic weaponry, as well as in the heavy bombers, we are ahead of them. I agree the B–52 is a better weapon than the nearest Soviet counterpart, but I believe in all of the other areas of strategic weaponry we have superiority. They have more ICBM's than we do, and they carry larger payloads than ours, but in terms of guidance accuracy I believe we are way ahead. In terms of the character of our reentry vehicles we are way ahead. In terms of multiwarhead technology we are way ahead. In the performance of missile-launching submarines we are well ahead. We are now on our fourth generation of submarine-launched ballistic missiles and I guess they are probably now testing their second generation or something like that. So I think in all of these areas we are significantly ahead.

As I mentioned earlier, I believe that in the strategic area we are in a situation of some stability. Major changes, major breakthroughs on one side or the other, would be necessary to change that balance. The important thing for us to do in the strategic area—in some contrast to the tactical area—is really to have a program that will be optimized, if you like, to insure that we will not be surprised by really dramatic breakthroughs. To me, this means sound work in physics and exploratory development in those areas. In the tactical area, I would argue, it is a somewhat different situation.

Senator Goldwater. Mr. Chairman, this, of course, is an unusual hearing. This is the only hearing I recall being open and the others have been closed because we have been dealing with the facts, the hard facts, and they are not good.

It is almost impossible for me to refrain from using some of the things we have learned, but when you assume that we are ahead of them in strategic weapons, this just isn't so. I have been begging the President—I hope he will do it—to go before the American people to point out just where we stand vis-a-vis the Soviets.

ICBM accuracy

You talk about the accuracy of our weapons, of our ICBM. I can't recall our having fired one with an active warhead to see what the warhead was going to do. I was very critical of this program during the early 1960's when we were developing them because we refused to test. They tested. We don't know what they know. But we don't know.

I have a feeling that our guidance system is probably as good as theirs. I have a feeling that our warhead will stay together in flight. But I don't know of any way of backing that up with facts.

Dr. Rathjens. Senator, in that connection I do not know how we can back it up with facts either. But I would suggest to the committee that the nearest approach you can get to that would be to look into our SIOP and see what planning factors we use for the reliability and accuracy of our ICBM's and then look into the national intelligence estimates for the same period to see what we assume are their capabilities. It is obviously important if you are looking into SIOP of May 1971 to compare the factors there with those the intelligence estimates are ascribing to the Soviets for the same point in time. My guess is you will find that we look rather better than they do. When you do that I think you will have to recognize there will have been conservative factors ground into both estimates. We tend, as I think military planners wisely do, to be conservative in our estimates. We will have underestimated the performance of our own systems and overstated the performances of theirs. Even having done that, I think the data will probably be in our favor.

Senator Goldwater. I can remember when we did all kinds of juggling to try to get it in our favor and I can't recall any SIOP's based upon any testing that we have done that could put us factually ahead of the Soviets in this particular field.

I sat through these things year after year and I have been very concerned about our lack of knowledge of just what our weapons will do in this particular field because of the fear on the part of our various administrations of what the world might think if we tested one just to make sure it would go where we wanted it. We haven't done it but they do it, and they have done it and we haven't.

Dr. Rathjens. There is much in what you say. It is one of the reasons why I have always been partial to the sea-based systems as contrasted with our ICBM's. In our POLARIS force we can test with a much more satisfactory simulation than we can our ICBM's. We do launch missiles from the POLARIS submarines on a variety of trajectories and under a variety of circumstances. This provides, I think, a fairly good simulation. As I understand it, we even had one case before the Nuclear Test Ban Treaty where we launched a missile from one submarine with an active warhead and had the warhead detonate. Realism in testing is less impossible with the MINUTEMAN program and is a reason why I have always been, and continue to be, somewhat more skeptical about the reliability of MINUTEMAN than I am about the POLARIS–POSEIDON force.

Senator Goldwater. I won't continue. Just to finish that up, even assuming that our CEP is better than theirs with the megatonnage we employ on the MINUTEMAN, their CEP could be twice ours and still be more effective.

Dr. Rathjens. I agree with that.

Senator Goldwater. It is like comparing the accuracy of a .22 with a 12-gage shotgun. I would rather have a man take a shot at me 50 yards away with a .22 than a 12-gage shotgun.

Dr. Rathjens. I understand that. In terms of technological sophistication I think we have here an argument that the United States is superior in two respects. We do have, I think, higher accuracy and we have chosen to go to smaller warheads because we can do things with a greater degree of miniaturization and sophistication than they do. They do things more in a brute force way.

Now it may be, and I think this is true in many areas and probably particularly true in some of the tactical areas, that we goldplate our weapons systems. We built into them a degree of sophistication that is unwise and unwarranted. We would be better off in some instances if we would make simpler systems that would promise less in the way of performance but actually deliver more—systems that could be better maintained and operate with higher reliability. But we are such a technologically oriented society, and have been so far ahead in these areas, I sometimes think we let technology run away with us.

People who are involved in our laboratories always want to incorporate the latest gimmick in what they are building. There is an old saying that the best is the enemy of the good. I think we let this go too far.

This is one of the few areas where the Russians may have an advantage over us. They may have been more successful, that is, in preventing that kind of thing from happening.

In terms of the absolute level of their technology, and in terms of their general problems of management—which I think are just as important as technological capability—I would say they are way behind us.

Senator Goldwater. Again whether they are or not is not of too much interest to me. The fact that they are producing weapons that are as good as ours and in many cases better than ours, and more than ours is the thing that disturbs me.

I will agree with your last statement that we tend to use gold-plated material when we shouldn't and it is interesting to observe that before the Tactical Air Subcommittee, of which I am a member, the young pilots that we are talking to, back from the various flying services, are asking for optical sites for cannons and to get away from the black boxes and the sophisticated rockets.

I agree with you there; we have always tended to overload everything from the infantryman to the most sophisticated weapon with avionics, with electronics, and with gadgetry, and I would hope that we can prevail in this and it will save us more money than anything we have come up with.

Thank you.

Senator McIntyre. Mr. Fine.

Discussion of lead-time

Mr. Fine. I think one other point should be clarified. You made reference to the ULMS program and you indicate that the dollars that were being requested in fiscal 1972 were to be used to freeze design and possibly initiate engineering development. Here again without knowing whether you have specific information as to what is planned to be done in fiscal 1972, I wonder, particularly with your background, recognizing that a ULMS type of system has a lead-time which exceeds that of practically every other weapon system we have in the inventory, whether you are giving adequate consideration to that lead-time in making a judgment that we are proceeding too rapidly?

Dr. Rathjens. Well, let me just make a very brief comment in this regard and then I cannot go as far as I would like because we are in open session.

The lead-time problem is a very severe one with ULMS. I agree with you entirely that it probably has a longer lead-time than any weapon system we can consider. But one of the problems with ULMS that I see is that one is really concerned about two different threats to it. One is the possibility of some kind of breakthrough in Soviet anti-submarine-warfare capability. We do not know what that could be.

I think Dr. Foster and every other responsible scientist would concede at present that the submarine systems are relatively invulnerable. It is only a sort of vague fear that we have that somehow this situation could change. How it would change is very ill defined. It could be that there could be a breakthrough in trailing. It could be a breakthrough in development of some kind of mines. It could be a breakthrough in sonar, improved localization using large arrays or something like that. Depending on what kind of breakthrough the Soviet Union might achieve you might want to design a rather different kind of submarine. Beyond that, another breakthrough you worry about against which ULMS might be a hedge would be a massive deployment by the Soviet Union of an ABM system. If that were to happen it would become important that ULMS be able to deliver large amounts of payloads so you could deliver many penetration aids, many warheads.

Projection of Submarine Warfare

If I can generalize—and I hesitate to do so, but I will at some risk—if the Soviet threat should develop along the antisubmarine warhead line I would think we would not want ULMS. We would want to build relatively large numbers of relatively small submarines as the best hedge. We would probably want to pay a very high premium to minimize the sub noise levels. Some of these would have to be considered in a tradeoff of calculation.

On the other hand, if the threat should be a massive Soviet ABM system, we would probably want to build very large submarines simply because we could then carry large amounts of ordnance for a given expenditure of money. It is because of these great uncertainties in the potential threat to ULMS that I think one ought to try to put off any decision as long as one can. We may not want to build any. There may be no breakthrough in antisubmarine warfare, or in ABM on the Soviet side, in which case we would want to avoid any expenditure. So the important thing in this particular case would be to hedge as best you can against all of these possibilities. That probably means avoiding freezing the design at this time.

Now one postscript to all of this. I would emphasize that I'm focusing on the strategic area. Although the lead-time for ULMS is going to be long, the lead-time for the development of any Soviet capability that can seriously erode our overall strategic retaliatory capability will also be very long. The development of a massive Soviet antisubmarine warfare capability—one that would be 10 or 20 times or 100 times as effective as we have, and I think it would take that—would take an enormously long time.

So again in this overall area I think the important thing would be a very significant program that would permit us to identify as best we could, as early as we can, real breakthroughs, the real kind of breakthrough we cannot now foresee. The only way that I can imagine doing that is through work at the early part of the R.D.T. & E. cycle research and exploratory.

Senator MCINTYRE. Would a request for $109 million indicate to you a freezing in design?

Dr. RATHJENS. Not necessarily; but it does mean to me more of a move toward development, as distinct from research and studies, than I think is probably warranted.

Senator MCINTYRE. The footnote on page 22 of your report indicates, in part, that the Senate Armed Services Committee had requested unclassified material during the fiscal 1970 hearings to support Dr. Foster's charge that the Soviets were catching up technologically, that the material submitted was classified, and that the Federation was advised on May 3, 1971, that material could not be declassified. After further negotiating with Defense, the committee has succeeded in obtaining an unclassified version which will be made available to you shortly. It also will be made a part of the record of this hearing.

On page 20 of your report you state:

"Every weapon idea we develop is one that we develop also for the Soviets. A more restrained hand on the throttle is required to manage, contain, limit, and end the arms race."

That statement implies that the Soviets are not capable of major technological surprise, and only copy from us. Isn't that rather dangerous and misleading, since they can come up with new system, such as Sputnik?

Dr. RATHJENS. I do not think they are incapable of surprising us, and I suspect they will surprise us in some areas, I hope not too unpleasantly. But I do think that in the past most of the major areas of concern have been ones where we have broken the trail. The example I believe we cite in our report, and I think it is a terribly unfortunate example, is in MIRV technology. In that area we went ahead with development and deployment. It is not at all clear to me that the Soviet Union would have done so had we not pioneered. They may still not, but my guess is they will. They will be led into it perhaps as a result of our having done it, and the net result will be probably greatly to the disadvantage of both nations.

Senator MCINTYRE. On page 16 of your report, in speaking of building too many prototypes, you quote Dr. York as saying that, when he was the first Director of Defense Research and Engineering, the biggest mistakes he made were "those involving the initiation and carrying along to a considerable degree of completion of programs which turned out we did not need." We have come the full circle since then, having gone to the concept formulation, contract definition, engineering development approach and now back to the fly-before-buy prototype development philosophy. What are your views on this today?

Dr. RATHJENS. I think I largely share the views of Dr. York. I again think maybe I would want to distinguish a little bit between the tactical and strategic areas.

Some missile prototypes

I think that as regards strategic systems, particularly, we have carried too many of them too far, and probably could have, and should have, terminated some of them earlier. SKYBOLT was an example we probably should have cut off earlier. SNARK was another. NAVAJO was another and I can name others.

The Soviet Union has done even worse in this regard as both Dr. York and I have indicated.

In some areas I do think we should fly before we buy. I think that would be particularly so with respect to the tactical systems. I think, as I said in my statement, one probably has to carry such systems through a fairly orderly total R.D.T. & E. kind of a process.

I would be very reluctant, for example, to see the U.S. Navy now go ahead with a commitment to a large program of operational surface effect ships having gone only as far as it has in the R.D.T. & E. cycle. They have to go further before they would rely on those kinds of systems.

I guess I cannot comment very much further on that.

Senator MCINTYRE. First of all, let me say that Secretary Laird's decision to go to a fly-before-buy meets with a sort of approval as far as I am concerned when I think of some of the trouble we have gotten into.

The other day, very interestingly, Assistant Secretary deRosa told me that fly-before-buy might sound very well but that it had inherent weaknesses. I got the impression that it closed off at certain times the lack of going ahead and improving or changing direction.

Fly-before-buy concept

Would you care to comment on that? In other words, fly-before-buy sounds very good to me and I am glad to go back and tell my constituents that is what we are doing and that we are not going to make mistakes. Mr. deRosa said this isn't the happy result of all of our experience. This is dangerous, too. His implication was that we might actually suffer, in certain instances we could fail to get all we should get.

Dr. RATHJENS. Well, I have not really thought about this problem very much but I do not see, I guess, the kind of pitfalls that he may have in mind. There may be some that I do not see.

It seems to me, unless you have to move very urgently, there is substantial advantage in doing it this way rather than trying to commit yourself to what we used to call concurrency. In the case of concurrency, you make the decision to deploy the system and for example, in the missile business, you begin to dig holes in the ground before you develop the propellant. That sort of concurrency proved to be very expensive. I think it should be avoided.

It may be that there are pitfalls in a fly-before-buy. I don't see them offhand.

Aborting a program

Dr. STONE. There is an added complication which ties these two statements together. If the weapon is something secret that you are not sure you are going to buy, then I think it is important not to build the prototype. In the MIRV case Secretary McNamara spent a lot of effort trying to keep MIRV completely secret because he knew if the idea got out it would be inevitable that the Soviets would build it; when he went to the MIRV prototype testing stage, then, of course, it was clear the Russians would see what we were doing. Then it became clear that this arms race "success" of ours would be a "success" of theirs. So although FAS may support developing these new ideas in a research and technology phase, if the idea is really good and if it is a good idea to try to keep them secret, this may require not building the prototype.

Dr. RATHJENS. There is also another problem. This is the argument that once you have flown something it is hard to make the decision not to go ahead. It becomes hard to turn programs off. We have seen that with all sorts of our own programs and I suspect the Russians do too.

I think the important thing—and this is again consistent with Dr. York's remarks—for officials of the Defense Department is to muster the courage and wisdom to turn things off even after they have gone fairly far. Weapons can look pretty good even if there is no real need for them. I think we have done fairly well at aborting programs but I think we can probably do better in that regard.

Senator MCINTYRE. I think you could answer this question, Dr. Stone.

Assuming that the combination of scientists and engineers for the purposes of measuring Soviet versus U.S. technical manpower output is not valid to the issue, is it not equally too broad to compare the numbers of scientists? Should we not have to compare scientists by specific discipline to determine in which critical areas we trail or are losing our lead?

Dr. STONE. I think the critical question for this particular investigation is how many of the able Soviet scientists and engineers do they have assigned to these priority sectors, atomic energy research, military research, and space research. I believe this is a question to which no very firm answer can be given.

Abundance of technical personnel

As to the general question of how the scientists are doing in both countries, it is my impression that both countries have an excess of scientists and engineers for the jobs being assigned to them. From a historic point of view, the two countries are producing scientists and engineers very much on a pattern that is shown all round the world; namely, in proportion to the gross national product of the country. This is why we are producing twice as many scientists, because we have twice the gross national product.

This rule for the scientist, if not for the engineer, seems to hold true in countries all around the world.

Dr. RATHJENS. It seems to me there have been distortions in our support of research that are relevant.

For example, there has been a feeling which I believe is not entirely justified that somehow high-energy physics was related very directly to nuclear weaponry. So it has been relatively easy for many years to get a very high level of support in the country for a lot of research in high-energy physics. We have had a very large expenditure in that area. It is great science, very interesting work, but in terms of direct payoff to either military technology, or to the civil economy, it is probably one of the areas where the work has a most remote payoff.

There are other areas where the payoff would be more direct, and has, in some instances, been somewhat slighted; for example, work in solid state physics. That has been less glamorous. In recent years, it has had better support than at an earlier time. When I was in the Defense Department, we recognized that more support for that kind of physics was required. Some money was made available. But the work in these fields is not interchangeable and it is useful in some of these kinds of comparisons to break things down into subfields.

Senator McINTYRE. I would like to ask a rather generalized question. In examining the military obligational overall budget beginning in fiscal year 1960 to the present time, fiscal year 1972, and comparing the total amount of the request as compared to the overall budget between 1960 and 1965, this percentage comparison ran very close to an average of around 13 percent, a strong 13 percent.

Beginning in 1966, this dropped down to an average of 10.0 during the past 7 years and to a low of 9.18.

In the last 7 years, the percentage has been very, very close to 10 percent, the work done in R.D.T. & E., as compared to the whole.

Does that seem, first, that should not be taken, I would suspect, as an arbitrary figure for this committee to be considering at all times, and do you think that 10 percent represents any sort of a fair comparison or fair level of effort compared to the total?

Dr. RATHJENS. Well——

Senator McINTYRE. I know there are a lot of generalities there.

Impact of overall budget

Dr. RATHJENS. There are many problems with this, and the figures, of course, have been distorted by the war. That had a significant impact on the overall defense budget, so that any examination of the time sequence here would have to take that into account.

I would be skeptical about making judgment about adequacy of R.D.T. & E., based on a percentage figure. I do not know whether the right number should be 5 percent, 10 percent, or 15 percent. I would hope we would not come to the point where the Congress would simply say we are going to make it 10 percent and leave it to the people in the Defense Department to decide how it is spent.

In the same sense, I would hope that the Congress would not set an arbitrary level in the budget and say "You fellows figure out how to spend it." I think you have greater responsibility than this. You really have to look at some of the specific programs and decide whether each of them, on its merits, makes sense.

Senator McINTYRE. Let me read you the percentage request of R.D.T. & E. to the overall budget of the Defense Department in 1966, which takes into account the war years, 11.01 percent; 1967, 9.80; 1968, 9.18; 1969, 9.67; 1970, 10.18; 1971, 10.05; 1972, 10.09.

So it seems they have some sort of a measuring rule over there.

Dr. RATHJENS. It almost appears to be more stable than it ought to be.

Senator McINTYRE. Well, thank you.

Dr. Stone, we have some prepared questions here. I think they were grounded pretty much on Dr. Nelson's economic background, and I thought unless there is some objection, we will submit them to you and you can forward them to Dr. Nelson for his answer and we would like to have them for the record.

PREPARED QUESTIONS FROM SENATOR McINTYRE

A. OVERALL SPENDING COMPARISONS

Question. As I remarked in my opening statement, I question not only the accuracy, but also the relevance, of the Defense Department's comparisons of U.S.-Soviet military and military-related R. & D. expenditure levels. I tend to share your own view that it is spending on one's technological base which actually determines one's protection from technological surprise, not one's spending on big weapons development programs. But since the Defense Department persists in defining the issue in terms of overall R. & D. expenditures, let me ask you a few questions in this regard.

(1) You suggest on page 10 of your backup document that the Defense Department may be understanding our own military R. & D. expenditures. You refer to "relatively arbitrary accounting decisions that assign some R. & D.-related DOD expenditures to other accounts." I, too, am troubled by this and am aware of some R. & D. expenditures not included in the R.D.T. & E. budget. Two that come to mind immediately are the approximately $700 million a year expenditures on Independent Research and Development and the salaries of military personnel assigned to R. & D. work. I also notice that funding for the Air Force's Eastern Test Range has been transferred just this year from the R.D.T. & E. to the O. & M. budget. I wonder whether you could explain further any other "relatively arbitrary accounting decisions" of which you may be aware.

Answer. In addition to the types of expenditures identified in the question, and civilian research efforts of the type referred to on page 10 of our back-up document, probably the most significant additional areas of expenditures on R. & D. directly relevant to military purposes outside the DOD budget are in the budgets of NASA, the AEC, and the CIA (a large fraction of the latter budget being in turn buried in the DOD budget).

Question. Dr. Nelson, you are an economist. Perhaps you could explain to me some of the problems involved in translating Soviet and U.S. expenditure levels—assuming these are known in the first place in terms of the two individual economies—into comparable terms. I have four specific questions.

(a) Much is made in Defense Department statements about the role of inflation in eroding the purchasing power of the defense dollar. Does inflation have any impact at all in the Soviet Union and is there any way we can estimate that impact? If not, how great a problem does this constitute for attempts at comparing relative expenditure levels?

(b) What are the problems involved in converting ruble expenditures into dollar terms? In answering, please explain the differences, if any, which exist at present between the official ruble-dollar exchange rate, the exchange rate which actually seems to prevail in international transactions between the Soviet Union and Western countries, and the exchange rate used by the Defense Department to translate Soviet defense expenditures into dollar terms, and how confident do you feel about the accuracy of your suggested rate?

(c) The Defense Department has indicated that it tries to confirm the accuracy of its budgetary-economic analysis (using exchange rates, etc.) by output analysis, where it looks at what the Soviets are producing and asks how much it would cost to do similar work here. I wonder how accurate comparisons of this kind can be. What they seem to involve is the CIA and other agencies getting intelligence data on Soviet developments, giving these data to American manufacturers, and asking them how much the items would cost in the United States. What troubles me, I guess, is this. These same manufacturers, given detailed specifications and manufacturing requirements, are unable to predict what our own weapons will cost without cost overruns of 50 to 100 percent on average. How can they hope to estimate accurately what Soviet weapons will cost with the help of nothing more than vague intelligence data? And if accurate estimating with this data is impossible, how can estimates based on it reliably "confirm" anything? Would you comment?

(d) What other problems, in addition to those we have just been discussing, making it difficult to compare Soviet and U.S. expenditures? In light of all these problems, do you feel it makes sense to even attempt such a comparison?

Answer. The questions about how to compare U.S. and U.S.S.R. R. & D. spending are good ones. It would be useful to know the quantities and qualities of resources directly to military R. & D. by the two countries but it is not easy to estimate these magnitudes. Comparing our dollar figures with their ruble figures deflated by the official exchange rate provides a cut at the answer, but a very rough cut.

In the first place even for comparison of market economies the official exchange rate is directly applicable only to tradeable goods that are exported and imported, and not to goods and services that do not cross international boundaries (like most services). While to a first approximation traded goods ought to be priced the same in the exporting and importing countries (after prices are made comparable by the exchange rate) even for tradeable goods, different markups for export and home sales, tariffs, quantitative restrictions, and internal taxes mean that deflation of prices by the exchange rate will not make the domestic prices equal. Where trade is contracted by the state as it is in the Soviet Union the meaning of the official exchange rate is particularly obscure even for traded goods. It clearly is an inappropriate specification of the trading strategies of the Soviet Union to say that they purchase imports where goods are cheap, sell exported goods where the prices are highest, and sell imported goods at the price at which they were bought. Clearly political motives influence powerfully the trade pattern of the Soviet Union and domestic pricing policies are very complex.

Second, once one recognizes the vast number of non-traded goods, the official ruble-dollar exchange is, at best, a sort of average of the relative prices of Soviet goods measured in rubles and U.S. goods measured in dollars. At the official exchange rate, some Russian goods will be more costly and others less costly relative to their U.S. counterparts. Thus for non-traded goods it is necessary somehow to estimate their relative expensiveness or cheapness to get a proper ruble-dollar exchange rate for those goods. In general this will not be the "official" exchange rate. Clearly R. & D. inputs are not directly traded. A key question is whether the input of military R. & D. is in the category of items that are more, or less, expensive relative to the costs in the United States than the exchange rate indicates. I am not an expert on the Soviet Union. I do not know the answer to this question.

Of course another way of getting at the R. & D. input problem would be simply to count the quantity of different resources rather than getting at this indirectly by obtaining the money figure and dividing an average price. If there were only one major input to R. & D. say scientific and engineering manpower, simply measuring this would be the easiest way to get a measure of relative inputs. Under the assumption that salaries comprise the lion's share of R. & D. expenditure, the ratio of manpower inputs would give the same answer as the ratio of money expenditures on R. & D. multiplied by the ratio of average salaries (in the Soviet in rubles, in the U.S. in dollars) in the two countries. However if one cannot identify a particular dominant input then of course one has to "add up" different inputs. The natural way to do this involves prices and we are back on the exchange rates problem again.

Let me respond then to questions 2a and 2b. If there is inflation in the Soviet Union and this affects R. & D. inputs, this will erode the real input of a given ruble expenditure just as in the United States. Regarding how to estimate relative inputs my feeling is that the better way to make Soviet-U.S. R. & D. input comparisons is somehow to count up scientists and engineers, and somehow develop a quality adjustor, rather than trying to deflate money cost estimates by some measure of relative unit costs. My belief is that scientists and engineers are the dominant input into research and development.

Of course we are more interested in output than in input. Certainly it is rash to assume that just because lots of resources are going in, major advances in military capability are coming out. The remarks in the question about the difficulty of estimating R. & D. cost (or the output for a given level or R. & D. expenditure) in the United States are on the point. It strikes me as rash to check the accuracy of input measures by output estimates and asking what it would cost to do the same job in the United States. It might have cost much more or much less. But in any case the more important question is what are the Russians getting from their R. & D. rather than what are they putting in.

But the basic question goes beyond the "output" issue. We really want to know the consequences for the U.S. and the appropriate U.S. response, if any. More attention needs to be given than seems to have thus far to the question of what really is the threat to the United States of a significant expansion in Soviet military R. & D. not reflected directly in observed procurement of new hardware.

Military capabilities involved forces in hand, not forces in the bush. Presumably when it is said that one has a technological capability it is meant that one can move relatively speedily to operational capability of relevant magnitude. The key question, however, is how fast one can move and, in particular, the speed with which one can get a capability in hand (rather than in the bush) compared to the lead time that the intelligence committee provides in identification of threats. Only after one has got a rough answer to this question can one take an attitude toward the value of technological superiority or parity. What really counts is capability in hand plus ability to generate new capabilities fast enough to coerce or deter. Technological capability only has relevance as it bears on these capabilities.

There is a complicated chain of analysis and fact between a statement that the Soviets are spending more on military R. & D. than the U.S., and any serious national security threat to the United States. Even if the premise were true, the conclusion does not follow automatically. If there is a threat, it is not clear what we should do to counter it. It is possible the appropriate response lies outside the R. & D. arena, for example, better hardening and better intelligence. If the appropriate response is R. & D., the kind of R. & D. needs careful specification.

These are serious questions. Some hard and thoughtful work needs to be done to get answers. Allegations of a surge of military R. & D. spending in the Soviet Union, based on shaky data, are nowhere near sufficient to guide U.S. policy. If there is a real security problem the recent allegations may interfere with our dealing with it effectively. I do recall the story of the boy who called wolf.

B. PROBLEMS OF MILITARY R. & D. POLICY

Question. You indicate that one of the main causes of Soviet weapons development is the fact that we have developed the same weapons first. I appreciate the significance of this action-reaction phenomenon, but I am also concerned about the long lead-time inherent in actually developing new systems and the danger this can pose in terms of technological surprise. Let me ask you some questions in this regard.

(1) Do you disagree with the idea that we should carefully pursue all promising new areas of military technology at least through the advanced development phase, stopping short of engineering development and production? If you do believe that restraints are necessary in this early research and development phase, just what restraints do you favor?

(2) Since knowledge of our early research efforts is likely to spur the Soviets into conducting similar efforts of their own, do you believe that secrecy is needed regarding the new areas of research we are exploring, at levels short of engineering development? What is your attitude generally toward our classification policies as regards research projects we and the Soviets are conducting?

(3) The previous questions have addressed for the most part our attitude to new military technology short of the engineering development phase. Yet engineering development itself can take from 2 to 10 years, depending on the system in question. Don't you feel that this long lead time requires us occasionally to undertake major development efforts notwithstanding the possibility of an action-reaction phenomenon, and that this phenomenon can best be protected against by greater restraint in deploying new systems and by willingness to at times actually abandon new systems short of deployment when the threat which first occasioned them seems diminished? In conjunction with your answer to this question, please comment, with the benefit of hindsight, as to just where we went wrong, in your opinion, with the MIRV program?

Answer. The problem with the question is how one construes the word "promising." Certainly we should not pursue all of those possibilities that are technically interesting. Some can be expected to lead, if anywhere, to systems that will be predictably unnecessary or undesirable and obviously putting money in those would be a mistake. BW, CW and very high yield nuclear weapons technology are examples that come to mind immediately. There will be some areas of potential interest for which there simply are not adequate resources, etc. in terms of budget or in terms of manpower of adequate quality.

In certain projects, secrecy should surely be maintained. And it must be assumed that anything which we discover that is not kept secret will be duplicated by the Soviets, and may be used against us. One advantage of classification is that it keeps discussion down on projects, the public knowledge of which would almost impel an adverse reaction. On the other hand, secrecy inhibits the effective operation of research and it inhibits criticism of projects that may be unnecessary or undesirable. No firm rule exists.

I think the answer to the first question here should probably be a qualified "yes." What we must do on a case by case basis is attempt to evaluate whether or not to proceed, trying to anticipate as best we can the Soviet reaction. As I indicated in my testimony it seems to me the case for carrying programs through engineering development will often be stronger as regards tactical weapons systems than it will be in the case of strategic weapons. In connection with the second question I believe that the major errors were in the decisions to actually carry out deployment of MINUTEMAN III particularly, and to a lesser degree, POSEIDON. In the light of the studies that were undertaken during the mid-60's I suppose that some preliminary work on MIRVs was justified, but I do not see any case for the actual deployment decisions and believe that these programs should have been put on ice at a fairly early stage in the R&D cycle.

PREPARED QUESTIONS FROM SENATOR DOMINICK

Senator MCINTYRE. Senator Dominick has some questions here that we will submit to you for an answer for the record.

Question. Regarding the Defense R. & D. program and intelligence matters, aren't some of the members of your group cleared for these matters? Did they ask for and receive a classified explanation of the studies the Foster statement is based on?

Answer. Many FAS spokesmen, including Goldberger and Rathjens, are cleared for this information. We did not ask for a classified explanation of Dr. Foster's statements.

Question. How can you expect to be accurate in your critique or helpful to the Congress if you do not go to the factual basis for the Foster statement?

Answer. Many of the Foster statements are so obviously inconsistent with public information, and indeed internally inconsistent, that access to detailed classified knowledge is not necessary as a basis for criticism of them. Many statements are criticized on a conceptual basis. Beyond that, we have been exposed to a good deal of information regarding the capabilities of military systems that the United States now has and is introducing into its inventory and to the intelligence projections regarding corresponding Soviet capability.

Because the Federation was studying the public record with a view to ascertaining whether or not the public was being alarmed unjustifiably, there was special relevance in a careful study of the same public record. And because the Federation was interested in making its findings public, it did not wish to base its initial comments on classified information. We believe that, in matters of this kind, the public should receive sufficient information to justify the statements with which it is being alarmed and see no reason why this cannot be done. In this connection, as we point out in our report, we are in agreement with Senator John C. Stennis and Senator Peter H. Dominick.

Question. In what way are you a qualified expert on Soviet military and space systems? Are they not, over-all, first-class systems by any standards?

Answer. The credentials of the Committee approving the document "Is There an R&D Gap" are contained in that report immediately following the table of contents page. See also the answers to questions 1 and 2.

Question. Without detailed knowledge of the secret Soviet R. & D. programs, don't you agree that the new products of Soviet R. & D. are overall first-class systems and products of their own technology? (Examples are Foxbat, high yield nuclear weapons, FOBS concept, heavy lift helicopters.)

Answer. Answer to part I, "to some degree." Answer to part II, "the same extent."

The Soviets are capable of building first-class military systems.

Question. Do you believe that technological improvements are at some sort of dead-end so that the Soviets cannot move on from this first-class base?

Answer. Technological improvements are not at a dead-end and the Soviets can be expected to make further progress in technology. It may, however, be increasingly difficult for technological advances to destabilize an increasingly stable situation.

Question. Do you believe that it is impossible technologically for the Soviets to develop counters in the future to any important U.S. defenses—strategic, tactical?—for big wars, little wars, crises, blackmail situations? against the U.S. interests? against our allies' interests?

Answer. "Impossible" is too strong a word and the word "defenses" is ambiguous. We do believe that the Soviets will find counters to any U.S. strategic defensive systems—as we will find counters to theirs. In this connection, the President has publicly acknowledged that there is "no way" to protect the country effectively against the effects of nuclear war.

Question. Can we rest on our past and present efforts in technology if the Soviets try increasingly harder to move ahead?

Answer. As our report shows, the answer turns on what the Soviets are doing when they "try increasingly harder" to move ahead. If they waste their resources, for example, on unnecessary engineering development and unnecessary prototypes, we need not match their efforts.

Question. If the Soviet effort in defense-related technology is not as great and as effective as ours today, how can the Soviets develop superior quality weapons like Foxbat, MIRVed SS-9, quiet submarines, heavy-lift helicopters and so forth?

Answer. As we pointed out in our report, success in military weaponry depends on the mobilization of R&D resources rather than upon the gross level of resources applied to all military R&D. (The Soviets have not yet deployed a MIRVed SS-9 and probably have not yet tested one. The MIRVed SS-9 under consideration is not superior in quality to our own, nor is the Soviet submarine.)

Question. Were any of those outstanding weapons systems copied from the United States?

Answer. The Soviet POLARIS-type submarine is, in many respects a copy of even to the number of missiles. Soviet MIRV almost surely was an attempt to match the U.S. in having a MIRV.

Question. If you think so, is it possible you could provide some proof of this? Weren't they in fact developed independently of the United States, based on first-class Soviet technology?

Answer. Since the Soviets read our public literature, which contains much classified information, since they employ spies, and since much of our technology is worth studying, if not copying, it is hard to talk of completely "independent" development of Soviet weapons.

Question. If the Soviets have made the immense effort to catch up to the United States in defense technology, do you believe that they will not continue the effort to move ahead? What is the evidence that they lack the resources or will to move ahead?

Answer. We must assume that the Soviets will make continuing efforts to improve their military technology although, in fact, they may be more willing to place resources into non-military R&D in such proportion as they consider their military improved. Obviously the Soviet Government contains persons with two distinct interests. Some would like to surpass the United States in military technology. Others would like simply to have sufficient military needs to defend the Soviet Union. As the Soviet Union achieves military parity, the latter group will begin to vote for domestic emphasis. Whether or not the former group has the power to continue to insist on high rates of military expenditures remains to be seen. We should keep our eyes open.

Question. Would we let them move ahead? Do you believe that we can be more secure if we let them move ahead—let the Soviets explore defense technology areas more intensively than we explore them or let them learn through prototypes while we learn through paper studies? For example, should we let them put a "Manhattan District" effort onto lasers or submarine tracking while we do business as usual?

Answer. We cannot stop them from "moving ahead." Matching the Soviets, prototype for prototype, could slow the rate at which U.S. military technology moved ahead by wasting valuable resources. Whether we match alleged Soviet efforts in a particular field should depend on the field and the likely consequences of failing to do so.

Question. In short, please explain how it is impossible for future technology to eat into the U.S. margin of security. If it is not impossible, why should the United States not take out "R&D insurance" against the very impressive gains we are seeking in Soviet defense technology?

Answer. The U.S. should take out "R&D" insurance but not simply act as if "the more spent on R&D, the more insurance bought."

Question. The combined DOD, NASA, and military R.D.T. & E. expenditure of the United States is about $8 billion. As a student on Soviet expenditures, what are your estimates for the Soviet total R.D.T. & E. expenditures, both civil and military?

Answer. The Federation does not have an independent estimate of Soviet R&D expenditures, both civil and military.

Question. Why do you think the Soviets classify their military R.D.T. & E. to such an extent that they don't even publish a total budget for it? Does that give you any confidence that they are spending less than we or are not expanding?

Answer. Both before and after the Soviet revolution, Russia has been a most secretive and xenophobic nation. Even much less important details such as street maps are secret in the Soviet Union. The secrecy applied to military activities is not a basis for concluding that the Soviet Union is spending more than the United States. Quite the contrary, one important traditional reason for Russian military secrecy has been the fear that Russian military inferiority would become known.

RESUMPTION OF HEARING

Senator McINTYRE. I yield now to Senator Goldwater.

Senator GOLDWATER. I have some questions too that I will submit to them instead of asking. A lot of these have been answered already.

Just a matter of general information from either of you. When was the Federation of American Scientists founded?

Dr. STONE. Founded in 1946, in February.

Senator GOLDWATER. You are located, I see, here in Washington?

Dr. STONE. Yes, sir; that is right.

Senator GOLDWATER. It is obvious that you are not advocating any cut in the research and defense funds and it is also rather obvious that you would like to see more spent but more wisely spent; is that correct?

Wise spending urged

Dr. RATHJENS. I am not sure I would like to see more spent. I would like to see it more wisely spent.

There are two messages I would like to get across. We would like to see funds spent more wisely. And we would like to see the Congress being well informed and not misled regarding the threat or the rationalization for the expenditures. Those are the two main points that I would like to get across, that is all.

Senator GOLDWATER. You realize that up until the establishment of the subcommittee, to my knowledge, there was no subcommittee specifically assigned the task of reviewing R. & D., and I think there has been great progress made. I think we have great progress to make so don't expect miracles overnight.

Relative to what we can spend, you know this is controlled by ceilings which have been placed by the Pentagon on these amounts, also ceilings that have been placed by the different branches of the military. We can suggest higher or lower amounts but basically these amounts come over to us from the Pentagon and we have to then decide the wisdom.

Soviet moneys consolidated

Also I am sure you know of this, that in the Soviet budget they include space budget and military budget but they are all controlled by the same group, where our NASA money is controlled by one organization not related directly to the military; they can use the funds any way they want to.

I remember when I was here before the great surprise it was to find the amount of money that was assigned to their space which you could trace directly to military. I think you are aware of that, aren't you?

Dr. RATHJENS. I would not be at all surprised if large amounts of it were being used for military purposes. Their whole budget, I must say, is a mystery to me, and it is too bad Professor Nelson isn't here to comment on that.

Senator GOLDWATER. It is a mystery even to Dr. Nutter who I think knows as much about the Russian economics probably as the Russians do themselves.

Senator McINTYRE. Without objection the complete statement of Dr. Stone will be made part of the record.

Dr. STONE. Thank you.

Senator McINTYRE. Also unless there are objections the statement of the Federation of American Scientists, "Is There an R. & D. Gap?" report of the Ad Hoc Committee on Military R. & D., will be included in the report.

(The information follows:)

[F.A.S. report printed in *Congressional Record* May 10, 1971, pp. 14094–14101.]

FEDERATION OF AMERICAN SCIENTISTS STATEMENT IN TESTIMONY BEFORE AD HOC SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT, SENATE ARMED SERVICES COMMITTEE—MAY 19, 1971

As you know, the Office of DDR&E in particular, and the Defense Department in general, have filled the hearing record of four Committees of Congress with a great deal of material suggesting that the Soviets will shortly achieve technological superiority. A great many officials' speeches have suggested the same thing. The Federation of American Scientists has produced a fifty page document analyzing these charges—which to the best of our knowledge no other nongovernmental group has seen fit to investigate. In fairness, we would like the RECORD to contain the results of our unique investigation.

At the same time, we would like to be sure that the questions which we pose are put sharply so that there will be no mistake about them. Therefore, we are enumerating them here. We would welcome any effort by the Committee to secure answers to these questions.

Before listing these questions, however, we want to emphasize one thing. We are not calling for cuts in the R&D budget. We support a vigorous program of military research and development fully adequate to our needs. And at some future time, the Federation hopes to prepare a detailed study of R&D expenditures. But this is not such a study. Instead, it is an investigation of charges made by the Defense Department that are alarming the American public. We do not believe that these charges have sufficient foundation to justify that alarm. And, as is evident from the types of questions we are raising, no amount of classified information could add sufficient substance to make them so.

The Chairman of the full Committee (Senator John C. Stennis) and a member of the subcommittee (Senator Peter H. Dominick) were correct when they formally asked Dr. John S. Foster, as early as 1969, to document his charges in unclassified material. The record shows that he did not comply with that request (p. 22, footnote).[1] We do not believe that he can. And we believe that this Committee should ask other agencies of the Government concerned with classified and unclassified estimates of this kind for their opinion: Bureau of the Budget, the Office of Science and Technology, the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the National Science Foundation (NSF), and so on. All of these agencies have been supplied with copies of our analysis

QUESTIONABLE ASSUMPTIONS AND EXAGGERATEDLY PRECISE ESTIMATES

1. In the first place, we question whether accurate estimates can be made of the ruble value of the resources put into *militarily related* R&D (i.e., Defense, Space and Atomic Energy R&D combined), as shown by DDR&E (pp. 5A, 5B).

2. In the second place, we question whether a meaningful breakdown of Soviet militarily-related R&D can be made to show *military* R&D. Dr. John S. Foster agreed with us in early 1970 (pp. 3–4) but now admittedly assumes (p. 5) that the *rate of growth* of *militarily-related* R&D is assigned to *military* R&D, producing an extraordinary 15% rate of increase (p. 7).

3. The ruble-dollar ratio used to convert these estimates into dollars has itself varied in authoritative estimates by a factor of 40% (p. 9).

4. Since it is charged that the Soviets have surged ahead of us in R&D spending in the last two to three years, it is impossible to get independent observation of Soviet activity to confirm the estimates involved (p. 5A).

5. We conclude that it is absurd to argue that the graphs supplied by DDR&E (pp. 5A, 5B) are accurate to "within 10% or so" as the principal Deputy of DDR&E has announced (p. 9).

CHARGES USE MISLEADING LANGUAGE AND ALARMIST NON SEQUITUR CONCLUSIONS

1. The best documented—and most surprising—fact admitted by DDR&E is the conclusion (p. 21) that the Soviets did not gain relatively in military technology during the years 1960–1968 despite the fact that they could read our literature. Dr. Foster's charge that the Soviets "*now* seem to be gaining on the United States technologically" (italics added) one year in every three or four (p. 22) is evidently nothing more than a (highly misleading) restatement of his charge that the Soviets are now spending ¾ as much on gross R&D. Obviously, the statement cannot be confirmed by observing Soviet technology of the last two years since the weapons in which the technology is to be embodied are not yet evident.

2. Even if the Soviets were catching up technologically—as there is admittedly no direct evidence but as one might expect since the Soviet Union has more advanced nations to copy—it does not imply that the Soviets will "assume technological superiority" as repeatedly suggested by Dr. Foster (p. 1, footnote 3, 1st, 3rd, 4th and 5th paragraphs). Certainly we cannot conclude that it will happen in "two years" as he told the House Armed Services Committee last year!

SELECTIVE DISCLOSURE INDICATED

1. From evidence provided the House Armed Services Committee in early 1970 (footnote 1, Appendix A1) it is possible to deduce the fact admitted in late 1970 that the United States was spending more on military R&D than the Soviet Union. Why did DDR&E not advise the Armed Services Committee of this fact? Instead it denied to this Committee (p. 3) that such comparisons were possible. Why?

2. Why did Dr. Foster misquote a speech of Leonid Brezhnev's so as to make it seem that Soviet interest in R&D for peaceful purposes was really R&D for military purposes (p. 6).

DATA ARE OFTEN LARGELY OR COMPLETELY IRRELEVANT

1. We question whether gross levels of R&D funding are relevant to the problem of protecting against "Technological Surprise" as implicitly assumed in DDR&E comparisons. Substantial fractions of R&D expenditures are associated with systems which we have already decided to deploy because we consider those Soviet weapons to which they are a counter *inevitable*. Only about 25% of the R&D budget is associated with "technology base" expenditures, and increases, in this account are limited by ideas rather than by funding, as Dr. Foster has noted (p. 14). Matching the Soviets in prototype expenditures is not necessarily a good idea as Dr. Foster has also noted (p. 15), and can lead to great waste (p. 16).

2. We certainly question the relevance of the charge that the Soviets are producing more "scientists and engineers" than we are (p. 30) when in fact we produce twice as many scientists, when Soviet engineers are often poorly trained, and when the relative numbers of these categories are much less relevant than the tasks to which they are assigned, and the efficiency with which they are organized and equipped to do them. (p. 29–33).

RESUMPTION OF HEARING

Dr. STONE. Thank you, Mr. Chairman.

Senator GOLDWATER. I have read the report that has just been put in the record and I have listened to your testimony with great interest.

It seems to me that you have engaged somewhat in the same violations that you accused Dr. Foster of, speaking in generalities. I refer for example to your statement on page 4 relative to sonar development, that we also probably have a significant lead.

If you consider ABM defense, I believe you will find as effective as SAFEGUARD is likely to be, those are two I recall very general statements. Inasmuch as I happen to disagree with you relative to the SAFEGUARD, it is working out in the Pacific, we are hitting targets, so I wouldn't agree with that, I think if you can't say that we have a significant lead or we don't have a significant lead I think you are better off not saying anything.

Safeguard Efficiency

Dr. RATHJENS. Well to comment very briefly, I thought the SAFEGUARD program was for a variety of reasons a mistake and is ill designed for the purpose for which it is being used, but nevertheless I simply argue here that it does evidence a higher level of technology in the ABM area than anything that I think we are seeing in the Soviet Union.

Senator GOLDWATER. Looking at your National Council Members Board of Sponsors I cannot find anybody on there that would disagree with you. I am thinking of Jerome Wiesner, Morgenthau, Kistiakowsky, Galbraith, a great scientist. They all are opposed to the ABM.

Dr. RATHJENS. I believe that is probably true. I don't know of any that are favorably disposed toward it.

Senator GOLDWATER. I think they would also oppose the B–1 bombers.

Dr. RATHJENS. My guess is that all of those whose views I know would be rather similar to my own in this regard.

Senator GOLDWATER. One other comment. On the same page you say the subcommittees should find out what the situation is by careful examination, calling on not only the Department of Defense but on the CIA and other relevant Government agencies for hard comparative data. We have done that. In fact we do that with great repetition. Also we have DIA. It would seem to me that your organization, if you have not already done so, I know some of your members are cleared for this level of classification. I would suggest that you have as many of those people who are cleared for that as possible take in the SAC briefing, COA briefing, DIA briefing. I think it would open your eyes and I don't agree with people who say on the floor of the Senate or House floor that people like myself are using these figures or using the innuendo because it is classified merely to frighten people. I used to be of that mind. I am not any more. I think we are in a real serious situation relative to the Soviet. I don't necessarily see that it means we are going to go to war but I do think it is much worse than the general public knows and, as I said, I hope the President before long, before we get into the summer-long debate on what we buy and don't buy, will let the American people know.

I have no other questions. I do have something I want to talk to you both about.

That is all.

Summary

Senator MCINTYRE. Well, Dr. Rathjens and Dr. Stone, I want to thank you for your views you haxe expressed here this morning. This subcommittee deals in a very difficult and complicated area as we try to extend some sort of congressional supervision, some sort of congressional questioning to these very huge sums that are requested for the military in the very important area of research and development. We do our best to note duplication, what we think is duplication. We certainly see indications from time to time of what I would call inter-service rivalries and we try to ask hard questions which such staff as we have at our disposal. Mr. Fine has been doing an excellent job, but I find myself so many times coming to that area where I don't think I should exercise what would be a New England Yankee intuition when I am dealing with a subject so important to our security. I do think Dr. Foster has firmly impressed me with the importance of the technological base you referred to in the items we classify as 6.1, 6.2, and a substantial portion of 6.3.

So I was taken back by Dr. Foster's statement when he initially made it and tried to interrogate him at that time—whether he had taken into account independently R. & D., is it not true that certain sections of our budget are not really technological base, get into engineering development, and ask questions about our industry, where a great deal of the expertise really lies. It isn't in house at all, it is out there in the defense industries with these tremendously competent people that work for them. So the testimony this morning further complicates the issue, but I think it is well we have it on the record, so I do appreciate your coming here this morning, and I am sorry that Dr. Nelson's plane was delayed.

Dr. STONE. Speaking for the Federation, I want to thank you for this opportunity. We watch with great interest and high regard the work of this subcommittee on many issues of concern to us. We are delighted that the subcommittee exists and very satisfied with the fact that it is making serious inquiries into these questions.

We are very happy to have had the opportunity to put our views on the record. With the specific comments which you just made about technology base, as you know, we are in agreement. So, on those points, I hope we have not complicated the situation.

Commenting now on your earlier reference to a conversation in which Dr. Foster suggested leaving his budget alone or firing him, it is impossible for you to fire an executive branch employee as the answer to too great a budget request.

Dr. Foster is an employee of the executive branch, not of the legislative branch. So it does fall to you—if you are going to oversee these expenditures—to make some decision one way or the other about these matters. According to the Constitution, it has been left up to you to monitor the proposals of the executive branch. In these matters, a certain amount of intuition is necessary. Those who have been through the defense analysis system much more thoroughly than I have, can testify that—after all of the expertise has been heard—one has to apply some rule of thumb or intuition. I hope the subcommittee will not be leery of applying these kinds of criterion when the time comes, because there is no other way.

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[1] Page numbers refer to pages of our basic document, "Is There an R&D Gap?"

Senator MCINTYRE. On May 18, 1971, a letter was written to the Secretary of Defense requesting an evaluation of and specific comments on the Federation of American Scientists' report dated May 6, 1971, entitled, "Is There an R. & D. Gap?" which has been included earlier in these hearings. A copy of the aforementioned letter and of the reply, dated May 25, 1971, are reproduced below as well as an unclassified version, dated May 29, 1971, of the attachment to the Department of Defense reply.

MAY 18, 1971.

Hon. MELVIN LAIRD,
Secretary of Defense, the Pentagon,
Washington, D.C.

DEAR MEL: In recent appearances before the Senate Armed Services Committee, and the Subcommittee for Research and Development, principal witnesses of the Department of Defense have testified about the Soviet vs. U.S. technology gap.

The Federation of American Scientists have examined this problem and published a report on May 6, 1971 entitled "Is there an R. & D. Gap? In this report numerous questions are raised and assertions made challenging the Department of Defense statements.

To permit a full appreciation of the facts in the case, and to provide a more meaningful basis for consideration of the fiscal 1972 R.D.T. & E. authorization request, I would appreciate your detail evaluation and specific comments on each of the allegations and questions in the report and in the statement made by the Federation before the subcommittee on May 19, 1971. Copies of these documents are attached.

Request this information be submited to me by June 1, 1971.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senator.

DIRECTOR OF DEFENSE RESEARCH
AND ENGINEERING,
Washington, D.C., May 25, 1971.

Hon. THOMAS J. MCINTYRE,
Chairman, Subcommittee on Research and Development, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested in your letter of May 18, 1971, we have reviewed the report "Is There an R&D Gap?" issued by the Federation of American Scientists on May 6, 1971, and the Statements by Dr. G. W. Rathjens and Dr. Jeremy J. Stone on May 19, 1971.

A response to these documents can be made in three parts:

The first part has to do with the substantive issues raised. The substantive issues have been covered in the form of replies to a series of questions. These questions and their replies are attached for your information.

The second part has to do with statements made by me during the period of 1968 to 1970. The contention is that intentional inconsistencies have been made in order to suppress data and information. The facts are that our understanding of what the Soviets are doing in R&D, and our ability to assess their resources and results have been developing during the last two years. We now have a better understanding of the Soviet technological effort and have refined our estimates.

The third part of the response would be a reply to the personal attacks made. I do not believe that it is necessary or appropriate to make such a response.

As I have indicated to you before, I consider this potentially to be one of the most important and serious matters which could affect our national security in the years to come. I am grateful for this opportunity to clarify the information we have available.

Sincerely,

JOHN S. FOSTER, Jr.

QUESTIONS AND ANSWERS RELATED TO THE ASSESSMENT OF U.S./U.S.S.R. TECHNOLOGICAL EFFORTS

(Congressman Harrington's questions.)

[Not printed in *Congressional Record*]

COMMENTS ON THE STATEMENTS OF DR. JEREMY J. STONE AND DR. GEORGE W. RATHJENS OF THE FEDERATION OF AMERICAN SCIENTISTS BEFORE THE SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT OF THE ARMED SERVICES COMMITTEE OF THE U.S. SENATE

INTRODUCTION

In commenting on the statements of Dr. Jeremy J. Stone and Dr. George W. Rathjens given before this Subcommittee on 19 May 1971, I first would like to refer you to my previous statements to this Committee as well as to a series of questions that we have answered for Congressman Michael Harrington (see p. 3416).

As you know, Drs. Stone and Rathjens have never discussed with me the charges made by them before the Subcommittee. Furthermore, prior to their testimony no attempt was made to seek clarification of our methodology, data and conclusions. Thus it is not surprising that they disagree about the conclusions. But there is a much more important point. Our country is not properly served when highly complex matters are discussed in a manner which does not reflect an in-depth study of all the facts and which creates an unnecessary and unwarranted polarization.

I have urged Dr. Marvin Goldberger, the Chairman of the FAS ad hoc committee on Military R&D, and Dr. Rathjens to meet with us in the near future to discuss Soviet/US R&D comparisons in detail. In this meeting we should be able to discuss any differences in a constructive way and hopefully resolve them.

Dr. Stone, in his May 19th statement before the Subcommittee, referred you to the FAS study entitled "Is There an R&D Gap?" for complete information on the FAS position. In addition, he made specific charges which he categorized as follows:

Questionable Assumptions and Exaggeratedly Precise Estimates.

Misleading Language and Alarmist Non-Sequitur Conclusions.

Selective Disclosure of Information is Indicated.

Largely or Completely Irrelevant Data.

It may be helpful to reiterate the specifics in each of these categories in formulating our response.

I. QUESTIONABLE ASSUMPTIONS AND EXAGGERATEDLY PRECISE ESTIMATES

1. In the first place, we question whether accurate estimates can be made of the ruble value of the resources put into militarily related R&D (i.e., Defense Space and Atomic Energy R&D combined), as shown by DDR&E (p. 5A, 5B).

2. In the second place, we question whether a meaningful breakdown of Soviet militarily-related R&D can be made to show military R&D. Dr. John S. Foster agreed with us in early 1970 (pp. 3–4) but now admittedly assumes (p. 5) that the rate of growth of militarily-related R&D is assigned to military R&D, producing an extraordinary 15% rate of increase (p. 7).

3. The ruble-dollar ratio used to convert these estimates into dollars has itself varied in authoritative estimates by a factor of 40%. (p. 9).

4. Since it is charged that the Soviets have surged ahead of us in R&D spending in the last two to three years, it is impossible to get independent observation of Soviet activity to confirm the estimates involved. (p. 5A).

5. We conclude that it is absurd to argue that the graphs supplied by DDR&E (p. 5A, 5B) are accurate to "within 10% or so" as the Principal Deputy of DDR&E has announced (p. 9)."

I. RESPONSE

The analysis of the Soviet Union's military R&D involves several independent and quantitative cross-checks which, taken together, support the credibility of the analysis. The work was performed by the intelligence community, the Services, and the Office of DDR&E. The analysis starts with the All Union Science Budget. This budget is divided into a classified portion and an unclassified portion. We consider the classified portion to be the military and space RDT&E and this has been checked for consistency by a careful study of outputs over a period of years.

The space RDT&E is then separated by noting the output of the Soviet space program and calculating the cost in U.S. dollars for the U.S. to achieve the same output. This is then converted to rubles permitting a determination of the military part of the Soviet RDT&E.

The dollar-ruble conversion ratio used in the analysis is not the official ratio of 1.11:1. Economists find that the correct ratio depends on the sector of the economy involved—a result of differing efficiencies of effort in different fields of endeavor. The correct ratio also depends on the budgetary model used. The several models considered yielded a nominal value of $2 per ruble for RDT&E. It is interesting that the Swedish International Peace Research Institute (SIPRI) Yearbook 1969/70 finds that for military expenditures as a whole the ratio is between 2:1 and 2.5:1; and that for defense armaments it is about 2.25:1. It is reasonable that for RDT&E the ratio should be near the lower end of the range.

Having derived a value for military RDT&E, the result is checked by means of a lead/lag analysis. Many weapon systems—ballistic missiles, fighter aircraft, anti-tank weapons, and others—involving hundreds of weapons have been evaluated to determine the relative lead or lag between the United States and the Soviet Union and how it has changed with time. These judgments are made by people knowledgeable in the subjects involved.

The lead/lag analysis showed that to an accuracy of about one year in eight, or 12%, neither side gained on the other during the period 1960–1968. Consequently one concludes that the equivalent effort in the two countries averaged over this period was about equal.

The growth of Soviet military RDT&E since 1968 is consistent with the continuous rise of the All Union Science Budget and the leveling off of the Soviet space program. If this sizeable increased effort (an increase of $1–1½B each year) were in some other sector of the economy, the "open sector", then it should have produced observable outputs. No such results have been seen. Therefore we conclude that this increased effort is devoted to military RDT&E. Thus this is a matter of great concern.

Other estimates of the Soviet emphasis on engineering facilities and on scientists and engineers are consistent with the trends that our analysis has shown.

It should be apparent that our analysis has involved a great deal of detailed study. Because this is a very serious matter, we welcome questions and suggestions for improving the analysis. However, we have seen no comparable effort by those who would refute our conclusions and believe that the present challenges of our results are not well founded.

II. "CHARGES USE MISLEADING LANGUAGE AND ALARMIST NON-SEQUITUR CONCLUSIONS"

1. The best documented—and most surprising—fact admitted by DDR&E is the conclusion (p. 21) that the Soviets did not gain relatively in military technology during the years 1960–1968 despite the fact that they could read our literature. Dr. Foster's charge that the Soviets "now seem to be gaining on the United States technologically" (italics added) one year in every three or four (p. 22) is evidently nothing more than a (highly misleading) restatement of his charge that the Soviets are now spending ¾ as much as on R&D. Obviously, the statement cannot be confirmed by observing Soviet technology of the last two years since the weapons in which the technology is to be embodied are not yet evident.

2. Even if the Soviets were catching up technologically—as there is admittedly no direct evidence but as one might expect since the Soviet Union has more advanced nations to copy—it does not imply that the Soviets will "assume technological superiority" as repeatedly suggested by Dr. Foster (p. 1, footnote 3, 1st, 3rd, 4th and 5th paragraphs). Certainly we cannot conclude that it will happen in "two years" as he told the House Armed Service Committee last year!"

II. RESPONSE

It is correct to infer that our statement, that the S.U. is gaining technologically on us at a rate of one year in every three or four years, is based on the fact that they are outspending us for military RDT&E. This is one of the conclusions derived from our analysis of Soviet military RDT&E efforts. It follows from the continued rise of the All Union Science Budget and the levelling off of their space effort. The military RDT&E is the only sector of the Soviet economy that could absorb such increases without some near-term effects that would be visible to us by now. We expect this increased military RDT&E funding may result in a number of military surprises within several years.

Although the Soviets have access to our open literature, they do not have access to the details of our military technological developments. It should be noted that merly reading our open scientific literature is not likely to enable the Soviets to directly copy our sophisticated military systems. Furthermore, the Soviets have shown considerable initiative on their own. Thus, the U.S. is not the only source of weapons concepts which threaten us. Soviet initiatives include: High yield warheads; SS-9; FOBS; HLH; cruise missiles; Helo carriers. It is also true that:

Soviets do frequently take quite different approaches.

Soviet advances could change the balance of power.

The march of technology cannot be halted if we quit the race.

The FAS representatives treat the case where the countries have the same talent, efficiency, size and level of effort, and conclude that they will tend to remain equal. We are calling attention to the case where one side disrupts the equality by devoting more effort, and the Soviets have secrecy on their side. The analysis shows that where they have exerted greater effort they pulled ahead of us—e.g., fighter aircraft, cruise missiles, and naval propulsion. It also shows that where we have exerted greater effort we went ahead—as in ICBMs, SLBMs, and space.

It is a logical conclusion that if present trends continue—the U.S. military RDT&E effort levelling off while the Soviet effort is increasing—the Soviet will eventually assume technological superiority. That this could happen after 1975 is based on the estimate that we had a two- to three-year lead in 1968 and they are now outspending us by 40–50 percent. The quotation that this could happen in "two years" was an unfortunate error in the text that we failed to correct in proofreading. Details are explained in the attached letter. (See p. 3438.)

III. "SELECTIVE DISCLOSURE INDICATED

1. From evidence provided the House Armed Services Committee in early 1970 (Footnote 1, Appendix A1), it is possible to deduce the fact admitted in late 1970 that the United States was spending more on military R&D than the Soviet Union. Why did DDR&E not advise the Armed Services Committee of this fact? Instead it denied to this Committee (p. 3) that such comparisons were possible. Why?

2. Why did Dr. Foster misquote a speech of Leonid Brezhnev's so as to make it seem that Soviet interest in R&D for peaceful purposes was really R&D for military purposes. (P. 6)"

III. RESPONSE

The FAS assertion that in 1970 the United States was spending more on military R&D than the Soviet Union is in error. The table cited represents not military R&D but total national R&D for the two countries. The table showed for 1970 an estimated total national R&D for the U.S. of $24.6B and for the Soviet Union of $21.3B. At that time (February 1970) it was not possible to identify separately the Soviet military R&D. It was not until the fall of 1970 that the analysis by the intelligence community had progressed far enough to make this possible. However, we stated in early 1970, as we do now, that the Soviet Union spent a larger portion of its total R&D effort on the military than did the United States.

The best data available in the fall of 1970 is provided by the set of curves released on October 6, 1970 and appearing on page 5A of the FAS report. These curves show that in 1970 we believed the Soviet Union to be outspending us by about $3.0B (1968 dollars).

With reference to the second question, the quotation in question was taken from the New York Times. The speech was by a very prominent Soviet official and was given wide distribution in the Soviet press. Although the speech was given at a tractor factory it did mention Defense and was not limited to tractors or agriculture. It appeared to address the whole range of technology in connection with competition between capitalism and communism.

IV. "DATA IS OFTEN LARGELY OR COMPLETELY IRRELEVANT

1. We question whether gross levels of R&D funding are relevant to the problem of protecting against "Technological Surprise" as implicitly assumed in DDR&E comparisons. Substantial fractions of R&D expenditures are associated with systems which we have already decided to deploy because we consider those Soviet weapons to which they are a counter inevitable. Only about 25% of the R&D budget is associated with "technology base" expenditures, and increases in this account are limited by ideas rather than by funding, as Dr. Foster has noted (p. 14). Matching the Soviets in prototype expenditures is not necessarily a good idea as Dr. Foster has also noted (p. 15), and can lead to great waste (p. 16).

2. We certainly question the relevance of the charge that the Soviets are producing more "scientists and engineers" than we are (p. 30) when in fact we produce twice as many scientists, when Soviet engineers are often poorly trained, and when the relative numbers of these categories are much less relevant than the tasks to which they are assigned, and the efficiency with which they are organized and equipped to do them. (P. 29–33)."

IV. RESPONSE

A difference of R&D funding levels between two countries over a period of time is extremely relevant. A nation that continues to outspend another in R&D funding will eventually be assured of technological superiority assuming that reasonable and efficient use is made of the resources available. The extra funds can be used to support a wide range of R&D activities from basic research to engineering and prototype development. This means that an open society such as the United States should maintain a technological lead over a closed society such as the Soviet Union if it is to avoid technological surprises in the form of advanced weapons systems which could shift the balance of power. We are addressing the questions of technological surprise as opposed to the apparent emphasis of the FAS on scientific surprise. A breakthrough in the theory of the atom is an example of a scientific surprise while the development of an atomic bomb is an example of a technological surprise. The former does not shift the balance of power; the latter obviously does.

Prevention of "surprise" is only one reason for doing defense R&D. Others include:

Creation of technology from pure science

Development of specific systems to meet the needs of our forces.

Provision of options for our decision makers in terms of technical approaches to meet the needs of our forces. The performance of R&D does not necessarily imply a decision to procure a system once it is developed. This is a separate decision for which the performance of R&D has only provided the option.

Evaluation of what a secretive society may be doing based on fragmentary intelligence data. This is only possible if one fully understands all of the technical implications and it is a prime reason why an open society must maintain technological superiority.

Provision for an orderly response to surprise. If one has a firm understanding of technology based on his own experience, response to the deployment of a new system by an enemy can be rational and efficient. It must be emphasized that the understanding of pure science is not enough.

Provision for a rapid response to unforeseen operational needs.

Discovery of new defense-related technologies.

Lowering of costs, and improvement in reliability and maintainability.

In both the U.S. and the Soviet Union the terms "scientist" and "engineer" are used imprecisely. In each country, scientists may work as engineers or engineers as scientists. People educated as scientists and engineers may work completely outside the fields of technology or research; and people may be classified as engineers who should not be if a rigid criterion were enforced. The important point is that it doesn't matter whether someone is called an engineer of a scientist. It is the results of his work that count. It would be complacent and dangerous to denigrate the capability of Soviet engineers. They have produced some excellent results by any standards.

Our discussion of the production of scientists and engineers in the U.S. and the Soviet Union was not intended to establish any absolute level of such employment. Rather it was meant to show the emphasis and commitment by the Soviet Union on such training. The data clearly shows that the Soviet Union is increasing its scientific and engineering manpower at a much faster rate than the United States.

This is evidence of a determined, long-term commitment of people and rubles to the goal of improving their technology.

CONCLUSION

In addition to the specifics addressed in the comments, there is a general issue worthy of special note. In Dr. Stone's testimony on page 3, paragraph 2, under "Charges Use Misleading Language and Alarmist Non-sequitur Conclusions" and on page V of the Summary and Introduction, and on pages 18 through 20 of the FAS 6 May 1971 document, "Is There an R&D Gap?" there appears a view of the Soviet Union and the nature of the interaction between the Soviet Union and the United States on National security issues that I find particularly disturbing.

The simplistic view of the nature of the arms race expressed by the FAS concerns me. It is represented as a simple action and reaction process. No recognition is given of the influences of history, ideology, and the nation's geo-political orientation in the development of military weapons systems to be used to insure its national security and to supplement its foreign policy objectives. Of course both the Soviet Union and the United States pay attention to other's weapons systems development and deployments, but these considerations are only a portion of the fundamental motivations in the development of any one or a group of military weapons systems.

Of equal concern to me is the apparent lack of recognition by the FAS of the innovative and creative talents of Soviet scientists and engineers and their design institutions. The Soviet Union is a proud country with many fine academic engineering institutions and these organizations have developed some truly impressive space and military systems.

To the best of my knowledge, Soviet military and space science and technology is innovative and creative and not "relatively backward and inefficient". If this judgment of mine is not correct, I would be pleased to see any analysis that would convince me otherwise.

VIETNAM ELECTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. WOLFF. Mr. Speaker, on several occasions recently I have called to my colleagues' attention the inexcusable delay in the Office of Management and Budget in commenting on a resolution which I authored and which more than 40 Members of the House sponsored to send a high level U.S. observer team to the South Vietnamese presidential election in October.

Once again I am compelled to remind my colleagues that the Office of Management and Budget is blocking this resolution without reason and in doing so is denying the Congress an opportunity to move ahead in this important area.

Every day that goes by makes it less and less likely that the South Vietnamese will be able to have free elections. Were the United States committed to sending observers to the election it might serve as a deterrent to any effort to subvert the will of people. The Office of Management and Budget may well be running out of time as regards this matter and if they do then time will also be running out for democracy in South Vietnam.

In this regard, under leave to extend my remarks, I include in the RECORD an editorial from today's New York Times and a news article from that same newspaper.

VIETNAM ELECTION

Failure to replace promptly the resigning chief negotiator in Paris with his designated successor, Ambassador Porter, suggests that Washington may be deliberately delaying a serious reply to the new peace proposals submitted by the Communists one month ago. One apparent reason would be an Administration hope that the forthcoming presidential election in South Vietnam, scheduled for Oct. 3, will somehow strengthen the allied position for a negotiated settlement, or even for a satisfactory resolution of the conflict without negotiations. The way the election campaign is shaping up today, there is little evidence to sustain that hope.

Unless there are drastic changes in the policies of Saigon and Washington, the prospects are that President Thieu will win easily in October in an election that will be widely regarded in Vietnam and elsewhere as fundamentally fraudulent.

The Thieu regime is stacking the deck against its opposition in many ways. The government-controlled radio and television have given extensive coverage to the President's activities but little or none to those of his challengers. Newspapers opposed to the regime have been harassed and censored. Thousands of political prisoners languish in jails, including the peace candidate who ran a strong second to Mr. Thieu in the last election.

More than 100 anti-Thieu candidates were initially blocked from running in the forthcoming election for the lower house under a restrictive electoral law. Although the Central Election Council has reinstated 65 of these candidates, the law remains to discredit the claim that the South Vietnamese people will really be given a wholly free choice in the coming elections.

Last June, President Thieu forced through a compliant National Assembly a new law that required presidential candidates to secure the endorsement of either 100 of 550 members of provincial and city councils or 40 of the 193 legislators. This insidious measure so far has blocked the candidacy of Vice President Ky, who would be expected to draw votes from Thieu supporters and thus strengthen the prospects of the peace candidate, General Duong Van "Big" Minh.

The United States Embassy has declared a "hands off" policy in the election campaign and has sent out word to its advisers in the field to observe strict neutrality. But as General Minh has repeatedly pointed out, such negative neutrality is not neutral at all in its ultimate consequences. If Americans stand idly by while the regime uses the vast resources the United States has placed in its hands to intimidate and overwhelm its non-Communist opposition, the United States in effect becomes a silent partner to fraud. As long as this country remains the chief supporter of the South Vietnamese Government, it has a right and duty to insist on fair play.

FOURTH CANDIDATE ENTERS RACE IN SAIGON

(By Iver Peterson)

SAIGON, SOUTH VIETNAM, Aug. 2.—A fourth candidate for South Vietnam's presidential elections has appeared without fanfare here, and some political sources speculate that he is a token rival promoted and helped by President Nguyen Van Thieu.

The candidate, virtually unknown in politics until now, is Dr. Tran Tam, a 54-year-old professor of Roman Catholic theology. In two weeks, he has surreptitiously collected about 30 of the 40 endorsements of National Assembly senators and deputies needed to get on the ballot. He has not yet publicly announced his candidacy.

The United States Embassy here was surprised by Dr. Tam's sudden appearance on the political scene, and is reliably reported to be conducting discreet inquiries into his background and the nature of his support. It is known that he was a director of press affairs in the Government of the late President Ngo Dinh Diem.

THIEU'S APPROVAL INDICATED

Given President Thieu's influence in the National Assembly, except with the opposition legislators who have already thrown their support to Gen. Duong Van Minh, some politicians consider it unlikely that Dr. Tam could have obtained the signatures he has without President Thieu's approval.

Dr. Tam denies that he has President Thieu's backing. He said in an interview today that he was critical of certain aspects of the President's administration that caused the people "not to cooperate with the present government." He added that if he were part of a puppet ticket, "I would not dare criticize the Government so strongly, and would not dare to present a political platform so superior to President Thieu's."

Dr. Tam's platform, he said, is based on "a philosophy that will solve the basic problems of humanity simultaneously with the basic problems of war and peace." He declined to give specific examples, noting that the official beginning of the campaign is not until Sept. 2.

Dr. Tam was born in what is now North Vietnam. He said that as a Northerner, he could expect the support of the 600,000 refugees from the north. He added that as the only civilian candidate—President Thieu and Vice President Ky retain their military ranks—he could count on civilian support.

NEW MEDICAL FACILITY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HANNA. Mr. Speaker, I am pleased to bring to the attention of my colleagues in the House the plans for what may prove to be one of the most imaginative and technologically advanced community medical centers in the nation. The elaborate facility to be built in Orange County, Calif., will be adjacent to the new University of California campus at Irvine and will cover 300 acres. The plan, devised by practicing physicians, is for a medical center that will be able to incorporate the latest medical techniques as they become available in the future.

The planned facility promises to combine traditional hospital care with a center for research in medical science and a school for medical training. In a time such as now, when the delivery cost of medical services deprives many Americans of the opportunity to enjoy a full and productive life, an effort such as this project appears to be highly commended.

I am greatly encouraged by the possibilities of what can be accomplished in this effort in the way of a partnership of private enterprise and public concern joined in an effort to lower the cost of medical service delivery while maintaining and increasing standards of excellence.

I am including for the benefit of my colleagues in the House, a copy of a recent Los Angeles Times article concerning the proposed medical facility.

[From the Los Angeles Times, Apr. 18, 1971]

FULL SERVICE MEDICAL CENTER ENVISIONED FOR IRVINE

(By Dick Turpin)

A medical center of unprecedented use and flexibility is envisioned in newly revealed plans of the Orange County Medical Foundation.

The more than 100 members of the foundation, physicians whose practice is in the area, foresee a center to serve the future city of Irvine and act in consort with the medical college of UC Irvine. It would cover 300 acres and could cost $400 million.

They want the center to be equal or superior to any existing medical facility anywhere. They also want all of the service facilities within the complex to be fluid and flexible to assure that the center will not become obsolete within a short span as science and technology continue to change man's knowledge of medicine.

The foundation's "seed" effort, to launch the project, will be a private, non-profit 200-bed hospital adjacent to the UCI medical campus. It is expected to cost $10.5 million. Working plans are now being readied and completion of the structure is set for 1974.

The site for the initial structure is near University Drive and MacArthur Blvd. (the proposed Corona del Mar Freeway) on part of 150 acres allocated to the foundation by the Irvine Co. This property adjoins the 150-acre medical campus of the university.

The UCI medical campus plan is expected to contain health sciences departments, its college of medicine and a research and teaching hospital.

Since university spending is now restricted by state budgetary limitations, the foundation-sponsored hospital will become the first segment of the total complex.

If UC regents approve of what are expected to be recommendations of the Irvine administration and faculty supporting the foundation's general plan, the entire 300 acres would comprise the extensive medical complex.

Ultimately, the non-profit hospital would have 500 beds. Its first phase will consist of a tower, octagonal in shape, and two wings containing 200 to 250 beds. Height of the project has not yet been determined. Addition of two other wings would result in an eventual cross-shaped building and provide another 200 or more beds.

Additionally, a plan is being developed for a medically-related commercial and industrial base to support the non-profit hospital. Private enterprise thus would become a "partner" by providing a financial base for the center.

The concept for the center had its beginnings seven years ago, according to Don Burns, foundation chairman.

"A group of doctors had discussed what was good, what was deficient and what ought to be done to provide superior medical care for the people in this fastest growing section of Orange County," he said.

"The doctors decided to organize and formed an association in 1965 . . . Then in April, 1968, they incorporated as a non-profit corporation. For an atttorney, they picked Dennis E. Carpenter, now state senator for the 34th District.

"Originally, they were thinking in terms of a single hospital but as they continued to study—and to dream—they saw a great opportunity. Then, when the Irvine Co. offered them a option on the 150 acres, they dared to begin to think big.

PHYSICIANS COMMITTED

"The group has now grown to more than 100 of the leading physicians within the area. These physicians committed themselves professionally, and also financially, to stimulate the founding of facilities dedicated to getting more people well, faster and less expensively and to helping more people to keep well.

"As they continued to refine the plans, it became apparent that the key to the realization of the big plan was to assure sound financing of the first unit of the community hospital. They invited some lay people to join them and this is the result."

Burns became interested in the plan through some of the doctors and Carpenter. Burns is chairman of the board of directors of Newport National Bank, and a Garden Grove Volkswagen dealer.

NEW HOME

Other board members are Carpenter, board president; Walter Burroughs, vice president and founder and former publisher of the Orange Coast Daily Pilot, Dr. Gerald B. Sinykin, vice president, director of the Student Health Service at UCI and a practicing physician in Newport Beach.

Treasurer is George W. Brown, dean of the Graduate School of Administration at UCI.

Other board members are Arnold O. Beckman, founder and chairman of the board, Beckman Instruments, Inc.; Mrs. Donald S. Burns; Robert W. Crecca and James W. Kidd, Newport Beach physicians; Harry Rinker, of Rinker Development Corp.; Richard Steele, businessman, and Mrs. Charles S. Thomas, wife of the former secretary of the Navy.

At a meeting of the board Friday, the board may add to its membership and may rename the proposed first hospital, currently labeled Newport Community Hospital.

The name for the entire medical complex, when chosen, is expected to reflect the broad scope of its purposes and its relation in the future medical realm of the nation and the world.

Burns, trustee of a charitable Orange County foundation, persuaded it to underwrite enough of the cost of the first-phase hospital.

This act insured start of planning, to be followed as soon as plans are completed, with procedures toward actual start of construction. Burns and Carpenter also secured commitments for additional funds to complete the 200-bed first unit with ancillary facilities.

The anonymous foundation has also pledged to devote a large portion of its annual income to future support of the hospital, Burns added.

Burns, citing the potential of the center, said sufficient undeveloped land has been committed to the project for both present and future needs.

He said the center will represent "the first time in history a complete medical center will be master planned from the ground up."

"Such planning will combine all elements that make up comprehensive medical care for an entire community, that is, preventative medicine, diagnosis, treatment, continued treatment, research and education."

Burns said the city of Irvine is expected to have a population of 500,000 by 1980 while UCI's medical college is also in its growth and development phase. The latter will become part of the orderly development of the entire area, he said.

IDEAL CLIMATE

"Everything else being equal, the location, with its ideal climate and proximity to the ocean, mountains and desert, will attract outstanding individuals eager to participate.

"The surrounding community is already rich in material wealth, technical and professional manpower and spiritually committed individuals. Planning and initial construction funds have been committed to the project.

"In addition, a plan is being adopted to develop a medically related commercial and industrial base which will support the non-profit hospital within the center. Thus, private enterprise will become a partner in health care delivery and provide a new source for funding skyrocketing medical costs."

To provide perspective for the board and its envisioned plan, Bill Rishebarger, aerospace firm illustrator, was prevailed upon to make drawings of various segments of the proposed hosptial, center and complex facilities. Three of his drawings illustrate this article.

A surgicenter and clinic would augment the hospital, parking and traffic would be underground, leaving the surface free for landscaping and pedestrian use. An auditorium and meeting facilities for medical conventions is planned; extensive use of closed circuit television for nurses' stations and surgery-viewing by student doctors is foreseen.

Movement of patients on gurneys, from one wing to another or from one facility to another would be accomplished by connecting tunnels, brightly lighted.

An emergency entrance would be available for patients brought in by helicopters and imaginative use of equipment for youngsters, such as a "train engine" wheelchair, would be provided.

All this will come about, the foundation's members insist. The seed is planted and "there will be such a place . . ."

THE POETIC VIEW

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. CRANE. Mr. Speaker, occasionally, a writer in a popular journal will wax so eloquently on a given subject, that it would be redundant and unnecessary for anyone to preface those remarks with an introduction.

Suffice it to say that the following paragraphs are the lead in the "Up and Down Wall Street" column in Barron's for August 2, 1971. The author is Alan Abelson, and I commend his astute remarks to all of my distinguished colleagues:

THE POETIC VIEW

The late Adlai Stevenson, in his rhetorical ramblings on the hustings, sounded the theme about the need to talk sense to the American people. Happily, the notion never caught on. Just imagine how dull life would be if it had. Besides, the shock might be more than anyone over 30 could stand. For a politician to talk sense, or so the handbook on "How to Enjoy a Lifetime at the Public Trough" insists, is equivalent to his developing a taste for strychnine. Some captious souls may argue that this is all pure conjecture, since it's never been tried. Nor is it apt to be.

If anything, the trend is all the other way. Take the concept of the full-employment budget, as embraced by that eminent economic theorist, John B. Connally. In the grubby old way of figuring things, the U.S. ran in the red to the tune of $23.4 billion in the fiscal year ended June 30. However, in a delightful exercise of high-level fantasy, based on substituting what might have been for what actually was, Mr. Connally comes up with a surplus of $2.5 billion. Far from us to question this rather poetic view of income and expenditure. After all, in this vale of tears, there ought to be a little something for Aunt Pollyanna, too. We just wonder if the Treasury will go whole hog on the "full-employment" concept and decide that it really doesn't need to come to the capital markets for $20 billion in the second half of '71.

Actually, we think the "full-employment" idea has great possibilities if applied generally. Corporations, for example, could begin to report two ways: in the old fuddy-duddy manner, relating how the period actually made out, and, also, what would have happened if all their facilities were operating at maximum capacity and all goods were sold at optimum prices. Mutual funds, we're sure, overnight could reverse the redemption flow by reporting performance on what it might have been had stocks gone up the limit for any comparable stretch and, all the rest of us could order yachts by merely demonstrating to the fellow in the showroom how much our net worth would have appreciated in a raging bull market.

INFLATION CONTROL BY VOLUNTARY WAGE DEESCALATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. RARICK. Mr. Speaker, all of the Members of this House realize that inflation has become a primary cause of strikes, unrest, and turmoil that threaten our country. It is a key domestic issue that must be met and solved if this country is to continue to progress.

Yet what Member would dare propose a deescalation salary bill that would cut Federal, civilian and military salaries 5 to 10 per cent—thus taking the role of leadership in setting an example for this country?

I have said many times before—there are no problems that confront this country that cannot be settled by leadership. But this country lacks leaders with the courage to pay the price by setting an example for our people to follow. It has become too easy to follow the crusades of minorities and pressure groups.

Legislation continues to be introduced and approved by Congress to increase the salary and benefits of its members and virtually every branch of the Government. Just the other day, the House approved an increased pay schedule for Government blue collar workers. Congress has become more interested in "yes" politics than the overall welfare of our people.

Such actions cannot continue to go on if this country is to prosper. This House, not the President, the Federal judges, nor the bureaucrats, is responsible for the purse; we must take the lead and show the country the way to curb inflation. It can be done by voluntarily cutting unnecessary Federal spending—by saying "no" on a few votes to eliminate some of the exotic Federal programs.

I ask that a related news article and my bill H.R. 409, "to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year," be inserted in the RECORD at this point.

[From the Washington Evening Star, July 28, 1971]

MAGAZINE PROPOSES CIVILIAN, MILITARY PAY CUTS

(By Joseph Young)

The Armed Forces Journal is proposing that federal civilian and military salaries be cut by 5 to 10 percent to set an example for the country of how to contain inflation.

The Journal also said pay cuts would save thousands of Defense civilian and military positions that would otherwise be abolished because of reductions in military spending.

The 108-year-old Journal is a privately owned publication, but it has always had extremely close ties with the Pentagon's top brass. It bills itself as "The Defense Spokesman since 1863."

James D. Hessman, the magazine's senior editor, who wrote the editorial, said it was the publication's own idea and should not be tied in any way to official Pentagon or administration policy. However, in view of its close ties with the military, the fact that the Journal advocates such a salary slash is stirring lots of comment around town.

In the editorial, Hessman acknowledged that federal pay cuts would be "grossly unfair."

But he wrote that the alternative would be sharp cutbacks in civilian and military personnel in defense agencies because of anticipated cutbacks in military spending, as well as continued inflation.

The editorials said that if federal salaries are cut, "the administration and Congress should at the same time institute wage and price freezes to halt inflation while government and industry work together on a wide-sweeping reform of the entire economy—and that's what really is needed."

The Journal pointed out that there is a precedent for cutting federal pay—government salaries were slashed by 15 percent in 1932 during the Great Depression.

Government employe union leaders were quick to react to the pay-cutting proposal.

They said that federal salaries need to be increased in order to achieve and retain pay comparability with industry.

A reduction in federal pay would defeat the purposes of the federal pay comparability act and set government salaries back a decade to the point where it would again be difficult to retain and attract the best possible people, they said.

In its editorial the Journal said the only exceptions it would make to its pay cut proposal were the salaries of those on military and civilian retired rolls, junior officers and lower-grade enlisted personnel. No federal civilian employe, no matter how low the grade, would be exempt from pay cuts under the proposal.

H.R. 409

A bill to rescind the pay increases for Members of Congress and other Federal officials pursuant to Presidential recommendation to Congress in the budget for the 1970 fiscal year, to abolish the quadrennial Commission on Executive, Legislative, and Judicial Salaries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the increases in rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of the Federal Salary Act of 1967 (81 Stat. 643; Public Law 90–206) recommended by the President to the Congress in the budget for the fiscal year ending June 30, 1970, are rescinded.

SEC. 2. (a) Section 225 of the Federal Salary Act of 1967 (81 Stat. 642; Public Law 90–206), which established the Commission on Executive, Legislative, and Judicial Salaries, is hereby repealed.

(b) Section 216 of such Act (81 Stat. 638; Public Law 90–206) is amended by striking out "and subject to the operation of section 225 of this title,".

(c) Section 220(a)(1) of such Act (81 Stat. 639; Public Law 90–206) is amended by striking out "224 (a) and (b), and 225" and inserting in lieu thereof "and 224 (a) and (b)".

(d) Section 220(b)(1) of such Act (81 Stat. 639; Public Law 90–206) is amended by striking out "219, and 225" and inserting in lieu thereof "and 219".

OUTRAGEOUS CONDUCT OF THE GOVERNOR OF AMERICAN SAMOA

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. BURTON. Mr. Speaker, I would like to call to the attention of the House of Representatives the outrageous conduct of the Governor of American Samoa which has been concurred in by the Department of the Interior.

First, Governor John M. Haydon has been systematically deporting the staff of the Samoa News, which has been critical of him. The case of the managing editor, Mr. J. P. King, an American citizen, is now before the High Court of American Samoa.

Second. The Department of the Interior has transferred from office, and demoted to a position in the Department in Washington, the Associate Justice of the High Court who stayed the attempt of the Governor to seize Mr. King and remove him from the island without due process of law.

Thus in a few months the present administration has demonstrated to the people of American Samoa that:

First. The government appears to be willing to use almost any means possible to suppress freedom of the press.

Second. The government will dismiss any judge who upholds the right of a citizen and defends the independence of the judiciary.

I would point out, Mr. Speaker, that the Legislature of American Samoa has, by concurrent resolution, protested the removal of Judge Goss. This petition by the elected representatives of the people has been ignored.

This was not surprising to those of us who have watched the callous indifference of the Governor to the customs, traditions and wishes of the people over whom he was assigned to govern.

Previously, Mr. Speaker, we had a fine Governor in the person of Mr. Owen Aspinall, who was removed for petty political reasons.

We have in his place, Mr. Speaker, a man who has felt free to violate the principles of our Constitution, confident that the Congress will not learn of his actions on that distant island.

Therefore, I am presenting to the House today for inclusion in the record the following information:

House Concurrent Resolution No. 17 of the Twelfth Legislature of American Samoa protesting the removal of Associate Justice Joseph Goss.

Memorandum from Chief Justice Crothers of the High Court protesting executive intimidation of the court.

Letter of protest from the paramount chiefs of American Samoa demanding a public apology for insults by the Governor, including dumping garbage on a lesser chief's desk.

Articles from the Samoa News, the San Jose Mercury, and the Ridder News Service describing the conduct of the Governor.

Mr. Speaker, our territories should not be dumping grounds for political followers who the administration is afraid to reward with positions at home. I intend to recommend to the Subcommittee on Territories, of which I am chairman, that we take a thorough look at the conduct of the government of American Samoa, with particular attention to the protection of individual liberties, and particularly the protection of right to fair and impartial trial and of freedom of the press.

HOUSE CONCURRENT RESOLUTION

Whereas, the Legislature of American Samoa has learned that Associate Justice Joseph Goss has been appointed to the post of Attorney Advisor to the Office of Hearings and Appeals, Washington, D.C.; and

Whereas, Associate Justice Goss has spent a number of years in the Pacific and is familiar with Samoan customs; and

Whereas, Associate Justice Goss is a very able, honest, and industrious judge; and

Whereas, he has the confidence of the Samoan people and is held in high esteem by them; and

Whereas, it would be a great loss to the Samoan people if he were to be transferred to duty in Washington; Now, therefore

Be it resolved by the House of Representatives and the Senate of the Legislature of American Samoa, that the Secretary of the Interior be urged, and he is hereby urged not to transfer Associate Justice Goss to duty in Washington but to leave him in American Samoa where he is greatly needed by the Samoan people; and

Be it further resolved, that certified copies of this Resolution shall be sent to the President of the United States, the Secretary of the Interior and Mr. Hughes on the Staff of the Secretary of the Interior.

ASSOCIATE SOLICITOR BREWSTER CHAPMAN, JR.

AGENDA ITEM NO. 5—EXECUTIVE-JUDICIAL MATTERS

A conscientious and patient approach must be made by the Court with respect to the Executive Branch of the Government of American Samoa.

EXAMPLE 1

Attached herewith find a copy of a letter dated February 11, 1970, wherein the Governor of American Samoa, deleted from the Local Judiciary account the sum of $4,000. This money had been duly appropriated to the Judiciary by the Fone. There is no way possible, under the circumstances present, that this money can be legally taken from the appropriated Judiciary Budget for the FY '70 period and placed to the general disposal of the Executive Branch.

EXAMPLE 2

From correspondence received it appears the Governor of American Samoa is intent on deposing Associate Justice Joseph W. Goss from the High Court of American Samoa.

Previous correspondence to you dated April 22, 1970 and May 27, 1970, fully illustrates how far this matter has gone.

It is universally acknowledged and personally admitted that the Governor was responsible for removal of former Chief Justice N. Edward Hyden. This of course cannot help but leave the inference, or cloud, that the Court is advised to make their findings in accordance with the wishes of the Executive or face further removal of its Judges.

CONCLUSION

It is mandatory that the universally acknowledged and the fundamentally accepted division between the Legislative, Judiciary and Executive Branch be thoroughly understood and respected by all parties concerned.

[From the Samoa News, July 20, 1971]

Gov. JOHN M. HAYDON,
Government of American Samoa
Pago Pago, American Samoa

Your Announcement in the Daily Bulletin that Palauni Tuiasosopo is now head of the Local Government is an insult, a direct challenge to the intelligence of the people of American Samoa, an intentional attempt to publicly damage the image of the Samoan Leaders who are the highly respected chiefs of the community. This action is bitterly resented and, unless, withdrawal of this announcement is published, cooperation and support from us will no longer be made available to you and your staff.

We are definitely proud of a son of Samoa holding a good position in your office but let it go as far as that. As long as he is restricted to being an emissary between the Executive Branch and our Offices, there will be no objection from us. As it is, we will not entertain the concept of being under the leadership of a lesser matai not overlooking a non-matai, the category "Brownie" is in.

Chief Seigafo Leonard Yandall's reluctance in acting against his better judgement concerning the placement of the Government Building night guards to performing duties contrary to their classifications, is very commendable. There should be more Samoans like him, a chief or otherwise, in the government employment. A non or lesser matai is entitled to every protection from his High Chiefs, the Samoan Leaders.

Your attitude towards Chief Seigafo was indeed un-called for and therefore, intolerable. A public apology from you is demanded. What you did was no worse than spitting at all the chief's faces.

Careful consideration of the contents of this petition is substantially advised. Because, non-compliance may very well result to the possibility of a second Petition circulation demanding your removal from office here in Samoa. And, please bear in mind, this time, we shall be the instigators and will most certainly be the initial endorsements.

High Chief Tuitele,
Governor, Western District.
High Chief Misaalefua,
Governor, Manu'a District.
Paramount Chief Mauga I.
Taufa'asau II,
Governor, Eastern District.

[From the Samoa News, June 15, 1971]

(THE UNTIDY LOOK)

This is Pago Park area. It was intended for multi-purpose usage at the time it was built. In most part, it was finished in basic construction by the past administration. A change of personnel and policy changed the entire concept of the idea and the whole project collapsed.

The Pago Park had potentials of providing recreation and relaxation areas for all age groups and it was intended for those exact purposes. The final construction and the upkeep of that for which it was intended never materialized because of the change in the administration and the calibre of its leaders. The Chief Executive didn't like it. In fact, his most punctual statements on the day following the inauguration were calling the Park all sorts of names, such as, "what's it," and "whatever you call it." Be it as it was, the Park was potentially meant to be a recreational area. It has now been turned into a jungleland of broken glass, garbage disposals and declared a "disaster area." Some parts of it has been turned back to an underbrush jungle.

The park collapsed. Why? The tennis courts were wrecked and destroyed. The picnic tables have been crushed and demolished. The odors from pollution in the Pago Bay area are obnoxious. The waterfront area is lined with oil-soaked rags and debris that has floated ashore. Summing it up correctly, the Park is shambles for the lack of interest and care to maintain a recreational area for the island dwellers.

The Pago Park area could have been a beautiful area had it been kept in step with the amount of usages for which it was intended. It wasn't. It was neglected. It was abandoned by the maintenance crews. School children from the Pago School turned out during the "Earth Week" and spent numerous hours of cleaning up the area. It was to no avail. The government could have cared less about the beauty of the Park. The grandstand area is molding and has become a catch-all for party-makers who help to litter the park. The Chief Executive didn't like it and that area never received any attention or ever put on a priority list.

Like so many other areas throughout Tutuila, the park has become "One massive garbage dump." Since the present administration has taken over, garbage and rubbish become the major distraction from the beauty of American Samoa. The problems are becoming increasingly worse. Nobody seems to care from a standpoint of maintaining and keeping the areas cleared of unsightly garbage. The excuses are plentiful, no men, no budget, no trucks, and in that order. Much to the credit of former Governor Owen Aspinall, he did maintain a constant vigilance on the garbage problem and did something about it. With the lesser budget and that means $4-million less. Aspinall managed to have men and trucks. He worked with flatbeds and any other vehicles that would haul an amount of garbage. He had men working constantly on the unsightly items that distract from the beauty of the island. He never complained about the lack of money. The job needed done and he got it done.

[From the Samoa News, June 15, 1971]

HAYDON INSULTS SAMOAN HIGH CHIEF—DUMPS GARBAGE ON DESK

Governor John M. Haydon extremely concerned about the image of his Administrative Building to the general public, took immediate action in apparently what he considered appropriate at the time to rid the area of the collected litter.

He took it upon himself, with the aid of two enlisted policemen, to collect the garbage and debris in a large cardboard box container. After cleaning the area, he ordered the policemen to enter the Administration Building and in front of a High Chief's (name withheld by request) subordinates, dumped the contents of the collected wet garbage on the chief's desk.

The Chief explained when he entered his office that he noticed an unsightly pile of litter on his desk. On inquiry he learned that it was deposited there on the orders from the Governor. He said he had never been so insulted before and was at a complete loss to understand why such an action was taken toward him when he had nothing to do in maintaining the area of the Administration Building.

In an interview with the Samoa News he said, "I have never been so insulted in my life." He said, "For 27 years I have been a government employee and have held a high position, both in the U.S. Navy and in the government and I have never seen an act of this nature pulled and to suffer the humiliations inflicted upon a high chief by this kind of work from the Chief Executive is an insult beyond description by words." He stated that he was at a complete loss to understand why he was so chosen to be the recipient of such disrespect from our Chief Executive.

The Chief explained that in the Samoan customs that this type of action is intolerable and puts a High Chief in such shame that it's a shock to his staff as well as himself.

The Chief wrote the Governor a letter expressing his displeasure in the embarrassment.

[From the Samoa News, June 22, 1967]

TO THE POINT—SPEAKING OUT ON THE ISSUES

Most Administrations like to identify themselves with some outstanding accomplishments during their days in office. By the same token, some Administrations would like to disassociate themselves with things that have or have not happened during their term. A case in point.

As if only yesterday, the present Governor came ashore and after a short interlude while being sworn in on the Malae, his voice echoing up and down the shoreline of Pago Harbor like an endless oscillation, denounced the past administrations for not doing anything. Immediately, we could envision the International Airport, the new structured buildings, the new television studios and the ultra-new Tropical New Center being obsolete overnight. This man had come here to outdo any Governor of the past. People were delighted that at last American Samoa had received a governor who was determined to do something about an outmoded, antiquated system.

People waited through the first six months of soap-boxing speeches of denounciation of past governors and their "do-nothing" policies toward improving such necessaries as water supplies, roads, housing and health problems in general. Nothing was about to happen in the first six months. So the people waited through the next six months for some signs of improvements. More denounciations of past administrations were needed before anything could be done constructively. The next six months passed rapidly with a continued deterioration of the water system, power system and utilities in general. Now theories were about to run out. Denounciations had been accomplished and it was time to do something meaningful or declare it a "disaster area." The next six months went by with further digression. Power outages were more frequent than ever before, the telephone system won't work and the water rationing is on between down-pours of showers. The roads became pot-holes and the airport grew back into a jungle. And the final six months of a two year stretch has come and gone. Absolutely nothing to point at and say, "this was done during my term." The utilities are in the worse shape ever. Three major fire disasters and the water system is still hopeless.

In resume, that just about sums up the total gains or total losses, depending on which way you wish to classify it, the administration has accomplished. Discounting the turmoil, discontent and the continual breakdown of the Samoan customs that have been attempted either by accident or on purpose has put scars in American Samoa that will no doubt take endless ages to heal, if ever.

However, we have been bombarded with a cadre of experts, super-sperts, and consultants and in which haven't been too undesirable. Actually many of these classified "super-dupers" have actually opened the eyes of the American Samoans. They (the Samoans) know that this is exactly what they don't want. So, it's been actually education in the reverse. They may not know what they want but they certainly know what they don't want.

Governor Haydon's surrounding himself with good friends and friends of their friends has given the people of the territory enough insight to know that the "buddy system" may work in some ways but it certainly hasn't enriched American Samoa with either productivity or "know-how" techniques.

The people have learned a good lesson but have learned it the hard way. If anything one thing could be attached to the present administration for outstanding or the lack of outstanding accomplishments it would be the garbage problem. The past administrations with little or no money could keep the streets, alleys and roadways cleared of garbage. With a fleet of trucks and vehicles like no other small metropolis in the world could afford, American Samoa can't even keep the main thoroughfare presentable. The village roads are a sea of garbage and rubbish waiting to be hauled away. If the hundreds of the "fleet of vehicles" would stand still from their daily pleasure cruises and load garbage disposal in the vehicle and dump it while they are on their pleasure cruise, American Samoa could be clean for "One Day." Leaders of the Community are encouraged to demand Haydon to give attention to a "dirty Government." It can be cleaned and it must be, for the people.

[From the Samoa News, July 20, 1971]

LETTER TO EDITOR

DEAR SIR: In reference to facts and opinions so courageously set forth by Representative Ligoligo Eseroma appearing in the July 16th issue of the Samoa News. I would like to state most emphatically that I agree 100 percent with Representative Eseroma.

For the past 30 years I have observed every Government Administration imposed upon the people of American Samoa but never have I experienced or witnessed an Administration as mentally retarded and morally illiterate as the present one created by Governor Haydon. With the exception of "A Bird Watchers Society" Haydon has incorporated into his administration just about every Office, Agency, Committee and Department known to man. Government departments have been permitted to become an empire within an empire. To observe the large number and qualifications of some stateside contract employees attached to some government departments resembles a swarm of flies around a dung heap.

To know the facts concerning the abandonment of our secondary roads, the ignorance and apathy of our water problems and the mal-administration in other subjects would require an investigation; therefore graft, corruption and mal-administration is free to run rampant.

I have great faith that the members of our present Legislature has the intelligence, courage, and power, as elected representatives of the people to establish a more competent and democratic form of government than that which now exists. This was proven on the Island of Guam and must be made a reality in American Samoa.

The last time I wrote a "Letter to the Editor" pointing out some of the defects in this administration which was published in the Samoa News I promptly received a personal letter (written on government stationery) from Governor Haydon calling me a "Jackass" and questioning my reputation. If this letter is published then I will stand by for someone to call at my home with a pair of handcuffs and a deportation order.

May the Samoa News continue to serve the interests of the people in the future as it has done in the past.—D. C. SPENCER.

[From the San Jose Mercury, July 20, 1971]

POLLUTION WAR IN PARADISE

(By Gil Bailey of Ridder News Service)

WASHINGTON.—The governor of American Samoa is seeking to expel an American reporter who has criticized the U.S. government for contributing to "pollution in paradise" in the remote South Pacific islands.

John King, managing editor of the Samoan-owned Samoa News, is appealing an expulsion order first to the high court of American Samoa and possibly to the U.S. District Court in Hawaii.

King, a former employee of the U.S. Department of Education on the island, has remained there even though his contract ended more than a year ago.

Rep. Wayne Aspinall (D-Colo.), chairman of the House Interior Committee, has written Interior Secretary Rogers Morton expressing concern over the case "because of the constitutional question involved in the deportation of an American citizen from an American territory by the territorial government."

King came to the islands with a 24-month contract which was later extended for three additional months. When he completed his contract and it was not extended, he began work on the Samoan newspaper, writing numerous articles critical of the administration and of Gov. John Haydon, a Seattle publisher.

His charges of "pollution in paradise" have been confirmed by reports from the Department of Botany of the Smithsonian Institution and from the governor's office itself.

In the June 15 issue of the Samoa News, the paper reported Haydon, a former member of the Seattle Port Commission Board, dumped garbage on the desk of a high Samoan chief, because of anger over the failure to collect trash.

In the June 22 issue, the paper editorialized, "For the governor to bring his wrath down upon an innocent Samoan chief is the most insulting act that could be attributed to any indivdual."

In the July 15 edition the governor was criticized for the garbage found in the Pago Park with the comment, "Since the present administration has taken over, garbage and rubbish become the major distractions from the beauty of American Samoa. The problems are becoming increasingly worse."

Rep. Phillip Burton (D-Calif.), head of the trust territories subcommittee of the House Interior Committee, already has scheduled a tour of American Samoa after hearing reports of increasing pollution in the islands which were acquired by the United States in the late 1800s in a competition with England and Germany.

The pollution problems were outlined recently by Arthur Lyon Dahl of the Smithsonian when he wrote:

"Population growth and economic development on Tutuila have now reached the point where major degradation of the environment is occurring . . . the reefs in Pago Pago Harbor have already been seriously affected when they are not already destroyed . . .

"The lack of proper sewage collection and treatment is evident in many places (including Pago Pago Harbor)."

The Dahl report, although praising the governor for his help in preparing the study, also said, "the present government structure is not ecologically sensitive."

A report from the governor pointed out, "reefs in at least 19 places were breached by blasting in order to obtain fill for road work or long boat access with no thought given to destruction of fisheries resources . . ."

The Dahl report added, "the private roads constructed with government equipment south of Pago Pago were both particularly poorly conceived and executed, and serious erosion can be expected in both areas."

In addition, the islands face a serious water shortage with some villages without a source of water available.

On July 6 water rationing was instituted from 10 p.m. to 5 a.m. "until rain replenishes the dwindling supply," the report stated.

A population explosion—which has seen the native population grow from 5,000 in 1900 to 50,000 today with some 20,000 American Samoans emigrating to Hawaii and the mainland—further complicates the islands' problems.

The governor's report noted many of those who have left the islands are now on welfare, particularly in California.

The islands have a complex family-legal system with much of the land held in common. In addition, the culture of the islands calls for each man to father as many children as he can in order to prove his masculinity.

The islands are ruled by a governor appointed by the President of the United States, but a Samoan legislative and judicial system has been set up. The governor and islands immigration service limit the number of Americans and other nationalities allowed on the islands in an attempt to project the native society.

Most employees of the U.S. government must leave the islands within 3 days of the conclusion of their contracts, but King—who has been leading the fight against Haydon—has remained more than a year.

Troubles in Samoan Administration

(By Gil Bailey of Ridder News Service)

Washington, D.C.—The judge who blocked the expulsion of an American reporter from American Samoa has been ordered back to the United States and demoted, despite the protests of Samoan Legislature.

Joseph W. Goss, associate justice of the High Court of American Samoa, has been ordered back to Washington, D.C. as of Aug. 1 by Secretary of the Interior Rogers Morton to become attorney advisor to the Office of Hearings and Appeals of the Interior Department.

Judge Goss had issued a temporary injunction which blocked the expulsion of J. P. King, managing editor of the Samoa News, from American Samoa. King had criticized Gov. John Haydon, a Seattle publisher, for pollution of these South Pacific islands.

Judge Goss in a letter to Rep. Patsy T. Mink, D–Hawaii, charged his demotion was a direct result of his action in the King case.

"Let me emphasize that the problem here is not personal but involves a direct attempt of the Governor's office to control the Samoan judiciary. The heart of the matter is an outstanding preliminary injunction which it was necessary that I issue to prevent the Governor from proceeding with his admitted plan to illegally deport an American citizen by force without following Immigration Board procedures and without a determination of whether any deportation of a U.S. taxpayer is constitutional," Judge Goss wrote.

Judge Goss added, "The case is still before the court along with that of a Western Samoan who works on the newspaper and who was also ordered deported. Another employe of the newspaper, a U.S. citizen and Vietnam war veteran, was deported after declining to appeal his case to the present chief justice.

"With some 8,000 aliens in Samoa, scores of them being government employes, deportation efforts have been especially concentrated against the Samoan News (Cap N)."

Judge Goss was appointed in 1967 under a democratic administration. Gov. Haydon was appointed by President Nixon.

The judge's desire to stay in Samoa has been supported by resolutions from both houses of the Samoan legislature.

A resolution from the lower house, signed by Fainuulelei S. Utu, Speaker, noted the judge was familiar with Samoan customs and tribal law, and urged his retention in American Samoa "where he is greatly needed by the Samoan people."

King, a former Department of Education employe, stayed in American Samoa, after his contract was not renewed, as managing editor of the Samoan News, a Samoan owned weekly newspaper.

The newspaper has been strongly critical of Gov. Haydon, claiming he dumped garbage and trash on the desk of a Samoan chief, because of the Governor's anger over poor trash pickup.

Reports from both the Smithsonian Institution and from the Governor's office have confirmed serious pollution problems on the islands.

A report on King's deportation has been asked by Rep. Wayne Aspinall, D–Colo., who noted "constitutional questions involved in the deportation of an American citizen from an American territory by the territorial government."

In addition Rep. Phillip Burton, D-San Francisco, is planning an investigative trip to the islands with his subcommittee which is in charge of trust territories.

Besides pollution problems and the deportation of King, concern has been expressed over the territorial budget.

The present territorial budget exceeds $21 million for the 26,000 residents of American Samoa.

CALENDAR OF THE SMITHSONIAN INSTITUTION, AUGUST 1971

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to rise to introduce into the Congressional Record the fine calendar of events and displays of the Smithsonian Institution for the month of August 1971. Included in the excellent displays at the Smithsonian, one now finds the command module Columbia from the historic flight of Apollo 11.

The calendar follows:

August at the Smithsonian

AUGUST 4

Informal Concert: Music from the Nellie Custis Library at Woodlawn, under the direction of *John Fesperman*. Hall of Musical Instruments, Museum of History and Technology. 1:30 p.m.; free admission.

AUGUST 5

Creative Screen: *Jasper Johns*—Third in the "Artists: USA" series. Filmed interviews with pop artist Johns in his South Carolina studio and New York lithographic workshop. *Romare Bearden: The Prevalence of Ritual*—being shown in connection with the NCFA exhibition on works by Bearden. The two-film program will be shown at 11 a.m., noon, 1 and 2 p.m. National Collection of Fine Arts. Free admission.

AUGUST 7

Creative Screen: *Jasper Johns*. Repeat. See August 5 for details.

AUGUST 14

Illustrated Lecture: *A Look at Contemporary Black Art*. Dr. Regenia Perry, Danforth Fellow at Yale University, will lecture at 3 p.m. in the Lecture Hall, National Collection of Fine Arts. Free Admission.

AUGUST 18

Informal Concert: Music of Boismortier and Beethoven. *Jacqueline Anderson*, violinist; *Helen Hollis*, harpsichordist and pianist; and *Lane Anderson*, cellist. Hall of Musical Instruments, Museum of History and Technology. 1:30 p.m., free admission.

AUGUST 19

The Wright Brothers. A special presentation of lecture, films and slides in commemoration of the 100th birthday of Orville Wright, presented by Paul E. Garber, Historian Emeritus, National Air and Space Museum. Sponsored by the Smithsonian Associates and open to the public. 8:30 p.m., Arts and Industries Building. Free admission.

Creative Screen: *Frank Stella and Larry Poons*. Fourth in "Artists: USA" series. These two artists are shown in their studios, painting and discussing their work. Stella combines painting and sculpture; Poons' work is a counterpoint of dots on canvas. *Romare Bearden: The Prevalence of Ritual*—being shown in connection with the NCFA exhibition on works by Bearden. The two-film program will be shown at 11 a.m., noon, 1 and 2 p.m. National Collection of Fine Arts. Free.

AUGUST 21

Creative Screen: *Frank Stella and Larry Poons*. Repeat. See August 19 for details.

CLASSES AND WORKSHOPS

(Sponsored by the Smithsonian Associates, by Subscription Only—Call 381–6159.)

Summer classes run from August 9 through September 2.

Adults: City Building and Gaming Simulation; Common Sense Science; Design and Function; Identifying Cultivated Plants; Stitchery.

Children, ages 8–12: City Building; Dimensions in Art; Visualized Geometry.

Children, ages 6–12: Film Making.

Children, ages 4–7: Color, Form and Texture; Living History.

Crafts Workshops

Adults and Teenagers: Mondays, 7 to 10 p.m., or Wednesdays, 1 to 4 p.m.: Stained Glass, Aug. 9 or 11; Mobiles, Aug. 16 or 18; Papier Mache, Aug. 23 or 25.

Children, ages 7–12: Macrame, Aug. 6; Papier Mache, Aug. 13; Mobiles, Aug. 20.

MUSEUM TOURS

Walk-In Tours are available in the Museum of History and Technology, Museum of Natural History, and the Arts and Industries Building (including the Air and Space Museum), Mondays through Fridays through Aug. 20 every half-hour from 10 a.m.-12 noon and from 2–4 p.m. (Meet at Info. '71 desk, mall entrance.) A Walk-In Tour is also available in the National Collection of Fine Arts Thursdays, beginning at 11:30 a.m. in the Granite Gallery.

Pre-Scheduled Group Tours for the above museums may be arranged by calling Cindy Howar, 381–6471; 5304.

For the Freer Gallery of Art, 381–5344;
National Collection of Fine Arts, 381–6305;
National Portrait Gallery, 381–6347;
National Zoological Park, 332–9322.

DOMESTIC TOURS

(Sponsored by the Smithsonian Associates)

The following tours in 1971 are available dealing with various natural sciences, history and notable areas of wildlife habitats in North America. By subscription only. For further information, phone Mrs. Kilkenny, 381–5159.

Nature and the Photographer: Sept. 7–12. Members of this trip will have the opportunity to work along with a Smithsonian team in the preparation of a new exhibit that will feature American Wildlife. Filming will be in a little known portion of "way down East"—Moosehorn Wildlife Refuge in Calais, Maine.

Hudson River Restorations and West Point: Oct. 15–18. Visits to mansions, museums, a military establishment, and a restored Dutch-American trading center will offer a sampling of the past.

Everglades National Park: Nov. 9–14. Study of the geology and ecology of the fabled "tip of Florida." One day will be spent at the Pennekamp Coral Reef State Park, and the National Park will be explored by foot and boat.

SMITHSONIAN PUPPET THEATER

The Waywardly Wandering Wagonful of Banjo and Jack, created and presented by Allan Stevens and Company. Based on the old traveling wagon show popular in the latter half of the 19th century, the show includes a collection of folk songs and Kentucky tales of the clever and mischievous

Jack and his constant adversary, the King. Performances are staged in the History and Technology Building auditorium, Wednesdays through Sundays, 11 a.m., 1 and 3 p.m. through Labor Day. Admission is $1 for children, $1.50 for adults, 75 cents per person group rate for 20 or more. Tickets may be purchased in advance at the box office or by calling 381-5395.

DEMONSTRATIONS: MUSEUM OF HISTORY AND TECHNOLOGY

Musical Instruments, from the Smithsonian's collection. Monday, Wednesday, Friday, 3 p.m., Hall of Musical Instruments, 3rd floor.

Music Machines—American Style—mechanical and electronic music machines. Daily except Wednesday and Saturday, 1:30 p.m., 2nd floor.

Spinning and Weaving. 10:30-12:30, Monday through Friday; 1:30-2:30, Monday, Wednesday, Friday. Textile Hall, 1st floor.

SUMMER HOURS

The Museum of History and Technology, Museum of Natural History, the Arts & Industries Building, and the Air and Space Museum are now open from 10 a.m.-9 p.m. seven days a week. The extended hours will continue through Labor Day. In the History and Technology Building the cafeteria hours are from 11 a.m.-8:30 p.m.; the snack bar hours, 10 a.m.-4 p.m.

The Freer Gallery of Art, the National Collection of Fine Arts, and the National Portrait Gallery maintain the regular hours of 10 am.-5:30 p.m. daily.

National Zoo buildings are open from 9 a.m.-6 p.m. daily.

Anacostia Neighborhood Museum hours are from 10 a.m.-6 p.m. weekdays; 1-6 p.m. weekends.

Dial-A-Museum—737-8811 for daily announcements on new exhibits and special events.

Dial-A-Phenomenon—737-8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

FOREIGN STUDY TOURS

The Smithsonian has organized several special tours concerned with archaeology, the arts, museums, private collections, and natural history, for members of the National and Local Associates. All 1971 tours are full. For further details on the 1972 tours, listed below, please write to Miss Kennedy, Smithsonian Institution, Washington, D.C. 20560.

Mexico and Guatemala: Jan. 3-22. Dr. R. H. Howland will accompany the group through the historic sites of Yucatan, Oaxaca, Mexico City, Tikal, Antigua, etc.

St. Croix and Puerto Rico: Feb. 1-14. Enjoying the sun, studying early Danish and Spanish architectural heritages, and visiting historic preservation projects.

Australia and New Zealand: Late March-April. This unusual tour will go out via Fiji and return via Tahiti, and will include visits to Canberra, the Australian Outback, and Christchurch with its areas of historic interest.

No-Tour Tour: Dulles-Paris-Dulles. May 29-June 19. Air France Excursion. Members make their own arrangements for travel in Europe.

Greece and Yugoslavia: June 15-July 8. The classical tour of Greek archaeological sites plus Yugoslavia's Adriatic Coast and inland sites. There is a possibility of including Romanian churches and other locations as well.

No-Tour Tour: New York-Frankfurt-New York. July 3-24. Qantas Excursion. Members make their own arrangements for travel in Europe.

King Arthur's England: July 12-Aug. 2. This archaeological, architectural and literary adventure will be directed by Mrs. Francis Pickens Miller, author of Realms of Arthur.

The Pilgrimage Road: Sept. 11-Oct. 9, traversing Burgundy, southwestern France and northern Spain, the route of the medieval pilgrims to Santiago da Campostela. Emphasis on architectural history, food, and viticulture.

No-Tour Tour: Dulles-London-Dulles. Sept. 11-Oct. 2. BOAC Excursion. Members make their own arrangements for travel in the British Isles.

Pakistan and Afghanistan: Oct. 10-Nov. 15. Overnight stops en route in London and Paris; motoring through the provinces of Pakistan; Dr. R. H. Howland and John J. Slocum will lead the tour and will be joined by local scholars at the sites.

CONTINUING EXHIBITIONS

Anacostia Neighborhood Museum

(2405 King Avenue, S.E.)

Science: Man's Greatest Adventure. Black scientists are honored with this exhibit, which covers achievements from the earliest times to the present and projects future roles. Through Nov. 7.

Arts and Industries Building

(900 Jefferson Drive, S.W., Air and Space Museum)

Space and Artists. **Realistic illustration, impressionistic and abstract paintings and sculpture inspired by the space program.**

Freer Gallery of Art

(12th and Jefferson Drive, S.W.)

Chinese Album Leaves and Lacquer Ware. Twenty-four painted album leaves dating from the Sung through the Ch'ing dynasty, and five examples of Chinese lacquer ware that represent the change in style from 1280 A.D. through the late 15th century. Through September.

Japanese Screen Paintings. Bird and flower screens from the Freer collection ranging in date from the late 15th century to the 18th century. Through Sept.

Museum of History and Technology

(14th and Constitution Ave., N.W.)

Slovenes in America: An Instance of Cultural Impact. The sustained cultural dientity of emigrants from the Eastern European region of Slovenia and their descendants depicted by examples of Slovenian life in America. Through August 31.

The Campbell Museum Collection. Antique silver and porcelain soup tureens, bowls and ladles from around the world dating as far back as 1735. Second floor, through Labor Day.

Do It the Hard Way: Rube Goldberg and Modern Times. **Featuring cartoons, writings, sculptures and cartoon "inventions." On display through Labor Day.**

Museum of Natural History

(10th and Constitution Ave., N.W.)

Society of Animal Artists. 23 paintings and sculptures of wildlife from around the world. Through Labor Day.

Insect Zoo. Live insects including a bee hive, termites, cockroaches, mosquitoes and dragonfly nymphs. Also included are tarantulas and spiders spinning webs. Through Labor Day—10 a.m.-4 p.m.

National Collection of Fine Arts

(8th and G Streets, N.W.)

American Master Prints from the Smithsonian Collections. A survey of three centuries of graphic art in the United States. Through September 12.

Romare Bearden: Prevalence of Ritual. Fifty-six works by contemporary black artist Bearden, including an 18-foot collage-mural entitled "The Block," which mirrors life on a Harlem street. Through September 26.

Photographic Competition. Entries of D.C. youth aged 10-18 in a competition sponsored by the Black Women's League of Washington and the NCFA. Through August 31.

Hidden Aspects of the National Collection of Fine Arts. Objects representing the entire range of collections held by the NCFA, particularly objects not previously exhibited. Through October.

National Portrait Gallery

(8th and F Streets, N.W.)

Mary McLeod Bethune. The late Mrs. Bethune, noted black educator and adviser to U.S. Presidents from Coolidge through Truman, is honored by this commemorative exhibition. Through August 31.

"A Glimmer of Their Own Beauty": Black Sounds of the Twenties. Educational exhibit focusing on the jazz of Louis Armstrong, the blues of Bessie Smith and "Ma" Rainey, and the poetry of Langston Hughes and Claude McKay as an expression of black life in the period of the Harlem Renaissance. Through October 15.

RADIO SMITHSONIAN

Radio Smithsonian is broadcast every Sunday night on WGMS-AM (570) and FM (103.5) from 9-9:30 p.m. The program schedule for July:

1st—*Sing for Your Votes.* A short history of political campaign songs from 1800-1968, with Herbert Collins, curator of Political History, National Museum of History and Technology.

8th—*A Zoo for Insects,* with Dr. Ronald Goor, National Museum of Natural History; *How Do You Serve Your Soup?* A look at soup tureens through history with William Parker of the Campbell Museum in Camden, New Jersey.

15th—*Folk Concert.* West Virginian Franklin George and some of his friends play tunes on the dulcimer, the fiddle and the banjo at the Smithsonian.

22nd—*Prints as Art.* A conversation with Jacob Kainen, artist, author, and consultant to the National Collection of Fine Arts; *The Prevalence of Ritual.* An interview with artist Romare Bearden on black life as reflected in his work.

29th—*Concert.* Catharina Meints, James Caldwell, violists da gamba and James Weaver, harpsichordist, playing works of Saint-Colombe and Marais.

In the Washington area, the program is also heard on WAMU-FM (88.5) Tuesdays at 1:30 p.m.; WETA-FM (90.9), Mondays at 9:30 p.m.; and in New York City on WNYC-AM Sundays at 10 p.m., and FM Mondays at 9 p.m.

APOLLO 11 CAPSULE—NEW DISPLAY SHOWS LUNAR VEHICLES, SUPPORT SYSTEMS

The National Air and Space Museum has placed on exhibit in the Arts and Industries Building one of the key artifacts of the historic Apollo 11 mission—the command module Columbia.

It was the mother ship Columbia that stayed aloft in orbit when the descent to the moon's surface was made for the first time in the lunar module (LM). Later the Columbia brought the Apollo crew safely back to earth. Columbia was designed with a compact blunt shape to withstand the fiery temperatures generated when it re-entered the earth's atmosphere at 24,000 miles an hour. Char marks on the craft's surface can still be seen.

The Columbia's lunar module companion ship, Eagle, was not designed to return to earth, but the NASM currently has on view an identical LM recently presented to it by the National Aeronautics and Space Administration. The two-story high (23 feet) two-stage craft, built by Grumman Aerospace, is in the rotunda of the Arts and Industries Building, a few feet away from the Columbia.

Around the Columbia and the LM are exhibit cases containing other unique artifacts associated with the historic Apollo 11 flight. Many of them are on public display for the first time, including the space suit worn by Apollo 11 astronauts, Neil Armstrong, Michael Collins and Edwin E. Aldrin, Jr.; lunar sample collection tools employed on the mission or in training, including scoops, tongs, core sample tubes, and a box that held the lunar rocks; and a selection of guidance and navigation equipment—computer, star charts, etc.

Also on view is a display of health and hygenic materials used on the voyage—a medical kit, human waste disposal systems, shaving gear and toothbrushes; and a selection of the freeze dried and canned foods and drinks that were part of the Apollo life support system. Replicas of the American flag planted on the moon during the Apollo 11 mission and the plaques left on the moon by the Apollo 11, 12 and 14 crews are on display, as well as a photographic exhibit that allows the viewer to see close-up stereo photos of the moon's surface.

THE SECRECY OF CIA OVERSIGHT IN THE HOUSE OF REPRESENTATIVES

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. HARRINGTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, recent reports of a CIA training program for Cambodian soldiers in Laos should serve to focus public attention on the weakness of legislative oversight of the CIA, and the secrecy that pervades such oversight in the House of Representatives.

The House Government Operations Committee which has jurisdiction over all Government agencies, in reality has very little oversight of the CIA. As one staff member of this committee stated:

> The C.I.A. is very selective on who they will talk to and on what subject.

On the House Armed Services Committee of which I am a member, the committee chairman, Representative HÉBERT, and the ranking minority member, Representative ARENDS, are the only two committee members who have any real knowledge of CIA activities and appropriation requests. This information is usually denied to other members of the committee on the ground that it is classified.

The secrecy surrounding CIA oversight in the House of Representatives is enormous. The House Appropriations Committee, by authority of its chairman, will not even divulge which one of its subcommittees handles CIA appropriations. Any substantive information about CIA activities is automatically deleted from printed hearings. There is no real judgment classification by those involved to determine whether public disclosure of such information would actually be prejudicial to our national security. CIA funding is often hidden in parts of different bills and thus escapes the scrutiny of Members of the House.

Although the CIA has been a very reliable and dependable source of intelligence in recent years, I believe that there is definitely something wrong with the present system when Members of Congress have to rely on newspapers to furnish them with information on CIA activities.

I would like to insert into the RECORD an article from the Evening Star of July 29, 1971, which describes the CIA training program for Cambodians in Laos. The article follows:

CAMBODIAN LOSSES SPIKE CIA PROJECT

(By Robbin Mannock)

PHNOM PENH, CAMBODIA.—More than 40 Cambodian soldiers have died fighting in Laos as the result of a bizarre three-cornered deal involving the U.S. Central Intelligence Agency, Cambodia's premier Lon Nol and Prince Boun Oum, onetime right-wing premier of Laos.

The Cambodian soldiers were part of a contingent sent to a secret camp to be trained by the CIA, reliable sources say. Instead of returning to Cambodia they were thrown into the recent battle for the Bolovens Plateau and engaged in some of the heaviest fighting.

Besides the 40 or more killed an unspecified number were wounded, the sources say. These losses, together with disagreements and wrangling on both sides, have ended the CIA training program for Cambodians, at least temporarily.

Official circles here are reluctant to discuss Cambodia's involvement in Laos. Such use of Cambodian troops challenges the much-violated 1962 Geneva agreements on neutrality for Laos. And hard pressed Cambodia is not anxious to give an impression of having spare soldiers.

Despite official silence, the following story has been pieced together:

The Cambodians taken in hand by the CIA were originally trained to serve as members of spy teams to infiltrate into Cambodian provinces that are held by the North Vietnamese and Viet Cong forces.

Use of Laos for training presumably enabled CIA operatives to circumvent the Cooper-Church amendment banning U.S. military advisers, training teams or combat soldiers from Cambodian soil.

In addition, the CIA had a ready-made training center at Nakorn Sin camp, about 25 miles north of Pakse. This was used as a jumping-off point for raids into Cambodia by Khmer Serei rebels during the reign of the former head of state, Prince Norodom Sihanouk.

Any deal involving southern Laos is impossible without the approval of Prince Boum Oum. The former Laotian premier is known to have flown to Phnom Penh last year when the training program was being established. Most of the dickering with Boun Oum was conducted by Cambo-teen-agers whose reliability was questionable. A number of 12-year-olds are serving in the Lao ranks.

Lao soldiers are also trained at Nakorn Sin, but 350 trained alongside the last batch of 450 Cambodians included some that had been given the hardest fighting to do because they were thought to be better soldiers than the Lao. This action soured the Cambodians on the CIA program, informants say.

The U.S. training team was also reported to have been angered by lack of cooperation from the Cambodian coordinating officer, Lt. Col. You Kim Heng.

The Americans were further annoyed that Cambodian trainees did not receive the monthly $13 allowance earmarked for them. Soon after incurring American displeasure, Heng was arrested on a charge of smuggling opium. He is reliably reported to be awaiting trial.

NIXON FOREIGN POLICY—A LESSON IN INCONSISTENCY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. RARICK. Mr. Speaker, the one thing evident to the casual observer of the foreign policy of the Nixon administration is its inconsistency. Nowhere is this more evident than in the comparison between the warmth and friendliness being shown to our avowed enemies in Communist China, their supporters in Marxist Chile, our trade in sophisticated machinery, computers and now a truck factory in Russia and the insults being hurled at our friends. I would assume that people who have fought beside the Americans in war to keep the world free are friends, *i.e.*, Rhodesia, South Africa, Greece, and Pakistan. The President's argument for the support of membership of Red China in the U.N. is that "we must deal realistically with governments . . . as they are." Yet, the administration does not seem to follow its own guidelines.

Marxist Chile has taken over the American-owned copper mines and now threatens to refuse to indemnify the American owners for their losses. Red China has insisted as grounds for any constructive dialog with the President, the immediate withdrawal of U.S. support from all of Southeast Asia. This forces the administration to consider abandoning our allies for our sworn enemies. If the Nixon administration applied its guidelines and accepted governments "as they are," our President would never have considered an official visit to a country with which we are still at war—Red China—nor would he stand idly by while Marxist Chile nationalizes U.S. copper interests and then refuses to indemnify our people for their losses—nor would he authorize trade with Soviet Russia in strategic material and goods which possess military potential.

If those entrusted with the control of our country practiced what they preached, the President would not call for the continuation of illegal U.N. sanctions against Rhodesia, under the myth and superstition of the worn out cliche that Rhodesia is a threat to world peace.

I insert the press briefing containing Secretary Rogers' statement advancing "reasons" for the United States decision to support the seating of Communist China in the U.N., my remarks on the Chilean situation from the CONGRESSIONAL RECORD of July 6 and 8, and related news clippings at this point:

DEPARTMENT OF STATE

STATEMENT BY THE HONORABLE WILLIAM P. ROGERS

The world is approaching the midpoint between the end of World War II and the end of the 20th century. The United Nations, founded in the aftermath of the war, has passed its 25th anniversary.

President Nixon has been adapting American foreign policy with these facts in mind—forging policies directed to the future while taking fully into account the legacies of the past.

From its inception the United Nations was designed above all else to keep the peace shattered by two world wars within a generation. The first words of the United Nations Charter, adopted at San Francisco in 1945, express a common determination to "save succeeding generations from the scourge of war."

In October 1969, President Nixon said with regard to Latin America that "we must deal realistically with governments . . . as they are." Both in Asia and elsewhere in the world we are seeking to accommodate our role to the realities of the world today. Our objective is to contribute, in practical terms, to the building of a framework for a stable peace.

No question of Asian policy has so perplexed the world in the last 20 years as the China question—and the related question of representation in the United Nations. Basic to that question is the fact that each of two governments claims to be the sole government of China and representative of all of the people of China.

Representation in an international organization need not prejudice the claims or views of either government. Participation of both in the United Nations need not require that result.

Rather it would provide governments with increased opportunities for contact and communication. It would also help promote cooperation on common problems which affect all of the member nations regardless of political differences.

The United States accordingly will support action at the General Assembly this fall calling for seating the People's Republic of China. At the same time the United States will oppose any action to expel the Republic of China or otherwise deprive it of representation in the United Nations.

Our consultations which began several months ago have indicated that the question of China's seat in the Security Council is a matter which many nations will wish to address. In the final analysis, of course, under the Charter provision, the Security Council will make this decision. We, for our part, are prepared to have this question resolved on the basis of a decision of members of the United Nations.

Our consultations have also shown that any action to deprive the Republic of China of its representation would meet with strong opposition in the General Assembly. Certainly as I have said, the United States will oppose it.

The Republic of China has played a loyal and conscientious role in the UN since the organization was founded. It has lived up to all of its Charter obligations. Having made remarkable progress in developing its own economy, it has cooperated internationally by providing valuable technical assistance to a number of less developed countries particularly in Africa.

The position of the United States is that if the United Nations is to succeed in its peacekeeping role, it must deal with the realities of the world in which we live. Thus, the United States will cooperate with those who, whatever their views on the status of the relationship of the two governments, wish to continue to have the Republic of China represented in the United Nations.

The outcome, of course, will be decided by 127 members of the United Nations. For our part we believe that the decision we have taken is fully in accord with President Nixon's desire to normalize relations with the People's Republic of China in the interests of world peace and in accord with our conviction that the continued representation in the United Nations of the Republic of China will contribute to peace and stability in the world.

I will take a few questions.

Q. Mr. Secretary, have you received any indication from either China that they would be prepared to sit with one another in the United Nations?

Secretary Rogers: No.

Q. Mr. Secretary, in your statement, you say that we are prepared to have the question of the seat on the Security Council decided by the UN members. In the previous paragraph you say that the United States will oppose any effort to deprive Nationalist China of representation in the United Nations. What position will we take, or are we taking, on the assumption of the Nationalist seat on the Security Council by the People's Republic of China?

Secretary Rogers. Well, at this time I have nothing to add to the statement. As I have said, this matter may arise in the discussion in the General Assembly, and if it does, we will be prepared to certainly abide by the wishes of the majority of members of the United Nations.

Q. Mr. Secretary, from the wording of this statement, it would appear that the United States would be also in favor of the seating of both Viet-Nams, both Koreas, and both Germanies. Is that a correct assumption?

Secretary Rogers. No, I don't think that is a correct assumption. We are dealing now with a problem of representation in the United Nations of a country that has been represented in the United Nations since its beginning. That is not true in the case of the other divided countries. So the statement does not direct itself to that point.

Q. Mr. Secretary, under your formulation here, would the present occupant of the Chinese seat in the Security Council have the power to veto any change in the membership in that seat?

Secretary Rogers. Well, that is a matter of tactics which I don't want to address today. I think there will be many questions raised in the General Assembly this fall on matters of this kind. The purpose of this statement is to announce the policy of the United States. We will be discussing our tactics with other governments as we approach the General Assembly.

Q. Mr. Secretary, does this mean that we are going to drop the claim that this is an important question?

Secretary Rogers. Well, there again it is a matter of tactics. But insofar as the Peoples Republic of China is concerned, I think that in view of this announcement by the United States, the important question, insofar as it relates the PRC's admission, is academic. Certainly as far as the Republic of China is concerned, we think that the expulsion obviously is an important question. The Charter so provides. And we will do all we can to support that position: that the expulsion of the Republic of China is an important question.

Q. Sir, I am not clear at one point whether or not the General Assembly would decide whether the Republic of China would retain the Security Council seat.

Secretary Rogers. Well, I have nothing, as I say, to add to this statement. I think the statement speaks for itself. Under the Charter, the final decision rests with the Security Council. But, as you say, from this statement, we have said that we would abide by the views of the majority of nations.

Q. Mr. Secretary—"would abide by the majority" of the General Assembly votes on the Security Council question?

Secretary Rogers. Well, let's wait to see how it develops. But we have made it clear that as far as the United States is concerned, we would be willing to abide by the majority vote of the members of the United Nations.

Q. Sir, it was said that the Ambassadors with whom you had spoken all the way along, in this continuing series of talks, would be informed in advance of this decision of the policy of the United States. Have these Ambassadors been informed, and how would you assess the general reaction to this position?

Secretary Rogers. Well, they have been informed. We have worked very closely with the nations primarily concerned and many others, for that matter, and we have informed them of this policy decision. I would not want to speak for them. I think it's up to them to speak for themselves.

Q. Mr. Secretary, the Charter provides that the expulsion of a member is an important question. But what about the expulsion of a delegation?

Secretary Rogers. Well, there again, that is a matter of tactics. We believe that the expulsion question insofar as it relates to the Republic of China, is an important question. And that is going to be our position this fall.

Q. Mr. Secretary, getting back to the Security Council, are you implying, then, if a majority of members of the General Assembly vote to seat the Peoples Republic of China, that they should have the seat in the Security Council?

Secretary Rogers. No, I haven't implied anything beyond the words of this statement. They are carefully drafted. I think it is clear that we have said we will abide by the views of the majority of the members of the United Nations.

Q. Can we assume, Mr. Secretary, that this Government will take a somewhat passive role on the Security Council question, or when the session arrives, will we openly advocate one position or the other?

Secretary Rogers. We are not going to speculate at the moment about the tactics that we will use at the United Nations. I think it is important to focus our attention on the decision of this Government, which is to vote in favor of the admission of the Peoples Republic of China and to oppose the expulsion of the Republic of China. Now, the reasons I have set forth in this statement. We think the realities of the world require that both be represented. One represents 700 to 800 million people. In Taiwan, there are 14 million or more people. And we think both should be represented in the United Nations.

Q. Mr. Secretary, could you tell us whether your reference in your statement to the fact that it does not necessarily have to resolve the question of who is the government of all of China means that we have decided to—that rules out the question of our recognizing—

Secretary Rogers. No, not at all, not at all. The only question I am addressing this morning is representation in the United Nations.

Q. Sir, President Nixon said in his first news conference in response to a question that the policy at this time will be to continue to oppose Communist China's admission to the United Nations, and he listed three reasons. One was that Communist China has not indicated any interest in becoming a member. Two, that it has not indicated any intent to abide by the principles of the Charter. And three, that it continues to call for expelling the Republic of China from the U.N.

What has changed since the President's initial news conference statement on this?

Secretary Rogers. I think the first change of significance refers to Point No. 1. Until recently, the Peoples Republic of China has strongly opposed the United Nations, has been extremely critical of the United Nations, has proposed that the Charter of the United Nations had to be amended, etc.

Now, in the last nine months or a year, their attitude towards the United Nations has changed, and we think that they are now interested in becoming members of the United Nations.

Secondly, their attitude toward other governments has changed markedly. They have established diplomatic relations with several other governments. Certainly their relations with the United States have improved. And all of these things together lead us to the conclusion that it is wise in the United Nations to have them represented. After all, they represent about one-quarter of the people on the surface of the earth. And as I have said, if the United Nations is to perform its function of keeping the peace, it is important to have their voice heard in the United Nations.

Q. Mr. Secretary, does the United States have reason to believe that as far as the Republic of China is concerned, its delegation will not make the whole question moot upon the announcement of this decision by departing on its own accord from the United Nations?

Secretary ROGERS. Well, I wouldn't want to make any comment about the position of the Republic of China. Any statement about their position or policy I think should come from them.

Q. Mr. Secretary, has the Peoples Republic of China been informed of this policy?

Secretary ROGERS. No, it has not—of this announcement or the policy that I am announcing this morning.

Q. Mr. Secretary, is the United States in favor of having the two governments of China negotiate the differences between them?

Secretary ROGERS. Well, I don't want to get involved in that this morning. We are talking about the representation question in the United Nations.

Q. Mr. Secretary, has the Peoples Republic of China been informed of our decision to support its bid for admission to the United Nations?

Secretary ROGERS. That was the question I just addressed. The answer is no.

Q. Mr. Secretary, I thought the question was about the Republic of China.

Secretary ROGERS. No, no, no. He asked the Peoples Republic of China.

Q. Has Taipei been informed of this?

Secretary ROGERS. Yes, of course.

Q. Thank you, sir.

Secretary ROGERS. All right. Thank you.

(Whereupon at 12:20 p.m the briefing was concluded.)

[From the CONGRESSIONAL RECORD, July 6, 1971]

Five Million in U.S. Support for Marxist Chile

Mr. RARICK. Mr. Speaker, when Salvador Allende, a self-proclaimed Communist, assumed power in Chile, President Nixon's comments were as follows:

> The new Government in Chile is a clear case in point. The 1970 election of a Socialist President may have profound implications not only for its people but for the inter-American system as well. The government's legitimacy is not in question, but its ideology is likely to influence its actions. Chile's decision to establish ties with Communist Cuba, contrary to the collective policy of the OAS, was a challenge to the inter-American system. We and our partners in the OAS will therefore observe closely the evolution of Chilean foreign policy.
>
> Our bilateral policy is to keep open lines of communication. We will not be the ones to upset traditional relations. We assume that international rights and obligations will be observed. We also recognize that the Chilean Government's actions will be determined primarily by its own purposes, and that these will not be deflected simply by the tone of our policy. In short, we are prepared to have the kind of relationship with the Chilean Government that it is prepared to have with us.

Many Americans, even those who have been conditioned to believe we are helping so-called emerging nations, were flabbergasted when the Nixon administration announced the United States was extending to Chile $5 million in credits for the purchase of military equipment.

Since Dr. Allende's closest political ties are with Castro, many question the purpose as well as the need for our giving U.S. military assistance to Chile. Is this another balance-of-power formula designed by our State Department? Will the new U.S. arms be used in aggressive assaults against Chile's non-Communist neighbors? Does our State Department feel the military equipment is necessary to help Allende defend himself against his own people—to make sure that the Chilean people are overpowered and unable to regain control of their country.

While the Allende government has been in power for only 8 months, it has rapidly deteriorated into a first-class Castro-type socialist dictatorship. What excuses can be offered by the leaders of the U.S. Government for giving arms aid and World Bank financing except to bail out Allende's mistakes? And again we find U.S. taxpayers subsidizing a Communist regime.

I insert at this point an announcement of the U.S. arms credit to Chile, a report on unemployment and fiscal irresponsibility in Chile, and a letter from an American presently in Chile conveying his first-hand impressions.

[From the Washington Post, July 1, 1971]

U.S. Give $5 Million Credit to Chile

The State Department said yesterday the United States has agreed to extend to Chile $5 million in credits for the purchase of military equipment.

Department spokesman Charles W. Bray said the credits were extended in response to a request by the Chilean government and that the credit level is similar to that of recent years.

Bray said the funds would be used by Chile to buy a new C–130 transport aircraft and what he described as paratrooper equipment.

The decision to extend military credits to Chile was the first such gesture by the Nixon administration toward the eight-month-old Socialist government headed by President Salvador Allende.

Chile's request was seen as an indication of Allende's desire to maintain the traditionally friendly relations between the two countries.

[From the Manchester (N.H.) Union Leader, June 25, 1971]

Nation Along Castro Cuba's Path

Contractor Magazine, in its current issue, tells what happened to Nibco Inc., a company in Elkhart, Ind., that wanted to do business with an "underdeveloped" country. Nibco is a manufacturer of valves and fittings; through the good offices of the Alliance for Progress, it launched a joint venture with a Chilean firm to build an ultra-modern brass foundry in Santiago. With half a million Nibco dollars behind it, Nibsa, as the subsidiary was called, was an immediate success.

Marxist Regime Leads Chile to Bankruptcy—President Allende Is Guiding

However, last fall, after the election of Dr. Salvador Allende Gossens as president of Chile, orders began to plunge. David Hyams, general manager, reported to the home office that within a month the firm would be insolvent. Told to salvage what he could, Mr. Hyams sought to lay off some of the plant's 270 workers, but was refused permission by the union. The sole alternative offered was a loan from Corfo, a government corporation, which would have led to control of the firm. Instead, Mr. Hyams shut down the plant. Ten days later, the government forcibly seized it, ousted Mr. Hyams and filed criminal charges against him.

Most companies with holdings in Chile—U.S. investment there totals $850 million—these days have little or nothing to say. Not so Lee Martin, president of Nibco, who has appealed to the State Department for help in protecting his interests and keeping Mr. Hyams out of jail. "It is our firm conviction," writes Mr. Martin, "that this is an outright expropriation of our investment by the Chilean Government."

What really galls Mr. Martin, though, is the sympathetic attitude of official Washington toward the new Chilean regime. Noting that the U.S. Export-Import Bank is considering a loan to Santiago for the purchase of railroad equipment, Mr. Martin declares: "I am unable to understand how the United States can justify a subsidy to a government which, by its political philosophies and actions, by seizing and dissipating the local assets of foreign-based businessmen . . . proves so obviously that it abhors democratic processes."

Allende apologists in this country, of course, tend to shrug off such criticism. This the ranking foreign correspondent of a New York newspaper (which helped convince the U.S. that Fidel Castro was just an agrarian reformer) recently wrote from Santiago: "Allende's contribution is the ballot-box revolution, which so far has worked with surprising success." Secretary of State Rogers is attending a meeting of the Organization of American States in Costa Rica, along with Chilean Foreign Minister Clodomiro Almeyda; much is heard from delegates of the Andean countries, who have set a 15-year deadline for the nationalization of all U.S. interests within their borders. Washington, meanwhile, still seems under the influence of a Chilean mission which came through a few weeks ago to argue that any aid cutoff would constitute U.S. economic aggression.

OTHER LOANS

Besides possible Eximbank credits, the World Bank currently has a loan mission in Chile, appraising an agricultural project. Loans by the World Bank are not directly under the control of the U.S., but much of its capital comes from the U.S. Treasury, and Washington surely could influence the decision.

In addition, the U.S. currently is giving Chile some $6–$7 million under the Food for Peace program, while the Pentagon is making the new Socialist regime an outright gift of $803,000 for training young officers. Chile still enjoys most-favored-nation treatment.

Finally, there is the Inter-American Development Bank, which, under its former president, Sr. Felipe Herrera, funneled a disproportionate share of loans into Chile. When Sr. Allende became president, Sr. Herrera resigned to return to his homeland.

[From the Francisville Democrat, St. Francisville, La., June 1, 1971]

Hooks and Shells

(By Ben Garris)

My son-in-law, ——— ———, and family are living in the South American country of Chile. He was hired by some Dutch firm to help get a paper mill into operation and to train Chilean workers to take over the operation. I think you might be interested in parts of his last letter.

". . . The mill is progressing slowly and it is still six weeks to start up. Everything stays tied up in politics and paper work. The employees would have to be called intelligent by academic standards. Almost all of them, from our trainee counterparts down to the lowest laborers, have been in one university or another. Many of them have six-year educations, equivalent to a Masters Degree in the States. Most of them have either chemical or mechanical engineers' degrees. But for all their education, they are basically worthless. Maybe one in fifty has any ambition or initiative. I can understand the country's condition after dealing with it first hand.

"The uneducated are even worse.

"The government here is weird. It is the union for the workers. All Chileano workers belong to the union, from the manager down. The labor laws are completely beyond comprehension. The local industrial relations people do not understand them thoroughly, so it is impossible for us to. But things stay interesting anyway, what with the assassinations and what-not.

"Last month we were threatened with a plant takeover by the construction workers. I understand this to be quite common in Chile. As their jobs begin to play out (the construction workers) they start to organize enough people to just walk in and take over. Nothing violent as long as there is no resistance. Whoever is the strongest owns the property. The government does nothing to discourage this sort of thing. If anything they encourage it.

"This has happened to several large companies down here causing them to lose thousands of dollars. The takeovers are not an attempt to actually own and operate the business, but . . . just to control long enough to force the owner to hire those who take over. In the meantime they destroy or sell a lot of the equipment. They took over one building here, but relinquished after a week. I believe that they will take over the entire mill upon completion.

"The plants that have been taken over in the past end up with six or seven hundred employees in an operation requiring one hundred, making it impossible to operate at a profit.

"The people are also extremely class conscious. There are two types of employees . . . the kind that work with their hands and the kind that work with their heads. The latter don't care how much they are paid as long as they have a good title. (Because of this) . . . they have now entitled my job as "shift superintendent" rather than "foreman", since they could not get trainee counterparts to come to work here for the title of "foreman".

"Something that take one day to do in the States sometimes takes a month here.

"The government (seems) to strive to keep them backward as hell anyway. It discourages transportation. Because of government-imposed costs a car smaller than a VW costs about $5,500. A VW would cost $10,000.

And so it goes in central Chile. I'll let you know later how he does on the trout, the patos and the ferdiz.

[From the Congressional Record, July 8, 1971]

Mr. **Rarick**. Mr. Chairman, I rise to ask several questions of the chairman of the committee. I was wondering if during the hearings, the committee took testimony on the extension of $5 million in Export-Import credits to the Government of Chile to buy U.S. military equipment. Was that matter brought up?

Mr. **Ashley**. No, it was not. I do not believe that that will be found in our hearings.

Mr. **Rarick**. I think that this committee is entitled to know of this transaction since it is pretty well-acknowledged that the Government of Allende in Chile is Marxist-oriented. It has been branded communistic of a breed similar to Castro's Cuba.

I would call the gentleman's attention to the transcript of the Department of State press briefing on June 30, 1971, just a little over a week ago. At that time it was announced that there had been extended to the Government of Chile $5 million in credits to buy U.S. military supplies, which were identified as one C–130 aircraft, paratroop equipment—without further explanation—and also the leasing of a seagoing vessel to the Chilean Navy which was identified as the *Arikara*.

I would like to read this transcript of the State Department press briefing on the extension of $5 million in Export-Import credits to the Government of Chile to buy U.S. military equipment. It is very short, but extremely important, because it indicates a deliberate act on the part of this Government to circumvent the provisions of the Export-Import Bank Act.

The transcript follows:

Transcript of Department of State Press Briefing

June 30, 1971.

Q. Charlie, can you confirm that the United States has granted Chile $5 million in credits for the purchase of military equipment?

A. My understanding is that in response to a Chilean request, we have agreed to extend up to $5 million in credit in this fiscal year (FY 1971) for the purchase of U.S. military equipment.

"Grant" has a special technical connotation in this context, which is why I said "extend credit."

This is within the range of amounts that we have extended to Chile in recent years; basically, the equipment contemplated is some paratrooper equipment and a—that is, one—C–130 aircraft.

Q. Can we put this in a bit of a time frame, Charles? The fiscal year ends at midnight tonight. When was this decision made, and when was this extension offered?

A. The decision was made fairly recently, Gary.

I'm not quite sure I understand what you mean by "extension."

Q. Well, you're offering them $5 million—up to $5 million credit for the purchase of military equipment—presumably there's a certain time period that these transactions would require.

A. No, I don't—

Q. The fiscal year ends in twelve hours.

A. Well no, in that respect, there is no extension required. The case is opened with this fiscal year's funds—they can be expended in subsequent year or years.

Q. Charles, I didn't hear what was included besides the C–130 aircraft.

A. Some paratroop equipment—on which I have no further details now.

Q. Charles, is extension of Export-Import Bank Loans to Chile to buy commercial aircraft in this country being held up pending a settlement of the copper dispute?

A. I am going to have to fall back, I think, on some reasonably delphic language, here John (or maybe it's unreasonably delphic language, depending on where you stand) and say that this question of the pending sale of commercial airliners is essentially a banking matter which will be decided on its merits.

Q. Well—any idea when, Charlie?

A. No, can't predict when it will be made.

Q. Would you say that the copper dispute has an input into the consideration?

A. No comment.

Q. Wasn't there an armed Navy ship also mentioned in the article we are all talking about, this morning?

A. No, I think it was a seagoing tug—the *Arikara*, which we are leasing to the Chilean Navy for a period of five years.

Q. That was just one C–130?

A. One—"a" C–130.

Q. Thank you.

[The briefing was terminated at 12:56 p.m.]

Mr. **Ashley**. I am a little surprised at the comments of the gentleman, because in 1969 amendments were adopted into the law stating that—

No funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically-less-developed country after June 30, 1968.

Mr. **Rarick**. May I say to the chairman that the question was asked at the briefing as to whether this $5 million extension of credit of military equipment to Chile was for the fiscal year ending 1971 specifically? Whoever handled the interview asked if this would expire in 12 hours, when the fiscal year 1971 expired, and the answer was that no extension was necessary—that the funds could be expended in a subsequent year or years when the Chilean Government made the request. The interview posed unanswered questions only on the problems created by the Chilean Government nationalizing U.S. copper interests in that country.

Would the chairman agree that granting Export-Import Bank credits to the Marxist Government of Chile, which must be a decision made by the President of the United States, will be questioned by many Americans as not being in the best interests of the American people or of our many Latin American friends?

Mr. **Ashley**. Whatever kind of litmus paper test does the gentleman expect the Bank to perform in determining its known policies?

Mr. **Rarick**. I was only asking the gentleman if this was discussed in the hearing.

Mr. **Ashley**. I have responded in the negative to the gentleman.

Mr. **Rarick**. The American people have also heard in recent days about a $700 million Mack truck factory to be constructed in the Soviet Union. Is this also to be financed in whole or in part by the Export-Import Bank?

Mr. **Ashley**. My recollection, if the gentleman is talking about the Fiat transaction, is this.

Mr. **Rarick**. My question had to do with the Mack truck transaction.

Mr. **Rees**. Mr. Chairman, will the gentleman yield?

Mr. **Rarick**. I yield to the gentleman from California.

Mr. **Rees**. Mr. Chairman, the Mack truck transaction is an independent contract between the Mack truck business and the Soviet Union. To date, they have not applied for any credit, whether in Export-Import Bank credits or credits from private banks. This is a separate contract.

Now, vis-a-vis Chile, the president of Chile happens to be Marxist, but I tell the gentleman now the armed forces are not Marxist.

This was a loan application put in long before the Marxist government was elected by the people of Chile.

I think we have to get away from looking at these situations as black and white and look at them rather as grays.

Mr. **Rarick**. I think rather we have to look at them as red or shades of red.

Are we preparing to arm the President of Chile to attack his neighbors? Paratroopers are usually regarded as an offensive arm unless they are used domestically as shock troops to suppress popular uprisings.

Many Americans are quite conscious that U.S. vessels that were loaned to other Latin American countries have been used to capture our fishing boats. We have just within the week recovered U.S. fishermen from Marxist Allende's Communist comrade Castro in Cuba.

Mr. **Rees**. If the gentleman wants them to become Communist and politically aimed with the Soviet Union, his policies might be the best thing.

Mr. **Rarick**. He may not be directly alined with Communist Russia, but he is in bed with Communist Cuba and its imperialistic dictator Castro.

[From the Manchester Union Leader, July 28, 1971]

Chileans Say U.S. Copper Companies Have No Right To Indemnity

Santiago, Chile.—Lawyers for nationalized American copper companies in Chile studied the text yesterday of a speech by a prominent government leader declaring that Anaconda and Kennecott have no right to be indemnified for their installations.

Sen. Carlos Altamirano, leader of President Salvador Allende's Socialist party, told a Cuban "solidarity" rally here Monday night that Anaconda and Kennecott "have no right to any indemnization" for their nationalized properties.

"During years and years they extracted the riches of our homeland, they carried away millions and millions of dollars in profits under the guise of amortization, foreign expenses and other categories . . .

MILITANT OUTSPOKEN

"We militants of Chilean socialism . . . believe that neither Anaconda nor Kennecott deserves any indemnization because the profits they have taken out of our country are one thousand times superior to what they have invested," Altamirano said.

Altamirano, 49, is secretary general of the Socialist party, the largest in Allende's Socialist - Communist - radical government coalition.

Indemnization procedure was established by the nationalization law itself, but an "excessive profits" deduction clause which the president may invoke makes Marxist President Allende himself the final ruler on the government's eventual indemnization proposal.

Both the president and the American companies have the right to appeal the Indemnization procedure as established by the nationalization law which was promulgated July 16.

LAKE ERIE A NATIONAL CONCERN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. KEMP. Mr. Speaker, the pollution of Lake Erie is not a matter of only local concern. This magnificent body of water is an unparalleled national resource of importance to all Americans. Numerous Great Lakes programs have been established, but the Great Lakes laboratory of the State University at Buffalo, N.Y., makes a unique contribution as the only fulltime, academically affiliated laboratory working on the many problems affecting Lake Erie.

Because its mission is applied rather than theoretical research, its programs are translated into direct and immediate benefits in the battle against pollution. The Great Lakes laboratory has helped make possible much of the progress which has been made toward our goal of a pollution-free Great Lakes.

In 1968, the Great Lakes laboratory's dockage facilities were damaged by a storm, hindering the use of its research vessels. Governor Rockefeller has considered my request for the matching State funds needed to obtain Federal money to effect the necessary repairs to the dock. I have been assured by the Governor that the State will assist in repairing the dock and seawall in cooperation with the Environmental Protection Agency. Rehabilitation of this waterfront could make the laboratory a pivotal point for the extensive environmental research which is so vital to our efforts to clean the Great Lakes.

The water of the Great Lakes is the primary physical fact in the lives of the 35-odd million people now living and working in the Great Lakes region in Canada and the United States and it is estimated that by the end of the century 70 million people will live adjoining the lakes.

Recently I had the honor of participating in the commissioning ceremony of the Great Lakes laboratory's research vessel, the *Charles A. Dambach*, which will enable Robert A. Sweeney, director of the laboratory, and his staff to achieve even greater accomplishments to the benefit of these people who look to the Great Lakes for swimming, fishing, and most importantly, drinking water.

At this ceremony, Dr. Clarence E. Taft of the botany department of Ohio State University gave an excellent speech outlining the accomplishments of Charles A. Dambach, one of the pioneers of environmental research. I comment this speech to the attention of my colleagues:

I have been accorded the honor by Dr. Sweeney, Director of this Great Lakes Laboratory, to speak of a man whom some of you here today knew as a husband or as a father, whom some knew personally, some to whom the name is familiar, and some to whom the name means little or nothing. To me Charles A. Dambach was a friend and colleague with whom I had the good fortune to be associated for nearly fifteen years.

I do not intend to eulogize Dr. Dambach, but in the few minutes I have, I hope to leave with you an insight into the thinking of a Natural Resources advocate who was one of the first to recognize certain of our environmental problems and the need to arouse the public to their solutions. His contention was sound in that the solutions of the problems meant little unless they became a part of public philosophy and understanding.

I have heard him say that, "I have no pretense of being an Aquatic Biologist." In one sense this was true. He did not sit at a microscope or in a laboratory poring over samples. One might say that he began where the Aquatic Biologists left off by taking their data and formulating these into valid conclusions. These became, or at least became a part of, the solutions of more extensive problems.

By our presence here today we assume a close association with the problems of the Lower Great Lakes, and in particular with those of Lake Erie. I will speak mainly of these and of Dr. Dambach's impact on these problems.

However, it is difficult to separate out these as one facet of his interests as they were only a part of his kaleidoscopic view of all Natural Resources and the attendant Conservation problems. They included strip mining, wildlife, stream pollution, recreational pursuits, and air pollution as well as others.

The various facets of the Great Lakes studies were prime projects during his later years. The problems that he recognized 30 years ago, or more, are those that we are now attempting to solve. Some have defied us as yet, but others have been solved through research by individuals, and of utmost importance, by the coordinated research conducted at Laboratories such as this one alone, and in conjunction with similar research units throughout the Great Lakes Area. Coordinated research of the latter type was one of the primary goals of Dr. Dambach.

I suppose the problem that was first, and possibly remained foremost in his thinking was the gradual decrease in desirable fish populations in Lake Erie which culminated in the disappearance of the Whitefish, the Herring or Cisco, the Blue Pike, and finally of the Walleye. Whitefish began to decrease as early as 1880 and the Herring by 1892. The great decrease of Walleye during the 1950's brought the problem to the attention of the sportsman and subsequently to the less sports minded. The hue and cry was that pollution was the causal factor. Dr. Dambach recognized this as a possibility, but he also realized that statements unaccompanied by documented evidence would never convince those who must be made aware of their polluting practices. Was pollution the culprit? Was man polluting Lake Erie during the late 1800's to such an extent that the aquatic environment was becoming hostile to the fisheries with the consequent decrease of Whitefish and Herring. This hardly seemed possible. If this was not the answer, then what was?

Travelers along the south shore of Lake Erie during the early 1800's spoke of the vast aquatic meadows of wild rice. Where are they now? Where are the extensive areas of submerged vegetation that extended into bays and river mouths from the shallows off the south and western shorelines? These were changes that required answers and Dr. Dambach began by subtly introducing these questions into discussions about the Lake in the hopes that some one would become interested enough to tackle the problems. Soon work was being done on a number of facets of this problem. We do not know the complete answer as yet, but we do know that turbidity has increased in recent times as silt erosion from the denuded lands around the Lake has increased. Dr. Thomas H. Langlois found he could predict good Smallmouth Bass fishing three years in the future by measuring the turbidity at the time of their spawning season. We also now know something about bottom muds and their consolidation, or the lack of it. As a consequence of increased turbidity we know that light penetration is less than it must have been in earlier days. In fact travelers records from 1838 support this when they speak of watching bass take the bait at a depth of 35 feet in the Islands Region of the western basin. This turbidity may well be a factor in the disappearance of the rooted aquatic vegetation.

Reports of pollution in Lake Erie became more and more numerous until there was a demand that something be done. No one knew better than Dr. Dambach that we had few quantitative measurements of biological and physical factors by which we could judge the present in the light of the past. It was necessary that we know the conditions at the present, if nothing more. He let it be known that projects were welcome and anything reasonable enough to provide answers to pollution problems would be funded as long as funds at his disposal were available. When these were exhausted he provided the impetus and the expertise in applying for grants from whatever source was available. His long association with the State of Ohio Government and his knowledge of the Bureaus of the Federal Government made him invaluable to those who needed funds to either begin or continue research connected with the adequate environment. Consequently much of the research upon which we now depend for background information concerning problems in Western Lake Erie can be traced to the fertile imagination and the will to succeed of this one man.

Oxygen deficiencies along the mud-water interface during certain periods of the year became another problem. As a consequence of this there came a drastic change in bottom fauna. Clouds of Mayflies which formerly piled around exposed lights and that greased highways when crushed under the wheels of vehicles have given way to Midges. We know these to be more pollution tolerant, so an inference is that pollution in the Lake is increasing. And yet, what is pollution? It means many different things to many different people. I have heard Dr. Dambach stop a student in the middle of a discourse and ask him to define the term in the sense in which he was using it. Even with that limitation the definition sometimes became controversial. It is true that since the mid 1940's N and P, and now Hg., as well as numerous other pollutants have increased and their thresholds have passed the safe tolerance levels. These are the problems, as well as many more that were foreseen, and in many cases research was initiated and encouraged.

There is a tremendous gap between knowing the cause of a problem and in implementing the solution. This gap was of real concern to Dr. Dambach. This was where the public, represented by you and I, had to understand the need for a solution which would then lead to the providing of funds necessary for its attainment. He was not one to use subterfuge, but was honest when the economics of a situation had to be dealt with. Numerous times I have heard him astound his listeners by quoting the figure of 20 billion dollars as the clean-up price for Lake Erie. His rejoinder was, "If you want a clean environment you must pay for it."

Sometimes it is more difficult to make the public aware of the nature of the problems than it is to arrive at their solutions. He never turned down an opportunity to reach those who should be concerned, consequently his approaches were varied. He was often called as an expert witness for legislation; he spoke widely and often on Conservation and Natural Resources; he was a member of Nature Conservancy Commissions; of Great Lakes Fisheries Commissions; and of Science Advisory Boards. These contacts provided a means of reaching the persons whom he felt deserved and appreciated the best possible environment.

I may be prejudiced, but I cannot help but believe that possibly the greatest contribution made by Dr. Dambach to quality environment were the philosophies he instilled in his students in the Natural Resources Institute Seminar, which later became the School of Natural Resources Seminar at Ohio State University. This was an interdisciplinary, three quarter sequence with students from the Physical and Biological Sciences, from the Social Sciences, and from Engineering. Of a few it was required because they were enrolled in a Training Grant Program which he had instituted for the study of pollution problems. For the others it was an elective. He molded this heterogenous assemblage each year into a coherent unit in which each individual retained his identity with his particular discipline. Arguments often became heated and tempers sometimes flared, but from the discussions and the calm leadership there gradually evolved an understanding of the basics of pollution and their relationships to any discipline.

Those students are now the Teachers, the Researchers, and the Administrators who are carrying the ball for Charles. They personify the philosophy of the man more accurately than can mere words.

In closing I will say what I believe he would have said if he had been here today, and I would quote, "I have no regrets about the ball handler at this Laboratory; he learned his lessons well."

YOUTH FARES A BIG SUCCESS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. GOLDWATER. Mr. Speaker, it has become obvious to many of us here in the Congress that the air transportation industry is in serious difficulty.

The reasons for the predicament in which the carriers currently find themselves are numerous and varied, and I shall not take up the time of my colleagues to go into them at this point.

It is reassuring, however, to read about the bold and innovative efforts of certain carriers such as Pan American World Airways who are making determined efforts to rectify this calamitous situation.

At this point, I insert in the Record some remarks entitled "Pan Am Youth Fare Passengers Pass 5,000 Mark":

Pan Am Youth Fare Passengers Pass 5,000 Mark

New York.—Youth fare passengers carried by Pan American World Airways to Europe passed the 5,000 mark one month after the low fares were first introduced on June 1, 1971.

James O. Leet, Group Vice President, said that the daily number of youth fare passengers had grown rapidly as the special fares spread to most European cities. In early June, when the fare was available between New York and Brussels only, the daily totals had ranged as low as 4 and 6 a day. In recent weeks, more than 500 passengers have been carried on a single day. Pan Am currently offers youth fares to 24 cities.

Mr. Leet pointed out that the youth fare passengers have been helping Pan Am and other airlines fill seats that would otherwise have flown empty. He credited a tight reservations control policy with channeling youth fare passengers to relatively lightly-booked flights. "We view the youth fare as a means of increasing our revenue by filling seats that would otherwise fly empty, not as an uneconomic diversion of full-fare passengers," Mr. Leet pointed out.

Mr. Leet said that youth traveling to Europe are channeled away from Mondays and Thursdays, which are the heaviest traveled days to Europe during the summer because they fall just before and after the Friday-Sunday period when a weekend surcharge raises the fare. The youth prefer traveling on weekends anyway, and these are the days when Pan Am has a greater number of seats unsold.

As an example of how this policy works, Mr. Leet cited the following statistics: On July 1st, a Thursday, Pan Am carried 5,856 passengers to Europe. Youth fare passengers accounted for 30 of this total. By contrast, on Friday, July 2, the number of Pan Am's east-bound transatlantic passengers dropped to 4,898, while the number of youth fare passengers increased to 542.

"These statistics show how Pan Am is utilizing the youth fare to maximize its revenues, rather than diluting them," Mr. Leet said. He pointed out that Pan Am still has plenty of seats available to Europe in late July and August, and is hoping that the youth fares will spur travel during this time period, which is traditionally lighter than June and early July.

MENTAL HEALTH INSURANCE

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. MOSS. Mr. President, 2 weeks ago I criticized from the floor the administration's national health insurance proposal because, as presently written, it discriminates against mental illness. I also urged the sponsors of all the health care plans to "study this problem, and, if necessary, adjust their bills so that they deal with mental and physical problems equally." I have had since brought to my attention material prepared by the National Association for Mental Health which should prove very useful to those involved in this task.

The National Association for Mental Health is the country's only voluntary citizen organization whose sole purpose is fighting mental illness and promoting mental health. With national headquarters here in Washington, D.C., the association is comprised of 47 State divisions and more than 945 local chapters. Hundreds of thousands of volunteers devote much time and effort to inform and educate the public about all aspects of mental health.

Proposals for a national health insurance program are being very carefully studied at NAMH. Creating a new health care delivery system, they believe, "presents at once an opportunity and a threat, for, depending on its terms, it can act as a powerful stimulant to the development of comprehensive community mental health centers or it can result in their economic starvation."

They have pledged themselves, as I have, to make certain that any health insurance plan enacted deals "comprehensively and intelligently with mental illness." To help explain what the NAMH feels is needed in this area, a report, entitled "Principles for Mental Health Provisions in National Health Insurance," has been prepared. I believe everyone concerned will benefit from the study of these ideas. I ask unanimous consent that the document containing these 12 principles be printed in the Extensions of Remarks.

There being no objection, the document was ordered to be printed in the Record, as follows:

Principles for Mental Health Provisions in National Health Insurance

As adopted by the NAMH Council on Public Affairs, May 20, 1971.

This Association has devoted a large proportion of its energies in recent years toward fostering the growth and development of comprehensive community mental health centers. We have worked in the communities to plan, organize, and facilitate; we have worked in the States to plan, enact enabling legislation, and advocate; and we have worked nationally on federal legislation and financing, and on standards and education.

This revolution in mental health care is now about 20% completed. We continue to believe that realization of its goal of complete national coverage is the highest national mental health priority today.

The prospect of enactment of "National Health Insurance" presents at once an opportunity and a threat, for, depending on its terms, it can act as a powerful stimulant to the development of comprehensive community mental health centers, or it can result in their economic starvation. Stimulation of growth would result if compensation for treatment in these settings is given favorable terms. Starvation would occur if a program is adopted with little or no mental health coverage followed by withdrawal of existing federal financing of comprehensive community mental health centers.

We must, therefore, carefully scrutinize each proposal for federal financing of health care with this over-riding question in mind:

Will its enactment facilitate the development of comprehensive community mental health centers?

At the same time, we realize that the present proposals for national health insurance are based on historic roots, and we must be alert to urge appropriate coverage for mental health.

Private health insurance programs were originally conceived and sold to compensate hospitals and doctors treating patients in hospitals for services rendered to subscribers. Coverage has increased over the years including more services and for longer periods of time.

Mental health coverage has been added to many of these policies in recent years. In most instances, there are (and are) sharp limitations as to cope and duration of coverage.

This pattern, essentially hospital and surgeon oriented with mental health provisions appearing as limited addenda, has carried over into the Medicare and Medicaid provisions of the Social Security Act. The result has been continuing discrimination against the mentally ill.

We are strongly opposed to this pattern of discrimination and are pledged to influence or alter proposals dealing with national insurance to deal more comprehensively and intelligently with mental illness.

We believe that the following principles should govern the intelligent and humane coverage of mental illness in any program of national health insurance:

1. SCOPE

Programs in mental illness should cover a broad range of activities including prevention; active treatment, both inpatient and out-patient; rehabilitation and long-term care and there should be continuing evaluation of all programs. Collateral services to families of the mentally ill should be included.

We cannot accept another insurance program which, in the name of economy does not in fact insure individuals against intolerable losses. This is neither inhumane nor financially defensible.

2. LIMITATIONS

There should be no limitations as to age, sex or condition. Any limits on mental health services should be structured to encourage the development of community mental health centers and to discourage over-utilization on the part of the patient or the provider. Limitations should be determined by regulations based on clinical experience and subject to approval of Citizens' Boards.

3. PROFESSIONAL SERVICES

Payment should be provided for individual visits to psychiatrists and other qualified therapists. There should be no patient fee or coinsurance for at least the first seven visits per spell of illness.

4. CLINICAL OUT-PATIENT SERVICES

There should be full compensation for services rendered in qualified clinics, or comprehensive mental health centers. Home visits by qualified staff members of such facilities should also be covered. Reimbursed services in a clinical out-patient setting should include services provided by all personnel necessary to the treatment program.

5. PARTIAL HOSPITALIZATION

Costs of partial hospitalization should be fully paid without regard to the setting, subject only to qualification.

6. IN-PATIENT SERVICES

Provisions for coverage of in-patient services should be structured to encourage:

(a) Evolution and development of comprehensive community mental health centers, and

(b) Improvement of public mental hospitals.

There should be a requirement that these two systems be adequately linked so as to provide a continuum of services to all.

7. PRESCRIBED DRUGS

Prescribed drugs should be available without separate charge to the consumer.

8. EDUCATION AND CONSULTATION

Research and evaluation

The important functions of education, consultation, research and evaluation should continue to be funded through grant mechanisms. They should be encouraged in all mental health settings.

9. MANPOWER AND TRAINING

To be truly effective, any final plan must automatically influence and facilitate the recruitment, training and geographical distribution of all categories of manpower necessary to a comprehensive mental health program.

10. CITIZENS' BOARDS

There should be boards of citizens with ultimate responsibility for governing the program. They should set standards and establish continuing vigorous evaluation of all vendors. This must include both individuals and organizations who seek payment under National Health Insurance.

There should be substantial representation on all the Citizens' Boards from professional and lay persons with knowledge in mental health and mental illness. Laymen so serving should not be engaged in providing services to the mentally ill and should constitute a majority of the Boards.

11. METHOD OF PAYMENT

The program must permit participation by qualified providers with options as to prepayment or compensation for services rendered.

As programs emerge which are demonstrably more efficient than others they should be rewarded by preferential funding.

12. DISCRIMINATION

No vendor should be qualified who refuses services to any one because of race, creed, color, national origin, or ability to pay.

MODEL CITIES PROGRAM

HON. RALPH METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. METCALFE. Mr. Speaker, I have heard a lot about the model cities program on this floor—pro and con. I have read a lot about it in the papers, pro and con. I have seen a lot in my district—

Last Saturday, while visiting the First Congressional District of the city which I have the pleasure to represent, I participated in a major event of the Chicago model cities program and feel obligated to briefly share my views with you who passed the model cities enabling legislation.

As part of the event there was a parade sponsored by the Chicago model cities near South Citizen's Council, residents of the area who participate in the planning, implementation and evaluation of the Chicago program. I wish that every one of you could have been there to see what was one of the most remarkable exhibits of citizen government cooperation that I have ever seen. The citizens had the participation of almost every major public agency. In attendance were department heads, commissioners, and employees of many city departments as well as neighborhood and citywide community leaders.

The enthusiasm of everyone involved is the main reason that the Chicago program has been heralded by Federal model cities officials as the best model cities program in the country.

The Chicago program encompasses four neighborhoods. In my area, Near South, a consumer service and education center was established and has made 551 inspections of consumer goods, handled 58 complaints, been responsible for 52 arrests and made 25 referrals to other agencies.

Ten target area residents are being trained as building managers in the Community Building Maintenance Corp., a community-operated rehab company. Twenty-three others are being trained in related maintenance trades.

As a result of Project Threshold, a homeownership program, 19 target area residents have purchased homes, nine are waiting to close deals on their homes and 58 are now being processed for possible purchase.

The model cities program has purchased two ambulances and located them in my district to transport residents to the county hospital. The Haniel Hale Williams Comprehensive Health Center was recently opened at Provident Hospital, a hospital that has become an institution in the black community and has recently been fighting for its survival. The new health center at Provident has been servicing an average of 30 residents per day during its first 3 weeks of operation.

One hundred and forty-nine residents have been employed as community service aides. As a result, 78 are currently enrolled in the GED program, nine have received GED certificates, 33 are enrolled in college, and three have passed the test for regular policemen.

The program has provided funds for the opening of two youth service homes for delinquents which have serviced 21 youngsters and provides employment for six target area residents.

Model cities has established day care centers in my district which provide service to 305 children and employ 46 model cities residents. It has also licensed 29 private homes in the target area for day care which have served 253 persons.

Twenty-six leisure time projects operated by groups, agencies, and institutions in my district have been funded by model cities with a total participation of 38,000—21,133 alleys have been serviced, 2,056,230 tons of refuse have been collected, 780 tons of bulky trash have been collected and 2,278 curb miles of street were swept as a result of the model cities program. The litter patrol has issued 624 penalties, cleaned 432 vacant lots, issued 2,507 warnings and swept 1,169 curb miles. This is all in addition to the regular city service.

The public library has loaned approximately 45,000 books to students in the target area as a result of the model cities augmentative library program.

The co-plus program has concentrated funds in three target area schools thereby increasing the per pupil expenditure to $1,500 and lowering the pupil-teacher ratio to 6 to 1. This program has in addition employed over 150 target area residents as teacher aides and in other paraprofessional occupations.

In addition, the school has constructed Schomes—an amalgam of the words school and home—that provide day care and preschool education to 360 children and also employ target area residents as aides.

The free breakfast and lunch programs have served over 13,000 meals to the youngsters in 37 schools.

There are just a few examples of what has happened in my district. Similar strides have been made in each of the other three model cities areas of Chicago.

GAS SUPPLY SQUEEZE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MURPHY of New York. Mr. Speaker, the natural gas supply shortage is not merely threatening. It is here and now.

One after another, the major gas companies have announced that they will be unable to take on any new, large industrial consumers due to lack of additional supplies. A large gas distributor in Ohio has notified its industry customers that they must be prepared to cut their consumption of gas by 10 to 20 percent. In my State of New York, the Public Service Commission has reported a gas supply shortage this year of 25 billion cubic feet, which will probably be doubled in 1972. These are not isolated examples.

This is an extremely serious matter to the consuming public. More than 140 million people in the U.S. depend upon natural gas for domestic and industrial fuel and for the generation of electric power. Natural gas provides a third of the Nation's energy needs.

Gas is also the great growth fuel. Its consumption has been increasing at a rate of 6.6 percent a year, as compared with 4.6 percent for oil and 1.1 percent for coal.

But even as demand has pushed steadily upward, discoveries of new gas supplies have rapidly declined. The United States proven reserves, excluding Alaska, went down last year for the 3d consecutive year.

This does not mean that our gas reserves are approaching the point of exhaustion. Sixty percent of the Nation's natural gas remains to be found, according to estimates by the National Petroleum Council.

Until these new supplies are discovered and developed, however, their value to consumers remains only potential, not actual. The trouble is that the effort to find new gas fields has slowed down alarmingly in recent years. That slowdown, coupled with the steadily increasing demand for gas, is at the root of the present supply crisis.

Much of the incentive for gas producers to expand costly and uncertain explorations for additional supplies of gas has gradually withered away.

The key question now is: What can be done to restore the necessary incentive?

Part of the answer will be provided by making the gas producers' sales contracts with interstate pipeline companies valid and binding.

They are not now valid and binding. The regulatory policies followed by the Federal Power Commission permit that agency to change the terms of such contracts at any time, even though they were originally approved by the Commission.

Clouds of uncertainty hang over every contract between producer and interstate pipeline. Even after the contract is signed and approved, the producer does not know for sure what price he will be paid for his gas. He does not know how long he will be paid an agreed-upon price. He does not know how much gas he will be called on to deliver to the pipeline. And he does not know how long he will be required to make deliveries.

Under such circumstances, it is not surprising that producers are discouraged from pressing the search for new supplies. Also, it is not surprising that more and more gas is sold in the State where produced since intrastate sales contracts are not subject to these uncertainties. And it is understandable that investment sources have turned away from the gas industry.

Mr. Speaker, these unfavorable development are of direct concern to the people of my own district, where much gas is consumed and none is produced. Their adverse effects extend to all consumers throughout the Nation. Unfortunately, the situation will get worse, not better, unless something is done.

H.R. 2513, which I introduced in the House last January, represents an attempt at a beginning toward doing something. By making contracts between producers and interstate pipelines valid and binding on all parties concerned, it would remove some of the uncertainties which now hamper the search for new gas supplies.

My bill does not propose to take away the control authority of the Federal Power Commission. Producer-pipeline contracts would continue to be submitted to the Commission for approval, conditional approval, or disapproval. Only approval, or approval after stipulated conditions were met, would place a contract into binding effect. Commission disapproval would void it.

The big difference from the existing situation is that once a contract was signed and approved, the producer would know what to expect. This is not too much to ask.

Enactment of H.R. 2513, a "validity of contract" measure, will be at least a start toward meeting the gas shortage crisis that looms over the Nation.

ABANDONMENT OF OKINAWA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. BYRD of Virginia. Mr. President, the Chicago Tribune of July 21 included in its letters to the editor column a most thoughtful letter by Mr. Eugene L. McHarry, a former mortar gunner in the 96th Infantry Division.

Mr. McHarry voices his concern lest the United States take precipitate action in abandoning the island of Okinawa.

As noted by Mr. McHarry, the United States and in particular the 96th Infantry Division, paid dearly to establish our position on that island.

I ask unanimous consent that the text of Mr. McHarry's letter, entitled "Keep Okinawa," be printed in the Extensions of Remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KEEP OKINAWA

HAVANA, ILL.—The signing on June 17 of a treaty renouncing our complete control of Okinawa within two years may be an even greater catastrophe for the United States [and also for Japan] than Pearl Harbor.

The status of this strategic island was determined by the 1951 treaty of peace with Japan. It gave the United States complete administrative authority. Today, after U.S. expenditure of $2 billion, Okinawa is our most important single military base complex in the entire Far East. Only last year we poured $260 million more into it.

We can be grateful that Sen. Harry F. Byrd Jr. of Virginia introduced the Senate resolution requiring that any change in the Japanese peace treaty be ratified by the Senate. As Sen. Byrd remarked, "How can we support our Pacific guarantees, as we claim we will, and also surrender our facilities?"

We of the 96th Infantry Division, which lost 7,222 in killed and wounded—the heaviest losses of any of the six divisions in the terrible battle for Okinawa—insist that our determination on the final disposition of this strategic island bastion of Oklinawa be given a duly weighted consideration by the Senate.

To preserve the freedom won in our victory, we must insist that the Senate withhold approval of an executive decision relinquishing full control of this vital base as long as Communist-imperialist Russia and China support invasions in Southeast Asia.

EUGENE L. MCHARRY,
Ex-mortar gunner, 96th Division.

REV. EDDY IE SWIESON ADDRESSES CAPITOL HILL STAFF PRAYER GROUP

HON. MARK O. HATFIELD

OF OREGON

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a speech recently made to the Capitol Hill Staff Prayer Group by Rev. Eddy Ie Swieson, who is associate pastor of the Fourth United Presbyterian Church, Bethesda, Md.

This is the church I frequently attend when I am in Washington. Mr. Swieson was invited to speak to the breakfast group by the group's president, Homer McMurray, to share with them his concern about our American society today. I invite the attention of Senators to this interesting and provocative commentary on today's society.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHAT DESTROYS A SOCIETY?—ECCLESIASTES 3: 1–13

What concerns you most—when you think of *our* American society today?

1. Is it the young, because many of them defy and depart from our sacred and cherished traditions?

2. Is it morality, because there is so much emphasis on sex appeal and freedom of sexual experience?

3. Is it economy, because there is such a wide and unbridgeable gap between the haves and the have-nots?

4. Is it our diminishing religious inheritance, because, proportionately there are increasing religious drop-outs, as well as growing religious indifference in our nation?

Certainly, these are basic issues which presently plague our society at large, and our immediate community!

However, there is something else which is far more destructive and diabolical of which unfortunately many of us are unaware. Instead, we hail it with great admiration and acceptance!

Our course, it can serve as a great blessing, when rightly applied!

But—when applied indiscriminately and universally, it can be harmful!

It destroys human sensitivity—

It ruins human relationship—the heart of congenial community—

It suffocates the life of a society—And, we have witnessed some of these calamitous consequences!

I am thinking of our sophisticated system: Speed.

The youth of this generation have a saying: "Speed kills".

Obviously they are speaking about some powerful drugs—amphetamines. Those who have experienced the drug known as "Speed" say: "It flies you up in an ecstacy, or flips you into an agony."

In short, when they say "Speed kills", they are speaking allegorically!

We adults also know that speed kills people on the highway! But—how many of us realize that "speed" or "acceleration in life" can be devastating to many homes?

Coming home from work, most men rush out again, either to attend a committee meeting, or a social party!

If children ask their fathers to entertain them, most likely they are passed up or brushed aside!

Even housewives and mothers join in this kind of rat-race.

Yes, speed has permeated the whole system of our society. In many instances, computers no longer serve as man's servants, but as our masters, telling us what to do!

Recently I had the most excruiating *and,* rather embarrassing experience. Upon the advice of one of the bankers—I changed my checking account. This [really] took place last November!

At the time of transaction, I was assured that everything would be to my advantage. The adjustment, I was told, was to be handled efficiently!

But, lo and behold! I keep on receiving ultimatums from the bank! The last warning that was addressed to me was dated June 1, 1971.

Of course, we cannot blame the machine. It just produces; it does *not* have the human emotional ingredients.

The tragedy, however, is that people are mentally and psychologically conditioned by the speeding machine with which they work every day.

As a godly contemporary *Jewish philosopher* has said:

"Our knowledge is but an accumulation of memories. We constantly compare, instead of penetrate . . ."

Moreover, to slow down is considered wasteful and harmful to the business and industrial life of this "throw-away" society!

And thus, we harvest or reap what we have sown.

Now . . . strong reactions are coming from the young!

A brilliant young philosopher by the name of Theodore Roszak—who is my junior—published a provocative book called: "The Making of a Counter Culture" in which he reflects on the "techno-cratic" society and its youthful opposition!

Of course, children resent it when they are ignored, or left out in the cold by their enterprising and aggressive parents.

Alvin Toffler in his book "Future Shock" one of the best-selling books in the field of Sociology—made this surprising remark:

"It is, in fact, not too much to say that the pace of life draws a line through humanity—dividing us into camps, triggering bitter misunderstanding between parent and child, between Madison Avenue and Main Street, between men and women, between American and European, between East and West."

Meanwhile, we condone the system! We congratulate some of its products, such as 'instant coffee' and 'instant food' which lead to 'instant indigestion', and for which there is an 'instant cure' the noisy bubbling of Alka-Seltzer.

Recently, Dr. John Silbur, the new president of Boston University spoke of the annihilation of 'cultural time' through the development of an 'instant culture'.

Here is an outstanding scholar and philosopher who is well-respected by both right-wingers and radicals on the Boston University campus. Here are some of his very profound evaluations:

"With the outbreak of World War II, the Janus face of science had smiled on mankind by the creation of instant communication, instant health and many other things. Suddenly, there was the other face: 'Instant suffering' and 'Instant death'."

You see, Janus is an ancient Roman god, depicted with 2 faces looking in opposite directions! So . . . is the Janus face of science.

According to Dr. Silbur: "Rockets and airplanes are facilitating instant travel, even if it means instant death! Television and radio are offering instant communication, even if it means instant boredom and vulgarity. . . ."

Today, we witness a more serious phenomenon. We see the development of instant politics—politics by assassination, bombing and kidnapping.

Domestically, children are deprived of wisdom, and grandparents of hope. People are bereft of the sense of enduring family ties; they spend most of their lives in isolation from those who care most about them!

This is a serious and alarming symptom which, if unalleviated can be catastrophic to our society!

We all know human survival is not possible if . . . the best of us 'lack all conviction and compassion' while the worst are full of passionate intensity.

We have undercut meaning by stressing 'instant perception' and 'production', as if . . . men thought any faster today than in pre-electronic times.

*** But, let's not impeach each other, or dwell on the outward symptoms. We must get at the root of the matter and to find out the underlying spiritual problem!

It is essential to remind ourselves that we live in a world that is spiritual, as well as physical.

Question: "What is the underlying spiritual problem?" The Bible speaks of men following "the course of this world," following "the prince of the power of the air," that is the spirit at work in the sons of disobedience.

The phrase "the course of this age" is best understood as "this world-system." The Berkeley Version reads as follow:

"In which you conducted yourselves in line with the ways of this world-system, controlled by the prince of the aerial powers, the spirit of the one now working in the sons of disobedience."

Who is behind the scene, monitoring and manipulating the human race?

It is Satan!

He is in fact with us in this atmosphere where we exist.[1]

Yes, he is responsible for this sophisticated system: Speed!

Speed is the devil's strategy!

The most common conception of diabolical strategy is "idol worship" or "witchcraft" which, according to some missionaries, originated in the jungles of West New Guinea and Africa—

But, let's not be deceived!

Satan is smarter than we are. He very well knows that a civilized and sophisticated society like ours would not go for images of Vishnu or Buddha, or succumb to the chanting of a witch-doctor!

His maneuvering is as sophisticated as our business and advertising methods. He moves with the intensity of our passions, and the inflamation of the desires of our bodies and minds!

In short, he identifies himself with us, and infiltrates our whole system!

He leads us in a system which is contrary to that of God and nature.

In the passage which was read to us this morning, God tells us that for everything there is a season, and a time for every matter under heaven!

Jesus was very conscious of the divine velocity—He carefully and consciously moved according to a divine-schedule, never hurrying or accelerating God's timing!

1. For instance, after his very exciting dialogue with the scribes and doctors of law in the Temple in Jerusalem, he gladly consented to wait for another 18 years—until he was 30—before he began his rabbinical career, or teaching ministry.

2. Then, at the very beginning of his ministry, Jesus stubbornly rejected Satan's offer of an "instant kingship"—the price of which would have been to disregard God's schedule and submit to Satan's comprehensive plan—

Satan is extremely anxious to speed up the human pace, in order to make men insensitive and irresponsible.

1. From personal experience, we know that our speed-system has excluded us from the precious and healthy quiet-time.

2. The speed-system has numbed or dulled man's sensitivity to his Creator.

3. The speed-system has undermined man's receptivity and responsibility to his fellow-men.

4. The speed-system has also inflamed human *impatience* and *aggravation.*

You see, how dangerous and serious it is!

"What are we supposed to do to help dissipate or diminish the potential for a traumatic collision in our society?"

The Scripture reminds us that for everything there is a reason, and a time for every purpose under heaven.

In other words, we must recognize that there is a proper time for every project in this universe.

1. The book of Ecclesiastes speaks very clearly that God has provided business for the sons of men to be busy with. God does not intend to detour us from learning and labor.

But it is also the will of God that every one should *eat* and *drink* and *take pleasure* in all his toil!

For this reason, God has made everything 'beautiful' in its time—

The word 'beautiful' is from the Hebrew word, "Yapheh" which means, fair, beautiful and pleasant. "Enjoyable", if you please!

The book of Psalms associates this word "Yapheh" with "joy".

Yes indeed, God intends man to enjoy His

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[1] The Greek word that Paul employed in this context is "aer"—referring to this lower and dense atmosphere in which we all exist!

creation and the *motion of life;* and, not be pressed or even persecuted by velocity!

We ought to be able to strike a *happy balance* between "action" and "recreation"; between "industry" and "family"; between "silence" and "conversation".

Really, this is what the book of Ecclesiastes is telling us—that God has appointed a time for every purpose and for every work!

2. The scripture ALSO reminds us that we must live beyond the *immediate* and *situational.*

God wants us to have the vision of eternity.

And this is why, the writer of Ecclesiastes writes:

"God has put eternity into man's mind" the womb from which Christianity was born—

(a) Hence, the Old Testament prophets—over and over again—declare that in God's plan there is a future!

(b) In like manner, the New Testament apostles speak of the value and virtue of hope!

And, of course, they *refer to* that *"hope"* in the living Christ which supplies *balance* and *patience* in our *present life of business* and *leisure.*

CHALLENGE

1. Are you concerned for our society, and its future?

2. Are you eager to escape the speed-system?

If so, be willing to move with the rhythm of God *by faith;*

believing that He is the God who has ordained for *you* a life of work and of joyful rest;

the God who has given *you* "hope" in the mercy and infinite love of Jesus Christ!

CLOSING PRAYER

Dear Lord: Help us to understand the needs of our children and our contemporary society—

Fill us with the condescending love of Christ that seeks to ease and quench the *agony* and *anguish* of man.

Let nothing, O Lord, anesthetize our sensitivity to others—

Save us from any process or human system that could undermine our *family* and *community* relationship!

We know the price is too high for that!

Help us O God, for Christ's sake. Amen.

CONSERVATION OF FREEDOM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHMITZ. Mr. Speaker, almost any "movement"—especially one based on an emotional issue—has some potential for abuse. This is especially true if the "movement" becomes identified with self-styled leaders who at times do not have the highest of motives.

As much as all of us believe in clean water, clean air, industrial responsibility, and business honesty—those aspects of our lives which are loosely termed "ecological"—we must at the same time recognize the potential for abuse, even for totalitarianism, inherent in these issues. Again, this is especially true when the leaders of such issues—or the means they devise to deal with the problems—are concerned less with the freedom and well-being of the people than with their own political futures or in grinding their own political or ideological axes.

Mention "ecology" or "consumerism," and the name that pops immediately to mind is Ralph Nader. "I have often heard businessmen dismiss Ralph Nader and his organization as well-meaning fellows who sincerely want to help consumers and improve business. "Forget it," commented Look magazine publisher Thomas Shepherd, Jr., in a recent speech:

> Mr. Nader is not interested in seeing U.S. industry clean house. What he wants is the entire house, from cellar to attic. His goal is bottom to top take-over of industry by Government.

Federal Trade Commissioner Paul Rand Dixon has been quoted as saying of Mr. Nader:

> He's preaching revolution and I am scared.

The public, too, has a right to be cautious about Mr. Nader's motives. If, in the name of "ecology" and "consumerism," Nader wishes chiefly to insure governmental control over the private sector, then there is true cause for alarm. When one considers that Nader is touring the country organizing college students into "Raider" groups for his purposes, the possible impact on public policy becomes clear.

Governmental policymakers and bureaucratic planners have been all too quick to respond to such pressure. One example is the proposed bill, H.R. 437, which would set nationwide Federal standards for water—not just standards of safety, but standards of esthetics as well. This would mean that the Federal Government would control the standards of minerals and biological elements as well as the smell, appearance and taste of all the water for most of the local residents in the United States. The implications of such Government regulation for the preservation of the independent sector and a free society—especially on a matter which the citizens can surely decide themselves—are ominous. For, when the Government makes the leap from deciding what is safe for you—water safety standards—to deciding what is good for you—water esthetic standards—it is but a short step to Government decisions as to what additives would be beneficial for the general population.

Such a situation is even more dangerous when the Federal Government possesses the nationwide authorization and mechanism for implementing such beneficial decisions. From my seat on the Health and Environmental Subcommittee of the House Interstate and Foreign Commerce Committee, I witness the increasing power of the Environmental Protection Agency—the growth of its prerogatives, its veto power, its influence on governmental policy. With the wrong man at the helm of this Agency it could be one of the most dangerous entities which the citizens face.

If, in response to problems of consumer protection, population concentration, air, water and noise pollution, we react too strongly to the heated demagoguery of such as Ralph Nader, Paul Ehrlich and the rest of the often ill-motivated doomsayers, we are likely to find ourselves investing the Government not only with our protection, but with our freedoms as well.

SEVERANCE TAX IS A FAIR MEANS OF REVENUE SHARING

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. METCALF. Mr. President, I recently received the May 1971 report "Education in Kentucky" by the National Education Association Commission on Professional Rights and Responsibilities. I found it to be a sensitive study of the problems of education in that State and possible solutions to them. The problems are mostly financial; as in other States quality education does not coexist with substandard equipment and underpaid personnel.

The solutions are also financial and particularly difficult for States which find themselves with tax structures that call for the consumer to bear the largest share. The citizens are understandably unwilling to impose further taxes upon themselves in these times of recession.

The NEA report notes that the Appalachian region of eastern Kentucky presents a particular problem. Ironically, although it is one of the great coal mining districts of the Nation, where last year production was valued at over a billion dollars, it at the same time is one of the most economically depressed areas. The consumer there is unable to bear new taxes.

The report devotes several pages to a discussion of a severance tax on natural resource extraction as a possible source of additional revenue for education. A 5 percent severance tax on the lucrative and expanding coal industry would provide additional revenue of more than $50 million to Kentucky.

The NEA report offers some good reasons for the adoption of my bill, S. 1843, which would provide revenue for the States through collection of a uniform severance tax. The NEA report points out that the coal industry can easily afford a 5-percent tax because production is expected to continue at high levels with the companies continuing to show their already high margin of profit.

Mining firms have generally opposed severance taxes on the grounds that if one were levied in one State, firms in other States would gain a competitive advantage. The bill I propose neutralizes this argument by imposing the tax uniformly. It further provides that any State severance taxes collected will be deducted from the amount levied by the Federal Government. The bill would thus create an incentive for State governments to enact severance taxes of their own and obtain the revenues from mineral development within their borders.

Barriers that have stood in the past regarding this legislation are beginning to disappear. The concept of revenue sharing is now a term of everyday parlance, whereas before it was something strange and unfamiliar. More importantly, the American people and the legislators who represent them are increasingly demanding that industry show a greater sense of responsibility to the society in which it operates. We are no longer willing to let industries pollute our air and water as they please. Accordingly, we should not be willing to allow them to extract huge profits from the land without returning a portion of those profits for the intellectual and physical well-being of those people who live on or near the land whose resources companies extract.

Mr. President, I ask unanimous consent that the portion of the NEA report which deals with severance tax be printed at this point in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SEVERANCE TAX

In his book, "Night Comes to the Cumberlands," Harry Caudill, Kentucky lawyer and former legislator, described the economic and human tragedy of Eastern Kentucky—and of the Appalachian region in other states as well:

"The present crisis is compounded of many elements, human and material. They have produced what is probably the most seriously depressed region in the nation—and the adjective applies in much more than an economic sense. They have brought economic depression, to be sure, and it lies like a gray pall over the whole land. But a deeper tragedy lies in the depression of the spirit which has fallen upon so many of the people, making them, for the moment at least, listless, hopeless and without ambition.

"The essential element of the plateau's economic malaise lies in the fact that for a hundred and thirty years it has exported its resources, all of which—timber, coal, and even crops—have had to be wrested violently from the earth. The nation has siphoned off hundreds of millions of dollars' worth of its resources while returning little of lasting value. For all practical purposes, the plateau has long constituted a colonial appendage of the industrial East and Middle West, rather than an integral part of the nation generally. . . .

"From the beginning, the coal and timber companies insisted on keeping all, or nearly all, the wealth they produced. They were unwilling to plow more than a tiny part of the money they earned back into schools, libraries, health facilities, and other institutions essential to a balanced, pleasant, productive and civilized society. The knowledge and guile of their managers enabled them to corrupt and cozen all too many of the region's elected public officials and to thwart the legitimate aspirations of the people. The greed and cunning of the coal magnates left behind an agglomeration of misery for a people who can boast of few of the facilities deemed indispensable to life in more sophisticated areas, and even these few are inadequate and of inferior quality."

Kentucky's vast mineral wealth is one source of revenue potential to which the NEA Special Committee has given particular attention. The greatest portion of this wealth in Kentucky lies within the major coal-producing counties in the southeastern part of the state—that area described as the Cumberland Plateau. It is the conviction of this Committee—based on testimony and sound evidence—that economic and social rehabilitation of these poor-rich counties is essential if Kentucky is ever to achieve a healthy economic balance and if equality of educational opportunity is ever to be a reality for the young people of the Commonwealth. A severance tax on the extractive industries could produce the revenues that would enable this improverished region to take major steps toward achieving such rehabilitation.

Because of underassessment and underreporting of mineral values for tax purposes (pp. 102–106) and because of low tax rates (pp. 106–110) property taxation has not proved an effective means of achieving a fair return on the millions of dollars in profit that Kentucky's annual mineral production yields to the absentee corporations who own and lease mineral rights to mining companies within the state. Moreover, the mining companies themselves escape heavy tax liabilities since the state sales tax specifically exempts (a) coal for the manufacture of electricity; (b) energy fuels for manufacturing or processing if the cost reaches more than 3 percent of the total production cost; and (c) machinery for new or expanded industry, into which category most mining machinery falls.

The losses to the state through its failure to impose any effective tax on its mineral resources—primarily coal, but also natural gas, oil, timber, limestone, clay, sand and gravel, and other mineral products—are enormous. The state's minimal (1.5 percent) oil production tax did yield $221,000 during fiscal year 1968; however, during that same year, the total value of mineral production in Kentucky was $535,705,000. The major part of this dollar value was in coal production, which amounted to $396,883,000.

Originally, according to the U.S. Bureau of Mines, Kentucky's Appalachian coal fields contained some 35 billion tons; the Bureau has estimated that as of 1965, 27.8 billion tons of recoverable coal remained. Although coal mining employment has steadily declined as machines have replaced manpower, the future of the industry at this time appears bright. The Federal Power Commission has estimated that the consumption of coal by the electric utility industry alone would soar 250 percent by 1980. Officials of the U.S. Geological Survey and U.S. Bureau of Mines reported in 1968:

"Recent production gains have been based on sound economic factors. The confidence of the industry is reflected in the fact that during 1964 approximately $800 million was spent by the coal industry for improving and building new mining facilities and equipment. . . .

"The economic and technical improvements in mining and transporting coal have in turn improved considerably the competitive status of coal as an energy source. Three of the largest electric utilities in Florida are now consuming coal; this state was once the exclusive domain of other fuels. . . . A coal-burning, electric-generating unit will be built in Mississippi, the first to be constructed in that state. Three new long-term contracts were recently signed to supply Appalachian coal to New England electric power plants. Several electric utilities have built or plan to build mine-mouth generating plants in the Appalachian area."

Growing foreign demands for Appalachian coal and new uses of the mineral—its conversion into liquid hydrocarbons, char, and electrical energy, and its use in the manufacture of petroleum and pipeline gas—have greatly inflated the market for coal in recent years and have raised its price to the highest level since 1957—$4.99 per ton as of 1969. During 1969, Kentucky's total bituminous coal production amounted to 109 million tons—an increase of nine million over the tonnage produced in 1968. Only one other state, West Virginia, exceeded this production level. More recent—and even more encouraging—data were reported by the *Louisville Times* on November 22, 1970. In an article headed "Boom in Coal Doesn't Mean Kentucky Boom," that paper announced a 1970 Kentucky coal production of 115 million tons, valued at more than one billion dollars, and selling for "an incredible average of $9 a ton." Commenting on what this meant to Kentucky—and what it might mean with a tax on coal production—the article stated:

"These are the good times that the industry has dreamed about. But good times for whom? Good times for the coal companies, most of them out-of-state firms, and the biggest of them surface miners who turn Kentucky coal into take-home cash and leave us with the mess—the gouged land, the silted creeks, the denuded hills, the acid seepage, the burning gob piles—to live with.

"But think what the state could do with the income if coal were taxed at a sensible level. Even a 10-cents-a-ton tax, which would amount to about one percent on sales price, would give the state more than $11 million of help with its school needs. A five percent tax on sales would bring in $51.7 million—enough by itself to cure a lot of the deficiencies the NEA investigators have found in our schools, or to rebuild most of the roads buckled and torn by the coal trucks.

". . . the list of the coal counties of Kentucky contains the names of not all but many of the state's poorest counties, including many that lean most heavily on the rest of the state for help with their public services. It is interesting to consider how these potentially wealthy counties would fare, after all these years of neglect, under a fair coal-land tax policy."

Opponents of a tax on coal production argue that the imposition of such a tax would place the state at a disadvantage in market competition with other coal-producing states. However, their argument is countered by those who point to the confident predictions of the industry itself, outlined above, which seem to indicate that the present boom period in coal production is not to be short-lived.

The passage of a federal severance tax, such as that proposed by Senator Lee Metcalf (Montana) in 1970, would, of course, remove the factor of market competition from any state's consideration of such a tax. The Metcalf bill would impose a 5 percent tax on the gross income from all domestic mineral properties, but would allow full credit against the federal tax for any state or local severance taxes paid with respect to these properties. The effect of this federal incentive bill would be to induce all mineral-producing states to enact production or severance taxes—unless they preferred to forfeit this lucrative tax source to the federal government. The proceeds of such a tax to Kentucky in 1968 would have amounted to over $26 million. The revenue yield on the state's increased production in 1969 would have been even greater than this amount.

But the federal severance tax bill has not yet become law. And with every passing month, Kentucky's mineral wealth—and millions of dollars in virtually tax-free profits—flows to out-of-state mineral lessors, whose names comprise a roster of some of the foremost corporations in American industry: U.S. Steel, Bethlehem Steel, International Harvester, Ford Motors, Republic Steel, National Steel, and New York Mining and Manufacturing are among them.

"These companies and their lessees have mined billions of tons of coal and pumped out millions of barrels of oil. They have quarried millions of tons of limestone and now are piping away silent rivers of natural gas. The extraction of East Kentucky's wealth staggers the imagination. It continues today—as in the past—under the direction of people who have sympathy for neither the Kentucky land nor its inhabitants.

"At one time the people had some considerable part in the extractive process. The mines required large numbers of workers and the mountaineers were paid to bring out the coal. To a remarkable degree modern technology has replaced miners with machines and now two-thirds of the population are irrelevant to the main business of the region—the carting away of wealth."

A 1938 study by Richard M. Kirby of the Appalachian Volunteers found that four-fifths of all the coal in East Kentucky is owned by only 31 individuals and corporations, which include the names listed above and a number of less well known companies. The profits of these corporations are further swollen by favored tax treatment from the federal government. An article in the *Wall*

Street Journal publication, *Dun's Review and Modern Industry*, April 1965, spoke enthusiastically of "The Investment Nobody Knows About."

"For all their small numbers . . . the coal royalists hold what may well be one of the most lucrative investments in all of America. Certainly, it is not too much to say that its benefits begin right at the tax collector's door. Almost hidden in the federal tax code, a special provision gives capital gains treatment to royalties received from the mining of coal lands that have been held for the usual six months or more.

"But like the seam of coal above the ground, that is only the beginning of the wealth. Not only does the coal royalist get capital gains treatment, he also is blessed with the benefits of a cost depletion allowance. . . . If the coal royalist paid $5,000 for his land and it holds 50,000 tons of coal, then the royalty income on an average 25 cents a ton would come to $500 a year.

"When it comes to paying taxes on that $500, the coal royalist first takes out a depletion allowance of $200. Then, from the remaining taxable income of $300 he computes his tax at the 25 percent capital gains rate. Final tax: $75, giving him a return after taxes of 85 percent on his total income of $500."

The article reported glowingly the profits actually realized:

"Virginia Coal & Iron Company of Philadelphia . . . leases huge coal land acreage to operators on a royalty basis. Last year it pulled in a phenomenal $1.5 million in profits on a net income of $1.7 million. Kentucky River Coal Corporation of Lexington . . . which owns about 200,000 acres of coal fields in five Kentucky counties and derives most of its income from royalties . . . in 1963 paid out $649,414 in dividends, nearly half of its $1.4 million in sales."

Meanwhile, the land from which these vast profits are wrested remains a barren place for the East Kentucky residents whose ancestors, generations ago, placed their "marks" on the broad form deeds, through which all rights of ownership to these valuable mineral lands were forfeited, except the right to subsist and pay taxes on a few feet of ravaged surface ground.

The Subcommittee on Strip-Mining of the Young Kentuckians Advisory Committee, appointed by Governor Edward Breathitt in 1967, showed recognition of this tragic injustice, when its members stated in their report to the Governor:

"Every Kentuckian who pays his fair share of state and county taxes helps make up the difference when an out-of-state corporation fails to pay its fair share.

"We pay in poorer roads, poorer schools, poorer service, and poorer people. We pay in the loss of dignity and self-respect that goes with consistently being played for a sucker.

"The sooner the Kentucky legislature wakes up to the necessity of levying a severance tax on coal, timber, and other natural resources, the sooner Kentucky will take its rightful place among the progressive states of the nation."

But the powers of the coal lobby are formidable indeed—in the counties of Kentucky and at Frankfort, as in other coal-producing states—and in Washington, D.C.

Although a tax on the dollar value of coal and other minerals mined would be easily administered and eminently fair, although the need for such a tax is glaringly obvious, such a tax is yet to be adopted. In the words of Richard Kirby, quoted below, the coal royaltists continue to have "representation without taxation"—in Kentucky, in other states, and at the federal government level as well:

". . . when the usual economic factors producing free flow of capital and people do not operate, when the region is both isolated and depressed, the citizens of the region cannot afford to allow anyone to profit from its resources who does not contribute to their orderly development. Mineral owners do not make such a contribution. They perform no labor, provide no service; their profits come simply from the fact of ownership. The least the region can afford is to levy a systematic tax on their wealth.

"The inner logic of a more adequate mineral tax, be it severance or property, lies in the proposition that the region should create and exercise control over the use of its own resources."

SECRETARY OF COMMERCE MAURICE STANS PUTS OUR TRADE DIFFICULTIES INTO PROPER PERSPECTIVE

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MOSHER. Mr. Speaker, the citizens of our country are increasingly aware of the deteriorating position in our balance of trade with other nations. In June of this year imports exceeded exports by over $362,000,000, producing a 1972 second quarter deficit of $803,000,000. This deficit is the worst which our Nation has produced for any single quarter in 25 years.

The fact that our country may run its first outright trade deficit since 1893 is in itself alarming. But coupled with this is a Treasury Department announcement, also made last week, that the U.S. gold stock had slipped below $10 billion. This is the lowest level which U.S. reserves have reached since 1938. Our trade deficit and low reserves have in turn fueled increasing speculation on the worldwide gold market.

The Subcommittee on Science, Research, and Development of the Science and Astronautics Committee views these facts as part of a most fundamental problem facing us today. This concern was reflected in hearings held before the subcommittee last week on the subject of science, technology, and the economy.

Mr. Speaker, the lead-off witness for these hearings was the Secretary of Commerce, the Honorable Maurice Stans. Secretary Stans did an outstanding job of putting our trade difficulties into proper perspective. He identified what might be the most important factor in our lagging trade position, namely, our need to increase spending for civilian research and development.

I am concerned that our Nation can maintain its lead in high technology products only if we increase funding for the necessary research and development, but at the same time we must also search for more efficient ways to spend this money.

There are those who say that we spend an adequate amount, or even too much, for science and technology in the United States. In answer to that assertion, I should like to quote figures presented by Secretary Stans on the estimated value of total national efforts for civilian technology. If one adds capitalized value of purchased foreign technology, we find that the United States spent 1.6 percent of its 1968 gross national product for civilian technology; on the other hand, our strongest foreign competitors, West Germany and Japan, spent 3.6 percent and 3 percent, respectively, during that same year.

Thus, it is not a question of adding a bigger cushion to an already comfortable lead, but a question of catching up where we are seriously behind.

I now call the urgent attention of my colleagues to Secretary Stans' testimony before the Subcommittee on Science, Research, and Development on July 27, 1971:

STATEMENT BY MAURICE H. STANS

My interest in appearing before this Committee is to discuss the role of technology insofar as it relates to our economic development and particularly as it relates to our international commercial relationships.

This is most clearly evident from a review of our trade position, which is undergoing a very critical rate of change.

I will attempt to demonstrate to the Committee that technology may be a key factor in developing a solution to the emerging unfavorable trade balance.

INTRODUCTION

For nearly a century this country has enjoyed healthy surpluses in its international trade balance. Positive balances have covered deficits resulting from tourism, defense, and foreign investment, and have accounted for substantial employment for many Americans. Recent events, however, should cause us to lose any complacency we might have acquired over the years. American manufacturers now find it increasingly difficult to compete in the world market. Imports are rising dramatically, faster than exports, with a sharply negative impact on both the balance of payments and domestic employment levels.

No single answer fully explains why we are now facing these problems. Our international trade position is affected by a variety of economic and institutional factors such as inflation at home and abroad; foreign exchange rates; trade promotion; tariffs; quotas and other import restrictions; nontariff trade barriers; export credit; domestic wage levels; and technological development.

For obvious reasons we can do very little if anything to alter some of these factors. I doubt, for example, anyone seriously would suggest reducing U.S. wage levels.

In some other areas, such as tariffs, nontariff barriers, export credit, exchange rates, and trade promotion, we are taking steps to obtain outcomes more favorable to us. These efforts are important and are being pursued vigorously. Nonetheless, it must be recognized that success in many of these areas requires decisions by other governments, a process that is both time consuming and not within our control.

The major element which we can influence decisively for the long run is the level of technological development. It may be our only hope of maintaining a future trade position adequate to support our balance of payments in the years to come.

In the presentation that follows, I intend to concentrate on this area not because it is the sole answer to the trade problem but because it is a vital part of the answer and because I am convinced that we can do something about it.

BACKGROUND

For a number of historical reasons, technology has been one of the cornerstones of the U.S. economy. In the 19th and 20th centuries the U.S. was a labor-scarce market. This made American wages generally higher than other nations and tended to make American prices less competitive in the world market. Ways had to be found to make up for both scarce labor and resulting higher product prices. Our answer was to develop and use processes and equipment which would increase the productivity of the American labor force. In brief, technological advances had to be created to compensate for our higher domestic wages.

During the 19th century the productivity of the U.S. labor force caught up with and passed all European competitor nations. The natural forces of the economy shifted laborers from low-productivity farming to high-productivity industry as increasingly sophisticated machines and processes were applied to industry. As a result, in 1876 the United States recorded its first favorable trade balance.

Throughout the first half of the 20th century, U.S. productivity growth rates surpassed those of Europe. Within the last two decades, however, the situation has been reversed. Since 1950, European and Japanese productivity growth rates have been higher than ours. This reversal has been achieved by a determined effort by them to accelerate technological progress and to make it an engine of economic development.

While U.S. technological development has not been stagnant, our competitors have been making greater relative efforts and are in effect catching up. Western Europe and Japan are narrowing the technology gap. They have increased R&D expenditures substantially and their increases in productivity over the last few years have far outpaced ours. The result is that American producers are finding it hard to hold their own against foreign manufacturers at home and abroad.

The purpose of this presentation is to illustrate the dimensions of the problem and to show the possible roles that Government might assume in assisting American industry to enhance the Nation's technological level in a vastly more competitive world economy.

The first consideration in this is to review the evidence relating to our trade decline and the relationship between that trade decline and the state of our technology compared to that of our competitors.

BALANCE OF TRADE

The balance of trade measures the competitive position of products in the world market. The U.S. overall balance of trade in recent years has deteriorated from surpluses of \$5–\$7 billion in the early 60's to \$1–\$2 billion levels since 1967. In 1971 the trade surplus may disappear altogether, for the first time since 1893 (see Chart 1).

In order to identify more closely the relationship between technology and trade, we have broken down trade balances into categories of higher and lower techlogical intensity: (1) agricultural products, (2) raw material (minerals, oil, et cetera), (3) low-technology manufactures (such as textiles, iron and steel, footwear), (4) high-technology manufactures (such as computers, aircraft, automobile products).

The following trends have emerged:

(a) agricultural products show a small but fluctuating surplus;

(b) raw materials have a large and persistent deficit, one that is likely to grow;

(c) the major trade losses have occurred in low-technology products. From 1951–1955 the U.S. showed an average annual surplus of \$1.8 billion in these products. Deficits started in 1958 and by 1965 a deficit of \$2.9 billion was realized; by 1970 this deficit more than doubled to \$6.1 billion. It will continue to increase (see Chart 3).

(d) the increasing deficit in low-technology products, plus the chronic deficit in raw materials, has been offset by sizeable but stable surpluses in high-technology products. A surplus of \$9.1 billion was realized for these products in 1965; minimal growth (perhaps none if inflationary factors are considered) occurred between 1965 and 1970 (see Chart 4).

Most of the new imports in high technology products have been from the more developed competing nations. With the exception of 1970, recent U.S. trade surpluses with Western Europe in high-technology products have declined. Our surplus with Canada has also dwindled, largely because of an automotive agreement. The U.S. had a deficit of \$0.1 billion in such trade with Japan in 1965; by 1970 the deficit had grown to \$1.1 billion (see Chart 5).

PRODUCTIVITY

An indicator of trends in the Nation's technology position is the rate of productivity growth compared with other developed countries. Productivity growth involves the measurement in the changes of output per unit of labor input.

Historically, U.S. productivity and productivity growth far outpaced other countries mainly because of large scale import of capital and foreign technology, immigration of skilled adult manpower, growth in markets, high wages which induced labor-saving devices, innovative spirit, lack of rigid traditions and comparatively low war losses. From 1870–1950 the U.S. rate of productivity growth exceeded Europe by 60% and Japan by 70%. Starting in 1950, the situation was reversed, and U.S. productivity growth now lags well behind Europe and Japan. (See Chart 6.)

From 1950–1965 our productivity growth rate trailed Europe by 35% and Japan by 60%. The trend since 1965 shows an even more rapid relative decline: U.S. rates trailed Europe by 60% and Japan by 84%. These differentials in rates result both from unprecedented levels of productivity growth in Europe and especially in Japan, and from declines in U.S. productivity growth (1965–1969) which was only 1.7% compared with 4.5% in Europe and 10.6% in Japan (see Chart 6).

FACTORS IN LOSS OF TECHNOLOGY ADVANTAGE

The global indicators, balance of trade and comparative productivity growth rates, indicate a relative decline in U.S. technological strength. Some of the factors underlying this decline are: (1) the accelerated worldwide transfer of existing technology, (2) relative lower U.S. investments for civilian R&D and capital equipment than foreign competitors, (3) the growth of foreign government incentives, and (4) increasing cost and risks of major technology breakthroughs, often beyond the capacity of individual companies.

WORLDWIDE TRANSFER OF EXISTING TECHNOLOGY

There has been a proliferation of arrangements whereby U.S. and foreign technology have been exchanged between countries under licensing arrangements, joint ventures, multi-national companies, and contracts between companies. Analysis shows that foreign competitors, notably Japan, have based a sizeable portion of their industrial growth on borrowed technology (under licensing arrangements).

CIVILIAN R. & D.

Though the U.S. still maintains a much higher level of R&D expenditures than any individual country in the world, it is becoming evident that other countries, notably Western Germany and Japan, are placing a much higher relative emphasis on civilian R&D. In 1968, the U.S. spent \$13 billion for civilian R&D. Equivalent figures for Japan and West Germany amount to \$3 and \$4 billion, respectively. These individual expenditures represented 1.5% of U.S. GNP, versus 2.6% of German GNP and 2.0% of Japan's. If the capitalized value of purchased foreign technology is computed and added to these figures, the U.S. level stays the same but both German and Japanese levels jump to \$5 billion annually.

While the dollar level of our R&D exceeds the sum of West German and Japanese expenditures, there are two factors that qualify this apparent conclusion. One is that wage costs in those countries are much lower, with the result that they can purchase more R&D per dollar invested. Secondly, and perhaps more importantly, it takes a greater R&D effort, at much greater cost, for the leading country to find innovations to stay ahead. (See Chart 7.)

GROWING FOREIGN GOVERNMENT INCENTIVES FOR NEW TECHNOLOGY

Part of the new technological thrust of foreign competitors has been stimulated by the proliferation of investment and R&D incentives. Such incentives offered by Japan, Canada, and most of the countries in Western Europe include grants, loans, loan guarantees, interest subsidies and employment subsidies. These countries offer incentives such as income tax exemptions, accelerated depreciation, and tax credits. Canada, for example, gives 25% grants for capital investment in R&D projects. West Germany provides up to a 50% write-off for R&D investment and a 10% subsidy for capital investments in R&D. Japan provides up to a 3-year tax holiday for profits on "new and important" products (in Japan the government has a very close working relationship with businesses which export).

PATENT ACTIVITY

There is growing evidence that other nations have been much more aggressive than the U.S. in patenting new technologies. Even in the applications for patents by foreigners to the U.S. Patent Office, the share of foreign applications for U.S. patents has grown steadily from 25% of U.S. patent applications in 1961 to nearly 45% in 1969. This, of course, represents only a portion of the total foreign patent activity. (See Chart 8).

Fixed Assets. In terms of annual growth and percent of GNP, U.S. competitors are outperforming the U.S. in the rate of investments in fixed assets for durable equipment and non-residential structures for business purposes. This has been true since 1950 and more pronounced since 1959. From 1959–69, the U. S. annual growth rate in investment in fixed assets was 5.8% compared with 9.2% for France, 6.1% for Western Germany and 16.9% for Japan. In terms of relative effort our competitors again outdo the U. S. in 1969, U. S. share of GNP devoted to investment in fixed assets was less than 11%; comparable levels for France, Germany and Japan were 18%, 19% and 29% respectively. (See Chart 9).

Labor Cost Considerations. The maintenance of technological advantages, while vital for national security, is also essential for the Nation's economic well-being. Given our higher labor costs, it is only in the product areas with technological superiority where we can expect to maintain our economic competitiveness. In the absence of compensating technological factors which result in a better quality of product, unique products, or cheaper production methods, the U. S. is faced with a critical cost disadvantage due to its high labor costs. Though labor costs have been rising rapidly in competitive countries, the differential is still vast. In 1970, Japanese labor costs (including fringe benefits) were only 26% of the U. S. levels, U. K. levels were 37%, France 39%, West Germany 54% and Canada 83%. While such differences may narrow somewhat in the foreseeable future it is not likely that wages in these countries will match those in the U.S. for a long time. The spread of course is even greater in the case of the developing countries. (See Charts 10 and 11).

WHY SHOULD THE FEDERAL GOVERNMENT BE CONCERNED

The situation I have just described is clearly serious and growing worse. It has already affected our international trade position and promises to have an even greater impact in the future.

The magnitude of the problem is such that we cannot rely upon normal market forces to maintain our advantage in technology. We are at the forefront in many technological areas. The costs of breaking new ground in some of these areas are high—higher than private companies or perhaps even private consortia are able to justify because the risks are so great. We have recognized this fact in the space, defense, and atomic energy areas. Other trading nations have recognized it in the area of civilian R&D and have taken steps to assist technological development. If we are to maintain our advantages in this area we must first of all accept the idea that it has become a proper sphere for governmental action.

OBJECTIVES

Our objectives in technology are readily described. We must strive to:

Remove barriers impeding the use of existing technology.

Stimulate better use of existing technology.

Remove barriers impeding the development and use of new technology.

Stimulate the development and use of new technology.

Let me now turn to some of the ways we might proceed to attain these objectives. These alternatives are presented in the nature of program options each of which will require extensive further analysis in order to determine if, in fact, it provides an effective and acceptable way of maintaining our technology lead.

Program option 1

We should examine the feasibility of establishing a single federal focus for several activities directly related to enhancement, assessment and forecasting of industrial technology.

These activities would include:

Identification of technology opportunities in various industries.

Assessment of current technological strengths and weakness.

Forecast of future technological developments.

Development of specific industrial technology enhancement programs.

Establishment of mechanisms to guide technology transfer.

Development of educational and training programs designed to encourage invention and innovation.

Acceleration of domestic dissemination of the results of government sponsored R&D.

Some of the above activities are not now being performed. Others are scattered throughout the government and thus lack the consistent and coherent thrust that is required to obtain effective results. We should set about determining which of these activities are required and where they would best be located.

Program option 2

Because of the increasingly high costs and risks of exploration on the technological frontier, we should carefully explore the feasibility of creating direct and indirect financial incentives aimed at stimulating the development and utilization of new technology. Several alternatives are available. For example, should direct federal assistance be provided through: loan guarantees; cost sharing; grants; and procurement incentives?

Indirect financial assistance could take the form of tax incentives for R&D and capital expenditures. Perhaps the U.S. will need to match some of the tax incentives (depreciation allowances, investment credits, credits for incremental R&D, favorable treatment for casual inventors) offered by its competitors.

Program option 3

Substantial progress might also be made simply by freeing our industries from some of the burdens under which they, but not their foreign competitors operate. The high costs and risks of technological development, for example, might well be spread among a number of firms, but our antitrust rules now prevent this by prohibiting joint ventures and joint research.

It may well be time to modernize antitrust laws which evolved to deal with the different problems of an earlier era in order to permit the pooling of funds and risks that must accompany major technological advances.

Program option 4

Technological development and utilization is frequently delayed by the lack of generally accepted industrial standards. Potential manufacturers hesitate to invest heavily in the introduction of innovative equipment when they are uncertain about the requirements or specifications which will define the market for such equipment, especially in export trade. We should encourage the setting of voluntary standards where appropriate and mandatory ones where absolutely necessary.

But today voluntary standards making is usually inhibited by antitrust laws. Again, it may be time to reexamine these laws to ensure that they meet the needs of today. More effective standards can also be achieved by: avoiding frequent changes in standards; substituting performance standards for material standards; and preempting state and local standards or promoting uniformity among them.

In international trade, it is extremely important that the U.S. insist upon participating in standards-setting negotiations to avoid prejudice to our products. Legislation to this effect is now before the Congress.

CONCLUSIONS

I do not presume, today, to suggest which of these options are most effective or even most desirable. A considerable amount of thorough analysis by both the Executive and Legislative Branches is necessary in order to settle upon that combination which will maintain the preeminence of American technology in the world market.

This work is now proceeding in the Department of Commerce and other units of the Administration. My sole objective in testifying today has been to point up the significant relationship between technology and commerce, especially its significance to our international economic strength.

If we recognize the importance of this relationship, I am confident that we can find the correct solution.

CHART 1.—*The trend*

Deterioration in tradè position:

1968-trade surplus dropped to $1 billion from higher postwar plateau;

1971-probability of first trade deficit since 1893;

Recent trend—growing deficits in raw materials and low-technology manufactures; static surpluses in agricultural products and high-technology manufactures.

Trade Surpluses

(In billions)

1950	1.4
1960	5.4
1961	6.1
1962	5.1
1963	6.1
1964	7.7
1965	5.9
1966	4.6
1967	4.5
1968	1.1
1969	1.5
1970	2.7
1971 (est.)	0.0

CHART 3.—TRADE IN LOW TECHNOLOGY MANUFACTURES

[In billions of dollars]

	Average 1951–55	1965	1970
Exports	3.7	4.4	6.8
Imports	1.9	7.4	12.9
Balance	1.8	−2.9	−6.1

CHART 4.—TRADE IN HIGH TECHNOLOGY MANUFACTURE

[In billions of dollars]

	Average 1951–55	1965	1970
Exports	6.6	13.0	22.6
Imports	.9	3.9	13.0
Total	5.7	9.1	9.6

CHART 5.—TRADE IN HIGH TECHNOLOGY GOODS BY REGION

[In billions of dollars]

	1965	1970
Europe [1]		
U.S. exports	3.7	7.1
U.S. imports	2.1	4.7
Balance	1.6	2.4
Japan:		
U.S. exports	.6	1.5
U.S. imports	.7	2.6
Balance	−.1	−1.1
Canada:		
U.S. exports	3.1	5.6
U.S. imports	.9	4.8
Balance	2.2	.8
Rest of world:		
U.S. exports	5.6	8.3
U.S. imports	.2	.9
Balance	5.4	7.4

[1] 26 Western European countries.

CHART 6.—*Comparative Productivity*

(Average annual growth rate in percent)

1870–1950:	
United States	2.4
Europe*	1.5
Japan	1.4
1950–65:	
United States	2.6
Europe*	4.0
Japan	6.8
1965–69:	
United States	1.7
Europe*	4.5
Japan	10.6

*Italy, Germany, France, Belgium, Netherlands, and United Kingdom.

CHART 7

ESTIMATED CIVILIAN R. & D. EXPENDITURES

[In millions of dollars]

			Percent of GNP	
	1959	1968	1959	1968
United States	5,543	13,093	1.1	1.5
West Germany	1,050	3,952	1.3	2.6
Japan	680	2,939	1.8	2.0

ESTIMATED VALUE OF TOTAL EFFORT FOR CIVILIAN TECHNOLOGY [1]

United States	5,759	13,903	1.2	1.6
West Germany	1,608	5,336	1.9	3.6
Japan	1,051	4,822	2.5	3.0

[1] Adding capitalized value of purchased foreign technology.

CHART 8.—APPLICATIONS TO THE U.S. PATENT OFFICE

	Total	United States	Foreign	Foreign, as percent of United States
1961	83,100	66,039	17,061	25.8
1962	85,029	66,755	18,274	27.4
1963	85,724	66,570	19,154	28.8
1964	87,597	66,996	20,601	30.7
1965	94,629	72,303	22,326	30.8
1966	88,293	66,631	21,662	32.5
1967	87,872	63,826	24,046	37.7
1968	93,136	66,845	26,291	39.3
1969	98,386	67,879	30,507	44.9

CHART 9.—COMPARATIVE INVESTMENT IN FIXED ASSETS

	Annual growth rate		Percent of GNP		
	1950–69	1959–69	1950	1959	1969
United States	4.3	5.8	11.8	11.9	10.7
United Kingdom	4.8	4.7	10.3	12.7	13.5
France	6.3	9.2	13.6	14.9	18.4
West Germany	8.1	6.1	14.1	17.7	19.1
Japan	14.9	16.9	17.5	22.7	29.6

[1] Durable equipment and nonresidential structures for business purposes.

CHART 10.—INDEXES OF COMPARATIVE LABOR COST IN MANUFACTURING[1]

	1960	1965	1970
United States	100	100	100
Japan	11	16	26
United Kingdom	32	36	37
France	30	37	39
West Germany	32	45	54
Canada	82	72	83

[1] Including fringe benefits.

CHART 11.—COMPARATIVE PRODUCTIVITY AND LABOR INDEX

[1967=100; output per man-hour in manufacturing[1]]

	1960	1965	1970
United States	80.5	98.7	108.4
Japan	52.6	79.0	151.8
United Kingdom	79.8	94.3	111.8
France	69.4	88.7	121.6
West Germany	66.2	90.7	115.3
Canada	76.1	95.6	112.3

[1] Monthly Labor Review, Department of Labor.

ADDRESS BY JOHN A. CREEDY, PRESIDENT, WATER TRANSPORT ASSOCIATION

HON. WILLIAM B. SAXBE

OF OHIO

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. SAXBE. Mr. President, I invite the attention of Senators to an excellent speech delivered by Mr. John Creedy at the meeting of the International Association of Great Lakes Ports in June of this year.

Mr. Creedy, president of the Water Transport Association, has contributed greatly to the continued improvement of transportation on the Great Lakes; and his speech advances proposals which would benefit all the Great Lakes ports. I ask unanimous consent that these excellent remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF JOHN A. CREEDY, PRESIDENT, WATER TRANSPORTATION ASSOCIATION

It is a particular pleasure and privilege to be invited to talk to the International Association of Great Lakes Ports on one of the Water Transport Association's favorite topics, the improvement of water and rail coordination for the benefit of both modes and the reduction of overall transport costs for the public.

Patterns of transportation are changing rapidly at home and abroad in response to changing demand, changing transport technology and the ever-increasing pressure to find more efficient ways to get the job done. Since water transport is usually the lowest cost method of getting the job done, there is a trend toward more intensive use of water transportation.

For this and for many other reasons, the time is ripe to make a decisive breakthrough on the old problem of achieving cooperation of the railroads at lake and river ports and your organization can take a leading role in helping to make that breakthrough.

WTA is a national group of coastwise, Great Lakes, intercoastal and barge line operators. It is appropriate to remind this group that the water carriers over the last decade have demonstrated more cost-saving innovations in the handling of cargoes than any other means of the transportation in the country.

One of our coastwise members experimented with a system for handling containers within the last decade. Risking very heavy investment to achieve greatly improved productivity, this company pioneered a world-wide system of containerization which has saved hundreds of millions of dollars for shippers. Greatly expanded opportunities for maritime labor, for U.S. shipping and for the country's exports resulted.

Other members have made heavy investments in ocean barging. Connecting up a unit train in Florida, with a modern bulk terminal and a 26,000-ton self-unloading barge, this company cut the cost of transporting phosphate rock by 30 per cent.

On the west coast, the pioneer of Pacific Ocean barging is towing two huge barges in tandem capable of carrying 112 railroad freight cars between them on a regular schedule between Seattle and Alaska through some of the worst weather in the world. Rates for this service today, on the average, are below the 1960 level.

On the inland rivers, heavy investment in huge powerful towboats enable the barge lines to push loads of 40,000 tons at a time. Average rates again are below 1960 levels.

Last, but not least, we are seeing the beginning of new building on the Great Lakes with larger vessels for the ore trades. Lake transport of bulk materials such as coal, limestone, ore and grain continues to be among the most efficient in the world.

Lake and river carriers between them handle 16 per cent of the inter-city freight for revenues which amount to about one per cent of the nation's annual freight bill. In other words, they do 16 per cent of the work and are paid about one per cent of the total. It doesn't take much wisdom to know that, whatever else it needs in an inflationary period, the economy surely needs more intensive use of its low cost water highways. For commodities adapted to water carriage, there is no debate that the floated ton takes less energy and less effort to move than the same ton transported overland.

Therefore when we encounter artificial man-made institutional roadblocks placed in the way of utilizing the efficiency of water transportation in the economy of the Great Lakes for both international and domestic trade, it makes sense to seek ways of removing those roadblocks.

A leading industrialist of the region pointed out a couple of years ago that the rate of growth of the Great Lakes economy is beginning to lag compared to that of other regions. I've brought the Bureau of Census figures he quoted up to date and the trend appears to be continuing. A Census index, using 1952 as a base year, shows expenditures for new plant and equipment in 1967—the latest year available—at 272 per cent of the 1952 level for the U.S. as a whole and at 242 per cent, substantially less, for the Great Lakes region. In the *non* Great Lakes states, value added by manufacture in 1967, again the latest year available, amounted to $138 billion, up 428 per cent since 1947. For the Great Lakes states, the comparable figure was $124 billion, an increase of 294 per cent since 1947, again substantially less. At the end of 1947, the region accounted for 57 per cent of the total value added by manufacture for the nation; by 1966 that percentage had fallen to 49 per cent and by 1967, the latest year available, to 47 per cent.

Is the Great Lakes region maintaining its competitive position versus other regions in the struggle for domestic and foreign markets? Will current trends accelerate? What chances are there for a reversal of this trend?

There are probably many reasons for what appears to be a slowing down of growth in the Great Lakes region compared to other regions. But certainly one could be a weakness in transportation, particularly in the lowest cost overland means of transportation, the railroads. On file before the ICC are statements made by almost every railroad president in the Great Lakes region that they are not investing and cannot invest enough money in new equipment and facilities to keep up with the growth of the region.

This is not a situation which gives pleasure to the water carriers. Far from it; we find it alarming. I have proposed in the past that the truckers, the water carriers and the railroads join together to seek an agreed program which would be decisive in putting the common carrier system, and especially the railroads, on a sound financial footing. Such a program is now under discussion by the three modes and I hope for constructive results soon.

All this sheds a new light on the old problem of improving the coordination of rates and service between railroads and lake carriers. Never before has there been such an urgent public need for it because of the growing shortage of overall transportation capacity. Never has the economy so badly needed a combination of the best efficiency of low cost rail and the best efficiency of low cost water transportation. Assuming that the transportation industry, working together, can develop a program that will get the railroads over the worst of their emergency financial problems, the economy of the region will still be in trouble if it can't find a short cut to increasing its transport capacity. The Department of Transportation estimates that transport capacity in the nation will have to increase by 50 per cent if the expanding economy is to be properly served. This is quite a challenge; requiring heavy investment for all modes. Since money for investment is a scarce commodity, there is and will continue to be, intense pressure to use the money in a way that will produce the most efficient result. For vast tonnages, combining rail and water service produces the best efficiencies for the public and could provide the very short cut to increased capacity at lower costs which the region needs.

Everyone here is intimately familiar with the strategy railroads use to shut out lake or river participation in traffic. They control, of course, both the rail service to and from the port and the all-rail alternative. By manipulating the relationship between the all-rail rates and the rail portion of the rail-water movement or by refusing to supply to the ports railroad service of the same quality or attractiveness to shippers—unit train service for example—they can shut out the water carrier completely. Indeed, to make doubly sure, the rate to the port, for much shorter distances, is sometimes higher than the all-rail alternative. From the point of view of sound competition policy, the evil here is that the railroad achieves success not because it is more efficient, but because it is exploiting superior economic power. The railroad is, in effect, in a position to determine whether it has any competition at all. Since the prod of competition is the most effective method known to promote a high level of performance and, conversely, insulation from competition results in a slackening of efforts to attain maximum efficiency and a weakening of incentives to give the public the most for its money, the preservation of healthy competition is an issue of major public importance directly affecting the well-being of the Great Lakes region. The ability of any region to compete effectively, not only in domestic but in foreign markets, and not only against other regions of the U.S., but against other nations, depends crucially on its ability to hold down production costs, and transportation is a significant element of those costs. Competition provides the best assurance of low rates and efficient service.

The strategy of the railroads, which are both suppliers of service to the ports and competitors, has interestingly enough been tried in the unregulated segment of the economy and struck down as anticompetitive. A dominant integrated producer—an aluminum company for example, may produce both ingots and finished products. He may supply ingots to a non-integrated company which competes with him in producing finished products. By manipulating the price of the ingots to favor his own production of finished products he can squeeze out his non-integrated competitor. This practice has been universally condemned in the economy generally because success in the market place is achieved not by superior efficiency, but by the exploitation of the economic power to manipulate the price of the ingots.

What's needed for a breakthrough in intermodal rail-water coordination is the application of this basic principle of fair competition. The insistence of the railroad that it must get its longest haul is no different from the urge of enterprises in any field to expand their business volume. All are interested in enlarging their share of the market. None has a right to do so by exploiting a position of superior economic power to squeeze a dependent competitor. Success or failure of individual competitors should reflect comparative economic merit rather than comparative economic power.

I've taken some time to explain this key point because we believe it is a position which will prevail. In promoting improved rail-water coordination over the past several years, I have frequently met skepticism that the water carrier and the shippers benefitting from access to the rail-water alternative will ever achieve what they seek.

It is certainly true that the traditional attitude of the railroads is discouraging, but the reasoning behind it won't stand close inspection. "We have or are seeking a monopoly of this traffic and we're not going to allow anyone to share in it," they say. Ultimately, I think that will prove to be an untenable position. Not long ago, I put together a proposal for a movement of steel over a river port which was selected to give the railroad its longest haul. We offered a higher division than the railroad would have received from a connecting railroad. The coordinated service was refused on the grounds that the railroad industry as a whole would have less traffic. That certainly is untenable. I think we tend to give up too easily on this issue. We fail to enlist the interest of our state and regional representatives, the economic development departments of the state governments and all those concerned with the efficient and competitive performance of the local economy. These are the people who ought to share the burden of this battle.

For example, it's not really a private matter whether or not competition exists in the transportation of millions of tons of coal from Southern Illinois, Indiana and West Kentucky mines to the electric utilities bordering the Great Lakes. If the railroads monopolize it, the chances are good that there will be a general slackening of efficiency in transportation and increases in prices with widespread impact on everybody's light bill throughout the region. Not long ago, a railroad serving Chicago increased its rate to the port by 25 cents a ton; the all-rail alternative was left untouched. Just to show that some new thinking is developing on this whole issue, the increase was suspended by the ICC. The decision has since been handed down. It recognizes that the increased disparity between the rail-lake and the alternative unit train service is not justified by the economies inherent in unit trains and also says "the significant fact is that the Illinois Central and the Burlington control both the lake cargo rate to Chicago and the competing unit train rate to Oak Creek," which is the location of a utility plant outside Milwaukee. So there seems to be recognition that the power to control both the all-rail and the rail rate to the port can be used for anti-competitive objectives.

What's needed in Chicago for the rapidly growing coal traffic is the kind of efficient transloader which has been developed at Conneaut and Ashtabula on Lower Lake Erie that would permit shuttle unit trains to operate from the south, dump their loads without waiting for the boats, and greatly improve the utilization of the freight cars. The boats, too, would be independent of the trains, loading would be performed at maximum efficiency. With such a facility, the railroad could not only improve the efficiency of its service, it could also save on the number of freight cars it needs by improving utilization, and at the same time, put itself in position to expand its markets via self-unloading lake vessel to utilities east of Chicago it could never reach by rail connection. From the public point of view, improved efficiency of the rail-lake movement would be a prod to continuing improvement in the efficiency of the all-rail movement and a guarantee of continued low transport rates.

Our association has recently published a study of the possible economies which would result from the combination of Great Lakes vessels and trainload service on grain from Buffalo into New England. This situation appears to be a classic example of what happens when competition is eliminated. Over the past decade, rail rates into New England on grain have steadily risen until they are far and away above the rates on grain from similar origins traveling similar distances into the southeast, where there is active barge and truck competition. The result has been a steady decline of the New England poultry industry. Our study proposes self-unloader service into Buffalo from Toledo and other lake ports, improved efficiency in the transfer of grain at Buffalo, and unit trains from Buffalo to New England. We suggest that a reduction of about 50 per cent in rates would be possible by improving productivity all around.

Instead of presiding over a monopoly of a declining market, we suggest that the railroads, in combination with the lake service, can reverse the decline of the New England poultry industry and develop new and ever-increasing traffic. It is quite remarkable that the New England farmer can be shut out of his own home market by high freight rates.

Again this is not simply a private matter between railroads and water carriers. The public interest in improved efficiency resulting from competition is very great. The absence of the prod of competition such as exists in the southeast has resulted in severe damage to New England agriculture.

We would certainly not expect the lake-rail service to monopolize the business. Variations in the price of grain throughout the Great Lakes region would probably at times favor all-rail over lake-rail and vice versa. The Port of Buffalo and the water carriers have a right to expect, however, that the rates and services from Buffalo to New England consuming points will be the same, cost and distance considered, as the all-rail alternative. If there is no rate discrimination against the Port of Buffalo, the lake carriers and the port will have an opportunity to assert their best efficiencies in order to participate in the movement. If there is discrimination against the port, then the lake carriers of course will be precluded from competing. We have also, incidentally, suggested the possibility of lake vessel service via Georgian Bay ports connecting with Canadian railroads into New England. We have received some interest from Canadians on this alternative.

Evidence that the issue is not regarded as a private matter comes from the New England Governors' Conference. All six New England Governors requested the ICC and the railroads study the proposal. The ICC was asked to consider the possibility of exercising its power to prescribe joint water-rail rates into New England.

While resort to litigation is always a possibility, we are most hopeful that this whole problem of water-rail coordination can be solved without more repetitious law suits. I was interested to read very recently a speech by George Stafford, Chairman of the ICC, to the Midwest Association of Utilities Commissioners. He said that while the ICC is not primarily a planning body. "I think we owe a responsibility to the public to see that as large an element of rationality as possible is brought into the workings of the industries we regulate." He described a proposed informal meeting with shippers, creditors, connecting railroads, New England state representatives and the Boston and Maine to discuss possible solutions to the problems of that railroad. "The ICC," he said, "can offer the means, provide the presiding officer, perhaps, and serve as a catalyst."

This is a departure from the traditional role of the Commission, but a departure that makes a lot of sense. The Commission is exercising a new form of leadership which ought to be welcomed on all sides.

In the light of the long history of difficulty over rail-water coordination, informal discussions with members of the Commission of potentials for lower cost overall transport services in the public interest resulting from combining the best efficiencies of water and rail should work as a short cut for improving coordination not only for the benefit of Buffalo and New England but for all of the Great Lakes region.

Other regulatory Commissions have been successful in moral suasion or jawboning the industries they regulate. They have said: we have the power to institute a proceeding and make you do something you know you ought to do in the public interest, but we would much prefer to have you do it voluntarily. A word to the wise has been sufficient. Costly and time-consuming litigation has been avoided while everyone's *right* to litigate has been preserved.

We would like to see the Commission take leadership in some of these areas in which very large transport savings appear possible by issuing some sort of policy statement recognizing the Commission's responsibility for the proper functioning of the industry under the statute. On the New England proposal, perhaps such a policy statement might go something like this:

"Our attention has been called to the concern the New England poultry industry has over the competitive disadvantage under which it suffers because of disparity in freight rates on feed grains as between New England and the Southeast. The National Transportation Policy places a responsibility on the Commission to develop, coordinate and preserve a national transport system by water, highway and rail as well as other means, adequate to meet the needs of the commerce of the country. The railroads and the water carriers are required to provide transportation service upon reasonable request and that through routes and rates with common carriers by water are also mandated. It is clearly in the public interest that the best efficiencies of both water and rail services, in combination, be offered to the public. The Commission would be pleased to see both rail and water carriers examine the potential for improving the efficiencies of services into New England and propose joint rail-water rates reflecting the unit train efficiencies commonly available for commodity movements in this and other sections of the country."

If the ICC were to issue a policy statement along these lines it would be very helpful. I doubt very much if the railroads could afford to ignore it. I think something would be done to improve the efficiency of grain transportation into New England via a water-rail route.

For much too long the issue of water-rail coordination has been considered just a private matter among carriers. I began this talk by stressing the tremendous improvement in productivity which the water carriers have achieved over the past decade. Still further improvement in productivity is on the way.

We are succeeding in interesting many different groups in the public benefits of improved coordination of rail and water service.

The low cost water highways of the Great Lakes are urgently needed to meet the growing demands of the economy for expanded and improved transport services. The railroads freely admit that they do not have the resources to invest in enough equipment and facilities to keep up with the needs of the growing economy. The drag of inefficient transport service is becoming a greater and greater burden on the productivity of the economy. I believe we are at a point of breakthrough in water-rail cooperation long sought by government and business. If we work together, we can open a new era in which water carriers and railroads work as "willing partners" to bring to the public the best efficiencies of each means of transportation.

BENEFITS FROM SPACE EXPLORATIONS

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. COUGHLIN. Mr. Speaker, I bring to the attention of my colleagues an editorial and an article on the whys and wherefores of the Apollo 15 space flight and moon exploration. Both appeared in the July 28, 1971, edition of the Philadelphia Evening Bulletin.

I think that both these pieces present balanced and on-target assessments of the many tangible benefits derived from the Apollo 15 project. While we all are concerned about the quality of life on this earth, I feel we must not be so shortsighted as to ignore the many real benefits that accrue to our people from the continuation of our space program.

The editorial is titled, "The 'why' of Apollo 15." The article, "The Moon Is Not the Only Goal," was written by Mr. Daniel J. Fink of Gladwyne, a constituent of mine. Mr. Fink is vice president of the General Electric Co., and general manager of its space division in Upper Merion Township in my congressional district.

I hope that the editorial and article will help place in proper perspective the importance and merit of our space ventures.

The editorial follows:

THE "WHY" OF APOLLO 15

In Apollo 15, the United States has invested its greatest sum yet, $445 million, for its longest moon voyage, lasting 12 days and seven hours, and the riskiest of landings in the most rugged terrain on this side of the earth satellite.

The current flight, for these reasons and others, is also raising more questions than prior missions.

Why send men to the moon again and again when it has been proved we can do so, when public support is waning, and earthly problems appear so much more pressing?

Col. David R. Scott, Apollo 15 commander, calls his journey into space "the most singular, significant scientific expedition ever conducted; a journey backward in time to the first pages of the history of the creation of the solar system," 4.6 billion years ago.

It is not a matter of merely bringing home more moon rocks.

Apollo 15's mission is to deliver very special specimens from the foothills of the moon's tallest mountains and the lip of the deepest, most spectacular crevass, Hadley Rille—rocks that were exposed by the collision or convulsion that shaped the moon's surface.

And thus man may learn what forces and elements formed the moon, and whether the earth is a product of the same.

Blastoff Monday was picture perfect. And except for a minor switch malfunction, the journey to the moon has gone well.

This is what the U.S. does best. Despite Russian successes with a remote controlled moon rover, and in setting up an earth-orbiting space station, American astronauts are still the eyes and ears of everyman in a forbidding environment. Who can identify with a robot?

Why go? Because man seeks the answers to his existence, and the moon is a place to search for them. Until it has revealed all its secrets, to neglect them is to settle for speculation.

U.S. REAPS IMPORTANT HARVEST FROM SPACE FLIGHTS: THE MOON IS NOT THE ONLY GOAL

(By Daniel J. Fink)

After fourteen years of technological history of man—capped by Monday's Apollo moon shot—the United States space program is losing ground to outspoken critics.

These critics advocate shifting funds from space to societal programs which appear on the surface to have a more direct and immediate impact on our national economy and well being.

Unaccustomed to such attacks, many leaders of the space community have misdirected their rebuttals to their own tight circle of engineers, scientists and scholars. They practically neglected the public, which must ultimately underwrite this or any other national program and which does respond intelligently when informed.

What has not been made readily visible and understandable is that during the last fourteen years our country's investment in space has bolstered the economy, improved the quality of life of our people, increased our national prestige, and contributed to our national security.

Since space surrounds all the world, and indeed is a province of all men, it also presents our newest and most constructive avenue for modern initiatives in international cooperation.

BENEFIT GROUPS

But we cannot rest on past laurels. The question is not even "what have you done for us lately?" but "what will you do for us in the future to warrant our continued investments?"

Broadly speaking, the benefits from space fall into three general categories: First, there are the direct payoffs where space technology is asked to contribute to the solution of specific problems here on earth. At a time in our history when so much of our focus is on attempts to improve the quality of our lives, this must be the paramount goal.

ECONOMIC SAVINGS

Second, there are the "spinoffs" or derived benefits which often occur by accident or serendipity out of the mainstream effort.

And third, space research permits exploration of some of the fundamental unknowns in our universe—the last frontier.

In weather forecasting, countless thousands of lives have already been saved and property damage has been minimized by warnings of storms received from observation satellites.

Each percentage improvement in the quality of forecasting results in millions of dollars in economic savings.

Achieving direct benefits from the space program is the cornerstone of our near-term endeavors. In many cases, we have already begun to reap this harvest, at the risk of being taken for granted.

In communications, for example, international calls routinely travel via satellite, reaching a volume of 10 million transoceanic calls in 1970. Because of advancements in both satellite and cable technology, the cost of international communications is declining.

1,000 INNOVATIONS

A three-minute call from New York to London cost $9 in 1965. The same call is down to $5.40 this year, a decrease of 40 percent, inflation notwithstanding.

We have only begun to realize the potential of near-earth space activities. In some instances, space technology is not only a cheaper way of doing a job; it is often the only practical way. Next year, the first earth resources technology satellite will be launched. Predictions of benefits to agriculture, hydrology, ocean transportation, fishing, and mineral resources range into the billions.

NAGGING PROBLEMS

Every year about a thousand technical innovations generated in the space program find their way into our earthly industries, where they lead to better kitchen appliances and farm equipment, improved sewing machines and radios, more efficient ships and airplanes, advanced computers and communications equipment, life-saving medical instruments, and new utensils and tools for everyday life.

However, the space program cannot be justified on the basis of spinoffs alone. Too often the most difficult part of the space program to justify is that which deals with exploration of the unknown, particularly as exemplified by lunar and planetary endeavors.

We should be grateful to have this new frontier to pursue. I for one cannot believe that man was put on earth merely to clothe and feed himself, take care of his material wants and reproduce.

Devoting some of our energies to exploring the unknown for the benefit of ourselves and future generations is what sets us apart from other species on earth.

Five cents a day for every person in America is a small price to pay for a space effort to help solve some of our most nagging national problems to obtain the expected, as well as the unexpected, economic and technological benefits, and to leave a meaningful legacy for the generations that will hopefully follow us.

(Mr. Fink, of Gladwyne, is vice president of the General Electric Company and general manager of its space division in Valley Forge. He was formerly with the Defense Department.)

NEW LIFE FOR "MINI-LAKE ERIES"

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. METCALF. Mr. President, as the Members of the Senate know, the protection of natural resources from the ravages of technology is a matter of the highest priority. All Members of the Senate have within their States examples of ecological mismanagement. Unfortunately, this legacy of lack of concern for our environment will be with us for generations. I am happy today to be able to point with pride to the efforts of a homegrown Montana firm to contribute to the efforts to correct these wrongs.

Some years age the Crisafulli Pump Co., of Glendive, Mont., owned and operated by the Crisafulli family, brought on the market a new, simple, and inexpensive mobile water pump. The Crisafulli pump was developed specifically to aid in the management of the family's land along the banks of the Yellowstone River, which too often in the spring has been the subject of flooding.

The pump was first used by the Crisafulli's in a large-scale dewatering operation along the Yellowstone. After successful operation within the State the Crisafulli's decided to give their equipment a real test in the flood fight mounted by the Corps of Engineers in the spring of 1968 in the upper Midwest.

The Crisafulli pumping equipment exceeded the corps' highest expectations. It has been praised by the chief of the Corps of Engineers. Today the Corps of Engineers maintains a battery of Crisafulli pumps in all of its regional divisions.

The most significant recent development of the use of the Crisafulli pump has been in the battle to clean up our environment and to prevent further ravages from oil spills.

In 1970 the highly respected Water Resources Council of the University of Wisconsin, in cooperation with the Upper Great Lakes Regional Commission, began an experiment to recycle a previously eutrophied lake. The objective of the project was to ascertain whether, if sufficient eutrophied water were removed from the lake, the natural ground water supply would be regenerated, and thus recycle the lake. This project utilizing the simple and inexpensive Crisafulli pump was pronounced successful and has been the subject of a recent article in the Wisconsin Conservation Bulletin, which I shall include at the conclusion of my remarks.

In addition to use of the Crisafulli pump in helping to regenerate previously dead, eutrophied or overfertilized inland lakes, the pump is currently being used to combat the terrible oil spill problem encountered almost weekly in our harbors and waterways. Oil company experts have said that this pump is particularly effective since its impeller does not tend to emulsify the oil. A modular system, each unit containing two high volume pumps, is attached across the bow of the normal waterway barge. As the barge is propelled through the oil slick an adjustable weir blade skims the oil and water from the surface and it is pumped into the body of the barge where gravity separates the oil and water. Preliminary testing of this system of oil spill removal has been most promising and it is hoped the Crisafulli pump can make a further significant contribution in the effort to clean up and protect our environment.

The Crisafulli Pump Co. is not part of a conglomerate corporation. It is a genuine small business. Its product was developed by the sons of an immigrant to control water on their farm. Using local labor they have expanded production to meet some of the basic, practical conservation needs of individuals and communities.

Mr. President, I ask unanimous consent to insert in the RECORD the article referred to previously, "New Life for Mini-Lake Eries," which appeared in the March–April 1971 issue of the Wisconsin Conservation Bulletin.

The article follows:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW LIFE FOR "MINI-LAKE ERIES"

(By Thomas L. Wirth, Chief, Water Resources Research)

Some of our inland lakes are disastrously overfertilized and "dying." A search is on for means of restoring them at practical cost. Results are very encouraging so far as small waters are concerned.

The word eutrophic means "well nourished" as concerns lakes. Eutrophication is a process that is causing many of the lake water problems we hear so much about.

Lakes become increasingly enriched naturally, but the process takes thousands of years. Presently we are causing the runoff of plant nutrients into many of our lakes at such a fast rate that some have come close to death in a few decades.

This overfertilization results in aquatic weeds almost "choking" the life from a lake, scums of algae in the water, and slimy moss-like growths along the shoreline. These lush plant growths are not only obnoxious from visual and odoriferous standpoints but they lead to dissolved oxygen problems, fish kills, and the production of undesirable products from decaying plant remains.

Lakes are natural collectors of the nutrients carried in by overland and stream runoff. They act as storage sites for nutrients which recycle when aquatic plants and animals die and are broken down by decay organisms. Therefore, even if the supply of nutrients is cut off from an overfertilized lake, it is not likely a cure because of this recycling of nutrients within the lake.

What are we doing about lake deterioration and aging—accelerated eutrophication? Besides the regulatory functions such as pollution control and shoreland regulations, we have a water resources research and data collection program to aid in providing information on the causes, cures, and methods of relieving the effects of lake enrichment.

This latter program consists of projects that monitor some 30 lakes across the state to follow water quality changes; study the impact of shoreline encroachment such as dredging, filling, and sand blanket application; developed methods of aeration and mixing lakes; study the results of removing nutrient-rich water from the bottom of impoundments, and a project dealing with methods of lake renewal.

This last project is being conducted in cooperation with the University of Wisconsin and the Upper Great Lakes Regional Commission (a federal economic development agency). The purpose of this project is to demonstrate methods useful for restoration and protection of our inland lakes. Renewal of over-enriched lakes seems an almost impossible task, but some of our preliminary results (this project started in June, 1968) are encouraging.

SNAKE LAKE

One of our demonstration projects involves 14-acre Snake lake in the Woodruff-Minocqua area. This lake became excessively enriched with nutrients from a domestic sewage treatment plant which was moved away in 1964. The fertility of Snake lake was such that it was blanketed by duck weed and algae in the summer and suffered fish kills every winter due to the absence of dissolved oxygen. A one-time bass, panfish, musky lake was whittled down to a mud-minnow lake. In addition, at times of high water, the rich water of Snake lake overflowed to the next lake on the chain, which caused tension among lakeshore property owners.

The project was designed to pump out and filter the water from Snake lake. Such an operation was made possible by recent development of a large-volume pump in Montana. This type of pump is simple, portable, and comes in sizes up to one that will pump enough water to flood 110 acres 1 foot deep in a day. In addition many of the lake regions of the Great Lakes states have surrounding soils of sand and gravel which have great capacity for soaking up and filtering water.

During October, 1969, the nutrient-rich water of Snake lake was pumped to a sandy area 1,500 feet away to test the method, equipment, and behavior of the lake water.

Based on this experience, a six-week 24 hour a day pumping period was employed during July and August of 1970. During this period about three volumes of the lake were pumped onto the sandy area that was enlarged to provide 1½ miles of wide, shallow ditches.

The lake level was dropped 11 feet, but the basin could not be pumped dry because of inflowing spring water which increased its flow as the basin was pumped lower. The inflowing spring water and fall rains, both low in nutrient content, almost refilled the lake three months after pumping was stopped. This was the replacement water expected for diluting (or flushing) the nutrient-rich lake water.

Water samples have been analyzed monthly or more often from Snake lake since 1968. In addition, ground water samples from wells were taken during the pumping periods. Based on the sample analysis, pumping was indeed successful. Dilution did take place and several nutrients (such as nitrogen and phosphorus) were down to half or less their former abundance. Water sampling is continuing to determine if the bottom muds will enrich the diluted water to its former condition.

Why not dredge or suck out the mud from the lake? The cost of dredging is more than 20 times that of pumping water, and finding a suitable spot near a lake to receive all the fill is often difficult. Dredging is one method of lake improvement, but would not demonstrate a new technique nor achieve desirable economy.

DATE LINE—MINOT, N. DAK.

Man has learned fast from past experience. At least in one case. During April 1969, Minot, North Dakota was deluged from waters released from melting snow. Very little preventative works were constructed. As a result, over 3,000 homes were flooded and many business and public facilities were damaged. The total dollar damage was estimated at 10 million dollars; from one flood. Not counted in the damage figure was 300 homes that were abandoned as a result of being flood damaged.

The Corps of Engineers of the St. Paul, Minnesota District, during the 1969 flood in other areas of their district, were able to show that massive emergency flood works can be accomplished practically over night. Coupled with this they had finally found a pump of dependability and an irrigation type pump made of steel, operated with a farm tractor. Since the pump was backed into the water and submerged, no priming was needed. It pushed the water out. These were the Crisafulli Pumps of Glendive, Montana.

When Minot was again faced with a flood this spring, city officials and the Corps were determined to prevent damage. To do this was a monumental task, since there is close to 15 miles of river in town. At least that is what there was. Five major river bends or meanders were straightened, thus shortening the river by miles and speeding the river through town. In addition, the full stretch of river through town was cleared of trees, brush, and debris to give the channel a substantial additional flow carrying capacity. The final construction work was the series of levees along the river. Over 400 pieces of equipment were mobilized to accomplish this task.

The work was accomplished under the direction of Miron Tiemens of the St. Paul District Corps of Engineers.

These river cutoffs had necessitated cutting of a number of sewer lines, as well as the levees blocking the normal storm water runoff pattern. To prevent flood waters backing through the sewer to areas behind the levees, they had to be plugged. This would have normally caused a major problem, except for the Crisafulli Pumps the Corps of Engineers brought in and the six Crisafulli Pumps purchased by the City of Minot. The Corps brought in 8 of the 80 pumps they had purchased the year before. Their 8 gave a combined hourly capacity of 4,800,000 gallons per hour. The city purchased 6 Crisafulli pumps that go into manholes and operate with a farm tractor. The manhole pumps had a combined hourly capacity of 1,080,000 gallons per minute.

This feat of construction coupled with the massive pumping capacity available, gave the City and the Corps a success story when the flood waters rolled through the town coupled with a 2.7" rain.

Others could lean and learn on this example.

A REPEAT PERFORMANCE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHMITZ. Mr. Spaker, as the spirit which brought the Chinese Communists to power on mainland China in 1949 begins to pervade the air in Washington, D.C., the figures associated with betrayals past begins to reappear on the Capitol scene. Two weeks ago former Foreign Service Officers John Patton Davies and John Stewart Service appeared to testify before a closed session of the Senate Committee on Foreign Relations. After the session their comments showed that they were delighted with the recent U.S. change of policy toward Mao Tse-tung.

Their delight is understandable. As Foreign Service officers in the 1940's both of these men were deeply involved in the U.S. undercutting of its wartime ally, Nationalist China.

Davies and Service were among a group of career diplomats who served as political advisers on the staff of Gen. Joseph W. Stilwell in China during World War II. Stilwell had been sent to China by Roosevelt in 1942 to serve as head of the U.S. forces there. Bad blood developed between Stilwell and Nationalist leader Chiang Kai-shek because of Chiang's reluctance to divert 30 Chinese divisions from defense of the mainland to help General Stilwell avenge a defeat he had suffered in Burma.

Davies, Service, and others used this bad feeling on the part of Stilwell toward Chiang to attempt to alter official U.S. policy toward China away from support of the Nationalist Government and toward support of Communist Mao Tse-tung and Chou En-lai. Davies was particularly close to Chou En-lai. As early as 1942 Chou had outlined the Communist program for control of China to Davies—a program which was ultimately to be successful, given the complicity of various individuals in the U.S. Government.

It was in large part the activities of Davies and Service as members of Stilwell's staff which led Ambassador Patrick J. Hurley, Special Envoy to China for President Roosevelt to say of Stilwell—

> The record of General Stilwell in China is irrevocably coupled in history with the conspiracy to overthrow the Nationalist Government of China and to set up in its place a Communist regime—and all this movement was part of, and cannot be separated from the Communist cell or apparatus that existed at the time in the Government in Washington.

Davies and Service played up the theme that the only hope for "democracy" and "peace" in China was a coalition government between the Nationalists and the Reds. They advocated sending U.S. military equipment to the Chinese Communists. They produced a steady flow of papers dwelling on the real or imagined deficiencies of Chiang Kai-shek and praising Mao Tse-tung. The Nationalist Chinese were pictured as "permeated from top to bottom with corruption," "ridden with political and military abuse," "lacking in popular support and unwilling to fight the Japanese;" while the Communists were characterized as "straightforward and frank," "incorruptible," "a unified group of vigorous, mature and practical men" whose record "places them above any contemporary group in China," "agrarian reformers" fighting fiercely against the Japanese and enjoying tremendous popular support. Davies noted that Mao was "moving in the direction of more moderate internal and economic policies"—the moderate Mao who is responsible for liquidating 20 to 40 million Chinese after coming to power, while Service accused Chiang of having "an anti-Soviet policy"—a sin even greater in the 1940's than it is today.

When Ambassador Hurley finally succeeded in having Davies, Service and others recalled to the United States, the impossible happened. As Hurley was later to testify—

> When I relieved the gentlemen in Chungking, they were brought back to Washington and placed in the State Department in positions where they became my supervisors, and there they attempted to hamstring everything that I did in carrying into effect my directive—from the President.

There is much more to the story of Davies, Service, and the others in our Government and mass media who contributed to the destruction of a pro-Western ally on mainland China and the subsequent massacre of the Chinese people by the "moderate agrarian reformer" Mao Tse-tung. Those interested in a scholarly and comprehensive treatment of the entire affair would be advised to peruse "How the Far East Was Lost," by Dr. Anthony Kubek, chairman of the department of history at the University of Dallas.

Service later admitted passing classified documents to a man identified as a Soviet agent. Although given a clean bill of health by several loyalty boards set up by the Department of State, he was finally removed from Government employ due to the adverse findings of the impartial loyalty review board of the Civil Service Commission. Because of a technicality unearthed by the Supreme Court, Service against Dulles, he was reinstated in 1957 and served on State's payroll until retiring in 1960. Davies was fired by Secretary of State Dulles after he perjured himself before a Senate committee, and an independent security board voted 5 to 0 for his dismissal as a security risk.

Davies' name is now being bandied about by New York Times correspondent, C. L. Sulzberger, and others, as an ideal first Ambassador to Red China.—The mind boggles.

HOUSING IS BASIC NEED

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FUQUA. Mr. Speaker, housing is a basic need of man.

And there are tens and tens of thousands of Americans who are ill housed.

Inadequate housing is no stranger to any section of the Nation—nor does it discriminate between the urban and the rural areas.

Literally hundreds of ideas have been tried to cope with this problem which seems to be increasing in spite of all the efforts and the billions of dollars which have been spent by the private and governmental sector to keep pace with the need. Naturally, the poorest housing has been reserved for those on the lowest economic scale of our society—and our inability to cope with this problem has led to these people being forced ever lower on the economic ladder.

This does not mean that we have not tried as a nation to meet this situation, which I feel in many instances has reached crisis proportions. Certainly we have made massive efforts—and I am quite blunt to say that we have often seen these result in massive failures.

Take urban renewal projects in some instances. We see modern townhouses and high rises displace slums. But too often, the needs of those displaced are ignored and these people flee to other areas, and because the same economic conditions exist—new slums are created.

We have public housing projects. We have rent subsidy projects. We have a myriad of public and private programs, and while I do not mean to state that there have not been some notable successes in each case, there are notable failures.

In the meantime, the need for adequate housing for millions of Americans goes unmet.

Let me state a very personal feeling about the basic reason for the failure of many programs—and it is very simple—no pride of ownership.

Coupled with need is a sense of pride. A man who has a sense of ownership, who knows that the plot of land upon which he lives or the apartment he occupies can someday be his—that individual will be concerned about its physical condition and try to take care of his property.

Take away that pride and you have instances such as I have observed time and again—beautiful projects becoming virtual slums because the people who moved there were wards instead of owners.

I say we need to take into consideration the need for human dignity when we are talking about these projects. I well remember a conversation I had with a university professor from Florida A. & M. University in Tallahassee, Fla., who was working on a housing project for the disadvantaged and how concerned he was about the need for counsel and guidance when people are moved from primitive living conditions into residences with some of the modern facilities.

Recently, I had the opportunity to view several projects in my district which I think speak enough for themselves in the type of program which we should be encouraging.

In this case, I am talking about the Farmers Home Administration program to provide rural housing for the low-income families.

Here, we have a program which is human oriented rather than institutions or projects. Each home in this program goes through an individual analysis and the payments are structured on the basis of ability.

No one gets anything for nothing in this program—they pay according to their ability. The unique thing is that they are buying an interest in their home and property and they have that hope which I think goes to almost all men—that of having a home of their own for their family.

Under this program, the FHA is helping to pay the interest on the mortgage and this varies from over 7 percent to down to 1 percent in some cases—always based on the ability of the family to pay. As the family moves up the economic scale, those payments move accordingly.

By taking the burden of interest off these families, their payments go to reduce the principal and they can see the progress they have made at the end of the year. It gives them hope and encouragement and often this permeates every segment of their lives.

I believe that programs of this type give us the maximum for our money. Eventually, the home we speak of will be paid for and become the property of the homeowner—going on the tax rolls and becoming a productive part of our society.

This is a vehicle to get homes to homeowners and that should be the thrust of our programs. If there is one basic point that I want to make in this statement, it is simply that the ultimate end of any of our housing programs should be to attempt to get ownership into the hands of individuals—and that those individuals will appreciate their property because they have had to make certain sacrifices to take pride in their accomplishment.

Over in Gadsden County, Fla., I recently had the pleasure of walking through two such projects. I was impressed.

Here were homes which were so modestly priced that it amazed me. This was done by utilizing building innovations which have been pioneered by the mobile home industry—pressed board siding for the walls for example, eliminating the need for painting.

Metal window frames and other items have been taken into consideration to cut down on maintenance. The homes I saw had tiled bathrooms. Again, the emphasis on maintenance.

But from the human standpoint, can you imagine the joy of a mother and father having a home of their own and their child having a bathroom in their home—when they had never had anything but an outdoor privy before.

Well, I was impressed. I think that this is the type of program that we need to encourage.

Certainly there will be problems, errors and failures along the way. But, this is the path that we should follow.

In that light I want to make special mention of the State director of the Farmers Home Administration in Florida, Mr. William T. Shaddick.

In my opinion, Tom Shaddick is one of the finest administrators it has been my privilege to work with in the nearly 10 years I have been in the Congress.

The area I represent is largely rural and I have naturally run into many problems which we had to turn to him for assistance. In every instance, I found this man following established procedures, but making every possible effort to assist people—the individual that we talk so much about our system of Government working.

He has been responsible for many innovations in the FHA program in Florida and I feel that he represents that Government official who works so hard and a good word is seldom said about.

My remarks here today are intended to urge the U.S. Department of Agriculture to pursue this program and to develop new and innovative approaches which will lead to home ownership.

This concept, if executed properly, will in my opinion lead to the solution of a great many of the very real problems which cry out for solution in our Nation today.

PLANNING: NEW APPROACHES TO COUNTY DEVELOPMENT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ROYBAL. Mr. Speaker, I am inserting into the RECORD a statement by Los Angeles County Ernest E. Debs on the HOME program in East Los Angeles and the countywide community study programs:

PLANNING: NEW APPROACHES TO COUNTY DEVELOPMENT

Los Angeles County is unique in many ways. But perhaps it is most unique in the pace and scale of its urban growth.

In the past three decades alone, more than four million people and two million jobs have been added and seven hundred square miles of land put into urban development. In fact, growth has reached the point where 98 percent of the County's seven million residents live in a massive urbanized area vast enough to hold the combined cities of Chicago, Denver, Detroit, New York, Philadelphia, Pittsburgh, and St. Louis.

From a purely statistical point of view, the County's growth record can be matched by few regions in the world. Yet, it is a serious mistake to measure progress merely by numbers. Growth has provided opportunity for many, but it also has created far-reaching social, physical, economic and governmental problems. As the urban region grew to these uncontemplated proportions, 77 cities and hundreds of special districts were formed.

In a concerted effort to solve these problems, Los Angeles County's Regional Planning Commission has developed the first general plan for the entire region, entitled the *Environmental Development Guide*. Adopted by the Board of Supervisors on October 1, 1970, after more than two years of study and research, the *Environmental Development Guide* is an important first step in the development of a unified Countywide general plan equipped to deal with Los Angeles's growing environmental crisis. It places heavy emphasis on shoring up the central districts of older cities, curbing suburban sprawl in outlying areas, and identifying mass transit needs.

How does it hope to reach these goals? There are no easy answers. But we now believe that the best approach is to develop a plan which recognizes the highly integrative nature of the many elements which make up Los Angeles's unique mixture of people and terrain . . . through such elements as housing, transportation for all modes, public services, open space, land use, and environmental quality.

And we also now understand that these elements must be dealt with in the right order. For example, it makes no sense to tear down dilapidated houses if the people living in them have no better place to go.

The working out of programs which take these kinds of issues into account is difficult and time-consuming. It involves a joint effort of everyone concerned, of both public and private organizations. But we have learned one thing. It is wrong to prepare only long-range, ivory tower plans, plans that gather dust on the bookshelf while the problems grow worse. That's why what we are trying to do in Los Angeles is to develop not only long-range goals but short-range programs capable of remedying immediate urban ills.

One such program is HOME which is proving immediately beneficial to people living in East Los Angeles, a predominantly Mexican-American community. I would like to discuss this program briefly as an example of what can be done now with the resources at hand.

East Los Angeles is an unincorporated area of high density, with about as many people as the City of Pasadena, where one out of every five families has an income of under $3000 a year. Approximately two out of every five houses need some sort of minor repair, and as many more need major repairs. In other words, four out of every five houses need some kind of repair.

HOME is a three-year federally funded program administered by the County Department of Urban Affairs. It is based on the principle of code enforcement, where houses are kept at a minimally livable level by establishing building codes, and then enforcing them. But HOME does more than simply enforce codes. It identifies needed repairs and provides homeowners with funds and supplies to make these repairs. It also contributes improvements to the entire community, improvements such as street repair, lighting and tree planting. In the next three years, we expect HOME to help rehabilitate an additional 4500 units.

Another important side of planning at a Countywide scale are the many Community Study Programs currently underway. Although the County is made up of 77 cities, more than one million of its residents live in unincorporated communities. These communities, numbering 64 now, range in size from Acton with a few hundred people to densely populated West Hollywood with over 34,625 people, home of the Sunset Strip.

The West Hollywood Community Study program is a good example of getting people involved in the planning process. Using professional interviewers from nearby University of California in Los Angeles's Survey Center, interviewers who actually went out in the field and talked to people face to face, several hundred residents—selected as a statistical random sample—were asked to fill out a questionnaire. The questions were simple and direct:

"Are you satisfied with police protection?" "Are the garbage collectors doing a good enough job?" "Is it difficult to find a parking space near your home or apartment?" And so on. The answers are now being processed and computerized. The information will be used in both long and short range planning programs for the area.

This kind of citizens' input is the cornerstone of our present research and study programs. But we are attempting to get citizens involved in other ways, too. On the same day the Board of Supervisors adopted the *Environmental Development Guide,* they authorized appointment of an advisory council of 50 citizens representing a wide variety of interests throughout the County. By appointing a council, the Supervisors expect to get more people involved in the planning process when the important decisions are being made. Group presentations, traveling displays, media coverage and series of public meetings and hearings will be a part of this effort.

The *Guide* is a first for Los Angeles County. But it is only a first step.

We lack the energy and resources to attack the problems all at once, with equal vigor. But many things can be done. It is a matter of determining what should be done first with the manpower and money at hand. This is the next step, and a pivotal one in the development of a comprehensive general plan that works.

A COLLEGE MAN LOOKS AT McCLOSKEY

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. STEIGER of Arizona. Mr. Speaker, since the young author of the following writing feels he is not being represented in the House of Representatives; since the subject of his writing is the incumbent Republican Member of Congress and clearly would not want this young college student to broadcast his feelings, I felt it appropriate to place it in the CONGRESSIONAL RECORD.

This young man is bright, honest, and very concerned, hopefully he is truly typical of his generation.

The material follows:

MENLO PARK, CALIF.

While my congressman is out to save the Republican Party and get the youth vote I have taken the time to make some meaningful and sincere observations about his activities and remarks. This man alarms me and what he says is a tragedy to this country in my opinion.

He has been active in opposing the President for his war policy. It is my belief that the President is ending the war as rapidly as it can sensibly be done and the Congressman knows it and he also knows that in order to get attention you can't be a supporter. Look at Senator Dole, he supports the President and gets no exposure. Congressman McCloskey decries the President and is a hero for it. The Congressman's master plan in my opinion is to steal the credit for the ending of the war from the President. He knows how to make front page news without committing himself to any real risk.

I am one of those young people who Congressman McCloskey is trying to convince. After watching, listening, and talking with this man, I have made some observations that do not show the Pete McCloskey that the news media has portrayed. I think it is essential to let people know this fact. In the following pages I hope you will read and then compare these observations to the illusions that have been created for this man. I hope you will find it enlightening as well as conclusive as to the character of this man who wants to be President of this country.

RONALD CONWAY.

OBSERVATIONS

TAKING CRITICISMS

The Congressman's newsletters contain the following statements; "I would like to ask your advice; I hope you will feel free to give me your feelings and suggestions; In any event, keep writing, particularly when you disagree." I wrote four letters and didn't get answers until I wrote again demanding acknowledgement of my letters. His reply was made in two lines. This is the same man who publicly complains that the President won't answers his letters.

A Dr. Cole of Palo Alto went to Menlo Park, California on Saturday, May 1, 1971 to voice his opinion. He was booed down by the McCloskey supporters and even assaulted while the Congressman smiled at their antics. Charles Berg, the Vietnam Veteran who lost his leg fighting for his country, was told by the Congressman to "go to hell" just as he told my brother and me on July 10, 1971. Many others have been rudely treated by their representative, yet the Congressman continues to ask for advice and criticism and he continues to insult those who offer their honest criticisms.

QUESTIONNAIRES

In the summer of 1970, the Congressman made very startling remarks about what his constituents thought about national and world affairs. The results appeared to be more liberal than ever before. After looking into these odd results, I found that only 8000 constituents answered this questionnaire yet the Congressman made large statements about how liberal his constituency felt about current issues when it was less than twenty-seven percent of 465,000.

PENTAGON PAPERS

While the Congressman was damning the Administration for keeping classified material from the public he was in possession of the Pentagon Papers and didn't reveal them to anyone.

INTERVIEWS

After interviewing people of seven villages in Laos, the Congressman made observations regarding all 9,000 villages in Laos.

REPUBLICAN "WAR PARTY"?

In a television interview the Congressman referred to the Republican Party as a "war party". However, at the Halley-McCloskey debate the Congressman answered this question negatively. Which answer do we accept as his beliefs?

FLAG RAISING

On April 3, 1971, a group of the Congressman's constituents met at the 11th Congressional field Office at 141 Borel Street and raised the American Flag on the fifty foot flag pole. The action took place as a result of their observations that the Flag hadn't been raised there in over two months. The group raised the Flag daily until June 14 when they demanded that he assume the responsibility. In that time, the Congressman was invited to attend the ceremonies on three separate occasions, he never attended. On May 1, 1971, the Congressman was asked to thank Mr. Charles Berg for assuming the task. The Congressman quickly responded that he would NOT thank Mr. Berg and that both he and his staff's time was better spent doing other tasks for his constituents. It seemed odd that after much publicity and pressure from the public and the press, the Congressman did thank Mr. Berg and he also complimented his deep patriotism and personal commitment. However, only a few short weeks later in Woodside (July 10, 1971) the Congressman was *alone* with two representatives of the Flag Raising group who were discussing the issue with him when he suddenly took the opportunity to call them "horses-asses" and to "go to hell". This is the language that a man who has political aspirations uses when talking to constituents (an eleven year old girl was also present). The Presidential Office requires verbal restraint.

In the Congressman's news release, there were several other fallacies in which he tried to discredit and misrepresent the intentions of the group. He never bothered to mention that the Flag was not raised for over two months, which was the only reason the group assumed the task. When reviewing these facts you will have to question the character and integrity of this man.

PRISONERS OF WAR/MISSING IN ACTION

Congressman McCloskey's main concern over American P.O.W.s and men who are M.I.A.s lie mainly in helping only those wives and families who agree with his attacks on the President. This is evidenced by his sponsorship of a program to finance trips to Washington for P.O.W. and M.I.A. wives who will actively lobby to impose a December 31 deadline for the war. When asked about the sincerity of this program to finance trips he told me that he wanted to help finance for those who disagree with the President because those who did agree had their trips financed by the National League of Families. The fact is that the National League is a completely non-political organization and practices no preference whatsoever in regard to financing of trips to Washington. The Congressman's obvious preference to help only those wives who agree with him, displays his obvious intentions to use those wives and families who agree with him to further his political beliefs. He disregards pleas of many P.O.W. families to stop *using* them. (Ref.* Mrs. Hanson's article in L.A. Times-UPI.)

In a letter to his constituents in early March (1971), he reprinted a speech he made to Congress in which he spoke very highly of our men and their families and then turned around in the same speech and said, "There is no real way we can insist upon better treatment of our P.O.W.s as long as it remains our policy to turn enemy P.O.W.s over to the tender mercies of the South Vietnamese whose past cruelties are fairly well documented." In one breath this man is saying how much we owe these men and in the next breath he justifies the inhumane treatment our men have been getting by comparing it to the treatment of the P.O.W.s held in the South. He seems to be overlooking several facts:

1. We have no control over the treatment of prisoners in the South just as they have no control over civil prisons in this country.

2. All military prisons of the South are inspected by the International Red Cross—this is *not* true of the other nations who are holding American men.

3. The much talked about tiger cages were only used for Civil criminals; however, this does not justify inhumane treatment, and all such cells have been abolished since their discovery—Congressman McCloskey likes to make it appear that the U.S. is responsible for inhumane treatment in the South. The treatment in the South is strictly according to the Geneva Agreements and the Red Cross makes frequent inspections.

4. In North Vietnam *none* of the Geneva Agreements are abided by and the Red Cross has yet to set foot in any prison camp. The other countries holding American men do not even concede their presence which is the reason we have many wives and families living in anguish because their loved one is Missing In Action.

The Congressman does not speak out forcefully against North Vietnam and the other countries who are treating our men inhumanely and causing their families anguish, he only speaks out against his own nation. In his recent trip to Laos, Congressman McCloskey took out time to go to the prison camps of South Vietnam and see that the men there were being treated humanely—however, he never even inquired about the treatment of the many American P.O.W.'s in North Vietnam. When I asked the Congressman about this, he stated that he didn't have time to inquire about the American P.O.W.s because he was busy interviewing Laotian villagers. Wouldn't it have been nice if the Congressman spent only a fraction of his time trying to help the suffering American P.O.W.s; he was too busy in the camps of South Vietnam and interviewing Laotian villagers seeking some discovery that would gain him some publicity.

When I continued to express my concern to the Congressman about his lack of concern for P.O.W.s except for his personal gain (April 30, 1971), he casually told me he "didn't care about the years work", I had already done trying to help the P.O.W.s.

When two P.O.W. family members asked the Congressman to speak out against Hanoi for treating the P.O.W.s inhumanely, he replied with the remark that "world opinion considered these men war criminals". Millions of people worldwide have spoken out against Hanoi which proves his remarks absolutely FALSE. Remarks, such as this, illustrate the man's lack of sincere concern in helping American P.O.W.s.

In May (1971) the Congressman met with ten P.O.W. wives and family members. During the meeting, the Congressman proposed three alternatives for solving the P.O.W. crisis. The wives approved of one with a vote of six out of ten. During the meeting, the wives emphasized that they were not political and didn't want to be used in any political situations. When they voted in his mini poll, they accepted the proposal that didn't enter the political arena. I attended the Republican Central Committee meeting that very evening and he indicated that he had six out of ten P.O.W. wives who strongly disagreed with the President. When I talked to four of those who attended and voted, they said they voted for the proposal that had *nothing* to do with the President and the war policy. That vote took quite a transition in just a few hours. The wives expressed their dismay to the Congressman's staff to no avail.

[From the San Francisco Examiner, July 2, 1971]

KENNEDY, HARTKE, MCCLOSKEY—POW KIN BLAST CONGRESSMEN

(By Mary Crawford)

Two Democratic Senators, Edward M. Kennedy and Vance Hartke, and one Republican, Representative Paul N. McCloskey, Jr., were blasted here yesterday for their positions on prisoners of war.

Mrs. James Evans, of 3280 Thompson Ave., wife of a Navy commander shot down in a reconnaissance flight over Laos six years ago, called Kennedy "one of the biggest jerks."

And Mrs. William Butler, of 64 Cottonwood Dr., San Rafael, wife of an Air Force captain listed as a POW in North Vietnam, said Kennedy recently has been "charging like a knight on a white horse" to get POWs back, while previously he didn't seem interested in them at all.

The two women are members of the National League of Families of American Prisoners Missing in Southeast Asia.

Members of the organization held press conferences in big cities across the nation yesterday.

Newspaper executives invited to cover the press conference were told that the conference was desired by "the White House." Later, a corporate public relations man said his firm notified the media of the press conference at the behest of the Public Relations Council of the Public Relations Society of America. The POW wives' message:

"We are objecting to the fact that the prisoner of war issue has become a political football. We represent the majority of POW-MIA families who feel that the only solution for the POW/MIA (missing in action) problem is that it remain a humanitarian issue."

They accused an increasing number of legislators of seizing upon the POW problem to gain support for a withdrawal date from Vietnam, "while in reality there is no guarantee for the return of the POWs and an accounting of the missing."

And Mrs. Evans said that "President Nixon's hands must not be tied in using those options open to him in negotiating for the release of our prisoners."

Mrs. Evans, mother of a teenage boy and girl, sat at a table in the San Francisco Press Club to air her opinions on some politicians. In front of her was the second package she had sent to her husband only to have returned.

Mrs. Evans has had no word from her husband.

She did have a form letter from Kennedy, with no mention of POWs although she had written him to ask about his position on the return of POWs.

She said one of her friends with a POW husband had written to a senator and in turn received a letter thanking her for her interest in Health, Education and Welfare.

Mrs. Butler, mother of two small children, held a letter from her husband, written on the six line form provided for prisoners in North Vietnam. She received a letter from him every other month from March, 1970 until Christmas.

The two women quoted McCloskey as saying in San Mateo last May 14 that if it came down to voting for withdrawal contingent on release of POWs or total withdrawal, he would vote for the latter.

And they quoted Hartke as telling a youth group called the Washington Workshop, in Washington, D.C., last March 3. "I don't know what happens to POWs—how do POWs get to be POWs except for having us involved in an undeclared war?"

And when a youngster at the conference commented, "We can't leave them there," Hartke was quoted as saying "Why not?"

[From the Los Angeles Times, June 2, 1971]

KIN APPEAL—MCCLOSKEY ASKED NOT TO USE POW'S

(By Stanley Williford)

A group of relatives of prisoners of war and servicemen missing in action asked Wednesday that Rep. Paul N. McCloskey Jr. (R-Calif.) "not make the plight of POWs and MIAs in Indochina a political issue."

The nine women said they believed the prisoner of war issue should be negotiated separately from other aspects of the war because it is a humanitarian one.

Speaker at a Greater Los Angeles Press Club news conference, Mrs. Carole Hanson, spokesman for POW-MIA Internation, Inc., said the group had directed its pleas to McCloskey because he had been asking wives of POWs to support his demand for a withdrawal date from Vietnam.

"It is Congressman McCloskey who has sought out POW families to line them up as backers," she said. "Any politician has the right to voice his opinion but we just ask that POW families not be used as a political issue."

Mrs. Hanson said she believed a withdrawal might worsen the plight of the men being held by the Communists.

"Those of us who must wait at home for any word from our loved ones being held in Asian prisons are hurt very deeply by the calloused attempts by ambitious politicians to use the issue to further political goals," she said.

In efforts to enlist the support of POW families, Mrs. Hanson said, McCloskey had recently gone to a dinner where 100 families were in attendance.

Included among the financial supporters of the move to enlist the families of captured Americans to support congressional action to set a troop withdrawal deadline are businessmen backers of GOP Rep. Paul McCloskey Jr., California, and Common Cause, headed by John Gardner, former cabinet member in the Kennedy Administration.

NATIONAL CONVOCATION OF LAWYERS TO END THE WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FRASER. Mr. Speaker, on June 7–9, 1971, lawyers from around the country met in Washington to concentrate efforts in support of legislation to end American participation in the Indochina war. These highly motivated men and women spent two days in intense discussions with elected and appointed offiicals throughout the Government.

The Minnesota delegation, one of the larger delegations, played a central role in the activities of the convocation. The following report was drafted by Franklin J. Knoll, the executive director of the Minneapolis Urban Coalition Action Council, for submission to the officers of the Minneapolis Urban Coalition Action Council and the Minnesota Delegation of the National Convocation of Lawyers to End the War. Of particular interest in this report are the results of the interviews held with legal officials in the Department of Defense and the Department of State. The observations are particularly incisive and I urge all of my colleagues to read the report.

The report follows:

MINNEAPOLIS URBAN COALITION
ACTION COUNCIL,
July 26, 1971.

To: Officers of the Minneapolis Urban Coalition Action, Minnesota Delegation of the National Convocation of Lawyers to End the War

From: Franklin J. Knoll, Executive Director

Re: Washington Lobby Effort in Support of Legislation to End the War—Washington, D.C., June 7–9, 1971

Pursuant to the Action Council resolution of June 3, 1971 in support of the McGovern-Hatfield and Nedzi-Whalen amendments to end the war I participated in a concentration lobby effort in support of the two amendments undertaken by ad hoc group of attorneys called the National Convocation of Lawyers to End the War. The following is a summation of my observations. It is being prepared for distribution to the directors of the Action Council as well as the membership of the Lawyers Convocation.

PREPARATIONS IN MINNEAPOLIS

The Minneapolis delegation was organized and mobilized through the leadership of Howard Vogel of the Van Valkenburg office and Paul Zerby of the Dorsey office. Paul and Howard were contacted by the Boston group which provided organizational leadership on the national level. The entire national convocation was put together in about three weeks time, the Minnesota delegation in about six days. Paul and Howard through personal contacts were able to obtain the names of 60 local attorneys for use on the letterhead and subsequently sent out 4700 letters to members of the Minnesota bar. A lobbying kit was prepared which included a report of the law students lobby effort of last year at the time of the Cambodian Invasion. A checking account was then opened and a post office box obtained. These efforts resulted in the participation of 13 members of the Minnesota bar in the Washington Lobby on the 7th and 8th of June. Those lawyers attending included: Keith Wallace, Alexandria; John S. Connolly, St. Paul; Thomas L. Johnson, Minneapolis; Lynn Castner, Minneapolis; Howard W. Vogel, Minneapolis; William E. Drake, Minneapolis; Paul Zerby, Minneapolis; Frederick E. Lange, Minneapolis; Robert L. Speeter, Minneapolis; Vincent E. Johnson, Minneapolis; Franklin J. Knoll, Minneapolis; Gerald L. Seck, Minneapolis and Larry B. Leventhan, Minneapolis. The District of Columbia host committee included such nationally prominent lawyers as Elbert E. Arent, Edward Burling, Clark Clifford, Lloyd N. Cutler, John B. Jones, Jr., Stuart J. Land, Paul A. Porter, Robert L. Wald, and Paul C. Warnke.

The bulk of the lobby effort was aimed specifically at the Hatfield-McGovern amendment then pending in the Senate calling for the withdrawal of all troops from Indo-China by December 31, 1971 and a similar measure in the House, the Nedzi-Whalen amendment, calling for the cutoff of appropriations for the Indo-China war by the same date.

Washington, Monday, June 7

Most of Monday morning was spent by several members of the delegation in securing appointments at the various Congressional offices. The services of Congressman Fraser's staff were made available to the delegation and his office provided a primary coordination point. Fraser's staff provided excellent assistance in making appointments, sharing information and generally making us feel at home. Monday afternoon appointments at the office of each Congressman and Senator as well as representatives from the Departments of State and Defense were secure.

Earlier contacts with Presidential advisor Clark McGregor had given the group the impression that he would meet with us if a letter indicating our request was sent in advance. The group is also of the opinion that Mr. McGregor had indicated he would check into the possibility of an appointment with the President. Accordingly Bob Seeter, who knows Mr. McGregor personally, had sent him a special delivery letter indicating our request well in advance of our visit. On Monday evening we were informed by Mr. McGregor's office that the notice was too short to provide a meeting with the President and even McGregor found it impossible to meet with us.

By Monday afternoon approximately 1,500 lawyers from all over the country were registering at the Washington Hilton Hotel. Registration continued until early evening when an orientation session took place at which lobbying techniques were discussed by organizers of the convocation. Of particular interest at the orientation session was a discussion of Senator Mike Gravel's plans for a filibuster against the extension of the Military Selective Service Act (the draft) which was due to expire on midnight June 30, 1971. Gravel's point was to extend the discussion on the many amendments to the bill then pending so that the draft would expire by June 30 and theoretically cut off the President's supply of troops to carry out military operations in Indo-China. The filibuster tactic appeared to evoke a rather mixed reaction from the lawyers, many being repulsed by the filibuster tactic, and others being opposed to the alternative, namely, a professional army devoid of civilian influence. At any rate, the filibuster failed when a cloture motion was passed.

The highlight of the first day was the evening program which included major addresses by Senators Edward Kennedy and Philip Hart, Representative Robert Drinan, the Jesuit law professor recently elected to Congress from Boston, former Senator Ernest Gruening from Alaska, John Gardner and John Lagomarchino from Common Cause, John Kerry of the Vietnam Veterans Against the War, and others. The program was emceed by former Secretary of Labor Willard Wirtz. Senator Kennedy's address, in which he accused the President of playing politics with the question of withdrawal of U.S. troops from Southeast Asia evoked several comments from politicians, including Senator Humphrey, and provided the New York Times, The Washington Post and the wire services with several bylines throughout the week. The evening was ended with the showing of the Common Cause film "Speak Out on the War."

During the evening's program, the Minnesota delegation received special mention as the largest from outside of the East coast. Howard Vogel, representing the Minnesota group, addressed the Convocation briefly and then moved the following resolution which was adopted unanimously:

In order to end the war, we, members of the legal profession, support legislation which provides for withdrawal of all United States armed forces from Indochina by December 31, 1971.

We believe that present United States policies will continue to prolong the War and cause senseless suffering among the American and Indochinese peoples.

We ask that Congress exercise its constitutional prerogatives and responsibilities. We urge that Congress act now to stop the War.

DEFENSE DEPARTMENT INTERVIEW

On Monday afternoon (prior to my arrival) a meeting was arranged through Congressman Fraser's office with a Benjamin Foreman, Assistant General Counsel for International Affairs in the Department of Defense. Lynn Castner, Howard Vogel, Jerry Seck, and Tom Johnson met with Foreman for approximately two hours, the discussion centering around the nature of the lawyer-client relationship vis-a-vis a government lawyer and his superiors. The relationship between Foreman's office and the Department of Defense, the Department of State, the Congress and the Administration was also discussed. Foreman indicated that the Secretary of Defense and the White House have asked his advice often on the legality of various Indo-China military policies. He made specific reference to a particular request relating to the international legality of bombing Hanoi. Foreman views his job as that of involving a lawyer-client relationship with whomever requests an opinion, and he does not limit this relationship to his employer, the Department of Defense.

Mr. Foreman had impressive credentials, being a graduate of Harvard Law School, and several years service with the Department of Defense. His background included experience in the Justice Department's Anti-Trust Division prior to moving to Defense where he was employed at the time of the Tonkin Gulf incident. His firm opinion is that since each of the events leading to our involvement in Indo-China was legal, present policies should be viewed only as political questions, the legality issue having been dealt with earlier. Thus he saw no reason to examine from a legal point of view whether or not Vietnam is engaged in a civil war or whether the events leading up to the Tonkin Gulf resolution were legal provocation for the military action which followed since each of these was purely a political issue. Interestingly enough, however, he felt that the Church-Cooper amendment was unconstitutional on the *legal* basis that the Congress, once troops are committed, cannot direct the President as to how to wage war. He was hesitant to comment in response to the question of whether the Congress could properly restrict the President from using nuclear weapons.

Howard Vogel highlighted the discussion with Foreman by raising a number of questions regarding the apparently strong interest career governmental employees appeared to have in protecting their future annuity by maintaining a "low profile" in their jobs. In this portion of the discussion Mr. Foreman admitted that in earlier years, particularly during the Eisenhower administration, the Defense and State Departments often consulted with each other and then presented a joint course of action to the White House. He admitted that this technique often resulted in the presentation of the lowest common denominator in terms of policy. He pointed out that presently Defense and State tend to develop their own policies and to present them independently to the White House. While he stated that at Defense there is a tendency to be asked questions in such terms that a number of various policies and alternatives may be considered he pointed out that there did not appear to be any consideration of alternatives available in terms of our policy in Viet Nam.

Washington, June 8, 1971

The entire day from 8:30 a.m. until approximately 5:30 p.m. was spent lobbying the entire Minnesota delegation in support of the McGovern-Hatfield and Nedzi-Whalen amendments. With the help of Congressman Fraser an additional interview was arranged with a representative of the State Department, a Mr. Stanley Futterman, senior attorney in the Southeast Asian Affairs Division.

STATE DEPARTMENT INTERVIEW

Lynn Castner, Larry Leventhal and Bill Drake met on Tuesday with three lawyers from the State Department including Mr. Futterman and two attorneys on his staff. The general impression of the meeting was that the State Department lawyers were more heavily involved in policy making than were the attorneys in Defense. The State Department attorneys appeared to be more aggressive in defending the administration's Southeast Asian policies and gave the impression of being less objective in considering the merits of opposing arguments than those attorneys at the Defense Department. Thus, for example, the background of the Tonkin Gulf resolution was vigorously defended on specific points and the argument was put forth that a case of deception or duplicity on the part of administration officials as to the actual military operations which led up to Tonkin Gulf had not been made. One of the attorneys in our group reported that he sensed an "Alice in Wonderland" atmosphere pervading during the visit. In response to the State Department's attorneys arguments some of the members in our group pointed out that many members of Congress as well as the public have lost faith in the credibility of the facts presented to Congress and to the public by the administration regarding our policies in Southeast Asia. Interestingly enough this discussion preceded any knowledge of the impending publication of the Pentagon Papers. It was also pointed out that Congressman Fraser had that very day indicated that he was considering introducing an amendment in committee making it a criminal offense for a member of the administration to give any false information to Congress.

In terms of the legality of the administration's position, Futterman and his staff argued that Tonkin Gulf was not essential and was, indeed, irrelevant to our present policies. His basic argument in defense of administration policies was that the President has adopted a policy of withdrawal, and that because of this policy, the legality of our initial intervention and our present military participation was irrelevant. The point was argued at some length.

One of the most significant points of interest to our group was the admission of the State Department lawyers that the present system of information gathering did in fact have weaknesses, and their agreement that information gathering agencies of the government should not have operational or policy making responsibility.

RED HEROIN FROM RED CHINA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHMITZ. Mr. Speaker, what will be the results of the United States inglorious march to embrace oriental despot Mao Tse-tung while abandoning a long time ally, the Republic of China?

The following reports delivered by former U.S. Commissioner on Narcotics, Hon. Harry P. Anslinger, to the United Nations Commission on Narcotic Drugs in 1953, 1954, and 1955 allow us to easily foresee one result. As Red China gains a legal base from which to operate in the United States not only will Peking-directed subversion increase, as Mr. J. Edgar Hoover recently reported, but our already overwhelming drug problem will probably grow worse. Mr. Anslinger was U.S. Commissioner on Narcotics from 1949 to 1962 and is generally thought of as the "J. Edgar Hoover of Narcotics Control."

Commissioner Anslinger reported to the United Nations that—

> The Communist regime of mainland China is distributing drugs abroad and selling heroin and opium in large quantities to the free countries of the world.

He detailed the immense Red Chinese traffic in opium and other narcotic drugs and characterized their efforts as—

> A formidable and far-reaching plot to gain foreign exchange and at the same time to demoralize the people of the free world.

Commissioner Anslinger stated in no uncertain terms that—

> The Communist regime in mainland China is pouring opium, morphine and heroin out through the province of Yunnan to augment already existing lines of traffic.
>
> Millions of dollars obtained from the sale of opium and other narcotics are used by the Communist regime in mainland China for political purposes and to finance agents.
>
> After outlining sources for Red Chinese opium, their methods of production, the mechanisms they use for distribution, and the members of the Chinese Communist Party in charge of exporting one of mankind's greatest curses, Commissioner Anslinger stated that, "The United States is a target of Communist China, to be supplied with a flood of foreign exchange earnings, health- and morale-devastating heroin."

He noted that Red Chinese trade agencies in nations such as Japan serve as one of the mechanisms through which the Communists market the vast quantities of opium and heroin which they produce. He also cited several incidents in which heroin was given free to U.S. soldiers serving in the Far East which resulted in their becoming addicted. Whether this tactic is being used against us in Vietnam today by the Communists is not known. However, the historical precedent is there.

Commissioner Anslinger cited subversion of free world armed forces as one of the purposes of Red China's illicit traffic in narcotic drugs. The Commissioner said—

> These purposes (of the traffic in narcotics) include monetary gain, financing political activities in various countries and sabotage. The Communists have planned well and know a well-trained soldier becomes a liability and a security risk from the moment he first takes a shot of heroin.

What is the situation today? Have the Red Chinese abandoned their money-making traffic in illicit narcotics which so well tallies with their political objective of destroying Free World Nations? Dr. Jerry Pournelle, formerly director of the Pepperdine Research Institute says, "No." In an article which originally appeared in Twin Circle News magazine, Dr. Pournelle outlines briefly Red China's traffic in addictive drugs today.

Dr. Pournelle points out that—

> Recognition of Red China and regularization of trade would . . . make it easier to export heroin to the United States.

I strongly urge all my colleagues to familiarize themselves with the information presented by the former U.S. Commissioner on Narcotics, and Dr. Pournelle, and ask themselves a question. What will the United States gain by embracing a group of tyrants who are using heroin as a weapon against the free world?

The articles follow:

[Remarks of the Honorable Harry J. Anslinger, April 1953]

The Illicit Narcotic Traffic in the Far East

After the debate on May 5, 1952, in this Commission on the situation in relation to the smuggling of narcotic drugs from Communist China, the Russian delegate circulated a statement, document E/2233 dated May 27, 1952, by the Ministry of Foreign Affairs of Communist China. The statement alleges that the report submitted by the representative of the United States Government contained the slanderous assertion that Communist China is engaged in the illegal sale of heroin to Japan, and was a baseless fabrication from start to finish; that from the date of its formation, Communist China has consistently and resolutely pursued a policy of the strictest prohibition of opium and other narcotic drugs.

Instead of giving this Commission a factual report on conditions as other governments have done, the Chinese regime delivered a diatribe of abuse to the Commission for listening to the truth, calling it "malicious slander", "shameless dissemination of lying rumors", intrigue and fabrication and endeavored to shift responsibility for the traffic to other governments.

In view of this challenge, I shall furnish the Commission with additional facts on the situation.

The 1950 organization of the Chinese regime for the sale of opium and other narcotics has been carried over into 1953 with the exception that some of the lesser officials have been changed with the top officials remaining the same as before.

At the time the Communists occupied Shensi the district was barren and unproductive so the communists depended on the cultivation and sale of opium to finance their vast military administration. As a result the organization for the sale of opium and the communist financial organization were closely correlated, and in the areas dominated by the communists the free sale of opium and opium-smoking were acknowledged facts and opium was termed a special item.

As soon as the communists advanced to Manchuria with the support of the Soviets, they put a stop to the free trade of opium in the areas under their domination, but encouraged such trade in areas controlled by the National government as a strategem.

When the communists occupied the whole of China, opium-smoking was prohibited in the land by order of the Communist Administrative Department, but it soon became known that traffic in narcotics would be permitted if it was contrived behind the scenes so those who wished to export opium applied to the government organization controlling special items and received licenses to export opium which amounted to a license to buy and sell opium and heroin.

Tientsin and Canton are the chief opium and heroin export centers in China.

Within the Communist government there is the Opium Prohibition Bureau of the Peoples' Government. Within this Bureau the responsible persons are: Po I Po, Chief of the Finance Division; Yie Chih Chuang, Chief of the Trade Division; and Wang Feng Chi, who as Chief of the Hwapei Opium Prohibition Bureau is the actual person in charge.

The Opium Prohibition Bureau amounts to a government monopoly which, in the Tientsin district, is known as the Yuta Concern which is located at 5, Aomen-lu, 10 Ward, Tientsin. Wang Tsu Chen is the head of this concern, Li Tsu Feng is the managing director, and Sung Han Chen is an active partner. Wang is a native of Nanking and was formerly a bandit; Li is a leader of bandits of the Tseng Jen Wang clique; and Sung is a famous opium dealer in Tientsin.

The opium business in the Canton district is monopolized by the South China Trade Bureau under the name of "Lin Chi Hang". Wang Jui Feng, a senior communist leader, is in charge.

In Hankow stockpiling and transportation are carried out by the Hankow Agency of the Central and Southern District Tobacco Bureau. The person in charge is Lo Wen, Chief of the Accounting Department of the Central and Southern Army District.

The opium stored in the Shihkiachwang Warehouse, with Kuo Hua Yuen in charge, includes the stockpile of opium which was accumulated before the communists took charge of the government.

The person in charge of the Northern Shensi Warehouse is Kung Liang who is responsible for the planting, harvesting, and processing of opium in the northern Shensi district.

The Jehol Agency, the original name was the Jehol Agency of the Central Tobacco Bureau Superintendent's Office, is headed by Wu Chih Ho who is in charge of the seeding, harvesting, and processing of opium in the Jehol district.

In Shanghai opium transactions are prohibited, but Chu Yu Lung who is a public security officer of the Shanghai district is in charge of the liaison office. His principal job is to negotiate with buyers of opium.

The traffic in narcotics is closely related to other organs of the communist government. For example, there is a close relation with the Peoples' Bank of China and the Bank of China both of which have local branches throughout the country with special counters to handle loans, extend credit and handle mortgages for opium. The transportation of opium is guarded by the armed forces. These agencies along with the Tobacco Monopoly are also the organs for handling the transactions in opium. The responsible persons of the Tobacco Monopoly in the various districts have chosen connections with the big opium dealers. They employ the names of recognized firms for their export business and conduct narcotic transactions under the protection and cover of various subterfuges.

In August 1950 the following kinds of opium, with the morphine content as shown, were held in the various districts:

Items	Morphine content (percent)	Quantities (tons)		
		Tientsin	Canton	Hankow
139	12.	20	10	10
138	11.36	20	5	20
No. 1 Camel	7.4	40	20	30
Special Camel	9.8	30	10	10
No. 1 Race Horse	6.3	30	30	10
Special Race Horse	8.4	60	20	10
Total		200	95	90

Since the quality of opium produced in the northwestern and southwestern districts of China is not uniform and the price varies, Lin Siu Hao who has charge of the laboratory attached to the Shanghai Hygienic Department makes the analysis and decides the standard of opium for export purposes.

Opium is a publicly owned property and the people are not officially permitted to produce, transport, smoke, or sell it privately. Accordingly, all the organs for collecting, purchasing, stockpiling and transporting opium are held exclusively in the hands of the Central Opium Prohibition Bureau. The opium which has been obtained for export by traders in Tientsin is conveyed to Taku on boats by the troops stationed there. The opium stored in Canton is delivered to Shum Chan by the army and sold there.

When transportation is by boats, sampans are used for further transportation and the cost is usually two yuan for each liang.

The method of concluding contracts in the Canton district is not uniform so traders sign contracts with the Central Trade Bureau in Sui Chou. Sometimes opium is traded for chemicals at the Trade Bureau in South China. At the time of the transaction the two parties sign a contract at the Shen Chou Warehouse and the communists take charge of the transportation.

The above organizations and Chinese, Korean, and Japanese communists are presently operating to smuggle heroin into Japan, from which country a portion is transshipped to the United States, not only to obtain dollars and strategic materials but also to sabotage by creating narcotic addiction.

One of the most important officials in the communist regime who is responsible for supplying heroin to the illicit traffic in Japan is Cheng Lao San, Director of the Opium Prohibition Bureau for the States of Chiang Su, Che Chiang, and An Hui—three states or districts around Shanghai. Cheng is probably the biggest narcotic dealer in the communist regime and is known as the King of Opium.

Under Cheng there is the following organization as far as Japan is concerned: Li Chin Sui is Cheng's top man in Kobe and Tokyo. The following known communists in Japan pooled ¥5,000,000 and bought a ship in which they sailed from Kobe July 4, 1952: Li Tien Cheng, Kuo Chu Hsiu, Lan Kuo Cheng, Pao Wen Han, Pao Jui Sheng, Liu Kan Lung and Hsieh Chun Mu. All of them are Chinese.

Since that time only Pao Jui Sheng has been known to return to Japan. He came back to Muroran, Hokkaido, on the Dutch ship Malacca.

This group of Chinese communists and Li Tien Cheng negotiate directly with Cheng Lao San for narcotics. Li Chin Sui is a fugitive on a narcotic charge in Japan. He and two other Chinese smuggled approximately four pounds of heroin from China to Japan which was seized on the MS Hermaline in Kobe in 1951. It is believed 170 pounds were smuggled into Yokohama shortly before the seizure in Kobe, and that this heroin was purchased by Hsieh Chun Mu and Hung En Chu. The latter Chinese and his associate Hsu Yu Fu have been arrested in Japan for trafficking in heroin. Hung and Hsu were both involved in the Hermaline investigation and have the same relationship to Li Chin Sui as Li Tien Chang who has recently been arrested in Hong Kong and will be deported.

Cheng Lao San supplied heroin to Shibata Tatsuo, a Japanese who was arrested in Tokyo in April 1952 when he attempted to sell 720 grams of heroin at the rate of ¥290,000 for 110 grams. The heroin was supplied to this Japanese through Lo Chung Chung who trafficks in heroin under the direction of Cheng Lao San. This heroin was the Red Lion brand. In the early part of 1951 this same brand of heroin which had been smuggled into Japan by air from China was seized in the amount of 676 grams. A further seizure of this Red Lion brand of heroin, which is manufactured in quantity in Tientsin, was made in Kobe July 25, 1952, in the amount of 706 grams with a purity of 89.09 percent. Also on October 6, 1952, in Kobe 1,313 grams of the same Red Lion brand of heroin were seized. This heroin had a purity of 84 percent. In all of these seizures the principals were Chinese. The seizures from China in Kobe although several months apart had packages numbered as follows: In July 00016 and 00019; in October 00017, 00018 and 00021. These are Chinese factory numbers.

Chen Kun Yuan, a Chinese living in one of the Mitsui mansions in Hongo Meguro, Tokyo, has a close connection with Cheng Lao San. Chen in 1949–50 shipped large quantities of heroin to Tokyo. He became wealthy from this nefarious traffic and in 1951 set himself up in the lacquer business in Tokyo. Just before Chen moved to Tokyo he shipped 40 pounds of heroin to Tokyo by air, and in June 1952 is reported to have shipped 120 pounds of heroin to Tokyo in one-half pound rubberized bags. In each shipment several one-half pound packages were included, and Chen is reported to have paid the pilot of the aircraft ¥200,000 in each case of shipment for taking the heroin in as his own luggage and for making the delivery in Meguro Ward, Tokyo.

This same Chen was a ringleader of narcotic traffickers in Central China during World War II, and was arrested in Szechwan Province, China, at which time his property was confiscated. Under the communist regime in China he again trafficked in heroin and amassed millions in two years. Among his followers are a Korean who has charge of transporting raw opium from Korea and Soviet Russia; a Chinese by the name of Chang Liang Tung who is taking care of Chen's illicit narcotic interests in Tientsin and Shanghai; and another Chinese, Tao Tsing Kang, who is engaged in smuggling heroin. After processing the opium, this group smuggled heroin to Singapore, Japan, and parts of China. About one-half of their heroin is reported reaching Japan.

Although Li Chin Sui is not known as a communist, he is boss of the Chinese underground in Japan and has collected large sums of money which he has turned over to the Communist regime of China. In southern China, the exact location is not known, the Ministry of Trade and Commerce has a branch office and Li Chin Sui has a company by the name of Tung Yung Trading Company which really functions as a branch office of this Ministry and handles medical supplies and other strategic materials for the Communist regime of China.

The above-mentioned Kiu Kan Lung is closely associated with the sons of the notorious trafficker in narcotics, Li Sui Sen, a Chinese who was arrested on a narcotic charge in Yokohama in October 1951. One of Li's sons lives in Shanghai, while three more sons live in other parts of Communist China.

Hsieh Chun Mu, the narcotic trafficker mentioned above was closely associated with

Kaji Wataru and Mitsuhashi Masao, military spies and communists about whom there has recently been so much publicity.

In the Atsugi-Gotemba area, communists, both Korean and Chinese, with the Koreans outnumbering the Chinese, are using street girls to sell heroin to American military personnel. The Koreans and Chinese have taken over the narcotic traffic around the military bases which have been divided as follows: Sasebo, Chinese; Chitose, Koreans; Tachikawa, Chinese; Misawa, Chinese and Koreans; Sendai, Koreans; Asaka, Koreans; Kokura, Chinese and Koreans.

Out of a total of 1494 narcotic violators arrested in Japan from January through November 1952, 24.6 percent were Chinese and 16.8 percent were Koreans. Thus this element of the population, less than two percent of the total, accounted for more than 41 percent of the narcotic violators. Narcotic agents arrested 52.2 percent of the violators, while the police and Customs arrested 39.4 percent. The remaining arrests were made as a result of cooperation between enforcement agencies. A total of 7,843 grams of heroin and 1,827 grams of raw opium were seized during the eleven months period.

In Yokohama is located what is considered the most active group of Chinese narcotic smugglers in Japan since they are reported to be operating regular smuggling ships, complete with false bottoms, for the purpose of carrying heroin and gold from China in exchange for platinum, American dollars, and other strategic materials. In this group of known communists are: Wu Hua Kuo who has been arrested on charges of smuggling and bribing Customs officials; Yang Wen Ting who is connected with a trading company and who was arrested in 1949 on a smuggling charge; Wang Chung I, Wu Kao Ming, and Chen Jen Chi, all so-called traders. Associated with this group was the trafficker, Hsieh Chun Wu, mentioned above who smuggled himself out of Japan and is now living in Peiping. His family followed him on October 11, 1952. Also in this group of communists are Pi Lei Kuang, Chien Ta Ming, and Liang Pei Hua. The latter is in charge of the Kanto area (Tokyo Plain) for carrying out directives from Red China, and is reported to have received money and heroin from a Lo Chung Chung, mentioned previously as a lieutenant of Cheng Lao San. This Lo used to obtain heroin and entrust it to merchant seamen to bring to Japan. When the ships arrived, Lo would drive to the wharf to receive the heroin.

The information with respect to the previous paragraph came to light when a day laborer in Yokohama was arrested and interrogated. This laborer, a certain Saito, signed on one of the ships of the smuggling group in Yokohama in December 1950 at Yutsubo and arrived at Reisui, Korea, after three days. The cargo of clothes was discharged and narcotics packed in cartons was taken aboard and later discharged in Shizuoka prefecture, Japan. During this voyage, Saito who was not an addict was tied hand and foot and forcibly given heroin injections until he acquired a craving for the drug.

In January 1951, Saito, who was now an addict, reached one of the smuggling ships lying off the port of Yokohama by small boat. The ship touched at Oita prefecture. After leaving Japan, about 20 boxes of opium, heroin, watches, and revolvers were loaded at another port and the ship sailed for Dairen where she stayed about one week. At Dairen 20 cardboard boxes of heroin were taken aboard. The ship then sailed for Japan and discharged 10 boxes of narcotics and revolvers near Hirado Island, Nagasaki prefecture. These boxes were addressed to the Kyushu and Hiroshima Branches of the Japanese Communist Party. The ship then passed through the Japan Sea to Hakodate, Hokkaido, where 10 boxes were delivered to a Japanese who met the ship by trawler. After this, two boxes were delivered to a Korean at Matsushima near Sendai, Japan. Late in January the ship returned to Yokohama where the followers of Wu Hua Kuo came out in a small boat and received 10 boxes. The boxes were put in American military vehicles and hidden in wheat in a lumber room in the back yard of Wu.

Saito left Japan again soon afterward on the same ship. The ship carried 500 tires, 100 cases of beer and 100 cases of Suntory whiskey, and arrived in Shanghai in about one week. The cargo was handed over to Red soldiers who provided documents and the ship sailed for a certain destination where provisions, cakes, crude rubber, and narcotics were loaded. The ship then returned to Shanghai where the cakes were discharged, and then to Dairen where 30 cases of narcotics and revolvers were taken aboard. The next port was Vladivostok where nine Japanese left the ship. Later, off the coast of Chiba prefecture, the revolvers and narcotics were delivered to eight or nine Japanese who came out in a small boat, and the ship returned to Yokohama. More than 20 persons, mostly Chinese, listed in the day laborer's statement are known narcotic violators, and Saito was able to identify photographs of these people.

Among the more important cases which can be traced directly to Communist China are the following:

Seizure in Kobe, July 25, 1952—706 grams heroin

After the arrest of a Japanese pharmacy owner in Kobe and the seizure of 706 grams of heroin, it was established that Chang Shih Ching, a Chinese male aged 39, had brought the heroin to Kobe from Tokyo and had enlisted the help of the Japanese in disposing of the drug. This heroin was 89.09 percent pure, was manufactured in Tientsin, and bore two Red Lion brand labels.

Seizure in Kobe, July 21, 1952—323 grams heroin

Narcotic agents negotiated for the purchase of a large quantity of heroin from Sai Sei Ichi, a Korean, and later arrested Sai and Yang Yao Mu, a Chinese aged 27, in possession of 323 grams of heroin. The heroin was 89 percent pure and was contained in the familiar fabric bags in which large seizures of heroin from China have been made.

Seizure in Yokohama, August 5, 1952—83 grams heroin

Narcotic agents arrested Wu Chun Sheng, a Chinese aged 37, after they had seized 83 grams of heroin which Wu had left in the home of a Japanese friend for safekeeping. Wu is a close associate of known communists and narcotic traffickers smuggling from Communist China who were reported in 1951. These traffickers included Jo A Ki, a Chinese who has been charged with narcotic violations on three occasions.

Seizure in Yokohama, September 28, 1952—37 grams heroin

Narcotic agents arrested Peng Lan Hsi, a Chinese aged 30, in Kawasaki which is a suburb of Yokohama. Heroin in the amount of 37 grams and cutting equipment were found in the possession of Peng who is the boss of communists in Tsurumi Ward, Yokohama. Peng had obtained the heroin from the notorious narcotic trafficker in Kobe, Chang Shiu Shin, a Chinese who was arrested in December 1952.

Seizure in Tokyo, October 3, 1952—3,413 grams heroin

The Narcotic Squad of Tokyo Metropolitan Police on October 3, 1952, seized 2100 grams of heroin, 97 percent pure, in two biscuit tins at Tokyo International Airport where it had just arrived by air. Following the seizure two Chinese, Chu Sun Chong and So Tung Chung, were arrested in Tokyo after which narcotic agents seized 1,313 grams of heroin in Kobe from officials of the Chuang Tai Trading Company, a Chinese concern. This heroin was 84 percent pure and was contained in 50-gram packages. Although the Kobe seizure was made on information obtained from the seizure in Tokyo, it is believed the Kobe seizure originated with Wang Wu Ming, a Chinese trafficker who is reported to have brought the heroin to Japan. The Tokyo seizure was to have been received by the Ento Enterprise Company where two Chinese had made elaborate plans and had made four large shipments of heroin from Communist China to Tokyo. Twenty-one such shipments were traced by officials investigating the narcotic seizure. In addition to the Chinese, ten Japanese were arrested in Japan.

All information obtained from extensive investigations shows the heroin in Japan originated from Communist China. Some amounts arrive from Horai, China, between Tsingtao and Tientsin. The communists use crews of merchant ships, crews and passengers of aircraft, as carriers, as well as their own communist couriers and agents, to smuggle narcotics.

KOREA

Opium and heroin reach all parts of South Korea from north of the 38th parallel. The usual route is via Kangwa Island off the coast near Inchon. Smugglers move down the coast in small boats and deliver the contraband to communist guerillas in the central-western part of South Korea in the general area of Kochang. On December 20, 1952 13.5 pounds of raw opium which had reached South Korea by this route were seized. The opium was being offered at the rate of U.S. $90 per pound.

Heroin which is being seized in Korea is the familiar light tan, coarse, granular heroin which originates in Communist China, being manufactured in Tientsin. The price in South Korea ranges from U.S. $10 to $20 per gram.

Some of this heroin is brought in by political agents who infiltrate across the front lines from North Korea. In other instances the heroin is smuggled in by ship, plane and courier. It is common knowledge in Korea that any trader who cooperates with the Chinese makes tremendous financial gains. One such Korean who was known to have smuggled narcotics along with other contraband is reported to have made 10 billion Won.

In 1951 in Pusan there was a group of Koreans who were representatives of a North Korean Trading Company with connections in Mukden and Peiping. These men had limited capital so they trafficked in heroin to recuperate their fortunes. These trading company representatives now have adequate capital and have built their fortunes on narcotic traffic. Money obtained from the sale of heroin in South Korea finally returns to North Korea and Red China either in the form of dollars or of strategic materials.

When the United Nations forces moved through North Korea in October 1950 a warehouse of the Ministry of Commerce in Pyongyang contained large quantities of opium and morphine. There were at least 300 boxes of opium weighing from 30 to 50 pounds each, while the morphine in one-pound cans was in a quantity sufficient to fill two or three rooms of approximately 10' x 12'. In Pyongyang it was found the Ministry of Commerce had a factory for processing opium in the same compound in the west part of the city.

All of the non-addict peddlers of heroin in South Korea originally came from North Korea. This is also true of the chemists.

On August 25, 1952 a clandestine laboratory was seized in a room in Pusan. There were 333 grams of heroin of 81.7% purity and smaller amounts of heroin in process. All the persons arrested in this case had permanent addresses in North Korea, and so far as could be determined all the original narcotics came from North Korea.

The ROK Navy seized 500 grams of heroin from a communist and were able to prove conclusively that the heroin came from North Korea. This heroin was contained in a metal can with a slip-over top. This container closely resembles the cans in which heroin was purchased from Community Trading Store in Genzan, North Korea, in 1949.

The small decks or packages of heroin which can be purchased in Seoul, particularly from Chinese, contain the light tan, coarse textured heroin which is commonly received from Communist China.

HONG KONG

British authorities are making diligent efforts to suppress the traffic from the Chinese mainland.

Li Choy Fat & Company, which includes Li Choy Fat, Li Sui Po, and Kwok Kam Chi, all three of whom are Chinese, were important traffickers in narcotics for several years. Li Choy Fat was formerly of Shanghai and was deported from Hong Kong June 26, 1952.

Li Choy Fat was carrying on his narcotics smuggling full scale. By sea narcotics were moved in vessels ranging from the smallest junk to the biggest commercial liners. Airline and charter planes are also used, and it is reasonably safe to say there is not an airline operating either to or from the colony which has not been used by narcotic smugglers. Late in 1952 it became firmly established that the movement of gold and narcotic smuggling were closely connected and communist inspired. It was also discovered the same traffickers were shipping strategic war materials to Communist China.

After the deportation of Li Choy Fat, he was sentenced to 15 years imprisonment in Taipeh for his smuggling activities.

Millard K. Nasholds, a United States citizen, was arrested in Taipeh on a charge of smuggling 26 pounds of heroin which originated in Communist China. He was sentenced to six years imprisonment and fined U.S. $5,000.

It has been estimated that from 50 to 100 million dollars of gold were smuggled during a two-year period by individual couriers. To estimate the amount of gold and narcotics being smuggled by all means available it is necessary to realize that on occasions the entire crew of certain ships is involved, that the heroin so smuggled supplies a large part of the international illicit traffic, and that anyone having knowledge of these operations including the crews of ships is afraid to divulge the information because of fear of reprisals against members of the family who are in Communist China.

Li Sui Po, the Chinese mentioned above as being part of the Li Choy Fat & Company, was formerly of Shanghai where he was closely associated with Wu Sze Pau, a Chinese who operated from 76 Jessfield Road, Shanghai. This area became known as the Badlands and reeked with narcotics. Wu and Li were the top gangsters of Shanghai and after the death of Wu, Li Sui Po and the wife of Wu Sze Pau, was reported to have been directly responsible for many shootings in Shanghai, including the shooting of a policeman who stopped her car from crashing a police barricade.

Li Sui Po and Sze Oi Chan late in 1947 began to operate on intimate terms with Li Choy Fat. On September 9, 1952 Sze Oi Chan alias Shee So Chun, Yuen Yuk Ying, Mrs. Wu Yen and Yung Mai Kwong, was arrested after she had sold 25 ounces of heroin through a dance girl for H.K. $9,000. This heroin was marked in the same manner as the heroin mentioned above which was seized in Japan. The package bore the Chinese factory number 00040.

Li Sui Po and Sze Oi Chan sold the Red Lion brand of heroin from Communist China and, although practically destitute in 1947, were wealthy when they were deported in 1952. Since that time the wife of Li Sui Po, who operated a retail clothing store as a front, has been arrested for trafficking in heroin and is facing deportation from Hong Kong.

The third Chinese in the Li Choy Fat & Company was Kwok Kam Chi, a Chiu Chow man from Fukien Province. In addition to smuggling of opium and heroin from Communist China, Kwok was using a ten-room isolated house to process heroin from opium until raided by police in December 1952 after which time Kwok was banished from the colony. With reference to Kwok the Chi Yin Daily News, Hong Kong, October 18, 1952, carried the following article: "The Chinese communists have concentrated all the opium from different parts of the mainland at South China for sale abroad so as to obtain foreign exchange. The sale at two certain places has been greatly increased and at the same time organizations have been established in Kwangtung and Kwangsi provinces to undertake the transport of narcotics and to work in collusion with traitorous merchants overseas. The details and intrigue were exposed in detail July 7, 1952 and since that time the authorities have paid special attention and for the past three months have exerted great effort in their investigations. It is understood Kwok and a number of other traffickers have left for Japan within the past two months."

In the Transportation Section of the Tin Shing Company the person who was in charge was Chan Shan Yuk who was the manager of the Chan Brothers Company and of the Sun Hoi Tung Shipping Company. On December 14, 1952 Chan Shan Yuk and nine other Chinese were charged on a piracy count in an attempt to seize the SS Nidar, bound for Japan, and deliver it to the communists at Canton. Chan Shan Yuk had successfully pirated a ship and delivered it to the communists some six months previous to the above incident.

Associated with Chan Shan Yuk in the Chan Brothers Company was Judah I. Ezra who was deported from the United States after serving a term of imprisonment after a conviction for narcotic smuggling.

The China Syndicate and Company late in 1952 offered to deliver 200 tons of opium from Communist China to a broker, L. Y. Goh and Sons, Bangkok, Thailand, on behalf of what was found to be a non-existent Swiss firm. When approached with reference to large quantities of opium, officials of the China Syndicate and Company stated they could furnish "tons and tons" of opium from stockpiles in Canton. They also stated the opium would be available at Shum Chan, a town in Communist China just across the line from the Hong Kong colony, from which place they would move the opium and deliver it to a ship. The price quoted was U.S. $12.50 per pound. Before opium or heroin will be delivered in quantity the buyer must put his money in escrow in a bank and the seller is likewise represented by a bank. When the purchase is to be consummated the buyer and seller arrange for the delivery of the narcotics after which the money is collected from the bank by the seller. China Syndicate officials also offered 200 taels of smoking opium and produced samples. They also stated they would sell any amount of heroin and suggested materials rather than money be provided for payment.

Late in 1952 British authorities in Hong Kong seized 231 ounces of crude morphine which arrived from Bangkok aboard a surface vessel. Shortly before the seizure the narcotics were transferred to a sampan. The morphine originated in Yunnan Province.

The latest seizure in Hong Kong was on February 7, 1953, at which time 26 ounces of heroin was seized from Li Wan, a Chinese, and his two Chinese associates.

RELATED NEWS DISPATCHES

The following dispatch appeared in Hsing Tao Jih Pao, Independent Newspaper, Hong Kong, December 28, 1952: "(Dispatch from Canton) In order to earn more foreign exchange the Chinese communists are continuing to export opium and other native produce to foreign countries. It was mainly for this purpose that the Chinese Peoples Aviation Company inaugurated a regular passenger-freight service from Chungking to Kunming to Canton via Nanking. A plane brought 25 cases (of about 62 catties each) of raw opium from Kunming to Canton on the afternoon of December 20. It is said that the opium will be exported to a nearby foreign area." Note: 1 cattie equals 1⅓ pounds.

The following item taken from the Hua Chiao Jih Pao, Conservative Newspaper, Hong Kong, February 19, 1953, further substantiates the position of Macao in the traffic of narcotics with Communist China: "(Dispatch from Swatow) Since the fall of the Teochew-Swatow area into communist hands over three years ago, peasants living in Kityang and Puning *hsien* in the area, encouraged by the communist authorities, have planted opium poppies extensively every year in October, providing the biggest source of revenue for the Communists. Last year poppy planters in Kityang and Puning alone sold a total of over 210,000 taels of raw opium to the Communist 'Teochew-Swatow Trading Company' which made big profits by smuggling the drug to Hong Kong and Macao for sale. According to an unconfirmed report, about 80,000 *mow* of opium poppies were planted in October last year in the two *hsien* of Kityang and Puning alone. No wonder the communist authorities here are paying a great deal of attention to taxing the poppy planters. K'ang Tzu-wen, formerly Vice-Administrative Commissioner for the Teochew-Swatow area, has recently got himself appointed to the post of Chairman of the Board of Directors of the 'Teochew-Swatow Trading Company' so that he may have a finger in the pie.

"Before the planting season for opium poppies began last year Communist 'Peoples Bank' and 'Trading Company' officials in various *hsien* in the Teochew-Swatow area had already advanced huge sums of money to the planters, most of whom agreed to sell their produce to the Communists in advance at a price determined by the latter."

Another dispatch concerning Hong Kong and Macao's relation to Communist China in the narcotic traffic is that found in the Kung Shang Jih Pao, Hong Kong, October 16, 1952: "(Dispatch from Canton October 15) Four hundred and fifty cases of raw opium arrived in Canton from Yunnan Province on October 4, 1952. The cases of opium, all of which were sealed by the 'Provincial Peoples Government of Yunnan', were consigned to a certain firm in Yat Tak Chung Lu, Canton. It was learned that this firm is owned by Ch'en Keng and a certain Yang who is Ch'en Keng's personal representative in Canton. It is also learned the opium was intended for Hong Kong and Macao."

That opium continues to be available for the international traffic is due to the encouragement offered growers by the Chinese Communists as shown by the following dispatch: "The 8th moon of the lunar calendar is the time for the planting of the poppy, and the Chinese Communist authorities are taking into consideration conditions in various areas in fixing tax tariffs on poppies cultivated. The Kwangtung Communist leader, Yeh Chien-ying, on September 3 issued secret instructions to authorities in the various *hsien* and municipalities in the province to the effect that since the prohibition of poppy cultivation could not be fully enforced in the remote and hilly areas, they might as well enforce the policy of seeking prohibition through taxation so that the people would be made to abandon poppy cultivation voluntarily.

"The taxation rate of 280 catties of grain for every 100 poppy plants cultivated was fixed, and tax evasions would be severely punished. The news amounted to the lifting of the ban on poppy cultivation and peasants in various parts of Kwangtung were elated.

"In the scores of *hsiang* in the suburbs of Canton, it was stated that all the dry fields would be devoted to poppy cultivation since it brought a greater yield than rice cultivation." (This dispatch from the Hsing Tao Jih Pao, Hong Kong, September 10, 1952.)

Yunnanese opium smugglers into Thailand are often better armed than the police themselves. On one occasion there was a group of 100 of these smugglers that attacked the police in September 1952 about 100 miles north of Chiengmai. On another occasion about the same time the smugglers and police fought it out at a point only 15 miles north of Chiengmai. Prior to this incident on August 28, 1952 a band of the Yunnanese opium smugglers stopped a Chiengmai-bound bus and forced it to wait almost an hour while a caravan of approximately 200 opium carriers crossed the road.

An Associated Press dispatch from Taipeh January 26, 1953 suggests the magnitude of the narcotic smuggling operation by the Chinese Communists: "The Tatao News Agency, recognized publicity medium for the Chinese Nationalist Ministry of the Interior, today alleged that the Chinese Reds were selling huge amounts of narcotics to Southeast Asia and used the proceeds to initiate communist activities. The Agency, which claims to get its information from underground sources on the mainland, said that 1,500,000 ounces of opium and other narcotics had been shipped to the countries of Southeast Asia from the South China province of Kwangse since it was overrun by the Reds in 1949."

PHILIPPINES

Illicit opium and heroin in the Philippines come from Communist China. These narcotics arrive by surface ships and by air. The heroin has the same physical characteristics as the heroin which has been proved to originate in Communist China.

Large scale smuggling into the Philippines from Communist China was disclosed on October 21, 1952 in Manila following the arrest of two Chinese by the police. Arrested and charged with violation of the opium law and facing possible deportation if found guilty were Jose Lao Ko Kua, 30, and Tio Eng Tiong, 54.

SOUTHEASTERN ASIA

That opium from Communist China reaches Malaya in large quantities is shown by the seizure on the Burmese vessel *Hswe Hla Min* at Pulau Paya June 8, 1952. The vessel carried 5,789 pounds of opium, 353 pounds of grey drugs containing morphine, and 25 pounds of brown powder containing morphine. The opium was traced to Communist China and had passed through the Shan States of northern Burma. The group conducting the bartering, buying and selling of the narcotics with Communist China had its headquarters in Rangoon, and the operation was financed from Penang and Singapore. These smugglers had been operating for a considerable period of time and the seizure was the ninth or tenth of a regular series of shipments of opium and other narcotics. It is estimated this group had been responsible for at least 30 tons of opium being smuggled from Communist China in a year.

SMUGGLING TO THE UNITED STATES

As already stated, large quantities of heroin have reached the United States from Communist China. Emissaries have been sent to the United States to arrange for the details of the smuggling transaction. One of the principals in a case in which at least 200 ounces of heroin were smuggled in from Communist China is now serving a ten year imprisonment sentence. In another case which is still under investigation and in which at least 260 ounces of heroin were smuggled in from Communist China a defendant has been sentenced to 15 years imprisonment. In still another case in which an estimated 40 ounces were involved the two defendants were sentenced to five years and to seven years imprisonment. The latest seizure of a comparatively large amount, 36 ounces, was made November 9, 1952 in San Francisco on the SS President Wilson. A Chinese had brought the heroin from Hong Kong. It was manufactured in Communist China.

INSIDE COMMUNIST CHINA

Large quantities of heroin are manufactured in Communist China all the way from Tsingtao and Tientsin down to Canton. This heroin is of approximately the same percentage of purity, unusually high, and has the same physical characteristics as the heroin from this region over a period of years. In one factory alone in Western China the capacity is 300 pounds per day and all of this is for export.

That the United States is a target of Communist China to be regularly supplied with dollar-earning, health and morale-devastating heroin is shown by the information contained in the following dispatch, the truth of which is borne out by facts previously related in this report: "(Toa News Service, Hong Kong) In order to cover the expenses required for its fundamental construction for fiscal 1953, Communist China is recently using various means to develop the sources of its central and local revenues. According to reliable information gained from the continent, financial and economic organs of Red China's Central Regime met behind closed doors in Peiping in early December and decided to expand sales activities abroad this year, primarily in Japan, Southeast countries and the United States.

"According to information reaching from Peiping, financial and economic leaders of the Foreign Trade, Commercial and Financial Divisions of the Chinese Communist Regime as well as of the Southwest, South China and North China Districts held a secret meeting in Peiping on December 5. The meeting it says was presided over by Po I Po, Chief of the Finance Division; and attended by Yeh Li Chuang, Chief of the Foreign Trade Division; Yao I Lin, Vice-Chief of the Commercial Department; Chen Hsi Shih, Vice-Chairman of the Southwest Military Political Committee; Liu Hsiu Feng, Chairman of the North China Financial and Economic Committee; Hsiu Hsian, Vice-Chairman of the South China Financial and Economic Committee; and others.

"Information which leaked out of the conference indicate that the revenue obtained from its sales of narcotics abroad for fiscal 1952 reached approximately 70,000,000 American dollars, out of which 30,000,000 dollars were sent to the Chinese Communist Regime and the rest was spent for party activities as well as information collection; that the largest outlet was Southeast Asia countries, followed by Japan and the United States.

"The drugs when shipped directly from the continent are sent via Tientsin and Tangku in the north and Kwangchow Bay and Nampo Island southeast of Yangchiang, Kwangtung Province in the south. The same report says that crude opium of over 1,000 tons was sent abroad through Kwangchow during the one-year period from June 1951 to June 1952.

"Heretofore the sales abroad of opium and other narcotics were handled directly by the Finance Division of the Chinese Communist Regime. However, it is reported, it was decided at the conference that the sales method would be changed, and that the business would be conducted exclusively by the Overseas Trade Division. Further, the following important decisions were made at the conference:

1. Qualities and grades of narcotics gathered from various districts will be standardized and definite marks will be established. Crude opium, for example, was divided into several grades in the past and this was a factor in the sales thereof. However, under the new system the various sorts of opium will be standardized.

2. Export promotion regulations are established, and private concerns are permitted to participate in the transportation and sale. Moreover discriminatory prices are established so that merchants may be encouraged to sell narcotics abroad more aggressively.

3. Powerful leaders are sent secretly to various places to encourage sales activities, especially in Tokyo, Singapore, Bombay, and other places. For this purpose, the Social Division and the South China Bureau of the Chinese Communist Regime have decided to select and send those most experienced in selling narcotics and to place them in charge of promoting sales.

4. Each local organ of the Communist China Regime is prohibited from wantonly sending large quantities of narcotics overseas for sale for fear it may affect the overseas market. However, each such local organ is permitted to derive 20% of its income from the sales of narcotics.

"According to the Peiping information, Communist China's activities to smuggle narcotics into the Japan area are conducted under the Tientsin Office of the Overseas Trade Division. There are at present approximately 40 smugglers in the Tientsin area who said from Tangku to the vicinity of Kyushu and return carrying cargoes of gasoline, steel ingots, automobile parts, medical instruments, and other material. It is clear that non-Chinese are also participating in the smuggling organization." (The preceding was published in the Tokyo Shimbun, January 8, 1953.)

The smuggling of gold from Saigon and Bangkok, which is obtained from Europe on letters of credit which are paid in foreign exchange within one week after receipt of the gold, the exchange of the gold with Communist China for narcotics and other high-value exports which in turn are sold to obtain foreign exchange to pay for the original letters of credit, is the explanation which most nearly fits the actual conditions prevailing in the Far East. The foreign exchange is supplied from all countries to which the narcotics are destined.

SEIZURES

Seizures during 1952 which may be attributed to Communist China are as follows:

Hong Kong: Raw Opium, 935 kgs.; Morphine Hydrochloride, 5 kgs. via Bangkok.

Singapore: Raw Opium, 950 kgs.; Morphine Hydrochloride, 4 kgs. via Bangkok.

Malaya: Raw Opium, 3879 kgs.; Morphine alkaloids, 180 kgs.

Marseilles: Heroin, 1 kgs.

Taiwan: Raw Opium, 2 kgs.; Heroin, 11.8 kgs.

Honolulu: Prepared Opium, .224 kgs. via Hong Kong.

United States: Heroin, 1.7 kgs.; in magazines from Hong Kong. Heroin, .096 kgs.; at Wilmington from crew member of SS President Jefferson, from Hong Kong.

Japan: Heroin, 7.843 kgs. Raw Opium, 1.827 kgs.

(Note: In addition to the above a considerable amount of heroin has been seized by Hong Kong authorities in 25-ounce lots. These seizures would total at least three kilograms.)

CONCLUSION

While Communist China has denied the allegation that she is supplying a large part of the narcotics in the international illicit traffic, and has stated that in fact a strict control has been placed on narcotics, the above portion of this report and the following extracts and dispatches from newspapers and documents show that traffic in narcotics has been encouraged for monetary reasons and sabotage, that cultivation of the poppy plant has not been prohibited, and that efforts to control addiction within Communist China have been feeble and ineffectual since the authorities, realizing the terrible and lasting scars on any civilization which widespread addiction guarantees, have relied on fanning the fanaticism of communism to encourage abstention from narcotics, have taken at face value declarations from addicts that they were "cured" even while unofficially these addicts were still receiving narcotics, and have from all indications created a staggering incidence of addiction within Communist China. There can be little doubt of the true purposes of Communist China in the organized sale of narcotics. These purposes include monetary gain, financing political activities in various countries, and sabotage. The communists have planned well and know a well-trained soldier becomes a liability and a security risk from the moment he first takes a shot of heroin.

The following throw considerable light on the true situation in Communist China:

An editorial in the South China Morning Post, Hong Kong, July 7, 1952, remarks as follows: "Peking declared these stories were fabrications and insisted that it has 'consistently and determinedly adopted as well as enforced the policy of strict prohibition'. The pro-nationalist newspapers here recently asserted that poppies were planted in many parts of Kwangtung and that the new authorities like the old were content to tax it heavily rather than enforce the ban. On the other hand the pro-communist papers say the Regime has made 'definite progress in suppression' since the Suppression Commission was formed in Canton in 1950. It added however that though the peasants had agreed not to plant the poppy, it was necessary that 'the suppression movement must be continued and made into a mass movement for thorough realization'. This indicates that the ban is not effective. But it is significant that when the authorities seized off Penang a single consignment of 6,000 pounds of opium—half the total world seizures last year—it was described as 'Burmese opium' ".

Another dispatch from the Hua Chio Jih Pao, Hong Kong, October 22, 1952, is as follows: "The Chinese Communist authorities appear to be pushing with great vigor the campaign for the suppression of opium in the various *hsien* on Hainan Island and in southern Kwangtung. Actually the addicts are required to be cured in stages and meantime opium is sold by the authorities to smokers who have been duly registered."

All available reports from the mainland press clearly indicate continued use of and traffic in narcotic drugs within Communist China. The Communists have carefully avoided mention of traffic out of Communist China, but the Nan Fang Jih Pao, Canton, editorial of June 3, 1952 stressed the fact that Canton's proximity to Hong Kong, Macao, and Indo-China facilitated drug smuggling, and added that Canton continued to be the principal center of narcotic traffic in Asia.

On May 19, 1952 the Hankow Ch'ang Chiang Jih Pao carried an article covering a meeting of the Opium and Narcotics Suppression Committee on May 13–16. The Chairman of the Committee, Chang Nan Hsien, stressed the need of a mass movement for the suppression of opium and narcotics. The Vice Chairman followed by analyzing the causes leading to the situation being still serious. He pointed out the failure of the full mobilization of the masses and reliance on them for wiping out the evil. He said the mass movement to be launched beginning with the prohibition of transportation, the prohibition of preparation, and the prohibition of marketing, after which the prohibition of poppy cultivation and smoking and use of narcotics would be easy of accomplishment. Cheng Shao Wen was the official who made this statement.

On June 4, 1952 the same newspaper carried a report by this same Vice-Chairman of the Committee, Cheng Shao Wen. After stating that the prohibition of poppy cultivation had been "basically accomplished in the Central-South region," he gave a résumé which indicates the extent of narcotic traffic within Communist China. In the districts of Honan, Changsha, Liuchow, Nanning, Kwelin, Wuchow, Ichang, Shashih and Yuanling, Cheng Shao Wen stated that more than 18,000 cases of opium trafficking had been disposed of, 2 million taels of opium had been seized and several thousand taels of heroin had also been seized.

In Canton, Cheng continued from the time the communists took over until March 1952 there were 271 cases of opium traffic and manufacture disposed of, 3,493 opium dens were discovered, 7,267 addicts were arrested and 2,000 taels of opium, 200 taels of morphine, and 300 taels of heroin were seized. He added that of the 5,723 addicts registered in Canton 90% had been cured and in a part of Hunan province where 90% of the households were opium smoking and 89–90% were addicts, in two years the number of addicts was reduced to 3.5% and the number of opium smoking households to about 11%.

In suggesting the opium evil is still rampant and suppression must be resolutely carried out Cheng stated "opium and narcotics have been chiefly imported from abroad to the Central-South region." He made this further statement: "When nobody engages himself in opium traffic, poppy growers will not be able to sell their products and will cease to grow poppies. When no opium can be bought, the addicts will certainly cease to smoke opium."

In the Nan Fang Jih Pao, Canton, June 3, 1952, Ku Kuan Hsien, Vice-Chairman, Canton Municipal Committee for Suppression of Opium and Narcotics, stated: "The suppression of opium and narcotic trafficking and manufacturing was carried out together with the suppression of poppy cultivation and the smoking of opium, but this had not been carried out on an organized basis and achievements have not been marked."

Here we have the words of Chinese Communist newspapers in contrast to their Foreign Minister's statement that our report is fabrication.

Further statements made by Cheng Shao Wen as published in the June 4, 1952 issue of the Hankow Ch'ang Chiang Pao, are: "The opium evil is still rampant, especially opium trafficking. A number of unscrupulous merchants such as Ho Hong Fu have smuggled opium to poison the people and destroy the fatherland with a view to profiteering. Since the liberation, narcotic smugglers have smuggled narcotics through the various railways of the Hengyang Railway Administration amounting to 804,879 taels of opium, 109,414 taels of morphine, and 35,297 taels of heroin which have been distributed to 297 merchants in the cities along the railway lines of the Chengchow Railway Administration. In the past three years a total of 38,028 taels of opium and 13,475 taels of heroin have been smuggled and transported through railway lines.

"During the 5-anti movement in Hankow, according to data and materials from denunciation and frank exposures by the merchants, there were 451 traffickers and smugglers who had smuggled and transported 559,421 taels of opium, 278,731 taels of morphia, and 302,540 taels of heroin. During the 5-anti movement in Nanning, according to data and materials from denunciations and frank exposures, of the 32 categories of trade, 459 firms smuggled and transported a total of more than 800,000 taels of narcotics. As the quantity of narcotics smuggled was so great there must be a large number of addicts. According to estimates of the Department of Public Security of the Central-South MAC there are 81,300 addicts in Honan Province, constituting approximately 27% of the population".

In the Canton Nan Fang Jih Pao, June 3, 1952, it was stated: "The organizations and machineries for the suppression of opium and narcotics have not been established, or are not developed in a wholesome manner. Too great leniency has been adopted in the disposal of drug cases." The following statement is also made: "The traffickers used Canton as the center to distribute the drugs to leading cities in the Southwest, Central-South East China and North-West regions. Many of the unscrupulous merchants have colluded with corrupt elements in shipping railway and highway organs to carry out the evil traffic. They have even bribed some of the retained personnel in the organs of public security, tax revenue and maritime customs to harbor them. The data and materials exposed through the '3-anti' and '5-anti' movements have evidently shown that this situation is prevalent in large cities, as well as in medium and small cities. The amount of narcotics smuggled each time has been estimated at more than 1,000 taels, and even as much as from 40,000–100,000 taels. The narcotic 'king' even dared to sneak into Canton to make arrangements for his narcotic traffic. The use of opium and narcotics are still being constantly discovered in cities".

These lesser officials must indeed be naive to make such statements when the Communist Government of China is doing everything possible to cultivate and encourage traffic in narcotics, at least outside China, with China.

Against all the evidence contained herein the statements of the Ministry of Foreign Affairs of the Chinese Communist Regime, as published in United Nations Document E/2233, May 27, 1952, that "the sale of opium and other narcotics is thus completely illegal in Communist China" and "the Chinese Communist Regime, together with the whole Chinese people, protests in the strongest terms against the lying report directed against Communist China by the representative of the United States Government" have little weight indeed.

The evidence for 1952 is in and, added to that of 1951 and prior years, is irrefutable.

[Remarks of the Honorable Harry J. Anslinger, April 19 to May 14, 1954]

THE ILLICIT NARCOTIC TRAFFIC IN THE FAR EAST

Last year I told this Commission that the United States is a target of Communist China to be supplied with a flood of foreign-exchange-earnings, health and morale-devastating heroin. For several years I have presented documented facts which established that narcotic trafficking from the Chinese Mainland is an insidious, calculated scheme of the Chinese Communist regime to obtain operating funds and at the same time spread the debauchery of narcotic addiction among the free nations.

On April 5th of this year in San Francisco, California, after several months of intensive undercover investigation, we made important inroads on this traffic when we arrested eight prominent Chinese and indicted Judah Isaac Ezra of Hong Kong, who collaborated in supplying heroin from Communist China to outlets on our West Coast. Pure heroin seized in the raids or purchased as evidence by our agents during the investigation amounted to six pounds.

Merchant seamen who frequented Ezra's establishment obtained heroin from Ezra and smuggled it into the United States for the illicit market. In most instances the heroin was brought into the country concealed on the persons of seamen. Ornately carved camphorwood chests with specially built compartments were also used for the smuggling operations.

One of the dealers arrested in San Francisco operated a florist shop and made his deliveries of heroin disguised as boxes of flowers. Other dealers made deliveries to undercover agents in the usual manner in such places as Chinese restaurants and meeting places for seamen. Arrangements for sales of heroin were often negotiated over elaborate Chinese dinners. Chinese social clubs were frequently the meeting places to arrange for sale and delivery of the narcotics. One such social club is known to authorities as a gathering place for Communist Chinese and Chinese alien smugglers.

The importance of this coup can be gauged by the fact that in the diluted form in which it reaches the addict, through Thailand from Mainland China. More opium moves to and around Chiengrai in Northern Thailand than any other place in the world in illicit traffic. The opium reaches Bangkok by boat, truck, rail and plane, and three to four tons can be delivered at any time to a point outside the harbor at Bangkok in the open sea. This opium is priced at U.S. $40,000 per ton and can be purchased in lots of 200 tons on a six-month basis.

Crude morphine is sold by traffickers in narcotics from Mainland China at the rate of U.S. $475 per pound in Bangkok. This morphine has about the same appearance as a cheap cake of soap. There is usually a large "A" or "A1" on the surface of each cake as in the case of a large seizure in Japan in July 1954. Heroin from these traffickers sells for U.S. $2,000–$3,000 per pound in Japan and for $3,000–$5,000 in the United States. A group of these traffickers successfully smuggled 20 pounds of heroin to Japan in 1954 at a profit of U.S. $30,000 after all expenses were paid.

In October 1953 an airline pilot in Bangkok was approached to make eight flights to Macao with opium from Mainland China. At the end of 1953 a group of smugglers, including an official of the Bank of Canton, smuggled 23 pounds of heroin and morphine from Yunnan to Chiengrai to Bangkok and thence to another transshipment point. On July 15, 1954 an airline hostess was arrested at a transshipment point with a two-pound package of morphine which she was transporting as a courier for aircraft maintenance personnel after information had been received that narcotics were reaching Tokyo, Japan, in this manner. In the early part of 1955 a Chinese courier arriving in Hong Kong by air was arrested with approximately seven pounds of pure heroin transshipped at Bangkok. Shortly thereafter an American was arrested in Hong Kong with approximately 40 pounds of opium and morphine which he was transporting as a courier for traffickers in narcotics from Mainland China. The transshipment point was Bangkok.

Despite the efforts of the Burmese government to control the illicit traffic in narcotics, hundreds of tons of cleaned and packaged opium in one-kilogram units are brought into Burma each year from Yunnan Province. Routes for the smuggling are through Myitkyina in the Kachin State and through Lashio on the old Burma Road in the Northern Shan States.

The hub of the traffic on the Yunnan side of the border is Tengyueh. Along the border are found trucks, military vehicles, carts, mules and pack trains used for transporting the opium.

About 43 tons of opium are consumed annually in one small area along the Yunnan border, but the amount of opium in the traffic through Burma far surpasses the amount consumed within the country. Shareholders in illegally operated opium shops along the Yunnan border in Burma have been forced to forfeit their interests because caravans from Yunnan sell opium more cheaply than the opium shops.

Another route used by the traffickers in illicit narcotics from Mainland China is through Kentung and across Burma to river, rail and road connections below Mandalay. Much of the opium is brought down in river boats to Rangoon where it is transferred to coastal steamers for further transshipment at Penang and Singapore.

Large quantities of high quality crude morphine are being manufactured under expert technical supervision in factories in Communist China. The morphine is processed according to pharmaceutical standards and methods under government supervision and not in clandestine laboratories. When the smugglers of this morphine near Rangoon the contraband is transferred to fast launches to by-pass the city. The traffic is so well organized that the authorities state they would need a patrol plane to meet with any success in intercepting the traffic.

On August 4, 1953 a seizure of 16.8 kilograms of this high quality morphine was made about 80 miles south of Mandalay. On April 17, 1954 another seizure of 43.5 pounds was made about 50 miles from Rangoon. Authorities believe the morphine had been brought down the Burma Road through Lashio from Yunnan. Containers of this opium, which is readily converted into heroin, are stamped with the Elephant Brand and the "1 A 27" mark.

Since the processing of opium is illegal in Burma, authorities attempted to dispose of approximately 44 tons of opium which either had been seized from the illicit traffic or purchased some years ago. They received an offer stating the opium would be transferred to Macao where it would be manufactured into medicinal narcotics. Burmese authorities saw through this attempt to regain the opium for the international illicit traffic.

On December 18, 1954 excise officials in Mandalay, Burma, seized 140.8 kilograms of opium which was being transported in a Dodge jeep from Lashio on the Burma Road.

Traffic in heroin from the Communist regime of Mainland China is increasing, according to enforcement authorities concerned with traffic through Canton, Macao, Bangkok and other ports. Within the past year other areas have assumed a place of equal importance with Korea and Japan as places where the heroin is furnished directly by Communist agents in the traffic.

Millions of dollars obtained through the sale of opium and other narcotics are used by the Communist regime in Mainland China for political purposes and to finance agents who have been found actively engaged. An official of an airline in the Far East was found to be smuggling heroin and currency for the Chinese Communist regime. A trafficker in narcotics from Mainland China attempted to arrange for an airlift of a ton of morphine to the United States. The pilot was offered an interest in an opium processing plant if he would smuggle the morphine valued at U.S. $256,000. Narcotic traffickers offered to charter a PBY in March 1954 to airlift ten tons of opium from an inaccessible river area to a world-wide narcotic smuggling group with headquarters in Macao. An effort was made by these traffickers to establish an airline to move opium held by the Communist regime of Mainland China. Both opium and crude morphine were airlifted from otherwise inaccessible points under the control of the Regime to transshipment areas where the narcotics were loaded on surface craft.

During 1953 opium from Yunnan Province accounted for almost one hundred per cent of the opium seized at some transshipment points. The Gulf of Martaban and the Gulf of Siam both were used to facilitate this traffic. Investigation of circumstances surrounding the larger seizures revealed that the opium was smuggled in ships operated by the traffickers in this opium who had headquarters and connections in many of the principal cities of the Far East. Opium trafficked through the transshipment points often sells at the rate of U.S. $400 per pound.

In Japan a member of the Communist Party revealed that her organization, with branches in all big hospitals in Tokyo, Yokohama, Nagoya, Kobe and Osaka, operated as the Society for the Protection of Health and Peace, with headquarters in the Communist Party headquarters in Tokyo. This trafficker stated that she and five other females of the group made expenses and tremendous profits for the Tokyo branch of this Communist organization through the sale of heroin.

At a meeting of this Communist organization a resolution was adopted that the organization would gain funds by selling narcotics to various hotels, cabarets, bars and other establishments patronized by American personnel in the Tokyo area. Large sales of heroin which were paid for by check to "Society Headquarters" were made to beer halls in Tachikawa and to agents in Fuchu City which is located near Tokyo.

A Chinese, Po Kung Lung, directed the activities of the six females and provided the heroin which was valued at U.S. $11 per gram and was sold to Koreans and Japanese for further distribution. One of these retailers of heroin was an executive member of a Tokyo District Group of the Communist Party and was engaged in the collection of Party funds.

The Enforcement Division of the Narcotic Section in the Welfare Ministry of Japan reported that extensive surveillance of two Chinese in Tokyo resulted in their arrest and the seizure of 585 grams of 94.2 per cent heroin and 275 grams of 92.4 per cent heroin in March 1954. The seizure was made as one of the Chinese, Yang Jui An, was leaving the Kakyo Building in the heart of Tokyo. This building is a center for traffickers with Communist connections dealing in heroin and United States currency. Among these traffickers were Li Chin Sui and his group who were arrested in Tokyo in July 1954 with 33 pounds of heroin and morphine. As early as 1951 enforcement agents in Japan had purchased U.S. $5,633 of heroin from traffickers operating from the Kakyo Building. The heroin was 85 per cent pure and bore tags and seals of the "Red Lion Brand".

As stated above, a seizure of 18 pounds of crude morphine and 15 pounds of heroin was made at the end of July in Tokyo. The crudely formed cakes of morphine bore a large "A" on the surface identical with that contraband routed through Bangkok from Yunnan Province in Mainland China. The heroin and morphine were sized at a calendestine laboratory operated by the traffickers with connections on 30 ships to maintain supplies for their narcotic trafficking in Tokyo, Yokohama and Kobe. The boss of the group was a Chinese, Li Chin Sui. He had been dealing in heroin from Mainland China since 1949, and as I reported to this Commission in 1953 and 1954, operated a company which was actually a branch office of the Trade Bureau of South China. For several years he was a fugitive from enforcement authorities in Japan after he was suspected of smuggling 170 pounds of heroin into Japan at Yokohama. At the time of his arrest he was in possession of three passports which gave him three different identities to operate in Japan, Bangkok, Macao and other Asiatic ports where are found headquarters of traffickers in narcotics from the Communist regime of Mainland China.

Ten seizures of heroin totaling 58 grams were made January 14, 1954 at Iwakuni in Yamaguchi Prefecture in Japan. In connection with these seizures the Japanese authorities stated the majority of the prostitutes in and around the City of Iwakuni, which is located near an international airport, are addicted to narcotic drugs and stimulants and are spreading the habit of taking such drugs. A Chinese, Fang Jen Chun, living in

Kobe, had been supplying the heroin to retailers at Iwakuni.

Kyodo News Agency reported November 16, 1954 that in 1952 U.S. $70,000,000 worth of narcotics were shipped out of Communist China. Twenty-six per cent of this amount was shipped to Japan and these funds constituted the chief source for financing secret Communist agents. At the same time Director Goichiro Fuji the Public Secretary Investigation Board said the Communist regime sold $15,500,000 worth of narcotics in Japan in 1952.

According to a Pyongyang radio broadcast of December 29, 1953, special factories are being built to extract morphine from opium in North Korea. On October 16, 1954 the South Korean authorities announced the arrest of a North Korean agent who stated that Communist China is furnishing technical specialists to North Korea to operate narcotic manufacturing plants. It is through North Korea that tremendous quantities of heroin from Communist China have reached South Korea and Japan since 1947. Recently an American soldier stated that while stationed in Taegu, South Korea, he and at least 30 other persons were furnished hereoin of an almost pure quality without cost. Addiction was acquired making hospitalization necessary upon return to the United States.

Heroin from Communist China has been seized on both coasts of the United States, as well as in the interior at St. Louis, Missouri. In connection with the seizure in St. Louis, the source trafficker in Japan stated he had been dealing with the Communist regime of Mainland China for one and one-half years in obtaining heroin through the use of deck crews of ships as couriers.

On February 2, 1954 in New York City 20 ounces of heroin with the characteristic physical and chemical properties of heroin from Communist China laboratories were seized from a seaman as he attempted to smuggle the contraband ashore from the round-the-world Steamship President Arthur. It was later learned the heroin had been obtained at one of the usual transshipment points for narcotics from the Communist regime of Mainland China.

On November 18, 1954 a seizure of 25 ounces of 95 per cent heroin was made from Chinese crew members of a ship at Staten Island. The transshipment point was Bangkok.

In Santa Cruz, California, on November 4, 1954 a seizure of 28 ounces of pure heroin was made from two crew members of the SS President Cleveland. The transshipment point was Hong Kong.

In Los Angeles harbor on January 18, 1955 a seizure of five pounds of heroin was made from a ship just arrived from the Far East. The investigation is continuing at the point of transshipment.

Further confirmation of this traffic is found in United Nations Document E/CN.7/R.4/Add.3, 1 April 1955, as follows:

Burma—"There were also 360 seizures of opium smuggled into Burma by land from China."

Korea—"Most of the drugs are imported illicitly, especially from North Korea, by the infiltration of Communists via the west coast of Korea, in spite of continuous control by competent authorities."

Thailand—"There is still a large illicit traffic in opium (chiefly in raw opium) coming over the northern land frontiers into the interior of Thailand."

For several years the attention of the free nations of the world has been focused on the position which the Communist regime of Mainland China has assumed in carrying on a flourishing worldwide traffic in opium, morphine and heroin. Mere denials comprise no answer to the documentation of this traffic.

[Remarks of Commissioner Harry J. Anslinger, April 18 to May 13, 1955]

THE ILLICIT NARCOTIC TRAFFIC IN THE FAR EAST

The Communist regime of Mainland China in a New China News Agency dispatch from Peking on July 2, 1954 again denied the documented charges made over the past several years by the United States Representative on the United Nations Commission on Narcotic Drugs, and specifically denied the charge I made before this Commission in May 1954 that the Communist regime of Mainland China is "distributing drugs abroad and * * * * selling heroin and opium in large quantities" to the free countries of the world.

Actual conditions in Southeast Asian and other free countries refute this unsupported denial and clearly prove that the Communist regime of Mainland China is pouring opium, morphine and heroin out through the Province of Yunnan to augment the already existing lines of traffic out of Tientsin, Tsingtao and Canton.

While varying amounts of narcotics reach the traffic from other sources in the Far East, Mainland China is the uncontrolled reservoir supplying the world-wide illicit narootic traffic.

Pharmaceutical plants have been established in Communist China to process opium into morphine and heroin, and all these drugs, including raw opium, are used as bartering commodities. Traffickers operating in the free countries share the profit in the illicit traffic in narcotics with the Communist regime of Mainland China. Officials of this regime are exacting a tremendous profit from the traffic over the prices paid opium growers according to the traffickers who obtain the narcotics for further sale. These traffickers use whole sections of crews of surface craft, such as the engine crew or the deck crew, to smuggle narcotics. Cooperation of air maintenance crews is considered essential when the smuggling is by air although passenger couriers are often used when the way has been well prepared and the traffickers consider there is no danger of apprehension.

One of the principal targets of the traffic from Mainland China is Thailand where one hundred tons of opium are sold annually. Consumers of this opium pay the equivalent of U.S. $350,000 per ton for the contraband in the form of smoking opium. Opium is brought from Yunnan Province to the border of Thailand by horse and mule train.

From 200 to 400 tons of raw opium are moved annually and this operation would have represented over a million addict doses of this deadliest of drugs. It offers additional dramatic proof that we are not here dealing with a petty adversary but rather with a formidable and far-reaching plot to gain foreign exchange and at the same time to demoralize the people of the free world.

Spreading narcotic addiction and obtaining funds for political purposes through the sale of heroin and opium is not just the policy of one man in the Communist regime. It is the policy of the entire Communist regime in Mainland China.

The now well-known Communist, Po I Po, had become an important official among the Communists in China by 1938, and was one of the principal exponents of the sale and distribution of heroin for funds and for political purposes. At that time the distribution of heroin was carried on from an area controlled by the Communists in Shensi Province at which place the sale of heroin was part of an agent's underground assignment. The agent received instruction in such activity along with other political propaganda. Po became Minister of Finance of the Communist regime in October 1949 in which position he was able to expand international narcotic traffic from Communist China to heretofore unimagined proportions. When he was relieved as Minister of Finance in 1953, Jung Tzu Ho became Minister of Finance.

After visiting Moscow for several months, Po returned to Peiping to attend a meeting of the Central Committee of the Party. Before the meeting of this Committee, Jung had held a conference and perfected an improved plan for the export and sale of opium and heroin in conjunction with Yeh Li Chuang, Minister of Trade, and Fang Jung Ho, Chief of Special Trade. The latter term signifies narcotics. According to the report of Jung, during the year Communist China exported opium, morphine (large quantities of morphine base were shipped out because of the shortage of chemicals), and heroin with a value of U.S. $60,000,000 amounting to over 800 tons. Jung stated that the shipments were 20 per cent short of the goal.

The innovation in the present arrangement over the former operation of the Communist regime in narcotic traffic is that the Foreign Ministry has over-all control over the entire program, and directs the export and further distribution of the heroin and opium through the National Trading Company which maintains headquarters in Peiping.

At the time the Communist regime was promoting illicit narcotic traffic in the interior of China in the area controlled by the Communists in 1938, Chen Kwan Yuan, alias Chen Kun Yuen, alias Chen San Yuan, was busily engaged in Tientsin smuggling narcotics off Taku Bar as circumstances permitted. He was still in Tientsin 1951 when the now well-known "Lions Globe" brand of heroin began to reach Japan in large quantities. Since that time he has become one of the most powerful representatives of the Communists in the narcotic traffic outside Communist China, and has built his fortune on narcotics through and under the cover of his far-flung Tin Shing Trading Company, moving heroin out of Communist China to all parts of the world in exchange for tires, rubber goods, trucks and other strategic material. He has all the brass and front of a gangster and relies principally on bribery and buying protective information to smoothe the smuggling of from five to fifty pounds of heroin at one time. Crew members of various kinds of ships have been used for this operation in addition to individual Chinese couriers. One of these is a relative of Tze Oi Chan, alias Mrs. Wu, the international female smuggler of narcotics who was arrested in 1953 and who, while awaiting trial, is now living in grand style through a portion of the profits of Chen Kwan Yuan who arranged for her movements from one country to another. The co-conspirator of Mrs. Wu, the infamous Li Sui Po, alias Lee Sau Fung, who has also been arrested, was in the organization of Chen Kwan Yuan.

There are two principal groups exporting and distributing heroin and opium for the Communist regime in China in addition to the group which deals almost exclusively in heroin and opium from Yunan Province. All of these are under the direction of the National Trading Company. One of these groups exports directly from the North China ports of Tientsin (Taku) and Tsingtao, and in this way avoids the jurisdiction and control of the more powerful group in South China. In this northern group is Hsieh Chun Mu who went to Peiping in 1952 where he has become a powerful political agent continuing his narcotic trafficking through Communist representatives with whom he has been associated for many years.

The group in South China functions as the Trade Bureau of South China, a Department of the Communist regime in China. The Trade Bureau operates powerful trading companies as fronts and has the greatest concentration of stocks of heroin and opium in all of China stored at Canton and Chungsan, Shek-ki, for export to affiliated trading companies in free countries. Members of the Communist regime undertake the management of these trading companies and other enterprises, including banks, which these companies control.

Eighty per cent of the heroin from Communist China flows from Canton to these trading companies. The South China group and their affiliates control this flow of heroin to the free countries by means of more trading companies and representatives in these free countries from whom payment for the heroin is received. Some of these representatives have become rich and powerful and are able to negotiate directly with the Communist regime as well as with major distributors who control the traffic in other free countries. The close connection between these trading companies and the over-all Communist control may best be illustrated by their method of either pooling or borrowing stocks of heroin from whichever company or representative available in order to make delivery of large consignments. In this respect the dealers in this dirty business operate as legitimate enterprises in that each knows where additional stocks of heroin may be obtained as necessary.

The fanatical Communist narcotic traffickers have resorted to the extreme measure of cutting off the ears of those small-time sellers who dared reveal the identity of the supplying group. Another method has been to take them into a Communist organization whereby they are sealed off and thereby silenced.

The golden web of the conspirators protecting them in their palatial surroundings has been spun through the funds ultimately obtained from the very persons destroyed by the product—the very persons who pay in money and blood to "Chase the Dragon" or "Shoot AA Guns", terms which are now heard throughout the Orient with reference to the use of heroin.

From the beginning the Communist purveyors of heroin have realized the dual purpose of its sale since they have forbidden members of their own organization to use the drug. This was true in 1938 and it is true today. Communist traffickers in the drug on the wholesale level talk of the dual purpose of sale, and also of the fact that users lose their effectiveness. Like remarks are heard from coolies on the streets.

The close relationship between the heroin and the opium and political agents extends all the way to the top. In Chungjin, a city in the suburbs of Peiping, a factory for the manufacture of heroin is located. Here also is the training center for Communist China's political agents. The same pattern involving Communist agents and the sale of heroin was followed in the cities of Rashin and Wonsan, North Korea.

One of the principal methods of distribution to the ultimate consumer continued to be through use of brothels operated by Chinese Communists or supplied by Chinese Communists who funneled the profits of the traffic to powerful traders and representatives in the organization in the principal cities. These traders and representatives were also aided by Chinese who ostensibly were traders, but who were actually operating on behalf of the Communist regime in China and could supply any amount of heroin. They negotiate directly with Communist bosses on the Chinese Mainland for large supplies of opium. In the offices of these traders, which bear little resemblance to offices of legitimate commercial companies, the clerical force is composed of stooges and look-outs. One such company is the Aaron Trading Company which operates with a headquarters office and a branch office, and which has a direct connection into Communist China for quantities of heroin and opium. This company, operated by two Chinese, endeavored to establish connections directly into New York City, and proposed using letters of credit concealing final destination.

Li Chin Sui, who heads a Chinese export-import company, is one of the most active traffickers in the Far East, operating under the direction of the gigantic combine. Li Chin Sui, a Chinese, was forced out of Japan by investigating agents of the Enforcement Division of the Narcotic Section, Ministry of Welfare, after he had accumulated a fortune trafficking in Communist heroin in the Yokohama-Tokyo area. Li's company channels strategic material to Canton and takes charge of the movement of opium and heroin under the direction of the South China Trade Bureau and representatives affiliated therewith.

Powerful Chinese closely associated both commercially and socially with top-notch Communist agents have accumulated fortunes of tremendous magnitude even by Western standards through feeding gold and strategic materials into Communist China in return for heroin and opium. The extent of this operation becomes clear when it is realized to be a cold fact that 200 tons of opium from Communist China are required annually to carry on the established business of these Chinese traffickers and their associates. Most of this opium is from Kwangtung, Kweichow, Szechwan and Kwangsi Provinces. In addition to this known 200 tons of opium tremendous quantities of finished heroin with a high degree of purity, heroin is later refined, are channeled by these same traffickers to their Communist representatives in other countries. Large amounts are shipped on consignment and need not be paid for until they are distributed to representatives through trading companies or couriers by the political activity committee members who collect the money or acquire strategic materials according to a pre-arranged plan.

The Communist regime has decided that the system of consignment will be eliminated as far as possible since some of the profits have been embezzled. A large portion of the profits will continue to be used as a special fund for various organizations under the control of the Communist bosses in the area where the heroin is sold, but there is a strict requirement that a set portion of the profits must be returned to the Finance Ministry of the Communist regime in China. It has likewise been decided that the system of trade cooperatives and agents transporting and selling the heroin must be more efficient and close-knit to avoid detection and to provide more funds for the organization. Special attention is being given to improving the technique of the Communist bosses in control of the smugglers who are to take more care in the use of bribes to permit the smooth flow of drugs. The same procedure applies to entry and exit papers to facilitate the movements of the operators. The equivalent of more than U.S. $1,000 is often used in such an operation.

Traffic in heroin and opium has been found to be so lucrative and otherwise effective by the Communist regime in China that they have taken great pains to improve the cultivation of the opium poppy. Not only does the opium come from beyond the Great Wall in the Provinces of Chahar, Jehol and Suiyuan, but also from Tsinghai, Sinkiang, Shensi, Kansu and Ningsia Provinces. Yunnan Province also produces immense quantities of opium under the direct control of the head of the secret police. In this area 500 tons of opium were shipped out in 1950 at the same time as 500 tons were being offered for sale in Canton. Opium caravans from Yunnan Province numbering approximately 200 men are moving at the rate of two or three a week. Recently morphine base has been moved out in large quantities by air, a continuation of the traffic over the past several years. A seizure of 418 pounds of opium from Yunnan was made from an air cargo in November 1953. Other seizures of Yunnanese opium were made in April, 1,700 pounds, and in June, 3,250 pounds.

Forty tons of Yunnanese opium were offered for sale through agents of the Communist regime in China in June 1953. It was stated that the morphine content would be nine per cent; that the opium would be packed in one-kilogram packages wrapped in cellophane; and that 50 pieces in a tin container would be boxed and covered with jute cloth stitched with string. This shipment was offered at U.S. $2,000,000.

In Szechuan Province the Governor controls the opium production and also operates a factory with a capacity of 150 kilograms. Heroin factories were established in Kwangsi Province and in Yunnan Province. In Kwangtung Province the opium poppy planting is about three times what it was in 1951. In Yunnan and Kweichow Provinces the Communist authorities have issued special instructions to increase the production of opium. Because the authorities have not shared the huge profits with the growers, they have not obtained as much opium as was expected. The yield must be sold to the Communist cooperatives who with their agents openly sell the opium at prices ranging from U.S. $35 per pound in large quantities to more than U.S. $100 per pound in quantities of a few pounds. Heroin is from six to ten times this price. These prices are in line with quotations by the Bank of China offering opium at U.S. $72 per pound, and heroin at U.S. $500 per pound.

JAPAN

Through international liaison, the Enforcement Division of the Narcotic Section, Ministry of Welfare, Japan, was able to effect the arrest of the notorious international narcotic smuggler from Shanghai, Li Sui Po, alias Lee Sau Fung, during the past year. Brilliant undercover work and surveillance preceded the arrest of this trafficker in possession of 500 grams of heroin. He is now under trial and is held on a ¥10,000,000 (U.S. $25,000) bond, the highest of record for narcotic traffickers in Japan. The authorities also have under arrest Li's co-conspirator, Tze Oi Chan, alias Mrs. Wu, formerly of Shanghai.

Approximately 12 kilograms of heroin, fifty per cent more than for any like period since the end of World War II, were seized from the unending flow of heroin to Japan from Communist China. In view of the state of enforcement in Japan, officials do not consider the seizures to be more than one per cent of the total smuggled into Japan from Communist China. This means that a huge amount of Communist heroin is being sold in Japan in a twelve-month period. One member of the Communist organization stated that 120 pounds of heroin entered Japan in Niigata Prefecture arriving from Communist China through the North Korean port of Wonsan. The explanation for the manner of payment for such a quantity, about U.S. $300,000, was that no money or goods are paid until the heroin is distributed to the Communist bosses in the various cities. Strategic goods are preferred to money.

Chinese Communist bosses in control of the traffic, assuming the role of import-export merchants and businessmen, relied principally on their tremendous capital to facilitate the smuggling and distribution of heroin.

For the Communists, the traffic in heroin in Japan was highly profitable and successful, but it was at the same time a grim, deadly serious project. It was here that traffickers who dared reveal the identity of the suppliers had their ears severed from their heads. This method proved effective in closing avenues of information concerning factories producing heroin, accurate estimates of areas devoted to poppy cultivation, and the extent of the activities of the opium buying and selling cooperatives in the interior of China. Even former employees dared not talk.

Heroin poured into the country through

the ports of Yokohama, Kobe, Kure, Sasebo and smaller ports along the Japan Sea as well as through the airports. With this very real weapon, Chinese Communist collaborators acting as representatives of the Communist regime in China posed a threat to the health and safety of the nation. The Japanese press has begun to cry out against this dirty business of the Communist regime in China.

As late as February 1954 the Japanese authorities were seeking 30 kilograms of heroine and 3,000 revolvers reported to have been landed in Kyushu from Communist China during the first part of the month.

SOUTH KOREA

South Korea is the target of tremendous quantities of heroin from North Korea. The trading companies in North Korea, as in China, controlled by the Communist regime insist that at least one fourth of all goods leaving North Korea for South Korea must be either heroin or opium. The smugglers, usually agents operating both for information and monetary gain, have for the most part used the same route into South Korea since 1947. They obtain heroin in Kaesong and at small villages along the coast of North Korea, opposite Kanghwa Island, and enter South Korea at Inchon. Some have proceeded overland directly to Seoul and thence to Taegu and Pusan.

There is extensive cultivation of the opium poppy in the areas around Pyongyong in the west and Wonsan on the east coast. There is also considerable cultivation in the northeastern most province of North Korea. Some of the opium is shipped to a factory in Communist China at Chungjin near Peiping, but most of the opium is processed at a factory in Pyongyong. As much as five tons of heroin have been stored at this factory.

Heroin is purchased in North Korea from the Communist trading companies in exchange for commodities most needed by the Communist regime. One of these commodities is rubber shoes which on one occasion were used in the amount of 3,000 pairs to obtain 2,000 grams of heroin and 1,500 grams of opium. The opium in this case came from Communist China. The heroin was the coarse, granular, off-white type which has been sold into international traffic in North Korea since 1948. The heroin was originally in the familiar heavy tin cans with slip-over tops soldered and waxed to protect the contents. Communist trading stores in North Korea have trafficked in heroin in this kind of container since 1949 in wholesale quantities. The containers appear to have been hammered out of corrugated metal.

The 2,000 grams of heroin and the 1,500 grams of opium were seized early in January 1954. The heroin had been placed aboard a 23-foot boat about an hour before departure from Heichampo, a small town with five or six docks capable of accommodating 17 to 18 small ships at one time on the coast of North Korea between Kaesong and Kanghwa Island. The smuggler was so confident of the contraband and so accustomed to smuggling that he did not bother to examine the contents of the packages which proved to be 85.2 per cent heroin. The value of the rubber shoes traded for the opium and heroin was U.S. $1200.

The smuggler stated that the Communist regime issues instructions to the trading companies in regard to the narcotics which are the property of the government. Most of the smugglers average two trips monthly from North Korea to South Korea with narcotics. Young girls working as maids or prostitutes receive the narcotics on many occasions. At other times the narcotics are turned over to wholesale syndicates some of which are made up of business men.

A police official in the National Police Headquarters, Republic of Korea, stated that from April 1, 1952 to March 31, 1953, 2,400 Communists from North Korea, most of them posing as refugees, were arrested in South Korea. These Communists had received six months training in Communist ideology, learning names of associates, names of contacts, answers to police in case of arrest, etc. at a political training school in Northwest Korea.

Using the expression of this official, these Communist agents carried gold in one hand and heroin in the other. The gold was for traveling and living expenses; the heroin was for political activity, for "mental" purposes. Young girls from 18 to 23 years of age had come down into South Korea from North Korea as Communist agents. Some of these became house-maids at appropriate homes of politicians, others became prostitutes, not in the true sense of the word for a living, but in order to accomplish their political purposes. When the Communists arrived with heroin they knew in advance where to deliver it.

On May 10, 1953 heroin of the same quality, texture, and physical appearance, in the amount of 851 grams and in the same kind of containers mentioned above, was seized as it was being smuggled into South Korea. The detail of similarity in the containers extended even to the wax paper sack fitted into a brown sack of a peculiar texture and fastened at the top with paper clips of an unusual variety.

On May 19, 1953 heroin in the amount of 22 grams was seized from a known Communist agent from North Korea.

Some of the narcotics sold by the Communist trading companies in North Korea is morphine base which is usually delivered to guerrillas in the mountains in southwest South Korea. On October 31, 1953 a crude clandestine plant, utilized for processing this morphine into heroin at the rate of 250 grams daily, was seized.

In September 1953 a seizure was made of 15.8 pounds of opium and 135 grams of 90 per cent heroin which had been brought in from North Korea. The opium was in glass jars and was in the odd-shaped balls which are characteristic of opium grown and collected in North Korea. The cultivators sell it in this form and it is usually cut through with a knife to prevent concealment of rocks for increased weight.

One distributor of heroin in wholesale lots in Seoul was a North Korean who spoke perfect Chinese and who operated a brothel over his flourishing trading store. To enter the brothel it was necessary to pass through the trading company. The heroin was sold by the prostitutes on the premises as well as directly by the operator of the business. It was established that this smuggler and wholesaler knew the heroin was manufactured in Pyongyong and was brought in through Kanghwa Island to Seoul, Taegu and Pusan. He had several customers on an every-other-day basis at the rate of U.S. $10 for one-half gram of heroin.

The heroin is sold at prices which the traffic will bear which vary from U.S. $2 per 0.03 gram to about one-half that price when it is supplied to lepers, thieves, pickpockets and prostitutes in the "Ditch" at Pusan.

HONG KONG

While movements of heroin through Hong Kong, because of its geographical location, continued despite efforts of local police who acted vigorously, there has been a noticeable trend toward bypassing this area whenever possible with shipments to other free countries. Enforcement officials and the courts have taken a positive attitude to thwart the traffickers. On February 26, 1954, in the Victoria District Court, Judge J. Reynolds, in sentencing a defendant for possession and sale of 12 grams of heroin, said "I regard this offence of possession and sale of narcotics as one of the most serious offences to come before me, and you are sentenced to two years and six months on each charge."

CONCLUSION

The three-fold increase in some areas in the land devoted to the cultivation of the opium poppy in Communist China, the establishment of new heroin factories in Communist China, the continuation and expansion of a 20-year plan to finance political activities and spread addiction among free peoples through the sale of heroin and opium by the Communist regime in China, and the extension of the same pattern of narcotic activity to areas coming under the jurisdiction of Communist China has mushroomed the narcotic menace from Communist China into a multi-headed dragon threatening to mutilate and destroy whole segments of populations from whom the danger of addiction through ready availability of drugs had been removed during the past 40 years by the uncompromising work of the narcotic enforcement authorities in the free countries of the world.

Until this Communist traffic in narcotics is dried up, the agents of this menace wherever found must be apprehended and dealt with surely and severely as a means of bringing under control this unbridled monster.

RED HEROIN

(By Jerry Pournelle, Ph. D.)

Narcotics and dangerous drugs are now the leading public health problem in the US and even with present day supplies will shortly become the number one cause of death, outranking cancer, heart disease, accidents, and suicide. The life expectancy of a heroin addict is about ten years, given the increasing number of young people using dangerous drugs it is probable that we will suffer more casualties to dope than in any of our wars.

In 1965 there were legal facilities for producing one hundred times as many medicinal opiates and morphiates as the legitimate world market could absorb; since that time both Red China and the Soviet Union have invested new technology for morphine/heroin production. There is *no* legitimate market for heroin, which is banned from medical use by international treaty; yet the Red Chinese have constructed at least twelve large-scale factories for converting morphine base to heroin. Most Oriental addicts outside Hong Kong smoke opium and almost never use heroin.

The Soviets have gone further. The traditional method of harvesting opium poppies required skilled hand labor: the seed pod is carefully slit and the ripened sap scraped off the still growing plant at a later time. If this is done carelessly the product is spoiled. Now, however, there are at least two newly designed plants behind the Iron Curtain which can accept bales of cut poppies, stalks and all, and process them into a staggering proportion of morphiates. Each of these Soviet sponsored plants located in Hungary and Czechoslovakia can in a week produce the entire annual legitimate morphine supply.

By international law seven countries are authorized to grow poppies for medicinal opiates: Bulgaria, Greece, India, Iran, Turkey, USSR, and Yugoslavia. Greece and Iran have voluntarily stopped production. In addition to the five legal producers, Burma, Laos, and Red China are major growers of opium poppies, and the opium traffic through Laos is a major factor in the politics of the area, far more important to tribal leaders than the Viet Nam War. Intelligence sources believe Soviet fields to be many times larger than needed for medicinal supply.

Drugs may be used by communists for many purposes. They have a value all out of proportion to production costs, and may be used as sources of illegal and untraceable funds for intelligence operations. They can also be used to recruit agents, although addicted agents are not reliable. Their blackmail potential and usefulness to weaken opponents' military forces may easily be seen.

Drugs can also be used in secret warfare directly against industrialized nations. By flooding a society with drugs and encouraging their use by youth many potentially valuable citizens may be as effectively killed as if they died in a major war, at far less cost to the aggressor. Not only is the youthful addict's education effectively terminated, but he becomes a problem to the police. Communist organizations in the U.S. are well aware of this fact.

One surprising development took place at a recent international conference on narcotics control, where a Soviet Civil Police captain from Tashkent told of vast quantities of Chinese heroin smuggled into Russian Turkestan. He estimated the number of addicts in his district as over ten thousand and growing rapidly, with drug addiction so severely affecting the area's economy that production goals could not be met. The Russian insisted that the Chinese were flooding his district with "cut-rate" heroin in order to soften it up for eventual Chinese occupation.

It is not known where Soviet heroin goes, although some intelligence agents believe a portion is sold to criminal groups operating in the U.S. Chinese heroin is easier to trace. Much of it is consumed in Hong Kong (which has over 100,000 addicts). A surprising amount is exported to Latin America where the market price of heroin has been rising steadily. The prime target may now be our own country since dollars are scarce in China, and with coming Sino-U.S. trade negotiations the Reds will need funds to purchase U.S. goods. Recognition of Red China and regularization of trade would also make it easier to export heroin to the United States, thus reducing economic costs and increasing profits above what can be made in Latin America and the Far East.

Heroin is unlike other economic goods: although the U.S. supply has gone steadily upwards, demand and price have also increased. The major factor limiting the number of U.S. addicts ("officially" estimated at 60,000, but known to be *at least* three times that number) is supply. With Red China and the Soviet Bloc increasing their trade and diplomatic contacts we can expect to see a lot more red heroin.

ANNUAL STYLE CHANGE IN THE AUTOMOBILE INDUSTRY

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. MOSS. Mr. President, as controversy in the auto industry intensifies—over pollution standards, over safety conditions, over its size and structure—a valuable new voice has contributed to the discussion. In an article published in the Yale Law Journal written by a graduating law student, Bradford Snell, and entitled "The Annual Style Change as an Unfair Restraint of Trade," a new theory on the origin of the shared monopoly in the auto industry is presented. Basically, Mr. Snell argues that annual style competition introduced in 1923, by so increasing the costs of production and economics of scale in the industry, caused the drastic decline in the number of competitors in the industry. While there were 88 domestic firms in the industry in 1923, there are today 3½, generously considering American Motors as the half compared to its Brobdingnagian brothers. The issue is presently being investigated by the FTC, which received the Yale Journal article in a petition form from the Journal student editors and from Ralph Nader.

The article is both timely in its appearance and substance and significant in its genre. Recent studies of American industry in general with a focus on autos—including America, Inc., by Morton Mintz and S. Jerry Cohen and Ralph Nader's study "The Closed Enterprise System"—have raised serious questions about the consumer costs of noncompetition among the auto firms. The Nader study quotes one economics professor then an aide to antitrust chief Richard McLaren, as estimating that the restoration of some competition in this industry "would save GM's customers 1.3 billion and Ford and Chrysler 15 million each."

This writing genre is in itself significant as law students apply their skills to public policy issues rather than devoting them solely to the esoterica law schools often nourish. As such, it is a model for other activist students and professionals to follow, a blend of scholarship and argument which fuels an informed Government. For those who "turn off" at such discussions of industrial economics and antitrust enforcement it is well to recall the observation of Author-Economist Robert Heilbroner:

> A man who thinks that economics is only a matter for professors, forgets that this is a science that has sent men to the barricades.

As the consumer costs of our shared monopolies are increasingly exposed, these economic issues will become important public issues. Many of us will begin to ask, as does the last line of the Nader study, "whatever happened to antitrust?" Mr. President, I think that this Yale Law Journal article begins to answer that question.

I ask unanimous consent that the article, the letter from Mr. Nader to Chairman Kirkpatrick, and the petition to the FTC be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

APRIL 16, 1971.

Hon. MILES KIRKPATRICK,
Chairman, Federal Trade Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: The most recent issue of the Yale Law Journal (Vol. 8, No. 3) contains an article by a third-year law student which effectively argues that the annual model year style change practiced by the American automobile industry is an "unfair" trade practice under Section 5 of the Federal Trade Commission Act. Based on the excellence of the research and reasoning of this article, I am joining with the editors of the Journal in signing the attached petition to the Federal Trade Commission, requesting an immediate investigation of the anticompetitive effects of the annual restyling practices in the American automobile industry.

This law journal article has significant and simultaneous impact in two independent areas. First, the subject of the article and petition affects us all. The automobile industry's annual style change has had its intended effect: all competitors but four have been forced out of American industry, while the impenetrably high cost barriers created by frequent restyling have excluded lasting new entrants for almost 50 years. Although foreign companies have recently encroached on the United States domestic market—15.3 percent of all cars sold in this country in 1970 were foreign-made (although over 10 percent of these were from United States-owned companies)—it has not altered the persistent fact of concentration: three American firms still account for about 83 percent of all auto sales in the United States last year and about 90 percent since 1935. It must also be emphasized that foreign sales have been limited mostly to either small, low-priced models (Volkswagen and Toyota) or to luxury types (Mercedes, Jaguars and Rolls Royce). The vast middle range of intermediate models remains virtually unchallenged by foreign manufacturers.

The styling issue is especially timely now, given recent statements by the Chairmen of the two largest American auto manufacturers. James Roche of General Motors blames his critics for destruction of the free enterprise system when, in fact, that system lost out in the automobile marketplace shortly after initiation of the annual model year change introduced by General Motors in 1923. And Henry Ford II has stated with unaccustomed candor: "(O)ur customers are increasingly interested in reliability, safety, utility, and economy more than in styling novelty." So much for the oft-repeated industry myth that the public demands three-pronged fins and grinning grille patterns.

In an industry where competition has been centered on petty styling distinctions, sales are heavily dependent on industry advertising to transform trivia into deceptive significance. The huge advertising expenditure, which broadcasts annual style changes and their psycho-sexual associations, push the barriers to entry yet higher.

Not only is the dominant advertising of style changes costly and displacing of functional production information to the consumer; it is also inherently deceptive. Your "totally new Impala" is nothing of the sort; it is a warmed-over version of last year's "all new Impala", graced by the rhetoric of a complete change to induce new and trade-in sales. It is a scarcely changed Impala sold in a "new" model year. And you are not told that the cost of repairing your 1971 Impala after a five mile per hour front or rear crash is almost double the cost of similar repairs on last year's new Impala (see March 10, 1971 testimony by the Insurance Institute for Highway Safety before the Senate Commerce Committee). Thus, consumers are persuaded to accept styling changes because they believe they are getting a basically new product with the style change merely the indicia of that newness. They are manipulated into thinking they are getting something when they are not—when, indeed, they are losing the added quality, safety, and durability which styling expenses and promotion displace. Believing the lies consumers are then hoist on their own trust.

Moreover, the consumer has little choice in his preferences, since this tight oligopoly has imposed very limited options with stylistic features (like fins) as "standard equipment" without their distinct cost disclosed, while safety features are offered as optional, extra cost equipment. One could easily imagine wider choices and combinations around function (cheaper cars without these so-called styling changes and cars with significant product improvements instead of expensive styling), if styling were *not* a strategy to perpetuate a tight oligopoly, aftermarket sales, and barriers to entry. The economies of scale of the Big Three more than afford such functional rather than stylistic product differentiation.

The annual model change has other detrimental by-products: (1) The billions spent on design (estimated by Senator Gaylord Nelson at $1.5 billion per year just for new dyes and tooling) is money, talent and ingenuity withheld from important performance innovations (performance changes are estimated at three per cent of style expenditures by the Bureau of Labor Statistics (BLS)). As former Ford Vice President Donald Frey told an engineering audience in 1964: "The automatic transmission (adopted in the late Thirties on a limited mass production basis) was the last major innovation of the industry."

(2) It has become a basic deterrent to rapid implementation of needed safety and pollution regulations. The Department of Transportation, for example, from the beginning has adjusted the effective dates of new rulemaking to the model year style change, allowing two, three and even four years lead time because *designs* are "locked up" several years in advance of production. Thus, while 56,000 people annually are killed and millions injured in auto crashes, vision-obscuring fastbacks are constructed, the wheel base is extended two inches, the antenna is molded into the windshield, and windshield wipers are hidden in sharp crevices which slice through passengers in frontal crashes.

(3) The styling changes *themselves* are often dangerous to pedestrians and occupants. The stylistic demons produced for annual model showing continue to incorporate pointed bumper weaponry which increases the toll of 10,000 vehicle/pedestrian deaths and half a million injuries each year. Hood ornaments, absent from American vehicles for the past several years, are now returning to their prominent frontal position at about the level of a five-year-old's head. The notorious horn ring and dashboard slicers have severely injured vehicle drivers and passengers, while the hard top model has weakened the side and rollover protection for occupants. A violent stylistic pornography prevails over humane engineering integrity.

(4) Constant body and parts alterations to accommodate new exterior and interior designs often result in safety defects. By the time a design is perfected, new style changes sufficiently alter the structure to create new defects, *ad infinitum*. The car model does not endure long enough to benefit from manufacturing and usage experience. Only new safety and durability features justify such annual changes.

(5) Focusing on pollution, a three-firm oligopoly can resist public and governmental pressures to be innovative on anti-pollution implementation. With a huge capital investment in existing manufacturing equipment, any such change is viewed with hostility. The illegal collusion uncovered and described in the 1969 Justice Department "smog" complaint is an example of how an oligopoly can rest on its conspiratorially-orchestrated oars until challenged by the law. And the introduction of a wholly new propulsion system—whether steam, electricity, turbine, freon or hybrid—is made impossible by the entry costs of large plant economies, advertising outlays and vertical integration which annual styling change requires.

(6) Annual style change buttresses the industry's profiteering in "aftermarket" (replacement parts) sales. Frequently redesigning parts, many of which will need repair, and then coercing the car buyer to return to the franchised dealers for replacement under the warranty system, guarantees the companies a lucrative return. Sculpturing the sheet metal slightly differently from year to year, for example, insures a captive parts aftermarket. Only Chevrolet can afford to sell a replacement part for the 1969 Chevy and a differently-shaped part for the 1970 Chevy. Style leads to fragile ornamental bumpers, which permit the aftermarket sales of enormous quantities of crash parts, as is widely acknowledged within auto insurance circles. A recent Ph.D. thesis argues that General Motors' 20% average rate of return on capital is due largely to its parts sales (R. W. Crandell, Vertical Integration in the United States Automobile Industry).

The *Yale Law Journal* article emphasizes Section 5 of the Federal Trade Commission Act as the preferred statutory vehicle for legal attack. It is understandable why the author is pessimistic about the prospects for a "shared monopoly" suit in the auto industry. The basic problem of such a suit, however, is *not* that adequate legal doctrine does not exist to support it. By combining the size *per se* language of *Alcoa* (1946) with the oligopolistic parallelism found in *American Tobacco* (1946), *Cement Institute* (1948), motion picture cases (1948), and motion picture advertising case (1954), and by utilizing the ignored "retroactivity" principle of *General Motors-DuPont* (1957), a shared monopoly suit to divest the auto companies vertically and horizontally could be instituted. Such a theory has been discussed at the Justice Department and proposed by repeated high level staff studies as a basis for a complaint in the auto industry (among others), but it has never been favorably acted upon by an Antitrust Assistant Attorney General. The Section 5 approach presently appears the most favorable statutory route, but only until the Antitrust Division summons up its courage to utilize the ample precedent which exists.

One relief alternative mentioned in the Yale article would declare a "fixed term moratorium" on style changes—but not performance changes. The Bureau of Labor Statistics (BLS) presently makes such a distinction in computing the price indexes. But before a BLS or similar system is relied on to make such judgments, two things must be stressed: (1) engineers, not only economists, must help in the analysis of quality vs. styling changes; and (2) there must be independent sources of information on automobiles—sources other than the auto firms themselves. Since BLS presently lacks both, being largely tied to the industry for its source of information, it is an inadequate toll for judging what are styling changes.

This petition is an important example of citizen involvement in our legal enforcement system. In the field of discrimination, *Brown* v. *Board of Education* and *Jones* v. *Mayer*, two private suits, established the most innovative precedent on racial discrimination in the last two decades. The policing of our corporations is also too important to be left merely to government agencies—agencies which have often adopted the principle that least is best. This petition, however, is not a lawsuit (which the federal regulations do not permit in this case) but a request for an investigation pursuant to a complaint. It is now incumbent on the Federal Trade Commission to break the perennial failure of antitrust enforcement in the auto industry. The task is large but the return to consumers and a competitive economy is immense, both in economic and safety-health terms.

A second and related contribution is made by publication of this article and filing of this petition. It adds to the trend that law schools and law journals are no longer content to count angels on pinheads. Attentive to problems of policy as well as procedure, eager to have an impact beyond classroom recitation, law students are beginning to devote their skills to serious contemporary problems. The utilization of this reservoir of energy and creativity cannot be underestimated, for it is often the student-scholar who can best illuminate the difficult legal issues which the legal profession is too busy, or too financially jaundiced, to confront. Industrial corporations have for too long evaded the scrutiny of legal scholarship, often by coopting their potential critics. That is now and here changing.

Sincerely,

RALPH NADER.

[From the Yale Law Journal]

CHANGE IN STYLE OF AUTOMOBILES

Annual change in the style of automobiles has become an accepted way of life in this country, but now such change is under attack as a violation of the federal antitrust laws.

The attack against the style change policies of the Big Three automobile manufacturers appears in a complaint by Ralph Nader and members of *The Yale Law Journal* which was filed with the FTC on April 19, 1971. The complaint is based on a new antitrust doctrine developed in a special study that appears in the latest issue of *The Yale Law Journal*, a publication edited by Yale Law students.

The study describes a new antitrust theory under which annual style change may constitute an antitrust violation. Currently, annual restyling in the automobile industry is considered immune from prosecution under conventional Sherman and Clayton Act doctrine because of the absence either of monopoly or of explicit agreement among the Big Three. The *Journal* report adopts a new approach and demonstrates that Section 5 of the Federal Trade Commission Act empowers the FTC to investigate and to bring suit against this practice. Style change, the article concludes, is an "unfair method of competition" under the Act because it prevents new firms from entering the automobile industry.

For nearly fifty years, General Motors, Ford and Chrysler have annually changed the styles of their automobiles. The study suggests that this practice has occasioned an exit by more than 80 smaller automobile producers and barred future entry into the industry. As a result, since 1935, the Big Three have accounted for about 90 per cent of automobile sales in the United States. This concentration of sales in three firms, the report notes, is generally considered to be inimical to competitive conduct in an industry.

The article demonstrates that "concentration-increasing" practices such as annual style change were what Congress sought to prohibit when it passed the Federal Trade Commission Act in 1914 and calls upon the FTC to fulfill the role that Congress had originally designed for the agency.

The report urges that "the broad legislative mandate and judicial development" of Section 5 of the Act compels the FTC to strike down annual restyling by the Big Three as an "unfair method of competition." Breaking the automobile manufacturers into several autonomous companies, it adds, would be the most appropriate and effective remedy.

The study, "Annual Style Change in the Automobile Industry as an Unfair Method of Competition," written by Bradford C. Snell, a third year law student and an editor of *The Yale Law Journal*, is contained in the *Journal's* most recent issue (Vol. 80, no. 3, pp. 567–613) which was released today. The *Journal*, published monthly, carries articles by students, faculty and other legal experts.

"Industrial competition is the unequivocal premise of free market economic theory and of antitrust doctrine," the study begins. "Automobile manufacturing is one of the least competitive industries in the American economy."

Ninety-seven per cent of domestic automobile production is centered in three firms; four firms account for all passenger vehicles produced in this country. Such a highly concentrated structure, the report says, precludes effective competition and satisfactory performance.

As a result, "the industry is characterized by inflated selling costs, product imitation, higher than competitive prices, collusive suppression of technological innovation, and persistently high rates of return." The study notes, for example, that pollution-free electric and steam vehicles can now be produced which would cost half as much to own and even less to operate than conventional gasoline automobiles. Yet the introduction of these new vehicles has been suppressed by the Big Three.

Annual restyling required four activities which small producers could ill-afford to undertake: in-house production of body and engine components, formidable advertising campaigns to accompany new model introduction, a nationwide network of franchised dealers, tremendous capital resources.

"Whether by design or mere accident," the report states, GM's introduction of annual style change in 1923 "eliminated smaller producers unable or unwilling to restyle their products every year." There were 88 American automobile manufacturers in 1921. In the course of three years, from 1923 to 1926, 43 left the market. By 1935, only 10 firms remained, with the Big Three holding 90 per cent of the market.

"Style change has proved to be as effective a market weapon" in discouraging newcomers as it had been in eliminating earlier automobile companies, the study observes. It constitutes an insuperable barrier to new entry. As the report points out, "not a single firm has entered and survived in the automobile industry since 1923."

A prospective firm would need nearly a billion dollars to break into passenger car manufacturing, the study estimates. Had annual restyling not restructured the industry, it calculates that a firm could enter today for less than one-tenth of this cost.

This Big Three may also employ style change as a substitute for cost savings innovations. "By introducing a restyled model each year," the report says, "they provide consumers with the illusion of progress" yet avoid making improvements which might extend the life of automobiles.

A sharp distinction is drawn in the study between style and performing changes. Smaller producers, it notes, were able to develop significant automotive innovations. But the style change race ultimately eliminated all but those with huge facilities and tremendous capital resources.

According to the report, the annual change of automobile models has consisted predominantly of style rather than performance alteration. It says that in the past four years the Big Three have spent about $1½ billion annually to change their models, but that less than 3 per cent of this amount was expended on performance improvements.

Annual style changes by the Big Three has never been attacked under the antitrust laws. The law journal study suggests, however, that Section 5 of the Federal Trade Commission Act prohibits practices which, like annual restyling, substantially increase industry concentration.

Thirty years ago, recalls the report, the FTC expressed concern that the "increasing importance of the style factor, the huge capital and equipment resources required to finance new models" might eliminate smaller though no less efficient competitors of the Big Three. Today all but one, American Motors, have vanished. "Only the FTC's political or administrative paralysis," the study says, "bars bringing a successful suit against the three automobile manufacturers."

If the FTC sues the Big Three, and wins, it would be entitled to far-reaching sanctions. As the fundamental impact of annual restyling was concentration of production in the hands of three firms, suggests the report, breaking these corporations into several autonomous producers would be most appropriate and most effective in restoring competition to the automobile industry.

APRIL 19, 1971.

Request for an FTC Investigation

Pursuant to 16 F.C.R. sections 2.1 to 2.2, the following named individuals and organizations request that the Federal Trade Commission institute an investigation of annual restyling practices by General Motors Corp., with offices and principal place of business at the General Motors Building, Detroit, Michigan, 48202; Ford Motor Co., with offices and principal place of business at The American Road, Dearborn, Michigan, 48121; and Chrysler Motors Corp., with offices and principal place of business at 12200 E. Jefferson Ave., Detroit, Michigan, 48231, for alleged violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. sec. 45 (1964). Supporting information regarding the alleged violations is attached to this request.

RALPH NADER.

LIST OF SIGNERS

Benjamin W. Heineman, Jr., David E. Kendall, Bradford C. Snell, Ron Gilson, John Rupp, David Cook, David Kaye, Jim Huntwork, David Schulte, and John Kuhns.

Barbara Brown, Eric Neisser, Nancy Gertner, Steve Hadley, Tom Jorde, John Crook, John Dystel, Mark Tushnet, Larry Lustgarten, Harold Kwalwasser, Jeff Glekel, Linda Tedeschi, Rick Block, Bill Kelly, Steve Oxman, and Steve Munzer.

David Schneider, Jerry Wilkerson, Reid Feldman, Al Wilensky, Jerry Siegel, Susan Goldberg, Henry Fields, Andy Hurwitz, Stan Jaspan, Dan Steinbock, Peter Hamilton, Stan Inghber, and Bob Carter.

Members of: The Yale Law Journal, Yale Law School, 127 Wall St., New Haven, Conn. 06520.

General Motors Statement

APRIL 18, 1971.

The annual model change in the automobile industry is an example of competitive response to customer demand for improved product value and design changes. Such changes have no connection with the number of firms in the industry and in no way confirm monopoly control. Design changes are a fact of life in many fields, from women's fashions to housing to the "new model" created by the Yale Law Journal with each issue. The annual model change is an important means of delivering new product innovations and functional improvements to the customer in an orderly, efficient manner. It thus creates an opportunity for also making design changes. Eye appeal is important to car design because it is important to consumers. Motorists not desiring the new features, however, have ample alternatives—alternatives ranging from purchasing new cars which have not been restyled to retaining their present cars or purchasing used cars. Perhaps no other industry provides American consumers with such a variety of product choices tailored to all tastes and desires.

Annual Style Change in the Automobile Industry Is an Unfair Method of Competition

(By Bradford C. Snell)

Since 1935, General Motors, Ford and Chrysler have accounted for about 90 per cent of automobile sales in the United States. This Note will argue that such a concentration of sales in three firms is inimical to competition in this industry. Moreover, it will contend that these firms achieved and preserved undue concentration in violation of Section 5 of the Federal Trade Commission Act through their pursuit of an "unfair" trade practice: annual style change. Part I briefly sets forth the relevant economic and legal criteria for evaluating competition in the automobile industry. The preliminary economic analysis in Part II suggests the anticompetitive nature of annual style change which justifies a more searching analysis by the Federal Trade Commission. Part III argues the applicability of Section 5 of the Federal Trade Commission Act to annual automobile style change, and Part IV outlines some considerations regarding appropriate relief which the FTC could seek.

I. EVALUATING COMPETITION

Industrial competition is the unequivocal premise of free market economic theory and of antitrust doctrine.[1] It is generally evaluated in terms of three distinct market elements: structure, conduct and performance.[2] The competitiveness of an industry's structure depends upon market concentration (the number of firms and their individual shares of industry sales) and barriers to entry (obstacles that impose on newcomers higher costs per unit than those encountered by the established firms).[3] The competitiveness of an industry's conduct depends upon how constituent firms make price and output decisions (independently, interdependently or collusively) and with what purpose or effect (enhanced interfirm rivalry, exclusion of newcomers, or predation).[4] The competitiveness of an industry's performance depends upon the extent to which its conduct contributes to progressiveness (the number and importance of actual innovations as compared with what optimally could have been developed) and to efficiency (the reduction of costs and prices to absolute minima).[5]

A. Economic criteria: Market structure as the determinant of industry conduct and performance

Holding that structure determines conduct and conduct determines performance,[6] much antitrust economic theory posits that an anticompetitively structured industry precludes the long-run survival of effectively competitive conduct and performance.[7] In fact, empirical studies indicate that high market concentration and high barriers to entry (structural factors) engender price fixing, price leadership, product imitation and other forms of collusive and interdependent behavior (conduct), which lead to artificially inflated prices and diminished rates of innovation (performance features).[8]

More specifically, an impressive amount of economic data supports the judgment that concentration of more than 50 per cent of an industry's sales in four or fewer firms (i.e., a "tight oligopoly") gives rise to conduct and performance which approximate that of a monopolist or well-disciplined cartel.[9] This degree of concentration destroys the incentive for independent decisions on price and output, and encourages instead the development of "oligopolistic interdependence," a recognition that the profits of each firm are dependent on the decisions of each of the others.[10] As a result, these few firms collectively eschew price and product competition in favor of "joint-profit maximization": output is restricted and prices are set above competitive levels, albeit in a noncollusive fashion.[11] In effect, the industry is "collectively monopolized."[12]

Barriers to entry comprise the second structural criteria for evaluating industrial competition. Leading firms in a tight oligopoly can set higher-than-competitive prices and reap monopoly profits only if they are able to deter new entrants whose added output would push prices back to a competitive level.[13] The effectiveness of these barriers is reflected generally by the persistence of high concentration levels.[14]

More precise measurements of entry barriers, however, have been developed. Empirical investigations reveal that large economies of scale, high promotional expenditures, and enormous capital requirements are powerful deterrents to new entry.[15] If an industry is surrounded by any one of these barriers, the possibility of new entry is substantially re-

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duced. If it is protected by all three, entry is "effectively blockaded."[16] By preserving tight oligopolies from the deconcentration which would result if new firms were able to enter, barriers of such magnitude contribute to anticompetitive conduct and unsatisfactory performance.

Accordingly, some antitrust economists now urge divestiture of leading firms in industries with 4-firm concentration ratios of 50 per cent or more and with barriers which all but foreclose new entry.[17] They contend that deconcentrated industries would behave more competitively in making price and output decisions and would perform more satisfactorily by providing consumers with lower prices, reduced production and distribution costs, and an accelerated rate of technological innovation. In short, they argue that a larger number of competitors would provide a greater degree of competition.

B. Legal criteria: The gap between economic reality and antitrust laws in the automobile industry

As measured by either of the structural economic criteria, automobile manufacturing is one of the least competitive industries in the American economy. Its structural concentration is unprecedented. Ninety-seven per cent of domestic production is centered in three firms; four firms account for all passenger vehicles produced in this country.[18] This degree of concentration is twice that generally considered inimical to competitive conduct and performance.[19] Moreover, the condition of entry into automobile production has been described as "effectively blockaded."[20] Concentration has exceeded the 70 per cent threshold for presumptively high barriers to entry not only for 7 of the past 10 years, but for each of the past 40 years.[21] More precisely, the industry strikingly exhibits the indicia of high barriers to entry; large economies of scale, high promotional expenditures, and enormous capital requirements.[22]

Given its anticompetitive structure, the anticompetitive nature of the automobile industry's conduct and performance is not unexpected. In fact, the Big Three interpendently engage in price and product conduct which has the same anticompetitive impact as if it had been collusively planned.[23] As a result, the industry is said to exhibit the indicia of unsatisfactory market performance: inflated selling costs, product imitation, higher-than-competitive prices, collusive suppression of technological innovation, and persistently high rates of return.[24]

Just from available data, a strong presumption arises that in structure, conduct and performance, the automobile industry is, at least by comparison to other industries, markedly anticompetitive. Yet, it has escaped antitrust prosecution. It seems to represent, therefore, a striking example of the gap which exists between economic reality and antitrust remedies.

Unlike antitrust economic theory, the antitrust laws focus on the behavioral rather than structural element of the structure-conduct-performance triad. They are primarily concerned with outlawing offensive business conduct rather than with striking down anticompetitive structures which produce unsatisfactory performance.[25] Thus, the Sherman Act proscribes not structural monopoly but collusive activities "in restraint of trade" and activities that tend to "monopolize" trade.[26] Economists and antitrust officials generally agree, however, that while the Big Three's price and output conduct has an impact effectively equivalent to that of a Sherman Act conspiracy, these decisions are made interdependently, without any evidence of collusion.[27] Moreover, although the exclusion of nearly a hundred earlier producers and erection of insurmountable barriers to new entry were as effective as the conduct of a predatory monopolist, this result could not provide the basis for a Sherman Act charge of monopolization absent the emergence of a single monopoly firm.[28] Similarly, the Clayton Act reaches mergers or coercive practices such as exclusive dealing and tying arrangements.[29] Although the Big Three's conduct is analogous in anticompetitive impact to these forbidden practices, it is again distinguishable by its lack of agreement.[30]

For years, antitrust commentators have sought to stretch existing antitrust doctrine to reach the presumed anticompetitive aspects of the automobile industry. Professors Turner and Posner, for example, have argued that "agreement" under the Sherman Act might include or be redefined to include interdependent though non-collusive behavior by jointly-acting oligopolistis.[31] The broadest reading of conspiracy law holdings under the Sherman Act, however, would not permit such an elastic interpretation of agreement.[32]

Alternatively, Professors Turner and Sherwood have suggested that since the Sherman Act looks to substance rather than form, the conduct of jointly-acting oligopolists should be treated as that of a single monopolist when their effects are almost identical. Thus, they have urged that where oligopolists effectively "share monopoly power" and engage in predatory or exclusionary practices, they might be charged with having monopolized in violation of the Sherman Act.[33] Significantly, however, neither Turner nor Sherwood could cite a single precedent in support of the argument. Indeed, after considering both these approaches, a recent White House Task Force on Antitrust Policy rejected them and concluded that competition in highly concentrated industries could probably only be restored by enactment of new legislation empowering courts to dissolve leading firms in entrenched oligopolies.[34]

With respect to restoring competitive structure and performance to the automobile industry, however, there may be a viable alternative to either stretching the Sherman or Clayton Acts beyond the limits of precedent or relying upon new structural, antitrust legislation. A particular form of conduct, annual style change, may have largely determined this industry's anticompetitive structure and may as a result constitute an "unfair method of competition" under Section 5 of the Federal Trade Commission Act.[35] The Sherman and Clayton Acts, to be sure, proscribe several kinds of specific business behavior such as mergers and predatory or exclusionary practices by a dominant firm which can severely alter the structure of an industry, rapidly transforming an unconcentrated competitive structure to a concentrated oligopolistic one.[36] They fail, however, to reach other forms of "concentration-increasing" conduct which may amass most of an industry's total sales within a few firms and erect formidable entry barriers to newcomers.[37] Arguably, annual style change is conduct of this latter variety and should be condemned as "unfair" under Section 5.

The primary purpose of this Note, therefore, is to suggest strongly that the three leading firms in the automobile industry have engaged in conduct—annual style change—which ultimately transformed a competitive structure to an anticompetitive oligopolistic one in violation of Section 5 of the Federal Trade Commission Act. By way of a preliminary economic analysis, this Note will argue that annual style change has drastically increased market concentration, raised impenetrable barriers to entry, and directly contributed to this industry's record of noncompetitive market performance. Then, by analogizing the anticompetitive impact of annual style change to recognized antitrust violations, as Section 5 cases seem to require, a prima facie case of illegality under Section 5 will be established.

What follows, however, is no substitute for a full-scale economic investigation and legal assessment of this practice by the FTC. Rather this Note is designed to suggest on the basis of available evidence the anticompetitive implications of annual automobile style change and the compelling need for the FTC to undertake a more thorough inquiry of the possible illegality of annual automobile style change under Section 5 of the FTC Act.

II. ECONOMIC IMPACT OF ANNUAL STYLE CHANGE IN THE AUTOMOBILE INDUSTRY: A PRELIMINARY ANALYSIS

Before analyzing the anticompetitive impact of annual style change on structural concentration and barriers to entry and its impairment of this industry's competitive market performance, a distinction between style change and performance modifications must be drawn. As complex pieces of machinery, automobiles present manufacturers with practically unlimited opportunities for physical product modification in both appearance and performance. Their appearance may be drastically altered by varying the amounts of chromium and contour trim, changing the body shell patterns and radiator grill designs, and altering the range of colors and interior textures.[38] Their performance may be modified by structural changes which affect safety, durability, economy, reliability, carrying capacity, maneuverability, comfort, and convenience.

In this Note, "style changes" will refer solely to alterations in the appearance, as contrasted with modifications in the performance, of automobiles.[39] It is not unrealistic to distinguish style from performance changes, since the Bureau of Labor Statistics in the U.S. Department of Labor has for many years made this determination in compiling official consumer price indexes. Specifically, the BLS employs detailed criteria for evaluating annual automobile model changes in order to adjust quoted prices of new automobiles for changes in "quality." In making these quality adjustments, it is compelled to distinguish between structural changes which affect safety, reliability, durability, economy, and comfort and "[s]tyle, or changes in appearance design solely to make the product seem new or different."[40] The BLS adjusts new automobile prices only for changes of the former variety.[41] Thus, a distinction between style and performance changes would appear to be empirically justifiable.

Annual model change has presumably consisted of both style changes and performance modifications. The industry's persistent refusal to provide inquiring Congressional committees with cost data, however, precludes a precise dichotomy between annual expenditures for style as contrasted with expenditures for performance alterations.[42] Nonetheless, several economists have testified that annual model change is predominantly oriented to changes in style rather than improvements in performance.[43] Indeed, they emphasize that, before the 1920's, models were changed every few years to incorporate significant technological breakthroughs, but that since then the rate of technological progress has declined while model changes have become an annual phenomenon.[44] Of course, the performance of automobiles has improved since the 1920's, but arguably not at a rate justifying annual model change. For example, in 1969, the Big Three spent $1.56 billion or about $195 per automobile to change its models; the Bureau of Labor Statistics reported, however, a net reduction in performance improvements of $—3 per automobile, or approximately $—23.9 million for the Big Three's combined output. Consequently, they spent more than a billion and a half dollars to make their 1969 models seem "new and different" in appearance. BLS performance

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data, computed for every model year since 1968, moreover, indicated that the 1969 results were not exceptional. The value of performance improvements in 1968 through 1971 models average $5.50 per automobile each year, or less than 3 per cent of the Big Three's total model change expenditures during that period.[45] In short, it would be reasonable to assume that annual model change has consisted primarily of changes in styling characteristics.

A. Style change as a market weapon for achieving concentrated economic power

The trend toward concentration in the automobile industry is unequalled in the history of American manufacturing.[46] From the inception of this industry in the late 1890's, the number of independent producers grew steadily to a peak of 88 in 1921.[47] Then, suddenly, about 1923, the number of automobile producers began to decline rapidly. In the course of three years, from 1923 to 1926, 43 firms left the market.[48] By 1935, only 10 firms were producing automobiles.[49] Today, 4 producers remain, with 3 firms account for 97 per cent of all domestic car production.[50]

Economists generally agree that four factors were primarily responsible for the rapid demise of competitors since the 1920's: components integration, large-scale advertising, franchised distribution, and a tremendous increase in capital requirements.[51] Arguably, these four decisive factors resulted from the development of an even more fundamental industry practice: annual style change. Significantly, it was in 1923, a near high-water mark in terms of the number of active automobile producers, that General Motors introduced annual change.[52] By 1928, it had become the industry practice.[53]

Prior to the introduction of annual style change in 1923, entry into the automobile industry was relatively easy, exits were insubstantial in number, and concentration was consequently low.[54] Scale economies in components integration provided no significant deterrent to the large number of early entrants to this industry.[55] Similarly, entry was not precluded by a need to engage in massive advertising.[56] Moreover, the availability of standardized interchangeable replacement components up until the 1920's obviated any need for integration forward into extensive networks of franchised dealers with specialized maintenance capabilities.[57] Thus, capital requirements for entry prior to the 1920's were negligible. The industry's emphasis upon external economies of independent parts manufacturers rather than internal scale economies of integrated fabrication, for example, greatly reduced the amount of initial investment required for operation.[58] The Ford Motor entry was typical. The Company was incorporated in 1903 with only $28,000 in cash.[59] This ease of entry was reflected in industry concentration. Not until the 1920's did the three leading firms account for much more than half of total sales.[60]

Product variation was not new to the automobile industry in 1923. From the very beginning, it had served as a key element of competition among the many early producers.[61] But pre-1923 variations differed from subsequent product changes in two significant ways: they occurred less frequently, and they generally represented substantial improvements in performance capabilities rather than mere changes in style.[62] Thus, before 1923, the frequency of model change was closely geared to the rate at which technological breakthroughs were achieved; these occurred every four or five years.[63] Moreover, it will be demonstrated that this rate of product change enabled independent parts manufacturers to supply small volume assemblers with efficiently produced and improved components. The advent of annual product variation, however, drastically altered this process.

In 1923, General Motors introduced annual style change.[64] Whether by design or mere accident, GM's device accomplished much more than planned obsolescence: it eliminated smaller producers unable or unwilling to restyle their products every year. As the first company to employ this market weapon, GM increased its share of total industry sales dramatically from 13 to 43 per cent in the 5 years between 1922 and 1927.[65] Chrysler, after its well-financed entry in 1923, quickly imitated GM's restyling policy and increased its market share to 6 per cent by 1927.[66] Ford, at first ignoring the practice of changing styles annually, suffered an equally dramatic decline in its market share during this same period, falling from 51 per cent in 1922 to 9 per cent by 1927.[67] In 1928, it adopted an annual restyling policy which within two years boosted Ford's share of the market to 31 percent.[68] While aggressively pursuing annual style change, GM, Chrysler and Ford increased their collective share of industry sales from less than 65 per cent in 1923 to more than 90 per cent by 1935.[69]

An inevitable result of the drive to produce "all-new" cars annually was an industry trend toward components integration. Previously, producers had attained optimal efficiency at low output volumes by assembling basically interchangeable body and engine components purchased from external suppliers.[70] By contrast, after 1923 the annual need to produce uniquely styled vehicles, including redesigned bodies and rearranged (although not necessarily improved) engines, caused producers to integrate body and engine production within their own plants.[71]

This shift from assembly of body and engine components to their integrated fabrication had a substantial impact upon the scale of production necessary for optimum efficiency as measured in terms of lowest per unit production costs. For a firm engaged in both mass production and assembly of annually modified bodies and engines, the optimal output was from 3 to 5 times greater than that required for mere assembly operation.[72] After 1923, an integrated firm which changed its styles annually needed a volume of at least 250,000 cars a year to operate at maximum efficiency.[73] At lower outputs, it would experience production costs substantially higher than larger volume producers.

One of the most serious disadvantages for producers operating at below the optimal scale of output required for style changes was the premature scrapping of expensive tools and dies. Assume, for example, that prior to 1923 General Motors and firm X in Figure I had identical cost curves (AC) but dissimilar outputs.[74] GM's production exceeded 400,000 units; while firm X produced a little more than 50,000 vehicles a year. Both producers, therefore, had achieved the minimum level of output necessary for optimally efficient assembly operations (50,000 units in 1923). Assume also that prices were constant at p.

In 1923, when it initiated annual style change, GM purchased at great expense the special tools and dies required for completely restyling its products. It found, however, that after the production of approximately 250,000 cars this equipment was physically deteriorated and could be fully amortized.[75] In 1923, it exhausted three full sets of dies and tools in producing a record 775,000 automobiles (point GM_{1923} in Figure I).[76] Thus, it could replace the 1923 dies and tools with identical equipment or, at no extra cost, with dissimilar equipment. Consequently, GM changed the style characteristics of its 1924 models without increasing its costs, thereby remaining on AC in Figure I (point GM_{1924}).

In order to compete with GM's restyled 1923 models, firm X also purchased the expensive tools and dies necessary for the integrated production of uniquely styled vehicles. But unlike GM, it was unable to amortize this equipment over a year's production. Since dies and tools deteriorated only after the production of 250,000 units, its output in 1923 of 50,000 (point X_{1923}) consumed but one-fifth of their physical usefulness. Consequently, it could bring out a newly styled model in 1924 only by scrapping equipment which was not yet worn out and could only be partially amortized. As a result, it would experience higher average costs in 1924 (*i.e.* curve AC_1 in Figure I) for any level of output below 250,000 units. Assuming that its 1924 output did not exceed that of the prior year, its costs exceeded price at point X_{1924}, and it was forced out of the market.[77]

After 1923, therefore, survival as a style-change manufacturer required construction of a plant capable of producing at least 250,000 automobiles per year from internally manufactured and annually altered components. Significantly, only two of the 81 firms independent of Ford and GM which were operating at the beginning of 1923 ever reached the 250,000 minimum optimal integrated level of output.[78] These two companies, Chrysler and Hudson (which later merged with Nash to form American Motors), would become the sole competitors of Ford and GM by the 1960's. Neither Kaiser-Frazer nor Crosley, the only firms to attempt entry after 1923, ever achieved this production scale.[79]

Annual style changes imposed a second burden upon smaller automobile producers: large-scale annual investments in advertising. Before 1923, automobile designs remained basically unchanged for several years.[80] With the introduction of annual style change, however, producers were compelled to undertake annual advertising campaigns to impress consumers with the unique appearance of annually altered automobiles.[81] The style change race had engendered an advertising competition in which only the financially resourceful could remain.[82] Moreover, smaller producers were seriously disadvantaged because of the scale economies associated with extensive promotional efforts. To accomplish the same or even sparser market coverage, small volume producers spent considerably more per unit of output than did large volume manufacturers. For example, GM was able to obtain 10 times more advertising space in 1930 than did Nash, a lower volume firm, at half of the latter's per cost.[83] Returning to the analysis accompanying Figure I, therefore, it can be argued that the need to engage in large scale advertising annually, no less than the need to scrap expensive dies prematurely, increased average costs and consequently the slope of AC_1, thereby driving scores of smaller producers from the market.[84]

The annual style change policy begun by GM also required a national system of adequately financed and strategically located dealers with unique service facilities. Prior to the advent of periodic restyling there was little need for manufacturers to establish retail outlets with specialized maintenance capabilities.[85] Independent retailers provided adequate sales and service for a wide variety of automobiles.[86] By contrast, the need to differentiate the appearance of automobiles annually and the consequent decline in the interchangeability of components required the establishment of unique nationwide service organizations.

The need to establish nationwide service networks posed not only a great financial burden for smaller producers; it also involved significant economies of scale. The minimum volume sufficient to permit the maintenance of a nationwide system of dealerships with servicing facilities probably ranged from 100,000 to 150,000 units per year.[87] As a certain minimal sales volume was necessary to maintain a solvent dealer, producers with smaller annual outputs would have experienced severe difficulties in retaining an ade-

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quate number of dealers for national coverage. Significantly, few producers other than the Big Three ever reached this volume after 1923.[88] Consequently, their average distribution costs were substantially higher than those of GM, Ford and Chrysler. Moreover, as the Big Three expanded their dealer networks, smaller producers found it increasingly difficult to establish and maintain retail outlets without experiencing increased per unit costs.[89]

The need to integrate forward into retail distribution, therefore, was another factor attributable to style change that substantially raised the amount of capital necessary for successful entry and survival in the automobile manufacturing industry. Each of the three factors necessary for annual style change involved tremendous capital investments of hundreds of millions of dollars.[90]

This brief analysis indicates that the automobile industry became increasingly concentrated following the introduction of annual style change in 1923. There are, however, other hypotheses which might explain this phenomenon. For example, declining economic conditions and a rise in automobile mergers might have contributed to increased industry concentration.[91] But these developments could not have been the primary cause of the dramatic change in this industry's structure. For example, the rate of attrition for automobile firms during the depressed 1930's was only slightly greater than in the booming 1920's.[92] Moreover, the predominant number of firms which left the market did so because of failure rather than combination.[93]

Instead, this economic analysis suggests that factors (components integration, formidable advertising, franchised distribution, enormous capital requirements) were the direct cause of concentration and that each of these developments was linked in turn to the introduction of annual style change. Other hypotheses, however, could aid in explaining the emergence of these four factors. Substantial fluctuations in economic conditions following World War I, for example, may have contributed in part to the industry's movement toward captive production and distribution facilities.[94] On the other hand, these four developments cannot be accounted for, as some have urged, by a "drive for efficiency" in performance improvement.[95] The foregoing analysis demonstrates that without the need to restyle annually, optimal efficiency in the production of automobiles with increasingly improved performance capabilities had been reached by many firms in the industry. Once annual style change became the industry code of behavior, however, efficiency in the production of annually restyled vehicles made these four developments almost inevitable.

On balance, therefore, this brief analysis indicates that although other hypotheses might assist in the explanation of how this industry became highly concentrated in a short period of time, annual style change might well have been its fundamental cause.

B. *Style change as a market weapon for preserving concentrated economic power: Barriers to entry*

Style change has proved to be as effective a market weapon in preserving concentrated economic power in the automobile industry, it can be argued, as it had been in achieving it.[96] By causing formidable entry barriers to be raised, style insured that the vacancies created by the exit of nearly one hundred firms were not filled by newcomers.

The same four factors which by eliminating earlier producers led to concentration seem also to have erected insurmountable barriers to potential entrants. The magnitude of these barriers can be measured in at least three separate ways. First, the experience of the only firm seriously to attempt entry since 1923, Kaiser-Frazer, can be evaluated. Second, industrial studies of the automobile manufacturing process can reveal the minimum scale of operations, minimum promotional expenditures, and minimum capital resources necessary for entry today. Finally the estimates of firms which have recently contemplated (but decided against) entry must be examined.

Since 1923, a handful of attempts at entry, all unsuccessful, have been undertaken.[97] Of these, only the Kaiser-Frazer endeavor of 1945–1954 could be considered a serious challenge.[98] Kaiser had already successfully broken into two of the most highly concentrated industries in the American economy (aluminum and steel). Given a most propitious time of practically insatiable postwar demand, its venture into automobiles seemed assured of success. It commanded the talents of experienced executives, the backing of a multi-million industrial empire, and the acquired production and distribution facilities of an operative automobile organization (Graham-Paige Motors). Through stock offerings, loans from private and government agencies, and financial resources derived from other Kaiser enterprises, it raised more than $200 million. Within a record time of 11 months, it produced a car which was praised for both its engineering achievement and for its style.[99] Its market share rose to nearly 5 per cent of industry sales by 1948.[100] Yet, by 1949, the Kaiser venture was doomed to failure. Its share of sales fell back to a little more than 1 percent, and by 1954, it had ceased production.[101]

The reason for this sudden reversal in Kaiser's market position after 1948 has been succinctly stated by economists: its survival required the launching of a new model, yet it was unable to finance a restyled automobile for 1949.[102] Although sales in 1948 had reached 181,000 units, that volume was insufficient to finance formidable retooling and advertising costs.[103] As Kaiser Industries reported later:

> To stay in the market, Kaiser-Frazer now had to play the "new models" game for the first time; new models took tools; tools took major financing. An attempt was made to sell a third stock issue to the public in 1948, but that ran aground . . .[104]

Consequently, it was forced to sell its 1948 models again in 1949 and 1950. In 1951, it managed to produce a newly styled model; but by then its output was far below the minimum volume necessary for optimum efficiency.[105] As a result, higher per unit production costs forced its prices above those of the Big Three.[106] Thereafter, its sales plummeted, and it accumulated uninterrupted losses until it withdrew from the market in 1954, with an earned surplus deficit amounting to more than $100 million.[107]

Evaluation of the short-lived Kaiser entry suggests that it suffered in varying degrees all the disadvantages which had contributed to the elimination of the earlier producers.[108] Formidable scale economies in production and retail distribution, massive promotional activities, and enormous capital requirements were the principal factors accounting for its demise.[109] As evidenced by its inability to finance a 1949 model, its 1948 record volume of 181,000 units was below the minimum optimal scale for integrated production, which had been estimated at about 250,000 for the early 1940's.[110] During succeeding years, however, it suffered further scale economy disadvantages as its volume dropped below the minimum 100,000–150,000 unit volume required for optimal efficiency in retail distribution.[111] To meet the retooling and readvertising requirements of annual style change, moreover, Kaiser would have needed an additional $150 million, which would suggest a total capital resources entry barrier exceeding $350 million.[112] In fact, this $350 million estimate is probably too low for a potential entrant today since Kaiser enjoyed several advantages which are no longer accessible to a newcomer in the 1970's.[113] Reviewing the failure of Kaiser's automobile venture despite its sizeable resources and its record as one of the country's most formidable challengers of concentrated industries, one industrial economist concluded in 1966: "The idea of any further entry into the industry today seems preposterous." [114]

Subsequent studies of the Kaiser-Frazer attempt and the recent operations of the Big Three now afford a more precise determination of the actual magnitude of barriers to entry into this industry, barriers which may be largely attributable to annual style change. In 1970, it would cost a company $779 million to enter the automobile industry. The costs of annual style change capability, it is estimated, account for fully $724 million, or more than 90 per cent of this figure.[115] Moreover, to merely recapture its $779 million investment, an entering firm would need to secure from 4 to 8 per cent of total industry sales for an efficient scale of operations.[116] In addition, it would encounter for 5 to 10 years a net price disadvantage of at least 5 percent of factory price due to higher per unit countervailing advertising expenses and price commissions necessary to maintain a solvent national dealership system.[117]

By contrast, had the industry not been restructured by annual style change, it is estimated that entry in 1970 could have been achieved for $55 million, or less than one-tenth as much as the actual capital requirement.[118] Absent annual style change, an entrant could operate efficiently with an estimated 0.7 to 2.1 per cent of the market [119] without encountering promotional or distributional price disadvantages.[120] To the extent, therefore, that style change transformed the condition of entry into this industry, barring all but completely integrated firms able and willing to spend not merely $55 million but $779 million, it raised the capital costs of entry considerably more than tenfold.[121] To the extent that it required entrants to capture a formidable segment of industrial sales and to endure substantial price disadvantages and hence losses for up to a decade, it made the risks of entry prohibitive.

A large number of companies have recently developed alternative automobile propulsion systems utilizing gasoline, electricity, steam and freon; but, significantly, not a single firm has attempted entry. Representatives of these companies have generally agreed in their testimonies before Congress that absent major antitrust action or some form of government subsidization, entry by firms offering innovative alternatives is economically infeasible.[122] Estimates made by these prospective entrants suggest that style changes barriers today are higher than the foregoing analysis would suggest.[123]

General Motors, Ford and Chrysler reject any notion of "artificial" barriers to entry into the automobile industry. Instead, they contend that there are no obstacles which cannot be overcome.[124] In support of their position, they cite the possibility of conglomerate entry by General Electric and Westinghouse and the actual expansion of several foreign manufacturers into the market.[125] But conglomerate entry by either of these firms has failed to materialize despite the technological capability of both to produce reliable electric vehicles and the vast financial resources of the former.[126] The Big Three's second line of defense involves the successful expansion of standard styled foreign imports, particularly Volkswagen and Toyota, into the American market.[127] This comparison of foreign with domestic entry possibilities, however, is entirely inappropriate.[128] Moreover, it suggests that by simply not annually changing model styles a domestic firm could overcome all the structural

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obstacles occasioned by nearly five decades of annual restyling by the Big Three. This is demonstrably untrue.[129]

The foregoing analysis suggests that by pursuing annual style change the Big Three may have created an anticompetitive industry structure of three well-entrenched manufacturers. High market concentration may enable them to restrict output and raise prices above competitive levels. High barriers to entry may deter newcomers attracted by the tight oligopoly's greater-than-competitive profits. Again, pending a more exhaustive investigation by the FTC, annual style change appears to have been the underlying cause of these developments.

C. Style change and performance

For most antitrust economist, noncompetitive performance (*e.g.*, high prices, high costs, retarded innovation) is an inevitable result of anticompetitive structure.[130] It has been suggested, however, that due to their relative inexperience in the economics of industrial organization, the courts might be less willing to make this causal leap and might demand instead a showing of both anticompetitive structure *and* noncompetitive performance.[131] Some manifestations of unsatisfactory performance resulting from the automobile industry's anticompetitive structure have already been described.[132] To the extent, therefore, that annual style change was responsible for this structure, it indirectly impaired the industry's performance. This section briefly suggests, however, that annual style change itself may directly contribute to unsatisfactory market performance by reducing efficiency and retarding progressiveness.

Efficiency in terms of market performance is generally measured by comparing actual costs and prices with those that would obtain in a competitively structured market.[133] Annual style change has substantially inflated production and distribution costs, and hence prices, by vastly increasing selling and retooling costs. In 1969, as noted above, the Big Three spent $1.56 billion, or $195 per car, for restyling.[134] Advertising accounted for another $75 in per unit expenditures.[135] These costs amounted to several billion dollars in consumer expenditures for 1969. Yet buyers were never given a choice between purchasing the same model as last year's at a lower price and a new model at a higher price.[136]

Moreover, there is some evidence that the Big Three may employ annual style change as a surrogate for cost-saving innovations. By introducing a "new" model each year, they provide consumers with the illusion of progress and yet avoid the necessity of adopting technological improvements which would lower maintenance or initial purchase costs.[137] It has been argued, for example, that application of known metallurgical processes would permit doubling the life of an automobile for an additional cost of $36 per year, resulting in an annual savings to consumers of more than $2 billion.[138] Crash-absorption bumpers have been developed which could save the public an additional $1 billion a year.[139] Pollution-free electric and steam vehicles can now be produced which would cost half as much to own and even less to operate than conventional gasoline automobiles.[140] These developments, however, would increase automobile durability and thereby reduce demand, price and profits on new car sales. It is suspected, therefore, that the Big Three have repressed these cost-saving advances while offering consumers instead an annual restyling policy designed to bolster replacement demand through planned obsolescence.[141]

Similarly, annual style change may have retarded this industry's progressiveness as measured by the number and importance of actual innovations that have been developed as compared with what could have been achieved absent style change. It has been noted, for example, that the innovative characteristics of the industry began to decline shortly after annual restyling was introduced in the 1920's.[142] Moreover, there is evidence that since then an increasing proportion of the Big Three's resources have been shifted from research and development to restyling and related promotional activities.[143] Perhaps as a result, most recent innovations have come from outside the leading firms. Improvements such as new suspension systems and disc brakes were first introduced by small European firms.[144] Other advances, notably automatic transmissions and power steering, originated in small domestic concerns.[145] In short, an emphasis on style change may have supplanted the drive for technological progress in this industry.

Furthermore, it has been suggested that, paradoxically, annual style change does not result in a wide variation in the appearance of different automobile makes.[146] Instead, given their high degree of interdependence, the Big Three protectively imitate each other's designs.[147] Thus, Professor Bain has found that in this industry "the highly imitative product policies of rival oligopolists seem to lead to substantial uniformity of available products and to a suppression of the potential variety in products."[148] Annual style change, then, may only have increased the rate rather than the degree of style innovation.[149]

As a fundamental determinant of this industry's highly anticompetitive structure, annual style change may have been the primary factor accounting for what could be termed noncompetitive performance in automobile manufacturing. In addition to increasing concentration and raising barriers to entry, it appears to have substantially impaired industry market performance by reducing efficiency and retarding technological growth.

III. AUTOMOBILE STYLE CHANGE AS AN "UNFAIR METHOD OF COMPETITION" UNDER SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT

As previously noted, annual style change is a form of oligopoly conduct apparently invulnerable to prosecution under conventional Sherman and Clayton Act standards. This, however, was the type of problem Congress sought to solve by enactment of Section 5 of the Federal Trade Commission Act in 1914. More than two decades had passed since its passage of the Sherman Act in 1890; but Congress believed that its earlier legislation had been largely ineffective in halting a widespread and growing concentration in industry.[150] To avert further concentration, it created the Federal Trade Commission as an administrative tribunal capable of undertaking intensive economic investigations and empowered under Section 5 to strike down "unfair practices" which, although lawful in themselves, nevertheless tended toward a suppression of the competition through the elimination of actual or potential rivals.[151] Congress deliberately left unspecified those practices which the FTC might proscribe as "unfair" in order to allow the Commission the widest latitude in dealing with novel methods by which concentration might be increased.[152]

In reviewing FTC findings of "unfair methods of competition" in cases brought under Section 5, the Supreme Court has complied with the intent of Congress by establishing flexible guidelines for illegality. It has deferred to the FTC's administrative expertise, holding that "[t]he precise impact of a particular practice on the trade is for the Commission, not the courts, to determine"[153] and limiting its function on review to "determining whether the Commission's decision has warrant in the record and a reasonable basis in law."[154] It has ruled that to be "unfair," conduct need not violate other antitrust laws, but must merely "conflict with the basic policies of the Sherman and Clayton Acts."[155] To give meaning to this general standard, the Court upheld FTC findings of "unfair" practices when their anticompetitive impact as determined by the Commission was characteristic of conduct already proscribed under Sherman and Clayton Act standards.[156] Thus, the Court could be expected to uphold an FTC finding that annual style change as interdependently pursued by the Big Three violated Section 5 if the Commission demonstrated that in the automobile industry this practice had accomplished the same anticompetitive ends as had recognized antitrust violations.

Part I of this Note established that the premise of antitrust legislation was unequivocally competition and that persistently high structural concentration and accompanying high barriers to entry are inimical to that objective. It suggested that certain forms of conduct could produce these anticompetitive structural features. Part II demonstrated that as pursued interdependently by the Big Three annual style change seemed to be conduct of this kind. As suggested above, the broad legislative mandate underlying Section 5 of the Federal Trade Commission Act was that concentration-increasing practices be identified and proscribed as "unfair." The case law under Section 5, however, requires analogy to antitrust violations. It will now be argued that the impact of animal style change upon industry concentration and entry barriers is sufficiently analogous to the structural impact of excessive promotional expenditures, predatory pricing and spending activities, and monopolistic practices to warrant a finding or illegality under Section 5.

The impact of any particular practice upon industry concentration can be factually demonstrated to a reviewing court by proving the extent to which it increases the market shares of the leading firms and increases the height of barriers to entry.[157] The issue of illegality, however, may pose a more difficult problem because it necessitates a determination of the threshold beyond which concentration and barriers to entry become clearly anticompetitive and the practices producing them may be termed "unfair." An abundance of economic evidence suggests that when 50 per cent or more of an industry's total sales is concentrated in four firms, and substantial barriers to entry are raised against newcomers, the survival of effectively competitive conduct and performance in that industry is highly improbable.[158] Consequently, while the question of threshold illegality might arise in other industrial contexts, it need not unduly concern a court reviewing competition in the automobile industry. As noted earlier, with three firms sharing 97 per cent of total domestic sales and without a successful newcomer in nearly fifty years, this industry is one of the most highly concentrated and entry-resistant enterprises in American manufacturing. In short, if it could be shown that annual style change produced a high level of concentration and engendered substantial entry barriers and that these two structural effects could be analogized to results arising from other practices proscribed under the antitrust laws, there would be no problem in deciding that the degree of concentration and the height of entry barriers in the automobile industry were sufficient to warrant a finding of Section 5 violation.

A. The analogy of style change to excessive promotional expenditures: The American Tobacco and Clorox cases

Excessive promotional expenditures, those which might increase concentration beyond the tight oligopoly threshold (i.e., four firms with persistently 50 per cent or more of industry sales), have been banned under the

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antitrust laws when they occurred in the context of collusion or merger. By vastly increasing the countervailing selling costs required for entry or survival in the market in which they are employed, promotional expenditures of large magnitude may threaten the existence of actual competitors and deter potential entrants.[159] Arguably, annual style change has an analogous impact upon actual and potential competitors in the automobile industry. Indeed, it has been suggested above that annual restyling may not only raise selling costs by requiring massive readvertising and retooling each year, but it also may increase distribution costs by requiring the establishment of a nationwide retail network and may increase production costs by requiring higher volumes of output.

Although the Supreme Court has never explicitly held that heavy promotional expenditures *per se* constitute an antitrust violation, it has recognized their anticompetitive implications when undertaken as a result of collusion or merger in Sherman and Clayton Act cases, respectively. As early as 1946, the Court noted that "tremendous advertising" outlays had been used by the Big Three cigarette manufacturers to foreclose new entry.[160] In *American Tobacco*, it affirmed the convictions of American, Liggett and Reynolds for conspiracy to monopolize in violation of Sections 1 and 2 of the Sherman Act.[161] Although these defendants had engaged in several exclusionary activities, including predatory price cutting and coercive purchasing programs, the Court placed substantial emphasis upon their $40 million annual advertising campaigns, finding that this activity required entrants to engage in equally massive and costly countervailing advertising. It concluded that to a considerable extent, the Big Three had preserved their two-thirds share of the tobacco industry by wielding a "powerful offensive and defensive weapon against new competition" which had served to warn any prospective competitor that it "dare not enter such a field, unless it be well supported by comparable national advertising."[162]

Of course, the practices condemned in *American Tobacco* are not precisely similar to the phenomenon of style change in the automobile industry. The former involved only advertising, whereas, the latter includes several additional activities which inflate entry costs. Moreover, conduct was pursued differently in these two cases. Unlike the leading automobile producers, the three largest cigarette manufacturers had acted in concert. Furthermore, the Court's statements concerning their promotional expenditures were dicta given the evidence of overtly predatory pricing practices.

Nonetheless, the concentration-increasing impacts of the cigarette and automobile firms' conduct are analogous. Although annual style change was pursued interdependently by the Big Three automobile companies, it could scarcely have served as a more effective deterrent to new entry had it been pursued in concert. In fact, annual restyling by the leading automobile producers very likely exceeded the deterrent capacity of the tobacco firms' advertising expenditures.[163] Thus, by analogy to the anticompetitive structural impact of advertising in *American Tobacco*, annual style change in the automobile industry would seem to constitute an "unfair method of competition" under Section 5.

In 1967, this time in the context of a Clayton Act Section 7 merger case, the Court reiterated its concern that advertising resources might be used by dominant firms in a tight oligopoly to increase and/or preserve high concentration. In *FTC* v. *Procter & Gamble Co.*, it upheld a Commission finding that Procter & Gamble's conglomerate acquisition of Clorox Chemical Co., the leading manufacturer of household liquid bleach, might substantially lessen competition or tend to create a monopoly in the production and sale of liquid bleach.[164] At the time of the acquisition, Clorox and one other firm accounted for 65 per cent of industry sales, and with four other firms, for almost 80 per cent.[165] In this already tightly concentrated industry, the Court held that Procter's acquisition of Clorox might increase concentration further or at least prevent possible deconcentration by raising barriers to entry. It is specifically held that Procter's postmerger ability to divert a large portion of a promotional budget exceeding $120 million to meet the short term threat of attempted entry created a formidable obstacle to newcomers.[166] Moreover, it intimated that the substitution of the powerful Procter for the smaller but dominant Clorox might lead to promotional competition which would eliminate the remaining smaller firms in the industry.[167]

Although the Court's acknowledgement in *Clorox* of the anticompetitive implications of excessive promotional expenditures arose in the context of a merger, the holding might best be explained in terms of tight oligopoly structure. The Clorox-Procter merger had not been a horizontal merger of competitors but instead a conglomerate product extension. The Court was primarily concerned not with the elimination of competition by merger but with the postmerger impact that Procter's advertising resources might have upon concentration in the tightly oligopolistic bleach industry. Regardless of how the giant Procter had entered this industry, *i.e.*, whether *de novo* or via merger, its enormous promotional resources threatened to increase concentration by eliminating smaller firms and raising barriers to entry.

Viewed from this perspective, the situation the Court feared in *Clorox* begins to approach the factual setting of annual style change in the automobile industry. In both situations, competitive industry structure is threatend by the concentration-increasing conduct of dominant firms. Annual style change by the Big Three, no less than Procter's advertising advantages, might have raised selling costs above the level tolerable for smaller actual and potential competitors. In fact, the former conduct seemed to produce the greater anticompetitive impact. For example, were Procter to have devoted its entire $120 million promotional budget to thwarting attempted entry, a newcomer to the liquid bleach industry would have confronted a barrier one-third as costly to surmount as that erected by the Big Three's collective advertising efforts.[168] Moreover, annual style change arguably occasioned more than massive advertising in the automobile industry; it might very well have led to the several other entry-deterring developments described earlier. Finally, in the automobile industry, unlike in *Clorox*, the anticompetitive impact quite possibly was real rather than merely potential. Annual style change may have actually eliminated nearly one hundred smaller producers. By contrast, the Court ordered Procter's divestiture of Clorox on the basis of a concentration-increasing impact that could *potentially* result were Procter to employ its promotional resources as a weapon against actual and prospective competitors. By reason of its arguably real and more formidable impact upon the competitive structure of the automobile industry, annual style change would seem to warrant condemnation as "unfair" under Section 5.

In *American Tobacco and Clorox*, the Court acknowledged that in highly concentrated industries excessive promotional expenditures whether actually undertaken by collusive oligopolists or merely threatened by a merger partner could seriously impair competitive strucure. More recently, antitrust commentators have argued that excessive advertising *per se* by leading firms in a tight oligopoly would be proscribed under Section 5 because it can vitiate competitive structure and performance to the same extent as more common forms of concentration-increasing activities such as mergers.[169] One study has concluded:

> To be sure, there can no longer be any serious doubt about the capacity of certain kinds of advertising, pursued with sufficient intensity, to bring about a massive restructuring of an industry, to "concentrate" its sales volume in the hands of two or three firms and thus to impose on the consuming public all the ills the law has long recognized as being associated with inordinately high concentration ratios. In a situation where advertising has *in fact* been used to achieve this kind of result, it should enjoy no more immunity from the antitrust laws than any other kind of concentration-increasing behavior.[170]

This argument would seem to apply with even greater force to the concentration-increasing activities engendered by the Big Three's annual automobile restyling policy.

B. The analogy of style change to predatory price cutting: Standard Oil and "Predatory Spending"

The anticompetitive impact of annual restyling on industry structure is also similar to that produced by the recognized antitrust violations of predatory pricing and spending. Of course, these latter violations differ by nature from style change in that they involve some form of "predatory intent," whereas no such element has been discovered in various studies of the automobile industry.[171] Nevertheless, the effects of all three practices on competitive structure are fundamentally analogous.

Prolonged sales by powerful firms at prices below out-of-pocket costs are banned as predatory when they drive out competitors or bar new entry. This practice is illegal because it enables firms with vast financial resources to outlast smaller competitors and ultimately to reap the abnormally high profits associated with high industry concentration. Such "predatory price cutting" has been proscribed as an attempt to monopolize by the Sherman Act since the landmark *Standard Oil of New Jersey v. United States* decision of 1911[172] and has been recently condemned as a Robinson-Patman Act violation in *United States v. National Dairy Products Corp.*[173]

Similarly, excessive spending by huge manufacturers which requires countervailing expenditures that are unprofitable for smaller competitors has been regarded as predatory when it results in heightened concentration by excluding actual or potential competitors.[174] Predatory spending is an even more effective exclusionary weapon than predatory price cutting. Market strategies predicted upon price cutting are economically viable only if the surviving firm can recoup its losses through excessive profits obtained by pricing well above the competitive level. But these abnormally high profits will very likely bring new competition back into the field. A predatory price-cutter, therefore, might not be free from new entry for the length of time necessary to permit recovery of its original losses.[175] By contrast, a predatory spender not only drives out competitors unable to keep up, it also deters new competition by raising barriers to entry.[176]

Significantly, annual style change appears to be more closely analogous in anticompetitive impact to predatory spending than price cutting. As indicated earlier by the preliminary analysis of the automobile industry, this practice seemed responsible both for the elimination of smaller producers and the deterrence of firms attracted to the industry's extraordinary high rates of return. In short, annual restyling is similar to predatory spending in that both practices increase con-

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centration by setting expenditure rates at levels in excess of what either smaller producers or newcomers could afford.

Although the Supreme Court has never explicitly dealt with a case involving only allegations of predatory spending,[177] it has implied that this practice might violate the Sherman Act since its decision in the early *United States v. American Tobacco Co.* case of 1911.[178] In that case, it found as evidence of predatory intent American Tobacco's "persistent expenditure of millions upon millions of dollars in buying out plants, not for the purpose of utilizing them, but in order to close them up and render them useless for the purposes of trade"; the Court held that this firm had attempted to monopolize and had in fact monopolized the tobacco industry in violation of the Sherman Act.[179]

In *Tobacco*, the Court found that expenditures for the purchase and scrapping of plants helped achieve and preserve an extreme degree of concentration by eliminating potential as well as actual competition. Unable to acquire existing tobacco facilities, prospective entrants were compelled to invest in the construction of new plants. Indeed, a similar form of predatory spending characterized the *United States v. Aluminum Co. of America* case.[180] There, Judge Learned Hand ruled that Alcoa's anticipation of increases in demand for aluminum by doubling and redoubling its capacity excluded new competition in violation of the Sherman Act.[181] In both *Tobacco* and *Alcoa*, the costs of survival and entrance were heightened by the established firms predatory spending programs.

Of course, *Standard Oil, Tobacco* and *Alcoa* all involved monopolists; automobile manufacturing is dominated by oligopolists. But this difference in the degree of structural concentration achieved does not negate a basic similarity in the anticompetitive impact of the conduct involved. By excluding competitors and raising barriers to entry, annual style change by the Big Three may have been as effective in creating a tight oligopoly in the automobile industry as price cutting by Standard or predatory spending by American and Alcoa were in establishing monopolies in the oil, tobacco and aluminum industries, respectively. Indeed, the Big Three's annual $400–$600 million advertising campaigns, their $1.5 billion annual restyling expenditures, and their past investment of billions of dollars in backward and forward integration might approach if not equal the anticompetitive structural consequences of the spending programs proscribed in *Tobacco* and *Alcoa*.[182] The predatory pricing and spending programs of the monopolists in these three cases resulted in Sherman Act violations. Accordingly, the similarity in anticompetitive impact of annual automobile style change with that of predatory pricing and spending provides another justification for the FTC declaring this practice "unfair" under Section 5.

C. The analogy of style change to monopolistic practices: The motion picture advertising decision

The implication of annual restyling by the Big Three for competitive industry structure is also analogous to that of monopolistic practices which have been declared "unfair methods of competition" under Section 5. When pursued interdependently by firms effectively sharing monopoly power, both forms of conduct tend to preserve if not increase high concentration by eliminating competitors with smaller market shares.

In *FTC v. Motion Picture Advertising*, for example, the Supreme Court held that an advertising film company with 40 per cent of the relevant market, together with its three major nondefendant competitors, had collectively monopolized 75 per cent of the advertising film industry by jointly, although noncollusively, negotiating similarly exclusive contracts with theater owners.[183] Since the theater owner was paid to display these films, the exclusive dealing prohibition of Section 3 of the Clayton Act was inapplicable.[184] Moreover, respondent's less-than-dominant market position precluded a charge of monopolization under the Sherman Act. Instead, the Court treated the four jointly-acting firms as one and weighed the collective impact of their conduct on the advertising film industry's structure. It accepted the FTC's finding that this shared conduct had foreclosed to competitors all but 25 per cent of the available outlets for this business in the country and had resulted in the exit of several smaller film distributors.[185] Consequently, it held that "a device which has sewed up a market so tightly for the benefit of a few" constituted an "unfair method of competition" within the meaning of Section 5.[186]

In effect, the Court in *Motion Picture Advertising* analogized the anticompetitive impact of the four oligopolists' exclusive contracts to that which would have resulted had the contracts been unilaterally undertaken by a single monopolist. The latter situation, of course, would have provided the basis for a Sherman Act monopolization charge. Given this similarity in the collective concentration-increasing effects of the advertising firms' conduct, therefore, with that of a recognized antitrust violation, Motion Picture Advertising's contracts were held "unfair" under Section 5.

Annual style change by the three leading automobile companies, like the exclusive contracts of these four advertising film firms, arguably excludes competitors and increases concentration. It would thus seem to fall well within the analysis employed in *Motion Picture Advertising*. If General Motors, for example, managed to increase its current market share to monopoly proportions and to preserve this position by accelerating the rate and extent of its style variations, a charge of monopolization under the Sherman Act would lie. Yet, if GM, Ford and Chrysler effectively share monopoly power and jointly deter new competition through annual variations in automobile styles, the consequences are as anticompetitive as if any one of these firms alone possessed monopoly power. Here, as in *Motion Picture Advertising*, the similarity in impact with that of a Sherman Act monopolization can be demonstrated. The results, therefore, should be the same: annual style change should be declared an "unfair method of competition" in the automobile industry.

The anticompetitive, concentration-increasing impact of annual style change by the Big Three in the automobile industry matches and surpasses that of several practices proscribed under the Sherman and Clayton Acts when undertaken by dominant firms: excessive promotional expenditures, predatory pricing and spending, monopolistic conduct. This analogy in terms of the comparable structural consequences of style change to recognized antitrust violations is all that is required for a Section 5 violation.

For over thirty years, the FTC has been aware that annual automobile restyling was impairing the competitive structure of this industry. In 1939, an FTC report recounted the marked decrease in the number of passenger car manufacturers and noted that the "introduction of yearly models, and the increasing importance of the style factor, the large amount of capital required to finance new models in good and bad years, all favored the large manufacturing company with huge capital and equipment resources."[187] Detailed examination of annual restyling practices undertaken by GM, Ford and Chrysler as an unfair method of competition under Section 5 would appear long overdue. Only the FTC's political or administrative paralysis would seem to stand in the way of bringing a well-founded antitrust suit against the automobile manufacturers.[188]

IV. SOME CONSIDERATIONS REGARDING RELIEF

In antitrust, providing an adequate remedy is as important as proving the antitrust violation. Were style changing by automobile manufacturers found to violate Section 5, the formidable task of devising appropriate relief would still remain. Two different approaches suggest themselves which will be only briefly outlined here: structural dissolution of the Big Three or a moratorium on their annual style changes.

A. The appropriateness of structural dissolution

If the preliminary economic analysis proves to be correct, restoration of competition to the automobile industry would require structural dissolution of the Big Three into independent assembly, manufacturing and distribution facilities. As discussed in Part II, GM's 1923 introduction of annual style change revolutionized this industry's structure. By giving rise to components integration, heavy advertising, franchised distribution and enormous capital requirements, it transformed an industry of numerous assemblers to one dominated by three completely integrated firms. In their drive to achieve full integration backward into manufacturing and forward into distribution, the Big Three have either acquired or eliminated the vast majority of companies which assembled cars, the manufacturers of automotive parts, and the independent wholesale/retail distributors. Dissolution would reverse this process. It might undo what more than four decades of annual style change have accomplished: a fully integrated, highly concentrated, anticompetitive industry structure.

The remedy of divestiture as applied to the automobile industry raises two important issues; is it economically feasible in an oligopoly setting and is it legally justifiable under Section 5?

Divestiture in oligopoly is no less feasible than in monopoly.[189] In both cases, feasibility depends upon the absolute size of the firm relative to economies of scale. Absent annual restyling requirements of integrated components production, technical efficiencies in the assembly of automobiles could be achieved at any level of output greater than 60,000 units per year. At this volume, performance capabilities could still be efficiently improved through the purchase and assembly of specially tooled parts from external suppliers. Significantly, the average annual output of the Big Three's 45 assembly plants is approximately 177,000 cars per plant.[190] Divesting GM, Ford and Chrysler of all but one of their respective assembly facilities, therefore, would provide plants with capacities well in excess of the efficiency threshold for 42 new producers.[191] Spin-off of the Big Three's parts and distribution facilities, moreover, would enable these competitors to assemble automobiles with improved performance capabilities from components supplied by a variety of independent parts manufacturers and sold through independent distributors. Consequently, economists have generally concluded that dissolution would not lessen the efficiency with which automobiles are produced.[192] On the contrary, they argue that it would lead to increased efficiency.[193]

Divestiture would also appear to be legally justifiable under Section 5. The Supreme Court has apparently sanctioned the FTC's use in Section 5 proceedings of this and other remedies designed to effect structural reorganization.[194] Although in the past, courts rarely imposed this drastic sanction, more recently the Supreme Court has indicated that such reluctance is unwarranted when other remedies alone could not adequately dissipate undue market concentration resulting from a proscribed activity.[195] Accordingly, if impact of annual style change on the structure of the automobile industry has been as profound as suggested above, structural reorganization through divestiture might be warranted.

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Dissolution of the Big Three along the lines suggested would not only be economically feasible and legally justifiable, it would also be competitively beneficial. It would substantially reduce entry barriers by weakening the market power of the leading producers. Under these eased entry conditions, economists have estimated that more than 100 additional firms could enter and compete effectively in the automobile industry.[196]

B. A moratorium on annual style change

Although economically feasible and legally justifiable, dissolution of the Big Three might neverthless be precluded by political considerations. In that case, the FTC might wish to devise less drastic remedies specifically directed at the "unfair" practice. It might, for example, order a fixed term moratorium on all automobile style changes by the Big Three. Presumably, it would except performance modifications from its decree. As noted in Part I, the Bureau of Labor Statistics currently distinguishes between style changes (such as varying amounts of chromium and contour trim, changing body shell patterns and radiator grill designs) and performance changes (modifications of safety, efficiency, comfort or durability).[197] By framing its injunctive relief in terms of BLS criteria, the FTC could interdict anticompetitive annual style changes without affecting safety modifications or technological innovations.

A moratorium on style changes, however, might not be sufficient. Absent dissolution, new competition will emerge in the automobile industry only as a result of new entry. But proscribing annual restyling by the Big Three would not eliminate all the obstacles to entry which have resulted from more than four decades of this practice. It would not, for example, re-create the independent distributors and parts manufacturers which no longer exist but which are indispensable to entry by nonintegrated firms. Consequently, additional relief would be necessary to provide prospective entrants with access to these facilities.

In fashioning supplemental relief to encourage the re-emergence of parts manufacturers and nonfranchised or factory owned distributors, the FTC could rely on ample precedents. It is well settled that in order to restore competitive conditions, the Commission may under Section 5 forbid acts lawful in themselves or compel affirmative acts of compliance.[198] To facilitate the growth of parts suppliers, for example, it could impose purchasing requirements upon the Big Three similar to those commonly contained in antitrust consent decrees. Such a requirement was included in a consent judgment entered in 1964 against American Cyanamid, a manufacturer of laminated melamine products which had integrated back into melamine production and with several co-conspirators had restrained competition in violation of Sherman and Clayton Act provisions.[199] To enhance entry opportunities for prospective non-integrated laminators, the decree encouraged the development of new sources of melamine supply. It did this by ordering American Cyanamid to purchase a specified amount of melamine from external suppliers.[200] Moreover, it imposed limitations upon the defendant's own production of this material.[201]

Similarly, the FTC could order the Big Three to freeze components production at current levels and purchase additional parts necessary for anticipated increases in automobile demand from external suppliers. Since industry sales forecasts indicate that demand should rise by more than 40 percent by 1975, future orders from the Big Three would constitute a certain and sizeable market for new parts manufacturers[202] A reappearance of independent components firms would reduce, in turn, the backward integration requirements that bar entry by new automobile producers.

Alternatively, the FTC might simply order the Big Three to sell parts to entering firms on a nondiscriminatory basis. Presumably, this entry of new automobile producers would be soon accompanied by the emergence of independent parts manufacturers seeking to supply the entering assemblers. When this occurred, the order could be rescinded.

With respect to other obstacles arguably occasioned by style change, the Commission could devise similarly specific relief. It could greatly alleviate the problem of achieving nationwide distribution, for instance, by requiring that the Big Three's franchised dealers carry the products of entering firms.[203] Moreover, it could reduce countervailing advertising requirements by setting limitations on the amount of annual advertising expenditures that the Big Three may undertake.[204]

Ideally, a style change moratorium accompanied by supplemental equitable relief would attract new firms formerly incapable of overcoming the obstacles established by annual restyling. In any event, jurisdiction could be retained by the court to permit either the FTC or the defendants to move for modification of the decree. If for example, a substantial number of producers entered the market sooner than anticipated, the court might set aside certain portions of the injunctive relief. Conversely, if no entry was forthcoming, it might prolong the decree or take more drastic corrective steps, perhaps of a structural nature.[205]

If annual style change in the automobile industry is an unfair method of competition under Section 5 of the Federal Trade Commission Act, only the FTC can sue for relief.[206] This Note calls upon that agency to investigate and, if appropriate, to bring suit against this practice.

FOOTNOTES

[1] The most thorough treatment of the combined legal and economic implications of industrial competition is that of C. Kaysen & D. Turner, Antitrust Policy: An Economic and Legal Analysis (1965). That competition is the fundamental premise of antitrust doctrine was proclaimed early by the Supreme Court in Standard Oil Co. v. United States, 221 U.S. 1, 52 (1911); and more recently in Northern Pacific Ry. v. United States, 356 U.S. 1, 4–5 (1958): "the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress . . ."

[2] For a lucid economic analysis of the structure-conduct-performance analysis, see R. Caves, American Industry: Structure, Conduct, Performance (2d ed. 1967). A more exhaustive description of this analytic framework is provided in J. Bain, Industrial Organization (2d ed. 1968) [hereinafter cited as Industrial Organization]. For a general application of this analysis to antitrust problems, see C. Mueller, *The New Antitrust: A Structural Approach*, 1 Antit. Law & Econ. Rev. 87 (Winter 1967); S. Smith, *Antitrust and the Monopoly Problem*, 2 Antit. Law & Econ. Rev. 19 (Summer 1969). This framework has also been recently employed in the courtroom. *See, e.g.*, transcript excerpts from Columbia Broadcasting System, Inc. (FTC 1967), reported by Hiura, *Economics in the Courtroom: A Structural Defense in a Monopoly Case*, 1 Antit. Law & Econ. Rev. 45 (Summer 1968); Golden Grain Macaroni Co. (FTC 1969), reported by Scanlon, *"Technology" of Antitrust Litigation*, 3 Antit. Law & Econ. Rev. 43 (Fall 1969).

[3] The competitive significance of market concentration is said to lie in the fact that, as the number of firms decreases and the percentage of total industry sales held by each increase, the probability of their recognizing their "mutual interdependence," *i.e.*, starting to price like collective monopolists rather than independent competitors, begins to increase significantly beyond a critical point. Mueller, *supra* note 2, at 89.

Barriers to entry are generally treated in three separate categories: (1) scale economy barriers (cost disadvantages resulting from inefficient levels of production) (2) product differentiation barriers (relating to promotional disadvantages), and (3) absolute cost barriers (primarily cost disadvantages encountered by entrants in securing essential input factors, *e.g.*, patents or capital). For a detailed explication of these various concepts, see J. Bain, Barriers to New Competition (1956) [hereinafter cited as Barriers].

[4] As distinguished from structure or performance, "conduct" refers to those actions taken by the individual firm as part of its competitive strategy. It involves two dimensions: (1) whether price and output decisions are made independently or collusively (collusion in the economic sense, thereby including interdependent oligopoly behavior as well as conspirational overt or tacit agreement), and (2) the intent (*i.e.* predation) or effect
[5] "Performance" refers to the appraisal of
competitors). Mueller, *supra* note 2, at 90.

[5] "Performance" refers to the appraisal of how much the economic results of an industry's conduct deviate from the best possible contribution it could make to achieving the general goals of a free market economic system, particularly efficiency in production, distribution and progressiveness in the development and application of technological innovation. *See* Caves, *supra* note 2, at 96–115.

[6] Mueller, *supra* note 2, at 89–90.

[7] *Id.* at 91. "[A]n industry which does not have a competitive structure will not have competitive behavior." United States v. du Pont (Cellophane), 351 U.S. 377, 426 (1956) (dissenting opinion).

[8] *See, e.g.* Erickson, *The Economies of Price Fixing*, 2 Antit. Law & Econ. Rev. 94 (Spring 1969); Mueller, *supra* note 2, at 90–91; Weiss, *Average Concentration Ratios and Industrial Performance*, J. of Indus. Econ. (July 1963); Collins & Preston, *Concentration and Price Margins in Food Manufacturing Industries*, J. of Indus. Econ. 226 (July 1966); Stigler, *A Theory of Oligopoly*, 72 J. Pol. Econ. 44 (1964); Mann, *Seller Concentration, Barriers to Entry, and Rates of Return in Thirty Industries*, 1950–1960, Rev. of Econ. & Stbt. 296–307 (August 1966). *See generally* Machlup, *Oligopoly and the Free Society*, 1 Antit. Law. & Econ. Rev. 11 (July-August 1967) A voluminous compilation of economic studies concerning the effect of high industry concentration on market competition and performance is contained in *Hearings on Economic Concentration, Before the Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary*, 89th Cong., 1st Sess. (1965).

[9] Mueller, *supra* note 2, at 116–117.

[10] *Id.* at 112–16. Galbraith refers to this form of price and output behavior as "oligopolistic rationally." *Hearing on Planning, Regulation and Competition in the New Industrial State, Before Subcomm. of the Select Comm. on Small Business*, 90th Cong., 1st Sess. 8 (1967). In ruling on mergers, the Supreme Court has acknowledged the problem of mutual interdependence in highly concentrated industries. It has noted that as industries become more highly oligopolistic ". . . the greater is the likelihood that parallel policies of mutual advantage, not competition, will emerge." United States v. Aluminum Co. of America, 377 U.S. 271, 280 (1964).

[11] Kaysen & Turner, *supra* note 1, at 195; Mueller, *supra* note 2, at 114–116. *See also* Report of the White House Task Force on Antitrust Policy 5 (released May 21, 1969) [hereinafter cited as The Neal Report].

[12] Mueller, *supra* note 2, at 115.

[13] *See* Caves, *supra* note 2, at 22–23; note 3 *supra*. Established firms in persistently con-

centrated industries have accomplished this by erecting obstacles that impose on newcomers higher costs per unit than those encountered by firms already in the industry. Mueller, *supra* note 2, at 89 n.7.

[14] Thus, it his been suggested that where an industry's concentration ratio has been at 70 per cent or more for 7 of the past 10 years, substantial barriers can be presumed. The Neal Report, *supra* note 11, at 5–7, 15. *But see* Brozen's criticism that the Neal Report fails to deal explicitly with entry barriers. *The Antitrust Task Force,* 13 J. Law & Econ. 279, 284 (1970).

[15] *See generally* Barriers, *supra* note 3. In his intensive survey of 20 American industries, Professor Bain for example found that entry was extremely unlikely in concentrated industries with significant economies of scale up to 5 per cent or more of national sales volume *Id.* at 81. Tremendous promotional expenditures which compel newcomers to outspend established firms by an additional 5 per cent of unit retail price in countervailing promotion represented a further impediment to new competition *Id.* at 127. Moreover, when the initial capital required for entry into an industry at an efficient level of production and distribution exceeded $100 million, entry was highly improbable. *Id.* at 158.

[16] Mueller, *supra* note 2, at 124. *See* Barriers, *supra* note 3, at 170.

[17] *See, e.g.,* Kaysen & Turner, *supra* note 1, at 266–72; Smith, *supra* note 2, at 20–21. Other economists set the critical 4-firm concentration ratio for divestiture purposes at 70 percent. The Neal Report, *supra* note 11, 12–15.

[18] Standard & Poor, Industry Surveys: *Autos—Basic Analysis* (October 1, 1970) at A161. The market shares by producers for 1969 were as follows: General Motors—53.7%, Ford—26.3%, Chrysler—16.9%, American Motors—3.0%. Although generally not considered a passenger car producer, Checker Motors accounted for the 0.1% remainder of 1969 production. *Id.* The Big Three continued to hold 96.6% of the market during the first half of 1970. Standard & Poor, Industry Surveys: *Autos—Current Analysis* (August 13, 1970) at A152.

[19] *See* note 9 *supra.*

[20] L. Weiss, Economics and the American Industry 375 (1966). Bain concludes that obstacles to entry into the industry are "insuperable." Industrial Organization, *supra* note 2, at 287. Economists Schupack and Carroll describe the wall surrounding the automobile industry as "insurmountable" and "impregnable," respectively. *Hearings before Subcomm. of the Senate Select Comm. on Small Business on Planning, Regulation, and Competition in the American Industry,* 90th Cong. 2d Sess. 907, 920 n.6 (1968) [hereinafter cited as *1968 Hearings*]. *But see* note 124 *infra.*

[21] The Big Three (GM, Ford and Chrysler) have accounted for more than 70 percent of industry sales since 1929. Federal Trade Commission, Report on the Motor Vehicle Industry 29 (1939) [hereinafter cited as FTC Report]; Automotive News, Almanac Issues, for each of the years since 1937.

[22] Economics of scale in this industry require that, merely to survive, a firm must capture from 4 to 8 per cent or more of total sales. These percentages were derived from Bain's minimum scale economy estimates of 300,000–600,000 unit production per year, as applied to 1969 industry sales of 8.38 million. Industrial Organization, *supra* note 2, at 286; Standard & Poor, *supra* note 18, at A159. This scale economy disadvantage was found by Bain to be one of the most formidable of its kind in American industry. *See* note 15 *supra.* Promotional losses, resulting particularly from price concessions necessary to maintain a solvent national dealership system, would likely average at least 5 per cent of factory price over the first 5 to 10 years. Industrial Organization, *supra,* note 2, at 285–86. This represents the severest of promotional disadvantages revealed in Bain's studies. *See* note 15 *supra.* The absolute minimum amount of capital required for efficient production and distribution has been estimated at $779 million, or more than 7 times larger than the amount considered by Bain as making entry highly improbable. *See* note 15 *supra* and p. 588 *infra.* Significantly, not a single firm has entered the automobile industry since 1923. *See generally* Vatter, *The Closure of Entry in the American Automobile Industry,* 4 Oxford Econ. Papers 213 (1952).

[23] *See, e.g.,* Barriers, *supra* note 3, at 216; Galbraith, *supra* note 10, at 8.

[24] *See* Weiss, *supra* note 20, at 350–68; Lanzillotti, *The Automobile Industry,* in W. Adams, The Structure of American Industry 338–46 (1961); Loescher in *1968 Hearings, supra* note 20, 913–17. The industry's protective imitation of product designs has been underscored by Bain in Industrial Organization 425; Lanzillotti, *supra* at 329–30. Its failure to develop durable and pollution-free vehicles is emphasized in J. Esposito, Vanishing Air: The Nader Report on Air Pollution ch. 2 (1970); and by Sen. Nelson in *Hearings on the Role of Giant Corporations Before the Subcomm. on Monopoly of the Senate Select Comm. on Small Business,* 91st Cong. 1st Sess. 538–39 (1969) [hereinafter cited as *1969 Hearings*]. *See also* the complaint filed by the Antitrust Division of the Department of Justice in January of 1969 charging that the Big Three had conspired in violation of section 1 of the Sherman Act to suppress the development of automotive emission control devices. United States v. Automobile Mfrs. Ass'n, Inc. (D. Cal. January 10, 1969). A consent decree was entered enjoining the conspiracy in October. (1969 Trade Cases ¶ 72,907). But fifteen states subsequently have sued *parens patriae* in the Supreme Court asking for a mandatory injunction compelling the auto makers to develop a pollution-free engine at the earliest possible date. State of Washington v. General Motors, 5 Trade Reg. Rep. ¶ 50,285, at 55,613 (August 17, 1970). Indeed, within the past few months GM, Ford and Chrysler have joined in a major counter-attack against government agencies and consumer protection groups which complained that the industry was refusing to produce safer, pollution-free cars. Ford, for example, has sent brochures which term automotive air pollution a myth to its 7,000 dealers for re-distribution to the public. Similarly, Chrysler has sent its chief emission expert around the country to argue that the elimination of automotive emissions "cannot be justified during most of this decade." N.Y. Times, November 18, 1970, at 6, col. 1. Meanwhile, GM has set a new trend in automotive safety by seeking a court injunction against a Department of Transportation recall order regarding serious safety defects in the wheels of 200,000 GM pickup trucks. Newsweek November 23, 1970, at 112. *But see* recently enacted federal legislation encouraging the production of pollution-free automobiles. Pub. L. No. 91–604 (Dec. 31, 1970).

[25] Mueller, *supra* note 2, at 105–06; Smith, *supra* note 2, at 41. It has been suggested, however, that the Supreme Court's merger opinions since 1962 reflect a growing judicial acceptance of the critical role of market structure. Brodley, *Oligopoly Power Under the Sherman and Clayton Acts—From Economic Theory to Legal Policy,* 19 Stan. L. Rev. 285, 298 (1967). *See, e.g.,* Brown Shoe Co. v. United States, 370 U.S. 294 (1962); United States v. Philadelphia Nat'l Bank, 374 U.S. 321 (1963); United States v. Aluminum Co. of America, 377 U.S. 271 (1964); Federal Trade Commission v. Proctor & Gamble Co., 386 U.S. 568 (1967). The influence of the "structuralist" approach in the merger area can also be seen in the heavy reliance placed on concentration ratios in enforcement guidelines by the Department of Justice and the Federal Trade Commission.

[26] 15 U.S.C. §§ 1, 2 (1964).

[27] Weiss observes, for example, that the automobile industry "avoids formal collusion" and that "(t)here is no evidence that blockaded entry was intentionally sought by members of the industry," *supra* note 20, at 375; Barriers, *supra* note 3, at 216.

[28] *But see* note 33 *infra.*

[29] 15 U.S.C., § 15 (1964).

[30] *See* pp. 605–07 *infra.*

[31] Posner argues that noncompetitive oligopoly pricing behavior results from "tacit collusion" which can be proceeded against under section 1 of the Sherman Act. *Oligopoly and the Antitrust Laws: A Suggested Approach,* 21 Stan. L. Rev. 1562 (1969). Turner urges that although interdependent oligopoly pricing should not be prosecuted under section 1, interdependent oligopoly nonpricing conduct is arguably reachable under that section. *The Definition of Agreement Under the Sherman Act,* 75 Harv. L. Rev. 655, esp. at 677–84 (1962).

[32] Although Turner interprets conspiracy language in Interstate Circuit, Inc. v. United States, 305 U.S. 208 (1939), as reasonably including interdependent conscious parallelism, note 31 *supra* at 683, no subsequent antitrust decision has so held. *See also* A. Neale, The Antitrust Laws of the United States 171–72, 180–82, 445–46 (1960).

[33] Turner, *Economic Regulatory Policies,* 82 Harv. L. Rev. 1207, 1225–31 (1969); Sherwood, *Separate Statement: White House Task Force Report,* 2 Antit. Law & Econ. Rev. 61 (Winter 1968–69). *See also* S. Smith, *supra* note 2, at 58.

[34] The White House Task Force proposed a new statute, the "Concentrated Industries Act," which would prohibit any market structure in which, for a prescribed period of years, four or fewer firms had an aggregate market share of 70 per cent or more and industry sales exceeded $500 million. Relief would take the form of dissolution to the point where no single firm would hold more than 12 per cent of total sales. The Neal Report, *supra* note 11.

[35] 15 U.S.C. § 45 (1964).

[36] Mueller, *supra* note 2, at 110.

[37] *See* Smith, *supra* note 2, at 51–52 (advertising), Mueller, *supra* note 2, at 110 n. 39 (exclusive distributorships).

[38] J. Keats describes this process pithily:

> The basic shell is bent a little bit this way, this year, and is bent slightly that way next year. The headlights are higher one year, lower the next, or grow in double . . . The door knobs are hidden, or recessed, or turned into buttons or bars . . . Tail fins grow higher, or maybe, grow in sidewise.

The Insolent Chariots 54–55 (1958). Annual style change may be accomplished either by altering existing models or by annually introducing "entirely new" model lines.

[39] This distinction is not always easily drawn. *E.g.,* has the migration of the gear shift from floor to steering column and, recently, back to floor again affected performance or appearance? Industrial Organization, *supra* note 2, at 423–24.

[40] U.S. Department of Labor, Bureau of Labor Statistics, Guidelines for Adjustment of New Automobile Prices for Changes in Quality of Product (July 19, 1968).

[41] The BLS does make adjustments, however, for those style changes previously offered as options and purchased by the majority of consumers, *id.* Presumably, this exception allows for explicit consumer preference.

[42] *See* S. Rep. No. 627, 91st Cong., 1st Sess. 48–51 (1969).

[43] Senate Subcomm. on Antitrust and Monopoly of the Comm. on the Judiciary, Study of Administered Prices in the Automobile Industry, 85th Cong., 2d Sess. 81–87

[hereinafter cited as Administered Prices]; Lanzillotti, *supra* note 24, at 342–43.

[44] Administered Prices, *supra* note 43, at 81–87; Lanzillotti, *supra* note 24, at 342–43.

[45] 1969 combined retooling figure for the Big Three obtained from Standard & Poor, *supra* note 18, at A170. Their combined output amounted to 7.98 million units in 1969. *Id.* at A161. The BLS reported a net performance increase in the 1969 models of $1 which included, however, a $4 expenditure to meet higher federal safety standards. Nonmandated performance changes, therefore, amounted to $3. U.S. Department of Labor Preliminary Report on Prices of New Passenger Cars, USDL–9994 (October 7, 1969). Per unit average performance improvement figure of $5.50 for model years 1968–71 derived from the following BLS data: 1968 (Statement of Peter Henle, Chief Economist, Bureau of Labor Statistics, in *Prices of Motor Vehicle Safety Equipment, Hearings Before the Subcomm. on Executive Reorganization of the Senate Comm. on Government Operations*, 90th Cong., 2nd Sess. 122–24 (1968)); 1969 (USDL–9994, October 7, 1969); 1970 (USDL–10–818, November 18, 1969); 1971 (USDL–11–535, November 6, 1970). Given annual sales by the Big Three at about 8 million units and average model change expenditures at about $1.5 billion per year for the 1968–71 period, a $5.50 performance increase represents 2.9 per cent of estimated total model change costs (8 mil. × $5.50/$1.5 bil. = 2.9%). See also Ralph Nader's criticism that as a result of industry pressures the BLS overstates quality improvements and that industry expenditures attributed to safety features actually include the costs of styling changes. *Prices of Motor Vehicle Safety Equipment*, *supra*, at 60–70.

[46] Lanzillotti, *supra* note 24, at 312.

[47] R. Epstein, The Automobile Industry 176 (1928). The depression of 1921–1922 and consequent decline in automobile demand brought this figure down to 83 by the end of 1922. *Id.* at 176, 187.

[48] *Id.* at 176.

[49] Administered Prices, *supra* note 43, at 8–9.

[50] *See* note 18 *supra*.

[51] *See, e.g.* Weiss, *supra* note 20, at 331–32, 336–39; Lanzillotti, *supra* note 24, at 321–34; Vatter, *supra* note 22 at 224–27.

[52] A. Sloan, My Years with General Motors 167 (1964); L. Seltzer, A Financial History of the Automobile Industry 212 (1928). *See also* GM's account of its introduction of a "new dynamic product concept" in the early 1920's, *i.e.*, annual style change. General Motors, The Automobile Industry: A Case Study in Competition 4–7 (1968).

[53] Menge has argued that since the mid-1920's "[s]lowly and inexorably a code of behavior based upon rapid periodic style change" drove "the small producers from the industry." *Style Change Costs as a Market Weapon*, 76 Q.J. of Econ. 632, 634 (1962).

[54] *See generally* Lanzillotti, *supra* note 24, at 314. In 1915, 3-firm concentration stood at approximately 50 per cent. FTC Report, *supra* note 21, at 29. In only one year (1910) did the rate of failure greatly exceed the rate of entry. It has been argued that this deviation from an otherwise uniformly positive entry-exit ratio up until the early 1920's was due to the refusal of many producers to change from 1- and 2-cylinder engines to the 4-cylinder version. Administered Prices, *supra* note 43, at 4.

[55] Industrial Organization, *supra* note 2, at 296. Automobile producers were primarily "assemblers" of bodies and engines purchased from firms specializing in automotive parts production. *Id.;* Vatter, *supra* note 22, at 216–17. Since producers had access to parts from external suppliers, they were not compelled to integrate backward into components production. Consequently, most of them engaged exclusively in assembly operations, which required only minimal levels of output for optimal efficiency (*i.e.*, lowest per unit production costs). Industrial Organization, *supra* note 2, at 296.

[56] Since the designs of most automobiles produced before 1923 remained basically unchanged for substantial periods of time, the public became familiar with them. Thus, there was little to be gained by calling the public's attention to the outstanding features of unchanged models. *See generally* Administered Prices, *supra* note 43, at 96. Total magazine advertising expenditures by all passenger car manufacturers in 1915, for instance, amounted to less than $3 million. Epstein, *supra* note 47, at 147.

[57] In fact, automobile manufacturers during this period generally distributed their products to independent wholesalers and retailers who resold to the public. FTC Report, *supra* note 21, at 106–10.

[58] Engaged only in the assembly and sale of completed vehicles, early producers were therefore able to shift the financial burdens of automobile production to owners of already existing capital equipment: the specialized parts manufacturers. Seltzer, *supra* note 52, at 19; Lanzilotti, *supra* note 24, at 314. The assemblers were able to reduce their capital requirements further by purchasing parts on credit and then selling cars to dealers on a cash basis. Seltzer, *supra* note 52, at 20–21; FTC Report, *supra* note 21, at 108. Many of these firms were able to lower start-up costs even further by leasing rather than purchasiling assembly facilities. Vatter, *supra* note 22, at 217.

[59] Of the $100,000 in stock originally subscribed to by a dozen people, $72,000 was paid in the form of patents, machinery and supplies. Seltzer, *supra* note 52, at 88 n.5.

[60] Epstein, *supra* note 47, at 163–64, 176. Three-firm concentration derived from FTC Report, *supra* note 21, at 29. In 1911, General Motors and Ford accounted for only 38 per cent of passenger car production. By 1929, they shared 64 per cent of sales, and together with Chrysler (which entered in 1923), 72 per cent of the industry. *Id.*

[61] *See, e.g.*, Epstein, *supra* note 47, at 87–93; Lanzilotti, *supra* note 24, at 314–15.

[62] *See* p. 576, *supra*. There was a substantial variation in performance alternatives prior to 1923. In 1910, for example, consumers could choose among electric, steam and gasoline vehicles, which offered widely divergent performance capabilities. Among gasoline powered cars, for instance, there were one, two, three, four and six cylinder engines available. Epstein, *supra* note 47, at 87–88; Seltzer, *supra* note 52, at 18.

[63] *See* notes 43–44 *supra*. *See also* Weiss, *supra* note 30, at 342–43.

[64] By 1920, the demand for new automobiles had been largely saturated and had become a replacement demand initially sensitive to the alternative supply of used cars and costs of repairs. Accordingly, price reductions were less effective in generating increased purchases as new car demand became less elastic. Weiss, *supra* note 30, at 332–34; Vatter, *supra* note 22, at 218. A new market device was required to coax additional purchases from consumers by persuading them that their present cars were obsolete

[65] Computed from data contained in Seltzer, *supra* note 52, at 213; FTC Report, *supra* note 21, at 29; Lanzillotti, *supra* note 24, at 319.

[66] FTC Report, *supra* note 21, at 29; 549–51. Chrysler's successful entry was a function both of its sizeable financial resources and its early acquisition of a large integrated plant and powerful dealer organization. Weiss, *supra* note 20, at 338.

[67] Lanzillotti, *supra* note 24, at 319; FTC Report, *supra* note 21, at 29.

[68] Barriers, *supra* note 3, 298 (1962). Ford has frozen the design on its "Model T" since 1909 and had concentrated its energies on mass production at low cost. Until the early 1920's, its efforts were completely successful as measured by its increase in market share from 9 per cent in 1909 to 55 per cent in 1921. With the introduction of its "Model A" in 1928, Ford managed briefly to regain its leading position in 1929–30; but then GM took and kept the lead thereafter. Seltzer, *supra* note 52, at 120–24; Lanzillotti, *supra* note 24, at 318–20.

[69] FTC Report, supra note 21, at 29.

[70] As significant technological breakthrough were achieved, performance modifications had been made by ordering from independent components manufacturers specially-tooled parts which were then added to the basic body and engine assemblies. *See* Lanzillotti, *supra* note 24, at 314; Vatter, *supra* note 22, at 216–17.

[71] This is not intended to suggest that all backward integration occurred after 1923. On the contrary Ford through internal growth and General Motors by merger had early begun integration of components production. *See* Seltzer, *supra* note 52, at Ch. 3 and 4. What it does imply, however, is that whereas before 1923 components integration did not affect entry or survival conditions appreciably, after 1923 it became an absolute necessity. Consult Industrial Organization, *supra* note 2, at 296.

[72] The critical stage in plant economies is found in the production of body and engine components, not in assembly operations. Optimal size for assembly purposes ranges from 60,000 to 180,000 units per year. Integrated optimal production scale requires volumes of from 300,000 to 600,000 units per year. Barriers, *supra* note 3, at 245.

[73] Estimate by Paul Hoffman of Studebaker Corp., 21 TNEC Hearings 11218 (1941).

[74] This graphic analysis draws heavily from Menge, *supra* note 53, at 634–43.

[75] The average life of dies and special tools during this period approximated 250,000 units. *See* note 73, *supra*. Of course, if GM had produced 300,000 cars that year, it would have only partially exhausted a second set of equipment. nonetheless the premature scrapping costs could have been spread over a larger volume of automobiles than if it had produced less than 250,000. Hence, its per unit scrapping costs would have been substantially lower if it exceeded rather than fell below this production level.

[76] General Motors output amounted to 442,981 units in 1922; 774,617 in 1923. Epstein, *supra* note 47, at 328.

[77] The slope of AC_1 was of critcal importance for small volume producers and potential entrants after 1923. A steeper slope relative to AC indicated higher average costs due to style change expenses for every level of output below 250,000 units, the minimal scale for optimal efficiency in integrated production. Primarily, the slope of AC_1 was the product of additional costs incurred in the premature scrapping of special tools and dies. These costs, of course, were directly related to the expense of procuring new equipment. Significantly, the costs of special tools, dies and jigs have risen dramatically since 1923. Although about the same number of cars were sold in 1923 and in 1940, for example, special tools cost ten times as much in 1940. Again, about twice as many cars were sold in 1957 as in 1923, but tooling costs had increased 100 times. Weiss, *supra* note 20, at 336. As noted, by 1970, the Big Three were spending $1.5 billion each year for special tools and dies. Combined expenditures for special tools, dies, jigs and fixtures by the Big Three amounted to $1.559 billion in 1969. Standard & Poor, *supra* note 18, at A170. Sen. Nelson estimated the cost of annual style changes at $1.5 billion. N.Y. Times, Aug. 5, 1970, at 28, col. 3.

[78] Chrysler has exceeded this sales volume for every year since 1928 with but one exception, in 1932; Hudson attained this output from 1924 through 1929, but then dropped below it during the 1930's. In 1954, Hudson merged with Nash to form the American

Motors Corporation. Automotive News, Almanac Issue 72 (1951).

It should be emphasized that after General Motors introduced annual restyling, abstention from this practice was apparently not perceived as a realistic alternative by smaller automobile producers. Menge, *supra* note 53, at 643. A possible explanation is that once all three leading companies began saturating the market after the 1920's with annually restyled cars, a small volume of standard-styled vehicles by comparison might have appeared obsolete.

[79] Automotive News, Alamanac Issue 60 (1970).

[80] *See* note 56 *supra*.

[81] *See* Administered Prices, *supra* note 43, at 96.

[82] Advertising expenditures increased dramatically as producers attempted to convince consumers of the obsolete character of older models which only a year earlier had been advertised as the ultimate in new design. *Id.* Consequently, industry promotional expenditures rose rapidly during the 1920's from approximately $5 million in 1922 to nearly $25 million by 1930. Nor was this increase due to an expansion in automobile sales. Output remained about the same for both years. Automotive News, Almanac Issue 1931. By 1969, industry advertising expenditures amounted to approximately $400–$600 million. *See* note 163 *infra*.

[83] In 1930, GM secured nearly $20 million worth of advertising coverage at a per car cost of $17. By comparison, Nash obtained less than $2 million in coverage at a cost of $34 per car. FTC Report, *supra* note 21, at 714–15; Weiss, *supra* note 20, at 359.

[84] Smaller producers were unable to spread advertising and retooling expenses over the large volumes of output enjoyed by the Big Three. Consequently, their advertising and retooling costs per unit of output (i.e. average costs) were substantially higher than those of GM, Ford and Chrysler. Compelled to charge higher prices to cover higher average costs, these smaller firms found themselves priced out of the market. Weiss, *supra* note 20, at 340–47.

[85] *See* p. 578 *supra*.

[86] *See* note 57 *supra*.

[87] Although this estimate was derived during the early 1950's it is most likely also applicable to periods before and after. Barriers, *supra* note 3, at 301–06. Weiss, *supra* note 20, at 343.

[88] Of the 21 producers other than the Big Three operating during the years 1931–41, for example, only Studebaker reached this output for two years (1940–41). Automotive and Aviation Industries, March 15, 1946, at 88.

[89] As one economist has observed: "[b]y saturating an area with dealers handling their own respective products exclusively," the Big Three "can effectively deny their smaller existing and potential competitors access to the best sites and most efficient retailers, thus raising the per-unit sales and distribution costs of these actual and potential competitors. . . ." Mueller, *Sources of Monopoly Power: A Phenomenon Called "Product Differentiation,"* 2 Antit. Law & Econ. Rev. 59, 80 (Summer 1969).

[90] "The most important factor that caused the defunct companies to fail was the lack of capital to meet the increasing emphasis and staggering cost of frequent product changes and other product differentiation policies and practices of the Big Three." Lanzillotti, *supra* note 24, at 348.

[91] *See*, e.g., Administered Prices, *supra* note 43, at 8–9; Epstein, *supra* note 47, at 187.

[92] Lanzillotti, *supra* note 24, at 321.

[93] *Id.*

[94] *See* Seltzer, *supra* note 52, at 114–20, 191–97.

[95] *See, e.g.*, General Motors, *supra* note 52, at 71–75 (1968). GM argues that these developments resulted from a drive for efficiency in the production of automobiles. Yet it admits that the concept of efficiency is not fixed and depends, *inter alia*, upon "product characteristics," *Id.*, at 73 n.36. In short, these developments were engendered not by any vague pursuit of "efficiency" but rather by a fundamental change in product policy, *i.e.*, the introduction of annual restyling.

[96] *See* Vatter's account of closure of entry into this industry, *supra* note 22.

[97] Unsuccessful attempts were made, for example, by Durant Motor Co. of Indiana (1924), Rollin Motors Co. (1924), Klieber Motor Co. (1926), Falcon Motors Corp. (1927), Crosley Motors, Inc. (1939), and Kaiser-Frazer Corp. (1945). Epstein, *supra* note 47, at 377–82; Administered Prices, *supra* note 43, at 82.

[98] Weiss, *supra* note 20, at 338–39. For a general account of the Kaiser venture into automobiles, see also Lanzillotti, *supra* note 24, at 328–29; Vatter, *supra* note 22, at 230–33; *Kaiser-Frazer: "The Roughest Thing We Ever Tackled,"* 44 Fortune 74 (July 1951).

[99] Fortune, *supra* note 98, at 156, 158.

[100] Automotive News, Almanac Issue 60 (1970).

[101] *Id.*

[102] *See* Lanzillotti, *supra* note 24, at 328–29.

[103] *Id; see also* note 72, *supra*.

[104] Kaiser Industries Corp., The Kaiser Story 45 (1968).

[105] After failure of the public issue in 1948, Kaiser went to the banks which had helped fund its breakthrough into aluminum and steel, but they considered the risks prohibitive and refused further participation. Lanzillotti, *supra* note 24, at 329.

[106] Fortune, *supra* note 98, at 161. In 1950, it lost $13 million on its sale of 151,000 automobiles. *Id.*

[107] Moody's Industrial Manual 1616 (1955).

[108] Industrial Organization, *supra* note 2, at 285–87.

[109] *Id. See also* Lanzillotti, *supra* note 24, at 328–29.

[110] *See* note 73 *supra*.

[111] Automotive News, Almanac Issue 60 (1970).

[112] As sales fell, Kaiser's dealers were unable to meet their overhead costs and declined from a high of 4700 in 1948 to 2700 in 1951, scarcely 200 more than the number considered minimally necessary for national coverage. Weiss, *supra* note 20, at 343; Fortune, *supra* note 98, at 158. With regard to capital required for annual restyling and advertising, Kaiser later concluded conservatively that it needed at least $150 million more in equity resources. Fortune, *supra* note 98, at 161. When added to the more than $200 million Kaiser actually raised, this would indicate a capital requirement of more than $350. *See* p. 586 *supra*.

[113] For example, through its acquisition of Graham-Paige Motors, it was able to obtain an operational manufacturing and dealer organization. By contrast, today's entering firm would have to construct both *de novo*. The production facilities of the earlier independents have either been sold to the four domestic producers or scrapped; their retail networks have long since disappeared. Administered Prices, *supra* note 43, at 14. Absent the opportunity to acquire existing facilities, however, newcomers would require from an estimated $779 million to $2 billion to build both systems at the minimum optimal volume necessary for annual style changes (*i.e.*, 300,000 units), *See* notes 115, 123 *infra*.

[114] Weiss, *supra* note 20, at 339.

[115] Yearly restyling requires efficient assembly and integrated components production facilities at a minimum plant investment of $250 million. Bain estimates that efficient production and assembly of body and engine components would require a minimum plant capacity of 300,000 units, at a cost of $250 million. Industrial Organization, *supra* note 2, at 286. Annual restyling also necessitates integration forward into a nationwide distribution network costing no less than $326 million. This was Romney's estimate of the capital required by a 250,000 unit firm in 1958 to establish a national distribution system. Administered Prices, *supra* note 43, at 16 n.28. Finally, annual style change would compel retooling and readvertising at a minimum annual rate of $180 million and $23 million, respectively. This annual retooling figure assumes output at the minimum efficient level of 300,000 units. It was obtained by multiplying the per unit full factor costs for style change (i.e. including the actual added production costs of producing the redesigned vehicle) as calculated at $600 by Fisher, Griliches & Kaysen, *The Costs of Automobile Model Change During a Decade*, 70 J. Pol. Econ. 453, 450 (1962), by the output (300,000 × $600 = $180 million). The readvertising amount was obtained by multiplying the current $75 per car advertising expenditure of the Big Three (*see* Lanzillotti, *supra* note 24, at 343) by the minimum efficient output level at 300,000 units = $22.5 million. Realistically, a new firm would probably expend at least twice that amount overcoming consumer loyalty to current automobile models engendered by decades of advertising by established sellers. In 1958, Romney then president of American Motors, estimated that a plant with a 250,000 unit output would require $35 million for annual advertising. Administered Prices, *supra* note 43, at 17, table 1. The costs of annual style change capability are $779 million less $55 million, or $724 million. *See* note 118 *infra*.

[116] *See* note 22 *supra*.

[117] *Id.*

[118] Absent the need for an entering firm to restyle annually and assuming the existence of independent parts manufacturers and independent distributors, the formidable costs of components production and of distribution would have been borne not by the entrant but by these specialized independent enterprises. Thus, an assembler of automobiles could have accomplished entry under these hypothetical conditions by merely constructing an assembly plant at a cost of $50 million and by spending an additional $5 million for introductory promotion. On the basis of the Kaiser experience and from studies of the Big Three's manufacturing operations, Bain has estimated that an assembler could operate with optimal efficiency at a minimum output of 60,000 vehicles per year. Barriers, *supra* note 3, at 245. *See also* Administered Prices, *supra* note 43, at 14. The cost of an assembly plant one-fifth as large as that minimally required for annual restyling (*i.e.*, 300,000 units) has been assumed to be one-fifth of the cost of the latter facility, or $50 million. *See* note 115 *supra*. Assuming that a new entrant would engage in countervailing advertising at a rate equal to that of the Big Three, the cost of such advertising for the first year may be computed by multiplying the average Big Three per car advertising expenditure of $75 (*see* note 115 *supra*) by the minimum efficient level of output for an assembler of 60,000 units: $75 × 60,000 = $4.5 million. Assuming further, however, that the assembler's product would remain basically unchanged pending major technological breakthroughs, subsequent advertising expenditures should decline as the public becomes acquainted with the characteristics of the assembler's unchanged model. *See* note 56 *supra*. But these conditions no longer obtain; entry as an assembler has not been feasible since the 1920's.

[119] These percentages were derived by calculating the share of total industry sales in 1969 (8.38 million per note 18 *supra*) represented by the minimum efficient scale for assembly operation, estimated at from 60,000 to a high of possibly 180,000 units per year. Barriers, *supra* note 3, at 245.

[120] *See* note 22 *supra*.

[121] This is a conservative estimate of the

entry barriers attributable to annual style change. For example, Bain argues that an entering firm would probably encounter break-in losses of $15 million annually for a ten year period, or $150 million. INDUSTRIAL ORGANIZATION, *supra* note 2, at 286. Romney's estimate of the first year capital requirements necessary for a 250,000 unit integrated operation in 1958 amounted to $902.2 million. This figure included $326.2 million to establish a national dealer system. ADMINISTERED PRICES, *supra* note 43, at 16 n.28. *See also* Sen. Morse's statement as to a subsequent increase in Romney's estimate to roughly $2 billion. *Hearings Before the Senate Select Comm. on Small Business on the Status and Future of Small Business in the American Economy*, 90th Cong., 1st Sess., pt. 2, at 431 (1967).

[122] *See, e.g., Joint Hearings on the Automobile Steam Engine and Other External Combustion Engines* [hereinafter cited as *J. Hearings—Steam*], 90th Cong., 2nd Sess. (1968); *Electric Vehicles and Other Alternatives to the Internal Combustion Engine, Joint Hearings Before the Senate Comm. on Commerce and the Subcomm. on Air and Water Pollution of the Senate Comm. on Pub. Works*, 90th Cong., 1st Sess. (1967) [hereinafter cited as *J. Hearings—Electric*]. For suggestions regarding "major antitrust action" to restructure the industry, see testimony of Arkus-Duntov in *1969 Hearings, supra* note 24, at 404–06. Regarding the alternative need for government subsidization of entry, see testimony of Ayres in *J. Hearings—Steam, supra* at 10–12.

[123] Prospective automobile firms place the minimum optimal scale for integrated production at 500,000 instead of 300,000 units. Arkus-Duntov, *1969 Hearings, supra* note 24, at 406. They also state that an annual sales volume of 500,000 or more vehicles is minimally required to maintain a national dealer system. Wyman, *Can the Steam Automobile Come Back*, 9 STEAM AUTOMOBILE #2 (1967). The initial capital investment required merely to build an integrated plant with this annual capacity has been estimated at $1 to $2 billion. Arkus-Duntov, *1969 Hearings, supra* note 24, at 406.

Moreover, there are indications that the Big Three are pursuing programs which will raise entry barriers even further. While their trend toward more complete backward integration has continued unabated, *see, e.g.*, STANDARD & POOR, INDUSTRY SURVEYS: *Auto Parts—Basic Analysis* A138 (October 8, 1970), these firms have begun to place major emphasis on greater forward integration into retail distribution and are buying up formerly franchised outlets. Until recently, the Big Three distributed their automobiles through a large number of franchised dealers who although pressured to accept a policy of exclusivity might have been at least theoretically accessible to new automobile producers. *See* Ralph Nader's testimony in *1968 Hearings, supra* note 20, at 155. Now, however, they are rapidly eliminating dealerships and replacing franchised outlets with factory-controlled operators or "house dealers." *See* Note, *Antitrust Law and The New Industrial State: An Application to Automobile Distribution Practices*, 4 UNIV. OF SAN FRANCISCO L. REV. 78, 111 (1969). As a result, the number of active dealerships has declined from 49,173 in 1949 to 27,486 in 1969, or by more than 44 per cent. *See* testimony of Hammond in *1969 Hearings, supra* note 24, at 19. In addition, franchised dealers who have not yet been replaced by factory operators, increasingly are being bypassed by direct "fleet sales" made by the manufacturers to retail customers at below dealer or even production cost. *Hearings Before the Special Subcomm. on Automobile Marketing Practices of the Senate Comm. on Commerce*, 90th Cong., 2d Sess. 5–8 (1968). These developments, however, will not only absolutely foreclose retail outlets from new entrants, it will also deprive those few remaining independent parts manufacturers of the outlets they require for survival. Furthermore, the elimination of components producers will augment existing barriers to entry by new automobile manufacturers.

[124] General Motors suggests, for example, that "entry into the business is open to all who are willing to assume the risks: there are no artificial barriers." GENERAL MOTORS, *supra* note 52, at 81. It concedes, however, that there are "certain critical requirements for entry" including large capital investment and substantial economies of scale. *Id.*, at 83. But it implies that these entry requirements are compelled in part by the "competitive necessity" of engaging in annual style change. *Id.*, at 83–84, 29. Thus, it argues that annual restyling is a form of efficiency mandated by consumer preference and that any barriers resulting therefrom are inherently "natural" rather than "artificial." *Id.*, at 29, 52–53, 71–75, 84–85. This argument assumes implicitly, however, that consumer acquiescence in the Big Three's policy of planned obsolescence is equivalent to consumer preference for that policy. Upon closer examination, such an assumption appears to be wholly unwarranted. *See* note 141 *infra*. Moreover, there is evidence that by substantially inflating production and distribution costs and by discouraging technological innovation, annual style change has actually led to a net reduction in efficiency. *See* note 136 *infra*.

[125] General Motors, for example, relies on the rumored possibilities of electric car entry by General Electric or Westinghouse to support its argument that entry into the industry remains possible. General Motors, *supra* note 52, at 83–84. For a similar suggestion regarding the possibility of conglomerate entry into the industry, see Shubik, *A Game Theorist Looks at the Antitrust Laws and the Automobile Industry*, 8 STAN. L. REV. 594, 624–25 (1956).

[126] *See J. Hearings—Steam, supra* note 138, at 205–06; *J. Hearings—Electric, supra* note 138, at 486–87. Moreover, as the nation's fourth largest industrial corporation, General Electric in particular should have no financial entry difficulties—if access is as open as General Motors suggests. For GE's sales rank, *see* FORTUNE, May 1970, at 184.

[127] GENERAL MOTORS, *supra* note 52, at 81, 82 n.46.

[128] Unlike a prospective domestic entrant, foreign producers such as Volkswagen and Toyota relied upon large plant scale economies in Germany and Japan, respectively, and enormous world-wide sales to support their expansion into the American market. These companies marketed vehicles in America for nearly a decade before their sales volumes here reached the 60,000 unit level considered minimally adequate for efficient production of standard-styled cars. *See* Schupack, *1968 Hearings, supra* note 20, at 920. Indeed, even GM admits this distinction. GENERAL MOTORS, *supra* note 52, at 23. Volkswagen began producing automobiles in 1945 but did not begin selling in the United States until 1949. In that year, it sold two vehicles. Not until 1958 did its sales volume in this country exceed 60,000 units. FORTUNE, August 1957, at 106; FORTUNE, March 1969, at 116. Similarly, Toyota first began selling vehicles in this country in 1958, but only in 1968 did its sales here reach the 60,000 volume level. FORTUNE, December 1969, at 77. By the time that sales volume was achieved in America, Volkswagen was selling nearly half a million, and Toyota a million and a quarter, automobiles in more than 100 countries. FORTUNE, August 1957, at 106; FORTUNE, December 1969, at 78.

[129] Entry as an assembler is no longer feasible. The independent parts manufacturers and independent retail distributors of earlier years have largely vanished as the Big Three have moved toward complete vertical integration. *See* note 113 *supra*. Consequently, an entrant bent on producing a standard-styled vehicle in 1970 would need nonetheless to integrate backward into components production and forward into a nationwide distribution system, at a capital investment cost estimated at more than half a billion dollars. Backward integration would require a minimum of $250 million; forward integration could be achieved at a cost of no less than $326 million. Note 115 *supra*. Even were it able to raise this amount of capital, a firm offering standard-styled cars to consumers accustomed to annually restyled products would probably be compelled to undertake lengthy and expensive countervailing promotional campaigns and to sell its vehicles at a substantial price disadvantage for a decade or more. *See* p. 589 *supra*. Indeed, it took Volkswagen and Toyota that long; and unlike a domestic entrant, these firms were able to rely on substantial worldwide sales to subsidize their prolonged break-in losses in this country. Schupack, *1968 Hearings, supra* note 20, at 920 n.6.

[130] *See, e.g.*, Mueller, *supra* note 2, at 89–90; notes 2 & 5 *supra*.

[131] Smith, *supra* note 2, at 57–58.

[132] *See* note 24 and accompanying text *supra*.

[133] *See* note 5 *supra*.

[134] *See* p. 576 *supra*.

[135] *See* note 115 *supra*.

[136] Turner has framed the cost savings loss argument in the following manner: The major producers evolved a policy of annual model changes that, by accelerating the scrapping of expensive machine tools and dies, substantially increased the cost of automobiles. Since all of the major producers pursued this policy, and since the products of small producers were for a variety of reasons unappealing to most consumers, buyers were never given a choice between purchasing the same model as last year's at a lower price and a new model at a higher price.

Conglomerate Mergers and Section 7 of the Clayton Act, 78 HARV. L. REV. 1313, 1335 (1965). *See also* WEISS, *supra* note 20, at 364–65. The study by Fisher *et al.* estimated that the cost savings loss to consumers resulting from annual style and performance changes amounted to approximately $5 billion annually, *supra* note 115, at 433–51. BLS data indicate that nearly all of the $5 billion model change cost to the consumer is attributable to restyling rather than performance modification. *See* pp. 576–77 *supra*. To this figure must be added the cost savings loss due to the diversion of resources from technological improvements to style alterations. For example, had the Big Three spent $36 of the estimated $195 consumed in restyling (*see* p. 576 *supra*) for processing its sheet metal with a chrome over galvanized steel process, the resulting doubling in the automobiles longevity would have saved consumers $2.1 billion a year. *See* p. 594 *infra*.

[137] *See* testimony of Arkus-Duntov in *1969 Hearings, supra* note 24, at 402–03.

For example, if the chrome over galvanized steel treatment discussed at p. 594 *infra*, were utilized, automobiles would physically deteriorate less than twice as rapidly. Presumably, industry sales would therefore fall as the demand for replacements declined. The failure of this industry to adopt measures such as these which would improve the durability of its products, coupled with its promotion of psychological deterioration through annual style changes, has led many economists to charge the Big Three with "planned obsolescense." *See, e.g.*, Lanzillotti, *supra* note 24, at 344–45; Dowd in *1969 Hearings, supra* note 24, at 524. Moreover, it has been suggested that the Big

Three are reluctant to introduce steam or electric vehicles because the number of parts required for these propulsion systems is far less than those needed for conventional gasoline engines. Since these firms derive a substantial amount of profit from "aftermarket" (*ie.*, replacement parts) sales, they are unwilling to produce pollution-free vehicles which have a significantly smaller aftermarket. ESPOSITO, *supra* note 24, at 35. There is perhaps another reason for this reluctance. It has been suggested that were the Big Three to produce electric vehicles, for example, industry barriers to entry would decline due to lower production costs and minimum scale economies. Ayres, *J. Hearings—Steam, supra* note 122, at 8.

[138] Testimony of Luntz in *1969 Hearings, supra* note 24, at 468–70.

[139] N.Y. Times, October 2, 1970, at 19. Sen. Nelson also cites the automobile industry for its failure to use energy absorbing bumpers and crash bars in its products. *1969 Hearings, supra* note 24, at 542. The U.S. Steel Corporation has developed an automobile body with complete perimeter crash protection including steel roll bars front and rear. N.Y. Times, October 12, 1970, at 37.

[140] *See, e.g.*, statement of Orr in *J. Hearings—Steam, supra* note 122, at 63; Federal Power Commission, *Development of Electrically Powered Vehicles* in *J. Hearings—Electric, supra* note 122, at 29.

[141] *See* note 137 *supra*. It might be suggested, nevertheless, that unless consumers were completely content with annual restyling they would not continue to purchase vehicles from the Big Three. *See* note 124 *supra*. This argument, however, is specious. It is tantamount to suggesting that whenever consumers willingly buy products from a monopolist or tight oligopolist, they are content with the price and quality of the goods purchased. In fact, the public pays higher-than-competitive prices for less-than-optimum-quality goods when there is an absence of alternative suppliers, *i.e.*, an absence of competition. Such is the condition of the automobile industry. Unless a consumer can utilize the less than standard-sized vehicles of the foreign automobile producers, he has little choice but to purchase an annually restyled car from the Big Three. Moreover, the substantial rate of depreciation engendered by annual restyling will encourage him to repurchase on an annual or semi-annual basis. The fact that consumers continue to purchase annually restyled vehicles, therefore, does not necessarily imply that they would not prefer a wider range of alternatives provided by a less concentrated automobile industry. *See* Dowd in *1969 Hearings, supra* note 24, at 540; Schupack in *1969 Hearings, supra* note 24, at 541.

Within the past few months, the Big Three have introduced "subcompact" vehicles to compete with the imported standard-styled automobiles of foreign manufacturers, particularly Volkswagen and Toyota. Whether these subcompacts will be annually restyled is still an open question. Ford has suggested that its subcompact entry, the *Pinto*, might remain as basically unchanged as its earlier *Model T*. New York Times, November 6, 1970, at 42. Nevertheless, the Big Three's earlier introductions of "compacts" in the early 1960's were accompanied by similar overtones of standard-styling. Yet, the compacts were in fact restyled annually. Moreover, even if the subcompacts do remain unchanged, they will not encourage *de novo* entry into the automobile field by other firms. To meet the short-term threat of attempted entry into the subcompact market, the Big Three could rely on profits from their sales of restyled, regular-sized vehicles to subsidize increased promotion and near-cost sales of their subcompacts. To survive, a new domestic entrant would require a share of the regular-sized car market, but that larger field is still very much influenced by the Big Three's annual restyling policies.

[142] *See* Lanzillotti, *supra* note 24, at 345.

[143] Testimony of Arkus-Duntov, *1969 Hearings, supra* note 24, at 402–03. GM, for example, reported that in 1967 it spent $664 million for R&D, as compared with $881 million for annual restyling. *1968 Hearings, supra* note 20, at 736, 746.

[144] Lanzillotti, *supra* note 24, at 344. Disc brakes were mass produced by smaller European automobile manufacturers for more than a decade before they appeared on American cars. Nader in *1968 Hearings, supra* note 20, at 212.

[145] Lanzillotti, *supra* note 24, at 344.

[146] *See, e.g.*, INDUSTRIAL ORGANIZATION, supra note 2, at 240–42, 423–25; Mueller, *supra* note 89, at 90–91. *But see* Jacoby's testimony in *1969 Hearings, supra* note 24, at 541.

[147] *See* note 24 *supra*.

[148] INDUSTRIAL ORGANIZATION, *supra* note 2, at 425.

[149] For example, the migration of the gear shift from floor to steering column and, recently, back to floor again affected the rate but not the net amount of change. Note 39 *supra*.

[150] *See* Federal Trade Commission v. Gratz, 253 U.S. 421, 432 (1920) (Brandeis, J., dissenting).

[151] *Id.* at 442–43.

[152] *Id.* at 423; S. REP. No. 597, 63d Cong., 2d Sess. 13 (1914). The Conference Report stated: "It is impossible to frame definitions which embrace all unfair practices. There is no limit to human inventiveness in this field." *Id.* By enacting Section 5, Congress hoped to establish an expert body which by "careful study of the business and economic conditions of the industry affected" could detect and condemn concentration-increasing conduct which was impossible to reach under the Sherman Act or the recently enacted Clayton Act. Federal Trade Commission v. Keppel & Bros., 291 U.S. 304, 314 (1934); S. REP. No. 597, *supra*, at 9, 11.

The legislative history clearly evinces the intent of Congress to provide the FTC with a flexible weapon against novel forms of anticompetitive conduct. *See* H.R. REP. No. 1142, 63d Cong., 2d Sess. (1914); REP. No. 597, 63d Cong., 2d Sess. (1914). For commentaries on this history, see HENDERSON, THE FEDERAL TRADE COMMISSION (1927); Austern, *The Parentage and Administrative Ontogeny of the Federal Trade Commission*, 1955 N.Y.S.B.A. ANTITRUST LAW SYMPOSIUM 83; Baker & Baum, *Section 5 of the Federal Trade Commission Act: A Continuing Process of Redefinition*, 7 VILL. L. REV. 517 (1962); Votaw, *Antitrust in 1914: The Climate of Opinion*, 24 A.B.A. ANTITRUST SECTION 14 (1964). But *see* Posner, *The Federal Trade Commission*, 37 U. CHI. L. REV. 47 (1969).

[153] FTC v. Motion Picture Adv. Co. 344 U.S. 392, 396 (1953). *See also* FTC v. Texaco, 393 U.S. 222, 225 (1968).

[154] Atlantic Rfg. Co. v. FTC, 381 U.S. 357, 367–68 (1965).

[155] FTC v. Brown Shoe Co., 384 U.S. 316, 320–321 (1966). *See also* similar statements in FTC v. Motion Picture Advertising Serv. Co., 344 U.S. 392, 394–95 (1953); Atlantic Ref. Co. v. FTC, 381 U.S. 357, 369 (1965). The judicial application of Section 5 falls into five separate categories (1) Sherman Act violations: *see, e.g.*, FTC v. Beech-Nut Packing Co., 257 U.S. 441 (1922) (resale price-maintenance); FTC v. Pacific States Paper Trade Ass'n, 273 U.S. 52 (1927) (price fixing conspiracy); Fashion Originators' Guild v. FTC, 312 U.S. 457 (1940) (group boycott); FTC v. Cement Institute, 333 U.S. 683 (1948) (delivered pricing conspiracy). (2) Section 3 Clayton Act violations: *see, e.g.*, Fashion Originators' Guild v. FTC, 312 U.S. 683 (1940); Times-Picayune Publishing Co. v. United States, 345 U.S. 594 (1953) (tie-in); Oppenheim, *Guides to Harmonizing Section 5 of the Federal Trade Commission Act with the Sherman and Clayton Acts*, 59 MICH. L. REV. 821 (1961). (3) Practices characteristic of but falling short of Sherman Act violations and Section 3 Clayton Act violations: *see, e.g.*, FTC v. Motion Picture Advertising Service Co., 344 U.S. 392 (1953) (quasi-monopolistic exclusive contracts); Atlantic Ref. Co. v. FTC, 381 U.S. 357 (1965) (quasi-tying arrangements); FTC v. Brown Shoe Co., 384 U.S. 316 (1966) (quasi-exclusive dealing franchise agreements); Comment, *Per Se Rules and Section 5 of the Federal Trade Commission Act*, 54 CALIF. L. REV. 2049 (1966). (4) Practices characteristic of but not explicitly prohibited by the Robinson-Patman Act: *see, e.g.*, Grand Union Co. v. FTC, 300 F.2d 92 (2d Cir. 1962) (customer induced promotional allowances); R. H. Macy & Co. v. FTC, 326 F.2d 445 (2d Cir. 1964) (coerced contributions from vendors); Rahl, *Does Section 5 of the Federal Trade Commission Act Extend the Clayton Act?* 5 ANTITRUST BULL. 533 (1960). (5) Practices characteristic of but not explicitly proscribed by Section 7 of the Clayton Act: *see, e.g.*, Beatrice Foods Co. 1965–1967 Transfer Binder Trade Reg. Rep. ¶ 17.244 (FTC 1965) (noncorporate acquisition); Dean Foods Co. 1965–1967 Transfer Binder Trade Reg. Rep. ¶ 17,765 (FTC 1966) (purchase agreement an unfair method of competition).

[156] In *Brown Shoe* and *Atlantic Refining*, for example, it upheld the FTC's proscription of practices which accomplished the same anticompetitive end as exclusive dealing and tying arrangements, respectively (*i.e.*, market foreclosure), but which violated neither the Sherman nor Clayton Act. In Atlantic Ref. Co. v. FTC, 381 U.S. 357 (1965), the Supreme Court held that the FTC was warranted in finding a sales-commission plan between a gasoline distributor and a major tire manufacturer an unfair trade practice because although not a tying agreement, "the effect of this plan is similar to a tie-in." 381 U.S. at 371. The arrangement condemned here involved Atlantic's sponsoring of Goodyear supplied tires, batteries, and accessories to Atlantic's wholesalers and retail dealers. This arrangement has been termed a "quasi-tying agreement" because Atlantic did not manufacture the tied product, although it received a commission on dealers' purchases. *See* Comment, *Per Se Rules and Section 5 of the Federal Trade Commission Act*, 54 CALIF. L. REV. 2049, 2055–63 (1966). In FTC v. Brown Shoe, 384 U.S. 316 (1966), the Court found that respondent's franchise program, by effectively foreclosing competitors from selling to a substantial number of retail shoe dealers, "obviously conflicts with the central policy" of the Sherman and Clayton Acts. 384 U.S. at 321. Here a franchise agreement, whereby Brown agreed to give valuable services to independent retail stores in exchange for the latters' contractual promise to deal "primarily" in Brown shoes, was held an unfair method of competition. This agreement has been termed a "quasi-exclusive dealing" arrangement because of the absence of the usual promise from the dealer not to handle any goods which compete with those of the seller. *See* Comment, *supra*, at 2066–68. *But see* FTC v. Sperry & Hutchinson Co., 432 F.2d 146 (5th Cir. 1970), *cert. granted*, 39 U.S.L.W. 3424 (U.S. Mar. 30, 1971) (No 1278).

[157] *See* note 3 *supra*.

[158] *See* p. 569 *supra*.

[159] *See* Smith, *supra* note 2, at 51–52; Turner, *Advertising and Competition*, 26 FED. BAR. J. 93 (1966); Mueller, *supra* note 89.

[160] American Tobacco Co. v. United States, 328 U.S. 781, 797 (1946).

[161] *Id.*

[162] *Id.*

[163] Assuming, for example, that the costs of countervailing promotion might equal the established firms' collective promotional efforts, a newcomer would be at least ten times more able to meet the entry costs generated

by the three tobacco firms' $40 million expenditures than those resulting from the Big Three's $400–$600 million advertising campaigns. The upper range of advertising expenditures was obtained by multiplying Lanzillotti's $75 per car figure (*see* note 115 *supra*) by the Big Three's current collective output of 7.98 million vehicles. Standard & Poor, *supra* note 18, at A161. The lower advertising estimate was based on advertising expenditures in selecting media for 1968 reported by Standard & Poor, *id.* at A170. Moreover, a firm contemplating entry into the automobile industry would encounter the additional costs and risks associated with requisite backward and forward integration as well as annual retooling expenditures.

That annual style change may have actually exerted a greater anticompetitive impact on the structure of the automobile industry than that of heavy advertising on the structure of the cigarette industry may be seen in the concentration trends of the two markets. From 1931 until the time of suit in 1939, the three cigarette firms' collective market share dropped from 91 to 68 percent. 328 U.S. 781 at 795. During that same period, the leading three automobile companies' share rose from 81 to 90 percent. FTC Report, *supra* note 21, at 29, 1058.

[164] FTC v. Proctor & Gamble Co., 386 U.S. 568 (1967).

[165] *Id.* at 571.

[166] *Id.* at 573, 579.

[167] *Id.* at 578.

[168] *See* note 163 *supra*.

[169] S. Smith, *supra* note 2, at 51.

[170] *Id.*

[171] *See* note 27 *supra*.

[172] Standard Oil Co. of New Jersey v. United States, 221 U.S. 1 (1911).

[173] United States v. National Dairy Products Corp., 372 U.S. 29 (1963). For recent manifestations of concern regarding predatory pricing, see Reynolds Metals Co. v. FTC, 309 F.2d 223 (D.C. Cir. 1962); Foremost Dairies, Inc. v. FTC, 348 F.2d 674 (5th Cir. 1965), *cert. denied* 382 U.S. 959 (1965); Forster Mfg. Co. v. FTC, 335 F.2d 47 (1st Cir. 1964), *cert. denied* 380 U.S. 906 (1965).

[174] *See* Turner, *Conglomerate Mergers and Section 7 of the Clayton Act*, 78 Harv. L. Rev. 1313, 1345–46 (1965); P. Areeda, Antitrust Analysis 519–20 (1967). Indeed, careful study of the *Standard Oil* case revealed no evidence of that predatory tactic. *See* McGee, *Predatory Price Cutting: The Standard Oil (N.J.) Case*, 1. J. Law & Econ. 137 (1958). Predatory promotional spending, however, is beginning to be recognized by the courts. An allegation that "excessive advertising expenses" and rapid product modification has been employed to drive out competition survived a motion to dismiss in Bailey's Bakery, Ltd. v. Continental Baking Co., 235 F. Supp. 705 (D. Hawaii 1964), *aff'd per curiam*, 401 F.2d 182 (9th Cir. 1968), *cert. denied* 393 U.S. 1086 (1969). By "predatory" nothing more is meant than the effect of unnecessarily impairing competition by raising barriers to new entry. No specific intent to exclude is implied, although it may very well exist. *E.g.*, refer to the monopolization cases of *United Shoe* and *Alcoa* where practices "natural and normal" and "honestly industrial" were found nevertheless to discourage new entry unlawfully. United States v. United Shoe Machinery Corp., 110 F. Supp. 295, 344–45 (D. Mass. 1953), *aff'd per curiam*, 347 U.S. 521 (1954); United States v. Aluminum Co. of America, 148 F.2d 416, 431 (2d Cir. 1945).

[175] *See* note 174 *supra*.

[176] *Id.*

[177] *But see* Bailey's Bakery, Ltd. v. Continental Baking Company, 235 F. Supp. 705 (D. Hawaii 1964), *aff'd per curiam*, 401 F.2d 182 (9th Cir. 1968), *cert. denied*, 393 U.S. 1086 (1969).

[178] 221 U.S. 106 (1911).

[179] *Id.* at 183.

[180] 148 F.2d 416 (2d Cir. 1945).

[181] *Id.* at 431.

[182] See note 163 *supra* for advertising computation. Regarding the Big Three's annual restyling expenditures, see note 45 *supra*. Their combined investment in integrated production and distribution facilities as of 1970 has been reported as amounting to nearly $30 billion. Standard & Poor, Corporation Records 1454, 1468, 2471 (June 1970).

[183] 344 U.S. 392 (1953).

[184] This section makes unlawful a lease, sale, or contract for sale which substantially lessens competition or tends to create a monopoly. 15 U.S.C. § 14 (1964).

[185] 344 U.S. at 399, 396.

[186] *Id.* at 399.

[187] FTC Report, *supra* note 21, at 26.

[188] For a recent attack upon the FTC's failure to divest GM, with the consequent loss in consumer savings of several billion dollars a year in lower automobile prices, see *Foreword* to 2 Antit. Law & Econ. Rev. 13–15 (Summer 1969). The Justice Department has also been severely criticized for its unwillingness to prosecute the passenger car industry. Indeed, it has failed to take any action despite its preparation of a 104 page complaint in 1966 charging GM with having violated sections 1 and 2 of the Sherman Act and section 7 of the Clayton Act. Significantly, the proposed suit alleged among other items that the effect of GM's annual restyling since the 1920's upon competitors was "obvious and dramatic." It declared further that "[t]ools and dies for new models are high-cost items that GM's smaller competitors can less easily afford." Wall Street Journal, October 31, 1967, at 24, col. 3. *But see* the FTC's recent complaint against the nation's five leading tire manufacturers charging that their similar leasing agreements with bus companies enabled respondents to dominate the bus-tire market. In a significant break with precedent, however, the tire manufacturers were accused not of collusion, but of interdependently pursuing "parallel courses of business conduct constituting unfair methods of competition" under Section 5. 3 Trade Reg. Rep. ¶ 19,381 at 21,511. Moreover, the FTC is currently engaged in an investigation of the structure, conduct and performance of the automobile industry. 3 Antit. Law & Econ. Rev. 14–15 (Winter 1969–70).

[189] Turner, *supra*, note 33, at 1231 n.45.

[190] General Motors operates 23 assembly plants; Ford operates 15 and Chrysler 7 such facilities, Automotive News, Almanac Issue 68 (1970). Given the Big Three's current (1969) production at 7.98 million (note 45 *supra*), each assembly plant produces an average of 177,000 units per year.

[191] The Big Three would each operate a single assembly facility thereby freeing their other 42 plants for operation by new competitors.

[192] Schupack, *1968 Hearings, supra* note 20, at 921. *See also*, Administered Prices, *supra* note 13, at 15.

[193] *See, e.g.*, Loescher, *1968 Hearings, supra* note 20, at 915.

[194] Whatever doubts may have existed concerning the extent of the Commission's remedial authority under section 5, they seem to have been firmly resolved in favor of according this agency the complete array of powers of a court of equity "including divestiture and other remedies designed to effect structural reorganization." Ekco Prods. Co. [1963–65 Transfer Binder] Trade Reg. Rep. ¶ 16,879, at 21,904 (F.T.C. 1964), *aff'd* 347 F.2d 745 (7th Cir. 1965). See the Supreme Court's apparent recognition and sanction of this position in Pan American World Airways v. United States, 371 U.S. 296, 312 n.17 (1963) and United States v. Philadelphia National Bank, 374 U.S. 321, 339–40 n.17 (1963).

[195] *E.g.*, United States v. du Pont & Co., 366 U.S. 316 (1961); United States v. Aluminum Co. of America, 377 U.S 271 (1964); Maryland & Virginia Milk Producers Ass'n v. United States, 362 U.S. 458 (1960).

[196] Loescher in *1968 Hearings, supra* note 27, at 915. New companies could enter more easily and compete with those formed through dissolution of the Big Three's assembly facilities. *See* note 191 *supra*. These new producers, like those created by divestiture, would be able to obtain components and accessories from the independent suppliers created through spin-off. *See* p. 609 *supra*. They would be able to dispose of their products through dealers who were no longer pressured to deal exclusively with a single dominant firm. Finally, they would not need to undertake massive retooling and readvertising expenditures annually. *Id.*

By breaking up existing firms and encouraging new ones to enter, divestiture would improve competitive market performance. If a dozen firms of similar size replaced the current industry structure, there is evidence that the average ratio of price to cost would be substantially reduced, thereby enhancing efficiency. Loescher in *1968 Hearings, supra* note 20, at 915. Likewise, it has been suggested that an industry of from 15 to 30 firms would greatly advance the rate of technological innovation and result in a wider variety of automobiles. Schupack, in *1969 Hearings, supra* note 24, at 541. On the basis of these expectations, an automobile industry of perhaps 100 or more producers would contribute immeasurably to this industry's performance. This is the industry which dissolution would engender.

[197] *See* pp. 575–76 *supra*.

[198] *See, e.g.*, Ekco Prods. Co. [1963–65 Transfer Binder] Trade Reg. Rep. ¶ 16,879, at 21,995 (F.T.C. 1964).

[199] United States v. American Cyanamid Co., 1964 Trade Cas. 79,628 (S.D.N.Y.). *See also* marketing orders used in lieu of divestiture in Simpson Timber Co., 60 F.T.C. 43 (1962) and Gulf Oil Corp., 56 F.T.C. 688 (1960). *But see* a criticism of such orders when used as a substitute for structural relief. Elzinga, *The Antimerger Law: Pyrric Victories*, 12 J. Law & Econ. 43, 66–71 (April 1969).

[200] 1964 Trade Cas. 79,628, 79,635.

[201] *Id.* at 79,631.

[202] Standard & Poor, *supra* note 18, at A159.

[203] Apparently, dual or multi-line retail automobile distribution is common in Europe where it is referred to as "the supermarket approach." *Hearings Before the Select Committee on Small Business on the Status and Future of Small Business*, 90th Cong., 1st Sess. at 431 (1967).

[204] Turner has argued that extensive advertising by tight oligopolies create formidable barriers to entry and substantially increase concentration. He suggests that it would be quite appropriate to impose, for a limited time, absolute or percentage limitations on promotional expenditures of firms that have obtained undue market power through antitrust violations. Turner, *supra* note 159, at 93–96. *See also* p. 602 *supra*. A similar suggestion has been recently advanced by two antitrust economists. Asch & Marcus, *Returns to Scale on Advertising*. 15 Antit. Bull. 33, 39–40 (1970). Mueller contends that government limitations of advertising expenditures by oligopolists would not raise first amendment problems. Mueller, *supra* note 2, at 89–90. Subsection (e) of the proposed Concentrated Industries Act of the White House Task Force on Antitrust Policy also suggests possible limitations on advertising expenditures. The Neal Report, *supra* note 11, at 66.

[205] In United States v. United Shoe Machinery Corp, 391 U.S. 244 (1968), the Supreme Court made it clear that an antitrust decree which has failed to accomplish its intended purpose of restoring effective competition may be modified to provide additional structural relief. The district court in the earlier United States v. United Shoe Machinery Corp. case, 110 F. Supp. 295 (D. Mass. 1953) had rejected the government's request for divestiture. Following the Supreme Court's ruling that the initial decree was inadequate, the district court has recently entered a divesti-

ture order. United States v. United Shoe Machinery Corp., 1969 Trade Cas. 86,444 (D. Mass.).

Annual style change has been a characteristic of numerous other durable goods industries since the late 1940's. Significantly, concentration has increased more rapidly in this sector than in any other area of manufacturing. By 1966, style-changing industries exhibited the following 4-firm concentration ratios: home freezers—82%, typewriters—79%, washing machines—79%, vacuum cleaners—78%, refrigerators—72%, cameras—67%, computers—67%, and televisions—58%. *Hearings Before the Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary on Economic Concentration,* S. 89th Cong., 1st Sess., 1901–1905 (1965); U.S. DEPT. OF COMMERCE, ANNUAL SURVEY OF MANUFACTURERS; 1966, at ch. 11. In light of this Note's findings with respect to the automobile industry, an economic and legal investigation of annual restyling in these concentrated industries might also be in order. Significantly, the FTC is currently studying "style or nonfunctional" model changes in household appliances and other consumer products for evidence of "planned obsolescence." The Commission suggested that "the practice might run afoul of Federal antitrust laws as well as those against unfair or deceptive trade practices." N.Y. Times, March 28, 1971, at 40, col. 2.

[206] The Federal Trade Commission has exclusive jurisdiction to enforce Section 5. 15 U.S.C. § 45 (1964). As a result, the Department of Justice cannot bring suit against alleged violations of that section. Marquette Cement Mfg. Co. v. Federal Trade Commission, 147 F. 2d 589 (7th Cir. 1945), *rev'd* on *other grounds sub nom.* Federal Trade Commission v. Cement Institute, 333 U.S. 683 (1948). Apparently, private antitrust suits cannot be brought under Sections 4 (treble-damage actions) or 16 (injunctive relief) of the Clayton Act (15 U.S.C. §§ 15(a), 15(b), 26) for alleged violations of Section 5 of the Federal Trade Commission Act. *See* Nashville Milk Co. v. Carnation Co., 355 U.S. 373, 376 (1958); Atlanta Brick Co. v. O'Neal, 44 F. Supp. 39 (E.D. Tex. 1942); Rader v. Balfour, 1968 Trade Cas. ¶ 72,709 (N.D. Ill. 1968). This does not prevent private parties, however, from calling upon the FTC to investigate and, if appropriate, to bring suit against the Big Three automobile manufacturers. See FEDERAL TRADE COMMISSION, PROCEDURES & RULES OF PRACTICE, 16 C.F.R. § 2.2: "Any individual . . . may request the Commission to institute an investigation in respect to any matter over which the Commission has jurisdiction" as long as the application sets forth "the alleged violation of law with such supporting information as is available. . . ."

TEMPORARY RESPITE

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARVEY. Mr. Speaker, an editorial in today's edition of the Wall Street Journal, commenting on the agreement between the United Transportation Union and the carriers presents an identical message that I and a great number of other Members of this body have been echoing for months and, yes, for years—the need for permanent legislation.

As one realizes the tremendous price paid by our workers, farmers, consumers, and businesses for the 18-day-old "selective strikes," it was natural for all of us to greet the announcement of settlement with great relief. Yet, as I mentioned in a news statement, "peace in the rail industry may be short lived."

I submit that the need for enacting permanent legislation in this area continues to be as great as if the selective strikes were continuing. Unless this Congress is prepared to continue its unwanted and ineffective role as a mediator in settling rail disputes, as it has in the past, or can accept selective strikes that create as much damage and chaos as a nationwide strike, I sincerely hope that on our return in September we can bring this legislative matter to a successful conclusion.

The editorial follows:

LIMITED RELIEF FOR THE RAILROADS

The agreement between the United Transportation Union and the railroads ends the dreary series of "selective" strikes and promises the railroads some relief from the union's costly make-work work rules. The settlement, however, does little to improve the outlook for the industry and its tangled labor relations.

Included in the pact, of course, was the 42% wage increase over 42 months, a huge increase in labor costs for an industry already deep in financial trouble. Added to this will be the expensive aid to workers who are laid off or moved to lower-paying jobs because of adoption of more reasonable work rules.

Even if the industry can absorb these costs, its labor future looks far from rosy. The UTU itself is still insisting that the industry re-create jobs for many firemen displaced years ago when it was apparent—to everyone but the union—that the jobs were no longer needed. Beyond that, the fragmented labor structure of the industry insures that one or more of the many unions will be back soon with new, and heavy demands.

Some observers in Washington seem to think that the latest episode proves that collective bargaining, under present laws, really can work on the railroads. As a consequence Congress, which hasn't exactly been setting speed records on proposed rail labor law revision, may now move even more slowly.

In the circumstances, such a reaction appears a little silly. In the latest dispute the provisions of the Railway Labor Act were exhausted last year. After extended legal maneuvers won the union the right to stage selective strikes, union officials did agree to talk, but only after the industry agreed to substitute a committee of railroad presidents for its usual bargainers.

While it's true that Congress this time did not have to pass a special law to settle the dispute, agreement was reached only after extended administration intervention. Somehow it's hard to see either the process or the product as proof of a revival of traditional collective bargaining.

As Labor Secretary James Hodgson said, "The kind of severely damaging strike to the nation's commerce that we have had as a result of the recent rail stoppages certainly dictates that Congress must come to grips with legislation to preclude these kinds of strikes."

HOLD BUSING TO A MINIMUM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. LENT. Mr. Speaker, at this opportunity, I want to commend President Nixon for his timely announcement yesterday, in which he once again put forth this administration's opposition to forced busing to achieve a racial balance in the Nation's public schools.

I believe the President's announcement truly reflects the wish of Americans to maintain their neighborhood schools with a minimum of disruption.

While certainly adhering to the courts' interpretations of the law, the President had made it clear that communities should not be coerced into arbitrary delineations and that the welfare of students must remain the primary consideration.

I applaud the President's farsightedness, Mr. Speaker, for I know he feels as I do that any system that assigns children to a particular school on the basis of their race only intensifies racial distinctions by imposing artificial quotas on local school systems.

FARMING: STILL A BIG BUSINESS

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHERLE. Mr. Speaker, the United States thinks of itself, and is thought of by others, as the world's foremost technological nation. Our No. 1 industry, however, is still civilization's oldest occupation, agriculture. Although the number of Americans engaged in farming has diminished, the agrarian industry as a whole has not declined. Following are some revealing statistics from the leading newspaper in my district, the Council Bluffs Nonpareil, which help to place the important contribution of American agri-business in proper perspective:

FARMING: STILL BIG BUSINESS

Farming, though the number of persons directly involved decreases each year, is still Iowa's No. 1 industry.

Feeding the United States and exporting many of our agricultural products throughout the world is a tremendous operation in America. Just how large it is may be a surprise to some persons. Statistics from the United States Department of Agriculture will provide what proof may be needed:

The total agriculture plant in the United States consists of some 2.7 million farms containing 335 million acres of crop and summer fallow, plus 900 million acres for the grazing of livestock.

To operate this plant takes 6.7 billion man-hours of labor each year.

The farmers are pretty good customers for their city cousins. They spend:

$7.1 billion for feed.

$4.3 billion for livestock.

$3.4 billion for hired labor.

$2.1 billion for fertilizer and lime.

$10.5 billion for seed, interest on non-real estate loans and a variety of other inputs.

From this gigantic agricultural industry, the farmers sold:

$4.5 billion worth of hogs.

$13.1 billion worth of cattle.

$6.5 billion worth of dairy products.

$2.2 billion of eggs.

$2.1 billion worth of poultry.

$6.6 billion worth of hay and grains.

$3.2 billion in oilseeds.

$2.1 billion in fruits and nuts.

$2.8 billion worth of vegetables.

$2.8 billion worth of other crops and lesser livestock.

And farming has a tremendous impact on the balance of the industrial economy.

Some 392 million tons of products must be hauled from the nation's farms each year—and most of it requires further handling by the food marketing system before it reaches the consumer.

The food marketing system numbers around 700,000 firms, which provide jobs for 5.3 million full-time workers. This includes:

32,000 processing firms with 1.4 million employes.

40,000 wholesale firms with some 600,000 employes.

294,000 retail stores with 1.4 million workers.

334,000 eating establishments that provide jobs for 1.9 million persons.

It requires a tremendous transportation network to make the system work: 200,000 miles of railroads, 3.3 million miles of intercity highways and 26,000 miles of improved waterways.

Each one of us consumes about 1,450 pounds of food during the year. The farm value of this package was $32.1 billion, with another $63.2 billion added for the marketing system which brings it to our cities and towns.

About $1 out of every $9 in gross national product is àccounted for by the food-farm industry. Total food expenditures of $114 billion were just over 16 percent of the disposable consumer income.

Iowans can well recall these figures when any question arises as to the state's No. 1 industry.

REPORT OF THE DECENNIAL CENSUS REVIEW COMMITTEE

HON. HIRAM L. FONG

OF HAWAII

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. FONG. Mr. President, during recent years a number of groups and individuals have raised pertinent questions concerning the scope of our national decennial census questionnaires. Because of this questioning, Secretary of Commerce Maurice Stans in late 1969 appointed a 16-member Decennial Census Review Committee to review the procedures and the types of questions asked in the census.

The committee's first meeting was held on December 5, 1969. Five other full committee meetings were held in addition to those of smaller groups formed to look into special aspects of the committee's work. These included the need for and use of decennial census data by Federal, State, and local governments, and by business; the problem of privacy and confidentiality in the census; the frequency of census inquiries and the role of sampling in the census.

As a member of the Decennial Census Review Committee, I was very much impressed with the sincerity and knowledge of the committee. Mr. Ira T. Ellis, committee chairman, is to be commended for the excellent guidance he gave the committee in all of its deliberations. The other members of the committee are also to be thanked for their contributions to this indepth review of our decennial census.

The Bureau of the Census and the Office of the Assistant Secretary of Commerce for Economic Affairs were also most helpful.

The committee's report to the Secretary of Commerce has just been released. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE DECENNIAL CENSUS

(Report to the Secretary of Commerce of the Decennial Census Review Committee)

INTRODUCTION

The decennial census is one of the few processes of the U.S. Government that reaches out to make direct contact with the entire population. The procedures of the Bureau of the Census are designed to enumerate every person and collect information on his characteristics; the purposes are to provide a basis for legislative representation, and to furnish statistical data to aid government and the private sector in formulating and executing policies. The data are used extensively by business firms, labor unions, trade organizations, educational institutions, and many other groups in our society as well as by economists and other social scientists.

The complexity of an industrialized society in the second half of the twentieth century demands statistics of the highest quality. The usefulness of information obtained through the decennial census has been fully established.

The number and variety of questions included in the decennial census, and the fact that respondents are required by law to answer all questions, have given rise over the years to some objections to the scope of the decennial census and to its mandatory features. This criticism of the census has been linked with the rising criticism of the development of computer data banks and the increasing use of credit information, opinion polls and other surveys, widening use of Social Security numbers for identification, and exchange of income data reported to the Internal Revenue Service with both law enforcement agencies and State tax authorities. None of these developments has had much connection with the decennial census.

While there was no evidence during the planning period that the 1970 census would be substantially different from past censuses in the questions asked or the procedures used to safeguard confidentiality of information about individuals, a review of the decennial census seeemd appropriate in view of the public expressions of disquietude. Besides, all major Goverment operations should be subject to review occasionally by an independent body since vigilance is one of the safeguards of individual liberties.

Secretary of Commerce Stans stated early in 1969 that he would appoint a committee to examine the issues that had been raised about the decennial census. "What is needed," he said, "is a careful, objective, and dispassionate evaluation and review of such issues as the purpose and scope of the census inquiries, the public obligation to respond, the rights and freedom of individual respondents, the accuracy and completeness of the census counts, the confidentiality of individual responses, and such other matters as the Committee may consider relevant."

Secretary Stans appointed the Decennial Census Review Committee in late 1969 and the first meeting was held December 5. The members are:

Ira T. Ellis, Chairman, Wilmington, Delaware

Earl L. Butz, Vice President, Purdue Research Foundation, Purdue University, Lafayette, Indiana

Kenneth B. Clark, President, Metropolitan Applied Research Center, New York City

The Honorable Hiram L. Fong, United States Senator, Hawaii

Martin R. Gainsbrugh, Senior Vice President, The Conference Board, New York City

John J. Gunther, Executive Director, U.S. Conference of Mayors, Washington, D.C.

Philip M. Hauser, Professor of Sociology and Director, Population Research Center, University of Chicago, Chicago, Illinois

Carl H. Madden, Chief Economist, Chamber of Commerce of the United States, Washington, D.C.

Arthur R. Miller, Professor of Law, University of Michigan Law School, Ann Arbor Michigan

Don M. Muchmore, Senior Vice President, California Federal Savings and Loan Association, and Chairman, Board of Directors of Opinion Research of California, Los Angeles, California

Howard A. Newman, Chairman of the Board, the Western Pacific Railroad Company, New York City.

Arthur C. Nielsen, Jr., President, A. C. Nielsen Company, Chicago, Illinois.

Alexander B. Trowbridge, President, The Conference Board, New York City.

Alan F. Westin, Professor of Public Law and Government, Columbia University, New York City.

The Honorable Charles H. Wilson, Congressman, 31st District, California.

Theodore Yntema, Oakland University, Rochester, Michigan.

The Committee held six general meetings, one of two days, the others of one day. Working groups were formed to look into particular aspects of the Committee's work, namely, the need for and use of decennial census data by the Federal Government, by State and local governments, and by business; the problem of privacy and confidentiality as it is encountered in the decennial census; the frequency with which inquiries like the decennial census should be made; and the role sampling does and can play in the census.

Throughout its deliberations, the Committee had the advice and assistance of the Director of the Census who made available written materials as well as the time and expertise of members of his staff. The Office of the Assistant Secretary of Commerce for Economic Affairs was also very helpful to the Committee in its study.

FINDINGS AND RECOMMENDATIONS

I. The Federal Government needs detailed and comprehensive information about the population of the United States, its characteristics, its housing, and its pursuits, for the design and execution of public policy.

A. The basic population count is required by Article I, Section 2 of the Constitution for apportionment among the States of seats in the House of Representatives.

B. Information from other questions is used by the Congress in assessing problems and designing legislation.

C. Census data are also used by Executive agencies in administering programs and allocating funds.

D. In the "census process" questions are subjected to meticulous technical examination for feasibility and usefulness and to searching scrutiny for public acceptability. The Census Bureau has developed sound criteria against which questions are judged. It has also worked out clearance procedures that provide opportunities for Federal agencies, the Congress, and the general public to express views on the propriety of questions and the suitability of enumeration methods. These procedures should be retained.

E. Information collected for Federal Government purposes is often useful also to State and local governments, the general public and private business and labor. It is therefore appropriate to tabulate and analyze census results in many different ways so long as there is no violation of the confidentiality of individual reports.

F. For effective planning of the census, and the most efficient allocation of funds for it, better information is needed about the great variety of uses to which census data are put. The Committee therefore supports the recommendation of the National Academy of Science's Advisory Committee on Problems of Census Enumeration that the Census Bureau prepare and maintain an up-to-date register or catalog of all uses of census data provided for by statute, and that the register gradually be expanded to include all uses of census statistics by Government.

II. Some of the information needed by the Government can be obtained only by enumeration of the population. Moreover, the Constitution requires an enumeration for apportionment of seats in the House of Representatives.

A. The most appropriate means of obtaining an enumeration—or complete count—of the population is through a periodic census.

B. For technical reasons, a census designed to achieve a complete count should be mandatory. Effective penalties for nonresponse should be retained.

(1) Achieving a complete count would be difficult if not impossible without a requirement that everyone be counted.

(2) The requirement to answer questions truthfully minimizes biases that would result from nonresponse or from false answers.

(3) The requirement that everyone be counted and that everyone answer truthfully is more equitable than a voluntary-response procedure.

(4) The knowledge that answers are required encourages enumerators to persist in finding hard-to-enumerate persons.

C. A mandatory count of the population is within the power of the Congress to require and within the duty of the citizen to answer.

D. The Government should continue to take the strongest possible measures, legal and administrative, to assure that answers to questions, whether mandatory or voluntary, will be held in absolute confidence.

The Committee recognizes that, in collection of census data, the name of the person must be obtained to assure accurate enumeration. There is no need for names, however, on the magnetic computer tapes used to prepare statistical data and the Bureau excises the names when the information is transferred to the computer tapes. The Committee recommends that a similar separation be made on the microfilms retained as a permanent record. In these records, the name should be separated from the main body of information, and should be attached only to a limited number of items needed for certification of the person's age, citizenship, and relationship to the household.

III. Planning and execution of the census must remain sympathetically sensitive to the American public's apprehensions over invasion of privacy.

A. The individual has no right to refuse to provide information reasonably related to legislative purposes and functions. As a practical matter, however, the questions asked and the manner of asking them must accord with the public's sense of propriety; otherwise, lack of cooperation may greatly increase the expense of taking the census and reduce comprehensiveness and reliability.

B. The widely publicized misgivings about possible invasion of individual privacy apparently were aroused by developments that had little or no connection with the 1970 census or the Census Bureau. The misgivings can be attributed in major part to reports of data collection, storage, and interchange activities of other groups—public and private. Among things that aroused fears of the "Big Brother society" or "Dossier State" were reports of military, police, and private surveillance, use of tax records for purposes other than tax collection, exchange of unverified and unevaluated police dossiers and credit bureau data, sale of information from public records as mailing lists, and discussions of the dangers of comprehensive, continuing "data banks."

A great deal of the public disapproval resulting from these varied sources was directed unfairly at the decennial census. As a large-scale, mandatory inquiry, the census was a convenient target. Furthermore, a few of the questions proposed for the 1970 census were misquoted or taken out of context.

C. To provide additional assurance to the public that the Census Bureau is not engaged in the kinds of activities that give rise to such apprehensions, an Advisory Committee on Privacy and Confidentiality should be established to assist the Director of the Census on matters relating to protecting the right of citizens against disclosure of census data for individuals. This committee should represent a broad cross-section of society and should devote its attention to achieving the proper balance between the Government's need for information and the individual's right of privacy.

To this end, it would take account of the rapid changes taking place in enumeration methods, data-handling technology, and the needs of government and other data users as well as changes in the attitude of the general public on the privacy issue.

IV. Experience has demonstrated that the census statute has worked well in ensuring the confidentiality of individual responses. The Census Bureau's record of living up to the statute and preserving the inviolability of individual responses must be maintained.

The statute must be kept under review to assure that it retains its capacity to preserve privacy and confidentiality in the face of developments in data-handling methods and changes in public attitudes.

A. An individual should never be required by the census to provide information that could be integrated with any data system not operated exclusively by the Census Bureau under the provisions of the census statute on confidentiality. This applies to items, such as Social Security number, that might be used to match other records with census records.

B. Legislation governing the Archives of the United States was amended in 1949 and 1950 in order to make records of the Federal Government available for public inspection after 50 years or after a period agreed upon by the Archivist and the head of the agency supplying the records. The effect of this legislation on the confidentiality of census questionnaires of 1900, 1910 and 1920 is not clear.

If the integrity of the census is to be maintained, individual responses must remain confidential; release through the Archives must not be allowed to occur. If necessary, the relevant statutes should be amended so that the law will state explicitly that answers to census questions shall not be disclosed.

V. Planning and execution of the decennial census is carried on at a commendably high level of technical competence and with proper concern for comprehensiveness, accuracy, and economy. The procedures used have been refined and developed over time through a blend of experience, analytical examination of that experience, and imaginative innovation.

VI. No one can know with certainty the precise population of the United States. Evidence from the three sources mentioned below, however, indicates that the census enumeration comes close to finding the true number.

A. The procedures used in making the enumeration are well designed to count the population completely, with a minimum of duplication or omission.

B. When areas have been recanvassed as a result of suspicions of inaccuracies, the errors found have been small.

C. Independent demographic analysis produces estimates of the population at census dates that are close to the enumerated totals.

VII. However full the effort, inevitably there would be some people who would not be counted and some who would be counted more than once. It is our impression that the former would exceed the latter. Demographic analysis and similar tools have enabled the Census Bureau to develop special techniques to deal more effectively with both these problems. Although there will always be individuals who do not want to be counted, and who will succeed in avoiding the count, continuing application of resources to analysis, to community relations efforts, and to publicity will go far toward reducing this problem to a practical minimum.

VIII. There is a temptation to conclude that the enumeration figures should be adjusted upward so that they will conform with the results obtained through demographic analysis. Knowledge of the extent and distribution of inaccuracies, however, is not precise enough to commend this course.

IX. Concern about inaccuracies in census counts have been rising in a period when inaccuracies themselves have probably been declining.

A. This rising concern about inaccuracies appears to stem from increased use of census data for distribution of governmental benefits to small political jurisdictions, and from the fact that some such jurisdictions have been losing population in recent decades.

B. If there seems to be evidence of inaccuracy in the census counts sufficient to produce appreciable inequity in distribution of benefits, the various formulas for the distribution of benefits—not the data—should be adjusted.

X. A mid-decade census, designed to collect basic population data, is desirable.

A. The rapidity of economic and social change in the United States makes desirable more frequent information of kinds that can best be obtained by census techniques.

B. A mid-decade census should be developed and designed by the same "census process" as is used for the decennial census, and should entail a complete head count. It should be taken in years ending in "5".

C. A mid-decade census should be less extensive in subject matter than the decennial census, and it should give first priority to demographic elements, such as population count, basic population characteristics, and migration patterns and behavior. The Committee recommends that

1. There should be a complete-count mid-decade census; and

2. The list of questions asked of the entire population should be as brief as possible.

D. Sample surveys should be used to develop other economic and social characteristics.

CHAPTER I—DECENNIAL CENSUS PROCEDURES

The case of the 1970 census

Administrative and governmental problems in an industrialized society are massive and complex, and problem-solving demands a variety of techniques. There must be accurate and precise methods of measuring and defining problems; of determining the effects of various social and economic policies and programs; of finding whether solutions are having the desired effect.

It is no longer desirable or even possible to leave governmental decisions merely to short-term pragmatic considerations—to what a former Government official termed in another context ". . . a process of trial and error in which policy zigs and zags, reverses itself and then moves forward in a series of incremental steps."[1]

There is little argument that in dealing with a wide variety of the problems of industrialized society, zigging and zagging must be supplmented or even replaced by consciously and rationally planned programs.

The need for such programs implies and entails a need for data. For the planning to be effective, the data that are relevant must be reasonably accurate and complete. Thus, in all industrialized countries there is an ongoing need for wide-scale statistical programs. In the United States, the linchpin of such statistical programs is the decennial census.

At the same time, however, American society has other vital needs. One that is frequently seen as conflicting with data requirements is the need for (or the right of) privacy.

Whatever the statistical requirements of American society, it is clear that there must be a thorough-going guarantee for each individual that he be free from unwarranted invasion of his personal privacy by government. Because of the vital need for both data and privacy, provision must be made for securing necessary data from citizens, all the while securing to the people complete guarantees against government-implemented or government-sanctioned intrusions.

The census in history

Although a variety of statistical information has been collected by governments throughout the recorded history of man, it was not until the mid-18th century that census-taking in the modern sense really began. Sweden was the first modern nation to initiate what can fairly be called a census, but the real impetus toward obtaining a national count of inhabitants occurred at the end of the eighteenth century, concurrent (more or less) with the American, French and Industrial revolutions.

Largely as a response to widespread interest developed by economic writings (e.g., Smith's "Inquiry into the Nature and Causes of the Wealth of Nations," and Malthus' "Essay on the Principle of Population"), Britain's first national census was taken in the year 1801.

At present, all developed nations and many developing nations are highly dependent on a variety of governmental statistical programs, for which national census programs inevitably provide the foundation. A wide range of statistical data has come to be regarded as appropriate for government compilation, publication, and use.

The census in U.S. history

More than almost any other of the world's nations, the United States can lay claim to census pioneering. Alone among census pioneers, this country specifically provided for a census procedure in its basic instrument of government; but the census tradition hardly began with national government. The basis of a statistical enumeration of inhabitants (and of other statistics gathering procedures) was laid long before nationhood was achieved.

The IXth of the Articles of Confederation specifically provided for a census among all the states. Although the Article received insufficient support on the part of the Continential Congress to be effectively implemented, censuses were effectively carried out in several of the States of the Confederation and in some cities (among them Philadelphia, Baltimore, and Charleston, South Carolina). The principle of a census of housing was clearly established in this period.

Thus, the foundation for a census was laid before the decennial census procedure was formalized in Article I, Section 2 of the Constitution:

"Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct."

Even the first census in 1790 involved more than a mere head count. It included information on the number of free males above and below 16 years of age, free females, and slaves. The call for free males over 16 years of age obviously was motivated by the desire of the Federal Government to have information on potential military manpower for defense purposes. From that census onward, the census inquiries, which were formulated by the Congress itself until the census of 1900, proliferated in response to increased needs felt by the Federal Government. By 1850, the inquiries included age, sex, color; whether deaf and dumb, blind, insane or idiotic; value of real estate owned; profession, occupation or trade for each male person over 15; place of birth; whether married within the year; whether attended school within the year; unable to read and write for persons over 20; and whether pauper or convict. The census inquiries by 1850 reflected the growing need of government for information with which to set policy and design programs for the problems generated by a more complex society.

The elaboration of the census schedule may be viewed and traced as a function of the new problems with which the nation was faced. For example, in 1910, a question was added on "mother tongue" to provide information on ethnic origin at a time when problems of the "melting pot" were becoming acute. In 1930, questions were added on rent or value of home and on presence of a radio set. The first of these questions was designed to get information on the social and economic status of families in the late 1920's. The purpose of the question on whether the household had a radio was to measure the diffusion of this new medium of mass communication with great significance for national defense as well as many other aspects of contemporary life, ranging from education to marketing.

By 1940 the census population schedule included the following: home owned or rented; value or monthly rental; whether on a farm; name, relationship to head of household; sex; race; age; marital status; school or college attendance; educational attainment; place of birth—if U.S., state, territory or possession—if foreign born, country in which birthplace was situated on January 1, 1937; citizenship of foreign born; country and state of residence five years earlier and whether on farm or in place of 2,500 or more inhabitants; employment status during week of March 24–30, 1940 if at work, whether in private or nonemergency government work, or in public emergency work (WPA, NYA, CCC, etc.); if in private or nonemergency government work, number of hours worked during week of March 24–30; if seeking work or on public emergency work, duration of unemployment up to March 30; occupation, industry, and class of worker; number of weeks worked in 1939; wage or salary income in 1939 and whether received other income of $50 or more; place of birth (state, territory, possession, or foreign country) of father and mother; language spoken in home in earliest childhood; veteran status, or whether wife, widow or under-18 child of veteran; whether has Social Security number, and if so whether deductions were made from all or part of wages or salary; usual occupation, industry, and class of worker; of women ever married—whether married more than once, age at first marriage, and number of children ever born.

The questions relating to internal migration reflected the drastic changes in internal migration flows and their attendant problems produced by the depression. Interest shifted from problems of immigration to problems of internal migration and, in consequence, some questions on immigration were dropped to make room for the new questions on internal migration. The new questions on years of school completed were added in response to the need for a better measurement of educational level. The old question on illiteracy had become almost meaningless because almost the entire population had become "literate" by 1940. The disastrously high level of unemployment in the 1930's generated great pressures for facts about the number and characteristics of the unemployed. The question on Social Security coverage was a sequel to the establishment of the Social Security System.

In addition to the new population questions, the 1940 census included for the first time a Census of Housing. The Congress, concerned with the growing problem of the slum and substandard housing, called for an inventory of the nation's housing supply and quality. The 1940 housing schedule included the following questions: number of dwelling units; occupancy status; tenure; color of household head; value of owner-occupied units; monthly rent of rental units; type of structure; exterior material of residential buildings; year built; conversion status of structure; state of repair; water supply; toilet facilities; bathtub or shower; number of rooms; lighting equipment; size of household; persons per room; radio; refrigerator equipment; cooking fuel; heating equipment and fuel; mortgage status; inclusion of furniture in rent.

Each of the censuses since 1940 has followed the above pattern with some modification of the inquiries listed, some omission of questions, and very few additional questions. In the census of 1950, questions related to income were extended to larger proportions of the population to meet demands from government agencies for public policy formation and administrative purposes. In the census of 1960, in response to increasingly severe problems of urban decentralization and suburbanization, transportation, and population mobility in general, new inquiries were added relating to place of work, means of transportation to work and length of residence in the dwelling unit.

The census of 1970 was in the main similar to the census of 1960 and added only a few questions on a sample basis, including those relating to occupational change, and population of Spanish origin or descent, vocational education and disability.

Methodology and processing

The rest of this chapter describes the salient features of a modern census, using the 1970 census as illustrative. A point that comes through with great clarity is the importance of methodology in assuring the accuracy of the count, and the role played by processing technology in monitoring the application of the methodology. No longer is the census conducted as an extra activity of the Federal marshals. Rather, every place that seems likely to be a dwelling place is identified, and in the mailout-mailback areas this is done *before* the census date. Enumeration of the population is essentially a process of determining how many and what kinds of persons each of these dwelling places does in fact contain on Census Day.

The methodology also explains, in a measure, the inclusion in the questionnaire of some of the housing items that critics have questioned. Under the modern methodology, even if no housing data were wanted, as such, the items needed to identify dwelling places in structures would have to be obtained for adequate enumeration of the population.

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[1] Hilsman, Roger, To Move a Nation, Doubleday and Company, Inc., 1967, p. 5.

Census procedures: 1970 as prototype

One of the critically important discoveries of Western man is that many facets of the human socio-economic experience can be quantified. Governments accomplish this through their public statistical programs. In the United States, it is the national census that provides the frame of reference for such programs.

As of April 1, 1970, the United States conducted its Census of Population and Housing—the Nineteenth Decennial Census and the latest in an unbroken string of censuses taken in every year ending in zero, beginning with 1790.

Preparations for the 1970 census entered the "dress rehearsal" stage in the middle of 1967. Thus, almost 3 years before the scheduled date of enumeration, final decisions began to be reached. The goal of the Census Bureau was to develop overall plans and basic methods and materials with the expectation that they would be utilized unchanged in the 1970 census itself unless unanticipated problems or changed conditions required revisions to be made. The three test censuses that made up the dress-rehearsal program were conducted in 1968. The need for an early dress-rehearsal derives from the complexity of the operation.

The dress-rehearsal censuses were the culmination of an extensive pretest program which began in 1961, i.e., when the processing of the 1960 census results were perhaps only half completed.

In the Congress, the House Committee on Post Office and Civil Service and its Subcommittee on Census and Statistics held hearings on various phases of the 1970 census over a number of years. Hearings were also held in connection with legislative proposals that would have placed strict limitation on the questions that could be asked under the mandatory provisions of the census law (Title 13, United States Code).

In 1960, and again in 1970, supplemental surveys were conducted as part of the decennial census operation. In 1960 there were two such surveys. One was a special study of the components of change in the Nation's housing inventory (additions, demolitions, conversions from residential to commercial use, and single- to multiple-unit structures, and the reverse, etc.). The second study was a special analysis of the sources of financing for the housing inventory as it existed in 1960 to provide information on the value of units owned outright; the use of family loans, conventional loans (banks, savings and loan associations, insurance companies, etc.), and Government-insured loans; the terms and rates of financing; the use of multiple source of financing, and similar subjects.

The supplemental surveys are distinguished from the regular census by the fact that they are not conducted precisely on April 1 of the decennial year. In addition, field staff is specifically recruited for this purpose. Moreover, these surveys cover a much smaller sample of households than the regular census. The mandatory and confidentiality requirements of the census apply to the supplemental surveys. In the 1970 census, the survey of components of change in housing and the residential finance surveys were repeated. In the former, 300,000 housing units were included and the latter involved 65,000 properties. In addition, a special supplemental survey dealing with barriers to employment, involving about 210,000 households was developed. This survey was designed to meet the special needs of Government agencies concerned with problems of people residing in areas with substantial poverty in the Nation's larger cities and in some rural areas, The subjects included educational history and training for work, specific barriers to employment, aspirations and attitudes towards work, as well as information on work experience and general demographic and economic characteristics.

The questions in the supplemental surveys were reviewed and discussed with several Advisory Committees and the Inter-Agency Committee on the 1970 Census of the Office of Management and Budget. They also were discussed at the hearing conducted by the Subcommittee on Census and Statistics of the House Committee on Post Office and Civil Service.

Technically, the 1969 Census of Agriculture also was part of the 1970 Decennial Census although the purposes and methodology are quite different. The Census of Agriculture, taken every five years, collects data on farming as an economic activity.

Subject content

The inquiries included on the 1970 questionnaires were selected by the Census Bureau under the supervision of the Secretary of Commerce. The questions were selected after lengthy consultation and careful deliberation, and with special emphasis on the needs of the Federal Government. The Bureau invited suggestions from users everywhere. The Bureau also made direct effort to obtain suggestions and comments through intensive discussion with many individuals, organizations, and Federal agencies, and in a series of locally sponsored public meetings in 23 cities across the country. In addition, recommendations were obtained from the several advisory committees with which the Bureau consults periodically on various aspects of the Bureau's program.

These committees, which average about a dozen members and meet several times a year, are established by professional organizations such as the American Statistical Association; or by the Bureau itself, e.g., a committee of population specialists drawn largely from universities. They provide an organized and regular channel of communication between the Bureau staff and professional experts in the relevant fields. The Committee members receive no salary from the Bureau and recognize clearly that their role is advisory, not decision-making.

Within the executive branch of the government, close liaison has been maintained on all census matters with the interested agencies through the Federal Council on the 1970 Census. This is a group representing about 40 agencies with a considerable interest in the census results, established and chaired by the Office of Statistical Policy in the Office of Management and Budget. Cabinet members and high-ranking members of the White House and Executive Office staffs devoted a great deal of time to resolving interagency differences.

From the beginning, it was recognized that there would likely be many proposals that would not be feasible. The Bureau felt, however, that an open-door policy, despite its inevitable frustrations, would yield a better census than starting with a restricted view of the possibilities for enhancing the value of the census to users.

Of the numerous questions proposed, many were ruled out as not being in the broad public interst, which is the first criterion for possible inclusion. Others were vetoed as too complex or too personal, as more appropriate for a national sample survey than for the large-scale coverage implicit in a census, or for similar relevant reasons. And after the list was thus pruned, further cuts had to be made on a priority basis to get within the limits of the available resources and to avoid imposing an unreasonable burden on the respondent.

The 1970 and 1960 census subject items are quite similar. The dominant tone through most discussions of 1970 content was greater exploitation of the existing subjects by more intensive cross-tabulation and by providing additional data for small areas. Thus, while a number of new items have been added on a sample basis primarily to meet the program needs of Federal agencies, the subject needs that the decennial census serves have not changed radically during the decade.

Collecting the data

In larger metropolitan areas and some adjacent counties, householders were asked to fill in 1970 census questionnaires and mail them back to the local census office. These households represented about 60 to 65 percent of the total U.S. population. Enumerators obtained the necessary information from households that either did not respond or returned incomplete questionnaires. For the balance of the country, the traditional house-to-house canvass was used, supplemented (as in 1960) by the distribution to all households shortly before Census Day of a questionnaire containing the 100-percent population and housing questions.

Over a span of approximately six months in 1969, about 35 million individual address labels were printed from a computer tape containing city-type residential addresses. These addresses were derived from a commercial mailing list. The use of such a list was decided upon after testing and review of alternative approaches. A particular commercial list with nationwide coverage of essentially urban areas was purchased. The approach offered a number of economies and flexibilities and the list's deficiencies in the geographic detail needed for the census operation could be overcome without excessive additional cost.

These address labels contained apartment designation (in multi-unit structures), house number, street name, city, State, and postal ZIP code; they did not contain the name of the householder. Each label was affixed to a card, and the cards turned over to the Post Office Department for transmittal to the appropriate letter carriers. The carriers checked the cards for completeness and accuracy, i.e., nonexistent addresses were marked for deletion, incorrect addresses corrected, and addresses for which the carrier did not have a card were listed for addition. The cards and lists were returned to the Census Bureau and the necessary revisions made in the computer tape.

The corrected tape was then processed through an address coding guide (see "Geographic Detail" below) so that each address had allocated to it the necessary geographic information, e.g., block, ward, city, county, etc. Finally, the addresses were identified by the census field control codes for district office, enumeration district, and serial number within the district; and each address was designated through a random-start serialization technique to receive one of the three types of questionnaires.

The first type contained 22 basic demographic and housing questions.

The second form contained the basic questions plus additional questions on housing, income, occupation, consumer durables and other subjects. This form was received by 15 percent of the households.

The third form contained the same number of questions as the second form but a few questions were substituted. It was sent to five percent of the households.

In other words, all households were asked 22 basic questions, but one family in five was asked to file a longer form—either questionnaire No. 2 or No. 3.

In addition to an enumeration of the entire population, this arrangement provided scientific samplings of 20 percent, 15 percent, and 5 percent of the total.

Thus, costs were reduced by limiting the long questionnaires to 20 percent of the population. Yet, the information gives an accurate picture of population characteristics.

Certain addresses were identified as "special places"—e.g., institutions, large boarding houses, hotels, etc.—and instead of a questionnaire, they received a standard letter stating that an enumerator would visit the place to collect the information.

From this tape containing corrected, geographically identified, field-coded, and sample-designated addresses, two primary sets of materials were printed. One was individual address labels, which were affixed to mailing pieces; the mailing piece contains the appropriate type of questionnaire, an instruction sheet, an explanatory letter from the Secretary of Commerce, and a return envelope. (In selected areas, the mailing piece also included a Spanish translation of the instruction sheet.) The other was a listing—or, in census terminology, an "address register"—of all the addresses in the particular enumeration district.

This process, unfortunately, could not relate to an entire metropolitan area, but only to the portion that receives city delivery service from the Post Office Department. To cover the balance of the metropolitan area, temporary census employees performed a special address listing operation some months before the census. This operation yielded handwritten enumeration district address registers and hand-addressed mail pieces comparable to the computer-produced materials described above.

The Bureau recognized that in some of the more congested sections of large cities this procedure would not have been adequate to identify all residential addresses. Accordingly, provision was made to conduct a special field survey in 45 such areas, located in 19 major cities. This was done in advance of the census and provided an additional source of addresses. The work was done by persons familiar with the local situations and competent in the language commonly spoken in the area.

In the mail-return areas, householders were requested to fill out and mail back their questionnaires on Census Day. This request was reinforced by a widespread publicity campaign.

Within a few days after Census Day, review of the mail returns began. Incomplete questionnaires and nonresponse cases were followed up. The end purpose of the operation was to have a complete questionnaire for each address in the register, or an explanation in the register why a listed address is not to be included (e.g., it is really part of another housing unit, or it is not a residential address despite the letter carrier's belief).

Two variants of the mail-out/mail-back system were used in 1970. Under one approach—designated "decentralized"—the mail returns for the particular enumeration district were given to the enumerator to be checked in against the address register, reviewed for acceptability, and, as necessary, followed-up by telephone, if possible, or by personal visit. The enumerator was also, of course, responsible for visiting all addresses from which a mail return was not received.

The mail-out/mail-back system was developed after many years of study and field testing. This includes certain experiments conducted during the 1950 census and the experience with self-enumeration in the 1960 census, as well as the several 1970 census pretests. The primary purpose of the mail system was to improve coverage; a welcome additional benefit was to increase confidentiality. As a final check on the work of each field enumerator, the supervisor checked against every address in the address register to make sure that it was accounted for by an appropriate questionnaire or explanation of the absence of one; for example, that the unit had been demolished or converted to nonresidential use.

By bringing the specialized knowledge of the letter carrier into the census process and by the repeated checks which this system made feasible, improvements in coverage were made in the test areas in particular, the underenumeration that results from the enumerator's missing entire structures and their residents was virtually eliminated.

Questionnaires were returned by 87 percent of the households in the mail-return areas. There was relatively little difference in the mail responses between the long and the short forms. Enumerators contacted every household from which a questionnaire had not been received.

The mail-return system was not used for the remaining 35 to 40 percent of the country because the procedure involves more complex administrative and control operations than direct enumeration methods and is essentially a mass production process that requires a large workload for its economical execution. It was, therefore, not considered feasible for 1970 to operate and control such a process in the less densely populated parts of the country. Furthermore, in these areas a comparatively large portion of addresses are of the type which require a special listing operation, thus potentially raising unit costs beyond the anticipated house-to-house canvass levels.

In the non-mail-return areas, a technique much like the 1960 "single stage" approach was used. Four days prior to Census Day, letter carriers delivered to every housing unit an unaddressed short-form questionnaire identical in content with the one used in mail-return areas. The purpose of this advance distribution was to obtain the advantages of self-enumeration for the 100-percent items. At every fifth unit, the 1970 enumerator completed the same long form (15 percent or 5 percent) questionnaire as the ones used in the mail area.

Improvement efforts

In addition to the coverage improvement afforded by the existence of control lists of address, a major quality check in the 1970 census was a special audit of housing units reported as "vacant" by census enumerators. This audit was conducted immediately after the field canvass on a sample basis by the regular interviewers on the Bureau staff who are more experienced in interviewing and who have received more training than the census enumerators. This intensive follow-up audit found a certain percentage of the units that, according to proper application of the census residence rules, should have been classified as occupied and the inhabitants enumerated. The improvement achieved by this check had a measurable impact, adding about 1 million persons, or one-half of 1 percent of the total count, well dispersed over all areas.

Another quality effort was the post-enumeration check by the Post Office in areas in which the mail-back procedure was not used. The addresses listed by the enumerators as they canvassed their areas were transcribed to white cards and turned over to the Post Office, where they were sorted by carrier routes. Each carrier was then asked to review the white cards and to prepare a blue card for each address on his route for which he was not given a white card. The blue cards then became the basis for followup to make sure the household was added to the census rolls if it had not been recorded by the enumerator. Because this procedure is both time-consuming and relatively expensive, it was used in 16 States where earlier experience indicated this procedure would most likely be useful. This procedure added about 0.8 percent to the total population count for these 16 States.

Another significant innovation adopted for the 1970 census was the employment of full-time community educators to work with organized minority groups well in advance of Census Day.

Twenty community educators were appointed in regional offices to call in person on prominent members of minority groups, including religious leaders, community leaders, elected officials and radio personalities. Particular efforts were Puerto Rican-Americans, Chinese-speaking people, and American Indians. Strong support and cooperation were received from the Urban League, the National Association for Advancement of Colored People, the Cabinet Committee on Opportunity for the Spanish-Speaking, and the Puerto Rican Government, as well as many community organizations, members of the clergy, the press, and the entertainment industry. While the impact of this effort cannot be quantified, the belief is that it helped significantly in reducing the under-representation among minority groups identified in the post-analysis of the 1960 census. The Bureau plans to expand this activity in future census efforts.

Other measures introduced or greatly expanded in 1970 to improve the quality of census coverage included: (1) a special check in large cities of the coverage of persons moving from one address to another within the period immediately preceding and following the census date; (2) special foreign language translation of questionnaires and instruction sheets used in appropriate areas; (3) telephone assistance centers; (4) locally organized personal assistance centers; (5) bilingual enumerators to aid householders in completing census reports; and (6) smaller enumerator assignments, smaller supervisory assignments, and higher pay rates in difficult-to-enumerate areas together with a manifold increase in the deployment of experienced census staff to assist temporary workers in preparing for and executing the work.

Geographic detail

The 1970 census is producing statistics for the same types of geographic areas as in the past, for example, blocks, enumeration districts (or groupings of blocks), tracts, minor civil divisions, unincorporated places, cities, counties, urbanized areas, standard metropolitan statistical areas and States. In addition, there are a number of important expansions and improvements.

The census tract program was extended to cover all standard metropolitan statistical areas. This expansion increased the number of tracts from the approximately 25,000 in 1960 to close to 35,000 in 1970.

The city block program, essentially limited to the corporate areas of cities of 50,000 or more in 1960, was extended to cover most or all of the urbanized area around these cities in 1970. As in 1960, the Bureau collected and tabulated statistics by block for other communities at their request and expense. Altogether, the number of blocks for which data will be available will increase from approximately 750,000 in 1960 to about 1,500,000 in 1970.

Processing the data

The questionnaires used in both the mail and conventional systems of data collection are identical in content and format. Thus, they can be handled in the same way at all stages of processing. Furthermore, these questionnaires are designed for use with the Bureau's Fosdic equipment, i.e., the Film Optical Sensing Device for Input to Computers, a machine which is capable of "reading" information from a microfilm copy of an appropriately designed and marked schedule and transferring it to magnetic tape for processing by electronic computers.

This device is not used to recognize characters, but only to read marking positions. It was developed for the 1960 census by the

Census Bureau in cooperation with the National Bureau of Standards, and has been used very successfully in other Bureau programs since 1960. A portion of a 1970 census Fosdic questionnaire is shown below. For most answers, the respondent or enumerator marks the reading circles himself; for such items as occupation and income, a clerk marks the reading circles in a central office manual coding operation.

ILLUSTRATIVE PORTION OF THE 1970 CENSUS FOSDIC QUESTIONNAIRE

Date of birth						8. What is each person's marital status?
5. Month and year of birth and age last birthday	6. Month of birth	7. Year of birth				
(Print)	(Fill 1 square)	(Fill 1 square for 1st 3 numbers)		(Fill 1 square for last number)		(Fill 1 circle)
	☐ Jan.-Mar.	☐ 186-	☐ 192-	☐ 0	☐ 5	☐ Now married
Month........................	☐ Apr.-June	☐ 187-	☐ 193-	☐ 1	☐ 6	☐ Widowed
		☐ 188-	☐ 194-	☐ 2	☐ 7	☐ Divorced
Year........................	☐ July-Sept.	☐ 189-	☐ 195-	☐ 3	☐ 8	☐ Separated
		☐ 190-	☐ 196-	☐ 4	☐ 9	☐ Never married
Age........................	☐ Oct.-Dec.	☐ 191-	☐ 197-			
	☐ Jan.-Mar.	☐ 186-	☐ 192-	☐ 0	☐ 5	☐ Now married
Month........................	☐ Apr-June	☐ 187-	☐ 193-	☐ 1	☐ 6	☐ Widowed
		☐ 188-	☐ 194-	☐ 2	☐ 7	☐ Divorced
Year........................	☐ July-Sept.	☐ 189-	☐ 195-	☐ 3	☐ 8	☐ Separated
		☐ 190-	☐ 196-	☐ 4	☐ 9	☐ Never married
Age........................	☐ Oct.-Dec.	☐ 191-	☐ 197-			

Evaluation program

The Bureau is conducting a large-scale formal evaluation program for the 1970 census, as it did for the censuses of 1950 and 1960. Between 1 and 1½ percent of the overall budget is devoted to this activity. The general scope of the 1970 program has been determined, although there are unresolved issues that could, in a few instances, make the difference between inclusion and exclusion of specific projects.

Broadly speaking, there will be (1) another round of readings on certain aspects of both coverage error and reporting error such as took place in 1950 and 1960; (2) an evaluation of innovations in census procedure, such as address register, computerized geographic coding, and coverage improvement devices used in 1970 for the first time; (3) an evaluation of questions new to the 1970 census; (4) some exploration of the causes and correlates of error; and (5) tests and experiments looking towards the prospects for modifying census methods in the future.

In many cases, quality evaluations will be made for the mail census areas separately from the conventionally enumerated areas; comparisons of procedures will, of course, be qualified by differences between the two types of areas. The designation of the sample—performed differently in the two types of areas—will be subject to more detailed checks in 1970 than in 1960 to test for potential biases. A carefully drawn field experiment is also being conducted, specifically designed to test the feasibility of extending the mail techniques in the future to areas conventionally enumerated in 1970.

CHAPTER II—PRIVACY AND CONFIDENTIALITY

In the course of a lifetime, each individual encounters many situations in which he is expected or required to disclose information about himself to some agency of government—Federal, State, or local. Much of this information is needed by government to determine whether the individual is to be accorded certain privileges or is qualified to exercise certain rights. In these cases the individual generally takes the initiative, and presumably benefits from having subjected himself to the need to provide information about himself. Examples are qualifying to vote, to drive an automobile, or to obtain a passport, or establishing competence to operate a licensed or regulated business or to practice a licensed profession.

The individual is also required to provide some kinds of information to government, in the course of fulfilling obligations to which he is subject as a member of a governed (or political) community, regardless of whether he expects to benefit from the disclosure. Cases in point are reporting income, property, or activities to make possible assessment of tax liabilities; registration of young men for Selective Service, and (subject to protection against self-incrimination) providing information helpful to the administration of justice.

Nevertheless, in the United States the individual may engage in many activities without incurring any obligation to provide information to government at any level about the activity itself. He may be required to obtain a license to operate an automobile, for example, but he is generally under no obligation to report where he is going, or why. He may have to provide information about his house so that his real property tax can be levied, but he is not required to account for his visitors or receive permission to entertain them. With few exceptions, he may spend his income as he sees fit without either accounting for his decisions or obtaining permission.

The information disclosed by individuals to obtain privileges or fulfill obligations (e.g., to obtain a driver's license or report taxable income) is often used also for statistical purposes. The primary purpose and justification for the collection of such information, however, is directly related to the individual and the possibility of action relating to him as an individual.

On the other hand, census information is collected solely for statistical purposes. The identity of individual information is strictly guarded. This does not mean that the Census Bureau should be given carte blanche to ask any questions in which some member of the statistical office or some government agency, may be interested. The Government's need to know must be balanced against the accepted norms of the society, which change from time to time. Although it is difficult to draw hard and fast lines, there are spheres of human behavior which should not be invaded by the government. For example, it would be inappropriate for a census to ask the individual how he voted in an election, or even how he intends to vote. Such an inquiry would clearly be an infringement on the principle of the secret ballot, and inclusion of such a question would justifiably raise questions about the intent of the entire operation.

The Right of Privacy

Some activities, indeed, are protected against governmental inquisitiveness by explicit constitutional provisions and judicial interpretations. The individual may express views on public issues, or keep his own counsel, without having to explain his views. He may attend or avoid religious observances without describing his creed. He may participate in, or refrain from, political activities without being subjected to governmental tests.

Over the years, agreement has developed that individuals have a "right of privacy" that goes beyond the particular protections specified in the First, Fourth, Fifth, and Fourteenth Amendments to the Constitution. This general right of privacy is not independent of these constitutional protections, but rather has been found logically and practically necessary to make the specific protections effective. The content of this right of privacy is difficult to state comprehensively because, to a large extent, it derives in any particular case from the relation of the facts of the case to the current judicially recognized meanings of the specific constitutional provisions.

The state of privacy exists when there is a boundary through which information does not flow from the persons who possess it to others. Two types of privacy may be distinguished: one, that involving the flow of information about the person to other persons; and second, that involving the flow of information about the person to agencies and institutions, public and private.

In modern life there are many more agencies and institutions that obtain information about the person than was true in the past. In the private sector, for example, sales agencies, credit agencies and private collection and detective agencies obtain information about the person which is often interchanged and used without his consent or knowledge. Similarly in the public sector, government regulatory and administrative agencies obtain information about the person which may be interchanged and used for various legal purposes—as in the case of cooperation between the Internal Revenue Service and the Department of Justice in the enforcement of income tax laws.

Another type of information about a person is provided to the Government. This information, however, is for statistical purposes only, as in the census, and there are legal safeguards guaranteeing the confidentiality of information. That is, in connection with the flow of information to the census, the law contains provisions that prevent the Census Bureau from making the information available to any other agency, public or private, and the Bureau can use it only for statistical purposes.

Obviously, privacy does not exist in any absolute sense any more than freedom does. Privacy, as freedom, is meaningful in a human society only in its social context. It is the social milieu which determines the boundaries through which information may not flow and, also, the nature of the information which may be defined as private. In the rural style of life in 1790, for example, it would perhaps have been difficult to justify the government's interest in whether the household enjoyed exclusive use of bathroom facilities. But at the present time, with the existence of slums and substandard housing and in the light of public policies on housing and urban renewal, the government needs such information in summary form to measure the number, proportion and location of housing of substandard quality. To claim that this census question now constitutes a violation of privacy is to contend that the interests of the individual transcend the interests of society and should have priority over the public's efforts to eliminate slums and substandard housing. In light of the need of the government for information critical to the determination of policy and the administration of programs that the Congress and the President have agreed are vital to the social and economic well-being of the Nation, it is sometimes necessary for the individual to agree to give information that he would not be willing to disclose under other circumstances.

One element in the right of privacy frequently referred to is "the right to be left alone." Perhaps a similar element is included in the proposition that "the right of free speech includes the right to be silent." An extension of these elements is the idea that, when an individual gives information that he has the right to withhold, he is giving it in a particular context or in response to a particular question; use of this information in a different form, or as an implied answer to a different question, may then be an invasion of privacy. Included in this idea is the notion that if the information given is retained, it must be recorded accurately and with an adequate explanation of the circumstances of the disclosure and of any qualification that accompanied it.

The idea that information is given in a context, for a particular purpose, and to a particular person or agency also gives rise to the idea that use of the information in a different context, for a different purpose, or by a different person or agency may breach the right of privacy. Part of the inducement to answer a question is a promise that the information will be held in confidence and will never be used "to the detriment of the persons to whom such information relates," (USC Title 13, Sec. 8). Thus, disclosure or permitting detrimental use may be regarded as a breach of the right of privacy, as well as a breach of confidence. When the circumstances of collection imply or stipulate that the information may be made available to others, does the individual have a right to know when such others have requested, or been given, access to his information? Some would say yes.

Even granted this right of privacy—under which the individual is generally free to think, to speak, and to act without being required to give an account of himself—there is one set of circumstances under which he may be questioned and required to answer. If a legislature asserts that a change in law might be desirable, and that an individual has information that would be useful to the legislature in making its decision, the individual may be required to answer questions that might otherwise be considered to invade his right of privacy—short of making him incriminate himself under laws already in force, or otherwise interfering with his constitutional rights.

Government need versus individual rights

Thus, the right of privacy may be limited in order that public policy may be better developed or executed.

At least one court decision suggests the importance of census inquiries: "The authority to gather reliable statistical data reasonably related to governmental purposes and functions is a necessity if modern government is to legislate intelligently and effectively."[2] The trial judge had said in his decision, "Congress has the power to compel relevant testimony necessary for legislative purposes."[3]

In opening hearings of the Senate Subcommittee on Constitutional Rights, Senate Judiciary Committee, in 1969, Senator Sam Ervin said:

"Somewhere a balance must be struck between the individual's desire to keep silent and the government's need for information. If it is proved necessary to invade certain rights, clearly it is the constitutional duty of Congress to establish precisely how and under what circumstances this may be done. . . ."[4]

Congress has, of course, been performing this constitutional duty. Since the Tenth Census Act, providing for the 1880 census, Congress has progressively tightened the statutory protection of the confidentiality of information provided by individuals in response to census inquiries.

In 1929 the basic statute that now governs the census was enacted. This statute (Title 13, U.S. Code) provides that "The Secretary (of Commerce) shall prepare schedules, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and the censuses provided for in this Title."

Thus, under the present statute, officers of the Executive Branch decide what questions are to be asked in the census, and of whom they are to be asked. There is nothing improper in this, of course. Delegation of legislative authority, under adequate standards, is a recognized feature of our legal system. Congress has established standards for the conduct of censuses, and participates continuously in the census process through the appropriation of funds and through committee review of the Census Bureau's operations.

The current census act arose out of a realization that taking adequate censuses in the modern American society is a technically exacting task that is much better done by a continuing trained staff of experts than by a legislative body.

Since 1929, techniques of designing questions, designing samples, motivating response, processing data, evaluating all elements in the process, and the host of other aspects of successful data-gathering have all become much more sophisticated and dependent on full-time technical competence.

The inquiries included in the census are determined by the Director of the Census (an official appointed by the President with the advice and consent of the Senate), with the approval of the Secretary of Commerce. Furthermore, under the Federal Reports Act of 1942, the census schedule is also reviewed by the Office of Management and Budget. In designing the census schedule, the Director of the Census is guided by a professional staff and a number of advisory committees made up of representatives of business; labor; educational and research organizations; religion; Federal, State and local governments; and the general public. The guiding criteria for the inclusion of questions in the census schedule are that the information to be obtained is in the national interest and that it can with reasonable input be provided by the public. These procedures should be retained.

Those involved in the process of applying these criteria must take into account the sometimes sensitive questions of public acceptability. Even a question accepted at one time may arouse a furor at another. A prime example was the question on basic plumbing facilities, which, although used in previous censuses, evoked more discussion in the preparation period for the 1970 census than any other issue.

Contrary to the impression frequently conveyed by news media, the question was prepared for the census to read simply:

"Do you have a bathtub or shower?

—— Yes, for this household only.

—— Yes, but shared with another household.

—— No bathtub or shower"

In the process of reviewing the Bureau's preparation for the 1970 census, Secretary Stans requested that the second alternative answer to the question be phrased as follows:

—— "Yes, but also used by another household."

This provided the same information in a manner that appeared to be less objectionable to the critics who had contended that the question was in poor taste.

This question, as experience since 1940 has shown, provides basic information the quality of housing. With the government programs of urban renewal and public housing and with the need of the construction and related industries for knowledge about the Nation's housing supply and its quality as a basis for private housing construction and marketing, the justification for and the utility of this question are clear.

Once the census questions are determined, the information is collected in accordance with two basic principles. The first is that responses are required by law under penalty, which has been the law since the first census. The second principle is that the information collected by the census is for statistical purposes only and is collected under a guarantee of confidentiality.

The law imposes penalties on any Census Bureau employee who discloses census information about any person—penalties that, very properly, are more severe than those for refusal to answer the census questions. Census employees, including enumerators, are under oath and under penalty to preserve the confidentiality of the data not only during the term of their employment but even after they no longer are working in the Bureau. Emphasis is placed on his point in the training of census employees. The oath of office for the employee follows:

"I will not disclose any information contained in the schedules, lists, or statements obtained for or prepared by the Bureau of the Census, to any person or persons, except as designated by the Director in accordance with law."

Information provided by the individual is used only for the purposes for which it is given, only by those to whom it is given, and only in the context in which it is given. These are the principal elements in the confidentiality aspect of privacy.

In the history of the United States there is no evidence that the promise of confidentiality has not been scrupulously honored by Census officials. Moreover, the Attorney General of the United States and the courts have consistently held that any census information about an individual is not subject to scrutiny by any other agency of government or by any organization other than the Census Bureau itself. As judged by the cooperation of the public, the vast majority of the American people have come, over the decades, to have confidence in the integrity of the census.

On some occasions in the past, high government officials who may not have been fully aware of the rigidity of the Census law have approached the Census Bureau for individual information and have always been turned down.

Thus the law has worked. The promise of confidentiality has been kept. This performance is the best practical evidence citizens have that the information they furnish will remain confidential.

Removal of doubts about confidentiality

In view of this, the Government should take whatever action may be needed to preserve this record. One situation requiring immediate action involves records of some past censuses now in the custody of the National Archives.

Some 20 years ago, changes in the law regarding storage of historical files required that most Government records be put into the custody of the Archivist and made available to the public after 50 years, or such other period as could be agreed upon by the Archivist and the head of the agency supplying the records.

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[2] *United States of America* v. *William F. Rickenbacker*, 309 F. 2d 462, cert. denied, 83 S. Ct. 542 (1963), citing *United States* v. *Moriarity*, 106 F. 886, 891–892.

[3] *United States of America* v. *William Rickenbacker*, United States District Court, S.D. New York (unreported Docket No. 61 Cr. 274, April 24, 1962) citing *Barenblatt* v. *United States*, 1959, 360 U.S. 109.

[4] Hearings on S. 1791, before the Subcommittee on Constitutional Rights, Senate Judiciary Committee, April 24, 1969.

In 1952, an agreement was reached between heads of the National Archives and the Census Bureau to store the complete records of all decennial censuses up to 1950, in the Archives. It was stipulated that the questionnaires would be made available for "legitimate historical, genealogical or other worthwhile research" 72 years after the date of collection. Thus, confidentiality would be preserved only during what might be considered a normal lifetime.

The only information revealed so far under this agreement is that contained in fragments of the 1890 census, which was collected under a less rigorous law concerning confidentiality, than were the 1900 and later censuses. Most of the questionnaires of that census were destroyed in a fire, but the remnants were made available to researchers in 1962.

The 1900 census records, which were gathered under the present strict law of confidentiality, would be released in June 1972, under the terms of this agreement. It is this Committee's view that this should not be allowed to occur.

The present director of the Census Bureau, Dr. George H. Brown, should be commended for his efforts to have the 1952 agreement abrogated. At this writing, however, his request to the present Archivist to change the agreement was still under consideration.

There is no doubt that release of the 1900 census records would help settle some lawsuits and would be of great value to researchers and others. Nevertheless, there are two considerations of much greater importance—one a matter of practicality, another a matter of principle. First, there are 13 million persons now living who, unless they immigrated to the United States after the turn of the century, presumably were counted in the census of 1900 and release of the information about individuals could be injurious to some of them; second, and more important, release of this information would constitute a violation of the pledge of confidentiality that is not only contained in the law but has been repeated countless times by Presidents, Cabinet officers and other high officials for decades.

There is some doubt about the legal validity of this agreement made between the Director of the Census, a Presidential appointee, and the Archivist, who is appointed by the Administrator of General Services. There is substantial legal evidence that the law on confidentiality would prevail in a court test and that the records would be declared beyond the realm of the law on storage and handling of records. It is conceivable, however, that a court could declare the agreement invalid and require release of record 50 years after enumeration as stated in the Archives law.

An opinion by the U.S. Attorney General could resolve some of these doubts. In a broader sense, however, the effectiveness of the Government guarantee on confidentiality is seriously impaired as long as there is any possibility that these records can be opened to general inspection at any time.

Thus, the Committe feels that the President and the Congress should take action, including new legislation if necessary, to remove all doubt.

Confidentiality and cooperation

The Committee concludes that there is an inherent conflict between the individual's right of privacy, on the one hand, and the use by Government of mandatory processes to obtain information it needs for valid governmental purposes, on the other. The Committee also concludes that, in the case of the decennial census, the scrupulous respect that has been shown for the confidentiality of data obtained by mandatory processes by both the law and the Census Bureau's performance, has minimized ill-effects that might otherwise flow from that conflict.

The Committee believes, therefore that provisions for mandatory reporting should be continued to assure no deterioration in the completeness and quality of census data. Effective penalties for nonresponse should be retained.

As new national needs arise, some information previously neither needed nor desired by government has become necessary in the public interest. On the other hand, types of information sometimes desired by government or private agencies may actually not be needed and, therefore, should not be collected. As a matter of principle, information about the person should not be collected by the census unless there is a clear public need for it and then only under conditions of confidentiality which give complete assurance that the information is to be used only for statistical purposes.

In the long run, continued cooperation with the census in responding to its inquiries may be expected as long as the census continues to have a limited content and a limited purpose, and the Census Bureau continues to have no regulatory duties. But this cooperation will, of course, be jeopardized if confidence in the Government is shaken.

Safeguards in the future

As areas previously private are necessarily opened to government in the interest of society as a whole, the safeguards must be further developed and strengthened to provide assurance that information provided by the individual to the government can be used only for statistical purposes. It is entirely possible to assure that such information is made available only in aggregate form—in statistical form—and never in the form of information about a specific individual. Increased safeguards in respect to the confidentiality of the information about an individual must accompany increased information obtained for statistical purposes. Provisions for confidentiality already exist in respect to the census and not only must the principle be maintained but it should also be expanded to other areas in which the individual is required to provide information for statistical purposes to the government. In keeping with this principle any discussion concerning central data banks should be carefully reviewed to assure there is no violation of provisions for confidentiality.

In the Committee's view, the Government's guarantee of confidentiality must continue to be absolute. The need and desirability for more information in aggregate statistical form must not be used as an excuse for compromising the guarantees of confidentiality.

Although confidentiality has been protected in the past, creative vigilance will be required in the future because enumeration methods, data-handling technology, and the needs of governments and other data users all are changing at a rapid pace. A special group is needed to counsel on such changes as well as any changes in the attitude of the general public on the privacy issue. An Advisory Committee on Privacy and Confidentiality should be established to assist the Director of the Census on matters relating to protecting the right of citizens against disclosure of census data for individuals. It should also explore the possibility that technological innovations can be used as additional safeguards for confidentiality. This committee should be composed of members especially concerned with the constitutional rights of individuals and minorities as well as statisticians and members of other disciplines who have an interest in obtaining data.

It should be recognized that in data collection the name of the person is essential to assure accurate enumeration; in records that are retained, however, the name should be separated from the main body of information, and should be attached only to a limited number of items needed for certification of the person's age, citizenship or relationship in the household.

Failure to collect and compile census data would severely handicap governments—State and local as well as Federal—in their administration of many programs affecting among other things health, housing, urban renewal, education, poverty, welfare, agriculture, employment, and national defense; and severely handicap many activities in the private sector, ranging from efficient production and marketing activities to the administration of private, civic and welfare programs.

Thus, we look to continued maintenance through the census process of both the citizen's privacy and the provision of vital data to the government for furtherance of the larger social good.

CHAPTER III—CENSUS DATA: NEEDS AND USES

A. The Federal interest

The Federal Government is the principal user of the census. There is, as a matter of record, no major Federal branch, department, or agency that has not at some time (and usually as a matter of course) made significant use of information derived either directly or indirectly from the decennial censuses.

"The population census is probably the most prolific and fundamental source of information about a nation . . . It reveals not only the basic demographic trends, such as population growth, internal redistribution, urbanization and alterations in the age and sex structure, but also contributes indispensably to a knowledge of changes in the nation's occupational and industrial composition, in its level of living, education and employment . . . Above all, the census makes possible the estimation of future trends and is therefore essential to all kinds of planning: national, local, public and private. It is essential for knowing future military and economic manpower potentials, future consumer needs, forthcoming school requirements, future growth in metropolitan areas, potential costs of social security measures, future requirements for highways, utilities, parks, water, energy and health services."[5]

Statutory Authority for the Decennial Census

The following sections quote the principal passages in Federal statutes providing for the conduct of the Decennial Census and for other data-collection projects conducted by the Census Bureau.

1. Title 13, Section 5, U.S. Code. "The Secretary (of Commerce) shall prepare schedules, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and the censuses provided for in this title.

2. Title 13, Section 131. "The Secretary shall take, compile, and publish censuses of manufacturers, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964, then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof."

3. Title 13, Section 141 "(a) The Secretary shall, in the year 1960 and every ten years thereafter, take a census of population, unemployment, and housing (including utilities and equipment) as of the first day of

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[5] Davis, Kingsley, Census, Encyclopedia Britannica, Vol. V, 1967.

April, which shall be known as the census date. (b) The tabulation of total population by States as required for the apportionment of Representatives shall be completed within eight months of the census date and reported by the Secretary to the President of the United States."

4. Title 13, Section 142. "(a) The Secretary shall, beginning in the month of October 1959, and in the same month of every fifth year thereafter, take a census of agriculture, provided that the censuses directed to be taken in October 1959 and each tenth year thereafter, may, when and where deemed advisable by the Secretary, be taken instead in conjunction with the censuses provided in section 141 of this title. (b) The Secretary shall, in conjunction with the census of agriculture directed to be taken in October 1959 and each tenth year thereafter, take a census of irrigation and drainage."

5. Title 13, Section 161. "The Secretary shall take, compile, and publish for the year 1957 and for every fifth year thereafter a census of governments. Each such census shall include, but not be limited to, data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units."

6. Title 13, Section 181. "The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title."

7. Title 13, Section 195. "Except for the determination of population for apportionment purposes, the Secretary may, where he deems it appropriate, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title."

8. Title 13, Section 301. "The Secretary is authorized to collect information from all persons exporting from, or importing into, the United States and the noncontiguous areas over which the United States exercises sovereignty, jurisdiction, or control, and from all persons engaged in trade between the United States and such noncontiguous areas and between those areas, or from the owners, or operators of carriers engaged in such foreign commerce or trade, and shall compile and publish such information pertaining to exports, imports, trade, and transportation relating thereto, as he deems necessary or appropriate to enable him to foster, promote, develop, and further the commerce, domestic and foreign, of the United States and for other lawful purposes."

9. Housing Act of 1949 (Public Law 171, 81st Congress), Section 607. "(a) The director of the Census is authorized and directed to take a census of housing in each State, the District of Columbia, Hawaii, Puerto Rico, the Virgin Islands, and Alaska, in the year 1950 and decennially thereafter in conjunction with, at the same time, and as a part of the population inquiry of the decennial census in order to provide information concerning the number, characteristics (including utilities and equipment), and geographical distribution of dwelling units in the United States. The Director of the Census is authorized to collect such supplementary statistics (either in advance of or after the taking of such census) as are necessary to the completion thereof. (b) All of the provisions including penalties, of the Act providing for the fifteenth and subsequent decennial censuses, approved June 18, 1929 . . . shall apply to the taking of the census provided for in subsection (a) of this section.

Particular note ought to be taken of paragraph 6 of the above provisions, which permits the Secretary of Commerce to order inter-censal censuses or surveys: and to paragraph 7, which makes provisions for the use of sampling techniques where they are appropriate.

Federal Needs and Census Questions

Federal interest in data is not frivolous or academic. Rather, it is pragmatic and necessary to the carrying out of the programs of the Federal Government, in all their profusion. It seems rather surprising then that, contrary to the requirements of good management and administration, there exists no comprehensive list as such of Federal needs and uses for census findings anywhere in government publications. It is this surprising lack that has led the Advisory Committee on Problems of Census Enumeration to issue as its first recommendation the suggestion that:

"The Bureau of the Census take the lead in establishing a cumulative, up-to-date register of all statutory uses that are made of census data for the purpose of allocating government funds and developing basic social services; that the register be gradually expanded in the direction of including all identifiable, official governmental uses of census statistics, beginning, for example, with those that are required by administrative order, regulation, or customary practice; and that the register be supplemented, wherever feasible, by information on the kinds and frequency of uses made in the private sector of the economy and by individuals engaged in scientific research." [6]

In the absence of such a register or list, it is necessary for anyone wanting information about the totality of Federal needs and uses to make a department-by-department canvas to compile his own information.

One prime source for material for such a register is the record over the years of testimony before the House Subcommittee on Census and Statistics and other related Congressional committees.

The following section, then, is given over to a recording of the more important questions submitted by Federal agencies for inclusion in the 1970 decennial census. Some of the questions were ultimately included, some were not. Together, the two groups give a panoramic view of Federal census needs as perceived by the Government itself.

Population Questions

In the first section below, questions concerning population are dealt with which *were* included in the 1970 decennial census questionnaire,[7] without regard for the government agency or department submitting the question.

1. *Relationship to the head of the household*. Collected in each census since 1880.

Needs: For classification of population into families and other residential groupings; for characterizing families in terms of structure and composition; question is basic to consideration of socio-economic problems which affect family as a group.

2. *Color or race*. Collected in each census since 1790.

Needs: Of obvious utility for the whole range of socio-economic problems, particularly those leading to the amelioration of the conditions of Negroes, Indians, and other minority ethnic groups.

3. *Age and sex*. Collected in each census since 1790.

Needs: Again, of obvious utility in the broad range of American socio-economic problems, cutting across all branches of government.

4. *Marital status*. Collected in each census since 1880.

Needs: Necessary in dealing with such subjects as military draft, dependency, employment of wives and mothers, level of fertility in population; of increasing importance as population problems increase and as divorce rate continues to rise.

5. *State or country of birth*. Collected in each census since 1850.

Needs: Essential in formulation of immigration policy.

6. *Years of school completed*. Collected in each census since 1940.

Needs: Statistics on many census items are cross-tabulated by education; obviously this measure of the population is of very broad utility.

7. *Number of children*. Collected in each census since 1890 (exceptions: 1920, 1930).

Needs: Necessary for fertility-mortality statistics; of obvious necessity as population growth increases the need for formulation of relevant Federal policy.

8. *Activity five years ago*. New item in 1970.

Needs: For programs of manpower development; as a measure of employment and job mobility, job migration.

9. *Employment status. Weeks worked last year. Last year in which worked*. (Basic question collected in each census since 1930).

Needs: For development and administration of manpower training, welfare, education programs, etc.; for analyses of manpower resources and skills in particular areas.

10. *Occupation, industry, and class of worker*. Collected in each census since 1840 (not always in the same question form.)

Needs: For use in formulation of economic development programs.

11. *Income*. Collected in each census since 1940.

Needs: For development of programs for low income families; important for analysis of income patterns of various population groups, such as farmers or families receiving public assistance.

12. *Country of birth of parents*. Collected in each census since 1870.

Needs: For measurement of progress made by various ethnic and nationality groups; of direct concern to a variety of government agencies.

13. *Year moved into this house. Place of residence five years ago*. Collected in each census since 1930.

Needs: For measurement of migration; particularly important for projection of future distribution of nation's population; of obvious utility to formulation of programs for cities, rural area, et cetera.

14. *School or college enrollment*. Collected in each census since 1850.

Needs: For planning educational programs (Federal aid) and assessing educational conditions in specific areas.

15. *Veteran status*. Collected in 1840, 1890, 1910, and each census since 1930.

Needs: For use by the Veterans Administration and in various Federal programs for veterans.

16. *Place of Work. Means of transportation to work*. Collected in 1960 and 1970.

Needs: For the Office of Civil Defense; to define the Standard Metropolitan Statistical Areas.

17. *Occupation-industry five years ago*. New item in 1970.

Needs: For across-the-board use in defining and analyzing trends and thus formulating policy relative to the labor force.

18. *Spanish origin or descent*. New item in 1970.

Needs: To further delineate characteristics of Mexican-Americans, Puerto Ricans, and Cubans, three population groups for which there are a number of government programs.

19. *Citizenship*. Collected in 1820, 1830, 1870, and in each census from 1890 to 1950.

Needs: For formulation of voting policy; for measurement of rate of assimilation of foreign born by naturalization.

20. *Year of immigration*. Collected in each census from 1890 to 1930.

Needs: For evaluation of the effects of previous immigration legislation; with particular application for the labor force provision in the Immigration Act of 1965.

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[6] Advisory Committee on Problems of Census enumeration, Division of Behavioral Sciences, National Academy of Sciences-National Research Council, June 8, 1971.

[7] Bureau of the Census, Inquiries in the 1970 Census of Population and Housing, Washington, D.C., May 21, 1969.

21. *Marital history.* Collected in some form in each census since 1900 (except 1920).

Needs: To measure the relation between early marriage and eventual dissolution of the marriage; to measure the relation between age at marriage and fertility; each with obvious implications for legislation.

22. *Vocational training completed.* New item in 1970.

Needs: For use in locating new training facilities and assessing the potential market for training; to provide a rough measure of the return from an investment in vocational training.

23. *Presence and duration of disability.* Collected in some form in each census from 1830 to 1890.

Needs: To provide a factual basis for efficient allocation of funds for the assistance of the disabled.

Housing Questions

The following list of questions deals with the housing section. Since a number of housing questions are of utility to bodies other than Federal agencies and departments, the section deals with only those questions of asserted Federal usefulness.

24. *Number of housing units.* Collected in each census since 1890.

Needs: This is of primary use in the proper conduct of the census itself.

25. Questions concerning telephones, access to unit, water supply, flush toilet, bathtub or shower, type of heating equipment, air conditioning, presence of appliances. (Most of these questions collected in each census since 1940.)

Needs: This group of questions in general furnishes the Federal Government with indicators of the population's general quality of housing. (The telephone number is used only as an aid to enumeration.)

26. *Rooms, bedrooms.* Rooms collected in each census since 1940, bedrooms since 1960.

Needs: These questions provide the government with standard measures of crowding.

27. *Basement.* Collected in 1960 and 1970.

Needs: This item is used for emergency planning by the Office of Civil Defense.

28. *Farm residence.* Collected in each census since 1890.

Needs: This item is used to provide farm-nonfarm classifications of great utility to the Departments of Agriculture and Housing and Urban Development.

29. *Source of water, sewage disposal.* Collected in 1960 and 1970.

Needs: For aid in legislation relative to waterborne disease and/or pollution.

30. *Automobiles.* Collected in 1960 and 1970.

Needs: For use in transportation planning and legislation.

31. *Fuel-heating, cooking, water heating.* Collected in each census since 1940

Need: For air pollution control policy; for formulation of policy about long-term power needs for additional facilities; and as an additional level of living indicator.

32. *Television, radio.* Television collected in each census since 1950, radio since 1930

Need: For use in disaster situations such as during a power blackout; television information is of concern to the FCC.

A variety of housing questions have application to the nation's housing needs and thus are of implicit value for those Federal agencies which deal with housing-related problems.

Questions Proposed But Not Asked

Some 38 questions proposed for the 1970 Census by various Federal Departments and agencies were rejected during the long, meticulous reviewing process. Six dealt with employment and earnings, six requested housing information, and five concerned education. Several of the proposed questions asked about divorce, widowhood and other family relationships, several were designed to yield data on transportation, and the others covered a variety of subjects.

The briefest review of the above questions, both included in and excluded from the 1970 decennial census questionnaire, is enough to indicate not only the wide range of government departments and agencies with census-related interests, but also the multiplicity of issues and problem area represented by the questions.

There may be some tendency among Government agencies to propose census questions that are not essential because there is no cost to the requesting agencies. Most such questions are weeded out, however, in the Census Bureau's rigorous, painstaking review process. The bulk of the questions finally accepted for inclusion in the census obviously are vital to the conduct of the nation's affairs.

Federal Uses of Census Data

There is a rapidly growing body of Federal legislation which specifies or requires the use of census data for the allocation of funds or administration of programs. This legislation is of three types: (1) statutory provisions using census data for allocating funds or for related types of action, such as grants-in-aid; (2) statutes which refer to one or more types of census data to be used in program administration, and (3) laws which clearly require, but do not specify, census information for their administration. The most important of these include:

1. Allocation of funds:

Elementary and Secondary Education Act of 1965.

Adult Basic Education Act of 1966.

Office of Economic Opportunity—Community Action Programs.

Research Facilities Act (Cooperative State Research Service—Department of Agriculture).

Smith Lever Act (Cooperative Agricultural Extension Service—Department of Agriculture).

Hatch Act and Amendments (Agricultural Experimental Stations—Department of Agriculture).

Grants-in-Aid (State Technical Services—Department of Commerce).

Grants-in-Aid (Office of Health, Education and Welfare—Guidance, Counseling and Testing: Identification of Able Students).

Grants-in-Aid (Office of Education, HEW—Land Grant Colleges and Universities).

Grants-in-Aid (Public Health Service, Chronic Illness and Aged).

Grants-in-Aid (Outdoor Recreation Facilities—Department of the Interior).

Grants-in-Aid (Water Resources and Planning—Department of the Interior).

Appalachian Redevelopment Act of 1965.

Vocational Education Act of 1963.

Higher Education Facilities Act of 1963.

Social Security Act.

2. Census Data Specified in Statutes:

Public Works and Economic Development Act of 1965.

Fair Labor Standards Act of 1938 (as amended).

Voting Rights Act of 1965.

Civil Rights Act of 1964.

The U.S. Housing Act of 1937 (as amended).

Housing Act of 1948 (as amended).

Housing Act of 1956 (as amended).

Demonstration Cities and Metropolitan Development Act of 1966.

3. Laws Dependent upon Census Data:

Manpower Development and Training Act of 1962 (as amended).

Elementary and Secondary Education Act of 1965 (Title VII, Bilingual Education Act).

Immigration Act of 1965.

Urban Mass Transportation Act of 1964.

Economic Opportunity Amendments of 1967 (Special Impact Program).

Jury Selection and Service Act of 1968.

Federal Aid Highways.

Housing Act of 1949.

Of the 32 programs authorized by these laws, only 10 were in existence in 1960. With the advent of the New Federalism and a heightened awareness of social and domestic problems, it can be expected that census-type data will be involved even more heavily in the legislation of the 1970's.

Specific Statutory Uses

With reference to the above list of major Acts requiring census data for their funding and/or administration, the following section specifies the manner in which census data are used to administer the Acts.

Data from Census Questions Specifically Cited in Public Law

1. Questions: Relating to income.

Acts: Economic Opportunity Act of 1964 as amended; Appalachian Regional Development Act of 1965 as amended.

Uses: Allocation of funds.

2. Questions: Elementary and Secondary Education Act of 1965, as amended.

Uses: Allocation of funds.

3. Questions: Years of school completed.

Act: Adult Basic Education.

Uses: Grants to States.

Data From Census Questions Used in Reports Required by Federal Law

Questions: All housing questions except those about selected household equipment items, TV, and radio.

Acts: Housing Act of 1948 as amended; Housing Act of 1949 as amended; Housing and Urban Development Act of 1968; National Housing Act as amended.

Uses: To enable the Secretary of Housing and Urban Development to report to the President and the Congress on urban and nonfarm rural housing needs; to enable the Secretary of Agriculture to make a similar report on farm housing; to enable the President to submit annual reports on various national aspects of housing, and to enable the Secretary of Housing and Urban Development to prepare market analysis reports relative to the short-term housing situation on a relatively broad scale.

Data From Census Questionnaires Used by Federal Agencies in Program Administration, Evaluation, and Planning

1. Question: All housing items.

Acts: Housing Act of 1956 as amended; Housing Act of 1954 as amended.

Uses: To enable the Secretary of Housing and Urban Development to carry on authorized and directed procedures in the analysis of a variety of housing-related problems affecting the nation. The above-mentioned analyses are specifically to include elements indicating housing needs and land use requirements for housing. To enable the National Advisory Commission on Low Income to carry out its Congressionally directed responsibilities. To provide to the Secretaries of Housing and Urban Development and Defense necessary information as to private housing availability at certain Defense-related locations.

2. Questions: All housing items except household equipment, radio and television.

Acts: U.S. Housing Act of 1937 as amended; National Housing Act as amended; Housing and Urban Development Act of 1968; Housing Act of 1949 as amended; and Military Construction Authorization Act of 1966 as amended.

Uses: To enable the Department of Housing and Urban Development to establish standards relative to low income housing availability.

3. Questions: All housing items.

Acts: Housing Act of 1949 as amended; Demonstration Cities and Metropolitan Development Act of 1966.

Uses: Relative to requirements for applicants for assistance under the Department of Housing and Urban Development's urban renewal program. Relative to applications for assistance under the Demonstration Cities Program.

Data From Census Questions Only Indirectly Applicable to Public Law

1. Questions: Unemployment.

Acts: Public Works and Economic Development Act of 1965.

Uses: Determination of community qualification for assistance under above program.

2. Questions: Employment Status, Occupation.

Acts: Manpower Development and Training Act of 1962 as amended.

Uses: Census data are used to establish uniform standards, as outlined by Act; to determine occupational needs in a given area for authorization of occupational training programs.

3. Questions: Relating to occupation.

Acts: Fair Labor Standards Act of 1938 as amended.

Uses: To permit the establishment of minimum standards of age and wages in regard to those engaged in occupations subject to regulation under Federal and State law.

4. Questions: Relating to place of work.

Acts: Federal-Aid Highway Act of 1961; Urban Mass Transportation Act of 1964.

Uses: To provide a means for better traffic and highway planning and in planning more efficient mass transportation.

5. Questions: Relating to income.

Acts: National School Lunch Act; Appalachian Redevelopment Act of 1965; Vocational Education Act of 1963; Higher Education Facilities Act of 1963; Social Security Act; Public Health Service Act; Manpower and Development Training Act of 1962.

Uses: Allocation of funds; in addition, the development of other income data by the Office of Business Economics.

6. Questions: Relating to vocational training.

Acts: Manpower Development and Training Act; Vocational Education Act; Vocational Education Amendments of 1968.

Uses: Allocation of funds in support of vocational training programs of the Departments of Labor and Health, Education and Welfare.

7. Questions: Relating to migration.

Acts: Economic Opportunities Amendments of 1967.

Uses: To permit identification of areas appropriate for some programs authorized in the Act.

8. Questions: Marriage, and children ever born.

Acts: Public Health Service Act.

Uses: To supplement vital statistics through data on marriage and fertility.

9. Questions: Relating to disability.

Acts: National Health Survey Act.

Uses: To supplement health data from survey results wth census data, which would be available uniformly for State and local areas.

10. Questions: Relating to color or race.

Acts: Voting Rights Act; Jury Selection and Service Act of 1968; Civil Rights Act of 1964.

Uses: To provide the basis for evidence that citizens have been and are being excluded from certain civil rights, or from public accommodations on account of race or color contrary to provisions of the above Acts.

11. Questions: Relating to language.

Acts: Elementary and Secondary Education Act of 1965 (Title VII, Bilingual Education Act).

Uses: To implement provisions of the above Act designed to meet educational needs of children who come from environments where the dominant language is other than English.

12. Questions: Relating to country of birth of parents; Relating to citizenship.

Acts: Jury Selection and Service Act of 1968; Immigration and Nationality Act of 1965.

Uses: To provide the basis of evidence, where such evidence exists, that contrary to the provisions of the above Act, citizens are being excluded from service as jurors.

Even the briefest review of the above survey of some Federal uses of census data discloses the multiplicity of functions performed by such data; fund allocation, standards for grants to States, executive reports to the President and the Congress, to aid in the preparation of a variety of national analyses, to provide user information, to make possible the development of additional, corollary statistical data, in the establishment of Federal minimum standards, to enable Federal agencies to ascertain whether or not citizen rights are being protected according to Congressionally-provided tests, and a host of others.

B. State and local government needs

State and local governments must use their own resources and records to make effective use of census data. They do not expect the Federal census to do their job for them.

The U.S. Census is the major source of accurate information on persons, housing, and economic activity available to State and local governments. The standardization and accuracy of the national census could not be acquired by state and local governments without Federal direction and participation.

Census data can be of greatest value to State and local governments if officials of these governments are directly involved in the early planning stages. Post-count involvement tends to be on an adversary basis and is of limited value.

Future census efforts should include the gathering of data which would assist State and local governments in making public policy decisions with respect to the need for and the availability of social services. Present census data tend to concentrate on the physical condition of communities.

State and local governments use the census in the following ways:

1. Apportionment of certain bodies, such as State legislatures and city and county councils, and defining districts from which members are selected or appointed.

2. Planning for the physical location and capacity of publicly owned utilities, (e.g., water and sewer system), protective services, educational facilities, and parks and other recreational facilities.

3. Planning of socio-economic programs such as manpower, health and welfare, and family counseling; and

4. Levying taxes and determining the base for borrowing.

Specific applications include:

Streets and transport. Planning for streets, highways, and transportation systems, using data on journey to work, household characteristics, and intracity migration, for example, an analysis of place of employment, and the need for access to shopping areas, schools, and parks.

Public utilities. The placement and capacity of water, power, sewage, and other utilities must be accurately projected for decades ahead on the basis of census population trends and anticipated land uses in order to avoid economic waste.

Protective services. Locating and equipping of fire and police services requires knowledge of population density, housing conditions, income level, and age-family status and ethnic characteristics.

Educational facilities. School and library requirements are projected from census data on educational attainment, migration from or to other areas and age-family status and ethnic charactistics.

Parks and recreation. Expansion or creation of new park and recreation facilities is based on information similar to that required for schools and libraries plus employment and leisure time data.

Manpower. The current worker occupational pattern by industry and by location, plus the total labor force-employment industry constitute the essential census data for estimating future skill requirements, detecting industrial growth and migration trends and appraisal of the available manpower for national defense needs.

Health and welfare. Programs to alleviate poverty and its related problems cannot be carried out effectively without the array of present census information on incomes, employment ratios, housing conditions, age-family status and ethnic characteristics.

Private housing and redevelopment. The state of our housing inventory, especially for the "moderate" income group, has the potential for worsening our urban problems. To pinpoint adequately the areas of greatest need, quite detailed information is needed on housing conditions, income levels, ownership patterns, employment ratios, job locations, age-family status and ethnic characteristics.

Taxation and revenue. Local government revenue requirements depend upon the service demands of their own areas arising from population, incomes, educational attainment, geographic distribution, employment, migration rates, and a host of other social characteristics. All of these data come from the census and in fact are required by statute for the allocation of State and Federal funds for highways, schools, public health and school lunch programs, manpower development, economic opportunity programs and many others.

Many Federal and State assisted programs require that the local government know in detail and be able to demonstrate the accuracy of their knowledge with respect to the economic and physical characteristics of neighborhoods. The Federal Government requires this information in order to focus the application of individual programs and to set up measurements of program effectiveness. It is essential from the Federal Government's point of view that the information with respect to the physical, social and economic characteristics of neighborhoods be gathered on a similar basis. This would not be possible without the census.

C. Business needs

The United States business community, in analyzing the demand for, and the supply of, products and services in a trillion-dollar economy, has developed and elaborate and complex set of techniques for making use of many kinds of social, economic, demographic, and other technical data. The evolution of business management from its beginnings, as a subject for study in institutions of higher learning, has increasingly involved the concepts and techniques of modern logic, mathematics, statistical inference, opinion research, economic analysis, and psychological testing.

Increased managerial sophistication has led to the development of strong marketing and economic research departments in major corporations, management and marketing consulting firms, economic consulting firms, and marketing and statistical research functions in leading public relations and advertising firms. The U.S. business community is perhaps the world's most sophisticated user of modern marketing, statistical and operations research techniques to improve analysis of market demand for goods and services and the analysis of the relative costs of alternative systems of supplying goods and services.

The data from the decennial censuses are, of course, vitally important to the business community generally in serving as benchmarks from which market and economic profiles are developed through intensive use of private surveys and other data. Leading market survey firms and opinion research firms usually start from decennial census benchmark data and derive more detailed and up-to-date analyses of particular product or geographic markets or sources of supply through continuous research and analysis.

There is no question that much of the census data, collected primarily to meet the needs of government, are also indirectly useful to business. Thoughtful professional economists both in and out of business have long appreciated the underlying, but profound significance to society and to business organizations of decisions based upon accurate understanding of factual trends rather than upon surmise. There can be no doubt that such basic factual data as total population, population by age and sex, occupation and industry, income, and the number of age of housing units are the starting point for much business marketing and supply analysis. But it requires experience in business to appreciate the degree of detail and the depth of knowledge that is often necessary in the supply and marketing of the products and services in a modern industrial economy.

Generally, the United States business community is well satisfied with the quality and coverage of the decennial census. Business is represented in the Department of Commerce advisory process and through the Federal Statistics Users' Conference, business research and trade association groups, and in other ways, in participating in the continuing technical process of reviews of the U.S. statistical system.

Very few, if any, questions on the decennial census are desired by business that are not also needed by government. Business corporations, impelled by market incentives to search out their own means of achieving success, use data from census questions since the questions have been asked. Similarly, in any town or city, the local business firms seek out and make use of such information as is available from any source which will improve the chances of business success. The information available to local firms is supplemented by research, analysis, and surveys of local, State, and national trade associations in the firms' industries. And, for special purposes such as the introduction of new products and services, the location of new plants, the search for new supplies, and so on, individual firms turn to the broad and growing knowledge industry in the United States. The decennial census provides many of the basic data for such studies.

The decennial census must be maintained as a strong and effective instrument for producing useful data. This it will be as long as citizens continue to agree that it makes no significant intrusions on their privacy; apprehensions of minority ethnic groups about being enumerated can be calmed; and the benefits of complete enumeration can be made clear to all groups interested in proper political representation, allocation of funds, and application of laws aimed at ensuring equal protection.

CHAPTER IV—FREQUENCY OF CENSUSES

The collection of accurate information about the size, characteristics, and geographic distribution of the population more frequently than decennially has been urged by many for some time. In recent years this support for more frequent census data has been growing for a number of reasons. One of the most important reasons is increased interest in political representation as exemplified by the "one-man, one-vote" doctrine. Only if the population in quite small areas is known accurately can representation proportioned to population be achieved in State legislatures, county and city councils, and other local bodies such as school boards.

The *districting* of Congressional seats—the drawing of district boundaries within States—could be affected by the availability of more frequent data, but this is governed by State constitutions and statutes. *Apportionment* of Congressional seats among the States would not be affected by a mid-decade census since the U.S. Constitution requires that it be based on the decennial census.

Even before the Supreme Court's "one-man, one-vote" decision, however, other needs had developed for more timely data on distribution and characteristics of the population. As has been seen in Chapter III, Federal and State programs have been designed to distribute benefits, grants, or legal intervention on the basis of population or selected characteristics of the population. Approximately $10 billion annually is allocated by the Federal Government to the States or their subdivisions according to formulas that use population or housing data as a major component. Additional large amounts are distributed by States to their counties and municipalities largely on the basis of population.

States use population data for a variety of purposes. In some States the legislative power, taxing authority, and even the form of government that may be adopted by counties and cities, depend on the population of the jurisdiction. In some States the capital required for incorporation of a bank, the power of a city to license or tax businesses, occupations, or products, the office hours of public agencies and the purchasing methods of school districts, for example, are dependent on the population of the jurisdiction. Availability of population data more frequently than every ten years would permit equitable treatment of similarly-situated jurisdictions to be approached more closely.

Beyond the statutory uses to which population data, or census data more generally, are put, are the multitude of *ad hoc* applications made in the analysis of problems, comparison of available solutions, design of procedures, execution of plans, and evaluation of programs. Such uses in program design and execution are legion. Illustrative examples are: local and metropolitan area officials have to decide when to build schools, sewer systems, housing projects, and transportation systems, where to locate police protection, social welfare, and health services, and how to zone land use. Communities need to estimate future enrollment in grade schools, high schools and municipal colleges, in order to plan capital projects. They need a variety of information to plan for urban renewal, housing, highways, utilities, and similar undertakings.

For a number of years, the Census Bureau has been developing a population estimation program to provide interim estimates for States, metropolitan areas, and large counties. The Bureau has developed methods and procedures which, when suitable data are available, yield estimates for relatively large areas (over 250,000 population) with a reasonable degree of accuracy.

In recent years, however, newer programs call for population data for areas well below the county and city levels. Officials directing housing, mental health, mass transit, family planning, and welfare and poverty programs all need population figures at the community and neighborhood levels. The increase in the needs for small-area population figures has also been accompanied by a demand for figures with a high degree of accuracy for equitable distribution of available resources.

To meet the many and diverse needs for data on population of small areas, State and local public agencies as well as private organizations have engaged increasingly in efforts to estimate population, or changes in population, in small areas. In general, these efforts have not been highly successful. The techniques used for deriving population estimates for large areas cannot do the job of providing adequate estimates for smaller and smaller areas over long periods of time.

Census-taking may well be the only technique by which data for these small areas can be obtained with the degree of accuracy now being demanded. A mid-decade census would provide accurate small-area data every five years; it would also make possible great improvement in the periodic estimates of population in larger areas made within the five-year intervals.

The Committee has been informed that much better and more frequent information on both external and internal migration of the population is needed for a variety of purposes, including improving estimates of population for small areas. The Committee recommends that any mid-decade census give particular attention to migration patterns and behavior.

Besides providing population counts for small areas, a mid-decade (preferably quinquennial) census, would perform two other major services. As was brought out in Chapter I, effective enumeration of persons requires that a certain amount of information be obtained about each of them, and also about the living quarters of the household or other group to which each belongs. For operating reasons, the Bureau cannot consider a person fully and unambiguously enumerated unless it has obtained name, age, sex, marital status, race, and relationship to head. It cannot assume that all housing has been enumerated unless it has matched each person with a housing unit (or other inhabited space) in a structure at an address. To be sure of associating each individual with his proper household, or other social group, the Bureau must know what space is occupied by the group of which each individual is a part, and have a workable test of whether the space accommodates a single household grouping.

Thus, a census seeking even a minimum amount of information would provide important characteristics of the population and of housing in areas of all sizes that are, or can be, tabulated.

The second major service to be obtained from a mid-decade census is providing a sampling frame that can be used in the design of efficient sample inquiries. As the data from a census become obsolete with the passage of time, the value of the census as a sampling frame declines.

As a result, a complete count of the population each five years, even if few questions were asked beyond those required for control of field operations, would make possible highly satisfactory estimates on a great variety of subjects at relatively low cost, by use of efficiently designed sample surveys.

The evidence shows that the cost of merely counting the population is high—probably between half and two-thirds of the cost of conducting the complete decennial census. There is therefore an economic argument for adding questions to the basic questionnaire required for the population count. As noted in Chapter III, the 1970 questions were related to 32 Federal programs, only 10 of which were in existence in 1960, and additional data will presumably be needed if new programs are adopted.

These considerations are outweighed, however, by the importance of preserving the tradition of holding questions to the absolute minimum and thereby retaining the remarkably good cooperation of the public. The Committee recommends, therefore, (1) that there should be a complete-count mid-decade census (2) that the list of questions asked of the entire population should be as brief as possible, and (3) that sample surveys should be used to provide supplemental information.

STATEMENT ON JAIL SENTENCE PENALTY BY CONGRESSMAN WILSON

The committee endorsed the idea of effective penalties for nonresponse to the Census but did not take a vote on whether the jail sentence should be considered an appropriate penalty. Congressman Wilson asked that his position be stated more specifically, and his statement follows:

As I have stated on a number of occasions, and specifically in my response of June 16, 1971 to the June 7, 1971 memorandum from Mr. Ira T. Ellis, Chairman of the Decennial Census Review Committee, I oppose the retention of a jail sentence as part of the penalty for failure to respond to a census inquiry taken under the current mandatory provisions. It is inconceivable to me that a jail sentence for such an offense can be defended in these times. In my opinion this penalty merely acts as a further irritant to dissident groups and provides a target for questioning the judgment of the Federal government in equating this penalty with those assessed for crimes against the public and property.

There is no legislative history as to the reason the Congress in 1929, included this jail penalty in the Act authorizing the 15th Decennial and subsequent decennial censuses. As I understand it, this jail sentence was not requested by the Bureau of the Census or the Administration at the time, and apparently was not included in the original draft bill. The jail sentence portion of the penalty provisions has remained as part of the law since the 15th Decennial Census taken in 1930. It should not be retained as a penalty for any subsequent censuses of population.

However, in order to appropriately supplement the mandatory provisions of a census inquiry, I would support increasing the amount of fine to be assessed an individual willfully refusing to complete or respond to a census inquiry or willfully providing false answers to such an inquiry.

SALVATION ARMY PROVIDES NEEDED RELIEF FOR REFUGEES AND EARTHQUAKE VICTIMS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FULTON of Pennsylvania. Mr. Speaker, I include the following material in the RECORD at this point:

THE SALVATION ARMY,
Pittsburgh, Pa., July 30, 1971.

Congressman JAMES G. FULTON,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FULTON: I am writing for Lt. Colonel Norman E. Sampson, Divisional Commander of the Salvation Army in Western Pennsylvania.

We are sending along the attached items about Salvation Army work in Pakistan for your consideration to be used in The Congressional Record. We feel that it is important for our Representatives and your co-workers to know about this humanitarian effort of the private sector in light of the tragic situation and its developments in Pakistan.

Enclosed also in a second item about Salvation Army relief in Chile in response to the recent earthquake natural disaster.

Salvation Army relief in face of disaster abroad is largely made possible by contributions from Salvation Army representatives in the United States.

We hope these reports are useful for your information.

Sincerely yours,
JAMES H. WALLER,
Information Services Assistant.

SALVATION ARMY RELIEF WORK IN PAKISTAN AND INDIA

The Salvation Army is concerned in every way to steer clear of any entanglements in the political issues of Pakistan. However, this does not prevent the humanitarian efforts of The Salvation Army to be at work for the relief of suffering and hunger on the part of the displaced and injured as a result of the political strife.

Reports have been received that Salvation Army relief teams are serving in the Calcutta area, aiding refugees from East Pakistan in every way that their resources permit. The need is overwhelming, one Salvation Army officer on the scene estimated that the number of refugees might grow from the present official count of five million to seven or even eight million.

The Salvation Army has mobilized all available personnel and materials including medical doctors, nurses, food, clothing, vehicles, and shelters. Two additional nurses have been sent from London to Calcutta. One is a Salvation Army officer who is a Dutch citizen; the other is an Englishwoman who volunteered her services to The Salvation Army after seeing TV coverage of the suffering of the refugees.

Salvation Army doctors visit the refugee camps daily; they have treated thousands of patients. All available vehicles owned by the Army have been pressed into service as ambulances for cholera and typhoid victims. The International Headquarters of the Army in London has sent a Port-o-Jet Injector to assist the medical teams in mass inoculations. The Army has arranged to cooperate with three other voluntary relief agencies to distribute clothing to approx. 100,000 refugees. The Salvation Army's intial share of the cost of the clothing distribution will be over fifteen thousand dollars.

According to word sent from International Headquarters, "The relief teams are deeply appreciative of the interest, prayers, and practical support given and promised."

AN EYEWITNESS REPORT

(By Brig. Robert E. Bath)

I have just returned from a tour of refugee camps between Calcutta and the East Pakistan border at Bongaon 40 miles distant from Calcutta). I must confess in looking back over my 15 years association with this particular area, I have never seen so much need and distress. Refugees from East Pakistan are everywhere. They are in camps that have been set up. They are on the roadside, under trees, lying in ditches, squatting in every available space and trekking towards Calcutta. This trip was by no means my first of recent days as already we have a large relief hospital as well as a milk distribution for children. This program is being run in cooperation with C.A.S.A. (National Christian Council Relief Organization). The simple equation that would describe this situation is . . . PEOPLE plus POVERTY equals PROBLEMS with a capital "P".

On tour with me was Mr. P. C. Joseph, director of C.A.S.A. for this Eastern area. Our main purpose was to visit the Sub-Divisional Government Officer about 20 miles from Calcutta. A request had come through for a medical team and station to be set up in one of the large camps within this area. The government officer asked us to take up the medical work in the camp as quickly as possible. How many people to take care of? About 40,000 in this camp and many more in the surrounding areas. This camp had only been established for a few days. Tents and canvas sheets were still being erected. It was raining as we travelled to the camp. (Our monsoon has already commenced.) We looked at the situation. Here were 40,000 people under canvas. Many more waiting to get in. Mud and slush and pools of water everwhere. A large 50' x 40' canvas was pitched . . . and we were in business. We had a team of four volunteer doctors from our hostels, a health vistor, several assistants and social workers, a station wagon that is used as an ambulance and work that looks like it will last for a long time. As these notes are being typed the latest report we have received says that yesterday there were 102 cases of cholera alone at the camp, with some 20 deaths from same.

The official number of refugees that have crossed from East Pakistan into India as I send this report (June 7) is 4.75 million. Can you believe it? Almost 5 million mark. The people are still coming in droves. They come . . . homeless, destitute, hungry, aged and in so many cases, very sick and sad.

The scope of the problem is surely beyond the bounds of any political situation. Here is human need at its greatest point. The newspaper this morning revealed that of the refugees who have crossed into India, the official figure of reported deaths from cholera alone is 3,642. That the refugees are poor and destitute is evident. In the majority of cases, they have arrived with only what they stand up in and at the most, only with what they could carry. How does one commence a relief program that will really meet the needs of 5 million people?

Think of the task of providing food for them, alone. To supply a meal of curry and rice each day is a tremendous task. Added to this, is the fact that rice has to be brought to us as we do not have this quantity of rice available. Even in normal times rice is supplied only to bona fide residents on ration cards within the state.

Voluntary agencies have been called again and again for assistance and many of the able-bodied men and women in the camps have been recruited to assist. There has been good all-around cooperation I assure you . . . but we all agree that what we are doing is small in the face of the total problem. Many volunteer teams are in the field. Jeeps and vans of every description are being used as ambulances. In some places there is not enough firewood available to cremate the dead. The teams are becoming tired but it is a long road ahead, I feel sure.

At The Salvation Army Feeding Center in Calcutta where, in normal times, food is provided for some 3,500 destitute people daily, there is now a line-up of refugees who have drifted into the city. Since Calcutta is the nearest large city and only a few miles away from the border, many refugees will make their way into the city. We of Calcutta have our own problems. Indeed, we are never without them. Already the city is bursting at the seams with some 8 million people. Law and order, at times, seems almost non-existent. One is tempted to consider the possibility of what could happen in the city, should one million or so decide to come. With a different emphasis and application to the play of recent days we simply gasp and exclaim, "Oh, Calcutta!"

Now, how does all this effect you? Are we to take the matter seriously enough to do something about it? Do we shrug our shoulder and say, "Well, this is a political problem . . . let the Governments come up with the answer." We are hoping and praying that they *will* as quickly as possible, but in the meantime . . . almost 5 million people need assistance.

How difficult it is to paint the picture. Take your own home town or city. What did you say the population is? Right! Now cast your mind's-eye to some spot about 40 miles distant. Between your home and that spot drop in about 3 million people in dire need of the basic essentials of life and . . . you have it.

I know how it affects me. I can never be indifferent to the need as I have witnessed it—a dead man on the roadside, the sick and the suffering, the aged—they all remain real to me.

The theme of the story of the Good Samaritan has been used and abused until it is almost threadbare in this age, but the challenge of it remains. In the light of the need so evident, it is Christ again who stands before us and demands, . . . Go, and do likewise!

This is not only a problem for governments; nor is it only a problem for international and national relief agencies. Sure, it remains a problem to me personally, but not only to me . . . because it belongs to all men everywhere.

Emergency Baby Feeding Program Tries To Halt Infant Deaths

The Salvation Army Field Hospital at Barasat, West Bengal, India, has begun an emergency baby feeding program to try to halt the rising number of deaths among infants and small children in the refugee camps housing people from East Pakistan who have fled to India.

According to information received from Brigadier Robert E. Bath, The Salvation Army's General Secretary in Calcutta, "The very young and the very old who have the least resistance are the worst affected".

The Army expects to be able to offer the supplementary food to about 500 babies a day. The food is prepared in Calcutta and the mothers feed the children with baby bottles. Women Salvation Army officers and volunteers are supervising and assisting.

The field hospital has a staff of 40 people, volunteers and officers; five different nationalities are represented. There are twelve doctors, seven nurses, ten assistants, as well as drivers and volunteers. They have provided medical treatment for thousands of patients.

According to Brigadier Bath, very few of the Hindu patients have had any previous contact with Christian missions. Many express appreciation for what is being done for them. He says there are few complaints from the refugees, rather than acceptance of their lot. "Our work is in the name of Christ, and our uniforms and service give witness to this fact", Brigadier Bath stated.

Suggested News Filler

The Salvation Army relief team for refugees from war torn Pakistan now numbers 30 workers, including 14 doctors. Since beginning relief operations in the Calcutta area, Salvation Army medical workers have treated more than 18,000 patients. The field hospital at Baraset, with a capacity of 50 beds, is filled, and another hut is being built.

Every day, trucks and jeeps take the medical personnel to refugee camps in the area. They cover almost 1,000 miles daily.

Brigadier Robert E. Bath, The Salvation Army's General Secretary in Calcutta, writes: "Conditions are very hot and humid with monsoon showers almost daily. For the millions of refugees under tents, tarpaulins or bamboo thatched roofs, the setting-in of the rains has been a further addition to their already miserable condition. Because of the serious congestion of refugees near to Calcutta, the government has been dispersing large numbers of them by trains and air lifts to neighboring states and setting up camps for them in these distant areas."

Salvation Army Aids Chilean Earthquake Victims

The Salvation Army in the United States has sent $4,000 to the Army's representatives in Chile to assist in the emergency aid being given to victims of the earthquake that struck last Thursday (July 8).

Ten Salvationists are working in the most severely affected communities, Petorca and Chincolco, where they are serving three meals a day.

Blood plasma, blankets and tents are the most urgent needs now. Because of the continuing tremors, people are afraid to return even to homes that so far are undamaged.

The Salvation Army in Chile is cooperating closely with USAID, which has a stockpile of essential materials. Distribution efforts are being coordinated through headquarters in Santiago.

WARS ON CREDIT—FOREIGN MILITARY ASSISTANCE ACT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. RARICK. Mr. Speaker, last night the House voted to allow an extension from 10 to 20 years on the credit period allowed for sales under the Foreign Military Assistance Act—our foreign aid friends in 46 foreign countries are extended easy credit to carry on their wars on a fight now and pay later basis. To have voted for this provision must believe that the grandchildren of our present foreign aid friends will be willing to pay for their grandparents' military prestige.

The whole concept is like an Alice in Wonderland nightmare. Who ever heard of sophisticated military equipment such as a jet lasting 20 years before it became outworn or outmoded? No sane business would consider extending anyone credit to buy an object that would wear out or be outmoded before the credit period was completed.

Yet, and this must be one of the strangest coincidences of history, the Nixon administration has announced plans today to "modernize the Israeli Air Force by selling it about 110 jets over the next 3 or 4 years." Each of these jets costs between $4 and $5 million dollars, but the Nixon administration's announcement did not reveal the credit terms.

I insert a related news article at this point in the Record:

[From the New York Times, Aug. 4, 1971]

United States May Sell 110 Planes to Israelis Over 4 Years; Officials Declare Plan to Modernize Her Air Force Evolved From Wider Request to Offset Soviet Jets for Egypt

(By William Beecher)

(Special to The New York Times)

Washington, August 3.—The Nixon Administration is considering a plan to modernize the Israeli Air Force by selling it about 110 jets over the next three or four years.

Well-placed officials say the plan evolved from an even larger Israeli request to counter the continuing flow of Soviet aircraft to Egypt.

This plan would mean, for the first time, a long-range American arms commitment rather than periodic decisions to supply a modest number of planes. But officials stressed that the principal consideration was political rather than military.

Much depends, they say, on the findings of Joseph J. Sisco, Assistant Secretary of State for near Eastern and South Asian Affairs, who is in Israel trying to persuade her leaders to relax their conditions for reopening the Suez Canal.

All leading Israeli newspapers, as well as the state radio, reported today that Mr. Sisco had suggested an Israeli pullback of about 25 miles from the Suez Canal and authorization for a token Egyptian force to cross the canal in return for a guaranteed cease-fire of two to three years. [Page 11.]

"Israel obviously would assume certain risks if it agreed to allow Egyptian troops to cross onto the east bank of the canal," one official pointed out.

"Mr. Sisco has the authority to offer some means of minimizing such risks. That could include planes, artillery, that sort of thing."

Israel for some time has wanted a long-range commitment, but Washington has preferred to maintain the political leverage that periodic decisions have provided.

Some senior officials suggest that the Administration may be willing to sacrifice some of this leverage, as well as to withstand a negative reaction in the Arab world, to defuse a potentially explosive situation with Israeli and Egyptian forces facing each other within small-arms range across the Suez Canal.

Most American analysts believe that despite the shipment of more than 150 Soviet fighters and fighter-bombers to Egypt over the last several months, the Israelis could still defeat the Egyptian Air Force handily if fighting suddenly resumed.

For one thing, Egypt lacks sufficient pilots to fly all the aircraft that have arrived recently. Also, the quality of Egyptian pilots and maintenance crews is considered well below Israeli standards.

ISRAEL HAS 350 PLANES

The Israeli Air Force has about 350 combat aircraft officials say. Even if Israel had three times that force, they add she would not be in a position again to surprise and destroy most of the Egyptian Air Force on the ground, as was done in 1967, for, since that time, Egypt has displaced her planes over a large number of fields and has built individual concrete shelters for each plane. A formidable system of air-defense missiles and antiaircraft guns has also been installed.

Rather, some analysts suggest that Israel could maintain a solid defensive capability if she retained her air force at its current size, but replaced about 110 obsolete Ouragan, Vautour and Magister aircraft with modern jets.

Officials say that Israel has made a number of requests for varying numbers of aircraft since spring, and that the total far exceeds 110. But they declined to give the larger number.

Since the closing days of the Johnson Administration, when the United States first agreed to provide modern jets to Israel, 80 fighter-bombers and six reconnaissance versions of the F-4 Phantoms have been sold to Israel, together with nearly 120 A-4 Skyhawk fighter-bombers. In the interim, Israel is believed to have lost six F-4's in combat and training. Each reportedly costs $4-million to $5-million.

One plan under consideration would provide about 50 F-4's and 60 A-4's.

One official said that the United States could still maintain some political leverage by making interim decisions every year on how many planes of each type would be provided that year.

Given the substantial continuing build-up of advanced MIG-21's and SU-7's in Egypt, as well as in Syria and Iraq, officials said, a decision merely to modernize the Israeli Air Force but keep it at its present numerical strength should not give Israel the power to coerce her neighbors.

Among the Americans least enthusiastic about this plan are some top Air Force and Navy officers who believe that many past deliveries of F-4's have come from production destined for American squadrons. They fear that a continuing delay of American modernization that might weaken United States combat strength in Europe and the Mediterranean.

It takes about 22 months for the McDonnell-Douglas Corporation to produce an F-4. Current production schedules, sources report, call for about 27 F-4's to be produced this month, scaling down to six a month a year hence. And a number of these planes are to fill orders from West Germany and Iran.

But as one officer said resignedly: "This has ceased to be primarily a military question; we know the decision is a political one, for the White House."

While there are differences of opinion, both within American military and diplomatic ranks, a number of Middle East specialists believe that an interim settlement that involves the reopening of the Suez Canal and the physical disengagement of Egyptian and Israeli forces in the canal area could well benefit all the principal parties: Egypt, Israel, the United States and the Soviet Union.

COULD POINT TO PROGRESS

Egyptian leaders, they note, could point to the first dramatic progress since the 1967 war, in regaining use of the canal and in placing a symbol of sovereignty—Egyptian soldiers—on the eastern bank, in the occupied Sinai Peninsula.

Cairo would still press diplomatically for total Israeli withdrawal from Sinai, and could continue to threaten military action if diplomacy fails. But the danger that a shooting incident would suddenly flare into another round of war should be substantially diminished by the separation of forces, under this view.

Israel, these analysts continue, would stand to gain because of a lessened prospect of a resumption of the war of attrition. Since Israeli planes could block the canal again by sinking ships in a new flare-up, and since hundreds of thousands of Egyptian civilians doubtless would move back to the western bank as commerce resumed along the canal, Cairo would be expected to avoid new exchanges of artillery fire or air strikes with the Israelis.

Moscow, according to this view, not only would benefit from being able to shorten substantially its voyage time into the Indian Ocean and the Pacific, but also, by lessening the dangers of another Arab-Israeli war, would face less of a chance of a military showdown with the United States.

TRAINING WOULD CONTINUE

The Soviet Union could continue to arm and train the Egyptians against the possibility of eventually having to fight to take back Sinai, but with less risk of losing control because of the proximity of the contending forces.

And, finally, the United States would gain from the reduced prospect of war and showdown with the Soviet Union, and could pursue a more comprehensive settlement in what should be a calmer atmosphere.

To date, officials say, Israel has refused to concede to Egypt the right to place troops on the eastern bank of the canal, for fear that this could be exploited by a armored build-up such as occurred before the war of June, 1967.

American analysts have argued that if Cairo agrees to only a token military force on the eastern bank, this might satisfy its desire for a concession of sovereignty, without markedly increasing fears of an Israeli invasion.

So long as Israel can control the air over Sinai, American experts say, Egypt would stand little chance of being able to mount and supply a major assault across the canal.

TRIBUTE TO THE HONORABLE JOHN DOW

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. FRASER. Mr. Speaker, rarely do we in Congress have time to consider the qualities which make up an exceptional Congressman. A tribute to an individual Member of Congress is one of the few occasions in which we can learn about the past accomplishments and broad experience of our colleagues here in the House.

Yesterday during a special order, many Congressmen described the facets of John Dow's extraordinary career—a systems analyst with broad knowledge of computer technology, a political scientist who has had deep interest in congressional reform, a long time activist in civic activities in Rockland County, N.Y., an initiator of legislative and private efforts in the fields of environmental protection and conservation.

I would like to join in paying tribute to John Dow. He was one of the first to oppose the war in Vietnam in 1965 and has taken numerous stands which put him in advance of opinion in his district. After a defeat in 1968, he was reelected to this Congress with full support of the Democratic Party, the Liberal Party, and labor organizations of his district. His presence in this Congress is a vivid example of the power of integrity, honesty, and talent in the service of a man who has not been afraid to use these qualities. John Dow is an exceptional asset, both to Congress and to his constituents.

AS THEY COME BACK HOME

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. CORMAN. Mr. Speaker, Apollo 15 Astronauts Irwin, Scott, and Worden are expected to splash down in the Pacific Saturday afternoon completing what has probably been the most exciting space mission ever made.

As these courageous explorers return from their adventure on the frontier of space, I think it is only fitting to salute their outstanding achievements and reflect on the innumerable benefits derived from our space program. In commemoration of the Apollo 15's return to earth, I submit for the Record the following editorial which appeared in the August 3 edition of the Washington Daily News:

As They Come Back Home

Every time our gallants pay another exploring visit to the moon, we run out of superlatives anew.

Naturally, because as Rocco A. Petrone, director of the Apollo program, says, "every mission grows on past missions." Each journey is refined and elaborated from the experience of the previous trips.

It should be no surprise, then, that Apollo 15 has been such a smash. From that timid, cautious probe of the atmosphere by Alan Shepard just over 10 years ago, our space industry has progressed to the point where it confidentally can safely park two men on the moon, sustain them there for three days, and haul back enough evidence to keep a horde of scientists gloating for many months to come.

The mechanical precision and the imagination which go into these assaults on lunar history are marvelous. The science which can provide instant color television from 250,000 miles away boggles the intelligence. The calm heroics of the skilled young men who make the trip are thrilling and inspiring.

But it is the spectacle of pure knowledge at work which will make the most enduring impact—knowledge chasing after more knowledge, and finding it. Knowledge which leads us on and on because the more we learn the more we discover that knowledge is unlimited.

From the American space program we already have acquired such benefits as a satellite system capable of producing almost instant communication around the world. Weather and navigation aids have been enormously improved, with more to come.

The practical uses even now are phenomenal—yet only a little vision can forsee endless developments as knowledge grows on knowledge.

It is not merely the question of national pride, nor of glory in achievement, nor the challenge of a new frontier, nor even the necessity of having a surpassing space capability as a means of national defense in an area of obvious military possibilities.

It is the compelling need for knowledge which is the basic justification for the adventures in space—knowledge which can fortify humankind for the unknowns of the future. The alternative to the unceasing search for knowledge is stagnation, if not ultimate extinction. In a word, we dare not quit.

This was the business that Astronauts David Scott and James Irwin were about as they collected their precious rocks from the moon surface, and that Astronaut Alfred Worden was about as he circled the moon snapping pictures and running endless experiments.

The ultimate results will reverberate through the centuries.

FEELINGS ON THE ECONOMY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARRINGTON. Mr. Speaker, each month, the Department of Labor, the Department of Commerce, and the Department of the Treasury release their statistics. And each month, the officials tell us the figures should breed optimism because, although there was no major upswing, at least there was no drastic drop. But what does that middle American feel as he is out of work? He is the one to whom President Nixon said he would address his administration.

Unfortunately, the middle American feels no great optimism. In fact, he feels no optimism at all because, even if he is employed, it costs him more to feed his family, more to pay for his house or rent, more to pay his property tax, more if he just wants to go to a movie he very likely cannot afford. The feeling is that the Nixon administration is incapable of moving the economy.

Charts and statistics can be doctored, as an editorial in the Beverly Times on July 19 says, but the feeling of the people cannot be altered. The editorial points out that the economy, as a pendulum, will swing upwards again. But the country may be forced to wait until a new administration comes into office which is willing to take the course of action dictated by the conditions of the day. At this point, I wish to insert the editorial from the Beverly Times in the Record for my colleagues:

How to Chart "Feelings"

The decision of President Nixon to sign a $2.2 billion jobs bill speaks more eloquently than mere words of the economic plight of the nation.

What has long been feared is a combination of inflation plus a steady rise in unemployment, and that is exactly what is going on. Mr. Nixon is a team player. He has assembled what he believes to be a top team of economic advisers, and he has been sticking with the team's analysis of what is happening and what is likely to happen.

Economists delight in assembling figures to support their theories. What some read as disaster, they see as encouraging signs, and vice versa. Economists live in a world of charts, graphs and empirical data. They measure trends with decimal points. In a complex world, they are essential to our understanding of what is taking place and what is likely to take place.

But economists frequently fail because they lose sight of the most important fact of all, the imponderable "feeling" of the people of the nation.

Former Defense Secretary McNamara was the epitome of such chart men. He would have nothing to do with any subordinate who based any opinion on other than hard and provable fact. "Feelings" were dismissed as witchcraft.

And yet, there is a malaise upon the country brought on by both the negative psychology of the war, and the shutting down of the war machinery. There is a deterioration of confidence that defies the economists' charts, a belief that "all is not right with America," a lessening of national pride of accomplishment, a questioning of materialistic values, and these do not measure out in decimal points and graph curves.

Highly trained men, good men, competent and conscientious, are unemployed by the tens of thousands. And when they lose their employment, so do those who depend upon them. When a man with youngsters in college, who owns a boat and a couple of cars, loses his income, everyone feels it. The kids must go to work, thus adding to the employment problem. At least one of the cars is dumped, and garages suffer the consequences. A "for sale" sign is hung on the boat, and boatyard employees have less to do.

And, perhaps, most significant of all, the formerly well-paid man who contributed a large share of his income to taxes is now on relief, and his share of the tax burden is passed on to the rest of us.

Multiply this condition by the growing number of unemployed and one can understand why the President has reversed himself in terms of priming the pump.

The fact is that the economy Will get going again. The only question is when, and under what sponsorship.

Mr. Nixon's problem in the next election is not going to be the war so much as it will be the question of the economy. The war, however disturbing, is far away. The economy is right in the nation's hip pocket, and this election will be decided by the size of the contents of the wallets.

JOHN H. JENKINS, AUTHOR, PUBLISHER, CRIMESTOPPER AND FRIEND OF AUDUBON SOCIETY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. PICKLE. Mr. Speaker, John Jenkins of Austin, Tex., was just graduating from high school when he received the first copy of his first book. He was the youngest acclaimed author in the United States. None other than J. Frank Dobie provided the introduction for the book, and the young Mr. Jenkins received the first of many awards he would rapidly accrue.

Now, just a scant 15 years later, he is heralded as the man who knows everything about books—and he is the man who put that knowledge to work to stop the theft of some of our most precious national treasures—the first bird lithographs prepared in 1827 by John James Audubon.

The tale rivals any detective author's imagination—but it is for real—secret signals, FBI trailers, dark allies, sleazy motels, and all.

It is a story that stands on its own merits as testimony to what cooperation and courage on the part of private citizens and our police forces can do.

But then, let us let Nanci Felice of the Austin American-Statesman tell the tale:

Rare Book Expert Helps Trip Thief of Collection

(By Nanci Felice)

John Jenkins sat in an elaborately carved chair which he calls "early nightmare style" behind his desk at Jenkins Publishing Co. Friday afternoon and told how his knowledge of books led the FBI to recover a fortune in rare, stolen books.

Jenkins, 31, alerted the FBI two weeks ago when a New York man offered to sell some rare books. A book expert since childhood, Jenkins recognized some of the books he was offered as stolen from Union College in Schenectady, New York and Shapiro Books, a New York rare book dealer.

"The funny thing is that fellow (the New York man) called the one man who knows everything about books," said one of Jenkins employes.

The FBI told Jenkins to set up an appointment with the New Yorker to purchase some of the collection. Last Tuesday, when the man called Jenkins back, the Austin dealer said he would fly to New York to buy some of the books. However, he was unable to get the man to set up a meeting place. Jenkins was told he would be met at the airport.

Jenkins alerted the FBI, and it was prearranged that the mustachioed young Austinite would be smoking his orange (for the UT Longhorns, of course) pipe when he stepped off the plane, for FBI identification.

"From the time I got off the plane and for the next four hours I had no idea if I had any protection or not," Jenkins said of the elusive FBI agents.

He was met by the New York man, who took him by car on a circuitous route "through back alleys and around corners" to a "sleazy motel" near the airport. Jenkins said he feared the FBI had failed to make contact or had been lost by the man's route.

At the motel, Jenkins said, the man showed him "a quarter of a million dollars worth of stuff," including some of the first 10 bird lithographs prepared in 1827 by American naturalist John James Audubon. Jenkins told the man he'd give him $50,000 cash for the lot.

"I told him I'd have to go to my hotel and make arrangements for the money," Jenkins recalled. "The bank here was standing by and said they'd help me any way they could."

Back in his hotel, Jenkins called the FBI, who he learned "had a fix on me all the time." He was told to go back to the motel as if he planned to make the purchase.

"As I knocked on the motel door, the FBI agents fell out of the rafters," Jenkins said. "They went in and found the man with three loaded pistols. Apparently he had become suspicious, because he'd loaded half of the books in the trunk of his car for a get away."

All of the Audubon lithographs were recovered, Jenkins said. In spite of a few blood stains and torn edges on them, the prints were in good condition.

Kenneth M. Pall, an ex-convict from Pennsylvania, was being held for trial July 21 under $100,000 bail in connection with the case, the FBI said later.

"They sold in an auction once for $217,000," Jenkins said. "I wanted to see them recovered, not for the money value but because they can be of beauty and use to people for years. These are probably some of our greatest national treasures."

Union College was offering a $2000 reward for the return of the Audubons. Jenkins said he will set up a scholarship with the money.

Jenkins, who published his first book at age 14, says he's been interested in rare books "all my life." Since 1963 he has built his publishing firm on IH 35 into a mecca for devotees of first editions.

INTERESTING SOLUTIONS TO U.S. TRADE PROBLEMS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FRELINGHUYSEN. Mr. Speaker, so far this year the United States has been running a sizable deficit in our balance of trade with other countries. This is sure to raise renewed pressure for legislation to restrict imports from other countries. Many economists warn that restrictive trade legislation ultimately would be very detrimental to us.

Are there alternatives? The President's new Assistant for International Economic Affairs, Peter G. Peterson, appears to be developing some interesting answers to the dilemma of low-cost competition from countries where labor and production costs are so much lower than here. The following is an interview printed in the Wall Street Journal of July 6, 1971, that discusses Mr. Peterson's views:

Nixon Aide Peterson Has Controversial Ideas On Overseas Dealings

(By John Pierson)

WASHINGTON.—"Tora! Tora! Tora!"

Only this time, instead of dive-bombers, Japan is sending us steel, radios, cars and cloth. And instead of Saturday night at the movies, it's Tuesday or Wednesday morning at the White House, and Peter G. Peterson, President Nixon's new assistant for international economic affairs, is showing slides.

Less dramatic than bombs surely, but Mr. Peterson's graphs and charts, depicting trade trends, are nonetheless starting to awaken some powerful people here to a growing challenge the U.S. faces in international trade. "It's going to be a much more economic world and a much more competitive one," he tells them.

Mr. Nixon, who confers almost daily with Mr. Peterson, hardly misses a chance now to warn that in two more years Japan will pass the U.S. in steel production. Or that with Britain in the Common Market, competition from Europe is going to be "a continuingly more difficult problem."

Catching the President's eye is one thing; finding workable solutions is another. Mr. Peterson, the former chairman and chief executive officer of Chicago's Bell & Howell Co., modestly maintains that he has only begun to figure out the questions. But interviews with him and with men he has been talking to indicate that already he has begun toying with some controversial answers. Such as:

Government subsidies for research and development in computers or other high-technology products in which the U.S. has an advantage over its trading partners (but no help for low-technology industries such as shoes, in which America is less competitive).

Softer antitrust laws to give U.S. companies more power to compete abroad.

Tax breaks for exports and investment incentives for companies that sell overseas.

Realignment of the relative values of the dollar, the yen, the mark and other currencies to make U.S. products relatively cheaper in world markets.

A get-tough policy toward Europe and Japan on trade restrictions and defense cost-sharing.

ROAD MINED WITH CONFLICTS

As these controversial ideas indicate, Mr. Peterson's roadhead is mined with conflicts not only between the U.S. and other nations but also between business and labor, Democrats and Republicans, Congress and the White House, the State Department and the Treasury, free-traders and protectionists, central planners and free-enterprises—to name a few.

Mr. Peterson has undertaken the journey with impressive credentials. A summa cum laude scholar at Northwestern University, he was a successful advertising man before becoming Bell & Howell's executive vice president at 31 and chairman of the camera company at 41. Mr. Nixon has described him as "one of the ablest . . . chief executive officers of this generation." As chairman of a private commission looking into the tax treatment of philanthropic foundations, he won the respect of Arkansas' Rep. Wilbur Mills, chairman of the House Ways and Means Committee, which handles trade legislation. A powerful ally in the White House is George Shultz, director of the Office of Management and Budget, who recommended Mr. Peterson to Mr. Nixon.

According to the President, the 45-year-old Mr. Peterson's assignment is to "bring some form, some central direction" to U.S. policy in the fields of international trade, investment, balance-of-payments and finance.

Mr. Peterson has begun by trying to bring himself and others "up to date" on the trade problems and the important trends of the past 20 years. These have been reduced to a series of colored charts and graphs, which he reworks and reworks again, as one official describes it, "like a dog worrying his bone." The charts and graphs are flashed on a screen (with, Mr. Peterson ruefully discloses, a projector made not by Bell & Howell but by Eastman Kodak) while he gives a running commentary to his audience of Congressmen, business leaders, labor bosses or White House aides.

A COMPLEXITY OF REASONS

The problems, as Mr. Peterson sees them, go something like this: In the years right after World War II, when Europe and Japan were still on their knees, the U.S. could dominate world trade. Now, with U.S. help, Europe and Japan are back on their feet and giving the U.S. a run for its money. Some analysts blame low foreign wages for America's declining trade balance. Others maintain that this country's trading partners are unfairly subsidizing exports and penalizing imports. Still others claim the dollar is overvalued in relation to European currencies, while the Japanese yen is undervalued in relation to the dollar.

Whatever the reason, U.S. imports are lagging and imports are rising, which adds to the balance-of-payments deficit and the threat of a world money crisis. It also adds to unemployment and fuels demands from U.S. labor and some industries for restrictions on imports.

Meanwhile, to escape foreign tariffs and take advantage of cheap foreign labor, some American companies are setting up shop abroad, which costs additional jobs at home. So labor demands controls on exports of capital and technology. The employment problem could become acute, as there will be 20 million more Americans looking for jobs by the end of the decade.

What to do? In the first place, Mr. Peterson firmly believes that the U.S. should remain a trading nation. "We can either pull in our horns and say we're going to withdraw from competing effectively," he observes, "or we can say we have the resources to compete and win. For example, I am told we spend more on space than Japan spends on all research and development. So we have the scale to invest in our country's economic future, if we have the will to do it."

"Then", he continues, "we have to look at where our country's comparative advantage is going to be." Its here that Mr. Peterson raises the question whether the government shouldn't help high-technology industries—computers, nuclear power plants and the like—with low-interest loans, tax breaks and other subsidies as well as antitrust exemptions to help them develop new products, modernize plant and equipment and compete more effectively abroad.

Naturally, there would have to be some mechanism for deciding which industries the government would help and which it would ignore. As this gets into centralized planning, anathema to many Americans, Mr. Peterson hastens to add that he's only talking about "limited" planning. And even limited planning may be a long way off. Right now, he's thinking about a bipartisan committee to help figure out what sort of planning ought to be done and how.

In addition, Mr. Peterson says the U.S. will certainly have to take a firmer line with the Europeans and Japanese on the question of our economic interests, their trade and investment restrictions and sharing of the defense burden. "Japan is a particularly urgent example," he adds. Presumably this line will include pressure on Japan to raise the yen's value and to end restrictions on imports of goods and capital, as well as pressure on Europe to lower its barriers to U.S. foodstuffs. "I think we'll be tough-minded and firm, but our objective is a constructive one and certainly, not to drive the Europeans and the Japanese inward," says Mr. Peterson.

Organized labor, he feels, has "exaggerated somewhat" the impact of U.S. overseas operations on the domestic job market, although the data aren't complete. Restrictions on capital movements, he warns, would reduce U.S. competitiveness, tempt retaliation, undermine Western defenses and damage the American "spirit." But he does favor a "far bolder" approach to helping companies and workers injured by the free flow of goods and investment, though thus far the details haven't been disclosed.

THE OLD VIRTUES

Mr. Peterson's approach to economic problems abroad leads inevitably to important questions about American's future at home. A self-made man whose father came from Greece and changed his name from Petropoulos, Mr. Peterson is a strong believer in the virtues of hard work and competition. Like President Nixon, he deplores what he sees as a current overemphasis, particularly among the young, on leisure and a disdain for technology and economic growth. "In this kind of world economy, if you're going to grow, it's important that you be competitive," he says.

The need for growth is taken for granted. "If you're going to pay for environmental and poverty programs, you've got to have growth," he says. And technology and growth need not ruin the environment, Mr. Peterson believes, for pollution controls can be "built into" a product. The government, he adds, may have to "stimulate, subsidize and plan" in such fields as energy, water and transportation where it's "in the long-term interest of the country and may be too expensive for the private sector."

The very thought of such government intervention is enough to raise the blood pressure of some. One administration man, with long experience in business, thinks Mr. Peterson has become fascinated with Japan (Mr. Peterson punctuates his talk with an occasional "ahso"), where government and business work closely to set and meet economic goals. But unlike the U.S., this official cautions, Japan is "a regimented society." (Mr. Peterson himself says that planned economies have tended to have "lots of distortions and not as much initiative or innovation.")

ANOTHER BIG QUESTION

Even if everyone agreed on the need for central planning, says another insider, "is it the real world," to expect labor and management, Congress and the executive, Democrats and Republicans to agree on how to allocate the nation's resources?

Another big question is whether Mr. Peterson, an avowed believer in free trade, can stand up to the growing pressure from labor and some industries to cut back U.S. imports of goods and exports of capital and technology. Abe Morganstern, research director for the International Union of Electrical Workers, came away from a Peterson chart-show feeling that "his approach may be good for the long run, but what are we going to do to put our unemployed people to work now?"

Others wonder if Mr. Peterson is tough enough to persuade the Japanese and Europeans to abandon some of their "unfair" trade practices. One official at the Agriculture Department feels Mr. Peterson gave in too easily to the British in a recent negotiation over U.S. grain sales to Britain. But Ben Heineman, chairman of Northwest Industries and an old friend and golf buddy of Mr. Peterson's, says that "if he negotiates with the Japanese as hard and as well as he does on the first tee, he'll be a great success."

If Mr. Peterson tries to get too tough with U.S. allies, he'll almost certainly collide with the State Department and possibly with Henry Kissinger, Mr. Nixon's powerful assistant for national security affairs. It was partly to get trade problems out of the hands of the department, which is widely regarded as "soft on foreigners" when it comes to trade, that Mr. Peterson's job was created in the White House.

CONNALLY CLASH SEEN

While Mr. Peterson directs the work of the new Cabinet-level Council on International Economic Policy, the council's "operations group" is chaired by Nathaniel Samuels, deputy under secretary of state for economic affairs. And in any showdown Mr. Kissinger, who knows and cares little about economics, is likely to side with the State Department.

Insiders also predict an eventual clash between Mr. Peterson and Treasury Secretary John Connally over international monetary policy. While he's soon to add a monetary specialist to his staff, Mr. Peterson has been wary about moving into a field the Treasury has long regarded as its own. But many people in this town agree with Democratic Rep. Henry Reuss of Wisconsin, the House's leading expert on the subject, that "international monetary policy is too important to be left to the Treasury."

An example of the Treasury's jealousy and power can be seen in the recent agreement among major Western trading nations to begin considering trade issues; at the Treasury's insistence, the high-level Committee of the Organization for Economic Cooperation and

Development won't get into monetary problems at all. "Who's the boss, Connally or Peterson?" wonders Connecticut's Democratic Sen. Abraham Ribicoff, who has been holding hearings on U.S. foreign trade.

Mr. Peterson says he has far less spare time in his new $42,500-a-year job than he did in his old $125,000 job. He was so busy the other night that instead of going home to change for a formal White House dinner he sent a car to fetch his tuxedo.

Mr. Peterson is going about the job with energy and, according to one colleague, "an intellectual flexibility that transcends that of the average American businessman." And a touch of humor. Among his favorite phrases is: "This field is ready for some new cliches."

THE PRESIDENT'S STATEMENT ON BUSING: POLITICAL HOT AIR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. RARICK. The President's statement yesterday on busing of schoolchildren certainly presents quite a paradox. He has announced his intention to support an amendment to the Emergency School Assistance Act "that will expressly prohibit" using funds of that act to bus schoolchildren. Yet this action on the part of the President is like shutting the gate after the cows got out—this House has recently seen fit to appropriate approximately $12 million to the Office for Civil Rights under the Labor and HEW appropriations bill H.R. 10061—money that will be used for the enforcement of busing.

If the President feels so strongly opposed to busing schoolchildren, he should veto this bill. After all, his Director of the Office of Civil Rights, J. Stanley Pottinger, representing the executive branch, testified at the hearings of the committee that:

> In FY 1972 we will be focusing attention on the following areas of enforcement: 1. Renegotiation where necessary of Title VI, voluntary desegregation plans now in effect which do not meet the principles enunciated by the Supreme Court in Swann vs. Charlotte-Mecklenburg Board of Education, a landmark decision handed down on April 20, 1971—

A decision that insisted on busing to achieve racial balance.

In the meantime, the President must follow the dictates of his own "right to know" guidelines and let the people know the truth—his actions yesterday were just so much hot air. They do not mean that there will be no busing of schoolchildren this fall.

If the President really feels so strongly about busing, he need only comply with the law of the land—the Civil Rights bill of 1964. Title 42 U.S.C. 200C(b) reads:

> but desegregation shall not mean the assignment of students to public schools to overcome racial imbalance.

Despite its de facto rulings and utterances, the Supreme Court has never found this law of Congress repugnant to the Constitution; so by the Constitution, it remains the law of the land to the President as well as to the Federal judges and the American people.

I insert the text of the President's statement on busing and a related news article in the RECORD at this point:

[From the New York Times, Aug. 4, 1971]

STATEMENT ON BUSING

WASHINGTON.—Following is the text of President Nixon's statement today on the busing of schoolchildren:

The Justice Department is today announcing the Government's decision to take an appeal on limited constitutional grounds in the case of the United States v. Austin Independent School District, involving school desegregation.

The Attorney General advises me that he must appeal the district court's decision that the school board's plan to bus children periodically for interracial experiences eliminates the dual school system, because that decision is inconsistent with recent rulings of the United States Supreme Court. The Justice Department is not appealing to impose the H.E.W. plan. In the process of the appeal, the Justice Department will disavow that plan on behalf of the Government.

I would also like to restate my position as it relates to busing. I am against busing as that term is commonly used in school desegregation cases. I have consistently opposed the busing of our nation's schoolchildren to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing. Further, while the executive branch will continue to enforce the orders of the Court, including court-ordered busing, I have instructed the Attorney General and the Secretary of Health, Education and Welfare that they are to work with individual school districts to hold busing to the minimum required by law.

Finally, I have today instructed the Secretary of Health, Education and Welfare to draft and submit today to the Congress an amendment to the proposed emergency school assistance act that will expressly prohibit expenditure of any of those funds for busing.

[From the New York Times, Aug. 4, 1971]

NIXON DISAVOWS H.E.W. PROPOSAL ON SCHOOL BUSING

(By James M. Naughton)

WASHINGTON.—President Nixon disavowed today his Administration's plan for extensive crosstown busing to desegregate the public school system in Austin, Tex., and reasserted his strong opposition to busing as a means of achieving racial balance.

The President directed Attorney General John N. Mitchell and the Secretary of Health, Education, and Welfare, Elliot L. Richardson, to "work with individual school districts to hold busing to the minimum required by law" as school systems in the South seek to adjust to a Supreme Court ruling upholding the use of busing to desegregate schools.

Mr. Nixon instructed Mr. Richardson to submit to Congress an amendment to the proposed Emergency School Assistance Act "that will expressly prohibit" using any of the acts $1.5-billion to acquire buses. The bill is intended to help schools that are desegregating.

A MAJOR CHANGE

The actions signaled a major change by the White House from its earlier interpretation of the Supreme Court's April 20 ruling on busing.

The Court declared, over the opposition of the Justice Department, that busing was proper unless "the time or distance is so great as to risk either the health of the children or significantly impinge on the educational process."

In its first school desegregation proposal after the Supreme Court ruling, the Department of Health, Education and Welfare recommended on May 14 that a Federal District Court in Austin approve "extensive" busing to achieve a city-wide mixture of the Negro and Mexican-American minorities with the white Anglo majority.

At that time, J. Stanley Pottinger, director of the Office of Civil Rights, said that the plan was clearly "the first indication" of the Government's interpretation of the Supreme Court ruling.

Federal District Judge Jack Roberts rejected the Government plan on July 19 in favor of the Austin school board's proposal to create centers for fine arts, social sciences, avocations and science and to bus elementary school pupils to them for periodic "cultural" experiences.

In a statement issued late today by the White House, the President said that the Justice Department would appeal Judge Roberts's ruling "on limited constitutional grounds."

Mr. Nixon said the Attorney General had advised him that he "must appeal" the Austin school board's plan for periodic interracial experiences "because that decision is inconsistent" with the Supreme Court ruling.

But the President's statement added:

"The Justice Department is not appealing to impose the H.E.W. plan. In the process of the appeal, the Justice Department will disavow that plan on behalf of the Government."

Gerald L. Warren, deputy White House press secretary, said he was sure that Mr. Richardson concurred in the disavowal.

Mr. Richardson was not available for comment. He left on a month-long vacation this afternoon.

OPPOSITION IS VOICED

Mr. Nixon, who pledged in his 1968 campaign for the Presidency to do all he could to prevent the forced busing of pupils, said that he "would also like to restate my position as it relates to busing." He declared:

"I am against busing as that term is commonly used in school desegregation cases. I have consistently opposed the busing of our nation's schoolchildren to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing.

"Further, while the executive branch will continue to enforce the orders of the Court, including court-ordered busing, I have instructed the Attorney General and the Secretary of Health, Education and Welfare that they are to work with individual school districts to hold busing to the minimum required by law."

The President's statement appeared to be a reply, in part, to a resolution adopted yesterday, 351 to 36, in the House of Representatives. It directed Mr. Richardson to furnish Congress with information on the extent of busing supported by his department.

Mr. Richardson sent a letter this afternoon to Speaker Carl Albert, saying that the vote yesterday "may reflect a fundamental misunderstanding" of his department's programs. He said that there was "no program administered by this department either designed or used to support, promote or require the busing of schoolchildren to achieve racial balance."

The Secretary recalled in the letter a statement of opposition to busing by Mr. Nixon on March 24, before the Supreme Court ruling.

Mr. Richardson attached to his letter a copy of the proposed amendment to the emergency act. It states, "No funds appropriated pursuant to this act may be used to acquire or pay for the use of equipment for the purpose of transporting children to or from any school or otherwise to pay any part of the cost of any such transportation."

AN AMERICAN IN ATHENS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ROSENTHAL. Mr. Speaker, of the many thoughtful letters, on all sides of the issue, which I have received recently on Greece, the following communication from Prof. William V. Spanos of the State University of New York at Binghamton was one of the most illuminating and moving.

Professor Spanos recently returned from a year in Athens as Fulbright Professor of American Literature. His first-hand experience describes a disillusionment of many Greeks with American policies. I find this development appalling because the traditional friendship of our two countries has endured through many changes of government both here and in Athens.

With Mr. Spanos' letter, I include the enclosures he mentioned which contribute to the disturbing account he provides at a time when Congress is making very serious decisions about our policies toward Greece:

JULY 29, 1971.

DEAR CONGRESSMAN: It was with great satisfaction that I read in the New York Times of July 16 that the House Foreign Affairs Committee headed by Congressman Rosenthal of New York voted to withhold the $118 million in military aid to the military regime in Greece on the grounds that the administration "had not been able to make a coherent case for military assistance to Greece, much less for the proposed increase from $80 to $118 million."

I spent the year 1969–70 as Fulbright Professor of American Literature at the University of Athens, and was profoundly disturbed throughout that time by the great disparity between the actual political situation in Greece and the administration's unofficial justification for providing psychological and military support for the colonels—a policy that culminated inevitably in the official resumption of heavy arms shipments and virtual approval, in Secretary Stan's visit to Athens in April, of the colonels.

The disclosures of the Pentagon Papers concerning government by secrecy call loudly and clearly—and desperately—for a Congressional examination of American foreign policy in Greece. My experience in Greece, which I summarized in a letter to the New York Times on February 5, 1971, and the testimony about the actual events in Greece in the responsible American and European press not only undercut the State Department's justification for the official resumption of arms shipments on the grounds that "the trend toward a constitutional order is established in Greece," but also suggest the possibility that the decision to aid the colonels was made long before it was made official.

The issue, therefore, is not only democracy in Greece but also democracy in the United States. The Pentagon Papers have revealed that constitutional government in the United States is in crisis because the presidency has arrogated crucial power from the Congress—and because the Congress has betrayed its crucial role in the system of checks and balances that guarantee our people their essential freedom. I hope that as a Representative you will support the Foreign Affairs Committee in its efforts to press the administration on the matter of military and moral support to the Greek dictatorship—and of course to other totalitarian regimes.

Yours truly,

WILLIAM V. SPANOS,
Associate Professor, English and Comparative Literature SUNY at Binghamton.

[Clipping from the New York Times, Feb. 5, 1971]

RESUMPTION OF ARMS SHIPMENTS TO GREECE

To the Editor:

The events of the last year left no doubt in the minds of virtually everyone in Greece that the Nixon Administration would eventually announce publicly the resumption of heavy arms shipments to the military regime that rules there. The reports that American diplomats were working behind the scenes to dissuade the nations of the Council of Europe from ousting Greece; the appointment of Henry J. Tasca as Ambassador; the gradual and probably deliberate leaking of his recommendation to resume heavy arms shipments; the constant linking of American foreign policy in Greece with the Middle East crisis, and, finally, the revelation that the Pentagon had been secretly providing heavy arms to the colonels—all this had prepared us for the September announcement.

But it was with a profound sense of the truth being violated that I recently read, first, that the Administration justified the official resumption of "full-scale arms shipments" on the grounds that "the trend toward a constitutional order is established in Greece," and shortly after, that Secretary Laird had been dispatched to Athens to discuss NATO's defense of democracy with Premier Papadopoulos and other Greek colonels devoted to the NATO charter.

I spent a year (ending June 1970) as Fulbright Professor of American Literature at the Univeristy of Athens. During that time (much of it spent convincing my students, and others, that I was not a C.I.A. agent) I saw no evidence to suggest that the junta was restoring democracy in Greece.

I saw, rather—and my observations included the witness of ordinary citizens as well as former military officers, parliamentarians and intellectuals—only evidence of the same contempt for the dignity of human life revealed during the proceedings of the Council of Europe. As late as May, for example, we witnessed the notorious "Trial of the 34," in which detailed testimony of confessions under torture did not prevent the military court from passing unjustified sentences on all the accused. And not long after, we witnessed the *de facto* suppression of "The Ethnes" for publishing a call for the restoration of democracy.

Contrary to the implications of the State Department announcement, there is—and I saw it—a despair in Greece that becomes more bitter as it becomes clearer to Greeks that American foreign policy, despite lip service to "constitutional order," was and is committed to supporting this ruthless—but anti-Communist—dictatorship.

What lies behind the Nixon Administration's callous disregard of obvious human testimony is the mythological geopolitical melodrama being played out by the two superpowers in the Mediterranean. This dehumanized short-term diplomacy—a diplomacy of fraudulent justifications for the sacrifice of the freedom of real human beings in the name of the dubious abstractions of the cold war—is not only alienating Greeks; it is also driving the young toward the radical left. As more than one student told me, "American support of Papadopoulos is Communism's best weapon in Greece." More important, it is morally repugnant. Indeed, the cynical justification reveals an attitude perilously like the contempt for the testimony of others that characterizes the totalitarianism it supports.

WILLIAM V. SPANOS,
Associate Professor of English and Comparative Literature, State University at Binghamton, Binghamton, N.Y.

STATE UNIVERSITY OF
NEW YORK AT BINGHAMTON,
Binghamton, N.Y., May 3, 1971.

To the Editor: The New York Times, New York, N.Y.

The recent visit of Secretary of Commerce Stans to Athens, Greece, which culminated in his outrageous public encouragement of the Greek military regime in the name of American business interests, has brought the Nixon Administration's disarming strategy of piecemeal recognition and support to its completion. It is now quite obvious that the executive branch of our government intends to cooperate in an absolute way with the dictatorship that rules over that benighted country—indeed, that it intended to do so from the beginning when it sent its man, Henry Tasca, to Athens in the fall of 1969. Yet there has been no substantial evidence forthcoming from Greece to suggest that the military regime has justified this all out support by even the slightest gesture towards the restoration of civil rights, to say nothing of democratic processes. As a matter of fact, the truly reliable testimony available, such as that of the Moose-Lowenstein report to the Senate Foreign Relations Committee and that of the European Press, suggests that the colonels continue to organize an inhumanly coercive state. The time has come, therefore, when the Congress of the United States should challenge the Nixon Administration in behalf of the democratic ideals of our country to clarify the motives behind its support of the Greek dictatorship in the face of such continuing testimony.

Our government owes it to the American people—even if most are unconcerned—to let them know whether its military and economic support of the Greek colonels is based on a believable pledge to restore democracy in Greece or whether this support is—as many are beginning to suspect—another and by now predictable manifestation of that frightening totalitarian tendency to arrogantly impose *our order* on helpless "underdeveloped" nations at the expense of the *real human beings* who live in them. With Secretary Stans' high praise of the Greek dictatorship's creation of a climate of economic stability (which might be more accurately termed the imposition of law and order by violence and threat), it now appears unlikely that the Nixon Administration intends to offer that information. Thus in the name of that system of "checks and balances" which, as every American schoolboy is taught to believe, guarantees a free people against the arrogation of power by the executive, it becomes a matter of crucial importance that the Senate Foreign Relations Committee make every effort (the initiation of public hearings, for example) to call the Nixon Administration to account for its apparently callous and inhumane policy in Greece. The stake, as the editors of *The Times* have suggested (May 2), is not only freedom in Greece, but ultimately freedom in the United States. The parallel between our government's arrogant policy in Greece and Viet Nam as well as our support of other totalitarian regimes throughout the world should warn us that this is a very real danger indeed.

Yours truly,

WILLIAM V. SPANOS,
Assoc. Prof. of English and Comparative Literature, Suny Binghamton and former Fulbright Lecturer in American Literature at the University of Athens (1969–70)

STATE UNIVERSITY
OF NEW YORK AT BINGHAMTON,
Binghamton, N.Y., April 27, 1971.

DEAR SENATOR FULBRIGHT: I am writing to urge your committee to initiate public hearings on American foreign policy in Greece. My observations (and experience in the Pippinopoulou affair) during the year I spent as Fulbright Professor of American Literature at the University of Athens (1969–70); the conclusions drawn by Richard Moose and James Lowenstein in behalf of the Senate Foreign Relations Committee, and the recent events culminating in Secretary of Commerce Stans' visit to Athens and his outrageous public support of the regime in the name of American business interests have made it quite clear that the Nixon Administration intends to support the Greek dictatorship in an absolute way—indeed, that it intended to do so from the beginning. I feel, therefore, that the time has come when the Congress should challenge that foreign policy in behalf of the democratic ideals of our country to clarify the motives behind President Nixon's support of the Greek colonels in the face of overwhelming testimony that our beneficiaries are organizing an inhumanely coercive state.

Our government owes it to the American people to let them know whether its support of the Greek colonels is based on a believable pledge to restore democracy in Greece or whether this support is—as many of us suspect—another manifestation of that frightening totalitarian tendency to arrogantly impose our order on the community of nations at the expense of the real human beings who live in them. Unfortunately, it now appears unlikely that our government intends to offer that information. Thus, in the name of that system of "checks and balances" which, as every child in our country is taught to believe and be proud of, guarantees a free people against the arrogation of power by the executive, it becomes a matter of critical importance that the Senate Foreign Relations Committee make every effort to call the Nixon Administration to account for its apparently callous and inhumane policy in Greece. Not only Greece but also the United States is at stake.

Respectfully,

WILLIAM V. SPANOS,
Assoc. Prof. of English and Comparative Literature

ATHENS, GREECE,
June 19, 1970.

BOARD OF DIRECTORS
U.S. Educational Foundation in Greece
Athens, Greece

GENTLEMEN: As a Fulbright grantee in Greece during this crucial year, I feel compelled to communicate my deep concern about the appointment of a new director of USEF now that James Warner's resignation has left this important post vacant.

I have always believed that the chief value of the Fulbright program lay in its being an autonomous agency, the essential purpose of which is objective cultural exchange. But during my year as Fulbright Professor at the University of Athens (and especially after the arrest without charges of Miss Rita Pippinopoulou, one of the secretarial assistants of USEF) I have noted a strong tendency on the part of the U.S. Embassy to blur the distinction between its and the Fulbright program's functions—a tendency, by the way, that Mr. Warner himself often commented on. I was especially disturbed by two outright violations of the program's autonomy. The first occurred rather early in the year when a young man from the political section of the Embassy in Athens appeared at the Fulbright offices to offer himself as a teacher of English as a foreign language ostensibly to alleviate the shortage of qualified teachers in the English Department of the University of Athens, but in fact to gather information about Greek student opinion in behalf of the Embassy, which, according to the young man, thought this kind of information very important at such a critical time in Greek history. The second occurred at the time of Miss Pippinopoulou's second arrest when many Fulbright grantees were reacting with great indignation not only to her arrest but to the implicit harassment of the Fulbright program by Greek security police. In an extremely uncharacteristic gesture of threat which can hardly be explained except as the result of pressure from the Embassy, Mr. Warner read to the convened grantees that section of their contract dealing with the punitive measures that result from interference in the politics of a host country. Ironically, it is as a result of such actions and the attitude which underlies them that the Embassy is tacitly suggesting to the general Greek public, and especially to the students and the intellectual and political opposition to the governing junta (and perhaps to the junta itself) that the Fulbright program is indeed politically oriented—that it is in fact a political arm of the Nixon administration and engaged in supporting its policies in regards to the Greek situation.

What is at stake in the appointment of a new director of USEF is the integrity of the Fulbright program, that is to say, the *disinterested* exchange of knowledge. And since this program was conceived to transcend politics and presidential administrations, I feel responsible as a member of the American academic community for pointing out to those who will appoint the new director what seem to me to be threats against its integrity and to persuade them to consider these threats seriously in their deliberations.

I do not think it unreasonable to say that, at this time when so much of Greek public opinion has turned against American foreign policy in Greece, it will be especially, perhaps only, this kind of disinterested offering of knowledge—particularly that knowledge of American life and culture which reveals the creative and dynamic energies that have always been the source of the true greatness, the profound humanity of our nation—that will sustain the rapidly disintegrating friendship of the Greek people, whether of the left or the right, for the United States.

Yours truly,

WILLIAM V. SPANOS,
Fulbright Professor of American Literature, University of Athens, 1969–70.

UNITED STATES FOREIGN POLICY AND THE QUESTION OF THE RESTORATION OF DEMOCRACY IN GREECE

"Nonetheless, if Washington goes ahead and hands over the new tanks to Athens before Papadopoulos sets the date for elections, the U.S. action will be regarded throughout the world as the final act of the American embrace of the dictatorial colonels." *Time Magazine*, September 21, 1970.

On September 22, 1970, the U.S. government officially announced the resumption of heavy arms shipments to the military regime that rules Greece on the grounds that "the trend towards a constitutional order is established in [that country]." The following news reports gathered from responsible news media throughout the free West have appeared since this announcement. The implications are obvious: the distance between the official announcement and the reports brings the integrity of the U.S. government's justification for continued military and economic support of the Greek colonels into serious question.

I

On December 19, 1970, Papadopoulos announced that there would be no change in the governmental structure in the coming year. ". . . Papadopoulos told the Greek people . . . that their political freedoms, abolished by martial law 44 months ago, would not be restored in 1971." *The New York Times*, December 20, 1970 (See also *The Manchester Guardian Weekly*, December 26, 1970).

II

"Christmas arrests in Greece violation of constitution" The London *Times*, January 5, 1971. The arrests included among others three Members of Parliament (Ioannis Alevras, Vasilios Intzes, Talbot Kefalinos), Mr. Christos Sartzetakis, the investigating judge in the Lambrakis case, who was portrayed in the film *Z*, and Mr. Evanghelos Yiannopoulos, a lawyer who defended several regime opponents before the military tribunals. *The Times*, March 3, 1971.

In June, Mr. Roger Davies, Deputy Assistant Secretary of State for Near Eastern and Southeast Asian Affairs, was reassuring Senator Fulbright and other members of a subcommittee of the Senate Foreign Relations Committee in Washington about the progress of "normalisation" in Greece: "On April 10 [1970], sir, that part of the constitution which requires warrants for arrest, and provides certain safeguards as against arbitrary judicial processes, was implemented. . . . In other words, the Greek habeas corpus was in operation." *The Manchester Guardian Weekly*, February 27, 1971.

"The unspecified number of Greeks arrested on November 28 [1970], estimated between 40 and 160, were detained without charges for more than five months . . ." *The Times*, May 11, 1971.

III

"Greece ends Red Cross Visits to Political Prisoners" *The New York Times*, January 11, 1971.

"Now the powers of arrest on political charges and the treatment of prisoners will have no impediment from any outside body, still less from any curious journalist." *The Times*, December 4, 1970. Campbell Page, writing for *The Manchester Guardian Weekly*, February 27, 1971, calls Greece "a nation behind bars" and describes the hardship of political prisoners and their families to suggest the climate of repression throughout the country.

IV

"Greek gaol threat for foreign reporters." *The Times*, December 3, 1970.

"Greece's military backed government issued a decree today making correspondents of the foreign press, radio or television, whether Greeks or foreigners, liable to heavy prison terms and fines in Greece for 'disseminating false reports.'" *The New York Times*, December 3, 1970.

V

"Elections" for the so-called small parliament, an advisory body created by the colonels, announced. Of the 5,000,000 registered voters only 1,240 (handpicked by the government) are going to cast ballots. (See *Time*, December 14, 1970, *The Observer*, November 29, 1970) *The New York Times* editorial says about this election that: "Greece's military rules continue to build facades designed to persuade the world that they intend eventually to restore constitutional democracy. Only the Nixon Administration and professional apologists for the Athens regime seem impressed." *The New York Times*, November 11, 1970.

VI

Ban of travel against former right wing conservative minister, Mr. G. Rallis, to prevent contact with NATO. (See *The Times*, 3/16/71)

Former conservative Foregin Minister "accused the United States government of trying to establish a 'travesty of democracy' in Greece or else of being grossly misinformed about the true intention of the present regime." *The Times*, 9/24/70

Mr. Papaspirou, the speaker of the last

Greek Parliament, complained that the detentions of a number of people arrested during a security round up were in defiance of this part of the Constitution reactivated in April, 1970. See *The New York Times*, 1/20/71

Three leaders of Greece's two largest banned political parties denounce the regime. *The New York Times*, 3/24/71

"Distinguished citizens of nine NATO countries have organized what they call the European-Atlantic Action Committee on Greece in an effort to help end the military dictatorship and restore democracy 'in the land of its birth.' Their initiative could not have come at a better time." *The New York Times*, 6/3/71

VII

130 leading intellectuals of all persuasions join to speak out against the suppression of human rights in Greece. "One of those who signed the declaration was Mr. George Seferis, the Nobel prize-winning poet, who said, 'The suspension of the people's sovereignty and of human right arrests the fruitful flow of national life, opens the way to other constitutional deviations, deprives the country of the normal renewal of its political forces and leads it to spiritual and political withering.' " *The Times*, 3/23/71

VIII

Recent official American suspicions about the intentions of Greek regime concerning restoration of Democracy in Greece. *The New York Times*, 4/1/71

IX

Reaction in Greece to the resumption of arms shipments and the continuing support of the military dictatorship by the Nixon Administration: R. Moose and J. Lowenstein, the two investigators for the Senate Foreign Relations Committee, detected growth of popular anti-American feeling in Greece. (See *The New York Times*, 4/1/71, and *The Times*, 2/8/71)

Seen in the light of the recent disclosure by *The New York Times* (June 14, 1971) of the Johnson Administration's secret decision to initiate the large scale bombing of North Vietnam and to escalate the war without consulting the representatives of the people of the United States, the Nixon Administration's dubious justification for its support of the Greek dictatorship assumes alarming proportions. The parallel suggests that even more is at stake than democracy in Greece. What is ultimately in question is *our own* system of checks and balances that until recently has ensured the American people those human rights which constitute the essential ground of a free and creative nation.

[From the Manchester Guardian Weekly, December 26, 1970]

Martial Law Stays

(By David Tonge in Athens)

No change in 1971 was the message from the Greek Prime Minister, Mr. Papadopoulos, in his State of the Nation address at the weekend. For those who had hoped for some relaxation of the Government's grip, his speech was a reminder that this Government considers it has a mission to fulfill and that it will let nothing prevent this.

Martial law is to be retained, and the full implementation of the Constitution will only take place "when I, bearer of the Greek people's mandate and of historic responsibilities, think the situation is secure, both for the nation and for the new society that will follow." Mr. Papadopoulos then gave the people what one newspaper has described as an assurance that he would "not be influenced by any voice whatsoever."

Seen against this, the step forward which the Prime Minister did announce became of minor importance. Those who have listened to his earlier speeches on constitutional complexities will welcome the promise that the so-called institutional laws will be promulgated in January. These laws cover bodies such as the constitutional court and political parties, but the Prime Minister gave no indication of when they would be set up.

The Government is to keep all of its formidable arsenal of emergency powers including the martial law, which many observers feel it no longer needs. Even if the Government had lifted martial law, the only practical effect would have been that civilians would be tried before the slightly more moderate civil courts. The country would still have been run by a Government whose policy is decided by the so-called Revolutionary Council—a group of officers who led the coup in April, 1967.

Local governors might have regained nominal power, but the local military commander would probably have kept the influence he now has and which allows him, for example, to order local newspapers what to print and when. Again, civilians' lives have long been controlled not by the military but by the security police.

Lifting martial law would not have affected the total control these now have over every aspect of the public's life, a control largely based on the widespread fear, justified or not, of many an individual that one day he might just disappear.

This security apparatus is perhaps inevitable given the purification of society which the Government has attempted. Reactions against this purification have not stopped, and isolated bomb explosions continue in this "the most normal country in the world," as the press ministry calls it.

[From the N.Y. Times, Dec. 20, 1970]

Greek Premier Sees No Return of Political Freedoms in 1971

Athens.—Premier George Papadopoulos told the Greek people tonight that their political freedoms, abolished by martial law 44 months ago, would not be restored in 1971.

Mr. Papadopoulos, in one of the strongest policy statements since he became Premier in December, 1967, said his regime had work to do before constitutional order could be safely restored and general elections proclaimed. The army seized power in April, 1967.

"Many wonder when this will be," the 51-year-old Premier declared on radio and television. "I will say directly and clearly: When I, the bearer of the people's mandate and of the historic responsibility toward the nation and the armed forces, will decide that this can be done safely and usefully for the nation."

The occasion was an address to senior officials and the newly selected candidates for the Consultative Assembly on Legislation.

The Premier promised to release, by the end of this year, 315 political prisoners of the 705 held in exile without charges—300 of them Communists. He said that if the internal security situation was good by next April all the others would also be set free.

But Mr. Papadopoulos dashed all hopes that his regime was heading toward democratization, stating that special military tribunals would not be abolished. "As far as the question of the regime and the Constitution are concerned, there will be no change in the coming year," he added.

Demetrios Papaspyrou, president of the last elected Parliament, later commented: "Nothing has changed. The Greeks will spend the new year under martial law and the military courts in full function."

The Premier, reviewing activities in 1970, said that Greece had bought tanks, aircraft and warships to modernize her armed forces. He did not disclose the origin of these weapons. He also said that his regime would go ahead with plans to set up war industries to manufacture ammunition and to repair tanks and aircraft.

His regime has already started taking delivery of 55 French-built AMX–30 medium tanks. There had been negotiations for the purchase of French Mirage jet fighters, but the result of them was unclear, particularly after Washington's announcement last September that it would end the selective embargo on heavy weapons to Greece imposed after the 1967 coup d' état.

"After this, we hope that no one will challenge either the mettle of the Greek armed forces or their willingness to defend not only world peace but also the security and freedom of our country," Mr. Papadopoulos declared.

[From the Times, Jan. 5, 1971]

Christmas Arrests in Greece "Violation of Constitution"

From Mario Modiano, *Athens, Jan. 4*

Mr. George Rallis, a former Cabinet Minister, said today that Mr. Papadopoulos, the Greek Prime Minister, had failed to maintain his promises of the restoration of habeas corpus and the issue of passports to former politicians.

In a statement sent to foreign correspondents in Athens, Mr. Rallis said the constitutional safeguards against arbitrary arrest and detention, which came back into force with the easing of martial law last spring, were not being respected.

He said that the wave of arrests which began on November 28 and continued over Christmas openly violated Article 10 of the Greek constitution, which provides that no one may be detained without a judicial warrant.

The Government has declined to make any official statement on the number of persons arrested over the past month, but Mr. Rallis alleged that many were held in complete isolation and not even allowed to see their lawyers.

He noted Mr. Papadopoulos's statement that only cases involving national security were now under the jurisdiction of military tribunals and commented that "any demonstration in favour of the restoration of a democratic regime can be considered an action against national security. Therefore, there is no limit to the power of military courts."

Mr. Rallis said the Government's promise to issue passports to former politicians was not being kept. He said that he had been given a passport last September but that it had been suspended by a police order barring him from leaving the country. He planned to bring a suit against the authorities for the restoration of his right to travel.

Athens, Jan. 4.—Mr. Christos Sartzetakis, the examining magistrate in the Lambrakis murder case, is now being held in solitary confinement at the military police "special interrogation and investigating centre", it was learnt here today. He was arrested in Salonika last month but no official reason for his detention was given.

Mr. Sartzetakis, whose role as the "incorruptible" judge in the 1963 case of the murder of Mr. Gregorios Lambrakis, a left-wing member of parliament, inspired the Oscar-winning film Z, was dismissed from office early in 1968.—Agence France Presse.

[From The Times, March 3, 1971]

Held in Greece

From Mr. John Fraser, Labour M.P. for Norwood. and others.

Sir. On November 28, 1970, Christos Sartzetakis who was the examining magistrate in the Lambrakis murder case (around which the novel "Z" was written) was arrested. At the same time there were other arrests, including three Members of Parliament—Ioannis Alevras, Vasilios Intzes, Talbot Kefalinos, who were all Centre Union M.P.s, as well as the defense lawyer Evanghelos Yiannopoulos. Since then they have been held incommunicado in a special wing of Corydallos prison under the jurisdiction of the Greek military police. We understand that Sartzetakis and 31 others are to be tried in special trials at the end of this month, and so far as we know, despite appeals from the International Commission of Jurists, no one—not even his lawyer—has been able to see Sartzetakis.

Anyone with a sense of justice would be appalled that Sartzetakis who was deprived of his post and forbidden to practise as a lawyer after the coup of the Greek Colonels could continue to be so treated, and be cut off from the outside world after all the struggles for liberty and human rights that have occurred in Western Europe. We appeal through your columns for an end to this unjust and inhumane treatment.

Yours faithfully,
John Fraser, S. C. Silkin, Alexander W. Lyon, Arthur Davidson, Edward Lyons.
House of Commons.

[From The Times, May 11, 1971]

GREEKS ARE CHARGED AFTER MONTHS IN DETENTION

From MARIO MODIANO, *Athens, May 10*

At least six Greek notables among those held in the big security round-up which began on November 28 last year have just been formally charged with "conspiring to commit unspecified crimes" and violating the laws on explosives.

Two of them—Mr. Talbot Kefallinos, a former Centre Union deputy, and retired Brigadier Christos Rougheris—were charged and set free on Saturday pending trial. Mr. Kefallinos, who suffers from a heart ailment, had been detained in a prison hospital in Athens.

At least four other prisoners were remanded in custody after hearing the charges. They include Mr. Christos Sartzetakis, the investigating judge in the Lambrakis affair who was portrayed in the film Z; Mr. Evanghelos Yianopoulos, a lawyer who defended several regime opponents before the military tribunals; and two other lawyers, Mr. Phoebus Koutsikas and Mr. Agamemnon Koutsoyiorgas.

So far the prisoners have not been allowed access to defence counsel.

Although the regime had on at least three occasions formally declared that the people arrested after November 28 were accused of sedition, the charges pressed by the Magistrates of the special military court last week involved conspiracy and explosives. These offences were recently brought under the jurisdiction of military tribunals, while sedition cases were transferred to ordinary tribunals.

The defendants' lawyers, who had denounced their arrest and detention as unconstitutional, pointed out today that under the regime's own constitution no one can be held without charges for more than three days—or, even assuming that martial law overrides the constitution, for more than 20 days.

The unspecified number of Greeks arrested on November 28, estimated between 40 and 160, were retained without charges for more than five months, the lawyers stated.

The ordinary courts today published the indictments of two left-wing resistance groups to be tried by appeal courts on charges of sedition.

The first group consists of 25 defendants, including five women, said to belong to Righas Feraios, the student underground organization. The indictment said they had organized a network of printing presses and duplicating machines in various flats, where they published four anti-regime newspapers as well as leaflets.

They are charged with daubing subversive slogans on street walls and raising funds for seditious activities. Three of the leaders—Mr. Constantine Kostarakos, Mr. George Spiliotis, and Mr. Vlassis Lykouris—are also accused of illegal possession of "small quantities of explosives" and of providing hideouts for agents of the illegal Greek Communist Party.

The second group involves nine defendants and one still at large, said to belong to the "communist organization of Athens." According to the indictment, they were bent on the creation of urban guerrilla groups.

The dates of the two trials have not yet been fixed. It will be the first time since the coup that civilian tribunals will be called upon to judge offenses against the security of the regime.

NATION BEHIND BARS

These people are crooks. We fight with bits of paper and they fight with sub-machine guns. They say they have restored the rights of the individual. They are laughing at the world—Greek lawyer.

A man I know said something against the regime to a taxi-driver. The driver stopped outside a police station and said: Now go in there and repeat what you said to me. I am a policeman—Athenian woman.

In Athens I asked some relatives of political prisoners how they would explain the nature of the Greek regime to a foreign visitor who saw nothing but blue skies and jolly tavernas.

First they would quote Churchill's dictum about citizens in a democracy knowing it was the postman when they heard their door-bell ring early in the morning: in Greece now the first thought is the police. Next they would suggest that the visitor try to start political conversations with random Greeks and note their shrinking reaction. Thirdly, they would tell the visitor to make a distinction between the flagrant dictatorships of European fascism in the 1930s and the subtler methods of the Greek regime.

The methods are of necessity subtle and selective. After all, Mr. Papadopoulos is the only dictator in modern history who has spent four years speaking with obsessive frequency about an imminent return to democracy.

Intimidation is nicely calculated. As you turn late one night into the street where a former Minister lives, a car carrying the inevitable two plainclothes men pulls out from the opposite kerb and crawls along in low gear at your elbow. If you were Greek, you would probably walk straight past your destination.

You meet another former Minister in a cafe and go to his car. As he drives off the two security men turn on their headlights and take up a fixed stalking position 20 yards behind. The message is clear—"Stay away from this man."

Even the mildest critics of the regime are wary about tapped * * * after the 1967 coup), and concierges, potentially lethal informers in a city where most people live in medium-sized blocks of flats. Sane men are afraid of bugging and tune their radios to strident pop songs as a cover for political conversation.

Some look expertly over their shoulder as they stroll along the street with you. Others whom you have met privately the night before obviously prefer not to be acknowledged publicly when you encounter them by chance the next day.

All this means that at a widely diffused level people are aware of being at risk. They also feel isolated because the regime's network of informers has penetrated most institutions where people gather in large numbers. There can, for example, be no free and spontaneous discussion among students on university premises. This can only take place in private among a trusted group of friends.

Consider the freedom enjoyed by a non-violent critic of the regime. He cannot find a platform in the Greek press; nor can he safely find a platform abroad because the law against spreading false rumours has now been given a world-wide application. Correspondence with people abroad will be opened if it is identified. Through a liberal gesture he may have a passport but he may equally be turned back when he tried to use it at a Greek airport.

He is allowed to buy foreign papers. But, although the regime makes much of their availability, he may receive a warning from a friendly newspaper-seller that the authorities have been making inquiries about "that man who comes and buys those imported papers every evening." Now and again he may be called in for a little talk with the police.

What happens to our free man when he is arrested? There is one vital point. Criticism of Greek law enforcement has concentrated worthily on the state of health of individual detainees. Occasionally the regime produces a detainee in moderate health, and the lobby of foreign sympathisers is expected to clap and go home. The radical question: "Why was this man arrested and detained?" is not so often examined.

In fact, the past 10 months offer a classic example of how anything resembling the rule of law has been cynically destroyed in Greece; and destroyed in a way designed to intimidate those inside the country and mislead those outside.

Last year an official statement said: "The Greek Prime Minister, Mr. George Papadopoulos, announced in Athens on April 10, 1970, that some articles of the Constitution suspended until now are brought into force again as from that date. They include Article 10 which stipulates that, with the exception of persons caught in the act of committing an offence, no one shall be arrested or imprisoned without a judicial warrant."

In June Mr. Rodger Davies, Deputy Assistant Secretary of State for Near Eastern and Southeast Asian Affairs, was reassuring Senator Fulbright and other members of a sub-committee of the Senate Foreign Relations Committee in Washington about the progress of "normalisation" in Greece.

"On April 10, sir, that part of the Constitution which requires warrants for arrest, and provides certain safeguards as against arbitrary judicial processes, was implemented. . . ." In other words the Greek habeas corpus was in operation.

On November 28 the regime began a wave of arrests which lasted until the end of the year and included, incidentally, the lawyer Christos Sartzetakis, whose courage as the incorruptible judge in the Lambrakis affair was portrayed in the film "Z."

Between 100 and 150 people are still detained. Until a few days ago no one had been charged, although Article 10 specifies that charges shall be made within 24 hours. No one had been allowed to see a lawyer. Very few had been allowed to have family visits. All the major provisions of Article 10 had been violated. The Greek press has been forbidden to write about those arrested.

Three women arrested on November 28 and still uncharged were released on February 15 after 80 days in custody—released temporarily "pending further investigations."

The regime's replies to questions about those still in custody are not persuasive: Mr. Sartzetakis does not merit this much concern abroad—he was a lawyer of average abilities; Corydallos prison in Piraeus is like a modern apartment block; have patience and you will see eventually that the security authorities have behaved with perfect propriety.

Sadly, those arrested have lost the protection of the International Committee of the Red Cross which had the right to information about arrests and access to prisoners under interrogation. The Red Cross agreement with the Greek regime lapsed in November and will not be renewed because the regime sees no reason for continued interference from abroad. It also argues that the agreement will become superfluous when all political deportees, i.e. people sent to prison camps, prisons, or to exile in remote villages by administrative order and without trial or conviction, are released shortly.

In fact, even if Mr Papadopoulos announces the expected amnesty for the remaining 343 Left-wing deportees in the prisons and concentration camps to mark the 150th anniversary of the Greek struggle for independence on March 25, there will still be at least 600 people who have lost their liberty for political reasons.

This figure is made up of the 400 people convicted since the coup for political offences as against the 17 detained for espionage and occupation crimes before the coup; the 60 non-Left civilians and officers in administrative deportation in remote villages—there were, incidentally, no deportees by administrative order in the four years before the coup; and the 150 people arrested since last November. Plainly none of the 600 would find the continued presence of the Red Cross superfluous.

Students of the rule of law may care to note that some of the deportees by administrative order who would have been eligible for Mr Papadopoulos's coming amnesty have already been transferred to prisons to see if they can be charged and convicted of political offences; others who will be released can obviously be rearrested later without scandalising the judiciary.

Further, the open disregard for individual rights seems to reflect the growing role of ESA, the Greek military police, who until the coup behaved like their British counterparts in arresting drunken soldiers and collaring deserters but are now taking the main part in accommodating and interrogating the 150 arrested since November. Since rounding up Royalists and democratic officers in 1967 they have claimed the right to wider security operations in the State still under martial law.

You can also judge the tone of the regime by its attitude to convicted prisoners—some of them confined in the dank prison of Corfu which has been condemned by the Red Cross —and to their relatives who form one of the most seriously deprived groups in Greece.

Relatives are ineligible for any social security payments. Wives may lose their existing jobs or find it difficult to get work after their husbands have been convicted. If they make use of the two visits allowed on average each month, take food to supplement that provided by the prison on a budget of 1s 9d a man a day, and buy approved books since political prisoners have no access to prison libraries, they can easily spend £20 a month. If the prison is a long way from home, that figure can easily be trebled.

At worst there are cases of island prisoners who had no visits from their impoverished families for three years. There are accounts of a wife turning up for her fortnightly visit with one small cheese pie and two apples to supplement her husband's diet; of a daughter turning away as her mother boarded the boat at Piraeus because they had counted their drachmas and found they had enough for only one fare.

I offer these as illustrations of the quality of life in a dictatorship. I have also deliberately excluded allegations of physical brutality and restricted myself to what I saw or to what people of proven reliability had seen or experienced. There still seems to be a considerable case for the Greek regime to answer.

[From the New York Times, Dec. 4, 1970]

A More Complete Tyranny in Greece

The Greek Government's decree, subjecting Greek journalists writing for foreign newspapers to the Greek penal code looks like an attempt to prevent information about conditions in Greece from reaching those in the outside world who remain critical of the aims of Greek military rulers. What the move seems to intend is that the Greek journalist reporting for a foreign newspaper will be subject to the same penalties over what he reports abroad that might be imposed if a similar report were published in a Greek newspaper. The decree thus aims to extend to reports in the foreign press the same restrictions that now limit the Greek press.

Foreign nationals are not apparently included in the decree. The government explains that they will be exempted from jurisdiction unless their violations fall within the legislation of the country in which the offense is committed. It is a little difficult to decide how this curious clause might be interpreted in practice. Indeed, legal experts believe that it is the intention to bring such violation under Greek law.

Hence the anxiety of members of the foreign press association who met in Athens yesterday to ascertain what the implications of the new decree would be and to what extent they might be able to retain some freedom. In theory no action could be taken against foreign nationals who are reporting to countries with a free press except that of terminating their permits to function in Greece. When this happens the foreign newspaper will be driven to employ a Greek national as a correspondent against who the full rigour of the decree can then be exercised.

The action against foreign correspondents reporting from Greece is matched by the breaking off of relations with the International Red Cross. Anxious in the past to clear its name against some of the charges of repression against political opponents the regime gave the Red Cross access to information about all those who had been arrested. That agreement has now been cancelled on the plea that the Greek government can no longer allow any control or interference in Greek affairs by any international organization.

Of course the Red Cross could not exercise such a control but so long as it had information it could foster protest overseas at what was going on when such action transgressed its own standards. While the Red Cross could visit prisoners there was a check on their welfare. Now the powers of arrest on political charges and the treatment of prisoners will have no impediment from any outside body still less from any curious journalists.

All this control over information seems to be part of a campaign of clearing the decks before giving effect to the remaining clauses of the new constitution at the end of the year. Last week there were the arrests of Centre Union Party members and their sympathizers, survivors of the old parliamentary regime who were still at liberty to criticize. Another tightening of the political harness has been the rules for political parties published last month providing penalties to be imposed on any parties which oppose constitutional order or seek to overthrow the present political system. The tone of this is depressingly familiar from past and present authoritarian rulers of all shades, left or right.

There remain further demonstrations of the character of Greece's new political order. The so-called institutional laws in respect of civil rights, the functioning of political parties and elections have not yet been put into practice. For the moment a college of electors, most of whom hold government appointments, has nominated 92 candidates to serve on a consultative committee on legislation from which the Prime Minister, Mr. Papadopoulos, will make his own selection. These will be the men "imbued with the regenerative and progressive principles of the revolution" through whom the thin bloodstream of democracy will have to flow. The prospect is not very reassuring, especially when the channels of news about the regime are now being

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[From the N.Y. Times, Jan. 11, 1971]

Greece Ends Red Cross Visits to Political Prisoners

Athens.—The Greek Government has decided to deny the International Committee of the Red Cross further privileged access to political prisoners.

The decision, breaking off 10 weeks of negotiations with the Red Cross Committee on a new procedure for visits to prisoners, was disclosed to Greek newsmen yesterday by Christian Xanthopoulos-Palamas, Under Secretary for Foreign Affairs.

The official argued that following the release of 305 exiled political prisoners at Christmas and the Government's pledge to liberate the 400 exiles remaining by April, the object of the negotiations was eliminated.

Philippe Grand d'Hauteville, the Red Cross chief delegate and negotiator in Athens, in reply to questions today, challenged the Under Secretary's declaration.

He said the Red Cross office in Athens was not solely concerned with political prisoners exiled on administrative orders as security risks, whose release was effected or promised. It was primarily interested, he said, in the welfare of Greeks jailed by special military tribunals for political offenses, as well as those arrested and detained pending trial.

It was estimated that 350 political convicts were serving terms in Greek prisons, while about 100 more were detained by the security authorities for questioning pending charges.

Negotiations between the Greek Foreign Ministry and the International Red Cross started in November after the Athens Government ended a year-long accord that gave the Red Cross delegates in Athens prompt and private access to all Greek political prisoners anywhere in the country.

The accord had entitled the Red Cross delegates to visit all places of detention—ranging from exile camps in Aegian islands, to police station cells and to military hospital security wards—to make sure that political detainees were in good condition.

Objections from the military security authorities that the accord was tantamount to a capitulation of national sovereignty, coupled with massive releases of exiled Greeks, led to the termination of the agreement by the Government on Nov. 3.

The Government indicated, however, that it was willing to maintain a link with the International Red Cross. But the negotiations to devise a new procedure for the visits ended when the Government insisted that the delegates visit political prisoners only at the Government's request, not on their own initiative.

The Red Cross delegate said he was surprised that the Greek press had been informed of the decision to cancel arrangements before he was informed.

[From the N.Y. Times, December 3, 1970]

Foreign Newsmen in Greece Are Put Under a Stiff Curb

Athens.—Greece's military-backed Government issued a decree today making correspondents of the foreign press, radio or television, whether Greeks or foreigners, liable to heavy prison terms and fines in Greece for "disseminating false reports."

The decree was published in the Government Gazette today. It is effective immediately.

There was no official comment on this action, affecting over 70 correspondents in Greece, nearly half of them foreigners. The law is applicable also to visiting reporters or even reporters abroad who write about Greece while abroad.

Under the Greek penal code, "disseminating in any manner false reports or rumors likely to evoke anxiety or apprehension to citizens" is punishable by at least a year in prison and a fine of the equivalent of $3,300.

The same penalty is prescribed for false reports or rumors "likely to shake the public's confidence in the state authority responsible for public peace, in the armed forces and in the national currency."

PROVISIONS ARE BROAD

Other offenses under this provision include false reports that might "upset the economic development policy pursued by the state through the encouragement of domestic private investment or the attraction of foreign capital for private or public investment, or the development of tourist traffic in the country, or upset the country's international relations."

Second offenses are punishable by doubled jail terms and fines. The sentence cannot be suspended, even in case of appeal.

[From the New York Times, Dec. 3, 1970]

Greek Gaol Threat for Foreign Reporters

From Our Correspondent, Athens, Dec. 2

The Greek Government decreed today that foreign correspondents, whether of Greek or foreign nationality, are subject to the Greek penal code, which provides for heavy prison sentences and fines for disseminating false reports.

The decree, published in the issue of the Official Gazette dated November 28 and effective at once, was released by the government printing office today. It affects equally Greek and foreign journalists working for foreign agencies and newspapers regardless of whether or not the newspapers are on sale in Greece.

The Foreign Press Association has called an emergency meeting to consider the situation tomorrow. The decree extends the jurisdiction of the penal law concerning false reports. Its scope and penalties were increased last December.

The revised law imposes a minimum prison sentence of one year and a fine of at least £1,400 on anyone "disseminating in any manner false reports or rumours liable to cause anxiety or fear to citizens or to shake the public's confidence in the state authority which safeguards public peace, in the armed forces and in the national currency, or to disturb the economic development policy . . . or . . . the state's international relations."

The penalty for repeated offences is imprisonment for at least two years and a fine of at least £2,800.

If the offence is committed through negligence the minimum penalty is reduced to six months' imprisonment and a fine of at least £700.

The Greek Government, which after 44 months in power, is still sensitive about its reputation abroad and has deeply resented the unfriendly attitude of most of the western press.

At least six foreign correspondents have been expelled for being hostile to the Government in their reports or for filing false information. Under the new law they would be liable to trial in Greece and possibly imprisonment.

There are more than 70 foreign correspondents in Greece, about half of whom are foreign nationals.

[From Time Magazine, Dec. 14, 1970]

Greece: New Men, Old Mentality

It was surely one of the most exclusive elections of recent times. There are some 5,000,000 registered voters in Greece, but only 1,240 got to cast ballots last week. The chosen few, mostly mayors and leaders of the country's tightly controlled labor unions and professional associations, were carefully selected by the country's 3½-year-old military regime. They in turn elected 92 fellow Greeks to an even more carefully screened "advisory committee on legislation."

After the election, the names of the 92 winners went to Premier George Papadopoulos, who will give the final nod to 46 of them and add another ten candidates of his own to fill the committee's 56 seats. The committee will be expected to 1) "debate and comment" on legislation, in the junta's words, but not too acidulously; 2) offer the government a "cross section of public opinion," but not a very broad one; 3) serve as "a seedbed" for politicians of the future, but certainly not as a hotbed.

The members' one-year terms can be renewed only by the regime, and they can be fired outright by the Premier for "sufficient cause." To be sure, the regime will have a right to expect cooperation: after all, at $830 a month plus traveling expenses, the committee members will be better paid than a brigadier general in the Greek army.

Imprecise Charges. Even as it moved to plant its political seedbed, the regime last week also acted to root out what little unwanted advice and opposition it still has to endure. A few months ago, Papadopoulos slowly began to relax some of the colonels' rigid controls, but hard-liners in the junta's twelve-man inner circle immediately grew alarmed. Now Papadopoulos is retrenching, fearful of losing his struggle to stay on top. One of the measures that he authorized last week was a decree that persons spreading "false reports or rumors" detrimental to anything from police morale to the tourist trade risk a minimum $3,333 fine and a year in jail. Another move took the form of a series of arrests—up to 50 by week's end—of a number of dissidents on vague charges of "subversive activities."

Fuzzy charges, of course, are hardly new to the Greek judicial tradition. In Athens, archeologists have discovered the ruins of the Royal Stoa, where Socrates was tried and sentenced to death 2,369 years ago. Recently, Ioannis Zeghinis, deputy prosecutor of the Athens appeals court, took the occasion of the * * * to recall in a speech that the charges against Socrates—disbelief in the * * * and the corruption of youth—were * * *," that there was no prosecutor and no defense counsel, and that no witnesses were ever produced. All in all, concluded Zeghinis, it was "a great miscarriage of justice."

[From the New York Times, Nov. 11, 1971]

Facades in Greece

Greece's military rulers continue to build facades designed to persuade the world that they intend eventually to restore constitutional democracy. Only the Nixon Administration and professional apologists for the Athens regime seem impressed.

The first of these facades was the Constitution, adopted two years ago. Its civil rights provisions remain meaningless because the colonels have never eliminated the martial law that enables them to continue arbitrary arrests and indefinite detention.

The second facade will be a Consultative Council on Legislation, or mini-parliament, to be activated in January. Premier Papadopoulos will select 46 of its members from 92 "elected" by a handpicked group of local officials, union and professional leaders who owe their jobs to the regime. The Government will name ten additional members directly.

Finally, the Premier's press spokesman has announced a longer-range plan under which the colonels will form their own party as the "expression of the revolution" and the vehicle for maintaining themselves in power when they decide to restore the trappings of parliamentary rule.

It will be argued that even a mini-parliament * * * power is better than no parliament; and that the longer-run restoration of the form of parliamentary government will be a step forward even if the party of the colonels dominate it. Both these propositions seem dubious, however.

Given the method of their selection, members of the mini-parliament are likely to form simply a well-paid ($830 a month) claque for the regime. The same is likely to be true of any designated "opposition" when parliament is restored, inasmuch as the regime has ruled out participation by any politicians of the period before the 1967 coup. In short, there is no sound evidence to support the Nixon Administration's claim, when resumption of major American arms shipments to Greece was announced in September, that "the trend toward a constitutional order is established."

[From the Observer, Nov. 29, 1970]

Greece: Miniature Democrats

Elections will be finally held in Greece today—but they will not be what one normally understands by the term.

They will be for the so-called Small Parliament—an advisory body created by the Colonels as they continue to 'purify' the State they took over in April 1967. That was one month before an election was due in which five million would have voted. On Sunday only 4,000 may vote—and most of these are State employees.

Prime Minister Papadopoulos has told the voters to support only those candidates who agree with the 'progressive principles' of the revolution. Whether they do so or not will not greatly affect him. From those whom the voters elect he will then choose half to serve in the Small Parliament and will add 10 picked by himself. And he can always override what they decide hereafter.

The candidates are not highly distinguished. One is PRO to the Boy Scouts of Corinth. Those elected will get £350 a month.

Justifying its resumption of heavy arms supplies to Greece, the United States Government spoke of 'a return to democracy.' The opposition in Greece sees the Small Parliament as delaying this. A petition has been lodged with the Council of State claiming that this miniature forum will be unconstitutional.

[From the New York Times, Mar. 16, 1971]

Nato Links Lead to Travel Ban on Greek Politician

From Our Correspondent, Athens, March 15

Contacts between Mr. George Rallis, a former Greek Minister and official of allied nations, the Common Market and Nato were described as "illegal activity directed against the established order in Greece" by the Athens Public Prosecutor in a decision released today.

Mr. Fakos, the prosecutor, invoked this opinion in order to dismiss charges pressed by Mr. Rallis against police officers for banning his exit from the country when he held a valid passport issued by decision of the Minister of the Interior.

The prosecutor ruled that Mr. Rallis, who was Minister of Public Order in the right-wing Cabinet deposed by the 1967 coup, was a security risk and the police had therefore been justified in banning his exit.

Mr. Rallis was granted a passport last September, when the Government announced that it was lifting the travel ban imposed on all former politicians. Earlier he had won an appeal to the Council of State, which had voided the prohibition as inadequately documented.

He travelled in West Europe for a month and was known to have seen King Constantine in Rome and Mr. Karamanlis, the former Prime Minister in Paris. The police order banning his departure was sent to all exit points four days after his return to Greece.

The prosecutor said that he was satisfied, from the evidence provided by Greek security chiefs, that Mr. Rallis had "developed intensive activity against the established order in Greece by way of contacts with declared (Greek) opponents of that order—even active against it, as well as with personalities of allied states, the European Economic Community, Nato, etc. . . ."

The decision rejected Mr. Rallis's request for penal action against police officers for "illegal privation of freedom of movement" and "dereliction of duty".

Mr. Rallis, who said that he would pursue the matter further, claimed that the prosecutor's decision "proves that in Greece today any police director can overrule a decision of the Ministry of the Interior which issues the passports".

Athens, March 15.—A Greek journalist accused of plotting the armed overthrow of the Government told a court martial here today that he had been tortured during interrogation by the military police.

The journalist, Alexandros Zografos, aged 44, appeared for trial with three other men charged with planning to form armed bands to be known as the "National Anti-Dictatorial Army". All pleaded not guilty. One of the other accused men also claimed that he had been tortured.

Mr. Zografos denied having received money from the West German Social Democratic Party. "I am being tried for being involved in an organization which is unknown to me", he said. "It existed only in the sickly imagination of my torturers."—Reuter.

The court sentenced Mr. Zografos to 19 years' imprisonment, and another of the accused, Panayotis Miliotis, aged 54, a clerk, to 20 years'. A third defendant, Xenoion Papanikolaou, a mechanic, received five years, and a three-year suspended sentence was passed on Paul Tsountas, a clerk.—Reuter.

[From the New York Times, June 3, 1971]

FOR GREEK DEMOCRACY

Distinguished citizens of nine NATO countries have organized what they call the European-Atlantic Action Committee on Greece in an effort to help end the military dictatorship and restore democracy "in the land of its birth." Their initiative could not have come at a better time.

The Committee's declaration will remind NATO foreign ministers, meeting in Lisbon, that the alliance was created for the defense of freedom and the rule of law. But on purely practical grounds it is also a reminder that Greece under the colonels is "a dangerously weak link in the community of democratic nations"—for defense of the Mediterranean or any other alliance purpose.

"A strong Greece in NATO is preferable to a weak one," the declaration says, noting that "since 1967 the Greek armed forces have been weakened by rifts, purges and inter-service friction, and this emasculation will go on." American officers too often ignore the effects of the continuing purges on the Greek forces; also the danger that allied support for the colonels may eventually turn a disillusioned Greek people against NATO itself.

The Committee's declaration should also help focus world attention on the junta when it is preparing another show trial of more than a score—perhaps as many as 160—prominent Greeks accused of working or plotting against it. The defendants were arrested in raids that began last November and most were held without charge or access to lawyers until last month.

Among the defendants is Christos Sartzetakis, the courageous young lawyer and magistrate whose successful prosecution of high police officials in the 1963 murder of a left-wing Member of Parliament was dramatized in the motion picture "Z." Mr. Sartzetakis was arrested without a warrant last Christmas Eve and held without charge until early May.

The Committee fails to call for specific actions, particularly by NATO and the European Economic Community, but it does suggest that the United States could "withdraw the moral support which the military regime finds indispensable and which discourages and demoralizes the democratic opposition inside Greece." It is not too much to ask.

[From the New York Times, Jan. 30, 1971]

GREEK SAYS REGIME DEFIES ARREST CURB

ATHENS.—The Speaker of the last Greek Parliament asked today for a judicial ruling on whether the Government was respecting the constitutional guarantee against arbitrary arrest.

He noted that the Government's reactication of this part of the Constitution had been viewed by the United States as evidence of "a trend toward the restoration of constitutional order in Greece" that justified last September's resumption of full military aid.

Demetrios Papaspyrou, the former Speaker and an attorney, asked the Athens public prosecutor to act in the case of his client, Talbot Kefalinos, a former member of Parliament, and an undisclosed number of others held following a security round-up that began Nov. 28.

Mr. Papaspyrou stated in his complaint to the prosecutor that these detentions were "in defiance of the constitution," because Article 10, which was reacticated last April, provide guarantees against arbitrary arrest and detention.

[From the New York Times, March 24, 1971]

THREE GREEK LEADERS OF BANNED PARTIES DENOUNCE REGIME

(By Alfred Friendly, Jr.)

ATHENS.—Leaders of Greece's two largest banned political parties joined for the first time today in a statement denouncing the military regime, which seized power here April 21, 1967.

Panayotis Kanellopoulos, who was Premier and head of the right-wing Radical party at the time of the coup d'etat, issued the declaration with George Mavros and John Zigdis, both prominent in the opposition Center union headed by the late George Papandreou.

Mr. Zigdis was imprisoned a year ago for four and a half years for his public attacks on the military regime.

The joint declaration represents the first formal alliance, since the coup, by old political rivals whose common opposition to military rule has slowly overcome their once bitter differences.

The statement also gives veiled blessing to some, if not all, of the active resistance groups, ranging from Communists to royalists, inside and outside Greece.

Demetrios Papaspyrou, the last speaker of the Greek Parliament, also distributed a similar declaration to foreign and Greek journalists. Neither of today's proclamations, delivered by trusted messengers, is expected to be published in papers in Greece.

[From the Times, Sept. 24, 1970]

MR. AVEROFF DENOUNCES AMERICAN SUPPORT FOR THE GREEK REGIME

From Mario Modiano, *Athens, Sept. 23*

Mr. Evanghelos Averoff, the former Greek Foreign Minister, today accused the United States government of trying to establish a "travesty of democracy" in Greece or else being grossly misinformed about the true intentions of the present Greek regime.

He was commenting on the announcement from Washington that full-scale American military aid to Greece was being resumed. The announcement issued by the State Department spoke of progress towards constitutional order and partial restoration of civil rights in Greece.

Mr. Averoff said he was particularly pleased by the resumption of full-scale American military aid. "The country's security a prerequisite for its very survival," he said, "is independent of the nature of the prevailing regime."

However, he profoundly regretted the State Department's assurances that conditions were being established in Greece for a return to normal democratic life.

He said: "The truth, about Greece is that the situation has indeed improved, that we live under a rather lenient dictatorship, but also that civil liberties have not been restored, that human dignity is being trampled on, and that the prerequisites for a return to democracy have not been created.

"On the contrary, what appears to have been created is the condition for a major prolongation of the dictatorship under comical democratic disguise."

There was no official reaction here to the lifting of the 40-month-long embargo on American heavy arms. Greek leaders, however, were reported to be highly gratified by last night's developments.

Regardless of Washington's goading for an acceleration of the restoration of democracy, the Greek leaders felt that the prestige value of the American action overshadowed such minor disadvantages.

The deliveries of such embargoed items as aircraft, armour and ships, including all shipments held up for the last three and a half years, are said to be worth * * *.

The newspapers here were ad * * * to avoid any jubiliant lead * * * over the resumption of aid. All the Athens dailies to * * * eschewed the topic in * * * articles.

The exception was Eleftheros Kosmos (Free World) which carried the move as an act of realism and wisdom." It was fortunate that Washington had finally understood the fallacy of "weakening Greece's military position in order to satisfy the international fellow-travellers and the naive democrats influenced by them," the newspaper said.

IAN M'DONALD WRITES FROM WASHINGTON

Mr. Melvin Laird, United States Secretary of Defence, will visit Greece to discuss the junta's military aid requests and Nato defence matters, informed sources said today. It is understood that Mr. Laird and Admiral Thomas Moorer, chairman of the Joint Chiefs of Staff, will visit Athens immediately after President Nixon's trip to the eastern Mediterranean at the end of the month.

Their visit follows the announcement by the State Department yesterday that the United States was resuming shipments of heavy arms to Greece, suspended after the 1967 coup. The assistance, valued at an estimated $56m. (£24m.) over the next two years, includes F-5 Freedom fighters, tanks, helicopters, artillery and ammunition.

The Greek regime is said to have been offended that Mr. Nixon decided to visit Spain and Yugoslavia during his trip, but not Greece.

The timing of the State Department announcement of the resumption of military aid is significant. The Senate, where most of the opposition lies, is preoccupied with Mr. Nixon's legislative programme. Many of the strongest opponents of the Greek junta, including Senator Albert Gore, Senator Vance Hartke and Senator Charles Goodell, are out of Washington campaigning for reelection.

Moreover, a large number of the legislators who have spoken out against the Greek government are "hawks" on the subject of Israel, and are fully involved in the debate on the Middle East situation.

The decision to resume arms shipments has caused dismay among the Greek, exile community in the United States. One leader of the resistance to the junta, Mr. Elias Demetraeopoulos, said it was "a major United States foreign policy mistake. This decision represents a fundamental change in official United States foreign policy towards the totalitarian regime in Greece."

[From the Times, Mar. 23, 1971]

INTELLECTUALS IN GREECE MAKE HUMAN RIGHTS PLEA

From Our Correspondent, Athens, March 22

More than 130 leading Greek intellectuals today called for the restoration of sovereignty and human rights for the people of Greece. The call was made in a joint declaration reaffirming the principles of freedom and democracy which had inspired the Greek was of independence in 1821.

The one hundred and fiftieth anniversary of the national uprising will be celebrated throughout Greece on Thursday.

One of those who signed the declaration was Mr. George Seferis, the Nobel prize-winning poet , who said: "The suspension of the people's sovereignty and of human rights arrests the fruitful flow of national life, opens the way to other constitutional deviations, deprives the country of the normal renewal of its political forces, and leads it to spiritual and political withering.

"It also means that a considerable number of Greeks—many among them distinguished for their services to their country and its allies—find themselves in prison or in deportation either for their beliefs alone or for acts inspired by their devotion to freedom. It is a national imperative that this state of affairs should be ended wihout delay."

The true meaning of the 1821 revolution had been its nature as "an uprising of the people against tyranny" since "a nation is truly free only when all its citizens are free".

The declaration emphasized that in the past 150 years the "most glorious exploits", including the liberation of Greece and all major reforms, were nearly always achieved under democratic institutions and parliamentary government.

It denied the right of any single group to claim a "monopoly of patriotism" or to "act as the authentic interpreter of the nation's will".

It said: "The nation has no will distinct from that of our people, expressed according to the rule of the majority and through freely elected representatives."

[From the New York Times, April 1, 1971]

GREECE REBUKES ROGERS FOR STAND ON VOTE DELAY

ATHENS.—The military-backed Government rebuked Secretary of State William P. Rogers today for criticizing its delay in restoring democracy in Greece.

Deputy Premier Stylianos Patakos, speaking in Crete, said no foreigner had the right to tell the Greeks what was best for them.

"We take note of the impatience of some of our sincere friends who are in a hurry to see a more representative government in Greece," he said, "but we are unable to acknowledge them as the safest interpreters of the Greek national interest."

Although the former general, who ranks second in the four-year-old Government, did not name those friends, his remarks were considered retort to Mr. Rogers.

In foreign-policy report Saturday, Mr. Rogers noted the absence of an election date and said: "We believe some progress had been made, but we have been disappointed that more has not been done by the Government of Greece to move toward the restoration of representative democracy."

That also triggered resentment among foes other Government, who deny that any progress toward democracy has been made.

[From the Times, Feb. 8, 1971]

U.S. CONCERN OVER GREEK RELATIONS

From Mario Modiano, Athens, Feb. 7

Two political investigators from the Senate foreign relations committee have just completed an on-the-spot inquiry into the nature and prospects of United States relations with Greece.

Mr. Richard Moose and Mr. James Lowenstein, both former diplomats, left for Paris today to prepare their confidential report to the committee after a week of intensive talks in Athens. They plan to return to Washington on Tuesday.

The inquiry was ordered by the Senate committee in view of growing concern among some of its members over the disparity between the American Government's appraisal of the Greek regime's policies and plans and the latest formal Greek statements.

The discrepancy became striking after Mr. Papadopoulos, the Greek Prime Minister, declared bluntly on December 19 that there would be no political or constitutional change in 1971.

The regime's moratorium was proclaimed barely three months after the lifting of the embargo imposed, because of the coup, on deliveries of heavy arms from America, and a State Department's declaration testifying that "a trend toward constitutional order" had been established in Greece.

The Senate committee's staff consultants who arrived in Athens last Sunday, interviewed some 30 Greek and foreign personalities, including Greek political leaders, former politicians, declared opponents of the regime and foreign diplomats, in an effort to find the true cause of the contradictions, and to gain a first-hand impression of the situation in Greece.

The regime gave the two officials a cool but polite reception. Appointments with regime leaders had been requested in advance, but the team was seen by only one cabinet member, the Minister of Education. They were also seen by Mr. Georgalas, the Under-Secretary in charge of press matters, and had lunch with Mr. Palamas, the Foreign Under-Secretary.

Although they avoided contact with the press, a spate of publicity which followed them from Washington appears to have inhibited their access to official views. However, the sort of persons interviewed and the nature of questions posed indicated a particular interest in the reliability of the United States Embassy's political judgment and especially the broadness of its access to a spectrum of local opinion.

The second topic they appeared to broach was the strength of popular feeling in Greece towards the United States following reports of rising anti-Americanism, at least among the anti-regime intellectuals. These now openly accuse the United States not only of tolerating the regime, but even of giving it the benefit of its support and guidance.

The two American officials seemed, during their interviews less preoccupied with the regime's, delay in restoring full constitutional rule, than with the way the partial restoration of constitutional safeguards had worked out in practice so far. They had an interview with Mr. Dimitsas, the President of the Council of State, the supreme administrative court.

They seemed concerned, for instance, over the regime's respect for the rule of law. They looked into the question of Greeks arrested since November 28 and still held incommunicado, evidently in defiance of the *habeas corpus* provisions of the constitution, solemnly reactivated by the Prime Minister in April last year. They did not see any political prisoners.

The two officials had several conferences with senior members of the Embassy and the American military aid mission here.

There is no sign that the Greek question might be raised soon before the Senate foreign relations committee, although the regime's refusal to abide by earlier pledges for speedy evolution towards parliamentary democracy is known to have evoked a good deal of anxiety and reaction to Washington.

[From the New York Times, Apr. 1, 1971]

U.S. AIDES IN ATHENS, UNDER FIRE, DEFEND POLICY FAVORING REGIME

(By Alfred Friendly Jr.)

ATHENS.—United States diplomats in Athens, under fire from both Senate investigators in Washington and opponents of the military Government here, are shifting their tactics slightly but holding firm to the policy that they and the State Department have formulated.

The policy is rooted in defense considerations, the strategic position of Greece on the southern flank of the North Atlantic Treaty Organization, the value of Greek ports to ships of the United States Sixth Fleet and the need for American communications installations on Greek soil.

While these were the considerations leading to the resumption of shipments of heavy arms last September, the State Department declared at the time that the "trend toward a constitutional order is established" in Greece. That judgment, disputed by other knowledgeable diplomatic observers, still holds.

Although American officials here and in Washington are now more prone to express worry about the hesitant pace toward constitutional orders, they remain basically optimistic in public and private.

The political result of the United States policy appears often as public support of the Government of Premier George Papadopoulos, installed in a swift, bloodless military coup d'état April 12, 1967.

CONTRACT WITH OPPOSITION

Responsible embassy officials insist that the appearance of support is supplemented by private pressure on the Government to honor its pledge to lift martial law and restore parliament and democracy. Public criticism of the Government's failure to achieve these goals after nearly four years in power, they say, would only inflame tempers, which discreet diplomacy should seek to calm.

Nonetheless, American representatives have recently begun to increase their contacts with leaders of the limited opposition in Greece. Ambassador Henry J. Tasca, who met many of the better-known anti-Government spokesmen at a large official cocktail party a few months after he arrived here early last year, has recently invited some of these men to his residence for dinner.

Other officers, many of them even more recent arrivals than the Ambassador, have also taken to having lunch with opposition figures, who felt that, until now, they had been systematically ignored by Americans. The level of contact is still too low to please many.

Panayotis Kanellopoulos, the Premier deposed by the coup and still spokesman for the banned conservative Radical party, told a visitor recently that several Western ambassadors call on him almost weekly. Mr. Tasca has not made such overtures, he added.

Even before the 1967 coup, the United States Embassy maintained a form of boycott of suspected politicans. When the late Elias Tsirimokos was designated to be Premier in the troubled political summer of 1965, Americans discovered that because Mr. Tsirimokos had fought with Communist partisans during World War II, they had had no official contact with him in 17 years.

PROPAGANDA AID SEEN

Opponents of the Government are also irked by what they see as United States aid to the Government's internal propaganda efforts. This help beyond technical assistance to Greek armed forces television broadcasters, takes the public form of frequent press photos of Premier Papadopoulos, who is also Defense Minister, receiving visiting American military men.

The most recent photograph of the sort, given front-page display March 20 by pro-Government papers, showed the Premier shaking hands with Gen. Joseph Moore. The United States Air Force general, commander of the Sixth Tactical Allied Air Force, was making farewell calls in Greece.

Worse than the military publicity, others maintain, is the apparent practice of sending youngsters from the official school for children of the American community to sing Christmas Carols to the Premier. The last such visit resulted in a three-column picture of the smiling Premier amid the youthful songsters on the front page of the pro-Government paper, Eleftheros Kosmos, last December.

EXILE CASE CITED

By contrast, it was noted that American officials apparently had been unable to secure the release from island exile of Miss Rita Pippinopoulou, a secretarial employe of the Fulbright Educational Commission since 1963. Suspected of subversive activity, she was ordered to enforced residence on the remote island of Kythera March 1, 1970, and returned to Athens last Dec. 28.

Embassy officials said that some Government officials have criticized them privately for promptly reinstating Miss Pippinopoulou. They also said they were considering paying her for the months she was absent from her job.

Such a gesture would hearten opposition forces. Few think, however, that gestures will still the constant criticism of United States policy and the diplomats who carry it out.

One recent summation of this criticism came from James G. Lowenstein and Richard M. Moose, staff investigators of the Senate Foreign Relations Committee. After spending the first week in February in Athens inquiring into American policy, they issued a staff report, which both embassy and opposition figures say was largely fair. Greece's official foreign affairs spokesman said it was "lacking in seriousness."

CRITICAL REPORT

The report's concluding paragraph found that "rightly or wrongly, most Greeks believe that the United States supports the regime" and added that this belief "constitutes the regime's greatest asset and at the same time provides the United States with its most effective political leverage."

"As far as the pursuit of our declared objectives in the political sphere is concerned, however," the investigators said, "this potential leverage does not seem to have been effectively applied. The policy of friendly persuasion has clearly failed.

"The regime has accepted the friendship, and the military assistance, but has ignored the persuasion. Indeed, the regime seems to have been able to exert more leverage on us with regard to military assistance than we have been willing to exert on the regime with regard to political reform. We see no evidence that this will not continue to be the case."

HON. JOHN DOW

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. UDALL. Mr. Speaker, it is a great pleasure for me to join with my colleagues today in paying tribute to the distinguished gentleman from New York (Mr. Dow). John Dow has made many contributions to the Congress and the Nation, but I wish to use this occasion to note his work in an area that is especially close to those of us from the Southwest—the preservation of the environment.

Since entering the Congress in 1965, and before that as a private citizen, John Dow has shown courage and foresight in his efforts to protect our environmental heritage. He is well known for his leadership in the use of recycled paper and for sponsorship of legislation that would require the Federal Government to use recycled material as much as possible. Beyond that, John Dow has worked tirelessly and effectively for such causes as control of the effects of strip mining, increases in funding for sewer and water systems and for the creation of a Gateway National Park and Recreation area in New York and New Jersey. He has compiled an enviable record that deserves the respect and gratitude of his colleagues and constituents.

Vigorous, kind, candid, honest with himself, his constituents and his colleagues—John Dow is a most remarkable man and public servant. I am proud to be his friend.

FEEDLOT PERMITS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. PRICE of Texas. Mr. Speaker, the Administrator William D. Ruckelshaus of the Environmental Protection Agency recently testified before the House Agriculture Committee on the topic of agricultural pollution. The administrator had some very interesting remarks, particularly on the subject of potential pollution from confined feeding operations.

I would like to share a portion of these remarks with my colleagues. The text follows:

Statement of William D. Ruckelshaus, Administrator, Environmental Protection Agency

Mr. Chairman, I am pleased to have the opportunity to appear again before this Committee to discuss the application of the permit program to confined feeding operations and other aspects of agricultural pollution.

The Refuse Act Permit Program was announced by the President in late December, 1970. The purpose of the program is to implement the permit provisions of the 1899 Refuse Act, together with the State certification requirements of Section 21(b) of the Federal Water Pollution Control Act. The program will provide a great deal of information about industrial pollution and for the first time establish a method for controlling the water quality related activities of an estimated 40,000 industries now discharging wastes into navigable waters and their tributaries. It will provide a way to ensure that these industries are put on implementation schedules to meet water quality standards throughout the country. The program is moving forward now towards the July 1 deadline for filing permit applications.

Looking at feedlots alone, our estimates are that there are approximately 3,400 feedlots in this country having 1,000 animal units or more. There are 33,000 feedlots with 500 animal units or more, and 105,000 feedlots with 100 animal units or more. An animal unit, for program purposes, is based on the biochemical oxygen demand equivalent of one beef steer. One thousand animal units is calculated to equal 700 dairy cows, 4,500 butcher hogs, 12,000 sheep, 35,000 feeder pigs, 55,000 turkeys, 180,000 laying hens, or 290,000 broilers. If the Permit Program were applied to small feedlot operations, the regional staffs responsible for administering the program would be swamped.

We also believe that the permit program would require significant modification to be applicable in any effective manner to agricultural pollution in general and feedlot operators in particular. The type of information that would be required from an applicant to enable government officials to act upon permit applications would differ significantly between agricultural and industrial operations. The requirements for treatment or corrective action would also be of a different nature. These factors were considered in the original announcement of the program, which indicated that it would apply essentially only to industrial operations. In our view of these questions, we have come again to the same basic judgment that the program should not apply, at this time, to most agricultural problems.

On the basis of these considerations we have determined, as a matter of administrative discretion, that the Permit Program, at least at this time, should be limited to those large feedlot operations which have a high volume of animal waste, i.e. those of 1,000 or more animal units and which discharge their waste from a single point source.

We have decided that the permit program should be applied only to feedlots which had an inventory of 1,000 animal units or more at any time during the preceding calendar year.

There has been some concern expressed about the complexity of the application which must be submitted.

I should emphasize that the July 1 date, which has been announced, is not a deadline on which a feedlot must meet the standards that EPA has set for chemical and biochemical oxygen demands, phosphate, nitrogen, potassium, total solids and fecal coliform. All that is required by that date is that an application be submitted which includes the basic information about the feedlot operation. EPA and the Corps of Engineers will work closely with feedlot operators to ensure that they will have a minimum of difficulty filing the application by July 1. If the applicant is already in compliance with the quality requirements, the permit may be issued without qualifications. If the feedlot is not in compliance, the permit may be given subject to certain requirements which will ensure that effluent standards are met within a reasonable time.

Some persons have asked whether the permit program applies to agricultural runoff and irrigation return flow. In order to prevent any misunderstanding, I would like to clarify our position. We have decided that these sources of pollution will not be covered by the permit program at this time. In viewing this issue, we were confronted by the same administrative considerations that I discussed with regard to our decision on feedlots. The permit program is already being strained in our attempt to provide control of the industrial pollution. An equally important factor in this decision was the fact that we do not believe that the permit program is an effective approach to solving the problems of agricultural runoff or irrigation return flow. Present technology is insufficient to provide short-term remedial measures for either of these sources of pollution.

Although irrigation return flows, agricultural runoff, and a large number of feedlots will not be covered by the permit program, the Administration clearly recognizes the need for positive steps to be taken to develop methods for control of these and other aspects of agriculture which contribute to pollution. EPA and the Department of Agriculture are conducting research and development projects to characterize and quantify agricultural pollutants in water; to develop treatment methods for removal of these pollutants; and to investigate control of pollutants by methods other than treatment. In addition, programs of technical assistance have been directed to application of research results of solve specific problems. As an example, the Department of Agriculture is using the REAP cost-sharing program to further promote agricultural pollution abatement efforts.

All of these activities have had significant impact in the control of agricultural pollution. However, much remains to be done in terms of developing and implementing technology to solve these problems.

In order to provide a guide for future Federal action in the agricultural pollution area the Council on Environmental Quality has announced that it will conduct a study in conjunction with EPA, USDA, and other agencies. This study will analyze major pollution problems resulting from agricultural activities; consider alternative solutions to such problems; and recommend measures that the Federal Government might adopt to reduce or eliminate these problems.

I wish to emphasize that we are aware of and appreciate the efforts of the agricultural community to prevent and control environmental harm where feasible methods of pollution control are demonstrated. We at EPA intend to provide continuing leadership and technical guidance to farmers to help them meet environmental protection requirements.

ABORTION TOO LIBERAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HOGAN. Mr. Speaker, time and time again I have voiced my opposition to abortion. Now an article has come to my attention which I think will shock liberalized abortion's most adamant proponents.

In a newsletter distributed by the Georgia Right to Life Committee, Inc., there appeared a short article describing some medical experiments which are being conducted in England. The victims of these experiments are living, aborted, human fetuses.

Mankind has now stooped to performing vivisection on its own. I had thought this type of evil ceased with the downfall of Nazi Germany, but apparently it has not.

As an expression of my outrage, and an example of what liberalizing our abortion laws can lead to, I request that this article be inserted in the RECORD for my colleagues' grave consideration.

THE LAST HOURS OF AN ABORTED BABY

(With permission—Minnesota Citizens Concerned for Life)

Dr. Lawrence Lawn, of Cambridge University's Department of Experimental Medicine at work experimenting on a living, legally aborted, human fetus. Some British doctors have been vigorously defending their experiments on live aborted babies after a storm of protest blew up in England when a Member of Parliament told the press that private abortion clinics had been selling live aborted babies for research. Dr. Lawn was quoted in the Cambridge Evening News as saying, "We are simply using something which is destined for the incinerator to benefit mankind . . . Of course we would not dream of experimenting with a viable child. We would not consider that to be right". The Langham Street (abortion) Clinic admitted sending aborted fetuses to the Middlesex Hospital (The People, May 17, 1970). A spokesman for the clinic said that the fetuses "were aged between eighteen and twenty-two weeks . . . Our doctor had to give some special attention to the operation. He did this at his own expense and dispatched the fetuses to his colleague at the Middlesex Hospital. It had to be done pretty promptly, but the hospital is only a couple of minutes away." In the News of the World, for the same date, this same man, Mr. Philip Stanley, is also quoted as saying 'The position is quite clear. A fetus has to be 28 weeks to become legally viable. Earlier than that it is so much garbage".

SPEECH BY CHIEF JUSTICE EARL WARREN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FRASER. Mr. Speaker, when Earl Warren retired as Chief Justice of the U.S. Supreme Court 3 years ago, he closed a distinguished record of 52 years of public service to his country. As a private citizen, he vowed to contribute something further to the administration of justice and to world peace.

Chief Justice Warren is now chairman of the United Nations Association of the U.S.A., a private, nonpartisan organiza- of American citizens dedicated to making the United Nations and other international organizations more adequate to the needs of our time.

Last week, he joined other leaders in addressing 4,000 lawyers and jurists gathered in Belgrade, Yugoslavia, for the opening of the fifth international World Peace Through Law Conference.

The other speakers at the conference included President Tito; Ambassador Edvard Hambro, President of the 25th General Assembly; and Chief Justice Terje Wold of Norway, president of the World Association of Judges.

In his speech, Chief Justice Warren said the technological explosion had overtaken international political relations and made necessary a new system of diplomacy based on the United Nations. He said the nation-state no longer is able to provide security for its citizens, because of the terrifying power of nuclear weapons.

Warren declared:

> Much of what is being done in the name of national security not only fails to protect the citizenry, but surrounds their lives with even greater dangers.

The Chief Justice's speech raised issues that are being explored in depth by a National Policy Panel established by the United Nations Association.

The UNA–USA panel which is taking a fresh look at the United Nations is chaired by Nicholas de B. Katzenbach, former Under Secretary of State and Attorney General.

Mr. Speaker, I hope my colleagues will take the time to read the thoughts of Chief Justice Warren, which I insert into the RECORD:

SPEECH BY CHIEF JUSTICE EARL WARREN

A society, in the process of moving forward, often appears to be tearing itself apart. Certainly, an age of rapid change, such as ours, produces many paradoxes. But perhaps the most tragic paradox of our time is to be found in the failure of nation-states to recognize the imperatives of internationalism.

Men on their way back from the moon tell us how small an earth with no visible boundaries appears to them. Poets remind us we are all riders together on this small planet. Sociologists refer to our "global village."

In that setting, scientists have placed in the hands of nation-states the power to create nobly or to destroy instantly. Yet, in many respects, relations among them are conducted as they were two thousand years ago. A dispassionate look at the alliances, coalitions and, with few exceptions, the powers assigned to international organizations, can lead to no other conclusion.

Even in times of high civilization, such as classical Greece, Renaissance Italy, and seventeenth century Europe, foreign war and civil strife were almost constant. Some historians refer to the century prior to 1914 as the "long peace." But even in that relatively quiet period there occurred the Latin American, Italian and Balkan wars of liberation, the American Civil War, the three wars of German unification, the wars in the Crimea, Balkans and the Far East arising from Russian and Japanese expansion, and countless wars in Asia and Africa resulting from European colonialism.

Despite this tragic record, the pursuit of national interests by such methods could be regarded by our fathers as being a *tolerable* state of affairs. But, in our lifetimes, we have brought about a fundamental change in the nature of war. In the world our children are inheriting, welfare has become so destructive of man, of his works, and of his essential environment, that it is no longer either rational *or* tolerable.

This basic change brings us into direct confrontation with the proposition that the nation-state is no longer able to discharge its primary function of providing security for its citizens. Much of what is being done in the name of national security not only fails to protect the citizenry but surrounds their lives with even greater dangers. This is, *in fact*, the condition of citizens in even the most powerful of nations.

In the past, those who have advocated fundamental changes in the nation-state system have been branded as Utopians. But, in today's world, is there anything so basically unrealistic as a "realpolitik" expressed in national armaments, alliances, balance of power, deterrence, challenge and response?

If we look at the events of our own lifetimes we can see that this system has brought no security to its strongest proponents—to Germany, or Russia, or France, Britain, Italy, Japan, or China. It *did* bring temporary security to the United States because our country has been protected both by oceanic distance and by allies. But now, even the United States is subject to the loss of half its population in a few hours.

Thus, we are faced with the necessity of considering that in the modern environment the inherent insecurity of nations is such that there may be no safety for mankind except in a fundamental reform of the nation-state system.

Science has revolutionized both the physical environment and human society so substantially, in such a short period of time, that our attitudes, our habits, and our institutions have lagged far behind. Discontent and demands for change come not only from our youth, but from those of all ages who see the methods and institutions on which society depends, unresponsive to the needs of today and grossly inadequate to the needs of tomorrow.

The same science that has multiplied the savagery of man can also play an increasing part in maturing and civilizing him. Basically, science has solved the problem of production. There is no longer any scientific reason why there should not be, within a relatively short period of time, sufficient necessities and probably too many luxuries for everyone.

Of course, if population goes on increasing at its present rate, we may all either starve or smother. But if we can learn to control population decently and apply the knowledge we have, material necessities *could* be met.

Rival economic systems, in the face of their reliance upon the same scientific processes, are discovering their rivalries are more and more artificial, and less and less a reason for either fear or conflict. Ideologists still scoff at the thought, but modern technological imperatives are causing the various systems more and more and more to converge. Capitalism is tending to become more collectivist. Communism is tending to become more individualist. The differences between them are becoming more political than structural.

It is our political systems that have been most reluctant to yield to pragmatism and move toward toleration and accommodation. Happily, many of the technological facts that have been increasing economic interaction among nations are hard at work in the political field as well.

The flow of international communications and contacts, for example, is increasing geometrically. The mounting efficiency and declining costs soon to be ushered in by space communications will make attempts to control the international movement of ideas not only futile but silly and self-defeating.

Even the ecological threats arising from the advance of technology provide new impetus toward political cooperation. The most rigid isolationist, the most dogmatic ideologue, now must recognize that the very air we breathe is an international resource. No one nation, acting alone, can estimate, and even less control, the increase of the carbon dioxide content in the air through the burning of fossil fuels or the introduction of other harmful particles.

Oil dumping and waste disposal in the oceans are prime examples of issues that will be dealt with internationally or not at all.

Modifying other people's weather, redirecting the winds, changing by conscious decision the pattern of rainfall, all are exercises of power that no one nation, or a few scientifically advanced nations, can be allowed to derogate to themselves.

I am suggesting to you that the shapers of laws and the architects of institutions have been overtaken by science and technology. We have grown up in the comfortable sense that politics is the art of the possible. Few of us have faced the fact that science has transformed politics into the art of the indispensable.

In the vital area of relations between nation-states, the situation was summed up recently by a brilliant young political scientist who is, quite significantly, on the faculty of the Massachusetts Institute of Technology. Professor Lincoln Bloomfield described the United Nations as the only institution in the history of man that had become indispensable before it had become possible.

The sole burden of my comments today is that there is no more urgent necessity before mankind than to make possible that which has become indispensable to human progress and survival.

Despite increasing recognition of common interests, the United States and the Soviet Union remain at odds over how the world is to be organized. They persist in placing their reliance on unilateral measures in confronting political change in areas they regard as sensitive. Yet, they are not the only ones to press narrowly defined national interests. They are only the ones with the most power to do so. In many of the developing areas, middle and smaller states are either engaged in hostilities with neighbors or struggling with continuing internal disruptions.

The United Nations and its system of agencies still have very little ability to shape a disorderly world.

The United Nations system does not derive its powers from the consent of the governed, but from the consent of national governments. Experience has shown this consent to be limited, provisional, captious and subject at any time to being withdrawn. The jealous determination of nation-states to reserve all real authority to themselves is constantly reflected in the debates and frustrations of the United Nations.

The halting approach to world order begins with the fact that the most populous of all nations—the People's Republic of China—and three significant divided states—Germany, Korea and Vietnam—are not represented.

The early admission of mainland China, of the two Germanys, the two Koreas and the two Vietnams—regardless of what may later evolve in their own internal relationships—are essential steps that must be taken to bring the real world and the international system together.

These developments will not be long delayed. Thus, we should begin now to make the General Assembly of the United Nations a more effective means of fulfilling the Charter's directive that it be a center for "harmonizing the actions of nations."

An immediate start could be made by reassessing its concentration on passing resolutions by formal votes. The last General Assembly adopted 131 different resolutions. One wonders how many of them have been taken seriously even by the governments that voted for them.

The General Assembly provides the world community its best opportunity to develop consensus and understanding, and to review the functioning of the international system. It would be relatively easy to redirect its structure and its procedures toward more effective fulfillment of those aims. The start could and should be made at the session beginning in September.

One of the brightest areas on the world scene has been the United Nations contribution to economic and social progress. The magnitude of the results tend to obscure the smallness of the investments nation-states have been willing to divert from their bilateral programs. Their sense of priorities is revealed by the fact that this year they are directing less than seven billions to development assistance and over 200 billions to armaments.

Concern has been expressed over the capacity of the UN system to handle the massive effort that seems to be required. The Pearson and Jackson reports, and the response to them, are prompt and constructive reactions to this concern. More needs to be done. The role of the Economic and Social Council and its relation to the specialized agencies, clearly needs reassessment. Jurisdictions need clarification. And, clearly, more resources are called for.

The basic point is that the record thus far, with all its shortcomings, inspires confidence that the UN system is capable of adapting to changing needs. Certainly, the world community needs the sense of partnership that is indispensable to closing the widening gap between the two-thirds who are poor and the one-third who are affluent.

There is no more flagrant example of the disregard of nation-states for world order than the chronic under-employment of the International Court of Justice.

Secretary of State Rogers recently advanced suggestions that could mark a new start toward use of the Court. They include the greater use of chambers of the Court, the convening of such chambers outside The Hague to make the Court more visible in other areas; the establishment of regional chambers to make the Court more attractive to Latin American, Asian, and African states in disputes with states in the same region; and more frequent use of summary proceedings. These suggestions merit a prompt response.

Other steps could be taken to make the Court more useful to the United Nations itself by improving procedures for seeking advisory opinions. And, most importantly, real attention needs to be given to extending the writ of the Court itself through voluntary acceptance of its jurisdiction by nation-states.

Increasing use of the Court would be one of the clearest indications of the movement away from international lawlessness. It would be an appropriate expression of a new will to strengthen, through use, international machinery for the peaceful settlement of disputes.

This new will must also find expression in the United Nations Security Council. Until now, resort to the Security Council usually has been withheld until violence is imminent or in progress. The Council needs to develop methods—and the habit—of helping parties to a dispute reach an agreement before the onset of violence.

There is also a tendency to avoid difficult solutions in the absence of crisis and, when violence occurs, to go no further than to freeze the dangerous status quo. This is a prescription for the continuation of the tension.

There are many ways to strengthen the peaceful settlement role of the Security Council, once there is the will on the part of the member states to do it.

It is time for us to become impatient with the failure of nation-states to provide the United Nations with standing forces to carry out peacekeeping functions. This was a major promise made by the signers at San Francisco.

Even the fact-finding functions of the UN have been kept sharply limited. Nation-states are orbiting satellites with high-resolution cameras. We sit at home before our television sets and see events in other parts of the world transmitted by satellite. But no such eyes, and no such voice, not even such opportunities to watch, are yet available to the United Nations.

In those specific instances where it has been permitted to exercise limited peacekeeping functions, the record of the United Nations has been a good one. Indeed, the record stands in shining contrast to the costly and tragic unilateral actions that have darkened our age.

The relatively low investments in successful UN peacekeeping efforts make all the more shocking the fact that even these have been denied sufficient funds. The burden of debt left over from these operations totals $189 million. This is not large by the standards of those governments which have benefitted the most. Yet, the situation has reduced the Secretary General to borrowing from Trust Funds set up for other purposes and worrying about meeting successive payrolls. This is a disgraceful and degrading situation which must be ended.

Virtually the only voice raised in warning or in protest has been that of our colleague, the outstanding President of the General Assembly, Ambassador Hambro. He deserves the thanks—but more importantly—he deserves the support of all who have the slightest concern for the present as well as the future of the United Nations.

The assertion of a new will to world order must come. New and irresistible elements are being introduced into the world scene by science and technology. In the most profound sense, they impose disciplines that go beyond the capacities of the nation-states.

Problems such as abuse of the environment, management of seabed resources, modification and control of climate, genetic modification activities, the uses of outer space, satellite communications all will require some multinational framework for solution. The process has already begun with such quiet effectiveness that it has almost escaped our attention. The improved weather forecasting now available to every part of our globe, thanks to the world weather watch, is a case in point. The management of international air traffic is another. The process thus begun is bound to accelerate rapidly and across many areas of human endeavor and concern.

New thinking needs to be brought to the efficient application of international organization to these new dimensions of transnational activity. The issues posed will be complex and difficult. But I look upon them with the highest hopes. They will bring us, inescapably, face to face with the imperative of bringing a world view to the affairs of man.

The halting steps we have taken thus far suggest that we may yet be able to run. We *can* have progressively stronger international institutions. We *can* endow them with peacekeeping powers sufficient to restrain not only small but great states. We *can* assess, direct and control the power science has placed in our hands. We can have—without sacrificing wide diversity of belief, custom and structure—a single universal faith in the obligations, the brotherhood, and the destiny of mankind.

Science has made it possible for man to live bountifully upon this planet. But only man himself will civilize it and make it habitable. The United Nations provides the means for achieving greatly. We must lose no more time in using it.

SPECIALIST ROBERT L. WILLARD OF FREDERICK, MD.

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. BYRON. Mr. Speaker, the Defense Department announced this week that Sp-4 Robert L. Willard, son of Mrs. Mary C. Willard, 524 Grant Place, Frederick, Md. and the late Robert L. Willard, was killed in action in Vietnam on July 28, 1971.

Specialist Willard entered the Army in March 1970 and was serving with the 525th Military Intelligence Group in South Vietnam. Willard was killed while driving a military vehicle on a mission in Kien Giang Province. The convoy came under enemy attack, and the Frederick soldier was killed instantly.

I would like to express my sympathy to the family of Specialist Willard. I feel that all Americans owe Robert a debt of gratitude which can never be repaid. It is brave men of Robert's caliber who have helped preserve our freedoms throughout our history.

NO ROOM FOR DISCRIMINATION IN THE UNITED STATES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. WOLFF. Mr. Speaker, in this Chamber, where so many Italo-Americans have distinguished themselves in the service of our country, we are especially aware of the important role Americans of Italian descent have played in building our Nation.

And, of course, the constant contributions of generations of Italo-Americans reach into every corner of this land and into every occupation and human activity. Make no mistake about it, this country has progressed to world leadership through the hard work, creativity and concern of all our citizens—Italo-Americans among them.

Thus it is that we must deplore any and all forms of discrimination whether it be directed against national origin or against race, creed, color. There is no room for discrimination—in any form—in the United States.

My colleague from New York (Mr. BIAGGI) understands this. He is a man who as a highly decorated police officer enforced the law and who, now, as a respected Member of this body helps to write the law.

I should also say that the gentleman is himself a product of hard work and devotion. While earning more decorations than any man in New York city police department history he managed to complete college and law school. And now, in just his second term, he commands the respect and admiration of all his colleagues here in the House.

Recently, on Italian American Civil Rights Unity Day, the able gentleman from New York (Mr. BIAGGI) addressed himself to the scourge of discrimination and to the role of Italo-Americans in our heritage. His words deserve the considered attention of all the Members and all Americans and, under leave to extend my remarks, I wish to include it in the RECORD at this point:

SPEECH OF CONGRESSMAN MARIO BIAGGI

Ladies and Gentlemen: I would like to preface my remarks by asking this great great gathering to observe a moment of silence in memory of two of New York's finest and bravest who were slain recently in the line of duty—Patrolmen Waverly Jones and Joseph Piagentini. Please join me now in a moment of silence.

Thank you.

I am here today as an American of Italian descent who is proud of his heritage.

I am here as an American in the fight against discrimination . . . be it against any national origin . . . religion . . . or race.

The fight against bigotry is not the personal charge of any one man . . . or any one group. It should be the conscience of every man to speak out at all times . . . in every place . . . and on all platforms.

In the civil rights movement . . . we may march to different drummers . . . but let us all march in step together. The fight against discrimination and bigotry should be fought with solidarity and unity.

The fear of controversy has stilled many timid tongues on this day . . . but not those who have found in controversy the path to truth.

It was controversial when I went to Parris Island to expose the Marine brutality that caused the death of Jose Concepcian . . . a young recruit.

I went because the cause was just.

It was controversial when I spoke out against our government's apathy in supporting help for the plight of the Soviet Jews.

But . . . I spoke out because the cause was just.

It was controversial when I defended in court last week charges by our government against 14 Rabbis who chained themselves to the United States Mission in sympathy with Soviet Jewry.

It might be deemed controversial to speak out today . . . but the cause is just . . . and I must speak out.

Hillel, The Rabbi and teacher of a great people . . . said: "If I am not for myself . . . who will be for me. If I am only for myself . . . what am I."

I cannot be silent . . . today . . . or ever.

If the cause is just . . . men of goodwill will rise above the issue of personalities . . . and realize that the voices that are crying out are the nearly 2-million Italo-Americans in our city . . . and the neary 20-million Italo-Americans in our nation.

I am heartened today by the even greater crowd gathered here than when I was with you last year.

I am heartened by the unity of purpose that has brought us together . . . the determination to have your voices heard in the cry for equality and decency.

I have been joined on this platform today by several public officials who respect your aspirations. The cause is just . . . and these men and women are here because of their abiding faith in principles and ideals.

But where . . . but where . . . are the many elected officials who at election time visit your neighborhoods . . . seek your support . . . slap your backs . . . and make promises.

By being absent today . . . they have again treated you like second class citizens.

As a Congressman . . . who sits in a national body of legislators . . . I cannot be silent on matters that test the conscience of America.

As President of the Grand Council of Columbia Associations in Civil Service . . . I cannot be silent as millions of Italian-Americans continue to be stigmatized . . . continue to be treated as second class citizens . . . continue to have their children psychologically scarred.

The sins of a few . . . have been visited on all law-abiding Americans of Italian descent. We cannot accept . . . without resentment a continuously distorted portrayal of being exclusively prone to criminal tendencies.

Our outcries are the voices of a proud people who have contributed to mankind such giants of accomplishment . . . in all fields . . . a Michelangelo . . . Da Vinci . . . Galileo . . . Columbus . . . Toscanini . . . Fermi . . . LaGuardia . . . Sergant Lasilone . . . DiMaggio . . . Marciano . . . Giannini . . . Marconi . . . and, of course, Sophia Loren. Educators, scientists, doctors, governors, legislators, philosophers . . . the whole gamut of greatness.

The Italo-American fully expects that reasonable people will not avoid the fact that the Italian heritage is worthy of more than mere superficial consideration in the face of strong detracting innuendoes.

I was a police officer on the streets of New York City for 23 years . . . holder of the department's highest decoration, the Medal of Honor . . . and 23 other citations . . . wounded many times in the line of duty.

If I have learned anything from it all . . . it is that organized crime . . . or any kind of criminal activity . . . is not now . . . or never was a matter of nationality

How will the bigots slander that fact?

Tens of thousands of Italo-Americans are in the field of law enforcement throughout the nation . . . risking life and limb daily to carry out increasingly difficult and dangerous duties for the preservation of law and order . . . more than 7,000 in the New York Police Department alone.

How will the bigots slander that fact?

Charles Bonaparte, an Italo-American who was attorney-general under President Teddy Roosevelt, was the founder of the Federal Bureau of Investigation.

How will the bigots slander that fact?

We must stop this discrimination.

And . . . what are some of its manifestations?

In our Public High School System there is only one Italo-American principal . . . and he is on leave. One out of 90 . . . I say not enough.

Only one Italo-American presently serves on the 21-member Board of Higher Education. I say not enough.

Not one of the City University College Presidents is an Italo-American . . . not one.

Out of 650 Federal appointments by President Nixon only 7 are of Italian descent. . . . I say not enough.

Not one President has ever appointed an Italo-American to the United States Supreme Court . . . not one.

It was not until 1962 . . . that an Italo-American was appointed to a Federal Cabinet Post . . . imagine . . . not until 1962.

And a thousand more cases can be given where qualified . . . I repeat . . . qualified . . . Italo-Americans were denied equality of opportunity.

We want to enjoy that which the Statue of Liberty promised our forbears when they came to this country.

We must fight the hypocricy that destroys the quality of our nation and the aspirations of its people.

I salute you.

Continue the fight against bigotry.

Continue to instill pride in our great heritage . . . continue to build children's camps . . . continue with scholarships for education . . . continue with your fight against drug addiction and drug abuse . . . continue with your fight for the betterment of Italo-Americans . . . and all people.

Let us be steadfast in our determination to wipe out all forms of defamation and discrimination . . . not only against the Italo-Americans . . . but against all ethnic . . . racial . . . and religious groups.

Let us all . . . in unity . . . dedicate ourselves to a better life for all Americans.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

THEODORE L. SENDAK GETS WELL-DESERVED CREDIT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. LANDGREBE. Mr. Speaker, the Indianapolis Star, one of our great Midwestern newspapers, believes in giving credit where credit is due. On July 30 in an editorial entitled "Cruel and Unusual" they gave well-deserved credit to Theodore Sendak, attorney general of Indiana, who is, in my opinion, our Nation's foremost advocate of the restoration of law and order. According to statements and statistics in the editorial attributed to Attorney General Sendak, the use of capital punishment is definitely a deterrent to major crimes and will have to be resorted to if crime in this country is to be brought under control and our streets made safe again for law-abiding citizens.

The editorial follows:

"CRUEL AND UNUSUAL"

Indiana Attorney General Theodore L. Sendak expressed some sound opinions on the constitutionality of capital punishment during a recent trip to Fort Wayne, stressing first of all that the legality of the supreme penalty was taken for granted by the Founding Fathers.

Criticizing the legalistic attack under way by opponents of capital punishment who would rely on the "cruel and unusual punishment" clause of the Eighth Amendment, Sendak pointed out that the Bill of Rights includes the Fifth Amendment which recognizes capital punishment but requires due process to bring it about.

"The Founding Fathers' proscription of cruel and unusual punishment," Sendak said, displaying a knowledge of historical fact lacking in many critics of the existing law, "referred to the medieval torture formerly used on prisoners . . ."

"Furthermore," he said, "the concept of capital punishment was constitutionally reinforced by the adoption of the 14th Amendment, with these exact words: Nor shall any state deprive any person of life, liberty, or property, without due process of law." It would take another amendment to change the Fifth and 14th Amendments, he pointed out.

Sendak said he was speaking out of "a humanitarian concern for the victims of crime," explaining, "Our system of criminal law seeks to minimize the quantity of human suffering by maintaining a framework of order and peace in which individuals are to be held accountable for individual actions. The innocent are to be protected and the guilty are to be punished in proportion to the seriousness of their crimes.

"Government statistics show that serious crimes have grown nation-wide 11 times during the last decade. The population has obviously not grown 11 times. In 1962, 47 murderers were executed, and few since. Statistics also reveal that 5,150 more innocent men, women and children were murdered in 1968, for example, than in 1962," Sendak continued.

"Is a course of action humanitarian which actually encourages such a vast increase in the number of innocent persons killed, maimed and brutalized?" the Hoosier attorney general asked. "In the equation of human suffering, what about the dignity, the sacredness and the human rights of the extra 5,150 innocent victims of murderers? Is that a result of which humanitarians can be proud?"

"There have been many sentimental journeys into the psychological realm of criminals," Sendak observed. "I believe there should be more sympathetic concern expressed for the thousands of innocent victims of those criminals.

"So far as human nature and hard statistical facts are both concerned, the certainty of punishment for the guilty is still the best deterrent to most crime. The death penalty for capital crimes has not failed its purpose; the failure has been the failure to use it in Indiana since 1961."

Sendak is right. If more officials in Indiana and throughout the nation shared his sound, tough-minded views and acted accordingly, the gory, brutal murders, rapes, assaults and other vicious crimes which are corrupting the quality of American life would diminish. Things would become more dangerous for the criminal and safer for the law-abiding citizen—for a long-awaited change.

GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. EDWARDS of California. Mr. Speaker, I was gratified yesterday evening when we in the House made our decision to cut off military aid to Greece until democracy is returned to the people of that oppressed nation. By this action, we have earned the gratitude of the leaders of democratic Greece as well as the Greek people.

Panayotis Kanellopoulos, the leader of the Greek Conservative Party, Demetrios Papaspyrou, the last speaker of the last Greek Parliament, George Mavros, leader of the Greek Center Union Party and a former Minister of Defense, and John Zigdis, leader of the Greek Center Union Party, a former Minister of Industry who has served in many other Greek cabinet positions and who is presently being held in jail by the junta for advocating the formation of a coalition government to cope with the Cyprus crisis, have transmitted a statement out of that oppressed nation to us here in the free world. It is a statement both of principle and purpose. In the light of our action to cut off military aid to Greece in behalf of democracy, we can read their statement with a good measure of relief and hope.

It is apparent that the Greek people, the people who invented democracy, are desperately waiting for the day when the yoke of oppression will be lifted from them, when they can once again think and speak freely, and democratically determine their own destiny. We can only hope that the people of Greece will forgive us for our support of their oppressors during these last 4 years. However, by taking our stand now, by acting in behalf of the good people of Greece, we can look forward to the day when Greece will once again take its place among the free nations of the world.

Most of us remember back to those dark days of World War II when half the world was struggling under fascist oppression. That elated feeling we all had when the fascists were defeated by the combined efforts of the free world is similar to the feeling that I have now. As part of the free world, we have acted again to defend those oppressed by fascism by refusing our support of this Fascist government. The Greek people know as well as we that there is nothing dearer than freedom. I think the statement by the democratic Greek leaders should be read by every Member of Congress .

The statement follows:

STATEMENT RELEASED IN ATHENS ON AUGUST 2, 1971, BY FORMER PRIME MINISTER OF GREECE PANAYOTIS KANELLOPOULOS

This is Panayotis Kanellopoulos, the leader of the National Radical Union, speaking from Athens. This is a statement by me, by Mr. George Mavros and Mr. John Zigdis who represent the Center Union Party, and by Mr. Demetrios Papaspyrou, the last Speaker of the Greek Parliament.

First: We do not forget that Greece's Armed Forces were reorganized after the Second World War with material assistance of Great Britain in the first instance and with that of the United States of America from 1947 onwards.

Two: We adhere to the democratic principles which inspired our decision that Greece should enter the NATO defensive organization and share the responsibility of its members in the safeguarding of peace.

Three: The dictatorial regime which has been in power since 1967 has exploited the military assistance granted by the United States of America to oppress the Greek People, to violate human rights, and to trample underfoot the principles upon which the Atlantic Alliance, the European Union, and the Common Market are based.

Four: We consider those in power today responsible for the isolation of Greece: They are responsible for Greece's expulsion from the Council of Europe, for the fact that Greece's association with the Common Market was frozen, and for the fact that the representative bodies of the great democracy of the United States of America are reacting against the further granting of military assistance to our country.

Five: The statement made by the head of the regime following the vote taken by the Foreign Affairs committee of the House of Representatives of the United States of America is not the Greek people's answer to this committee, but the personal reaction of the ones who deprived the Greek people of their freedom and political rights.

Six: The dictated reactions by the appointed organs of the regime which attempted to create the impression that their reply given to the Committee of the House of Representatives was comparable to the heroic replies given to the enemies of Greece from the time of Marathon until October 1940—these reactions are morally unacceptable and historically ridiculous.

Seven: The expression of solidarity amongst free people of whatever nationality towards each other does not constitute intervention in the internal affairs of a country. The frontiers of freedom are beyond the territorial powers of the various countries. The stand taken by the representatives of the American people that military aid should be linked to the restoration of free institutions in our country is not even technically an intervention in the internal affairs of Greece, but is the exercise of their mission as defined by their constitution.

This is the fallacy of the theory put forward by the dictatorial regime about the absolute independence of the country: it contradicts firstly the allied and other international friends of Greece, and secondly, the first obvious fact that under present-day historical circumstances, no country, not even the greatest in the world, can live in isolation. The economic and strategic interdependence of the nations of the world has become so tight that to ignore this factor would constitute a dangerous lack of elementary realism. This last statement was made by the most competent member, until his death, of the dictatorial government.

Eight: In order to avert the danger of the growing isolation of our country, the return to normal political life and democracy is essential. Upon this, Greece will automatically resume its connections with the countries and international organizations which constitute her natural climate. The Greek people, who are deeply democratic, tender no one the right to say, as the head of the dictatorial regime did, that it is only he who decides whether elections will be held in twenty months or twenty years.

Thank you.

LEGAL CHALLENGE TO MINNESOTA ABORTION LAW BY WOMAN DOCTOR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. FRASER. Mr. Speaker, Dr. Jane Hodgson of Minneapolis is a Diplomate of the American Board of Obstetrics and Gynocology who has made a tremendous contribution of time, money and professional reputation in a heroic attempt to prove Minnesota's 98-year-old abortion law unconstitutional. On November 19, 1970, she was found guilty in Ramsey County District Court of violating Minnesota's abortion law and convicted of performing an abortion in a St. Paul hospital on a mother of three children who had contracted German measles in the 4th week of pregnancy. Her sentence was suspended.

Dr. Hodgson's case is historically significant because it is the only conviction in the western world of a physician who performed an abortion in a hospital. Minnesota's abortion law was written in 1873 and says that no abortion may be performed unless it is to save the life of a pregnant woman. There are 30 States with an abortion law identical to that in Minnesota. The remaining States have more liberal grounds for legal abortion. Dr. Hodgson's case is likely to go to the Supreme Court where it will challenge concepts of denial of abortion as denial of constitutional rights.

In light of the national debate centering on the legal and ethical questions surrounding the abortion issue, I feel that the facts of this case would be of interest to my colleagues, as well as the views of Dr. Hodgson expressed in an article by Edwin Kiester, Jr., in the June issue of Family Health.

DOCTOR HODGSON'S CHOICE

(By Edwin Kiester, Jr.)

Ordinarily, the young, attractive woman in Dr. Jane Hodgson's obstetrical examining room that spring morning would have been delighted. She was the mother of three children, and she had just been told that she was eight weeks pregnant with a fourth. She and her husband had always wanted a large family, and this should have been glad news.

But not this time. A few weeks earlier, she had come down with the rash, fever, and runny nose that mark rubella, or German measles. And she knew—as most women do—that early pregnancy exposure to this normally innocuous disease spelled probable deformity for her unborn child.

"I don't think that would be fair to the child, or to my other children," she told Dr. Hodgson.

A quick, merciful termination of the pregnancy—a therapeutic abortion—seemed the logical course to the 55-year-old St. Paul obstetrician-gynecologist. Yet the Minnesota criminal code permitted abortion only when absolutely necessary to save the life of the mother. And Dr. Hodgson's patient certainly was in no danger of death. Nevertheless, Dr. Hodgson made up her mind. "All right," she told her patient, "if you want, I will go ahead with an abortion."

For 23 years, she had been resolving all such dilemmas the other way—in favor of the law. Mindful that violation meant up to four years' imprisonment and loss of her medical license, she had refused abortions to a 14-year-old made pregnant by a relative, a 16-year-old on the threshold of emotional breakdown, a mother of four for whom a new birth meant economic disaster. She had also refused a Macalester College girl, pregnant from a casual date. In a few weeks the girl came back, hemorrhaging severely and raging with infection from a botched backroom operation. Reviewing all this recently, Dr. Hodgson said, "It's not the dozen 'legal' abortions I've performed in my career that I mind. It's the ones I've refused that haunt me."

Finally, confronted with the patient whose unborn infant was clearly threatened by the mother's German measles, she decided the time had come to take a stand.

Her decision has become a *cause célèbre* in Minnesota and has heightened the furor surrounding the issue of abortion across the United States. After fruitlessly attempting to obtain advance court sanction for the abortion, Dr. Hodgson performed it last April 29, in the twelfth week of the woman's pregnancy. She was subsequently arrested and tried. After a much publicized proceeding in which witnesses for both sides converged from all over the country she was convicted and given a 30-day suspended jail sentence. The case is now being appealed to the Minnesota Supreme Court, and will very likely wind up in the U.S. Supreme Court.

Dr. Hodgson's appeal, or one of some 70 other test cases now making their way toward the high court, may very well mark the final step in the remarkable revolution in attitudes toward abortion that has swept across the United States in the past 10 years. More than one-fourth of the states have recently revised their laws governing this once utterly unthinkable practice.

But many persons—including a great number of physicians like Dr. Hodgson—do not believe that even these changes go far enough. They favor outright repeal of all laws limiting abortion, leaving it to the physician (in consultation with his patient) to decide when one should be performed. If this were done, Dr. Hodgson says, it would eliminate the terrible dilemmas and heartbreak cases which now confront physicians every day.

Needless to say, such a suggestion still arouses strong and highly vocal opposition. The Roman Catholic Church has not relaxed its official stand that abortion is tantamount to murder. Several "repeal" measures are being considered by state legislatures, including one in Minnesota, but no one gives them much chance of quick passage. The courts seem a more likely route.

Dr. Hodgson's appeal argues that the Minnesota abortion law is unconstitutional, in that the state has no business in what is essentially a private matter. The laws, her case contends, interfere with a doctor's right to practice medicine according to his best professional judgment and the patient's right to her own body.

That Jane Hodgson should champion such a radical cause is itself an irony. "Why, I've never even had a traffic ticket!" she says. A straightforward, direct, friendly woman whose blond hair, young figure, and boots-and-miniskirts elicited daily comment in the newspapers during her trial, she describes herself as a believer in the old values, "with the utmost respect for the law." She lives quietly and unpretentiously with her husband, who is a heart surgeon, and two teenage daughters in a rebuilt farmhouse on the edge of St. Paul. She is "not a permissive parent." In her career, Dr. Hodgson has delivered more than 4,000 babies. And many times she has talked women out of abortions, arguing that childbirth is a blessing not to be postponed merely because its timing seems inconvenient.

As the only woman obstetrician-gynecologist in St. Paul, Dr. Hodgson occupies an extensive suite of offices in the Lowry Medical Arts Building. Hundreds of women come to her examining rooms every year. All are devoted to her and she to them. It is this concern that made the confrontation inevitable.

"When I first started practicing," she says, "I accepted the law as someting inevitable. It never occurred to me to try to change it. I tried to help patients as best I could under the circumstances, referring them to the clergy, warning against the dangers of criminal abortion."

There were several steps in what Dr. Hodgson calls her "reeducation" on abortion. One experience that helped to crystallize her thinking was a tour of duty on the medical ship S.S. Hope, which visited underdeveloped Latin-American countries to provide medical services for the poor. "We had to make constant choices," Dr. Hodgson recalls. "We could not treat all those who came to us for aid, and we had to choose from thousands the few who could be helped. Likewise with abortion. You have to decide between the living and the unborn. You have to weigh the preservation of the fetus and its right to life against the welfare of the patient, her family, and society."

Certainly, Minnesota's restrictive law did little to stop or reduce abortions. The affluent still obtained them in St. Paul hospitals regardless of the law, or they went to Mexico City, Montreal, or New York. The less well-off visited illegal abortionists or tried to perform the operation themselves with coat hangers or knitting needles or by drinking caustic solutions. About once a week, a victim of such self-inflicted butchery would turn up in Dr. Hodgson's office, hemorrhaging or badly infected, her future fertility jeopardized if not her life.

In the late '60s, Dr. Hodgson joined with others in an attempt to amend the law. Serving as a member of a 15-physician *ad hoc* abortion committee of the Minnesota Medical Society, she helped draft a proposed new law, then testified in favor of it before Minnesota's House Health and Welfare Committee and Senate Judiciary Committee. The bill was a strange amalgam. In its original form it called for outright repeal of all abortion laws, as Dr. Hodgson and others favored. In the process of being approved by the state Medical Society, however, a provision was added that every abortion be endorsed by a committee of five doctors including the one performing the operation. This would have made it one of the strictest measures in the nation. The bill never came to a vote.

Dr. Hodgson began to feel that only the courts offered final relief. She was aware of the Supreme Court case of Dr. C. Lee Buxton, chairman of the department of obstetrics-gynecology at Yale, who had deliberately broken Connecticut's law prohibiting dissemination of birth-control information. The Supreme Court eventually ruled that the law was an unconstitutional invasion of privacy. She felt there might be a precedent there for abortion law. Dr. Hodgson and a group of other St. Paul and Minneapolis physicians first tried to have the local courts rule the law an invasion of their right to practice medicine. The request was rejected because they had no specific case.

When Dr. Hodgson's patient—she has steadfastly tried to keep the identity of "Mrs. John Doe" from becoming public—first came to her office in early April, "I knew we had our ideal," Dr. Hodgson says. "Public opinion is often punitive about an unmarried girl who wants an abortion, but this woman was married and had three children. And most people understood about the dangers of rubella, and would sympathize with her plight. Also, she had not been pregnant long. That gave us a little time to obtain court approval before we reach the danger point for performing the abortion."

The woman herself bravely agreed to cooperate. She said afterward in court that she could have afforded to go to another state where abortion was legal, but that she had preferred to have Dr. Hodgson perform it. Her decision put her own freedom in jeopardy. Under the Minnesota anti-abortion statute, patient as well as abortionist is guilty of a felony, if convicted. For the patient this may mean up to two years in jail.

Medically, of course, the risks to Mrs. Doe were slight. Today an abortion in the first 12 weeks of pregnancy is a quick and routine procedure. The death rate for early abortions performed under hospital conditions is only one to three in 100,000—fewer than the number attributed to use of oral contraceptives and about half the number of deaths caused by childbirth itself. (After 12 weeks, however, the risks go up sharply, some statistics reporting them as 40 deaths per 100,000.)

The possibilities of the baby's deformity, however, were grave. Rubella before the twelfth week of pregnancy wreaks terrible consequences in more than two of three cases. Deafness, blindness, retardation, and congenital heart defects can result from a disease so slight the mother may not even be aware she has it. Following the rubella epidemic of 1964–65, more than 30,000 deformed children were born.

Dr. Hodgson's own decision to proceed was not an easy one. The case was sure to inflame passions, and she could expect bitterness, name-calling, and recrimination against herself and her family. She was jeopardizing her whole career.

"But I was really in a unique and ideal position to make the challenge," she said. "Being a woman, I think I better understand the real meaning of unwanted pregnancy. And I could have quit practicing medicine if I wanted to. My husband could support me and the children quite well if I lost my license."

Stipulating that a decision was necessary before May 1 to protect the life of her patient, Dr. Hodgson and her attorneys now went before the federal district court in St. Paul. They asked that the state be prevented from prosecuting her if she conducted the operation. They argued that the law should be declared an unconstitutional interference with her rights and the patient's. The district judge agreed to call a three-judge court to hear the constitutional issues involved. But before the case could actually be called, time ran out. On April 29, fearful of further delay, Dr. Hodgson performed the abortion.

She had already solicited confirming opinions from five other physicians—three obstetrical specialists from Mayo Clinic and two from St. Paul-Ramsey Hospital and Medical Center. They endorsed her decision.

It was a week before authorities got around to arresting her. There had been some belief that they might choose to ignore the whole matter. But then one day a policewoman turned up at Dr. Hodgson's office, and not long after that, she recalls smiling, "I was standing before a police sergeant, amid the narcotics users and the strong-arm muggers, admitting to the commission of a felony for the first time in my life."

The trial in November was most unusual. Conveniently, the courthouse was near Dr. Hodgson's office, enabling her to be in court all morning and see patients during the noontime recess. Very little of the testimony dealt with the alleged crime. Dr. Hodgson pleaded not guilty but freely conceded that she had performed the abortion. "It was," Dr. Hodgson says, "probably one of the few cases where the defense sought a conviction as ardently as the prosecution." Most of the defense witnesses were experts from the Population Council, Johns Hopkins University School of Medicine, and Mayo Clinic, who testified to the dangers of rubella for fetal deformity, the relative safety of therapeutic abortion under hospital conditions, and the changes of abortion law that had come with development of safer techniques in this country and abroad. Prosecution witnesses disputed some of this testimony and argued that the state had a duty to protect the rights of the unborn child. The trial lasted 10 days, after which Judge J. Jerome Plunkett pronounced Dr. Hodgson guilty and sentenced her to 30 days in jail (suspended) and a year's probation. The judge, himself a Catholic, afterward complimented Dr. Hodgson on her dignity and dedication, commenting:

"I had to make a decision that I feel is proper, just as you had to make one you felt was proper. I also know that the position you took was far more difficult than mine.

"The ramifications and consequences are [for you] far more reaching, and I say frankly you are very courageous and a credit to yourself."

Since then, the appeal has been taken to the Minnesota Supreme Court. The atmosphere surrounding the question has also changed slightly. A recent public-opinion poll showed that seven of 10 Minnesotans now favor some form of liberalization of the state's abortion law. But the repeal measure now before the legislature is unlikely to pass. The majority leader of the state Senate, Nicholas Coleman, says, "I don't think the members will risk their political necks."

As for Dr. Hodgson, she says with a laugh and a wave toward her crowded waiting room, "My practice doesn't seem to have suffered from the fact that I'm a convicted abortionist. Many of my patients have even gone to the trouble to call and assure me of their support."

Medical students and other young people have also rallied to Dr. Hodgson's cause but among her own generation she is less well received. "I've detected a certain coolness on the part of old friends," she says. "I've become controversial." Her contemporaries in medicine have disappointed her, too. Many of them have assured her privately of their support, but they have been unwilling to stand up and call for a change in the law.

In spite of that, says Dr. Hodgson, she has no regrets. "I believe the time has come when we doctors must concern ourselves not merely with the preservation of life, but with its quality, and I see abortion as a humane medical act within that context," she says. "I have heard all the arguments raised in behalf of the fetus' right to be born, but I am too much of a pragmatist to be concerned with the rights of a few embryonal cells as against the rights of those currently living. And I think that every child has the right to be born into a family where he is wanted and will be loved. There are too many children who are unwanted in the world already.

"We've had abortion laws for a century, and they haven't stopped abortions or reduced the rates of maternal deaths. Women continue to abort themselves, or go to quacks. A fortunate few go to more enlightened states and countries where the operation can be performed in safety and without question. Abortion was originally restricted to protect the health of the mother. Now the decision should go back to the doctor for the same reason."

During and after the trial, the flood of hate mail to Dr. Hodgson was offset by letters from women who supported her stand or who had themselves been victimized by the abortion laws. Typical of the supporting letters was the following, signed simply "Vicky":

"I am writing to you to add my support to you and your ideals. I had an abortion in Mexico City last spring. Not only was I frightened but very ashamed of having to sneak away as I did and try to right a terrible mistake. . . .

"Thank God there are wonderful people like you who will stand up for something they believe in. I know there are many young girls as well as older ones that are thanking you for trying to spare other girls the torment we went through. . . . God bless you."

ODY H. LAMBORN—"SICK"

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HOGAN. Mr. Speaker, much has been written about the "middle American"—that forgotten individual who leads an ordinary life of paying his taxes and bills, working steadily at a job, obeying the laws, and leading an "unexceptional" life with his family. In other words, he is what America is all about!

No revolutionary he—his values are those on which this country was founded and his beliefs are basically those of his forefathers. Common decency is a way of life for him.

One such man is Ody H. Lamborn of New York City. Mr. Lamborn, however, is "sick." He is "sick" of all those elements which seem to be undermining our society. As a matter of fact, he is so "sick" he compiled a list of his grievances, which was published in the Sarasota, Fla. Herald Tribune.

Since a great many of us have been infected by this illness, I ask that a list of the symptoms be inserted in the RECORD at this point:

[From the Sarasota Herald Tribune (Fla.), April 16, 1971]

I AM A SICK AMERICAN

"There are those who claim ours is a "sick" society; that our country is sick; our government is sick; that we are sick. Well, maybe they're right. I submit that I'm sick . . . and maybe you are, too. I am sick of having policemen ridiculed and called 'pigs' while cop killers are hailed as some kind of folk hero.

I am sick of being told that religion is the opiate of the people, but marijuana should be legalized.

I am sick of commentators and columnists canonizing anarchists, revolutionaries and criminal rapists, but condemning law enforcement when such criminals are brought to justice.

I am sick of being told that pornography is the right of free press, but freedom of the press does not include being able to read the Bible on school grounds.

I am sick of paying more and more taxes to build schools while I see some faculty members encouraging students to tear them down or burn them.

I am sick of Supreme Court decisions which turn criminals loose on society—while other decisions try to take away my means of protecting my home and family.

I am sick of pot-smoking entertainers deluging me with their condemnation of my moral standards on late-night television.

I am sick of being told that policemen are mad dogs who should not have guns—but that criminals who use guns to rob, maim and murder should be understood and helped back to society.

I am sick of being told it is wrong to use napalm to end a war overseas—but if it's a molotov cocktail or a bomb at home, I must understand the provocations.

I am sick of not being able to take my family to a movie unless I want to have them exposed to nudity, homosexuality and the glorification of narcotics.

I am sick of riots, marches, protests, demonstrations, confrontations, and the other mob temper tantrums of people intellectually incapable of working within the system.

I am sick of hearing the same phrases, the same slick slogans, the cries of people who must chant the same thing like zombies because they haven't the capacity for verbalizing thought.

I am sick of those who say I owe them this or that because of the sins of my forefathers—when I have looked down both ends of a gun barrel to defend their rights, their liberties and their families.

I am sick of cynical attitudes toward patriotism. I am sick of politicians with no backbone.

I am sick of permissiveness.

I am sick of the dirty, the foul-mouthed, the unwashed.

I am sick of the decline of personal honesty, personal integrity and human sincerity.

Most of all, though, I am sick of being told I'm sick. I'm sick of being told my country is sick—when we have the greatest nation that man has ever brought forth on the face of the earth. Fully fifty percent of the people on earth would willingly trade places with the most deprived, the most underprivileged among us.

Yes, I may be sick, but if I am only sick, I can get well. I can also help my society get well—and help my country get well.

Take note, all of you . . . you will not find me throwing a rock or a bomb; you will not find me under a placard; you will not see me take to the streets; you will not find me ranting to wildeyed mobs.

But you will find me at work, paying taxes, serving in the community where I live. You will also find me expressing my anger and indignation to elected officials.

You will find me speaking out in support of those officials, institutions and personalities who contribute to the elevation of society and not its destruction. You will find me contributing my time, money and personal influence to helping churches, hospitals, charities and other establishments which have shown the true spirit of this country's determination to ease pain, suffering, eliminate hunger and generate brotherhood.

But most of all, you'll find me at the polling place. There—if you listen—you can hear the thunder of the common man. There, all of us can cast our vote—for an America where people can walk the streets without fear.

AUTHOR UNKNOWN.

PENTAGON PAPERS

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. DOW. Mr. Speaker, I would like at this time to share with my colleagues in the House some thoughtful conclusions 15 of my fellow Representatives and I reached as a result of a conference we sponsored last week on the Pentagon papers. Following is the text of a statement we released this morning:

The Conference has heightened the outrage we share with many of our fellow Americans from our consideration of the deceptions, the arrogance of power, and the callous disregard of the Constitution we find documented in the Pentagon Papers.

We conclude that the responsibility for our disastrous course of action over the past twenty years in Southeast Asia belongs not only to our Presidents, but also to the Congress, to the people and to the press of this nation.

The sponsors remain deeply concerned about the present course of the Vietnam war. We continue the killing of Asians and the destruction of their countries. While the President states on one hand, that he is "winding down the war" by gradually reducing U.S. ground forces in Southeast Asia, on the other hand, he increases the bombings in those countries.

Tactics change but the policy endures: senseless death and destruction. The public must realize and the Congress must accept responsibility for the fact that Vietnamization is only a euphemism for more killing.

But it is not only the war policy which endures. As one Conference participant accurately noted, the "greater concern is the pattern of deception in American foreign policy—deception of the Congress and the American people. The truth about U.S. objectives in Indochina is being distorted or hidden as much now as before and this circumstance is as intolerable as the policies themselves."

Congress must demand a full report about American bombing in Northern and Southern Laos, Cambodia and South Vietnam—about the Phoenix program and the forced relocation of South Vietnamese—about U.S. involvement in the South Vietnam elections and about the Administration's failure to respond positively to the latest proposal by the National Liberation Front.

Congress has failed not only in its duty to exercise a vaguely defined right of oversight; the role of the Congress should be to challenge critically the foreign policy assumptions of the Executive Branch. This is not simple negativism. Rather, human judgments are historically best when exposed to a relentless cross-examination. When that process fails, the essence of our government—balanced and checked powers—fails. Such failure cannot continue indefinitely without the gravest fears for the survival and progress of our form of government.

Without this cross-examination, the public's role in foreign policy diminishes. An aggressive Executive Branch which proceeds unimpeded by a lethargic Congress cannot be effectively questioned by the people. Resignation and cynicism become the response of an uninformed public. Elections, particularly for the Congress, become contests based on superficial and peripheral issues. The most important questions of peace and even survival cannot be meaningfully presented for the vigorous debate they deserve.

The result is the election and re-election of Members of Congress who reflect the un-enlightened voting behavior which produces them.

The necessary tension between the press and the government faltered as we settled into the quagmire in Southeast Asia. Yet the failure of significant segments of the press—like the failure of broad public debate on the war—reflects ultimately a failure of government to govern itself. A heroic press was needed in the early 1960's. But far more realistically, we needed not only heroes but ordinary men and women in government and outside to question policy intelligently.

Here are some of our preliminary conclusions from this Conference:

If Congress is to reassert its proper constitutional role in the area of foreign policy, it must develop and use independent sources of information. Congress and the people can never make proper judgments if they must solely rely on the executive branch for their information.

Specifically, we recommend:

Congress should establish an Office of Foreign Policy Analysis to advise Congress and to evaluate our foreign policy in various areas of the world. The Office might also award scholarships to train students in the field of foreign policy analysis. Reports of the Office to Congress would be made public unless Congress voted to withhold the information.

Congress should implement the Legislative Reorganization Act of 1970 to provide itself with the staff and equipment absolutely essential for coping with the complexities of a $200 billion-a-year government operation.

Congress should emphasize the responsibility of the General Accounting Office to initiate periodic reviews of the foreign aid expenditures of the State and Defense Departments.

Congress should accept the responsibility of questioning assumptions and applications of our foreign policy.

No supply of information will substitute for the present lack of congressional will to take this responsibility.

Beyond these long-range recommendations, we face the central matter of greatest urgency—the immediate withdrawal of United States forces from Southeast Asia. The responsibility for peace does not only lie with the Administration—it lies with the Congress and with the people.

The Congressional Sponsors of the July 27–29, 1971, Conference on the Pentagon Papers—held in room 2141 Rayburn House Office Building, Washington, D.C.—are as follows:

James Abourezk (S.D.), Phillip Burton (Calif.), John Conyers (Mich.), John Dow (N.Y.), Robert Drinan (Mass.).

Bob Eckhardt (Texas), Don Edwards (Calif.), Don Fraser (Minn.), Michael Harrington (Mass.), Henry Helstoski (N.J.).

Bob Kastenmeier (Wis.), Edward Koch (N.Y.), Abner Mikva (Ill.), Parren Mitchell (Md.), Benjamin Rosenthal (N.Y.), William Ryan (N.Y.).

"ON MINORITY INVOLVEMENT IN CATV"

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. REES. Mr. Speaker, it now appears that cable TV is becoming a national reality and that soon most communities in this country will have the opportunity to greatly expand their choice of programing.

I would like at this time to print in the RECORD a speech by Mr. Geoffrey Nathanson, President of Optical Systems Corp., dealing with minority involvement in cable TV.

ON MINORITY INVOLVEMENT IN CATV

(By Geoffrey M. Nathanson)

Less than two years ago I sat on a luncheon platform at a CATV convention next to the guest speaker for the occasion, a Black man named John B. Williams, Director of the Oakland Redevelopment Agency. Oakland at the time was in the process of drafting a CATV ordinance and as I recall, Williams was involved as a committee member or consultant.

I'll never forget his opening comment and its effect on the audience. After a long pause following the acknowledgement of his introduction, he said something like this:

"I've spent the past half hour enjoying this lunch and looking out over this impressive audience. When I got up to speak it gave me an even *better* chance to look you over, and I've come to the conclusion that CATV must be a white man's business because I don't see a single black face in the crowd."

This gentle observation made by Williams was indeed an eye-opener for most of us. By the time he was finished a good cross section of the cable TV industry realized that while they were busy making money hand over fist these past 15 years and building the so-called "communication industry of tomorrow" they had created what in this day and age is considered a sociological phenomenum.

John Williams was very discerning. There are supposedly 2500 CATV systems in this country, and I doubt if three of them are owned on the whole part by minority businessmen.

Some cable people excuse this on the grounds that CATV is after all a product of rural or suburban residential living and that minority groups, clustering as they have been forced to do in urban centers where television reception is generally no problem, have simply been unexposed to the medium.

I could argue both sides of this rationale, however, suffice it to say that the rural or suburban character of CATV is about to undergo a change of image as the government imposed freeze is lifted and cable moves into the nation's major markets. It's moving into the big cities and the urban centers where minority groups form a large and politically important segment of the population. The big cable companies will be going after CATV franchises in those cities. The question facing minorities, especially Blacks, is are they going to buy subscriptions and watch from the sidelines or are they going to put together a group of their own and go after the franchises themselves?

I recommend that minority groups should be prepared to go after franchises that will serve the entire city or town. They should not settle for a ghetto franchise as some kind of bone. If the entire franchise is too big a chunk to bite off, half a CATV company is better than none. They should consider making a participation deal with one of the other applicants. There's plenty of room for partners in major market CATV. I'm not in the operating end of this business anymore, but if I were still running a big cable company I would be out hustling for franchises, and being a realist who recognizes the importance and influence of minority involvement, you can be sure I'd be looking for minority partners in every large city.

The minorities got the short end of the stick in conventional television. There's really nothing left. All the licenses have been allocated and short supply has skyrocketed the prices of existing stations. Even if licenses were available, it would cost $1,500,000 to $2,000,000 to get a station going, and attempts to program anything meaningful for minority communities would result in insupportable overhead. Unfortunately, the few attempts to launch black-oriented commercial TV have failed because the advertising dollars just weren't there.

CATV is something else, however, the operator can rely on a strong subscriber base and the income therefrom to support minority-oriented programming. Minority groups should go after CATV franchises in the nation's major TV markets, and go openly as a minority controlled company. They've got more political muscle than they realize. And I suggest they hedge their bets so they are covered if they lose by making sure that the City ordinances set aside channels for "open access", guaranteeing any group of citizens the right to lease channels at reasonable rates for commercial, educational and public service purposes.

This latter idea has every bit as much excitement for me as owning the cables themselves. If the government makes a true common carrier out of the cable operator, he may be restricted from originating programming on his own system. And in my opinion, this is where the important activity is going to be. With all the things that can be done over coaxial cable, the man who leases the wires is going to have as much to say about the future of CATV as the man who owns them.

Coincidentally our company happens to be involved in a Minority Enterprise Small Business Investment Company, a "MESBIC". We have been actively investigating ways in which we can help involve minority businessmen in CATV. Because the SBA limits the size of a MESBIC's investment in any one venture, major market CATV system ownership may be prohibitive. On the other hand, we have been considering the possibility of helping set up a minority-owned company which would lease CATV channels from existing system operators. Using a new private channel technology developed by Optical Systems Corporation, it won't be long before our MESBIC supported leased channel venture could bring first run movies, closed circuit and blacked out sporting events and even a college education to CATV subscribers right in their own living rooms.

In conclusion, let me say that CATV is probably the easiest business I know. It's like owning a water company where you put in pipes that last for years, maintain a few pumps, and send out bills every couple of months.

But CATV has something bigger going for it, because those electronic pipes can do a lot more than pump TV signals. Some day they are going to do everything from sprinkle the lawn to bake bread. If we believe in the "wired nation" concept, we have to believe there's going to be a cable going into every home in every city in America. Many of those cables and/or the channels they carry should be owned or leased by minority businessmen.

CUMBERLAND TIMES PRAISES PAN AM'S CONSERVATION POLICY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. BYRON. Mr. Speaker, recently, the Cumberland Evening Times in an editorial praised Pan American World Airways for its policy change in not booking hunting and fishing tours when the participants would be taking endangered species. I feel this is a very meaningful step by Pan Am and would like to share the thoughts of the editors of the Cumberland Times:

AIRLINE EMBARKS ON CONSERVATION POLICY

Pan American World Airways has announced that, as of the end of August, it will no longer book tours of hunters and fishermen bent on taking animals of endangered species. This decision is a good example of enlightened corporate concern about our environment.

Executives of the giant airline are not merely being spoilsports; tours and safaris will continue to be booked for those who want to hunt animals not in danger of extinction. The intention is only to help protect species which are close to dying out.

There are several hundred such species, according to the World Wildlife Fund. Not all are game animals, of course, but some considered prize catches are included on the list.

Determined trophy hunters will still be able to get to the far places where rare animals live. Pan Am's action is, all the same, an important step that illustrates one of the many ways in which business can act to advance broad public interests.

CANADA AND UNITED STATES COOPERATE IN VETERINARY MEDICINE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. NELSEN. Mr. Speaker, last month the American Veterinary Medical Association and its Canadian counterpart, the Canadian Veterinary Medical Association, held a joint meeting in Detroit, Mich. This was the first such joint meeting of these two associations, and its significance was properly noted by President Nixon in a message to Dr. M. R. Clarkson, executive vice president of the A.V.M.A. I include the President's message at this point in my remarks:

THE WHITE HOUSE,
Washington, D.C., July 16, 1971.

Mr. M. R. CLARKSON,
Executive Vice President,
American Veterinary Medical Association,
Detroit, Mich.

The First Joint Conference of Canadian and American Veterinary Medical Associations is a valuable step forward in the exchange of useful information between our nations in an area where progress will surely benefit the citizens of both.

A vivid example of how basic such international cooperation is to public health is evidenced by the epidemic of equine encephalitis which has spread northward from Venezuela through Mexico and most recently appeared in both horses and humans in Southwestern Texas.

May your deliberations serve to reduce the future threat of this and other diseases to animal and human life, and may they advance the well-being of both our nations.

RICHARD NIXON.

A major address at the joint meeting was delivered by the Honorable H. A. Olson, Minister of the Canada Department of Agriculture. In his speech, the Canadian Minister emphasized the importance of the contribution of the veterinary medical profession toward meeting the food needs of our world's constantly expanding population, and he stressed the importance of cooperation among veterinary groups of the various nations.

He also pointed out:

On this continent, there are no serious animal plagues or parasitic problems which have the effect of curtailing livestock production. I recognize that this is no accident but rather the result of organized disease control programs and I further recognize that continual vigilance with respect to all avenues of possible disease introduction must be forcefully continued.

The Minister went on to stress what great assistance veterinary medicine can provide to underdeveloped nations where the food supply potential is restricted by the existence of various diseases.

Because of the significance of Minister Olson's comments, I include a major portion of his address at this point in my remarks:

ADDRESS BY THE HONORABLE H. A. OLSON

President Tucker, President Cousineau, Presidents Elect, Distinguished Guests, Members of the American and Canadian Veterinary Medical Associations, and Ladies:

It is indeed an honour and a privilege to to be asked to address this first combined annual meeting of the American and Canadian Veterinary Medical Associations.

I think it is significant that veterinarians of the United States and Canada are meeting together to discuss our countries' individual and mutual interests and concerns. From an animal diseases point of view, the countries of North America must certainly work closely together if disease programs are to be effective. I feel that our two nations have much knowledge and understanding to offer and share with each other and by combining our resources, we then have that much more to share with the rest of the world.

There was a time when veterinary medicine dealt almost exclusively with diseases of food producing animals. That day is long past. Now we must look to the veterinary profession for assistance and guidance on additional matters, such as the care of companion animals, the preparation and preservation of foods, concern with respect to animal diseases that can be transmitted to man and vice versa, with research and scientific development, the control of pollution and the development of space exploration.

That's an impressive list, and it's only a partial one. But it establishes clearly the responsibility your profession must bear to the well-being of mankind within our civilization.

Every problem arising from man's dependence on animals is part of the veterinarian's work. The workload of all those concerned with the health and production of animals is a heavy one, and in the future it will even be greater. The demand will persist. As the human population grows, it will be increasingly difficult to produce enough animal proteins and products to match the demand. As people in the different countries increase their standard of living, there will be changes in their diets. Experience has taught us that after people have satisfied their calorie needs, they turn to improving their diet. So, as much as they can afford it, people shift from carbohydrates to animal proteins.

We are advised to expect a food trend revolution in the developing nations; one characterized by an increase in the consumption of animal products.

By 1985, food consumption in the developing countries will need to be 140 percent above the 1962 level. The future demand for meat, milk, and eggs is predicted to grow at a higher rate than that for nearly all other agricultural commodities. We know that there is a movement of countries to increase their own output in animal products. They are looking for new bloodlines and breeding them. Our export records show that during the past five years, there has been a higher interest in Canadian cattle, particularly dairy cattle. This trade gives impetus to increasing the quality of animals in other countries and it also strengthens our own breeding herds.

The increasing demand for animal products is accompanied by an increasing demand for the skills necessary to produce more of these products with greater efficiency, because synthetic products cannot fully replace the proteins which have their source in animals. So the pressure will be on you ladies and gentlemen and your profession to aid in providing an adequate and healthy supply of these food needs.

It is estimated that there are about 1,000 million cattle and buffaloes in the world; almost the same number of sheep, 551 million pigs, and innumerable goats and poultry. There are approximately only 200,000 qualified veterinarians to deal with this huge practice and even fewer husbandry and nutrition specialists. A large proportion of this personnel is concentrated in the developed nations of the world, while the less developed nations suffer an obvious lack of them.

Training of veterinarians in animal husbandry, nutrition and production is often inadequate. FAO officials suggest that since veterinary personnel play the key role in production in many countries, the curriculum of teaching institutions should be altered to training that will meet the requirements of developing countries rather than the needs of developed countries, where the veterinarian may fulfill an entirely different role. There is a shortage of good technicians who understand which parts of their skills can best be used by developing countries.

We cannot plead ignorance to these people's needs. We do indeed live in what Marshall McLuhan calls the global village and we are as aware of the suffering and need of a man in Asia as we are of that of one of our own citizens'. There has been a movement among the developed countries towards increased sharing of our specialists with underdeveloped and developing nations, in order to help them attain their food goals.

It is self-evident that a prerequisite to animal production improvements is the control of major livestock diseases.

From a straight production point of view, the North American continent, with considerable credit to the veterinary profession, can be justifiably proud of the health status of our livestock. In fact, on this continent, there are no serious animal plagues or parasitic problems which have the effect of curtailing livestock production. I recognize that this is no accident but rather the result of organized disease control programs and I further recognize that continual vigilance with respect to all avenues of possible disease introduction must be forcefully continued.

But this North American situation, unfortunately, does not exist throughout the world. There are many countries that have disease problems which do have the effect of curtailing productions. As you are aware, the major diseases in this group are Rinderpest, Foot and Mouth Disease and African Swine Fever. There are continental diseases such as the arthropod diseases of Africa including Tripanosomiasis, East Coast Fever and Heart-Water.

In Nigeria, they can't even produce chickens because of the tsetse fly. We know that the largest and perhaps most far-reaching prospect for expanding ruminant livestock production in Africa is the control of the tsetse fly. And in the meat-exporting countries of Latin America, an essential factor in livestock productivity is the control of foot-and-mouth disease.

In many cases, we have the technological know-how to deal with these diseases, including the problem of eliminating insects, subject, of course, to the increasing difficulties in the mass usage of insecticides.

While it is recognized these world disease problems are not, in fact, the sole responsibility of the veterinary profession in the more developed countries, I do believe that governments with highly developed veterinary professions and organizations must take a greater interest in providing veterinary assistance to countries with severe disease problems in order that their own livestock production can be increased.

With such a program of veterinary assistance in developing countries for the control of serious diseases, we are, in fact, to a certain extent helping ourselves for every reduction of a serious animal disease anywhere in the world reduces the chance of introduction to the North American continent.

Once major diseases are brought under control, animal health activities will need to be maintained and strengthened in order to safeguard the value of the livestock industry. Diagnostic facilities will need to be strengthened, particularly in countries hoping to develop an export market. They will want to raise their health standards to the requirements of importing countries.

Not only is disease control necessary within the countries in order to protect their own food supply, but it is also necessary in the interest of their economic growth and trade development since the occurrence of certain diseases can distort international trading patterns in animal products.

Improvement of breeds necessitates international movement of breeding stock. The improvement of livestock productivity throughout the world can be hampered by national restrictions set up to guard against disease. While I recognize that every country must protect itself against introduction of serious diseases, I submit to you that the veterinary profession now has the technological tools which should make possible under strict controlled and regulated conditions the movement of livestock for genetic improvement purposes throughout the world.

As you are aware, it is under this belief that we in Canada established in 1965 our maximum security quarantine system to permit the introduction of cattle from countries which would normally be prohibited because of foot and mouth disease. This has enabled us to import various breeds of European cattle such as Charolais, Pie Rouge, Simmental, Limousin, Maine Anjou and Chianina. These have been imported for genetic characteristics. By their demand and popularity in both Canada and the United States, these cattle are adding considerably to the beef productivity of this continent.

To summarize, we realize that efforts from all developed countries will have to be intensified to raise the standard of living in less developed countries. These countries are hampered by disease of livestock and poultry and lack of use of known technology. There are thousands of acres of land in the world which are not producing one percent of the animal products they could. Throughout the world, there exist enormous areas which have enormous potential to be productive in agricultural commodities if only we could come to grips with disease.

Developed nations can offer aid in production, disease control and marketing methods. These contributions, augmented by judicious domestic marketing and co-operative international marketing, will enable us to help underdeveloped and developing nations meet their food needs.

Meanwhile, in the developed nations of the world technological advances have afforded us a higher standard of living than ever before in history. There exists today a heightened sense of consciousness about the quality of the environment and our citizens want the right to enjoy this high standard of living in a high standard of environment.

We have a multitude of herbicides, pesticides and additives at our disposal. There is a degree of apprehension and a call for more caution concerning these substances in our food industry. The governments and the scientists occupy exalted positions of trust in safeguarding the lives and health of our citizens when these substances are used.

When life or health is endangered, it is necessary to make wise and expedient decisions concerning the use of these substances. As legislators, my colleagues and I in government depend upon the expertise of scientists such as yourselves to provide us with concise and scientific information. When a substance is under scrutiny, we want to know what the advantages of using it are. We want to know what effects the product will have on human life. We want to know what effect the product will have on the environment. We want to know if testing was done in a realistic method. We want to know what the disadvantages of not using the product will be and what the consequences of not using the product will be.

These facts are then weighed taking into account how the public feels about the risks involved in using a particular substance. It may be that the public does not want to forego the advantages or conveniences of the substance in question, even though there are possible risks to the health.

If that product is demonstrated to have a potentially adverse effect on human health, then we must act to regulate its use. It does not mean that it would be automatically banned. It may mean that we act to control the amount of a product which humans may take in as we do through regulations of residue tolerance levels in the case of pesticides on food, to keep its use at a safe level.

We ask the scientist for careful, responsible, complete scientific statements in order that our decisions may be as sound as possible.

In my work as a Minister of Agriculture, my political decisons must reflect scientific opinion and evidence. Government regulations are based on scientific evidence. However, it is not always possible to transfer scientific evidence in its minutest detail into a law. Laws must be workable and for this reason, we cannot always be purely scientific.

There are times when the weight of scientific evidence can be offset by political and international considerations. A good current example of this is the situation as it pertains today to DES, the additive which is used to increase feedlot gains for beef cattle.

All of our tests in Canada indicate that this is a perfectly safe chemical to use, and that it makes a significant contribution towards economies at the form level in beef production. The tests show there are no problems with the use of DES if the chemical is withdrawn at least 48 hours before the animals go to slaughter.

Yet there are countries which have banned the use of DES, including the European Economic Community. Now I don't want to go into the details or the reasoning for this action, but it is enough to say that this is a fact today. These bans do, of course, have a direct bearing on international trade, and in that respect, it is something that we in Canada must recognize.

The situation today is that we in Canada enjoy excellent relations with the United States with respect to trade in cattle, and we would not wish to take action which would interfere with that trade. So, even though it might be desirable from an export market point of view to ban the use of DES in cattle in Canada so we could sell into the European Economic Community, we would certainly not wish to endanger the competitive position of our beef producers, with regards to the U.S. market.

We know that the use of DES gives producers a competitive advantage, and if Canadian producers could not use DES, but their counterparts in the United States, could, then our Canadian cattlemen would be put in an unfair disadvantage.

The converse is also true; this is an example of one of the many matters on which we should act together.

I want to stress, however, that our actions are based on scientific evidence insofar as that is possible and practical. Certainly if scientific evidence indicated that the use of DES or any other chemical could endanger humans or the environment, we would not hesitate to take prompt action.

In closing, may I summarize the main points. In the world today, we are faced with the population expansion, with food production problems in the underdeveloped countries of the world, and with marketing problems. As veterinarians, you face a major challenge in disease prevention, eradication and control in these underdeveloped countries of the world. In our developed nations, the challenges may be much different, and we have touched on a few of these such as the use of pesticides and feed additives.

While the challenges are certainly great, we have no lack of resources or technology to provide the world food supply.

I have no fear at all that we will be unable to meet the future food demand. I become very impatient with people who spend much of their time and energy telling us we won't be able to. We have all the resources and the capabilities now. If we could exercise these to the optimum to get disease under control and to establish orderly domestic and international marketing systems, no man need starve. We must summon and mobilize the willingness of the social, political, and economic sectors of our societies to work towards this goal.

Our resources and technology are greater than ever before in history. It is time to match our impressive technology with an equal level of humanity and enlightenment. We cannot bury our consciences in credit cards and academic discussions. Good intentions are no substitute for moral and financial commitment. The technology and education which we have at our disposal can be utilized to ensure that each man on this earth can see that his life's purpose is positive. I feel that we should be equally positive in working towards this objective. Any reasons for failure have no foundation in known technology. Any excuses for failure have no validity in humanitarian terms.

LIMEHILL, MESSHOLE, STINKWATER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1971

Mr. FRASER. Mr. Speaker, Limehill, Morsgat—Messhole—Weenen—Place of Weeping—and Stinkwater are the names of areas where South African black citizens are being involuntarily resettled. An article in the May 14, 1971, London Daily Telegraph magazine points out that these place names—most the names of old farms—"share something of the spirit of the places."

The South African Government's coercive removal program aims ultimately to locate South Africa's 15 million blacks on less than 15 percent of the nation's land, leaving the 3½ million whites to have the remaining areas, including the most productive and hospitable.

This inhuman program is an ideological imperative of apartheid, the system of race-separation enforced by the South African Government.

The author of the Daily Telegraph article writes:

> It would need a whole book to tell the Limehill story adequately. But perhaps enough has been said to show what people are subjected to in South Africa today for the sake of a political ideology. On the old Mission farms, both the owners and the African tenants were content with the existing arrangement; but there was no stay of execution for them. They were not being moved from slums or insanitary conditions. They were moved to tidy the map, to separate them from contact with whites, to lose them in the remotest, poorest land set aside for Africans. This is policy, carried through regardless of African wishes, the disruption of their lives, the ending of their livelihood and the inevitable suffering that ensues.

Father Cosmas Desmond has written a book, "The Discarded People," to tell this sordid tale. The magazine article "Black Exiles in the Veld" is extracted from the book.

The brief Daily Telegraph biographical sketch of Father Desmond and the article follow:

BLACK EXILES IN THE VELD

A story of South Africa today. Born in the East End of London 35 years ago, Father Cosmas Desmond was ordained in the Franciscan Order and sent to South Africa in 1959. But it was not until 1968 that he became fully aware of the agonies of the rural African tribes being forcibly removed from their homes by a Government anxious to "tidy up the present chessboard pattern of black and white areas", and resettled in totally alien locations. The quiet priest from Stepney became an ardent crusader for the rights of the black Africans to live on their own land. Father Desmond's attempts to help these people brought him almost at once into conflict with the authorities—and he was often reported to them by fellow priests as a troublemaker. When he applied, as a South African citizen, for a passport to visit his sick father in England, he was accused of being a Communist and his request refused. In August this year Father Desmond's book, *The Discarded People,* will be published as part of the Penguin African Library. It is a detailed account of the resettlement schemes and Father Desmond's efforts to help the bewildered Africans. Extracts from the book begin on page 14.

LIMEHILL, MESSHOLE, STINKWATER

From January 1964 until May 1967 I was the priest in charge at Maria Ratschitz Mission in the Dundee district of northern Natal. I had an African assistant priest and we had about 2,000 parishioners. The Mission, and the neighbouring tribally-owned farm Boschhock, were among a number of "Black Spots" in the Dundee district which were to be cleared. "Black Spots" are places outside the tribal reserves ("homelands") where Africans live, whether as tenants, in the case of the people on our Mission, or as owners of land they have held for generations, or as labour-tenants (paying rent in the form of labour) on white farms. The *apartheid* system demands that all Black Spots must be removed and the people from them concentrated in the "homelands."

I had heard talk of such removals for ten years past, and during that time I had seen some of the effects; the insecurity caused by the threat of removal among the people in the Missions where I lived, and the sad waste of Mission schools having to close. But like all white people in South Africa, I had no real awareness of the full impact of these removals until the people at the Maria Ratschitz Mission, Boschhock and Meran, another African-owned farm, were moved to Limehill. These are places in northern Natal. From these people I learnt of the heartbreak involved in being arbitrarily uprooted from home.

I have seen the shock of simple rural people told that they must leave their homes, which were the homes of their kinsmen for generations, to go to a strange place. I have heard their cries of despair and their pleas for help.

I have seen the sufferings of whole families living in one tent or a tiny tin hut, of children sick with typhoid, or their bodies emaciated with malnutrition and even dying of plain starvation. I have seen all this in these last few years, in 1968, 1969 and 1970, in the richest, most advanced and most rapidly growing economy on the continent of Africa.

I knew the Limehill area well, for we had another Mission there (which the Government was preparing to expropriate), and when the removals were announced I visited the area frequently and kept in close touch with a number of people, especially Father Rodney Nelson, the priest in charge of our Mission. The land at Limehill used to be European farmland and it was bought by the Bantu Trust some time ago. (The Bantu Trust is a Government body which administers the African Reserves.) Our Mission was called "Amakhasi", which means "dry leaves". It was extremely dry.

The first sign of the removal was a visit in 1965 from a man purporting to be an official of the Department of Bantu Administration and Development (BAD.) He called a meeting of tenants of the Mission, without my knowledge, and told them they were all to be moved in July 1966. When I protested at this high-handed action to the local Bantu Affairs Commissioner he disclaimed all knowledge of the man or the visit.

Then nothing happened until in August 1967 another man came to the Mission, again without reference to the owners, and painted numbers on the doors of all the African homes in the Mission. This time the Commissioner replied to our complaint that the man was acting on instructions from Pretoria and without his knowledge. In September the Bantu Commissioner himself visited the Mission, and had the courtesy to inform the priest. He held a meeting at which he told the people that they would probably be moved in May 1968, but they would have the opportunity of building houses in the new location before they moved, and a school and other facilities would be ready.

On October 19 the Commissioner held another meeting. The move was now to be on January 20, 1968. The school was not ready and would be temporarily housed in tents and the people would have to "provide their own accommodation" while building their houses.

Then came a duplicated letter, addressed to the priest-in-charge, at the beginning of November, notifying him that, as one of the Black Spots in the Dundee district, the Mission was to be cleared on January 29.

People in the adjoining farm, Boschhoek, had been receiving much the same treatment for three or four years. Twice they were told not to plough because they were going to be moved before the reaping season. Then the date was put back to November 1967; then January 1968; then May 1968. Finally they followed the people from our Mission.

Three months before the date fixed for removal the only signs of development at Limehill were a few dirt roads and the foundations for a school. It was obvious that the place could not be made habitable in time.

On Friday, January 26, the schoolchildren at Meran were ordered to tell their parents that the lorries would be arriving on Monday January 29 to take them to Limehill.

Despite the Commissioner's promises, there was very little sign of preparations at Limehill. I visited it regularly and all I saw were a few boreholes being drilled and the school going up very slowly.

The official estimate of the number of people removed in this single district was 12,800. About 1,200 of them were from Meran, the first place to be cleared.

Early in the morning on January 29, ten priests arrived at Meran, and waited with the people for the lorries to come. There was no sign of any activity; everyone was waiting except for one man who was desultorily dismantling a fence.

Later the first lorries arrived, together with officials, including Special Branch men who stood all morning watching us from across the road. One of the Special Branch photographed us, shooting professionally from the hip. We priests refrained from helping the people to strip their houses and load their belongings, lest it be construed as implying our agreement with the removal. The people were aware of why we had come and they brought us umbrellas to shield us from the rays of the sweltering sun.

The people seemed passive, though some let their anger show, especially when the Bantu Commissioner failed to arrive for a meeting which he had promised to attend. But everyone went docilely. Uniformed police only appeared on the scene to tell the priests and the Press that it was illegal to take photographs because we were "making contact with the people"—although we were on a public road in what was being forcibly proved to be a White area!

The first lorries with families left at about 11 a.m., managing to look cheerful and calling "Sikhulekele"—"pray for us". Later, when Archbishop Hurley had arrived, we drove to Limehill, 20 miles away. We found the first arrivals sitting in the bare veld, surrounded by their belongings, lost and still bewildered. There was a water tank a little distance away and a pile of folded tents; these people had never erected a tent in their lives. There was nothing else.

On that first evening there was a heavy rainfall. Many of the tents were swamped as the people knew nothing about the need for drainage trenches around the tents. Instead they piled earth around the tents, which made them insufferably hot during the day and did not keep the water out.

In the House of Assembly, Mr. Blaar Coetzee, then Deputy Minister of BAD, said in reply to questions that the Africans were expected to build their own houses and latrines; no sanitary arrangements were made before the removal; the department made no provision for the people to purchase bread, meat, milk and vegetables, but there was a general dealer two miles away and another five miles away.

The nearest school was seven miles away and not intended for people at Limehill.

At Limehill each family was allocated a tiny plot, 50 yards square. No livestock, except chickens, were allowed. There is no land for ploughing. The women have lost their income from working in Wasbank as the bus fare costs more than they could earn. They have neither shops nor any medical services. Even elementary sanitation is lacking. Most of the men have to work in Johannesburg or Durban, several hundred miles away, so the building of the new houses had to be left to the women and children in many cases. Some people remained huddled in tents for months.

Our own people from Maria Ratschitz Mission were duly moved.

In August 1968 about 500 families were

moved from Boschhoek to a farm called Vergelegen, about three miles from Limehill.

Officially they moved voluntarily even though they had submitted a petition to the Bantu Commissioner asking to be allowed to remain at Boschhoek. Some of them were threatened with imprisonment if they continued to oppose the removal. As at Limehill, very little preparation was made for their arrival. They complained at the type of land they had in the new place, the shortage of water, and its bad taste. For five months the water was kept in uncovered tanks some distance away, and they were warned to boil it before drinking. I saw women and children scooping water from holes in a river bed rather than drink water from the tanks.

Limehill rapidly took on the appearance of a slum and acquired the nickname "mshayazafe"—"beat him until he dies". The Deputy Minister of BAD admitted in the House of Assembly on March 14, 1969 that there were still 76 families living in tents in the Limehill complex.

Two years later Limehill is still a depressing place to visit. One of the greatest difficulties is the simple fact that the people are rural people who lived by farming and now they have to adapt to a quasi-urban way of life. But there is no source of income and none of the amenities of a proper town. There is no sign of the provision of any local employment and a Government statement on May 14, 1968 said that it is not proposed to establish any "border industry" in the area. This is not surprising since Limehill is 20 miles from the nearest railhead, town and electricity supply and there is a chronic, perennial shortage of water.

In November 1968 it was reported that typhoid had broken out in the area. Officials of the State Health Department denied that there was any serious outbreak of the disease. The Regional Director of State Health, Dr. Hooey, said that to his knowledge there had not been a single case of typhoid. Yet I had seen the carbon copy of an official notification of a case of typhoid which had been sent to the magistrate at Dundee on November 14.

I photographed the headstones of some 60 new graves in the five cemeteries of the Limehill complex and I learned that there were at least six others buried (illegally) outside the cemeteries. Most of these people—they were mainly children—had died between October and December. Later—on February 7, 1969—the Minister of BAD admitted in the House of Assembly that there had been 73 deaths.

Eventually 16 cases of typhoid were confirmed, of which one died, in the single area of Uitval, where there were only about 70 families. One family had four children ill at the same time; another had all their five children ill. Throughout November and December the Press published reports of deaths in the area. But, apart from inoculating the people of Uitval alone, there was little activity by the State health authorities. Most of those who died, and hundreds of others who were ill, had the same symptoms: diarrhoea, vomiting and high fever. Almost every house had at least one sick child; in one family two children died in the same week. The people said "a plague has struck us," and many could be seen wearing charms to ward off this unknown evil.

It would need a whole book to tell the Limehill story adequately. But perhaps enough has been said to show what people are subjected to in South Africa today for the sake of a political ideology. On the old Mission farms, both the owners and the African tenants were content with the existing arrangement; but there was no stay of execution for them. They were not being moved from slums or insanitary conditions. They were moved to tidy the map, to separate them from contact with whites, to lose them in the remotest, poorest land set aside for Africans. This is policy, carried through regardless of African wishes, the disruption of their lives, the ending of their livelihood and the inevitable suffering that ensues.

It can be concluded that the first million Africans had been removed by 1970. The objective is to return five per cent of the African population from white areas to the "homelands" every year. Demography and the demands of the economy frustrate the total removal of African workers, but the policy is satisfied by a charade of double-think. Families are removed and the workers turned into migrant workers.

Present population of the "homelands" is 6.9 million. Most of these people rely on money sent by workers in the white areas. The rest of the 15 million Africans live on temporary sufferance or as migrant workers, in the white seven-eights of the country.

When the conditions at Limehill became common knowledge I hoped that some official organisation of a Christian character would back my plan to visit and report on African resettlement schemes throughout the country. But after months of trying I found that such support was not forthcoming, for financial or other reasons. My own immediate superior gave me permission to devote my time to the project and pledged his support.

I started my tour at the beginning of March 1969 and in the course of the following six months covered 24,000 miles, crisscrossing the country in search of resettlement schemes.

Perhaps the most distressing features were the ignorance, apathy, fear and suspicion of so many of the white people to whom I spoke. Often the white clergy, for example, were not even aware of the existence of resettlement villages within their parishes; others knew about them but saw nothing wrong.

But the majority were too frightened to offer any criticism of the Government's plans and actions. They fear that if they say or do anything they will be refused permission to continue their Church work within the Reserves and perhaps in the whole country, and that their schools, hospitals and other institutions might suffer. So, following rather dubious historical precedents, they prefer to be silent, working within the system.

The resettlement camps are sometimes at places whose names reveal with unconscious irony the bitterness of the experience for those who have to live there. To read the grim litany of these names—Limehill, Morsgat (messhole), Weenen (place of weeping) and Stinkwater, is to share something of the spirit of the places. The Minister of BAD, Mr. M. C. Botha, explained that these names were "unfortunate". "They are nearly all the names of old farms where the settlements are being carried out," he said. Mr. Botha also assured us on the same occasion: "The Bantu people like being moved . . . The Bantu people like the places where they are being resettled."

The clearance of the Black Spots might be called the completion of the process of white takeover and settlement in South Africa. Mr. G. F. van L. Froneman, MP, Deputy Chairman of the Bantu Affairs Commission, said: "The policy of the present Government is to consolidate as far as possible all Bantu land into consolidated blocks, i.e. by excising smaller scattered areas out of scheduled or released areas and giving compensatory land of equal value contiguous to the larger Bantu blocks . . . When all these Black Spots and isolated scheduled and released areas are once removed, the chessboard pattern of Bantu Areas and White Areas in South Africa will also to a great extent be eliminated."

A glance at the map shows how much sorting out of land is needed to eliminate the chessboard pattern. When the whole process is finished, Africans, numbering 15 million at the last census, will have 13.7 per cent of the land surface. Whites, numbering about three and a half million, will have 86.3 per cent. In the meantime, Africans do not have even as much as their promised 13.7 per cent.?; what they have is in large degree economically marginal land—too mountainous, or too dry, or too remote from markets and means of transport to be productive.

Many of the evils of resettlement schemes are exemplified in the case of the people of Babanango. They were a group of people who had been living for generations in Zululand. Suddenly they were brought into contact with white officialdom. Here is their story, in their own words, of the efforts they made and the frustrations they met.

"Father, we come from Babanango. We are suffering and ask you to intercede with the Government for us so that we too may be able to live as people with sensitive souls.

"Our ancestors were living in the place at the time of Senzangakhona (the father of Shaka). Afterwards the place fell into the hands of the white man and we gave our allegiance to them. Now we are being expelled. We do not wish to argue with the law but we ask the authorities to sympathise with us in this matter. If we are moved from here we request the Government to find us a place where we will be able to keep cattle and have fields. The reason for this is that some people here have three or four wives and others, while having only one wife, have more than ten children. There are also widows with their children and old people who have no one to look after them. All these people gain their livelihood from keeping cattle and farming.

"On October 12, 1967 we went to the Bantu Affairs Commissioner at Babanango to ask him to find a place for us since on our own we had failed. We asked him to find a place in a Reserve. The Bantu Affairs Commissioner replied: 'There is no place because in the Reserve which is near you there are a hundred people for whom I have to find a place to live. But I promise to look for a place for you on farms. Do you agree to this?' We agreed.

"He sent us to a Mr Kooes to find a place, we went, but he told me that he could not take us as we came from his neighbour's place. On October 13, 1967 we returned to the Commissioner at Babanango. He sent us to another man, Mr Bill Delport. He too refused.

"On November 23, 1967 we took our plea to Mr Boshoff and asked him whether he could find us a place. Mr Boshoff said: 'You cannot get a place in Nongoma. But go back to Babanango and I will write to the Commissioner.'

"On November 23, 1967 we went to the Commissioner and lodged our plea. He replied: 'There is no place; but I will write to Maritzburg. Come back on December 21, 1967.' We duly returned. He said that he had not yet received a reply but that when it came we would get it through a Mr Almaan.

"On January 25, 1968, all those who had received notices to quit sent a representative to the Commissioner with the notices. The Commissioner did not take the letters but said that no reply had yet been received.

"On January 31, 1968 the owner of the farm closed the dip for the cattle of the people living there.

"On February 5, 1968 this matter was reported to the Commissioner. He said: 'I already know that; the owner of the farm, Mr France, has told me. The people of the farm are summoned to appear in Court on February 9, 1968.' They were charged with refusing to leave the place and were given 20 days to leave.

"On February 23, 1968 we had a meeting with the Bantu Affairs Commissioner of Nongoma, Mr Vosloo. We told him all that happened and asked him if he would find us a place. He asked us whether we wanted farms or a Reserve. We replied that we wanted a Reserve so that we would be able to live.

"Mr Vosloo said: 'Go back to Babanango and find out when the surveyors are coming, and when all those who are being moved are finished there, I will give you a place in a Reserve as you want.'

"On February 23 we went to Babanango. The Commissioner said the surveyors would arrive on February 27, 1968. On February 27, 1968 all those to be moved went to Babanango. The Commissioner said: 'Go away and come back on March 1. I will see Mr Vosloo.'

"On March 1, 1968 we were all present and so was Mr Vosloo. We were divided according to the different farms from which we came. Those from the farms Witklip and Nokhulu were called although we all had the one complaint. We were all called and had a great surprise. These people were assigned to a location and moreover nothing had been prepared there.

"Mr. Vosloo said: 'Your report is false. There is no one who has spent five years looking in vain for a place to live as you say.' He asked one man to give evidence of this. He gave it, emphasizing that such people were present at the assembly and if asked could reply for themselves. Two came forward but Mr. Vosloo would not accept what they said.

"Mr. Vermaak said that there was a location that had been surveyed but that it would be necessary for us to build our own houses. Further, no cattle would be allowed and there were no fields. The cost of a site for a house would be £41. He further said that if anyone did not want to go there, where there would be neither land nor cattle, there were whites who needed farm tenants at Uitlicht, Harwick and Babanango itself. Mr. Vermaak's parting words were: 'All the people must be off the white farms at Babanango within 14 days. After that the owners of the farms would take a certain step.'

"On March 23, 1968 the houses of two of the people were burned.

"On March 20, 1968 we went to Pretoria. We said where we came from and asked for a place in a Reserve so that we might live. Mr. van der Merwe gave us a letter to take to the Commissioner at Babanango. He received it on March 28, 1968. He said that there was nothing he could do to help us. If we had the money we could buy a plot in the location that had been surveyed. He returned the letter to us and we took it with us.

"On April 2, 1968 two houses on the farm Witklip were pulled down by the South African Police. Also after March 22, 1968 each person who had not moved was fined £15.

"On April 19, 1968 the police took the letter that we had been given in Pretoria.

"Father, in all this remember us and do not tire of it."

A number of the people of Babanango have since been arrested and prosecuted for not moving. But they have absolutely nowhere to go. I had to go into the hills to see one man who was hiding there with his cattle for fear that if he returned to his home he would be arrested again. He had already spent one night in jail and had paid a fine. It looks as though these people will have to go eventually to the "closer settlement" at Mpungamhlophe or to work on white farms. There is no hope that they will be able to keep the cattle which represent so much for them. One man had been given a letter by the Bantu Affairs Commissioner to present to another Commissioner, which sums up the official attitude:

"The bearer has been given a trek pass and is referred to you for the satisfaction of your farm labour requirements or for resettlement if your farm labour requirements have been satisfied."

Limehill has become symbolic of the plight of Natal's rural Africans. In the same way, Mnxesha has become a symbol for the Ciskei. As I travelled from Cape Town eastwards, the name kept recurring. Obviously conditions in this resettlement camp were more than usually atrocious.

When you have seen Morsgat, Weenen, Limehill, Stinkwater and so many others, it is difficult to be shocked or distressed by similar places. But one look at Mnxesha was sufficient to convince me that the reports I had heard had not been exaggerated and that here was grinding poverty, squalor and hardship equal to the worst places I had seen. There were tiny one or two-roomed houses, many with a number of ragged, hungry-looking children or a bent old woman sitting outside. It was not quite true that I could no longer be shocked or disturbed. I was, in particular, by the sight of one tiny baby, a virtual skeleton, unable to move or even to cry and covered with flies. I have been through the children's wards in African hospitals throughout the country and, over the past ten years have seen thousands of starving, dying children. But I doubt whether I have ever seen anything worse than this. I cut short my tour to take the child to a hospital.

Mnxesha is about ten miles from King William's Town, on the road to Alice. The first people were "settled" there in December 1967 with the aim of eventually accommodating 1,800 families, (about 10,000 people). The Minister of BAD said in the House of Assembly on March 4, 1969 that 2,897 people, of whom 2,041 were children, had been moved there. Most of these had come from Middelburg (203 families), Burgersdorp (67 families) and Cape Town (39 families), with a few from a number of other towns. By May 1969 the official population figure was 3,400. My own estimate was much higher and seemed to be borne out by the numbers on the houses.

The first arrivals were put into wooden huts, with zinc roofs. The huts measured roughly 10ft by 16ft and 10ft high, with no ceilings or floors. There are 99 of these which are still in use. In one of them, chosen at random, there were three adults and four children; I was assured that some of the others contained more. These people are mainly pensioners and indigents who do not pay rent.

The bulk of the houses are two-roomed, cement-under-asbestos structures with no floors or ceilings. Some stand alone, others are semi-detached so that they appear to be four-room houses, but are in fact two-roomed ones. The rent for these is R3.42 (£1.99) a month, including rudimentary sanitation services. In one of them there were 13 children whose mother was working in Cape Town. Many, if not all, of the houses are grossly overcrowded. Because of the number of widows and pensioners, the majority (53 per cent of the total in May 1969) of the householders are women. There are a few four-roomed houses for teachers and Government employees.

An official of the Information Office attached to the Chief Bantu Affairs Commissioner's Office in King William's Town was quoted in the *Daily Dispatch* of January 16, 1969 as saying: "Redundant people are being moved to Mnxesha. The township is the same as Illingi near Lady Frere and Sada near Whittlesea. We house redundant people. The people would be of no particular age-group and could not render productive service in an urban area. Among such people were men who had lost their jobs and could not find new employment, old and infirm people and unmarried mothers. The Government would provide the children with one substantial meal a day and rations would be given to the old and infirm people. Able-bodied men would be able to enter into contracts for work on the mines, industries and other avenues of employment. The provision of employment in the new village is receiving the attention of the authorities."

How much attention they gave the matter we do not know, but they evidently decided against it. In the House of Assembly on March 4, 1969, the Minister of BAD said that the Government was not contemplating establishing any industries in or near Mnxesha. By May 1969 more people had arrived from Middelburg and others were still coming. These, and many of the others, were victims of the Government policy of moving all Africans to the eastern area of Cape Province. Since this had been the intention for some time it seems that little or no development of African locations in towns west of this line had been made. So, at Middelburg, the Government had built a large new township for coloureds, but had for many years done nothing about the African location where many people were living in tin "pondokkies" (rough shacks). Conditions were thus far from satisfactory, but they did at least have better facilities than they found at Mnxesha.

At Middelburg there were two established schools, a clinic with a permanent staff, lighting in some of the streets and a satisfactory water and sewerage system. Rents were R1.75 (£1.02) a month for a two-roomed house; R4 (£2.53) a month for a three-roomed and R2 (£1.16) a month for a "private stand"—at the time of the removal this was increased to R6 (£3.49) a month, presumably to encourage people to "agree" to move. Many people at Mnxesha were quite adamant that they had been employed, reasonably housed and very much wanted to stay at Middelburg. But, as one said: "You can't say no to a white man."

They said they were told by an official that at Mnxesha they would have proper houses with a bath and a stove; there would be shops and other facilities and special bachelor quarters with their own kitchens and cooks. Others claimed they were told that if they did not move dogs would be set on them. Some were told to settle their families in Mnxesha and return to work in Middelburg. Those who owned their houses in Middelburg were promised compensation at the time of the removal; but some said they received it several months after the move. The highest compensation that I heard of was R240 (£140.18) for a four-roomed house; others received between R25.25 (£14.74) and R80 (£46.72).

By the time of my visit the health facilities had improved considerably; previously, I was told, they were virtually non-existent. A qualified nurse was appointed in May 1969 to run a free clinic, with a doctor visiting once a week. Until that time a nurse from Mount Coke had visited once a week. But the charge was 20 cents (11p), so most people could not afford treatment. There was also a TB clinic once a week. Free medical treatment was available in King William's Town but the return bus fare of 40 cents (22p) was prohibitive. There was (and still is) a free ambulance service. But the African superintendent has to drive four miles to the nearest telephone to call it and this telephone does not operate in the evenings or at weekends. The district surgeon ran a clinic about three miles away. He normally charged R1.50 (87p) for an adult and R1 (58p) for a child, which was well beyond the means of most.

The signs of malnutrition are obvious throughout and there have been many deaths. In May 1969 there were over 90 graves, of which more than 70 were children's. The bulk of the population only arrived in December–January 1969.

There are now taps in the streets. They first appeared in February 1969. Until then water was brought in once a day Monday to Friday, twice on Saturday and not on Sunday. The people were told to boil the water before drinking it. Pit latrines are provided, but they appear to be very shallow and are prone to overflowing.

Almost half of the men are migrant workers. The only employment in the area is on the building of houses in the settlement, for which men are paid R16.50 (£9.57) a month. Women are paid R6 (£3.49) a month for such work as planting grass in the settlement; this work is a form of poor-relief. In the beginning there was some employment in the settlement for one person from almost every house. But now there are many with no wage earners who are provided with rations each month.

People complained that the rations were issued irregularly and that it appeared they were being cut down. Some said that the rations lasted them only two weeks. "After that we have to pawn our clothes in order to buy food at the European store." There are no shops in the settlement. The nearest one, which is white-owned is about two miles away; there is another one and a post office about four miles away. The Border Council of Churches is subsidising the sale of milk and soup powders. There is no fuel available in the area; I passed some children carrying wood four miles from the settlement. At first wood was being sold for 35 cents (20p) a bag and then for 25 cents (14p). It is now being sold for 15 cents (8p), the balance being paid by a relief organisation. But even with this subsidy, wood was piling up with the distributor because the people could not afford it. A number of people have been fined R10 (£5.84) for trespassing while in search of fuel.

At Middelburg, and some of the other places from which they came, some of the people had been receiving maintenance grants of R5 (£2.92) a month for every child. But these grants are only applicable in urban "Bantu areas", so they lost them on their removal to Mnxesha, which is a rural township. The Bantu Affairs Department in Zwelitsha had said that they would apply to Pretoria to make the grants applicable to Mnxesha.

A lower primary school was opened on March 14, 1969. Before that, the children had to walk about three and a half miles to school and often arrived exhausted, not surprising considering their under-nourished state.

No matter how bad a settlement is there are usually some people from white farms who prefer it; this is true even at Mnxesha. In general, the people from the towns did not want to move, but some said that, despite all the hardship, they were "happy" because they felt that they had some security and were free from continual harrassment about reference books. For example, at Middelburg many had to report every month.

The sufferings of the people at Mnxesha are exemplified in the case of Mrs. E. M.; she arrived at Mnxesha from Burgersdorp in December 1968, with her six children. By May 1969 two of the children had died; two others, aged 13 and 6 years, had "gross pellagra" according to the doctor; another younger child was in hospital with malnutrition. She is a widow and was supporting herself in Burgersdorp by doing domestic work; now she has no employment. She is only 37 years old and so does not receive a pension. As Mnxesha is a rural area she cannot get a child maintenance allowance. Since she went to Mnxesha she had had no source of income apart from the few cents which she manages to earn by collecting wood from miles away and selling it in the settlement. She has taken her children to the nurse several times but because she did not have the 20 cents they were not attended to. She was receiving Government rations, obviously inadequate.

About one and a half miles from Mnxesha there is a growing settlement for pensioners and their families, called Emadakeni. In May 1969 there were 16 mud huts, measuring about 10ft by 15ft; the roofs were also mud with a layer of tarpaulin in between. There were no windows, only two small openings. These huts housed more "redundant" people from town locations. They did not pay any rent for the mud houses, which were certainly inferior to the normal farm house. There were no toilets provided and there was no sign of any having been built by the occupants of the 16 huts. There was a water tank which was filled by a tanker. Some were building their own houses, for which they had been given doors and windows, a few yards away.

At Mount Coke there is a big Methodist hospital and very little else. All around there are the usual Trust villages. But just a little way from the hospital there is a strange-looking settlement. It consists of about 40 wooden huts, similar to those at Mnxesha, all huddled together. I was told that the African superintendent lived about three miles away at the Reformatory of which he was the principal and that I should go to see him to find out about the place. I went but he, very politely, explained that he had strict instructions not to give any information about the settlement. So I had to return and find out what I could for myself.

It appears that this settlement started off about five years ago as a transit camp. At first people stayed a year or two and then moved on. But for the last two years only a few people have moved on—to Sada. It now seems to have become a settlement for pensioners, some of whom have been there since the establishment of the settlement and presumably will stay there. In May 1969, about 25 of the huts were occupied, all by old-age pensioners or disabled people. There were also a number of small children. Most of them are the illegitimate offspring of the inhabitants' children who either cannot afford to support them or cannot have their children with them in an urban area. The old people whose children could assist them were able to get a house in Zwelitsha.

These old or disabled people are mainly "rejects" from farms in the Karoo who were evicted when the five labour-tenants law was enforced; there are also a few "redundants" from urban locations. The Secretary of the Farmers' Union denied that these people had been evicted from farms. However, one family was found living in an old motor-car and another in a cave, after having left a farm, and other people said that they were evicted, put on a train to King William's Town and then brought by lorry to the settlement.

They receive a pension of R5.05 (£2.94) every two months and rations every three months. The rations are in the form of a coupon, valued between R3 (£1.75) and R6 (£3.49) to buy food at the local store. They also receive skimmed milk when it is available, and Pronutro (though they were not receiving the latter when I visited). Fruit from a Government farm, which is rejected at the market, is sometimes dumped there. About a ton of rotting pineapples was once dumped (so that the statistics can show that 75 people were given one ton of fruit in a year).

They do not pay rents for the huts, and between them they have two taps. The people complained about the lack of food and the poverty, but the general attitude was that experience has shown it is no use complaining. One old person commented: "Death is a release from such a place." They said they were better off on the farms. Those at Sada said they had been better off at the settlement, which does not say much for Sada.

Mr. Botha, Minister of BAD, boasted at a meeting on October 19 that there was not one African in South Africa who was starving, and he added that the Nationalist Government would not let it happen. When one has seen death certificates with the cause of death simply "starvation"; when one has seen hundreds of children in hospitals throughout the country too weak from starvation to stand, one is no longer able to feel anger at such claims—one feels an immense pity at the wilful blindness of these men.

At one hospital, I met a woman of 35 who was admitted to hospital weighing 50lb. The nurses told me that she had been on the point of killing and eating her 16-month-old baby when she was admitted. In the same hospital I saw a 15-month-old baby weighing less than 10lb and a child of five who weighed 20lb. There were dozens of similar cases.

No doubt there is starvation in other countries in Africa and the rest of the world. The difference is that starvation in South Africa is not due to natural disasters or the poverty of the country, but to ideology. Malnutrition is increasing and will go on increasing in the resettlement areas. This worsening situation is being imposed while Whites enjoy conspicuous wealth and fast-increasing incomes.

The removals are, if anything, being speeded up and planned on an even bigger scale than before. Large townships are being planned in the Eastern Cape, at Kidd's Beach and Middledrift; 600,000 people are to be resettled at these and other settlements in the Ciskei in the next ten years.

This year thousands more of our people will be transported to some hellish replica of Morsgat, Illingi or Kuruman. Next year there will be thousands more. How long shall we allow this to go on? How many more human cargoes must be dumped in the Reserves before we find a way of stopping this crime? If it is not stopped soon, will the rumble of the "GG" lorries driving the people away from their homes haunt us all our lives?

THE 181ST ANNIVERSARY OF THE COAST GUARD

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. GARMATZ. Mr. Speaker, for as long as memory serves me, too many Americans have taken the Coast Guard for granted. In fact, for the better part of two centuries, from the turbulent and uncertain beginning of this vast Nation, I suspect that the name Coast Guard has meant little more to many Americans than just that—the protection of our coasts.

But those of us who have known the Coast Guard know that nothing could be further from the truth. For the Coast Guard's deceptively modest name conceals a wide versatility of duties and responsibilities that literally is global. Quietly and without fanfare, the Coast Guard has provided a constant and valuable assistance to the Navy in the tough and seemingly endless Vietnam conflict—just as it has fought side by side with the Navy through every one of our wars. It has blazed a trail through the icebound waste of polar regions—and broken the grasp of winter on our northern ports and waterways. It has led the fight against pollution and through its preventive safety program has helped make the American merchant marine the safest in the world. It builds, maintains, and operates an extensive system of aids to navigation to guide maritime traffic safely through congested waterways. And each year the Coast Guard saves thousands of lives and millions of dollars of property as it performs its traditional duties in search and rescue.

Any day, it seems to me, would be a good one on which to congratulate the Coast Guard for its extraordinary achievements and devotion to duty. But today, which marks the 181st anniversary of the founding of our oldest continuous seagoing service, it is especially fitting to pay respect to the smallest of our Armed Forces. In peacetime, as part of the Department of Transportation team, or in wartime as part of the Navy, the U.S. Coast Guard has earned my deepest respect.

From the earliest days of this great Nation, the Coast Guard has assumed an ever-increasing variety of duties and performed them with a zeal and devotion that in themselves merit the highest praise. I can think of no more fitting occasion, therefore, than on this, the 181st anniversary of the Coast Guard, to express my deepest appreciation for its numberless deeds well and loyally done.

To enumerate the many involvements of this small but vigilant Service would take too long, for indeed they would fill a book; but as we look back there has scarcely been any area of endeavor—from life saving to pollution control; from law enforcement to polar research—in which the Coast Guard has not played a vital part. In fact, we have a great deal for which to thank the Coast Guard. Its deeply rooted humanitarian traditions, to which we may point with pride, are very definitely a part of the American way of life.

It is therefore with much pleasure and an abiding sense of pride that I say, "Happy anniversary, Coast Guard, and countless more happy returns!"

SOVIET MILITARY RESEARCH AND DEVELOPMENT—PART V

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARRINGTON. Mr. Speaker, in 1969 Senator John Stennis, chairman of the Senate Armed Services Committee, and Senator Peter Dominick requested that the Defense Department provide the Armed Services Committee with material comparing Soviet military technology with U.S. military technology to support DOD's charges that the Soviets were rapidly catching up technologically. It was also requested that this information be in as unclassified a form as possible.

It was not until 1971, after public attention had been drawn to the subject, that these materials were finally made available in a declassified form. DOD earlier this year apparently stated that the documents could not be declassified. The fact that these comparisons of United States and Soviet weapon systems and technology were eventually made public is an excellent illustration of the capricious nature of classification practice within DOD.

It would seem that often documents and studies are kept secret primarily as a matter of bureaucratic convenience or inertia. There are occasions when materials remain locked up only because no one ever asks that they be disclosed or because some official does not want to expend the time and effort to declassify. President Nixon's announcement that there are nearly 160 million pages of still-secret documents from World War II is a clear example of the vagaries of Government secrecy. It is much more important, however, to press the case for declassifying materials that have more than history book significance.

It is noteworthy that negotiations between congressional committees and Defense officials often lead to disclosure of information that was previously kept tightly embalmed in the vast wasteland of filing cabinets.

On actual inspection these DOD papers on Soviet and United States military technology turn out to be a rather mixed bag of assorted anecdotal accounts, containing useful and in some cases previously undisclosed data concerning comparative Soviet and American weapon systems, but not really providing a logical or intellectually sound basis for the kinds of explicit statements that DOD has been making about the Soviet technological threat and the size and rate of growth of Soviet military R. & D.

The material may be intended to provide what Dr. John Foster has referred to as "an appreciation of the overall magnitude of the Soviet effort." Propelled by episodic overall impressions, however, only the merely impressionable could make the leap of faith over the chasm that separates catalog listings from rigorous analysis and substantiated conclusions.

The release of these materials, prepared by DOD in 1969, is a step in the right direction: further disclosure of the bases of the Defense Department's assertions that the Soviets are about to seize military technological superiority over the United States. Hopefully DOD and its partners in "the intelligence community" will see fit to share with us additional information. In particular, if details about Soviet and United States weapon systems can be made public, I see no reason why essentially academic analyses of Soviet budgets and the dollar value of space and military R. & D. cannot be also released.

The Defense Department's 1969 comparison of United States and Soviet weapon systems and technology follows:

TACTICAL WARFARE EQUIPMENT

ARMORED VEHICLES (TANKS)

1. General

a. The Soviets avoid fundamental changes in their tank models; changes are made as necessary to lead, in their judgment, the capabilities of Western tanks. Proven components are used on several consecutive tank models; i.e., the diesel engine used in the T–34, T–54, T–55, and T–62 tanks is basically the same V–12 diesel engine with modifications to increase the horsepower wherever necessary. The T–54, T–55 and T–62 tanks use the same torsion bar/flat track suspension system. There is a considerable overlap in Soviet medium tank models; i.e., production of an older model does not automatically stop with the introduction of a new model. Production procedures are designed to keep cost down with a minimum of attention paid to human engineering and maintainability. Maintainability does not, however, equate to reliability. For example, Soviet tanks may include components hard to service or replace in the interest of cheap and rugged design.

b. The United States has generally avoided basic changes in each succeeding tank model until the MBT–70. For example, the M–47 through the M–60 A1 tanks have used the same basic engine and transmission. In each model, and in many of the modifications between tank models, the engine and transmission have been improved; in the M–60 and late-model M–48's a diesel engine has been used. All tanks, up to the MBT–70, have used torsion bars and rubber-tired roadwheels; the medium and heavy tanks also have used a double-pin, rubber-bushed track. A major departure in the design of suspension systems is the MBT–70 use of a hydropneumatic springing medium. Fire control systems have largely been evolutionary up to the advent of MBT–70, highlighted by introduction of the optical rangefinder in the M–47 tank and inclusion of an electromechanical ballistic computer with the M–48. The MBT–70 introduces major changes both in components and in concept, with its laser rangefinder and its sight-referenced main gun stabilization system. The MBT–70 also shows a major departure from conventional tank weapon design in its main gun/launcher which can launch the antitank guided missile already fielded with the Sheridan vehicle and also fire a full spectrum of conventional ammunition equal to or better than those employed by previous US tanks. Generally, when a new model is adopted by the United States, production of the older models is terminated. Major attention is devoted to human engineering factors, rapid replacement of major components, increase of the mean time to failure, and increase of the reliability of the fabrication techniques, such as welding.

c. The US response to the threat of the Soviet T–34/85 medium tank was the M–47 and the M–48 tanks. [Deleted] which had appeared in quantity at about the time the M–48 was first being issued to the US Army. The US response to the T–54 series was the M–60, which is generally [deleted]. Then, the Soviets again introduced a new tank, the T–62, within the time frame in which the M–60 was issued [deleted]. The Soviets do not have a direct counterpart to the US MBT–70 development. Their past reaction to new US medium tanks, however, indicates that within 2 years of the date the MBT–70 is issued to US forces in Europe, they probably will produce a medium tank that they consider to be an effective counterweapon.

2. Protection

a. The Soviets have changed their concept of armor protection in that they have reduced the Brinell hardness until it now closely approaches that of the United States. [Deleted.] Based on equivalent armor thickness only, the US [deleted].

b. The Soviets have no known CBR protection, but they have provided, in all models of the T–55 tank, mechanical filtration and an automatic control unit for defense against a nuclear attack. Late-model T–55 tanks and succeeding vehicles are provided with a protective shielding against a nuclear attack. US tanks are not equipped with special devices or shielding other than that provided by the armor shell.

3. Firepower

a. Over the years, the Soviets have not made significant improvements in optical fire control equipment. Beginning with later-model T–54's, however, and all T–55's, Soviet tank guns have been stabilized in both planes. The United States began using stereotype optical rangefinders, with a ballistic computer, on the M–47. The first US standard stabilization system was fielded in the

Sheridan vehicle, as a minimum capability achieved through use of components already required in the guidance and control system for the Shillelagh missile.

b. Up to the advent of the T-62, the Soviets consistently used a main tank armament of caliber larger than that of the US tanks. With the 115-mm smoothbore, the Soviets apparently put more stress on factors other than gun caliber. Beginning in 1960, the United States devoted more time to range (laser), target acquisition, and the 152-mm gun launcher system.

c. A comparison of basic loads of main armament ammunition carried reveals a distinct advantage of the United States over the Soviet Union. The T-62, with lower silhouette and restricted interior, generally carries ⅓ less ammunition than the M-60A1. Soviet tanks carried 34 main armament rounds in the T-54 and 40 rounds in the T-62. The US present standard M-60A1 tank carries 63 rounds and MBT-70 carries [deleted.]

4. Mobility

a. Comparatively, the maximum road speeds of US and Soviet medium tanks are the same, US tanks, including the early versions of the M-48, used gasoline engines and were grossly inferior to Soviet dieselized tanks, with respect to maximum cruising ranges. This advantage disappeared when the M-48A3 was retrofitted with a diesel engine and the M-60 tank appeared in 1959 with a diesel engine. The Soviet use stiff torsion bars that are not prestressed. In comparison, the United States used prestressed torsion bars, which allow greater roadwheel travel. This improves the cross-country speed of US tanks by as much as a factor of [deleted] (based on a computer study of the T-55 against the M-60A1). The MBT-70, with its hydropneumatic suspension, will have improved cross-country mobility, over the M-60: by a factor of 2. The hydropneumatic system on the MBT-70 is the first major improvement in tank suspension systems since World War II.

b. Soviet tanks, beginning with the T-34/85, have had a deep-fording capability, i.e., snorkeling in up to 18 feet of water. Their light amphibious tank the PT-76, has an inherent swim capability. The United States, on the other hand, began snorkeling with the M-60. The M-551 Sheridan is made amphibious by the installation of a kit.

HEAVY-LIFT HELICOPTERS

1. The Soviets have exhibited considerable technical competence in the development of heavy-lift helicopters. Their first heavy transport helicopter (payload over 10,000 lbs.) was the Horse (Yak-24), demonstrated in 1955 and operational in 1958, which had a maximum take-off weight of 38,600 lbs., a maximum payload of 12,000 and carried 40 troops. This helicopter was developed by utilizing two of the proven engine/rotor combinations of the Hound (MI-4) in a tandem configuration, obviating the necessity for development of new rotors and transmissions. Horse was used effectively in military and civil operations during the early 1960's.

2. In 1960, the Hook (MI-6) twin-turbine transport helicopter which was first flown in 1957 became operational. Hook more than doubled the payload of Horse and has a capability of carrying a 26,400-lb. payload or 65 troops with rolling take-off. It is the largest production transport helicopter in the world. Harke (MI-10), a variant of the Hook, was demonstrated at the Paris Air Show in 1961 and became operational in 1966. Utilizing the same engine/rotor combination as Hook, the Harke is capable, with rolling takeoff, of carrying a large 33,000 lb. payload on a platform suspended from the fuselage. Another variant, the MI-10K, is a short-legged crane-configured heavy lift helicopter with uprated engines which is capable of transporting a [deleted] lb. sling load.

3. Again, by utilizing proven components, the Soviets have developed a very heavy transport helicopter with a payload capability approximately double that of the Hook. On 22 Feb 69, Homer (MI-12) established five new class world records by carrying 68,409 lb. to an altitude of 9678 ft. Homer was developed by laterally displacing two Hook/Harke engines/rotor combinations and upgrading the engines by 1000 shaft horsepower each. No significant new transmission or rotor development was required to achieve this capability. It is estimated that Homer could [deleted] be in service by 1972-73, operationally carry a maximum payload of 45,000 lbs. with vertical takeoff or 70,000 lbs. maximum payload with rolling takeoff.

4. The Soviets place emphasis on lifting capability at the expense of speed or range and achieve these goals by simple, straightforward low risk designs and maximum use of proven components. It is expected that the uprated engines used in Homer will also permit an increased capability for Hook and Harke (MI-10). A comparison of U.S.S.R. and U.S. helicopters for the same mission (radius, temperature, altitude) is at Table 1 and a chart of lift capability versus year developed is at Figure 1.

SUMMARY

U.S.S.R.

The Soviets have exhibited considerable technical competence in the development of their heavy-lift helicopter capability. Soviet emphasis has been on heavier, more rugged, and reliable components with substantially less requirements for maintenance and a greater capability for extended operation in relatively primitive environments. Low Soviet hover-out-of-ground effect efficiencies reflect a Soviet emphasis on rolling take-offs and operations at less stringent temperature/altitude conditions. The two existing fully operational systems, the MI-6 and MI-10 (MI-10K), are much further advanced than U.S. developments and provide the Soviets with heavy-lift capability via internal transport, sling, and crane. The MI-12 under development, while not being more efficient than these systems (in terms of cargo capacity per pound of helicopter and effective range), does provide a very heavy-lift capability [deleted] pounds for either supplies or troops. The future systems, as noted with the modified MI-6 and MI-12 versions, will greatly improve this efficiency and ensure the greater applicability of heavy-lift helicopters in the Soviet Armed Forces.

United States

U.S. helicopter technology reflects the lack of any significant helicopter development starts since 1965 and the lack of any heavy helicopter (over 30,000 lbs. gross) development starts since 1962. This emphasis on production over engineering in the U.S. has resulted in a low rate of helicopter technology advancement. U.S. helicopters display more favorable weight fraction efficiencies than current Soviet heavy helicopters. This reflects more a difference in design philosophy than a basic technology disparity. The present U.S. heavy-lift helicopters are much more efficient but also considerably smaller than the Soviet aircraft. Future designs call for increased lifting capacity, although still much less than that of the Soviet Union. It is likely that U.S. emphasis on efficiency will maintain superiority in lift to weight ratio, but the Soviet designers may begin to emphasize this ability while U.S. engineers are increasing gross weight capability. Weight fraction efficiencies tend to be lower at higher gross weight so that the efficiencies of U.S. systems shown on Table 1 would not be realized at gross weights comparable to the Soviet sytsems. The favorable U.S. weight fractions do reflect in part more efficient U.S. power plants which are representative of the relative U.S./Soviet turbine engine technologies. Recent reviews of U.S. heavy helicopter technology capabilities indicate that the U.S. could produce heavy helicopters with payloads equivalent to the most advanced Soviet systems with somewhat more favorable weight fraction efficiencies. Since Soviet helicopter rotors exhibit figure of merit indices comparable to the best U.S. designs, the more favorable U.S. capability would result from better power plant efficiencies and differing design philosophies.

Free-Flight Rockets

1. Although the Soviets may have lagged initially in the development of large, single rockets, their progress and subsequent achievements speak for themselves. Within and 8-year period, 1957-1965, we have seen the development of four systems which became standard items in the arsenal of the Soviets and their allies. Progress might have been more rapid if the Soviets had not placed emphasis on their short-range multiple systems. The latest known free-flight rockets, or as the systems are generally called, Frog's (free rockets over ground), the latest system (Frog-7), was first seen in 1965, and it has now been produced in quantities sufficient for the Soviets to issue them to the Warsaw Pact nations. Considering their potential and developmental objectives, the Soviets undoubtedly have made significant improvements on their Frog systems in the last 5 years, since the advent of the Frog 7. Throughout the lifespan of the Frog rockets the United States has had the Honest John and Little John systems. [Deleted.] In view of the wide deployment of the various Frog systems, it is worthy of note that a high explosive warhead for a weapon with a large CEP is useless unless it is an area warhead similar to those developed for Honest John and Little John. Previously the Soviets apparently believed that the Frog reaction times were not equal to the U.S. Honest Johns. Obviously, steps have been taken to correct this deficiency. Indications are that considerable progress is being made, especially in command and control procedures, acquisition and handling of firing data, and systems mobility.

TABLE 1.—MISSION COMPARISON: U.S./U.S.S.R. HELICOPTERS

Specification	CH-47C	CH-54B	Harke	Homer
Basic empty weight pounds	20, 481	19, 620	59, 524	120, 000
Maximum gross weight pounds	46, 000	47, 000	98, 750	225, 000
Hover gross weight pounds [1]	42, 600	47, 000	72, 000	181, 690
Installed power (maximum horsepower)	7, 500	9, 700	11, 000	26, 000
First production year	1969	1969	1964	[2] 1970
Payload capabilities—Tons delivered at representative ranges: [3]				
Favorable conditions (Sea level, 59 F.):				
25 mile	10. 0	11. 2	8. 5	23. 5
50 mile	10. 0	10. 8	7. 2	21. 5
100 mile	9. 7	10. 3	5. 3	16. 5
Moderate conditions (3,000 feet, 91.5 F.):				
25 mile	8. 7	11. 0	2. 5	21. 5
50 mile	8. 5	10. 5	1. 2	19. 7
100 mile	8. 0	9. 7	NC	14. 7
Severe conditions (6,000 ft., 95 F.):				
25 mile	6. 8	8. 1	NC	16. 5
50 mile	6. 5	7. 7	NC	14. 7
100 mile	6. 0	7. 0	NC	11. 7

[1] Hover-out-of-ground effect, 3,000 feet, 91.5 F.

[2] Estimated.

[3] Assumes hover-out-of-ground effect start and fuel for mission range plus .20 minutes, mission equipment and crew weight assumed as 3,000 lbs., zero vertical velocity climb, zero wind.

2. During the near term period, Soviet long-range artillery rockets will be replaced with short-range, accurate missiles. On the US side, the Lance, with a [deleted] pound HE warhead and a range of [deleted] meters, should become operational. The multiple artillery rocket system (Mars) should be in the late stages of development. The Soviets currently have multiple Frog systems to fulfill an area saturation requirement with an inherent "shock effect" action. [Deleted.] Mars when developed and deployed will enhance the US capability for area kill and saturation weapon. The Soviets, if they have not done so already, will have produced comparable systems. Both sides will stress essentially the same thing—a highly responsive system to deliver the appropriate ordnance on the total target array of the combat environment of future conflicts.

Tactical Short Range Ballistic Missiles

1. The Soviets currently have two short-range (tactical) ballistic missile (SRBM) systems [deleted].

2. The US Army also has two operational SRBMs; the Pershing (maximum yield [deleted], range 400 nm) and the Sergeant (maximum yield [deleted], range 75 nm) missile systems. While both missiles are mounted on wheel semitrailer TELs which give them good mobility [deleted].

3. The Soviets have fielded and will continue to field SRBMs featuring longer range and greater payload capacity than US counterpart missiles. In addition, currently deployed and future Soviet SRBM systems probably will have a nonnuclear warhead capability.

4. In most areas of missile technology the Soviets probably have at least an equal if not superior technological base which is exploited in a completely different manner than US exploitation; the US predicates a missile system upon an advance in technology while the Soviets take proven technology and apply it.

5. Application of US standards to Soviet missiles is a grave and misleading error; the design philosophies of each country are so different that false conclusions concerning Soviet capabilities have resulted when Soviet missile capabilities were measured by US standards.

Gap-Crossing Equipment

1. For an overall assessment of US and Soviet capabilities for gap-crossing in an assault operation, both the US and the Soviets have tank-launched bridges of similar carrying capacities and span lengths; both have amphibious assault ferries with similar capacities and mobility. At present, however, the US has only limited quantities of amphibious assault ferries, whereas the Soviets have operational quantities deployed. For the crossing of short gaps in the 100-foot range, the US has no counterparts for the Soviet SMM and TMM truck-launched multi-span bridging which can be assembled at a rate of 6 feet per minute. For the crossing of major water barriers, the current US standard floating bridge, M4T6, can be assembled at a rate of 2 feet per minute, compared with 20 feet per minute for the Soviet PMP. The US has no floating railroad bridge for rapid replacement in rear areas.

2. From 1969–1978, the US is expected to develop a 90 foot AVLB. Based upon intelligence concerning the Soviet PMP ribbon bridge, the US is in the process of developing a duplicate. The MAB amphibious bridge will be operational during this period. However, there is no indication of any development of truck-launched multispan dry-gap bridging in the current planning. The US is investigating the UK Medium Girder Bridge which gives a marked increase (as compared to the Bailey Bridge) in dry gap crossing ability.

3. On the other hand, the Soviets will also develop a 100-foot AVLB before 1978. A multipurpose bridge utilizing the TMM scissors-type superstructure mounted on either a tank chassis or an amphibian of the GSP type will also be developed. It is expected that an improved PMP ribbon bridge with self-propelled pontoon units will replace the current model.

4. Should these projected bridge developments materialize, the US will still be short of the multispan capability for dry-gap crossing, but will be even with the Soviets in assault bridge and tactical floating bridge categories.

Ammunition

1. Both the United States and the Soviet Union have made significant advancements in their shaped-charge developments. As a result of precision manufacturing techniques and better fuzing in shaped charge designs, the United States is currently ahead of the Soviet Union in achieving greater penetration against conventional and unconventional armor at longer ranges. [Deleted.]

2. In the area of armor-piercing technology, the United States designed 105 mm APDS projectile, fired at 4650 ft/sec represents the most advanced state of the art for spin stabilized kinetic energy penetrators. The 152 mm. APDS fired at [deleted] ft/sec developed for the MBT–70 represents the most advanced state of the art for fin stabilized kinetic energy penetrators. It is possible that the U.S. is ahead of the USSR at this time. [Deleted.]

3. Research to improve the fragmentation effectiveness of munitions has been pursued vigorously by the US and the USSR. Current steel technologies of both nations provide for comparable effectiveness and should remain the same throughout the near term period; however, the Soviets hold a slight edge in cast-iron technology, as evidenced by greater lethal area per pound of fuzed projectile, and this superiority should continue. Although the Soviets have been conducting research on controlled fragmentation and have a capability for submissiling small individually fuzed bomblets, the United States holds a command lead in improved conventional munitions (ICM's). The use of ICM's by the United States in Vietnam has resulted in some duds, which presumably have been made available to the USSR for reverse engineering, and the USSR is expected to close the gap in this area by the mid-1970's.

4. Unless a significant breakthrough in gun ammunition is made, both the United States and the USSR are expected to accelerate their rocket-assisted projectile (RAP) developments throughout the near term period, with no superiority expected to be held by either country. Currently, the United States and the USSR have fuzing for any tactical role, with both nations striving to improve the deficiencies. The United States fuzing technology however, is considerably advanced, as compared to that of the Soviets, and should continue throughout the near term period.

Naval Warfare Equipment

Submarines

1. 1960 was the beginning of the qualitative phase of the Soviet force improvement program. From 1946 until the late fifties the Soviet built-up construction sites, personnel skills, and an industrial base to support the production of large numbers of efficient diesel submarines. By 1960 they were in the midst of the technical evaluation of their new nuclear powered submarines. It is estimated that today these submarines have greater power than U.S. ships [deleted] because of various tradeoffs in other characteristics.

2. The U.S. Submarine Force, by 1960, had developed a second generation nuclear attack submarine, and had already deployed a Polaris firing strategic submarine on station. World War II submarines were being refurbished, and these made up the majority of the Force.

3. In 1965 the Soviets had utilized the technology developed for the November nuclear attack submarine construction program to produce an Echo class cruise missile launcher, and a Hotel class ballistic missile launcher. The cruise missile and the nuclear submarine were combined to provide a weapon system that is [deleted]. By 1965 the Soviets' submarine force was going to sea and improving their operational techniques by long and arduous patrols in all the areas of the world.

4. The size of the 1965 U.S. active Submarine Force was limited by directives to the same level as 1960. Fifteen new nuclear attack submarines replaced diesel ships in the five year period. In this period the U.S. lead in submarine quieting was maintained. The Soviet operating depth capability is estimated to have kept in step with the U.S. increase from [deleted] ft. to [deleted] ft. in 1962.

5. In 1969 we see in the Soviet submarine force the results of a major Soviet technological buildup. The design teams which produced the older nuclear submarines have produced at least three new classes of attack submarines and a new class of ballistic missile submarines similar to our Polaris. At least two of the attack class submarines are nuclear powered and incorporate significant improvements in hull design, single propeller propulsion systems and improved sonar and weapon systems. They are faster, quieter and dive deeper than their predecessors. One is estimated to carry a new standoff weapons system which, if supported by sonar improvements, could give the Soviets a significant advantage in the ASW role. A third attack class is a small submarine of unknown propulsion. The SSBN carries 16 missiles capable of submerged launch to a range approximating our early Polaris. The Soviet submarine force of 1969 has very efficient nuclear submarines and new construction diesel submarines. The industrial base to build new submarines and to overhaul and repair operational submarines has doubled since 1964 and far exceeds that of the United States. The pool of personnel with the technological background and capabilities to further advance the Soviet submarine force is available, and it is anticipated that the Soviets will continue to improve the quality and effectiveness of their submarine force.

6. Today there are 69 diesel submarines in the U.S. Navy whose average age is 21 years. 300 Soviet diesels have an average age of 10 years. U.S. has 36 nuclear attack submarines with an average age of 4 years compared to 30 Soviet nuclears with an average age of 5 years. It is significant to note that the Soviets are building nuclear submarines at a greater rate (ten in 1968) than the United States, while still building diesel submarines.

Naval surface-to-air missiles

1. The United States Navy has carried out extensive SAM development and deployment. TERRIER, TALOS and TARTAR were all introduced before 1960 when the Soviet navy had no SAM capability. In 1962, the Soviets began deployment of the SA–N–1, an adaptation of the land-based SA–2 which remains the principal Soviet naval SAM. This system is command guided, and its short range (13 nm.) makes it primarily a self-defense system. The United States systems are primarily for the defense of carrier task forces and have long range [deleted].

2. Innovations since 1965 on the United States side include the Standard missiles (modernized TERRIER and TARTAR) and the Point Defense Missile System (adaptation of the Sparrow III missile for close-in self-defense). The Soviets have recently introduced a new SAM in the MOSKVA, but no information is available to characterize this system. [Deleted.] The Soviets SA–N–1 is not expected to have an anti-ship capability.

Naval surface-to-surface missiles

1. In contrast to the preceding resume of U.S. naval tactical surface-to-air capability the Soviet Navy deliberately developed, and is continually improving a tactical surface-

to-surface missile capability [deleted]. The U.S. performed R&D on such tactical missiles, [deleted].

2. Although both the United States and the Soviet navies experimented with the German V-1 missile the United States Navy spent little effort on pulsejets but initiated the Regulus program in 1947 and achieved IOC in 1955. The Soviets apparently deployed VI type missiles on submarines during this period, but their first real operational cruise missile was the SS-N-1 in 1958. By this time, Regulus I was fully operational and Regulus II was in production with deployment scheduled for 1960. In addition to these turbojets, the United States Navy began development of an advanced twin ramjet missile for Mach 3.5 long range penetration which was well defined by 1957 when it was cancelled (Triton). In 1959 the Soviet Navy deployed the short range SS-N-2 (STYX) missile with its liquid rocket sustainer shortly after the United States cancelled the Regulus II. The Soviets deployed their first submarine and surface launched cruise missile, the SS-N-3, in 1961 at which time the United States had Regulus I deployed in four cruisers, four diesel submarines, and one nuclear submarine. Since that time, the Soviets have continued to deploy cruise missiles and the United States has phased them out completely. Regulus I was technically superior to SS-N-1 (which the Soviets are currently phasing out), Regulus II was superior to SS-N-3 and there is no evidence that the Soviets have a capability approaching Triton. The United States Navy has never developed a short range cruise missile of the SS-N-2 class [deleted].

3. In the last two years we have discovered possibly five new naval missile systems of which we believe at least two are new surface-to-surface systems. We have no information on which to base the performance of these systems. It can be said that if they represent any advances over previous surface-to-surface systems [deleted].

4. [Deleted] Soviet [deleted] operational surface-to-surface missile launching ships and submarines for mid-year are shown below:

	1960	1965	1969	Launchers/ship
		SS-N-1		
KILDIN	3 (3)	4 (4)	4 (4)	1
KRUPNY	3 (6)	8 (16)	7 (14)	2
		SS-N-2		
OSA	6 (24)	86 (344)	106 (424)	4
KOMAR		62 (124)	47 (94)	2
		SS-N-3		
W Conversions	0	12 (38)	12 (38)	2, 4
E-I	0	5 (30)	5 (30)	6
E-II	0	11 (88)	28 (224)	8
J	0	12 (48)	16 (64)	4
KYNDA	0	4 (32)	4 (32)	8
KRESTA	0	0	5 (20)	4
Total surface-to-surface units	12 (33)	204 (724)	234 (1, 044)	

Note: Numbers in parentheses indicate total launchers.

U.S. FBM force

The U.S. Navy's strategic force is designated the Fleet Ballistic Missile (FBM) System. It consists of 41 nuclear powered submarines, each carrying a complement of 16 Polaris missiles. The first submarine, the U.S.S. *George Washington* (SSBN-598), deployed in November 1960. The last ship of the series, the U.S.S. *Will Rogers* (SSBN-659) deployed in 1967.

The U.S. FBM program has been an evolutionary process as continuous improvements have been added to the system's capabilities. The first five SSBN's carried the Polaris A-1 missile which had a range of 1200 nautical miles. This missile has been phased out and replaced by two later verisions of the Polaris missile, the A-2 and the A-3. The A-2 missile was an improved version of the A-1 with a range of 1500 nautical miles. The A-3, a new design missile, has a range of 2500 nautical miles and carries a three-body warhead. It should be noted that these three RVs on the A-3 are not independently targetable. [deleted]. The table below presents some characteristics of the classes of FBM submarines.

Class	Number of ships	Type of missile	Length (feet)	Displacement (tons)
598	5	A-1[1] A-3[2]	300	5, 900
608	5	A-2	410	6, 900
616	3	A-2	425	7, 000
	28	A-3	425	7, 000

[1] Initially.
[2] Refit.

The ships on patrol achieve a state of readiness such that the first missile can be launched within [deleted] from receipt of a firing message. The first 10 SSBN's can sustain a firing rate of [deleted], while the 31 newer ships can fire at a rate of up to [deleted].

Present planning is to convert 31 of the 41 submarines to carry the Poseidon missile, configuring the 10 remaining to carry the Polaris A-3. The structure of these 10 is such that it is not economical to convert them to Poseidon. The Poseidon conversion program began early in CY 1969 when the first SSBN entered the yard for conversion and will be completed in CY 1976. The Poseidon missile will have a MIRV capability, and can carry up to [deleted] RVs. The Initial Operational Capability (IOC) for Poseidon is January 1971.

Soviet SLBM force

Immediately after World War II, the Soviets examined the possibilities of launching missiles from submarines. Their early thinking was directed toward exploiting German technology and resulted in the launching of V-1 missiles from Soviet submarines. Although lagging the U.S. in nuclear submarine development and underwater launch capability, the USSR had a sea-based ballistic missile program underway during the early 1950's.

In 1955, the Soviets began converting a number of "Z" class torpedo attack submarines to fire the surface-launched 350 nautical mile SS-N-4 ballistic missile. Six units were eventually fitted with two sail-mounted missile launching tubes.

In 1958, these first "Z-Conversions" were followed by the "G" class new construction program. This long range diesel submarine was the first to be designed from the keel up as a ballistic missile submarine. The "G" program is believed to have ended in 1962 with the delivery of some twenty-three hulls. The "G" class originally carried SS-N-4 missiles, with a surface launch capability, in three launch tubes located in the aft end of the sail. A conversion program is currently in progress to give "G" class units a submerged firing capability for the 700 n.m. range SS-N-5 ballistic missile. At least three such conversions have been completed to date, and it is estimated that all of the 22 units (one unit of this class was lost at sea in March 68) of the "Golf" class will be so converted by 1973.

The first nuclear SSBN, the "H" class, joined the fleet in 1959. The total deployment included nine units. Like the "G" class, the "H" class SSBN carries three missiles in its sail and was originally designed to fire the SS-N-4. It is estimated that conversion of 8 ships of the "H" class to the SS-N-5 system will be completed in 1969. The ninth unit (designated the "H-III") has been converted to a probable test bed with 6 launch tubes. The first "Y" class SSBN was reported in 1967 and became operational in early 1968. This class is markedly similar to the US Ethan Allen class in size and appearance and is equipped to carry 16 missiles, probably of the 1500 n.m., SS-N-6 type. To date, eight units have been launched; a force level of 35-50 ships is anticipated by the mid-1970's.

The Soviet sea-based missile face is undergoing considerable expansion in size and quality and is in the process of becoming a major component in the total strategic force. Their submarine building capability is impressive, and appears such as to be able to turn out on the order of 12 SLBM submarines per year. By the mid-1970's, the Soviets will probably have a force at least comparable in size to that of the United States. They apparently are building toward a ballistic submarine force that will confront the continental U.S. with a threat comparable to that which the Polaris force presents to the USSR. Whether they intend to provide their SLBM force with a MIRV capability, as we are doing with Poseidon, is an unknown.

In summary, it can be stated that the SSBN situation is a relatively vivid example of one in which the Soviets have started from a position of essentially zero capability and progressed steadily to where, in a few years, they can equal or surpass our own capabilities.

Strategic Warfare Equipment

In considering the total data base of available information concerning Soviet technological capabilities the impression gained is that of a dynamic expanding push by the Soviets in all of the technological areas of aerospace interest. The Soviets have a total national commitment to the evolution of their aerospace industry. This is especially apparent in their ICBM program. These facts have caused us to examine the US and USSR ICBM programs to determine what our relative ICBM posture is and will be if present trends continue.

Similar to the U.S., the Soviets utilized German scientists for the beginning of the development phase. Rapidly developing a native capacity they have continued to expend major resources in this area [deleted].

The U.S. program for the development of ballistic missiles reflected urgency in the initial phase of development of strategic offensive missile program and the later shift in the national defense policy from "massive retaliation" to "flexible response". The U.S. data indicates missile developments for 17 guided ballistic missile systems, and of these 6 were ICBM's that have been developed and placed in the inventory.

The Soviet program has provided the strategic planners with diversity as well as magnitude which enabled them to plan for the majority of contingencies and to investigate with flyable equipment major new concepts in ballistic missile warfare. Indicative of this is the family of ICBM's which they have developed.

Ranging from the SS-6 [deleted] through the SS-13; you see a major diversity of capability. For example, the SS-9, the largest Soviet ICBM to date, is utilized extensively in varying roles. [Deleted.]

The U.S. currently has a limited number of Titan IIs, which are comparable in size to the SS-9, in the inventory, but the principal ICBM force is the Minuteman.

The decision to bypass the Jupiter submarine deployment and proceed directly with Polaris gave the United States Navy a lead [deleted] over the Soviets, most of which we have retained. The third deployed Soviet SLBM, the SS-N-6, is the first to equal the range of Polaris A1 which was deployed in 1960. It is estimated to have reached IOC in 1968-1969. Since this is a fourth generation missile, it is close to the ultimate performance obtainable for a liquid fueled missile of its size unless exotic fuels are used. The Sawfly parade missile may represent the first step toward a submarine launch solid propellant missile. It has the range of Polaris A3 (IOC 1964), but is too large for the 16 tube Y class submarines. Its IOC is estimated as 1972-1973 while Poseidon will be deployed in 1971. Future United States Navy ballistic missiles are expected to be much larger than Poseidon to allow increased throw weight at ranges up to [deleted] miles for use in ULMS and SLMS.

Operational Testing

United States

Operational tests on the Titan II and on two versions of Minuteman continue from Vandenberg Air Force Base at a rate of about 20-30 per year. Short range launches have been conducted from operational Minuteman sites but no full range launches have been made to date. Planning for full range Minuteman launches from operational sites is underway.

U.S.S.R.

Indicative of the dynamic Soviet ballistic missile program is their ICBM flight test program of over 100 launches per year for the past several years. [Deleted.]

Propulsion

The U.S. emphasized liquid propulsion initially because there was greater confidence in the performance obtainable from liquids than from solids. When the parallel development of solid propulsion was successful, the missile inventory shifted to the solid booster principally because of its maintenance and logistic advantages. [Deleted.]

The liquid/solid decision is forced by guidance computer availability, which in the U.S. is a product of civilian rather than military R&D. The choice is of little importance except in the volume limited situation in the submarine case.

Re-entry vehicles

[Deleted.]

Guidance

The U.S. has placed its reliance completely on self-contained inertial guidance. Because of the decision to use constant thrust, the guidance system capability was increased to provide the necessary control to compensate for lack of thrust control and provide the accuracy required.

[Deleted.]

TABLE 2.—ICBM GUIDANCE SYSTEMS

Basic Technique

United States

All inertial
In-Flight Trajectory Computation

U.S.S.R.

[Deleted.]

United States

Extensive Computer Requirement
Nominal Control System Requirement
Constant Thrust
Variable Burnout State

U.S.S.R.

[Deleted.]

Ballistic coefficients

[Deleted.]

The U.S. trends in ballistic coefficient for the past and currently operational RVs [deleted]. However, for future development, the U.S. is committed to designs having very high ballistic coefficients. The U.S. is concentrating on reducing RV observables and achieving minimum CEPS.

Vulnerability

The current U.S. ICBM force is based exclusively in hardened dispersed silos as the result of phase-out of older systems.

The U.S. has modified operational ICBM sites to decrease vulnerability to electromagnetic pulse effects.

The inertial guidance systems of U.S. ICBMs using complex on-board computers and extensive microcircuitry with solid state components, [deleted].

Although the Soviet systems currently undergoing deployment utilize similar basing concepts, a number of [deleted] open literature indicates a thorough Soviet awareness of the problem and the extent of Soviet nuclear test programs has allowed ample opportunity to study EMP effects and develop protective measures.

[Deleted.]

Aircraft and Space Equipment

Aircraft technology

1960—Aircraft technology and design capability superior in the U.S. in all areas. It is estimated that the U.S.S.R. lagged by about 5 years.

1965—Soviet capabiltiy was rapidly closing the gap. Parity was achieved in areas such as aerodynamics, structure design, fabrication techniques. Soviets still lagged—approximately one to two years in others such a V/STOL, materials wind tunnel testing techniques.

1969—Capability on a par in practically all areas. Soviet wind tunnel testing techniques still lagging slightly as evidenced by their heavy reliance on prototype construction and flight testing.

In the STOL and V/STOL area, four U.S.S.R. types are being explored in flight test with prototype aircraft. One of these is a subsonic VTOL aircraft similar to the UK Harrier. One is an R&D modification of a MIG-21 and the other two are Mach 2 designs which use lift engines to achieve short take-off and landing.

The Free World, and the U.S. in particular, has an extensive V/STOL program that will provide the technological basis for development of an operational aircraft. To date we have not been convinced that the advantages of V/STOL would offset the additional costs—costs in dollars, additional maintenance, and operational capability. We do believe that the technology is nearing that level where the V/STOL penalties will be acceptable and at that time we will embark on developments to obtain operational aircraft. As an indication that the time may be near at hand the Marine Corps is obtaining 12 Harrier V/STOL aircraft and will probably obtain more if the aircraft are successful. The U.S. contributed heavily toward the development of the U.K. P-1127, the initial model of the Harrier. We funded the larger part of the then unique vectored thrust engine development and at a time when the British government was not in the program. We also funded slightly more than one-third of the development and testing of the P-1127 which first flew in 1961. The only VTOL fighter type aircraft the U.S.S.R. has exhibited to date has been the Freehand which appears to be a direct take-off of the P-1127. The Soviets have so far shown nothing that compares with the U.S. XV-5A, the French Mirage III-V or the German VJ-101.

The Soviet have test flown their supersonic transport which appears capable of about Mach 2.0 airspeed and a 2500 n.m. range. The U.S. counterpart has been under study but development is still under consideration. The development of a commercial SST has been and still is a question of economics. On the basis of known information the U.S. has by far the greatest experience in large supersonic aircraft, i.e. the SR-71 and XB-70. In addition we have operated the B-58 bomber for a number of years. In addition we have built by far the bulk and best of the worlds subsonic jet transports. There seems to be little reason to believe that with the experience and background we would not also be able to build a superior SST. Unfortunately current technology only permits a marginally economical SST and with the noise and sonic boom problems largely unsolved. The U.S. has not chosen to push the SST to the degree the Soviets and the U.K.-French have. While those countries do have SST flying there is little evidence that these aircraft will be economically successful, a requirement we have specified for on transport aircraft.

A comparison of U.S. and Soviet fighters as of 1969 is shown in Table 1. Since 1960, the Soviets have shown the ability and intention to develop improved armament and fire-control systems, and most of their latest fighters appear to have an all-weather air-to-air capability. Specifically, the level of technology which the Soviets are putting into operational service with the Foxbat in 1970 [deleted].

Even though the Soviets are ahead of the U.S. in the development of flying hardware (helicopters and supersonic transport), the apparent differences between aircraft and between their component materials, propulsion systems, performance, etc, result from decisions in the allocation of resources rather than differences in technological capability.

Air-breathing engines

1960—U.S. technology superior to the Soviets. U.S. jet engines had better fuel consumption and higher thrust to weight (t/w) ratios. USSR turboprop and turboshaft engine technology equal to U.S.

1965—U.S. superior to USSR in turbofan technology. Turbojet, turboprop and turboshaft knowledge equal although U.S. engines continued to exhibit better fuel consumption and high t/w ratios. This was because the Soviets designed conservatively emphasizing simplicity, and ease of manufacturing and maintenance while the U.S. design trend was to push the state-of-the-art.

1969—Soviet propulsion technology equal to the U.S. except in turbofan development. It is estimated that Soviet technology in this area is [deleted] behind the U.S. Soviet and U.S. design philosophy essentially unchanged.

Since 1947, the Soviets have qualified approximately three air-breathing engines of new design every two years. As the complexity of engine design has increased, so have the developmental testing requirements. The evident ability to sustain the steady rate of new engine developments of increasing complexity and configurations is indicative of intentional, expensive investment growth. By 1960, 23 engines had been qualified. These included a few turboprops, but the majority were turbojets. Changing program emphasis saw the emergence of one turbofan and one turboshaft toward the end of the period. By 1967, emphasis on turbofans and turboshafts resulted in a doubling and trebling of their numbers, respectively. VSTOL engines are now being given prominence while new designs of all types continue. A total of 31 qualifications has been reached in 1967 and eight known development programs were underway for the spawning of more.

TABLE 1.—COMPARISON OF UNITED STATES AND SOVIET FIGHTERS

	F-4E	F-X [1]	F-111A/D	Mig-21 Fishbed F	Mig-(—) Foxbat	Su-(—) Flagon
Takeoff gross weight	[deleted]	[deleted]	[deleted]	20,700	62,200	32,600.
Combat ceiling [2] (feet)		[deleted]		62,600 [3]	70–75,000 [3]	65,000.[3]
Maximum speed (M): [2,4]						
At sea level		[deleted]		.9 [3]	1.0 [3]	1.0.[3]
At best altitude (feet)		[deleted] (burst)		2.2 at 50K	Abt. 3.0 [3]	2.5 at 50.[3]
Wing loading [5] (pounds per square feet)		[deleted]		72	100	92.
Thrust/weight ratio [10]		[deleted]		.76	.74	84.
Psi specific excess power (feet per second): [2,4]						
At 10K feet M.9 1g)		[deleted]		530	650	550.
At 10K feet M.9 5g) maximum power		[deleted]		200	320	50.
At 30K feet M.9 5g)		[deleted]		Unable	Unable	Unable.
At 40K feet M.22 1g)		[deleted]		do	do	Do.
Air-to-air armament, missiles, gun	IM-7E-2, -9E M61 20mm. gun.	AIM-7F, -9D, SRM new 25mm. gun.	AIM-9E/-7G, -9E M61 gun.	AA 2 (IR) [3]	AAZ-2 (radar) [3]	AA-3(IR).[3]
Maximum missile range (nose/tail) (nm) [7]	[deleted]	[deleted]	[deleted]	0/5-6 [3]	25/15 [3]	12/10.[3]
Combat radius (nautical miles) (hi-lo-hi [8] with extensive fuel):						
With approximately 6,000 pound payload	[deleted]	[deleted]	[deleted]	Unable	590	Unable.
With maximum payload as indicated in pounds	[deleted]	[deleted]	[deleted]	360/2,200 [2]	500/13,200 [3]	410/1,100.
IOC	Current	1975	Current/1970	1965 [3]	Tac fighter 1969–70 [3]	Interceptor only—1969.[3]

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[1] Generalized performance representative of Air Force variable sweep F-X concept.

[2] At combat gross weight (50 to 60 percent internal fuel and air-to-air armament).

[3] [deleted].

[4] Burst or excursion speed not limited by aerodynamic heating.

[5] Full internal fuel and air-to-air armament (missiles, guns, ammo).

[6] Sea level rated maximum (afterburner) thrust (uninstalled).

[7] Ranges for U.S. missiles are versus $2m^2$ radar targets. Target sizes used for Soviet missiles are unknown.

[8] Ground support radius mission in accordance with MIL-C-5011A. The F-X payload/radius of action specifics are planned to be a fall out of the air-to-air performance.

[9] Ps is a measure of aircraft maneuverability expressed as available instantaneous rate of climb.

On the other hand, there has been a decreased frequency of U.S. development programs of air breathing engines. Approximately four engines of new design were qualified every two years from 1950 to 1957, about three engines every two years from 1957 to 1968, and there is a projection for firm programs of about 1.5 engines every two years into the mid 1970s.

In 1960 the U.S. was far ahead of the Soviets in the technology of actual turbine engines qualified for flight. With the emphasis on the U.S. missile and space program in the late 50's and early 60's, the military engine programs had declined and NASA efforts on turbine engine technology had diminished almost to the vanishing point giving the Soviets a breathing spell which they utilized to great advantage. During this period, the Soviets continued to advance their aircraft turbine engine technology at a continuous rate. However, except for some unique design details and the compressor technology used in the MIG-21 engine, the Soviets are not ahead of the U.S. in engine technology. Soviet turbine inlet temperatures and time between overhaul are less than for comparable U.S. engines. There is no great difference in specific weight.

During the late 1950's and early 1960's, the U.S.'s efforts in turbine engines were focused on providing advancement of existing engine and advancing the design and component technology with corresponding improvements in analytical techniques. The small number of new engine developments was a direct result of the lack of new system acquisition. However, during this period we made significant advancements in the technological base.

As a result of this base, our capability in engine component exceeded the Soviets in all areas except for [deleted]. It is in this area that the Soviets have achieved a high efficiency and high loading per stage. Our emphasis has been focused on high cycle operating temperatures which, with the application of advanced materials, have resulted in lighter weight and lower fuel consumption in our propulsion systems.

Starting in 1964 with the GE-TF-39 (C-5A), a new generation of turbine engines were started. This engine and the P&W JT9D (Boeing 747) are excellent examples of our lead in high bypass turbofan area for subsonic transports. These engines operate at high cycle temperatures and use the latest proven light weight materials and design technology.

With regard to a comparison of thrust to weight, the US has a superior advantage. Our lift cruise engine demonstrators achieved a thrust to weight greater than 8:1 in 1966. In addition, direct life engine demonstrators in the US have achieved a thrust to weight greater than 20:1. It is estimated that the Soviet will reach this level of technology in the 1972–73 time period.

The current F-15 and F-14B engine development will result in new engines with thrust to weight greater than [deleted] which operates a high cycle temperature (turbine inlet temperature [deleted]). This is significantly higher than that attributed to the Soviet capability.

In summary, although the Soviets have a lead in [deleted] efficiencies, stage loading, and smoke abatement the U.S. appears to be ahead in technology relating to composite engines, lubricants, fans, and noise suppression.

Rocket Engines

The magnitude of design and development effort for liquid and solid fueled propulsion systems is indicated by the large numbers of rocket weapons that have been publicly displayed by the Soviets. A total of almost 60 engines has been put to use in the various stages of these missiles.

According to recently published information, liquid propellant systems have been used for three tactical surface-to-surface missiles, eight strategic missiles (including three which are multi-stage), three surface to air missile sustainers, several space launch vehicles and their upper stages, and three submarine launched ballistic missiles (SS-N-4, SS-N-5, and SS-N-6). Solid rocket motors have been used to provide main or boost propulsion for seven air defense missiles, main propulsion for seven artillery rockets, four air-to-air rockets, and one possible submarine missile (Sawfly). Solid fuel systems are used for a three-stage ICBM, a two-stage IRBM and two mobile missiles.

Obviously, previous R&D investments produced these current achievements, and their future kinds are being provided for in on-going development programs. These are apparent now for offensive, defensive and space applications. Liquid and solid system efforts are both advancing. Interest in liquid engine development is apparently related to expanding space exploration activities. Further, work is underway on high-energy propellant systems. From past practice, it can be assumed that the latter is in preparation for some pre-planned goal to be deliberately achieved, step-by-step.

The U.S. rocket propulsion industry has also demonstrated a significant capability to engineer and develop liquid propellant and solid propellant motors to meet most any requirement. The U.S. appears to lead in development of solid propellants and the manufacturing of more reliable extremely large composite motors.

Offensive missiles

When the Soviet ballistic missile developments are viewed cumulatively, the same [deleted].

Defensive missiles

The Soviets pursue many expansive development programs at the same time. With total ownership of resources and total control centralized, independent aerodynamic, offensive missile, defensive missile and space programs proceed apparently without resources trade-offs. Action in all such areas have appeared to proceed a pre-programmed levels unaffected by Korea, Vietnam, or the exigencies of any other segment of the economy.

During the periods of heavy investment which preceded the achievement of ICBM's and MRBM's, similar investments must have been made for defensive weapons which have also emerged. Each of the systems (Table 3), from the well-known SA-2 to the cannistered Galosh and Tallinn, represents an aggressive development program of its own and, from the Soviet view, a separate counter to some threat. Low-level, medium-level systems and those to counter ballistic missiles are all represented.

Space systems

The recent successful flight of Apollo 11 is a clear indication of the lead the United States now has in space compared to the Soviet Union. However, the United States has not always been ahead of the Soviets, and there is no certainty that the present lead will be maintained.

In July 1955, the United States and the USSR both announced that they planned to orbit satellites as part of the International Geophysical Year (IGY), which commenced in mid-1957. The Soviets then proceeded to surprise most of the world by not only being the first to orbit a satellite, but also by orbiting one that weighed nearly ten times the planned United States satellite (Vanguard). Sputnik 2, which came one month later and carried the dog Laika, was even more dramatic proof that the Soviets had gained an initial lead over the United States in space achievements.

There were three primary reasons why the Soviets gained their early lead in space over the United States. The first was the Soviet development of a first-generation ICBM with greater boost capability than necessary. The SS-6 lift-off thrust is about 850,000 pounds, compared to about 390,000 pounds of lift-off thrust for the Atlas ICBM. Thus, the Soviets had the capability in 1957 to place into earth orbit about 5,000 pounds. Even if the United States had elected to use the Atlas in 1957, it still could only orbit about half of the SS-6 capability.

The second reason for the early Soviet lead in space was their intention from the outset to use their first ICBM as a space booster as well. The SS-6 was first flown as an ICBM in August 1957. Two months later the Soviets used the SS-6 to put Sputnik 1 into orbit. In contrast, the United States elected to develop a new space booster, the Vanguard launch vehicle, which was both modest in lift capability and somewhat unreliable.

TABLE 3.—DEFENSIVE MISSILES

	IOC/ displayed	Gross weight (lbs.)	W/H weight (lbs.)	Length (feet)	Range (nautical miles)
United States:					
Talos	1959	[Deleted]	(1)	[Deleted]	
Nike Ajax	1953		[Deleted]		
BOMARC	1959		[Deleted]		
Terrier	1956		(1)		
Hawk	1959		[Deleted]		
Nike Hercules	1958		(1)		
Tartar	1961		(1)		
Nike Zeus/Spartan	1971		(1)		
Sprint	1971		(1)		
Standard missile:					
MR	1967		(1)		
ER	1967		(1)		
Chapparral	1969		(1)		
Redeye	1966		(1)		
Soviet Union:					
Guild SA-1	1960	7,125	[Deleted]	(1)	18-24
Guideline SA-2	1957	5,460	[Deleted]	(1)	19-27
Goa SA-3	1964	2,200	[Deleted]	(1)	[Deleted]
Ganef SA-4	1964	5,760	[Deleted]	(1)	25-30
Tallinn SA-5	1967	[Deleted]	[Deleted]	(1)	50-100
Griffon (never deployed)	1963	16,760	(1)	(1)	30
Galosh ABM-1	1964	71,200	[Deleted]	(1)	350
Gainful SA-6	1968	1,540-1,640	[Deleted]	(1)	10-20

[1] Not available.

The third reason for the initial Soviet preeminence in space was their planning and emphasis on space activities. In the mid-1950's the Soviet leaders set out to gain national prestige by accomplishing several space "first," and they allocated the resources to their space program that were required. For example, it is now evident that the Soviets embarked on a manned space flight program long before the United States decided in 1958 to proceed with Project Mercury. Sputnik 2, with its biological payload, was a successful Soviet beginning in manned space flight a year in advance of the United States decision on Project Mercury.

By the end of 1958, the United States and the Union of Soviet Socialist Republics space programs compared as follows:

United States

First satellite.

First animal in space.

First geophysical satellite (over 2900 pounds).

Boost capability for 5000 pounds.

Three launches; 3 successes.

U.S.S.R.

Discovered Van Allen belt.

Boost capability for 260 pounds.

18 launches; 5 successes, 2 partial, 11 failures.

In the next two years the United States began to overcome the initial Soviet lead in space activities. While the Soviets still appeared to concentrate on space "firsts," the United States began to adapt missiles as space boosters and develop a diversified space program of exploration, science and applications. The Soviets developed upper stages for their SS-6 ICBM, and were now able to orbit payloads up to 16,000 pounds and send to the moon payloads of 3,500 pounds. In contrast, the United States was still limited to earth-orbit payloads of less than 5,000 pounds and lunar payloads of less than 400 pounds.

By the end of 1960 the United States and the U.S.S.R. space programs compared as follows:

U.S.S.R.

First earth escape payload.

First impact on moon.

First photos of far side of moon.

First recovery of animals from orbit.

Eleven launches to date; 9 successes, 2 failures.

Four orbital tests of spacecraft for manned space flight.

United States

First TV pictures from space.

First weather satellite.

First navigation satellite.

First recovery of a payload.

First active repeator comsat.

66 launches; 34 successes, 32 failures.

Suborbital test of spacecraft for manned space flight.

During the next five years the United States overcame the Soviet lead in space. Although the Soviets were first to orbit a man, conduct extravehicular activity and orbit a multi-man spacecraft, the United States program matured into a reliable, many-faceted effort. The Soviets now possessed a booster to orbit payloads of 30,000 pounds, but the Saturn 1B was available to do the same. The Atlas-Centaur vehicle gave the United States capability to send 2,300 pounds to the moon, and the Titan family of launch vehicles provided a range of payload capabilities including the Gemini spacecraft.

In terms of total payloads orbited, the United States was far ahead of the Soviets by the end of 1965. The United States had orbited or sent on lunar and planetary missions a total of 355 payloads. The Soviets had successfully launched only 166 payloads. The United States had accrued a total of 702 hours of manned space flight (9 flights and 14 astronauts), while the Soviets had acquired 432 hours of flight time (8 flights and 11 astronauts). Although the Soviet Voskhod spacecraft was bigger than Gemini (12,500 pounds and 3 men versus 8,000 pounds and 2 men), the Gemini program produced results and experience of far greater benefit to future manned space flight.

Today, the United States is ahead of the U.S.S.R. in space exploration and applications. In manned space flight the Apollo program is a clear indication of victory in the race to the moon (if there ever was a race). The Saturn V vehicle can boost into earth orbit or to the moon far more than any demonstrated Soviet booster. The United States has a variety of launch vehicles for scientific, communications, navigation, meteorological, planetary, and military payloads. While the early Soviet boosters seem to be highly reliable, their attempts with newer vehicles have not been so successful.

If the Soviets are ahead in some aspects of space activity, it is probably in terms of military oriented vehicles. The Soviets have tested maneuvering and automatic docking spacecraft that may have space defense applications. They are also known to have tested a vehicle in a fractional orbiting bombardment role. The U.S.S.R. also has much greater experience in highly elliptical orbits, although the value of such operations is not totally clear.

In summary, the Soviets gained an early advantage in space by immediately applying military hardware to space activities.

From their first accomplishments in placing payloads in orbit, the Soviets vigorously developed an increasingly potent capacity. The rate of annual space events has increased from three to six in the early sixties to 60 last year. As evidence of capacity, the Proton is now in their family of Space Launch Systems (Figure 3) and its existence indicates a preceding design effort of considerable magnitude.

Boosters and spacecraft of many types are seen associated with a variety of space missions. These range from upper atmosphere exploration and near-earth communication uses to deep space probes; from circumlunar photographic exploits to earth-orbiting manned flights. An extrapolation of the past trend of spacecraft development, the increasing power of their boosters, and the obvious necessity for a prior and expanding technological base indicates that they do have the potential to accomplish all of these objectives. Recent failures in the Soviet space boost program indicate that the U.S. now leads the U.S.S.R. in large space booster application.

Once the United States made the Apollo lunar landing commitment, the United States began to overtake and pass the Soviets. At this point in time the United States has an advantage in almost all areas of space technology, and the kinds and uses of United States space systems are providing benefits to the United States and other countries as well. While comparison with the U.S.S.R. space program is difficult due to the secrecy with which they treat their efforts, there is little doubt that the United States is far ahead in space at this moment.

Quality of output

It has been popular to credit the Russians with the ability to produce in quantity but to discredit the efficiency, effectiveness and sophistication of their creations. Soviet space systems are less efficient and sophisticated when compared with the U.S. Saturn.

As an example, native turbojet engine designs, which were something less than efficient in the late 1940's, evidenced a twofold improvement in thrust-to-weight ratio by 1954. In this, they benefitted from the use of designs procured from Great Britain and performance has steadily improved with afterburning turbojets and turbofans as well (Figure 5).

Engine life of Soviet designs prior to 1962 was notoriously short, none having a time-before-overhaul in excess of 500 hours. Now, they have set a goal of 5,000 hours for commercial engines and the improvements of several designs, notably the AI-20, would indicate this is not unrealistic. The concerted effort which boosted the Evchenko AI-20 engine from a TBO of 500 hours in 1955 to 4,000 in 1965 has set the pace for all other designs (Figure 6).

The thrust capacity of liquid rocket engines has climbed from near 80,000 pounds in 1948 to that of the Proton now in the three million pound class, and there is evidence that current programs may yield designs of seven to ten million pounds capacity.

In liquid propellants, significant improvements in the delivered specific impulse (lb-sec/lb) are noted. Extensive research effort in fuels has resulted in a change from 208 lb-sec/lb in 1948, using ethyl alcohol and liquid oxygen, to 352 lb-sec/lb of the RD-119, developed between 1958-62 and using unsymmetrical dimethylhydrazine with liquid oxygen. The scope of present research and development effort include high energy liquid hydrogen, liquid fluorines and fluorine compounds and mixtures.

Fighter aircraft speed has increased from about 500 kph, circa 1952, to 1700 kph today; and in the same period altitude capability rose from 56,000 to 72,000 feet. Soviet success with VTOL and variable geometry aircraft designs was evident at the Domodedovo Air Show in 1967 and the plans, goals and development resources for future improvements can be presumed to persist. The fact that the Soviet E-266 was able to take two world records from the F-12 indicates a level of technology approaching our own.

In regard to their missiles, even without direct evidence beyond the sheer numbers and improving propulsion technology, it would be rational to assume that a major portion of the research effort has been devoted to making these accurate as well as powerful. The association of skills and equipment required to match brute force and finesse are very evident in their space activities.

In summary, the USSR has, in the past decade, improved their output quality in most technological areas. However, the U.S., a decade ago, had a better technological base and that lead has not been lost. The changes noted in USSR capability involve what is produced and deployed, rather than in technological supremacy.

Flight test facilities

The qualification of all the unique designs emerging from the technology base, at the time when these begin to take final shape, requires a compatible investment in flight test resources. Some idea of the test program investment can be realized from the open literature.

A recent article in the French magazine *Air et Cosmos* presents a comprehensive study of the distribution of Cosmos satellite launchings from three complexes: Tyura Tam, Kapustin Yar, and Plesetsk (Figure 7). Some indication of the magnitude of outlay in site preparation and the existence of essential launching and tracking equipment can be gained from looking at the ascending numbers of tests at Tyura Tam between 1962 and 1965. Also, an indication of increasing investments is apparent in the rise of activity at Plesetsk. At Kapustin Yar, activity apparently proceeds at a steady pace, while the drop in TT's activity concurrent with Plesetsk's activation has returned in 1967 to nearly the same peak achieved in 1965.

While these are space-oriented activities, these same locations and, additionally, Sary Shagan, are used for missile testing. Kapustin Yar was identified in this capacity in 1955, Tyura Tam in 1957, Sary Shagan in 1960, and Plesetsk in 1966.

For aerodynamic systems testing, the Flight Test Institute near the village of Ramenskoye (southeast of Moscow) has been mentioned in Soviet literature since 1945. It has the chartered responsibility for development qualification and flight certification of all aviation industry products. To support the impressive output of prototypes previously discussed, the growth of this institute has probably kept pace.

The Central Institute for Aviation Motor Building, known as TsIAM, is responsible for environment testing as well as research for air breathing propulsion. Equating this responsibility with the engine designs known to have been qualified over the years would indicate that human and facilities resources in sufficiently growing quantity have been invested there. The same can be said of a facility (near Moscow) where rocket engines have been tested since 1946. There have been more recent indications of related activity with missile and space design at other locations in the USSR.

Investment in these facilities is reflective of a deliberate emphasis on design refinement and development qualification testing initially at sea level static conditions, then in simulated environments and finally in the real environment. Consonant with the deliberate character of all their R&D effort, this procedure indicates a formal, routine demand for highly comprehensive assessment of design specification success for each industry's product.

The initial growth of U.S. rocket engine test stands, particularly those devoted to liquids, was substantial through 1961. The growth of solid propellant test stands, though later in time, has likewise been significant. The availability of test stands within the USA, though considered to be adequate, has progressed at an annual rate well below that of the Soviets.

Air breathing engine test facilities in the U.S., though substantial, are not capable of providing simulated environmental testing throughout the performance envelope for present and potential high thrust, large mass flow engines.

The USAF major aerospace system flight test facilities at Edwards AFB and at Holloman AFB represent a sizable complex of modern configuration for full-scale flight testing of aircraft and associated systems. The missile and space launch vehicle capability existing at the Air Force Eastern and Western Test Ranges has provided and will continue to provide substantial full-scale ballistic missile and space launch vehicle testing capability.

In summary, the expansion in the U.S. of large ground aerospace test facilities for large-scale environmental simulation throughout the potential flight corridor has been based on known system requirements rather than on projected technology. Also the average number of systems introduced into flight test has been decreasing in the last five years.

Design capacity

We have, so far, been mostly attentive to the returns—completed subsystems and systems—emerging from technological investments. In the other direction, a look at the nature of those prior investments rounds out the picture.

Vehicles put through the wring-out of flight testing display the character designed into them. To accomplish design functions there must be investments in skilled design, manpower and appropriate facilities. The aerospace design bureaus have grown considerably since the mid-1930's in number as well as total personnel. [Deleted.] These bureaus represent a considerable measure of capability for aerospace achievement because they exist to formalize research findings in terms of flight hardware. Each one, also, had to be equipped earlier for the realization of systems now flying.

The U.S. development effort in air breathing propulsion has been characterized by a rather non-universal resource growth investment. New engine developments (MQT) per year have decreased about 65% from 1957 to the projected mid-1970 time period. However, there has been a steady improvement in engine performance, reliability, and maintainability. It is important to note that although there are relatively few (10) MQT development programs from 1967 to 1978, there were and are many demonstrated technology programs which did significantly advance the gas turbine state-of-art, and laid a firm foundation to predicate future engine developments.

The U.S. rocket propulsion industry has demonstrated a significant capability to develop and engineer liquid propellant engines and solid propellant motors to meet most any requirement. Significant improvements in payload capability for the same weight missile or for missiles of the same envelope can be and will be achieved within the next five years.

The U.S. started construction of rocket engine test stands earlier than the Soviets [Deleted.]

The U.S. growth of liquid-propellant rocket engine test facilities from approximately 4.2 million square feet in 1961 to 6.0 million square feet in 1968 represents a 43 percent increase in the resource investment over this 7 year period. [Deleted.]

Similarly, the growth of U.S. solid-propellant test facilities represents an increase from approximately 3.7 million square feet in 1961 to 5.7 million square feet in 1968. The U.S. increase was 54 percent; [deleted].

The U.S. capability for simulated environmental testing of an after-burning Mach 3 engine to 80,000 foot altitude is limited to a 50,000 pound thrust engine. This capability was attained in 1956 and it has not been increased since that time, even though the current supersonic transport is in the 63,000 pound class.

While both the U.S.A. and the U.S.S.R. are pursuing research and development aimed at advancing the state-of-the-art along a broad front, it appears that the U.S.S.R. may be taking a somewhat more aggressive approach, and its potential, due to current and recent past investments in facilities and trained manpower, may exceed that of the U.S. As a second point, it appears that the U.S.S.R. is actively and very aggressively pursuing the translation and adaptation of new technology into engineering prototypes of new systems and equipment. This follow-on development engineering is an important and essential step in providing an effective aerospace capability.

Technology Areas

Lasers

We have no indication that the United States leads the U.S.S.R. in any facet of laser or radar technology. Although the United States has expended a great deal of money in these two areas, almost all of our fundamental technology is unclassified and available in the open literature. Our open society provides the U.S.S.R., with their closed society, a broader technological base from which to work. It is now apparent that the Soviets have solved some, but probably not all, of their materiel problems which are apparent in earlier years. The Soviets have achieved a highly developed laser materials technology wherein a variety of large laser-quality crystals can be readily grown and doped to user specifications. The U.S.S.R. has now built nearly all of the more useful types of lasers that are now available in the U.S.

The Soviets have conducted experiments using intense laser pulses incident on Lithium Deuteride (LiD) for the attempted achievement of controlled thermonuclear reaction.

Nuclear technology

Through 1963, the Soviets stressed testing of high megaton (up to 55 MT) nuclear bombs whereas the U.S. was primarily interested in better yield to weight ratios in small weight nuclear weapons [deleted]. The U.S. emphasis was because of our military requirements which resulted in small delivery boost systems. The U.S. has a demonstrated capability for [deleted] MT, and it is believed that we could with relative ease develop larger megatonnage if thought desirable. [Deleted.] Their detected underground testing program is only about 40% of ours. However, they indicate a dedication to peaceful uses. The use of Soviet nuclear reactors for marine submersible propulsion systems shows that 30,000 shaft horsepower is developed, [deleted]. The new Arktiha icebreakers reportedly will have 60,000 shaft horsepower.

Radar technology

Soviet radar technology stresses simplicity, ruggedness, maintainability, and reliability in design but their radars meet the basic operational requirement. Where the requirement exists, the Soviets are technologically capable of developing and producing radars with improved features for antijamming; with increased range target detections, and mobility; with jamming; with decreased size and weight; and with greater ease of maintenance.

Antenna systems such as those employed in the Dog House, Hen House, etc. radars indicate a trend to more complex designs. Their theoretical knowledge as shown in published articles and the many complex signals intercepted indicate that Soviet signal-processing technology is on a par with that of the U.S. The Soviets may lead the U.S. in application of some advanced signal-processing techniques. The U.S. micro-miniaturization, new synthetic materials, etc. indicate a lead in this technology.

In operational use, the Soviets make more use of standardized equipments in multi-sitings instead of developing more sophisticated equipment, thus requiring greater manpower but less funds. Recently, however, new, more sophisticated equipment, such as Flap Wheel, and Long Track, has begun to appear at operational sites.

In the naval area the latest USSR ships are equipped with more separate radar equipments than their U.S. counterparts. In current R&D the U.S. Navy is moving toward consolidation and multi-function approaches.

The Soviet Navy does not employ as wide a spectrum of radar technology as the U.S. Navy does. This is considered a matter of choice since there does not appear to be any fundamental reason keeping the USSR from any radar application they consider necessary or advantageous.

IR and night vision

The Soviet Union and Bloc countries have an extensive research effort on active infrared optical materials which is comparable to that of the U.S. The USSR has engaged in a massive effort to develop, produce, and install active infrared sensory devices. The Soviets have a larger quantity of active infrared night vision system deployed on their military vehicles than the U.S. [deleted]. The Soviets could possibly be expected to improve the range of their active systems by replacing the tungsten filament infrared sources with more intense illuminators, such as the xenon lamps that the U.S. has deployed.

In this area, naval activity and application on the part of the USSR versus the U.S. is about equal; in IR, the USSR has a history of capability and interest going back at least to the end of World War II. This effort is reflected presently in a variety of operational and developmental devices.

Computers

In the area of computer technology, the United States maintains a significant superiority in components, systems, and software. Although the USSR continues to increase their level of R&D activities in this area and the high quality of specialists in fields such as semiconductor technology, there appears to be a U.S. superiority of at least 3-5 years.

SOD ME NOT UNDER THE 18TH GREEN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MAZZOLI. Mr. Speaker, regardless of flared tempers, deflated egos, and bent clubs, golf remains one of our Nation's leading sports.

Surely, much of the popularity can be attributed to the variety of shapes, ages, and skills of the people who play. But, the enthusiasm and stanch devotion of many "duffers" is also an important factor.

I ask the rhetorical question: Of the thousands of golfers extant, who can match the eternal dedication of Edward Faber exhibited in a recent article by my friend Cliff Loeffler in the Mid City Star of July 15, 1971? Mr. Speaker, I would like to insert, at this point in the Record, that article entitled "Sod Me Not Under the 18th Green":

Sod Me Not Under the 18th Green

(By Cliff Loeffler)

A Massachusetts man has been buried beneath the 18th green at his favorite golf course. I guess he was dead.

If I am ever buried on a golf course it will be because I committed suicide there and no one would drag my body away.

Golf is an incredibly stupid game. Hit a ball and then look for it and then hit it again. I don't know why I play. Tennis is really my game but I can never get a court. It has been 24 years since I played tennis which will give you an idea how crowded the courts are—and how hard I've tried to get one.

I often tell people I was once tennis champ of Port Huron. Usually, I tell them after I play golf with them. I want them to understand that golf is too slow a game for an athlete of my vigorous abilities. Any old man can play golf, I tell them with a sneer as I pay what I owe for losing 18 holes, 3 balls and 1 friend who was my partner.

"Yes," the golfers with my money usually say, "but fat old men can't play tennis so it is easy to see why you switched to golf."

That's another thing I've discovered about golf—a lot of wise guys play it. They are always saying things that upset my game and my stomach.

For instance, I slam my usual drive smack down the center, at least 30 feet. "That won't hurt you," says Harvey Hustler. What he means is that lousy drive won't kill me, it will just leave me maimed and limping. It is the lousiest shot he ever saw and 15 more just like it might get me on the green which is that pretty patch of grass with the hole in it in case I've never been there before.

Another thing Harvey often says is, "You had the distance." This means I should have hit the ball 200 yards and, by golly, I did hit it 200 yards. The trouble is I should have hit it north but I hit it south.

The reverse of this comes when Harvey says, "You hit it right on line." This means I pounded that ball stright at the hole, 350 yards away. But the ball went only 20 yards.

And at the end of the game as he takes my money, Harvey explains that I got a lot of tough breaks out there today, while he was lucky, and if a couple of putts had dropped for me it would have been a different story, fella, and my game is getting better all the time and I'm sure to get my money back next week.

Harvey knows it wouldn't help my game if I were Arnold Palmer's little brother. He knows if a long putt had dropped for me I would have got 7 on the hole, instead of 8. He knows I have been playing the stupid game for 15 years and I still address the ball as if I'm afraid it will attack my right foot. He knows all these things but he still mouths the bologna for fear I might quit playing him and he'd have to get his booze money by some more honorable means—such as pawning his mother's wheelchair.

The only time Harvey's language gets precise is when he asks for my score on a hole.

"Let's see." I say, and then I get a faraway look in my eyes and move my lips slowly as my mind backtracks through 2 traps, the right rough, the woods on the left, a rockpile, the freeway, the bushes by the pro shop and that lake where 2 fishermen threatened to sue. "I think I got a 5."

"You got an 11," Harvey says, and writes it down—in ink.

I don't know what bugs me worse, his fountain pen or the money changer he wears on his belt.

But back to the Massachusetts man. I wasn't kidding. His name was Edward Faber and his ashes are buried beneath the 18th green at Stow Acres Country Club in Stow, Mass. Cremation was necessary because the greenskeeper didn't want lumps in the green.

Faber requested the unusual burial site in his will. "He just loved the game so much and this is what he really wanted," his widow explained.

Owners of the club are so enthusiastic about the idea they plan to erect a plaque to mark the grave. The possibilities do appear promising. Why not a grave or two at every green, and perhaps some by the traps and rough? A guy wouldn't mind attending a funeral if he could chip up onto the burying surface. Of course, the undertaker would have to add a few services—such as caddies for pallbearers—but I'm sure all such problems could be solved with a minimum of keening.

Just so long as slow funerals allow faster funerals to play through.

THE WALL STREET JOURNAL LOOKS AT DAVID PRYOR

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. KYROS. Mr. Speaker, it was with the greatest pleasure that I picked up the Wall Street Journal of August 2 to note an extensive feature article by staff reporter Norman C. Miller about my distinguished colleague and good friend, Congressman David Pryor of Arkansas.

This young man, whom I have come to know and greatly admire in our 5 years together in the Congress, has consistently impressed me with his competence, and his sense of genuine commitment and sincerity. As Mr. Miller's article points out, the attention which Congressman Pryor is now receiving is due to his hard work here in the House and his deep devotion to the senior citizens of this country. Congressman Pryor richly deserves this attention, Mr. Speaker, and for that reason I am pleased to insert this article in the Record, for the benefit of my colleagues who may have missed it.

The article follows:

In Search of Fame: A Congressman Finds It's Possible to Emerge From Faceless Crowd

AN ISSUE PROPELS REP. PRYOR, BUT HE TAKES SOME RISKS; BEDPANS AND A BARBECUE—A HAVEN FOR HOWARD HUGHES?

(By Norman C. Miller)

Washington.—The 435 members of the House of Representatives are a diverse lot, but the vast majority—Democrat or Republican, liberal or conservative—do have one thing in common: Hardly anyone outside their own districts has heard of them.

Amid the capital's swarms of Senators and administration celebrities, most Congressmen find they are merely anonymous faces on the crowded House floor. "Howard Hughes would be delighted to be a Congressman," grumbles Rep. Thomas Rees, a California Democrat.

But anonymity is the bane of ambitious young Congressmen. Being unknown is not the way to influence policy or to become a Governor or a Senator. Their common objective is to somehow make a splash, but that isn't easy. The elderly barons who control the House do not like pushy upstarts taking the play away from them.

Occasionally, without offending House elders, a junior Congressman seizes on a neglected issue and makes a name for himself. Just lately, Connecticut GOP Rep. Robert Steele has won headlines by calling attention to widespread drug use by troops in Vietnam and accusing South Vietnamese officials of drug peddling. All of which brightens the 32-year-old freshman's political prospects.

RISKS IN POPPING OFF

More often, though, a young Congressman must risk the wrath of the House establishment to win notice. Indeed, baiting the establishment is becoming a favorite tactic of some who have no intention of making the House a career. Thus California Rep. Jerome Waldie infuriated House regulars last year by calling on fellow Democrats to oust aging Speaker John McCormack (who subsequently retired). But Mr. Waldie's dump-McCormack campaign helped build him up as a potential 1974 gubernatorial candidate in California.

Those who pop off, however, risk becoming laughing-stocks among other politicians and the press. The colorful antics of New York freshman Democrat Bella Abzug, a women's liberationist, are attracting attention—but also ridicule from some quarters. Displays of overweening ambition tend to antagonize colleagues. Michigan GOP Rep. Donald Reigle has become a pariah to many Republicans partly because of his brash talk of some day becoming President.

Breaking out of the pack in the House, then, is a tricky business. It requires spotting a good issue early, skill in handling the issue, and luck. Being telegenic helps greatly. And it's a fillip if a Congressman can break away from stereotypes; a liberal pushing a liberal cause or a conservative pushing a conservative cause tends to be taken for granted.

Arkansas Democrat David Pryor is among the few who have hit on the right combination. While his name is hardly a household word, the 36-year-old third-termer has lately attracted increasing publicity as a champion of old-folks' interests.

The favorable publicity may help propel this Arkansas moderate into a Senate seat. The handsome, blackhaired Congressman currently is surveying his chances in a possible Democratic primary race next year against 75-year-old Sen. John McClellan. A reputation as a crusader for the elderly would be no small asset for Rep. Pryor if, as seems likely, he decides to challenge the Senator. The Congressman's most recent newsletter to constituents notes pointedly that "Arkansas ranks seventh in the nation in percentage of its population age 65 and over."

Of course, all politicians routinely profess their devotion to old people. In a way, that makes Mr. Pryor's success in establishing himself as a spokesman for the elderly all the more remarkable. He has done it by going beyond rhetoric. Projecting a low-key, sincere concern, he has imaginatively focused attention on the problems of the aging.

ON-THE-SCENE RESEARCH

Mr. Pryor's first House speech 17 months ago about bad conditions in nursing homes contained a surefire attention-grabber: the disclosure that his charges were based on his personal experiences as a volunteer worker on weekends in Washington-area nursing homes. (The nursing-home operators didn't know he was a Congressman.)

"I saw loneliness and despair, I saw filth and anxiety," he told the House, reciting cases ranging from a home's failure to call a doctor when a patient suffered a heart attack to a failure to cut food into bite-sized portions for old people unable to help themselves.

The image of a Congressman carrying bedpans in his off-hours is the sort of thing that attracts press coverage, and Mr. Pryor's speech got plenty. His account of his experiences dramatized the larger issue he raised: that huge expenditures under the medicare and medicaid programs were "luring fast-buck entrepreneurs into this highly subsidized but loosely controlled industry."

Months of research, prompted by the unhappy experiences of an elderly relative in a nursing home, had convinced Rep. Pryor that neither federal agencies nor state and local governments were adequately supervising nursing homes. Any doubts that he had touched an issue of wide concern were erased by the response to his speech. Speaking invitations and mail from all over the country arrived in the office of the once-obscure Congressman. The nursing-home industry reacted angrily to his charges, generating still more publicity.

In time, more than 10,000 letters complaining about nursing homes piled up in Rep. Pryor's office. Responding to invitations, the Congressman held forums on nursing-home problems in a half-dozen cities. He became a sought-after speaker and expanded his topic to the general problems of the elderly. All this so impressed the National Council of Senior Citizens that it cited Mr. Pryor as "Congressman of the year" in 1970.

MORE HEADLINES

But these publicity successes weren't mirrored by progress in Congress, perhaps because Rep. Pryor's legislative ideas weren't very imaginative. He had limited himself to proposing creation of a special House committee on the aging. (The Senate set up such a group years ago.) In a body glutted with committees, the idea of another one was greeted with indifference by many and outright resistance by some powerful members of the 11 panels already claiming partial jurisdiction over programs for the elderly.

For more than a year, Mr. Pryor worked quietly to persuade the Rules Committee to clear his measure for a floor vote. Buttonholing other Congressmen, he signed up 235 cosponsors of his resolution calling for a committee on the aging. Still, House leaders didn't budge; they said there was no room in the three House office buildings to quarter another committee, and they declined to pressure the Rules Committee to clear the Pryor resolution.

(The Rules Committee chairman, 81-year-old William Colmer of Mississippi, perhaps had an extra incentive for denying Mr. Pryor the aging committee, which by House custom the young Congressman, as the chief sponsor, would chair. At the 1968 Democratic presidential convention, the moderate from Arkansas voted against seating the conservative white delegation from Mississippi and in favor of a rival delegation including blacks.)

Stymied by the House establishment, Rep. Pryor fell back on his talent for dramatization. If the House wouldn't establish an aging committee, he announced in June, he would set up a "trailer committee" to work on the problems of the elderly. With that, he borrowed $1,350 from a bank, rented three trailers, installed them on a vacant lot next to Joe's Gulf Station three blocks from the Capitol and put 17 student volunteers to work.

This heretical act produced headlines—such as "Pryor Opens Government in Exile"—and helped to illustrate the Congressman's theme that "older Americans are an abandoned generation."

More publicity was generated a few weeks ago when Rep. Pryor threw an "Arkansas catfish fry" in the lot next to Joe's gas station. Over 2,000 people showed up, mostly old folks and politicians. Tiny Meeker and his Dixieland combo played, one politician sang, "The Impossible Dream," the crowd stuffed itself with catfish, hushpuppies and watermelon, and more than $10,000 was collected to finance the trailer committee (enabling Rep. Pryor to repay his $1,350 loan).

The hoopla, however, didn't sit well with House veterans. "Pryor has blown his chances for getting his (formal) committee by having that barbecue or whatever the hell it was," growls a veteran Rules Committee member. "He's making a circus out of the thing."

But Mr. Pryor's critics find it hard to put him down as just a publicity-seeker. Polite, unassuming and soft-spoken, the young lawyer seems the antithesis of a glib headline-hunter. "I'm convinced Dave Pryor is sincere about this issue," says one House member. "When he was seeking support for an aging committee, he wasn't saying to the members privately, 'come on, climb aboard because this is a good thing politically.' He really is upset about the problems of the old folks."

Mr. Pryor says he decided on the trailer committee in desperation after waiting more than a year for the House to create a committee. "I'm basically one who works within the framework of the system, but I don't like to roll over and play dead when the system doesn't respond," he says.

The publicity attracted by the trailer committee will probably lead to considerable press coverage of legislative recommendations Mr. Pryor has promised when his student volunteers finish their studies in September. One possible recommendation: creation of an Office of the Aging to coordinate various agencies' programs affecting old folks.

Whatever effect such recommendations may have, Mr. Pryor maintains that the publicity already generated has helped the cause of the elderly. "We've demonstrated that the problems of elderly Americans haven't gotten top priority in Congress," he says. "I think we've been able to take this issue at least a few rungs up from the bottom of the ladder."

Undoubtedly he has also helped himself politically. His entire campaign for old folks has been well covered back in Arkansas, though one state newspaper editor contends that all Mr. Pryor is doing is "playing for popularity with a safe issue."

While cultivating old folks, Rep. Pryor also has organized a campaign this summer to register newly enfranchised young people in Arkansas. His moderate politics might well appeal to youth in a primary race against the conservative Sen. McClellan. Observing Mr. Pryor's activity, one Arkansas newspaper recently commented: "We think he'll make the race. . . . The young Congressman might stand a better chance against the Senator than any of us imagine."

Rep. Pryor would have to give up a safe House seat to run for the Senate. He has had no opposition in the two elections since he won his House seat in 1966. Nonetheless, Mr. Pryor sounds ready to gamble on a Senate race.

"It's somewhat frustrating to know that if I stay in the House and survive . . . then sometime around the year 2000 I may become the chairman of the Appropriations Committee," he says. "It's a long time for an impatient man to wait. . . . Security is something that has never interested me."

RYAN FIGHTS FOR FUNDS TO END LEAD PAINT POISONING

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. MIKVA. Mr. Speaker, childhood lead poisoning has been called the silent epidemic. Its symptomatology is diffuse; public awareness is barely more than minimal. Yet the disease is a deadly one.

Annually, it takes the lives of some 200 children. Another 800 children are permanently institutionalized each year because of the gross brain damage they suffer. Moderate to severe brain damage afflicts another 3,200. All told, there are some 400,000 children who annually exhibit elevated blood lead levels, according to the Department of Health, Education, and Welfare.

Last year the Congress passed the Lead-Based Paint Poisoning Prevention Act, Public Law 91–695, and on January 13 of this year the legislation was signed into law. Since then, the struggle has centered around obtaining funds to implement this act, which constitutes the means to mount a concerted federal assault on a disease which is preventable, yet which is today more prevalent than was polio prior to the advent of the Salk vaccine.

A leader in that struggle has been my distinguished colleague from New York (Mr. Ryan), with whom many of us have joined in an effort to overcome the resistance of the administration to properly funding the Lead-Base Paint Poisoning Prevention Act, Public Law 91–695.

The July 23, 1971, issue of Commonweal magazine carries, as its lead editorial, a discussion of childhood lead poisoning and Bill Ryan's efforts to obtain funds to fight it.

I commend this editorial, entitled "Murder by Neglect," to my colleagues:

"Murder by Neglect"

In one way the problem of lead poisoning in children is a small one. It is not without genuine pathos for those who come in contact with its victims, but it lacks the sweep and drama of the Vietnam war or the fate of a supersonic transport or even the elimination of a whole species of bird or animal in the ecological squeeze. Yet in some ways the lead poisoning problem offers a more accurate index of our national priorities than any of these things.

The first thing to note, perhaps, is that the lead poisoning question involves not just a child here or there but an estimated four hundred thousand of them. All are endangered by this strange urban "disease," a deadly hazard for those children who eat chips of lead-based paint as it flakes off the walls and woodwork in old apartments. Exactly why children eat these chips is not known, although some speculate that it may reflect some dietary lack, but one point is clear: children do in fact eat the paint chips, and a relative few of these daily over a short period of time can cause death or permanent damage to the brain. Congressman William F. Ryan of New York is quoted in the Times as saying that about 200 children die each year from lead poisoning and that about 800 others suffer such severe brain damage that they must be cared for in institutions for the rest of their lives, at an annual cost of more than $3 million. Another $5.6 million a year is spent to care for the several thousand other children who suffer less severe aftereffects.

The lead poisoning problem is thought to exist in almost every American city, and most have no organized program to deal with it. What is needed is not simple repainting but a scraping away of all the layers of lead-based paint accumulated over the years, then repainting with lead-free paint. The problem is extensive, and it is one that slum landlords have shown themselves unwilling or unable to cope with. It is for this reason that Congressman Ryan introduced a bill last year authorizing a $25 million effort to fight lead poisoning. The Administration was reluctant to spend this kind of money, however, and has now asked Congressional authorization not for $25 million but for $2 million—not even enough for one good fighter-bomber and less than the amount that New York City alone spends just on lead-poisoning case-finding and inspection.

How is one to describe this approach to a problem that condemns hundreds of children to lingering death and others to just-less-than-fatal brain damage and life ever after in a vegetable state? What is one to say about official reluctance to spend what Congress is willing to appropriate for this matter? One doctor who testified in the matter called the Administration's conduct "obscene" and an "act of murder by neglect." This sounds, perhaps, like a harsh judgment, but it is not one we can quarrel with. In the total catalogue of the world's ills, the lead poisoning problem may be relatively small, but it is a problem of manageable size and one on which official reaction may tell us a great deal about ourselves. Are we about to demonstrate that we care no more about thousands of children in American slums than we do about other thousands of children in Vietnamese villages? The decision soon to be made in Congress and the Administration reaction to it will provide the answer.

PLAIN DEALER EDITOR REEVES RETIRES

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. JAMES V. STANTON. Mr. Speaker, Russell H. Reeves, the distinguished day managing editor of the Plain Dealer, retired last week after 44 years with the newspaper.

He played a leading role in helping the paper become Ohio's largest newspaper. Mr. Reeves and his successor, Louis B. Edwards, are probably the two best known editors on Ohio college campuses. For the past several years they have been in charge of recruiting new reporters for the Plain Dealer.

In tribute to Mr. Reeves' many accomplishments, I wish to place the following article in the Congressional Record.

PD's Reeves Retires as Managing Editor; With Paper 44 Years

In a formal report to the Plain Dealer personnel office, terminating his employment, Russell H. Reeves, day managing editor, answered a question, "Would you recommend he be rehired?" this way: "No, I'm tired of seeing this guy around here."

Rus Reeves, a tall, serious and scholarly looking man, who has his moments of humor, is retiring today after 44 years with this newspaper.

No one at The Plain Dealer, of course, is tired of seeing Reeves around. As another of the editors of the newspaper said yesterday: "If there had been no Rus Reeves around here, you would have had to invent one."

This is the tribute: Reeves, loyal, steady, quiet, devoted to The Plain Dealer and to his work. Not for one year, but for 44 years. He began as a reporter, covering police news, and he rose, quietly, steadily, to one of the top posts on the paper.

Reeves always wears a bow tie. People at The Plain Dealer don't remember him ever wearing any other sort of tie. He said: "Well, I've always found it was the simple way of handling things: no dangling tie to get in the soup or the gravy or the machinery."

And his nickname he always has spelled with one "s," not two. Probably again for simplicity. He says he figures over the years he's saved 10 minutes that way.

These little things help explain a man.

Today, his associates on The Plain Dealer will say goodby to Reeves as he leaves his office for the last time. On Aug. 10, at the Downtowner Motor Inn, 1800 Euclid Avenue, at a luncheon, they are giving him formal farewell.

Unlike many people who retire, Reeves and his wife, Dorothy Elizabeth Warner Reeves, will remain in Cleveland. Their home, a condominium town house, is at 27801 Mills Avenue, Euclid. They have three sons.

Reeves, a native Clevelander (born July 17, 1905), went to East Technical High School. He was graduated in January 1923. He went to East Tech because it then had the best journalism training and journalism was going to be his life's work. His father, Clarence R. Reeves, was a job printer and that's how Rus' interest began. While he was at East Tech, in fact, he had a paper he published by mimeograph for young people of Boulevard Presbyterian Church, which is St. Mark's now.

"I was one of the fortunate kids, I guess. I always knew what I wanted to do," he said.

Young Reeves edited the East Tech Scarab. He also, of course, took a lot of technical work there, like applied optics, drafting, pattern making, machine shop, but he said: "I'm sure they thought I was the most inept student they ever had. I remember one teacher said to me: 'Reeves, I'm sure you don't know which end of a nail to pound in, but I'm going to pass you.' "

He went on to Ohio State University, from which he was graduated in 1927. There he edited the Lantern, the student paper. He was campus correspondent in Columbus for the PD in his last two years. He tried to get summer work at the PD in 1924. There was none, but his name was kept on file.

"Then, at the time of the Lorain tornado that summer, the paper used me on the story and I worked a couple of days." he said, but it wasn't until July 1, 1927, that he started his long continuous service, which had him working nights for 36 of those 44 years. He said: "It was a jolt to come to day hours, but I adapted easily."

Reeves worked at the old Champlain Street police station. back in the days when Cleveland's Chinese were engaged in tong wars. Then he did suburbs—he was a one-man suburban department and even handled elections alone. There weren't so many suburbs then, but he had some wild ones, as he said; Linndale, for example, where they used to have gun fights.

Later, he became a copy editor and makeup editor, assistant news editor, news editor, assistant managing editor. He wrote a column for more than 30 years, starting as a review of the news and then moving into interpretation, focusing on national news. He stopped writing the column when he was named managing editor, in 1963.

In his office, Reeves has a sampling of newspaper mats of front pages of great stories he handled in makeup and as an editor, many of them war stories in the 1940s.

He said: "One little triumph, I remember—you know, you have little triumphs and big failures in life—was at the time the Remagen bridge was taken by U.S. forces in Germany during the war and I was night managing editor that night and I remembered that there was a woman, Dr. Sara Watson, an engineer, who was interested in bridges. I called her up to see if she had a picture and, sure enough. she did, and we were probably the only paper in the country to carry a picture of this famous bridge the next morning."

Reeves has long been interested in church life. He met his wife at a meeting at Boulevard Presbyterian Church. Her father, the late Rev. Thomas H. Warner, was assistant pastor at Boulevard. His last pastorate was at First Presbyterian Church in East Cleveland, where Rus and Dorothy were married.

Reeves and his wife used to live on Speedway Overlook in East Cleveland—there was going to be a fast highway to the lake near there but it never materialized—and they attended the Phillips Avenue Presbyterian Church. They have moved, but they still worship there, in a changed neighborhood, every Sunday, a 10½-mile trip from home. As a lay leader, he has preached there on some summer Sundays.

"People have asked me why sin is so often news and I tell them: 'Well, there's sin mentioned in the Bible, too,' and I point out that news is the unusual and sin is so often news because, fortunately, good things are more common."

Mrs. Reeves has long been active in church affairs. For nine years, she was a member of the Board of National Missions of the Presbyterian Church of the USA, and she has held a number of offices in chuch organizations, national, state and city. One of their sons, Bruce W., 38, was ordained at First Presbyterian Church in East Cleveland and was associate pastor there. He is now director of pastoral counseling at the Pittsburgh Pastoral Institute, an ecumenical organization.

The other sons are Roger A.—he'll be 41 today—who is employe relations coordinator at Standard Oil Co. (Ohio) here, and Thomas C., 32, who works in Kobe, Japan, as marketing administrator of Eli Lilly Co., the pharmaceutical firm. He will leave Japan today to come to Cleveland on home leave. There are eight grandchildren.

In late August, there will be a Reeves family reunion at Kennebunkport, Me., where Mr. and Mrs. Reeves may do some fishing, a new interest. They plan to travel, and Rus, if the chance comes, would like to do some part-time college teaching. He was involved in education as a member, sometime ago, of the East Cleveland Board of Education.

H.R. 10364, TO INCREASE THE PERSONAL INCOME TAX EXEMPTION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. ANDERSON of California. Mr. Speaker, today, I am introducing a bill which would correct a highly inequitable part of our Federal income tax system, by adjusting individual exemptions in relation to the constantly fluctuating cost of living.

The Federal income tax burden has become one of the heaviest loads carried by our Nation's private citizens. Not only does the United States yearly increase its Federal spending, but the situation is aggravated by a fixed allowance for personal exemptions, in the face of a continually rising cost of living.

Statistics indicate how inequitable this situation has become. In 1948, personal exemptions were set at $600. Since that time, the cost of living has risen over 50 percent, while legislation has increased the exemption by only 4 percent. The Tax Reform Act, which instituted the exemption increase, calls for continued increases up to $750 in 1973. However, that is a net change of only 25 percent—half the present cost of living increase since 1948.

With the inflationary trend in our Nation's economy, it hardly seems likely that this unjust situation will automatically stabilize in the near future. For example, the cost of living rose over 6 percent in 1970 alone, requiring $636 to purchase an item costing $600 in 1969. Thus, at the same time that Americans are facing large price increases on almost every item, the Government leaves the taxpayer with a personal exemption which decreases daily in value.

Businesses, you will notice, have already been excluded from this inequitable situation. Most business exemptions, such as depreciation and depletion allowances, are figured on a percentage basis, so that they increase in relation to rising income or costs. While individual income tax receipts in the past 10 years have increased by 120 percent, corporate tax receipts have risen only 57 percent—less than half the personal income tax increase.

It is time to remedy the situation. By tying personal tax exemptions to the cost of living, exemptions would be allowed to fluctuate in accordance with changing price indexes. Through my bill, the adjustment would be instituted in the following way: In 1973, the final exemption increase of $750 will take effect. From that time on, the Internal Revenue Service will multiply that figure by the annual percentage change in the cost of living, thus arriving at an adjusted individual exemption. Using 1970 as an example, the 6 percent cost of living increase would be multiplied by the $750 exemption, thus adding an additional $45 to each personal exemption. In this way, the real value of a personal exemption is maintained.

American taxpayers have long awaited relief of this sort. I urge careful consideration of this legislation.

TO PROTECT THE PUBLIC INTEREST IN TRANSPORTATION LABOR DISPUTES

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. NELSEN. Mr. Speaker, an editorial which recently appeared in the July 28 edition of the Mankato Free Press addresses itself to the need for the Congress to act upon legislation to prevent crippling work stoppages in the transportation industry. While I realize that the recent rail strike has since been settled, the import of the Mankato Free Press editorial is such that I want to bring it to the attention of my colleagues here in the House of Representatives.

I heartily concur in the observation that if it is important for the Federal Government to prevent a single company from going into bankruptcy, then it is at least as important—and in my view infinitely more important—to our Nation's economy that machinery be provided to end crippling strikes in the transportation industry. We on the House Committee on Interstate and Foreign Commerce have on several occasions been called upon to recommend legislation to end work stoppages in the transportation industry, and in this respect we have been called upon to sit as final arbitrators of a labor dispute when machinery should have been available under which the dispute could have been settled through the process of collective bargaining or final arbitration under a legally established standby process.

Early in this session of the Congress, I joined with our minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and others in the introduction of H.R. 4116, a bill designed to more adequately protect the public interest in labor disputes involving the transportation industry. President Nixon has urged congressional enactment of such a proposal on repeated occasions, and now that the most recent strike in the railroad industry has been settled, it is incumbent upon the Congress to enact legislation in this important area. For some time now it has been evident that we are anchored in the past with outdated labor management laws which do not adequately protect the greater public interest.

The editorial follows:

RAIL STRIKE VERSUS LOCKHEED

While Congress is debating whether it should save Lockheed Aircraft Corp. and other industries whose bankruptcies might threaten the economy of the nation or an area, a spreading rail strike is already harming not only the economy but inconveniencing all citizens.

Congress, however, is not apt to debate that one.

In spite of legislation offered by two administrations—twice by the Nixon administration—Congress steers very clear of considering any legislation that seeks to offer a formula for strikes, work stoppages or shut downs that affect large numbers of people.

If Lockheed goes bankrupt, which it says it will unless the government underwrites $250 million in loans, some unemployment will result, some stockholders and creditors will face losses. But the aircraft company will be reorganized, most of its assets saved and most of its work force maintained.

If the railroads shut down for any length of time, crops will rot or have to be plowed under—as is happening to the lettuce crop in California's Salinas Valley—food prices will go up, factories lacking raw materials will shut down and a great many more people that work for Lockheed will lose wages.

In our very complex and interdependent economy, far more damage can be done by the strike of a strategically located union than be caused by a business failure.

It seems strange that Congress is willing to debate the administration's proposal to bail out an aircraft company and yet, for six years, has turned a deaf ear on proposals to put limitations on strikes which affect the public interest.

But then the unions are an organized political force and Congress, despite its recent agonizing over the usurpation of its power by the executive, can hardly ever bring itself to face an important question with wide political implications. It much prefers the short-run, crossed-fingers approach. It really is quite happy to let the executive have the mess.

The debate on the Lockheed aid bill is important and involves crucial questions concerning our free enterprise system. But the rail (and other strikes affecting so many people) is of far greater importance as it relates to the public well-being.

Many congressmen—a good number of whom want to be presidential candidates—have been orating of late about the need for priorities.

It might be well if they would take their own words seriously.

POWER COMPANIES' NET PROFIT ROSE SHARPLY IN 1970

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 4, 1971

Mr. METCALF. Mr. President, inflationary and unjustified rate increases by utilities are one of the biggest burdens in the family budget. Yet the administration encourages utilities to go after more while opposing legislation—S. 607—which would provide the public with information and counsel it needs to offset the misleading, deceptive, customer-financed presentations of strong utility corporations before weak regulatory commissions.

The 100 major power companies' net profit, after taxes, amounted to approximately 15 cents out of every dollar last year. Twenty-seven of the 100 netted more than 17 percent. Montana Power, with 22.67 percent, led the list.

That company, and others in the high-profit category, now have rate increase requests pending before State regulatory commissions. Montana Power last month asked for a 34-percent increase in gas rates and a 17-percent increase in electric rates. Such a request, by a company with profits unparalleled in the Nation, whose executives receive hundreds of thousands of dollars in hidden emoluments through a succession of stock option plans, would not even be entertained by a public-minded regulatory commission, which would have long ago required substantial reduction of overcharges. But my State, and the States represented by most of us here, have weak regulatory commissions and no consumer counsel.

Electric Light & Power, an industry trade publication, recently published 1970 financial data on the 100 largest power companies, as reported by them to the magazine. Let me quote from the editor's accompanying article:

> The total net income recorded by the nation's 100 largest electric utilities proved somewhat surprising in light of the financial problems encountered in 1970. The total, $3.3 billion, was a new record, as expected. But the amount of the increase, $250 million, was unexpected. This amounts to an 8.3% gain for the year. It reflects a marked improvement over both 1969 and 1968, when net income gains totaled 3.4% and 2.8% respectively.

I have verified with the editor of the magazine that one of the companies included in its survey, Virginia Electric & Power, has again misinformed the magazine about its earnings. The magazine asks each company to report its net income. Vepco reported its gross income instead, as it did previously.

The effect of this erroneous report is to make Vepco's profit appear even greater than it is. So as not to compound the error, and with the hope that Vepco's management will eventually learn the difference between "net" and "gross", the table below has been corrected. The company netted 19.25 percent out of each revenue dollar in 1970, rather than the 25.88 percent as reported to the magazine.

Mr. President, I ask unanimous consent to insert in the RECORD the 1970 net profit data on the 100 major electric utilities, compiled by Electric Light & Power and appearing in its June 1971 issue.

There being no objection, the data was ordered to be printed in the RECORD, as follows:

Power company and net, after-tax profit as percent of gross revenue, 1970

Montana Power	22.67
Idaho Power	22.43
Southwestern Public Service	21.77
Tucson Gas & Electric	20.62
Duquesne Light	20.60
El Paso Electric	20.59
Gulf States Utilities	20.04
Florida Power	19.79
Utah Power & Light	19.71
Oklahoma Gas & Electric	19.43
Pacific Power & Light	19.36
Virginia Electric & Power	19.25
Public Service of Indiana	19.10
Texas Utilities	19.09
Houston Lighting & Power	19.05
Union Electric	18.91
Tampa Electric	18.63
Central Louisiana Electric	18.05
Atlantic City Electric	17.88
Public Service of New Mexico	17.81
Ohio Edison	17.77
Southern California Edison	17.69
American Electric Power	17.56
Central & Southwest	17.51
Kentucky Utilities	17.46
Community Public Service	17.35
Illinois Power	17.32
Kansas Power & Light	16.98
Kansas Gas & Electric	16.72
Nevada Power	16.66
Cleveland Electric Illuminating	16.60
Central Maine Power	16.38
South Carolina Electric & Gas	15.82
Toledo Edison	15.77
Baltimore Gas & Electric	15.74
Delmarva Power & Light	15.60
Louisville Gas & Electric	15.59
Savannah Electric & Power	15.57
Portland General Electric	15.56
Washington Water Power	15.55
Sierra Pacific Power	15.51
Central Illinois Public Service	15.43
Indianapolis Power & Light	15.30
Kansas City Power & Light	15.30
Allegheny Power System	15.26
Southern Indiana Gas & Electric	15.18
Commonwealth Edison	15.15
Pacific Gas & Electric	15.07
Puget Sound Power & Light	15.05
Public Service of New Hampshire	14.92
Potomac Electric Power	14.67
Northeast Utilities	14.40
Florida Power & Light	14.24
Columbus & Southern Ohio Electric	14.23
Northern States Power	14.19
Central Illinois Light	14.16
Cincinnati Gas & Electric	14.10
Northern Indiana Public Service	14.08
Long Island Lighting	14.08
Public Service of Colorado	13.82
Pennsylvania Power & Light	13.68
Wisconsin Power & Light	13.65
Southern Company	13.64
Philadelphia Electric	13.56
New York State Electric & Gas	13.49
Middle South Utilities	13.49
San Diego Gas & Electric	13.22
Duke Power	13.17
United Illuminating	13.15
Hawaiian Electric	13.13
Empire District Electric	12.81
Orange & Rockland Utilities	12.74
Arizona Public Service	12.61
Public Service Electric & Gas	12.60
General Public Utilities	12.43
Rochester Gas & Electric	12.42
Dayton Power & Light	12.37
Interstate Power	12.33
Minnesota Power & Light	12.29
Boston Edison	12.26
Carolina Power & Light	12.12
Missouri Public Service	12.09
Consumers Power	11.94
Iowa-Illinois Gas & Electric	11.90
Detroit Edison	11.84
Central Telephone & Utilities	11.78
Consolidated Edison	11.38
Wisconsin Electric Power	11.23
Wisconsin Public Service	11.09
Iowa Public Service	11.03
Central Vermont Public Service	10.55
Niagara Mohawk Power	9.84
Central Hudson Gas & Electric	9.79
Iowa Power & Light	9.22
New England Electric System	8.98
Iowa Electric Light & Power	8.90
Madison Gas & Electric	8.71
Eastern Utilities Associates	7.42
New England Gas & Electric	7.38
Arkansas-Missouri Power	5.59

SPEECH BY GLOBE EDITOR THOMAS WINSHIP

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. HARRINGTON. Mr. Speaker, Thomas Winship, managing editor of the Boston Globe, delivered a speech recently before the American Society of Newspaper Editors on objectivity. After reading Mr. Winship's speech, I can only say that it is the most realistic approach to a very elusive quality. As editor of the Boston Globe, Mr. Winship's guidance emanates throughout the building on Morrissey Boulevard making the Globe one of the best newspapers in the country.

Objectivity, as Mr. Winship points out, is too often a euphemism for not taking a stand.

Mr. Winship said in his speech:

> Attracting really bright young people to the business is the most compelling reason why I am so fed up with all this objectivity double talk, for objectivity is the code word that connotes playing it safe, covering up, and superficiality.

Fairness and professionalism should be the guiding hand in the editorial rooms in these times, Mr. Winship says later, because newspapers will find it difficult to stay afloat otherwise.

I find this new trend refreshing. The best newspapers are, and always have been, the ones which have stirred debate. The press best serves when it provokes discussion. Recently, several newspapers, the Globe among them, and the Columbia Broadcasting System, took stands which won compliments as well as disfavor. It is said that you are known by the enemies you create. The newspapers and CBS made enemies last month, but they are to be congratulated for demonstrating what Mr. Winship describes as "Digging out and printing more of the truth."

At this point, I would like to place Mr. Winship's speech in the RECORD:

STATEMENT BY THOMAS WINSHIP

Now I'd like to give my definition of objectivity. Objectivity is what we gave Senator Joe McCarthy before that group of great reporters Murrey Marder, Phil Potter, Don Irwin and a couple of others took their gloves off and before Ed Murrow's famous TV show.

It is what we gave cancer producing cigarettes before the surgeon general's report.

That's our team's working definition of objectivity for this debate. We say it's spinach and to hell with it.

But relax, brother editors, nobody needs to worry about the public even now getting objective news. A recent poll shows that:

99.8% of newspapers and TV are owned by millionaires.

99.5% of millionaires think alike. Everything they believe is objective.

99.7% of newspapers think what their owners think.

99% of us in this room wouldn't be here if we didn't agree with what the owners of our paper think.

So, the American people can always be sure of objective news.

And we know that the reason this debate is on the ASNE dance card this year is that since Agnew yipped at us, many editors have been more objective than ever. (I call it a quiet backslide.)

Let's see how this objective journalism has been serving us.

It let Joe McCarthy ravage the reputations of thousands of Americans for too long without challenge.

It let the most unexplained war in history go on far too long before the challenge came.

It let industrial wastage almost clobber to death the face of America. Ralph Nader and Rachel Carson blew the whistle; not our great newspapers.

Yet, when newspapers do a superb crusading job, they win the Pulitzer prize for it. This is not objective journalism, yet, all the traditionalists think it's great stuff. This shows how utterly ridiculous the term "objectivity" is.

We all know the formula of the objectivity cult:

First—report what the Government official says, no matter what he says. Hell, he should know. He has all the facts, hasn't he?

Second—Give "both sides", even though most stories today are so complicated they can't be reduced to just two sides.

Third—Don't explain too much. That's "advocate" stuff.

Fourth—Quote only official sources. No one ever got in trouble that way.

Fifth—Beware of what the reporter thinks. He might lay open to public question the official line.

Objectivity is such a nice trip for an editor. Every morning he swallows his little objectivity pill. It turns him off from that paranoia over those long-haired kids out in his city room . . . those kids who whisper dirty talk over the water cooler—like "Nader", "Hanoi", "Panther".

I say these brainy kids in our ctiy room are the best thing that ever happened to the newspaper business. They are our salvation. Attracting really bright young people to the business is the most compelling reason why I am so fed up with all this objectivity double talk. For objectivity in today's climate is a code word that connotes playing it safe, covering up and superficiality.

If you gents buy the line of our honorable scaredy cats, you kiss goodbye to the best new recruits to our muscle-bound trade.

The kids send such a strong waft of fresh air through our newsrooms.

They write better than we do.

They know more than we do.

They are more honest than we are.

They want to give the system a good, college try.

They think the newspaper is still one of the most effective instruments for social change. They are not in the business to becomes stenographers. And shouldn't be.

Certainly activist reporters are hard to handle. But what counts in the credibility issue is what gets in the paper. That's what we pay editors for. And, by God, these socially-concerned young men and women are susceptible to good editing. They can be taught to be responsible and fair, if only editors will stay out of the executive dining room and the country club long enough to teach them and keep them interested.

Dump the silly code words—objectivity and advocate journalism. Worry instead about fairness, credibility and professionalism. Worry about digging out and printing more of the truth.

TV and radio have all but liberated newspapers to concentrate upon improving society.

Editors and publishers who dare grab this new mantle will stay in business, increase profits, and best of all, lure to their newspapers the most effective young people of this and future generations.

Editors and publishers who continue to preoccupy themselves with this objectivity jazz and the other code words will have as much luck keeping the establishment press afloat as they will selling Nixon as a folk hero to anyone under 35.

Thank you.

HOUSE RESOLUTION 319

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussion on:

"—the question of ensuing safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp.

"—the question of releasing captured military men."

Resolved, That the United States shall forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

TOM TOUCHES THE MOON

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. CASEY of Texas. Mr. Speaker, one of the most heartbreaking tragedies of life is a crippling disability brought on through illness or accident, which strikes so many of our people.

This is an area of great concern to me, and it is gratifying that so many people have dedicated their lives to working in the vital field of rehabilitation to help the disabled overcome their handicaps.

To me, it is always heartwarming to learn of an individual who has fought and won against the heavy odds that faced him, and who has become a valuable and productive member of our community.

Because I think my colleagues and the American people will appreciate the inspiring story of one of my young constituents, Thomas Garrison, I am pleased to place in the RECORD at this point an article from "Performance," a publication of the President's Committee on Employment of the Handicapped:

TOM TOUCHES THE MOON

A summer job at the National Aeronautics and Space Administration Manned Spacecraft Center in Texas turned into a challenge which shaped a brave young man's aspirations for the future and helped to uncover some hitherto unknown scientific information involving the effects of lunar dust particles on growing plants.

At age 14, Thomas Garrison was accidentally shot in the back while duck hunting early on a foggy, Texas morning. The spine-shattering bullet resulted in several critical, but finally successful, operations. The residual toll was a heavy burden—paralysis from the chest down.

After many months of therapy and training, Tom's determination and the support of his loving family made a new life possible. He became a familiar and popular figure at Clear Creek High School in League City, Texas. Studying diligently, he graduated with high honors.

With a hand-controlled car for transportation, Tom had mobility and independence—he was able to attend the University of Houston and accept the job at NASA's Manned Spacecraft Center.

And what a job! Both Tom and the Center benefited from the experience. A biology student, Tom was assigned to the Lunar Receiving Laboratory, where men and moon materials are impounded after each manned lunar mission.

All kinds of tests and examinations are made on the "moon rocks," or lunar materials retrieved by U.S. Astronauts. While some tests are made to determine the age and makeup of moon formations, others tell whether lunar material might be harmful on earth.

In one experiment, a control group of liverwort plants is grown normally. Another group is sprinkled with "moon dust." Amazingly, plants treated with the lunar material grow faster and fuller than those in the control group.

This experiment is just the beginning of detailed and fascinating research made by NASA scientists. Tom and Dr. Walkinshaw studied the treated plants further. In the lab, Tom learned to dehydrate them, encase them in paraffin or plastic, slice them into minute thicknesses, and photograph them. He spent many hours examining the sections under a microscope to determine whether the lunar material was harmful to the plants.

He also received intensive training in use of the electron microscope and other laboratory equipment. In addition, Tom assumed full responsibility for maintenance of the photograph bank and associated data. Thousands of photographs are taken each year to document research findings upon which to base future decisions about lunar materials.

The botanical program, a joint effort of NASA and the U.S. Department of Agriculture, has been set up to cooperate with the Nation's scientists. Supervision of Tom's technical work was required, but he got much satisfaction from learning specialized histological and pathological laboratory procedures.

He has learned them well, too. Without any compromise to his handicap. Tom now has first-hand experience preparing him for an exciting scientific career.

RESOLUTION OF KENSINGTON, N.Y.

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. WOLFF. Mr. Speaker, as the weeks pass, and we find ourselves no closer to an end to the fighting in Vietnam, the concern and frustration of the American people increases at an alarming rate. Here in the Congress, I, and many of my colleagues, have worked hard to convince President Nixon that his policies of "Vietnamization" and gradual withdrawal will not suffice if we are to truly bring this tragic war to an end.

We have yet to secure the release of our prisoners of war, and the names of those being held missing in action.

Despite these glaring failures, President Nixon continues to assure the American public that a continued American presence in South Vietnam is vital to the interests of the United States at this time.

More and more, however, the public has chosen to ignore the administration's platitudes and is demanding an end to American involvement. Such an announcement was recently made by my hometown, the Incorporated Village of Kensington, N.Y., in the form of a resolution passed by the Village Board. The Hon. Marvin Florman, mayor of Kensington, writes that—

> The Resolution expresses the feeling not only of the members of the Board, but of a substantial number of the residents of our Village, that the withdrawal of military forces from Southeast Asia is a matter of immediate urgency.

Mr. Speaker, I could not agree more, and I therefore submit for inclusion at this point in the RECORD the Village of Kensington resolution:

RESOLUTION

Whereas the Board of Trustees of the Village of Kensington has been presented with a Petition, signed by a number of the Village residents requesting this Board to pass a Resolution urging the President of the United States and the Congress to withdraw United States military forces from Southeast Asia by the end of 1971, and

Whereas it is a matter of public record that military spending represents a substantial portion of the federal budget, and diverts public funds from more urgent needs of this nation including purposes which could benefit municipalities, both large and small, and their residents, and

Whereas recent disclosures in the public press tend to create doubt as to the propriety, morality and legality of United States involvement in Viet Nam, and

Whereas this Board recognizes the right of its residents to petition its governing officers as a form of public expression of grievances,

Now, therefore, at a regular Trustees meeting held at the Village Hall, July 21, 1971, the Board of Trustees has unanimously passed the following Resolution:

Be it resolved that the Board of Trustees of the Village of Kensington, County of Nassau, State of New York, on behalf of its residents, hereby urges President Richard M. Nixon and the Congress of the United States to do all in their power to withdraw United States military forces from Southeast Asia, as soon as possible, and not later than December 31, 1971.

TERRY J. MARTELL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, 1st Lt. Terry J. Martell, of Clairton, Pa., who was killed in Vietnam on July 3, 1971.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Lieutenant Martell for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

CLAIRTON FLIER KILLED IN VIETNAM

A Clairton serviceman has been killed in an aerial mishap while stationed in Vietnam.

First Lt. Terry J. Martell, 23, an aircraft commander assigned to the 101st Airborne Division based near Hue was killed when the helicopter which he was flying collided in mid-air with another U.S. helicopter. The crews of both aircraft perished in the crash, it was reported.

Lt. Martell was the son of Mr. and Mrs. James E. Martell, of 433 N. Fifth St. Mr. Martell is the principal of the Fifth St. Elementary School in Clairton.

The 1966 graduate of Clairton High School is survived by his wife, Janet, and an eight-month-old son, Russell, who he saw only once. Mrs. Martell is living with her parents at 1943 Dearborn Drive, White Oak.

According to information supplied to Mrs. Martell by the Army, Lt. Martell was killed while flying a night mission July 3. Details as to what caused the two helicopter gunships to collide are not known.

Lt. Martell had been in Vietnam for nine months and his wife said he was "planning to make the service his career."

The young pilot had just been awarded the Distinguished Flying Cross for heroism while participating in aerial combat over Laos.

IRVING BRANT ON THE STATE OF AMERICAN CIVIL LIBERTIES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 4, 1971

Mr. EDWARDS of California. Mr. Speaker, on the anniversary of America's day of independence, Mr. Irving Brant, in an interview with Dan Sellard, commented on the state of American civil liberties. Mr. Brant, a leading constitutional expert and author, feels that civil rights and liberties have eroded in this country. He says that as Americans, we must value our basic freedoms or else we stand the chance of losing them altogether. Says Mr. Brant:

> There can be no freedom from fear where there is a fear of freedom.

I share Mr. Brant's grave concern over the state of our civil liberties, and I would like to share with you his wise and rational words:

AND WHAT OF THOSE HARD-WON FREEDOMS NOW?

(By Dan Sellard)

This Nation, 195 years after its Declaration of Independence and 183 years after the acceptance of its cherished Constitution, is in danger of losing many of its most-valued freedoms.

That is the thoughtful, worried conviction of Irving Brant, an eminent constitutional scholar and author who lives in Eugene. Asked the question, "Where are we on this Fourth of July, 1971?" Brant's answer is forthright. "We're in real trouble," he says.

Not since 1860, the eve of the Civil War, has America been so "polarized, so disturbed, so sick," he asserts.

Brant, 86, is the celebrated author of "Storm Over the Constitution," the six-volume "Life of James Madison," "Road to Peace and Freedom," "The Bill of Rights, Its Origin and Meaning," "The Fourth President," "Friendly Cove," and "Dollars and Sense." He has recently completed another book for his publisher, the Bobbs-Merrill Co., Inc., that he will not comment on.

Brant does not predict an all-out revolution, as some do, but he fears that the Constitution and the Bill of Rights, as well as many of the precepts of the Declaration of Independence, could be destroyed if Americans allow their individual selfishness and materialism to outweigh their concern for freedoms and if the right-wing political forces use repression to beat down the "left wing radicals."

The whole institution of justice, an institution that has always set America apart and above the rest of the world, is mixed up today, Brant says. "Courts are being abused and manipulated, and judges are themselves often a party to the general disarray of justice."

When a judge recently dismissed Bobby Seale from a charge of murder by declaring it would be impossible to seat a fair and impartial jury, "the judge was really saying he was just sick and tired of the whole thing," Brant says. "Are we to say that in this entire community, we cannot gather a fair and impartial jury for a common murder case? Fiddlesticks!"

The same type of judicial reasoning, he continues, accounts for the several judges who disqualified themselves from presiding over the trial of Angela Davis. "They just didn't want to get involved, so they abdicated their responsibilities."

None of the judges, he says, wants to preside at a trial that repeats the shenanigans of both the lawyers and the judge in the trial of the Chicago Seven. "In Chicago, Judge Hoffman was as much at fault as the attorneys," he says. "And so America was treated to a farce that set up justice as something to laugh at or squirm about."

Much of the blame for the state of justice in America can be laid at the feet of President Nixon and John Mitchell, his attorney general, Brant says. "Nixon's endeavor to remake the Supreme Court into a creature of his own thinking is a dangerous thing," he declares.

The quality of the President's judgment regarding appointees to the federal judiciary should not be judged merely by his appointments of Warren Burger and Harry Blackmun (who were confirmed by the Senate) but also by his appointment (not confirmed) of G. Harrold Carswell and Clement Haynsworth, says Brant.

Not only are these appointments of ultraconservative justices contrary to the American tradition of justice, Brant says, "but they also represent Nixon's motivation—the same motivation that made him a zealot in Congress, the same motivation that caused him to mount campaigns of vicious slander against Jerry Voorhis, whom he defeated for Congress, and against Helen Gahagan Douglas, the congresswoman he defeated for the Senate."

Nixon, he continues, "has perverted his Quakerism into a political platform."

If the nation's judicial system is as bad off as Brant says it is, where do we go from here?

"I don't know," Brant says, "for it depends on whether the President is re-elected, and he may well be. The trouble is, his thinking so nearly represents that of Middle America, it would probably be damaging to the cause of justice to make an issue of it in a campaign."

So it really is Middle America that worries the scholar? "Oh, you bet," he says. "We have become so fat, so soft and so sick in the head that we turn our backs on what the courts and Congress are doing to our rights.

"We now have a no-knock law that violates the Fourth Amendment; we have seen assemblies such as the Mayday demonstration in Washington put down by police action that violates the First Amendment—and don't kid yourself that Richard Nixon and John Mitchell weren't calling the shots on that one—and we hardly can pick up a newspaper without seeing at least one of the first 10 amendments being tromped on."

When the moderates among the citizens keep quiet about the extremes of the right and left, then freedoms can be lost by simple default, Brant says. "What we have in our charter papers was won by hard work, dedication, worry and wisdom on the part of activists who not only wanted to get away from dominance by a foreign power but who wanted to forge a nation in which all power came from the people," he says.

But that spirit is lacking on this Fourth of July, he says. "We are betraying our inheritance."

In his book "The Bill of Rights," Brant says that Americans fear the very freedom that their forefathers gave them: "Blessed with a form of government that requires universal liberty of thought and expression, blessed with a social and economic system built on that same foundation, the American people have created the danger they fear by denying to themselves the liberties they cherish."

Today, he says, the Bill of Rights is the victim of "prejudice and passion among an active minority, abetted by ignorance and passivity among the majority."

The situation is further exacerbated by the Vietnam war. "The war, essentially, accounts for the unrest among the young," Brant says. "If military conscription had been limited to men over 30, there would have been no such war. Unless the blood drips on your hands you don't care as much."

The feeling of futility (about the Vietnam war) is now extending to older people, Brant says. "And this is resulting in the winding down of the thing. The young have gotten their message through to the old."

But he admits to being a bit puzzled about what else the young want.

"There isn't enough dialogue, except the throwing of rocks and bottles. When I see a parade down 11th Avenue, I try to understand what it is the leaders want. But I just can't hear them. I believe most of it is the anger, the feeling of frustration, the young have about the war and the inability to talk with the government."

It's better, though, that the young voice their dissent than that they sit back and do nothing, he believes. "The people who sit back and make rude remarks are those who allow the government to take a course of repression that eventually will still all voices raised against it."

Most Americans today are very ignorant about their government, their rights and freedoms, Brant says.

"When someone says the government ought to throw all the longhairs in jail, he doesn't know the meaning of what he's saying. He's just sounding off with a mouthful of dangerous words. The man who says something like that has no sense of history, no feeling for justice."

It would be good for the country, says Brant, if "everyone would just sit down and read the Constitution and the first 10 amendments.

"Don't feel bad if you've never read the Constitution—I wrote about it for nearly 20 years before I really read it. That's terrible, isn't it?"

Then, when you've read the Constitution, he suggests you "sit down and think about it . . . you can equate today's disorder and repression with what our founding fathers wanted and wrote. And take a close look at the current New York Times case."

If the government had succeeded in suppressing the printing of the Pentagon study about the evolution of the Vietnam war, freedom of the press would have been set back hundreds of years, he says.

(The Times, in mid-June, started to publish a series of stories written from a secret Pentagon study. The Justice Department immediately obtained a temporary injunction to halt the newspaper's series and a federal appeals court upheld the injunction. The Washington Post and other papers started their own stories on the Pentagon papers and additional court actions followed. This past Wednesday, the Supreme Court of the United States, acting with extraordinary speed, upheld the right of the newspapers to publish the stories. With Chief Justice Burger and Justices Blackmun and Harlan dissenting, the court said the government had not met the burden of showing justification for restraining the newspapers, and the papers therefore could proceed with their reporting.)

To Brant the question was whether the Nixon administration would be allowed to interpret the First Amendment (freedom of speech, press, assembly and religion) according to old English law, which decreed the death penalty for anyone printing a document not first approved or licensed by the government, or whether the U.S. Constitution's protection of the press against the government is to be the national policy.

He explains that until the late 1600s, English publishers were brought to court and accused of "constructive treason." Constructive treason is an act the defendant believes to be in the best interest of his country but which his government defines as treasonable.

"The Justice Department, carrying out the orders of the President, is trying to stifle the press in these cases today," says Brant, "and a decision for the government would have meant a backward jump of 400 years.

"If the injunction had been upheld, the U.S. would have been plunged back into the 16th century when the restrictions on printing reflected the apprehension of ruling powers over the political consequences of Gutenberg's discovery of the art of movable type."

Perhaps the person who disseminated the papers with their top secret label should be prosecuted, says Brant, but the newspapers are only "doing their duty" in printing them.

"The mere statement by the government that the disclosure of the information in the papers poses a threat to national security is in itself a threat to national security, because it is verification of the the truth of everything that is charged against it," he says.

It is absurd for the government to build the disclosure into a "threat against national security," says Brant. "It's also a colossal political blunder. Nixon and Mitchell should have had sense enough to leave the thing alone rather than magnifying its importance."

There is considerable paranoia in the federal government today, Brant says. "Look, our government is more fearful of Communism than Italy is, and about 40 percent of the Italian population is Communist. We're much too jumpy."

All this has resulted in a "resurrection of the days of Joe McCarthy," he says, "only now it's worse, because the executive department is pushing the repression."

The old scholar, with his mane of white hair and his firm voice, is at times discouraged, other times resigned. As he thinks through what he wants to say, his wisdom battles with his emotions. It's obvious that he's genuinely concerned about the future of America.

In his book on the Bill of Rights, he wrote:

"There can be no freedom of thought without freedom of fear; no freedom from fear when there is fear of freedom.

"The form of government so cherished by the American people would not be worth preserving if it could be blown over by the spoken or written words of any political minority. Still less would it be worth saving if nothing but forcible repression could maintain it. Time and again in history, proof has been given of American strength and stability founded on freedom and democracy. But again and again, irrational fears have swept the people and the government into destructive assaults on the very liberties to which we pin our existence as a self-governing republic and our happiness and dignity as individuals.

"To be worthy of the American heritage, the people must live up to it; create a climate in which no political storm can become an irresistible whirlwind.

"Then government and people will be one, in a nation free of fear and dedicated to freedom."

But Irving Brant, on this Independence Day thinks that the age of freedom may be a long time coming.